

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

BLUE SHEET NO: 20020331

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition VAC2000-00024 to vacate a 12' Public Utility and Drainage Easement located between the common lot line of lots 105 and 106, Wildcat Run Subdivision, as recorded in Plat Book 36, Page 36 of the Public Records of Lee County Florida, Section 30, Township 46, Range 26 East, and adopt a Resolution setting a Public Hearing for 5:00p.m. on the 11th day of June, 2002, and accept a replacement easement.

WHY ACTION IS NECESSARY: To provide for the construction of a Single Family Residence on the combined lots. Vacation of the easement will not alter or otherwise impact existing utilities or drainage, and is not necessary to accommodate future drainage or utility requirements.

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

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT # 03

C4B

3. MEETING DATE:

05-07-2002

4. AGENDA

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC


TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE 13-1
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER _____
 - B. DEPARTMENT _____
 - C. DIVISION Development Services
- BY  04/13/02
Peter J. Eckenrode, Director

7. BACKGROUND:

The complete Petition to Vacate was submitted by Dr. & Mrs. Robert W. Wagner.

LOCATION: The 12' Public Utility and Drainage Easement located between the common lot line of lots 105 and 106, Wildcat Run Subdivision, as recorded in Plat Book 36, Page 36 of the Public Records of Lee County Florida, Section 30, Township 46, Range 26 East. The property address is 20265 Tiger Court, Estero, Florida.

This is an after the fact request. The Building permit was inadvertently issued prior to approval of the vacation request.

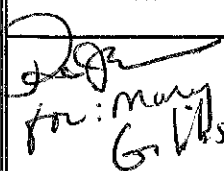
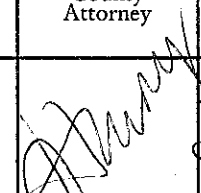
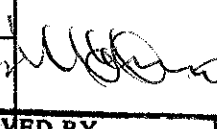
Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares.

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, the Resolution to set the Public Hearing, and the Notice of Public Hearing.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL

A Department Director	B Purchasing or Contracts	C Human Rel.	D Other	E County Attorney	F County Administration <i>APM 4/18</i>				G County Manager
					QA	OM	Risk	GC	
	N/A	N/A			<i>4/16/02</i>	<i>4/18/02</i>	<i>4/18</i>	<i>4/18</i>	

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 4/15/02
Time: 2:30 pm

RECEIVED BY
COUNTY ADMIN.
4-16-02
11:40 AM
COUNTY ADMIN.
FORWARDED TO:
4/18/02

Forwarded To:
4/16/02 12:00

PETITION TO VACATE

Case Number: VAC2000-00024

Petitioner(s), Robert W. Wagner and Marcia L. Wagner request the Board of County Commissioners of Lee County, Florida, to grant this Petition to Vacate and state as follows:

1. Petitioner(s) mailing address, 9823 Fathom Court, Fort Myers, FL 33919.
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

Robert W. Wagner

By:


Petitioner Signature

Marcia L. Wagner



ALLEN D. ROHDE, INC., LB 3708
 17598 ROCKEFELLER CIRCLE
 SUITE 101
 FORT MYERS, FLORIDA 33912

LAND SURVEYING

Sec. 30, T46S, R26E

Phone: (941) 267-1551

(sheet 2 of 2)

EXHIBIT "A"

Description of Proposed
 DRAINAGE EASEMENT
 (vacation)

A drainage easement, 12 feet wide, centered on the property line common to Lots 105 and 106, located in Wildcat Run subdivision, Section 30, Township 46 South, Range 26 East, Lee County, Florida, as recorded in Plat Book 36, Page 36, of the public records of Lee County, Florida.

Description of Proposed
 DRAINAGE EASEMENT
 (relocation)

A drainage easement, 12 feet wide, described as follows: Commencing at the southwest corner of Lot 105, Wildcat Run subdivision, Section 30, Township 46 South, Range 26 East, Lee County, Florida, as recorded in Plat Book 36, Page 36, of the public records of Lee County, Florida; thence N40°57'33"E, 89.94 feet, along the northwesterly line of said Lot 105, to the POINT OF BEGINNING; thence continuing N40°57'33"E, 119.61 feet, along the northwesterly line of Lot 105 to the northwest corner of said Lot 105; thence along the arc of a curve to the right, radius 200.00 feet, (the chord of which bears S69°02'27"E, 12.75 feet) a distance of 12.75 feet; thence S40°57'33"W, 115.45 feet, parallel with the northwesterly line of said Lot 105; thence S29°43'31"E, 78.44 feet, perpendicular to the southeasterly line of Lot 105, to a point on a curve on the northeasterly right-of-way line of Tiger Court; thence along the arc a curve to the left, radius 50.00 feet, (the chord of which bears N53°08'38"W, 30.19 feet) a distance of 30.67 feet; thence N29°43'31"W, 59.22 feet, perpendicular with the southeasterly line of said Lot 105, to the POINT OF BEGINNING.

EXHIBIT A-1

Description of Proposed
 PUBLIC UTILITY EASEMENT
 (vacation)

A public utility easement, 12 feet wide, centered on the property line common to Lots 105 and 106, less and except the Northeasterly and Southwesterly 10 feet thereof, located in Wildcat Run subdivision, Section 30, Township 46 South, Range 26 East, Lee County, Florida, as recorded in Plat Book 36, Page 36, of the public records of Lee County, Florida.

DATE OF SURVEY: 2/14/00	REVISIONS: P.U.E. Vacation 6/20/00
ORDER NO. 00.117	
CLIENT: HOMES OF TRADITION	

CERTIFIED TO:

I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY OF THE ABOVE DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; ALSO THAT THERE ARE NO VISIBLE ENCROACHMENTS UNLESS SHOWN THEREON; SAID SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING PURSUANT TO CHAPTER 6107-6, F.A.C. THIS CERTIFICATION IS INVALID UNLESS SIGNED & EMBOSSED WITH A RAISED SEAL BY THE LAND SURVEYOR IN RESPONSIBLE CHARGE.

DATE: 2/14/00
6/20/00

Allen D. Rohde
 ALLEN D. ROHDE PLS NO. 3997



ALLEN D. ROHDE, INC., LB 3708
 17598 ROCKEFELLER CIRCLE
 SUITE 101
 FORT MYERS, FLORIDA 33912

LAND SURVEYING

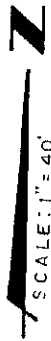
Sec. 30, T46S, R26E

Phone: (941) 267-1551

(sheet 1 of 2)

SKETCH OF DESCRIPTIONS:

Proposed 12 foot drainage easement vacation & relocation, located in a part of Lots 105 & 106, Wildcat Run Subdivision, Section 30, Township 46 South, Range 26 East, Lee County, Florida, as recorded in Plat Book 36, Page 36, of the public records of Lee County, Florida.



CURVE LEGEND

R = radius
 CB = chord bearing
 C = chord distance
 L = length of curve

CURVE "C"

R = 200.00'
 CB = S50°17'47"E
 C = 140.55'
 L = 143.61'

CURVE "C-1"

R = 200.00'
 CB = S69°02'27"E
 C = 12.75'
 L = 12.75'

CURVE "A"

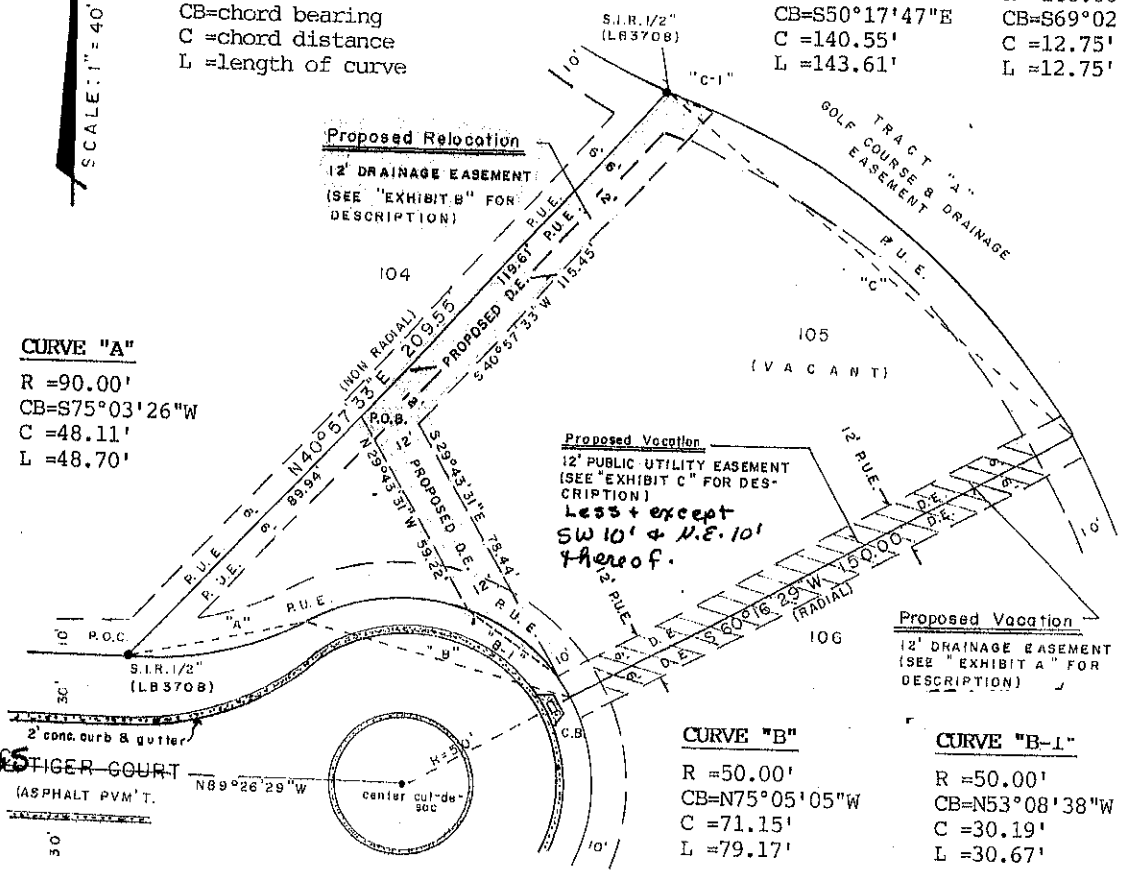
R = 90.00'
 CB = S75°03'26"W
 C = 48.11'
 L = 48.70'

CURVE "B"

R = 50.00'
 CB = N75°05'05"W
 C = 71.15'
 L = 79.17'

CURVE "B-1"

R = 50.00'
 CB = N53°08'38"W
 C = 30.19'
 L = 30.67'



Proposed Vacation
 12' PUBLIC UTILITY EASEMENT
 (SEE "EXHIBIT C" FOR DESCRIPTION)
 Less + except
 SW 10' & N.E. 10'
 thereof.

Proposed Vacation
 12' DRAINAGE EASEMENT
 (SEE "EXHIBIT A" FOR DESCRIPTION)

LEGEND

SIR = set iron rod
 PUE = public utility easement
 DE = drainage easement
 CB = catch basin
 POC = point of commencement
 POB = point of beginning
 LB = licensed business

SURVEYOR'S NOTES:

Bearings are referenced to the centerline of Tiger Court, assumed to bear N89°26'29"W.
 Contact appropriate utility companies prior to construction to field locate exact location of buried utilities.

*** THIS IS NOT A SURVEY, SKETCH OF DESCRIPTIONS ONLY ***

Deemes Robert Wagoner

DATE OF SURVEY: 2/14/00	REVISIONS: P.U.E. Vacation 6/20/00
ORDER NO. 00.117	
CLIENT: HOMES OF TRADITION	

CERTIFIED TO:

I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY OF THE ABOVE DESCRIBED PROPERTY IS TRUE AND CORRECT, TO THE BEST OF MY KNOWLEDGE AND BELIEF; ALSO THAT THERE ARE NO VISIBLE ENCROACHMENTS UNLESS SHOWN THEREON; SAID SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING PURSUANT TO CHAPTER 61G17-6, F.A.C. THIS CERTIFICATION IS INVALID UNLESS SIGNED & EMBOSSED WITH A RAISED SEAL BY THE LAND SURVEYOR IN RESPONSIBLE CHARGE.

DATE: 2/14/00
 6/20/00

Allen D. Rohde
 ALLEN D. ROHDE PLS NO. 3997

EXHIBIT B

This Instrument Prepared by:

STRAP Number: _____

This Space for Recording

PERPETUAL STORMWATER DRAINAGE EASEMENT

This easement grant is made between ROBERT W. + MARCIA L. WAGNER owner whose address is 20270 TIGER COURT ESTERO, FL. 33928 (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 11 day of March, 2002.

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

Linda Malewofsky
1st Witness Signature

Linda Malewofsky
Printed Name of 1st Witness

Leslie Lopez
2nd Witness Signature

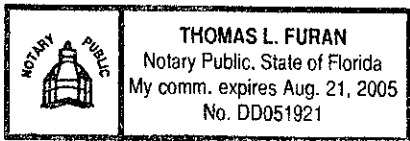
Leslie Lopez
Printed Name of the 2nd Witness

By: [Signature]
GRANTOR

[Signature]

STATE OF FLORIDA)
)
COUNTY OF LEE)

The foregoing instrument was acknowledged before me this 11th day of March, 2002 by Robert + Marcia Wagner (name of person acknowledged) who is personally known to me or who has produced FDL (type of identification) as identification.



[Signature]
Signature of Notary Public

Thomas L. Furan
(Name typed, printed or stamped)
(Title or Rank) Notary
(Serial Number, if any)

EXHIBIT 'A'

Description of Proposed
DRAINAGE EASEMENT
(relocation)

A drainage easement, 12 feet wide, described as follows: Commencing at the southwest corner of Lot 105, Wildcat Run subdivision, Section 30, Township 46 South, Range 26 East, Lee County, Florida, as recorded in Plat Book 36, Page 36, of the public records of Lee County, Florida; thence N40°57'33"E, 89.94 feet, along the northwesterly line of said Lot 105, to the POINT OF BEGINNING; thence continuing N40°57'33"E, 119.61 feet, along the northwesterly line of Lot 105 to the northwest corner of said Lot 105; thence along the arc of a curve to the right, radius 200.00 feet, (the chord of which bears S69°02'27"E, 12.75 feet) a distance of 12.75 feet; thence S40°57'33"W, 115.45 feet, parallel with the northwesterly line of said Lot 105; thence S29°43'31"E, 78.44 feet, perpendicular to the southeasterly line of Lot 105, to a point on a curve on the northeasterly right-of-way line of Tiger Court; thence along the arc a curve to the left, radius 50.00 feet, (the chord of which bears N53°08'38"W, 30.19 feet) a distance of 30.67 feet; thence N29°43'31"W, 59.22 feet, perpendicular with the southeasterly line of said Lot 105, to the POINT OF BEGINNING.



ALLEN D. ROHDE, INC., LB 3708
 17598 ROCKEFELLER CIRCLE
 SUITE 101
 FORT MYERS, FLORIDA 33912

LAND SURVEYING
 Sec. 30, T46S, R26E
 Phone: (941) 267-1551

(sheet 1 of 2)

SKETCH OF DESCRIPTIONS: Proposed 12 foot drainage easement vacation & relocation, located in a part of Lots 105 & 106, Wildcat Run Subdivision, Section 30, Township 46 South, Range 26 East, Lee County, Florida, as recorded in Plat Book 36, Page 36, of the public records of Lee County, Florida.



SCALE: 1" = 40'

CURVE LEGEND

R = radius
 CB = chord bearing
 C = chord distance
 L = length of curve

CURVE "C"

R = 200.00'
 CB = S50°17'47"E
 C = 140.55'
 L = 143.61'

CURVE "C-1"

R = 200.00'
 CB = S69°02'27"E
 C = 12.75'
 L = 12.75'

CURVE "A"

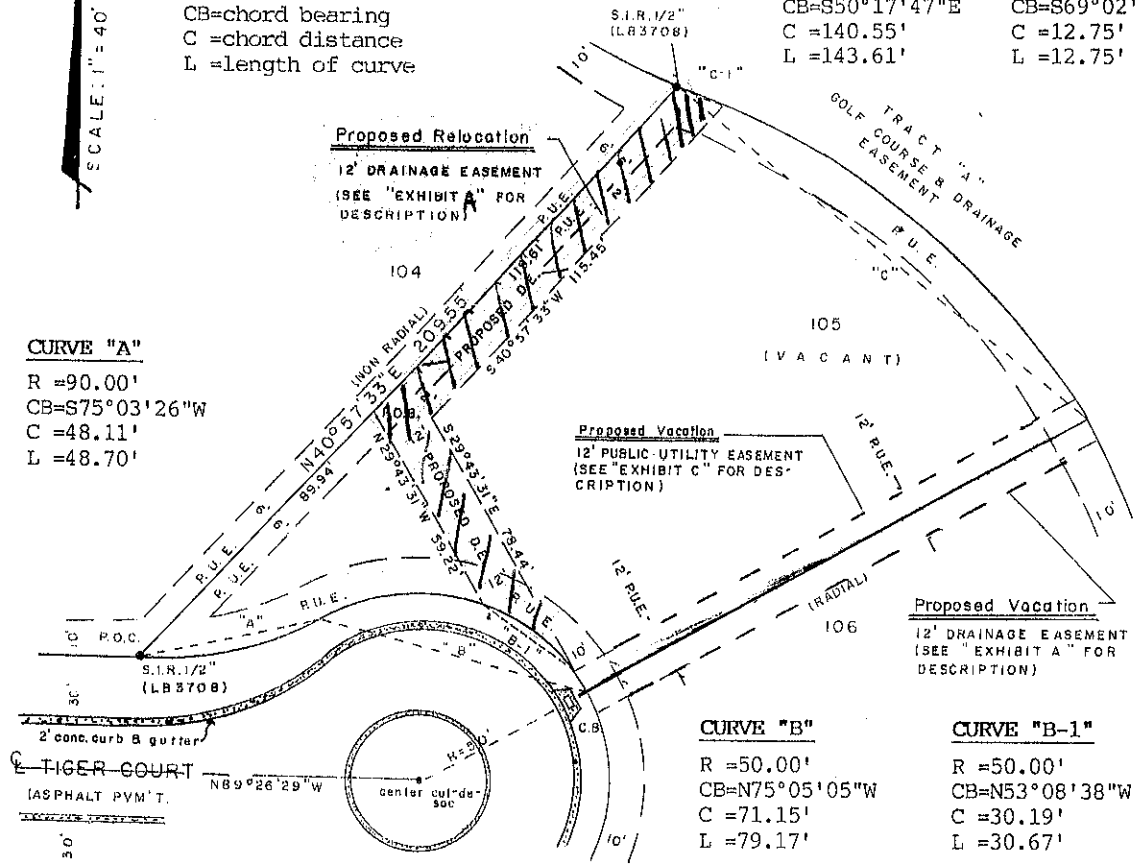
R = 90.00'
 CB = S75°03'26"W
 C = 48.11'
 L = 48.70'

CURVE "B"

R = 50.00'
 CB = N75°05'05"W
 C = 71.15'
 L = 79.17'

CURVE "B-1"

R = 50.00'
 CB = N53°08'38"W
 C = 30.19'
 L = 30.67'



LEGEND

SIR = set iron rod
 PUE = public utility easement
 DE = drainage easement
 CB = catch basin
 POC = point of commencement
 POB = point of beginning
 LB = licensed business

SURVEYOR'S NOTES:

Bearings are referenced to the centerline of Tiger Court, assumed to bear N89°26'29"W.
 Contact appropriate utility companies prior to construction to field locate exact location of buried utilities.

*** THIS IS NOT A SURVEY, SKETCH OF DESCRIPTIONS ONLY ***

DATE OF SURVEY: 2/14/00	REVISIONS: P.U.E. Vacation 6/20/00
ORDER NO. 00.117	
CLIENT: HOMES OF TRADITION	

CERTIFIED TO:

I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY OF THE ABOVE DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; ALSO THAT THERE ARE NO VISIBLE ENCROACHMENTS UNLESS SHOWN THEREON; SAID SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING PURSUANT TO CHAPTER 61G17-8, F.A.C. THIS CERTIFICATION IS INVALID UNLESS SIGNED & EMBOSSED WITH A RAISED SEAL BY THE LAND SURVEYOR IN RESPONSIBLE CHARGE.

DATE: 2/14/00
 6/20/00

Allen D. Rohde
 ALLEN D. ROHDE PLS NO. 3997

EXHIBIT B

TAXES

TAX ROLL SEARCH RESULTS

Searching the Real Estate Tax Roll for Account "30462601000001050" has returned 4 records.

Page 1 of 1

For a DETAIL explanation of a specific tax year displayed, Click on the underlined Account number in the column on the left of the table for the particular tax year.

For a definition of the abbreviations in the Tax Status column, Click on Legend.

Account	Tax Year	Owner Name and Address	Legal Description	Tax Status Legend	Prior Tax
<u>30-46-26-01-00000.1050</u>	2001	WAGNER ROBERT W + MARCIA CO TR 20270 TIGER CT ESTERO FL 33928	WILDCAT RUN SUBD PB 36 PG 36 LOTS 105 + 106	PAID	Chic outs t
<u>30-46-26-01-00000.1050</u>	2000	WAGNER ROBERT W + MARCIA CO TR 9823 FATHOM CT FORT MYERS FL 33919 USA	WILDCAT RUN SUBD PB 36 PG 36 LOTS 105 + 106	PAID	Chic outs t
<u>30-46-26-01-00000.1050</u>	1999	RPMC DEVELOPMENT CO 2575 N FAIRVIEW AV STE 250 ROSEVILLE MN 55113 USA	WILDCAT RUN SUBD PB 36 PG 36 LOT 105	PAID	Chic outs t

EXHIBIT C

30-46-26-01-00000.1050	1998	RPMC DEVELOPMENT CO 2575 N FAIRVIEW AV STE 250 ROSEVILLE MN 55113 USA	WILDCAT RUN SUBD PB 36 PG 36 LOT 105	PAID	Click outs t
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PRINTING INSTRUCTIONS:

It will help pages to print more completely if:

The Text Size on your browser set to " Smaller" or "Smallest"

and the orientation is set to - Landscape.

This web site is best viewed at 800 x 600 resolution, or higher, on your monitor.

The information on this web site is provided by the

Lee County Tax Collector's Office.

INSTR # 4803702
OR BK 03215 PG 1554

RECORDED 01/31/00 12:48 PM
CHARLIE GREEN CLERK OF COURT
LEE COUNTY
RECORDING FEE 10.50
DOC TAX PD(F.S.201.02) 1,158.08
DEPUTY CLERK R Janke

Return to:
MIDWEST TITLE GUARANTEE COMPANY OF FLORIDA
3936 N. Tamiami Trail, Suite A
Naples, FL 34103
(941)262-2163
35301/PM

Consideration: \$170,000.00
Recording: \$10.50
Documentary Stamps: 1190.00

WARRANTY DEED

THIS WARRANTY DEED made the 27th day of Jan. 2000 by

William H. Johnson, and Barbara Ann Johnson, husband and wife

hereinafter called the grantor, to

Robert W. Wagner and Marcia L. Wagner, husband and wife

hereinafter called the grantee, whose post office address is:

9823 Fathom Court
Fort Myers, Florida 33919

(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, assigns, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida, viz: (Folio No:)

Lot 106, Wildcat Run, in accordance with and subject to the plat recorded in Plat Book 36, pages 30 through 43, Public Records of Lee County, Florida

Grantor further warrants that the subject property is not the grantor's homestead property, in fact the subject property is vacant land.

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, 1999, and easements, restrictions and reservations of record, and easements and restrictions common to the subdivision.

Deed Con't
Lot 106, Wildcat Run

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:

Frances M. McKenzie
WITNESS NO. 1 (print name below)
Frances M. McKenzie
(printed name)

William H. Johnson
William H. Johnson

Barbara Ann Johnson
Barbara Ann Johnson

J.S. Crawford
WITNESS NO. 2 (print name below)
J.S. CRAWFORD
(printed name)

STATE OF Florida
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 27 day of JANUARY, 2000 by William H. Johnson and Barbara Ann Johnson who is personally known to me or who has produced DRIVERS LICENSE as identification.

My Commission Expires

Frances M. McKenzie
Notary Public (print name below)
Frances M. McKenzie
(printed name)

(SEAL)



Frances M. McKenzie
MY COMMISSION # CC817502 EXPIRES
January 30, 2001
BONDED THRU TROY FAIR INSURANCE, INC.

(decd)

RETURN TO PREPARER:

This instrument prepared by James D. Vogel, Esq.,
MIDWEST TITLE GUARANTEE COMPANY OF FLORIDA,
3936 No. Tamiami Trail, Naples, FL 34103, (941)262-2163, in conjunction with the issuance of title insurance.

INSTR # 4803994

OR BK 03215 PG 2177

Return to:
MIDWEST TITLE GUARANTEE COMPANY OF FLORIDA
3936 N. Tamiami Trail, Suite A
Naples, FL 34103
(941)262-2163
PM/35300

RECORDED 01/31/00 02:42 PM
CHARLIE GREEN CLERK OF COURT
LEE COUNTY
RECORDING FEE 10.50
DOC TAX PD (F.S. 201.02) 1,120.00
DEPUTY CLERK A Janke

Consideration: \$160,000.00
Recording: \$10.50
Documentary Stamps 1120.00

WARRANTY DEED

THIS WARRANTY DEED made the 25th day of Jan. A.D. 2000 by

RPMC Development Company LLC, Minnesota Limited Liability Company

having its principal place of business at, hereinafter called the grantor, to

Robert W. Wagner and Marcia L. Wagner, husband and wife

hereinafter called the grantee, whose post office address is:

9823 Fathom Court
Fort Myers, Florida 33919

(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, renunes, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida, viz: (Folio No: 30462601000001050

Lot 105, Wildcat Run, in accordance with and subject to the plat recorded in Plat Book 36, pages 30 through 43, Public Records of Lee County, Florida

Grantor further warrants that the subject property is not the grantor's homestead property, in fact the subject property is vacant land.

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, 1999, and easements, restrictions and reservations of record, and easements and restrictions common to the subdivision.

OR BK 03215 PG 2178

Warranty Deed
Page 2 Con't
Lot 105, Wildcat Run

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 thereunto duly authorized, the day and year first above written.

SIGNED, SEALED & DELIVERED IN OUR PRESENCE:

RPMC Development Company, LLC., a
Limited Liability Company

Donna Emmons
Witness No. 1 (print name below)

Daniel P. Commers
by: Daniel P. Commers, its Chief Manager

Donna Emmons
Witness No. 2 (print name below)

Kimberly Berskow
Witness No. 2 (print name below)

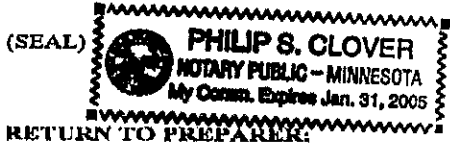
(CORPORATE SEAL.)

STATE OF MN
COUNTY OF _____

The foregoing instrument was acknowledged before me this 25th day of January, 2000 by Daniel P. Commers as Chief Manager on behalf of the Limited Liability Company. He is personally known to me or has produced _____ as identification.

My Commission Expires: 1/31/05

Philip S. Clover
Notary Public (print name below)



PHILIP SCOTT CLOVER
printed name

RETURN TO PREPARER

This instrument prepared by James D. Vogel, Esq.,
MIDWEST TITLE GUARANTEE COMPANY OF FLORIDA,
3936 N. Tamiami Trail, Naples, FL 34103, (941)262-2163, in conjunction with the issuance of title insurance.

File No. 35300/PM

(deed-corp)



FPL

Florida Power & Light Company, 26430 Old US 41, Bonita Springs, FL 34135

April 28, 2000

Select Builder Realty Inc.
Glenn Tarr
P.O. Box 1330
Estero, Fl. 33928-1330

Re. Drainage easement vacation and relocation, on lots 105 and 106, Wildcat Run Subdivivision.

SUPERSEDED

Dear Mr. Tarr

Florida Power & Light Company has no objection to the vacation and relocation of the drainage easement located in a part of lots 105 and 106, Wildcat Run Subdivision, section 30, township 46 south, range 26 east, Lee County, Florida, as recorded in Plat Book 36, Page 36, of the public records of Lee County, Florida.

FPL does not have any facilities at this time for these lots, further contact should be made to Jim Merriam at 941 947-7361 .

If you have any questions, please contact me at 941-947-7379 or 26430 Old Us 41, Bonita Springs, Fl. 34135.

Sincerely,

Ernie Rison

Service Planning

cc jm



26430 Old US 41 Road, Bonita Springs, FL 34135

Florida Power & Light Company

August 17, 2000

Mr. Glenn Tarr
Select Builder Realty, Incorporated
Post Office Box 1330
Estero, FL 33928-1130

**RE: Vacation of 12' Drainage & Utility Easement Between Lots 105 and 107
on Tiger Ct -Wildcat Run**

Dear Mr. Tarr:

FPL has no objection of the proposed vacation of the existing twelve foot (12) drainage and utility easement between Lots 105 and 106, **except** for the existing 10 feet public utility easement next to the road right-of-way easement as reflected with the sketch of the survey prepared by Allen D. Rohde, Incorporated dated June 20, 2000.

Please call me at 941 947-7361, if you have any questions.

Sincerely,



J. E. Merriam
Service Planning



Box 2469
Naples, Florida 34106-2469

August 18, 2000

Mr. Glenn Tarr
Select Builder Realty, Inc.
P.O. Box 1330
Estero, Florida 33928-1330

RE: Vacation of 12' Drainage & Utility Easement Between Lots 105 and 106
Wildcat Run - Tiger Court

Dear Mr. Tarr:

Sprint-Florida, Inc. has no objection to the proposed vacation of the twelve foot (12') drainage and utility easement between Lots 104 and 106 on Tiger Court in Wildcat Run, as described in the letter dated April 26, 2000 and the documents attached to it.

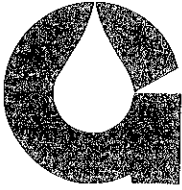
If you have any questions, or need more information, please do not hesitate to contact me at (941) 263-6320.

Sincerely,

A handwritten signature in black ink, appearing to read "John R. Endres".

John R. Endres
Network Engineer II - E&C

JRE:ns



Gulf Environmental Services, Inc.

19910 S. Tamiami Trail, Suite A
P.O. Box 350
Estero, FL 33928-0350
941/498-1000
FAX 941/498-0625
April 28, 2000

Mr. Glenn Tarr
Select Builder Realty, Inc.
P.O. Box 1330
Estero, FL 33928-1330

Re: Vacation of 12' Drainage Easement Between Lots 105 and 106
Wildcat Run - Tiger Court

Dear Mr. Tarr:

Gulf Environmental Services, Inc. has no objection to the proposed vacation of the twelve foot (12') drainage easement between Lots 105 and 106 on Tiger Court in Wildcat Run, as described in the letter dated April 26, 2000 and the documents attached to it.

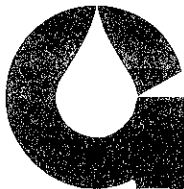
If you have any questions, or need more information, please do not hesitate to contact me at (941) 498-1000.

Sincerely,

Kathy Babcock

Kathy Babcock
Administrative Manager

RECEIVED



Gulf Environmental Services, Inc.

19910 S. Tamiami Trail, Suite A

P.O. Box 350

Estero, FL 33928-0350

941/498-1000

FAX 941/498-0625

August 17, 2000

Mr. Glenn Tarr
Select Builder Realty, Inc.
P.O. Box 1330
Estero, FL 33928-1330

Re: Vacation of 12' Drainage & Utility Easement Between Lots 105 and 106
Wildcat Run - Tiger Court

Dear Mr. Tarr:

Gulf Environmental Services, Inc. has no objection to the proposed vacation of the twelve foot (12') drainage and utility easement between Lots 105 and 106 on Tiger Court in Wildcat Run, as described in the letter dated April 26, 2000 and the documents attached to it.

If you have any questions, or need more information, please do not hesitate to contact me at (941) 498-1000.

Sincerely,

Kathy Babcock
Administrative Manager



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number **479-8585**

Bob Janes
District One

Douglas R. St. Cerny
District Two **March 26, 2002**

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*

Dr. & Mrs. Robert W. Wagner
9823 Fathom Court,
Fort Myers, FL 33919

Re: VAC2000-00024

Dear Dr. & Mrs. Wagner:

You indicated that as a result of combining adjacent lots into one residential building site, these platted easements prohibit the construction of your proposed site plan. Based on a review of the information provided and our subsequent research, this office has no objection to the proposed vacation of a 12' Public Utility and Drainage Easement located on the common lot line of lots 105 and 106; and the relocation of a 12' Drainage Easement on the north westerly property line.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

Peter J. Eckenrode
Director

PJE/sam

U:\200203\VAC20000.0024\reviewandrec.wpd



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

(941) 479-8132

Writer's Direct Dial Number: _____

John E. Manning
District One

May 2, 2000

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

Glenn Tarr
Select Builders Realty, Inc.
P. O. Box 1330
Estero, FL 33928

SUBJECT: PETITION TO RELOCATE DRAINAGE EASEMENTS
Lots 105 & 106, Wildcat Run Subdivision

Dear Mr. Tarr:

Based on the review of the documents submitted with your request, Lee County Division of Natural Resources has no objection to that proposed.

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

Sincerely,

ENVIRONMENTAL SERVICES DEPARTMENT

Bradley S. Vance
Professional Engineer II
Natural Resources Division

xc. Don Blackburn, Development Services
John Fredyma, County Attorney's Office
Margaret Lawson, LCDOT
Roland Ottolini, P.E., DNR



LEE COUNTY
SOUTHWEST FLORIDA

(941) 479-8580

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: _____

John E. Manning
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

May 8, 2000

Mr. Glenn Tarr
Select Builder Realty, Inc.
P.O. Box 1330
Estero, FL 33928-1330

RE: Petition to vacate a 12-foot wide public utility and drainage easement on the lot line common to Lots 105 and 106, Wildcat Run Subdivision.

Dear Mr. Tarr:

The Lee County Department of Transportation has reviewed your request to vacate the above described easement recorded in Plat Book 36, Page 36. The roads and drainage within Wildcat Run are not County maintained; they are dedicated to the lot owners.

Therefore, DOT offers no objection to this vacation as proposed.

Very truly yours,

DEPARTMENT OF TRANSPORTATION

Scott M. Gilbertson, P.E.
Director

SMG/mlb

cc: Roland Ottolini, DNRM
Margaret Lawson

(S:\DOCUMENT\SMG\LETTERS\KOCH\2000>Select Builders Wildcat Run.doc)

P.O. Box 398, Fort Myers, Florida 33902-0398 (941) 335-2111

Internet address <http://www.lee-county.com>

AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER



Florida Department of Transportation

JEB BUSH
GOVERNOR

THOMAS F. BARRY, JR.
SECRETARY

May 5, 2000

Mr. Glenn Tarr
Select Builders Realty, Inc.
P.O. Box 1330
Estero, Florida 33928

RE: Vacation and Relocation of A Drainage Easement

Dear Mr. Tarr:

Our staff has conducted a review of your request to vacate a 12 foot Drainage Easement centered on the lot line common to Lots 105 and 106, Wildcat Run Subdivision, as recorded in Plat Book 36, Page 36, Public Records of Lee County, Florida. This same area was further referenced in your letter and highlighted map of April 26, 2000.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "James W. Dunsford".

James W. Dunsford,
District R/W Administrator,
Property Management

JWD/jwd

cc: Scott Gilbertson, P.E. - Lee County
Walter McCarthy, P.E. - Lee County
Joe Philips - FDOT
Tom Garcia - FDOT

District One-Right of Way Department-Property Management
801 North Broadway Avenue*Post Office Box 1249*Bartow, FL 33831-1249
(941)519-2413*(941)534-7168(Fax)*MS 1-66

www.dot.state.fl.us



**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE Case Number: VAC2000-00024**

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. VAC2000-00024 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



ALLEN D. ROHDE, INC., LB 3708
 17598 ROCKEFELLER CIRCLE
 SUITE 101
 FORT MYERS, FLORIDA 33912

LAND SURVEYING
 Sec. 30, T46S, R26E
 Phone: (941) 267-1551

(sheet 2 of 2)

EXHIBIT "A"

Description of Proposed
 DRAINAGE EASEMENT
 (vacation)

A drainage easement, 12 feet wide, centered on the property line common to Lots 105 and 106, located in Wildcat Run subdivision, Section 30, Township 46 South, Range 26 East, Lee County, Florida, as recorded in Plat Book 36, Page 36, of the public records of Lee County, Florida.

Description of Proposed
 DRAINAGE EASEMENT
 (relocation)

A drainage easement, 12 feet wide, described as follows: Commencing at the southwest corner of Lot 105, Wildcat Run subdivision, Section 30, Township 46 South, Range 26 East, Lee County, Florida, as recorded in Plat Book 36, Page 36, of the public records of Lee County, Florida; thence N40°57'33"E, 89.94 feet, along the northwesterly line of said Lot 105, to the POINT OF BEGINNING; thence continuing N40°57'33"E, 119.61 feet, along the northwesterly line of Lot 105 to the northwest corner of said Lot 105; thence along the arc of a curve to the right, radius 200.00 feet, (the chord of which bears S69°02'27"E, 12.75 feet) a distance of 12.75 feet; thence S40°57'33"W, 115.45 feet, parallel with the northwesterly line of said Lot 105; thence S29°43'31"E, 78.44 feet, perpendicular to the southeasterly line of Lot 105, to a point on a curve on the northeasterly right-of-way line of Tiger Court; thence along the arc a curve to the left, radius 50.00 feet, (the chord of which bears N53°08'38"W, 30.19 feet) a distance of 30.67 feet; thence N29°43'31"W, 59.22 feet, perpendicular with the southeasterly line of said Lot 105, to the POINT OF BEGINNING.

EXHIBIT "B-1"

Description of Proposed
 PUBLIC UTILITY EASEMENT
 (vacation)

A public utility easement, 12 feet wide, centered on the property line common to Lots 105 and 106, less and except the Northeasterly and Southwesterly 10 feet thereof, located in Wildcat Run subdivision, Section 30, Township 46 South, Range 26 East, Lee County, Florida, as recorded in Plat Book 36, Page 36, of the public records of Lee County, Florida.

DATE OF SURVEY: 2/14/00	REVISIONS: P.U.E. Vacation 6/20/00
ORDER NO. 00.117	
CLIENT: HOMES OF TRADITION	

CERTIFIED TO:

I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY OF THE ABOVE DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; ALSO THAT THERE ARE NO VISIBLE ENCROACHMENTS UNLESS SHOWN THEREON; SAID SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING PURSUANT TO CHAPTER 61G17-6, F.A.C. THIS CERTIFICATION IS INVALID UNLESS SIGNED & EMBOSSED WITH A RAISED SEAL BY THE LAND SURVEYOR IN RESPONSIBLE CHARGE.

DATE: 2/14/00
 6/20/00

Allen D. Rohde
 ALLEN D. ROHDE PLS NO. 3997



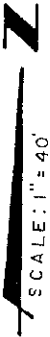
ALLEN D. ROHDE, INC., LB 3708
 17598 ROCKEFELLER CIRCLE
 SUITE 101
 FORT MYERS, FLORIDA 33912

LAND SURVEYING
 Sec.30,T46S,R26E
 Phone:(941) 267-1554

(sheet 1 of 2)

SKETCH OF DESCRIPTIONS:

Proposed 12 foot drainage easement vacation & relocation, located in a part of Lots 105 & 106, Wildcat Run Subdivision, Section 30, Township 46 South, Range 26 East, Lee County, Florida, as recorded in Plat Book 36, Page 36, of the public records of Lee County, Florida.



SCALE: 1" = 40'

CURVE LEGEND

R =radius
 CB=chord bearing
 C =chord distance
 L =length of curve

CURVE "C"

R =200.00'
 CB=S50°17'47"E
 C =140.55'
 L =143.61'

CURVE "C-1"

R =200.00'
 CB=S69°02'27"E
 C =12.75'
 L =12.75'

CURVE "A"

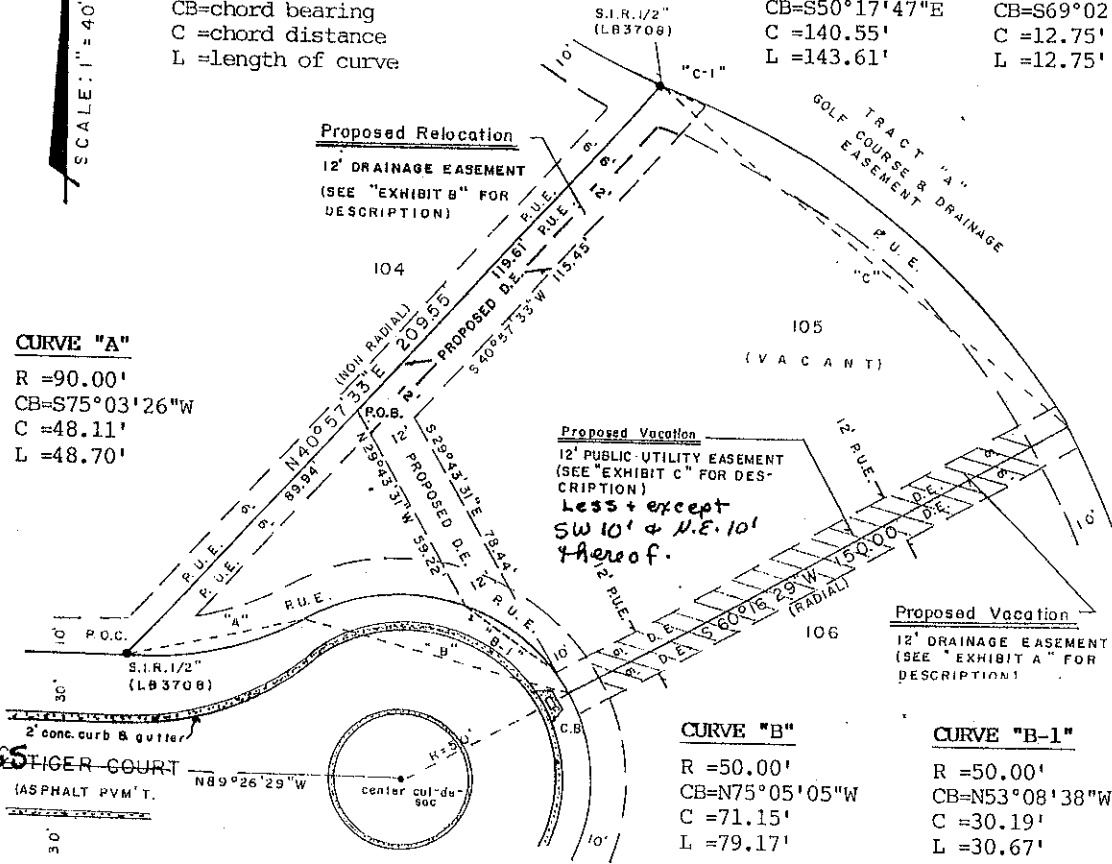
R =90.00'
 CB=S75°03'26"W
 C =48.11'
 L =48.70'

CURVE "B"

R =50.00'
 CB=N75°05'05"W
 C =71.15'
 L =79.17'

CURVE "B-1"

R =50.00'
 CB=N53°08'38"W
 C =30.19'
 L =30.67'



Proposed Vacation
 12' PUBLIC-UTILITY EASEMENT
 (SEE "EXHIBIT C" FOR DESCRIPTION)
 Less + except
 SW 10' & N.E. 10'
 thereof.

Proposed Vacation
 12' DRAINAGE EASEMENT
 (SEE "EXHIBIT A" FOR DESCRIPTION)

LEGEND

SIR =set iron rod
 PUE =public utility easement
 DE =drainage easement
 CB =catch basin
 POC =point of commencement
 POB =point of beginning
 LB =licensed business

SURVEYOR'S NOTES:

Bearings are referenced to the centerline of Tiger Court, assumed to bear N89°26'29"W.
 Contact appropriate utility companies prior to construction to field locate exact location of buried utilities.

*** THIS IS NOT A SURVEY, SKETCH OF DESCRIPTIONS ONLY ***

De + mes Robert Wagoner

DATE OF SURVEY: 2/14/00	REVISIONS: P.U.E. Vacation 6/20/00
ORDER NO. 00.117	
CLIENT: HOMES OF TRADITION	

CERTIFIED TO:

I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY OF THE ABOVE DESCRIBED PROPERTY IS TRUE AND CORRECT, TO THE BEST OF MY KNOWLEDGE AND BELIEF; ALSO THAT THERE ARE NO VISIBLE ENCROACHMENTS UNLESS SHOWN THEREON; SAID SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING PURSUANT TO CHAPTER 61G17-6, F.A.C. THIS CERTIFICATION IS INVALID UNLESS SIGNED & EMBOSSED WITH A RAISED SEAL BY THE LAND SURVEYOR IN RESPONSIBLE CHARGE.

DATE: 2/14/00
 6/20/00

Allen D. Rohde
 ALLEN D. ROHDE PLS NO. 3997

EXHIBIT B

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2000-00024

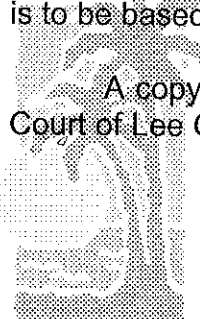
TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 11th day of June 2002 @5:00 PM in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider and take action on a Petition vacating the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A".

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

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

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



LEE COUNTY

CHARLIE GREEN, CLERK

SOUTHWEST FLORIDA

Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name



ALLEN D. ROHDE, INC., LB 3708
 17598 ROCKEFELLER CIRCLE
 SUITE 101
 FORT MYERS, FLORIDA 33912

LAND SURVEYING

Sec.30,T46S,R26E

Phone:(941) 267-1551

(sheet 2 of 2)

EXHIBIT "A"

Description of Proposed
 DRAINAGE EASEMENT
 (vacation)

A drainage easement, 12 feet wide, centered on the property line common to Lots 105 and 106, located in Wildcat Run subdivision, Section 30, Township 46 South, Range 26 East, Lee County, Florida, as recorded in Plat Book 36, Page 36, of the public records of Lee County, Florida.

Description of Proposed
 DRAINAGE EASEMENT
 (relocation)

A drainage easement, 12 feet wide, described as follows: Commencing at the southwest corner of Lot 105, Wildcat Run subdivision, Section 30, Township 46 South, Range 26 East, Lee County, Florida, as recorded in Plat Book 36, Page 36, of the public records of Lee County, Florida; thence N40°57'33"E, 89.94 feet, along the northwesterly line of said Lot 105, to the POINT OF BEGINNING; thence continuing N40°57'33"E, 119.61 feet, along the northwesterly line of Lot 105 to the northwest corner of said Lot 105; thence along the arc of a curve to the right, radius 200.00 feet, (the chord of which bears S69°02'27"E, 12.75 feet) a distance of 12.75 feet; thence S40°57'33"W, 115.45 feet, parallel with the northwesterly line of said Lot 105; thence S29°43'31"E, 78.44 feet, perpendicular to the southeasterly line of Lot 105, to a point on a curve on the northeasterly right-of-way line of Tiger Court; thence along the arc a curve to the left, radius 50.00 feet, (the chord of which bears N53°08'38"W, 30.19 feet) a distance of 30.67 feet; thence N29°43'31"W, 59.22 feet, perpendicular with the southeasterly line of said Lot 105, to the POINT OF BEGINNING.

EXHIBIT A-1

Description of Proposed
 PUBLIC UTILITY EASEMENT
 (vacation)

A public utility easement, 12 feet wide, centered on the property line common to Lots 105 and 106, less and except the Northeasterly and Southwesterly 10 feet thereof, located in Wildcat Run subdivision, Section 30, Township 46 South, Range 26 East, Lee County, Florida, as recorded in Plat Book 36, Page 36, of the public records of Lee County, Florida.

DATE OF SURVEY: 2/14/00	REVISIONS: P.U.E. Vacation 6/20/00
ORDER NO. 00.117	
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CERTIFIED TO:

I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY OF THE ABOVE DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; ALSO THAT THERE ARE NO VISIBLE ENCROACHMENTS UNLESS SHOWN THEREON. SAID SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING PURSUANT TO CHAPTER 81G17-6, F.A.C. THIS CERTIFICATION IS INVALID UNLESS SIGNED & EMBOSSED WITH A RAISED SEAL BY THE LAND SURVEYOR IN RESPONSIBLE CHARGE.

DATE: 2/14/00
6/20/00

Allen D. Rohde
 ALLEN D. ROHDE PLS NO. 3997