

**Lee County Board Of County Commissioners**

Agenda Item Summary

Blue Sheet No. 20021152

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Adopt a resolution on VAC2002-00015 to vacate the southernmost portion of a sixty-foot wide platted right-of-way known as Orange Grove Boulevard in the platted subdivision of LOCHMOOR, Unit 1 and accept a replacement easement and cul-de-sac.

**WHY ACTION IS NECESSARY:** To construct a gated entrance for a proposed condominium development with 226 units in two multi-story buildings. **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.** A replacement easement has been granted to cover existing utilities, and a new cul-de-sac will be provided in front of the proposed guardhouse.

**WHAT ACTION ACCOMPLISHES:** Vacates the right-of-way.

**2. DEPARTMENTAL CATEGORY:** 04  
**COMMISSION DISTRICT #** 04

*5:00 #2*

**3. MEETING DATE:**

*10-22-2002*

**4. AGENDA:**

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

**5. REQUIREMENT/PURPOSE:**

- (Specify)
- STATUTE *336*  
FS177
  - ORDINANCE
  - ADMIN. CODE 13-8
  - OTHER

**6. REQUESTOR OF INFORMATION:**

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

**7. BACKGROUND:** The BOCC adopted a resolution to set a public hearing VAC2002-00015 at 5:00 p.m. on the 22<sup>nd</sup> day of October, 2002.

**LOCATION:** The site is located at the southernmost end of Orange Grove Boulevard in Section 21, Township 44, Range 24 in North Fort Myers. The proposed development triggering this vacation is known as "The Estuary".

The right-of-way to be vacated is sixty-foot (60') wide and is approximately the southern two hundred seventy-foot (270') of Orange Grove Boulevard in the platted subdivision of LOCHMOOR, Unit 1; in Section 21, Township 44, Range 24 as recorded in Plat Book 28, Pages 33 through 37 of the official Public Records of Lee County, Florida.

A more detailed sketch is attached to this bluesheet. The existing cul-de-sac at the terminus is to be replaced by a new cul-de-sac via a land exchange further north in front of the proposed guardhouse and gate.

Documentation pertaining to this petition to vacate is available for viewing at the office of Lee Cares.

If the vacation were not approved; the development will still proceed as the zoning is already in place.

Attached to this Blue sheet is the resolution with 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								
<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

**Rec. by County**  
Date: *10/9/02*  
Time: *2:13 PM*  
**Forwarded To:**  
*Admin*  
*10/10/02 4:00 PM*

RECEIVED BY  
COUNTY ADMIN. *AD*  
*10-10-02*  
*4:25*  
COUNTY ADMIN.  
FORWARDED TO: *BH*  
*10/10/02*

THIS INSTRUMENT PREPARED BY:

Department of Community Development  
Development Services Division  
1500 Monroe Street  
Fort Myers Florida 33901

**RESOLUTION NO. \_\_\_\_\_ FOR PETITION TO VACATE**

Case Number: VAC2002-00015

WHEREAS, Petitioner PARADISE YACHT CLUB, INC. in accordance with Florida Statute (F.S.) Chapter 336 and Lee County Administrative Code (LCAC) 13-8, filed a Petition to vacate, abandon, close and discontinue the public's interest in the right-of-way or portion of a right-of-way legally described in the attached Exhibits "A-1" and "A-2"; and

WHEREAS, the Board of County Commissioners of Lee County, Florida held a Public Hearing concerning a Petition to Vacate at 5:00 p.m. on the 22<sup>nd</sup> Day of October, 2002; and

WHEREAS, a legally sufficient Affidavit of Publication regarding the Notice of Public Hearing on this Petition to Vacate was entered into the minutes of the County Commission Meeting and a copy of said Affidavit is attached as Exhibit "C"; and

WHEREAS, notice concerning the intent of the Petition to Vacate was provided in accordance with LCAC 13-8; and

WHEREAS, it appears that vacating, abandoning, closing or discontinuing the subject right-of-way or portion of right-of-way is in the best interest of the public and promotes the public's health, safety and welfare without invading or violating individual property rights; and

WHEREAS, the letters of review and recommendation provided by the various governmental and utility entities indicate granting Petitioner's request is appropriate and in accordance with F.S. Chapter 336.

NOW therefore be it resolved by the Board of County Commissioners as follows:

1. Petition to Vacate No. VAC2002-00015 is hereby granted.
2. The public's interest in the right-of-way or portion of right-of-way described in Exhibits "A-1" and "A-2", and graphically depicted in Exhibits "B-1" and "B-2" is hereby vacated, abandoned, closed and discontinued.



950 Encore Way · Naples, Florida 34110 · Phone: 941.254.2000 · Fax: 941.254.2099

HM PROJECT #2000.010  
03/08/2002  
REF. DWG. #B-3677

LEGAL DESCRIPTION:

A PORTION OF ORANGE GROVE BOULEVARD, A 60.00 FOOT RIGHT-OF-WAY, OF LOCHMOOR, UNIT 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 28 AT PAGES 33 THROUGH 37 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE MOST SOUTHWESTERLY CORNER OF ORANGE GROVE BOULEVARD, A 60.00 FOOT RIGHT-OF-WAY, OF LOCHMOOR, UNIT 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 28 AT PAGES 33 THROUGH 37 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE WESTERLY, WHOSE RADIUS POINT BEARS N.59°58'06"W., A DISTANCE OF 400.00 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID ORANGE GROVE BOULEVARD AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 400.00 FEET, THROUGH A CENTRAL ANGLE OF 35°56'42", SUBTENDED BY A CHORD OF 246.85 FEET AT A BEARING OF N.12°03'33"E., FOR A DISTANCE OF 250.94 FEET TO THE END OF SAID CURVE; THENCE RUN N.84°05'12"E., FOR A DISTANCE OF 60.00 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE WESTERLY, WHOSE RADIUS POINT BEARS S.84°05'12"W., A DISTANCE OF 460.00 FEET THEREFROM, THE SAME BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID ORANGE GROVE BOULEVARD; THENCE RUN SOUTHERLY, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID ORANGE GROVE BOULEVARD AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 460.00 FEET, THROUGH A CENTRAL ANGLE OF 35°56'42", SUBTENDED BY A CHORD OF 283.88 FEET AT A BEARING OF S.12°03'33"W., FOR A DISTANCE OF 288.58 FEET TO THE END OF SAID CURVE; THENCE RUN N.59°58'06"W., ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID ORANGE GROVE BOULEVARD, FOR A DISTANCE OF 60.00 FEET TO TO THE POINT OF BEGINNING; CONTAINING 0.372 ACRE, MORE OR LESS.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO THE EASTERLY BOUNDARY OF TRACT H OF LOCHMOOR, UNIT 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 28 AT PAGES 33 THROUGH 37 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS BEING N.30°01'54"E.

HOLE MONTES, INC.  
CERTIFICATE OF AUTHORIZATION LB #1772

BY Jerry L. Riffelmacher P.S.M. #6130  
JERRY L. RIFFELMACHER STATE OF FLORIDA

Exhibit A-1



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HM PROJECT #2000.010  
03/08/2002  
REF. DWG. #B-3678

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BY

  
JERRY L. RUFFELMACHER

P.S.M. #6130  
STATE OF FLORIDA

Exhibit A-2



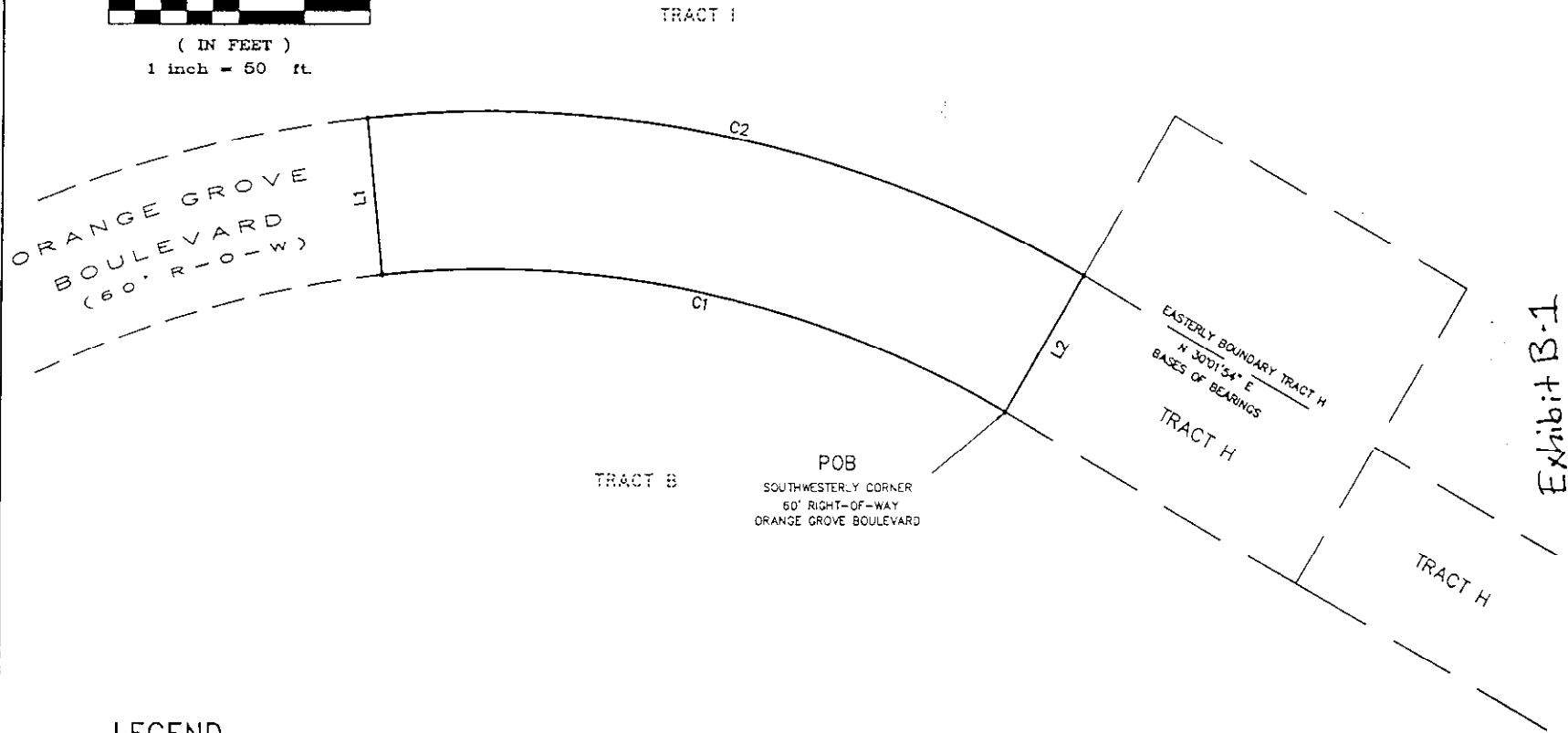
GRAPHIC SCALE



( IN FEET )  
1 inch = 50 ft.

LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	N 84°05'12" E	60.00'
L2	N 59°58'06" W	60.00'

CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	400.00'	250.94'	246.85'	N 12°03'33" E	35°56'42"
C2	460.00'	288.58'	283.86'	S 12°03'33" W	35°56'42"



LEGEND

POB POINT OF BEGINNING

\* NOT A SURVEY \*

PARTY CHIEF:	DATE
JLR	3/02
DRAWN BY:	DATE
JLR	3/02
CHECKED BY:	DRAWING NO.
JLR	B-3677



950 Encore Way  
Naples, FL 34110  
Phone: (941) 254-2000  
Florida Certificate of  
Authorization No.1772

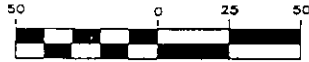
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SKETCH TO ACCOMPANY  
A LEGAL DESCRIPTION

PROJECT NO.
2000010
REFERENCE NO.
00010REVISEDROWVAC



GRAPHIC SCALE



( IN FEET )

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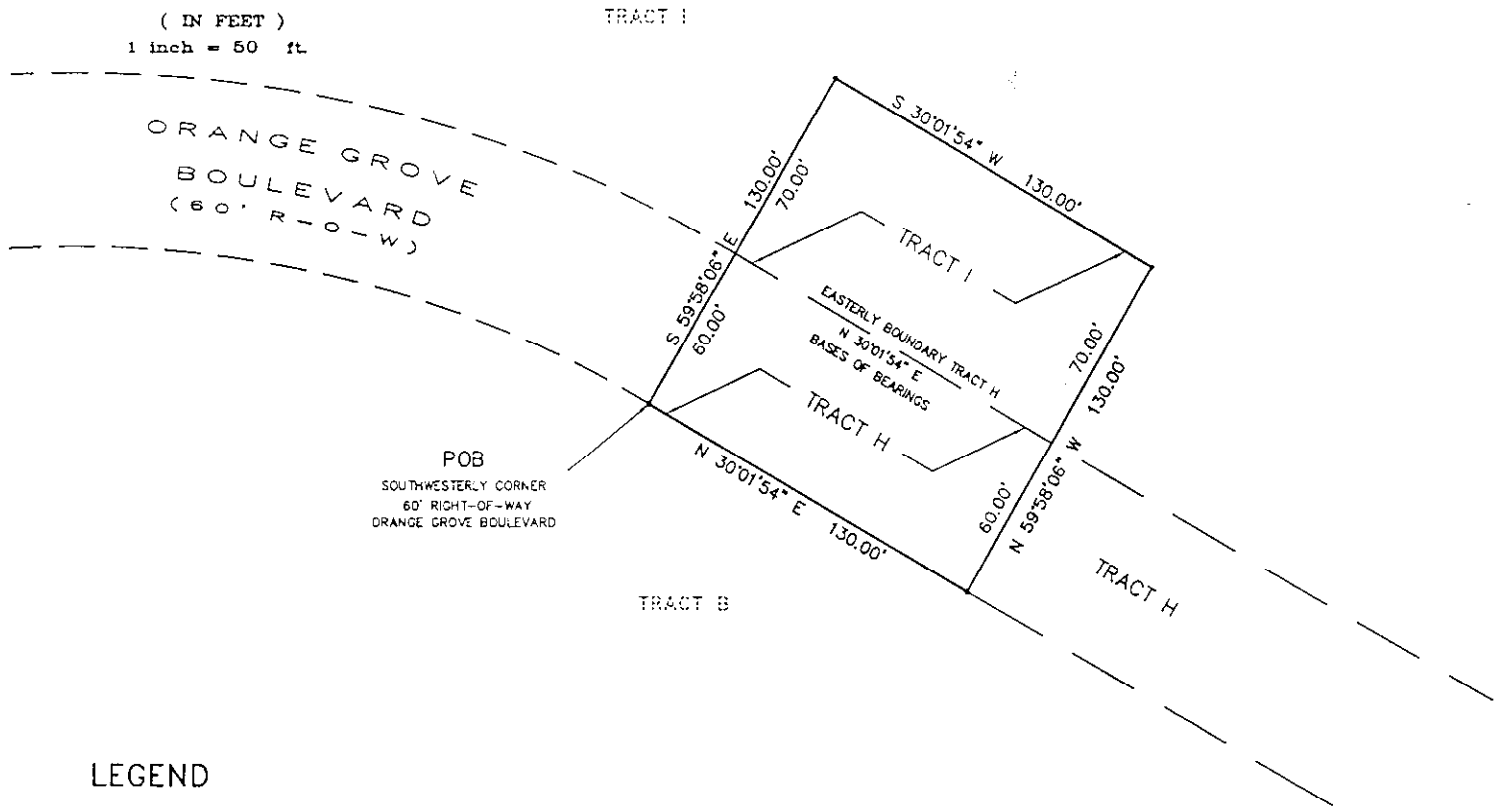


Exhibit B-2

LEGEND

POB POINT OF BEGINNING

\* NOT A SURVEY \*

PARTY CHIEF:	DATE	<p><b>HOLE MONTES</b> ENGINEERS - PLANNERS - SURVEYORS</p>	<p>950 Encore Way Naples, FL. 34110 Phone: (941) 254-2000 Florida Certificate of Authorization No.1772</p>	<p>NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.</p>	<p>SKETCH TO ACCOMPANY A LEGAL DESCRIPTION</p>	PROJECT NO.
DRAWN BY:	DATE					2000010
CHECKED BY:	DRAWING NO.					REFERENCE NO.
JLR	3/02	B-3678	000100UL-DE-SAC VAC			

# NOTICE OF RESOLUTION ADOPTION FOR PETITION TO VACATE

Case Number: VAC2002-00015

TO WHOM IT MAY CONCERN:

NOTICE is hereby given that on the **22<sup>nd</sup> day of October, 2002** the Board of County Commissioners of Lee County, Florida adopted Resolution No. \_\_\_\_\_. The effect of this Resolution is to vacate, abandon, close and discontinue the public's interest in the right-of-way or portion of right-of-way legally described in the attached Exhibits "A-1" and "A-2".

Please Govern Yourself Accordingly.

CHARLIE GREEN, CLERK

\_\_\_\_\_  
Deputy Clerk Signature

\_\_\_\_\_  
Please Print Name

APPROVED AS TO FORM

\_\_\_\_\_  
County Attorney Signature

\_\_\_\_\_  
Please Print Name



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P.S.M. #6130  
STATE OF FLORIDA

Exhibit A-1





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BY

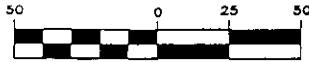
  
JERRY L. RIFFELMACHER

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STATE OF FLORIDA

Exhibit A-2



GRAPHIC SCALE



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TRACT I

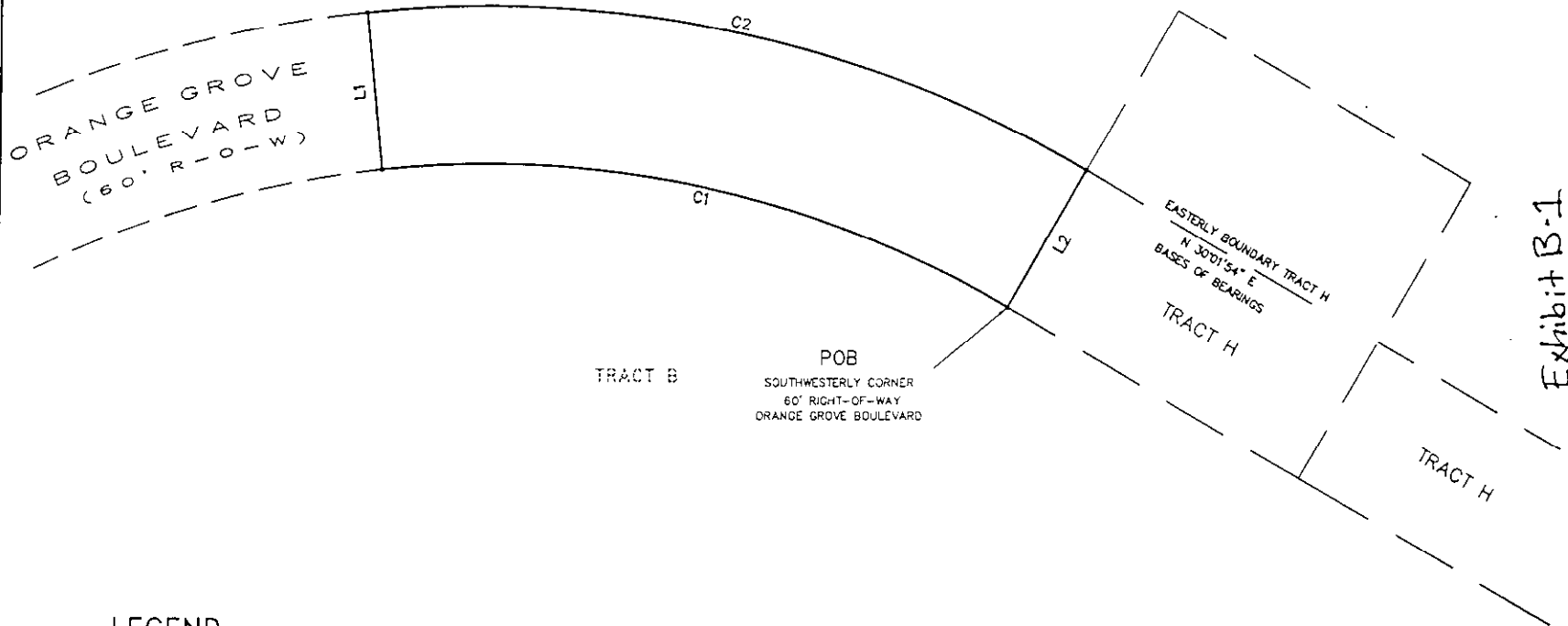


Exhibit B-1

LEGEND

POB POINT OF BEGINNING

*\* NOT A SURVEY \**

PARTY CHIEF:	DATE
JLR	3/02
DRAWN BY:	DATE
JLR	3/02
CHECKED BY:	DRAWING NO.
JLR	B-3677



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AND MAPPER.

SKETCH TO ACCOMPANY  
A LEGAL DESCRIPTION

PROJECT NO.
2000010
REFERENCE NO.
00010REVISEDROWVAC



GRAPHIC SCALE



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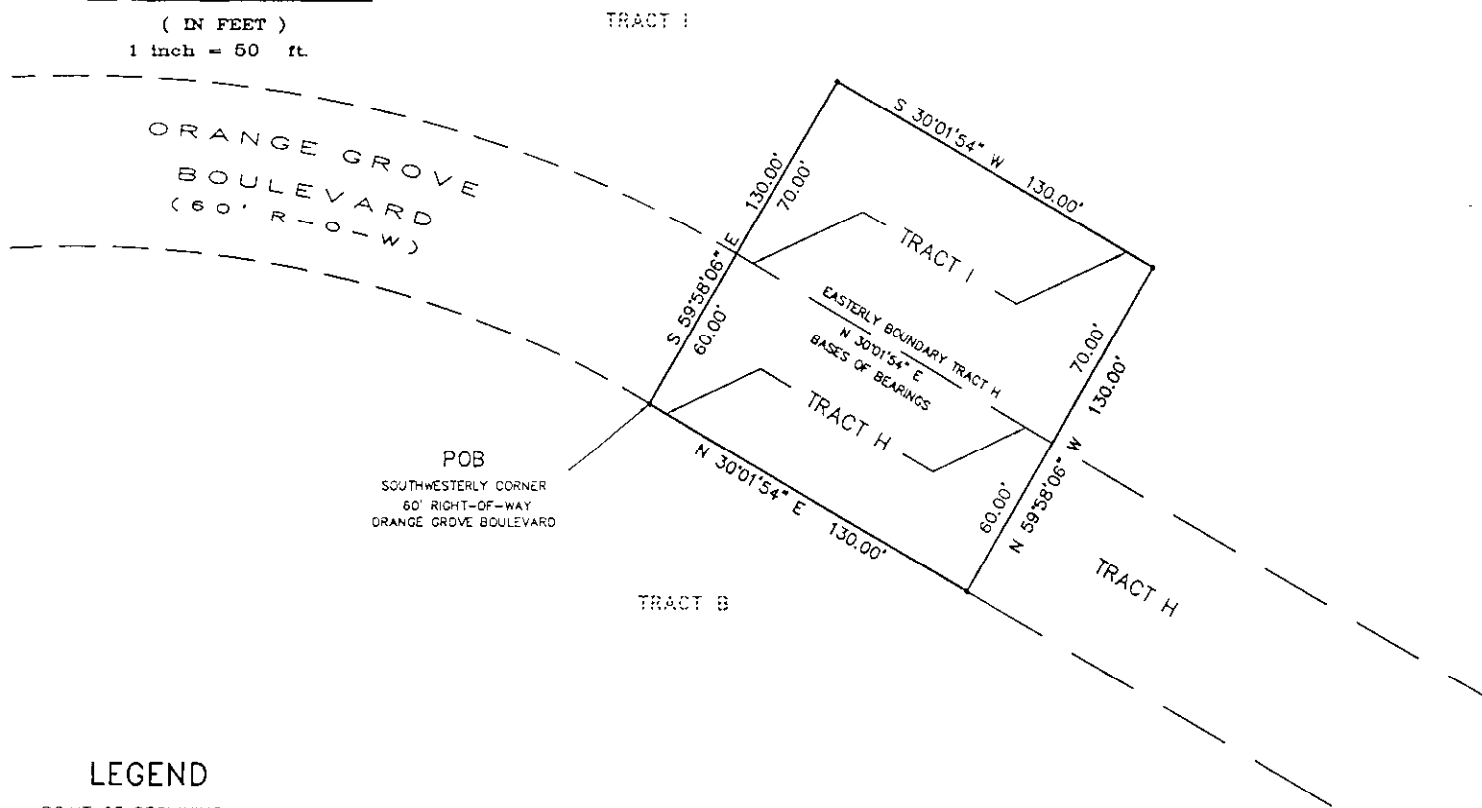


Exhibit B-2

LEGEND

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\* NOT A SURVEY \*

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DRAWN BY:	DATE	3/02
CHECKED BY:	DRAWING NO.	B-3678



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AND MAPPER.

SKETCH TO ACCOMPANY  
A LEGAL DESCRIPTION

PROJECT NO.	2000010
REFERENCE NO.	000100JUL-DE-SAC VAC

Return to and prepared by:  
Matthew D. Uhle, Esq.  
Knott, Connor, Rbelini, Bart & Swett, P.A.  
1625 Hendry St., Suite 301  
Fort Myers, FL 33903  
(239) 334-2722

**DRAFT**

A portion of Strsp #21-44-24-00000.00A0

WARRANTY DEED

THIS INDENTURE made this \_\_\_\_ day of July, 2002, between PARADISE YACHT CLUB, INC., herein referred to as Grantor, whose mailing address is 7401 Bay Colony Drive, Naples, FL 34108, and LEE COUNTY, a political subdivision of the State of Florida, , herein referred to as Grantee, whose mailing address is \_\_\_\_\_.

WITNESSETH:

That said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, and Grantee's successors and assigns forever, the following described land situate, lying and being in Lee County, Florida, to wit:

See Exhibit "A" attached

THIS CONVEYANCE IS SUBJECT TO

- 1. Taxes for the year 2002.
- 2. Conditions, easements and restrictions of record.
- 3. Zoning ordinances and other restrictions and prohibitions imposed by applicable governmental authorities.

Grantor does hereby covenant with 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 and will warrant the title and defend the same against the lawful claims of all persons whomsoever.

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

Signed, sealed and delivered  
in the presence of:

\_\_\_\_\_  
1st Witness

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
2nd Witness

\_\_\_\_\_  
Printed Name

PARADISE YACHT CLUB, INC.

By: \_\_\_\_\_  
Signature

Its: \_\_\_\_\_  
Title

STATE OF FLORIDA    )  
  ) SS.  
COUNTY OF LEE        )

The foregoing instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2002, by \_\_\_\_\_, as \_\_\_\_\_ of PARADISE YACHT CLUB, INC., a Florida corporation, on behalf of the corporation. He/She is personally known to me or who has produced \_\_\_\_\_, as identification.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Printed Name

## Legal Description

A PORTION OF TRACT I, OF LOCHMOOR, UNIT 1 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 28 AT PAGES 33 THROUGH 37 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE MOST SOUTHEASTERLY CORNER OF ORANGE GROVE BOULEVARD (A 60.00 FOOT RIGHT-OF-WAY), OF LOCHMOOR, UNIT 1 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 28 AT PAGES 33 THROUGH 37 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID POINT BEING THE BEGINNING OF A CIRCULAR CURVE, CONCAVE WESTERLY, WHOSE RADIUS POINT BEARS N.59°58'06"W., A DISTANCE OF 460.00 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID ORANGE GROVE BOULEVARD AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 460.00 FEET, THROUGH A CENTRAL ANGLE OF 35°56'42", SUBTENDED BY A CHORD OF 283.88 FEET AT A BEARING OF N.12°03'33"E., FOR A DISTANCE OF 288.58 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE ALONG SAID EASTERLY RIGHT-OF-WAY OF ORANGE GROVE BOULEVARD AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING RADIUS OF 460.00 FEET, THROUGH A CENTRAL ANGLE OF 16°06'20", SUBTENDED BY A CHORD OF 128.88 FEET AT A BEARING OF N.13°57'58"W., FOR A DISTANCE OF 129.30 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE NORTHEASTERLY, WHOSE RADIUS POINT BEARS N.36°55'15"E., A DISTANCE OF 90.00 FEET THEREFROM; THENCE RUN SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 90.00 FEET, THROUGH A CENTRAL ANGLE OF 25°45'21", SUBTENDED BY A CHORD OF 40.12 FEET AT A BEARING OF S.65°57'26"E., FOR A DISTANCE OF 40.46 FEET TO A POINT OF REVERSE CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 55.00 FEET, THROUGH A CENTRAL ANGLE OF 162°55'19", SUBTENDED BY A CHORD OF 108.78 FEET AT A BEARING OF S.02°37'33"W., FOR A DISTANCE OF 156.39 FEET TO THE END OF SAID CURVE; THENCE RUN S.84°11'16"W., FOR A DISTANCE OF 1.73 FEET, TO THE POINT OF BEGINNING; CONTAINING 0.126 ACRE, MORE OR LESS.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARING SHOWN HEREON REFER TO THE EASTERLY BOUNDARY OF TRACT H, OF LOCHMOOR, UNIT 1 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 28, AT PAGES 33 THROUGH 37 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS BEING N.30°01'54"E.

ES 32 ES 32  
MARY, TERRY  
THOM  
ES

LEE COUNTY UTILITIES  
EXCLUSIVE USE EASEMENT GRANT  
AND INDEMNITY AGREEMENT

THIS INDENTURE, made and entered into this 1 day of MAY, 2002, between PARADISE YACHT CLUB, INC., Owner, hereinafter referred to as GRANTOR(S), and LEE COUNTY BOARD OF COUNTY COMMISSIONERS, hereinafter referred to as GRANTEE.

WITNESSETH:

1. For and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, GRANTOR hereby grants and transfers to the GRANTEE, its successors and assigns, the use of an exclusive utility easement situated in Lee County, Florida, and located and described as set forth in Exhibit "A", attached hereto and made a part hereof by reference.

2. GRANTEE is 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 facilities.

3. The exclusive 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 this public utility easement is to be reserved for utility lines, mains, or 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 shall not be constructed upon or placed in this easement, at anytime, present or future, by GRANTOR, or its heirs, successors or assigns.

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

5. Subject to any 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 property is free and clear of all liens and encumbrances, except as herein stated, and accordingly, GRANTOR(S) will forever warrant and defend the title and terms to this said easement and the quiet possession thereof 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 damage to any houses, fences, buildings, carports, garages, storage sheds, overhangs, or any other structures subsequently constructed by GRANTOR(S) in violation of paragraph 3 within the above easement, which results from the required activities of the GRANTEE for any construction, maintenance or repairs to the utilities location within the above-described easement.

7. GRANTEE shall indemnify, save harmless and defend GRANTOR(S) against all losses, claims, demands,

payments, suits, actions, recoveries and judgments of every nature and description brought or recoverable against it or them by reason of any act or omission of GRANTEE, its agents, consultants, employees or contractors in the execution of any work performed pursuant to this same, and agrees to assume any related costs.

8. GRANTEE shall have a 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.

9. By acceptance of this easement, the County assumes no responsibility for ownership or maintenance of roads. The easement is exclusively for Lee County Utilities, for utility purposes only.

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

IN WITNESS WHEREOF, the GRANTOR has caused this document to be signed on the date and year first above written.

Thomas M. Jean  
1<sup>st</sup> Witness

[Signature], GRANTOR

Regina Liggin  
2<sup>nd</sup> Witness

Title: V. Brenden  
PARADISE YACHT CLUB INC.

STATE OF Florida )  
 ) SS:  
COUNTY OF Lee )

The foregoing instrument was signed and acknowledged before me this 1<sup>st</sup> day of May, 2002  
by Joseph Miklavic who has produced X X  
(Print or Type Name) (Type Of Identification and Number)  
as identification, and who (did) (did not) take an oath.

Kristin G. Cannestra  
Notary Public Signature

Kristin B. Cannestra  
Printed Name of Notary Public



Kristin G. Cannestra  
MY COMMISSION # CC869723 EXPIRES  
October 22, 2003  
BONDED THRU TROY FAIR INSURANCE, INC.

\_\_\_\_\_  
Notary Commission Number

(NOTARY SEAL)

Approved As To Form:

\_\_\_\_\_  
Office of County Attorney



950 Encore Way · Naples, Florida 34110 · Phone: 941.254.2000 · Fax: 941.254.2099

HM PROJECT #2000.010  
05/02/2002  
REF. DWG. #B-3818

LEGAL DESCRIPTION:

A PORTION OF TRACTS H AND I, ALONG WITH A PORTION OF ORANGE GROVE BOULEVARD, A 60.00 FOOT RIGHT-OF-WAY, OF LOCHMOOR, UNIT 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 28 AT PAGES 33 THROUGH 37 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE MOST SOUTHWESTERLY CORNER OF ORANGE GROVE BOULEVARD, A 60.00 FOOT RIGHT-OF-WAY, OF LOCHMOOR, UNIT 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 28 AT PAGES 33 THROUGH 37 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE WESTERLY, WHOSE RADIUS POINT BEARS N.59°58'06"W., A DISTANCE OF 400.00 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID ORANGE GROVE BOULEVARD AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 400.00 FEET, THROUGH A CENTRAL ANGLE OF 35°56'42", SUBTENDED BY A CHORD OF 246.85 FEET AT A BEARING OF N.12°03'33"E., FOR A DISTANCE OF 250.94 FEET TO THE END OF SAID CURVE; THENCE RUN N.84°05'12"E., FOR A DISTANCE OF 68.59 FEET; THENCE RUN S.15°32'37"E. FOR A DISTANCE OF 54.47 FEET; THENCE RUN S.11°35'10"W. FOR A DISTANCE OF 159.34 FEET; THENCE RUN S.27°15'32"W. FOR A DISTANCE OF 166.73 FEET; THENCE RUN S.89°39'50"W. FOR A DISTANCE OF 19.40 FEET TO A POINT ON THE EASTERLY BOUNDARY OF TRACT H OF SAID PLAT OF LOCHMOOR, UNIT 1; THENCE RUN S.30°01'54"W. FOR A DISTANCE OF 39.45 FEET; THENCE RUN N.59°58'06"W. FOR A DISTANCE OF 60.00 FEET TO A POINT ON THE WESTERLY BOUNDARY OF SAID TRACT H; THENCE RUN N.30°01'54"E., ALONG THE WESTERLY BOUNDARY OF SAID TRACT H, FOR A DISTANCE OF 130.00 FEET TO THE POINT OF BEGINNING; CONTAINING 0.673 ACRE, MORE OR LESS.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

BEARINGS SHOWN HEREON REFER TO THE EASTERLY BOUNDARY OF TRACT H OF LOCHMOOR, UNIT 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 28 AT PAGES 33 THROUGH 37 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS BEING N.30°01'54"E.

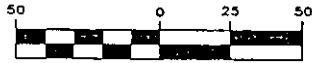
HOLE MONTES, INC.  
CERTIFICATE OF AUTHORIZATION LB #1772

BY  P.S.M. #6130  
JERRY L. RIFFELMACHER STATE OF FLORIDA

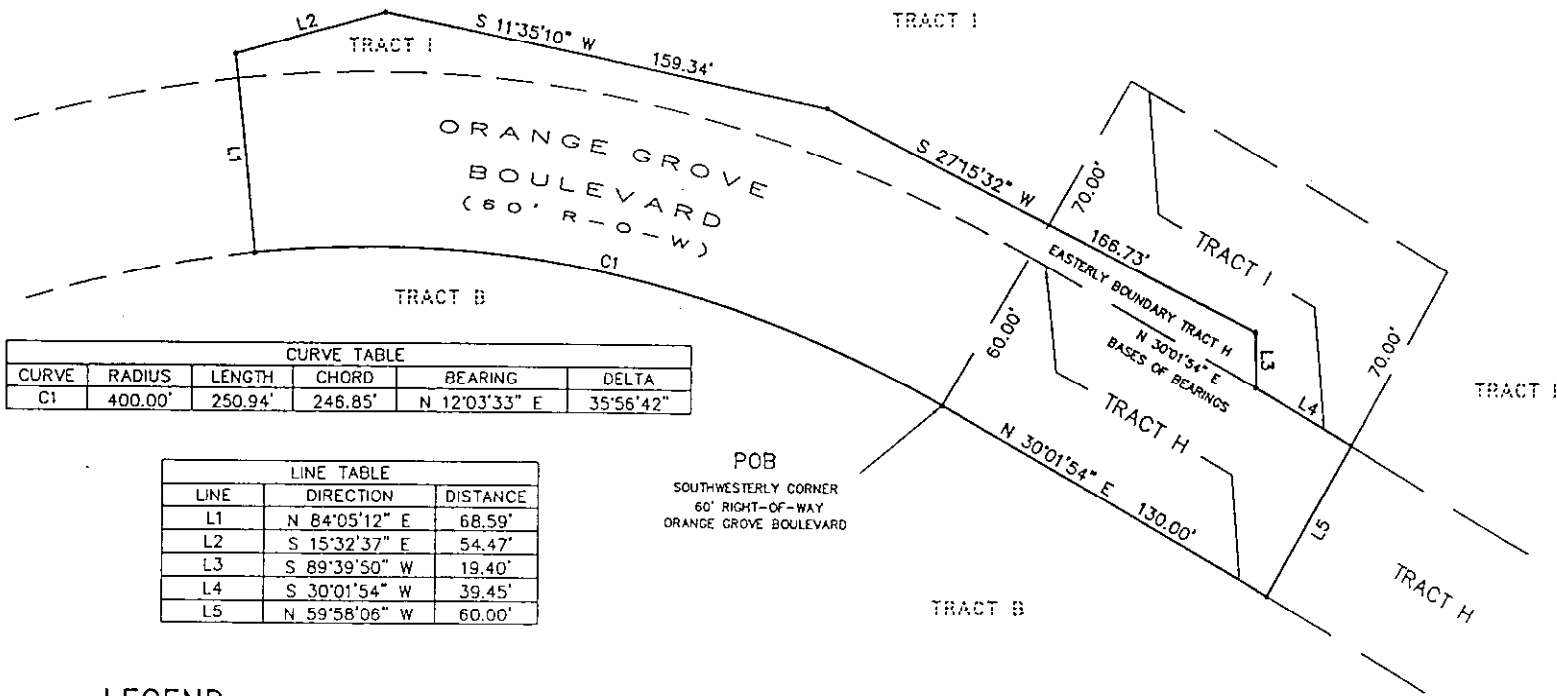




GRAPHIC SCALE



( IN FEET )  
1 inch = 50 ft.



CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	400.00'	250.94'	246.85'	N 12°03'33" E	35°56'42"

LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	N 84°05'12" E	68.59'
L2	S 15°32'37" E	54.47'
L3	S 89°39'50" W	19.40'
L4	S 30°01'54" W	39.45'
L5	N 59°58'06" W	60.00'

POB  
SOUTHWESTERLY CORNER  
60' RIGHT-OF-WAY  
ORANGE GROVE BOULEVARD

LEGEND

POB POINT OF BEGINNING

\* NOT A SURVEY \*

PARTY CHIEF:	DATE
JLR	5/02
DRAWN BY:	DATE
JLR	5/02
CHECKED BY:	DRAWING NO.
JLR	B-3818



950 Encore Way  
Naples, FL 34110  
Phone: (941) 254-2000  
Florida Certificate of  
Authorization No. 1772

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

SKETCH TO ACCOMPANY  
A LEGAL DESCRIPTION

PROJECT NO.
2000010
REFERENCE NO.
UESL