

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20070675

- 1. ACTION REQUESTED/PURPOSE:** Conduct a Public Hearing to adopt a Resolution on Petition to Vacate a portion of a 50-foot wide Right-of-Way known as Johnson Lane located adjacent to 6451 Bayshore Rd., North Fort Myers (Case No. VAC2007-00013), and if approved, to authorize the Board Chairman to accept a replacement Warranty Deed for the relocated roadway.
- 2. FUNDING SOURCE:** No funding required.
- 3. WHAT ACTION ACCOMPLISHES:** To provide for construction of a commercial project on the subject lot. **The vacation of this right-of-way will not alter existing traffic or drainage conditions and the right-of-way is not necessary to accommodate any future traffic or drainage requirement.**
- 4. MANAGEMENT RECOMMENDATION:** Approve

5. Departmental Category:
COMMISSION DISTRICT #: 4

9:30 PH I

6. Meeting Date: **5-29-2007**

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

- 8. Requirement/Purpose: (specify)**
- Statute F.S.CH. 366
- Ordinance
- Admin. Code 13-8
- Other

9. Request Initiated:
Commissioner _____
Department _____ Community Development
Division _____ Development Services
By: Peter L. Bakenode, Director
[Signature] 5/1/07

10. Background:

The completed petition to vacate, VAC2007-00013 was submitted by Beverly Grady and Roetzel & Andress, LPA on behalf of Bayros, LLC.

LOCATION: The site is located adjacent to **6451 Bayshore Rd., North Fort Myers, Florida 33917** and its strap number is **30-43-25-00-00029.0000**. Petition No. VAC2007-00013 proposes to vacate a portion of a fifty-foot (50') wide Right-of-Way, lying on the easterly lot line at 6451 Bayshore Rd., Section 30, Township 43 South, Range 25 East, Lee County, Florida.

The Petition to Vacate has been submitted in compliance with the terms and conditions provided in the Vacation Agreement – Johnson Lane as approved by the BOCC on March 27, 2007.

Warranty Deed being held in trust by the County Attorney's office for the replacement roadway.

A 6-foot Utility Easement located on the easterly 6-feet of the Right-of-Way will be granted to LCEC by the petitioner.

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.

11. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P. W. Director
					Analyst	Risk	Grants	Mgr.	
<i>[Signature]</i>				<i>[Signature]</i> 5-2-07	<i>[Signature]</i> 5/3/07	<i>[Signature]</i> 5/3/07	<i>[Signature]</i> 5/3/07	<i>[Signature]</i> 5-3-07	<i>[Signature]</i>

12. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN. *[Signature]*
5/2/07 @ 4:07 PM

COUNTY ADMIN FORWARDED TO: *[Signature]*
5/3/07
4PM

Rec. by CoAtty
Date: 5/1/07
Time: 4:15 PM
Forwarded To: Co. Admin.
5/2/07 3PM



PETITION TO VACATE
TRANSMITTAL FOR PUBLIC NOTICE
REQUIREMENTS

DATE: April 26, 2007

To: Molly Schweers
Public Resources

FROM: Ron Wilson
Development Services

BLUESHEET NUMBER: 20070675

CASE NUMBER: VAC2007-00013

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: VAC2007-00013

TO WHOM IT MAY CONCERN:

NOTICE is hereby given that on the 29th day of May, 2007 at 9:30 A.M. in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider and take action on a Petition vacating, abandoning, closing and discontinuing the public's interest in the right-of-way or portion of a right-of-way, legally described in the attached Exhibit "A".

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

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

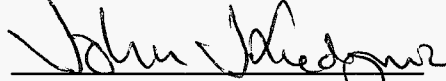
A copy of the Petition to Vacate is on file in the Office of the Clerk of the Circuit Court of Lee County, Florida, Minutes Office, 2115 Second Street, Fort Myers, Florida.

CHARLIE GREEN, CLERK

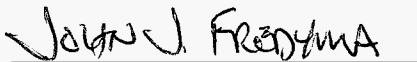
Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM



County Attorney Signature



Please Print Name



GULF SHORE SURVEYING, INC.

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

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

MARCH 13, 2007
JOB NUMBER 0462
FILE: 0462L20.LGL

DESCRIPTION

A TRACT OR PARCEL OF LAND LYING IN SECTION 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, WHICH IS DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST; THENCE N.88°54'40"E. FOR 2696.01 FEET ALONG THE SOUTH LINE OF SAID SECTION 30 TO THE SOUTH QUARTER (S 1/4) CORNER; THENCE N.00°16'46"W. FOR 1077.14 FEET ALONG THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 30 TO THE NORTHERLY RIGHT-OF-WAY OF BAYSHORE ROAD; THENCE S.47°42'01"W. FOR 3.47 FEET ALONG THE NORTHERLY RIGHT OF WAY (50 feet FROM CENTERLINE, STATE RIGHT-OF-WAY PLANS PROJECT NUMBER 12060-3533, STATE CENTERLINE BEARING S.47°42'01"W.) BAYSHORE ROAD (SR 78), TO THE POINT OF BEGINNING; THENCE CONTINUE S.47°42'01"W. FOR 67.01 FEET ALONG SAID RIGHT-OF-WAY; THENCE N.00°33'36"W. FOR 270.67 FEET; THENCE N.88°43'57"E. FOR 50.00 FEET; THENCE S.00°33'36"E. FOR 226.68 FEET TO THE POINT OF BEGINNING.

CONTAINING 12,434 SQUARE FEET OR 0.2854 ACRES MORE OR LESS

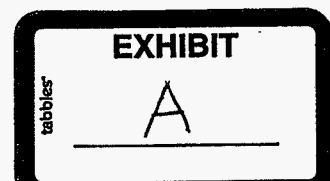
BEARINGS MENTIONED HEREIN ARE BASED ON THE CENTERLINE OF BAYSHORE ROAD (SR 78) BEING N.47°42'01"E.

REFER TO 8 1/2" X 11" SURVEY
GULF SHORE SURVEYING, INC.

Tim J. Pufahl 03/14/07
TIM J. PUFAHL
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATE NUMBER 4666

VAC2007-00013

Exhibit "A"
Petition to Vacate
VAC2007-00013
[Page One of One]



THIS INSTRUMENT PREPARED BY:

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

RESOLUTION NO. _____ FOR PETITION TO VACATE

Case Number: VAC2007-00013

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

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

WHEREAS, a legally sufficient Affidavit of Publication regarding the Notice of Public Hearing on this Petition to Vacate was entered into the minutes of the County Commission Meeting and a copy of said Affidavit is attached as Exhibit "C"; and

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

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

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

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

1. Petition to Vacate No. VAC2007-00013 is hereby granted.
2. The public's interest in the right-of-way or portion of right-of-way described in Exhibit "A" and graphically depicted in Exhibit "B" is hereby vacated, abandoned, closed and discontinued.
3. A Notice of Resolution of Adoption will be published one time within 30 days of adoption in a newspaper of general circulation. An Affidavit of Publication for the Notice of Resolution Adoption will be attached to this Resolution as Exhibit "D".
4. This Resolution will become effective upon the recording of a fully executed Resolution, including all exhibits referred to above, in the public records of Lee County, Florida.

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

ATTEST
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

Deputy Clerk Signature

Chairman Signature

Please Print Name

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name



GULF SHORE SURVEYING, INC.

TIM J. PUFAHL, P.L.S.
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MARCH 13, 2007
JOB NUMBER 0462
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CONTAINING 12,434 SQUARE FEET OR 0.2854 ACRES MORE OR LESS

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REFER TO 8 1/2" X 11" SURVEY
GULF SHORE SURVEYING, INC.

Tim J. Pufahl 03/14/07
TIM J. PUFAHL
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATE NUMBER 4666

VAC 2007-00013

Exhibit "A"
Petition to Vacate
VAC2007-00013
[Page One of One]

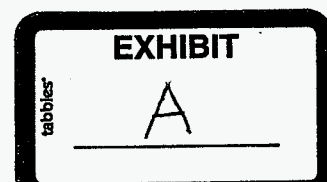
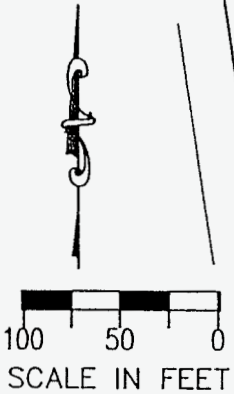


Exhibit "B"
Petition to Vacate
VAC2007-00013
[Page One of One]



SLATER ROAD

BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF BAYSHORE ROAD (SR 78) BEING N.47°42'01"E. PER PROJECT NO. 12060-3533

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

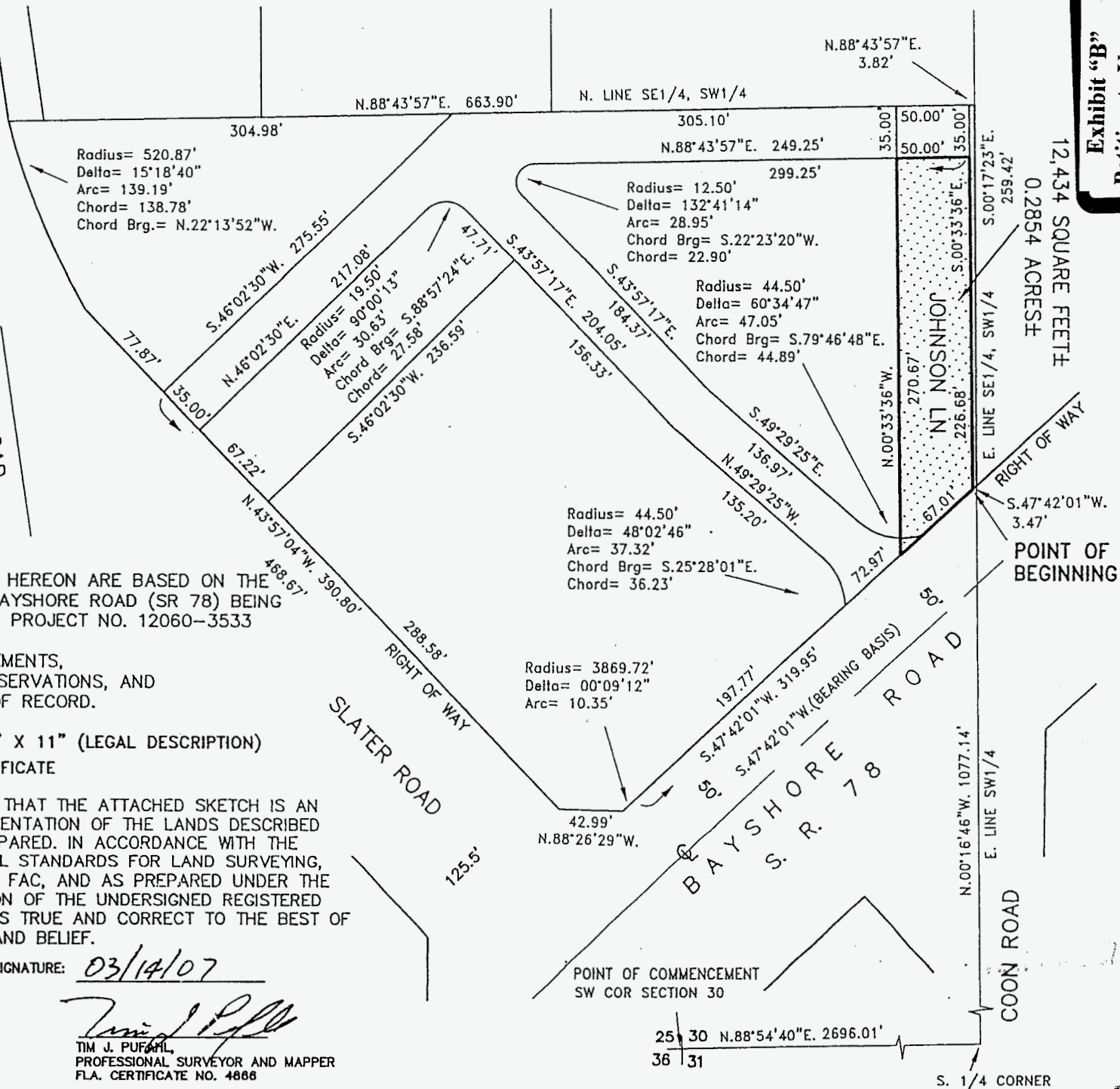
REFER TO 8 1/2" X 11" (LEGAL DESCRIPTION) SURVEYOR'S CERTIFICATE

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

DATE OF SIGNATURE: 03/14/07

Tim J. Pufahl
TIM J. PUF AHL
PROFESSIONAL SURVEYOR AND MAPPER
FLA. CERTIFICATE NO. 4868

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



GULF SHORE SURVEYING, INC.
 LICENSED BUSINESS NO. 6729
 CHARLOTTE COUNTY: 30830 OIL WELL ROAD
 PUNTA GORDA, FL 33955
 LEE COUNTY: 2112 S.E. 11TH STREET
 CAPE CORAL, FL 33990
 (941) 639-7800
 (239) 458-2388

DATE : 03/13/07
 SCALE : 1" = 100'
 CADD : TP
 CHECK : TP
 FILE : 0462L20

SKETCH OF DESCRIPTION
 (NOT A FIELD SURVEY)
 SECTION 30, TOWNSHIP 43S
 RANGE 25E
 LEE COUNTY, FLORIDA

JOB
0462
120

VAC 2007-00013



PETITION TO VACATE (AC 13-8)

Case Number: VAC2007-00013

Petitioner(s), Bayros LLC c/o Beverly Grady, Roetzel & Andress LPA
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, 2320 First St., Suite 1000, Ft. Myers, FL 33901
2. In accordance with Florida Statute (F.S.) Chapter 336 and Lee County Administrative Code (LCAC) 13-8, Petitioner desires to vacate, abandon and discontinue the public's interest in the right-of-way or portion of right-of-way legally described in the attached Exhibit "A".
3. A sketch showing the area(s) the Petitioner desires to vacate is attached as Exhibit "B".
4. Notice concerning the intent of this Petition will be provided in accordance with LCAC 13-8.
5. In accordance with letters of review and recommendation provided by the various governmental and utility entities, there is no apparent impediment to granting Petitioner's request.

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

Respectfully Submitted by:

BAYROS, LLC, a Florida Limited Liability Company

By: Halvorsen Holdings, Inc., a Fla. Corp.

Petitioner Signature as its Managing Member Petitioner Signature

Jeffrey T. Halvorsen, President
Printed Name

Printed Name

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

VAC2007-00013

**LETTER OF AUTHORIZATION
TO LEE COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT**

The undersigned does hereby swear or affirm that it is the fee simple titleholder and owner of the property commonly known as: 6451 Bayshore Road, North Fort Myers, Florida 33917, with strap no. 30-43-25-00-00029.0000, legally described in Exhibit A attached hereto.

The undersigned hereby designates **Beverly Grady and K'Shana Haynie on behalf of Roetzel & Address, a Legal Professional Association** to be agent(s) of an application for Petition to Vacate.

BAYROS, LLC, A Florida Limited Liability Company
By: Halvorsen Holdings, Inc., a Florida corporation
as its Managing Member

BY: _____
(Signature)

Jeffrey T. Halvorsen, President

Printed Name

STATE OF FLORIDA
COUNTY OF Palm Beach


Sworn to (or affirmed) and subscribed before me this 15th day of March, 2007, by Jeffrey Halvorsen, who is personally known to me or who has produced as identification and who did (did not) take an oath.

(SEAL)

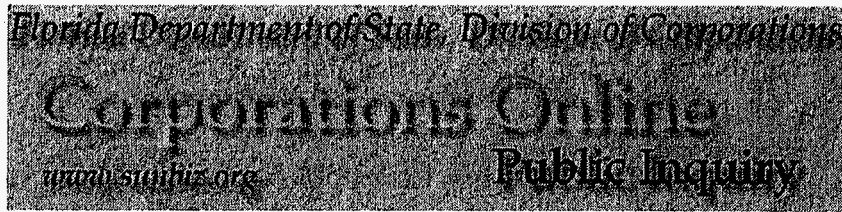
Cheryl Burden

Signature of Notary Public

NOTARY PUBLIC-STATE OF FLORIDA
(Name typed, printed or stamped) Cheryl Burden

 Commission # DD535708
Expires: APR. 22, 2010
Bonded Thru Atlantic Bonding Co., Inc.

*If more than one owner then all owners must sign. See explanation on back.



Florida Limited Liability

BAYROS, LLC

PRINCIPAL ADDRESS
 1100 FIFTH AVENUE SOUTH
 SUITE 210
 NAPLES FL 34102
 Changed 03/09/2006

MAILING ADDRESS
 1100 FIFTH AVENUE SOUTH
 SUITE 210
 NAPLES FL 34102
 Changed 03/09/2006

Document Number
 L05000021282

FEI Number
 202432005

Date Filed
 03/02/2005

State
 FL

Status
 ACTIVE

Effective Date
 NONE

Total Contribution
 0.00

Registered Agent

Name & Address
ITTNER, GARY E 1100 FIFTH AVENUE SOUTH SUITE 210 NAPLES FL 34102
Name Changed: 04/04/2005
Address Changed: 03/09/2006

Manager/Member Detail

Name & Address	Title
HALVORSEN HOLDINGS, INC. 33 SE FOURTH STREET, SUITE 100	MGRM

BOCA RATON FL 33432

Annual Reports

Report Year	Filed Date
2006	03/09/2006
2007	03/15/2007

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No Events
No Name History Information

Document Images

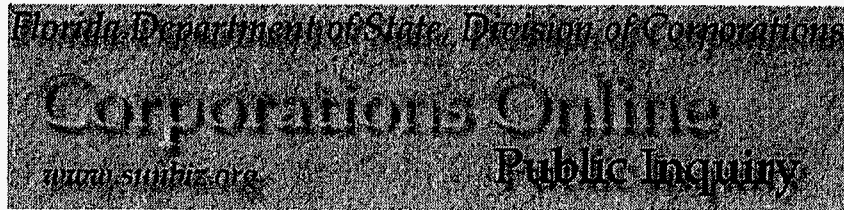
Listed below are the images available for this filing.

- 03/15/2007 -- ANNUAL REPORT
- 03/09/2006 -- ANNUAL REPORT
- 04/04/2005 -- Reg. Agent Change
- 03/02/2005 -- Florida Limited Liabilites

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

[Corporations Inquiry](#)

[Corporations Help](#)



Florida Profit

HALVORSEN HOLDINGS, INC.

PRINCIPAL ADDRESS

33 SE 4TH STREET
 SUITE 100
 BOCA RATON FL 33432 US
 Changed 04/23/1997

MAILING ADDRESS

33 SE 4TH STREET
 SUITE 100
 BOCA RATON FL 33432 US
 Changed 04/23/1997

Document Number S33894	FEI Number 650256216	Date Filed 02/25/1991
State FL	Status ACTIVE	Effective Date NONE
Last Event NAME CHANGE AMENDMENT	Event Date Filed 08/26/1991	Event Effective Date NONE

Registered Agent

Name & Address
HALVORSEN, JEFFREY T 33 SE 4TH STREET SUITE 100 BOCA RATON FL 33432
Name Changed: 04/19/1995
Address Changed: 04/23/1997

Officer/Director Detail

Name & Address	Title
HALVORSEN, JEFFREY T	

33 SE 4TH STREET, STE 100 BOCA RATON FL 33432	PD
BULDEN, CHERYL 33 SE 4TH STREET, # 100 BOCA RATON FL 33432	VP

Annual Reports

Report Year	Filed Date
2004	04/20/2004
2005	04/20/2005
2006	04/24/2006

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Document Images

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- [04/24/2006 -- ANNUAL REPORT](#)
- [04/20/2005 -- ANNUAL REPORT](#)
- [04/20/2004 -- ANNUAL REPORT](#)
- [04/21/2003 -- ANNUAL REPORT](#)
- [04/29/2002 -- ANNUAL REPORT](#)
- [04/17/2001 -- ANNUAL REPORT](#)
- [04/21/2000 -- ANNUAL REPORT](#)
- [04/21/1999 -- ANNUAL REPORT](#)
- [05/06/1998 -- ANNUAL REPORT](#)
- [04/23/1997 -- ANNUAL REPORT](#)
- [04/22/1996 -- ANNUAL REPORT](#)
- [04/19/1995 -- ANNUAL REPORT](#)

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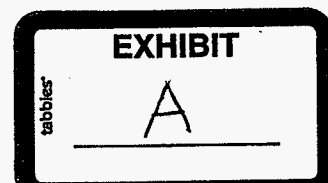
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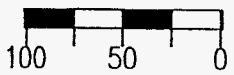
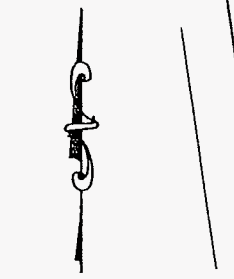
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PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATE NUMBER 4666

VAC 2007-00013

Exhibit "A"
Petition to Vacate
VAC2007-00013
[Page One of One]





SCALE IN FEET

SLATER ROAD

Radius= 520.87'
Delta= 15°18'40"
Arc= 139.19'
Chord= 138.78'
Chord Brg.= N.22°13'52"W.

Radius= 19.50'
Delta= 90°00'13"
Arc= 30.63'
Chord Brg= S.88°57'24"E.

Radius= 12.50'
Delta= 132°41'14"
Arc= 28.95'
Chord Brg= S.22°23'20"W.
Chord= 22.90'

Radius= 44.50'
Delta= 60°34'47"
Arc= 47.05'
Chord Brg= S.79°46'48"E.
Chord= 44.89'

Radius= 44.50'
Delta= 48°02'46"
Arc= 37.32'
Chord Brg= S.25°28'01"E.
Chord= 36.23'

Radius= 3869.72'
Delta= 00°09'12"
Arc= 10.35'

12.434 SQUARE FEET
0.2854 ACRES

POINT OF BEGINNING

POINT OF COMMENCEMENT
SW COR SECTION 30

S. 1/4 CORNER

BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF BAYSHORE ROAD (SR 78) BEING N.47°42'01"E. PER PROJECT NO. 12060-3533

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

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

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

DATE OF SIGNATURE: 03/14/07

Tim J. Puff

TIM J. PUFF
PROFESSIONAL SURVEYOR AND MAPPER
FLA. CERTIFICATE NO. 4868

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

VAC 2007-00013

Exhibit "B"
Petition to Vacate
VAC2007-00013
[Page One of One]

GULF SHORE SURVEYING, INC.
LICENSED BUSINESS NO. 6729
LEE COUNTY:
2112 S.E. 11TH STREET
CAPE CORAL, FL 33990
(239) 458-2388




CHARLOTTE COUNTY:
30950 OIL WELL ROAD
PUNTA GORDA, FL 33955
(941) 639-7800

DATE : 03/13/07
SCALE : 1" = 100'
CADD : TP
CHECK : TP
FILE : 0462L20

SKETCH OF DESCRIPTION
(NOT A FIELD SURVEY)
SECTION 30, TOWNSHIP 43S
RANGE 25E
LEE COUNTY, FLORIDA

JOB
0462
120

Exhibit "C"
Petition to Vacate
VAC2007-00013
 [Page One of One]

Real Property Information		
Account	Tax Year	Status
30-43-25-00-00029.0000	2006	PAID
Original Account	Book/Page	
30-43-25-00-00029.0000	4679/1165	
Owner		
BAYROS LLC		
Physical Address	Mailing Address	
6451 BAYSHORE RD NORTH FORT MYERS FL 33917	1100 FIFTH AV S SUITE #210 NAPLES FL 34102 USA	
Legal Description		
PARL IN SE 1/4 OF SW 1/4 AS DESC IN OR 0929/0871		
Outstanding Balance as of 2/28/2007		\$0.00

THIS INSTRUMENT PREPARED BY:

Michael S. Yashko
Roetzel & Andress
2320 First Street
Fort Myers, Florida 33901

Strap Nos.: 30-43-25-00-00028.0000
30-43-25-00-00029.0000
30-43-25-00-00029.0010

VACATION AGREEMENT - JOHNSON LANE

THIS AGREEMENT is made this 27th day of March, 2007 between Bayros, LLC, a Florida Limited Liability Company, whose address is 33 SE 4th Street, Suite 100, Boca Raton, Florida 33432 ("Bayros") and Lee County, a political subdivision of the State of Florida ("County"), whose address is Post Office Box 398, Fort Myers, Florida 33902.

WHEREAS, Bayros owns a parcel of real property located at the northeast intersection of Slater Road and Bayshore Road and which is more particularly described on the attached Exhibit A which is incorporated herein by reference (the "Bayros Parcel");

WHEREAS, a traveled way hereinafter called "Johnson Lane" is located within County just northeast of the intersection of Slater Road and Bayshore Road;

WHEREAS, a portion of Johnson Lane and associated right of way (collectively, the "Johnson Lane Right of Way") is located within the Bayros Parcel as depicted and described on the attached Exhibit B which is incorporated herein by reference;

WHEREAS, a portion of the Johnson Lane Right of Way located on the Bayros Parcel is a paved road as described and depicted on the attached Exhibit B;

WHEREAS, County claims ownership of the Johnson Lane Right of Way by virtue of having regularly maintained or repaired the same for at least the immediate past seven (7) years as provided in Fla.Stats. Ch. 95.361;

WHEREAS, the parties wish to provide for County's vacation of the portion of the Johnson Road Right of Way located on the Bayros Parcel and the concomitant granting by Bayros of the property described and depicted on the attached Exhibit C incorporated herein by reference, which provides access to Bayshore Road and provides access to Slater Road;

WHEREAS, the parties believe this Agreement will facilitate County right-of-way needs, accommodate Bayros' desires regarding the future use of its parcel, and adequately protect the public interest.

C9A
3-27-07

NOW, THEREFORE, in consideration of the mutual covenants in this Agreement, the parties agree as follows:

1. The recitals set forth above are true and correct and are incorporated into this Agreement.
2. Bayros will file a Petition to Vacate (the "Petition") the portion of the Johnson Lane Right of Way located on the Bayros Parcel and will bear all costs of the Petition. County agrees to schedule the hearing on the Petition within four weeks of approval of this Agreement. However, County makes no representation or warranty as to the status of the title to the resulting real property interests, if County decides to vacate the public interest in the Johnson Lane Right of Way. Moreover, Bayros agrees to indemnify County, and hold it harmless, from any and all claims, loss, costs, or expense, including reasonable attorneys' fees, in the event that any third party shall claim any private rights in or to the portion of the Johnson Lane Right of Way to be vacated.
3. If the Board of County Commissioners denies any part of the Petition, then this Agreement will be void and the parties will have no further obligation, or responsibility to each other under this Agreement. Bayros further recognizes that should the Board of County Commissioners deny any part of the Petition, Bayros shall amend DOS2005-00305 accordingly.
4. In consideration of County's granting the Petition, Bayros will convey to the County fee simple title to the property described and depicted on the attached Exhibit C. County, by acceptance of fee simple title, authorizes Bayros to construct at its sole cost and expense a new street within the property described and depicted on the attached Exhibit C pursuant to plans and specifications in DOS2005-00350 that have already been filed with the County and are pending approval subject to the successful vacation of the Johnson Lane Right of Way. Bayros shall provide liability insurance in the amount of \$ 1,000,000 per occurrence and general aggregate of \$2,000,000, with the County listed as co-insured from the time the deed to the property described and depicted on the attached Exhibit C is accepted by the County until the new street is accepted for maintenance by the County pursuant to Administrative Code Section 11-7 (AC-11-7). County agrees that it will accept the new street for maintenance provided all technical requirements for AC-11-7 are met, including payment by Bayros of a road maintenance acceptance application fee in the amount of \$645.00. Prior to the Board of County Commissioners' consideration of the Petition, Bayros shall submit assurance that Bayros holds sufficient right, title and interest to convey the property described and depicted in the attached Exhibit C, subject only to the permitted exceptions attached in Exhibit D ("Permitted Exceptions"). Said assurance shall take the form of title insurance. Bayros agrees to keep the existing Johnson Lane Right of Way open for vehicular traffic until construction of the new street depicted in the attached Exhibit C receives a Certificate of Compliance ("CC") from the County.

5. Bayros will submit the Petition concurrently with the proposed deed conveying fee simple title of the property described and depicted in the attached Exhibit C. The County agrees to seek approval and acceptance of the deed only if the Petition is approved.
6. The County agrees to issue DOS2005-00350 as currently filed upon approval of this Agreement. However, the parties understand and agree that the County will not issue building permits for improvements over the property described in Exhibit B unless the Board of County Commissioners grants the Petition.
7. All documents necessary to complete the conveyances and other obligations contemplated by this Agreement must be properly executed and delivered to the County Attorney in order to conduct the public hearing on the Petition. In all events, the public hearing shall be scheduled in a time not to exceed four weeks from approval of this Agreement provided the Petition is complete and sufficient. This Agreement should be schedule for March 27, 2007. The County Attorney will hold these documents in escrow subject to the terms of this Agreement. If the Petition is denied, then the documents will be returned immediately to their makers, otherwise the documents will be delivered immediately to the appropriate parties in order to accomplish the intent of this Agreement. Bayros shall pay all costs of recording the documents contemplated by this Agreement.
8. Upon full execution, the County will record this Agreement in the public records.
9. This Agreement, including all exhibits, constitutes the entire Agreement between the parties. Any modifications of this Agreement must be in writing and executed with the same formality.
10. This Agreement is binding upon the parties, their successors and assigns.
11. This Agreement will be interpreted and construed in accordance with the laws of the State of Florida.
12. This Agreement may be executed in counterparts.
13. This Agreement will be effective on the date of signing by the last party hereto.

[THIS SPACE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the undersigned have signed and sealed this document through their authorized representatives.

WITNESSED:

BAYROS, LLC, a Florida Limited Liability Company

[Signature]
Signature
Thomas W. Vincent
Printed Name

Halvorsen Holdings, Inc.,
Managing Member

By: [Signature]
Jeffrey T. Halvorsen
President

[Signature]
Signature
Cheryl Burden
Printed Name

STATE OF FLORIDA

COUNTY OF LEE

The foregoing Agreement was acknowledged before me on March 13, 2007 by Jeffrey Halvorsen, President on behalf of the corporation. He/She is personally known to me or has produced the following identification: _____

[Signature]
Notary Public, State of Florida

NOTARY RUBBER STAMP SEAL
OR EMBOSSED SEAL

NOTARY PUBLIC-STATE OF FLORIDA
Cheryl Burden
Printed Name
Commission # DD535708
Expires: APR. 22, 2010
Bonded Thru Atlantic Bonding Co., Inc.
Commission No. Expiration Date

ATTEST:
Clerk of Court

CHARLIE GREEN, CLERK

By: Lisa Pierce
Deputy Clerk



- Exhibit A – Legal description of Bayros Parcel
- Exhibit B – Legal description and drawing of Johnson Road ROW on Bayros Parcel
- Exhibit C – Legal description and drawing of new street
- Exhibit D – Permitted Exceptions

LEE COUNTY, FLORIDA, by its BOARD
OF COUNTY COMMISSIONERS

By: [Signature]
Chairman
Robert P. Janes

APPROVED AS TO FORM

By: [Signature]
Office of County Attorney



GULF SHORE SURVEYING, INC.

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

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

OCTOBER 20, 2006
JOB NUMBER 0462
FILE: 0462L09.LGL

DESCRIPTION

A TRACT OR PARCEL OF LAND LYING IN SECTION 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, WHICH IS DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST; THENCE N.88°54'40"E. FOR 2696.01 FEET ALONG THE SOUTH LINE OF SAID SECTION 30 TO THE SOUTH QUARTER (S 1/4) CORNER; THENCE N.00°16'46"W. FOR 1077.14 FEET ALONG THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 30 TO THE POINT OF BEGINNING; THENCE S.47°42'01"W. FOR 319.95 FEET ALONG THE NORTHERLY RIGHT OF WAY (50 feet FROM CENTERLINE, STATE RIGHT-OF-WAY PLANS PROJECT NUMBER 12060-3533, STATE CENTERLINE BEARING S.47°42'01"W.) BAYSHORE ROAD (SR 78), TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, RADIUS 3869.72 FEET, CENTRAL ANGLE 00°09'12"; THENCE SOUTHWESTERLY FOR 10.35 FEET ALONG THE ARC OF SAID CURVE TO THE NORTHEASTERLY RIGHT-OF-WAY OF SLATER ROAD FOR THE FOLLOWING 3 CALLS; THENCE NON-RADIALLY N.88°26'29"W. FOR 42.99 FEET; THENCE N.43°57'04"W. FOR 468.67 FEET TO A NON-RADIAL INTERSECTION WITH A CURVE, CONCAVE TO THE NORTHEAST, RADIUS 520.87 FEET, CENTRAL ANGLE 15°18'40"; CHORD 138.78 FEET, CHORD BEARING N.22°13'52"W.; THENCE NORTHWESTERLY FOR 139.19 FEET ALONG THE ARC OF SAID CURVE; THENCE NON-RADIALLY N.88°43'57"E. ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) FOR 663.90 FEET TO AN INTERSECTION WITH SAID EAST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4); THENCE S.00°17'23"E. ALONG SAID EAST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) FOR 259.42 FEET TO THE POINT OF BEGINNING.

CONTAINING 212,169 SQUARE FEET OR 4.8707 ACRES MORE OR LESS

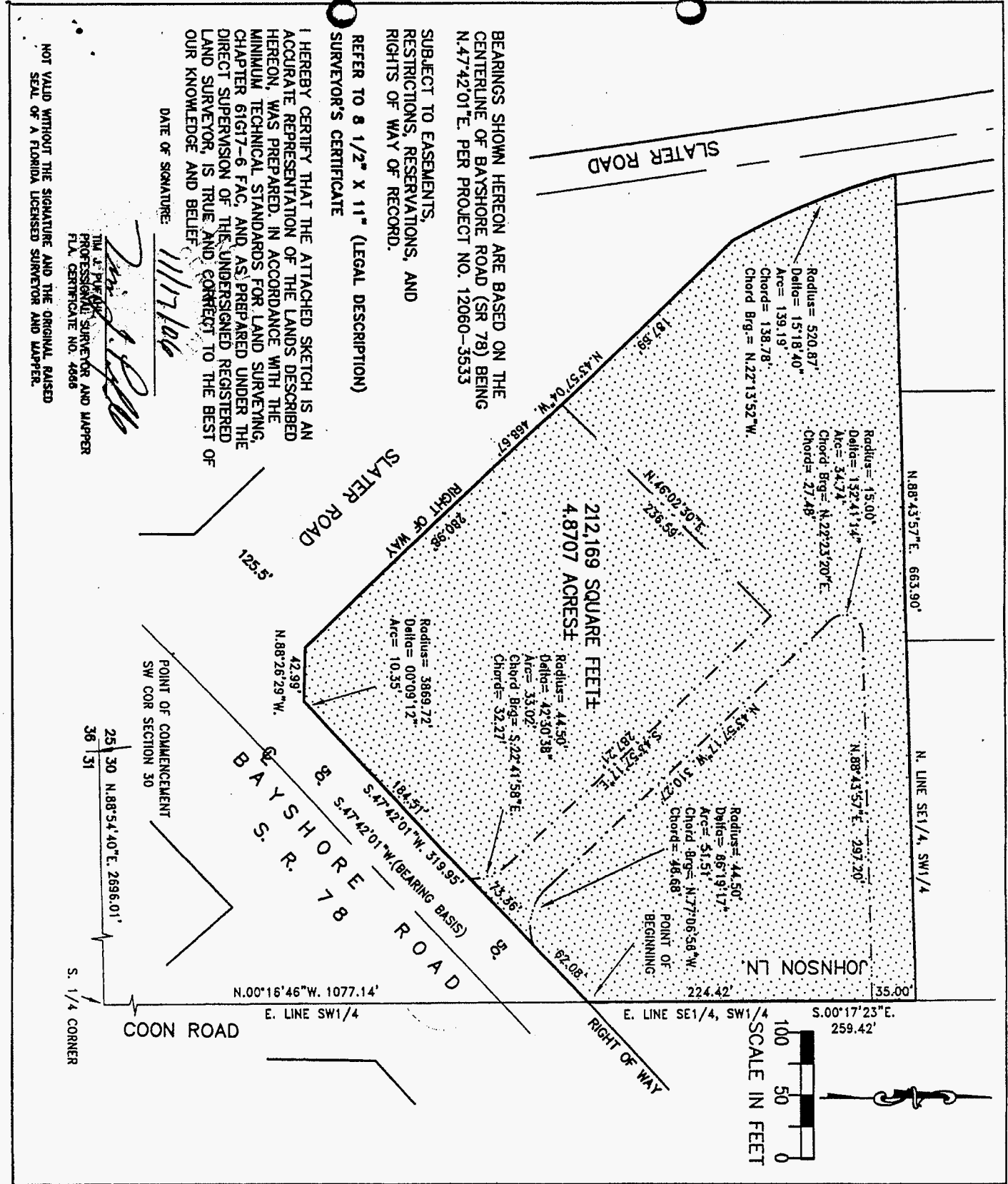
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

BEARINGS MENTIONED HEREIN ARE BASED ON THE CENTERLINE OF BAYSHORE ROAD (SR 78) BEING N.47°42'01"E.

REFER TO 1 1/2" SURVEY
GULF SHORE SURVEYING, INC.

Tim J. Pufahl 11/17/06
TIM J. PUFAHL
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATE NUMBER 4666





BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF BAYSHORE ROAD (SR 78) BEING N.47°42'01\"W. PER PROJECT NO. 12060-3533

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

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

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

DATE OF SIGNATURE: 11/17/06

Tim J. Purdy

TIM J. PURDY
PROFESSIONAL SURVEYOR AND MAPPER
FLA. CERTIFICATE NO. 4666

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

SCALE IN FEET
0 50 100

JOB
0462
109

SKETCH OF DESCRIPTION
(NOT A FIELD SURVEY)
SECTION 30, TOWNSHIP 43S
RANGE 25E
LEE COUNTY, FLORIDA

DATE : 10/20/06
SCALE : 1" = 100'
CADD : TP
CHECK : TP
FILE : 0462L09

GULF SHORE SURVEYING, INC.
LICENSED BUSINESS NO. 6729
LEE COUNTY:
2112 S.E. 11TH STREET
CAPE CORAL, FL 33909
(239) 458-2568
CHARLOTTE COUNTY:
30930 OIL WELL ROAD
PUNTA GORDA, FL 33965
(941) 638-7800



GULF SHORE SURVEYING, INC.

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

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

FEBRUARY 15, 2007
JOB NUMBER 0462
FILE: 0462L14.LGL

DESCRIPTION

A TRACT OR PARCEL OF LAND LYING IN SECTION 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, WHICH IS DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST; THENCE N.88°54'40"E. FOR 2696.01 FEET ALONG THE SOUTH LINE OF SAID SECTION 30 TO THE SOUTH QUARTER (S 1/4) CORNER; THENCE N.00°16'46"W. FOR 1077.14 FEET ALONG THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 30 TO THE NORTHERLY RIGHT-OF-WAY OF BAYSHORE ROAD; THENCE S.47°42'01"W. FOR 3.47 FEET ALONG THE NORTHERLY RIGHT OF WAY (50 feet FROM CENTERLINE, STATE RIGHT-OF-WAY PLANS PROJECT NUMBER 12060-3533, STATE CENTERLINE BEARING S.47°42'01"W.) BAYSHORE ROAD (SR 78), TO THE POINT OF BEGINNING; THENCE CONTINUE S.47°42'01"W. FOR 67.01 FEET ALONG SAID RIGHT-OF-WAY; THENCE N.00°33'36"W. FOR 305.67 FEET; THENCE N.88°43'57"E. ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) FOR 50.00 FEET; THENCE S.00°33'36"E. FOR 261.68 FEET TO THE POINT OF BEGINNING.

CONTAINING 14,184 SQUARE FEET OR 0.3256 ACRES MORE OR LESS

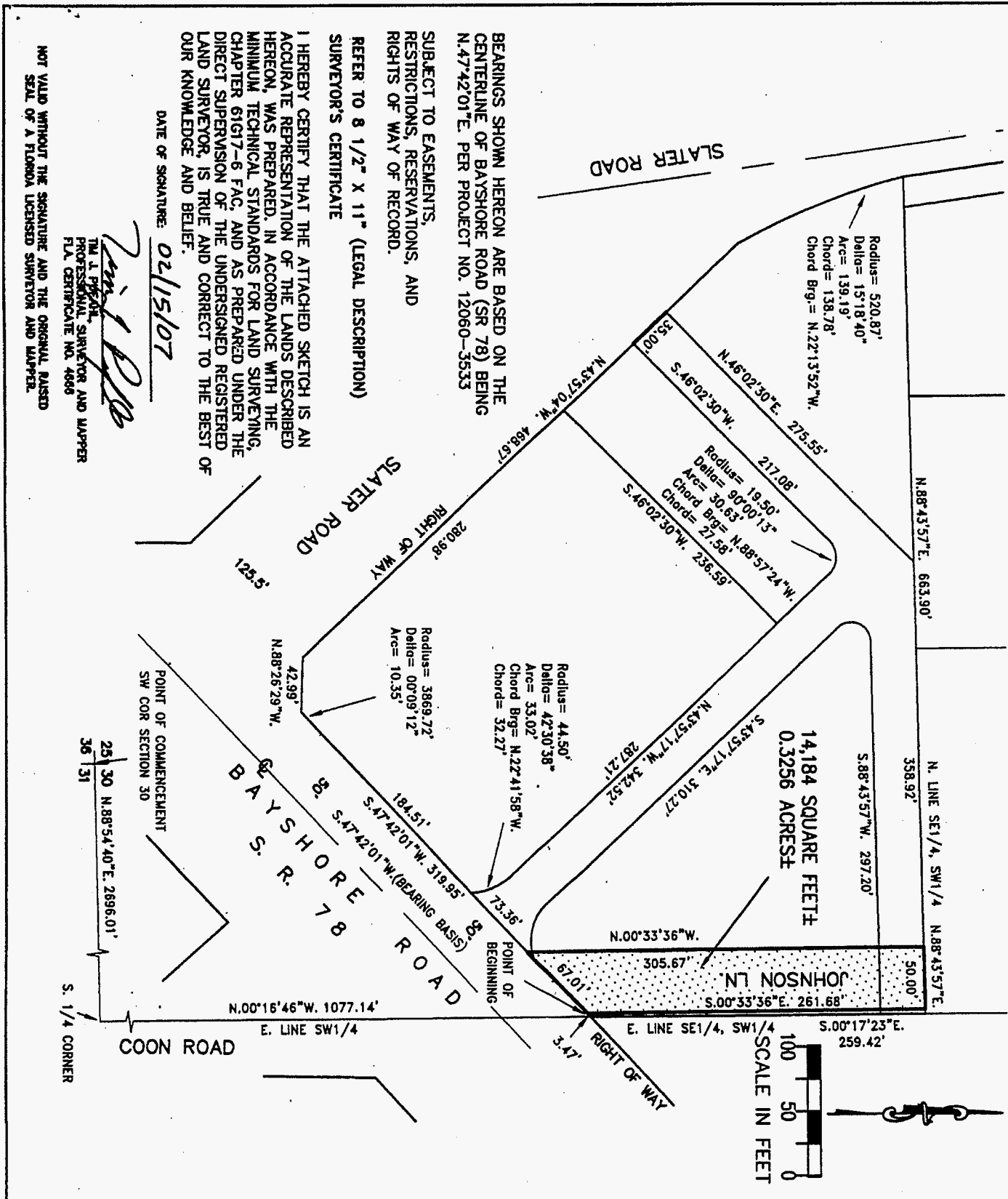
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

BEARINGS MENTIONED HEREIN ARE BASED ON THE CENTERLINE OF BAYSHORE ROAD (SR 78) BEING N.47°42'01"E.

REFER TO 8 1/2" X 11" SURVEY
GULF SHORE SURVEYING, INC.

Tim J. Pufahl 02/15/07
TIM J. PUFAHL
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATE NUMBER 4666
PUNTA GORDA, FLORIDA

EXHIBIT
B



BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF BAYSHORE ROAD (SR 78) BEING N.47°42'01"E. PER PROJECT NO. 12060-3533

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

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

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

DATE OF SIGNATURE: 02/15/07

Tim J. Pappalardo
 TIM J. PAPPALARDO
 PROFESSIONAL SURVEYOR AND MAPPER
 FLA. CERTIFICATE NO. 4668

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

<p>JOB 0462 L14</p>	<p>SKETCH OF DESCRIPTION (NOT A FIELD SURVEY) SECTION 30, TOWNSHIP 43S RANGE 25E LEE COUNTY, FLORIDA</p>	<p>DATE : 02/15/07 SCALE : 1" = 100' CADD : TP CHECK : TP FILE : 0462L14</p>	<p>GULF SHORE SURVEYING, INC. LICENSED BUSINESS NO. 6729 LEE COUNTY: 2112 S.E. 11TH STREET CAPE CORAL, FL 33990 (239) 458-2388 CHARLOTTE COUNTY: 30030 OIL WELL ROAD PUNTA GORDA, FL 33955 (841) 639-7800</p>
	<p>14,184 SQUARE FEET 0.3256 ACRES</p>		



GULF SHORE SURVEYING, INC.

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

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

MARCH 13, 2007
JOB NUMBER 0462
FILE: 0462L17.LGL

DESCRIPTION

PAGE 1 OF 2

A TRACT OR PARCEL OF LAND LYING IN SECTION 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, WHICH IS DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST; THENCE N.88°54'40"E. FOR 2696.01 FEET ALONG THE SOUTH LINE OF SAID SECTION 30 TO THE SOUTH QUARTER (S 1/4) CORNER; THENCE N.00°16'46"W. FOR 1077.14 FEET ALONG THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 30 TO THE NORTHERLY RIGHT-OF-WAY OF BAYSHORE ROAD; THENCE S.47°42'01"W. FOR 49.22 FEET ALONG THE NORTHERLY RIGHT-OF-WAY (50 feet FROM CENTERLINE, STATE RIGHT-OF-WAY PLANS PROJECT NUMBER 12060-3533, STATE CENTERLINE BEARING S.47°42'01"W.) BAYSHORE ROAD (SR 78), TO THE POINT OF BEGINNING; THENCE CONTINUE S.47°42'01"W. FOR 72.97 FEET ALONG SAID RIGHT-OF-WAY TO A POINT ON A CURVE CONCAVE TO THE WEST, RADIUS 44.50 FEET, CENTRAL ANGLE 48°02'46", CHORD 36.23 FEET, CHORD BEARING N.25°28'01"W.; THENCE NORTHEASTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE FOR 37.32 FEET TO THE POINT OF TANGENCY; THENCE N.49°29'25"W. FOR 135.20 FEET; THENCE N.43°57'17"W. FOR 204.05 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT, RADIUS 19.50 FEET, CENTRAL ANGLE 90°00'13"; THENCE WESTERLY AND SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE FOR 30.63 FEET TO THE POINT OF TANGENCY; THENCE S.46°02'30"W. FOR 217.08 FEET TO THE EASTERLY RIGHT-OF-WAY OF SLATER ROAD; THENCE N.43°57'04"W. FOR 35.00 FEET ALONG SAID RIGHT OF WAY; THENCE N.46°02'30"E. FOR 275.55 FEET; THENCE N.88°43'57"E. ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) FOR 305.10 FEET TO THE WESTERLY MAINTAINED RIGHT OF WAY OF JOHNSON LANE (50 FEET WIDE);



THENCE S.00°33'36"E. FOR 35.00 FEET ALONG SAID RIGHT OF WAY; THENCE S.88°43'57"W. FOR 249.25 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT, RADIUS 12.50 FEET, CENTRAL ANGLE 132°41'14"; THENCE WESTERLY, SOUTHWESTERLY, SOUTHERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE FOR 28.95 FEET TO THE POINT OF TANGENCY; THENCE S.43°57'17"E. FOR 184.37 FEET; THENCE S.49°29'25"E. FOR 136.97 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, RADIUS 44.50 FEET, CENTRAL ANGLE 60°34'47"; THENCE SOUTHEASTERLY AND EASTERLY ALONG THE ARC OF SAID CURVE FOR 47.05 FEET TO THE POINT OF BEGINNING.

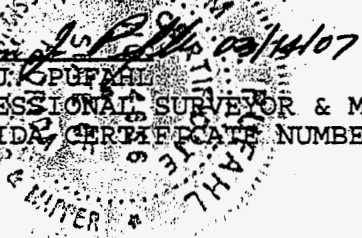
CONTAINING 34,234 SQUARE FEET OR 0.7859 ACRES MORE OR LESS

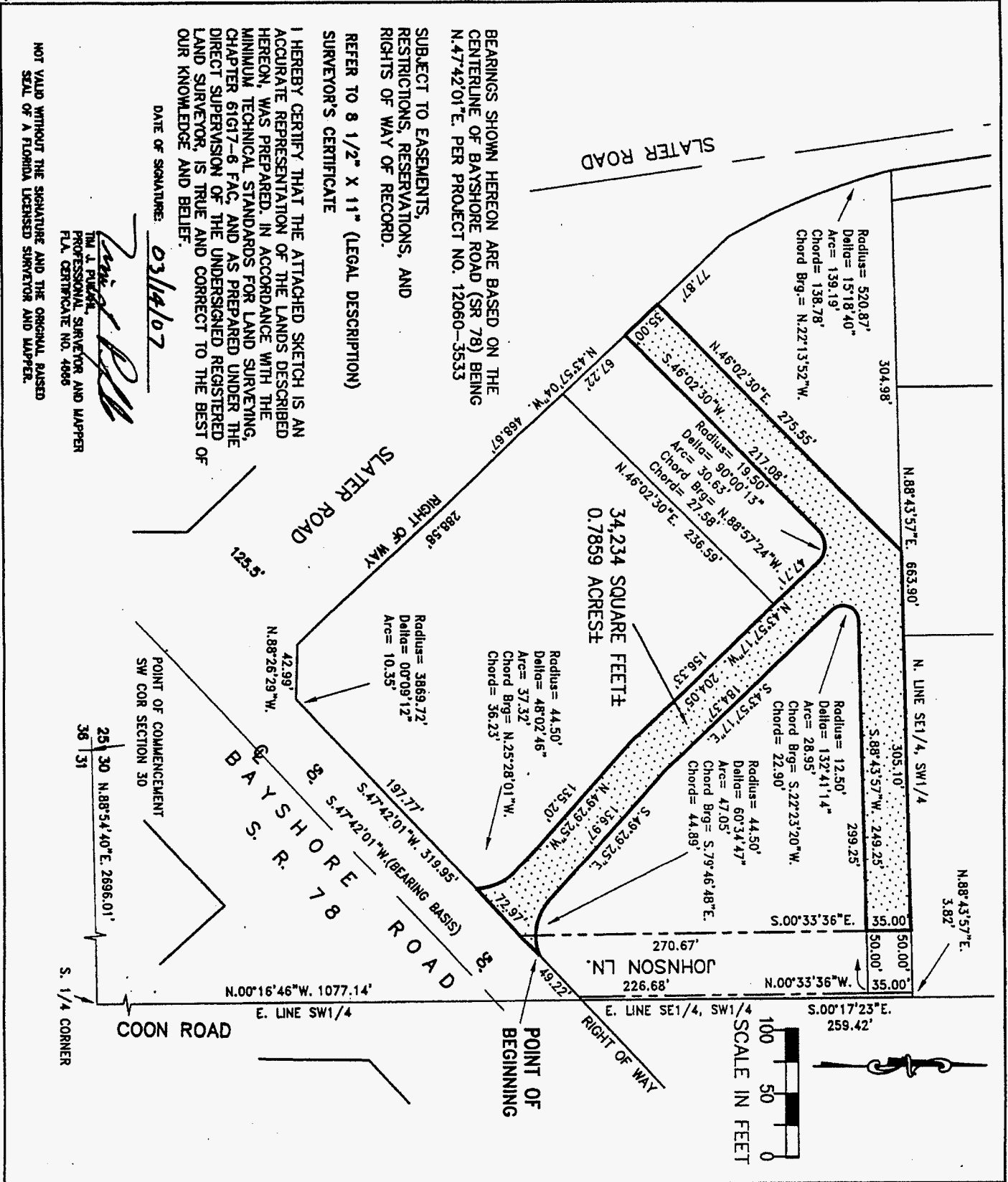
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.

BEARINGS MENTIONED HEREIN ARE BASED ON THE CENTERLINE OF BAYSHORE ROAD (SR 78) BEING N.47°42'01"E.

REFER TO 8 1/2" X 11" SURVEY
GULF SHORE SURVEYING, INC.

Timothy P. Puffer
TIMOTHY P. PUFFER
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATE NUMBER 4666

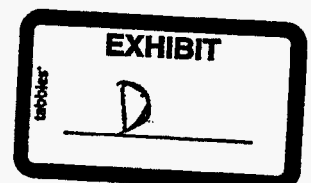




<p>JOB 0462 L17</p>	<p>SKETCH OF DESCRIPTION (NOT A FIELD SURVEY) SECTION 30, TOWNSHIP 43S RANGE 25E LEE COUNTY, FLORIDA</p>	<p>DATE : 03/13/07 SCALE : 1" = 100' CADD : TP CHECK : TP FILE : 0462L17</p>	<p>GULF SHORE SURVEYING, INC. LICENSED BUSINESS NO. 6729 LEE COUNTY: 2112 S.E. 11TH STREET CAPE CORAL, FL 33909 (239) 458-2388</p>
	<p>CHARLOTTE COUNTY: 30630 OIL WELL ROAD PUNTA GORDA, FL 33655 (941) 839-7800</p>		

PERMITTED EXCEPTIONS

1. Lee County Ordinance #86-14 recorded November 30, 1990 in Official Records Book 2189, Page 3281 and amended by Ordinance # 86-38 in Official Records Book 2189, Page 3334, Public Records of Lee County, Florida; relating to garbage and solid waste collection.
2. Taxes and assessments for the year 2005 and subsequent years, which are not yet due and payable.



Prepared by and
Return to:
Ellen R. Itzler
Attorney at Law
Itzler & Itzler, P.A.
1421 S.E. 4th Avenue, Suite A
Ft. Lauderdale, FL 33316

Grantor's Tax Payer Identification Number:

Grantee's Tax Payer Identification Number:

Property Control/Folio Number: 30-43-25-00-00028.0000, 30-43-25-00-00029.0000, 30-43-25-00-00029.0010

FLORIDA WARRANTY DEED

THIS WARRANTY DEED is made the 19th day of April, 2007
by

BAYROS, LLC, a Florida Limited Liability Company, Grantor,

whose pose office address is **1100 Fifth Avenue South, Suite 210, Naples, Florida 34102**

and

Lee County, a charter county and a political subdivision of the State of Florida, Grantee,

whose post-office address is **P.O. Box 398, Fort Myers, FL 33902**

WITNESS that Grantor, for good and valuable consideration, receipt of which is acknowledged, grants, bargains and sells to Grantee all the real property situate, lying and being in LEE COUNTY, FLORIDA, which is more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO FOR LEGAL DESCRIPTION

together with all tenements, hereditaments and appurtenances thereto.

SUBJECT to taxes for the year 2007 and all subsequent years, which are not yet due and payable.

SUBJECT to all matters shown on EXHIBIT "B" attached hereto and made a part hereof without serving to reimpose same.

AND, the Grantors hereby covenant with said Grantee that the Grantors are lawfully seized of said land in fee simple; that the Grantors have good, right and lawful authority to sell and convey said land, and hereby warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that the said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2006.

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

Signed, sealed and delivered in the presence of the undersigned two witnesses, each of whom has printed their name below their signature:

Cheryl Burden
Signature of Witness #1
Print Name Cheryl Burden

Louisa Marcus
Signature of Witness #2
Print Name Louisa Marcus

BAYROS, LLC, a Florida Limited Liability Company,

By: HALVORSEN HOLDINGS, INC., a Florida corporation, Managing Member

By: *Jeffrey T. Halvorsen*
Jeffrey T. Halvorsen, President

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by **JEFFREY T. HALVORSEN, as the President of HALVORSEN HOLDINGS, INC., a Florida Corporation, the Managing Member of BAYROS, LLC, a Florida Limited Liability Company,** as indicated below:

- personally known to me
- produced _____ as identification

and who did not take an oath, on this 19th day of April, 2007.

Cheryl Burden
Notary Public, State of Florida

Affix Notary Stamp

NOTARY PUBLIC-STATE OF FLORIDA
Cheryl Burden
Commission # DD535708
Expires: APR. 22, 2010
Bonded Thru Atlantic Bonding Co., Inc.

(Faint circular stamp)
APR 23 2007

COMMUNITY DEVELOPMENT

Exhibit "A"

Legal Description

A TRACT OR PARCEL OF LAND LYING IN SECTION 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, WHICH IS DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST; THENCE N.88 DEGREES 54'40"E. FOR 2696.01 FEET ALONG THE SOUTH LINE OF SAID SECTION 30 TO THE SOUTH QUARTER (S 1/4) CORNER; THENCE N.00 DEGREES 16'46"W. FOR 1077.14 FEET ALONG THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 30 TO THE NORTHERLY RIGHT-OF-WAY OF BAYSHORE ROAD; THENCE S.47 DEGREES 42'01"W. FOR 49.22 FEET ALONG THE NORTHERLY RIGHT OF WAY (50 feet FROM CENTERLINE, STATE RIGHT-OF-WAY PLANS PROJECT NUMBER 12060-3533, STATE CENTERLINE BEARING S.47 DEGREES 42'01"W.) BAYSHORE ROAD (SR 78), TO THE POINT OF BEGINNING; THENCE CONTINUE S.47 DEGREES 42'01"W. FOR 72.97 FEET ALONG SAID RIGHT-OF-WAY TO A POINT ON A CURVE CONCAVE TO THE WEST, RADIUS 44.50 FEET, CENTRAL ANGLE 48 DEGREES 02'46", CHORD 36.23 FEET, CHORD BEARING N.25 DEGREES 28'01"W.; THENCE NORTHEASTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE FOR 37.32 FEET TO THE POINT OF TANGENCY; THENCE N.49 DEGREES 29'25"W. FOR 135.20 FEET; THENCE N.43 DEGREES 57'17"W. FOR 204.05 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT, RADIUS 19.50 FEET, CENTRAL ANGLE 90 DEGREES 00'13"; THENCE WESTERLY AND SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE FOR 30.63 FEET TO THE POINT OF TANGENCY; THENCE S.46 DEGREES 02'30"W. FOR 217.08 FEET TO THE EASTERLY RIGHT-OF-WAY OF SLATER ROAD; THENCE N.43 DEGREES 57'04"W. FOR 35.00 FEET ALONG SAID RIGHT OF WAY; THENCE N.46 DEGREES 02'30"E. FOR 275.55 FEET; THENCE N.88 DEGREES 43'57"E. ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) FOR 305.10 FEET TO THE WESTERLY MAINTAINED RIGHT OF WAY OF JOHNSON LANE (50 FEET WIDE); THENCE S.00 DEGREES 33'36"E. FOR 35.00 FEET ALONG SAID RIGHT OF WAY; THENCE S.88°43'57"W. FOR 249.25 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT, RADIUS 12.50 FEET, CENTRAL ANGLE 132 DEGREES 41'14"; THENCE WESTERLY, SOUTHWESTERLY, SOUTHERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE FOR 28.95 FEET TO THE POINT OF TANGENCY; THENCE S.43 DEGREES 57'17"E. FOR 184.37 FEET; THENCE S.49 DEGREES 29'25"E. FOR 136.97 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, RADIUS 44.50 FEET, CENTRAL ANGLE 60 DEGREES 34'47"; THENCE SOUTHEASTERLY AND EASTERLY ALONG THE ARC OF SAID CURVE FOR 47.05 FEET TO THE POINT OF BEGINNING.

BEARINGS MENTIONED HEREIN ARE BASED ON THE CENTERLINE OF BAYSHORE ROAD (SR 78) BEING N.47 DEGREES 42'01"E.

Exhibit "B"
PERMITTED EXCEPTIONS

1. Lee County Ordinance #86-14 recorded November 30, 1990 in Official Records Book 2189, Pages 3281 and amended by Ordinance #86-38 in Official Records Book 2189, Page 3334, Public Records of Lee County, Florida; relating to garbage and solid waste collection.
2. South Florida Water Management District Environmental Resource Permit Notice recorded March 1, 2007 under Instrument # 2007 0000 68145.
3. Any claim that any portion of said lands are sovereign lands of the State of Florida, including any submerged, filled or artificially exposed lands and lands accreted to such lands.
4. Taxes and assessments for the years 2007 and subsequent years.

CHICAGO TITLE INSURANCE COMPANY

COMMITMENT FOR TITLE INSURANCE

CHICAGO TITLE INSURANCE COMPANY, a corporation of Missouri, herein called the Company, for a valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedules A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company.

IN WITNESS WHEREOF, Chicago Title Insurance Company has caused this Commitment to be signed and sealed as of the effective date of Commitment shown in Schedule A, the Commitment to become valid when countersigned by an authorized signatory.

CHICAGO TITLE INSURANCE COMPANY

By:



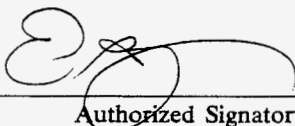
President

By:

ATTEST



Secretary


Authorized Signatory

VAC 2007-00013

STANDARD EXCEPTIONS FOR OWNER'S POLICY

The owner's policy will be subject to the mortgage, if any, noted under item one of Section 1 of Schedule B hereof and to the following exceptions: (1) rights or claims of parties in possession not shown by the public records; (2) encroachments, overlaps, boundary line disputes, and any matters which would be disclosed by an accurate survey and inspection of the premises; (3) easements, or claims of easements, not shown by the public records; (4) any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records; (5) taxes or special assessments which are not shown as existing liens by the public records.

CONDITIONS AND STIPULATIONS

1. The term "mortgage," when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions, the Exclusions from Coverage and the Conditions and Stipulations of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.

**A.L.T.A. COMMITMENT
CHICAGO TITLE INSURANCE COMPANY
SCHEDULE A**

Office File Number
(REV 4/19/2007)

Effective Date
April 10, 2007
At 11:00 pm

Commitment Number
300701488

1. Policy or Policies to be issued:

OWNER'S POLICY (10-17-92)
with Florida Modifications
Proposed Insured:

\$162,938.87

Lee County, a political subdivision of the State of Florida

2. The estate or interest in the land described or referred to in this Commitment and covered herein is fee simple, and title thereto is at the effective date hereof vested in:

Bayros, LLC, a Florida limited liability company

3. The Land is described as follows:

A TRACT OR PARCEL OF LAND LYING IN SECTION 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, WHICH IS DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST; THENCE N.88 DEGREES 54'40"E. FOR 2696.01 FEET ALONG THE SOUTH LINE OF SAID SECTION 30 TO THE SOUTH QUARTER (S 1/4) CORNER; THENCE N.00 DEGREES 16'46"W. FOR 1077.14 FEET ALONG THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 30 TO THE NORTHERLY RIGHT-OF-WAY OF BAYSHORE ROAD; THENCE S.47 DEGREES 42'01"W. FOR 49.22 FEET ALONG THE NORTHERLY RIGHT OF WAY (50 feet FROM CENTERLINE, STATE RIGHT-OF-WAY PLANS PROJECT NUMBER 12060-3533, STATE CENTERLINE BEARING S.47 DEGREES 42'01"W.) BAYSHORE ROAD (SR 78), TO THE POINT OF BEGINNING; THENCE CONTINUE S.47 DEGREES 42'01"W. FOR 72.97 FEET ALONG SAID RIGHT-OF-WAY TO A POINT ON A CURVE CONCAVE TO THE WEST, RADIUS 44.50 FEET, CENTRAL ANGLE 48 DEGREES 02'46", CHORD 36.23 FEET, CHORD BEARING N.25 DEGREES 28'01"W.; THENCE NORTHEASTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE FOR 37.32 FEET TO THE POINT OF TANGENCY; THENCE N.49 DEGREES 29'25"W. FOR 135.20 FEET; THENCE N.43 DEGREES 57'17"W. FOR 204.05 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT, RADIUS 19.50 FEET, CENTRAL ANGLE 90 DEGREES 00'13"; THENCE WESTERLY AND SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE FOR 30.63 FEET TO THE POINT OF TANGENCY; THENCE S.46 DEGREES 02'30"W. FOR 217.08 FEET TO THE EASTERLY RIGHT-OF-WAY OF SLATER ROAD; THENCE N.43 DEGREES 57'04"W. FOR 35.00 FEET ALONG SAID RIGHT OF WAY; THENCE N.46 DEGREES 02'30"E. FOR 275.55 FEET; THENCE N.88 DEGREES 43'57"E. ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) FOR 305.10 FEET TO THE WESTERLY MAINTAINED RIGHT OF WAY OF JOHNSON LANE (50 FEET WIDE); THENCE S.00 DEGREES 33'36"E. FOR 35.00 FEET ALONG SAID RIGHT OF WAY; THENCE S.88 DEGREES 43'57"W. FOR 249.25 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT, RADIUS 12.50 FEET, CENTRAL ANGLE 132 DEGREES 41'14"; THENCE WESTERLY, SOUTHWESTERLY, SOUTHERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE FOR 28.95 FEET TO THE POINT OF TANGENCY; THENCE S.43 DEGREES

Note: This Commitment consists of insert pages labeled in Schedule A, Schedule B-Section 1, and Schedule B-Section 2. This Commitment is of no force and effect unless all schedules are included, along with any Rider pages incorporated by reference in the insert pages.

**A.L.T.A. COMMITMENT
CHICAGO TITLE INSURANCE COMPANY
SCHEDULE A**

57'17"E. FOR 184.37 FEET; THENCE S.49 DEGREES 29'25"E. FOR 136.97 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, RADIUS 44.50 FEET, CENTRAL ANGLE 60 DEGREES 34'47"; THENCE SOUTHEASTERLY AND EASTERLY ALONG THE ARC OF SAID CURVE FOR 47.05 FEET TO THE POINT OF BEGINNING.

BEARINGS MENTIONED HEREIN ARE BASED ON THE CENTERLINE OF BAYSHORE ROAD (SR 78) BEING N.47 DEGREES 42'01"E.

Note: This Commitment consists of insert pages labeled in Schedule A, Schedule B-Section 1, and Schedule B-Section 2. This Commitment is of no force and effect unless all schedules are included, along with any Rider pages incorporated by reference in the insert pages.

**A.L.T.A. COMMITMENT
CHICAGO TITLE INSURANCE COMPANY
SCHEDULE B - Section 1**

Commitment Number 300701488

I. The following are requirements to be complied with:

1 Instrument(s) necessary to create the estate or interest to be insured must be properly executed, delivered and duly filed for record.

a) Warranty Deed from Bayros, LLC, a limited liability company organized under the laws of the State of Florida, to the Proposed Insured Owner, conveying the land described in Schedule A.

2 Payment of the full consideration to, or for the account of, the grantors or mortgagors.

3 Payment of all taxes, charges, assessments, levied and assessed against subject premises, which are due and payable.

4 Proof of payment of any/all municipal liens, including liens for water, sewer, waste and gas.

5 Proof of payment of all taxes and assessments up to and including the year 2006.
Informational Note: Folio(s) appear(s) to be:

30-43-25-00-00029-0000
30-43-25-00-00029-0010
30-43-25-00-00028-0000

6 INTENTIONALLY DELETED.

7 In the event the Company is requested to delete Items 2(a) and 2(d) of Schedule B - Section 2, the following will be required:

a)INTENTIONALLY DELETED.

b)Owners No Lien and Possession Affidavit in form satisfactory to the Company. The policy issued hereunder will be subject to a special exception for the rights of parties disclosed by said Affidavit. (Chapter 627.7842 Florida Statutes)

8 INTENTIONALLY DELETED

9 With regard to Bayros, LLC, a Florida limited liability company, the following is required:

A.Satisfactory evidence must be furnished showing that Bayros, LLC, a Florida limited liability company is currently in good standing.

(Note)Proof of the issuance of the Certificate of Organization by the Secretary of State in the event said company was formed prior to October 1, 1993.

B.A certified copy of the Articles of Organization and Operating Agreement must be furnished and the Company reserves the right to make additional requirements and/or exceptions upon review of same.

- or -

Record in the Public Records of Lee County, Florida, a Certificate from the keeper of the records of the company certifying:

1.Whether the management of the company is/was vested in the members or in the manager(s); 2.The names and positions, if any, that the managing members have/had or the

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**A.L.T.A. COMMITMENT
CHICAGO TITLE INSURANCE COMPANY
SCHEDULE B - Section 1**

names of the then active manager(s) of the company, on the date of the deed/mortgage to be insured or of a previously recorded deed.

C. Affidavit from the managing member or the manager(s), whichever is applicable, confirming that there has been no dissolution of the company resulting from transfers of member's interest, or otherwise.

End of Schedule B - Section 1

**A.L.T.A. COMMITMENT
CHICAGO TITLE INSURANCE COMPANY
SCHEDULE B - Section 2**

Commitment Number 300701488

II. Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company.

1 Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching subsequent to the effective date hereof but prior to the date the Proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.

2 Standard Exceptions:

a. Rights or claims of parties in possession not shown by the Public Records.

b. Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey and inspection of the premises.

c. Easements, or claims of easements, not shown by the Public Records.

d. Any lien, or right to a lien, for service, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

e. Taxes or special assessments which are not shown as existing liens by the Public Records.

f. Any claim that any portion of said lands are sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands and lands accreted to such lands.

g. Taxes and assessments for the year 2007 and subsequent years.

Standard Exception 2(f) of Schedule B - Section 2 is hereby deleted.

3 Standard exceptions (b) and (c) are hereby deleted.

4 Standard exceptions (a) and (d) may be removed upon receipt of a satisfactory affidavit-indemnity from the party shown in title and in possession stating who is in possession of the lands and whether there are improvements being made at date of commitment or contemplated to commence prior to the date of closing which will not have been paid for in full prior to the closing.

5 Lee County Ordinance #86-14 recorded November 30, 1990 in Official Records Book 2189, Pages 3281 and amended by Ordinance #86-38 in Official Records Book 2189, Page 3334, Public Records of Lee County, Florida; relating to garbage and solid waste collection.

6 South Florida Water Management District Environmental Resource Permit Notice recorded March 1, 2007 under Instrument # 2007 0000 68145.

NOTE: All of the recording information contained herein refers to the Public Records of Lee County, Florida, unless otherwise indicated.

End of Schedule B - Section 2

COMMUNITY DEVELOPMENT

VAC 2007-00013

NOTE: On loan policies, junior and subordinate matters, if any, will not be reflected in Schedule B.

**AMERICAN LAND
TITLE ASSOCIATION
STANDARD FORM
COMMITMENT**



PROPERTY DATA FOR PARCEL 30-43-25-00-00027.0210
TAX YEAR 2006

Parcel data is available for the following tax years:
[2001 | 2002 | 2003 | 2004 | 2005 | 2006]

[Next Lower Parcel Number | Next Higher Parcel Number | Display Building Permits on this Parcel
| Display Tax Bills on this Parcel | Tax Estimator]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE.
LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2006 ROLL.

PROPERTY DETAILS

OWNER OF RECORD

PRI-CAR 1/2 INT
+
CARTER SCOTT
M 1/2 INT
PO BOX 3648
NORTH FORT
MYERS FL 33918

SITE ADDRESS

6410 SLATER
MILL WAY
NORTH FORT
MYERS FL 33917

LEGAL DESCRIPTION

PAR IN SW1/4 W
OF JOHNSON
RD + E OF
SLATER RD N OF
BAYSHORE RD
LESS0R2213/697

[VIEWER] TAX MAP [PRINT]



IMAGE OF STRUCTURE

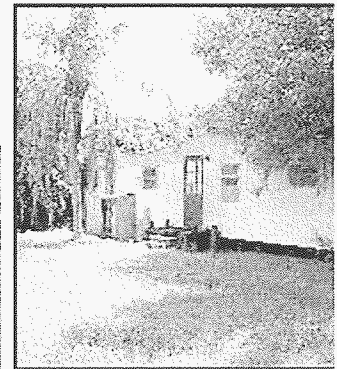


Photo Date: May 06

[PICTOMETRY]

TAXING DISTRICT

040 - E/LY N FT MYERS/N FT MYERS FIRE

DOR CODE

00 - VACANT RESIDENTIAL

PROPERTY VALUES (TAX)

**PROPERTY DATA FOR PARCEL 30-43-25-00-00008.0000
TAX YEAR 2006**

Parcel data is available for the following tax years:
[2001 | 2002 | 2003 | 2004 | 2005 | 2006]

[Next Lower Parcel Number | Next Higher Parcel Number | Display Tangible Accounts on this Parcel
| Display Tax Bills on this Parcel | Tax Estimator]

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE.
LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2006 ROLL.

PROPERTY DETAILS

**OWNER OF
RECORD**

[VIEWER] TAX MAP [PRINT]

IMAGE OF STRUC

PRITCHETT
DEVELOPMENT
CO LTD
6601 BAYSHORE
RD
NORTH FORT
MYERS FL 33917

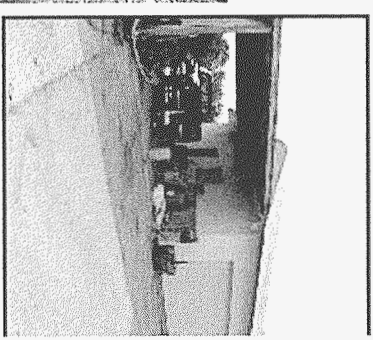


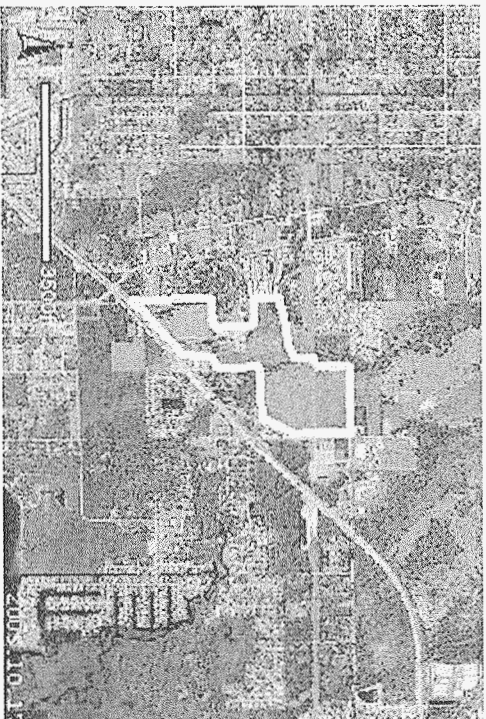
Photo Date: August

SITE ADDRESS

6601 BAYSHORE
RD
NORTH FORT
MYERS FL 33917

**LEGAL
DESCRIPTION**

PARL IN E 1/2 OF
SEC N OF
SR 78 DESC OR
1133 PG 1244
LES 8.001+OR
2019 PG 4725



[PICTOMETRY]

TAXING DISTRICT

DOR CODE

040 - E/L Y N FT MYERS/N FT MYERS FIRE 61 - GRAZING LAND CLASS II

PROPERTY VALUES (TAX



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

239 479-8585

Bob Janes
District One

A. Brian Bigelow
District Two

February 26, 2007

Ray Judah
District Three

Tammy Hall
District Four

Beverly Grady
Roetzel & Andress
2320 First St., Suite 1000
Ft. Myers, FL 33901

Frank Mann
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Re: Vacation of a Right-of-Way adjacent to STRAP # 30-45-25-00-00029.0000

Diana M. Parker
County Hearing
Examiner

Dear Ms. Grady:

The Development Services Division has reviewed the above referenced parcel and requested Right-of-Way portion of Johnson Lane. The affected property owners that will need to be notified will be STRAP # 30-43-25-00-00027.0210 to the North of the subject parcel and STRAP # 30-43-25-00-00008.0000 located to the East.

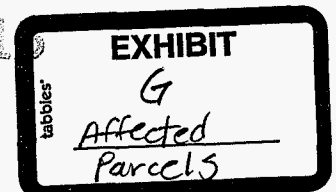
Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Division of Development Services
Development Review

Ron Wilson

S:\WRITERS\WilsonR\VACATIONS SAMPLES\DEFICIEN.WPD

VAC 2007-0001





DAVID DOUGLAS ASSOCIATES, INC.
ENGINEERS • CONTRACT ADMINISTRATORS • PLANNERS

April 6, 2007

PRI-CAR and Scott Carter
P.O. Box 3648
North Fort Myers, FL 33918-3648

Vacation of Right-of-Way in 6451 Bayshore Rd and Property Appraiser's strap No. 30-43-25-00-00029.0000

Dear Sir or Madam:

According to the public records, you are the owner of a parcel or parcels of property located at 6410 Slater Mill Way, North Fort Myers, Florida, with strap no. 30-43-25-00-00027.0210; and said property is located adjacent to or near the above-referenced property in North Fort Myers, Florida, which is known as 6451 Bayshore Road and is more particularly described in the attached legal description.

As agent for the applicant, this is to advise you that a petition requesting vacation of the right-of-way of Johnson Lane located within the parcel at 6451 Bayshore Road will be submitted to the Lee County Board of County Commissioners by "Application for Vacation" and will be considered at a public hearing.

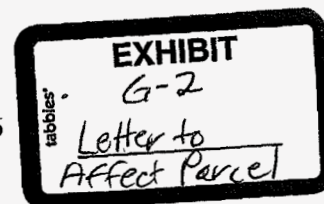
Attached to this letter as Exhibit 1a and 1b is a sketch and legal description of the portion of Johnson Lane proposed to be vacated. Attached to this letter as Exhibit 2a and 2b is a sketch and legal description of the new access road proposed for the area.

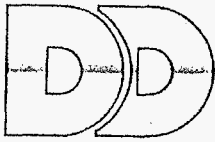
Sincerely,
DAVID DOUGLAS ASSOCIATES, INC.

David L. Douglas, P.E.
Vice President/Principal

Enclosure

VAC 2007-00013





DAVID DOUGLAS ASSOCIATES, INC.
ENGINEERS • CONTRACT ADMINISTRATORS • PLANNERS

April 6, 2007

Pritchett Development Company, Ltd.
6601 Bayshore Road
North Fort Myers FL 33917

Vacation of Right-of-Way in 6451 Bayshore Rd and Property Appraiser's strap No. 30-43-25-00-00029.0000

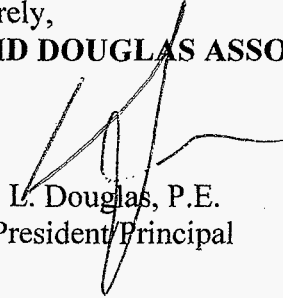
Dear Sir or Madam:

According to the public records, you are the owner of a parcel or parcels of property located at 6601 Bayshore Road, North Fort Myers, Florida, with strap no. 30-43-25-00-00008.0000; and said property is located adjacent to or near the above-referenced property in North Fort Myers, Florida, which is known as 6451 Bayshore Road and is more particularly described in the attached legal description.

As agent for the applicant, this is to advise you that a petition requesting vacation of the right-of-way of Johnson Lane located within the parcel at 6451 Bayshore Road will be submitted to the Lee County Board of County Commissioners by "Application for Vacation" and will be considered at a public hearing.

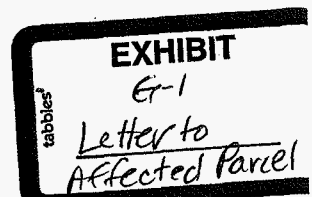
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Sincerely,
DAVID DOUGLAS ASSOCIATES, INC.

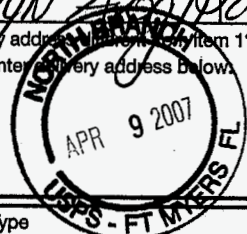

David L. Douglas, P.E.
Vice President/Principal

Enclosure

VAC 2007-00013



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee <i>Carolyn Crockett</i></p> <p>B. Received by (Printed Name) <input checked="" type="checkbox"/> C. Date of Delivery <i>Carolyn Crockett</i></p>
<p>1. Article Addressed to:</p> <p><i>PRI-CAR + Scott Carter P.O. BOX 3648 N. Ft. Myers, FL 33918-3648</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below.</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number <i>(Transfer from service label)</i> 7006 2760 0003 8567 0074</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee <i>Cherry Mail</i></p> <p>B. Received by (Printed Name) <input checked="" type="checkbox"/> C. Date of Delivery <i>Cherry Mail</i></p>
<p>1. Article Addressed to:</p> <p><i>Pritchett Dev. Co. LTD 6601 Bayshore Rd. N. Ft. Myers, FL 33917</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number <i>(Transfer from)</i> 7006 2760 0003 8567 0067</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

1421 SE 4th Ave, Suite A
Ft. Lauderdale, FL 33316



INSTR # 6754923
OR BK 04679 Pgs 1165 - 1166; (2pgs)
RECORDED 04/25/2005 11:55:23 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 18.50
DEED DOC 0.70
COUNTY CLERK K Cartwright

THIS INSTRUMENT PREPARED BY AND RETURN TO:
Stephen W. Buckley, Esquire
GOLDSTEIN, BUCKLEY, CECIHMAN, RICE & PURTZ, P.A.
1515 Broadway
Fort Myers, Florida 33901
Property Appraisers Parcel Identification (Folio) Numbers: 30-43-25-00000000

Space Above This Line For Recording Data

THIS WARRANTY DEED, made the 18th day of March, 2005 by R. Peter Rosier, whose post office address is 8270-2001 College Parkway, Fort Myers, FL 33919 herein called the grantor, to Bayros, LLC, a Florida limited liability company, whose post office address is 1100 Fifth Avenue South, Suite 210, Naples, FL 34102, hereinafter called the Grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in LEE County, State of Florida, viz.:

SEE EXHIBIT 'A' ATTACHED HERETO.

Subject to taxes for the year 2005 and thereafter and the following items, without creating or serving to re-impose same:

1. Lee County Ordinance #86-14 recorded November 30, 1990 in Official Record Book 2189, page 3281 and amended by Ordinance #86-38 in Official Record Book 2189, page 3334, public Records of Lee County, Florida; relating to garbage and solid waste collection.
2. Any portion of the subject property lying in the right-of-way of Johnson Lane or any road or road right-of-way.

SUBJECT PROPERTY IS NOT THE HOMESTEAD OF THE GRANTOR, NOR IS IT CONTIGIOUS THERETO, NOR HAS IT EVER BEEN THE HOMESTEAD OF THE GRANTOR. THE HOMESTEAD PROPERTY OF THE GRANTOR IS LOCATED IN SOUTHBOROUGH, MA.

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND, the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2004.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]
Witness #1 Signature

Nancy M Turpin
Witness #1 Printed Name

[Signature]
Witness #2 Signature

Monika Sharma
Witness #2 Printed Name

[Signature]
R. Peter Rosier

STATE OF MA

COUNTY OF Worcester

The foregoing instrument was acknowledged before me this 18th day of March, 2005 by R. Peter Rosier, who is personally known to me or has produced DL as identification.

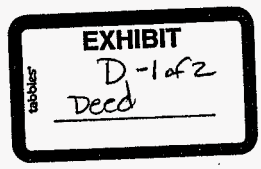
[Signature]
Notary Public
Nancy M Turpin
Printed Notary Name



My Commission Expires:

NANCY MARIE TURPIN
Notary Public
Commonwealth of Massachusetts
My Commission Expires Sept. 24, 2010

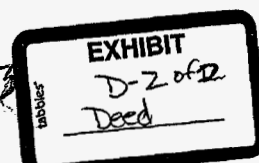
VAG 2007-00013



TRACT B:

A tract or parcel of land situated in the State of Florida, County of Lee, lying in the Southeast quarter (SE 1/4) of the Southwest quarter (SW 1/4) of Section 30, Township 43 South, Range 25 East, and further bounded and described as follows: Beginning at the Northeast corner of the Southeast quarter (SE 1/4) of the Southwest quarter (SW 1/4) of Section 30, Township 43 South, Range 25 East, thence South 88 degrees 48'23" West along the North line of said Southeast quarter (SE 1/4) of the Southwest quarter (SW 1/4) for 115.85 feet; thence South 00 degrees 15'44" East parallel with the East line of said Southeast quarter (SE) of the Southwest quarter (SW 1/4) for 361.35 feet to an intersection with the Northerly right-of-way line of Bayshore road (State Road No. 78-100.00 feet wide); thence North 47 degrees 44'45" East along said Northerly right-of-way line 155.85 feet to an intersection with said East line of the Southeast quarter (SE 1/4) of the Southwest quarter (SW 1/4); thence North 00 degrees 15'44" West along said East line of the Southeast quarter (SE 1/4) of the Southwest quarter (SW 1/4) for 258.96 feet to the Point of Beginning. Bearings are based on the right-of-way maps for State Road No. 78 as prepared by the State of Florida State Road Department.

VAC 2007-00017



BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

April 26, 2007

Beverly Grady
Roetzel & Andress, LPA
2320 First Street, Suite 1000
Fort Myers, FL 33901

Re: **VAC2007-00013 - Petition to Vacate** that portion of Johnson Lane, a 50-foot wide Right-of-Way, lying on the easterly side of 6451 Bayshore Road, North Fort Myers, Lee County, Florida.

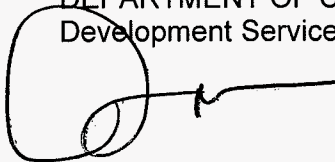
Dear Ms. Grady:

This office has received your request to vacate the above referenced portion of the Right-of-Way of Johnson Lane adjacent to a commercial lot located on 6451 Bayshore Rd., Fort Myers, Florida and the reference strap number is 30-43-25-00-00029.0000. The road to be vacated include a portion of platted Right-of-Way being part of Johnson Lane, lying in Section 30, Township 43 South, Range 25 East, Lee County, Florida. The reason of this vacation is to allow for commercial development of the subject property. 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 rightof-way. Private rights of use may still remain. This means that certification of fee ownership in the area being vacated will be required prior to issuance of any building permit(s) within that area of the easement as it presently exists, occupied or otherwise. Should you have any questions, please call me at the above telephone number.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division



Peter J. Eckenrode
Director

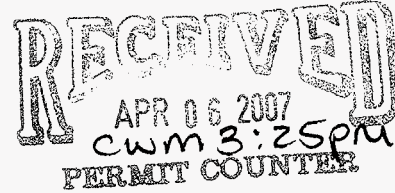
PJE/RXW

ROETZEL & ANDRESS
A LEGAL PROFESSIONAL ASSOCIATION

2320 FIRST STREET
SUITE 1000
FORT MYERS, FL 33901-2904
239.338.4250 DIRECT
239.337.3850 MAIN
239.337.0970 FAX
khaynie@ralaw.com

April 6, 2007

Mr. Peter J. Eckenrode
Development Services Director
Lee County
P.O. Box 298
Fort Myers, FL 33902



Re: Property Address: 6451 Bayshore Rd., North Fort Myers, FL 33917
(STRAP# 30-43-25-00-00029.0000)

Petitioner: Bayros, LLC, c/o Beverly Grady, Roetzel & Andress, LPA

Petition to Vacate Johnson Lane Right of Way within STRAP# 30-43-25-00-00029.0000.

Dear Mr. Eckenrode:

This is a request, on behalf of Bayros, LLC ("Bayros"), a Florida Limited Liability Company, to vacate Johnson Lane located within a parcel of property located northeast of the Bayshore Rd./Slater Rd. intersection in North Fort Myers and identified by the site address of 6451 Bayshore Rd., North Fort Myers, Florida (STRAP 30-43-25-00-00029.0000). It is our understanding that the County has acquired ownership of the Johnson Lane Right-of-Way by maintaining or repairing the right-of-way for at least the immediate past seven (7) years pursuant to Florida Statutes, Ch. 95.361.

The vacation of the subject right-of-way, which is located within STRAP# 30-43-25-00-00029.0000 and is depicted and legally described on the attached Exhibit A as approved by LDOT, will accommodate Bayros LLC's desire to develop the subject property. If the Petition to Vacate the Johnson Lane Right-of-Way is granted by the Board of County Commissioners ("BOCC"), Bayros will grant to the County the property described and depicted in the attached Exhibit B and construct a new street within said property that will connect Bayshore Road to Slater Road.

The vacation of the Johnson Lane Right-of-Way within the subject parcel and subsequent granting to the County fee simple title to the property depicted and described in the attached Exhibit B will be a substantial improvement for this area. The portion of Johnson Lane for which this vacation petition is being submitted is only 12,434 square feet (0.2854 acres). The new street will be approximately 34,234 square feet (0.7859 acres). Secondly, the Johnson Lane Right-of-Way located within STRAP# 30-43-25-00-00029.0000 does not have a direct connection to Slater Road. The closest connection point to Slater Road is substantially north of

Peter Eckenrode
April 6, 2007
Page 2

the subject site, and requires turning onto Slater Mill Way. The new street will directly connect to Bayshore Road and to Slater Road, and will allow the properties to the north of the subject property to more easily reach either Bayshore Road or Slater Road. Finally, the Johnson Lane Right-of-Way located within STRAP# 30-43-25-00-00029.0000 is a sub-standard road, with a pavement width of approximately 15 feet. The new street that will be constructed, provided the Petition to Vacate the portion of the Johnson Lane Right-of-Way within the subject property is granted, will be a great improvement over the existing Johnson Lane Right-of-Way, with a pavement width of approximately 24 feet with approximately two (2)-feet wide Type F curb and gutter on a 35-foot right-of-way.

Requests for letters of review and recommendation were submitted to the relevant utility companies. All of the utility companies have issued letters of "no objection," which are included with the Petition to Vacate application. Specifically, Embarq issued a letter of no objection dated March 14, 2007, provided Bayros provides a 6-foot utility easement for the relocation of utilities and pay for such relocation. FDOT issued a letter of no objection dated March 19, 2007, provided the replacement right of way meets certain permitting standards as described in the letter. On March 19, 2007, LDOT issued a letter of no objection. On March 16, 2007, Lee County Natural Resources issued a letter of no objection. On March 13, 2007, LCEC issued a letter of no objection provide a 6-foot public utility easement is created along the east property line and Bayros signs an access agreement granting LCEC access to the public utility easement. On February 26, 2007, Comcast issued a letter of no objection. On February 26, 2007, North Fort Myers Utility, Inc. issued a letter of no objection. On February 23, 2007, Lee County Utilities issued a letter of no objection with the understanding that Bayros must remove the waterline within the existing Johnson Lane Right of Way at its expense.

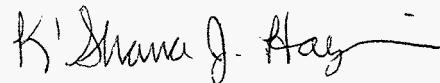
It should be noted that the letters requesting review and recommendation from the utility companies were sent out with a legal description and sketch of Johnson Lane that was larger than the legal description and sketch that is attached to this Petition because we have omitted the overlapping area between the existing Johnson Lane and the new street as described and depicted in the attached Exhibit B, as requested by LDOT. Therefore, we are actually vacating an area less than that described in the legal description attached to the request for letters of review and recommendation.

As time is of the essence with regard to the subject vacation petition, we respectfully request that this Petition to Vacate be found sufficient and the Petition be promptly scheduled before BOCC.

Peter Eckenrode
April 6, 2007
Page 3

Very truly yours,

ROETZEL & ANDRESS, LPA



K'Shana J. Haynie

KJH

Enclosures:

Exhibit A: Legal/Sketch (Johnson Lane) to be vacated

Exhibit B: Legal/Sketch of property to be granted to County



Lee County Electric Cooperative, Inc.
Post Office Box 3455
North Fort Myers, FL 33918-3455
(239) 995-2121 • FAX (239) 995-7904
www.lcec.net

March 13, 2007

Ms. Beverly Grady
Roetzel & Andress
2320 First Street, Suite 1000
Fort Myers, FL 33901-2904

Re: Vacation of Johnson Lane, adjacent to 6451 Bayshore Road
(Strap # 30-43-25-00-00029.0000), North Fort Myers, Florida

Dear Ms. Grady:

LCEC does not object to the vacation of that part of Johnson Lane, immediately adjacent to 6451 Bayshore Road, North Fort Myers, Florida, (Strap #30-43-25-00-00029.0000), as shown on the attached sketch and description provided by Gulf Shore Surveying, Inc., dated 2/15/07 and marked File # 0462L14, **PROVIDED** a 6-foot Public Utility Easement is created along the easterly boundary of the resultant combined parcel. This "no objection" is granted with the stipulation that the property owner signs an access agreement granting LCEC access across the lands adjoining the newly created Public Utility Easement. No additional internal Public Utility Easements will be required by LCEC along the newly created right-of-ways in this development.

I can be reached at 656-2422 if you have any questions.

Sincerely,

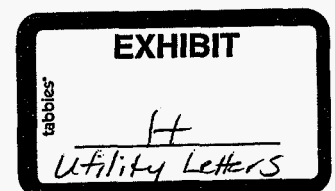
Sandra McIver

Sandra McIver
Real Property Representative

Attachment

cc: Tom Vincent, Halvorsen Holdings (via fax)
Scot Stuart, DDA Engineers – Planners, Inc. (via fax)

VAC 2007-00013



Prepared By:
Engineering Department
Lee County Electric Cooperative, Inc.
Post Office Box 3455
N. Ft. Myers, FL 33918-3455

Strap # 30-43-25-00-00029.0000
Township 43 South, Range 25 East, Section 30

EASEMENT

KNOW ALL MEN BY THESE PRESENTS that Bayros, LLC, a Florida limited liability company, as Grantor, whose post office address is 1100 Fifth Avenue South, Suite 210, Naples, Florida 34102, in consideration of and conditioned upon Grantee's (as hereinafter defined) issuance of a letter of no-objection dated March 13, 2007, the vacation by Lee County of the portion of Johnson Lane located on Grantor's parcel ("Johnson Lane"), and Grantor obtaining fee title to Johnson Lane unencumbered by said vacated Johnson Lane right-of-way and other valuable considerations, receipt of which is hereby acknowledged, does hereby grant to Lee County Electric Cooperative, Inc., a Florida non-profit corporation, as Grantee, whose post office address is Post Office Box 3455, North Fort Myers, Florida 33918-3455, and to its successors and assigns (the term "assigns" meaning any person, firm, or corporation owning by way of assignment all rights under this Agreement, a non-exclusive perpetual utility easement to be used for the construction, operation, and maintenance of an underground electric distribution line, including, but not limited to, cables, conduits, and equipment associated therewith, attachments and appurtenant equipment for fiber optic telecommunications and television purposes (all of the foregoing hereinafter referred to as "facilities"), under, in, on, upon, and across the lands of the Grantor situated in the County of Lee and State of Florida and being more particularly described as follows:

The Easterly 6 feet of the lands described as follows:

SEE EXHIBIT "A" ATTACHED HERETO
AND BY THIS REFERENCE MADE A PART HEREOF
(the "Easement Area")

together with the right and privilege from time to time to reconstruct, inspect, alter, improve, enlarge, add to, change the voltage, as well as the nature or physical characteristics of, replace, remove, or relocate such facilities or any part of them upon, across, or under the Easement Area described above with all rights and privileges necessary or convenient for the full enjoyment or the use thereof for the purposes described herein, including, but not limited to, the right to trim, spray, cut, and keep clear all trees and undergrowth and other obstructions within said Easement Area that may interfere with the proper construction, operation, and maintenance of such facilities or any part of them, the right to mark the location of any underground facilities by above-ground markers and other suitable markers, and the right of ingress and egress for personnel and equipment of Grantee, its contractors, agents, successors or assigns, over the Easement Area and adjoining lands of the Grantor, for the purpose of exercising and enjoying the rights granted by this easement and any or all of the rights granted hereunder.

Grantor and its successors and assigns shall have the right to use and occupy the Easement Area for any purpose that does not unreasonably interfere with the proper use of the Easement Area by Grantee hereunder including, without limitation, for parking, landscaping, roadway, sidewalk, paving and other purposes. All construction, installation, operation, maintenance, repair, replacement or removal by Grantee pursuant to its rights under this Easement shall be at no cost to Grantor and performed to interfere as little as possible with the use and enjoyment of the Easement Area and adjoining lands of Grantor by Grantor, its successors and assigns or other occupants or persons thereon. All improvements, fixtures and equipment in the Easement Area shall be installed by Grantee

below the ground surface and shall not be visible from the surface. If the surface of the Easement Area or the adjoining lands of Grantor, or if any improvements thereon are disturbed by Grantee's activities at any time, the surface and improvements shall be promptly restored by Grantee. Grantee agrees to defend, indemnify and save Grantor harmless from all liabilities, losses, damages, demands, claims, causes of action or judgments, and expenses incurred in investigating or legal fees for defense, relating to any injury to person, loss of life or damage to property occurring on the Easement Area, or arising out of Grantee's negligent use of the Easement Area. Grantee, by its acceptance of the delivery of this Easement, assumes and agrees to perform all of the promises, agreements and obligations herein provided to be performed on the part of Grantee.

By the execution hereof, Grantor covenants that it has the right to grant this easement.

IN WITNESS WHEREOF, the Grantor has executed this Easement this _____ day of April 2007.

SIGNED, SEALED, AND DELIVERED
IN THE PRESENCE OF:

Bayros, LLC, a Florida limited liability company

By: Halvorsen Holdings, Inc., a Florida corporation, its Managing Member

First Witness (Signature)

By: _____
Jeffrey T. Halvorsen, President

Printed, Typewritten, or Stamped Name
of First Witness

Second Witness (Signature)

Printed, Typewritten, or Stamped Name
of Second Witness

STATE OF FLORIDA)
) SS:
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of April 2007, by Jeffrey T. Halvorsen, the President of Halvorsen Holdings, Inc., a Florida corporation, as Managing Member of Bayros, LLC, a Florida limited liability company, on behalf of the corporation and company. He is personally known to me or has produced _____ as identification.

(NOTARIAL SEAL)

Signature of Notary Public

Name of Notary Public Typewritten, Printed
or Stamped

My commission expires: _____

EXHIBIT "A"

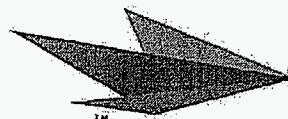
A tract or parcel of land situated in the State of Florida, County of Lee, lying in the Southeast quarter (SE ¼) of the Southwest quarter (SW ¼) of Section 30, Township 43 South, Range 25 East, and further bounded and described as follows:

Beginning at the Northeast corner of the Southeast quarter (SE ¼) of the Southwest quarter (SSW ¼) of Section 30, Township 43 South, Range 25 East, thence South 88°48'23" West along the North line of said Southeast quarter (SE ¼) of the Southwest quarter (SW ¼) for 115.85 feet; thence South 00°15'44" East parallel with the East line of said Southeast quarter (SE ¼) of the Southwest quarter (SW ¼) for 361.35 feet to an intersection with the Northerly right-of-way line of Bayshore Road (State Road No. 78-100.00 feet wide); thence North 47°44'45" East along said Northerly right-of-way line 155.85 feet to an intersection with said East line of the Southeast quarter (SE ¼) of the Southwest quarter (SW ¼); thence North 00°15'44" West along said East line of the Southeast quarter (SE ¼) of the Southwest quarter (SW ¼) for 258.96 feet to the Point of Beginning. Bearings are based on the right-of-way maps for State Road No. 78 as prepared by the State of Florida State Road Department.

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Voice | Data | Internet | Wireless | Entertainment



EMBARQ

Embarq Corporation
8441 Littleton Rd.
North Fort Myers, FL
33903

March 16, 2007

Ms. Wanda L.H. Carlberg
DDA Engineers-Planners, Inc.
1821 Victoria Ave.
Fort Myers, Florida

RE: 04-0102-031407 ROW Utility Johnson Lane Realignment, North Fort Myers, FL

Dear Ms. Carlberg:

With reference to your letter of March 14, 2007, requesting Embarq's concurrence with the realignment of the right of way of (04-0102-031407) Johnson Ln to Slater Road north of Bayshore Road. Embarq agrees to the realignment of the right of way of Johnson Lane with the following stipulation.

- Embarq has existing copper and fiber optic facilities in the right of way of Slater Road. Should there be any relocation of Embarq facilities all cost would be the responsibility of the property owner.

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

Sincerely,

Hal Dever
Embarq Engineer

VAC 2007-00013

EXHIBIT

tabbles

H
Utility Letters

Voice | Data | Internet | Wireless | Entertainment



Embarq Corporation
8441 Littleton Rd.
North Fort Myers, Fl.
33903

March 14, 2007

Ms. Beverly Grady
Roetzel and Address
2320 First St.
Fort Myers, Florida 33901-2904

RE: Vacation of Right of Way Johnson Lane, North Fort Myers, Florida (STRAP # 30-43-25-00-00029.0000)

Dear Ms. Grady:

With reference to your letter of March 13, 2007, requesting Embarq Telephone's concurrence with the vacation of the road right of way of Johnson Lane north of Bayshore Rd. Embarq has existing copper facilities in the right of way of Johnson Lane. Embarq agrees to vacation of the right of way with the following stipulations.

- The property owner must provide Embarq with a legally recorded 6' utility easement for facilities relocation (STRAP # 30-43-25-00-00029.0000), as agreed to verbally on March 8, 2007 by Mr. Thomas W. Vincent V.P. Halvorsen Development. The agreed easements must be recorded and presented to Embarq before design or facilities relocation can commence.
- The property owner will incur all cost of relocating Embarq facilities and provide payment in advance. Embarq will not start construction until payment is received.

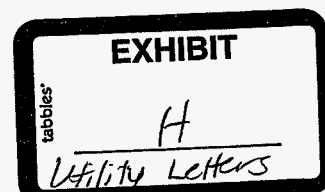
If you have any questions about this matter please call me at 239-336-2117.

Sincerely,

Hal Dever

Hal Dever
Embarq Engineer

VAC 2007-00013



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

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

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

(239) 543-1005

Fax (239) 543-2226

February 26, 2007

Roetzel & Andrews
Beverly Grady
2320 First Street, Suite 1000
Fort Myers, Fl. 33901

RE: Vacation of Johnson Lane adjacent to 6451 Bayshore Road, North
Fort Myers, Florida (STRAP #30-43-25-00-00029.0000)

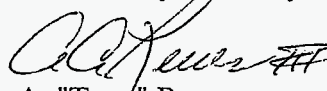
Dear Ms. Grady:

In response to your letter of February 22, 2007, I have reviewed the above mentioned petition and North Fort Myers Utility, Inc. has no objection to the vacation of the above mentioned property.

Should you need additional information or have questions, please contact me at 543-1005.

Sincerely,

North Fort Myers Utility, Inc.

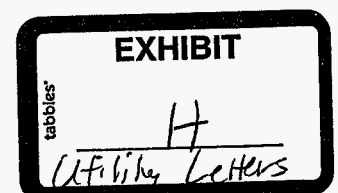


A.A. "Tony" Reeves
Utility Director

AAR/ph

VACATE:DOC

VAC 2007-00013





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

February 26, 2007

Roetzel & Andress
C/O Beverly Grady
2320 First Street Suite 1000
Fort Myers, Florida 33901-2904

RE: Johnson Lane adjacent to 6451 Bayshore Road, North Fort Myers, Florida
(Strap # 30-43-25-00-00029.0000)

Dear Beverly Grady,

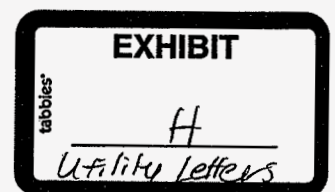
This letter will serve to inform you that Comcast has no objection to your proposed vacation of the address referenced above.

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

Cordially,

Mark Cook
Design Coordinator

VAC 2007-00013





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

2-26-07

Ms. Beverly Grady
2320 First st suite 1000
Fort Myers, FL 33901

RE: Vacation of Johnson In.

Dear Ms Grady

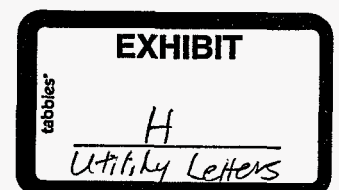
Comcast has aerial fiber on the pole line on Bayshore rd.

If you have any further question or concerns, please do not hesitate to contact me at (239)415 4744.

Sincerely,

Paul Bahizi
Comcast Cable Construction.

VAC 2007 - 00013





LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

(239) 479-8150

Bob Janes
District One

February 23, 2007

A. Brian Bigelow
District Two

Beverly Grady

Ray Judah
District Three

Roetzel & Address

Tammy Hall
District Four

2320 First St, Suite 1000

Fort Myers, FL 33901-2904

Frank Mann
District Five

SUBJECT: VACATION OF UTILITY EASEMENT & RIGHT OF WAY
STRAP #: 30-43-25-00-00029.0000
6451 BAYSHORE RD

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

Dear Ms. Grady,

Lee County Utilities has *no objection* to the proposed vacation of the Right-of-Way as described in your recent letter and associated attachment. However, the removal of the existing water infrastructure within the Right-of-Way must be done at the expense of the owner and addressed during the Development Order process. In addition, properties connected to this infrastructure must remain in service at all times.

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, MA, GISP
Utilities GIS Coordinator
Utilities Engineering Division

Original Mailed: 02/23/2007

Original Faxed: 02/23/2007

CC: Correspondence File

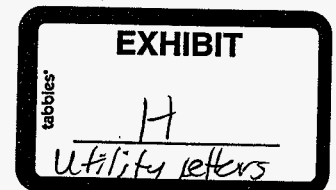
VAC 2007-00013

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



Friday, March 16, 2007

Bob James
District One
Douglas R. St. Cerny
District Two
Ray Judah
District Three
Tamm Hall
District Four
John E. Albion
District Five
Donald D. Stillwell
County Manager
David M. Owen
County Attorney
Diana M. Parker
County Hearing
Examiner

Ms. Beverly Grady

Roetzel & Andress

2320 First Street

Suite 1000

Fort Myers, FL 33901-2904

Re: Petition to Vacate a portion (approx. 300 linear feet) of Johnson Lane a
fifty (50') foot wide right of way adjacent to 6451 Baysshore Road, North
Fort Myers, Lee County, FL.
(STRAP No. 30-43-25-00-00029.0000) (Corrective Letter No. 2)

Dear Ms. Grady:

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

S:\SURFACE\DOCUMENT\vac588a.doc

VAC 2007-00013

EXHIBIT
tabbies®
LH 1.14 LRS
F



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

(239) 479-8517

Writer's Direct Dial Number: _____

Bob Janes
District One

March 19, 2007

A. Brian Bigelow
District Two

Ray Judah
District Three

Ms. Beverly Grady
Roetzel & Andress
2320 First Street, Suite 1000
Fort Myers, FL 33901

Tammy Hall
District Four

Frank Mann
District Five

Re: Petition to Vacate a Portion of Johnson Lane Adjacent to STRAP No. 30-43-25-00-00029.0000; 6451 Bayshore Road, North Fort Myers 33917

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Dear Ms. Grady:

This is a follow-up to the letter dated March 14, 2007. Lee County Department of Transportation offers no objection to this vacation request.

Diana M. Parker
County Hearing Examiner

Very truly yours,

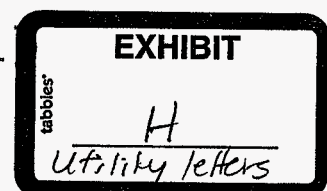
Margaret Lawson
Right-of-way Supervisor
Lee County Department of Transportation

ML/hc

cc: Ron Wilson, Development Services
Allen Davies, Natural Resources
David Reycraft, Utilities
DOT/PTV File (Johnson Lane)

S:\DOCUMENT\Coachman\Letters\PTV No Objection Letters\Johnson Lane (Roetzel & Andress 3-19-07).doc

VAC 2007-0001





Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

2981 NE Pine Island Road
Cape Coral, Florida 33909

STEPHANIE KOPELOUSOS
INTERIM SECRETARY

March 19, 2007

Ms. Beverly Grady
2320 First Street
Ft. Myers, Fl. 33901-2904

Re: Roadway Easement Vacation Strap No. 30-43-25-00-00029.0000, Johnson Lane adjacent to 6451 Bayshore Road, North Fort Myers, Florida.

In response to your letter received February 26, 2007 our staff has reviewed the information submitted. The Department has the following concerns with the removal of Johnson Lane.

1. Curb and Gutter will need to be installed.
2. A curb drainage inlet will need to be installed.
3. ADA compliant sidewalk will need to be installed.
4. All FDOT R/W will need to be properly restored after construction is completed.
5. The above items will be by permit thru Brian DeBoy FDOT Permits Section in our office.

Provided the conditions above are met during the permitting process, the Department of Transportation would have no objections and "Defer to Lee County" the Johnson Lane roadway vacation request.

Sincerely,

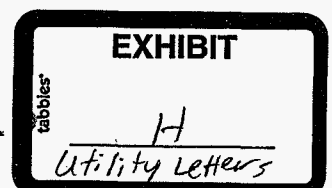
Richard K. Beveridge
Field Operation Administrator

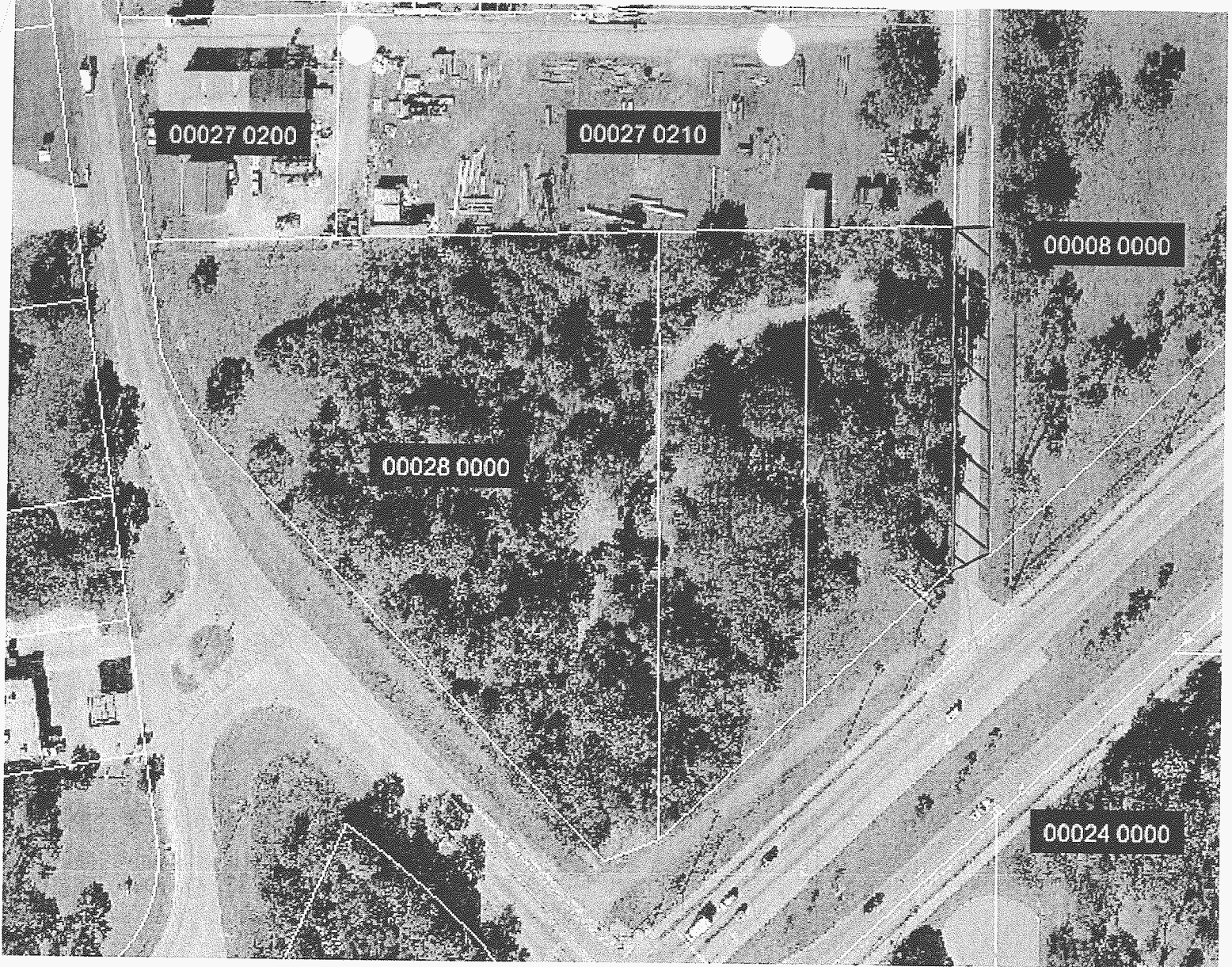
Cc: File 22.2
Brian T. DeBoy
Dave F. Holden

VAC 2007-00013

Fort Myers Operations Center
2981 N.E. Pine Island Road * Cape Coral, FL 33909-6513
(239) 656-7800 * (239) 656-7742 (Fax) * MS 1-93
www.dot.state.fl.us

VAC 2007-0001





 - AREA TO BE VACATED