

**LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

BLUE SHEET NO: 20030098

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition VAC2002-00046 to Vacate a 60 foot Right Of Way as recorded in O.R. Book 1008, Page 1679 and adopt a Resolution setting a Public Hearing for _____ p.m. on the _____ day of _____, 2003.

WHY ACTION IS NECESSARY: To vacate the R.O.W. at this location in order to create a new R.O.W. to the north that will service the new subdivision of Courtyard Homes at Bell Tower Park. **The vacation of the right-of-way will not alter existing traffic patterns and the right-of-way is not necessary to accommodate any future right-of-way requirement.**

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

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT # 5

C4C

3. MEETING DATE:

02-25-2003

4. AGENDA

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC


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  1-31-03
Peter J. Eckenrode, Director

7. BACKGROUND:

The complete Petition to Vacate was submitted by Ms. Beverly Grady, Agent for Leonard J. Lucas, TR; Talamh Associates; and Parklane Associates, LTO. L.L.C.

LOCATION: The 60' Right of Way, as recorded in Official Record Book 1008, Page 101679-1681, Public Records of Lee County, Florida is located North of Andrea Lane at the intersection of Tamiami Trail and Toro Lane, further described in Exhibit A.

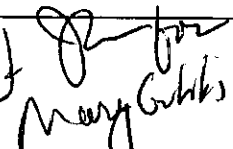
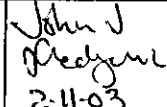
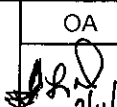
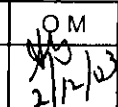
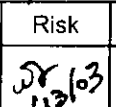
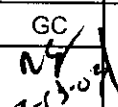
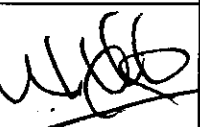
Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares.

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, the Notice of Public Hearing and Exhibit A..

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL

A Department Director	B Purchasing or Contracts	C Human Rel.	D Other	E County Attorney	F County Administration				G County Manager
	N/A	N/A		 2-11-03	OA  2/11/03	OM  2/12/03	Risk  2/12/03	GC  2-13-03	

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 1/31/03
Time: 1:55 PM
Forwarded To:
CO. ADMIN.
2/11/03 3PM

RECEIVED BY
COUNTY ADMIN.
FORWARDED TO:
COUNTY ADMIN.
2-13-03

**RESOLUTION NO. _____ TO SET PUBLIC HEARING
FOR PETITION TO VACATE Case Number: VAC2002-00046**

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. VAC2002-00046 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

PETITION TO VACATE

Case Number: VAC2002-00046

TALAMH ASSOCIATES, L.L.C., LEONARD J. LUCAS, TRUSTEE, AND
PARK LANE ASSOCIATES I, LTD.

Petitioner(s), by Beverly Grady on behalf of Roetzel & Andress, a legal professional association 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, 2320 First Street, Ft. Myers, FL 33901
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".
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, TALAMH ASSOCIATES, L.L.C., LEONARD J. LUCAS, TRUSTEE,
AND PARK LANE ASSOCIATES I, LTD.

By: Beverly Grady
Petitioner Signature
Beverly Grady

By: _____
Petitioner Signature

Printed Name

Printed Name

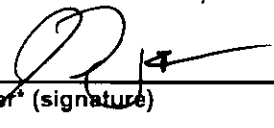
LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT

The undersigned do hereby swear or affirm that they are the fee simple titleholders and owners of record of property commonly known as Strap No. 25-45-24-00-00001.0320, and legally described in exhibit A attached hereto.

The property described herein is the subject of an application for zoning or development. I hereby designate BEVERLY GRADY, on behalf of Roetzel & Andress, a legal professional association, as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

TALAMH ASSOCIATES, L.L.C.

BY: 
Owner* (signature)

James A. Dwyer, III, Member/ Manager
Printed Name

Owner* (signature)

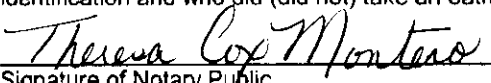
Printed Name

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 25 day of JUNE, 2002, by James A. Dwyer, III, Member/Manager of Talamh Associates, L.L.C., who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.



Theresa Cox Montero
Commission # DD 044289
Expires Sep. 4, 2005
Bonded Thru
Atlantic Bonding Co., Inc.


Signature of Notary Public

THERESA COX MONTERO
(Name typed, printed or stamped)

*If more than one owner then all owners must sign. See explanation on back.

**LETTER OF AUTHORIZATION
TO LEE COUNTY COMMUNITY DEVELOPMENT**

The undersigned do hereby swear or affirm that they are the fee simple titleholders and owners of record of property commonly known as Strap No. 25-45-24-00-00001.0050, and legally described in exhibit A attached hereto.

The property described herein is the subject of an application for zoning or development. I hereby designate BEVERLY GRADY, on behalf of Roetzel & Andress, a legal professional association and Morris-Depew Associates, INC., as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

**LEONARD J. LUCAS, SUCCESSOR
TRUSTEE FOR THE JOAN ELIZABETH
GUY TRUST, dated November 27, 1989**

BY: *Leonard J. Lucas*
Owner* (signature)

Leonard J. Lucas, Trustee
Printed Name

Owner* (signature)


Printed Name

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 19 day of July, 2002, by **Leonard J. Lucas, Trustee** who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

(SEAL)

William E. Shenko, Jr.
Signature of Notary Public

(Name to be typed or stamped)

William E. Shenko, Jr.
Notary Public
Commission # DD 018142
Expires May 31, 2005
Bonded Through
Atlantic Bonding Co., Inc.

LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT

The undersigned do hereby swear or affirm that they are the fee simple titleholders and owners of record of property commonly known as Strap No. 25-45-24-00-00001.0650 & 25-45-24-00-0000.0010, and legally described in exhibit A attached hereto.

The property described herein is the subject of an application for zoning or development. I hereby designate **BEVERLY GRADY, on behalf of Roetzel & Andress, a legal professional association**, as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

PARK LANE ASSOCIATES I, LTD.

BY: [Signature]
Owner* (signature)

Robert D. Hensley, President
Printed Name

Owner* (signature)

Printed Name

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 2ND day of JULY, 2002, by **Robert D. Hensley as President of Park Lane Associates I, Ltd.,** who is personally known to me or who has produced PERSONALLY KNOWN as identification and who did (did not) take an oath.

[Signature]
Signature of Notary Public

(SEAL)  Hilte L. Keltner
Commission # DD 023346
Expires May 7, 2005
Bonded Thru
Atlantic Bonding Co., Inc.

Hilte L. Keltner
(Name typed, printed or stamped)

*If more than one owner then all owners must sign. See explanation on back.


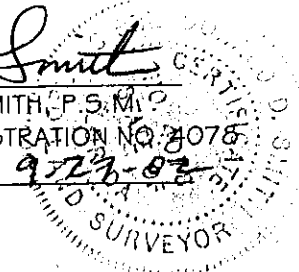
PARCEL "C"

A PARCEL OF LAND LYING IN THE SOUTH 1/2 OF THE NORTH 1/2 OF SECTION 25, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTH LINE OF SAID SOUTH 1/2 OF THE NORTH 1/2 OF SECTION 25 WITH THE EASTERLY RIGHT OF WAY LINE OF TAMiami TRAIL (STATE ROAD 45); THENCE SOUTH 00°33'30"EAST ALONG SAID EASTERLY RIGHT OF WAY LINE, SAID EASTERLY LINE BEING 83.00 FEET FROM THE CENTERLINE, A DISTANCE OF 2.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF TORO LANE, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 89°05'24"EAST ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 848.24 FEET; THENCE NORTH 00°54'36"WEST, A DISTANCE OF 2.00 FEET TO A POINT ON SAID NORTH LINE OF THE SOUTH 1/2 OF THE NORTH 1/2 OF SECTION 25, SAID POINT ALSO BEING A POINT OF A CURVE AND BEING ON THE NORTHEASTERLY RIGHT OF WAY LINE OF SAID TORO LANE; THENCE SOUTHEASTERLY ALONG SAID CURVE AND RIGHT OF WAY LINE TO THE RIGHT, HAVING A RADIUS OF 110.00 FEET, A CENTRAL ANGLE OF 89°58'58", A CHORD BEARING OF SOUTH 45°55'02"EAST AND A CHORD DISTANCE OF 155.54 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 00°55'28"EAST ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID TORO LANE, A DISTANCE OF 123.18 FEET TO A POINT OF A CURVE; THENCE SOUTHEASTERLY ALONG SAID CURVE AND RIGHT OF WAY LINE OF SAID TORO LANE TO THE LEFT, HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 90°00'00", A CHORD BEARING OF SOUTH 45°55'28"EAST AND A CHORD DISTANCE OF 70.71 FEET TO A POINT OF A NON TANGENT LINE; THENCE SOUTH 88°05'47"WEST, A DISTANCE OF 158.29 FEET TO A POINT OF A CURVE BEING ON THE NORTH RIGHT OF WAY LINE OF ANDREA LANE AS DESCRIBED IN OFFICIAL RECORDS BOOK 1249, PAGE 733 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTHEASTERLY ALONG SAID CURVE AND THE WESTERLY RIGHT OF WAY LINE OF SAID TORO LANE TO THE LEFT, HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 88°00'24", A CHORD BEARING OF NORTH 43°04'43"EAST AND A CHORD DISTANCE OF 69.47 FEET TO THE POINT OF TANGENCY; THENCE NORTH 00°55'28" WEST ALONG SAID WESTERLY RIGHT OF WAY LINE OF TORO LANE, A DISTANCE OF 125.92 FEET TO A POINT OF A CURVE; THENCE NORTHWESTERLY ALONG SAID CURVE AND SAID WESTERLY RIGHT OF WAY LINE TO THE LEFT, HAVING A RADIUS OF 48.00 FEET, A CENTRAL ANGLE OF 89°58'46", A CHORD BEARING OF NORTH 45°55'02"WEST AND A CHORD DISTANCE OF 67.87 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 89°05'24" WEST ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SAID TORO LANE, A DISTANCE OF 850.60 FEET TO A POINT ON SAID EASTERLY RIGHT OF WAY LINE OF TAMiami TRAIL (STATE ROAD 45); THENCE NORTH 00°33'30" WEST ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING. CONTAINING 70,045.54 SQUARE FEET, MORE OR LESS.

THE BEARINGS USED IN THIS DESCRIPTION ARE BASED ON THE NORTH LINE OF SAID RIGHT OF WAY OF TORO LANE AS BEARING NORTH 89°05'24"EAST AS IT APPEARS IN THE OFFICIAL RECORDS BOOK 1008, PAGE 1679.

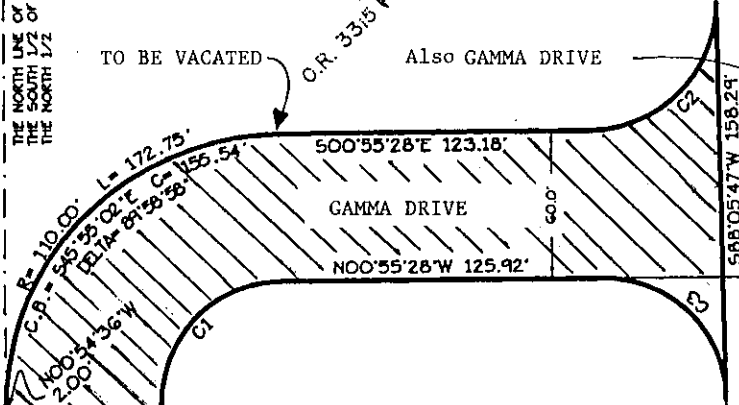
NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE LICENSED FLORIDA SURVEYOR AND MAPPER. THE ATTACHED SKETCH OF DESCRIPTION IS NOT A SURVEY.


DONALD D. SMITH, P.S.M.
FLORIDA REGISTRATION NO. 8078
DATE SIGNED: 9-22-02


(NOT A SURVEY)
SKETCH
 OF
DESCRIPTION
 SEC. 25, TWP. 45S., RNG. 24E.

Property of
 Leonard J. Lucas, Tr.

ANDREA LANE
 O.R. 1008 PG. 1679-1681



CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD LENGTH	CHORD BEARING
C1	48.00	75.38'	84°58'46"	67.67'	N45°35'02"W
C2	30.00	78.54'	90°00'00"	70.71'	S45°35'28"E
C3	30.00	76.80'	88°00'24"	69.47'	N43°04'43"E



- LEGEND**
- P.O.C. = POINT OF COMMENCEMENT
 - P.O.B. = POINT OF BEGINNING
 - O.R. = OFFICIAL RECORDS
 - P.G. = PAGE
 - SEC. = SECTION
 - TWP. = TOWNSHIP
 - RNG. = RANGE

TAMIAMI TRAIL (S.R. 45)

SHEET 2 OF 2

MD MORRIS - DEPEW ASSOCIATES, INC.
 ENGINEERS * PLANNERS * SURVEYORS * MAPPERS
 2216 Altonant Avenue ■ Fort Myers, Florida 33901 ■ (941) 337-3993 ■ FAX 337-3994

Donald D. Smith
 DONALD D. SMITH, P.S.M.
 FLORIDA REGISTRATION NO. 4078
 DATE SIGNED: 9-27-02

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

A:\001133\001133\VACATION.dwg, 001133MOG.dwg, 04/01/2002 12:11:13 PM, dsmith

OR BE 03344 PS 3207

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

Signed, sealed and delivered in our presence:

WIRELESS ONE NETWORK, L.P.

Debra G. Hillman
(First Witness)

By: [Signature] (Seal)

Printed or typed name: Debra G. Hillman

Grantor
Printed or typed name: James A. Dwyer, Jr., President

Nancy R. Vicceli
(Second Witness)

By: _____ (Seal)

Printed or typed name: Nancy R. Vicceli

Grantor
Printed or typed name: _____

STATE OF FLORIDA
COUNTY OF LEE

THE FOREGOING INSTRUMENT was acknowledged before me this 20th day of December, 2000, by James A. Dwyer, Jr., as President of Wireless One Network, L.P. who is personally known to me

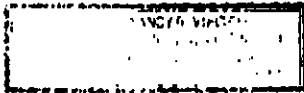
My Commission Expires: 3/31/03

Nancy R. Vicceli

Notary Public

Printed, typed, or stamped name:

Nancy R. Vicceli



CC 813594

(Serial Number, if any)

OR BE 03344 PS 3938

EXHIBIT "A"

PARCEL 1 (Andres Lenz):

Description of a tract in the South 1/2 of the North 1/2 of Section 25, Township 45 South, Range 24 East, Lee County, Florida:

A parcel of land located in Section 25, Township 45 South, Range 24 East, Lee County, Florida, more particularly described as follows:

Starting at the intersection of the Easterly right-of-way line of U.S. 41 and the North line of the South 1/2 of the North 1/2 of said Section 25; thence South $0^{\circ}33'30''$ East, along said Easterly right-of-way line 62.00 feet to the True Point of Beginning; thence continue South $00^{\circ}33'30''$ East, along the Easterly right-of-way line, 253.77 feet; thence North $67^{\circ}04'32''$ East, 982.46 feet; thence on a curve to the left 78.80 feet, having a radius of 50.00 feet, a chord bearing North $43^{\circ}04'43''$ East, 88.47 feet; thence North $00^{\circ}55'25''$ West, 125.52 feet; thence on a curve to the left 75.35 feet, having a radius of 45.00 feet, a chord bearing North $48^{\circ}55'02''$ West, 67.87 feet; thence South $69^{\circ}05'24''$ West, 350.53 feet to the True Point of Beginning.

XXXXXXXXXXXXXXXXXXXX

INDEX # 4999463

OR BK 09325 PG 2442

RECORDED 11/02/00 08:36 AM
CHARLIE GREEN CLERK OF COURT
LEE COUNTY
RECORDING FEE 15.00
DOC TAG F&F L. 001.021 0.70
DEPUTY CLERK L. SHEET

PREPARED BY AND RETURN TO:

Stephen P. Houston, Esquire
FRESE, NASH & HANSEN, P.A.
930 S. Harbor City Blvd., Suite 505
Melbourne, Florida 32901
Fax: 321-25-45-24-80-00001-0650

WARRANTY DEED

THIS INDENTURE, executed this 2nd day of October, 2000, by LEONARD J. LUCAS, Successor Trustee of the JOAN ELIZABETH GUY TRUST AGREEMENT dated November 27, 1989, (hereinafter referred to as "Grantor"), to LEONARD J. LUCAS, Trustee of the Marital Deduction Trust or "A" Trust (QTIP Trust) created under the JOAN ELIZABETH GUY TRUST AGREEMENT dated November 27, 1989, due to the death of JOAN ELIZABETH GUY on March 23, 1995, as to a 22.581% undivided interest and to LEONARD J. LUCAS, Trustee of the Non-Marital Deduction or "B" Trust created under the JOAN ELIZABETH GUY TRUST AGREEMENT dated November 27, 1989, due to the death of JOAN ELIZABETH GUY on March 23, 1995, as to a 77.419% interest, as tenants in common, (hereinafter collectively referred to as "Grantees"), whose post office address 1661 Estero Boulevard #9, Ft. Myers Beach, Florida 33931.

Whereby 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, aliena, remises, releases, conveys and confirms unto the Grantees, the Grantor's entire interest in and title to the following described real estate in the County of Lee, in the State of Florida, to wit:

Lot 26 and the Westerly 30 feet of Lot 25, of SOUTH COMMERCIAL PARK, situated in the State of Florida, County of Lee, being a part of Section 25, Township 45 South, Range 24 East, and further bounded and described as follows:

Starting at the intersection of the easterly right-of-way line of Tamiami Trail (215 feet wide) and the north line of the S½ of the N½ of the aforesaid Section 25; thence N 89° 05' 24" E along the north line of the S½ of the N½ of the aforesaid Section 25, a distance of 848.23 feet to a point and the principal place of beginning; thence continue N 89° 05' 24" E a distance of 469.97 feet; thence S 0° 55' 28" E a distance of 283.07 feet to a point on the northerly right-of-way line of North Commercial Drive; thence S 89° 04' 32" W along the aforesaid northerly right-of-way line a distance of 310.00 feet; thence by a curve deflecting to the right a distance of 78.54 feet; said curve having a radius of 50.00 feet and a chord that bears N 45° 55' 28" W a distance of 70.71 feet to a point on the easterly right-of-way line of Commercial Drive; thence N 0° 55' 28" W along the aforesaid easterly right-of-way line a distance of 123.18 feet; thence by a curve deflecting to the left along the northeasterly right-of-way line of aforesaid Commercial Drive a distance of 172.76 feet, said curve having a radius of 110.00 feet and a chord that bears N 45° 55' 02" W a distance of 155.54 feet to the place of a beginning.

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

TO HAVE AND TO HOLD, the said property in fee simple upon the trust and for the uses and the purposes herein and in said Trust Agreement set forth.

AND the Grantor hereby covenants with said Grantees that the Grantor is authorized to sell and convey the land as described herein and warrants and will defend the title to the land against the lawful claims of all persons claiming by, through, or under the Grantor, but not otherwise.

05 06 2002 09 48 15

Due to the death of Joan Elizabeth Guy on March 23, 1995, Leonard J. Lucas is the Successor Trustee of the Joan Elizabeth Guy Trust Agreement dated November 27, 1969, pursuant to the provisions of said Trust Agreement, and is authorized and empowered to exercise the powers provided to him as trustee thereof on behalf of the trust estate. Therefore, by signing this Warranty Deed, Leonard J. Lucas, Successor Trustee, has full power and authority to sell and convey the land as described herein.

This deed was prepared without a review or examination of the title to the above described property and no opinions or representations are being made either expressly or impliedly by Stephen P. Houston, Esquire, or FRESE, NASH & HANSEN, P.A.

Full power and authority is hereby granted to said Trustees, including any successor trustee(s), to improve, subdivide, protect, conserve, sell, lease, encumber and otherwise manage and dispose of said property or any part thereof, to dedicate parks, streets, highways or alleys and to vacate any subdivision or part thereof, and to resubdivide said property as often as desired, to contract to sell, to grant options to purchase, to sell on any terms, to convey said property or any part thereof to a successor or successors in trust and to grant to such successor or successors in trust all of the title, estate, powers and authorities vested in said Trustees, to donate, to dedicate, to mortgage, pledge or otherwise encumber said property, or any part thereof, to lease said property, or any part thereof, from time to time, in possession or reversion, by leases to commence in present or future, and upon any terms and for any period or periods of time, not exceeding in the case of any single demise the term of 99 years, and to renew or extend leases upon any terms and for any period or periods of time and to amend, change or modify leases and the terms and provisions thereof at any time or times hereafter, to contract to make leases and to grant options to lease and options to renew leases and options to purchase the whole or in any part of the reversion and to contract respecting the manner of fixing the amount of present or future rentals, to partition or to exchange said property, or any part thereof, for other real or personal property, to submit said property to condominium, to grant easements or charges of any kind, to release, convey or assign any right, title or interest in or about or easement appurtenant to said premises or any part thereof, and to deal with said property and every part thereof in all other ways and for such other consideration as it would be lawful for any person owning the same to deal with the same, whether similar to or different from the ways above specified, at any time or times hereafter.

In no case shall any party dealing with said Trustees in relation to said property, or to whom said property or any part thereof shall be conveyed, contracted to be sold, leased or mortgaged by said Trustees, be obliged to see to the application of any purchase money, rent, or money borrowed or advanced on said property, or be obliged to see that the terms of this trust have been complied with, or be obliged to inquire into the necessity or expediency of any act of the terms of said trust agreement(s) and every deed, trust deed mortgage, lease or other instrument executed by said Trustees in relation to said property shall be conclusive evidence in favor of every person relying upon or claiming under any such conveyance, lease or other instrument, (a) that at the time of the delivery thereof the trust created by this indenture and by said trust agreement(s) was in full force and effect, (b) that such conveyance or other instrument was executed in accordance with the trusts, conditions and limitations contained in this indenture and in said trust agreement(s) or in some amendment thereof and binding upon all beneficiaries thereunder, (c) that the Trustees were duly authorized and empowered to execute and deliver every such deed, trust deed, lease, mortgage or other instrument and (d) if the conveyance is made to a successor or successors in trust, that such successor or successors in trust have been properly appointed and are fully vested with all the title, estate, rights, powers, authorities, duties and obligations of its, his or their predecessor in trust.

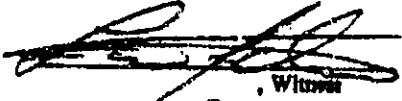

The interest of each beneficiary under the trust agreement(s) hereunder and of all persons claiming under them or any of them shall be only in possession, earnings, avails and proceeds arising from the sale or other disposition of said property, and no beneficiary hereunder shall have any title or interest, legal or equitable, in or to said property as such, but only an interest in the possession, earnings, avails and proceeds thereof as aforesaid.


08 22 03025 PG 2444

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal this 2nd day of October, 2000.

WITNESSED BY:

THE JOAN ELIZABETH GUY TRUST
AGREEMENT DATED NOVEMBER 27, 1989


Witness

Jean Ravenscroft, Witness

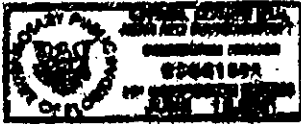
By: 
LEONARD J. LUCAS, Trustee
1660 Eastern Boulevard, Suite #9
Ft. Myers Beach, Florida 33931

STATE OF FLORIDA
COUNTY OF LEE

I HEREBY CERTIFY, that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, LEONARD J. LUCAS, Trustee of the JOAN ELIZABETH GUY TRUST AGREEMENT dated November 27, 1989, known to me to be the individual described in and who executed the foregoing deed and he acknowledged before me that he executed the same freely and voluntarily for the purposes therein expressed. He produced a Florida Driver's License as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 2nd day of October, 2000. *Personally known to me.*


NOTARY PUBLIC
State of Florida
My Commission Expires:



1 FROM THE TIME THIS INSTRUMENT IS RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF LEE, FLORIDA

INSTR # 5240441
OR BK 03488 PG 2659

RECORDED 09/21/01 10:25 AM
CHARLIE GREEN CLERK OF COURT
LEE COUNTY
RECORDING FEE 15.00
DOC TAX PD (F.S. 201.02) 1,519.00
DEPUTY CLERK C Keller

Prepared by and return to:
James T. Humphrey, Esq.
Humphrey & Knott P.A.
1625 Hendry Street Suite 301
Fort Myers, FL 33901

File Number: JTH-GROSSE PT
Will Call No.: 94

[Space Above This Line For Recording Data]

Warranty Deed

This Indenture, made this 19 day of September, 2001 between James T. Humphrey, as Trustee whose post office address is 1657 Menlo Road, Fort Myers, FL 33901, grantor, and Park Lane Associates I, Ltd., a Florida limited partnership whose post office address is*, grantee: *15065 McGregor Blvd., Suite 108, Fort Myers, FL 33908

(Whenever 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, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 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 heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida to-wit:

See Exhibit "A" attached hereto and made a part hereof as if fully set forth herein.

Parcel Identification Number: 25-45-24-00-00001.0650

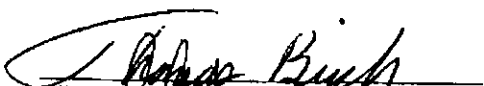
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

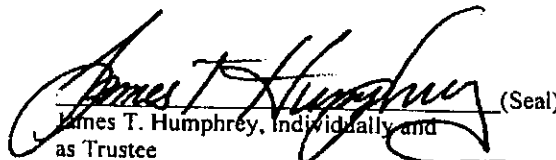
To Have and to Hold, the same in fee simple forever.

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, 2001.

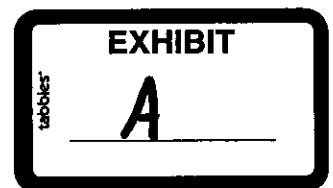
In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:


Witness Name: THOMAS BIRCH

 (Seal)
James T. Humphrey, Individually and as Trustee

Witness Name: STEVEN I. WINTER

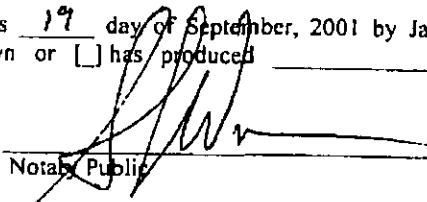


DR BK 03488 PB 2660

State of Florida
County of Lee

The foregoing instrument was acknowledged before me this 17th day of September, 2001 by James T. Humphrey, individually and as Trustee who is personally known or has produced _____ as identification.

[Notary Seal]



Notary Public
Printed Name: _____
My Commission Expires: _____



OR BK 03488 PG 2661

Strap #25-45-24-00-00001.0650

EXHIBIT "A"

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of Section 25, Township 45 South, Range 24 East, and further bounded and described as follows:

Starting at the intersection of the Easterly right-of-way line of the Tamiami Trail (State Road #45, 215.00 feet wide) and the North line of the South one half (S 1/2) of the North one half (N 1/2) of the aforesaid Section 25, being a point and the principal place of beginning; thence S 0° 33' 30" E along the aforesaid Easterly right-of-way line a distance of 2.00 feet to a point on the Northerly right-of-way of a county road; thence N 89° 05' 24" E parallel with and 2.00 feet southerly of the aforesaid fractional section line and along the aforesaid county road right-of-way line a distance of 848.23 feet; thence N 0° 54' 36" W along the Westerly right-of-way line of the aforesaid county road a distance of 2.00 feet to a point on the aforesaid fractional section line; thence S 89° 05' 24" W along the aforesaid fractional section line a distance of 848.23 feet to the principal place of beginning.

DR BX 03488 PE 2663

WARRANTY DEED

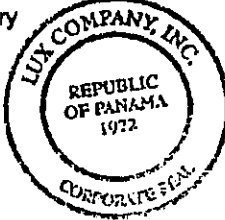
Page No.2

Ana Maria Moreno de Araúz
Witness Name: Ana Maria Moreno de Araúz

Anabelle De La Lastra Morán
Witness Name: Anabelle De La Lastra Morán

Attest:

Arianis Cecilia Vannucchi
Arianis Cecilia Vannucchi
Secretary



Panama, Republic of Panama

The foregoing instrument was acknowledged before me this 18th day of September, 2001 by Norlando Laslo Pelyhe Najarro, President of LUX COMPANY, INC., on behalf of the corporation. He has produced his personal identity card as identification.



Claudio Lacayo Alvarez
Notary Public, Panama, Republic of Panama

Printed Name: Claudio Lacayo Alvarez

My Commission Expires: _____

APOSTILLE

(Convention de la Haye du 5 octobre 1961)

- 1 País PANAMA
- El presente documento publico
- 2 ha sido firmado por Claudio Lacayo Alvarez
- 3 quien actúa en calidad de Notario Publico
- 4 y está revestido del sello / timbre de 18 SEP 2001
- 5 en PANAMA
- 7 por DIRECCION ADMINISTRATIVA 8879
- 8 Bajo el número 8879
- 9 Sello / timbre 10. Firma: Miguel de Lita



Esta Autenticación no implica responsabilidad en cuanto al contenido del documento.

REPUBLICA DE PANAMA

Exhibit A

A tract or parcel of land situated in the State of Florida, County of Lee, being a part of Section 25, Township 45 South, Range 24 East, and further bounded and described as follows:

All that part of the North 1/2 of the North 1/2 of Section 25, Township 45 South, Range 24 East lying Westerly from the Seaboard Air Line Railroad right-of-way, described in deed recorded in Deed Book 111, Page 146, Public Records of Lee County and lying Southerly and Easterly from the following described boundary: From the Northwest corner of said section run North 89 degrees 09'50" East along the North line of said section for 683.56 feet to the point of beginning of the herein described boundary. From said point of beginning run South 00 degrees 30'00" East parallel with and 600 feet Easterly from the Easterly line (83 feet from the centerline) of the Tamiami Trail (State Road No. 45) for 1130 feet; thence run South 89 degrees 09'50" West parallel with said section line for 600 feet to an intersection with said Easterly line of the Tamiami Trail and the end of the herein described boundary. SUBJECT to the right-of-way for the former Iona Drainage District Canal over and across a portion of the North 30 feet thereof. SUBJECT to restrictions, reservations and easements of record.

DB BK 03488 PS 2664



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

October 18, 2002

Beverly Grady
Roedel & Andress
2320 First Street, Suite 1000
Fort Myers, Fl. 33903-2904

**Subject: PETITION TO VACATE PUBLIC RIGHT-OF-WAY or ROAD
EASEMENT AT 2070/2078 ANDREA LANE,
25-45-24-00-00001.0010, 0320, 0050**

Dear Ms. Grady:

Lee County Utilities is in receipt of your letter and associated attachments concerning the Petition to Vacate an existing 'Public Right-of-Way or Roadway' 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 potable water facilities 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 479-8532.

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic
Engineering Tech II
UTILITIES ENGINEERING





RECEIVED
MAY 07 2002

BOARD OF COUNTY COMMISSIONERS

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

Bob Janes
District One

Douglas R. St. Cerny May 6, 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

Ladona O'Grosky
Morris-Depew Associates, Inc.
2216 Altamont Ave
Fort Myers, Fl. 33901

**SUBJECT: PETITION TO VACATE PUBLIC RIGHT-OF-WAY or ROAD
EASEMENT AT 2070/2078 ANDREA LANE
25-45-24-00-00001.0010, 0320, 0050**

Dear Ms.O'Grosky:

Lee County Utilities has reviewed the proposed right-of-way or roadway easement vacation you have described in your letter of April 29, 2002. Please be advised that Lee County Utilities **OBJECTS** to the proposed vacation. Record drawings indicate that Lee County Utilities owns and maintains a water main within the right-of-way or roadway easement to be vacated.

Before Lee County Utilities would be in a position to reconsider our objection, the existing facilities will need to be relocated at the developer expense or a Perpetual Public Utility Easement must be granted to Lee County Utilities. I have included a copy of our approved form for your use. Please let me know which method you plan on using

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

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic
Engineering Tech III
UTILITIES ENGINEERING

VIA FACSIMILE
Original mailed

2070-2078 ANDREA LANE.doc



From: Steve Harmatuck Phone 407/889-6817
P.O. Box 165000 Fax 407/889-1274
Altamonte Springs, FL
32716-5000
FLAPKA0305

January 27, 2003

Ms. Beverly Grady
Roetzcl & Andress
2320 First Street
Fort Myers, Florida 33901-2904

RE: Vacation of Gamma Way, Fort Myers, Florida

Dear Ms. Grady:

Sprint Florida, Inc. has reviewed and approved the "Utility Easement" document, dated January 6, 2003 as submitted by your office. Sprint has no objection to the vacation of Gamma Way. This is subject to the approval and recordation by the county of the attached easement agreement, shown as Exhibit "A".

Very truly yours,

Steve Harmatuck

COPY



Box 370
Fort Myers, Florida 33902-0370

RECEIVED
SEP 25 2002
BY: _____

September 18, 2002

Morris-Depew Associates, Inc.
Ryan Shute
2216 Altamonte Avenue
Fort Myers, Florida 33901



RE: Request to Vacate easterly right of way
STRAP NO: 25-45-24-00-00001 & 25-45-24-00-00001.0320

Mr. Shute:

Sprint-Florida Incorporated has reviewed the documents for the above referenced information. Based on the review of the plans, we do not have any objections to vacation to the right of way.

If you should have any questions or require additional information, please give me a call at (941) 336-2131.

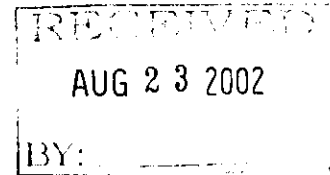
Sincerely,
Sprint-Florida Incorporated

Leon Bryant
Leon Bryant
Network Engineer I

cc: File

COPY

Florida Power & Light Company



August 21, 2002

Ryan M. Shute, PE
Morris-Depew Associates Inc.
2216 Altamont Ave.
Ft. Myers, Fl. 33901

Re: Request for a letter of review and recommendation for proposed right of way vacation located at Toro Lane and Gamma Way

Dear Mr. Shute:

Florida Power and Light Company has overhead facilities in the referenced area to be vacated. However, we have no objection to this vacation provided that an easement is executed for our facilities simultaneously with the right of way vacation approval.

The ten foot easement sketch and description previously sent for my review is acceptable to Florida Power & Light Company.

Sincerely,

A handwritten signature in cursive script that reads 'Jeff Sanders'.

Jeff Sanders
Customer Project Manager



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

November 26, 2002

Ms. Beverly Grady
Roetzel & Andress
2320 First Street
Suite 1000
Fort Myers, FL 33901-2904

RE: VACATION TORO LANE AND GAMMA WAY

Dear Ms. Grady:

I am writing in response to your letter to Scott Gilbertson regarding the vacation of Toro Lane and Gamma Lane. DOT previously reviewed the revised legal and wrote the letter dated May 20th. However, in the letter of May 20th, it was stated that Toro Lane is not county maintained. This is incorrect. Toro Lane and Gamma Way are both county owned and county maintained. Keith Miller and Phyllis Miller granted a deed to Lee County in November of 1973 and it was accepted by the Board of County Commissioners at a Board meeting November 28, 1973. It is understood that the connection to US 41 from Toro Lane will be closed and that no portion of Andrea Lane, a county maintained road, will be vacated. DOT has reviewed the additional information and legal description and offers no objection to the vacation.

I trust that this letter sufficiently responds to the request for review and should you have any further requests please do not hesitate to contact me.


Yours very truly,

DEPARTMENT OF TRANSPORTATION


Margaret Lawson
Right-of-way Supervisor

MAL/mlb

Cc: Ryan Schute, Morris Depew & Associates
DOT PTV File (Toro/Gamma)



S:\DOCUMENT\Petition To Vacate\2002\Toro-Gamma.doc



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

RECEIVED
MAY 23 2002

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

May 20, 2002

Ms. Ladona O'Grosky
Morris-Depew Associates, Inc.
2216 Altamont Avenue
Fort Myers, FL 33901

**RE: Petition to Vacate
Toro Lane, Section 25, Township 45, Range 24**

Dear Ms. O'Grosky:

Lee County Department of Transportation has reviewed the amended request for the vacation of Toro Lane. Toro Lane is not a county maintained roadway. Based upon a meeting with Ryan Shute, it was determined that the purpose of vacating Toro Lane is to remove the roadway to facilitate the development of the property to the north of Toro Lane. The Toro Lane and US 41 connection would be closed and a new connection to US 41 would be established with the Florida Department of Transportation. DOT has no objection to the vacation.

I trust this answers your request for review and should you have any questions, please do not hesitate to contact me.

Sincerely,

DEPARTMENT OF TRANSPORTATION

Scott M. Gilbertson, P.E.
Director

MAL/SMG/mlb

Cc: Don Blackburn, Development Services
DOT PTV File Toro Lane

EXHIBIT
F

S:\DOCUMENT\Petition To Vacate\2002\Toro Lane-Morris Depew.doc



May 14, 2002

Ms. Ladona O'Grosky
Morris-Depew Associates, Inc.
2216 Altamont Avenue
Fort Myers, Fla. 33901

RE: Strap #25-45-00-00001-0010.0320.0050

Dear Ms. O'Grosky:

We are in receipt of your request for the above listed vacation of right-of-way. 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 cursive script that reads 'B Streeter'.

Benjamin R. Streeter
Technical Field Inspector

BRS/sgs



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

(941) 479-8124

Writer's Direct Dial Number: _____

Tuesday, December 10, 2002

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

Ms. Ladona O'Grosky
Morris-Depew Associates, Inc.
2216 Altamont Avenue
Fort Myers, FL 33901

Re: **MODIFIED LETTER**
Petition to Vacate the public interest in a portion of Toro Lane including Gamma Way, also known s Parcel "C", as recorded in O.R. Book 1008, Page1679 - 1681, Public Records of Lee County, Florida.

Dear Ms. O'Grosky:

Based on the review of the documents submitted with your request, Lee County Division of Natural Resources has no objection to the vacation of a portion of the subject right of way.

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

Regards,

LEE COUNTY PUBLIC WORKS 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:\WATRES\SURFACE\DOCUMENT\vac251b.doc



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

RECEIVED
MAY 29 2002
BY: _____

(941) 479-8124

Writer's Direct Dial Number: _____

Tuesday, May 28, 2002

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

Ms. Ladona O'Grosky
Morris-Depew Associates, Inc.
2216 Altamont Avenue
Fort Myers, FL 33901

Re: Petition to Vacate the public interest in a portion of Toro Lane, also known as Parcel "C" as recorded in O.R. Book 1008, Page 1679 - 1681, Public Records of Lee County, Florida.


Dear Ms. O'Grosky:

Based on the review of the documents submitted with your request, Lee County Division of Natural Resources has no objection to the vacation of a portion of the subject right of way.

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

Regards,

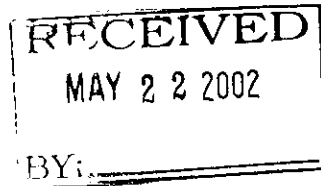
LEE COUNTY PUBLIC WORKS DEPARTMENT


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\vac251a.doc

301 Tower Road
Naples, FL 34113
Collier: 941-732-3834
Lee: 941-432-1801
FAX: 941-992-1289



March 7, 2002

Ladona O'Grosky
Morris-Depew Associates, Inc.
2216 Altamont Avenue
Fort Myers, Florida 33901

Re: Vacation of the 60' wide Toro Lane right-of-way from the east right-of-way line of Tamiami Trail to the north right-of-way line of Andrea Lane, also known as Parcel "C" as it appears in the Official Records Book 1008, Pages 1679, Lee County, Florida. Strap Numbers 25-45-24-00-00001.0010, 25-45-24-00-00001.0320, 25-45-24-00-00001.0050.

Dear Ms. O'Grosky:

Comcast has reviewed the plans of the above referenced properties. Comcast has no conflict with the vacation of the Toro Lane right-of-way in Lee County Florida as described above.

If I can be of any additional information regarding this project, please do not hesitate to call me.

Sincerely,

A handwritten signature in cursive script that reads "Gene Howell".

Gene Howell
Construction Manager

GH/whs

AmeriGas

America's Propane Company

RECEIVED
JUN 18 2002
BY: *[Signature]*

June 17, 2002

Ladona O'Grosky
Morris Depew Associates, Inc.
2218 Allamonte Avenue
Fort Myers, Florida 33901

RE: VACATE OF EASEMENT


Dear Ladona O'Grosky:

In reference to your letter dated April 29, 2002, AmeriGas has no interest on right of way on the following parcels:

STRAP NO: 25-45-24-00-00001.0001
STARP NO: 25-45-24-00-00001.0320
STRAP NO: 25-45-24-00-00001.0050

Please feel free to contact me at 941-334-2849, should you have further questions.

Sincerely,

Neyland White 

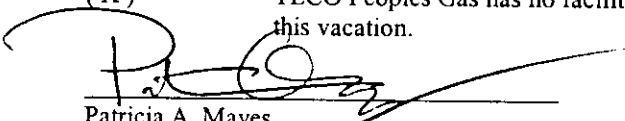
Neyland White
Service Manager



Easement & Right-of-Way Vacation Letter

Date: June 19, 2002
To: Ladona O'Grosky
Morris-Depew Associates, Inc.
2216 Altamont Ave
Ft Myers, FL 33901
Subject: Amended request for a letter of review and recommendations on a proposed right-of-way vacation or road easement vacation located on Toro Lane. The following are the adjacent parcels: STRAP NO: 25-45-24-00-00001.0010; .0320; .0050

(X) TECO Peoples Gas has no facilities within the referenced area to be vacated, we have no objections to this vacation.


Patricia A. Mayes
Engineer Tech

() TECO Peoples Gas has facilities within the referenced area to be vacated, however, we have no objections to this vacation. (The lines have been Cut & Capped at the Property Line).

Patricia A. Mayes
Engineer Tech

() TECO Peoples Gas has facilities within the referenced area to be vacated which cannot be relocated for technical reasons, however, we have no objections to this vacation providing the Underground Notification Bureau is notified prior to building, so that all facilities can be accurately located.

Patricia A. Mayes
Engineer Tech

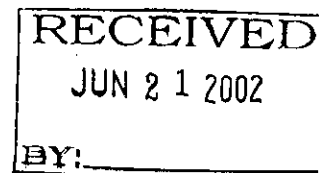
() TECO Peoples Gas objects to the proposed vacation for the following reasons:

Patricia A. Mayes
Engineer Tech

If you have any further questions, or need any further assistance please give me a call. My number in our Ft Myers office is 941.690.5513.

Sincerely,

Patricia A. Mayes
Engineer Tech
TECO Peoples Gas - Ft Myers Division



01/01
00333 Toro Lane
RECEIVED
JUN 20 2002
BY: *NL* 748am *vac*

To: MORRIS DEPEW ASSOCIATES
Attn: DON SMITH
Voice: 239-337-3993
Fax: 239-337-3994

Re: Locating facilities in the area of your excavation

This is an important Safety Message from TECO Energy.

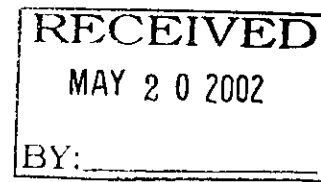
We are replying to your request to locate our underground facilities in an area where you are planning excavation work.

The following is the current status of our facility marking in the area specified in your notification.

Ticket number 17021436 is: Clear of Peoples Gas Facilities. If you have any questions about this, call Peoples Gas at 1-877-832-6747.

County: LEE
Place :
Street: TORO LN

Thank you for using Sunshine State One Call of Florida to notify us.
PLEASE DIG SAFELY.



Florida Department of Transportation

JEB BUSH
GOVERNOR

THOMAS F. BARRY, JR.
SECRETARY

May 16, 2002

Ladona O'Grosky
Morris-Depew Associates, Inc.
2216 Altamont Avenue
Fort Myers, Florida 33901

RE: Vacation of A Right of Way Road Easement Toro Lane

Dear Ms O'Grosky:

Our staff has conducted a review of your amended request to vacate a road right of way easement located in Section 25, T 45 S, R 24 E, Lee County, Florida. A description and sketch of this area, provided by you, is attached for reference. This same area was further referenced in your letter and highlighted map of April 29, 2002.

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



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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

Bob James
District One

Douglas R. St. Clair
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

January 30, 2003

Ms. Beverly Grady
2320 First Street, Ste 100
Ft. Myers, FL 33901

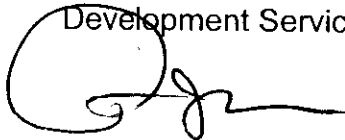
Re: VAC2002-00046/Toro Lane & Gamma Way Vacation

Dear Ms. Grady:

You indicated that this Right of Way if approved will be vacated and replaced by a new road into the subdivision. 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

PJE/sam

U:\200301\VAC20020.004\6\reviewandrec.wpd

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 15th day of November, 2002,
by and between LEONARD J. LUCAS, Successor Trustee for the JOAN Elizabeth Guy Trust, dated November 27, 1989, 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 this 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.

Exhibit "A"

DESCRIPTION

A PARCEL OF LAND LYING IN THE SOUTH ½ OF THE NORTH ½ OF SECTION 25, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTH LINE OF SAID SOUTH ½ OF THE NORTH ½ OF SECTION 25 WITH THE EASTERLY RIGHT OF WAY LINE OF TAMiami TRAIL (STATE ROAD 45); THENCE SOUTH 00°33'30"EAST ALONG SAID EASTERLY RIGHT OF WAY LINE, SAID EASTERLY LINE BEING 83.00 FEET FROM THE CENTERLINE, A DISTANCE OF 2.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF TORO LANE AS DESCRIBED IN OFFICIAL RECORDS BOOK 1008, PAGE 1679 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 89°05'24"EAST ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 848.24 FEET; THENCE NORTH 00°54'36"WEST, A DISTANCE OF 2.00 FEET TO A POINT ON SAID NORTH LINE OF THE SOUTH ½ OF THE NORTH ½ OF SECTION 25, SAID POINT ALSO BEING A POINT OF A CURVE AND BEING ON THE NORTHEASTERLY RIGHT OF WAY LINE OF SAID TORO LANE; THENCE SOUTHEASTERLY ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 110.00 FEET, A DELTA OF 54°53'14", A CHORD BEARING OF SOUTH 63°27'54"EAST AND A CHORD DISTANCE OF 101.39 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTHEASTERLY ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 110.00 FEET, A DELTA OF 35°05'43", A CHORD BEARING OF SOUTH 18°28'25"EAST AND A CHORD DISTANCE OF 66.33 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 00°55'28"EAST ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID TORO LANE, A DISTANCE OF 123.18 FEET TO A POINT OF A CURVE; THENCE SOUTHEASTERLY ALONG SAID CURVE TO THE LEFT AND RIGHT OF WAY LINE OF SAID TORO LANE, HAVING A RADIUS OF 50.00 FEET, A DELTA OF 90°00'00", A CHORD BEARING OF SOUTH 45°55'28"EAST AND A CHORD DISTANCE OF 70.71 FEET TO A POINT OF A NON TANGENT LINE, SAID POINT BEING ON THE NORTHERLY RIGHT OF WAY LINE OF ANDREA LANE AS DESCRIBED IN OFFICIAL RECORDS BOOK 1008, PAGE 1679 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE SOUTH 88°05'47" WEST, A DISTANCE OF 48.14 FEET TO A POINT OF A CURVE; THENCE NORTHERLY ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 70.00 FEET, WHICH RADIUS POINT BEARS NORTH 42°31'07" EAST, A DELTA OF 14°46'48", A CHORD BEARING OF NORTH 40°05'29" WEST AND A CHORD DISTANCE OF 18.01 FEET TO A POINT OF A NON-TANGENT LINE; THENCE SOUTH 89°04'32" WEST, A DISTANCE OF 63.95 FEET TO A POINT ON A CURVE AND BEING ON THE NORTHERLY RIGHT OF WAY LINE OF SAID ANDREA LANE AS DESCRIBED IN OFFICIAL RECORDS BOOK 1249, PAGE 733 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTHEASTERLY ALONG SAID CURVE TO THE LEFT AND ALSO BEING THE WESTERLY RIGHT OF WAY LINE OF SAID TORO LANE, HAVING A RADIUS OF 50.00 FEET, WHICH RADIUS POINT BEARS NORTH 47°53'16" WEST, A DELTA OF 26°37'45", A CHORD BEARING OF NORTH 28°47'51" EAST AND A CHORD DISTANCE OF 23.03 FEET TO A POINT OF A NON-TANGENT

LINE; THENCE NORTH 89°04'32"EAST, A DISTANCE OF 44.10 FEET TO A POINT ON A CURVE; THENCE NORTHERLY ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 70.00 FEET, WHICH RADIUS POINT BEARS NORTH 75°08'10"EAST, A DELTA OF 13°56'20", A CHORD BEARING OF NORTH 07°53'40"WEST AND A CHORD DISTANCE OF 16.99 FEET TO THE POINT OF TANGENCY; THENCE NORTH 00°55'28" WEST, A DISTANCE OF 186.42 FEET TO THE POINT OF BEGINNING. CONTAINING 5601.60 SQUARE FEET, MORE OR LESS.

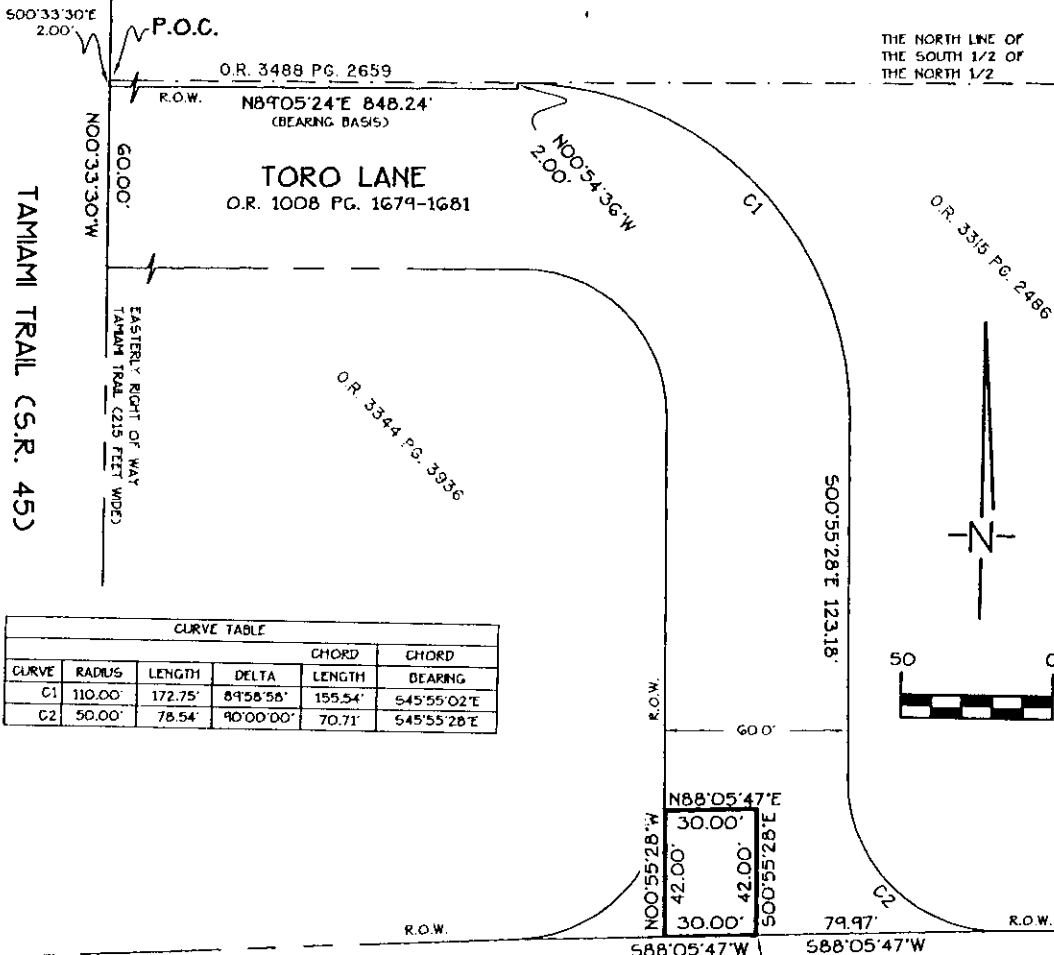
THE BEARINGS ARE BASED ON THE NORTH LINE OF SAID RIGHT OF WAY OF TORO LANE AS BEARING NORTH 89°05'24"EAST AS IT APPEARS IN THE OFFICIAL RECORDS BOOK 1008, PAGE 1679.

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE LICENSED FLORIDA SURVEYOR AND MAPPER. THE ATTACHED SKETCH OF DESCRIPTION IS NOT A SURVEY.



DONALD D. SMITH, P.S.M.
FLORIDA REGISTRATION NO. 4078
DATE SIGNED: 6-21-02

(NOT A SURVEY)
SKETCH
 OF
DESCRIPTION
 SEC.25, TWP.45S., RNG. 24E.



CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD	
				LENGTH	BEARING
C1	110.00'	172.75'	89°58'58"	155.54'	54°55'02"E
C2	50.00'	78.54'	90°00'00"	70.71'	54°55'28"E

LEGEND

- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING
- O.R. = OFFICIAL RECORDS
- P.G. = PAGE
- SEC. = SECTION
- TWP. = TOWNSHIP
- RNG. = RANGE
- R.O.W. = RIGHT OF WAY





A LEGAL PROFESSIONAL ASSOCIATION

2320 FIRST STREET
SUITE 1000
FORT MYERS, FL 33901-2904
239.338.4207 DIRECT
239.337.3850 MAIN
239.337.0970 FAX
bgrady@ralaw.com

November 20, 2002

Ms. Sharon Mihm
Lee County Planning Department
1500 Monroe Street
Fort Myers, Florida 33901

HAND DELIVERED

**Re: Vacation of Public Right of Way of Road Easement
Case No. VAC2002-00046**

Dear Ms. Mihm:

You are in possession of original, executed utility easements to Florida Power and Light and Lee County Utilities associated with the above referenced matter. It has come to our attention that said easements were executed incorrectly. Mr. Leonard Lucas owns the property as "Successor Trustee for the Joan Elizabeth Guy Trust, dated November 27, 1989," and therefore the easements need to be executed in full as such.

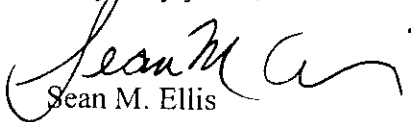
Enclosed please find an original executed easement in favor of Florida Power and Light, and an original executed easement in favor of Lee County Utilities, each now properly executed. Please accept these and return to us the two improperly executed originals you currently have, so as to avoid any confusion.

Lee County is to hold these documents in escrow. Upon approval of the vacation of Toro Lane, Lee County is authorized to record these easements. If the above vacation is denied, Lee County should return these easements to me at the above address.

Enclosed with Beverly Grady's letter of October 22, 2002 were two checks totaling \$70.50 to pay for recording fees of the easements upon approval of the vacation. Please keep said checks for the recording fees. This should complete all information regarding the vacation.

Thank you for your attention to this matter

Very truly yours,


Sean M. Ellis
For the Firm

Ms. Sharon Mihm
November 20, 2002
Page 2

Enclosures: FPL Original Easement
Lee County Utilities Original Easement

Cc: Ms. Mary McCormic, Engineering Tech III
Lee County Utilities
Via Facsimile: 479-8176

120681_1

Work Order No. N/A

EASEMENT

This Instrument Prepared By

Sec. 25 , Twp 45 S, Rge 24 E

Name: Jeff Sanders

Co. Name: Florida Power & Light

Parcel I.D.
(Maintained by County Appraiser)

Address 15834 Winkler Road

Form 3722 (Stocked) Rev. 7/94

Fort Myers, Fl. 33908

pg 1 of 3.

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its licensees, agents, successors, and assigns, an easement forever for the construction, operation and maintenance of overhead and underground electric utility facilities (including wires, poles, guys, cables, conduits and appurtenant equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage, as well as, the size of and remove such facilities or any of them within an easement 10 feet in width described as follows:

Reserved for Circuit Court

See attached Exhibit "A"

Together with the right to permit any other person, firm or corporation to attach wires to any facilities hereunder and lay cable and conduit within the easement and to operate the same for communications purposes; the right of ingress and egress to said premises at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the easement area; to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the easement area which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the land heretofore described, over, along, under and across the roads, streets or highways adjoining or through said property.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on _____, 20__.

Signed, sealed and delivered
in the presence of:

[Signature]
(Witness' Signature)

Print Name Stacy Eulis Hewitt
(Witness)

[Signature]
(Witness' Signature)

Print Name Emily McCartney
(Witness)

By: [Signature]
(Corporate's name)

Print Name: LEONARD J. LUCAS, Successor Trustee for the Joan Elizabeth Guy Trust, dated November 27, 1989

Print Address: _____

Attest: _____
(Secretary's signature)

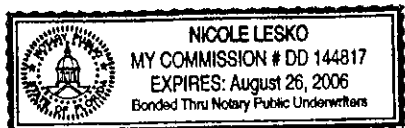
Print Name: _____

Print Address: _____

(Corporate Seal)

STATE OF Florida AND COUNTY OF Lee. The foregoing instrument was acknowledged before me this 15th day of November, 2002 by Leonard Lucas, and _____ respectively the _____ President and _____ Secretary of _____, a _____ corporation, on behalf of said corporation, who are personally known to me or have produced Driver's license as identification, and who did (did not) take an oath.
(Type of Identification)

My Commission Expires:



[Signature]
Notary Public, Signature

Print Name Nicole Lesko

EXHIBIT "A"

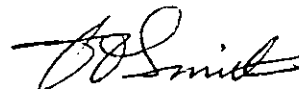
DESCRIPTION

A PARCEL OF LAND FOR A 10 FOOT WIDE FLORIDA POWER AND LIGHT EASEMENT, LYING IN THE SOUTH ½ OF THE NORTH ½ OF SECTION 25, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTH LINE OF SAID SOUTH ½ OF THE NORTH ½ OF SECTION 25 WITH THE EASTERLY RIGHT OF WAY LINE OF TAMiami TRAIL (STATE ROAD 45); THENCE SOUTH 00°33'30"EAST ALONG SAID EASTERLY RIGHT OF WAY LINE, SAID EASTERLY LINE BEING 83.00 FEET FROM THE CENTERLINE, A DISTANCE OF 2.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF TORO LANE AS DESCRIBED IN OFFICIAL RECORDS BOOK 1008, PAGE 1679 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 89°05'24"EAST ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 848.24 FEET; THENCE NORTH 00°54'36"WEST, A DISTANCE OF 2.00 FEET TO A POINT ON SAID NORTH LINE OF THE SOUTH ½ OF THE NORTH ½ OF SECTION 25, SAID POINT ALSO BEING A POINT OF A CURVE AND BEING ON THE NORTHEASTERLY RIGHT OF WAY LINE OF SAID TORO LANE; THENCE SOUTHEASTERLY ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 110.00 FEET, A DELTA OF 89°58'58", A CHORD BEARING OF SOUTH 45°55'02"EAST AND A CHORD DISTANCE OF 155.54 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 00°55'28"EAST ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID TORO LANE, A DISTANCE OF 123.18 FEET TO A POINT OF A CURVE; THENCE SOUTHEASTERLY ALONG SAID CURVE TO THE LEFT AND RIGHT OF WAY LINE OF SAID TORO LANE, HAVING A RADIUS OF 50.00 FEET, A DELTA OF 54°05'47", A CHORD BEARING OF SOUTH 27°58'23"EAST AND A CHORD DISTANCE OF 45.47 FEET TO THE POINT OF BEGINNING OF SAID 10 FOOT WIDE FLORIDA POWER AND LIGHT EASEMENT; THENCE CONTINUE SOUTHEASTERLY ALONG SAID CURVE TO THE LEFT AND SAID EASTERLY RIGHT OF WAY LINE OF TORO LANE, HAVING A RADIUS OF 50.00 FEET, A DELTA OF 35°54'09", A CHORD BEARING OF SOUTH 72°58'21"EAST AND A CHORD DISTANCE OF 30.82 FEET TO A POINT OF A NON TANGENT LINE; THENCE SOUTH 88°05'47"WEST, A DISTANCE OF 158.29 FEET TO A POINT OF A CURVE BEING ON THE NORTH RIGHT OF WAY LINE OF ANDREA LANE AS DESCRIBED IN OFFICIAL RECORDS BOOK 1249, PAGE 733 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTHEASTERLY ALONG SAID CURVE TO THE LEFT AND THE WESTERLY RIGHT OF WAY LINE OF SAID TORO LANE, HAVING A RADIUS OF 50.00 FEET, A DELTA OF 35°52'19", A CHORD BEARING OF NORTH 69°08'45"EAST AND A CHORD DISTANCE OF 30.80 FEET TO A POINT OF A NON TANGENT LINE; THENCE NORTH 88°05'47"EAST, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING. CONTAINING 1191.04 SQUARE FEET.

THE BEARINGS ARE BASED ON THE NORTH LINE OF SAID RIGHT OF WAY OF TORO LANE AS BEARING NORTH 89°05'24"EAST AS IT APPEARS IN THE OFFICIAL RECORDS BOOK 1008, PAGE 1679.

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE LICENSED FLORIDA SURVEYOR AND MAPPER. THE ATTACHED SKETCH OF DESCRIPTION IS NOT A SURVEY.



DONALD D. SMITH, P.S.M.
FLORIDA REGISTRATION NO. 4078
DATE SIGNED: 6-21-02



2320 FIRST STREET
SUITE 1000
FORT MYERS, FL 33901-2904
239.338.4244 DIRECT
239.337.3850 MAIN
239.337.0970 FAX
llanier@ralaw.com

January 15, 2003

VIA HAND DELIVERY

Ms. Sharon Mihm
Lee County Planning Department
1500 Monroe Street
Fort Myers, Florida 33901

Re: VAC2002-00046 - Vacation of Toro Lane/Gamma Way

Dear Ms. Mihm:

Our Engineering firm Morris-Depew has worked with Sprint to develop the necessary easements. Enclosed please find an original executed easement in favor of Sprint regarding its facilities in Gamma Way. Lee County is to hold these documents in escrow. Upon approval of the vacation, Lee County is authorized to record these easements. If the above vacation is denied, Lee County should return these easements to our office at the above address.

Enclosed please find a check in the amount of \$19.50 to pay for recording fees of this easement upon approval of the vacation. Please keep said check for the recording fee.

Please proceed with scheduling this for hearing as soon as possible. Thank you for your cooperation in this matter.

Should you have any questions regarding this please do not hesitate to contact me.

Sincerely,

LaVita Lanier
Land Use Paralegal

Enclosure- Original Sprint Utility Easement dated January 6, 2003 and check for recording fees

123154_1

This Instrument Prepared By:
Sean M. Ellis, Esq.
Roetzel & Andress, a legal professional association
2320 First Street, Suite 1000
Fort Myers, Florida 33901

UTILITY EASEMENT

THIS AGREEMENT is made this 5th day of January, 2003, 2002, by LEONARD J. LUCAS, SUCCESSOR TRUSTEE FOR THE JOAN ELIZABETH GUY TRUST, dated November 27, 1989 (hereinafter referred to as "Grantor"), in favor of SPRINT (hereinafter referred to as "Grantee").

WHEREAS, Grantor desires to grant and convey to Grantee, and Grantee desires to accept and obtain from Grantor, a perpetual non-exclusive easement for underground and above ground communications utilities, situated in Lee County, Florida as more particularly described on Exhibit "A" attached hereto (the "Easement Property").

NOW, THEREFORE, in consideration of the above premises, and for ten dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Grant of Easement. Grantor hereby grants and conveys to Grantee, its successors and assigns, a perpetual non-exclusive easement over, under and across the Easement Property for the purposes of construction, installation, alteration, operation, use, maintenance, repair and replacement of overhead and underground communications lines and equipment, and any and all related improvements and facilities.
2. Additional Rights of Grantee. The easement herein granted includes the right of Grantee from time to time to trim and remove roots, trees, shrubs, bushes, plants, fences and other improvements and obstructions on and under the surface of the Easement Property or as may otherwise be reasonably necessary or convenient for Grantee to enjoy and use the easement herein granted.
3. Grantor's Covenants. Subject to any existing easements for public highways or roads, laterals, ditches, pipelines, and electrical transmission or distribution lines and telephone and cable television lines covering the land herein described, Grantor covenants that they are lawfully seized and possessed of the Easement Property, 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 will forever warrant and defend the title and terms to this said easement and the quiet possession thereof by Grantee against all claims and demands of all other entities.
4. Governing Law and Venue. This Agreement shall be governed and construed in accordance with Florida law; and any action brought hereon shall only be brought in a court of competent jurisdiction in Lee County, Florida.
5. Successor Bound. This Agreement shall be binding upon and inure to the benefit of Grantor and Grantee and their respective heirs, personal representatives, successors and

assigns. It is specifically agreed that Grantee may assign and transfer the easements and rights granted hereunder to one or more corporations or entities whether governmental or private, which hereafter own or operate the utilities and related improvements and facilities.

IN WITNESS WHEREOF, the Grantor has executed this Agreement effective the day and year set forth above.

WITNESSES:

GRANTOR:

LEONARD J. LUCAS, SUCCESSOR TRUSTEE FOR THE JOAN ELIZABETH GUY TRUST, dated November 27, 1989

Carlos R. Gonzalez
Witness Sign Name

Leonard J. Lucas
Leonard J. Lucas

CARLOS R. GONZALEZ
Witness Print Name

Emily M. Courtney
Witness Sign Name

Emily McCartney
Witness Print Name

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 6th day of January, 2003, 2002, by Leonard J. Lucas, Successor Trustee for The Joan Elizabeth Guy Trust, Dated November 27, 1989, who is personally known to me or who has produced Driver License L22053040427-D as identification.

NOTARY RUBBER STAMP SEAL
OR EMBOSSED SEAL

Nicole Lesko
Notary Public
Nicole Lesko
Printed Name
DD 144817
Commission No. August 26, 2006
Expiration Date



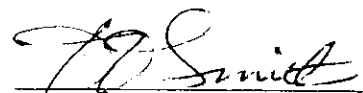
DESCRIPTION

A PARCEL OF LAND FOR UTILITY PURPOSES BEING A PART OF THE SOUTH 1/2 OF THE NORTH 1/2 OF SECTION 25, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTH LINE OF SAID SOUTH 1/2 OF THE NORTH 1/2 OF SECTION 25 WITH THE EASTERLY RIGHT OF WAY LINE OF TAMiami TRAIL (STATE ROAD 45); THENCE SOUTH 00°33'30"EAST ALONG SAID EASTERLY RIGHT OF WAY LINE, SAID EASTERLY LINE BEING 83.00 FEET FROM THE CENTERLINE, A DISTANCE OF 2.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF TORO LANE AS DESCRIBED IN OFFICIAL RECORDS BOOK 1008, PAGE 1679 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 89°05'24"EAST ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 848.24 FEET; THENCE NORTH 00°54'36"WEST, A DISTANCE OF 2.00 FEET TO A POINT ON SAID NORTH LINE OF THE SOUTH 1/2 OF THE NORTH 1/2 OF SECTION 25, SAID POINT ALSO BEING A POINT OF A CURVE AND BEING ON THE NORTHEASTERLY RIGHT OF WAY LINE OF SAID TORO LANE; THENCE SOUTHEASTERLY ALONG SAID CURVE AND RIGHT OF WAY LINE TO THE RIGHT, HAVING A RADIUS OF 110.00 FEET, A CENTRAL ANGLE OF 89°58'58", A CHORD BEARING OF SOUTH 45°55'02"EAST AND A CHORD DISTANCE OF 155.54 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 00°55'28"EAST ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID TORO LANE, A DISTANCE OF 123.18 FEET TO A POINT OF A CURVE; THENCE SOUTHEASTERLY ALONG SAID CURVE AND RIGHT OF WAY LINE OF SAID TORO LANE TO THE LEFT, HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 90°00'00", A CHORD BEARING OF SOUTH 45°55'28"EAST AND A CHORD DISTANCE OF 70.71 FEET TO A POINT OF A NON TANGENT LINE, SAID POINT BEING ON THE NORTH RIGHT OF WAY LINE OF ANDREA LANE AS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 1008, PAGE 1679; THENCE SOUTH 88°05'47"WEST ALONG SAID NORTH LINE, A DISTANCE OF 79.97 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88°05'47"WEST ALONG SAID NORTH LINE, A DISTANCE OF 30.00 FEET TO A POINT AT THE WEST LINE OF GAMA LANE AS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 1008, PAGE 1679; THENCE NORTH 00°55'28"WEST ALONG SAID WEST LINE, A DISTANCE OF 42.00 FEET; THENCE NORTH 88°05'47"EAST, A DISTANCE OF 30.00 FEET; THENCE SOUTH 00°55'28"EAST, A DISTANCE OF 42.00 FEET TO THE POINT OF BEGINNING. CONTAINING 1260.00 SQUARE FEET.

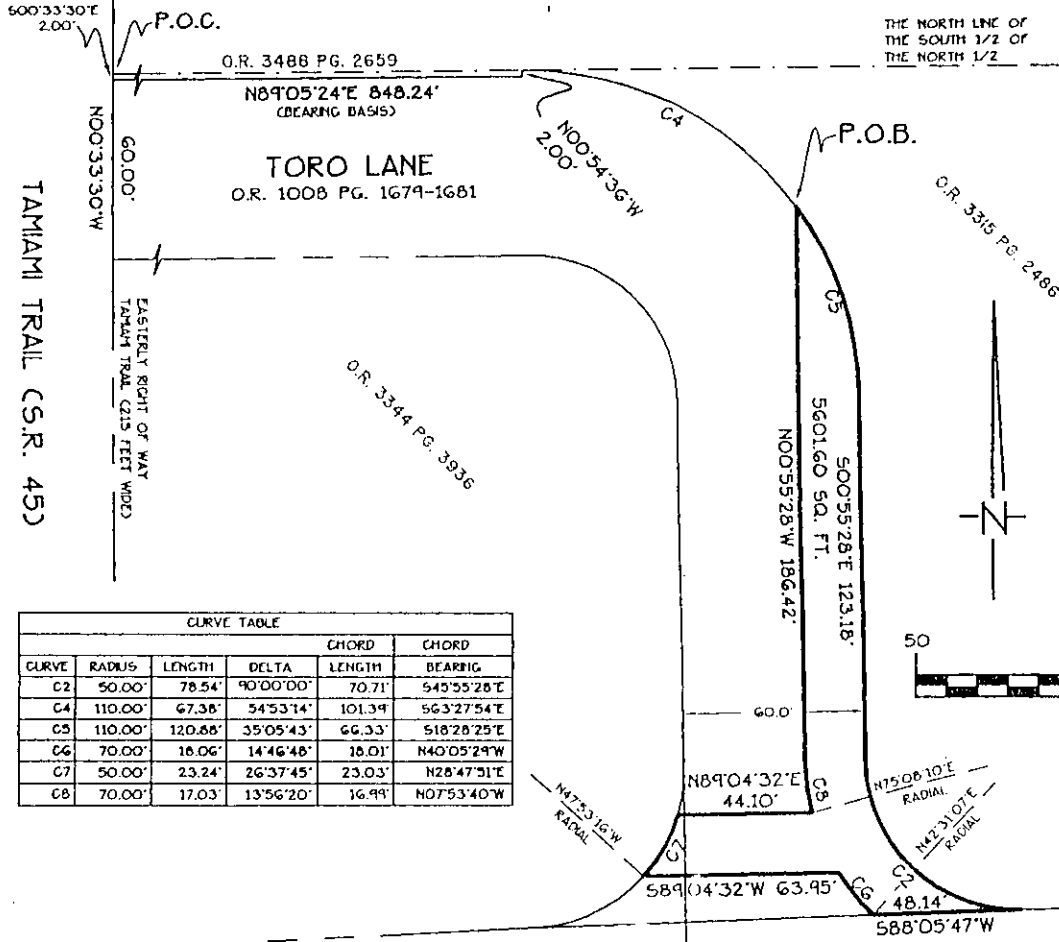
BEARINGS ARE BASED ON THE NORTH RIGHT OF WAY LINE OF TORO LANE AS BEARING NORTH 89°05'24"EAST AS IT APPEARS IN THE OFFICIAL RECORDS BOOK 1008, PAGE 1679.

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE LICENSED FLORIDA SURVEYOR AND MAPPER. THE ATTACHED SKETCH OF DESCRIPTION IS NOT A SURVEY.



DONALD D. SMITH, P.S.M.
FLORIDA REGISTRATION NO. 4078
DATE SIGNED: 12-24-02

(NOT A SURVEY)
 SKETCH
 OF
 DESCRIPTION
 SEC. 25, TWP. 45S., RNG. 24E.



CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD		BEARING
			LENGTH	DELTA	
C2	50.00'	78.54'	70.71'	90°00'00"	S45°55'28"E
C4	110.00'	67.38'	101.39'	54°53'14"	S63°27'54"E
C5	110.00'	120.88'	66.33'	35°05'43"	S18°28'25"E
C6	70.00'	18.06'	18.01'	14°46'48"	N40°05'29"W
C7	50.00'	23.24'	23.03'	26°37'45"	N28°47'51"E
C8	70.00'	17.03'	16.99'	13°56'20"	N07°53'40"W

ANDREA LANE
 O.R. 1249 PG. 733

ANDREA LANE
 O.R. 1008 PG. 1679-1681

LEGEND

- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING
- O.R. = OFFICIAL RECORDS
- P.G. = PAGE
- SEC. = SECTION
- TWP. = TOWNSHIP
- RNG. = RANGE

SHEET 3 OF 3

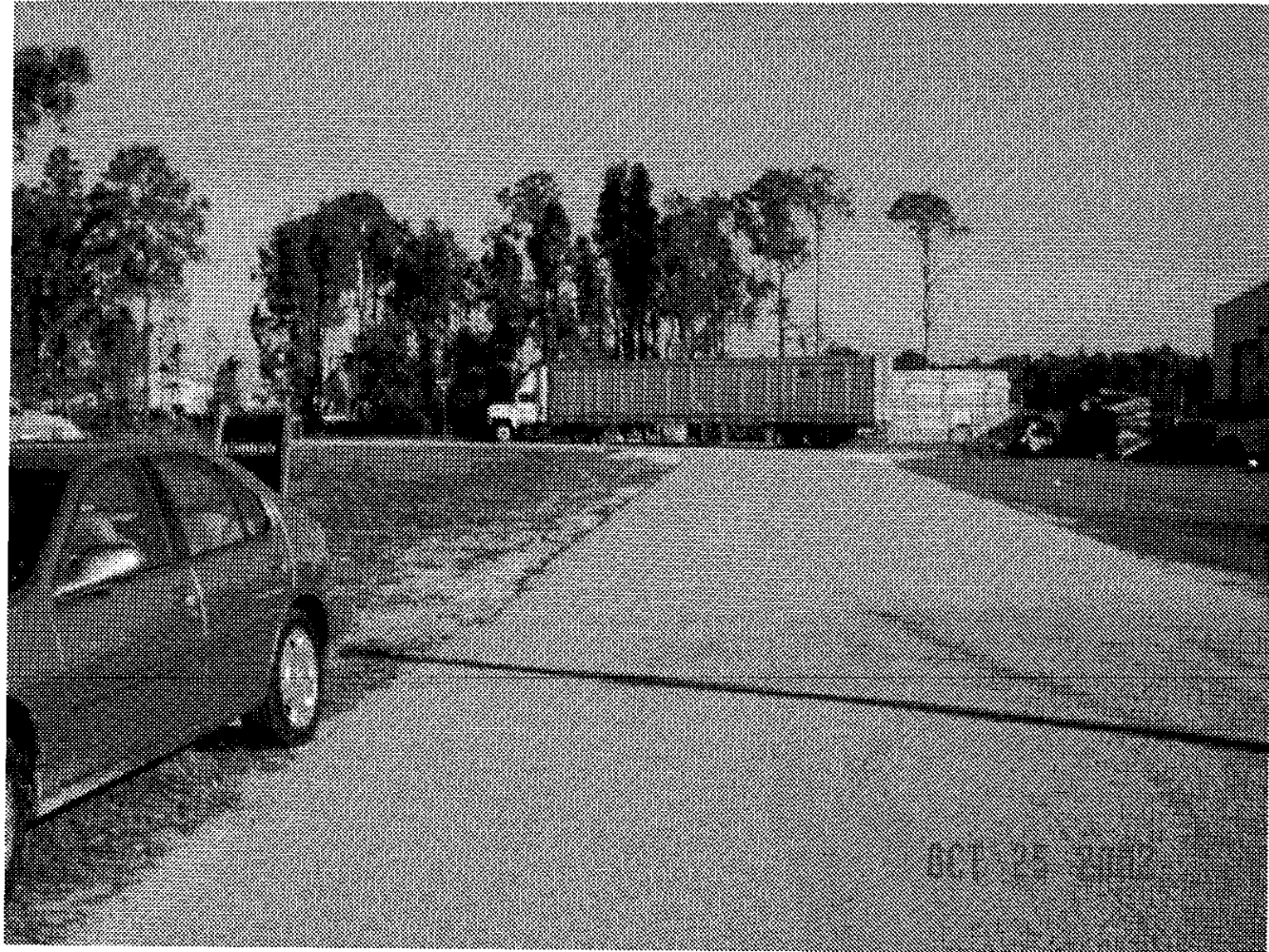


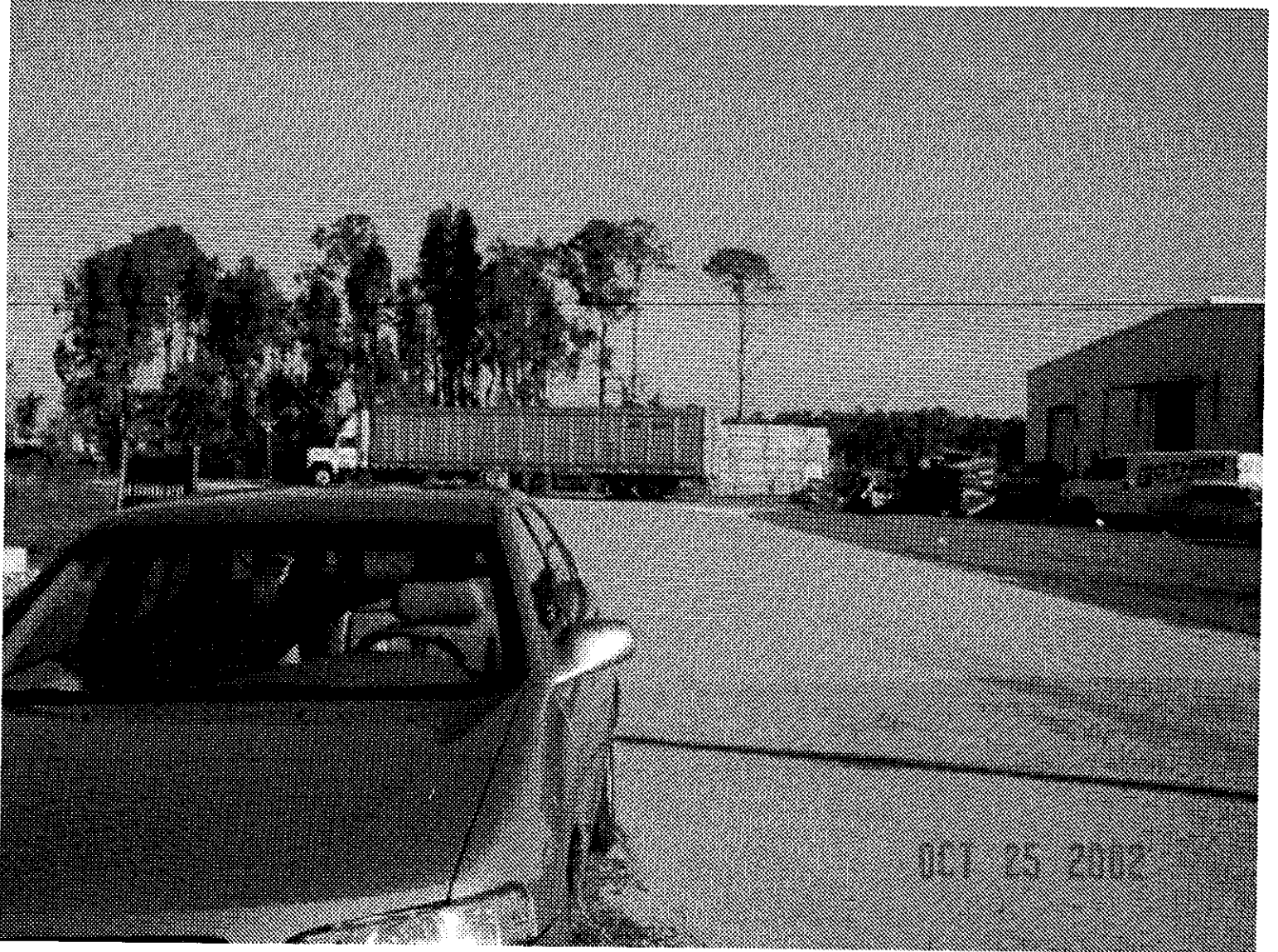
MORRIS - DEPEW ASSOCIATES, INC.
 ENGINEERS * PLANNERS * SURVEYORS * MAPPERS
 2216 Altamont Avenue * Fort Myers, Florida 33901 * (941) 337-3993 * (FAX) 337-3994

Donald D. Smith
 DONALD D. SMITH, P.S.M.

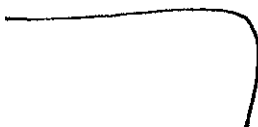
FLORIDA REGISTRATION NO. 4078
 DATE SIGNED: 6-21-07

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



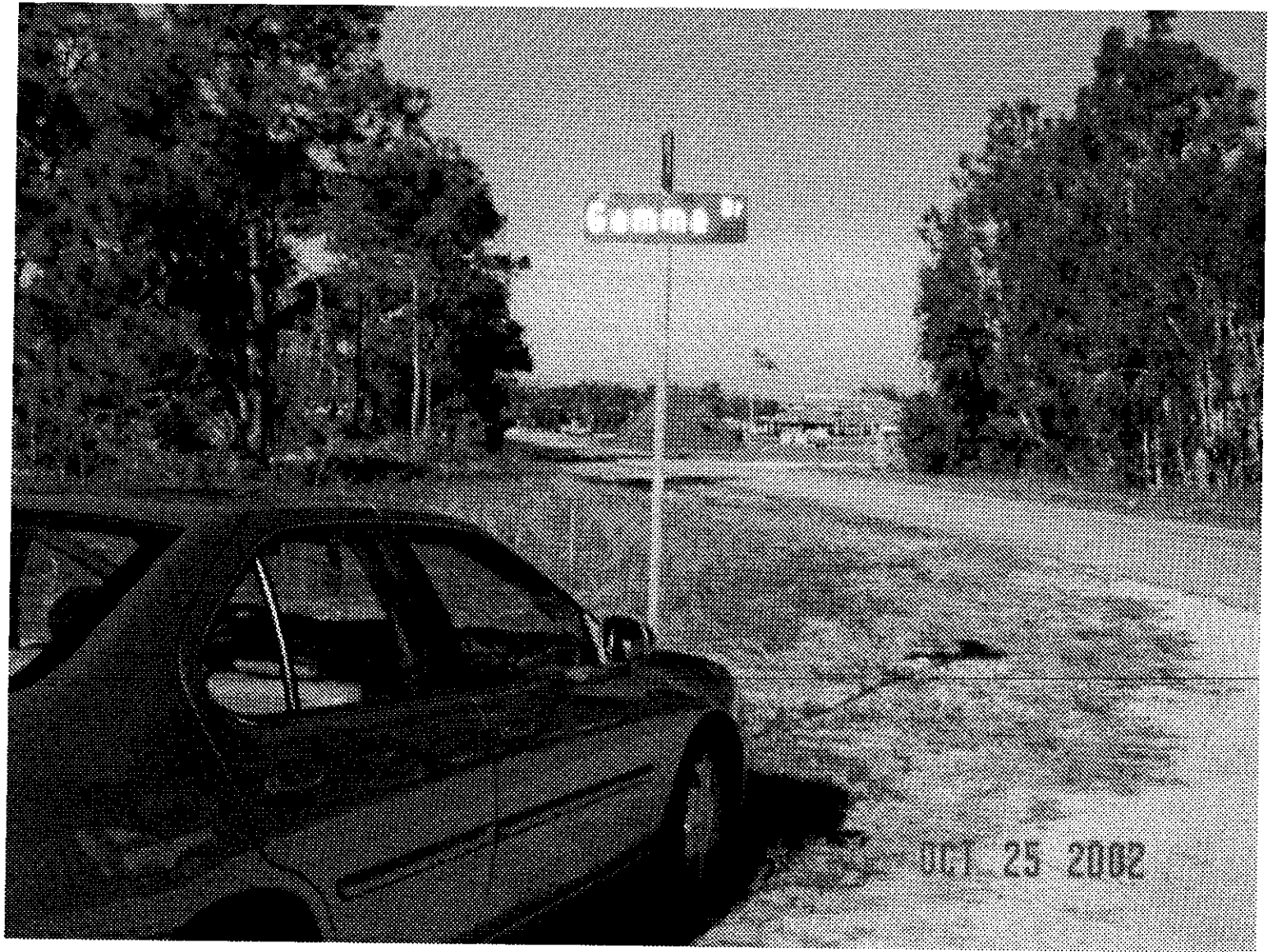


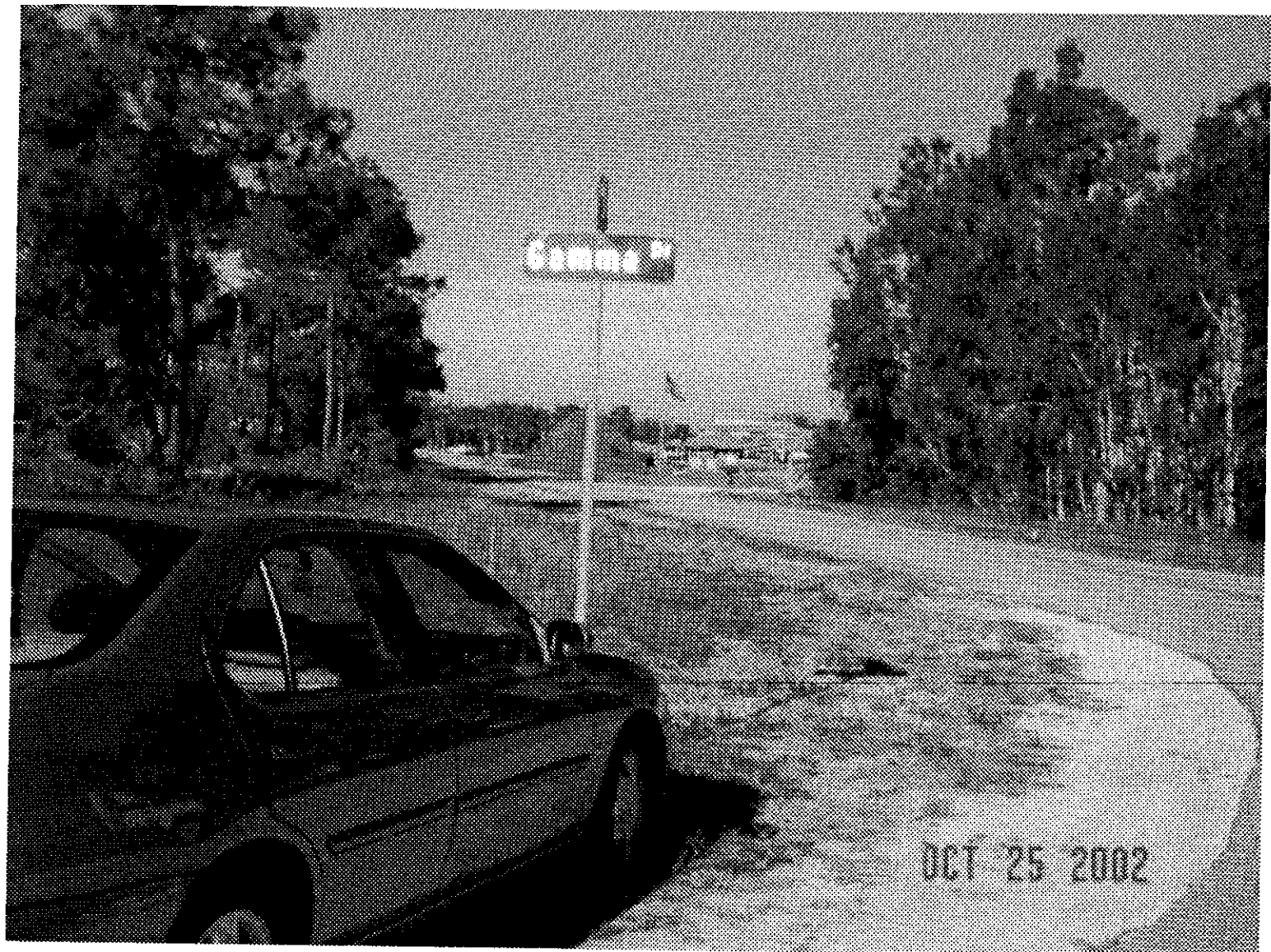
Standing on Andrea looking at Gemma Ln.
Business on Right uses this to unload
Trucks.

MAP Shows Tow 



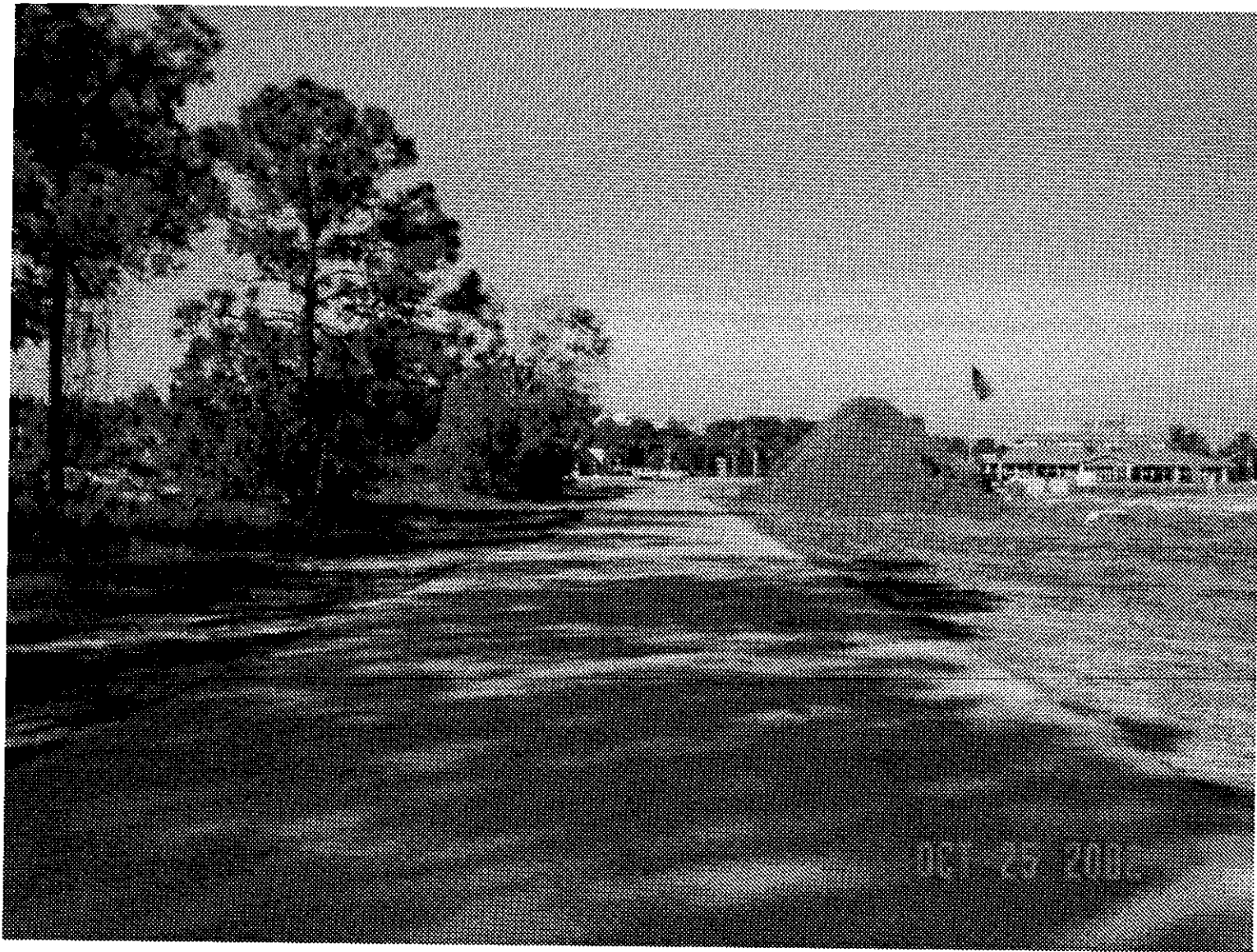
2002

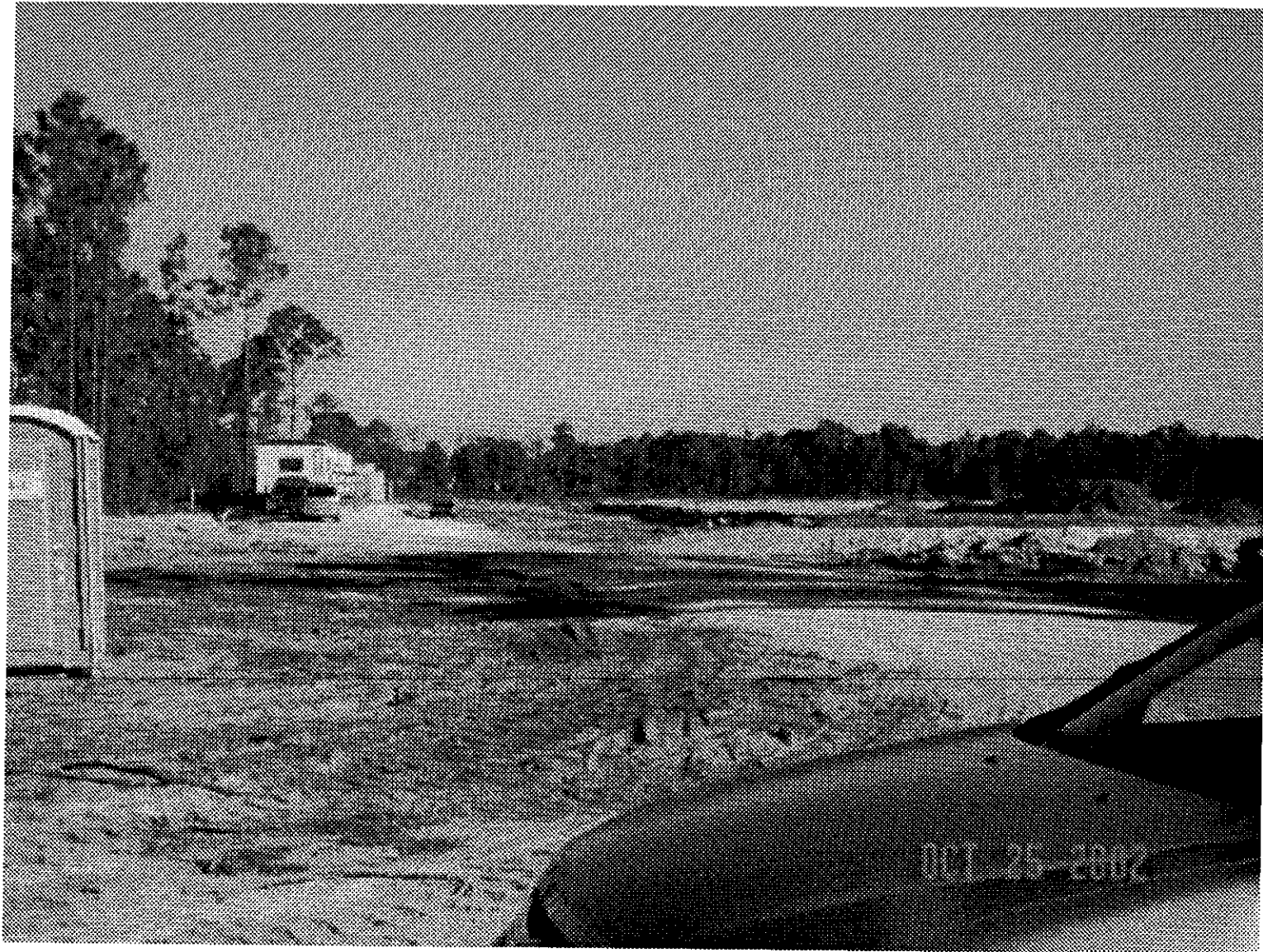




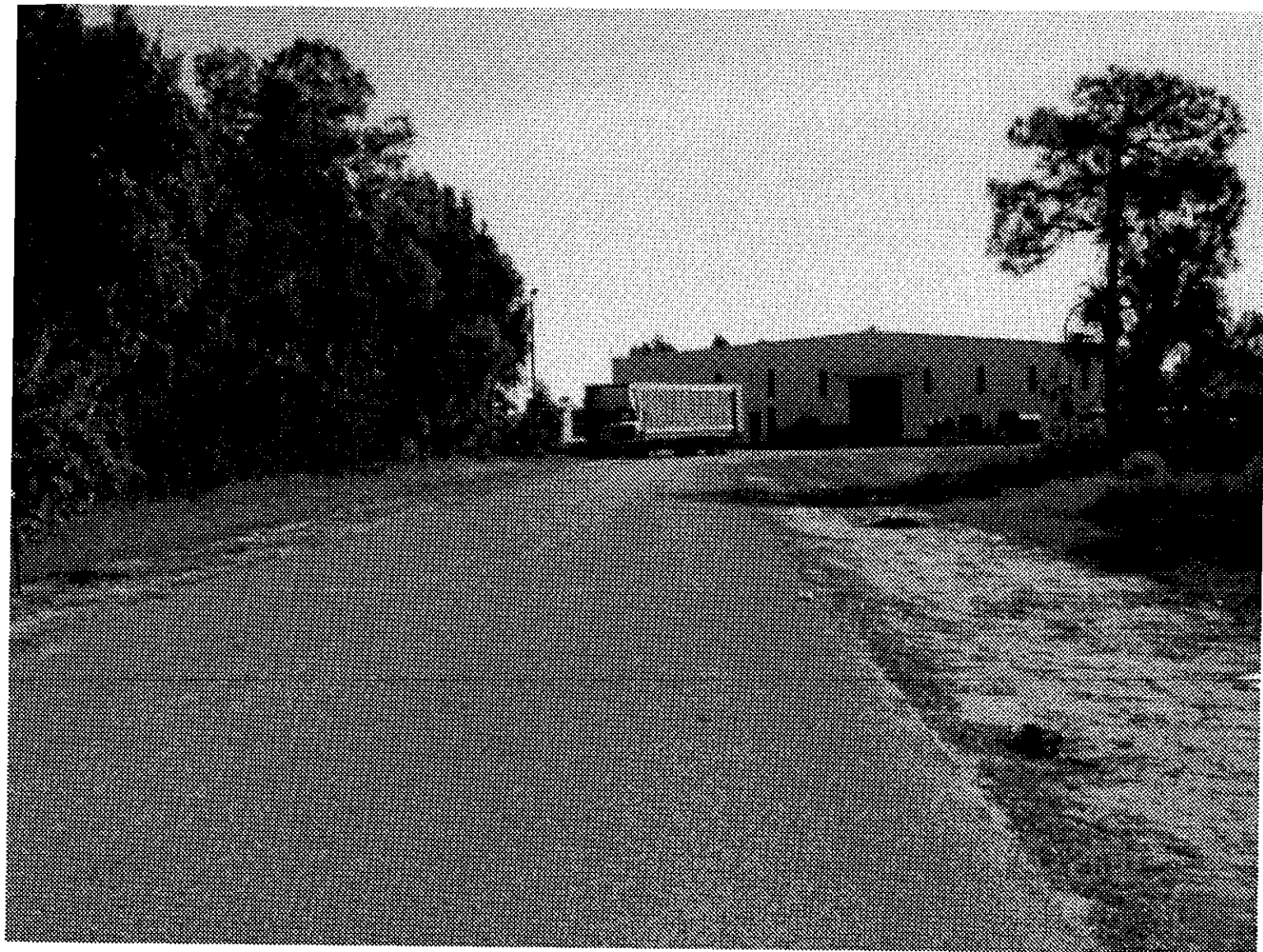


001-25-2002













Creation Date: Jun 21, 2001 08:36
Modification Date: Sep 24, 2001 16:29

Average Scale: 1 inch = 431.1 feet

(c) Copyright 2001, Pictometry International
Distance between tick marks: 348.1 feet

