

Lee County Board Of County Commissioners

Agenda Item Summary

Blue Sheet No. 20020784

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition VAC2002-00003 to vacate a portion of a 110' wide right-of-way known as Old Pondella Road extending from the intersection with the southern edge of the right-of-way of State Route 78 (Pine Island Road) to a line approximately 250 south therefrom; in the Southwest Quarter of Section 5, Township 44 South, Range 24 East, Lee County, Florida; and adopt a resolution setting a public hearing for : 5:00 p.m. on the 10th day of September, 2002.

WHY ACTION IS NECESSARY: To allow for more flexibility in developing this commercial property. *The vacation of this right-of-way will not alter existing drainage or utilities; nor is this right-of-way necessary to accommodate any future drainage or utility requirements.* "New" Pondella road has effectively replaced this right-of-way and made it redundant. A twenty-foot wide public utility easement is to be granted to Lee County Utilities along with this vacation to cover an existing water main.

WHAT ACTION ACCOMPLISHES: Sets the date for Public Hearing.

2. DEPARTMENTAL CATEGORY: 04
COMMISSION DISTRICT # 04

C4A

3. MEETING DATE:

08-13-2002

4. AGENDA:

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

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE 13-8
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
 - B. DEPARTMENT Community Development
 - C. DIVISION Development Services
- BY: Peter J. Eckenrode, Director

7. BACKGROUND: The Petition to Vacate was submitted by Avalon Engineering, Agent for Gregory W. Eagle.

LOCATION: The site is located at the intersection of State Route 78 (Pine Island Road) and Old Pondella Road in the Southwest Quarter of Section 5, Township 44 South, Range 24 East, Lee County, Florida.

The right-of-way to be vacated is 110' wide and is approximately the two hundred and fifty feet (250') of Old Pondella Road just south of the intersection of State Route 78 (Pine Island Road) and Old Pondella Road in the Southwest Quarter of Section 5, Township 44 South, Range 24 East, Lee County, Florida.

A more detailed legal description and sketch is attached to this bluesheet.

There is an existing water main within the right-of-way. A replacement utility easement has been approved by Lee County Utilities and is to be granted along with this vacation.

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

Attached to this Blue Sheet is a supplemental sketch, 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 Resources	D Other	E County Attorney	F Budget Services	G County Manager								
<i>[Signature]</i>	N/A	N/A		<i>[Signature]</i>	<table border="1"> <tr> <td>OA</td> <td>OM</td> <td>Risk</td> <td>GC</td> </tr> <tr> <td><i>[Signature]</i></td> <td><i>[Signature]</i></td> <td><i>[Signature]</i></td> <td><i>[Signature]</i></td> </tr> </table>	OA	OM	Risk	GC	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
OA	OM	Risk	GC											
<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>											

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY
 COUNTY ADMIN. **TD**
7-25-02
4:25
 COUNTY ADMIN.
 FORWARDED TO: **BL**
7/20 qud

REC'D.
 by CO. ATTY.
7/19/02
3:15 pm
 CO. ATTY.
 FORWARDED TO:
Admin
7/25/02 3:PM

PETITION TO VACATE

Case Number: VAC 2002-00003

Petitioner(s), Gregory W. Eagle, Trustee
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, 3818 Del Prado Boulevard, Cape Coral, FL 33904
- 2. In accordance with Florida Statute (F.S.) Chapter 336 and Lee County Administrative Code (LCAC) 13-8, Petitioner desires to vacate, abandon 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".
A sketch showing the ^{Replacement} Utility Easement attached as Exhibit "C"
- 4. Notice concerning the intent of this Petition will be provided in accordance with LCAC 13-8.
- 5. In accordance with letters of review and recommendation provided by the 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: *DW Eagle*
Petitioner Signature

GREGORY W EAGLE
Printed Name Trustee

By: _____
Petitioner Signature

Printed Name

November 2001	December 2001	January 2002	February 2002	March 2002	April 2002
\$5,000.62	\$5,052.71	\$5,104.80	\$5,156.89	\$5,208.98	\$5,365.25
Tax Status	PAID	Paid Amount	\$5,208.98	PIN Number	01-00068043
Mailing Address		Tax Year	Account Number Original Account Number		District
EAGLE GREGORY W TR 3818 DEL PRADO BLVD S CAPE CORAL FL 33904 USA		2001	05-44-24-C4-01200.G000 05-44-24-C4-01200.G000		057
Site Address		Legal Description			OR Book/Page
RESERVED		EAGLE SUBDIV I PB 66 PG 16 TRACT G			3003/2764
VALUES					
Just Value				\$227,980.00	
Assessed Value				\$227,980.00	
Assessed Save Our Homes Value				\$227,980.00	
Homestead Exemption				\$0.00	
Other Exemption				\$0.00	
Taxable Value				\$227,980.00	
AD VALOREM TAXES					
Taxing Authority		Mill Rate		Taxes Levied	
PUBLIC SCHOOL - BY LOCAL BOARD		2.6080		\$594.57	
PUBLIC SCHOOL - BY STATE LAW		5.8700		\$1,338.24	
CAPE CORAL - GENERAL FUNDS		5.8033		\$1,323.04	
CAPE CORAL - DEBT SERVICE		0.7144		\$162.87	
LEE COUNTY CAPITAL IMP		1.0124		\$230.81	
LEE COUNTY GENERAL REVENUE		4.3277		\$986.63	
LEE COUNTY HYACINTH CONTROL		0.0358		\$8.16	
LEE COUNTY LIBRARY FUND		0.9630		\$219.54	
LEE COUNTY MOSQUITO CONTROL		0.3595		\$81.96	
SFL WATER MGMT-EVERGLADE CONST		0.1000		\$22.80	
WEST COAST INLAND WATERWAY		0.0400		\$9.12	
SFL WATER MGMT-DISTRICT LEVY		0.5970		\$136.10	
CITY CAPE CORAL-S WASTE-MSTU		0.4173		\$95.14	
NON AD VALOREM ASSESSMENTS					
Levying Authority		Rebate/Base		Amount	
COMBINED TOTAL				\$5,208.98	

November 2001	December 2001	January 2002	February 2002	March 2002	April 2002
\$41,963.12	\$42,400.23	\$42,837.35	\$43,274.46	\$43,711.58	\$45,022.93
Tax Status	PAID	Paid Amount	\$43,711.58	PIN Number	01-00069550
Mailing Address		Tax Year	Account Number Original Account Number		District
EAGLE GREGORY W TR 3818 DEL PRADO BLVD CAPE CORAL FL 33904 USA		2001	05-44-24-C4-00103.0000 05-44-24-C4-00103.0000		057
Site Address		Legal Description			OR Book/Page
ACCESS UNDETERMINED		PARL IN SW 1/4 OF SEC DESC IN OR 3141 PAGE 0670			3183/4736
VALUES					
Just Value				\$1,154,820.00	
Assessed Value				\$1,154,820.00	
Assessed Save Our Homes Value				\$1,154,820.00	
Homestead Exemption				\$0.00	
Other Exemption				\$0.00	
Taxable Value				\$1,154,820.00	
AD VALOREM TAXES					
Taxing Authority		Mill Rate		Taxes Levied	
PUBLIC SCHOOL - BY LOCAL BOARD		2.6080		\$3,011.77	
PUBLIC SCHOOL - BY STATE LAW		5.8700		\$6,778.79	
CAPE CORAL - GENERAL FUNDS		5.8033		\$6,701.77	
CAPE CORAL - DEBT SERVICE		0.7144		\$825.00	
LEE COUNTY CAPITAL IMP		1.0124		\$1,169.14	
LEE COUNTY GENERAL REVENUE		4.3277		\$4,997.71	
LEE COUNTY HYACINTH CONTROL		0.0358		\$41.34	
LEE COUNTY LIBRARY FUND		0.9630		\$1,112.09	
LEE COUNTY MOSQUITO CONTROL		0.3595		\$415.16	
SFL WATER MGMT-EVERGLADE CONST		0.1000		\$115.48	
WEST COAST INLAND WATERWAY		0.0400		\$46.19	
SFL WATER MGMT-DISTRICT LEVY		0.5970		\$689.43	
CITY CAPE CORAL-S WASTE-MSTU		0.4173		\$481.91	
NON AD VALOREM ASSESSMENTS					
Levying Authority		Rebate/Base		Amount	
PINE ISLAND ROAD POTABLE WATER EXPANSION PROJECT		1.0000		\$4,617.84	
PINE ISLAND ROAD WASTEWATER EXPANSION PROJECT		1.0000		\$9,591.56	
PINE ISLAND ROAD IRRIGATION EXPANSION PROJECT		1.0000		\$3,116.40	
COMBINED TOTAL				\$43,711.58	

4457743

Documentary Tax Pd. \$ 14,706.00
Intangible Tax Pd.
CHARLIE GREEN, CLERK, LEE COUNTY
By Susan Thompson Deputy Clerk

OR3003 092764

STRAP: 08-44-24-C1-00002.0000
05-44-24-C4-00102.0000

This instrument was prepared by:
Name: RICHARD V. S. ROOSA, ESQ.
Address: 1714 Cape Coral Parkway,
Cape Coral, Florida 33904
Grantee S.S. No. _____

GREGORY W. EAGLE, TR.

RECORDED BY
SUSAN THOMPSON, D.C.

_____(Space above this line for recording date)_____

TRUSTEE'S DEED

THIS INDENTURE, made this _____ day of August, 1998, Between WINNIE B. ITEN CUHNA, F/K/A WINNIE B. ITEN, and U.S. BANK NATIONAL ASSOCIATION, f/k/a FIRST BANK NATIONAL ASSOCIATION, as Co-trustees of the Marital Trust under the Last Will and Testament of Roy J. Iten, decedent, dated October 6, 1983, (as to an undivided one-third (1/3) interest, and WINNIE B. ITEN CUHNA, F/K/A WINNIE B. ITEN, and U.S. BANK NATIONAL ASSOCIATION, F/K/A FIRST BANK NATIONAL ASSOCIATION, as Co-trustees of the Qualified Terminable Interest Trust under the Last Will and Testament of Roy J. Iten, decedent, dated October 6, 1983, (as to an undivided two-thirds (2/3) interest, grantor, and GREGORY W. EAGLE, Trustee, a married person, whose post office address is: 3818 Del Prado Boulevard S., Cape Coral, Florida 33904, grantee.

Witnesseth that said grantor, for and in consideration of the sum of TEN AND NO/100 (\$10.00) Dollars, and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has sold and conveyed to the said grantee the following described real property situate, lying and being in Lee County, Florida, to-wit:

LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A"

GRANTOR COVENANTS with grantee that grantor has good right and lawful authority to sell and convey the property and grantor warrants the title to the property for acts of the grantor and will defend the title against the lawful claims of all persons claiming by, through or under grantor.

SUBJECT to the restrictions, reservations and easements of record and real estate taxes.

In Witness Whereof, grantor has caused this deed to be executed by its proper and duly authorized officer the date above written.

Signed, sealed and delivered in our presence:

D. M. O'Neil
D. M. O'NEIL

Walter J. Deby
WALTER J. DEBY

D. M. O'Neil
D. M. O'NEIL

Walter J. Deby
WALTER J. DEBY

Winnie B. Iten Cuha
WINNIE B. ITEN CUHNA, F/K/A
WINNIE B. ITEN, as Trustee

U.S. BANK NATIONAL ASSOCIATION
F/K/A
FIRST BANK NATIONAL ASSOCIATION
as Trustee for the Roy J.
Iten Marital Trust Under Will
and the Roy J. Iten Qualified
Terminable Interest Trust

By: Duane M. Feragen
DUANE M. FERAGEN
Vice President

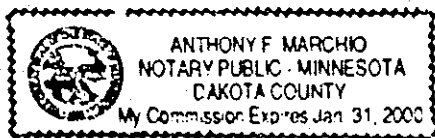
OR3003 PG 765

STATE OF MINNESOTA
COUNTY OF

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared WINNIE B. ITEN CUHNA, F/K/A WINNIE B. ITEN, Trustee, who was not placed under oath, acknowledged before me that she executed the foregoing instrument in the presence of two subscribing witnesses freely and voluntarily under authority duly vested in her by said Trusts.

WITNESS my hand and official seal in the County and State last aforesaid this 14th Day of August, 1998.

Notary Public



Anthony F. Marchio
ANTHONY F. MARCHIO

I AM A NOTARY PUBLIC OF THE
STATE OF MINNESOTA AND MY
COMMISSION EXPIRES: Jan 31, 2000

STATE OF MINNESOTA
COUNTY OF

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared

Duane M. Feragen Vice President, of U.S. BANK NATIONAL ASSOCIATION, F/K/A FIRST BANK NATIONAL ASSOCIATION, and personally known by me, who was not placed under oath, acknowledged before me that he executed the foregoing instrument in the presence of two subscribing witnesses freely and voluntarily under authority duly vested in him by said corporation and that the seal affixed thereto is the true seal of said corporation.

WITNESS my hand and official seal in the County and State last aforesaid this day of August, 1998.

Notary Public

Duane M. Feragen

I AM A NOTARY PUBLIC OF THE STATE OF MINNESOTA AND MY COMMISSION EXPIRES: Jan 31, 2000

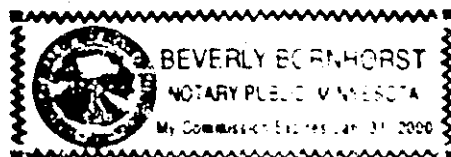


EXHIBIT 'A'

DESCRIPTION: (Parcel 1)

All of that land lying in the Southwest Quarter (S.W.1/4) of Section 5 and the Northwest Quarter (N.W.1/4) of Section 8, Township 44 South, Range 24 East, said property being more particularly described as follows:

From the Northwest corner of Lot 8, Block 3553, as shown on "Cape Coral" Unit 47, part 3, as recorded in Plat Book 28, Page 32 of the Lee County Public Records, run S.88°43'57"E, for 257.83 feet; thence run S.89°23'34"E, for 00.88 feet to the point of beginning of the herein described property; from said point of beginning run N.00°06'29"E, for 59.98 feet; thence run S.89°23'34"E, for 243.00 feet; thence run N.00°06'29"E, for 293.00 feet; thence run S.89°23'34"E, for 359.94 feet; thence run S.00°06'29"W, for 352.97 feet to the North line of Block 3553, as shown on the aforesaid Unit 47, Part 3, thence run Northwesterly along said North line N.89°23'34"W, for 602.92 feet to the point of beginning.

(Parcel 2)

A Parcel of land in Section 5, Township 44 South, Range 24 East, described as follows:

Begin at the Southwest corner of Section 5; thence North 116 feet to the South line of vacated Pondella Road; thence East along said vacated South line of Road 483.6 feet to the point of beginning; thence East 343 feet; thence South 300 feet; thence West 343 feet; thence North 300 feet to the point of beginning.

(Parcel 3)

The parcel of land located in the Southwest Quarter (S.W.1/4) of Section 5, Township 44 South, Range 24 East, City of Cape Coral, Lee County, Florida being more particularly described as follows:

From the Southwest corner of Section 5, Township 44 South, Range 24 East run Northerly along the Westerly Section line of said Section 5, N.00°21'30"W, for 188.60 feet; thence run Easterly along the line, that is the prolongation West, of the South line of the herein described parcel, S.89°23'34"E, for 262.78 feet to the point of beginning; from said point of beginning run Northeasterly along the Southerly right-of-way line of Pine Island Road, (100 feet South of the original centerline of Pine Island Road) N.61°01'05"E, for 597.75 feet; thence run Southeasterly along the Westerly line of the relocated Pondella Road S.27°58'55"E, for 47.68 feet to a point of curve; thence run along the arc of the curve to the left having a radius of 660.00 feet, an arc length of 257.52 feet and a central angle of 22°21'11"; thence run S.39°39'43"W, for 61.14 feet to the point of beginning. Containing 2.34 acres more or less.

(Parcel 4)

All of that land lying in the Southwest Quarter (S.W.1/4) of Section 5, and the Northwest Quarter (N.W.1/4) of Section 8, Township 44 South, Range 24 East, said property being more particularly described as follows:

Begin at a point on the Northwest corner of Lot 8, Block 3553, as shown on "Cape Coral Unit 47, Part 3" as recorded in Plat Book 28, Page 32 of the Lee County Public Records; thence run S.88°43'57"E, for 257.83 feet; thence run S.89°23'34"E, for 00.88 feet; thence run N.00°06'29"E, for 352.98 feet to the South line of vacated Pondella Road; thence run N.39°23'34"W, along said South vacated line for 308.68 feet; thence run S.00°06'29"W, for 150.00 feet; thence run N.89°23'29"W, for 125.00 feet to the Easterly right-of-way line of Del Prado Boulevard North (50 feet East of the West line of Section 8); thence run Southerly along said right-of-way line S.00°06'29"W, for 200.00 feet; thence run S.89°23'34"E, for 175.00 feet to the point of beginning. Containing 3.06 acres more or less.

AND:

Those certain lands vacated by the City of Cape Coral as described in that certain instrument recorded in Official Records Book 1835, Page 2522, of the Public Records of Lee County, Florida.

OR 3003 PG 766

98 AUG 24 PM 2:43
CHARLE GREEN, CLERK
LEE COUNTY, FL

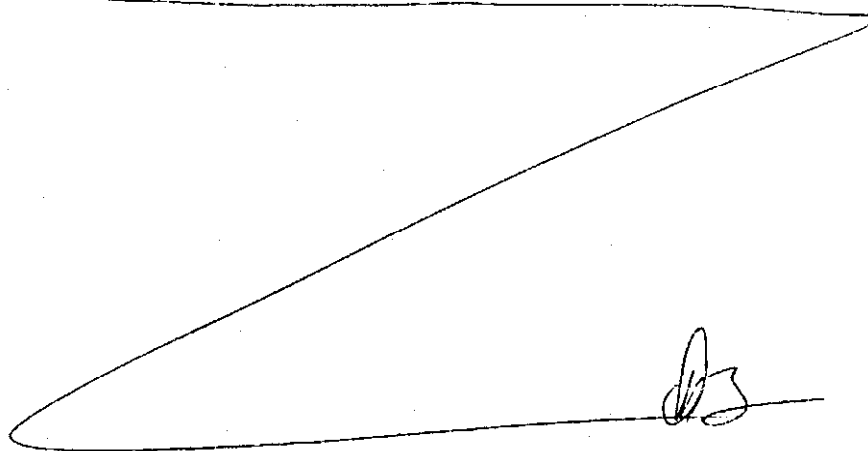
EXHIBIT "A"

DESCRIPTION - SURVEY PARCEL:

A TRACT OR PARCEL OF LAND LYING IN THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING A PART OF A PARENT TRACT OR PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORD BOOK 1105 AT PAGE 211 OF THE PUBLIC RECORDS OF SAID LEE COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 5; THENCE RUN S89°06'30"W FOR 720.38 FEET ALONG THE SOUTH LINE OF SAID SOUTHWEST 1/4 TO A POINT WHICH LIES 2163.28 FEET FROM THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4; THENCE RUN N02°55'47"W FOR 133.03 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT OF WAY OF SAID PONDELLA ROAD; THENCE RUN N89°24'46"W ALONG SAID NORTHERLY RIGHT OF WAY FOR 266.75 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE RUNNING N89°24'46"W ALONG SAID NORTHERLY RIGHT OF WAY FOR 500.66 FEET; THENCE RUN ALONG THE EASTERLY, NORTHEASTERLY AND SOUTHEASTERLY RIGHT OF WAY LINES OF PONDELLA ROAD (ABANDONED ROADWAY) THE FOLLOWING COURSES: RUN N00°35'14"E FOR 10.00 FEET TO AN INTERSECTION WITH A CURVE CONCAVE TO THE NORTHEAST, THEN RUN ALONG SAID CURVE HAVING A RADIUS OF 550.00 FEET AND A CENTRAL ANGLE OF 61°24'40" (CHORD=N58°42'26"W, 561.69 FEET) FOR 589.50 FEET, THEN RUN N28°00'06"W FOR 85.86 FEET AND RUN N17°57'33"E FOR 41.67 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY OF STATE ROAD 78 (PINE ISLAND ROAD); THENCE RUN N61°59'54"E ALONG SAID SOUTHERLY RIGHT OF WAY FOR 528.28 FEET TO AN INTERSECTION WITH THE NEW PONDELLA ROAD RIGHT OF WAY; THENCE RUN ALONG THE SOUTHWESTERLY AND NORTHWESTERLY NEW PONDELLA ROAD RIGHT OF WAY THE FOLLOWING COURSES: RUN S73°00'07"E FOR 35.36 FEET, THEN RUN S28°00'06"E FOR 231.36 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST; THEN RUN ALONG SAID CURVE HAVING A RADIUS OF 1019.50 FEET AND A CENTRAL ANGLE OF 33°42'36" (CHORD=S44°51'25"W, 591.21 FEET) FOR 599.82 FEET, THEN RUN S26°02'22"W RADIALLY FOR 40.81 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 364,940 SQUARE FEET (8.378 ACRES), MORE OR LESS.



1. BASIS OF BEARINGS IS THE CENTERLINE OF STATE ROAD 78 (PINE ISLAND ROAD) AS N61°59'54"E (S.R. 78 PROJECT 1206=PROJ.1123)
2. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
3. UNDERGROUND STRUCTURES, IF ANY, NOT INCLUDED.

LEGAL DESCRIPTION OF A PARCEL LYING IN THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA.

PREPARED FOR: ALANDA, LTD.

PLOT FILE: 17190-OJ

STOUTEN-STEVENOT AND ASSOCIATES, INC.
SURVEYING AND MAPPING CONSULTANTS



4414 S.E. 18th PLACE
CAPE CORAL, FL 33904
TELEPHONE (813) 542-7499



DONALD D. STOUTEN
CERTIFICATE # 3589

**AFFIDAVIT REGARDING CONVEYANCE BY
LIMITED PARTNERSHIP**

(Alanda, Ltd., a Florida limited partnership)

Before me the undersigned authority, personally appeared O.J. Buigas, who, upon being duly sworn deposes and says:

1. He is the President of Alanda Corp., a Florida corporation
2. Alanda Corp. is the sole general partner of Alanda, Ltd., a Florida limited partnership.
3. Alanda, Ltd., is conveying the real property described below (the "Property") to the Purchaser named below:

SEE EXHIBIT "A" AS ATTACHED HERETO

4. Alanda Corp., as the general partner of Alanda, Ltd. has the authority to execute the instruments by which Alanda, Ltd. conveys real property, and therefore Alanda Corp. has the authority to sign any deed of conveyance of real property on behalf of Alanda Ltd., as Alanda Ltd.'s general partner, without the consent or joinder of the limited partners.

5. The limited partnership agreement of Alanda, Ltd. has not been revoked or amended to prohibit the transaction described above. Alanda Corp., is not a debtor in any bankruptcy proceeding.

6. This affidavit is made in order to induce Gregory W. Eagle, Trustee of that certain Land Trust Agreement dated August 24, 1998, a ~~Florida corporation~~ (the "Purchaser(s)") to close on the purchase of the Property and to induce Bolaños, Truxton & Youngs, P.A., and Chicago Title Insurance Company (the "Title Insurer") to insure the interest of Purchaser and Lender in the Property.

7. He further states that he is familiar with the nature of an oath, and with the penalties as provided by the laws of the State aforesaid for falsely swearing to statements made in an instruments of this nature. Affiant further certifies that he has read, or has heard read to him, the full facts of this affidavit and understands its content.



O.J. Buigas

State of Florida)

County of Lee)

The foregoing instrument was acknowledged before me this 28 day of October, 1999, by O.J. Buigas.

Gregg Struxton

Signature of Notary Public
State of Florida

OFFICIAL NOTARY SEAL
GREGG STRUXTON
NOTARY PUBL. STATE OF FLORIDA
COMMISSION NO. CC649729

~~Commission Expires: _____~~ Public

My Commission Expires:
My Commission Number:

Personally Known or Produced Identification

Type of Identification Produced: Florida Driver's License Other

EXHIBIT "A"

DESCRIPTION - SURVEY PARCEL:

A TRACT OR PARCEL OF LAND LYING IN THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING A PART OF A PARENT TRACT OR PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORD BOOK 1105 AT PAGE 211 OF THE PUBLIC RECORDS OF SAID LEE COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 5; THENCE RUN S89°06'30"W FOR 720.38 FEET ALONG THE SOUTH LINE OF SAID SOUTHWEST 1/4 TO A POINT WHICH LIES 2163.28 FEET FROM THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4; THENCE RUN N02°55'47"W FOR 133.03 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT OF WAY OF SAID PONDELLA ROAD; THENCE RUN N89°24'46"W ALONG SAID NORTHERLY RIGHT OF WAY OF SAID PONDELLA ROAD; THENCE CONTINUE RUNNING N89°24'46"W ALONG SAID NORTHERLY RIGHT OF WAY FOR 500.66 FEET; THENCE RUN ALONG THE EASTERLY, NORTHEASTERLY AND SOUTHEASTERLY RIGHT OF WAY LINES OF PONDELLA ROAD (ABANDONED ROADWAY) THE FOLLOWING COURSES: RUN N00°35'14"E FOR 10.00 FEET TO AN INTERSECTION WITH A CURVE CONCAVE TO THE NORTHEAST, THEN RUN ALONG SAID CURVE HAVING A RADIUS OF 550.00 FEET AND A CENTRAL ANGLE OF 61°24'40" (CHORD=N58°42'26"W, 561.69 FEET) FOR 589.50 FEET, THEN RUN N28°00'06"W FOR 85.86 FEET AND RUN N17°57'33"E FOR 41.67 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY OF STATE ROAD 78 (PINE ISLAND ROAD); THENCE RUN N61°59'54"E ALONG SAID SOUTHERLY RIGHT OF WAY FOR 528.28 FEET TO AN INTERSECTION WITH THE NEW PONDELLA ROAD RIGHT OF WAY; THENCE RUN ALONG THE SOUTHWESTERLY AND NORTHWESTERLY NEW PONDELLA ROAD RIGHT OF WAY THE FOLLOWING COURSES: RUN S73°00'07"E FOR 35.36 FEET, THEN RUN S28°00'06"E FOR 231.36 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST; THEN RUN ALONG SAID CURVE HAVING A RADIUS OF 1019.50 FEET AND A CENTRAL ANGLE OF 33°42'36" (CHORD=S44°51'25"W, 591.21 FEET) FOR 599.82 FEET, THEN RUN S26°02'22"W RADIALLY FOR 40.81 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 364,940 SQUARE FEET (8.378 ACRES), MORE OR LESS.

1. BASIS OF BEARINGS IS THE CENTERLINE OF STATE ROAD 78 (PINE ISLAND ROAD) AS N61°59'54"E (S.R. 78 PROJECT 1206-PROJ.1123)
2. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
3. UNDERGROUND STRUCTURES, IF ANY, NOT INCLUDED.

**LEGAL DESCRIPTION OF A PARCEL LYING
IN THE SOUTHWEST 1/4 OF SECTION 5,
TOWNSHIP 44 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA.**

PREPARED FOR: ALANDA, LTD.

PLOT FILE: 17190-OJ

STOUTEN-STEVENOT AND ASSOCIATES, INC.
SURVEYING AND MAPPING CONSULTANTS

4414 S.E. 16th PLACE
CAPE CORAL, FL 33904
TELEPHONE (813) 542-7499



DONALD D. STOUTEN
CERTIFICATE # 3899



December 10, 2001

Mr. Larry E. Hildreth, P.E.
Avalon Engineering
1620 Cape Coral Parkway
Cape Coral, FL 33904

Re: Old Pondella Road Right-of-Way Vacation

Dear Mr. Hildreth:

The City of Cape Coral Public Works Department does not object to the subject vacation as depicted in the attached exhibit dated January 7, 2001.

Sincerely,

PUBLIC WORKS DEPARTMENT

Charles G. Pavlos, P.E.
Public Works Director

CGP/DW:ab(Old Pondella ROW Vacation)

C: Dawn Andrews, Property Broker
Gloria Baron, Surface Water Management Supervisor
Steve Neff, Transportation Manager
David Waldie, Utilities Manager
Wayne Wolfarth, P.E., Utilities Engineer
Frank Manocchi, Collection/Distribution Superintendent



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (941)479-8531

Bob Janes
District One

Douglas R. St. Cerny June 10, 2002
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

Larry Hildreth
Avalon Engineering, Inc.
1620 Cape Coral Pkwy.
Cape Coral, FL 33904

**SUBJECT: PETITION TO VACATE PUBLIC RIGHT-OF-WAY
PORTION OF OLD PONDELLA ROAD
STRAP #S: 05-44-24-C4-01200.A000 & .G000**

Dear Mr. Hildreth:

Lee County Utilities is in receipt of your letter and associated attachments concerning the Petition to Vacate a portion of an existing 'Public Right-of-Way' as described above. Lee County Utilities has reviewed your request and currently has no objection to the proposed vacation.

Please be advised that record drawings indicate Lee County Utilities owns and maintains a raw water main within or near the area to be vacated. Lee County Utilities' position of 'No Objection' is based in part, on the executed Perpetual Public Utility Easement Grant recently submitted by your firm in relation to these existing facilities.

Lee County Utilities has taken the position of 'No Objection' in good faith with the understanding that this executed Perpetual Public Utility Easement Grant will be recorded concurrently with the right-of-way vacation.

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
Utilities Engineering Technician III
Utilities Engineering Division

cc: Sal Elrubie, Development Services
Margaret Lawson, LDOT
Thom Osterhout, Lee County Utilities
Correspondence File

S:\UTILS\Eng\TAK\LETTERS\VAC\FY 2002\Avalon Engineering - ROW - Old Pondella Road.doc



AVALON ENGINEERING, INC.
•Architecture •Engineering •Planning

MEMORANDUM

TO: Terry Kelley, Utilities Technician III
Lee County Utilities Engineering Division
1500 Monroe Street, 3rd Floor
Fort Myers, Florida 33902

FROM: Lynda Brooks
Administrative Assistant

PROJECT: Old Pondella Road Vacation of Right-of Way

SUBJECT: Lee County Utility Easement

DATE: May 31, 2002

Enclosed are the executed Perpetual Public Utility Easement Grant and the signed and sealed Lee County Utility Easement/Legal Description (Exhibit A) for the above referenced Project.

Let me know if there is anything else you may require. Thanks again for all you help.

c: Sal Elrubaie, Development Review w/o enclosures

G:\2001\01-134\Vacation of Right of Way\kelley executed perpetual public utility easement grant.memo.doc

LEE COUNTY
RECEIVED
02 JUN -3 AM 9:13
COMM. DEV/
PUB. WORKS. CNTR.
SECOND FLOOR

This Instrument Prepared By:
Lee County Utilities
1500 Monroe Street - 3rd Floor
Fort Myers, Florida 33901

PERPETUAL PUBLIC UTILITY EASEMENT GRANT

THIS INDENTURE is made and entered into this ___st day of __, 20___, by and between Greg Eagle, Owner, hereinafter referred to as GRANTOR(S), and LEE COUNTY, hereinafter referred to as GRANTEE.

WITNESSETH:

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 the GRANTEE, its successors and assigns, a perpetual public utility easement situated in Lee County, Florida, located and described as set forth in Exhibit "A", attached hereto and made a part hereof.

2. GRANTEE, its successors, appointees and assigns, are granted the right, privilege, and authority to construct, replace, renew, extend and maintain a wastewater collection and/or water distribution system, together with, but not limited to, all necessary service connections, manholes, valves, fire hydrants, lift stations and appurtenances, to be located on, under, across and through the easement which is located on the property described (Exhibit "A"), with the additional right, privilege and authority to remove, replace, repair and enlarge said system, and to trim and remove roots, trees, shrubs, bushes and plants, and remove fences or other improvements which may affect the operation of lines, mains and/or utility facilities.

3. The public utility easement shall not be limited to any particular diameter size or type and/or number of connections to other water/sewer mains for providing water/sewer service to this and any adjacent properties. The total area of his public utility easement is reserved for utility lines, mains, or appurtenant facilities and for any landscaping (excluding trees), walkways, roadways, drainage ways, or similar uses. Houses, fences, buildings, carports, garages, storage sheds, overhangs, or any other structures or portions of structures shall not be constructed on or placed within this easement at anytime, present or future, by GRANTOR, or its heirs, successors or assigns.

4. Title to all utilities constructed and/or placed hereunder by GRANTEE or its agents shall remain in the GRANTEE, GRANTEE's successors, appointees, and/or assigns.



5. Subject to any pre-existing easements for public highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and cable television lines covering the land herein described, GRANTOR(S) covenant that they are lawfully seized and possessed of the described real property (Exhibit "A"), have good and lawful right and power to sell and convey it, and that the said property is free of any and all liens and encumbrances, except as herein stated, and accordingly, GRANTOR(S) will forever defend the title and terms of this said easement and the quiet possession thereof by GRANTEE against all claims and demands of all other entities.

6. GRANTOR(S), its heirs, successors or assigns, shall indemnify and hold the GRANTEE harmless for any consequential damages to any houses, fences, buildings, carports, garages, storage sheds, overhangs, or any other structures or portions of structures subsequently constructed by GRANTOR(S) in violation of paragraph 3 within the above easement, which result from the required activities of the GRANTEE for any construction, maintenance or repairs to the utilities location within the above-described easement.

7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment under circumstances in which a private person would be found to be liable in accordance with the general laws of the State of Florida, and subject to the limitations as set out in Section 768.28, Florida Statutes, as it may be revised or amended from time to time.

8. GRANTEE shall have reasonable right of access across GRANTOR's property for the purposes of reaching the described easement (Exhibit "A") on either paved or unpaved surfaces. Any damage to GRANTOR's property or permitted improvements thereon as the result of such access to the described easement or the construction, maintenance, or repairs located within the described easement shall be restored by GRANTEE, to the condition in which it existed prior to the damage as is reasonably practicable.

9. By acceptance of this easement, the GRANTEE assumes no responsibility for ownership or maintenance of roads. The easement is strictly for utility purposes.

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





Post Office Box 3455

North Fort Myers, FL 33918-3455

(941) 995-2121 • FAX (941) 995-7904

www.lcec.net • www.lline.com

August 23, 2001

Mr. Larry E. Hildreth, P.E.
Avalon Engineering, Inc.
1620 Cape Coral Pkwy. E.
Cape Coral, FL 33904

Re: Old Pondella Road Vacation of Right-of-Way

Dear Mr. Hildreth:

LCEC does not object to vacation of that portion of the old Pondalla Road right-of-way as shown on the attached exhibit.

Please call me at 656-2422 if I can be of any further assistance.

Sincerely,

Karen Hardin
Real Property Representative

Attachment



8441 Littleton Road
North Fort Myers, FL 33903

Avalon Engineering
1620 Cape Coral Pkwy
Cape Coral Florida 33904

August 6, 2001

Sir,

Sprint has no objection of the vacation of right-of-way as shown by your aerial photo. Our new cable lays on the Northside of the new road behind OutBack and travels SE on old Pondella, which feeds everything to the south and east on Pondella Rd.

If you have any questions please don't hesitate to call me 336-2011.

Sincerely,

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

Chet Prendota
Engineer.



August 8, 2001

Larry E. Hildreth, P.E.
Avalon Engineering, Inc.
1620 Cape Coral Pkwy E
Cape Coral, Fla. 33904

RE: Old Pondella Rd - North Fort Myers, Fla.
Vacation of Right-of Way

Dear Mr. Hildreth:

The aerial map sent to us for the above listed vacation of right-of-way easement has been reviewed. At this time, Time Warner Cable has no facilities in this area and no future build is anticipated. Time Warner Cable has **NO CONFLICT** with this proposed construction.

If you have any further questions or concern, please do not hesitate to contact me at (941) 772-2218, Ext. 120.

Sincerely,

TIME WARNER CABLE

A handwritten signature in black ink, appearing to read "B. Streeter".

Benjamin R. Streeter
Technical Field Inspector

BRS/sgs



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8374

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

July 16, 2002

Mr. Gregory W. Eagle
3818 Del Prado Boulevard
Cape Coral, Florida 33904

Re: VAC2002-00003

Dear Mr. Eagle:

You have indicated your desire to vacate a portion of the 110' wide right-of-way known as Old Pondella Road from it's intersection with Pine Island road (SR78) approximately 250' South in order to allow for more flexibility in designing a commercial development of your property.

Based on a review of the information provided and our subsequent research, this office has no objection to the proposed vacation.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

Peter J. Eckenrode
Director

H:\Correspondence\Vacations\Vac2002\00003 Old Pondella Road\Development Review Recommends.wpd



LEE COUNTY
SOUTHWEST FLORIDA

(941) 479-8124

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: _____

Thursday, November 15, 2001

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. Larry Hildreth
Avalon Engineering
1620 Cape Coral Parkway East
Cape Coral, FL 33904

Re: Petition to Vacate a portion of Old Pondella Road, Lee County, Florida.

Dear Mr. Hildreth:


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 easement provided the following:

1. Include a provision for drainage in the 20 foot wide utility easement agreement being proposed to accommodate the existing water line.

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

Regards,

ENVIRONMENTAL SERVICES DEPARTMENT



Allen L. Davies, Jr., P.S.M.
Engineer II
Natural Resources Division

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

S:\NATRES\SURFACE\DOCUMENT\vac219a.doc



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

April 30, 2002

Mr. Larry Hildreth
Avalon Engineering, Inc.
1620 Cape Coral Parkway
Cape Coral, FL 33904

**RE: Petition to Vacate
A portion of the abandoned "old" Pondella Road
Located South of Pine Island Road in
Section 5, Township 44, Range 24**

Dear Mr. Hildreth:

Lee County Department of Transportation has reviewed the above request to vacate the abandoned right-of-way of Pondella Road and offers no objection to the vacation.

Lee County DOT has visited the site and determined that there are no DOT facilities within the old right-of-way and there is no need to reserve this property for any future construction project.

Sincerely,

DEPARTMENT OF TRANSPORTATION

Scott M. Gilbertson, P.E.
Director

MAL/SMG/mib

cc: Peter Eckenrode, Development Services Director
DOT PTV File (Pondella Road)

S:\DOCUMENT\Petition To Vacate\2002\ROW Old Pondella Rd.doc



Florida Department of Transportation

JEB BUSH
GOVERNOR

THOMAS F. BARRY, JR.
SECRETARY

August 30, 2001

Mr. Larry E. Hildreth, P.E., Project Manager
Avalon Engineering, Inc.
1620 Cape Coral Parkway East
Cape Coral, Florida 33904

RE: Vacation of Old Pondella Road Right of Way

Dear Mr. Hildreth:

Our staff has conducted a review of your request to vacate a portion of Old Pondella Road right of way from the southern right of way line of State Road 78 (Pine Island Road) to a point approximately 1000 feet south. This same area was further referenced in your letter and highlighted map of August 6, 2001.

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

Sincerely,

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

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE Case Number: VAC2002-00003**

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 and graphically depicted in the attached Exhibit "A".

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

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

1. A Public Hearing on Petition to Vacate No. VAC2002-00003 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

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2002-00003

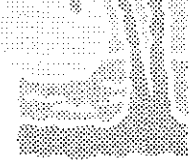
TO WHOM IT MAY CONCERN:

Notice is hereby given that on the 10th day of September 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

SOUTH WEST FLORIDA

Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name

TRACT DRAINAGE

C=4
R=660.00
L=18.75
Tan=9.38
 $\Delta=1'37'40''$

GENERAL NOTES:

1. BASIS OF BEARINGS: SOUTH R/W LINE OF STATE ROAD 78 (PINE ISLAND ROAD) & NORTH LINE OF EAGLE SUBDIVISION I AS N62°02'11"E (PLAT).
2. UNDERGROUND STRUCTURES, IF ANY, NOT INCLUDED.
3. SUBJECT TO EASEMENTS AND RESERVATIONS OF RECORD.

LEGAL DESCRIPTION:

A TRACT OF LAND LYING IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 5, TOWNSHIP 44 SOUTH, RANGE 24 EAST, CITY OF CAPE CORAL, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF TRACT A, EAGLE SUBDIVISION I ACCORDING TO PLAT BOOK 66, PAGES 16 THROUGH 17 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING ALSO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 78 (PINE ISLAND ROAD) AND A POINT ON THE WESTERLY RIGHT OF WAY LINE OF OLD PONDELLA ROAD; THENCE RUN N61°59'54"E FOR 110.00 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SAID OLD PONDELLA ROAD; THENCE RUN ALONG SAID EASTERLY RIGHT OF WAY LINE THE FOLLOWING COURSES: S28°00'06"E FOR 47.68 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, THEN RUN ALONG SAID CURVE HAVING A RADIUS OF 550.00 FEET AND A CENTRAL ANGLE OF 20°16'00" (CHORD=S38°08'06"E, 193.53 FEET) FOR 194.55 FEET; THENCE, LEAVING SAID EASTERLY RIGHT OF WAY LINE, RUN S38°57'47"W FOR 110.11 FEET TO A POINT ON SAID WESTERLY RIGHT OF WAY LINE, BEING ALSO A POINT ON THE EASTERLY LINE OF SAID EAGLE SUBDIVISION I AND A POINT ON A CURVE CONCAVE TO THE NORTHEAST; THENCE RUN ALONG SAID WESTERLY RIGHT OF WAY LINE AND SAID EASTERLY LINE ON SAID CURVE HAVING A RADIUS OF 660.00 FEET AND A CENTRAL ANGLE OF 20°43'42" (CHORD=N38°21'57"W, 237.47 FEET) FOR 238.77 FEET TO THE POINT OF TANGENCY, THEN RUN N28°00'06"W FOR 47.68 FEET TO THE POINT OF BEGINNING.

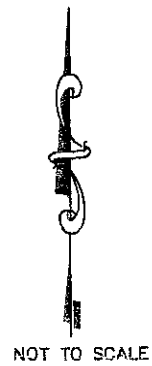
SAID TRACT CONTAINS 29,077 SQUARE FEET (0.668 ACRES), MORE OR LESS.

STREET RIGHT OF WAY VACATION

SKETCH TO ACCOMPANY LEGAL DESCRIPTION, NOT A SURVEY

A TRACT OF LAND LYING IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 5 TOWNSHIP 44 SOUTH, RANGE 24 EAST, CITY OF CAPE CORAL, LEE COUNTY, FLORIDA

DATE: 12-03-2001
PLOT FILE: OLD PONDELLA



PREPARED FOR AVALON ENGINEERING

DONALD D. STOUTEN, PSM
CERTIFICATE # 3839

STOUTEN-STEVENOT AND ASSOCIATES, INC.

SURVEYING AND MAPPING CONSULTANTS



4423 S.E. 16th PLACE, NO. 18
CAPE CORAL, FL. 33904
TELEPHONE (813) 542-7499

