

**1. Requested Motion:**

**Meeting Date: October 1, 2012**

Approve the Resolution vacating an eight foot strip of land located in Block 6 of Gulf Heights Subdivision as more particularly described in the Resolution.

**Why the action is necessary:**

The applicant owns Lots 19A, 19B and 21 in Gulf Heights Subdivision. The plat for Gulf Heights subdivision includes an 8' access way (See Exhibit A). The applicant is requesting the vacation in order to more fully utilize the property when it is re-developed. Under Chapter 10, Article II, Division 5, Subdivision II, the Town Council determines whether a platted right-of-way or easement is to be vacated.

**What the action accomplishes:** Vacates the platted accessway and returns the property to the tax rolls.

**2. Agenda:**

Consent  
 Administrative  
 Public Hearing

**3. Requirement/Purpose:**

Resolution  
 Ordinance  
 Other

**4. Submitter of Information:**

Council  
 Town Staff – Comm. Dev.  
 Town Attorney

**5. Background:**

The applicant has filed a petition seeking to vacate an 8 foot wide strip of land that traverses Lots 19A, 19B and 21 in Gulf Heights Subdivision. The Land Development Code provides that a property owner can petition to vacate platted easements or rights-of-way where such property is no longer needed by the Town. Attached is a staff report as required by Section 10-220(a) of the Land Development Code. Upon a finding by the Town Council that the property sought to be vacated is *de minimis* in area, Section 10-220(e) of the Land Development Code provides that the Town Council can exempt the petition from the procedure in Section 10-220 (c) and/or (d) and decide whether to grant the vacation request.

Attachments:

- Draft Town Council Resolution 12-21
- Staff Report
- Application
- Letter from Public Works Director

**6. Alternative Action:**

1. Deny the requested vacation

**7. Management Recommendations:**

Approve the requested vacation as recommended by Staff.

**8. Recommended Approval:**

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Parks & Recreation Director	Town Clerk
						

**9. Council Action:**

Approved     Denied     Deferred     Other

RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION NUMBER 12-21  
VAC2012-0001 – Windover Fort Myers Beach

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA, PROVIDING FOR THE VACATION OF PLAT FOR AN EIGHT FOOT (8') WIDE PLATTED STRIP LOCATED ADJACENT TO LOTS 19, 19A, AND 19B, BLOCK 6, GULF HEIGHTS SUBDIVISION, AS MORE PARTICULARLY DESCRIBED HEREIN; PROPERTY LOCATED IN THE VICINITY OF 5200 ESTERO BOULEVARD; PROVIDING AN EFFECTIVE DATE.

WHEREAS, a Petition was filed by Windover Fort Myers Beach, LLC requesting a vacation of plat for property described herein; and

WHEREAS, the Petition meets the requirements of Chapter 10, Article II, Division 5, Subdivision II of the Land Development Regulations; and

WHEREAS, the Town Council, pursuant to Section 10-220(e) of the Land Development Code, has reviewed the staff report and has determined that the procedures contained in subsections (c) and (d) of Section 10-220 are not required because the area sought to be vacated is *de minimis* in size, cost and overall impact; and

WHEREAS, the Town Council has determined that the property sought to be vacated is not needed by the Town and it is in the best interest of the public that such Petition be granted.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOWN OF FORT MYERS BEACH, FLORIDA AS FOLLOWS:

Section One. The above "Whereas" recitals are incorporated herein by reference.

Section Two. The following described property located in Block 6 of Gulf Heights Subdivision, recorded in Plat Book 6 at Page 39, Public Records of Lee County, Florida is hereby vacated by the Town of Fort Myers Beach:

See Exhibit "A," which is attached hereto and incorporated herein by reference.

Section Three. Effective Date. This Resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach, Florida.

The foregoing Resolution was adopted by the Town Council upon a motion by Councilmember \_\_\_\_\_ and seconded by Councilmember \_\_\_\_\_, and upon being put to a vote, the result was as follows:

Larry Kiker, Mayor	AYE/NAY	Bob Raymond, Vice Mayor	AYE/NAY
Alan Mandel, Councilmember	AYE/NAY	Jo List, Councilmember	AYE/NAY
Joe Kosinski Councilmember	AYE/NAY		

DULY PASSED AND ADOPTED THIS \_\_\_\_ day of OCTOBER, 2012.

By: \_\_\_\_\_  
Larry Kiker, Mayor

Approved as to legal sufficiency:

By: \_\_\_\_\_  
Fowler, White, Boggs  
Town Attorney

ATTEST:

By: \_\_\_\_\_  
Michelle Mayher  
Town Clerk



# 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

EXHIBIT ( A )

Description of a Parcel of Land  
Lying in  
Section 33, Township 46 South, Range 24 East  
Town of Fort Myers Beach, Estero Island, Lee County, Florida  
(8' Strip to be Vacated)

A tract or parcel of land situated in the State of Florida, County of Lee, Town of Fort Myers Beach, Estero Island, being an undesignated strip of land (8 feet wide) bounded on the east by Estero Boulevard, bounded on the north by the north line of Government Lot 3, bounded on the south by the north line of Lots 19, 19A and 19B of Block 6 and bounded on the west by the east line of Lot 21, Block 6, all being shown on the plat of Gulf Heights, a subdivision recorded in Plat Book 6 at Page 39, Public Records of Lee County, Florida, and further described as follows:

Beginning at a found nail and disk stamped "Estero Blvd R/W" marking the intersection of the north line of Government Lot 3 of Section 33, Township 46 South, Range 24 East with the southwesterly right-of-way line of Estero Boulevard; thence S89°17'48"W along the north line of said Government Lot 3 for 128.42 feet to the northeast corner of said Lot 21; thence S43°37'26"W along the east line of said Lot 21 for 11.18 feet to the northwest corner of said Lot 19B; thence N89°17'48"E, parallel with and 8 feet south of the north line of said Government Lot 3, and along the north line of said Lots 19B, 19A and 19 for 144.42 feet to the southwesterly right-of-way line of said Estero Boulevard; thence N46°22'34"W along said southwesterly right-of-way line for 11.45 feet to the Point of Beginning.

Containing 1,091 square feet, more or less.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone NAD 1983 (1990 Adjustment) with the southwesterly line of Estero Boulevard to bear N46°22'34"W.

Bean, Whitaker, Lutz & Kareh, Inc. (LB4919)

Scott C. Whitaker, P.S.M. 4324  
(Professional Surveyor and Mapper-State of Florida)

35459\_DESC-8' STRIP 8/7/12

## "EXHIBIT B"



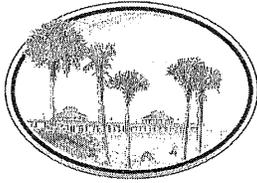
### PRINCIPALS:

SCOTT C. WHITAKER, PSM, PRESIDENT  
JOSEPH L. LUTZ, PSM  
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS

### ASSOCIATES:

JAMES A. HESSLER, PSM  
CHRISTEN N. ALPEN, PSM  
MUNIR R. SULEH, PE, M.S.E.E.



*Town of Fort Myers Beach*  
**COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

**TYPE OF CASE:** Vacation of Plat  
**CASE NUMBER:** VAC2012-0001  
**HEARING DATE:** October 1, 2012  
**HEARING TIME:** 9:00 am

**APPLICATION SUMMARY**

Applicant: Beverly Grady of Roetzel & Andress LPA authorized applicant for Windover Fort Myers Beach, LLC

Request: Vacate 8' strip of land in Block 6 of Plat Book 6 Page 39 along northern boundary of said plat

Subject property: See Exhibit A attached.

Physical Address: Adjacent to 5200 Estero Boulevard

STRAP #: See Exhibit B attached.

Subdivision See Exhibit C attached.

**RECOMMENDATION**

The plat for this area was approved in 1925. There is no dedication language on the plat, but it appears that the 8' strip was most likely intended to provide access to lots 19A, 19B, and 21 in Block 6 of Gulf Heights Subdivision. (Lots 20 through 27 would have had access via Gulf Boulevard which is a platted right-of-way that runs along the beach.)

The existing conditions of the subject parcel indicated a grassy, undeveloped strip of land that is indistinguishable from the adjacent property. The Town does not have any current or long term interests in the subject parcel and it has never been intended for a specific Town use and is not mentioned in the Town's CIP.

The petitioner, Windover Fort Myers Beach, owns all of the lots that abut the area sought to be vacated. The property to the north of the subject parcel is developed as a large condominium community known as Smugglers Cove. That property has sufficient access via Estero Boulevard. Therefore the only properties affected by the request to vacate are those lots immediately adjacent to the south and controlled by the petitioner. The total area of the strip of land that is the subject of the vacation request is approximately 1,091 square feet in area. As such, staff is of the opinion that the requested vacation is *de minimis* in area, cost and overall impact, pursuant to Section 10-220(e)(3) of the Land Development Code.

Staff recommends **APPROVAL** of the request to vacate an 8' strip of land in Block 6 of Plat Book 6 at Page 39.

# ROETZEL & ANDRESS

A LEGAL PROFESSIONAL ASSOCIATION

TOWN OF  
FORT MYERS BEACH

AUG 14 2012

August 2, 2012

RECEIVED BY

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

Mr. Walter Fluegel  
Town of Fort Myers Beach  
2523 Estero Boulevard  
Fort Myers Beach, Florida 33932

Re: Petition to Vacate Vacation of Eight Foot (8') Strip of Land (Accessway) in  
Block 6, Plat Book 6 at Page 39, Lee County, Florida

Dear Mr. Fluegel:

This firm represents Windover Fort Myers Beach, LLC in a request for a vacation filed pursuant to LDC Subdivision II a vacation of Town Interest in real property, Section 10-218 et al. With this letter a duplicate application is being submitted to the Department of Public Works with a copy to the Town Attorney. LDC Section 10-219(a) states that the application is to be submitted on forms provided by the Town. It is our understanding that at this time the Town will accept a letter with attachments as referenced in LDC Section 10-219. This is a request to vacate an 8' strip of land (8' accessway) in Block 6 of Plat Book 6, Page 39 along the north line of said plat.

As required, please find enclosed the following:

Petition to Vacate  
Copy of most recent paid tax bill (Exhibit C)  
Legal description and sketch of area to be vacated (Exhibit B)  
Copy of plat which is a map of Gulf Heights, being a subdivision of Government Lot 3,  
Section 33, Township 46, Range 24 and recorded in Plat Book 6, Page 39 of Official  
Plat Books of Lee County, Florida. (Exhibit A)  
Title Policy

The proposed vacation is within Block 6. The enclosed plat reflects Windover's ownership within Block 6 and specifically reflects the 8' strip which is the subject of the vacation request (Subject Property). A review of the plat makes it apparent that the purpose of the 8' accessway was to provide access to Lots 19A, 19B and 21, Block 6. The property to the north of the plat is developed as an existing 6 story condominium and is not part of Plat Book 6, Page 39. Clearly the Subject Property has substantial direct access to Estero Boulevard which is the contiguous arterial street. Windover owns the legal interest in the real property subject to and affected by the requested vacation.

NEW YORK  
WASHINGTON, D.C.

CHICAGO

TALLAHASSEE

CLEVELAND

ORLANDO

TOLEDO

FORT MYERS

AKRON

NAPLES

COLUMBUS

CINCINNATI  
FORT LAUDERDALE

Mr. Walter Fluegel  
August 2, 2012  
Page 2

Enclosed is a list of property owners within a 500' radius. For the condominium to the north, we have provided the name and address of the registered agent of the condominium association.

Enclosed are letters to:

Comcast Cablevision  
Florida Power & Light  
Century Link  
Teco/People's Gas  
Lee County Utilities  
Fort Myers Beach Fire Control District  
Lee County Sheriff's Office  
Lee County Community Development Director

It is our understanding that currently The Town does not have a fee set up for the filing of vacation applications, therefore, we are filing this application and we would request that you inform us of the fee when available.

As to item 10-219(b)(11) regarding subordination agreements, there are no holders of liens against the Subject Property as reflected by the title commitment. There is a lender but that should not require a subordination agreement for approval of a vacation. The Subject Property is described in Exhibit E.

After your review of this Petition for Vacation, we would request that a finding that the request is consistent with the Town's comprehensive plan, that the request qualifies as a de minimis application and therefore is exempt from complying with LDC Section 10-220(c) and (d). We believe your review will concur that this 8' strip was created solely to serve Lots 19A, 19B and 21 and the petition can be properly resolved by a single public hearing before the Town.

We would request that you advertise and schedule the Petition to Vacate as soon as possible.

Very truly yours,

ROETZEL & ANDRESS

*Beverly Grady*

Signed electronically to expedite

Beverly Grady

BGumr  
Enclosure      Petition to Vacate

**PETITION TO VACATE**

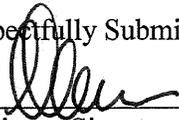
**Case Number:** \_\_\_\_\_

Petitioner(s) Windover Fort Myers Beach, LLC requests the Town of Fort Myers Beach, Florida, to grant this Petition to Vacate and states as follows:

1. Petitioner(s) mailing address: c/o Beverly Grady, Roetzel & Andress, LPA, 2320 First Street, Suite 1000, Fort Myers, FL 33901
2. In accordance with Florida Statute (F.S.) Chapter 177 and the Land Development Code, Petitioner desires to vacate the public's interest in the portion of a plat in Plat Book 6 at Page 39 more specifically described in the attached Exhibit "A".
3. A legal description and sketch showing the area the Petitioner desires to vacate is attached as Exhibit "B".
4. Proof Petitioner paid all applicable state and county taxes is attached as Exhibit "C".
5. As specified in the Land Development Code Section 10-219 and 10-220, the Petition to Vacate is not for the purpose of unlawfully obtaining public property for private purposes and to owner's knowledge the vacation will not adversely affect the ownership rights or community access of persons owning other real property and will not adversely affect future infrastructure and is not in conflict with Town, County, State, Federal or other governmental plans regarding transportation, surface water management, utility, drainage or other public purpose.
6. In accordance with letters of review and recommendation provided by various governmental and utility entities, it is apparent if the Town grants the Petitioner's request, it will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.
7. Attached is an aerial reflecting 8' strip (Exhibit "D")

Wherefore, Petitioner respectfully requests that the Town adopt a Resolution granting the Petition to Vacate.

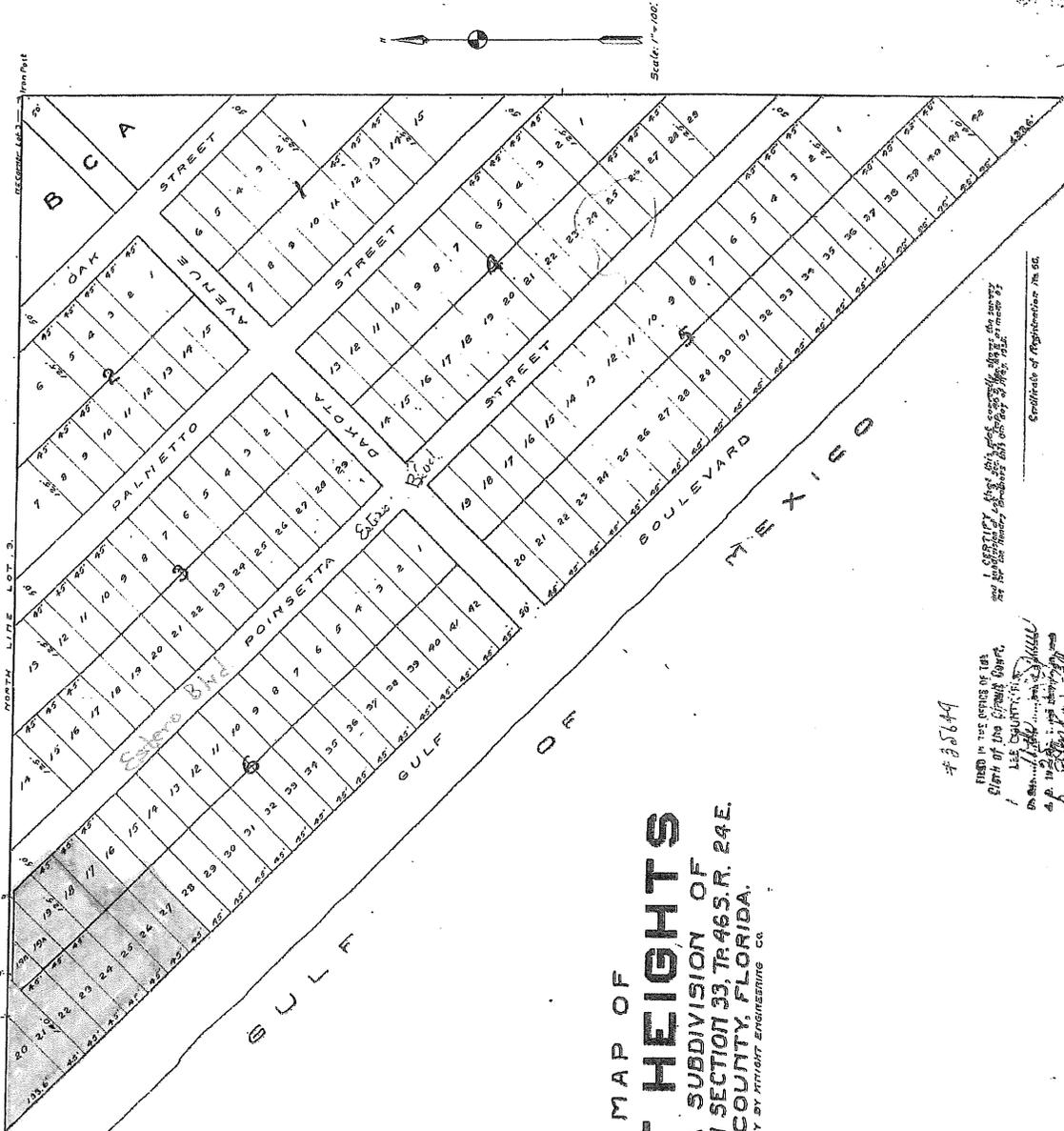
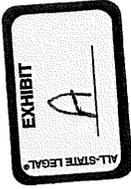
Respectfully Submitted by:

  
 \_\_\_\_\_  
 Petitioner Signature

Steven B. Dodge                      Manager  
 Printed Name                              Title

Windover Fort Myers Beach, LLC  
 Petitioner

Plot Book 6 Page 39



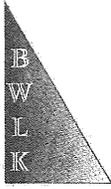
**MAP OF GULF HEIGHTS**  
 BEING A SUBDIVISION OF  
 GOV'T LOT 3, IN SECTION 33, TR. 46S. R. 24E.  
 LEE COUNTY, FLORIDA.  
 SURVEY BY KIGHT ENGINEERING CO.

# 8844

FILED IN THE OFFICE OF THE  
 CLERK OF THE CIRCUIT COURT,  
 LEE COUNTY, FLORIDA,  
 THIS 11th DAY OF FEBRUARY, 1924.  
 J. H. [Signature]  
 Clerk of the Circuit Court

See also the number of the map in the office of the Surveyor General, Lee County, Florida.

See also the number of the map in the office of the Surveyor General, Lee County, Florida.



# 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 33, Township 46 South, Range 24 East Town of Fort Myers Beach, Estero Island, Lee County, Florida (8' Strip to be Vacated)

A tract or parcel of land situated in the State of Florida, County of Lee, Town of Fort Myers Beach, Estero Island, being an undesignated strip of land (8 feet wide) bounded on the east by Estero Boulevard, bounded on the north by the north line of Government Lot 3, bounded on the south by the north line of Lots 19, 19A and 19B of Block 6 and bounded on the west by the east line of Lot 21, Block 6, all being shown on the plat of Gulf Heights, a subdivision recorded in Plat Book 6 at Page 39, Public Records of Lee County, Florida, and further described as follows:

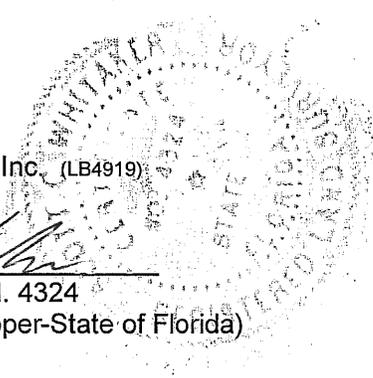
Beginning at a found nail and disk stamped "Estero Blvd R/W" marking the intersection of the north line of Government Lot 3 of Section 33, Township 46 South, Range 24 East with the southwesterly right-of-way line of Estero Boulevard; thence S89°17'48"W along the north line of said Government Lot 3 for 128.42 feet to the northeast corner of said Lot 21; thence S43°37'26"W along the east line of said Lot 21 for 11.18 feet to the northwest corner of said Lot 19B; thence N89°17'48"E, parallel with and 8 feet south of the north line of said Government Lot 3, and along the north line of said Lots 19B, 19A and 19 for 144.42 feet to the southwesterly right-of-way line of said Estero Boulevard; thence N46°22'34"W along said southwesterly right-of-way line for 11.45 feet to the Point of Beginning.

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Bean, Whitaker, Lutz & Kareh, Inc. (LB4919)

Scott C. Whitaker, P.S.M. 4324  
(Professional Surveyor and Mapper-State of Florida)



35459\_DESC-8' STRIP 8/7/12

### "EXHIBIT B"



#### PRINCIPALS:

SCOTT C. WHITAKER, PSM, PRESIDENT  
JOSEPH L. LUTZ, PSM  
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS

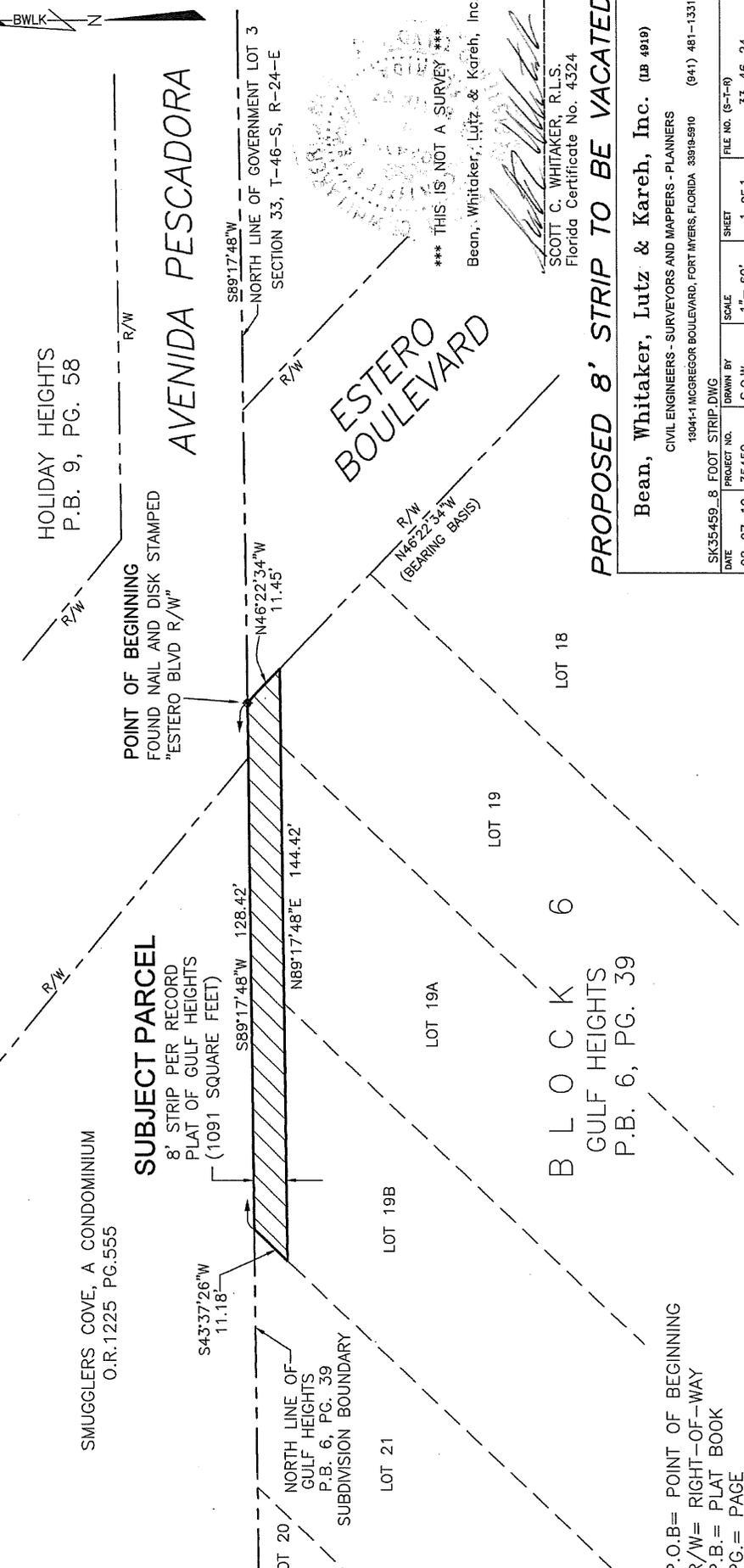
#### ASSOCIATES:

JAMES A. HESSLER, PSM  
CHRISTEN N. ALPEN, PSM  
MUNIR R. SULEH, PE, M.S.E.E.

# SKETCH TO ACCOMPANY DESCRIPTION

OF A PARCEL OF LAND  
LYING IN

SECTION 33, TOWNSHIP 46 SOUTH, RANGE 24 EAST,  
TOWN OF FORT MYERS BEACH, ESTERO ISLAND, LEE COUNTY, FLORIDA.



SMUGGLERS COVE, A CONDOMINIUM  
O.R. 1225 PG. 555

**SUBJECT PARCEL**  
8' STRIP PER RECORD  
PLAT OF GULF HEIGHTS  
(1091 SQUARE FEET)

HOLIDAY HEIGHTS  
P.B. 9, PG. 58

AVENIDA PESCADORA

ESTERO  
BOULEVARD

B L O C K 6

GULF HEIGHTS  
P.B. 6, PG. 39

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

"EXHIBIT B"

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

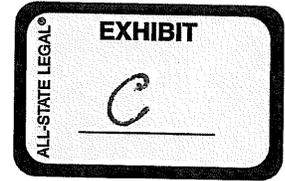
SCOTT C. WHITAKER, R.L.S.  
Florida Certificate No. 4324

**PROPOSED 8' STRIP TO BE VACATED**

Bean, Whitaker, Lutz & Kareh, Inc. (18 4919)

CIVIL ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS  
19041-1 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919-5910 (941) 481-1331

DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-R)
08-07-12	35459	S.C.W.	1" = 60'	1 OF 1	33-46-24



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 |  |

Real Property Information		<input type="button" value="New Search"/>
<b>Account</b>	<b>Tax Year</b>	<b>Status</b>
33-46-24-W1-00206.019B	2011	PAID
<b>Original Account</b>	<b>Instrument No</b>	
33-46-24-W1-00206.019B	2009000326928	
<b>Owner</b>		
REDUS FLORIDA LAND LLC JLC / ORE - TROPICAL INN		
<b>Physical Address</b>		<b>Mailing Address</b>
5200 ESTERO BLVD FORT MYERS BEACH FL 33931		3563 PHILLIPS HWY STE 601E MAC #Z3058-060 JACKSONVILLE FL 32207 USA
<b>Legal Description</b>		
GULF HEIGHTS BLK 6 PB 6 PG 39 PT LTS 19 B 19 A 19 + 22 ALL LOTS 20 + 21		
<b>Outstanding Balance as of 7/30/2012</b>		\$0.00

Tax Year	Account	Taxable Value	Exemptions	Total Tax
2002	33-46-24-W1-00206.019B	\$1,385,360.00	\$0.00	\$26,876.79
2003	33-46-24-W1-00206.019B	\$2,075,360.00	\$0.00	\$39,210.94
2004	33-46-24-W1-00206.019B	\$2,096,590.00	\$0.00	\$38,408.35
2005	33-46-24-W1-00206.019B	\$2,825,100.00	\$0.00	\$49,594.04
2006	33-46-24-W1-00206.019B	\$3,717,900.00	\$0.00	\$59,635.13
2007	33-46-24-W1-00206.019B	\$3,717,900.00	\$0.00	\$55,515.69
2008	33-46-24-W1-00206.019B	\$3,717,900.00	\$0.00	\$55,770.00
2009	33-46-24-W1-00206.019B	\$2,082,020.00	\$0.00	\$33,619.00
2010	33-46-24-W1-00206.019B	\$1,487,160.00	\$0.00	\$25,337.34
2011	33-46-24-W1-00206.019B	\$1,041,012.00	\$0.00	\$17,159.41
10 match(es)				

- Additional Options:
- [Tax Detail](#)
  - [Payments Made](#)
  - [All Unpaid Taxes](#)
  - [Tax History](#)
  - [Link to Property Appraiser's Tax Estimator](#)

See also: [Property Appraiser](#) | [City of Cape Coral](#) | [Clerk of Court](#)



**ATTORNEYS' TITLE FUND SERVICES, LLC**

Southwest Florida Branch  
4310 Metro Parkway, Suite 250  
Ft. Myers, FL 33916  
(239) 278-3434  
Fax: (866) 213-9794

Roetzel & Andress  
Trianon Centre, Suite 300  
850 Park Shore Drive  
Naples, FL 34103

*Date:* June 18, 2012  
*Fund File Number:* 18-2012-2054-A1  
*County:* Lee  
*Reference:* 123789.0017

*Dear Fund Member:*

*We have examined title to the property described in Schedule A attached and prepared these schedules to be used exclusively for the purpose of issuing a commitment or policy of title insurance underwritten by Old Republic National Title Insurance Company.*

*Please review the schedules before signing and inserting in a Commitment cover. As an Agent you must:*

- A. Add additional requirements and/or exceptions to Schedule B that you find necessary from your analysis of the present transactions.*
- B. Evaluate Schedule A and B and issue endorsements as may be appropriate, deleting or modifying the Schedules.*

*Our examination of title reflects only those matters recorded in the Official Records Books. You are responsible for such other off-record examinations and checks as you may find necessary pursuant to underwriting procedures. In addition, you are responsible for checking for any unrecorded special assessment liens or unrecorded liens arising by virtue of ordinances, unrecorded agreements as to impact or other development fees, unpaid waste fees payable to the county or municipality, or unpaid service charges under Ch. 159, F. S., or county ordinance., if applicable. When the interest you are insuring is a personal property interest (such as a mortgage, a leasehold or cooperative interest), a federal tax lien search of the Secretary of State's records may be required. See Fund Title Note 30.02.08.*

*In the event you are required to issue a Mortgagee Commitment, Schedule B-II of the Owner's Commitment will provide information from a 20-year judgment and lien search on the proposed insured.*

*The Fund appreciates this opportunity to be of service. Please contact us if you have any questions.*

*Sincerely,*

*Attorneys' Title Fund Services, LLC*  
Teresa McConnell  
1-800-526-3855 ext. 6733

**OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**  
**COMMITMENT**  
**Schedule A**

Fund File Number: 18-2012-2054-A1

Effective Date:

May 30, 2012 @ 11:00 PM

Agent's File Reference:

123789.0017

Premium:

TO BE DETERMINED.00

1. Policy or Policies to be issued: Proposed Amount of Insurance:  
**OWNER'S: ALTA Owner's Policy (06/17/06). (With Florida Modifications)    \$2,600,000.00**  
**Proposed Insured:    Windover Fort Myers Beach, LLC, a Massachusetts limited liability company**  
**MORTGAGEE:**  
**MORTGAGEE:**
2. The estate or interest in the Land described or referred to in this Commitment is Fee Simple.
3. Title to the Fee Simple estate or interest in the Land is at the Effective Date vested in:  
    Redus Florida Land, LLC, a Delaware limited liability company
4. The Land referred to in this Commitment is described as follows:  
    See Exhibit A attached.

**OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**  
400 Second Avenue South, Minneapolis, MN 55401, (612) 371-1111

Issuing Agent:

Agent No.: 1193901

**Roetzel & Andress**  
**Trianon Centre, Suite 300**  
**850 Park Shore Drive**  
**Naples, FL 34103**

\_\_\_\_\_  
Agent's Signature  
Roetzel & Andress

**OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**  
**COMMITMENT**  
**Schedule B-I**

Fund File Number:  
18-2012-2054-A1

Agent's File Reference:  
123789.0017

- I. The following are the requirements to be complied with:
1. Payment of the full consideration to, or for the account of, the grantors or mortgagors.
  2. Instruments creating the estate or interest to be insured which must be executed, delivered and filed for record:
    - A. Warranty Deed from Redus Florida Land, LLC, a Delaware limited liability company to the proposed insured purchaser(s).
  3. Satisfactory evidence must be furnished establishing that Redus Florida Land, LLC, a Delaware limited liability company is duly organized, validly existing, and in good standing under the laws of Delaware (at date of acquisition of the interest or lien on the insured property and at the present time, or at date of purchase and at date of sale). If there is no governmental agency in charge of business entity records from which a certificate of good standing can be obtained, then an attorney or notary public in the state or country of origin, who has examined the appropriate business entity records, can provide the certificate.
  4. Review certified copy of Articles of Organization and amendments thereto, if any, to verify who may sign for the company as well as procedures to authorize such signatory. Further requirements may be necessary upon review thereof. (Redus)
  5. Review of a true and correct copy of regulations or operating agreement to verify who may sign for the company as well as procedures to authorize such signatory. Further requirements may be necessary upon review thereof. If the regulations or operating agreement is not produced, then all of the members of the limited liability company, or a majority of the members if the number of members is substantial, must execute an affidavit consenting to the transaction. The affidavit shall establish the names of all the current members of the limited liability company. (Redus)
  6. A determination should be made that the member executing the Warranty Deed is not a debtor in bankruptcy and has not been a debtor in bankruptcy since becoming a member of the limited liability company. If the LLC is a sole member LLC, then a determination should be made there are no creditors who have acquired or are attempting to acquire control of the LLC by executing on or attaching or seizing the member's interest in the LLC. These determinations may be made by an affidavit of the member executing the instruments to be insured.
  7. In addition to the requirements set forth for Florida limited liability companies, compliance with any requirements necessitated by the laws of foreign jurisdiction with regard to the transaction to be insured must be confirmed.
  8. Satisfactory evidence must be furnished establishing that Windover Fort Myers Beach, LLC, a Massachusetts limited liability company is duly organized, validly existing, and in good standing under the laws of Massachusetts (at date of acquisition of the interest or lien on the insured property and at the present time, or at date of purchase and at date of sale). If there is no governmental agency in charge of business entity records from which a certificate of good standing can be obtained, then an attorney or notary public in the state or country of origin, who has examined the appropriate business entity records, can provide the certificate.
  9. A search commencing with the effective date of this commitment must be performed at or shortly prior to the closing of this transaction. If this search reveals a title defect or other objectionable matters, an endorsement will be issued requiring that this defect or objection be cleared on or before closing.
  10. Note: A twenty-year name search was performed on the proposed insured for unsatisfied judgments and tax liens (state and federal and other liens for the recovery of money) and personal names were checked for unrestored incompetency and for guardianship proceedings, all of which resulted in the following, if any: NONE.

**OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**  
**COMMITMENT**  
**Schedule B-II**

Fund File Number:  
18-2012-2054-A1

Agent's File Reference:  
123789.0017

- II. Schedule B of the Policy or Policies to be issued will contain exceptions to the following matters 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. a. General or special taxes and assessments required to be paid in the year(s) 2012 and subsequent years.
    - b. Rights or claims of parties in possession not recorded in by the Public Records.
    - c. Any encroachment, encumbrance, violation, variation, or adverse circumstance that would be disclosed by an inspection or an accurate and complete land survey of the Land and inspection of the Land.
    - d. Easements, or claims of easements, not recorded in the Public Records.
    - e. Any lien, or right to a lien, for services, labor, or material furnished, imposed by law and not recorded in the Public Records.
  3. Any Owner Policy issued pursuant hereto will contain under Schedule B the following exception: *Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the Lands insured hereunder, including submerged, filled and artificially exposed lands, and lands accreted to such lands.*
  4. Riparian and littoral rights are not insured.
  5. Rights of the United States of America and/or the State of Florida to any portion of said land which has been created by artificial means or has accreted to any such portion as so created.
  6. Those portions of the property herein described being artificially filled in land in what was formerly navigable waters, are subject to the right of the United States Government arising by reason of the United States Government control over navigable waters in the interest of navigation and commerce.
  7. The rights, if any, of the public to use as a public beach or recreation area any part of the land lying between the body of water abutting the subject property and the natural line of vegetation, bluff, extreme high water line, or other apparent boundary lines separating the publicly used area from the upland private area.
  8. Easement recorded in O.R. Book 2088, Page 2300; Scrivener's Affidavit recorded in O.R. Book 2603, Page 1166; and Addendum to Easement Agreement recorded in O.R. Book 2603, Page 1170, Public Records of Lee County, Florida.
  9. Resolution No. 01-06-11 recorded in O.R. Book 3556, Page 2917, Public Records of Lee County, Florida.
  10. Resolution recorded in O.R. Book 3585, Page 346, Public Records of Lee County, Florida.

**OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**  
**COMMITMENT**

Fund File Number:  
18-2012-2054-A1

Agent's File Reference:  
123789.0017

***EXHIBIT A***

Parcel 1:

The Northwesterly 33.1 feet of Lot 17 and all of Lots 18, 19, 19A, 19B, 20, 21, 22, 23, 24, 25 and an 8 foot strip contiguous to the North line of Lots 19, 19A, 19B, bounded on the Northwest by said Lot 21, on the North by the Subdivision boundary and Northeast by Estero Boulevard, all in Block 6, Map of Gulf Heights as recorded in Plat Book 6, Page 39, among the Public Records of Lee County, Florida, together with an easement for roadway purposes in common with owner of Lot 26, of said Block 6, over and across the 12 foot strip of the Easterly side of said Lot 17, Block 6, Map of Gulf Heights, all lying in Government Lot 3, Section 33, Township 46 South, Range 24 East, Lee County, Florida.

Parcel 2:

Lots 26, 27 and a portion of Lot 17, Block 6, Gulf Heights, according to the plat thereof recorded in Plat Book 6, Page 39, Public Records of Lee County, Florida, and being more particularly described as follows:

Beginning at the Northeast corner of Lot 17, thence Southwesterly along the Easterly side of said Lot 17 to the Southwest corner thereof; thence Northwesterly along the Southerly boundary of Lot 17, a distance of twelve feet; thence Northeasterly on a line parallel with the Easterly side of said lot to the Northerly boundary thereof; thence Northeasterly to the Point of Beginning; said 12 foot strip being used as a right-of-way for roadway purposes by the owners of Lots 17, 25, 26 and 27, of said Block 6, in Gulf Heights; Also that certain easement for private driveway purposes 5 feet in width over the West side of Lot 16, Block 6, said easement being more specifically set forth in those certain deeds recorded in Deed Book 179, Page 349 and 351, Public Records, Lee County, Florida; Lot 27 being subject to that certain easement 5 feet in width along the East side of Lot 27, Block 6, Gulf Heights, for use as a foot walkway only to be used in connection with Lot 16, said Block 6, Gulf Heights, as per deeds in Deed Book 179, pages 349 and 351.



**12641 Corporate Lakes Drive  
Fort Myers, FL 33913  
Phone: 239-432-1805**

August 2, 2012

Roetzel & Andress  
C/O Beverly Grady  
2320 First Street Suite 1000  
Fort Myers, Florida 33901-2904

RE: 8' Strip of Land in Block 6, Plat Book 6 at page 39 (Lee County, Florida) along  
North line of the plat

Dear Beverly Grady,

This letter will serve to inform you that Comcast has no objection to your  
proposed vacation of the address referenced above.

Should you require additional information or assistance, please feel free to contact  
me here at 432-1805.

Cordially,

A handwritten signature in cursive script that reads "Mark Cook".

Mark Cook  
Project Coordinator

**Mike Scott**  
**Office of the Sheriff**



**State of Florida**  
**County of Lee**

August 6, 2012

Beverly Grady  
Roetzel & Andress, LPA  
2320 First St., Suite 1000  
Fort Myers, FL 33901

RE: No Objection Response to Vacation Request for Eight Foot (8') Strip of Land (Accessway) in Block 6, Plat Book 6 at Page 39 Lee County, Florida along North Line of the Plat

Dear Ms. Brady,

We have reviewed your request of July 30, 2012, and have no objection to the vacation of the 8' strip of land on Block 6, Plat Book 6 at Page 39 along the north property line of the plat.

Yours truly,

Stan Nelson  
Planning and Research manager





**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

John E. Manning  
*District One*

(239) 533-8150

Brian Bigelow  
*District Two*

August 1, 2012

Ray Judah  
*District Three*

Beverly Grady  
Roetzel & Andress  
2320 First St, Suite 1000  
Fort Myers, FL  
33901

Tammy Hall  
*District Four*

Frank Mann  
*District Five*

Karen B. Hawes  
*County Manager*

Diana M. Parker  
*County Hearing Examiner*

**SUBJECT: VACATION OF PUBLIC UTILITY EASEMENT**  
**STRAP(s) #: 33-46-24-W1-00206.019B, 33-46-24W1-00206.0170, & 0260**  
**ADDRESS(ES): 5200, 5210, & 5220 ESTERO BLVD**

Dear Ms. Grady:

Lee County Utilities has ***no objection*** to the proposed vacation of the existing platted easement(s) as described in your recent letter and associated attachment.

If you should have any questions, or require further assistance, please do not hesitate to contact our office at (239) 533-8181.

Sincerely,

**LEE COUNTY UTILITIES**

David Reycraft  
Utilities Engineering Division

Original Mailed 08/01/2012  
Fax sent: 08/01/2012

cc: Correspondence File



Florida Power & Light Company, 15834 Winkler Rd, Fort Myers, FL 33908  
Phone: 239-415-1311, Fax: 239-415-1350

August 2, 2012

Beverly Grady  
Roetzel & Andress, LPA  
2320 First St, Suite 1000  
Fort Myers Fl. 33901

Dear Ms. Graddy

This letter is in response to your request for the release of a roadway easement.

In meeting with your request, FPL has no objection to releasing our rights in the roadway easement .

The release is restricted to the following description: the 8' strip of land contiguous to the North line of lots 19, 19A and 19B in Block 6, Plat Book 6 on Page 39 along the north property line of the plat

Should you have any questions or concerns, please do not hesitate to contact me at 415-1329

Sincerely,

A handwritten signature in black ink, appearing to be "Juan Padron", written over a horizontal line.

Juan Padron  
Associate Technical Specialist



A LEGAL PROFESSIONAL ASSOCIATION

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

July 30, 2012

Cathie Lewis, Public Works Director  
Town of Fort Myers Beach  
Public Works Department  
2523 Estero Blvd.  
Fort Myers Beach, FL 33931

Re: Vacation of Eight Foot (8') Strip of Land (Accessway) in Block 6, Plat Book 6 at Page 39, Lee County, Florida along the North Line of Said Plat

Dear Ms. Lewis:

Please be advised that this firm represents Windover Fort Myers Beach, LLC (hereinafter "Windover") which is the owner of the property described in Exhibit A attached hereto and more commonly known as 5200, 5210, 5220 Estero Boulevard, Fort Myers Beach, Florida (hereinafter "Subject Property"). The purpose of this request is to obtain a letter "no objection" from you to include in a petition to vacate an eight foot (8') accessway in Block 6, Plat Book 6 at Page 39. Said plat which was approved in 1925 is included as Exhibit "B". The Windover Subject Property is depicted in pink along with the proposed vacation depicted in yellow on Exhibit "B".

It is apparent that the purpose of the 8' accessway was to provide access to Block 6, Lots 19A, 19B and 21 on the Exhibit "B" plat. All of those lots, including additional lots as depicted on Exhibit "B" are under Windover's common ownership and will be served by direct access to Estero Boulevard as well as utilities accessing from Estero Boulevard. The north property line of the proposed vacation is also the north line of the plat.

We believe there are no facilities of your organization within the area proposed for vacation.

The parcel to the north and outside of the plat is an existing six story condominium with direct access to Estero Boulevard for utility services and access.

A sample "no objection" letter is included for you review as Exhibit "C". Also enclosed is an aerial, Exhibit "D" depicting the 8' strip in Block 6, Plat Book 6, Page 39.

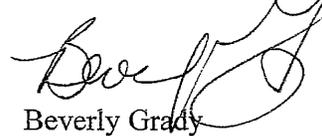
July 30, 2012

Page 2

If you have any questions, we would appreciate if you would call me directly at (239) 338-4207 or call Ian Northon at (239) 338-4250 direct dial. Your prompt attention to this matter is greatly appreciated.

Very truly yours,

ROETZEL & ANDRESS

A handwritten signature in black ink, appearing to read "Beverly Grady", written over the typed name below.

Beverly Grady

BGumr

Enclosures: Exhibit "A" – description of Windover Subject Property  
Exhibit "B" – 1925 plat depicting 8' Accessway to be vacated  
Exhibit "C" – Sample Letter  
Exhibit "D" - Aerial

# ROETZEL & ANDRESS

A LEGAL PROFESSIONAL ASSOCIATION

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

July 30, 2012

Sheriff Michael Scott  
Lee County Sheriff's Office  
14750 Six Mile Cypress Pkwy.  
Fort Myers, FL 33912-4406

Re: Vacation of Eight Foot (8') Strip of Land (Accessway) in Block  
6, Plat Book 6 at Page 39, Lee County, Florida along the North  
Line of Said Plat

Dear Sheriff Scott:

Please be advised that this firm represents Windover Fort Myers Beach, LLC (hereinafter "Windover") which is the owner of the property described in Exhibit A attached hereto and more commonly known as 5200, 5210, 5220 Estero Boulevard, Fort Myers Beach, Florida (hereinafter "Subject Property"). The purpose of this request is to obtain a letter "no objection" from you to include in a petition to vacate an eight foot (8') accessway in Block 6, Plat Book 6 at Page 39. Said plat which was approved in 1925 is included as Exhibit "B". The Windover Subject Property is depicted in pink along with the proposed vacation depicted in yellow on Exhibit "B".

It is apparent that the purpose of the 8' accessway was to provide access to Block 6, Lots 19A, 19B and 21 on the Exhibit "B" plat. All of those lots, including additional lots as depicted on Exhibit "B" are under Windover's common ownership and will be served by direct access to Estero Boulevard as well as utilities accessing from Estero Boulevard. The north property line of the proposed vacation is also the north line of the plat.

We believe there are no facilities of your organization within the area proposed for vacation.

The parcel to the north and outside of the plat is an existing six story condominium with direct access to Estero Boulevard for utility services and access.

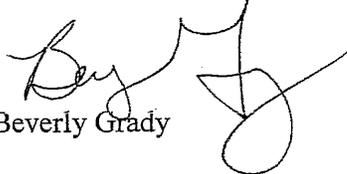
A sample "no objection" letter is included for you review as Exhibit "C". Also enclosed is an aerial, Exhibit "D" depicting the 8' strip in Block 6, Plat Book 6, Page 39.

July 30, 2012  
Page 2

If you have any questions, we would appreciate if you would call me directly at (239) 338-4207 or call Ian Northon at (239) 338-4250 direct dial. Your prompt attention to this matter is greatly appreciated.

Very truly yours,

ROETZEL & ANDRESS

  
Beverly Grady

BGumr

Enclosures: Exhibit "A" – description of Windover Subject Property  
Exhibit "B" – 1925 plat depicting 8' Accessway to be vacated  
Exhibit "C" – Sample Letter  
Exhibit "D" – Aerial



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239.338.4207 DIRECT  
239.337.3850 MAIN  
239.337.0970 FAX  
bgrady@ralaw.com  
www.ralaw.com

July 30, 2012

Chief Darren White  
Fort Myers Beach Fire Control District  
100 Voorhis Street  
Fort Myers Beach, FL 33931

Re: Vacation of Eight Foot (8') Strip of Land (Accessway) in Block 6, Plat Book 6 at Page 39, Lee County, Florida along the North Line of Said Plat

Dear Chief White:

Please be advised that this firm represents Windover Fort Myers Beach, LLC (hereinafter "Windover") which is the owner of the property described in Exhibit A attached hereto and more commonly known as 5200, 5210, 5220 Estero Boulevard, Fort Myers Beach, Florida (hereinafter "Subject Property"). The purpose of this request is to obtain a letter "no objection" from you to include in a petition to vacate an eight foot (8') accessway in Block 6, Plat Book 6 at Page 39. Said plat which was approved in 1925 is included as Exhibit "B". The Windover Subject Property is depicted in pink along with the proposed vacation depicted in yellow on Exhibit "B".

It is apparent that the purpose of the 8' accessway was to provide access to Block 6, Lots 19A, 19B and 21 on the Exhibit "B" plat. All of those lots, including additional lots as depicted on Exhibit "B" are under Windover's common ownership and will be served by direct access to Estero Boulevard as well as utilities accessing from Estero Boulevard. The north property line of the proposed vacation is also the north line of the plat.

We believe there are no facilities of your organization within the area proposed for vacation.

The parcel to the north and outside of the plat is an existing six story condominium with direct access to Estero Boulevard for utility services and access.

A sample "no objection" letter is included for you review as Exhibit "C". Also enclosed is an aerial, Exhibit "D" depicting the 8' strip in Block 6, Plat Book 6, Page 39.

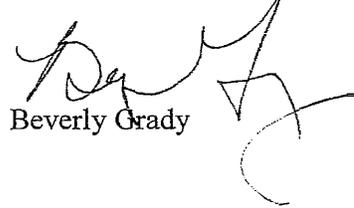
July 30, 2012

Page 2

If you have any questions, we would appreciate if you would call me directly at (239) 338-4207 or call Ian Northon at (239) 338-4250 direct dial. Your prompt attention to this matter is greatly appreciated.

Very truly yours,

ROETZEL & ANDRESS



Beverly Grady

BGumr

Enclosures: Exhibit "A" – description of Windover Subject Property  
Exhibit "B" – 1925 plat depicting 8' Accessway to be vacated  
Exhibit "C" – Sample Letter  
Exhibit "D" - Aerial



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239.337.0970 FAX  
bgrady@ralaw.com  
www.ralaw.com

July 30, 2012

Mr. David Reycraft  
Lee County Utilities  
1500 Monroe Street, Third Floor  
Fort Myers, FL 33901-5500

Re: Vacation of Eight Foot (8') Strip of Land (Accessway) in Block  
6, Plat Book 6 at Page 39, Lee County, Florida along the North  
Line of Said Plat

Dear Mr. Reycraft:

Please be advised that this firm represents Windover Fort Myers Beach, LLC (hereinafter "Windover") which is the owner of the property described in Exhibit A attached hereto and more commonly known as 5200, 5210, 5220 Estero Boulevard, Fort Myers Beach, Florida (hereinafter "Subject Property"). The purpose of this request is to obtain a letter "no objection" from you to include in a petition to vacate an eight foot (8') accessway in Block 6, Plat Book 6 at Page 39. Said plat which was approved in 1925 is included as Exhibit "B". The Windover Subject Property is depicted in pink along with the proposed vacation depicted in yellow on Exhibit "B".

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We believe there are no facilities of your organization within the area proposed for vacation.

The parcel to the north and outside of the plat is an existing six story condominium with direct access to Estero Boulevard for utility services and access.

A sample "no objection" letter is included for you review as Exhibit "C". Also enclosed is an aerial, Exhibit "D" depicting the 8' strip in Block 6, Plat Book 6, Page 39.

July 30, 2012  
Page 2

If you have any questions, we would appreciate if you would call me directly at (239) 338-4207 or call Ian Northon at (239) 338-4250 direct dial. Your prompt attention to this matter is greatly appreciated.

Very truly yours,

ROETZEL & ANDRESS



Beverly Grady

BGumr

Enclosures: Exhibit "A" – description of Windover Subject Property  
Exhibit "B" – 1925 plat depicting 8' Accessway to be vacated  
Exhibit "C" – Sample Letter  
Exhibit "D" - Aerial



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bgrady@ralaw.com  
www.ralaw.com

July 30, 2012

Mr. Joe Bird  
Teco/People's Gas  
5901 Enterprise parkway  
Fort Myers, FL 33905-5004

Re: Vacation of Eight Foot (8') Strip of Land (Accessway) in Block 6, Plat Book 6 at Page 39, Lee County, Florida along the North Line of Said Plat

Dear Mr. Bird:

Please be advised that this firm represents Windover Fort Myers Beach, LLC (hereinafter "Windover") which is the owner of the property described in Exhibit A attached hereto and more commonly known as 5200, 5210, 5220 Estero Boulevard, Fort Myers Beach, Florida (hereinafter "Subject Property"). The purpose of this request is to obtain a letter "no objection" from you to include in a petition to vacate an eight foot (8') accessway in Block 6, Plat Book 6 at Page 39. Said plat which was approved in 1925 is included as Exhibit "B". The Windover Subject Property is depicted in pink along with the proposed vacation depicted in yellow on Exhibit "B".

It is apparent that the purpose of the 8' accessway was to provide access to Block 6, Lots 19A, 19B and 21 on the Exhibit "B" plat. All of those lots, including additional lots as depicted on Exhibit "B" are under Windover's common ownership and will be served by direct access to Estero Boulevard as well as utilities accessing from Estero Boulevard. The north property line of the proposed vacation is also the north line of the plat.

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The parcel to the north and outside of the plat is an existing six story condominium with direct access to Estero Boulevard for utility services and access.

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NEW YORK  
WASHINGTON, D.C.

CHICAGO

TALLAHASSEE

CLEVELAND

ORLANDO

TOLEDO

FORT MYERS

AKRON

NAPLES

COLUMBUS

CINCINNATI

FORT LAUDERDALE

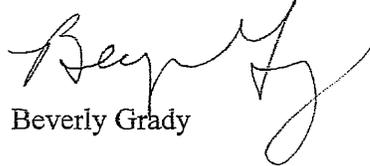
July 30, 2012

Page 2

If you have any questions, we would appreciate if you would call me directly at (239) 338-4207 or call Ian Northon at (239) 338-4250 direct dial. Your prompt attention to this matter is greatly appreciated.

Very truly yours,

ROETZEL & ANDRESS

A handwritten signature in cursive script, appearing to read "Beverly Grady".

Beverly Grady

BGumr

Enclosures: Exhibit "A" – description of Windover Subject Property  
Exhibit "B" – 1925 plat depicting 8' Accessway to be vacated  
Exhibit "C" – Sample Letter  
Exhibit "D" – Aerial



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239.337.0970 FAX  
bgrady@ralaw.com  
www.ralaw.com

July 30, 2012

Mr. Rick Twitchell  
Mailstop FLFTME0105  
Century Link  
2820 Cargo Street  
Fort Myers, FL 33916

Re: Vacation of Eight Foot (8') Strip of Land (Accessway) in Block 6, Plat Book 6 at Page 39, Lee County, Florida along the North Line of Said Plat

Dear Mr. Twitchell:

Please be advised that this firm represents Windover Fort Myers Beach, LLC (hereinafter "Windover") which is the owner of the property described in Exhibit A attached hereto and more commonly known as 5200, 5210, 5220 Estero Boulevard, Fort Myers Beach, Florida (hereinafter "Subject Property"). The purpose of this request is to obtain a letter "no objection" from you to include in a petition to vacate an eight foot (8') accessway in Block 6, Plat Book 6 at Page 39. Said plat which was approved in 1925 is included as Exhibit "B". The Windover Subject Property is depicted in pink along with the proposed vacation depicted in yellow on Exhibit "B".

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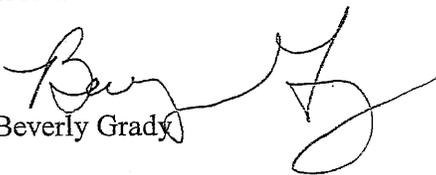
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July 30, 2012  
Page 2

If you have any questions, we would appreciate if you would call me directly at (239) 338-4207 or call Ian Northon at (239) 338-4250 direct dial. Your prompt attention to this matter is greatly appreciated.

Very truly yours,

ROETZEL & ANDRESS

  
Beverly Grady

BGumr

Enclosures: Exhibit "A" – description of Windover Subject Property  
Exhibit "B" – 1925 plat depicting 8' Accessway to be vacated  
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239.337.0970 FAX  
bgrady@ralaw.com  
www.ralaw.com

July 30, 2012

Florida Power & Light  
15834 Winkler Road  
Fort Myers, FL 33908

Re: Vacation of Eight Foot (8') Strip of Land (Accessway) in Block 6, Plat Book 6 at Page 39, Lee County, Florida along the North Line of Said Plat

Dear Ladies and Gentlemen:

Please be advised that this firm represents Windover Fort Myers Beach, LLC (hereinafter "Windover") which is the owner of the property described in Exhibit A attached hereto and more commonly known as 5200, 5210, 5220 Estero Boulevard, Fort Myers Beach, Florida (hereinafter "Subject Property"). The purpose of this request is to obtain a letter "no objection" from you to include in a petition to vacate an eight foot (8') accessway in Block 6, Plat Book 6 at Page 39. Said plat which was approved in 1925 is included as Exhibit "B". The Windover Subject Property is depicted in pink along with the proposed vacation depicted in yellow on Exhibit "B".

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The parcel to the north and outside of the plat is an existing six story condominium with direct access to Estero Boulevard for utility services and access.

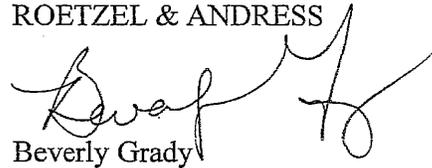
A sample "no objection" letter is included for you review as Exhibit "C". Also enclosed is an aerial, Exhibit "D" depicting the 8' strip in Block 6, Plat Book 6, Page 39.

July 30, 2012  
Page 2

If you have any questions, we would appreciate if you would call me directly at (239) 338-4207 or call Ian Northon at (239) 338-4250 direct dial. Your prompt attention to this matter is greatly appreciated.

Very truly yours,

ROETZEL & ANDRESS

A handwritten signature in black ink, appearing to read "Beverly Grady", with a stylized flourish at the end.

Beverly Grady

BGumr

Enclosures: Exhibit "A" – description of Windover Subject Property  
Exhibit "B" – 1925 plat depicting 8' Accessway to be vacated  
Exhibit "C" – Sample Letter  
Exhibit "D" - Aerial



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

July 30, 2012

Mr. Mark Cook  
Comcast Cablevision  
12641 Corporate Lakes Drive  
Fort Myers, FL 33913

Re: Vacation of Eight Foot (8') Strip of Land (Accessway) in Block  
6, Plat Book 6 at Page 39, Lee County, Florida along the North  
Line of Said Plat

Dear Mr. Cook:

Please be advised that this firm represents Windover Fort Myers Beach, LLC (hereinafter "Windover") which is the owner of the property described in Exhibit A attached hereto and more commonly known as 5200, 5210, 5220 Estero Boulevard, Fort Myers Beach, Florida (hereinafter "Subject Property"). The purpose of this request is to obtain a letter "no objection" from you to include in a petition to vacate an eight foot (8') accessway in Block 6, Plat Book 6 at Page 39. Said plat which was approved in 1925 is included as Exhibit "B". The Windover Subject Property is depicted in pink along with the proposed vacation depicted in yellow on Exhibit "B".

It is apparent that the purpose of the 8' accessway was to provide access to Block 6, Lots 19A, 19B and 21 on the Exhibit "B" plat. All of those lots, including additional lots as depicted on Exhibit "B" are under Windover's common ownership and will be served by direct access to Estero Boulevard as well as utilities accessing from Estero Boulevard. The north property line of the proposed vacation is also the north line of the plat.

We believe there are no facilities of your organization within the area proposed for vacation.

The parcel to the north and outside of the plat is an existing six story condominium with direct access to Estero Boulevard for utility services and access.

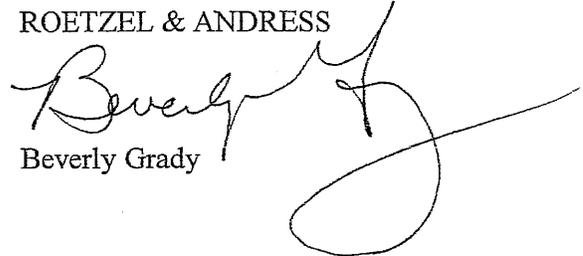
A sample "no objection" letter is included for you review as Exhibit "C". Also enclosed is an aerial, Exhibit "D" depicting the 8' strip in Block 6, Plat Book 6, Page 39.

July 30, 2012  
Page 2

If you have any questions, we would appreciate if you would call me directly at (239) 338-4207 or call Ian Northon at (239) 338-4250 direct dial. Your prompt attention to this matter is greatly appreciated.

Very truly yours,

ROETZEL & ANDRESS

A handwritten signature in black ink, appearing to read "Beverly Grady". The signature is fluid and cursive, with a large loop at the end of the last name.

Beverly Grady

BGumr

Enclosures: Exhibit "A" – description of Windover Subject Property  
Exhibit "B" – 1925 plat depicting 8' Accessway to be vacated  
Exhibit "C" – Sample Letter  
Exhibit "D" - Aerial



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239.337.3850 MAIN  
239.337.0970 FAX  
bgrady@ralaw.com  
www.ralaw.com

August 21, 2012

VIA E-MAIL (Walter@FortMyersBeachFL.gov)  
AND REGULAR U. S. MAIL

Mr. Walter Fluegel, Community Development Director  
Town of Fort Myers Beach  
2523 Estero Boulevard  
Fort Myers Beach, Florida 33932

RE: Supplement to Application with Letters of No Objection

Dear Mr. Fluegel:

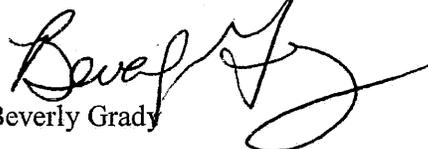
Please find enclosed a letter of no objection from Fort Myers Beach Fire Control District.

In addition, I have been advised by CenturyLink that a letter of no objection has been issued. *(ENCLOSED)*

Also enclosed is Lee County's letter of no objection.

Very truly yours,

ROETZEL & ANDRESS

  
Beverly Grady

BG/ro  
Enclosures



Established 1949

**BOARD OF COMMISSIONERS**

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Fire Commissioner

# Fort Myers Beach Fire Control District

100 Voorhis Street • Fort Myers Beach, Florida 33931  
Mailing Address: PO Box 2880 • Fort Myers Beach, Florida 33932

August 13, 2012

Beverly Grady  
Roetzel & Andress, LPA  
2320 First Street, Suite 1000  
Fort Myers, Florida 33901

RE: No Objection Response to Vacation Request for Eight Foot (8') Strip of Land (Accessway) in Block 6, Plat Book 6 at Page 39 Lee County, Florida along North line of the Plat

Dear Ms. Grady:

We have reviewed your request of July 30, 2012 and have no objection to the vacation of the 8' strip of land in Block 6, Plat Book 6 at Page 39 Lee County, Florida along the north property line of the plat.

Sincerely,

Darren White  
Fire Chief

2820 Cargo Street  
Fort Myer, FL 33916

August 17, 2012

Beverly Grady  
Roetzel & Andres, LPA  
2320 First Street, Suite 1000  
Fort Myers, FL 33901

RE: No Objection Response to Vacation Request for Eight Foot (8') Strip of Land  
(Access way) in Block 6, Plat Book 6 at Page 39 Lee County, Florida along  
North line of the Plat.

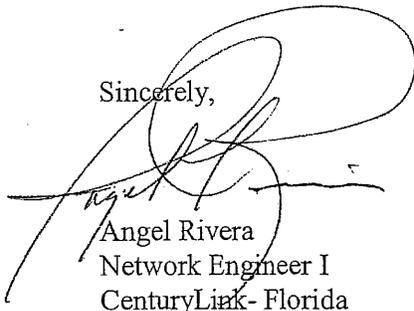
Dear Ms Grady:

We have reviewed your request of July 30, 2012 and have no object to the  
Vacation of the 8" strip of land in Block 6, Plat book 6 at Page 39 along  
the north property line of the plat.

Please call the appropriate Utility Agency for locates prior to construction.

If you should have any questions or require additional information, please give  
me a call at 239-336-2039.

Sincerely,



Angel Rivera  
Network Engineer I  
CenturyLink- Florida



CenturyLink™

2820 Cargo Street  
Ft. Myers, FL 33916

AUG 21 2012



# 0000002268



BEVERLY GRADY  
ROETZEL & ANDRES, LPA  
2320 FIRST STREET STE 1000  
FORT MYERS, FL. 33901

33901290420





**LEE COUNTY**  
SOUTHWEST FLORIDA  
BOARD OF COUNTY COMMISSIONERS

AUG 21 2012

(239) 533-8348

John E. Manning  
District One

Brian Bigelow  
District Two

Ray Judah  
District Three

Tammy Hall  
District Four

Frank Mann  
District Five

Karen B. Hawes  
County Manager

Michael D. Hunt  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

August 17, 2012

Ms. Beverly Grady  
Roetzel & Andress, LPA  
2320 First Street, Suite 1000  
Ft. Myers, FL 33901

Re: Windover Fort Myers Beach LLC  
Vacation Request for Eight Foot (8') Strip of Land (Accessway) Located in  
Block 6, Plat Book 6 at Page 39 Lee County, Florida

Dear Ms. Grady:

This letter is to inform that Lee County Department of Community Development has reviewed your request of July 30, 2012 and offers no objection to the vacation of the 8' strip of land in Block 6, Plat Book 6 at Page 39 along the north property line of the plat as shown on Exhibit "B" of your request.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Development Services Division

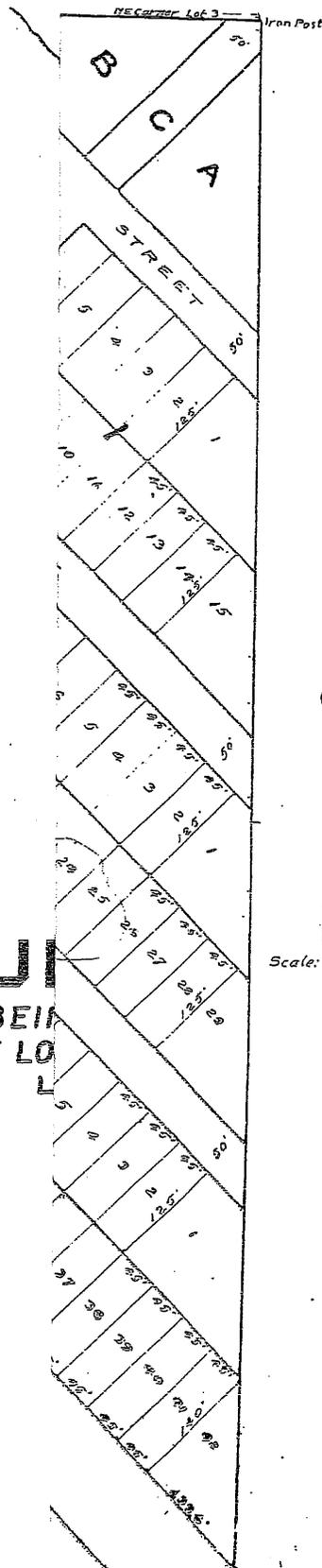
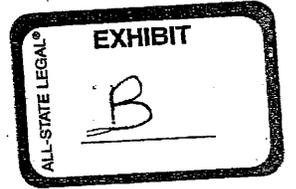
Peter J. Eckenrode  
Director

PJE/pkh

Attachment: Exhibit "B"

cc: Mary Gibbs, Director, Dept. Community Dev.  
Pam Houck, Director, Zoning Div.

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Scale: 1"=100'

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BEIN  
GOV'T LO

September 17, 2012

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

Subject: Petition to Vacate – Block 6, Plat Book 6, Page 39, Gulf Heights, Lee County,  
Florida

Dear Ms. Grady:

I have reviewed your request of July 30, 2012, and have a question associated with the request for vacation.

Looking at the copy of the plat provided with your request, it does appear that the easement is pertinent to access for lots 19A and 19B. Lot 21 however did have access from Gulf Boulevard as did all lots 20 – 42 in Block 6.

I also question the purpose of this “access way” due to the fact that many old plats included a “beach access way” for those lots within the plat that did not have convenient beach access.

Based on the information that was provided in the request, I cannot ascertain the original purpose of the easement. In conversation with the Town’s Attorney and Community Development Department, it will be acceptable for you to provide verification of the purpose at the public hearing, understanding that it will take time for you to produce this information.

During the time that these lots were plotted, I certainly understand that there may not have been an easement or language added to the deeds of the lots associated with this “access way”. However, I expect there is language regarding it on the recorded plat. Should there be no verification of this in any recorded instrument, it would be acceptable to provide a report from a Title Insurance Company certifying that the easement’s purpose was to provide access to the above referenced lots.

Sincerely,

Cathie Lewis.....