

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition to vacate a 50-foot wide non-county Road Right-of-Way Easement located off of Winkler Road Extension at Brook Hollow Lane, Fort Myers, Florida 33908, and adopt a resolution setting a Public Hearing for 5:00 PM on the 27th day of July, 2004 (Case No. VAC2003-00065) and authorize the Chairman to accept a replacement public utility and drainage easement.

WHY ACTION IS NECESSARY: To vacate the public's interest in a portion of the Right-of-Way in order to convey that portion to Belle Meade Property Owners Association, Inc. **The vacation and conveyance of the road will not alter traffic conditions and the road is not necessary to accommodate any future traffic requirement.**

WHAT ACTION ACCOMPLISHES: Setting the time and date of the Public Hearing, and provides a necessary replacement public utility and drainage easement to facilitate the requested Petition to Vacate.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 3

04

C4A

3. MEETING DATE:

06-15-2004

4. AGENDA:

X CONSENT

ADMINISTRATIVE

APPEALS

PUBLIC

WALK ON

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

(Specify)

X STATUTE

ORDINANCE

X ADMIN. CODE 13-1 & 13-8

OTHER

F.S.Ch. 177 &
F.S. Ch. 336
(PTV) & 125

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER

B. DEPARTMENT

C. DIVISION

BY:

Community Development

Development Services

5/18/04

Peter J. Eckenrode, Director

7. BACKGROUND:

The completed petition to vacate, VAC2003-00065 was submitted by Thomas B. Hart, Esq. as the agent on behalf of Belle Meade Property Owners Association, Inc. This Petition is to vacate the public's interest in a portion of the road, rights-of-way, drainage and utility facilities of Brook Hollow Lane located in the residential subdivision known as Belle Meade.

LOCATION: The 50 foot wide non-county maintained Road Right-of-Way is lying in Section 10, Township 46 South, Range 24 East, adjoining Lots 20, 32, 33, 46, 47, and 55 of Belle Meade, a subdivision recorded in Plat Book 55, Page 47 through 50, of the Public Records of Lee County, Florida and adjoining Lot 26 of Seminole Gardens, a subdivision recorded in Plat Book 4, Page 65, of Public Records of Lee County, Florida. The site is located at Brook Hollow Lane, Fort Myers, Florida 33908.

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. The Petitioner has provided a replacement utility and drainage easement in favor of the county, which easements will be held in trust by the county pending the outcome of the public hearing on the requested vacation. With respect to the replacement easement, the Board must accept all real estate conveyances to Lee County. Staff recommends the scheduling of this request and the acceptance of the replacement public utility and drainage easement. The Petitioner will pay the necessary costs of recording the replacement easement if the Petition to Vacate is approved.

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

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services, Risk	G County Manager
Man 6/15/04	N/A	N/A	N/A	John Reynolds 6/2/04	OM 6/3/04 Risk 6/3/04	GC 6/3/04

10. COMMISSION ACTION:

APPROVED
DENIED
DEFERRED
OTHER

Rec. by Coatty
Date: 6/21/04
Time: 4:08 PM
Forwarded To: 6/21/04 12 PM

RECEIVED BY
COUNTY ADMIN
6/21/04
2:15 PM
COUNTY ADMIN
FORWARDED TO:
6/30/04 4:30 PM

PETITION TO VACATE

Case Number: VAC2003-00065

Petitioner, Belle Meade Property Owners Association, Inc.
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, 11595 Kelly Road, Suite 309, Fort Myers, FL 33908
2. In accordance with Florida Statute (F.S.) Chapter 177 and Lee County Administrative Code (LCAC) 13-1, Petitioner desires to vacate the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A" and in accordance with F.S. Chapter 336 and LCAC 13-8, Petitioner desires to vacate, abandon, close and discontinue the public's interest in the right-of-way or portion of right-of-way legally described in the attached Exhibit "A".
3. A sketch showing the area(s) the Petitioner desires to vacate is attached as Exhibit "B".
4. In accordance with F.S. Chapter 177, proof Petitioner paid all applicable state and county taxes on the property to be vacated is attached as Exhibit "C".
5. In accordance with F.S. Chapter 177, Petitioner is the fee simple title holder to the underlying land sought to be vacated.
6. In accordance with the LCAC 13-1, Petitioner did provide notice to all affected property owners concerning the intent of this Petition. Notice concerning the intent of this Petition will also be provided in accordance with LCAC 13-8.
7. In accordance with letters of review and recommendation provided by various governmental and utility entities, there is no apparent impediment to granting Petitioner's request.

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

Respectfully Submitted

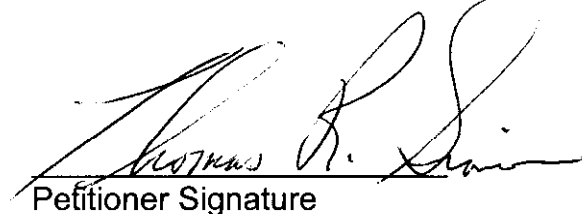
By:



Petitioner Signature

Janeanne Archibale, President
Printed Name and Title

By:



Petitioner Signature

Thomas R. Simon
Printed Name Vice Pres.

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 Brook Hollow Road as described in the plat of Belle Meade Subdivision recorded at Plat Book 55, Page 47, 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 Knott, Consoer, Ebelini, Hart & Swett, P.A. 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.

Owner*(signature)

Printed Name

Owner*(signature)

Printed Name

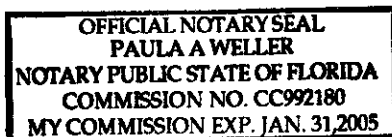
Owner*(signature)

Printed Name

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 12TH day of May, 2004, by Janeanne Archiable, President of Belle Meade Property Owners Association, Inc. who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

(SEAL)



Janeanne Archiable
Owner*(signature)

Janeanne Archiable, President of Belle Meade
Printed Name: Property Owners Association, Inc.

Owner*(signature)

Printed Name

Owner*(signature)

Printed Name

Paula A. Weller
Notary Public
PAULA A. WELLER
(Name typed, printed or stamped)

RIGHT-OF-WAY, DRAINAGE & PUBLIC UTILITY EASEMENTS

A fifty (50) foot wide parcel of land lying in Section 10, Township 46 South, Range 24 East, Lee County, Florida, adjoining Lots 20, 32, 33, 46, 47, and 55 of Belle Meade, a subdivision recorded in Plat Book 55, Pages 47 through 50 of the Public Records of Lee County, Florida and adjoining Lot 26 of Seminole Gardens, a subdivision recorded in Plat Book 4, Page 65 of the Public Records of Lee County, Florida; said parcel of land being a part of a 50 Ft. Road as shown on said plat of Seminole Gardens and referenced as Brook Hollow Lane on said plat of Belle Meade.

Commencing at the northeast corner of said Section 10; thence S 01°20'35" E (basis of bearings being the centerline of Winkler Road Extension Right-of-Way Map) along the east line of Section 10 for 1231.08 feet to the northeast corner of said Belle Meade; thence S 88°43'03" W along the north line of said Belle Meade, being also the north line of the former Lot 5 of said Seminole Gardens, for 1290.41 feet to the northwest corner of Lot 33 of said Belle Meade and the Point of Beginning; thence S 01°15'35" E for 990.07 feet along a line passing through the west lines of Lots 33, 55, 47 and 46 of said Belle Meade, also being the west line of former Lots 5, 6, and 7 of said Seminole Gardens, to the southwest corner of said Lot 46 of said Belle Meade, also being the southwest corner of former Lot 7 of Seminole Gardens; thence S 88°42'34" W, more or less, for 50.00 feet to the southeast corner of Lot 26 of Seminole Gardens; thence N 01°15'35" W along line passing through the east line of Lot 26 of Seminole Gardens and the east line of Lots 20 and 32 of Belle Meade, being also the east line of former Lots 27 and 28 of Seminole Gardens, for 990.09 feet, more or less, to the northeast corner of said Lot 32 of Belle Meade and former Lot 28 of Seminole Gardens; thence N 88°43'34" E for 50.00 feet to the Point of Beginning.

Containing 1.14 acres, more or less.

PAGE 1 OF 2

LEGAL DESCRIPTION AND ACCOMPANYING SKETCH PREPARED BY DENI ASSOCIATES, INC. SURVEYING AND MAPPING BUSINESS, STATE OF FLORIDA
CERTIFICATE OF AUTHORIZATION No. LB 3542.

FOR: BELLE MEADE ASSOC.

PROJECT: 20030603

JUNE 17, 2003

Ben R. Homola
BEN R. HOMOLA - PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA REGISTRATION LICENSE No. LS 3950



Deni Associates, Inc.

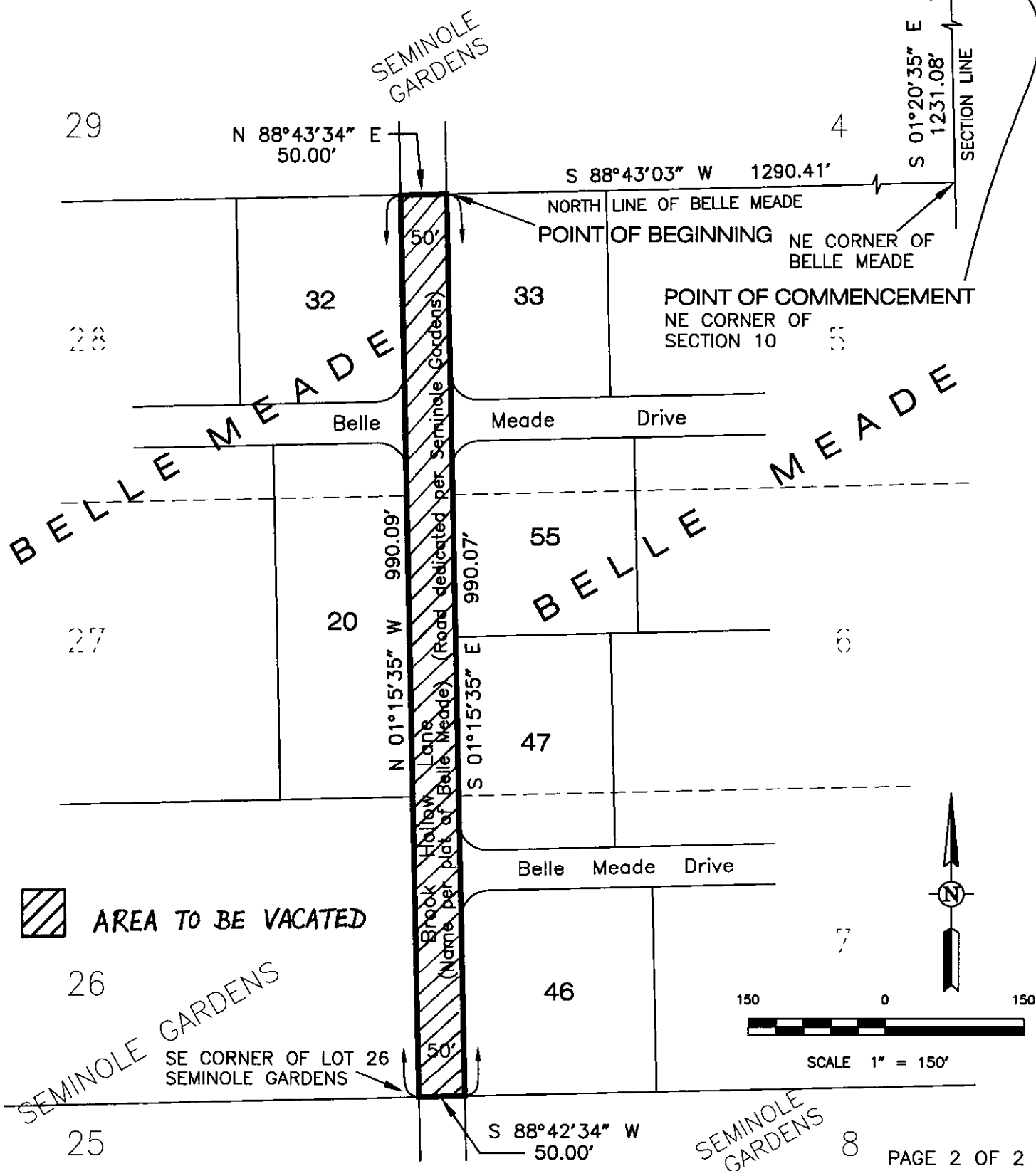
8241 ARC WAY • FORT MYERS, FLORIDA 33912 • (239) 275-8875

PROFESSIONAL SURVEYORS AND MAPPERS

EXHIBIT "B"

SKETCH OF LEGAL DESCRIPTION
(This is not a Field Survey)

VAC 2003-00065



PAGE 2 OF 2



Deni Associates, Inc.

6241 ARC WAY • FORT MYERS, FLORIDA 33912 • (239) 275-8875

PROFESSIONAL SURVEYORS AND MAPPERS

FOR: BELLE MEADE ASSOCIATION

PROJECT: 20030603

JUNE 17, 2003

Exhibit "C"
Petition to Vacate
VAC2003-00065

[Page One of One]

Tax Roll Search - Real Property

Search the Lee County Tax Collector's real property records by selecting the search criteria for the tax year. Use the extensive search feature to view a broader range of data.

*The results to your tax search are based upon information provided to the Lee County Tax Collector by the Lee County Property Appraiser. **This website should not be relied upon for a title search.** Amounts due are subject to change without notice due to statutory compliance (i.e. tax deed application, county held tax certificates, errors & insolvencies (E&I), bankruptcy, litigation, etc.)*

- ☒ View for Tax Year:
☐ Save as File ☐ Extensive Search
View file format.



Your search for 104624030000A00CE has returned 2 result(s).

Account	Tax Year	Owner Name/ Address	Status/ Outstanding Balance
10-46-24-03-0000A.00CE	2003	BELLE MEADE PROPERTY OWNERS C/O JANE ANNE ARCHIALE-PRES COMMON ELEMENT	ZEROTAX Details
10-46-24-03-0000A.00CE	2002	BELLE MEADE PROPERTY OWNERS C/O JANE ANNE ARCHIALE-PRES 0 ACCESS UNDETERMINED	ZEROTAX Details
2 match(es) (Click on the account number for more information and/or online payment.)			



INSTR # 5246025
OR BK 03492 PG 3871

RECORDED 09/28/01 04:23 PM
CHARLIE GREEN CLERK OF COURT
LEE COUNTY
RECORDING FEE 6.00
DOC TAX PD (F.S. 201.02) 0.70
DEPUTY CLERK J Miller

This Instrument Prepared By
and Return To:

George H. Knott
Knott, Consoer, Ebelini, Hart & Swett, P.A.
1625 Hendry Street
Fort Myers, Florida 33901

QUIT CLAIM DEED

This QUIT CLAIM DEED is made this 25th day of September, 2001, between South Florida Properties, L.L.C., an Oklahoma Limited Liability Company doing business in Florida as South Florida Properties of S.W. Florida, L.C., as Grantor, whose address is 1907 Riverside Drive, Norman, Oklahoma 73072, and Belle Meade Property Owners Association, Inc., as Grantee, whose address is 4516 Longboat Lane, Fort Myers, Florida 33919.

WITNESSETH:

THAT THE SAID GRANTOR, for and in consideration of a sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, does remise, release, and quitclaim to Grantee and Grantees' heirs and assigns forever all of Grantor's interest in the following described real property located in Lee County, Florida:

All roads, Tract "A", buffer and landscape easements, and drainage easements depicted and referred to in that Plat of Belle Meade, a subdivision, recorded in Plat Book 55 at Pages 47 through 50 of the Public Records of Lee County, Florida.

NOTE: THIS DEED WAS PREPARED WITHOUT BENEFIT OF TITLE EXAMINATION.

WITNESSES:

Kristin Turagren
1st Witness
Kristin Turagren
Printed Name
Doreen J. Vogel
2nd Witness
Doreen J. Vogel
Printed Name

GRANTOR:

SOUTH FLORIDA PROPERTIES, L.L.C.,
an Oklahoma Limited Liability Company doing
business in Florida as SOUTH FLORIDA
PROPERTIES OF S.W. FLORIDA, L.C.

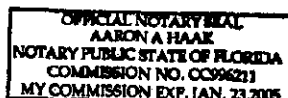
By: Glenn A. Foster, Jr.
Glenn A. Foster, Jr.,
Managing Member

STATE OF FLORIDA)
) SS.
COUNTY OF Lee)

The foregoing instrument was acknowledged before me this 25th day of September, 2001, by Glenn A. Foster, Jr., who is/are personally known to me or who has(ve) produced as identification.

My Commission Expires:

Aaron A. Haak
Notary Public
Aaron A. Haak
Printed Name



10-50
658.00

[illegible]

INSTR # 5530497
OR BK 03702 PG 2047
RECORDED 08/08/2002 03:41:38 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 10.50
DEED DOC 658.00
DEPUTY CLERK B Cruz

WARRANTY DEED

(Wherever 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)

Lot 32, Belle Meade, according to the plat thereof, as recorded in Plat Book 55, Page 47-50 of the Public Records of Lee County, Florida.

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

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2001.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Ruth E. Ruotolo
(Witness Signature)

RUTH E. RUOTOLO
(Print Name of Witness)

Lisa Ebanks
(Witness Signature)

Lisa Ebanks
(Print Name of Witness)

Alton H. Harvey
Alton H. Harvey

Jean H. Harvey
Jean H. Harvey

9808 ENSIGN COURT

FORT MYERS, FL 33919
(Address and Phone Number)

STATE of FLORIDA

COUNTY of LEE

I HEREBY CERTIFY that on this day, before me, an Officer duly authorized in the State aforesaid and the County aforesaid to take acknowledgements, personally appeared ALTON H. HARVEY and JEAN H. HARVEY

to me known to be the person(s) described in or who has/have produced D/C as identification and who executed the foregoing instrument and he/she/they acknowledged before me that he/she/they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 5th day of AUGUST, 2002.



Ruth E. Ruotolo
Notary Signature

RUTH E. RUOTOLO
Printed Notary Name

My commission expires: _____

PREPARED BY/RETURN TO:
PARKER & ASSOCIATES, P.A.
2033 Main Street #100
Sarasota, Florida 34237
(941) 952-0600

Parcel ID #: 10-46-24-03-00000.0330

This Quit Claim Deed, executed the 22nd day of November, 2002, by Mae Sunshine, L.L.C., a Florida limited liability corporation, first party, to Michael Erhard and Andrea Erhard, husband and wife, whose address is 8570 Bella Meade Drive, Ft. Myers, Florida 33908.

(Wherever used herein the terms "first party" and "second party" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH, That the first party, for and in consideration of the sum of Ten Dollars (\$10.00), in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit claim unto the second party forever, all the right, title and interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Lee, State of Florida, to wit:


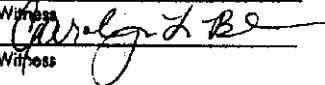
Lot 33, BELLE MEADE SUBDIVISION, a subdivision according to the plat thereof as recorded in Plat Book 55 at Pages 47 through 50, Public Records of Lee County, Florida.

SUBJECT TO: restrictions, reservations, easements of record, zoning, applicable governmental regulations, outstanding oil, gas and mineral rights of record without right of entry and taxes for the current year.

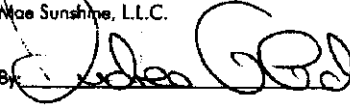
To Have and to Hold The same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity to the only proper use, benefit and behoof of the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

In Witness Whereof, the first party has signed and sealed these presents the day and year first above written.

Signed, sealed, delivered in our presence:


Witness

Witness

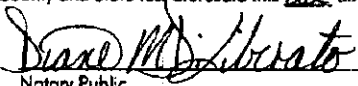
Mae Sunshine, L.L.C.

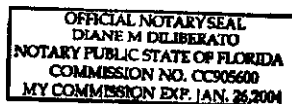
By 
ANDREA ERHARD, Managing Member

STATE OF FLORIDA
COUNTY OF SARASOTA

I hereby certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared Andrea Erhard, as Managing Member of Mae Sunshine, L.L.C., a Florida limited liability company. She/He is known to me to be the persons described in or produced Personally Known as identification and who executed the foregoing instrument, who acknowledged before me that they executed the same, and an oath was not taken.

Witness my hand and official seal in the County and State last aforesaid this 22 day of November 2002.


Notary Public



INSTR # 5647325
OR BK 03793 PG 1727
RECORDED 12/09/2002 01:48:38 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 6.00
DEED DOC 0.70
DEPUTY CLERK D Schaefer

10.50 R
2625.00 Doc
2635.50

THIS INSTRUMENT PREPARED BY:
GUARDIAN TITLE SERVICES CORP.
PAT HICKIN
9311-2 COLLEGE PARKWAY
FORT MYERS, FL 33919

4559510

STRAP NO: 10-46-24-03-00000.0550
GRANTEE'S SOCIAL SECURITY NO:

Documentary Tax Pd. \$ 2625.00
Intangible Tax Pd.
CHARLIE GREEN, CLERK, LEE COUNTY
Mary Jo Robinson Deputy Clerk

THIS WARRANTY DEED Made this 29th day of January, 1999

by Thomas L. Jackson, a single person

whose post office address is: 12061 Fairway Isles
FT. MYERS, FL 33913
herein after called the grantor, to

RECORDED BY
MARY JO ROBINSON, D.C.

Cherrie R. Morris and Mike A. Morris, wife and husband

whose post office address is: 17331
177331 Brook Hollow Lane Ft. Myers, FL 33908

hereinafter called the grantee:

(wherever 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)

WITNESSETH: That the grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, alien, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida:

Lot 55, Belle Meade Subdivision, according to the plat thereof recorded in Plat Book 55, Page 47, in the Public Records of Lee County, Florida.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1998, restrictions, reservations and easements of record, if any.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year above written.

Signed, sealed and delivered in our presence:

Witness #1

Also Print:

ELSEY L. CHANEY

Thomas L. Jackson

Witness #2

Also Print:

Robert A. Ford

OR3071 Pg 1718

STATE OF FLORIDA

COUNTY OF LEE

EXECUTION OF the foregoing instrument was acknowledged before me this 29th day of January, 1999 by Thomas L. Jackson, a single person, who is/are personally known to me or who has produced sufficient evidence of identification (described below) and who did not take an oath.

Description of identification produced: Driver's License

Kelsey L. Chaney
NOTARY PUBLIC - SIGNATURE ABOVE KELSEY L. CHANEY
NOTARY NAME - _____ (Affix Notary Seal)

COMMISSION NO. - _____ Kelsey L. Chaney
MY COMMISSION # CCT05132 EXPIRES
January 3, 2002
COMMISSION EXP. DATE - _____ ROYALTY INSURANCE CO.

Notary Name/Commission No./Exp. Date - typed or printed
FILE NO: F81724R
BATCH.DOC

DR3071 P61719

CHARLIE GREEN, CLERK
LEE COUNTY, FL
99 FEB -2 PM 4:43

Prepared by and Return To:
Angela H. Cochran
Title Group Of Fort Myers, Ltd.
7910 Summerlin Lakes Drive
Fort Myers, FL 33907

File No. 03-01613-AHC

INSTR # 5798590
Official Records BK 03913 PG 2949
RECORDED 04/25/2003 12:52:00 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 6.00
DEED DOC 3,290.00
DEPUTY CLERK B Sherwood

WARRANTY DEED

Made this 14th day of April, 2003, by Larry Cornell, A/K/A Laurance W. Cornell and Genece Cornell, Husband and wife hereinafter called the grantor, to William H. Russell and Anita P. Russell, husband and wife whose post office address is 650 Keithley Drive, Great Falls, VA 22066 hereinafter called the grantee:

(Whenever used herein the term "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)

Witnesseth, that the grantor, for and in consideration of the sum of \$10.00 DOLLARS, and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms, unto the grantee, all that certain land situate in the County of Lee, and State of Florida, viz:

Lot 47, BELLE MEADE, according to the plat thereof, recorded in Plat Book 55, pages 47 through 50, inclusive, of the Public Records of Lee County, Florida.

PARCEL ID#: 10-46-24-03-00000.0470

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2002.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Witness:

Witness:

Larry Cornell

Witness:

Witness:

Genece Cornell

State of Florida
County of Lee

Sworn to, subscribed and acknowledged before me this 14 Day of April 2003
by Larry Cornell a/k/a Laurance W. Cornell and Genece Cornell who are personally known to me or who has produced
DL as identification.

Notary Public
My commission expires:



Rec \$6.00
Doc Stamps \$595.00

INSTR # 5499446
OR BK 03682 PS 1841
RECORDED 07/09/2002 01:13:12 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 6.00
DEED DOC 595.00
DEPUTY CLERK C Keller

THIS INSTRUMENT PREPARED BY:
LAW OFFICES OF MARY V. PALUMBO, P.A.
7980 SUMMERLIN LAKES DRIVE, SUITE 200
FORT MYERS, FL 33907
(239) 437-1197
Property Appraiser Parcel ID No.: 10-46-24-03-00000.0460
Grantee Tax ID No.:

File No. 02-6288

WARRANTY DEED

① THIS INDENTURE, made this July 1, 2002, between JOSEPH FAERBER and JEWEL C. FAERBER, husband and wife, whose mailing address is 11 Ross Avenue, Chestnut Ridge, NY 10977 ("Grantor"), and DEAN R. GOLDBERG and DOVI L. GOLDBERG, husband and wife, whose mailing address is 104 Kensington Road, Hollywood, FL 33021 ("Grantee").

WITNESSETH, that the said Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, to Grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, their heirs and assigns forever, the following described land, situated, and being in Lee County, Florida, to-wit:

Lot 46, BELLE MEADE SUBDIVISION, according to the plat thereof recorded in Plat Book 55, Pages 47 through 50, inclusive, Public Records of Lee County, Florida.

SUBJECT to easements, restrictions and reservations of record, and taxes for year 2002 and all subsequent years.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND Grantor hereby covenants with Grantee that Grantor is lawfully seized of said land in fee simple; that Grantor has good right and lawful authority to sell and convey said land; that Grantor hereby fully warrants the title to the land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except real property taxes for the year 2002 and all subsequent years.

IN WITNESS WHEREOF, Grantor has hereunto set their hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of:
TWO SEPARATE WITNESSES REQUIRED

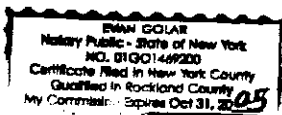
(Sign) Evan Golar
(Print) EVAN GOLAR

(Sign) Laura Golar
(Print) LAURA GOLAR

Joseph Faerber
JOSEPH FAERBER
Jewel C. Faerber
JEWEL C. FAERBER

STATE OF NEW YORK
COUNTY OF ROCKLAND

The foregoing instrument was acknowledged before me this 25th day of JUNE 2002
2002, by JOSEPH FAERBER and JEWEL C. FAERBER, who ☒ is/are personally known to me or
☐ who has/have produced _____ as identification.



(Notary Seal)

Evan Golar
NOTARY PUBLIC
Print Name: EVAN GOLAR
Commission No: 01601469200
Commission Expires: 10/31/05

10.5
462.00

4481717

THIS INSTRUMENT PREPARED BY:
GUARDIAN TITLE SERVICES CORP.
PAT HICKIN
9311-2 COLLEGE PARKWAY
FORT MYERS, FL 33919

RECORDED BY
JOANNE MILLER, D.C.

STRAP NO: 10-46-24-03-00000.0200
GRANTEE'S SOCIAL SECURITY NO:

THIS WARRANTY DEED Made this 22nd day of September, 1998

by Kent A. Hagedorn and Shelby R. Hagedorn, husband and wife

whose post office address is: 8096 Crown Colony Parkway
Mechanicsville, VA 23116
herein after called the grantors, to

Michael A. Clark and Angela G. Clark, husband and wife

whose post office address is: 2424 Gorham Avenue
Fort Myers, Florida 33907

hereinafter called the grantee:

(wherever 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)

WITNESSETH: That the grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida:

Lot 20, BELLE MEADE SUBDIVISION, according to the map or plat thereof, as recorded in Plat Book 55, Page 47, in the Public Records of Lee County, Florida.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1997, restrictions, reservations and easements of record, if any.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year above written.

Signed, sealed and delivered in our presence:

Jennifer J. Ingram
Witness #1

Also Print: JENNIFER J INGRAM

Charles D. Wood

Witness #2

Also Print: CHARLES D WOOD

Kent A. Hagedorn
Kent A. Hagedorn

Shelby R. Hagedorn
Shelby R. Hagedorn

Documentary Tax Pd. \$ 462.00
Intangible Tax Pd. \$
CHARLIE GREEN, CLERK, LEE COUNTY
BY Joanne Miller Deputy Clerk

OR3019 P60262

STATE OF Virginia

COUNTY OF VA/Henrico

EXECUTION OF the foregoing instrument was acknowledged before me this 23rd day of September, 1998 by Kent A. Hagedorn and Shelby R. Hagedorn, husband and wife, who is/are personally known to me or who has produced sufficient evidence of identification (described below) and who did not take an oath.

Description of identification produced: Driver's license

Chelsea D. Wood
NOTARY PUBLIC - SIGNATURE ABOVE

NOTARY NAME - CHELSEA D. WOOD (Affix Notary Seal)

COMMISSION NO. - NO COMMISSION NUMBER GIVEN IN VA.

COMMISSION EXP. DATE - 12/31/2002

Notary Name/Commission No./Exp. Date - typed or printed
FILE NO: F80093R

OR3019 PG0263

CHARLE GREEN, CLERK
LEE COUNTY, FL
98 OCT -2 PM 1:53

**Knott, Consoer, Ebelini
Hart & Swett, P.A.**
ATTORNEYS - AT - LAW

George H. Knott *+
George L. Consoer, Jr. **
Mark A. Ebelini
Thomas B. Hart
H. Andrew Swett

* Board Certified Civil Trial Lawyer
** Board Certified Real Estate Lawyer
+ Board Certified Business Litigation Lawyer

1625 Hendry Street • Third Floor (33901)
P.O. Box 2449
Fort Myers, Florida 33902-2449

Telephone (239) 334-2722
Telecopier (239) 334-1446

THart@knott-law.com

Matthew D. Uhle
Aaron A. Haak
Derrick S. Eihausen
Naty Torres-Alvarado

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

February 17, 2004

Lee County Department of Community Development
1500 Monroe Street
Fort Myers, Florida 33901

Re: Brook Hollow Lane a road right of way in Belle Meade Subdivision
Title Certification

To whom it may concern:

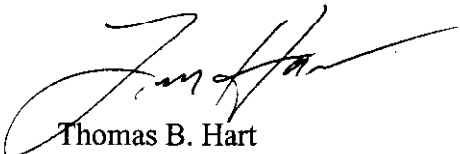
As an attorney-at-law, licensed in Florida, with substantial real estate experience, I have examined the title to the property described as:

Brook Hollow Lane, a 50 foot wide road right of way depicted and referred to in the Plat of Belle Meade Subdivision recorded in Plat Book 55, Pages 47-50 of the Public Records of Lee County, Florida.

Basing my opinion upon my review of the documents recorded in the Public Records of Lee County, Florida, I hereby certify that as of February 17, 2004, fee simple title to the said property is vested in the Belle Meade Property Owners Association, Inc., a Florida not-for-profit corporation.

Sincerely yours,

KNOTT, CONSOER, EBELINI,
HART & SWETT, P.A.



Thomas B. Hart

TBH:pw

cc: Janeanne Archiable, President

**Knott, Consoer, Ebelini
Hart & Swett, P.A.**
ATTORNEYS - AT - LAW

LEE COUNTY
RECEIVED

ON FEB 23 AM 9:20

George H. Knott *+
George L. Consoer, Jr. **
Mark A. Ebelini
Thomas B. Hart
H. Andrew Swett

1625 Hendry Street • Third Floor (33901)
P.O. Box 2449
Fort Myers, Florida 33902-2449

Telephone (239) 334-2722
Telecopier (239) 334-1446

THart@knott-law.com

* Board Certified Civil Trial Lawyer
** Board Certified Real Estate Lawyer
+ Board Certified Business Litigation Lawyer

Matthew D. Uhle
Aaron A. Haak
Derrick S. Eihausen
Naty Torres-Alvarado

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

February 20, 2004

Ms. Ruth Keith
Development Review Technician
Lee County
Post Office Box 398
Fort Myers, FL 33902-0398

Re: VAC2003-00065 - Petition to vacate the Public's interest in a right of way
called Brook Hollow Lane of Belle Meade subdivision

Dear Ms. Keith:

I represent the applicant, Belle Meade Property Owners Association, Inc. The following is submitted as justification for the requested vacation of the public interest in the right of way shown as Brook Hollow Lane on the Plat of Belle Meade subdivision recorded at Plat Book 55, Pages 47 through 50 of the Public Records of Lee County.

The right of way in question was originally created as a right of way on the Plat of Seminole Gardens recorded on March 15, 1923 in Plat Book 4 at page 65. It is shown simply as a "50 ft road" along the western boundary of lots 1-16 on that plat. There is no specific dedication language on that plat of Seminole Gardens.

When the Plat of Belle Meade subdivision was created and recorded in 1994, the road was not, technically, included in the Plat of Belle Meade, but it was depicted on that Belle Meade Plat and, in fact, named on that Plat as "Brook Hollow Lane." All other roads in the Belle Meade subdivision were expressly dedicated on the Plat of Belle Meade to the Belle Meade Property Owners Association, Inc., a private not-for-profit homeowners association.

Belle Meade is a gated community. There is only a single entrance and exit to the Belle Meade community which is via Belle Meade Drive, a private roadway which connects to Winkler Extension where the security gate is located.

Ms. Keith
Page 2
February 20, 2004

More recently those portions of the "50 ft road" (originally shown on the Plat of Seminole Gardens) which abut Brook Hollow Lane to the North have already been vacated by that property owner, Winkler Preserve, LLC. Please see Resolution No. 02-11- 68 (Case Number VAC2002-00032). We also understand that the property owner to the South is presently preparing an application to vacate the same right-of-way where it exists to the South of the Belle Meade subdivision.

The fact is that the so-called public road, Brook Hollow Lane, does not serve any public purpose. It does not connect to any other roadways except to the private internal roads of Belle Meade subdivision. There is no legal way for the public to access the road right of way which this petitioner seeks to vacate. Since its only connection to another public right-of-way to the North has already been eliminated by the previous vacation, it will never be a public roadway connecting to the North. Even if the landowner to the South should fail to receive its requested, or soon-to -be requested, vacation, the roadway would never provide a useful public right-of way, because it merely runs off into the waters of San Carlos Bay without making any other connections.

The applicant, the owners of the fee interest in the road in question, do not seek to eliminate any utility company rights in that road and have agreed to provide whatever easements are necessary to the utility companies providing services to the Belle Meade community. Even though there will be no legal connection by which members of the public can access Brook Hollow Lane, the owners of parcels in Belle Meade subdivision, in an abundance of caution, wish to be assured that there are no public rights in the road which is the subject of this vacation request so that they can be assured of maintaining the community in a fully secure manner.

Sincerely yours,

KNOTT, CONSOER, EBELINI,
HART & SWETT, P.A.



Thomas B. Hart

TBH:pw

cc: Janeanne Archiabile, President



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

July 21, 2003

Knott, Consoer, Ebelini, Hart & Swett, P.A.
P.O. Box 2449
Fort Myers, Florida 33902-2449

Attn: Thomas B. Hart

RE: Vacation of Public Right-of-Way and Utility/Drainage Easement
N/K/A "Brook Hollow Lane"

Dear Mr. Hart:

Sprint-Florida Incorporated has reviewed the plans for the above referenced proposal. Based on the review of the request, we do have objections to the vacation of the 50' public right-of-way utility/drainage easement identified as Brook Hollow Lane within the Belle Meade subdivision recorded in Plat Book 55 at Pages 47 through 50 of the public records of Lee County, Florida.

There is a buried telephone cable located along the west side of Brook Hollow Lane and crossing to the east side at lot 46. The cable provides all telephone service in Belle Meade for the homes east of Brook Hollow Lane.

The approval by Sprint-Florida Incorporated of the above listed vacation could only be acquired if an easement was given to protect the existing telephone cable location or if we were reimbursed for all of the expenses involved to relocate our facilities.

If you should have any questions or require additional information, please give me a call at (239) 336-2030.

Sincerely,
Sprint-Florida Incorporated

A handwritten signature in cursive script that reads "Jack H. Mitchell".

Jack H. Mitchell
Network Engineer I

cc: File



RECEIVED
St. Consoer, Ebelini
Hart & Swett, P.A.

Florida Power & Light Company
15834 Winkler Road
Fort Myers, FL 33908
(239) 415-1326

M JUL 17 2003 PM
7 8 9 10 11 12 1 2 3 4 5 6

July 16, 2003

Mr. Thomas B. Hart
Knott, Consoer, Ebelini, Hart & Swett, P.A.
P.O. Box 2449
Fort Myers, FL 33902-2249

RE: LETTER OF REVIEW AND RECOMMENDATION
ROW N/K/A "BROOK HOLLOW LANE"

Dear Mr. Hart:

I have reviewed your request for a letter of review and recommendation regarding the vacation of the public right of way (Brook Hollow Lane) and offer the following comments:

Florida Power & Light Company has underground electric facilities crossing the right of way from the southeast corner of Lot 20 heading easterly to Lot 47. We also have underground facilities crossing the right of way between Lots 32 & 33 as well as the possibility of extending our facilities to the north along the east side of the right of way at Lot 33. I have attached a copy of the FPL drawing showing these facilities.

In order for FPL to approve the vacation of the right of way, we require easements for the facilities that I have described. This easement is to be granted to Florida Power & Light Company by the Belle Meade Property Owners Association, Inc. prior to the actual vacation of the right of way.

If you have any questions, please feel free to call me at (239) 415-1326,

Yours truly,

John W. Hahn
Senior System Project Manager

Attachments

2931 Michigan Avenue
Fort Myers, Florida 33916
Phone 941-334-8828
Fax 941-334-8575



July 28, 2003

Thomas B. Hart
Knott, Consoer, Ebelini
Hart & Sweet, P.A.
1625 Hendry Street
Fort Myers, Florida 33902-2449

Re: Road right of way n/k/a "Brook Hollow Lane", Lee County

Dear Mr. Hart:

This letter will serve to inform you of our facilities at the above referenced property. We currently have underground coaxial cable, within the public utility easement, down the front along Belle Meade Drive and Brook Hollow Lane. I have attached a copy of your map showing our lines.

Although we have no objection to your vacation of road right-of-way and public utility easement, please understand should we have to relocate our lines there will be a cost involved.

Should you require additional information, please feel free to contact me here at (239) 432-1865.

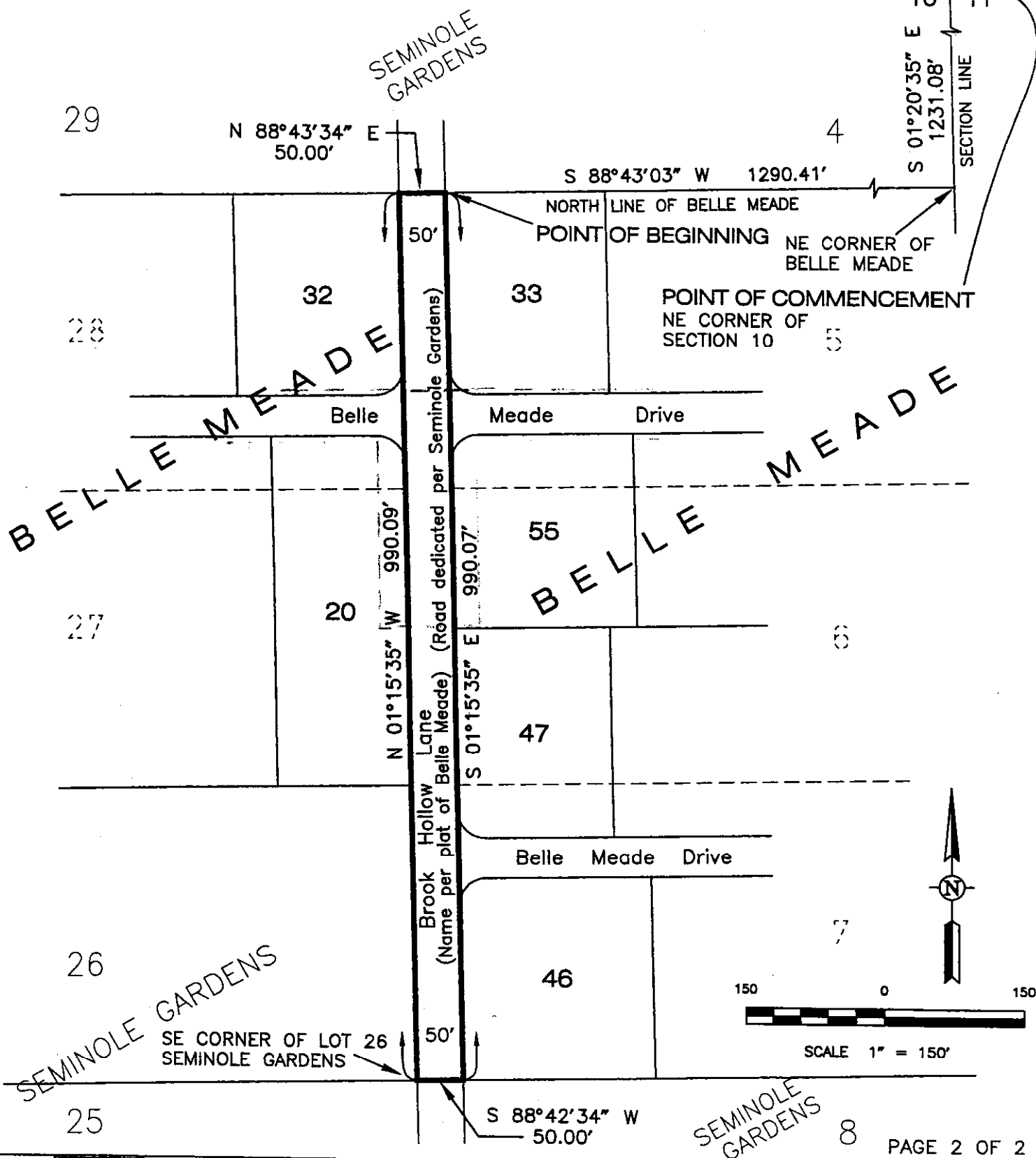
Sincerely,

A handwritten signature in cursive script that reads 'Lucia Vera'.

Lucia Vera
Project Coordinator

EXHIBIT "A"

SKETCH OF LEGAL DESCRIPTION
(This is not a Field Survey)



Deni Associates, Inc.

8241 ARC WAY • FORT MYERS, FLORIDA 33912 • (239) 275-8875

PROFESSIONAL SURVEYORS AND MAPPERS

FOR: BELLE MEADE ASSOCIATION

PROJECT: 20030603

JUNE 17, 2003

PAGE 2 OF 2



LEE COUNTY

SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (941) 479-8181

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. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

August 1, 2003

Thomas B. Hart
Knott, Consoer, Ebelini, Hart & Sweet, P.A.
P. O. Box 2449
Fort Myers, FL 33902-2449

**SUBJECT: PROPOSED RIGHT-OF-WAY VACATION
SECTION 10, TOWNSHIP 46, RANGE 24
BROOK HOLLOW LANE - BELLE MEADE SUBDIVISION**

Dear Mr. Hart:

Lee County Utilities is in receipt of your request for review and recommendation concerning the proposed petition to vacate the 'Brook Hollow Lane' road right-of-way within Belle Meade Subdivision as recorded in Plat Book 55, Pages 47 through 50. We have carefully reviewed your request and the associated attachment and legal description provided.

Record drawings indicate that Lee County Utilities owns and maintains potable water facilities within the right-of-way to be vacated. Therefore, please be advised that Lee County Utilities currently OBJECTS to the proposed vacation.

In order for Lee County Utilities to consider a position of 'No Objection' to the proposed road right-of way vacation, these existing facilities must either be relocated at your client's expense or a Lee County Utilities' Perpetual Public Utility Easement must be granted for access and maintenance of these facilities. I have included a copy of our approved form for your use.

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

Sincerely,

LEE COUNTY UTILITIES

Terry A. Kelley
Senior Engineering Technician
Utilities Engineering Division

cc: Margaret Lawson, Lee County DOT
Thom Osterhout, Lee County Utilities
Correspondence File

VIA FACSIMILE #334-1446
ORIGINAL MAILED 08/01/03

S:\UTILS\Eng\TAK\LETTERS\VAC\FY 2003\Knott, Consoer, Ebelini, Hart & Sweet - Thomas B. Hart - Brook Hollow Lane Right-of-Way Vacation.doc

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 335-2111
Internet address <http://www.lee-county.com>
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER



Florida Department of Transportation

JEB BUSH
GOVERNOR

JOSÉ ABREU
SECRETARY

July 22, 2003

Knott, Consoer, Ebelini, Hart & Swett, P.A.
Attn: Thomas B. Hart, Esq.
P.O. Box 2449
Ft. Myers, FL 33902-2449

RE: Vacation of Public Utility, Drainage Easement and Right of Way
Brook Hollow Lane

Dear Mr. Thomas B. Hart:

In response to your letter we received on July 11, 2003 our staff has conducted a review of your request to vacate the subject area as marked and generally described as: A fifty (50) foot wide parcel of land lying in Section 10, Township 46 South, Range 24 East, Lee County, Florida, adjoining Lots 20, 32, 33, 46, 47, & 55 of Belle Meade, a subdivision recorded in Plat Book 55, Pages 47 through 50 of the Public Records of Lee County and adjoining Lot 26 of Seminole Gardens, a subdivision recorded in Plat Book 4, Page 65 of the Public Records of Lee County, Florida; said parcel of land being a part of a 50 ft. road as shown on said plat of Seminole Gardens and referenced as Brook Hollow Lane on said plat of Belle Meade.

Based on this review, we offer "No Objection" to this vacation request.

Sincerely,

Ruthe M. Chunn
Right of Way Agent
Property Management

RMC/BLT/jps

cc: Scott Gilbertson, P.E. - Lee County
Peter J. Eckenrode - Lee County
Mike Rippe - FDOT
Tom Garcia - FDOT

District One-Right of Way Department-Property Management
801 N. Broadway Avenue*Post Office Box 1249*Bartow, FL 33831-1249
(863)519-2413*(863)534-7168 (Fax)*MS 1-66

www.dot.state.fl.us

RECYCLED PAPER



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8580

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. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

September 16, 2003

Mr. Thomas B. Hart
Knott, Consoer, Ebelini, Hart & Swett, P.A.
P. O. Box 2449
Fort Myers, FL 33902

**RE: Request to Vacate a portion of Brook Hollow Lane
Belle Meade Subdivision, Plat Book 55, Pages
47 through 50, and Seminole Gardens Subdivision
Plat Book 4, page 65, Section 10, Township 46,
Range 24**

Dear Mr. Hart:

Lee County Department of Transportation has reviewed the request to vacate an unconstructed portion of Brook Hollow Lane. A portion of Brook Hollow Lane has previously been vacated by resolution of the Board of County Commissioners. Lee County DOT does not maintain any road or drainage within Belle Meade Subdivision.

Lee County Department of Transportation offers no objection to the vacation.

Yours very truly,

DEPARTMENT OF TRANSPORTATION


Margaret Lawson
Right-of-Way Supervisor

MAL/mlb

cc: Don Blackburn, Development Services
Terry Kelley, Utilities
Allen Davies, Natural Resources
DOT PTV File (Brook Hollow Lane)

S:\DOCUMENT\Petition To Vacate\2003\Brook Hollow Ln - Hart.doc



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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

Monday, October 06, 2003
Bob Janes
District One

Mr. Thomas B. Hart
Knott, Consoer, Ebelini, Hart, & Swett
1625 Hendry Street Third Floor
Fort Myers, FL 33902-2449

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

Re: Petition to Vacate a portion of a fifty (50) foot wide right of way in Belle Meade Subdivision, as recorded in Plat Book 55 Page 47, in the public records, Lee County, Florida.

Dear Mr. Hart:

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 right of way subject to the following:

1. Provide for an acceptable replacement drainage easement in the petition to vacate.

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

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

S:\NATRES\SURFACE\DOCUMENT\vac388.doc-



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

May 13, 2004

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. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Thomas B. Hart, Esq.
Knott, Consoer, Ebelini, Hart & Swett, P.A.
1625 Hendry Street,
P.O. Box 2449,
Fort Myers, FL 33902

239-479-8440

Writer's Direct Dial Number: _____

Re: VAC2003-00065 - Petition to vacate a 50-foot wide non-County maintained Road Right-of-Way is lying in Section 10, Township 46 South, Range 24 East, adjoining Lots 20, 32, 33, 46, 47, and 55 of Belle Meade, a subdivision recorded in Plat Book 55, Page 47 through 50; and adjoining Lot 26 of Seminole Gardens, a subdivision recorded in Plat Book 4, Page 65, of Public Records of Lee County, Florida.

Dear Mr. Hart:

This office has received your request to vacate the above referenced portion of the above described right-of-way known as Brook Hollow Lane shown on the plat of Belle Meade. Based on a review of the information provided and our subsequent research, and a replacement public utility and drainage easement being provided, this office has no objection to the proposed vacation.

You and your clients should be aware, however that the Board of County Commissioner's approval of this petition will only extinguish the rights of the public to use the right-of-way. Private rights of use may still remain. This means that certification of fee ownership in the area being vacated will be required prior to issuance of any building permit(s) within that area of the easement as it presently exists, occupied or otherwise.

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/RSK

U:\200405\20031010.140\7561560\DCDLETTER.DOC

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE Case Number: VAC2003-00065**

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. VAC2003-00065 is set for the
_____ in the Lee County Commission Chambers.
2. A Notice of Public Hearing on this Petition to Vacate will be published in
accordance with the Lee County Administrative Code.

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

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY
COMMISSIONERS OF
LEE COUNTY, FLORIDA

Deputy Clerk Signature

Chairman Signature

Please Print Name

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

EXHIBIT "A"
LEGAL DESCRIPTION

VAC2003-00065

RIGHT-OF-WAY, DRAINAGE & PUBLIC UTILITY EASEMENTS

A fifty (50) foot wide parcel of land lying in Section 10, Township 46 South, Range 24 East, Lee County, Florida, adjoining Lots 20, 32, 33, 46, 47, and 55 of Belle Meade, a subdivision recorded in Plat Book 55, Pages 47 through 50 of the Public Records of Lee County, Florida and adjoining Lot 26 of Seminole Gardens, a subdivision recorded in Plat Book 4, Page 65 of the Public Records of Lee County, Florida; said parcel of land being a part of a 50 Ft. Road as shown on said plat of Seminole Gardens and referenced as Brook Hollow Lane on said plat of Belle Meade.

Commencing at the northeast corner of said Section 10; thence S 01°20'35" E (basis of bearings being the centerline of Winkler Road Extension Right-of-Way Map) along the east line of Section 10 for 1231.08 feet to the northeast corner of said Belle Meade; thence S 88°43'03" W along the north line of said Belle Meade, being also the north line of the former Lot 5 of said Seminole Gardens, for 1290.41 feet to the northwest corner of Lot 33 of said Belle Meade and the Point of Beginning; thence S 01°15'35" E for 990.07 feet along a line passing through the west lines of Lots 33, 55, 47 and 46 of said Belle Meade, also being the west line of former Lots 5, 6, and 7 of said Seminole Gardens, to the southwest corner of said Lot 46 of said Belle Meade, also being the southwest corner of former Lot 7 of Seminole Gardens; thence S 88°42'34" W, more or less, for 50.00 feet to the southeast corner of Lot 26 of Seminole Gardens; thence N 01°15'35" W along line passing through the east line of Lot 26 of Seminole Gardens and the east line of Lots 20 and 32 of Belle Meade, being also the east line of former Lots 27 and 28 of Seminole Gardens, for 990.09 feet, more or less, to the northeast corner of said Lot 32 of Belle Meade and former Lot 28 of Seminole Gardens; thence N 88°43'34" E for 50.00 feet to the Point of Beginning.

Containing 1.14 acres, more or less.

PAGE 1 OF 2

LEGAL DESCRIPTION AND ACCOMPANYING SKETCH PREPARED BY DENI ASSOCIATES, INC. SURVEYING AND MAPPING BUSINESS, STATE OF FLORIDA
CERTIFICATE OF AUTHORIZATION No. LB 3542.

Ben R. Homola

BEN R. HOMOLA - PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA REGISTRATION LICENSE No. LS 3950

FOR: BELLE MEADE ASSOC.

PROJECT: 20030603

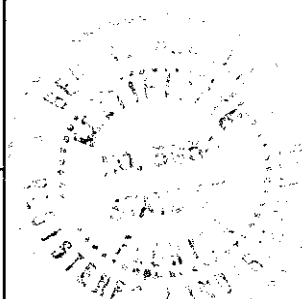
JUNE 17, 2003



Deni Associates, Inc.

6241 ARC WAY • FORT MYERS, FLORIDA 33912 • (239) 275-8875

PROFESSIONAL SURVEYORS AND MAPPERS



NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2003-00065

TO WHOM IT MAY CONCERN:

NOTICE is hereby given that on the 27th day of July 2004 @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, abandoning, closing and discontinuing the public's interest in the right-of-way or portion of a right-of-way, as well as the easement, plat or portion of a plat legally described in the attached Exhibit "A"

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

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

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

CHARLIE GREEN, CLERK

Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

RIGHT-OF-WAY, DRAINAGE & PUBLIC UTILITY EASEMENTS

A fifty (50) foot wide parcel of land lying in Section 10, Township 46 South, Range 24 East, Lee County, Florida, adjoining Lots 20, 32, 33, 46, 47, and 55 of Belle Meade, a subdivision recorded in Plat Book 55, Pages 47 through 50 of the Public Records of Lee County, Florida and adjoining Lot 26 of Seminole Gardens, a subdivision recorded in Plat Book 4, Page 65 of the Public Records of Lee County, Florida; said parcel of land being a part of a 50 Ft. Road as shown on said plat of Seminole Gardens and referenced as Brook Hollow Lane on said plat of Belle Meade.

Commencing at the northeast corner of said Section 10; thence S 01°20'35" E (basis of bearings being the centerline of Winkler Road Extension Right-of-Way Map) along the east line of Section 10 for 1231.08 feet to the northeast corner of said Belle Meade; thence S 88°43'03" W along the north line of said Belle Meade, being also the north line of the former Lot 5 of said Seminole Gardens, for 1290.41 feet to the northwest corner of Lot 33 of said Belle Meade and the Point of Beginning; thence S 01°15'35" E for 990.07 feet along a line passing through the west lines of Lots 33, 55, 47 and 46 of said Belle Meade, also being the west line of former Lots 5, 6, and 7 of said Seminole Gardens, to the southwest corner of said Lot 46 of said Belle Meade, also being the southwest corner of former Lot 7 of Seminole Gardens; thence S 88°42'34" W, more or less, for 50.00 feet to the southeast corner of Lot 26 of Seminole Gardens; thence N 01°15'35" W along line passing through the east line of Lot 26 of Seminole Gardens and the east line of Lots 20 and 32 of Belle Meade, being also the east line of former Lots 27 and 28 of Seminole Gardens, for 990.09 feet, more or less, to the northeast corner of said Lot 32 of Belle Meade and former Lot 28 of Seminole Gardens; thence N 88°43'34" E for 50.00 feet to the Point of Beginning.

Containing 1.14 acres, more or less.

PAGE 1 OF 2

LEGAL DESCRIPTION AND ACCOMPANYING SKETCH PREPARED BY DENI ASSOCIATES, INC. SURVEYING AND MAPPING BUSINESS, STATE OF FLORIDA
CERTIFICATE OF AUTHORIZATION No. LB 3542.

Ben R. Homola

BEN R. HOMOLA - PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA REGISTRATION LICENSE No. LS 3950

FOR: BELLE MEADE ASSOC.

PROJECT: 20030603

JUNE 17, 2003



Deni Associates, Inc.

8241 ARC WAY • FORT MYERS, FLORIDA 33912 • (239) 275-8875

PROFESSIONAL SURVEYORS AND MAPPERS



Belle Meade Property Owners Association, Inc.
 Petition to Vacate Road Right of Way
 List of Adjacent Property Owners

	Receipt	Return Card
Michael A. and Angela G. Clark 8526 South Lake Creek Fort Myers, FL 33908	xx	xx
Michael and Andrea Erhard 8570 Belle Meade Drive Fort Myers, FL 33908	xx	xx
William H. and Anita P. Russell 8431 Belle Meade Drive Fort Myers, FL 33908	xx	xx
Robert M. Fizer, Jr. c/o David W. Swor, Trustee 6000 Forest Boulevard Fort Myers, FL 33908	xx	xx
Dean R. and Dovi L. Goldberg 10275 Bismark Palm Way # 1132 Fort Myers, FL 33912	xx	xx
Cherrie R. and Mike A. Morris 17331 Brook Hollow Lane Fort Myers, FL 33908	xx	xx
Dennis A. and Marci W. Landfried 5322 Nautilus Drive Cape Coral, FL 33904	xx	xx
Edward J. McArdle, Tr. 5101 Caroline Street Houston, TX 77004	xx	xx
Virginia Tech Foundation, Inc. Business Manager 141 Pack Building Blacksburg, VA 24061	xx	xx
Frank W. Helmerick, II, Trustee 5845 Riverside Lane Fort Myers, FL 33919	xx	
South Florida Water Management District 3900 Commonwealth Boulevard Tallahassee, FL 32399	xx	xx

2. Article Number

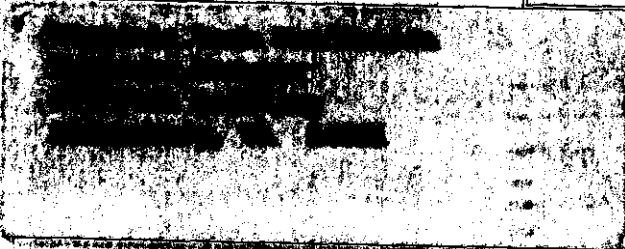


7160 3701 8842 1387 7660

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:



COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

7-16-03

C. Signature

[Handwritten Signature]

☒ Agent

☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

PS Form 3811, April 2002

Domestic Return Receipt

2. Article Number



7106 4575 1292 3794 2149

3. Service Type CERTIFIED MAIL

4. Restricted Delivery? (Extra Fee)

☐ Yes

1. Article Addressed to:

Michael and Andrea Erhard
 6570 Belle Meade Drive
 Fort Myers, FL 33908

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

7/11/03

C. Signature

x *Sandra Schmidt*☐ Agent☐ Addressee

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes☐ No

PS Form 8811, June 2000

Domestic Return Receipt

Belle Meade

7293.001

TBH/paw

2. Article Number



7106 4575 1292 3794 2200

3. Service Type CERTIFIED MAIL

4. Restricted Delivery? (Extra Fee)

☐ Yes

1. Article Addressed to:

Edward J. McArdle, JR.
 5101 Caroline Street
 Houston, TX 77004

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

x *Roy K...*

7-14-03

C. Signature

x *Roy K...*

JUL 14 2003

☐ Addressee

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes☐ No

PS Form 3811, June 2000

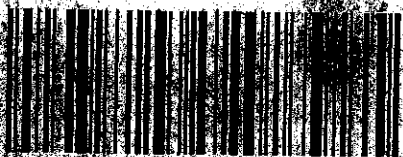
Domestic Return Receipt

Belle Meade

7293.001

TBH/paw

2. Article Number



7106 3901 9842 1387 7684

3. Service Type CERTIFIED MAIL

4. Restricted Delivery? (Extra Fee)

☐ Yes

1. Article Addressed to:

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes☐ No

RECEIVED

JUL 11 2003

DEP MAIL CENTER

2. Article Number



7106 4575 1292 3794 2187

3. Service Type CERTIFIED MAIL

4. Restricted Delivery? (Extra Fee)

☐ Yes

1. Article Addressed to:

Charrie R. and Mike A. Morris
12331 Brook Hollow Lane
Fort Myers, FL 33908

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

7/14

C. Signature

X

Michael A. Morris

☐ Agent☒ Addressee

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes☒ No

PS Form 3811, June 2000

Belle Meade 7298.001

TBH/paw

Domestic Return Receipt

2. Article Number



7106 4575 1292 3794 2163

3. Service Type CERTIFIED MAIL

4. Restricted Delivery? (Extra Fee)

☐ Yes

1. Article Addressed to:

Robert M. Fizer, Jr.
c/o David W. Swor, Trustee
6000 Forest Boulevard
Fort Myers, FL 33908

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

7/11/03

C. Signature

X

May Schenk

☐ Agent☒ Addressee

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes☒ No

PS Form 3811, June 2000

Belle Meade 7298.001

TBH/paw

Domestic Return Receipt

2. Article Number



7106 4575 1292 3794 2187

3. Service Type CERTIFIED MAIL

4. Restricted Delivery? (Extra Fee)

☐ Yes

1. Article Addressed to:

Dennis A. & Marci W. Landfried
5322 Nautilus Drive
Cape Coral, FL 33904

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

7/10

C. Signature

X

Marci W. Landfried

☐ Agent☒ Addressee

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes☒ No

PS Form 3811, June 2000

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) **3-29**

C. Signature *[Signature]*

☐ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:

PS Form 3811, April 2002 Domestic Return Receipt

2. Article Number

7106 4575 1292 3794 2120

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) **DAVID GOLDBERG**

B. Date of Delivery **7/22/03**

C. Signature *[Signature]*

☐ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

Dean R. and Dovi L. Goldberg
10275 Bismark Palm Way # 1132
Fort Myers, FL 33912

PS Form 3811, June 2000 Domestic Return Receipt
Belle Meade 7293.001 **TBH/paw**

2. Article Number

7106 4575 1292 3794 2154

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) **WILLIAM RUSSELL**

B. Date of Delivery **7/22/03**

C. Signature *[Signature]*

☐ Agent
☐ Addressee

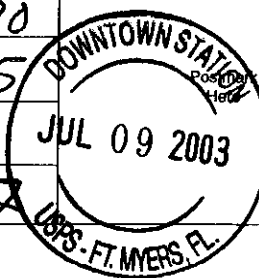
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

William and Anita P. Russell
8400 Belle Meade Drive
Fort Myers, FL 33908

PS Form 3811, June 2000 Domestic Return Receipt
Belle Meade 7293.001 **TBH/paw**

7160 3901 9842 1387 7660

US Postal Service Certified Mail Receipt <i>Domestic Mail Only</i> <i>No Insurance Coverage Provided</i>	Postage	\$.37
	Certified Fee	2.30
	Return Receipt Fee (Endorsement Required)	1.75
	Restricted Delivery Fee (Endorsement Required)	
	Total Postage & Fees	\$ 4.42



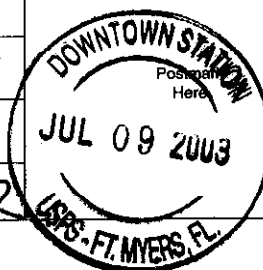
Sent To:

Virginia Tech Foundation
 Business Manager
 141 Pack Building
 Blacksburg, VA 24061

PS Form 3800, APRIL 2002	US Postal Service	Certified Mail Receipt	
Belle Meade	7293.001	TBH/paw	2

7160 3901 9842 1387 7664

US Postal Service Certified Mail Receipt <i>Domestic Mail Only</i> <i>No Insurance Coverage Provided</i>	Postage	\$.37
	Certified Fee	2.30
	Return Receipt Fee (Endorsement Required)	1.75
	Restricted Delivery Fee (Endorsement Required)	
	Total Postage & Fees	\$ 4.42



Sent To:

Co. Florida Water Management
 District
 3900 Commonwealth Boulevard
 Tallahassee, FL 32399

PS Form 3800, APRIL 2002	US Postal Service	Certified Mail Receipt	
Belle Meade	7293.001	TBH/paw	2

7160 3901 9842 1387 7752

US Postal Service Certified Mail Receipt <i>Domestic Mail Only</i> <i>No Insurance Coverage Provided</i>	Postage	\$ 37
	Certified Fee	2.30
	Return Receipt Fee (Endorsement Required)	1.75
	Restricted Delivery Fee (Endorsement Required)	
	Total Postage & Fees	\$ 4.42
	Sent To: Michael A. & Angela C. Clark 6526 South Lake Creek Port Myers, FL 33908	

Postmark Here
DOWNTOWN STATION
AUG 25 2003
USPS - FT. MYERS, FL.

PS Form 3800, APRIL 2002 US Postal Service **Certified Mail Receipt**

Belle Meade 7293.001 TTH/paw 2

7106 4575 1292 3794 2200

US Postal Service Receipt for Certified Mail <i>No Insurance Coverage Provided</i> <i>Do Not Use for International Mail</i>	Postage	\$.37
	Certified Fee	2.30
	Return Receipt Fee (Endorsement Required)	1.75
	Restricted Delivery Fee (Endorsement Required)	
	Total Postage & Fees	\$ 4.42
	Sent To: Edward J. McArdle, TR. 5101 Caroline Street Houston, TX 77004	

Postmark Here
DOWNTOWN STATION
JUL 09 2003
USPS - FT. MYERS, FL.

PS Form 3800, June 2000 US Postal Service **Certified Mail Receipt**

Belle Meade 7293.001 TTH/paw 2

7160 3901 9842 1387 7677

US Postal Service Certified Mail Receipt <i>Domestic Mail Only</i> <i>No Insurance Coverage Provided</i>	Postage	\$ 37
	Certified Fee	2.30
	Return Receipt Fee (Endorsement Required)	1.75
	Restricted Delivery Fee (Endorsement Required)	
	Total Postage & Fees	\$ 4.42
	Sent To: Frank W. Belmarick, II, Trustee 3845 Riverside Lane Fort Myers, FL 33919	

Postmark Here
DOWNTOWN STATION
JUL 09 2003
USPS - FT. MYERS, FL.

PS Form 3800, APRIL 2002 US Postal Service **Certified Mail Receipt**

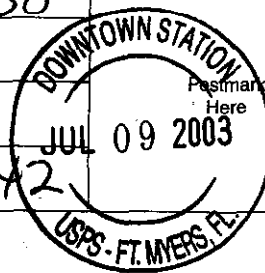
Belle Meade 7293.001

7106 4575 1292 3794 2170

US Postal Service
**Receipt for
Certified
Mail**

No Insurance Coverage
Provided
Do Not Use for International
Mail

Postage \$.37
Certified Fee 2.30
Return Receipt Fee
(Endorsement Required)
Restricted Delivery Fee
(Endorsement Required)
Total Postage & Fees \$ 4.42



Sent To:

Dean R. and Dovi L. Goldberg
10275 Bismark Palm Way # 1132
Fort Myers, FL 33912

PS Form 3800, June 2000

Belle Meade 7293.001

US Postal Service

Certified Mail Receipt
TBH/paw

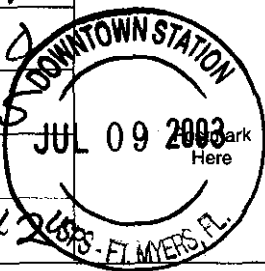
2

7106 4575 1292 3794 2167

US Postal Service
**Receipt for
Certified
Mail**

No Insurance Coverage
Provided
Do Not Use for International
Mail

Postage \$.37
Certified Fee 2.30
Return Receipt Fee
(Endorsement Required) 1.75
Restricted Delivery Fee
(Endorsement Required)
Total Postage & Fees \$ 4.42



Sent To:

Charrie R. and Mike A. Morris
17331 Brook Hollow Lane
Fort Myers, FL 33908

PS Form 3800, June 2000

Belle Meade 7293.001

US Postal Service

Certified Mail Receipt

TBH/paw

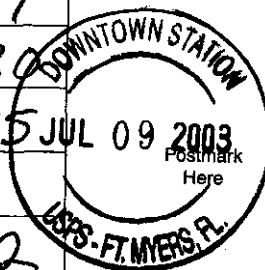
2

7106 4575 1292 3794 2194

US Postal Service
**Receipt for
Certified
Mail**

No Insurance Coverage
Provided
Do Not Use for International
Mail

Postage \$.37
Certified Fee 2.30
Return Receipt Fee
(Endorsement Required) 1.75
Restricted Delivery Fee
(Endorsement Required)
Total Postage & Fees \$ 4.42



Sent To:

Dennis A. & Marci W. Landfried
5322 Nautilus Drive
Cape Coral, FL 33904

PS Form 3800, June 2000

Belle Meade 7293.001

US Postal Service

Certified Mail Receipt

TBH/paw

2

7106 4575 1292 3794 2149

US Postal Service

Receipt for Certified Mail

No Insurance Coverage
Provided
Do Not Use for International
Mail

Postage

\$.37

Certified Fee

2.30

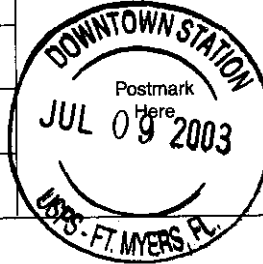
Return Receipt Fee
(Endorsement Required)

1.75

Restricted Delivery Fee
(Endorsement Required)

\$ 4.42

Total Postage & Fees



Sent To:

Michael and Andrea Erhard
8570 Belle Meade Drive
Fort Myers, FL 33908

PS Form 3800, June 2000

US Postal Service

Certified Mail Receipt

Belle Meade

7293.001

TBH/paw

2

7106 4575 1292 3794 2156

US Postal Service

Receipt for Certified Mail

No Insurance Coverage
Provided
Do Not Use for International
Mail

Postage

\$.37

Certified Fee

2.30

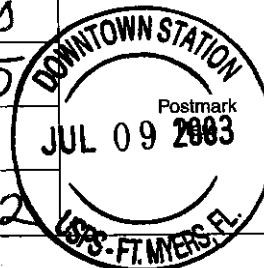
Return Receipt Fee
(Endorsement Required)

1.75

Restricted Delivery Fee
(Endorsement Required)

\$ 4.42

Total Postage & Fees



Sent To:

William H. and Anita P. Russell
8431 Belle Meade Drive
Fort Myers, FL 33908

PS Form 3800, June 2000

US Postal Service

Certified Mail Receipt

Belle Meade

7293.001

TBH/paw

2

7106 4575 1292 3794 2163

US Postal Service

Receipt for Certified Mail

No Insurance Coverage
Provided
Do Not Use for International
Mail

Postage

\$.37

Certified Fee

2.30

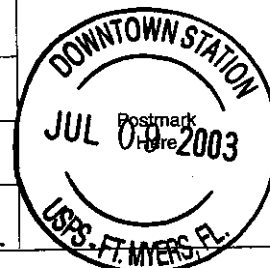
Return Receipt Fee
(Endorsement Required)

1.75

Restricted Delivery Fee
(Endorsement Required)

\$ 4.42

Total Postage & Fees



Sent To:

Robert M. Pizer, Jr.
c/o David W. Swor, Trustee
6000 Forest Boulevard
Fort Myers, FL 33908

PS Form 3800, June 2000

US Postal Service

Certified Mail Receipt

BELLE MEADE

A RESUBDIVISION OF LOTS 37 AND 38, LESS THE WEST 25 FEET THEREOF FOR COUNTY ROAD RIGHT-OF-WAY AND LOTS 5, 6, 7, 27 AND 28, SEMINOLE GARDENS, LYING IN SECTION 10, TOWNSHIP 46 SOUTH, RANGE 24 EAST, AS RECORDED IN PLAT BOOK 4, PAGE 65, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PLAT BOOK 65 PAGE 47
SHEET 1 OF 4
MARCH 1994

NOTICE

THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

EASEMENT DEDICATION

THE OWNER OF THIS PLAT DOES HEREBY DEDICATE ALL EASEMENTS AS SHOWN ON THE PLAT AND A TEN FOOT (10') DRAINAGE AND PUBLIC UTILITIES EASEMENT ALONG THE BOUNDARY LINE ADJACENT TO THE ROAD RIGHT-OF-WAY OF EACH LOT, BEING DEDICATED SOLELY FOR THE USES AND PURPOSES INDICATED.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT SOUTH FLORIDA PROPERTIES, L.L.C., AN OKLAHOMA LIMITED LIABILITY COMPANY DOING BUSINESS IN FLORIDA AS SOUTH FLORIDA PROPERTIES OF S.W. FLORIDA, L.L.C., AS OWNER OF THE HEREIN DESCRIBED LANDS, HAS CAUSED THIS PLAT OF BELLE MEADE, A RESUBDIVISION OF LOTS 37 AND 38, LESS THE WEST 25 FEET THEREOF FOR COUNTY ROAD RIGHT-OF-WAY, AND LOTS 5, 6, 7, 27 AND 28, SEMINOLE GARDENS, PLAT BOOK 4, PAGE 65 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, TO BE MADE AND DOES HEREBY MAKE THE FOLLOWING DEDICATIONS:

1. ALL ROADS, TRACT "A", BUFFER AND LANDSCAPE EASEMENTS, AND ALL DRAINAGE EASEMENTS TO THE PERPETUUM USE OF BELLE MEADE PROPERTY OWNERS ASSOCIATION, INC.
2. ALL PUBLIC UTILITIES EASEMENTS TO THE GOVERNMENT, AGENCIES AND PUBLIC AND PRIVATE UTILITIES HAVING THE AUTHORITY TO PROVIDE UTILITY SERVICES, FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF CABLE TELEVISION SERVICES, ELECTRIC, TELEPHONE, GAS OR OTHER PUBLIC UTILITY.
3. THE CONSERVATION EASEMENTS AND CONSERVATION EASEMENT ACCESS TO THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, SUBJECT TO THE TERMS AS RECORDED IN OFFICIAL RECORDS BOOK 1887, PAGE 1887 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

HEREBY RESERVING, VACATING AND ABANDONING ANY PLAT OR PLATS OF ANY PART OF SAID LANDS HERETOFORE MADE.

IN WITNESS WHEREOF, THE OWNER OF THIS PLAT HAS CAUSED THIS DEDICATION TO BE MADE AND SIGNED THIS 7th DAY OF July, A.D., 1994.

WITNESSES:
SOUTH FLORIDA PROPERTIES
OF S.W. FLORIDA, L.L.C.
BY: Robert A. Foster Jr.
MANAGING MEMBER

ACKNOWLEDGEMENT

STATE OF OKLAHOMA

COUNTY OF CLEVELAND

BEFORE ME, THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED CLYDE R. KOSTER, JR. PERSONALLY KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO AND BEFORE ME THAT HE EXECUTED SAID INSTRUMENT FOR THE PURPOSES THEREIN EXPRESSED.

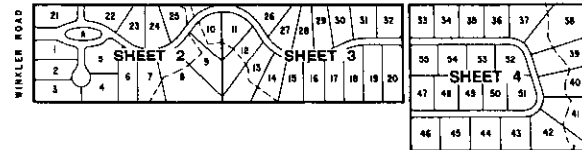
WITNESSED MY HAND AND OFFICIAL SEAL THIS 7th DAY OF July, A.D., 1994.

NOTARY PUBLIC, NAME: Charles E. Green
COMMISSION NO. 3640580
COMMISSION EXPIRES: 1-1-98

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF BELLE MEADE, A REPLAT OF LOTS 37 AND 38, LESS THE WEST 25 FEET THEREOF FOR COUNTY ROAD RIGHT-OF-WAY, AND LOTS 5, 6, 7, 27 AND 28, SEMINOLE GARDENS, PLAT BOOK 4, PAGE 65, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, IS A TRUE AND CORRECT REPRESENTATION OF THE HEREIN DESCRIBED LANDS ACCORDING TO A RECENT SURVEY MADE AND PLATTED UNDER MY DIRECTION AND SUPERVISION AND THAT THE SURVEY DATA COMPLIES WITH ALL OF THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES. I ALSO CERTIFY THAT THE PERMANENT REFERENCE MONUMENTS (PRM'S) AND PERMANENT CONTROL POINTS (PCP'S) HAVE BEEN PLACED AT THE LOCATIONS SHOWN ON THE PLAT.

BY: Ben S. Plomde
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATE NUMBER 3940



SHEET LAYOUT
SCALE 1" = 400'

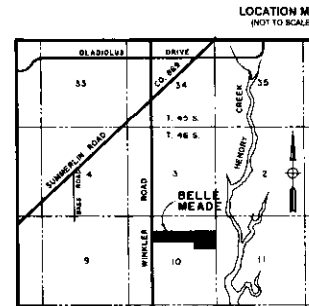
LEGAL DESCRIPTION

LOTS 37 AND 38, LESS THE WEST 25 FEET THEREOF FOR COUNTY ROAD RIGHT-OF-WAY, AND LOTS 5, 6, 7, 27 AND 28, SEMINOLE GARDENS, PLAT BOOK 4, PAGE 65, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING IN SECTION 10, TOWNSHIP 46 SOUTH, RANGE 24 EAST, AS RECORDED IN PLAT BOOK 4, PAGE 65, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 10; THENCE S01°20'35"E (BASIS OF BEARINGS BEING THE CENTERLINE OF WINKLER ROAD EXTENSION RIGHT-OF-WAY MAP) ALONG THE EAST LINE OF SAID SECTION 10 FOR 1231.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S01°20'35"E ALONG SAID EAST LINE AND THE EAST LINE OF SAID LOTS 5, 6 AND 7, SEMINOLE GARDENS FOR 889.89 FEET; THENCE S88°42'34"W ALONG THE SOUTH LINE OF SAID LOT 7, FOR 1290.41 FEET; THENCE N01°15'35"E ALONG THE WEST LINE OF SAID LOTS 7, 6 AND 5 FOR 990.07 FEET; THENCE N88°43'03"E ALONG THE NORTH LINE OF SAID LOT 5, SEMINOLE GARDENS FOR 1290.41 FEET TO THE POINT OF BEGINNING. CONTAINING 29.34 ACRES MORE OR LESS.

TOGETHER WITH:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 10; THENCE S01°20'35"E ALONG THE EAST LINE OF SECTION 10 FOR 1231.00 FEET; THENCE S88°43'03"E, ALONG THE NORTH LINE OF SAID LOT 5, SEMINOLE GARDENS FOR 1290.41 FEET; THENCE S88°42'34"W FOR 889.89 FEET TO THE POINT OF BEGINNING; THENCE S01°15'35"E ALONG THE EAST LINE OF SAID LOTS 28 AND 27, SEMINOLE GARDENS FOR 840.20 FEET; THENCE S88°43'31"W ALONG THE SOUTH LINE OF SAID LOT 27, SEMINOLE GARDENS FOR 1290.41 FEET; THENCE S88°42'35"W ALONG THE SOUTH LINE OF SAID LOT 38, SEMINOLE GARDENS FOR 1290.01 FEET TO THE EAST RIGHT-OF-WAY LINE OF WINKLER ROAD; THENCE N01°18'55"W ALONG SAID RIGHT-OF-WAY LINE 840.21 FEET; THENCE N88°42'32"E ALONG THE NORTH LINE OF SAID LOT 27 FOR 1290.41 FEET; THENCE N88°43'34"E ALONG THE NORTH LINE OF SAID LOT 28 FOR 1290.70 FEET TO THE POINT OF BEGINNING. CONTAINING 36.00 ACRES MORE OR LESS.



NOTICE

LANDS DESCRIBED IN THIS PLAT ARE SUBDIVIDED BY THE DEVELOPER WITHOUT THE ROADS, DRAINAGE AND SEWER FACILITIES BEING ACCEPTED FOR MAINTENANCE BY LEE COUNTY. ANY PURCHASER OF A LOT IN THIS SUBDIVISION IS ADVISED THAT HE MAY BE SUBJECT TO ASSESSMENT OR CALLED UPON TO BEAR A PORTION OR ALL OF THE EXPENSE OF CONSTRUCTION, MAINTENANCE OR IMPROVEMENT OF ROADS, DRAINAGE AND SEWER FACILITIES.

APPROVALS

THIS PLAT ACCEPTED THIS 10th DAY OF August, A.D., 1994, IN OPEN MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA.

COUNTY CLERK
NAME: Rita Jordan
DIRECTOR, DEPARTMENT OF COMMUNITY DEVELOPMENT
NAME: John E. McGinty

COUNTY CLERK
NAME: Charles E. Green
CLERK OF COURT
NAME: Charles E. Green



CLERK'S CERTIFICATE

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF BELLE MEADE, A RESUBDIVISION OF LOTS 37 AND 38, LESS THE WEST 25 FEET THEREOF FOR COUNTY ROAD RIGHT-OF-WAY, AND LOTS 5, 6, 7, 27 AND 28, SEMINOLE GARDENS, PLAT BOOK 4, PAGE 65, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, HAS BEEN EXAMINED BY ME AND FROM MY EXAMINATION I FIND THAT SAID PLAT COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177, LAWS OF FLORIDA. I FURTHER CERTIFY THAT THIS PLAT WAS FILED FOR RECORD AT 10:48 A.M. THIS 10th DAY OF August, A.D., 1994, BEING DULY RECORDED IN PLAT BOOK 65 AT PAGES 47 THROUGH 48 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

CLERK OF THE CIRCUIT COURT
IN AND FOR LEE COUNTY, FLORIDA
NAME: Charles E. Green



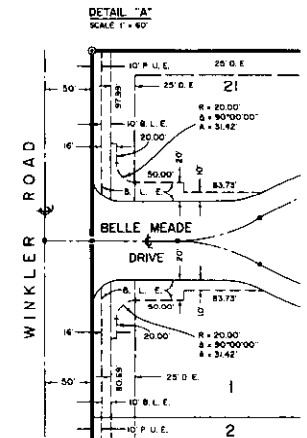
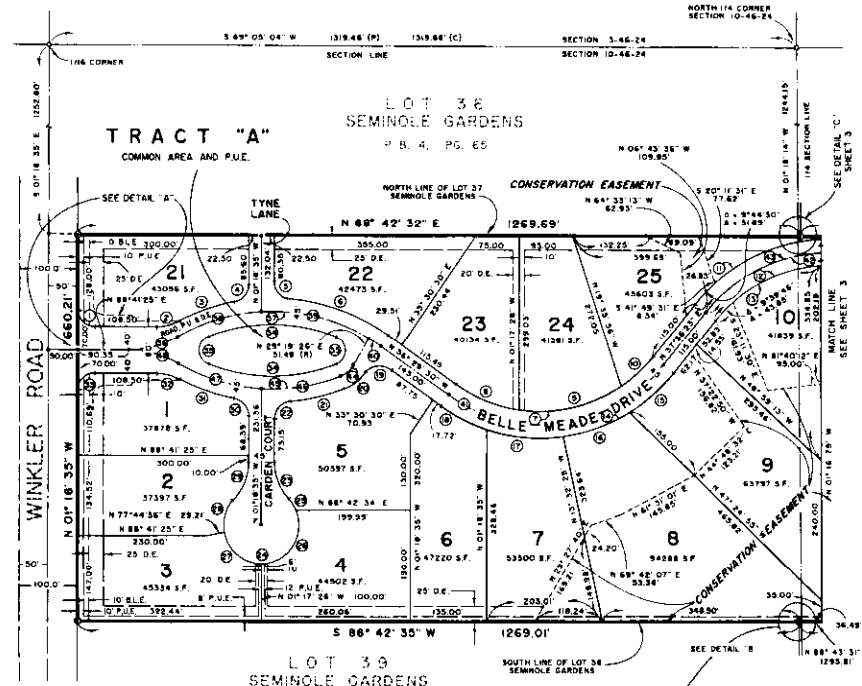
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DEMI ASSOCIATES, INC.
LAND SURVEYORS
6041 APC WAY
FORT MYERS, FL 33902

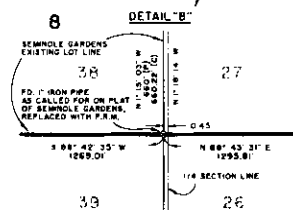
BELLE MEADE

A RESUBDIVISION OF LOTS 37 AND 38, LESS THE WEST 25 FEET THEREOF FOR COUNTY ROAD RIGHT-OF-WAY AND LOTS 5, 6, 7, 27 AND 28, SEMINOLE GARDENS, LYING IN SECTION 10, TOWNSHIP 46 SOUTH, RANGE 24 EAST, AS RECORDED IN PLAT BOOK 4, PAGE 65, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PLAT BOOK 55 PAGE 48
SHEET 2 OF 4
MARCH 1994



CURVE	RADIUS	DELTA	ARC	CHORD	CH BRG.
1	30.00	90.0000	47.12	47.43	N46°18'35"W
2	90.00	270.000	42.83	42.24	N75°01'11"E
3	300.00	1875.117	101.65	101.50	N44°46'45"E
4	30.00	797.750	41.52	38.98	N28°20'20"E
5	20.00	80.000	44.51	40.54	N47°46'30"W
6	255.00	2949.35	184.80	183.72	N71°24'13"W
7	260.00	874.017	366.30	353.71	S82°41'37"W
8	260.00	2074.031	121.99	120.00	N46°26'31"W
9	250.00	4740.52	186.14	185.00	N75°59'01"E
10	250.00	1717.212	78.07	77.77	N46°22'28"E
11	300.00	5175.117	273.72	268.84	N63°20'02"E
12	250.00	10755.487	489.73	480.50	S45°05'45"E
13	250.00	4711.51	214.16	208.17	N46°12'19"E
14	335.00	8514.617	455.90	414.34	S00°43'37"W
15	300.00	1931.91	153.89	152.39	N44°41'54"E
16	250.00	2738.38	125.69	125.00	N69°16'57"E
17	300.00	2534.00	130.15	130.00	N69°06'25"W
18	300.00	1846.48	99.59	99.27	N65°34'34"W
19	17.00	8740.20	51.40	51.90	N75°06'15"E
20	10.00	3151.03	38.91	38.41	N57°42'32"E
21	244.00	1802.82	98.43	99.11	N75°40'28"E
22	20.00	80.000	44.51	40.54	N47°46'30"W
23	80.00	4317.50	88.27	86.81	N23°02'30"W
24	60.00	2065.41	302.89	34.31	S88°41'25"W
25	80.00	2071.44	33.87	35.54	N34°30'31"W
26	80.00	11273.11	127.76	108.17	S27°23'38"W
27	80.00	7902.61	89.85	82.72	N61°48'15"W
28	60.00	3474.40	61.75	58.65	N14°38'00"E
29	80.00	4227.52	64.27	66.66	N20°28'20"E
30	20.00	79.1700	41.52	38.28	S45°05'45"E
31	355.00	18746.7	101.85	101.50	N47°23'16"W
32	80.00	2738.37	42.83	42.24	N75°01'11"E
33	30.00	80.000	47.12	42.43	N46°18'35"E
34	310.00	4254.44	77.97	77.29	N44°50'28"W
35	25.00	12755.12	62.18	46.87	N01°18'55"W



CURVE	RADIUS	DELTA	ARC	TANGENT	CHORD	CH BRG.
36	175.00	2929.41	90.90	46.24	90.90	N13°31'35"E
37	220.00	6071.42	249.90	193.11	323.90	N69°10'35"E
38	220.00	6071.42	249.90	193.11	323.90	N69°10'35"E
39	320.00	3858.29	155.12	114.79	217.02	N75°20'59"W
40	320.00	4041.06	24.28	12.15	24.28	S58°13'02"E
41	282.00	8024.07	421.80	281.45	383.77	N40°43'27"E
42	282.00	10755.95	522.18	386.12	456.89	N48°55'43"W
43	282.00	8024.07	421.80	281.45	383.77	N40°43'27"E
44	47.50	3818.31	31.77	18.51	31.19	N48°29'14"E
45	330.00	10755.95	522.18	386.12	456.89	N48°55'43"W
46	330.00	2478.55	141.11	71.92	142.05	N75°48'31"E
47	330.00	2923.06	152.12	77.94	151.77	N14°50'28"W
48	175.00	2929.41	90.90	46.24	90.90	N13°31'35"W

SURVEYOR'S NOTES AND LEGEND

BASE OF BEARINGS: CENTERLINE OF WINKLER ROAD BEARING N 01° 18' 35" W

ROADS ARE ALSO EASEMENT AND PUBLIC UTILITIES EASEMENTS

THERE IS A 10 FOOT (10') DRAINAGE AND PUBLIC UTILITIES EASEMENT ALONG THE BOUNDARY LINE ADJACENT TO THE ROAD RIGHT-OF-WAY OF EACH LOT

⊙ INDICATES PERMANENT REFERENCE MONUMENT (PRM)

* INDICATES PERMANENT CONTROL POINT (PCP)

D.E. = DRAINAGE EASEMENT S.F. = SQUARE FEET

P.U.E. = PUBLIC UTILITIES EASEMENT (R) = RADIAL LINE

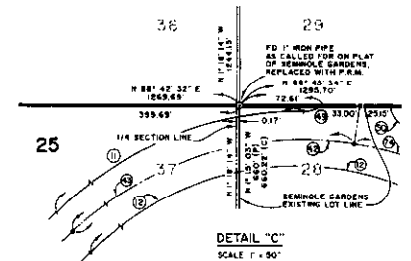
B.L.E. = BUFFER AND LANDSCAPE EASEMENT

DEW ASSOCIATES, INC.
LAND SURVEYORS
8541 ARC WAY
FORT MYERS, FL 33912

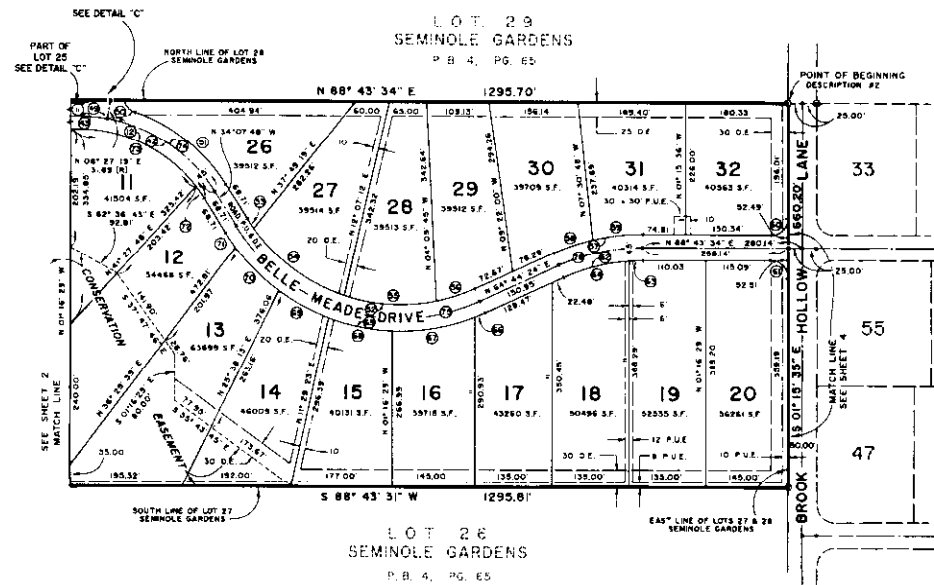
BELLE MEADE

A RESUBDIVISION OF LOTS 37 AND 38, LESS THE WEST 25 FEET THEREOF FOR COUNTY ROAD RIGHT-OF-WAY AND LOTS 5, 6, 7, 27 AND 28, SEMINOLE GARDENS, LYING IN SECTION 10, TOWNSHIP 46 SOUTH, RANGE 24 EAST, AS RECORDED IN PLAT BOOK 4, PAGE 65, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PLAT BOOK 53 PAGE 49
SHEET 3 OF 4
MARCH 1994



CURVE	RADIUS	DELTA	ARC	TANGENT	CHORD	CH.BRG.
42	262.50'	107°56'40"	532.16	268.32	458.88	N48°26'43"W
43	262.50'	107°56'40"	532.16	268.32	458.88	N48°26'43"W
74	262.50'	107°56'40"	532.16	268.32	458.88	N48°26'43"W
75	262.50'	107°56'40"	532.16	268.32	458.88	N48°26'43"W
76	262.50'	107°56'40"	532.16	268.32	458.88	N48°26'43"W



CURVE	RADIUS	DELTA	ARC	CHORD	CH.BRG.
11	305.00'	51°25'17"	273.73	264.84	N43°29'02"E
12	260.00'	10°25'48"	469.77	429.50	S88°05'43"E
13	30.00'	33°48'30"	17.76	17.41	N72°27'27"E
14	30.00'	58°53'37"	29.78	29.58	N44°09'24"W
15	305.00'	38°27'34"	264.72	200.86	N52°21'20"W
16	305.00'	81°07'48"	463.11	418.20	N74°41'42"W
17	320.00'	33°41'23"	30.61	30.61	N32°58'31"W
18	320.00'	35°23'27"	188.84	190.37	N54°28'42"W
19	320.00'	49°17'24"	160.80	164.82	N69°00'38"W
20	320.00'	17°25'11"	10.96	10.96	N71°02'07"E
21	368.00'	22°58'10"	162.43	161.25	N78°42'59"E
22	368.00'	10°48'10"	79.84	77.82	N71°02'07"E
23	368.00'	13°12'54"	88.49	86.29	N82°07'07"E
24	368.00'	10°48'10"	79.84	77.82	N71°02'07"E
25	368.00'	13°12'54"	88.49	86.29	N82°07'07"E
26	368.00'	10°48'10"	79.84	77.82	N71°02'07"E
27	368.00'	13°12'54"	88.49	86.29	N82°07'07"E
28	368.00'	10°48'10"	79.84	77.82	N71°02'07"E
29	368.00'	13°12'54"	88.49	86.29	N82°07'07"E
30	368.00'	10°48'10"	79.84	77.82	N71°02'07"E
31	368.00'	13°12'54"	88.49	86.29	N82°07'07"E
32	368.00'	10°48'10"	79.84	77.82	N71°02'07"E
33	368.00'	13°12'54"	88.49	86.29	N82°07'07"E
34	368.00'	10°48'10"	79.84	77.82	N71°02'07"E
35	368.00'	13°12'54"	88.49	86.29	N82°07'07"E
36	368.00'	10°48'10"	79.84	77.82	N71°02'07"E
37	368.00'	13°12'54"	88.49	86.29	N82°07'07"E
38	368.00'	10°48'10"	79.84	77.82	N71°02'07"E
39	368.00'	13°12'54"	88.49	86.29	N82°07'07"E
40	368.00'	10°48'10"	79.84	77.82	N71°02'07"E
41	368.00'	13°12'54"	88.49	86.29	N82°07'07"E
42	368.00'	10°48'10"	79.84	77.82	N71°02'07"E
43	368.00'	13°12'54"	88.49	86.29	N82°07'07"E
44	368.00'	10°48'10"	79.84	77.82	N71°02'07"E
45	368.00'	13°12'54"	88.49	86.29	N82°07'07"E
46	368.00'	10°48'10"	79.84	77.82	N71°02'07"E
47	368.00'	13°12'54"	88.49	86.29	N82°07'07"E
48	368.00'	10°48'10"	79.84	77.82	N71°02'07"E
49	368.00'	13°12'54"	88.49	86.29	N82°07'07"E
50	368.00'	10°48'10"	79.84	77.82	N71°02'07"E
51	368.00'	13°12'54"	88.49	86.29	N82°07'07"E
52	368.00'	10°48'10"	79.84	77.82	N71°02'07"E
53	368.00'	13°12'54"	88.49	86.29	N82°07'07"E
54	368.00'	10°48'10"	79.84	77.82	N71°02'07"E
55	368.00'	13°12'54"	88.49	86.29	N82°07'07"E
56	368.00'	10°48'10"	79.84	77.82	N71°02'07"E
57	368.00'	13°12'54"	88.49	86.29	N82°07'07"E
58	368.00'	10°48'10"	79.84	77.82	N71°02'07"E
59	368.00'	13°12'54"	88.49	86.29	N82°07'07"E
60	368.00'	10°48'10"	79.84	77.82	N71°02'07"E
61	368.00'	13°12'54"	88.49	86.29	N82°07'07"E
62	368.00'	10°48'10"	79.84	77.82	N71°02'07"E
63	368.00'	13°12'54"	88.49	86.29	N82°07'07"E
64	368.00'	10°48'10"	79.84	77.82	N71°02'07"E
65	368.00'	13°12'54"	88.49	86.29	N82°07'07"E
66	368.00'	10°48'10"	79.84	77.82	N71°02'07"E
67	368.00'	13°12'54"	88.49	86.29	N82°07'07"E
68	368.00'	10°48'10"	79.84	77.82	N71°02'07"E
69	368.00'	13°12'54"	88.49	86.29	N82°07'07"E
70	368.00'	10°48'10"	79.84	77.82	N71°02'07"E
71	368.00'	13°12'54"	88.49	86.29	N82°07'07"E
72	368.00'	10°48'10"	79.84	77.82	N71°02'07"E
73	368.00'	13°12'54"	88.49	86.29	N82°07'07"E

SURVEYOR'S NOTES AND LEGEND

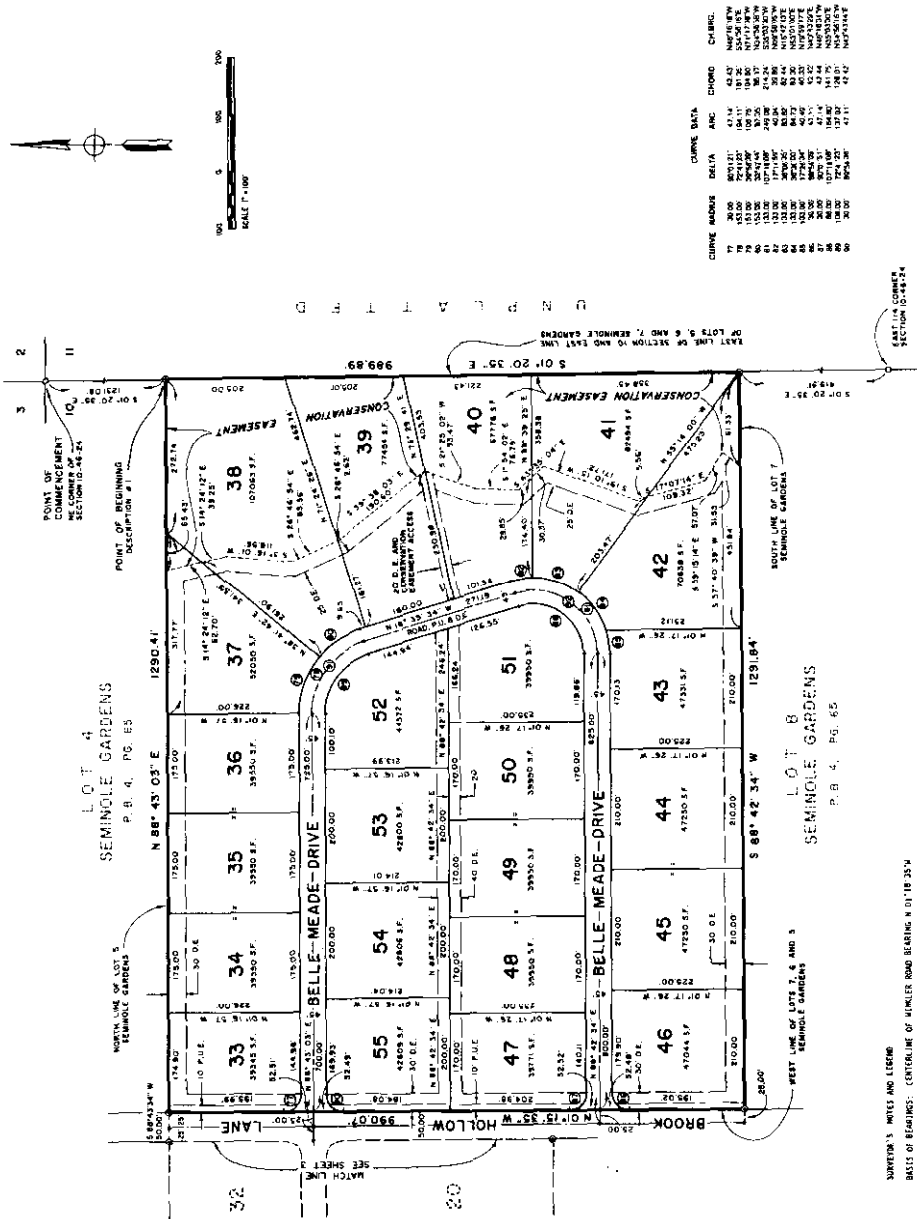
BASIS OF BEARINGS: CENTERLINE OF WIMMER ROAD BEARING N 01°18'35"W
ROADS ARE ALSO DRAINAGE AND PUBLIC UTILITIES EASEMENTS
THERE IS A 10 FOOT (10') DRAINAGE AND PUBLIC UTILITIES EASEMENT ALONG THE BOUNDARY LINE ADJACENT TO THE ROAD RIGHT-OF-WAY OF EACH LOT
⊙ INDICATES PERMANENT REFERENCE MONUMENT (PRM)
* INDICATES PERMANENT CONTROL POINT (PCP)
D.E. = DRAINAGE EASEMENT S.F. = SQUARE FEET
P.U.E. = PUBLIC UTILITIES EASEMENT (R) = RADIAL LINE
B.L.E. = BUFFER AND LANDSCAPE EASEMENT

DENI ASSOCIATES, INC.
LAND SURVEYORS
8241 RINGWAY
FORT MYERS, FL 33912

BELLE MEADE

A RESUBDIVISION OF LOTS 37 AND 38, LESS THE WEST 25 FEET THEREOF FOR COUNTY ROAD RIGHT-OF-WAY AND LOTS 5, 6, 7, 27 AND 28, SEMINOLE GARDENS, LYING IN SECTION 10, TOWNSHIP 46 SOUTH, RANGE 24 EAST, AS RECORDED IN PLAT BOOK 4, PAGE 65, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PLAT BOOK 53 PAGE 50
SHEET 4 OF 4
MARCH 1984



SURVEYED BY WHITE AND LEECH

DATE OF BEARING: CENTERLINE OF HUNTER ROAD BEARING N 01° 18' 25" W

ROADS ARE ALSO DRAINAGE AND PUBLIC UTILITIES EASEMENTS

THERE IS A 10' (1000 S.F.) DRAINAGE AND PUBLIC UTILITIES EASEMENT ALONG THE

BOUNDARY LINE ADJACENT TO THE ROAD RIGHT-OF-WAY OF PLAT 10

• INDICATES PERMANENT RECYCLABLE MONUMENT (PRM)

• INDICATES PERMANENT CONTROL POINT (PCP)

D.E. = DRAINAGE EASEMENT S.F. = SQUARE FEET

P.U.E. = PUBLIC UTILITIES EASEMENT (S.F.) = SQUARE FEET

R.L.E. = RIGHT-OF-WAY AND LANDSCAPE EASEMENT

CENTERLINE CURVE DATA

CURVE RADIUS

DELTA

ANG

CHORD

CHORD BEARING

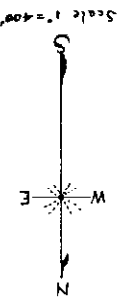
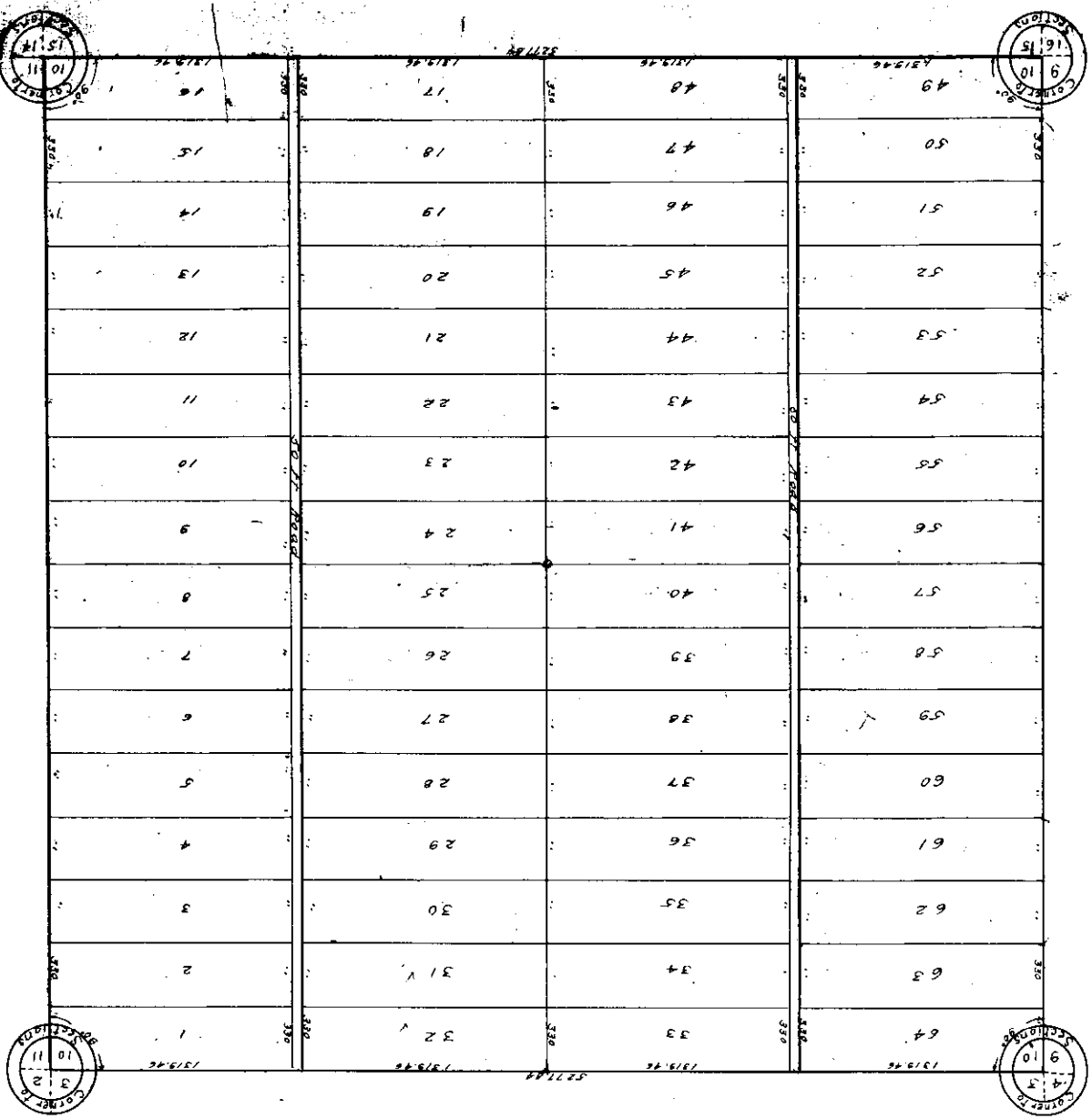
CURVE RADIUS	DELTA	ANG	CHORD	CHORD BEARING
77	30.00	80°12'31"	43.74	N47°14'10" W
78	103.00	72°41'20"	184.11	N55°40'19" E
79	103.00	72°41'20"	184.11	N55°40'19" E
80	103.00	72°41'20"	184.11	N55°40'19" E
81	103.00	72°41'20"	184.11	N55°40'19" E
82	103.00	72°41'20"	184.11	N55°40'19" E
83	103.00	72°41'20"	184.11	N55°40'19" E
84	103.00	72°41'20"	184.11	N55°40'19" E
85	103.00	72°41'20"	184.11	N55°40'19" E
86	103.00	72°41'20"	184.11	N55°40'19" E
87	103.00	72°41'20"	184.11	N55°40'19" E
88	103.00	72°41'20"	184.11	N55°40'19" E
89	103.00	72°41'20"	184.11	N55°40'19" E
90	103.00	72°41'20"	184.11	N55°40'19" E

DEW ASSOCIATES, INC.
1001 N. W. 10TH AVE.
FORT WORTH, TEXAS 76102

SEMINOLE GARDENS.

Being a subdivision of Section 10, Township 46 South of Range 24 East, Lee County Florida.

ALL CORNERS MARKED WITH A NAIL FROM HERE, 15.18 IN. IN DIAMETER, PART OF QUINCY.



Surveyed & subdivided by
J.A. Davidson & Son
Civil Engineers
Fort Myers Fla.
on May 12, 1915.
FILED IN THE OFFICE OF THE
CLERK OF THE CIRCUIT COURT,
LEE COUNTY, FLA.

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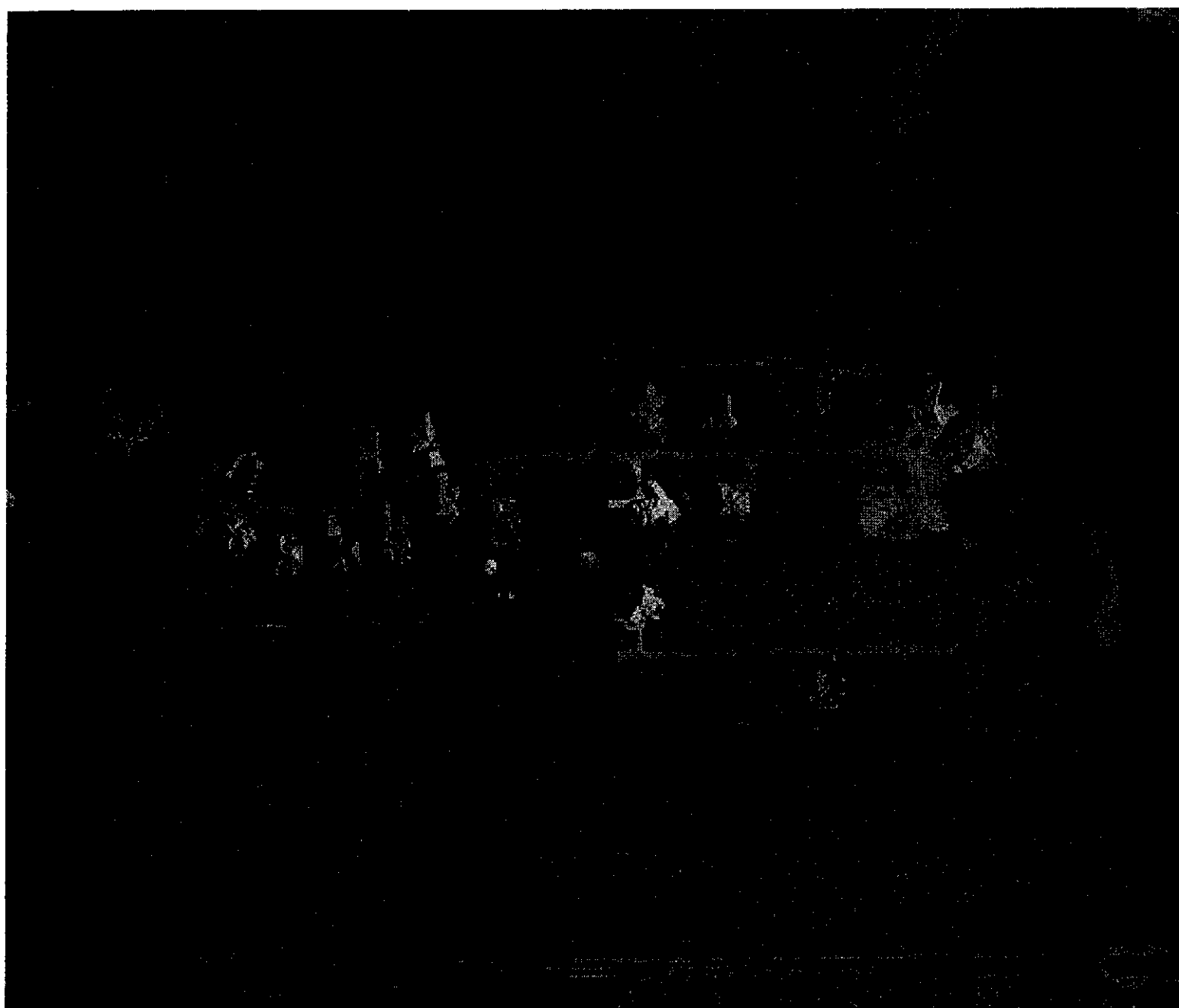
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This Instrument Prepared by:

Lee County Environmental Services Department
Natural Resources Division
P.O. Box 398
Fort Myers, FL 33902-0398
STRAP Number: _____

This Space for Recording

PERPETUAL STORMWATER DRAINAGE EASEMENT

This easement grant is made between Belle Meade Property Owners Association, Inc.
owner whose address is 11595 Kelly Rd., Suite 309, Fort Myers, FL 33908 (Grantor)
and LEE COUNTY, a political subdivision of the State of Florida, whose address is
P.O. Box 398, Fort Myers, Florida 33902-0398 (Grantee) as follows:

1. In consideration of the sum of one dollar and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor grants to Grantee, its successors and assigns, a drainage easement in, over and across that portion of Grantor's property legally described in Exhibit "A".
2. Grantee has the right and authority to construct and maintain stormwater drainage facilities, including the installation of pipe, within the easement area in accordance with appropriate permits issued for construction and maintenance. The Perpetual Stormwater Drainage Easement is not limited to any one diameter size, type or number of connections to other stormwater lines or systems for providing drainage.
3. Grantee also has the right and authority to remove or trim any roots, trees or other vegetation or structures, including fencing, within the easement area in order to properly install the stormwater drainage facilities.
4. Grantor may use the easement area for landscaping (except trees), walkway, drainage or similar uses, provided no structures, such as sheds, carports, garages or other buildings, are constructed within the easement area.
5. Title to any drainage facilities constructed in the easement area will remain in the Grantee, its successors or assigns.
6. Grantor warrants that subject to any existing public roadway or utility easements, Grantor is in lawful possession of the subject property free and clear of all liens and encumbrances, except those recorded in the public records, and has the right and power to convey this easement.

7. County/Grantee, by accepting this Easement, agrees to all the terms contained herein.

8. This easement is binding upon the parties hereto, there successors and assigns.

IN WITNESS WHEREOF, this instrument is executed this 12th day of February, 2004.

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

Thomas R. Simon
1st Witness Signature

THOMAS R. SIMON
Printed Name of 1st Witness

Frances M. Simon
2nd Witness Signature

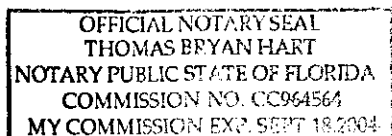
FRANCES M. SIMON
Printed Name of the 2nd Witness

Janeanne Archiabile
By Janeanne Archiabile, President
GRANTOR

STATE OF FLORIDA)
)
COUNTY OF LEE)

The foregoing instrument was acknowledged before me this 12 day of February, 2004 by Janeanne Archiabile * (name of person acknowledged) who is personally known to me or who has produced _____ (type of identification) as identification.

Thomas B. Hart
Signature of Notary Public



THOMAS B. HART
(Name typed, printed or stamped)
(Title or Rank)
(Serial Number, if any)

*as President of the Belle Meade Property Owners Association, Inc.

EXHIBIT "A"
LEGAL DESCRIPTION

A fifty (50) foot wide parcel of land lying in Section 10, Township 46 South, Range 24 East, Lee County, Florida, adjoining Lots 20, 32, 33, 46, 47, and 55 of Belle Meade, a subdivision recorded in Plat Book 55, Pages 47 through 50 of the Public Records of Lee County, Florida and adjoining Lot 26 of Seminole Gardens, a subdivision recorded in Plat Book 4, Page 65 of the Public Records of Lee County, Florida; said parcel of land being a part of a 50 Ft. Road as shown on said plat of Seminole Gardens and referenced as Brook Hollow Lane on said plat of Belle Meade.

Commencing at the northeast corner of said Section 10; thence S 01°20'35" E (basis of bearings being the centerline of Winkler Road Extension Right-of-Way Map) along the east line of Section 10 for 1231.08 feet to the northeast corner of said Belle Meade; thence S 88°43'03" W along the north line of said Belle Meade, being also the north line of the former Lot 5 of said Seminole Gardens, for 1290.41 feet to the northwest corner of Lot 33 of said Belle Meade and the Point of Beginning; thence S 01°15'35" E for 990.07 feet along a line passing through the west lines of Lots 33, 55, 47 and 46 of said Belle Meade, also being the west line of former Lots 5, 6, and 7 of said Seminole Gardens, to the southwest corner of said Lot 46 of said Belle Meade, also being the southwest corner of former Lot 7 of Seminole Gardens; thence S 88°42'34" W, more or less, for 50.00 feet to the southeast corner of Lot 26 of Seminole Gardens; thence N 01°15'35" W along line passing through the east line of Lot 26 of Seminole Gardens and the east line of Lots 20 and 32 of Belle Meade, being also the east line of former Lots 27 and 28 of Seminole Gardens, for 990.09 feet, more or less, to the northeast corner of said Lot 32 of Belle Meade and former Lot 28 of Seminole Gardens; thence N 88°43'34" E for 50.00 feet to the Point of Beginning.

Containing 1.14 acres, more or less.

PAGE 1 OF 2

LEGAL DESCRIPTION AND ACCOMPANYING SKETCH PREPARED BY DENI ASSOCIATES, INC. SURVEYING AND MAPPING BUSINESS, STATE OF FLORIDA
CERTIFICATE OF AUTHORIZATION No. LB 3542.

Ben R. Homola

BEN R. HOMOLA - PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA REGISTRATION LICENSE No. LS 3950

FOR: BELLE MEADE ASSOC.

PROJECT: 20030603

JUNE 17, 2003



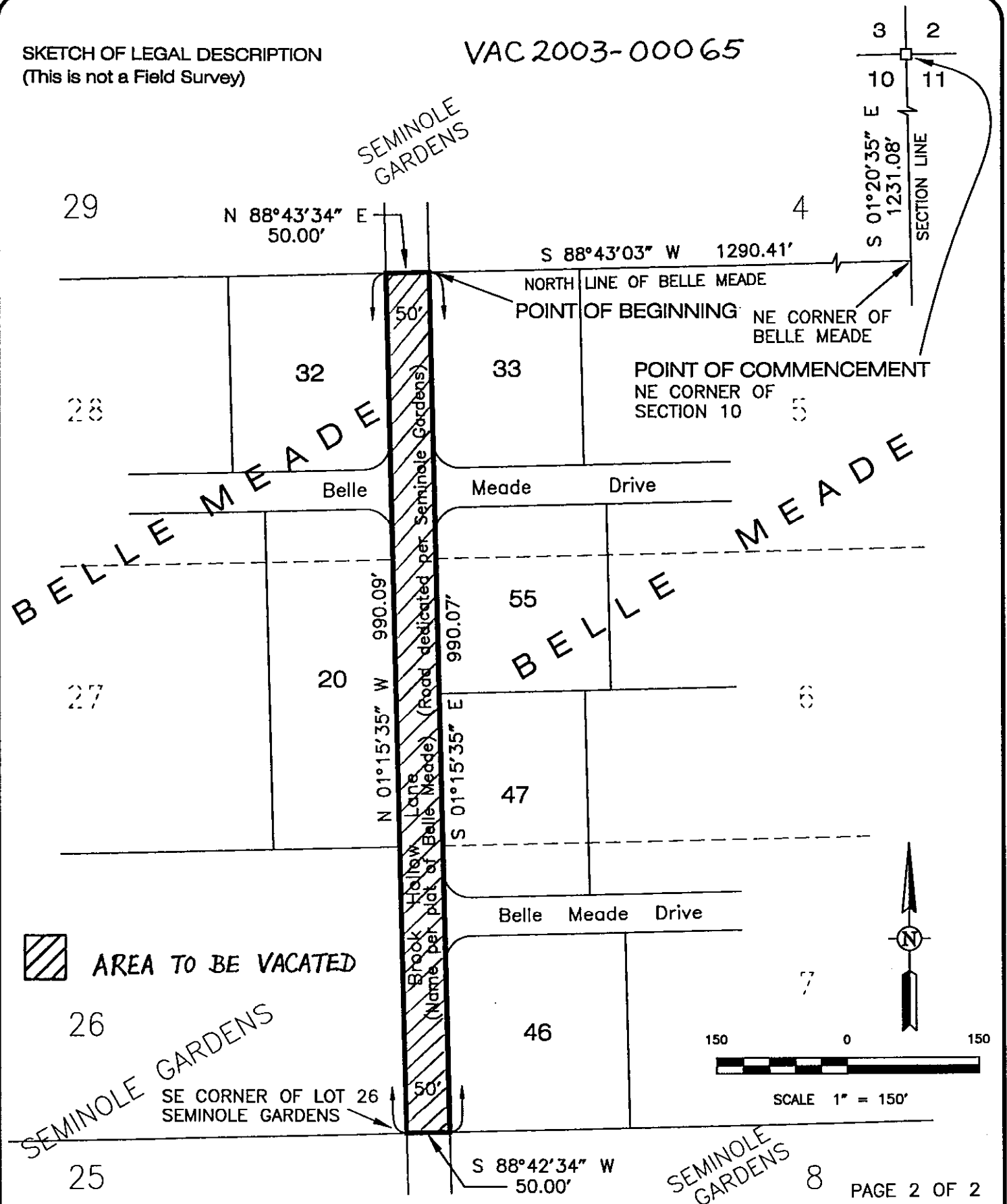
Deni Associates, Inc.

6241 ARC WAY • FORT MYERS, FLORIDA 33912 • (239) 275-8875

PROFESSIONAL SURVEYORS AND MAPPERS

SKETCH OF LEGAL DESCRIPTION
(This is not a Field Survey)

VAC 2003-00065



Deni Associates, Inc.

6241 ARC WAY • FORT MYERS, FLORIDA 33912 • (239) 275-8875

PROFESSIONAL SURVEYORS AND MAPPERS

FOR: BELLE MEADE ASSOCIATION

PROJECT: 20030603

JUNE 17, 2003

Approved and accepted for and on behalf of Lee County, Florida, this ____ day of _____, 2004.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Chairman

[Type or Print Name]
Deputy Clerk

Approved as to form by:

John J. Fredyma
Assistant County Attorney
County Attorney's Office

COPY

This instrument prepared by and
Return to:
Thomas B. Hart, Esquire
Knott, Consoer, Ebelini, Hart & Swett, P.A.
1625 Hendry Street, Suite 301
Fort Myers, Florida 33901

PERPETUAL PUBLIC UTILITY EASEMENT

THIS INDENTURE made this 29 day of APRIL, 2004, between BELLE MEADE PROPERTY OWNERS ASSOCIATION, INC., a Florida not-for-profit corporation, ("GRANTOR") and LEE COUNTY, FLORIDA, a political subdivision of the State of Florida ("GRANTEE").

1. For and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged and accepted, GRANTOR hereby grants, bargains, sells and transfers to GRANTEE, its successors and assigns, and to other governmental agencies and utilities, public or private, having authority to provide utility services to the adjacent properties, a non-exclusive, perpetual, public utility for the construction, installation, maintenance and operation in, under, over and across the land in Lee County, Florida, more particularly described in Exhibit "A" attached hereto and made a part hereof, for the purpose of furnishing such utility service.

2. GRANTEE, its successors, appointees and assigns, are granted the right, privilege and authority to construct, replace, renew, extend, operate and maintain cable television services, electric, telephone, gas or other public utilities within the easement premises.

3. GRANTEE, its successors and assigns, shall have a reasonable right of ingress and egress, to and over GRANTOR'S property for the purposes of reaching the described easement premises on either paved or unpaved surfaces. Any damage to GRANTOR'S property or permitted improvements thereon as the result of such access or of the construction, maintenance, installation or repair of facilities located within the easement premises shall be restored by the responsible utility or entity, as the case may be, to the condition in which it existed prior to the damage.

4. GRANTOR warrants and agrees that Grantor is vested with fee simple title to the land described in Exhibit "A and under, over and across which the easements herein described are granted.

5. By acceptance of this easement, GRANTEE assumes no responsibility for ownership or maintenance of the road pavement or right-of way. This easement is strictly for utility purposes.

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

IN WITNESS WHEREOF, Grantor has executed this instrument the day and year first above written.

BELLE MEADE PROPERTY
OWNERS ASSOCIATION, INC.

By:

Janeanne Archibale, President

Signature of 1st Witness

THOMAS R. SIMON

Printed Name of 1st Witness

PAULA A. WELLER

Signature of 2nd Witness

PAULA A. WELLER

Printed Name of 2nd Witness

ACKNOWLEDGMENT

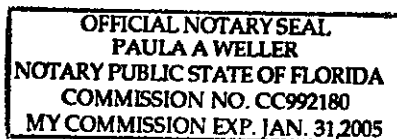
STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was acknowledged before me this 29TH day of APRIL, 2004, by Janeanne Archibale, on behalf of Belle Meade Property Owners Association, Inc. She is personally known to me or who has produced _____ as identification.

Signature of Notary Public

Printed Name

My Commission Expires:



Approved and accepted for and on behalf of Lee County, Florida, this _____ day of _____, 2004.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS,
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

[Type or Print Name]
Deputy Clerk

Approved as to form by:

John J. Fredyma
Assistant County Attorney
County Attorney's Office

EXHIBIT "A"
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CERTIFICATE OF AUTHORIZATION No. LB 3542.

FOR: BELLE MEADE ASSOC.

PROJECT: 20030603

JUNE 17, 2003

Ben R. Homola

BEN R. HOMOLA - PROFESSIONAL SURVEYOR AND MAPPER
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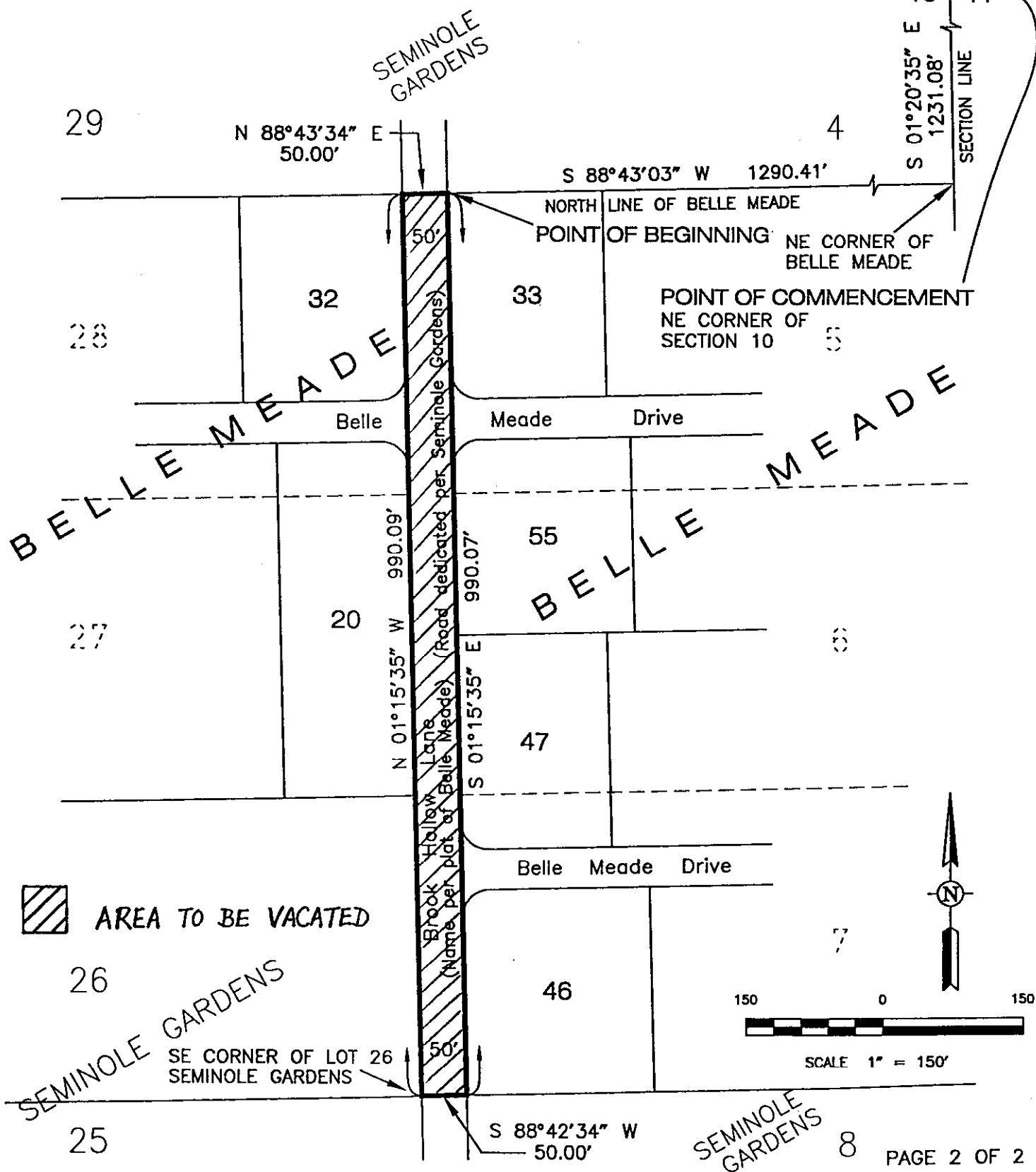
Deni Associates, Inc.

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PROFESSIONAL SURVEYORS AND MAPPERS

SKETCH OF LEGAL DESCRIPTION
(This is not a Field Survey)

VAC 2003-00065



Deni Associates, Inc.

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PROFESSIONAL SURVEYORS AND MAPPERS

FOR: BELLE MEADE ASSOCIATION

PROJECT: 20030603

JUNE 17, 2003

PAGE 2 OF 2

Knott, Consoer, Ebelini
Hart & Swett, P.A.
ATTORNEYS - AT - LAW

COPY

George H. Knott *+
George L. Consoer, Jr. **
Mark A. Ebelini
Thomas B. Hart
H. Andrew Swett

* Board Certified Civil Trial Lawyer
** Board Certified Real Estate Lawyer
+ Board Certified Business Litigation Lawyer

1625 Hendry Street • Third Floor (33901)
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THart@knott-law.com

Matthew D. Uhle
Aaron A. Haak
Derrick S. Eihausen
Naty Torres-Alvarado

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

May 11, 2004

Via hand delivery

John J. Fredyma, Assistant County Attorney
Lee County
2115 Second Street, 6th Floor
Fort Myers, FL 33901

Re: Belle Meade Subdivision
Vacation of Brook Hollow Road

Dear John:

Attached is the legal description to be attached to the original Perpetual Public Utility Easement.

Sincerely yours,

KNOTT, CONSOER, EBELINI,
HART & SWETT, P.A.


Thomas B. Hart
TBH:pw
Enc:

2004 MAY 11 PM 4:28
RECEIVED BY
LEE CO. ATTORNEY

RECEIVED
LEE CO. ATTORNEY
MAY 11 2004

MAY 12 AM 9:00

LEE COUNTY

Knott, Consoer, Ebelini
Hart & Swett, P.A.
ATTORNEYS - AT - LAW

COPY

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George L. Consoer, Jr. **
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Matthew D. Uhle
Aaron A. Haak
Derrick S. Eihausen
Natty Torres-Alvarado

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

April 30, 2004

Via hand delivery

John J. Fredyma, Assistant County Attorney
Lee County
2115 Second Street, 6th Floor
Fort Myers, FL 33901

Re: Belle Meade Subdivision
Vacation of Brook Hollow Road

Dear John:

Thank you for your letter of April 9, 2004. Enclosed please find the referenced Perpetual Public Utility Easement which has been executed by Janeanne Archiable, President of Belle Meade Property Owners Association, Inc.

Sincerely yours,

KNOTT, CONSOER, EBELINI,
HART & SWETT, P.A.



Thomas B. Hart
TBH:pw
Enc:

2004 APR 30 PM 4:12
RECEIVED BY
LEE CO. ATTORNEY

LEE COUNTY
APPROVING
JULY 12 PM 9:00
LEE CO. CONTR.