

Date Critical

Lee County Board Of County Commissioners
Agenda Item Summary

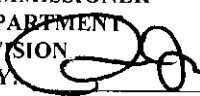
Blue Sheet No. 20021123

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition VAC2002-00031 to Vacate a 3.5' x 36' portion of a 15-foot Drainage Easement located in the West Bay Club Subdivision and adopt a Resolution setting a Public Hearing for 5:00 p.m. on the 12th day of November, 2002.

WHY ACTION IS NECESSARY: In order to complete construction of a pool deck. The vacation of the portion of the Drainage Easement is not necessary to accommodate any future drainage requirement.

WHAT ACTION ACCOMPLISHES: Sets the time and date of the Public Hearing.

2. <u>DEPARTMENTAL CATEGORY:</u> COMMISSION DISTRICT #: 3	04 Community Development C4C	3. <u>MEETING DATE:</u> 10-15-2002
4. <u>AGENDA:</u> X CONSENT ADMINISTRATIVE APPEALS PUBLIC WALK ON TIME REQUIRED:	5. <u>REQUIREMENT/PURPOSE:</u> (Specify) X STATUTE F.S. Ch. 177 ORDINANCE X ADMIN. CODE 13-1 OTHER	6. <u>REQUESTOR OF INFORMATION:</u> A. COMMISSIONER B. DEPARTMENT Community Development C. DIVISION Development Services BY:  10/3/02 Peter J. Eckenrode, Director

7. BACKGROUND:

The complete Petition to Vacate was submitted by Ms. Kelly Angus, Agent for Kingsley P. Wootten.

LOCATION: A 3.5' x 36' portion of a 15-foot wide Drainage Easement located on Lot 28, Block D, of the West Bay Club Subdivision, as recorded in Plat Book 62, Page 88 of the Public Records of Lee County, Florida and being more particularly described in the attached **Exhibit "A"**. The site is located at 22040 Red Laurel Lane, Estero, Florida, Section 05, Township 47 South, Range 25 East.

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

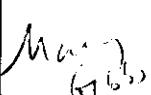
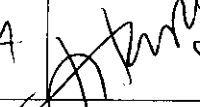
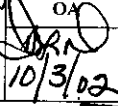
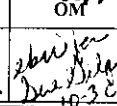
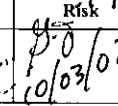

As a result of a signed and sealed survey prepared by a Professional Surveyor and Mapper showing the easement as a 10-foot wide Drainage Easement, a portion of the pool deck and spa was permitted in the Drainage Easement. When the mistake was discovered, construction on the pool deck was stopped. However, the pool and spa were already constructed. Development Services has contacted the design Engineer and vacating the 3.5' x 36' portion of this 15-foot Drainage Easement will not have any adverse effect to any future drainage needs.

There are no objections to this Petition to Vacate. Staff recommends the scheduling of the Public Hearing.

Attached to this Blue sheet is the Petition to Vacate, the Resolution to set the Public Hearing, the Notice of Public Hearing and Exhibit "A".

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services			G County Manager
					OM	Risk	GC	
	M/A	M/A	M/A					

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY
COUNTY ADMIN. **TD**
10/3 3:35
COUNTY ADMIN.
FORWARDED TO:
10/3 4:40

REC'D.
BY CO. ATTY
10/3/02
3:15 PM
CO. ATTY
FORWARDED TO:
Admin
10/3/02 3:25 PM

METRON
SURVEYING & MAPPING, LLC
LAND SURVEYORS • PLANNERS

LEGAL DESCRIPTION
OF A PARCEL LYING IN
SECTION 05, TOWNSHIP 47 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

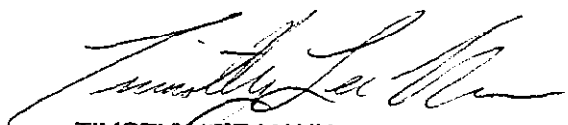
A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN LOT 28, BLOCK D, ACCORDING TO 'WEST BAY CLUB', AS RECORDED IN PLAT BOOK 62, AT PAGE 88 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SECTION 05, TOWNSHIP 47 SOUTH, RANGE 25 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 28, BLOCK D, ACCORDING TO 'WEST BAY CLUB', AS RECORDED IN PLAT BOOK 62, AT PAGE 88 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N.09°54'26"W. ALONG THE WESTERLY BOUNDARY LINE OF SAID LOT 28, BLOCK D, FOR A DISTANCE OF 36.00 FEET; THENCE DEPARTING FROM SAID WESTERLY LOT LINE, N.80°05'34"E. FOR A DISTANCE OF 11.51 FEET TO THE **POINT OF BEGINNING** OF THE PARCEL HEREIN DESCRIBED; THENCE N.04°22'23"W. FOR A DISTANCE OF 36.18 FEET; THENCE S.09°54'26"E. FOR A DISTANCE OF 36.35 FEET; THENCE S.85°37'36"W. FOR A DISTANCE OF 3.51 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 63.43 SQUARE FEET, MORE OR LESS.

BEARINGS SHOWN HEREON ARE BASED ON THE WESTERLY LOT LINE OF SAID LOT 28, BLOCK D, 'WEST BAY CLUB', AS RECORDED IN PLAT BOOK 62, AT PAGE 88 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING N.09°54'26"W.

MERIDIAN SURVEYING & MAPPING, LLC
FLORIDA CERTIFICATE OF AUTHORIZATION LB# 7071



TIMOTHY LEE MANN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5838

1269WBLOT28DSK.doc

SHEET 1 OF 2

RECEIVED

SEP 10 2002

COMMUNITY DEVELOPMENT

✓ AC 2002-00031

PETITION TO VACATE

Case Number: VAC: 2002 - 00031

Petitioner(s), Kingsley P. Wootton

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, 1699 Wildwood Trail, Saline, MI 48176
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: *Kingsley P. Wootton*
Petitioner Signature

Kingsley P. Wootton

Printed Name

By: _____
Petitioner Signature

Printed Name

LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT

The undersigned do hereby swear of affirm that they are the fee simple title holders and owners of Record of property commonly know as Lot 28, Block D, Laurel Oaks at West Bay Club 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 Kelly Angus of Lyons Housing Corp. 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 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.

Kingsley P. Wootton
Owner*

Kingsley P. Wootton
Printed Name

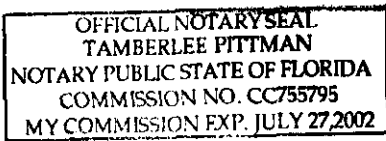
Owner*

Printed Name

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 4th day of June, 2002, by Kingsley Wootton, who is personally known to me or who has produced

as identification.



Tamberlee Pittman
Notary Public
Tamberlee Pittman
(Name typed, printed or stamped)

*If more than one owner then all owners must sign.

METRON
SURVEYING & MAPPING, LLC
LAND SURVEYORS • PLANNERS

LEGAL DESCRIPTION
OF A PARCEL LYING IN
SECTION 05, TOWNSHIP 47 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

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MERIDIAN SURVEYING & MAPPING, LLC
FLORIDA CERTIFICATE OF AUTHORIZATION LB# 7071



TIMOTHY LEE MANN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5838

1269WBLOT28DSK.doc

SHEET 1 OF 2

Exhibit "A"

RECEIVED

SEP 10 2002

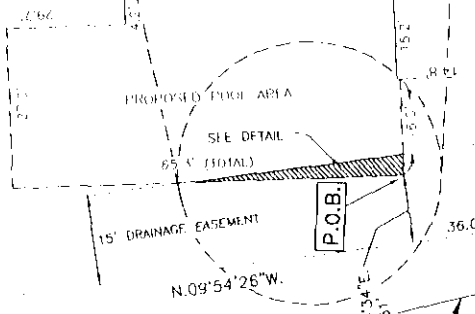
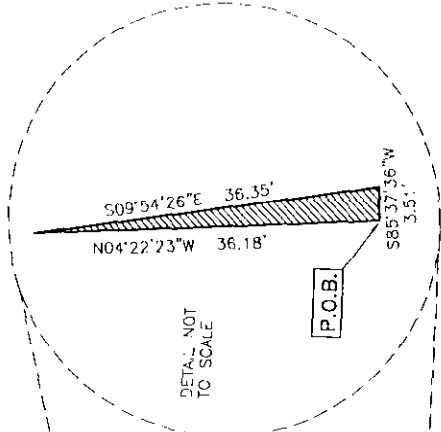
COMMUNITY DEVELOPMENT

19 2002 0051

RECEIVED
TRACT RD-5 (24" ASPHALT PAVEMENT)
RED LAUREL LANE (60' R/W)
SEP 10 2002
COMMUNITY DEVELOPMENT

SKETCH TO ACCOMPANY DESCRIPTION

* SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION *



P.O.C.
SOUTHWEST CORNER
OF LOT 28, BLOCK D,
WEST BAY CLUB, RECORDED
IN PLAT BOOK 62, PAGE 88
OF THE PUBLIC RECORDS OF
LEE COUNTY, FLORIDA.

LEGEND:
P.O.B. = POINT OF BEGINNING
P.C.C. = POINT OF COMMENCEMENT

* THIS IS NOT A SURVEY *

SKETCH OF DESCRIPTION

MERIDIAN
SURVEYING & MAPPING, LLC
LAND SURVEYORS-PLANNERS
LBM 7071

3245 RAMSEY WAY SUITE 42
FORT MYERS, FLORIDA 33907
PHONE: (813) 411-275-8875
FAX: (813) 411-275-8867
www.meridian.com

FILE NO.	1269H0102B0SK.DWG	FIELD BOOK/PAGE	N/A	PROJECT NO.	1269	SHEET	2 OF 2
DATE	8/4/02	SCALE	1" = 20'	CHECKED BY	T.M.	(DATE)	08-27-02

BY: *[Signature]*
TIMOTHY LEONARD
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5838
DATE SIGNED: *Sept 4, 02*

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

Exhibit "B"

COUNTY OF LEE: NOTICE OF AD VALOREM TAXES AND NON AD VALOREM ASSESSMENTS DUE FOR YEAR 2001
DUPLICATE

Discounts have been calculated, pay only one amt:	If Paid By Nov 30, 2001 0.00	If Paid By Dec 31, 2001 0.00	If Paid By Jan 31, 2002 0.00	If Paid By Feb 28, 2002 0.00	If Paid By Mar 31, 2002 0.00	Call for amt due after Mar 31, 2002
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020100 20019 054725070000D02802 0000000000 0000000000 00000000

MAKE CHECK PAYABLE TO: LEE COUNTY TAX COLLECTOR
 P O BOX 1809
 FT MYERS, FLORIDA 33902-1609

REAL PROPERTY

ACCOUNT & SITE ADDRESS

WOOTTON KINGSLEY P
 P O BOX 827
 SALINE MI 48176

05-47-25-07-0000D.0280
 22040 RED LAUREL LN

To pay by phone or confirm receipt of your payment call the automated tax system (841) 332-8731.

See insert for details. PIN Number: 01-00070496

PLEASE RETURN THIS PORTION WITH PAYMENT

COUNTY OF LEE: NOTICE OF AD VALOREM TAXES AND NON AD VALOREM ASSESSMENTS DUE FOR YEAR 2001

WOOTTON KINGSLEY P
 P O BOX 827
 SALINE MI 48176

DOR CODE: 00
 MORTGAGE CODE: 000
 DISTRICT CODE: 186

AD VALOREM TAXES			* See reverse side before calling		
MILL RATE	MULTIPLIER	TAXES LEVIED	TAXING AUTHORITY	TELEPHONE *	
.0043277	186000.00	804.95	LEE CO GEN REV	(941) 335-2221	
.0010124	186000.00	188.31	LEE CO CAP IMP	(941) 335-2221	
.0026080	186000.00	485.09	LOCAL SCHOOL	(941) 337-8215	
.0058700	186000.00	1091.82	STATE SCHOOL	(941) 337-8215	
.0012114	186000.00	225.32	LEE CO UNINCORP	(941) 335-2221	
.0017900	186000.00	332.94	ESTERO FIRE DIS	(941) 947-3473	
.0000358	186000.00	6.66	LEE CO HYACINTH	(941) 694-2174	
.0009630	186000.00	179.12	LEE CO LIBRARY	(941) 335-2221	
.0003595	186000.00	66.87	LEE CO MOSQUITO	(941) 694-2174	
.0001000	186000.00	18.60	SFL WTR MGT/EVR	(561) 682-6486	
.0000400	186000.00	7.44	W C INLD WATRWWY	(813) 485-9402	
.0000733	186000.00	13.63	LEE CO ALL/HAZS	(941) 335-2186	
.0005970	186000.00	111.04	SF WATR MGT DST	(561) 682-6486	

VALUES & EXEMPTIONS

MARKET ASSESSED VAL	186000
SOH ASSESSED VAL	186000
TAXABLE VAL	186000

REAL PROPERTY

LEGAL DESCRIPTION

WEST BAY CLUB PB 62 PGS
 79-111 BLK D LOT 28
 BOOK: 3365 PAGE: 4263

ACCOUNT & SITE ADDRESS

05-47-25-07-0000D.0280
 22040 RED LAUREL LN

"PAID"

3390.52 130624-140-1 11/27/2001

NON-AD VALOREM ASSESSMENTS					* See reverse side before calling				
RATE	BASIS	AMOUNT	LEVYING AUTHORITY	TELEPHONE *					
					D TOTAL				

The Tax Certificate Sale began on May 16, 2002. Certificates will be sold on all unpaid real estate taxes, resulting in additional charges. Contact the Tax Collector's Office at (841) 338-8000 if you have any questions.

Exhibit "C"

Received Time May 31 10:24 AM

RETAIN THIS PORTION FOR YOUR RECORDS

See reverse side for additional information.

Name and address changes must be mailed to:
Lee County Property Appraiser, PO Box 1546, Ft Myers, FL 33902-1546
or submit on-line to: www.leepa.org

Pay in U.S. funds drawn on a U.S. bank and return payment made payable to Lee County Tax Collector. Payments made to any other authority will be returned.

Please do NOT staple or paper clip your check to the payment portion being returned.

Please make sure that the Tax Collector's address on the reverse side is visible in the window of the return envelope.

KEEP THIS PORTION FOR YOUR RECORDS

AUTOMATED SYSTEM: To pay by phone or confirm receipt of payment call the automated tax system (941) 332-8731. Discover, Master Card or American Express will be accepted for payment of your taxes through the automated system. A convenience fee of 2% will be charged on the total amount due. You may access the automated system using your PIN Number: 01-00070495

PROPERTY SOLD: If this property has been sold, please forward this notice to the new owners or return it to the Lee County Tax Collector's Office.

RECEIPT OF NOTICE: If you have not received notices for all your Lee County properties, contact the Lee County Tax Collector's Office immediately.

TAXPAYER'S RESPONSIBILITIES: Taxpayers are responsible for determining when taxes are due and remitting payment prior to the date of delinquency. Taxes and assessments are due November 1 and become delinquent April 1 of the following year, at which time the law imposes the following interest rates:

Real Estate - 3% minimum mandatory charge plus advertising
Tangible Personal Property - 1 1/2% per month plus advertising and fees

Discounts and penalties are determined by postmark of payment. If the postmark indicates your payment was mailed on or after APRIL 1 (delinquent date), the amount due is determined by the date received by the Tax Collector. Delinquent payments must be remitted in certified U.S. funds drawn on a U.S. bank.

ASSESSMENT PERIODS: Ad valorem taxes - January 1 through December 31 for the tax year specified on this notice
Non ad valorem assessments - vary depending on the levying authority

TAX SALE: Certificates will be sold on all unpaid real estate taxes on or before June 1, resulting in additional charges.

TAX WARRANTS: Warrants will be issued on unpaid personal property taxes, resulting in additional charges.

TAX COLLECTOR: The Tax Collector's Office is responsible for mailing tax notices and collection pursuant to Florida Statute 197.332. Questions concerning payment of taxes, contact the Lee County Tax Collector at (941) 339-6000 or www.leetc.com.

PROPERTY APPRAISER: Questions relating to exemptions, assessed owner(s) name and address, change of mailing address, legal description, assessed or taxable value, contact the Lee County Property Appraiser at PO Box 1546, Ft Myers, FL 33902, (941) 339-8100 or www.leepa.org.

AD VALOREM TAXING AUTHORITIES: Questions relating to millage or taxes levied, contact taxing authority on reverse side.

NON AD VALOREM ASSESSMENTS: Questions relating to assessments, contact levying authority on reverse side.

SPECIAL NOTICE: Pursuant to Florida Statute 590.125, be advised the Florida Division of Forestry will be control burning selected parcels in the following townships to reduce fire hazard and establish fuel continuity breaks between 1/1 - 12/31, T43S R22E, T43S R23S, T44S R20E, T44S R21E, T44S R22E, T44S R26E, T44S R27E, T45S R22E, T45S R26E, T45S R27E. For more information call (941) 894-2181.

NOTICE OF RIGHT TO PREPAY NEXT YEAR'S TAX BY INSTALLMENT METHOD - You may obtain an application form to prepay next year's taxes by contacting the Lee County Tax Collector's Office at (941) 339-6000 or www.leetc.com. Application must be made prior to May 1 of the taxable year. Your taxes must be at least \$100 to qualify. Reapplication is not necessary if you participate in the plan for the current year.

SCHEDULE OF DISCOUNTS: 4% if paid in November, 3% if paid in December, 2% if paid in January, 1% if paid in February, 0% if paid in March

Received Time May.31. 10:24AM

INSTR # 5067060
OR BK 03365 PG 4263

RECORDED 02/19/01 11:10 AM
CHARLIE GREEN CLERK OF COURT
LEE COUNTY
RECORDING FEE 15.00
DOC TAX PD (F.S. 201.02) 1,855.00
DEPUTY CLERK A Janke

Prepared by and return to:
Denis H. Noah, Esq.
HENDERSON, FRANKLIN, STARNES & HOLT, P.A.
1715 Monroe St. P. O. Box 280
Fort Myers, Florida 33902

File Number: DHN WB WOOTON

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Special Warranty Deed

This Special Warranty Deed made this 15th day of February, 2001 between WEST BAY CLUB DEVELOPMENT CORPORATION, a Florida corporation whose post office address is 22051 Atlantic Gulf Blvd., Estero, Florida 33928, grantor, and KINGSLEY P. WOOTON, a single man whose post office address is P. O. Box 827, Saline, Michigan 48176, grantee:

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

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) 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, (the "Land") situate, lying and being in Lee County, Florida to-wit:

Lot 28, Block D, WEST BAY CLUB, according to the Plat thereof, recorded in Plat Book 62, pages 79 through 111, of the Public Records of Lee County, Florida.

Parcel Identification Number: 05-47-25-07-0000D.0280

Subject to the following encumbrances and restrictions: (i) those matters set forth on Exhibit "A" attached hereto and made a part hereof; (ii) ad valorem real estate taxes and assessments for the year 2001 and subsequent years; (iii) all applicable laws, ordinances and governmental regulations, including, but not limited to, all applicable building, zoning, land use and environmental ordinances and regulations; (iv) matters which would be disclosed by an accurate survey of the land; (v) all matters, restrictions, easements, limitations, reservations, covenants of record and outstanding oil, gas and mineral interests, if any, but this reference shall not operate to reimpose same; and (vi) all matters common to the West Bay Club Subdivision.

By recording of this Special Warranty Deed, grantee hereby acknowledges and agrees that the Land shall be subject to the architectural review and construction deadline restrictions as set forth in that certain Lot Purchase Agreement dated January 8, 2001 by and between grantor and grantee (the "Restrictions") which shall run with and bind the Land until such time as the improvements upon the Land have been completed and a certificate of occupancy has been issued therefor. Upon the issuance of the certificate of occupancy, the Restrictions shall automatically terminate and shall be of no further force or effect.

In the event of a breach of the Restrictions, in addition to all other rights and remedies available to grantor, at law or in equity, grantor shall be entitled to injunctive relief without posting a bond therefor. Grantor shall also be entitled to recover all costs, including attorneys' fees and costs (at all trial and appellate levels), which grantor incurs in connection with any litigation arising from the enforcement of the Restrictions.

To Have and to Hold unto the grantee and grantee's successors and assigns the same in fee simple forever.

Grantor hereby specially warrants the title to the Land subject to the foregoing matters and will defend the same against the lawful claims of all persons claiming by, through or under grantor, but against no others.

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:

WEST BAY CLUB DEVELOPMENT CORPORATION
a Florida corporation

Sheldon B. Matzick
Witness Name: Sheldon B. Matzick

By: Frank Weed
FRANK WEED
President

Jaime Moore
Witness Name: Jaime Moore

(Corporate Seal)

State of Florida
County of Lee

The foregoing instrument was acknowledged before me this 5th day of February, 2001 by FRANK WEED, President of WEST BAY CLUB DEVELOPMENT CORPORATION, a Florida corporation, on behalf of the corporation. He is personally known to me or has produced _____ as identification.

[Notary Seal]



Sheldon B. Matzick
Notary Public

Printed Name: Sheldon B. Matzick

My Commission Expires: 7/25/04

DR BK 03365 PG 4264

EXHIBIT "A" (PERMITTED EXCEPTIONS)

The lien of all taxes for the year 2001 and thereafter, which are not yet due and payable.

Terms, covenants, conditions, restrictions, easements, assessments and possible liens created by and set forth in the Master Declaration for West Bay Club recorded in O.R. Book 3064, page 1050; as amended by First Amendment recorded in O.R. Book 3064, page 1108, as further amended by Second Amendment recorded in O.R. Book 3105, page 619, as further amended by Amendment recorded in O.R. Book 3113, page 2140, as further amended by instrument recorded in O.R. Book 3279, page 1383, as further amended by Amendment recorded in O.R. Book 3350, page 4229, and as further modified by instrument recorded in O.R. Book 3357, page 99 all of the Public Records of Lee County, Florida

Covenant of Unified Control recorded in O.R. Book 2703, page 3902, Public Records of Lee County, Florida.

Notice of Development Order Approval recorded in O.R. Book 2982, page 2466, Public Records of Lee county, Florida.

Utility, drainage, lake maintenance, conservation easements, building setback lines and dedications contained on the plat of West Bay Club filed in Plat Book 62, pages 79 through 111, Public Records of Lee County, Florida, including, without limitation, a public utility easement over the front ten (10') feet of the property and a drainage easement over the rear fifteen (15') feet of the property.

Access to lands is partially by way of the Modified Sovereign Submerged Lands Easement recorded in O.R. Book 2987, page 3128, Public Records of Lee County, Florida.

Cable Service Easement recorded in O.R. Book 3071, page 2094, Public Records of Lee County, Florida.

Lee County Ordinance No. 86-14 pertaining to garbage and solid waste collection recorded in O.R. Book 2189, page 3281; amended by Lee County Ordinance No. 86-38 recorded in O.R. Book 2189, page 3334, Public Records of Lee County, Florida.

Lee County Zoning Resolution Z-96-005 approving rezoning and Master Concept for West Bay Club Subdivision.

OR BK 03265 PG 4255

20126

REC'D MAY 24 2002

Architectural Review Committee
4600 West Bay Blvd.
Estero, FL 33928
Telephone (941) 948-3486
Fax (941) 948-3722

May 21, 2002

Ms. Mary Tippit
Arthur Rutenberg Homes
Lyons Housing Corporation
12220 Towne Lake Drive, Suite 1
Fort Myers, FL 33913

Re: Laurel Oaks, Lot 28

Dear Ms. Tippit:

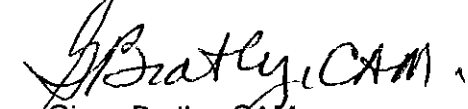
Mr. Lynnwood Wright forwarded your memo to the Architectural Review Committee. The ARC met on May 21, 2002 and reviewed the information. The plan showed the placement of the proposed construction but no dimensions to the property line were indicated.

Drainage easements do not come under the jurisdiction of the Architectural Review Committee, however, the deviation would be acceptable pending approval by the appropriate Lee County agencies.

PLEASE NOTE: Plat 62, page 88, indicates a 15-foot drainage easement on Lot 28.

Thank you for your cooperation in the design review process.

Sincerely,


Ginny Bratby, CAM
ARC Administrator
West Bay Club

cc: Kingsley Wooton



26430 Old Us 41
Bonita Springs, Florida 34135
Fax: 1-941-947-7345

May 30, 2002

REC'D JUN 03 2002

Ms. Kelly Angus
Lyons Housing Corp.
12220 Towne Lake Drive, Suite 1
Fort Myers, FL 33913

Re: Request for a letter of Review and Recommendation on proposed
Easement vacation located on the following:
Strap No. 05-47-25-07-0000D.0280, 22040 Red Laurel Lane

Dear Ms. Angus:

Florida Power & Light Company has no objection to the vacation of the 15-foot wide Drainage Easement described in your letter dated May 30, 2002.

If you have any questions, please contact me at 941-947-7340.

Sincerely,

Mona Beach
Customer Project Manager

cc:file



REC'D JUN 07 2002

Box 2469
Naples, FL 34106-2469

June 5, 2002

Ms Kelly Angus
Arthur Rutenberg Homes
12220 Towne Lake Drive - Suite 1
Fort Myers, Florida 33913

RE: Petition to Vacate - Drainage Easment
22040 Red Laurel Lane
Sec 05 Twp 47S Rng 25E County - Lee

Dear Ms Angus:

Sprint-Florida, Inc. has no objection to your petition to vacate the easement described on the attached letter.

If I can be of any further assistance, please contact me at 239-263-6342.

Sincerely,


A handwritten signature in cursive script, appearing to read "John T. Reynolds".

John T. Reynolds
Network Engineer I - E&C

JTR:ns

Attach.

cc: Easement File
Chron File

Arthur  Rutenberg Homes

May 30, 2002

John Reynolds
Sprint
P.O. Box 2469
Naples, FL 34106-2469
263-6208
Fax: 263-0289

RE: Request for a letter of Review and Recommendation on a proposed easement vacation located on the following:
Strap No. 05-47-25-07-0000D.0280, 22040 Red Laurel Lane

To Whom It May Concern:

We intend to submit a Petition to the Lee County Board of Commissioners seeking to vacate the drainage easement on the property above. We have included a site plan with the easement clearly marked and more particularly described as follows:

A 15-foot wide Drainage Easement located at the rear of the property. Lot 28, Block D, Laurel Oaks at West Bay Club, Plat 62, Pages 79-111.

Please provide us with a letter of review and recommendation so we can proceed with our Petition submittal. If you have any questions, please do not hesitate to contact us directly and thank you in advance for you consideration.

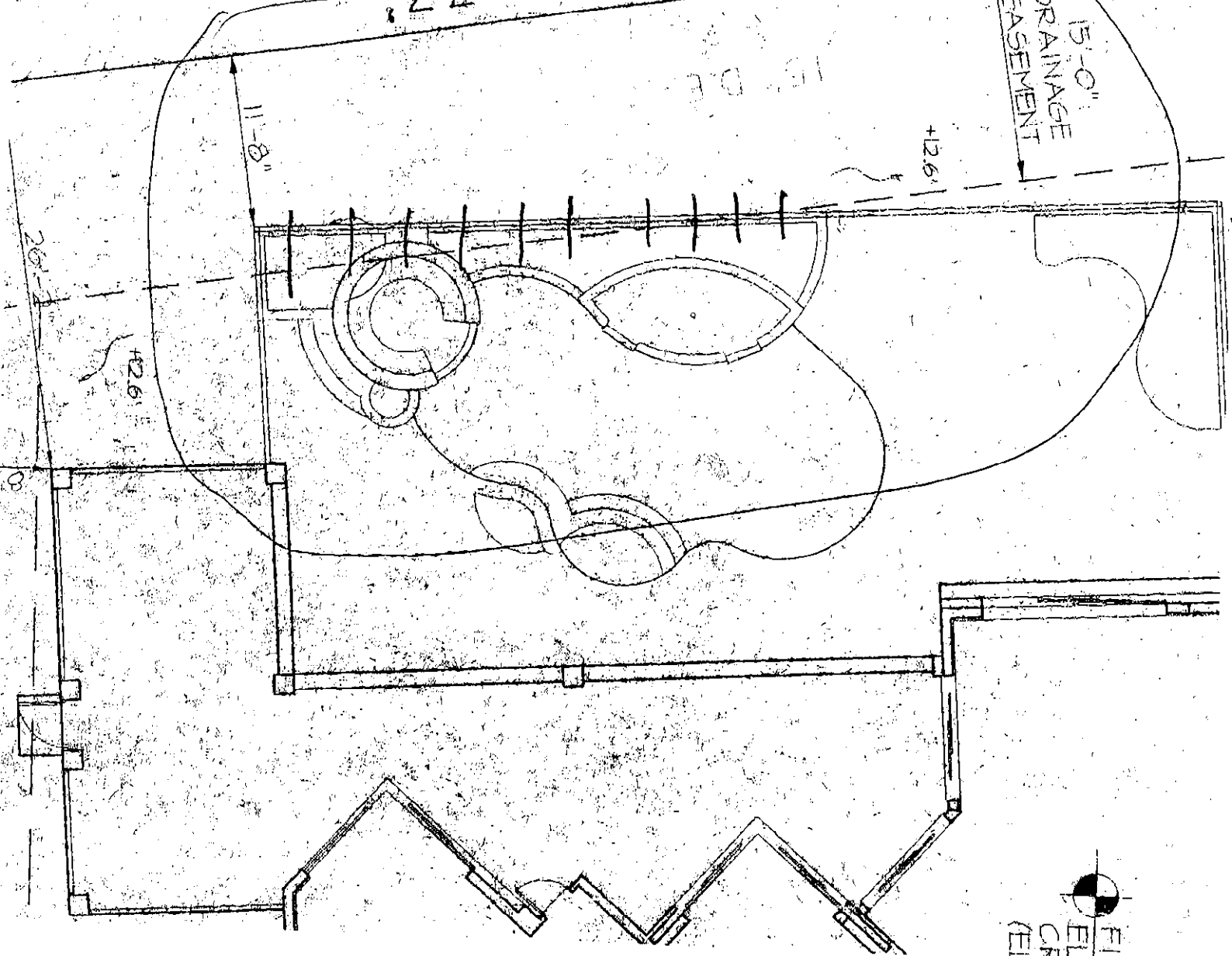
Thank you,



Kelly Angus
(941) 768-3003

N. 09° 54' 26" W 114.33'

15'-0"
DRAINAGE
EASEMENT



175 62 16 83
 0000 0
 0073 17-20
 23 24



RECD JUN 12 2002

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

June 11, 2002

Kelly Angus
Lyons Housing Corp.
12220 Towne Lake Dr. Suite 1
Fort Myers, FL 33913

Re: Partial Easement located on the following parcel: 3 feet 4 inches of caged structure extending into the utility easement, Lot 28, Block D in the subdivision of Laurel Oaks @ West Bay Club.

Dear Kelly,

Comcast has no objection to the vacation of the above referenced portion of easement as recorded in Plat Book 62, Pages 79-111, of the Public Records of Lee County, Florida. If you have any future concerns, please do not hesitate to call me at (941) 432-1819.

Sincerely,

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

Scott Miller
Design Coordinator



Gulf Environmental Services, Inc.

19910 S. Tamiami Trail, Suite A
Estero, FL 33928-2114
941/498-1000
FAX 941/498-0625

RECD MAY 31 2002

May 30, 2002

Ms. Kelly Angus
Lyons Housing Corp.
12220 Towne Lake Drive, Suite 1
Ft. Myers, FL 33913

Re: Vacation of Easement – 22040 Red Laurel Lane, Laurel Oaks at West Bay Club
Strap No. 05-47-25-07-0000D.0280, Lot 28, Block D

Dear Ms. Angus:

Based on your letter dated May 30, 2002, and the accompanying site map, Gulf Environmental Services, Inc. has no objection to the vacation of the fifteen foot (15') wide drainage easement located at the rear of Lot 28, Block D, Laurel Oaks at West Bay Club, also known as 22040 Red Laurel Lane, Strap No. 05-47-25-07-0000D.0280.

If you have any questions, or need additional information, please do not hesitate to contact me at (239) 498-1000.

Sincerely,

Kathy Babeock
Administrative Manager



REC'D JUN 12 2002

Easement & Right-of-Way Vacation Letter

Date: June 6, 2002

To: Kelly Angus
Arthur Rutenberg Homes
12220 Town Lake Dr., Suite 1
Fort Myers, Florida, 33913

Subject: Drainage Easement Vacation Lot 28, Blk D, Laurel Oaks at West Bay Club, Plat 62, pages 79-111

(X) Peoples Gas has no facilities within the referenced area to be vacated and has no objections to this vacation.

Angel L. Quant FOR

Angel L. Quant
South Florida Regional Operations Manager

() Peoples Gas has facilities within the referenced area to be vacated, however, we have no objections to this vacation providing the applicant will pay for the relocation or replacement of these facilities.

Angel L. Quant
South Florida Regional Operations Manager

() Peoples Gas has facilities within the referenced area to be vacated which cannot be relocated for technical reasons, however, we have no objections to this vacation providing a utility easement, as shown on the attached drawing, is incorporated in the re-plat.

Angel L. Quant
South Florida Regional Operations Manager

() Peoples Gas objects to the proposed vacation for the following reasons:

Angel L. Quant
South Florida Regional Operations Manager



REC'D SEP 07 2002

WEST BAY CLUB
COMMUNITY ASSOCIATION

RECEIVED

SEP 10 2002

COMMUNITY DEVELOPMENT

September 6, 2002

Ms. Mary Tippit
Arthur Rutenberg Homes
Lyons Housing Corporation
9240 Market Place Road, #1
Fort Myers, FL 33912

Re: Laurel Oaks, Lot 28

Dear Ms. Tippit:

The West Bay Club Community Association has no concerns with the deviation from the West Bay Club design standards that were requested per your letter of January 8, 2002.

Sincerely,


Steve Cashion, Treasurer
West Bay Club Community Association

West Bay Club

cc: Kingsley Wooton



Arthur Rutenberg Homes

January 8, 2002

Ms. Ginny Bratby
West Bay Club, Architectural Review Committee
4600 West Bay Boulevard
Estero, FL 33928

Re: Laurel Oaks, Lot 28

Dear Ms. Bratby:

I am in receipt of your letter dated December 26th and would like to thank you and the Architectural Review Committee for taking the time to reconsider the variance.

As of now a 2'0" variance has been granted. Mr. Wootton would still like the board to please take another look and reconsider. When I came to the meeting on November 20th it was stated that if you granted Mr. Wootton the variance then you would have to grant a variance for anyone else who came along and requested it to be fair. I agree. Another homeowner in West Bay Club was granted a 5'0" variance by West Bay Club. This is more than we are asking for. Wouldn't that same reasoning apply to allow you to grant Mr. Wootton the variance? We are asking for a total variance of 3'4", an additional 1'4" from what you have already granted.

Thank you for your timely response on this submittal. Please let me know if there is anything further that you need. If you will please forward the approval letter for the variance I will have it submitted to Lec County directly.

Sincerely,

Natalie Rose
Customer Care Specialist
Arthur Rutenberg Homes by Lyons Housing Corp.

Cc: Mary Tippit
Ron Ciampa
Matt Warner
Steve Zolla
Kingsley Wootton

RECEIVED

SEP 10 2002

COMMUNITY DEVELOPMENT



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8587

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yeager
County Attorney

Diana M. Parker
County Hearing Examiner

October 2, 2002

Kelly Angus
Lyons Housing Corp
9240 Marketplace Road
Fort Myers, FL 33912

Re: Recommendation for proposed vacation of a portion of a Drainage Easement located at 22040 Red Laurel Lane

Dear Ms. Angus:

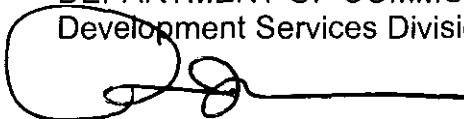
This office has received your request to vacate a 3.5' x 36' portion of a 15-foot wide Drainage Easement located on Lot 28, Block D, of the West Bay Club Subdivision, as recorded in Plat Book 62, Page 88 of the Public Records of Lee County, Florida.

You indicate that as the result of a signed and sealed survey prepared by a Professional Surveyor and Mapper showing the easement as a 10-foot wide Drainage Easement, a portion of the pool deck and spa was permitted in a the Drainage Easement.

When the mistake was discovered construction on the pool deck was stopped. However, the pool and spa were already constructed. Development Services has contacted the design Engineer and vacating a small portion of this 15-foot Drainage Easement will not have any adverse effect to any future drainage needs. Based on a review of the information provided and our subsequent research, this office has no objection to the proposed vacation.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division



Peter J. Eckenrode
Director

PJE/jgh

U:\200210\VAC20020.003\1D&PUE.WPD



REC'D JUN 13 2002

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial 479-8580

Bob James
District One

Douglas R. St. Gerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

June 10, 2002

Ms. Kelly Angus
Lyons Housing Corp.
12220 Town Lake Drive, Suite 1
Fort Myers, FL 33913

**RE: Petition to Vacate
West Bay Club – Plat Book 62, page 79 –
Drainage Easement Lot 28, Block B Laurel Oaks**

Dear Ms. Angus:

Lee County Department of Transportation has reviewed the referenced petition to vacate request. Based upon our review, DOT has determined that the drainage easement is not County maintained. Based upon our review, DOT recommends no objection to the vacation.

I trust this information is as requested. Should you have any questions, please do not hesitate to contact me.

Yours very truly,

DEPARTMENT OF TRANSPORTATION

Margaret Lawson
Right-of-way Supervisor

MAL/mlb

Cc: Peter Eckenrode, Development Services Director
Terry Kelly, Utilities Department
Allen Davies, Division of Natural Resources
DOT PTV File – West Bay club – Laurel Oaks

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LEE COUNTY
SOUTHWEST FLORIDA

REC'D JUN 07 2002

(941) 479-8124

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number:

Wednesday, June 05, 2002

Bob Janes
District One

Douglas H. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yarger
County Attorney

Diana M. Parker
County Hearing Examiner

Ms. Kelly Angus
Lyons Housing Corp.
12220 Town Lake Drive #1
Fort Myers, FL 33913

Re: Petition to Vacate a fifteen (15) foot wide drainage easement along the rear lot line of Lots 28, Block D, Laurel Oaks at West bay Club Subdivision as recorded in Plat Book 62 at Page 79-111, Public Records of Lee County, Florida.

Dear Ms. Angus:

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

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

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**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE** Case Number: VAC2002-00031

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

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

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

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

1. A Public Hearing on Petition to Vacate No. VAC2002-00031 is set for the
_____ in the Lee County Commission Chambers.

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

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

ATTEST:
CHARLIE GREEN, CLERK

Deputy Clerk Signature

Please Print Name

BOARD OF COUNTY
COMMISSIONERS OF
LEE COUNTY, FLORIDA

Chairman Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

METRON
SURVEYING & MAPPING, LLC
LAND SURVEYORS • PLANNERS

LEGAL DESCRIPTION
OF A PARCEL LYING IN
SECTION 05, TOWNSHIP 47 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN LOT 28, BLOCK D, ACCORDING TO 'WEST BAY CLUB', AS RECORDED IN PLAT BOOK 62, AT PAGE 88 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SECTION 05, TOWNSHIP 47 SOUTH, RANGE 25 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 28, BLOCK D, ACCORDING TO 'WEST BAY CLUB', AS RECORDED IN PLAT BOOK 62, AT PAGE 88 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N.09°54'26"W. ALONG THE WESTERLY BOUNDARY LINE OF SAID LOT 28, BLOCK D, FOR A DISTANCE OF 36.00 FEET; THENCE DEPARTING FROM SAID WESTERLY LOT LINE, N.80°05'34"E. FOR A DISTANCE OF 11.51 FEET TO THE **POINT OF BEGINNING** OF THE PARCEL HEREIN DESCRIBED; THENCE N.04°22'23"W. FOR A DISTANCE OF 36.18 FEET; THENCE S.09°54'26"E. FOR A DISTANCE OF 36.35 FEET; THENCE S.85°37'36"W. FOR A DISTANCE OF 3.51 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 63.43 SQUARE FEET, MORE OR LESS.

BEARINGS SHOWN HEREON ARE BASED ON THE WESTERLY LOT LINE OF SAID LOT 28, BLOCK D, 'WEST BAY CLUB', AS RECORDED IN PLAT BOOK 62, AT PAGE 88 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING N.09°54'26"W.

MERIDIAN SURVEYING & MAPPING, LLC
FLORIDA CERTIFICATE OF AUTHORIZATION LB# 7071



TIMOTHY LEE MANN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5838

1269WBLOT28DSK.doc

SHEET 1 OF 2

Exhibit "A"

RECEIVED

SEP 10 2002

COMMUNITY DEVELOPMENT
VAC 2002-00031

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2002-00031

TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 12th day of November 2002 @5:00 PM 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

METRON
SURVEYING & MAPPING, LLC
LAND SURVEYORS • PLANNERS

LEGAL DESCRIPTION
OF A PARCEL LYING IN
SECTION 05, TOWNSHIP 47 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

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PARCEL CONTAINS 63.43 SQUARE FEET, MORE OR LESS.

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MERIDIAN SURVEYING & MAPPING, LLC
FLORIDA CERTIFICATE OF AUTHORIZATION LB# 7071



TIMOTHY LEE MANN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5838

SHEET 1 OF 2

1269WBLOT28DSK.doc

RECEIVED

SEP 10 2002

COMMUNITY DEVELOPMENT

✓ AC 2002-00031

Exhibit "A"