

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition to Vacate six (6) 12-foot wide Public Utility and Drainage Easements at Pangola Dr., North Fort Myers, Florida, located off of Orange Grove Blvd, which intersects Hancock Bridge Parkway, and adopt a resolution, setting a Public Hearing for 5:00 PM on the 11th day of January, 2005 (Case No. VAC2004-00054)

WHY ACTION IS NECESSARY: To build six (6) single-family residences on the combined 12 lots. **The vacation of this easement will not alter existing drainage and utility conditions and the easement is not necessary to accommodate any future drainage and utility requirements.**

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

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 4

04

C4B

3. MEETING DATE:

12-14-2004

4. AGENDA:

5. REQUIREMENT/PURPOSE:
(Specify)

6. REQUESTOR OF INFORMATION:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

- STATUTE F.S. Ch. 177
- ORDINANCE
- ADMIN. CODE 13-1
- OTHER

- A. COMMISSIONER
- B. DEPARTMENT Community Development
- C. DIVISION Development Services
- BY: *[Signature]* 11/23/04

Peter J. Eckenrode, Director

7. BACKGROUND:

The completed petition to vacate, VAC2004-00054 was submitted by Martins-Somrak Corp, a Florida Corporation.

LOCATION: The site is at Pangola Dr., North Fort Myers, FL 33903 located off of Orange Grove Blvd, which intersects Hancock Bridge Parkway. The strap numbers are 09-44-24-33-00000.0010 to 09-44-24-33-00000.0120. Petition No. VAC2004-00054 proposes to vacate six (6) 12-foot wide Public Utility and Drainage Easements centered on the common lot line between Lots 1 and 2, 3 and 4, 5 and 6, 7 and 8, 9 and 10, and 11 and 12; Pangola Estates, a subdivision of part of Section 9, Township 44 South, Range 24 East, as recorded in Plat Book 76 at Page 69 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the northwesterly 55 feet thereof.

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

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

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			G County Manager
					OA	OM	Risk	GC
<i>May Gibbs</i>	N/A	N/A	N/A	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: *11/29/04*
Time: *2:45*
Adm: *[Signature]*
Forwarded To: *[Signature]*

RECEIVED BY
COUNTY ADMIN: *[Signature]*
12/1/04
4:35 pm 569
COUNTY ADMIN
FORWARDED TO: *[Signature]*
12/2/04
3:00m

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE Case Number: VAC2004-00054**

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. VAC2004-00054 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"
Petition to Vacate
VAC2004-00054

Legal Description of the Public Utility and Drainage Easements to be Vacated:

The twelve-foot (12') wide Public Utility and Drainage Easements centered on the common lot line between Lots 1 and 2, 3 and 4, 5 and 6, 7 and 8, 9 and 10, and 11 and 12; Pangola Estates, a subdivision of part of Section 9, Township 44 South, Range 24 East, as recorded in Plat Book 76 at Page 69 of the Public Records of Lee County, Florida;

LESS and EXCEPT the northwesterly 55 feet thereof.

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2004-00054

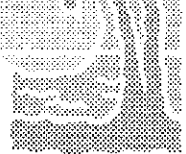
TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 11th day of January 2005 @5:00 PM in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider and take action on a Petition vacating the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A".

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

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

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

 **LEE COUNTY**
CHARLIE GREEN, CLERK
SOUTH WEST FLORIDA

Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

EXHIBIT "A"
Petition to Vacate
VAC2004-00054

Legal Description of the Public Utility and Drainage Easements to be Vacated:

The twelve-foot (12') wide Public Utility and Drainage Easements centered on the common lot line between Lots 1 and 2, 3 and 4, 5 and 6, 7 and 8, 9 and 10, and 11 and 12; Pangola Estates, a subdivision of part of Section 9, Township 44 South, Range 24 East, as recorded in Plat Book 76 at Page 69 of the Public Records of Lee County, Florida;

LESS and EXCEPT the northwesterly 55 feet thereof.



PETITION TO VACATE (AC 13-1)

Case Number: VAC2004-00054

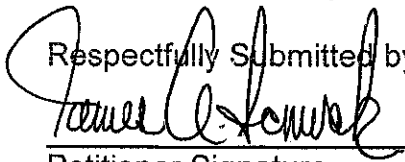
Petitioner(s), Martins-Somrak Corp., a Florida Corporation

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, 3800 Colonial Blvd., Suite 206, Fort Myers, FL 33912.
2. In accordance with Florida Statute (F.S.) Chapter 177 and Lee County Administrative Code (LCAC) 13-1, Petitioner desires to vacate the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A".
3. A sketch showing the area the Petitioner desires to vacate is attached as Exhibit "B".
4. Proof Petitioner paid all applicable state and county taxes is attached as Exhibit "C".
5. Petitioner is fee simple title holder to the underlying land sought to be vacated.
6. Petitioner did provide notice to all affected property owners concerning the intent of this Petition in accordance with the LCAC 13-1.
7. In accordance with letters of review and recommendation provided by various governmental and utility entities, it is apparent if the Board grants the Petitioner's request, it will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

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

Respectfully Submitted by:



Petitioner Signature

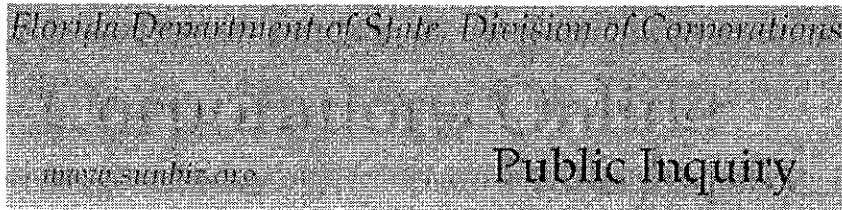
Petitioner Signature

James A. Somrak, President

Printed Name

Printed Name

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



Florida Profit

MARTINS-SOMRAK CORP.

PRINCIPAL ADDRESS
 3800 COLONIAL BOULEVARD
 SUITE 206
 FORT MYERS FL 33912 US
 Changed 01/13/2004

MAILING ADDRESS
 3800 COLONIAL BOULEVARD
 SUITE 206
 FORT MYERS FL 33912 US
 Changed 01/13/2004

Document Number P95000028068	FEI Number 593315827	Date Filed 04/10/1995
State FL	Status ACTIVE	Effective Date NONE
Last Event REINSTATEMENT	Event Date Filed 12/03/1997	Event Effective Date NONE

Registered Agent

Name & Address
SOMRAK, JAMES A 3800 COLONIAL BOULEVARD FORT MYERS FL 33912
Name Changed: 02/21/2000
Address Changed: 01/13/2004

Officer/Director Detail

Name & Address	Title
SOMRAK, JAMES A 15472-1 ADMINALTY CIR FORT MYERS FL 33917	PD

MARTINS, BERNARD S 14974 MAHOE COURT FORT MYERS FL 33908	VPD
--	-----

Annual Reports

Report Year	Filed Date
2002	04/16/2002
2003	01/09/2003
2004	01/13/2004

[Previous Filing](#)
[Return to List](#)
[Next Filing](#)
[View Events](#)

No Name History Information

Document Images

Listed below are the images available for this filing.

[01/13/2004 -- ANNUAL REPORT](#)
[01/09/2003 -- COR - ANN REP/UNIFORM BUS REP](#)
[04/16/2002 -- COR - ANN REP/UNIFORM BUS REP](#)
[01/23/2001 -- ANN REP/UNIFORM BUS REP](#)
[02/21/2000 -- ANN REP/UNIFORM BUS REP](#)
[03/22/1999 -- ANNUAL REPORT](#)
[05/20/1998 -- ANNUAL REPORT](#)
[12/03/1997 -- REINSTATEMENT](#)
[07/03/1996 -- 1996 ANNUAL REPORT](#)

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

[Corporations Inquiry](#)
[Corporations Help](#)

EXHIBIT "A"
Petition to Vacate
VAC2004-00054


Legal Description of the Public Utility and Drainage Easements to be Vacated:

The twelve-foot (12') wide Public Utility and Drainage Easements centered on the common lot line between Lots 1 and 2, 3 and 4, 5 and 6, 7 and 8, 9 and 10, and 11 and 12; Pangola Estates, a subdivision of part of Section 9, Township 44 South, Range 24 East, as recorded in Plat Book 76 at Page 69 of the Public Records of Lee County, Florida;

LESS and EXCEPT the northwesterly 55 feet thereof.

PANGOLA ESTATES

A SUBDIVISION OF PART OF SECTION 9, TOWNSHIP 44 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA

 EASEMENTS TO BE VACATED

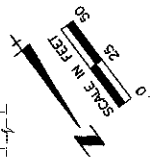
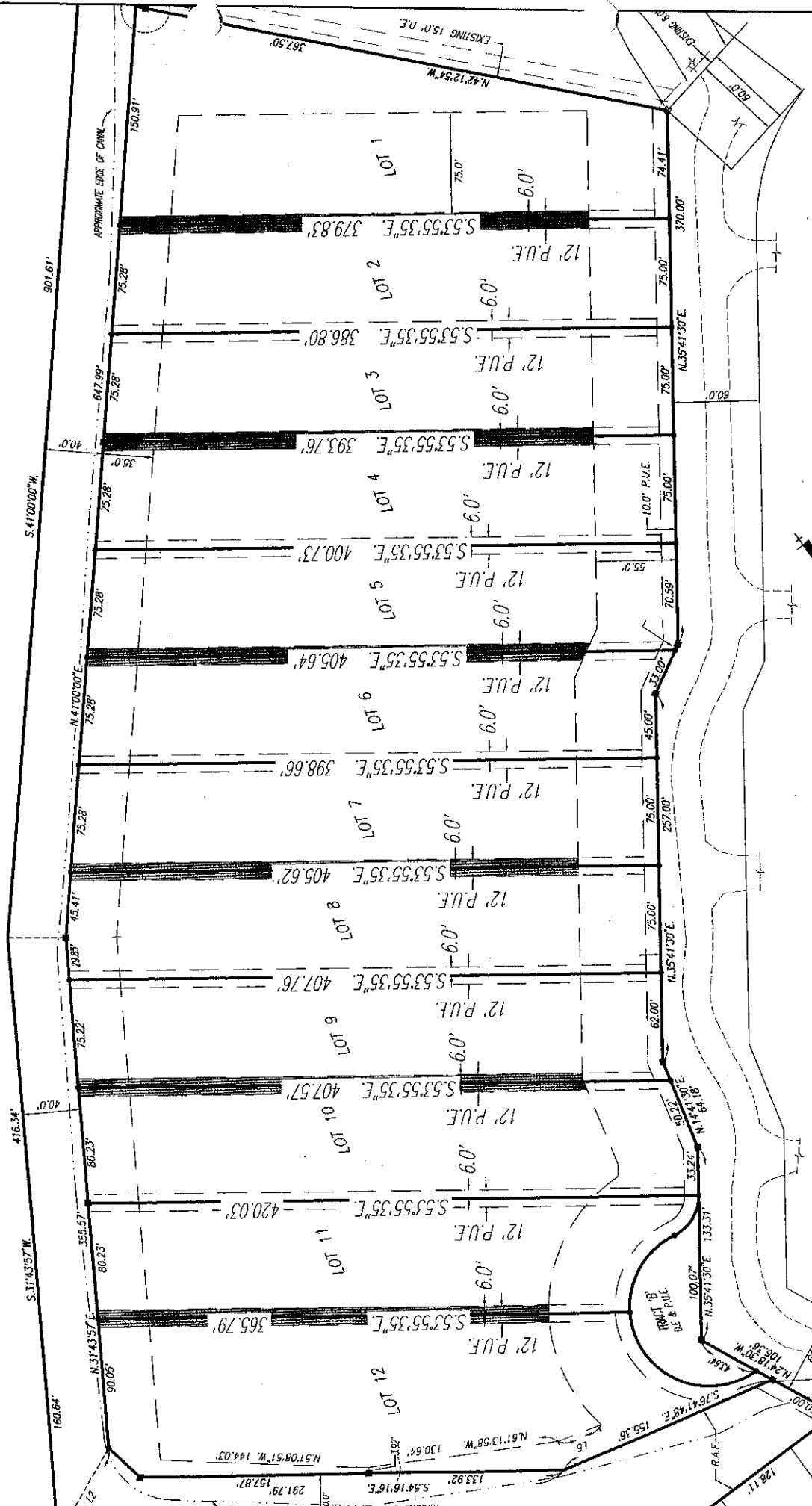


Exhibit "B"
Petition to Vacate
VAC2004-00054
[Page One of One]

Wilson Miller
Surveyors - Engineers - Planners - Landscape Architects - Transportation Consultants
Wilson Miller, Inc.
10000 Highway 44, Suite 100 - Fort Myers, Florida 33907
Phone: 239.336.1037 Fax: 239.336.1477
www.wilsonmiller.com

Exhibit "C"
Petition to Vacate
VAC2004-00054
 [Page One of One]



PAID

RECEIPT

Transaction # 177234-11

10/28/2004 04:52:39 PM

LA

LEE COUNTY TAX COLLECTOR

Items Paid

Type	Item / Tax Year	Receipt	Pay Date	Date	Cashier	Amount	Void
1-01 - Real Estate Tax	09-44-24-33-00000.0010 / 2004	177234-11-1	10/28/2004	10/28/2004	LYP1	\$529.13	
1-01 - Real Estate Tax	09-44-24-33-00000.0020 / 2004	177234-11-2	10/28/2004	10/28/2004	LYP1	\$360.03	
1-01 - Real Estate Tax	09-44-24-33-00000.0030 / 2004	177234-11-3	10/28/2004	10/28/2004	LYP1	\$365.48	
1-01 - Real Estate Tax	09-44-24-33-00000.0040 / 2004	177234-11-4	10/28/2004	10/28/2004	LYP1	\$370.93	
1-01 - Real Estate Tax	09-44-24-33-00000.0050 / 2004	177234-11-5	10/28/2004	10/28/2004	LYP1	\$381.86	
1-01 - Real Estate Tax	09-44-24-33-00000.0060 / 2004	177234-11-6	10/28/2004	10/28/2004	LYP1	\$376.42	
1-01 - Real Estate Tax	09-44-24-33-00000.0070 / 2004	177234-11-7	10/28/2004	10/28/2004	LYP1	\$376.42	
1-01 - Real Estate Tax	09-44-24-33-00000.0080 / 2004	177234-11-8	10/28/2004	10/28/2004	LYP1	\$381.86	
1-01 - Real Estate Tax	09-44-24-33-00000.0090 / 2004	177234-11-9	10/28/2004	10/28/2004	LYP1	\$381.86	
1-01 - Real Estate Tax	09-44-24-33-00000.0100 / 2004	177234-11-10	10/28/2004	10/28/2004	LYP1	\$420.03	
1-01 - Real Estate Tax	09-44-24-33-00000.0110 / 2004	177234-11-11	10/28/2004	10/28/2004	LYP1	\$387.31	
1-01 - Real Estate Tax	09-44-24-33-00000.0120 / 2004	177234-11-12	10/28/2004	10/28/2004	LYP1	\$518.23	

Total Items Paid: \$4,849.56

Prepared By and Return To:
Toni Bearden
Fidelity National Title Insurance Company of New York
12595 New Brittany Blvd.
Fort Myers, FL 33907

File No. 04-015-707659

Property Appraiser's Parcel I.D. (folio) Number (s)
09-44-24-00-01002.1000

SS#: _____



INSTR # 6284997
OR BK 04306 Pgs 4692 - 4694; (3pgs)
RECORDED 05/21/2004 04:11:17 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 15.00
DEED DOC 8,750.00
DEPUTY CLERK J Miller

WARRANTY DEED

3 THIS WARRANTY DEED made and executed April 23, 2004, by Pangola Properties, Inc., a corporation existing under the laws of Florida, and having its principal place of business at 17252 Alico Center Rd. Suite 2, Ft. Myer, Florida 33912 hereinafter called the grantor, to Martins-Somrak Corp, a Florida Corporation whose post office address is 3800 Colonial Blvd #206 , Ft Myers, FL 33912, hereinafter call the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to the instrument and the heirs, legal representative 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 consideration, receipt, whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the grantee, all that certain land situated in Lee County, Florida viz:

SEE EXHIBIT ONE ATTACHED HERETO AND MADE A PART HEREOF

Subject to easements, restrictions, reservations and limitations of recorded, 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 date: December 31, 2003.



IN WITNESS WHEREOF, the grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers duly authorized, the day and year first above written.

ATTEST: _____
Secretary

Signed, sealed and delivered in the presence of:

Antoinette Bearden
Witness Signature

ANTOINETTE BEARDEN

Witness Printed Name

Doreen K. McKee
Witness Signature

Witness Printed Name
DOREEN K. MCKEE

Pangola Properties, Inc., a Florida corporation

By David Casman
David Casman

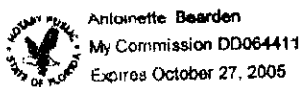
STATE OF FL

COUNTY OF LEE

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

to me known to be the ✓ President and _____ respectively of the corporation named as the grantor in the foregoing deed, or who have produced DRIVERS LICENSE as identification and that they severally acknowledged executing the same in the presence of two subscribing witnesses freely and voluntarily under the authority duly vested in them by said corporation and that the seal affixed thereto is the true corporate seal of said corporation.

WITNESS my hand and official seal in the County and State last aforesaid this 23 day of April, 2004



Antoinette Bearden
Notary Public
ANTOINETTE BEARDEN

Printed Name of Notary
My Commission Expires:

EXHIBIT "A"

Parcel 1:

A tract or parcel of land lying in the S.E. 1/4 of Section 9, Township 44 South, Range 24 East, Lee County, Florida, said tract or parcel being described as follows:

Beginning at the Northeast corner of Tropic Terrace, a Condominium, Building #1500, as recorded in Condominium Plat Book 1, page 174, of the Public Records of Lee County, Florida; thence N. 35° 41 '30"E. along the Southeasterly right-of-way line of Pangola Drive (60 feet wide) for 370.00 feet; thence N. 60° 41 '30"E. along said right-of-way line for 37.86 feet; thence N. 35° 41 '30"E. along said right-of-way for 257.00 feet; thence N. 14° 41 '30"E. along said right-of-way for 64.18 feet; thence N. 35° 41 '30"E. along said right-of-way for 133.31 feet; thence N. 24° 18 '30"W. along said right-of-way for 106.36 feet to the Northeast corner of said right-of-way; thence S. 89° 43 '55"E. along an extension of the North line of Tropic Terrace Gardens, a Condominium, as recorded in Condominium Plat Book 2, page 127 of said Public Records for 128.11 feet; thence S. 54° 16 '16"E. for 431.91 feet to a point in the centerline of a canal; thence S. 31° 43 '57"W. along said centerline of said canal for 416.34 feet; thence S 41° 00 '00"W. along said centerline of said canal for 901.61 feet to a point on the East line of a parcel as recorded in O.R. Book 1780, page 3185, of said Public Records; thence N. 00° 16 '05"E. along said East line for 67.55 feet to the Southeast corner of the aforementioned Tropic Terrace, a Condominium, as recorded in Condominium Plat Book 1, page 174, of said Public Records; thence N. 40° 16 '20"E. along the Southeasterly line of said Tropic Terrace for 200.00 feet; thence N. 42° 12 '54"W. along the Northeasterly line of said Tropic Terrace for 367.50 feet to the the point of beginning.

ALSO DESCRIBED AS:

All of the property comprising the Pangola Estates Subdivision as described in the plat of Pangola Estates, a subdivision according to the plat thereof recorded in Plat Book 76, Pages 68 and 69, Public Records of Lee County, Florida.

Parcel 2:

TOGETHER WITH a non-exclusive right of ingress and egress over and across Pangola Drive; Pangola Drive Extension No. 1; Pangola Drive Extension No. 2; Pangola Drive Extension No. 3 and Pangola Drive Extension No. 4, as described in O.R. Book 2709, page 2468 and in O.R. Book 4237, page 3045, both of the Public Records of Lee County, Florida.

JS/04-05062



LEE COUNTY
SOUTHWEST FLORIDA

479-8585

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: _____

November 22, 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

Mr. James Somrak
Martins-Somrak Corp
3800 Colonial Blvd., Suite 206,
Ft Myers, FL 33912

Re: **VAC2004-00054 - Petition to Vacate** six (6) 12-foot Public Utility and Drainage Easements located centered on the common lot line between Lots 1 and 2, 3 and 4, 5 and 6, 7 and 8, 9 and 10, and 11 and 12; Pangola Estates, a subdivision of part of Section 9, Township 44 South, Range 24 East, as recorded in Plat Book 76 at Page 69 of the Public Records of Lee County, Florida; **LESS and EXCEPT** the northwesterly 55 feet thereof.

Dear Mr. Somrak:

You have indicated that in order to build single-family residences on the combined 12 lots, you desire to eliminate six (6) Public Utility and Drainage Easements located between those lots. The site is located at Pangola Dr., North Fort Myers, Florida located off of Orange Grove Blvd, which intersects Hancock Bridge Parkway. Based on a review of the information provided and our subsequent research, this office has no objection to the proposed vacation.

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

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

Peter J. Eckenrode
Director

PJE/RSK

U:\200411\20040917.135\6424960\DCDLETTER.DOC



September 17, 2004

Lee County Community Development
Attention: Peter J. Eckenrode
Director Development Services
Lee County, Florida

RECEIVED
SEP 17 2004
1/24
PERMIT COUNTER

RE: Vacation of Public Utility Easements
Pangola Estates; Plat Book 76, Pages 68 & 69
A Subdivision of Part of Section 9, Township 44 South, Range 24 East,
Lee County, Florida

Dear Mr. Eckenrode,

The reason for this letter to vacate the six easements is to combine, in each case, two lots into one for larger future building sites of single-family residence.

Attached with this submittal is the following:

1. Application for Vacation with check for \$300 to vacate the six easements.
2. Petition to Vacate
3. Legal of Subdivision easements as Platted (Exhibit A)
4. Easements copied from recorded plat. (Exhibit B)
5. HUD statement at closing showing that taxes were brought current at closing.
6. Deed to property.
7. Copies of Review and Recommendation letters received from utility companies.
8. Aerial of property showing proposed vacations.
9. Recorded Copy of Pangola Estates as platted in Plat Book 76; pages 68 & 69.

If you have any questions, or need any further information, please let me know.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "James A. Somrak". The signature is written in a cursive style with a large initial "J".

James A. Somrak, President
Martins-Somrak Corp.

VAR 2004-00054
RECEIVED

SEP 17 2004

COMMUNITY DEVELOPMENT

Pangola Estates Community Association, Inc

October 12, 2004

Development Services Division, 2nd Floor
Attention: Ruth Keith
Community Development & Public Works
1500 Monroe Street
Fort Myers, FL 33901

RE: Petition to Vacate – No Objection

Pangola Estates; Plat Book 76, Pages 68 & 69
A Subdivision of Part of Section 9, Township 44 South, Range 24 East,
Lee County, Florida

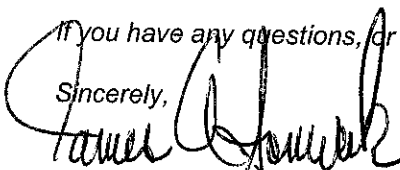
Dear Ruth Keith:

As the new Owner, and now, Developer of Pangola Estates, Martins-Somrak Corp. becomes the Declarant for the Pangola Home Owners Association.

As such, we obviously have no objection to our own petition to vacate the 12' side lot Public Utility Easement(s) as shown on the recorded plat for lots 1 through 12.

If you have any questions, or need any further information, please let me know.

Sincerely,


James A. Somrak

Pangola Estates Community Association, Inc.



September 15, 2004

Mr. James A. Somrak
Martins-Somrak Corp.
3800 Colonial Blvd., Suite 206
Ft. Myers, FL 33912

Re: Pangola Estates

Dear Mr. Somrak:

LCEC does not object to vacation of the platted easements described as follows:

- A 12-foot-wide public utility and/or drainage easement centered on the lot line between Lots 1 and 2, Pangola Estates, as recorded in Plat Book 76, pages 68 and 69, Section 9, Township 44 South, Range 24 East, Lee County, Florida, **LESS** and **EXCEPT** the northwesterly 55 feet thereof, and
- A 12-foot-wide public utility and/or drainage easement centered on the lot line between Lots 3 and 4, Pangola Estates, as recorded in Plat Book 76, pages 68 and 69, Section 9, Township 44 South, Range 24 East, Lee County, Florida, **LESS** and **EXCEPT** the northwesterly 55 feet thereof, and
- A 12-foot-wide public utility and/or drainage easement centered on the lot line between Lots 5 and 6, Pangola Estates, as recorded in Plat Book 76, pages 68 and 69, Section 9, Township 44 South, Range 24 East, Lee County, Florida, **LESS** and **EXCEPT** the northwesterly 55 feet thereof, and
- A 12-foot-wide public utility and/or drainage easement centered on the lot line between Lots 7 and 8, Pangola Estates, as recorded in Plat Book 76, pages 68 and 69, Section 9, Township 44 South, Range 24 East, Lee County, Florida, **LESS** and **EXCEPT** the northwesterly 55 feet thereof, and
- A 12-foot-wide public utility and/or drainage easement centered on the lot line between Lots 9 and 10, Pangola Estates, as recorded in Plat Book 76, pages 68 and 69, Section 9, Township 44 South, Range 24 East, Lee County, Florida, **LESS** and **EXCEPT** the northwesterly 55 feet thereof, and
- A 12-foot-wide public utility and/or drainage easement centered on the lot line between Lots 11 and 12, Pangola Estates, as recorded in Plat Book 76, pages 68 and 69, Section 9, Township 44 South, Range 24 East, Lee County, Florida, **LESS** and **EXCEPT** the northwesterly 55 feet thereof.

September 15, 2004
Mr. James A. Somrak
Page 2

As we discussed, LCEC will require a 10-foot-wide easement adjacent to the drainage easement shown in plat book 76, page 69, for future installations. Please have a legal description and sketch of this 10-foot-wide strip of land prepared by a Florida registered surveyor once the vacation has been passed. When we receive the legal description and sketch, we will prepare our easement for your execution to put this additional easement in place before you convey lots to other parties.

Please call me at 656-2422 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Karen Hardin". The signature is written in a cursive, flowing style.

Karen Hardin
Real Property Representative

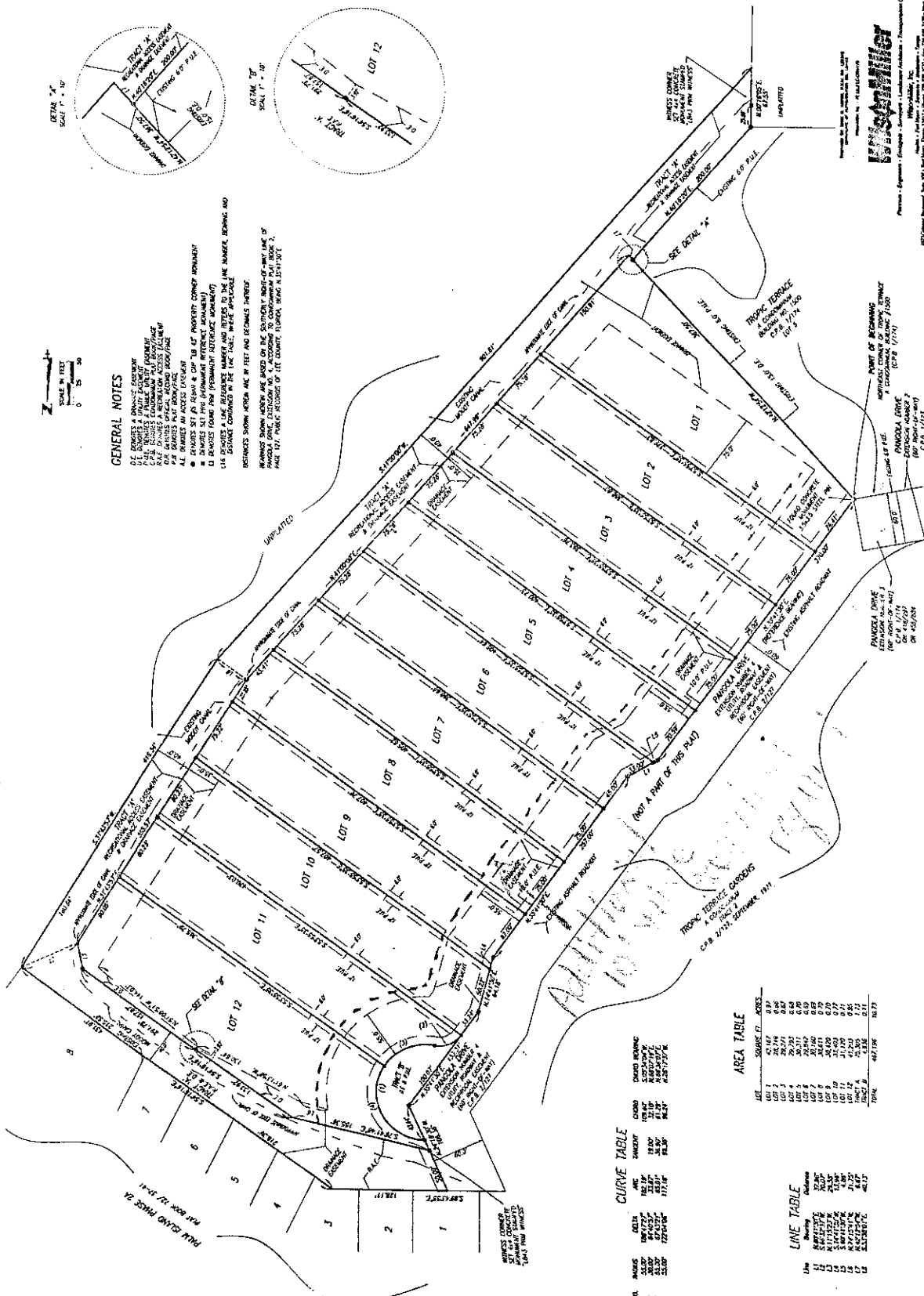
PANGOLA ESTATES

A SUBDIVISION OF PART OF SECTION 9, TOWNSHIP 44 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA



GENERAL NOTES

- 1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
- 2. DIMENSIONS SHOWN ARE BASED ON THE SURVEY INSTRUMENT RECORD OF THE SURVEY.
- 3. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.
- 4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.
- 5. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.
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- 16. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.
- 17. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.
- 18. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.
- 19. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.
- 20. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.



CURVE TABLE

NO.	BEARING	CHORD	ARC	AREA	PERCENT
1	S 89° 15' 00" E	12.00	12.00	12.00	100.00
2	S 89° 15' 00" E	12.00	12.00	12.00	100.00
3	S 89° 15' 00" E	12.00	12.00	12.00	100.00

AREA TABLE

LOT	SQUARE FT.	ACRES
LOT 1	2,167	0.05
LOT 2	2,167	0.05
LOT 3	2,167	0.05
LOT 4	2,167	0.05
LOT 5	2,167	0.05
LOT 6	2,167	0.05
LOT 7	2,167	0.05
LOT 8	2,167	0.05
LOT 9	2,167	0.05
LOT 10	2,167	0.05
LOT 11	2,167	0.05
LOT 12	2,167	0.05
TOTAL	26,004	0.60

LINE TABLE

LINE	BEARING	DISTANCE
1	S 89° 15' 00" E	12.00
2	S 89° 15' 00" E	12.00
3	S 89° 15' 00" E	12.00
4	S 89° 15' 00" E	12.00
5	S 89° 15' 00" E	12.00
6	S 89° 15' 00" E	12.00
7	S 89° 15' 00" E	12.00
8	S 89° 15' 00" E	12.00
9	S 89° 15' 00" E	12.00
10	S 89° 15' 00" E	12.00
11	S 89° 15' 00" E	12.00
12	S 89° 15' 00" E	12.00





September 29, 2004

Ms. Karen Hardin
LEE COUNTY ELECTRIC COOPERATIVE
P.O. Box 3455
North Fort Myers, FL 33918-3455

RE: Petition to Vacate – Letter of Acknowledgement

Pangola Estates; Plat Book 76, Pages 68 & 69
A Subdivision of Part of Section 9, Township 44 South, Range 24 East,
Lee County, Florida

Dear Ms. Hardin:

I am in receipt of your September 15, 2004 letter, attached, and agree to its stipulations. They are:

1. To maintain the northwesterly 55' of the recorded easement between lots 1&2; 3&4; 5&6; 7&8; 9&10; and 11&12.
2. Once the vacation has passed we will provide you with the legal description and sketch of the 10- foot-wide strip of land adjacent to the drainage easement for future LCEC installation. We will do this prior to any conveyance of lots to other parties.

If you have any questions, or need any further information, please let me know.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "James A. Somrak". The signature is written in a cursive style with a large initial "J".

James A. Somrak, President
Martins-Somrak Corp.



September 15, 2004

Mr. James A. Somrak
Martins-Somrak Corp.
3800 Colonial Blvd., Suite 206
Ft. Myers, FL 33912

Re: Pangola Estates

Dear Mr. Somrak:

LCEC does not object to vacation of the platted easements described as follows:

- A 12-foot-wide public utility and/or drainage easement centered on the lot line between Lots 1 and 2, Pangola Estates, as recorded in Plat Book 76, pages 68 and 69, Section 9, Township 44 South, Range 24 East, Lee County, Florida, **LESS** and **EXCEPT** the northwesterly 55 feet thereof, and
- A 12-foot-wide public utility and/or drainage easement centered on the lot line between Lots 3 and 4, Pangola Estates, as recorded in Plat Book 76, pages 68 and 69, Section 9, Township 44 South, Range 24 East, Lee County, Florida, **LESS** and **EXCEPT** the northwesterly 55 feet thereof, and
- A 12-foot-wide public utility and/or drainage easement centered on the lot line between Lots 5 and 6, Pangola Estates, as recorded in Plat Book 76, pages 68 and 69, Section 9, Township 44 South, Range 24 East, Lee County, Florida, **LESS** and **EXCEPT** the northwesterly 55 feet thereof, and
- A 12-foot-wide public utility and/or drainage easement centered on the lot line between Lots 7 and 8, Pangola Estates, as recorded in Plat Book 76, pages 68 and 69, Section 9, Township 44 South, Range 24 East, Lee County, Florida, **LESS** and **EXCEPT** the northwesterly 55 feet thereof, and
- A 12-foot-wide public utility and/or drainage easement centered on the lot line between Lots 9 and 10, Pangola Estates, as recorded in Plat Book 76, pages 68 and 69, Section 9, Township 44 South, Range 24 East, Lee County, Florida, **LESS** and **EXCEPT** the northwesterly 55 feet thereof, and
- A 12-foot-wide public utility and/or drainage easement centered on the lot line between Lots 11 and 12, Pangola Estates, as recorded in Plat Book 76, pages 68 and 69, Section 9, Township 44 South, Range 24 East, Lee County, Florida, **LESS** and **EXCEPT** the northwesterly 55 feet thereof.

September 15, 2004
Mr. James A. Somrak
Page 2

As we discussed, LCEC will require a 10-foot-wide easement adjacent to the drainage easement shown in plat book 76, page 69, for future installations. Please have a legal description and sketch of this 10-foot-wide strip of land prepared by a Florida registered surveyor once the vacation has been passed. When we receive the legal description and sketch, we will prepare our easement for your execution to put this additional easement in place before you convey lots to other parties.

Please call me at 656-2422 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Karen Hardin".

Karen Hardin
Real Property Representative



8441 Littleton Road
North Fort Myers, FL 33903

MartinSomrak Homes
3800 Colonial Blvd
Suite 206
Fort Myers Fl 33912

August 11, 2004

Subject: Pangola Estates

Sir,

Sprint has no objection to the 12ft side lot Public Utility easement to be vacated and if you have any question please do not hesitate to call me at 336-2011.

Sincerely,

A handwritten signature in cursive script that reads "Chet Prendota".

Chet Prendota
Engineer



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

August 23, 2004

Martins-Somrak Homes
C/O James A Somrak
3800 Colonial Bl #206
Ft Myers, Fl 33912

Re: Pangola Estates; Plat Book 76, Pages 68 & 69
Vacate easement

Dear James A Somrak,

This letter will serve to inform you that Comcast has no objection to your proposed vacation of the location referenced above.

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

Cordially,

A handwritten signature in cursive script, appearing to read "Mark Cook".

Mark Cook
Design Coordinator

AmeriGas

America's Propane Company

August 18, 2004

James A. Somrak, President
Martins-Somrak
3800 Colonial Boulevard, Suite 206
Fort Myers, Florida 33912

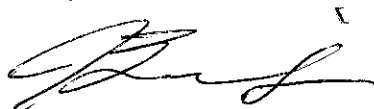
Dear Mr. Somrak:

In reference to your letter dated August 2, 2004, AmeriGas has no interest on right of way on the following parcel(s):

Pangola Estates; Plat Book 76, Pages 68 & 69
A Subdivision of Part of Section 9, Township 44 South, Range 24 East, Lee Cty, FL
Lots 1-12 as Highlighted in attached copy

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

Sincerely,



Jim Riefstahl
Sales & Service Manager



5660 Bayshore Road, Suite 36 • North Fort Myers, Florida 33917

Mailing Address: P.O. Box 2547 • Fort Myers, Florida 33902

(239) 543-1005

Fax (239) 543-2226

August 12, 2004

James A. Somrak-President
Martins – Somrak Corp.
3800 Colonial Boulevard, Suite 206
Fort Myers, Florida 33912

RE: Request for a Letter and Recommendation for a Proposed Public Utility Easement
Vacation

Dear Mr. Somrak:

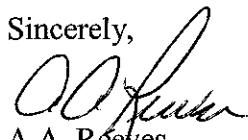
In answer to your petition to vacate a Public Utility Easement(s) at the following
location:

Pangola Estates: Plat Book 76, pages 68 & 69
A Subdivision of Part of Section 9, Township 44
South, Range 24 East, Lee County, Florida

This parcel is outside of North Fort Myers Utility's service area therefore we do not
object to the vacation of the proposed Easement.

Should you have any questions or need additional information, please contact me.

Sincerely,



A.A. Reeves
Utility Director



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

October 22, 2004

Mr. James A. Somrak
Martins-Somrak Homes
3800 Colonial Blvd., Suite 206
Fort Myers, FL 33912

**RE: Petition to Vacate Public Utility and Drainage
Easements in the Pangola Estates Subdivision,
Plat Book 76, pages 68 and 69, Section 9,
Township 44 South, Range 24 East**

Dear Mr. Somrak:

Lee County Department of Transportation has reviewed your request to vacate various easements in the above described Pangola Estates Subdivision. DOT has no facilities within the easements and does not maintain them.

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

Very truly yours,

DEPARTMENT OF TRANSPORTATION

Margaret Lawson
Right-of-way Supervisor

MAL/JMK/mlb

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

RECEIVED
NOV 03 2004

PERMIT COUNTER

S:\DOCUMENT\Petition To Vacate\2004\Pangola Estates Sub Easements - Somrak.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



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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

Bob Janes
District One

Friday, October 15, 2004

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Mr. James A. Somrack, President
Martins-Somrak Corporation
3800 Colonial Boulevard, Suite 206
Fort Myers, FL 33912

Andrew W. Coy
District Four

John E. Albion
District Five

Re: Petition to Vacate six (6) twelve-foot (12') wide Public Utility and Drainage Easements centered on the common lot line between Lots 1 and 2, 3 and 4, 5 and 6, 7 and 8, 9 and 10, and 11 and 12; Pangola Estates, a subdivision of part of Section 9, Township 44 South, Range 24 East, as recorded in Plat Book 76 at Page 69 of the Public Records of Lee County, Florida.

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Dear Mr. Somrak:

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

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: John Fredyma, County Attorney's Office
Margaret Lawson, LCDOT
Ruth Keith, Development Services

S:\NATRES\SURFACE\DOCUMENT\vac464.doc

RECEIVED
NOV 03 2004

PERMIT COUNTER



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

September 1, 2004

James A. Somrak
Martins Somrak Homes
3800 Colonial Blvd, Suite 206
Fort Myers, Fl. 33912

**SUBJECT: PETITION TO VACATE SIX, 12' SIDE PUBLIC UTILITY EASEMENTS
PANGOLA ESTATES, PLAT BOOK 76, PAGES 68 & 69
STR # 09-44-25**

Dear Mr. Somrak:

Lee County Utilities has reviewed your request Vacation of six 12' side public utilities easements as described in your letter of August 2, 2004. Lee County Utilities has no facilities located within the area described; therefore, there is no objection to the vacation of these easement..

Should you have any questions, or require further assistance, please do not hesitate to contact our office at 479-8532 or 479-8181 ext. 8532.

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic
Engineering Tech., Senior
UTILITIES ENGINEERING

S:\Eng\MMML\LETTERS\VACATION\GENERAL\PANGOLA ESTATES-MASTER-NO-OBJECTION.doc

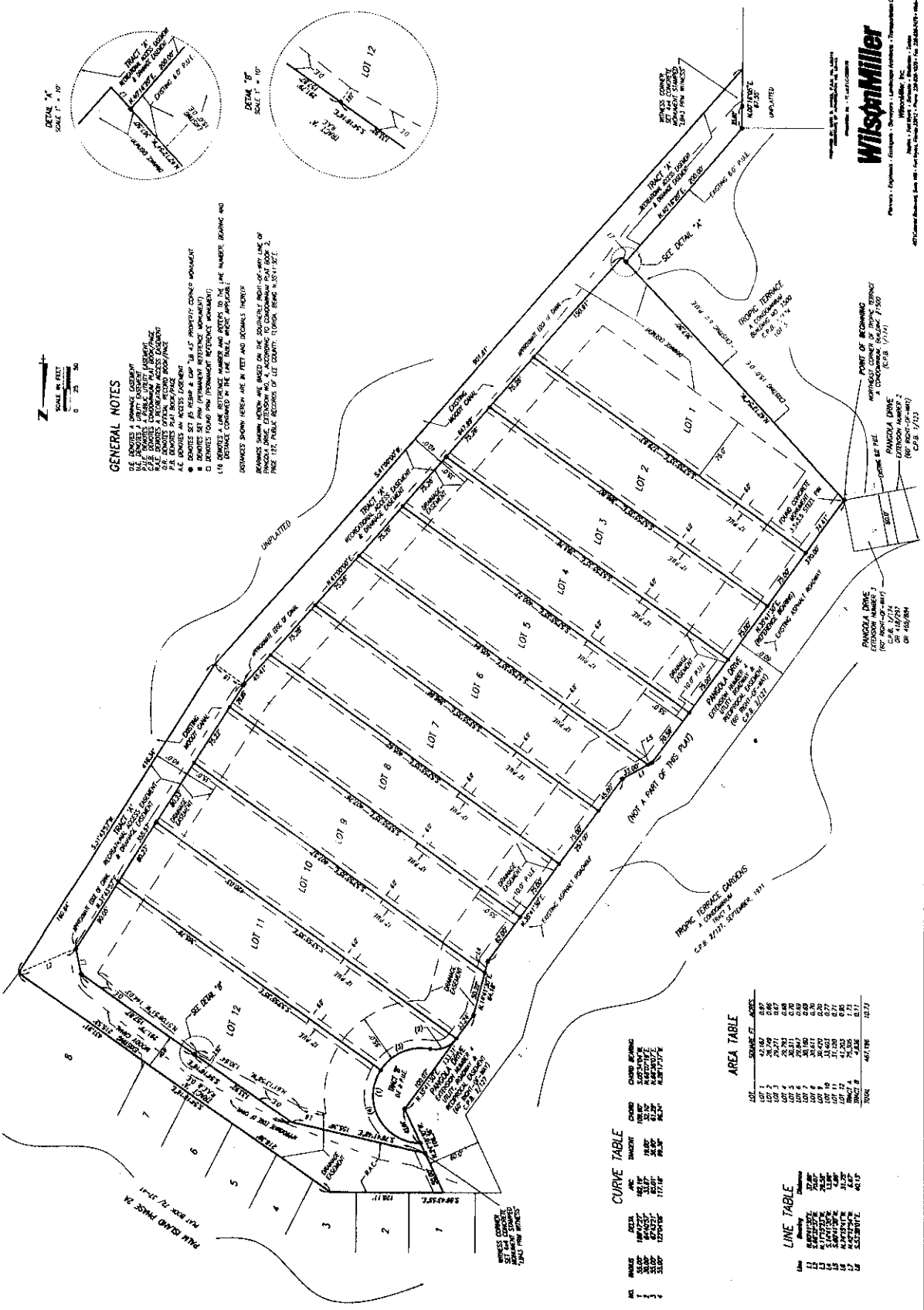
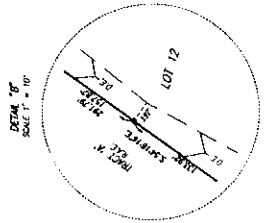
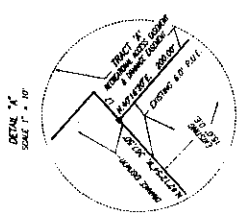
PANGOLA ESTATES

A SUBDIVISION OF PART OF SECTION 9, TOWNSHIP 44 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA



GENERAL NOTES

- 1. THE ADJACENT PROPERTY IS OWNED BY THE STATE OF FLORIDA.
- 2. THE ADJACENT PROPERTY IS OWNED BY THE STATE OF FLORIDA.
- 3. THE ADJACENT PROPERTY IS OWNED BY THE STATE OF FLORIDA.
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- 18. THE ADJACENT PROPERTY IS OWNED BY THE STATE OF FLORIDA.
- 19. THE ADJACENT PROPERTY IS OWNED BY THE STATE OF FLORIDA.
- 20. THE ADJACENT PROPERTY IS OWNED BY THE STATE OF FLORIDA.



CURVE TABLE

LOT	AREA	ANGLE	CHORD	CHORD BEARING
1	12.50	90.00	12.50	S 00° 00' 00" W
2	12.50	90.00	12.50	S 00° 00' 00" W
3	12.50	90.00	12.50	S 00° 00' 00" W
4	12.50	90.00	12.50	S 00° 00' 00" W
5	12.50	90.00	12.50	S 00° 00' 00" W
6	12.50	90.00	12.50	S 00° 00' 00" W
7	12.50	90.00	12.50	S 00° 00' 00" W
8	12.50	90.00	12.50	S 00° 00' 00" W
9	12.50	90.00	12.50	S 00° 00' 00" W
10	12.50	90.00	12.50	S 00° 00' 00" W
11	12.50	90.00	12.50	S 00° 00' 00" W
12	12.50	90.00	12.50	S 00° 00' 00" W

AREA TABLE

LOT	AREA
1	12.50
2	12.50
3	12.50
4	12.50
5	12.50
6	12.50
7	12.50
8	12.50
9	12.50
10	12.50
11	12.50
12	12.50
TOTAL	150.00

LINE TABLE

LINE	BEARING	DISTANCE
1	S 00° 00' 00" W	12.50
2	S 00° 00' 00" W	12.50
3	S 00° 00' 00" W	12.50
4	S 00° 00' 00" W	12.50
5	S 00° 00' 00" W	12.50
6	S 00° 00' 00" W	12.50
7	S 00° 00' 00" W	12.50
8	S 00° 00' 00" W	12.50
9	S 00° 00' 00" W	12.50
10	S 00° 00' 00" W	12.50
11	S 00° 00' 00" W	12.50
12	S 00° 00' 00" W	12.50

Wilson Miller
Surveyor
10000 South US Highway 1, Suite 100
Tampa, Florida 33613
Phone: 813-988-1111
Fax: 813-988-1112
E-mail: wml@wilsonmiller.com

POINT OF BEGINNING
THE POINT OF BEGINNING FOR THIS SUBDIVISION IS THE POINT OF BEGINNING OF THE PANGOLA DRIVE EXTENSION (RECORD NUMBER 2 OF 145/94) OR 145/94 (C.R. 1/14)

PANGOLA DRIVE
EXTENSION (RECORD NUMBER 2 OF 145/94) OR 145/94 (C.R. 1/14)

TROPIC TERRACE GARDENS
A GARDEN
C.R. 37171, 37172, 37173, 1971

PMINE ON

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT COLONIAL HOMES, INC., A FLORIDA CORPORATION, THE OWNER OF THE LANDS DESCRIBED HEREON HAS CAUSED THIS PLAT OF PANGOLA, A SUBDIVISION OF PART OF SECTION 9, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, TO BE MADE AND DOES HEREBY MAKE THE FOLLOWING DEDICATIONS:

TO PANGOLA ESTATES COMMUNITY ASSOCIATION, INC., ITS SUCCESSORS AND ASSIGNS, ALL "DRAINAGE EASEMENTS" (D.E.), FOR PURPOSES OF INSTALLATION, REPAIR, REPLACEMENT, MAINTENANCE AND OPERATION OF ITS DRAINAGE FACILITIES WITHIN SAID DRAINAGE EASEMENTS.

TO PANGOLA ESTATES COMMUNITY ASSOCIATION, INC., TRACT 'A' AS A RECREATIONAL ACCESS EASEMENT (R.A.E.) FOR THE PURPOSE OF USING THE EXISTING CANAL FOR RECREATIONAL BOATING.

TO PANGOLA ESTATES COMMUNITY ASSOCIATION, INC., TRACT 'B' FOR PRIVATE ROAD RIGHT-OF-WAY AND PUBLIC UTILITY EASEMENT PURPOSES.

TO LEE COUNTY UTILITIES, ITS SUCCESSORS AND ASSIGNS, AND TO THE RESPECTIVE GOVERNMENTAL AGENCIES AND PUBLIC UTILITIES HAVING THE AUTHORITY TO PROVIDE FOR SUCH SERVICES, ALL PUBLIC UTILITY EASEMENTS (P.U.E.), FOR PURPOSES OF INSTALLATION, REPAIR, REPLACEMENT, MAINTENANCE AND OPERATION OF THEIR RESPECTIVE FACILITIES, INCLUDING WATER, SEWER, IRRIGATION, STREET LIGHTS, ELECTRIC, GAS AND TELEPHONE; SAID UTILITY EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF CABLE TELEVISION SERVICES; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES.

IN WITNESS WHEREOF, COLONIAL HOMES, INC., A FLORIDA CORPORATION, HAS CAUSED THESE PRESENTS TO BE MADE AND SIGNED IN HIS NAME THIS 31st DAY OF October, 2003.

WITNESS:


PRINTED NAME Alan S. Farris

WITNESS:



COLONIAL HOMES, INC.
A FLORIDA CORPORATION

BY: 

ALAN S. FARRIS

OFFICER OF THE CORPORATION