

Lee County Board Of County Commissioners  
 Agenda Item Summary

Blue Sheet No. 20050969

**1. ACTION REQUESTED/PURPOSE:** Conduct a Public Hearing to adopt a Resolution on Petition to Vacate all interior 12-foot wide Public Utility Easements centered on the common lot lines of lots 1 thru 4, located at 2300, 2302 and 2304 Floyd Ave. S., Lehigh Acres (Case No. VAC2005-00019).

**2. WHAT ACTION ACCOMPLISHES:** To build two commercial buildings, including parking on the combined lots. The vacation of this easement will not alter existing utility conditions and the easement is not necessary to accommodate any future utility requirements.

**3. MANAGEMENT RECOMMENDATION:** Approve

<b>4. Departmental Category:</b> COMMISSION DISTRICT #: 5		9:30 PM 4		<b>5. Meeting Date:</b> 08-16-2005	
<b>6. Agenda:</b>		<b>7. Requirement/Purpose: (specify)</b>		<b>8. Request Initiated:</b>	
<input type="checkbox"/> Consent		<input checked="" type="checkbox"/> Statute F.S. Ch. 177		Commissioner	
<input type="checkbox"/> Administrative		<input type="checkbox"/> Ordinance		Department Community Development	
<input type="checkbox"/> Appeals		<input checked="" type="checkbox"/> Admin. Code 13-1		Division Development Services	
<input checked="" type="checkbox"/> Public		<input type="checkbox"/> Other		By: M. G. G. G.	
<input type="checkbox"/> Walk-On				Peter J. Eckenrode, Director	

**9. Background:**

The completed petition to vacate, VAC2005-00019 was submitted by Site Concepts as the agent on behalf of George and Claudette Bent.

**LOCATION:** The site is located at **2300, 2302 and 2304 Floyd Ave. S., Lehigh Acres, Florida 33971** and its strap number is 04-45-26-01-00014.0010, 04-45-26-01-00014.0020, and 04-45-26-01-00014.0030. Petition No. VAC2005-00019 proposes to vacate twelve-foot (12') wide Public Utility Easements centered on the common lot lines between Lots 1 and 2, 2 and 3, 3 and 4, all in Block 14, Unit 3, Section 4, Township 45 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 100 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the easterly six feet and westerly six feet thereof.

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
					Analyst	Risk	Grants	Mgr.
M. G. G. G.				J. P. M. G. G. G.	8/12/05	8/12/05	8/12/05	8/20/05

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

REC'D. 11/3/05  
 by CO. ATTY.  
 11/5/05  
 CO. ATTY.  
 FORWARDED TO:  
 11/15/05

RECEIVED BY  
 COUNTY ADMIN: TD  
 11-4-05  
 3:45  
 COUNTY ADMIN  
 FORWARDED TO:



## PETITION TO VACATE

### TRANSMITTAL FOR PUBLIC NOTICE REQUIREMENTS

DATE: July 6, 2005

To: Patricia Geren  
Public Resources

FROM: Ron Wilson  
Development Services

BLUESHEET NUMBER: 20050969

CASE NUMBER: VAC2005-00019

#### Applicable Public Noticing Requirement:

PTV under AC13-1

1<sup>st</sup> Notice - 15 days prior to Public Hearing  
2<sup>nd</sup> 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](mailto:rwilson@leegov.com)) and Joan Henry, Assistant County Attorney ([jhenry@leegov.com](mailto:jhenry@leegov.com)).

# NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2005-00019

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

**Exhibit "A"**  
**Petition to Vacate**  
**VAC2005-00019**  
[Page One of One]

LEGAL DESCRIPTION OF THE PUBLIC UTILITY EASEMENT TO BE VACATED;

THE 12-FOOT (12') WIDE PUBLIC UTILITY EASEMENT CENTERED ON THE COMMON LINE BETWEEN LOTS 1 AND 2, 2 AND 3, 3 AND 4, BLOCK 14, UNIT 3, PLAT OF SECTION 4, TOWNSHIP 45 SOUTH, RANGE 26 EAST, A SUBDIVISION OF LEHIGH ACRES AS RECORDED IN PLAT BOOK 15, PAGE 100 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

LESS AND EXCEPT THE EASTERLY SIX FEET AND THE WESTERLY SIX FEET THEREOF.

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: VAC2005-00019

WHEREAS, Petitioner **George Bent and Claudette Bent** 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 \_\_\_\_\_; 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. VAC2005-00019 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

**Exhibit "A"**  
**Petition to Vacate**  
**VAC2005-00019**  
[Page One of One]

**LEGAL DESCRIPTION OF THE PUBLIC UTILITY EASEMENT TO BE VACATED;**

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**LESS AND EXCEPT THE EASTERLY SIX FEET AND THE WESTERLY SIX FEET THEREOF.**

SKETCH AND DESCRIPTION  
EASEMENT TO BE VACATED  
THIS IS NOT A BOUNDARY SURVEY

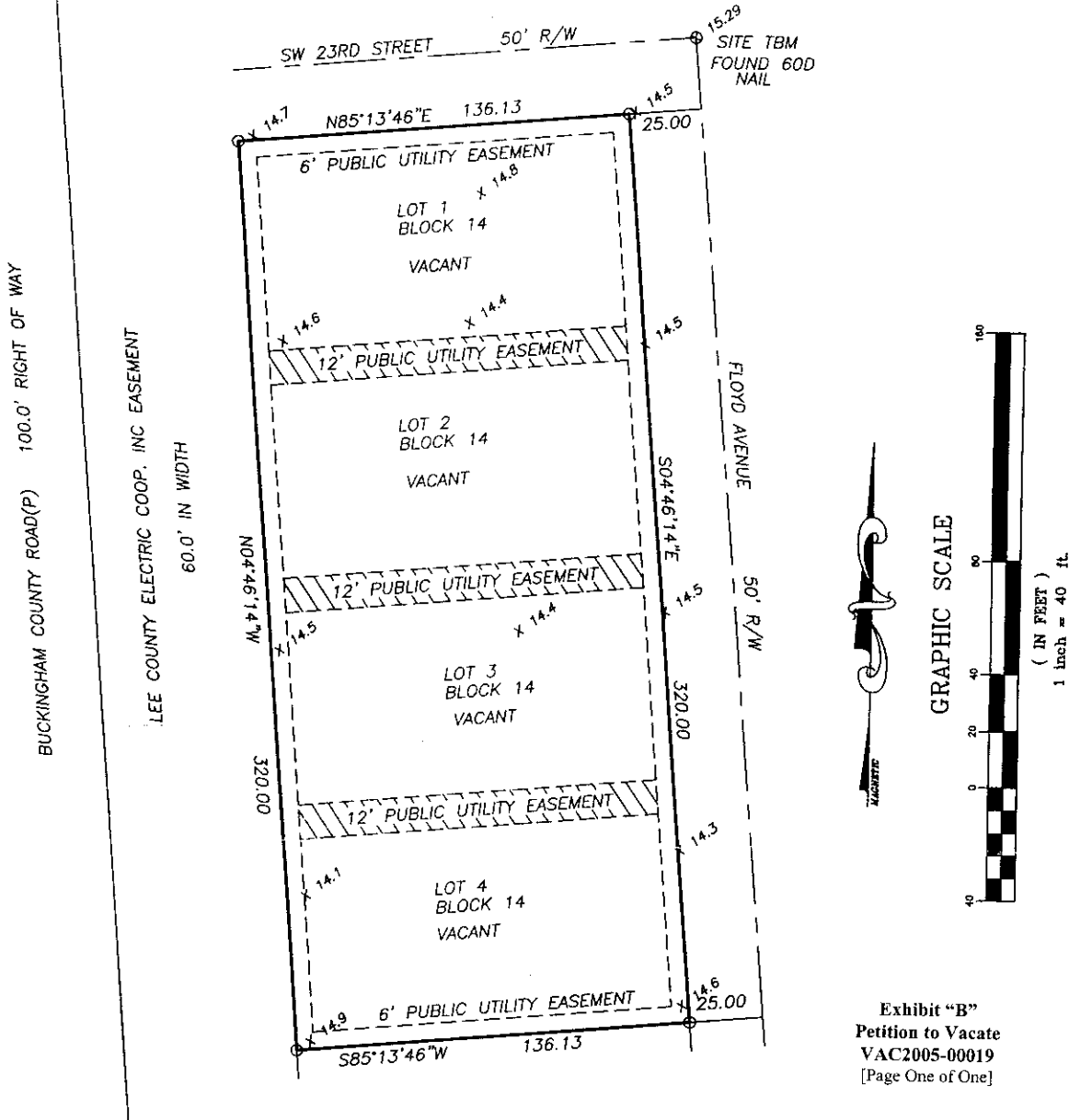


Exhibit "B"  
Petition to Vacate  
VAC2005-00019  
[Page One of One]

DESCRIPTION AS FURNISHED BY CLIENT (PARENT TRACT)  
LOTS 1, 2, 3 AND 4, BLOCK 14 OF LEHIGH ACRES, UNIT 3 SUBDIVISION AS PER THE MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 15, PAGE 100 PF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

LEGAL DESCRIPTION OF THE PUBLIC UTILITY EASEMENT TO BE VACATED  
THE 12-FOOT (12') WIDE PUBLIC UTILITY EASEMENT CENTERED ON THE COMMON LINE BETWEEN LOTS 1 AND 2, 2 AND 3, 3 AND 4, BLOCK 14, UNIT 3, PLAT OF SECTION 4, TOWNSHIP 45 SOUTH, RANGE 26 EAST, A SUBDIVISION OF LEHIGH ACRES AS RECORDED IN PLAT BOOK 15, PAGE 100 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.  
LESS AND EXCEPT THE EASTERLY SIX FEET AND THE WESTERLY SIX FEET THEREOF.

ELEVATIONS SHOWN HEREON ARE BASED ON  
D.O.T. B.M. NO. 1709 AT DANIELS PARKWAY  
AND 30TH STREET ELEV = 27.505

ACCORDING TO THE FLOOD RATE INSURANCE MAPS AS PROVIDED  
BY F.E.M.A. THE ABOVE PROPERTY APPEARS TO FALL IN FLOOD  
ZONE B, MAP 1251240375 B, 9/18/85.

**SURVEYOR'S NOTES:**

- No underground installations or improvements have been located except as shown.
- No statements of record reflecting Easements, Rights of Way, and/or Ownership were furnished the Surveyor except as shown.
- Unsettled boundary status herein, no Jurisdictional Wetland Areas or other physical topographic features have been located.
- This map does not delineate or reflect ownership.

**CERTIFY TO:**  
GEORGE & CLAUDETTE BENT

• SOLID	Set Copper Iron Rod 1/2"	(P)	Field Station or Observation	1/2"	Right of Way
• FGLR	Found Copper Iron Rod	(P-C)	Field Calculation	Circle	Ownership
• FLR	Found Iron Rod	(P)	Field (Data) Description	IR	Drainage Mark
• SGLP	Set Copper Iron Pipe	PI	Power Pole	OSP	Completed Metal Pipe
• FGLP	Found Copper Iron Pipe	LP	1000' Pole	OSP	Reinforced Concrete Pipe
• FLP	Found Iron Pipe	LP	Light Pole	OSP	Disrupted Rod
• FPLP	Found Plated Iron Pipe	PI	Fire Hydrant	700	Top of Bench
• SCM	Set Concrete Monument (4"x4")	CB	Road Phase	LB	Unsettled Boundary
• FCM	Found Concrete Monument	CLP	Channel Phase	OB	Obstruction
• SPM	Set Iron Pipe & Stake	SI	Water Meter	OB	Setback
• FPM	Found Iron Pipe & Stake	SI	Side Hole	FL	Finished Floor
• SPM	Set Railroad Spike	OS	Gas Valve	FL	Foundation
• FPM	Found Railroad Spike	OS	Cable TV Box	FL	Foundation
• M	Monument	OS	Method		

**Michael J. Bent**  
Surveyor No. 5099  
6200  
Lee County, Florida

SH	1
OF	1

FOR: GEORGE & CLAUDETTE BENT  
2300 - 2304 FLOYD AVENUE  
LEE COUNTY, FLA  
CERTIFICATE OF AUTHORIZATION: LB 0007067

**SURVEY DYNAMICS INC**  
SURVEYORS & MAPPERS  
13180 N. CLEVELAND AVE, FT. MYERS, FLORIDA  
(239) 985-8900 FAX (239) 985-8901





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

Case Number: VAC2005-00019

Petitioner(s), George & Claudette Bent  
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, 299 NW 119th Way, Coral Springs, FL 33071
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:

George Bent  
Petitioner Signature

Claudette Bent  
Petitioner Signature

George Bent  
Printed Name

Claudette Bent  
Printed Name

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

**Exhibit "A"**  
**Petition to Vacate**  
**VAC2005-00019**  
[Page One of One]

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LESS AND EXCEPT THE EASTERLY SIX FEET AND THE WESTERLY SIX FEET THEREOF.

SKETCH AND DESCRIPTION  
EASEMENT TO BE VACATED  
THIS IS NOT A BOUNDARY SURVEY

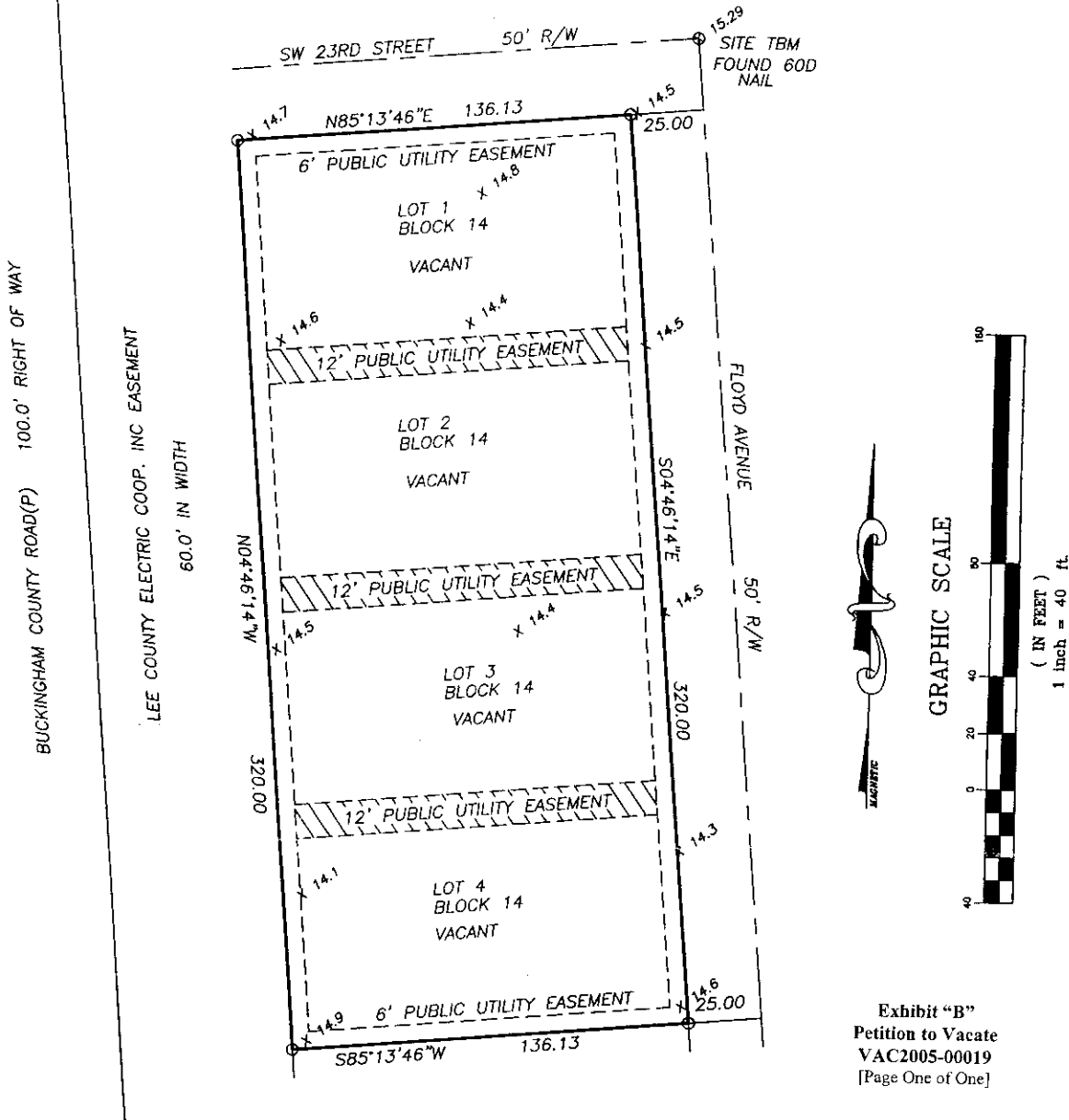


Exhibit "B"  
Petition to Vacate  
VAC2005-00019  
[Page One of One]

DESCRIPTION AS FURNISHED BY CLIENT (PARENT TRACT)  
LOTS 1, 2, 3 AND 4, BLOCK 14 OF LEHIGH ACRES, UNIT 3 SUBDIVISION AS PER THE MAP OR PLAT  
THEREOF RECORDED IN PLAT BOOK 15, PAGE 100 PF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

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AND 2, 2 AND 3, 3 AND 4, BLOCK 14, UNIT 3, PLAT OF SECTION 4, TOWNSHIP 45 SOUTH, RANGE 26  
EAST, A SUBDIVISION OF LEHIGH ACRES AS RECORDED IN PLAT BOOK 15, PAGE 100 OF THE PUBLIC  
RECORDS OF LEE COUNTY, FLORIDA.  
LESS AND EXCEPT THE EASTERLY SIX FEET AND THE WESTERLY SIX FEET THEREOF.

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D.O.T. B.M. NO. 1709 AT DANIELS PARKWAY  
AND 30TH STREET ELEV = 27.505

ACCORDING TO THE FLOOD RATE INSURANCE MAPS AS PROVIDED  
BY F.E.M.A. THE ABOVE PROPERTY APPEARS TO FALL IN FLOOD  
ZONE B, MAP 1251240375 B, 9/18/85,

*[Signature]*  
MICHAEL J. BENT  
Surveyor No. 5089  
Lee County, Florida  
Professional Seal

**SURVEYOR'S NOTES:**  
1. No underground utilities or improvements have been located except as shown.  
2. No easements of record affecting Easements, Rights of Way, and/or Ownership were Availed this Survey except as shown.  
3. Certain utilities shown herein, no Jurisdictional Boundaries or other physical topographic features have been located.  
4. This map does not determine or reflect ownership.

**CERTIFY TO:**  
GEORGE & CLAUDETTE BENT

<ul style="list-style-type: none"> <li>● S.G.I.A. Set Copper Iron Rod 5/8"</li> <li>○ F.O.I.R. Found Copper Iron Rod</li> <li>○ F.I.R. Found Iron Rod</li> <li>● S.C.I.P. Set Copper Iron Pipe</li> <li>○ C.C.I.P. Found Copper Iron Pipe</li> <li>○ F.I.P. Found Iron Pipe</li> <li>● F.F.I.P. Found Flashed Iron Pipe</li> <li>○ S.C.M. Set Concrete Monument (6"x6")</li> <li>○ F.G.M. Found Concrete Monument</li> <li>○ S.P.W.M. Set Precast Wall &amp; Slab</li> <li>● S.P.R. S.P.A. Set Railroad Spike</li> <li>○ F.M.R. S.P.A. Found Railroad Spike</li> <li>○ F.M. Found Monument</li> </ul>	<ul style="list-style-type: none"> <li>(P) Field Station or Observation</li> <li>(P-C) Field Observation</li> <li>(P) Plat (S) Road (C)as) Description</li> <li>PS Power Pole</li> <li>SP Sign Pole</li> <li>LP Light Pole</li> <li>HP Pole Hydrant</li> <li>S.P. Street Pole</li> <li>CP Check Point</li> <li>SW Water Meter</li> <li>SM Side Meter</li> <li>SM Gas Meter</li> <li>CV Cable TV Str.</li> <li>SM Manhole</li> </ul>	<ul style="list-style-type: none"> <li>S/W Corne</li> <li>SE Drainage Eas.</li> <li>SCP Corrupted Metal Pipe</li> <li>SCP Relocated Concrete Pipe</li> <li>SCP Description Plat</li> <li>LP Top of Bench</li> <li>LB Unexcavated</li> <li>OB Office</li> <li>PT.SL. Paved Floor</li> <li>CL Concrete</li> </ul>
---	---	---

SH	1
1	1

FOR: GEORGE & CLAUDETTE BENT  
2300 - 2304 FLOYD AVENUE  
LEE COUNTY, FLA  
CERTIFICATE OF AUTHORIZATION: LB 0007067

**SURVEY DYNAMICS INC**  
SURVEYORS & MAPPERS  
13180 N. CLEVELAND AVE, FT. MYERS, FLORIDA  
(239) 995-8900 FAX (239) 995-8901

**Exhibit "C"**  
**Petition to Vacate**  
**VAC2005-00019**  
 [Page One of Two]

Lee County Tax Collector - Print Results



Real Property Information		
<b>Account</b>	<b>Tax Year</b>	<b>Status</b>
04-45-26-01-00014.0010	2004	PAID
<b>Original Account</b>	<b>Book/Page</b>	
04-45-26-01-00014.0010	4044/2311	
<b>Owner</b>		
BENT GEORGE + CLAUDETTE		
<b>Physical Address</b>	<b>Mailing Address</b>	
2300 FLOYD AVE S LEHIGH ACRES FL 33971	299 NW 119TH WAY CORAL SPRINGS FL 33071 USA	
<b>Legal Description</b>		
LEHIGH ACRES UNIT 3 BLK 14 PB 15 PG 100 LOT 1		
<b>Outstanding Balance as of 4/21/2005</b>		\$0.00

Lee County Tax Collector - Print Results



Real Property Information		
<b>Account</b>	<b>Tax Year</b>	<b>Status</b>
04-45-26-01-00014.0020	2004	PAID
<b>Original Account</b>	<b>Book/Page</b>	
04-45-26-01-00014.0020	4044/2311	
<b>Owner</b>		
BENT GEORGE + CLAUDETTE		
<b>Physical Address</b>	<b>Mailing Address</b>	
2302 FLOYD AVE S LEHIGH ACRES FL 33971	299 NW 119TH WAY CORAL SPRINGS FL 33071 USA	
<b>Legal Description</b>		
LEHIGH ACRES UNIT 3 BLK 14 PB 15 PG 100 LOT 2		
<b>Outstanding Balance as of 4/21/2005</b>		\$0.00

**Exhibit "C"**  
**Petition to Vacate**  
**VAC2005-00019**  
 [Page Two of Two]

Lee County Tax Collector - Print Results



Real Property Information		
<b>Account</b>	<b>Tax Year</b>	<b>Status</b>
04-45-26-01-00014.0030	2004	PAID
<b>Original Account</b>	<b>Book/Page</b>	
04-45-26-01-00014.0030	4044/2311	
<b>Owner</b>		
BENT GEORGE + CLAUDETTE		
<b>Physical Address</b>		<b>Mailing Address</b>
2304 FLOYD AVE S LEHIGH ACRES FL 33971		299 NW 119TH WAY CORAL SPRINGS FL 33071 USA
<b>Legal Description</b>		
LEHIGH ACRES UNIT 3 BLK 14 PB 15 PG 100 LOTS 3 + 4		
<b>Outstanding Balance as of 4/21/2005</b>		\$0.00

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 etrap numbers: 04-45-26-01-00014.0010, 04-45-26-01-00014.0020 and 04-45-26-01-00014.0030 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 Site Concepts and Patrick C Hunt as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County

George Bent
Owner (signature)
GEORGE BENT
Printed Name

Claudette Bent
Owner (signature)
CLAUDETTE BENT
Printed Name

Owner (signature)

Printed Name

Owner (signature)

Printed Name

Owner (signature)

Printed Name

Owner (signature)

Printed Name

STATE OF FLORIDA
COUNTY OF LEE BOARD

Sworn to (or affirmed) and subscribed before me this 24th day of April 2005, by
George Bent, Claudette Bent, who is personally known to me or who has produced
a valid ID card as identification and who did (did not) take an oath.

(SEAL)

Notary Public
Denise White
(Name typed, printed or stamped)

**Exhibit "A"**  
**Petition to Vacate**  
**VAC2005-00019**  
[Page One of One]

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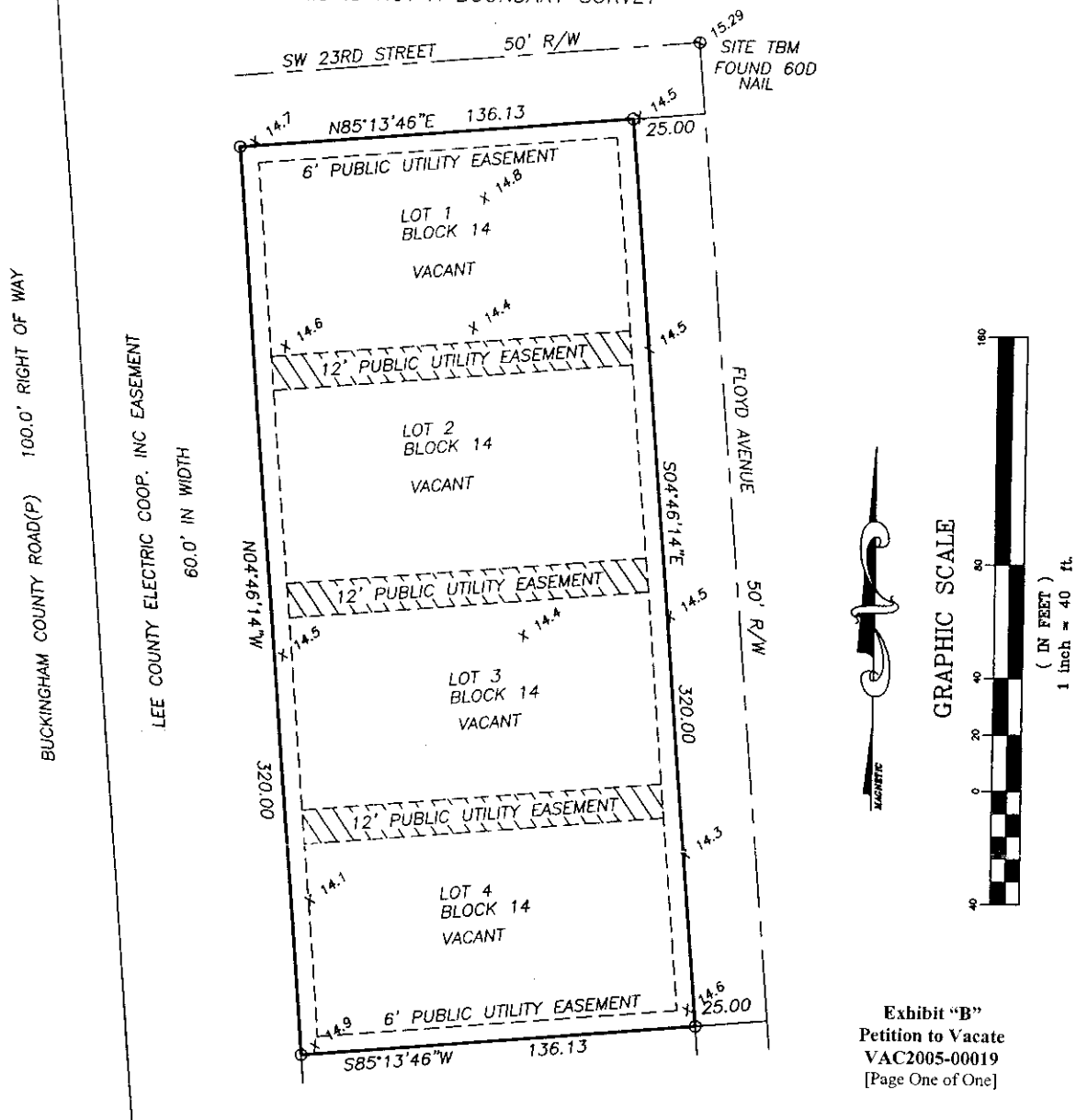


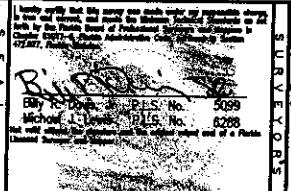
Exhibit "B"  
Petition to Vacate  
VAC2005-00019  
[Page One of One]

DESCRIPTION AS FURNISHED BY CLIENT (PARENT TRACT)  
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D.O.T. B.M. NO. 1709 AT DANIELS PARKWAY  
AND 30TH STREET ELEV = 27.505

ACCORDING TO THE FLOOD RATE INSURANCE MAPS AS PROVIDED  
BY F.E.M.A. THE ABOVE PROPERTY APPEARS TO FALL IN FLOOD  
ZONE B, MAP 1251240375 B, 9/18/85.



**SURVEYOR'S NOTES:**

- All underground installations or improvements have been located except as shown.
- All measurements of record reflecting Easements, Rights of Way, and/or Easements were furnished with this map and are shown.
- Unless otherwise shown herein, no Jurisdictional Boundaries or other physical topographic features have been located.
- This map does not determine or reflect ownership.

**CERTIFY TO:**  
**GEORGE & CLAUDETTE BENT**

● S.C.M.	Set Copper Iron Rod 6/4"	○	Point Station or Observation	○/○	Right of Way
○ F.C.I.R.	Found Copper Iron Rod	(P-C)	Point Calculation	○/○	Center
○ F.C.R.	Found Iron Rod	(P)	Point (See) Description	○/○	Drainage Inlet
○ S.C.L.P.	Set Copper Iron Pipe	PP	Power Pole	○/○	Obstructed Metal Pipe
○ F.C.L.P.	Found Copper Iron Pipe	PP	Power Pole	○/○	Unobstructed Concrete Pipe
○ F.C.P.	Found Iron Pipe	LP	Light Pole	○/○	Dumpster Pole
○ F.C.L.P.P.	Found Plashed Iron Pipe	PP	Fire Hydrant	○/○	Top of Bank
○ S.C.M.	Set Concrete Monument (4"x4")	○/○	Wood Pole	○/○	Unexcavated
○ F.C.M.	Found Concrete Monument	○/○	Wood Stake	○/○	Other
○ S.P.P.	Set PE Rod in Soil	○/○	Chain Pole	○/○	Pinhead Pole
○ F.P.P.	Found PE Rod in Soil	○/○	Chain Stake	○/○	Shedding
○ S.P.R. S.R.	Set Railroad Spike	○/○	Old Nail	○/○	Shedding
○ F.P.R. S.R.	Found Railroad Spike	○/○	Old Nail	○/○	Shedding
○ P.M.	Permanent Reference Monument	○/○	Old TV Set	○/○	Shedding
○ M.	Monument	○/○	Stake	○/○	Shedding



**Exhibit "C"**  
**Petition to Vacate**  
**VAC2005-00019**  
 [Page One of Two]

Lee County Tax Collector - Print Results



Real Property Information		New Search
<b>Account</b>	<b>Tax Year</b>	<b>Status</b>
04-45-26-01-00014.0010	2004	PAID
<b>Original Account</b>	<b>Book/Page</b>	
04-45-26-01-00014.0010	4044/2311	
<b>Owner</b>		
BENT GEORGE + CLAUDETTE		
<b>Physical Address</b>	<b>Mailing Address</b>	
2300 FLOYD AVE S LEHIGH ACRES FL 33971	299 NW 119TH WAY CORAL SPRINGS FL 33071 USA	
<b>Legal Description</b>		
LEHIGH ACRES UNIT 3 BLK 14 PB 15 PG 100 LOT 1		
<b>Outstanding Balance as of 4/21/2005</b>		\$0.00

Lee County Tax Collector - Print Results



Real Property Information		New Search
<b>Account</b>	<b>Tax Year</b>	<b>Status</b>
04-45-26-01-00014.0020	2004	PAID
<b>Original Account</b>	<b>Book/Page</b>	
04-45-26-01-00014.0020	4044/2311	
<b>Owner</b>		
BENT GEORGE + CLAUDETTE		
<b>Physical Address</b>	<b>Mailing Address</b>	
2302 FLOYD AVE S LEHIGH ACRES FL 33971	299 NW 119TH WAY CORAL SPRINGS FL 33071 USA	
<b>Legal Description</b>		
LEHIGH ACRES UNIT 3 BLK 14 PB 15 PG 100 LOT 2		
<b>Outstanding Balance as of 4/21/2005</b>		\$0.00

**Exhibit "C"**  
**Petition to Vacate**  
**VAC2005-00019**  
 [Page Two of Two]

Lee County Tax Collector - Print Results



Real Property Information		New Search
<b>Account</b>	<b>Tax Year</b>	<b>Status</b>
04-45-26-01-00014.0030	2004	PAID
<b>Original Account</b>	<b>Book/Page</b>	
04-45-26-01-00014.0030	4044/2311	
<b>Owner</b>		
BENT GEORGE + CLAUDETTE		
<b>Physical Address</b>		<b>Mailing Address</b>
2304 FLOYD AVE S LEHIGH ACRES FL 33971		299 NW 119TH WAY CORAL SPRINGS FL 33071 USA
<b>Legal Description</b>		
LEHIGH ACRES UNIT 3 BLK 14 PB 15 PG 100 LOTS 3 + 4		
<b>Outstanding Balance as of 4/21/2005</b>		\$0.00

*This Instrument Prepared by and return to:*

*Name: Patricia Regas  
Tradewinds Title, Inc.  
Address: 904 Lee Blvd., Suite 106  
Lehigh Acres, FL 33936  
58122*

*Parcel I.D. #: 04-45-26-01-00014.001  
Recording Fee \$10.50 Doc Stamps \$378.00*

*SPACE ABOVE THIS LINE FOR PROCESSING DATA*



**INSTR # 5950775**  
**Official Records BK 04044 PG 2311**  
**RECORDED 08/29/2003 11:45:05 AM**  
**CHARLIE GREEN, CLERK OF COURT**  
**LEE COUNTY**  
**RECORDING FEE 10.50**  
**DEED DOC 378.00**  
**DEPUTY CLERK P Johnston**

*SPACE ABOVE THIS LINE FOR RECORDING DATA*

***THIS WARRANTY DEED*** Made the 27<sup>th</sup> day of August, A.D. 2003, by **BARRY GIONFRIDDO** and **WENDY S. GIONFRIDDO**, husband and wife, hereinafter called the grantors, to **GEORGE BENT** and **CLAUDETTE BENT**, husband and wife whose post office address is 299 NW 119th Way, Coral Springs, FL 33071, hereinafter called the grantees:

*(Wherever used herein the terms "grantors" and "grantees" include all the parties to this instrument, singular and plural, the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)*

***Witnesseth:*** That the grantors, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, do hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the grantees all that certain land situate in **Lee County, State of Florida**, viz:

Lot 1, Block 14, Unit 3, Section 4, Township 45 South, Range 26 East, Lehigh Acres, according to the map or plat thereof on file in the Office of the Clerk of the Circuit Court recorded in Plat Book 15, Page 100, Public Records of Lee County, Florida.

Lot 2, Block 14, Unit 3, Section 4, Township 45 South, Range 26 East, Lehigh Acres, according to the map or plat thereof on file in the Office of the Clerk of the Circuit Court recorded in Plat Book 15, Page 100, Public Records of Lee County, Florida.

Lot 3, Block 14, Unit 3, Section 4, Township 45 South, Range 26 East, Lehigh Acres, according to the map or plat thereof on file in the Office of the Clerk of the Circuit Court recorded in Plat Book 15, Page 100, Public Records of Lee County, Florida.

Lot 4, Block 14, Unit 3, Section 4, Township 45 South, Range 26 East, Lehigh Acres, according to the map or plat thereof on file in the Office of the Clerk of the Circuit Court recorded in Plat Book 15, Page 100, Public Records of Lee County, Florida.

**SUBJECT TO TAXES FOR THE YEAR 2003 AND SUBSEQUENT YEARS, RESTRICTIONS, RESERVATIONS, COVENANTS AND EASEMENTS OF RECORD, IF ANY.**

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

And the grantors hereby covenant with said grantees that they are lawfully seized of said land in fee simple; that they have good right and lawful authority to sell and convey said land, and hereby fully warrant 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, 2002.

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

Signed, sealed and delivered in the presence of:

Must be witnessed by two separate people not related to seller or buyer

[Signature]  
1<sup>st</sup> Witness Signature

Jackie Phillips  
Printed Name

[Signature]  
2<sup>nd</sup> Witness Signature

Norma M. Allen  
Printed Name

[Signature] L.S.  
Barry Gionfriddo

Address:  
2512 Queen Dr, Lehigh Acres, FL 33971

[Signature] L.S.  
Wendy S. Gionfriddo

Address:  
2512 Queen Dr, Lehigh Acres, FL 33971

State of Florida  
County of Lee

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of Aug, 2003, by Barry Gionfriddo and Wendy S. Gionfriddo who are known to me or who have produced \_\_\_\_\_ as identification and who did (did not) take an oath.



[Signature]  
Signature of Notary

JACQUELINE O. PHILLIPS  
Printed Name of Notary  
My commission expires \_\_\_\_\_

Notary Seal:



BOARD OF COUNTY COMMISSIONERS

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

Bob Janes  
District One

239-479-8585

Douglas R. St. Cerny  
District Two

July 6, 2005

Ray Judah  
District Three

Tammy Hall  
District Four

John E. Albion  
District Five

Patrick C. Hunt, Agent  
Site Concepts  
17431-3 Alico Center Rd.,  
Fort Myers, FL 33912

Donald D. Stilwell  
County Manager

David M. Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

Re: **VAC2005-00019 - Petition to Vacate** all interior 12-foot wide Public Utility Easements centered on the common lot lines of lots 1 thru 4, Block 14, Unit 3, Lehigh Acres, S 4, T 45S, R 26E, a Subdivision of Lehigh Acres as recorded in Plat Book 15, Page 100, in the public records of Lee County, FL

Dear Mr. Hunt:

You have indicated that in order to build two commercial buildings, on the combined lots, your Client, George & Claudette Bent desire to eliminate the Public Utility Easement located on the centered common lot lines of the four (4) lots. The site is located at 2300, 2302 and 2304 Floyd Ave. S., 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  
RXW/PJE

U:\200507\20050408.141\7343590\DCDLETTER.DOC

# Site Concepts

May 11, 2005

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

RE: Bent Petition to Vacate  
Case# VAC2005-00019

Dear Ms. Keith:

As per your request, the above named projects proposed use is for two commercial buildings, including parking to be on one parcel. Should you require any additional information or assistance, please call me at 267-5900.

Sincerely,

Patrick C. Hunt, Agent

## *Site Concepts*

### PLANS • PERMITS • PROJECT MANAGEMENT

17431-3 Alico Center Rd.  
Fort Myers, FL 33912

March 23, 2005

Mr. Pete Eckenrode  
Lee County Development Services Division  
1500 Monroe Street  
Fort Myers, FL 33901

RE: Bent Residence  
Petition to vacate a utility easement in Lehigh Acres  
STRAP #04-45-26-01-00014.0010,

Dear Mr. Eckenrode:

This letter is a request for written response to the petition to vacate all interior public utility easements in Lehigh Acres, along the common lot lines of lots 1 thru 4 of block 14, abutting on all properties here within as shown on the attached sketches and legal descriptions. The subdivision is recorded in Plat Book 15, Page 100, in the records of Lee County, Florida. No other facilities occupy this area of the parcels. The applicant owns the parcels for which this request is pending.

Attached is a copy of the description and sketch of the pending request.

Please reply to this request within 7 days of receipt of this letter to the above return address. Should you require any additional information or assistance, please call me at 267-5900.

Sincerely,

Patrick C. Hunt, Agent

Attachments: description & sketch  
portion of plat  
location map



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.iline.com

March 14, 2005

Mr. Patrick C. Hunt  
Site Concepts  
17431-3 Alico Center Road  
Fort Myers, FL 33912

Re: 2300 Floyd Avenue S, Lehigh Acres, Florida  
Strap # 04-45-26-01-00014.0010

Dear Mr. Hunt:

LCEC does not object to the vacation of the interior easement on the above referenced parcel as indicated on the attached sketch, **LESS AND EXCEPT** the Westerly 6 feet and the Easterly 6 feet. It is LCEC's understanding that the 6-foot perimeter easement of the combined parcel will remain intact.

Please call me at 656-2422 if you have any questions.

Sincerely,

Sandra McIver  
Real Property Representative

Attachment





March 18, 2005

Mr. Patrick C. Hunt  
Site Concepts  
17431-3 Alico Center Rd.  
Fort Myers, Florida 33912

Re: Vacation of Public Utility Easement:

A 12 foot wide public utility and drainage easement centered on the lot line  
common to lots 1&2, 2&3, 3&4, Block 14, Unit 3, Section 4,  
Township 45S, Range 26E.  
Strap No. – 04-45-26-01-00014.0010

Dear Mr. Hunt:

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/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



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

March 1, 2005

Site Concepts  
C/O Patrick C. Hunt  
17431-3 Alico Center Rd  
Ft Myers, Fl 33912

Re: Bent Residence, Strap#04-45-26-01-00014.0010  
Vacate Right-of-Way and/or Utility Easement

Dear Patrick C Hunt,

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 black ink, appearing to read 'Mark Cook'.

Mark Cook  
Design Coordinator

# AmeriGas

*America's Propane Company*

March 18, 2005

Site Concepts  
17431-3 Alico Center Rd.  
Fort Myers, FL 33912

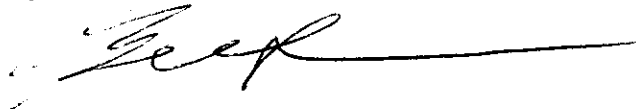
Dear Mr. Hunt:

In reference to your letter dated February 22<sup>nd</sup> AmeriGas has no interest on right of way on the following parcel(s):

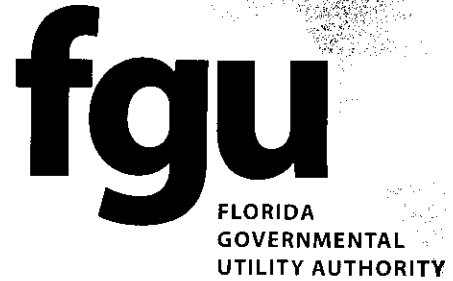
STRAP NO.: 04-45-26-01-00014.0010

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

Sincerely,



Jim Riefstahl  
Sales & Service Manager



April 1, 2005

Patrick C. Hunt  
Site Concepts  
17431-3 Alico Center Rd.  
Fort Myers, FL 33912

RE: Vacation of Easement between lots 1 and 2, 2 and 3, 3 and 4, Block 14, Unit 3, as Plat of Section 4, Township 45 South, Range 26 East, Lehigh Acres, as recorded in Plat Book 15, page 100 of the public records of Lee County, Florida, less and except the easterly 6.0 feet and the westerly 6.0 feet thereof.

LEA ANN THOMAS, CHAIR  
Polk County

RICHARD W. WESCH  
Citrus County

ROBERT NANNI  
Osceola County

Dear Mr. Hunt:

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 all interior public utility easements along the common lot lines of between lots 1 and 2, 2 and 3, 3 and 4, Block 14, Unit 3, as Plat of Section 4, Township 45 South, Range 26 East, Lehigh Acres, as recorded in Plat Book 15, page 100 of the public records of Lee County, Florida, less and except the easterly 6.0 feet and the westerly 6.0 feet thereof.

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/vb

**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



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

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

Bob Janes  
*District One*

Thursday, March 17, 2005

Douglas H. St. Cerny  
*District Two*

Ray Judah  
*District Three*

Mr. Patrick C. Hunt  
17431-3 Alico Center Road  
Fort Myers, FL 33912

Andrew W. Coy  
*District Four*

John E. Albion  
*District Five*

Re: Petition to Vacate three (3) twelve-foot (12') wide public utility easements centered on the common lot line between Lots 1 and 2, 2 and 3, 3 and 4, Block 14, Unit 3, Lehigh Acres Subdivision as recorded in Plat Book 15 at Page 100 of the Public Records of Lee County, Florida.

Donald D. Stilwell  
*County Manager*

James G. Yaeger  
*County Attorney*

Dear Mr. Hunt:

Diana M. Parker  
*County Hearing Examiner*

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 easements.

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

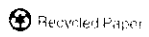
Regards,

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\vac480.doc





# LEE COUNTY LAND & TITLE CO. DEVELOPERS

Scale:  March 1958

Unit Boundary ---|

## SURVEYORS CERTIFICATE

I the undersigned hereby certify that the plat as shown is a correct representation of the land platted and that permanent reference monuments have been placed as shown.

*[Signature]*

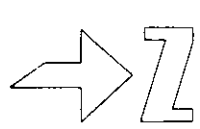
Florida Registered Land Surveyor No. 1198

**NOTE:**

All sets subject to a 6' Utility Easement, both sides front and back.  
 Interior P.R.M.'s are 4" x 4" x 24" concrete.  
 Section corner P.R.M.'s are 6" x 6" x 36" concrete.  
 See Town of Sun 29th June 50, State Road Department  
 and Deed Record on 25 recorded - Deed Book 187 page 71

**NOTE:**

DIMENSIONS, BEARINGS, LOT AND LAND LINES ON  
 DRAWING OF LAYER DATE SHALL GOVERN.



A PLAT OF

THAT PART OF SECTION 33 LYING  
EAST OF BUCKINGHAM COUNTY ROAD  
TOWNSHIP 44 SOUTH, RANGE 26 EAST

THAT PART OF SECTION 4, LYING  
EAST OF BUCKINGHAM COUNTY ROAD

THAT PART OF SECTION 9, LYING  
EAST OF BUCKINGHAM COUNTY ROAD  
AND NORTH OF STATE ROAD NO. 82

THAT PART OF SECTION 14, LYING  
NORTH OF STATE ROAD NO. 82

TOWNSHIP 45 SOUTH, RANGE 26 EAST  
ALL IN

A SUBDIVISION OF  
**LEHIGH ACRES**  
LEE COUNTY, FLORIDA

LEE COUNTY LAND & TITLE CO. DEVELOPERS

Scale: March 1998

Unit: Boundary ---|

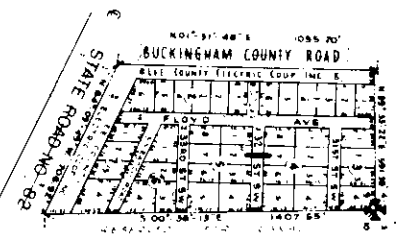
**SURVEYORS' CERTIFICATE**

I, the undersigned surveyor, certify that the plat on which is a correct representation of the land detailed and that permanent reference monuments have been placed at corners.

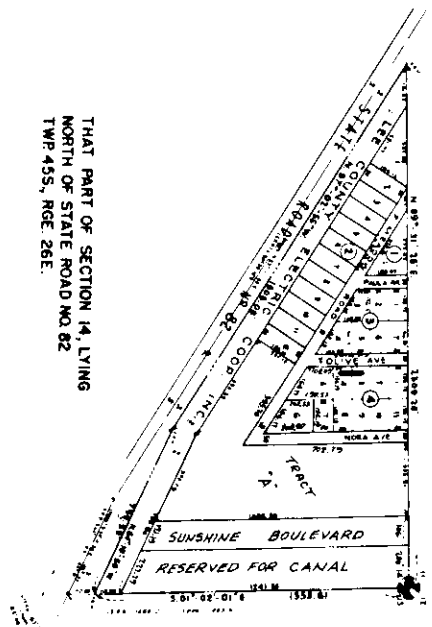
Florida Registered Land Surveyor No. 11788

NOTE: We are advised by G. L. Lundy, Esquire, that said plat was made by Lee County Land & Title Co., Inc., and that the same was prepared by Lee County Land & Title Co., Inc., and that the same was prepared by Lee County Land & Title Co., Inc., and that the same was prepared by Lee County Land & Title Co., Inc.

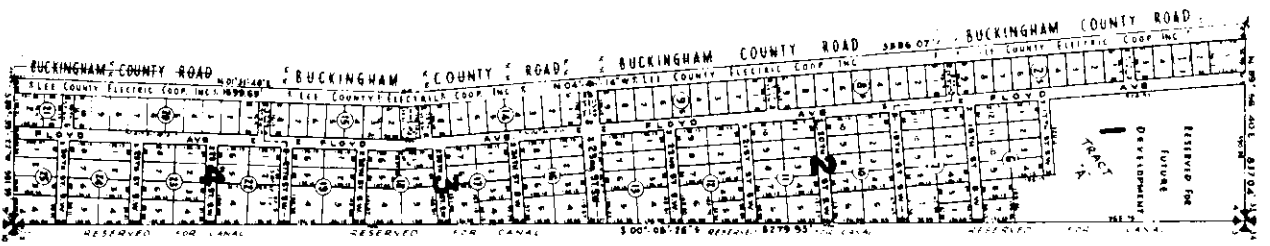
THAT PART OF SECTION 9, LYING  
EAST OF BUCKINGHAM COUNTY ROAD  
AND NORTH OF STATE ROAD NO. 82  
TWP. 45 S., RGE. 26 E.



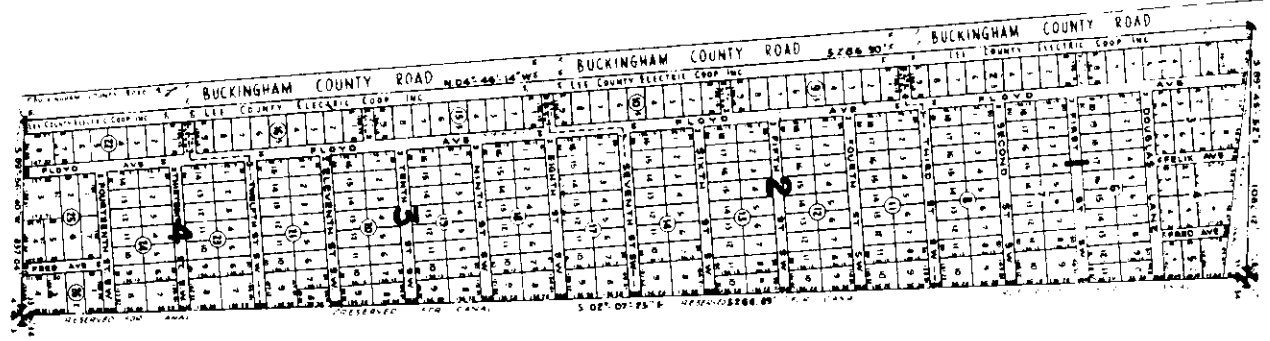
THAT PART OF SECTION 14 LYING  
NORTH OF STATE ROAD NO. 82  
TWP. 45S., RGE. 26E.



THAT PART OF SECTION 4, LYING  
EAST OF BUCKINGHAM COUNTY ROAD  
TWP. 45 S., RGE. 26 E.

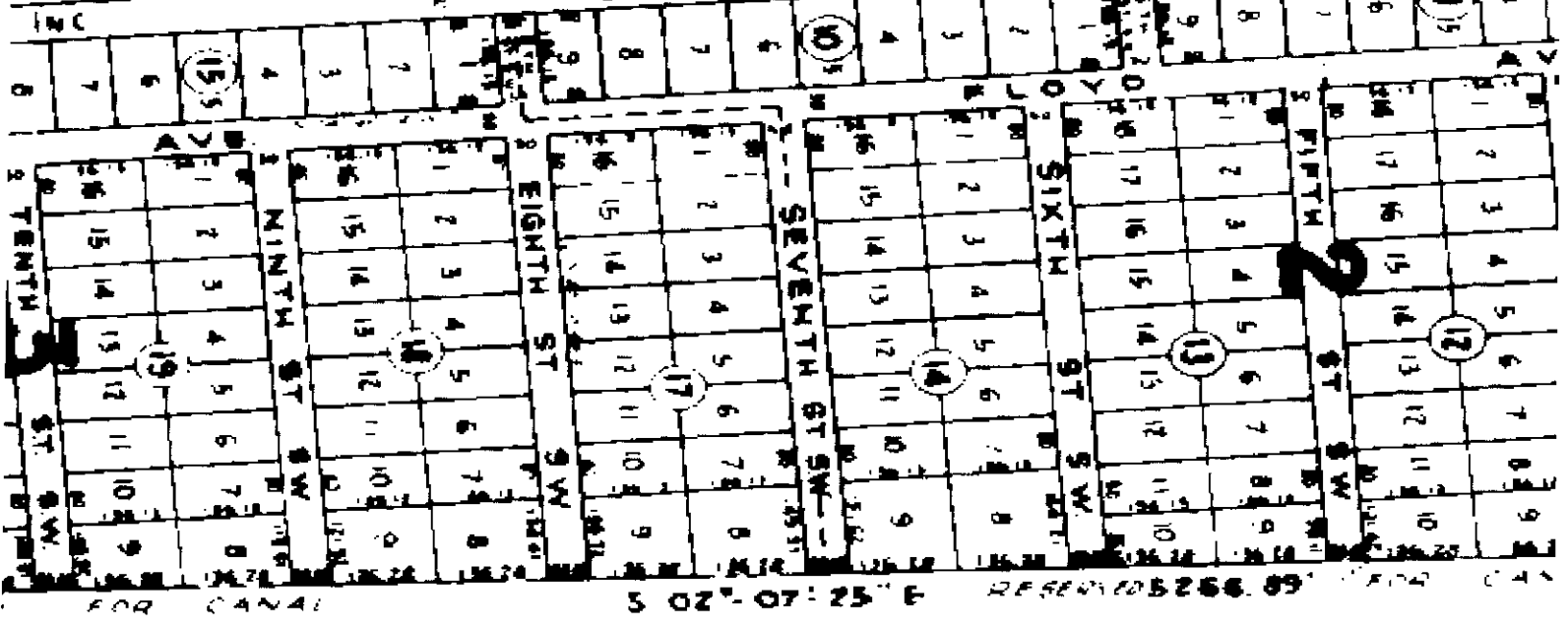


THAT PART OF SECTION 33, LYING  
EAST OF BUCKINGHAM COUNTY ROAD  
TWP. 44 S., RGE. 26 E.



ROAD N.04°-46'-14"W LEE COUNTY ELECTRIC COOP INC

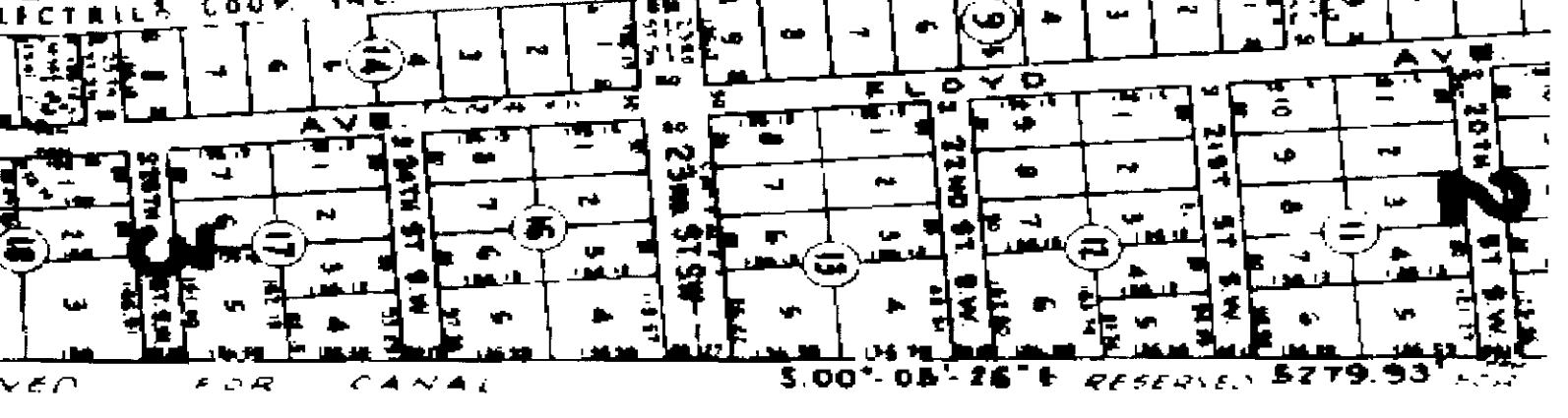
BUCKINGHAM COUNTY ROAD 521



BUCKINGHAM COUNTY ROAD

BUCKINGHAM COUNTY ROAD

LEE COUNTY ELECTRIC COOP INC



EAST  
AND N  
TWP.



00017 0030

00017 0010

00014 0050

24TH ST W

FLOYD AVE S

00016 0060

00016 0080

00014 0030

00014 0020

00016 0030

00016 0010

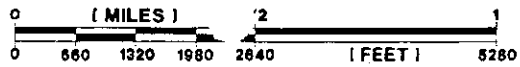
00014 0010

24TH ST W

111

TWP. 45S. - R. 26E.

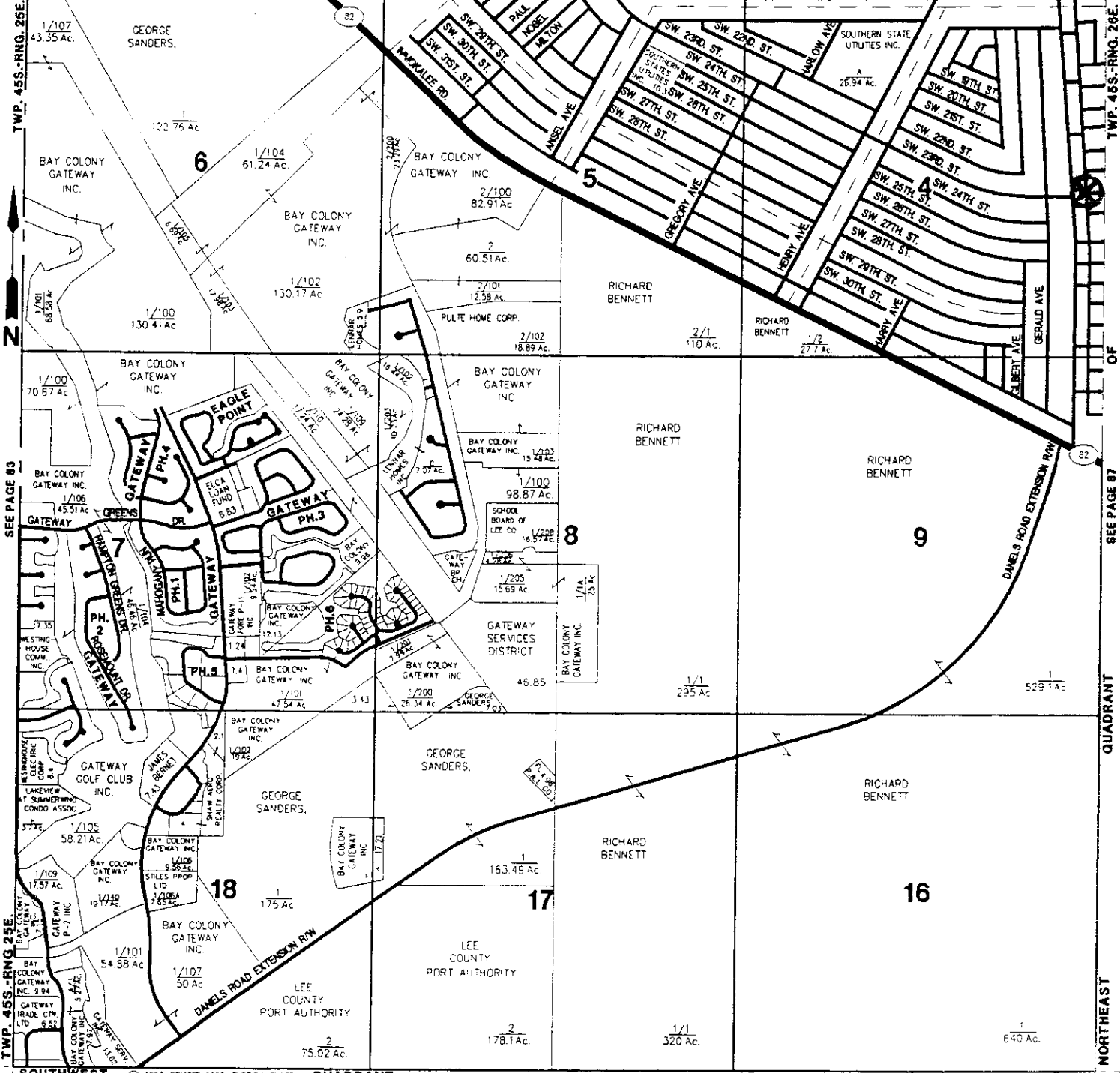
NORTHWEST QUADRANT  
LEE COUNTY, FLORIDA



TWP. 44S. - R. 26E.

SEE PAGE 82

TWP. 44S. - R. 26E.



SOUTHWEST

© 1993, REVISED 1996, FLORIDA PLATS

QUADRANT

SEE PAGE 88

OF

TWP. 45S. - R. 26E.

NORTHEAST

QUADRANT

SEE PAGE 87

TWP. 45S. - R. 26E.



TWP. 45S. - R. 25E.

SEE PAGE 83

TWP. 45S. - R. 26E.