

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20060025

1. ACTION REQUESTED/PURPOSE: Deny appeal of an administrative interpretation of the Lee Plan under the single-family residence provision filed by Matthew Uhle on behalf of Darryl Damico.

2. WHAT ACTION ACCOMPLISHES: A public hearing is required to take action concerning an appeal of a denial of a favorable interpretation of the Lee Plan under the single-family residence provisions. If denied, the applicant will continue to enjoy the use of his property as developed with one single-family residence and associated improvements, which were constructed pursuant to a 1989 single-family building permit issued in conjunction with a previous single-family determination (SF-89-05-17) covering the property now owned by Mr. Damico.

3. MANAGEMENT RECOMMENDATION:

4. Departmental Category: 12 API **5. Meeting Date:** 01-31-2006

6. Agenda:		7. Requirement/Purpose: (specify)		8. Request Initiated:	
<input type="checkbox"/> Consent		<input type="checkbox"/> Statute		Commissioner	
<input type="checkbox"/> Administrative		<input type="checkbox"/> Ordinance		Department	<u>County Attorney</u>
<input checked="" type="checkbox"/> Appeals		<input type="checkbox"/> Admin. Code		Division	
<input type="checkbox"/> Public		<input checked="" type="checkbox"/> Other	<u>Lee Plan Ch. XIII</u>	By:	<u>Dawn E. Perry-Lehnert</u>
<input type="checkbox"/> Walk-On					Assistant County Attorney

9. Background: Matthew Uhle has filed an appeal on behalf of Darryl Damico. The appeal seeks relief from the County Attorney's denial of a request for a favorable administrative interpretation of the Lee Plan pursuant to the single-family residence provision. In December 2005, the Office of the County Attorney concluded that the subject property did not qualify for relief from the standards set forth in the Lee Plan governing residential density in the Outer Islands land use category.

The subject property is comprised of two lots in an unrecorded subdivision commonly known as Jose's Hideaway. These lots originally existed as separate parcels by virtue of a 1970 warranty deed recorded at OR Book 588, Page 598 ("Lot 12") and a 1977 warranty deed recorded at OR Book 1217, Page 1052 ("Lot 11"). (See also, 1968 warranty deed recorded at OR Book 462, Pg 713 covering lots 10 and 11). In 1989, these two lots were "combined" at the request of the previous property owners in order to obtain a favorable single-family determination (SF-89-05-17) and the issuance of a building permit to construct one single-family residence on the combined lots. This residence was constructed and exists on the property today in the configuration shown on the survey prepared by Urban Surveys, Inc. dated 7-21-05 (Attachment 1).

(continued on page 2)

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
				<u>Smith</u>	<u>RK 1/17</u>	<u>58 1/18/06</u>	<u>Blase</u>	<u>1/17/06</u>	<u>[Signature]</u>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN: <u>[Signature]</u>
<u>1-13-06</u>
<u>4:50</u>
COUNTY ADMIN FORWARDED TO: <u>[Signature]</u>
<u>1-19-06</u>
<u>11:17:00</u>

CO. ATTY. FORWARDED TO CO. ADMIN. <u>1/13/06 3:44</u>

Mr. Damico purchased the subject property along with the single-family residence in July 2005. In August 2005, Mr. Damico submitted an application for a Minimum Use Determination seeking approval to construct an additional single-family residence on the subject property. Issuance of a decision on this request was delayed in an effort to allow the applicant to provide evidence or argument as to why the 1989 determination was no longer valid or controlling with respect to the density issues. The applicant provided a one paragraph response:

The attached 1989 MUD application [SF-89-05-17] makes it completely clear that the property owner was only seeking a determination that a residence could be built on the two combined lots. As a result, the issue presented by our application has never been reviewed by staff. We have also provided copies of deeds that were not considered in 1989. There is no basis, therefore, for considering the matter closed, and we would request an affirmative decision.

After careful review of the applicable Lee Plan provisions, the evidence provided by the applicant, and additional public records research, the County Attorney's Office remains convinced that the single-family interpretation issued by the Zoning Director in 1989 addresses the issues presented by Mr. Damico's 2005 application and is the controlling decision. Accordingly, the Designee rendered a single-family interpretation in December 2005 allowing Mr. Damico to retain the existing residential improvements or construct one single-family residence on the subject property (i.e. lots 11 and 12 as combined under building permit #19890791). This appeal followed.

As a basis for this appeal, Mr. Uhle does not provide any additional facts, but states only that the reasons cited by the Designee to support the decision in Case No. MUD2005-00196 have no basis in the criteria for the Minimum Use Determination in the Lee Plan.

The Standards for Administrative Interpretations are set forth in Lee Plan Chapter XIII. A copy of this section is attached as Attachment 8. The Designee's December 2005 decision is in compliance with these standards.

1. The Designee's interpretation does not "deny all economically viable use of the property". The property owner retains the right to continue enjoying the single-family improvements currently existing on the subject parcel. He may also demolish and construct a new residence on the subject property, provided it complies with the building codes and LDC provisions applicable at the time the building permit is requested.
2. The Designee's interpretation is consistent with the Lee Plan provisions applicable to administrative interpretations as well as other polices, such as those pertaining to coastal construction, found in the Lee Plan.
3. The Designee's interpretation is "consistent with other comparable prior interpretations" and specifically with the previous interpretation issued for the subject property issued in 1989 under SF-89-05-17. (See also, comparable Administrative Interpretation for case MUD2001-00033 included as part of Attachment 4.)
4. The subject property, even as a "combined parcel", does not comply with the density requirements of the Lee Plan, which allows one dwelling unit per acre. Therefore, the single-family residence provision allows the construction of a residence if, the applicant proves the lot was created within the appropriate time frames and meets the minimum lot requirements.

Blue Sheet #: 20060025
Page #: 3
Subject: MUD2005-00196 Appeal, Damico

As recognized by the 1989 decision, the subject parcel is comprised of two lots, legally described and recorded in the Official Record books prior to December 21, 1984. (See Attachment 6) The deed establishing lot 11 was recorded in 1968 and the deed establishing lot 12 was recorded in 1970. The lots individually encompass 10,500 square feet with 21,000 square feet combined. Consequently, the 1989 determination concludes the minimum area requirement of 7,500 square foot is met.

5. Once entitlement to a favorable minimum use determination is established, a number of Board policies become applicable to the construction of the single-family residence. These policies include the right to combine one or more contiguous parcels and construct a single-family residence on the combined parcels provided the density does not increase. This is exactly what the property owners pursued and achieved through the 1989 determination and building permit issuance.

The procedures for administrative interpretations govern the Board's consideration of the requested appeal. These guidelines are set forth in Chapter XIII of the Lee Plan and require the Board to consider only the information submitted and reviewed in the interpretation process. A copy of this information is attached to the bluesheet. Based upon the attached information the Board must determine whether the County Attorney's Office properly applied the criteria set forth in the Lee Plan to the facts presented. No additional evidence may be considered by the Board.

The applicant has not demonstrated a factual basis for relief on the ground of equitable estoppel or otherwise. The parcel is currently developed with a single-family residence and already enjoys the minimum use allowed under the applicable Lee Plan provision.

Based upon the above, the County Attorney's office is of the opinion that the single-family interpretation at issue definitively meets the criteria, standards and intent of the Lee Plan minimum use determination provisions. Consequently, the appeal should be denied and the decision of the Administrative Designee should be upheld.

Attachments:

1. Notice of Appeal
2. Administrative Interpretation of the Single Family Residence Provision of the Lee Plan Case No. MUD2005-00196
3. Staff report
4. 2005 application
5. Applicant's response to request for additional information
6. 1989 MUD application and determination SF-89-05-17
7. Building Permit 198907191 file
8. Lee Plan Chapter XIII.b

cc: Pam Houck, Director, Zoning Division
Peter Blackwell, Planner, DCD
Matthew Uhle, Esquire, Knott, Consoer, Ebelini, Hart & Swett

DEC 28 2005

AMK
COMMUNITY DEVELOPMENT

REQUEST FOR APPEAL OF AN ADMINISTRATIVE INTERPRETATION TO THE HEARING EXAMINER

[Land Development Code Section 34-145(a)]

NOTE: Application must be submitted within 30 calendar days after decision by administrative official. A copy must be hand-delivered to the Hearing Examiner at time of submittal. [34-145(a)(1)b.]

Case No. _____ Case No. Being Appealed MUD2005-00196 _____

SECTION ONE: APPELLANT DATA

- A. Name of Appellant Darryl Damico
Mailing Address 1810 J and C Blvd., Unit 10, Naples, FL 34109
Phone (239) 597-7171 Fax (239) 472-3528
- B. Name of Agent Matthew D. Uhle, Esq.
Mailing Address 1625 Hendry Street, Suite 301, Fort Myers, FL 33901
Phone (239) 334-2722 Fax (239) 334-1446
- C. Name of Property Owner Darryl Damico
Mailing Address 1810 J and C Blvd., Unit 10, Naples, FL 34109
Phone (239) 597-7171 Fax (239) 472-3528

SECTION TWO: SUBJECT OF APPEAL BEING REQUESTED

- A. What interpretation are you appealing? Summarize here. (Note: If additional space is needed, please attach a separate sheet and label as Exhibit A.) Attach copies of both the application for the interpretation and the County's written response. (Label as Exhibits A.1 and A.2, respectively.)
- See attached Exhibits A.1 & A.2
- B. Describe what interpretation, in your opinion, should have been given. Include basis for your opinion. (Note: If additional space is needed, please attach a separate sheet and label as Exhibit B.)
- See attached Exhibit B
- C. Names(s) and Department(s) making original interpretation:
- Lee County Attorney's Office as Administrative Designee
by Dawn E. Perry-Lehnert, Esq., Assistant County Attorney

SECTION THREE: SITE SPECIFIC DATA

If request is specific to a particular tract of land and is not so general in nature that it would apply to other properties, please complete the following:

- A. Owner of Subject Property Darryl Damico
- B. STRAP No. Of Subject Property 05-45-21-11-00000.0110
- C. Street Address of Subject Property 4611 Hidden Lane
- D. Common Description of Subject Property (reference known major streets or landmarks) Jose's Hideaway, Upper Captiva Island, Florida
- E. Legal Description (If additional space is needed, please attach a separate sheet and label as Exhibit C.)
Lot 11-12, Unit-3, Jose's Hideaway, an unrecorded subdivision on Upper Captiva Island, Lee County, FL.
- F. Size of Property 0.48 acre
- G. Commission District #1

SECTION FOUR: CERTIFICATION

I, Matthew D. Uhle, Esq., being first duly sworn, depose and say that the answers, attachments, and exhibits included herewith as a part of this application are accurate and true to the best of my knowledge and belief.

Matthew D. Uhle
Signature of Applicant

December 28, 2005
Date

Matthew D. Uhle, Esq.
Name (typed or printed legibly)

\$75.00
Fee Amount

**STATE OF FLORIDA
COUNTY OF LEE**

The foregoing instrument was acknowledged before me this 28th day of December, 2005, by Matthew D. Uhle, Esq.

Alison M. Stowe
Signature of Notary Public



Print, Type or Stamp Commissioned Name of Notary Public

- Personally Known
- Produced Identification (list type of identification produced)



MUD 2005-00196

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APPLICATION FOR ADMINISTRATIVE ACTION

APPLICATION FOR:

- Administrative Variance (attach Supplement A)
- Commercial Lot Split (attach Supplement B)
- Consumption On Premises (attach Supplement C)
- Minimum Use Determination (attach Supplement D)
- Ordinance Interpretation (attach Supplement E)
- Relief for Designation Historic Resources (attach Supplement F)
- Relief for Easement Encroachment (attach Supplement G)
- Administrative Amendment PUD or PD (attach Supplement H)
- Final Plan Approval per Resolution: # _____ (attach Supplement H)
- Administrative Deviation from Chapter 10 (attach Supplement I)
- Placement of Model Home/Unit or Model Display Center (attach Supplement J)
- Dock & Shoreline Structures (attach Supplement K)
- Wireless Communication Facility (attach Supplement M and Shared Use Plan Agreement)

Applicant's Name: Darryl Damico Phone #: 597-7171

Project Name: Jose's Hideaway

STRAP Number: 05-45-21-11-00000.0110

MUD 2005-00196

STAFF USE ONLY

Case Number: _____ Commission District: _____
 Current Zoning: _____ Fee Amount: _____
 Land Use Classification: _____ Intake by: _____
 Planning Community: _____

LEE COUNTY
 COMMUNITY DEVELOPMENT
 P.O. BOX 398 (1500 MONROE STREET)
 FORT MYERS, FLORIDA 33902
 PHONE (239) 479-8585

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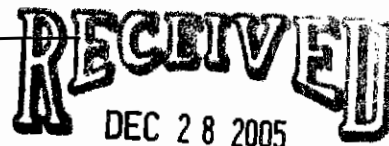
PART I - GENERAL INFORMATION

1. APPLICANT'S NAME: Darryl Damico
Mailing Address:
Street: 1810 J and C Blvd., Unit 10
City: Naples State: FL Zip: 34109
Phone Number: Area Code: 239 Number: 597-7171 Ext.
Fax Number: Area Code: 239 Number: 597-6577
E-mail address:

2. Relationship of applicant to property*:
[checked] Owner [] Trustee
[] Option holder [] Contract Purchaser
[] Lessee [] Other (indicate)

Applicant must submit an Affidavit that he is the authorized representative of the owner [see Part I (attached) and please complete the appropriate Affidavit form (A1 or A2) to the type of applicant].

3. AGENT'S NAME(S): (Use additional sheets if necessary):
Mailing Address:
Street: 1625 Hendry Street, Suite 301
City: Ft. Myers State: FL Zip: 33901
Contact Person: Matt Uhle
Phone Number: Area Code: 239 Number: 334-2722 Ext.:
Fax Number: Area Code: 239 Number: 334-1446
E-mail address: Muhle@knott-law.com



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- 4. TYPE OF REQUEST (please check one)
Administrative Variance (requires supplement A)
Commercial Lot Split (requires supplement B)
Consumption On Premises (requires supplement C)
[checked] Minimum Use Determination (requires supplement D)
Ordinance Interpretation (requires supplement E)
Relief for Designated Historic Resources (requires supplement F)
Easement Encroachment (requires supplement G)
Administrative Amendment to a PUD or Planned Development (requires supplement H)
Administrative Deviation from Chapter 10 of the LDC (requires supplement I)
Placement of Model Home/Unit or Model Display Center (requires supplement J)
Dock & Shoreline Structure (requires supplement K)
Wireless Communication Facility (requires supplement M and Shared Use Plan Agreement)
Final Plan Approval (no supplement)

5. NATURE OF REQUEST (please print): Determination that Lots 11 & 12 are entitled to a single-family dwelling pursuant to the Lee Plan minimum use provision.

MUD 2005-00196

PART II - PROPERTY INFORMATION

Is this request specific to a particular tract of land? _____ NO YES. If the answer is yes, please complete the following:

1. Is this action being requested as a result of a violation notice? NO _____ YES.

a. If yes, date of notice: _____

b. Specific nature of violation: _____

2. Name of owner of property: _____ Darryl Damico _____

Mailing Address: Street: _____ 1810 J and C Blvd., Unit 10 _____

City: _____ Naples _____ State: _____ FL _____ Zip: _____ 34109 _____

Phone Number: Area Code: _____ 239 _____ Number: _____ 597-7171 _____ Ext.: _____

Fax Number: Area Code: _____ 239 _____ Number: _____ 597-6577 _____

3. Legal Description: Is property one or more undivided platted lots within a subdivision recorded in the official Plat Books of Lee County?

NO. Attach a legible copy of the metes and bounds property description and boundary survey (10 acres or more) or certified sketch of description (less than 10 acres) meeting the minimum technical standards set out in chapter 61G 17-6.006, Florida Administrative Code.

_____ YES. Property is identified as:

Subdivision Name: _____

Plat Book _____ Page _____ Unit _____ Block _____ Lot _____

4. STRAP NUMBER: _____ 05-45-21-11-00000.0110 _____

5. Property Dimensions:

Area: _____ square feet or _____ 0.48 _____ acres.

Width along roadway: _____ 200 _____ feet on Hidden Lane

Depth: _____ 105 _____ feet.

1. 6. Property Street Address: _____ 4611 Hidden Lane, Captiva, FL 33924 _____

7. General Location Of Property: _____ Captiva Island, Florida _____

MUD 2005-00196

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EXPLANATORY NOTES - GENERAL

1. Applications for an Administrative Setback Variance from Chapter 34 (zoning) of the Land Development Code must include this form plus the Administrative Action Request Supplement A Form.
2. Applications for a Commercial Lot Split must include this form plus the Administrative Action Request Supplement B Form.
3. Applications for an Administrative Approval for Consumption on Premises permit must include this form plus the Administrative Action Request Supplement C Form.
4. Applications for a Minimum Use Determination must include this form plus the Administrative Action Request Supplement D Form.
5. Applications for an Interpretation of the Land Development Code must include this form plus the Administrative Action Request Supplement E Form.
6. Applications for Administrative Relief for Designated Historic Resources must include this form plus the Administrative Action Request Supplement F Form.
7. Applications for Relief for Easement Encroachment must include this form plus the Administrative Action Request Supplement G Form.
8. Applications for Administrative Amendment to a PUD or Planned Development must include this form plus the Administrative Action Request Supplement H Form.
9. Applications for an Administrative Deviation from Chapter 10 (Development Standards) of the Land Development Code must include this form plus the Administrative Action Request Supplement F Form.
10. Applications for Administrative Approval for the Placement of a Model Home/Unit or Model Display Center must include this form plus the Administrative Action Request Supplement J Form.
11. Applications for Administrative Approval for the Placement of Docks and Shoreline Structures must include this form plus the Administrative Action Request Supplement K Form.
12. Applications for Administrative Approval to Utilize Redevelopment District Regulations must include this form plus the Administrative Action Request Supplement I Form.
13. Applications for Administrative Approval to Place Wireless Communication Facilities must include this form plus the Administrative Action Request Supplement M Form.
14. All applicants must pay the application fee set forth in the County External Fees and Charges Manual. (Administrative code 3-10 Appendix C)

EXPLANATORY NOTES FOR PART I

1. Applicant's Name: Application may be by the landowner or his authorized agent.
2. Relationship of applicant to owner. If the applicant is not the owner of the property, please state the relationship such as option holder, contract purchaser, lessee, trustee, agent, etc. Provide an Affidavit that he is the authorized representative of the owner [see Part I (attached) and please complete the appropriate Affidavit form (A1 or A2) to the type of applicant].
3. Agent's Name: If the applicant will have other people representing him in processing this application, please indicate their name, address, and phone number.
4. Place check mark next to type of administrative action being requested.
5. State in general terms, the purpose of the requested action.

MUD 2005-00196

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Explanations - Page 1 of 2

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EXPLANATORY NOTES FOR PART II

Part II must be completed for all applications in which a particular tract or parcel of land is involved. Applications for administrative interpretations of the ordinance which do not affect a particular parcel of land do not need to complete this part.

1. If the request is due to a violation notice, please indicate the date it was issued, the type of notice (i.e. building code, zoning, etc,) and what the violation was.
2. If the applicant is the owner, please write "same".
3. If the application includes multiple abutting parcels or other than one or more undivided platted lots in a subdivision recorded in the official Plat Books of Lee County, please submit a complete, legible, description of the perimeter boundary of the property, by metes and bounds with accurate bearings and distances for every line. The Director may reject any legal description which is not legible or sufficiently detailed. Please submit a boundary survey or certified sketch of description (depending on the size of the property and relevance of existing conditions to the review of the application), meeting the minimum technical standards for land surveying in the state, as set out in chapter 61G 17-6, Florida Administrative Code.
4. If more than one parcel is involved, list all STRAP numbers. If the property is within an unrecorded subdivision, please submit a copy of the O.R. Book and Page where the subdivision plat is recorded.
5. Please describe of how to get to the property referencing major streets.

EXPLANATORY NOTES FOR PART III

1. The applicant is responsible for the accuracy and completeness of this application. Time delays or additional expenses necessitated by submitting inaccurate or incomplete information will be the responsibility of the applicant.
2. All information submitted with the application becomes a part of the public record and will be a permanent part of the file.
3. Please submit all applications in person. Mailed-in applications will not be processed.
4. All attachments and exhibits submitted must be legible, suitable for recording, and of a size that will fit or conveniently fold to fit into a letter size (8 1/2" x 11") folder.
5. Department staff will review this application for compliance with requirements of the Lee County Land Development Code. The applicant will be notified of any deficiencies.

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MUD 2005-00196

AFFIDAVIT FOR ADMINISTRATIVE ACTION
APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Darryl J. Damico, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Darryl J. Damico
Signature

Darryl J. Damico
(Type or printed name)

STATE OF Florida

COUNTY OF Collier

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 15 day of Aug 2005 by Darryl J. Damico (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

Tracey D. Hoglund
Signature of person taking oath or affirmation

Tracey D. HOGLUND
Name typed, printed or stamped

Title or rank

Serial number, if any



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MUD 2005-00196



ADMINISTRATIVE ACTION REQUEST
SUPPLEMENT D

MINIMUM USE DETERMINATION

If the request is for a Minimum Use Determination please submit the "Application for Administrative Action" form and the following:

1. PROPERTY INFORMATION

- a. Number of parcels (lots) involved in the request: 2
- b. Size of parcels (please submit a site plan, plat, or survey indicating dimensions and area of each lot as well as the total area of all lots involved: Each lot is 0.24 acres; the total for the entire parcel is 0.48 acres.
- c. Comprehensive Plan Land Use designation for the subject property: Outer Island
- d. Zoning: Indicate the zoning on the parcel(s) when the parcel(s) was created (split out into its present dimensions from a larger parcel): RS-1

2. INTENDED USE

- a. Do you wish to construct one single family residence on each of the above parcels? NO YES

If the parcel on which you wish to construct one home is some combination of lots, indicate which lots will comprise the final single family parcel: Lots 11 and 12 are stand-alone lots

- b. Do you wish to reapportion lots? NO YES. If yes, on the site plan or map sub-mitted for 2 above, please indicate the changes you wish to make in compliance with this provision.

3. ADDITIONAL DOCUMENTATION REQUIRED

- a. Copy of the recorded deed, agreement for deed, or other official documentation indicating the date you acquired the property and the date the deed was recorded in the Lee County Clerk's office.
- b. If the parcel(s) is not in a platted or unofficial recorded subdivision, please provide a copy of the recorded deed (or other official documentation) establishing the date the parcel(s) was created (i.e. split out from a larger parcel into its present dimensions).

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BOUNDARY SURVEY

96100-5002 QNW

Job Number: 086,096

PERMITTED

SURVEY DRAWING
AND
CERTIFICATION
FOR

RECORDED
5002 8 2 DEC

DARBY, J. DANICCO
JAMIE B. GREGUSI, ESQ.
ATTORNEY'S TITLE INSURANCE FUND

LOT 11-12, UNIT-9, JOSE'S HIDEAWAY,
AN UNRECORDED SUBDIVISION ON
UPPER CAPTIVA ISLAND, LEE
COUNTY, FLORIDA

PREPARED BY:
URBAN SURVEYS, INC.
1318 S.E. 47th STREET
CAPE CORAL, FL. 33904
(239)540-9390/(540)9391
FAX 540-9335 L.B. 4069

I, A FLORIDA REGISTERED PROFESSIONAL LAND SURVEYOR
HEREBY CERTIFY THAT THE ABOVE SURVEY DRAWING
CORRECTLY REPRESENTS A SURVEY MADE UNDER MY
SUPERVISION OF THE ABOVE DESCRIBED LANDS. I FURTHER
CERTIFY THAT THIS SURVEY MEETS THE MODERN TECHNICAL
STANDARDS FOR LAND SURVEYING IN THE STATE
OF FLORIDA.
SURVEY NOT VALID WITHOUT SIGNATURE AND RAISED
SEAL OF A FLORIDA REGISTERED LAND SURVEYOR.

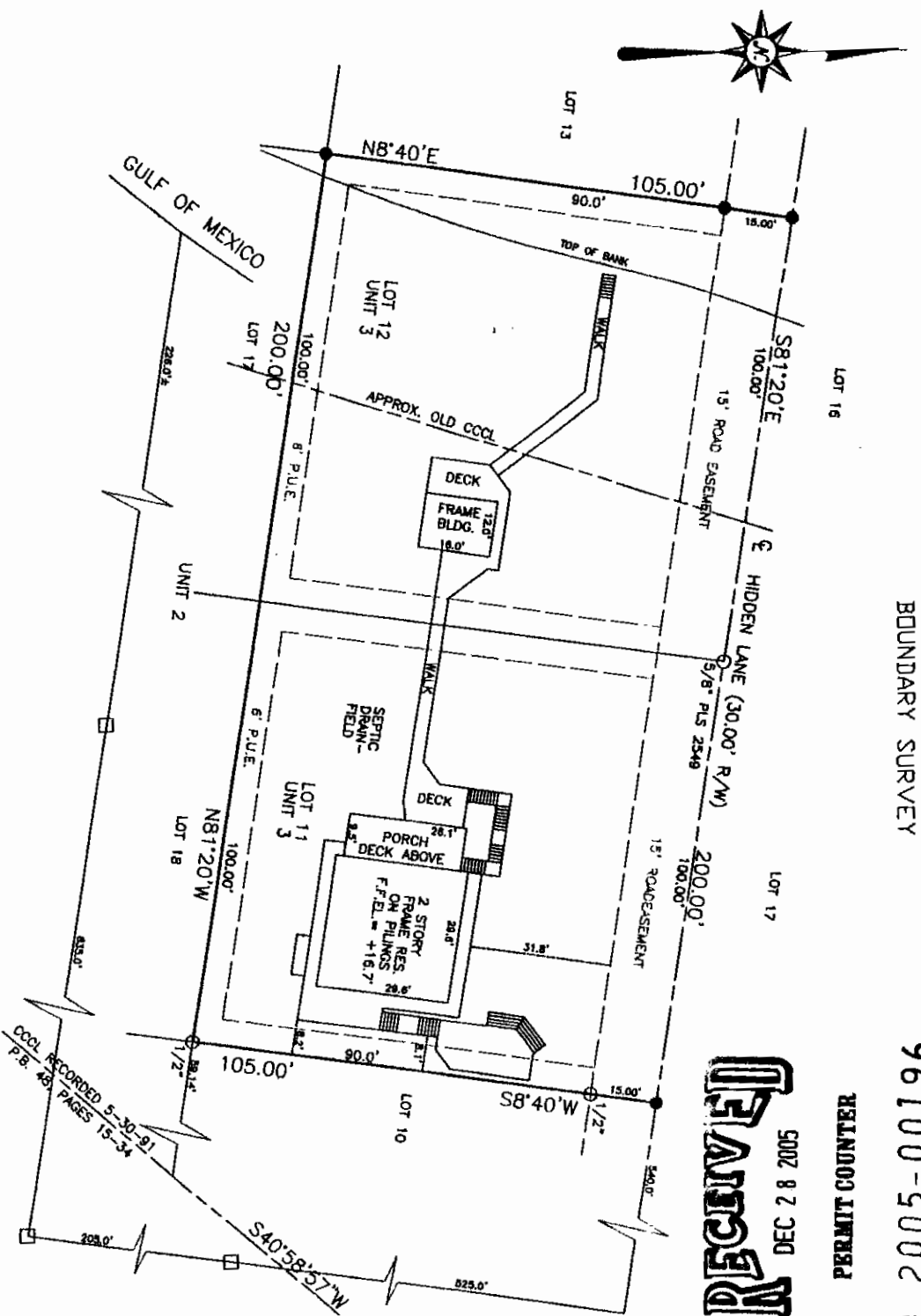
TED B. URBAN
PROFESSIONAL LAND SURVEYOR
FLORIDA REGISTRATION NO. 25449

DATE 7-21-97

- EASEMENT LINE
 - SET CONCRETE MONUMENT
 - FOUND CONCRETE MONUMENT AS SHOWN
 - SET IRON PIN 5/8" DIA PLS 2549
 - FOUND IRON PIN AS SHOWN
 - ▲ SET NAIL & DISK PLS 2549
 - ▽ FOUND NAIL & DISK AS SHOWN
 - △ EXISTING ELEVATION, M.S.V.L. 1929
 - ▽ FLOOD ZONE PANEL PLAT
 - BEARING PARTIAL PLAT
- SCALE 1"=30'
MAY 3, 2003-ZONE-VE-E-1207

UPDATE & REVISION
07 / 21 / 2003
DATE OF SURVEY
06 / 11 / 1996

NW





INSTR # 6937039
OR BK 04839 Pgs 2086 - 2089; (4pgs)
RECORDED 08/10/2005 02:05:25 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 35.50
DEED DOC 10,150.00
DEPUTY CLERK M Killeen

Prepared by and return to:

Law Office of Jamie B. Gruesel
1104 North Collier Blvd
Marco Island, FL 34145
239-394-8111
File Number: 05-0410
Will Call No.:

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 29th day of July, 2005 between Robert W. Chestnut and Robin E. Chestnut, his wife whose post office address is 4809 Calbreath Isles Way, Tampa, FL 33629, grantor, and Darryl J. Damico, a married man whose post office address is 1810 J & C Boulevard, Unit 10, Naples, FL 34109, grantee;

(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

Parcel Identification Number: 05-45-21-11-00000.0110

Subject to ad valorem real property taxes and non advalorem taxes for the year of closing and subsequent years; zoning, building code and other use restrictions imposed by governmental authority; outstanding oil, gas and mineral interests of record; if any and restrictions, reservations and easements common to the subdivision.

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, 2004.

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

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MUD 2005-00196

PERMIT COUNTER DoubleTimes

Signed, sealed and delivered in our presence:

Robert W. Chestnut
(Seal)
Robert W. Chestnut

James P. Fumaria
Witness Name: Josha D. Fumaria
Phyllis Fumaria
Witness Name: Phyllis Fumaria

Robin E. Chestnut
Robin E. Chestnut

James P. Fumaria
Witness Name: Josha D. Fumaria
Phyllis Fumaria
Witness Name: Phyllis Fumaria

State of Florida
County of Hillsborough

The foregoing instrument was acknowledged before me this 29th day of July, 2005 by Robert W. Chestnut and Robin E. Chestnut, who are personally known or have produced a driver's license as identification.

[Notary Seal]

Cira Ruggiero
Notary Public
Printed Name: Cira Ruggiero
My Commission Expires: _____



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PERMIT COUNTER

MUD 2005-00196

OR2717 PG0347

EXHIBIT "A"

TRACT 1, LEE COUNTY RECORDS, BEING LOT 11, UNIT 3, UNRECORDED JOSE'S KIDAWAY, SECTION 5, TOWNSHIP 45 SOUTH, RANGE 21 EAST, UPPER CAPTIVA ISLAND, LEE COUNTY, FLORIDA.

A TRACT OR PARCEL OF LAND LYING IN GOVERNMENT LOT 1, SECTION 5, TOWNSHIP 45 SOUTH, RANGE 21 EAST, UPPER CAPTIVA ISLAND, LEE COUNTY, FLORIDA, BEING THE WESTERLY HALF OF TRACT 1, AS RECORDED IN OFFICIAL RECORD BOOK 1349, AT PAGE 1499, LEE COUNTY RECORDS, BEING LOT 11, UNIT 3, UNRECORDED JOSE'S KIDAWAY, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

FROM A CONCRETE POST ON THE SOUTH LINE OF GOVERNMENT LOT 1, SECTION 5, TOWNSHIP 45 SOUTH, RANGE 21 EAST, 226.00 FEET MORE OR LESS, EAST OF THE HIGH TIDE LINE OF THE GULF OF MEXICO RUN SOUTH 81°20' EAST FOR 835.00 FEET ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 1 TO A CONCRETE POST; THENCE RUN NORTH 08°40' EAST FOR 205.00 FEET TO A CONCRETE POST; THENCE CONTINUE NORTH 08°40' EAST FOR 525.00 FEET; THENCE RUN NORTH 81°20' WEST FOR 540.00 FEET TO THE NORTHEASTERLY CORNER OF LOT 11, UNIT 3, UNRECORDED JOSE'S KIDAWAY, THE NORTHEASTERLY CORNER OF THE WESTERLY HALF OF TRACT 1, RECORDED IN OFFICIAL RECORD BOOK 1349, AT PAGE 1499, LEE COUNTY RECORDS AND THE POINT OF BEGINNING OF THE HEREBY DESCRIBED PARCEL. FROM SAID POINT OF BEGINNING CONTINUE NORTH 81°20' WEST ALONG THE NORTH LINE OF SAID TRACT 1 FOR 100.00 FEET MORE OR LESS; THENCE RUN SOUTH 08°40' WEST FOR 105.00 FEET; THENCE RUN SOUTH 81°20' EAST ALONG THE SOUTH LINE OF TRACT 1 FOR 100.00 FEET TO THE SOUTHEASTERLY CORNER OF THE WESTERLY HALF OF SAID TRACT 1; THENCE RUN NORTH 08°40' EAST ALONG THE EAST LINE OF SAID WEST HALF OF TRACT 1 FOR 105.00 FEET TO THE POINT OF BEGINNING.

AND

TRACT 2, LEE COUNTY RECORDS, BEING LOT 12, UNIT 3, UNRECORDED JOSE'S KIDAWAY, SECTION 5, TOWNSHIP 45 SOUTH, RANGE 21 EAST, UPPER CAPTIVA ISLAND, LEE COUNTY, FLORIDA:

A TRACT OF PARCEL OF LAND LYING IN GOVERNMENT LOT 1, SECTION 5, TOWNSHIP 45 SOUTH, RANGE 21 EAST, UPPER CAPTIVA ISLAND, LEE COUNTY, FLORIDA, BEING TRACT 2, AS RECORDED IN OFFICIAL RECORD BOOK 1349, AT PAGE 1499, LEE COUNTY RECORDS, BEING LOT 12, UNIT 3, UNRECORDED JOSE'S KIDAWAY, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

FROM A CONCRETE POST ON THE SOUTH LINE OF GOVERNMENT LOT 1,

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DR2717 260348

EXHIBIT "A" (CONT'D)

SECTION 5, TOWNSHIP 45 SOUTH, RANGE 21 EAST, 226.00 FEET MORE OR LESS EAST OF THE HIGH TIDE LINE OF THE GULF OF MEXICO RUN SOUTH 81°20' EAST FOR 835.00 FEET ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 1 TO A CONCRETE POST; THENCE RUN NORTH 08°40' EAST FOR 205.00 FEET TO A CONCRETE POST; THENCE CONTINUE NORTH 08°40' EAST FOR 525.00 FEET; THENCE RUN NORTH 81°20' WEST FOR 540.00 FEET TO THE NORTHEASTERLY CORNER OF LOT 11, UNIT 3, UNRECORDED JOHN'S HIGHWAY, THE NORTHEASTERLY CORNER OF THE WESTERLY HALF OF TRACT 1, AS RECORDED IN OFFICIAL RECORD BOOK 1242, 1ST PAGE 1499, LEE COUNTY RECORDS, THENCE CONTINUE NORTH 81°20' WEST ALONG THE NORTH LINE OF SAID TRACT 1 AND TRACT 2 FOR 100.00 FEET TO THE NORTHWESTERLY CORNER OF LOT 12 AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL. FROM SAID POINT OF BEGINNING CONTINUE NORTH 81°20' WEST ALONG THE NORTH LINE OF SAID TRACT 2 FOR 100.00 FEET TO THE NORTHWESTERLY CORNER OF SAID TRACT 2; THENCE RUN SOUTH 08°40' WEST ALONG THE WESTERLY LINE OF SAID TRACT 2 FOR 105.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID TRACT 2; THENCE RUN SOUTH 81°20' EAST ALONG THE SOUTH LINE OF TRACT 2 FOR 100.00 FEET THENCE RUN NORTH 08°40' EAST ALONG THE EAST LINE OF LOT 12 HEREIN FOR 105.00 FEET TO THE POINT OF BEGINNING.

HARLIE GREEN LEE CIV FL
96 JUN 18 PM 4:19

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#1

45,261-00
1217 1052 1025602

THIS WARRANTY DEED, Made this 5th day of August,
A.D. 1977 between JUDY A. MAXLEY

of the County of Substana in the State of Arkansas

hereby after called the Grantor, and
JACKIE MILLER MOYER and CHARLES H. RAGE, JR.

whom I call the Grantee, at
Box 577
Bakeria, FL 33922

7100380
CLASS OF DEEDS COUNTY
RECORDED IN OFFICIAL
RECORDS
1977 AUG 15 4 15 PM '77
CLERK OF COUNTY RECORDS
FLORIDA

4.00
5.00
1.00

herein after called the Grantee,
"Grantor" and "Grantee" are used herein for singular or plural, and may refer that include as grantor, or grantee, as the context requires.
WITNESSETH That the said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other value in lawful money to said Grantee in hand paid, the receipt whereof is hereby acknowledged, has agreed, has granted, bargained, and sold unto the said Grantee and Grantee's heirs, or assigns, and assigns for ever, all that certain parcel of land in the County of Lee and State of Florida, to wit:

Lot 11, Unit 3, JOSE'S HIDEAWAY. An unrecorded subdivision located in Government Lot 1, Section 5, Township 45 South, Range 21 East, Upper Captiva Island, Lee County, Florida, further described as follows: Begin at a concrete post on the South line of Government Lot 1, Section 5, Township 45 South, Range 21 East, begin 226 feet more or less East of the high tide line of the Gulf of Mexico; thence run S 11° 20' E 835.1 feet along the South line of said Government Lot 1 to a concrete post; thence run S 1° 40' E 208 feet to a concrete post; thence run N 8° 40' E 385 feet; thence run S 81° 20' W 340 feet to the POINT OF BEGINNING. Thence run S 8° 40' W 105 feet; N 81° 20' W 100 feet; N 8° 40' E 105 feet; S 81° 20' E 100 feet to the POINT OF BEGINNING. SUBJECT TO a 15 foot easement on the NORTH for road right-of-way purposes and subject to a 6 foot easement on each boundary for drainage and utility lines.

The above described property is not the homestead of the Grantor, nor is it contiguous thereto.

SUBJECT to covenants, restrictions and reservations of records. And the said Grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whatsoever, except those for year 1977 and subsequent.

Signed, Sealed and Delivered in Our Presence:
(W.R.) Carroll M. Shelton Judy A. Maxley (Grantor)
(W.R.) _____ (Grantor)
(W.R.) James R. Horton _____ (Grantor)
(W.R.) _____ (Grantor)

State of Arkansas
County of Substana

I HEREBY CERTIFY that on the 11 day of AUGUST, A.D. 19 77
before me, an officer duly authorized in the State and County aforesaid to take acknowledgments,

person(s) appeared JUDY A. MAXLEY

NEW INSTRUMENT WAS FILED BY Blaine Henderson 1977 AUG 15 11:15 AM CLERK OF COUNTY RECORDS, FLORIDA

to the best of my knowledge to the person described in and who executed the foregoing conveyance and acknowledged before me that he executed the same.

WITNESS My signature and official seal in the County and State last aforesaid.

Blaine D. Henderson
Notary Public

My Commission Expires 1/1/80
NOTARY PUBLIC STATE OF ARKANSAS



FLORIDA
DOCUMENTARY SURTAX
\$05.60
1977 AUG 15 11:15 AM
CLERK OF COUNTY RECORDS
FLORIDA

RECORD VOLUMES ON CARD CASE @ P. O. BOX 100000 D.C.

Lot-11, Unit 3
Aug 5, 1977

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MUD 2005-00196

#4
H 100
P 55

WARRANTY DEED — Mercury Title & Abstract Co., 1802 Broadway, Fort Myers, Florida 33901

7- 59763ke

This Indenture, Made this 13th day of April A. D. 1977

between CHARLES H. RACE, Jr. 997222

WE 1194 & 2090

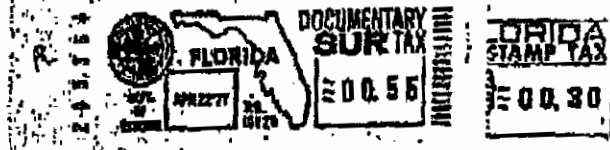
part y of the first part and CHARLES H. RACE, Jr. and JACKIE MILLON WOLPER, as joint tenants with rights of survivorship and not as tenants in

Witnesseth, That the said part y of the first part, for and in consideration of the sum of \$10.00 and O.G.V.C.

to him, in hand paid by the said part ies of the second part the receipt where of is hereby acknowledged by these presents Grant, Bargain, Sell, Remise, Release and Convey unto the said part ies of the second part, and to their heirs and assigns, forever, all the following described land situated in the County of Lee, State of Florida and known and described as follows, to wit:

Begin at a concrete post on the south line of Government Lot 1, Section 5-45-21, Being 226 feet more or less east of the high tide line of the Gulf of Mexico; thence run S 81°20'E 835.0 feet; along the south line of said Government Lot 1 to a concrete post; thence N 8°40' E 205 feet to a concrete post; thence N 8°40'E 420 feet; thence N 81°20' W 640 feet to the P.O.B. Thence S 8°40' W 105 feet; N 81°20' W 100 feet; N 8°40' E 105 feet; S 81°20' E 100 feet to the P.O.B. Being Lot 17 Unit No. 2, of an unrecorded subdivision known as "JOSE'S HIDEAWAY", located in Government Lot 1, Section 5-45-21 Upper Captiva Island Lee County, Florida.

Subject to easements, restrictions and reservations of record.



RECORDED IN OFFICE OF COUNTY CLERK OF LEE COUNTY, FLORIDA APR 27 10 31 AM 1977

PLACE STAMP HERE
This instrument prepared by GEORGE F. HODGKINS, JR. MERCUY TITLE AND ABSTRACT COMPANY 1802 Broadway Fort Myers, Fla. 33901

To Have and to Hold the same, together with all the hereunto and hereunto (therein) belonging or in anywise appertaining, to the said part ies of the second part, their heirs and assigns forever, and the said part y of the first part do hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, The said part y of the first part has hereunto set his hand and seal the day and year above written. Signed, sealed and delivered in the presence of
Charles H. Race, Jr. (SEAL)
Meyou A. Smith (SEAL)

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,
Charles H. Race, Jr.

to me well known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same freely and voluntarily for the purposes therein expressed. WITNESS my hand and official seal this 13th day of April A. D. 1977
Meyou A. Smith (SEAL)
Notary Public
My Commission Expires (Nov. 13, 1980)

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MUD 2005-00196

Lot 17, UNIT 2. APRIL 1977

400
3150
153

919895

4002/008

WARRANTY DEED — Moseley Title & Abstract Co., 1402 Broadway, Fort Myers, Florida 33901

This Indenture, Made this 13th day of March A. D. 1976

between J. J. GORMICAN

party of the first part and CHARLES H. RAOB, JR.

whose address is Route 3, Box 443, Fort Pierce, Florida 33451

party of the second part.

1133 273

Witnesseth, That the said party of the first part, for and in consideration of the

sum of \$10.00 and O. G. V. C

to ... in hand paid by the said party of the second part the receipt whereof is hereby acknowledged do give by these presents Grant, Bargain, Sell, Enow, Release and Convey unto the said party of the second part, and to his heirs and assigns, forever, all the following described land situated in the County of Lee, State of Florida and known and described as follows, to wit:

Begin at a concrete post on the South line of Government Lot 1, Section 5-45-21, being 225 feet more or less east of the high tide line of the Gulf of Mexico; thence run S 81° 20' E 835.0 feet along the South line of said Government Lot 1 to a concrete post; thence N. 8° 40' E 205 feet to a concrete post; thence N 8° 40' E 525 feet; thence N. 81° 20' W 640 feet to the P. O. B. Thence S 8° 40' W 105 feet; N. 81° 20' W 100 feet; N 8° 40' E 105 feet; S 81° 20' E 100 feet to the P.O.B. BEING Lot 12, Unit 3 of an unrecorded subdivision known as "JOSE'S HIDEAWAY" located in Government Lot 1, Section 5-45-21, Upper Captiva Island, Lee County, Florida. SUBJECT to a 15 foot easement on the North for road right-of-way purpose and subject to a 6' easement on each boundary for drainage or utilities.

Begin at a Concrete post on the south line of Government Lot 1, Section 5-45-21, being 225 feet more or less east of the high tide line of the Gulf of Mexico; thence run S 81° 20' E 835.0 feet along the south line of said Government Lot 1 to a concrete post; thence N 8° 40' E 205 feet to a concrete post; thence N 8° 40' E 420 feet; thence N 81° 20' W 640 feet to the P.O.B. Thence S 8° 40' W 105 feet; N 81° 20' W 100 feet; N 8° 40' E 105 feet; S 81° 20' E 100 feet to the P.O.B. BEING Lot 17, Unit 2 of an unrecorded subdivision known as "JOSE'S HIDEAWAY," located in Government Lot 1, Section 5-45-21, Upper Captiva Island, Lee County, Florida.

Subject to easements, restrictions and reservations of record.

To Have and to hold the above, together with all the hereditaments and appurtenances thereto belonging or in respect appertaining, to the said party of the second part, his heirs and assigns forever, and the said party of the first part do hereby fully warrant the title to said land and will defend the same against the lawful claim of all persons whomsoever.

Part y of the second part assumes the payment of taxes for the year 1976 and subsequent years.

In Witness Whereof, The said party of the first part has hereunto set his hand and seal the day and year above written.

Signed, sealed and delivered in the presence of

J. J. GORMICAN

Laura C. Justice

State of FLORIDA County of LEE

I Herby testify, That on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgements

J. J. GORMICAN

to me well known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal this 13th day of March A. D. 1976

Laura C. Justice Notary Public

My Commission expires July 28, 1978

FLORIDA SURVEYING & MAPPING ASSOCIATION

This instrument accepted by Moseley Title & Abstract Co., 1402 Broadway, Fort Myers, Fla. 33901 in connection with the issuance of title insurance.

RECORDED UNDER THE DEEDS BOOK 15 PAGE 153

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MUD 2005-00196

EXHIBIT A.2

**ADMINISTRATIVE INTERPRETATION OF
THE SINGLE FAMILY RESIDENCE PROVISIONS OF
THE LEE PLAN**

CASE NO.: MUD2005-00196

DATE OF APPLICATION: August 18, 2005

APPLICANT: Darryl Damico
1810 J and C Blvd, Unit 10
Naples, FL 34109

AGENT: Matt Uhle
Knott Consoer
1625 Hendry Street, Suite 301
Fort Myers, FL 33901

PROPERTY IN QUESTION: 4611 Hidden Lane, Captiva, FL 33924 more particularly described in attached Exhibit A.

STRAP NO.: 05-45-21-11-00000.0110

FINDINGS OF FACT: The subject property is zoned residential single family (RS-1) and located in the Outer Islands land use category, which allows one dwelling unit per acre. The subject parcel originally existed as two separate parcels by virtue of a 1970 Warranty Deed recorded at OR Book 588, Page 598 ("Lot 12") and a 1977 Warranty Deed recorded at OR Book 1217, Page 1052 ("Lot 11"). These two parcels were part of a building permit application submitted in 1989 by previous property owners (McCluskey and Oxenberg), a favorable Administrative Determination of the Minimum Use Provisions (SF 89-05-17) was issued to allow construction of one single family residence on the combined lots/parcels.

Based upon combining the two parcels into one parcel, the minimum use determination (SF 89-05-17) was approved and the County issued building permit #198907191 for a single family home on the combined parcels. Construction of the home commenced in July 1989 as evidenced by the Notice of Commencement recorded at OR Book 2113, Page 1443. Since that time, the subject property has been treated as a single parcel by the County and apparently by its owner.

The documentation provided with the 2005 application, which is the basis for this determination, shows that the current owner acquired the

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Knott, Consoer, Ebelini
Hart & Swett, P.A.

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MUD 2005-00196

combined parcels, a total of 21,000 square feet, in July 2005 via a Warranty Deed recorded at OR Book 4839, Page 2086. The single family home constructed in 1989-90 remains on the property. The property is located in the Outer Islands land use category, which allows a maximum density of one dwelling unit per acre. The subject property is located seaward of the 1991 Coastal Construction and Control Line and within the Coastal High Hazard area.

The current owner is seeking to "restore" the separate status of each parcel in order to construct two single family homes - one on each of the original lots/parcels as they existed prior to the 1989 single family determination. This "restoration" would constitute the creation of two new lots that are not consistent with current regulations.

DETERMINATION:

Under the standards for administrative interpretations, it is not appropriate to apply the single family residence provisions set forth in Lee Plan Chapter XIII, Section b.B.4.a. in a manner that will allow the original parcels (pre-1989 configuration) to each qualify for one single family residence. The original parcels have been voluntarily reconfigured into one parcel by virtue of the previous Determination and Application of the Minimum Use Provision (SF 89-05-17) rendered in 1989 and the subsequent permitting and construction of a single family residence in reliance on the determination. The property owners received the benefit of the previous approvals and are bound by the representations made to obtain the approvals. The property has been assessed and taxed as a single parcel since the construction of the existing residence in 1989-90. Therefore, the current property owner is unable to reasonably claim an investment backed expectation for more than one single family residence use on the subject property.

Since the subject property now constitutes one parcel, any subdivision of this parcel must comply with the Lee Plan and all current Land Development regulations. The proposed "restoration" will result in a subdivision that does not comply with the density requirements of the Lee Plan.

The above determination by the Administrative Designee provides the property owner with a reasonable, viable, and economic use of the property. The determination is not arbitrary or capricious as it is based upon the objectives of the Lee Plan as a whole and is consistent with other similar interpretations.

Based upon the above, the single family determination rendered in 1989 (SF 89-05-17) remains valid and binding with respect to the

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subject property as combined voluntarily by the owner into one buildable parcel.

Applications for building permits or development orders must comply with all applicable County, State, and Federal regulations as those regulations exist at the time each application is submitted.

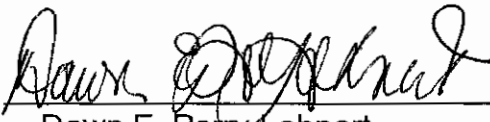
APPEAL PROCEDURE:

"An administrative interpretation may be appealed to the Board of County Commissioners by filing a written request within fifteen (15) days after the administrative interpretation has been made. In reviewing such an appeal, the Board will consider only information submitted in the administrative interpretation process and will review only whether the designated individual has properly applied, to the facts presented, the standards set forth in the Plan for such administrative interpretations. No additional evidence will be considered by the Board. The Board of County Commissioners will conduct such appellate review at a public hearing."

Based upon this quoted language, if you disagree with this administrative interpretation, you have the right to an appeal to the Board of County Commissioners. In order to exercise this right of appeal, a written Notice of Appeal must be delivered to the Department of Community Development, 1500 Monroe Street, Fort Myers, Florida, along with the filing fee, no later than 15 days from the date of this Administrative Interpretation, stating the reasons for your disagreement.

Dated this 25th day of December, 2005.

LEE COUNTY ATTORNEY'S OFFICE
AS ADMINISTRATIVE DESIGNEE

BY: 
Dawn E. Perry-Lehnert
Assistant County Attorney

DPL/tlb

Attachments: SF-89-05-17

cc: Timothy Jones, Chief Assistant County Attorney
Donald D. Stilwell, County Manager
Paul O'Connor, Director, Planning Division
Peter Blackwell, Planning Division
Julie Dalton, Property Appraiser's Office
Debbie Carpenter, DCD
Tidemark

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Sent to Applicant via regular mail and Certified Mail #7003 0500 0002 6651 9026
Sent to Agent via regular mail and Certified Mail #7003 0500 0002 6651 9033

EXHIBIT A
LEGAL DESCRIPTION
Property located in Lee County, Florida

A TRACT OR PARCEL OF LAND LYING IN GOVERNMENT LOT 1, SECTION 5, TOWNSHIP 45 SOUTH, RANGE 21 EAST, UPPER CAPTIVA ISLAND, LEE COUNTY, FLORIDA, BEING THE WESTERLY HALF OF TRACT 1, AS RECORDED IN OFFICIAL RECORDED BOOK 1349, AT PAGE 1499, LEE COUNTY RECORDS, BEING LOT 11, UNIT 3, UNRECORDED JOSE'S HIDEAWAY, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

FROM A CONCRETE POST ON THE SOUTH LINE OF GOVERNMENT LOT 1, SECTION 5, TOWNSHIP 45 SOUTH, RANGE 21 EAST, 226.00 FEET MORE OR LESS EAST OF THE HIGH TIDE LINE OF THE GULF OF MEXICO RUN S 81°20' E FOR 835.00 FEET ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 1 TO A CONCRETE POST; THENCE RUN N 08°40' E 205.00 FEET TO A CONCRETE POST; THENCE CONTINUE NORTH 08°40' E FOR 525.00 FEET; THENCE RUN N 81°20' W FOR 540.00 FEET TO THE NORTHEASTERLY CORNER OF LOT 11, UNIT 3, UNRECORDED JOSE'S HIDEAWAY, THE NORTHEASTERLY CORNER OF THE WESTERLY HALF OF TRACT 1, RECORDED IN OFFICIAL RECORD BOOK 1349, AT PAGE 1499, LEE COUNTY RECORDS AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL. FROM SAID POINT OF BEGINNING CONTINUE N 81°20' W ALONG THE NORTH LINE OF SAID TRACT 1 FOR 100.00 FEET MORE OR LESS; THENCE RUN S 08°40' W FOR 105.00 FEET; THENCE RUN S 81°20' E ALONG THE SOUTH LINE OF TRACT 1 FOR 100.00 FEET TO THE SOUTHEASTERLY CORNER OF THE WESTERLY HALF OF SAID TRACT 1; THENCE RUN N 08°40' E ALONG THE EAST LINE OF SAID WEST HALF OF TRACT 1 FOR 105.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH

A TRACT OR PARCEL OF LAND LYING IN GOVERNMENT LOT 1, SECTION 5, TOWNSHIP 45 SOUTH, RANGE 21 EAST, UPPER CAPTIVA ISLAND, LEE COUNTY, FLORIDA, BEING TRACT 2, AS RECORDED IN OFFICIAL RECORD BOOK 1349, AT PAGE 1499, LEE COUNTY RECORDS, BEING LOT 12, UNIT 3, UNRECORDED JOSE'S HIDEAWAY, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS;

FROM A CONCRETE POST ON THE SOUTH LINE OF GOVERNMENT LOT 1, SECTION 5, TOWNSHIP 45 SOUTH, RANGE 21 EAST, 226.00 FEET MORE OR LESS EAST OF THE HIGH TIDE LINE OF THE GULF OF MEXICO RUN S 81°20' EAST FOR 835.00 FEET ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 1 TO A CONCRETE POST; THENCE RUN N 08°40' E FOR 205.00 FEET TO A CONCRETE POST; THENCE CONTINUE N 08°40' E FOR 525.00 FEET; THENCE RUN N 81°20' WEST FOR 540.00 FEET TO THE NORTHEASTERLY CORNER OF LOT 11, UNIT 3, UNRECORDED JOSE'S HIDEAWAY, THE NORTHEASTERLY CORNER OF THE WESTERLY HALF OF TRACT 1 AS RECORDED IN OFFICIAL RECORD BOOK 1349, AT PAGE 1499, LEE COUNTY RECORDS, THENCE CONTINUE N 81°20' W ALONG THE NORTH LINE OF SAID TRACT 1 AND TRACT 2 FOR 100.00 FEET TO THE NORTHEASTERLY CORNER OF LOT 12 AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL. FROM SAID POINT OF BEGINNING CONTINUE N 81°20' W ALONG THE NORTH LINE OF SAID TRACT 2 FOR 100.00 FEET TO THE NORTHWESTERLY CORNER OF SAID TRACT 2 THENCE RUN S 08°40' W ALONG THE WESTERLY LINE OF SAID TRACT 2 FOR 105.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID TRACT 2 THENCE RUN S 81°20' E ALONG THE SOUTH LINE OF TRACT 2 FOR 100.00 FEET THENCE RUN N 08°40' E ALONG THE EAST LINE OF LOT 12 HEREIN FOR 105.00 FEET TO THE POINT OF BEGINNING.

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THE DETERMINATION OF
THE APPLICATION OF THE
MINIMUM USE PROVISION

6/24
AJN

CASE #: SF89-05-17

DATE RECEIVED BY ZONING DIVISION: May 22, 1989

STRAP NUMBER: 05-45-21-00-00001.047A (lots 11 and 12)

APPLICANT: Maureen McCluskey & Bob Oxenberg

OWNER: Maureen McCluskey & Bob Oxenberg

1. OWNERSHIP

- a) DATE WARRANTY DEED OR AGREEMENT FOR DEED RECORDED IN
OWNER/PURCHASER NAME: September 1986
- b) PLACE RECORDED: O R Book 1876 Pages 4192 thru 4196

2. CREATION OF PARCEL

- a) DATE PARCEL CREATED/RECORDED: May 1968 and March 1970
- b) PLACE RECORDED: O R Book 462 Page 713 and OR Book 588 Page 598
- 1) LOT WAS CREATED/RECORDED IN PLAT BOOKS PRIOR TO DECEMBER 21,
1984 AND HAS NOT BEEN ALTERED: YES _____ NO _____ N/A X
- 2) A LEGAL DESCRIPTION OF THE LOT WAS LAWFULLY RECORDED IN O.R.
BOOKS PRIOR TO DECEMBER 21, 1984: YES X NO _____ N/A _____
- 3) LOT WAS LAWFULLY CREATED AFTER DECEMBER 21, 1984 AND IS IN
COMPLIANCE WITH THE LEE PLAN: YES _____ NO _____ N/A X

3. ZONING WHEN CREATED/RECORDED: RS-1

- a) COMPLIED WITH ZONING WHEN CREATED/RECORDED: YES X NO _____ N/A _____
- b) CREATED PRIOR TO JUNE 27, 1962 AND HAS A MINIMUM OF 4,000 SQUARE
FEET: YES _____ NO _____ N/A X
- c) CREATED AFTER JUNE 27, 1962 AND PRIOR TO DECEMBER 21, 1984 AND HAS
A WIDTH NOT LESS THAN 50 FEET AND HAS AN AREA NOT LESS THAN 5,000
SQUARE FEET AND RECORDED IN A PLAT BOOK: YES _____ NO _____ N/A X
- d) CREATED AFTER JUNE 27, 1962 AND PRIOR TO DECEMBER 21, 1984, HAS A
MINIMUM OF 7,500 SQUARE FEET AND RECORDED IN O.R. BOOK: YES X
NO _____ N/A _____

4. LAND USE CATEGORY: OPEN LANDS

- a) LOT IS CONSISTENT WITH DENSITY REQUIREMENTS: YES _____ NO X

5. REAPPORTIONING LOTS: YES _____ NO X

RECOMMENDATION:

LOT IS CONSISTENT WITH THE MINIMUM USE PROVISION BASED ON THE FOLLOWING:

These two lots were created in 1968 and 1970, prior to the adoption of
the Lee Plan. These two lots combined as one, exceed 7500 square
feet and comply with the RS-1 zoning district. These two lots combined
as one qualifies for one single family residence under the Single Family
Provision of the Lee Plan

BY: Pauline Camelia
Pauline Camelia, Director
Zoning Division

(5440Z/24) MUD 2005-00196

RECEIVED
DEC 28 2005

PERMIT COUNTER

EXHIBIT B

NOTICE OF APPEAL

Darryl J. Damico, by and through his undersigned attorney, hereby appeals the decision of the Administrative Designee in Case No. MUD2005-00196 to the Lee County Board of County Commissioners. The reasons cited by the Designee to support the decision in Case No. MUD2005-0019 have no basis in the criteria for Minimum Use Determinations in the Lee Plan.

RECEIVED
DEC 28 2005
PERMIT COUNTER

MUD 2005-00196

**ADMINISTRATIVE INTERPRETATION OF
THE SINGLE FAMILY RESIDENCE PROVISIONS OF
THE LEE PLAN**

CASE NO.: MUD2005-00196

DATE OF
APPLICATION: August 18, 2005

APPLICANT: Darryl Damico
1810 J and C Blvd, Unit 10
Naples, FL 34109

AGENT: Matt Uhle
Knott Consoer
1625 Hendry Street, Suite 301
Fort Myers, FL 33901

PROPERTY IN
QUESTION: 4611 Hidden Lane, Captiva, FL 33924 more particularly described in
attached Exhibit A.

STRAP NO.: 05-45-21-11-00000.0110

FINDINGS OF
FACT: The subject property is zoned residential single family (RS-1) and located in the Outer Islands land use category, which allows one dwelling unit per acre. The subject parcel originally existed as two separate parcels by virtue of a 1970 Warranty Deed recorded at OR Book 588, Page 598 ("Lot 12") and a 1977 Warranty Deed recorded at OR Book 1217, Page 1052 ("Lot 11"). These two parcels were part of a building permit application submitted in 1989 by previous property owners (McCluskey and Oxenberg), a favorable Administrative Determination of the Minimum Use Provisions (SF 89-05-17) was issued to allow construction of one single family residence on the combined lots/parcels.

Based upon combining the two parcels into one parcel, the minimum use determination (SF 89-05-17) was approved and the County issued building permit #198907191 for a single family home on the combined parcels. Construction of the home commenced in July 1989 as evidenced by the Notice of Commencement recorded at OR Book 2113, Page 1443. Since that time, the subject property has been treated as a single parcel by the County and apparently by its owner.

The documentation provided with the 2005 application, which is the basis for this determination, shows that the current owner acquired the

combined parcels, a total of 21,000 square feet, in July 2005 via a Warranty Deed recorded at OR Book 4839, Page 2086. The single family home constructed in 1989-90 remains on the property. The property is located in the Outer Islands land use category, which allows a maximum density of one dwelling unit per acre. The subject property is located seaward of the 1991 Coastal Construction and Control Line and within the Coastal High Hazard area.

The current owner is seeking to "restore" the separate status of each parcel in order to construct two single family homes - one on each of the original lots/parcels as they existed prior to the 1989 single family determination. This "restoration" would constitute the creation of two new lots that are not consistent with current regulations.

DETERMINATION:

Under the standards for administrative interpretations, it is not appropriate to apply the single family residence provisions set forth in Lee Plan Chapter XIII, Section b.B.4.a. in a manner that will allow the original parcels (pre-1989 configuration) to each qualify for one single family residence. The original parcels have been voluntarily reconfigured into one parcel by virtue of the previous Determination and Application of the Minimum Use Provision (SF 89-05-17) rendered in 1989 and the subsequent permitting and construction of a single family residence in reliance on the determination. The property owners received the benefit of the previous approvals and are bound by the representations made to obtain the approvals. The property has been assessed and taxed as a single parcel since the construction of the existing residence in 1989-90. Therefore, the current property owner is unable to reasonably claim an investment backed expectation for more than one single family residence use on the subject property.

Since the subject property now constitutes one parcel, any subdivision of this parcel must comply with the Lee Plan and all current Land Development regulations. The proposed "restoration" will result in a subdivision that does not comply with the density requirements of the Lee Plan.

The above determination by the Administrative Designee provides the property owner with a reasonable, viable, and economic use of the property. The determination is not arbitrary or capricious as it is based upon the objectives of the Lee Plan as a whole and is consistent with other similar interpretations.

Based upon the above, the single family determination rendered in 1989 (SF 89-05-17) remains valid and binding with respect to the

subject property as combined voluntarily by the owner into one buildable parcel.

Applications for building permits or development orders must comply with all applicable County, State, and Federal regulations as those regulations exist at the time each application is submitted.

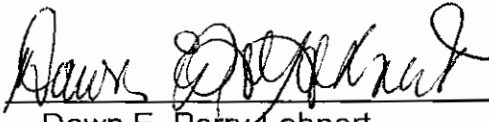
APPEAL PROCEDURE:

"An administrative interpretation may be appealed to the Board of County Commissioners by filing a written request within fifteen (15) days after the administrative interpretation has been made. In reviewing such an appeal, the Board will consider only information submitted in the administrative interpretation process and will review only whether the designated individual has properly applied, to the facts presented, the standards set forth in the Plan for such administrative interpretations. No additional evidence will be considered by the Board. The Board of County Commissioners will conduct such appellate review at a public hearing."

Based upon this quoted language, if you disagree with this administrative interpretation, you have the right to an appeal to the Board of County Commissioners. In order to exercise this right of appeal, a written Notice of Appeal must be delivered to the Department of Community Development, 1500 Monroe Street, Fort Myers, Florida, along with the filing fee, no later than 15 days from the date of this Administrative Interpretation, stating the reasons for your disagreement.

Dated this 22nd day of December, 2005.

LEE COUNTY ATTORNEY'S OFFICE
AS ADMINISTRATIVE DESIGNEE

BY: 
Dawn E. Perry-Lehnert
Assistant County Attorney

DPL/tlb

Attachments: SF-89-05-17

cc: Timothy Jones, Chief Assistant County Attorney
Donald D. Stilwell, County Manager
Paul O'Connor, Director, Planning Division
Peter Blackwell, Planning Division
Julie Dalton, Property Appraiser's Office
Debbie Carpenter, DCD
Tidemark

Sent to Applicant via regular mail and Certified Mail #7003 0500 0002 6651 9026
Sent to Agent via regular mail and Certified Mail #7003 0500 0002 6651 9033

EXHIBIT A
LEGAL DESCRIPTION
Property located in Lee County, Florida

A TRACT OR PARCEL OF LAND LYING IN GOVERNMENT LOT 1, SECTION 5, TOWNSHIP 45 SOUTH, RANGE 21 EAST, UPPER CAPTIVA ISLAND, LEE COUNTY, FLORIDA, BEING THE WESTERLY HALF OF TRACT 1, AS RECORDED IN OFFICIAL RECORDED BOOK 1349, AT PAGE 1499, LEE COUNTY RECORDS, BEING LOT 11, UNIT 3, UNRECORDED JOSE'S HIDEAWAY, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

FROM A CONCRETE POST ON THE SOUTH LINE OF GOVERNMENT LOT 1, SECTION 5, TOWNSHIP 45 SOUTH, RANGE 21 EAST, 226.00 FEET MORE OR LESS EAST OF THE HIGH TIDE LINE OF THE GULF OF MEXICO RUN S 81°20' E FOR 835.00 FEET ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 1 TO A CONCRETE POST; THENCE RUN N 08°40' E 205.00 FEET TO A CONCRETE POST; THENCE CONTINUE NORTH 08°40' E FOR 525.00 FEET; THENCE RUN N 81°20' W FOR 540.00 FEET TO THE NORTHEASTERLY CORNER OF LOT 11, UNIT 3, UNRECORDED JOSE'S HIDEAWAY, THE NORTHEASTERLY CORNER OF THE WESTERLY HALF OF TRACT 1, RECORDED IN OFFICIAL RECORD BOOK 1349, AT PAGE 1499, LEE COUNTY RECORDS AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL. FROM SAID POINT OF BEGINNING CONTINUE N 81°20' W ALONG THE NORTH LINE OF SAID TRACT 1 FOR 100.00 FEET MORE OR LESS; THENCE RUN S 08°40' W FOR 105.00 FEET; THENCE RUN S 81°20' E ALONG THE SOUTH LINE OF TRACT 1 FOR 100.00 FEET TO THE SOUTHEASTERLY CORNER OF THE WESTERLY HALF OF SAID TRACT 1; THENCE RUN N 08°40' E ALONG THE EAST LINE OF SAID WEST HALF OF TRACT 1 FOR 105.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH

A TRACT OR PARCEL OF LAND LYING IN GOVERNMENT LOT 1, SECTION 5, TOWNSHIP 45 SOUTH, RANGE 21 EAST, UPPER CAPTIVA ISLAND, LEE COUNTY, FLORIDA, BEING TRACT 2, AS RECORDED IN OFFICIAL RECORD BOOK 1349, AT PAGE 1499, LEE COUNTY RECORDS, BEING LOT 12, UNIT 3, UNRECORDED JOSE'S HIDEAWAY, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS;

FROM A CONCRETE POST ON THE SOUTH LINE OF GOVERNMENT LOT 1, SECTION 5, TOWNSHIP 45 SOUTH, RANGE 21 EAST, 226.00 FEET MORE OR LESS EAST OF THE HIGH TIDE LINE OF THE GULF OF MEXICO RUN S 81°20' EAST FOR 835.00 FEET ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 1 TO A CONCRETE POST; THENCE RUN N 08°40' E FOR 205.00 FEET TO A CONCRETE POST; THENCE CONTINUE N 08°40' E FOR 525.00 FEET; THENCE RUN N 81°20' WEST FOR 540.00 FEET TO THE NORTHEASTERLY CORNER OF LOT 11, UNIT 3, UNRECORDED JOSE'S HIDEAWAY, THE NORTHEASTERLY CORNER OF THE WESTERLY HALF OF TRACT 1 AS RECORDED IN OFFICIAL RECORD BOOK 1349, AT PAGE 1499, LEE COUNTY RECORDS, THENCE CONTINUE N 81°20' W ALONG THE NORTH LINE OF SAID TRACT 1 AND TRACT 2 FOR 100.00 FEET TO THE NORTHEASTERLY CORNER OF LOT 12 AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL. FROM SAID POINT OF BEGINNING CONTINUE N 81°20' W ALONG THE NORTH LINE OF SAID TRACT 2 FOR 100.00 FEET TO THE NORTHWESTERLY CORNER OF SAID TRACT 2 THENCE RUN S 08°40' W ALONG THE WESTERLY LINE OF SAID TRACT 2 FOR 105.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID TRACT 2 THENCE RUN S 81°20' E ALONG THE SOUTH LINE OF TRACT 2 FOR 100.00 FEET THENCE RUN N 08°40' E ALONG THE EAST LINE OF LOT 12 HEREIN FOR 105.00 FEET TO THE POINT OF BEGINNING.

THE DETERMINATION OF
THE APPLICATION OF THE
MINIMUM USE PROVISION

6/24
AJW

CASE #: SF89-05-17

DATE RECEIVED BY ZONING DIVISION: May 22, 1989

STRAP NUMBER: 05-45-21-00-00001.047A (lots 11 and 12)

APPLICANT: Maureen McCluskey & Bob Oxenberg

OWNER: Maureen McCluskey & Bob Oxenberg

1. OWNERSHIP

a) DATE WARRANTY DEED OR AGREEMENT FOR DEED RECORDED IN
OWNER/PURCHASER NAME: September 1986

b) PLACE RECORDED: O R Book 1876 Pages 4192 thru 4196

2. CREATION OF PARCEL

a) DATE PARCEL CREATED/RECORDED: May 1968 and March 1970

b) PLACE RECORDED: O R Book 462 Page 713 and OR Book 588 Page 598

1) LOT WAS CREATED/RECORDED IN PLAT BOOKS PRIOR TO DECEMBER 21,
1984 AND HAS NOT BEEN ALTERED: YES _____ NO _____ N/A X

2) A LEGAL DESCRIPTION OF THE LOT WAS LAWFULLY RECORDED IN O.R.
BOOKS PRIOR TO DECEMBER 21, 1984: YES X NO _____ N/A _____

3) LOT WAS LAWFULLY CREATED AFTER DECEMBER 21, 1984 AND IS IN
COMPLIANCE WITH THE LEE PLAN: YES _____ NO _____ N/A X

3. ZONING WHEN CREATED/RECORDED: RS-1

a) COMPLIED WITH ZONING WHEN CREATED/RECORDED: YES X NO _____ N/A _____

b) CREATED PRIOR TO JUNE 27, 1962 AND HAS A MINIMUM OF 4,000 SQUARE
FEET: YES _____ NO _____ N/A X

**DETERMINATION OF
THE APPLICATION OF THE
MINIMUM USE PROVISION**

CASE # _____ MUD2005-00196 _____

DATE RECEIVED BY ZONING DIVISION: _____ 8/18/05 _____

STRAP NUMBER: _____ 05-45-21-11-00000.0110 _____

APPLICANT: _____ Darryl Damico _____

OWNER: _____ Darryl Damico _____

OWNERSHIP

a) DATE WARRANTY DEED OR AGREEMENT FOR DEED RECORDED IN OWNER/PURCHASER NAME: August 2005 (Combined lot)

b) PLACE RECORDED: OR Book 4839 Pages 2086-2089 (Combined lot)

CREATION OF PARCEL

a) DATE PARCEL CREATED/RECORDED: Lot 11: May 1968, Lot 12: March 1970

b) PLACE RECORDED: Lot 11: OR Book 462 Page 713, Lot 12: OR Book 588 Page 598

1) LOT WAS CREATED/RECORDED IN PLAT BOOKS PRIOR TO December 21, 1984 AND HAS NOT BEEN ALTERED: YES___ NO___ N/A X

2) A LEGAL DESCRIPTION OF THE LOT WAS LAWFULLY RECORDED IN O.R. BOOKS PRIOR TO DECEMBER 21, 1984: YES X NO___ N/A___

3) LOT WAS LAWFULLY CREATED AFTER DECEMBER 21, 1984 AND IS IN COMPLIANCE WITH THE LEE PLAN: YES___ NO___ N/A X

ZONING WHEN CREATED/RECORDED: RS-1

- a) COMPLIED WITH ZONING WHEN CREATED/RECORDED: YES NO N/A
- b) CREATED PRIOR TO JUNE 27, 1962 AND HAS A MINIMUM OF 4,000 SQUARE FEET: YES NO N/A
- c) CREATED AFTER JUNE 27, 1962 AND PRIOR TO DECEMBER 21, 1984 AND HAS A WIDTH NOT LESS THAN 50 FEET AND HAS AN AREA NOT LESS THAN 5,000 SQUARE FEET AND RECORDED IN A PLAT BOOK: YES NO N/A
- d) CREATED AFTER JUNE 27, 1962 AND PRIOR TO DECEMBER 21, 1984, HAS A MINIMUM OF 7,500 SQUARE FEET AND RECORDED IN O.R. BOOK: YES NO N/A (See Below)

LAND USE CATEGORY: Outer Island

- a) LOT IS CONSISTENT WITH DENSITY REQUIREMENTS: YES NO

REAPPORTIONING LOTS: YES NO

RECOMMENDATION:

THE LOT IS NOT CONSISTENT WITH THE MINIMUM USE PROVISION BASED ON THE FOLLOWING:

The subject parcel consists of lots 11 and 12, Unit 3, Jose's Hideaway. Lot 11 was recorded in 1968 and Lot 12 was recorded in 1970 prior to the adoption of the Lee Plan. Both lots were subject to a previous Minimum Use Determination in 1989 (SF89-05-17) which explicitly stated that the two lots *as combined* qualified for one single family residence. Furthermore, on the application for the SF89-05-17 case, the applicant states that their intent was to create one single family residence on the *combined* lots. Therefore, neither lot 11 or 12 individually qualify for a single family residence under the Single Family Provision of the Lee Plan. Lots 11 and 12 each conform to the RS-1 zoning district and each exceed the 7,500 square foot minimum required by the Single Family Provision. These lots are located on Upper Captiva, an island with no direct land access. Due to the 1989 determination, the subject parcel is limited to one single family residence total on the combined lots 11 and 12.



LEE COUNTY
SOUTHWEST FLORIDA

APPLICATION FOR ADMINISTRATIVE ACTION

APPLICATION FOR:

MUD 2005-00196

- Administrative Variance (attach Supplement A)
- Commercial Lot Split (attach Supplement B)
- Consumption On Premises (attach Supplement C)
- Minimum Use Determination (attach Supplement D)
- Ordinance Interpretation (attach Supplement E)
- Relief for Designation Historic Resources (attach Supplement F)
- Relief for Easement Encroachment (attach Supplement G)
- Administrative Amendment PUD or PD (attach Supplement H)
- Final Plan Approval per Resolution: # _____ (attach Supplement H)
- Administrative Deviation from Chapter 10 (attach Supplement I)
- Placement of Model Home/Unit or Model Display Center (attach Supplement J)
- Dock & Shoreline Structures (attach Supplement K)
- Wireless Communication Facility (attach Supplement M and Shared Use Plan Agreement)

RECEIVED
AUG 18 2005
JK

Applicant's Name: Darryl Damico Phone #: 597-7171

Project Name: Jose's Hideaway

STRAP Number: 05-45-21-11-00000.0110

STAFF USE ONLY

Case Number: MUD 2005-00196 Commission District: DISTRICT 1 Robert JAMES
 Current Zoning: RS-1 Fee Amount: \$135.00
 Land Use Classification: CUTTER ISLAND Intake by: _____
 Planning Community: Captiva

LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (239) 479-8585

PART I - GENERAL INFORMATION

1. APPLICANT'S NAME: Darryl Damico
Mailing Address:
Street: 1810 J and C Blvd., Unit 10
City: Naples State: FL Zip: 34109
Phone Number: Area Code: 239 Number: 597-7171 Ext. _____
Fax Number: Area Code: 239 Number: 597-6577
E-mail address: _____

2. Relationship of applicant to property*:
 Owner Trustee
 Option holder Contract Purchaser
 Lessee Other (indicate) _____

Applicant must submit an Affidavit that he is the authorized representative of the owner [see Part I (attached) and please complete the appropriate Affidavit form (A1 or A2) to the type of applicant].

3. AGENT'S NAME(S): (Use additional sheets if necessary):
Mailing Address:
Street: 1625 Hendry Street, Suite 301
City: Ft. Myers State: FL Zip: 33901
Contact Person: Matt Uhle
Phone Number: Area Code: 239 Number: 334-2722 Ext.: _____
Fax Number: Area Code: 239 Number: 334-1446
E-mail address: Muhle@knott-law.com

4. TYPE OF REQUEST (please check one)
- Administrative Variance (requires supplement A)
 - Commercial Lot Split (requires supplement B)
 - Consumption On Premises (requires supplement C)
 - Minimum Use Determination (requires supplement D)
 - Ordinance Interpretation (requires supplement E)
 - Relief for Designated Historic Resources (requires supplement F)
 - Easement Encroachment (requires supplement G)
 - Administrative Amendment to a PUD or Planned Development (requires supplement H)
 - Administrative Deviation from Chapter 10 of the LDC (requires supplement I)
 - Placement of Model Home/Unit or Model Display Center (requires supplement J)
 - Dock & Shoreline Structure (requires supplement K)
 - Wireless Communication Facility (requires supplement M and Shared Use Plan Agreement)
 - Final Plan Approval (no supplement)

5. NATURE OF REQUEST (please print): Determination that Lots 11 & 12 are entitled to a single-family dwelling pursuant to the Lee Plan minimum use provision.

PART II - PROPERTY INFORMATION

Is this request specific to a particular tract of land? _____ NO YES. If the answer is yes, please complete the following:

1. Is this action being requested as a result of a violation notice? NO _____ YES.

a. If yes, date of notice: _____

b. Specific nature of violation: _____

2. Name of owner of property: _____ Darryl Damico _____

Mailing Address: Street: _____ 1810 J and C Blvd., Unit 10 _____

City: _____ Naples _____ State: _____ FL _____ Zip: _____ 34109 _____

Phone Number: Area Code: _____ 239 _____ Number: _____ 597-7171 _____ Ext.: _____

Fax Number: Area Code: _____ 239 _____ Number: _____ 597-6577 _____

3. Legal Description: Is property one or more undivided platted lots within a subdivision recorded in the official Plat Books of Lee County?

NO. Attach a legible copy of the metes and bounds property description and boundary survey (10 acres or more) or certified sketch of description (less than 10 acres) meeting the minimum technical standards set out in chapter 61G 17-6.006, Florida Administrative Code.

_____ YES. Property is identified as:

Subdivision Name: _____

Plat Book _____ Page _____ Unit _____ Block _____ Lot _____

4. STRAP NUMBER: _____ 05-45-21-11-00000.0110 _____

5. Property Dimensions:

Area: _____ square feet or _____ 0.48 _____ acres.

Width along roadway: _____ 200 _____ feet on Hidden Lane

Depth: _____ 105 _____ feet.

1. 6. Property Street Address: _____ 4611 Hidden Lane, Captiva, FL 33924 _____

7. General Location Of Property: _____ Captiva Island, Florida _____



ADMINISTRATIVE ACTION REQUEST SUPPLEMENT D

MINIMUM USE DETERMINATION

If the request is for a Minimum Use Determination please submit the "Application for Administrative Action" form and the following:

1. PROPERTY INFORMATION

- a. Number of parcels (lots) involved in the request: 2
- b. Size of parcels (please submit a site plan, plat, or survey indicating dimensions and area of each lot as well as the total area of all lots involved): Each lot is 0.24 acres; the total for the entire parcel is 0.48 acres.
- c. Comprehensive Plan Land Use designation for the subject property: Outer Island
- d. Zoning: Indicate the zoning on the parcel(s) when the parcel(s) was created (split out into its present dimensions from a larger parcel): RS-1

2. INTENDED USE

- a. Do you wish to construct one single family residence on each of the above parcels? NO YES
 If the parcel on which you wish to construct one home is some combination of lots, indicate which lots will comprise the final single family parcel: Lots 11 and 12 are stand-alone lots
- b. Do you wish to reapportion lots? NO YES. If yes, on the site plan or map sub-mitted for 2 above, please indicate the changes you wish to make in compliance with this provision.

3. ADDITIONAL DOCUMENTATION REQUIRED

- a. Copy of the recorded deed, agreement for deed, or other official documentation indicating the date you acquired the property and the date the deed was recorded in the Lee County Clerk's office.
- b. If the parcel(s) is not in a platted or unofficial recorded subdivision, please provide a copy of the recorded deed (or other official documentation) establishing the date the parcel(s) was created (i.e. split out from a larger parcel into its present dimensions).

2 SF
Res. units

PART I AFFIDAVIT A1

AFFIDAVIT FOR ADMINISTRATIVE ACTION
APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Darryl J. Damico, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Darryl J. Damico
Signature

Darryl J. Damico
(Type or printed name)

STATE OF Florida

COUNTY OF Collier

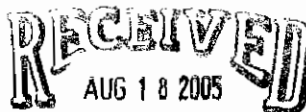
The foregoing Instrument was sworn to (or affirmed) and subscribed before me this 15 day of Aug 2005 by Darryl J. Damico (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

Tracey D. Hoglund
Signature of person taking oath or affirmation

Tracey D. HOGLUND
Name typed, printed or stamped

Title or rank

Serial number, if any



PROPERTY DATA FOR PARCEL 05-45-21-11-00000.0110
TAX YEAR 2005 PRELIMINARY

Parcel data is available for the following tax years:
 [[2001](#) | [2002](#) | [2003](#) | [2004](#) | [2005 \(Preliminary\)](#)]

[Next Lower Parcel Number](#) | [Next Higher Parcel Number](#) | [Display Building Permits on this Parcel](#)
[Display Tax Bills on this Parcel](#) | **NEW! Tax Estimator**

OWNERSHIP, LEGAL, SALES AND DISTRICT DATA ARE FROM THE CURRENT DATABASE. LAND, BUILDING, VALUE AND EXEMPTION DATA ARE FROM THE 2005 PRELIMINARY ROLL.

PROPERTY DETAILS

OWNER OF RECORD

CHESTNUT ROBERT W + ROBIN E
 4809 CULBREATH ISLES WAY
 TAMPA FL 33629

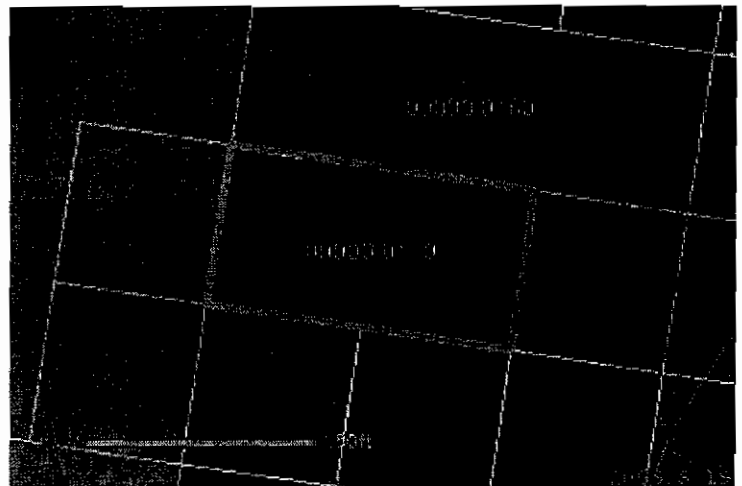
SITE ADDRESS

4611 HIDDEN LN
 CAPTIVA FL 33924

LEGAL DESCRIPTION

PARL IN NW1/4 DESC OR 1266 PG 147 AKA UT 3
 LOTS 11 + 12 JOSES HIDEAWAY

[[VIEWER](#)] TAX MAP [[PRINT](#)]



[[PICTOMETRY](#)]

TAXING DISTRICT

276 - UPPER CAPTIVA FIRE/MSTU

DOR CODE

01 - SINGLE FAMILY RESIDENTIAL

PROPERTY VALUES (TAX ROLL 2005)
 [[NEW! HISTORY CHART](#)]

EXEMPTIONS

ATTRIBUTES

JUST	700,000	HOMESTEAD	0	UNITS OF MEASURE	UT
ASSESSED	700,000	AGRICULTURAL	0	NUMBER OF UNITS	1.00
ASSESSED SOH	700,000	WIDOW	0	FRONTAGE	0
TAXABLE	700,000	WIDOWER	0	DEPTH	0
BUILDING	0	DISABILITY	0	BEDROOMS	3
LAND	700,000	WHOLLY	0	BATHROOMS	2
BUILDING FEATURES	0	SOH DIFFERENCE	0	TOTAL BUILDING SQFT	3,175
LAND FEATURES	0			YEAR IMPROVED	1991

SALES/TRANSACTIONS

SALE PRICE	DATE	OR BOOK / PAGE	TYPE	TRANSACTION DETAILS		VACANT / IMPROVED
				DESCRIPTION		
575,000	6/1/1996	<u>2717/345</u>	06	Qualified (Fair Market Value / Arms Length / One STRAP #)		
100	6/1/1996	<u>2717/337</u>	04	Disqualified (Multiple STRAP # - 01,03,07)		

PARCEL RENUMBERING HISTORY

PRIOR STRAP	RENUMBER REASON	RENUMBER DATE
05-45-21-00-00001.047A	Reserved for Renumber ONLY	Wednesday, December 02, 1998
05-45-21-00-00001.0750	Combined (With another parcel-Delete Occurs)	Thursday, November 05, 1998

SOLID WASTE (GARBAGE) ROLL DATA

SOLID WASTE DISTRICT	ROLL TYPE	CATEGORY	UNIT/AREA	TAX AMOUNT
016 - Service Area 7 - Upper Captiva	R - Residential Category		1	24.35

ELEVATION INFORMATION

STORM SURGE CATEGORY	FLOOD INSURANCE (FIRM FAQ)				
	RATE CODE	COMMUNITY	PANEL	VERSION	DATE
Category 1	VE:EL13	125124	0252	E	050503

[\[Show \]](#)**APPRAISAL DETAILS**

TRIM (proposed tax) Notices are available for the following tax years:

[[1997](#) | [1998](#) | [1999](#) | [2000](#) | [2001](#) | [2002](#) | [2003](#) | [2004](#)]

[[Next Lower Parcel Number](#) | [Next Higher Parcel Number](#)]

[[New Query](#) | [Parcel Queries Page](#) | [Lee PA Home](#)]

This site is best viewed with [Microsoft Internet Explorer 5.5+](#) or [Netscape Navigator 6.0+](#).
Page was last modified on Thursday, August 18, 2005 9:33:34 AM.

Spatial District Query Report

STRAP Number: 05-45-21-11-00000.0110

District Name	District Value(s)	Pct of Parcel in District (If fractional)	Notes
Airport Noise Zone		NOT FOUND	
Airspace Notification	Notification Height Facility	0' - 25' AMSL North Captiva Air Inc. Airport	
Census Tract	Tract ID	801	
Coastal Building Zone	Coastal Bldg Zone	Coastal Building Zone (ORD 94-22)	
Coastal High Hazard Area	Coastal High Hazard Zone	High hazard	✓
Fire District	Fire District Taxing Authority	Upper Captiva Island 092	
Flood Insurance Zone	Flood Zone	VE-EL13	52.94%
	Flood Zone	VE-EL12	47.06%
FIRM Floodway			NOT FOUND
Flood Insurance Panel	Community Panel Version Date	125124 0252 E 050503	
DNR Flood Zones			NOT FOUND
Flood Insurance Coastal Barrier			NOT FOUND
Lighting District			NOT FOUND
Planning Community	ID Plan Community	7 Captiva	
Planning Land Use 2010	Landuse	Outer Island	
Sanibel/County Agreement			NOT FOUND
School Board District	District School Board Member	1 Robert Chilmonik	
School Choice Zone	Choice Zones	South Zone 5	> 99.99%
	Choice Zones	South Zone	> 99.99%
Solid Waste District	District Area	Area 7	
Storm Surge	Category	1	91.99%
	Category	T S	8.01%
Subdivisions	Subdivision No. Subdivision Name	05452111 JOSES HIDEAWAY UN 3 UNREC	> 99.99%
	Book Page 1 Book Page 2 Book Page 3		
	Subdivision No. Subdivision Name	05452110 JOSES HIDEAWAY UN 2 UNREC	< 0.01%
	Book Page 1 Book Page 2 Book Page 3		1
Traffic Analysis Zone	TAZ	688	
Archaeological Sensitivity			NOT FOUND
Sea Turtle Lighting Zone	Lighting Zone	Upper Captiva	2
Watersheds	Shed ID	Upper Captiva Island	
FLUCCS1995	Code Landuse	111 Fixed Single Family Units	82.07%

	Code Landuse	710 Beaches Other Than Swimming Beaches	17.93%
Vegetation Permit Required	Vegetation Permit	North Captiva	3
Soil	Map Symbol Soil Name	2 CANAVERAL FINE SAND	
Panther Habitat			NOT FOUND
Eagle Nesting Site buffer			NOT FOUND
Commissioner District	District Commissioner	1 Robert Janes	
Unincorporated Lee County Zoning	Zoning Designation	RS-1	Zoning Notes
Development Orders			NOT FOUND
Fort Myers Beach Interim Zoning			NOT FOUND
Road Impact Fee Districts	District Tidemark ID Name	54 54 SOUTHWEST	
Water Franchise			NOT FOUND

[\[Modify \] Report Settings](#)

Note	Details
1	Small percentages can result from slight variations in the way lines are drawn or imported into our system. Such values may not accurately reflect an overlap with the subject parcel.
2	Sea Turtle Lighting review REQUIRED, Contact Environmental Sciences (239) 479-8585.
3	Vegetation Removal Permit REQUIRED, Contact Environmental Sciences (239) 479-8585.

Our goal is to provide the most accurate data available, however no warranties, expressed or implied, are provided with this data, its use, or interpretation.
All information subject to change without notice.

Printed for Lawyers' Title Guaranty Fund, Orlando, Florida

This instrument was prepared by:
Name J. Tom Smoot, Jr.
Address P.O. Box 1237
Ft. Myers, Fla.
nn/5.108

462/713

Warranty Deed

(STATUTORY FORM — SECTION 689.02 F.S.)

This Indenture, Made this 10th day of May 1968, Between
PHILIP H. KINSEY and ROBERTA G. KINSEY, husband and wife
of the County of Lee, State of Florida, grantor*, and
JOHN M. STANG
whose post office address is P. O. Box 3216, North Fort Myers,
of the County of Lee, State of Florida, grantee*.

Witnesseth, That said grantor, for and in consideration of the sum of \$10-----

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:
Lots 10 - 11 BEGIN at a concrete post on the South line of Government Lot Unit 3 1, Section 5-45-21, being 226 feet more or less east of the high tide line of the Gulf of Mexico; thence run S 81° 20' E 835.0 feet along the South line of said Government Lot 1 to a concrete post; thence N 8° 40' E 205 feet to a concrete post; thence N 8° 40' E 525 feet; thence N 81° 20' W 440 feet to the point of beginning. THENCE S 8° 40' W 105 feet; N 81° 20' W 200 feet; N 8° 40' E 105 feet; S 81° 20' E 200 feet to the point of beginning. BEING Lots 10 and 11, Unit 3, of an unrecorded subdivision known as JOSE'S HIDEAWAY, located in Government Lot 1, Section 5-45-21, Upper Captiva Island, Lee County, Florida. SUBJECT to a 15 foot easement on the North for road right-of-way purposes and subject to a 6 foot easement on each boundary for drainage or utilities. SUBJECT ALSO to taxes for the years subsequent to 1968, and the following restrictions: (1) There shall be a minimum of 600 feet floor space in any building constructed on these premises; (2) the property shall be used for residential purposes only; (3) all plans, materials and specifications must be approved by grantors.

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

* "Grantor" and "grantee" are used for singular or plural, as context requires.

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

(Handwritten signatures of Philip H. Kinsey and Roberta G. Kinsey)

(PHK) *(Signature)* (Seal)
(RGK) *(Signature)* (Seal)

STATE OF FLORIDA DOCUMENTARY SUR TAX \$1.10
STATE OF FLORIDA DOCUMENTARY SUR TAX \$1.10
STATE OF FLORIDA DOCUMENTARY SUR TAX \$1.10

STATE OF Florida
COUNTY OF Lee

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared PHILIP H. KINSEY and ROBERTA G. KINSEY, husband and wife.

to me known to be the persons described in and who executed the foregoing instrument and acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 10th day of May 1968.

My commission expires: 8/28/69

(Handwritten signature of Notary Public)
Notary Public

STATE OF FLORIDA DOCUMENTARY SUR TAX \$1.10
MAY 15 1968
RECORDED BY 990

MAY 16 12 00 PM '68

CLERK OF DISTRICT COURT
BY L. E. Bayette D. C.

STATE OF FLORIDA DOCUMENTARY SUR TAX \$1.55

LOTS 10 & 11

LEE COUNTY

Printed for Lawyers' Title Guaranty Fund, Orlando, Florida

This instrument was prepared by:

Name J. Tom Smoot, Jr.

Address P. O. Drawer LL

Fort Myers, Fla. 33902
JTSjr/mhs/2.260

Warranty Deed

(STATUTORY FORM — SECTION 689.02 F.S.)

This Indenture, Made this 6th day of March 1970. Between
PHILIP H. KINSEY and ROBERTA G. KINSEY, husband and wife,
of the County of Lee State of Florida, grantor*, and
WOODROW HORICK AND IRENE HORICK, husband and wife
whose post office address is 5120 Calusa Court, Cape Coral,
P. O. Box 61,
of the County of Lee State of Florida, grantee*.

Witnesseth, That said grantor, for and in consideration of the sum of -----TEN AND NO/100-----
-----(\$10.00-----) Dollars,

and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby
acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the fol-
lowing described land, situate, lying and being in Lee County, Florida, to-wit:

Begin at a concrete post on the south line of Government Lot 1, Section
5-45-21, being 226 feet more or less east of the high tide line of the
Gulf of Mexico; thence run S 81° 20' E 835.0 feet along the south line
of said Government Lot 1 to a concrete post; thence N 8° 40' E 205 feet
to a concrete post; thence N 8° 40' E 525 feet; thence N 81° 20' W 640
feet to the P.O.B. Thence S 8° 40' W 105 feet; N 81° 20' W 100 feet; N
8° 40' E 105 feet; S 81° 20' E 100 feet to the P.O.B. BEING Lot 12, Unit
3 of an unrecorded subdivision known as "JOSE'S HIDEAWAY," located in
Government Lot 1, Section 5-45-21. Upper Captiva Island, Lee County,
Florida. SUBJECT to a 15 foot easement on the North for road right-of-way
purposes and subject to a 6' easement on each boundary for drainage or
utilities. SUBJECT ALSO to taxes for the years subsequent to 1969, and
the following restrictions:

(1) There shall be a minimum of 600 feet floor space in any building con-
structed on these premises; (2) the property shall be used for residential
purposes only; (3) All plans, materials and specifications must be approved
by Grantors, and continued on reverse side
and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims
of all persons whomsoever.

*"Grantor" and "grantee" are used for singular or plural, as context requires.

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:

1. Philip H. Kinsey (PK) Philip H. Kinsey (Seal)
2. Roberta G. Kinsey (RHK) Roberta G. Kinsey (Seal)

(Seal)

STATE OF FLORIDA)
COUNTY OF LEE)

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally
appeared PHILIP H. KINSEY and ROBERTA G. KINSEY, husband and wife,

to me known to be the person described in and who executed the foregoing instrument and acknowledged before
me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of March
1970.

My commission expires:

8-29-72

[Signature]
Notary Public
SEAL

Lot
12

105
x 100
10,500 SF

Begin at a Concrete post on the south line of Government Lot 1, Section 5-45-21, being 226 feet more or less east of the high tide line of the Gulf of Mexico; thence run S 81° 20' E 835.0 feet along the south line of said Government Lot 1 to a concrete post; thence N 8° 40' E 205 feet to a concrete post; thence N 8° 40' E 420 feet; thence N 81° 20' W 640 feet to the P.O.B. Thence S 8° 40' W 105 feet; N 81° 20' W 100 feet; N 8° 40' E 105 feet; S 81° 20' E 100 feet to the P.O.B. BEING Lot 17, Unit 2 of an unrecorded subdivision known as "JOSE'S HIDEAWAY," located in Government Lot 1, Section 5-45-21, Upper Captiva Island, Lee County, Florida. SUBJECT to a 15 foot easement on the South for road right-of-way purposes and subject to a 6' easement on each boundary for drainage or utilities, SUBJECT ALSO to taxes for the years subsequent to 1969, and the following restrictions: (1) There shall be a minimum of 600 feet floor space in any building constructed on these premises; (2) the property shall be used for residential purposes only; (3) All plans, materials and specifications must be approved by Grantors.

STATE OF FLORIDA DOCUMENTARY TAX 31 1970 \$.55
STATE OF FLORIDA DOCUMENTARY TAX 31 1970 \$.55
STATE OF FLORIDA DOCUMENTARY TAX 31 1970 \$.55
STATE OF FLORIDA DOCUMENTARY TAX 31 1970 \$.55

STATE OF FLORIDA DOCUMENTARY TAX 31 1970 \$.55
STATE OF FLORIDA DOCUMENTARY TAX 31 1970 \$.55
STATE OF FLORIDA DOCUMENTARY TAX 31 1970 \$.55

LEE COUNTY
STATE OF FLORIDA DOCUMENTARY STAMP TAX
MAR 30 1970
CONTROLLER
FB 120141
1020

CLERK OF DISTRICT COURT
LEE COUNTY, FLORIDA
MAR 30 4 32 PM '70
D. C. PALMER
CLERK OF DISTRICT COURT
BY *J. E. Bayliss* D. C.

400
31
1.50

910625

18710 76

WARRANTY DEED - Mowbray Title & Abstract Co., 1802 Broadway, Fort Myers, Florida 33901

This Indenture, Made this 18th day of March A. D. 1976

between J. J. GORMICAN

party of the first part and CHARLES H. RAOB, JR.
whose address is Route 3, Box 443, Fort Pierce, Florida 33451

party of the second part.

Et: 1133 n 273

Witnesseth, That the said party of the first part, for and in consideration of the

sum of \$10.00 and O. G. V. C

to him in hand paid by the said party of the second part the receipt whereof is hereby acknowledged by these parties Grant, Bargain, Sell, Release and Convey unto the said party of the second part, and to his heirs and assigns, forever, all the following described land situated in the County of Lee, State of Florida and known and described as follows, to wit:

Begin
at a concrete post on the south line of Government Lot 1, Section 5-45-21, being 225 feet more or less east of the high tide line of the Gulf of Mexico; thence run S 81° 20' E 835.0 feet along the South line of said Government Lot 1 to a concrete post; thence N 8° 40' E 205 feet to a concrete post; thence N 8° 40' E 325 feet; thence N 81° 20' W 640 feet to the P. O. B. thence S 8° 40' W 105 feet; N 81° 20' W 100 feet; N 8° 40' E 105 feet; S 81° 20' E 100 feet to the P.O.B.
BEING Lot 12, Unit 3 of an unrecorded subdivision known as "JOSE'S HIDEAWAY," located in Government Lot 1, Section 5-45-21, Upper Captiva Island, Lee County, Florida. SUBJECT to a 15 foot easement on the North for road right-of-way purpose and subject to a 6' easement on each boundary for drainage or utilities.
Begin at a Concrete post on the south line of Government Lot 1, Section 5-45-21, being 226 feet more or less east of the high tide line of the Gulf of Mexico; thence run S 81° 20' E 835.0 feet along the south line of said Government Lot 1 to a concrete post; thence N 8° 40' E 205 feet to a concrete post; thence N 8° 40' E 420 feet; thence N 81° 20' W 640 feet to the P.O.B. thence S 8° 40' W 105 feet; N 81° 20' W 100 feet; N 8° 40' E 105 feet; S 81° 20' E 100 feet to the P.O.B.
BEING Lot 17, Unit 2 of an unrecorded subdivision known as "JOSE'S HIDEAWAY," located in Government Lot 1, Section 5-45-21, Upper Captiva Island, Lee County, Florida.

Subject to easements, restrictions and reservations of record.

To Have and to Hold the Same, together with all the hereinafter and hereinbefore therein belonging or in anywise appertaining, to the said party of the second part, his heirs and assigns forever, and the said party of the first part do hereby fully warrant the title to said land and will defend the same against the lawful claim of all persons whomsoever.

Part y of the second part assumes the payment of taxes for the year 1976 and subsequent years.

In Witness Whereof, The said party of the first part has hereunto set his hand and seal the day and year above written.

Signed, sealed and delivered in the presence of
[Signature] (SEAL)
[Signature] (SEAL)
[Signature] (SEAL)
State of FLORIDA County of LEE

I Herley Gentry, Then on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments

J. J. GORMICAN

to me well known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal this 18th day of March A. D. 1976
[Signature]
Notary Public, State of Florida at Large
My Commission expires My Commission Expires July 28, 1978

RECEIVED
AUG 18 2005

MUD 2005-00196

Lot 12

Lot 17

This instrument executed by J. J. GORMICAN, E. RAOB, JR., et al., on 03/18/76, is a duplicate of the original instrument filed for record in the office of the Clerk of the Circuit Court, Lee County, Florida, on 03/18/76.

RECORD NUMBER - 541 00000 0000 0000

005 FRI 09:35 FAX

#4
AUG 18 2015

RECEIVED
AUG 18 2015

MUD 2005-00196

MUD 2005-00196

Lot 17
This instrument prepared by
GEORGE F. HOLBERT, JR.
MOSELEY TITLE AND ABSTRACT COMPANY
1102 Broadway, Fort Myers, Fla. 33901
in accordance with the provisions of Chapter 689, Florida Statutes.

WARRANTY DEED — Moseley Title & Abstract Co., 1102 Broadway, Fort Myers, Florida 33901

This Indenture, Made this 13th day of April A. D. 1977

between CHARLES H. RACE, Jr. 997222

RE 1194 & 2090

part y of the first part and CHARLES H. RACE, Jr. and JACKIE MILLER WOLPER, as joint tenants with rights of ** whose address is P.O. Box 577 Bokerlin, Fla. 33922

part ies of the second part. **Survivorship and not as tenants in common

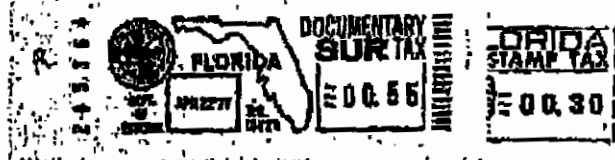
Witnesseth, That the said part y of the first part, for and in consideration of the

sum of \$10.00 and O.G.V.C.

to him in hand paid by the said part ies of the second part the receipt where of is hereby acknowledged by these presents Grant, Bargain, Sell, Remise, Release and Convey unto the said part ies of the second part, and to their heirs and assigns, forever, all the following described land situated in the County of Lee, State of Florida and known and described as follows, to wit:

Begin at a concrete post on the south line of Government Lot 1, Section 5-45-21, Being 226 feet more or less east of the high tide line of the Gulf of Mexico; thence run S 81°20'E 835.0 feet along the south line of said Government Lot 1 to a concrete post; thence N 8°40' E 205 feet to a concrete post; thence N 8°40'E 420 feet; thence N 81°20' W 640 feet to the P.O.B. thence S 8°40'W 105 feet; N 81°20' W 100 feet; N 8°40' E 105 feet; S 81°20' E 100 feet to the P.O.B. Being Lot 17 Unit No. 2, of an unrecorded subdivision known as "JOSE'S HIDEAWAY", located in Government Lot 1, Section 5-45-21 Upper Captiva Island Lee County, Florida.

Subject to easements, restrictions and reservations of record.



RECORDED IN OFFICE
OF COUNTY CLERK
OF LEE COUNTY, FLORIDA
APR 22 10 31 AM '77
CLERK OF COUNTY CLERK

We Have and do Hold the same, together with all the hereditaments and appurtenances thereto belonging or in anywise appertaining, to the said part ies of the second part, their heirs and assigns forever, and the said part y of the first part do hereby fully warrant the title in said land and will defend the same against the lawful claims of all persons whomsoever. Part ies of the second part assume the payment of taxes for the 1977 and subsequent years.

In Witness Whereof, The said part y of the first part has hereunto set his hand and seal the day and year above written. Signed, sealed and delivered in the presence of
Matthew Cross
Miguel A. Miller
Charles H. Race, Jr. (SEAL)
(SEAL)
(SEAL)
(SEAL)

State of Florida County of Lee

I, Moseley Certify, that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments,

Charles H. Race, Jr.

to me well known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal this 13th day of April A. D. 1977
Miguel A. Miller
Notary Public
My Commission Expires (for: 15) 1987

Lot 17, UNIT 2. APRIL 1977

#1

Lot 11?

45,266.00
1217 1052 1025602

THIS WARRANTY DEED, Made this 3th day of August

A.D. 1977 between JUDY A. BAXLEY

of the County of Sebastian in the State of Arkansas

herein after called the Grantor, and

JACQUE MILLER WOLFEY and CHARLES H. PAGE, JR.

whose dwelling address is Box 377
Lakeella, FL 33922

#100080
STATE OF ARKANSAS
CLERK OF COUNTY COURT
J. H. BAXLEY
AUG 16 4 38 PM '77
RECORDED IN OFFICIAL
RECORDS
FOR COUNTY CLERK
RECORDS BUREAU

4.266
37.00
10.00

herein after called the Grantee,
[Grantor and Grantee] are well known to each other, and any person (full name as given, as correct, require)
[RECORD] That the said Grantor, for and in consideration of the sum of ten dollars (\$10.00) and other value
which he/she has to said Grantee in full paid, the receipt whereof is hereby acknowledged, has agreed, has granted,
conveyed, and sold unto the said Grantee and Grantee's heirs, or assigns, and assigns for ever, all that certain tract
of land in the County of Lake and State of Florida, to wit:

LOT 11, Unit 3, JUNE'S BIDEWAY, An unaccepted subdivision located in Government Lot
1, Section 5, Township 45 South, Range 21 East, Upper Captiva Island, Lee County,
Florida, further described as follows: Begin at a concrete post on the South line
of Government Lot 1, Section 5, Township 45 South, Range 21 East, begin 216 feet north
or less East of the high tide line of the Gulf of Mexico; thence run S 81° 20' E
235.1 feet along the South line of said Government Lot 1 to a concrete post; thence
run N 8° 40' E 205 feet to a concrete post; thence run N 8° 40' E 585 feet; thence
run N 81° 20' W 140 feet to the POINT OF BEGINNING. Thence run S 8° 40' W 105 feet;
N 81° 20' W 100 feet; N 8° 40' E 205 feet; E 81° 20' E 100 feet to the POINT OF
BEGINNING. SUBJECT TO A 15 foot easement on the North for road right-of-way purposes
and subject to a 6 foot easement on each boundary for drainage and utilities.

The above described property is not the homestead of the Grantor, nor
is it contiguous thereto.

SUBJECT TO all easements, restrictions and reservations of record. And the said Grantor does hereby fully
warrant the title in said land, and will defend the same against lawful claims of all persons whatsoever,
except those for year 1977 and subsequent.

Given, Sold and Delivered in Our Presence:
[Wife] Jacqueline Miller Wolfey Judy A. Baxley (Said)
[Wife] _____ (Said)
[Wife] James R. Horton _____ (Said)
[Wife] _____ (Said)
(Two Spaces Remain Filled)

State of Arkansas
County of Sebastian

I HEREBY CERTIFY, That on this 11 day of August, A.D. 19 77
before me, an officer duly authorized in the State and County aforesaid to take acknowledgments,

personally appeared JUDY A. BAXLEY
_____ (Said)
_____ (Said)
_____ (Said)

to the best of my knowledge and belief the person described is and who
executed the foregoing conveyance and acknowledged having done so that he executed the same.

Witness My Signature and official seal in the
County and State last aforesaid.
W. D. Henderson
County Judge

My Commission Expires 11/1/80
Notary Public, License No. 112122

STATE OF FLORIDA
COUNTY OF SEBASTIAN
RECORDS BUREAU
AUG 18 1977
RECORDED IN OFFICIAL
RECORDS
FOR COUNTY CLERK
RECORDS BUREAU

105 x 100 =
10,500 SF

MUD 2005-00196

Lot 11, Unit 3
Aug 5, 1977

RECEIVED
AUG 18 2005

DR2717 P60347

EXHIBIT "A"

TRACT 1, LEE COUNTY RECORDS, BEING LOT 11, UNIT 3, UNRECORDED JOSE'S HIDEAWAY, SECTION 5, TOWNSHIP 45 SOUTH, RANGE 21 EAST, UPPER CAPTIVA ISLAND, LEE COUNTY, FLORIDA.

A TRACT OR PARCEL OF LAND LYING IN GOVERNMENT LOT 1, SECTION 5, TOWNSHIP 45 SOUTH, RANGE 21 EAST, UPPER CAPTIVA ISLAND, LEE COUNTY, FLORIDA, BEING THE WESTERLY HALF OF TRACT 1, AS RECORDED IN OFFICIAL RECORD BOOK 1349, AT PAGE 1499, LEE COUNTY RECORDS, BEING LOT 11, UNIT 3, UNRECORDED JOSE'S HIDEAWAY, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

FROM A CONCRETE POST ON THE SOUTH LINE OF GOVERNMENT LOT 1, SECTION 5, TOWNSHIP 45 SOUTH, RANGE 21 EAST, 226.00 FEET MORE OR LESS, EAST OF THE HIGH TIDE LINE OF THE GULF OF MEXICO RUN SOUTH 81°20' EAST FOR 835.00 FEET ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 1 TO A CONCRETE POST; THENCE RUN NORTH 08°40' EAST FOR 205.00 FEET TO A CONCRETE POST; THENCE CONTINUE NORTH 08°40' EAST FOR 525.00 FEET; THENCE RUN NORTH 81°20' WEST FOR 540.00 FEET TO THE NORTHEASTERLY CORNER OF LOT 11, UNIT 3, UNRECORDED JOSE'S HIDEAWAY, THE NORTHEASTERLY CORNER OF THE WESTERLY HALF OF TRACT 1, RECORDED IN OFFICIAL RECORD BOOK 1349, AT PAGE 1499, LEE COUNTY RECORDS AND THE POINT OF BEGINNING OF THE HEREBY DESCRIBED PARCEL. FROM SAID POINT OF BEGINNING CONTINUE NORTH 81°20' WEST ALONG THE NORTH LINE OF SAID TRACT 1 FOR 100.00 FEET MORE OR LESS; THENCE RUN SOUTH 08°40' WEST FOR 105.00 FEET; THENCE RUN SOUTH 81°20' EAST ALONG THE SOUTH LINE OF TRACT 1 FOR 100.00 FEET TO THE SOUTHEASTERLY CORNER OF THE WESTERLY HALF OF SAID TRACT 1; THENCE RUN NORTH 08°40' EAST ALONG THE EAST LINE OF SAID WEST HALF OF TRACT 1 FOR 105.00 FEET TO THE POINT OF BEGINNING.

AND

TRACT 2, LEE COUNTY RECORDS, BEING LOT 12, UNIT 3, UNRECORDED JOSE'S HIDEAWAY, SECTION 5, TOWNSHIP 45 SOUTH, RANGE 21 EAST, UPPER CAPTIVA ISLAND, LEE COUNTY, FLORIDA:

A TRACT OF PARCEL OF LAND LYING IN GOVERNMENT LOT 1, SECTION 5, TOWNSHIP 45 SOUTH, RANGE 21 EAST, UPPER CAPTIVA ISLAND, LEE COUNTY, FLORIDA, BEING TRACT 2, AS RECORDED IN OFFICIAL RECORD BOOK 1349, AT PAGE 1499, LEE COUNTY RECORDS, BEING LOT 12, UNIT 3, UNRECORDED JOSE'S HIDEAWAY, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

FROM A CONCRETE POST ON THE SOUTH LINE OF GOVERNMENT LOT 1,

DR2717 PG0348

EXHIBIT "A" (CONT'D)

SECTION 5, TOWNSHIP 45 SOUTH, RANGE 21 EAST, 226.00 FEET MORE OR LESS EAST OF THE HIGH TIDE LINE OF THE GULF OF MEXICO RUN SOUTH 81°20' EAST FOR 835.00 FEET ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 1 TO A CONCRETE POST; THENCE RUN NORTH 08°40' EAST FOR 205.00 FEET TO A CONCRETE POST; THENCE CONTINUE NORTH 08°40' EAST FOR 525.00 FEET; THENCE RUN NORTH 81°20' WEST FOR 540.00 FEET TO THE NORTHEASTERLY CORNER OF LOT 11, UNIT 3, UNRECORDED JOSE'S HIGHWAY, THE NORTHEASTERLY CORNER OF THE WESTERLY HALF OF TRACT 1, AS RECORDED IN OFFICIAL RECORD BOOK 1282, AT PAGE 1499, LEE COUNTY RECORDS, THENCE CONTINUE NORTH 81°20' WEST ALONG THE NORTH LINE OF SAID TRACT 1 AND TRACT 2 FOR 100.00 FEET TO THE NORTHEASTERLY CORNER OF LOT 12 AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL. FROM SAID POINT OF BEGINNING CONTINUE NORTH 81°20' WEST ALONG THE NORTH LINE OF SAID TRACT 2 FOR 100.00 FEET TO THE NORTHWESTERLY CORNER OF SAID TRACT 2; THENCE RUN SOUTH 08°40' WEST ALONG THE WESTERLY LINE OF SAID TRACT 2 FOR 105.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID TRACT 2; THENCE RUN SOUTH 81°20' EAST ALONG THE SOUTH LINE OF TRACT 2 FOR 100.00 FEET THENCE RUN NORTH 08°40' EAST ALONG THE EAST LINE OF LOT 12 HEREIN FOR 105.00 FEET TO THE POINT OF BEGINNING.

MARLIN GREEN LEE CITY FL
96 JUN 18 PM 4:19



INSTR # 6937039
OR BK 04839 Pgs 2086 - 2089; (4pgs)
RECORDED 08/10/2005 02:05:25 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 35.50
DEED DOC 10,150.00
DEPUTY CLERK M Killeen

Prepared by and return to:

Law Office of Jamie B. Gruessel
1104 North Collier Blvd
Marco Island, FL 34145
239-394-8111
File Number: 05-0410
Will Call No.:

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 29th day of July, 2005 between Robert W. Chestnut and Robin E. Chestnut, his wife whose post office address is 4809 Culbreath Isles Way, Tampa, FL 33629, grantor, and Darryl J. Damico, a married man whose post office address is 1810 J & C Boulevard, Unit 10, Naples, FL 34109, grantee:

(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

Parcel Identification Number: 05-45-21-11-00000.0110

Subject to ad valorem real property taxes and non advalorem taxes for the year of closing and subsequent years; zoning, building code and other use restrictions imposed by governmental authority; outstanding oil, gas and mineral interests of record; if any and restrictions, reservations and easements common to the subdivision.

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, 2004.

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:

James P. Fumano
Witness Name: Jordan D. Fumano
Phyllis Lewis
Witness Name: Phyllis Lewis

Robert W. Chestnut (Seal)
Robert W. Chestnut

James P. Fumano
Witness Name: Jordan D. Fumano
Phyllis Lewis
Witness Name: Phyllis Lewis

Robin E. Chestnut (Seal)
Robin E. Chestnut

State of Florida
County of Hillsborough

The foregoing instrument was acknowledged before me this 29th day of July, 2005 by Robert W. Chestnut and Robin E. Chestnut, who are personally known or have produced a driver's license as identification.

[Notary Seal]

Cira Ruggiero
Notary Public
Printed Name: CIRA Ruggiero
My Commission Expires: _____



RECEIVED
AUG 18 2005

MUD 2005-00196

BOUNDARY SURVEY

Job Number 086096

SURVEY DRAWING
AND
CERTIFICATION
FOR

DARBYL J. DAMICO
LAND & GREUSEL, ESQ.
ATTORNEY'S TITLE INSURANCE FUND

LOT 11-12, UNIT-3, JOSE'S HIDEAWAY,
AN UNRECORDED SUBDIVISION ON
UPPER CAPTIVA ISLAND, LEE
COUNTY, FLORIDA

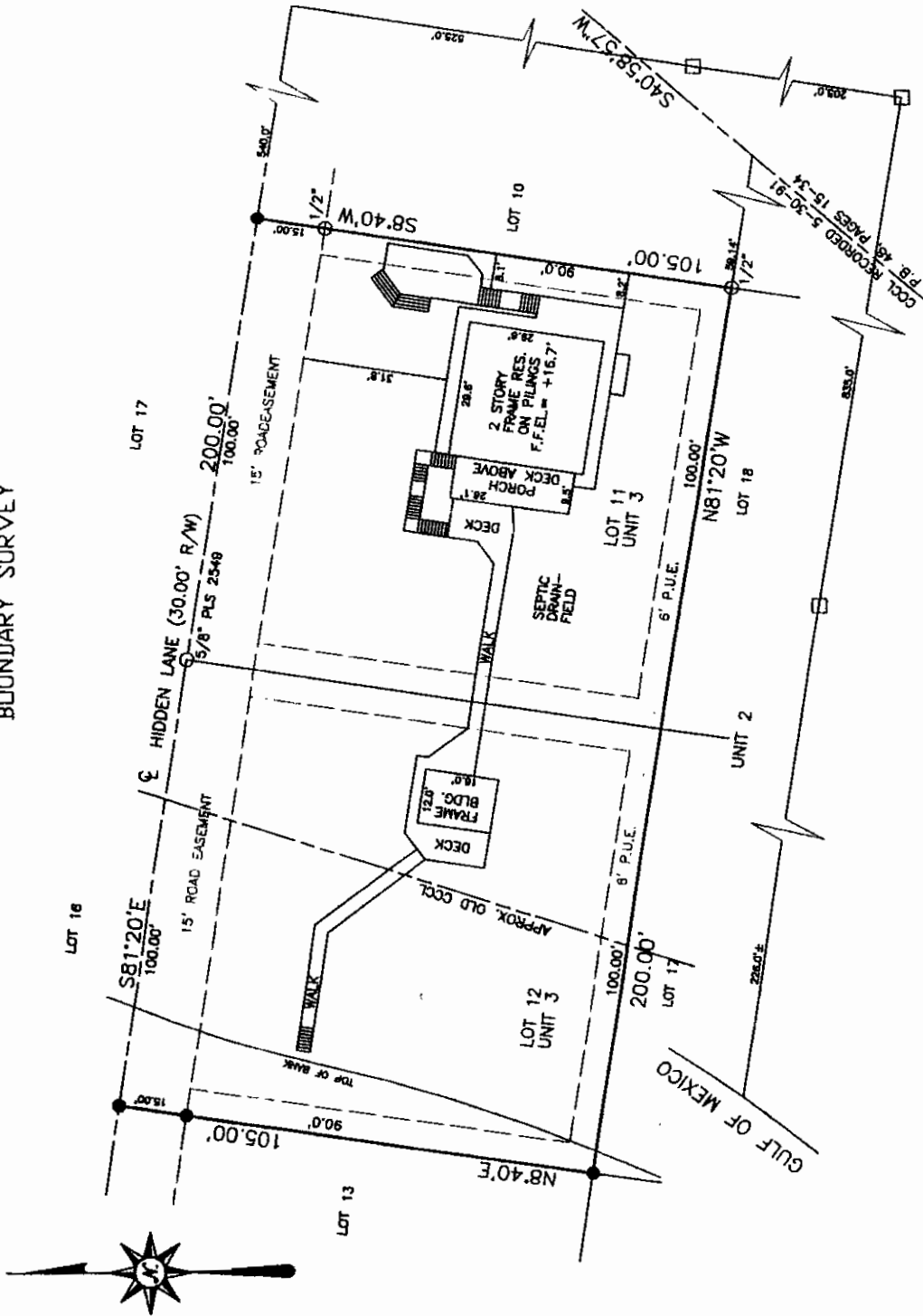
PREPARED BY:
URBAN SURVEYS, INC.
1318 S.E. 47TH STREET
CAPE CORAL, FL. 33904
(239)540-9390/540-9391
FAX 540-9339 L.B. 4069

I, A FLORIDA REGISTERED PROFESSIONAL LAND SURVEYOR
HEREBY CERTIFY THAT THE ABOVE SURVEY DRAWING
CORRECTLY REPRESENTS A SURVEY MADE UNDER MY
SUPERVISION OF THE ABOVE DESCRIBED LANDS. I FURTHER
CERTIFY THAT THIS SURVEY MEETS THE MODERN TECHNICAL
STANDARDS FOR LAND SURVEYING IN THE STATE
OF FLORIDA.
SURVEY NOT VALID WITHOUT SIGNATURE AND RAISED
SEAL OF A FLORIDA REGISTERED LAND SURVEYOR.

[Signature] DATE 7-21-07
TED B. URBAN
PROFESSIONAL LAND SURVEYOR
FLORIDA REGISTRATION NO. 2545

- EASEMENT LINE
- SET CONCRETE MONUMENT
 - FOUND CONCRETE MONUMENT AS SHOWN
 - SET IRON PIN 3/8" CAP PLS 2549
 - FOUND IRON PIN AS SHOWN
 - ▲ SET NAIL & DISK PLS 2549
 - △ FOUND NAIL & DISK AS SHOWN
 - 7.5' EXISTING ELEVATION NGVD 1989
- BEARING BATHUS PLAT
FLOOD ZONE PANEL# 125095-065-E
SCALE 1"=30' MAY 5, 2003-ZONE-VE-E-12A'

UPDATE & REVISION
07 / 21 / 2005
DATE OF SURVEY
06 / 11 / 1996



NW

THE DETERMINATION OF
THE APPLICATION OF THE
MINIMUM USE PROVISION

6/24
AJN

CASE #: SF89-05-17

DATE RECEIVED BY ZONING DIVISION: May 22, 1989

STRAP NUMBER: 05-45-21-00-00001.047A (lots 11 and 12)

APPLICANT: Maureen McCluskey & Bob Oxenberg

OWNER: Maureen McCluskey & Bob Oxenberg

1. OWNERSHIP

- a) DATE WARRANTY DEED OR AGREEMENT FOR DEED RECORDED IN
OWNER/PURCHASER NAME: September 1986
- b) PLACE RECORDED: O R Book 1876 Pages 4192 thru 4196

2. CREATION OF PARCEL

- a) DATE PARCEL CREATED/RECORDED: May 1968 and March 1970
- b) PLACE RECORDED: O R Book 462 Page 713 and OR Book 588 Page 598
- 1) LOT WAS CREATED/RECORDED IN PLAT BOOKS PRIOR TO DECEMBER 21,
1984 AND HAS NOT BEEN ALTERED: YES _____ NO _____ N/A X
- 2) A LEGAL DESCRIPTION OF THE LOT WAS LAWFULLY RECORDED IN O.R.
BOOKS PRIOR TO DECEMBER 21, 1984: YES X NO _____ N/A _____
- 3) LOT WAS LAWFULLY CREATED AFTER DECEMBER 21, 1984 AND IS IN
COMPLIANCE WITH THE LEE PLAN: YES _____ NO _____ N/A X

3. ZONING WHEN CREATED/RECORDED: RS-1

- a) COMPLIED WITH ZONING WHEN CREATED/RECORDED: YES X NO _____ N/A _____
- b) CREATED PRIOR TO JUNE 27, 1962 AND HAS A MINIMUM OF 4,000 SQUARE
FEET: YES _____ NO _____ N/A X
- c) CREATED AFTER JUNE 27, 1962 AND PRIOR TO DECEMBER 21, 1984 AND HAS
A WIDTH NOT LESS THAN 50 FEET AND HAS AN AREA NOT LESS THAN 5,000
SQUARE FEET AND RECORDED IN A PLAT BOOK: YES _____ NO _____ N/A X
- d) CREATED AFTER JUNE 27, 1962 AND PRIOR TO DECEMBER 21, 1984, HAS A
MINIMUM OF 7,500 SQUARE FEET AND RECORDED IN O.R. BOOK: YES X
NO _____ N/A _____

4. LAND USE CATEGORY: OPEN LANDS

- a) LOT IS CONSISTENT WITH DENSITY REQUIREMENTS: YES _____ NO X

5. REAPPORTIONING LOTS: YES _____ NO X

RECOMMENDATION:

LOT IS CONSISTENT WITH THE MINIMUM USE PROVISION BASED ON THE FOLLOWING:

These two lots were created in 1968 and 1970, prior to the adoption of
the Lee Plan. These two lots combined as one, exceed 7500 square
feet and comply with the RS-1 zoning district. These two lots combined
as one qualifies for one single family residence under the Single Family
Provision of the Lee Plan

BY: Pauline Camelia
Pauline Camelia, Director
Zoning Division

**DETERMINATION OF
THE APPLICATION OF THE
MINIMUM USE PROVISION**

CASE # MUD2002-00003

DATE RECEIVED BY ZONING DIVISION: January 16, 2002

STRAP NUMBERS: 35-45-21-03-00008.0000 (Parcel A)

APPLICANT: Richard Grimes

OWNER: Richard Grimes

OWNERSHIP: 35-45-21-03-00008.0000 (Parcel A)

a) DATE WARRANTY DEED OR AGREEMENT FOR DEED RECORDED IN
OWNER/PURCHASER NAME: January 1996

b) PLACE RECORDED: OR Book 2673 Page 869

CREATION OF PARCEL: 35-45-21-03-00008.0000 (Parcel A)

a) DATE PARCEL CREATED/RECORDED: May 1980

b) PLACE RECORDED: OR Book 1430 Page 1263

- 1) LOT WAS CREATED/RECORDED IN PLAT BOOKS PRIOR TO
December 21, 1984 AND HAS NOT BEEN ALTERED: YES__ NO__
N/A X
- 2) A LEGAL DESCRIPTION OF THE LOT WAS LAWFULLY RECORDED
IN O.R. BOOKS PRIOR TO DECEMBER 21, 1984: YES X NO__ N/A__
- 3) LOT WAS LAWFULLY CREATED AFTER DECEMBER 21, 1984 AND IS
IN COMPLIANCE WITH THE LEE PLAN: YES__ NO__ N/A X

ZONING WHEN CREATED/RECORDED: (Parcel A) RS-1 and TFC-2

- a) COMPLIED WITH ZONING WHEN CREATED/RECORDED: YES NO N/A
- b) CREATED PRIOR TO JUNE 27, 1962 AND HAS A MINIMUM OF 4,000 SQUARE FEET: YES NO N/A
- c) CREATED AFTER JUNE 27, 1962 AND PRIOR TO DECEMBER 21, 1984 AND HAS A WIDTH NOT LESS THAN 50 FEET AND HAS AN AREA NOT LESS THAN 5,000 SQUARE FEET AND RECORDED IN A PLAT BOOK: YES NO N/A
- d) CREATED AFTER JUNE 27, 1962 AND PRIOR TO DECEMBER 21, 1984, HAS A MINIMUM OF 7,500 SQUARE FEET AND RECORDED IN O.R. BOOK: YES NO N/A

LAND USE CATEGORY: Outlying Suburban

- a) LOT IS CONSISTENT WITH DENSITY REQUIREMENTS: YES NO

REAPPORTIONING LOTS: YES NO

RECOMMENDATION:

THE LOT IS CONSISTENT WITH THE MINIMUM USE PROVISION BASED ON THE FOLLOWING:

This Minimum Use Determination originally concerned three lots:

- Parcel A: 35-45-21-03-00008.0000 11555 Wightman Lane
- Parcel B: 26-45-21-02-00004.0020 11551 Wightman Lane
- Parcel C: 26-45-21-02-00004.0030 11549 Wightman Lane

Parcel A was recorded in 1980 prior to the adoption of the Lee Plan. It conforms to the RS-1 and TFC-2 zoning districts and exceeds the 7,500 square foot minimum required by the Single Family Provision of the Lee Plan. The parcel has access, via a recorded easement, to Wightman lane, a road of compacted materials with open swales. This parcel qualifies for one single family residence under the Single Family Provision of the Lee Plan.

Parcel B exceeds the minimum lot size required by the Outlying Suburban future land use category and therefore a Minimum Use Determination is unnecessary.

Parcel C already has two Minimum Use Determination cases on it, SF85-02-01.06A and MUD2001-00033 (attached). The 1985 case determined that the parcel as a whole met the requirements of the Single Family Provision. The 2001 case determined that the parcel could have only one house on it even though it was combined from two previously platted lots. Therefore, a new Minimum Use Determination is unnecessary for Parcel C.

ADMINISTRATIVE INTERPRETATION OF
THE SINGLE FAMILY RESIDENCE PROVISIONS OF
THE LEE PLAN

CASE NO.: MUD2001-00033

DATE OF
APPLICATION: 3/28/01

APPLICANT: J. ERIC RITLAND
1881 NORTH HIGHLAND STREET
ARLINGTON, VA 22201

OWNER: RICHARD AND ALLISON GRIMES
27820 SOUTH TAMiami TRAIL #3
BONITA SPRINGS, FL 34134

AGENT: J. ERIC RITLAND
1881 NORTH HIGHLAND STREET
ARLINGTON, VA 22201

PROPERTY IN
QUESTION: 11549 Wightman Lane, more particularly described as Lot 3 and Lot 4,
Block 4, Captiva Beach Subdivision, according to the plat recorded in
Plat Book 7, Page 73, of the Public Records of Lee County, Florida.

STRAP NO.: 26-45-21-02-00004.0030

FINDINGS OF
FACT: The property is zoned Residential Two Family Conservation (TFC-2)
located in the Outlying Suburban Land Use Category. The property
was originally created as two separate parcels in March 1926, by a Plat
of Captiva Beach Subdivision recorded in PB Book 7, Page 73, of the
Public Records of Lee County. In March 1985, previous property
owners (Haber) sought an Administrative Determination of the Single
Family Residence Provision of the Lee Plan in order to construct a
single family residence on the property. The determination was
necessary because, even taken together, the two originally platted lots
did not satisfy the density requirements of the Lee Plan. Lee County
granted permission to construct one single family residence on the
property. Shortly thereafter in June 1985, the property owners applied
for a variance in the RM-1 zoning district from the density requirements
of 14,520 square feet per unit so that they could build one single family
residence on the 11,000 square foot parcel (Lots 3 and 4). The Board
of County Commissioners granted the requested variance "with the
condition that the property was limited to one single family home only".

A single family residence was subsequently constructed on the property in 1991. The originally platted Lots 3 and 4 were effectively combined and treated as a single lot since that time.

The documentation provided with the subject application shows that the current owners acquired the property via Warranty Deed in January 2001 (Official Records Book 3355, Page 3647, Public Records of Lee County). The property is improved with a single family home. The current property owners desire to restore the original platted lots and obtain permission, via the Single Family Residence Provision of the Lee Plan, to construct a single family residence on each of the lots.

DETERMINATION:

The single family residence provision of Chapter XIII, Section b.B.4. a. of the Lee Plan may not be applied to the subject property so as to allow the originally platted lots to qualify for a single-family residence under the Standards for Administrative Interpretations. One of the prerequisites of the Single Family Residence Provision is that the lot or parcel be created and recorded in the Official Plat Books of Lee County prior to the effective date of the Lee Plan *and that the configuration of the lot has not been altered*. In this case, the original lots have been reconfigured into one parcel by virtue of the previous Administrative Determination of the Single Family Residence Provision issued in 1985 and the subsequent construction of a single family home on the property. Moreover, the variance issued in 1985 limited the entire 11,000 square foot parcel to only one single family home. The property owners received the benefits of these prior approvals and are bound by the representations and conditions in those approvals. The property has been assessed and taxed as a single parcel since the construction of the existing residence in 1991. It is now an 11,000 square foot lot nonconforming as to density. Accordingly, the current property owners cannot claim any investment backed expectation for more than one single family residence use on the property.

Even if the 1985 Administrative Determination and Variance did not contain the condition that the property was limited to one single family residence, the Lee County Land Development Code (LDC) would not permit approval of the subject application. This is because, in order to restore the original platted lots, it would be necessary to apply for a lot split under Chapter 10 (development standards) of the LDC. LDC Section 10-174(4) allows a subdivision of land only if each lot will meet or exceed all width, depth and area requirements of the zoning district in which located. The TFC-2 zoning district requires a minimum lot width of 75 feet and depth of 100. The minimum area requirement is 7,500 square feet. If the subject parcel were to be divided so as to

restore the original two lots, the resulting lots could not satisfy the these standards set forth in LDC. Moreover, to allow such a lot split would increase the existing nonconformity as to density.

APPEAL PROCEDURE:

"An administrative interpretation may be appealed to the Board of County Commissioners by filing a written request within fifteen (15) days after the administrative interpretation has been made. In reviewing such an appeal, the Board will consider only information submitted in the administrative interpretation process and will review only whether the designated individual has properly applied, to the facts presented, the standards set forth in the Plan for such administrative interpretations. No additional evidence will be considered by the Board. The Board of County Commissioners will conduct such appellate review at a public hearing."

Based upon this quoted language, if you disagree with this administrative interpretation, you have the right to an appeal to the Board of County Commissioners. In order to exercise this right of appeal, a written Notice of Appeal must be delivered to the County Attorney's Office, at 2115 Second Street, Fort Myers, Florida, no later than 15 days from the date of this Administrative Interpretation, stating the reasons for your disagreement.

Dated this 7th day of May 2001.

LEE COUNTY ATTORNEY'S OFFICE
AS ADMINISTRATIVE DESIGNEE

BY: _____
Donna Marie Collins
Assistant County Attorney

DMC/amp

Attachments: 1) Administrative Determination of the Single Family Residence provision dated March 6, 1985 (SF85-02-01)
2) Resolution No. ZAB-85-83 dated June 10, 1985

cc: Timothy Jones, Assistant County Attorney
Donald D. Stilwell, County Manager
Paul O'Connor, Director, Planning Division
Daniel Folke, Development Services
Joan Schultz, Property Appraiser's Office
Cheryl Bermudez, Zoning
Tidemark Computer System by Import

**MEMORANDUM
FROM
THE DEPARTMENT OF
COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES DIVISION**



DATE: September 13, 2005

TO: Joan Henry
Assistant County Attorney

FROM: Peter Blackwell
Planner

Re: Minimum Use Determination

Please find Two Minimum Use Determination applications for your review.

MUD2005-00196
MUD2005-00205

The first is the Joses Hideaway case of which you are no doubt aware. The second case has been split too recently and required a great deal of mapping of legal descriptions.

Let me know if you need any additional information.

cc: file:MUD2005-00196
MUD2005-00205

**Knott, Consoer, Ebelini
Hart & Swett, P.A.**
ATTORNEYS - AT - LAW



George H. Knott *+
George L. Consoer, Jr. **
Mark A. Ebelini
Thomas B. Hart
H. Andrew Swett

1625 Hendry Street • Third Floor (33901)
P.O. Box 2449
Fort Myers, Florida 33902-2449

Telephone (239) 334-2722
Telecopier (239) 334-1446

Matthew D. Uhle
Aaron A. Haak
Derrick S. Eihausen
Nady Torres-Alvarado

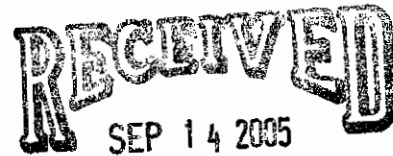
Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

* Board Certified Civil Trial Lawyer
** Board Certified Real Estate Lawyer
+ Board Certified Business Litigation Lawyer

muhle@knott-law.com

MEMORANDUM

TO: Peter Blackwell
FROM: Matt Uhle
DATE: September 14, 2005
RE: Darryl Damico / MUD2005-00196



PERMIT COUNTER

The attached 1989 MUD application makes it completely clear that the property owner was only seeking a determination that a residence could be built on the two combined lots. As a result, the issue presented by our application has never been reviewed by the staff. We have also provided copies of deeds that were not considered in 1989. There is no basis, therefore, for considering the matter closed, and we would request an affirmative decision on our request.

MDU/ams

cc: Darryl Damico

BOBBY
MAUREEN
(SIGN)

17

APPLICATION FOR DETERMINATION OF
THE APPLICATION OF THE MINIMUM USE PROVISION

1. Name of Applicant: MAUREEN McCUSKEY & BOB OXENBERG
2. Applicant's Phone Number: (303) 920-3799
3. Address of Applicant: Box 12381 ASPEN
COLORADO 81612
4. Owner's Name (if not same as Applicant):
SAME
5. Authorization from property owner/purchaser to submit Application (if property owner/purchaser not same as Applicant):
SAME
6. Number of parcels (lots) involved in request: TWO
7. Do you wish to construct one single family residence on each of the above parcels? NO If the parcel on which you wish to construct one home is some combination of lots, indicate which lots will comprise the final single family parcel:
ONE SINGLE FAMILY RESIDENCE ON COMBINED LOT
8. Do you wish to reapportion lots? NO If so, please attach a map indicating current dimensions and changes you wish to make in compliance with this provision.
9. Legal description of subject property: LOT 11 UNIT 3 &
LOT 12 UNIT 3 JOSE'S HIDEAWAY
10. Size of property, (please indicate dimensions as well as total area): 200' X 105' (21,000 SQ FT)
11. Comprehensive Plan land use designation for subject property (if known): OPEN LANDS
12. Zoning on parcel(s) when the parcel(s) was created (split out into its present dimensions from a larger parcel): SINGLE FAMILY RSI

MUD 2005-00196

RECEIVED
SEP 14 2005

PERMIT OFFICE

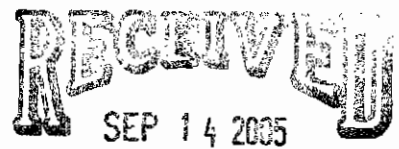
APPLICATION - MINIMUM USE PROVISION

13. Please provide the following items or information:

- ✓ a. Signed Application Form. ^(OR) NOTARIAL LETTER
- ✓ b. Copy of the Deed, Agreement for Deed, or other official documentation indicating date you acquired property and date the deed was recorded in Lee County Clerk's Office.
- ✗ If lot is platted: Copy of the Plat of subdivision showing date filed for record by Clerk of Circuit Court. (Copies available on 2nd floor of Lee County Courthouse.)
- ✓ ^{IF LEGIBLE} d. If parcel(s) is in an unofficial recorded subdivision: Copy of O.R. Book and Page where unofficial recorded subdivision is recorded. (Copies available on 2nd floor of Lee County Courthouse.)
- ✓ e. If parcel(s) is not in a platted or unofficial recorded subdivision: Provide a copy of the Deed (or other official documentation) establishing date the parcel(s) was created (i.e., split out from a larger parcel into its present dimensions).
- ✓ f. STRAP Number for parcel(s). 05-45-21-00-00001-047A (Property Appraiser's Office; 4th floor of Lee County Courthouse.)
Intergraph Land Info Systems 5th
- g. Lee County ~~Tax~~ Map... (Property Appraiser's Office, 4th floor of Lee County Courthouse.)

I HEREBY SWEAR AND AFFIRM that the above and foregoing Application for Determination of the Application of Minimum Use Provision, submitted on the _____ day of _____, 19____, is true and correct.

Maurice McClekey
APPLICANT
Robert [Signature]



PERMIT COUNTER

MUD 2005-00196

THE DETERMINATION OF
THE APPLICATION OF THE
MINIMUM USE PROVISION

CASE #: SF89-05-17

DATE RECEIVED BY ZONING DIVISION: May 22, 1989

STRAP NUMBER: 05-45-21-00-00001.047A (lots 11 and 12)

APPLICANT: Maureen McCluskey & Bob Oxenberg

OWNER: Maureen McCluskey & Bob Oxenberg

1. OWNERSHIP

a) DATE WARRANTY DEED OR AGREEMENT FOR DEED RECORDED IN
OWNER/PURCHASER NAME: September 1986

b) PLACE RECORDED: O R Book 1876 Pages 4192 thru 4196

2. CREATION OF PARCEL

a) DATE PARCEL CREATED/RECORDED: May 1968 and March 1970

b) PLACE RECORDED: O R Book 462 Page 713 and OR Book 588 Page 598

1) LOT WAS CREATED/RECORDED IN PLAT BOOKS PRIOR TO DECEMBER 21,
1984 AND HAS NOT BEEN ALTERED: YES _____ NO _____ N/A X

2) A LEGAL DESCRIPTION OF THE LOT WAS LAWFULLY RECORDED IN O.R.
BOOKS PRIOR TO DECEMBER 21, 1984: YES X NO _____ N/A _____

3) LOT WAS LAWFULLY CREATED AFTER DECEMBER 21, 1984 AND IS IN
COMPLIANCE WITH THE LEE PLAN: YES _____ NO _____ N/A X

3. ZONING WHEN CREATED/RECORDED: RS-1

a) COMPLIED WITH ZONING WHEN CREATED/RECORDED: YES X NO _____ N/A _____

b) CREATED PRIOR TO JUNE 27, 1962 AND HAS A MINIMUM OF 4,000 SQUARE
FEET: YES _____ NO _____ N/A X

c) CREATED AFTER JUNE 27, 1962 AND PRIOR TO DECEMBER 21, 1984 AND HAS
A WIDTH NOT LESS THAN 50 FEET AND HAS AN AREA NOT LESS THAN 5,000
SQUARE FEET AND RECORDED IN A PLAT BOOK: YES _____ NO _____ N/A X

d) CREATED AFTER JUNE 27, 1962 AND PRIOR TO DECEMBER 21, 1984, HAS A
MINIMUM OF 7,500 SQUARE FEET AND RECORDED IN O.R. BOOK: YES X
NO _____ N/A _____

4. LAND USE CATEGORY: OPEN LANDS

a) LOT IS CONSISTENT WITH DENSITY REQUIREMENTS: YES _____ NO X

5. REAPPORTIONING LOTS: YES _____ NO X

RECOMMENDATION:

LOT IS CONSISTENT WITH THE MINIMUM USE PROVISION BASED ON THE FOLLOWING:

These two lots were created in 1968 and 1970, prior to the adoption of
the Lee Plan. These two lots combined as one, exceed 7500 square
feet and comply with the RS-1 zoning district. These two lots combined
as one qualifies for one single family residence under the Single Family
Provision of the Lee Plan

BY: Pauline Camelia
Pauline Camelia, Director
Zoning Division

~~BOBBY~~ COPY
MAUREEN
(SIGN)

17

APPLICATION FOR DETERMINATION OF
THE APPLICATION OF THE MINIMUM USE PROVISION

1. Name of Applicant: MAUREEN McCUSKEY & BOB OXENBERG
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5. Authorization from property owner/purchaser to submit Application (if property owner/purchaser not same as Applicant):
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6. Number of parcels (lots) involved in request: TWO
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ONE SINGLE FAMILY RESIDENCE ON COMBINED LOTS
8. Do you wish to reapportion lots? NO If so, please attach a map indicating current dimensions and changes you wish to make in compliance with this provision.
9. Legal description of subject property: LOT 11 UNIT 3 &
LOT 12 UNIT 3 JOSE'S HIDEAWAY
10. Size of property, (please indicate dimensions as well as total area): 200' x 105' (21,000 SQ FT)
11. Comprehensive Plan land use designation for subject property (if known): OPEN LANDS
12. Zoning on parcel(s) when the parcel(s) was created (split out into its present dimensions from a larger parcel): SINGLE FAMILY RSI

APPLICATION - MINIMUM USE PROVISION

13. Please provide the following items or information:

- ✓ a. Signed Application Form. ^(OR) NOTARIAL LETTER
- ✓ b. Copy of the Deed, Agreement for Deed, or other official documentation indicating date you acquired property and date the deed was recorded in Lee County Clerk's Office.
- ~~✓~~ If lot is platted: Copy of the Plat of subdivision showing date filed for record by Clerk of Circuit Court. (Copies available on 2nd floor of Lee County Courthouse.)
- ✓ ^{IF LEGIBLE} d. If parcel(s) is in an unofficial recorded subdivision: Copy of O.R. Book and Page where unofficial recorded subdivision is recorded. (Copies available on 2nd floor of Lee County Courthouse.)
- ✓ e. If parcel(s) is not in a platted or unofficial recorded subdivision: Provide a copy of the Deed (or other official documentation) establishing date the parcel(s) was created (i.e., split out from a larger parcel into its present dimensions).
- ✓ f. STRAP Number for parcel(s). ^{05.45.21.00-00001.047A} (Property Appraiser's Office; 4th floor of Lee County Courthouse.)
^{Intergraph Land Info Systems 5th}
- g. Lee County ~~Map~~ Map. (Property Appraiser's Office, 4th floor of Lee County Courthouse.)

I HEREBY SWEAR AND AFFIRM that the above and foregoing Application for Determination of the Application of Minimum Use Provision, submitted on the _____ day of _____, 19____, is true and correct.

Maura McCloskey

APPLICANT
Robert [Signature]

166517

402 PAGE 713

Printed for Lawyers' Title Guaranty Fund, Orlando, Florida

This instrument was prepared by:

Name J. Tom Smoot, Jr.

Address P. O. Box 1237

Pt. Myers, Fla.

nn/5.108

Warranty Deed

(STATUTORY FORM — SECTION 689.02 F.S.)

This Indenture, Made this 10th day of May 1968 Between

PHILIP H. KINSEY and ROBERTA G. KINSEY, husband and wife
of the County of Lee, State of Florida, grantor, and

JOHN M. STANG
whose post office address is P. O. Box 3216, North Fort Myers,
of the County of Lee, State of Florida, grantee.

Witnesseth, That said grantor, for and in consideration of the sum of \$10-----

Dollars,
and other good and valuable considerations to said grantee in hand paid by said grantor, 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:
Lots 10 - 11 BEGIN at a concrete post on the South line of Government Lot Unit 3 1, Section 5-45-21, being 226 feet more or less east of the high tide line of the Gulf of Mexico; thence run S 81° 20' E 835.0 feet along the South line of said Government Lot 1 to a concrete post; thence N 8° 40' E 205 feet to a concrete post; thence N 8° 40' E 525 feet; thence N 81° 20' W 440 feet to the point of beginning. THENCE S 8° 40' W 105 feet; N 81° 20' W 200 feet; N 8° 40' E 105 feet; S 81° 20' E 200 feet to the point of beginning. BEING Lots 10 and 11, Unit 3, of an unrecorded subdivision known as JOSE'S HIDEAWAY, located in Government Lot 1, Section 5-45-21, Upper Captiva Island, Lee County, Florida. SUBJECT to a 15 foot easement on the North for road right-of-way purposes and subject to a 6 foot easement on each boundary for drainage or utilities. SUBJECT ALSO to taxes for the years subsequent to 1968, and the following restrictions: (1) There shall be a minimum of 600 feet floor space in any building constructed on these premises; (2) the property shall be used for residential purposes only; (3) all plans, materials and specifications must be approved by Grantors.

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

*"Grantor" and "grantee" are used for singular or plural, as context requires

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

Philip H. Kinsey
Roberta G. Kinsey

(PHK) *Philip H. Kinsey* (Seal)
(RGK) *Roberta G. Kinsey* (Seal)

STATE OF FLORIDA DOCUMENTARY SUB TAX \$1.10
STATE OF FLORIDA DOCUMENTARY SUB TAX \$1.10
STATE OF FLORIDA DOCUMENTARY SUB TAX \$1.10
MAY 17 1968

STATE OF Florida
COUNTY OF Lee
I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared PHILIP H. KINSEY and ROBERTA G. KINSEY, husband and wife.

to me known to be the persons described in and who executed the foregoing instrument and acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State of Florida on the 10th day of May 1968

My commission expires: 8/28/68

John M. Stang
Secretary Public

LEE COUNTY
CLERK OF COUNTY
MAY 16 1968
999C

MAY 16 12 00 PM '68
CLERK OF COUNTY
BY *John M. Stang* D.C.

STATE OF FLORIDA DOCUMENTARY SUB TAX \$ 55
MAY 17 1968

J. Tom Sroot, Jr.

P. O. Drawer LL

Fort Myers, Fla. 33902
JTSjr/mhs/2.260

Warranty Deed

STATUTORY FORM -- SECTION 689.02 (1.1)

This Indenture, Made this 6th day of March 1970. Between
PHILIP H. KINSEY and ROBERTA G. KINSEY, husband and wife,
of the County of Lee, State of Florida, grantor, and
WOODROW HORICK AND IRENE HORICK, husband and wife
whose post office address is 5120 Calusa Court, Cape Coral,
P. O. BOX 61,
of the County of Lee, State of Florida, grantee.

Witnesseth, That said grantor, for and in consideration of the sum of -----TEN AND NO/100-----
-----(\$10.00-----) Dollars,

and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby
acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the fol-
lowing described land, situate, lying and being in Lee County, Florida, to-wit:

Begin at a concrete post on the south line of Government Lot 1, Section
5-45-21, being 226 feet more or less east of the high tide line of the
Gulf of Mexico; thence run S 81° 20' E 835.0 feet along the south line
of said Government Lot 1 to a concrete post; thence N 8° 40' E 205 feet
to a concrete post; thence N 8° 40' E 525 feet; thence N 81° 20' 540
feet to the P.O.B. Thence S 8° 40' W 105 feet; N 81° 20' W 100 feet; N
8° 40' E 105 feet; S 81° 20' E 100 feet to the P.O.B. Unit
3 of an unrecorded subdivision known as "JOSE'S HIDEAWAY," located in
Government Lot 1, Section 5-45-21, Upper Captiva Island, Lee County,
Florida. SUBJECT to a 15 foot easement on the North for road right-of-way
purposes and subject to a 6' easement on each boundary for drainage or
utilities. SUBJECT ALSO to taxes for the years subsequent to 1969, and
the following restrictions:

(1) There shall be a minimum of 600 feet floor space in any building con-
structed on these premises; (2) the property shall be used for residential
purposes only; (3) All plans, materials and specifications must be approved
by Grantors, and continued on reverse side
and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims
of all persons whomsoever.

*"Grantor" and "grantee" are used for singular or plural, as context requires.

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:

1. Philip H. Kinsey
2. Roberta G. Kinsey

(PK) Philip H. Kinsey (Seal)
(RHK) Roberta G. Kinsey (Seal)

(Seal)

STATE OF FLORIDA)
COUNTY OF LEE)

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally
appeared PHILIP H. KINSEY and ROBERTA G. KINSEY, husband and wife,

to me known to be the person described in and who executed the foregoing instrument and acknowledged before
me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 6th day of March
1970.

My commission expires:

8-29-72

[Signature]
Notary Public
SEAL

Begin at a Concrete post on the south line of Government Lot 1, Section 5-45-21, being 226 feet more or less east of the high tide line of the Gulf of Mexico; thence run S 81° 20' E 835.0 feet along the south line of said Government Lot 1 to a concrete post; thence N 8° 40' E 205 feet to a concrete post; thence N 8° 40' E 420 feet; thence N 81° 20' W 640 feet to the P.O.B. Thence S 8° 40' W 105 feet; N 81° 20' W 100 feet; N 8° 40' E 105 feet; S 81° 20' E 100 feet to the P.O.B. BEING Lot 17, Unit 2 of an unrecorded subdivision known as "JOSE'S HIDEAWAY," located in Government Lot 1, Section 5-45-21, Upper Captiva Island, Lee County, Florida. SUBJECT to a 15 foot easement on the South for road right-of-way purposes and subject to a 6' easement on each boundary for drainage or utilities. SUBJECT ALSO to taxes for the years subsequent to 1969, and the following restrictions: (1) There shall be a minimum of 600 feet floor space in any building constructed on these premises; (2) the property shall be used for residential purposes only; (3) All plans, materials and specifications must be approved by Grantors.

STATE OF FLORIDA DOCUMENTARY STAMP TAX \$0.55 MAR 31 1970

STATE OF FLORIDA DOCUMENTARY STAMP TAX \$0.55 MAR 31 1970

STATE OF FLORIDA DOCUMENTARY STAMP TAX LEE COUNTY MAR 30 1970 1020



RECORDED IN OFFICIAL RECORDS OF LEE COUNTY, FLORIDA VERIFIED MAR 30 4 32 PM '70 G. J. FAIRBEE CLERK OF DISTRICT COURT BY J. B. [Signature] D.C.

MUSELEY TITLE & ABSTRACT CO.



OFFICE OF PUBLIC PROPERTY ADMINISTRATION
100 N. WILSON
LOS ANGELES, CALIFORNIA 90012

OFFICE OF PUBLIC PROPERTY ADMINISTRATION
100 N. WILSON, LOS ANGELES, CALIFORNIA 90012

1983 - ^{set} _{work} s/w (3)

Clerk Betty Mandos Telephone 335-2107

Request for Split _____ Date: 4/12/89
Combination

Parent Parcel Number(s)

05-45-21-00-00001.047A AKA Lot 11

05-45-21-00-00001.0750 AKA Lot 12

Above combined to

New Parcel Number

05-45-21-00-00001.047A ✓
AKA Lots 11+12

OR BOOK _____ PAGE _____

This Indenture,

2173417

If "person" used herein, the term "party" shall include the heirs, personal representatives, executors and administrators of the respective parties herein, the line of the singular number shall include the plural and the plural the singular. The use of any gender shall include all genders and if used, the term "male" shall include all the males herein mentioned if more than one.

Made this 24th day of September A. D. 1986
Between WILLIAM A. KIRSCHNER and BARBARA KIRSCHNER,
husband and wife,

of the County of Douglas in the State of Nevada
party of the first part, and MAUREEN MCCLUSKEY,

P.O. Box 1119, Captiva Island, Florida 33924

of the County of Lee in the State of Florida
party of the second part,

Witnesseth that the said party of the first part, for and in consideration of the sum of Ten Dollars And OVC-----Dollars, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part his heirs and assigns forever, the following described land, situate lying and being in the County of Lee State of Florida, to wit:

SEE EXHIBIT "A" ATTACHED HERETO.

THIS INSTRUMENT PREPARED BY:
WALTER GRACE, JR.
ATTORNEY AT LAW
4888 HIGHWOOD BOULEVARD
FORT MYERS, FLORIDA 33901

Documentary Tax Paid \$ 1425.00
Linda J. Antorasis
Notary Public, State of Florida

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in Our Presence:

Walter Grace, Jr. [Signature]
Linda J. Antorasis [Signature]

State of Florida

County of Lee

I Herby Certify That on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, WILLIAM A. KIRSCHNER and BARBARA KIRSCHNER

to me well known and known to me to be the individual described in and who executed the foregoing deed, and they acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed.

Witness my hand and official seal at Fort Myers
County of Lee and State of Florida, this 24th
day of September, A. D. 1986

My Commission Expires
NOTARY STATE OF FLORIDA
BY COMMISSION LAP. AUG 10, 1989
BORNED THRU GENERAL TAG. UND.

Linda J. Antorasis
Notary Public

9/21/86 PM 11:19:55

SEE 1876 PG 196

EXHIBIT "A"

TRACT 1, O.R. 1349/1499, LEE COUNTY
RECORDS, BEING LOT 11, UNIT 3,
UNRECORDED JOSE'S HIDEAWAY, SECTION
5, TOWNSHIP 45 S, RANGE 21 E, UPPER
CAPTIVA ISLAND, LEE COUNTY, FLORIDA

A tract or parcel of land lying in Government Lot 1, Section 5, Township 45 South, Range 21 East, Upper Captiva Island, Lee County, Florida, being the westerly half of Tract 1, as recorded in Official Record Book 1349, at Page 1499, Lee County Records, being Lot 11, Unit 3, Unrecorded Jose's Hideaway, which tract or parcel is described as follows:

From a concrete post on the south line of Government Lot 1, Section 5, Township 45 South, Range 21 East, 226.00 feet more or less east of the high tide line of the Gulf of Mexico run S 81° 20' E for 835.00 feet along the south line of said Government Lot 1 to a concrete post; thence run N 08° 40' E for 205.00 feet to a concrete post; thence continue N 08° 40' E for 525.00 feet; thence run N 81° 20' W for 540.00 feet to the northeasterly corner of Lot 11, Unit 3, Unrecorded Jose's Hideaway, the northeasterly corner of the westerly half of Tract 1 as recorded in Official Record Book 1349, at Page 1499, Lee County Records and the Point of Beginning of the herein described parcel. From said Point of Beginning, continue N 81° 20' W along the north line of said Tract 1 for 100.00 feet more or less; thence run S 08° 40' W for 105.00 feet; thence run S 81° 20' E along the south line of Tract 1 for 100.00 feet to the southeasterly corner of the westerly half of said Tract 1; thence run N 08° 40' E along the east line of said west half of Tract 1 for 105.00 feet to the Point of Beginning.

Subject to an easement for roadway purposes over and across the northerly 15 feet thereof.

Subject to a 6 foot easement on the northerly and easterly boundaries for drainage or utilities.

13.33
475.00
2173416

This Indenture,

Whereas used herein, the term "party" shall include the heirs, personal representatives, successors and assigns of the respective parties hereto, the use of the singular number shall include the plural, and the plural the singular, the use of any gender shall include all genders, and, if used, the term "note" shall include all the notes herein described if more than one

2173416

Made this 24th day of September A. D. 1986
Between WILLIAM A. KIRSCHNER and BARBARA KIRSCHNER,
husband and wife,
of the County of Douglas in the State of Nevada
party of the first part, and ROBERT H. OXENBERG,
P.O. Box 1180, Captiva Island, Florida 33924
of the County of Lee in the State of Florida
party of the second part,

Witnesseth that the said party of the first part, for and in consideration of the sum of Ten Dollars And OVC----- Dollars, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part his heirs and assigns forever, the following described land, situate lying and being in the County of Lee, State of Florida, to wit:

SEE EXHIBIT "A" ATTACHED HERETO.

Documentary Tax Pd. \$ 475.00
Recording Tax Pd. \$
CHARLIE GREEN, CLERK, LEE COUNTY
By Jimmy (D. P. Clerk)

THIS INSTRUMENT PREPARED BY
WALTER GRACE, JR.
ATTORNEY AT LAW
8888 MAGUIRE BOULEVARD
PORT MYERS, FLORIDA 33901

OFF 1876PC4192

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in Our Presence:
Walter Grace Jr. Antonia P. Quilley
Linda J. Antonaris William A. Kirschner

State of Florida

County of Lee
I Herby Certify That on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, WILLIAM A. KIRSCHNER and BARBARA KIRSCHNER

to me well known and known to me to be the individuals described in and who executed the foregoing deed, and they acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed.

Witness my hand and official seal at Port Myers
County of Lee, and State of Florida, this 24th
day of September, A. D. 1986

My Commission Expires _____
Linda J. Antonaris
Notary Public
NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. AUG. 18, 1987
BOKROD THRU GENERAL INS. UND.

RECORDED BY CHARLIE GREEN, CLERK
BY J. TURNER, D.C.

DEC 19 76 PM 4 19 86

EXHIBIT "A"

TRACT 2, O.R. 1349/1499, LEE COUNTY
RECORDS, BEING LOT 12, UNIT 3,
UNRECORDED JOSE'S HIDEAWAY, SECTION
5, TOWNSHIP 45 S, RANGE 21 E, UPPER
CAPTIVA ISLAND, LEE COUNTY, FLORIDA

A tract or parcel of land lying in Government Lot 1, Section 5, Township 45 South, Range 21 East, Upper Captiva Island, Lee County, Florida, being Tract 2, as recorded in Official Record Book 1349, at Page 1499, Lee County Records, being Lot 12, Unit 3, Unrecorded Jose's Hideaway, which tract or parcel is described as follows:

From a concrete post on the south line of Government Lot 1, Section 5, Township 45 South, Range 21 East, 226.00 feet more or less east of the high tide line of the Gulf of Mexico run S 81° 20' E for 835.00 feet along the south line of said Government Lot 1 to a concrete post; thence run N 08° 40' E for 205.00 feet to a concrete post; thence continue N 08° 40' E for 525.00 feet; thence run N 81° 20' W for 540.00 feet to the northeasterly corner of Lot 11, Unit 3, Unrecorded Jose's Hideaway, the northeasterly corner of the westerly half of Tract 1, as recorded in Official Record Book 1349, at Page 1499, Lee County Records; thence continue N 81° 20' W along the north line of said Tract 1 and Tract 2 for 100.00 feet to the northeasterly corner of Lot 12 and the Point of Beginning of the herein described parcel.

From said Point of Beginning continue N 81° 20' W along the north line of said Tract 2 for 100.00 feet to the northwesterly corner of said Tract 2; thence run S 08° 40' W along the westerly line of said Tract 2 for 105.00 feet to the southwest corner of said Tract 2; thence run S 81° 20' E along the south line of Tract 2 for 100.00 feet; thence run N 08° 40' E along the east line of Lot 12 herein for 105.00 feet to the Point of Beginning.

Subject to an easement for roadway purposes over and across the northerly 15 feet thereof.

Subject to a 6 foot easement on the northerly and westerly boundaries for drainage or utilities.

Oct 29 4 17 PM '86

RECORDED AND RECORDS SERIES
INDEXED
OFFICE OF THE CLERK
LEE COUNTY, FLORIDA

THIS DEED, Made this _____ day of _____,
19 89, between ROBERT H. OXENBERG

Recorder's Stamp

of the _____ Florida County of Lee, State of
~~Colorado~~, of the first part, and ROBERT H. OXENBERG and
MAUREEN MCCLUSKEY, P.O. Box 1119, Captive Island,
Florida 33924
of the _____ Florida County of Lee and State of
~~Colorado~~, of the second part:

WITNESSETH, That the said party _____ of the first part, for and in consideration of the sum of
TEN DOLLARS (\$10.00) and other good and valuable consideration,

~~DOUBLED~~
to the said party _____ of the first part in hand paid by the said parties of the second part, the receipt
whereof is hereby confessed and acknowledged, has _____ remised, released, sold, conveyed and quit
claimed, and by these presents does _____ remise, release, sell, convey and quit claim unto the said parties of
the second part, their heirs and assigns forever, not in tenancy in common but in joint tenancy, all the
right, title, interest, claim and demand which the said party _____ of the first part has _____ in and to the
following described lot or parcel of land situate, lying and being in the
County of Lee and State of ~~Colorado~~ Florida, to wit:

See Exhibit "A" attached hereto.

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privi-
leges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest,
and claim whatsoever of the said party _____ of the first part, either in law or equity, unto the said parties
of the second part, their heirs and assigns forever, not in tenancy in common but in joint tenancy.

IN WITNESS WHEREOF, The said party _____ of the first part has hereunto set his
hand and seal the day and year first above written.

Signed, Sealed and Delivered in the presence of } _____ [SEAL]
ROBERT H. OXENBERG } _____ [SEAL]
_____ } _____ [SEAL]

STATE OF COLORADO,
County of Pitkin

The foregoing instrument was acknowledged before me this 11th day of April,
19 89, by ROBERT H. OXENBERG.

My commission expires 2/10/91

WITNESS my hand and official seal.

Marcella D. Cote
Notary Public

EXHIBIT "A"

TRACT 2, O.R. 1349/1499, LEE COUNTY
RECORDS, BEING LOT 12, UNIT 3,
UNRECORDED JOSE'S HIDEAWAY, SECTION
5, TOWNSHIP 45 S, RANGE 21 E, UPPER
CAPTIVA ISLAND, LEE COUNTY, FLORIDA

A tract or parcel of land lying in Government Lot 1, Section 5, Township 45 South, Range 21 East, Upper Captiva Island, Lee County, Florida, being Tract 2, as recorded in Official Record Book 1349, at Page 1499, Lee County Records, being Lot 12, Unit 3, Unrecorded Jose's Hideaway, which tract or parcel is described as follows:

From a concrete post on the south line of Government Lot 1, Section 5, Township 45 South, Range 21 East, 226.00 feet more or less east of the high tide line of the Gulf of Mexico run S 81° 20' E for 835.00 feet along the south line of said Government Lot 1 to a concrete post; thence run N 08° 40' E for 205.00 feet to a concrete post; thence continue N 08° 40' E for 525.00 feet; thence run N 81° 20' W for 540.00 feet to the northeasterly corner of Lot 11, Unit 3, Unrecorded Jose's Hideaway, the northeasterly corner of the westerly half of Tract 1, as recorded in Official Record Book 1349, at Page 1499, Lee County Records; thence continue N 81° 20' W along the north line of said Tract 1 and Tract 2 for 100.00 feet to the northeasterly corner of Lot 12 and the Point of Beginning of the herein described parcel.
From said Point of Beginning continue N 81° 20' W along the north line of said Tract 2 for 100.00 feet to the northwesterly corner of said Tract 2; thence run S 08° 40' W along the westerly line of said Tract 2 for 105.00 feet to the southwesterly corner of said Tract 2; thence run S 81° 20' E along the south line of Tract 2 for 100.00 feet; thence run N 08° 40' E along the east line of Lot 12 herein for 105.00 feet to the Point of Beginning.
Subject to an easement for roadway purposes over and across the northerly 15 feet thereof.
Subject to a 6 foot easement on the northerly and westerly boundaries for drainage or utilities.

PLEASE COMPLETE SECTION BELOW

Oct 29

FILED

RECORDED

THIS DEED, Made this _____ day of _____,
19 89, between MAUREEN MCCLUSKEY

Recorder's Stamp

of the Florida County of Lee, State of
~~XXXXXX~~ of the first part, and ROBERT H. OXENBERG and
MAUREEN MCCLUSKEY, P.O. Box 1119, Captive Island,
Florida 33924
of the Florida County of Lee and State of
~~XXXXXX~~ of the second part:

WITNESSETH, That the said part y _____ of the first part, for and in consideration of the sum of
TEN DOLLARS (\$10.00) and other good and valuable consideration,

~~XXXXXX~~
to the said part ies of the first part in hand paid by the said parties of the second part, the receipt
whereof is hereby confessed and acknowledged, ha s _____ remised, released, sold, conveyed and quit
claimed, and by these presents does remise, release, sell, convey and quit claim unto the said parties of
the second part, their heirs and assigns forever, not in tenancy in common but in joint tenancy, all the
right, title, interest, claim and demand which the said part y _____ of the first part has _____ in and to the
following described lot _____ or parcel _____ of land situate, lying and being in the
County of Lee _____ and State of ~~XXXXXX~~ Florida, to wit:

See Exhibit "A" attached haretto.

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privi-
leges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest,
and claim whatsoever of the said part y _____ of the first part, either in law or equity, unto the said parties
of the second part, their heirs and assigns forever, not in tenancy in common but in joint tenancy.

IN WITNESS WHEREOF, The said part y _____ of the first part ha s hereunto set her
hand and seal the day and year first above written.

Signed, Sealed and Delivered in the presence of Maureen McCluskey [SEAL]
MAUREEN MCCLUSKEY [SEAL]
[SEAL]
[SEAL]

STATE OF COLORADO,
County of Pitkin } ss.

The foregoing instrument was acknowledged before me this 18th day of April
19 89, by MAUREEN MCCLUSKEY.

My commission expires 2/10/91

WITNESS my hand and official seal.

Marcella D. Cote
Notary Public

EXHIBIT "A"

TRACT 1, O.R. 1349/1499, LEE COUNTY
RECORDS, BEING LOT 11, UNIT 3,
UNRECORDED JOSE'S HIDEAWAY, SECTION
5, TOWNSHIP 45 S, RANGE 21 E, UPPER
CAPTIVA ISLAND, LEE COUNTY, FLORIDA

A tract or parcel of land lying in Government Lot 1, Section 5, Township 45 South, Range 21 East, Upper Captiva Island, Lee County, Florida, being the westerly half of Tract 1, as recorded in Official Record Book 1349, at Page 1499, Lee County Records, being Lot 11, Unit 3, Unrecorded Jose's Hideaway, which tract or parcel is described as follows:

From a concrete post on the south line of Government Lot 1, Section 5, Township 45 South, Range 21 East, 226.00 feet more or less east of the high tide line of the Gulf of Mexico run S 81° 20' E for 835.00 feet along the south line of said Government Lot 1 to a concrete post; thence run N 08° 40' E for 205.00 feet to a concrete post; thence continue N 08° 40' E for 525.00 feet; thence run N 81° 20' W for 540.00 feet to the northeasterly corner of Lot 11, Unit 3, Unrecorded Jose's Hideaway, the northeasterly corner of the westerly half of Tract 1 as recorded in Official Record Book 1349, at Page 1499, Lee County Records and the Point of Beginning of the herein described parcel. From said Point of Beginning, continue N 81° 20' W along the north line of said Tract 1 for 100.00 feet more or less; thence run S 08° 40' W for 105.00 feet; thence run S 81° 20' E along the south line of Tract 1 for 100.00 feet to the southeasterly corner of the westerly half of said Tract 1; thence run N 08° 40' E along the east line of said west half of Tract 1 for 105.00 feet to the Point of Beginning.

Subject to an easement for roadway purposes over and across the northerly 15 feet thereof.

Subject to a 6 foot easement on the northerly and easterly boundaries for drainage or utilities.

The undersigned applicant hereby applies for a permit and hereby agrees to comply with Lee County Building and Zoning requirements, and all provisions of the Laws of the State of Florida, and all regulations relating, or applying to Building, Plumbing and Electrical work. A copy of plans and specifications must be kept at building during progress of work. Owner agrees to furnish culvert for driveway if required.

STRAP 05-45-21-00-00001.047A PERMIT TYPE 1A BLDG. I.D. 047A REFER # 151720
PROPERTY OWNER(S) NAME MCCLUSKEY MAUREEN TEL. NO.
PROPERTY OWNER(S) ADDRESS P O BOX 1119 CAPTIVA FL
STREET ADDRESS OF PROJECT 4611 HIDDEN LN
PROJECT NAME SFR W/SPRINKLERS

LEASED BY OCC'L LICENSE NO.
Lot 1 Block Unit Directions UPPER CAPTIVA PINELAND MARINA TO UPPER C
Contractor name JOSEPH W MIKLAVCIC DBA: CBC006615
Contractor address PO BOX 542 PINELAND Tel. no. 813-472-6933
Contractor license no. (County) CBC006615 33945 (State reg. or cert.)
Architect Engineer
Electrical contr. Plumbing contr.
HVAC contr. Roofing contr.
Fire sprinkler Pool contr.

All contractors and subcontractors shall comply with Florida Statute 489 and the Lee County ordinance regulating contractor licenses.
Lot size (sq. ft.) 100.00 Lot size 90 x 200 Development order no.
Zoning class RS1 0000 Variance granted by Hearing no.
Setbacks from overhang actual Front 25.00 Sides L = 10.00 R 32.00 Rear 20.00
Setbacks from overhang minimum Front Sides Rear
Type Construction VI Coastal zone Y Flood zone V13 Base flood elevation 13 Exist. Grnd. El.
Proposed flood El. Flood Proofing Certified by:
Variance granted Date Case #
Living area 2072 sq. ft. Outside area sq. ft. Building height 33 Stories 3
Sewer Septic Well Building valuation \$ 66070 Est. cost \$

Agency Approvals

Lee County Dept. Env. Prot. Date Dept. Env. Reg. Date
Lee County Health Dept. Date Dept. Nat. Resources Date
Lee County Engineer Date Army Corps of Eng. Date

Table with 4 columns: Type Permit Requested, Description, Permits, Date, Fees. Includes items like SINGLE FAMILY, PLUMBING, ELECTRICAL, ROOFING - RES., SEPTIC, WELL, SPRINKLERS, AIR CONDITIONING/HEAT, PLAN REVIEW FEE.

Table with 4 columns: IMPACT FEE TYPE, DISTRICT, FEE. Includes COMMUNITY PARK, REGIONAL PARK, ROAD, TOTAL IMPACT FEE. Also includes PAID BY: MIKLAVCIC JOSEPH W and ID#: 336262321.

The above application has been examined by

THE BUILDING PERMIT EXPIRES UNLESS THE FIRST INSPECTION IS HELD WITHIN SIX MONTHS AFTER ITS ISSUANCE, OR IF NO INSPECTION HAS BEEN MADE FOR A PERIOD OF SIX MONTHS AFTER THE MOST RECENT INSPECTION. PERMIT IS VOID IF ZONING CLASSIFICATION IS VIOLATED. APPLICANT AGREES TO COMPLY WITH THE SANITARY REGULATIONS AND UNDERSTANDS THAT THE PROPOSED STRUCTURE MAY NOT BE USED OR OCCUPIED UNTIL AN APPROVED CERTIFICATE OF OCCUPANCY IS ISSUED. APPLICANT FURTHER UNDERSTANDS THAT FAILURE TO OBTAIN PERMIT OR MISREPRESENTATION OF THE VALUE OF THE IMPROVEMENTS IS A MISDEMEANOR AND UPON CONVICTION, APPLICANT CAN BE PUNISHED AS PROVIDED BY LAW.

FAILURE TO COMPLY WITH MECHANICS LIEN LAW CAN RESULT IN THE PROPERTY OWNER PAYING TWICE FOR IMPROVEMENTS.

I hereby certify that to the best of my knowledge, the information submitted for this permit is true and correct, and complies with Deed of Restrictions.

OWNER
CONTRACTOR [Signature]



APR 13 1989

COASTAL

RESIDENTIAL PERMIT APPLICATION CHECK OFF SHEET

9/7/88 (0828C)

TO BE COMPLETED BY APPLICANT

DATE 4-12-89 BY SPC
 PROPERTY OWNER MAURITZEN McCLUSKEY CONTRACTOR JOSEPH W. MIKLAVCIC
ROBERT OXENBERG
 CONTRACTOR/O.B. LICENSE # CBC006615 PHONE (813) 472-6933
 STRAP NUMBER 05-45-21-00-00001-047 A *****
 SUB-DIVISION/PROJECT LOT 11 & LOT 12 UNIT 3 REFERENCE 1-448-9953
JOSE'S HIDEAWAY
 PERMIT REQUESTED SINGLE FAMILY NUMBER 151720
 JOB ADDRESS 4411 Hidden Lane UPPER CAPTIVA ISLAND *****

DIRECTIONS TO JOB: PINELAND MARINA TO UPPER CAPTIVA
(MAP ATTACHED)

IS PROPERTY WITHIN A FIRE DISTRICT (YES/NO) (NO) WHICH ONE? UPPER CAPTIVA VOLUNTEER
 IF NOT IN FIRE DISTRICT, ARE PLANS INCLUDED FOR FIRE PROTECTION SYSTEM? (YES/NO) (NO)

DEBRIS PERMIT # ✓ SUB PERMIT INFORMATION

NO. OF PLUMBING FIXTURES 8 TYPE OF ROOF METAL # OF SQUARES 18
 ELECTRIC AMPS 150 A/C SEER RATING 10.5 KW 10
 DRIVEWAY No SGL DBL VALUE OF SYSTEM 2700 # OF TONS 3 1/2
 SEWER (YES/NO) (NO) FIREPLACE (YES/NO) (NO) GAS (YES/NO) (NO)
 PREFAB (YES/NO) (NO) SPECS ATTACHED (YES/NO) (NO)
 ***** DO NOT WRITE BELOW THIS LINE *****

TO BE COMPLETED BY PLAN REVIEW

STRAP & OWNER VERIFIED ✓ TYPE OF CONSTRUCTION ST
 WARRANTY DEED (1) ✓ LIVING AREA 2072 1682
 WATER LETTER (1) ✓ OUTSIDE AREA 115
 SEWER LETTER 1 1/2 letter BUILDING HEIGHT 3 1/2
 WELL PERMIT NUMBER (1) existing NO. OF STORIES 3
 SEPTIC PERMIT NUMBER (1) 5565 BUILDING VALUATION 6122/89 ENT 66,070.00
 PLOT WITH SETBACKS (3) ✓ FOUNDATION ONLY _____
 CONSTRUCTION DWGS (3) ✓ *****
 TRUSS PLANS/ROOF LAYOUT (3) ✓ Sprinkler traps 50-
 ENERGY CALCS (3) ✓ 25
 COVER SHEET (1) ✓ PERMIT FEES
 TYPICAL WALL SECTION (3) ✓ PLUMBING 50
 DPX FIRE WALL SECTION (3) ✓ ELECTRIC 30
 PLBG & ELEC LAYOUTS (3) ✓ DRIVEWAY 0
 O/B AFFIDAVIT ✓ SEWER 0
 FLOOD ZONE CSTL ZONE ROOF 35
 SEALED SURVEY w/o AIR CONDITONING 50
 ***** GAS 0

IMPACT FEES
 COMMUNITY PARK 14 453
 REGIONAL PARK 06 109
 ROAD DISTRICT 06 1034
 FIRE IMPACT FEE _____
 TOTAL IMPACT FEES 1596

BUILDING PERMIT FEE 207
 TOTAL BUILDING FEES 422-
 RADON SURCHARGE 21-

DATE 6/22 ZONING INFORMATION BY Com/2
 ZONING R51 FIRE DISTRICT _____ MIN. REQ. SETBACKS: _____
 FLOOD ZONE V13 EL 13.0' ROAD CLASS private
 COASTAL ZONE _____ SECTION LINE _____ ACTUAL SETBACKS: _____
 LOT SIZE: 20 x 200 PLAT BOOK 126 PG 147 25-10-32-20
 EXEMPT/ORDINANCE/ HEARING NUMBER _____ LAND USE/SOIL open lands ENT _____
1/acre

SFP 49-05-17

[M] = Measured
 [C] = Calculated
 [D] = Described

U.P. = Utility Pole
 W.M. = Water Meter
 E. = Elevation

(P.R.) = Pro-Rated Measurement
 O.E. = Overhead Utility Lines
 U.E. = Underground Utility

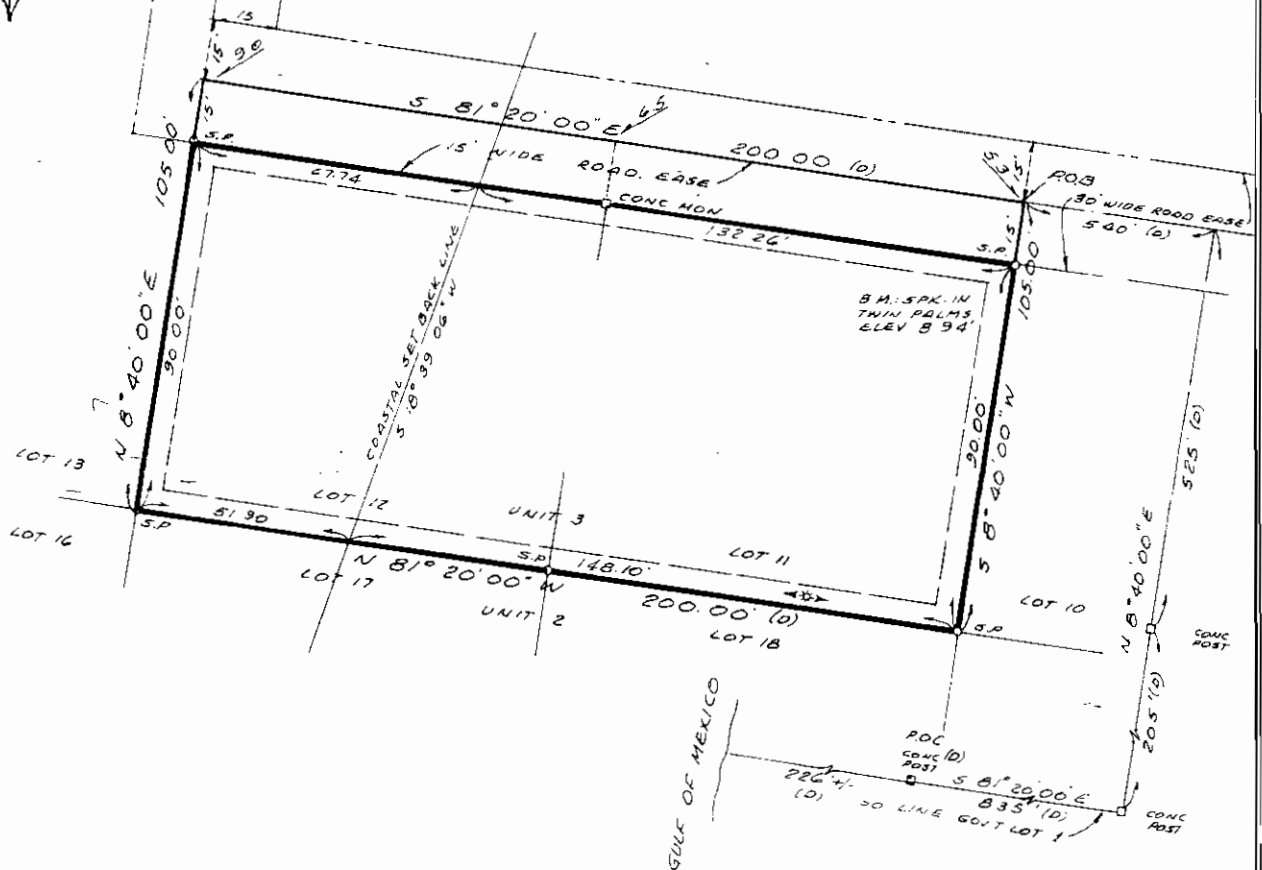
M.H. = Manhole
 C.B. = Catch Basin
 HYD. = Hydrant

---> = 6' Wide Drainage & Public Utility Easement



LEGAL DESCRIPTION

BEGIN AT A CONCRETE POST ON THE SOUTH LINE OF G.L. 1, SECTION 5-45-21, BEING 226 FEET M/L EAST OF THE HIGH TIDE LINE OF THE GULF OF MEXICO; THENCE RUN SOUTH 81 DEGREES 20 MINUTES EAST 835 FEET ALONG THE SOUTH LINE OF SAID G.L. 1 TO A CONCRETE POST; THENCE NORTH 8 DEGREES 40 MINUTES EAST, 205 FEET TO A CONCRETE POST; THENCE NORTH 8 DEGREES 40 MINUTES EAST, 525 FEET; THENCE NORTH 81 DEGREES 20 MINUTES WEST, 540 FEET TO THE POINT OF BEGINNING. THENCE SOUTH 8 DEGREES 40 MINUTES WEST, 105 FEET; NORTH 81 DEGREES 20 MINUTES WEST, 200 FEET; NORTH 8 DEGREES 40 MINUTES EAST, 105 FEET; SOUTH 81 DEGREES 20 MINUTES EAST, 200 FEET TO THE POINT OF BEGINNING. BEING LOTS 11, 12 UNIT 3 OF AN UNRECORDED SUBDIVISION KNOWN AS JOSE'S HIDEAWAY, LOCATED IN G.L. 1, SECTION 5-45-21, UPPER CAPTIVA ISLAND, LEE COUNTY, FLORIDA. SUBJECT TO A 15 FOOT EASEMENT ON THE NORTH FOR ROAD RIGHT-OF-WAY PURPOSES AND SUBJECT TO A 6 FOOT EASEMENT ON EACH BOUNDARY FOR DRAINAGE OR UTILITIES.



S OF BEARINGS IS UNRECORDED PLAT

- EXCEPT FOR THE ELEVATIONS SHOWN THIS IS NOT A LAND SURVEY
- SKETCH BASED ON LAND SURVEYS DATED JULY 1988, BY WILLIAM B. THOMPSON P.L.S. #1092

BENTON LAND SURVEYING AND ASSOCIATES, INC.

SKETCH OF LOTS 11, 12, UNIT 3, UNRECORDED SUBDIVISION, JOSE'S HIDEAWAY IN GOV'T LOT 1 SECT 5, TWP 45 50, RGE. 21 EAST UPPER CAPTIVA ISLAND, LEE COUNTY, FLORIDA

ROY L. BENTON, P.L.S.
 FLORIDA REG. No. 2999

1423 SE 18TH PLACE, UNIT 101
 CAPE CORAL, FLORIDA 33904
 813 31574-3003

and surveyors

- Note Subject to easements restrictions & reservations of record
- Elevations shown are actual as surveyed using data derived from National Geodetic Survey vertical datum monuments (1929 datum)
 BM DNR MON 12B1-A 36 RM 2

Handwritten signature

- This certification is only for the lands as described above. It is not a certification of title zoning or freedom from encumbrances. This certification is not valid unless embossed with surveyor's seal
 (BOTTOM OF 101573)
- Flood insurance rate maps Zone V13 - ELEVATION 13.00
 125 124 0232-B



Owner McCluskey

Contractor Miklavic

Permit Reference Number 151720

Permit Type JFR

STRAP Number 05-45-21-00-00001-047A

Job Address 4611 Hidden Lane

The impact fees calculated herein have been determined based on the fee schedules adopted in Lee County Ordinances 85-23 and 85-24, effective September 16, 1985. This form is authorized only for those building projects expressly identified above. Changes or modifications to the building project or amendments to the fee schedule contained in Lee County Ordinances 85-23 or 85-24 shall render this calculation form null and void.

Signature James R Reynolds

Date 6/29/89

PARKS IMPACT FEE

	Units	Fee per Unit	Total
Community Parks Fee			
Single Family	1	\$ 567/dwelling unit	567
Multifamily/Duplexes		\$ 374/dwelling unit	
Mobile Homes		\$ 474/dwelling unit	
Time Share Unit		\$ 794/unit	
Hotel/Motel		\$ 345/room	
RV Parks/Campgrounds		\$ 345/unit	
Total Community Parks Impact Fee			<u>567</u>
Total Community Parks Impact Fee at 80%			<u>453</u>
Community Parks Credits Applied			
Net Community Parks Impact Fees			<u>453</u>
Community Parks Benefit District			<u>14</u>
Regional Parks Fee			
Single Family	1	\$ 136/dwelling unit	136
Multifamily/Duplexes		\$ 90/dwelling unit	
Mobile Homes		\$ 114/dwelling unit	
Time Share Unit		\$ 191/unit	
Hotel/Motel		\$ 83/room	
RV Parks/Campgrounds		\$ 83/unit	
Total Regional Parks Impact Fee			<u>136</u>
Total Regional Parks Impact Fee at 80%			<u>109</u>
Regional Parks Credits Applied			
Net Regional Parks Impact Fees			<u>109</u>
Regional Parks Benefit District			<u>6</u>

ROADS IMPACT FEE

	Units	Fee per Unit	Total
Residential			
Single Family	1	\$ 1292/dwelling unit	1292
Mobile Homes		\$ 1292/dwelling unit	
RV Parks/Campgrounds		\$ 1292/dwelling unit	
Multifamily/Duplexes		\$ 1277/unit	
Hotel/Motel		\$ 2476/room	
Time Share Unit		\$ 1714/unit	
Office and Financial			
General Office		\$ 1524/1000 sq. ft.	
Medical Office		\$ 3570/1000 sq. ft.	
Industrial			
Warehouse		\$ 361/1000 sq. ft.	
General Industrial		\$ 1003/1000 sq. ft.	
Retail			
Convenience		\$ 4780/1000 sq. ft.	
Fast Order Food Establishment		\$ 3390/1000 sq. ft.	
Other Retail (under 100,000 sq. ft.)		\$ 1964/1000 sq. ft.	
Other Retail (over 100,000 sq. ft.)		\$ 984/1000 sq. ft.	
Total Roads Impact Fee			<u>1292</u>
Total Roads Impact Fee at 80%			<u>1034</u>
Roads Credits Applied			
Net Roads Impact Fees			<u>1034</u>
Roads Benefit District			<u>6</u>

IMPACT LETTER

FOR THE PURPOSE OF POTENTIAL REFUND OF IMPACT FEES FOR:

STRAP # 05-45 21 00 00001 047A BUILDING PERMIT # 198907191

REFUND SHOULD BE ASSIGNED TO:

NAME OF INDIVIDUAL OR COMPANY J.M. ENTERPRISES
STREET ADDRESS 4826 S.W. 29TH Av. (P.O. Box 542 PINE LAKE FL 33945)
CITY CAPE CORAL STATE FL ZIP 33901
SOCIAL SECURITY NUMBER (if individual) 336-26-2321
EMPLOYEE FEDERAL I.D. NO. (if company) _____

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

THIS FORM WAS PREPARED AND SUBMITTED BY

NAME JOSEPH W. MIKLAVCIC SIGNATURE *Joseph W. Miklavcic*
SOCIAL SECURITY NO. _____ DATE 6-1-89

Barbara A. Jones
NOTARY PUBLIC
June 29, 1989
DATE

MY COMMISSION NOTARY PUBLIC, STATE OF FLORIDA,
EXPIRES: NOV. 17, 1991.
BOARDED THRU NOTARY PUBLIC UNDERWRITERS.

FOR OFFICE USE ONLY

IMPACT FEE TYPE	DISTRICT	FEE
COMMUNITY PARK	_____	_____
REGIONAL PARK	_____	_____
ROAD	_____	_____
TOTAL IMPACT FEE		\$ _____
PAID BY:	_____	
ID #	_____	

RESIDENTIAL CHECKLIST

OWNER McCluskey Owen CONTRACTOR Miklavcic

PROJECT SFL REFERENCE # 151720

OF STORIES 3 TYPE OF CONSTRUCTION (1-6) VL

	Y/N/NA		Y/N/NA
REVIEW APPLICATION	<u>Y</u>	[REDACTED]	
SITE PLAN APPROVED	<u>Y</u>	[REDACTED]	
COMPLETE SETS	<u>Y</u>	PROVIDE ALUMINUM	
ENERGY CALCS.	<u>Y</u>	MASTER NUMBER	<u>NA</u>
FLOOD ZONE	<u>Y</u>	[REDACTED]	
COASTAL ZONE	<u>Y</u>	EGRESS WINDOWS	<u>Y</u>
FLOOD EXEMPT	<u>N</u>	ENERGY CREDITS	<u>Y</u>
IN COMPUTER	<u>Y</u>	N.E.C. COMPLY	<u>Y</u>
SUBSTANTIAL IMP.	<u>NA</u>	CONST. DETAILS	<u>Y</u>
ENGINEER REQD. COASTAL	<u>N</u>	TENANT SEPARATION	<u>NA</u>
BREAKAWAY WALLS	<u>N</u>	U.L. DESIGN	<u>N</u>
HYDROSTATIC RELIEF	<u>Y</u>	PENETRATION DETAIL	<u>N</u>
PLANS TO SCALE	<u>Y</u>	U.L. DESIGN	<u>N</u>
OR DIMENSIONED ?	<u>Y</u>	FIREPLACE SPECS.	<u>Y</u>
TRUSS LAYOUT	<u>Y</u>	FOUNDATION DET.	<u>Y</u>
WALL SECTIONS	<u>Y</u>	HEAT PROVIDED	<u>Y</u>
TABLE 400	<u>Y</u>	WASHER PROVIDED	<u>Y</u>
TABLE 600	<u>Y</u>	INSULATION	<u>Y</u>
SPRINKLER PLANS	<u>Y</u>	APPLICATION FILLED	<u>Y</u>
ENG. FOR WOOD/CONC.	<u>Y</u>	IN PROPERLY	<u>Y</u>
PROVIDED ENGINEERING	<u>NA</u>	[REDACTED]	
FOR ALUMINUM ?	<u>NA</u>	ROOFING MATL.	<u>Y</u>
ONE HOUR PROTECTED	<u>NA</u>	[REDACTED]	
[REDACTED]		AMPS OF ELEC.	<u>Y</u>
CALCULATED WOOD	<u>N</u>	DETERMINE GROSS	
BEAMS AND HEADERS ?	<u>N</u>	FLOOR AREA	<u>Y</u>
CALCULATE FLOOR &	<u>N</u>	NOTE BLDG. HEIGHT	<u>Y</u>
ROOF LOADS ?	<u>N</u>	PROVIDE BUILDING	<u>Y</u>
CONCRETE BEAMS CALC.	<u>N</u>	VALUE	<u>Y</u>
		1 OR 2 DRIVEWAYS	<u>N</u>
		SEPTIC OR SEWER	<u>Y</u>
		COMP. - PTPT	<u>Y</u>

SUBSTANTIAL IMPROVEMENT CALC.

DSNL VALUE OF STRUCTURE , OR CERTIFIED APPRAISAL OF STRUCTURE \$ NA

VALUE OF WORK DONE PER SBCCI TABLE \$ _____

OR SIGNED CONSTRUCTION CONTRACT \$ _____

DIFFERENCE \$ _____

IS WORK TO BE DONE LESS THAN 50% OF EXSITING? Y

PLANS EXAMINER SJA DATE 6/22/89

APPLICATION / PERMIT FOR INDIVIDUAL SEWAGE DISPOSAL FACILITIES
HRS Lee County Public Health Unit

Ft. Myers 332-9556
Cape Coral 772-3363

RECEIVED
APR 07 1989

INSTRUCTIONS AND STANDARD SPECIFICATIONS ARE PRINTED
ON THE REVERSE SIDE

Section I - Information:

Owner Or Builder JOSEPH W. MIKLANCIC NEW
EXISTING
Telephone Number (813) 472-6933 REPAIR
Property Address UPPER CARTIVA OTHER

Block UNIT 3 Lots (S) 11 Subdivision JOSE'S HIDEAWAY

Date Subdivision Recorded _____ Zoning Designation SINGLE FAMILY

Directions to construction site: _____
 Map Attached

Circle every type of Construction System Will Serve:

One Story, Multi Story, Single Family, Multi-Family, Retail Business,
Duplex, Strip Mall, Food Operation, Service Station, Convenience Store
Industrial/Commercial. Piling, Monolithic Pour, Stemwall,
Other _____

Building will be served by WELL () PUBLIC WATER

RESIDENTIAL

COMMERCIAL

Number of Bedrooms 3
Sq. Ft. of Living Area 1720

Type of Business _____
Sq. Ft. of Floor Area _____
Number of Employees _____

*Floor Plans must be submitted with all applications.
*A Plot Plan drawn to scale showing lot boundaries, surface waters,
well(s), driveways, structures, and proposed location of the sewage
disposal system must be submitted to this dept. and your engineer.
*The undersigned certifies that the project described in this application
as detailed by the plans, specifications, and attachments is designed
in accordance with Chapter 10D-6, of the Florida Administrative Code and
applicable County Requirements. These specifications are not limited to
the standard specifications listed on the reverse side of this form.

Applicants' Signature Joseph W. Miklancic
Date 3-20-89 Telephone Number (813) 472-6933

*****DO NOT WRITE BELOW THIS LINE *****

SECTION II - SPECIFICATIONS:

ENGINEER'S CERTIFICATION REQUIRED YES () NO

900 _____ Gallon SINGLE / SERIES / TANDEM TANK(S)
Gallon Grease Interceptor (plumbed to the inlet of the tank)

384 _____ Sq. Ft. of DRAINBED OR DRAINFIELD (trench) MINIMUM

CONVENTIONAL SUBSURFACE SYSTEM

MOUND SYSTEM with a MINIMUM of _____ inches of clean fill.

DOSED SYSTEM with a MINIMUM of _____ gallons per dose.

AEROBIC SYSTEM with a MINIMUM design rating of _____ G/P/D.

Grade, Gutter, Curb to divert rain water away from drainbed.

ADDITIONAL SPECIFICATIONS Separate backfill to
engineer's specs. Max drain bed depth 21"

Pin @ SE prop Cor = 100

Jap @ B store = 102.0

The above signed application has been found to be in compliance with
Chapter 10D-6 DHRS Florida Administrative Code, and construction is
hereby permitted, subject to the above specifications.

By: [Signature] Date 12/1/89
HRS Lee County Public Health Unit / Environmental Health Section

*****FINAL INSTALLATION APPROVAL *****

DATE _____ APPROVED BY _____

4-3

5565

12 Apr 89

DATE OF ISSUE

TANK CAPACITY: 900 GALS. DRAIN BED SIZE: 384 SQUARE FEET

MAXIMUM DEPTH FROM TOP OF FINISHED GRADE TO BOTTOM OF DRAIN BED STONE: 21 INCHES

ROOF GUTTERS REQUIRED: YES NO CURB REQUIRED: YES NO

ELEVATION OF TOP OF DRAIN BED STONE: 102.0 ~~NOVD~~/ASSUMED FILL: 27 INCHES

REF. POINT ~~OR CL. ROAD~~ = 100.0 OTHER CORRECTIONS: Excavate &

backfill to engineer's specs.

- * SYSTEM SHALL NOT BE INSTALLED IF:
- * SITE CORRECTIONS HAVE NOT BEEN MADE.
- * SYSTEM IS WITHIN 75 FT OF INDIVIDUAL POTABLE WATER WELL OR 50 FT OF NON-POTABLE WELL.
- * SYSTEM IS WITHIN 200 FT OF PUBLIC WATER WELL OR 100 FT OF COMMUNITY WELL.
- * SYSTEM WILL BE WITHIN 75 FT OF A STREAM, LAKE, CANAL OR ANY OTHER SURFACE WATER.

- TURN DOWN
- OK TO COVER DATE _____

CALL FOR REINSPECTION WHEN:

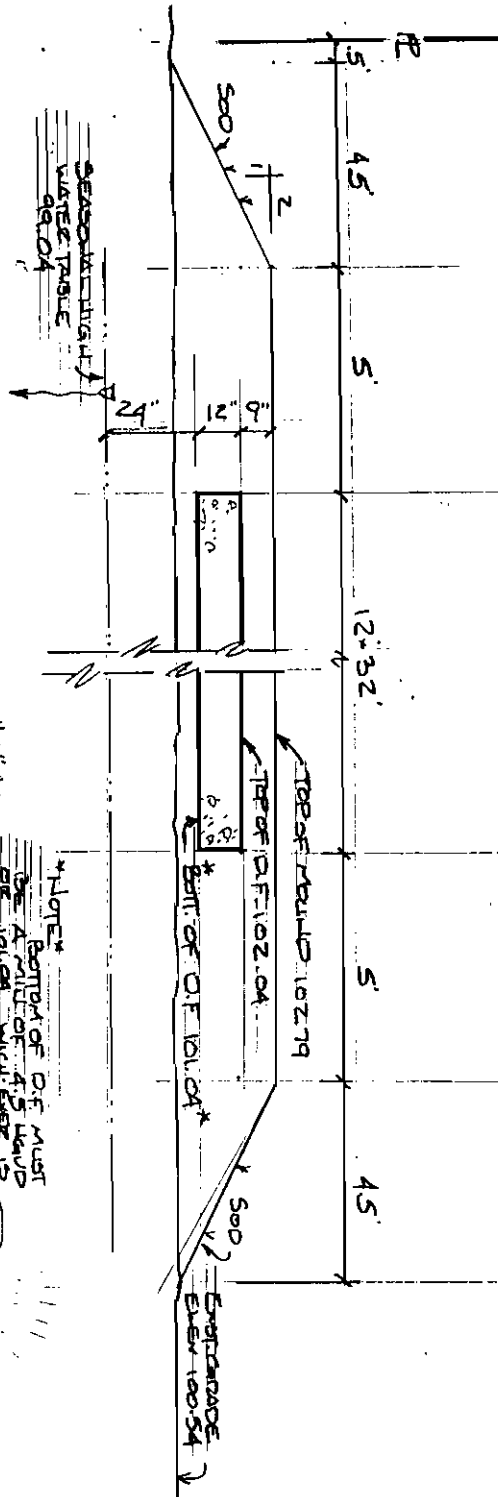
- ROOF GUTTER / PAVEMENT CURBING IS INSTALLED INSTALLATION FINAL APPROVAL
- MOUND SYSTEM IS STABILIZED

INSPECTOR DATE

APPROVAL NUMBER

THIS PERMIT MUST BE POSTED

Handwritten signature/initials



SECTION A-A

NOTE
 BOTTOM OF O.F. MUST
 BE A MIN. OF 4" ABOVE
 OF 101.04 WHICH EVER IS
 HIGHER

3-17-89

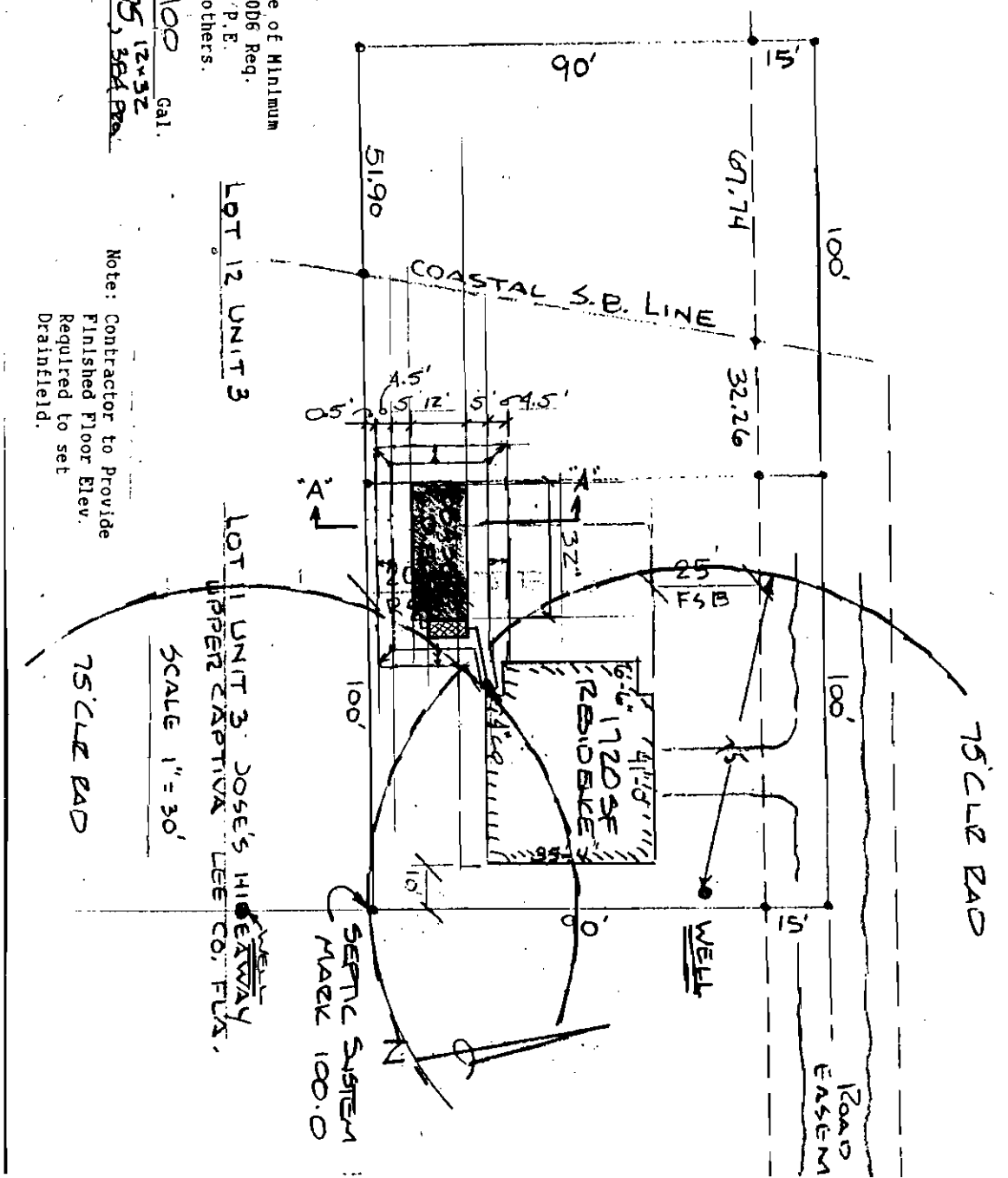
[Handwritten Signature]

Engineer's Certificate of Minimum
 (Seal) License # 1006 Reg.
 James A. Schivinski, P.E.
 Drawing & Survey by others.

Min. Septic Tank 900 Gal.

Min. Drainfield 875 ~~304~~ ~~304~~ ~~304~~

Note: Contractor to Provide
 Finished Floor Elev.
 Required to set
 Drainfield.



LOT 12 UNIT 3

LOT 1 UNIT 3 JOSE'S HIGHWAY
 UPPER CAPTIVA LEE CO, FLA.

SCALE 1" = 30'

75' CLEAR ZONE

75' CLEAR ZONE

SEPTIC SYSTEM
 MARK 100.0

WELL

ROAD
 EASEMENT

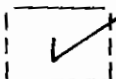
Chapter 10D-6, F.A.C. &
Construction permit CANNOT be issued until corrections are made;
excepted are instances when the licensed professional engineer or soil laboratory
prescribes corrections necessary and will certify (in writing) to the department
that those prescribed corrections have been made.

All modifications shall comply with Chapter 10D-6 F.A.C. Soil borings are
indications only of site conditions and may vary upon actual installation of the
system. The Health Department and the Engineer reserves the right to modify the
test results. The system is designed to minimum H.R.S. standards and does not
imply that a system will perform satisfactorily for any specific period of time.
During the actual installation of the system, should the field condition found to
be other than indicated, the installing contractor shall notify the Engineer for
modifications to be made.

CORRECTIONS PRESCRIBED BY REGISTERED ENGINEER OR SOIL LABORATORY:

() Test indicates that no modification is required.

(X) Test indicates that ** unsuitable material be removed to free draining
material or a minimum depth of 6 feet. The area to be removed as specified by
the Health Department plus an additional 10 foot digout at the width.



SEE ATTACHMENTS FOR ADDITIONAL SPECIFICATIONS

ENGINEER'S SIGNATURE

DATE

REGISTRATION NO.

SEAL

34005
James A. Schivinski
3-17-89
James A. Schivinski, P.E.

Important: The original form must be sealed and presented with an application for
an onsite sewage disposal system construction permit.

10D-6.42 (5) "Approved" installation does not imply that a system will perform
satisfactorily for any specific period of time.

TO THE BEST OF MY KNOWLEDGE,

THE ABOVE CORRECTIONS PRESCRIBED BY ME HAVE BEEN MADE.

Permit # _____

DATE _____

REGISTRATION NO. 34005

Does this permit comply with all applicable codes and regulations?
Yes _____ No _____

Is the construction of this system in accordance with the approved plans?
Yes _____ No _____

Are the materials used in the construction of this system in accordance with the approved plans?
Yes _____ No _____

Are the workmanship and construction of this system in accordance with the approved plans?
Yes _____ No _____

MINIMUM DATA REQUIRED BY DEPARTMENT FOR ANALYSES PERFORMED IN LEE COUNTY
(ORIGINAL FORM PLUS ENGINEERS'S SEAL REQUIRED)

Test Performed by ENGINEERING & DESIGN CONSULTANTS, INC.

Date of Test 3.4.89 Test Number _____

Address and/or location of site
UNIT 3 LOT 11 BLOCK JOSEF HIDEAWAY, LEE CO

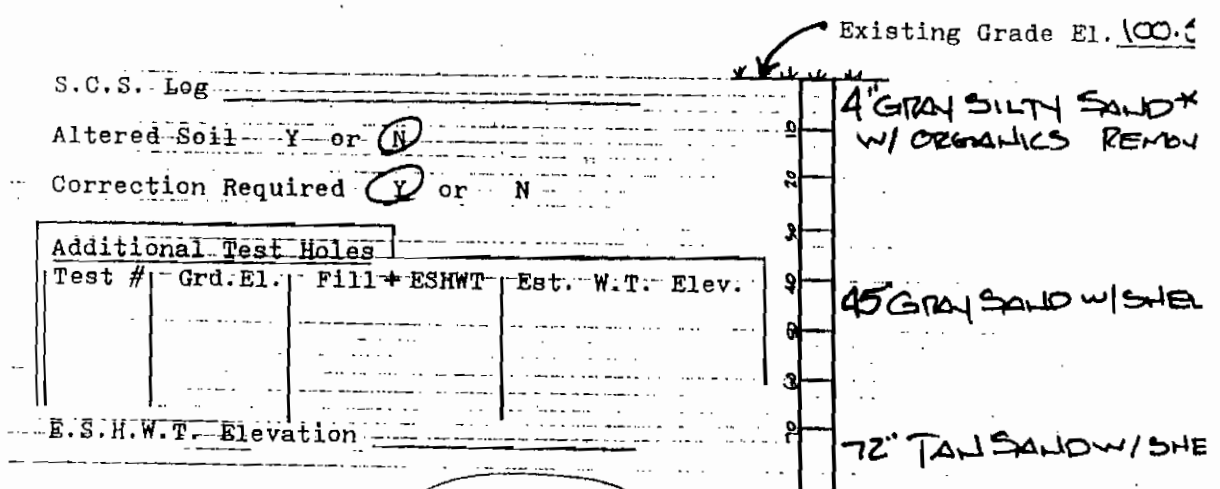
Section _____ Township _____ Range _____

Test requested by MR MIKLAVIC

*** Information Submitted Shall Reflect Conditions On Date of Test ***
Minimum Information Required For Compliance With Chapter 10D-6, F.A.C.:

- a) Estimated wet season water table 1.5 ft. below/above existing grade
- b) Is proposed drainfield or drained area subject to seasonal or frequent flooding? NO YES
- c) Distance of septic tank system to nearest body of water (canal, lake, stream) +75'
- d) Distance of proposed septic tank to nearest potable water well? +75'
- e) Is there sufficient unobstructed area adjacent to drainfield?
() NO (X) YES
- f) Does building site drain to front _____, back _____, other X
- g) Estimated percolation rate 22 minutes per inch. (2-4 min if blank)
- h) Recommended MAXIMUM loading rate 1.2 (1.5 g/sq.ft. if blank)
- i) USDA Soil Series Name #2 CANADIAN FINE SAND
- j) USDA Soil Series Wettest Season Water Table is 15 to 40 inches.
- k) Soil classification to depth of six (6) feet required regardless of water table unless prohibited by rock. When rock prevents a six (6) feet bore excavation through rock and all impervious materials to a depth of six (6) feet is required. Delineate soil characteristics to a depth of (6) feet using U.S.D.A. soil texture classifications in figure shown below:
* If site has been filled it is important that amount of fill be shown.*

SHOW SOIL PROFILE REPRESENTING SITE SOIL PROFILES ENCOUNTERED ON DATE OF TEST



ELEVATIONS SHOWN ARE: ASSUMED (100.0) OR N.G.V.D. (10.0) -- (Circle one)

BENCH MARK LOCATION AT PT. AT S.E. CORNER OF PROPERTY IS 100.0

BOTTOM OF DRAINFIELD STONE MUST BE NO LOWER THAN 101.04 BOTTOM or the TEN YEAR STORM EVENT ELEVATION WHEN APPLICABLE. 102.04 TOP

Subject to density requirement and review by HRS.

LEE COUNTY DIVISION OF CODES & BUILDING SERVICES

CONTRACTOR CERTIFICATION-CONSTRUCTION SITE DEBRIS REMOVAL

4/12/89
Date

I CERTIFY THAT I WILL BE RESPONSIBLE FOR THE REMOVAL OF ALL
CONSTRUCTION SITE DEBRIS AS RELATES TO MY APPLICATION FOR A PERMIT

FOR SFR LOCATED AT:
4611 Hidden Lane
Captiva Lane Island FL

I understand that I must provide proof of compliance by providing a receipt for the construction site debris disposal from the Lee County designated solid waste facility before issuance of the Certificate of Compliance or Certificate of Occupancy will be issued by the Division of Codes & Building Services.

Owner/Builder Contractor Contractor Agent

(PLEASE PRINT:) _____
Company Name

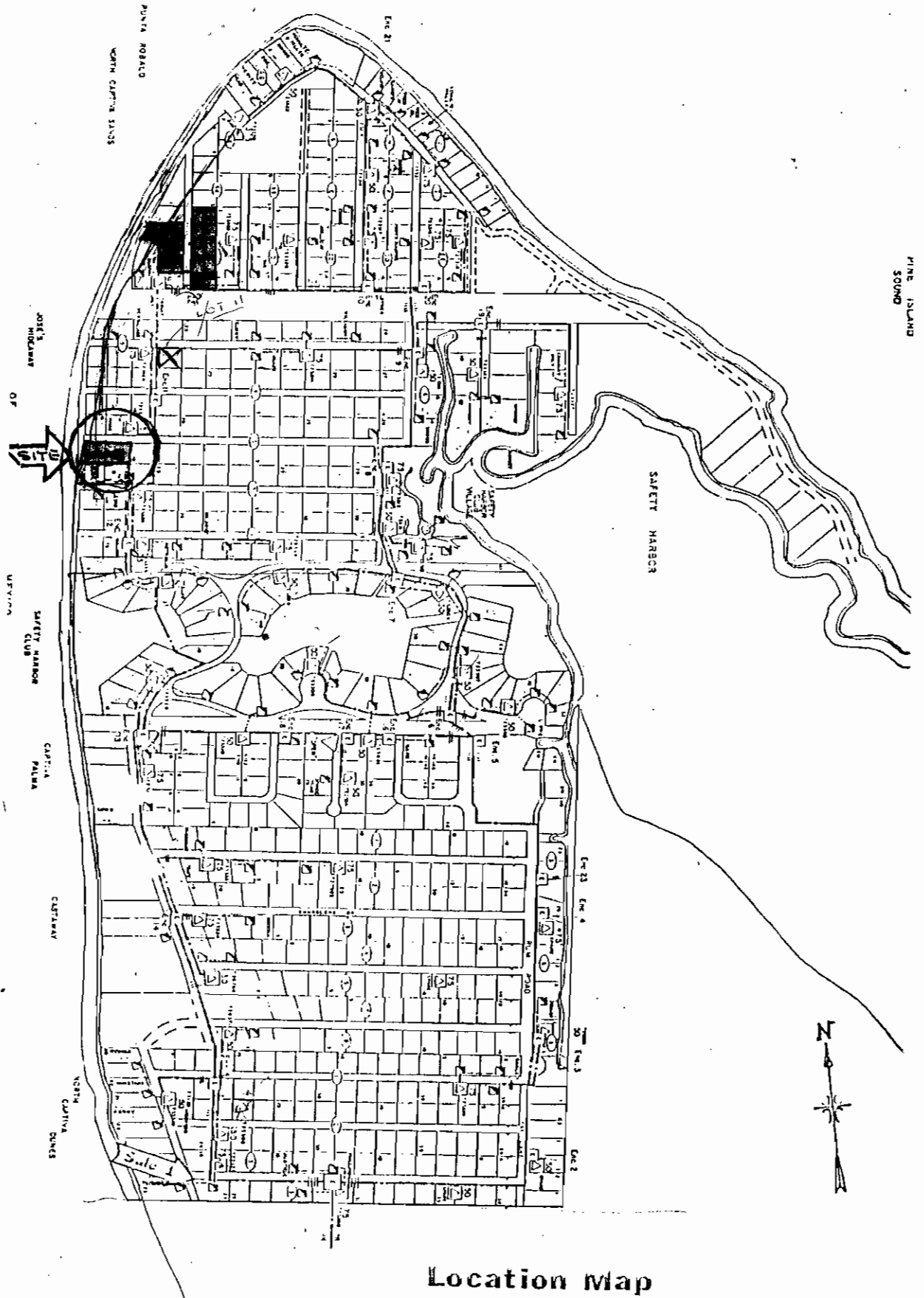
Ordinance #88-40 available at Lee Cares, 2nd floor, Courthouse

(FOR OFFICE USE ONLY)

REF. # _____

BP # _____

(0874A)



Location Map

County of Lee

OFFICE OF PROPERTY APPRAISER
T. G. BOYD, JR.
COUNTY CLERK

17



FLORIDA DEPARTMENT OF TRANSPORTATION
COUNTY OF LEE PROPERTY APPRAISER

1983 - ^{oct word} s/w ③

Clerk Betty Mendes Telephone 335-2107

Request for Split _____ Date 4/12/89

Combination

Parent Parcel Number(s)

05-45-21-00-00001.047A AKA Lot 11

05-45-21-00-00001.0750 AKA Lot 12

ABove combined to

New Parcel Number

05-45-21-00-00001.047A ✓

AKA Lots 11+12

OR BOOK _____

PAGE _____



zoning
 PLAN SUBMITTAL FORM

Date: 4-24-89 Accepted BY PH

Contractor: JOSEPH W. MIKLAVCIC
(Name Of Firm)

Person To Contact: SAME
(Please Print)

Phone #: (813) 472-6933 1-448-9953 CAR

Name Of Project: OXENBERG McCLUSKEY

Address Of Project: UPPER CAPTIVA

1) Does this project have a Building Permit yet? (Y/N) NO
If yes, give B. P. # 151720

2) If project has not yet been permitted, what is your reference #? 151720

3) Is this a revision to a project that already has a permit? (Y/N) NO
State briefly what revision is for _____

4) Is this a submittal of plans that are revisions to a previously REJECTED submittal? (Y/N) NO If yes, specify if revision is to the original submittal or to a revision which has been rejected. Original _____ Revision _____

5) Is this submittal of plans in response to a letter or a request by phone? (Y/N) IN PERSON Specify by letter or phone PHONE & IN PERSON

6) Who is expecting this information? MARY ZETTEL

7) If this submittal does not fit any of the above items, please explain in the COMMENTS section below, or make application for a permit, if necessary.

COMMENTS: ITEMS COVERED A - WATER LETTER
 B - SITE PLANS (3)
 C - CROSS DEEPS



P.O. Box 398
Fort Myers, Florida 33902-0398
(813) 334-2166

BOARD OF COUNTY COMMISSIONERS

Written Order No. 2791
04/19/89

John E. Manning
District One
L90419A

Charles L. Bigelow, Jr.
District Two

April 19, 1989

Ray Judah
District Three

Bill Fussell
District Four

Maureen McCluskey / Bobby Oxenberg
4611 Hidden Lane
Captiva, FL 33924

Donald Slisher
District Five

Frank Nocera
Acting County
Administrator

Re: Existing Well Approval Strap #05-45-21-00-00001.047A

James G. Yaeger
County Attorney

R. Scott Barker
County Hearing
Examiner

Dear Ms. McCluskey:

The Division of Environmental Services grants its approval for the use of the existing well on the above referred property. This well was inspected on 04-19-89 and found to be in compliance with all County rules and regulations.

If I can be of any further assistance in this matter do not hesitate to contact me.

Sincerely,

Roland Banks
Hydrogeologist
Division of Environmental Services

RSB/et

cc: Jean Harris - Code Enforcement - Permit Tech.

Recorder's Stamp

THIS DEED, Made this _____ day of _____, 19 89, between ROBERT H. OXENBERG

of the Florida County of Lee, State of Florida, of the first part, and ROBERT H. OXENBERG and MAUREEN MCCLUSKEY, P.O. Box 1119, Captive Island, Florida 33924 of the Florida County of Lee and State of Florida, of the second part:

WITNESSETH, That the said party _____ of the first part, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, ~~XXXXXX~~ to the said party _____ of the first part in hand paid by the said parties of the second part, the receipt whereof is hereby confessed and acknowledged, has remised, released, sold, conveyed and quit claimed, and by these presents does remise, release, sell, convey and quit claim unto the said parties of the second part, their heirs and assigns forever, not in tenancy in common but in joint tenancy, all the right, title, interest, claim and demand which the said party _____ of the first part has in and to the following described lot or parcel of land situate, lying and being in the County of Lee and State of ~~Colorado~~ Florida, to wit:

See Exhibit "A" attached hereto.

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest, and claim whatsoever of the said party _____ of the first part, either in law or equity, unto the said parties of the second part, their heirs and assigns forever, not in tenancy in common but in joint tenancy.

IN WITNESS WHEREOF, The said party _____ of the first part has hereunto set his hand and seal the day and year first above written.
Signed, Sealed and Delivered in the presence of _____ [SEAL]
ROBERT H. OXENBERG _____ [SEAL]
_____ [SEAL]

STATE OF COLORADO, }
County of Pitkin } ss.

The foregoing instrument was acknowledged before me this 11th day of April, 19 89, by ROBERT H. OXENBERG.

My commission expires 2/10/91

WITNESS my hand and official seal.

Manuela D. Cote
Notary Public

EXHIBIT "A"

TRACT 2, O.R. 1349/1499, LEE COUNTY
RECORDS, BEING LOT 12, UNIT 3,
UNRECORDED JOSE'S HIDEAWAY, SECTION
5, TOWNSHIP 45 S, RANGE 21 E, UPPER
CAPTIVA ISLAND, LEE COUNTY, FLORIDA

A tract or parcel of land lying in Government Lot 1, Section 5, Township 45 South, Range 21 East, Upper Captiva Island, Lee County, Florida, being Tract 2, as recorded in Official Record Book 1349, at Page 1499, Lee County Records, being Lot 12, Unit 3, Unrecorded Jose's Hideaway, which tract or parcel is described as follows:

From a concrete post on the south line of Government Lot 1, Section 5, Township 45 South, Range 21 East, 226.00 feet more or less east of the high tide line of the Gulf of Mexico run S 81° 20' E for 835.00 feet along the south line of said Government Lot 1 to a concrete post; thence run N 08° 40' E for 205.00 feet to a concrete post; thence continue N 08° 40' E for 525.00 feet; thence run N 81° 20' W for 540.00 feet to the northeasterly corner of Lot 11, Unit 3, Unrecorded Jose's Hideaway, the northeasterly corner of the westerly half of Tract 1, as recorded in Official Record Book 1349, at Page 1499, Lee County Records; thence continue N 81° 20' W along the north line of said Tract 1 and Tract 2 for 100.00 feet to the northeasterly corner of Lot 12 and the Point of Beginning of the herein described parcel.

From said Point of Beginning continue N 81° 20' W along the north line of said Tract 2 for 100.00 feet to the northwesterly corner of said Tract 2; thence run S 08° 40' W along the westerly line of said Tract 2 for 105.00 feet to the southwesterly corner of said Tract 2; thence run S 81° 20' E along the south line of Tract 2 for 100.00 feet; thence run N 08° 40' E along the east line of Lot 12 herein for 105.00 feet to the Point of Beginning.

Subject to an easement for roadway purposes over and across the northerly 15 feet thereof.

Subject to a 6 foot easement on the northerly and westerly boundaries for drainage or utilities.

PLEASE COMPLETE SECTION BELOW

Oct 29

RECORDED
1911

RECORDED

THIS DEED, Made this _____ day of _____, 19 89, between MAUREEN MCCLUSKEY

Recorder's Stamp

of the Florida County of Lee, State of ~~COLORED~~ of the first part, and ROBERT H. OXENBERG and MAUREEN MCCLUSKEY, P.O. Box 1119, Captive Island, Florida 33924 of the Florida County of Lee and State of ~~COLORED~~ of the second part:

WITNESSETH, That the said part y of the first part, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration,

to the said part ies of the first part in hand paid by the said parties of the second part, the receipt whereof is hereby confessed and acknowledged, ha s remised, released, sold, conveyed and quit claimed, and by these presents does remise, release, sell, convey and quit claim unto the said partia of the second part, their heirs and assigns forever, not in tenancy in common but in joint tenancy, all the right, title, interest, claim and demand which the said part y of the first part has in and to the following described lot or parcel of land situate, lying and being in the County of Lee and State of ~~Colorado, to wit:~~ **FLORIDA**

See Exhibit "A" attached hereto.

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest, and claim whatsoever of the said part y of the first part, either in law or equity, unto the said parties of the second part, their heirs and assigns forever, not in tenancy in common but in joint tenancy.

IN WITNESS WHEREOF, The said part y of the first part ha s hereunto set her hand and seal the day and year first above written.

Signed, Sealed and Delivered in the presence of *Maureen McCluskey* [SEAL] MAUREEN MCCLUSKEY [SEAL] [SEAL]

STATE OF COLORADO, } ss. County of Pitkin }

The foregoing instrument was acknowledged before me this 18th day of April, 19 89, by MAUREEN MCCLUSKEY.

My commission expires 2/10/91

WITNESS my hand and official seal.

Marcella L. Cote Notary Public.

EXHIBIT "A"

TRACT 1, O.R. 1349/1499, LEE COUNTY
RECORDS, BEING LOT 11, UNIT 3,
UNRECORDED JOSE'S HIDEAWAY, SECTION
5, TOWNSHIP 45 S, RANGE 21 E, UPPER
CAPTIVA ISLAND, LEE COUNTY, FLORIDA

A tract or parcel of land lying in Government Lot 1, Section 5, Township 45 South, Range 21 East, Upper Captiva Island, Lee County, Florida, being the westerly half of Tract 1, as recorded in Official Record Book 1349, at Page 1499, Lee County Records, being Lot 11, Unit 3, Unrecorded Jose's Hideaway, which tract or parcel is described as follows:

From a concrete post on the south line of Government Lot 1, Section 5, Township 45 South, Range 21 East, 226.00 feet more or less east of the high tide line of the Gulf of Mexico run S 81° 20' E for 835.00 feet along the south line of said Government Lot 1 to a concrete post; thence run N 08° 40' E for 205.00 feet to a concrete post; thence continue N 08° 40' E for 525.00 feet; thence run N 81° 20' W for 540.00 feet to the northeasterly corner of Lot 11, Unit 3, Unrecorded Jose's Hideaway, the northeasterly corner of the westerly half of Tract 1 as recorded in Official Record Book 1349, at Page 1499, Lee County Records and the Point of Beginning of the herein described parcel. From said Point of Beginning, continue N 81° 20' W along the north line of said Tract 1 for 100.00 feet more or less; thence run S 08° 40' W for 105.00 feet; thence run S 81° 20' E along the south line of Tract 1 for 100.00 feet to the southeasterly corner of the westerly half of said Tract 1; thence run N 08° 40' E along the east line of said west half of Tract 1 for 105.00 feet to the Point of Beginning.

Subject to an easement for roadway purposes over and across the northerly 15 feet thereof.

Subject to a 6 foot easement on the northerly and easterly boundaries for drainage or utilities.

THE DETERMINATION OF
THE APPLICATION OF THE
MINIMUM USE PROVISION

CASE #: SF89-05-17

DATE RECEIVED BY ZONING DIVISION: May 22, 1989

STRAP NUMBER: 05-45-21-00-00001.047A (lots 11 and 12)

APPLICANT: Maureen McCluskey & Bob Oxenberg

OWNER: Maureen McCluskey & Bob Oxenberg

1. OWNERSHIP

a) DATE WARRANTY DEED OR AGREEMENT FOR DEED RECORDED IN
OWNER/PURCHASER NAME: September 1986

b) PLACE RECORDED: O R Book 1876 Pages 4192 thru 4196

2. CREATION OF PARCEL

a) DATE PARCEL CREATED/RECORDED: May 1968 and March 1970

b) PLACE RECORDED: O R Book 462 Page 713 and OR Book 588 Page 598

1) LOT WAS CREATED/RECORDED IN PLAT BOOKS PRIOR TO DECEMBER 21,
1984 AND HAS NOT BEEN ALTERED: YES _____ NO _____ N/A X

2) A LEGAL DESCRIPTION OF THE LOT WAS LAWFULLY RECORDED IN O.R.
BOOKS PRIOR TO DECEMBER 21, 1984: YES X NO _____ N/A _____

3) LOT WAS LAWFULLY CREATED AFTER DECEMBER 21, 1984 AND IS IN
COMPLIANCE WITH THE LEE PLAN: YES _____ NO _____ N/A X

3. ZONING WHEN CREATED/RECORDED: RS-1

a) COMPLIED WITH ZONING WHEN CREATED/RECORDED: YES X NO _____ N/A _____

b) CREATED PRIOR TO JUNE 27, 1962 AND HAS A MINIMUM OF 4,000 SQUARE
FEET: YES _____ NO _____ N/A X

c) CREATED AFTER JUNE 27, 1962 AND PRIOR TO DECEMBER 21, 1984 AND HAS
A WIDTH NOT LESS THAN 50 FEET AND HAS AN AREA NOT LESS THAN 5,000
SQUARE FEET AND RECORDED IN A PLAT BOOK: YES _____ NO _____ N/A X

d) CREATED AFTER JUNE 27, 1962 AND PRIOR TO DECEMBER 21, 1984, HAS A
MINIMUM OF 7,500 SQUARE FEET AND RECORDED IN O.R. BOOK: YES X
NO _____ N/A _____

4. LAND USE CATEGORY: OPEN LANDS

a) LOT IS CONSISTENT WITH DENSITY REQUIREMENTS: YES _____ NO X

5. REAPPORTIONING LOTS: YES _____ NO X

RECOMMENDATION:

LOT IS CONSISTENT WITH THE MINIMUM USE PROVISION BASED ON THE FOLLOWING:

These two lots were created in 1968 and 1970, prior to the adoption of
the Lee Plan. These two lots combined as one, exceed 7500 square
feet and comply with the RS-1 zoning district. These two lots combined
as one qualifies for one single family residence under the Single Family
Provision of the Lee Plan

BY: Pauline Camelia
Pauline Camelia, Director
Zoning Division

J#

CERTIFICATE OF OCCUPANCY
DIVISION OF CODES & BUILDING SERVICES
LEE COUNTY

DATE 04/11/90 NUMBER 90-01296

OWNER MCCLUSKEY MAUREEN

ADDRESS OF PROJECT 4611 HIDDEN LN

DBA: CRC006615

CONTRACTOR MIKLAVCIC JOSEPH W

CONTRACTOR ADDRESS PO BOX 542

FINELAND, FL 33945

LEASED BY _____

PURPOSE OF PERMIT SER W/SPRINKLERS

	ISSUED	FINALED
BLDG. PERMIT NO. <u>198907191</u>	<u>890629</u>	<u>900410</u>

ZONING RS1 STRAP 0545210000001047A

TYPE CONSTRUCTION VT FIRE DIST. NCT

FLOOD ELEVATION 13 FLOOD ZONE V13

OCCUPANCY CLASS RESIDENTIAL CAPACITY _____

IN CONFORMITY WITH SECTION 109, SOUTHERN
STANDARD BUILDING CODE, AUTHORIZATION TO
OCCUPY IS GRANTED AS NOTED HEREIN.

Klaus D. Behrens
BUILDING OFFICIAL

2005 SEP -6 PM 2:11
RECEIVED BY
LEE CO. ATTORNEY

LEE COUNTY, FLORIDA
DIVISION OF CODES & BUILDING SERVICES
INSPECTION REQUEST

UCI
376

BLDG. PERMIT NO. 198907191
DATE 04/10/90
ISSUE DATE 06/29/89

PROJECT SER W/SERINKLERS REF # 151720
SITE ADDRESS 4611 HIDDEN LN
CONTRACTOR JOSEPH W MIKLAVCIC PHONE 0
OWNER MCCLUSKEY MAUREEN

DIRECTIONS UPPER CAPTIVA PINELAND MARINA TO UPPER C
APTIVA CONTR PH 472-6933

INSPECTION TYPE FI91 FIRE
FLOOD ZONE V13 ELEV REQ 13 CERT ELEV 16.00
COASTAL ZONE Y A/C 8907191 D.O.#
ELEC. 8907191 ELEC #2 _____ SEWER _____
PLUM 8907191 PLUM #2 _____ SEPTIC 5565
HVAC _____ HVAC #2 _____ VFG _____
ROOF 8907191 ROOF #2 _____ GAS _____
WELL 999999 POOL ENCL _____ POOL _____
FIRE SUP 8907191 HOOD SUP _____ STDFIPE _____
HALON _____ FND _____ HOOD _____
ALARM _____ HYDRANT _____ GAS TAN _____

(OK)

TYPE	DATE	P/F	INSPTR	*PERMIT NOT PULLED	FLR
AC01	891206	F	JR		0
AD90	900314	F	LARRY		0
CS90	891130	F	SR/NOT ACCEPTABLE		0
CS91	900329	F	SR		0
DB90	900322	F	DB/CJC		0
EC01	891019	P	V-13 EL 13'/CERT 16.0		0
EL01	891206	F	JR		0
FI01	891208	F	CAH		0
FI90	900316	F	EDWARDS/HEAD MISS-NO BELL-WRON		0
FI91					0
FR01	891023	F	LARRY/NO FEMA		0
FR02	891206	F	JR		0
IN01	891214	F	KM		1
PL01	890922	F	LARRY/EL02, ALSO		0

DATE 4/10/90 PASS _____ FAIL _____
Albert V. Saker
INSPECTOR

LEE COUNTY, FLORIDA
 DIVISION OF CODES & BUILDING SERVICES,
 INSPECTION REQUEST

BLDG. PERMIT NO. 198907191
 DATE 03/14/90
 ISSUE DATE 06/29/89

PROJECT SER W/SPRINKLERS REF # 151720
 SITE ADDRESS 4611 HIDDEN LN
 CONTRACTOR JOSEPH W MIKLAVCIC PHONE 0
 OWNER MCCLUSKEY MAUREEN

DIRECTIONS UPPER CAPIVA PINELAND MARINA TO UPPER C
APIVA CONTR PH 472-4933

INSPECTION TYPE AD90 FINAL
 FLOOD ZONE V13 ELEV REQ 13 CERT ELEV 16.0
 COASTAL ZONE Y A/C 8907191 D.O.#
 ELEC 8907191 ELEC #2 _____ SEWER _____
 PLUM 8907191 PLUM #2 _____ SEPTIC 5565
 HVAC _____ HVAC #2 _____ VFG _____
 ROOF 8907191 ROOF #2 _____ GAS _____
 WELL 999999 POOL ENCL _____ POOL _____
 FIRE SUP 8907191 HOOD SUP _____ STDPIPE _____
 HALON _____ HND _____ HOOD _____
 ALARM _____ HYDRANT _____ GAS TAN _____

TYPE	DATE	P/F	INSPTR	*PERMIT NOT PULLED	FLR
AC01	891206	P	JR		0
AD90					0
CM01	891130				0
EC01	891019	P	V-13 EL 13'/CERT 16.0		0
EL01	891206	P	JR		0
FI01	891208	P	CAH		0
FI90					0
FR01	891023	F	LARRY/NO FEMA		0
FR02	891206	P	JR		0
IN01	891214	P	KM		1
PL01	890922	P	LARRY		0
RF01	891016	F	LARRY/NO FEMA		0
RF90					0
TF01	890823	F	LARRY		0
DATE	<u>3/14</u>	PASS	<u>[Signature]</u>	FAIL	<u>[Signature]</u>
					INSPECTOR

LEE COUNTY, FLORIDA
DIVISION OF CODES & BUILDING SERVICES
INSPECTION REQUEST

BLDG. PERMIT NO. 198907191

DATE 03/14/90

ISSUE DATE 06/29/89

PROJECT SFR W/SPRINKLERS REF # 151720

SITE ADDRESS 4611 HIDDEN LN

CONTRACTOR JOSEPH W MIKLAVCIC PHONE 0

OWNER MCCLUSKEY MAUREEN

DIRECTIONS UPPER CAPTIVA PINELAND MARINA TO UPPER C
APTIVA CONTR PH 472-6933

INSPECTION TYPE AD90 FINAL

FLOOD ZONE V13 ELEV REQ 13 CERT ELEV 16.0

COASTAL ZONE Y A/C 8907191 D.O.#

ELEC 8907191 ELEC #2 _____ SEWER _____

PLUM 8907191 PLUM #2 _____ SEPTIC 5565

HVAC _____ HVAC #2 _____ VFG _____

ROOF 8907191 ROOF #2 _____ GAS _____

WELL 999999 POOL ENCL _____ POOL _____

FIRE SUP 8907191 HOOD SUP STDPIPE _____

HALON _____ FND _____ HOOD _____

ALARM _____ HYDRANT _____ GAS TAN _____

TYPE _____ DATE _____ P/F _____ INSPTR *PERMIT NOT PULLED FLR _____

WLO1 _____ 0

NEED COASTAL INSPECTION

DATE 3/14 PASS _____ FAIL Jan INSPECTOR _____

LEE COUNTY, FLORIDA
DIVISION OF CODES & BUILDING SERVICES
INSPECTION REQUEST

BLDG. PERMIT NO. 198907191
DATE 03/14/90
ISSUE DATE 06/29/89

PROJECT SFR W/SPRINKLERS REF # 151720
SITE ADDRESS 4611 HIDDEN LN
CONTRACTOR JOSEPH W MIKLAVCIC PHONE 0
OWNER MCCLUSKEY MAUREEN

DIRECTIONS UPPER CAPTIVA PINELAND MARINA TO UPPER C
ACTIVA CONTR PH 472-6933

INSPECTION TYPE RF90 ROOFING
FLOOD ZONE V13 ELEV REQ 13 CERT ELEV 16.0
COASTAL ZONE Y A/C 8907191 D.O.#
ELEC 8907191 ELEC #2 _____ SEWER _____
PLUM 8907191 PLUM #2 _____ SEPTIC 5565
HVAC _____ HVAC #2 _____ VFG _____
ROOF 8907191 ROOF #2 _____ GAS _____
WELL 999999 POOL ENCL _____ POOL _____
FIRE SUP 8907191 HOOD SUP _____ STDPIPE _____
HALON _____ FND _____ HOOD _____
ALARM _____ HYDRANT _____ GAS TAN _____

TYPE	DATE	P/F	INSPTR	*PERMIT NOT PULLED	FLR
AC01	891206	P JR			0
CM01	891206	P JR			0
EC01	891019	P V-13 EL 13 /CERT 16.0			0
EL01	891206	P JR			0
FI01	891208	P CAH			0
FI90					0
FR01	891023	F LARRY/NO FEMA			0
FR02	891206	F JR			0
IN01	891214	P KM			1
PL01	890922	P LARRY			0
RF01	891016	F LARRY/NO FEMA			0
RF90					0
TR01	890823	P LARRY			0
TR01	890823	P LARRY			0
NEED COASTAL INSPECTION				FAIL	

3114

INSPECTOR



November 21, 1989

Lee County Building Department
Division of Code Enforcement
P. O. Box 398
Fort Myers, FL 33902

RE: Robert Oxenberg & Maureen McCluskey
Lot #11 and #12
Jose Hideaway
Upper Captiva Island, Florida

Strap #05-45-21-00-00001.047A
Permit #198907191
Inspection Date: August 31, 1989

Gentlemen:

To the best of my knowledge and belief, the above-described construction of all structural load bearing components complies with the permitted documents and plans submitted to the Division of Code Enforcement.

Sincerely,

Randall D. Williamson 11-21-89

Randall D. Williamson, A.I.A.
R. D. Williamson & Associates, Inc.
Architects

RDW/kw
CODECERT.MIK

LEE COUNTY, FLORIDA
DIVISION OF CODES & BUILDING SERVICE
INSPECTION REQUEST

OURS
BLDG. PERMIT NO. 198907191
DATE 12/05/89
ISSUE DATE 04/13/89

PROJECT SFR W/SPRINKLERS REF # 151720
SITE ADDRESS 4611 HIDDEN LN
CONTRACTOR JOSEPH W MIKLAVCIC PHONE 0
OWNER MCCLUSKEY MAUREEN

DIRECTIONS UPPER CAPTIVA PINELAND MARINA TO UPPER C
APTIVA CONTR PH 472-6933

INSPECTION TYPE FI90 FIRE
FLOOD ZONE V13 ELEV REQ 13 CERT ELEV 16.0
Coastal Zone Y A/C 8907191 D.O.#
ELEC. 8907191 ELEC. #2 _____ SEWER _____
PLUM 8907191 PLUM #2 _____ SEPTIC 5565
HVAC _____ HVAC #2 _____ VEG. _____
ROOF 8907191 ROOF #2 _____ GAS _____
WELL 999999 POOL ENCI _____ POOL _____
FIRE SUP *8907191 HOOD SUP _____ STDPIPE _____
HALON _____ FND _____ HOOD _____
ALARM _____ HYDRANT _____ GAS TAN _____

TYPE	DATE	P/F	INSPTR	PERMIT NOT PULLED	FLR
AC01					0
CM01	891130	F	SR/NOT	ACCEPTABLE	0
EC01	891019	F	V-13	EL. 13'/CERT 16.0	0
EL01					0
FI90					0
FR01	891023	F	LARRY/NO	FEMA	0
FR02					0
PL01	890922	F	LARRY		0
RF01	891016	F	LARRY/NO	FEMA	0
TF01	890823	F	LARRY		0
WL01					0
NEED COASTAL INSPECTION					

DATE 6-28-89 PASS FAIL _____
INSPECTOR *[Signature]*




November 21, 1989

Lee County Building Department
Division of Code Enforcement
P. O. Box 398
Fort Myers, FL 33902

RE: Robert Oxenberg & Maureen McCluskey
Lot #11 and #12
Jose Hideaway
Upper Captiva Island, Florida

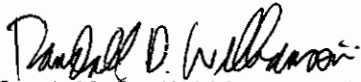
Strap #05-45-21-00-00001.047A
Permit #198907191
Inspection Date: November 17, 1989

Coastal
3/29/90


Gentlemen:

To the best of my knowledge and belief, the above-described construction of all structural load bearing components complies with the permitted documents and plans submitted to the Division of Code Enforcement.

Sincerely,



Randall D. Williamson, A.I.A.
R. D. Williamson & Associates, Inc.
Architects

RDW/kw
CODECERT.MIK

198907191

November 29, 1989

TO: J & M Enterprises
Attn: Joe Miklavcic
P.O. Box 542
Pineland, Florida 33945

FROM: ADAMS TRANSPORT SERVICE

FOR: Barging

November 28, 1989 - Barged one box of trash from No. Captiva
to Pine Island \$200.00

Previous Balance	\$550.00	<i>PL</i>
Plus	\$200.00	
New Balance	<u>\$750.00</u>	

PLEASE REMIT - ~~\$750.00~~
200.00

Thank you,

Adam J. Tinger

Adam J. Tinger

Payment to:

Adam J. Tinger
P.O. Box 238
Pineland, Florida 33945

BP # 198907191

REF # 151720

I, HEREBY AGREE TO COMPLY WITH THE COUNTY BUILDING AND ZONING REQUIREMENTS AND ALL PROVISIONS OF THE LAWS OF THE STATE OF FLORIDA, AND ALL REGULATIONS RELATING TO OR APPLYING TO BUILDINGS, PLUMBING, ELECTRICAL, ROOFING AND AIR CONDITIONING WORK.

I CERTIFY THAT THE INFORMATION PERTAINING TO MY TRADE ON THE APPLICATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SECTION 5

ANY PERSON FAILING TO COMPLY WITH THE PROVISIONS OF THIS ACT BY THE FAILURE TO OBTAIN A PERMIT OR BY MISREPRESENTATION OF THE VALUE OF THE IMPROVEMENT SHALL BE GUILTY OF A MISDEMEANOR AND UPON CONVICTION, SHALL BE SUBJECT TO A FINE NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) OR IMPRISONMENT IN THE COUNTY JAIL FOR NOT MORE THAN ONE (1) YEAR, OR BOTH.

DATE	PERMIT #	B.O.	COMPANY NAME	LICENSE	SIGNATURE
9/14	(PLUMBING) 8907191	Pah	Cape Coral Plbg	CPR 29714	
	(SEWER) Septic				
8/8	(ELECTRIC) "	mil	Jangelos Elect	ME 69	
9/13	(A/C) " 10.5/10.0/35	Pah	Always Be Cool	CPR 29720	
10/10	(ROOFING) "	Pah	George Chesney Elect	MECC 29504	
12/19	(FIREPROOFING) "	Pah	Dave Lincoln Cont. Inc.	FSC 000003	

(1373C)

RE-SUBMIT

JUN 22 RECD

Pick up date _____

DIVISION OF CODES AND BUILDING SERVICES
Plan Review Department

NOTICE OF REJECTION

OWNER Melluskey CONTRACTOR Miklavic

PROJECT SFR REFERENCE # 151720

Please be advised that your application for a building permit has been rejected for the reason(s) checked below. No further review will take place until you have provided corrected plans as required and noted herein. Your immediate attention is appreciated.

PLEASE BRING THIS NOTICE WITH YOU WHEN YOU RESUBMIT.

- Construction Detail
- Electric Detail
- Plumbing Detail
- HVAC Detail
- Needs Engineer/Architect Sealed Drawings
- Does Not Meet Minimum Flood Elevation
- Energy Calculations
- Truss Plans
- Typical Wall Section
- Typical Fire Separation Detail (Fire Wall)
- Fireplace Details/Specifications
- Foundation Not To Code
- Exceeds Maximum Height
- Drawings Not Done With Sufficient Clarity (per SBC A103.2.1)
- Plans Not To Scale - Min. 1/8" = 1'
- Other

1. CALL'S TAKING MULTI-ZONE CREDIT, ONLY ONE SYSTEM SHOWN, IMPROPER WINTER CREDITS TAKEN, 91475.
ATTIC INSULATION & MULTIPLIERS SHOWN, LEAKINGS ARE SINGLE ASSEMBLY. (NEW DATED 6-6-89)
 2. FIREFPLACE DETAILS NOT SEPARATED. (OMITTED)

Resubmit in uniform sets with approved site plans G. DANMEIER 6-1-89
 Plans Examiner Date

If further information is required contact the Lee County Division of Codes and Building Services at:
 1735 Hendry Street, Fort Myers, FL 33901
 (813) 335-2393

BP 151720

June 22, 1989

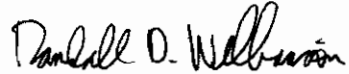
Lee County Building Department
Division of Code Enforcement
P. O. Box 398
Fort Myers, FL 33902

RE: Construction Drawings for Joseph W. Miklavcic
Jose' Hideaway
Lot 11 and 12
Strap # 05-45-21-00-00001.047A

Gentlemen:


I hereby certify that these construction drawings meet the Building Code Requirements for Construction in the Coastal Building Zone in Lee County, Florida, established by Lee County Ordinance Nos. 84-17, 86-17, 86-9, 87-6, 87-20 and 88-41.

Sincerely,



Randall D. Williamson, A.I.A.
Williamson-Guild, Inc.
Associates in Architecture

RDW/mo



6-22-89

PERMIT # 198907191

MIKLAVIC

62818 472-6933

FORM NO. OF THE STANDARD INSURANCE COMPANY, KANSAS, 1987, 8

ELEVATION CERTIFICATE

FEDERAL EMERGENCY MANAGEMENT AGENCY NATIONAL FLOOD INSURANCE PROGRAM

OMB 3087-007 EXPIRES: JUNE 30 1989

This form is to be used for: 1) Post-FIRM construction only when the base flood information is available for the building site; and 2) Pre-FIRM buildings rated using Post-FIRM rules. Instructions for completing this form can be found on the reverse side.

McCLUSKEY OXENBERG BUILDING OWNER'S NAME POLICY NUMBER

4611 HIDDEN LAKE STREET ADDRESS

Apt./Unit-U Suite-S/Blgd.-B NO. FLOOR BOX NUMBER

LOTS 11,12 BEOR UNIT 3 Joses HIDEAWAY (UNREC) OTHER DESCRIPTION (Block and lot numbers, etc.)

CITY STATE ZIP CODE

This form is to be completed by a land surveyor, engineer, or architect who is authorized by state law to certify elevation information when the elevation information for zones A1-A30, AE, AH, A(with BFE), V1-V30, VE, and V(with BFE) is required. In the case of zone AO, the building official, the property owner, or the owner's representative should complete the information in Section I and may also complete the certification. Community officials who are authorized by local law or ordinance to provide floodplain management information may also complete this form.

SECTION I BUILDING ELEVATION INFORMATION

- 1. Using the Flood Insurance Manual or the NFIP Flood Insurance Application—Part 2 Worksheet, indicate the proper diagram number.
2. FIRM Zones A1-A30, AE, AH, and A (with BFE). The top of the reference level floor from the selected diagram is at an elevation of ___ feet NGVD.
3. FIRM Zones V1-V30, VE, and V (with BFE). The bottom of the lowest horizontal structural member of the reference level floor from the selected diagram is at an elevation of 16.0 feet NGVD.
4. FIRM Zone AO. The floor used as the reference level from the selected diagram is ___ feet above highest natural grade next to the building.
5. Indicate the elevation datum system used in determining the above reference level elevations: ___ NGVD ___ Other.
6. Indicate the elevation datum system used on the FIRM for base flood elevations: ___ NGVD ___ Other.
7. Is the reference level based on actual construction? ___ Yes ___ No.
8. Provide the following measurements using the natural grade next to the building (round to the nearest foot).

SECTION II FLOOD INSURANCE RATE MAP INFORMATION

Provide the following from the proper FIRM (see Instructions on back—Date of FIRM) and accompanying insurance application:

Table with 7 columns: COMMUNITY NO., PANEL NO., SUFFIX, DATE OF FIRM, FIRM ZONE, BASE FLOOD ELEV. (in AO Zone, use depth), COMMUNITY ESTIMATED BASE FLOOD ELEVATION ESTABLISHED FOR ZONE A OR ZONE V, IF AVAILABLE. Values: 125124, 0252, B, 9-19-84, V-13, 13.

Elevation reference mark used appears on FIRM ___ Yes ___ No (See reverse side for details)

SECTION III CERTIFICATION

This certification is to be signed by a land surveyor, engineer, or architect who is authorized by state law to certify elevation information when the elevation information for zones A1-A30, AE, AH, A(with BFE), V1-V30, VE, and V(with BFE) is required. In the case of zone AO, the building official, the property owner, or the owner's representative can sign the certification. Community officials who are authorized by local law or ordinance to provide floodplain management information, may also sign the certification. I certify that the information on this certification represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S.C. 1001.

ROY L. BENTON P.L.S. 2999 CERTIFIER'S NAME LICENSE NUMBER (or Aff. No.)
PRESIDENT BENTON LAND SURVEYORS COMPANY NAME
1530 SE 16 PLACE #102 CAPE CORAL CITY ADDRESS
Signature DATE PHONE

RECEIVED OCT 19 1989 INFORMATION DESK 33990

The insurance agent should attach the original copy of the completed form to the flood insurance policy application. The second copy should be supplied to the policyholder and the third copy retained by the agent. The fourth copy is for the local community permit office, if required.

FOR OPTIONAL COMMUNITY USE: Is the reference level also the lowest floor under the community's floodplain management ordinances? ___ YES ___ NO If NO the elevation of the lowest floor is ___ feet NGVD.

b. ADMINISTRATIVE INTERPRETATIONS OF THE PLAN

Persons or entities whose interests are directly affected by the Lee Plan have the right to an administrative interpretation of the plan as it affects their specific interest. Such an interpretation, under the procedures and standards set forth below, will remain in effect and thereafter be binding upon the county only as to the legally described property and any plan of development upon which the interpretation was based. If the plan of development is proposed to be, or is changed, through any action of any owner or developer of the property, then the administrative interpretation is no longer binding on the county. Actions that will render a previous interpretation no longer binding include any of the following: significant changes in parcel or platted lot(s) configuration; changes to land uses; decreases in the amount of open space or preserved land; increases in density or intensity of use; increases in the size or acreage of the property; or any other change that makes the plan of development less consistent with the current Lee Plan. (Note: combing lands consistent with XIII.b.B.4.b.(4) is allowed.) A determination of whether or not a plan of development has been, or would be changed sufficiently to render the previous interpretation no longer binding on the county will be made on a case by case basis by the Administrative Designee using the above-described criteria.

Administrative interpretations are intended to expedite and reduce disputes over interpretations of the Lee Plan, resolve certain map or boundary disputes, avoid unnecessary litigation, ensure consistency in plan interpretation, and provide predictability in interpreting the plan. All such administrative interpretations, once rendered, are subject to challenge under the provisions of Section 163.3215, Florida Statutes.

Anyone seeking an administrative interpretation must submit an application with requested information and will have the burden of demonstrating compliance with the standards set forth below.

A. SUBJECT MATTER OF ADMINISTRATIVE INTERPRETATIONS.

Administrative interpretations will be provided only as to the matters set forth below. In no event will administrative interpretations hereunder involve questions of the consistency of development or land use regulations with the Lee Plan. Administrative interpretations will be limited to:

1. County Attorney's Office:
 - a. Whether the single-family residence provision as hereinafter defined applies and the applicant desires a written opinion for future use, or a concurrent building permit application has not been approved under 2.a. below.
2. County Administrator (or his designee):
 - a. Whether the single-family residence provision as hereinafter defined applies and the applicant is also applying for a building permit. If said permit application is not approved, a separate application for the single-family residence provision may be submitted to the County Attorney's Office for final review and, if applicable, written denial.
 - b. Whether an area has been (or should have been) designated Wetlands on the basis of a clear factual error. A field check will be made prior to the issuance of such an interpretation.

- c. Clarification of land use map boundaries as to a specific parcel of property.

B. STANDARDS FOR ADMINISTRATIVE INTERPRETATIONS.

Administrative interpretations of the Lee Plan will be determined under the following standards:

1. deny all economically viable use of property will be avoided;
2. Interpretations should be consistent with background data, other policies, and objectives of the plan as a whole;
3. Interpretations should, to the extent practical, be consistent with comparable prior interpretations;
4. Single-Family Residence Provision:
 - a. Applicability

Notwithstanding any other provision of this plan, any entity owning property or entering or participating in a contract for purchase agreement of property, which property is not in compliance with the density requirements of the Lee Plan, will be allowed to construct one single-family residence on said property PROVIDED THAT:

- (1) Date Created:
 - (a) the lot or parcel must have been created and recorded in the official Plat Books of Lee County prior to the effective date of the Lee Plan (December 21, 1984), and the configuration of said lot has not been altered; OR
 - (b) a legal description of the lot or parcel was lawfully recorded in the Official Record books of the Clerk of Circuit Court prior to December 21, 1984; OR
 - (c) the lot was lawfully created after December 21, 1984, and the lot area was created in compliance with the Lee Plan as it existed at that time.
- (2) Minimum Lot Requirements: In addition to meeting the requirements set forth above, the lot or parcel must:
 - (a) have a minimum of 4,000 square feet in area if it was created prior to June 27, 1962; OR
 - (b) have a width of not less than 50 feet and an area of not less than 5,000 square feet if part of a subdivision recorded in the official Plat Books of Lee County after June 27, 1962, and prior to December 21, 1984; OR
 - (c) have a minimum of 7,500 square feet in area if it was created on or after June 27, 1962, and prior to December 21, 1984, if not part of a subdivision recorded in the official Plat Books of Lee County; OR

- (4) If a lot or parcel has qualified for the right to construct a single-family residence, nothing herein will be interpreted as prohibiting the combining of said lot or parcel with other contiguous property provided the density will not increase.
- (5) If two or more contiguous properties have each qualified for the right to construct a single-family residence and if the lots or parcels are located in a zoning district which permits duplex or two-family dwellings, the property owner(s) may combine the lots to build a single duplex or two-family building in lieu of constructing two single-family residences.

c. Transferability

This right will run with the land and be available to any subsequent owner if the property which qualifies for the single-family provision is transferred in its entirety.

C. PROCEDURE FOR ADMINISTRATIVE INTERPRETATIONS.

The following procedures will apply in obtaining administrative interpretations:

1. Except as provided in 3. below, anyone seeking an administrative interpretation of the plan will submit an application, on an appropriate form provided by the county, with all requested information to the Zoning and Development Review Division (single-family residence provision) or the Planning Division (all other applications), or to their successor agencies.
2. The person authorized by Section A.1. or 2. above will review such information and issue an administrative interpretation in writing within sixty (60) days after submittal of the application and all requested information to the appropriate division. The interpretation will contain findings and reasons for the interpretation rendered.
3. If the request for a single-family residence provision or Wetlands determination is in conjunction with an application for a building permit, development order, or planned development rezoning, a separate application will not be required. The interpretation will be noted on the building permit, development order, or planned development rezoning approval, or will be contained in the reasons for denial where applicable.
4. An administrative interpretation may be appealed to the Board of County Commissioners by filing a written request within fifteen (15) days after the administrative interpretation has been made. In reviewing such an appeal, the Board will consider only information submitted in the administrative interpretation process and will review only whether the designated individual has properly applied to the facts presented and the standards set forth in the plan for such administrative interpretation. No additional evidence will be considered by the Board. The Board of County Commissioners will conduct such appellate review at a public meeting.
5. The Board of County Commissioners will consider the appeal at a hearing to be held within thirty (30) days after the date of the written request for appeal. A decision overruling the written interpretation will be in writing and will be rendered by the Board within thirty (30) days after the date of the hearing. Alternatively, the Board may adopt the administrative interpretation being appealed.

6. Where appropriate and necessary all administrative interpretations rendered by the designated persons (or upon appeal, approved by the Board of County Commissioners) will be incorporated into the Plan during the next amendment cycle. (Amended by Ordinance No. 94-30, 00-22)

c. LEGISLATIVE INTERPRETATIONS OF THE PLAN

In order to apply the plan consistently and fairly, it will be necessary from time to time to interpret provisions in the plan in a manner which insures that the legislative intent of the Board of County Commissioners which adopted the plan be understood and applied by subsequent boards, county employees, private property owners, and all other persons whose rights or work are affected by the plan. When the plan is interpreted, it should be done in accordance with generally accepted rules of statutory construction, based upon sound legal advice, and compiled in writing in a document which should be a companion to the plan itself. These goals will be accomplished by the procedures which are set forth below:

A. COMPREHENSIVE PLAN ANNOTATIONS COMMITTEE.

The Director of Community Development, the Planning Director, and the County Attorney will together be empowered to sit as the Comprehensive Plan Annotations Committee. In each instance, these persons may designate one or more subordinates to serve in their place, but only one vote may be cast by or on behalf of each of the aforementioned officials. The purpose of the committee is to make written recommendations to the Local Planning Agency in response to requests for interpretations of specific provisions in the plan. If the committee cannot recommend an interpretation unanimously, then both a majority and minority recommendation will be made to the Local Planning Agency. Similarly, if the committee cannot reach a majority position with respect to an interpretation, then each official will submit a separate recommendation to the Local Planning Agency. In accomplishing its work, the committee will operate as follows:

1. Organization

The committee will meet regularly at such times and places as it may choose. Its meetings will be either private or open to the public, or a combination thereof, as the committee chooses. The committee will have total discretion in this matter. No public notices of its meetings will be required. It may invite to its meetings such persons as it believes will best assist it in its work. It is intended that the committee will function in an informal workshop atmosphere, with emphasis to be placed on the timely production of concise, written recommendations to the Local Planning Agency in response to requests for interpretations of specific provisions in the plan. The County Attorney will be responsible for reducing the recommendations of the committee in writing, unless he is in the minority, in which case the Planning Director will be responsible for reducing the majority recommendation to writing. In every case, the Planning Director will be responsible for delivering the recommendations to the Local Planning Agency on a timely basis as part of the published agenda of the Local Planning Agency.

2. Requests for Interpretations

Requests for interpretations will be placed before the Comprehensive Plan Annotations Committee by any one of its three members in response to a question raised by the Board of County Commissioners, collectively or by any one commissioner, by any member of the county

- (d) have been in conformance with the zoning regulations in effect at the time the lot or parcel was recorded if it was created after December 21, 1984; OR
 - (e) have been approved as part of a Planned Unit Development or Planned Development.
- (3) Access and Drainage: In addition to meeting the requirements set forth above:
- (a) the road that the lot or parcel fronts on must have been constructed and the lot must be served by drainage swales or equivalent drainage measures. The road must have, at a minimum, a graded surface of shell, marl, gravel base rock, or other compacted fill material, suitable for year-round use; OR
 - (b) the lot or parcel must be located within a subdivision which was approved under Chapter 177, Florida Statutes, as long as the subdivision improvements have been made or security for their completion has been posted by the subdivider.

If the lot or parcel cannot meet the requirement of access and drainage, this requirement will not apply to the extent that it may result in an unconstitutional taking of land without due process.

- (4) Interchange, Airport Commerce, and Industrial Development land use categories: In addition to the requirements set forth above, a residential use must be the only reasonable use of the lot or parcel. The existence of a reasonable commercial or industrial use will be determined by reference to all of the applicable facts and circumstances, including, but not limited to, the nature of the surrounding uses, the adequacy of the lot size (pursuant to Chapter 34 of the Land Development Code) for commercial or industrial uses, and whether adequate infrastructure exists or can reasonably be provided to serve a commercial or industrial use at the location in question.

b. Construction Regulations

Subsequent to a property owner establishing the right to build a single-family residence on a lot through the procedures set forth in this plan, the following policies will prevail:

- (1) The residential structure must be in compliance with all applicable health, safety, and welfare regulations, as those regulations exist at the time the application for construction of the residence is submitted.
- (2) Lots or parcels which qualify for the right to construct a residence and which contain wetlands will be subject to special provisions of the Wetlands Protection Ordinance.
- (3) If two or more contiguous lots or parcels have each qualified for the right to build a single-family residence, the property owner is permitted and encouraged to reappportion properties if the result of the reappointment is a lot or lots which come closer to meeting the property development regulation standards for the zoning district in which it is located and as long as no property becomes non-conforming or increases in its non-conformity as a result of the reappointment and as long as the density will not increase.