

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition to Vacate the Westerly 700 +/- feet of Coconut Road, a County Road Right-of-Way Easement (Viewer's Road), and a smaller portion of County owned Road Right-of-Way, located at Coconut Road, Estero, Florida and adopt a resolution setting a Public Hearing for 5:00 PM on the 22nd day of June, 2004. (Case No. VAC2003-00023)

WHY ACTION IS NECESSARY: To permit the development of the Coconut Point Marina property and to provide a private road to the marina parcel. **Item is on administrative agenda due to policy issues associated with public waterway access.**

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

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 3

04

A4A

3. MEETING DATE:

06-01-2004

4. AGENDA:

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

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE F.S. Ch. 336
- ORDINANCE
- ADMIN. CODE 13-8
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT Community Development
- C. DIVISION Development Services
- BY: *[Signature]* 5/19/04

Peter J. Eckenrode, Director

7. BACKGROUND:

The completed petition to vacate, VAC2003-00023 was submitted by Neale Montgomery, Esq. as the agent on behalf of WCI Communities, Inc.

LOCATION: The site is located at the westerly end of Coconut Road in Estero. The County Road Right-of-Way Easement (Viewer's Road), and a smaller portion of County owned Road Right-of-Way is lying in the South one-half (S-1/2) of Government Lot 2, all in Section 7, Township 47 South, Range 25 East, as recorded in County Commissioner's Minutes Book 6, at Page 353; and as recorded in Official Record Book 3421, Page 1095, of the Public Records of Lee County, Florida.

Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares.

This site is planned as a marina for WCI. The location was formerly discussed for a potential location for an additional bridge to the islands. This vacation has been scheduled on the administrative agenda as a Board policy issue associated with public access to waterways. This request was reviewed on 2/13/2003 by the Waterway Advisory Committee (WAC) who indicated the issue of ownership of the road and recommended approval of the requested vacation.

The proposed vacation of the above-described portions of Coconut Road is contingent upon the Board's approval of the proposed Turnaround Agreement scheduled on May 25th at 9:30 a.m. Staff recommends the scheduling of the Public Hearing.

Attached to this Blue sheet is the Petition to Vacate, Resolution to set Public Hearing, Notice of Public Hearing and Exhibits.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services Risk	G County Manager
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i> 5/19/04	<i>[Signature]</i> 5/20/04	<i>[Signature]</i> 5/20/04

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

CO. YTT
FORWARDED
TO CO. ADMIN.
5/19/04 3:20

RECEIVED BY
COUNTY ADMIN:
[Signature]
5/20/04
3:50pm
COUNTY ADMIN
FORWARDED TO:
5/20/04
3:15

PETITION TO VACATE

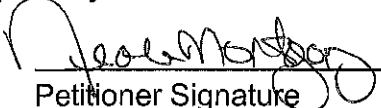
Case Number: VAC200300023

Petitioner(s), WCI Communities, 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, 24301 Walden Center Dr. Bonita Springs, FL 34134
2. In accordance with Florida Statute (F.S.) Chapter 336 and Lee County Administrative Code (LCAC) 13-8, Petitioner desires to vacate, abandon and discontinue the public's interest in the right-of-way or portion of right-of-way legally described in the attached Exhibit "A".
3. A sketch showing the area(s) the Petitioner desires to vacate is attached as Exhibit "B".
4. Notice concerning the intent of this Petition will be provided in accordance with LCAC 13-8.
5. In accordance with letters of review and recommendation provided by the various governmental and utility entities, there is no apparent impediment to granting Petitioner's request.

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

Respectfully Submitted

By: 
Petitioner Signature

Neale Montgomery
Printed Name Attorney for
WCI Communities, Inc.

By: _____
Petitioner Signature

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 "portion of Coconut Road" 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 Neale Montgomery, Esq. 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.

WCI Communities, Inc.

By: [Signature]

As: Vice President

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 13th day of MAY, 2004, by EDWARD GRIFFITH, as VICE PRESIDENT of WCI Communities, Inc., on behalf of the corporation, who is personally known to me or who has produced _____ as identification and who did (did not) take an

oath.



Sylvia DiFalco
MY COMMISSION # DD210217 EXPIRES
July 12, 2007
BONDED THRU TROY FAIR INSURANCE, INC.

(SEAL)

Sylvia DiFalco
Notary Public

SYLVIA DI FALCO

(Name typed, printed or stamped)

January 22, 2004

REVISED DESCRIPTION**VIEWER'S ROAD VACATION
SECTION 7, T. 47 S., R. 25 E.
LEE COUNTY, FLORIDA**

A tract or parcel of land being a portion of a Viewer's Road recorded in County Commissioner's Minutes Book 6, at Page 353 of the Public Records of Lee County Florida, lying in the south one-half (S-1/2) of Government Lot 2, Section 7, Township 47 South, Range 25 East, Lee County, Florida, said tract or parcel being described as follows:

From the southeast corner of said Government Lot 2 run S 89° 40' 05" W along the south line of said Government Lot 2 for 25.00 feet to an intersection with the east line of that portion of Coconut Road (50 feet wide) vacated in Official Record Book 3030, at Page 1670 said public records; thence run the following six (6) courses along the easterly, southerly and southwesterly lines of said vacated Coconut Road; S 01° 06' 57" E for 25.00 feet; S 89° 40' 05" W for 1065.48 feet; N 03° 20' 55" W for 17.15 feet to a point on a non-tangent curve; northwesterly along an arc of a curve to the right of radius 184.00 feet (chord bearing N 35° 03' 44" W) (chord 189.87 feet) (delta 62° 07' 20") for 199.50 feet to a point of tangency; N 04° 00' 04" W for 121.97 feet to a point of curvature; northwesterly along an arc of a curve to the left of radius 130.00 feet (chord bearing N 41° 15' 37" W) (chord 157.41 feet) (delta 74° 31' 05") for 169.08 feet to the Point of Beginning.

From said Point of Beginning run S 82° 18' 05" W for 698.67 feet; thence run N 7° 41' 55" W for 50.00 feet; thence run N 82° 18' 05" E for 699.19 feet to a point on a non-tangent curve; thence run easterly along an arc of a curve to the right of radius 139.59 feet (chord bearing S 86° 57' 46" E) (chord 12.26 feet) (delta 05° 02' 03") for 12.27 feet to an intersection with the westerly line of that portion of Coconut Road described in Official Record Book 3216, Pages 2552 through 2554, said public records, and a point on a non-tangent line; thence run S 00° 27' 45" E along said westerly line for 42.12 feet to an intersection with the northerly line of that portion of Coconut Road vacated in Official Record Book 3030, at Pages 1670 through 1675, said public record; thence run S 82° 20' 08" W along said northerly line for 50.07 feet to an intersection with the southwesterly line of said vacated Coconut Road and a point of cusp; thence run easterly along said southwesterly line, along an arc of a curve to the right of radius 130.00 feet (chord bearing S 88° 05' 31" E) (chord 43.24 feet) (delta 19° 08' 43") for 43.44 feet to the Point of Beginning.

Parcel contains 0.81 acres, more or less.

Bearings hereinabove mentioned are based on the south line said Government Lot 2 to bear S 89° 40' 05" W.

21942 Vacation of ccmb 6 353 rev012204

Exhibit "A-1"
Petition to Vacate
VAC2003-00023
[Page One of Two]



A CECI GROUP COMPANY

CECI Group Services

Civil Engineering

Planning Services

Survey & Mapping

Coastal Engineering

Real Estate Appraisal

Website: www.coastalengineering.com

EXHIBIT "A-2"

LEGAL DESCRIPTION
WCI COCONUT POINT "VACATION" PARCEL

A PARCEL OF LAND LYING IN THE SOUTH HALF (S-1/2) OF GOVERNMENT LOT 2, SECTION 7, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, ALSO BEING A PORTION OF THOSE LANDS PREVIOUSLY CONVEYED IN DEED TO LEE COUNTY RECORDED IN OFFICIAL RECORDS BOOK 3216, PAGE 2552 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF GOVERNMENT LOT 2 SAID POINT ALSO BEING THE EAST QUARTER CORNER OF SAID SECTION 7, RUN S 89°40'05" W ALONG THE SOUTH LINE OF SAID LOT 2 FOR 1106.22 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF THOSE LANDS RECORDED IN O.R. BOOK 3052, PAGE 1854 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA; THENCE ALONG SAID WESTERLY LINE N 00°46'02" E FOR 210.01 FEET TO THE SOUTHWEST CORNER OF THOSE LANDS RECORDED IN O.R. BOOK 1677, PAGE 3516 OF SAID PUBLIC RECORDS; THENCE ALONG THE WESTERLY LINE OF SAID LANDS N 03°20'55" W 202.00 FEET TO THE SOUTH LINE OF COCONUT ROAD DEED AS RECORDED IN O. BOOK 3216, PAGE 2552 OF SAID PUBLIC RECORDS; THENCE ALONG SAID COCONUT ROAD DEED S 89°40'05" W 75.50 FEET; THENCE S 82°20'04" W 77.31 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 82°20'04" W 38.67 FEET; THENCE N 00°27'45" W 42.12 FEET; THENCE N 78°46'31" E 28.06 FEET TO A POINT ON A CIRCULAR CURVE AND POINT OF NON-TANGENCY; THENCE 44.90 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 60.00 FEET, A CENTRAL ANGLE OF 42°52'41" AND A CHORD DISTANCE OF 43.86 FEET, BEARING S 14°42'47" E TO THE POINT OF BEGINNING.

BEARINGS SHOWN HEREON ARE BASED ON THE EAST BOUNDARY LINE OF PELICAN'S NEST UNIT ONE, PLAT BOOK 41, PAGES 58 THROUGH 60, LEE COUNTY, FLORIDA.

THE ABOVE DESCRIBES APPROXIMATELY 1,300 SQUARE FEET OF LAND.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

COASTAL ENGINEERING CONSULTANTS, INC.
FLORIDA BUSINESS AUTHORIZATION NO. LB 2464

[Handwritten signature of Richard J. Ewing]

RICHARD J. EWING, V.P.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5295
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
CEC FILE NO. 03.117
DATE: 5-5-09

Exhibit "A-2"
Petition to Vacate
VAC2003-00023
[Page Two of Two]

PAVESE, LAWYERS & CONSULTANTS, P.A.

**U.S. Postal Service
CERTIFIED MAIL RECEIPT**
(Domestic Mail Only; No Insurance Coverage Provided)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Neale Montgomery
 (239) 336-6235
 E-Mail: nealemontgomery@paveselaw.com

Robert L. Johnson Jr.
 Grady Johnson
 Maggie L. Forbes
 Joseph P. Johnson T/C
 18100 Interlochen Lane
 Alva, FL 33920

1. Article Addressed to:
 Robert L. Johnson, Jr.
 Grady Johnson
 Maggie L. Forbes
 Joseph P. Johnson T/C
 18100 Interlochen Lane
 Alva, FL 33920

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X *Neale Montgomery* Agent Addressee

B. Received by (Printed Name) *Case* C. Date of Delivery *3/1/20*

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label) *7002 1000 0005 6019 9736*

RE: Request for a letter of *at the following location* PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1

C.C.M.B. 6, PAGE 353 (COCONUT ROAD)
 Section 7, Township 47 South, Range 25 East
 Lee County, Florida

Dear Messrs. Johnson and Ms. Forbes:

We intend to submit a Petition to the Lee County Board of Commissioners seeking to vacate the public interest in the right-of-way at the location identified above in order to accomplish the following purpose:

Permit the development of the Coconut Pointe Marina property in a manner consistent with Resolution Z-94-014 as amended by Z-94-094, Z-95-061, Z-96-55, Z-97-073, Z-99-024, and Z-99-080, and to provide a private road to the marina parcel. The marina parcel is part of the Pelican Landing RPD/CPD. This request is submitted without any waiver of any rights or entitlements in a spirit of cooperation.

We have included a sketch or drawing of the right-of-way we desire to vacate. Enclosed herewith please find two copies of this letter. If you have no objection, please sign one copy of the letter and return in the self-addressed stamped envelope at your earliest convenience, and keep the other copy for your records. If you have any questions, please do not hesitate to contact us directly and thank you in advance for your consideration.

Signed,
Neale Montgomery
 Neale Montgomery, Attorney for
 WCI Communities, Inc.

FAWPDATA\NM\WCI\Coconut Point Marina\johnson ltr.wpd

4835 S. DEL PRADO BLVD.
 P.O. BOX 100088
 CAPE CORAL FLORIDA 33910-0088
 (239) 542-3148
 FAX (239) 542-8953

481 S. MAIN STREET
 P.O. DRAWER 2280
 LABELLE, FLORIDA 33935
 (863) 875-5800
 FAX (863) 875-4998

SUITE 203
 4524 GUN CLUB ROAD
 WEST PALM BEACH, FLORIDA 33415
 (561) 471-1366
 FAX (561) 471-0522

PAVESE, HAVERFIELD, DALTON, HAI
A FLORIDA LIMITED LIABILITY PAR

ATTORNEYS AND COUNSELOR
POST OFFICE DRAWER
FORT MYERS, FLORIDA 339

Neale Montgomery
(239) 336-6235
E-Mail: nealemontgomery@paveselaw.com

(239) 334-2195
FAX (239) 332-2243
http://paveselaw.com

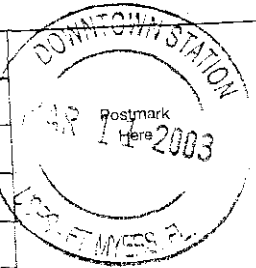
March 10, 2

Carl S. Johnson
Roy E. Johnson T/C
5272 Coconut Road
Bonita Springs, FL 34134

CERTIFIED
#7002 1000

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Postage	\$.60
Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.65



Sent To: C.S. Johnson & R.E. Johnson T/C
Street, Apt. No. or PO Box No.: 5272 Coconut Rd
City, State, ZIP+4: Bonita Springs, FL 34134
PS Form 3800, April 2002 See Reverse for Instructions

RE: Request for a letter of Review and Recommendation on a proposed right-of-way vacation at the following location:

C.C.M.B. 6, PAGE 353 (COCONUT ROAD)
Section 7, Township 47 South, Range 25 East
Lee County, Florida

Dear Messrs. Johnson:

We intend to submit a Petition to the Lee County Board of Commissioners seeking to vacate the public interest in the right-of-way at the location identified above in order to accomplish the following purpose:

Permit the development of the Coconut Pointe Marina property in a manner consistent with Resolution Z-94-014 as amended by Z-94-094, Z-95-061, Z-96-55, Z-97-073, Z-99-024, and Z-99-080, and to provide a private road to the marina parcel. The marina parcel is part of the Pelican Landing RPD/CPD. This request is submitted without any waiver of any rights or entitlements in a spirit of cooperation.

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Signed,

Neale Montgomery, Attorney for
WCI Communities, Inc.

Attachment

F:\WPDATA\NM\WCI\Coconut Point Marina\johnson ltr.wpd

PAVESE, HAVERFIELD, DALTON,
A FLORIDA LIMITED LIABILITY
ATTORNEYS AND COUNSELORS
POST OFFICE DR.
FORT MYERS, FLORIDA

Neale Montgomery
(239) 336-6235
E-Mail: nealemontgomery@paveselaw.com

(239) 334-4
FAX (239) 33
http://pavesel

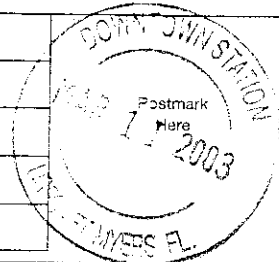
March

CERT
#7002

Roy E. Johnson, Jr.
Carl S. Johnson T/C
5276 Coconut Road
Bonita Springs, FL 34134

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Postage	\$ 1.66
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.65



Sent To: R.E. Johnson, Jr. & C.S. Johnson T/C
Street, Apt. No., or PO Box No.: 5276 Coconut Rd.
City, State, ZIP+4: Bonita Springs, FL 34134
PS Form 3800, April 2002 See Reverse for Instructions

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Signed,

Neale Montgomery, Attorney for
WCI Communities, Inc.

Attachment

F:\WPDATA\NM\WCI\Coconut Point Marina\johnson ltr.wpd

House at Fair Grou P. B. Bisbing, \$90.00; H. M. Solomon, 0.00; D. Wooten, \$214.38; L. W. Clements, \$222.80; Paper Decorating Co., \$142.00; J. L. Penny, \$109.80; L. C. Cox, \$180.00. Bids for fill at Hancock Creek Bridge: J. W. Dougherty, \$1,391.50; J. L. Lofton, \$1,518.00; R. B. Stewart, \$1,454.78; Smith & Smith, \$1,644.50.

Bids for Bridge across Hancock Creek: J. D. Moulter, \$1,983.95; H. H. Johnson, \$1,875.51; J. L. Lofton, \$1,632.82; R. B. Stewart, \$2,032.00; Smith & Smith, \$1,399.50;

Upon considering the above bids, it was upon motion of Commissioner Gorton, seconded by Commissioner Clay, called and carried, that the bid of P. B. Bisbing in the sum of \$90.00 for painting the old Club House at the Fair Grounds, the bid of J. L. Lofton in the sum of \$1,632.82 for building the bridge across Hancock Creek and the bid of J. W. Dougherty in the sum of \$1,391.50 for the fill work at Hancock Creek be accepted and each of said bidders be required to enter into contract and give bond for the faithful performance of their respective contracts.

The Notary Public Bonds of J. R. Hartsfield with American Surety Company of New York as surety and L. G. Pope with American Surety Company of New York was upon motion of Commissioner Gorton, seconded by Commissioner Blount, called and carried, approved.

Upon motion of Commissioner Clay, seconded by Commissioner Gorton, called and carried, the Board adjourned for dinner.

The Board was called to order by the Chairman at 1:30 P. M., all members present.

BE IT RESOLVED by the Board of County Commissioners of Lee County, Florida, that the State Road Department of the State of Florida, be and it is hereby requested, to request and obtain, if possible, a modification of the instrument of approval issued to said State Road Department by the Assistant Secretary of War, on March 29th, 1928, with respect to condition number four (4) of said instrument by which removal of the old bridge across the Calcosahatchee River was required so that when said instrument is so modified the retention of the said old bridge will be permitted for the following reasons, among others, to-wit:

The old bridge referred to was constructed under authority of an instrument of approval issued to Henry Dolquitt and E. E. Dankohler, of Fort Myers, Florida, on November 24th, 1922, but said bridge has been taken over by Lee County from said parties and Lee County is now maintaining same, and it is the desire of the Board of County Commissioners of Lee County, Florida, to have said bridge remain in its present location, and said Board will either maintain said bridge in such manner that it will not become a menace to navigation or it will entirely remove same down to the natural bed of the river when its maintenance is no longer desired, or such removal is directed by the Secretary of War.

Upon motion of Commissioner Gorton, seconded by Commissioner Gibson, called and carried, the above resolution was unanimously adopted in regular session, this the 21st day of February, A. D., 1931.

The viewers heretofore appointed to view and mark out the best route for a certain road petitioned for, having first subscribed to an oath to faithfully perform their duty, filed their report recommending that said road commence at the southwest corner of the northwest quarter of Section 9, Township 47 South of Range 26 East and running west 1015 feet to beginning of a 35° curve to the right, following said curve 242.9 feet to end of curve, thence north 5° west 161.5 feet to the beginning of a 50° curve to the left, following said curve 184.8 feet to end of curve thence south 82° 35' west 698.7 feet to end of line, a total distance of 2301.0 feet, and that same be opened up to a width of fifty (50) feet. Upon motion of Commissioner Gorton, seconded by Commissioner Blount, called and carried, that the viewers report be accepted and filed and that said road be opened up and declared a public road of Lee County, Florida, fifty (50) feet in width, same not to become effective, however, until after due notice has been given as required by law.

The viewers heretofore appointed by the Board to view and mark out the best route for a certain road petitioned for, having first subscribed to an oath to faithfully perform their

3

INSTR. # 5146837
OR BK 03421 PG 1095

RECORDED 05/29/01 03:38 PM
CHARLIE GREEN CLERK OF COURT
LEE COUNTY
RECORDING FEE 15.00
DOC TAX PD (F.S. 201.02) 0.70
DEPUTY CLERK: K Cartwright

PROJECT: Coconut Road ROW Turnover
PARCEL: WCI Communities, Inc.

This instrument prepared by:
Vivien N. Hastings, Esquire
24301 Walden Center Drive
Bonita Springs, FL 34134

WARRANTY DEED

THIS WARRANTY DEED made this 28 day of OCTOBER, 1999, by WCI COMMUNITIES, INC., a Delaware corporation (hereinafter called the "Grantor") to LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, its successors and assigns, whose post office address is P.O. Box 398, Fort Myers, Florida 33901 (hereinafter called the "Grantee").

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns.)

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the Grantee, all that certain land situate in Lee County, Florida, to wit:

All of portion of the Coconut Road right-of-way more particularly described in Exhibit "A" attached hereto and made a part hereof.

This Property is not now, nor has it ever been, the homestead of the Grantor, nor is it contiguous to any homestead of the Grantor.

Subject to:

- 1. Covenants, conditions, restrictions, easements, limitations and reservations of record.

TOGETHER with all the tenements, hereditaments, and appurtenances thereto belong or in anywise appertaining.

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

AND the Grantor hereby covenants with said 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; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except as noted above.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in the presence of:

WCI COMMUNITIES, INC., a Delaware corporation

Laurel Y. Sitterly
LAUREL Y. SITTERLY
Printed Name

By: *Vivien N. Hastings*
Vivien N. Hastings
Senior Vice President

Melanie Sore
MELADIE SORE
Printed Name

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was acknowledged before me this 28 day of OCTOBER, 1999, by Vivien N. Hastings, as Senior Vice President of WCI Communities, Inc., a Delaware corporation, on behalf of the corporation. She is personally known to me.

Approved As
To Firm.
Laurel Y. Sitterly
(Notary Attorney)

Laurel Y. Sitterly
Notary Public
LAUREL Y. SITTERLY
Printed Name
My Commission Expires

C11a
1-11-00



JOHNSON ENGINEERING, INC.

BONITA SPRINGS
FORT MYERS
NAPLES
PORT CHARLOTTE

ENGINEERS, SURVEYORS, PLANNERS AND ECOLOGISTS

2158 JOHNSON STREET
TELEPHONE (941) 334-0046
FAX (941) 334-3661
POST OFFICE BOX 1550
FORT MYERS, FLORIDA
33902-1550

December 2, 1998

DESCRIPTION

PORTION OF COCONUT ROAD TO BE DEDICATED SECTION 7, T. 47 S., R. 25 E. LEE COUNTY, FLORIDA

CARL E. JOHNSON
1911-1988

A tract or parcel of land lying in Section 7, Township 47 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

From the east quarter corner of said Section 7, run S 00° 23' 24" E along the east line of said Section 7 for 25.00 feet to the south line of a 50 foot road right-of-way recorded in County Commissioners Minute Book 6, at Page 288 of the Lee County Records and being known as Coconut Road to the Point of Beginning.

From said Point of Beginning run N 89° 16' 14" W along the south line of said Coconut Road right-of-way for 24.69 feet; thence run N 01° 07' 45" W along the west line of said 50 foot road right-of-way described in County Commissioners Minute Book 6 at Page 288 for 436.29 feet; thence run S 89° 40' 05" W for 1157.91 feet; thence run S 82° 20' 04" W for 115.98 feet; thence run N 00° 27' 45" W for 42.12 feet; thence run N 78° 46' 31" E for 121.80 feet; thence run N 89° 32' 15" E for 247.50 feet; thence run N 89° 35' 27" E for 666.22 feet; thence run N 89° 32' 15" E for 289.00 feet to the east line of said 50 foot right-of-way; thence run S 01° 07' 45" E along east line of said 50 foot road right-of-way for 489.67 feet to the south line of said 50 foot road right-of-way described in County Commissioners Minute Book 6 at Page 288 of the Lee County Records; thence run N 89° 16' 14" W along the south line of said 50 foot road right-of-way for 25.34 feet to the Point of Beginning.

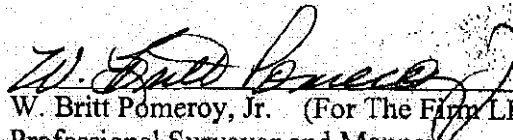
CHAIRMAN
FORREST H. BANKS

PRESIDENT
STEVEN K. MORRISON

PARTNERS
GARY R. BULL
DAN W. DICKEY
JOSEPH W. EBNER
ARCHIE T. GRANT, JR.
CHRIS D. HAGAN
KENTON R. KEILING
W. BRITT POMEROY
ANDREW D. TILTON
MARK G. WENTZEL
KEVIN M. WINTER

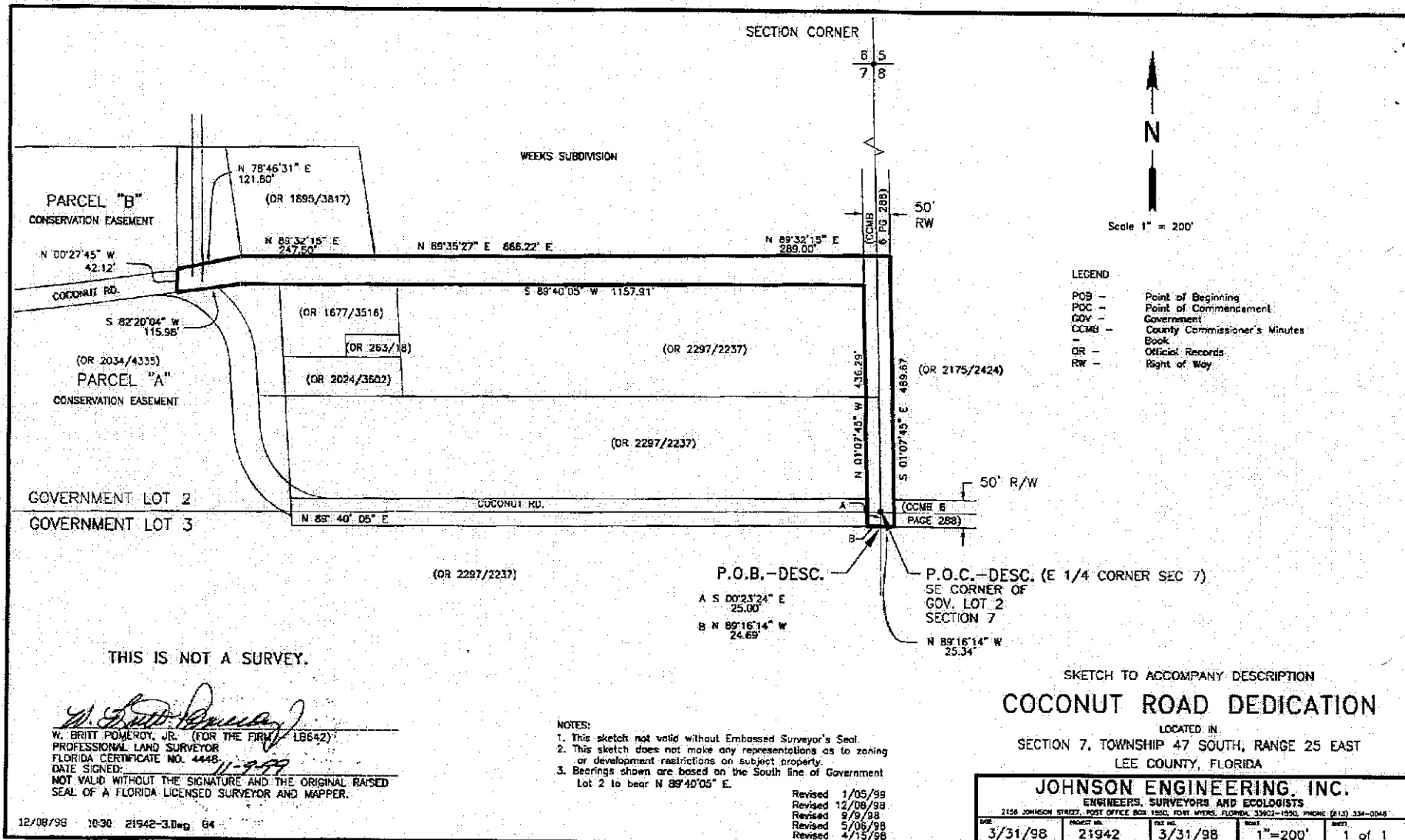
ASSOCIATES
LONNIE V. HOWARD
MICHAEL L. LOHR
PATRICIA H. NEWTON
BARRY E. SYREN

MLL:jlw
21942\120298-dedicated-1des


W. Britt Pomeroy, Jr. (For The Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 4448

OR BK 03421 PG 1096

22e



THIS IS NOT A SURVEY.

W. Britt Pomeroy, Jr.
 W. BRITT POMEROY, JR. (FOR THE FIRM) LG642)
 PROFESSIONAL LAND SURVEYOR
 FLORIDA CERTIFICATE NO. 4448
 DATE SIGNED: 11-2-98
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED
 SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

- NOTES:
1. This sketch not valid without Embossed Surveyor's Seal.
 2. This sketch does not make any representations as to zoning or development restrictions on subject property.
 3. Bearings shown are based on the South line of Government Lot 2 to bear N 89°40'05" E.

Revised 1/05/99
 Revised 12/08/98
 Revised 8/9/98
 Revised 5/06/98
 Revised 4/15/98

SKETCH TO ACCOMPANY DESCRIPTION
COCONUT ROAD DEDICATION
 LOCATED IN
 SECTION 7, TOWNSHIP 47 SOUTH, RANGE 25 EAST
 LEE COUNTY, FLORIDA

JOHNSON ENGINEERING, INC. ENGINEERS, SURVEYORS AND ECOLOGISTS 2158 JOHNSON STREET, POST OFFICE BOX 1800, FORT MYERS, FLORIDA, 33902-1800, PHONE (813) 334-0046				
DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
3/31/98	21942	3/31/98	1"=200'	1 of 1

12/08/98 10:30 21942-3.Dwg 64

OR BK 03421 PG 1097

INSTR # 4805992
OR BK 03216 PG 2552

This Instrument Prepared by:

Dawn E. Perry-Lehnert
Lee County Attorney's Office
Post Office Box 398
Fort Myers, FL 33902-0398

RECORDED 02/03/00 08:10 AM
CHARLIE GREEN CLERK OF COURT
LEE COUNTY
RECORDING FEE 15.00
DOC. TAX PD (F.S. 201.02) 0.70
DEPUTY CLERK B Cruz

1509K
170

STRAP No.

THIS SPACE FOR RECORDING

COUNTY DEED
(Statutory)

THIS DEED, executed this 11 day of January, A.D., ~~19~~²⁰ 00 by LEE COUNTY, FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, whose address is Post Office Box 398, Fort Myers, Florida 33902-0398 first party, to WCI Communities, Inc. a corporation organized and existing under the laws of the State of Delaware whose address is 24301 Walden Center Drive, Bonita Springs, Florida 34134, second party.

WITNESSETH: That the said first party, for and in consideration of the sum of Ten (\$10.00) Dollars to it in hand paid by the said second party, receipt whereof is hereby acknowledged, has granted, bargained and sold to the said second party, its heirs and assigns forever, the following described land, lying and being in Lee County, Florida:

SEE ATTACHED EXHIBIT "A"

This grant conveys only the interest of the County and its Board of County Commissioners in the property herein described, and shall not be deemed to warrant the title or to represent any state of facts concerning the same.

IN WITNESS WHEREOF the said first party has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairman or Vice Chairman of said Board, the day and year aforesaid.

ATTEST:
CHARLIE GREEN, CLERK

By: Michelle B Leisner
Deputy Clerk

LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: [Signature]
Chairman

APPROVED AS TO FORM
[Signature]
Office of County Attorney

JOHNSON ENGINEERING, INC.

ENGINEERS, SURVEYORS AND ECOLOGISTS

FORT MYERS
NAPLES
PORT CHARLOTTE

2158 JOHNSON STREET
TELEPHONE (941) 334-0046
TELECOPIER (941) 334-3661
POST OFFICE BOX 1550
FORT MYERS, FLORIDA
33902-1550

December 2, 1998

DESCRIPTION

PORTION OF COCONUT ROAD TO BE DEDICATED
SECTION 7, T. 47 S., R. 25 E.
LEE COUNTY, FLORIDA

CARLE E. JOHNSON
1911-1966

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thence run N 78° 46' 31" E for 121.80 feet;

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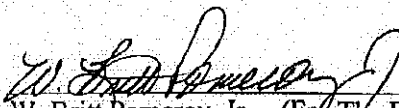
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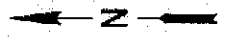
CONSULTANT
LESTER L. BULSON


W. Britt Pomeroy, Jr. (For The Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 4448

MLL:jlw
21942\120298-dedicated-1des

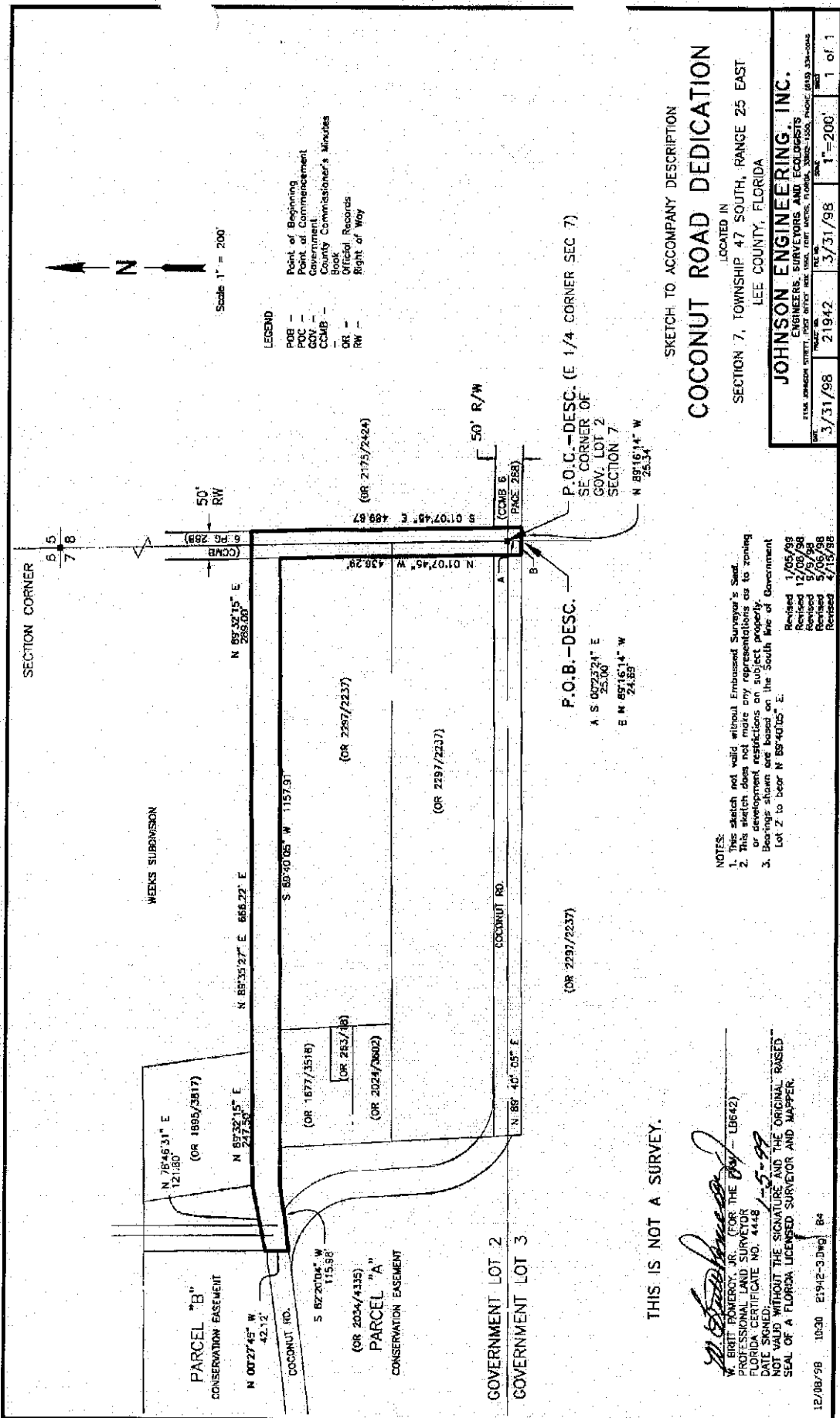
EXHIBIT "A"

OR BK D3216 PG 2554



Scale 1" = 200'

LEGEND
 POB - Point of Beginning
 POC - Point of Commencement
 GOV - Government
 CCMB - County Commissioner's Minutes
 BK - Book
 OR - Official Records
 RW - Right of Way



THIS IS NOT A SURVEY.

[Signature]
 W. BRIT FROMEROY, JR. (FOR THE P.O.B.) - LB642)
 PROFESSIONAL LAND SURVEYOR
 FLORIDA CERTIFICATE NO. 4448
 DATE SIGNED: 1-5-99
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL BASED
 SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

12/08/98 10:30 21912-3.Dwg B4

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Revised 1/05/99
 Revised 5/27/98
 Revised 5/06/98
 Revised 4/15/98

SKETCH TO ACCOMPANY DESCRIPTION
COCONUT ROAD DEDICATION
 LOCATED IN
 SECTION 7, TOWNSHIP 47 SOUTH, RANGE 25 EAST
 LEE COUNTY, FLORIDA

JOHNSON ENGINEERING, INC.
 ENGINEERS, SURVEYORS AND ECOLDRISTS

DATE	3/31/98	SCALE	1"=200'	SHEET	1 of 1
PROJECT	21942	DATE	3/31/98	SCALE	1"=200'
FILE NO.	21942	DATE	3/31/98	SCALE	1"=200'

**LEE COUNTY
WATERWAYS ADVISORY COMMITTEE
MINUTES OF February 13, 2003
DEPARTMENT OF ENVIRONMENTAL SERVICES
1500 MONROE STREET, FORT MYERS, FL 33901**

Those in Attendance:

Lee County Staff: Chris Koepfer, LCNR, Kristie Kroslack County Attorney.

Members: Roger Bradley, Hatton Rogers, Steve Brookman and Tom Tomich

Others in attendance: Barry Ernst WCI, Terry Dolan, WCI, George Swartz, David Plummer & Associates, and Neale Montgomery, Pavese Law Firm.

CALL TO ORDER: Roger called the meeting to order at 9:40 AM

APPROVAL OF MINUTES FROM December 5, 2002:

Hatton Rogers motioned to approve the minutes

Tom Tomich seconded

Motion approved unanimously.

AGENDA CHANGES:

Appreciation Resolution

PUBLIC COMMENT:

None

VACATION REQUEST:

Coconut Road: Neale Montgomery noted back in 1992 WCI rezoned the marina for certain boat docks and square footage. WCI believed they owned the road, in fact they did the maintenance work, rebuilding and at one time there was a sign on the road "End of County Maintenance" which stopped before the turn off to the marina. They were experiencing vandalism and put up a fence and it wasn't until the fence that the issue of who owned the road came to light. The County suggested going through the regular vacation process.

Terry Dolan showed an aerial photo from February 2001. He noted that Viewers Road down to the marina there is an old dirt cul-de-sac and WCI took ownership 1989/1990. We went through approximately 5 or 6 years of permitting with DER and Army Corps and we got the final permits in 1994/1995. The Manatee issue was a concern with the US Fish & Wildlife, and ultimately got an agreement on Phase I, and Phase II slip arrangement. It's a private marina and boat ramp; it was never a public boat ramp. When we went through the permitting, they required us to take the mangroves and put them under conservation easement. That left a gap between the two mangrove areas, 40' right-of-way. Terry added that the reason they are here today it because it is a requirement in the process for the vacation. Neale added that in regards to Viewers Road, it doesn't become a county road unless there is some form of dedication transfer, this didn't happen in this case. The only

WAC Meeting
February 13, 2003

way the County can take ownership is if they did maintenance. WCI can show records that they maintained Viewers Road, but a DOT employee stated they could show where they filled in some pot-holes. Tom Tomich asked what is the plan for the end of the road. Terry stated that pursuant to DNR approval that was done in 1994/1995, Barry Ernst commented that they were approved for 20,000 square feet of commercial.

Terry added that people in Pelican Landing who trailer boats, bring them down and park in the Pelican Landings Association lot and are shuttled back to their boats. Steve asked how large is that marina going to be. Terry stated that there will be 22 wet slips no fueling facilities and very shallow boat draft and Phase II will include 26 wet slips and we can do a dry storage facility with up to 150 dry storage units and there will only be two (2) Phases to this project. Weather the dry storage gets done or not that remains to be seen.

Tom inquired that on that 20,000 square foot is there any possibility of mid or high rises going up? Barry Ernst added that the height limitation is 45'. Terry added that there may be residential product but there are a lot of different scenarios and there is no time frame on this. Tom asked if currently to the north side of the proposed area is there public access. Terry noted that at the Weeks Marina Fish Camp they have public access. Tom inquired if the US Fish & Wildlife have commented on the proposed area. Terry stated they did that during the permitting process. Terry also commented that he does a boater education at the marina 1 on 1 with people who lease the slips and anyone that is a resident that wants to use the boat ramp. Basically it's manatee education and explain Estero Bay and before we can go to Phase II we have to have a daily boat travel survey.

Neale added that the reason we need this vacation is because WCI has maintained this road and the County just recently, when they gated it because of the vandalism, found that the County did some maintenance on Viewers Road.

Hatton motion to approve the vacation.
Steve seconded the motion.

Chris read the letter that Kathy McGrath sent us a letter in regards to this and wanted it read into the record. (Copy attached).

Roger added that he has visited this site within the last 6 months and noted that there really isn't any public access.

Hatton, Steve and Roger approved the motion for the vacation on Coconut Road.
Tom Tomich opposed.

WAC Meeting
February 13, 2003

River Road Vacation: Chris noted that from what Edward Taglianetti sent it was clear on what he is proposing to do. Tom asked if the parcel that he is requesting to be vacated would it be where the County might consider cleaning up the upland parcels in the neighborhood and they would have some achievable access. Chris said it was possible.

Tom motioned to deny the vacation at 1059 River Road.

Steve seconded the motion.

Motion denied unanimously

AGENDA CHANGE: APPRECIATION RESOLUTION (Attached)

Chris noted that it is an e-mail from Elizabeth Walker, who is a liaison for all the advisory committees for the BOCC. Hatton, Roger and Tom noted that they would attend.

OLD BUSINESS: Chantry Canal – Chris gave some background information. The City of Cape Coral came to the County a few years ago and requested a million dollars in funding to purchase the property and to build a boating recreation facility. Along with a million dollars of their own money they purchased the property and our inter-local agreement required them, in certain time frames, to complete the permitting and build the project out as designed. In recent months the Mayor has wanted to petition this property off to build condos and not the boat ramp. (Attached, response from Steve to Commissioner Coy). Chris read response. Chris added that we also sent a letter to the City of Cape Coral on February 4, 2003 to request some things from them. (Letter attached). Chris added that we are waiting on their response.

Roger motioned to recommend to the BOCC that a resolution to the City of Cape Coral regarding their original intended path to provide a boat ramp at the location on the Chantry Canal be completed.

Tom seconded the motion.

Motion approved unanimously.

Discussion on the language and content for the resolution. Hatton suggested that they change and comply or they vacate. Tom added that in keeping within the original inter-local agreement, which yielded co-funding for the purchase of the Chantry Canal property, in question that we have the following concerns with the matter at hand. Tom also added that the public is experiencing more limited public access to the water, whereas upland residents would benefit by the construction of a boat ramp in that area. Kristie added that there is a clause in the inter-local agreement that stated if the City defaults, future funding is at risk.

NEW BUSINESS: City of Cape Coral – Horton Park seawall/rip rap and BMX Park boat ramp. Chris noted that some of the City Planners were going to come and ask for funding for improvements to the above projects. The City called and said there were in need of emergency funding because of erosion. Chris visited the site and it was in the same condition it has been for many years.

WAC Meeting
February 13, 2003

Manatee Protection Plan – Chris noted that it is out for comments and it is just a draft. Officially it is going to the U.S. Fish and Wildlife and FWC State for a 45-day comment period.

RFP for WCIND – Chris commented that the requests for proposals were sent out for next years funding cycle. We will start getting those back in by the middle of March.

Meeting Adjourned at 10:50 AM

Next meeting scheduled for March 13, 2003 if needed.

PAVESE, HAVERFIELD, DALTON, HARRISON & JENSEN, L.L.P.
A FLORIDA LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AND COUNSELORS AT LAW
<http://paveselaw.com>

1833 HENDRY STREET
FORT MYERS, FLORIDA 33901

POST OFFICE DRAWER 1507
FORT MYERS, FLORIDA 33902-1507

(239) 334-2195
FAX (239) 332-2243

CHARLES MANN
(239) 336-6242
Charlesmann@paveselaw.com

PLEASE REPLY TO
FORT MYERS OFFICE

May 18, 2004

Via Facsimile: 479-8341

Ms. Ruth Keith
Development Services Division, Second Floor
Department of Community Development
1500 Monroe Street
Fort Myers, Florida 33901

Re: Coconut Road Vacation Request

Dear Ms. Keith:

Please find enclosed the letter that was referenced in the minutes of the Waterways Advisory Committee meeting of February 13, 2003. Please note that the motion to approve the vacation was approved by the Waterways Advisory Committee. If you have any questions or comments, please feel free to contact me.

Very truly yours,


Charles Mann

CM/jd

cc: Laura Sargeant

F:\WPDATA\CM\m\WC\CoconutRd\tr-o-w LTRS\Keith.In1.wpd

4635 S. DEL PRADO BLVD.
P.O. BOX 88
CAPE CORAL FLORIDA
33910-0088
(239) 542-3146
FAX (239) 542-8853

461 S. MAIN STREET
P.O. DRAWER 2280
LABELLE, FLORIDA
33975
(863) 675-6800
FAX (863) 675-4986

SUITE 203
4524 GUN CLUB ROAD
WEST PALM BEACH, FLORIDA
33415
(561) 471-1386
FAX (561) 471-4622

SUITE 308
18501 MURDOCK CIRCLE
FORT CHARLOTTE, FLORIDA
33952
(941) 255-9085
FAX (941) 255-5805

February 7, 2003

To: Steve Boutelle and Cris Keopfer, LCNR


From: Kathy McGrath, Waterways Advisory Committee

I will be out of town this coming week and will not be at the WAC meeting on Thursday, February 13. Therefore, I would like my comments to be part of the record.

With regards to the requests for vacation of easements in North Fort Myers and Coconut Road, considering the information that I received I strongly recommend "denial" to both requests. With so few locations remaining for the public to have access to our waterways I hesitate to grant any vacations; once given up they are lost forever. I would like to personally visit both sites; however with the time available since receiving the information this has been impossible.

If at all possible I would like to request that these requests be tabled until next month.

Respectfully,



Kathy McGrath
Member WAC



Box 2469
Naples, FL 34106-2469

March 7, 2003

Mr. Neale Montgomery
Pavese, Haverfield, Dalton, Harrison & Jensen, L.L.P.
PO Drawer 1507
Fort Myers, Florida 33902-1507

**Re: Right-of-Way Vacation - CCMB 6, Page 353 (Coconut Road)
Sec 7, Twp 47S, Rng 25E Lee - County**

Dear Mr. Montgomery:

In response to your inquiry of February 19, 2003, regarding the possibility of vacating the subject road right-of-way, this is to advise that Sprint-Florida, Inc. has existing facilities within the right-of-way and will consider vacating said right-of-way contingent upon the following conditions:

1. Re-dedication of suitable replacement easements by the property owner, at the direction of our Engineering Department, prior to the abandonment of the existing right-of-way.
2. Receipt of a written agreement from the property owner to reimburse Sprint-Florida, Inc. for all costs incurred for rerouting the existing cable plant and burial of new plant within the replacement easement, **OR**
3. Receipt of written agreement from property owner stating Sprint-Florida, Inc. will not be responsible for providing service to this property.

After the property owner satisfies the above conditions, Sprint-Florida, Inc. will commence preparation of a work order for relocation of the existing telephone facilities. Actual relocation of the existing plant will occur approximately ninety days from the receipt of the written concurrence from the property owner.

If I can provide additional information, please contact me at 239-263-6342.

Sincerely,

John T. Reynolds
Network Engineer I - E&C

JTR:ns

cc: Chron File

WCI

COMMUNITIES, INC.®

WCI
LISTED
NYSE

24301 WALDEN CENTER DRIVE
BONITA SPRINGS, FLORIDA 34134

TEL. (239) 498-8200

wcicomunities.com

May 13, 2004

Ruth Keith
Development Services Division, 2nd Floor
Department of Community Development
1500 Monroe Street,
Fort Myers, FL 33901

Re: Right of Way Vacation: CCMB 6, page 353 (Coconut Road)
Section 7, Township 47 South, Range 25 East
Lee County, Florida

Dear Ms. Keith:

As a requirement to procure vacation of the above-referenced right-of-way, WCI Communities, Inc. represents to Lee County that we will commit to the conditions stipulated in the letters of no objection from Sprint-Florida, Inc. dated March 7, 2003 and Florida Power & Light dated March 5, 2003. These letters are attached for reference.

If there are any questions or comments regarding this matter, please feel free to contact this office.

Sincerely,



Edward R. Griffith
Vice President

Cc: Neale Montgomery, Esq.
Laura Sargeant, WCI
Laurel Sitterly, WCI

C:\Documents and Settings\sargelau\Desktop\keithlrmmod.doc



WCI HONORED AS
AMERICA'S BEST BUILDER
BY NATIONAL ASSOCIATION
OF HOME BUILDERS AND
BUILDER MAGAZINE

Lifestyles Beyond Expectations



Box 2469
Naples Fl. 34106-2469

March 7, 2003

RECEIVED MAR 11 2003

Mr. Neale Montgomery
Pavese, Haverfield, Dalton, Harrison & Jensen, L.L.P.
PO Drawer 1507
Fort Myers, Florida 33902-1507

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Sincerely,

John T. Reynolds
Network Engineer I - E&C

JTR:ns

cc: Chron File



26430 Old Us 41
Bonita Springs, Florida 34135
Fax: (239) 947-7345

March 5, 2003

Ms. Neale Montgomery
Pavese, Haverfield, Dalton,
Harrison & Jensen, L.L.P.
Attorneys at Law
P.O. Drawer 1507
Fort Myers, FL 33902-1507

RECEIVED MAR 10 2003

RE: Request of a letter of Review and Recommendation on a proposed right-of-way vacation at the following location:

C.C.M.B. 6, Page 353 (Coconut Road)
Section 7, Township 47 South, Range 25 East
Lee County, Florida

Dear Ms. Montgomery:

Per your letter dated February 19, 2003, Florida Power & Light Company has no objection to the vacation of the public interest in the right-of-way at the location identified above. This vacation is granted with the stipulation that new easements are secured for any existing overhead and/or underground electric facilities located within this right-of-way.

If you have any questions, please contact me at 239-947-7340.

Sincerely,

Mona Beach

Mona Beach
Customer Project Manager

cc:file



26430 Old Us 41
Bonita Springs, Florida 34135
Fax: (239) 947-7345

March 5, 2003

Ms. Neale Montgomery
Pavese, Haverfield, Dalton,
Harrison & Jensen, L.L.P.
Attorneys at Law
P.O. Drawer 1507
Fort Myers, FL 33902-1507

RECEIVED MAR 19 2003

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If you have any questions, please contact me at 239-947-7340.

Sincerely,

Mona Beach

Mona Beach
Customer Project Manager

cc:file

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



RECEIVED APR 01 2003

April 1, 2003

Pavese, Haverfield, Dalton, Harrison & Jensen
C/O Neale Montgomery
PO BOX 1507
Ft Myers, FL 33902

Re: Request for a Letter of Review and Recommendation on a Proposed
Easement Vacation of the Following Location: Coconut Rd Section 7
Township 47 South, Range 25 East Lee County, FL

Dear Neale Montgomery,

Comcast has no facilities existing in the above referenced location and has no
objection with the vacation of 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, appearing to read "Lucia Vera".

Lucia Vera
Design Coordinator



Bonita Springs Utilities, Inc.

RECEIVED APR 21 2003
April 17, 2003

Ms. Neale Montgomery, Esquire
Pavese, Haverfield, Dalton, Harrison & Jensen, LLP
PO Drawer 1507
Ft Myers, FL 33902-1507

Re: Vacation of Public Right-of-Way / Road Easement
CCMB 6, Pg 353, Coconut Rd., S7-T47S-R25E
Bonita Springs, Lee County, Florida

Dear Ms. Montgomery:

Please be advised that Bonita Springs Utilities, Inc. does not object to the vacation of right-of-way – road easement as described above and on the attached legal description dated March 28, 2003 by Johnson Engineering (Revised Description - Viewers Road Vacation) and shown on the highlighted portion of the attached sketch also by Johnson Engineering, titled/dated "Revised 3/31/03 – Vacation Changed".

If you have any questions, please do not hesitate to contact our office.

Yours truly,

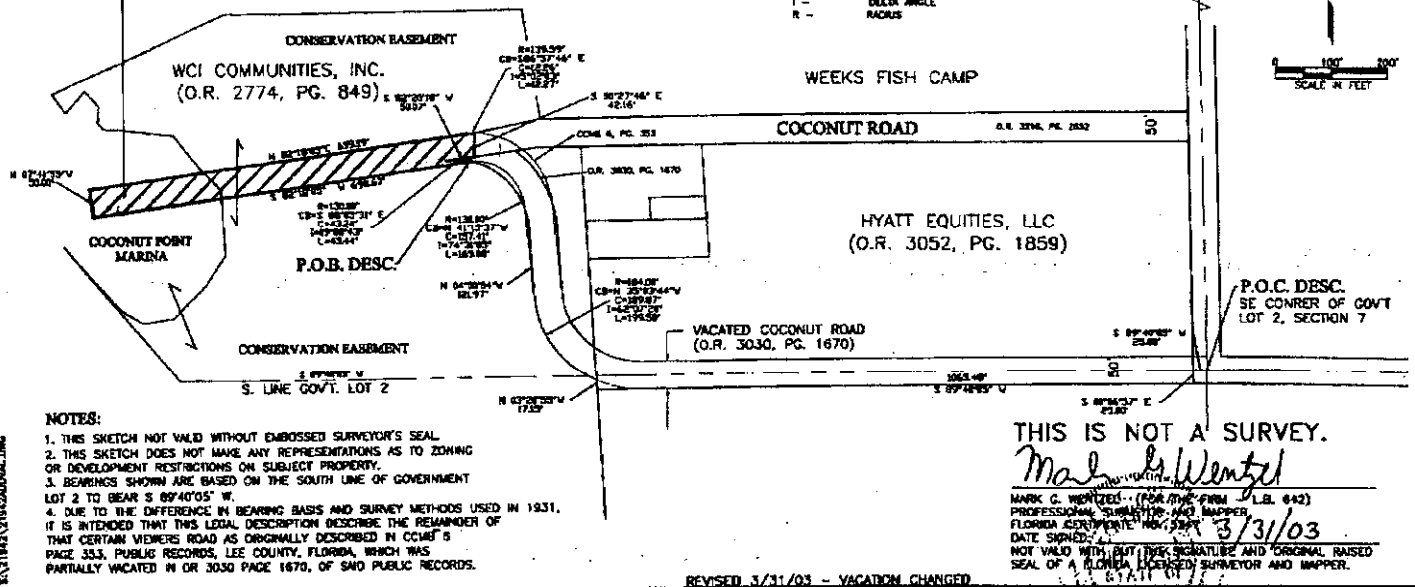
Patrick C. Jennings, II, PE
Director of Engineering
Bonita Springs Utilities, Inc.

PCJ/mar

- LEGEND**
- POB - POINT OF BEGINNING
 - POC - POINT OF CORNER
 - GOV - GOVERNMENT
 - CCMB - COUNTY COMMISSIONER'S WRITES BOOK
 - OR - OFFICIAL RECORDS
 - L - LINE LENGTH
 - CB - CHORD BEARING
 - C - CHORD DISTANCE
 - RB - RIGHT OF WAY
 - I - DELTA ANGLE
 - R - RADIUS



PROPOSED VACATION OF PORTION OF CCMB 6, PG. 353



- NOTES:**
1. THIS SKETCH NOT VALID WITHOUT EMBOSSED SURVEYOR'S SEAL.
 2. THIS SKETCH DOES NOT MAKE ANY REPRESENTATIONS AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON SUBJECT PROPERTY.
 3. BEARINGS SHOWN ARE BASED ON THE SOUTH LINE OF GOVERNMENT LOT 2 TO BEAR S 89°40'05" W.
 4. DUE TO THE DIFFERENCE IN BEARING BASIS AND SURVEY METHODS USED IN 1931, IT IS INTENDED THAT THIS LEGAL DESCRIPTION DESCRIBE THE REMAINDER OF THAT CERTAIN VEMERS ROAD AS ORIGINALLY DESCRIBED IN CCMB 6 PAGE 353, PUBLIC RECORDS, LEE COUNTY, FLORIDA, WHICH WAS PARTIALLY VACATED IN OR 3030 PAGE 1670, OF SAID PUBLIC RECORDS.

THIS IS NOT A SURVEY.

Mark C. Wentzel
 MARK C. WENTZEL (FOR THIS FIRM) L.B. 642
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 5299
 DATE SIGNED: 3/31/03
 NOT VALID WITH ONLY THIS SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

REVISED 3/31/03 - VACATION CHANGED

PROPOSED ROAD VACATION
C.C.M.B. 6, PAGE 353 (COCONUT ROAD)
 SECTION 7, TOWNSHIP 47 SOUTH, RANGE 23 EAST
 LEE COUNTY, FLORIDA



2156 JOHNSON STREET
 P.O. BOX 1550
 FORT WALTER, FLORIDA 32062-1550
 PHONE: (904) 334-0048
 FAX: (904) 334-3881
 E.S. #642 R. L.B. #642

SKETCH TO ACCOMPANY DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
05/28/03	21942	7-47-25	1" = 200'	1 OF 2

March 28, 2003

REVISED DESCRIPTION**VIEWER'S ROAD VACATION
SECTION 7, T. 47 S., R. 25 E.
LEE COUNTY, FLORIDA**

A tract or parcel of land being a portion of a Viewer's Road recorded in County Commissioner's Minutes Book 6, at Page 353 of the Public Records of Lee County Florida, lying in the south one-half (S-1/2) of Government Lot 2, Section 7, Township 47 South, Range 25 East, Lee County, Florida, said tract or parcel being described as follows:

From the southeast corner of said Government Lot 2 run S 89° 40' 05" W along the south line of said Government Lot 2 for 25.00 feet to an intersection with the east line of that portion of Coconut Road (50 feet wide) vacated in Official Record Book 3030, at Page 1670 said public records; thence run the following six (6) courses along the easterly, southerly and southwesterly lines of said vacated Coconut Road; S 01° 06' 57" E for 25.00 feet; S 89° 40' 05" W for 1065.48 feet; N 03° 20' 55" W for 17.15 feet to a point on a non-tangent curve; northwesterly along an arc of a curve to the right of radius 184.00 feet (chord bearing N 35° 03' 44" W) (chord 189.87 feet) (delta 62° 07' 20") for 199.50 feet to a point of tangency; N 04° 00' 04" W for 121.97 feet to a point of curvature; northwesterly along an arc of a curve to the left of radius 130.00 feet (chord bearing N 41° 15' 37" W) (chord 157.41 feet) (delta 74° 31' 05") for 169.08 feet to the Point of Beginning.

From said Point of Beginning run S 82° 18' 05" W for 698.67 feet; thence run N 7° 41' 55" W for 50.00 feet; thence run N 82° 18' 05" E for 699.19 feet to a point on a non-tangent curve; thence run easterly along an arc of a curve to the right of radius 139.59 feet (chord bearing S 86° 57' 46" E) (chord 12.26 feet) (delta 05° 02' 03") for 12.27 feet to an intersection with the westerly line of that portion of Coconut Road described in Official Record Book 3216, Pages 2552 through 2554, said public records, and a point on a non-tangent line; thence run S 00° 27' 46" E along said westerly line for 42.16 feet to an intersection with the northerly line of that portion of Coconut Road vacated in Official Record Book 3030, at Pages 1670 through 1675, said public record; thence run S 82° 20' 18" W along said northerly line for 50.07 feet to an intersection with the southwesterly line of said vacated Coconut Road and a point of cusp; thence run easterly along said southwesterly line, along an arc of a curve to the right of radius 130.00 feet (chord bearing S 88° 05' 31" E) (chord 43.24 feet) (delta 19° 08' 43") for 43.44 feet to the Point of Beginning.

Parcel contains 0.81 acres, more or less.

Bearings hereinabove mentioned are based on the south line said Government Lot 2 to bear S 89° 40' 05" W.

21942

SHEET 2 OF 2



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 27, 2003

RECEIVED FEB 28 2003

Neale Montgomery
Parvese, Haverfield, Dalton, Harrison & Jensen, LLP
P. O. Drawer 1507
Fort Myers, Fl. 33902-1507

**SUBJECT: PETITION TO VACATE PUBLIC RIGHT-OF-WAY AT
C.C.M.B. 6, PAGE 353 (COCONUT ROAD) WITHIN
SECTION 7, TOWNSHIP 47 SOUTH, RANGE 25 EAST**

Dear Mr. Montgomery:

Lee County Utilities has reviewed the proposed right-of-way vacation you have described in your letter of February 19, 2003. Lee County Utilities has no facilities located within this right-of-way, therefore, there is no objection to this vacation. However, you may also want to contact Bonita Springs Utility as your property may be located within their Utility service area. Their phone number is (239) 992-0711.

Should you 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



LEE COUNTY
SOUTHWEST FLORIDA

(941) 479-8124

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: _____

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. Stillwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Ms. Neal Montgomery
Pavese, Haverfield, Dalton, Harrison & Jensen, L.L.P.
1833 Hendry St.
Fort Myers, FL 33901- 5500

RECEIVED APR 02 2003

Re: Petition to Vacate a portion of a fifty (50) foot wide right of way
(a.k.a.Coconut Road), as recorded in C.C.M.B. 6, Page 353, in Lee
County, Florida.

Dear Ms. Montgomery :

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
right of way.

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\vac318.doc

PAVESE, LAVERFIELD, DALTON, HARRISON & JENSEN, L.L.P.
A FLORIDA LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AND COUNSELORS AT LAW

POST OFFICE DRAWER 1507
FORT MYERS, FLORIDA 33902-1507

Neale Montgomery
(239) 336-6235
E-Mail: nealemontgomery@paveselaw.com

(239) 334-2195
FAX (239) 332-2243
http://paveselaw.com

STREET ADDRESS:
1833 HENDRY STREET
FORT MYERS, FLORIDA 33901

PLEASE REPLY TO:
FORT MYERS OFFICE

RECEIVED MAR 11 2003

March 10, 2003

LEE COUNTY DIV. OF
NATURAL RESOURCES

MAR 12 2003

RECEIVED

Mr. Bradley S. Vance, P.E.
Lee Co. Environmental Services Division
1500 Monroe Street, 3rd Floor
Fort Myers, Florida 33901-5500

RE: Request for a letter of Review and Recommendation on a proposed right-of-way vacation at the following location:

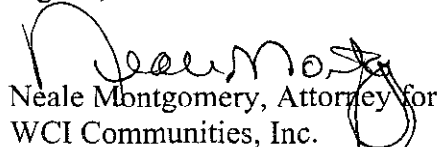
C.C.M.B. 6, PAGE 353 (COCONUT ROAD)
Section 7, Township 47 South, Range 25 East
Lee County, Florida

To Whom It May Concern:


This is just a friendly reminder that on February 19, 2003 we sent you the attached letter with the request to please indicate if you have no objection to the proposed right-of-way vacation. Hopefully you have received the information for review and comment.

We have also enclosed two copies of this letter. If you have no objection, please sign one copy of the letter and return it in the self-addressed stamped envelope at your earliest convenience, and keep the other copy for your records. If you have any questions, please do not hesitate to contact us directly and thank you in advance for your consideration.

Signed,


Neale Montgomery, Attorney for
WCI Communities, Inc.

NM:tlb
Attachments
FAWPDATA\NM\WCI\Coconut Point Marina\vacreq2.wpd

NO OBJECTION

3-13-03

4635 S. DEL PRADO BLVD.
P.O. BOX 100088
CAPE CORAL FLORIDA 33910-0088
(239) 542-3148
FAX (239) 542-8953

461 S. MAIN STREET
P.O. DRAWER 2280
LABELLE, FLORIDA 33935
(863) 675-5800
FAX (863) 675-4998

SUITE 203
4524 GUN CLUB ROAD
WEST PALM BEACH, FLORIDA 33415
(561) 471-1386
FAX (561) 471-0522



LEE COUNTY
SOUTHWEST FLORIDA

479-8585

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: _____

May 17, 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

Neale Montgomery, Esq.
Pavese, Haverfield, Dalton, Harrison & Jensen, L.L.P
Post Office Drawer 1507
Fort Myers, FL 33902-1507

Re: **VAC2003-00023 - Petition to Vacate** the Westerly 700 +/- feet of
Coconut Road, a County Road Right-of-Way Easement (Viewer's Road),
and a smaller portion of County owned Road Right-of-Way

Dear Ms. Montgomery:

You have indicated in order to obtain the permit for the development of the Coconut Pointe Marina property, and to provide a private road to the marina parcel, your client WCI Communities, Inc. is seeking to vacate the public interest in the right-of-way at the locations identified. The site is located at Coconut Road (a/k/a Coconut Point Marina Drive), Estero, Florida.

The proposed vacation of the above-described portions of Coconut Road is contingent upon the Board's approval of the proposed Turnaround Agreement presently being scheduled on May 25th at 9:30 a.m. The requested vacation will be discussed as a BOCC issue on the Administrative Agenda scheduled in June, 2004.

You and your clients should be aware, however that the Board of County Commissioner's approval of this petition will only extinguish the rights of the public to use the right-of-way. Private rights of use may still remain. This means that certification of fee ownership in the area being vacated will be required prior to issuance of any building permit(s) within that area of the easement as it presently exists, occupied or otherwise.

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:\200405\20030502.135\9540240\DCDLETTER.DOC



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8580

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

May 13, 2004

Neale Montgomery, Esq.
Pavese, Haverfield, Dalton, Harrison & Jensen, L.L.P.
1833 Hendry Street
Fort Myers, FL 33901

**RE: Petition to Vacate the Westerly 700± feet of
Coconut Road in Section 7, Township 47,
Range 25, of Lee County, Florida**

Dear Ms. Montgomery:

The Lee County Department of Transportation has reviewed the above-referenced request of WCI Communities, Inc. (WCI) to vacate the westerly 700± feet of Coconut Road. The request encompasses: (1), a petition to vacate the westerly 700± feet of Coconut Road (a/k/a/ Coconut Point Marina Drive), described as a portion of a Viewers Road as recorded in County Commissioner Minute Book (CCMB) 6, Page 353; and (2), an additional request to vacate a smaller portion of county owned road right-of-way recorded in Official Record (O.R.) Book 3421, page 1095; all in Section 7, Township 47, Range 25 of Lee County, Florida.

To facilitate the loss of area to turn around at or near the westerly end of Coconut Road, WCI is proposing to construct a new turnaround (cul-de-sac) approximately 700 feet easterly of the westerly terminus of Coconut Road. The agreement to construct the turnaround is currently embodied in a proposed Turnaround Agreement between WCI and the county. County staff has reviewed and approved the proposed Turnaround Agreement. The Turnaround Agreement is presently being scheduled to go to the Board of County Commissioners' Administrative Agenda on May 25th at 9:30 a.m.

The Lee County Department of Transportation offers "no objection" to the proposed vacation of the above-described portions of Coconut Road contingent upon the Board's subsequent approval of the above-referenced Turnaround Agreement prior to the Public Hearing for the requested petition to vacate any portion of Coconut Road.

S:\DOCUMENT\Petition To Vacate\2004\Coconut Road - WCI.doc

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 335-2111
Internet address <http://www.lee-county.com>

AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

Neale Montgomery, Esq.
May 13, 2004
Page 2

I trust this letter provides you with the review and information you requested. Please do not hesitate to contact me if you need anything further.

Yours very truly,

DEPARTMENT OF TRANSPORTATION



Margaret Lawson
Right-of-way Supervisor

MAL/mlb

cc: Ruth Keith, Development Services
Allen Davies, Natural Resources
DOT PTV File (Coconut Road)

 **LEE COUNTY**
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

LEE COUNTY
FLORIDA

MAR 17 AM 9:02

NEW
PUBLIC CHTR.
MARCH 14, 2003

March 14, 2003

Don
(Beck)

Writer's Direct Dial Number: 479-8580

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. Neale Montgomery
Pavese, Haverfield, Dalton, Harrison & Jensen
Post Office Drawer 1507
Fort Myers, FL 33902-1507

**RE: Request for Letter of Review and Recommendation
On Proposed Right-of-way Vacation at the following
Location: CCMB 6, page 353 (Coconut Road),
Section 7, Township 47, Range 25**

Dear Neale:

Thank you for your friendly reminder letter of March 10, 2003 received by DOT on March 12th. DOT received the original letter for request and review on February 26, 2003. DOT's review process for petitions to vacate consists of scheduling staff site visits, staff technical review, obtaining DOT maintenance records and, finally, staff review of public records. Generally, this process is an expedient process; however, in some instances, particularly when right-of-way is county maintained, it may take longer to acquire all the records to facilitate the review. Please accept this letter as an interim response to your request for review and recommendation. DOT's preliminary review has determined that the right-of-way proposed for vacation, the western end of Coconut Road, is county owned and county maintained right-of-way. DOT objects to the vacation as proposed. Additionally, the road provides direct access to a body of water (Estero Bay) and I believe that this request to vacate should be presented to the Waterway Advisory Committee for a hearing.

I trust this letter answers your question regarding the status of the DOT review. Please feel free to contact me at any time if you wish to discuss this further.

Yours very truly,

DEPARTMENT OF TRANSPORTATION



Margaret Lawson
Right-of-way Supervisor

MAL/mlb

Cc: Pete Eckenrode, Development Review Director
John Fredyma, Assistant County Attorney
Roland Ottolini, Natural Resources Director
DOT PTV 2003 - Coconut Road

S:\DOCUMENT\Petition To Vacate\2003\Coconut Rd - Montgomery.doc

RECEIVED MAR 11 2003



Florida Department of Transportation

JEB BUSH
GOVERNOR

801 North Broadway Avenue
Bartow, Florida 33830

March 3, 2003

Neale Montgomery
Pavese, Haverfield, Dalton, Harrison & Jensen, L.L.P.
Post Office Drawer 1507
Fort Myers, Florida 33902-1507

RE: Vacation of A Portion of Coconut Road Right of Way

Dear Ms Montgomery:

Our staff has conducted a review of your request to vacate a portion of Coconut Road Right of Way, C.C.M.B. 6, Page 353, Section 7, Township 47 South, Range 25 East, Public Records of Lee County, Florida. This same area was further referenced in your letter and highlighted map of February 19, 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



THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE, FORT MYERS, FLORIDA 33901-3916 • (239) 334-1102 • TTD/TTY (239) 335-1512

HS _____
PW _____ *then to Mary Gibbs*

03 APR 18 AM 9:31

COMM. DEV./
PUB. WRKS. CNTR.
SECOND FLOOR



April 9, 2003

Mr. Ray Judah, Chairman
Lee County Board of County Commissioners
P.O. Box 398
Fort Myers, FL 33902-0398

JEANNE S. DOZIER
CHAIRMAN • DISTRICT 2
ELINOR C. SCRICCA, PH.D.
VICE CHAIRMAN • DISTRICT 5
ROBERT D. CHILMONIK
DISTRICT 1
JANE E. KUCKEL, PH.D.
DISTRICT 3
STEVEN K. TEUBER
DISTRICT 4
JAMES W. BROWDER, Ed.D.
SUPERINTENDENT
KEITH B. MARTIN
BOARD ATTORNEY

Re: Coconut Road Turnaround

Dear Mr. Judah:

WCI Communities, Inc. has presented to the Transportation Department of the Lee County School District its proposal to construct a turnaround for public use at the western end of Coconut Road, as set forth in the enclosed diagram. This will confirm that the Transportation Department approves of the proposed agreement between Lee County and WCI Communities, Inc. whereby the County will quitclaim any of its interest in the Coconut Point Marina Drive to WCI in consideration for WCI's construction of, at its own expense, a turnaround on Coconut Road immediately to the east of Coconut Point Marina Drive.

The location of the proposed turnaround on Coconut Road will be superior to the current situation, since school buses must now travel down to the dead-end of Coconut Point Marina Drive in order to turn around. The new turnaround will be more efficient for the school drivers, and save time.

It is our understanding that WCI will provide a temporary license to the Lee County School District for regular run buses to use the Coconut Point Marina Drive for turnaround purposes until the completion of the turnaround. The Transportation Department's minimum requirements for the new turnaround are as follows: "Wall to Wall" turning diameter must be no less than 96 feet.

We, therefore, support and need this improvement. If you have any questions regarding this matter or require further information, do not hesitate to contact me.

Sincerely,

James W. Browder, Ed.D.
Superintendent
Lee County School District

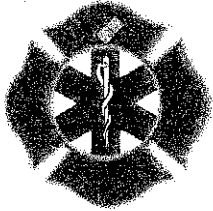
Enclosure

cc: Scott M. Gilbertson
Laura Sargeant

w-corr/hlw/36190.010/SchoolBd02.doc

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19850 Breckenridge Drive, Suite A
Estero, Florida 33928

Phone: (239) 947-FIRE (3473)

Fax: (239) 947-9538

web site: www.esterofire.org

April 15, 2003

Mr. Ray Judah
Chairman
Lee County Board of County Commissioners
P.O. Box 398
Fort Myers, Florida 33902-0398

Re: Coconut Road turnaround

Dear Commissioner Judah:

WCI Communities, Inc., has presented to Estero Fire Rescue its proposal to construct a turnaround for public use at the western end of Coconut Road as set forth in the enclosed diagram. This will confirm that Estero Fire Rescue does not object to the proposed agreement between Lee County and WCI Communities, Inc., whereby the County will quitclaim any of its interest in the Coconut Point Marina Drive to WCI in consideration for WCI's construction of, at its own expense, a turnaround on Coconut Road immediately to the east of Coconut Point Marina Drive.

It is our understanding that WCI will provide a temporary license to Estero Fire Rescue for its use of Coconut Point Marina Drive for turnaround purposes until the completion of the turnaround.

Sincerely,

DENNIS J. MERRIFIELD

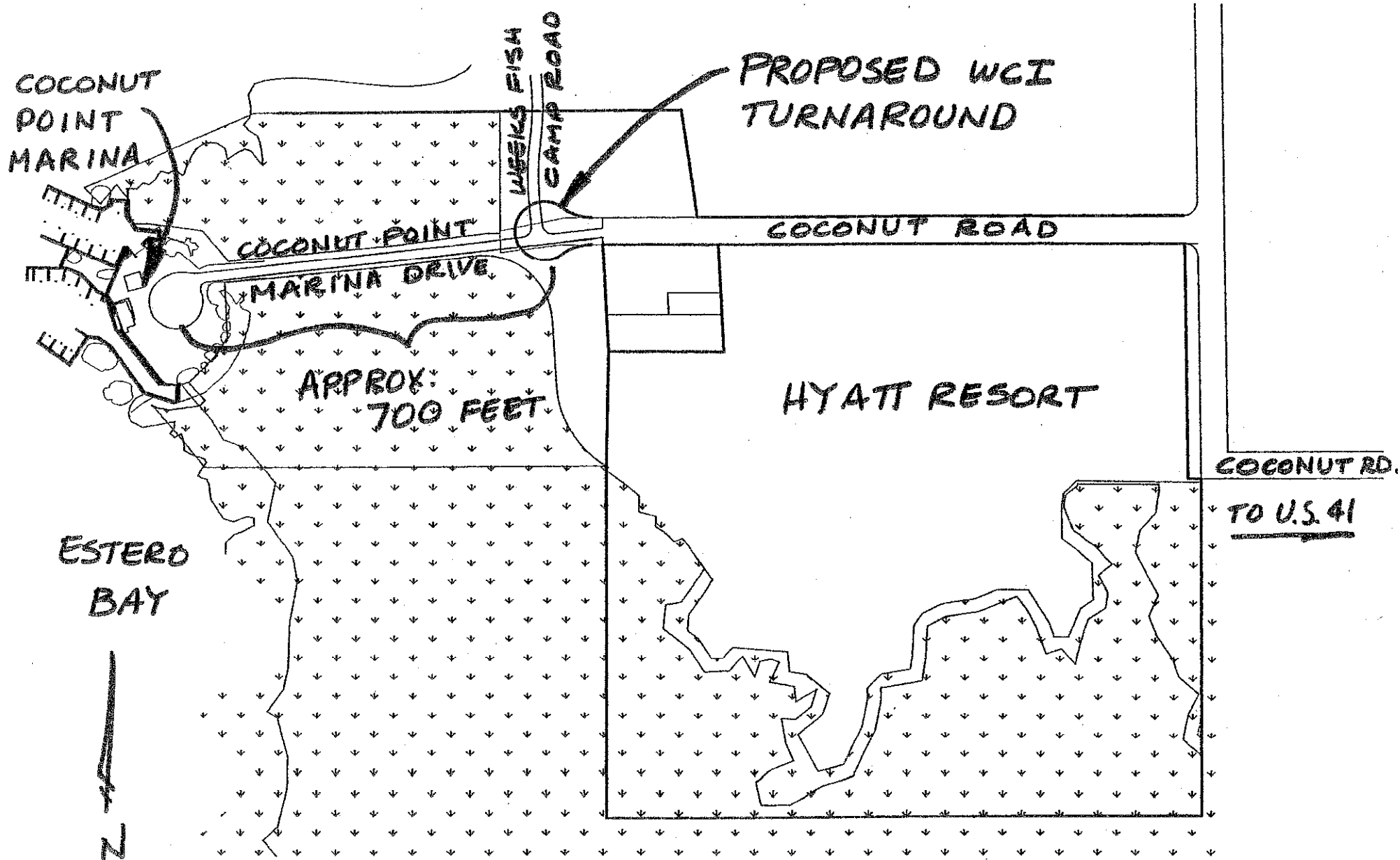
Fire Chief

DJM/lc

Enclosure: Map

cc: Mr. Scott M. Gilbertson, P.E.
Director, Lee County Department of Transportation
1500 Monroe Street
Fort Myers, Florida 33991

Ms. Laura A. Sargeant
Senior Designer, SCI Communities, Inc.
24301 Walden Center Drive
Bonita Springs, Florida 33413



SCALE: 1" = 250'

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE Case Number: VAC2003-00023**

WHEREAS, a Petition to Vacate was filed with the Board of County Commissioners;
and

WHEREAS, the Petitioner seeks to abandon, discontinue, close or vacate a portion
of a plat, easement, parcel or right-of-way legally described in the attached Exhibit "A".

WHEREAS, under Florida Statute and the Lee County Administrative Code, the
Board must hold a Public Hearing in order to grant a vacation affecting a public easement,
public right-of-way or platted lands.

BE IT THEREFORE RESOLVED by the Board of County Commissioners of Lee
County, Florida, as follows:

1. A Public Hearing on Petition to Vacate No. VAC2003-00023 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

January 22, 2004

REVISED DESCRIPTION**VIEWER'S ROAD VACATION
SECTION 7, T. 47 S., R. 25 E.
LEE COUNTY, FLORIDA**

A tract or parcel of land being a portion of a Viewer's Road recorded in County Commissioner's Minutes Book 6, at Page 353 of the Public Records of Lee County Florida, lying in the south one-half (S-1/2) of Government Lot 2, Section 7, Township 47 South, Range 25 East, Lee County, Florida, said tract or parcel being described as follows:

From the southeast corner of said Government Lot 2 run S 89° 40' 05" W along the south line of said Government Lot 2 for 25.00 feet to an intersection with the east line of that portion of Coconut Road (50 feet wide) vacated in Official Record Book 3030, at Page 1670 said public records; thence run the following six (6) courses along the easterly, southerly and southwesterly lines of said vacated Coconut Road; S 01° 06' 57" E for 25.00 feet; S 89° 40' 05" W for 1065.48 feet; N 03° 20' 55" W for 17.15 feet to a point on a non-tangent curve; northwesterly along an arc of a curve to the right of radius 184.00 feet (chord bearing N 35° 03' 44" W) (chord 189.87 feet) (delta 62° 07' 20") for 199.50 feet to a point of tangency; N 04° 00' 04" W for 121.97 feet to a point of curvature; northwesterly along an arc of a curve to the left of radius 130.00 feet (chord bearing N 41° 15' 37" W) (chord 157.41 feet) (delta 74° 31' 05") for 169.08 feet to the Point of Beginning.

From said Point of Beginning run S 82° 18' 05" W for 698.67 feet; thence run N 7° 41' 55" W for 50.00 feet; thence run N 82° 18' 05" E for 699.19 feet to a point on a non-tangent curve; thence run easterly along an arc of a curve to the right of radius 139.59 feet (chord bearing S 86° 57' 46" E) (chord 12.26 feet) (delta 05° 02' 03") for 12.27 feet to an intersection with the westerly line of that portion of Coconut Road described in Official Record Book 3216, Pages 2552 through 2554, said public records, and a point on a non-tangent line; thence run S 00° 27' 45" E along said westerly line for 42.12 feet to an intersection with the northerly line of that portion of Coconut Road vacated in Official Record Book 3030, at Pages 1670 through 1675, said public record; thence run S 82° 20' 08" W along said northerly line for 50.07 feet to an intersection with the southwesterly line of said vacated Coconut Road and a point of cusp; thence run easterly along said southwesterly line, along an arc of a curve to the right of radius 130.00 feet (chord bearing S 88° 05' 31" E) (chord 43.24 feet) (delta 19° 08' 43") for 43.44 feet to the Point of Beginning.

Parcel contains 0.81 acres, more or less.

Bearings hereinabove mentioned are based on the south line said Government Lot 2 to bear S 89° 40' 05" W.

21942 Vacation of cemb 6 353 rev012204

Exhibit "A-1"
Petition to Vacate
VAC2003-00023
[Page One of Two]



EXHIBIT "A-2"

**LEGAL DESCRIPTION
WCI COCONUT POINT "VACATION" PARCEL**

A PARCEL OF LAND LYING IN THE SOUTH HALF (S-1/2) OF GOVERNMENT LOT 2, SECTION 7, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, ALSO BEING A PORTION OF THOSE LANDS PREVIOUSLY CONVEYED IN DEED TO LEE COUNTY RECORDED IN OFFICIAL RECORDS BOOK 3216, PAGE 2552 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

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BEARINGS SHOWN HEREON ARE BASED ON THE EAST BOUNDARY LINE OF PELICAN'S NEST UNIT ONE, PLAT BOOK 41, PAGES 58 THROUGH 60, LEE COUNTY, FLORIDA.

THE ABOVE DESCRIBES APPROXIMATELY 1,300 SQUARE FEET OF LAND.

~~SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.~~

COASTAL ENGINEERING CONSULTANTS, INC.
FLORIDA BUSINESS AUTHORIZATION NO. LB 2464

RICHARD J. EWING, V.P.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5295
NOT VALID WITHOUT THE SIGNATURE AND
THE ORIGINAL RAISED SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER
CEC FILE NO. 03.117
DATE: 5-5-09

Exhibit "A-2"
Petition to Vacate
VAC2003-00023
[Page Two of Two]

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2003-00023

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, abandoning, closing and discontinuing the public's interest in the right-of-way or portion of a right-of-way, 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.



CHARLIE GREEN, CLERK

Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

January 22, 2004

REVISED DESCRIPTION**VIEWER'S ROAD VACATION
SECTION 7, T. 47 S., R. 25 E.
LEE COUNTY, FLORIDA**

A tract or parcel of land being a portion of a Viewer's Road recorded in County Commissioner's Minutes Book 6, at Page 353 of the Public Records of Lee County Florida, lying in the south one-half (S-1/2) of Government Lot 2, Section 7, Township 47 South, Range 25 East, Lee County, Florida, said tract or parcel being described as follows:

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21942 Vacation of ccmb 6 353 rev012204

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VAC2003-00023
[Page Two of Two]

PAVESE, HAVERFIELD, DALTON, HARRISON & JENSEN, L.L.P.

A FLORIDA LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AND COUNSELORS AT LAW

<http://paveselaw.com>

1833 HENDRY STREET
FORT MYERS, FLORIDA 33901

POST OFFICE DRAWER 1507
FORT MYERS, FLORIDA 33902-1507

(239) 334-2195
FAX (239) 332-2243

RECEIVED
MAY 14 2004
COMMUNITY DEVELOPMENT

CHARLES MANN
(239) 336-6242
Charlesmann@paveselaw.com

PLEASE REPLY TO
FORT MYERS OFFICE

May 14, 2004

Ms. Ruth Keith
Development Services Division, Second Floor
Department of Community Development
1500 Monroe Street
Fort Myers, Florida 33901

Re: Right of Way Vacation:CCMB 6, page 353 (Coconut Road)
Section 7, Township 47 South, Range 25 East
Lee County, Florida

Dear Ms. Keith:

Please find enclosed the remaining items needed for the above referenced right of way vacation. Enclosed in this letter you will find an original letter from WCI Communities, Inc., representing that they will commit to meeting the conditions in the letters of no objection from Sprint-Florida, Inc. and from Florida Power and Light. I have also enclosed an original letter of authorization to designate Neale Montgomery as the authorized agent for WCI Communities, Inc., as well as a letter of no objection from the Lee County Department of Transportation and new copies of the sketch and legal description of the area to be vacated.

It is my understanding that the blue sheet has to be prepared and delivered to John Fredyma by May 18th to place this matter on the June 1st BOCC consent agenda. Please let me know if you need any further assistance in this matter. If you have any other questions or comments, please do not hesitate to contact either Neale Montgomery or myself.

Very truly yours,


Charles Mann

CM/jd

FAWPDATA\CM\mm\WCI\CoconutRd\w-o-w LTRS\Keith.ltr.wpd

4635 S. DEL PRADO BLVD.
P.O. BOX 88
CAPE CORAL FLORIDA
33910-0088
(239) 542-3148
FAX (239) 542-8953

461 S. MAIN STREET
P.O. DRAWER 2280
LaBELLE, FLORIDA
33975
(863) 675-5800
FAX (863) 675-4998

SUITE 203
4524 GUN CLUB ROAD
WEST PALM BEACH, FLORIDA
33415
(561) 471-1366
FAX (561) 471-0522

SUITE 308
18501 MURDOCK CIRCLE
PORT CHARLOTTE, FLORIDA
33952
(941) 255-3095
FAX (941) 255-5905

PAVESE, HAVERFIELD, DALTON, HARRISON & JENSEN, L.L.P.

A FLORIDA LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AND COUNSELORS AT LAW

POST OFFICE DRAWER 1507
FORT MYERS, FLORIDA 33902-1507

STREET ADDRESS:
1833 HENDRY STREET
FORT MYERS, FLORIDA 33901

Neale Montgomery
(239) 336-6235
E-Mail: nealemontgomery@paveselaw.com

(239) 334-2195
FAX (239) 332-2243
http://paveselaw.com

PLEASE REPLY TO:
FORT MYERS OFFICE

May 1, 2003

Mr. Sal Elrubaie
Department of Community Development
Zoning & Development Services Division
1500 Monroe Street
Fort Myers, Florida 33901

RE: Coconut Pointe Marina Road

Dear Mr. Elrubaie:

Please find attached hereto an application for the vacation of a roadway. The roadway generally is an east/west roadway that goes from the north/south leg of Coconut Road to the Coconut Pointe Marina. There isn't a consensus between the property owner and the County as to who owns and maintains the road. Based on the directive of the County, the owner of the Coconut Pointe Marina is pursuing a vacation of the roadway.

WCI is committed to provide a school bus turn around since school buses are currently turning around on WCI's marina property. The County Attorney's office would like this commitment reflected in an agreement, and John Fredyma graciously agreed to provide the first draft of this agreement. Please find attached hereto a letter from me to the County Attorney's office recapping a meeting we had on this issue.

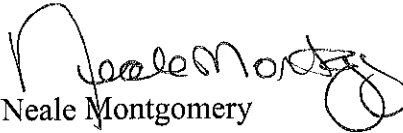
You will note that there is an interim letter from LDOT in the package. Based on our meeting, once the agreement is addressed LDOT will issue a letter of no objection. LDOT raised a concern about the Waterway Advisory Committee. However, the description of the old viewer's road does not go all the way to the water so there is no public access to the water on the marina property unless the public trespasses on privately owned land. Based on the recommendation of the County Attorney's office, the matter has already gone before the Waterway Advisory Committee, and the Committee supported the vacation.

VAC 2003-00023
RECEIVED
AG
MAY 02 2003
DUE 07-08-03
COMMUNITY DEVELOPMENT

Mr. Sal Elrubaie
May 1, 2003
Page 2

If you have any questions about this matter please feel free to call me.

Sincerely,


Neale Montgomery

NM:tlb

Attachment

cc: Terrey Dolan
Laura Sargeant
Vivien Hastings
Walter Crawford
Ron Weaver

F:\WPDATA\NM\PLCOCRD.WPD

PAVESE, HAVERFIELD, DALTON, HARRISON & JENSEN, L.L.P.
A FLORIDA LIMITED LIABILITY PARTNERSHIP

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FORT MYERS, FLORIDA 33901

PLEASE REPLY TO:
FORT MYERS OFFICE

Neale Montgomery
(239) 336-6235
E-Mail: nealemontgomery@paveselaw.com

April 25, 2003

John Fredyma, Esquire
County Attorney's Office
Post Office Box 398
Fort Myers, Florida 33902

RE: Meeting of 4/18/03

Dear John:

I appreciate the County's efforts in helping WCI work through the issues associated with the road that leads to the Coconut Pointe Marina. The purpose of the meeting was to discuss the interim letter that was sent by Lee County DOT to me in response to my letter expressing the desire to vacate any interest the County may claim in the roadway.

Our meeting was very informative. The County expressed a concern about how the County obtained the assurances that the turn around for the school bus would be installed, and how did the County obtain the assurances that it would be installed in accordance with Lee County requirements. Your office suggested that an agreement should be executed, which is similar to an agreement previously entered into between the County and WCI for the vacation and relocation of the Hyatt segment of Coconut Road. It is my belief that everyone was of the opinion that this type of agreement would satisfactorily address the concerns of LDOT and the County Attorney's office.

It is my understanding that you were given the task of creating the first draft of the agreement, and related documents like a temporary easement. If you need any additional information from WCI, please let me know. It is my understanding that the vacation petition, to be filed this week, will be ultimately be scheduled for hearing on the same agenda as the agreement. The agreement must be approved first, and then the vacation request will be considered. It is my understanding that the agreement will include language that indicates that the agreement is of no force and effect if the vacation is not approved.

The LDOT letter expressed a concern about the need to take the vacation request before the waterway advisory committee. You previously encouraged WCI to take the request before the waterway advisory committee for consideration. Based on your recommendation the request was submitted to, and approved by, the waterway advisory committee.

4635 S. DEL PRADO BLVD.
P.O. BOX 100088
CAPE CORAL FLORIDA 33910-0088
(239) 542-3148
FAX (239) 542-8953

461 S. MAIN STREET
P.O. DRAWER 2280
LABELLE, FLORIDA 33933
(863) 875-5800
FAX (863) 875-4998

SUITE 203
4524 GUN CLUB ROAD
WEST PALM BEACH, FLORIDA 33415
(561) 471-1366
FAX (561) 471-0522

mail 4/25/03 move to wci/coconut Pt marina

John Fredyma, Esquire
April 25, 2003
Page 2

I trust that everyone understands that WCI believes that it has provided the County with sufficient documentation to substantiate the fact that WCI owns the road that leads to, and includes the Coconut Point Marina property. I know you understand that WCI's agreement to proceed with the vacation is not a waiver of any legal rights or claims to the property. WCI has asked us to reserve of course its legal rights and claims in this matter while hopefully working this out soon. A determination has been made that proceeding in the manner outlined by your office is the most appropriate and efficient way to proceed. However, should the Board for any reason decide to deny the vacation request, WCI wishes to retain its right to have the ownership issue determined in an appropriate forum.

Your consideration of this matter is greatly appreciated.

Sincerely,


Neale Montgomery

NM:tlb

cc: Tim Jones
Margaret Lawson
Scott Gilbertson
Dave Loveland
Terrey Dolan
Ron Weaver
Laura Sargeant
Vivien Hastings

FAWPDATA\NMJFCOCDR.WPD

WCI COMMUNITIES, INC.

24301 WALDEN CENTER DR.
BONITA SPRINGS,
FLORIDA 34134
TEL (239) 947-2600
wcicomunities.com

January 10, 2003

Mr. John W. Sanders
Superintendent
Lee County School District
2055 Central Avenue
Fort Myers, FL 33901

Re: Coconut Road Turnaround

Dear Mr. Sanders:

WCI Communities, Inc. seeks a quitclaim deed from Lee County Board of County Commissioners for any interest it may have in Coconut Point Marina Drive in Bonita Springs. In consideration, WCI proposes to construct a turnaround for public use at the western end of Coconut Road.

WCI has discussed general plans of the proposed turnaround with Mr. Peter Urtz of the Lee County School District Transportation Department. Mr. Urtz was very supportive and indicated that the location of the proposed turnaround is more desirable than the turnaround currently in use at Coconut Point Marina, both are shown in the attached diagram. A temporary license will be issued by WCI to the Lee County School District for regular run buses to use the Coconut Point Marina Drive for turnaround purposes until the completion of the new turnaround.

Mr. Sanders, WCI asks that you to send a letter of no objection, similar in form to that attached, to the Lee County Board of County Commissioners to show your support for the proposed turnaround. Further, if the Transportation Department has minimum requirements other than those set forth by Lee County Development Standards, they may be indicated in your letter to the Board.

Thank you for supporting this needed improvement. My direct phone number is 498-8543 if you have any questions regarding this matter or require further information, do not hesitate to contact me.

Sincerely,



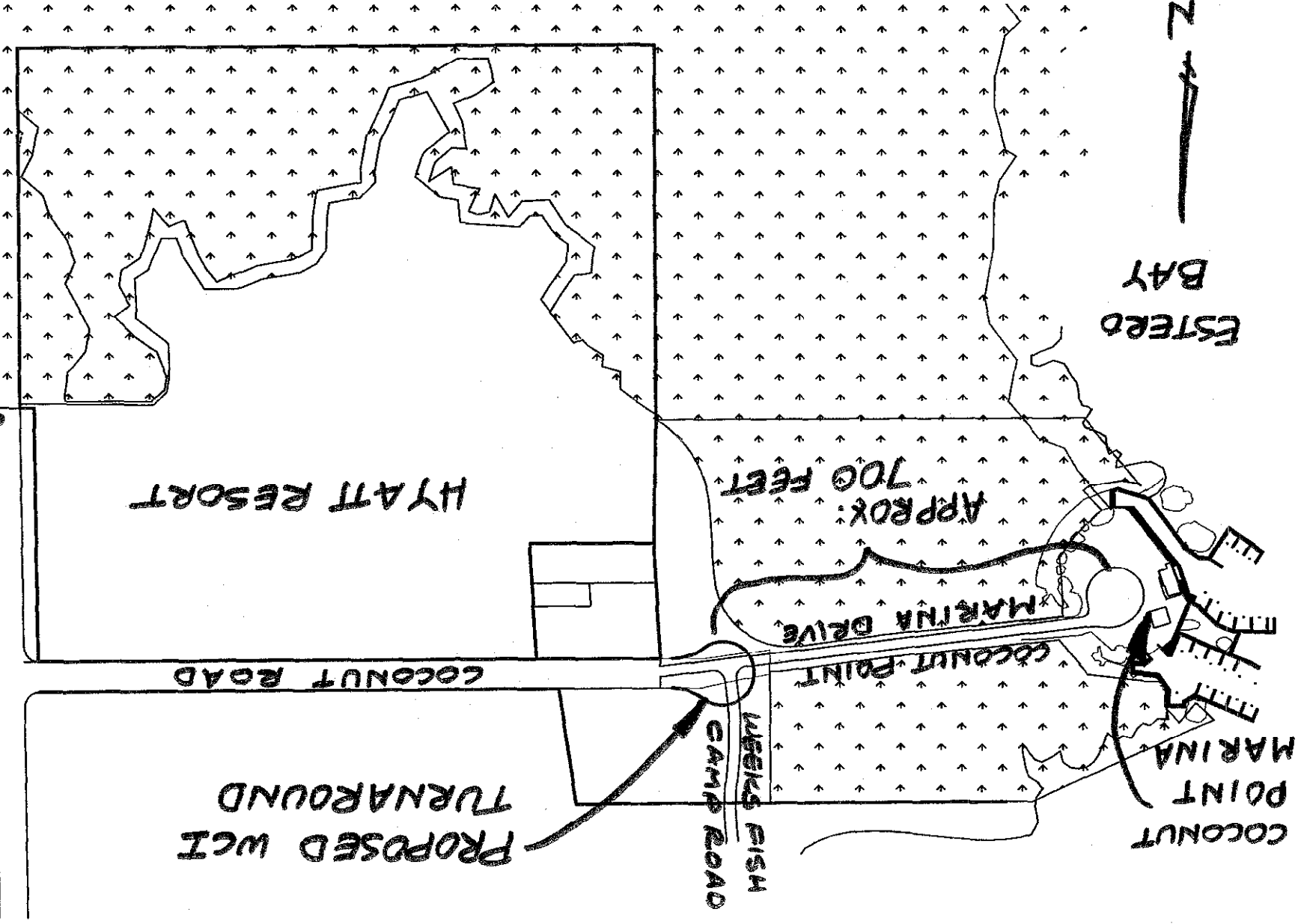
Laura A. Sargeant
Senior Designer, West Coast Permitting

enclosures

SCALE: 1" = 250'

N

ESTERO BAY



HYATT RESORT

APPROX 700 FEET

MARRINA DRIVE

COCONUT POINT

COCONUT POINT MARRINA

PROPOSED WCI TURNAROUND

WEEB'S BISH CAMP ROAD

COCONUT ROAD

COCONUT RD.

TO U.S. 41