

**1. ACTION REQUESTED/PURPOSE:** Conduct a Public Hearing to adopt a Resolution on Petition to Vacate part of a 6-foot wide Public Utility Easement located at 9848 Los Altos Ct., Ft. Myers (Case No. VAC2005-00029).

**2. WHAT ACTION ACCOMPLISHES:** To enclose an existing pool and privacy wall with a screen. 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

**4. Departmental Category:** COMMISSION DISTRICT #: 3 **9:30 PM 1**

**5. Meeting Date:** **10-18-2005**

**6. Agenda:**  
 Consent  
 Administrative  
 Appeals  
 Public  
 Walk-On

**7. Requirement/Purpose: (specify)**  
 Statute F.S. Ch. 177  
 Ordinance  
 Admin. Code 13-1  
 Other

**8. Request Initiated:**  
 Commissioner  
 Department Community Development  
 Division Development Services  
 By: *[Signature]* 8/22/05  
 Peter J. Eckenrode, Director

**9. Background:**

The completed petition to vacate, VAC2005-00029 was submitted by Knott, Consoer, Ebelini, Hart & Swett and Michael E. Roeder as the agent on behalf of Nick and Stella Karras.

**LOCATION:** The site is located at **9848 Los Altos Ct., Ft. Myers, Florida 33919** and its strap number is **28-45-24-26-0000A.0240**. Petition No. VAC2005-00029 proposes to vacate a part of a six-foot (6') wide Public Utility Easement on the West side of Lot 24, Block A, The Estates at Casa Del Mar, Section 28, Township 45 South, Range 24 East, as recorded in Plat Book 49, Pages 57 thru 62 of the Public Records of Lee County, Florida.

A variance was approved by the Hearing Examiner on December 16, 2004 to enclose the existing pool and privacy wall with a screen.

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	
<i>[Signature]</i>				<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN:  
 9-28-05  
 2:15  
 COUNTY ADMIN FORWARDED TO:  
 9/29/05  
 5 pm

RECV'D 9/23/05  
 by CO. ATTY  
 9-21-05  
 CO. ATTY FORWARDED TO:  
 Co. Adm.  
 9/28/05 10:45



## PETITION TO VACATE

### TRANSMITTAL FOR PUBLIC NOTICE REQUIREMENTS

DATE: August 17, 2005

To: Patricia Geren  
Public Resources

FROM: Ron Wilson  
Development Services

BLUESHEET NUMBER: 20051165

CASE NUMBER: VAC2005-00029

#### 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: VAC2005-00029

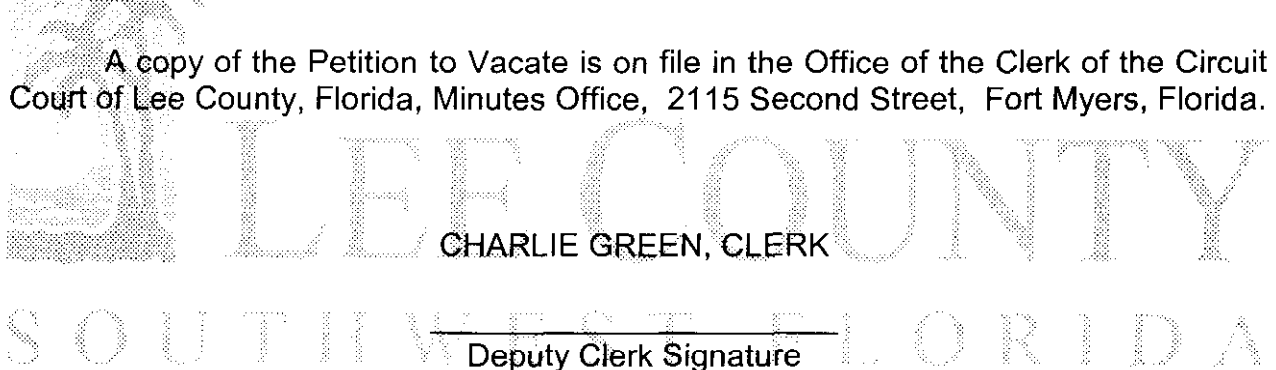
TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 18<sup>th</sup> Day of October 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"

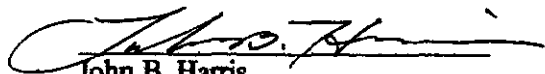
## DESCRIPTION: ( Vacation of Easement )

Part of a 6.00 foot wide public utility easement located in Lot 24, Block "A", The Estates At Casa Del Mar, as recorded in Plat Book 49, Pages 57 through 62, Public Records of Lee County, Florida, described as follows:

Commencing at the Southwest corner of the aforesaid Lot 24; thence run N.00°12'59"W. along the West line of said Lot 24 for 10.00 feet to the point of beginning; thence continue N.00°12'59"W. along the West line of said Lot 24 for 141.50 feet; thence run N.89°46'58"E. for 6.00 feet; thence run S.00°12'59"E. for 141.23 feet to a point on a curve; thence run Southwesterly for 6.01 feet along the arc of a curve concave Northwesterly, with a radius of 80.00 feet, a delta of 04°18'08", a chord bearing of S.87°15'44"W. and a chord distance of 6.01 feet to the point of beginning.

Said tract contains 484.4 square feet, more or less.

Bearings are based on the recorded Plat of the aforesaid The Estates At Casa Del Mar.



John B. Harris

P.S.M. #4631

April 19, 2005

Exhibit "A"  
Petition to Vacate  
VAC2005-00029  
[Page One of One]

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: VAC2005-00029

WHEREAS, Petitioner **Nick Karras and Stella Karras** 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. VAC2005-00029 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"

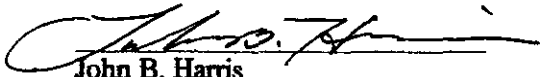
**DESCRIPTION: ( Vacation of Easement )**

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Commencing at the Southwest corner of the aforesaid Lot 24; thence run N.00°12'59"W. along the West line of said Lot 24 for 10.00 feet to the point of beginning; thence continue N.00°12'59"W. along the West line of said Lot 24 for 141.50 feet; thence run N.89°46'58"E. for 6.00 feet; thence run S.00°12'59"E. for 141.23 feet to a point on a curve; thence run Southwesterly for 6.01 feet along the arc of a curve concave Northwesterly, with a radius of 80.00 feet, a delta of 04°18'08", a chord bearing of S.87°15'44"W. and a chord distance of 6.01 feet to the point of beginning.

Said tract contains 484.4 square feet, more or less.

Bearings are based on the recorded Plat of the aforesaid The Estates At Casa Del Mar.



John B. Harris  
P.S.M. #4631  
April 19, 2005

Exhibit "A"  
Petition to Vacate  
VAC2005-00029  
[Page One of One]

EXHIBIT "B"

HARRIS - JORGENSEN, INC.  
2708 S.E. SANTA BARBARA PLACE  
CAPE CORAL, FLORIDA  
PHONE: (941) 772-9939  
FAX: (941) 772-1315

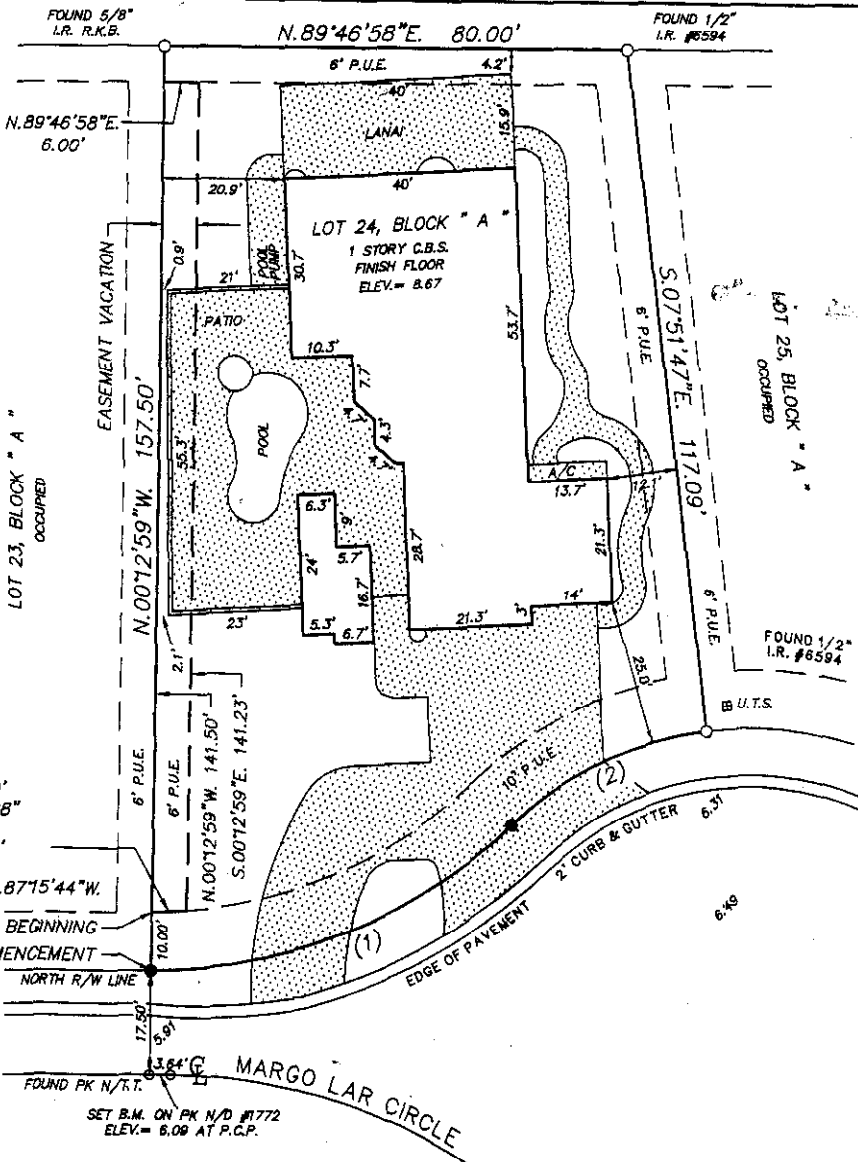
Curve number 1  
Radius= 90.00  
Delta= 43°36'27"  
Arc= 88.50  
Tangent= 36.00  
Chord= 66.88  
Chord Brg. S.67°39'03"W.

Curve number 2  
Radius= 60.00  
Delta= 36°17'24"  
Arc= 38.00  
Tangent= 19.66  
Chord= 37.37  
Chord Brg. N.63°59'31"E.

Exhibit "B"  
Petition to Vacate  
VAC2005-00029  
[Page One of One]

Radius= 80.00'  
Delta= 04°18'08"  
Arc= 6.01'  
Tangent= 3.01'  
Chord= 6.01'  
Chord Brg.= S.87°15'44"W.

POINT OF BEGINNING  
POINT OF COMMENCEMENT  
NORTH R/W LINE



AS-BUILT SURVEY OF  
**LOT 24, BLOCK "A"**  
**THE ESTATES AT**  
**CASA DEL MAR**

SECTION 28, TOWNSHIP 45 SOUTH, RANGE 24 EAST  
(PLAT BOOK 48, PAGES 57-82)  
LEE COUNTY, FLORIDA

SEE EXHIBIT "A" FOR LEGAL DESCRIPTION  
OF EASEMENT VACATION

**LEGEND:**

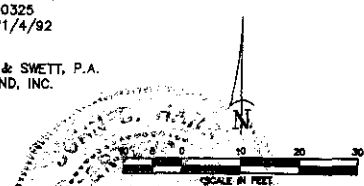
N.	NORTH	E.	EAST	P.C.	POINT OF CURVATURE
S.	SOUTH	W.	WEST	O.R.	OFFICIAL RECORDS BOOK
●	SET IRON PIN (CAP #4631)	(1)	CURVE NUMBER	A/C	AIR CONDITIONER
○	FOUND IRON PIN (FND.I.R.)	O/H	OVERHEAD POWERLINES	P.P.	POWER POLE
□	CONCRETE MONUMENT (C.M.)	W.M.	WATER METER	U.T.S.	TELEPHONE BOX
■	CONCRETE (CONC.)	E.B.	ELECTRIC BOX	CATV	TV-CABLE BOX
⊕	PERMANENT REFERENCE MONUMENT	CL	CENTERLINE	R/W	RIGHT-OF-WAY
P.C.P.	PERMANENT CONTROL POINT	B.M.	BENCHMARK	○	TYPICAL ELEVATION
P.U.E.	PUBLIC UTILITY EASEMENT				
D.E.	DRAINAGE EASEMENT				
C.B.S.	CONCRETE BLOCK STRUCTURE				
R/W/B	RECLAIMED WATER BOX				
ELEV.	ELEVATION				
G.A.&W.	GUY ANCHOR & WIRE				
N/D	NAIL & DISK				
N/T.T.	NAIL & TINTAB				

**SURVEY NOTES:**

- 1: BASIS OF BEARINGS SHOWN HEREON TAKEN FROM THE RECORD PLAT OF THE ESTATES AT CASA DEL MAR, PLAT BOOK 48, PAGES 57-82.
- 2: FIELD NOTES IN THE ESTATES AT CASA DEL MAR.
- 3: SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
- 4: THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
- 5: THIS SURVEY DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
- 6: UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
- 7: THIS MAP/PLAT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 8: ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
- 9: ELEVATIONS ARE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (N.G.V.D.).

FLOOD ZONE: "A10" ELEVATION: 8.00 N.G.V.D.  
COMMUNITY # 125124 PANEL # 0325  
SUFFIX--- C REVISION DATE: 11/4/92

THIS SURVEY IS CERTIFIED TO:  
KNOTT, CONSOER, EBELINI, HART & SWETT, P.A.  
ATTORNEYS' TITLE INSURANCE FUND, INC.  
NICK & STELLA KARRAS  
NTFN, INC., D/B/A  
PREMIER NATIONWIDE LENDING



PROJECT # 02-354	
JOB # ECCM-A24	
SURVEY DATE: 5/9/02	
FOUNDATION: 2/7/03	
FINAL SURVEY: 7/3/03	
ADD EASEMENTS: 4/19/05	FLORIDA LAND SURVEYOR #4631
EASEMENT VACATION: 4/19/05	FLORIDA CERTIFICATE OF AUTHORIZATION LB #8821





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

Case Number: VAC2005-00029

Petitioner(s), Nick and Stella Karras  
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, 9848 Los Altos Ct. , Ft. Myers, FL 33919
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

Nick Karras  
Printed Name

Stella Karras  
Printed Name

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

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 28-45-24-26-0000A.0240 \_\_\_\_\_ and legally described in exhibit A attached hereto.

The property described herein is the subject of an application for zoning or development. We hereby designate Knott, Consoer, Ebellini, Hart & Swett, P.A. and Michael E. Roeder 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.

[Signature]  
Owner\*(signature)  
Nick Karras  
Printed Name

[Signature]  
Owner\*(signature)  
Stella Karras  
Printed Name

\_\_\_\_\_  
Owner\*(signature)  
\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Owner\*(signature)  
\_\_\_\_\_  
Printed Name

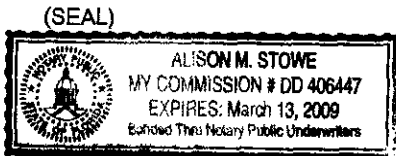
\_\_\_\_\_  
Owner\*(signature)  
\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Owner\*(signature)  
\_\_\_\_\_  
Printed Name

STATE OF FLORIDA  
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 5<sup>th</sup> day of August, 2005, by Nick Z, Stella Karras, who is personally known to me or who has produced \_\_\_\_\_ as identification and who did (did not) take an oath.

[Signature]  
Notary Public  
Alison M. Stowe  
(Name typed, printed or stamped)



# EXHIBIT "A"

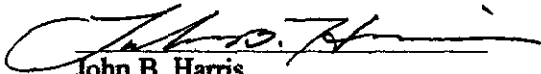
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John B. Harris  
P.S.M. #4631  
April 19, 2005

Exhibit "A"  
Petition to Vacate  
VAC2005-00029  
[Page One of One]

EXHIBIT "B"

HARRIS - JORGENSEN, INC.  
2708 S.E. SANTA BARBARA PLACE  
CAPE CORAL, FLORIDA  
PHONE: (941) 772-9939  
FAX: (941) 772-1315

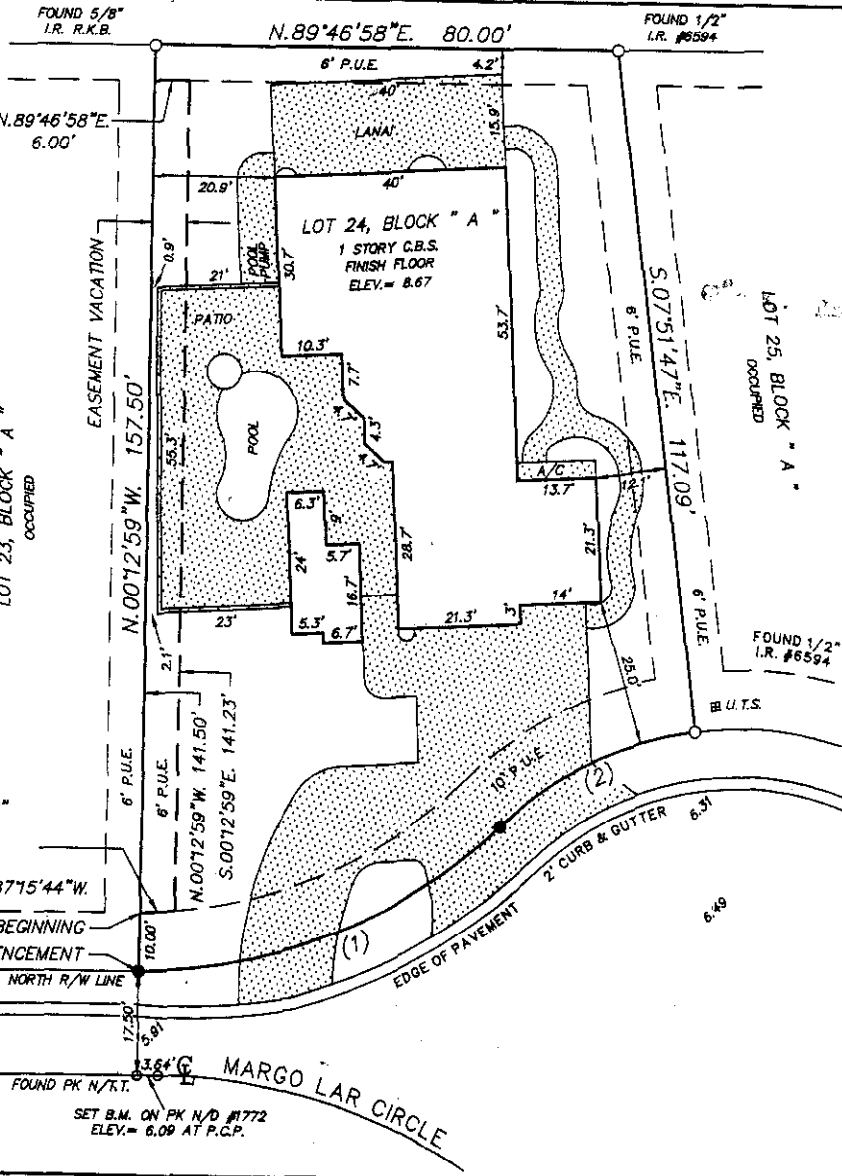
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Exhibit "B"  
Petition to Vacate  
VAC2005-00029  
[Page One of One]

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Chord= 6.01'  
Chord Brg.= S.87°15'44"W.

POINT OF BEGINNING  
POINT OF COMMENCEMENT



AS-BUILT SURVEY OF  
**LOT 24, BLOCK "A"**  
**THE ESTATES AT**  
**CASA DEL MAR**

SECTION 26, TOWNSHIP 45 SOUTH, RANGE 24 EAST  
(PLAT BOOK 49, PAGES 57-62)  
LEE COUNTY, FLORIDA

SEE EXHIBIT "A" FOR LEGAL DESCRIPTION  
OF EASEMENT VACATION

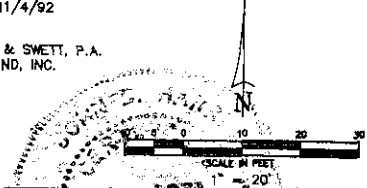
**LEGEND:**

- |            |                              |      |                     |        |                       |
|------------|------------------------------|------|---------------------|--------|-----------------------|
| N.         | NORTH                        | E.   | EAST                | P.C.   | POINT OF CURVATURE    |
| S.         | SOUTH                        | W.   | WEST                | O.R.   | OFFICIAL RECORDS BOOK |
| ○          | SET IRON PIN (CAP #4831)     | (1)  | CURVE NUMBER        | A/C    | AIR CONDITIONER       |
| □          | FOUND IRON PIN (F.O.I.R.)    | ○/H  | OVERHEAD POWERLINES | P.P.   | POWER POLE            |
| ■          | CONCRETE MONUMENT (C.M.)     | W.M. | WATER METER         | U.T.S. | UTILITY TELEPHONE BOX |
| ■ (shaded) | CONCRETE (CONC.)             | E.B. | ELECTRIC BOX        | CATV   | TV-CABLE BOX          |
| P.R.M.     | PERMANENT REFERENCE MONUMENT | C    | CENTERLINE          | R/W    | RIGHT-OF-WAY          |
| P.C.P.     | PERMANENT CONTROL POINT      | B.M. | BENCHMARK           | ⊙      | TYPICAL ELEVATION     |
| P.U.E.     | PUBLIC UTILITY EASEMENT      |      |                     |        |                       |
| D.E.       | DRAINAGE EASEMENT            |      |                     |        |                       |
| C.B.S.     | CONCRETE BLOCK STRUCTURE     |      |                     |        |                       |
| R/W/S      | RECLAIMED WATER BOX          |      |                     |        |                       |
| ELEV.      | ELEVATION                    |      |                     |        |                       |
| C.A.&W.    | GUY ANCHOR & WIRE            |      |                     |        |                       |
| N/D        | NAIL & DISK                  |      |                     |        |                       |
| N/T.T.     | NAIL & TINTAB                |      |                     |        |                       |

- SURVEY NOTES:**
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  - 2: FIELD NOTES IN THE ESTATES AT CASA DEL MAR.
  - 3: SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
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  - 6: UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
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  - 8: ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
  - 9: ELEVATIONS ARE NATIONAL GEODETIC VERTICAL DATUM OF 1928 (N.G.V.D.).

FLOOD ZONE: "A10" ELEVATION: 8.00 N.G.V.D.  
COMMUNITY # 125124 PANEL # 0325  
SUFFIX--- C REVISION DATE: 11/4/92

THIS SURVEY IS CERTIFIED TO:  
KNOTT, CONSOER, EBELINI, HART & SWETT, P.A.  
ATTORNEYS' TITLE INSURANCE FUND, INC.  
NICK & STELLA KARRAS  
NTFN, INC., D/B/A  
PREMIER NATIONWIDE LENDING



PROJECT # 02-354	<p>JOHN D. HARRIS, P.S.M. FLORIDA LAND SURVEYOR #44631</p>
JOB #: ECDM-A24	
SURVEY DATE: 5/9/02	
FOUNDATION: 2/7/03	
FINAL SURVEY: 7/3/03	
ADD EASEMENTS: 4/19/05	
EASEMENT VACATION: 4/19/05	FLORIDA CERTIFICATE OF AUTHORIZATION LB #5921

**Exhibit "C"**  
**Petition to Vacate**  
**VAC2005-00029**  
 [Page One of One]

<b>Real Property Information</b>		
<b>Account</b>	<b>Tax Year</b>	<b>Status</b>
28-45-24-26-0000A.0240	2004	PAID
<b>Original Account</b>	<b>Book/Page</b>	
28-45-24-26-0000A.0240	3996/2795	
<b>Owner</b>		
KARRAS NICK + STELLA		
<b>Physical Address</b>	<b>Mailing Address</b>	
9848 LOS ALTOS CT FORT MYERS FL 33919	9848 LOS ALTOS CT FORT MYERS FL 33919 USA	
<b>Legal Description</b>		
ESTATES AT CASA DEL MAR BLK A PB 49 PG 59 LOT 24		
<b>Outstanding Balance as of 4/19/2005</b>		\$0.00



INSTR # 5896067  
 Official Records BK 03996 PG 2795  
 RECORDED 07/17/2003 03:54:29 PM  
 CHARLIE GREEN, CLERK OF COURT  
 LEE COUNTY  
 RECORDING FEE 6.00  
 DEED DOC 2,385.60  
 DEPUTY CLERK S Jensen

Prepared by and return to:  
 George L. Consoer, Jr., Esq.  
 Knott, Consoer, Ebelini, Hart & Swett, P.A.  
 1625 Hendry Street Suite 300  
 Fort Myers, FL 33901  
 239-334-2722 File Number: Heartland Karras  
 Will Call No.: 94

[Space Above This Line For Recording Data]

## Warranty Deed

This Warranty Deed made this 7th day of July, 2003 between Heartland Direct, Inc., an Oklahoma Corporation whose post office address is 320 South Boston, Suite #920, Tulsa, OK 74103, grantor, and Nick Karras and Stella Karras, husband and wife whose post office address is 9848 Los Altos Court, Fort Myers, FL 33919, grantees:

(Whenever used herein the terms "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, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida to-wit:

Lot 24, Block A, The Estates at Casa Del Mar, according to the map or plat thereof as recorded in Plat Book 49, Page 57, of the Public Records of Lee County, Florida.

Parcel Identification Number: 28-45-24-26-0000A.0240

THIS CONVEYANCE IS SUBJECT TO: Taxes for the current and subsequent years; conditions, easements, and restrictions of record; and zoning ordinances and other restrictions and prohibitions imposed by applicable governmental authorities.

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, 2002.

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

Signed, sealed and delivered in our presence:

Witness Name: Arlene D. Verissimo  
  
 Witness Name: Denise Horne

Heartland Direct, Inc.  
 an Oklahoma corporation

By:   
 Alex M. Rodriguez  
 Authorized Agent

State of Florida  
 County of Lee

The foregoing instrument was acknowledged before me this 7 day of July, 2003 by Alex M. Rodriguez, Authorized Agent of Heartland Direct, Inc., an Oklahoma Corporation, on behalf of the corporation. He [X] is personally known to me or [ ] has produced a driver's license as identification.

[Notary Seal]



Notary Public, State of Florida

Printed Name: Denise A. Horne

My Commission Expires: December 2, 2006



BOARD OF COUNTY COMMISSIONERS

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

Bob Janes  
*District One*

239-479-8585

Douglas R. St. Cerny  
*District Two*

August 17, 2004

Ray Judah  
*District Three*

Tammy Hail  
*District Four*

Michael E. Roeder  
Knott, Consoer, Ebelini, Hart & Swett, P.A.  
1625 Hendry St. Suite 301,  
Fort Myers, FL 33901

John E. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

Diana M. Parker  
*County Hearing Examiner*

Re: **VAC2005-00029 - Petition to Vacate** part of a 6-foot wide Public Utility Easement on the West side of Lot 24, Block A, The Estates at Casa Del Mar, S 28, T 45S, R 24E, as recorded in Plat Book 49, Pages 57 thru 62, in the public records of Lee County, FL

Dear Mr. Roeder:

You have indicated that as a result of a variance approved by the Hearing Examiner on December 16, 2004 to enclose an existing pool and privacy wall with a screen, you desire to eliminate a six-foot (6') portion of the Public Utility Easement located on the West side of Lot 24. The site is located at 9848 Los Altos Ct., Fort Myers. 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:\200508\20050608.143\2443690\DCDLETTER.DOC

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

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

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

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

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

MRoeder@knott-law.com

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

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

June 8, 2005

Peter J. Eckenrode, Development Services Director  
Department of Community Development  
P.O. Box 398  
Fort Myers, FL 33902

Re: Vacation of Easement - 9848 Los Altos Court  
(Estates of Casa Del Mar)

Dear Pete:

We are requesting a vacation of the side lot utility easement for the property located at 9848 Los Altos Court in the Casa Del Mar subdivision, STRAP # 28-45-24-26-0000A.0240. This request is a result of a variance approved by the Hearing Examiner on December 16, 2004 to enclose an existing pool and privacy wall with a screen. The privacy wall was already permitted to be constructed under the County regulations. However, the addition of the screen makes the enclosure part of the house under County rules, which triggered the requirement for the variance and the condition of vacating the easement. We do not believe there are any utilities located in the easement, and we have asked the utility companies for comments.

Very truly yours,

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



Michael E. Roeder, AICP  
Director of Zoning & Land Use Planning  
MER/ams





Florida Power & Light Company

June 6, 2005

Knott, Consoer, Ebelini, Hart & Sweet, P.A.  
1625 Hendry Street  
Fort Myers, FL 33902-2449

Re: 9848 Los Altos Court  
Strap# 28-45-24-26-0000A.0240

I have reviewed the request to vacate the 6ft public utility easement along the West property line at 9848 Los Altos Court for a screen enclosure. FPL has no objection to the vacation of the public utility easement along this property line. If you have any questions, please contact me at (239) 415-1329.

Sincerely,

A handwritten signature in cursive script that reads "Jane Gunter".

Jane Gunter  
Customer Project Manager



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

May 2, 2005

Knott, Consor, Ebelini, Hart & Swett, P.A.  
P.O. Box 2449  
Fort Myers, Florida 33902-2449

Attn: Michael E. Roeder, AICP

RE: STRAP NUMBER 28-45-24-26-0000A.0240  
EASEMENT VACATION LETTER OF NO OBJECTION

Sprint-Florida Incorporated has reviewed the plans for the above referenced proposal. Based on the review of the request, we do not have any objections to the vacation of the public utility easement located on the sides and rear of the above stated property.

If you should have any questions or require additional information, please give me a call at (239) 336-2030.

Sincerely,  
Sprint-Florida Incorporated

A handwritten signature in cursive script that reads "Jack H. Mitchell".

Jack H. Mitchell  
Network Engineer I

cc: File



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

August 11, 2005

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

Re: Strap # 28-45-24-26-0000A.0240  
Vacate Right-of-Way and/or Utility Easement

Dear Alison Stowe,

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

VAC 2005-00029

# AmeriGas

*America's Propane Company*

April 29, 2005

Michael E. Roeder  
1625 Hendry Street  
Fort Myers, FL 33902

Dear Mr. Roeder:

In reference to your letter dated April 20, 2005 AMERIGAS has no obligation to the vacation of the easement list below:

STRAP #: 28-45-24-26-0000A.0240

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

Sincerely,



Jim Riefstahl  
Sales & Service Manager

 **LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

(239) 479-8150

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

Bob Janes  
District One

April 22, 2005

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Michael E. Roeder  
Knott, Consoer, Ebelini, Hart & Sweet  
1625 Hendry St  
Fort Myers, FL 33902

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

**SUBJECT: VACATION OF UTILITY AND/OR DRAINAGE EASEMENT AND/OR PUBLIC  
RIGHT OF WAY  
STRAP #: 28-45-24-26-0000A.0240**

Dear Mr. Roeder:

Lee County Utilities is in receipt of your letter and associated attachments concerning the proposed Petition to Vacate an existing public right of way located within Section 28, Township 45 South, Range 24 East, in Fort Myers.

Lee County Utilities has reviewed your request and has **NO OBJECTION** to the proposed vacation. Even though the area in question is located within Lee County Utilities' service area, our records indicate that we have no potable water or sanitary sewer facilities within the area to be vacated.

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

Sincerely,

**LEE COUNTY UTILITIES**

David Reycraft  
GIS Analyst  
Utilities Engineering Division

Original Mailed 04/22/2005  
Faxed: 04/22/2005

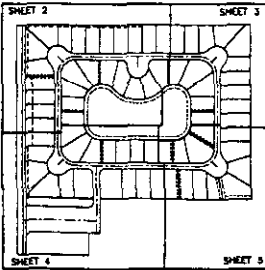
cc: Correspondence File

RECEIVED  
APR 25 2005  
AM 7 8 9 10 11 12 1 2 3 4 5 6 PM

VAC 2005-05029  
**RECEIVED**  
JUN 08 2005

COMMUNITY DEVELOPMENT

H:\Vacates\2005\Roeder\04222005.doc



KEY MAP (N.T.S.)

**DESCRIPTION**

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 28, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA; THENCE RUN N 00°05'22" E, ALONG THE WEST LINE OF SAID SECTION 28, ALSO BEING THE CENTERLINE OF A 6 W BULE ROAD, FOR A DISTANCE OF 849.05 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 00°05'22" E ALONG THE WEST LINE OF SAID SECTION 28, FOR A DISTANCE OF 1388.00 FEET; THENCE RUN N 89°45'58" E, ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHWEST 1/4, OF THE SOUTHWEST 1/4 OF SAID SECTION 28, FOR A DISTANCE OF 1325.63 FEET; THENCE RUN S 00°05'08" W FOR A DISTANCE OF 880.18 FEET; THENCE RUN N 89°32'32" W FOR A DISTANCE OF 863.34 FEET; THENCE RUN S 00°27'28" W FOR A DISTANCE OF 200.00 FEET; THENCE RUN N 89°32'32" W FOR A DISTANCE OF 81.93 FEET; THENCE RUN S 00°40'52" W FOR A DISTANCE OF 128.12 FEET; THENCE RUN N 89°19'03" W FOR A DISTANCE OF 408.34 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 33.22 ACRES, MORE OR LESS.

**NOTES:**

1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. BASIS FOR BEARING IS THE WEST LINE OF SECTION 28, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA.
3. ■ INDICATES PERMANENT REFERENCE MONUMENT (PRM)
4. ● INDICATES PERMANENT CONTROL POINT (PCP)
5. (NR) INDICATES NON-RADIAL LINE
6. A 6.5 FOOT UTILITY EASEMENT IS RESERVED ALONG EACH SIDE AND REAR LOT LINE AND A 10.0 FOOT UTILITY EASEMENT IS RESERVED ALONG THE FRONT LINE OF EACH LOT AND TRACT. SEE PLAY FOR ADDITIONAL EASEMENTS.
7. ALL ROADS ARE PUBLIC UTILITY EASEMENTS.

**NOTE**

THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

**SURVEYOR'S CERTIFICATION**

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF THE ESTATES AT CASA DEL MAR, A SUBDIVISION LOCATED IN THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, IS A TRUE AND CORRECT REPRESENTATION OF THE HEREBY DESCRIBED LAND ACCORDING TO A RECENT SURVEY MADE AND PLATED UNDER MY DIRECTION AND SUPERVISION AND THAT THE SURVEY DATA COMPLIES WITH ALL OF THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES. I FURTHER CERTIFY THAT THE PERMANENT REFERENCE MONUMENTS (P.R.M.'S) HAVE BEEN PLACED AT THE LOCATIONS SHOWN ON THIS PLAT.

*Stephan A. Seales*  
 STEPHAN A. SEALES  
 PROFESSIONAL LAND SURVEYOR  
 FLORIDA CERTIFICATE NUMBER 4175  
 22 DAY OF APRIL 1992

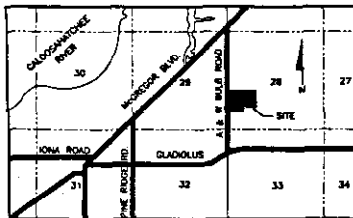
**THE ESTATES AT CASA DEL MAR**

A SUBDIVISION LOCATED IN THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA.

**NOTICE**

LANDS DESCRIBED IN THIS PLAT ARE SUBDIVIDED BY THE DEVELOPER WITHOUT THE ROADS BEING SPECIFICALLY ACCEPTED BY LEE COUNTY. ANY PURCHASER OF A LOT IN THIS SUBDIVISION IS ADVISED THAT HE MAY BE SUBJECT TO ASSESSMENT OR CALLED UPON TO BEAR A PORTION OF OR ALL OF THE EXPENSE OF CONSTRUCTION, MAINTENANCE OR IMPROVEMENTS OF ROADS AND DRAINAGE FACILITIES WITHIN THE SUBDIVISION.

**LOCATION MAP (N.T.S.)**



**CERTIFICATION**

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF THE ESTATES AT CASA DEL MAR, A SUBDIVISION LOCATED IN THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, HAS BEEN EXAMINED BY ME AND FROM MY EXAMINATION I FIND THAT SAID PLAT COMPLIES WITH THE REQUIREMENTS OF CHAPTER 177, LAWS OF FLORIDA. I FURTHER CERTIFY THAT THIS PLAT WAS FILED FOR RECORD AT 10:58 A.M., THIS 22 DAY OF APRIL, A.D. 1992 AND DAILY RECORDED IN PLAT BOOK 428 AT PAGES 27 THRU 28. PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

*Charlie Green*  
 CHARLIE GREEN  
 CLERK OF COURT

3194014

HOLE, MONTES AND ASSOCIATES  
 CONSULTING ENGINEERS AND SURVEYORS  
 6202F PRESIDENTIAL COURT  
 FORT MYERS, FLORIDA 33919  
 (813) 481-7874

**DEDICATION**

KNOW ALL MEN BY THESE PRESENTS THAT SUNSET LAKES LTD., A FLORIDA LIMITED PARTNERSHIP, AS OWNER OF THE HEREBY DESCRIBED LANDS, HERINAFTER REFERRED TO AS "GRANTOR", HAS CAUSED THIS PLAT OF THE ESTATES AT CASA DEL MAR TO BE MADE AND DOES HEREBY DEDICATE TRACT B AND THE LANDSCAPE BUFFER EASEMENTS TO THE PERPETUAL USE OF THE ESTATES AT CASA DEL MAR HOMEOWNER'S ASSOCIATION, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION.

GRANTOR HEREBY DEDICATES TRACTS A,C,D,E,F,H AND THE LAKE MAINTENANCE EASEMENTS, THE LAKE ACCESS EASEMENTS AND ALL ROADS, EXCEPT A & W BULE ROAD AND TRACT G, TO THE CASA DEL MAR COMMUNITY ASSOCIATION, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION.

GRANTOR HEREBY DEDICATES TRACT G (A&W BULE ROAD) AND PUBLIC UTILITY EASEMENTS TO THE PUBLIC.

SUNSET LAKES LTD.  
 A FLORIDA LIMITED PARTNERSHIP

*Jose A. Sendra*  
 BY: JOSE A. SENDRA, GENERAL PARTNER  
 SUNSET LAKES LTD., A FLORIDA LIMITED PARTNERSHIP  
*Armando Beriz*  
 BY: ARMANDO BERIZ, GENERAL PARTNER  
 SUNSET LAKES LTD., A FLORIDA LIMITED PARTNERSHIP

(1) WITNESS AS TO BOTH  
 J.S.E.F. 64610

PRINTED NAME

*Jose P. Sendra*

(2) WITNESS AS TO BOTH

PRINTED NAME

**ACKNOWLEDGEMENT**

STATE OF FLORIDA } SS  
 COUNTY OF LEE

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 23<sup>RD</sup> DAY OF APRIL, 1992, BY ARMANDO BERIZ AND JOSE A. SENDRA, AS GENERAL PARTNERS OF SUNSET LAKES LTD., A FLORIDA LIMITED PARTNERSHIP, ON BEHALF OF THE LIMITED PARTNERSHIP. THEY ARE PERSONALLY KNOWN TO ME OR HAVE PRODUCED SUFFICIENT LICENSE AS IDENTIFICATION AND I (DO NOT) TAKE AN OATH.

NOTARY PUBLIC  
 JEFF DAVIS

*Jeff Davis*  
 NOTARY PUBLIC  
 JEFF DAVIS  
 PRINTED NAME

**APPROVAL**

THIS PLAT ACCEPTED THIS 22<sup>ND</sup> DAY OF APRIL, A.D. 1992, IN AN OPEN MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA.

*Charlie Green*  
 APPROVED: CHAIRMAN OF THE BOARD  
 CHARLIE GREEN  
 CLERK OF COURT

*Stephan A. Seales*  
 APPROVED: DIRECTOR OF DIVISION OF DEVELOPMENT REVIEW  
 STEPHAN A. SEALES

*Thomas J. Hester*  
 APPROVED: COUNTY ATTORNEY  
 THOMAS J. HESTER

*Mark A. Wright*  
 APPROVED: DIRECTOR OF DEPARTMENT OF COMMUNITY DEVELOPMENT  
 MARK A. WRIGHT

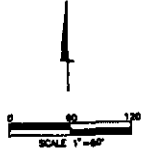
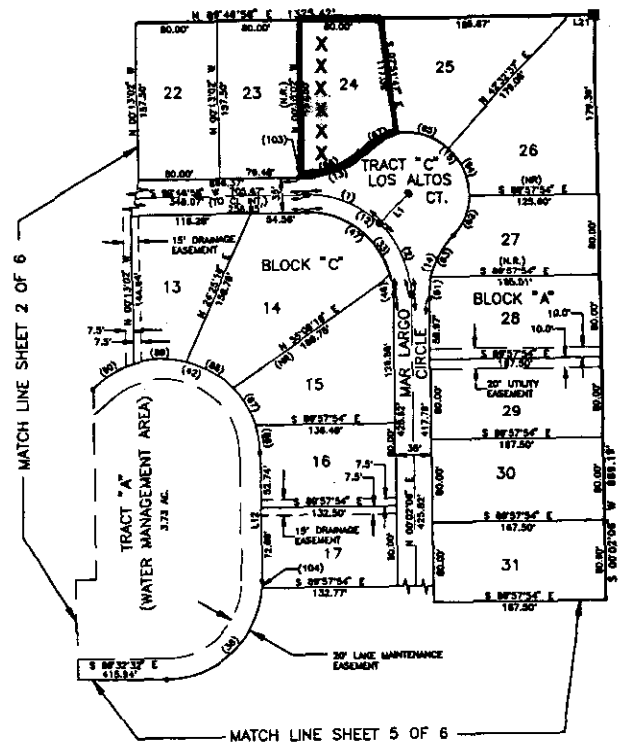
D.O. #9-19-88

**THE ESTATES AT CASA DEL MAR**  
 A SUBDIVISION LOCATED IN THE SOUTHWEST QUARTER OF  
 SECTION 28, TOWNSHIP 45 SOUTH, RANGE 24 EAST,  
 LEE COUNTY, FLORIDA.

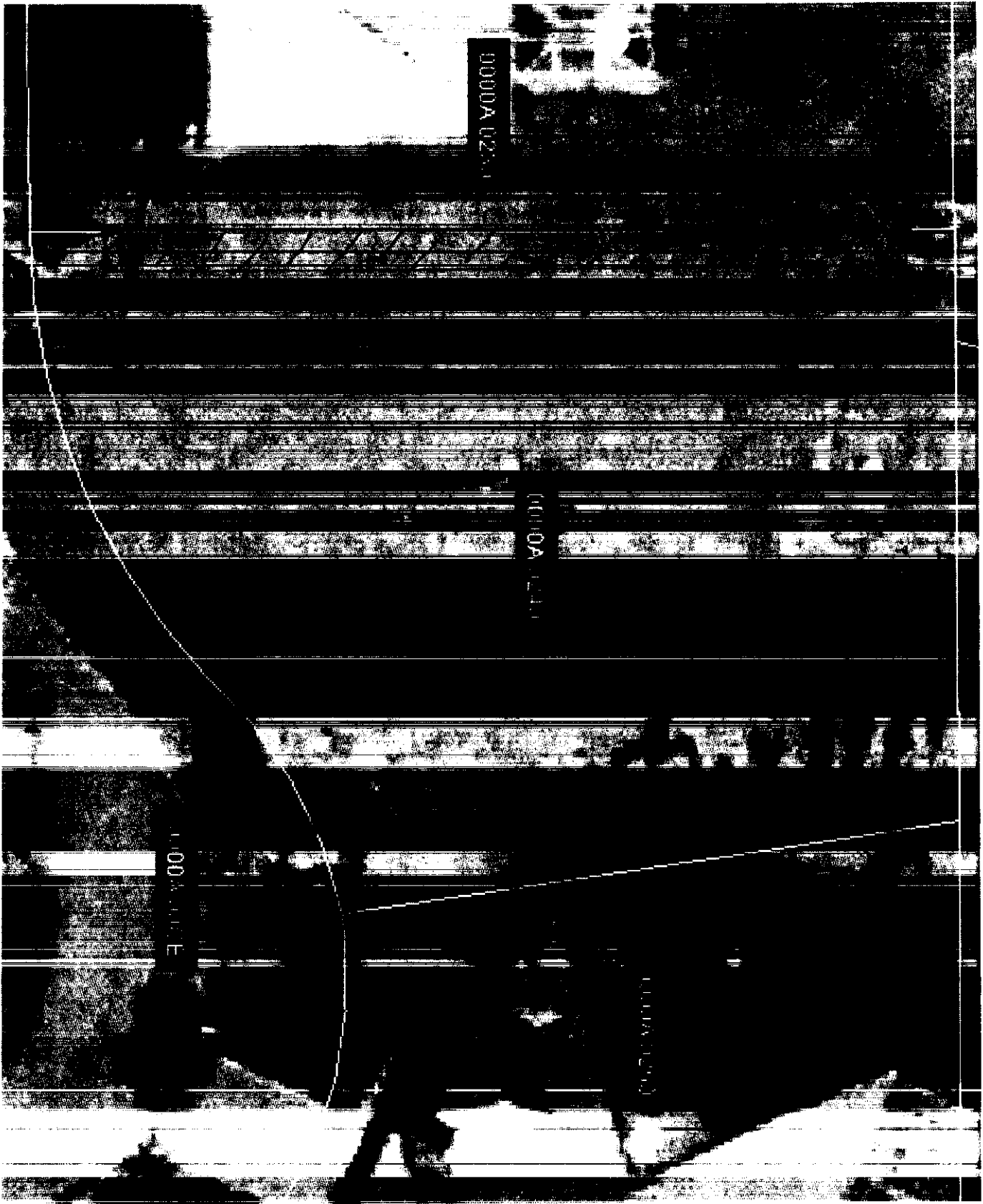
PLAT BOOK 47 PAGE 57


HOLE, MONTES AND ASSOCIATES  
 CONSULTING ENGINEERS AND SURVEYORS  
 8202F PRESIDENTIAL COURT  
 FORT MYERS, FLORIDA 33918  
 (813) 481-7874

UNPLATTED



UNPLATTED



 - AREA TO BE VACATED



# GIS Map Exhibit

