

Agenda Item Summary

1. ACTION REQUESTED/PURPOSE: Conduct a Public Hearing to adopt a Resolution on Petition to Vacate all interior 12-foot wide Drainage and Public Utility Easement located at 21251 5th St. W., Lehigh Acres (Case No. VAC2006-00001).

2. WHAT ACTION ACCOMPLISHES: To build a commercial facility on the combined Lots. **The vacation of this easement will not alter existing drainage and utility conditions and the easement is not necessary to accommodate any future drainage and utility requirements.**

3. MANAGEMENT RECOMMENDATION: Approve

4. Departmental Category: 930 AM PH I
COMMISSION DISTRICT #: 5

5. Meeting Date: 05-30-2006

6. Agenda:
 Consent
 Administrative
 Appeals
 Public
 Walk-On

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

8. Request Initiated:
 Commissioner
 Department
 Division
 By: [Signature] 5/27/06
 Peter J. Eckenrode, Director

9. Background:

The completed petition to vacate, VAC2006-00001 was submitted by Kevin Higginson as the agent on behalf of Bhojam Again, LLC, a Florida limited liability company.

LOCATION: The site is located at **2521 5th St. W., Lehigh Acres, Florida 33971** and its strap numbers are **25-44-26-06-00054.0010 and .0040**. Petition No. VAC2006-00001 proposes to vacate all interior twelve-foot (12') wide Drainage and Public Utility Easements centered on the common lot lines between Lots 1 and 2, 2 and 3, 3 and 4, 4 and 5, 5 and 6, 6 and 7, 7 and 8, 15 and 16, 16 and 17, 17 and 18, 18 and 19, 19 and 20, 20 and 21, 21 and 22, 1 and 22, 2 and 21, 3 and 20, 4 and 19, 5 and 18, 6 and 17, 7 and 16, and 8 and 15, part of units 3 and 6 and all of 4 and 5, Section 25, Township 44 South, Range 26 East, a subdivision of Lehigh Acres, as recorded in Plat Book 15, Page 70 of the Public Records of Lee County, Florida. **LESS AND EXCEPT** the Northerly 6 feet between Lots 1 and 2, 2 and 3, 3 and 4, 4 and 5, 5 and 6, 6 and 7, and 7 and 8, **AND** the Southerly 6 feet between Lots 15 and 16, 16 and 17, 17 and 18, 18 and 19, 19 and 20, 20 and 21, and 21 and 22, **AND** the Easterly 6 feet of Lots 8 and 15, **AND** the Westerly 6 feet of Lots 1 and 22 thereof.

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

There are no objections to this Petition to Vacate.

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

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
[Signature]				[Signature] 5-2-06	Analyst	Risk	Grants	Mgr.	115-514106
					[Signature] 5/3/06	[Signature] 5/3/06	[Signature] 5/3/06	[Signature] 5/3/06	

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN: [Signature] 5-2-06
 1:20
 COUNTY ADMIN FORWARDED TO: P.B. 5-4-06
 2:00

Rec. by CoAtty
 Date: 5/28/06
 Time: 10:30 AM
 Forwarded to: Co. Admin. 5/2/06 10 AM



PETITION TO VACATE
TRANSMITTAL FOR PUBLIC NOTICE
REQUIREMENTS

DATE: April 24, 2006

To: Kim Kirton
Public Resources

FROM: Ron Wilson
Development Services

BLUESHEET NUMBER: 20060522

CASE NUMBER: VAC2006-00001

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: VAC2006-00001

TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 30th Day of May 2006 at 9:30 AM in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider and take action on a Petition vacating the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A".

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

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

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

LEE COUNTY
SOUTHWEST FLORIDA
CHARLIE GREEN, CLERK

Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM

John J. Fredyma

County Attorney Signature

JOHN J. FREDYMA

Please Print Name

Exhibit "A"
Petition to Vacate
VAC2006-00001
[Page One of One]

DESCRIPTION:

VACATION FOR DRAINAGE & UTILITY EASEMENTS:
BEING THE WEST, SOUTH & EAST 6.0 FEET OF LOTS 2
THROUGH 7, THE EAST & SOUTH 6.0 FEET OF LOT 1,
THE WEST & SOUTH 6.0 FEET OF LOT 8, THE WEST,
NORTH & EAST 6.0 FEET OF LOTS 21 THROUGH 16, THE
NORTH & WEST 6.0 FEET OF LOT 15 AND THE N NORTH
& EAST 6.0 FEET OF LOT 22, ALL LYING IN BLOCK 54 OF
LEHIGH ACRES, AS RECORDED IN PLAT BOOK 15, PAGE
70 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
LESS AND EXCEPT THE NORTHERLY 6.0 FEET OF LOTS 1
THROUGH 8, THE SOUTHERLY 6.0 FEET OF LOTS 15
THROUGH 22, THE EASTERLY 6.0 FEET OF LOTS 8 AND
15 AND THE WESTERLY 6.0 FEET OF LOTS 1 AND 22.

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: VAC2006-00001

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

WHEREAS, the Board of County Commissioners of Lee County, Florida held a Public Hearing on this Petition to Vacate on the _____ ; and

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

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

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

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

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

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

1. Petition to Vacate No. VAC2006-00001 is hereby granted.
2. The public's interest in the easement, plat or portion of a plat legally described in Exhibit "A" and graphically depicted in the sketch attached as Exhibit "B" is hereby vacated.
3. This Resolution will become effective upon recording of a fully executed copy in the public records of Lee County, Florida.

This Resolution passed by voice and entered into the minutes of the Board of County Commissioners of Lee County, Florida, this _____.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

Deputy Clerk Signature

Chairwoman Signature

Please Print Name

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

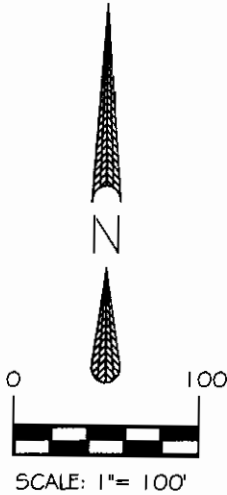
Please Print Name

Exhibit "A"
Petition to Vacate
VAC2006-00001
[Page One of One]

DESCRIPTION:

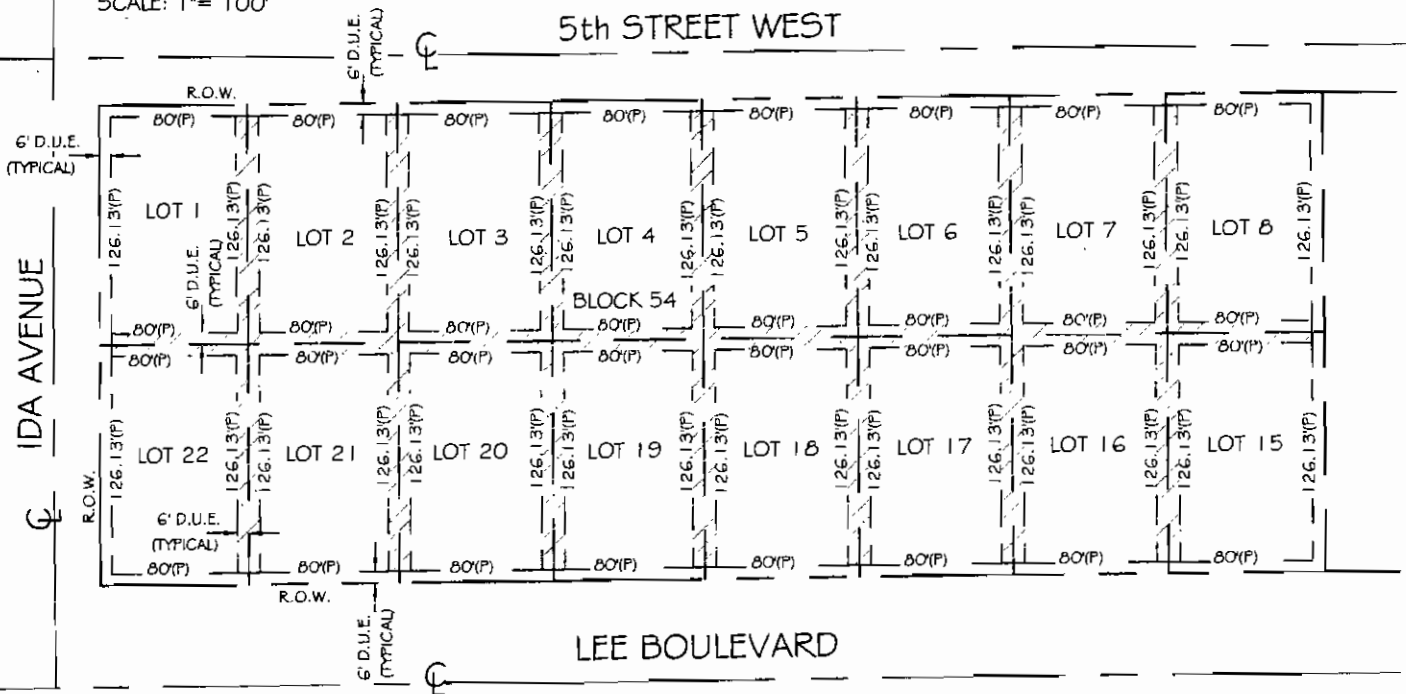
VACATION FOR DRAINAGE & UTILITY EASEMENTS:
BEING THE WEST, SOUTH & EAST 6.0 FEET OF LOTS 2
THROUGH 7, THE EAST & SOUTH 6.0 FEET OF LOT 1,
THE WEST & SOUTH 6.0 FEET OF LOT 8, THE WEST,
NORTH & EAST 6.0 FEET OF LOTS 21 THROUGH 16, THE
NORTH & WEST 6.0 FEET OF LOT 15 AND THE N NORTH
& EAST 6.0 FEET OF LOT 22, ALL LYING IN BLOCK 54 OF
LEHIGH ACRES, AS RECORDED IN PLAT BOOK 15, PAGE
70 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
LESS AND EXCEPT THE NORTHERLY 6.0 FEET OF LOTS 1
THROUGH 8, THE SOUTHERLY 6.0 FEET OF LOTS 15
THROUGH 22, THE EASTERLY 6.0 FEET OF LOTS 8 AND
15 AND THE WESTERLY 6.0 FEET OF LOTS 1 AND 22.

(NOT A SURVEY)
 SKETCH
 OF
 DESCRIPTION
 SEC. 25, TWP. 44S., RNG. 26E.



NOTE:

THE HATCHED AREA AS SHOWN FOR THE 6.0 FEET WIDE DRAINAGE & UTILITY EASEMENTS DEPICTS THE INTENDED VACATION AREA.



DESCRIPTION:

VACATION FOR DRAINAGE & UTILITY EASEMENTS:
 BEING THE WEST, SOUTH & EAST 6.0 FEET OF LOTS 2 THROUGH 7, THE EAST & SOUTH 6.0 FEET OF LOT 1, THE WEST & SOUTH 6.0 FEET OF LOT 8, THE WEST, NORTH & EAST 6.0 FEET OF LOTS 21 THROUGH 16, THE NORTH & WEST 6.0 FEET OF LOT 15 AND THE NORTH & EAST 6.0 FEET OF LOT 22, ALL LYING IN BLOCK 54 OF LEHIGH ACRES, AS RECORDED IN PLAT BOOK 15, PAGE 70 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. LESS AND EXCEPT THE NORTHERLY 6.0 FEET OF LOTS 1 THROUGH 8, THE SOUTHERLY 6.0 FEET OF LOTS 15 THROUGH 22, THE EASTERLY 6.0 FEET OF LOTS 8 AND 15 AND THE WESTERLY 6.0 FEET OF LOTS 1 AND 22.

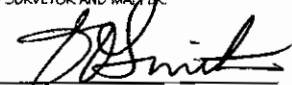
LEGEND

- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING
- (P) = PLAT
- P.G. = PAGE
- D.U.E. = DRAINAGE & UTILITY EASEMENT
- SEC. = SECTION
- TWP. = TOWNSHIP
- RNG. = RANGE
- R.O.W. = RIGHT OF WAY

Exhibit "B"
Petition to Vacate
VAC2006-00001
 [Page One of One]

community engineering services, inc.
 civil engineering surveying project management
 EB-0006613 LB-8572
 8991 Daniels Center Drive, Suite 103
 Fort Myers, Florida 33912
 Telephone (239) 938-9777 Fax (239) 938-0084

THIS MAP IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER.


 DONALD D. SMITH, P.S.M.
 FLORIDA REGISTRATION NO. 4078
 FOR THE FIRM
 DATE SIGNED: 4.21.06



PETITION TO VACATE (AC 13-1)

Case Number: VAC2006-00001

Petitioner(s), Bhojam Again, LLC % CES 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, c/o CES, 8991 Daniels Center Dr., Sta. 103, Fort Myers, FL 33912.
2. In accordance with Florida Statute (F.S.) Chapter 177 and Lee County Administrative Code (LCAC) 13-1, Petitioner desires to vacate the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A".
3. A sketch showing the area the Petitioner desires to vacate is attached as Exhibit "B".
4. Proof Petitioner paid all applicable state and county taxes is attached as Exhibit "C".
5. Petitioner is fee simple title holder to the underlying land sought to be vacated.
6. Petitioner did provide notice to all affected property owners concerning the intent of this Petition in accordance with the LCAC 13-1.
7. In accordance with letters of review and recommendation provided by various governmental and utility entities, it is apparent if the Board grants the Petitioner's request, it will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

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

Respectfully Submitted by:

Mark C. Bates
Petitioner Signature

Petitioner Signature

Mark C. Bates
Printed Name MANAGING MEMBER Printed Name

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



FOR COUNTER

February 7, 2006

Mr. Brian Howell
Phoenix Associates of Naples, Inc.
2960 Immokalee Road
Naples, Florida 34110

**RE: Lee Boulevard Complex
Letter of Authorization**

Dear Mr. Howell:

Phoenix Associates of Naples, Inc. is hereby authorized as an agent of Bhojam Again LLC for the purpose of development permitting for Lee Boulevard Complex. The scope of the project includes, but is not limited to Water Management, Development Permits, easement vacation petition, and Utility Permit submittals.

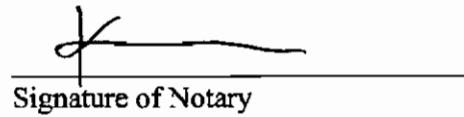
Sincerely,
Bhojam Again LLC
2821 5th Street West
Lehigh Acres, Florida 33971


Owner of Record, Brian Howell

2.8.2006
Date

State of FLA.
County of COLLIER

The foregoing instrument was acknowledge before me this 8TH day of FEBRUARY 2006, by BRIAN HOWELL who is personally known to me or has produced _____ as identification and who did/did not take an oath.


Signature of Notary



KEVIN MCVICKER
Name of notary typed, stamped or printed
NOTARY PUBLIC
Commission Number: 502458

RECEIVED

VAC2006-00001 APR 03 2006

February 7, 2006

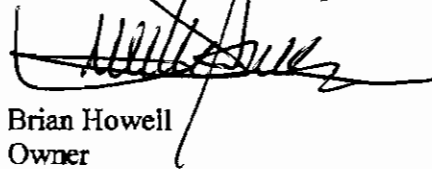
Mr. Kevin Higginson, P.E.
Community Engineering Services, Inc.
8991 Daniels Center Drive, Suite 103
Fort Myers, Florida 33912

**RE: Lee Boulevard Complex
Agent Letter of Authorization**

Dear Mr. Higginson:

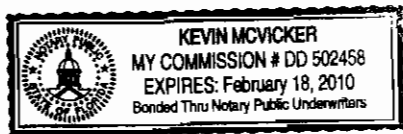
Community Engineering Services, Inc. is hereby authorized as an agent of Phoenix Associates of Naples, Inc. for the purpose of development permitting for the above mentioned project located at 2821 5th Street, Lehigh Acres, FL 33971. The scope of the permitting includes, but is not limited to Water Management, Development Permits, Easement Vacation Petitions, and Utility Permit Submittals.

Sincerely,
Phoenix Associates of Naples, Inc.

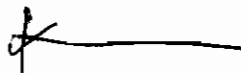

Brian Howell
Owner

State of FLA.
County of COLLIER

The foregoing instrument was acknowledged before me this 8TH day of FEBRUARY 2006 by Brian Howell who is personally known to me or has produced _____ as identification and who did/did not take an oath.



SEAL



Signature of Notary

KEVIN MCVICKER
Name of notary typed, stamped or printed
NOTARY PUBLIC
Commission Number: 502458

RECEIVED

VAC 2006-00001 APR 03 2006



Florida Limited Liability

BHOJAM AGAIN, LLC

PRINCIPAL ADDRESS
 1613 CHINABERRY WAY
 NAPLES FL 34105 US

MAILING ADDRESS
 1613 CHINABERRY WAY
 NAPLES FL 34105 US

Document Number
 L05000073548

FEI Number
 NONE

Date Filed
 07/27/2005

State
 FL

Status
 ACTIVE

Effective Date
 07/27/2005

Total Contribution
 0.00

Registered Agent

Name & Address
MORRISON, DAVID N 4933 TAMiami TRAIL NORTH SUITE 200 NAPLES FL 34103

Manager/Member Detail

Name & Address	Title
BATES, MARK C 1613 CHINABERRY WAY NAPLES FL 34105 US	MGR

Annual Reports

--	--

Report Year	Filed Date
-------------	------------

[Previous Filing](#)

[Return to List](#)

[Next Filing](#)

No Events
No Name History Information

Document Images

Listed below are the images available for this filing.

07/27/2005 -- Florida Limited Liability

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

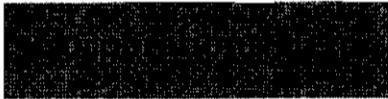
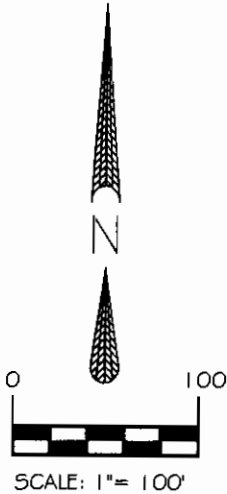


Exhibit "A"
Petition to Vacate
VAC2006-00001
[Page One of One]

DESCRIPTION:

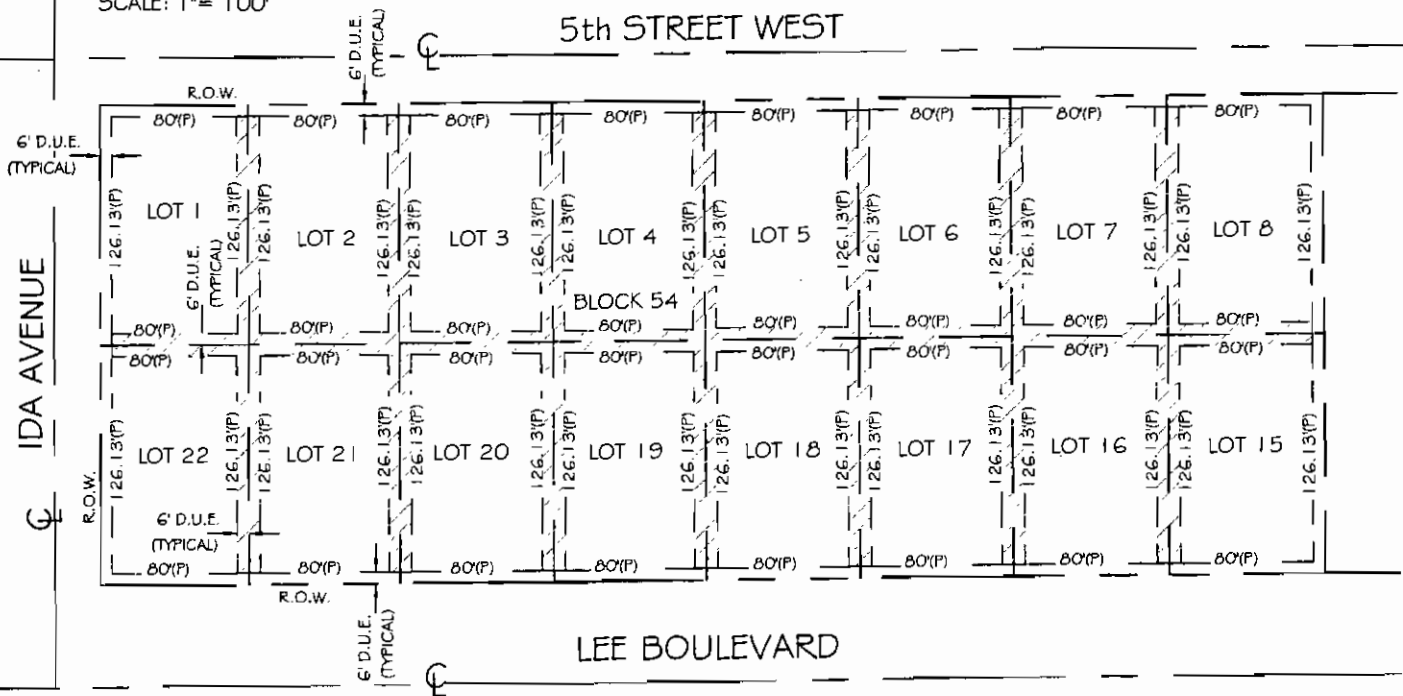
VACATION FOR DRAINAGE & UTILITY EASEMENTS:
BEING THE WEST, SOUTH & EAST 6.0 FEET OF LOTS 2 THROUGH 7, THE EAST & SOUTH 6.0 FEET OF LOT 1, THE WEST & SOUTH 6.0 FEET OF LOT 8, THE WEST, NORTH & EAST 6.0 FEET OF LOTS 21 THROUGH 16, THE NORTH & WEST 6.0 FEET OF LOT 15 AND THE NORTH & EAST 6.0 FEET OF LOT 22, ALL LYING IN BLOCK 54 OF LEHIGH ACRES, AS RECORDED IN PLAT BOOK 15, PAGE 70 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. LESS AND EXCEPT THE NORTHERLY 6.0 FEET OF LOTS 1 THROUGH 8, THE SOUTHERLY 6.0 FEET OF LOTS 15 THROUGH 22, THE EASTERLY 6.0 FEET OF LOTS 8 AND 15 AND THE WESTERLY 6.0 FEET OF LOTS 1 AND 22.

(NOT A SURVEY)
SKETCH
 OF
DESCRIPTION
 SEC. 25, TWP. 44S., RNG. 26E.



NOTE:

THE HATCHED AREA AS SHOWN FOR THE 6.0 FEET WIDE DRAINAGE & UTILITY EASEMENTS DEPICTS THE INTENDED VACATION AREA.



DESCRIPTION:

VACATION FOR DRAINAGE & UTILITY EASEMENTS:
 BEING THE WEST, SOUTH & EAST 6.0 FEET OF LOTS 2 THROUGH 7, THE EAST & SOUTH 6.0 FEET OF LOT 1, THE WEST & SOUTH 6.0 FEET OF LOT 8, THE WEST, NORTH & EAST 6.0 FEET OF LOTS 21 THROUGH 16, THE NORTH & WEST 6.0 FEET OF LOT 15 AND THE NORTH & EAST 6.0 FEET OF LOT 22, ALL LYING IN BLOCK 54 OF LEHIGH ACRES, AS RECORDED IN PLAT BOOK 15, PAGE 70 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. LESS AND EXCEPT THE NORTHERLY 6.0 FEET OF LOTS 1 THROUGH 8, THE SOUTHERLY 6.0 FEET OF LOTS 15 THROUGH 22, THE EASTERLY 6.0 FEET OF LOTS 8 AND 15 AND THE WESTERLY 6.0 FEET OF LOTS 1 AND 22.

LEGEND

- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING
- (P) = PLAT
- P.G. = PAGE
- D.U.E. = DRAINAGE & UTILITY EASEMENT
- SEC. = SECTION
- TWP. = TOWNSHIP
- RNG. = RANGE
- R.O.W. = RIGHT OF WAY

Exhibit "B"
Petition to Vacate
VAC2006-00001
 [Page One of One]

community engineering services, inc.
civil engineering surveying project management
 EB-0006613 LB-8572
 8991 Daniels Center Drive, Suite 103
 Fort Myers, Florida 33912
 Telephone (239) 836-8777 Fax (239) 936-0064

THIS MAP IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER.



 DONALD D. SMITH, P.S.M.
 FLORIDA REGISTRATION NO. 4078
 FOR THE FIRM
 DATE SIGNED: 4-21-06

Exhibit "C"
Petition to Vacate
VAC2006-00001
[Page One of One]

Real Property Information		[REDACTED]
Account	Tax Year	Status
25-44-26-06-00054.0010	2005	PAID
Original Account	Book/Page	
25-44-26-06-00054.0010	4844/ 873	
Owner		
BHOJAM AGAIN LLC		
Physical Address	Mailing Address	
2821 5TH ST W Lehigh Acres FL 33971	1613 CHINABERRY WAY NAPLES FL 34105 USA	
Legal Description		
LEHIGH ACRES UNIT 6 REPLT BLK 54 DB 289 PG 206 LOTS 1 2 3 20 21 22 LESS ROW OR 2951/914		
Outstanding Balance as of 12/28/2005		\$0.00

Real Property Information		[REDACTED]
Account	Tax Year	Status
25-44-26-06-00054.0040	2005	PAID
Original Account	Book/Page	
25-44-26-06-00054.0040	4844/ 873	
Owner		
BHOJAM AGAIN LLC		
Physical Address	Mailing Address	
ACCESS UNDETERMINED LEHIGH ACRES FL 33971	1613 CHINABERRY WAY NAPLES FL 34105 USA	
Legal Description		
LEHIGH ACRES UNIT 6 REPLAT BLK 54 DB 289 PG 206 LOTS 4 THRU 8 + 15 THRU 19 + LESS ROW OR 2951/914		
Outstanding Balance as of 12/28/2005		\$0.00

This instrument prepared by and after recording, return to:

Leo J. Salvatori, Esq.
Salvatori & Wood
4001 Tamiami Trall North
Suite 330
Naples, Florida 34103



INSTR # 6941917
DR BK 04844 Pgs 0873 - 875; (3pgs)
RECORDED 08/12/2005 02:39:27 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 27.00
DEED DOC 11,312.70
DEPUTY CLERK J Miller

WARRANTY DEED

3

THIS WARRANTY DEED, made this 10th day of August, 2005, between **RPH PROPERTIES, LLC**, a Florida limited liability company, whose post office address is 5659 Strand Court, Suite 101, Naples, Florida 34110 ("Grantor"), and **BHOJAM AGAIN, LLC**, a Florida limited liability company, whose post office address is 1613 Chinaberry Way, Naples, Florida 34105 ("Grantee").

WITNESSETH that Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to-wit:

PARCEL 1:

Lots 1, 2, 3, 20, 21, and 22, Block 54 of Plat of Part of Units 3 & 6, and all of 4 & 5, Section 25, Township 44 South, Range 26 East, LEHIGH ACRES, according to the Plat thereof as recorded in Plat Book 15, Page 70, of the Public Records of Lee County, Florida.

PARCEL 2:

Lots 4, 5, 6, 7, 8, 15, 16, 17, 18, and 19, Block 54 of Plat of Part of Units 3 & 6, and all of 4 & 5, LEHIGH ACRES, Section 25, Township 44 South, Range 26 East, according to the plat thereof, recorded in Plat Book 15, Page 70, of the Public Records of Lee County, Florida.

Subject to those items set forth on Exhibit A attached hereto and incorporated herein by virtue of this reference.

and Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

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

RECEIVED

JAN 05 2006

VAC 2006-00001

Signed, sealed and delivered
in the presence of:

Jennifer Hardy
Witness No. 1 Signature

Jennifer D Hardy
Witness No. 1 Printed Name

Marion Hardy
Witness No. 2 Signature

Marion Hardy
Witness No. 2 Printed Name

(Company Seal)
RPH PROPERTIES, LLC, a Florida
limited liability company

By: [Signature]
Robert Paul Hardy, as Manager

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me this 1 day of August, 2005
by ROBERT PAUL HARDY, as Manager of RPH PROPERTIES, LLC, a Florida limited liability
company, who is personally known to me.

Jacqueline K. Larson
Notary Public

JACQUELINE K. LARSON
NOTARY PUBLIC - STATE OF FLORIDA
COMMISSION # 120161720
EXPIRES 07/18/2006
BONDED THRU 1/28/2007

9/18/06
TYPED, PRINTED OR STAMPED NAME OF NOTARY PUBLIC
My Commission Expires:

EXHIBIT A

Permitted Exceptions

1. Real estate taxes for the year 2005 and all subsequent years.
2. Lee County Ordinance No. 86-14 recorded November 30, 1990, in Official Records Book 2189, Page 3281; and amended by Ordinance No. 86-38 in Official Records Book 2189, Page 3334, of the Public Records of Lee County, Florida.
3. Restrictions, conditions, reservations, easements and other matters contained on the plat of parts of Units 3 & 6, and all of 4 & 5, Section 25, Township 44 South, Range 26 East, Lee County, Florida, LEHIGH ACRES, according to the map or plat thereof as recorded in Plat Book 15, Page 70, of the Public Records of Lee County, Florida.
4. Oil, gas, mineral, or other reservations as set forth in Deed Book 277, Page 240, and in Official Records Book 553, Page 114, of the Public Records of Lee County, Florida. No determination has been made as to the current record owner for the interest excepted herein.
5. Sewer and Water Restrictions recorded in Deed Book 317, Page 222; and Sewer and Water Covenants and Restrictions recorded in Official Records Book 10, Page 695, as amended in Official Records Book 41, Page 264, of the Public Records of Lee County, Florida.
6. Covenants, conditions and restrictions recorded in Official Records Book 13, Page 465, of the Public Records of Lee County, Florida, as the same may from time to time be amended.
7. Agreement recorded in Official Records Book 327, Page 119, of the Public Records of Lee County, Florida.
8. Covenants, conditions and restrictions recorded in Official Records Book 527, Page 29, as re-recorded and/or amended in Official Records Book 1320, Page 556; Official Records Book 2536, Page 3212; Official Records Book 1759, Page 1107; Official Records Book 2536, Page 3215; Official Records Book 2507, Page 3619; Official Records Book 2536, Page 3218; Official Records Book 2545, Page 655; Official Records Book 2566, Page 1759; and Official Records Book 2722, Page 2737, of the Public Records of Lee County, Florida, as the same may from time to time be subsequently amended.
9. Developer's Agreement recorded in Official Records Book 2357, Page 2973, and modified in Official Records Book 2551, Page 833, of the Public Records of Lee County, Florida.
10. Restrictions, conditions, reservations, easements, oil, gas and mineral reservations, and/or other matters contained in that certain Warranty Deed recorded in Official Records Book 4210, Page 4437, of the Public Records of Lee County, Florida, as the same may from time to time be amended.
11. Restrictions, conditions, reservations, easements, and/or other matters contained in that certain Warranty Deed recorded in Official Records Book 4210, Page 4441, of the Public Records of Lee County, Florida, as the same may from time to time be amended.
12. The subject property lies within the East County Water Management District and is subject to all acts, restrictions and limitations of said District.

RECEIVED

JAN 05 2006



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

479-8585

Writer's Direct Dial Number: _____

Bob Janes
District One

April 24, 2006

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Kevin Higginson
Community Engineering Services, Inc.
8991 Daniels Center Drive, Suite 103
Ft. Myers, FL 33912

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

Re: VAC2006-00001 - Petition to Vacate Public Utility and Drainage Easements centered on the common lot lines between the following lots, 1 thru 8 and 15 thru 22, parts of Units 3 and 6 and all of 4 and 5, in S 25, T 44S, R 26E, Lehigh Acres, Lee County, Florida, according to the map or plat thereof on file and recorded in Plat Book 15, Page 70 of the Public Records of Lee County, FL

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

Dear Mr. Higginson:

You have indicated that in order to build a commercial facility on the combined lots, your client, Bhojam Again, LLC desire to eliminate all interior Public Utility and Drainage Easements located between lots 1 and 2, 2 and 3, 3 and 4, 4 and 5, 5 and 6, 6 and 7, 7 and 8, 15 and 16, 16 and 17, 17 and 18, 18 and 19, 19 and 20, 20 and 21, 21 and 22, 1 and 22, 2 and 21, 3 and 20, 4 and 19, 5 and 18, 6 and 17, 7 and 16, and 8 and 15. The site is located at 2821 5th Street W., Lehigh Acres, Florida. Based on a review of the information provided and our subsequent research, this office has no objection to the proposed vacation.

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

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

Peter J. Eckenrode
Director

PJE/RXW

U:\200604\20060104.162\6599150\DCDLETTER.DOC

April 3, 2006

Mr. Peter J. Eckenrode, P.E.
Lee County Development Services
1500 Monroe St., 2nd Floor
Fort Myers, FL 33901-5500

RE: Request for a letter of Review and Recommendation on 6' Drainage and Utility Easements Vacation in Lee Blvd Complex located at 2821 5th St., Lehigh Acres, FL 33971
Strap#: 25-44-26-06-00054.0040
Strap#:25-44-26-06-00054.0010

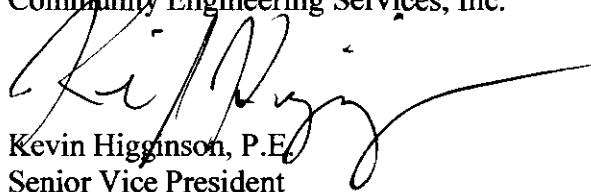
Dear Mr.Eckenrode:

We intend to submit a Petition to the Lee County Board of Commissioners seeking to vacate the public interest in the easements on the property identified above in order to accomplish the following purpose: **To combine 16 platted lots into one and vacate unnecessary easements and develop a 3.71 Acres Commercial Facility that includes 38,160 SF of Retail Building space.**

We have included a location map and a sketch of the parcel with the easements clearly marked. The easements are located between the Lots at **2821 5th ST. , Lehigh Acres, FL 33971, Section 25, Township 44 South Range 26 East** and are recorded in Plat Book 15, Page 70 of Lee County Florida Public Record. The petitioner daytime telephone is **239-936-9777** and the mailing address is **8991 Daniels Center Drive, Suite 103, Ft. Myers, FL 33912.**

Please provide us with a letter of review and recommendation so we can proceed with our Petition submittal. If you have any questions, please do not hesitate to contact us directly and thank you in advance for your consideration.

Sincerely,
Community Engineering Services, Inc.


Kevin Higginson, P.E.
Senior Vice President

Attachment:
Exhibit "A"
Exhibit "B"

Cc: **Phoenix Associates.**

RECEIVED

APR 03 2006

VAC2006-00001



community engineering services, inc.
civil engineering • surveying • project management



March 8, 2006

Mr. Tasleem Akhtar
Community Engineering Services, Inc.
8991 Daniels Center Drive, Suite 103
Fort Myers, FL 33912

Re: Vacation of Interior Public Utility Easements
Strap #s 25-44-26-06-00054.0010 and 25-44-26-06-00054.0040
Lehigh Acres, Florida

Dear Mr. Akhtar:

LCEC does not object to the vacation of the interior Public Utility Easements located within strap #s 25-44-26-06-00054.0010 and 25-44-26-06-00054.0040 **LESS AND EXCEPT** the Northerly 6 feet between Lots 1 and 2, Lots 2 and 3, Lots 3 and 4, Lots 4 and 5, Lots 5 and 6, Lots 6 and 7, Lots 7 and 8, **AND** the Southerly 6 feet between Lots 15 and 16, Lots 16 and 17, Lots 17 and 18, Lots 18 and 19, Lots 19 and 20, Lots 20 and 21, Lots 21 and 22, **AND** the Easterly 6 feet of Lots 8 and 15 **AND** the Westerly 6 feet of Lots 1 and 22, as shown on the attached sketch provided by Community Engineering Services dated 9/12/05. LCEC understands the 6 foot perimeter easement will remain intact on the resultant combined parcel.

If you have any question, I can be reached at 656-2422.

Sincerely,

Sandra McIver

Sandra McIver
Real Property Representative

Attachment

RECEIVED

APR 03 2006

VAC2006-00001



October 18, 2006

Mr. Kevin Higginson
8991 Daniels Center Drive, Suite 103
Fort Myers, Florida 33912

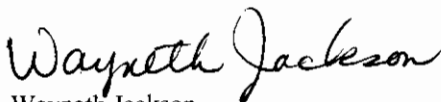
Re: Vacation of Public Utility Easement
A 12 foot wide public utility and drainage easement centered on the lot line
Common to lots 1-8 and lots 15-22, Block 54, Unit 06, Section 25, Township 44S,
Range 26E as per attached Exhibit "A".
Strap #: 25-44-26-06-00054.0040
25-44-26-06-00054.0010

Dear Mr. Higginson:

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

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

Sincerely,


Wayneth Jackson
Engineer

Attachment

RECEIVED
APR 03 2006

VAC 2006-00001



March 8, 2006

Kevin Higginson, P.E.
Community Engineering Services, Inc.
8991 Daniels Center Drive, Suite 103
Fort Myers, FL 33912

LEA ANN THOMAS,
CHAIR
Polk County

RICHARD W. WESCH
Citrus County

BRIAN WHEELER
Osceola County

JIM LAVENDER
Lee County

RE: Vacation of Easement request from Kevin Higginson for a 6-foot wide public utility easement between Lots 1 through 8 and Lots 15 through 22, also for the 6-foot wide public utility easement between lots 1 and 22, lots 2 and 21, lots 3 and 20, lots 4 and 19, lots 5 and 18, lots 6 and 17, lots 7 and 18, and lots 8 and 15, Block 54, Lehigh Acres, Lee County, Florida. Less and except the northerly and southerly 6-feet thereof.

Dear Mr. Higginson:

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

The vacation of easement was requested from Kevin Higginson for a 6-foot wide public utility easement between Lots 1 through 8 and Lots 15 through 22, also for the 6-foot wide public utility easement between lots 1 and 22, lots 2 and 21, lots 3 and 20, lots 4 and 19, lots 5 and 18, lots 6 and 17, lots 7 and 18, and lots 8 and 15, Block 54, Lehigh Acres, Lee County, Florida. Less and except the northerly and southerly 6-feet thereof.

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

Sincerely,

Florida Governmental Utility Authority

Charles L. Sweat
Director of Operations

RECEIVED

APR 03 2006

FGUA OPERATIONS OFFICE

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

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

VAC 2006-00001

RECEIVED

NOV 11 2005



**26102 Bonita Grande Dr.
Bonita Springs, FL 34135
Phone: 239-732-3805
FAX: 239-498-5456**

November 7, 2005

Community Engineering Services, Inc
8991 Daniels Drive Suite 103
Fort Myers, Florida 33912

RE: 2821 5th St., Lehigh Acres, Fl. 33971
Strap # 25-44-26-06-00054.0040 & 25-44-26-06-00054.0010
Lee County Florida

Dear Kevin Higginson,

This letter will serve to inform you that Comcast has no objection to your proposed vacation of the address referenced above.

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

Cordially,

A handwritten signature in black ink, appearing to read "Mark Cook".

Mark Cook
Design Coordinator

RECEIVED

APR 03 2006

VAC2006-00001

AmeriGas

America's Propane Company

February 20, 2006

Kathy Cunard
for Kevin Higginson, P.E.
Community Engineering Services, Inc.
8991 Daniels Center Drive, Suite 103
Fort Myers, Florida 33912

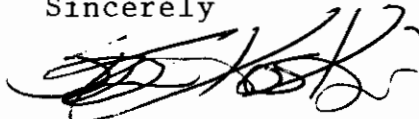
Dear Mrs. Cunard

As requested, please note the location of a public utility easement to be vacated, according to your letter dated February 9th, is clear and there is no gas at the stated location as follows:

2821 5th Street
Lee Blvd Complex

If you have any questions, please do not hesitate to contact me at your earliest convenience at (239) 261-0843.

Sincerely



Susan Koski
Sales & Service Manager

RECEIVED

APR 03 2006

VAC2006-00001



**Lehigh Acres Fire Control
and Rescue District**

1000 Joel Blvd.
Phone: (239) 344-1600

Lehigh Acres, FL 33972
Fax: (239) 369-2436

BOARD OF COMMISSIONERS

D. Bruce Boyd, Jr.
Seat #4

Steven Haas
Seat #2

Barry Ashman
Seat #5

Joel Guzman
Seat #3

Jeffrey Berndt
Seat #1

Kevin Higginson P.E.
Community Engineering Services, Inc.
8991 Daniels Center Drive
Suite 103
Fort Myers, Florida 33912

October 19, 2005

Mr. Higginson,

I have reviewed your proposed vacation of the 6 foot utility & drainage easements @ the intersection of Ida Avenue and Lee Blvd. continuing east through lot 8 & 15.

This District has no reason to object to these easements being vacated as proposed.

Yours in Fire Safety,

A handwritten signature in black ink, appearing to read "H MacArty".

Henry MacArty
Assistant Chief
Fire Marshal

CHIEF OF DEPARTMENT

James S. Cardoza

RECEIVED

APR 03 2006

VAC2006-00001



BOARD OF COUNTY COMMISSIONERS

479-8124

Writer's Direct Dial Number: _____

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

December 6, 2005

Mr. Kevin Higginson
Community Engineering Services, Inc.
8991 Daniels Drive, Ste. 103
Fort Myers, FL 33912

Re: Petition to Vacate, six-foot (6') wide public drainage/utility easements
Strap #'s: 25-44-26-06-00054.0040 & .0010

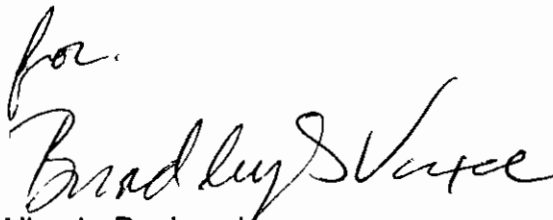
Dear Mr. Higginson:

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

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

Regards,

LEE COUNTY PUBLIC WORKS DEPARTMENT

for


Allen L. Davies, Jr.
Natural Resources Division

RECEIVED

APR 03 2006

S:\NATRES\SURFACE\DOCUMENT\vac525.doc

VAC2006-00001



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 479-8517

Bob Janes
District One

March 29, 2006

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Mr. Kevin Higginson, P.E.
Project Manager
Community Engineering Services, Inc.
8991 Daniels Center Drive, Suite 103
Fort Myers, FL 33912

Tammy Hall
District Four

John E. Albion
District Five

Re: Petition to Vacate Drainage and Utility Easements—Lots 1, 2, 3, 4, 5, 6, 7, 8, 15, 16, 17, 18, 19, 20, 21 and 22; Block 54, Plat of Part of Units 3 and 6, and all of 4 and 5; Section 25, Township 44 South, Range 26 East; 2821 5th Street West, Lehigh Acres; Plat Book 15, Page 70

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

Mr. Higginson:

Lee County Department of Transportation has reviewed the above referenced request to vacate the drainage and utility easement at the location described above.

Based upon this department's review, DOT offers no objections to this vacation.

Very truly yours,

Margaret Lawson
Right-of-way Supervisor
Lee County Department of Transportation

ML/hc

cc: Ron Wilson, Development Services
Allen Davies, Natural Resources
Terry Kelley, Utilities
DOT/PTV File (5th Street W.)

RECEIVED

APR 03 2006

VAC 2006-00001



Florida Department of Transportation

JEB BUSH
GOVERNOR

DENVER J. STUTLER, JR.
SECRETARY

February 22, 2006

Mr. Tasleem Akhtar
Project Engineer
Community Engineering Services, Inc.
8991 Daniels Center Drive, Suite 103
Fort Myers, Florida 33912

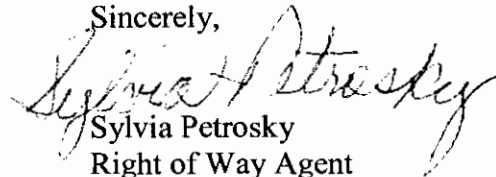
**RE: Vacation of Public Interest on 6' Drainage and Utility Easements
Located at 2821 5TH Street, LeHigh Acres, Lee County, Florida;
Strap #'s 25-44-26-06-00054.0040 & 25-44-26-06-00054.00010
PM Log# 06-07**

Dear Mr. Akhtar:

In response to your letter we received on January 13, 2006, our staff has conducted a review of your request to vacate the public interest in the subject area as marked and generally described as referenced above.

Based on this review, we offer "No Objection" to this vacation request. If we can be of further assistance, please feel free to contact this office.

Sincerely,



Sylvia Petrosky
Right of Way Agent
Property Management

SAP/jps

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

RECEIVED

APR 03 2006

VAC 2006 - 00001

District One-Right of Way Department-Property Management
801 North Broadway Avenue*Post Office Box 1249*Bartow, FL 33831-1249
(863)519-2413*(863)519-5183(FAX)*MS 1-66

www.dot.state.fl.us

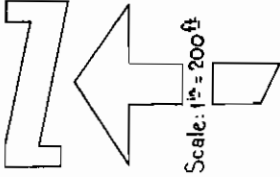


PLAT OF PART OF UNITS 3&6 ALL OF 4&5
SECTION 25, TOWNSHIP 44S., RANGE 26E.

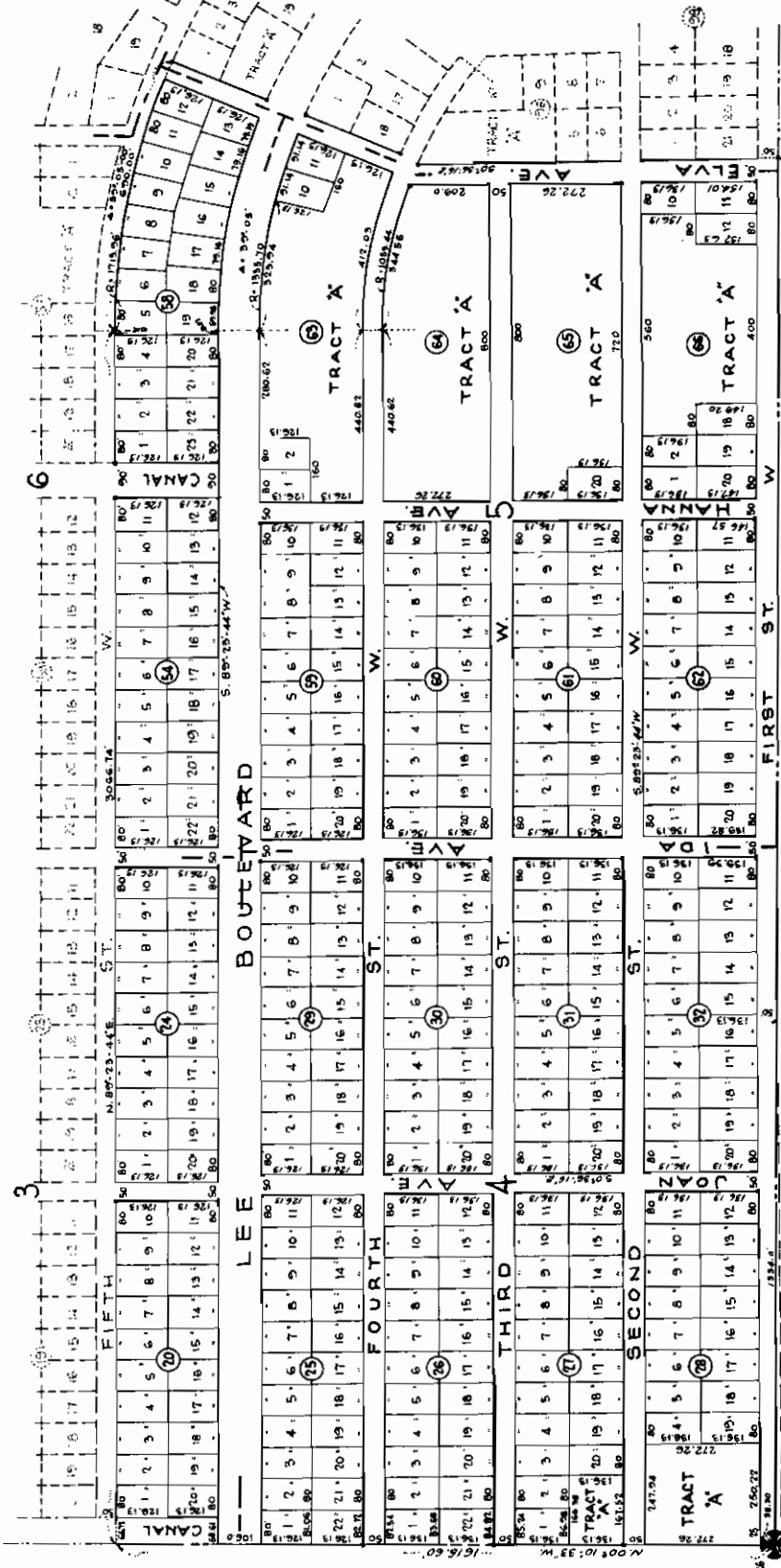
A SUBDIVISION OF

LEHIGH ACRES

LEE COUNTY, FLORIDA

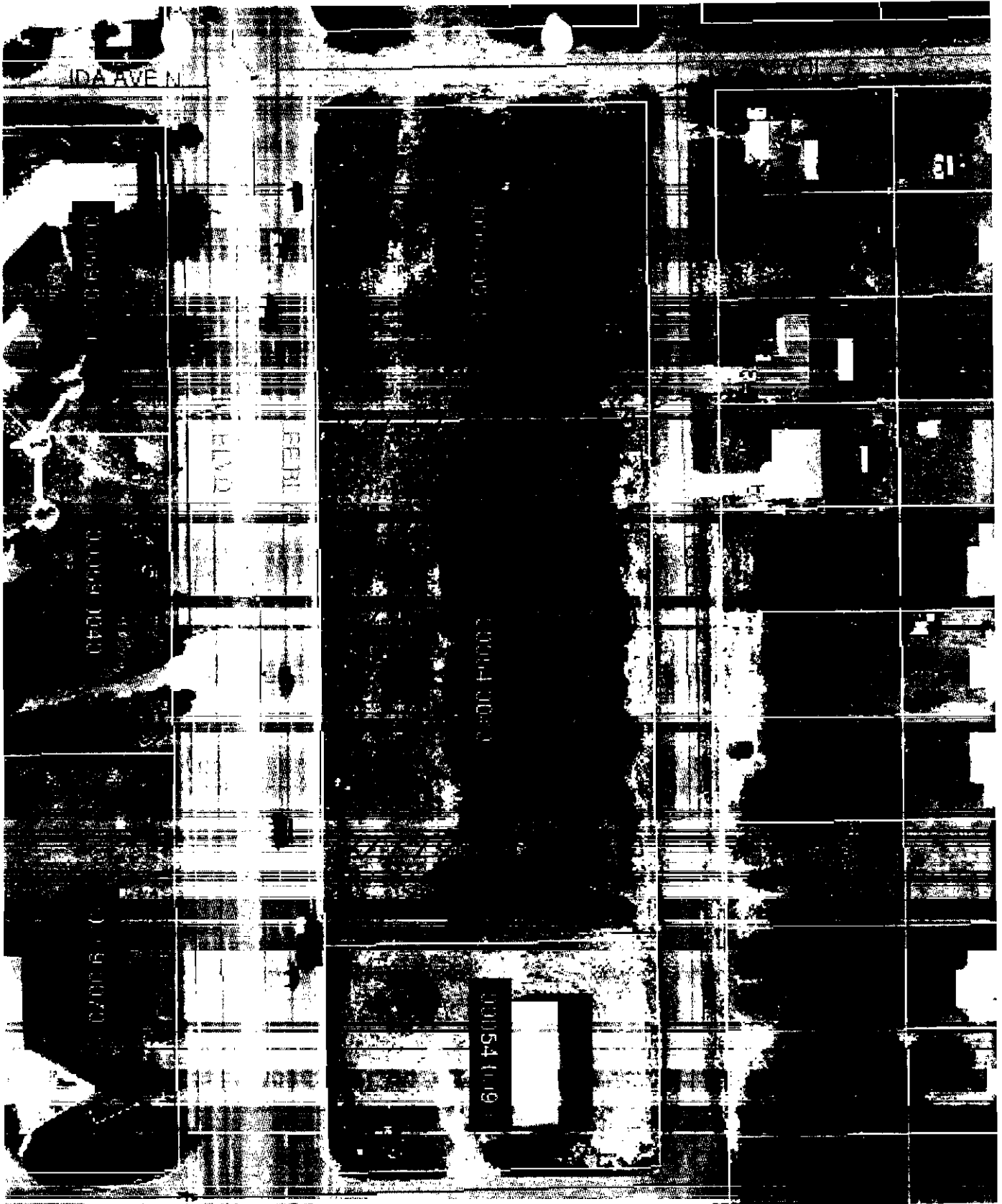


Scale: 1" = 200'



NOTE:

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



▨ - AREA TO BE VACATED