

# Lee County Board Of County Commissioners

Agenda Item Summary

Blue Sheet No. 20020956

## 1. REQUESTED MOTION:

**ACTION REQUESTED:** Accept a Petition VAC2001-00024 to vacate the public's interest in that portion of a sixty-foot (60') wide platted right-of-way known as WAYCROSS ROAD S.E.; starting from a point six feet west of the eastern boundary of Lot 34 to it's northwestern terminus (approx. 1,150' long). The right-of-way in question is within the platted subdivision of **B.F. INDUSTRIAL CENTER**; in Section 10, Township 44, Range 25 as recorded in Plat Book 47, Pages 91 and 92 of the official Public Records of Lee County, Florida; and adopt a resolution setting a public hearing for 5:00 p.m. on the 26<sup>th</sup> day of November 2002.

**WHY ACTION IS NECESSARY:** To provide for installation of a security gate at the proposed terminus of the public right-of-way. **The vacation of the public interest in this right-of-way will not alter existing drainage or utilities; nor is this right-of-way necessary to accommodate any future drainage or utility requirements.** The road will remain the same but revert to private ownership. All public utility easements along the right-of-way will remain intact. A new replacement public utility easement is to be granted to cover any utilities within the actual right-of-way.

**WHAT ACTION ACCOMPLISHES:** Sets the date for Public Hearing.

2. DEPARTMENTAL CATEGORY: 04  
COMMISSION DISTRICT # 05

3. MEETING DATE:

10-29-2002

## 4. AGENDA:

☒ CONSENT  
☐ ADMINISTRATIVE APPEALS  
☐ PUBLIC  
☐ WALK ON  
TIME REQUIRED:

## 5. REQUIREMENT/PURPOSE:

(Specify)  
☒ STATUTE FS177  
☐ ORDINANCE  
☒ ADMIN. CODE 13-1 & 13-8  
☐ OTHER

## 6. REQUESTOR OF INFORMATION:

A. COMMISSIONER  
B. DEPARTMENT Community Development  
C. DIVISION Development Services

BY: Peter J. Eckenrode, Director

7. **BACKGROUND:** The Petition to Vacate was submitted by Ink Engineering, Inc., agent for the property owner, Marks R.V.

**LOCATION:** The site is located at the northwestern end of Waycross Road in Section 10, Township 44, Range 25 near the intersection of I-75 and Luckett Road in Tice.

The portion of the right-of-way to be affected is sixty-foot (60') wide and is approximately the northwest one-thousand one-hundred and fifty feet (1,150') of Waycross Road S.E. starting from a point six feet west of the eastern boundary of Lot 34 to it's northwestern terminus. The right-of-way in question is within the platted subdivision of **B.F. INDUSTRIAL CENTER**; in Section 10, Township 44, Range 25 as recorded in Plat Book 47, Pages 91 and 92 of the official Public Records of Lee County, Florida.

A more detailed description and sketch is attached to this bluesheet. Attached to this Blue sheet is a supplemental sketch, the Petition to Vacate, the Resolution to set the Public Hearing and the Notice of Public Hearing.

## 8. MANAGEMENT RECOMMENDATIONS:

## 9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services	G County Manager
<i>Mary G. Galt</i>	N/A	N/A		<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

## 10. COMMISSION ACTION:

☐ APPROVED  
☐ DENIED  
☐ DEFERRED  
☐ OTHER

RECEIVED BY  
COUNTY ADMIN. *ID*  
COUNTY ADMIN.  
FORWARDED TO: *BH*  
*10/17 12:00*

Rec. by CoAtty  
Date: *8/22/02*  
Time: *11:00 AM*  
Forwarded To:  
*DCD*  
*8/27/02*

*9/18/02*  
CO. ATTY.  
FORWARDED TO:  
*Admin*  
*10/16/02 3:41 PM*

## PETITION TO VACATE

Case Number: VAC2001-00024

Petitioner(s), MARK STOUT Realty LLC <sup>an Indiana Limited Liability Company</sup> 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:

9702 Pendleton Pk  
Indpls, IN 46236

2. In accordance with Florida Statute (F.S.) Chapter 177 and Lee County Administrative Code (LCAC) 13-1, Petitioner desires to vacate the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A" and in accordance with F.S. Chapter 336 and LCAC 13-8, Petitioner desires to vacate, abandon, close and discontinue the public's interest in the right-of-way or portion of right-of-way legally described in the attached Exhibit "A".
3. A sketch showing the area(s) the Petitioner desires to vacate is attached as Exhibit "B".
4. In accordance with F.S. Chapter 177, proof Petitioner paid all applicable state and county taxes on the property to be vacated is attached as Exhibit "C".
5. In accordance with F.S. Chapter 177, Petitioner is the fee simple title holder to the underlying land sought to be vacated.
6. In accordance with the LCAC 13-1, Petitioner did provide notice to all affected property owners concerning the intent of this Petition. Notice concerning the intent of this Petition will also be provided in accordance with LCAC 13-8.
7. In accordance with letters of review and recommendation provided by various governmental and utility entities, there is no apparent impediment to granting Petitioner's request.

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

Respectfully Submitted,

By:

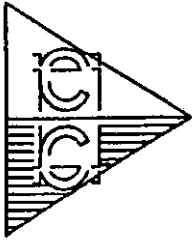
Mark Stout  
Petitioner Signature

MARK STOUT Realty LLC  
By MARK STOUT, President  
Printed Name

By:

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

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



# INK ENGINEERING, INC.

ENGINEERS

SURVEYORS

PLANNERS

3660 CENTRAL AVE, SUITE 8 • FORT MYERS, FLORIDA 33901 • TEL (941) 931-0455 • FAX (941) 931-0456

MAY 7, 2001  
JOB NO. 0013  
0013SKT1.LGL

SHEET 1 OF 2

## DESCRIPTION:

PART OF THE ROAD RIGHT OF WAY OF WAYCROSS RD. S.E.,  
LYING IN B.F. INDUSTRIAL CENTER AS RECORDED IN PLAT BOOK  
47 PAGE 91 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA  
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF SAID WAYCROSS RD. S.E. LYING WEST  
AND NORTHWESTERLY OF "LINE A" DESCRIBED AS FOLLOWS:

FROM THE POINT OF COMMENCEMENT BEING THE NORTHWEST  
CORNER OF LOT 33 OF SAID B.F. INDUSTRIAL CENTER; THENCE  
N.88°35'00"W. ALONG THE SOUTHERLY RIGHT OF WAY LINE OF  
SAID WAYCROSS RD. S.E. FOR 6.00 FEET TO THE POINT OF  
BEGINNING OF SAID "LINE A";


FROM SAID POINT OF BEGINNING; THENCE N.01°25'00"E. FOR  
60.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SAID  
WAYCROSS RD. S.E. AND THE END OF SAID "LINE A".

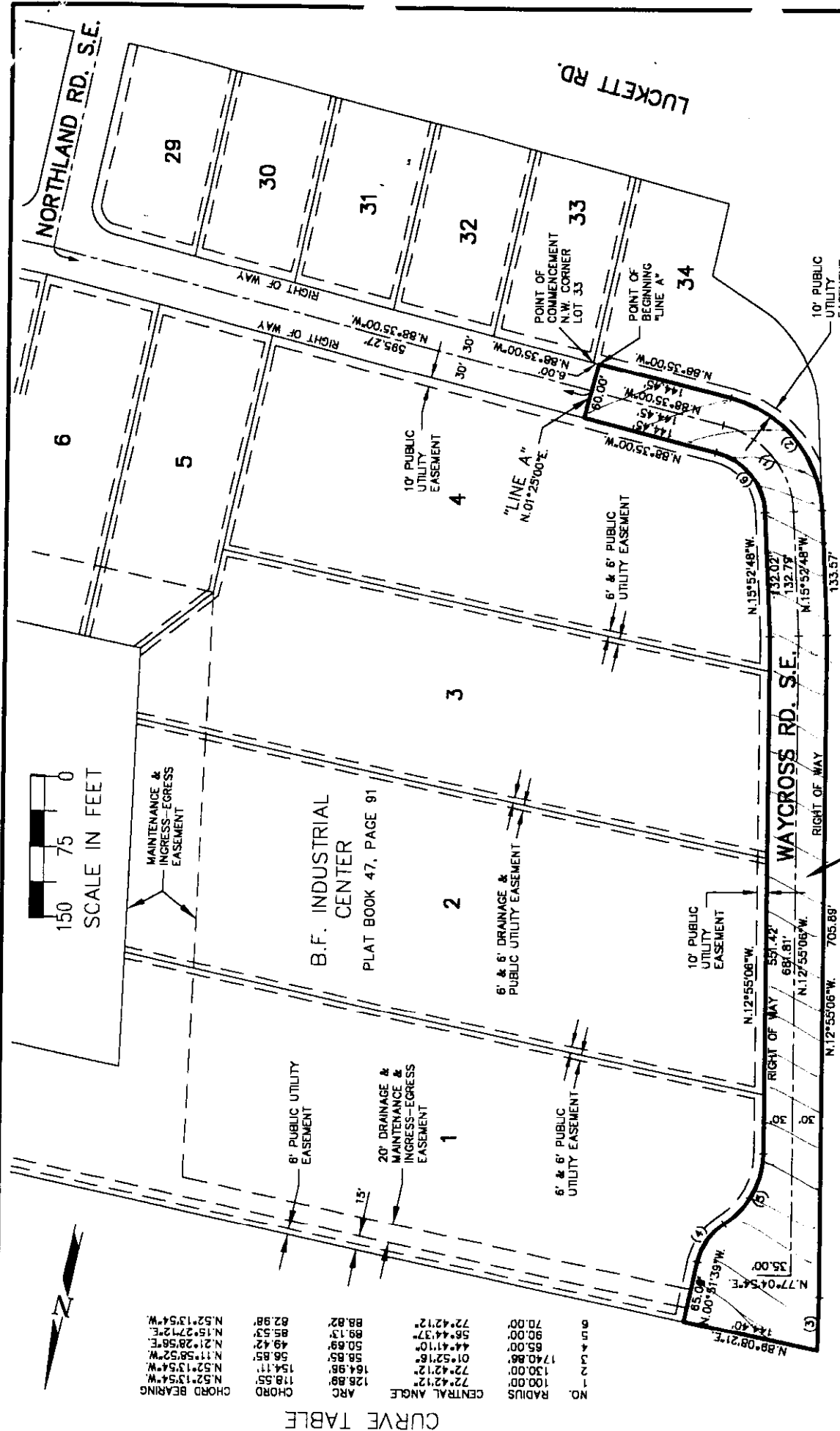
CONTAINING 1.7993 ACRES MORE OR LESS.

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

REFER TO 8 1/2" X 11" SKETCH (SEE SHEET 2 OF 2)

INK ENGINEERING, INC. (LB 856)

  
GLENN C. ADAMS  
PROFESSIONAL LAND SURVEYOR  
FL. CERT. NO. 6062



NO.	RADIUS	CENTRAL ANGLE	ARC	CHORD	CHORD BEARING
1	100.00	72°42'12"	128.89	119.55	
2	130.00	72°42'12"	164.98	134.47	
3	140.86	01°52'16"	58.58	56.58	
4	65.00	44°41'10"	69.69	49.42	
5	90.00	56°44'13"	89.13	68.53	
6	70.00	72°42'12"	88.82	82.88	
					N.52°13'54"W.
					N.15°32'17"E.
					N.21°28'58"E.
					N.17°52'52"W.
					N.52°13'54"W.
					N.52°13'54"W.

INK ENGINEERING, INC., U.S. 82-6  
DATE 11/1/82  
[Signature]  
GLENN C. ADAMS, FOR THE FIRM  
PROFESSIONAL LAND SURVEYOR  
FLA. CERTIFICATE NO. 5062

## EASEMENT

SHEET 2 OF 2

N.15°52'48"W.

INTERSTATE 75

		5/07/01	
DATE	SCALE	1"=150'	
DRAWN		G.C.A.	
CHECK			
APPROVED			

## SKETCH (NOT A SURVEY)

PART OF B.F. INDUSTRIAL CENTER  
PLAT BOOK 47, PAGE 91  
SECTION 10, TOWNSHIP 44 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA

**INK ENGINEERING, INC.**  
ENGINEERS SURVEYORS PLANNERS  
931-0455 3660 CENTRAL AVE., SUITE 8 FT. MYERS, FLORIDA 33901

0013  
JOB NO.:

Kelly Tractor  
PB 60 Pgs 18+19  
MH-1 + IL + IPB  
2-91-095 91-9-3-DCF-2

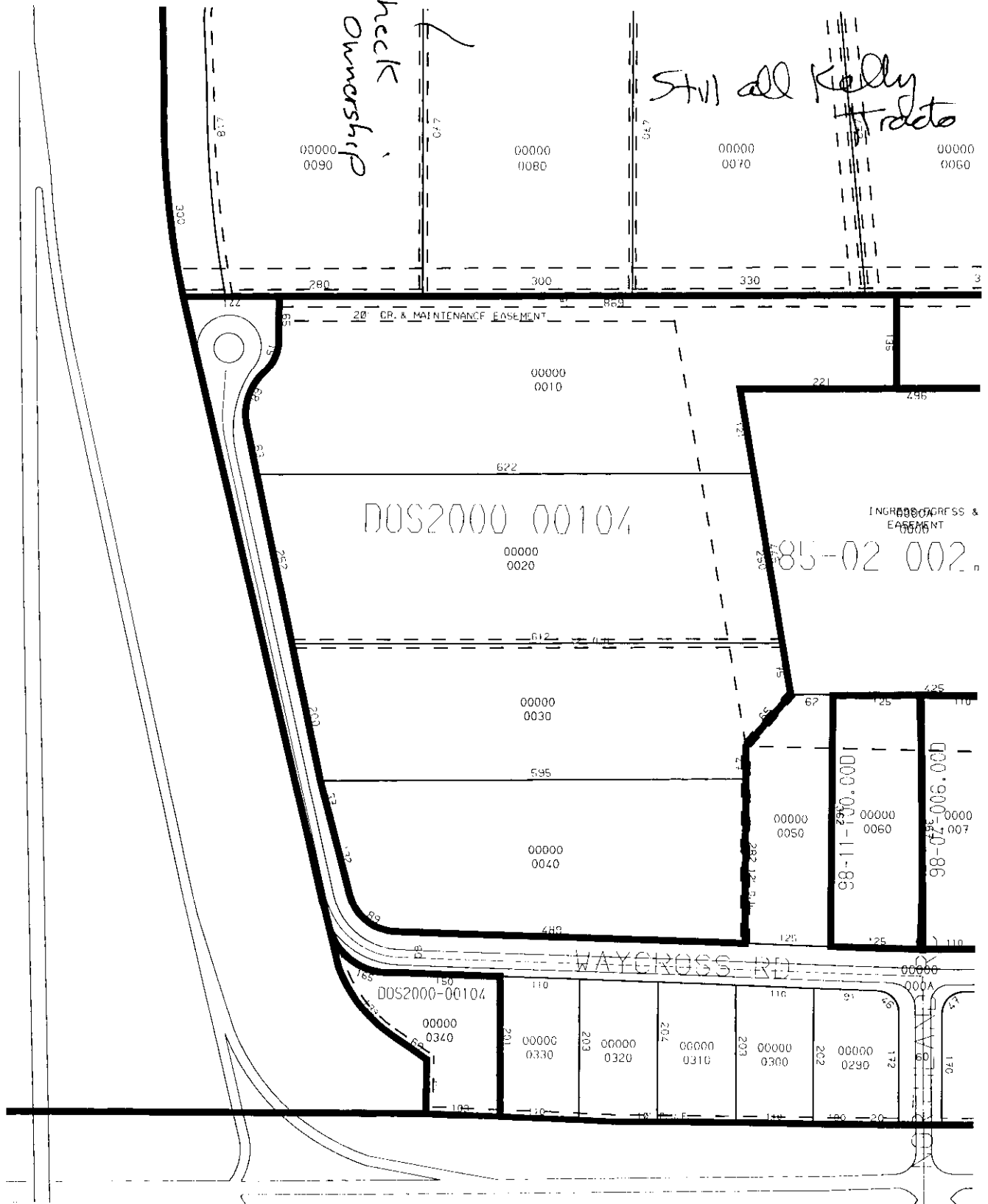
BF Industrial Center

PB47 Pg 91, 92

Zoe IL

check  
ownership

Still all Kelly  
Hector



November 2001	December 2001	January 2002	February 2002	March 2002	April 2002
\$5,441.53	\$5,498.21	\$5,554.89	\$5,611.58	\$5,668.26	\$5,838.31
Tax Status	PAID	Paid Amount	\$5,668.26	PIN Number	01-00123358
Mailing Address		Tax Year	Account Number Original Account Number		District
MARK STOUT REALTY LLC 9702 PENDLETON PIKE INDIANAPOLIS IN 46236 USA		2001	10-44-25-07-00000.0010 10-44-25-07-00000.0010		142
Site Address		Legal Description			OR Book/Page
4621 WAYCROSS RD		B F INDUSTRIAL CENTER PB 47 PG 92 LOT 1			3236/4810
VALUES					
Just Value				\$282,030.00	
Assessed Value				\$282,030.00	
Assessed Save Our Homes Value				\$282,030.00	
Homestead Exemption				\$0.00	
Other Exemption				\$0.00	
Taxable Value				\$282,030.00	
AD VALOREM TAXES					
Taxing Authority		Mill Rate		Taxes Levied	
PUBLIC SCHOOL - BY LOCAL BOARD		2.6080		\$735.53	
PUBLIC SCHOOL - BY STATE LAW		5.8700		\$1,655.52	
LEE COUNTY CAPITAL IMP		1.0124		\$285.53	
LEE CO UNINCORPORATED - MSTU		1.2114		\$341.65	
LEE COUNTY GENERAL REVENUE		4.3277		\$1,220.54	
LEE COUNTY HYACINTH CONTROL		0.0358		\$10.10	
LEE COUNTY LIBRARY FUND		0.9630		\$271.59	
LEE COUNTY MOSQUITO CONTROL		0.3595		\$101.39	
SFL WATER MGMT-EVERGLADE CONST		0.1000		\$28.20	
TICE FIRE DISTRICT		2.9000		\$817.89	
WEST COAST INLAND WATERWAY		0.0400		\$11.28	
LEE COUNTY ALL HAZARDS - UNINC		0.0733		\$20.67	
SFL WATER MGMT-DISTRICT LEVY		0.5970		\$168.37	
NON AD VALOREM ASSESSMENTS					
Levying Authority		Rebate/Base		Amount	
COMBINED TOTAL				\$5,668.26	

November 2001	December 2001	January 2002	February 2002	March 2002	April 2002
\$4,603.20	\$4,651.15	\$4,699.10	\$4,747.05	\$4,795.00	\$4,938.85
Tax Status	PAID	Paid Amount	\$4,795.00	PIN Number	01-00123359
Mailing Address		Tax Year	Account Number Original Account Number		District
MARK STOUT REALTY LLC 9702 PENDLETON PIKE INDIANAPOLIS IN 46236 USA		2001	10-44-25-07-00000.0020 10-44-25-07-00000.0020		142
Site Address		Legal Description			OR Book/Page
4641 WAYCROSS RD		B F INDUSTRIAL CENTER PB 47 PG 92 LOT 2			3236/4810
VALUES					
Just Value				\$238,580.00	
Assessed Value				\$238,580.00	
Assessed Save Our Homes Value				\$238,580.00	
Homestead Exemption				\$0.00	
Other Exemption				\$0.00	
Taxable Value				\$238,580.00	
AD VALOREM TAXES					
Taxing Authority		Mill Rate		Taxes Levied	
PUBLIC SCHOOL - BY LOCAL BOARD		2.6080		\$622.22	
PUBLIC SCHOOL - BY STATE LAW		5.8700		\$1,400.46	
LEE COUNTY CAPITAL IMP		1.0124		\$241.54	
LEE CO UNINCORPORATED - MSTU		1.2114		\$289.02	
LEE COUNTY GENERAL REVENUE		4.3277		\$1,032.50	
LEE COUNTY HYACINTH CONTROL		0.0358		\$8.54	
LEE COUNTY LIBRARY FUND		0.9630		\$229.75	
LEE COUNTY MOSQUITO CONTROL		0.3595		\$85.77	
SFL WATER MGMT-EVERGLADE CONST		0.1000		\$23.86	
TICE FIRE DISTRICT		2.9000		\$691.88	
WEST COAST INLAND WATERWAY		0.0400		\$9.54	
LEE COUNTY ALL HAZARDS - UNINC		0.0733		\$17.49	
SFL WATER MGMT-DISTRICT LEVY		0.5970		\$142.43	
NON AD VALOREM ASSESSMENTS					
Levying Authority		Rebate/Base		Amount	
COMBINED TOTAL				\$4,795.00	

November 2001	December 2001	January 2002	February 2002	March 2002	April 2002
\$3,432.45	\$3,468.21	\$3,503.96	\$3,539.72	\$3,575.47	\$3,682.73
Tax Status	PAID	Paid Amount	\$3,575.47	PIN Number	01-00123360
Mailing Address		Tax Year	Account Number Original Account Number		District
MARK STOUT REALTY LLC 9702 PENDLETON PIKE INDIANAPOLIS IN 46236 USA		2001	10-44-25-07-00000.0030 10-44-25-07-00000.0030		142
Site Address		Legal Description			OR Book/Page
4661 WAYCROSS RD		B F INDUSTRIAL CENTER PB 47 PG 92 LOT 3			3236/4810
VALUES					
Just Value				\$177,900.00	
Assessed Value				\$177,900.00	
Assessed Save Our Homes Value				\$177,900.00	
Homestead Exemption				\$0.00	
Other Exemption				\$0.00	
Taxable Value				\$177,900.00	
AD VALOREM TAXES					
Taxing Authority		Mill Rate		Taxes Levied	
PUBLIC SCHOOL - BY LOCAL BOARD		2.6080		\$463.96	
PUBLIC SCHOOL - BY STATE LAW		5.8700		\$1,044.27	
LEE COUNTY CAPITAL IMP		1.0124		\$180.11	
LEE CO UNINCORPORATED - MSTU		1.2114		\$215.51	
LEE COUNTY GENERAL REVENUE		4.3277		\$769.90	
LEE COUNTY HYACINTH CONTROL		0.0358		\$6.37	
LEE COUNTY LIBRARY FUND		0.9630		\$171.32	
LEE COUNTY MOSQUITO CONTROL		0.3595		\$63.96	
SFL WATER MGMT-EVERGLADE CONST		0.1000		\$17.79	
TICE FIRE DISTRICT		2.9000		\$515.91	
WEST COAST INLAND WATERWAY		0.0400		\$7.12	
LEE COUNTY ALL HAZARDS - UNINC		0.0733		\$13.04	
SFL WATER MGMT-DISTRICT LEVY		0.5970		\$106.21	
NON AD VALOREM ASSESSMENTS					
Levying Authority		Rebate/Base		Amount	
COMBINED TOTAL				\$3,575.47	



November 2001	December 2001	January 2002	February 2002	March 2002	April 2002
\$3,420.27	\$3,455.90	\$3,491.52	\$3,527.15	\$3,562.78	\$3,669.66
Tax Status	PAID	Paid Amount	\$3,562.78	PIN Number	01-00123361
Mailing Address		Tax Year	Account Number Original Account Number		District
MARK STOUT REALTY LLC 9702 PENDLETON PIKE INDIANAPOLIS IN 46236 USA		2001	10-44-25-07-00000.0040 10-44-25-07-00000.0040		142
Site Address		Legal Description			OR Book/Page
4681 WAYCROSS RD		B F INDUSTRIAL CENTER PB 47 PG 92 LOT 4			3236/4810
VALUES					
Just Value				\$177,270.00	
Assessed Value				\$177,270.00	
Assessed Save Our Homes Value				\$177,270.00	
Homestead Exemption				\$0.00	
Other Exemption				\$0.00	
Taxable Value				\$177,270.00	
AD VALOREM TAXES					
Taxing Authority		Mill Rate		Taxes Levied	
PUBLIC SCHOOL - BY LOCAL BOARD		2.6080		\$462.32	
PUBLIC SCHOOL - BY STATE LAW		5.8700		\$1,040.57	
LEE COUNTY CAPITAL IMP		1.0124		\$179.47	
LEE CO UNINCORPORATED - MSTU		1.2114		\$214.74	
LEE COUNTY GENERAL REVENUE		4.3277		\$767.17	
LEE COUNTY HYACINTH CONTROL		0.0358		\$6.35	
LEE COUNTY LIBRARY FUND		0.9630		\$170.71	
LEE COUNTY MOSQUITO CONTROL		0.3595		\$63.73	
SFL WATER MGMT-EVERGLADE CONST		0.1000		\$17.73	
TICE FIRE DISTRICT		2.9000		\$514.08	
WEST COAST INLAND WATERWAY		0.0400		\$7.09	
LEE COUNTY ALL HAZARDS - UNINC		0.0733		\$12.99	
SFL WATER MGMT-DISTRICT LEVY		0.5970		\$105.83	
NON AD VALOREM ASSESSMENTS					
Levying Authority		Rebate/Base		Amount	
COMBINED TOTAL				\$3,562.78	

November 2001	December 2001	January 2002	February 2002	March 2002	April 2002
\$833.90	\$842.59	\$851.28	\$859.96	\$868.65	\$894.71
Tax Status	PAID	Paid Amount	\$868.65	PIN Number	01-00123391
Mailing Address		Tax Year	Account Number Original Account Number		District
MARK STOUT REALTY LLC 9702 PENDLETON PIKE INDIANAPOLIS IN 46236 USA		2001	10-44-25-07-00000.0340 10-44-25-07-00000.0340		142
Site Address		Legal Description			OR Book/Page
4690 WAYCROSS RD		B F INDUSTRIAL CENTER PB 47 PG 92 LOT 34			3236/4810
VALUES					
Just Value				\$43,220.00	
Assessed Value				\$43,220.00	
Assessed Save Our Homes Value				\$43,220.00	
Homestead Exemption				\$0.00	
Other Exemption				\$0.00	
Taxable Value				\$43,220.00	
AD VALOREM TAXES					
Taxing Authority		Mill Rate		Taxes Levied	
PUBLIC SCHOOL - BY LOCAL BOARD		2.6080		\$112.72	
PUBLIC SCHOOL - BY STATE LAW		5.8700		\$253.70	
LEE COUNTY CAPITAL IMP		1.0124		\$43.76	
LEE CO UNINCORPORATED - MSTU		1.2114		\$52.36	
LEE COUNTY GENERAL REVENUE		4.3277		\$187.04	
LEE COUNTY HYACINTH CONTROL		0.0358		\$1.55	
LEE COUNTY LIBRARY FUND		0.9630		\$41.62	
LEE COUNTY MOSQUITO CONTROL		0.3595		\$15.54	
SFL WATER MGMT-EVERGLADE CONST		0.1000		\$4.32	
TICE FIRE DISTRICT		2.9000		\$125.34	
WEST COAST INLAND WATERWAY		0.0400		\$1.73	
LEE COUNTY ALL HAZARDS - UNINC		0.0733		\$3.17	
SFL WATER MGMT-DISTRICT LEVY		0.5970		\$25.80	
NON AD VALOREM ASSESSMENTS					
Levying Authority		Rebate/Base		Amount	
COMBINED TOTAL				\$868.65	

THIS INSTRUMENT PREPARED BY:

TERRY V. BROUGHTON, ESQ.  
1705-D2 COLONIAL BOULEVARD  
FORT MYERS, FL 33907

PARCEL ID. NO.: \_\_\_\_\_

Grantee S.S. No. \_\_\_\_\_

(Name & No.)

Grantor S.S. No. \_\_\_\_\_

(Name & No.)

INSTR # 4843920

OR BK 03236 PG 4810

RECORDED 03/30/00 10:24 AM  
CHARLIE BREEN CLERK OF COURT  
LEE COUNTY

RECORDING FEE 5.00  
DOC TAX PD(F.S. 201.02) 10,500.00  
DEPUTY CLERK K Cartwright

[space above this line for recording data]

# WARRANTY DEED (STATUTORY FORM -- SECTION 689.02, F.S.)

This Indenture, made this 27 day of March, 2000, Between

B.F. INDUSTRIAL PARK, INC., f/k/a Bank of Florida Equities, Inc., f/k/a/ Bank of Florida Development Company, Inc., a Florida corporation

of the County of Lee, State of Florida, Grantor\*, and

MARK STOUT REALTY, LLC, an Indiana limited liability company

whose post office address is 9702 Pendleton Pike, Indianapolis, IN 46236  
of the County of \_\_\_\_\_, State of Indiana, Grantee\*.

Witnesseth that said Grantor, for and in consideration of the sum of Ten Dollars and no/100 (\$10.00) Dollars, and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situated, lying and being in Lee County, Florida, to-wit:

LOTS 1, 2, 3, 4 AND 34, B.F. INDUSTRIAL CENTER, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 47, PAGE(S) 91 AND 92, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

Subject to easements, restrictions, and reservations of record, if any.

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

\*"Grantor" and "Grantee" are used for singular or plural, as context requires.

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

Signed, sealed and delivered in our presence:

WITNESSES:

Amy Guleman-Miller  
Printed Name: Amy Guleman-Miller

Kathryn S. Donovan  
Printed Name: KATHRYN S. DONOVAN

B.F. INDUSTRIAL PARK, INC., a Florida corporation

By: Robert Wildermuth  
Robert Wildermuth, as Vice President

STATE OF OHIO  
COUNTY OF Butler

THE FOREGOING instrument was acknowledged before me this 27<sup>th</sup> day of March, 2000, by Robert Wildermuth as Vice President of B.F. Industrial Park, Inc., a Florida corporation, on behalf of the corporation. He /she is /are personally known to me, or has /have produced as identification.



AMY GULEMAN-MILLER  
Notary Public, State of Ohio  
My Commission Expires Feb. 12, 2003

Amy Guleman-Miller  
Notary Public  
Printed Name: Amy Guleman-Miller  
Commission Expires: Feb. 12, 2003

OWNER'S TITLE INSURANCE POLICY

**Attorneys' Title Insurance Fund, Inc.**

ORLANDO, FLORIDA

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, ATTORNEYS' TITLE INSURANCE FUND, INC., a Florida corporation, herein called The Fund, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Fund will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

In Witness Whereof, ATTORNEYS' TITLE INSURANCE FUND, INC. has caused this policy to be signed and sealed as of Date of Policy shown in Schedule A, the policy to become valid when countersigned by an authorized signatory.



Attorneys' Title Insurance Fund, Inc.

By

Charles J. Kovaleski  
President

SERIAL

OPM -

1853658

FUND OWNER'S FORM

Schedule A

Policy No.: OPM- 1853658      Effective Date: March 30, 2000 @ 10:24 a.m.      Agent's File Reference: 174.2

Amount of Insurance: \$ 1,500,000.00

1. Name of Insured:

MARK STOUT REALTY, LLC, AN INDIANA LIMITED LIABILITY COMPANY

2. The estate or interest in the land described herein and which is covered by this policy is a fee simple (if other, specify same) and is at the effective date hereof vested in the named insured as shown by instrument recorded in Official Records Book 3236, Page 4810, of the Public Records of Lee County, Florida.

3. The land referred to in this policy is described as follows:

Lots 1, 2, 3, 4, and 34, B.F. INDUSTRIAL CENTER, according to the map or plat thereof as recorded in Plat Book 47, Page(s) 91 and 92, Public Records of Lee County, Florida.

TERRY V. BROUGHTON, P.A.      11467  
ISSUING AGENT - ATTORNEY OR FIRM OF ATTORNEYS      AGENT NO.      AGENT'S SIGNATURE  
1705-D2 Colonial Blvd.      Fort Myers      33907  
MAILING ADDRESS      CITY      Florida      ZIP

FUND OWNER'S FORM  
Schedule B

Policy No.: **OPM- 1853658**

This policy does not insure against loss or damage by reason of the following exceptions:

1. Taxes for the year of the effective date of this policy and taxes or special assessments which are not shown as existing liens by the public records.
- ~~2. Rights or claims of parties in possession not shown by the public records.~~
- ~~3. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises.~~
- ~~4. Easements or claims of easements not shown by the public records.~~
- ~~5. 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.~~
6. Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the lands insured hereunder, including submerged, filled and artificially exposed lands, and lands accreted to such lands.
7. Restrictions, conditions, reservations, easements, and other matters contained on the Plat of B.F. Industrial Center, as recorded in Plat Book 47, Page(s) 91 and 92, Public Records of Lee County, Florida.
8. Covenants, conditions and restrictions recorded October 18, 1996, in O.R. Book 2755, Page 1487, and First Amendment to Declaration of Covenants recorded March 30, 2000, in O.R. Book 3236, Page 4809, Public Records of Lee County, Florida.
9. Notice of Development Order recorded in O.R. Book 1869, Page 3535, Public Records of Lee County, Florida.
10. Lee County Ordinance No. 86-14 recorded November 30, 1990, in O.R. Book 2189, Page 3281; and amended by Ordinance No. 86-38 in O.R. Book 2189, Page 3334, Public Records of Lee County, Florida.
11. Riparian and littoral rights are not insured.
12. This policy does not insure any portion of the insured parcel lying waterward of the ordinary high water mark of Lake.
13. Rights of others to use that portion of the insured land lying within the waters of Lake shown on Plat Book 47, Page 92, Public Records of Lee County, Florida.
14. Mortgage and Security Agreement to First Indiana Bank recorded March 30, 2000, in O.R. Book 3236, Page 4811, Public Records of Lee County, Florida.
15. Collateral Assignment of Leases and Rents to First Indiana Bank recorded March 30, 2000, in O.R. Book 3236, Page 4827, Public Records of Lee County, Florida.
16. U.C.C. Financing Statement to First Indiana Bank recorded March 30, 2000, in O.R. Book 3236, Page 4839, Public Records of Lee County, Florida.

# TICE FIRE & RESCUE DISTRICT

Chief  
Gregory A. Bradley  
(941) 694-2380

5170 Tice Street  
Ft. Myers, FL. 33905  
Fax (941) 694-7399

Ink Engineering  
1400 Colonial Blvd.  
Ft. Myers, FL. 33907

7/18/02


Re: BF Industrial Park

Dear Sir,

The Tice Fire District does not have an objection to the blocking of the proposed project located on lots 1,2,3,4,& 34 of the BF Industrial Park. The only objection would occur if and when the property owner(s) construct a building that would be situated along the existing road, which is being vacated. The Tice Fire District would then request access to that future building.

Anyone have further question can feel free to contact me at (239)-694-2380.

Thank You,



Shelton R. Reynolds Jr.  
Ass't Fire Chief  
Tice Fire & Rescue District

# KELLY TRACTOR

Kelly Tractor Co. Serving the Industry Since 1933 [www.kellytractor.com](http://www.kellytractor.com)



4/11/02

Ink Engineering  
3660 Central Avenue, Suite 8  
Ft. Myers, FL 33901

Attn: Jim Jack

Dear Jim:

Enclosed please find the executed original copy of the "Mark's RV" letter with respect to vacating the public right-of-way for Waycross Road in Ft. Myers.

Contact me at 305-592-5374, ext. 1109 if you have questions or need further assistance.

Sincerely,

Jack Killmer  
Property Manager



**WACKER**



MASSEY FERGUSON



**Miami**  
8255 NW 58 Street  
Miami, FL 33166  
(305) 592-5360  
FAX (305) 477-2024

**Davie**  
2801 Reese Road  
Davie, FL 33314  
(954) 581-8181  
FAX (954) 581-6464

**West Palm Beach**  
5460 Okeechobee Boulevard  
West Palm Beach, FL 33417  
(561) 683-1231  
FAX (561) 683-4591

**Clewiston**  
801 E Sugarland Highway  
Clewiston, FL 33440  
(863) 983-8177  
FAX (863) 902-1000

**Naples**  
5780 Shirley Street  
Naples FL 34109  
(941) 593-3933  
FAX (941) 593-3935

**Ft Myers**  
9651 Kelly Tractor Drive  
Ft Myers, FL 33905  
(941) 693-9233  
FAX (941) 693-8876

**Punta Gorda**  
8241 Pascal Drive  
Punta Gorda, FL 33950  
(941) 639-7772  
FAX (941) 637-9929

**Orlando (Cranes Only)**  
17300 E Colonial Drive  
Orlando, FL 32820  
(407) 568-8055  
FAX (407) 568-7701



04/11/2002 13:38

954-4628148

EISENSMITH AND CAPP

PAGE 01/01

FEB-14-2002 01:44 PM

.02

# Ink Engineering

A Division of  
LBFH, Inc.

CIVIL  
AGRICULTURAL  
WATER RESOURCES  
WATER & WASTEWATER  
TRANSPORTATION  
SURVEYING & MAPPING  
GIS

Partners for Knowledge  
Value by Design

3660 Central Avenue, Suite 8  
Fort Myers, FL 33901  
941-931-0455  
Fax: 941-931-0456  
www.ink.com

November 28, 2001

Re: VACATION OF PUBLIC RIGHT-OF-WAY - RETENTION OF  
PRIVATE ROADWAY - WAYCROSS ROAD

Dear Mr. Killmer:

We represent Mark's RV, who is the owner of lots 1, 2, 3, 4 and 34 of BF Industrial Center in Lee County, Florida. We are submitting a Petition to the Lee County Board of County Commissioners seeking to vacate the public interest in the road right-of-way described in the attached sketch and description. Specifically, the existing road right-of-way is now dedicated to the public and is maintained by the BF Industrial Center Property Owners' Association. Upon approval of the Petition, the road right-of-way will still exist, but will be owned and maintained privately.

If you have no objection, we would appreciate it if you could sign where indicated below and return to us via regular mail or fax. Our mailing address is 3660 Central Avenue, Suite 8, Fort Myers, Florida 33901 and our facsimile transmission number is (941) 931-0456.

If you have any questions, please do not hesitate to contact us directly or contact Mark's RV's attorney, E. Bruce Strayborn, P.O. Box 1288, Fort Myers, Florida 33902, whose telephone number is (941) 334-1069.

Sincerely,



James G. Jack, PE  
Vice President

JJ/kr

I, the undersigned, have reviewed the Petition for the vacation of the public's interest in Waycross Road with the road being converted to a private roadway. I have no objection to this public roadway vacation.

  
Kelly Tractor L. PATRICK Kelly, Pres.

0:\00-7013\Permit\vacation of public right of way Kelly Tractor.doc

Post-it® Fax Note	7671	Date	# of pages
To	JACK Killmer	From	Jeff Eisenm
Co./Dept.		Co.	
Phone #		Phone #	
Fax #		Fax #	

# Ink Engineering

A Division of  
**LBFH, Inc.**

CIVIL  
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"Partners for Results  
Value by Design"

3660 Central Ave., Suite 8  
Fort Myers, FL 33901  
(941) 931-0455  
Fax: (941) 931-0456  
www.lbfh.com

November 28, 2001

Re: VACATION OF PUBLIC RIGHT-OF-WAY - RETENTION OF  
PRIVATE ROADWAY WAYCROSS ROAD

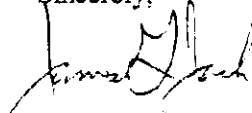
Dear Mr. Wildermuth:

We represent Mark's RV, who is the owner of lots 1, 2, 3, 4 and 34 of BF Industrial Center in Lee County, Florida. We are submitting a Petition to the Lee County Board of County Commissioners seeking to vacate the public interest in the road right-of-way described in the attached sketch and description. Specifically, the existing road right-of-way is now dedicated to the public and is maintained by the BF Industrial Center Property Owners' Association. Upon approval of the Petition, the road right-of-way will still exist, but will be owned and maintained privately.

If you have no objection, we would appreciate it if you could sign where indicated below and return to us via regular mail or fax. Our mailing address is 3660 Central Avenue, Suite 8, Fort Myers, Florida 33901 and our facsimile transmission number is (941) 931-0456.

If you have any questions, please do not hesitate to contact us directly or contact Mark's RV's attorney, E. Bruce Strayhorn, P.O. Box 1288, Fort Myers, Florida 33902, whose telephone number is (941) 334-1069.

Sincerely,



James G. Jack, PE  
Vice President

JJ/kr

I, the undersigned, have reviewed the Petition for the vacation of the public's interest in Waycross Road with the road being converted to a private roadway. I have no objection to this public roadway vacation.

  
BF Industrial Park Property Owners' Association



**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: (941) 479-8531

Bob Janes  
District One

Douglas R. St. Cerny July 12, 2002  
District Two

Ray Judah  
District Three

Andrew W. Coy  
District Four

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

James G. Yaeger  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

Jim Jack  
Ink Engineering, Inc.  
1400 Colonial Blvd., Suite 31  
Fort Myers, FL 33907

**SUBJECT: PETITION TO VACATE PUBLIC RIGHT-OF-WAY  
PORTION OF WAYCROSS ROAD  
STRAP #S: 10-44-25-07-00000.0010, .0020, .0030, .0040 & .0340**

Dear Mr. Jack:

Lee County Utilities is in receipt of your letter and associated attachments concerning the Petition to Vacate a portion of an existing 'Public Right-of-Way' as described above. Lee County Utilities has reviewed your request and currently has no objection to the proposed vacation.

Please be advised that record drawings indicate Lee County Utilities owns and maintains potable water and sanitary sewer facilities within the area to be vacated. Lee County Utilities' position of 'No Objection' is based in part, on the executed Perpetual Public Utility Easement Grant recently submitted by your firm in relation to these existing facilities.

Lee County Utilities has taken the position of 'No Objection' in good faith with the understanding that this executed Perpetual Public Utility Easement Grant will be recorded concurrently with the right-of-way vacation.

If you should have any questions, or require further assistance, please do not hesitate to contact our office at 479-8531.

Sincerely,

LEE COUNTY UTILITIES

Terry A. Kelley  
Senior Engineering Technician  
Utilities Engineering Division

cc: Sal Elrubie, Development Services  
Margaret Lawson, LDOT  
Thom Osterhout, Lee County Utilities  
Correspondence File

This Instrument Prepared By:  
Lee County Utilities  
1500 Monroe Street - 3<sup>rd</sup> Floor  
Fort Myers, Florida 33901

**PERPETUAL PUBLIC UTILITY EASEMENT GRANT**

THIS INDENTURE is made and entered into this 9 day of OCT, 2002, by and between MARK STOTT REALTY LLC <sup>an Indiana Limited Liability Company</sup>, Owner, hereinafter referred to as GRANTOR(S), and LEE COUNTY, hereinafter referred to as GRANTEE.

**WITNESSETH:**

1. For and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged and accepted, GRANTOR hereby grants, bargains, sells and transfers to the GRANTEE, its successors and assigns, a perpetual public utility easement situated in Lee County, Florida, located and described as set forth in Exhibit "A", attached hereto and made a part hereof.

2. GRANTEE, its successors, appointees and assigns, are granted the right, privilege, and authority to construct, replace, renew, extend and maintain a wastewater collection and/or water distribution system, together with, but not limited to, all necessary service connections, manholes, valves, fire hydrants, lift stations and appurtenances, to be located on, under, across and through the easement which is located on the property described (Exhibit "A"), with the additional right, privilege and authority to remove, replace, repair and enlarge said system, and to trim and remove roots, trees, shrubs, bushes and plants, and remove fences or other improvements which may affect the operation of lines, mains and/or utility facilities.

3. The public utility easement shall not be limited to any particular diameter size or type and/or number of connections to other water/sewer mains for providing water/sewer service to this and any adjacent properties. The total area of this public utility easement is reserved for utility lines, mains, or appurtenant facilities and for any landscaping (excluding trees), walkways, roadways, drainage ways, or similar uses. Houses, fences, buildings, carports, garages, storage sheds, overhangs, or any other structures or portions of structures shall not be constructed on or placed within this easement at anytime, present or future, by GRANTOR, or its heirs, successors or assigns.

4. Title to all utilities constructed and/or placed hereunder by GRANTEE or its agents shall remain in the GRANTEE, GRANTEE's successors, appointees, and/or assigns.

5. Subject to any pre-existing easements for public highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and cable television lines covering the land herein described, GRANTOR(S) covenant that they are lawfully seized and possessed of the described real property (Exhibit "A"), have good and lawful right and power to sell and convey it, and that the said property is free of any and all liens and encumbrances, except as herein stated, and accordingly, GRANTOR(S) will forever defend the title and terms of this said easement and the quiet possession thereof by GRANTEE against all claims and demands of all other entities.

6. GRANTOR(S), its heirs, successors or assigns, shall indemnify and hold the GRANTEE harmless for any consequential damages to any houses, fences, buildings, carports, garages, storage sheds, overhangs, or any other structures or portions of structures subsequently constructed by GRANTOR(S) in violation of paragraph 3 within the above easement, which result from the required activities of the GRANTEE for any construction, maintenance or repairs to the utilities location within the above-described easement.

7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment under circumstances in which a private person would be found to be liable in accordance with the general laws of the State of Florida, and subject to the limitations as set out in Section 768.28, Florida Statutes, as it may be revised or amended from time to time.

8. GRANTEE shall have reasonable right of access across GRANTOR's property for the purposes of reaching the described easement (Exhibit "A") on either paved or unpaved surfaces. Any damage to GRANTOR's property or permitted improvements thereon as the result of such access to the described easement or the construction, maintenance, or repairs located within the described easement shall be restored by GRANTEE, to the condition in which it existed prior to the damage as is reasonably practicable.

9. By acceptance of this easement, the GRANTEE assumes no responsibility for ownership or maintenance of roads. The easement is strictly for utility purposes.

10. This easement shall be binding upon the parties hereto, their successors and assigns.

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

Jacqueline E. Mor  
1<sup>st</sup> Witness

James D. Paul  
2<sup>nd</sup> Witness

Mark Stout Realty LLC  
M Stout  
GRANTOR President

Title: Member

STATE OF Florida )  
 ) SS:  
COUNTY OF Lee )

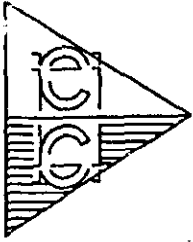
The foregoing instrument was signed and acknowledged before me this 9<sup>th</sup> day of October, 2002, by Mark Stout  
(Print or Type Name)  
who has produced personally known  
(Type of Identification and Number)  
as identification, and who (did) (did not) take an oath.

Kim Russell  
Notary Public Signature

Kim Russell  
Printed Name of Notary Public

DD 070177  
Notary Commission Number

Kim Russell  
Commission # DD 070177  
(Notary Seal) Expires Dec. 17, 2005  
Bonded Thru  
Atlantic Bonding Co., Inc.

**INK ENGINEERING, INC.****ENGINEERS****SURVEYORS****PLANNERS**

3660 CENTRAL AVE, SUITE 8 • FORT MYERS, FLORIDA 33901 • TEL (941) 931-0455 • FAX (941) 931-0456

MAY 7, 2001  
JOB NO. 0013  
0013SKT1.LGL

SHEET 1 OF 2

**DESCRIPTION:**

PART OF THE ROAD RIGHT OF WAY OF WAYCROSS RD. S.E.,  
LYING IN B.F. INDUSTRIAL CENTER AS RECORDED IN PLAT BOOK  
47 PAGE 91 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA  
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF SAID WAYCROSS RD. S.E. LYING WEST  
AND NORTHWESTERLY OF "LINE A" DESCRIBED AS FOLLOWS:

FROM THE POINT OF COMMENCEMENT BEING THE NORTHWEST  
CORNER OF LOT 33 OF SAID B.F. INDUSTRIAL CENTER; THENCE  
N.88°35'00"W. ALONG THE SOUTHERLY RIGHT OF WAY LINE OF  
SAID WAYCROSS RD. S.E. FOR 6.00 FEET TO THE POINT OF  
BEGINNING OF SAID "LINE A";

FROM SAID POINT OF BEGINNING; THENCE N.01°25'00"E. FOR  
60.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SAID  
WAYCROSS RD. S.E. AND THE END OF SAID "LINE A".

CONTAINING 1.7993 ACRES MORE OR LESS.

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

REFER TO 8 1/2" X 11" SKETCH (SEE SHEET 2 OF 2)

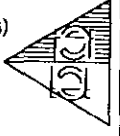
INK ENGINEERING, INC. (LB 856)

GLENN C. ADAMS  
PROFESSIONAL LAND SURVEYOR  
FL. CERT. NO. 6062

# SKETCH (NOT A SURVEY)

PART OF B.F. INDUSTRIAL CENTER  
PLAT BOOK 47, PAGE 91  
SECTION 10, TOWNSHIP 44 SOUTH, RANGE 25 EAST  
LEE COUNTY, FLORIDA

DATE	5/07/01
SCALE	1"=150'
DRAWN	G.C.A.
CHECK	
APPROVED	



INK ENGINEERING, INC.  
ENGINEERS SURVEYORS PLANNERS

JOB NO.:  
0013

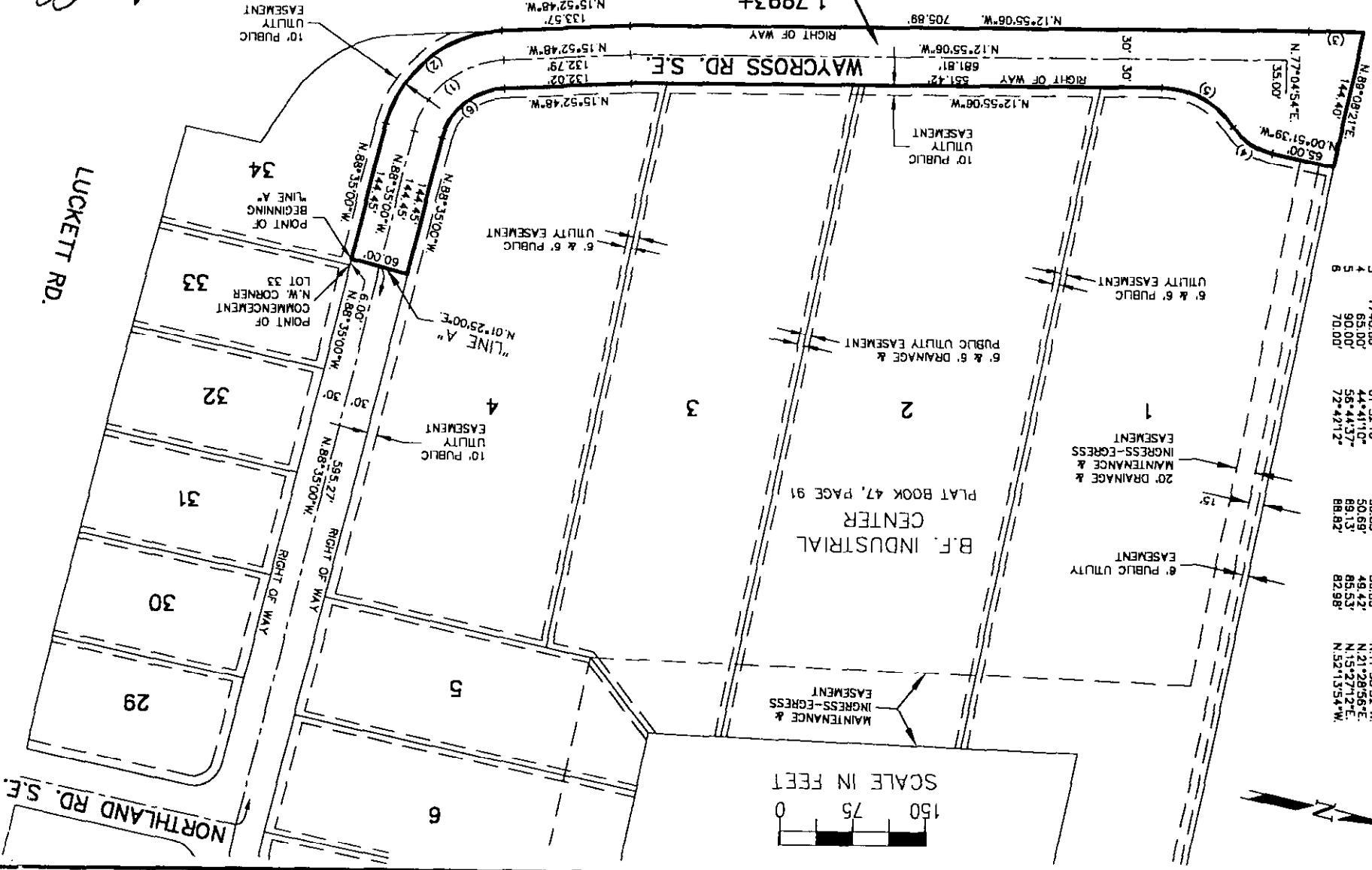
DATE: \_\_\_\_\_  
INK ENGINEERING, INC., 18456  
PROFESSIONAL LAND SURVEYOR  
GLENN C. ADAMS, FOR THE FIRM  
FLA. CERTIFICATE NO. 6062

SHEET 2 OF 2

REFER TO ATTACHED DESCRIPTION  
THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL  
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.  
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS OR RIGHTS OF WAY OF RECORD.  
BEARINGS SHOWN HEREON ARE BASED UPON THE CENTERLINE OF WAYCROSS RD. S.E. BEING N.12°55'06"W.

INTERSTATE 75

1.7993+  
ACRES



CURVE TABLE

NO.	RADIUS	CENTRAL ANGLE	ARC	CHORD	CHORD BEARING
1	100.00'	72°42'12"	128.89'	118.55'	N 52°13'54" W
2	130.00'	72°42'12"	164.86'	154.11'	N 52°13'54" W
3	1740.86'	01°52'16"	56.85'	56.85'	N 11°58'52" W
4	65.00'	44°41'10"	50.69'	49.42'	N 21°28'56" E
5	90.00'	56°44'37"	89.13'	85.53'	N 15°27'12" E
6	70.00'	72°42'12"	88.82'	82.98'	N 52°13'54" W





Florida Power & Light Company  
15834 Winkler Road  
Fort Myers, FL 33908  
(941) 415-1326

March 28, 2002

Mr. James G. Jack, PE  
Ink Engineering  
1400 Colonial Blvd.  
Suite 31  
Fort Myers, FL 33907

RE: REQUEST FOR A LETTER OF REVIEW AND RECOMMENDATION ON A  
PROPOSED ROAD VACATION

Dear Mr. Jack:

I have reviewed the request for the vacation of the existing public road right-of-way as shown on the attached print and offer the following comments:

Florida Power & Light Company has no objection to the vacation of said right-of way as a public right-of-way as long as the utility companies maintain their rights to be within the road right-of-way with their underground and overhead facilities that may be required to provide service to the affected lots. It is also understood that the 10' Public Utility Easement (P.U.E.) will remain in tact.

If you have any questions, please feel free to call me at (941) 415-1326.

Yours truly,

John W. Hahn  
Senior System Project Manager

Attachments

# Ink Engineering

A Division of  
**LBFH, Inc.**

CIVIL  
AGRICULTURAL  
WATER RESOURCES  
WATER & WASTEWATER  
TRANSPORTATION  
SURVEYING & MAPPING  
GIS

"Partners for Results  
Value by Design"

March 19, 2002  
Job #00-7013

Ms. Janice Holton  
FLORIDA POWER AND LIGHT  
15834 Winkler Road  
Fort Myers, Florida 33908

Re: Request for a letter of Review and Recommendation on a proposed road  
vacation as follows:

Dear Ms. Janice Holton:

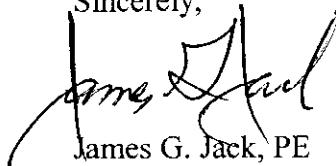
We represent Mr. Mark Stout owner of lots 1, 2, 3, 4 and 34 of BF Industrial Center in Lee County, Florida. We are submitting a Petition to the Lee County Board of County Commissioners seeking to vacate the public interest in the road right-of-way described in the attached sketch and description. Specifically the existing road right-of-way is now dedicated to the public and is maintained by the BF Industrial Center property owners association. Upon approval of the petition the road right-of-way will still exist, but will be owned and maintained privately.

We will be providing a cul-de-sac turnaround at the new terminus of Waycross Road SE.

Please provide us with a letter of review and recommendation so we can continue with our Petition submittal. If you have any questions, please do not hesitate to contact the undersigned directly or attorney of consult:

Bruce Strayhorn  
2215 First Street  
Suite 200  
Fort Myers, Florida 33902  
941-334-1269 Telephone  
941-334-1069 Fax

Sincerely,



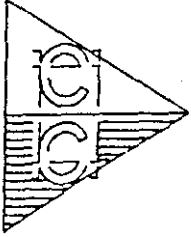
James G. Jack, PE  
Vice President

JJ; kr

Cc: Bruce Strayhorn

1400 Colonial Blvd., Suite 31  
Fort Myers, FL 33907  
(941) 931-0455  
Fax: (941) 931-0456  
www.lbfh.com

\\ftm\projects\00-7013\Permit\road vacation letter.doc



# INK ENGINEERING, INC.

ENGINEERS

SURVEYORS

PLANNERS

3660 CENTRAL AVE, SUITE 8 • FORT MYERS, FLORIDA 33901 • TEL (941) 931-0455 • FAX (941) 931-0456

MAY 7, 2001  
JOB NO. 0013  
0013SKT1.LGL

SHEET 1 OF 2

## DESCRIPTION:

PART OF THE ROAD RIGHT OF WAY OF WAYCROSS RD. S.E.,  
LYING IN B.F. INDUSTRIAL CENTER AS RECORDED IN PLAT BOOK  
47 PAGE 91 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA  
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF SAID WAYCROSS RD. S.E. LYING WEST  
AND NORTHWESTERLY OF "LINE A" DESCRIBED AS FOLLOWS:

FROM THE POINT OF COMMENCEMENT BEING THE NORTHWEST  
CORNER OF LOT 33 OF SAID B.F. INDUSTRIAL CENTER; THENCE  
N.88°35'00"W. ALONG THE SOUTHERLY RIGHT OF WAY LINE OF  
SAID WAYCROSS RD. S.E. FOR 6.00 FEET TO THE POINT OF  
BEGINNING OF SAID "LINE A";

FROM SAID POINT OF BEGINNING; THENCE N.01°25'00"E. FOR  
60.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SAID  
WAYCROSS RD. S.E. AND THE END OF SAID "LINE A".

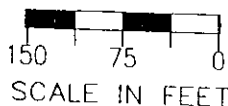
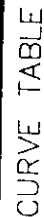
CONTAINING 1.7993 ACRES MORE OR LESS.

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

REFER TO 8 1/2" X 11" SKETCH (SEE SHEET 2 OF 2)

INK ENGINEERING, INC. (LB 856)

GLENN C. ADAMS  
PROFESSIONAL LAND SURVEYOR  
FL. CERT. NO. 6062



REFER TO ATTACHED DESCRIPTION

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

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

BEARINGS SHOWN HEREON ARE BASED UPON THE CENTERLINE OF WAYCROSS RD. S.E. BEING N.12°55'06"W.

SKETCH (NOT A SURVEY)

PART OF B.F. INDUSTRIAL CENTER  
PLAT BOOK 17

SECTION 10 PLAT BOOK 47, PAGE 91

SECTION 10, TOWNSHIP 44 SOUTH, RANGE 25 EAST  
LEE COUNTY, ILLINOIS

LEE COUNTY, FLORIDA

DATE	5/07/01
SCALE	1"=150'
DRAWN	G.C.A.
CHECK	
APPROVED	



INK ENGINEERING, INC.

ENGINEERS

SURVEYORS

PLANNERS

(941) 931-0455 3660 CENTRAL AVE., SUITE 8 FT. MYERS, FLORIDA 33901

FILE: 0013SKT7

--- JOB NO: ---

0013

INK ENGINEERING, INC., 28 858  
DATE: 1/2/85

GLENN C. ADAMS, FOR THE FIRM  
PROFESSIONAL LAND SURVEYOR  
FLA. CERTIFICATE NO. 6062

05/02/02 THU 10:27 FAX 941 336 2026

SPRINT FL PTMY WDWC A

May 1, 2002  
Job#00-7013

Mr. James G. Jack, PE  
INK Engineering  
1400 Colonial Blvd., Suite 31  
Fort Myers, FL 33907

RE: Vacation part of the road right of way of Waycross Rd. S.E., lying in B.F. Industrial Center as Recorded in Plat Book 47 page 91 of The Public Records of Lee County, Florida. From the point of commencement being the northwest corner of lot 33.

Sprint Florida has no objection to your vacation request, based on the above documents.

If you have any questions please contact me at 239-336-2126.

Yours truly,

Raymond L. Campbell  
Network Engineer Sprint Ltd.



Cc: Roberta Taylor



301 Tower Road  
Naples, FL 34113  
Telephone: 941-732-3819  
FAX: 941-992-1289

July 18, 2002

Ink Engineering  
James G. Jack, P.E.  
1400 Colonial Blvd. Suite, 31  
Ft. Myers, FL 33907

Re: Request for a Letter of Review and Recommendation on a Proposed 10 Foot  
wide utility Easement Vacation of the Following Locations:  
Lots 1,2,3,4 and 34 Of BF Industrial Center in Lee County, Florida.

Dear James,

Comcast has no existing utilities in the easement and has no objection with the  
vacation of the above referenced Utility easement. If I can further assist you with this  
project please don't hesitate to call me @ ( 941 ) 732-3819.

Sincerely,

A handwritten signature in cursive script that reads 'Scott Miller'.

Scott Miller  
Design Coordinator

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: **479-8374**

Bob Janes  
*District One*

August 21, 2002

Douglas R. St. Cerny  
*District Two*

Ray Judah  
*District Three*

Andrew W. Coy  
*District Four*

John E. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

Mr. Mark Stout  
Marks R.V. Sales Inc.  
9702 Pendleton Pike  
Indianapolis, Indiana 46236

Re: VAC2001-00024

Dear Mr. Stout:

You have indicated your desire to change that portion of Waycross Road along your property from a public to private road for the purpose of constructing security gates across the right-of-way.

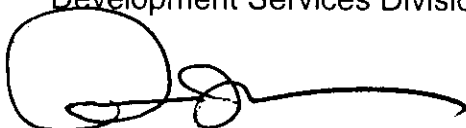
Based on a review of the information and letters from the affected agencies, utilities and property owners you have provided; as well as our subsequent research, this office has no objection to vacating the public rights to the portion of the right-of-way in question.

Please be aware, however, that the proposed vacation of the public rights; if and when approved by the Board of County Commissioners, does not extinguish any private rights that may still exist in the portion of right-of-way in question.

Prior to issuing a building permit for any improvements in the right-of-way, further legal action on your part will be necessary to fully extinguish any private rights in the portion of right-of-way affected.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Development Services Division



Peter J. Eckenrode  
Director  
PJE/se

H:\Correspondence\Vacations\VAC2001\00024 Waycross\Development Review Recommends.wpd



BOARD OF COUNTY COMMISSIONERS

(941) 479-8124

Writer's Direct Dial Number: (941) 479-8124

Monday, April 22, 2002

Bob Janes  
District One

Douglas H. St. Cerny  
District Two

Ray Judah  
District Three

Andrew W. Coy  
District Four

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

James G. Yaeger  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

Mr. James G. Jack, P.E.  
Ink Engineering, Inc.  
1400 Colonial Blvd., Suite 31  
Fort Myers, FL 33907

Re: Petition to Vacate the public interest in a portion of Waycross Road adjacent to Lots 1,2,3,4, and 34, Industrial Center Subdivision as recorded in Plat Book 47 at Page 91, Public Records of Lee County, Florida.

Dear Mr. Jack:

Based on the review of the documents submitted with your request, Lee County Division of Natural Resources has no objection to the vacation of the subject road 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., P.S.M.  
Engineer II  
Natural Resources Division

-cc: Don Blackburn, Development Services  
Joan Henry, County Attorney's Office  
Margaret Lawson, LCDOT  
Roland Ottolini, P.E., NRD

S:\NATRES\SURFACE\DOCUMENT\vac249.doc





**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number:

479-8580

Bob Jones  
*District One*

Douglas R. St. Cerny  
*District Two*

Ray Judah  
*District Three*

Andrew W. Coy  
*District Four*

John F. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

James G. Yaeger  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

June 28, 2002

VAC 2001-00024

**Mr. Jim Jack**  
**Ink Engineering**  
**1400 Colonial Boulevard, Suite 31**  
**Fort Myers, FL 33907**

**RE: Petition to Vacate Request for Review –**  
**A portion of Waycross Road, BF Industrial Center,**  
**Plat Book 47, page 91**

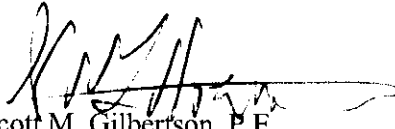
Dear Mr. Jack:

Lee County Department of Transportation has reviewed your request to vacate a portion of Waycross Road and the legal description for its replacement cul-de-sac. The legal description is satisfactory as is the "Acceptance of Maintenance Responsibility" signed by Mr. Stout.

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

Sincerely,

DEPARTMENT OF TRANSPORTATION

  
Scott M. Gilbertson, P.E.  
Director

SMG/JMK/mlb

RECEIVED  
JUL 05 2002  
COMMUNITY DEVELOPMENT

S:\DOCUMENT\Petition To Vacate\2002\Waycross Rd - Jack.doc

## NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2001-00024

TO WHOM IT MAY CONCERN:

NOTICE is hereby given that on the \_\_\_\_\_ in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider and take action on a Petition vacating, abandoning, closing and discontinuing the public's interest in the right-of-way or portion of a right-of-way, as well as the easement, plat or portion of a plat legally described in the attached Exhibit "A"

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

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

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

CHARLIE GREEN, CLERK

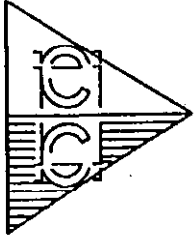
\_\_\_\_\_  
Deputy Clerk Signature

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

APPROVED AS TO FORM

\_\_\_\_\_  
County Attorney Signature

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



# INK ENGINEERING, INC.

ENGINEERS

SURVEYORS

PLANNERS

3660 CENTRAL AVE, SUITE 8 • FORT MYERS, FLORIDA 33901 • TEL (941) 931-0455 • FAX (941) 931-0456

MAY 7, 2001  
JOB NO. 0013  
0013SKT1.LGL

SHEET 1 OF 2

## DESCRIPTION:

PART OF THE ROAD RIGHT OF WAY OF WAYCROSS RD. S.E.,  
LYING IN B.F. INDUSTRIAL CENTER AS RECORDED IN PLAT BOOK  
47 PAGE 91 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA  
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF SAID WAYCROSS RD. S.E. LYING WEST  
AND NORTHWESTERLY OF "LINE A" DESCRIBED AS FOLLOWS:

FROM THE POINT OF COMMENCEMENT BEING THE NORTHWEST  
CORNER OF LOT 33 OF SAID B.F. INDUSTRIAL CENTER; THENCE  
N.88°35'00"W. ALONG THE SOUTHERLY RIGHT OF WAY LINE OF  
SAID WAYCROSS RD. S.E. FOR 6.00 FEET TO THE POINT OF  
BEGINNING OF SAID "LINE A";

FROM SAID POINT OF BEGINNING; THENCE N.01°25'00"E. FOR  
60.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SAID  
WAYCROSS RD. S.E. AND THE END OF SAID "LINE A".

CONTAINING 1.7993 ACRES MORE OR LESS.

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

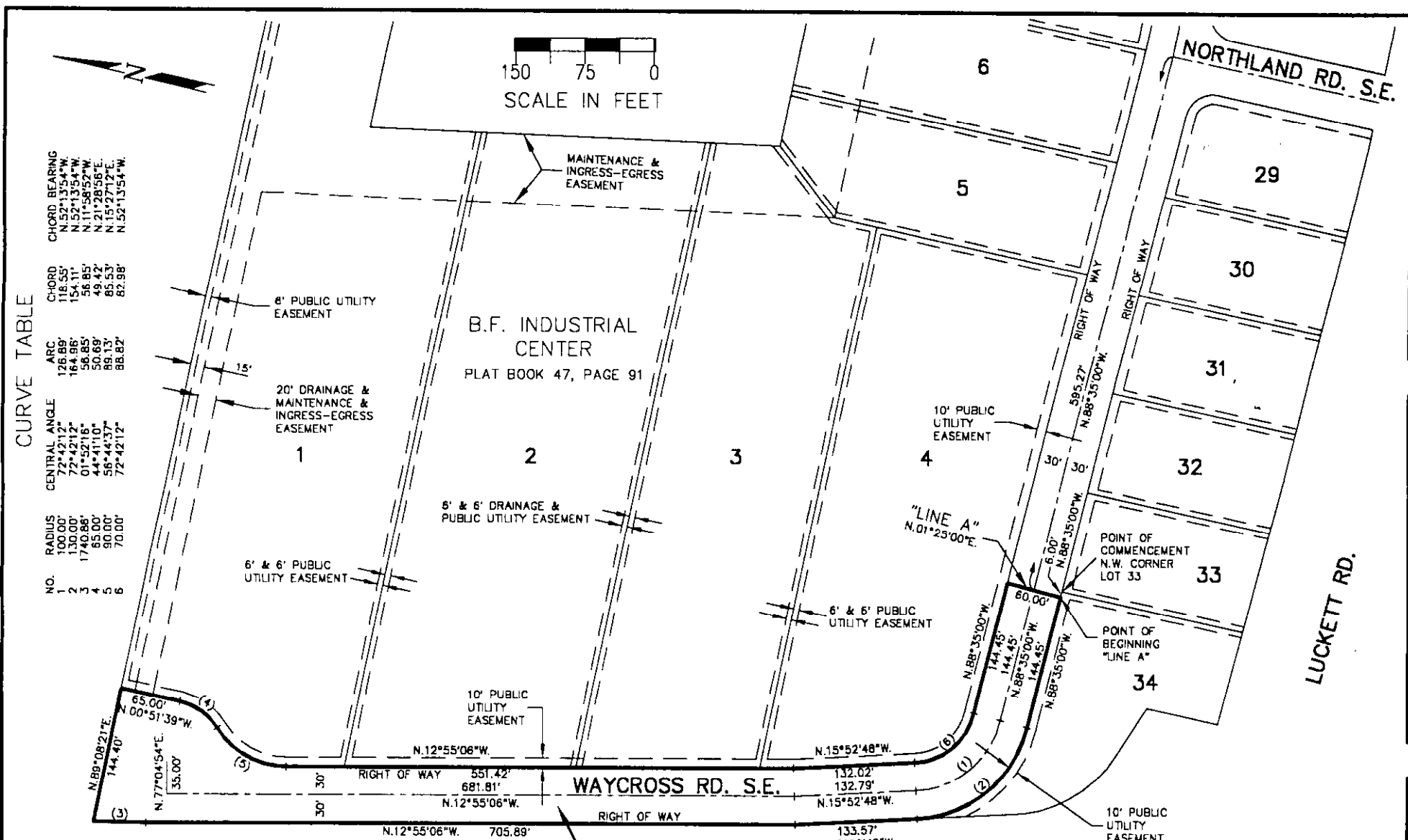
REFER TO 8 1/2" X 11" SKETCH (SEE SHEET 2 OF 2)

INK ENGINEERING, INC. (LB 856)

GLENN C. ADAMS  
PROFESSIONAL LAND SURVEYOR  
FL. CERT. NO. 6062

*Exhibit A*

Exhibit 12



REFER TO ATTACHED DESCRIPTION

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

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

BEARINGS SHOWN HEREON ARE BASED UPON THE CENTERLINE OF WAYCROSS RD. S.E. BEING N.12°55'06"W.

INK ENGINEERING, INC., LB 856  
DATE:

GLENN C. ADAMS, FOR THE FIRM  
PROFESSIONAL LAND SURVEYOR  
FLA. CERTIFICATE NO. 6062

SHEET 2 OF 2

<b>SKETCH (NOT A SURVEY)</b> PART OF B.F. INDUSTRIAL CENTER PLAT BOOK 47, PAGE 91 SECTION 10, TOWNSHIP 44 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA		DATE 5/07/01 SCALE 1"=150' DRAWN G.C.A. CHECK APPROVED	 <b>INK ENGINEERING, INC.</b> ENGINEERS SURVEYORS PLANNERS (941) 931-0455 3660 CENTRAL AVE., SUITE 8 FT. MYERS, FLORIDA 33901	FILE: 0013SKT1 JOB NO.: <b>0013</b>
--	--	--	--	--

**RESOLUTION NO. \_\_\_\_\_ TO SET PUBLIC HEARING  
FOR PETITION TO VACATE Case Number: VAC2001-00024**

WHEREAS, a Petition to Vacate was filed with the Board of County Commissioners;  
and

WHEREAS, the Petitioner seeks to abandon, discontinue, close or vacate a portion  
of a plat, easement, parcel or right-of-way legally described in the attached Exhibit "A".

WHEREAS, under Florida Statute and the Lee County Administrative Code, the  
Board must hold a Public Hearing in order to grant a vacation affecting a public easement,  
public right-of-way or platted lands.

BE IT THEREFORE RESOLVED by the Board of County Commissioners of Lee  
County, Florida, as follows:

1. A Public Hearing on Petition to Vacate No. VAC2001-00024 is set for the  
\_\_\_\_\_ in the Lee County Commission Chambers.

2. A Notice of Public Hearing on this Petition to Vacate will be published in  
accordance with the Lee County Administrative Code.

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

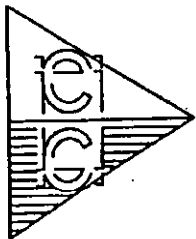
\_\_\_\_\_  
Please Print Name

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

APPROVED AS TO FORM

\_\_\_\_\_  
County Attorney Signature

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



# INK ENGINEERING, INC.

ENGINEERS

SURVEYORS

PLANNERS

3660 CENTRAL AVE, SUITE 8 • FORT MYERS, FLORIDA 33901 • TEL (941) 931-0455 • FAX (941) 931-0456

MAY 7, 2001  
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INK ENGINEERING, INC. (LB 856)

GLENN C. ADAMS  
PROFESSIONAL LAND SURVEYOR  
FL. CERT. NO. 6062

*Exhibit A*

CURVE TABLE

