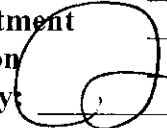


1. ACTION REQUESTED/PURPOSE: Conduct a Public Hearing to adopt a Resolution on Petition to Vacate a portion of a 6-foot wide Drainage and Public Utility Easement located at 2701 10th St. W., Lehigh Acres (Case No. VAC2005-00014).

2. WHAT ACTION ACCOMPLISHES: To clear title, the result of construction errors, on the property where a single-family home constructed in 2004 partly encroaches into the easement. **The vacation of this easement will not alter existing drainage and utility conditions and the easement is not necessary to accommodate any future drainage and utility requirements.**

3. MANAGEMENT RECOMMENDATION: Approve

4. Departmental Category: COMMISSION DISTRICT #: 5 **9:30 PH 2** **5. Meeting Date:** 08-16-2005

6. Agenda:	7. Requirement/Purpose: (specify)			8. Request Initiated:
	<input checked="" type="checkbox"/> Statute	F.S. Ch. 177		
	<input type="checkbox"/> Ordinance			
	<input checked="" type="checkbox"/> Admin. Code	13-1		
	<input type="checkbox"/> Other			
<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Public			Commissioner
<input type="checkbox"/> Administrative	<input type="checkbox"/> Walk-On			Department Community Development
<input type="checkbox"/> Appeals				Division Development Services
<input checked="" type="checkbox"/> Public				By:  7/07/05
<input type="checkbox"/> Walk-On				Peter J. Eckenrode, Director

9. Background:

The completed petition to vacate, VAC2005-00014 was submitted by Adams Homes of Northwest Florida, Inc. as the agent on behalf of Patrick and Stephanie Toms.

LOCATION: The site is located at 2701 10th St. W., Lehigh Acres, Florida 33971 and its strap number is 25-44-26-07-00049.0100. Petition No. VAC2005-00014 proposes to vacate a portion of a six-foot (6') wide Drainage and Public Utility Easement on Lot 10, Block 49, Unit 7, Section 25, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 71 of the Public Records of Lee County, Florida.

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

There are no objections to this Petition to Vacate.

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

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
M. G. [Signature]				[Signature]	Analyst	Risk	Grants	Mgr.	[Signature] 7-21-05

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY
COUNTY ADMIN.
7-15-05
3:30
COUNTY ADMIN
FORWARDED TO:
[Signature]
9:30 AM

7-21-05
[Stamp]



PETITION TO VACATE

TRANSMITTAL FOR PUBLIC NOTICE REQUIREMENTS

DATE: July 1, 2005

To: Patricia Geren
Public Resources

FROM: Ron Wilson
Development Services

BLUESHEET NUMBER: 20050963

CASE NUMBER: VAC2005-00014

Applicable Public Noticing Requirement:

PTV under AC13-1
1st Notice - 15 days prior to Public Hearing
2nd Notice - 7 days prior to Public Hearing

PTV under AC13-8
One Notice - 15 days prior to Public Hearing

Upon scheduling of Public Hearing date, please provide e-mail notice to Ron Wilson, Development Services (rwilson@leegov.com) and Joan Henry, Assistant County Attorney (jhenry@leegov.com).

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2005-00014

TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 16th day of August 2005 @ 9:30AM 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.



CHARLIE GREEN, CLERK

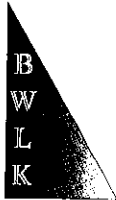
Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard
Fort Myers, Florida 33919-5910
email – fmoffice@bwlk.net
(Ph) 239-481-1331 (Fax) 239-481-1073

Part of a Drainage and Utility Easement Lying in Lot 10, Block 49, Unit 7, Lehigh Acres Section 25, Township 44 South, Range 26 East Lee County, Florida

A portion of a drainage and utility easement 6 feet wide lying in Lot 10, Block 49, Unit 7, Lehigh Acres, as recorded in Plat Book 15 at Page 71 of the Public Records of Lee County, Florida, lying in Section 25, Township 44 South, Range 26 East, Lee County, Florida, being more particularly described as follows:

From the northwest corner of said Lot 10, Block 49 run S00°36'16"E for 6.00 feet to the south line of an existing Drainage and Utility Easement (6 feet wide); thence run N89°23'44"E along said south line for 6.00 feet to an intersection with the east line of an existing Drainage and Utility Easement (6 feet wide); thence run S00°36'16"E along said east line for 20.36 feet and the Point of Beginning.

From said Point of Beginning continue S00°36'16"E along said east line for 68.60 feet; thence run S89°51'34"W for 1.24 feet; thence run N00°14'54"W for 1.30 feet; thence run S89°51'34"W for 2.70 feet; thence run N00°08'26"W for 8.00 feet; thence run N89°51'34"E for 2.68 feet; thence run N00°14'54"E for 31.00 feet; thence run S89°51'34"W for 2.65 feet; thence run N00°36'16"W for 4.00 feet; thence run N89°51'34"E for 2.68 feet; thence run N00°14'54"W for 24.30 feet; thence run N89°51'34"E for 0.81 feet to the Point of Beginning.

Containing 102 square feet, more or less.

Bearings hereinabove mentioned based on the plat of Unit 7, Lehigh Acres.

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)

W. Britt Pomeroy, Jr., R.L.S. 4448

34468DESC1

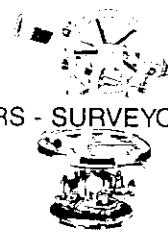
2/03/05

Exhibit "A"
Petition to Vacate
VAC2005-00014
[Page One of One]

PRINCIPALS:

- WILLIAM E. BEAN, PSM, CHAIRMAN
- SCOTT C. WHITAKER, PSM, PRESIDENT
- JOSEPH L. LUTZ, PSM
- AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



ASSOCIATES:

- TRACY N. BEAN, AICP
- CHARLES D. KNIGHT, PSM
- W. BRITT POMEROY, JR., PSM
- STEPHEN H. SKORUPSKI, PSM
- ELWOOD FINEFIELD, PSM
- JAMES A. HESSLER, PSM
- JAMES R. COLEMAN, PSM
- RUDOLF A. NORMAN, PE

THIS INSTRUMENT PREPARED BY:

Department of Community Development
Development Services Division
1500 Monroe Street
Fort Myers Florida 33901

RESOLUTION NO. _____ FOR PETITION TO VACATE

Case Number: VAC2005-00014

WHEREAS, Petitioner **Patrick and Stephanie Toms** in accordance with Florida Statute (F.S.) Chapter 177 and Lee County Administrative Code (LCAC) 13-1, filed a Petition to Vacate the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A"; and

WHEREAS, the Board of County Commissioners of Lee County, Florida held a Public Hearing on this Petition to Vacate on the 16th day of August 2005 @9:30AM; and

WHEREAS, a legally sufficient Affidavit of Publication regarding the Notice of Public Hearing on this Petition to Vacate was entered into the minutes of the County Commission Meeting; and

WHEREAS, the Petitioner(s) has fee simple title ownership to the underlying land sought to be vacated; and

WHEREAS, the Petitioner(s) has provided proof that all applicable state and county taxes have been paid; and

WHEREAS, Petitioner(s) did provide notice to all affected property owners concerning the intent of the Petition to Vacate in accordance with LCAC 13-1; and

WHEREAS, the letters of review and recommendation provided by the various governmental and utility entities indicate that granting the Petition to Vacate will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

NOW therefore be it resolved by the Board of County Commissioners as follows:

1. Petition to Vacate No. VAC2005-00014 is hereby granted.
2. The public's interest in the easement, plat or portion of a plat legally described in Exhibit "A" and graphically depicted in the sketch attached as Exhibit "B" is hereby vacated.
3. This Resolution will become effective upon recording of a fully executed copy in the public records of Lee County, Florida.

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

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

Deputy Clerk Signature

Chairman Signature

Please Print Name

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard
Fort Myers, Florida 33919-5910
email – fmoffice@bwlk.net
(Ph) 239-481-1331 (Fax) 239-481-1073

Part of a Drainage and Utility Easement
Lying in
Lot 10, Block 49, Unit 7, Lehigh Acres
Section 25, Township 44 South, Range 26 East
Lee County, Florida

A portion of a drainage and utility easement 6 feet wide lying in Lot 10, Block 49, Unit 7, Lehigh Acres, as recorded in Plat Book 15 at Page 71 of the Public Records of Lee County, Florida, lying in Section 25, Township 44 South, Range 26 East, Lee County, Florida, being more particularly described as follows:

From the northwest corner of said Lot 10, Block 49 run S00°36'16"E for 6.00 feet to the south line of an existing Drainage and Utility Easement (6 feet wide); thence run N89°23'44"E along said south line for 6.00 feet to an intersection with the east line of an existing Drainage and Utility Easement (6 feet wide); thence run S00°36'16"E along said east line for 20.36 feet and the Point of Beginning.

From said Point of Beginning continue S00°36'16"E along said east line for 68.60 feet; thence run S89°51'34"W for 1.24 feet; thence run N00°14'54"W for 1.30 feet; thence run S89°51'34"W for 2.70 feet; thence run N00°08'26"W for 8.00 feet; thence run N89°51'34"E for 2.68 feet; thence run N00°14'54"E for 31.00 feet; thence run S89°51'34"W for 2.65 feet; thence run N00°36'16"W for 4.00 feet; thence run N89°51'34"E for 2.68 feet; thence run N00°14'54"W for 24.30 feet; thence run N89°51'34"E for 0.81 feet to the Point of Beginning.

Containing 102 square feet, more or less.

Bearings hereinabove mentioned based on the plat of Unit 7, Lehigh Acres.

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)

W. Britt Pomeroy, Jr., R.L.S. 4448

34468DESC1

2/03/05

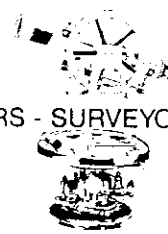
Page 1 of 2

Exhibit "A"
Petition to Vacate
VAC2005-00014
[Page One of One]

PRINCIPALS:

WILLIAM E. BEAN, PSM, CHAIRMAN
SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



ASSOCIATES

TRACY N. BEAN, AICP
CHARLES D. KNIGHT, PSM
W. BRITT POMEROY, JR., PSM
STEPHEN H. SKORUPSKI, PSM
ELWOOD FINEFIELD, PSM
JAMES A. HESSLER, PSM
JAMES R. COLEMAN, PSM
RUDOLF A. NORMAN, PE

**SKETCH TO ACCOMPANY DESCRIPTION
OF
PROPOSED EASEMENT VACATION
LOT 10, BLOCK 49, UNIT 7, LEHIGH ACRES
(PLAT BOOK 15, PAGE 71)
SECTION 25, TOWNSHIP 44 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA**

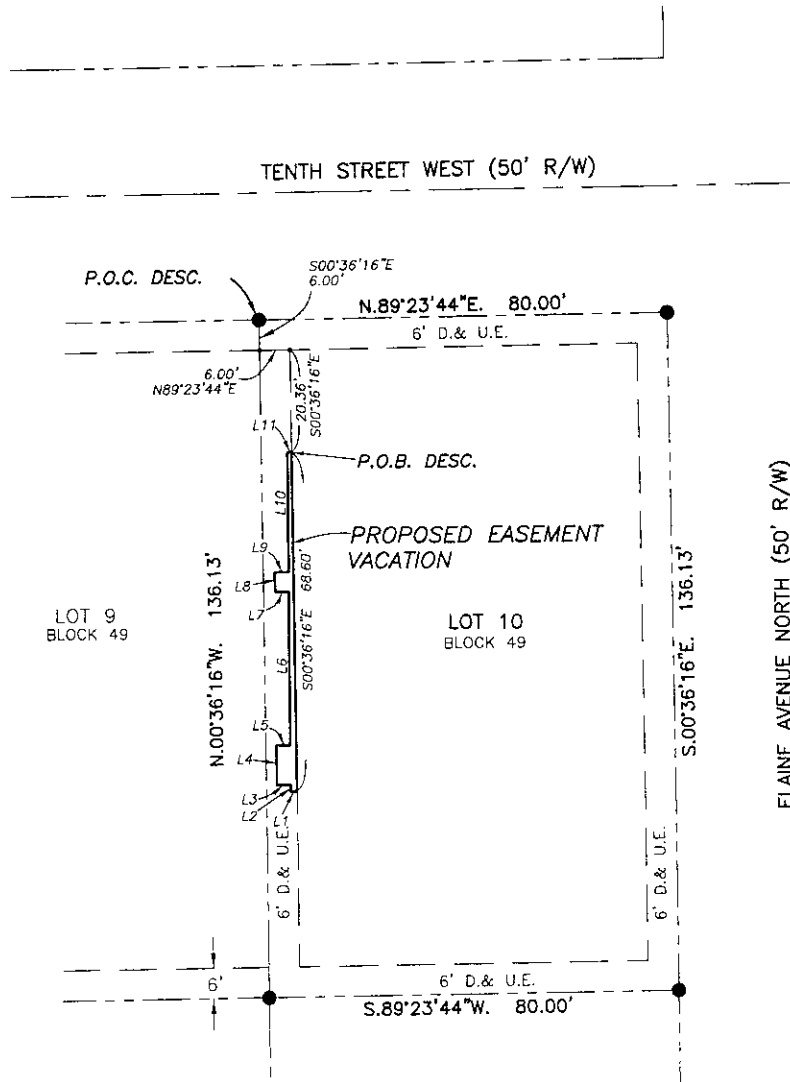


Exhibit "B"
Petition to Vacate
VAC2005-00014
[Page One of One]

L1	S89°51'34"W	1.24'
L2	N00°14'54"W	1.30'
L3	S89°51'34"W	2.70'
L4	N00°08'26"W	8.00'
L5	N89°51'34"E	2.68'
L6	N00°14'54"W	31.00'
L7	S89°51'34"W	2.65'
L8	N00°36'16"W	4.00'
L9	N89°51'34"E	2.68'
L10	N00°14'54"W	24.30'
L11	N89°51'34"E	0.81'

THIS IS NOT A SURVEY

W. Britt Pomeroy, Jr.
W. BRITT POMEROY, JR.
Professional Land Surveyor
Florida Certificate No. 4448

Bean, Whitaker, Lutz & Karih, Inc. (LB 4919)

CIVIL ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS

13041-1 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919-6910 (239) 481-1331

SK34468-VAC.DWG

DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-R)
2-03-05	34468	WBP	1" = 30'	2 OF 2	25-44-26



PETITION TO VACATE (AC 13-1)

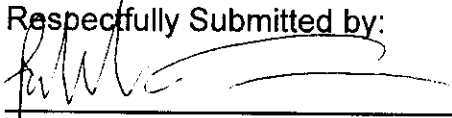
Case Number: VAC2005-00014

Petitioner(s), Patrick & Stephanie Toms
requests the Board of County Commissioners of Lee County, Florida, to grant this Petition to Vacate and states as follows:

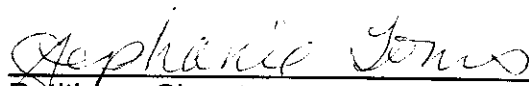
1. Petitioner(s) mailing address, 2701 10th Street West, Lehigh Acres, FL 33971
2. In accordance with Florida Statute (F.S.) Chapter 177 and Lee County Administrative Code (LCAC) 13-1, Petitioner desires to vacate the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A".
3. A sketch showing the area the Petitioner desires to vacate is attached as Exhibit "B".
4. Proof Petitioner paid all applicable state and county taxes is attached as Exhibit "C".
5. Petitioner is fee simple title holder to the underlying land sought to be vacated.
6. Petitioner did provide notice to all affected property owners concerning the intent of this Petition in accordance with the LCAC 13-1.
7. In accordance with letters of review and recommendation provided by various governmental and utility entities, it is apparent if the Board grants the Petitioner's request, it will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

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

Respectfully Submitted by:



Petitioner Signature



Petitioner Signature

Patrick Toms
Printed Name

Stephanie Toms
Printed Name

NOTE: This is a legal document and is therefore not available in Word Perfect format.

VAC 2005-00014

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 having strap number: 25-44-26-07-00049.0100 and address: 2701 10th St. W., Lehigh Acres, FL 33971 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 Adams Homes of Northwest Florida, Inc. and Michael Gay 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.

Patrick Toms

Owner*(signature)

Patrick Toms

Printed Name

Stephanie Toms

Owner*(signature)

Stephanie Toms

Printed Name

Owner*(signature)

Printed Name

Owner*(signature)

Printed Name

Owner*(signature)

Printed Name

Owner*(signature)

Printed Name

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 13th day of April, 2005, by Stephanie Toms and Patrick Toms who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

(SEAL)

NOTARY PUBLIC-STATE OF FLORIDA
Renee Myllymaki
Commission # DD409436
Expires: MAY. 17, 2009
Bonded Thru Atlantic Bonding Co., Inc.

Renee Myllymaki
Notary Public

Renee Myllymaki
(Name typed, printed or stamped)



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard
Fort Myers, Florida 33919-5910
email - fmooffice@bwlk.net
(Ph) 239-481-1331 (Fax) 239-481-1073

Part of a Drainage and Utility Easement
Lying in
Lot 10, Block 49, Unit 7, Lehigh Acres
Section 25, Township 44 South, Range 26 East
Lee County, Florida

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Containing 102 square feet, more or less.

Bearings hereinabove mentioned based on the plat of Unit 7, Lehigh Acres.

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)

W. Britt Pomeroy, Jr., R.L.S. 4448

34468DESC1

2/03/05

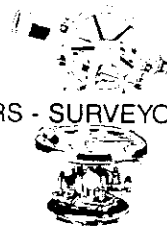
Page 1 of 2

Exhibit "A"
Petition to Vacate
VAC2005-00014
[Page One of One]

PRINCIPALS

WILLIAM E. BEAN, PSM, CHAIRMAN
SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



ASSOCIATES:

TRACY N. BEAN, AICP
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W. BRITT POMEROY, JR., PSM
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ELWOOD FINEFIELD, PSM
JAMES A. HESSLER, PSM
JAMES R. COLEMAN, PSM
RUDOLF A. NORMAN, PE

**SKETCH TO ACCOMPANY DESCRIPTION
OF
PROPOSED EASEMENT VACATION
LOT 10, BLOCK 49, UNIT 7, LEHIGH ACRES
(PLAT BOOK 15, PAGE 71)
SECTION 25, TOWNSHIP 44 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA**

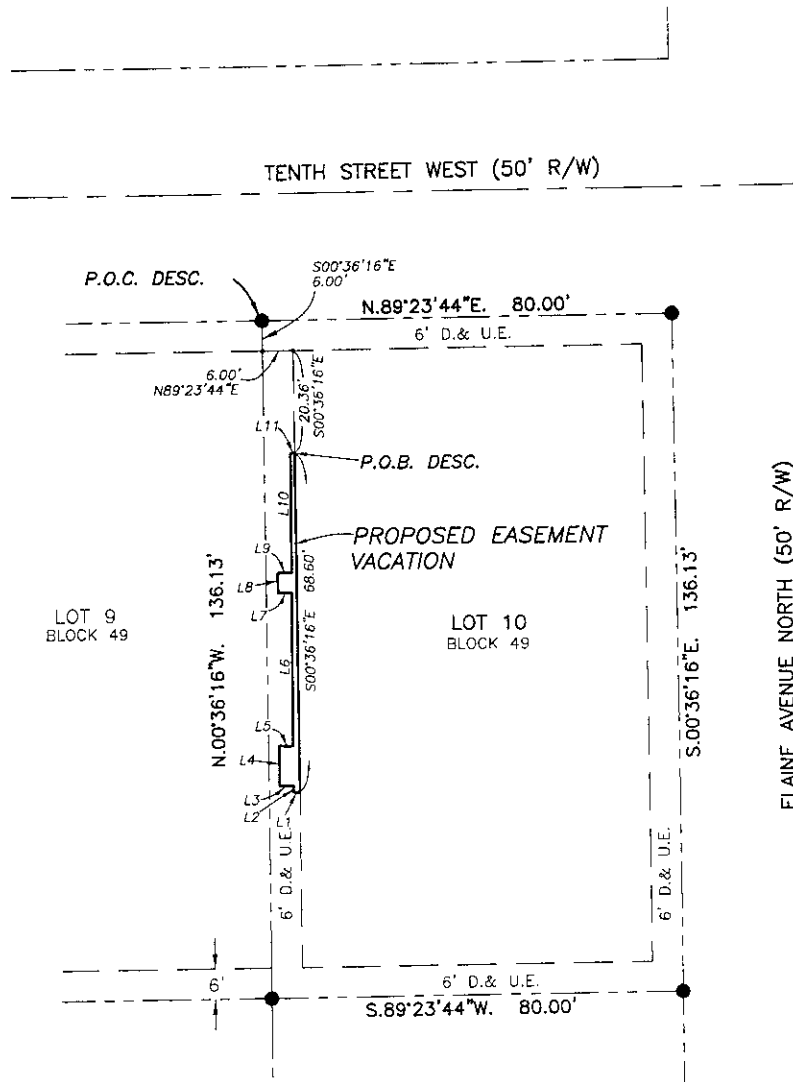


Exhibit "B"
Petition to Vacate
VAC2005-00014
[Page One of One]

LOT 9
BLOCK 49

LOT 10
BLOCK 49

LOT 12
BLOCK 49

LOT 11
BLOCK 49

L1	S89°51'34"W	1.24'
L2	N00°14'54"W	1.30'
L3	S89°51'34"W	2.70'
L4	N00°08'26"W	8.00'
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THIS IS NOT A SURVEY

W. Britt Pomeroy, Jr.
W. BRITT POMEROY, JR.
Professional Land Surveyor
Florida Certificate No. 4448

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)

CIVIL ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS

13041-1 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919-6910 (239) 481-1331

SK34468-VAC.DWG	PROJECT NO.	SCALE	SHEET	FILE NO. (S-T-R)
DATE	34468	1" = 30'	7 OF 2	25-44-26
2-03-05		WGP		

Exhibit "C"
Petition to Vacate
VAC2005-00014
 [Page One of One]

Real Property Information

Account	Tax Year	Status
25-44-26-07-00049.0100	2004	PAID
Original Account	Book/Page	
25-44-26-07-00049.0100	4098/903	
Physical Address	Mailing Address	
ADAMS HOMES OF NW FLORIDA INC 2701 10TH ST W LEHIGH ACRES FL 33971	ADAMS HOMES OF NW FLORIDA INC 1101 GULF BREEZE PKWY STE 229 GULF BREEZE FL 32561 USA	
Legal Description		
LEHIGH ACRES UNIT 7 REPLAT BLK.49 DB 289 PG 206 LOT 10		
Outstanding Balance as of 1/20/2005		\$0.00

Prepared by:
James Parr, Esquire
Tri-County Title Insurance Agency, Inc.
8660 College Pkwy., Suite 200
Fort Myers, Florida 33919



INSTR # 6606085
OR BK 04558 Pg 3892; (1pg)
RECORDED 01/18/2005 03:42:18 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 10.00
DEED DOC 1,120.00
DEPUTY CLERK A Janke

File Number: F14122

①

General Warranty Deed

Made this December 29, 2004 A.D. By **VERNON PLANTS and SUSAN PLANTS, HUSBAND AND WIFE**, whose address is: 2701 10TH STREET WEST, Lehigh Acres, Florida 33971, hereinafter called the grantor, to **PATRICK TOMS and STEPHANIE TOMS, HUSBAND AND WIFE**, whose post office address is: 2701 10TH STREET WEST, Lehigh Acres, Florida 33971, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida, viz:

Lot 10, Block 49, UNIT 7, SECTION 25, TOWNSHIP 44, RANGE 26, LEHIGH ACRES, as per plat thereof, recorded in Plat Book 13, Page 71, of the Public Records of Lee County, Florida

Parcel ID Number: 25-44-26-07-00049.0100

Subject to taxes for the current year, limitations, covenants, restrictions and easements of record, if any.

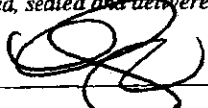
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

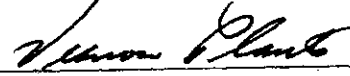
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2003.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

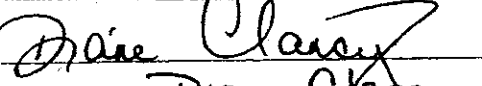
Signed, sealed and delivered in our presence:



Witness Printed Name Pamela Hogan



VERNON PLANTS
Address: 2701 10TH STREET WEST, Lehigh Acres, Florida 33971



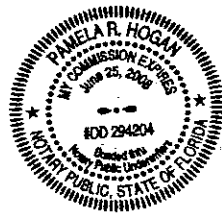
Witness Printed Name Diane Clancy

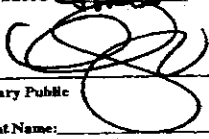


SUSAN PLANTS
Address: 2701 10TH STREET WEST, Lehigh Acres, Florida 33971

State of FLORIDA
County of LEE

The foregoing instrument was acknowledged before me this 29th day of December, 2004, by **VERNON PLANTS and SUSAN PLANTS, HUSBAND AND WIFE**, who is/are personally known to me or who has produced ~~valid~~ as identification.





Notary Public
Print Name:
My Commission Expires:
(Seal)

DEED Individual Warranty Deed - Legal on Face
Closers' Choice



Corporate Warranty Deed

INSTR # 6598927
DR BK 04553 Pg 2980; (1pg)
RECORDED 01/12/2005 08:41:15 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 10.00
DEED DOC 1,100.40
DEPUTY CLERK N Kortright

This Indenture, made this 21st day of December, 2004 A.D.

Between
ADAMS HOMES OF NORTHWEST FLORIDA, INC. whose post office address is: 1101 Gulf Breeze Parkway, Suite #229, Gulf Breeze, Florida 32561 a corporation existing under the laws of the State of Florida, Grantor and

VERN PLANTS and SUSAN PLANTS, HUSBAND AND WIFE

whose post office address is: 18420 HUNTER'S GLEN RD., NORTH FT. MYERS, FL 33917, Grantee,

Witnesseth, that the said Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), to it in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee forever, the following described land, situate, lying and being in the County of Lee, State of Florida, to wit:

Lot 10, Block 49, UNIT 7 LEHIGH ACRES, as per plat thereof, recorded in Plat Book 15, Page 71, of the Public Records of Lee County, Florida.

Subject to taxes for the current year, limitations, covenants, restrictions and easements of record, if any.

Parcel Identification Number: 25-44-26-07-00049.0100

And the said 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 said Grantor has caused this instrument to be executed in its name by its duly authorized officer and caused its corporate seal to be affixed the day and year first above written.

ADAMS HOMES OF NORTHWEST FLORIDA, INC.

By: [Signature]
Glenn Schneider
Its: Authorized Agent of Adams Homes of Northwest Florida, Inc.

Signed and Sealed in Our Presence:

[Signature]
Witness Print Name: HEATHER F. COBB

[Signature]
Witness Print Name: SUSAN A. SLOAN

(Corporate Seal)

State of Florida
County of

The foregoing instrument was acknowledged before me this 21st day of December, 2004, by Glenn Schneider, the Authorized Agent of Adams Homes of Northwest Florida, Inc. of ADAMS HOMES OF NORTHWEST FLORIDA, INC. A corporation existing under the laws of the State of Florida, on behalf of the corporation. He/She is personally known to me.

[Signature] (Seal)
Notary Public HEATHER F. COBB
Notary Printed Name:

My Commission Expires: 9/24/07

Prepared by:
James Farr, Esquire,
Tri-County Title Insurance Agency, Inc.,
8660 College Pkwy., Suite 200
Fort Myers, Florida 33919



File Number: F13979

AFFECTED PROPERTY OWNERS

V + A American Corp.

1910 Golden Gate Blvd., E.

Naples, Fl. 34120

- Lot 9: 2703 10th St. W., Lehigh Acres, Fl. 33971-Vacant Residential

Vern W. and Susan Plants

18420 Hunter Glen Rd.

N. Ft. Myers, Fl. 33917

- Lot 11: 2700 10th ST. W., Lehigh Acres, Fl. 33971-Vacant Residential

Juan and Nereida Garcia

2702 9th St. W.

Lehigh Acres, Fl. 33971

- Lot 12: 2702 9th St. W., Lehigh Acres, Fl. 33971- Single Family Residential



3880 Colonial Blvd., Suite 2 • Ft. Myers, Florida 33912 • (239) 277-5766 • Fax (239) 936-4630

February 10, 2005

V + A American Corp.
1910 Golden Gate Blvd. E.
Naples, Fl. 34120

RE: 2703 10th St. W.
Lehigh Acres, Fl. 33971

To Whom It May Concern:

We are in the process of making application to Lee County Community Development for approval of vacation of drainage and utility easements for a residence constructed by Adams Homes of NW. Fl., Inc. at the following address:

2701 10th St. W., Lehigh Acres, Fl. 33971

As your above referenced property lies adjacent to our newly constructed residence, we are required to notify you of this pending application. Due to a field error, the home was unintentionally shifted to the West when the house was pinned prior to commencement of construction. Unfortunately, the miscalculation was not realized until the home was completed and the Final Survey prepared. Consequently, the roof overhang, concrete air conditioning pad and well equipment pad are currently in violation of the required 6" easement on the West side.

A professional drawing showing the portion of utility and drainage easement we are asking to vacate which contains 102 square feet, more or less has been enclosed for your reference.

We regret this error and have taken steps to prevent future reoccurrence. If you have any questions, please do not hesitate to contact us directly. Thank you in advance for your consideration.

Sincerely,

Michael Gay, Petitioner
Production Manager

7004 1160 0001 8660 7812

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

For delivery information visit our website at www.usps.com®

NAPLES FL 34120

OFFICIAL USE

Postage	\$ 0.37	0420 08 Postmark Here 02/11/2005
Certified Fee	\$2.30	
Return Receipt Fee (Endorsement Required)	\$1.75	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 4.42	

Sent To V + A American Corp
 Street, Apt. No., or PO Box No. 1910 Golden Gate Blvd E
 City, State, ZIP+4 Naples FL 34120

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:
V + A American Corp
1910 Golden Gate Blvd E
Naples FL 34120

2. Article Number
 (Transfer from service label) 7004 1160 0001 8660 7812

COMPLETE THIS SECTION ON DELIVERY

A. Signature [Signature] Agent Addressee

B. Received by (Printed Name) _____ C. Date of Delivery 2-15

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

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

4. Restricted Delivery? (Extra Fee) Yes

**PROPERTY DATA FOR PARCEL 25-44-26-07-00049.0090
TAX YEAR 2004**

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

[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 ROLL.**

PROPERTY DETAILS

OWNER OF RECORD

V + A AMERICAN CORP
1910 GOLDEN GATE BLVD E
NAPLES FL 34120

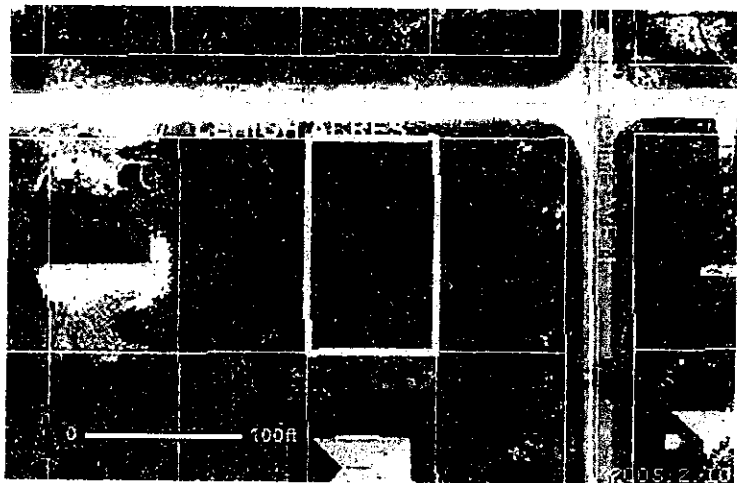
SITE ADDRESS

2703 10TH ST W
LEHIGH ACRES FL 33971

LEGAL DESCRIPTION

LEHIGH ACRES UNIT 7 REPLAT
BLK.49 DB 289 PG 206
LOT 9

[VIEWER] TAX MAP [PRINT]



[PICTOMETRY]

TAXING DISTRICT

060 - LEHIGH ACRES FIRE/LIGHT

DOR CODE

00 - VACANT RESIDENTIAL

**PROPERTY VALUES (TAX
ROLL 2004)[NEW! HISTORY
CHART]**

EXEMPTIONS

ATTRIBUTES

JUST ASSESSED	6,900	HOMESTEAD	0	UNITS OF MEASURE	LT
ASSESSED SOH	6,900	AGRICULTURAL	0	NUMBER OF UNITS	1.00
TAXABLE BUILDING	6,900	WIDOW	0	FRONTAGE	0
		WIDOWER	0	DEPTH	0
		0 DISABILITY	0	BEDROOMS	



3880 Colonial Blvd., Suite 2 • Ft. Myers, Florida 33912 • (239) 277-5766 • Fax (239) 936-4630

February 10, 2005

Vernon W. and Susan Plants
18420 Hunter Glen Rd.
N. Ft. Myers, Fl. 33917

RE: 2700 10th St. W.
Lehigh Acres, Fl. 33971

To Vernon W. and Susan Plants:

We are in the process of making application to Lee County Community Development for approval of vacation of drainage and utility easements for a residence constructed by Adams Homes of NW. Fl., Inc. at the following address:

2701 10th St. W., Lehigh Acres, Fl. 33971

As your above referenced property lies adjacent to our newly constructed residence, we are required to notify you of this pending application. Due to a field error, the home was unintentionally shifted to the West when the house was pinned prior to commencement of construction. Unfortunately, the miscalculation was not realized until the home was completed and the Final Survey prepared. Consequently, the roof overhang, concrete air conditioning pad and well equipment pad are currently in violation of the required 6" easement on the West side.

A professional drawing showing the portion of utility and drainage easement we are asking to vacate which contains 102 square feet, more or less has been enclosed for your reference.

We regret this error and have taken steps to prevent future reoccurrence. If you have any questions, please do not hesitate to contact us directly. Thank you in advance for your consideration.

Sincerely,

Michael Gay, Petitioner
Production Manager

7004 1160 0001 8660 7829

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

For delivery information visit our website at www.usps.com®

NORTH FORT MYERS FL 33917 OFFICIAL USE

Postage	\$ 00.37	0420 08 Postmark Here
Certified Fee	\$2.30	
Return Receipt Fee (Endorsement Required)	\$1.75	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 4.42	02/11/2005

Sent To *Vernon W. and Susan Plants*
 Street, Apt. No., or PO Box No. *18420 Hunter Glen Rd*
 City, State, ZIP+4 *N Ft Myers FL 33917*
 PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:
Vernon W and Susan Plants
18420 Hunter Glen Rd
N Ft Myers FL 33917

2. Article
 (Title)
 PS Fc

COMPLETE THIS SECTION ON DELIVERY

A. Signature *Vern Plants* Agent Addressee
 B. Received by (Printed Name) *Vern PLANTS* C. Date of Delivery
 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
 4. Restricted Delivery? (Extra Fee) Yes

**PROPERTY DATA FOR PARCEL 25-44-26-07-00049.0110
TAX YEAR 2004**

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

[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 ROLL.**

PROPERTY DETAILS

OWNER OF RECORD

PLANTS VERNON W + SUSAN
18420 HUNTER GLEN RD
NORTH FORT MYERS FL 33917

SITE ADDRESS

2700 9TH ST W
LEHIGH ACRES FL 33971

LEGAL DESCRIPTION

LEHIGH ACRES UNIT 7 REPLAT
BLK.49 DB 289 PG 206
LOT 11

[VIEWER] TAX MAP [PRINT]



[PICTOMETRY]

TAXING DISTRICT

060 - LEHIGH ACRES FIRE/LIGHT

DOR CODE

00 - VACANT RESIDENTIAL

**PROPERTY VALUES (TAX
ROLL 2004)[NEW! HISTORY
CHART]**

EXEMPTIONS

ATTRIBUTES

JUST ASSESSED	6,900	HOMESTEAD	0 UNITS OF MEASURE	LT
ASSESSED SOH	6,900	AGRICULTURAL	0 NUMBER OF UNITS	1.00
TAXABLE BUILDING	6,900	WIDOW	0 FRONTAGE	0
		WIDOWER	0 DEPTH	0
	0	DISABILITY	0 BEDROOMS	



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February 10, 2005

Juan and Nereida Garcia
2702 9th St. W.
Lehigh Acres, Fl. 33971

RE: 2702 9th St. W.
Lehigh Acres, Fl. 33971

To Juan and Nereida Garcia:

We are in the process of making application to Lee County Community Development for approval of vacation of drainage and utility easements for a residence constructed by Adams Homes of NW. Fl., Inc. at the following address:

2701 10th St. W., Lehigh Acres, Fl. 33971

As your above referenced property lies adjacent to our newly constructed residence, we are required to notify you of this pending application. Due to a field error, the home was unintentionally shifted to the West when the house was pinned prior to commencement of construction. Unfortunately, the miscalculation was not realized until the home was completed and the Final Survey prepared. Consequently, the roof overhang, concrete air conditioning pad and well equipment pad are currently in violation of the required 6" easement on the West side.

A professional drawing showing the portion of utility and drainage easement we are asking to vacate which contains 102 square feet, more or less has been enclosed for your reference.

We regret this error and have taken steps to prevent future reoccurrence. If you have any questions, please do not hesitate to contact us directly. Thank you in advance for your consideration.

Sincerely,

Michael Gay, Petitioner
Production Manager

7004 1160 0001 8660 7836

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

For delivery information visit our website at www.usps.com®

LEHIGH ACRES FL 33971

Postage	\$ 00.37
Certified Fee	\$2.30
Return Receipt Fee (Endorsement Required)	\$1.75
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 04.42

0420
 08 Postmark
 Here
 02/11/2005

Sent To Juan and Nereida Garcia
 Street, Apt. No.,
 or PO Box No. 2702 9th St W
 City, State, ZIP+4 Lehigh Acres FL 33971

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

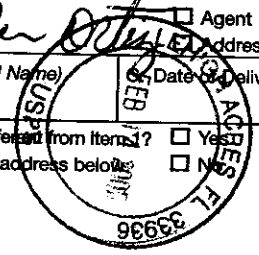
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Juan and Nereida Garcia
2702 9th St W
Lehigh Acres FL 33971

2. Article Number
 (Transfer from service label) 7004 1160 0001 8660 7836

COMPLETE THIS SECTION ON DELIVERY

A. Signature X Nereida Garcia Agent Addressee
 B. Received by (Printed Name) _____ Date of Delivery _____
 D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below _____



3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
4. Restricted Delivery? (Extra Fee) Yes

**PROPERTY DATA FOR PARCEL 25-44-26-07-00049.0120
TAX YEAR 2004**

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

[Next Lower Parcel Number | Next Higher Parcel Number | Display Building Permits 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 ROLL.**

PROPERTY DETAILS

OWNER OF RECORD

GARCIA JUAN +
NEREIDA
2702 9TH ST W
LEHIGH ACRES FL
33971

SITE ADDRESS

2702 9TH ST W
LEHIGH
ACRES FL 33971

LEGAL DESCRIPTION

LEHIGH ACRES UNIT
7 REPLAT
BLK 49 PB 15 PG 71
LOT 12

[VIEWER] TAX MAP [PRINT]

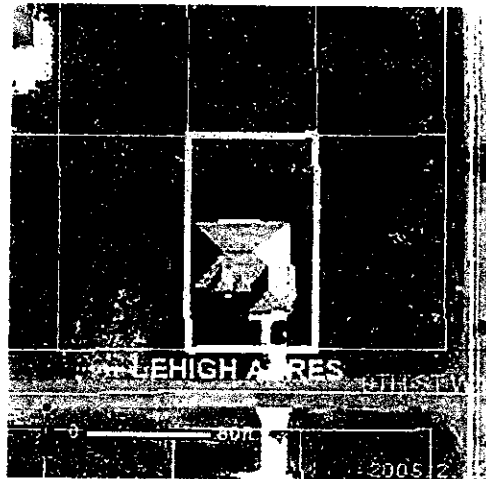


IMAGE OF STRUCTURE



Photo Date: October of 2001

[PICTOMETRY]

TAXING DISTRICT

060 - LEHIGH ACRES FIRE/LIGHT

DOR CODE

01 - SINGLE FAMILY RESIDENTIAL

**PROPERTY VALUES (TAX
ROLL 2004)[NEW! HISTORY
CHART]**

EXEMPTIONS

ATTRIBUTES

PROPERTY VALUES (TAX ROLL 2004)	EXEMPTIONS	ATTRIBUTES
JUST 117,140	HOMESTEAD 25,000	UNITS OF MEASURE LT
ASSESSED 117,140	AGRICULTURAL	NUMBER OF UNITS 1.00
ASSESSED SOH 95,500	WIDOW	FRONTAGE 0
TAXABLE 65,500	WIDOWER	DEPTH 0

ADMINISTRATIVE APPROVAL
LEE COUNTY, FLORIDA

WHEREAS, Adams Homes of N.W. FL., Inc., in reference to 2701 10th St. W, filed an application for administrative approval for administrative setback variance from the minimum required side yard setback of 7.5 feet to 6.1 feet (southwest corner) and to 6.5 feet (northwest corner) for development of property located at 2701 10th St. W, described more particularly as:

LEGAL DESCRIPTION: In Section 25, Township 44 South, Range 26 East, Lee County, Florida:

LOT 10, BLOCK 49, UNIT 7, LEHIGH ACRES SUBDIVISION, AS
RECORDED IN PLAT BOOK 15 AT PAGE 71, PUBLIC
RECORDS OF LEE COUNTY, FLORIDA.

WHEREAS, the applicant has indicated the property's current STRAP number is 25-44-26-07-00049.0100; and

WHEREAS, the property is zoned RS-1; and

WHEREAS, an application for approval of an administrative setback variance has been filed pursuant to the Lee County Land Development Code Section 34-268; and

WHEREAS, the Lee County Land Development Code provides for administrative approval from the Zoning Regulations for matters involving setbacks in LDC Sections 34-651 through 34-1041 and 34-1741, et seq.; and

WHEREAS, administrative approval is requested in the RS-1 zoning district, as provided by the Lee County Land Development Code, Chapter 34, from the Lee County Zoning Regulations contained in LDC Section 34-695, from the minimum required side yard setback of 7.5 feet to 6.1 feet on the southwest corner of an existing single-family residence and to 6.5 feet on the northwest corner of the existing single-family residence; and

WHEREAS, a Certificate of Occupancy (RES2004-03675) was issued on December 6, 2004 by the Department of Community Development for the existing single-family residence; and

WHEREAS, the existing single-family residence was constructed encroaching, in error, the minimum required side yard setback; and

WHEREAS, the owners of the adjacent property, Lot 9, Block 49, Unit 7 Lehigh Acres Subdivision at 2703 10th St. West, V&A American Corp., have formally stated no objections to the administrative variance and change to side setback requested by the applicant; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval; and

WHEREAS the following findings of fact are offered:

1. There are no apparent deleterious effects upon the adjoining property owners;
2. The modifications will not have an adverse impact on the public health, safety and welfare; and
3. The modifications will be the minimum required.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for Administrative Approval for relief in the RS-1 zoning district from the Lee County Land Development Code Section 34-695 to reduce the side yard setback on subject property from

- a) the minimum required yard setback of 7.5 feet on the southwest corner of the existing single-family residence to 6.1 feet; and
- b) the minimum required yard setback of 7.5 feet on the northwest corner of the existing single-family structure to 6.5 feet.

is **APPROVED**, limited to the site plan entitled "Survey Plat" submitted by Bean, Whitaker, Lutz & Kareh, Inc. dated September, 17, 2003, last revised November 24, 2004, stamped "Received Dec 10 2004 Permit Counter". A reduced copy is attached hereto.

DULY PASSED AND ADOPTED this 30th day of March, A.D., 2005.

BY: Walter Richardson
for Pam Houck, Director
Division of Zoning
Department of Community Development

SURVEY PLAT

OF
 LOT 10, BLOCK 49, UNIT 7
 LEHIGH ACRES
 AS RECORDED IN PLAT BOOK 15, PAGE 71
 LYING IN
 SECTION 25, TOWNSHIP 44 SOUTH, RANGE 26 EAST,
 LEE COUNTY, FLORIDA

NOTES:

SURVEY BASED ON SAID RECORDED PLAT AND FOUND MONUMENTATION.
 BEARINGS SHOWN HEREON ARE BASED ON SAID RECORDED PLAT INDICATING THE CENTERLINE OF
 TENTH STREET WEST SUBMISSION LINE BEING N 89°23'44"E.
 DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF.

PARCEL LIES IN NO SPECIAL FLOOD AREA. THIS INFORMATION TAKEN FROM FLOOD INSURANCE RATE
 MAP 125124 0375 B, PANEL NOT PRINTED (MAP INDEX REVISED 05-05-2003).

THE F.C.M.A. FLOOD ZONE INFORMATION INDICATED HEREON IS BASED ON MAPS SUPPLIED BY THE
 FEDERAL GOVERNMENT. THIS FLOOD INFORMATION MUST BE VERIFIED WITH ALL PERMITTING
 REGULATORY AGENCIES PRIOR TO COMMENCING ANY WORK OR APPLICATION DEPENDENT ON SAID
 FLOOD INFORMATION.

EASEMENTS SHOWN ARE BASED ON SAID RECORDED PLAT ONLY.

IRON RODS "SET" ARE 5/8" X 18" REBAR WITH PLASTIC CAP BEARING CORPORATION NO. LB4919.
 UNDERGROUND IMPROVEMENTS, UTILITIES AND/OR FOUNDATIONS WERE NOT LOCATED UNLESS
 OTHERWISE NOTED.

WETLANDS, IF ANY, WERE NOT LOCATED.

THIS PLAT PREPARED AS A BOUNDARY SURVEY AND IS NOT INTENDED TO DELINEATE THE JURISDICTION
 OR JURISDICTIONAL AREAS OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION
 OR OTHER ENTITY.

PARCEL CONTAINS 10,890 SQUARE FEET MORE OR LESS.

THE PROPERTY IS SUBJECT TO ANY CLAIM THAT ANY PART OF SAID LAND IS OWNED BY THE STATE OF
 FLORIDA BY RIGHT OF SOVEREIGNTY, RIPARIAN RIGHTS AND THE TITLE TO FILLED-IN LANDS, IF ANY.

BUILDING TIES ARE TO THE FOUNDATION CORNERS. ROOF OVERHANGS NOT SHOWN.

PLAT RECORDED APRIL 13, 1961.

DATE OF LAST FIELD WORK: 11-24-04

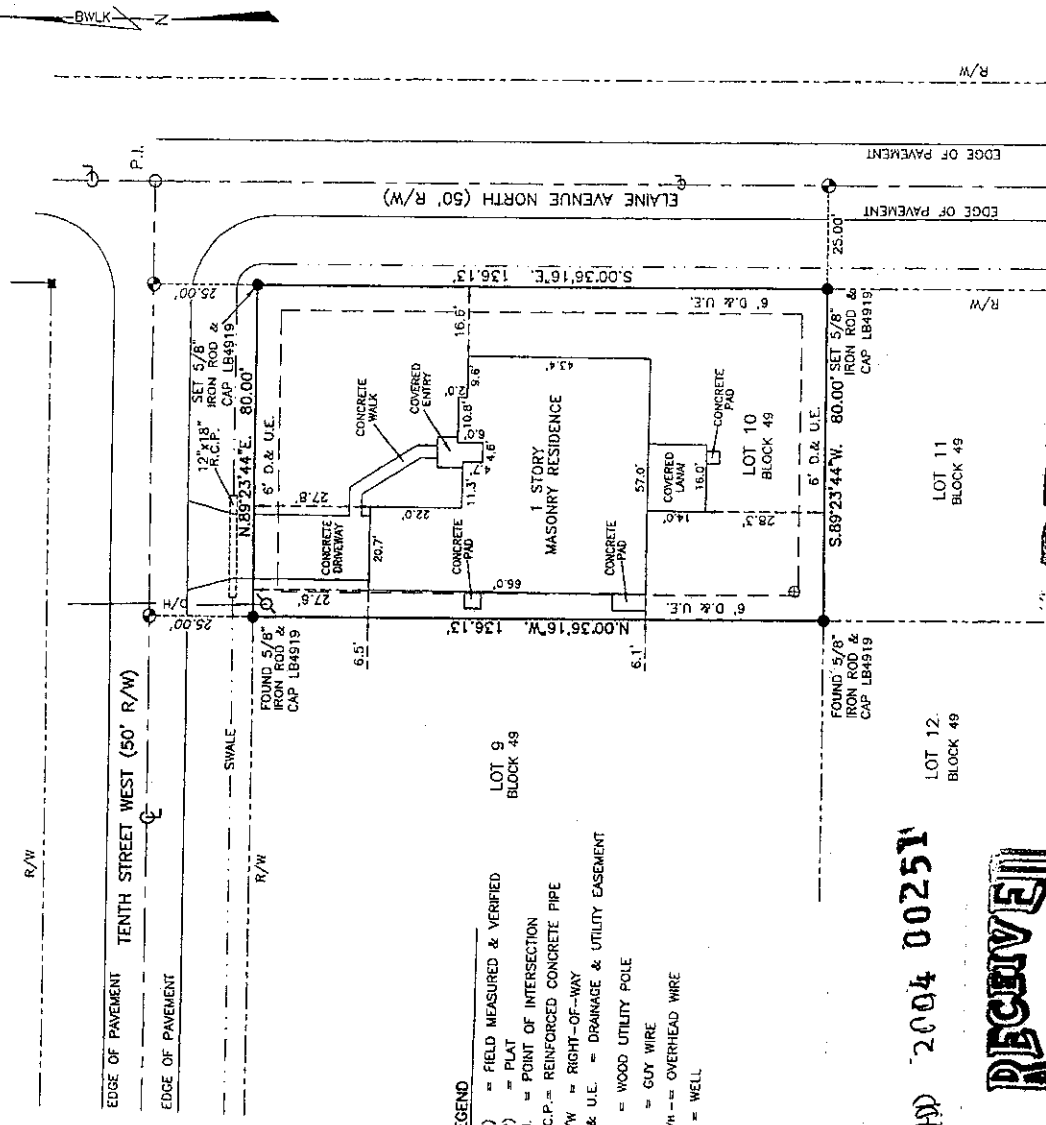
*NOT VALID WITHOUT THE SIGNATURE AND
 THE ORIGINAL-RAISED SEAL OF A FLORIDA
 LICENSED SURVEYOR AND HAPPER.
 BEAN, WHITAKER, LUTZ & KAREH, INC.

CERTIFIED TO:
 - YERN AND SUSAN PLANTS
 - YERN COUNTY TITLE INSURANCE AGENCY, INC.
 - CHICAGO TITLE INSURANCE COMPANY
 - SUNTRUST MORTGAGE, INC.

WILLIAM B. BEAN, RLS 5281
 REGISTERED PROFESSIONAL SURVEYOR
 STATE OF FLORIDA
 - THIS CERTIFICATION IS ONLY FOR THE LANDS
 DESCRIBED HEREON.
 - IT IS NOT A CERTIFICATION OF TITLE. ZONING
 SETBACKS, OR FREEDOM OF ENCUMBRANCE
 - THIS SURVEY WAS PREPARED WITHOUT BENEFIT
 OF ABSTRACT OF TITLE AND ALL MATTERS OF TITLE
 SHOULD BE REFERRED TO AN ATTORNEY AT LAW.

SR34468	DWG	13041-1 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919-5910	(230) 461-1331
DATE	PROJECT NO.	DRAWN BY	SHEET
09-17-03	34468	BUB	1 OF 1
		SCALE	P.B.
		1"=30'	25-44-26
			15
			71

Bean, Whitaker, Lutz & Kareh, Inc.
 CONSULTING ENGINEERS AND SURVEYORS LB 4919



- LEGEND**
- (F) = FIELD MEASURED & VERIFIED
 - (P) = PLAT
 - P.I. = POINT OF INTERSECTION
 - R.C.P. = REINFORCED CONCRETE PIPE
 - R/W = RIGHT-OF-WAY
 - D.& U.E. = DRAINAGE & UTILITY EASEMENT
 - ⊕ = WOOD UTILITY POLE
 - = GUY WIRE
 - O/W = OVERHEAD WIRE
 - ⊗ = WELL

APPROVED
Plan

APP 2004 00251

RECEIVED
 DEC 10 2004

PERMIT COUNTER

EASEMENTS SHOWN ARE PER PLAT - "ALL LOTS SUBJECT TO A 6 FOOT
 DRAINAGE & UTILITY EASEMENT ON BOTH SIDES, FRONT AND BACK"

REVISED: 11-24-04 FINAL SURVEY
 Subject to Case # ADD2004-00251
 Date 3/30/05

BOARD OF COUNTY COMMISSIONERS
July 1, 2005

Writer's Direct Dial Number: _____

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

Michael Gay,
Adams Homes of Northwest Florida, Inc.
3880 Colonial Blvd., Suite 2,
Fort Myers, FL 33912

Re: **VAC2005-00014 - Petition to Vacate** a portion of a six-foot (6) wide Drainage and Public Utility Easement on Lot 10, Block 49, Unit 7, S 25, T 44S, R 26E, Lehigh Acres, Lee County, Florida, according to the map or plat thereof on file and recorded in PB 15, Pg 71 of the Public Records of Lee County, FL

Dear Mr. Gay:

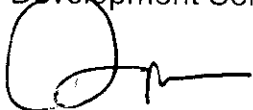
You have indicated that in order to clear title on the property due to a field error by a subcontractor, where a single-family home constructed in 2004 partly encroaches into the easement, your client, Mr. Patrick and Mrs. Stephanie Toms desire to eliminate a portion of the six-foot Drainage and Public Utility Easement.

An administrative approval (ADD2004-00251) for administrative setback variance from the minimum required side yard setback of 7.5 feet to 6.1 feet (southwest corner and to 6.5 feet (northwest corner) for the development of this property has been approved and adopted on March 30, 2005. The site is located at 2701 10th Street W., Lehigh Acres. Based on a review of the information provided and our subsequent research, this office has no objection to the proposed vacation.

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

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division



Peter J. Eckenrode
Director

PJE/RXW

U:\200507\20050324.100\3103750\DCDLETTER.DOC

3880 Colonial Blvd., Suite 2 • Ft. Myers, Florida 33912 • (239) 277-5766 • Fax (239) 936-4630

March 9, 2005

Mr. Peter J. Eckenrode
Director of Development Services
Department of Community Development
1500 Monroe St.
PO Box 398
Ft Myers, Fl. 33902-0398

RE: Vacation of Easement
Strap #25-44-26-07-00049.0100

Dear Peter J. Eckenrode:

At this time we are respectfully requesting a Vacation of Utility and Drainage Easements for the above referenced property. Due to a field error by a concrete subcontractor, the home was unintentionally shifted to the West when the house was pinned prior to commencement of construction. Unfortunately, the miscalculation was not realized until the home was completed and the Final Survey prepared. Consequently, the roof overhang, concrete air conditioning pad and well equipment pad are currently in violation of the required 6" easement on the West side.

A professional drawing showing the portion of easement we are asking to vacate which contains 102 square feet, more or less, has been enclosed for your reference.

We regret this error and have taken steps to prevent future reoccurrence. If you have any questions, please do not hesitate to contact us directly. Thank you in advance for your consideration.

Sincerely,



Michael Gay, Petitioner
Production Manager
Office (239) 277-5766



Lee County Electric Cooperative, Inc.
Post Office Box 3455
North Fort Myers, FL 33918-3455
(239) 995-2121 • FAX (239) 995-7904
www.lcec.net • www.ifline.com

March 1, 2005

Mr. Michael Gay
Adams Homes of NW FL, Inc.
3880 Colonial Blvd, Suite 2
Fort Myers, FL 33912

Re: Strap No. 25-44-26-07-00049.0100
2710 10th Street W, Lehigh Acres, Florida

Dear Mr. Gay:

LCEC does not object to vacation of the described utility easement lying on the West side of Lot 10, Block 49, Unit 7, Lehigh Acres, Section 25, Township 44 South, Range 26 East, Lee County, Florida, as indicated on the attached sketch and description provided by Bean, Whitaker, Lutz & Kareh, Inc. dated 2-03-05.

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

Sincerely,

Sandra McIver
Real Property Representative

Attachments



May 26, 2005

Mr. Michael Gay
Adams Homes of NW Fl., Inc
3880 Colonial Blvd., Ste. 2
Fort Myers, Florida 33912

Re: Vacation of Public Utility Easement:

A 6 foot wide public utility and drainage easement located on the West side
of lot 10, Block 49, Unit 07, Section 25, Township 45S, Range 26E.
Strap #25-44-26-07-00049.0100
2701 10th Street West, Lehigh Acres, Fl.

Dear Mr. Gay:

Sprint-Florida Incorporated has reviewed the document for the above referenced information. Based on the review, we have no objection to the vacation of a portion of a public utility and drainage easement at the Lehigh Acres location.

If you should require additional information, please contact me at 863-452-3207.

Sincerely,

A handwritten signature in cursive script that reads "Wayneth Jackson".

Wayneth Jackson
Engineer

VAC 2005-00014



**26930 Old US 41
Bonita Springs, FL 34135
Phone: 239-732-3805
FAX: 239-498-4483**

April 21, 2005

Adams Homes of NW.FL., Inc
Attn: Michael Gay
3880 Colonial Bl STE 2
Ft Myers, FL 33912

Re: 2701 10th St W Lehigh Acres
Vacate Right-of-Way and/or Utility Easement

Dear Michael Gay,

This letter will serve to inform you that Comcast has no objection to your proposed vacation of Right-of-way and/or Utility easement of the above referenced location.

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

Cordially,

A handwritten signature in cursive script, appearing to read 'Mark Cook'.

Mark Cook
Design Coordinator

VAC 2005-00014



May 5, 2005

Michael Gay
Adams Homes of NW Fla, Inc.
3880 Colonial Blvd – Suite 2
Fort Myers, Fla. 33912

RE: 2701 10th St W – Lehigh Acres, Florida 33971
Vacation of easement

To Whom It May Concern:

A request for the above listed vacation of utility easement has been reviewed. At this time, Time Warner Cable has **NO CONFLICT** with this proposed vacation of utility easement.

If you have any further questions or concern, please do not hesitate to contact me at (239) 772-2218, Ext. 79247.

Sincerely,

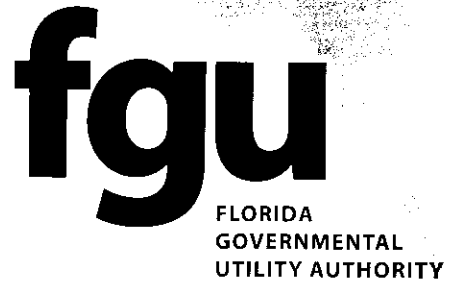
TIME WARNER CABLE

A handwritten signature in black ink, appearing to read "O'Niel Walker".

O'Niel Walker
Technical Field Inspector

OW/sgs

VAC 2005-01014



May 23, 2005

Mr. Michael Gay, Project Manager
Adams Homes of NW Florida, Inc.
3880 Colonial Blvd., Ste 2
Ft. Myers, FL 33912

RE: Vacation of a portion of the drainage and utility easement for Lot 10, on the easterly boundary of said lot, in Block 49, Unit 7 of Lehigh Acres Florida, as recorded in Plat Book 15, page 71, of the Public Records of Lee County, Florida.

LEA ANN THOMAS, CHAIR
Polk County

RICHARD W. WESCH
Citrus County

ROBERT NANNI
Osceola County

Dear Mr. Gay:

The FGUA has determined that it does not presently hold any property rights over the property identified above other than the easement included in the plat reservation. It has also been determined that the FGUA has no current utilities in the utility easement, nor has any foreseeable need for utility placement in the easement to be vacated. Therefore, the request for vacation of easement as depicted in the sketch attached to your request and identified below is hereby approved.

The vacation of easement was requested for a portion of the 6 foot wide drainage and public utility easement of Lot 10, on the easterly boundary of said lot, in Block 49, Unit 7 of Lehigh Acres Florida, as recorded in Plat Book 15, page 71, of the Public Records of Lee County, Florida.

Should you have any further questions in this matter, please do not hesitate to contact me at 407-629-6900.

Sincerely,

Florida Governmental Utility Authority

Charles L. Sweat
Director of Operations

CLS/jdk

FGUA OPERATIONS OFFICE

Government Services Group, Inc.
Protegrity Plaza, Suite 203
280 Wekiva Springs Road
Longwood FL 32779

877/552-3482 Toll Free
407/629-6900 Tel
407/629-6963 Fax

AmeriGas

America's Propane Company

May 14, 2005

Michael Gay
Re: Utility Easements

In reference to your letter dated April 13, 2005 AmeriGas has no interest on right of way on the following locations:

2701 10th St W
Lehigh Acres, FL 33971

Please feel free to contact me at 239-948-4902, should you have any questions.

Mike Yonker



SSM

VAC 2005-00014

BOARD OF COUNTY COMMISSIONERS

(941) 479-8181

Writer's Direct Dial Number.

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

April 21, 2005

Michael Gay
Adams Homes of NW. Fl. Inc.
3880 Colonial Blvd.
Fort Myers, Fl. 33912

**SUBJECT: VACATION OF A UTILITY AND DRAINAGE EASEMENT
2701 10TH STREET WEST, LEHIGH ACRES, FL. 33971**

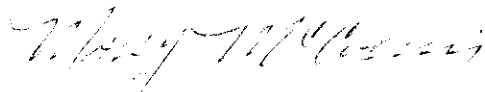
Dear Mr. Gay:

Lee County Utilities has reviewed your request for a Utility and Drainage easement vacation, described in your letter of April 13th, 2005. Lee County Utilities has no facilities located within this area; therefore, there is no objection to the vacation of this by Lee County Utilities. However, you will want to contact other Lee County Departments and request letter from them. You will also want to contact the Florida Governmental Utility Authority, as your property is located within their Utility service area. Their phone number is (239) 368-1615.

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

Sincerely,

LEE COUNTY UTILITIES



Mary McCormic
Engineering Tech., Senior
UTILITIES ENGINEERING

001A - MASTER.doc

VAC 2005-00014

 **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

Robert W. Gray
Deputy County Attorney

Diana M. Parker
County Hearing Examiner

Monday, February 21, 2005

Mr. Micheal Gay
Adams Homes of N.W. Florida, Inc
3880 Colonial Boulevard
Fort Myers, FL 33912

Re: Petition to Vacate a small portion (approx. 102 s.f.) of a twelve-foot (12') wide public utility and drainage easement centered on the common lot line of Lots 9 and 10, Block 49, Unit 7, Lehigh Acres Subdivision, as recorded in Plat Book 15 at Page 71, of the Public Records of Lee County, Florida.

Dear Mr. Gay:

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

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

Regards,

LEE COUNTY PUBLIC WORKS DEPARTMENT



Allen L. Davies, Jr.
Natural Resources Division

Cc: Ruth Keith, Development Services

RECEIVED
APR 13 2005

COMMUNITY DEVELOPMENT

S:\NATRES\SURFACE\DOCUMENT\vac478.doc

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8580

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

May 6, 2005

Mr. Michael Gay
Adams Homes of NW FL, Inc.
3880 Colonial Blvd., Suite 2
Fort Myers, FL 33912

RE: Petition to Vacate a portion of a drainage and utility Easement on Lot 10, Block 49, Unit 7, recorded in Plat Book 15, page 71, Lehigh Acres

Dear Mr. Gay:

Lee County Department of Transportation has reviewed your request to vacate a portion of the above described easement for the purpose of making an exception for the roof overhang, concrete air conditioning pad and well equipment pad which encroach on the easement. DOT has no facilities within the easement and does not maintain it.

Therefore, DOT offers no objection to this petition to vacate as proposed.

Very truly yours,

DEPARTMENT OF TRANSPORTATION



Margaret Lawson
Right-of-way Supervisor

MAL/JMK/mlb

cc: Ruth Keith, Development Services
Allen Davies, Natural Resources
DOT PTV File

VAC 2005-00014

S:\DOCUMENT\Petition To Vacate\2005\Lot 10 Blk 49 Unit 7 Lehigh (Gay).doc



Florida Department of Transportation

JEB BUSH
GOVERNOR

JOSÉ ABREU
SECRETARY

June 14, 2005

Mr. Michael Gay
Adams Homes
3880 Colonial Blvd., Suite 2
Ft. Myers, Florida 33912

RE: Lot 10, Blk. 49, Unit 7, Lehigh Acres,
2701 10th St. West

Dear Mr. Gay:

In response to your letter we received on April 21, 2005 our staff conducted a review of your request to vacate the subject area as marked and generally described as: that portion of proposed right of way or road vacation at the above referenced location.

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

Sincerely,

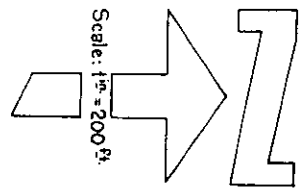
Tom Kasten
Right of Way Agent
Property Management

TLK/jps
cc: Scott Gilbertson, P.E. – Lee County
Peter J. Eckenrode – Lee County
Michael G. Rippe – FDOT
Thomas T. Garcia – FDOT
File, Daily File

VAC 2005-00014

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



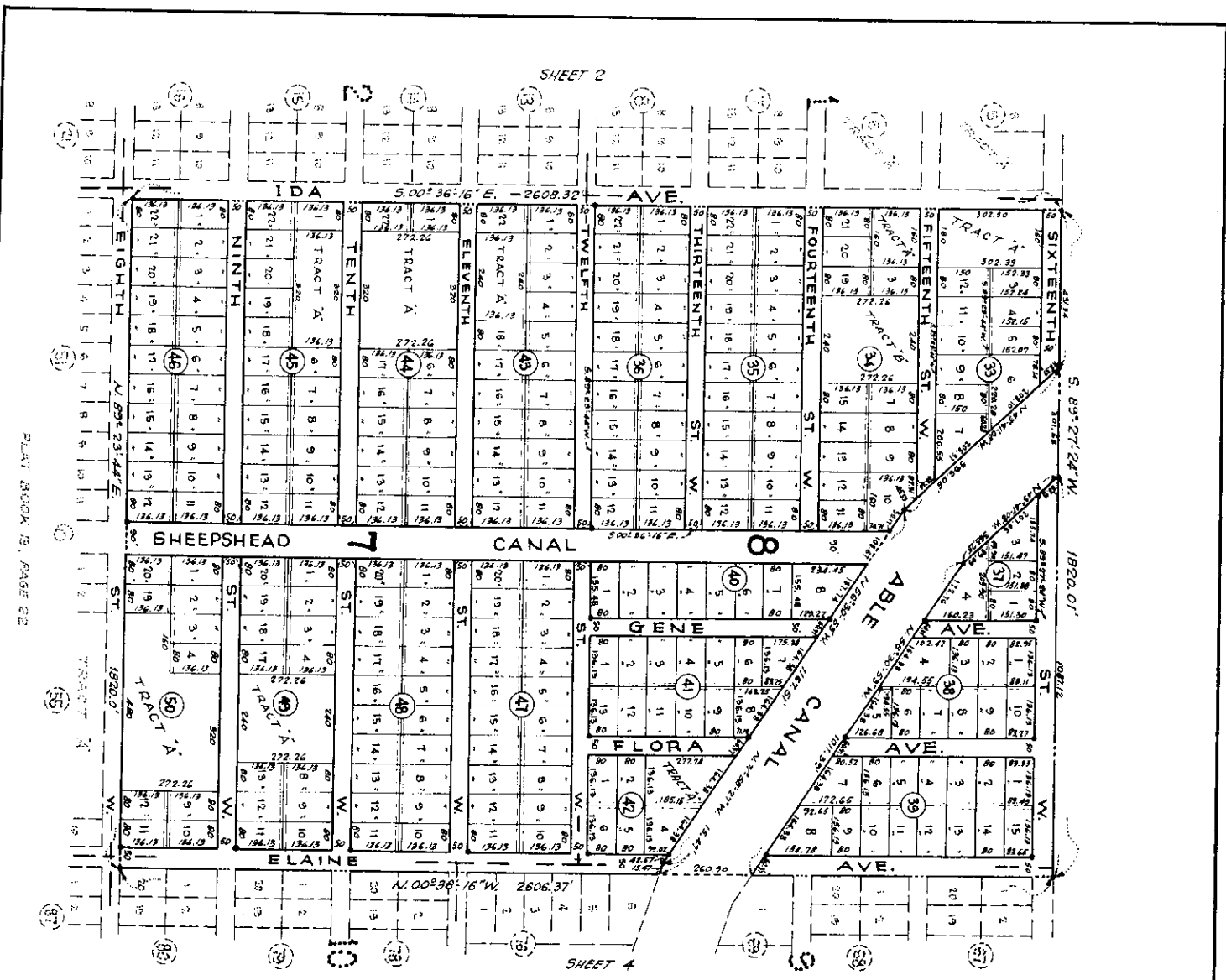


Scale: 1" = 200'

PLAT OF UNITS 7 & 8
SECTION 25, TOWNSHIP 44S, RANGE 26E.
A SUBDIVISION OF
LEHIGH ACRES
LEE COUNTY, FLORIDA

NOTE:

All lots subject to a 6 Foot Drainage and Utility Easement, both sides, front and back.
Interior P.R.M.'s are 4'-4" x 24' concrete.
• Denotes P.R.M.'s.
All Canals to be dedicated to East County Water Control District.



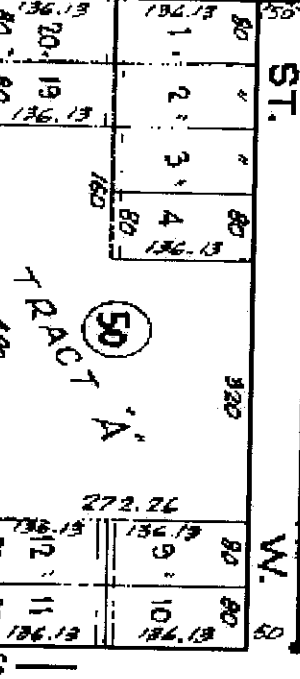
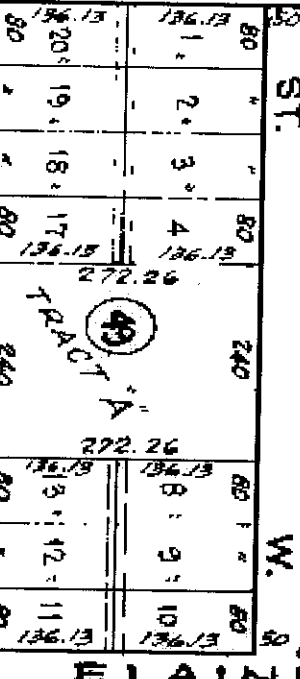
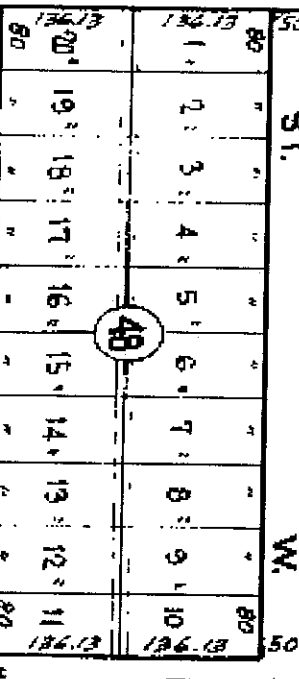
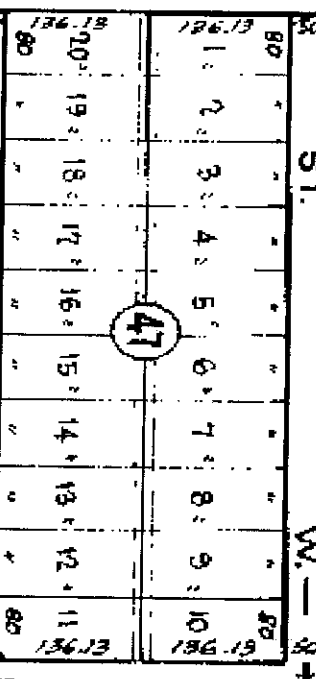
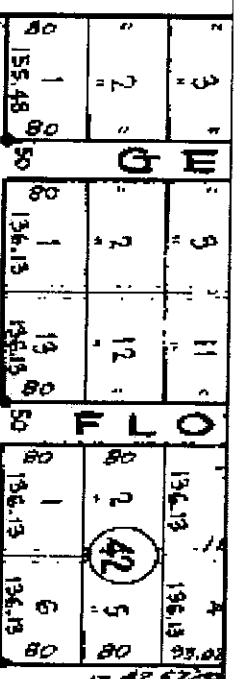
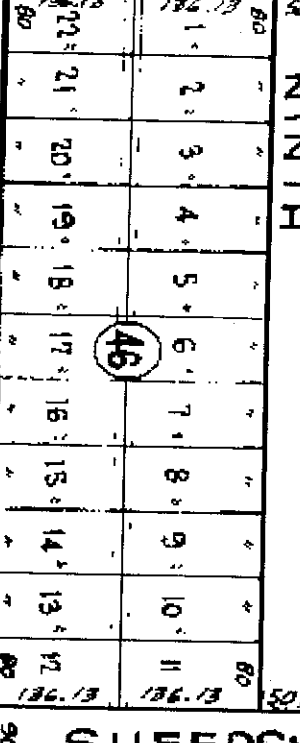
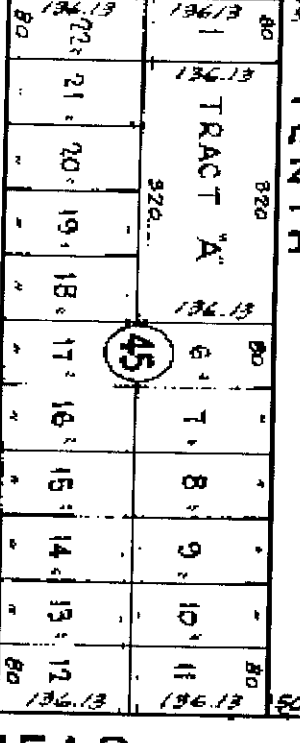
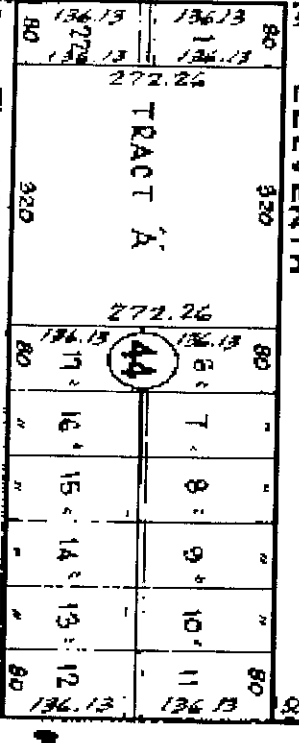
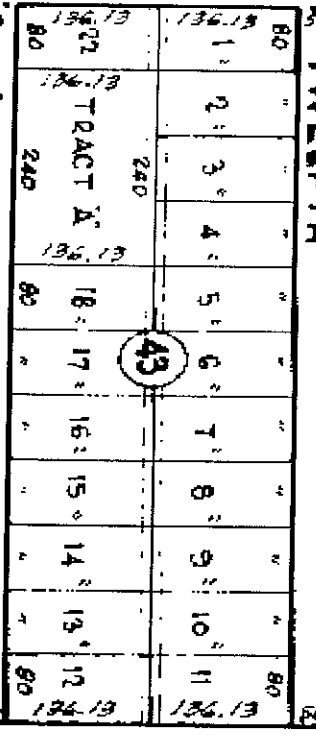
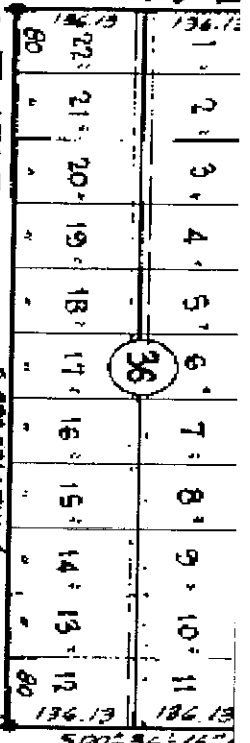
SHEET 2

SHEET 4

AVE

S. 00° 36' 16" E. - 2608.32'

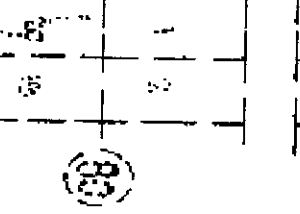
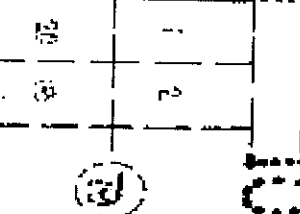
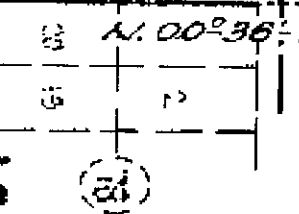
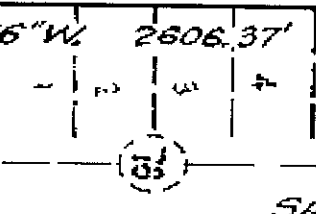
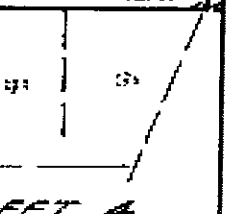
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AVE

N. 00° 36' 16\"/>

ELAINE

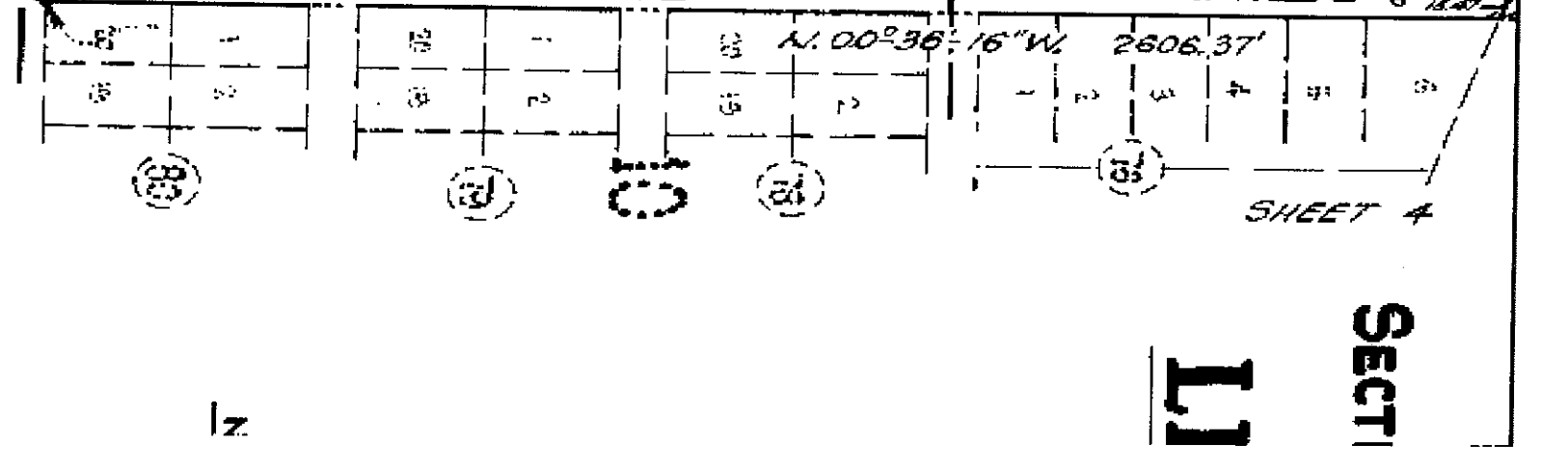
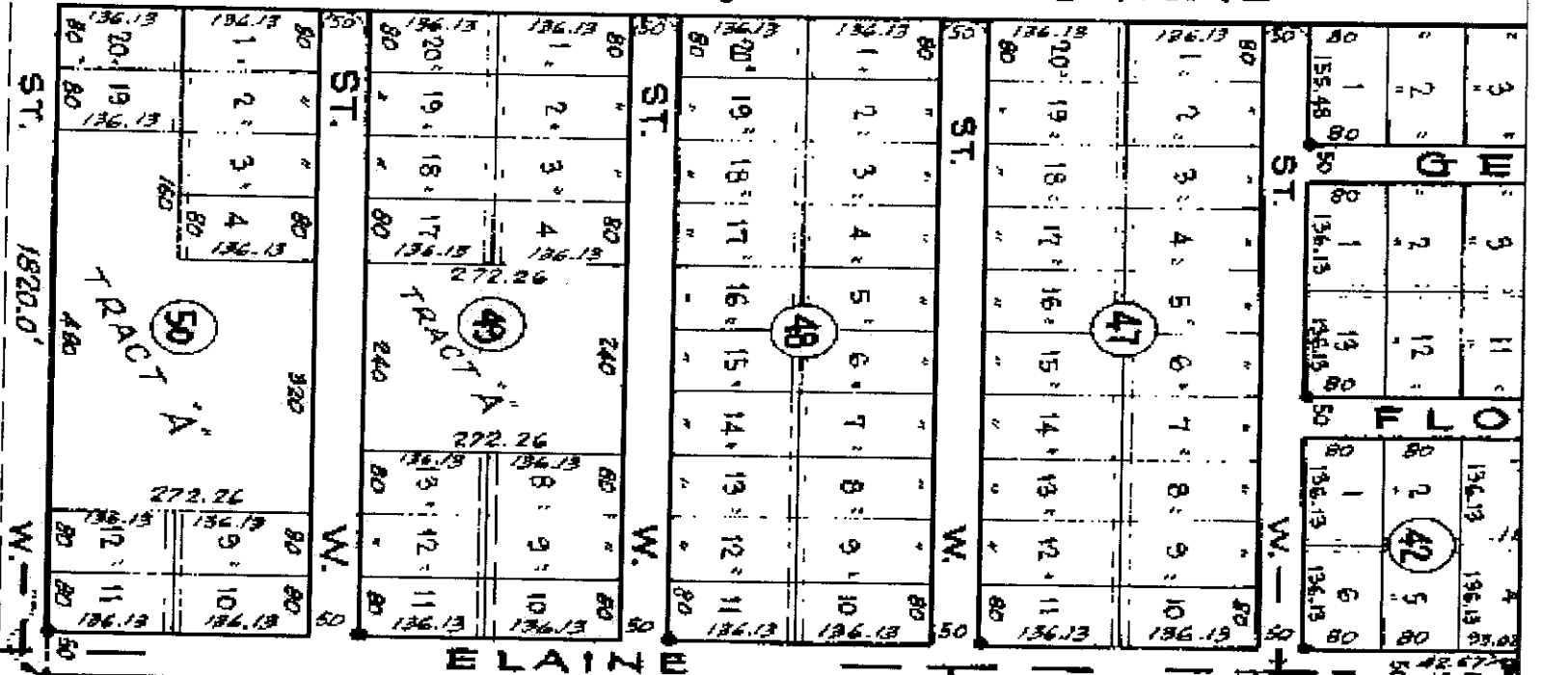
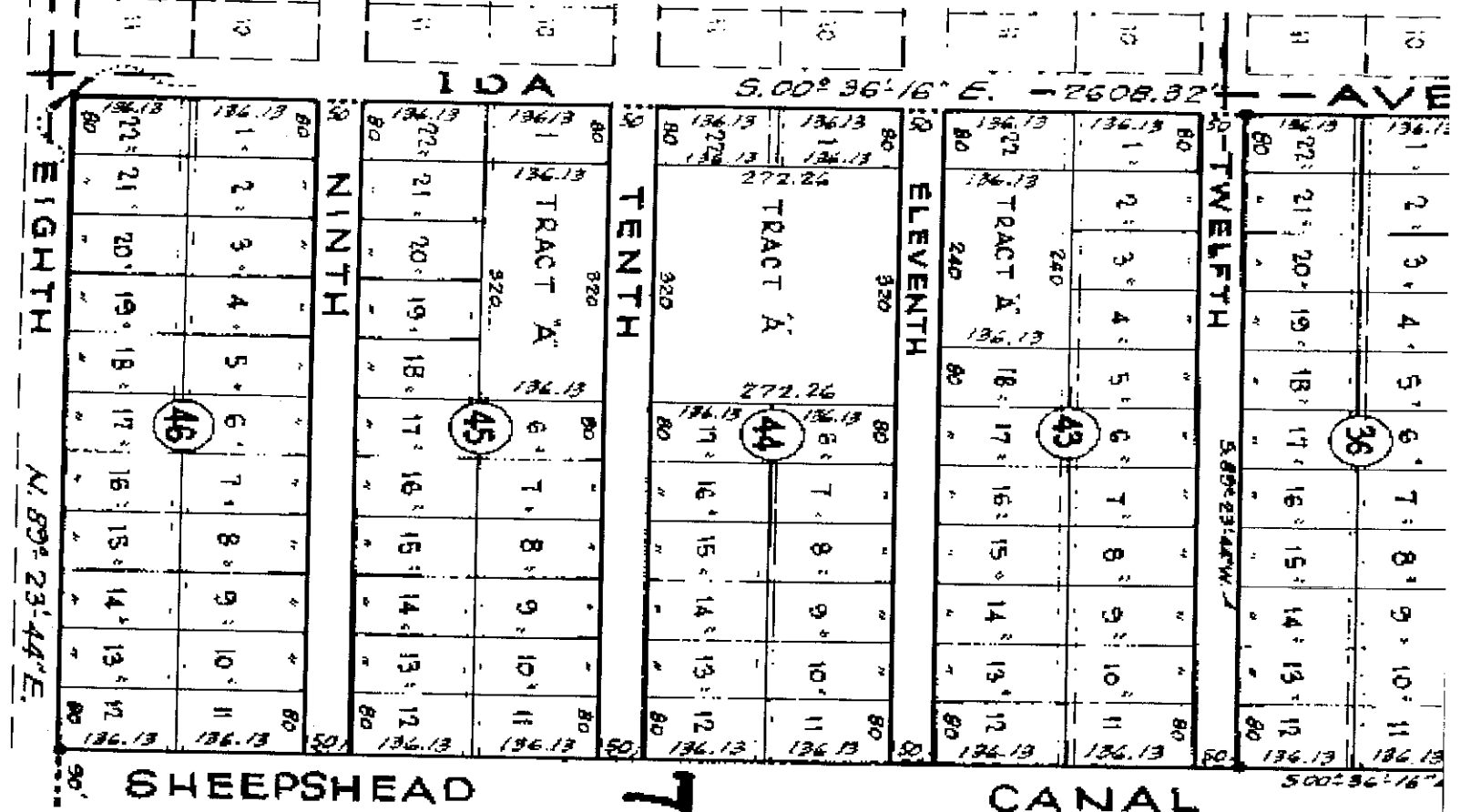


SHEET 4

SECT

11

12



10TH ST W

LEHIGH ACRES

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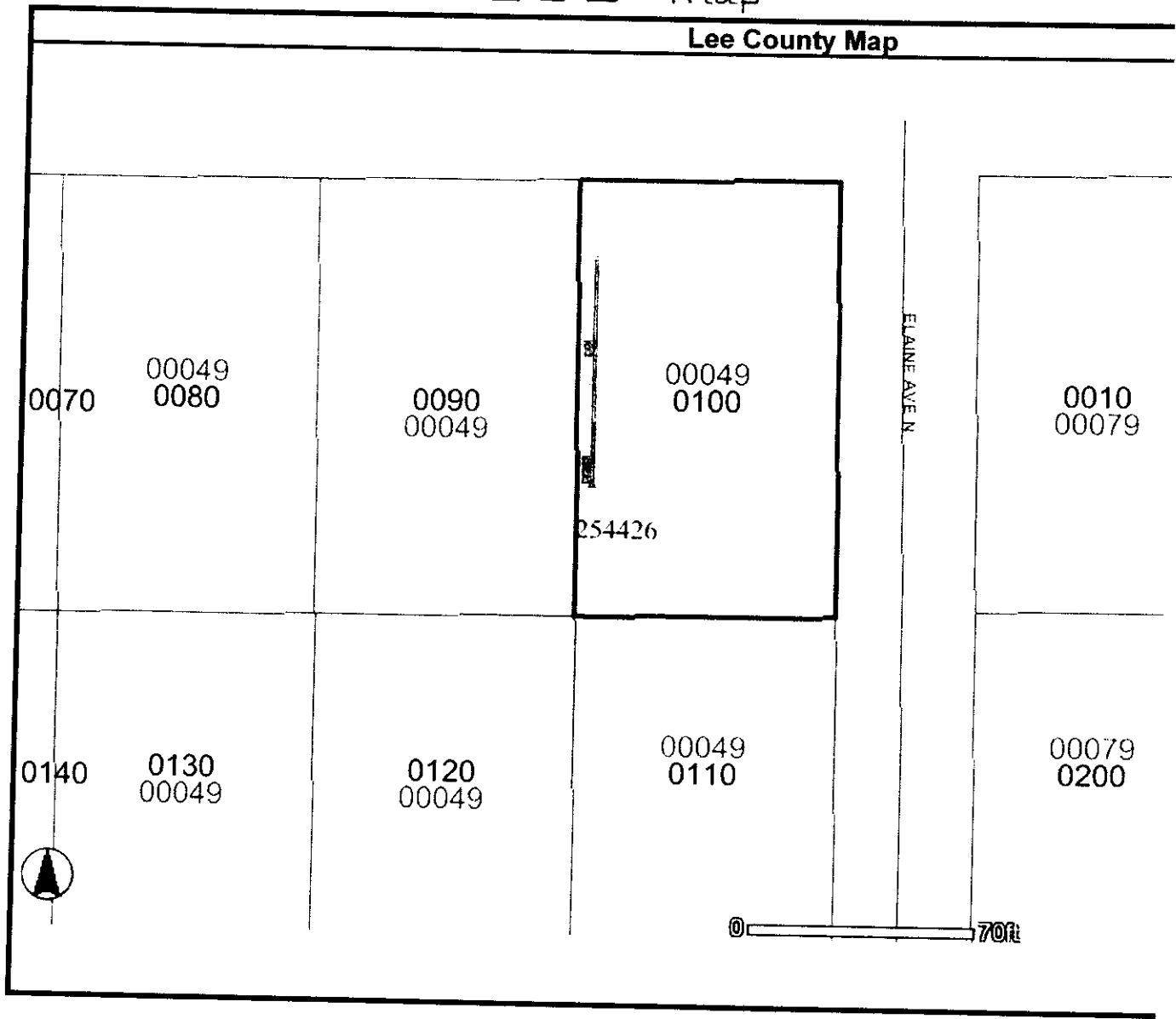
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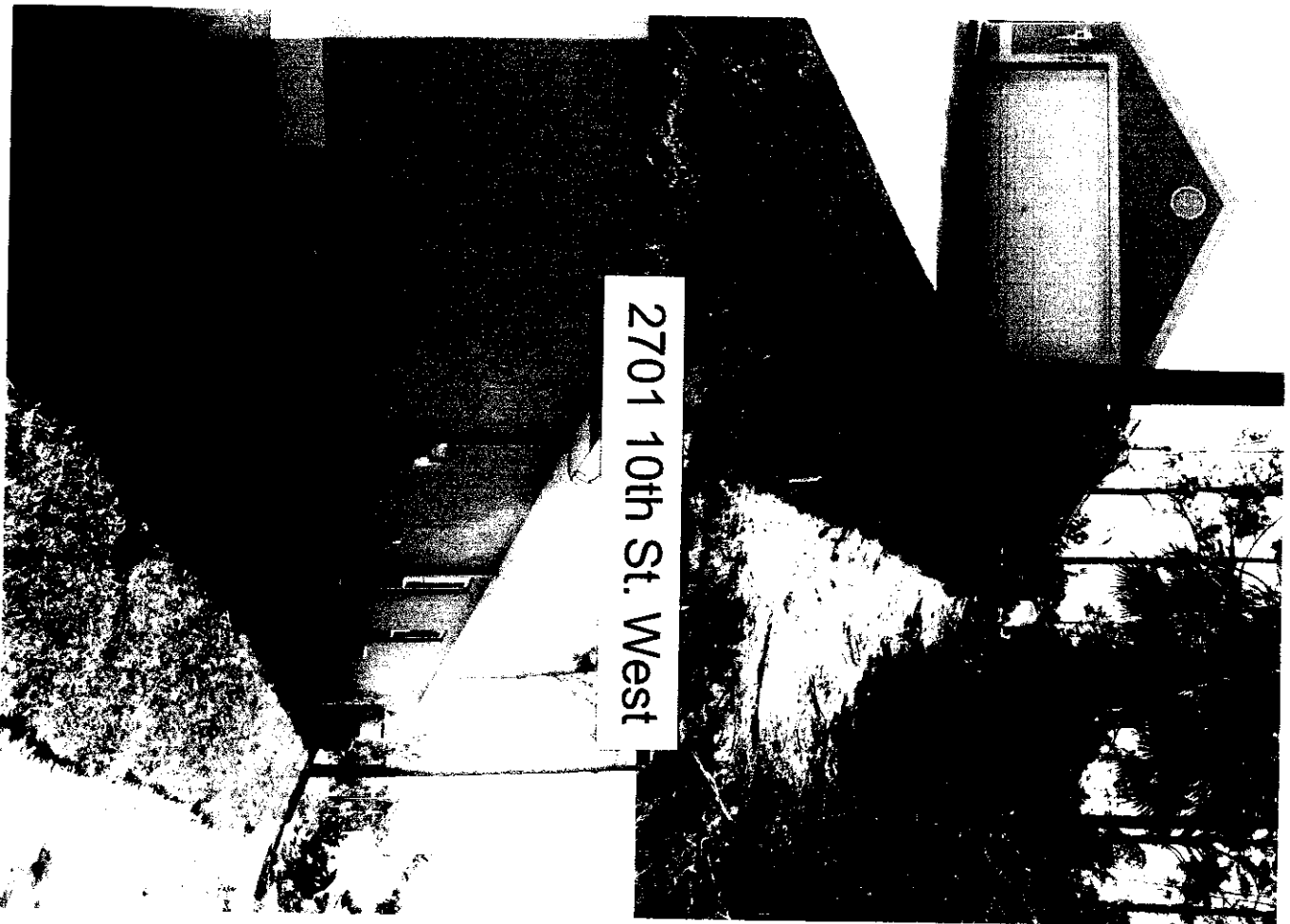
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VAC 2005 - 00014

GIS Map





OVERVIEW

DIMENSIONS:

- Roof overhang: 68.6'W x 1.03'D
- Well equip. ft pad: 8'W x 3.94'D
- A/C pad: 4'W x 3.47'D
- 6.3' existing setback