

12-26

Lee County Board Of County Commission  
Agenda Item Summary

Blue Sheet No. 20051459

1. ACTION REQUESTED/PURPOSE: Conduct a Public Hearing to adopt a Resolution on Petition to Vacate portions of Coon Road and Slater Road Rights-of-Way located adjacent to 7527 N. Coon Rd. and 1011 Donald Rd., North Ft. Myers (Case No. VAC2005-00035).

2. WHAT ACTION ACCOMPLISHES: To construct a shopping center on the subject parcel. The vacation of this right-of-way will not alter existing traffic or drainage conditions and the right-of-way is not necessary to accommodate any future traffic or drainage requirement..

3. MANAGEMENT RECOMMENDATION: Approve

4. Departmental Category: COMMISSION DISTRICT #: 4		930 PH2		5. Meeting Date: 1-10-2006	
6. Agenda:		7. Requirement/Purpose: (specify)		8. Request Initiated:	
<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: <i>[Signature]</i> 11/2/05	
<input type="checkbox"/> Walk-On				Peter J. Eckenrode, Director	

9. Background:

The completed petition to vacate, VAC2005-00035 was submitted by James E. Kinsey, Jr. as Managing Member of GFY Associates, LLC, a Florida Limited Liability Company.

LOCATION: The site is located adjacent to 7527 N. Coon Rd. and 1011 Donald Rd., North Ft. Myers, Florida 33917 and its strap numbers are 30-43-25-00-00030.0030, 00024.0000, and 00023.0000. Petition No. VAC2005-00035 proposes to vacate portions of Coon Road and Slater Road Right-of-Way Easement lying in Section 30, Township 43 South, Range 25 East, as recorded in OR Book 2269, Page 4116 of the Public Records of Lee County, Florida.

Petitioner owns property on both sides of Coon Rd. and has submitted a Zoning case DCI2005-00082 to rezone the consolidated parcels to develop a Shopping Center. Coon Rd. is constructed within the portion of the Right-of-Way to be vacated and terminates in a Cul-de-sac. This portion of the road however does not provide access to any properties other than those owned by the petitioner, consequently, LCDOT has offered no objection to the request. Replacement easements have been provided to facilitate relocation of existing utilities in the right-of-way and will be held in trust by Lee County pending approval of this request.

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.	
<i>[Signature]</i>				<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  
12-16-05  
3pm  
COUNTY ADMIN  
FORWARDED TO:

Rec. by CoAtty  
Date: 12/16/05  
Time: 10:55 AM  
Forwarded To:  
Co. Adm.  
12/16/05 3pm



PETITION TO VACATE  
TRANSMITTAL FOR PUBLIC NOTICE  
REQUIREMENTS

DATE: October 6, 2005

To: Patricia Geren  
Public Resources

FROM: Ron Wilson  
Development Services

BLUESHEET NUMBER: 20051459

CASE NUMBER: VAC2005-00035

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 John Fredyma, Assistant County Attorney ([fredymjj@leegov.com](mailto:fredymjj@leegov.com))

# NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2005-00035

TO WHOM IT MAY CONCERN:

NOTICE is hereby given that on the 10th day of January 2006 @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, abandoning, closing and discontinuing the public's interest in the right-of-way or portion of a right-of-way, legally described in the attached Exhibit "A".

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

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

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

LEE COUNTY  
SOUTH WEST FLORIDA  
CHARLIE GREEN, CLERK

---

Deputy Clerk Signature

\_\_\_\_\_  
Please Print Name

APPROVED AS TO FORM

*John J. Fredyma*

County Attorney Signature

*John J. FREDYMA*

\_\_\_\_\_  
Please Print Name



EXHIBIT "A"

# GULF SHORE SURVEYING, INC.

TIM J. PUFAHL, P.L.S.  
30930 OIL WELL RD., PUNTA GORDA, FL. 33955  
(941) 639-7800 ☎ FAX: (941) 639-7600

NICK POULOS, P.L.S.  
2112 SE. 11<sup>TH</sup> ST., CAPE CORAL, FL. 33990  
(239) 458-2388 ☎ FAX: (239) 574-3719

OCTOBER 25, 2004  
JOB NO. 0484  
FILE: 0484RDVAC.LGL

## DESCRIPTION

A TRACT OR PARCEL OF LAND, BEING PORTIONS OF COON ROAD AND SLATER ROAD, LYING IN SECTION 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST ONE QUARTER (SE ¼) OF SAID SECTION 30; THENCE ALONG THE WEST LINE OF SAID SOUTHEAST ONE QUARTER (SE ¼), N.00°16'46"W. FOR 1009.84 FEET TO THE SURVEY BASE LINE OF STATE ROAD 78 (BAYSHORE ROAD); THENCE ALONG SAID SURVEY BASELINE S.47°42'01"W. FOR 199.92 FEET; THENCE S.42°17'59"E. FOR 104.48 FEET TO THE SOUTHERLY EXISTING RIGHT OF WAY LINE OF BAYSHORE ROAD, STATE ROAD NO. 78 (PER SECTION NO. 12060-2533) AND THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING; THENCE CONTINUE S.42°17'59"E. FOR 105.34 FEET ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF COON ROAD (PARCEL 39-B) AS DESCRIBED IN OFFICIAL RECORD BOOK 2269, PAGE 4116, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.00°54'28"W. FOR 168.55 FEET ALONG THE WESTERLY MAINTAINED RIGHT OF WAY LINE OF SAID COON ROAD; THENCE S.69°46'37"W. FOR 43.19 FEET ALONG THE NORTHERLY RIGHT OF WAY LINE OF SLATER ROAD (PARCEL 39-A) AS DESCRIBED IN SAID OFFICIAL RECORD BOOK 2269, PAGE 4116 TO A NON-RADIAL INTERSECTION WITH A CURVE TO THE RIGHT, CONCAVE SOUTHWESTERLY ; HAVING A RADIUS OF 858.05 FEET, A CENTRAL ANGLE OF 04°44'36", CHORD OF 71.01 FEET, CHORD BEARING OF S.28°42'13"E.; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE FOR 71.03 FEET; THENCE N.88°32'01"E. FOR 55.24 FEET ALONG THE WESTERLY EXTENSION OF THE NORTH LINE OF A TRACT OR PARCEL OF LAND, BEING THE FLORIDA DEPARTMENT OF TRANSPORTATION RETENTION LAKE AS DESCRIBED IN OFFICIAL RECORD BOOK 3027, PAGE 501, SAID PUBLIC RECORDS; THENCE N00°54'28"E. FOR 435.29 FEET ALONG THE EASTERLY MAINTAINED RIGHT OF WAY LINE OF SAID COON ROAD; THENCE S.47°40'01"W. FOR 167.63 FEET ALONG THE AFOREMENTIONED SOUTHERLY RIGHT OF WAY LINE OF BAYSHORE ROAD, STATE ROAD NO. 78 (PER SECTION NO. 12060-2533) TO THE POINT OF BEGINNING.

CONTAINING; 0.6321 ACRES MORE OR LESS,

BEARINGS MENTIONED HEREIN ARE BASED ON THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR S.R. 78, PROJECT NO. 12060-2533. THE WEST LINE OF THE SOUTHEAST ONE QUARTER (SE ¼) OF SECTION 30, TOWNSHIP 43, SOUTH, RANGE 25 EAST, BEARING N.00°16'46"W.

REFER TO 8 ½" X 11" SKETCH  
GULF SHORE SURVEYING, INC.

*Nick Poulos 10/26/04*

NICK POULOS  
PROFESSIONAL LAND  
FLORIDA CERTIFICAT

LEGAL FOR  
AD IN  
YELLOW BOX

**Exhibit "A"**  
**Petition to Vacate**  
**VAC2005-00035**  
[Page One of One]

THIS INSTRUMENT PREPARED BY:

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

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**RESOLUTION NO. \_\_\_\_\_ FOR PETITION TO VACATE**

Case Number: VAC2005-00035

WHEREAS, Petitioner GFY Associates, LLC, a Florida Limited Liability Company in accordance with Florida Statute (F.S.) Chapter 336 and Lee County Administrative Code (LCAC) 13-8, filed a Petition to vacate, abandon, close and discontinue the public's interest in the right-of-way or portion of a right-of-way legally described in the attached Exhibit "A"; and

WHEREAS, the Board of County Commissioners of Lee County, Florida held a Public Hearing concerning a 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 a copy of said Affidavit is attached as Exhibit "C"; and

WHEREAS, notice concerning the intent of the Petition to Vacate was provided in accordance with LCAC 13-8; and

WHEREAS, it appears that vacating, abandoning, closing or discontinuing the subject right-of-way or portion of right-of-way is in the best interest of the public and promotes the public's health, safety and welfare without invading or violating individual property rights; and

WHEREAS, the letters of review and recommendation provided by the various governmental and utility entities indicate granting Petitioner's request is appropriate and in accordance with F.S. Chapter 336.

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

1. Petition to Vacate No. VAC2005-00035 is hereby granted.
2. The public's interest in the right-of-way or portion of right-of-way described in Exhibit "A" and graphically depicted in Exhibit "B" is hereby vacated, abandoned, closed and discontinued.
3. A Notice of Resolution of Adoption will be published one time within 30 days of adoption in a newspaper of general circulation. An Affidavit of Publication for the Notice of Resolution Adoption will be attached to this Resolution as Exhibit "D".
4. This Resolution will become effective upon the recording of a fully executed Resolution, including all exhibits referred to above, 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"

# GULF SHORE SURVEYING, INC.

TIM J. PUFAHL, P.L.S.  
30930 OIL WELL RD., PUNTA GORDA, FL. 33955  
(941) 639-7800 ☎ FAX: (941) 639-7600

NICK POULOS, P.L.S.  
2112 SE. 11<sup>TH</sup> ST., CAPE CORAL, FL. 33990  
(239) 458-2388 ☎ FAX: (239) 574-3719

OCTOBER 25, 2004  
JOB NO. 0484  
FILE: 0484RDVAC.LGL

## DESCRIPTION

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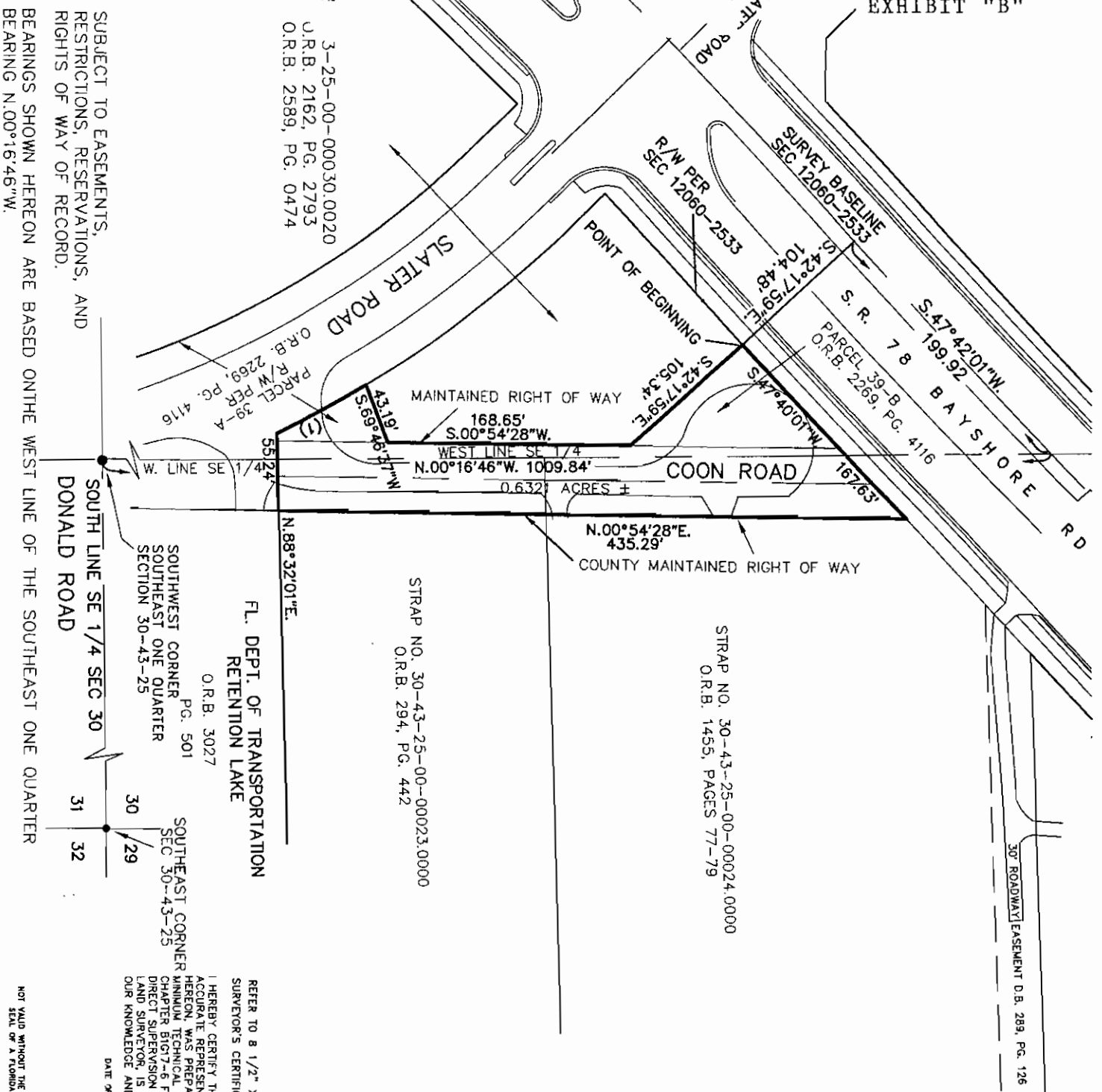
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REFER TO 8 ½" X 11" SKETCH  
GULF SHORE SURVEYING, INC.

  
NICK POULOS  
PROFESSIONAL LAND SURVEYOR  
FLORIDA CERTIFICATE NO. 4568

**Exhibit "A"**  
**Petition to Vacate**  
**VAC2005-00035**  
[Page One of One]



SUBJECT TO EASEMENTS,  
RESTRICTIONS, RESERVATIONS, AND  
RIGHTS OF WAY OF RECORD.

BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF THE SOUTHEAST ONE QUARTER  
BEARING N.00°16'46"W.

3-25-00-00030.0020  
O.R.B. 2162, PG. 2793  
O.R.B. 2589, PG. 0474

PARCEL 39-A  
R/W PER  
O.R.B. 2269, PG. 4116

FL. DEPT. OF TRANSPORTATION  
RETENTION LAKE  
O.R.B. 3027

SOUTHWEST CORNER  
SOUTHEAST ONE QUARTER  
SECTION 30-43-25  
PG. 501

SOUTHEAST CORNER  
SEC 30-43-25  
CHAPTER B107-6 FAC. AND AS PREPARED UNDER THE  
DIRECT SUPERVISION OF THE UNDERSIGNED REGISTERED  
LAND SURVEYOR, IS TRUE AND CORRECT TO THE BEST OF  
OUR KNOWLEDGE AND BELIEF.

DATE OF SIGNATURE

*Nick Folios*  
NICK FOLIOS  
PROFESSIONAL SURVEYOR AND MAPPER  
FLA. CERTIFICATE NO. 4388

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED  
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

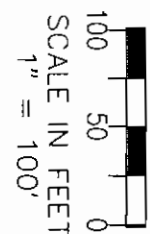
STRAP NO. 30-43-25-00-00023.0000  
O.R.B. 294, PG. 442

STRAP NO. 30-43-25-00-00024.0000  
O.R.B. 1455, PAGES 77-79

30 ROADWAY EASEMENT D.B. 289, PG. 126

**Exhibit "B"**  
**Petition to Vacate**  
**VAC2005-00035**  
[Page One of One]

Curve number 1  
Radius= 858.05'  
Delta= 04°44'36"  
Arc= 71.03'  
Tangent= 35.54'  
Chord= 71.01'  
Chord Brg.= S.28°42'13"E.



SKETCH OF DESCRIPTION  
(NOT A FIELD SURVEY)  
A PORTION OF COON ROAD  
LYING IN SEC 30-43-25  
LEE COUNTY, FLORIDA

DATE : 10/19/2004  
SCALE : 1" = 100'  
CADD : N.P.  
CHECK : N.P.  
FILE : 0484ROADVAC

**GULF SHORE SURVEYING, INC.**  
LICENSED BUSINESS NO. 6729  
LEE COUNTY:  
2112 S.E. 11TH STREET  
CAPE CORAL, FL. 33990  
(941) 458-2388  
CHARLOTTE COUNTY:  
30930 OIL WELL ROAD  
PUNTA GORDA, FL. 33955  
(941) 639-7800

**JOB**  
**0484**





PETITION TO VACATE (AC 13-8)

Case Number: VAC2005-00035

Petitioner(s), GFY Associates LLC  
requests the Board of County Commissioners of Lee County, Florida, to grant this Petition to Vacate and states as follows:

- 1. Petitioner(s) mailing address, PO Box 1662, Fort Myers, FL 33902
- 2. In accordance with Florida Statute (F.S.) Chapter 336 and Lee County Administrative Code (LCAC) 13-8, Petitioner desires to vacate, abandon and discontinue the public's interest in the right-of-way or portion of right-of-way legally described in the attached Exhibit "A".
- 3. A sketch showing the area(s) the Petitioner desires to vacate is attached as Exhibit "B".
- 4. Notice concerning the intent of this Petition will be provided in accordance with LCAC 13-8.
- 5. In accordance with letters of review and recommendation provided by the various governmental and utility entities, there is no apparent impediment to granting Petitioner's request.

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

Respectfully Submitted by:

\_\_\_\_\_  
Petitioner Signature

\_\_\_\_\_  
Petitioner Signature

James E. Kinsey, Jr.  
Printed Name MANAGING MEMBER

\_\_\_\_\_  
Printed Name

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

RECEIVED  
SEP 12 2005



**Florida Limited Liability**

**GFY ASSOCIATES LLC**

**PRINCIPAL ADDRESS**  
 9101 W COLLEGE POINTE DR  
 SUITE 1  
 FORT MYERS FL 33919

**MAILING ADDRESS**  
 9101 W COLLEGE POINTE DR  
 SUITE 1  
 FORT MYERS FL 33919

**Document Number**  
 L05000006361

**FEI Number**  
 202191672

**Date Filed**  
 01/20/2005

**State**  
 FL

**Status**  
 ACTIVE

**Effective Date**  
 NONE

**Total Contribution**  
 0.00

**Registered Agent**

Name & Address
KINSEY, JAMES 1335 CURRIER CIRCLE FORT MYERS FL 33919

**Manager/Member Detail**

Name & Address	Title
BECK, W K 1464 PARK SHORE CIRCLE FORT MYERS FL 33901	MGRM
KINSEY, JAMES E JR 9101 W COLLEGE POINTE DR STE 1 FORT MYERS FL 33919	MGRM

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## Annual Reports

Report Year	Filed Date
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[Previous Filing](#)

[Return to List](#)

[Next Filing](#)

No Events  
No Name History Information

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## Document Images

Listed below are the images available for this filing.

<a href="#">01/20/2005 -- Florida Limited Liability</a>
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**THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT**

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EXHIBIT "A"

# GULF SHORE SURVEYING, INC.

TIM J. PUFAHL, P.L.S.  
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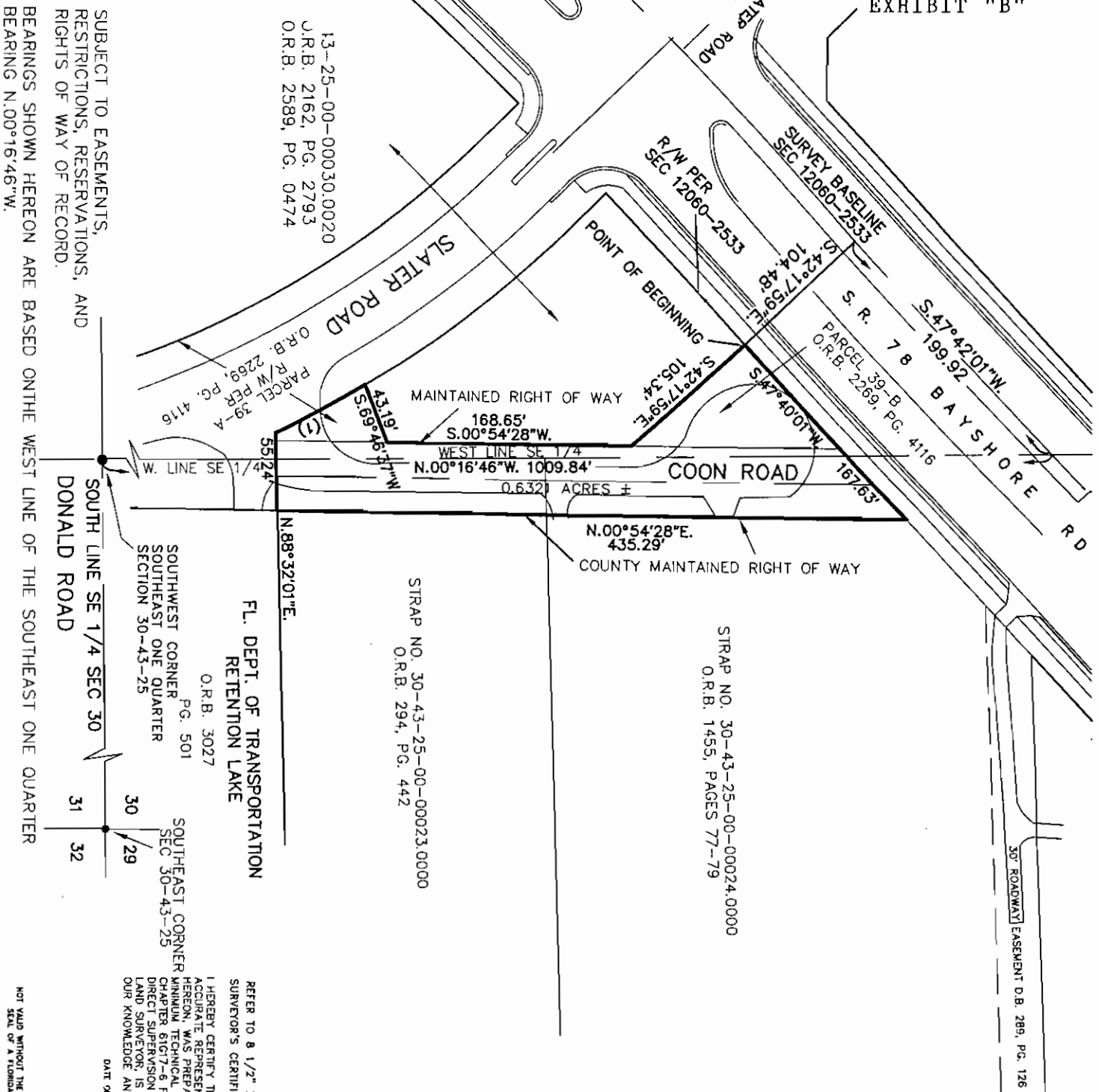
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BEARINGS MENTIONED HEREIN ARE BASED ON THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR S.R. 78, PROJECT NO. 12060-2533. THE WEST LINE OF THE SOUTHEAST ONE QUARTER (SE ¼) OF SECTION 30, TOWNSHIP 43, SOUTH, RANGE 25 EAST, BEARING N.00°16'46"W.

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PROFESSIONAL LAND SURVEYOR  
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**Exhibit "A"**  
**Petition to Vacate**  
**VAC2005-00035**  
[Page One of One]



13-25-00-00030.0020  
 O.R.B. 2162, PG. 2793  
 O.R.B. 2589, PG. 0474

SUBJECT TO EASEMENTS,  
 RESTRICTIONS, RESERVATIONS, AND  
 RIGHTS OF WAY OF RECORD.  
 BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF THE SOUTHEAST ONE QUARTER  
 BEARING N.00°16'46"W.

REFER TO A 1/2" X 11" (LEGAL DESCRIPTION)  
 SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE ATTACHED SKETCH IS AN  
 ACCURATE REPRESENTATION OF THE LANDS DESCRIBED  
 HEREON, WAS PREPARED IN ACCORDANCE WITH THE  
 MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING,  
 CHAPTER 61G17-6 FAC. AND AS PREPARED UNDER THE  
 DIRECT SUPERVISION OF THE UNDERSIGNED REGISTERED  
 LAND SURVEYOR, IS TRUE AND CORRECT TO THE BEST OF  
 OUR KNOWLEDGE AND BELIEF.

DATE OF SIGNATURE: 10/19/2004

NICK POLKOS  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FLA. CERTIFICATE NO. 4368

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL BASED  
 SEAL OF A FLORIDA LICENSED SURVEYOR 2ND MAPPER.

**Exhibit "B"**  
**Petition to Vacate**  
**VAC2005-00035**  
**[Page One of One]**

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Radius = 858.05'

Delta = 04°44'36"

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Chord = 71.01'

Chord Brg. = S.28°42'13"E.

SCALE IN FEET  
 1" = 100'

SKETCH OF DESCRIPTION  
 (NOT A FIELD SURVEY)  
 A PORTION OF COON ROAD  
 LYING IN SEC 30-43-25  
 LEE COUNTY, FLORIDA

DATE : 10/19/2004  
 SCALE : 1" = 100'  
 CADD : N.P.  
 CHECK : N.P.  
 FILE : 0484ROADVAC

**GULF SHORE SURVEYING, INC.**  
 LICENSED BUSINESS NO. 6729

LEE COUNTY: 2112 S.E. 11TH STREET  
 CAPE CORAL, FL. 33990  
 (941) 458-2388

CHARLOTTE COUNTY: 30930 OIL WELL ROAD  
 PUNTA GORDA, FL. 33955  
 (941) 639-7800

JOB  
 0484

**Exhibit "C"**  
**Petition to Vacate**  
**VAC2005-00035**  
 [Page One of One]

<b>Real Property Information</b>		
<b>Account</b>	<b>Tax Year</b>	<b>Status</b>
30-43-25-00-00030.0030	2005	PAID
<b>Original Account</b>	<b>Book/Page</b>	
30-43-25-00-00030.0030	4657/4400	
<b>Owner</b>		
GFY ASSOCIATED LLC		
<b>Physical Address</b>	<b>Mailing Address</b>	
ACCESS UNDETERMINED N FT MYERS FL 33917	9101 WEST COLLEGE POINTE DR SUITE #1 FORT MYERS FL 33919 USA	
<b>Legal Description</b>		
PARL S OF SR 78 W OF COON RD N OF DONALD AS DESC IN OR 4336 PG 440 LESS RD R/W DESC OR 2589/0474		
<b>Outstanding Balance as of 11/22/2005</b>		\$0.00

<b>Real Property Information</b>		
<b>Account</b>	<b>Tax Year</b>	<b>Status</b>
30-43-25-00-00024.0000	2005	PAID
<b>Original Account</b>	<b>Book/Page</b>	
30-43-25-00-00024.0000	4657/4403	
<b>Owner</b>		
GFY ASSOCIATES LLC		
<b>Physical Address</b>	<b>Mailing Address</b>	
7527 N COON RD North Fort Myers FL 33917	9101 WEST COLLEGE POINTE DR SUIT 1 FORT MYERS FL 33919 USA	
<b>Legal Description</b>		
PARL IN N 1/2 OF SW 1/4 OF SE1/4 AS DESC OR 0226/0345 LES OR2714/2338 R/W TAKING		
<b>Outstanding Balance as of 11/22/2005</b>		\$0.00

<b>Real Property Information</b>		
<b>Account</b>	<b>Tax Year</b>	<b>Status</b>
30-43-25-00-00023.0020	2005	ZEROTAX
<b>Original Account</b>	<b>Book/Page</b>	
30-43-25-00-00023.0020	4705/4147	
<b>Owner</b>		
GFY ASSOCIATES LLC		
<b>Physical Address</b>	<b>Mailing Address</b>	
7501 N COON RD N FT MYERS FL 33917	9101 WEST COLLEGE DR STE 1 FORT MYERS FL 33919 USA	
<b>Legal Description</b>		
SE 1/4 OF SE 1/4 + S 1/2 OF SW 1/4 OF SE 1/4 DESC IN OR 4705 PG 4147 LESS 23.0010		
<b>Outstanding Balance as of 11/22/2005</b>		\$0.00



INSTR # 6729684  
 OR BK 04657 Pgs 4400 - 4402; (3pgs)  
 RECORDED 04/08/2005 03:43:03 PM  
 CHARLIE GREEN, CLERK OF COURT  
 LEE COUNTY, FLORIDA  
 RECORDING FEE 27.00  
 DEED DOC 175.00  
 DEPUTY CLERK L Ambrosio

This Instrument Prepared By:  
 Jay A. Brett  
 SHEPPARD, BRETT, STEWART, HERSCH & KINSEY, P.A.  
 Attorneys at Law  
 9100 College Pointe Court  
 Fort Myers, Florida 33919

WITHOUT TITLE EXAMINATION

27.00  
 175.00

THIS SPECIAL WARRANTY DEED, made this 1st day of April, 2005, between **NORTH TOWN ASSOCIATES, LLC, a Florida Limited Liability Company**, whose mailing address is: 9101 West College Pointe Drive, Suite 1, Fort Myers, Florida 33919, as Grantor, and **GFY ASSOCIATES LLC, a Florida Limited Liability Company**, whose mailing address is: 9101 West College Pointe Drive, Suite 1, Fort Myers, Florida 33919, as Grantee,

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

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

SUBJECT to taxes for the current calendar year.

Property Appraiser's Parcel Identification Number: 30-43-25-00-00030.0030

And the Grantor does hereby specially warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever claiming or to claim the same, by, through and under the Grantor herein.

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

Signed, Sealed and Delivered  
in Our Presence:

**NORTH TOWN ASSOCIATES, LLC, a  
Florida Limited Liability Company**

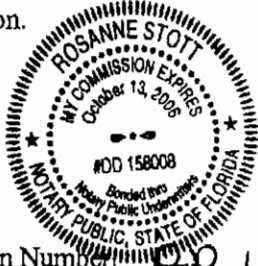
*Andrew M. Bauman*  
Witness Signature  
ANDREW M. BAUMAN  
Printed Name of Witness

By: *James E. Kinsey Jr.*  
Its: MANAGER

*Rosanne Stott*  
Witness Signature  
ROSANNE STOTT  
Printed Name of Witness

STATE OF FLORIDA  
COUNTY OF LEE

Execution of the foregoing instrument was acknowledged before me this 1st day of Apr, 2005, by James E. Kinsey Jr as Managing Member of NORTH TOWN ASSOCIATES, LLC, a Florida Limited Liability Company, who is ( ✓ ) personally known to me or who has ( ) produced \_\_\_\_\_ as identification.



*Rosanne Stott*  
Signature of Notary Public  
ROSANNE STOTT  
Printed Name of Notary Public

Commission Number: 00158008  
Commission Exp. Date: 10/13/06



EXHIBIT "A"

LEGAL DESCRIPTION 0.58 ACRES

PARCEL "C-2"

DESCRIPTION

A TRACT OR PARCEL OF LAND LYING IN THE SOUTHWEST ONE QUARTER OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST ONE QUARTER (SW 1/4) OF SAID SECTION 30; THENCE ALONG THE EAST LINE OF SAID SOUTHWEST ONE QUARTER (SW 1/4), N.00°16'46"W. FOR 1009.84 FEET TO THE SURVEY BASE LINE OF STATE ROAD 78 (BAYSHORE ROAD); THENCE ALONG SAID SURVEY BASE LINE S.47°42'01"W., 199.92 FEET; THENCE S. 42°17'59"E., 104.48 FEET TO THE INTERSECTION OF THE SOUTHERLY EXISTING RIGHT OF WAY LINE (S.R. 78) BAYSHORE ROAD PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP (PROJECT NO.12060-2533) AND THE WESTERLY RIGHT OF WAY LINE OF COON ROAD (PER OFFICIAL RECORDS BOOK 2269, PAGE 4116, PUBLIC RECORDS OF LEE COUNTY, FLORIDA) AND THE POINT OF BEGINNING.

THENCE CONTINUE ALONG SAID WESTERLY RIGHT OF WAY LINE S.42°17'59"E. FOR 105.34 FEET; THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE S.00°54'28"E. FOR 168.65 FEET; THENCE S.69°46'37"W. FOR 43.19 FEET; TO AN INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF SLATER ROAD (PER OFFICIAL RECORDS BOOK 2269, PAGE 4116) AND A CURVE TO THE LEFT; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 858.05 FEET, A CENTRAL ANGLE OF 12°53'09", A CHORD OF 192.57 FEET AND A CHORD BEARING OF N.37°31'05"W. FOR 192.98 ; THENCE CONTINUE ALONG SAID EASTERLY RIGHT OF WAY LINE, N.43°57'40"W. FOR 18.90 FEET TO AN INTERSECTION WITH THE SOUTHEASTERLY RIGHT OF WAY LINE OF BAYSHORE ROAD (S.R. 78) (PROJECT NO. 12060-2533) AND A CURVE TO THE RIGHT; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 3717.72 FEET, A CENTRAL ANGLE OF 01°25'59", A CHORD OF 92.99, AND A CHORD BEARING OF N.46°57'01"E.; THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE, N.47°42'01"E. FOR 47.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.585 ACRES ±



INSTR # 6729686  
 DR BK 04657 Pgs 4405 - 4406; (2pgs)  
 RECORDED 04/08/2005 03:43:03 PM  
 CHARLIE GREEN, CLERK OF COURT  
 LEE COUNTY, FLORIDA  
 RECORDING FEE 18.50  
 DEED DOC 1,855.00

This Instrument Prepared by:  
 Jay A. Brett  
 SHEPPARD, BRETT, STEWART, HERSCH & KINSEY, P.A.  
 Attorneys at Law  
 9100 College Pointe Drive  
 Fort Myers, Florida 33919

WITHOUT TAX EXEMPTION

18.50  
 1855.00

THIS SPECIAL WARRANTY DEED, made this 1<sup>st</sup> day of April, 2005, between **7527 COON ROAD, LLC, a Florida Limited Liability Company**, hereinafter called the Grantor, whose address is: Post Office Box 61605, Fort Myers, Florida 33906-1605, and **GFY ASSOCIATES, LLC, a Florida Liability Company**, hereinafter called the Grantee, whose address is: 9101 West College Pointe Drive, Suite 1, Fort Myers, Florida 33919,

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

**The North half (N1/2) of the Southwest quarter (SW1/4) of the Southeast quarter (SE1/4) of Section 30, Township 43 South, Range 25 East, Lee County Florida, lying East of Bayshore Road (State Road 78) LESS the North 330 feet thereof, and LESS the East 660 feet of the South 30 feet thereof.**

Subject to taxes for the current calendar year.

Property Appraiser's Parcel Identification Number: 30-43-25-00-00024.0000

And the Grantor does hereby specially warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever claiming or to claim the same, by, through and under the Grantor herein.

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

Signed, Sealed and Delivered in  
Our Presence:

7527 COON ROAD, LLC, a Florida  
Limited Liability Company

[Signature]  
Witness Signature  
ANDREW M BAUMANN  
Printed Name of Witness

BY [Signature]  
W. KIRK BECK, Managing Member

[Signature]  
Witness Signature  
ROSANNE STOTT  
Printed Name of Witness

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of April,  
2005 by **W. KIRK BECK AS MANAGING MEMBER OF 7527 COON ROAD, LLC, a  
Florida Limited Liability Company**, () who is personally known to me or () who has produced  
identification.



[Signature]  
NOTARY PUBLIC  
ROSANNE STOTT  
Printed Name of Notary

Commission Number: 158008  
Commission Expiration Date: 10/13/06



This Instrument Prepared By:  
 Jay A. Brett  
 SHEPPARD, BRETT, STEWART, HERSCH & KINSEY, P.A.  
 Attorneys at Law  
 9100 College Pointe Court  
 Fort Myers, Florida 33919

INSTR # 6787264  
 OR BK 04705 Pgs 4147 - 4150; (4pgs)  
 RECORDED 05/11/2005 02:49:22 PM  
 CHARLIE GREEN, CLERK OF COURT  
 LEE COUNTY, FLORIDA  
 RECORDING FEE 35.50  
 DEED DOC 350.00  
 DEPUTY CLERK T Kortright

35.50  
 350.00

THIS SPECIAL WARRANTY DEED, made this 11 day of May, 2005, between **ENCLAVES OF EAGLE NEST, LLC, a Florida Limited Liability Company**, whose mailing address is: One Odell Avenue, Yonkers, New York 10701, as Grantor, and **GFY ASSOCIATES, LLC, a Florida Limited Liability Company**, whose mailing address is: 9101 West College Pointe Drive, Suite 1, Fort Myers, Florida 33919, as Grantee,

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

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

SUBJECT to taxes for the current calendar year.

Property Appraiser's Parcel Identification Number (portion of): **30-43-25-00-00023.0000**

And the Grantor does hereby specially warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever, claiming or to claim the same, by, through and under the Grantor hercin.

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

Signed, Sealed and Delivered  
in Our Presence:

ENCLAVES OF EAGLE NEST, LLC,  
a Florida Limited Liability Company

[Signature]  
Witness Signature

Brady Graham  
Printed Name of Witness

By: [Signature] Mark MacFarlane  
Its: Managing Member

[Signature]  
Witness Signature

Tamika David  
Printed Name of Witness

Texas  
STATE OF FLORIDA

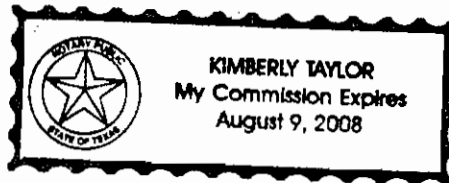
Denton  
COUNTY OF LEE

Execution of the foregoing instrument was acknowledged before me this 25 day of April, 2005, by Mark MacFarlane as Managing member of ENCLAVES OF EAGLE NEST, LLC, a Florida Limited Liability Company, who is ( ) personally known to me or who has (✓) produced Texas as identification.

[Signature]  
Signature of Notary Public

Kimberly Taylor  
Printed Name of Notary Public

Commission Number:  
Commission Exp. Date: 8-9-2008





# EXHIBIT "A"

## GULF SHORE SURVEYING, INC.

TIM J. PUFAHL, P.L.S.  
30930 OIL WELL RD., PUNTA GORDA, FL. 33955  
(941) 639-7800 • FAX: (941) 639-7600

NICK POULOS, P.L.S.  
2112 SE. 11<sup>TH</sup> ST., CAPE CORAL, FL. 33990  
(239) 458-2388 • FAX: (239) 574-3719

JOB NUMBER 0487

March 10, 2005

FILE: 0487-5-A

PARCEL "5-A"

DESCRIPTION

A TRACT OR PARCEL OF LAND LYING IN THE SOUTHEAST ONE QUARTER (SE 1/4) OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

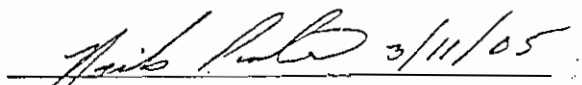
COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST ONE QUARTER (SE 1/4 OF SAID SECTION 30; THENCE N.00°16'46"W. FOR 474.72 FEET ALONG THE WEST LINE OF SAID SOUTHEAST ONE QUARTER (SE 1/4); THENCE N.88°32'01"E. FOR 36.87 FEET TO THE NORTHWEST CORNER OF A TRACT OR PARCEL OF LAND DESCRIBED IN OFFICIAL RECORD BOOK 2705 AT PAGE 1460 AND OFFICIAL RECORD BOOK 3027 AT PAGE 500, PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING; THENCE CONTINUE N.88°32'01"E. FOR 300.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT OR PARCEL OF LAND AND POINT ON A CURVE, CONCAVE SOUTHEASTERLY; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 630.00 FEET, CENTRAL ANGLE OF 30°48'20", CHORD OF 334.66 FEET AND CHORD BEARING OF N.72°35'34"E FOR 338.73 FEET TO THE END OF SAID CURVE; THENCE N.00°12'45"W. (NON-RADIALLY) FOR 92.49 FEET; THENCE S.88°41'43"W. FOR 631.82 FEET ALONG THE NORTH LINE OF A TRACT OR PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORD BOOK 4561 AT PAGE 3421, SAID PUBLIC RECORDS AND THE NORTH LINE OF THE SOUTH ONE HALF (S 1/2) OF THE SOUTHWEST ONE QUARTER SW 1/4) OF SAID SOUTHEAST ONE QUARTER (SE 1/4); THENCE S.00°54'28"W. FOR 186.28 FEET ALONG THE EASTERLY RIGHT OF WAY LINE OF COON ROAD AS DESCRIBED IN OFFICIAL RECORD BOOK 2269, PAGE 4116 TO THE POINT OF BEGINNING.

CONTAINING 2.174 ACRES MORE OR LESS.

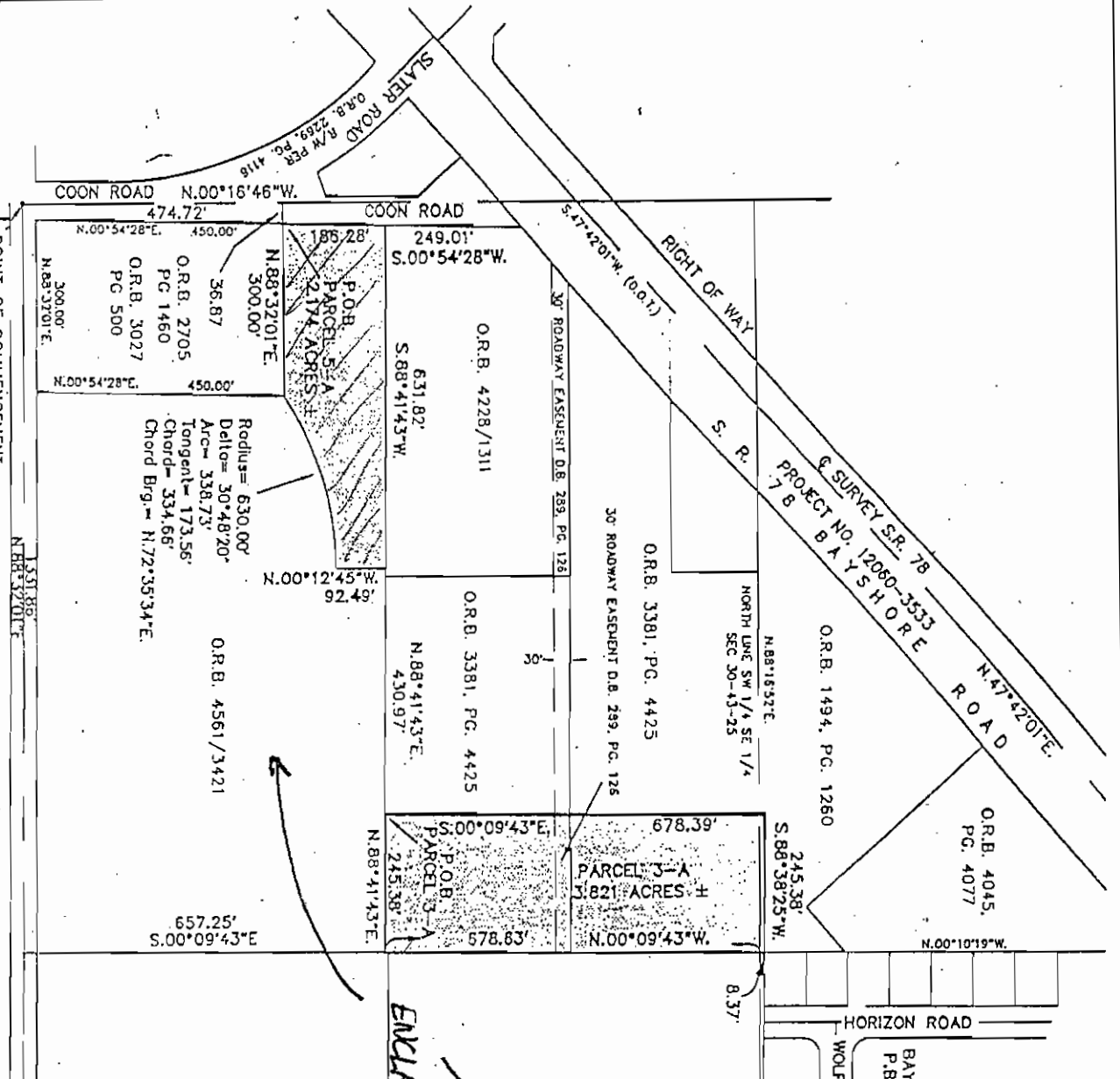
BEARINGS MENTIONED HEREIN ARE BASE ON THE WEST LINE OF THE SOUTHEAST ONE QUARTER (SE 1/4) OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST BEARING N.00°16'46"W.

REFER TO 8 1/2" X 11" SKETCH.

  
NICK POULOS  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 4568

BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF THE SOUTHEAST ONE QUARTER OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST BEARING N.00°16'46"W.

POINT OF COMMENCEMENT  
SOUTHWEST CORNER  
SOUTHEAST ONE QUARTER  
SECTION 30-43-25



**ENCLOSURES RETAINED  
PARCEL**

SUBJECT TO EASEMENTS,  
RESTRICTIONS, RESERVATIONS, AND  
RIGHTS OF WAY OF RECORD.

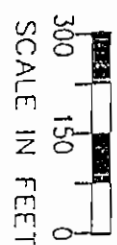
REFER TO 8-1/2" X 11" (LEGAL DESCRIPTION)  
SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE ATTACHED SKETCH IS AN  
ACCURATE REPRESENTATION OF THE LANDS DESCRIBED  
HEREON, WAS PREPARED IN ACCORDANCE WITH THE  
MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING,  
CHAPTER 61G17-6 FAC, AND WAS PREPARED UNDER THE  
DIRECT SUPERVISION OF THE UNDERIGNED REGISTERED  
LAND SURVEYOR, IS TRUE AND CORRECT TO THE BEST OF  
OUR KNOWLEDGE AND BELIEF.

DATE OF SIGNATURE: 03/10/2005

*Michael J. Poulos*  
PROFESSIONAL SURVEYOR AND MAPPER  
FLA. CERTIFICATE NO. 4548

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED  
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



SKETCH OF DESCRIPTION  
(NOT A FIELD SURVEY)  
TRACT OR PARCEL OF LAND LYING  
IN SE 1/4 SEC. 30, TWP 43S. RGE 25 E.  
LEE COUNTY, FLORIDA

DATE : 03/10/2005  
SCALE : 1" = 300'  
CADD : N.P.  
CHECK : N.P.  
FILE : 0487L1

**GULF SHORE SURVEYING, INC.**  
LICENSED BUSINESS NO. 6729  
LEE COUNTY:  
2112 S.E. 11TH STREET  
CAPE CORAL, FL. 33990  
(941) 450-2388  
CHARLOTTE COUNTY:  
30930 OIL WELL ROAD  
PUNTA GORDA, FL. 33955  
(941) 639-7800

0487  
L1



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: 239-479-8585

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*

November 21, 2005

James E. Kinsey, Jr.  
GFY Associates, LLC  
P.O. Box 1662,  
Fort Myers, FL 33902

Re: **VAC2005-00035 - Petition to Vacate** that portions of Coon Road and Slater Road lying in S 30, T 43 S, R 25 E, as described in OR Book 2269, Page 4116, as recorded in the public records of Lee County, Florida.

Dear Mr. Kinsey:

This office has received your request to vacate the above referenced portions of the Right-of-Way of Coon Road and Slater Road adjacent to parcels located at 7527 N. Coon Rd. and 1011 Donald Rd., North Fort Myers, Florida and the reference strap numbers are 30-43-25-00-00030.0030, 00024.0000, and 00023.0000. The road to be vacated includes a portion of Right-of-Way being part of Coon Rd. and Slater Rd., as recorded in OR Book 2269, Page 4116, lying in Section 30, Township 43 South, Range 25 East, of the Public Records of Lee County, Florida. The reason of this vacation is to allow the property owner to develop a shopping center on the subject parcel. Based on a review of the information provided and our subsequent research, this office has no objection to the proposed vacation.

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

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Development Services Division



Peter J. Eckenrode  
Director

PJE/RXW

U:\200510\20050912.121\0380460\DCDLETTER.DOC





**KINSEY**  
ASSOCIATES INCORPORATED

September 9, 2005

Mr. Peter Eckenrode  
Lee County Development Services  
1500 Monroe Street  
Fort Myers Fl 33901

Re: PETITION TO VACATE COON ROAD RIGHT-OF-WAY, N. FT MYERS

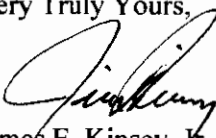
Dear Mr. Eckenrode:

As a follow-up to my February 16<sup>th</sup>, 2005 letter requesting consideration for a petition to vacate a small section of Coon Road, I offer the following updated information:

- A) GFY Associates LLC, whom I am writing on behalf of, now owns all of the property adjoining the section of Coon Road to be vacated. This can be confirmed by the Lee County Property Appraiser.
- B) We have contacted all of the affected utilities and have received responses from each. Those utilities which have facilities within the existing Coon Road Right-of Way have approved a relocation of their facilities within an alternative easement area to be provided by GFY Associates LLC. The correspondence included in this package will confirm that.
- C) The only letter of no objection not included in the package is from Mr. David Reycraft of Lee County Utilities. There was concern that an existing Lee County utilities water line was within the area to be vacated. However, Mr. Reycraft has confirmed with Steve Hurley of David Douglas Associates that the water line **is not situated** within the area to be vacated. (I have included the original letter sent to Mary McCormic and the first response from David Reycraft before verbal discussion). Your staff can confirm this with Mr. Reycraft or alternatively, we will continue to attempt to get a confirmation letter from him.

We would appreciate a timely review of the petition and a letter of recommendation from your office at your earliest convenience as we are moving through the zoning process with hopes of developing a shopping center on this property some time before the end of 2006. In the event any additional information is needed or if there are any questions, please do not hesitate to contact me.

Very Truly Yours,

  
James E. Kinsey, Jr.  
Managing Member  
GFY Associates, LLC  
JEK/rs  
CC: Steve Hurley

RECEIVED

SEP 12 2005

Street Address

9101 West College Pointe Dr. Suite 1  
Fort Myers, FL 33919

LICENSED REAL ESTATE BROKER  
PHONE (239) 939-1367 • FAX (239) 939-1161

Mailing Address

P.O. Box 1662  
Fort Myers, FL 33902



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.lfline.com

October 18, 2005

Mr. James E. Kinsey, Jr.  
Kinsey Associates, Inc.  
9101 W. College Pointe Drive  
Fort Myers, FL 33902

Re: Vacation of Coon Road Right-of-Way

Dear Mr. Kinsey:

LCEC does not object to the vacation of the Coon Road right-of-way as shown on the attached sketch provided you agree to pay for the relocation of the existing facilities.

If I can be of further assistance, please call me at 656-2422.

Sincerely,

Sandra McIver  
Real Property Representative

Attachment

NOV 04 2005

COMMUNICATIONS DEPARTMENT

ADD 2005-00035



**KINSEY**  
ASSOCIATES INCORPORATED

July 18, 2005

Sandra McIver  
LCEC, Inc.  
PO Box 3455  
North Fort Myers, FL 33918-3455

Re: VACATION OF COON ROAD RIGHT-OF-WAY

Dear Ms. McIver:

Pursuant to your July 11, 2005 letter, please find enclosed a GFY Associates LLC check in the amount of \$1,000.00 which represents 5% of the \$20,000.00 approximate cost to relocate the utilities regarding the vacation of the right-of-way at Coon Road.

Thank you for your timely response.

Very Truly Yours,

James E. Kinsey, Jr.  
Managing Member  
GFY Associates, LLC  
JEK/rs  
Encl.

Street Address

9101 W. College Pointe Dr.  
Fort Myers, FL 33902

LICENSED REAL ESTATE BROKER  
PHONE (239) 939-1367 • FAX (239) 939-1161

Mailing Address

P.O. Box 1662  
Fort Myers, FL 33902



8441 Littleton Road  
North Fort Myers, FL 33903

April 26, 2005

Mr. James E. Kinsey Jr.  
GFY Associates LLC  
9101 W. College Pointe Dr. Suite 1  
Fort Myers, Florida 33919

RE: Vacation of Right of Way Coon Rd, North Fort Myers, Florida

Dear Mr. Kinsey:

With reference to Mr. L. Steven Hurley's letter of April 26, 2005, requesting Sprint Telephone of Florida's concurrence with the vacation of 435.29' the road right of way of Coon Road north of Donald Road. Sprint Telephone of Florida agrees to vacation of the right of way with the following stipulations. Sprint Telephone of Florida has existing fiber optic and copper facilities in the right of way.

1. The property owner will pay all expenses to relocate Sprint facilities in the right of way. This cable replacement will run from a point on the north side of Bayshore Rd (SR78) to a point at the intersection of Coon Road and Donald Road.
2. A recorded and cleared 10' P.U.E. along Coon Road. will be provided at the property owner's expense.

If you have any questions about this matter please call me at 239-336-2117.

Sincerely,

A handwritten signature in black ink that reads "Hal Dever".

Hal Dever  
Engineer

RECEIVED

OCT 03 2005

0372 11/11/05



**KINSEY**  
ASSOCIATES INCORPORATED

July 8, 2005

Hal Dever  
Sprint  
8441 Littleton Road  
North Fort Myers, FL 33903

Re: REPLACEMENT EASEMENTS TO BE VACATED COON ROAD RIGHT-OF-WAY

Dear Mr. Dever:

Please find enclosed an original sketch and legal description that outlines a 10 foot non-exclusive public utility easement generally located along Bayshore Road and Coon Road.

The purpose of the sketch is to provide you an alternative easement location for the existing facilities you have located in the Coon Road right-of-way which, as indicated earlier, is our intention to vacate. After your review of the enclosed information, please forward me your standard, private easement agreement for our review and execution. As we have indicated to you, we are prepared to indemnify the utility against all costs associated with the physical relocation of your facilities. In the event this language is not included in your easement, please forward us the indemnification language you would require as well.

It is our intention to review and execute the easements with your utility as soon as possible and then have either your council or a mutually agreed upon agent hold the documents in escrow pending approval of the vacation by the Lee County Board of County Commissioners. We would request however, that should we execute an easement with your utility, you would provide us a "letter of no objection" to the vacation to give to Lee County staff.

In the event you have any questions or require any more information in this regard, please contact me directly. I will be out of the office most of next week but will be back in on Friday July 1<sup>st</sup>. I look forward to working with you on this matter.

Very Truly Yours,

James E. Kinsey, Jr.  
Managing Member  
GFY Associates, LLC  
JEK/rs  
Encl.

CC: Steve Hurley

Prepared by:

James E. Kinsey, Jr.  
PO Box 1662  
Fort Myers, FL 33902

THIS SPACE IS RESERVED FOR RECORDING

**GRANT OF PERPETUAL NON-EXCLUSIVE PUBLIC UTILITY EASEMENT**

THIS INDENTURE is made and entered into this 19<sup>th</sup> day of OCTOBER 2005, by and between GFY ASSOCIATES LLC, Owner, hereinafter referred to as GRANTOR(S), and SPRINT TELEPHONE OF FLORIDA, hereinafter referred to as GRANTEE.

**WITNESSETH:**

1. For and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged and accepted, GRANTOR hereby grants, bargains, sells and transfers to the GRANTEE, its successors and assigns, a perpetual public utility easement situated in Lee County, Florida, located and described as set forth in Exhibit "A", attached hereto and made a part hereof.
2. GRANTEE, its successors, appointees and assigns, are granted the right, privilege, and authority to construct, replace, renew, extend and maintain fiber optic communication lines, together with, but not limited to, all necessary service hubs, and appurtenances, to be located on, under, across and through the easement which is located on the property described (Exhibit "A"), with the additional right, privilege and authority to remove, replace, repair and enlarge said system, and to trim and remove roots, trees, shrubs, bushes and plants, and remove fences or other improvements which may affect the operation of lines, mains and/or utility facilities.
3. The total area of this public utility easement is reserved for utility lines, mains, or appurtenant facilities and for any landscaping (excluding trees), walkways roadways, drainage ways, or similar uses. Houses, fences, buildings, carports, garages, storage sheds, overhangs, or any other structures or portions of structures may not be constructed on or placed within this easement at any time, present or future, by GRANTOR(S), or its heirs, successors or assigns.

4. Title to all utilities constructed and/or placed hereunder by GRANTEE or its agents will remain in the GRANTEE, GRANTEE's successors, appointees, and/or assigns.
5. Subject to any pre-existing easements for public highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and cable television lines covering the land herein described, GRANTOR(S) covenant that they are lawfully seized and possessed of the described real property (Exhibit "A"), have good and lawful right and power to sell and convey it, and that the said property is free from any and all liens and encumbrances, except as herein stated, and accordingly, GRANTOR(S) will forever defend the right, title and terms of this said easement and the quiet possession thereof by GRANTEE against all claims and demands of all other entities.
6. GRANTOR(S), its heirs, successors or assigns, agrees to assume all liability for any consequential damages to any houses, fences, buildings, carports, garages, storage sheds, overhangs, or any other structures or portions of structures subsequently constructed by GRANTOR(S) in violation of paragraph 3, within the above easement, which result from the required activities of the GRANTEE for any construction, maintenance or repairs to the utilities located within the above-described easement.
7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment under circumstances in which a private person would be found to be liable in accordance with the general laws of the State of Florida, and subject to the limitations as set out in Section 768.28, Florida Statutes, as it may be revised, amended or renumbered from time to time.
8. GRANTEE will have reasonable right of access across GRANTOR's property for the purposes of reaching the described easement (Exhibit "A") on either paved or unpaved surfaces. Any damage to GRANTOR's property or permitted improvements thereon as the result of such access to the described easement or the construction, maintenance, or repairs located within the described easement shall be restored by GRANTEE, to the condition in which it existed prior to the damage, as is reasonably practicable.
9. GRANTOR and GRANTEE acknowledge, each to the other, that the

easement herein described shall be non-exclusive and may be used by other utility companies provided however that such co-occupancy of utilities is physically feasible from a design and construction standpoint, as GRANTOR permits at its sole and absolute direction.

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

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

Rosanne Stott BY: [Signature]  
(1<sup>st</sup> Witness' signature) (Grantor's/Owner's Signature)  
MANAGING

ROSANNE STOTT JAMES E KINSEY JR  
(Type or Print Name) (Type or Print Name)

[Signature]  
(2nd Witness' signature)

hori A. Friday  
(Type or Print Name)

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was signed and acknowledged before me this 19 day of OCTOBER, 2005, by JAMES E KINSEY JR who is personally known to me.



[Signature]  
(Notary Signature)

ROSANNE STOTT  
(Typed or Printed Name)





EXHIBIT "A"

# GULF SHORE SURVEYING, INC.

TIM J. PUFAHL, P.L.S.  
30930 OIL WELL RD., PUNTA GORDA, FL. 33955  
(941) 639-7800 • FAX: (941) 639-7600

NICK POULOS, P.L.S.  
2112 SE. 11<sup>TH</sup> ST., CAPE CORAL, FL. 33990  
(239) 458-2388 • FAX: (239) 574-3719

JUNE 23, 2005  
JOB NO. 0487  
FILE: 0487L001.DOC

## DESCRIPTION

A 10.00 FEET WIDE UTILITY EASEMENT LYING IN SECTION 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST ONE QUARTER (SE ¼) OF SAID SECTION 30; THENCE ALONG THE WEST LINE OF SAID SOUTHEAST ONE QUARTER (SE ¼), N.00°16'46"W. FOR 474.72 FEET; THENCE S.88°32'01"W. FOR 7.40 FEET ALONG THE WESTERLY PROLONGATION OF THE NORTH LINE OF THE FLORIDA DEPARTMENT OF TRANSPORTATION RETENTION LAKE PARCEL AS DESCRIBED IN OFFICIAL RECORD BOOK 3027, PAGE 501, PUBLIC RECORDS OF LEE COUNTY, FLORIDA TO THE POINT OF BEGINNING;

FROM SAID POINT OF BEGINNING; THENCE CONTINUE S.88°32'01"W. FOR 11.01 FEET ALONG SAID WESTERLY PROLONGATION TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SLATER ROAD AS DESCRIBED IN OFFICIAL RECORD BOOK 2269 AT PAGE 4116, SAID PUBLIC RECORDS AND A POINT ON A CURVE TO THE LEFT, CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 858.05 FEET, CENTRAL ANGLE OF 17°37'45", CHORD 262.97 AND A CHORD BEARING OF N.35°08'48"W.; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND SAID EASTERLY RIGHT OF WAY LINE FOR 264.01 FEET; THENCE N.43°57'40"W. FOR 18.90 FEET TO AN INTERSECTION WITH THE SOUTHEASTERLY RIGHT OF WAY LINE OF S.R. 78, BAYSHORE ROAD (SECTION 12060-2533) AND A POINT ON A CURVE TO THE RIGHT, CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 3717.72 FEET, A CENTRAL ANGLE OF 01°25'59", CHORD 92.99 FEET, CHORD BEARING N.46°57'01"E.; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID SOUTHEASTERLY RIGHT OF WAY LINE FOR 92.99 FEET; THENCE N.47°40'01"E. FOR 475.00 FEET ALONG SAID SOUTHERLY LINE; THENCE S.42°19'59"E. FOR 10.00 FEET; THENCE S.47°40'01"W. FOR 475.00 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 3707.72 FEET, CENTRAL ANGLE OF 01°16'41", CHORD 82.71 FEET, CHORD BEARING S.47°01'40"W. ; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE FOR 82.71 FEET; THENCE S.43°57'40"E. FOR 8.85 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 868.05 FEET, CENTRAL ANGLE OF 17°56'05", CHORD 270.61 FEET, CHORD BEARING S.34°59'38"E.; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE FOR 271.72 FEET TO THE POINT OF BEGINNING.

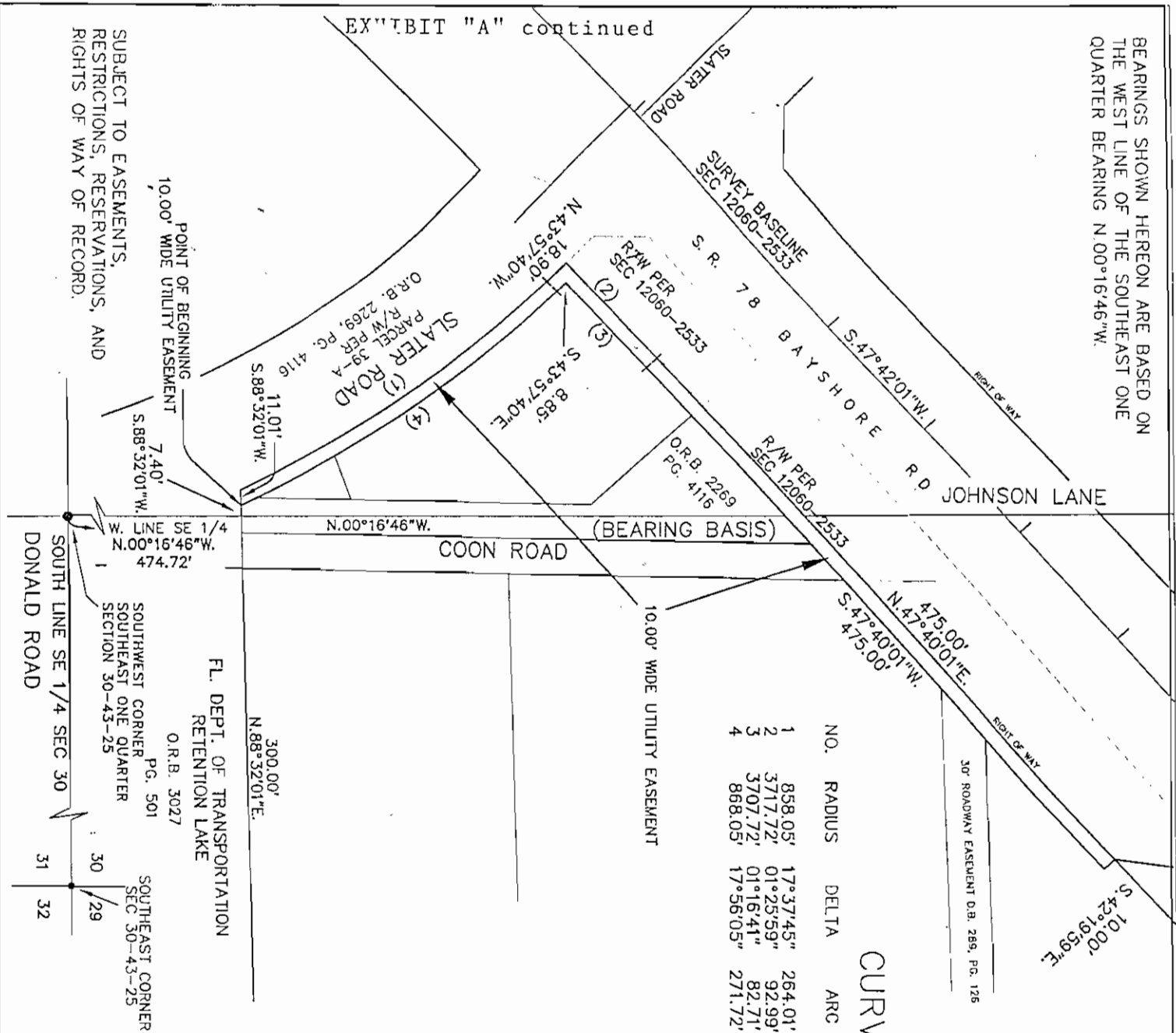
BEARINGS MENTIONED HEREIN ARE BASED ON THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR S.R. 78, PROJECT NO. 12060-2533. THE WEST LINE OF THE SOUTHEAST ONE QUARTER (SE ¼) OF SECTION 30, TOWNSHIP 43, SOUTH, RANGE 25 EAST, BEARING N.00°16'46"W.

REFER TO 8 ½" X 11" SKETCH  
GULF SHORE SURVEYING, INC.

NICK POULOS  
PROFESSIONAL LAND SURVEYOR  
FLORIDA CERTIFICATE NO. 4568

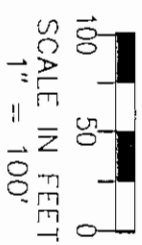
BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF THE SOUTHEAST ONE QUARTER BEARING N 00°16'46"W.

EXHIBIT "A" continued



CURVE TABLE

NO.	RADIUS	DELTA	ARC	TANGENT	CHORD	CHORD BEARING
1	858.05'	17°37'45"	264.01'	133.06'	262.97'	N.35°08'48"W.
2	3717.72'	01°25'59"	92.99'	46.50'	92.99'	N.46°57'01"E.
3	3707.72'	01°16'41"	82.71'	41.36'	82.71'	S.47°01'40"W.
4	868.05'	17°56'05"	271.72'	136.98'	270.61'	S.34°59'38"E.



REFER TO B 1/2" X 11" (LEGAL DESCRIPTION) SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE ATTACHED SKETCH IS AN ACCURATE REPRESENTATION OF THE LANDS DESCRIBED HEREON, WAS PREPARED IN ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING, CHAPTER 61017-6 FAC, AND AS PREPARED UNDER THE DIRECT SUPERVISION OF THE UNDERSIGNED REGISTERED LAND SURVEYOR, IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

DATE OF SIGNATURE: 6/23/05

*Nick Pollock*  
 NICK POLLOCK  
 PROFESSIONAL SURVEYOR AND MAPPER  
 F.L.A. CERTIFICATE NO. 4588

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RASSED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

<p><b>JOB</b> 0487</p>	<p>SKETCH OF DESCRIPTION (NOT A FIELD SURVEY) 10.00' WIDE UTILITY EASEMENT LYING IN SEC 30-43-25 LEE COUNTY, FLORIDA</p>	<p>DATE : 06/23/2005          SCALE : 1" = 100'          CADD : N.P.          CHECK : N.P.          FILE : 0487L001</p>	<p><b>GULF SHORE SURVEYING, INC.</b>          LICENSED BUSINESS NO. 6729          LEE COUNTY:          2112 S.E. 11TH STREET          CAPE CORAL, FL 33990          (941) 458-2388</p> <p>CHARLOTTE COUNTY:          30930 OIL WELL ROAD          PUNTA GORDA, FL. 33955          (941) 639-7800</p>

N O R T H  
F O R T M Y E R S  
U T I L I T Y  
I N C O R P O R A T E D

5660 Bayshore Road, Suite 36 • North Fort Myers, Florida 33917

Mailing Address: P.O. Box 2547 • Fort Myers, Florida 33902

(239) 543-1005

Fax (239) 543-2226

February 21, 2005

James E. Kinsey, Jr.  
GFV Associates, Inc., LLC.  
9101 W. College Pointe Dr., Suite 1  
Fort Myers, Florida 33919

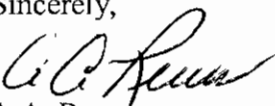
RE: Request for a letter of review and recommendation on a proposed Right-of-Way  
Vacation at Coon Road, North Fort Myers

Dear Mr. Kinsey:

North Fort Myers Utility (NFMU) has a wastewater force main located in this Right-of-Way. Should you agree to relocate the wastewater force main, then NFMU would not object to this proposed Right-of-Way Vacation.

Should you have questions or need additional information, please contact me.

Sincerely,

  
A.A. Reeves  
Utility Director

cc: Kyle James

RECEIVED

OCT 03 2005

Kinsey

VAC 2005-00035



Since 1955

**KINSEY**

ASSOCIATES INCORPORATED

October 5<sup>th</sup>, 2005

Anthony A. Reeves  
Utility Director  
N. Ft Myers Utility Inc.  
PO Box 2547  
Ft Myers Fl 33902

RE: VACATION OF COON ROAD RIGHT-OF-WAY (NORTH END), N. FT MYERS

Dear Mr. Reeves:

With reference to your February 21<sup>st</sup>, 2005 letter regarding your consent to vacate the Coon Road right-of-way so long as GFY Associates LLC agrees to relocate the existing force main through its property, this letter shall confirm that we are in agreement. We will be contacting you soon to discuss the alternative location for the force main in our project.

Should you have any questions or need additional information, please contact me.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "James E. Kinsey, Jr.", written over a white background.

James E. Kinsey, Jr., Managing Member  
GFY Associates LLC  
JEK/rs

Street Address

9101 West College Pointe Dr. Suite 1  
Fort Myers, FL 33919

LICENSED REAL ESTATE BROKER  
PHONE (239) 939-1367 • FAX (239) 939-1161

Mailing Address

P.O. Box 1662  
Fort Myers, FL 33902

THIS INSTRUMENT PREPARED BY:  
Martin S. Friedman, Esquire  
ROSE, SUNDSTROM & BENTLEY, LLP  
Sanlando Center  
2180 W. State Road 434, Suite 2118  
Longwood, FL 32779

### GRANT OF NON-EXCLUSIVE EASEMENT

THIS GRANT OF NON-EXCLUSIVE EASEMENT is made and entered into this 1st day of November, 2005, by and between GFY ASSOCIATES LLC, a Florida limited liability company, whose address is 9101 N. College Pointe Drive, Suite 1, Fort Myers, FL 33919 ("Grantor") and NORTH FORT MYERS UTILITY, INC., a Florida corporation, whose address is Post Office Box 2547, Fort Myers, FL 33902 ("Grantee"):

1. For and in consideration of the sum of Ten Dollars and No Cents (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor hereby grants to Grantee, subject to the terms and conditions of this Easement, a non-exclusive easement with respect to that certain parcel of land situated in Lee County, Florida and legally described on Schedule 1 attached hereto and made a part hereof (the "Easement Parcel") together with the right of ingress thereto and egress therefrom, solely for the purpose of access and constructing, repairing and maintaining wastewater mains (the "Improvements") located within the Easement Parcel, all at Grantee's sole cost and expense.

2. Grantee shall be solely responsible, at Grantee's sole cost and expense, for the repair and maintenance of the Improvements.

3. Title to the Easement Parcel shall remain with Grantor. Grantor reserves the right to use the Easement Parcel and to grant rights to others therein for such purposes as Grantor may deem appropriate; provided, however, that any such use or rights will be consistent with the purposes of this Easement and shall not unreasonably interfere with Grantee's rights under this Easement.

4. Grantor reserves the further right to require Grantee to move or relocate any or all of the Improvements located on the Easement Parcel, provided, however, that Grantor will reimburse Grantee for any actual expense incurred in such relocation, and provided further that Grantor will provide a suitable alternate location for any such Improvements and will grant or cause to be granted necessary easement rights for such Improvements at the new location upon substantially the same terms and conditions as herein provided, and in such event this Easement shall automatically terminate.

5. This Easement shall run with the land during the term hereof, and shall be binding upon and inure to the benefit of the parties hereto, and their respective successors and assigns.

IN WITNESS WHEREOF, Grantor and Grantee have executed or have caused this Easement, with the named Schedule attached, to be duly executed in several counterparts, each of which counterparts shall be considered an original executed copy of this Easement.

WITNESSES:

GFY ASSOCIATES LLC  
a Florida limited liability company

Rosanne Stott  
Print Name: Rosanne Stott

BY: [Signature]  
Title: Manager

Lori A Friday  
Print Name: Lori A Friday

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing Grant of Non-Exclusive Easement was acknowledged before me this 15 day of November, 2005, by James E Kinsey Jr., as Manager of GFY ASSOCIATES LLC, a Florida limited liability company, on behalf of said company, who is personally known to me or who has produced \_\_\_\_\_ as identification.

Rosanne Stott  
Notary Public - State of Florida  
Printed Name: Rosanne Stott  
My Commission Expires: 10/13/06



**GULF SHORE SURVEYING, INC.**

TIM J. PUFUHL, P.L.S.  
30930 OIL WELL RD., PUNTA GORDA, FL 33955  
(941) 639-7800 & FAX: (941) 639-7600

NICK POULOS, P.L.S.  
2112 SE. 11<sup>TH</sup> ST., CAPE CORAL, FL. 33990  
(239) 458-2388 & FAX: (239) 574-3719

OCTOBER 25, 2004  
JOB NO. 0484  
FILE: 0484RDVAC.LGL

**DESCRIPTION**

A TRACT OR PARCEL OF LAND, BEING PORTIONS OF COON ROAD AND SLATER ROAD, LYING IN SECTION 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST ONE QUARTER (SE ¼) OF SAID SECTION 30; THENCE ALONG THE WEST LINE OF SAID SOUTHEAST ONE QUARTER (SE ¼), N.00°16'46"W. FOR 1009.84 FEET TO THE SURVEY BASE LINE OF STATE ROAD 78 (BAYSHORE ROAD); THENCE ALONG SAID SURVEY BASELINE S.47°42'01"W. FOR 199.82 FEET; THENCE S.42°17'59"E. FOR 104.48 FEET TO THE SOUTHERLY EXISTING RIGHT OF WAY LINE OF BAYSHORE ROAD, STATE ROAD NO. 78 (PER SECTION NO. 12060-2533) AND THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING; THENCE CONTINUE S.42°17'59"E. FOR 105.34 FEET ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF COON ROAD (PARCEL 39-B) AS DESCRIBED IN OFFICIAL RECORD BOOK 2269, PAGE 4116, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.00°54'28"W. FOR 168.55 FEET ALONG THE WESTERLY MAINTAINED RIGHT OF WAY LINE OF SAID COON ROAD; THENCE S.69°46'37"W. FOR 43.19 FEET ALONG THE NORTHERLY RIGHT OF WAY LINE OF SLATER ROAD (PARCEL 39-A) AS DESCRIBED IN SAID OFFICIAL RECORD BOOK 2269, PAGE 4116 TO A NON-RADIAL INTERSECTION WITH A CURVE TO THE RIGHT, CONCAVE SOUTHWESTERLY; HAVING A RADIUS OF 858.05 FEET, A CENTRAL ANGLE OF 04°44'36", CHORD OF 71.01 FEET, CHORD BEARING OF S.28°42'13"E.; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE FOR 71.03 FEET; THENCE N.88°32'01"E. FOR 55.24 FEET ALONG THE WESTERLY EXTENSION OF THE NORTH LINE OF A TRACT OR PARCEL OF LAND, BEING THE FLORIDA DEPARTMENT OF TRANSPORTATION RETENTION LAKE AS DESCRIBED IN OFFICIAL RECORD BOOK 3027, PAGE 501, SAID PUBLIC RECORDS; THENCE N00°54'28"E. FOR 435.29 FEET ALONG THE EASTERLY MAINTAINED RIGHT OF WAY LINE OF SAID COON ROAD; THENCE S.47°40'01"W. FOR 167.63 FEET ALONG THE AFOREMENTIONED SOUTHERLY RIGHT OF WAY LINE OF BAYSHORE ROAD, STATE ROAD NO. 78 (PER SECTION NO. 12060-2533) TO THE POINT OF BEGINNING.

CONTAINING; 0.6321 ACRES MORE OR LESS,

BEARINGS MENTIONED HEREIN ARE BASED ON THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR S.R. 78, PROJECT NO. 12060-2533. THE WEST LINE OF THE SOUTHEAST ONE QUARTER (SE ¼) OF SECTION 30, TOWNSHIP 43, SOUTH, RANGE 25 EAST, BEARING N.00°16'46"W.

REFER TO 8 ½" X 11" SKETCH  
GULF SHORE SURVEYING, INC.

  
NICK POULOS  
PROFESSIONAL LAND SURVEYOR  
FLORIDA CERTIFICATE NO. 4568



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

February 24, 2005

GFY Associates LLC  
C/O James E Kinsey Jr  
PO BOX 1662  
Ft Myers, FL 33902

Re: Coon-Rd North Fort Myers  
Vacate Right-of-Way and/or Utility Easement

Dear James E Kinsey Jr,

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

RECEIVED  
OCT 11 3 2005





March 2, 2005

James E. Kinsey Jr.  
GFY Associates LLC  
9101 W. College Pointe Drive  
Suite 1  
Fort Myers, Fla. 33919

Re: Vacation of Right-of-Way at Coon Rod, North Fort Myers, Fla.

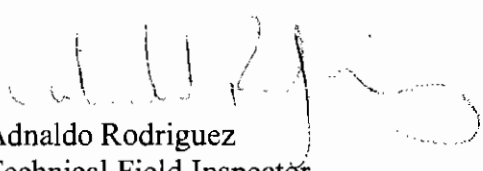
Dear Mr. Kinsey:

Your request for the above listed vacation of right-of-way has been reviewed. At this time, Time Warner Cable has no facilities in this area. Time Warner Cable has **NO CONFLICT** with this proposed vacation of right-of-way.

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



Adnaldo Rodriguez  
Technical Field Inspector

AR/sgs

RECEIVED

OCT 03 2005

VAC 2005-00035

# AmeriGas

*America's Propane Company*

March 18, 2005

GFY ASSOCIATES LLC  
9101 W. College Pointe Dr. Suite 1  
Fort Myers, FL 33919

Dear Mr. Kinsey:

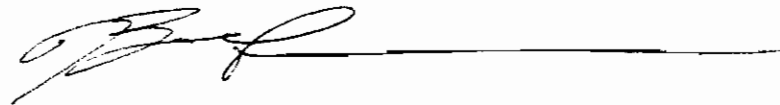
In reference to your letter dated February 16<sup>th</sup> AmeriGas has no interest on right of way on the following parcel(s):

STRAP NO.: 30-43-25-00-00024.0000

STRAP NO.: 30-43-25-00-00023.0000

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

Sincerely,



Jim Riefstahl  
Sales & Service Manager

RECEIVED

OCT 11 2005

**VAC 2005-00035**



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: ~~(239) 479-8150~~

Bob Janes  
District One

Douglas R. St. Cerny    October 2, 2005  
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

James E. Kinsey Jr.  
GFY Associates LLC  
9101 W. College Pointe Dr., Suite 1  
Fort Myers, FL 33919

**SUBJECT:        PETITION TO VACATE PUBLIC RIGHT-OF-WAY:  
                     COON RD**

Dear Mr. Kinsey:

Due to your request Lee County Utilities has re-reviewed your request to vacate a public right-of-way:

Record drawings indicate that Lee County Utilities owns and maintains potable water facilities near the area that you intend to vacate. Parcel lines as well as asbuilt drawings at first appeared to place the water line in direct conflict with your proposed vacation, but after further review the water main is within the right-of-way for Bayshore Road. Therefore, please be advised that Lee County Utilities is now in the position of no objection to the proposed vacation of the Coon Road right-of-way.

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 Roycraft  
Utilities GIS Coordinator  
Utilities Engineering Division

cc: Correspondence File

VIA FACSIMILE #239-939-1161  
ORIGINAL MAILED 08/02/2005

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OCT 03 2005

**VAC 2005-00035**

H:\Vacates\2005\Kinsey08022005.DOC\Kinsey08022005.doc

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**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: (239)479-8150

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*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*

February 21, 2005

James E. Kinsey Jr.  
GFY Associates LLC  
9101 W. College Pointe Dr., Suite 1  
Fort Myers, FL 33919

**SUBJECT: PETITION TO VACATE PUBLIC RIGHT-OF-WAY :  
COON RD**

Dear Mr. Kinsey:

Lee County Utilities is in receipt of your letter and associated attachment concerning a proposed Petition to Vacate an existing public right-of-way formerly known as Coon Rd in North Fort Myers at the Southeast corner of the intersection of Bayshore Rd and Slater Rd.

Record drawings indicate that Lee County Utilities owns and maintains potable water facilities within the easement to be vacated. Therefore, please be advised that Lee County Utilities currently OBJECTS to the proposed vacation.

In order for Lee County Utilities to consider a position of 'No Objection' to the proposed the vacation, these existing facilities must either be relocated at the petitioner/owner's expense or a Lee County Utilities' Perpetual Public Utility Easement must be granted for access and maintenance of these facilities. I have included a copy of our approved form for your use.

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  
Utilities GIS Analyst  
Utilities Engineering Division

cc: Correspondence File

VIA FACSIMILE #239-939-1161  
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OCT 03 2005

**VAC 2005-00035**



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

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

Bob Janes  
*District One*

Friday, May 06, 2005

Douglas R. St. Cerny  
*District Two*

Ray Judah  
*District Three*

**James E. Kinsey, Jr.**  
**GFY Associates, Inc.**  
**9101 W. College Pointe Drive**  
**Suite 1**  
**Fort Myers, FL 33919**

Andrew W. Coy  
*District Four*

John E. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

**Re: Petition to Vacate Coon Road, a 55 (fifty) foot wide road right of way connecting Sialer Road and Bayshore Road (S.R. 78), lying in Section 30, Township 43 South, Range 23 East, Lee County, Florida.**

Robert W. Gray  
*Deputy County Attorney*

Diana M. Parker  
*County Hearing Examiner*

Dear Mr. Kinsey:

Based on the review of the documents submitted with your request, Lee County Division of Natural Resources has no objection to the vacation of the subject right of way.

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

Regards,

LEE COUNTY PUBLIC WORKS DEPARTMENT

Allen L. Davies, Jr.  
Natural Resources Division

RECEIVED  
MAY 09 2005

S:\NATRES\SURFACE\DOCUMENT\vac490.doc

MAY 2005 - 00031

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*

September 19, 2005

Mr. James E. Kinsey, Jr.  
GFY Associates LLC  
9101 W. College Pointe Dr.  
Suite 1  
Fort Myers, FL 33919

**RE: Request to Vacate a portion of Coon Road,  
North Fort Myers, Section 30, Township 43,  
Range 25**

Dear Mr. Kinsey:

Lee County Department of Transportation has reviewed the above referenced request to vacate a portion of Coon Road. As you stated in your correspondence, your client owns parcels on both sides of Coon Road. It appears from the sketches provided and the aerials that the portion of Coon Road dead-ends in a cul-de-sac and does not serve any connection to any other parcels except the ones your client owns. It appears that Coon Road was realigned, perhaps as part of the Bayshore Road project. The original Coon Road connection to Slater was closed.

DOT offers no objection to the vacation.

Very truly yours,

DEPARTMENT OF TRANSPORTATION



Margaret Lawson  
Right-of-way Supervisor

MAL/mlb

cc: Allen Davies, Natural Resources  
Ron Wilson, Development Services  
DOT PTV File (Coon Road)



# Florida Department of Transportation

JEB BUSH  
GOVERNOR

JOSÉ ABREU  
SECRETARY

March 18, 2005

Mr. James E. Kinsey, Jr.  
GFY Associates, LLC  
9101 W. College Pointe Dr., Suite 1  
Ft. Myers, FL 33919

RE: Right of Way Vacation of Coon Road, North Ft. Myers, FL

Dear Mr. Kinsey:

In response to your letter we received on February 24, 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 "Defer to County" this vacation request.

Sincerely,

Tom Kasten  
Right of Way Agent  
Property Management

X 2940

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

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VAC 2005-00035

THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR  
LEE COUNTY, FLORIDA CIVIL ACTION

LEE COUNTY, FLORIDA,  
a political subdivision  
of the State of Florida,

Petitioner,

3137349

vs.

CASE NO. 91-4135 CA JRT  
Parcels 39A and 39B

JOHN R. HARLOW; AMANDA H. HARLOW;  
JOHN P. McNUTT; DEBORAH M. McNUTT;  
STATE OF FLORIDA and DICK STEELE,  
LEE COUNTY TAX COLLECTOR,

**FILED**

JAN 08 1992

RECORDED & FILED

Defendants.

CHARLIE GREEN, CLERK  
CLERK OF COUNTY COURTS

JAN 9 1992

BY *[Signature]* D.C.

CHARLIE GREEN, Clerk

SECOND AMENDED  
ORDER OF TAKING

*[Signature]* D.C.

THIS CAUSE, coming on to be heard by the Court and it appearing that proper notice was first given to Defendants and all persons having any equity, lien, title or other interest in or to the real property described in the Petition, that Petitioner would apply to this Court on July 15, 1991, for an Order of Taking. Appearing for the Plaintiff, LEE COUNTY, was John S. Turner, Assistant County Attorney, and appearing for the Defendants, JOHN R. HARLOW, AMANDA H. HARLOW, JOHN P. McNUTT, DEBORAH M. McNUTT was Michael J. Ciccarone. The Court being fully advised in the premises, upon consideration, finds as follows:

1. That this Court has jurisdiction of the subject matter and the parties to this cause.
2. That the pleadings in this cause are sufficient and the Petitioner is properly exercising its delegated authority.

OR 2269 PGL 116



3. That it is necessary to take a fee simple title for the purpose of relocating the Bayshore, Slater and Coon intersections in North Fort Myers, Florida, that will tie into future alignment of Littleton Road and constructing intersection and appurtenant drainage facilities in order to alleviate traffic congestion and to increase the safety of travel along said roads in the property described as follows:

SEE EXHIBIT "A" ATTACHED.

4. That the property is taken for a public purpose.

5. That the estimate of value in this cause made by Petitioner was made in good faith and based upon a valid appraisal.

6. That the Petitioner is entitled to possession of the property described in the Petition and Exhibit "A", prior to the entry of Final Judgment.

7. That said deposit of money will secure the persons lawfully entitled to the compensation which will ultimately be determined by Final Judgment.

IT IS THEREFORE ORDERED AND ADJUDGED:

1. That the sum of money to be deposited in the registry of the court within twenty (20) days of the entry of this Order shall be in the following amounts:

Parcel 39A	\$117,500.00
Parcel 39B	\$ 31,200.00
TOTAL	<u>\$148,700.00</u>

OR 2269 Pg. 117

OR2269 Pg 118

2. That on deposit as set forth above and without further notice or order of this Court fee simple title for road right of way and appurtenant drainage facilities shall vest in the Petitioner and the Petitioner shall be entitled to immediate possession of the property described in the Petition.

3. If Petitioner shall default in the depositing of said sum of money within the time provided, this Order shall be void and of no further force or effect.

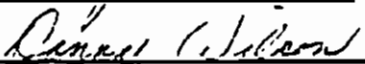
DONE AND ORDERED in Fort Myers, Lee County, Florida, on this 8<sup>th</sup> of January, 1991.

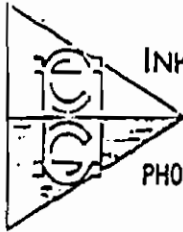
  
JAMES R. THOMPSON, CIRCUIT JUDGE

Pursuant to Rule 1.080, Florida Rules of Civil Procedure, a copy of the foregoing was mailed to:

John S. Turner,  
Assistant County Attorney  
Michael J. Ciccarone, Esquire  
Mark Ebelini, Esquire  
Robert I. Scanlan,  
Assistant Attorney General  
John P. McNutt, Esq.

on Jan 8, 1991.

  
Dennis C. Wilson  
Judicial Assistant to  
Circuit James R. Thompson



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REVISED NOVEMBER 6, 1990  
SEPTEMBER 28, 1990  
JOB NUMBER 8874-2445-(04)

PAGE 1 OF 2

EXHIBIT A

TAKING PARCEL 39-A

DESCRIPTION

A TRACT OR PARCEL OF LAND LYING IN SECTION 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, SAID LAND BEING PART OF A TRACT OR PARCEL OF LAND AS RECORDED IN OFFICIAL RECORD BOOK 1399, PAGE 813 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA WHICH IS DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST; THENCE N.88°54'27"E. FOR 2673.11 FEET ALONG THE SOUTH LINE OF SAID SECTION 30 TO A POINT WHICH LIES 23.01 FEET FROM THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 30; THENCE N.0°54'15"E. FOR 25.02 FEET TO THE POINT OF BEGINNING; THENCE S.88°54'27"W. FOR 17.01 FEET ALONG THE NORTHERLY RIGHT OF WAY (25 FEET NORTHERLY FROM THE SOUTH SECTION LINE OF SAID SECTION AS RECORDED IN DEED BOOK 244, PAGE 459 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N.0°54'15"E. FOR 125.66 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, RADIUS 656.92 FEET, CENTRAL ANGLE 44°52'08"; THENCE NORTHERLY AND NORTHWESTERLY FOR 514.44 FEET ALONG THE ARC OF SAID CURVE TO THE POINT OF TANGENCY; THENCE N.43°57'53"W. FOR 62.37 FEET; THENCE N.89°25'38"W. FOR 42.10 FEET TO A NON-RADIAL INTERSECTION WITH A CURVE TO THE RIGHT, CONCAVE SOUTHEASTERLY, RADIUS 3769.72 FEET, CENTRAL ANGLE 02°10'43", CHORD 143.33 FEET, CHORD BEARING N.46°00'50"E; THENCE NORTHEASTELY FOR 143.34 FEET ALONG THE ARC OF SAID CURVE AND THE SOUTHERLY RIGHT OF WAY (50 FEET FROM CENTERLINE, STATE RIGHT OF WAY PLANS PROJECT NUMBER S-124 (8), 1957) BAYSHORE ROAD (SR 78) TO A POINT ON A CURVE; THENCE NON-RADIALLY S.0°23'32"E. FOR 38.91 FEET; THENCE S.43°57'53"E. FOR 45.46 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, RADIUS 858.05 FEET, CENTRAL ANGLE 12°53'09"; THENCE SOUTHEASTERLY FOR 192.98 FEET ALONG THE ARC OF SAID CURVE; THENCE NON-RADIALLY N.69°46'24"E. FOR 43.17 FEET; THENCE S.0°54'15"W. FOR 527.21 FEET ALONG THE WESTERLY RIGHT OF WAY (25 FEET MAINTAINED RIGHT OF WAY FROM THE CENTERLINE OF EXISTING PAVEMENT) OF COON ROAD TO THE POINT OF BEGINNING.

CONTAINING 1.0372 ACRES MORE OR LESS.

INCLUDING AND TOGETHER WITH;

OR 2269 p4 119

REVISED NOVEMBER 6, 1990  
SEPTEMBER 28, 1990  
JOB NUMBER 8874-2445-(04)

PAGE 2 OF 2

EXHIBIT A

PARCEL 39-B

A TRACT OR PARCEL OF LAND LYING IN SECTION 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, SAID LAND BEING PART OF A TRACT OR PARCEL OF LAND AS RECORDED IN OFFICIAL RECORD BOOK 1399, PAGE 813 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA WHICH IS DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST; THENCE N.88°54'27"E. FOR 2673.11 FEET ALONG THE SOUTH LINE OF SAID SECTION 30 TO A POINT WHICH LIES 23.01 FEET FROM THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 30; THENCE N.0°54'15"E. FOR 720.81 FEET ALONG THE WESTERLY RIGHT OF WAY (25 FEET MAINTAINED RIGHT OF WAY FROM CENTERLINE OF EXISTING PAVEMENT) OF COON ROAD TO THE POINT OF BEGINNING; THENCE CONTINUE N.0°54'15"E. FOR 219.26 FEET ALONG THE WESTERLY RIGHT OF WAY OF COON ROAD; THENCE S.47°42'19"W. FOR 150.09 FEET ALONG THE SOUTHERLY RIGHT OF WAY (50 FEET FROM CENTERLINE, STATE RIGHT OF WAY PLANS PROJECT NUMBER S-124 (3), 1957, STATE CENTERLINE BEARING S.47°44'45"W.) BAYSHORE ROAD (SR 78); THENCE S.42°17'41"E. FOR 159.84 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.2754 ACRES MORE OR LESS.

SUBJECT TO ANY EXISTING EASEMENTS, RESTRICTIONS, RESERVATIONS, OR RIGHTS OF WAY OF RECORD.

BEARINGS IN DESCRIPTION ARE BASED UPON THE CENTERLINE OF BAYSHORE ROAD (STATE 78) BEING N.47°42'19"E. AND IS N.47°44'45"E. AS PER RIGHT OF WAY PLANS PROJECT NUMBER S-124 (8), 1957.

REFER TO 8 1/2 X 11" SKETCH.

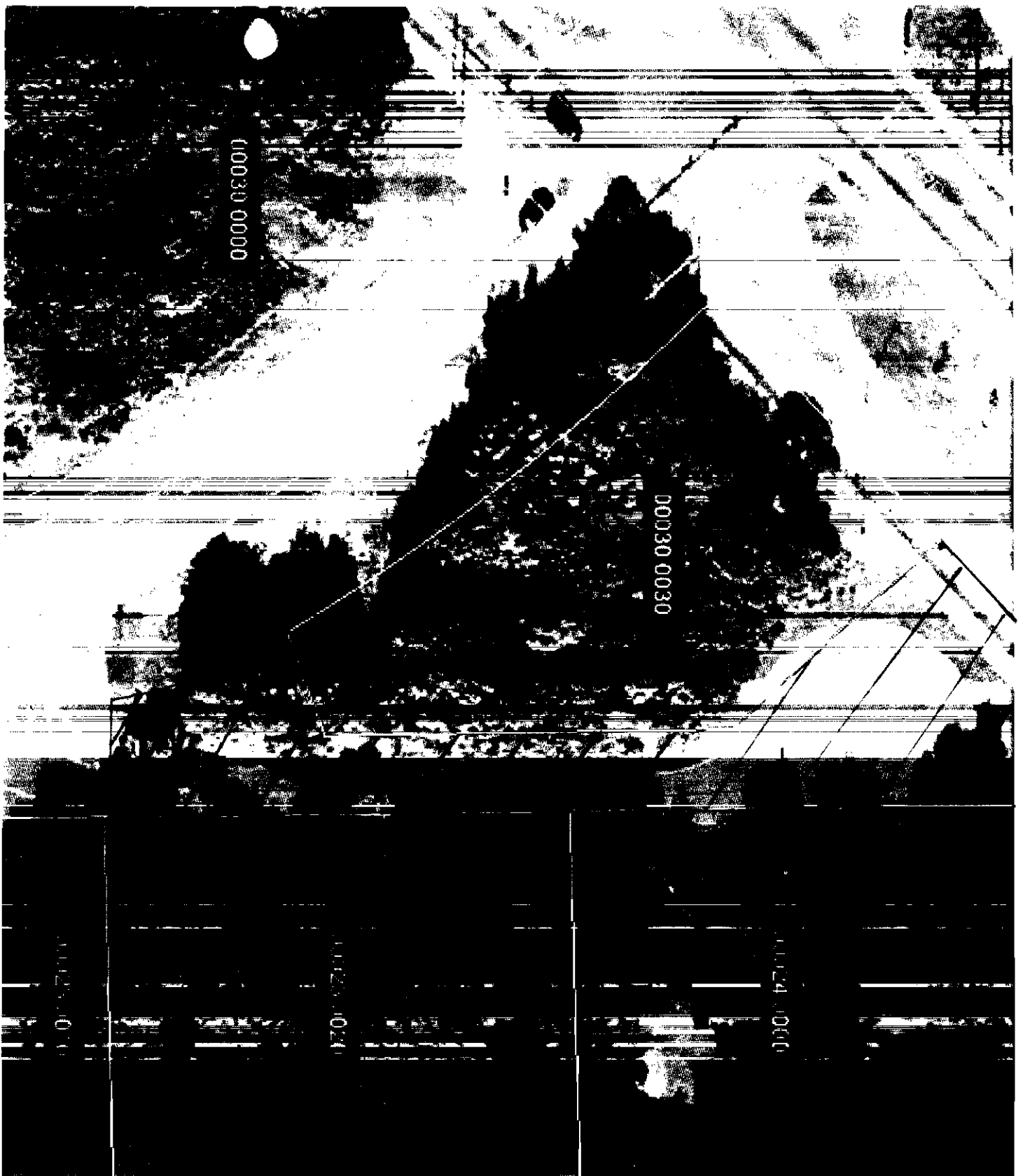
INK ENGINEERING, INC.

*Tim J. Pufahl 11/8/90*  
TIM J. PUFAL, FOR THE FIRM  
PROFESSIONAL LAND SURVEYOR  
FLORIDA CERTIFICATE NO. 4666

OR 269 Pgf 120

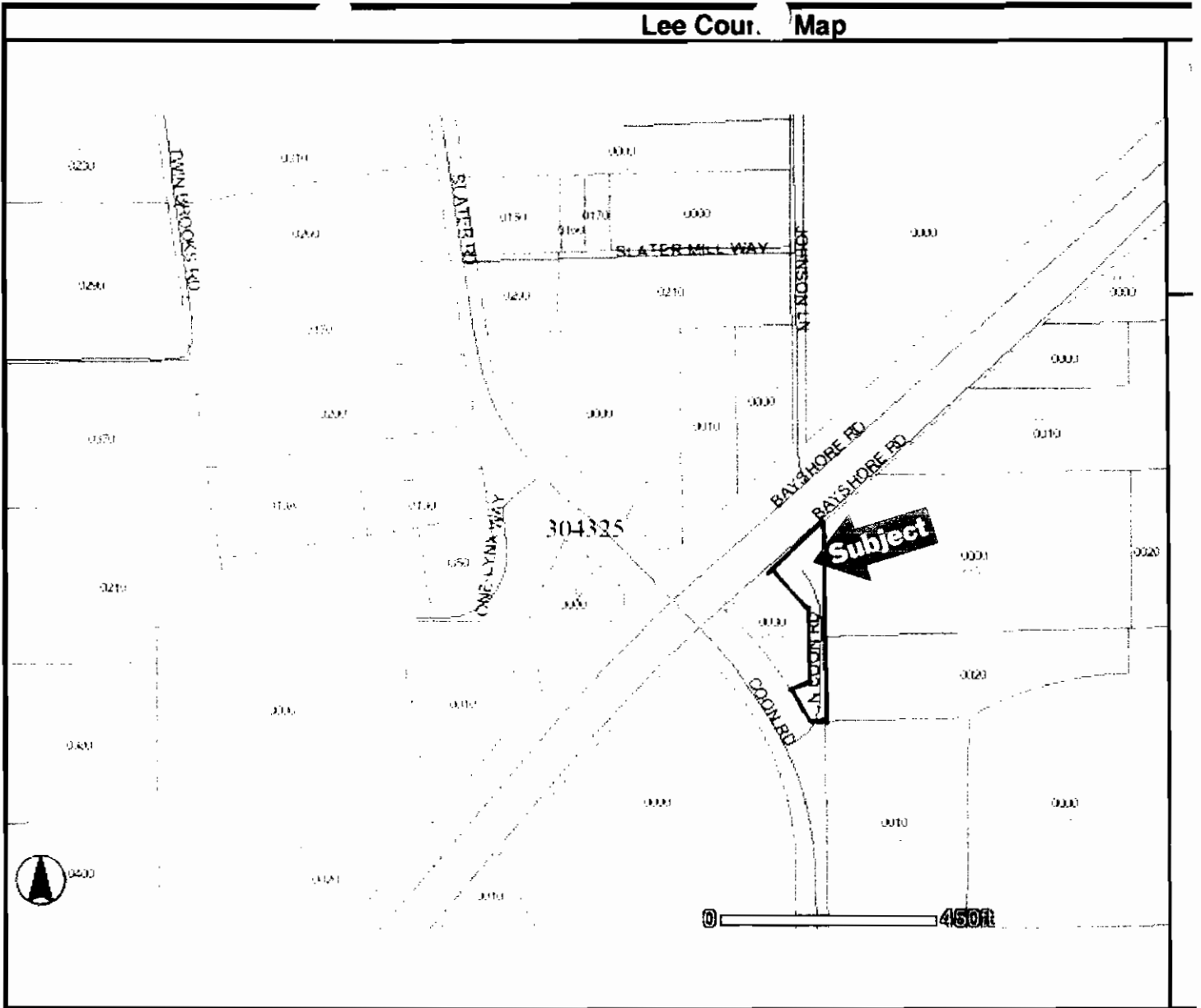
CHARLIE GREEN L.L.C. FL  
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PAGE 4 OF 5



 - AREA TO BE VACATED

Lee Cour. Map



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SEP 12 2005