

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

Blue Sheet No. 20051778

1. ACTION REQUESTED/PURPOSE: Grant appeal of an administrative interpretation of the Lee Plan under the single-family determination provision filed by Steven Hartsell on behalf of Raymond and Cassandra Lemieux.

2. WHAT ACTION ACCOMPLISHES: A public hearing is required to take action concerning an appeal of a denial of a favorable administrative interpretation of the Lee Plan under the single-family residence provisions. If granted, the appeal will allow the Lemienxs to obtain the necessary remodeling permits for the existing residence (constructed in 1983) on the 2.5-acre, DR/GR, subject parcel.

3. MANAGEMENT RECOMMENDATION:

4. Departmental Category:

5. Meeting Date: 01-10-2006

6. Agenda:

___ Consent

___ Administrative

Appeals

___ Public

___ Walk-On

7. Requirement/Purpose: (specify)

___ Statute

___ Ordinance

___ Admin. Code


Other Lee Plan Ch. XIII

8. Request Initiated:

Commissioner _____

Department County Attorney

Division _____

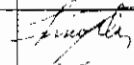
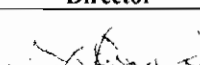
By: 
Dawn E. Perry-Lehnert
Assistant County Attorney

9. Background: Steven Hartsell has filed an appeal on behalf of Raymond and Cassandra Lemieux. The appeal seeks relief from the County Attorney's denial of a request for a favorable administrative interpretation of the Lee Plan pursuant to the single-family residence provision. In September 2005, the Office of the County Attorney concluded that the parcel at issue did not qualify for relief from the standards set forth in the Lee Plan governing residential density in the Density Reduction/Groundwater Resource (DR/GR) future land use category.

The subject parcel was created as a separate 2.5-acre tract in 2002 by the recording of a warranty deed. Prior to recording of this deed, the property was part of a 10-acre tract acquired by the Lemieux family (specifically Raymond's parents) in 1973.

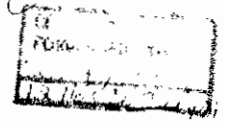
(continued on page 2)

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
					SK 1/14	1/19/06	10/1/05	12/19/05	

11. Commission Action:

- ___ Approved
- ___ Deferred
- ___ Denied
- ___ Other



Blue Sheet #: 20051778
Page #: 2
Subject: MUD2005-00178 Appeal, Lemieux

In order for the subject 2.5-acre parcel, located in the DR/GR land use category, to qualify for a favorable single-family determination under the applicable regulations, the parcel must have been lawfully created prior to September 1990. Based upon the application and supporting documentation initially submitted for review, the subject parcel does not meet the Lee Plan standards for a favorable administrative determination.

As a basis for appeal, Mr. Hartsell sets forth a number of additional facts not included in the original application. These include:

1. A home was built on the subject 2.5-acre parcel in 1983. This home exists today and is the subject of a pending remodeling permit application.
2. On November 10, 1982, the County approved a "site plan" for the construction of a home on the subject parcel. However, the strap number used to identify this parcel in the building permit approval was apparently incorrect.
3. The home constructed on the subject parcel meets the intent of LDC §34-1180, though it does not comply with the DR/GR requirements. [LDC §34-1180 allows the construction of an additional single-family dwelling on the same parcel in the Ag district, if certain standards are met.]

The procedures for administrative interpretation govern the Board's consideration of the requested appeal. These guidelines are set forth in Chapter XIII of the Lee Plan and require the Board to consider only the information submitted in the administrative interpretation process. The Board must determine whether the County Attorney's Office has properly applied the criteria set forth in the plan to the facts presented. No additional evidence may be considered by the Board.

After review of the additional information submitted to support this appeal, our office concludes that denial of a favorable determination "would be confiscatory... [and] unreasonable". (See Chapter XIII.b.B.1) Therefore, our office recommends that the Board grant the appeal and allow one single-family residence on the subject parcel.

Attachments:

1. Notice of Appeal filed September 30, 2005 by Steven Hartsell
2. Supplement to Notice of Appeal filed October 10, 2005 (without aerials *)
3. Administrative Interpretation of single-family residence provision of the Lee Plan Case #MUD2005-00178
4. Staff Report
5. Application
6. Lee Plan Chapter XIII.b.
7. LDC §34-1180

*copies of aerials are available at Lee Cares for review.

cc: Mary Gibbs, Director, DCD
Pam Houck, Director, Zoning Division
Peter Blackwell, Planner, DCD
Mr. & Mrs. Lemieux
Steven Hartsell, Esquire, Pavese Law Firm

ATTACHMENT #1
Notice of Appeal filed September 30, 2005 by Steven Hartsell

RECEIVED
SEP 30 2005
OLL

2005 OCT 11 AM 11:07

RECEIVED BY
LEE CO. ATTORNEY

APPEAL OF
ADMINISTRATIVE INTERPRETATION
OF THE SINGLE-FAMILY RESIDENCE PROVISIONS
OF THE LEE PLAN

CASE #: MUD-2005-00178

MUD 2005-00178

Applicant/Owner: **Raymond and Cassandra Lemieux**
11171 Shirley Lane
North Fort Myers, Florida 33917
STRAP # 12-43-25-00-00001.006C

This is an appeal of the denial of a single-family residence determination that would have given an "after-the-fact" approval to an existing single-family home built in 1983. [Exhibit 1, MUD #2005-00178.] The home was built in 1983 on a 2.5-acre parcel zoned AG-2 but was never formally split from the parent tract until 2002 when the Applicants purchased the home and property from Raymond's parents, Mary and Real Lemieux. The Applicants' home is one of four homes built between 1973 and 1988 and presently existing on the original 10 acre parent tract. [See Exhibit 2, Map and Exhibit 3 Aerial.] Each house was built on a parcel that at least meets the minimum 39,500 s.f. lot size requirement in AG-2. The MUD question arose because the Applicants have applied for after-the-fact permits for recent renovations to their existing home on Lot 6C. [Note that all lots have STRAP numbers identical except for the last two digits by which I will refer to the various lots as 6A thru 6D, and Lot 60 being the remainder of the original 10-acre parent tract)]. This purely technical issue stopped the issuance of those permits:

Two single-family homes were built on the south five acres (one in 1973 on Lot 60; the other in 1983 on Lot 6C). Because the 1983 home was built by the owners, Mary and Real, for Real's parents to live in, they never conveyed that 2.5-acre parcel, so there was never an actual "split" into two 2.5-acre parcels until 2002 (after Real's parents died) and the home was then conveyed to Mary and Real's son and his wife (Raymond/Cassandra, the present MUD Applicants). However in 1989 the DR/GR land use was adopted which limited this area to 1 unit per 10 acres, so the 2002 conveyance of Lot 6C effectuated an "illegal" lot split (even though all the houses had already been built).

The following provides details (and is summarized on Exhibit 2) with reference to exhibits to support the factual summary above. In 1973, Mary and Real Lemieux purchased 10 acres of land zoned AG-2 [Exhibit 4A] and built their house on Lot 60 [Exhibits 5A & B: 1973 Check to Lee County Building Dept; 1979 Tax Bill (showing home built at least by 1979 on Lot 60)]. In 1974 Mary and Real sold Lot 6A to Mary's parents, Major and Frances Nault [Exhibit 4B], and Mary and

Real built a home for the Naults on that 2 acres in 1981. [See Exhibits 6A (Building Permit for Lot 6A: 11/7/80); 6B (C.O. for Lot 6A: 10/12/81)].

In 1982-1983, on Lot 6C (which Applicants now own), Mary and Real built a home for Real's parents. [See Exhibit 7 (Lee County Permits):

- A. Current Planning Site Plan Approval - 11/10/82;
- B. Building Permit #91805 - 11/19/82;
- C. Certificate of Occupancy #22079 - 11/8/83; and
- D. UTS - Phone installation - 11/16/83.]



This is the same parcel which is the subject of this appeal. It is also important to note that the Lee County Zoning Code permits an additional dwelling unit to be constructed on one lot in Agricultural Districts where certain standards are met. [See LDC §34-1180 attached as Exhibit 9.] The Applicants believe that the dwelling units constructed on these two 2.5-acre agricultural parcels (Lot 60 and Lot 6C) meet the requirements set forth in LDC §34-1180.

In 1985 Mary and Real conveyed one acre (Lot 6B) to their son Robert Lemieux. [See Exhibit 4C.] Robert built his house in 1985-1988. [Exhibit 8A (Lot Split approval 1985); 8B (checks to Lee County for permits)]. In 1998 Mary and Real deeded the last 2 acres (Lot 6D) to Robert. [Exhibit 4D.]

THE PRINCIPLES OF EQUITABLE ESTOPPEL APPLY HERE.

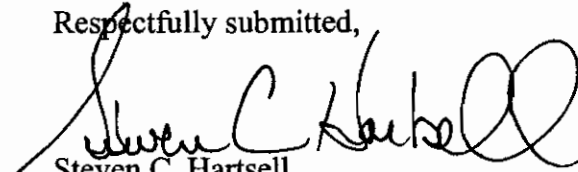
After purchasing this 10-acre parcel in 1973, Mary and Real Lemieux built their home, brought their parents in, and have raised their three sons on these 10 acres. As consistently as they were able to with the regulations in effect, the Lemieuxs also provided a place for their parents to build homes on this same 10-acre parcel. After Mary and Real's parents passed away, the two homes were then conveyed to two of Mary and Real's sons, Steven and Raymond. Presently there are 4 single-family homes located on 4 parcels. Each of the existing homes was built with the approval of Lee County on parcels of a sufficient size to meet the Lee County minimum standards in the AG-2 District and were built before 1989-90 when the DR/GR went into effect. They built their homes in good faith in reliance upon permits and approvals obtained from Lee County, in compliance with the regulations in effect at the time, and they expended substantial sums of money in good faith reliance on those approvals. However, they apparently did not actually split the south 5 acres into the present two 2.5-acre parcels until 2002, even though the homes on each were built long before the density rules changed in 1989. When the DR/GR regulations went into effect, Mary and Real were unaware of the regulations and the potential effect that it might have with regard to the south half of that 5-acre parcel on which Real's parents lived. They could have formally conveyed the property to his parents at that time and this question would have never arisen. When Real's parents passed away and his son, Raymond, and Raymond's family moved into the home and purchased it in 2002, they were merely formalizing a lot split that had effectively occurred in 1983 when the second home was originally constructed for Real's parents.

The Applicants live in a single-family home lawfully constructed in 1983 on 2.5 acres of property zoned AG-2. In 1989-90, after these homes were built, the County implemented the DR/GR Land Use Category. The Applicants purchased this property in 2002 from the Applicant's parents, Mary and Real Lemieux. The Applicants should not be denied permits to make renovations to the existing home under these circumstances.

The Applicants respectfully request that the Board of County Commissioners recognize the equities involved in this case and the past 30 years of the Lemieuxs' family unity and approve the Minimum Use Determination for the Applicants' properties.

I HEREBY CERTIFY that a true and correct copy of the foregoing Appeal has been furnished to Department of Community Development, 1500 Monroe Street, Fort Myers, Florida 33901, and Dawn Lehnert, Assistant Lee County Attorney, Post Office Drawer 398, Fort Myers, FL 33901 by Hand Delivery this 30th day of September, 2005.

Respectfully submitted,



Steven C. Hartsell

SCH:llg
Attachments

FAWPDATA\SCH\CLIENTS\Lemieux 80140.001\Appeal.wpd

MUD 2005-00178

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SEP 30 2005

**ADMINISTRATIVE INTERPRETATION OF
THE SINGLE FAMILY RESIDENCE PROVISIONS OF
THE LEE PLAN**

(NOTE: DENIALS SHOULD BE SENT VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED) BE SURE TO REMOVE THIS NOTATION BEFORE FINALIZING.

CASE NO.: MUD2005-00178

DATE OF APPLICATION: July 25, 2005

APPLICANT/
OWNER: Raymond and Cassandra Lemieux
11171 Shirley Lane
North Fort Myers, FL 33917

AGENT: n/a

PROPERTY IN

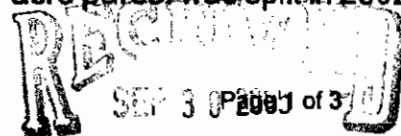
QUESTION: 11171 Shirley Lane, more particularly described as:
The South half (S 1/2) of the Southeast quarter (SE 1/4) of the Northeast quarter (NE 1/4) of the Northwest Quarter (NW 1/4) OF Section 12, Township 43 South, Range 25 East, Lee County, Florida, subject to an easement over the West 30 feet for road purposes for the general use of the public and also subject to a 6 foot easement along all property lines for utility and drainage purposes.

STRAP NO.: 12-43-25-00-00001.006C

FINDINGS OF FACT:

The documentation provided with the application shows that the current owner acquired the parcel in 2002, via a Warranty Deed recorded in the Public Records of Lee County in Official Records (OR) Book 3808, Page 703. For the purpose of calculating density, the parcel comprises approximately 2.5 acres of land and is zoned AG-2. The parcel is located in the Density Reduction/Groundwater Resource (DRGR) Future Land Use Category, which allows one dwelling unit per 10 acres. For this reason, the owner must obtain a favorable administrative interpretation of the single family residence provisions of the Lee Plan to construct a dwelling on the property. The property was created as a separate parcel in 2002, by virtue of the aforementioned Warranty Deed. The 2.5-acre parcel was split in 2002

MUD 2005-00178



from a 5-acre parcel described in O.R. Book 1276, Page 1827 and recorded on May 31, 1978.

The subject parcel was created after adoption of the Lee Plan and DRGR Future Land Use Category, therefore it must comply with the zoning and Future Land Use Category requirements for the lot size and density.

DETERMINATION:

Based upon the subject parcel's creation in 2002, it does not comply with the provisions of Chapter XIII of the Lee Plan for a favorable Administrative Interpretation. The parcel consists of 2.5 acres of land and does not comply with the DRGR density requirements of one dwelling unit per 10 acres.

This parcel does not qualify for the construction of a single-family residence in accordance with the applicable Administrative Interpretation provisions set forth in Lee Plan Chapter XIII.

THIS DETERMINATION IS NOT A PERMIT TO BUILD A SINGLE FAMILY RESIDENCE OR TO CONSTRUCT ANY IMPROVEMENTS TO LAND, INCLUDING A ROAD.

Applications for building permits or development orders must comply with all applicable County, State, and Federal regulations as those regulations exist at the time each application is submitted.

APPEAL PROCEDURE:

"An administrative interpretation may be appealed to the Board of County Commissioners by filing a written request within fifteen (15) days after the administrative interpretation has been made. In reviewing such an appeal, the Board will consider only information submitted in the administrative interpretation process and will review only whether the designated individual has properly applied, to the facts presented, the standards set forth in the Plan for such administrative interpretations. No additional evidence will be considered by the Board. The Board of County Commissioners will conduct such appellate review at a public hearing."

Based upon this quoted language, if you disagree with this administrative interpretation, you have the right to an appeal to the Board of County Commissioners. In order to exercise this right of appeal, a written Notice of Appeal must be delivered to the Department of Community Development, 1500 Monroe Street, Fort Myers, Florida, along with the filing fee, no later than 15 days from the date of this Administrative Interpretation, stating the reasons for your disagreement.



Dated this 15th day of September, 2005.

LEE COUNTY ATTORNEY'S OFFICE
AS ADMINISTRATIVE DESIGNEE

BY: 
Joan C. Henry
Assistant County Attorney

JCH/tmv

- cc: David M. Owen, County Attorney
- Timothy Jones, Chief Assistant County Attorney
- Donald D. Stilwell, County Manager
- Mary Gibbs, Director, DCD
- Paul O'Connor, Director, Planning Division
- Peter Blackwell, Planning Division
- Julie Dalton, Property Appraiser's Office
- Debbie Carpenter, DCD
- Tidemark

[Insert the following if denial]

Sent to Applicant/Owner via regular mail and Certified Mail # 7003 0500 00026651 8562

MUD 2005-00178

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Sec. 12 Twp. 43 Rge 25

Lee County Map

SHARON DR.

SHIRLEY LANE
SHIRLEY LN.

Deed: 1974
HOME
BUILT: 1981

LOT
006A
00001
(Mary's Parents:
NAULTS; then to
STEVEN
2 A.)

Deed: 1985
HOME
BUILT: 1985-88

LOT
006B
00001
(Robert 1A)

Deed: 1998
VACANT

LOT
006D
00001
(ROBERT 2.A
VACANT)

DEED (10 Acres): 1973
HOME BUILT: 1974

LOT.
0060
(MARY/REAL
2.5 A.)

Subject of MUD #
2005-00178

HOME BUILT: 1983
(for REAL's Parents -
no conveyance)
by deed

LOT
006C
00001
(RAYMOND/CASSANDRA
2.5 A.) DEED: 2002

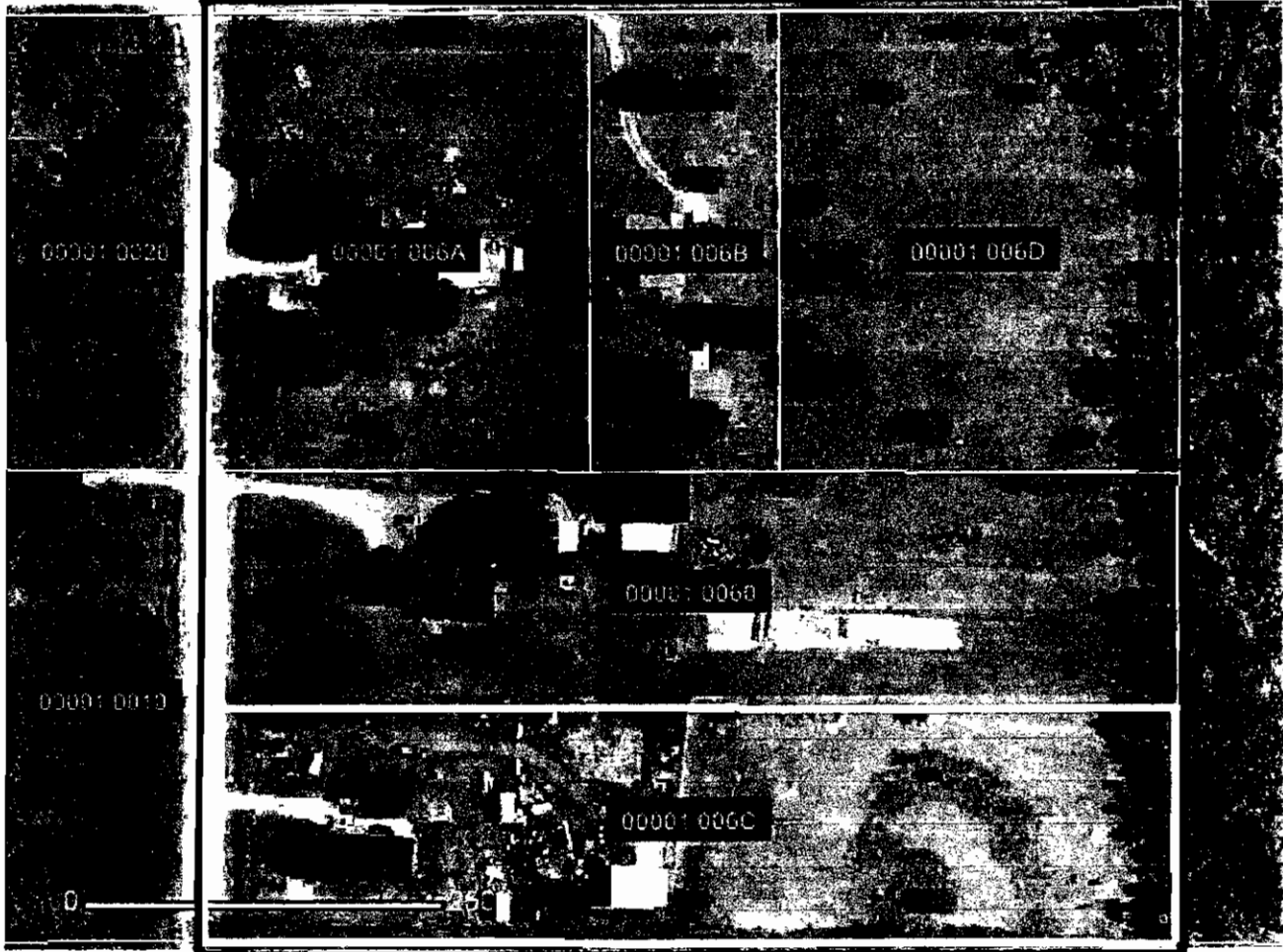
0 150ft

MARY and REAL LEMIEUX FAMILY - 10 ACRES in 1973
IN NORTH FORT MYERS

MUD 2005-00178
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SEP 30 2005

Exhibit 2
Overall 10 Acre Map

Lee Property Appraiser Web Tax Map



MARY & REAL LEMIEUX FAMILY 10 ACRES

Tax Map Legend

Selected Parcel County Zoning Parcels

Aerial Image Set	2002 (Color)	Map Currency Date	9/30/2005 10 18.51 AM
Selected Parcel	12-43-25-00-00001.006C	Legal Description	S 1/2 OF S 1/2 OF SE 1/4 OF NE 1/4 OF NW 1/4
Parcel Owner	LEMIEUX RAYMOND J+ CASSANDRA R 11171 SHIRLEY LN NORTH FORT MYERS FL 33917	Property Address	11171 SHIRLEY LN North Fort Myers FL 33917

Exhibit 3
Aerial - 10 Acres

RECEIVED
FORM 10
SEP 30 2005

WARRANTY DEED
STATUTORY
F.S. 689.02

This Indenture,

400
21170

Made this 26 day of November A D 1973

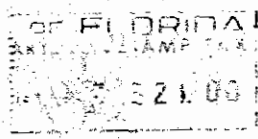
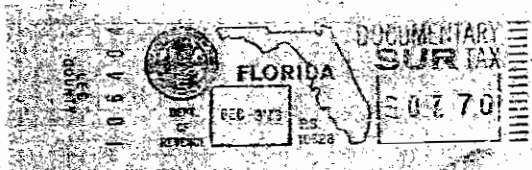
MUD 2005-00178

BETWEEN Stanley K. Ink, Trustee - successor to Pyramid Holdings, Inc.

of the County of Lee in the State of Florida party of the first part, and
Real and Mary Lemieux, Husband & Wife
of the County of Lee in the State of Florida whose post office address is
159 Lucille Avenue, Fort Myers, Florida 33901
parties of the second part

Witnesseth, That the said party of the first part, for and in consideration of the sum of
Ten (\$10.00) Dollars,
to it in hand paid by the said parties of the second part, the receipt whereof is hereby acknowl-
edged, has granted, bargained, and sold to the said parties of the second part, their heirs
and assigns forever, the following described land, situate, and being in the County of Lee
State of Florida to wit:

The Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of
the Northwest Quarter (NW 1/4), Section 12, Township 43 South, Range
25 East, Lee County, Florida, subject to a 30 foot easement over the
West and North sides for road purposes for the general use of the
public. Also 6 foot easement on all property lines for drainage and
utility uses.



RECORDED IN OFFICIAL
RECORDS
LEE COUNTY, FLORIDA
RECEIVED

DEC 3 11 19 AM '73
CLERK OF CIRCUIT COURT
L. Kame

And the said party of the first part do es hereby fully warrant the title to said land, and will defend the
same against the lawful claims of all persons whomsoever.

In Witness Whereof, The said party of the first part has hereunto set
hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of:

Frankie W. Ramsey
Vincent P. Capuano

Stanley K. Ink, TRUSTEE

STATE OF FLORIDA,
COUNTY OF Lee

I HEREBY CERTIFY that on this day, before me, an
officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared

Stanley K. Ink

to me known to be the person described in and who executed the foregoing instrument and he acknowledged
before me that he executed the same

WITNESS my hand and official seal in the County and State last aforesaid this 26th day of
November A D 19 73

Prepared by Stanley K. Ink
2045 Bayside Parkway
Fort Myers, Florida 33901

My Commission expires July 27, 1977

Exhibit 4A
1973 Deed of 10 Acres to
Mary and Real Lemieux

4.00
 85
 30
 4.85

FFB
 1018 to 1376
 Printed for Lawyers' Title Guaranty Fund, Orlando, Florida

776817

This instrument was prepared by
FRANK A. PAVESE
 of the Law Office of
**PAVESE, SHIELDS, GARNER,
 HAVERFIELD & KLETTZ**
 Post Office Drawer 1507
 FORT MYERS, FLORIDA 33902

Warranty Deed (STATUTORY FORM—SECTION 689.02 F.S.)

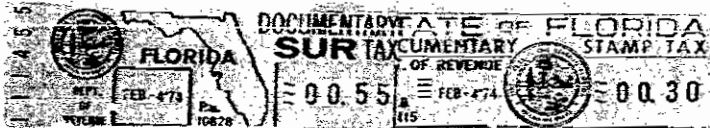
This Indenture, Made this 1st day of February 19 74. Between

REAL LEMIEUX and MARY LEMIEUX, Husband and Wife
 of the County of Lee State of Florida grantor and

MAJOR NAULT and FRANCES NAULT, husband and wife
 whose post office address is 350 Louise Avenue
 of the County of Lee Fort Myers, Florida State of Florida grantee.

Witnesseth, That said grantor, for and in consideration of the sum of **TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATIONS** 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, situate, lying and being in Lee County, Florida, to-wit:

Beginning at the Northwest Corner of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of the Northwest Quarter (NE ¼), Section 12, Township 43 South, Range 25 East, Lee County, Florida, thence East 264 feet, thence South 330 feet, thence West 264 feet, thence North 330 feet to the point of beginning. Subject to a 30 foot easement over the West and North sides for road purposes for the general use of the public. Also 6 foot easement on all property lines for drainage and utility uses. Be approximately two (2) acres more or less.



RECORDED IN OFFICIAL RECORDS
 RECORDS
 COUNTY, FLORIDA
 RECORDED (VERIFIED)
 FEB 11 11 43 AM '74
 CLERK OF CIRCUIT COURT
 J. L. ...

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:

Frank A. Pavese
Phyllis B. Nelson

Real Lemieux (Seal)
 Real Lemieux
Mary Lemieux (Seal)
 Mary Lemieux
 _____ (Seal)
 _____ (Seal)

STATE OF FLORIDA
 COUNTY OF Lee
 I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared **REAL LEMIEUX and MARY LEMIEUX, husband and wife** to me known to be the persons described in and who executed the foregoing instrument and acknowledged before me that they had executed the same.
 WITNESS my hand and official seal in the County and State last aforesaid this 1st day of February 19 74.
 My commission expires:

Frank A. Pavese
 Notary Public

Notary Public, State of Florida at Large
 My Commission Expires Oct. 4, 1977
 Bonded by American Fire & Casualty Co.

RECEIVED
 SEP 30 2005
 MUD 2005-00178

Exhibit 4B
 Mary/Real Lemieux 2 Acres to Naults
 1974

PREPARED WITHOUT TITLE EXAMINATION

This Indenture,

Wherever used herein, the term "party" shall include the heirs, personal representatives, successors and assigns of the respective parties herein, the use of the singular number shall include the plural, and the plural the singular, the use of one gender shall include all genders, and, if used, the term "and" shall include all the names herein mentioned of more than one.

Made this 31st day of August, A. D. 1985,

Between,

REAL LEMIEUX and MARY LEMIEUX, Husband and Wife,

of the County of Lee in the State of Florida,
party of the first part, and

ROBERT LEMIEUX, Rt. 2 Box 307, North St. Highway, H. 33402

of the County of Lee in the State of Florida,
party of the second part,

Witnesseth, that the said party of the first part, for and in consideration of the sum of —Ten (\$10.00) Dollars and O.G. & V.C.— ~~Twenty~~ to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part forever, the following described land, situate, lying and being in the County of Lee, State of Florida, to wit:

A tract or parcel of land lying in the SE 1/4 of the NE 1/4 of the NW 1/4 of Section 12, Township 43 South, Range 25 East, Lee County, Florida; said tract or parcel is further described as follows:

Commence at the NW corner of said SE 1/4 of the NE 1/4 of the NW 1/4 of Section 12; thence run S 89°42'25.57" E along the north line of said fraction for 264.00 feet to the NE corner of a parcel as recorded in O.R. Book 1453, page 1176, Public Records of Lee County, Florida and the Point of Beginning of the parcel herein described; From said Point of Beginning continue S 89°42'25.57" E for 132.00 feet; thence run S 00°22' 50.75" W for 330.00 feet; thence run N 89°42'25.57" W for 132.00 feet to the SE corner of said parcel as recorded in O.R. Book 1453, page 1176; thence run N 00°22'50.75" E for 330.00 feet to the Point of Beginning.

Said parcel contains one acre.

Said parcel is subject to end together with a roadway easement over and across the North 30.00 feet thereof as recorded in O.R. Book 1259, page 1432 of said Public Records.

A 6.00 foot wide utility and drainage easement is reserved along all property lines.

Said parcel is subject to easements, restrictions and reservations of record, and taxes for the current and all subsequent years.

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

In Witness Whereof, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signs, Sealed and Delivered in Our Presence

[Signature]
1st Witness to RL
[Signature]
2nd Witness to RL
[Signature]
1st Witness to M
[Signature]
2nd Witness to M

[Signature]
REAL LEMIEUX
[Signature]
MARY LEMIEUX

MUD 2005-00178

REC 1802 PG 0324

9th 52
Document for M. S. 50
Public Records, Lee County, Florida

THIS INSTRUMENT WAS PREPARED BY
DIANE L. JENSEN
P.A. NUMBER 28, P.L. NUMBER, P.L. NUMBER

© 1985 WARD - OGDEN GROUP, INC.
© M. I. TERRY, O.C. ©

Exhibit 4C (2 pages)
Mary/Real Lemieux 1 Acre to Robert
1985

State of Florida

OFF
REC 1802160330

County of LEE

I Herby Certify That on this day personally appeared before me, an
officer duly authorized to administer oaths and take acknowledgments,

REAL LEMIEUX and MARY LEMIEUX, Husband and Wife,

to me well known and known to me to be the individuals described in and who
executed the foregoing deed, and they acknowledged before me that
they executed the same freely and voluntarily for the purposes therein expressed.

Witness my hand and official seal at Fort Myers,
County of Lee, and State of Florida, this 31st
day of August, A. D. 1985.

Notary Public, State of Florida
My Commission Expires
October 1986

Annex J. McNeill
Notary Public



RECORDED
INDEXED
MAY 1 1985

Date
ABSTRACT OF DESCRIPTION

TO

Warranty Deed

MUD 2005-00178

RECEIVED
SEP 30 2005

This Instrument Prepared by:

Michele S. Lemieux
11131 Shirley Lane
North Fort Myers, Florida 33917

STRAP No.: Part of 12-43-25-00-00001.0060

Documentary Tax Pd. \$.70
Intangible Tax Pd. \$ 0
CHARLIE GREEN, CLERK, LEE COUNTY
By Cindy Keller Deputy Clerk

4425641

OR2982 PG2813

RECORDED BY
CINDY KELLER, D.C.

This Space for Recording

WARRANTY DEED
(Statutory)

THIS INDENTURE, Made this 2nd day of July, A.D. 1998 between by REAL LEMIEUX AND MARY LEMIEUX, husband and wife, whose address is 11131 Shirley Lane, North Fort Myers, Florida 33917, first party, to ROBERT J. LEMIEUX AND MICHELE S. LEMIEUX, husband and wife, whose address is 11131 Shirley Lane, North Fort Myers, FL 33917, second party;

WITNESSETH, That the said party of the first part, for and in consideration of the sum of \$10.00 Dollars, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part, their heirs and assigns forever, the following described land, to wit:

See attached Exhibit X

Subject to taxes for the current year and all subsequent years.

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

IN WITNESS WHEREOF, The said party of the first part has hereunto set their hand and seal the day and year first above written.

Signed, sealed and delivered in presence of two separate witnesses:

Lydia Rodriguez
1st Witness Signature

Lydia Rodriguez
Printed Name of 1st Witness

Bonnie McMullen
2nd Witness Signature

Bonnie McMullen
Printed Name of 2nd Witness

Lydia Rodriguez
1st Witness Signature

Lydia Rodriguez
Printed Name of 1st Witness

Bonnie McMullen
2nd Witness Signature

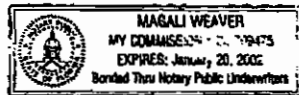
Bonnie McMullen
Printed Name of 2nd Witness

Real Lemieux
Real Lemieux

Mary Lemieux
Mary Lemieux

STATE OF FLORIDA
COUNTY OF LEE

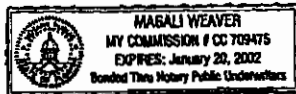
The foregoing Instrument was acknowledged before me this 2nd day of July, 1998 by Real Lemieux and Mary Lemieux. They are personally known to me or have produced known witnesses as identification. (type of identification)



Magali Weaver
(Signature of Notary Public)

Magali Weaver
(Print, type or stamp name)

c:\office\mchelle\sp\cdm\me.wpd



MUD 2005-00178

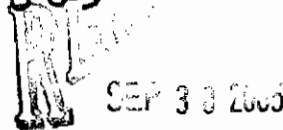


Exhibit 4D (2 pages)
Mary/Real Lemieux 2 Acres to Robert
1998

Exhibit X

The North Half (N ½) of the Southeast quarter (SE 1/4) of the Northeast quarter (NE 1/4) of the Northwest quarter (NW 1/4) of Section 12, Township 43 South, Range 25 East, Lee County Florida. LESS AND EXCEPT the West 396.00 feet thereof.

AND

The East 132.00 feet of the West 396.00 feet of the North half (N 1/2) of Southeast quarter (SE 1/4) of the Northeast quarter (NE 1/4) of the Northwest quarter (NW 1/4) of Section 12, Township 43 South, Range 25 East, Lee County Florida. LESS AND EXCEPT the North 330.00 feet thereof.

OR2 982 PG281111

MUD 2005-00178

CHARLIE GREEN, CLERK
LEE COUNTY, FL
98 JUL -7 PM 3:09

OR BK 3808 Pg. 0703



Return to:
Name: DIANE L. JENSEN
Address: Courthouse Box 18

INSTR. # 565381
Property Appraiser's Office
Parcel ID: 032008 PG 0703
RECORDED 12/27/2002 02:53:33 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 6.00
DEED DOC 0.70
DEPUTY CLERK M Bernard

This instrument was prepared by:
Name: PAVESE, HAVERFIELD, DALTON,
Address: HARRISON & JENSEN, L.L.P.
1833 Hendry Street
Post Office Drawer 1507
FORT MYERS, FLORIDA 33902

Grantee S.S. No. _____
Name _____

Grantee S.S. No. _____
Name _____

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

This Indenture, made this 19th day of December, 2002, Between **REAL LEMIEUX and MARY LEMIEUX** of the County of Lee, State of Florida, grantor*, and **RAYMOND J. LEMIEUX and CASSANDRA R. LEMIEUX, husband and wife**, whose post office address is 11171 Shirley Lane, North Fort Myers, FL 33917, of the County of Lee, State of Florida, grantee*.

Witnesseth that said grantor, for and in consideration of the sum of **TEN AND NO/100 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, situate, lying and being in Lee County, Florida, to-wit:

The south half of the south half of the SE quarter of the NE quarter of the NW quarter of Section 12, Township 43 South, Range 25 East, Lee County, Florida subject to easement over the west 30 feet for road purposes for the general use of the public.

Subject to taxes for the calendar year and subsequent years.

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:

Theresa H. Kersey
TERESA H. KERSEY
(Print Name)

Real Lemieux (Seal)
Real Lemieux

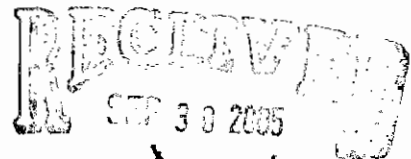
Marjorie A. Crill
Marjorie A. Crill
(Print Name)

Mary Lemieux (Seal)
Mary Lemieux

MUD 2005-00178

STATE OF FLORIDA

COUNTY OF LEE



The foregoing instrument was acknowledged before me this 19th day of December, 2002, by **REAL LEMIEUX and MARY LEMIEUX**, who is personally known to me or who has produced Florida Drivers License as identification and who did not take an oath.

(Notary Seal)

Marjorie A. Crill
Signature of Notary Public

Exhibit 4E
Mary/Real Lemieux 2.5 Acres to
Raymond/Cassandra

MR. OR MRS. REAL LEMIEUX
BUILDING ACCOUNT

No. 13

63-329
670

Pay to the order of Lee County Building Department \$ 110.80

one hundred and 80/100 Dollars



Memo Real Lemieux
⑆ 0670 0329 ⑆ 49 6 247 06 ⑆ 0000011080 ⑆

Check to Lee Co.
* Bldg. Dept.
for Bldg Permit

MR. OR MRS. REAL LEMIEUX
BUILDING ACCOUNT

No. 24

63-329
670

Pay to the order of Lee County Electric \$ 79.28

Seventy-nine and 28/100 Dollars



Memo Deposit + light Mrs. Real Lemieux
⑆ 0670 0329 ⑆ 49 6 247 06 ⑆ 0000007928 ⑆

MR. OR MRS. REAL LEMIEUX
BUILDING ACCOUNT

No. 11

63-329
670

Pay to the order of Soil Test \$ 45.00

Forty-five and 00/100 Dollars



Memo Penetration Test Mrs. Real Lemieux
⑆ 0670 0329 ⑆ 49 6 247 06 ⑆ 0000004500 ⑆

MR. OR MRS. REAL LEMIEUX
BUILDING ACCOUNT

No. 6

63-329
670

Pay to the order of SAL GERACI, CLERK CIRCUIT COURT \$ 4.00

Four and 00/100 Dollars



Memo recording deed Real Lemieux

No. 39

63-329
670

July 25 1974

Pay to the order of Bi-Lack's Heating & Cooling \$ 1112.08
One thousand one hundred twelve and 08/100 Dollars

MR. OR MRS. REAL LEMIEUX
BUILDING ACCOUNT



Mary/Real Lemieux Check to Lee County
1973 for Building Permit

Mrs. Real Lemieux

Exhibit SA

2005-00178

SEP 30 2005

NOTICE/RECEIPT OF TAXES DUE FOR YEAR 1979 - COUNTY OF LEE
 12-43-25-00-00001.0060 ***AFTER APRIL 18 PAY 721.39***

NR	669.85 NOVEMBER	676.83 DECEMBER	683.80 JANUARY	690.78 FEBRUARY	697.74 MARCH	718.69 TO APR 18	PLEASE READ BACK
ESCROW CODE	EX-TYPE	MILLAGE CODE	TAXES LEVIED				MAKE CHECKS PAYABLE TO DANSON MCDANIEL TAX COLLECTOR BOX 850 FT MYERS FL 33902 MAKE ADDRESS CHANGES BELOW LEMIEUX REAL + MARY RT 2 BOX 304 N FT MYERS FL 33903
000	01	202	* REAL ESTATE *				
ASSESSED VALUES			COUNTY	208.90	*RATE*		
HOM-EX			HOMSTD	9.73	6.8530		
TAXABL			SCHOOL	284.35	1.9450		
			DISTRT	136.78	6.8750		
			TOTAL	697.76	3.3070		

THE SE 1/4 OF NE 1/4 OF NW
 1/4 LESS PAR 1.006A
 OR 1276/1827

(PLEASE TURN OVER) THIS TAX NOTICE BECOMES A RECEIPT WHEN VALIDATED BY TAX COLLECTOR PG 00572 LN 090 CK 7

HARRY SCHOOLEY, PROP APPR FOR LEE COUNTY
 LEE CTY. PROPERTY APPR.
 P.O. BOX 1546
 FT MYERS, FL 33902
 12-43-25-00-00001.0060
 RECEIPT FOR 1980 TAX EXEMPTION RENEWAL
 FOR
 HOMESTEAD



005727
 First Class Mail
 U.S. POSTAGE
 PAID 1 oz.
 Permit No. 5

THE SE 1/4 OF NE 1/4 OF NW
 1/4 LESS PAR 1.006A

LEMIEUX REAL + MARY
 RT 2 BOX 304
 N FT MYERS
 FL
 33903

WARNING!! IT IS UNLAWFUL TO GIVE FALSE INFORMATION
 FOR THE PURPOSE OF RENEWING EXEMPTIONS.

MUD 2005-00178

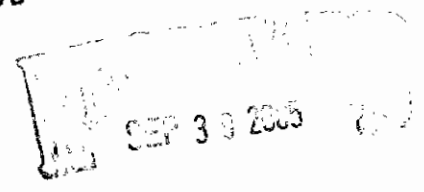


Exhibit 5B
 Mary/Real Lemieux
 1979 Taxes

No. 74021

BUILDING PERMIT

LEE COUNTY, FLORIDA

For inspection
call 335-2393 Sanitation Number
a day in advance 20658

Date 11-7-80

Name of Owner M/M Real Lemieux Contractor Same

Sec.	Twp.	Rge.	Area	Parcel No.
12	43	25	00	00001.006A

114.00

Lot No. -- Blk. No. - Subdiv. North Ft. Myers

Legal Description Shirley Lane Acreage

Off Hwy. 31

Permit For Single Family Res. Zoning AG

Size of Building 3 7000 4 11/07/80 148.000A

Permit Value \$ 40,600 Jan Permit Cost \$ 114.00

BUILDING OFFICIAL
BD. COUNTY COMM.
LEE COUNTY, FLA.

Area

Board of County Commissioners
Building Department
LEE COUNTY, FLORIDA

No. 32774 14.00 5

PLUMBING RECEIPT

Received From M/M R. Lemieux Date 11-7-80

Amount of \$ 14.00 for Plumbing Permit.

Paid by Cash Check

74021

By Jan

MUD 2005-00178
MUD 2005-00178

Board of County Commissioners
Building Department
LEE COUNTY, FLORIDA

SEP 30 2005
No. 13501

Exhibit 6A
Building Permit for Lot 6A
11/7/80

CERTIFICATE OF OCCUPANCY

No 14589

DIVISION OF CODE ENFORCEMENT

Date Oct. 12, 1981

Address Shirley Lane, North Ft. Myers

Nature of Occupancy Residential-single family- Code 0100

Owner Real & Mary Lemieux Leased by _____

Contractor same

	NUMBER	DATE ISSUED	DATE FINALED
Building Permit	<u>74021</u>	<u>11/7/80</u>	<u>10/12/81</u>

Zoning District AG 12-43-25-00-00001.006A

Type Construction V Occupant Capacity _____

In conformity with Sec. 109, Southern Standard Building Code, authorization to occupy is granted as noted herein.

Michael Carroll
DIRECTOR

MUD 2005-00178

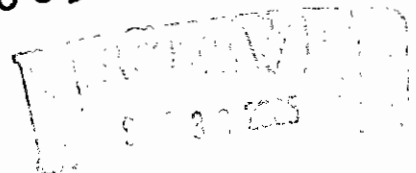


Exhibit 6B
Certificate of Occupancy for Lot 6A
10/12/81

EXHIBIT 7

LEE COUNTY PERMITS FOR RAYMOND/CASSANDRA'S HOUSE

- a. Current Planning Site Plan Approval - 11/10/82
- b. Building Permit #91805 - 11/19/82
- c. Certificate of Occupancy #22079 - 11/8/83
- d. UTS - Phone installation - 11/16/83
- e. List of Expenses Paid for Construction of Raymond/Cassandra's house

MUD 2005-00178

SEP 30 2005

30' Easement

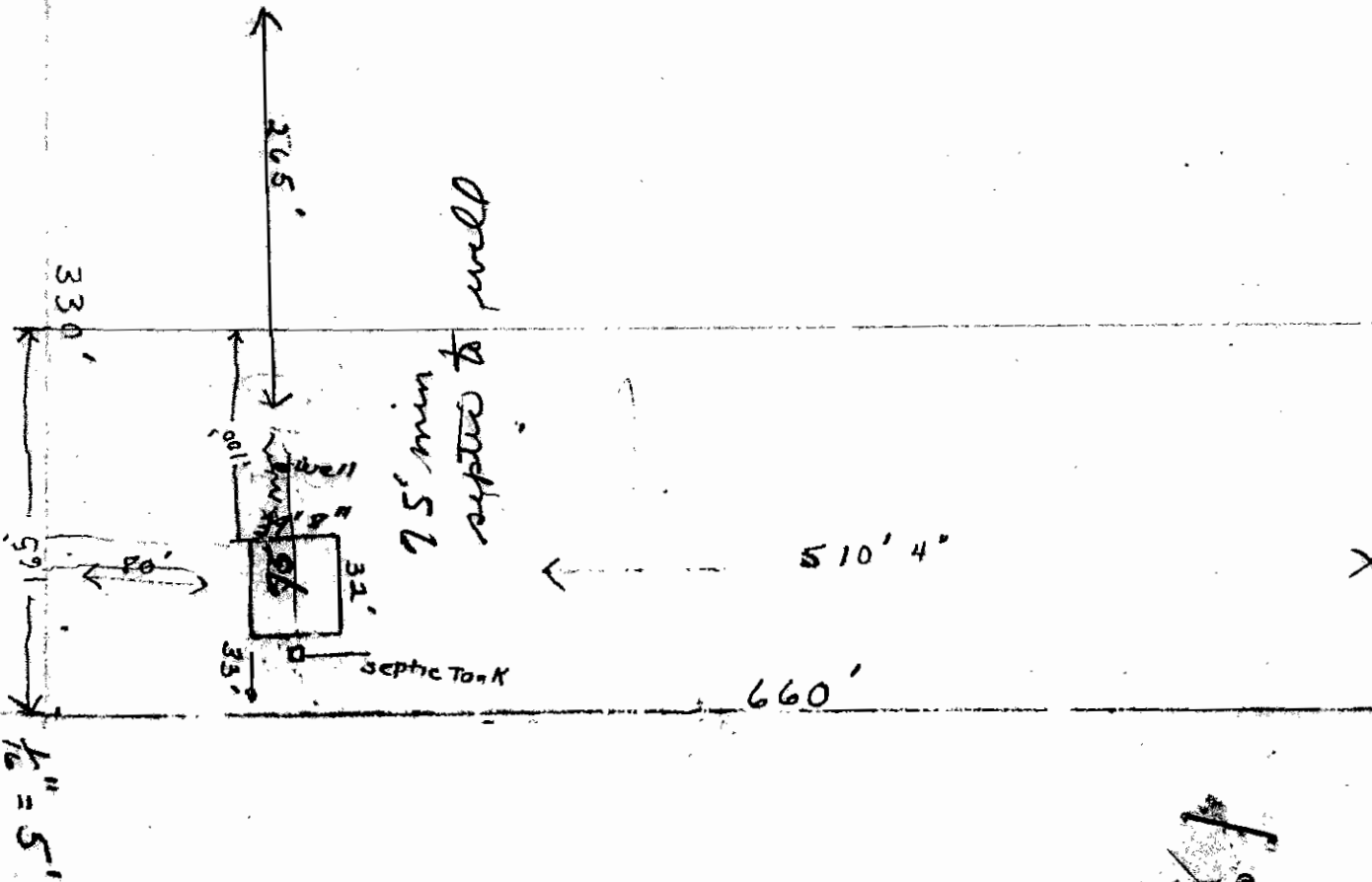
30' Easement

330'

234'

APPROVED
PLANNING BOARD
MAY 10 2005

BY _____
Date _____



MUD 2005-00178

SEP 30 2005 Exhibit 7.a.
Current Planning Site Plan Approval
Lot 6C

91805

BUILDING PERMIT

LEE COUNTY, FLORIDA

Sanitation Number
#23504

Date 11-19-82

Name of Owner Real + Mary Leming Contractor self

Sec.	Twp.	Rge.	Area	Parcel No.
12	43	25	00	00001. 006A

Lot No. _____ Blk. No. _____ Subdiv. _____

Legal Description Rt. 2 Box 304 N.F.M.
Shirley Lane

Permit For J.F.R. Zoning AG

Size of Building 1038 #

Permit Value \$ 33,222.00 DW Permit Cost \$ 94.00

Area _____

BUILDING OFFICIAL
BO. COUNTY COMM
LEE COUNTY, FLA.

MUD 2005-00178

MUD 2005-00178

RECEIVED
SEP 30 2005

Exhibit 7.b.
Permit
Lot 6C

CERTIFICATE OF OCCUPANCY

DIVISION OF CODE ENFORCEMENT NO. 22079
LEE COUNTY

NUMBER Nov. 8, 1983

OWNER: Real Lemieux

PROJECT ADDRESS: Box 304 Shirley Lane, NFM

CONTRACTOR: same

ADDRESS: _____

LEASED BY: _____

ZONING DISTRICT AG STRAP NO. 12-43-25-00-00001.006A

	NUMBER	DATE ISSUED	DATE FINALED
BUILDING PERMIT	<u>91805</u>	<u>11/19/82</u>	<u>11/7/83</u>

FLOOD ELEVATION _____ FLOOD ZONE _____

OCCUPANT CAPACITY _____ FIRE DISTRICT _____

OCCUPANCY CLASSIFICATION _____

TYPE CONSTRUCTION V

IN CONFORMITY WITH SECTION 109, SOUTHERN STANDARD BUILDING CODE, AUTHORIZATION TO OCCUPY IS GRANTED AS NOTED HEREIN.

MUD 2005-00178

Submitted
BUILDING OFFICIAL

RECEIVED
SEP 30 2005



United Telephone of Florida

SERVICE / MAINTENANCE INVOICE

Tel. No. 727 7240 Customer No. 1120051 S.O./Circuit No. _____
 Name Remieux, Adrien Street Address Stirling Dr
 City _____ State _____ Company No. _____

Time: Finish 7:15 Service Order Activity
 Start 6:45 Maintenance
 Total Time 30 Labor and Parts
 Parts Only
 INCREMENTS TO BE BILLED 2 Type Maintenance T/M F/S

Trouble Report _____ Trouble Found _____

Trouble Reported By _____ Action Taken _____

MAT. CODE	DESCRIPTION	QTY	UNIT PRICE	AMOUNT
	<u>Jacks</u>	<u>3</u>	<u>310</u>	<u>930</u>

REMARKS: <u>120x 322</u> <u>2 + 2</u>	The amount indicated to the right is for labor and material used by our technician to perform your premises work/service. This is not to be paid at this time. Your total bill will be forthcoming.	TOTAL MATERIAL	<u>930</u>
		TOTAL LABOR	<u>8.00</u>
		PREMISES VISIT	
		TOTAL	<u>1730</u>

SERVICE ACTIVITY: BILLABLE TIME: Work performed and material used by a telephone company technician to install your service. Examples of labor include preparation, installation of inside wire, wire termination, clean up and testing. The material consists of the inside wire and the jack. Increments of billable time are based upon 15 minute intervals or a fraction thereof. The time increments start when the telephone company technician performs the necessary functions to provide service to designated telephone locations from the station protector.

MAINTENANCE: Charges for labor and / or material will be billed when your monthly maintenance service charge does not include the material and / or labor for repair of telephone equipment. This is not a bill. DO NOT PAY. This is only your record of premises work. If you need information about charges, please call your local business office.

Customer Signature: [Signature] Date: 11-16-83

Technician Signature: _____

Supervisor Signature: _____

PLEASE CIRCLE APPROPRIATE DISTRIBUTION:

White - Business Office	COAM Svc. Invoice	Lease	Maint. Svc. Charge
Green - Customer	Sales Acctg. MC:851	Business Office	Business Office
Yellow - Supervisor	Sales Acctg. MC:851	Cust. Accts. S/O	Cust. Accts. S/O
Pink - Supervisor	Customer	Customer	Customer
Gold - Supervisor	Supervisor	Supervisor	Dist. Cust. Svc. Mgt.
	Material Supply		

F1805003

008377

Exhibit 7.d.
 UTS - Phone Hookup Nov. 1983
 Lot 6C

RECEIPT NO: 071903
 ACCT. NAME: Remieux, Adrien
 ADV. PAY AMT: 46.20
 RES: CHECK: _____
 BUS: _____ CASH: _____

PAID
 NOV 10 1983
 United Telephone Co.
 Florida

Dear Customer:
MUD 2005-00178
 Thank you for the advance payment on your new telephone account. This amount normally covers your first month's local service, an estimated one month's toll usage and the installation charge. Your first telephone bill will be reduced by the amount of your payment. SEP 30 2005

727-7240



1992

7-31
Jan Fralich (Culverts) 50.00
8-3
Jan Fralich (2 load fill) 75.00
8-16
Jan Fralich (10 load fill) 375.00
9-20
Jan Fralich (4 loads fill) 150.00
10-27
Barbot + Associate (Perk Test) 40.00
(10-27 Septic Per)
Lee Co. Board Co. Commissioners 30.00
(10-29)
Lee Co. Current Planning (Zoning) 12.00
11-19
Lee Co. Building Dept. (Permits) 156.50
11-20
C+C Feed Store (fence posts) 63.42
12-4
Laurel's (plumbing) 77.68
12-12
Laurel's (plumbing) 3.46
12-17
Scotty's (floor materials) 43.76
12-28
Jan Fralich (Dirt) 150.00
12-28
Laurel's (plumbing) 5.43
1993
Lee Co. Concrete (1-12) 815.85
Lee Co. Concrete (1-14) 173.25

MUD 2005-00178

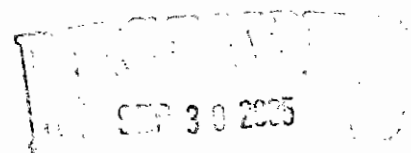
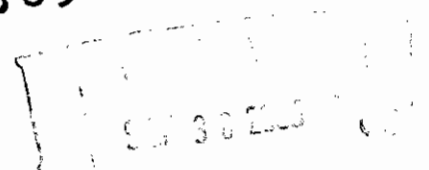


Exhibit 7.e. (6 pages)
List of Expenses Paid for Construction
of Raymond/Cassandra's House

Ft Myers Lumber (2-11) 449.20
 Scotty's (3-17) ^{Lumber +} supplies 83.58
 cement Industries (3-18) 479
 Lehigh Building Supply (3-23) 7.56
 Lee County ^{Tie beam} Concrete (3-25) 327.60
 Walker Builders Supply (4-5) ^{Trusses} 612.78
 Scotty's (4-7) Lumber + supply 209.43
 Scotty's (4-16) roof supplies 180.54
 Crane Truck Rental (4-22) 50.00
 Scotty's (4-30) ^{Sve Trim etc} fctb, lumber 262.32
 Ian Fralich (4-6) 50.00
 Scotty's (5-11) ^{Hywood screen} roof shingles vents etc. 542.48
 Scotty's (5-12) 14.71
 Scotty's (5-13) ^{lead beets} ~~barbi sil seal~~ 42.35
 Scotty's (5-23) ^{(ins. del) door frame} Lumber + nails 42.66
 Scotty's (5-24) Lumber 63.26
 Sears (5-30) paint 59.75

Scotty's (5-31) Lumber 20.75
 Scotty's (6-1) windows 425.31
 Bayshore Concrete (6-4) 34.10
 Laurels (6-11) plumbing 254.39
 Ace Hardware (6-11) plumbing 14.53
 Laurels (6-12) plumbing 28.88
 Scotty's (6-18) plumbing 15.61
 Laurels (6-26) 70.56 229.26
 Laurels (6-26) Electrical ~~209.26~~
 (6-29)
 Consolidated Electric Sply. 199.45
 Scotty's (electrical) ⁶⁻³⁰ 23.08
 Reilly Bros. Inc (6-30) ^{electrical} 25.59
 Ace Hardware (7-1) 36.05
 Scotty's (7-2) 20.48
 Stan Coons (7-4) 200.00
 Scotty's (7-5) 51.56
 Scotty's (7-5) ^{Stan Coons etc} .38
 Consolidated Electric (7-5) 122.73

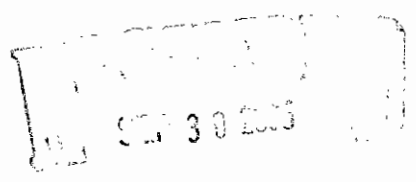
MJD 2005-00178



Ace Hardware (7-21)	13.79
Laurel's (7-22)	11.66
Cement Industries (7-28)	67.20
Ace Hardware (7-29)	54.17
Scotty's (8-6)	187.21
Scotty's (8-6)	3.78
84 Lumber (8-6)	104.38
Scotty's (8-6)	12.72
Laurel's (8-18)	1.11
Scotty's (8-20)	2.10
Laurel's (8-24)	13.42
Laurel's (8-25)	2.02
Ace Hardware (8-28)	4.92
Ace Hardware (8-29)	1.38
Sears (8-31)	76.55
Radio Shack (9-3)	5.76
Scotty's (9-3)	185.80

Laurel's (9-4)	39.33
Sears (9-4)	51.08
84 Lumber (9-4)	10.43
Scotty's (9-5)	8.19
Cash for plumbing ^{2x4} (9-6)	28.00
Cement Industries (9-14)	398.00
Ian Fnalich ^{Dint} (9-15)	300.00
Williams Hardware (9-19)	3.97
West Coast Insulation (9-22)	472.00
Scotty's (9-24)	12.89
Ian Fnalich (9-23)	100.00
Adobe Building Center ⁽⁹⁻²⁶⁾	161.44
Tompkins Tile Co. (9-26)	254.49
Cash (9-28) ^{Hand coat} _{Laban (8/14)}	350.00
Sears (10-1)	72.91
Handy City (10-1)	52.46
Laurel's (10-1)	245.56
Scotty's (10-6) _(not counted)	12.47

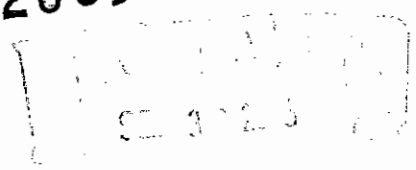
MUD 2005-00178



Sears (10-1) Appliances	1679.96
Cabinets (10-3)	1028.00
Sears (10-3)	7.34
including Appliances	13,894.06
	12,214.10
Thompson's Tile Co. (10-4)	6.53
Laurel's (10-14)	43.46
Scotty's (10-15)	440.91
Scotty's (10-17)	43.96
Sherwin Williams (10-17)	148.50
Wickes Lumber (10-17)	270.84
Consolidated Electric (10-17)	41.55
Scotty's (10-18)	3.97
Wallpaper (10-19)	131.62
Stan Coons (10-19)	60.00
(10-19)	
Paul Lawrence Well Drilling	400.00
Scotty's (10-21)	11.01
Laurel's (10-22)	252.00

Scotty's (10-22)	145.65
Scotty's (10-22)	71.40
Scotty's (10-22)	116.44
Reilly Bros. (10-25)	260.35
Sears Roebuck (10-25)	69.24
Scotty's (10-29)	9.29
Laurel's (10-29)	27.86
Scotty's (10-29)	138.62
Tan Fralich (10-31)	50.00
Scotty's (11-4)	36.89
Laurel's (11-4)	51.30
Ace Hardware (11-1)	6.75
Ace Hardware (11-5)	3.74
Ace Hardware (11-6)	4.28
Lee County Concrete (11-19)	349.65
United Telephone (11-16)	75.40
Scotty's (11-17)	43.5

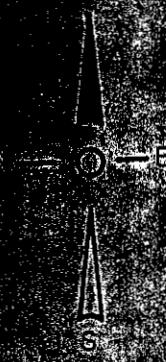
MUD 2005-00178



Power + Tissue
Scotty's (12-5) holden etc 47.22
Scotty's (12-9) Travel rack 9.86
Supplies
Scotty's (12-10) Screepouch 82.57
Donald Crews Septic Tank (2-84) 762.60

MUD 2005-00178

SEARCHED
SERIALIZED



Handwritten signature or initials

000000178

Dept. of Development, Natick
NPPD 2/17/81

Exhibit 8A (2 pages)
Lee County 1 acre Lot Split Approval
1985 - Robert

O.B

N. 00° 22' 50.75"

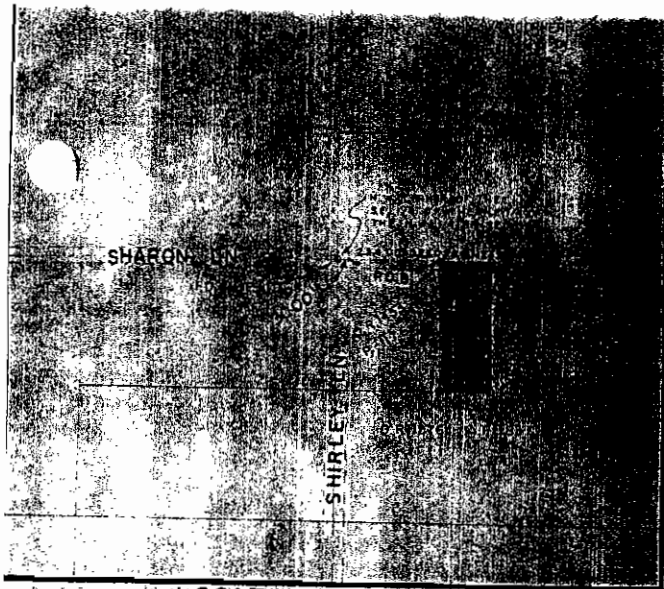
BOUNDARY SURVEY

Field Book 2500 Page 100 W/O 1981

Sheet 1 of 1

Surveying - Engineering - Land Planning
995-7139, 997-9730

C.



LOCATION SKETCH
SCALE: 1" = 300'

NOTE: THE SHADING AS SHOWN HERE
IS BY THE GRANTEE ASSUMED
TO BE THE CORNER OF THE S.E. 1/4 OF SE

LEGAL DESCRIPTION AS PER STARNES & ASSOC. INC.
A TRACT OR PARCEL OF LAND Lying in the SW 1/4 of SECTION 12, T. 25S., R. 25E., LEE COUNTY, FLORIDA,
FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE N.W. CORNER OF SECTION 12, THERE RUN S 89° 42' 25" E 50.75' TO THE N.W. CORNER OF A PARCEL AS SHOWN ON PLAT BOOK 1176, PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND CONTINUE S 89° 42' 25" E 50.75' TO THE P.O.B. DESCRIBED:

FROM SAID P.O.B. CONTINUE S 89° 42' 25" E 50.75' TO THE N.W. CORNER OF SAID PARCEL AS RECORDED IN PLAT BOOK 1176, PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND CONTINUE S 89° 42' 25" E 50.75' TO THE P.O.B.

SAID PARCEL CONTAINS ONE ACRE.
SAID PARCEL IS SUBJECT TO AND TOGETHER WITH A 6'00" EASEMENT CROSS THE NORTH 30'00" THEREOF AS RECORDED IN PLAT BOOK 1176, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

A 6'00" WIDE UTILITY AND DRAINAGE EASEMENT CROSS THE NORTH 30'00" THEREOF AS RECORDED IN PLAT BOOK 1176, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

SAID PARCEL IS SUBJECT TO EASEMENTS, RESERVATIONS AND ENCUMBRANCES OF RECORD.

According to the Plat thereof as recorded in Plat Book 1176, Public Records of LEE County, Florida
FOR ROBERT W. LEM BUX DAVID

Starnes and Ass
BY _____ FOR POWER



MUD 2005-00178

Exhibit 8B
Robert's Permit Fees to Lee County
(5 pages)

ROBERT J. LEMIEUX 07-83
 ROUTE 2 BOX 304
 NORTH FT. MYERS, FL 33905

Sept 20 19 85 189

63-329
670

Pay to the order of LEE COUNTY ZONING DEPARTMENT \$ 55.00

Fifty five and 00/100 Dollars

LEE COUNTY BANK EAST FORT MYERS OFFICE DB
 A FIRST FLORIDA BANK P.O. BOX 711
 FORT MYERS, FLORIDA 33902

Memo _____ Robert J Lemieux

⑆1:067003299⑆0189 810867297⑆ ⑆0000005500⑆

ROBERT J. LEMIEUX 07-83
 ROUTE 2 BOX 304
 NORTH FT. MYERS, FL 33905

Dec 5 19 85 203

63-329
670

Pay to the order of LEE COUNTY CODE ENFORCEMENT \$ 313.50

Three hundred thirteen and 50/100 Dollars

LEE COUNTY BANK EAST FORT MYERS OFFICE DB
 A FIRST FLORIDA BANK P.O. BOX 711
 FORT MYERS, FLORIDA 33902

Memo _____ Robert J Lemieux

⑆1:067003299⑆0203 810867297⑆ ⑆0000031350⑆

ROBERT J. LEMIEUX 07-83
 ROUTE 2 BOX 304
 NORTH FT. MYERS, FL 33905

Sept 18 19 85 188

63-329
670

Pay to the order of LEE COUNTY, BOARD OF COUNTY COMMISSIONERS \$ 8.00

Eight and 00/100 Dollars

LEE COUNTY BANK EAST FORT MYERS OFFICE DB
 A FIRST FLORIDA BANK P.O. BOX 711
 FORT MYERS, FLORIDA 33902

Memo Aerial Photo Robert J Lemieux

⑆1:067003299⑆0188 810867297⑆ ⑆0000000800⑆

~~MUD 2005 440168~~

ROBERT J. LEMIEUX 07-83
 ROUTE 2 BOX 304
 NORTH FT. MYERS, FL 33905

8 - 5 19 85 178

C 807640

63-329
670

Pay to the order of LEE COUNTY ZONING DEPT \$ 90.00

Ninty No/100 Dollars

LEE COUNTY BANK EAST FORT MYERS OFFICE DB
 A FIRST FLORIDA BANK P.O. BOX 711
 FORT MYERS, FLORIDA 33902

Memo _____ Robert J Lemieux

RECEIPTS

FOR DEPOSIT ONLY
LEE COUNTY
CURR-PLAN-DEPT
55.00 TGS
55.00 CHG
0001 400 09/21 00

02 19 87

RECEIPTS

117 0
117 0
117 0

02 19 87

RECEIPTS

LEE COUNTY BOARD OF COUNTY
COMMISSIONERS
PAY TO THE ORDER OF
SECRETARY OF COUNTY AREA, NA
FLORIDA, FLORIDA
FOR DEPOSIT ONLY
POOLED CASH ACCOUNT
510009

MUD2005-00178

ROBERT J. LEMIEUX 07-83
ROUTE 2 BOX 304
NORTH FT. MYERS, FL 33905

8 - 5 19 85 178
C 807640

63-329
670

Pay to the
order of

LEE COUNTY HEALTH DEPT.
FORT MYERS, FLORIDA

\$ 90.00

Ninty No/100

Dollars



LEE COUNTY BANK EAST FORT MYERS OFFICE 08
A FIRST FLORIDA BANK P.O. BOX 711
FORT MYERS, FLORIDA 33902

Memo Trust Payment

Robert J Lemieux

⑆067003299⑆0178 810867297⑆

⑆0000009000⑆

ROBERT J. LEMIEUX 07-83
ROUTE 2 BOX 304
NORTH FT. MYERS, FL 33905

Aug 23 19 85 182

63-329
670

Pay to the
order of

Starnes and Assoc

\$ 275.00

Two hundred seventy five and 00/100

Dollars



LEE COUNTY BANK EAST FORT MYERS OFFICE 08
A FIRST FLORIDA BANK P.O. BOX 711
FORT MYERS, FLORIDA 33902

Memo SURVEY

Robert J Lemieux

⑆067003299⑆0182 810867297⑆

⑆0000027500⑆

W.O. 0084

SEP 30 2005

FOR DEPOSIT ONLY
LEE COUNTY HEALTH DEPT.
check # 80994659

FOR THE ACCOUNT OF
STARNES & ASSOCIATES, INC.
RT 2 BOX 782, DEAL RD. 33903

1 5 0 0 0 1
SEP 30 2005
98
FOR DEPOSIT ONLY
LEE COUNTY HEALTH DEPT.

1 5 0 0 0 1
SEP 30 2005
98
FOR DEPOSIT ONLY
LEE COUNTY HEALTH DEPT.

MID 2005-00178

SEP 30 2005

Sec. 34-1180. Additional dwelling unit on lot
in agricultural districts.

(a) *Applicability.* This section provides the minimum regulations to permit development of an additional conventional single-family residence on the same parcel if the parcel has been zoned in an AG district and the parcel is developed in accordance with the density requirements of the applicable land use classification.

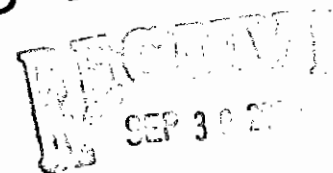
(b) *Standards.*

- (1) Minimum lot area must be twice the required lot area for the zoning district, but in no event less than two acres including easements.
- (2) Minimum lot width must be twice the required lot width for the zoning district.
- (3) The units must be separated by a minimum of twice the required side yard setback for the zoning district.
- (4) No more than two living units constructed as two freestanding conventional single-family residences are permitted.
- (5) Property owners who have already established or plan to establish a caretaker's residence may not avail themselves of this provision.
- (6) Each unit must be located on the parcel in such a manner that the units could be separated into individual lots and still meet the property development regulations for the zoning district as well as the

density requirements for the applicable land use category without first creating a new street easement or right-of-way.

(Zoning Ord. 1993, § 533; Ord. No. 96-06, § 5, 3-20-96)

MUD 2005-00178



ATTACHMENT #2
Supplement to Notice of Appeal filed October 10, 2005

PAVESE LAW FIRM

Steven C. Hartsell

Direct dial: (239) 336-6244
E.mail: stevehartsell@paveselaw.com

1833 Hendry Street, Fort Myers, Florida 33901 | P.O. Drawer 1507, Fort Myers, Florida 33902-1507 | (239) 334-2195 | Fax (239) 332-2243

October 10, 2005

Dawn Lehnert, Esquire
Lee County Attorneys Office
Post Office Box 398
Fort Myers, FL 33902-0398

RE: Appeal of Lemieux MUD #2005-00178
Our Client File #80140.001

2005 OCT 10 PM 3:16
RECEIVED BY
LEE CO. ATTORNEY

Dear Dawn:

As requested, I am enclosing the pertinent portion of the Abstract of Title for Real and Mary Lemieux's 10-acre parcel (the southeast quarter of the northeast quarter of the northwest quarter of Section 12, Township 43 South, Range 25 East, Lee County, Florida, subject to easements). It starts with the November 26, 1973, conveyance to Real and Mary Lemieux and is updated to January 2, 1979. The appeal (Composite Exhibit 4) contains the deeds subsequent to January 2, 1979.

I have also provided you with copies of County aerials for Section 12 for selected years (related to the various building permit dates for each of the four homes constructed on this 10 acres) from March 10, 1972 (showing the property as vacant) and ending on January, 2002 (showing all four homes constructed). The progression of aerials (Composite Exhibit 10) shows the following:

Exhibit 10	Aerial Date	Parcel # (See Appeal Exhibit 2 Map)	Building Constructed	Building Permits: Appeal Exhibit Number
A	3-10-72	Lot 60	10 acres vacant	-----
B	2-23-74	Lot 60	Under construction (accessory structures located north on Lot 6A)	-----
C	Oct./Nov. 1975	Lot 60	Home complete	-----
D	3-22-80	Lot 6A	Accessory structures only	Exhibit 6A

4635 S. Del Prado Blvd.
Cape Coral, Florida 33904
(239) 542-3148

18501 Murdock Circle
Port Charlotte, Florida 33948
(941) 255-3095

4524 Gun Club Road
West Palm Beach, Florida 33415
(561) 471-1366

461 S. Main Street
LaBelle, Florida 33935
(863) 675-5800

Exhibit 10	Aerial Date	Parcel # (See Appeal Exhibit 2 Map)	Building Constructed	Building Permits: Appeal Exhibit Number
E	12-04-81	Lot 6A	Home complete (with accessory structures)	Exhibit 6B (C.O.)
F	March 1984	Lot 6C - MUD Parcel	Home under construction	Exhibits 7.a and 7.b
G	February 1986	Lot 6C - MUD Parcel	Home complete	Exhibit 7.c (C.O.)
G	February 1986	Lot 6B	Home under construction	Permit #514331
H	January 2002	All Lots	Homes complete	

The aerials demonstrate the sequence of construction for the homes and correspond to the building permits submitted as Exhibits to the appeal. The initial family home (on Lot 60) was built in 1974, but we have been unable to locate any building permit for that. The aerials for 1972, 1974 and 1975 confirm that construction. (Exhibits 10A, B, & C)

Next the Lemieuxs built the home for Mary's parents on Lot 6A in 1980-1981 (Exhibits 6A and 6B show the building permit and CO for that construction). The Parcel Identification Number is correctly identified on the permits as 00001.006A. (Exhibits 10D & E)

Next, in 1982-1983, the Lemieuxs built a home for Real's parents on Lot 6C [See Exhibit 7.a: Lee County Current Planning Site Plan Approval dated 11/10/82; and Exhibit 7.b.: Building Permit dated 11/19/82 and CO dated 11/8/83]. Unfortunately the Building Permit and CO are inaccurately identified with the same parcel number as Lot 6A even though Frances Nault was the owner of Lot 6A in 1983 [See Appeal Exhibit 4B and Page 22 of the enclosed Abstract, paragraph #2 of the Final Judgment quieting title.] However, the site plan approval clearly shows that the home is to be located on Lot 6C and is over 265' south of Lot 6A (shown as the northwest 234' x 330' corner of the property). The aerials for March, 1984, and February, 1986, show the constructed home (Exhibits 10F & G). This is the home for which the MUD has been applied and which is the subject of this appeal.

Finally, (to complete the history) the last home was constructed on Lot 6B which obtained a lot split approval on 9/26/85 for a 1-acre (132' x 330') parcel as shown in Exhibit 8A. Although we do not have a copy of it since it is not part of the MUD, the Property Appraiser's website reflects that on 12-5-1985 Building Permit #514331 was issued for that property. The aerial photograph for February, 1986, reflects the clearing and driveway access for the home to be built on Lot 6B, and the aerial for January, 2002, shows the completed home. (Exhibits 10G & H)

I submit that the aerials enclosed, in conjunction with the deeds, building permits, and other evidence of County approvals, demonstrate that the homes on these lots (particularly Lot 6C which

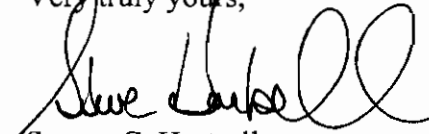
Dawn Lehnert, Esquire

October 10, 2005

Page 3

is the subject of the MUD Appeal) were constructed lawfully pursuant to Lee County Building Permits and other approvals issued by Lee County. We respectfully request that upon review of this documentation that the County Attorney's Office would support the Applicant's request that the Board of County Commissioners find that the equities involved here support a finding that the MUD for Lot 6C should be approved.

Very truly yours,



Steven C. Hartsell

SCH:llg

Enclosures

cc: Raymond and Cassandra Lemieux

F:\WPDATA\SCH\CLIENTS\Lemieux 80140.001\Lehnert ltr 10-10-05.wpd

WARRANTY DEED
STATUTORY
7-1-68 (C)

This Indenture,

Whosoever used herein the terms "first party" and "second party" shall include singular and plural, last, next, representatives and assigns of individuals and the successors and assigns of corporations, whether the contract be direct or indirect.

Made, this 26 day of November A D 1973

BETWEEN Stanley K. Ink, Trustee - successor to Pyramid Holdings, Inc.

of the County of Lee in the State of Florida, part y of the first part, and

Real and Mary Lemieux, Husband & Wife

of the County of Lee in the State of Florida, whose post office address is

159 Lucille Avenue, Fort Myers, Florida 33901

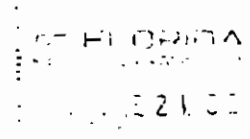
part ies of the second part

Witnesseth, That the said party of the first part, for and in consideration of the sum of Ten (\$10.00) Dollars,

to it in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said part ies of the second part, their heirs and assigns forever, the following described land situate, and being in the County of Lee State of Florida, to wit:

The Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4), Section 12, Township 43 South, Range 25 East, Lee County, Florida, subject to a 30 foot easement over the West and North sides for road purposes for the general use of the public. Also 6 foot easement on all property lines for drainage and utility uses.

106457



RECORDED IN OFFICIAL
BOOK 10000
PAGE 1119
DEC 3 11 19 AM '73
L. Kame

And the said part y of the first part do es hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, The said party of the first part has hereunto set hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of:

Frankie W. Lindsey
Vincent R. Aguilar

Stanley K. Ink, TRUSTEE



STATE OF FLORIDA,
COUNTY OF Lee

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared Stanley K. Ink

to me known to be the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 26th day of November A D 19 73

Prepared by Stanley K. Ink
2045 Bayside Parkway
Fort Myers, Florida 33901

Notary Seal
My Commission expires July 27, 1977

12 10 18 1974
Notary Public for Leon County, Tallahassee, Florida

FOR REFERENCE

This instrument was prepared by:

FRANK A. PAVSE

PAVSE, BROTHERS, HARDER,
HAVERFIELD & CLUTTE
Fort Myers, Florida 33901
FORT MYERS, FLORIDA 33901

776817

Warranty Deed (STATUTORY FORM — SECTION 689.02 F.S.)

This Instrument, Made this 1st day of February, 19 74.

REAL LEMIEUX and MARY LEMIEUX, Husband and Wife
of the County of Lee, State of Florida, grantor, and

MAJOR NAULT and FRANCES NAULT, husband and wife
whose post office address is 350 Louise Avenue
Fort Myers, Florida
of the County of Lee, State of Florida, grantor.

Witnesseth, That said grantor, for and in consideration of the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATIONS 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, situate, lying and being in Lee County, Florida, to-wit:

Beginning at the Northwest Corner of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼), Section 12, Township 43 South, Range 25 East, Lee County, Florida, thence East 264 feet, thence South 330 feet, thence West 264 feet, thence North 330 feet to the point of beginning. Subject to a 30 foot easement over the West and North sides for road purposes for the general use of the public. Also 6 foot easement on all property lines for drainage and utility uses. Be approximately two (2) acres more or less.



RECORDED
L. K. ...
CLERK OF CIRCUIT COURT
LEE COUNTY, FLORIDA

and said grantor does hereby fully warrant the title to said land, and will defend the same against the 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:

Frank A. Pavse
Notary Public

Real Lemieux
Mary Lemieux

STATE OF FLORIDA
COUNTY OF LEE

I, Frank A. Pavse, Notary Public for the State of Florida, do hereby certify that on this day before me, an officer duly qualified to take acknowledgments, personally appeared REAL LEMIEUX and MARY LEMIEUX, husband and wife and the persons described in and who executed the foregoing instrument and acknowledged before me and me and the same.

Witness my hand and official seal in the County and State last aforesaid this 1st day of February

Frank A. Pavse
Notary Public

My Commission Expires:
Notary Public, State of Florida at Large
My Commission Expires Oct. 8, 1977
Bonded by American Fire & Casualty Co.

UNITED STATES DISTRICT COURT SEARCH

Showing all Income Tax Liens, Judgments and Bankruptcies, as compiled from the records of the United States District Court in and for the Southern District of Florida, as contained in the offices of the Clerk of the several Divisions of said Court, prior to, and including August 31, 1931, AS CERTIFIED TO BY GUARANTEE ABSTRACT COMPANY, of St. Peterburg, Florida, IN SO FAR as such records MAY affect the ownership of lands under search during the period of time covered by the Certificate of this Abstract.

W. W. GALE

NAME KIND OF LIEN DATE AMOUNT DIVISION

NONE

TAXES

COUNTY

1973 to 1976- inclusive PAID
1977- Assessed in the sum of \$707.04 & PAID. ✓



INTANGIBLE

(NOT AVAILABLE).

Taxes for the year 1978 are not payable until November 1, 1978
but operate as lien against the property from January 1 1978.

STATE OF MICHIGAN DEPARTMENT OF TREASURY
 RECEIPT FOR TAXES PAID FOR YEAR 1977

NAME OF TAXPAYER: [Illegible]

PROPERTY TAXES

AMOUNT PAID: [Illegible]

PROPERTY	ASSESSMENT	TAXES
[Illegible]	[Illegible]	[Illegible]
[Illegible]	[Illegible]	[Illegible]
[Illegible]	[Illegible]	[Illegible]
[Illegible]	[Illegible]	[Illegible]
[Illegible]	[Illegible]	[Illegible]
[Illegible]	[Illegible]	[Illegible]
[Illegible]	[Illegible]	[Illegible]
[Illegible]	[Illegible]	[Illegible]
[Illegible]	[Illegible]	[Illegible]

AMOUNT PAID IN FULL: [Illegible]
 DATE PAID: [Illegible]
 RECEIVED BY: [Illegible]

PROPERTY TAXES PAID FOR YEAR 1977

TOTAL PAID: [Illegible]

AMOUNT PAID IN FULL: [Illegible]

[Illegible]

1977 - Paid tax receipt for the
 SE 1/4 of the NE 1/4 of the NW 1/4 Section 12, TWP 43 S, R 25 E Less parcel 1.006A

MT&ACO.

RE: UNIFORM COMMERCIAL CODE —

This abstract reflects only those Financing Statements, and documents referring thereto, filed in the Lee County, Florida Public Records, which describe any part of caption lands and involved parties as named in the chain of title. Search will be made as to other names upon request, only.

No. 45179

THIS IS TO CERTIFY, that the foregoing pages numbered ONE to -----SIX----- inclusive, comprise a full and complete -CONTINUATION OF- ABSTRACT OF TITLE to the lands lying and being in the County of Lee, State of Florida, described as follows, to-wit:

The Southeast quarter ($SE\frac{1}{4}$) of the Northeast quarter ($NE\frac{1}{4}$) of the Northwest quarter ($NW\frac{1}{4}$), ~~Less Official Records Book 1018, page 1376,~~ in Section 12, Township 43 South of Range 25 East., *LESS that certain parcel conveyed to Nault by deed dated February 1, 1974, and recorded in Official Records Book 1019, page 13-14.*

as compiled from the OFFICIAL RECORDS in the office of the Clerk of the Circuit Court, of the County Judge and of the Tax Collector of said County, (and the tax records of the City Clerk of the City of Fort Myers, where such land lies within the Corporate limits of said City), and shows all instruments of record in said offices describing or purporting to affect the title to the above described property, during the period of time from NOVEMBER 22nd, 1973 to and including DECEMBER 16th, 1977.

All tax certificates, federal tax liens, current crop liens, judgments and deficiency decrees, which purport to be cancelled, satisfied, surrendered or released, and all judgments and deficiency decrees more than twenty years old, or recovered in criminal proceedings, are omitted, EXCEPT that all unsatisfied judgments or decrees recovered by the United States of America or by the State of Florida, in any civil proceedings, regardless of age, are shown.

WITNESS my hand and the Corporate Seal of this Company this
16th day of December A. D. 1977.



MOSELEY TITLE AND ABSTRACT COMPANY
AT FORT MYERS

Moseley Title and Abstract Company

ASSISTANT SECRETARY

VICE-PRESIDENT

3100 R

State of Florida

DEPARTMENT OF STATE & DIVISION OF CORPORATIONS

1282 1774

RECORD VERIFIED - SAC CHIEF CLERK
BY C. MURPHY, JR.

I certify that the following is a true and correct copy of Articles of Incorporation of PYRAMID HOLDINGS, INC., a corporation organized under the laws of the State of Florida, filed on March 24, 1966. I FURTHER CERTIFY that said corporation filed a Certificate of Final Voluntary Dissolution on December 29, 1972, as shown by the records of this office.

GIVEN under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capital, this the

22nd day of June, 1978.



Gene A. Smathers
SECRETARY OF STATE

4 (S 60) 1-77

CERTIFICATE OF INCORPORATION

PYRAMID HOLDINGS, INC.

The undersigned do hereby associate themselves and their successors and assigns together for the purpose of becoming incorporated under the laws of the State of Florida, and forming a corporation with the following Charter:

ARTICLE I

The name of this corporation shall be PYRAMID HOLDINGS, INC., having its principal place of business in Lee County, Florida.

ARTICLE II

The business for which this corporation is formed and the general nature of the business or businesses to be transacted by it shall be:

1. To purchase, hold, acquire, sell, convey, enjoy, improve and lease real estate; to acquire or dispose of any liens thereon; and to mortgage and encumber the same; and erect, manage, care for, maintain, extend and alter buildings thereon; and generally to have all power necessary, useful or desirable for the full and complete exercise of the right to act as principal, agent, broker or purchaser, in any form in the acquisition, disposition, holding, encumbrance, improvement, re-organization or sale of property, real or personal.

2. To subscribe or cause to be subscribed for, and to purchase and otherwise acquire, hold, sell, assign, transfer, mortgage, pledge, exchange, distribute and otherwise dispose of the whole or any part of the shares of the capital stock, bonds, coupons, mortgages.

FILED
MAY 21 1954
LEE COUNTY, FLORIDA

RECORDED & INDEXED
MAY 21 1954
LEE COUNTY, FLORIDA

REF 1282 PC1776

debts of trust, debentures, securities, obligations, evidences of indebtedness, notes, good will, rights, assets and property of every nature and kind of its own or any other person, corporation or association, now or hereafter existing, and whether created by the laws of the State of Florida, or of any other State, territory or country, so far as and to the extent that the same may be exercisable by the laws relating to business corporations of the State of Florida; to manage, operate and control such properties, or any of them, and to exercise all of the rights, powers and privileges of ownership, including the right to vote all such stock while the owner, or representing the owner or holder thereof.

3. To deal in the sale, purchase, and exchange of mobile or trailer homes and the fixtures and furnishings thereof, either at wholesale or retail or otherwise.

4. To deal in the sale, purchase, exchange and manufacture of goods, supplies, commodities and merchandise of every nature and kind, either at wholesale or retail or otherwise.

5. To produce and to provide a means or agency for the production, acquiring, harvesting, packing, canning, preserving and marketing of citrus fruits, and all other agricultural and horticultural products, and of meats, fish and all types of marine life, poultry and any and all feedstuffs.

6. To engage in general farming and horticultural operations.

7. To aid in any manner a corporation or association of which any bonds or other securities or evidences of indebtedness or stock are held by the corporation, and to do any acts or things designed to protect, conserve, improve or enhance the value of any such bonds or other securities or evidences of indebtedness or stock.

8. To lend money, and to borrow money and transact debts when necessary for the transaction of its business or for the exercise

OFF REC 1282 PC1777

of its corporate rights, privileges or franchises or for any other lawful purpose of its incorporation; to issue bonds, promissory notes, bills of exchange, debentures and other obligations and evidences of indebtedness payable at a specified time or times, or payable upon the happening of a specified event or events, secured or unsecured, for money borrowed or in payment for property purchased or acquired or for any other lawful object.

9. To construct, own, operate or otherwise become interested in houses, dwellings, dormitories, office buildings, business houses, dressing rooms, clubs, libraries, pavilions, bays, recreation piers and other appliances or property of any kind and to establish, maintain or operate hotels, restaurants, cafes or other similar businesses which can be conveniently carried on in connection therewith.

10. To do all and everything necessary and proper for the accomplishment of the objects enumerated in this certificate of incorporation or any amendment thereof, or necessary or incidental to the protection and benefit of the corporation, and in general to carry on any lawful business necessary or incidental to the attainment of the objects of the corporation whether or not such business is similar in nature to the objects set forth in the certificate of incorporation of this corporation or any amendment hereof.

11. The enumeration of special powers, as above set forth, shall not be held to be a limitation of the powers of said corporation, and in addition thereto, said corporation shall have all the powers authorized by and usually granted to corporations under the laws of the State of Florida.

ARTICLE III

The maximum number of shares of stock the corporation is

1922

... hundred dollars ...
stock shall be ...
capital ...
Directors ...
by the Board ...

ARTICLE

... not more than ...
...
...
by conducting ...

1282-PC1779

... Vice President, Treasurer, Secretary, Assistant Secretary, Assistant Treasurer and such other officers, agents and persons as may be deemed necessary. All officers, agents and persons shall be chosen in such manner, hold their offices for such terms and have such powers and duties as may be prescribed by the by-laws as determined by the Board of Directors. The names and post office addresses of the officers and directors shall be filed with the Secretary of State of the State of Florida until their successors are chosen and qualified at the first annual meeting...

- J. G. Levering, Jr. 6011 West Riverside Drive, Fort Myers, Florida President and Director
- E. J. Knipper 1415 North Avenue, Fort Myers, Florida Secretary-Treasurer and Director
- Stanley E. Ish 1415 North Avenue, Fort Myers, Florida Vice-President and Director
- J. H. Baker Box 180, Rural Route 2, North Fort Myers, Florida Director

ARTICLES

The names and post office addresses of each subscriber to these Articles of Incorporation with the amount of stock subscribed for and agreed to be taken by each are as follows:

<u>Name</u>	<u>Address</u>	<u>Number of Shares</u>
J. G. Levering, Jr.	6011 West Riverside Drive, Fort Myers, Florida	25
E. J. Knipper	1415 North Avenue, Fort Myers, Florida	25
Stanley E. Ish	1415 North Avenue, Fort Myers, Florida	25
J. H. Baker	Box 180, Rural Route 2, North Fort Myers, Florida	25

RECORDED & INDEXED
Office of the Secretary of State
Tallahassee, Florida

REF 1282 3:1780

ARTICLE I

The Directors shall be elected by the stockholders at their annual meeting, which will be held at the principal office of the corporation, or at such other place as may be provided by the By-laws or may otherwise be agreed upon. The date of said annual meeting will be fixed by the By-laws. Stock herein, at the option of the holder, may be voted cumulatively or non-cumulatively, at the discretion of the voter. The annual directors meeting shall be held immediately after the adjournment of the annual stockholders meeting.

ARTICLE II

There shall be no limitation of indebtedness or liability to which said corporation may at any time subject itself.

ARTICLE III

These Articles of Incorporation may be amended in the manner provided by law. Any amendment shall be approved by the Board of Directors, or by a majority of the stockholders, and approved at a stockholders meeting by a majority of the stock entitled to vote thereon, unless all the Directors and all the stockholders sign a written statement manifesting their intention that a certain amendment of these Articles of Incorporation be made.

IN WITNESS WHEREOF, the said incorporators have subscribed their names and affixed their seals, the 16th day of March, A.D., 1960.

J. U. Lovings, Jr. (SEAL)
Stanley K. Ink (SEAL)
J. S. Baker (SEAL)

RECORDER'S MEMO
Legality of Entries, Filing or Printing
Library in the Bureau of State Records

STATE OF FLORIDA
COUNTY OF LEE

I hereby certify that before me, the undersigned authority, duly authorized to take acknowledgments of deeds, personally appeared J. C. LEVERING, JR., E. J. KNIPPER, STANLEY L. IRE and J. W. BAKER, who are known to me to be the persons who made and who subscribed to the foregoing Article of Incorporation, and certified and expressly acknowledged that they made and subscribed their names to all articles of incorporation and articles of amendment of the said and purposes therein expressed.

Witness my hand and official seal, at Fort Myers, Lee County, Florida, this 17th day of March, A.D. 1958.

W. J. ...
Notary Public

1292-1782

DAVID HOLDINGS, INC.

FINAL CERTIFICATE OF
DISSOLUTION FILED
DECEMBER 29 - 1972

FILED IN OFFICE OF DEPARTMENT
OF STATE, STATE OF FLORIDA
by _____ on 12/29/72

RICHARD (DICK) STONE
SECRETARY OF STATE

RECORDER'S MEMO

Legality of Signing, Typing or Printing
Verify in the Department Files

STATE OF FLORIDA

DEPARTMENT OF STATE



CERTIFICATE OF CORPORATE DISSOLUTION

In The Name And By The Authority Of The State Of Florida

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

This is to certify that, whereas

J. G. LEVERING, JR.
P. J. KNIPPER
STANLEY K. LUK

PORT MYERS, FLORIDA
PORT MYERS, FLORIDA
PORT MYERS, FLORIDA

did on the 24th day of MARCH, A.D., 19 66 cause

to be incorporated under the laws of the State of Florida

PYRAMID HOLDINGS, INC.

a corporation, with its principal place of business at FT. MYERS, LEE COUNTY

in the State of Florida, and whereas such corporation did on the 8th day of

DECEMBER, A.D. 1972, cause to be filed in the office of the

Department of State of the State of Florida, the documentary authority required

under Section 808.27, Florida Statutes, showing the dissolution of such

corporation, and the Secretary of State is satisfied that the requirements of law

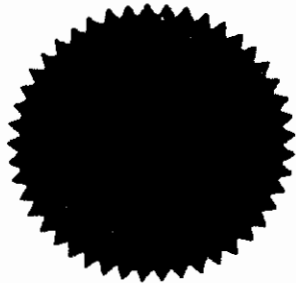
have been complied with, the said corporation, to-wit:

PYRAMID HOLDINGS, INC.

heretofore existing with its principal place of business at FT. MYERS, LEE COUNTY

in the State of Florida, has been and is dissolved and no longer exists under the laws

of the State of Florida.



GIVEN under my hand and the Great

Seal of the State of Florida, at

Tallahassee, the Capital, this the

29th day of MARCH

A.D., 19 73.

SECRETARY OF STATE

FINAL CERTIFICATE

OFF REC 1259 1432 1079320

Printed for Lawyers, Title Guaranty Fund, Orlando, Florida

This instrument was prepared by

Diane L. Jensen
PAVESE, SHIELDS, GARNER,
HAVERFIELD & KLUTZ
Post Office Drawer 1887
FORT MYERS, FLORIDA 33902

CORRECTIVE

Warranty Deed

(STATUTORY FORM - SECTION 689.02(1)(5))

This Indenture, Made this 31 day of July, 1978 Between

STANLEY K. INK and LILLIAN K. INK, a majority of the Trustees in
dissolution of PYRAMID HOLDINGS, INC., a dissolved Florida corporation,

of the County of Lee State of Florida Grantor

REAL LEMIEUX and MARY LEMIEUX, husband and wife,

of the County of Lee State of Florida Grantee
159 Lucille Avenue, Fort Myers, Florida 33901

of the County of Lee State of Florida

Witnesseth, that said grantor, for and in consideration of the sum of

-----Ten Dollars (\$10.00)-----

and other good and valuable considerations to said grantor, in hand paid by said grantee, the receipt whereof is hereby acknowledged, bargained and sold unto the said grantee, and grantee hereof, a grant forever, the full and complete title, living and being in Lee County, Florida, to wit:

The Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4), Section 12, Township 43 South, Range 25 East, Lee County, Florida, subject to a 30-foot easement over the West and North sides for road purposes for the general use of the public. Also 6 foot easement on all property lines for drainage and utility uses.

Subject to reservations, restrictions, easements of record and taxes for the current and all subsequent years.

In Witness Whereof,

Eddie E. [Signature]
Mary [Signature]
Tronbie W. Lindsey
Susan A. Bond

Stanley K. Ink
Stanley K. Ink

Lillian K. Ink
Lillian K. Ink

Florida
Lee

STANLEY K. INK and LILLIAN K. INK, a majority of the Trustees in dissolution
of PYRAMID HOLDINGS, INC., a dissolved Florida corporation,

of the County of Lee State of Florida Grantor

of the County of Lee State of Florida Grantee

Witnesseth, that said grantor, for and in consideration of the sum of 3100 Dollars, the receipt whereof is hereby acknowledged, bargained and sold unto the said grantee, and grantee hereof, a grant forever, the full and complete title, living and being in Lee County, Florida, to wit:

the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4), Section 12, Township 43 South, Range 25 East, Lee County, Florida, subject to a 30-foot easement over the West and North sides for road purposes for the general use of the public. Also 6 foot easement on all property lines for drainage and utility uses.

Subject to reservations, restrictions, easements of record and taxes for the current and all subsequent years.

In Witness Whereof,

Howard A. [Signature]
Notary Public

My commission expires July 28, 1981

A F F I D A V I T

STATE OF FLORIDA
COUNTY OF LEE

REF 1259-1433

BEFORE ME, the undersigned authority, duly authorized to administer oaths and take acknowledgments, personally appeared STANLEY K. INK and LILLIAN K. INK, who being by me first duly sworn depose and say:

1. That PYRAMID HOLDINGS, INC., a Florida corporation, was dissolved on December 29, 1972.
2. That at the time of the dissolution, the directors of the corporation were STANLEY K. INK, B. J. KNIPPER and LILLIAN K. INK.
3. That STANLEY K. INK and LILLIAN K. INK are a majority of the directors and therefore a majority of the Trustees in dissolution of PYRAMID HOLDINGS, INC.
4. That they executed the foregoing conveyance as a majority of said Trustees in dissolution.

Stanley K. Ink
Stanley K. Ink

Lillian K. Ink
Lillian K. Ink

SWORN TO and subscribed before me this 31st day of MARCH, 1978.

Thomas L. Stone
Notary Public

My Commission Expires:
July 28, 1981

STATE OF FLORIDA
DOCUMENTARY STAMP TAX
DEPT. OF REVENUE
MAR 11 1978
00.30

FLORIDA
DOCUMENTARY SUR TAX
00.55

LEE COUNTY FLORIDA
RECORDS DEPARTMENT
MAR 11 1978

10-9215

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

REAL LEMIEUX and MARY LEMIEUX
Plaintiffs,

REF-1234-1233

vs.

CASE NO. 78-1234-35

WILLIAM M. CHARACTER, EDNA B. CHARACTER, LARRY D. LEWIS, NORMA LEWIS, JOYCE A. BANE, HELEN HICKS, VIRGIL DAVID MARTIN f/k/a VIRGIL DAVID DIETZ, and the unknown heirs of VIRGIL J. DIETZ, if alive, or if they be dead, then their unknown heirs, devisees, legatees or grantees, and all other persons or parties claiming by, through, under or against them,

DOCKETED & FILED

MAR 10 1978

SAL GERACI, CLERK

BY M. J. JENSEN



Defendants,

LIS PENDENS

TO: The Defendants named above and all others whom it may concern:

You are notified that a suit was instituted by the above named Plaintiffs against the Defendants named above on the 16 day of March, 1978, in the above entitled court involving the property described below, situate, lying and being in Lee County, Florida, to-wit:

The Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section 12, Township 43 South, Range 7 East, Lee County, Florida, less the following described parcel:

Beginning at the Northwest corner of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section 12, Township 43 South, Range 7 East, Lee County, Florida; thence north 89 degrees 00 minutes 00 seconds east 114.00 feet to the beginning of the line of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section 12, Township 43 South, Range 7 East, Lee County, Florida;

PAVESE, BRILL, BARNER, HAVERFIELD, KLITZ & COTTRILL
Post Office Drawer 1507
Fort Myers, Florida 33901

BY: CLARE E. JENSEN

PAVESE UNILCOS
JAMES HAVERFIELD
N.E. 17TH
FORT MYERS, FLORIDA

108-177
IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA
CIVIL ACTION

REAL LEMIEUX and MARY LEMIEUX

Plaintiffs,

WILLIAM M. WHEELER, EDNA B. CHARACTER,
LEWIS, NOVA, CHARLES W. LEE, VIRGIL D. MARTIN,
DAVID BIETZ, if alive, or if they be dead, then their unknown heirs, devisees, legatees or grantees, and all other persons or parties claiming by, through, under or against them

OFF REC 1265 2/1/60

CASE NO. 78-730-CA-JHS

DOCKETED & FILED

APR 11 1960

SAL GERACI

BY

[Signature]

FORT MYERS NEWS PRESS

Published every morning—Daily and Sunday

Fort Myers, Florida

Affidavit of Publication

State of Florida
County of Lee

Before me, the undersigned authority, on this day personally appeared

Richard A. Mitchell, Manager of the Fort Myers News Press, a daily newspaper published at Fort Myers, in Lee County, Florida,

that the attached copy of advertisement being a

Notice of Suit to Quiet Title

in the matter of Real and Mary Lemieux vs William M. and Edna B. Character, Harry H. and Norma Lewis, and A. Banc, Helen Hicks and Virgil D. Martin, vs Virgil D. Bietz

and newspaper in the issue of

March 11, 1960, at Fort Myers, Florida.

Affiant further says that the said Fort Myers News Press is a newspaper published at Fort Myers in said Lee County, Florida and that the said newspaper has heretofore been continuously published in said Lee County, Florida, each day and has been printed and issued in said matter of the past twelve (12) months at Fort Myers, in said Lee County, Florida, for a period of one (1) year. I, the undersigned, the publisher of the attached copy of advertisement, and affiant further says that he has not received any periodical bill or representation of demand, request, commission or refund for the purpose of settling the advertisement for publication in the said newspaper.

Richard A. Mitchell

Sworn to and subscribed before me this 11th day of

April

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR LEE COUNTY, FLORIDA
CIVIL ACTION
Case No. 78-730-CA-JHS
REAL LEMIEUX and MARY LEMIEUX
Plaintiffs,
vs
WILLIAM M. WHEELER, EDNA B. CHARACTER,
LEWIS, NOVA, CHARLES W. LEE, VIRGIL D. MARTIN,
DAVID BIETZ, if alive, or if they be dead, then their unknown heirs, devisees, legatees or grantees, and all other persons or parties claiming by, through, under or against them
Defendants.

OCT 18 1961
REC 13

C.W. # 7342-JAC



APR 14 1961
RECEIVED
OFFICE OF THE
DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE

1101170



NOTARY PUBLIC STATE OF FLORIDA

This Indenture 126-1827

This instrument was prepared by
Pryse, Shields, Garner, Havrfield & Kurba
P. O. Drawer 1507, Fort Myers, Fla. 33902

By Diane Jensen

Made this 12 day of May, 1978

Between
LEONA LEE,

of the County of Lee and State of Florida, party of the first part,

and
REAL LEMIEUX and MARY LEMIEUX, husband and wife, whose post office address is: Route 2, Box 304, N. Fort Myers, Fla.

Witnesseth, that the said party of the first part, for and in consideration of the sum of Ten Dollars & 00/100 (\$10.00) Dollars, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has remised, released and quitclaimed, and by these presents does remise, release and quitclaim unto the said party of the second part all their right, title, interest claim and demand which the said party of the first part has in and to the following described lot, piece or parcel of land, situate lying and being in the County of Lee, State of Florida, to wit:

The South Half (S 1/2) of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section 12, Township 43 South, Range 25 East, Lee County, Florida, subject to an easement over the West 30 feet for road purposes for the general use of the public and also subject to a 6 foot easement along all property lines for utility and drainage purposes.

This deed is intended to extinguish all rights the Grantor hereunder may have had by virtue of a certain Agreement for Deed between her and Pyramid Holdings, Inc., dated January 10, 1968 and recorded January 18, 1968, in Official Record Book 444 at Page 307, Public Records of Lee County, Florida.

Subject to reservations, restrictions, easements of record and taxes for the current and all subsequent years.

This is not the homestead property of the Grantor who presently resides with her son, W. T. Reed on Highway 31, Alva, Florida.

To Have and to Hold the same, together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest and claim whatsoever of the said party of the first part, either at law or equity, to the only proper use, benefit and behoof of the said party of the second part.

In Witness Whereof, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in Our Presence:

Leona Lee

State of Florida,

County of Lee
I Herby Certify That on this day personally appeared Leona Lee and she has authorized to administer oaths and take acknowledgments.

LEONA LEE,
Notary Public, State of Florida, this _____ day of _____, 1978.

STATE OF FLORIDA
DOCUMENTARY
PART OF REVENUE
0033
0055
FLORIDA
MAY 31 1978
NOTARY PUBLIC

1110411

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

REAL LEMIEUX and MARY LEMIEUX,)
and FRANCES NAULT,)
Plaintiffs,)

OFF. 1284-836
REC.

vs.)
WILLIAM M. CHARACTER, EDNA B.)
CHARACTER, LARRY D. LEWIS, NORMA)
LEWIS, JOYCE A. BANE, HELEN HICKS,)
CHARLES W. LEE and LEONA LEE,)
VIRGIL DAVID MARTIN f/k/a VIRGIL)
DAVID DIETZ, and the unknown heirs)
of VIRGIL J. DIETZ, if alive, or)
if they be dead, then their)
unknown heirs, devisees, legatees)
or grantees, and all other persons)
or parties claiming by, through,)
under or against them,)

CASE NO. 78-735 JHS

Defendants.)

DOCKETED & FILED

JUN 30 1978

SAL GERACI, CLERK
BY *[Signature]* D.C.

AMENDED LIS PENDENS

TO: The Defendants named above and all others whom it may concern:

You are notified that a suit was instituted by the above named Plaintiffs against the Defendants named above on the 30th day of June, 1978, in the above entitled court involving the property described below situate, lying and being in Lee County, Florida, to-wit:

The Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4), Section 12, Township 43 South, Range 25 East, Lee County, Florida

Subject to a 30 foot easement over the north and west side for road purposes for general use of the public.

Also subject to a 6 foot easement on all property lines for drainage and utilities uses.

The relief sought as to the property is to quiet the above named Plaintiffs' title to that property against the Defendants named above.

PAVESE, SHIELDS, GAMER,
HAVERFIELD, KLUTZ & COTTRELL
Post Office Drawer 1507
Fort Myers, Florida, 33902

BY: *[Signature]*
DIANE L. JENSEN

PAVESE, SHIELDS,
GAMER, HAVERFIELD,
KLUTZ & COTTRELL
ATTORNEYS AT LAW
7 S. DANFORTH WAY
FORT MYERS, FLORIDA 33902
- 31 284 740

1119168

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

REAL LEMIEUX and MARY LEMIEUX,
and FRANCES NAULT,

Plaintiffs,

vs.

WILLIAM M. CHARACTER, EDNA B.
CHARACTER, LARRY D. LEWIS, NORMA
LEWIS, JOYCE A. BANE, HELEN HICKS,
CHARLES W. LEE and LEONA LEE,
VIRGIL DAVID MARTIN fka VIRGIL
DAVID DIETZ, and the unknown heirs
of VIRGIL J. DIETZ, if alive, or
if they be dead, then their
unknown heirs, devisees, legatees
or grantees, and all other persons
or parties claiming by, through,
under or against them,

Defendants.

OFF
RE: 1230 #1847

CASE NO. 78-739-CA-JHS

FILED

AUG 1 1978

COURT
D.C.

DOCKETED & FILED

AUG 1 1978

SAL GERACI CLERK

BY *[Signature]* D.C.

PORT MYERS NEWS-PRESS

Published every morning—Daily and Sunday

Fort Myers, Florida

Affidavit of Publication

State of Florida
County of Lee

Before me the undersigned authority, personally appeared

Peggy Oakes, who on oath says that he is the

Class. Adv. Supr of the Fort Myers News-Press, a daily
newspaper published at Fort Myers, in Lee County, Florida,

that the attached copy of advertisement, being a Amended

Notice of Suit to Quiet Title

Real and Mary Lemieux & Frances
in the matter of Nault vs. William M. & Edna B.
Character, Larry D. & Norma Lewis, Joyce A.
Bane, Helen Hicks, Charles W. & Leona, in the
Lee, Virgil David Martin fka Virgil David Dietz et al.

... Court, was published in
said newspaper in the issues of

July 7, 14, 21, 28, 1978

Affiant further says that the said Fort Myers News-Press is a
newspaper published at Fort Myers, in said Lee County, Florida and
that the said newspaper has heretofore been continuously published
in said Lee County, Florida, each day, and has been entered as
second class mail matter at the post office in Fort Myers, in said Lee
County, Florida, for a period of one year next preceding the first
publication of the attached copy of advertisement; and affiant further
says that he has neither paid nor promised any person, firm or
corporation any discount, rebate, commission or refund for the
purpose of securing this advertisement for publication in the said
newspaper.

[Signature: Peggy Oakes]

Vertical stamp on the right side of the page, partially obscured by a dark shadow.

8-12-68

Case # 77-1342A



APR 13 1968
FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE
WASHINGTON, D.C.

Handwritten notes:
MURKIN - SECURITY MATTER
7/1/68

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

REAL LEMIEUX and MARY LEMIEUX,
and FRANCES NAULT,

Plaintiffs,

vs.

WILLIAM M. CHARACTER, EDNA B. CHARACTER, LARRY D. LEWIS, NORMA LEWIS, JOYCE A. BAME, HELEN HICKS, CHARLES W. LEE and LEOMA LEE, VIRGIL DAVID MARTIN f/k/a VIRGIL DAVID DIETE, and the unknown heirs of VIRGIL J. DIETE, if alive, or if they be dead, then their unknown heirs, devisees, legatees or grantees, and all other persons or parties claiming by, through, under or against them,

Defendants.

OFF REC-1296 MC1232

CASE NO. 78-739-C

DOCKETED & FILED

AUG 30 1978

SAL GERACI CLERK
BY *Mark Dind*

FINAL JUDGMENT

THIS CAUSE, coming on this day to be heard upon due notice to the parties, there being present counsel for the plaintiffs and the Guardian ad Litem for all unknown Defendants herein and for Defendant Charles W. Lee, formerly incompetent, and Attorney for all the Defendants appointed by the Court pursuant to the Soldiers' and Sailors' Civil Relief Act.

WHEREAS, it appears and the Court finds that service is properly effected by publication in the above entitled action, notice of suit having been published on July 7, 14, 21 and 28, 1978, and by personal service, and

WHEREAS, the Court has reviewed proof of the allegations of the Complaint, Amended Complaint and Second Amended Complaint and has required Plaintiffs to be examined, on oath, respecting ownership of the property described in the said Complaint, Amended Complaint and Second Amended Complaint, and

WHEREAS, the Plaintiffs have exercised all reasonable diligence required by law to bring notice of the pendency of this suit to all persons interested in the land involved herein; and the Court having jurisdiction of the subject matter and the parties;

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED:

1. That the Plaintiffs, REAL LEMIEUX and MARY LEMIEUX, are hereby declared and decreed to be the sole owners in fee simple of those certain lands described in the Complaint, situate in Lee County, Florida, described as:

The Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section 12, Township 43 South, Range 25 East, Lee County, Florida, LESS the following described parcel:

Beginning at the Northwest corner of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4), Section 12, Township 43 South, Range 25 East, thence East 264.00 feet, thence South 330.00 feet, thence West 264.00 feet, thence North 330.00 feet to the point of beginning.

Subject to a 30 foot easement over the north and west side for road purposes for general use of the public.

Also subject to a 6 foot easement on all property lines for drainage and utilities uses.

2. That the Plaintiff, FRANCES NAULT, is hereby declared and decreed to be the sole owner in fee simple of those certain lands described in the Complaint, situate in Lee County, Florida, described as:

Beginning at the Northwest corner of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4), Section 12, Township 43 South, Range 25 East, thence East 264.00 feet, thence South 330.00 feet, thence West 264.00 feet, thence North 330.00 feet to the point of beginning.

Subject to a 30 foot easement over the north and west side for road purposes for general use of the public.

Also subject to a 6 foot easement on all property lines for drainage and utilities uses.

3. That the Plaintiffs' title in and to said lands be and the same is hereby quieted and established and that the claims of the Defendants, WILLIAM M. CHARACTER, EDNA B. CHARACTER, LARRY D. LEWIS, NORMA LEWIS, JOYCE A. BANE, HELEN HICKS, CHARLES W. LEE, VIRGIL DAVID MARTIN f/k/a VIRGIL DAVID DIETZ, and the unknown heirs of VIRGIL J. DIETZ, their heirs, devisees, legatees, grantees assignees, lienors, creditors, trustees and all other persons or parties claiming by, through, under or against them and any other

REF: 1296 PC 1233

person claiming under them to any right, title, interest, claim or estate in the said real property be and the same are hereby barred, removed, and decreed not to constitute clouds upon the title of the Plaintiffs in and to said lands.

4. That the Court hereby removes the alleged clouds from the title of the Plaintiffs to said lands and forever clears and confirms that the said title to said lands in and to the Plaintiffs and it adjudges and decrees that the Plaintiffs hold and possess good and sufficient fee simple title absolute in and to said lands, cleared of clouds and quieted and confirmed.

5. That any right, title, or interest of the Defendants, WILLIAM M. CHARACTER, EDNA B. CHARACTER, LARRY D. LEWIS, NORMA LEWIS, JOYCE A. BANE, HELEN HICKS, CHARLES W. LEE, VIRGIL DAVID MARTIN f/k/a VIRGIL DAVID DIETZ, and the unknown heirs of VIRGIL J. DIETZ, their heirs, devisees, legatees, grantees, assignees, lienors, creditors, trustees and all other persons or parties claiming by, through, under or against them and any other persons claiming under them are permanently enjoined and restrained from asserting any claim or interest in and to the said real property or any part thereof.

DONE AND ORDERED in Fort Myers, Lee County, Florida,
the 30th day of Aug, 1978.


JOHN B. SHEARER, JR.
Circuit Court Judge

TAXES

COUNTY

1978- NOT AVAILABLE.



INTANGIBLE

(NOT AVAILABLE).

Taxes for the year 1979 are not payable until November 1, 1979 but operate as lien against the property from January 1, 1979.

RE: UNIFORM COMMERCIAL CODE —

This abstract reflects only those Financing Statements, and documents referring thereto, filed in the Lee County, Florida Public Records, which describe any part of caption lands and involved parties as named in the chain of title. Search will be made as to other names upon request, only.

No. 46628

THIS IS TO CERTIFY, that the foregoing pages numbered ONE to -----TWENTY-THREE----- inclusive, comprise a full and complete --CONTINUATION OF--ABSTRACT OF TITLE to the lands lying and being in the County of Lee, State of Florida, described as follows, to-wit:

The Southeast quarter of the Northeast quarter of the Northwest quarter Section 12, Township 43 South Range 25 East, Lee County, Florida, Less the following described parcel:
Beginning at the Northwest corner of the Southeast quarter of the Northeast quarter of the Northwest quarter, Section 12, Township 43 South of Range 25 East, thence East 264.00 feet, thence South 330.00 feet, thence West 264.00 feet, thence North 330.00 feet to the point of beginning.

as compiled from the OFFICIAL RECORDS in the office of the Clerk of the Circuit Court, of the County Judge and of the Tax Collector of said County, (and the tax records of the City Clerk of the City of Fort Myers, where such land lies within the Corporate limits of said City), and shows all instruments of record in said offices describing or purporting to affect the title to the above described property, during the period of time from DECEMBER 17th, 1977 to and including JANUARY 2nd, 1979.

All tax certificates, federal tax liens, current crop liens, judgments and deficiency decrees, which purport to be cancelled, satisfied, surrendered or released, and all judgments and deficiency decrees more than twenty years old, or recovered in criminal proceedings, are omitted, EXCEPT that all unsatisfied judgments or decrees recovered by the United States of America or by the State of Florida, in any civil proceedings, regardless of age, are shown.

WITNESS my hand and the Corporate Seal of this Company this 2nd day of January A. D. 1979.



MOSELEY TITLE AND ABSTRACT COMPANY
AT FORT MYERS

Lucius Robinson, Jr.
ASSISTANT SECRETARY

ATTACHMENT 3
Administrative Interpretation of single-family residence provision of the Lee Plan
Case #MUD2005-00178

**ADMINISTRATIVE INTERPRETATION OF
THE SINGLE FAMILY RESIDENCE PROVISIONS OF
THE LEE PLAN**

(NOTE: DENIALS SHOULD BE SENT VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED) BE SURE TO REMOVE THIS NOTATION BEFORE FINALIZING.

CASE NO.: MUD2005-00178

DATE OF APPLICATION: July 25, 2005

APPLICANT/
OWNER: Raymond and Cassandra Lemieux
11171 Shirley Lane
North Fort Myers, FL 33917

AGENT: n/a

PROPERTY IN

QUESTION: 11171 Shirley Lane, more particularly described as:
The South half (S 1/2) of the Southeast quarter (SE 1/4) of the Northeast quarter (NE 1/4) of the Northwest Quarter (NW 1/4) OF Section 12, Township 43 South, Range 25 East, Lee County, Florida, subject to an easement over the West 30 feet for road purposes for the general use of the public and also subject to a 6 foot easement along all property lines for utility and drainage purposes.

STRAP NO.: 12-43-25-00-00001.006C

FINDINGS OF FACT: The documentation provided with the application shows that the current owner acquired the parcel in 2002, via a Warranty Deed recorded in the Public Records of Lee County in Official Records (OR) Book 3808, Page 703. For the purpose of calculating density, the parcel comprises approximately 2.5 acres of land and is zoned AG-2. The parcel is located in the Density Reduction/Groundwater Resource (DRGR) Future Land Use Category, which allows one dwelling unit per 10 acres. For this reason, the owner must obtain a favorable administrative interpretation of the single family residence provisions of the Lee Plan to construct a dwelling on the property. The property was created as a separate parcel in 2002, by virtue of the aforementioned Warranty Deed. The 2.5-acre parcel was split in 2002

from a 5-acre parcel described in O.R. Book 1276, Page 1827 and recorded on May 31, 1978.

The subject parcel was created after adoption of the Lee Plan and DRGR Future Land Use Category, therefore it must comply with the zoning and Future Land Use Category requirements for the lot size and density.

DETERMINATION:

Based upon the subject parcel's creation in 2002, it does not comply with the provisions of Chapter XIII of the Lee Plan for a favorable Administrative Interpretation. The parcel consists of 2.5 acres of land and does not comply with the DRGR density requirements of one dwelling unit per 10 acres.

This parcel does not qualify for the construction of a single-family residence in accordance with the applicable Administrative Interpretation provisions set forth in Lee Plan Chapter XIII.

THIS DETERMINATION IS NOT A PERMIT TO BUILD A SINGLE FAMILY RESIDENCE OR TO CONSTRUCT ANY IMPROVEMENTS TO LAND, INCLUDING A ROAD.

Applications for building permits or development orders must comply with all applicable County, State, and Federal regulations as those regulations exist at the time each application is submitted.

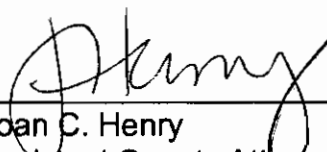
APPEAL PROCEDURE:

"An administrative interpretation may be appealed to the Board of County Commissioners by filing a written request within fifteen (15) days after the administrative interpretation has been made. In reviewing such an appeal, the Board will consider only information submitted in the administrative interpretation process and will review only whether the designated individual has properly applied, to the facts presented, the standards set forth in the Plan for such administrative interpretations. No additional evidence will be considered by the Board. The Board of County Commissioners will conduct such appellate review at a public hearing."

Based upon this quoted language, if you disagree with this administrative interpretation, you have the right to an appeal to the Board of County Commissioners. In order to exercise this right of appeal, a written Notice of Appeal must be delivered to the Department of Community Development, 1500 Monroe Street, Fort Myers, Florida, along with the filing fee, no later than 15 days from the date of this Administrative Interpretation, stating the reasons for your disagreement.

Dated this 15th day of September, 2005.

LEE COUNTY ATTORNEY'S OFFICE
AS ADMINISTRATIVE DESIGNEE

BY: 
Joan C. Henry
Assistant County Attorney

JCH/tmv

cc: David M. Owen, County Attorney
Timothy Jones, Chief Assistant County Attorney
Donald D. Stilwell, County Manager
Mary Gibbs, Director, DCD
Paul O'Connor, Director, Planning Division
Peter Blackwell, Planning Division
Julie Dalton, Property Appraiser's Office
Debbie Carpenter, DCD
Tidemark

[Insert the following if denial]

Sent to Applicant/Owner via regular mail and Certified Mail # 7003 0500 000266518562

ATTACHMENT#4
Staff Report

**DETERMINATION OF
THE APPLICATION OF THE
MINIMUM USE PROVISION**

CASE # MUD2005-00178

DATE RECEIVED BY ZONING DIVISION: 7/25/05

STRAP NUMBER: 12-43-25-00-00001.006C

APPLICANT: Raymond and Cassandra Lemieux

OWNER: Raymond and Cassandra Lemieux

OWNERSHIP

a) DATE WARRANTY DEED OR AGREEMENT FOR DEED RECORDED IN OWNER/PURCHASER NAME: December 2002

b) PLACE RECORDED: OR Book 3808 Page 703

CREATION OF PARCEL

a) DATE PARCEL CREATED/RECORDED: December 2002

b) PLACE RECORDED: OR Book 3808 Page 703

1) LOT WAS CREATED/RECORDED IN PLAT BOOKS PRIOR TO December 21, 1984 AND HAS NOT BEEN ALTERED: YES__ NO__ N/A X

2) A LEGAL DESCRIPTION OF THE LOT WAS LAWFULLY RECORDED IN O.R. BOOKS PRIOR TO DECEMBER 21, 1984: YES__ NO X N/A__

3) LOT WAS LAWFULLY CREATED AFTER DECEMBER 21, 1984 AND IS IN COMPLIANCE WITH THE LEE PLAN: YES__ NO__ N/A X

ZONING WHEN CREATED/RECORDED: AG-2

- a) COMPLIED WITH ZONING WHEN CREATED/RECORDED: YES NO N/A
- b) CREATED PRIOR TO JUNE 27, 1962 AND HAS A MINIMUM OF 4,000 SQUARE FEET: YES NO N/A
- c) CREATED AFTER JUNE 27, 1962 AND PRIOR TO DECEMBER 21, 1984 AND HAS A WIDTH NOT LESS THAN 50 FEET AND HAS AN AREA NOT LESS THAN 5,000 SQUARE FEET AND RECORDED IN A PLAT BOOK: YES NO N/A
- d) CREATED AFTER JUNE 27, 1962 AND PRIOR TO DECEMBER 21, 1984, HAS A MINIMUM OF 7,500 SQUARE FEET AND RECORDED IN O.R. BOOK: YES NO N/A

LAND USE CATEGORY: Density Reduction Groundwater Resource

- a) LOT IS CONSISTENT WITH DENSITY REQUIREMENTS: YES NO

REAPPORTIONING LOTS: YES NO

RECOMMENDATION:

THE LOT IS NOT CONSISTENT WITH THE MINIMUM USE PROVISION BASED ON THE FOLLOWING:

The first record of the 2.5-acre subject lot is in 2002 after the adoption of the Lee Plan and the Density Reduction Groundwater Resource (DRGR) future land use category. The immediately prior deed conveying the subject land was recorded in 1978 in OR Book 1276 Page 1827. This deed includes the subject lot as part of a single 5-acre parcel with no separation of the subject lot from the rest of the parcel. In order to conform to the Single Family Provision of the Lee Plan, the lot would have had to been conveyed separately prior to the adoption of the DRGR future land use category in September 1990. The lot conforms to the AG-2 zoning district and exceeds 7,500 square feet, the largest minimum lot size required by the Single Family Provision. The lot is accessed by Shirley Lane, a road of compacted surface materials with drainage swales. Due to its late creation date, the parcel does not qualify for a single family residence under the Single Family Provision of the Lee Plan.

ATTACHMENT #5
Application

Res 2005-12167.
pending



APPLICATION FOR ADMINISTRATIVE ACTION

APPLICATION FOR:

- Administrative Variance (attach Supplement A)
- Commercial Lot Split (attach Supplement B)
- Consumption On Premises (attach Supplement C)
- Minimum Use Determination (attach Supplement D)
- Ordinance Interpretation (attach Supplement E)
- Relief for Designation Historic Resources (attach Supplement F)
- Relief for Easement Encroachment (attach Supplement G)
- Administrative Amendment PUD or PD (attach Supplement H)
- Final Plan Approval per Resolution: # _____ (attach Supplement H)
- Administrative Deviation from Chapter 10 (attach Supplement I)
- Placement of Model Home/Unit or Model Display Center (attach Supplement J)
- Dock & Shoreline Structures (attach Supplement K)
- Wireless Communication Facility (attach Supplement M and Shared Use Plan Agreement)

RECEIVED
JUL 26 2005
PERMIT COUNTER

Applicant's Name: Raymond and Cassandra Lemieux Phone #: 239 543-8959

Project Name: Lemieux home

STRAP Number: 12-43-25-00-00001.006C

STAFF USE ONLY

Case Number: MUD 2005-0078 Commission District: 4
 Current Zoning: AG-2 Fee Amount: ~~100~~ N/A
 Land Use Classification: DR/GR Intake by: [Signature]
 Planning Community: Bayshore NO FEE IN CONSTRUCTION with existing Permits.

LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (239) 479-8585

PART I - GENERAL INFORMATION

1. APPLICANT'S NAME: Raymond and or Cassandra Lemieux
Mailing Address:
Street: 1171 Shirley Ln.
City: N.F. Myers State: Fla Zip: 33917
Phone Number: Area Code: 239 Number: 543-8959 Ext. _____
Fax Number: Area Code: _____ Number: _____
E-mail address: ULTADS@aol.com

2. Relationship of applicant to property*:

Owner _____ Trustee
 Option holder _____ Contract Purchaser
 Lessee _____ Other (indicate) _____

Applicant must submit an Affidavit that he is the authorized representative of the owner [see Part I (attached) and please complete the appropriate Affidavit form (A1 or A2) to the type of applicant].

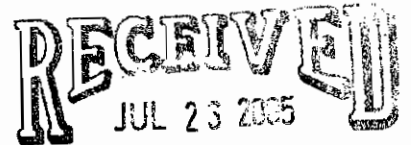
3. AGENT'S NAME(S): (Use additional sheets if necessary): _____

Mailing Address:
Street: _____
City: _____ State: _____ Zip: _____

Contact Person: _____
Phone Number: Area Code: _____ Number: _____ Ext.: _____
Fax Number: Area Code: _____ Number: _____
E-mail address: _____

4. TYPE OF REQUEST (please check one)

- Administrative Variance (requires supplement A)
- Commercial Lot Split (requires supplement B)
- Consumption On Premises (requires supplement C)
- Minimum Use Determination (requires supplement D)
- Ordinance Interpretation (requires supplement E)
- Relief for Designated Historic Resources (requires supplement F)
- Easement Encroachment (requires supplement G)
- Administrative Amendment to a PUD or Planned Development (requires supplement H)
- Administrative Deviation from Chapter 10 of the LDC (requires supplement I)
- Placement of Model Home/Unit or Model Display Center (requires supplement J)
- Dock & Shoreline Structure (requires supplement K)
- Wireless Communication Facility (requires supplement M and Shared Use Plan Agreement)
- Final Plan Approval (no supplement)



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5. NATURE OF REQUEST (please print): minimum use Determination

PART II - PROPERTY INFORMATION

Is this request specific to a particular tract of land? _____ NO _____ YES. If the answer is yes, please complete the following:

1. Is this action being requested as a result of a violation notice? _____ NO _____ YES.

a. If yes, date of notice: _____

b. Specific nature of violation: _____

2. Name of owner of property: Raymond and or Cassandra Lemieux

Mailing Address: Street: 11171 Shirley Ln.

City: N. Ft. Myers State: FL Zip: 33917

Phone Number: Area Code: 239 Number: 543-8959 Ext.: _____

Fax Number: Area Code: _____ Number: _____

3. Legal Description: Is property one or more undivided platted lots within a subdivision recorded in the official Plat Books of Lee County?

_____ NO. Attach a legible copy of the metes and bounds property description and boundary survey (10 acres or more) or certified sketch of description (less than 10 acres) meeting the minimum technical standards set out in chapter 61G 17-6.006, Florida Administrative Code.

_____ YES. Property is identified as:

Subdivision Name: _____

Plat Book 03808 Page 0703 Unit _____ Block _____ Lot _____

4. STRAP NUMBER: 12-43-25-00-00001.006C

5. Property Dimensions:

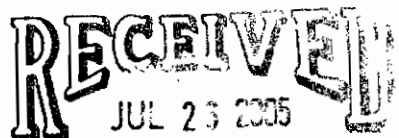
Area: _____ square feet or 2 1/2 acres.

Width along roadway: 166 feet.

Depth: 660 feet.

6. Property Street Address: 11171 Shirley Ln N. Ft. Myers FL 33917

7. General Location Of Property: Hwy 31 To Circle (R)
1 mile down dirt Rd.



PART I AFFIDAVIT A1

AFFIDAVIT FOR ADMINISTRATIVE ACTION
APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Raymond Lemieux, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Raymond Lemieux
Signature
Raymond Lemieux


Raymond Lemieux
(Type or printed name)
Raymond Lemieux

STATE OF Florida

COUNTY OF Lee

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 26th day of July 2005 (date) by Raymond Lemieux (name of person providing oath or affirmation), who is personally known to me or who has produced FD (type of identification) as identification.

Carol L. Minnis
Signature of person taking oath or affirmation
Notary
Title or rank

 **CAROL L. MINNIS**
Notary Public, State of Florida
Name typed or printed on stamp: Carol L. Minnis
My commission expires Dec. 10, 2008
No. DD 363524
Serial number, if any

RECEIVED
JUL 27 2005

PERMIT COUNTER



ADMINISTRATIVE ACTION REQUEST SUPPLEMENT D

MINIMUM USE DETERMINATION

If the request is for a Minimum Use Determination please submit the "Application for Administrative Action" form and the following:

1. PROPERTY INFORMATION

- a. Number of parcels (lots) involved in the request: 2 1/2
b. Size of parcels (please submit a site plan, plat, or survey indicating dimensions and area of each lot as well as the total area of all lots involved: 2 1/2
c. Comprehensive Plan Land Use designation for the subject property: DRGR
d. Zoning: Indicate the zoning on the parcel(s) when the parcel(s) was created (split out into its present dimensions from a larger parcel: Ag 2

2. INTENDED USE

- a. Do you wish to construct one single family residence on each of the above parcels? X NO YES
If the parcel on which you wish to construct one home is some combination of lots, indicate which lots will comprise the final single family parcel:
b. Do you wish to reapportion lots? X NO YES. If yes, on the site plan or map submitted for 2 above, please indicate the changes you wish to make in compliance with this provision.

3. ADDITIONAL DOCUMENTATION REQUIRED

- a. Copy of the recorded deed, agreement for deed, or other official documentation indicating the date you acquired the property and the date the deed was recorded in the Lee County Clerk's office.
b. If the parcel(s) is not in a platted or unofficial recorded subdivision, please provide a copy of the recorded deed (or other official documentation) establishing the date the parcel(s) was created (i.e. split out from a larger parcel into its present dimensions).

RECEIVED JUL 26 2005 PERMIT COUNTER

Deed dated
12/19/02
Describes
only your
lot.

0001
003B

5 AC
00001
0170

00001
0030

2.63 AC

00001
0130

5 AC

SHARON DR 235

00001
0020

00001
006A

2 AC

264

330

00001
006B

.88 AC

132

00001
006D

2.02 AC

00002
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SHIRLEY LN

00001
0010

00001
0060

2.5 AC

00001
006C

2.5 AC

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0160

5 AC

132

00003
014C

1 AC

00003
0140

00001
0180

00001
0070

RECEIVED
JUL 23 2005

PERMIT COUNTER



Return to:
Name: DIANE L. JENSEN
Address: Courthouse Box 18

Property Appraiser's Office
Parcel Reference: 02308 PG 0703
INST # 5665381
RECORDED 12/27/2002 02:53:33 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 6.00
DEED DOC 0.70
DEPUTY CLERK M Bernard

This instrument was prepared by:
Name: PAVESE, HAVERFIELD, DALTON,
Address: HARRISON & JENSEN, L.L.P.
1833 Hendry Street
Post Office Drawer 1507
FORT MYERS, FLORIDA 33902

Grantee S.S. No. _____
Name _____

Grantee S.S. No. _____
Name _____

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

This Indenture, made this 19th day of December 2002, Between REAL LEMIEUX and MARY LEMIEUX of the County of Lee, State of Florida, grantor*, and RAYMOND J. LEMIEUX and CASSANDRA R. LEMIEUX, husband and wife, whose post office address is 11171 Shirley Lane, North Fort Myers, FL 33917, of the County of Lee, State of Florida, grantee*,

Witnesseth that said grantor, for and in consideration of the sum of TEN AND NO/100 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, situate, lying and being in Lee County, Florida, to-wit:

The south half of the south half of the SE quarter of the NE quarter of the NW quarter of Section 12, Township 43 South, Range 25 East, Lee County, Florida subject to easement over the west 30 feet for road purposes for the general use of the public.

Subject to taxes for the calendar year and subsequent years.

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:

Theresa H. Kersey
THERESA H. KERSEY
(Print Name)

Real Lemieux (Seal)
Real Lemieux

Marjorie A. Crill
Marjorie A. Crill
(Print Name)

Mary Lemieux (Seal)
Mary Lemieux

STATE OF FLORIDA
COUNTY OF LEE

RECEIVED
JUL 26 2005

PERMIT COUNTER

The foregoing instrument was acknowledged before me this 19th day of December, 2002, by REAL LEMIEUX and MARY LEMIEUX, who is personally known to me or who has produced Florida Drivers License as identification and who did not take an oath.

(Notary Seal)

Marjorie A. Crill
Signature of Notary Public
Marjorie A. Crill
(Print, type or stamp commissioned name of Notary Public)

OFFICIAL NOTARY SEAL
MARJORIE A. CRILL

3808 / 703



Remitt to:
Name: **DIANE L. JENSEN**
Address: Courthouse Box 18

INSTR. # 2865381
Permit # 28008 PG 0701
RECORDED 12/27/2002 02:33:33 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 6.00
DEED DOC 0.70
DEPUTY CLERK N Bernard

This instrument was prepared by:
Name: **PAVLEE HAVERTFIELD DALTON**
Address: **STANBORN & JENSEN, L.L.P.**
1633 Regency Street
P.O. Box 1697
FORT MYERS, FLORIDA 33902

Grantor S.S. No. _____
Name _____

Grantor S.S. No. _____
Name _____

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

This indenture, made this 19th day of December, 2002, between **REAL LEMIEUX and MARY LEMIEUX** of the County of Lee, State of Florida, grantor, and **RAYMOND J. LEMIEUX and CASSANDRA R. LEMIEUX**, husband and wife, whose post office address is 11171 Shirley Lane, North Fort Myers, FL 33917, of the County of Lee, State of Florida, grantee,

Witnesseth that said grantor, for and in consideration of the sum of **TEN AND NO/100 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, situate, lying and being in Lee County, Florida, to-wit:

The south half of the south half of the SE quarter of the NE quarter of the NW quarter of Section 12, Township 43 South, Range 23 East, Lee County, Florida subject to easement over the west 30 feet for road purposes for the general use of the public.

Subject to taxes for the calendar year and subsequent years.

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:

Theresa H. Kersey
TERESA H. KERSEY
(Print Name)

Real Lemieux (Seal)
Real Lemieux

Marjorie A. Crill
Marjorie A. Crill
(Print Name)

Mary Lemieux (Seal)
Mary Lemieux

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 19th day of December, 2002, by **REAL LEMIEUX and MARY LEMIEUX**, who is personally known to me or who has produced Florida Drivers License as identification and who did not take an oath.

(Notary Seal)

Marjorie A. Crill
Signature of Notary Public
Marjorie A. Crill
(Print, type or stamp commissioned name of Notary Public)

OFFICIAL NOTARY SEAL
MARJORIE A. CRILL
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. 00000116
EXPIRES APR. 12, 2005

RECEIVED
JUL 23 2005

PERMIT COUNTER

005 15:56 239? 51P?

Deed dated
May 30th 1971
Describes
2 South
Lots

00001
003B

5 AC
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0170

00001
0030

2.63 AC

00001
0130

5 AC

SHARON DR 235

00001
0020

00001
006A

2 AC

Steve

00001
006B

.98 AC

Robert

00001
006D

2.02 AC

00002
0000

264

132

SHIRLEY LN

00001
0060

2.5 AC

*mom
&
dad*

00001
0010

00001
006C

2.5 AC

DURS

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0050

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0160

5 AC

132

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014C

1 AC

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RECEIVED
JUL 26 2005

PERMIT COUNTER

05 15:56

2393 10

QUIT CLAIM DEED

1101170

TUTELAKE PROVISIONS & PAY PROCEEDS

This Indenture

DEPT REC 1276 PG 1827

Whereas said herein, the term "grantor" shall include the heirs, personal representatives, successors and assigns of the respective parties herein; the use of the singular number shall include the plural and the plural the singular, the use of one gender shall include all genders and, if used, the term "man" shall include all the other persons mentioned of each sex.

Diane Jensen

Made this 30th day of May A. D. 1978

Between LEONA LEE,

of the County of and State of Florida, party of the first part,

and REAL LEMIEUX and MARY LEMIEUX, husband and wife, whose post office address is: Route 2, Box 304, M. Fort Myers, Fla. of the County of and State of Florida, party of the second part,

Witnesseth, that the said party of the first part, for and in consideration of the sum of Ten Dollars & 00/100 (\$10.00) Dollars, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has remised, released and quitclaimed, and by these presents does remise, release and quitclaim unto the said party of the second part all the right, title, interest claim and demand which the said party of the first part has in and to the following described lot, piece or parcel of land, situate lying and being in the County of Lee, State of Florida, to wit:

The South Half (S 1/2) of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of the Section 12, Township 43 South, Range 25 East, Lee County, Florida, subject to an easement over the West 30 feet for road purposes for the general use of the public and also subject to a 6 foot easement along all property lines for utility and drainage purposes.

This deed is intended to extinguish all rights the Grantor hereunder may have had by virtue of a certain Agreement for Deed between her and Pyramid Holdings, Inc., dated January 10, 1968 and recorded January 18, 1968, in Official Record Book 444 at Page 307, Public Records of Lee County, Florida.

Subject to reservations, restrictions, easements of record and taxes for the current and all subsequent years.

This is not the homestead property of the Grantor who presently resides with her son, W. T. Reed on Highway 31, Alva, Florida.

Do Have and to Hold the same, together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest and claim whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part.

In Witness Whereof, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in Our Presence:

Mary C. Burroughs
James C. Henry

Leona Lee

State of Florida, County of Lee

I Herby Certify That on this day personally appeared before me, the official duly authorized to administer oaths and take acknowledgments,

LEONA LEE,

to me well known to be the person described in and who executed the foregoing instrument and she acknowledged before me that she executed the same freely and voluntarily for the purposes therein expressed.

Witness my hand and official seal at County of Lee and State of Florida, day of May A. D. 1978.

JANUARY 1978
LEE COUNTY FLORIDA
RECORDS DEPARTMENT
MAY 31 2 41 PM '78
OFFICIAL RECORDS

RECEIVED
JUL 23 2005

PERMIT COUNTER

This instrument was prepared by
Penny, Shirle, Garner, Kennel & Smith
P. O. Drawer 1507, Fort Myers, Fla. 33902

588
589

RECORDED
MAY 31 1978
LEE COUNTY FLORIDA

005 15:56 2993 1

00001
003B

5 AC
00001
0170

00001
0030

2.63 AC

00001
0130

5 AC

Deed dated
Nov 26th 1973
Describes
All 5 Lots

SHARON DR 235

00001
0020

00001
006A

2 AC

264

330

00001
006B

.98 AC

132

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006D
2.02 AC

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0000

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0010

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0060

2.5 AC

00001
006C

X 2.5 AC

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0050

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0160

5 AC

132

00003
014C

1 AC

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0070

00003
0140
RECEIVED
JUL 20 2005

PERMIT COUNTER

WARRANTY DEED
STATUTORY
1-1-81

This Indenture,

NAME (OPTIONAL)

Wherever used herein the words "first party" and "second party" shall include singular and plural persons, legal corporations, and estates of individuals, and the personal and public of corporations, wherever the context so admits or requires.

Made this 26 day of November A. D. 1973
BETWEEN Stanley K. Ink, Trustee - successor to Pyramid Holdings, Inc.

of the County of Lee in the State of Florida, party of the first part, and

Real and Mary Lemieux, Husband & Wife

of the County of Lee in the State of Florida, whose post office address is

159 Lucille Avenue, Fort Myers, Florida 33901

parties of the second part

Witnesseth, That the said party of the first part, for and in consideration of the sum of Ten (\$10.00) Dollars,

to it in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, has granted, conveyed, and sold to the said parties of the second part, their heirs and assigns forever, the following described land, situate, and being in the County of Lee State of Florida, to wit:

The Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4), Section 12, Township 43 South, Range 25 East, Lee County, Florida, subject to a 30 foot easement over the West and North sides for road purposes for the general use of the public. Also 6 foot easement on all property lines for drainage and utility uses.

400
21.50
77

1008434



RECORDS OF FLORIDA
21.50

RECORDED BY OFFICIAL
NO. 2005
OFFICE OF THE CLERK OF COURTS
LEE COUNTY, FLORIDA
REC 3 11 30 AM '73
L. K...

And the said party of the first part do as hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whatsoever.

In Witness Whereof, The said party of the first part has hereunto set hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of:

Frankie W. Lemieux
Vincent P. Aguiar

Stanley K. Ink, TRUSTEE

STATE OF FLORIDA,
COUNTY OF Lee

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared Stanley K. Ink

to me known to be the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 26th day of November A. D. 19 73

Prepared by Stanley K. Ink

RECEIVED
JUL 26 2005



LEE COUNTY

Case Activity Listing

Case #: RES2005-12167

7/26/2005
11:23:53AM

Description	Activity		Status	Assigned		Done By	Notes
	Enter Date	Target Date		From	To		
INSP - NOTICE OF COMMENCEMENT	7/11/2005		N/A			HMR	
Application Received	7/11/2005		DONE			HMR	
Zoning Review	7/11/2005	7/18/2005					RETURN TO DEE FOR MIN-USE AND LOT SP
1st Review	7/11/2005	7/18/2005			LMR		RES ADDN LMR 7/22/05
Final Fee Determination	7/11/2005						
Additional Documents Required	7/11/2005						

RECEIVED
JUL 26 2005

PERMIT COUNTER



H

KENNETH M. WILKINSON, C.F.A.
LEE COUNTY PROPERTY APPRAISER
P.O. Box 1546, Fort Myers, FL 33902-1546
(239) 339-6150
www.leepa.org

PLEASE KEEP THIS CARD

EXEMPTION RECEIPT FOR 2004
12-43-25-00-00001.006C
LEMIEUX CASSANDRA
Homestead

January 1, 2004



LEMIEUX RAYMOND J+ CASSANDRA R
11171 SHIRLEY LN
NORTH FORT MYERS, FL 33917

LEGAL DESCRIPTION
S 1/2 OF S 1/2 OF SE 1/4
OF NE 1/4 OF NW 1/4

Kenneth M. Wilkinson
LEE COUNTY PROPERTY APPRAISER

SITE ADDRESS:
11171 SHIRLEY LN
North Fort Myers, 33917

Dear Property Owner(s):

The card above is your Year 2004 receipt for HOMESTEAD and PERSONAL EXEMPTIONS. Exemptions are not transferable. If you have moved, you MUST APPLY for your new residence by March 1st, 2004. The rental of a dwelling previously claimed to be a homestead for tax purposes may constitute an abandonment of said dwelling as a homestead. Please read the reverse side for additional important information.

Sincerely,

Kenneth M. Wilkinson
Kenneth M. Wilkinson, C.F.A.
Lee County Property Appraiser
Author of the "Save Our Homes" Constitutional Amendment*

**Save Our Homes" protected Lee County homestead owners in 2003 from taxes on over \$4.3 Billion in assessed value.

WARNINGS: (1) Any person giving false information to claim a homestead exemption is guilty of a first degree misdemeanor punishable per 775.082(4)(a), Fla. Stats., and/or by a fine of up to \$5,000; (2) it is the owner's responsibility to promptly notify us when the use or status of the property or owner changes regarding an exemption. If we are not so notified and you were not entitled to the exemption in the last 10 years, the property is subject to back taxes plus 15% interest/year plus a 50% penalty. 196.011 Fla. Stats.

PLEASE DETACH AND RETURN THE FORM BELOW IF YOUR PROPERTY NO LONGER QUALIFIES FOR THE EXEMPTION CLAIMED OR IF YOUR ADDRESS IS INCORRECT.

EXEMPTION REMOVAL

Parcel Identification No. 12-43-25-00-00001.006C

I No Longer Own This Property, Date Sold _____

I No Longer Reside On This Property, Date Moved _____

This Property Has Been Rented, Date Rented _____

I No Longer Qualify For _____ Exemption
(i.e., HOMESTEAD, DISABILITY, WIDOW/ER)

CHANGE OF ADDRESS

CORRECTION: (NEW ADDRESS)

Street _____

City _____ State _____ Zip Code _____

CHECK ONE BELOW:

This address correction is permanent.

This address correction is seasonal and is only valid through the dates _____ through _____, 200 _____ through _____, 200 _____.

Signature: _____ Print Name: _____
Home Phone: _____

Business Phone: _____
RECEIVED
JUL 26 2005
PERMIT COUNTER



PAVESE, HAVERFIELD, DALTON, HARRISON & JENSEN, L.L.P.

A FLORIDA LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AND COUNSELORS AT LAW

<http://paveselaw.com>

1833 HENDRY STREET
FORT MYERS, FLORIDA 33901

POST OFFICE DRAWER 1507
FORT MYERS, FLORIDA 33902-1507

(239) 334-2195
FAX (239) 332-2243

DIANE L. JENSEN
(239) 336-6231
E-Mail: Diane.Jensen@paveselaw.com

PLEASE REPLY TO
FORT MYERS OFFICE

January 22, 2003

Mary and Real Lemieux
11151 Shirley Lane
North Fort Myers, FL 33917

Dear Mr. and Mrs. Lemieux:

Enclosed please find the Warranty Deed to Raymond and Cassandra Lemieux which was recorded at Official Record Book 3808, Page 0703, Public Records of Lee County, Florida. If you have any questions concerning the enclosed, please do not hesitate to contact me.

Very truly yours,


Diane L. Jensen

DLJ:mc
Enclosures

F:\WPDATA\DLJ\LTR\Lemieux

RECEIVED
JUL 26 2005

PERMIT COUNTER

4635 S. DEL PRADO BLVD.
P.O. BOX 100088
CAPE CORAL FLORIDA 33910-0088
(941) 542-3148
FAX (941) 542-8953

461 S. MAIN STREET
P.O. DRAWER 2280
LEBELLE, FLORIDA 33935
(863) 675-5800
FAX (863) 675-4936

SUITE 203
4524 GUN CLUB ROAD
WEST PALM BEACH, FLORIDA 33415
(561) 471-1366
FAX (561) 471-0522

ATTACHMENT #6
Lee Plan Chapter XIII.b.

b. Administrative Interpretations of the Plan

Persons or entities whose interests are directly affected by the Lee Plan have the right to an administrative interpretation of the plan as it affects their specific interest. Such an interpretation, under the procedures and standards set forth below, will remain in effect and thereafter be binding upon the county only as to the legally described property and any plan of development upon which the interpretation was based. If the plan of development is proposed to be, or is changed, through any action of any owner or developer of the property, then the administrative interpretation is no longer binding on the county. Actions that will render a previous interpretation no longer binding include any of the following: significant changes in parcel or platted lot(s) configuration; changes to land uses; decreases in the amount of open space or preserved land; increases in density or intensity of use; increases in the size or acreage of the property; or any other change that makes the plan of development less consistent with the current Lee Plan. (Note: combining lands consistent with XIII.b.B.4.b.(4) is allowed.) A determination of whether or not a plan of development has been, or would be changed sufficiently to render the previous interpretation no longer binding on the county will be made on a case by case basis by the Administrative Designee using the above-described criteria.

Administrative interpretations are intended to expedite and reduce disputes over interpretations of the Lee Plan, resolve certain map or boundary disputes, avoid unnecessary litigation, ensure consistency in plan interpretation, and provide predictability in interpreting the plan. All such administrative interpretations, once rendered, are subject to challenge under the provisions of Section 163.3215, Florida Statutes.

Anyone seeking an administrative interpretation must submit an application with requested information and will have the burden of demonstrating compliance with the standards set forth below.
(Amended by Ordinance No. 00-22)

A. Subject Matter of Administrative Interpretations

Administrative interpretations will be provided only as to the matters set forth below. In no event will administrative interpretations hereunder involve questions of the consistency of development or land use regulations with the Lee Plan. Administrative interpretations will be limited to:

1. County Attorney's Office:

- a. Whether the single-family residence provision as hereinafter defined applies and the applicant desires a written opinion for future use, or a concurrent building permit application has not been approved under 2.a. below.

2. County Administrator (or his designee):

- a. Whether the single-family residence provision as hereinafter defined applies and the applicant is also applying for a building permit. If said permit application is not approved, a separate application for the single-family residence provision may be submitted to the County Attorney's Office for final review and, if applicable, written denial.
- b. Whether an area has been (or should have been) designated Wetlands on the basis of a clear factual error. A field check will be made prior to the issuance of such an interpretation.

- c. Clarification of land use map boundaries as to a specific parcel of property.

(Amended by Ordinance No. 94-30, 00-22)

B. Standards for Administrative Interpretations

Administrative interpretations of the Lee Plan will be determined under the following standards:

1. Interpretations which would be confiscatory, arbitrary, capricious, unreasonable, or which would deny all economically viable use of property will be avoided;
2. Interpretations should be consistent with background data, other policies, and objectives of the plan as a whole;
3. Interpretations should, to the extent practical, be consistent with comparable prior interpretations;
4. Single-Family Residence Provision:

- a. Applicability

Notwithstanding any other provision of this plan, any entity owning property or entering or participating in a contract for purchase agreement of property, which property is not in compliance with the density requirements of the Lee Plan, will be allowed to construct one single-family residence on said property PROVIDED THAT:

- (1) Date Created:

- (a) the lot or parcel must have been created and recorded in the official Plat Books of Lee County prior to the effective date of the Lee Plan (December 21, 1984), and the configuration of said lot has not been altered; OR
- (b) a legal description of the lot or parcel was lawfully recorded in the Official Record books of the Clerk of Circuit Court prior to December 21, 1984; OR
- (c) the lot was lawfully created after December 21, 1984, and the lot area was created in compliance with the Lee Plan as it existed at that time.

- (2) Minimum Lot Requirements: In addition to meeting the requirements set forth above, the lot or parcel must:

- (a) have a minimum of 4,000 square feet in area if it was created prior to June 27, 1962; OR
- (b) have a width of not less than 50 feet and an area of not less than 5,000 square feet if part of a subdivision recorded in the official Plat Books of Lee County after June 27, 1962, and prior to December 21, 1984; OR
- (c) have a minimum of 7,500 square feet in area if it was created on or after June 27, 1962, and prior to December 21, 1984, if not part of a subdivision recorded in the official Plat Books of Lee County; OR

- (d) have been in conformance with the zoning regulations in effect at the time the lot or parcel was recorded if it was created after December 21, 1984; OR
 - (e) have been approved as part of a Planned Unit Development or Planned Development.
- (3) Access and Drainage: In addition to meeting the requirements set forth above:
- (a) the road that the lot or parcel fronts on must have been constructed and the lot must be served by drainage swales or equivalent drainage measures. The road must have, at a minimum, a graded surface of shell, marl, gravel base rock, or other compacted fill material, suitable for year-round use; OR
 - (b) the lot or parcel must be located within a subdivision which was approved under Chapter 177, Florida Statutes, as long as the subdivision improvements have been made or security for their completion has been posted by the subdivider.

If the lot or parcel cannot meet the requirement of access and drainage, this requirement will not apply to the extent that it may result in an unconstitutional taking of land without due process.

- (4) Interchange, Tradeport, and Industrial Development land use categories: In addition to the requirements set forth above, a residential use must be the only reasonable use of the lot or parcel. The existence of a reasonable commercial or industrial use will be determined by reference to all of the applicable facts and circumstances, including, but not limited to, the nature of the surrounding uses, the adequacy of the lot size (pursuant to Chapter 34 of the Land Development Code) for commercial or industrial uses, and whether adequate infrastructure exists or can reasonably be provided to serve a commercial or industrial use at the location in question.

b. Construction Regulations

Subsequent to a property owner establishing the right to build a single-family residence on a lot through the procedures set forth in this plan, the following policies will prevail:

- (1) The residential structure must be in compliance with all applicable health, safety, and welfare regulations, as those regulations exist at the time the application for construction of the residence is submitted.
- (2) Lots or parcels which qualify for the right to construct a residence and which contain wetlands will be subject to special provisions of the Wetlands Protection Ordinance.
- (3) If two or more contiguous lots or parcels have each qualified for the right to build a single-family residence, the property owner is permitted and encouraged to reapportion properties if the result of the reappointment is a lot or lots which come closer to meeting the property development regulation standards for the zoning district in which it is located and as long as no property becomes non-conforming or increases in its non-conformity as a result of the reappointment and as long as the density will not increase.

- (4) If a lot or parcel has qualified for the right to construct a single-family residence, nothing herein will be interpreted as prohibiting the combining of said lot or parcel with other contiguous property provided the density will not increase.
- (5) If two or more contiguous properties have each qualified for the right to construct a single-family residence and if the lots or parcels are located in a zoning district which permits duplex or two-family dwellings, the property owner(s) may combine the lots to build a single duplex or two-family building in lieu of constructing two single-family residences.

c. Transferability

This right will run with the land and be available to any subsequent owner if the property which qualifies for the single-family provision is transferred in its entirety. (Amended by Ordinance No. 00-22)

C. Procedure for Administrative Interpretations

The following procedures will apply in obtaining administrative interpretations:

1. Except as provided in 3. below, anyone seeking an administrative interpretation of the plan will submit an application, on an appropriate form provided by the county, with all requested information to the Zoning and Development Review Division (single-family residence provision) or the Planning Division (all other applications), or to their successor agencies.
2. The person authorized by Section A.1. or 2. above will review such information and issue an administrative interpretation in writing within sixty (60) days after submittal of the application and all requested information to the appropriate division. The interpretation will contain findings and reasons for the interpretation rendered.
3. If the request for a single-family residence provision or Wetlands determination is in conjunction with an application for a building permit, development order, or planned development rezoning, a separate application will not be required. The interpretation will be noted on the building permit, development order, or planned development rezoning approval, or will be contained in the reasons for denial where applicable.
4. An administrative interpretation may be appealed to the Board of County Commissioners by filing a written request within fifteen (15) days after the administrative interpretation has been made. In reviewing such an appeal, the Board will consider only information submitted in the administrative interpretation process and will review only whether the designated individual has properly applied to the facts presented and the standards set forth in the plan for such administrative interpretation. No additional evidence will be considered by the Board. The Board of County Commissioners will conduct such appellate review at a public meeting.
5. The Board of County Commissioners will consider the appeal at a hearing to be held within thirty (30) days after the date of the written request for appeal. A decision overruling the written interpretation will be in writing and will be rendered by the Board within thirty (30) days after the date of the hearing. Alternatively, the Board may adopt the administrative interpretation being appealed.

6. Where appropriate and necessary all administrative interpretations rendered by the designated persons (or upon appeal, approved by the Board of County Commissioners) will be incorporated into the Plan during the next amendment cycle. (Amended by Ordinance No. 94-30, 00-22)

c. Legislative Interpretations of the Plan

In order to apply the plan consistently and fairly, it will be necessary from time to time to interpret provisions in the plan in a manner which insures that the legislative intent of the Board of County Commissioners which adopted the plan be understood and applied by subsequent boards, county employees, private property owners, and all other persons whose rights or work are affected by the plan. When the plan is interpreted, it should be done in accordance with generally accepted rules of statutory construction, based upon sound legal advice, and compiled in writing in a document which should be a companion to the plan itself. These goals will be accomplished by the procedures which are set forth below:

A. COMPREHENSIVE PLAN ANNOTATIONS COMMITTEE.

The Director of Community Development, the Planning Director, and the County Attorney will together be empowered to sit as the Comprehensive Plan Annotations Committee. In each instance, these persons may designate one or more subordinates to serve in their place, but only one vote may be cast by or on behalf of each of the aforementioned officials. The purpose of the committee is to make written recommendations to the Local Planning Agency in response to requests for interpretations of specific provisions in the plan. If the committee cannot recommend an interpretation unanimously, then both a majority and minority recommendation will be made to the Local Planning Agency. Similarly, if the committee cannot reach a majority position with respect to an interpretation, then each official will submit a separate recommendation to the Local Planning Agency. In accomplishing its work, the committee will operate as follows:

1. Organization

The committee will meet regularly at such times and places as it may choose. Its meetings will be either private or open to the public, or a combination thereof, as the committee chooses. The committee will have total discretion in this matter. No public notices of its meetings will be required. It may invite to its meetings such persons as it believes will best assist it in its work. It is intended that the committee will function in an informal workshop atmosphere, with emphasis to be placed on the timely production of concise, written recommendations to the Local Planning Agency in response to requests for interpretations of specific provisions in the plan. The County Attorney will be responsible for reducing the recommendations of the committee in writing, unless he is in the minority, in which case the Planning Director will be responsible for reducing the majority recommendation to writing. In every case, the Planning Director will be responsible for delivering the recommendations to the Local Planning Agency on a timely basis as part of the published agenda of the Local Planning Agency.

2. Requests for Interpretations

Requests for interpretations will be placed before the Comprehensive Plan Annotations Committee by any one of its three members in response to a question raised by the Board of County Commissioners, collectively or by any one commissioner, by any member of the county

ATTACHMENT #7
LDC §34-1180

converted from RS-2 in accordance with section 34-619, provided the following regulations are met:

- (1) The guest house is accessory to a principal single-family detached dwelling.
- (2) The guest house will comply with all setback requirements for accessory structures.
- (3) The guest house will not be used as a year-round dwelling or rented or leased. (Zoning Ord. 1993, § 511; Ord. No. 97-10, § 6, 6-10-97)

Sec. 34-1179. Commercial fishing equipment storage as accessory use to residence in Greater Pine Island area.

(a) *Permitted use.* The storage and repair of commercial fishing equipment, specifically fishing nets and crab traps, shall be permitted as an accessory use to a single-family or mobile home residence in the AG, RSC, RS, TFC and MH zoning districts located within the Greater Pine Island area only, when in compliance with the conditions set forth in subsection (b) of this section.

(b) *Conditions.*

- (1) The storage and repair of commercial fishing equipment such as nets and traps shall clearly be subordinate to the use of the property for residential purposes.
- (2) Storage and repair of equipment shall be limited to equipment owned or leased by the occupant of the residence only.
- (3) Storage of equipment shall comply with the setback requirements for accessory buildings and structures as set forth in division 2 of this article; provided that, with the exception of boats, no storage shall be permitted between the street right-of-way and the principal building.
- (4) Fishing nets, when not being repaired, shall be stored neatly and covered by canvas or other suitable material.
- (5) Crab traps, when not being repaired, built or rebuilt, shall be stacked neatly. Stacking of traps shall not exceed six feet in height.
- (6) The open storage of discarded or derelict nets, traps, boats or other fishing equipment shall be prohibited.
- (7) The occupant of the property shall be responsible for maintaining the property free of rats and vermin. (Zoning Ord. 1993, § 532; Ord. No. 93-24, § 17, 9-15-93)

Sec. 34-1180. Additional dwelling unit on lot in agricultural districts.

(a) *Applicability.* This section provides the minimum regulations to permit development of an additional conventional single-family residence on the same parcel if the parcel has been zoned in an AG district and the parcel is developed in accordance with the density requirements of the applicable land use classification.

(b) *Standards.*

- (1) Minimum lot area must be twice the required lot area for the zoning district, but in no event less than two acres including easements.
- (2) Minimum lot width must be twice the required lot width for the zoning district.
- (3) The units must be separated by a minimum of twice the required side yard setback for the zoning district.
- (4) No more than two living units constructed as two freestanding conventional single-family residences are permitted.
- (5) Property owners who have already established or plan to establish a caretaker's residence may not avail themselves of this provision.
- (6) Each unit must be located on the parcel in such a manner that the units could be separated into individual lots and still meet the property development regulations for the zoning district as well as the

Sec. 34-1182
 AMENDED BY
 Ord. 95-71
 Pg. 69

density requirements for the applicable land use category without first creating a new street easement or right-of-way.

(Zoning Ord. 1993, § 533; Ord. No. 96-06, § 5, 3-20-96)

Sec. 34-1181. Trucks and commercial vehicles in residentially and agriculturally zoned districts.

(a) Except as provided below, the following types of trucks or commercial vehicles may not be parked or stored on any property zoned AG, RS, RSA, RSC, TFC, TF, RM, MH, RV, PUD, RPD, RVPD, MHPD, or the residential portion of a MPD:

- (1) A tractor-trailer or semi-trailer truck; or
 - (2) A truck with two or more rear axles; or
 - (3) A truck with a manufacturer's Gross Vehicle Weight Rating (GVWR) in excess of 15,000 pounds; or
 - (4) Any truck and trailer combination, excluding a trailer used solely for non-commercial or recreational purposes, resulting in a combined manufacturer's Gross Vehicle Weight Rating (GVWR) in excess of 15,000 pounds.
- (b) Exceptions:
- (1) Daytime deliveries or service calls;
 - (2) Trucks and equipment parked or stored within a completely enclosed building in conjunction with an approved home occupation pursuant to section 34-1772;
 - (3) A truck or commercial vehicle parked or stored on any property zoned AG, provided:
 - a. The property is not vacant; AND
 - b. The truck or commercial vehicle is part of and primarily used for a legally permitted agricultural use in existence on the property, OR
 - c. The person operating the truck or commercial vehicle is a resident of the property and is appropriately licensed to drive the truck or commercial vehicle. This provision is in-

tended to allow a resident in the agriculturally zoned districts (AG) to drive one truck home from work. It is not intended to allow a business to be run from the property.

(4) Trucks or vehicles used for emergency service work by a person employed by a public utility, when approved by the director, provided:

- a. The truck or vehicle is parked while the employee is on "emergency on-call status," and
- b. Only one emergency service truck is allowed for each employee residing at the property; and
- c. The truck may not be stored at the property.

(Ord. No. 01-03, § 5, 2-27-01; Ord. No. 01-18, § 5, 11-13-01; Ord. No. 03-16, § 6, 6-24-03)

Secs. 34-1182—34-1200. Reserved.

DIVISION 3. SEXUALLY ORIENTED BUSINESSES

Sec. 34-1201. Applicability of division.

This division applies to all sexually oriented businesses (as defined in the Lee County Sexually Oriented Business Ordinance, Ord. No. 95-18). (Zoning Ord. 1993, § 202.02(A); Ord. No. 96-06, § 5, 3-20-96)

Sec. 34-1202. Definitions.

Sexually oriented business means a sexually oriented business as defined in the Lee County Sexually Oriented Business ordinance, Ord. No. 95-18.

(Zoning Ord. 1993, § 202.02(B); Ord. No. 96-06, § 5, 3-20-96)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 34-1203. Purpose of division.

The purpose of this division is to provide reasonable regulations to alleviate the adverse effect of sexually oriented businesses on adjacent and nearby uses of land.

(Zoning Ord. 1993, § 202.02(C); Ord. No. 96-06, § 5, 3-20-96)