

Agenda Item Summary

1. ACTION REQUESTED/PURPOSE: Conduct a Public Hearing to adopt a Resolution on Petition to Vacate an Approved plat with Right-of-Way known as "Westlake Court", located within the "West Bay Club" development, Estero, Florida (Case No. VAC2005-00033).

2. WHAT ACTION ACCOMPLISHES: To provide for the construction of a multi-family residential project on the combined Lots. The vacation of this plat with associated street right-of-way and easements will not alter existing drainage, utility or transportation conditions and is not necessary to accommodate any future drainage, utility or transportation requirements.

3. MANAGEMENT RECOMMENDATION: Approve

4. Departmental Category: **9:30 AM PH 2**
COMMISSION DISTRICT #: 3

5. Meeting Date: **03-14-2006**

6. Agenda:
 Consent
 Administrative
 Appeals
 Public
 Walk-On

7. Requirement/Purpose: (specify)
 Statute F.S. Ch. 177, 336
 Ordinance
 Admin. Code 13-1, 13-8
 Other

8. Request Initiated:
Commissioner
 Department: Community Development
 Division: Development Services
 By: *[Signature]* 1-19-06
 Peter J. Eckenrode, Director

9. Background:

The completed petition to vacate, VAC2005-00033 was submitted by Johnson Engineering, Inc. and Theresa Alexander as the agent on behalf of West Bay Club Development Corporation.

LOCATION: The site is located at 22200, 22210, 22220, 22230 and 22240 Left Bank Lane and 19941, 19931, 19911, 19900, 19910, 19920, 19930 and 19940 Right Bank Lane, Estero, Florida 33928 and its strap numbers are 31-46-25-12-00000.0010, 0020, 0030, 0040, 0050, 0060, 0070, 0080, 0090, 0100, 0110, 0120 and 0130.* Petition No. VAC2005-00033 proposes to vacate an approved plat with Right-of-Way on Lots 1 thru 13, Section 31, Township 46 South, Range 25 East, the plat of Westlake Court, Estero, as recorded in Plat Book 67, Pages 91 and 92 of the Public Records of Lee County, Florida.
 * and 0000A, 0000 (ROAD ROW) jif

The original Resolution for the project was Z-96-005 for Multi-family residential, changed to Single-family on ADD1999-00056 and then changed back to original Multi-family on Z-05-010. "Westlake Court" has been constructed, however the applicant has retained ownership of all platted lots.

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 <i>AMM 2/16</i>				County Manager/P.W. Director
<i>M. [Signature]</i>				<i>[Signature] 2-13-06</i>	Analyst <i>[Signature] 2/16/06</i>	Risk <i>[Signature] 2/16/06</i>	Grants <i>[Signature] 2/16</i>	Mgr. <i>[Signature] 2/16/06</i>	<i>[Signature]</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN:
 2/14/06
 COUNTY ADMIN FORWARDED TO:
 2/14/06

Rec. by CoAtty
 Date: 2/14/06
 Time: 5:00 AM
 Forwarded To: [Signature]



PETITION TO VACATE

**TRANSMITTAL FOR PUBLIC NOTICE
REQUIREMENTS**

DATE: January 6, 2006

To: Richard DeSalvo
Public Resources

FROM: Ron Wilson
Development Services

BLUESHEET NUMBER: 20060011

CASE NUMBER: VAC2005-00033

Applicable Public Noticing Requirement:

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

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

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

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2005-00033

TO WHOM IT MAY CONCERN:

NOTICE is hereby given that on the 14th day of March 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, as well as 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.

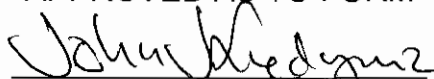
A copy of the Petition to Vacate is on file in the Office of the Clerk of the Circuit Court of Lee County, Florida, Minutes Department, Room 200, 2115 Second Street, Fort Myers, Florida, 33902-0398.

CHARLIE GREEN, CLERK

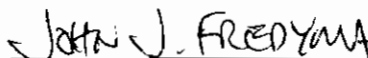
Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM



County Attorney Signature



Please Print Name

S:\20055546\055546-SKETCH-DESC-VACATION-WESTLAKE-COURT-WITH HATCH.dwg (SKETCH-SHEET-1) fls Feb 08, 2006 -- 9:30am

DESCRIPTION

ALL OF THAT PART OF THE PLAT OF WESTLAKE COURT AS RECORDED IN PLAT BOOK 67 AT PAGES 91 AND 92 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA INCLUDING ALL OF LOTS 1 THROUGH 13, LEFT BANK LANE AND RIGHT BANK LANE (TRACT A), THE LANDSCAPE EASEMENTS, DRAINAGE EASEMENTS (DE'S), THE UTILITY EASEMENT AND ALL OF THE PUBLIC UTILITY EASEMENTS (PUE'S), EXCLUDING THE 10' WIDE PUBLIC UTILITY EASEMENT (PUE) LYING WESTERLY OF AND ADJACENT TO THE EASTERLY PLAT LINE OF SAID WESTLAKE COURT AND EXCLUDING ALL OF THE LAKE MAINTENANCE EASEMENTS AS SHOWN ON SAID PLAT OF WESTLAKE COURT, WHICH SERVICE TRACT LK 2-2 AND TRACT LK 3-1 AS SHOWN ON THE PLAT OF WEST BAY CLUB RECORDED IN PLAT BOOK 62 AT PAGES 79 THROUGH 111 IN SAID PUBLIC RECORDS, LYING IN SECTION 31, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.

Exhibit "A"
Petition to Vacate
VAC2005-00033
[Page One of One]

THIS IS NOT A SURVEY

Frances L. Summerall
FRANCES L. SUMMERALL (FOR THE FIRM LB-642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5652

DATE SIGNED: 02-08-06
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER AND NOT VALID WITHOUT SKETCH SHOWN ON SHEET 2.



2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

EXHIBIT "A"
DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
FEB 2006	20055546	31-46-25	N/A	1 OF 2

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: VAC2005-00033

WHEREAS, Petitioner West Bay Club Development Corporation, a Florida Corporation 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 Petition also included a request, in accordance with F.S. Chapter 336 and LCAC 13-8, to vacate, abandon, close and discontinue the public's interest in the right-of-way or portion of 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 the 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, the Petitioner is fee simple title holder to the underlying land sought to be vacated in accordance with F.S. Chapter 177; and

WHEREAS, the Petitioner provided proof all applicable state and county taxes have been paid on the property to be vacated in accordance with F.S. Chapter 177; and

WHEREAS, Petitioner did provide notice to all affected property owners concerning the intent of the Petition to Vacate in accordance with the LCAC 13-1; 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 various governmental and utility entities indicate that granting the Petitioner's request is appropriate and in accordance with the requirements of the Florida Statutes.

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

1. Petition to Vacate No. VAC2005-00033 is hereby granted.
2. The public's interest in the easement, plat or portion of plat legally described in Exhibit "A" and graphically depicted in the sketch attached as Exhibit "B" is hereby vacated.
3. The public's interest in the right-of-way or portion of right-of-way described in Exhibit "A" and graphically depicted in the sketch attached as Exhibit "B" is hereby vacated, abandoned, closed and discontinued.
4. A Notice of Resolution 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 the Resolution as Exhibit "D".
5. This Resolution will become effective upon 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

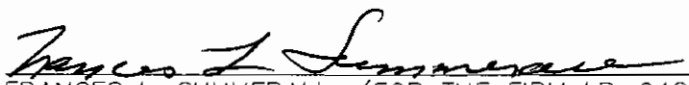
S:\20055546\055546-SKETCH-DESC-VACATION-WESTLAKE-COURT-WITH HATCH.dwg (SKETCH-SHEET-1) fls Feb 08, 2006 -- 9:30am

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Exhibit "A"
Petition to Vacate
VAC2005-00033
[Page One of One]

THIS IS NOT A SURVEY


FRANCES L. SUMMERALL (FOR THE FIRM LB-642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5652

DATE SIGNED: 02-08-06
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER AND NOT VALID WITHOUT SKETCH SHOWN ON SHEET 2.

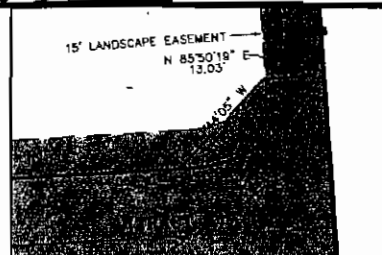
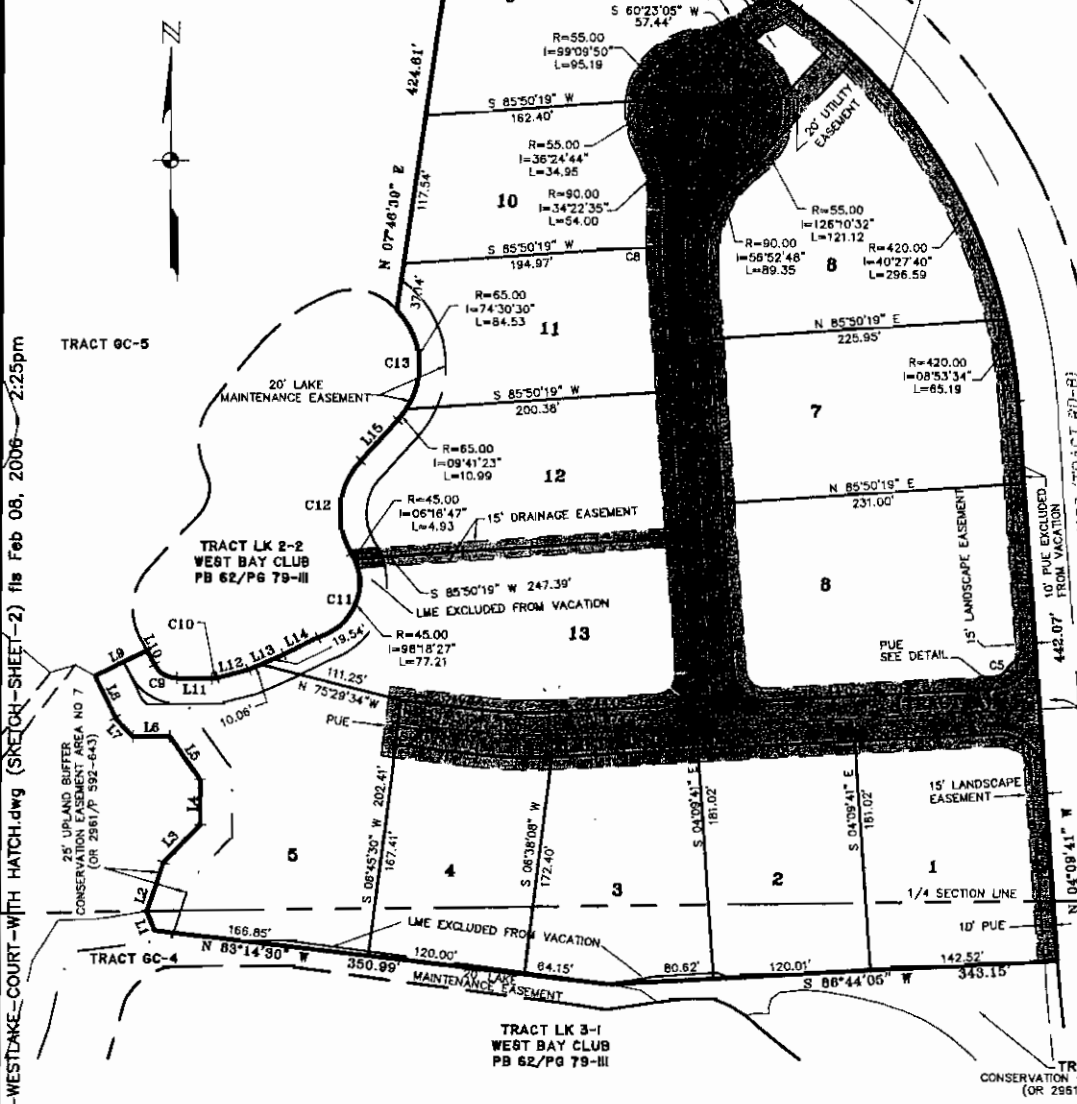


2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

EXHIBIT "A" DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
FEB 2006	20055546	31-46-25	N/A	1 OF 2

CURVE	RADIUS	DELTA	DIRECTION	CHORD	LE
C1	327.00	100°28'	S 88°15'12" E	57.13	57.13
C2	292.00	100°28'	S 88°15'12" E	51.02	51.08
C3	25.00	90°53'46"	N 41°17'12" E	35.63	39.66
C4	25.00	89°06'14"	S 48°42'48" W	35.08	38.88
C5	35.00	90°53'46"	N 41°17'12" E	49.88	55.53
C6	35.00	89°06'14"	N 48°42'48" W	49.11	54.43
C7	217.50	07°27'31"	S 01°36'50" W	28.29	28.31
C8	217.50	02°02'46"	S 03°08'18" E	7.77	7.77
C9	20.00	61°29'29"	S 58°43'45" E	20.45	21.46
C10	20.00	13°28'04"	N 83°47'31" E	4.69	4.70
C11	45.00	104°35'14"	N 1°03'03" E	71.20	82.14
C12	82.00	72°28'40"	S 04°59'46" W	73.30	78.43
C13	85.00	84°11'52"	N 00°51'50" W	87.15	95.52
C14	200.00	16°00'15"	N 03°50'26" E	55.68	55.87



DETAIL - NOT TO SCALE

LINE	BEARING	LENGTH
L1	N21°33'40\"	16.36
L2	N18°27'53\"	40.52
L3	N43°41'36\"	41.29
L4	N00°48'54\"	35.58
L5	N35°16'11\"	47.11
L6	S89°23'58\"	28.66
L7	N42°24'34\"	20.58
L8	N26°14'31\"	36.25
L9	N63°45'29\"	45.22
L10	S27°30'22\"	12.39
L11	S89°28'27\"	27.49
L12	N72°20'42\"	24.92
L13	N65°38'19\"	29.60
L14	N82°43'24\"	29.27
L15	N41°14'06\"	42.41

- LEGEND**
- RD = ROAD RIGHT-OF-WAY
 - LME = LAKE MAINTENANCE EASEMENT
 - LK = LAKE
 - MF = MULTIFAMILY
 - GC = GOLF COURSE
 - C = CONSERVATION
 - DE = DRAINAGE EASEMENT
 - PUE = PUBLIC UTILITY EASEMENT
 - P = PAGE
 - OR = OFFICIAL RECORD BOOK

WEST BAY CLUB
PLAT BOOK 62, PAGE 79-III

CURVE LEGEND

- R = RADIUS
- I = INTERNAL ANGLE (DELTA)
- CB = CHORD BEARING
- C = CHORD
- L = ARC LENGTH

NOTE: Intending to vacate all lots, tracts and easements, except as follows:

EXCLUDING THE 10' WIDE PUBLIC UTILITY EASEMENT (PUE) LYING WESTERLY OF AND ADJACENT TO THE EASTERLY PLAT LINE OF SAID WESTLAKE COURT AND EXCLUDING ALL OF THE LAKE MAINTENANCE EASEMENTS AS SHOWN ON SAID PLAT OF WESTLAKE COURT, WHICH SERVICE TRACT LK 2-2 AND TRACT LK 3-1 AS SHOWN ON THE PLAT OF WEST BAY CLUB RECORDED IN PLAT BOOK 62 AT PAGES 79 THROUGH 111 IN SAID PUBLIC RECORDS, LYING IN SECTION 31, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.

Exhibit "B"
Petition to Vacate
VAC2005-00033
[Page One of One]

REPRESENTS EASEMENTS THAT ARE TO BE VACATED

WESTLAKE COURT AS RECORDED IN PLAT BOOK 67 AT PAGES 91 AND 92 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA INCLUDING ALL OF THE LANDSCAPE



2158 JOHNSON STREET
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FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

EXHIBIT "B"
SKETCH TO ACCOMPANY DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
FEB 2006	20055546	31-46-25	1" = 150'	2 OF 2

S:\20055546\055546-

VACATION - WESTLAKE COURT - WITH HATCH.dwg (SKETCH - SHEET - 2) fls Feb 06, 2006 - 2:25pm

S:\20055546\055546-1.dwg (SKETCH - SHEET - 2) fls Feb 06, 2006 - 2:25pm

①
12/21/05



PETITION TO VACATE

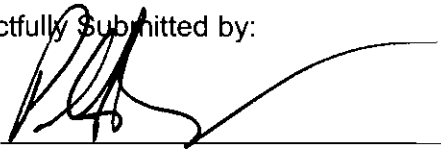
Case Number: VAC2005-000323

Petitioner(s), West Bay Club Development Corporation
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, 4600 West Bay Boulevard, Estero, Florida 33928
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", and in accordance with F.S. Chapter 336 and 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. In accordance with F.S. Chapter 177, proof Petitioner paid all applicable state and county taxes on the property to be vacated is attached as Exhibit "C".
5. In accordance with Chapter 177, Petitioner is the fee simple title holder to the underlying land sought to be vacated.
6. In accordance the LCAC 13-1, Petitioner id provide notice to all affected property owners concerning the intent of this Petition. Notice concerning the intent of this Petition will also be provided in accordance with LCAC 13-8.
7. In accordance with letters of review and recommendation provided by 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:

By: 

Petitioner Signature

Paul Benson, ~~Senior~~ Vice President
West Bay Club Development Corporation

LETTER OF AUTHORIZATION

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as **West Bay Club**.

The property described herein is the subject development permitting. We hereby designate **Gary Chensoff, CEO of Development (West Bay Development Corporation)** 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 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.

WEST BAY DEVELOPMENT CORPORATION



Owner* (signature)

Chris McKenna, Treasurer

Printed Name and Title

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 19 day of May, 2005, by Chris McKenna, who is personally known to me or who has produced _____ as identification.



Notary Public

(SEAL)



Colleen A. Rhoads
Commission #DD251089
Expires: Oct 26, 2007
Bonded Thru
Atlantic Bonding Co., Inc.

(Name typed, printed or stamped)

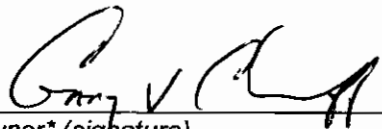
VAC 2005-00033

LETTER OF AUTHORIZATION

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as West Bay Club.

The property described herein is the subject development permitting. We hereby designate Paul Benson, Vice President, Development (West Bay Development Corporation) 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 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.


WEST BAY DEVELOPMENT CORPORATION


Owner* (signature)

GARY V. CHENSOFF
Printed Name and Title


STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 6th day of September, 2005, by Gary V. Chensoff who is personally known to me or has produced _____ as identification.


Notary Public

(SEAL)

(Name typed, printed or stamped)

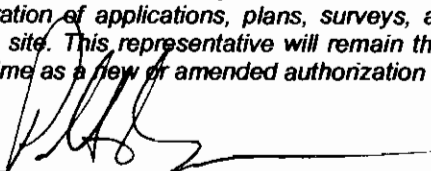
NOTARY PUBLIC-STATE OF FLORIDA
 **Sandra J. Smith**
Commission # DD403968
Expires: MAR. 07, 2009
Bonded Thru Atlantic Bonding Co., Inc.

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 West Bay Club, Orchid Bay (f/k/a Westlake Court) 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 Johnson Engineering, Inc. as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.



Owner* (signature)

Paul Benson, Vice President of Development
West Bay Development Corporation

Printed Name

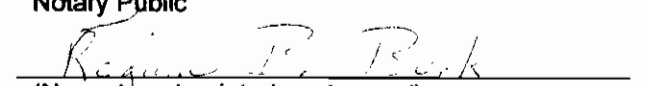
STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this
Paul Benson

31 day of October, 2005, by
~~who is personally known to me or who has produced~~
~~as identification and who did (did not) take an oath.~~



Notary Public



(Name typed, printed or stamped)

(SEAL)



Regina B. Burk
My Commission DD248968
Expires December 07 2007



Florida Profit

WEST BAY CLUB DEVELOPMENT CORPORATION

PRINCIPAL ADDRESS

745 7TH AVENUE
NEW YORK NY 10019 US
Changed 10/13/2004

MAILING ADDRESS

745 7TH AVENUE
NEW YORK NY 10019 US
Changed 10/13/2004

Document Number
P95000026778

FEI Number
650573262

Date Filed
04/04/1995

State
FL

Status
ACTIVE

Effective Date
NONE

Last Event
REINSTATEMENT

Event Date Filed
10/13/2004

Event Effective Date
NONE

Registered Agent

Name & Address
CORPORATION SERVICE COMPANY 1201 HAYS STREET TALLAHASSEE FL 32301
Name Changed: 06/09/2003
Address Changed: 10/13/2004

Officer/Director Detail

Name & Address	Title
VISONI, CARMINE 745 7TH AVENUE NEW YORK NY 10019 US	P
BRODERICK, DAVID S 745 7TH AVENUE	VP

NEW YORK NY 10019 US	
CHO, YON K 745 7TH AVENUE NEW YORK NY 10019 US	VP
GUTH, AARON J 745 7TH AVENUE NEW YORK NY 10019 US	S
MCKENNA, CHRISTOPHER S 745 7TH AVENUE NEW YORK NY 10019 US	D

Annual Reports

Report Year	Filed Date
2003	06/09/2003
2004	10/13/2004
2005	05/18/2005



[View Events](#)
[View Name History](#)

Document Images

Listed below are the images available for this filing.

05/18/2005 -- ANNUAL REPORT
10/13/2004 -- REINSTATEMENT
06/09/2003 -- ANN REP/UNIFORM BUS REP
05/09/2002 -- COR - ANN REP/UNIFORM BUS REP
04/12/2002 -- Amendment
05/22/2001 -- ANN REP/UNIFORM BUS REP
10/02/2000 -- ANN REP/UNIFORM BUS REP
05/16/2000 -- ANN REP/UNIFORM BUS REP
11/22/1999 -- Reg. Agent Change
04/15/1999 -- ANNUAL REPORT
02/18/1998 -- ANNUAL REPORT
05/01/1997 -- ANNUAL REPORT
04/16/1996 -- 1996 ANNUAL REPORT

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

S:\20055546\055546--SKETCH--DESC--VACATION--WESTLAKE--COURT--WITH HATCH.dwg (SKETCH--SHEET-1) fls Feb 08, 2006 - 9:30am

DESCRIPTION

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THIS IS NOT A SURVEY

Exhibit "A"
Petition to Vacate
VAC2005-00033
[Page One of One]

Frances L. Summerall
FRANCES L. SUMMERALL (FOR THE FIRM LB-642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5652

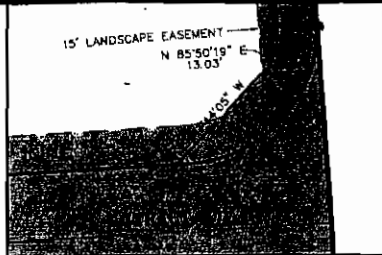
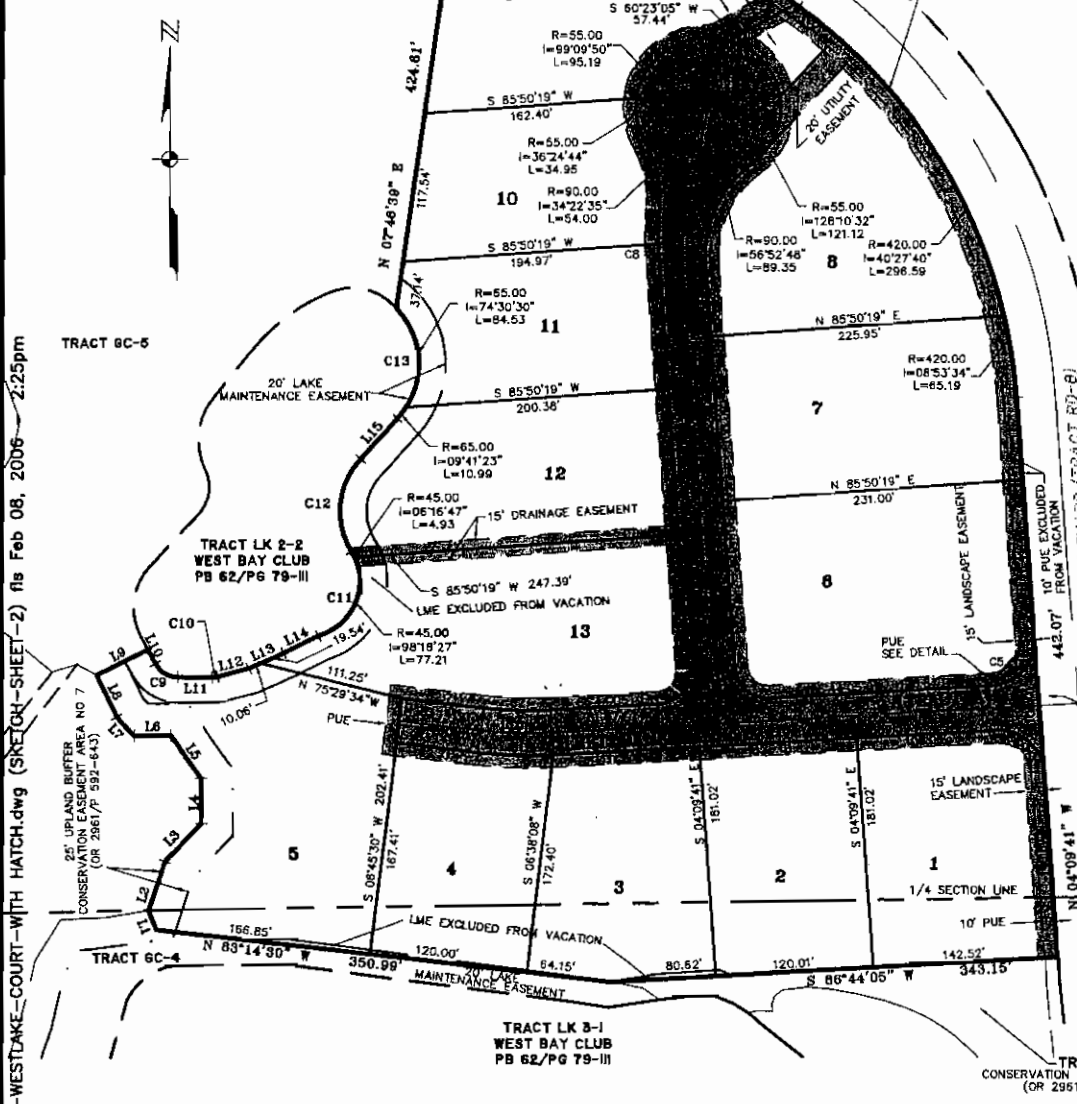
DATE SIGNED: 02-08-06
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER AND NOT VALID WITHOUT SKETCH SHOWN ON SHEET 2.



215B JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3861
E.B. #642 & L.B. #642

EXHIBIT "A" DESCRIPTION				
DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
FEB 2006	20055546	31-46-25	N/A	1 OF 2

CURVE	RADIUS	DELTA	DIRECTION	CHORD	LI
C1	327.00	10°01'25"	S 88°15'12" E	57.13	57.13
C2	292.00	10°01'25"	S 88°15'12" E	51.02	51.08
C3	25.00	90°53'46"	N 41°7'12" E	35.63	39.66
C4	25.00	88°06'14"	S 48°42'48" E	35.08	38.88
C5	35.00	90°53'46"	N 41°7'12" E	49.88	55.53
C6	35.00	88°06'14"	N 48°42'48" W	49.31	54.43
C7	217.50	07°27'31"	S 01°36'50" W	28.29	28.31
C8	217.50	02°02'46"	S 03°08'18" E	7.77	7.77
C9	20.00	61°29'25"	S 58°43'45" E	20.45	21.46
C10	20.00	13°78'04"	N 83°47'31" E	4.69	4.70
C11	45.00	104°35'14"	N 21°03'03" E	71.20	82.14
C12	82.00	72°28'40"	S 04°59'46" W	73.30	78.43
C13	85.00	84°11'52"	N 00°51'50" W	87.15	95.52
C14	200.00	16°00'15"	N 03°50'26" E	55.58	55.87



DETAIL - NOT TO SCALE

LINE	BEARING	LENGTH
L1	N21°33'40\" W	16.36
L2	N18°27'53\" E	40.52
L3	N43°41'38\" E	41.29
L4	N00°46'54\" W	35.58
L5	N35°16'11\" W	41.11
L6	S89°23'58\" W	26.66
L7	N42°24'34\" W	20.58
L8	N26°14'31\" W	38.29
L9	N63°45'29\" E	45.22
L10	S27°58'02\" E	12.39
L11	S69°28'27\" E	27.49
L12	N75°20'42\" E	24.92
L13	N65°38'19\" E	29.60
L14	N62°43'24\" E	29.27
L15	N41°14'08\" E	42.41

- LEGEND**
- RD = ROAD RIGHT-OF-WAY
 - LME = LAKE MAINTENANCE EASEMENT
 - LK = LAKE
 - MF = MULTIFAMILY
 - GC = GOLF COURSE
 - C = CONSERVATION
 - DE = DRAINAGE EASEMENT
 - PUE = PUBLIC UTILITY EASEMENT
 - P = PAGE
 - OR = OFFICIAL RECORD BOOK

WEST BAY CLUB
PLAT BOOK 82, PAGE 79-III

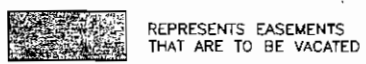
CURVE LEGEND

- R = RADIUS
- I = INTERNAL ANGLE (DELTA)
- CB = CHORD BEARING
- C = CHORD
- L = ARC LENGTH

NOTE: Intending to vacate all lots, tracts and easements, except as follows:

EXCLUDING THE 10' WIDE PUBLIC UTILITY EASEMENT (PUE) LYING WESTERLY OF AND ADJACENT TO THE EASTERLY PLAT LINE OF SAID WESTLAKE COURT AND EXCLUDING ALL OF THE LAKE MAINTENANCE EASEMENTS AS SHOWN ON SAID PLAT OF WESTLAKE COURT, WHICH SERVICE TRACT LK 2-2 AND TRACT LK 3-1 AS SHOWN ON THE PLAT OF WEST BAY CLUB RECORDED IN PLAT BOOK 82 AT PAGES 79 THROUGH 111 IN SAID PUBLIC RECORDS, LYING IN SECTION 31, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.

Exhibit "B"
Petition to Vacate
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WESTLAKE COURT AS RECORDED IN PLAT BOOK 67 AT PAGES 91 AND 92 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA INCLUDING ALL OF THE LANDSCAPE EASEMENTS



2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

EXHIBIT "B"				
SKETCH TO ACCOMPANY DESCRIPTION				
DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
FEB 2006	20055546	31-46-25	1" = 150'	2 OF 2

S:\20055546\055546-1\055546.dwg (SHEET-SHEET-2) fls Feb 08, 2006 2:25pm

Exhibit "C"
Petition to Vacate
VAC2005-00033
 [Page One of Five]

Real Property Information		
Account	Tax Year	Status
31-46-25-12-00000.0010	2005	PAID
Original Account	Book/Page	
31-46-25-12-00000.0010	2867/2693	
Owner		
WEST BAY CLUB DEV CORP		
Physical Address	Mailing Address	
22200 LEFT BANK LN ESTERO FL 33928	4600 WEST BAY BLVD ESTERO FL 33928 USA	
Legal Description		
WESTLAKE COURT PB 67 PG 91-92 LOT 1		
Outstanding Balance as of 12/20/2005		\$0.00

Real Property Information		
Account	Tax Year	Status
31-46-25-12-00000.0020	2005	PAID
Original Account	Book/Page	
31-46-25-12-00000.0020	2867/2693	
Owner		
WEST BAY CLUB DEV CORP		
Physical Address	Mailing Address	
22210 LEFT BANK LN ESTERO FL 33928	4600 WEST BAY BLVD ESTERO FL 33928 USA	
Legal Description		
WESTLAKE COURT PB 67 PG 91-92 LOT 2		
Outstanding Balance as of 12/20/2005		\$0.00

Real Property Information		
Account	Tax Year	Status
31-46-25-12-00000.0030	2005	PAID
Original Account	Book/Page	
31-46-25-12-00000.0030	2867/2693	
Owner		
WEST BAY CLUB DEV CORP		
Physical Address	Mailing Address	
22220 LEFT BANK LN ESTERO FL 33928	4600 WEST BAY BLVD ESTERO FL 33928 USA	
Legal Description		
WESTLAKE COURT PB 67 PG 91-92 LOT 3		
Outstanding Balance as of 12/20/2005		\$0.00

Exhibit "C"
Petition to Vacate
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 [Page Two of Five]

Real Property Information		
Account	Tax Year	Status
31-46-25-12-00000.0040	2005	PAID
Original Account	Book/Page	
31-46-25-12-00000.0040	4280 /4575	
Owner		
WEST BAY CLUB DEV CORP		
Physical Address	Mailing Address	
22230 LEFT BANK LN ESTERO FL 33928	4600 WEST BAY BLVD ESTERO FL 33928 USA	
Legal Description		
WESTLAKE COURT PB 67 PG 91-92 LOT 4		
Outstanding Balance as of 12/20/2005		\$0.00

Real Property Information		
Account	Tax Year	Status
31-46-25-12-00000.0050	2005	PAID
Original Account	Book/Page	
31-46-25-12-00000.0050	2867/2693	
Owner		
WEST BAY CLUB DEV CORP		
Physical Address	Mailing Address	
22240 LEFT BANK LN ESTERO FL 33928	4600 WEST BAY BLVD ESTERO FL 33928 USA	
Legal Description		
WESTLAKE COURT PB 67 PG 91-92 LOT 5		
Outstanding Balance as of 12/20/2005		\$0.00

Real Property Information		
Account	Tax Year	Status
31-46-25-12-00000.0060	2005	PAID
Original Account	Book/Page	
31-46-25-12-00000.0060	2867/2693	
Owner		
WEST BAY CLUB DEV CORP		
Physical Address	Mailing Address	
19941 RIGHT BANK LN ESTERO FL 33928	4600 WEST BAY BLVD ESTERO FL 33928 USA	
Legal Description		
WESTLAKE COURT PB 67 PG 91-92 LOT 6		
Outstanding Balance as of 12/20/2005		\$0.00

Exhibit "C"
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Real Property Information		
Account	Tax Year	Status
31-46-25-12-00000.0070	2005	PAID
Original Account	Book/Page	
31-46-25-12-00000.0070	2867/2693	
Owner		
WEST BAY CLUB DEV CORP		
Physical Address	Mailing Address	
19931 RIGHT BANK LN ESTERO FL 33928	4600 WEST BAY BLVD ESTERO FL 33928 USA	
Legal Description		
WESTLAKE COURT PB 67 PG 91-92 LOT 7		
Outstanding Balance as of 12/20/2005		\$0.00

Real Property Information		
Account	Tax Year	Status
31-46-25-12-00000.0080	2005	PAID
Original Account	Book/Page	
31-46-25-12-00000.0080	2867/2693	
Owner		
WEST BAY CLUB DEV CORP		
Physical Address	Mailing Address	
19911 RIGHT BANK LN ESTERO FL 33928	4600 WEST BAY BLVD ESTERO FL 33928 USA	
Legal Description		
WESTLAKE COURT PB 67 PG 91-92 LOT 8		
Outstanding Balance as of 12/20/2005		\$0.00

Real Property Information		
Account	Tax Year	Status
31-46-25-12-00000.0090	2005	PAID
Original Account	Book/Page	
31-46-25-12-00000.0090	2867/2693	
Owner		
WEST BAY CLUB DEV CORP		
Physical Address	Mailing Address	
19900 RIGHT BANK LN ESTERO FL 33928	4600 WEST BAY BLVD ESTERO FL 33928 USA	
Legal Description		
WESTLAKE COURT PB 67 PG 91-92 LOT 9		
Outstanding Balance as of 12/20/2005		\$0.00

Exhibit "C"
Petition to Vacate
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Real Property Information		
Account	Tax Year	Status
31-46-25-12-00000.0100	2005	PAID
Original Account	Book/Page	
31-46-25-12-00000.0100	2867/2693	
Owner		
WEST BAY CLUB DEV CORP		
Physical Address	Mailing Address	
19910 RIGHT BANK LN ESTERO FL 33928	4600 WEST BAY BLVD ESTERO FL 33928 USA	
Legal Description		
WESTLAKE COURT PB 67 PG 91-92 LOT 10		
Outstanding Balance as of 12/20/2005		\$0.00

Real Property Information		
Account	Tax Year	Status
31-46-25-12-00000.0110	2005	PAID
Original Account	Book/Page	
31-46-25-12-00000.0110	2867/2693	
Owner		
WEST BAY CLUB DEV CORP		
Physical Address	Mailing Address	
19920 RIGHT BANK LN ESTERO FL 33928	4600 WEST BAY BLVD ESTERO FL 33928 USA	
Legal Description		
WESTLAKE COURT PB 67 PG 91-92 LOT 11		
Outstanding Balance as of 12/20/2005		\$0.00

Real Property Information		
Account	Tax Year	Status
31-46-25-12-00000.0120	2005	PAID
Original Account	Book/Page	
31-46-25-12-00000.0120	2867/2693	
Owner		
WEST BAY CLUB DEV CORP		
Physical Address	Mailing Address	
19930 RIGHT BANK LN ESTERO FL 33928	4600 WEST BAY BLVD ESTERO FL 33928 USA	
Legal Description		
WESTLAKE COURT PB 67 PG 91-92 LOT 12		
Outstanding Balance as of 12/20/2005		\$0.00

Exhibit "C"
Petition to Vacate
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Real Property Information		
Account	Tax Year	Status
31-46-25-12-00000.0130	2005	PAID
Original Account	Book/Page	
31-46-25-12-00000.0130	2867/2693	
Owner		
WEST BAY CLUB DEV CORP		
Physical Address	Mailing Address	
19940 RIGHT BANK LN ESTERO FL 33928	4600 WEST BAY BLVD ESTERO FL 33928 USA	
Legal Description		
WESTLAKE COURT PB 67 PG 91-92 LOT 13		
Outstanding Balance as of 12/20/2005		\$0.00

Real Property Information		
Account	Tax Year	Status
31-46-25-12-0000A.0000	2005	PAID
Original Account	Book/Page	
31-46-25-12-0000A.0000	2867/2693	
Owner		
WEST BAY CLUB DEV CORP		
Physical Address	Mailing Address	
RESERVED FL	4600 WEST BAY BLVD ESTERO FL 33928 USA	
Legal Description		
WESTLAKE COURT PB 67 PG 91-92 TRACT A RW		
Outstanding Balance as of 2/13/2006		\$0.00

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, Atlantic Gulf Communities Corporation filed an application for a rezoning from AG-2 (Agricultural), C-2 (Commercial), CS-1 (Special Commercial Office) and RM-2 (Residential Multiple Family) to Residential Planned Development, in reference to Estero Pointe; and

WHEREAS, the subject property is located at 4651 Williams Road, Estero, and is described more particularly as:

LEGAL DESCRIPTION: In Sections 29, 30, 31, and 32, Township 46 South, Range 25 East; and Sections 05 and 06, Township 47 South, Range 25 East, Lee County, Florida.

Beginning at the North Quarter Section corner of said Section 05, Township 47 South, Range 25 East, said point being the Northeast corner of Lot 56B of FLORIDA GULF LAND COMPANY SUBDIVISION as recorded in Plat Book 1 at Page 59, Lee County Records and run S00°40'16"E for 30.00 feet to the South right-of-way (ROW) line of Williams Road (60 feet wide);
THENCE run N89°00'18"E along said South line for 165.26 feet;
THENCE run S00°36'29" E for 200.00 feet to the Southeast corner of lands described in deed recorded in Official Record Book 2465 at Page 3044, Lee County Records;
THENCE run S89°00'18"W along the South line of said lands for 494.00 feet to an intersection with the East line of Lot 55B of said FLORIDA GULF LAND COMPANY SUBDIVISION;
THENCE run S00°47'09"E along said East line for 765.00 feet;
THENCE run S88°57'37"W for 327.43 feet to an intersection with the East line of Lot 54B;
THENCE run S00°54'02"E for 351.20 to the Southeast corner of Lot 54B;
THENCE run N89°15'52"E along the South line of Lots 55B and 56B for 653.45 feet;
THENCE run N89°15'52"E along the South line of Lot 57B for 327.60 feet;
THENCE run S00°32'41"E along the East line of Lot 40B for 1,350.95 feet;
THENCE run S89°31'44"W for 324.62 feet to the center of said Section 05, said point being the Southwest corner of said Lot 40B;
THENCE run S89°34'40"W for 2,592.29 feet to the West Quarter section corner of Section 05, said point being the Southwest corner of Lot 48B of said subdivision;

continued...

THENCE run S01°31'46"E for 92.78 feet to the Southeasterly corner of lands described in deed recorded in Official Record Book 2192 at Page 567, Lee County Records;

THENCE run along the South line of said lands the following courses:
S89°10'55"W for 349.43 feet;
S00°49'50"E for 162.49 feet;
N81°20'47"W for 600.53 feet;
S46°11'51"W for 77.45 feet;

THENCE run N01°35'45"W along the West line of said lands for 2,875.95 feet to an intersection with the North line of said Section 06;

THENCE run S88°56'02"W along the North line of said Section 06 for 1,638.66 feet to the Southwest corner of lands described in deed recorded in Official Record Book 1509 at Page 221, Lee County Records, said point also being the Southwest corner of Lot 8A of said FLORIDA GULF LAND COMPANY SUBDIVISION and the South Quarter (S¼) Section corner of Section 31, Township 46 South, Range 25 East;

THENCE run N00°22'46"W along the West line of said lands along the North/South Quarter (N/S¼) Section line for 2,656.37 feet to the Northwest corner of Lot 25A, said FLORIDA GULF LAND COMPANY SUBDIVISION;

THENCE continue N00°22'46"W along the West line of said lands and the West line of Lots 40A and 57A of said subdivision for 2,391 feet, more or less to the waters of the Estero River;

THENCE run Northeasterly, Southeasterly, Southwesterly, Southerly, Southeasterly and Northeasterly along said waters for 5,030 feet, more or less to an intersection with the East line of the Southeast Quarter (SE¼) of said Section 30, Township 46 South, Range 25 East;

THENCE run N00°32'05"W along said East line for 224 feet, more or less to said waters;

THENCE run Southeasterly, Southwesterly, Westerly and Southwesterly along said waters for 1,213 feet, more or less to an intersection with the North line of said Section 32, Township 46 South, Range 25 East, said line being the North line of Lot 49A of said FLORIDA GULF LAND COMPANY SUBDIVISION;

THENCE run N87°54'53"E along said North line for 628 feet, more or less to said waters for 485 feet, more or less to an intersection with the East line of Lot 52A, said FLORIDA GULF LAND COMPANY SUBDIVISION;

THENCE run S00°43'04"E along said East line of Lot 52A for 1,190 feet, more or less to the Southeast corner of lands described in deed recorded in Official Record Book 1807 at Page 4091, Lee County Records, said point being the Southeast corner of said Lot 52A of said subdivision;

THENCE run N88°27'02"E along the North line of Lots 44A, 43A, 42A and 41A of said FLORIDA GULF LAND COMPANY SUBDIVISION for 1,257.39

continued...

feet to an intersection with the Southwesterly line of a Florida Power and Light Company transmission line easement (100) feet wide);

THENCE run S20°51'33"E along said Southwesterly line for 125.36 feet to an intersection with the North/South Quarter (N/S¼) Section line of said Section 32;

THENCE run S00°55'33"E along said Quarter section line and along the corner of lands described in deed recorded in Official Record Book 1528 at Page 12, Lee County Records, said point also being the Southeast corner of said Lot 41A;

THENCE run S00°56'02"E along said North/South Quarter Section line and the East line of Lot 41A of said subdivision for 1,226.63 feet to the Southeast corner of lands described in deed recorded in Official Record Book 1528 at Page 12, Lee County Records, said point also being the Southeast corner of said Lot 41A;

THENCE run S00°56'02"E along said North/South Quarter Section line and the East line of Lots 24A and 9A of FLORIDA GULF LAND COMPANY SUBDIVISION for 2,644.19 feet to the POINT OF BEGINNING.

WHEREAS, the applicant has indicated the property's current STRAP numbers are:

29-46-25-01-0000G.0010	30-46-25-00-00002.0010	31-46-25-01-00001.0000
31-46-25-01-00002.0000	31-46-25-01-00003.0040 through .0060	
31-46-25-01-00003.006B	31-46-25-01-00003.0080	31-46-25-01-00003.0380
32-46-25-01-00003.0110	32-46-25-01-00003.0120	32-46-25-01-00003.0140
32-46-25-01-00003.0500	32-46-25-01-00004.0000	32-46-25-01-00004.0010
32-46-25-01-00004.001A	32-46-25-01-00005.0000	32-46-25-01-00006.0000
32-46-25-01-00007.0000	32-46-25-01-00008.0000	32-46-25-01-00009.0000
32-46-25-01-00010.0000	32-46-25-01-00011.0000	05-47-25-01-00003.0130
05-47-25-01-00003.0400	05-47-25-01-00003.040A through .040D	
05-47-25-01-00003.0510	05-47-25-01-00003.0520	05-47-25-01-00003.0540
05-47-25-01-00003.0550	05-47-25-01-00003.055C	
05-47-25-01-00019.0000 through .0030		06-47-25-00-00002.0020;

and

WHEREAS, Atlantic Gulf Communities Corporation, the owner of the subject parcel, authorized Henderson, Franklin, Stames & Holt, P.A. and Johnson Engineering, Inc. to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was advertised and held on January 23, 1996 before the Lee County Hearing Examiner, who gave full consideration of the evidence available; and

WHEREAS, a public hearing was advertised and held on March 18, 1996 before the Lee County Board of County Commissioners, who gave full and complete consideration to the recommendations of staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board APPROVES with conditions the requested rezoning from AG-2, C-2, CS-1 and RM-2 to RPD.

SECTION A. CONDITIONS:

The RPD rezoning and Master Concept Plan are subject to the following conditions:

1. The development of this project must be in accordance with the five-page Master Concept Plan stamped received January 5, 1996, except as modified by the conditions below. This approval does not alleviate the need to comply with all state and county development regulations, except as specifically modified by this approval. Rezoning the subject property does not include those properties owned by the state, i.e., submerged lands.
2. Prior to any local Development Order approval for vertical development, the Developer must submit an application for Final Plan approval (FPA). The purpose of the FPA process is to ensure compliance with the Zoning Resolution and Land Development Code, to allow detailed review of deviations conceptually approved herein, while allowing the Developer the flexibility to respond to changing conditions. Any substantial change in the type, intensity or configuration of development within the RPD may require further review through a public hearing. Said determination shall be made by the Director of Community Development.

The following information must be provided on the Final Plan:

- uses: type and amount, i.e. number of dwelling units or square feet of commercial use
 - access
 - location and dimensions of internal roadways
 - location and dimensions of buildings/structures
 - boundary of development tract
 - adjacent zoning and land uses
 - detailed drawings showing the application of deviations
 - buffers and/or landscape strips
 - open space, including an ongoing tabulation of required open space
 - a cumulative analysis of the total number of dwelling units that have received local Development Order approval.
3. Permitted uses are limited to the following:

Accessory Uses and Structures
Accessory Apartment (df)
Administrative Office (df)

ATM
 Bait and Tackle Shop
 Banks and Financial establishments, Group I [Section 34-622(c)(3)]
 Business Services, Group I, and Group II if limited to lawn and garden services and
 swimming pool cleaning services [Section 34-622(c)(5)]
 Canoe Launch
 Clubs
 Country (df)
 Private (df)
 Consumption on Premises [Section 34-1261]
 Convenience Food and Beverage Store (df)
 Day Care Center, Child (df)
 Drugstore (df), Pharmacy (df)
 Dwelling Unit
 Single Family (df)
 Semi-Detached (duplex)
 Two-Family Attached (df)
 Townhouse (df)
 Multiple Family Building (df)
 Zero Lot Line (df)
 Entrance Gates and Gatehouse (df)
 Essential Services (df)
 Essential Service Facilities, All Groups [Section 34-622(c)(13)]
 Excavation - Water Retention
 Fences, Walls
 Food and Beverage Service, Limited (df)
 Food Stores, Group I [Section 34-622(c)(16)] including a gourmet grocery store
 Gift and Souvenir Shop (df)
 Golf Course and Accessory Facilities
 Golf Driving Range and Golf Training Facility
 Helistop (df)
 Home/Care Facility (df)
 Home Occupation
 Laundry or Dry Cleaning [Section 34-622(c)(24)]
 Model Home, Unit, Display Center
 Parks, Private, Group I [Section 34-622(c)(32)]
 Parking Lot Accessory (df)
 Personal Services, Groups I and II [Section 34-622(c)(33)]
 Pharmacy (df)
 Post Office (df)
 Private Boat Ramp and Observation/Fishing Pier
 Recreational Facilities
 Personal (df)
 Private (df)

Real Estate Sales Office
Residential Accessory Uses [Section 34-622(c)(42)]
Restaurants, Groups I, II and III [Section 34-622(c)(43)]
Signs, in accordance with LDC Chapter 30
Specialty Retail Shops, Groups I & II [Section 34-622(c)(47)]
Temporary Uses
Temporary Construction Trailer
Temporary Sales Center
Units of High Impact (df) including time share

The approved commercial uses are prohibited east of Development Areas 6, 7, and 9, must comply with LDC Section 34-937, and are restricted to use by residents and their guests only.

4. The RPD is limited to a maximum total of 1,121 residential dwelling units with the following distribution:
 - a. A maximum of 1,020 dwelling units are permitted in the subject properties located within the Outlying Suburban Land Use Category.
 - b. A maximum of 630 dwelling units are permitted within Development Areas 3, 4, and 5.
5. The property development regulations must be in accordance with the attached table entitled "Property Development Regulations for Estero Pointe" stamped received January 5, 1996, except as modified herein. (See Attachment B)
6. The following conditions apply to the riverfront/recreational areas:
 - a. Outdoor entertainment is prohibited at the restaurant;
 - b. The service of alcoholic beverages in conjunction with outdoor seating at the restaurant is limited to the hours of 7:00 a.m. to 12:00 midnight.
 - c. All lighting along the river must be arranged and directed away from adjacent properties and the river.
 - d. The parking area for the restaurant and boat ramp must be landscaped for the purpose of screening headlights from the river. Existing native vegetation may be used in whole or in part to meet this requirement.
 - e. A 75 percent opaque vegetative screen must be installed prior to issuance of a Certificate of Compliance for the restaurant. The vegetative screen for the restaurant must be located on the north and northeast side of the building.

The size, type and actual location of the vegetative screen will be reviewed through the Final Plan Approval process. Existing native vegetation may be used in whole or in part to meet this requirement.

- f. Development Area 2 must provide a 50-foot-wide vegetative screen along the northeast boundary of the Development Area consisting of the following: five clusters of three palm trees with a minimum height of 18 feet at time of planting and 23 trees 12-foot on center with a minimum height of 14 feet and 2-1/2 inches in caliper at time of planting.
 - g. A total of 15 parking spaces are permitted for the boat ramp facility.
 - h. The restaurant is limited to a total of 2,500 square feet and must be set back a minimum of 75 feet from the mean high water line of the Estero River.
 - i. The restaurant may not exceed one story in height.
 - j. The restaurant must be located as shown on the "River Parks Site Plan" stamped received November 21, 1995.
 - k. The restaurant will be for use of the residents and their guests only.
 - l. Food and beverage services are limited to the restaurant facility.
 - m. Recreation Area I must provide a minimum of 80 percent open space.
 - n. Recreation Areas I and II are further limited by conditions of approval for Deviation 12.
7. The main roads that access Development Areas 2, 3, 4 and 5 must be constructed in accordance with the road cross-sections on page 5 of the MCP stamped "received January 5, 1996."
8. A minimum 25-foot-wide undisturbed buffer must be provided along the west jurisdictional wetland line.
9. The storm water management systems in Development Areas 2, 3, 4 and 5, and the golf course areas adjacent to the mangrove wetlands must be designed so that the storm water discharge rate will be approximately 70 percent of the calculated permissible run-off rate in accordance with SFWMD requirements.
10. The Developer must hook-up to public water and sewer services when services are constructed and available within one-quarter mile of the subject property. The

temporary on-site sewage treatment plant must be dismantled within six months of public sewer service availability to the entire site.

11. The sewage treatment plant parcel may be redeveloped with residential uses in accordance with the approved property development regulations. Access to and development of the parcel must be reviewed in accordance with Condition 2.

Hurricane Mitigation Conditions

12. The Developer must notify all purchasers of real property within the development of the potential for storm surge flooding. The restrictive covenants should include the Base Flood Elevation, according to the National Weather Services' storm surge model "SLOSH" and the National Flood Insurance Program and notify potential owners that the first habitable floor of all structures must be constructed above that elevation.
13. The Property Owner's Association must host an educational seminar and will be responsible for obtaining the site for the seminar and for providing the invitations to the homeowners. The time will be coordinated with the Lee County Emergency Management staff who will provide the education and information at the seminar and will advise the owners of the risks of natural hazards and the action they should take to mitigate the inherent dangers.
14. The Developer shall develop a Hurricane Evacuation Plan for the RPD. The Plan must address: a) operational procedures for the warning and notification of all residents and visitors prior to and during a hurricane watch and warning period; b) the educational program; c) hurricane evacuation; d) the method of advising residents and visitors of hurricane shelter alternatives including hotels and public hurricane shelter locations; e) identification of the person(s) responsible for implementing the Plan; and f) how the private security force will be integrated with the local Sheriff's personnel and the Division of Public Safety. The Plan will be developed in coordination with the Lee County Emergency Management officials.
15. The Developer, and any successor landowner, will pay any All Hazards Tax levied by Lee County to provide for shelter space, upgrades to shelters, and to address other natural disasters.
16. The Developer must comply with all duly adopted ordinances which address hurricane preparedness and all duly adopted Hurricane Shelter Impact Fee Ordinances in effect at the time of building permits or local Development Order approval, whichever is the operative time under the Ordinance.
17. Prior to a Certificate of Compliance of the first multi-family building, the Developer must provide one of the following options:

- a. 8,940 square feet of shelter space on site in either the clubhouse building or among the multi-family structures as a "refuge of last resort"; or
- b. hurricane shuttering at a school or other designated public shelter to provide an additional 8,940 square feet of shelter area; or
- c. an emergency electrical generator for a school or other designated shelter off-site, with capacity to serve a minimum of 8,900 square feet of shelter space.

Fire and Emergency Medical Conditions

18. A helistop must be provided on-site. The location and specifications must be reviewed and approved by Lee County Division of Zoning and Development Services and Emergency Management. The Developer must provide a helistop at the same time the clubhouse/golf practice area is constructed.
19. Subject to a final determination of need by the Director of Zoning and Development Services, in consultation with the Estero Fire District, an emergency access may be required. The location would be determined prior to approval of the first Development Order.
20. All buildings over three stories must install an approved total coverage automatic fire sprinkler system.
21. A 20-foot-wide stabilized fire lane must be provided on at least two sides of all multi-family buildings over three stories in height.
22. All multi-family buildings over three stories must provide pressurized escape stairs unless an alternative is approved by the Estero Fire District and Lee County Codes and Building Services.
23. All 20-story or 220-foot-high buildings must install an emergency communication system internal to the building unless an alternative is approved by the Estero Fire District and Lee County Codes and Building Services.
24. The Developer must comply with all impact fee requirements in place at time of building permit approval.
25. Prior to the issuance of a local Development Order, the Developer must apply for and obtain an archaeological Certificate to Dig.
26. This zoning approval does not address the mitigation of the project's pedestrian and vehicular traffic impacts. Additional conditions may be required at the time of

issuance of a local Development Order per the Lee County LDC or other Lee County Ordinance.

27. Approval of this rezoning does not give the Developer the undeniable right to receive a local Development Order approval that exceeds the Year 2010 Overlay use allocation for the applicable district.
28. This development must comply with all requirements of the Lee County LDC at the time of local Development Order approval, except as may be granted by deviation as part of this planned development.

Environmental Conditions

29. As part of the submittal documents, and prior to approval, for any Estero Pointe Development Orders for Development Areas 6, 7, 9, 9A and 10, the Developer must comply with the requirements set forth in the document titled "Estero Pointe Proposal to Address Concerns with Lot Lines in Conservation/Preservation Areas," dated 12/20/95 (cover memo from Russell Schropp to George Parker and Rick Joyce, dated 12/22/95). The conservation easement must be provided at time of final plat approval. This approval is further limited to an allowance of one boardwalk per two single-family lots abutting Halfway Creek.
30. Prior to any local Development Order approval for any phase of the development which contains Florida coontie or Curtiss milkweed, the Developer must submit a detailed management plan indicating the preserve areas, relocation areas and propagation areas for review and approval by Lee County. Provisions of this plan must include all requirements of LDC Section 10-474.
31. Prior to any local Development Order approval, the Developer must submit a detailed management plan for tri-colored herons, meeting the requirements of LDC Section 10-474, for review and approval by Lee County.
32. Prior to local Development Order approval for any portion of the property which contains, or will contain through relocation, gopher tortoises, the Developer must submit a detailed management plan for gopher tortoises, meeting the requirements of LDC Section 10-474 and/or 10-475, for review and approval by Lee County. If the Florida Game and Fresh Water Fish Commission issues an incidental take permit, the Developer must implement a bucket trapping or excavation program to protect from entombment or other harm, the tortoises and commensal species found through implementation of the protection program. The Developer must move displaced tortoises to appropriate preservation areas on site.

33. The Developer and their successors in interest must maintain all areas shown on the Master Concept Plan (MCP) as "Preservation Area & Listed Species Relocation Area" as preservation areas allowing only management activities associated with the protection of the area as native vegetation preserve and listed species habitat. Preserve Area #13 has been promoted as a wildlife corridor across the site. The Developers and their successors in interest must take appropriate measures to protect wildlife from injury or death from traffic on the two roads which pass through this area.

These protective measures should include, but are not limited to: culverts under the roads large enough to let small to medium size animals pass through; fencing to direct animals to culvert crossings; appropriate signs identifying the area as wildlife preserve; and lower speed limits through the preserve area. A plan which meets these requirements must be approved by Lee County prior to a local Development Order approval for roadways through Area #13.

34. Prior to local Development Order approval, the Developer must submit a final Eagle Management Plan, approved by the U.S. Fish and Wildlife Service, to Lee County. It is strongly encouraged that this plan be presented to the Lee County Eagle Technical Advisory Committee (ETAC) for their input and suggestions.

SECTION B. DEVIATIONS

The Master Concept Plan deviates from several Lee County development standards. The proposed deviations are granted or denied as set forth below:

DEVIATION (1) requests relief from LDC Sections 10-253, 14-298 and 34-1574 which prohibit or restrict alteration or development within Resource Protection Areas (RPA) to permit (as shown on the MCP):

- a. Construction of recreational boardwalks and cart paths through RPA areas to access golf holes both by pedestrians and golf carts.
- b. Construction over various TZ and RPA areas to facilitate construction of a golf course.
- c. Construction over various TZ and RPA areas to facilitate construction of residential development.
- d. Construction of a road access to segmented ridge for construction of multi-family tract.
- e. Construction of a road access to the project site.

The requested deviation is APPROVED subject to compliance with the following conditions:

- a. Impacts are limited to a maximum of 8.79 acres of County jurisdictional wetlands. These impacts are as follows: 6.97 acres fill, 0.14 acres excavation, and 1.68 acres trimming. An approved wetland mitigation plan from the South Florida Water Management District must be submitted prior to local Development Order approval for any phase of development which contemplates wetland impacts. This mitigation will be considered part of the mitigation for Lee County and will be enforceable by the Division of Environmental Sciences (DES).
- b. At a minimum Lee County's approval of the requested wetland impacts requires removal and maintenance of invasive exotic vegetation [(as defined in LDC Section 10-413(f)) for the entire Estero Pointe RPD, and enhancement, restoration and creation of one acre wetland for each one acre of fill/excavation impact (1:1 ratio). Areas which are trimmed must be mitigated at a ratio of one-half acre creation, enhancement or restoration for each one acre impact (1/2:1).
- c. No mangrove trimming or removal (except in cases of public safety) is permitted outside the areas of proposed impacts. This provision is considered part of the approved wetland mitigation plan for Lee County.
- d. All mitigation requirements must be clearly indicated on the local Development Order plans and must be inspected by Lee County staff prior to issuance of a Certificate of Compliance (CC) for any applicable Development Order.

DEVIATION (2), requests relief from LDC Section 10-296, Table 4(7)(c) which requires that wearing surfaces for local and access road for Class A development must be 1-1/2 inch asphaltic concrete of Florida Department of Transportation Type S-1, to allow for decorative pavers within the privately maintained internal roadways. The requested deviation is APPROVED with the CONDITION that prior to local Development Order approval, the Developer demonstrate that the decorative pavers have the structural equivalency of the required standard pavement. The approval of this deviation is limited to privately maintained streets.

DEVIATION (3) was WITHDRAWN by the applicant.

DEVIATION (4) requests relief from LDC Section 10-329(e)(3) which requires the maximum retention depth for excavation be 12 feet, to allow a maximum excavation depth of 20 feet without any penetration through impervious soil or rock layer which presently prohibits intermingling or various watery strata. The requested deviation is APPROVED subject to compliance with the following conditions:

- a. Lake depths for a maximum of 20 feet or the confining layer, whichever occurs first, are approved subject to the adoption and implementation of the "Estero Pointe Management Program for Lakes Excavated Greater than 12 Feet," Zoning counter date stamped 12/13/95.
- b. Prior to local Development Order approval for any area that contains lakes with depths greater than 12 feet, the Developer must submit an additional section of the management plan defining stratification and related lake problems for review and approval by Lee County staff.

DEVIATION (5) requests relief from LDC Section 10-329(e)(4) which requires that excavation bank slopes be no greater than 4:1, to permit 40 percent of the lake banks to utilize vertical bulkheads. The requested deviation is APPROVED subject to the following conditions:

- a. Lake bottom slope, at the toe of any bulkhead, may be no greater than 4:1.
- b. Bulkheads are subject to Lee County structural building permits.

DEVIATION (6) requests relief from LDC Section 10-413(b)(2) which requires that residential developments provide 40 percent open space for large developments (50 percent of which must be indigenous plants for large developments), to allow the open space table provided. The requested deviation is APPROVED subject to the following conditions [see additional open space conditions for Deviation (9)]:

- a. A minimum total of 76 percent open space and a minimum total of 57 percent indigenous open space must be provided.
- b. Prior to local Development Order approval, the exact location of the 21.8 acres of indigenous preservation within the golf course rough must be shown on plans for the golf course.

DEVIATION (7) requests relief from LDC Section 10-414 which requires that no portion of a buffer area that consists of trees and shrubs be located in any easement, to allow planted buffers in easements. The requested deviation is APPROVED subject to the condition that if any required buffer or landscape strip vegetation which has been planted within an easement has to be removed, then the property owner must replace those plantings with like size and species at no cost to Lee County.

DEVIATION (8) was WITHDRAWN by the Applicant.

DEVIATION (9) requests relief from LDC Section 34-935(f)(3)(e) which limits the height of buildings in the RPD zoning category within the Outlying Suburban land use category to

45 feet, to allow 20 stories over parking for Development Areas 2, 3, 4 and 5. The requested deviation is APPROVED subject to the following conditions:

- a. Development Area 2 is limited to a maximum height of 75 feet.
- b. Development Areas 3, 4, and 5 are limited to a maximum building height of 220 feet and are further limited to a maximum combined total of six multi-family buildings with a maximum total of 630 dwelling units.
- c. Development Areas 3 and 4 must provide a minimum of 35 percent open space.
- d. Development Area 5 is limited to one multi-family building and must provide a minimum of 60 percent open space.
- e. Ninety percent of the required parking in multi-family Development Areas 3, 4, and 5 must be provided under the principal building structure to limit the impacts of impervious areas created by open parking lots.
- f. All buildings over 45 feet in height must be set back an additional one-half foot for every foot of height over 45 feet along the external development perimeter.

DEVIATION (10) was WITHDRAWN by the Applicant.

DEVIATION (11) requests relief from the LDC Section 34-935 to allow the property development regulations for Estero Pointe RPD. The requested deviation is APPROVED subject to the condition that development of the permitted uses must be in accordance with the "Property Development Table for Estero Pointe," stamped received January 5, 1996 and as further limited in the conditions of approval.

DEVIATION (12) requests relief from LDC Section 10-414(f) which requires the Developer to provide a 25-foot-wide buffer landward from the mean high water line of all non-seawalled natural waterways, to allow construction of a boat ramp, fishing/observation pier, three gazebos and two canoe launches on the Estero River, and boardwalks and other crossings on Halfway Creek. The requested deviation is APPROVED subject to the following conditions:

- a. Water management berms are prohibited within the 25-foot-wide buffer area. Other water management structures are approved as long as their impacts are limited to the minimum necessary to meet permitting requirements of the South Florida Water Management District.
- b. Gazebos are only approved on land locations within areas selected to avoid impacts to the greatest number of native trees and plants. Size is limited to 250 square feet.

The gazebos must be constructed in a generally square or octagonal design. A maximum of two gazebos is approved.

- c. Two canoe launch areas are approved. One of the canoe launch areas must be located as near as appropriate to the boat ramp to avoid additional impacts. Storage of canoes on land and must be outside of the 25-foot-wide buffer area. Each canoe launch area is limited to a width of 25 feet along the Estero River.
- d. One power boat ramp is approved with a maximum of two temporary mooring slips.
- e. As part of the power boat ramp mooring facility, an observation boardwalk structure may be constructed at a length not to exceed 30 feet from the shoreline for the total structure.
- f. The power boat ramp facility must be designed to include a swale, exfiltration trench, or other engineering device to prevent bilge water and associated untreated parking lot run-off from flowing down the boat ramp and into the Estero River. The design must be approved as part of the building permit or local Development Order review for the boat ramp facility.
- g. The boat ramp, temporary mooring/observation boardwalk, single family board-walks, cart crossings, and canoe launches are subject to all permitting requirements of LDC Chapter 26.
- h. Gazebos, canoe launches and power boat ramp facilities are prohibited along Halfway Creek.
- i. A maximum of one boardwalk for each two single family lots is permitted on Halfway Creek. Boardwalks are prohibited on the Estero River, except as conditioned in g. above.

DEVIATION (13) requests relief from the connection separation requirements of LDC Section 10-285(a), Table 2, to allow the connection separation shown on the "modified round-about" on the Master Concept Plan. The requested deviation is APPROVED subject to the condition that appropriate traffic signage be provided and the rotary intersection design is reviewed and approved by Lee County staff at time of local Development Order application.

SECTION C. MASTER CONCEPT PLAN:

A five-page reduced copy of the Master Concept Plan is attached to and incorporated into this Resolution by reference.

SECTION D. FINDINGS AND CONCLUSIONS:

The following findings and conclusions were made in conjunction with the approval of the requested zoning:

1. The proposed uses, as conditioned, are appropriate for the site and no changed or changing conditions make approval of this rezoning request inappropriate.
2. As conditioned, the RPD rezoning and approved deviations:
 - a) will not have an adverse impact on the intent of the Land Development Code.
 - b) are consistent with the goals, objectives, policies and intent of the Lee Plan and with the densities, intensities, and general uses set forth in the Lee Plan.
 - c) meet or exceed all performance and locational standards set forth for the proposed uses.
 - d) will protect, conserve or preserve environmentally critical areas and natural resources on or abutting the subject property.
 - e) are compatible with existing or planned uses, and are not contrary to the public health, safety or welfare and will not cause damage, hazard, nuisance or other detriment to persons or property.
 - f) do not place an undue burden upon existing transportation facilities, or other facilities or services.
 - g) will comply with all applicable general zoning provisions and supplemental regulations pertaining to the uses set forth in the Land Development Code.
 - h) enhance the achievement of the objectives of the RPD rezoning, and promote and preserve the protection of the public health, safety or welfare.
3. Urban services, as defined in the Lee Plan, are or will be available and adequate to serve the proposed uses.
4. The conditions imposed on the RPD zoning and the approved deviations are reasonably related to the impacts on the public's interest created by or expected from the proposed uses, and, in conjunction with other land development regulations, will protect the public's interest, health, safety and welfare.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner John E. Manning, and seconded by Commissioner John E. Albion and, upon being put to a vote, the result was as follows:

John E. Manning	AYE
Douglas R. St. Cerny	ABSENT
Ray Judah	NAY
Andrew W. Coy	AYE
John E. Albion	AYE

DULY PASSED AND ADOPTED this 18th day of March, A.D., 1996.

ATTEST:
CHARLIE GREEN, CLERK

BY: *Charlie Green*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *John E. Manning*
Chairman

Approved as to form by:

Annaliese Collins
County Attorney's Office

FILED

MAR 25 1996

CLERK CIRCUIT COURT
BY *JP* D.C.

SINGLE-FAMILY

SITE DATA

1. THIS PLAN IS A PRELIMINARY PLAN FOR THE DEVELOPMENT OF COMMERCIAL, INDUSTRIAL AND RESIDENTIAL USES.

2. THE PLAN IS SUBJECT TO THE REVIEW AND APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS.

3. THE PLAN IS SUBJECT TO THE REVIEW AND APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS.

4. THE PLAN IS SUBJECT TO THE REVIEW AND APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS.

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10. THE PLAN IS SUBJECT TO THE REVIEW AND APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS.

SEE ATTACHED SHEETS FOR LIST OF DESCRIPTIONS

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4. SEE ATTACHED SHEETS FOR LIST OF DESCRIPTIONS.

5. SEE ATTACHED SHEETS FOR LIST OF DESCRIPTIONS.

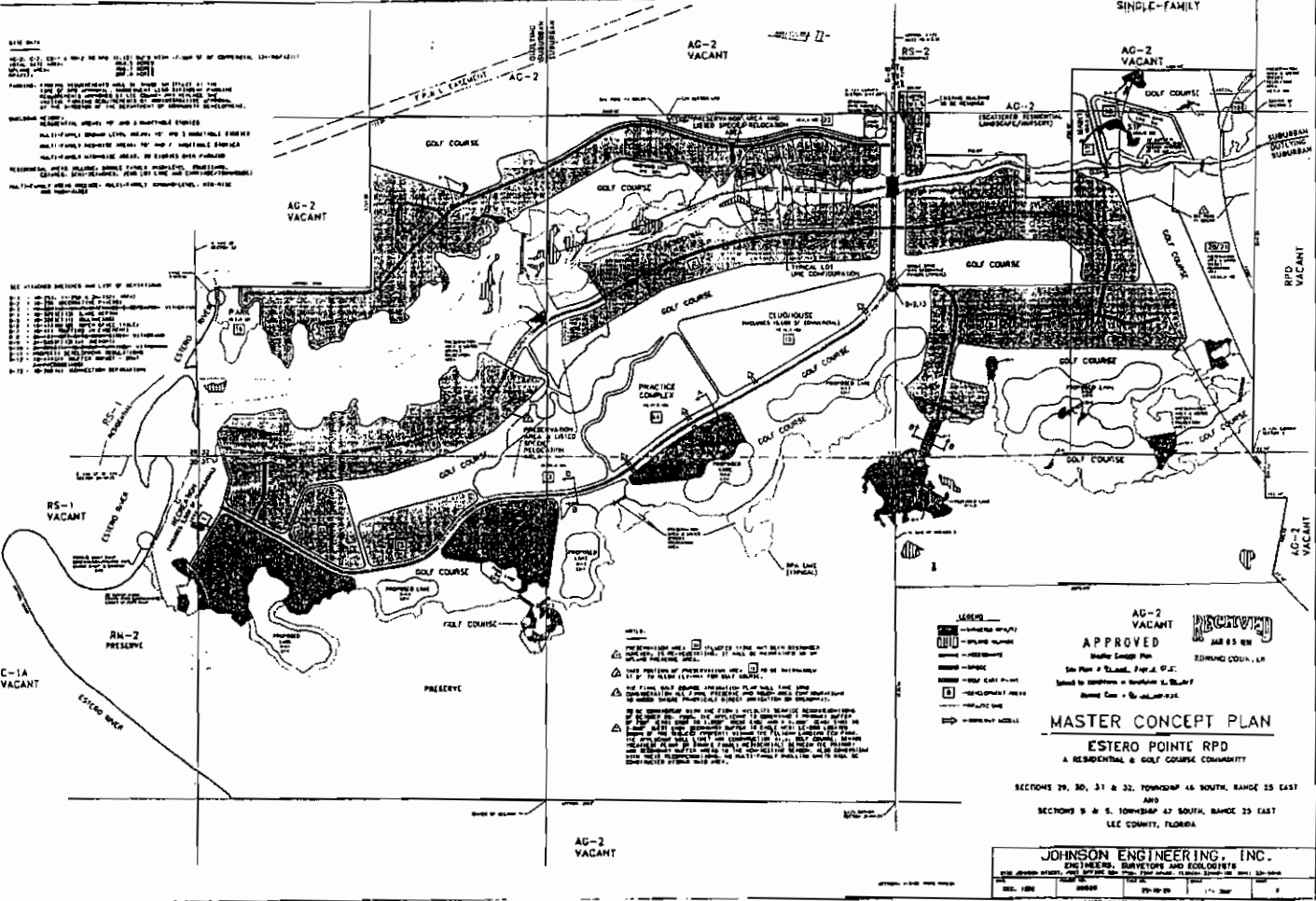
6. SEE ATTACHED SHEETS FOR LIST OF DESCRIPTIONS.

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8. SEE ATTACHED SHEETS FOR LIST OF DESCRIPTIONS.

9. SEE ATTACHED SHEETS FOR LIST OF DESCRIPTIONS.

10. SEE ATTACHED SHEETS FOR LIST OF DESCRIPTIONS.



NOTES:

1. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE BOARD OF COUNTY COMMISSIONERS AND THE BOARD OF ZONING ADJUSTMENTS.

2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE BOARD OF COUNTY COMMISSIONERS AND THE BOARD OF ZONING ADJUSTMENTS.

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5. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE BOARD OF COUNTY COMMISSIONERS AND THE BOARD OF ZONING ADJUSTMENTS.

- LEGEND**
- ▭ UNIMPROVED LOT
 - ▭ IMPROVED LOT
 - ▭ LOT WITH EXISTING STRUCTURE
 - ▭ LOT WITH EXISTING DRIVE
 - ▭ LOT WITH EXISTING DRIVE AND STRUCTURE
 - ▭ LOT WITH EXISTING DRIVE AND STRUCTURE AND DRIVEWAY
 - ▭ LOT WITH EXISTING DRIVE AND STRUCTURE AND DRIVEWAY AND SIDEWALK
 - ▭ LOT WITH EXISTING DRIVE AND STRUCTURE AND DRIVEWAY AND SIDEWALK AND CURB
 - ▭ LOT WITH EXISTING DRIVE AND STRUCTURE AND DRIVEWAY AND SIDEWALK AND CURB AND LANDSCAPE

APPROVED

AG-2 VACANT

DATE: 08-05-08

EDWARD COOK, JR.

EDMUND COOK, JR.

Site Plan of Tract, Page 1 of 1

Send to Commission on Planning & Zoning

Meeting Date: 8/11/08

MASTER CONCEPT PLAN

ESTERO POINTE RPD

A RESIDENTIAL & GOLF COURSE COMMUNITY

SECTIONS 29, 30, 31 & 32, TOWNSHIP 46 SOUTH, RANGE 25 EAST

AND

SECTIONS 9 & 8, TOWNSHIP 47 SOUTH, RANGE 25 EAST

LEE COUNTY, FLORIDA

JOHNSON ENGINEERING, INC.

ENGINEERS, SURVEYORS AND ECOLOGISTS

1000 JOHNSON AVENUE, SUITE 200, TAMPA, FLORIDA 33604

TEL: 813-288-1111 FAX: 813-288-1112

WWW.JEINC.COM

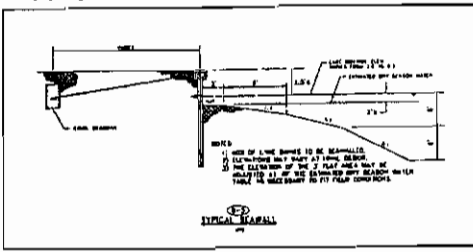
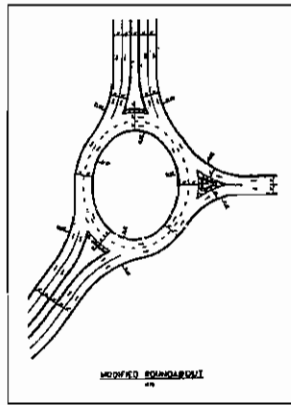
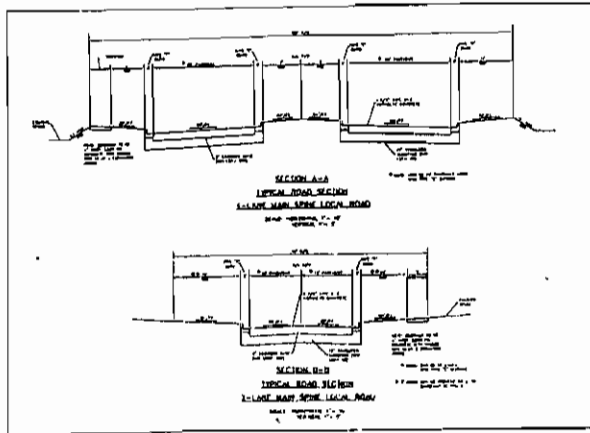
PROPERTY DEVELOPMENT REGULATIONS
for
ESTERO PONTE RPD (D-11)

	Minimum Lot			Minimum Setback				Maximum Height (feet)	Number of Habitable Floors	Minimum Building Separation (feet)	Subdivision	Condominium
	Area (s.f.)	Depth (feet)	Width (feet)	Side (feet)	Rear (feet)	Road (feet)	Water Body (feet)					
RESIDENTIAL												
Mid-Level	7,500	100	75	7.5	15	20	20	45	3	15	YES	YES
Courtyard	5,500	100	55	5	10	20	20	45	3	10	YES	YES
Estates	10,000	100	100	15	20	20	20	45	3	30	YES	YES
Semi-Detached 1st Side 2nd Side	5,000	100	50	0 7.5	15	20	20	45	3	15	YES	YES
Zero Lot Line 1st Side 2nd Side	4,500	80	45	0 4	15	15	20	45	3	4	YES	YES
Carriage/Townhouse 1st Side 2nd Side	2,800	80	35	0 0 or 10	20	20	20	45	3	** Complex Separation: 20	YES	YES
MULTI-FAMILY												
Ground Level	10,000	100	100		20	20	25	45	3	20		YES
Mid-Rise	10,000	100	100		20	20	25	75	7	20		YES
High-Rise	10,000	100	100		20	20	25	—	20*	60		YES
CLUBHOUSE AREA	40,000	200	200	15	20	20	20	45	2	15	YES	YES
PRACTICE COMPLEX	40,000	200	200	15	20	20	20	45	2	15	YES	YES

B

RECEIVED
JAN 05 1996

ZONING COUNTER



RECEIVED
 JAN 21 1995
 YORKVILLE COUNTY
 APPROVED
 Mayor Donald Pitt
 City Plan - "Roundabout", Yorkville, N.C.
 Subject to conditions of Resolution 2-23-94
 Mayor Don G. McMillan, N.C.

DOCUMENTATION
 ESTERO POINTE RPD

JOHNSON ENGINEERING, INC.			
ENGINEERS, SURVEYORS AND CONSULTANTS			
DATE	PROJECT NO.	DATE OF ISSUE	SCALE
December 1995	20020	30-48-25	N.T.S.
			SHEET 3

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, an application was filed by the property owner, West Bay Club Development Corporation, to amend the West Bay Club RPD (f/k/a Estero Point RPD) and add 1.6 acres; and

WHEREAS, a public hearing was advertised and held on January 19, 2005, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2004-00046; and

WHEREAS, a second public hearing was advertised and held on March 21, 2005, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to:

- a. Change Area 3 from single-family residential, as approved in Administrative Amendment ADD1999-00056, to a multi-family residential area as originally approved in Resolution Z-96-005, which will allow 20 stories over parking not to exceed a maximum height of 220 feet; and
- b. Add 1.6± acres to the West Bay Club RPD, Area 9, to allow for the addition of four single-family residential lots with no increase in the total number of dwelling units.

The subject property is located in the Outlying Suburban, Suburban and Wetlands Land Use Categories and legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. The development of this project must be consistent with the four page Master Concept Plan entitled "Master Concept Plan for West Bay Club", formerly Estero Pointe RPD, stamped received by the permit counter on August 27, 2004, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.
2. The terms and conditions of Resolution Z-96-005 and Amendments thereto remain in full force and effect except as amended herein.
3. Upon approval of this zoning action, Administrative Amendment ADD1999-00056 is null and void.
4. The four single-family residential lots added to Development Area (Pod) 9, referenced as Development Area (Pod) 9B on the Master Concept Plan, must be consistent with the Property Development Regulations adopted within Resolution Z-96-005 and Amendments thereto.
5. Development Area (Pod) 3 must be in substantial compliance with the attached site plan, labeled Exhibit C, and the terms and conditions of Resolution Z-96-005.
6. Condition Number 4 of Resolution Z-96-005, and its subsequent amendment in Administrative Amendment PD-98-003, Condition 3, is further amended as follows:

The RPD is limited to a maximum total of 1,016 residential dwelling units with the following distribution:
 - a. A maximum of 970 dwelling units are permitted on the subject properties located within the Outlying Suburban Land Use Category, of which no more than 630 dwelling units are permitted within Development Areas (Pods) 3, 4, and 5.
 - b. A maximum of 46 dwelling units are permitted within the subject properties in the Suburban Land Use Category.
7. Sheet three of the four page Master Concept Plan entitled "Master Concept Plan for West Bay Club", formerly Estero Pointe RPD, stamped received by the permit

counter on August 27, 2004, attached hereto as Exhibit D, is amended by adding and deleting language as follows:

An overall maximum of five high-rise buildings may be located within multiple-family Development Areas (Pods) 3, 4, and 5.

8. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).

SECTION C. DEVIATIONS:

No additional deviations have been requested as part of the zoning action. All deviations, except Deviation 9, approved by Resolution Z-96-005 remain in full force and effect. Deviation 9 is revised as follows:

Deviation (9) seeks relief from the LDC §34-935(f)(3)(e), requirement limiting the height of buildings in the RPD zoning category within the Outlying Suburban land use category to 45 feet, to allow 20 stories over parking for Development Areas (Pods) 2, 3, 4 and 5. This deviation is APPROVED, SUBJECT TO the following conditions:

- a. Development Area (Pod) 2 is limited to a maximum height of 75 feet.
- b. Development Areas (Pods) 3, 4, and 5 are limited to a maximum height of 220 feet and are further limited to a combined total of five multi-family high-rise buildings and 24 low-rise villa units for a combined total of 630 dwelling units: a maximum of two high-rise buildings on Development Areas (Pods) 3 and 4, and 24 low-rise villa units in Development Area (Pod) 3 only; and a maximum of one high-rise building on Development Area (Pod) 5.
- c. Development Areas (Pods) 3 and 4 must provide a minimum of 35 percent open space.
- d. Development Area (Pod) 5 is limited to one multi-family high-rise building and must provide a minimum of 60 percent open space.
- e. Ninety percent of the required parking in multiple-family Development Areas (Pods) 3, 4, and 5 must be provided under the principal building structure to limit the impacts of impervious areas created by open parking lots.
- f. All buildings over 45 feet in height must be set back an additional one-half foot for every foot of height over 45 feet along the external development perimeter.

SECTION D. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (subject parcel identified with shading)
- Exhibit C: Site Plan
- Exhibit D: The Master Concept Plan

The applicant indicates there are numerous and varied STRAP numbers which are on file and available for inspection at the Department of Community Development, 1500 Monroe St., Ft. Myers, FL.

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Hall, seconded by Commissioner Judah and, upon being put to a vote, the result was as follows:

Robert P. Janes	AYE
Douglas R. St. Cerny	AYE
Ray Judah	AYE
Tammy Hall	AYE
John E. Albion	AYE

DULY PASSED AND ADOPTED this 21ST day of March 2005.

ATTEST:
CHARLIE GREEN, CLERK

BY: *Osia B. Pierce*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

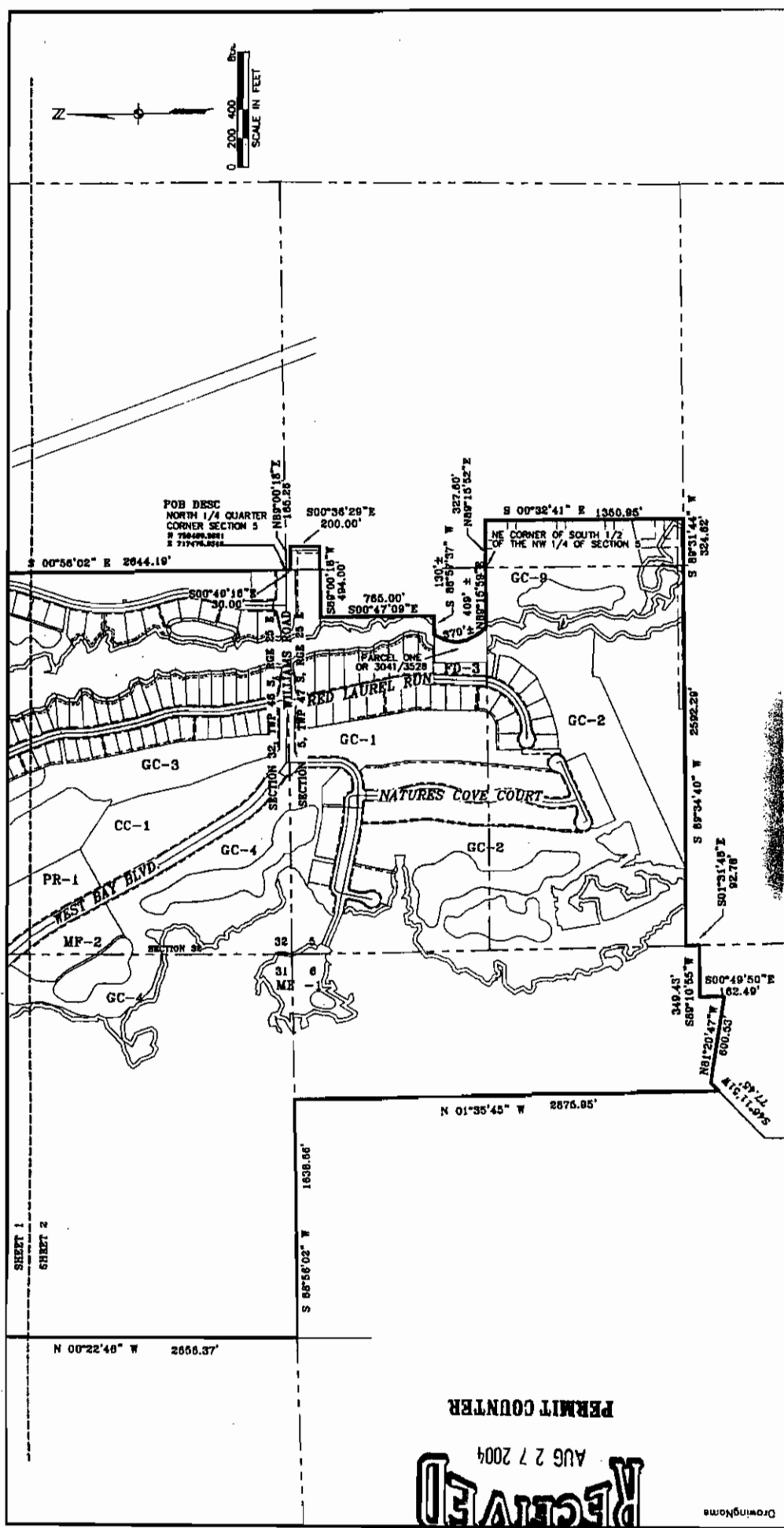
BY: *[Signature]*
Chairman

Approved as to form by:

[Signature]
Dawn E. Perry-Lehert
County Attorney's Office



RECEIVED
MINUTES OFFICE
sp
2005 MAR 24 AM 10:18



SKETCH TO ACCOMPANY DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
MAR 4, 2004	20044403	29-46-25	1" = 800'	2 OF 3

2158 JOHNSON STREET
FORT MYERS, FLORIDA 33902-1550
PHONE (841) 334-0046
FAX (841) 334-3861
E.B. J&L & L.B. J&L



PARCEL IN
SECTIONS 29, 30, 31 & 32, TOWNSHIP 48 SOUTH, RANGE 25 EAST &
SECTIONS 5 & 6, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

SHEET 1
SHEET 2

PERMIT COUNTER
AUG 27 2004
RECEIVED

ZONING INTAKE MAP

1/4/2005

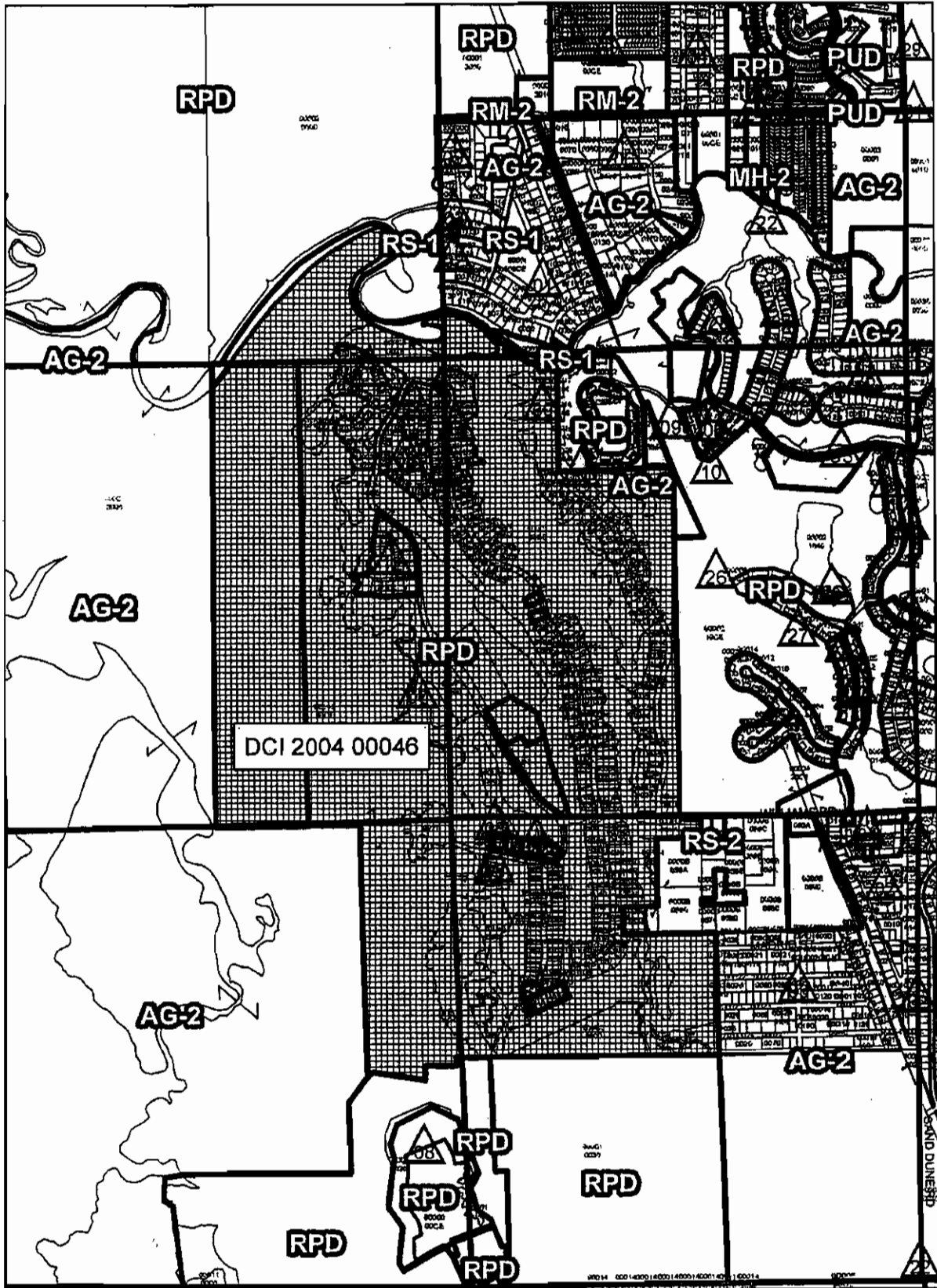
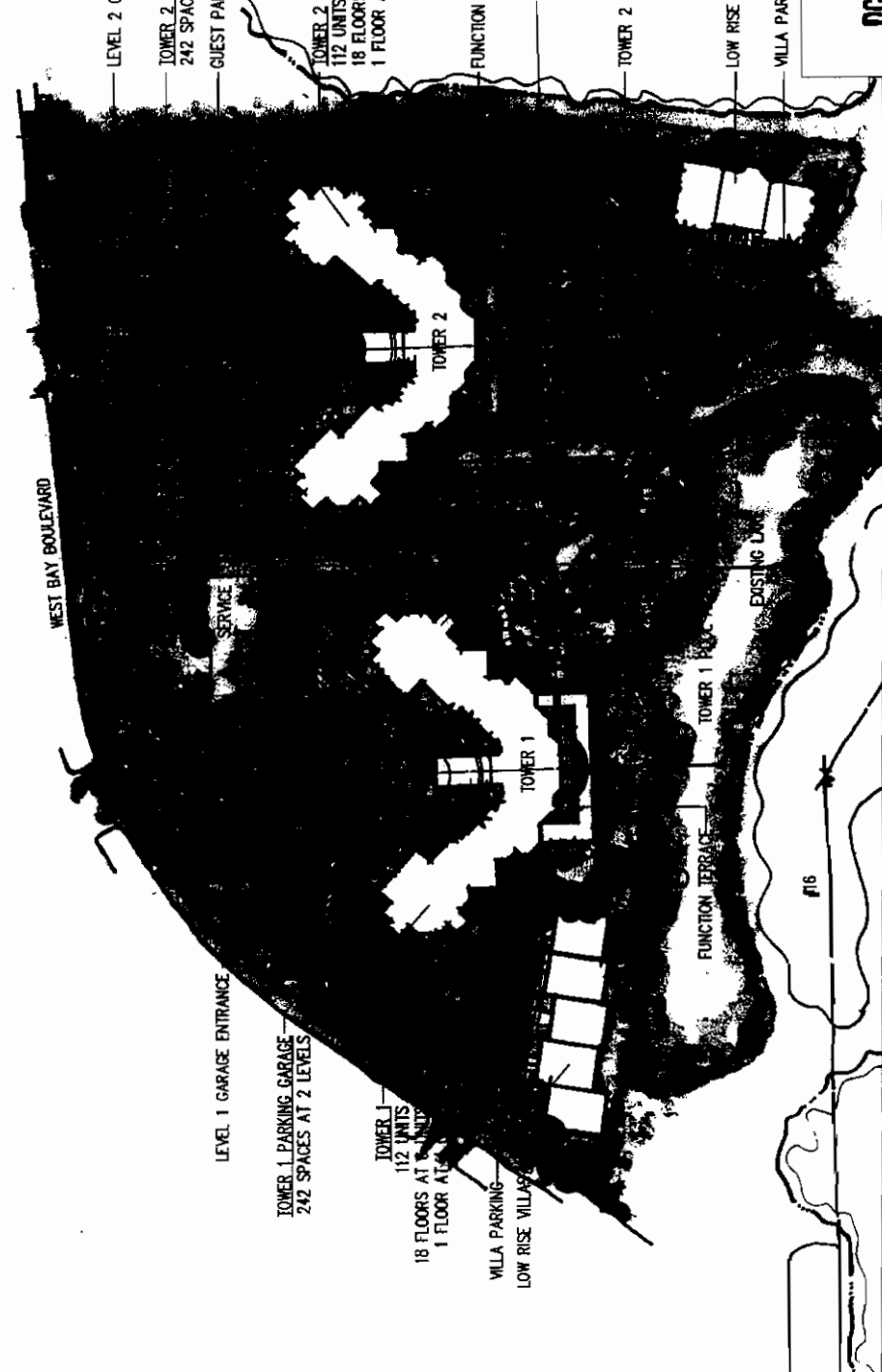


EXHIBIT B

1,800 900 0

1,800 Feet



WEST BAY BOULEVARD

SERVICE

LEVEL 2 GARAGE ENTRANCE
TOWER 2 PARKING GARAGE
242 SPACES AT 2 LEVELS
GUEST PARKING

LEVEL 1 GARAGE ENTRANCE
TOWER 1 PARKING GARAGE
242 SPACES AT 2 LEVELS

TOWER 1
18 FLOORS AT 6 UNITS
1 FLOOR AT 4 UNITS
VILLA PARKING
LOW RISE VILLAS

TOWER 2
18 FLOORS AT 6 UNITS
1 FLOOR AT 4 UNITS

FUNCTION TERRACE

TOWER 2 POOL AREA

LOW RISE VILLAS

VILLA PARKING

TOWER 2

TOWER 1

TOWER 1

FUNCTION TERRACE

EXISTING L

R16

PRECIVIL
DEC 27 2004

PERMIT COUNTY
DCI 2004 0004

WEST BAY CLUB
Estero, Florida
WEST LAKE COURT

EDSA
1912 E. Broward Blvd., Suite 110
Fort Lauderdale, FL 33301
PHONE: 954.574.1111
FAX: 954.574.1112

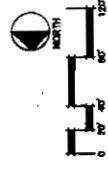


Exhibit C



1

RECORD VERIFIED - CHARLIE GREEN, CLERK
By: J. Miller, D.C.

This instrument prepared without opinion by:
Timothy G. Hains, Esq.
QUARLES & BRADY
4501 Tamiami Trail North, Suite 300
Naples, Florida 34103

65,867.20

4218062

Property Identification Number:
Grantee's Social Security Number:

\$ 15.00 recording
\$ 65,867.20 doc stamps

PST 1222
\$ 9,409,600.00

SPECIAL WARRANTY DEED

THIS INDENTURE, made this 17 day of AUGUST, 1997,
between TIMOTHY G. HAINS, as Successor Trustee of Land Trust No.
5221, GRANTOR, and WEST BAY CLUB DEVELOPMENT CORPORATION, a Florida
corporation, GRANTEE, whose post office address is: 2601 South
Bayshore Drive, Ninth Floor, Miami, Florida 33133-5461.

WITNESSETH, that said Grantor, for and in consideration of the
sum of Ten Dollars, and other good and valuable consideration 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:

See EXHIBIT "A" attached hereto and
incorporated herein by reference.

Subject to easements and restrictions of record without intent
to reimpose same, and real estate taxes for the current year
and all subsequent years.

This is not the homestead of the Grantor who resides at
233 Pinehurst Circle, Naples, Florida 34112.

THIS DEED is an absolute conveyance and said Grantor will
warrant and defend the property hereby conveyed against the lawful
claims and demands of all persons claiming by, through, or under
said Grantor, but against none other.

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

Signed, sealed and delivered
in the presence of:

Charles Richardson
Witness #1

print name: Charles Richardson

Suzanne Howard
Witness #2

print name: SUZANNE HOWARD

Timothy G. Hains, as Successor Trustee

TIMOTHY G. HAINS, as Successor
Trustee of Land Trust No. 5221
Address:
4501 North Tamiami Trail, #300
Naples, Florida 34103

OR2853 PG3894

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me this 6
day of AUGUST, 1997, by TIMOTHY G. HAINS, as Successor
Trustee of Land Trust No. 5221, who () is personally known to
me, or () who has produced _____
as identification and who did not take an oath.

Suzanne Howard
NOTARY PUBLIC

(SEAL)

TYPED OR PRINTED NAME OF NOTARY
MY COMMISSION EXPIRES:



DR2853 PG3895

97 AUG -7 PM 4:43

EXHIBIT "A"

Parcel 1

Tracts A3, A4, A5, A9, A11, A12, A13, A14, A15, A16, A17, A18, A19, A20, A21, A22, A23, A24, A28, A29, A30, A31, A32, A33, A34, A35, A36, A37, A46, A47, A48, A49, A60, A61, A62, A63, A64, the West 30 feet of B44, the East 30 feet of B45, B49, B50, B52, B53 and B54, FLORIDA GULF LAND COMPANY'S SUBDIVISION, a subdivision according to the plat thereof recorded in Plat Book 1, page 59, Public Records of Lee County, Florida, together with all rights in all adjoining vacated road rights-of-way, said tracts and road rights-of-way having been vacated by Resolution recorded in O.R. Book 2720, page 1807, and rerecorded in O.R. Book 2731, page 254, Public Records of Lee County, Florida.

Parcel 2 (Hains)

All of the land south of the Estero River and located in the East one-half (E 1/2) of Section 30, Township 46 South, Range 25, East, Lee County, Florida.

OR2853 PG3896



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: _____

Bob Janes
District One

239-479-8585

Douglas R. St. Cerny
District Two

January 6, 2006

Ray Judah
District Three

Theresa Alexander
Johnson Engineering, Inc.,
2158 Johnson St.
Fort Myers, FL 33901

Tammy Hall
District Four

John E. Albion
District Five

Re: **VAC2005-00033 - Petition to Vacate** an approved plat with Right-of-Way known as "Westlake Court", Estero, Florida.

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Dear Ms. Alexander:

Diana M. Parker
County Hearing Examiner

This office has received your request to vacate the above approved plat with Right-of-Way known as "Westlake Court", Estero, Florida and the reference strap numbers are 31-46-25-12-00000.0010, 0020, 0030, 0040, 0050, 0060, 0070, 0080, 0090, 0100, 0110, 0120 and 0130. The plat and Right-of-Way to be vacated include platted Right-of-Ways Left Bank Lane and Right Bank Lane, Lots 1 thru 13, Plat of Westlake Court, as recorded in Plat Book 67, Pages 91 and 92, lying in Section 31, Township 46 South, Range 25 East, of the Public Records of Lee County, Florida. The reason for this vacation is to allow the property owner to build a multi-family residential development on the combined properties. 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

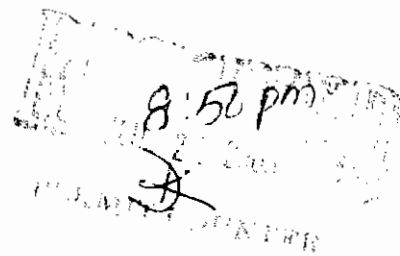
A handwritten signature in black ink, appearing to be "PJE", written over a circular stamp.

Peter J. Eckenrode
Director

PJE/RXW

U:\200601\20050728.085\8145410\DCDLETTER.DOC

July 28, 2005



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

RE: Vacation of Approved Plat with Right-of-Way
West Bay Club – Orchid Bay (f/k/a Westlake Court – DOS99-12-002.00D)
STRAP No. 31-46-25-12-00000.0010, .0020, .0030, .0040, .0050, .0060, .0070, .0080, .0090,
.0100, .0110, .0120, and .0130

Dear Mr. Eckenrode:

This is a request for vacation of an approved plat with right-of-way known as “Westlake Court”, recorded in Plat Book 67, Pages 91 and 92 of the public records of Lee County, Florida. Johnson Engineering represents West Bay Club Development Corporation, who wishes to vacate this plat.

West Bay Club Development consists of 863.9 ± acres located in southwest Lee County, west of U.S. 41 off Williams Road in Estero (Sections 29,31 & 32, Township 45 South, Range 25 East and Sections 5 & 6, Township 47 South, Range 25 East), originally approved on March 18, 1996 by Resolution No. Z-96-005 as a Residential Planned Development (RPD). This development is an ongoing project currently in various stages of construction and planning. There have been a number of neighborhoods established within West Bay Club, including Chapel Ridge single-family neighborhood, Laurel Oaks area, Nature’s Cove, Sunset Trace, Jasmine Bay multi-family and Orchid Bay (formerly known as Westlake Court, Development Area 3). A copy of the Architect’s rendering of the proposed Orchid Bay development is enclosed.

Development Area 3 was originally approved for multi-family 20-stories, or 220 feet high, as part of the original zoning request (Resolution Z-96-005, copy enclosed); density was approved for a maximum of 630 dwelling units within Development Areas 3, 4 and 5. On February 23, 2000, an Administrative Amendment was approved for the conversion of the multi-family Development Area 3 to single-family residential. A Development Order was also approved under DOS99-12-002.00D for this project.

Due to market trends in residential living, West Bay Club Development Corporation now wishes to return to the original zoning for a multi-family residential tower to be constructed on the site now known as Orchid Bay. Enclosed for your reference is Zoning Resolution No. Z-05-010 approving the change in Area 3 from single-family residential to a multi-family residential as originally approved.

The following documents are enclosed for your review:

- Application for Vacation of Plat with Right-of-Way with Executed Petition AC13-8
- Check No. 3881 in the amount of \$900.00.

VAC 2005 - 00033

Mr. Peter J. Eckenrode
Lee County Department of Community Development
July 28, 2005
Page -2-

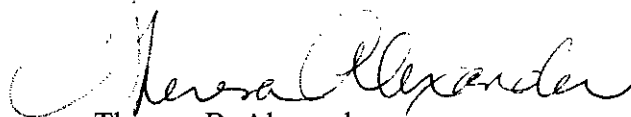
Three (3) copies of each of the following:

- Tax Receipt
- Plat Book 67, Page 91 and 92, Westlake Court, with area to be vacated outlined
- Proof of Ownership – Warranty Deed (OR Book 2867, Page 2693), Lee County Property Appraisers Parcel Inquiry
- GIS Map of West Bay Club Orchid Bay with area to be vacated outlined
- Current aerial from Lee County Property Appraisers Office with area to be vacated outlined
- Letters of No Objection from:
 - 1) Lee County Utilities
 - 2) Lee County Natural Resources Division
 - 3) Sprint
 - 4) Florida Power and Light Company
 - 5) Comcast Cablevision
 - 6) As directed by Ms. Margaret Lawson of Lee County Transportation Division, we are submitting the application to vacate without her letter; she indicated to me on July 21, 2005 that a letter is forthcoming and it will be forwarded to you upon receipt.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely,

JOHNSON ENGINEERING, INC.



Theresa B. Alexander
Planning Technician

Enclosures

cc: Gene Edens
Dana Hume
Debi Pendlebury

/tba

20055546

VAC 2005-00033



26430 Old Us 41
Bonita Springs, Florida 34135
Fax: 1-941-947-7345

October 12, 2005

Johnson Engineering Inc.
Mr. Dana Hume
Post Office Box 1550
Fort Myers, Florida 33902-1550

Re: Orchid Bay (aka Westlake Court)

To Whom It May Concern:

In reply to your recent request, FPL Company has no objection to the vacation of the Westlake Court Plat.

If you have any questions regarding this matter, please contact me at 239-947-7361.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Merriam', written over a large, stylized loop.

Jim Merriam
Senior Systems Project Manager

cc:file



P.O. Box 2469
Naples, Florida 34106-2469

June 28, 2005

Theresa B. Alexander
Johnson Engineering, Inc.
PO Box 1550
Fort Myers, Florida 33901-1550

**Re: Vacation of Approved Plat with Right-of-Way
West Bay Club – Orchid Bay (f/k/a Westlake Court – DOS99-12-002.00D)
Sec 31, Twp 46S, Rng 25E**

Dear Ms Alexander:

In response to your inquiry of June 14, 2005, regarding the possibility of vacating the subject dedicated easement, this is to advise that Sprint-Florida, Inc. will consider vacating said easement contingent upon the following conditions:

1. Receipt of a written agreement from the property owner to reimburse Sprint-Florida, Inc. for all costs incurred for removing the existing cable plant placed at the directions of the West Bay Club.

After the property owner satisfies the above conditions, Sprint-Florida, Inc. will commence preparation of a work order for removal of the existing telephone facilities. Actual removal of the existing plant will occur approximately ninety days from the receipt of the written concurrence from the property owner.

If I can provide additional information, please contact me at (239) 263-6342.

Sincerely,

A handwritten signature in cursive script that reads "John T. Reynolds".

John T. Reynolds
Network Engineer I

JTR:ns

Cc: Chron File



WEST BAY CLUB DEVELOPMENT

September 27, 2005

Mr. John Reynolds
Sprint
P.O. Box 2469
Naples, FL 34106-2469

Via Certified Mail
No. 7000 0520 0012 3145 1218

RE: Vacation of Approved Plat with Right-of-Way
West Bay Club – Orchid Bay (f/k/a Westlake Court - DOS99-12-002.00D)
STRAP 31-45-25-12-00000.0010 thru 0130

Dear Mr. Reynolds:

In an effort to satisfy conditions outlined in your letter of June 28, 2005 and to satisfy any concerns that Sprint-Florida Inc. may have regarding the above referenced Vacation of Plat with Right-of-Way, West Bay Club Development Corporation acknowledges we are responsible for all costs incurred with removing the existing Sprint facilities located at the Orchid Bay (Westlake Court) project site. Please provide as soon as possible the agreement that you are requiring per your June 23, 2005 letter. We will execute the agreement and forward back to you as requested. We will also coordinate with you the removal of SMD facilities.

If further assurances are required, please contact me as soon as possible.

Sincerely,

West Bay Club Development Corporation

Paul Benson, P.E.
Vice President, Development

/tba

20055546



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

RECEIVED
JUN 17 2005
JOHNSON ENGINEERING

June 17, 2005

Johnson Engineering
C/O Theresa Alexander
PO BOX 1550
Ft Myers, FL 33901

Re: Westlake Ct
Vacate Right-of-Way and/or Utility Easement

Dear Ms. Alexander,

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,

Mark Cook
Design Coordinator



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

(239) 479-8150

Writer's Direct Dial Number: _____

Bob Janes
District One

July 20, 2005

Douglas R. St. Cerny
District Two

Dana Hume

Ray Judah
District Three

Johnson Engineering

2158 Johnson St

Tammy Hall
District Four

PO Box 1550

Fort Myers, FL 33902-1150

John E. Albion
District Five

Donald D. Stilwell
County Manager

SUBJECT: VACATION OF UTILITY EASEMENT & RIGHT OF WAY

STRAP #: 31-46-25-12-00000.0010 THRU 0130

LEFT BANK LN & RIGHT BANK LN

David M. Owen
County Attorney

Diane M. Parker
County Hearing Examiner

Dear Mr. Hume,

Lee County Utilities has *no objection* to the proposed vacation of the approved plat and existing Lee County Utility easement(s) as described in your recent letter and associated attachment. However, the removal of the existing water and wastewater infrastructure within the Right-of-Way and Lee County Utility Easements must be done at the expense of the owner and addressed during the Development Order process.

If you should have any questions, or require further assistance, please do not hesitate to contact our office at (239) 479-8150.

Sincerely,

LEE COUNTY UTILITIES

David Reycraft
GIS Analyst
Utilities Engineering Division

Original Mailed: 07/20/2005

CC: Correspondence File

H:\Vacates\2005\Johnson07202005.doc

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 335-2111
Internet address <http://www.lee-county.com>
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER



COPY

WEST BAY CLUB DEVELOPMENT

September 27, 2005

Mr. David Reycraft
Lee County Utilities Engineering Division
1500 Monroe Street
Fort Myers, FL 33901

Via Certified Mail
No. 7000 0520 0012 3145 0945

RE: Vacation of Approved Plat with Right-of-Way
West Bay Club – Orchid Bay (f/k/a Westlake Court - DOS99-12-002.00D)
STRAP 31-45-25-12-00000.0010 thru 0130

Dear Mr. Reycraft:

In an effort to satisfy conditions outlined in your letter of July 20, 2005 and to satisfy any concerns that Lee County Utilities may have regarding the above referenced Vacation of Plat with Right-of-Way, West Bay Club Development Corporation acknowledges we are responsible for all costs incurred with removing the existing water and wastewater infrastructure and Lee County Utility Easements located at the Orchid Bay (Westlake Court) project site.

If further assurances are required, please contact me as soon as possible.

Sincerely,

West Bay Club Development Corporation

Paul Benson, P.E.
Vice President, Development

/tba

20055546

VAC 2005-00033



BOARD OF COUNTY COMMISSIONERS

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

Bob Janes
District One

Tuesday, July 05, 2005

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Ms. Theresa B. Alexander
Johnson Engineering
P.O. Box 1550
Fort Myers, FL 33901-1550

Andrew W. Coy
District Four

John E. Albion
District Five

Re: Petition to Vacate a thirty five-foot (35') wide right of way known as Westlake Court, West Bay Club Subdivision as recorded in Plat Book 62 at Pages 79-111 of the Public Records of Lee County, Florida.

Donald D. Stilwell
County Manager

Robert W. Gray
Deputy County Attorney

Diana M. Parker
County Hearing Examiner

Dear Mr. Roberts:

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

Cc: Ruth Keith, Development Services

S:\NATRES\SURFACE\DOCUMENT\vac501.doc



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8580

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

July 29, 2005

Ms. Theresa B. Alexander
Johnson Engineering, Inc.
2158 Johnson Street
P. O. Box 1550
Fort Myers, FL 33901-1550

**RE: Petition to Vacate the plat Westlake Court,
Plat Book 67, pages 91 and 92, Section 31,
Township 46 South, Range 25 East**

Dear Ms. Alexander:

Lee County Department of Transportation has reviewed your request to vacate the above described plat. The roads and drainage are dedicated to the West Bay Club Community Association, Inc., not the public.

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

Very truly yours,

DEPARTMENT OF TRANSPORTATION

Margaret Lawson
Right-of-way Supervisor

MAL/JMK/mlb

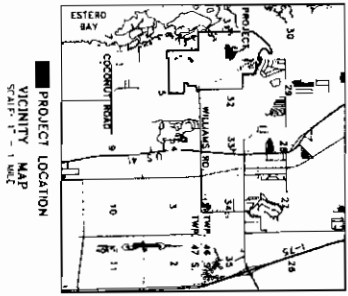
cc: Ruth Keith, Development Services
Allen Davies, Natural Resource
DOT PTV File

WESTLAKE COURT

A REPLAT OF
TRACT ME-3

WEST BAY CLUB
AS RECORDED IN PLAT BOOK 62, PAGES 79 - 111, LEE COUNTY RECORDS
SECTION 31, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

DECEMBER, 2000
JONSON ENGINEERING, INC.
ENGINEERS, SURVEYORS AND GEOGRAPHERS
1501 AVENUE, TOWSON



PROJECT LOCATION
VICINITY MAP
SCALE: 1" = 1 MILE

DESCRIPTION
WEST BAY CLUB AS RECORDED IN PLAT BOOK 62, PAGES 79 THROUGH 111, LEE COUNTY PUBLIC RECORDS AND TRACT ME-3, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.

- NOTES
1. ALL DIMENSIONS SHOWN ARE IN FEET AND DECIMALS THEREOF.
 2. ** DISTANCE BETWEEN MONUMENTS IS 100.00 FEET.
 3. ** DISTANCE BETWEEN MONUMENTS IS 100.00 FEET.
 4. ** DISTANCE BETWEEN MONUMENTS IS 100.00 FEET.
 5. ** DISTANCE BETWEEN MONUMENTS IS 100.00 FEET.
 6. ** DISTANCE BETWEEN MONUMENTS IS 100.00 FEET.

CERTIFICATE
I HEREBY CERTIFY THAT THE ATTACHED PLAT OF WESTLAKE COURT, A REPLAT OF TRACT ME-3, WEST BAY CLUB, AS RECORDED IN PLAT BOOK 62, PAGES 79 THROUGH 111, LEE COUNTY PUBLIC RECORDS AND TRACT ME-3, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER AND SURVEYOR IN THE STATE OF FLORIDA. I FURNISH CERTIFICATE NO. 1444
DATE THIS 28TH DAY OF DECEMBER, 2000
JONSON ENGINEERING, INC.
2100 W. UNIVERSITY AVENUE, SUITE 200
FORT WORTH, TEXAS 76104
PRINT NAME: ANDREW DAVENPORT

NOTICE:
LANDS DESCRIBED IN THIS PLAT MAY BE SUBDIVIDED BY THE DEVELOPER WITHOUT THE ROADS, DRAINAGE, WATER AND SEWER FACILITIES BEING ACCEPTED FOR MAINTENANCE BY LEE COUNTY. ANY PURCHASER OF A LOT IN THIS SUBDIVISION IS ADVISED TO DETERMINE WHETHER THE LOT MAY BE SUBJECT TO ASSESSMENT OR CALLED UPON TO BEAR A PORTION OR ALL OF THE EXPENSE OF CONSTRUCTION, MAINTENANCE OR IMPROVEMENT OF ROADS, DRAINAGE, WATER AND SEWER FACILITIES.

THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

APPROVALS

THE PLAT IS ACCEPTED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS, LEE COUNTY, FLORIDA, ON THIS 28TH DAY OF DECEMBER, 2000.

COMMISSIONER OF THE BOARD: *Michael J. Allen*
 COUNTY ATTORNEY: *John W. Smith*
 COUNTY ENGINEER: *James R. Jones*
 COUNTY SURVEYOR: *Mark G. Smith*

PRINT NAME: **Mark G. Smith**
 SIGNATURE: *Mark G. Smith*
 TITLE: **County Surveyor**

5042063

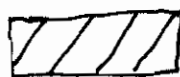
DEDICATION
NOW ALL AND BY THESE PRESENTS THAT WEST BAY CLUB DEVELOPER'S CORPORATION HEREBY DEDICATES TO THE PUBLIC THE ROADS, DRAINAGE, WATER AND SEWER FACILITIES DESCRIBED IN THIS PLAT OF WESTLAKE COURT, A REPLAT OF TRACT ME-3, WEST BAY CLUB, AS RECORDED IN PLAT BOOK 62, PAGES 79 THROUGH 111, LEE COUNTY PUBLIC RECORDS AND TRACT ME-3, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, TO BE USED AND ENJOYED BY THE PUBLIC IN ACCORDANCE WITH THE FOLLOWING:

1. ALL CONVEYANCES, EASEMENTS, RIGHTS AND CONVEYANCES THAT MAY BE NECESSARY TO THE PROPER USE AND ENJOYMENT OF THE TRACTS HEREIN DESCRIBED SHALL BE DEEMED TO BE HELD AND UNITED IN CONVEYANCE TO THE PUBLIC BY THE DEVELOPER'S CORPORATION.
2. THE PUBLIC SHALL HAVE THE RIGHT TO USE AND ENJOY THE TRACTS HEREIN DESCRIBED FOR THE PURPOSES OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
3. ALL LANDS, RIGHTS AND INTERESTS SHOWN ON THE PLAT ARE HEREBY DEDICATED TO THE PUBLIC BY THE DEVELOPER'S CORPORATION.
4. THE PUBLIC SHALL HAVE THE RIGHT TO USE AND ENJOY THE TRACTS HEREIN DESCRIBED FOR THE PURPOSES OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
5. THE PUBLIC SHALL HAVE THE RIGHT TO USE AND ENJOY THE TRACTS HEREIN DESCRIBED FOR THE PURPOSES OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
6. THE PUBLIC SHALL HAVE THE RIGHT TO USE AND ENJOY THE TRACTS HEREIN DESCRIBED FOR THE PURPOSES OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
7. THE PUBLIC SHALL HAVE THE RIGHT TO USE AND ENJOY THE TRACTS HEREIN DESCRIBED FOR THE PURPOSES OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
8. THE PUBLIC SHALL HAVE THE RIGHT TO USE AND ENJOY THE TRACTS HEREIN DESCRIBED FOR THE PURPOSES OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
9. THE PUBLIC SHALL HAVE THE RIGHT TO USE AND ENJOY THE TRACTS HEREIN DESCRIBED FOR THE PURPOSES OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
10. THE PUBLIC SHALL HAVE THE RIGHT TO USE AND ENJOY THE TRACTS HEREIN DESCRIBED FOR THE PURPOSES OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

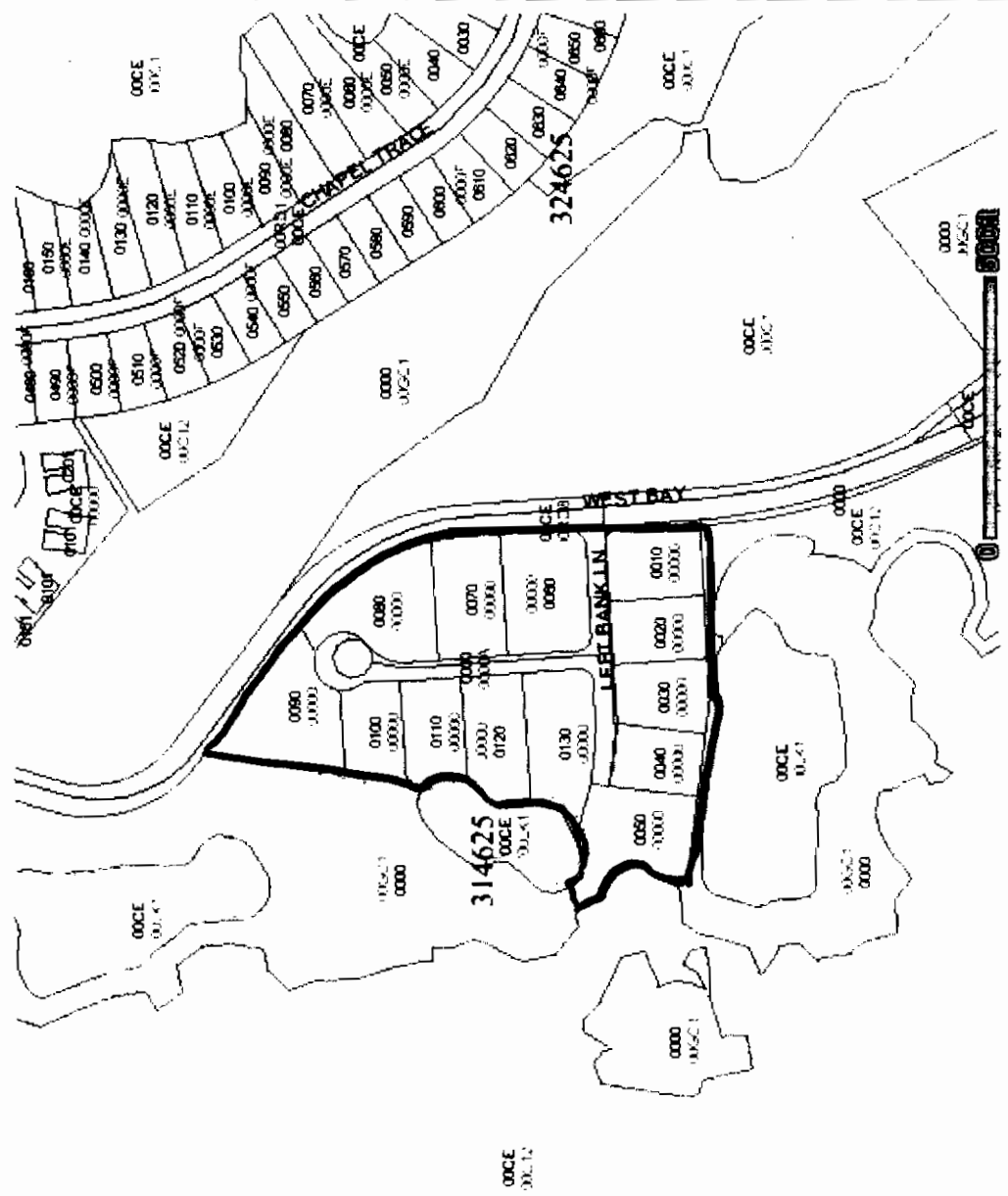
WEST BAY CLUB DEVELOPMENT CORPORATION
 PRINT NAME: *John W. Smith*
 SIGNATURE: *John W. Smith*
 TITLE: **County Attorney**

ACKNOWLEDGMENT
 STATE OF FLORIDA
 COUNTY OF LEE
 I, *Michael J. Allen*, COMMISSIONER OF THE BOARD OF COUNTY COMMISSIONERS, DO HEREBY CERTIFY THAT THE PLAT OF WESTLAKE COURT, A REPLAT OF TRACT ME-3, WEST BAY CLUB, AS RECORDED IN PLAT BOOK 62, PAGES 79 THROUGH 111, LEE COUNTY PUBLIC RECORDS AND TRACT ME-3, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER AND SURVEYOR IN THE STATE OF FLORIDA.
 DATE THIS 28TH DAY OF DECEMBER, 2000
 MICHAEL J. ALLEN
 COMMISSIONER OF THE BOARD OF COUNTY COMMISSIONERS
 STATE OF FLORIDA
 COUNTY OF LEE



 - AREAS TO BE VACATED

West Bay Club - Orchid Bay



- Legend**
- Hydro Features
 - Lot
 - Block
 - Parcels
 - Parcel Hooks
 - Road Center Line
 - Township Range Lines
 - Township Range Labels
 - Section Lines
 - City Limits
 - Borne Savings
 - Cape Coral
 - Fort Myers
 - Sarasota
 - Town of Fort Myers Beach