

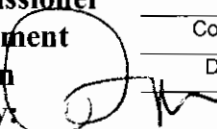
**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20051148

1. ACTION REQUESTED/PURPOSE: Conduct a Public Hearing to adopt a Resolution on Petition to Vacate a portion of a 50-foot wide platted right-of-way located adjacent to 5460, 5476, 5492, 5508, and 5524 Avenue A and 10530 Stringfellow Road, Bokeelia, Pine Island (Case No. VAC2004-00073).

2. WHAT ACTION ACCOMPLISHES: To facilitate the combination of parcels on both sides of Avenue A for the construction of a Walgreens Drug Store.

3. MANAGEMENT RECOMMENDATION: Board Of County Commissioners policy issue.

4. Departmental Category: COMMISSION DISTRICT #: 1	9:30 PH1	5. Meeting Date: 01-31-2006
6. Agenda: <input type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input checked="" type="checkbox"/> Public <input type="checkbox"/> Walk-On	7. Requirement/Purpose: (specify) <input checked="" type="checkbox"/> Statute 177 & 336 <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Admin. Code 13-1 & 13-8 <input type="checkbox"/> Other	8. Request Initiated: Commissioner _____ Department _____ Division _____ By:  12/09/05 Peter J. Eckenrode, Director

9. Background:

The completed petition to vacate was submitted by Avalon Engineering, Inc. and Larry E. Hildreth, P.E. as the agent on behalf of co-petitioners, Nancy O. Rossi, ~~Trustee of the Overton Marjorie Trust Estate~~, Andrew T. Bryan, and CKC Investments, LLC. The vacation is proposed to combine several small parcels of land into a larger parcel for the development of a Walgreens Drug Store. An application for rezoning to Commercial Planned Development (CPD) is currently in review. The property is located adjacent to the northeast intersection of Pine Island Road and Stringfellow Boulevard.

* [& SHEILA TIRRELL, TRUSTEES OF THE OVERTON FAMILY TRUST] 44

Avenue "A" currently provides a connection between Pine Island Road and Stringfellow Boulevard. This connection enables westbound traffic on Pine Island Road intending to proceed northbound on Stringfellow Boulevard to avoid the 4-way stop at the Pine Island Road/Stringfellow Boulevard intersection. Lee County DOT initially objected to the request based upon a desire to retain the right-of-way to accommodate future traffic demand at the intersection. DOT has now removed its objection based upon the Petitioner's agreement to convey 8,331 square feet of land abutting both the Pine Island Road and

(Continued on attached page.)

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Bndget Services			County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.
<i>Manf...</i>				<i>John J. ... 1-4-06</i>	<i>1/5</i>	<i>1/12/06</i>	<i>1/11/06</i>	<i>1/5</i>

11. Commission Action:

Approved
 Deferred
 Denied
 Other

RECEIVED BY
COUNTY ADMIN:
1-4-06
1253
COUNTY ADMIN
FORWARDED TO:
1-6-06

Rec. by CoAtty
Date: 1/9/06
Time: 4:30pm
Forwarded To:
1/14/06 11AM

Blue Sheet #20051148 #9 Background Continued

Stringfellow Boulevard rights-of-way to the County to facilitate future turn lane improvements at the intersection. However, the vacation is a discretionary action for the Board to consider. Vacating the easement will preclude use of Avenue A in the future if needed. Other nearby roadways (Avenue B, C and D) have been barricaded off via signage, but the easements have not been vacated. The County can purchase right-of-way as another option.

There are 89 letters in the file from the public providing comments on the request. 81 of the letters are in opposition, 8 are in favor.

The County is currently holding the executed deed for the additional right-of-way in trust pending the Board's consideration of the request. If the request is approved, the deed will be recorded simultaneously with the resolution.

LOCATION: The site is located adjacent to **5460, 5476, 5492, 5508, and 5524 Avenue A and 10530 Stringfellow Road, Bokeelia, Florida 33922** and its strap numbers are **28-44-22-02-0000B.0110, 0120, 0130, 0140, 0150, and 0000A.0010**. Petition No. VAC2004-00073 proposes to vacate a portion of a fifty-foot (50') wide platted right-of-way adjacent to Block A, and Lots 11, 12, 13, 14, and 15, Section 28, Township 44 South, Range 22 East, Plat of Pine Island Center Unit "2", as recorded in Plat Book 9, Page 120 of the Public Records of Lee County, Florida.

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

Attached to this Blue sheet is the Petition to Vacate, Notice of Public Hearing and Exhibits.



PETITION TO VACATE
TRANSMITTAL FOR PUBLIC NOTICE
REQUIREMENTS

DATE: August 12, 2005

To: Patricia Geren
Public Resources

FROM: Ron Wilson
Development Services

BLUESHEET NUMBER: 20051148

CASE NUMBER: VAC2004-00073

Applicable Public Noticing Requirement:

PTV under AC13-1
1st Notice - 15 days prior to Public Hearing
2nd Notice - 7 days prior to Public Hearing

PTV under AC13-8
One Notice - 15 days prior to Public Hearing

Upon scheduling of Public Hearing date, please provide e-mail notice to Ron Wilson, Development Services (rwilson@leegov.com) and Joan Henry, Assistant County Attorney (jhenry@leegov.com).

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE

Case Number: VAC2004-00073

TO WHOM IT MAY CONCERN:

NOTICE is hereby given that on the 31st day of January 2006 @ 9:30AM in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider and take action on a Petition vacating, abandoning, closing and discontinuing the public's interest in the right-of-way or portion of a right-of-way, as well as the easement, plat or portion of a plat legally described in the attached Exhibit "A"

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

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


A copy of the Petition to Vacate is on file in the Office of the Clerk of the Circuit Court of Lee County, Florida, Minutes Department, Room 200, 2115 Second Street, Fort Myers, Florida, 33902-0398.

CHARLIE GREEN, CLERK

Deputy Clerk Signature

Please Print Name

APPROVED AS TO FORM



County Attorney Signature

JOHN J. FREDYMA

Please Print Name

SECTION 2 TOWNSHIP 44 SOUTH, RANGE 22 AST
LEE COUNTY, FLORIDA

EXHIBIT "A"



LEGAL DESCRIPTION:

A PORTION OF PINE ISLAND CENTER UNIT-"2", AS RECORDED IN PLAT BOOK 9, PAGE 120, OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA, FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHERN MOST CORNER OF LOT 14, BLOCK "B" OF SAID PINE ISLAND CENTER UNIT-"2"; THENCE S. 53°35'45" E., ALONG THE NORTHEASTERLY LINE OF LOTS 14, 13, 12 AND 11 OF SAID BLOCK "B" FOR 400.00 FEET TO THE EASTERN MOST CORNER OF SAID LOT 11, BLOCK "B"; THENCE S. 36°24'15" W. ALONG THE SOUTHEASTERLY LINE OF SAID LOT 11, BLOCK "B" FOR 73.42 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE SAID SOUTHEASTERLY LINE S. 36°24' 15" W., 27.74 FEET TO THE NORTH LINE OF PINE ISLAND ROAD (STATE ROAD 78 - 66 FEET WIDE); THENCE S. 88°53'00" W. ALONG THE NORTH LINE OF SAID PINE ISLAND ROAD, AND THE SOUTH LINE OF BLOCK "A" OF SAID PINE ISLAND CENTER UNIT-"2" FOR 246.95 FEET TO A POINT OF A CURVE CONCAVED TO THE NORTHEAST; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 88.89 FEET, AN ARC DISTANCE OF 116.42 FEET, A CENTRAL ANGLE OF 75°02'30", A CHORD WHICH BEARS N 53°35'48" W., A CHORD DISTANCE OF 108.27 FEET, TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF STRINGFELLOW ROAD (COUNTY ROAD 767 - 66 FEET WIDE) AND THE WESTERLY LINE OF BLOCK "A" OF SAID PINE ISLAND CENTER UNIT-"2"; THENCE ALONG THE SAID RIGHT OF WAY LINE N. 16°04'33" W., 166.77 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE N. 72°27'26" E., 7.00 FEET; THENCE S. 16°04'30" E., 162.99 FEET, TO A POINT OF A CURVE CONCAVED TO THE NORTHEAST, THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A RADIUS OF 70.00 FEET, AN ARC DISTANCE OF 87.09 FEET, A CENTRAL ANGLE OF 71°17'01", A CHORD WHICH BEARS S. 53°42'20" E., A CHORD DISTANCE OF 81.58 FEET; THENCE N. 88°53'00" E., 279.18 FEET TO THE POINT OF BEGINNING.


SAID PARCEL CONTAINING 0.19 ACRES, MORE OR LESS.

PAGE 1 OF 2
LEGAL/SKETCH ONLY
-THIS IS NOT A BOUNDARY SURVEY-

SCALE: 1" = 60'
DRAWN BY: NML
DWG. No. 0510-100-54-LS
PROJ. No. 0510-100-54

R/W DEDICATION FOR S.R.
78 - WALGREENS SITE
LEE COUNTY, FLORIDA

EXTREME SURVEYING OF FLORIDA, INC
LB No. 7425
26612 MAGNOLIA BLVD.
LUTZ, FLORIDA 33559
PH. (813) 973-2092
EMail: nafina@extreme-surveying.com
PROFESSIONAL SURVEYING AND MAPPING SERVICES



This Instrument Prepared By:
Matthew D. Uhle, Esq.
Knott, Consner, Ebelini, Hart & Swell, P.A.
1625 Hendry Street, Suite 301
Fort Myers, FL 33901
Call Box 94
Parcel ID #: part of 28-44-22-02-0000A.0010

WARRANTY DEED

THIS INDENTURE made this 1st day of November, 2005, between NANCY O. ROSSI, Successor Trustee of the OVERTON FAMILY TRUST, whose address is 1865 Les Chateaux Blvd., #203, Naples, FL 34109, and SHEILA K. TIRRELL, Successor Trustee of the OVERTON FAMILY TRUST, whose address is 529 Nashua St., Unit 56, Milford NH 03055 Grantors, and LEE COUNTY, a political subdivision of the State of Florida, whose post office address is P.O. Box 398, Fort Myers, FL 33908, Grantee.

WITNESSETH that said Grantors, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable considerations to said Grantors 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 ATTACHED EXHIBIT "A"

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

IN WITNESS WHEREOF, Grantors have hereunto set Grantors' hands and seals the day and year first above written.

Signed, sealed and delivered
in the presence of:

Jean Ledbetter
1st Witness (as to the signature of Nancy O. Rossi)
Printed Name Jean Ledbetter
John A. Capeus
2nd Witness (as to the signature of Nancy O. Rossi)
Printed Name John A. Capeus

OVERTON FAMILY TRUST

By: Nancy O. Rossi
Nancy O. Rossi, Successor Trustee

By: Sheila K. Tirrell
Sheila K. Tirrell, Successor Trustee

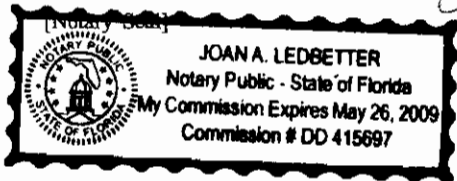
Signed, sealed and delivered
in the presence of:

Michael D. Wheeler
1st Witness (as to the signature of Sheila K. Tirrell)
Printed Name Michael D. Wheeler
Muriel G. Wheeler
2nd Witness (as to the signature of Sheila K. Tirrell)
Printed Name Muriel G. Wheeler

STATE OF Florida
COUNTY OF Collier ss:

The foregoing instrument was acknowledged before me on this 28 day of October 2005, by Nancy O. Rossi, Successor Trustee of the Overton Family Trust. She is personally known to me or has produced _____ as identification.

Joan Ledbetter
Notary Public
Joan Ledbetter
Printed Name



My Commission Expires May 26, 2009

STATE OF New Hampshire
COUNTY OF Hillsborough ss:

The foregoing instrument was acknowledged before me on this 1st day of November 2005, by Sheila K. Tirrell, Successor Trustee of the Overton Family Trust. She is personally known to me or has produced _____ as identification.

James E. Wheeler
Notary Public

[Notary Seal]

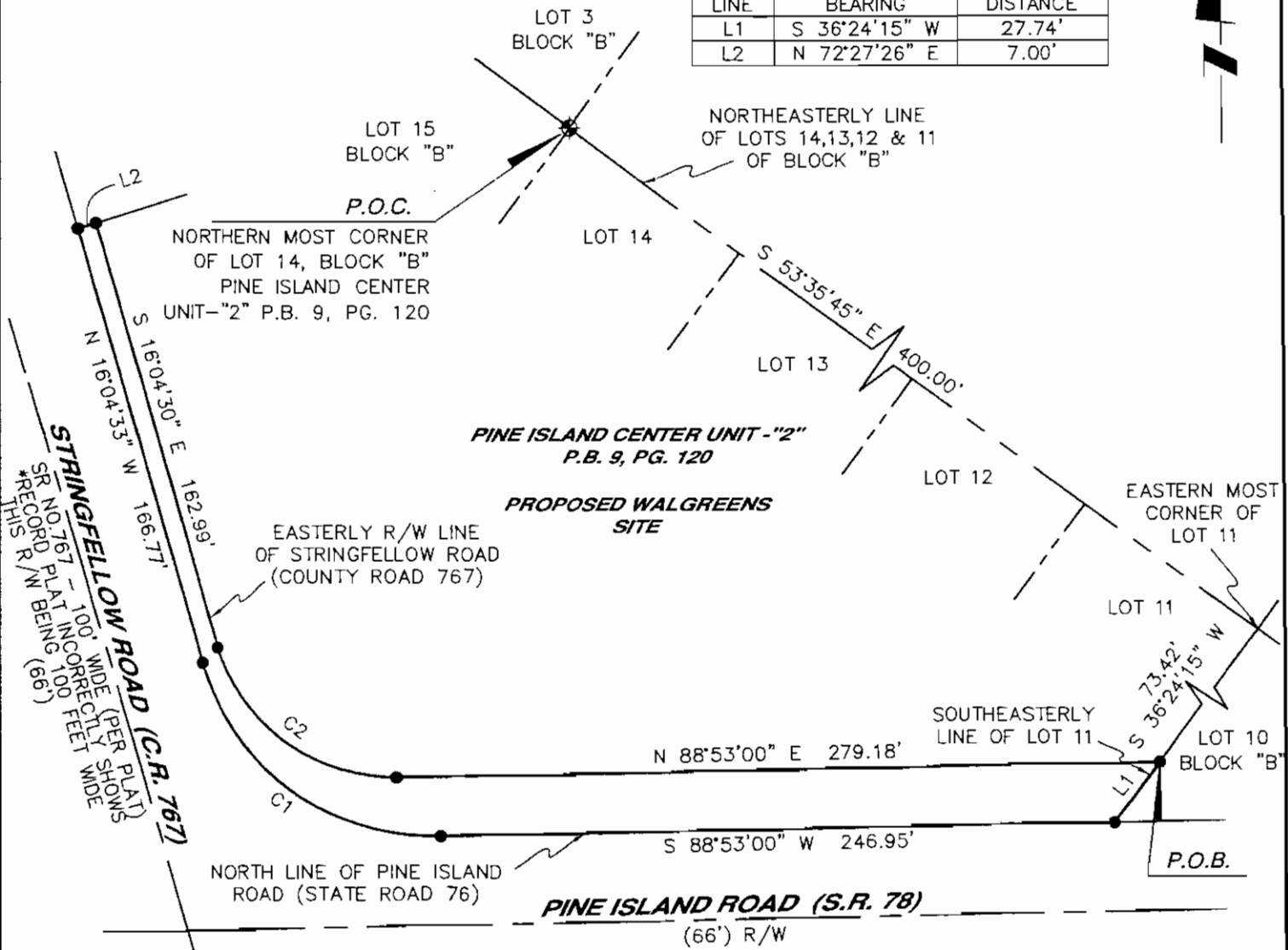
Printed Name JAMES E. WHEELER, Notary Public
My Commission Expires My Commission Expires March 10, 2009



SECTION 2, TOWNSHIP 44 SOUTH, RANGE 22 ST
LEE COUNTY, FLORIDA

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	88.89'	116.42'	108.27'	N 53°35'48" W	75°02'30"
C2	70.00'	87.09'	81.58'	S 53°42'20" E	71°17'01"

LINE	BEARING	DISTANCE
L1	S 36°24'15" W	27.74'
L2	N 72°27'26" E	7.00'



STRINGFELLOW ROAD (C.R. 767)
SR NO. 767 - 100' WIDE (PER PLAT)
*RECORD R/W BEING 100 FEET WIDE (66')

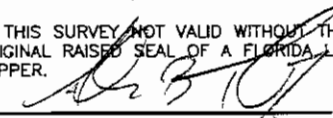
LEGEND

- PG. = PAGE
- P.B. = PLAT BOOK
- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING

SURVEYOR'S NOTES:

- 1) THIS IS NOT A BOUNDARY SURVEY. THIS IS A LEGAL AND SKETCH ONLY.
- 2) BEARINGS REFERENCED TO THE NORTHEASTERLY BOUNDARY LINE OF LOTS 14,13,12 & 11, BLOCK "B", OF PINE ISLAND CENTER UNIT-"2", AS BEING SOUTH 53°35'45" EAST.
- 3) THIS SURVEY NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

Date Signed: 10-13-01


 Alex B. Thompson Jr., P.L.S.
 State of Florida No. 5318
 Registered Land Surveyor and Mapper

PAGE 2 OF 2
LEGAL/SKETCH ONLY
-THIS IS NOT A BOUNDARY SURVEY-


SCALE: 1" = 60'
DRAWN BY: NML
DWG. No. 0510-100-54-LS
PROJ. No. 0510-100-54

R/W DEDICATION FOR S.R.
78 - WALGREENS SITE
LEE COUNTY, FLORIDA

EXTREME SURVEYING OF FLORIDA, INC.

LB No. 7425
 26612 MAGNOLIA BLVD.
 LUTZ, FLORIDA 33559
 PH. (813) 973-2092
 EMail: nafino@extreme-surveying.com

PROFESSIONAL SURVEYING AND MAPPING SERVICES



**ACCEPTANCE BY SUCCESSOR TRUSTEE OF THE
OVERTON TRUST DATED AUGUST 24, 1995**

Whereas, Marjorie T. Overton and William D. Overton, as trustors and trustees, created a certain trust under instrument dated as of August 24, 1995 and executed on September 27, 1995 (the "Overton Trust");

Whereas, William D. Overton died November 2, 1995 and Marjorie T. Overton died on January 9, 1999;

Whereas, the Overton Trust was reformed by order of court in April 1999;

Whereas, Nancy O. Rossi and Richard H. Knox became successor trustees of the Overton Trust in January 1999;

Whereas, Richard Knox died in April 2005;

Whereas, the Overton Trust provides at section 9.2, titled Successor Trustees:

9.2 SUCCESSOR TRUSTEES. Upon MARJORIE T. OVERTON ceasing to be a trustee, then RICHARD H. KNOX shall succeed her as a trustee or if he also ceases or fails to be a trustee, then SHEILA K. TIRRELL shall succeed him as a trustee. ...

Whereas, Sheila K. Tirrell desires to become co-trustee, to succeed Richard H. Knox, and to serve with Nancy O. Rossi as the trustees of the Overton Trust.

Now, therefore, Sheila K. Tirrell hereby accepts the position as co-trustee effective as of March 1, 2005 and Nancy O. Rossi agrees to continue to serve as co-trustee, of the Overton Trust.

Signed in our presence:

Camara Dupont
Witness

Sheila K. Tirrell
SHEILA K. TIRRELL

Rosemary E. McKinnis
Witness

STATE OF New Hampshire
COUNTY OF Hillsborough

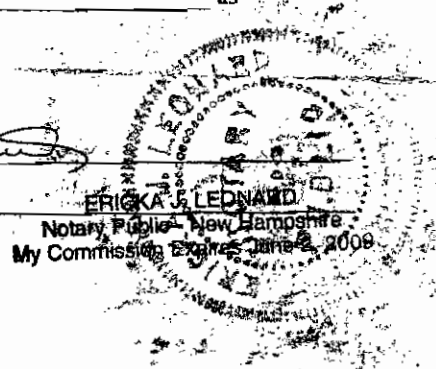
The foregoing instrument was acknowledged before me this 14 day of March, 2005, by Sheila K. Tirrell, who is personally known to me or who has produced _____ as identification.

NOTARY PUBLIC:

Sign: Erica J. Leonard

Print: _____

My Commission Expires: _____
My Commission Number is: _____



Signed in our presence:

Eileen P. Duff
Witness

Nancy O. Rossi
NANCY O. ROSSI

Debra A. Johnston
Witness

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me this 2 day of May March, 2005, by Nancy O. Rossi, who is personally known to me or who has produced _____ as identification.

NOTARY PUBLIC:

Sign: Eileen P. Duff

Print: _____

My Commission Expires: _____
My Commission Number is: _____



Eileen P. Duff
Commission # DD 014843
Expires May 14, 2005
Bonded Thru
Atlantic Bonding Co., Inc.

Fredyma, John J.

From: Fredyma, John J.
Sent: Friday, December 16, 2005 10:41 AM
To: Wilson, Ron L.
Cc: Eckenrode, Peter J.; Blackburn, Don R.
Subject: Pet. to Vacate - VAC2004-00073 - Avenue A, Pine Island

Ron,

I am looking at the above-referenced PTV package. Several items need to be addressed or corrected before the PTV can be sent along for scheduling.

1. The Petition for CKC Investments, L.L.C., includes an asterisk at the bottom of the page and a notation that the Petition is subject to a series of conditions found on an attached exhibit (labeled Exhibit "A"). The notation should be removed from the petition and the attached exhibit should also be removed. This is a private agreement that should be not included as part of the request. The parties can do this on their own, but it should not be included in our materials.

2. The signature on the petition for CKC Investments, L.L.C., indicates Donald Gessman is signing as the "president" of the company. Instead, his title should be noted as "managing member."

These two problems can be resolved by either a new petition from CKC Investments, L.L.C., or by removing the notation referencing the attached exhibit in the petition already submitted and changing (correcting) Donald Gessman's title to "managing member" on the petition already submitted.

3. The petition from Nancy O. Rossi, as trustee, should also include a reference to the second trustee, Richard H. Knox, and the signature by Mr. Knox should also appear on the original petition.

This problem can be resolved by either a new petition signed by both trustees, or by adding Richard H. Knox's name to the petition already filed, along with his signature as a named trustee.

4. The Resolution will also have to be changed to add the name of Richard H. Knox as a trustee of the named trust.
5. Do you have the original of the deed for road row intended to go to the County if the PTV is granted? If so, can I see it? If not, who does have it? A copy of the executed deed should be included in the package so a) I can see if it is complete and b) to know that the County has the deed in hand pending the approval by the BOCC.

I am returning the PTV package to you via the interoffice mail system,

Please let me know if you have any questions.

John

John J. Fredyma
Assistant County Attorney
Lee County Attorney's Office
P.O. Box 398
Fort Myers, Florida 33902
(2115 Second Street - 33901)
Tel. 239/335-2236

12/16/2005

spelling of Fredyma.]

F



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard
Fort Myers, Florida 33919-5910
email – fmoffice@bwlk.net
(Ph) 239-481-1331 (Fax) 239-481-1073

Description of a Parcel of Land
Lying in
Section 28, Township 44 South, Range 22 East
Pine Island, Lee County, Florida
Pine Island Center - Walgreens Site
(Avenue "A" - Vacation)

A tract or parcel of land situated in the State of Florida, County of Lee, lying in Section 28, Township 44 South, Range 22 East, and being all of Avenue "A" of Pine Island Center Unit-"2" as recorded in Plat Book 9 at Page 120, Public Records of Lee County, Florida, and further described as follows:

Beginning at the southwest corner of said Avenue "A"; thence N53°35'45"W along the southwesterly line of said Avenue "A" and the northeasterly line of Block "A" of said Pine Island Center Unit-"2" for 372.80 feet to the easterly right-of-way line of Stringfellow Road - County Road 767 (66 feet wide); thence N16°04'30"W along the westerly line of said Avenue "A" and the easterly line of said Stringfellow Road for 82.10 feet to the southwesterly line of Block "B" of said Pine Island Center Unit-"2"; thence S53°35'45"E along the northeasterly line of said Avenue "A" and the southwesterly line of said Block "B" for 503.02 feet to the north line of Pine Island Road - State Road 78 (66 feet wide); thence S88°53'00"W along the south line of said Avenue "A" and the north line of said Pine Island Road for 82.10 feet to the Point of Beginning.

Parcel 0.50 acres (21,895 square feet), more or less.

Bearings are based on the plat of Pine Island Center Unit-"2" as recorded in Plat Book 9 at Page 120, Public Records of said Lee County, Florida, with the north line of Pine Island Road (State Road No. 78 - 66 feet wide) as bearing S88°53'00"W.

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)


Scott C. Whitaker, PSM 4324


35684DESC-AVENUE A

8/19/04

Exhibit "A"
Petition to Vacate
VAC2004-00073
[Page One of One]

PRINCIPALS:
WILLIAM E. BEAN, PSM, CHAIRMAN
SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



ASSOCIATES:
TRACY N. BEAN, AICP
CHARLES D. KNIGHT, PSM
W. BRITT POMEROY, JR., PSM
STEPHEN H. SKORUPSKI, PSM
ELWOOD FINEFIELD, PSM
JAMES A. HESSLER, PSM
JAMES R. COLEMAN, PSM
RUDOLF A. NORMAN, PE

THIS INSTRUMENT PREPARED BY:

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

RESOLUTION NO. _____ FOR PETITION TO VACATE

Case Number: VAC2004-00073

WHEREAS, Petitioner Nancy O. Rossi & Sheila Tirrell, Trustees of the Overton Family Trust, Andrew T. Bryan and CKC Investments, LLC in accordance with Florida Statute (F.S.) Chapter 177 and Lee County Administrative Code (LCAC) 13-1, filed a Petition to vacate the public's interest in the ~~easement~~, plat or portion of a plat legally described in the attached Exhibit "A"; and

WHEREAS, the Petition also included a request, in accordance with F.S. Chapter 336 and LCAC 13-8, to vacate, abandon, close and discontinue the public's interest in the right-of-way or portion of right-of-way legally described in the attached Exhibit "A"; and

WHEREAS, the Board of County Commissioners of Lee County, Florida held a Public Hearing concerning the Petition to Vacate on the _____; and

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

WHEREAS, the Petitioner is fee simple title holder to the underlying land sought to be vacated in accordance with F.S. Chapter 177; and

WHEREAS, the Petitioner provided proof all applicable state and county taxes have been paid on the property to be vacated in accordance with F.S. Chapter 177; and

WHEREAS, Petitioner did provide notice to all affected property owners concerning the intent of the Petition to Vacate in accordance with the LCAC 13-1; and

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

WHEREAS, the letters of review and recommendation provided by various governmental and utility entities indicate that granting the Petitioner's request is appropriate and in accordance with the requirements of the Florida Statutes.

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

1. Petition to Vacate No. VAC2004-00073 is hereby granted.
2. The public's interest in the easement, plat or portion of plat legally described in Exhibit "A" and graphically depicted in the sketch attached as Exhibit "B" is hereby vacated.
3. The public's interest in the right-of-way or portion of right-of-way described in Exhibit "A" and graphically depicted in the sketch attached as Exhibit "B" is hereby vacated, abandoned, closed and discontinued.
4. A Notice of Resolution Adoption will be published one time within 30 days of adoption in a newspaper of general circulation. An Affidavit of Publication for the Notice of Resolution Adoption will be attached to the Resolution as Exhibit "D".
5. This Resolution will become effective upon recording of a fully executed Resolution, including all exhibits referred to above, in the public records of Lee County, Florida.

This Resolution passed by voice and entered into the minutes of the Board of County Commissioners of Lee County, Florida, this _____ .

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

Deputy Clerk Signature

Chairman Signature

Please Print Name

Please Print Name

APPROVED AS TO FORM

County Attorney Signature

Please Print Name



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard
Fort Myers, Florida 33919-5910
email – fmoffice@bwik.net
(Ph) 239-481-1331 (Fax) 239-481-1073

Description of a Parcel of Land
Lying in
Section 28, Township 44 South, Range 22 East
Pine Island, Lee County, Florida
Pine Island Center - Walgreens Site
(Avenue "A" - Vacation)

A tract or parcel of land situated in the State of Florida, County of Lee, lying in Section 28, Township 44 South, Range 22 East, and being all of Avenue "A" of Pine Island Center Unit-"2" as recorded in Plat Book 9 at Page 120, Public Records of Lee County, Florida, and further described as follows:

Beginning at the southwest corner of said Avenue "A"; thence N53°35'45"W along the southwesterly line of said Avenue "A" and the northeasterly line of Block "A" of said Pine Island Center Unit-"2" for 372.80 feet to the easterly right-of-way line of Stringfellow Road - County Road 767 (66 feet wide); thence N16°04'30"W along the westerly line of said Avenue "A" and the easterly line of said Stringfellow Road for 82.10 feet to the southwesterly line of Block "B" of said Pine Island Center Unit-"2"; thence S53°35'45"E along the northeasterly line of said Avenue "A" and the southwesterly line of said Block "B" for 503.02 feet to the north line of Pine Island Road - State Road 78 (66 feet wide); thence S88°53'00"W along the south line of said Avenue "A" and the north line of said Pine Island Road for 82.10 feet to the Point of Beginning.

Parcel 0.50 acres (21,895 square feet), more or less.

Bearings are based on the plat of Pine Island Center Unit-"2" as recorded in Plat Book 9 at Page 120, Public Records of said Lee County, Florida, with the north line of Pine Island Road (State Road No. 78 - 66 feet wide) as bearing S88°53'00"W.

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)


Scott C. Whitaker, PSM 4324

35684DESC-AVENUE A

8/19/04

Exhibit "A"
Petition to Vacate
VAC2004-00073
[Page One of One]

PRINCIPALS:
WILLIAM E. BEAN, PSM, CHAIRMAN
SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



ASSOCIATES:
TRACY N. BEAN, AICP
CHARLES O. KNIGHT, PSM
W. BRITT POMEROY, JR., PSM
STEPHEN H. SKORUPSKI, PSM
ELWOOD FINEFIELD, PSM
JAMES A. HESSLER, PSM
JAMES R. COLEMAN, PSM
RUDOLF A. NORMAN, PE

SKETCH TO ACCOMPANY DESCRIPTION
OF A PARCEL OF LAND
LYING IN
SECTION 28, TOWNSHIP 44 SOUTH, RANGE 22 EAST,
PINE ISLAND, LEE COUNTY, FLORIDA.

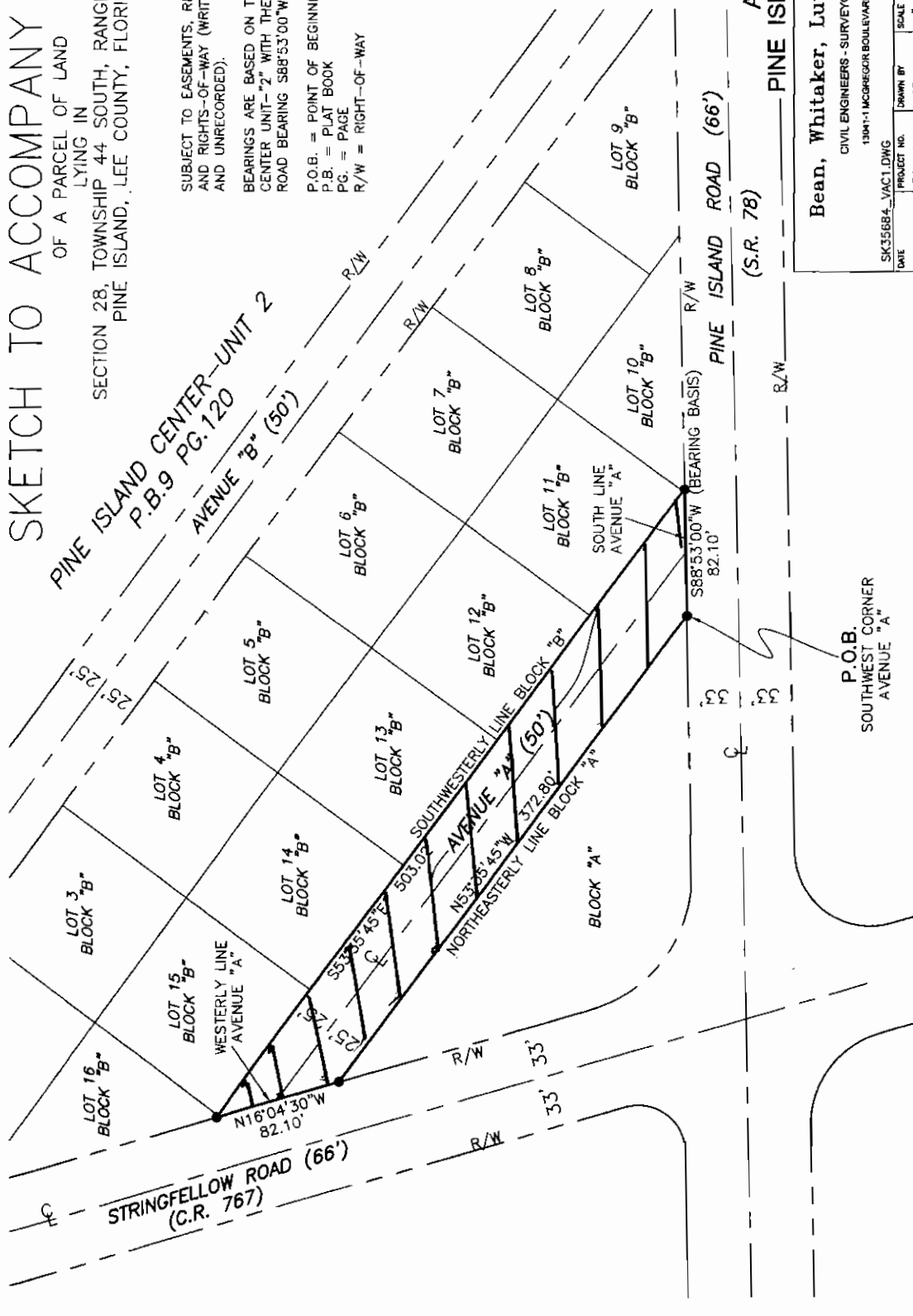
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS,
AND RIGHTS-OF-WAY (WRITTEN AND UNWRITTEN, RECORDED
AND UNRECORDED):

BEARINGS ARE BASED ON THE PLAT OF PINE ISLAND
CENTER UNIT-"2" WITH THE NORTH LINE OF PINE ISLAND
ROAD BEARING S88°53'00"W.

P.O.B. = POINT OF BEGINNING
P.B. = PLAT BOOK
P.G. = PAGE
R/W = RIGHT-OF-WAY

*** THIS IS NOT A SURVEY ***
Bean, Whitaker, Lutz & Kreh, Inc.

SCOTT C. WHITAKER, P.E.
Florida Certificate No. 4324



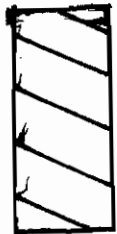
AVENUE "A" - VACATION
PINE ISLAND CENTER UNIT - "2"

Bean, Whitaker, Lutz & Kreh, Inc. (LB 4818)
CIVIL ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS
13041-1 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919-8810 (239) 481-1331

DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-R)
8-19-04	SK35684_VAC1.DWG	CDK	1" = 80'	2 OF 2	28-44-22

Exhibit "B"
Petition to Vacate
VAC2004-00073
[Page One of One]

AREA TO BE VACATED



PETITION TO VACATE (AC 13-1 and AC 13-8)

Case Number: VAC2004-00073

Petitioner, Nancy O. Rossi & Sheila Tirrell, as Trustee of the Overton Family Trust requests the Board of County Commissioners of Lee County, Florida, to grant this Petition to Vacate and states as follows:

1. Petitioner's mailing address, 1965 Les Chateaux Blvd., #203, Naples, FL 34109.
2. In accordance with Florida Statute (F.S.) Chapter 177 and Lee County Administrative Code (LCAC) 13-1, Petitioner desires to vacate the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A" and in accordance with F.S. Chapter 336 and LCAC 13-8, Petitioner desires to vacate, abandon, close and discontinue the public's interest in the right-of-way or portion of right-of-way legally described in the attached Exhibit "A".
3. A sketch showing the area(s) the Petitioner desires to vacate is attached as Exhibit "B".
4. In accordance with F.S. Chapter 177, proof Petitioner paid all applicable state and county taxes on the property to be vacated is attached as Exhibit "C".
5. In accordance with F.S. Chapter 177, Petitioner is the fee simple title holder to the underlying land sought to be vacated.
6. In accordance with the LCAC 13-1, Petitioner did provide notice to all affected property owners concerning the intent of this Petition. Notice concerning the intent of this Petition will also be provided in accordance with LCAC 13-8.
7. In accordance with letters of review and recommendation provided by various governmental and utility entities, there is no apparent impediment to granting Petitioner's request.

Wherefore, Petitioner respectfully requests that the Board of County Commissioners adopt a Resolution granting the Petition to Vacate.

Respectfully Submitted

By:


Petitioner Signature

Nancy O. Rossi, as Trustee

Printed Name and Title

By:


Petitioner Signature

Sheila Tirrell as Trustee

Printed Name and Title

PETITION TO VACATE (AC 13-1 and AC 13-8)

Case Number: VAC2004-00073

Petitioner, Andrew T. Bryan requests the Board of County Commissioners of Lee County, Florida, to grant this Petition to Vacate and states as follows:

1. Petitioner's mailing address, 12175 Harry St., Bokeelia, FL 33922.
2. In accordance with Florida Statute (F.S.) Chapter 177 and Lee County Administrative Code (LCAC) 13-1, Petitioner desires to vacate the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A" and in accordance with F.S. Chapter 336 and LCAC 13-8, Petitioner desires to vacate, abandon, close and discontinue the public's interest in the right-of-way or portion of right-of-way legally described in the attached Exhibit "A".
3. A sketch showing the area(s) the Petitioner desires to vacate is attached as Exhibit "B".
4. In accordance with F.S. Chapter 177, proof Petitioner paid all applicable state and county taxes on the property to be vacated is attached as Exhibit "C".
5. In accordance with F.S. Chapter 177, Petitioner is the fee simple title holder to the underlying land sought to be vacated.
6. In accordance with the LCAC 13-1, Petitioner did provide notice to all affected property owners concerning the intent of this Petition. Notice concerning the intent of this Petition will also be provided in accordance with LCAC 13-8.
7. In accordance with letters of review and recommendation provided by various governmental and utility entities, there is no apparent impediment to granting Petitioner's request.

Wherefore, Petitioner respectfully requests that the Board of County Commissioners adopt a Resolution granting the Petition to Vacate.

Respectfully Submitted

By: Andrew T. Bryan
Petitioner Signature

Andrew T. Bryan
Printed Name

By: _____
Petitioner Signature

Printed Name

PETITION TO VACATE (AC 13-1 and AC 13-8)

Case Number: VAC2004-00073

Petitioner, CKC Investments, L.L.C. requests the Board of County Commissioners of Lee County, Florida, to grant this Petition to Vacate and states as follows:

1. Petitioner's mailing address, 3211 Manatee Dr., St. James City, FL 33956.
2. In accordance with Florida Statute (F.S.) Chapter 177 and Lee County Administrative Code (LCAC) 13-1, Petitioner desires to vacate the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A" and in accordance with F.S. Chapter 336 and LCAC 13-8, Petitioner desires to vacate, abandon, close and discontinue the public's interest in the right-of-way or portion of right-of-way legally described in the attached Exhibit "A".
3. A sketch showing the area(s) the Petitioner desires to vacate is attached as Exhibit "B".
4. In accordance with F.S. Chapter 177, proof Petitioner paid all applicable state and county taxes on the property to be vacated is attached as Exhibit "C".
5. In accordance with F.S. Chapter 177, Petitioner is the fee simple title holder to the underlying land sought to be vacated.
6. In accordance with the LCAC 13-1, Petitioner did provide notice to all affected property owners concerning the intent of this Petition. Notice concerning the intent of this Petition will also be provided in accordance with LCAC 13-8.
7. In accordance with letters of review and recommendation provided by various governmental and utility entities, there is no apparent impediment to granting Petitioner's request.

Wherefore, Petitioner respectfully requests that the Board of County Commissioners adopt a Resolution granting the Petition to Vacate.

Respectfully Submitted

By:


Petitioner Signature

Donald Gessmann, Managing Member
Printed Name and Title

By:

Petitioner Signature

Printed Name and Title

LETTER OF AUTHORIZATION

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as 10530 Stringfellow Road (28-44-22-02-0000A.0010); 5460 Avenue A (28-44-22-02-0000B.0110); 5476 Avenue A (28-44-22-02-0000B.0120); and 5492 Avenue A (28-44-22-02-0000B.0130) legally described on the Survey of the enclosed plan set.

The property described herein is the subject of an application for zoning or development. We hereby designate **Hupp Retail Pine Island, LLC, and Avalon Engineering, Inc.** as the legal representatives of the property and as such, they are authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development on the site. These representatives will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County. *at their own financial costs.* *NOE*

OVERTON FAMILY TR

Nancy O Rossi Trustee
Signature (Nancy Rossi, TR)

NANCY O. ROSSI
Printed Name

STATE OF
COUNTY OF

The foregoing instrument was acknowledged before me this 25 day of JANUARY, 2005 by NANCY O. ROSSI, who is personally known to me or who (name and title of position) has produced DL # P200-634-42-202-0 as identification. (type of identification)

Lynda G. Brooks
Signature of Notary Public

LYNDA G. BROOKS
(Name typed, printed or stamped)



Lynda G. Brooks
MY COMMISSION # DD047269 EXPIRES
August 26, 2005
BONDED THRU TROY FAIN INSURANCE, INC.

My Commission Expires:

LETTER OF AUTHORIZATION

The undersigned does hereby swear or affirm that he is the fee simple title holder and owner of record of property commonly known as 5508 Avenue A (28-44-22-02-0000B.0140) legally described on the Survey of the enclosed plan set.

The property described herein is the subject of an application for zoning or development. I hereby designate Hupp Retail Pine Island, LLC, and Avalon Engineering, Inc. as the legal representatives of the property and as such, they are authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development on the site. These representatives will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

Andrew T Bryan
Signature

Andrew T Bryan
Printed Name

STATE OF
COUNTY OF

The foregoing instrument was acknowledged before me this 10th day of June, 2005
by Andrew Bryan, who is personally known to me or who has
(name and title of position)

produced Drivers License as identification.
(type of identification)

Wanda B. Downer
Signature of Notary Public



Wanda Downer
(Name typed, printed or stamped)

My Commission Expires:

LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as _____ having strap number: 28-44-22-02-0000B.0150 (5524 Avenue A, Bokeelia, FL 33922) and legally described in exhibit A attached hereto.

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

Owner*(signature)
Donald Gessmann, Managing Manager
Printed Name

Owner*(signature)

Printed Name

Owner*(signature)

Printed Name

Owner*(signature)

Printed Name

Owner*(signature)

Printed Name

Owner*(signature)

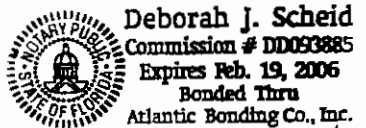
Printed Name

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 9th day of March, 2005, by Donald Gessmann, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

Notary Public
Deborah J. Scheid
(Name typed, printed or stamped)

(SEAL)



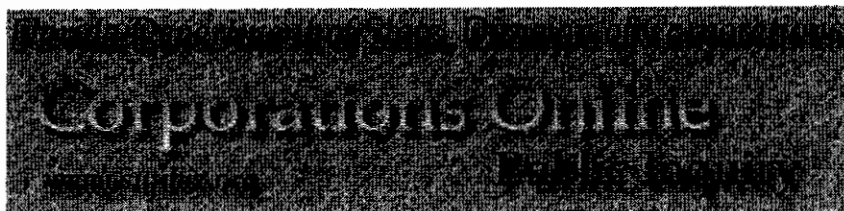
This signature is subject to terms in the Exhibits Attached.

Exhibit "A"

EXCHANGE OF VACATED RIGHT-OF-WAY ATTACHMENT

It is understood by the parties who have executed the incorporated Letter of Intent that an agreement will be drafted and executed in the future that will include among other terms, the following:

1. The purposed offer to CKC Investments, LLC, for the exchange of a vacated right-of-way, shall be assignable to any future owners that CKC Investments, LLC may sell, convey, or otherwise transfer the property to.
2. There will be no costs to CKC Investments, LLC, with respect to the proposed development. CKC Investments, LLC, shall not be responsible for a development order and/or building permit costs, architectural/engineering fees, legal fees, or any other fee, cost or expense associated with the project.
3. Any and all trash areas or dumpsters shall be fenced in and unseen, with sufficient landscaping.
4. There shall be timely sewer and water hook ups.
5. Parking lot should be replaced in total, with a minimum four (4) additional parking spaces added.
6. All vegetation and landscaping shall be adequately replaced.
7. Unobstructed signage (must move sign).
8. Replace the fire hydrant to CKC Investments, LLC property.
9. Guaranteed access to and from the CKC Investments, LLC property over and across the adjacent Walgreen property.
10. Change and record legal description of property after execution of Quit Claim Deeds.
11. Satisfy any other requirements or actions that may be required by law, ordinance, regulation, or otherwise.



Florida Limited Liability
CKC INVESTMENTS, L.L.C.

PRINCIPAL ADDRESS
3211 MANATEE DR
SAINT JAMES CITY FL 33956
Changed 05/01/2003

MAILING ADDRESS
3211 MANATEE DR
SAINT JAMES CITY FL 33956
Changed 05/01/2003

Document Number L02000024482	FEI Number 510427976	Date Filed 09/19/2002
State FL	Status ACTIVE	Effective Date NONE
Total Contribution 0.00		

Registered Agent

Name & Address
HILL, THOMAS W 1318 LAFAYETTE ST CAPE CORAL FL 33904
Name Changed: 05/01/2003
Address Changed: 05/01/2003

Manager/Member Detail

Name & Address	Title
GESSMAN, DONALD 3211 MANATEE DR SAINT JAMES CITY FL 33956	MGRM
GESSMANN, AMY 3211 MANATEE DR	MGRM

SAINT JAMES CITY FL 33956

Annual Reports

Report Year	Filed Date
2003	05/01/2003
2004	01/22/2004

[Previous Filing](#)

[Return to List](#)

[Next Filing](#)

No Events
No Name History Information

Document Images

Listed below are the images available for this filing.

- | |
|---|
| <p>01/22/2004 -- ANNUAL REPORT</p> <p>05/01/2003 -- ANN REP/UNIFORM BUS REP</p> <p>09/19/2002 -- Florida Limited Liabilites</p> |
|---|

THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT

[Corporations Inquiry](#)

[Corporations Help](#)



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard
Fort Myers, Florida 33919-5910
email – fmooffice@bwlk.net
(Ph) 239-481-1331 (Fax) 239-481-1073

Description of a Parcel of Land
Lying in
Section 28, Township 44 South, Range 22 East
Pine Island, Lee County, Florida
Pine Island Center - Walgreens Site
(Avenue "A" - Vacation)

A tract or parcel of land situated in the State of Florida, County of Lee, lying in Section 28, Township 44 South, Range 22 East, and being all of Avenue "A" of Pine Island Center Unit-"2" as recorded in Plat Book 9 at Page 120, Public Records of Lee County, Florida, and further described as follows:

Beginning at the southwest corner of said Avenue "A"; thence N53°35'45"W along the southwesterly line of said Avenue "A" and the northeasterly line of Block "A" of said Pine Island Center Unit-"2" for 372.80 feet to the easterly right-of-way line of Stringfellow Road - County Road 767 (66 feet wide); thence N16°04'30"W along the westerly line of said Avenue "A" and the easterly line of said Stringfellow Road for 82.10 feet to the southwesterly line of Block "B" of said Pine Island Center Unit-"2"; thence S53°35'45"E along the northeasterly line of said Avenue "A" and the southwesterly line of said Block "B" for 503.02 feet to the north line of Pine Island Road - State Road 78 (66 feet wide); thence S88°53'00"W along the south line of said Avenue "A" and the north line of said Pine Island Road for 82.10 feet to the Point of Beginning.

Parcel 0.50 acres (21,895 square feet), more or less.

Bearings are based on the plat of Pine Island Center Unit-"2" as recorded in Plat Book 9 at Page 120, Public Records of said Lee County, Florida, with the north line of Pine Island Road (State Road No. 78 - 66 feet wide) as bearing S88°53'00"W.

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)


Scott C. Whitaker, P.S.M. 4324

35684DESC-AVENUE A

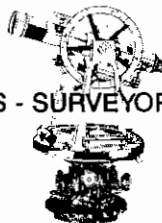
8/19/04

Exhibit "A"
Petition to Vacate
VAC2004-00073
[Page One of One]

PRINCIPALS:

- WILLIAM E. BEAN, PSM, CHAIRMAN
- SCOTT C. WHITAKER, PSM, PRESIDENT
- JOSEPH L. LUTZ, PSM
- AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



ASSOCIATES:

- TRACY N. BEAN, AICP
- CHARLES D. KNIGHT, PSM
- W. BRITT POMEROY, JR., PSM
- STEPHEN H. SKORUPSKI, PSM
- ELWOOD FINEFIELD, PSM
- JAMES A. HESSLER, PSM
- JAMES R. COLEMAN, PSM
- RUDOLF A. NORMAN, PE

SKETCH TO ACCOMPANY DESCRIPTION
OF A PARCEL OF LAND
LYING IN
SECTION 28, TOWNSHIP 44 SOUTH, RANGE 22 EAST,
PINE ISLAND, LEE COUNTY, FLORIDA.

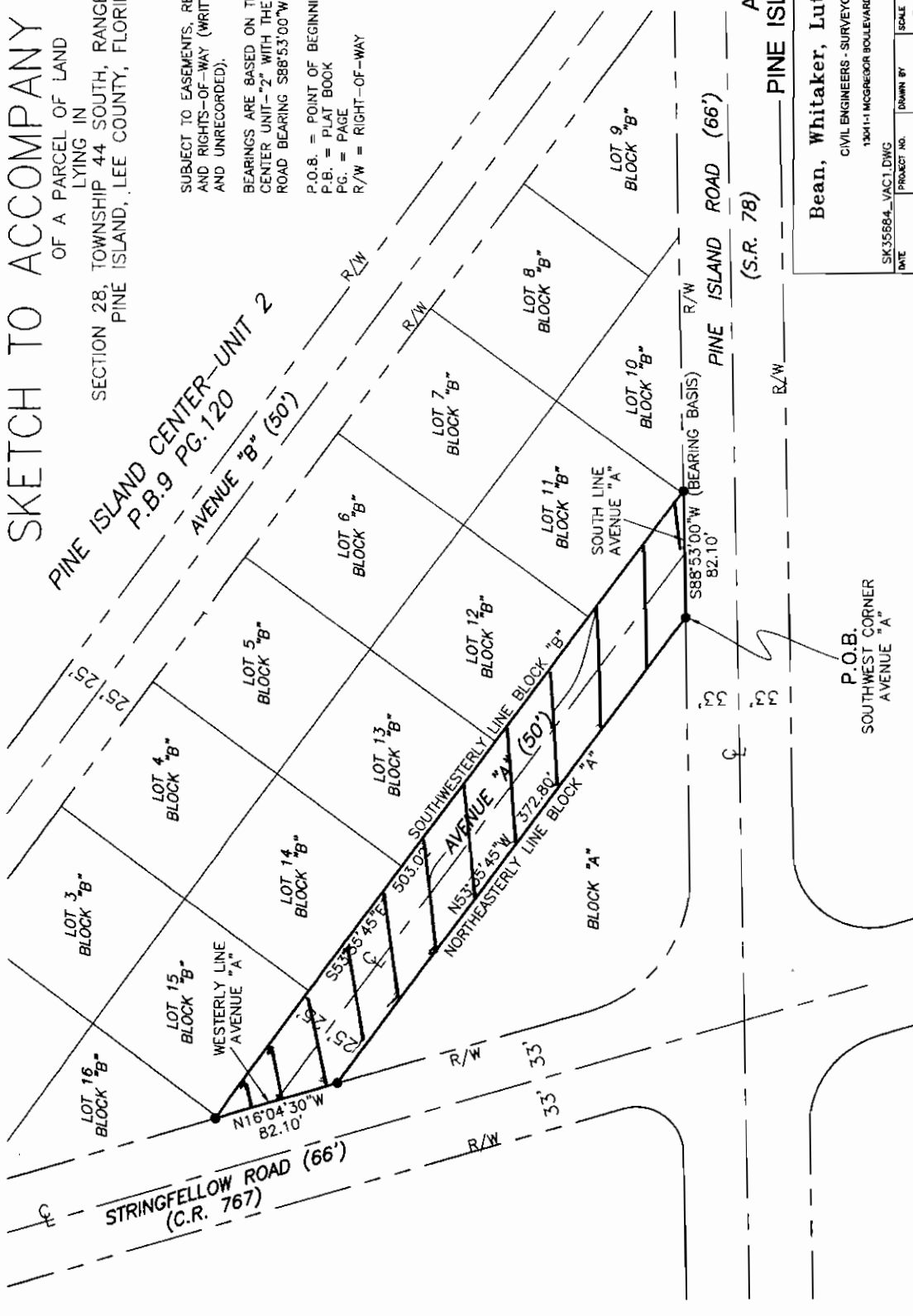
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS,
AND RIGHTS-OF-WAY (WRITTEN AND UNWRITTEN, RECORDED
AND UNRECORDED).

BEARINGS ARE BASED ON THE PLAT OF PINE ISLAND
CENTER UNIT-"2" WITH THE NORTH LINE OF PINE ISLAND
ROAD BEARING S88°53'00"W.

P.O.B. = POINT OF BEGINNING
P.B. = PLAT BOOK
P.G. = PAGE
R/W = RIGHT-OF-WAY

*** THIS IS NOT A SURVEY ***
Becht, Whitaker, Lutz & Karch, Inc.

SCOTT C. WHITAKER, P.E.S.M.
Florida Certificate No. 4324



AVENUE "A" - VACATION
PINE ISLAND CENTER UNIT - "2"

Bean, Whitaker, Lutz & Karch, Inc. (LB 4010)
CIVIL ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS
13041-1 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919-5910 (239) 481-1331

DATE	8-19-04	PROJECT NO.	SK35684_VAC1.DWG	DRAWN BY	CDK	SCALE	1" = 80'	SHEET	2 OF 2	FILE NO.	28-44-22
------	---------	-------------	------------------	----------	-----	-------	----------	-------	--------	----------	----------

P.O.B.
SOUTHWEST CORNER
AVENUE "A"

Exhibit "B"
Petition to Vacate
VAC2004-00073
[Page One of One]

AREA TO BE VACATED



Exhibit "C"
Petition to Vacate
VAC2004-00073
 [Page One of Two]

Real Property Information		
Account	Tax Year	Status
28-44-22-02-0000A.0010	2005	PAID
Original Account	Book/Page	
28-44-22-02-0000A.0010	3103/3843	
Owner		
OVERTON MARJORIE TR EST NANCY ROSSI		
Physical Address	Mailing Address	
10530 STRINGFELLOW RD Bokeelia FL 33922	1965 LES CHATEAUX BLVD #203 NAPLES FL 34109 USA	
Legal Description		
PINE ISLAND CENTER UNIT 2 BLK A PB 9 PG 120 ALL BLK A		
Outstanding Balance as of 11/22/2005		\$0.00

Real Property Information		
Account	Tax Year	Status
28-44-22-02-0000B.0110	2005	PAID
Original Account	Book/Page	
28-44-22-02-0000B.0110	3103/3843	
Owner		
OVERTON MARJORIE TR EST NANCY ROSSI		
Physical Address	Mailing Address	
5460 AVENUE A Bokeelia FL 33922	1965 LES CHATEAUX BLVD #203 NAPLES FL 34109 USA	
Legal Description		
PINE ISLAND CENTER UNIT 2 BLK B PB 9 PG 120 LOT 11		
Outstanding Balance as of 11/22/2005		\$0.00

Real Property Information		
Account	Tax Year	Status
28-44-22-02-0000B.0120	2005	PAID
Original Account	Book/Page	
28-44-22-02-0000B.0120	3103/3843	
Owner		
OVERTON MARJORIE TR EST NANCY ROSSI		
Physical Address	Mailing Address	
5476 AVENUE A Bokeelia FL 33922	1865 LES CHATEAUX BLVD #203 NAPLES FL 34109 USA	
Legal Description		
PINE ISLAND CENTER UNIT 2 BLK B PB 9 PG 120 LOT 12		
Outstanding Balance as of 11/22/2005		\$0.00

Exhibit "C"
Petition to Vacate
VAC2004-00073
[Page Two of Two]

Real Property Information		
Account	Tax Year	Status
28-44-22-02-0000B.0130	2005	PAID
Original Account	Book/Page	
28-44-22-02-0000B.0130	3103/3843	
Owner		
OVERTON MARJORIE TR EST NANCY ROSSI		
Physical Address	Mailing Address	
5492 AVENUE A Bokeelia FL 33922	1965 LES CHATEAUX BLVD #203 NAPLES FL 34109 USA	
Legal Description		
PINE ISLAND CENTER UNIT 2 BLK B PB 9 PG 120 LOT 13		
Outstanding Balance as of 11/22/2005		\$0.00

Real Property Information		
Account	Tax Year	Status
28-44-22-02-0000B.0140	2005	PAID
Original Account	Book/Page	
28-44-22-02-0000B.0140	3266/3906	
Owner		
BRYAN ANDREW T		
Physical Address	Mailing Address	
5508 AVENUE A Bokeelia FL 33922	12175 HARRY ST BOKEELIA FL 33922 USA	
Legal Description		
PINE ISLAND CENTER UNIT 2 BLK B PB 9 PG 120 LOT 14		
Outstanding Balance as of 12/6/2005		\$0.00

Real Property Information		
Account	Tax Year	Status
28-44-22-02-0000B.0150	2005	PAID
Original Account	Book/Page	
28-44-22-02-0000B.0150	4187/1271	
Owner		
CKC INVESTMENTS LLC		
Physical Address	Mailing Address	
5524 AVENUE A Bokeelia FL 33922	3211 MANATEE DR ST JAMES CITY FL 33956 USA	
Legal Description		
PINE ISLAND CENTER UNIT 2 BLK B PB 9 PG 120 LOT 15		
Outstanding Balance as of 11/22/2005		\$0.00

JUL 01 05 09:05a

H. Realty Advisors

813 31 9962

p.6

06/30/2005 16:05

7274615655

BELLEAIR LAW

PAGE 06/13

08/30/2005 17:58 FAX

7273918589

PLATTE DAVID

001/004

600

PI Center of...

PREPARED BY: WILLIAM D. OVERTON AND MARJORIE T. OVERTON ADDRESS: 3737 SAN CARLOS DR. CITY: ST. JAMES STATE: FLORIDA ZIP: 33956 PHONE: 941-383-8219

QUIT-CLAIM DEED

THIS QUITCLAIM DEED, EXECUTED THIS 7TH DAY OF SEPTEMBER, 1995

3846145

BY FIRST PARTY: WILLIAM D. OVERTON AND MARJORIE T. OVERTON

WHOSE ADDRESS IS: 3737 SAN CARLOS DR. ST. JAMES CITY FL 33956

TO SECOND PARTY: THE OVERTON FAMILY TRUST, WILLIAM D. OVERTON AND MARJORIE T. OVERTON TRUSTEE

WHOSE ADDRESS IS: 3737 SAN CARLOS DR. ST. JAMES CITY, FL 33956

WITNESSETH, THAT THE SAID FIRST PARTY, FOR GOOD CONSIDERATION AND FOR THE SUM OF \$ 10.00 PAID BY THE SAID SECOND PARTY, THE RECEIPT WHEREOF IS HEREBY ACKNOWLEDGED DOES HEREBY REPAIR, RELEASE AND QUITCLAIM UNTO THE SAID SECOND PARTY FOREVER, ALL THE RIGHT, TITLE, INTEREST AND CLAIM WHICH THE SAID FIRST PARTY HAS IN AND TO THE FOLLOWING DESCRIBED PARCEL OF LAND, AND IMPROVEMENTS AND APPURTENANCES THERETO IN THE COUNTY OF LEE, STATE OF FLORIDA

ALL TRACK "A" OF PINE ISLAND CENTER, UNIT 2, ACCORDING TO THE PLAT THEREOF, AND REFERRED IN PLAT BOOK 5, PAGE 122 OF THE PUBLIC RECORD OF THE COUNTY, FLORIDA SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

IN WITNESS WHEREOF, THE SAID FIRST PARTY HAS SIGNED AND SEALED THESE PRESENTS THE DAY AND YEAR FIRST ABOVE WRITTEN.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF:

Shirley A. Monroe WITNESS

William D. Overton GRANTOR WILLIAM D. OVERTON

W. M. M. D. WITNESS

Marjorie T. Overton GRANTOR MARJORIE T. OVERTON

STATE OF FLORIDA

DATE 9-30-95

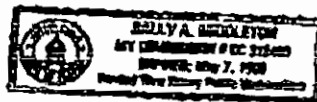
COUNTY LEE SS.

THEN PERSONALLY APPEARED WILLIAM D. OVERTON AND MARJORIE T. OVERTON TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND HAVE ACKNOWLEDGED BEFORE ME THAT THEY EXECUTED THE SAME.

Sally A. Middleton NOTARY PUBLIC

MY COMMISSION EXPIRES:

Sally A. Middleton PRINTED NAME



#19

95 OCT -9 PM 12:55

CLERK OF THE CIR. CL.

DR2540 PG0697

David E. Platte, Attorney at Law
603 Indian Rocks Road
Belleair FL 34616
(727) 461-0420
FAX: (727) 461-5655

Commonwealth Land Title Insurance Company

**COMMITMENT FOR TITLE INSURANCE
SCHEDULE A**

Order No: 41219112CA

Customer Reference No: 04-6789

Effective Date: May 28, 2004 at 8:00 a.m.

1. Policy or Policies to be issued:

a). ALTA Owners 1992 with Florida Modifications

Proposed Insured: HUPP RETAIL PINE ISLAND, LLC, A FLORIDA LIMITED LIABILITY COMPANY

Amount of Insurance: \$1,400,000.00

b). ALTA Loan 1992 with Florida Modifications

Proposed Insured: To Be Determined

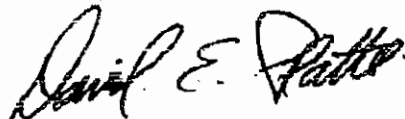
Amount of Insurance: \$

2. The estate or interest in the land described or referred to in this Schedule and covered herein is a Fee Simple and title thereto is at the effective date hereof vested in:

THE OVERTON FAMILY TRUST, WILLIAM D. OVERTON AND MARJORIE T. OVERTON,
TRUSTEES

3. The land referred to in this Commitment is described in Exhibit "A" attached hereto and made part hereof.

Countersigned:



BY:

Authorized Officer or Agent

This Commitment is invalid unless the insuring provisions and Schedules A and B are attached.

Order No: 41219112CA
Reference No: 04-6789

Schedule B Section 1 Requirements

The following are requirements to be complied with:

1. Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.
2. Instrument(s) creating the estate or interest to be insured must be approved, executed and filed for record.
 - A. An affidavit that the OVERTON FAMILY TRUST has not been amended or modified, except as heretofore disclosed, and that the Trust is still in full force and effect. Said affidavit should also recite the name(s) of the Trustee(s) currently empowered, if different from the original Trustee(s), to execute the Conveyance Documents of the insured land.
 - B. Present for examination a certified copy of the articles of organization and regulations of HUPP RETAIL PINE ISLAND, LLC, a Florida Limited Liability Company, together with any amendments or modifications thereto, certified by the Florida Department of State. The Company reserves the right to make additional requirements and/or exceptions upon review of the documentation produced in compliance with this requirement.
 - C. Warranty Deed from WILLIAM D. OVERTON, individually and as Trustee of the Overton Family Trust, and Marjorie T. Overton, individually and as Trustee of the Overton Family Trust to HUPP RETAIL PINE ISLAND, LLC, a Florida Limited Liability Company.
 - D. Duly authorized mortgage from HUPP RETAIL PINE ISLAND, LLC, A FLORIDA LIMITED LIABILITY COMPANY to an yet to be determined lender, together with evidence satisfactory to the Company of the Limited Liability Company's good standing under the laws of its domicile state and evidence satisfactory to the Company specifying the manager(s) who are authorized to execute said mortgage.
3. Payment of all taxes, charges, assessments, levied and assessed against subject premises, which are due and payable.
4. Proof of payment, satisfactory to the Company, of any taxes, charges, liens, and assessments due LEE COUNTY.
5. Upon receipt of this Commitment, you must obtain written authorization from the Company to issue the commitment if the amount of the policy or policies to be issued exceeds your agency limits.

Order No: 41219112CA
Reference No: 04-6789

Schedule B Section 2 Exceptions

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
2. Easements or claims of easements not shown by the Public Records, boundary line disputes, overlaps, encroachments, and any matters not of record which would be disclosed by an accurate survey and inspection of the premises.
3. Rights of parties in possession, other than the record owner.
4. Any lien, or right to a lien, for services, labor, or materials heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. Taxes and assessments for the year 2004 and subsequent years. (NOTE. Taxes for the year 2003 were paid in the gross amounts shown: Block A under Account No. 28-44-22-02-0000a.0010, \$3,253.58; Lot 11 under Account No. 28-44-22-02-0000B.0110, \$462.93; Lot 12 under Account No. 28-44-22-02-0000b.0120, \$137.32; Lot 13, under Account No. 28-44-22-02-0000B.0130, \$137.32)
6. All Notes, Statements, Easements, rights-of-way and other matters as shown and set forth on the recorded Plat of PINE ISLAND CENTER UNIT - "2", as recorded in Plat Book 9, Page 120.
7. Easement to Lee County, Electric Cooperative as recorded in Official Records Book 1165, Page 302.
8. Any existing leases and/or tenancies.

NOTE: All recording references in this commitment/policy shall refer to the Public Records of Lee County, Florida, unless otherwise noted.

NOTE: In accordance with Florida Statutes section 627.4131, please be advised that the insured hereunder may present inquiries, obtain information about coverage, or receive assistance in resolving complaints, by contacting the Commonwealth Land Title Insurance Company Regional Office, 201 South Orange Avenue, Suite 1350, Orlando, FL 32801 Telephone 407-481-8181.

Order No: 41219112CA
Reference No: 04-6789

Exhibit "A"

All of Block A and Lots 11, 12 and 13, Block B, PINE ISLAND CENTER UNIT - "2", according to the plat thereof as recorded in Plat Book 9, Page 120, Public Records of Lee County, Florida.

600

HOLN
DR2640 PG0688

PREPARED BY: WILLIAM D. OVERTON AND MARJORIE T. OVERTON ADDRESS: 3737 SAN CARLOS DR
CITY: ST. JAMES STATE: FLORIDA ZIP: 33956 PHONE: 941-283-0219 P.O. Box 329

QUIT-CLAIM DEED

THIS QUITCLAIM DEED, EXECUTED THIS 7TH DAY OF SEPTEMBER, 1995 **3846138**

BY FIRST PARTY: WILLIAM D. OVERTON AND MARJORIE T. OVERTON

WHOSE ADDRESS IS: 3737 SAN CARLOS DR. ST. JAMES CITY FL. 33956

TO SECOND PARTY: THE OVERTON FAMILY TRUST, WILLIAM D. OVERTON AND MARJORIE T. OVERTON TRUSTEE

WHOSE ADDRESS IS: 3737 SAN CARLOS DR. ST. JAMES CITY, FL. 33956

WITNESSETH, THAT THE SAID FIRST PARTY, FOR GOOD CONSIDERATION AND FOR THE SUM OF \$ 10.00 PAID BY THE SAID SECOND PARTY, THE RECEIPT WHEREOF IS HEREBY ACKNOWLEDGED DOES HEREBY REMISE, RELEASE AND QUITCLAIM UNTO THE SAID SECOND PARTY FOREVER, ALL THE RIGHT, TITLE, INTEREST AND CLAIM WHICH THE SAID FIRST PARTY HAS IN AND TO THE FOLLOWING DESCRIBED PARCEL OF LAND, AND IMPROVEMENTS AND APPURTENANCES THERETO IN THE COUNTY OF LEE, STATE OF FLORIDA

LOT 11, BLOCK B, UNIT 2, PINE ISLAND CENTER SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN THE PLAT BOOK 9, PAGE 170, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

IN WITNESS WHEREOF, THE SAID FIRST PARTY HAS SIGNED AND SEALED THESE PRESENTS THE DAY AND YEAR FIRST ABOVE WRITTEN.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF:

Shirley A. Maxwell
WITNESS

William D. Overton
GRANTOR WILLIAM D. OVERTON

Sally A. Middleton
WITNESS

Marjorie T. Overton
GRANTOR MARJORIE T. OVERTON

STATE OF FLORIDA

DATE 9-30-95

COUNTY LEE SS.

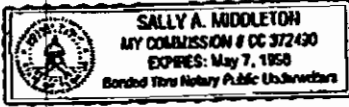
THEN PERSONALLY APPEARED WILLIAM D. OVERTON and MARJORIE T. OVERTON TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND HAVE ACKNOWLEDGED BEFORE ME THAT THEY EXECUTED THE SAME.

Sally A. Middleton
NOTARY PUBLIC

MY COMMISSION EXPIRES:

Sally A. Middleton
PRINTED NAME

9509-3 PM 4:03
CHARLIE GREEN LEE COV, FL



22

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: C.J. KOHLER, O.C.

OPWAJE GREEN LEE CTY, FL

95 OCT -3 PH 4:05

FESSER L12

PREPARED BY: WILLIAM D. OVERTON AND MARJORIE T. OVERTON ADDRESS: 3737 SAN CARLOS DR. CITY: ST. JAMES STATE: FLORIDA ZIP: 33956 PHONE: 941-283-0219

P.O. Box 329

QUIT-CLAIM DEED

THIS QUITCLAIM DEED, EXECUTED THIS 7TH DAY OF SEPTEMBER, 1995

3846141

BY FIRST PARTY: WILLIAM D. OVERTON AND MARJORIE T. OVERTON

WHOSE ADDRESS IS: 3737 SAN CARLOS DR. ST. JAMES CITY FL. 33956

TO SECOND PARTY: THE OVERTON FAMILY TRUST, WILLIAM D. OVERTON AND MARJORIE T. OVERTON TRUSTEE

WHOSE ADDRESS IS: 3737 SAN CARLOS DR. ST. JAMES CITY, FL. 33956

WITNESSETH, THAT THE SAID FIRST PARTY, FOR GOOD CONSIDERATION AND FOR THE SUM OF \$ 10.00 PAID BY THE SAID SECOND PARTY, THE RECEIPT WHEREOF IS HEREBY ACKNOWLEDGED DOES HEREBY REMISE, RELEASE AND QUITCLAIM UNTO THE SAID SECOND PARTY FOREVER, ALL THE RIGHT, TITLE, INTEREST AND CLAIM WHICH THE SAID FIRST PARTY HAS IN AND TO THE FOLLOWING DESCRIBED PARCEL OF LAND, AND IMPROVEMENTS AND APPURTENANCES THERETO IN THE COUNTY OF LEE, STATE OF FLORIDA

Lot 12, Block B, PINE ISLAND CENTER, UNIT 2, according to the plat thereof, as recorded in Plat Book 9, Page 120, in the public records of Lee County, Florida.

IN WITNESS WHEREOF, THE SAID FIRST PARTY HAS SIGNED AND SEALED THESE PRESENTS THE DAY AND YEAR FIRST ABOVE WRITTEN.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF:

Sherley A. Monroe
WITNESS

William D. Overton
GRANTOR WILLIAM D. OVERTON

[Signature]
WITNESS

Marjorie T. Overton
GRANTOR MARJORIE T. OVERTON

STATE OF FLORIDA

DATE 9-30-95

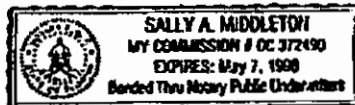
COUNTY LEE SS.

THEN PERSONALLY APPEARED WILLIAM D. OVERTON and MARJORIE T. OVERTON and XAA TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND HAVE ACKNOWLEDGED BEFORE ME THAT THEY EXECUTED THE SAME.

Sally A. Middleton
NOTARY PUBLIC

MY COMMISSION EXPIRES:

Sally A. Middleton
PRINTED NAME



082640 960691

REF # 25

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: C.J. KOWLER, D.C.

600

CHARLIE GREEN LEE CITY, FL

Fessor 213

95 OCT -3 PH 4:05

PREPARED BY: WILLIAM D. OVERTON AND MARJORIE T. OVERTON ADDRESS: 3737 SAN CARLOS DR. CITY: ST. JAMES STATE: FLORIDA ZIP: 33956 PHONE: 941-283-0219

P.O. Box 329

QUIT-CLAIM DEED

THIS QUITCLAIM DEED, EXECUTED THIS 7TH DAY OF SEPTEMBER, 1995

3846142

BY FIRST PARTY: WILLIAM D. OVERTON AND MARJORIE T. OVERTON

WHOSE ADDRESS IS: 3737 SAN CARLOS DR. ST. JAMES CITY FL. 33956

TO SECOND PARTY: THE OVERTON FAMILY TRUST, WILLIAM D. OVERTON AND MARJORIE T. OVERTON TRUSTEE

WHOSE ADDRESS IS: 3737 SAN CARLOS DR. ST. JAMES CITY, FL. 33956

WITNESSETH, THAT THE SAID FIRST PARTY, FOR GOOD CONSIDERATION AND FOR THE SUM OF \$ 10.00 PAID BY THE SAID SECOND PARTY, THE RECEIPT WHEREOF IS HEREBY ACKNOWLEDGED DOES HEREBY REMISE, RELEASE AND QUITCLAIM UNTO THE SAID SECOND PARTY FOREVER, ALL THE RIGHT, TITLE, INTEREST AND CLAIM WHICH THE SAID FIRST PARTY HAS IN AND TO THE FOLLOWING DESCRIBED PARCEL OF LAND, AND IMPROVEMENTS AND APPURTENANCES THERETO IN THE COUNTY OF LEE, STATE OF FLORIDA

1 of 13, Block B, PINE ISLAND CENTER, according to the plat thereof, as recorded in PLAT BOOK 9, PAGE 120, in the public records of Lee County, Florida.

IN WITNESS WHEREOF, THE SAID FIRST PARTY HAS SIGNED AND SEALED THESE PRESENTS THE DAY AND YEAR FIRST ABOVE WRITTEN.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF:

Shirley A. Monroe
WITNESS
[Signature]
WITNESS

William D. Overton
GRANTOR WILLIAM D. OVERTON
Marjorie T. Overton
GRANTOR MARJORIE T. OVERTON

STATE OF FLORIDA

DATE 9-30-95

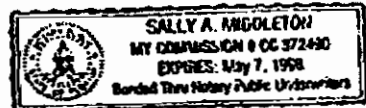
COUNTY LEE SS.

THEN PERSONALLY APPEARED WILLIAM D. OVERTON and MARJORIE T. OVERTON TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND HAVE ACKNOWLEDGED BEFORE ME THAT THEY EXECUTED THE SAME.

Sally A. Middleton
NOTARY PUBLIC

MY COMMISSION EXPIRES
Sally A. Middleton

PRINTED NAME



DR2540 P60692

26

RECORD VERIFIED - CHARLIE GREEN, CLERK BY: C.J. KOHLER, D.C.

This instrument prepared by:
Chris G. McEwan P.A.
5400 Pine Island Road
Bokeelia, Florida 33922
(941) 283-1067

INSTR # 4896669
OR BK 03266 PG 3906
RECORDED 06/13/00 09:08 AM
CHARLE GREEN CLERK OF COURT
LEE COUNTY
RECORDING FEE 10.50
DOC TAX PD (F.S. 201.02) 0.70
DEPUTY CLERK A Janke

Property Appraiser's
Parcel Identification No:

28-44-22-02-0000b.0040
28-44-22-02-0000B.0140
Grantees' Social Security No.:

QUIT CLAIM DEED

PREPARATION ONLY FROM INFORMATION PROVIDED BY GRANTORS AND WITHOUT BENEFIT OF TITLE SEARCH OR OPINION

2
10.50
.70

THIS INDENTURE, made March 21, 2000, between KEVIN L. BRYAN, Grantor*, and ANDREW T. BRYAN, Grantee*, and whose post office address is 12101 HARRY STREET, BOKEELIA, FLORIDA 33922

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

Witnesseth:

That the Grantor, for and in consideration of the sum of TEN and 00/100 DOLLARS (\$10.00) and other good and valuable consideration, to Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title and interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in Lee County, Florida, to wit:

LOTS 4 AND 14, BLOCK B, UNIT 2, OF THAT CERTAIN SUBDIVISION KNOWN AS PINE ISLAND CENTER, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE AND RECORDED IN PLAT BOOK 9, PAGE 120, PUBLIC RECORDS OF LEE COUNTY, FLORIDA

THIS IS NOT THE HOMESTEAD OF THE GRANTOR.

TO HAVE AND TO HOLD, the same together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and all estate, right, title, interest, lien, equity and claim whatsoever of said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

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

Signed, sealed and delivered
in our presence:

(1)

Chris G. Merritt
Signature of First Witness
Printed Name: *Chris G. Merritt*

Kevin L. Bryan
KEVIN L. BRYAN

(2)

Joanne Merritt
Signature of Second Witness
Printed name: *JOANNE MERRITT*

STATE OF *Florida*
COUNTY OF *Lee*

I HEREBY CERTIFY that on this date, before me, an officer duly qualified in the State aforesaid and in the County aforesaid to take acknowledgements, personally appeared Kevin L. Bryan, a married man who executed the foregoing instrument in his/her/their personal or authorized representative capacity(ies) indicated above, and

[] who is personally known to me by ongoing acquaintance of 5 years/months, or

[] who has produced their _____ as identification,

WITNESS my hand and official seal in the County and State last aforesaid this 31 day of March, 2000.



Joanne Merritt
MY COMMISSION # CC726015 EXPIRES
May 16, 2002
BONDED THRU TROY FAIN INSURANCE, INC.

Joanne Merritt
Notary Public
Printed Notary Signature

My commission expires:
My Commission Number:



INSTR # 6130936
 OR BK 04187 Pgs 1271 - 1272; (2pgs)
 RECORDED 01/30/2004 11:19:31 AM
 CHARLIE GREEN, CLERK OF COURT
 LEE COUNTY, FLORIDA
 RECORDING FEE 10.50
 DEED DOC 168.00
 DEPUTY CLERK J Gallagher

This instrument was prepared by:
 Timothy J. Bruehl
 Waggoner & Bruehl, P.A.
 5400 Pine Island Road, Suite D
 Bokeelia, FL 33922

Property Appraiser's Parcel ID No. 28-44-22-02-0000B.0150



WARRANTY DEED

This Indenture, made this 29th day of January, 2004, between Don Gessmann, a married man, whose post office address is P.O. Box 175, St. James City, Florida 33956, **grantor**, and CKC Investments, L.L.C., a Florida Limited Liability Company, whose post office address is 3211 Manatee Drive, St. James City, Florida 33956, **grantee**.

Witnesseth that said grantor, for and in consideration of the sum of Ten 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 following described land, situate, lying and being in Lee County, Florida, to-wit:

Lot 15, Block B, PINE ISLAND CENTER, Unit 2, a subdivision according to the plat thereof as recorded in Plat Book 9, Page 120, Public Records of Lee County, Florida.

SUBJECT TO restrictions, reservations and easements of record, if any.

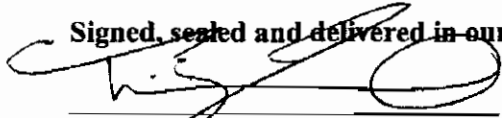
This property is not now nor has it ever been the homestead property of the Grantor nor is it contiguous thereto.

THE PREPARER CERTIFIES that he prepared this instrument is from information given to him by the parties hereto. He does not guarantee marketability of title, accuracy of the description or quantity of land described as he did not examine the title to the property described.

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

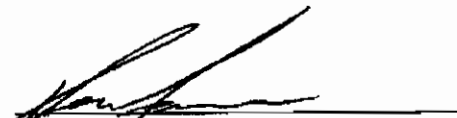
In Witness Whereof, grantors have hereunto set grantors hand and seals the day and year first above written.

Signed, sealed and delivered in our presence:

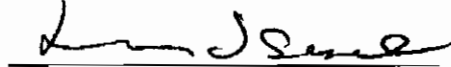


(First Witness)
Timothy J. Bruehl

Typed or printed name of Witness



Don Gessmann



(Second Witness)

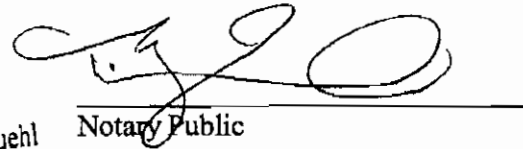
Deborah J. Scheid


Typed or printed name of Witness

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 29th day of January, 2004, by DON GESSMANN, who personally appeared before me at the time of notarization, and (XX) who are personally known to me or () who have produced _____ as identification.

My commission expires:


Notary Public

 Timothy John Bruehl
Commission #DD157148
Expires: Oct 10, 2006
Bonded Thru
Atlantic Bonding Co., Inc

46.50

TRUSTEE'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LEE

4611564

083103 663838

Before me, the undersigned officer, this day personally appeared Nancy O. Rossi and Richard H. Knox, Successor Trustees who are the named Successor Trustee(s) of that certain Trust Agreement dated August 24, 1995 hereinafter referred to as the Trust, who being first duly sworn and cautioned did depose and say as follows:

1. That William Daniel Overton and Marjorie T. Overton, as tenants by the entirety, entered into the above described Trust on August 24, 1995, and were continuously married from the time they acquired the subject property through the recording of the deed to the Trust.

2. That upon the death of Marjorie T. Overton, on January 9, 1999, a copy of the death certificate being attached hereto, Nancy O. Rossi and Richard H. Knox were named the Successor Trustees of the Overton Family Trust, see copies attached. *law*

3. That the following described real property was conveyed to the Trust per that certain deed dated September 7, 1995, and recorded in Official Records Book 2649, page 684 public records of Lee County, Florida, and is currently part of the Trust estate:

Lot 25 and the eastern 12 feet of Lot 26, Block F of that certain subdivision known as PINE ISLAND SHORES, according to the map or plat thereof on file and recorded in the Office of the Clerk of Circuit Court in Plat Book 11, pages 100 and 101, public records of Lee County, Florida.

4. That the said Declaration of Trust provides the named Successor Trustees with full power and authority granted under Section 689.071, Florida Statute, to protect, conserve, sell, lease, encumber, exchange, convey and otherwise transfer any part or all of the property held under the terms of the trust at such times and upon such terms and conditions as the Trustee may determine prudent and for the best interest of the Trust Estate and to receive and receipt for the proceeds of any sale. No other approval, whether of the Court, the grantor, any beneficiary or otherwise, is required for the Trustee(s) to act in connection with this transaction and no other signature(s) besides that of the undersigned were required to bind the Trust.

5. Attached hereto as Exhibit 'A' and incorporated by reference hereto are authentic reproductions of the pertinent parts of said trust agreement as the same may have been modified or amended.

6. This Affidavit is given for the purpose of providing proof of the facts recited herein for recording in the public records of Lee County Florida, in connection with the sale of the aforementioned real property to Alan L. Doernman and Kathryn P. Doernman, husband and wife, and for the issuance of a title insurance policy (Commitment No. CF-0111927), by Chris G. McEwan, Attorney at Law in connection with said sale.

7. Nancy O. Rossi and Richard H. Knox make this affidavit for the purpose of establishing the validity of title of said Trust and the validity of all titles which emanate therefrom, to the aforementioned real property, and that Affairs continues in function in this same capacity to date.

8. That the subject property was the homestead of Marjorie T. Overton, and that at the time of her death, she was not survived by a spouse or minor child.

9. That the beneficiaries of the trust are Nancy O. Rossi, Richard H. Knox, Sheila K. Terrell and Margie O. Goodwin.

FURTHER AFFIANT SAYETH NOT.

JR9103 P63839

Signed in our presence:

[Handwritten Signature]

Note: Copies of the pertinent paragraphs of the trust agreement must be attached hereto as Exhibit "A" and must reflect:

1. The Name of the Trust; and
2. The Powers of the Trustee to sell/convey, mortgage/manage, or
3. The beneficiaries (if the Trustee does not have power to sell).

NOTARY ACKNOWLEDGMENT

STATE OF Florida
COUNTY OF Lee

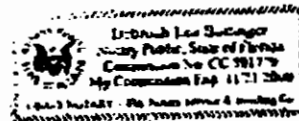
Before me, the undersigned authority, on this day personally appeared Nancy O. Rossi, Barbara H. Knox who executed the foregoing instrument in his/her/their personal or authorized representative capacity(ies) indicated above, and

who is personally known to me by ongoing acquaintance of ___ years/months, or
 who has produced their drivers license, as identification,

WITNESS MY HAND AND OFFICIAL SEAL, in the County and State last aforesaid, this April 6, 1999.

[Handwritten Signature]

Notary Public
Printed Name:
Expiration Date:
Commission Number



Prepared by: Chris G. McEwen
5400 Pine Island Road
Boca Raton, Florida 33922
941-283-1067

081103 P63843

CERTIFICATE OF DEATH
FLORIDA

0144

1. NAME OF DECEASED Margorie T. Overton		2. SEX Female		3. AGE 75		4. RACE White	
5. DATE OF DEATH January 09, 1999		6. PLACE OF DEATH New York City, New York		7. COUNTY OF DEATH New York		8. STATE OF DEATH New York	
9. PLACE OF BIRTH New York City, New York		10. COUNTY OF BIRTH New York		11. STATE OF BIRTH New York		12. MARITAL STATUS Widowed	
13. OCCUPATION Real Estate Agent		14. TYPE OF BUSINESS Real Estate Company		15. ADDRESS 3937 San Carlos Drive		16. CITY St. Johns City	
17. COUNTY Leon		18. STATE Florida		19. ZIP CODE 3236		20. EDUCATION High School	
21. SIGNATURE OF DECEASED Margorie T. Overton		22. SIGNATURE OF REGISTRAR Anthony Talaris		23. SIGNATURE OF WITNESS Margarie Rupp		24. SIGNATURE OF WITNESS Nancy Rupp	
25. PLACE OF INTERMENT Coral Ridge Cemetery		26. ADDRESS OF PLACE OF INTERMENT Cape Coral, Florida		27. ADDRESS OF PLACE OF INTERMENT Coral Ridge Funeral Home		28. ADDRESS OF PLACE OF INTERMENT 1638 Pine Island Road Cape Coral, Florida 33991	
29. DATE OF INTERMENT Jan. 12, 1999		30. TIME OF INTERMENT 5:10 P.		31. SIGNATURE OF REGISTRAR Anthony Talaris		32. SIGNATURE OF WITNESS Margarie Rupp	
33. SIGNATURE OF REGISTRAR Anthony Talaris		34. ADDRESS OF REGISTRAR 3840 Broadway		35. CITY Fort Myers		36. STATE Florida	
37. SIGNATURE OF WITNESS Margarie Rupp		38. ADDRESS OF WITNESS 3840 Broadway		39. CITY Fort Myers		40. STATE Florida	
41. SIGNATURE OF WITNESS Nancy Rupp		42. ADDRESS OF WITNESS 3840 Broadway		43. CITY Fort Myers		44. STATE Florida	
45. SIGNATURE OF WITNESS Margarie Rupp		46. ADDRESS OF WITNESS 3840 Broadway		47. CITY Fort Myers		48. STATE Florida	
49. SIGNATURE OF WITNESS Nancy Rupp		50. ADDRESS OF WITNESS 3840 Broadway		51. CITY Fort Myers		52. STATE Florida	
53. SIGNATURE OF WITNESS Margarie Rupp		54. ADDRESS OF WITNESS 3840 Broadway		55. CITY Fort Myers		56. STATE Florida	
57. SIGNATURE OF WITNESS Nancy Rupp		58. ADDRESS OF WITNESS 3840 Broadway		59. CITY Fort Myers		60. STATE Florida	
61. SIGNATURE OF WITNESS Margarie Rupp		62. ADDRESS OF WITNESS 3840 Broadway		63. CITY Fort Myers		64. STATE Florida	
65. SIGNATURE OF WITNESS Nancy Rupp		66. ADDRESS OF WITNESS 3840 Broadway		67. CITY Fort Myers		68. STATE Florida	
69. SIGNATURE OF WITNESS Margarie Rupp		70. ADDRESS OF WITNESS 3840 Broadway		71. CITY Fort Myers		72. STATE Florida	
73. SIGNATURE OF WITNESS Nancy Rupp		74. ADDRESS OF WITNESS 3840 Broadway		75. CITY Fort Myers		76. STATE Florida	
77. SIGNATURE OF WITNESS Margarie Rupp		78. ADDRESS OF WITNESS 3840 Broadway		79. CITY Fort Myers		80. STATE Florida	
81. SIGNATURE OF WITNESS Nancy Rupp		82. ADDRESS OF WITNESS 3840 Broadway		83. CITY Fort Myers		84. STATE Florida	
85. SIGNATURE OF WITNESS Margarie Rupp		86. ADDRESS OF WITNESS 3840 Broadway		87. CITY Fort Myers		88. STATE Florida	
89. SIGNATURE OF WITNESS Nancy Rupp		90. ADDRESS OF WITNESS 3840 Broadway		91. CITY Fort Myers		92. STATE Florida	
93. SIGNATURE OF WITNESS Margarie Rupp		94. ADDRESS OF WITNESS 3840 Broadway		95. CITY Fort Myers		96. STATE Florida	
97. SIGNATURE OF WITNESS Nancy Rupp		98. ADDRESS OF WITNESS 3840 Broadway		99. CITY Fort Myers		100. STATE Florida	

THIS IS A CERTIFIED TRUE AND CORRECT COPY OF THE OFFICIAL RECORD ON FILE IN THIS OFFICE

Anthony Talaris JANUARY 15 1999

BY

State Registrar

WARNING THIS DOCUMENT IS PRINTED OR REPRODUCED ON SECURITY WATERMARKED PAPER AND CONTAINS SECURITY FEATURES TO PREVENT REPRODUCTION. FOR MORE INFORMATION CONTACT THE FLORIDA DEPARTMENT OF HEALTH, DIVISION OF VITAL RECORDS, 3709 GULF BLVD., TALLAHASSEE, FL 32310. (904) 438-2211



Avalon Engineering, Inc.

2503 Del Prado Boulevard South, Suite 200
Cape Coral, Florida 33904
Phone: (239) 573-2077 Fax: (239) 573-2076
#AA C001936 #EB 0003128

April 18, 2005

Mr. Michael Shevlin
Century 21 Sunbelt Realty Inc.
10530 Stringfellow Road
Bokeelia, Florida 33922

RE: LETTER OF NOTIFICATION - PETITION TO VACATE AVENUE "A"

Dear Mr. Shevlin:

As required by Lee County, please accept this letter as notification of the proposed Vacation of Avenue "A". The purpose of this vacation is to combine the land on both sides of Avenue "A" for future building site of a Walgreen's drug store. This vacation will have no effect on your property as you already have access via another public roadway. A sketch of the right-of-way to be vacated is provided as it relates to your parcel.

If you have any questions, please feel free to call me.

Sincerely,

AVALON ENGINEERING, INC.

Larry E. Hildreth, P.E.
Project Manager

Enclosure: Survey Sketch Avenue "A" Vacation

04/20

LEE COUNTY PROPERTY APPRAISER

**PROPERTY DATA FOR PARCEL 28-44-22-02-0000B.0080
TAX YEAR 2004**

Parcel data is available for the following tax years:

[[2001](#) | [2002](#) | [2003](#) | [2004](#)]

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

| [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 2004 ROLL.

PROPERTY DETAILS

OWNER OF RECORD

SHEVLIN MICHAEL H
P O BOX 488
MATLACHA FL 33993

SITE ADDRESS

5445 AVENUE B
BOKEELIA FL 33922

LEGAL DESCRIPTION

PINE ISLAND CENTER UNIT 2
BLK B PB 9 PG 120
LOTS 8 THRU 10 INCL

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



[[PICTOMETRY](#)]

TAXING DISTRICT

007 - MATLACHA-PINE ISLAND FIRE DISTRICT

DOR CODE

10 - VACANT COMMERCIAL

PROPERTY VALUES (TAX ROLL 2004) [[NEW! HISTORY CHART](#)]

EXEMPTIONS

ATTRIBUTES

PROPERTY VALUES (TAX ROLL 2004)	EXEMPTIONS	ATTRIBUTES
JUST 63,120	HOMESTEAD	0 UNITS OF MEASURE SF
ASSESSED 63,120	AGRICULTURAL	0 NUMBER OF UNITS 26,300.00
ASSESSED SOH 63,120	WIDOW	0 FRONTAGE 0
TAXABLE 63,120	WIDOWER	0 DEPTH 0

SENDER - COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Mr. Michael Shevlin
 4130 Pine Island Rd.
 Maitacha, FL 33993

2.

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
Sue Brust Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

Yes

0591 0299 T000 1160 0011 8620 1850

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$.37	Postmark Here
Certified Fee	2.30	
Return Receipt Fee (Endorsement Required)	1.75	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 4.42	

Sent To: Michael Shevlin
 Street, Apt. No., or PO Box No.: 4130 Pine Island Rd.
 City, State, ZIP+4: Maitacha, FL 33993

PS Form 3800, June 2002 See Reverse for Instructions



Avalon Engineering, Inc.

2503 Del Prado Boulevard South, Suite 200
Cape Coral, Florida 33904
Phone: (239) 573-2077 Fax: (239) 573-2076
#AA C001936 #EB 0003128

April 18, 2005

Mr. Ronald D. Savas
4101 Glenfall Avenue
Charlotte, North Carolina 28210-6813

RE: LETTER OF NOTIFICATION - PETITION TO VACATE AVENUE "A"

Dear Mr. Savas:

As required by Lee County, please accept this letter as notification of the proposed Vacation of Avenue "A". The purpose of this vacation is to combine the land on both sides of Avenue "A" for future building site of a Walgreen's drug store. This vacation will have no effect on your property. A sketch of the right-of-way to be vacated is provided.

If you have any questions, please feel free to call me.

Sincerely,

AVALON ENGINEERING, INC.


Larry E. Hildreth, P.E.
Project Manager

Enclosure: Survey Sketch Avenue "A" Vacation

LEE COUNTY PROPERTY APPRAISER

**PROPERTY DATA FOR PARCEL 28-44-22-02-0000B.0010
TAX YEAR 2004**

Parcel data is available for the following tax years:

[[2001](#) | [2002](#) | [2003](#) | [2004](#)]

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

| [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 2004 ROLL.

PROPERTY DETAILS

OWNER OF RECORD

SAVAS RONALD D
PO BOX 34731
CHARLOTTE NC 28234

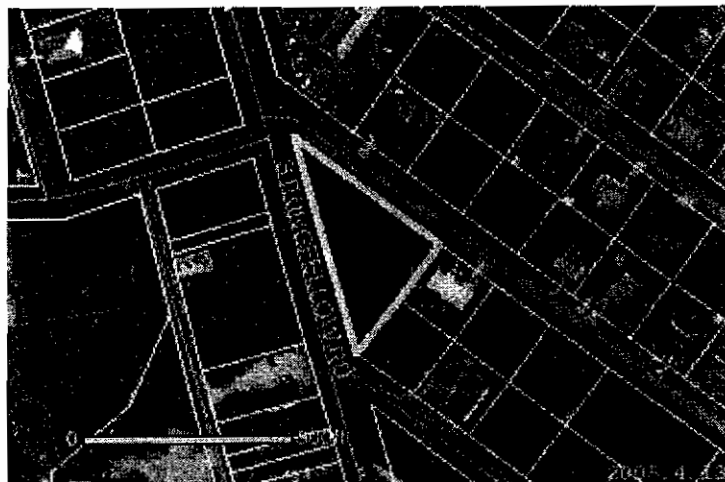
SITE ADDRESS

5557 AVENUE B
BOKEELIA FL 33922

LEGAL DESCRIPTION

PINE ISLAND CENTER UNIT 2
BLK B PB 9 PG 120
LOTS 1 2 + 16

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



[[PICTOMETRY](#)]

TAXING DISTRICT

007 - MATLACHA-PINE ISLAND FIRE DISTRICT

DOR CODE

10 - VACANT COMMERCIAL

PROPERTY VALUES (TAX ROLL 2004) [[NEW! HISTORY CHART](#)]

EXEMPTIONS

ATTRIBUTES

PROPERTY VALUES (TAX ROLL 2004) [NEW! HISTORY CHART]	EXEMPTIONS	ATTRIBUTES
JUST 69,700	HOMESTEAD	0 UNITS OF MEASURE SF
ASSESSED 69,700	AGRICULTURAL	0 NUMBER OF UNITS 26,300.00
ASSESSED SOH 69,700	WIDOW	0 FRONTAGE 0
TAXABLE 69,700	WIDOWER	0 DEPTH 0

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 MR. RONALD D. SAVAS
 4101 GLENFALL AVENUE
 CHARLOTTE, NORTH CAROLINA
 28210-6813

2. Article Number
 (Transfer from service label)

7004 1160 0001 8620 1867

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X *[Signature]* Agent
 Addressee
 Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7004 1160 0001 8620 1867

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage	\$.37
Certified Fee	2.36
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.42

Postmark
 Here

Sent To *Ronald D SAVAS*
 Street, Apt. No.,
 or PO Box No. *4101 GLENFALL AVE.*
 City, State, ZIP+4 *Charlotte NC 28210*

PS Form 3800 June 2002

See Reverse for Instructions



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: _____

239-479-8585

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

December 9, 2005

Larry E. Hildreth, P.E.
Avalon Engineering, Inc.
2503 Del Prado Blvd. South, Suite 200,
Cape Coral, FL 33904

Re: **VAC2004-00073 - Petition to Vacate** the Public's Interest in portion of Avenue A, 50-foot wide platted Right-of-Way, Lying in S 28, T 44 S, R 22 E, as shown on Plat of Pine Island Center Unit "2" as recorded in Plat Book 9, Page 120 of the Public Records of Lee County, Florida.


Dear Mr. Hildreth:

This office has received your request to vacate the above referenced portion of the platted Right-of-Way of Avenue A adjacent to residential lots located on 5460, 5476, 5492, 5508, and 5524 Avenue A and 10530 Stringfellow Rd., Bokeelia, Florida and the reference strap numbers are 28-44-22-02-0000B.0110, 0120, 0130, 0140, 0150, and 0000A.0010. The road to be vacated includes a portion of platted Right-of-Way being part of Avenue A, Pine Island Center Unit "2", adjacent to Block A and Lots 11, 12, 13, 14, and 15, as recorded in Plat Book 9, Page 120, lying in Section 28, Township 44 South, Range 22 East, of the Public Records of Lee County, Florida. The purpose of this vacation is to combine several small parcels on both sides of Avenue A, into a single larger parcel for future building site of a Walgreens Drug Store. Based upon a review of the information provided the application is complete and can be forwarded to the BOCC for their consideration at public hearing.

You and your clients should be aware, however that the Board of County Commissioner's approval of this petition will only extinguish the rights of the public to use the right-of-way. Private rights of use may still remain. This means that certification of fee ownership in the area being vacated will be required prior to issuance of any building permit(s) within that area of the easement as it presently exists, occupied or otherwise. Should you have any questions, please call me at the above telephone number.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division


Peter J. Eckenrode
Director
PJE/RXW

U:\200508\20041209.141\1256870\DCDLETTER.DOC



Avalon Engineering, Inc.

2503 Del Prado Boulevard South, Suite 200
Cape Coral, Florida 33904
Phone: (239) 573-2077 Fax: (239) 573-2076
#AA C001936 #EB 0003128

December 7, 2004

AMKEU

Ms. Ruth Keith
Lee County Development Services
500 Monroe Street
Fort Myers, Florida 33902

RE: APPLICATION FOR VACATION OF AVENUE "A"

Dear Ms. Keith:

Enclosed is the completed Application for Vacation of Right-of-Way, application fee in the amount of \$900.00, and the required supporting documents for your review and approval. The purpose of this request is to combine the land on both sides of Avenue "A" for future building site of a Walgreen's Drug Store. All affected utilities will be relocated at the Developer's cost.

If you have any questions or require additional information please call me.

Sincerely,

AVALON ENGINEERING, INC.

Larry E. Hildreth
Larry E. Hildreth, P.E.
Project Manager. #29269

VAC 2004-00073
RECEIVED
VRE
DEC 09 2004

COMMUNITY DEVELOPMENT

- Enclosures: \$900 Application Fee
Three (3) Completed Application for Vacation to include:
- Exhibit A/B Legal Description and Sketch (signed and sealed)
 - Aerial depicting area to be vacated
 - GIS Map depicting area to be vacated
 - Copy of Recorded Plat
 - Letters of No Objection from Adjacent Property Owner and Utility Companies

c: Andrew Hupp, Hupp Pine Island, LLC w/enclosures



Lee County Electric Cooperative, Inc.
Post Office Box 3455
North Fort Myers, FL 33918-3455
(239) 995-2121 • FAX (239) 995-7904
www.lcec.net • www.iline.com

September 17, 2004

Mr. Larry E. Hildreth, P.E.
Avalon Engineering, Inc.
2503 Del Prado Blvd. S, Suite 200
Cape Coral, FL 33904

Re: Avenue A, Pine Island Center Unit 2

Dear Mr. Hildreth:

LCEC does not object to vacation of Avenue A as depicted on the attached sketch, dated 8/19/04, project no. 35684.

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

Sincerely,

Karen Hardin
Real Property Representative

Attachment

000001-000073



8441 Littleton Road
North Fort Myers, FL 33903

September 14, 2004

Avalon Engineering, Inc.
Mr. Larry E. Hildreth, P.E.
2503 Del Prado Blvd.
Cape Coral, Florida 33904

RE: VACATION OF RIGHT OF WAY AVENUE "A" PINE ISLAND CENTER UNIT
2.

Dear Mr. Hildreth:

Sprint acknowledges the receipt of your request Dated August 23, 2004. With the following. Sprint Telephone of Florida concurs with the vacation right-of-way Avenue "A" Pine Island Center Unit 2. Sprint Telephone of Florida has buried telephone cable crossing this right of way on Pine Island Road. Sprint agrees to the vacation with the following stipulation:

1. Should there be any relocation of telephone facilities, all cost will be born by the property owner.

Should you have any questions about this matter please call me at 239-336-2117.

Sincerely,

A handwritten signature in black ink, appearing to read "Hal Dever", written over a circular stamp or mark.

Hal Dever
Engineer

VAC 2004-00073



HUPP REALTY ADVISORS

607 WEST BAY STREET ♦ TAMPA, FLORIDA 33606

Phone: (813) 251-9900 ♦ Fax: (813) 251-6962

www.hupprealty.com

February 16, 2005

Mr. Hal Dever, Engineer
SPRINT
8441 Littleton Road
North Fort Myers, Florida 33903

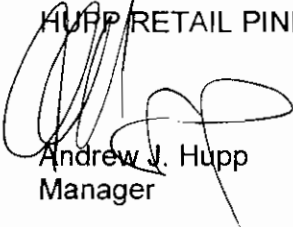
SUBJECT: VACATION OF RIGHT OF WAY AVENUE "A"
PINE ISLAND CENTER UNIT 2

Dear Mr. Dever:

In response to your letter of September 14, 2005, please be advised that Hupp Retail Pine Island, LLC will be responsible for any cost of relocation of Sprint facilities located within or adjacent to Avenue "A".

Sincerely,

HUPP RETAIL PINE ISLAND, LLC



Andrew J. Hupp
Manager

c: Ruth Keith, Lee County Development Review



Greater
Pine Island
Water Association, Inc.

September 13, 2004

Larry E. Hildreth, P.E.
Avalon Engineering, Inc.
2503 Del Prado Blvd. South, Suite 200
Cape Coral, Florida 33904

Subject: Vacation of Avenue "A" Pine Island Center Unit 2

Dear Mr. Hildreth,

The Greater Pine Island Water Association, Inc. (GPIWA) has no objection to the closing of the above subject road. GPIWA's approval is conditioned on the developer (Walgreen's Drug Store) providing easements and/or relocating all of GPIWA's affected water lines and associated appurtenances in a manner satisfactory to us, at the developer's expense.

Should you have any questions, please contact me.

Cordially,

William J. Thacher
General Manager
wthacher@pineislandwater.com

092004-00073



HUPP RETAIL PINE ISLAND, LLC

907 S. Ft. Harrison Avenue, Suite 102, Clearwater, FL 33756

Phone: (813) 251-9900 - (727) 210-1900

Fax: (813) 251-6962 - (727) 210-1901

August 10, 2005

Mr. William J. Thacher, General Manager
Greater Pine Island Water Association, Inc.
5281 Pine Island Road
Bokeelia, Florida 33922

PROJECT: VACATION OF AVENUE "A"

SUBJECT: GREATER PINE ISLAND WATER ASSOCIATION CONDITIONS -
RESPONSE TO LETTER DATED SEPTEMBER 13, 2004

Dear Mr. Thacher:

Your letter dated September 13, 2004 reflected support for the Vacation of Avenue "A" if the existing watermain is relocated to an appropriate location. We commit to work with the Greater Pine Island Water Association to relocate the watermain to a location acceptable to them, either along Pine Island or to Avenue "B".

If you have any questions, please feel free to call contact me.

Sincerely,

HUPP RETAIL PINE ISLAND, LLC

A handwritten signature in black ink, appearing to read 'Andrew J. Hupp', is written over the typed name and title.

Andrew J. Hupp
Manager



**26930 Old US 41
Bonita Springs, FL 34135
Phone: 239-732-3805
FAX: 239-498-4483**

August 31, 2004

Avalon Engineering, Inc
C/O Larry Hildreth
2503 Del Prado Bl S #200
Cape Coral, FL 33904

Re: Avenue "A" Pine Island Center Unit 2
Vacate easement

Dear Larry Hildreth,

This letter will serve to inform you that Comcast has no objection to your proposed vacation of the above referenced locations. We have no Cable TV lines in this easement.

Should you require additional information or assistance, please feel free to contact me here at 732-3805.

Cordially,

A handwritten signature in black ink, appearing to read "Mark Cook".

Mark Cook
Design Coordinator

VAC2004-00073



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number (239) 479-8124

Bob Janes
District One

Friday, September 10, 2004

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Mr. Larry Hildreth, P.E.
Avalon Engineering, Inc.
2503 Del Prado Blvd. South
Suite 200
Cape Coral, FL 33904

Donald D. Stilwell
County Manager

Re: Petition to Vacate a fifty (50) foot wide portion of Avenue "A" right of way,
Block B, Unit 2, Pine Island Center Subdivision, as recorded in Plat Book
09, Page 120 in the public records, Lee County, Florida.

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Dear Mr. Hildreth:

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

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

Regards,

LEE COUNTY PUBLIC WORKS DEPARTMENT

Allen L. Davies, Jr.
Natural Resources Division

VAC 2004-00073

S:\NATRES\SURFACE\DOCUMENT\vac457.doc



BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8580

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Tammy Hall
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

September 8, 2005

Mr. Larry E. Hildreth, P.E.
Avalon Engineering, Inc.
2503 Del Prado Blvd.
Suite 200
Cape Coral, FL 33904

**RE: Petition to Vacate Avenue A, Pine Island Center, Unit 2
Plat Book 2, Page 120, Section 28, Township 44,
Range 22**

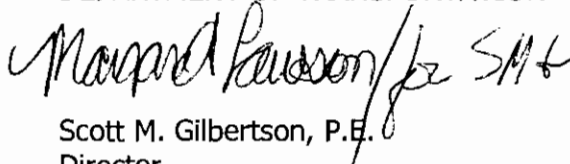
Dear Mr. Hildreth:

Lee County Department of Transportation has reviewed the most recent submittal for review regarding the abandonment of Avenue A. Based upon the sketch provided with the submittal, the County will receive 8,331 square feet of land for intersection improvements to Stringfellow Road and Pine Island Road. The property will be conveyed with a Warranty deed and held in escrow until the Board Resolution for the vacation is approved.

Lee County offers no objection based upon the above consideration.

Yours very truly,

DEPARTMENT OF TRANSPORTATION



Scott M. Gilbertson, P.E.
Director

SMG/MAL/mlb

cc: Pete Eckenrode, Development Services Director
Ron Wilson, Development Review
Allen Davies, Natural Resources
Clay Simmons, DOT operations
Harry Campbell, DOT Traffic
Terry Kelley, Utilities

S:\DOCUMENT\Petition To Vacate\2005\Ave A P. Is Ctr (Hildreth).doc

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 335-2111

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

AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER



Florida Department of Transportation

JEB BUSH
GOVERNOR

JOSÉ ABREU
SECRETARY

November 17, 2004

Larry E. Hildreth, P.E.
Avalon Engineering, Inc.
2503 Del Prado Boulevard South, Suite 200
Cape Coral, Florida 33904

RE: Vacation of Right of Way Avenue "A", Pine Island Center Unit 2
Request for Letter of Review and Recommendation

Dear Mr. Hildreth:

In response to your letter we received on August 9, 2004 our staff conducted a review of your request to vacate the subject area as marked and generally described as: that portion of proposed right of way or road vacation at the above referenced location.

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

Sincerely,

Tom Kasten
Right of Way Agent
Property Management

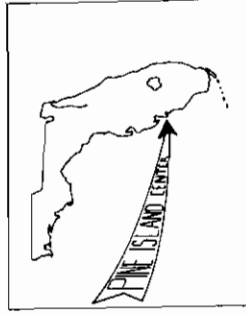
cc: Scott Gilbertson, P.E. – Lee County
Peter J. Eckenrode – Lee County
Mike Rippe – FDOT
Tom Garcia – FDOT
File, Daily File

VAC 2004-00073

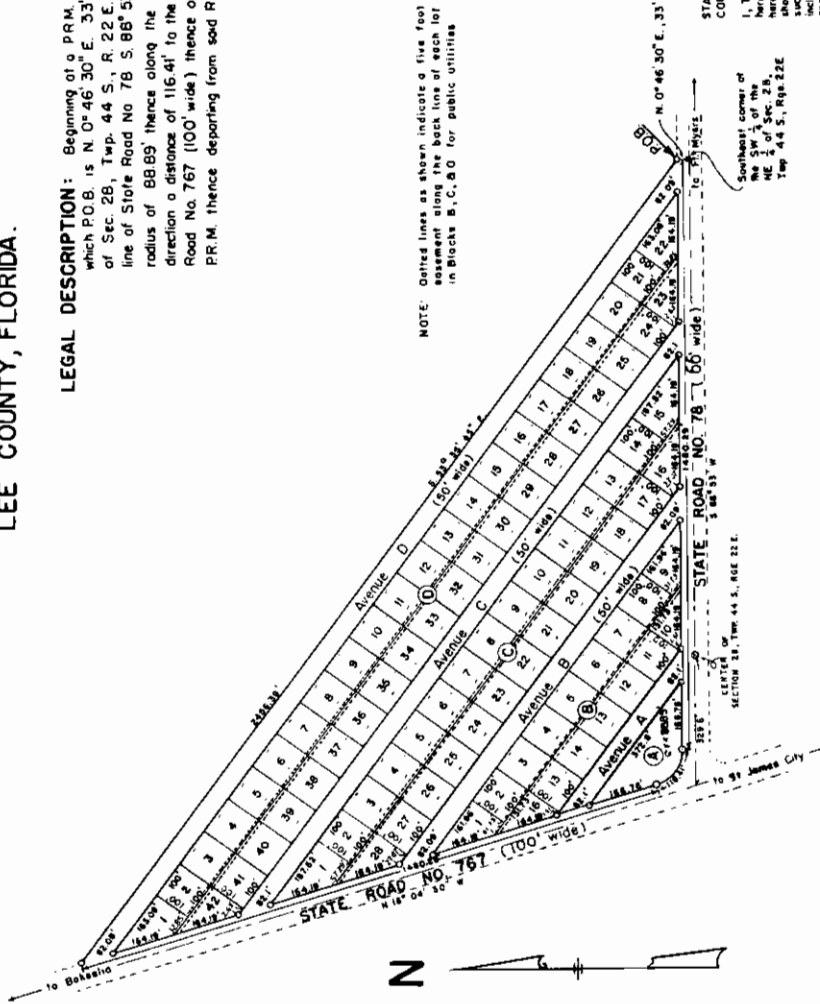
PINE ISLAND CENTER UNIT-2

SITUATE IN THE NORTH HALF OF SECTION 28, TOWNSHIP 44 SOUTH, RANGE 22 EAST. LEE COUNTY, FLORIDA.

LEGAL DESCRIPTION: Beginning at a P.R.M. in the North R/W line of State Road No. 78 (66.5' wide) which P.O.B. is N 0°46'30" E. 33' distant from the S.E. corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 28, Twp. 44 S., R. 22 E., proceed thence from said P.O.B. along the North R/W line of State Road No. 78 S. 88°53' W. 1480.29' to the P.C. of a curve to the right having a radius of 88.89' thence along the arc of said curve to the right in a westerly and northerly direction a distance of 116.41' to the P.T. thereof, said P.T. being in the East R/W line of State Road No. 767 (100' wide) thence along said East R/W line N 16°04'30" W. 1480.29' to a P.R.M. thence departing from said R/W line and running S 53°35'45" E. 2456.39' to the P.O.B.



NOTE: Dotted lines as shown indicate a five foot easement for the location of each lot in blocks B, C, D for public utilities



This certifies that this plat was presented to the Board of County Commissioners of Lee County, Florida and was approved for record by them on the 17th day of NOV. A.D. 1954.

[Signature]
 Clerk

I, D.T. FARABEE, Clerk of the Circuit Court of Lee County, Florida do hereby certify that the foregoing plat conforms to the provisions of Section 7, Chapter 10275 Laws of Florida, acts filed for record on the 17th day of NOV. A.D. 1954 and was recorded in the Public Records of said County on the 17th day of NOV. A.D. 1954 in Plot Book 9 Page 120.

MARION ENGINEERING ASSOCIATES, INC. Ocala, Florida
 DATE: 12/16/53 0 P.P.M. 4'x4" Concrete Monument

STATE OF FLORIDA
 COUNTY OF LEE
 I, JACK W. JERNIGAN, the surveyor making this plat do hereby certify that it is a correct representation of the land-plotted and permanent reference monuments have been placed thereon to call for other Section 7, Chapter 10275 Laws of Florida.

[Signature]
 Surveyor

Subscribed and sworn to before me this 17th day of DEC. A.D. 1953
 My commission expires 08/10/1956
[Signature]
 Notary Public, State of Florida at Largo

STATE OF FLORIDA
 COUNTY OF LEE

I, T.H. PHILLIPS, the undersigned, owner of the real estate situated and included in this plat, do hereby authorize the same to be recorded in the public records of LEE COUNTY, Florida, and I do hereby certify that the same are correct and true and that the same are not subject to any lien or other claim or encumbrance, except only in such places as it may plainly appear from and by said plat that such places are returned, and do hereby warrant that I am the owner of said property situated and included in said plat with full authority to authorize the recording of this plat thereof, and to secure this declaration.

Witness my hand and official seal this 22nd day of DEC. A.D. 1953

Signed, sealed and delivered
[Signature]
 T.H. Phillips

STATE OF FLORIDA
 COUNTY OF LEE

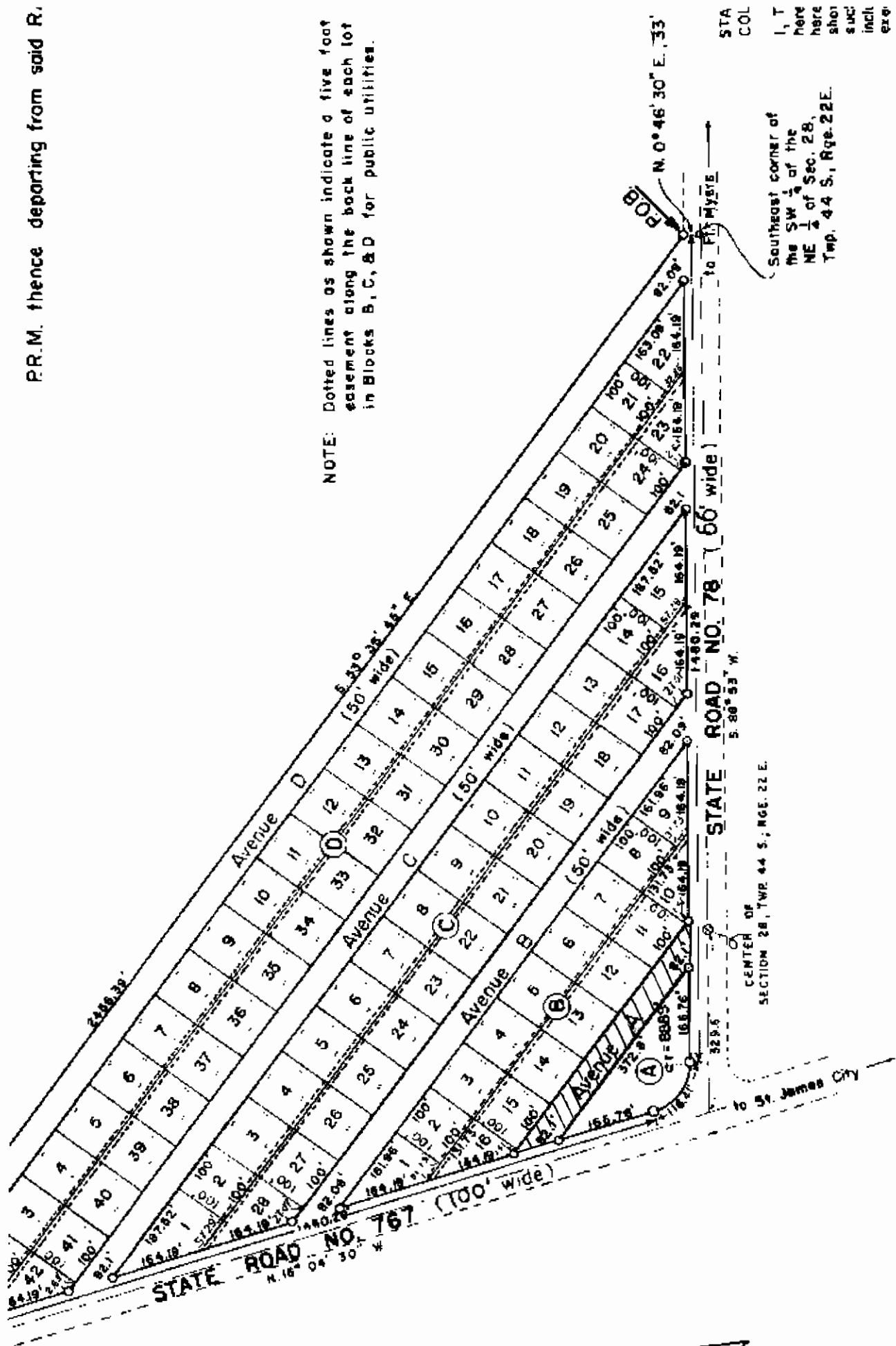
I hereby certify that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, T.H. PHILLIPS, to me well known to be the person described in and who acknowledged the foregoing declaration, and he acknowledged that he executed the same freely and voluntarily and for the purpose therein expressed.

WITNESS my hand and official seal this 22nd day of DEC. A.D. 1953.

My commission expires 08/10/1956
[Signature]
 Notary Public, State of Florida at Largo

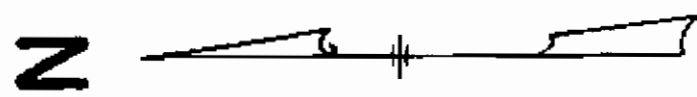
P.R.M. thence departing from said R.

NOTE: Dotted lines as shown indicate a five foot easement along the back line of each lot in Blocks B, C, & D for public utilities.



STA COL
I, T
here
here
shot
suc
incl
exe

Southeast corner of the SW 1/4 of the NE 1/4 of Sec. 28, Twp. 44 S., Rge. 22 E.





- AREA TO BE VACATED

