

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition to Vacate portions of the existing right-of-way of Treeline Avenue, located north of Daniels Parkway and south of Sun City (Pelican Preserve), Fort Myers, Florida, and adopt a resolution setting a Public Hearing for 5:00 PM on the 8th day of February, 2005. (Case No. VAC2004-00051)

WHY ACTION IS NECESSARY: Establishes an alternative alignment for Treeline Avenue and provides for design, permitting and construction of the roadway and utility improvements by Worthington under the direction/supervision of Lee County. **The vacation of these rights-of-way will not alter traffic or drainage conditions and the rights-of-way are not necessary to accommodate any future traffic or drainage requirement.**

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

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 5

04

C4B

3. MEETING DATE:

01-18-2005

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]* 12/29/04

Peter J. Eckenrode, Director

7. BACKGROUND:

The completed petition to vacate, VAC2004-00051 was submitted by Henderson, Franklin, P.A., and Cody Vaughan-Birch, Esq., as the agent for the petitioner, Worthington Holdings, L.L.C. and Worthington Holdings Southwest, L.L.C.

LOCATION: The rights-of-way are located on **Treeline Avenue, Fort Myers, Florida 33913** and its reference strap numbers are 11-45-25-P1-00001.0000, 11-45-25-P1-00001.0010, 11-45-25-P2-00003.0000 and 23-45-25-P1-00002.0000. The road to be vacated include portions of existing 60' and 125' Right-of-Way on Treeline Avenue, east 50' (E ½, SW ¼) and west 50' (W ½, SW ¼) Right-of-Way as recorded in O.R. Book 1552, Page 773, lying in Section 11 and Section 23 respectively, Township 45 South, Range 25 East, of the Public Records of Lee County, Florida.

Treeline Avenue Extension Agreement between Worthington Holdings Southwest, L.L.C. and Lee County was approved and executed by Lee County Board of County Commissioners at the regular Board meeting on March 30, 2004, and recorded in O.R. Book 4329, Pages 3276 – 3295. First Amendment to Treeline Avenue Extension Agreement between Worthington Holdings Southwest, L.L.C. and Lee County was made on 31st day of August 2004, as recorded in O.R. Book 4486, Pages 2157 – 2159. The executed "Warranty Deed for the Right-of-Way Realignment" and the "Grant of Temporary Public Utility Easement" documents will be held by Lee County pending the outcome of the Right-of-Way Vacation, and the Treeline Avenue Realignment and Extension will proceed as planned including relocation of the existing Lee County potable water facilities and necessary Drainage Easements for the right-of-way.

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

There are no objections to this Petition to Vacate. Staff recommends the scheduling of the Public Hearing.

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

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
					OA	OM	Risk	GC	
<i>Mary</i>	N/A	N/A	N/A	<i>[Signature]</i>	<i>DRK</i> <i>1/7</i>	<i>RL for</i> <i>86 47</i>	<i>job</i> <i>11/2/05</i>	<i>RL for</i> <i>R6 17</i>	<i>K</i> <i>1/7/05</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: *1/3/05*
Time: *2:40*

RECEIVED BY
COUNTY ADMIN: *TD*
1/7/05
9540 C.A.S. 1
COUNTY ADMIN
FORWARDED TO: *M*
1/7/05



PETITION TO VACATE (AC 13-8)

Case Number: VAC2004-00051

Petitioner(s), Worthington Holdings, LLC. and
Worthington Holdings Southwest, LLC.
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, 9240 Marketplace Road, Suite 2, Fort Myers, FL 33912
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.

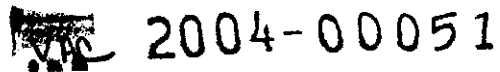
Respectfully Submitted by:


Petitioner Signature

Petitioner Signature

John Gnagey, Vice President
Printed Name

Printed Name



**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE** Case Number: VAC2004-00051

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. VAC2004-00051 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

BOARD OF COUNTY
COMMISSIONERS OF
LEE COUNTY, FLORIDA

Chairman Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

DESCRIPTION OF A PARCEL OF LAND LYING IN
SECTION 23, TOWNSHIP 45 SOUTH RANGE 25 EAST,
LEE COUNTY, FLORIDA
(ARBORWOOD TREELINE VACATION 1)
(3-03-2004)

A PARCEL OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 23,
TOWNSHIP 45 SOUTH, RANGE 25 EAST, BEING MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 23; THENCE N.88°10'10"E.,
ALONG THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 23, A
DISTANCE OF 1,293.64 FEET; THENCE S.01°01'24"E., A DISTANCE OF 643.95 FEET TO THE **POINT
OF BEGINNING**; THENCE N.13°29'05"E., A DISTANCE OF 239.50 FEET; THENCE S.01°01'24"E., A
DISTANCE OF 909.59 FEET; THENCE S.88°07'59"W., A DISTANCE OF 60.01 FEET; THENCE
N.01°01'24"W., A DISTANCE OF 678.61 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 1.09 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF
SECTION 23 BEING N.88°10'10"E.

Certification for Description

Surveyor and Mapper in Responsible Charge:

Denis J. O'Connell, Jr., LS #5430

Community Engineering Services, Inc. LB #6572

8991 Daniels Center Drive, Suite 103

Fort Myers, FL 33912

Signed: _____

Date: _____

Exhibit "A-1"
Petition to Vacate
VAC2004-000051
[Page One of Three]

EXHIBIT "A-1"

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2004-00051

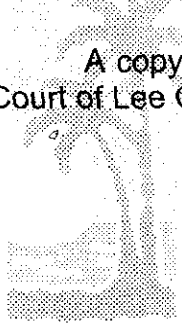
TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 8th day of February 2005 @5:00 PM in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider and take action on a Petition vacating the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A".

Interested parties may appear in person or through a representative and be heard with respect to the Petition to Vacate.

Anyone wishing to appeal the decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such appeal, and may need a verbatim record, to include all testimony and evidence upon which the appeal is to be based.

A copy of the Petition to Vacate is on file in the Office of the Clerk of the Circuit Court of Lee County, Florida, Minutes Office, 2115 Second Street, Fort Myers, Florida.



LEE COUNTY
SOUTHWEST FLORIDA

CHARLIE GREEN, CLERK

Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

DESCRIPTION OF A PARCEL OF LAND LYING IN
SECTION 23, TOWNSHIP 45 SOUTH RANGE 25 EAST,
LEE COUNTY, FLORIDA
(ARBORWOOD TREELINE VACATION 1)
(3-03-2004)

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TOWNSHIP 45 SOUTH, RANGE 25 EAST, BEING MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 23; THENCE N.88°10'10"E.,
ALONG THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 23, A
DISTANCE OF 1,293.64 FEET; THENCE S.01°01'24"E., A DISTANCE OF 643.95 FEET TO THE **POINT**
OF BEGINNING; THENCE N.13°29'05"E., A DISTANCE OF 239.50 FEET; THENCE S.01°01'24"E., A
DISTANCE OF 909.59 FEET; THENCE S.88°07'59"W., A DISTANCE OF 60.01 FEET; THENCE
N.01°01'24"W., A DISTANCE OF 678.61 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 1.09 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF
SECTION 23 BEING N.88°10'10"E.

Certification for Description

Surveyor and Mapper in Responsible Charge:

Denis J. O'Connell, Jr., LS #5430

Community Engineering Services, Inc. LB #6572

8991 Daniels Center Drive, Suite 103

Fort Myers, FL 33912

Signed: _____

Date: _____

Exhibit "A-1"
Petition to Vacate
VAC2004-000051
[Page One of Three]

EXHIBIT "A-1"

DESCRIPTION OF A PARCEL OF LAND LYING IN
SECTION 11, TOWNSHIP 45 SOUTH RANGE 25 EAST,
LEE COUNTY, FLORIDA
(ARBORWOOD TREELINE VACATION 2)
(3-03-2004)

A PARCEL OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 11,
TOWNSHIP 45 SOUTH, RANGE 25 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 11; THENCE S.89°03'32"W. ALONG
THE NORTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 11, A DISTANCE OF
2645.22 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 11; THENCE S.89°04'48"W. ALONG
THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 11, A DISTANCE OF
576.50 FEET TO THE POINT OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS
POINT LIES N.89°22'40"W., A RADIAL DISTANCE OF 2,500.00 FEET; THENCE SOUTHERLY ALONG THE
ARC, THROUGH A CENTRAL ANGLE OF 00°06'27", A DISTANCE OF 4.69 FEET TO THE **POINT OF**
BEGINNING; THENCE ALONG A CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES
N.85°51'03"E., A RADIAL DISTANCE OF 1,170.50 FEET; THENCE SOUTHERLY ALONG THE ARC,
THROUGH A CENTRAL ANGLE OF 19°12'10", A DISTANCE OF 392.30 FEET TO THE POINT OF A NON
TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N.80°59'23"W., A RADIAL
DISTANCE OF 2,625.00 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE
OF 20°45'11", A DISTANCE OF 950.80 FEET; THENCE S.29°45'48"W., A DISTANCE OF 618.63 FEET TO A
POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 1,487.50 FEET AND A CENTRAL ANGLE OF
28°50'26"; THENCE SOUTHERLY ALONG THE ARC A DISTANCE OF 748.75 FEET; THENCE S.00°55'22"W.,
A DISTANCE OF 166.08 FEET; THENCE S.88°33'56"W., A DISTANCE OF 125.11 FEET; THENCE
N.00°55'22"E., A DISTANCE OF 171.23 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS
OF 1,612.50 FEET AND A CENTRAL ANGLE OF 28°50'26"; THENCE NORTHERLY ALONG THE ARC A
DISTANCE OF 811.67 FEET; THENCE N.29°45'48"E., A DISTANCE OF 618.63 FEET TO A POINT OF
CURVE TO THE LEFT HAVING A RADIUS OF 2,500.00 FEET AND A CENTRAL ANGLE OF 29°02'02";
THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 1,266.84 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 7.54 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 11
BEING S.89°03'32"W.

Certification for Description
Surveyor and Mapper in Responsible Charge:
Denis J. O'Connell, Jr., L.S.#5430
Community Engineering Services, Inc. LB #6572
8991 Daniels Center Drive, Suite 103
Fort Myers, FL 33907

Signed: _____

Date: 3/8/04

Exhibit "A-2"
Petition to Vacate
VAC2004-000051
[Page Two of Three]

EXHIBIT "A-2"

DESCRIPTION OF A PARCEL OF LAND LYING IN
SECTION 11, TOWNSHIP 45 SOUTH RANGE 25 EAST,
LEE COUNTY, FLORIDA
(ARBORWOOD TREELINE VACATION 3)
(3-03-2004)

A PARCEL OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 11,
TOWNSHIP 45 SOUTH, RANGE 25 EAST, AS RECORDED IN OFFICIAL RECORD BOOK 1552, AT PAGES
773 THROUGH 775 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 50 FEET OF THE EAST 1/2 OF THE SOUTHWEST 1/4 AND THE EAST 50 FEET OF THE WEST
1/2 OF THE SOUTHWEST 1/4, SECTION 11, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY,
FLORIDA.

CONTAINING 6.07 ACRES, MORE OR LESS.

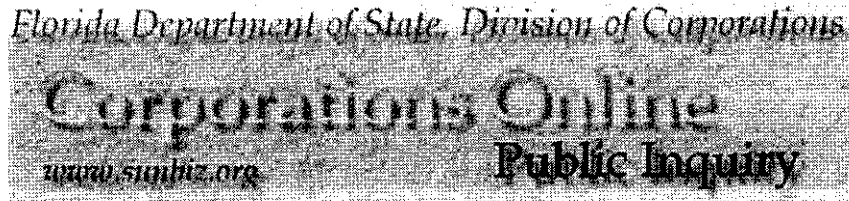
Certification for Description
Surveyor and Mapper in Responsible Charge:
Denis J. O'Connell, Jr., LS #5430
Community Engineering Services, Inc. LB #6572
8991 Daniels Center Drive, Suite 103
Fort Myers, FL 33912

Signed: 

Date: 

Exhibit "A-3"
Petition to Vacate
VAC2004-000051
[Page Three of Three]

EXHIBIT "A-3"



Florida Limited Liability

WORTHINGTON HOLDINGS, LLC

PRINCIPAL ADDRESS

9240 MARKETPLACE RD STE 2
 FORT MYERS FL 33912
 Changed 04/17/2003

MAILING ADDRESS

9240 MARKETPLACE RD STE 2
 FORT MYERS FL 33912
 Changed 04/17/2003

Document Number
 L99000007405

FEI Number
 650958695

Date Filed
 11/03/1999

State
 FL

Status
 ACTIVE

Effective Date
 NONE

Total Contribution
 0.00

Registered Agent

Name & Address
DARRAGH, JEFF 9240 MARKETPLACE RD STE 2 FORT MYERS FL 33912
Address Changed: 04/17/2003

Manager/Member Detail

Name & Address	Title
DARRAGH, JEFF 9240 MARKETPLACE RD STE 2 FORT MYERS FL 33912	MGR
GNAGEY, JOHN 9240 MARKETPLACE RD STE 2 FORT MYERS FL 33912	MGR

KARL, DEBORAH 9240 MARKETPLACE RD STE 2 FORT MYERS FL 33912	MGR
LIEBERT, GLEN 9240 MARKETPLACE RD STE 2 FORT MYERS FL 33912	MGR

Annual Reports

Report Year	Filed Date
2002	03/29/2002
2003	04/17/2003
2004	04.14.2004

[Previous Filing](#)

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No Events
No Name History Information

Document Images

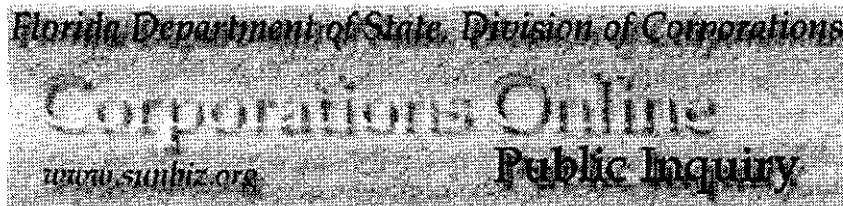
Listed below are the images available for this filing.

04/14/2004 -- ANNUAL REPORT
04/17/2003 -- ANN REP/UNIFORM BUS REP
03/29/2002 -- ANNUAL REPORT
04/09/2001 -- ANN REP/UNIFORM BUS REP
03/16/2000 -- ANN REP/UNIFORM BUS REP
11/03/1999 -- Florida Limited Liabilites

THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT

[Corporations Inquiry](#)

[Corporations Help](#)



Florida Limited Liability

WORTHINGTON HOLDINGS SOUTHWEST, LLC

PRINCIPAL ADDRESS

9240 MARKETPLACE RD STE 2
 FORT MYERS FL 33912
 Changed 04/17/2003

MAILING ADDRESS

9240 MARKETPLACE RD STE 2
 FORT MYERS FL 33912
 Changed 04/17/2003

Document Number
 L02000008589

FEI Number
 020578885

Date Filed
 04/10/2002

State
 FL

Status
 ACTIVE

Effective Date
 NONE

Total Contribution
 0.00

Registered Agent

Name & Address
DARRAGH, JEFF 9240 MARKETPLACE RD STE 2 FORT MYERS FL 33912
Address Changed: 04/17/2003

Manager/Member Detail

Name & Address	Title
DARRAGH, JEFF 9240 MARKETPLACE RD STE 2 FORT MYERS FL 33912	MGR
GNAGEY, JOHN 9240 MARKETPLACE RD STE 2 FORT MYERS FL 33912	MGR

KARL, DEBORAH 9240 MARKETPLACE RD STE 2 FORT MYERS FL 33912	MGR
LIEBERT, GLENN 9240 MARKETPLACE RD STE 2 FORT MYERS FL 33912	MGR

Annual Reports

Report Year	Filed Date
2003	04/17/2003
2004	04/14/2004

[Previous Filing](#)

[Return to List](#)

[Next Filing](#)

No Events
No Name History Information

Document Images

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04/14/2004 -- ANNUAL REPORT
04/17/2003 -- ANN REP/UNIFORM BUS REP
04/10/2002 -- Florida Limited Liabilites

THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT

[Corporations Inquiry](#)

[Corporations Help](#)

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 real property having STRAP numbers: 11-45-25-P1-00001.0000; 11-45-25-P1-00001.0010; 11-45-25-P2-00003.0000; and 23-45-25-P1-00002.0000 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 Henderson, Franklin, Starnes & Holt, P.A. and Cody B. Vaughan-Birch, 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.


Owner* (signature)
Worthington Holdings Southwest, LLC

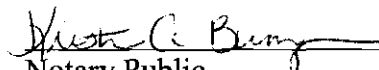
John Gnagey
Printed Name

Its: Vice President

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this **14th** day of **September, 2004**, by **John Gnagey**, as **Vice President** who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

(SEAL)

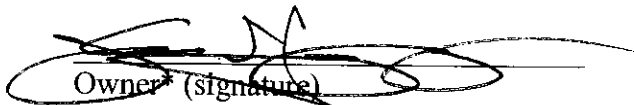

Notary Public

KRISTEN A BUMGARNER
(Name typed, printed or stamped)



Kristen A Bumgarner
My Commission DD133673
Expires August 16, 2006




Owner (signature)
Worthington Holdings, LLC

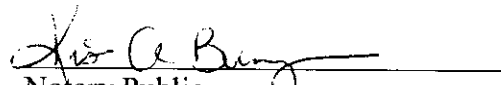
John Gnagey
Printed Name

Its: Vice President


STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this **14th** day of **September, 2004**, by **John Gnagey**, as **Vice President** who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

(SEAL)


Notary Public

KRISTEN A BUMGARNER
(Name typed, printed or stamped)

 Kristen A Bumgarner
My Commission DD133673
Expires August 16, 2006

DESCRIPTION OF A PARCEL OF LAND LYING IN
SECTION 23, TOWNSHIP 45 SOUTH RANGE 25 EAST,
LEE COUNTY, FLORIDA
(ARBORWOOD TREELINE VACATION 1)
(3-03-2004)

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FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 23; THENCE N.88°10'10"E.,
ALONG THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 23, A
DISTANCE OF 1,293.64 FEET; THENCE S.01°01'24"E., A DISTANCE OF 643.95 FEET TO THE **POINT**
OF BEGINNING; THENCE N.13°29'05"E., A DISTANCE OF 239.50 FEET; THENCE S.01°01'24"E., A
DISTANCE OF 909.59 FEET; THENCE S.88°07'59"W., A DISTANCE OF 60.01 FEET; THENCE
N.01°01'24"W., A DISTANCE OF 678.61 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 1.09 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF
SECTION 23 BEING N.88°10'10"E.

Certification for Description
Surveyor and Mapper in Responsible Charge:
Denis J. O'Connell, Jr., LS #5430
Community Engineering Services, Inc. LB #6572
8991 Daniels Center Drive, Suite 103
Fort Myers, FL 33912

Signed: _____

Date: _____

Exhibit "A-1"
Petition to Vacate
VAC2004-000051
[Page One of Three]

EXHIBIT "A-1"

DESCRIPTION OF A PARCEL OF LAND LYING IN
SECTION 11, TOWNSHIP 45 SOUTH RANGE 25 EAST,
LEE COUNTY, FLORIDA
(ARBORWOOD TREELINE VACATION 2)
(3-03-2004)

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POINT LIES N.89°22'40"W., A RADIAL DISTANCE OF 2,500.00 FEET; THENCE SOUTHERLY ALONG THE
ARC, THROUGH A CENTRAL ANGLE OF 00°06'27", A DISTANCE OF 4.69 FEET TO THE **POINT OF**
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THROUGH A CENTRAL ANGLE OF 19°12'10", A DISTANCE OF 392.30 FEET TO THE POINT OF A NON
TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N.80°59'23"W., A RADIAL
DISTANCE OF 2,625.00 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE
OF 20°45'11", A DISTANCE OF 950.80 FEET; THENCE S.29°45'48"W., A DISTANCE OF 618.63 FEET TO A
POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 1,487.50 FEET AND A CENTRAL ANGLE OF
28°50'26"; THENCE SOUTHERLY ALONG THE ARC A DISTANCE OF 748.75 FEET; THENCE S.00°55'22"W.,
A DISTANCE OF 166.08 FEET; THENCE S.88°33'56"W., A DISTANCE OF 125.11 FEET; THENCE
N.00°55'22"E., A DISTANCE OF 171.23 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS
OF 1,612.50 FEET AND A CENTRAL ANGLE OF 28°50'26"; THENCE NORTHERLY ALONG THE ARC A
DISTANCE OF 811.67 FEET; THENCE N.29°45'48"E., A DISTANCE OF 618.63 FEET TO A POINT OF
CURVE TO THE LEFT HAVING A RADIUS OF 2,500.00 FEET AND A CENTRAL ANGLE OF 29°02'02";
THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 1,266.84 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 7.54 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 11
BEING S.89°03'32"W.

Certification for Description
Surveyor and Mapper in Responsible Charge:
Denis J. O'Connell, Jr., I.S.#5430
Community Engineering Services, Inc. LB #6572
8991 Daniels Center Drive, Suite 103
Fort Myers, FL 33917

Signed: _____

Date: 3/2/04

Exhibit "A-2"
Petition to Vacate
VAC2004-000051
[Page Two of Three]

EXHIBIT "A-2"

Exhibit "C"
Petition to Vacate
VAC2004-00051

[Page One of One]

Real Property Information

Account	Tax Year	Status
11-45-25-P1-00001.0000	2003	PAID
Original Account	Book/Page	
11-45-25-P1-00001.0000	3795/950	
Physical Address	Mailing Address	
WORTHINGTON HOLDINGS SW LLC ACCESS UNDETERMINED FORT MYERS FL 33913	WORTHINGTON HOLDINGS SW LLC 9240 MARKET PLACE RD FORT MYERS FL 33912 USA	
Legal Description	NW1/4 OF SEC 11 + VAC ROW OR	
Outstanding Balance as of 6/1/2004		\$0.00

Account	Tax Year	Status
11-45-25-P1-00001.0010	2003	PAID
Original Account	Book/Page	
11-45-25-P1-00001.0010	3795/948	
Physical Address	Mailing Address	
WORTHINGTON HOLDINGS SW LLC ACCESS UNDETERMINED FL	WORTHINGTON HOLDINGS SW LLC 9240 MARKETPLACE RD STE 2 FORT MYERS FL 33912 USA	
Legal Description	PARCEL IN NW 1/4 AS DESC IN OR	
Outstanding Balance as of 6/1/2004		\$0.00

Account	Tax Year	Status
11-45-25-00-00003.0000	2003	PAID
Original Account	Book/Page	
11-45-25-00-00003.0000	3799 /3742	
Physical Address	Mailing Address	
WORTHINGTON HOLDINGS SW LLC ACCESS UNDETERMINED FORT MYERS FL 33913	WORTHINGTON HOLDINGS SW LLC 9240 MARKETPLACE RD #2 FORT MYERS FL 33912 USA	
Legal Description	E 1/2 + SW 1/4 LESS OR 1552 PG 773	
Outstanding Balance as of 6/1/2004		\$0.00

Account	Tax Year	Status
23-45-25-00-00002.0000	2003	PAID
Original Account	Book/Page	
23-45-25-00-00002.0000	3872/3929	
Physical Address	Mailing Address	
WORTHINGTON HOLDINGS SW LLC ACCESS UNDETERMINED FORT MYERS FL 33913	WORTHINGTON HOLDINGS SW LLC 9240 MARKET PLACE RD FORT MYERS FL 33912 USA	
Legal Description	NW 1/4 OF NE 1/4 + NE 1/4 OF NW 1/4.	
Outstanding Balance as of 6/1/2004		\$0.00

11/11/02
70
★



THIS INSTRUMENT PREPARED BY:
Thomas H. Gunderson, Esq.
Post Office Box 280
Fort. Myers, FL 33902

INSTR # 5649911
OR BK 03795 PG 0948
RECORDED 12/11/2002 11:25:13 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 10.50
DEED DOC 0.70
DEPUTY CLERK J Miller

WARRANTY DEED

THIS INDENTURE, made this 25 day of Nov, 2002, between WORTHINGTON HOLDINGS, LLC, a Florida limited liability company, whose address is 9240 Market Place Road, Fort Myers, Florida 33912, party of the first part, and WORTHINGTON HOLDINGS SOUTHWEST, LLC, a Florida limited liability company, whose address is 9240 Market Place Road, Fort Myers, Florida 33912, party of the second part,

WITNESSETH that the said party of the first part, for and in consideration of the sum of TEN and no/100 DOLLARS (\$10.00) and other good and valuable consideration, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part, its successors and assigns forever, the following described land, situate lying and being in the County of Lee, State of Florida, to wit:

See Exhibit "A" attached hereto.

Subject to easements, restrictions and reservations of record and taxes for the year 2003 and all subsequent years.

Parcel Identification No. 11-46-25-P1-0001.0000

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

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

Signed, Sealed and Delivered in the Presence of:

WORTHINGTON HOLDINGS, LLC, a Florida limited liability company

Barbara George
Witness Signature
BARBARA GEORGE
(Type/Print Name of Witness)

By: [Signature]
John Gnagey, Vice President

Judy Malique
Witness Signature
JUDY MALIQUE
(Type/Print Name of Witness)

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 25TH day of NOVEMBER, 2002, by John Gnagey as Vice President of WORTHINGTON HOLDINGS, LLC, a Florida limited liability company, on behalf of the company and who is personally known to me or who produced _____ as identification.

My Commission Expires:

Barbara George
Notary Public
BARBARA GEORGE
Print/Type Name of Notary
Commission No. _____



"DEEDS"

EXHIBIT A

A PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 25 EAST; THENCE ALONG THE EAST LINE OF SAID NORTHWEST QUARTER SECTION S 00°08'50" E A DISTANCE OF 2670.22' TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER SECTION; THENCE ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER SECTION S 88°33'56" W, A DISTANCE OF 1310.32' TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF PROPOSED TREELINE BOULEVARD; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING BEARING AND DISTANCES: N 00°55'22" E A DISTANCE OF 166.10' TO A POINT; THENCE RUN AROUND A CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 28°50'26" AN ARC DISTANCE OF 748.75' A CHORD BEARING OF N15°20'35" E, A DISTANCE OF 740.87' TO A POINT; THENCE N 29°45'48" E A DISTANCE OF 618.63' TO A POINT; THENCE RUN AROUND A CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 29°13'02" AN ARC DISTANCE OF 1338.58' A CHORD BEARING OF N 15°09'16" E A DISTANCE OF 1324.12' TO AN INTERSECTION WITH THE NORTH LINE OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 25 EAST; THENCE ALONG SAID NORTH LINE N 89°03'49" E A DISTANCE OF 451.16' TO THE POINT OF BEGINNING.

1950
168,852.60

1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1

Prepared by and Return to:

Gregory E. Young, Esq.
Edwards & Angell, LLP
One North Clematis Street, Suite 400
West Palm Beach, Florida 33401

INSTR # 5656027
OR BK 03799 P6 3751
RECORDED 12/17/2002 09:24:11 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 19.50
DEED DOC 168,852.60
DEPUTY CLERK G Sherwood

(4)

Real Property Appraisers Parcel
Identification No.: 11-45-25-00-00003.0000
12-45-25-00-00001.0000
12-45-25-00-00007.0000

Tax Payer Identification Number
of Grantee: _____

TRUSTEES' SPECIAL WARRANTY DEED

THIS TRUSTEES' SPECIAL WARRANTY DEED (this "Deed"), made this 24th day of October, 2002, between FRED ZEMEL, AS CO-TRUSTEE (AND NOT AS AN INDIVIDUAL) OF THE CHARLES & LENA ZEMEL TRUST UNDER AGREEMENT DATED DECEMBER 15, 1961 (the "Trust") and AS CO-OFFICER OF FLAG CORPORATION, A BUSINESS ENTITY ACTING AS NOMINEE OF THE TRUST PURSUANT TO THAT ORDER DATED MARCH 3, 2000 AND ENTERED IN THE SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION - PROBATE PART, ESSEX COUNTY DOCKET NO. 14.913-Y, IN THE MATTER OF THE CHARLES AND LENA ZEMEL TRUST ("Flag"), and FREDA ROMANOFF, AS CO-TRUSTEE (AND NOT AS AN INDIVIDUAL) OF THE TRUST AND AS CO-OFFICER OF FLAG (hereinafter the "Grantor"), with an address at c/o Edwards & Angell, LLP, 51 John F. Kennedy Parkway, Short Hills, NJ 07078-5006, Attention: Robert Novack, Esq., and WORTHINGTON HOLDINGS SOUTHWEST LLC, a Florida limited liability company ("Grantee"), with an address at 6150 Diamond Centre Court, Building 1300, Fort Myers, Florida 33912.

(Whenever used herein the terms "Grantor" and "Grantee" include all of the parties to this instrument and their respective heirs, legal representatives, successors and assigns, as the case may be.)

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable consideration, receipt whereof by the Grantor is hereby acknowledged, has granted, bargained, sold, aliened, remised, released, conveyed and confirmed to the Grantee and hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms to the Grantee, all that certain land and the improvements located thereon in the County of Lee, State of Florida and more particularly described on Exhibit 1, attached hereto and made a part hereof.

TOGETHER with the improvements thereon and all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

SUBJECT TO: Zoning and/or other restrictions or prohibitions imposed by governmental authority, and to all restrictions, easements, covenants, reservations and other matters of record.

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

AND the Grantor hereby covenants with the Grantee that, except as noted above, at the time of delivery of this Deed, the above described property is free from all encumbrances made by the Grantor, except for taxes accruing subsequent to December 31, 2002, and that the Grantor will warrant and defend title to the above described property and the above described property against the

lawful claims and demands of all persons claiming by, through or under the Grantor but against none other.

This Deed has been executed by the persons signing on behalf of Grantor solely in their capacity as Co-Trustee of the Trust and Co-Officer of Flag and not individually. Grantor and Grantee agree that in the event of any claim asserted against the individuals signing below on behalf of Grantor and arising out of or under this Deed, that neither individual nor their respective replacement(s), shall be personally liable nor shall any of the beneficiaries of the Trust be personally liable and that only the assets held in and by the Trust shall be available for satisfaction of such claim.

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

Signed, sealed and delivered in our presence:

DORA E. FURIA
Print Name: DORA E. Furia

Orit Levinstein
Print Name: Orit Levinstein

GRANTOR:
[Signature]
FRED ZEMEL, as Co-Trustee of the Charles & Lena Zemel Trust Under Agreement Dated December 15, 1961, and as Co-Officer of Flag Corporation, a business entity authorized to act as nominee of the Charles & Lena Zemel Trust Under Agreement Dated December 15, 1961 pursuant to that Order dated March 3, 2000 and entered in the Superior Court of New Jersey Chancery Division – Probate Part, Essex County Docket No. 14.913-Y, in the Matter of the Charles and Lena Zemel Trust
Date: October 12, 2002
duly authorized

Lara Lee Maxson
Print Name: Lara Lee Maxson
Robert Muckel
Print Name: Robert Muckel

[Signature]
FREDA ROMANOFF, as Co-Trustee of the Charles & Lena Zemel Trust Under Agreement Dated December 15, 1961, and as Co-Officer of Flag Corporation, a business entity authorized to act as nominee of the Charles & Lena Zemel Trust Under Agreement Dated December 15, 1961 pursuant to that Order dated March 3, 2000 and entered in the Superior Court of New Jersey Chancery Division – Probate Part, Essex County Docket No. 14.913-Y, in the Matter of the Charles and Lena Zemel Trust
Date: 11/24/02
duly authorized

STATE OF New Jersey
COUNTY OF Essex

The foregoing instrument was signed, and affirmed, and acknowledged before me by Fred Zemel, as Co-Trustee of the Charles & Lena Zemel Trust Under Agreement Dated December 15, 1961, and as Co-Officer of Flag Corporation, a business entity authorized to act as nominee of the Charles & Lena Zemel Trust Under Agreement Dated December 15, 1961 pursuant to that Order dated March 3, 2000 and entered in the Superior Court of New Jersey Chancery Division - Probate Part, Essex County Docket No. 14.913-Y, in the Matter of the Charles and Lena Zemel Trust who is personally known to me or who has produced the identification to me as follows: _____ (insert type of identification and number).

Witness my hand and official seal in the Country and City last aforesaid this 22 day of October, 2002.

DORA C. FERNANDES

Print Name: _____

[Please Affix Notarial Seal]

DORA C. FERNANDES
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES SEPT. 25, 2004

STATE OF NEW JERSEY
COUNTY OF ESSEX

The foregoing instrument was signed, and affirmed, and acknowledged before me by Freda Romantoff, as Co-Trustee of the Charles & Lena Zemel Trust Under Agreement Dated December 15, 1961, and as Co-Officer of Flag Corporation, a business entity authorized to act as nominee of the Charles & Lena Zemel Trust Under Agreement Dated December 15, 1961 pursuant to that Order dated March 3, 2000 and entered in the Superior Court of New Jersey Chancery Division - Probate Part, Essex County Docket No. 14.913-Y, in the Matter of the Charles and Lena Zemel Trust who is personally known to me or who has produced the identification to me as follows: _____ (insert type of identification and number).

Witness my hand and official seal in the Country and City last aforesaid this 24th day of October, 2002.

DELIA ANN CARTER
A NOTARY PUBLIC OF NEW JERSEY
My Commission Expires May 18, 2006

Delia Ann Carter

Print Name: DELIA ANN CARTER

[Please Affix Notarial Seal]

Exhibit A

The South half (S 1/2) and the Northeast quarter (NE 1/4) of Section 11; and the Northwest quarter (NW 1/4), the Southwest quarter (SW 1/4) and the Northeast quarter (NE 1/4) less the easterly 2,524.14 feet thereof of Section 12, Township 45 South, Range 25 East, Lee County, Florida, less and except those lands conveyed to Lee County by deed recorded at Official Records Book 1552, Page 773, Public Records of Lee County, Florida.

Parcel Identification Number: 11-45-25-00-00003.0000

INSTR # 4844463
OR BK 03237 PG 1432

This Instrument Prepared By:
Jay A. Brett
SHEPPARD, BRETT, STEWART, HERSCH & KINSEY, P.A.
2121 West First Street
P. O. Drawer 400
Fort Myers, Florida 33902

RECORDED 03/30/00 02:52 PM
CHARLIE GREEN CLERK OF COURT
LEE COUNTY
RECORDING FEE 12.50
DOC TAX PD(F.S.201.02)114,585.80
DEPUTY CLERK J Miller

THIS WARRANTY DEED, made this 30th day of March, 2000, between GEORGE SANDERS, INDIVIDUALLY AND AS TRUSTEE U/T/D January 18, 1982, whose mailing address is: 2026 Wilna Street, Fort Myers, Florida 33901, as Grantor, and WORTHINGTON HOLDINGS, LLC, a Florida limited liability company, whose mailing address is: 14291 Metro Parkway, Fort Myers, Florida 33912, as Grantee,

WITNESSETH, that the Grantor, for and in consideration of the sum of TEN DOLLARS AND OTHER GOOD & VALUABLE CONSIDERATION-----to him in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the Grantee, its heirs and assigns forever, the following described land, situate, lying and being in the County of Lee, State of Florida, to-wit:

See Exhibit "A" attached hereto and made a part hereof by reference.

SUBJECT to taxes for the current calendar year, easements, restrictions and reservations of record, if any.

Property Appraiser's Parcel Identification Numbers:

- 35-44-25-P1-00006.0020
- 35-44-25-P1-00006.0030
- 35-44-25-P4-00006.0010
- 34-44-25-P3-00062.0000
- 02-45-25-P1-00001.0000
- 02-45-25-P4-00002.0020
- 02-45-25-P4-00005.0010
- 02-45-25-P4-00005.0020
- 03-45-25-P3-00001.1050
- 03-45-25-P3-00001.1060
- 10-45-25-P2-00005.0010
- 11-45-25-P1-00001.0000

THE ABOVE DESCRIBED PROPERTY IS VACANT LAND AND IS NEITHER HOMESTEAD PROPERTY NOR THE RESIDENCE OF THE GRANTOR OR HIS SPOUSE.

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

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

Signed, Sealed and Delivered
in Our Presence:

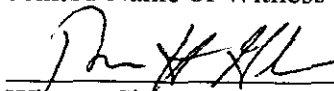


Witness Signature

Jay A. Brett
Printed Name of Witness



GEORGE SANDERS, INDIVIDUALLY
AND AS TRUSTEE U/T/D
January 18, 1982



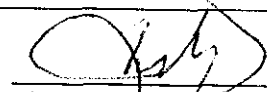
Witness Signature

Thomas H. Gundersen
Printed Name of Witness

STATE OF FLORIDA

COUNTY OF LEE

Execution of the foregoing instrument was acknowledged before me this 30 day of March, 2000, by **GEORGE SANDERS, INDIVIDUALLY AND AS TRUSTEE U/T/D January 18, 1982**, who is (X) personally known to me or who has () produced _____ as identification.



Signature of Notary Public

Jay A. Brett

Printed Name of Notary Public

Commission Number:

Commission Exp. Date:



Jay A. Brett
MY COMMISSION # CC632128 EXPIRES
July 8, 2001
BONDED THRU TROY FAIR INSURANCE, INC

EXHIBIT "A"

March 30, 2000

DESCRIPTION
 PARCEL IN
 SECTIONS 34 AND 35, TOWNSHIP 44 SOUTH, RANGE 25 EAST
 AND
 SECTIONS 2, 3, 10 AND 11, TOWNSHIP 45 SOUTH, RANGE 25 EAST
 LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND LYING IN SECTIONS 34 AND 35, TOWNSHIP 44 SOUTH, RANGE 25 EAST AND SECTIONS 2, 3, 10 AND 11, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 34, TOWNSHIP 44 SOUTH, RANGE 25 EAST THENCE RUN S 88° 21' 53" W ALONG THE SOUTH LINE OF SAID SECTION FOR 2475.52 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF INTERSTATE 75 (STATE ROAD NO. 93); THENCE RUN N 14° 49' 51" W ALONG SAID EASTERLY LINE FOR 691.78 FEET TO AN INTERSECTION WITH THE SOUTHEASTERLY LINE OF SIX MILE CYPRESS PRESERVE; THENCE RUN N 25° 00' 29" E ALONG SAID LINE FOR 1410.37 FEET; THENCE RUN N 43° 45' 29" E FOR 295.00 FEET; THENCE RUN S 82° 44' 31" E FOR 268.00 FEET; THENCE RUN N 34° 11' 39" E FOR 328.06 FEET; THENCE RUN N 40° 14' 31" W FOR 232.00 FEET; THENCE RUN N 33° 30' 29" E FOR 1435.00 FEET; THENCE RUN N 75° 15' 29" E FOR 620.00 FEET; THENCE RUN N 35° 45' 29" E FOR 1127.82 FEET; THENCE RUN N 56° 15' 44" E FOR 690.61 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF COLONIAL BOULEVARD (STATE ROAD NO. 884); THENCE RUN S 89° 38' 27" E ALONG SAID SOUTH LINE FOR 379.91 FEET; THENCE RUN S 44° 38' 27" E FOR 42.43 FEET; THENCE RUN S 00° 21' 33" W ALONG THE WEST LINE OF A ROAD RIGHT-OF-WAY AS DESCRIBED IN OFFICIAL RECORD BOOK 2581 BEGINNING AT PAGE 4060 OF THE LEE COUNTY RECORDS FOR 721.50 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHERLY AND SOUTHWESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 950.00 FEET (CHORD BEARING S 17° 49' 30" W) (CHORD 570.26 FEET) (DELTA 34° 55' 54") FOR 579.19 FEET TO AN INTERSECTION WITH THE EAST LINE OF TREELINE BOULEVARD AS DESCRIBED IN OFFICIAL RECORD BOOK 1529 BEGINNING AT PAGE 412 OF THE LEE COUNTY RECORDS; THENCE RUN S 00° 58' 02" E ALONG SAID EAST LINE FOR 1204.27 FEET; THENCE RUN S 01° 00' 06" E ALONG SAID EAST LINE FOR 2642.68 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SECTION 34, TOWNSHIP 44 SOUTH, RANGE 25 EAST; THENCE RUN S 00° 02' 17" E ALONG SAID EAST LINE OF TREELINE BOULEVARD FOR 68.31 FEET; THENCE RUN N 89° 25' 36" E FOR 214.71 FEET; THENCE RUN S 01° 10' 24" W FOR 248.58 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHERLY AND SOUTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 1900.00 FEET (CHORD BEARING S 17° 39' 36" E) (CHORD 1226.70 FEET) (DELTA 37° 40' 00") FOR 1249.07 FEET TO A POINT OF TANGENCY; THENCE RUN S 36° 29' 36" E FOR 266.36 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY AND SOUTHERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 1100.00 FEET (CHORD BEARING S 14° 58' 12" E) (CHORD 807.14 FEET) (DELTA 43° 02' 48") FOR 826.44 FEET TO A POINT OF TANGENCY; THENCE RUN S 06° 33' 12" W FOR 1166.54 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHERLY AND SOUTHEASTERLY ALONG THE ARC OF A CURVE

TO THE LEFT OF RADIUS 2700.06 FEET (CHORD BEARING S 01° 21' 04" W) (CHORD 489.62 FEET) (DELTA 10° 24' 15") FOR 490.30 FEET TO A POINT OF TANGENCY; THENCE RUN S 03° 51' 03" E FOR 959.31 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHERLY ALONG THE ARC OF A CURVE TO THE RIGHT OF RADIUS 2599.95 FEET (CHORD BEARING S 01° 38' 43" E) (CHORD 200.13 FEET) (DELTA 04° 24' 41") FOR 200.18 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 25 EAST; THENCE RUN N 89° 03' 49" E ALONG SAID NORTH LINE FOR 476.16 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW-1/4) OF SAID SECTION 11; THENCE RUN S 00° 08' 50" E FOR 2670.22 FEET TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER (NW-1/4); THENCE RUN S 88° 33' 56" W FOR 2745.77 FEET TO THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER (NW-1/4); THENCE RUN S 89° 29' 50" W ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER (NE-1/4) OF SECTION 10, TOWNSHIP 45 SOUTH, RANGE 25 EAST FOR 365.69 FEET TO AN INTERSECTION WITH THE CURVED EASTERLY LINE OF INTERSTATE 75; THENCE RUN NORTHWESTERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 5891.58 FEET (CHORD BEARING N 13° 20' 53" W) (CHORD 304.88 FEET) (DELTA 02° 57' 55") FOR 304.91 FEET TO A POINT OF TANGENCY; THENCE RUN N 14° 49' 51" W ALONG SAID EASTERLY LINE FOR 5219.79 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE NORTHEAST QUARTER (NE-1/4) OF SECTION 3, TOWNSHIP 45 SOUTH, RANGE 25 EAST; THENCE RUN N 88° 09' 46" E ALONG SAID SOUTH LINE FOR 1753.81 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (SE-1/4) OF SAID SECTION 3; THENCE RUN N 00° 47' 03" E ALONG THE EAST LINE OF SAID SECTION 3 FOR 2605.26 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT RIGHT-OF-WAY RECORDED IN OFFICIAL RECORD BOOK 2581 AT PAGE 4060, LEE COUNTY RECORDS.

LESS AND EXCEPT RIGHT-OF-WAY OF TREELINE BOULEVARD RECORDED IN OFFICIAL RECORD BOOK 1529 AT PAGES 412 AND 415 AND IN OFFICIAL RECORD BOOK 1660 AT PAGE 231, LEE COUNTY RECORDS.

LESS AND EXCEPT THAT PORTION OF A WATER MANAGEMENT EASEMENT RECORDED IN OFFICIAL RECORD BOOK 2558 AT PAGE 2002, LEE COUNTY RECORDS, LYING WITHIN THE HEREIN DESCRIBED PROPERTY.

PARCEL CONTAINS 818.47 ACRES, MORE OR LESS.

BEARINGS HEREINABOVE MENTIONED ARE BASED ON THE NORTH LINE OF SECTION 35, TOWNSHIP 44 SOUTH, RANGE 25 EAST (CENTERLINE OF COLONIAL BOULEVARD) TO BEAR N 89° 38' 27" E.



Reply to
Cody B. Vaughan-Birch
E-Mail: cody.vaughan-birch@henlaw.com

September 3, 2004

VIA CERTIFIED MAIL

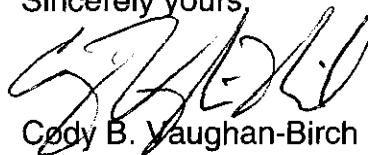
J&E Liebert, LLP
4602 Oak Leaf Drive
Naples, FL 33999

Re: Treeline Vacation Notice

Dear Owner:

Please accept this letter as formal notice that Worthington Holdings Southwest, LLC is proposing to vacate a portion of Treeline Avenue near your property. Lee County requires the applicant to serve this notice on all "affected property owners." Although your property located along Daniels Road, having a STRAP# 23-45-25-00-00001.0020 has been determined to be an affected property, the proposed realignment will not affect your personal access to your property. As indicated in the enclosed map, this vacation will allow for the realignment and construction of an extension to Treeline Avenue, connecting Daniels Road with Colonial Boulevard. If you have any questions, please feel free to contact myself or Lee County at 479-8587.

Sincerely yours,



Cody B. Vaughan-Birch

CBV/cbv

Enclosure sketch of proposed realignment

Reply to
Cody B. Vaughan-Birch
E-Mail: cody.vaughan-birch@henlaw.com

September 3, 2004

VIA CERTIFIED MAIL

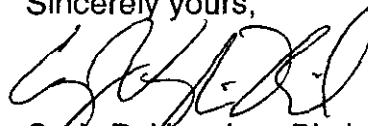
D&K Investment Holdings, LLC
13281 Treeline Avenue
Fort Myers, FL 33913

Re: Treeline Vacation Notice

Dear Owner:

Please accept this letter as formal notice that Worthington Holdings Southwest, LLC is proposing to vacate a portion of Treeline Avenue near your property. Lee County requires the applicant to serve this notice on all "affected property owners." Although your property located at 13281 Treeline Avenue has been determined to be an affected property, the proposed realignment will not affect your personal access to your property. As indicated in the enclosed map, this vacation will allow for the realignment and construction of an extension to Treeline Avenue, connecting Daniels Road with Colonial Boulevard. If you have any questions, please feel free to contact myself or Lee County at 479-8587.

Sincerely yours,



Cody B. Vaughan-Birch

CBV/cbv

Enclosure sketch of proposed realignment

**PROPERTY DATA FOR PARCEL 23-45-25-00-00001.0020
TAX YEAR 2004 TRIM**

Parcel data is available for the following tax years:
[2001 | 2002 | 2003 | 2004 (Trim)]

[Next Lower Parcel Number | Next Higher Parcel Number
| Display Tax Bills on this Parcel | **NEW! Tax Estimator**]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE.
LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2004 TRIM ROLL.

PROPERTY DETAILS

OWNER OF RECORD

J + E LIEBERT LLP
4602 OAK LEAF DR
NAPLES FL 33999

SITE ADDRESS

ACCESS
UNDETERMINED
FL

LEGAL DESCRIPTION

PARCEL IN NW 1/4
AS
DESC IN OR 3919 PG
1107

[VIEWER] TAX MAP [PRINT]



IMAGE OF STRUCTURE

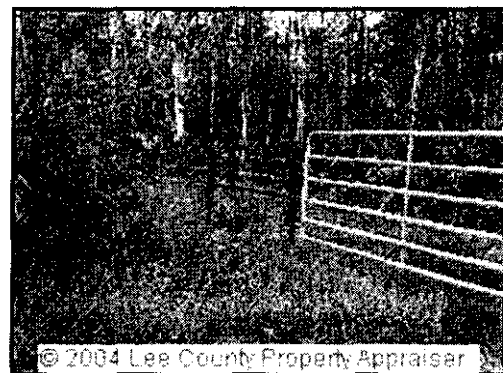


Photo Date: June of 2004
PHOTO DATED AFTER 2004 ROLL

[PICTOMETRY]

TAXING DISTRICT

095 - S TRAIL FIRE

DOR CODE

64 - GRAZING LAND CLASS V

PROPERTY VALUES
[NEW! HISTORY CHART]

EXEMPTIONS

ATTRIBUTES

PROPERTY VALUES	EXEMPTIONS	ATTRIBUTES
JUST 2,946,130	HOMESTEAD	0 UNITS OF MEASURE AC
ASSESSED 1,800	AGRICULTURAL	2,944,330 NUMBER OF UNITS 25.05
ASSESSED SOH 1,800	WIDOW	0 FRONTAGE 0
TAXABLE 1,800	WIDOWER	0 DEPTH 0
BUILDING 0	DISABILITY	0 BEDROOMS
LAND 1,800	WHOLLY	0 BATHROOMS

Reply to
Cody B. Vaughan-Birch
E-Mail: cody.vaughan-birch@henlaw.com

September 3, 2004

VIA CERTIFIED MAIL

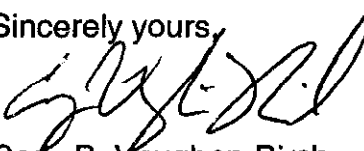
J&E Liebert, LLP
4602 Oak Leaf Drive
Naples, FL 33999

Re: Treeline Vacation Notice

Dear Owner:

Please accept this letter as formal notice that Worthington Holdings Southwest, LLC is proposing to vacate a portion of Treeline Avenue near your property. Lee County requires the applicant to serve this notice on all "affected property owners." Although your property located along Daniels Road, having a STRAP# 23-45-25-00-00001.0020 has been determined to be an affected property, the proposed realignment will not affect your personal access to your property. As indicated in the enclosed map, this vacation will allow for the realignment and construction of an extension to Treeline Avenue, connecting Daniels Road with Colonial Boulevard. If you have any questions, please feel free to contact myself or Lee County at 479-8587.

Sincerely yours,



Cody B. Vaughan-Birch

CBV/cbv

Enclosure sketch of proposed realignment

**PROPERTY DATA FOR PARCEL 23-45-25-01-00001.0000
TAX YEAR 2004 TRIM**

Parcel data is available for the following tax years:
[[2001](#) | [2002](#) | [2003](#) | [2004 \(Trim\)](#)]

[[Next Lower Parcel Number](#) | [Next Higher Parcel Number](#) | [Display Building Permits on this Parcel](#)
| [Display Tangible Accounts on this Parcel](#) | [Display Tax Bills on this Parcel](#) | **NEW! Tax Estimator**]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE.
LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2004 TRIM ROLL.

PROPERTY DETAILS

OWNER OF RECORD

D + K INVESTMENT
HOLDINGS LLC
13281 TREELINE AVE
FORT MYERS FL
33913

SITE ADDRESS

13279/281 TREELINE
AVE
FORT
MYERS FL 33913

LEGAL DESCRIPTION

SABAL RIDGE
UNREC
OR 966 PG 452
TRACT 1

[[VIEWER](#)] [TAX MAP](#) [[PRINT](#)]



IMAGE OF STRUCTURE

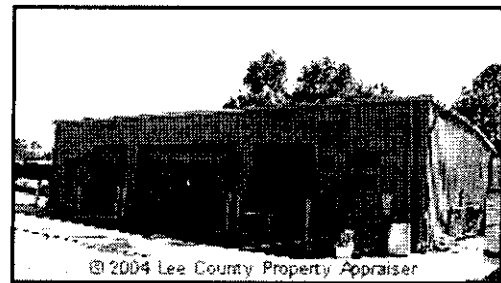


Photo Date: September of 2004
PHOTO DATED AFTER 2004 ROLL

[[PICTOMETRY](#)]

TAXING DISTRICT

095 - S TRAIL FIRE

DOR CODE

27 - AUTO SALES, REPAIR, ETC

**PROPERTY VALUES
[NEW! HISTORY CHART]**

EXEMPTIONS

ATTRIBUTES

PROPERTY VALUES	EXEMPTIONS	ATTRIBUTES
JUST 1,030,020	HOMESTEAD	0 UNITS OF MEASURE SF
ASSESSED 1,030,020	AGRICULTURAL	0 NUMBER OF UNITS 222,750.00
ASSESSED SOH 1,030,020	WIDOW	0 FRONTAGE 0
TAXABLE 1,030,020	WIDOWER	0 DEPTH 0

00008 0000

00004 1000

00002 0000

00006 0000

00001 0020

00007 0010





Reply to
Cody B. Vaughan-Birch
E-Mail: cody.vaughan-birch@henlaw.com

September 3, 2004

VIA CERTIFIED MAIL

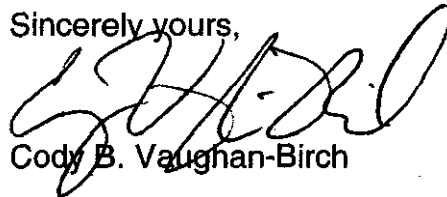
D&K Investment Holdings, LLC
13281 Treeline Avenue
Fort Myers, FL 33913

Re: Treeline Vacation Notice

Dear Owner:

Please accept this letter as formal notice that Worthington Holdings Southwest, LLC is proposing to vacate a portion of Treeline Avenue near your property. Lee County requires the applicant to serve this notice on all "affected property owners." Although your property located at 13281 Treeline Avenue has been determined to be an affected property, the proposed realignment will not affect your personal access to your property. As indicated in the enclosed map, this vacation will allow for the realignment and construction of an extension to Treeline Avenue, connecting Daniels Road with Colonial Boulevard. If you have any questions, please feel free to contact myself or Lee County at 479-8587.

Sincerely yours,



Cody B. Vaughan-Birch

CBV/cbv

Enclosure sketch of proposed realignment



INST # 6312313 OR BK 04329 Pgs 3276 - 3285; (20pgs) RECORDED 06/08/2004 03:30:10 PM
CHARLIE GREEN, CLERK OF COURT, LEE COUNTY, FLORIDA
DEPUTY CLERK L Ambrosio

TREELINE AVENUE EXTENSION AGREEMENT

10

This Treeline Avenue Extension Agreement ("Agreement") is entered into and effective this 31st day of December, 2003, by Worthington Holdings Southwest, LLC, a Florida limited liability company whose address for purposes of this Agreement is 9240 Marketplace Road, Fort Myers, FL 33912 ("Worthington"), and Lee County, a political subdivision of the State of Florida, whose address for purposes of this Agreement is P.O. Box 398, Fort Myers, FL 33902-0398 ("County").

WITNESSETH:

WHEREAS, Worthington is developing a project known as Arborwood Development of Regional Impact ("Arborwood DRI"), located in Sections 10, 11, 12, 13, 14, 15 and 23, Township 45 South, Range 25 East in Lee County; and

WHEREAS, Worthington desires to participate in the extension and improvement of Treeline Avenue in order to support its development and all area development, and to accelerate that improvement so that it is completed sooner than if constructed by the County under current County time projections; and

WHEREAS, the proposed extension of Treeline Avenue from Colonial Boulevard to Daniels Parkway is consistent with the Lee County MPO 2020 Transportation Plan for the Fort Myers – Cape Coral Metropolitan Area, the Lee County Comprehensive Plan, and the City of Fort Myers Comprehensive Plan; and

WHEREAS, Worthington desires to provide for the realignment of the existing Treeline Avenue right-of-way from the north section line of Section 11, Township 45 South, Range 25 East (the "North Terminus") south to Daniels Parkway; and

WHEREAS, Worthington desires to design and construct Treeline Avenue as four lanes (ultimately six lanes) from the existing four lane divided section south of Colonial Boulevard to Daniels Parkway; and

WHEREAS, the parties believe this Agreement will facilitate County right-of-way needs, accelerate the construction of Treeline Avenue, accommodate Worthington's objectives and desires, and adequately protect the public interest;

NOW, THEREFORE, in consideration of the mutual benefits and covenants contained in this Agreement, the sufficiency of which is acknowledged by both parties hereto, the parties do hereby agree as follows:

1. The current alignment (the "Current Alignment," or a/k/a the "Old Alignment") of Treeline Avenue from the North Terminus south to Daniels Parkway will be

modified to reflect the realignment as generally indicated in attached Exhibit 1 attached hereto and incorporated herein by reference.

2. As shown on attached Exhibit 1, the revised alignment (the "Revised Alignment," or a/k/a the "New Alignment") for Treeline Avenue will be comprised of existing Treeline Avenue right-of-way and property owned by Worthington which will be conveyed to the County as provided herein.
3. Worthington will file a Petition to Vacate the existing right-of-way of Treeline Avenue along the Current Alignment from the North Terminus south to Daniels Parkway that is not included in the Revised Alignment. The existing right-of-way to be vacated is identified on the sketch of Treeline Avenue Vacated/New Right-of-way attached as Exhibit 2. Worthington will reserve and convey to Lee County the necessary right-of-way for the Revised Alignment as provided herein.

If approved, this Petition to Vacate will result in the termination in the public's interest and the reversion of approximately 8.69 ± acres of land (as shown on attached Exhibit 2) to private ownership. The Revised Alignment shown on attached Exhibit 2 will require approximately 34.22 ± acres of land (for use as right-of-way). These areas are subject to revision based on the final design and permitting. The parties agree the creditable value of the Revised Alignment, as calculated in Paragraph 14, will be reduced by the value of the acreage attributable to the vacated portion of the Current Alignment.

4. If the Lee County Board of County Commissioners denies any part of the Petition to Vacate as described in Paragraph 3 above, then this Agreement will immediately terminate and the parties will thereafter have no further obligation or responsibility to each other under this Agreement.
5. The alignment plan attached hereto as Exhibit 1 also identifies access points to the Arborwood DRI that will be provided as part of the design and construction of Treeline Avenue pursuant to this Agreement. However, the median openings shown on Exhibit 1 are not guaranteed to remain open and may be closed by the County in the future if necessary for the public health, safety and welfare. The County further agrees to reasonably cooperate with Worthington in the event modifications to this access plan are deemed necessary by Worthington as a result of the actual design of Treeline Avenue and/or the evaluation and approval of the Arborwood DRI.
6. Upon approval of this Agreement by the County, Worthington will prepare and submit design plans to the County for Treeline Avenue from Daniels Parkway north to the current existing paved portion of Treeline Avenue just south of Colonial Boulevard. The design plans must be for a four lane urban arterial which can be expanded to six lanes. The design plans must be consistent with

County standards and are subject to review and approval by the Lee County Department of Transportation. Design plans will be submitted to the County for review and approval when said plans are 30%, 60%, 90% and 100% complete. The initial submittal to the County (consisting of plans at the 30% complete stage) will be submitted by Worthington no later than December 31, 2003, and the final submittal (consisting of plans at the 100% complete stage) will be submitted by Worthington no later than December 31, 2004, unless delayed by conditions and/or actions outside the control of Worthington. In the event the dates for submittal of the initial and final plans are not met by Worthington, the County may, at its sole option, terminate this Agreement, whereupon the parties will have no further obligation or rights hereunder. The County will provide comments within 30 days of each submittal. Design will be reviewed in accordance with the Lee County Land Development Code (LDC), AASHTO, and best engineering practices. The design plans will include right-of-way maps and an access management plan.

7. Worthington will also prepare, submit and process necessary permits for the extension of Treeline Avenue as approved by the County. All permit fees, application fees, and other expenses will be paid by Worthington. Only documented, non-DRI fees and expenses will be eligible for roads impact fee credits, upon review and approval by the County. Additionally, no credit will be given for any site-related costs that are due to development of the Arborwood project.
8. If wetlands are impacted by the roadway design, their impacts will be mitigated by Worthington. Those mitigation costs attributable to the roadway will be documented and will be eligible for roads impact fee credits to the extent provided in Paragraph 15. As part of the plan submittal and review process provided in Paragraph 6 above, Worthington will submit an analysis to the County of the wetland impacts, proposed mitigation plan and mitigation costs that will occur utilizing the designed alignment (the Revised Alignment) as compared to the wetland impacts and mitigation costs that would have occurred had the County's original alignment (the Current Alignment) for Treeline Avenue been utilized. The documentation of wetland mitigation costs is subject to review and approval by the County.

If wetland mitigation is required, Worthington anticipates that will be accomplished on property adjacent to Treeline Avenue currently owned by Worthington. This property may, or may not, be located within the Arborwood DRI and/or Arborwood Community Development District (CDD). The wetland mitigation area(s), if required, will be maintained in perpetuity by the Arborwood CDD. The project's environmental consultant will prepare a cost estimate of the proposed wetland mitigation and monitoring requirements pursuant to the South Florida Water Management District (SFWMD) Environmental Resource Permit

(ERP) and/or Army Corps. of Engineers (ACOE) 404 Permit. The cost estimate will include the costs to perform a maximum of five years of maintenance and monitoring required by SFWMD.

If habitat compensation, or mitigation is required, Worthington anticipates that it will be accomplished by purchasing land acceptable to the appropriate review agencies, and providing a conservation easement over the proposed habitat mitigation land. Alternatively, the proposed habitat mitigation land may be conveyed in fee simple to the appropriate conservation entity. The cost for this habitat mitigation will be based on the actual costs paid by Worthington, including land purchase, closing costs and costs associated with preparation of the habitat mitigation land. If the habitat mitigation land is acquired in combination with those required for the Arborwood DRI, then the Treeline Avenue costs will be limited to the required mitigation acreage pursuant to the SFWMD and/or ACOE 404 Permit. It will be calculated by dividing the habitat mitigation area required for Treeline Avenue by the total area of habitat mitigation land purchased, multiplied by the total cost to acquire and prepare the habitat mitigation land.

The documentation of wetland and habitat mitigation costs is subject to review and approval by the County. Upon issuance of the road impact fee credits for all of the work associated with this Agreement, the County will have no additional costs or responsibilities associated with wetland mitigation.

9. The Lee County Department of Transportation must approve bidders for the construction of the road. The County's approval will not be unreasonably withheld. Additionally, the Lee County Department of Transportation must be invited to attend all construction progress meetings.
10. The contract with the design consultant(s) must be submitted to Lee County for review and approval. Approval will not be unreasonably withheld. Once the contract is approved, any cost overruns must be authorized by the County before work proceeds. The County must be apprised of any additional costs for changes requested by the County. The failure to obtain County approval for any cost overruns or changes may, at the County's sole discretion, result in the non-crediting of those costs by the County. The design work for County authorized or approved changes will be eligible for roads impact fee credits.
11. The design and permitting of Treeline Avenue will be in accordance with County standards in effect at the time of initial design and permitting.
12. The value of the design of Treeline Avenue will include permitting. The value of the design and permitting must be verified and approved by Lee County through certification by a Professional Engineer. No roads impact fee credits will be given for the design or construction of any site-related improvements.

13. Worthington will provide the water storage, water quality, attenuation and pre-treatment of the drainage for Treeline Avenue, from the North Terminus to Daniels Parkway, via the water management system for the Arborwood DRI. Worthington will provide all necessary easements, in a form substantially similar to that contained in attached Exhibit 3, to the Arborwood water management system to allow the County access to perform its obligations hereunder.
14. Based on the alignment plan attached as Exhibit 1, Worthington will dedicate 125 feet of right-of-way (width) for that portion of Treeline Avenue completely within Arborwood from the North Terminus south to the point where it meets the existing Treeline Avenue right-of-way at the northern boundary of the Airport Woods Commerce Park subdivision. From that point south to Daniels Parkway, Worthington will dedicate sufficient right-of-way which, when combined with existing County right-of-way or right-of-way from the adjacent property, totals 125 feet in width. The agreed value of the right-of-way to be dedicated by Worthington to the County (pursuant to this paragraph) and eligible for road impact fee credits (in the same amount) is \$ 37,491.00 per acre, as adjusted pursuant to Paragraph 3 for the acreage attributable to the vacated road right-of-way of the Current Alignment.
15. If the proposed Revised Alignment is longer and, accordingly, will cost more to construct than the County's Current Alignment, any "incremental additional cost" of roadway construction for Treeline Avenue through the Property will not be eligible for the issuance of impact fee credits to Worthington. The term "incremental additional cost" is defined to mean the additional cost of roadway construction, calculated on a cost/unit basis for materials, without consideration for the costs of mobilization, administration, design and permitting and will include an adjustment for the increase or decrease in the cost of wetland mitigation associated with the new alignment. The "incremental additional cost" also specifically includes the additional costs for culverting associated with drainage under Treeline Avenue above that which would have been required if the County's initial alignment was utilized. The County will calculate the "incremental additional cost," as defined in this paragraph, based upon the cost/unit prices contained in the construction bid submitted by the contractor that is awarded the construction contract for this segment of Treeline Avenue. The County will provide Worthington with a statement and supporting documentation for calculation of the "incremental additional cost." If Owner disputes any amount calculated, Worthington and appropriate County officials will meet within thirty (30) days of the rendition of the statement and attempt to resolve the dispute; however, if such resolution is not achieved within the 30-day period, Worthington agrees to continue to fund the construction of the improvements so as to not delay construction of the roadway. Such funding or payment will be without

prejudice to Worthington's right to initiate further action to recover any overpayment Worthington believes it has made hereunder.

16. Prior to scheduling the public hearing on the Petition to Vacate pursuant to Paragraph 3 above, Worthington will provide to the County: (1) an original, fully-executed, Warranty deed(s), together with a commitment for title insurance prepared by a licensed Florida title insurance company, in a form acceptable with the Lee County Attorney's Office, for the purpose of conveying unencumbered fee simple title to the right-of-way identified in Paragraph 14 above to the County; (2) a signed and sealed ALTA survey, prepared by a licensed Professional Surveyor and Mapper, and certified to the County, encompassing the land to be conveyed to the County and covered by the title insurance policy referenced above; (3) a certificate of payment of taxes on the right-of-way to be conveyed by the deed(s); and (4) temporary ingress and egress easements to Lee County which will provide temporary access for the County and the general public over any portions of the vacated Treeline Avenue right-of-way until the construction of Treeline Avenue in accordance with the construction plans approved by Lee County pursuant to Paragraph 6 above. The County Attorney will hold the deed(s) and temporary easements in escrow pending approval of the Petition to Vacate in its entirety. If the Petition to Vacate is approved by the Board of County Commissioners in its entirety, the County Attorney is authorized to release said deed(s) and temporary easements from escrow and record same in the Public Records of Lee County immediately after the Resolution approving the Petition to Vacate is recorded. Worthington will be responsible for the costs associated with recording the deed(s) and the costs of providing title insurance for the right-of-way conveyed to the County; Worthington will also be responsible for the costs of preparation of the deed(s), temporary easement documents, and the appraisal. Upon acceptance and recording of the deed(s) by the County, the County will issue roads impact fee credits to Worthington in the amount as stated in Paragraph 14.
17. Within six (6) months after design approval and the issuance of all necessary permits, Worthington must begin construction of Treeline Avenue, as a four-lane divided arterial, from Daniels Parkway north to the current end of the paved portion of Treeline Avenue just south of Colonial Boulevard. Once construction is initiated, it must proceed in a reasonable, diligent fashion. Worthington must substantially complete the construction within 24 months of commencing construction, assuming no unusual delays due to weather, material shortages, labor union strikes, civil unrest, acts of God, or other actions beyond the control of the developer. Worthington must complete the construction this roadway consistent with the approved design plans within 30 months of commencing construction or credit for construction may be reduced by up to \$1,000 per day.

18. The parties recognize and acknowledge that certain Treeline Boulevard Realignment Agreement dated November 13, 2001, entered into by and between the County, Worthington Holdings LLC, Bay Colony-Gateway, Inc., and the Gateway Services District (GSD). Paragraph 8 of that Agreement provided that Worthington Holdings LLC and Bay Colony-Gateway, Inc., were to contribute \$46,450 apiece to the County to cover the cost of culverting the GSD canal located in Section 2-45-25, and that the County was to contribute an additional \$92,900 towards said culverting. The County acknowledges that the payments required under this Agreement from Worthington Holdings LLC and Bay Colony-Gateway have been made. Upon initiation of construction of the culvert or Treeline Avenue extension, whichever occurs first, the County will pay to Worthington the sum of \$185,800 to cover the cost of culverting the GSD canal which has already been provided through the November 13, 2001, Agreement. With the exception of the \$185,800 contributed through the November 13, 2001 Agreement, all other reasonable construction costs for Treeline Avenue, including costs for the culvert that exceed \$185,800, will be eligible for roads impact fee credits, provided that the construction proceeds in a continuous manner from Daniels Parkway to the existing paved portion of Treeline Avenue to the north, so that Treeline Avenue connects Daniels Parkway with Colonial Boulevard. Actual costs are subject to verification by Lee County DOT. Upon issuance of a certificate of completion by the County for the construction of Treeline Avenue as provided herein and verification of the costs of construction submitted by Worthington, the County will issue roads impact fee credits for one hundred (100%) of the actual costs of construction as described in this Agreement. Upon issuance of a certificate of completion by the County for the construction of Treeline Avenue as provided herein, the County will, within thirty (30) days, provide a Release, Quit-Claim, or equivalent document necessary to extinguish the temporary easements granted pursuant to Paragraph 16 above, in a recordable form acceptable to Worthington.
19. Worthington may provide telecommunication lines, utilities, landscaping, and the like within the roadway right-of-way, subject to the prior approval of Lee County Department of Transportation. Worthington will provide the County with a separate maintenance/hold harmless agreement for any landscaping (above "core" level) and similar improvement(s) prior to their installation or construction, and subject to the requirement that any proposed signage complies with applicable land development regulations and sign ordinances. The cost of these improvements will not be eligible for roads impact fee credits. Utilities located within the right-of-way may be subject to relocation at the utility company's expense. The County acknowledges that the capital improvements plan for Treeline Avenue extension includes a budgeted amount of \$1,002,000.00 for "core" landscaping in connection with Treeline Avenue extension, but that this amount is not scheduled to be actually funded until the 2007-08 fiscal year. The County agrees to reimburse Worthington up to this amount for the County

approved documented costs of installing "core" landscaping in connection with the construction of Treeline Avenue extension; however, the County is not obligated to reimburse this amount until the end of fiscal year 2007-08, but not later than September 30, 2008. In no event is the County obligated to pay for or reimburse the costs of landscaping beyond the "core" landscaping actually budgeted.

20. Roads impact fee credits provided to Worthington pursuant to this Agreement will be redeemable consistent with the Lee County Roads Impact Fee Ordinance. The County agrees it is lawful for the impact fee credits issued as a result of this Agreement to be used within the limits of the City of Fort Myers, so long as the City of Fort Myers approves the expenditure.
21. Worthington may not assign its obligations under the terms of this Agreement without the express written consent of the County, which consent will not be unreasonably withheld. Concurrent with the sale or transfer of all or a portion of the Arborwood DRI property prior to completion of Worthington's obligations hereunder, any grantee must, subject to the County's prior approval, agree to assume Worthington's unfulfilled obligations hereunder.

It is anticipated that design, permitting and construction of Treeline Avenue will be funded by the proposed Arborwood CDD. As such, the obligation to construct and maintain the road and associated facilities may be conveyed to the Arborwood CDD until it is finally approved and accepted for maintenance by the County. The Arborwood CDD will be obligated to assume all of Worthington's unfulfilled obligations hereunder; however, a precondition to any such transfer, the Arborwood CDD must execute and deliver to the County a written acknowledgment of its acceptance of Worthington's obligations under the terms of this agreement.

22. This Agreement, including all exhibits, constitutes the entire Agreement between the parties. Any modification of this Agreement must be in writing and executed with the same formality as this Agreement.
23. This Agreement is binding upon the parties, their successors and assigns (when approved by the County).
24. This Agreement will be interpreted and construed in accordance with the laws of the State of Florida.
25. This Agreement will be effective on the date of signing by the Chairman or Vice-Chairman of the Board of County Commissioners of Lee County.

[End of Provisions.]

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals intending to be bound as of the day and year first written above.

Signed, sealed and delivered
in the presence of

Owner
**Worthington Holdings
Southwest, LLC,**
A Florida Limited Liability Company

John Asher
[1st Witness' Signature]
JOHN ASHER
[Type or Print Name]

BY:

[Signature]
[Signature]
JOHN GAGEY
[Type or Print Name]
Vice President
[Corporate Office or Title]

[Signature]
[2nd Witness' Signature]
Scott Connell
[Type or Print Name]

COUNTY OF LEE :
STATE OF FLORIDA :

The foregoing instrument was acknowledged before me this 12th day of March, 2004, by **John Gagey**, the **Vice President** of Worthington Holdings Southwest, LLC, a Florida Limited Liability Company, on behalf of the company. He/she is personally known to me, or has produced _____ as identification

[stamp or seal]



Judith Ann Moliqve
[Signature of Notary]
JUDITH ANN MOLIQUE
[Typed or printed name]

[Title]

[Serial number, if any]

Approved and accepted for and on behalf of Lee County, Florida, this 30th day of March, 2004.

ATTEST:
CHARLIE GREEN, CLERK

**BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA**

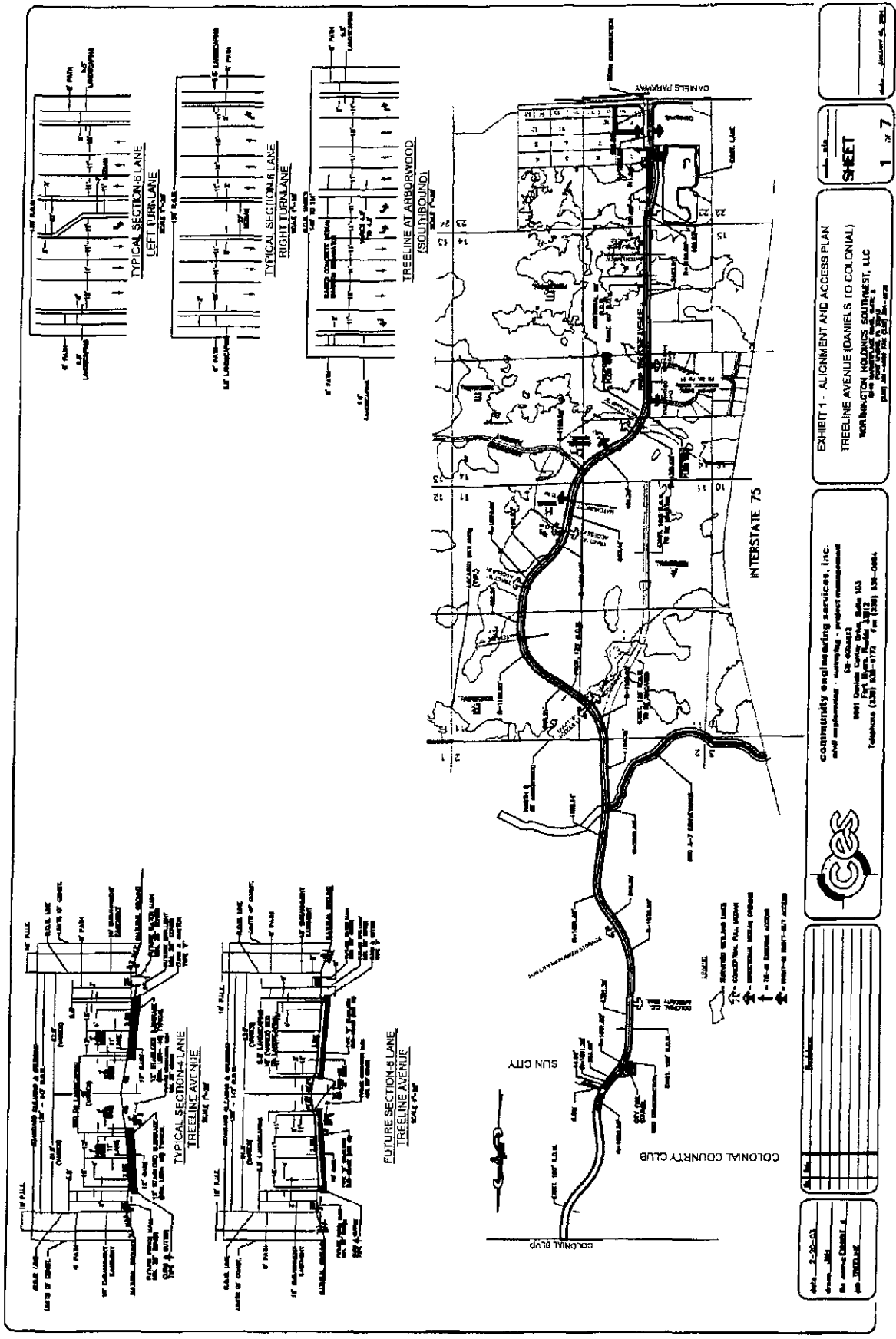
BY: Michele G. Cooper
Deputy Clerk
Michele G. Cooper
[Type or Print Name]

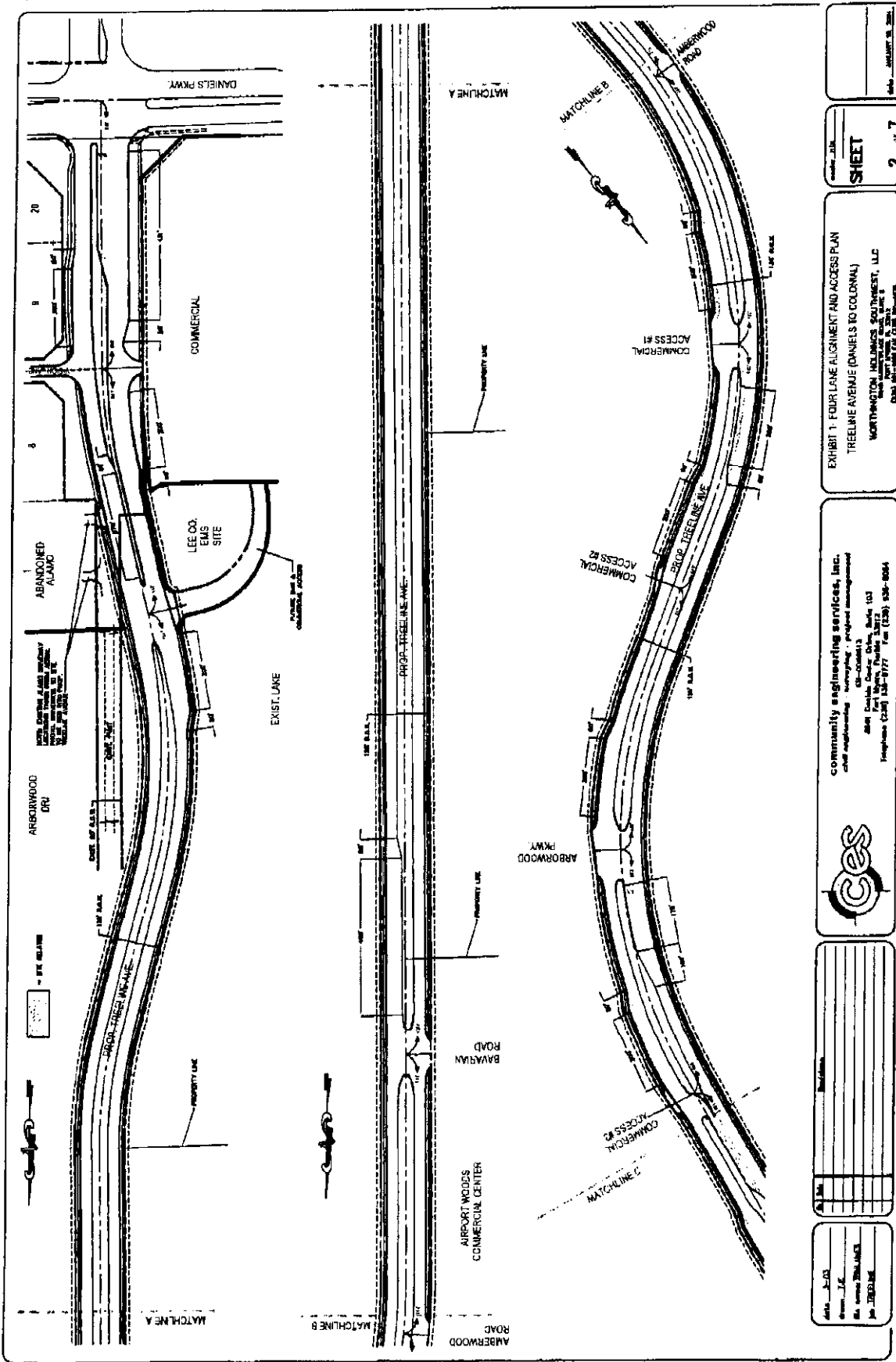
BY: [Signature]
Chairman



Approved as to form by:

[Signature]
County Attorney's Office





DATE: 11/11/03
 DRAWN BY: J.C.
 CHECKED BY: J.C.
 IN CHARGE: J.C.
 PROJECT NO.: 03-00013

SHEET
 2 OF 7

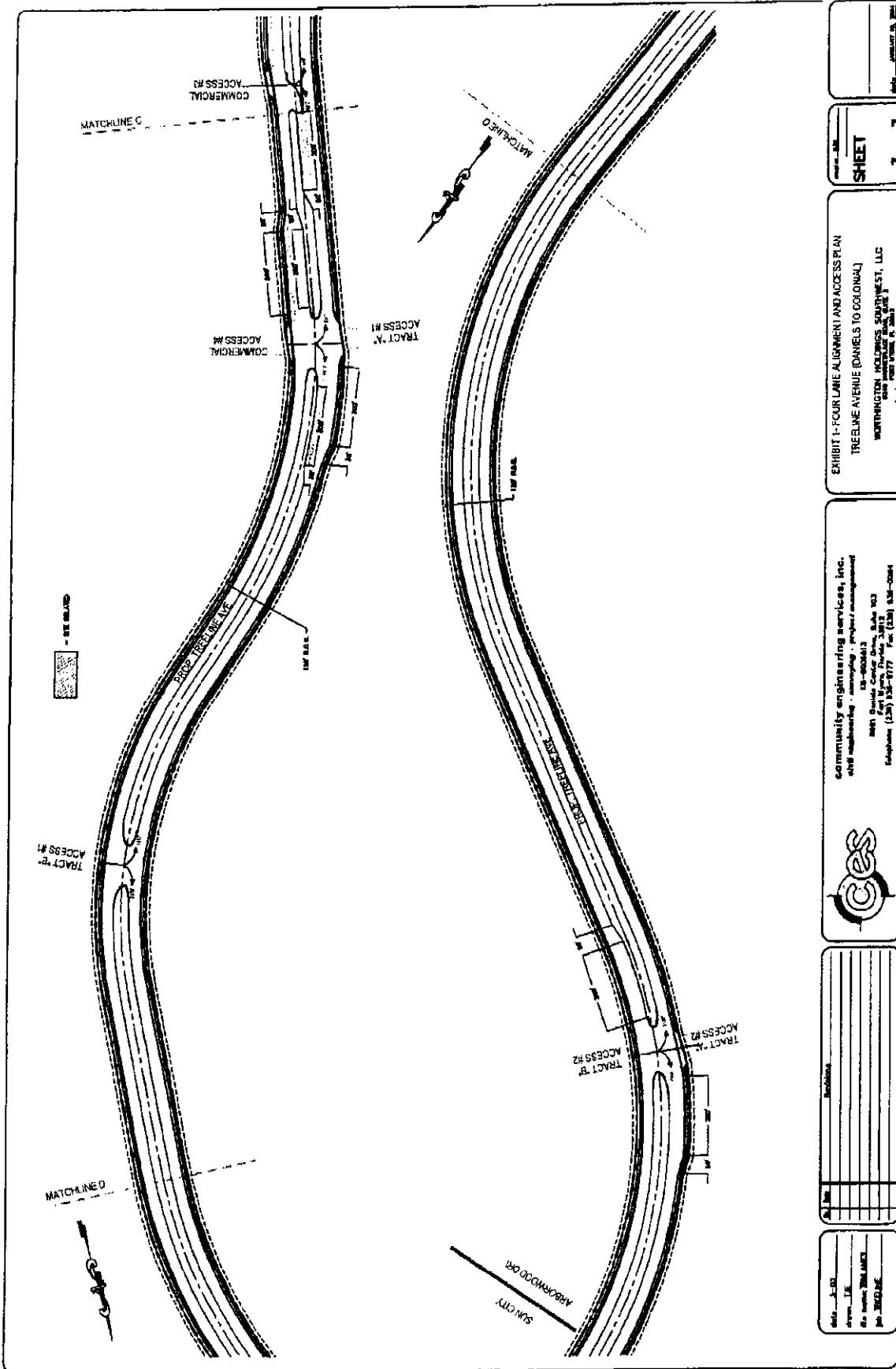
EXHIBIT 1: FOUR LANE ALIGNMENT AND ACCESS PLAN
 TREE LINE AVENUE (DANIELS TO COLONIAL)
 WASHINGTON, INDIANAS SOUTHWEEST, LLC
 1000 WEST AVENUE, SUITE 100
 BENTON, AR 72015

community engineering services, inc.
 civil engineering • surveying • project management
 601 South Main Street, Suite 100
 Fayetteville, Arkansas 72701
 Telephone: (501) 336-3777 Fax: (501) 336-8064



NO.	REVISION	DATE

DATE: 11/11/03
 DRAWN BY: J.C.
 CHECKED BY: J.C.
 IN CHARGE: J.C.
 PROJECT NO.: 03-00013



DATE: _____
 DRAWN BY: _____
 CHECKED BY: _____
 SCALE: _____

SHEET
 3 of 7

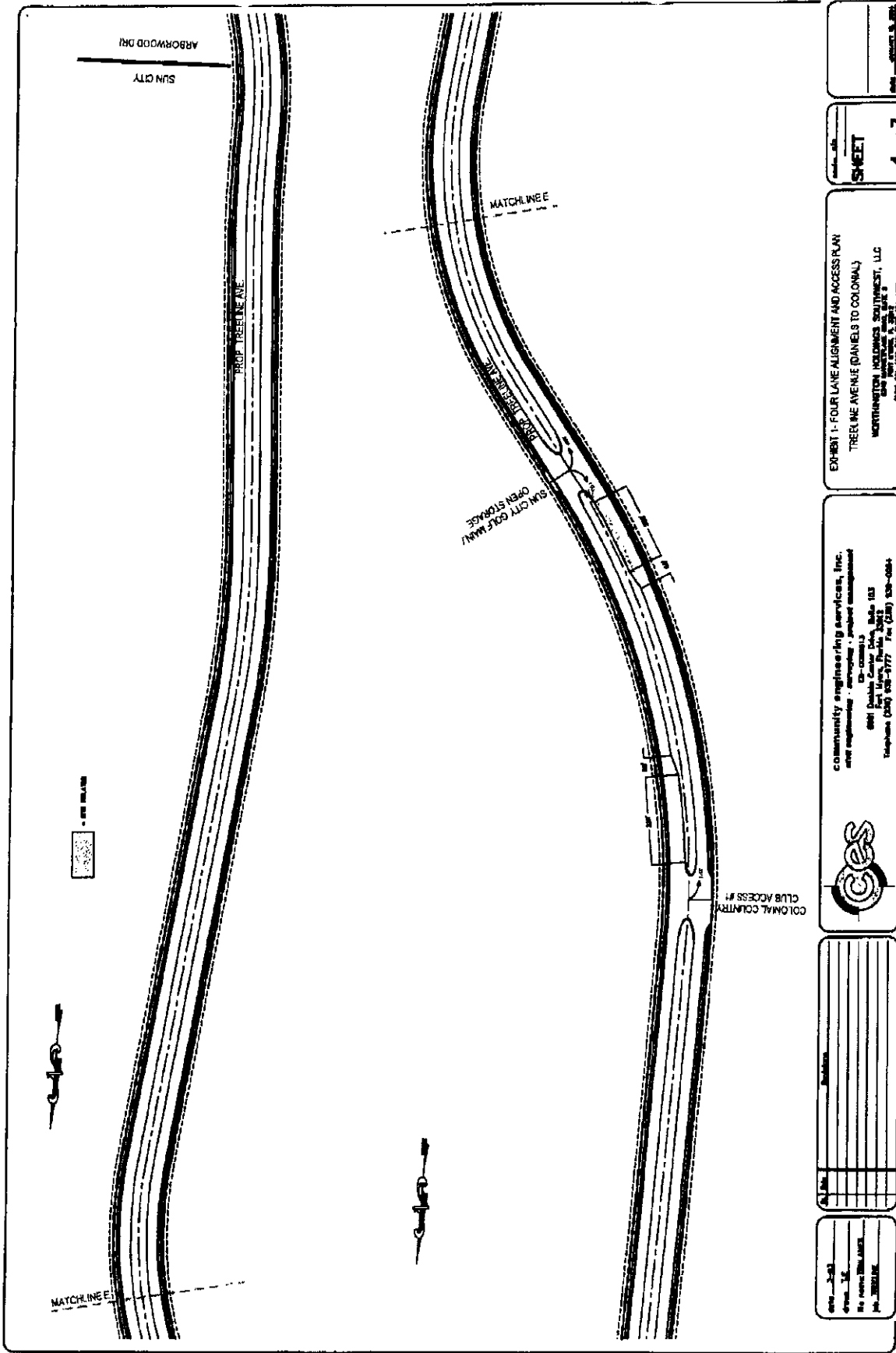
EXHIBIT I-FOUR LANE ALIGNMENT AND ACCESS PLAN
 TREELINE AVENUE (DANIELS TO COLONIAL)
 WORTHINGTON HOLDINGS SOUTHWEST, LLC
 12100 N. CENTRAL EXPRESSWAY, SUITE 100
 DALLAS, TEXAS 75243-1111

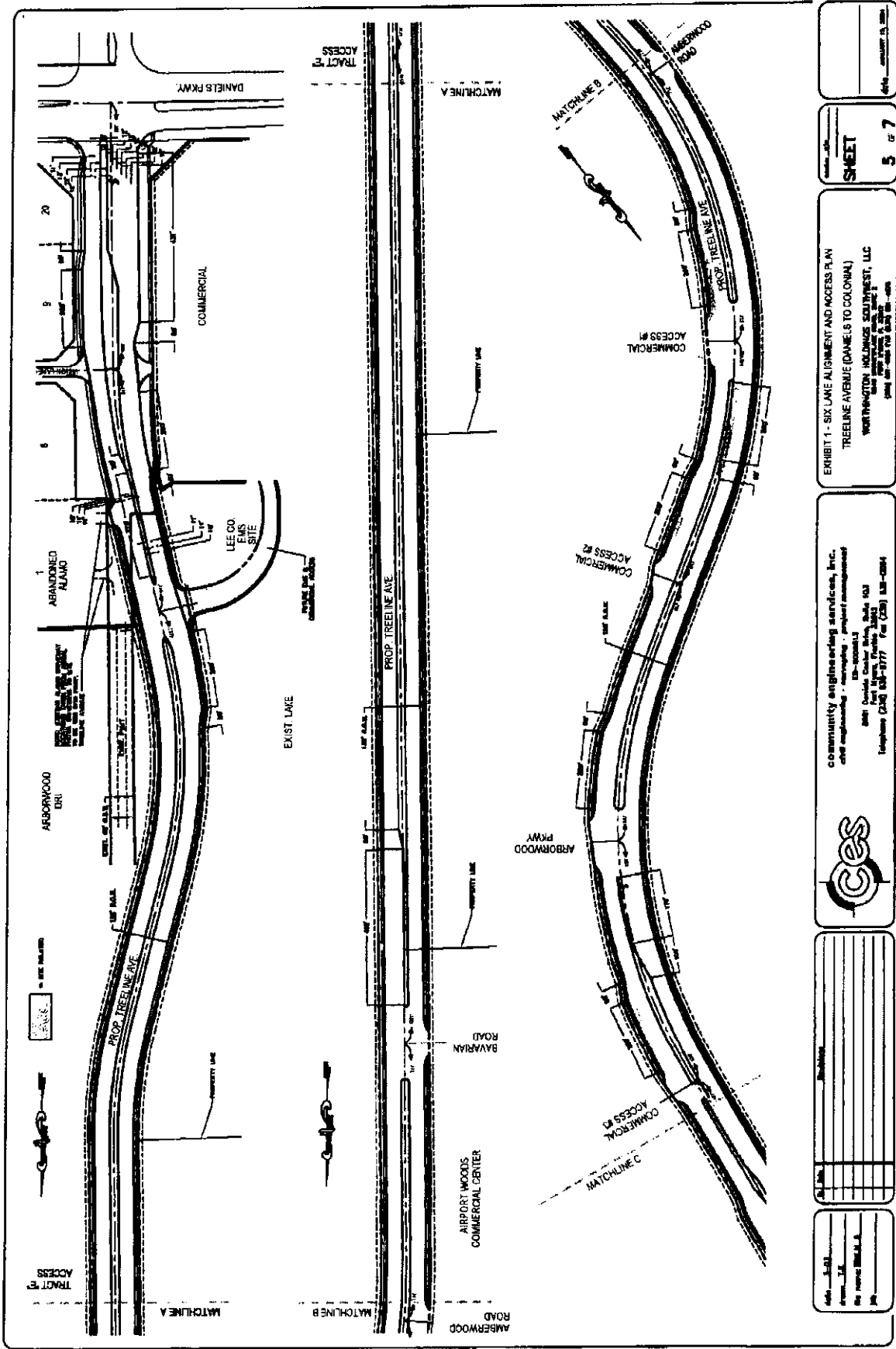
community engineering services, inc.
 civil engineering • planning • project management
 12-000411
 2000 South Rockledge Road, Suite 102
 Fort Worth, Texas 76113
 Telephone: (214) 352-6777 Fax: (214) 352-0081



NO.	DATE	REVISION

DATE: 3-22-12
 DRAWN: JFE
 CHECKED: JFE
 SCALE: AS SHOWN





DATE: 11/15/11
 DRAWN BY: [unintelligible]
 CHECKED BY: [unintelligible]
 SCALE: AS SHOWN

SHEET
 5 OF 7

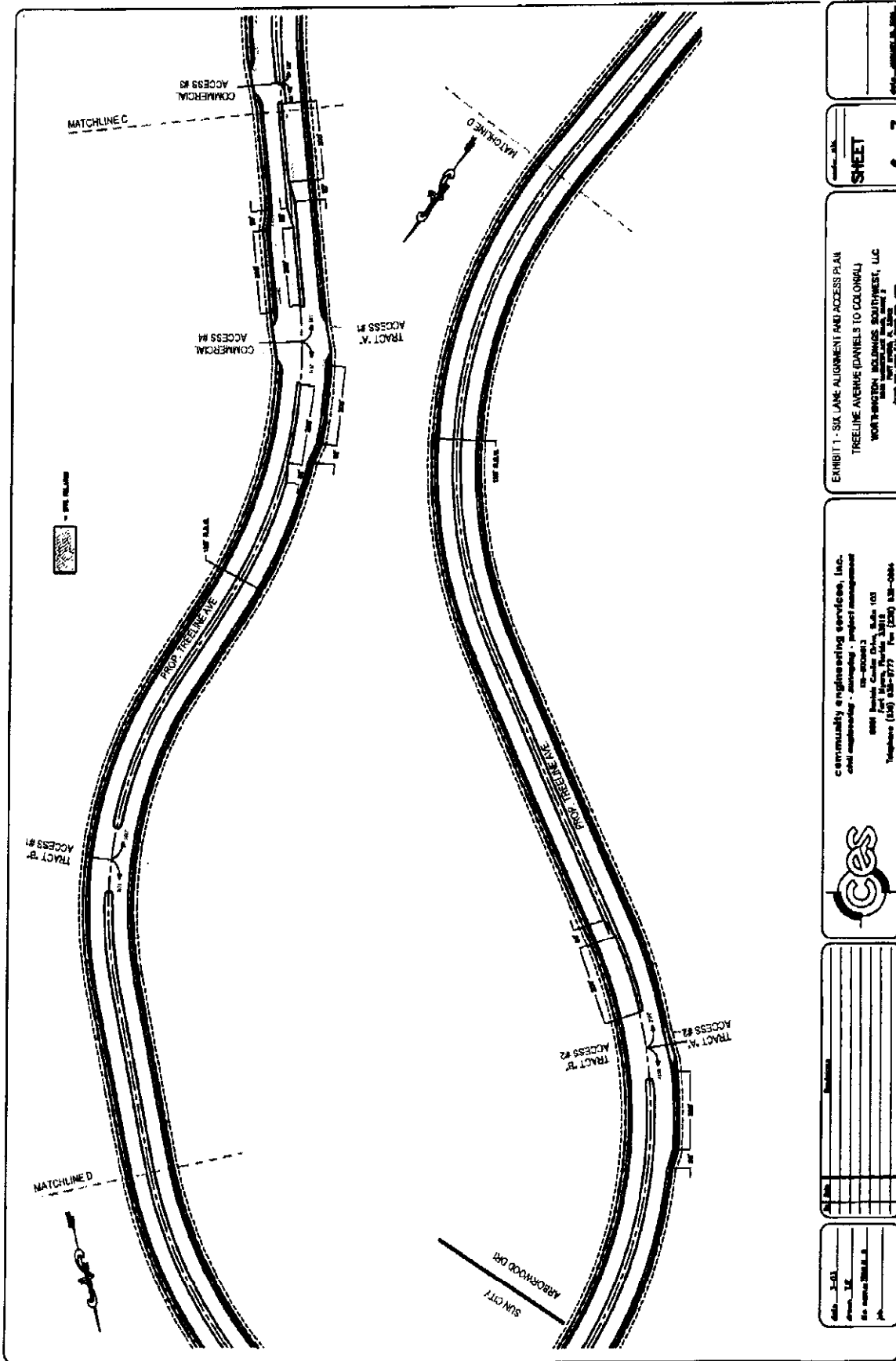
EXHIBIT 1 - SIX LAKE ALIGNMENT AND ACCESS PLAN
 TREE LINE AVENUE (DANIELS TO COLONIAL)
 WORTHINGTON HOLDINGS SOUTHWEST, LLC
 1000 WEST WINDY HILL ROAD, SUITE 100
 WASHINGTON, MISSISSIPPI 39371
 PHONE: 601-927-7177 FAX: 601-927-4884

community engineering services, inc.
 civil engineering, architecture, project management
 2001 Quail Creek Blvd, Suite 101
 Fort Worth, Texas 76113
 Telephone (817) 637-9177 Fax (817) 637-0284



NO.	DATE	DESCRIPTION

DATE: 11/15/11
 DRAWN BY: [unintelligible]
 CHECKED BY: [unintelligible]
 SCALE: AS SHOWN



DATE: 11/11/11
 DRAWN BY: JLM
 CHECKED BY: JLM

SHEET
 6 OF 7

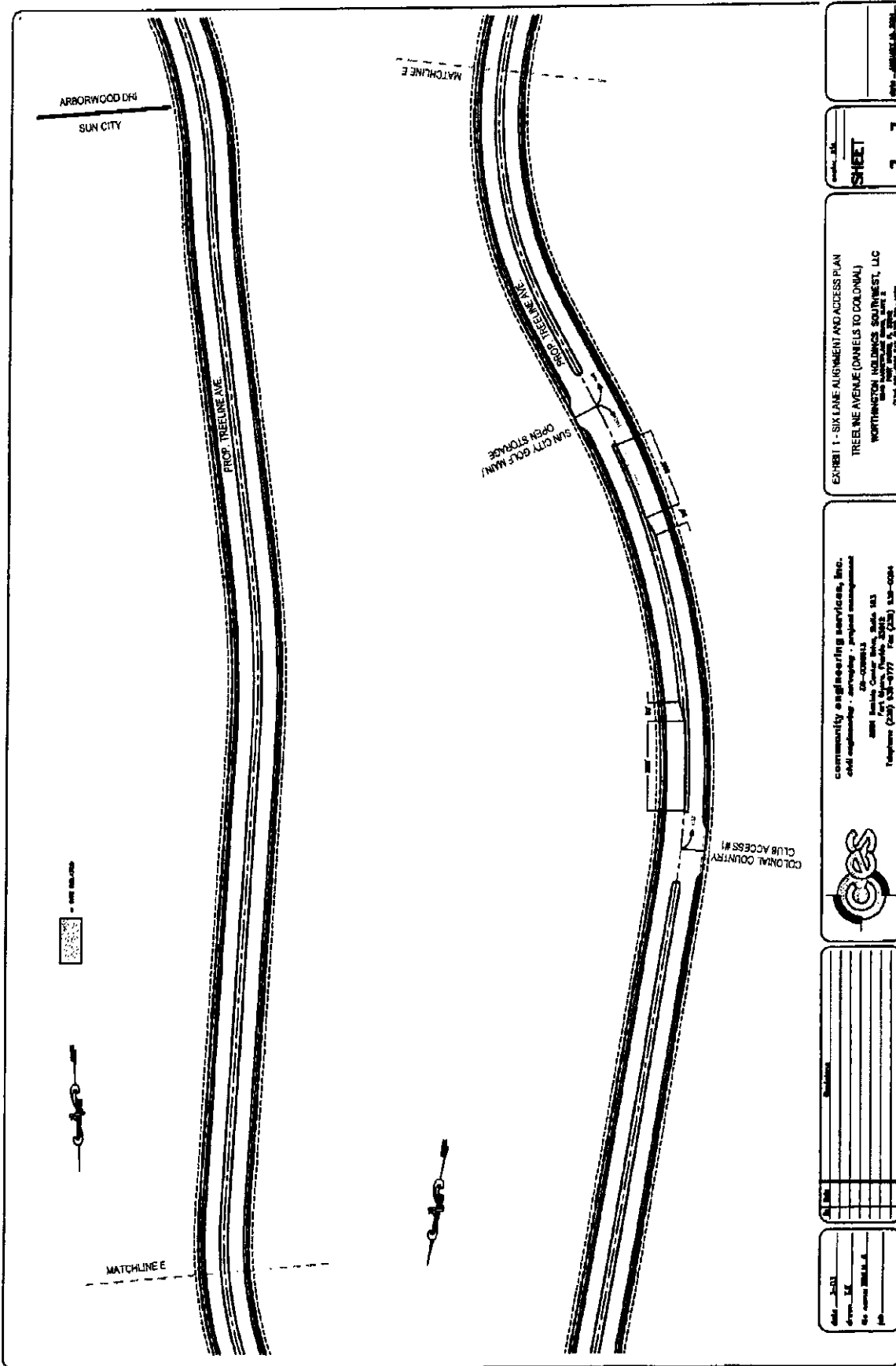
EXHIBIT 1 - SIX LARK ALIGNMENT AND ACCESS PLAN
 TREELINE AVENUE (DANIELS TO COLONIAL)
 WORTHINGTON HOLDINGS SOUTHWEST, LLC
 10000 WOODLAND DRIVE, SUITE 100
 WASHINGTON, MO 64788
 PHONE: 660-222-7400 FAX: 660-222-7401

centimality engineering services, inc.
 civil engineering - surveying - project management
 120-200013
 10000 Parkway Center Drive, Suite 100
 Dallas, Texas 75244
 Telephone: (214) 438-9777 Fax: (214) 438-0864



NO.	DATE	REVISION

DATE: 11/11/11
 DRAWN BY: JLM
 CHECKED BY: JLM



DATE: 11/11/11
SCALE: 1" = 40'

SHEET
7 OF 7

EXHIBIT 1 - SIX LANE ALIGNMENT AND ACCESS PLAN
TREE LINE AVENUE (OWNERS TO COLONIAL)
NORTHINGTON HOLDINGS, SOUTHWEST, LLC
10000 WOODBRIDGE BLVD, SUITE 2
DALLAS, TEXAS 75244-4400
PHONE: 972.742.4400 FAX: 972.742.4401

community engineering services, inc.
civil engineering • architecture • project management
2800 Parkline Center, Suite 1413
Dallas, Texas 75244-4400
Telephone: (214) 358-4777 Fax: (214) 358-0284



NO.	REVISION	DATE

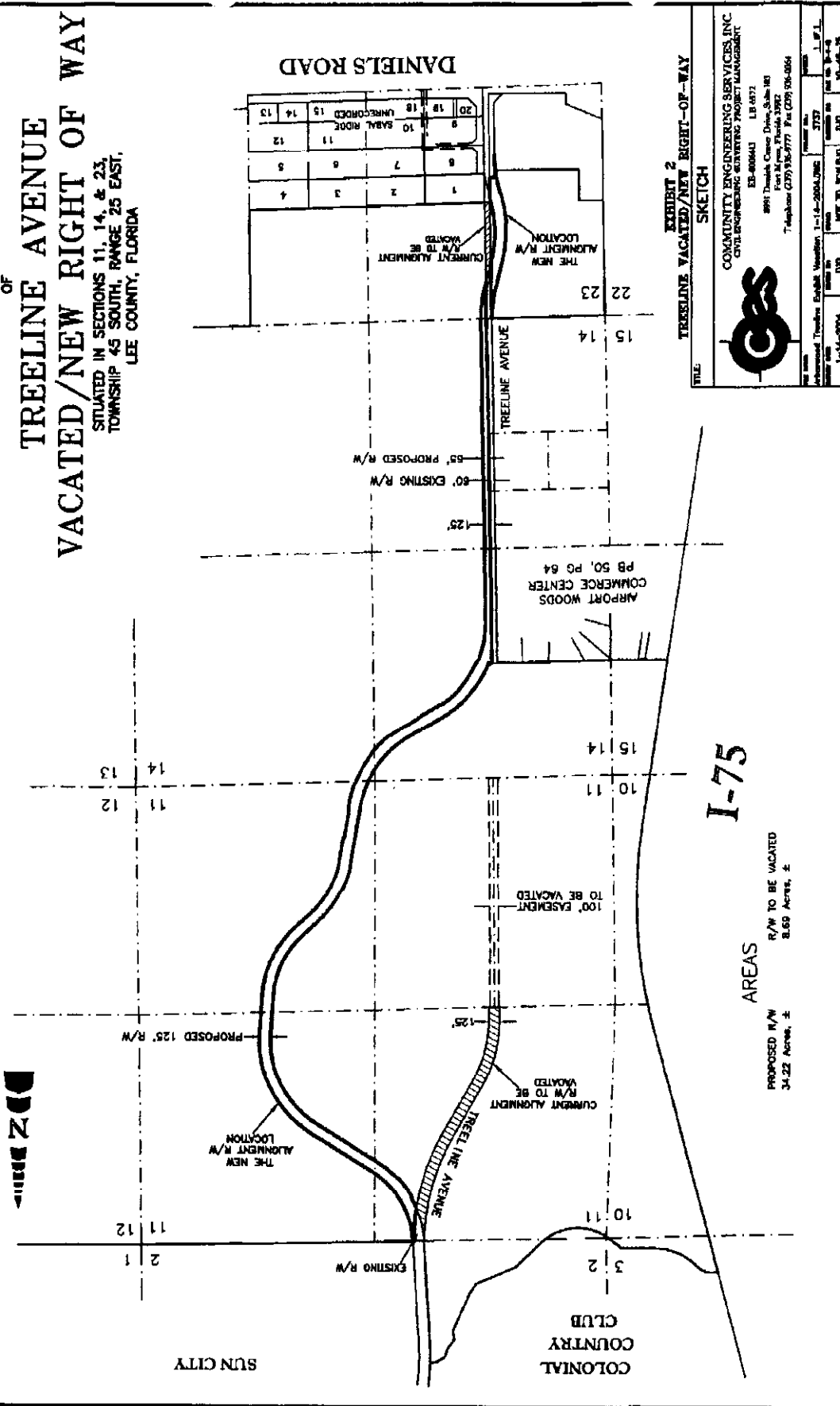
DATE: 11/11/11
DRAWN BY: [Signature]
CHECKED BY: [Signature]
SCALE: AS SHOWN

SKETCH

OF

TREELINE AVENUE
VACATED/NEW RIGHT OF WAY

SITUATED IN SECTIONS 11, 14, & 23,
TOWNSHIP 45 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA



DANIELS ROAD

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20

10 EASEMENT TO BE VACATED

EXHIBIT 2
TREELINE AVENUE/NEW RIGHT-OF-WAY
SKETCH

COMMUNITY ENGINEERING SERVICES, INC.
CIVIL/ENGINEERING SURVEYING PROJECT MANAGEMENT
ES-000643 LB 0072
8901 Daniels Cause Drive, Suite 100
Fort Myers, Florida 33922
Telephone (239) 936-9777 Fax (239) 936-0864

1-14-2004
DATE: 1-14-2004
DRAWN BY: DDD
CHECKED BY: MDT TO: SCMB/DJG
SCALE: AS SHOWN
JOB NO: 04-06-25

AREAS
PROPOSED R/W 34.22 Acres, ±
R/W TO BE VACATED 8.69 Acres, ±

EXHIBIT 3

This Instrument Prepared by:

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



This Space for Recording

PERPETUAL STORMWATER DRAINAGE EASEMENT

This easement grant is made between Worthington Holdings, LLC, a Florida limited liability company, owner, whose address is 9240 Marketplace Road, Suite 2, Fort Myers, Florida 33912 ("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 (\$1.00) 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 Grantor, 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 those recorded in the public records, 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, their successors and assigns.

IN WITNESS WHEREOF, this instrument is executed this ____ day of _____, 2004.

Signed, sealed and delivered in presence of two separate witnesses: Worthington Holdings, LLC, a Florida limited liability company

By: John Gnagey, Vice President

1st Witness Signature

Printed Name of 1st Witness

2nd Witness Signature

Printed Name of the 2nd Witness

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was acknowledged before me this ____ day of _____, 2004, by John Gnagey as Vice President of Worthington Holdings, LLC, a Florida limited liability company, who is personally known to me or who has produced as identification.

Signature of Notary Public
(Name typed, printed or stamped)
Commission No.

[C:\DOCUMENTS AND SETTINGS\ASHER\LOCAL SETTINGS\TEMPORARY INTERNET FILES\OLK2CB\EASEMENT.RTF] Revised 9-18-00



INSTR # 6513881
 OR BK 04486 Pgs 2157 - 2159; (3pgs)
 RECORDED 11/08/2004 09:33:02 AM
 CHARLIE GREEN, CLERK OF COURT
 LEE COUNTY, FLORIDA
 RECORDING FEE 27.00
 DEPUTY CLERK N Kertright

First Amendment to Treeline Avenue Extension Agreement

This First Amendment to Treeline Avenue Extension Agreement is made this 31st day of August, 2004, by and between by Worthington Holdings Southwest, LLC, a Florida limited liability company whose address for purposes of this Agreement is 9240 Marketplace Road, Fort Myers, FL 33912 ("Worthington"), and Lee County, a political subdivision of the State of Florida, whose address for purposes of this Agreement is P.O. Box 398, Fort Myers, FL 33902-0398 ("County").

NOW, THEREFORE, in consideration of the mutual benefits and covenants contained in this Agreement, the sufficiency of which is acknowledged by both parties hereto, the parties do hereby agree as follows:

1. All terms, conditions and agreements contained in the Treeline Avenue Extension Agreement, dated December 31, 2003, between the parties hereto, are hereby ratified and affirmed except as modified or stated herein
2. Condition 3 of the Treeline Avenue Extension Agreement is modified to add the following requirement:

In conjunction with the requested Petition to Vacate, Worthington agrees to be responsible for all aspects and their associated costs of the design, permitting, construction and/or relocation of Lee County Utilities' infrastructure within the area to be vacated per criteria set forth by the Lee County Utilities' Operations Manual. Worthington agrees to grant any and all rights of access to Lee County Utilities over the area to be vacated for maintenance of utility improvements therein, and for other related purposes.

3. All other terms, conditions and agreements are to be performed as first written.

[End of conditions.]

C9a
 03-30-04

3

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals intending to be bound as of the day and year first written above.

Signed, sealed and delivered
in the presence of

Owner
Worthington Holdings Southwest, LLC,
A Florida Limited Liability Company

Barbara George
[1st Witness' Signature]
BARBARA GEORGE
[Type or Print Name]

BY: *John Asher*
John Asher, Vice President

Becky Newberry
[2nd Witness' Signature]
BECKY NEWBERRY
[Type or Print Name]

COUNTY LEE:
STATE OF FLORIDA:

The foregoing instrument was acknowledged before me this 4th day of October, 2004, by John Asher, the Vice President of Worthington Holdings Southwest, LLC, a Florida Limited Liability Company, on behalf of the company. He/she is personally known to me, or has produced _____ as identification.

[stamp or seal]



Barbara George
My Commission DD039430
Expires September 17 2005

Barbara George
[Signature of Notary]

BARBARA GEORGE
[Typed or printed name]

[Title]

[Serial number, if any]

Approved and accepted for and on behalf of Lee County, Florida, this 2nd day of November, 2004.

ATTEST:
CHARLIE GREEN, CLERK

**BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA**

BY: Michelle B. Cooper
Deputy Clerk

BY: [Signature]
Chairman

[Type or Print Name]



Approved as to form by:

John W. Hedgum
County Attorney's Office

18-70



This instrument was prepared by:
Thomas H. Gunderson, Esq.
P.O. Box 280
Fort Myers, FL 33902-0280

INSTR # 6328423
OR BK 04342 Pgs 4363 - 4364; (2pgs)
RECORDED 06/22/2004 03:47:03 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
DEPUTY CLERK L Ambrosio

**MEMBERS ACTION BY CONSENT WITHOUT A MEETING
OF
WORTHINGTON HOLDINGS SOUTHWEST, LLC**

The undersigned, LEX-WORTH KORP, INC., a Florida corporation, and THE WORTHINGTON GROUP OF SOUTHWEST FLORIDA, INC., a Florida corporation, being all of the members of Worthington Holdings Southwest, LLC, a Florida limited liability company (the "Company"), who would be entitled to vote upon the actions hereinafter set forth at a formal meeting of the members of the Company, do hereby consent to the following actions to the same extent, and to have the same force and effect as if ratified or adopted at a formal meeting of the members of said Company.

RESOLVED, that Jeff Darragh, as President, John Gnagey, as Vice President, Glenn Cribett, as Vice President, or Andrea Skiera, as Vice President, of the Company, each have full power and authority to sign any and all documents in connection with the purchase, sale, resale, platting, conveying, mortgaging or contracting of any property which the Company may acquire (the "Property") and accept mortgages and notes in accordance with the terms of any contracts for the purchase and sale of the Property.

FURTHER RESOLVED, that the foregoing power and authority granted shall continue in full force and effect until such time as a statement revoking such authority is recorded in the Public Records of Lee County, Florida.

The undersigned do hereby consent and affirm that the actions set forth in the foregoing resolutions shall have the same force and effect as if taken at a duly constituted meeting of the members of the Company and that this document be recorded within the Public Records of Lee County, Florida and filed with the Secretary of the Company and shall be made a part of the minutes of the Company.

Dated: June 17, 2004

LEX-WORTH-KORP, INC., a Florida corporation, Member
(owning a 50% membership interest)

By: Deborah K. Karl
DEBORAH KARL, its President

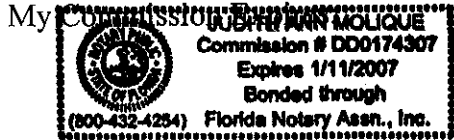
THE WORTHINGTON GROUP OF SOUTHWEST

FLORIDA, INC., a Florida corporation, Member (owning a 50% membership interest)

By: [Signature]
JEFF DARRAGH, its President

STATE OF FL
COUNTY OF Lee

SWORN TO AND SUBSCRIBED before me this June 14, 2004, by JEFF DARRAGH, as President of THE WORTHINGTON GROUP OF SOUTHWEST FLORIDA, INC., who is personally known or who produced _____ as identification.



Judith Ann Molique
Notary Public
JUDITH ANN MOLIQUE
Print/Type Name of Notary
Commission No: _____

STATE OF OHIO
COUNTY OF Franklin

SWORN TO AND SUBSCRIBED before me this June 17, 2004, by DEBORAH KARL, as President of LEX-WORTH-KORP, INC., who is personally known or who produced Known as identification.

My Commission Expires:

[Signature]
Notary Public
Joyce E Rhea
Print/Type Name of Notary
Commission No: _____



Joyce E. Rhea
Notary Public-State of Ohio
My Commission Expires
March 11, 2009



LEE COUNTY
SOUTHWEST FLORIDA

239-479-8585

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number:

Bob Janes
District One

December 6, 2004

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

Cody Vaughan-Birch, Esq.
Henderson, Franklin, P.A.,
P.O. Box 280,
Fort Myers, FL 33902

Re: **VAC2004-00051 - Petition to Vacate** the Public's Interest in portions of existing rights-of-way of Treeline Avenue, located north of Daniels Parkway and south of Sun City (Pelican Preserve), Fort Myers

Dear Mr. Vaughan-Birch:

This office has received your request to vacate the above referenced Road rights-of-way which include portions of existing 60' and 125' Rights-of-Way on Treeline Avenue, east 50' (E ½, SW ¼) and west 50' (W ½, SW ¼) Rights-of-Way as recorded in O.R. Book 1552, Page 773, lying in Section 11 and Section 23 respectively, Township 45 South, Range 25 East, of the Public Records of Lee County, Florida. Your client plans to participate and establishes an alternative alignment for Treeline Avenue, provides for design, permitting and construction by Worthington Holdings Southwest, L.L.C. under direction/supervision of Lee County in order to support Worthington development. Based on a review of the information provided and our subsequent research, this office has no objection to the proposed vacation.

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:\200412\20040903.113\5358980\DCDLETTER.DOC



Continuing the Tradition of Excellence

March 16, 2004

Mr. Peter J. Eckenrode, P.E.
Development Services Director
Department of Community Development
Lee County Development Services Division
1500 Monroe Street
P.O. Box 398
Fort Myers, Florida 33902-0398

**RE: Application for (Right-of-Way) Vacation
Treeline Avenue Ext. North / Daniel to Colonial
Arborwood DRI**

Dear Mr. Eckenrode,

The purpose of this letter is to provide you with the reason and purpose of the Application for (Right-of-Way) Vacation submitted by Worthington Holdings Southwest, LLC ("Worthington") for portions of Treeline Avenue, north of Daniels Parkway and south of Sun City (Pelican Preserve). This letter is provided pursuant to the requirements of the Application for Vacation checklist.

Worthington is developing a project known as Arborwood Development of Regional Impact, located in Sections 10, 11, 12, 13, 14, 15 and 23, Township 45 South, Range 25 East in the City of Fort Myers, Lee County. Worthington desires to participate in the extension and improvement of Treeline Avenue in order to support its development and all area development, and to accelerate that improvement so that it is completed sooner than if constructed by the County under current County time projections. The proposed extension of Treeline Avenue from Colonial Boulevard to Daniels Parkway is consistent with the Lee County MPO 2020 Transportation Plan for the Fort Myers – Cape Coral Metropolitan Area, the Lee County Comprehensive Plan, and the City of Fort Myers Comprehensive Plan.

Worthington desires to provide for the realignment of the existing Treeline Avenue right-of-way from the north section line of Section 11, Township 45 South, Range 25 East (see attached sketch) south to Daniels Parkway. Worthington desires to design and construct Treeline Avenue



Page 2 of 2
Mr. Peter J Eckenrode, P.E.
March 16, 2004

as four lanes (ultimately designed for six lanes) from the existing four lane divided section south of Colonial Boulevard (entrance to Sun City) to Daniels Parkway.

Lee County and Worthington are in the process of finalizing the Treeline Avenue Extension Agreement that they believe will facilitate County right-of-way needs, accelerate the construction of Treeline Avenue, accommodate Worthington's objectives, and adequately protect the public interest. This agreement is tentatively schedule to go before the Lee County BOCC at their March 30, 2004 meeting.

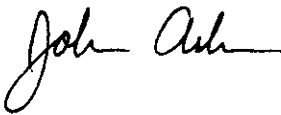
The Current Alignment of Treeline Avenue from the south boundary of Sun City, south to Daniels Parkway will be modified by Worthington to reflect the realignment as generally indicated in attached sketch. The New Alignment for Treeline Avenue will be comprised of existing Treeline Avenue right-of-way and property owned by Worthington which will be conveyed to the County as provided in the above referenced agreement.

Pursuant to the Agreement between Lee County and Worthington, Worthington is filing a Petition to Vacate the existing right-of-way of Treeline Avenue along the Current Alignment that is not included in the New Alignment. The existing right-of-way to be vacated is identified on the attached sketch of Treeline Avenue Vacated/New Right-of-Way. Worthington will then reserve and convey to Lee County the necessary right-of-way for the New Alignment.

If you have any questions or require additional information please call me.

Sincerely,

WORTHINGTON COMMUNITIES



John P. Asher, P.E.

cc. Nicole Maxey, Lee County DOT
Russell Schropp, Henderson Franklin
Cody Vaughn-Birch, Henderson Franklin
Mark Gillis, David Plummer and Associates
Mark McCleary, Community Engineering Services



Florida Power & Light Company
15834 Winkler Road
Fort Myers, FL 33908
(239) 415-1326

September 15, 2004

Mr. Rob Corbett
Worthington of Renaissance
9240 Marketplace Road
Suite 2
Fort Myers, FL 33912

RE: FPL OVERHEAD FEEDER RELOCATION
TREELINE AVE N/O DANIELS ROAD

Dear Rob:

I have reviewed the plans for the proposed improvement to Treeline Ave. north of Daniels Parkway and offer the following comments:

The area in questions in the west side of Treeline Ave. approximately from the old car rental building north to Airport Woods Commercial Park.

FPL does have to relocate several poles from the new roadway alignment. Inasmuch as this is a Lee County road project, there will be no charge for the relocation of said FPL overhead facilities.

I have not seen any schedules as yet, but it is very important that FPL get started on the relocation of the facilities at the appropriate time so as to not delay any progress on the roadway.

If you have any questions, please feel free to call me at (239) 415-1326.

Yours truly,

A handwritten signature in black ink that reads "John W. Hahn". The signature is written in a cursive, flowing style.

John W. Hahn
Senior System Project Manager

an FPL Group Company

Reply to
Cody B. Vaughan-Birch
E-Mail: cody.vaughan-birch@henlaw.com

September 15, 2004

VIA US MAIL

John W. Hahn
Senior System Project Manager
Florida Power & Light
15834 Winkler Road
Fort Myers, FL 33908


Re: PROPOSED RIGHT-OF-WAY EASEMENT VACATION TREELINE AVE.
SITUATED IN SECTIONS 11, 14 & 23, TOWNSHIP 45 S, RANGE 25 E,
LEE COUNTY, FL

Dear Mr. Hahn:

As authorized agent for Worthington Holdings, LLC and Worthington Holdings Southwest, LLC, please be advised that the petitioner of the above-referenced proposed right-of-way vacation understands that existing FPL facilities are affected by this petition to vacate. Per your attached letter of no objection, the petitioner will accommodate those FPL overhead electric facilities in the area of the proposed vacation area at the south end of Treeline Avenue in the new right-of-way alignment or in a new private utility easement.

Based on a telephone conversation between you and Rob Corbett of Worthington Holdings Southwest, LLC on September 15, 2004, we understand that since Treeline Avenue is a Lee County right-of-way there will be no cost to Worthington or Lee County to relocate the existing FPL facilities. Thank you, and please contact me at (239) 337-8457 if I may provide any further information.

Sincerely,


Cody B. Vaughan-Birch

CBV/

Enclosures: Letter of no objection;
sketch

Henderson, Franklin, Starnes & Holt, P.A.



2004-00051



Florida Power & Light Company
15834 Winkler Road
Fort Myers, FL 33908
(239) 415-1326

February 11, 2004

Cody B. Vaughan-Birch
Henderson Franklin
P.O. Box 280
Fort Myers, FL 33902-0280

RE: PROPOSED RIGHT-OF-WAY EASEMENT VACATION
TREELINE AVE, SITUATED IN SECTIONS 11, 14, & 23
TOWNSHIP 45 S, RANGE 25 E, LEE COUNTY, FL

Dear Cody:

I have reviewed the attached request to vacate the right-of-way easement for Treeline Ave and offer the following comments:

Florida Power & Light Company has "No Objection" to the proposed vacation subject to the following: FPL has overhead electric facilities in the area of the right-of-way vacation at the south end of Treeline Ave. These facilities will have to be relocated into the new right-of-way alignment.

If you have any questions, please feel free to call me at (239) 415-1326.

Yours truly,

A handwritten signature in black ink that reads "John W. Hahn". The signature is fluid and cursive, written in a professional style.

John W. Hahn
Senior System Project Manager

Attachments



Reply to
Cody B. Vaughan-Birch
E-Mail: cody.vaughan-birch@henlaw.com

February 6, 2004

Mr. Nathan Sederstrom
Florida Power & Light
15834 Winkler Rd.
Fort Myers, FL 33908

Re: Request for a Letter of Review and Recommendation on a proposed right-of-way easement vacation at the following location:
Treeline Avenue, Situated in Sections 11, 14 and 23, Township 45 S,
Range 25 E, Lee County, Florida.

To Whom It May Concern:

We intend to submit a Petition to the Lee County Board of Commissioners seeking to vacate the public interest in the right-of-way easement at the location identified above in order to accomplish the following purpose: To change the alignment of the planned extension of Treeline Avenue to the new alignment indicated in the enclosed sketch.

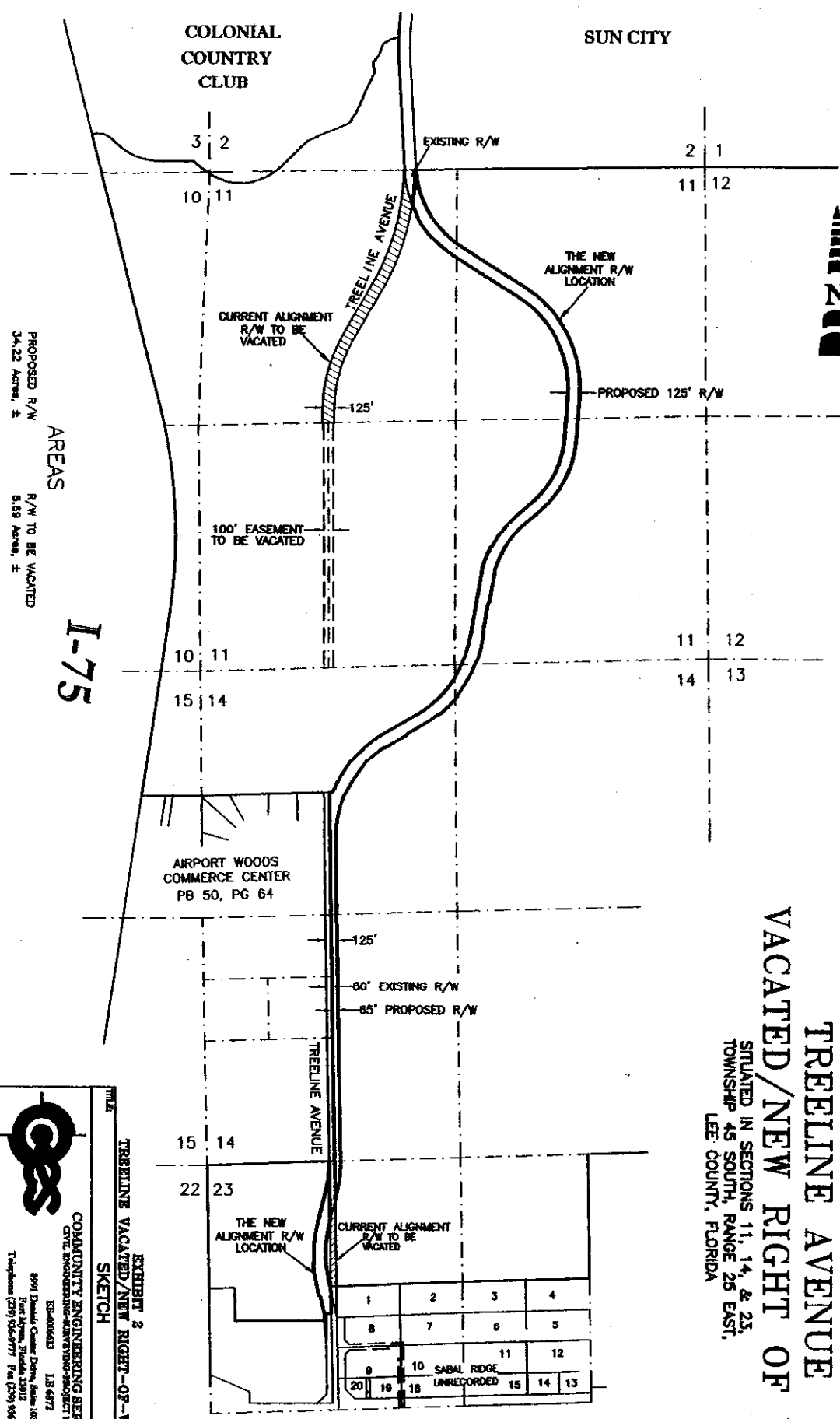
We have included a sketch of the right-of-way easement we desire to vacate. Please provide us with a letter of review and recommendation so we can proceed with our Petition submittal. If you have any questions, please do not hesitate to contact us directly and thank you in advance for your consideration.

Very truly yours,

Cody B. Vaughan-Birch

CBV/jma

Enclosure Sketch




**SKETCH
OF
TREELINE AVENUE
VACATED/NEW RIGHT OF WAY**

SITUATED IN SECTIONS 11, 14, & 23,
TOWNSHIP 45 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

1	2	3	4
8	7	6	5
9	10	11	12
20	19	18	17

SABAL RIDGE
UNRECORDED

**EXHIBIT 2
TREELINE VACATED/NEW RIGHT-OF-WAY
SKETCH**



COMMUNITY ENGINEERING SERVICES, INC.
CIVIL ENGINEERING - SURVEYING - PROJECT MANAGEMENT

8901 Daniels Center Drive, Suite 103
Fort Myers, Florida 33912
Telephone (239) 938-9777 Fax (239) 938-0404

ES-0006413 LB 6/72

Advanced Treeline Exhibit Version 1-14-2004.DWG 3/23 1.07.1

Author: Date: Scale: Date of Issue: 1/14/04

1-14-2004 1/14/04 1/14/04 1/14/04

PROPOSED R/W
34.22 Acres ±

R/W TO BE VACATED
8.88 Acres ±

I-75

DANIELS ROAD



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

February 16, 2004

Mr. Cody B. Vaughan-Birch
Henderson, Franklin, Starnes & Holt, P.A
P. O. Box 280
Ft. Myers, Fl. 33902-0280

Ref: Proposed R.O.W easement vacation – Treeline Ave.
Situated in Sec.11,14 &23, Twnshp.45S, Rge 25E.

Dear Mr. Vaughan-Birch:

This is in response to your letter of February 6th, regarding vacation of the right-of-way easement mentioned above, and shown on your sketch.

Please be advised that Sprint has no objection to your Petition submittal.

Sincerely,

Denise Grabowski

Sprint
Engineer I – CSO Network
Tel (239) 336-2014



**2931 Michigan Ave.
Fort Myers, FL 33916
Phone: 239-732-3805
FAX: 239-334-8575**

February 10, 2004
Henderson/Franklin Attorneys At Law
Cody B. Vaughan-Birch
1715 Monroe Street
Fort Myers , Florida 33902-0280

Re: Treeline Avenue (Situated in Sections 11,14 23 Lee County)

Dear Coby B. Vaughan-Birch:

This letter will serve to inform you that Comcast has no objection to your proposed vacation of the address referenced above.

Should you require additional information or assistance, please feel free to contact me here at 732-3805.

Cordially,

A handwritten signature in cursive script that reads "Mark Cook".

Mark Cook
Design Coordinator

AmeriGas

America's Propane Company

May 10, 2004

Cody B. Vaughan-Birch
Henderson, Franklin, Starnes, & Holt, PA
1715 Monroe Street
Fort Myers, Florida 33902

Dear Mr. Vaughan-Birch:

In reference to your fax dated May 7, 2004 AmeriGas has no interest on right of way on the following parcel(s):

STRAP NO.: 11-45-25-P1-00001.0000
STRAP NO.: 11-45-25-P1-00001.0010
STRAP NO.: 11-45-25-00-00003.0000
STRAP NO.: 23-45-25-00-00002.0000

Please feel free to contact me at 239-334-2849, should you have further questions.

Sincerely,



Brett Alonzo
Sales & Service Manager



Florida Department of Transportation

**JEB BUSH
GOVERNOR**

801 North Broadway Avenue
Bartow, Florida 33830

**JOSE ABREU
SECRETARY**

March 29, 2004

Henderson & Franklin
Attn: Cody B. Vaughn-Birch
P.O. Box 280
Fort Myers, Florida 33902-0280

RE: Vacation of Right of Way

Dear Ms. Vaughn-Birch:

In response to your letter we received on March 29, 2004 our staff has conducted a review of your request to vacate the subject area as marked and generally described as: Those portions of a Right of Way Easement lying within Section 11 & 23, Township 45 South, Range 25 East, Lee County, Florida and highlighted on the attached three (3) descriptions as Arborwood Treeline Vacation # 1, 2 & 3.

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

Sincerely,

Brian L. Toune
Property Management

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

District One-Right of Way Department-Property Management
801 North Broadway Avenue*Post Office Box 1249*Bartow, FL 33831-1249
(863)519-2413 *(863)534-7168 (Fax)*MS 1-66
www.dot.state.fl.us

DESCRIPTION OF A PARCEL OF LAND LYING IN
SECTION 23, TOWNSHIP 45 SOUTH RANGE 25 EAST,
LEE COUNTY, FLORIDA
(ARBORWOOD TREELINE VACATION 1)
(3-03-2004)

A PARCEL OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 23,
TOWNSHIP 45 SOUTH, RANGE 25 EAST, BEING MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 23; THENCE N.88°10'10"E.,
ALONG THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 23, A
DISTANCE OF 1,293.64 FEET; THENCE S.01°01'24"E., A DISTANCE OF 643.95 FEET TO THE **POINT**
OF BEGINNING; THENCE N.13°29'05"E., A DISTANCE OF 239.50 FEET; THENCE S.01°01'24"E., A
DISTANCE OF 909.59 FEET; THENCE S.88°07'59"W., A DISTANCE OF 60.01 FEET; THENCE
N.01°01'24"W., A DISTANCE OF 678.61 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 1.09 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY (RECORDED
AND UNRECORDED, WRITTEN AND UNWRITTEN)

BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF
SECTION 23 BEING N.88°10'10"E.

Certification for Description
Surveyor and Mapper in Responsible Charge:
Denis J. O'Connell, Jr., LS #5430
Community Engineering Services, Inc. LB #6572
8991 Daniels Center Drive, Suite 103
Fort Myers, FL 33912

Signed: _____

Date: _____

3/8/04



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 479-8124

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

Thursday, June 10, 2004

Mr. Cody B. Vaughan-Birch
Henderson Franklin
1715 Monroe Street
Fort Myers, FL 33901

Re: Petition to Vacate a portion of Treeline Avenue located in Sections 11,
14, 23, Township 45, Range 25 East, Lee County, Florida.

Dear Mr. Vaughn-Birch:

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 provided the following:

1. All documents required to comply with Item 13 of the "Treeline Avenue
Extension Agreement" shall be submitted to the Natural Resources Division for
review and comment.

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: John Fredyma, County Attorney's Office
Margaret Lawson, LCDOT
Ruth Keith, Development Services

S:\NATRES\SURFACE\DOCUMENT\vac429.doc



LEE COUNTY
SOUTHWEST FLORIDA

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 6, 2004

Mr. Cody B. Vaughan-Birch
Henderson Franklin
1715 Monroe Street
Fort Myers, FL 33901

**RE: Petition to Vacate portion of Treeline Avenue
In Sections 11, 14, 23, Township 45, Range 25 E**

Dear Mr. Vaughan-Birch:

Lee County Board of County Commissioners, at the regular Board meeting of April 30, 2004, approved execution of the Treeline Avenue Extension Agreement. The Agreement in part states that Worthington will file a petition to vacate the existing right-of-way of Treeline Avenue.

Lee County Department of Transportation has reviewed the Agreement and subsequently signed off on the Agreement. Therefore, DOT recommends approval of the vacation of Treeline Avenue as described within the Treeline Avenue Extension Agreement.

Please do not hesitate to contact me if you have any questions regarding this letter of review and recommendation.

Yours very truly,

DEPARTMENT OF TRANSPORTATION

Margaret Lawson
Right-of-way Supervisor

MAL/mlb

cc: Nicole Maxey, Project Manager
Donald DeBerry, Project Manager
John Fredyma, Assistant County Attorney
Allen Davies, Natural Resources
Ruth Keith, Development Services
PTV Treeline File

S:\DOCUMENT\Petition To Vacate\2004\Treeline Avenue Agreement.doc



VAC 2004-00051

(239)479-8531

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: _____

Bob Janes
District One

November 15, 2004

Douglas R. St. Cerny
District Two

Cody B. Vaughan-Birch
Henderson, Franklin - Attorneys at Law
Post Office Box 280
Fort Myers, FL 33902

Ray Judah
District Three

Andrew W. Coy
District Four

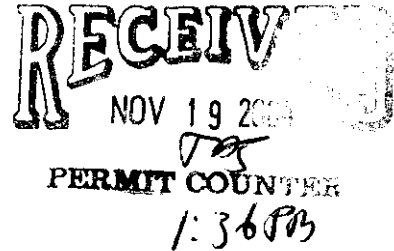
John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaegeer
County Attorney

Diana M. Parker
County Hearing
Examiner

**SUBJECT: PROPOSED PARTIAL RIGHT-OF-WAY VACATION
SECTIONS 11, 14 AND 23, TOWNSHIP 45, RANGE 25
TREELINE AVENUE**



Dear Mr. Vaughan-Birch:

Lee County Utilities is in receipt of your request for review and recommendation concerning the proposed petition to vacate portions of the Treeline Avenue right-of-way within Sections 11, 14 and 23 of Township 45, Range 25 of Lee County, Florida. It is our understanding that the proposed vacation is intended to facilitate the re-alignment of the planned Treeline Avenue Extension.

Lee County Utilities has reviewed your request and currently has **NO OBJECTION** to the proposed vacation. However, as stated previously, record drawings indicate Lee County Utilities owns and maintains potable water facilities within or near the portions of the right-of-way to be vacated.

Lee County Utilities' position of '**NO OBJECTION**' is based in part on the executed 'Temporary' Public Utility Easement Grant recently submitted to the County Attorney's Office by your firm in relation to these existing facilities and in part, on the First Amendment to Treeline Avenue Extension Agreement, dated August 31, 2004 in which Worthington Holdings Southwest, LLC agrees to be responsible for all aspects and their associated costs of the design, permitting, construction and/or relocation of Lee County Utilities' infrastructure within the area to be vacated per criteria set forth by the Lee County Utilities' Operations Manual. Worthington also agrees to grant any and all rights of access to Lee County Utilities over the area to be vacated for maintenance of utility improvements therein, and for other related purposes. This amendment has been recorded in Lee County Official Records Book 04486, Pages 2157-2159.

Lee County Utilities has taken the position of '**NO OBJECTION**' in good faith with the understanding that this executed 'Temporary' Public Utility Easement Grant will be recorded concurrently with the right-of-way vacation and that the Treeline Avenue Re-alignment and Extension will proceed as planned including relocation of the existing Lee County Potable Water Facilities.

S:\Engr\TAK\LETTERS\VAC\FY 2005\Henderson-Franklin - Treeline Avenue - Partial R-O-W Vacation - Conditional Letter of No Objection.doc

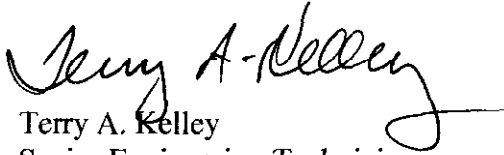


Cody B. Vaughan-Birch
Henderson, Franklin - Attorneys at Law
November 15, 2004
Page 2

If you should have any questions, or require further assistance, please do not hesitate to contact our office at 479-8531.

Sincerely,

LEE COUNTY UTILITIES



Terry A. Kelley
Senior Engineering Technician
Utilities Engineering Division

cc: Margaret Lawson, LDOT
John Fredyma, Office of the County Attorney
Thom Osterhout, Lee County Utilities
Ruth Keith, Development Services
Correspondence File

This Instrument Prepared By:
Lee County Utilities
1500 Monroe Street - 3rd Floor
Fort Myers, Florida 33901

Strap Number:

THIS SPACE RESERVED FOR RECORDING

GRANT OF TEMPORARY PUBLIC UTILITY EASEMENT

This Easement Grant is given this 25th day of August, 2004 by and between WORTHINGTON HOLDINGS SOUTHWEST, LLC, owner, a Florida limited liability company whose address is 9240 Marketplace Road, Suite 2, Fort Myers, Florida 33912 (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:

WITNESSETH:

1. For and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged and accepted, GRANTOR hereby grants, bargains, sells and transfers to the GRANTEE, its successors and assigns, a temporary public utility easement situated in Lee County, Florida, located and described as set forth in Exhibit "A", attached hereto and made a part hereof.

2. GRANTEE, its successors, appointees and assigns, are granted the temporary right, privilege, and authority to construct, replace, renew, extend and maintain a wastewater collection and/or water distribution system, together with, but not limited to, all necessary service connections, manholes, valves, fire hydrants, lift stations and appurtenances, to be located on, under, across and through the easement which is located on the property described (Exhibit "A"). This temporary easement shall serve to allow GRANTEE ingress and egress until such time as the construction of the new Treeline Avenue is completed pursuant to that certain Treeline Avenue Extension Agreement dated effective December 31, 2003 between GRANTOR and GRANTEE. The parties to this Agreement agree that the easement granted hereunder will automatically terminate upon the completion of construction of

the Treeline Avenue Extension as evidenced by GRANTEE'S acceptance of maintenance of the completed roadway.

3. The public utility easement will not be limited to any particular diameter size or type and/or number of connections to other water/sewer mains for providing water/sewer service to this and any adjacent properties. The total area of this public utility easement is temporarily reserved for utility lines, mains, or appurtenant facilities and for any landscaping (excluding trees), walkways, roadways, drainage ways, or similar uses. Houses, fences, buildings, carports, garages, storage sheds, overhangs, or any other structures or portions of structures may not be constructed on or placed within this easement at any time during the term of this Agreement by GRANTOR, or its heirs, successors or assigns.

4. Title to all utilities constructed and/or placed hereunder by GRANTEE or its agents will remain in the GRANTEE, GRANTEE's successors, appointees, and/or assigns.

5. Subject to any pre-existing easements for public highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and cable television lines covering the land herein described, GRANTOR(S) covenant that they are lawfully seized and possessed of the described real property (Exhibit "A"), have good and lawful right and power to sell and convey it, and that the said property is free from any and all liens and encumbrances, except as herein stated, and accordingly, GRANTOR(S) will defend the right, title and terms of this said easement and the quiet possession thereof by GRANTEE during the term of this Agreement against all claims and demands of all other entities.

6. GRANTOR(S), its heirs, successors or assigns, agrees to assume all liability for any consequential damages to any houses, fences, buildings, carports, garages, storage sheds, overhangs, or any other structures or portions of structures subsequently constructed by GRANTOR(S) in violation of paragraph 3. within the above easement, which result from the required activities of the GRANTEE for any construction, maintenance or repairs to the utilities located within the above-described easement.

7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment under circumstances in which a private person would be found to be liable in accordance with the general laws of the State of Florida, and subject to the limitations as set out in Section 768.28, Florida Statutes, as it may be revised, amended or renumbered from time to time.

8. GRANTEE will have reasonable right of access across GRANTOR's property for the purposes of reaching the described easement (Exhibit "A") on either paved or unpaved surfaces. Any damage to GRANTOR's property or permitted improvements thereon as the result of such access to the described easement or the construction, maintenance, or repairs located within the described easement shall be restored by GRANTEE, to the condition in which it existed prior to the damage, as is reasonably practicable.

9. By acceptance of this easement, the GRANTEE assumes no responsibility for ownership or maintenance of any associated roads. The easement is strictly for utility purposes.

10. This easement will be binding upon the parties hereto, their successors in interest and any assigns.

IN WITNESS WHEREOF, the GRANTOR has caused this document to be signed on the date and year first above written.

BY: WORTHINGTON HOLDINGS
SOUTHWEST, LLC, a Florida
limited liability company

John Asher
1st Witness' Signature
JOHN ASHER

Type or Print Name

Andrea Skiera
Andrea Skiera

Printed Name

Judy Malique
2nd Witness' Signature

Type or Print Name

Vice President
Title

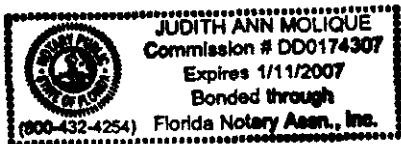
JUDY MALIQUE
Type or Print Name

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was signed and acknowledged before me this 25th day of August 2004, by Andrea Skiera who produced the following as identification: _____ or is personally known to me, and who did/did not take an oath.

[stamp or seal]



Judith Ann Molique
[Signature of Notary]

JUDITH ANN MOLIQUE
[Typed or Printed Name]

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

APPROVED AS TO FORM

BY:
Office of the County Attorney

DESCRIPTION OF A PARCEL OF LAND LYING IN
SECTION 23, TOWNSHIP 45 SOUTH RANGE 25 EAST,
LEE COUNTY, FLORIDA
(ARBORWOOD TREELINE VACATION 1)
(3-03-2004)

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DISTANCE OF 1,293.64 FEET; THENCE S.01°01'24"E., A DISTANCE OF 643.95 FEET TO THE **POINT**
OF BEGINNING; THENCE N.13°29'05"E., A DISTANCE OF 239.50 FEET; THENCE S.01°01'24"E., A
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SECTION 23 BEING N.88°10'10"E.

Certification for Description
Surveyor and Mapper in Responsible Charge:
Denis J. O'Connell, Jr., LS #5430
Community Engineering Services, Inc. LB #6572
8991 Daniels Center Drive, Suite 103
Fort Myers, FL 33912

Signed: _____

Date: _____

Ex. A

From: ~~Karen Forsyth~~ <KFORSYTKL@leegov.com>
To: <cody.vaughanbirch@henlaw.com>
Date: 2/10/04 2:36PM
Subject: Re: Request for Letter of Review and Recommendation-Treeline

Please let this reply serve to answer your letter of request as far as the Division of County Lands is concerned.

Under the specific circumstances of this review, the Division of County Lands is not the designated authority for the County. The Department of Transportation is charged with this responsibility. Therefore, I am not able to make a recommendation one way or another in this matter.

I am unaware as to why I, and County Lands have been listed as a contact. I apologize for any inconvenience this may have caused.

>>> "Cody Vaughan-Birch" <cody.vaughanbirch@henlaw.com> 02/10/04 01:47PM >>>
Thanks - but your name and the Division of County Lands is on the County application form, and to complete this application I need a letter from you or someone in your department. There is another letter that was already sent to Margaret Lawson, per the instructions in the application. Please let me know if you have any questions, or simply prepare and return a letter of review and recommendation.
Thanks.

Cody B. Vaughan-Birch, Esquire
Henderson, Franklin, Starnes & Holt, P.A.
1715 Monroe Street
Post Office Box 280
Fort Myers, Florida 33902-0280
Telephone: 239.337.8457
Facsimile: 239.334.4100
E-Mail: cody.vaughanbirch@henlaw.com

CONFIDENTIALITY STATEMENT

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

To reply to our e-mail administrator directly, please send an e-mail to postmaster@henlaw.com

Karen L.W. Forsyth
County Lands Division Director
Lee County Government
P.O. Box 398
Ft. Myers, FL 33902
kforsyth@leegov.com
(239) 479-8505

(239) 479-8391 (fax)

Please note: Florida has a very broad public records law. Most written communications to or from County officials regarding County business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure.

CC: "Margaret Lawson" <LAWSONMX@leegov.com>