

Lee County Board Of County Commissioners  
Agenda Item Summary

Blue Sheet No. 20051223

- 1. ACTION REQUESTED/PURPOSE:** Conduct a Public Hearing to adopt a Resolution on Petition to Vacate a 10-foot wide Public Utility Easement located at 9600 and 9650 Kelly Tractor Dr., Ft. Myers (Case No. VAC2005-00032).
- 2. WHAT ACTION ACCOMPLISHES:** To build a commercial project on the combined lots. The vacation of this easement will not alter existing utility conditions and the easement is not necessary to accommodate any future utility requirements.
- 3. MANAGEMENT RECOMMENDATION:** Approve

|   |  |  |  |                                  |  |
|---|--|--|--|----------------------------------|--|
| 4. Departmental Category:<br>COMMISSION DISTRICT #: 5 |  | 9:30 PM #4   |  | 5. Meeting Date:<br>11-22-2005   |  |
| 6. Agenda:  |  | 7. Requirement/Purpose: (specify)                        |  | 8. Request Initiated:            |  |
| <input type="checkbox"/> Consent                      |  | <input checked="" type="checkbox"/> Statute F.S. Ch. 177 |  | Commissioner                     |  |
| <input type="checkbox"/> Administrative               |  | <input type="checkbox"/> Ordinance                       |  | Department Community Development |  |
| <input type="checkbox"/> Appeals                      |  | <input checked="" type="checkbox"/> Admin. Code 13-1     |  | Division Development Services    |  |
| <input checked="" type="checkbox"/> Public            |  | <input type="checkbox"/> Other                           |  | By: <i>[Signature]</i> 8/31/05   |  |
| <input type="checkbox"/> Walk-On                      |  |  |  | Peter J. Eckenrode, Director     |  |

**9. Background:**

The completed petition to vacate, VAC2005-00032 was submitted by Jack Killmer acting as the agent on behalf of Kelly Tractor Company, a Florida Corporation.

**LOCATION:** The site is located at 9600 and 9650 Kelly Tractor Dr., Ft. Myers, Florida 33905 and its strap numbers are 10-44-25-08-00000.0080 and 0090. Petition No. VAC2005-00032 proposes to vacate a ten-foot (10') wide Public Utility Easement centered on the common line between Lots 8 and 9, Kelly Tractor, Section 10, Township 44 South, Range 25 East, as recorded in Plat Book 60, Page 19 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the North ten feet and South ten feet thereof.

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

There are no objections to this Petition to Vacate.

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

**10. Review for Scheduling:**

| Department Director  | Purchasing or Contracts | Human Resources | Other | County Attorney             | Budget Services    |                    |                    |                    | County Manager/P.W. Director |
|----------------------|-------------------------|-----------------|-------|-----------------------------|--------------------|--------------------|--------------------|--------------------|------------------------------|
|                      |                         |                 |       |                             | Analyst            | Risk               | Grants             | Mgrs               |                              |
| <i>Mumby (10/25)</i> |                         |                 |       | <i>John Killmer 9-28-05</i> | <i>[Signature]</i> | <i>[Signature]</i> | <i>[Signature]</i> | <i>[Signature]</i> | <i>HS 9/22/05</i>            |

**11. Commission Action:**

- Approved
- Deferred *as per letter to 11-22-05*
- Denied
- Other

|                               |                    |
|-------------------------------|--------------------|
| RECEIVED BY<br>COUNTY ADMIN   | <i>[Signature]</i> |
| 9-28-05                       |                    |
| 4:55                          |                    |
| COUNTY ADMIN<br>FORWARDED TO: | <i>[Signature]</i> |
| 9/28/05                       |                    |

|                    |
|--------------------|
| Rec. by CoAtty     |
| Date: 9-1-05       |
| Time: 9:10         |
| Forwarded To:      |
| <i>[Signature]</i> |
| 9/28/05 4:30 pm    |

RSK/ August 29, 2005



## PETITION TO VACATE

### TRANSMITTAL FOR PUBLIC NOTICE REQUIREMENTS

DATE: August 29, 2005

To: Patricia Geren  
Public Resources

FROM: Ron Wilson  
Development Services

BLUESHEET NUMBER: 20051223

CASE NUMBER: VAC2005-00032

#### Applicable Public Noticing Requirement:

PTV under AC13-1

1<sup>st</sup> Notice - 15 days prior to Public Hearing

2<sup>nd</sup> Notice - 7 days prior to Public Hearing

PTV under AC13-8

One Notice - 15 days prior to Public Hearing

Upon scheduling of Public Hearing date, please provide e-mail notice to Ron Wilson, Development Services ([rwilson@leegov.com](mailto:rwilson@leegov.com)) and Joan Henry, Assistant County Attorney ([jhenry@leegov.com](mailto:jhenry@leegov.com)).

# NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2005-00032

TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 22nd day of November 2005 @ 9:30AM in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider and take action on a Petition vacating the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A".

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

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

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

CHARLIE GREEN, CLERK

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

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

APPROVED AS TO FORM

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

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

**Exhibit "A"**  
**Petition to Vacate**  
**VAC2005-00032**  
[Page One of One]

Legal Description of a Portion of a  
**Public Utility Easement**  
to be Vacated

That portion of the ten-foot wide Public Utility Easement (labeled "5' & 5' F.P. & L. CO. E. & P.U.E.") centered on the common lot line between Lots 8 and 9, on the plat of Kelly Tractor Commerce Center, a subdivision in Section 10, Township 44 South, Range 25 East, Lee County, Florida, as recorded in Plat Book 60, Page 18 of the Public Records of Lee County, Florida;

**Less and Except** the northerly and southerly ten feet thereof.

THIS INSTRUMENT PREPARED BY:

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

**RESOLUTION NO. \_\_\_\_\_ FOR PETITION TO VACATE**

Case Number: VAC2005-00032

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

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

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

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

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

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

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

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

1. Petition to Vacate No. VAC2005-00032 is hereby granted.
2. The public's interest in the easement, plat or portion of a plat legally described in Exhibit "A" and graphically depicted in the sketch attached as Exhibit "B" is hereby vacated.
3. This Resolution will become effective upon recording of a fully executed copy in the public records of Lee County, Florida.

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

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

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

\_\_\_\_\_  
Chairman Signature

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

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

APPROVED AS TO FORM

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

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

Exhibit "A"  
Petition to Vacate  
VAC2005-00032

[Page One of One]

Legal Description of a Portion of a  
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**Less and Except** the northerly and southerly ten feet thereof.

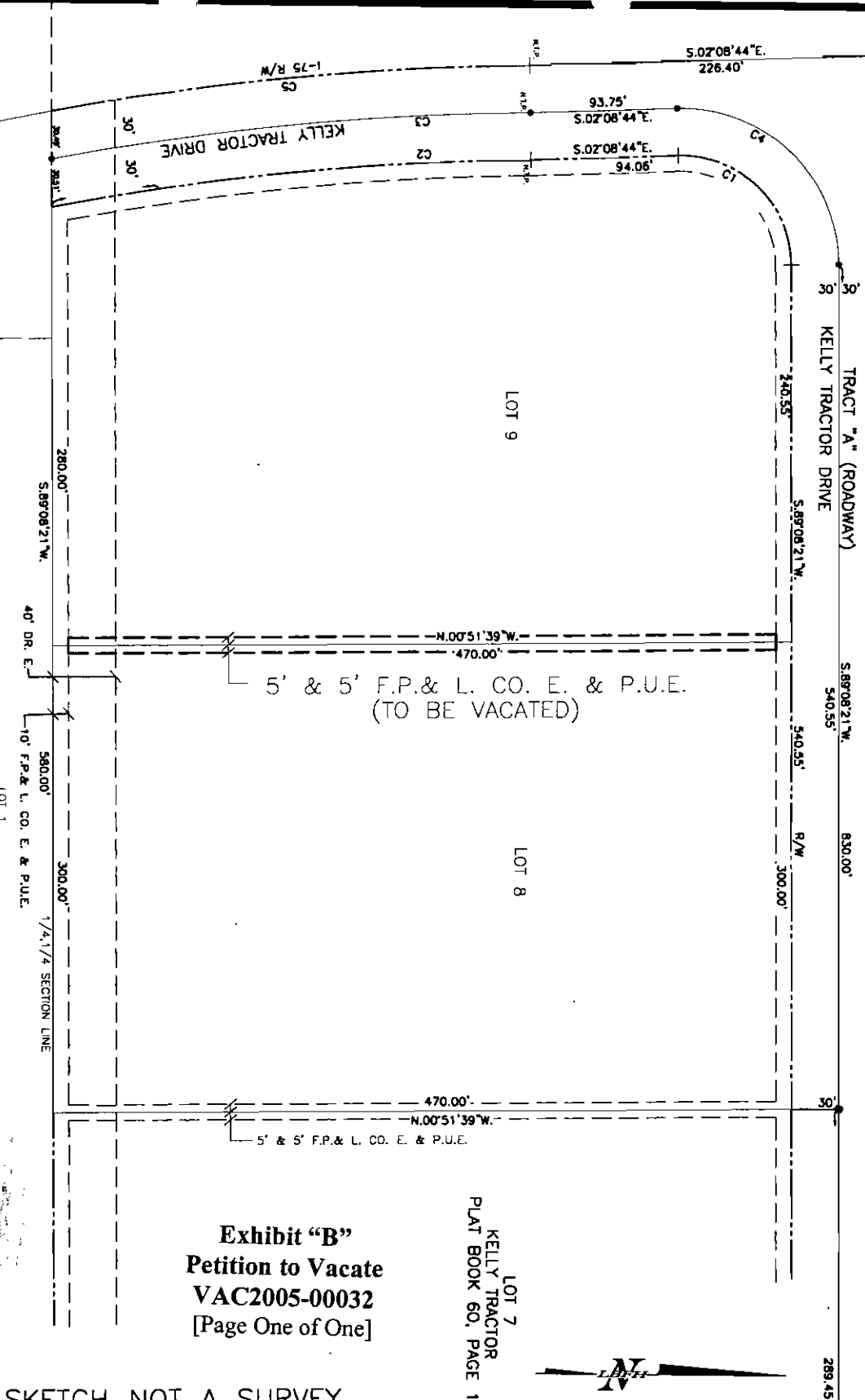
Drawing Name: P:\04-7049\Survey\Boundary\04-7049SK02vac.DWG  
 Deleted North and South 10 feet of easement to be vacated  
 RNSD 08/24/2005  
 Plotted by: Jim Syse - Date: 8/24/2005 - 10:18 AM - LBFH, Inc.

WAYCROSS  
 ROAD S.E.  
 B.F. INDUSTRIAL CENTER  
 P.B. 47, PGS. 91-92

**SURVEYOR NOTES:**

1. BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF KELLY TRACTOR DRIVE, BEING S.89°08'21"W, AS SHOWN ON THE PLAT OF KELLY TRACTOR, A SUBDIVISION AS RECORDED IN PLAT BOOK 60 AT PAGES 19-20 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
2. SUBJECT TO EXISTING EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD.
3. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A LICENSED SURVEYOR AND MAPPER.
4. SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION.

LOT 1  
 B.F. INDUSTRIAL CENTER  
 P.B. 47, PGS. 91-92



LOT 1  
 KELLY TRACTOR  
 PLAT BOOK 60, PAGE 19

- LEGEND**
- DR. E. L. CO. E. DRAINAGE EASEMENT
  - F.P. & L. CO. E. FLORIDA POWER & LIGHT COMPANY EASEMENT
  - N.T.P. NON TANGENT POINT
  - P.U.E. PUBLIC UTILITY EASEMENT
  - PLAT BOOK
  - PLATS
  - RIGHT OF WAY
  - R/W



**Exhibit "B"**  
**Petition to Vacate**  
**VAC2005-00032**  
 [Page One of One]

**SKETCH NOT A SURVEY**

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**Ink Engineering**  
 A Division of LBFH, Inc.

CONSULTING CIVIL ENGINEERS,  
 SURVEYORS & MAPPERS  
*"Partners For Results,  
 Value By Design"*

1400 Colonial Blvd, Suite 31, Fort Myers, Florida 33907  
 (239) 931-0455 Fax: (239) 931-0456  
 BPR & FBPE License No: 959 www.lbfh.com

|                  |
|------------------|
| Scale: 1" = 100' |
| Sheet 2 OF 2     |
| Computed: CP     |
| Checked: JDS     |

|   |                |             |  |
|---|----------------|-------------|--|
| PROJECT NAME: SKETCH NOT A SURVEY                       |                |             |  |
| F.P. & L. CO. & P.U.E. (TO BE VACATED)                  |                |             |  |
| LYING IN SEC. 10, TWP 44S, RGE 25E, LEE COUNTY, FLORIDA |                |             |  |
| Date  | FILE NO.       | Project No. |  |
| 8/1/2005  | 04-7049SK02vac | 04-7049     |  |





**PETITION TO VACATE (AC 13-1)**

Case Number: VAC 2005 - 00032

Petitioner(s), Kelly Tractor Co.  
requests the Board of County Commissioners of Lee County, Florida, to grant this Petition to Vacate and states as follows:

1. Petitioner(s) mailing address, 8255 NW 58th St. Miami, FL 33166
2. In accordance with Florida Statute (F.S.) Chapter 177 and Lee County Administrative Code (LCAC) 13-1, Petitioner desires to vacate the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A".
3. A sketch showing the area the Petitioner desires to vacate is attached as Exhibit "B".
4. Proof Petitioner paid all applicable state and county taxes is attached as Exhibit "C".
5. Petitioner is fee simple title holder to the underlying land sought to be vacated.
6. Petitioner did provide notice to all affected property owners concerning the intent of this Petition in accordance with the LCAC 13-1.
7. In accordance with letters of review and recommendation provided by various governmental and utility entities, it is apparent if the Board grants the Petitioner's request, it will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

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

Respectfully Submitted by:

J. Patrick Kelly, Pres.  
Petitioner Signature

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

L. Patrick Kelly, President  
Printed Name

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

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

LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as \_\_\_\_\_ Having Strap numbers 10-44-25-08-00000.0080 and 0090 \_\_\_\_\_ and legally described in exhibit A attached hereto.

The property described herein is the subject of an application for zoning or development. We hereby designate \_\_\_\_\_ Jack Killmer \_\_\_\_\_ as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

L. Patrick Kelly  
Owner\*(signature)

\_\_\_\_\_  
Owner\*(signature)

L. Patrick Kelly  
Printed Name  
PRESIDENT / DIRECTOR  
Kelly Tractor Co

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

\_\_\_\_\_  
Owner\*(signature)

\_\_\_\_\_  
Owner\*(signature)

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

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

\_\_\_\_\_  
Owner\*(signature)

\_\_\_\_\_  
Owner\*(signature)

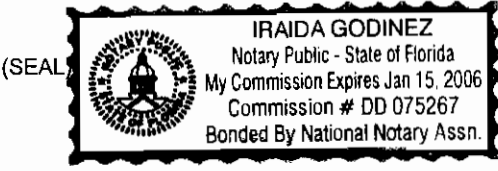
\_\_\_\_\_  
Printed Name

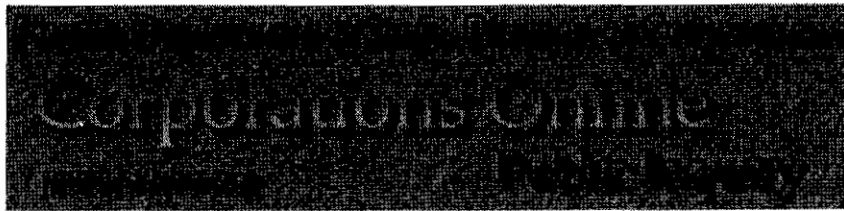
\_\_\_\_\_  
Printed Name

STATE OF FLORIDA  
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 26 day of JULY, 20005 by L. Patrick Kelly, who is personally known to me or who has produced \_\_\_\_\_ as identification and who did (did not) take an oath.

Iraida Godinez  
Notary Public  
IRAIDA GODINEZ  
(Name typed, printed or stamped)





**Florida Profit**

**KELLY TRACTOR CO**

**PRINCIPAL ADDRESS**

8255 N.W.58TH ST.  
 BOX 520775  
 MIAMI FL 33152  
 Changed 01/19/2000

**MAILING ADDRESS**

8255 N.W.58TH ST.  
 BOX 520775  
 MIAMI FL 33152  
 Changed 01/19/2000

**Document Number**  
 105832

**FEI Number**  
 590197630

**Date Filed**  
 11/30/1925

**State**  
 FL

**Status**  
 ACTIVE

**Effective Date**  
 NONE

**Last Event**  
 EVENT CONVERTED TO  
 NOTES

**Event Date Filed**  
 12/31/1987

**Event Effective Date**  
 NONE

**Registered Agent**

| Name & Address  |
|---|
| KELLY, NICHOLAS D.<br>8255 N.W. 58TH STREET<br>MIAMI FL 33166 |
| Name Changed: 02/24/1987                                      |

**Officer/Director Detail**

| Name & Address                                      | Title |
|---|-------|
| KELLY, NICHOLAS D.<br>8255 NW 58 STREET<br>MIAMI FL | SVD   |

|  |    |
|--|----|
| KELLY, MARJORIE<br>235 E ARCADE<br><br>CLEWISTON FL              | D  |
| KELLY, ROBERT W<br>136 W CIRCLE DIRVE<br><br>CLEWISTON FL        | D  |
| KELLY, LOYD G<br>11095 S W 53 AVE<br><br>MIAMI FL                | CD |
| KELLY, PATRICK L<br>2200 N GREENWAY DRIVE<br><br>CORAL GABLES FL | PD |
| JULIAN, K. DAVID<br>5421 SW 39 WAY<br><br>FT LAUDERDALE FL       | V  |

### Annual Reports

| Report Year | Filed Date |
|-------------|------------|
| 2003        | 01/14/2003 |
| 2004        | 01/27/2004 |
| 2005        | 01/18/2005 |

[Previous Filing](#)

[Return to List](#)

[Next Filing](#)

[View Events](#)  
[View Name History](#)

### Document Images

Listed below are the images available for this filing.

|   |
|---|
| <a href="#">01/18/2005 -- ANN REP/UNIFORM BUS REP</a>       |
| <a href="#">01/27/2004 -- ANN REP/UNIFORM BUS REP</a>       |
| <a href="#">01/14/2003 -- COR - ANN REP/UNIFORM BUS REP</a> |
| <a href="#">01/25/2002 -- ANN REP/UNIFORM BUS REP</a>       |
| <a href="#">01/16/2001 -- ANN REP/UNIFORM BUS REP</a>       |
| <a href="#">01/19/2000 -- ANN REP/UNIFORM BUS REP</a>       |
| <a href="#">02/21/1999 -- ANNUAL REPORT</a>                 |
| <a href="#">03/10/1998 -- ANNUAL REPORT</a>                 |
| <a href="#">01/22/1997 -- ANNUAL REPORT</a>                 |
| <a href="#">01/25/1996 -- 1996 ANNUAL REPORT</a>            |

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

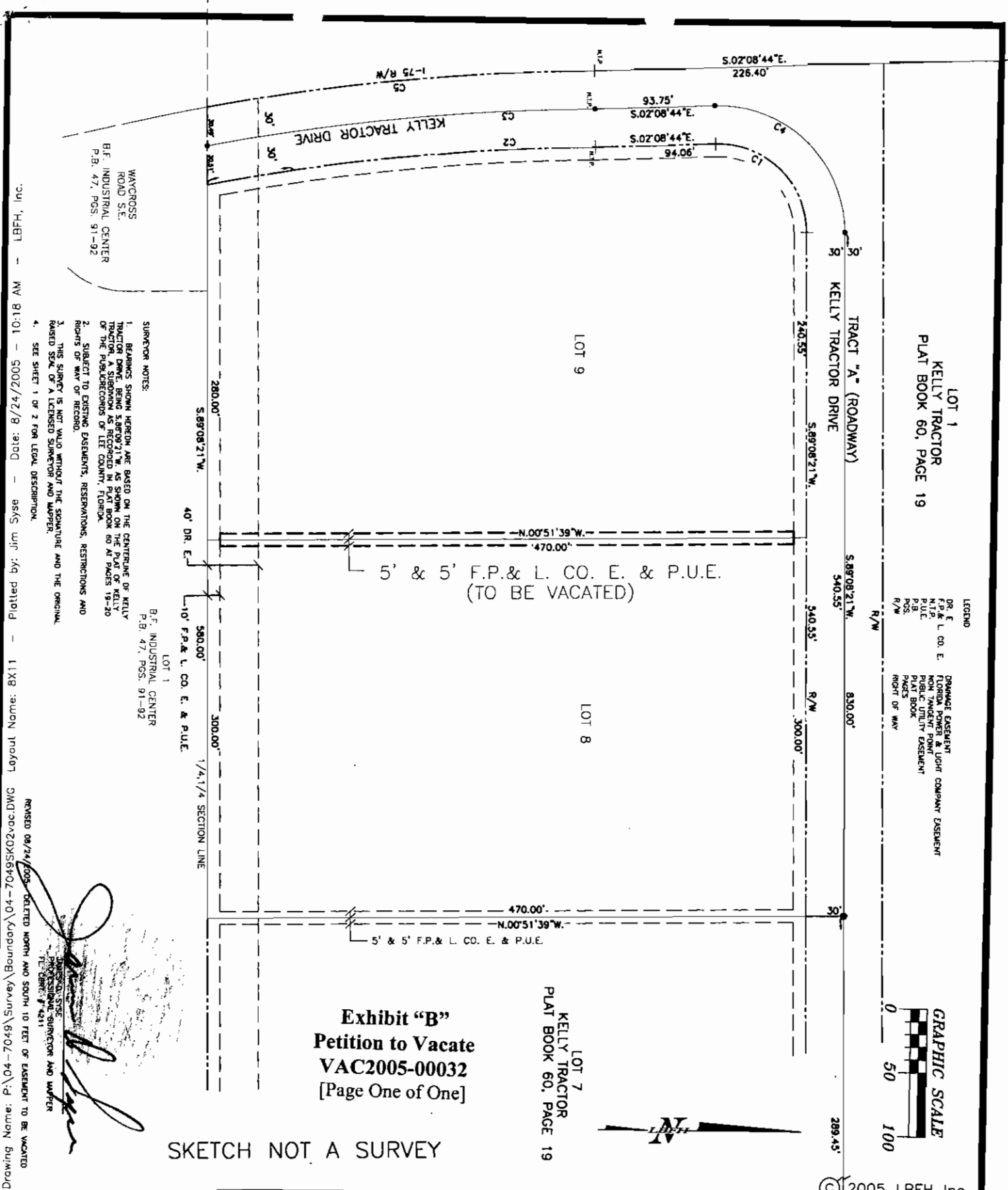
Exhibit "A"  
Petition to Vacate  
VAC2005-00032

[Page One of One]

Legal Description of a Portion of a  
**Public Utility Easement**  
to be Vacated

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**Less and Except** the northerly and southerly ten feet thereof.



LOT 1  
 KELLY TRACTOR  
 PLAT BOOK 60, PAGE 19

LEGEND  
 DR. E. L. CO. E. FLORIDA POWER & LIGHT COMPANY EASEMENT  
 F.P. & L. CO. E. NON TANGENT POINT  
 N.T.P. PUBLIC UTILITY EASEMENT  
 P.U.E. PLAT BOOK  
 R/W. RIGHT OF WAY



**Exhibit "B"**  
**Petition to Vacate**  
**VAC2005-00032**  
 [Page One of One]

SKETCH NOT A SURVEY

LOT 1  
 B.F. INDUSTRIAL CENTER  
 P.B. 47, PGS. 91-92

WAVECROSS  
 ROAD S.E.  
 B.F. INDUSTRIAL CENTER  
 P.B. 47, PGS. 91-92

SURVEYOR NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF KELLY TRACTOR DRIVE, BEING S.89°08'21"W. AS SHOWN ON THE PLAT OF KELLY TRACTOR, A SUBDIVISION AS RECORDED IN PLAT BOOK NO. 60 AT PAGES 19-20 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
2. SUBJECT TO EXISTING EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD.
3. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL POWERED SEAL OF A LICENSED SURVEYOR AND MAPPER.
4. SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION.

Drawing Name: P:\04-7049\Survey\Boundary\04-7049SK02vac.DWG  
 Layout Name: 8X11  
 Plotted by: Jim Syse  
 Date: 8/24/2005  
 10:18 AM  
 LBFH, Inc.

REVISED 08/24/2005 DELETED NORTH AND SOUTH 10 FEET OF EASEMENT TO BE VACATED  
 JIM SYSE  
 PROFESSIONAL SURVEYOR AND MAPPER  
 LICENSE NO. 4211

© 2005 LBFH Inc.

|  |   |  |  |                  |                            |                        |
|--|---|--|--|------------------|----------------------------|------------------------|
| <b>Ink Engineering</b><br>A Division of LBFH, Inc.<br>1400 Colonial Blvd, Suite 31, Fort Myers, Florida 33907<br>(239) 931-0455 Fax: (239) 931-0456<br>BPR & FBPE License No: 959 www.lbfh.com | CONSULTING CIVIL ENGINEERS,<br>SURVEYORS & MAPPERS<br><i>"Partners For Results,<br/>                 Value By Design"</i> | Scale: 1"=100'<br>Sheet 2 OF 2<br>Computed: CP<br>Checked: JDS | PROJECT NAME: SKETCH NOT A SURVEY<br>F.P. & L. CO. & P.U.E. (TO BE VACATED)<br>LYING IN SEC. 10, TWP 44S, RGE 25E, LEE COUNTY, FLORIDA | Date<br>8/1/2005 | FILE NO.<br>04-7049SK02vac | Project No.<br>04-7049 |
|--|---|--|--|------------------|----------------------------|------------------------|

**Exhibit "C"**  
**Petition to Vacate**  
**VAC2005-00032**  
[Page One of One]

| <b>Real Property Information</b>                      |   |               |
|---|---|---------------|
| <b>Account</b>  | <b>Tax Year</b>                                   | <b>Status</b> |
| 10-44-25-08-00000.0080                                | 2004  | PAID          |
| <b>Original Account</b>                               | <b>Book/Page</b>                                  |               |
| 10-44-25-08-00000.0080                                | 2165/3846   |               |
| <b>Owner</b>  |   |               |
| KELLY TRACTOR CO                                      |   |               |
| <b>Physical Address</b>                               | <b>Mailing Address</b>                            |               |
| 9650 KELLY TRACTOR DR<br>FT MYERS FL 33905            | 9651 KELLY TRACTOR DR<br>FT MYERS FL 33905<br>USA |               |
| <b>Legal Description</b>                              |   |               |
| KELLY TRACTOR COMMERCE CENTER PB 60 PGS 18 + 19 LOT 8 |   |               |
| <b>Outstanding Balance as of 8/3/2005</b>             |   | <b>\$0.00</b> |

| <b>Real Property Information</b>                      |   |               |
|---|---|---------------|
| <b>Account</b>  | <b>Tax Year</b>                                   | <b>Status</b> |
| 10-44-25-08-00000.0090                                | 2004  | PAID          |
| <b>Original Account</b>                               | <b>Book/Page</b>                                  |               |
| 10-44-25-08-00000.0090                                | 2165/3846   |               |
| <b>Owner</b>  |   |               |
| KELLY TRACTOR CO                                      |   |               |
| <b>Physical Address</b>                               | <b>Mailing Address</b>                            |               |
| 9600 KELLY TRACTOR DR<br>FT MYERS FL 33905            | 9651 KELLY TRACTOR DR<br>FT MYERS FL 33905<br>USA |               |
| <b>Legal Description</b>                              |   |               |
| KELLY TRACTOR COMMERCE CENTER PB 60 PGS 18 + 19 LOT 9 |   |               |
| <b>Outstanding Balance as of 8/3/2005</b>             |   | <b>\$0.00</b> |

9.30  
4537.50

The instrument prepared by and whose return it is:

JAMES C. JOHNSTON  
Attorney At Law  
1705 Colonial Blvd. - Suite C-2  
Fort Myers, Florida 33907

2732094

Property Appraiser:  
Name: L.D. No. \_\_\_\_\_

County Record Security No. \_\_\_\_\_

(Space Above This Line For Recording Date)

### Warranty Deed

This Warranty Deed, is executed and delivered the 9th day of February, 19 90 A.D., by  
Individually &  
CHARLES C. BUNDSCHU, JR., and HENRY VETTRAIANO, as Trustees

of the County of Lee, State of Florida, (the "GRANTOR"), to

where address is:  
KELLY TRACTOR CO.,  
a Florida Corporation  
8435 N.W. 54TH ST.  
MIAMI, FL 33152  
of the County of Lee, State of Florida, (the "GRANTEE").

Witnesseth, that the GRANTOR for TEN & NO/100'S (\$10.00) DOLLARS, and other good and valuable considerations paid to the GRANTOR by the GRANTEE, the receipt of which is hereby acknowledged, has granted, assigned and sold to the GRANTEE and the GRANTEE's heirs and assigns forever, the following described land, situated, lying and being in the County of Lee State of Florida to wit:

THE PROPERTY MORE PARTICULARLY  
DESCRIBED IN EXHIBITS "A" AND "B"  
WHICH ARE ATTACHED TO THIS DEED

4537.50  
W. J. Robinson

SUBJECT TO (1) Conditions, limitations, covenants, easements and restrictions of record, if any; (2) All tax and property taxes for the calendar year 19 90 and subsequent years and (3) Applicable zoning ordinances, rules and regulations.

And, the GRANTOR does hereby fully warrant the title to said land, and will defend it against lawful claims of all persons whatsoever.

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

Signed, sealed and delivered in our presence:

Charles C. Bundschu, Jr.  
Individually and as Trustee

CHARLES C. BUNDSCHU, JR.  
Individually and as Trustee

Signed, sealed and delivered in our presence:

Henry Vetraino  
Individually and as Trustee

HENRY VETTRAIANO  
Individually and as Trustee

OR 2127 882646



DR2127 PG2647

State Of Florida  
County Of Lee

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared **CHARLES C. BUNDSCHU, Individually and as Trustee** well known to me to be the person(s) described in and who executed the foregoing instrument and acknowledged before me that he executed same.

Witness my hand and official seal in the County and State last aforesaid this 7 day of February, 1990.

My Commission Expires 6/30/91

*[Signature]*  
Notary Public State of Florida

(Notary Seal)

State Of Kentucky  
County Of Jaylts

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared **HENRY VETRAINO, Individually and as Trustee** well known to me to be the person(s) described in and who executed the foregoing instrument and acknowledged before me that he executed same.

Witness my hand and official seal in the County and State last aforesaid this 5 day of February, 1990.

My Commission Expires 12-1-91

*[Signature]*  
Notary Public State of Florida

(Notary Seal)



OR2127 PG2648

LEGAL DESCRIPTION

TRACT A

Tract or parcel of land in the Southeast Quarter of Section 10, Township 44 South, Range 25 East, Lee County, Florida, which is described as follows:

From the Southeast corner of said Section; thence North 00°32'32" West along the East line of said Section for 1,323.36 feet; thence South 89°07'21" West along the Quarter-Quarter Section line for 661.94 feet to the Point of Beginning; thence North 00°34'49" West for 1,323.58 feet; thence South 89°09'18" West along the Quarter Section line for 1,302.08 feet; thence South 01°00'41" East for 640.0 feet; thence South 59°09'28" West for 170.40 feet; thence South 02°08'44" East along the Right-of-way of I-75 for 380.53 feet to the point of curvature of a curve to the left, having a radius of 1,740.86 feet and a delta angle of 10°01'51"; thence Southerly along the arc of said curve for 305.28 feet; thence North 88°08'21" East along said Quarter-Quarter Section line for 1,342.07 feet to the Point of Beginning.

EXHIBIT "A"





TRACT 3

DR2127 PG2649

Tract or parcel of land in the Southeast Quarter of Section 10, Township 44 South, Range 23 East, Lee County, Florida, which is described as follows:

From the Southeast corner of said Section 10; thence North 0°32'32" West along the East line of said Section 10 for 1323.36 feet; thence South 89°08'21" West along the Quarter-Quarter Section line of said Section 10 for 371.16 feet to the Point of Beginning. Thence continue South 89°08'21" West for 290.78 feet; thence North 0°34'49" West for 1323.58 feet; thence North 89°09'28" East along the Quarter Section line of said Section 10 and the southerly boundary of Country Lakes, Unit 1, a Subdivision, as recorded in Plat Book 36, Pages 11 through 13, of the Public Records of Lee County, Florida, for 371.70 feet; thence South 0°36'48" East along the Wagonway Right-of-way (40.0 feet from centerline) of Country Lakes Drive S.E., for 0.07 feet to the Point of Curvature of a curve to the right, radius 316.0 feet, delta angle 41°30'27"; thence Southwesterly along the arc of said curve for 124.58 feet to the Point of Tangency; thence South 40°33'39" West for 160.0 feet to the Point of Curvature of a curve to the left, radius 390.0 feet, delta angle 41°25'31"; thence Southwesterly along the arc of said curve for 221.09 feet to the Point of Tangency; thence South 0°32'32" East for 738.42 feet to the Point of Beginning.

Bearings are relative to said Plat of Country Lakes, Unit 1, Subdivision.

EXHIBIT "b"

FILED  
90 FEB -9 PM 4:32



REC 15.00  
DS 770.00

0R2165 PG3846

Return to: TERRY V. BROUGHTON  
Name: TERRY V. BROUGHTON  
Address: CONDOHOUSE BOX #38

Property Appraiser's  
Parcel Identification No. \_\_\_\_\_

This instrument was prepared by:  
Name: TERRY V. BROUGHTON, ESQ.  
Address: P.O. BOX 2306  
FOOT MYERS, FL 33902

2884556

Documentary Tax Pd. \$ 770.00  
Intangible Tax Pd. \_\_\_\_\_  
By: Charles Green County Clerk, III COUNTY

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

(Space above this line for recording data.)

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

This Indenture, made this \_\_\_\_\_ day of \_\_\_\_\_, 1990, Between  
EASTLAKE ASSOCIATES, LTD., a Florida limited partnership

of the County of Lee, State of Florida, grantor, and  
KELLY TRACTOR CO., a Florida corporation  
whose post office address is P.O. Box 520775, Miami, Florida 33152  
of the County of \_\_\_\_\_, State of Florida, grantor,

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

Exhibit A, attached.

The conveyance of the parcel described in Exhibit A is together with a drainage  
assessment over the parcel described in Exhibit B.

Subject to restrictions, reservations, and assessments of record, if any, and  
taxes for the years subsequent to 1989.

© 1989 VERIFIX - COUNCIL COUNTY, FLORIDA  
© BY: WEAVER PROPERTY

RECORDERS MEMO:  
COLOR OF INK USED TO SIGNATURES  
DOCUMENT UNSATISFACTORY FOR RECORDING  
FROM FILE

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:

[Signature]  
[Signature]

EASTLAKE ASSOCIATES, LTD., a Florida  
limited partnership (Seal)  
By: [Signature] (Seal)  
Chris Bunschu (also known as Charles C. Bunschu, III), president of Eastlake Development  
Company, Inc., an entity general partner (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  
Chris Bunschu (also known as Charles C. Bunschu, III), as president of Eastlake  
Development Company, Inc., an entity general partner of Eastlake Associates, Ltd.  
to me known to be the person(s) described in and who executed the foregoing instrument and acknowledged before me that  
he executed the same.  
WITNESS my hand and office and in the County and State last aforesaid this \_\_\_\_\_ day of July, 1990

My commission expires: \_\_\_\_\_  
Notary Public: [Signature] (Seal)

NOTARY PUBLIC STATE OF FLORIDA  
BY \_\_\_\_\_  
EXPIRES \_\_\_\_\_

202-74-222

02165 PG3847

EXHIBIT A

DESCRIPTION

TRACT OR PARCEL OF LAND IN THE NW 1/4 OF SE 1/4 OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA WHICH IS DESCRIBED AS FOLLOWS: FROM THE POINT OF COMMENCEMENT AT THE SOUTHEAST CORNER OF SAID SECTION; THENCE N.0°52'32"W. ALONG THE EAST LINE OF SAID SECTION FOR 1,223.36 FEET; THENCE S.89°08'21"W. ALONG THE 1/4-1/4 SECTION LINE FOR 2204.01 FEET TO A CURVE TO THE RIGHT, CONCAVE EASTERLY, RADIUS 1740.86 FEET, CENTRAL ANGLE 10°02'31", CHORD 304.89 FEET, CHORD BEARING N.07°10'10"W.; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE AND THE EASTERLY RIGHT OF WAY OF THE LIMITED ACCESS RIGHT OF WAY OF INTERSTATE I-75 TO THE POINT OF TANGENCY; THENCE N.02°08'44"W. FOR 380.33 FEET TO THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING; THENCE CONTINUE N.02°08'44"W. FOR 319.65 FEET; THENCE N.0°39'39"W. FOR 120.48 FEET; THENCE N.89°09'28"E. LEAVING SAID RIGHT OF WAY AND ALONG THE 1/4 SECTION LINE FOR 280.60 FEET; THENCE S.01°00'41"E. FOR 640.00 FEET; THENCE S.89°07'28"W. FOR 270.40 FEET TO THE POINT OF BEGINNING.

BEING PART OF LANDS RECORDED IN O.R. 1699, PAGE 2539 OF SAID PUBLIC RECORDS.

CONTAINING 4.0626 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, RIGHTS OF WAY OF RECORDS.

BEARINGS ARE RELATIVE TO THE SOUTH LINE OF COUNTRY LAKES SUBDIVISION, UNIT 1 BEING N.89°07'28"E.

002165 P63848

**EXHIBIT B**

**DESCRIPTION**

TRACT OR PARCEL OF LAND IN THE SW 1/4 OF  
 NE 1/4 OF SECTION 20, TOWNSHIP 44 SOUTH,  
 RANGE 20 WEST, LEE COUNTY, FLORIDA WHICH IS  
 DESCRIBED AS FOLLOWS: FROM THE POINT OF  
 COMMENCEMENT AT THE SOUTHWEST CORNER OF SAID  
 SECTION; THENCE N.0°52'32"W. ALONG THE EAST  
 LINE OF SAID SECTION FOR 1,223.36 FEET;  
 THENCE S.89°08'21"W. ALONG THE 1/4-1/4  
 SECTION LINE FOR 2204.01 FEET TO A CURVE TO  
 THE RIGHT, CONCAVE EASTWARD, RADIUS 1740.84  
 FEET, CENTRAL ANGLE 10°02'51", CHORD 304.89  
 FEET, CHORD BEARING N.07°10'10"W, THENCE  
 NORTHEAST ALONG THE ARC OF SAID CURVE AND  
 THE EASTERLY RIGHT OF WAY OF THE LIMITED  
 ACCESS RIGHT OF WAY OF INTERSTATE I-75  
 TO THE POINT OF TANGENCY; THENCE  
 N.02°08'22"W. FOR 900.18 FEET; THENCE  
 N.0°07'37"W. FOR 120.48 FEET TO THE POINT OF  
 BEGINNING;

FROM SAID POINT OF BEGINNING; CONTINUE  
 N.0°07'37"W. FOR 28.33 FEET; THENCE  
 N.47°13'09"E. ALONG THE SOUTHEASTERLY LINE  
 OF A FLORIDA POWER & LIGHT COMPANY  
 TRANSMISSION LINE EASEMENT AS RECORDED IN  
 DEED BOOK 230, PAGE 106 AND A DRAINAGE  
 EASEMENT AS RECORDED IN DEED BOOK 280, PAGE  
 301 OF THE PUBLIC RECORDS OF LEE COUNTY FOR  
 52.14 FEET; THENCE S.0°27'37"E. FOR 64.40  
 FEET; THENCE S.89°07'28"W. ALONG THE 1/4  
 SECTION LINE FOR 40.00 FEET TO THE POINT OF  
 BEGINNING.

BEING PART OF LANDS RECORDED IN O.R. 1477,  
 PAGE 2507 OF SAID PUBLIC RECORDS.

CONTAINING 1007 SQUARE FEET MORE OR LESS.

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

BEARINGS ARE RELATIVE TO THE SOUTH LINE OF  
 COUNTRY LAKES SUBDIVISION, UNIT 1 BEING  
 N.89°07'28"E.

CHARLES GREEN LEE CITY FL  
 90 JUN 31 PM 31 32

THIS DRAINAGE EASEMENT is subject to the following conditions:

1. The easement is a perpetual non-exclusive easement, and is part of the water management system for Eastlake and for Unit 1, Country Lakes Subdivision, as shown in Plat Book 28, Page 12, of the Public Records of Lee County, Florida ("Country Lakes").
2. Any party having the right to use the Drainage Easement shall also have the right, but not the obligation, to maintain the easement.
3. Holly shall have the right, but not the obligation, to construct a drainage easement maintenance access road in the westerly 20 feet of the Drainage Easement. If constructed, the maintenance road shall include culverts of sufficient capacity to accommodate the Eastlake and Country Lakes water management system at the point where that system flows into the Drainage Easement. The maintenance road shall not interfere with the function of the berm which is part of the water management system.
4. Eastlake shall have the right to construct a perimeter wall or fence around Eastlake's property, including that part of Eastlake's property within this easement provided that the wall or fence does not materially and adversely affect Holly's use of this easement, and provided that Eastlake constructs a gate within the easterly twenty feet of the easement sufficient to allow Holly access for maintenance of the easement.
5. If any action at law or in equity is brought to enforce or interpret the terms of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, costs and necessary disbursements in addition to any other relief to which such party may be entitled.

SALVARELLI, LEO  
 7/30/00



**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: \_\_\_\_\_  
**239-479-8585**

Bob Janes  
*District One*

Douglas R. St. Cerny  
*District Two*

Ray Judah  
*District Three*

Tammy Hall  
*District Four*

John E. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

Diana M. Parker  
*County Hearing Examiner*

**August 26, 2005**

**Jack Killmer  
Kelly Tractor Co.  
8255 NW 58<sup>th</sup> St.  
Miami, FL 33166**

**Re: VAC2005-00032 - Petition to Vacate** a 10-foot wide Public Utility Easement centered on the common line of lots 8 and 9, Kelly Tractor, S 10, T 44S, R 25E, as recorded in Plat Book 60, Page 19, in the public records of Lee County, FL

Dear Mr. Killmer:

You have indicated that in order to build a commercial project on the combined lots, you desire to eliminate the Public Utility Easement located between your two (2) lots. The site is located at 9600 and 9650 Kelly Tractor Dr., Fort Myers. Based on a review of the information provided and our subsequent research, this office has no objection to the proposed vacation.

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

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Development Services Division

Peter J. Eckenrode  
Director

PJE/RXW

U:\200508\20050706.145\0348120\DCDLETTER.DOC

# Ink Engineering

A Division of  
**LBFH, Inc.**

CIVIL  
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WATER RESOURCES  
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Fort Myers, FL 33907  
(239) 931-0455  
Fax: (239) 931-0456  
www.lbfh.com

August 8, 2005  
Job #04-7049

Department of Community Development  
P.O. Box 398  
Ft. Myers, FL 33902-0398

Attn: Ron Wilson

RE: Pantropic Power Products  
9651 Kelly Tractor Road.  
Section 10, township 44 south, range 22 east

Dear Mr. Wilson:

The Pantropic Power Products project is located in northeast Lee County, near I-75 and the Lockett Road exit. The project straddles lots 8 and 9 of the pre-platted Kelly Tractor subdivision. Strap numbers are 10-44-25-08-00000.0080 & 10-44-25-08-00000.0090 respectively.

Currently, a 10' public utility easement exists between lots 8 and 9. It is proposed that the easement be vacated so the lots can be combined into one for construction of the proposed project. The parcels are both owned by Kelly Tractor Company and are presently vacant. There are no existing utilities within the easement to be vacated and letters of no objection have been secured.

All additional items requested by the Development Services Division are included with this submittal.

Should you have any questions or require additional information please feel free to contact me.

Sincerely,



Peter Pellerito, P.E.

Enclosures: 10 pages  
cc: Jack Killmer, Kelly Tractor Co.

P:\04-7049\Permit\LDO-Combine Straps\04-7049 Letter Narrative.doc

**RECEIVED**  
AUG 10 2005

COMMUNITY DEVELOPMENT





Florida Power & Light Company

April 5, 2005

Ink Engineering  
Attention Michelle Salberg  
1400 Collonial Blvd Suite 31  
Fort Myers, FL 33907

Re: Proposed Vacation of Easement for 9651 Kelly Tractor Rd.

Dear Mrs Salberg,

FPL would have no objection to vacating the utility easements common to lot's 8 & 9  
Less the North 10' and the South 10' Thereof per your letter dated March 17, 2005.

If you have any question, please call me at (239) 332-9160.

Sincerely,

A handwritten signature in black ink, appearing to read "Roy Winfrey", written over a horizontal line.

Roy Winfrey  
Customer Project Manager



P. O. Box 370  
Fort Myers, FL 33902-0370

March 21, 2005

Ink Engineering  
1400 Colonial Blvd.  
Fort Myers Fl. 33907

Re: Requested vacation of Easement Memo Dated March 17, 2005 Job# 04-7049 / Pantropic Power Products

Dear Michelle

Sprint Florida has no objection to your proposed vacation as described in your attachments of the letter dated March 17, 2005.. If you have any further questions please contact me at 239-336-2032.

Sincerely

A handwritten signature in cursive script that reads "Rich".

Richard Hayman  
Sprint Florida LTD.

Cc: rt



**26930 Old US 41  
Bonita Springs, FL 34135  
Phone: 239-732-3805  
FAX: 239-498-4483**

June 10, 2005

Ink Engineering  
C/O Peter Pellerito  
1400 Colonial Bl # 31  
Ft Myers, Fl 33907

Re: 9650 Kelly Tractor Dr Lots 8 & 9 of  
Kelly Tractor Commerce Center  
Vacate Right-of-Way and/or Utility Easement

Dear Mr. Pellerito,

This letter will serve to inform you that Comcast has no objection to your proposed vacation of Right-of-way and/or Utility easement of the above referenced location.

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

Cordially,

A handwritten signature in cursive script that reads "Mark Cook".

Mark Cook  
Design Coordinator

VAC 2005-00032



June 10, 2005

Mr. Peter Pellerito  
Ink Engineering  
1400 Colonial Blvd  
Suite 31  
Fort Myers, Fla. 33907

RE: Vacation of drainage easement  
Pantropic Power Products – 9650 Kelly Tractor Drive, Fort Myers, Fla.

Dear Mr. Pellerito:

A request for the above listed vacation of drainage easement has been reviewed. At this time, Time Warner Cable has **NO CONFLICT** with this proposed vacation of easement.

If you have any further questions or concern, please do not hesitate to contact me at (239) 772-2218, Ext. 79247.

Sincerely,

TIME WARNER CABLE

A handwritten signature in black ink, appearing to read "O'Neil Walker".

O'Neil Walker  
Technical Field Inspector

OW/sgs

# AmeriGas

*America's Propane Company*

June 8, 2005

Peter Pellerito  
1400 Colonial Blvd Suite 31  
Fort Myers, FL 33907

Dear Mr. Pellerito:

The location of a public utility easement to be vacated pertaining to your letter dated June 01, 2005 is clear and there is no gas at the stated location: 9650 Kelly Tractor Dr. Fort Myers, FL 33905.

Please feel free to contact me at 239-334-2849, should you have further questions.

Sincerely,



Jim Riefstahl  
Sales & Service Manager

Bob Janes  
*District One*

March 23, 2004

Douglas R. St. Cerny  
*District Two*

Michelle Salberg  
1400 Colonial Blvd., Suite 31  
Fort Myers, FL 33907

Ray Judah  
*District Three*

Tammy Hall  
*District Four*

John E. Albion  
*District Five*

**SUBJECT: VACATION OF UTILITY AND/OR DRAINAGE EASEMENT**  
**STRAP #: 10-44-25-08-00000.0090**  
**10-44-25-08-00000.0080**

Donald D. Stilwell  
*County Manager*

David M. Owen  
*County Attorney*

Dear Ms. Salberg:

Diana M. Parker  
*County Hearing Examiner*

Lee County Utilities is in receipt of your letter and associated attachments concerning the proposed Petition to Vacate an existing utility and/or drainage easement located within Section 10, Township 44 South, Range 22 East, in the Kelly Tractor Commerce Center.

Lee County Utilities has reviewed your request and has ***NO OBJECTION*** to the proposed vacation. Even though the area in question is located within Lee County Utilities' service area, our records indicate that we have no potable water or sanitary sewer facilities within the area to be vacated.

If you should have any questions, or require further assistance, please do not hesitate to contact our office at 479-8181.

Sincerely,

**LEE COUNTY UTILITIES**

David Reycraft  
GIS Analyst  
Utilities Engineering Division

Original Mailed 03/23/04

cc: Correspondence File

H:\Vacates\Salberg03232005.doc



**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number **(239) 479-8124**

Bob Janes  
*District One*

**Monday, June 27, 2005**

Douglas R. St. Cerny  
*District Two*

Ray Judah  
*District Three*

Andrew W. Coy  
*District Four*

John E. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

Robert W. Gray  
*Deputy County Attorney*

Diana M. Parker  
*County Hearing Examiner*

**Mr. Peter Pellerito, P.E.  
Ink Engineering, Inc.  
1400 Colonial Boulevard, Suite 31  
Fort Myers, FL 33907**

**Re: Petition to Vacate a ten-foot (10') wide public utility and drainage easements centered on the common lot line of Lot 8 and 9, Kelly tractor Commerce Center Subdivision as recorded in Plat Book 60 at Page 19 of the Public Records of Lee County, Florida.**

Dear Mr. Pellerito:

Based on the review of the documents submitted with your request, Lee County Division of Natural Resources has no objection to the vacation of a the subject public utility and drainage easement.

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

Regards,

LEE COUNTY PUBLIC WORKS DEPARTMENT

Allen L. Davies, Jr.  
Natural Resources Division

S:\NATRES\SURFACE\DOCUMENT\vac494.doc

Bob Janes  
*District One*

Douglas R. St. Cerny  
*District Two*

Ray Judah  
*District Three*

Tammy Hall  
*District Four*

John E. Albion  
*District Five*

Donald D. Stilwell  
*County Manager*

David M. Owen  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

June 20, 2005

Mr. Peter Pellerito, P.E.  
Ink Engineering  
1400 Colonial Blvd., Suite 31  
Fort Myers, FL 33907

**RE: Petition to Vacate the utility and drainage easement  
On the lot line common to Lots 8 and 9, Kelly  
Tractor Commerce Center, Plat Book 60, page 16,  
Section 10, Township 44 South, Range 25 East**

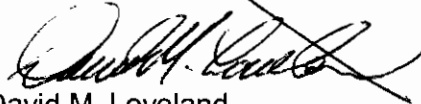
Dear Mr. Pellerito:

Lee County Department of Transportation has reviewed your request to vacate the above described easement. DOT has no facilities within the easement and does not maintain it.

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

Very truly yours,

DEPARTMENT OF TRANSPORTATION



David M. Loveland  
Manager, Transportation Planning

JMK/DML/mlb

cc: Ruth Keith, Development Services  
Allen Davies, Natural Resources  
DOT PTV File

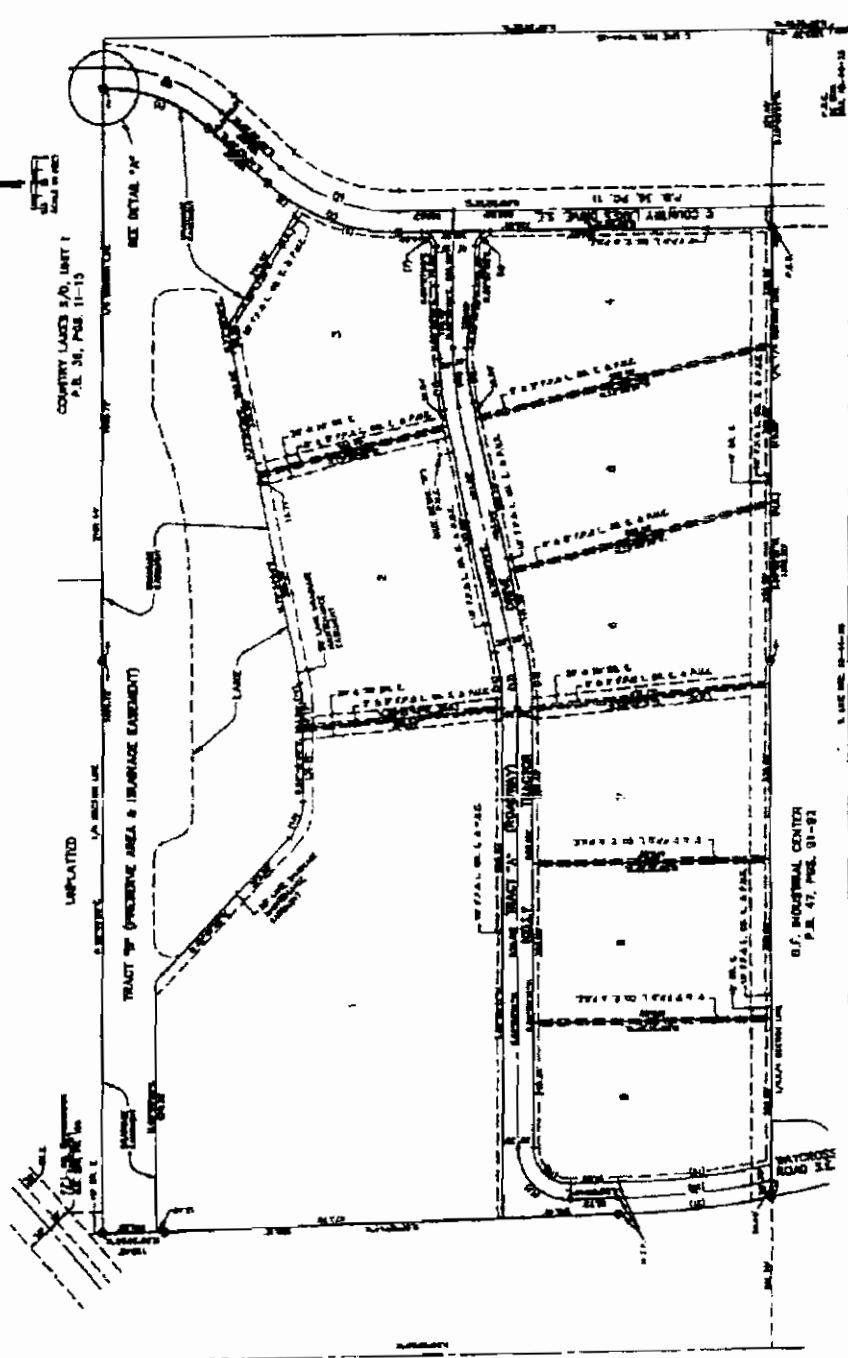


# KELLY TRACTOR COMMERCE CENTER

A SUBDIVISION IN  
SECTION 10, TOWNSHIP 44 S., RANGE 25 E.  
LEE COUNTY, FLORIDA

PLAT BOOK 62 PAGE 42

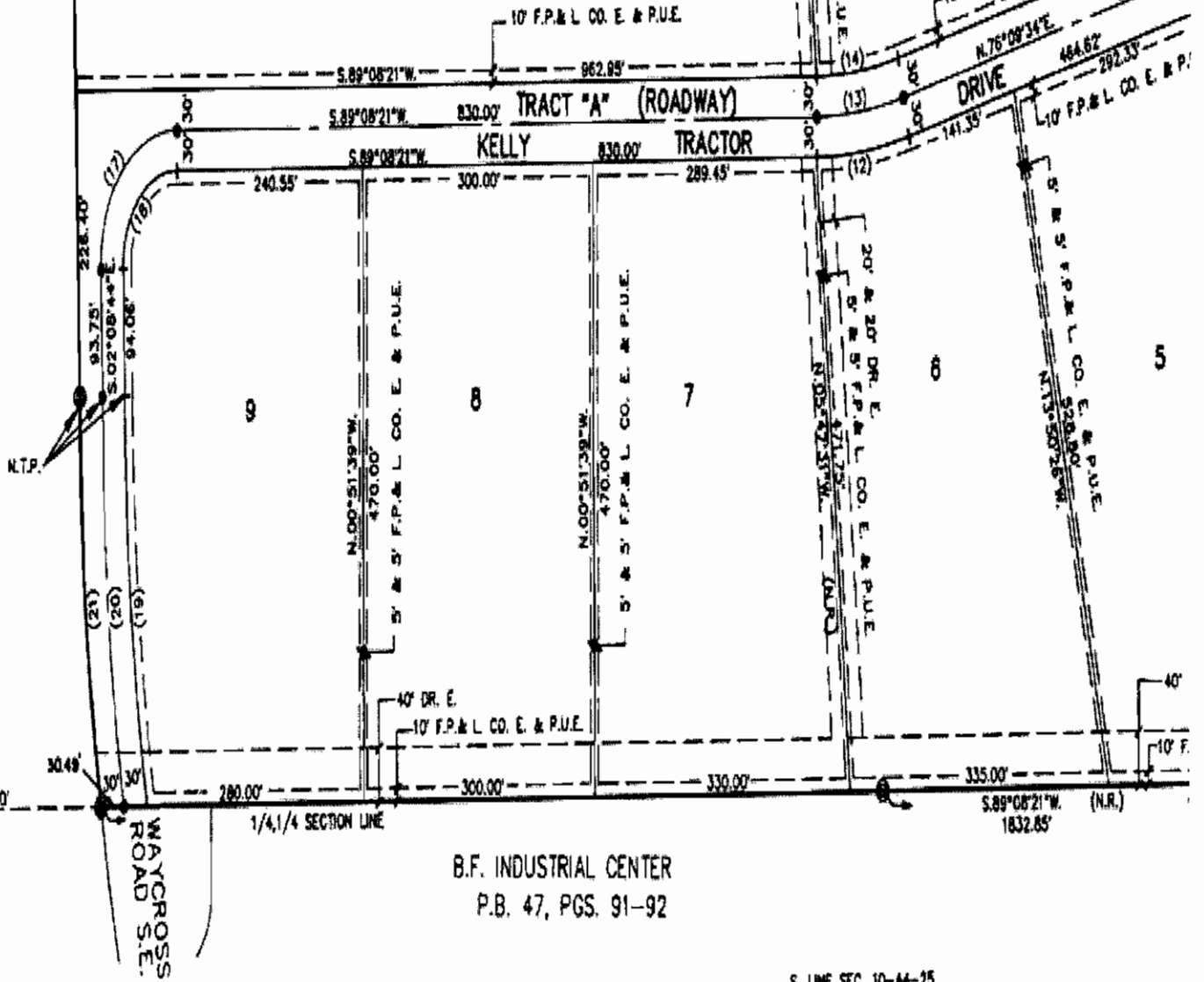
DATE: MAY 11, 1988  
BY: R&A  
FOR: THE STATE OF FLORIDA



CURVE TABLE

| STATION | CHORD BEARING   | CHORD DIST. | ARC DIST. | ANGLE |
|---------|-----------------|-------------|-----------|-------|
| 1+00.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 1+10.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 1+20.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 1+30.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 1+40.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 1+50.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 1+60.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 1+70.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 1+80.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 1+90.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 2+00.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 2+10.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 2+20.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 2+30.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 2+40.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 2+50.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 2+60.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 2+70.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 2+80.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 2+90.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 3+00.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 3+10.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 3+20.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 3+30.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 3+40.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 3+50.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 3+60.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 3+70.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 3+80.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 3+90.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 4+00.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 4+10.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 4+20.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 4+30.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 4+40.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 4+50.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 4+60.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 4+70.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 4+80.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 4+90.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 5+00.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 5+10.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 5+20.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 5+30.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 5+40.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 5+50.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 5+60.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 5+70.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 5+80.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |
| 5+90.00 | S 89° 58' 00" W | 100.00      | 100.00    | 90.00 |

INDUSTRIAL CENTER  
P.L. 47, PAGES 01-02



B.F. INDUSTRIAL CENTER  
P.B. 47, PGS. 91-92

SEWER FACILITIES BELONG  
FOR MAINTENANCE BY  
ANY PURCHASER OF  
SUBDIVISION IS ADVISED  
MAY BE SUBJECT TO  
CALLED UPON TO BEAR  
OR ALL OF THE EXPENSE  
CONSTRUCTION, MAINTENANCE  
IMPROVEMENT OF ROADS  
AND SEWER FACILITIES

SURVEYORS NOTES

1. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF COUNTRY LAKES SUBDIVISION, UNIT 1, BEING S.89°09'28" W., PLAT BOOK 38, PAGES 11 -15 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA
2. LINES INTERSECTING CURVES ARE RADIAL UNLESS OTHERWISE NOTED.

EASEMENT DESCRIPTIONS

PUBLIC UTILITY EASEMENTS ARE HEREBY GRANTED OVER, UNDER AND ACROSS THE FOLLOWING:

1. THAT STRIP OF LAND LYING 10 FEET OUTSIDE OF TRACT "A", (ROADWAY) ACROSS LOTS AND TRACTS.
2. THOSE STRIPS OF LAND OTHERWISE LABELED AS SUCH EASEMENTS ON THIS PLAT.
3. ALL PRIVATE ROADS (TRACT "A") ARE PUBLIC UTILITY EASEMENTS.

NOTICE

THERE MAY BE ADDITIONAL RESTRICTIONS TO THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS

APPROVALS

THIS PLAT IS ACCEPTED AND APPROVED BY THE BOARD OF COMMISSIONERS, LEE COUNTY, FLORIDA THIS 25th DAY OF August, 1997.

[Signature]  
CHAIRMAN OF THE BOARD  
PRINT NAME: BRYDEN W. COV

[Signature]  
CLERK OF THE BOARD  
PRINT NAME:

[Signature]  
COUNTY ATTORNEY  
PRINT NAME: JOHN J. FREDYMA

[Signature]  
DIRECTOR OF THE  
DIVISION  
PRINT NAME:

[Signature]  
DIRECTOR, DEPARTMENT OF

4227918

CLERK'S CERTIFICATE

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF KELLY TRACTOR COMMERCE CENTER A SUBDIVISION LOCATED IN SECTION 10, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, HAS BEEN EXAMINED BY ME AND FROM MY EXAMINATION I FIND THAT SAID PLAT COMPLIES WITH THE REQUIREMENTS OF CHAPTER 177, LAWS OF FLORIDA. I FURTHER CERTIFY THAT THIS PLAT WAS FILED FOR RECORD AT 3:57 P.M., THIS 25th DAY OF August, 1997 AND DULY RECORDED IN PLAT BOOK 471 AT PAGES 12 THROUGH 12, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

[Signature]  
CLERK OF CIRCUIT COURT IN  
AND FOR LEE COUNTY, FLORIDA



