

Date Critical

Lee County Board Of County Commissioners
Agenda Item Summary

Blue Sheet No. 20051602

1. ACTION REQUESTED/PURPOSE: Approve Transfer to City of Cape Coral of parking lot, alley and walkway dedications contained in plats of Cape Coral. Authorize Chairman to execute documents necessary to accomplish transfer.

2. WHAT ACTION ACCOMPLISHES: Allows City of Cape Coral to proceed with downtown redevelopment plans in the Community Redevelopment Area in downtown Cape Coral.

3. MANAGEMENT RECOMMENDATION: Approve

4. Departmental Category: 12 **C/2C** 5. Meeting Date: **11-15-2005**

6. Agenda:		7. Requirement/Purpose: (specify)		8. Request Initiated:	
<input checked="" type="checkbox"/> Consent		<input type="checkbox"/> Statute		Commissioner	
<input type="checkbox"/> Administrative		<input type="checkbox"/> Ordinance		Department	County Attorney
<input type="checkbox"/> Appeals		<input type="checkbox"/> Admin. Code		Division	Land Use
<input type="checkbox"/> Public	<input checked="" type="checkbox"/>	<input type="checkbox"/> Other		By:	<i>Timothy Jones</i>
<input type="checkbox"/> Walk-On		Requested by City			Timothy Jones Chief Assistant County Attorney

9. Background:
Certain plats of Cape Coral Subdivision that are now part of downtown Cape Coral contain dedications to the public for parking lots, alleys and walkways. These plats and the dedications were accepted by Lee County on behalf of the public before Cape Coral was incorporated. The City now wants to redevelop these areas as described in the attached letter from the City Attorneys Office. The city requests that the County transfer any rights we may have to the City to facilitate their redevelopment plans.

- Attachments:
1. Letter from Assistant City Attorney Marilyn Miller
2. Draft Transfer of Dedications

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services <i>AMM 11/3/05</i>				County Manager/P.W. Director
				<i>Timothy Jones</i>	Analyst	Risk	Grants	Mgr.	
					<i>RK 11/2</i>	<i>11-2</i>	<i>11/3/05</i>	<i>11/3/05</i>	<i>11-3-05</i>

11. Commission Action:
 Approved
 Deferred
 Denied
 Other

RECEIVED BY
COUNTY ADMIN: *104*
 11-2
 9:51
 COUNTY ADMIN
 FORWARDED TO:



CITY OF CAPE CORAL

Office Of The City Attorney

September 30, 2005

Mr. Timothy Jones, Esq.
Assistant County Attorney
P.O. Box 398
Fort Myers, FL 33902

2005 OCT -3 AM 8:04
RECEIVED BY
LEE CO. ATTORNEY

RE: Transfer of Dedication/Club Square and Kash 'n Karry
Parking Lots

Dear Tim:

As we have discussed, the above-referenced parking lots are located within the boundaries of the Community Redevelopment Area (CRA) in downtown Cape Coral. The lots were created by GAC, the original developer of Cape Coral, by dedication on a plat prior to the incorporation of the City. The plat and the dedication were therefore accepted by Lee County, not the City.

The Community Redevelopment Agency and the Cape Coral City Council have authorized this office to file a Declaratory Judgment action concerning the Club Square parking lot, seeking a judicial declaration concerning proposed plans that the CRA has for that particular lot. Those plans include enhancement of the parking facilities by providing a multi-level parking structure with commercial space available for lease and use as retail shops; as well as one or more of the following amenities: a "City Market" or "Farmers Market;" facilities for festive and/or cultural activities to be enjoyed by the community; development of a public water feature amenity with a pedestrian bridge; enhanced landscaping with plaza and Public Green Space; gazebo and/or amphitheatre for the enjoyment of the community; fountains and/or other decorative water features; and informational kiosks and signage. The City does not intend to diminish the current number of parking spaces and in fact may be adding additional spaces, depending on the size of the parking structure. I'm including a sketch "concept" plan that was presented to the CRA by staff that depicts some of the potential amenities. The concern this office has, however, is that since the Club Square lot was dedicated via plat prior to the incorporation of the City, one or more of the adjoining landowners, who will be defendants in the declaratory judgment action, may try to challenge the City's ability to seek a declaratory judgment if the parking lot was not dedicated and accepted by the City.

This office is therefore requesting that Lee County effect a transfer of the dedication for the Club Square and Kash 'n Karry lots to the City of Cape Coral. I have provided you

with a certified survey of both of the lots that includes a detailed legal description for each. The Declaratory Judgment Complaint is ready to be filed, we are just waiting on the transfer before filing it. I am also awaiting title work for these lots, which should be completed by The Fund sometime next week.

If you need anything further, please do not hesitate to contact me. Please let me know when the matter will be scheduled for consideration by the Lee County Commission.

Thank you for your assistance.

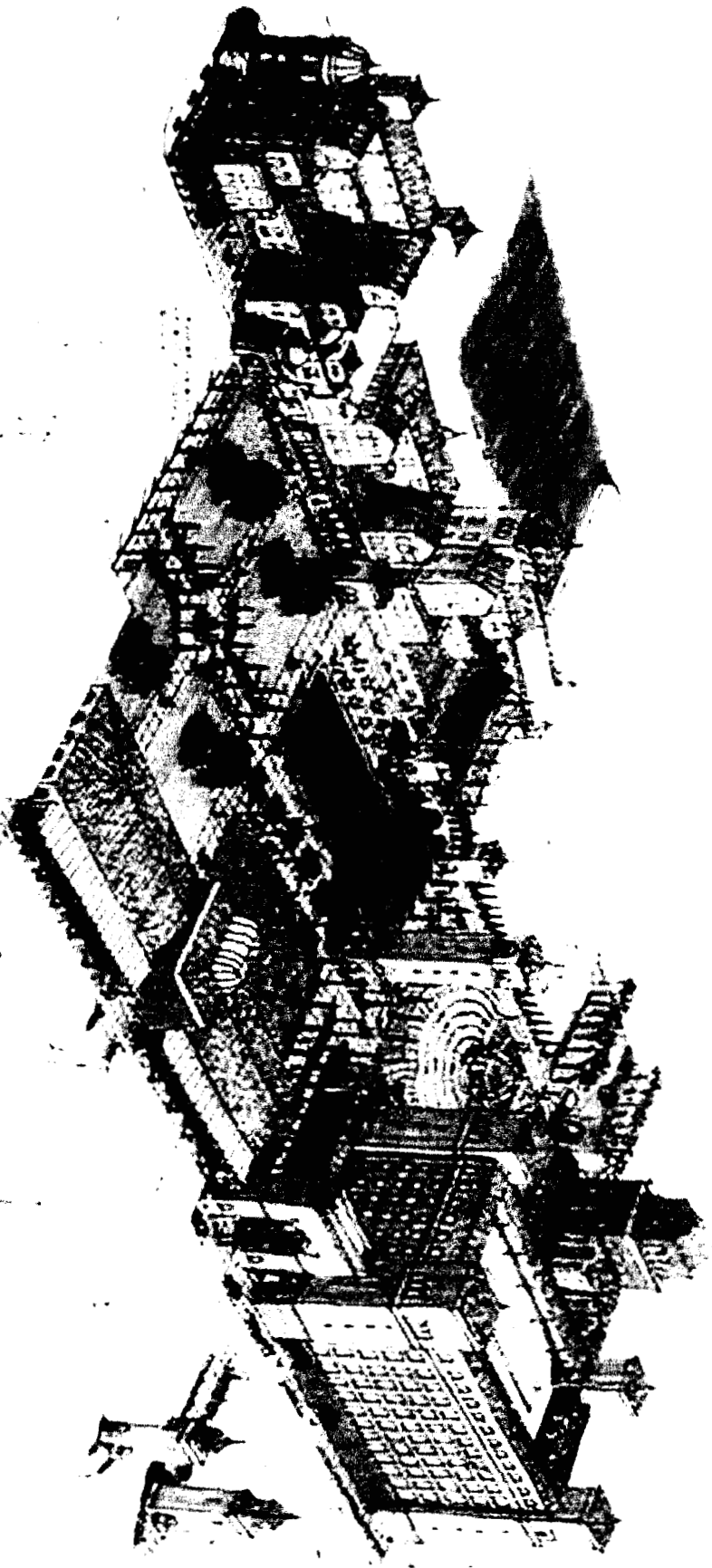
Sincerely,

A handwritten signature in black ink, appearing to read "Marilyn W. Miller". The signature is fluid and cursive, with the first name being the most prominent.

Marilyn W. Miller
Assistant City Attorney

Enclosure

Cc: Dolores D. Menendez, City Attorney



The Towne Square

1000 UNIVERSITY AVENUE, CHICAGO, ILL.

This Instrument Prepared by:

Timothy Jones, Esq.
Assistant County Attorney
Lee County Attorney's Office
Post Office Box 398
Fort Myers, FL 33902-0398

STRAP No.

THIS SPACE FOR RECORDING

TRANSFER OF DEDICATIONS

THIS TRANSFER, executed this ____ day of _____ 2005, by LEE COUNTY, FLORIDA, a political subdivision of the State of Florida, whose address is Post Office Box 398, Fort Myers, Florida 33902-0398, Grantor, to THE CITY OF CAPE CORAL, a municipal corporation, whose address is Post Office Box 150027, Cape Coral, Florida 33915-0027, Grantee.

Grantor, for and in consideration of the sum of Ten (\$10.00) Dollars to it in hand paid by Grantee, receipt whereof is hereby acknowledged, hereby transfers and conveys to Grantee, its heirs and assigns forever, the Dedications for parking lot, alley, and walkway purposes that were accepted by Grantor upon approval of certain Cape Coral Subdivision Plats as specifically described in Exhibits A and B attached hereto.

This transfer conveys only the interest of the County and its Board of County Commissioners in the property herein described, and is not to be deemed to warrant the title or to represent any state of facts concerning the same.

IN WITNESS WHEREOF Grantor has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairman or Vice Chairman of said Board, the day and year aforesaid.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____

By: _____

Deputy Clerk

Chairman

APPROVED AS TO LEGAL FORM:

Office of County Attorney

EXHIBIT A

A PARCEL OF LAND FOR PARKING LOT, ALLEY, AND WALKWAY PURPOSES LYING IN THE SE1/4 OF THE SW1/4, SECTION 7, TOWNSHIP 45 SOUTH, RANGE 24 EAST, AND BEING A PORTION OF BLOCK 356, AND BLOCK 357 CAPE CORAL SUBDIVISION, UNIT 8, ACCORDING TO PLAT BOOK 13, PAGES 1 THROUGH 6, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF SAID BLOCK 356 AND BLOCK 357, CAPE CORAL SUBDIVISION, UNIT 8;

LESS AND EXCEPTING THEREFROM: ALL OF LOTS 1 THROUGH 34; THE 15.00 FOOT WIDE ALLEY ADJOINING LOTS 1-2 AND LOT 3, ALL WITHIN SAID BLOCK 356, SAID ALLEY WAS VACATED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL ON MARCH 22, 1993 ACCORDING TO RESOLUTION 28-93; TOGETHER WITH: THE 15.00 FOOT WIDE ALLEY ADJOINING LOTS 32 AND LOTS 33-34, ALL WITHIN SAID BLOCK 356, SAID ALLEY WAS VACATED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL ON DECEMBER 19, 1977 ACCORDING TO RESOLUTION 142-77. TOGETHER WITH: ALL OF LOTS 1 THROUGH 30; THE 15.00 FOOT WIDE ALLEY ADJOINING LOT 28 AND LOTS 29-30, ALL WITHIN SAID BLOCK 357, SAID ALLEY WAS VACATED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL ON APRIL 20, 1981 ACCORDING TO RESOLUTION 26-81.

FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE CENTERLINE INTERSECTION OF SOUTHEAST 46TH LANE (60' WIDE) AND SOUTHEAST 9TH PLACE (60' WIDE) AS RECORDED IN PLAT BOOK 13, AT PAGES 1 THROUGH 6, AMONG THE PUBLIC RECORDS OF LEE COUNTY FLORIDA, THENCE RUN ALONG THE CENTERLINE OF SAID SOUTHEAST 9TH PLACE S00°01'58"W A DISTANCE OF 155.00 FEET; THENCE DEPART SAID CENTERLINE AND RUN S89°58'02"E FOR A DISTANCE OF 30.00 FEET TO THE SOUTHWEST CORNER OF LOT 12 OF SAID BLOCK 356, AS RECORDED IN SAID RECORDS, ALSO BEING THE POINT OF BEGINNING; THENCE RUN ALONG THE SOUTH LINE OF LOTS 2 THROUGH 12 OF SAID BLOCK 356, S89°58'02"E A DISTANCE OF 400.00 FEET TO A POINT OF CURVATURE, SAID POINT ALSO BEING THE MOST SOUTHEASTERLY CORNER OF LOT 2; THENCE CONTINUE 39.27 FEET ALONG THE ARC OF A CURVE TO THE LEFT AND CONCAVE TO THE NORTHWEST; HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'00" AND A CHORD OF 35.36 FEET TO BEAR N45°01'58"E TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF SOUTHEAST 10TH PLACE (60' WIDE) ALSO RECORDED IN SAID PLAT, SAID POINT ALSO BEING ON THE EAST LINE OF SAID LOT 2, OF BLOCK 356; THENCE CONTINUE ALONG SAID WEST RIGHT-OF-WAY LINE N00°01'58"E A DISTANCE OF 75.00 FEET TO A POINT OF CURVATURE; SAID POINT ALSO BEING ON THE EAST LINE OF LOT 1, OF SAID BLOCK 356; THENCE CONTINUE 39.27 FEET ALONG THE ARC OF A CURVE TO THE LEFT AND CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'00" AND A CHORD DISTANCE OF 35.36 FEET TO BEAR N44°58'02"W TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF AFOREMENTIONED SOUTHEAST 46TH LANE AND BEING A POINT OF CUSP FROM WHICH POINT A RADIAL LINE BEARS S00°01'58"W A DISTANCE OF 25.00 FEET; THENCE RUN ALONG A LINE EXTENDED THROUGH SAID SOUTH RIGHT-OF-WAY S89°58'02"E A DISTANCE OF 110.00 FEET TO A POINT OF CUSP FROM WHICH POINT A RADIAL LINE BEARS S00°01'58"W A DISTANCE OF 25.00 FEET, SAID POINT ALSO BEING THE MOST NORTHWESTERLY CORNER OF LOT 30, BLOCK 357 ALSO RECORDED IN SAID PLAT, AND ALSO BEING AN INTERSECTION WITH THE EAST RIGHT-OF-WAY OF SAID SOUTHEAST 10TH PLACE; THENCE RUN ALONG SAID EAST RIGHT-OF-WAY LINE 39.27 FEET ALONG THE ARC OF A CURVE TO THE LEFT

AND CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'00" AND A CHORD DISTANCE OF 35.36 FEET TO BEAR S45°01'58"W, SAID POINT ALSO BEING ON THE WEST LINE OF SAID LOT 30, BLOCK 357; THENCE CONTINUE ALONG SAID EAST RIGHT-OF-WAY LINE S00°01'58"W A DISTANCE OF 75.00 FEET TO A POINT OF CURVATURE; THENCE CONTINUE ALONG SAID EAST RIGHT-OF-WAY LINE 39.27 FEET ALONG THE ARC OF A CURVE TO THE LEFT AND CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'00" AND A CHORD DISTANCE OF 35.36 FEET TO BEAR S44°58'02"E TO THE MOST SOUTHWESTERLY CORNER OF LOT 29, BLOCK 357, ALSO RECORDED IN SAID PLAT; THENCE RUN ALONG THE SOUTH LINE OF LOTS 21 THROUGH 29, SAID BLOCK 357 S89°58'02"E A DISTANCE OF 355.00 FEET TO THE SOUTHEAST CORNER OF LOT 21 OF SAID BLOCK 357; SAID POINT ALSO BEING ON THE WEST RIGHT-OF-WAY OF SOUTHEAST 11TH PLACE, (60' WIDE), ALSO RECORDED IN SAID PLAT; THENCE RUN ALONG SAID WEST RIGHT-OF-WAY LINE S00°01'58"W A DISTANCE OF 25.00 FEET TO THE NORTHEAST CORNER OF LOT 20, BLOCK 357, ALSO RECORDED IN SAID PLAT; THENCE RUN ALONG THE NORTH LINE OF SAID LOT 20, BLOCK 357 N89°58'02"W A DISTANCE OF 125.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 20, BLOCK 357, THENCE RUN ALONG THE WEST LINE OF LOTS 11 THROUGH 20, BLOCK 357, ALSO RECORDED IN SAID PLAT; S00°01'58"W A DISTANCE OF 290.00 FEET TO THE SOUTHWEST CORNER OF LOT 11, BLOCK 357, ALSO RECORDED IN SAID PLAT; THENCE RUN ALONG THE SOUTH LINE OF SAID LOT 11, BLOCK 357 S89°58'02"E A DISTANCE OF 125.00 FEET TO THE SOUTHEAST CORNER OF LOT 11, SAID POINT ALSO BEING ON THE WEST RIGHT-OF-WAY OF AFOREMENTIONED SOUTHEAST 11TH PLACE THENCE RUN ALONG SAID WEST RIGHT-OF-WAY LINE S00°01'58"W A DISTANCE OF 25.00 FEET TO THE NORTHEAST CORNER OF LOT 10, BLOCK 357, ALSO RECORDED IN SAID PLAT; THENCE DEPART SAID WEST RIGHT-OF-WAY LINE AND RUN ALONG THE NORTH LINE OF LOTS 3 THROUGH 10 OF BLOCK 357, AS RECORDED IN SAID PLAT, N89°58'02"W A DISTANCE OF 240.00 FEET TO THE NORTHWEST CORNER OF LOT 3, BLOCK 357 AS RECORDED IN SAID PLAT; SAID POINT ALSO BEING THE NORTHEAST CORNER OF A 15.00 FOOT ALLEYWAY AS RECORDED IN SAID PLAT; THENCE DEPART SAID NORTH LINE AND RUN ALONG THE EAST LINE OF SAID ALLEYWAY S00°01'58"W A DISTANCE OF 125.00 FEET TO THE SOUTHEAST CORNER OF SAID 15.00 FOOT ALLEYWAY, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF SOUTHEAST 47TH TERRACE (60' WIDE) AS RECORDED IN SAID PLAT, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID LOT 3, BLOCK 357; THENCE RUN ALONG A LINE EXTENDED THROUGH SAID NORTH RIGHT-OF-WAY LINE N89°58'02"W A DISTANCE OF 15.00 FEET TO THE SOUTHWEST CORNER OF SAID 15.00 FOOT ALLEYWAY, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 2, BLOCK 357 OF SAID PLAT; THENCE DEPART SAID NORTH RIGHT-OF-WAY LINE, AND RUN ALONG THE WEST LINE OF SAID 15.00 FOOT ALLEYWAY N00°01'58"E A DISTANCE OF 125.00 FEET TO THE NORTHWEST CORNER OF SAID 15.00 FOOT ALLEYWAY, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 1, OF SAID BLOCK 357; THENCE RUN ALONG THE NORTH LINE OF SAID LOT 1 N89°58'02"W A DISTANCE OF 100.00 FEET TO A POINT OF CURVATURE, SAID POINT BEING THE MOST NORTHWESTERLY CORNER OF SAID LOT 1, BLOCK 357, SAID POINT ALSO BEING AN INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF AFOREMENTIONED SOUTHEAST 10TH PLACE (60' WIDE) THENCE RUN ALONG SAID EAST RIGHT-OF-WAY LINE 39.27 FEET ALONG THE ARC OF A CURVE TO THE LEFT AND CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'00" AND A CHORD DISTANCE OF 35.36 FEET TO BEAR S45°01'58"W; THENCE CONTINUE ALONG SAID EAST RIGHT-OF-WAY LINE S00°01'58"W A DISTANCE OF 75.00 FEET TO A POINT OF CURVATURE; THENCE CONTINUE 39.27 FEET ALONG THE ARC OF CURVE TO THE LEFT AND CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 25.00 FEET; A CENTRAL ANGLE OF 90°00'00" AND A CHORD DISTANCE OF 35.36 FEET TO BEAR S44°58'02"E TO A POINT OF CUSP FROM WHICH POINT A RADIAL LINE BEARS N00°01'58"E A DISTANCE OF 25.00 FEET, SAID POINT BEING AN

INTERSECTION WITH THE AFOREMENTIONED NORTH RIGHT-OF-WAY LINE OF SOUTHEAST 47TH TERRACE (60' WIDE), SAID POINT ALSO BEING THE MOST SOUTHWESTERLY CORNER OF LOT 2, OF SAID BLOCK 357; THENCE RUN ALONG A LINE EXTENDED THROUGH SAID NORTH RIGHT-OF-WAY LINE N89°58'02"W A DISTANCE OF 110.00 FEET TO A POINT OF CUSP, FROM WHICH POINT A RADIAL LINE BEARS N00°01'58"E A DISTANCE OF 25.00 FEET, SAID POINT BEING AN INTERSECTION WITH SAID WEST RIGHT-OF-WAY LINE OF SOUTHEAST 10TH PLACE; SAID POINT ALSO BEING THE MOST SOUTHEASTERLY CORNER OF LOT 33, BLOCK 356 AS RECORDED IN SAID PLAT, THENCE CONTINUE 39.27 FEET ALONG THE ARC OF A CURVE TO THE LEFT AND CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'00", AND A CHORD DISTANCE OF 35.36 FEET TO BEAR N45°01'58"E; THENCE CONTINUE ALONG SAID WEST RIGHT-OF-WAY LINE, N00°01'58"E A DISTANCE OF 75.00 FEET TO A POINT OF CURVATURE; THENCE CONTINUE 39.27 FEET ALONG THE ARC OF A CURVE TO THE LEFT AND CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'00", AND A CHORD DISTANCE OF 35.36 FEET, TO BEAR N44°58'02"W TO THE MOST NORTHEASTERLY CORNER OF LOT 34 OF SAID BLOCK 356, THENCE DEPART SAID WEST RIGHT-OF-WAY LINE, AND RUN ALONG THE NORTH LINE OF LOTS 23 THROUGH 32 AND LOT 34 N89°58'02"W A DISTANCE OF 400.00 FEET TO THE SOUTHWEST CORNER OF A 25.00 FOOT WALKWAY, RECORDED IN SAID PLAT, SAID POINT ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF AFOREMENTIONED SOUTHEAST 9TH PLACE (60' WIDE) AND ALSO BEING THE NORTHWEST CORNER OF LOT 23, OF SAID BLOCK 356; THENCE RUN ALONG SAID EAST RIGHT-OF-WAY LINE EXTENDED N00°01'58"E A DISTANCE OF 25.00 FEET TO THE NORTHWEST CORNER OF SAID 25.00 FOOT WALKWAY; SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 22 OF SAID BLOCK 356; THENCE DEPART SAID EAST RIGHT-OF-WAY LINE, AND RUN ALONG THE NORTH LINE OF SAID 25.00 FOOT WALKWAY S89°58'02"E, A DISTANCE OF 125.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 22, BLOCK 356; THENCE RUN ALONG THE EAST LINE OF LOTS 13 THROUGH 22 OF SAID BLOCK 356, N00°01'58"E, A DISTANCE OF 290.00 FEET TO THE SOUTHEAST CORNER OF A 25.00 FOOT WALKWAY, AS RECORDED IN SAID PLAT, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 13, OF SAID BLOCK 356; THENCE RUN ALONG THE SOUTH LINE OF SAID 25.00 FOOT WALKWAY N89°58'02"W A DISTANCE OF 125.00 FEET TO THE SOUTHWEST CORNER OF SAID 25.00 FOOT WALKWAY; SAID POINT ALSO BEING AN INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF AFOREMENTIONED SOUTHEAST 9TH PLACE AND THE NORTHWEST CORNER OF SAID LOT 13; THENCE RUN ALONG A LINE EXTENDED THROUGH SAID EAST RIGHT-OF-WAY LINE N00°01'58"E A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 5.4993 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD THEREOF.

BEARINGS SHOWN HEREON ARE BASED UPON THE STATE PLANE COORDINATE SYSTEM, FLORIDA WEST ZONE, NORTH AMERICAN DATUM 1983, 1990 ADJUSTMENT, VIA NATIONAL GEODETIC SURVEY HIGH ACCURACY REFERENCE NETWORK CONTROL POINTS "HOLT" AND "MARHENKE".

EXHIBIT B

LEGAL DESCRIPTION:

A PARCEL OF LAND FOR PARKING LOT, ALLEY, AND WALKWAY PURPOSES LYING IN THE NW1/4 OF SECTION 18, TOWNSHIP 45 SOUTH, RANGE 24 EAST, BEING A PORTION OF BLOCK G, CAPE CORAL SUBDIVISION, UNIT 6, PART 1, ACCORDING TO PLAT BOOK 11, PAGES 45 THROUGH 47, AND BLOCK 56-A; BLOCK 56-B; BLOCK 56-C, CAPE CORAL SUBDIVISION, UNIT 6, PART 3, ACCORDING TO PLAT BOOK 11, PAGES 70 THROUGH 79 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF SAID BLOCK G; BLOCK 56-A; BLOCK 56-B; BLOCK 56-C; LESS AND EXCEPTING THEREFROM; ALL OF LOTS 1 THROUGH 10; THE 15.00 FOOT WIDE ALLEY ADJOINING LOT 10; ALL WITHIN SAID BLOCK G, SAID ALLEY WAS VACATED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL ON NOVEMBER 22, 1976 ACCORDING TO RESOLUTION 117-76; TOGETHER WITH: ALL OF LOTS 11 THROUGH 14, SAID BLOCK 56-A; TOGETHER WITH: ALL OF LOTS 1 THROUGH 11, SAID BLOCK 56-B; A PORTION OF THE ADJOINING PARKING AREA VACATED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA ON JULY 21, 1982 ACCORDING TO RESOLUTION NUMBER 82-7-21 AND RECORDED IN OFFICIAL RECORDS BOOK 1628 AT PAGE 1116, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 78.5 FEET OF THE NORTH 193.00 FEET OF THE SOUTH 237.00 FEET OF THE PARKING AREA THAT LIES EAST AND CONTIGUOUS WITH BLOCK 56-B AND 44.00 FEET NORTH OF BLOCK 56-C, CAPE CORAL, UNIT SIX, PART THREE AS RECORDED IN PLAT BOOK 11 AT PAGES 70 THROUGH 79 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; SAID PARCEL ALSO BEING DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OF LOT 11 OF SAID BLOCK 56-B RUN NORTH ALONG THE EAST LINE OF SAID BLOCK 56-B FOR 19.0 FEET TO THE POINT OF BEGINNING. FROM SAID POINT OF BEGINNING CONTINUE NORTH ALONG SAID EAST LINE FOR 193.0 FEET; THENCE RUN EAST FOR 78.5 FEET; THENCE RUN SOUTH FOR 193.0 FEET; THENCE RUN WEST FOR 78.5 FEET TO THE POINT OF BEGINNING.

THE FOREGOING DESCRIBED PARCEL WAS VACATED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL ON JUNE 7, 1982 ACCORDING TO RESOLUTION 52-82;

TOGETHER WITH: ALL OF LOTS 1 THROUGH 10; THE 15.00 FOOT WIDE ALLEY ADJOINING LOT 10 AND LOTS 11-14 ALL WITHIN SAID BLOCK 56-C, SAID ALLEY WAS VACATED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL ON NOVEMBER 15, 2004 ACCORDING TO RESOLUTION 56-04.

FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF CAPE CORAL PARKWAY (100' WIDE) AND CANDIA STREET (60' WIDE) AS RECORDED IN PLAT BOOK 11 PAGES 45 THROUGH 47 AND PLAT BOOK 11 PAGES 70 THROUGH 79 AMONG THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THENCE RUN ALONG THE CENTERLINE OF CANDIA STREET (60' WIDE) S00°02'25"W A DISTANCE OF 188.38 FEET; THENCE DEPART SAID CENTERLINE AND RUN S89°57'35"E A DISTANCE OF 30.00 FEET TO THE SOUTHWEST CORNER OF LOT 1, BLOCK G, UNIT 6, PART 1, AS RECORDED IN PLAT BOOK 11, PAGES 45 THROUGH 47 AMONG THE PUBLIC RECORDS OF LEE COUNTY; THENCE RUN ALONG THE SOUTH LINE OF LOTS 1 THROUGH 10 OF SAID RECORDED

PLAT S89°57'35"E A DISTANCE OF 290.00 FEET TO THE SOUTHEAST CORNER OF A VACATED 15.00 FOOT ALLEYWAY, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 11, BLOCK 56-A, AS RECORDED IN PLAT BOOK 11, PAGES 70 THROUGH 79 AMONG THE PUBLIC RECORDS OF LEE COUNTY, THENCE CONTINUE ALONG THE SOUTH LINE OF SAID LOT 11, BLOCK 56-A S89°57'35"E A DISTANCE OF 110.00 FEET TO A POINT OF CURVATURE, SAID POINT ALSO BEING THE MOST SOUTHEASTERLY CORNER OF SAID LOT 11, BLOCK 56-A; THENCE CONTINUE 39.27 FEET ALONG THE ARC OF A CURVE TO THE LEFT AND CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'00" AND A CHORD DISTANCE OF 35.36 FEET TO BEAR N45°02'25"E TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF LEONARD STREET (60' WIDE) ALSO RECORDED IN SAID PLAT, AND BEING A POINT OF CUSP FROM WHICH POINT A RADIAL LINE BEARS N89°57'35"W A DISTANCE OF 25.00 FEET; THENCE RUN ALONG SAID WEST RIGHT-OF-WAY LINE (OR AN EXTENSION THEREOF) S00°02'25"W A DISTANCE OF 375.00 FEET TO A POINT OF CUSP FROM WHICH POINT A RADIAL LINE BEARS N89°57'35"W, A DISTANCE OF 25.00 FEET; THENCE CONTINUE ALONG SAID WEST RIGHT-OF-WAY LINE 39.27 FEET ALONG THE ARC OF A CURVE TO THE LEFT AND CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'00" AND A CHORD DISTANCE OF 35.36 FEET TO BEAR N44°57'35"W TO THE MOST NORTHEASTERLY CORNER OF LOT 14, BLOCK 56-C OF SAID PLAT; THENCE RUN ALONG THE NORTH LINE OF LOTS 14 AND 1 THROUGH 10 OF SAID PLAT N89°57'35"W A DISTANCE OF 400.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, SAID POINT BEING AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF AFOREMENTIONED CANDIA STREET, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF A 25.00 FOOT WALKWAY AS RECORDED IN SAID PLAT; THENCE RUN ALONG A LINE EXTENDED THROUGH SAID EAST RIGHT-OF-WAY LINE N00°02'25"E A DISTANCE OF 25.00 FEET TO THE NORTHWEST CORNER OF SAID 25.00 FOOT WALKWAY, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 11, BLOCK 56-B AS RECORDED IN SAID PLAT; THENCE DEPART SAID EAST RIGHT-OF-WAY AND RUN ALONG THE SOUTH LINE OF SAID LOT 11, BLOCK 56-B S89°57'35"E A DISTANCE OF 125.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 11, BLOCK 56-B; THENCE RUN ALONG THE EAST LINE OF SAID LOT 11, BLOCK 56-B N00°02'25"E A DISTANCE OF 19.00 FEET; THENCE DEPART THE EAST LINE OF BLOCK 56-B AND RUN THE FOLLOWING COURSES AND DISTANCES: S89°57'35"E A DISTANCE OF 78.50 FEET; THENCE N00°02'25"E A DISTANCE OF 193.00 FEET; THENCE N89°57'35"W A DISTANCE OF 78.50 FEET TO A POINT ON THE AFOREMENTIONED EAST LINE OF BLOCK 56-B, SAID POINT BEING 12.00 FEET NORTH OF THE SOUTHEAST CORNER OF LOT 3, BLOCK 56-B AS RECORDED IN SAID PLAT; THENCE RUN ALONG SAID EAST LINE N00°02'25"E A DISTANCE OF 63.00 FEET TO THE NORTHEAST CORNER OF LOT 1, BLOCK 56-B, AS RECORDED IN SAID PLAT; THENCE RUN ALONG THE NORTH LINE OF SAID LOT 1, BLOCK 56-B, N89°57'35"W A DISTANCE OF 125.00 FEET TO A POINT OF INTERSECTION WITH THE AFOREMENTIONED EAST RIGHT-OF-WAY LINE OF CANDIA STREET; SAID POINT BEING THE NORTHWEST CORNER OF SAID LOT 1, BLOCK 56-B, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF A 25.00 FOOT WALKWAY AS RECORDED IN SAID PLAT; THENCE RUN ALONG A LINE EXTENDED THROUGH SAID EAST RIGHT-OF-WAY N00°02'25"E A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 2.0401 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD THEREOF.

BEARINGS SHOWN HEREON ARE BASED UPON THE STATE PLANE COORDINATE SYSTEM, FLORIDA WEST ZONE, NORTH AMERICAN DATUM 1983, 1990 ADJUSTMENT, VIA NATIONAL GEODETIC SURVEY HIGH ACCURACY REFERENCE NETWORK CONTROL POINTS "HOLT" AND "MARHENKE".