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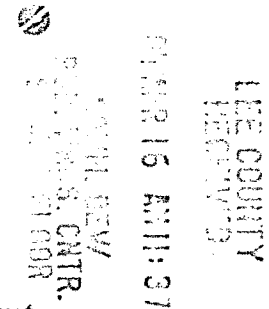
Jason Hunter Korn
Direct Dial: 239.390.1914

E-mail: jkorn@cohenlaw.com

April 15, 2004

**VIA FACSIMILE: 479-8519
AND U.S. MAIL**

Matthew Noble, Principal Planner
Lee County Department of Community Development
Division of Planning
P.O. Box 398
Fort Myers, Florida 33902-0398



**Re: Objection to Application for Comprehensive Plan Management
Submitted by Weeks Landing, LLC**

Dear Mr. Noble:

The undersigned and this law firm represent Charles Weeks, Sr., Charles Neal Weeks, Jr. (Neal Weeks), Richard Fancher, Susan Fancher and Estero Marine, LLC.¹ This letter is being provided to alert you to our clients' ownership interests in property which has erroneously been included in the Petitioner's Application for Comprehensive Plan Amendment.

My clients object to their property being included in any comprehensive plan amendment. Accordingly, I bring the following points to your attention:

1. In the aerial view of Lee Plan Future Land Use Map Proposed, dated February 2004, includes within its borders, property owned by Charlie Weeks and Neal Weeks.
2. The exhibit indicating "Property Owners Information" for Section I, III.A, and III.2 includes property identified as owned by my client, Neal A. Weeks (Strap No. 07-47-25-00-00003.0250). See Exhibit 1 attached hereto.
3. The exhibit indicating "Property Owners Information" for Section I, III.A, and III.2 includes property identified as owned by my clients, Richard Fancher and

¹ Some of these individuals have pledged their interests to Estero Marine, LLC.

Susan Fancher (Strap No. 07-47-25-00-00003.0050). See Exhibit 2 attached hereto.

4. The boundary survey with topography dated February 2004 (drawing C-1794) includes within its boundaries properties owned by my clients Charles Weeks and Neal Weeks. See Exhibit 3 attached hereto. For example, the property identified as Lot 18P (O.R. 2810, Pg. 938) is owned by Neal Weeks. A copy of the Quit Claim Deed of March 3, 1997, recorded in O.R. Book 2810, Page 938 is attached hereto as Exhibit 4. As you can see, Mr. Weeks owns that property. He does not consent to have his property included within the proposed plan amendment.
5. The boundary survey with topography dated February 2004 (drawing C-1794) includes a 25 foot strip of property owned by Charles Weeks. See Exhibit 3 attached hereto. This strip is on the north side of property identified as Lot A (O.R. 3191, Pg. 1484), and Lot B (O.R. 3191, Pg. 1484), and is identified as Mamie Street. For reference, attached is a Quit Claim Deed of November 16, 1999 to Charles Weeks, recorded in O.R. Book 3191, Page 1484. See Exhibit 5 attached hereto. As a result of litigation filed by my clients in 2003, a subsequent Quit Claim Deed was recorded by the original grantor to Charles Weeks clearly indicating that Mr. Weeks has title to that 25 foot strip which is not included in the boundary map. See Exhibit 6 which is the Quit Claim Deed of October 29, 2003 recorded in O.R. Book 4122, Page 2922 on November 17, 2003. In addition, an Affidavit of Charles N. Weeks was recorded on December 19, 2003 in O.R. Book 4152, Page 1925, following the grantor's unauthorized recording of a "Corrective" Quit Claim Deed in an attempt to defeat Mr. Weeks' own claim of ownership. That Affidavit is attached hereto as Exhibit 7. Mr. Weeks does not consent to have his property or the strip included within the proposed plan amendment.²
6. The property identified as Lot 13 (O.R. 3246, Pg. 814) is owned by Richard and Susan Fancher. That lot appears to be carved out from the Comprehensive Plan Amendment request and appears as a square in the middle of the boundary survey with Topography. Attached hereto as Exhibit 8 is a copy of a deed dated April 14, 2000 to Richard Fancher recorded in O.R. Book 3246, Page 814. Mr. and Mrs. Fancher hereby object to any plan amendment that would affect their enjoyment or use of his property.

² Due to the filing of the purported Corrective Quit Claim Deed and subsequent deeds by the grantor to Weeks Landing, LLC clouding the title to Mr. Weeks, a lawsuit was filed on January 30, 2004 in the Circuit Court, Lee County, Florida and entitled Estero Marine, LLC, et al. v. Amber J. Vojak, et al., Case No. 04-CT-430-WCM. That action was filed against various Defendants, including Weeks Landing, LLC and remains pending.

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To the extent that the Comprehensive Plan Amendment affects the enjoyment or use of the above-referenced properties, my clients hereby object and demand that their properties be removed from the plan. Should you have any questions, please do not hesitate to contact me.

Sincerely,

COHEN & GRIGSBY, P.C.

By

Jason Hunter Korn

JHK/clc

Encls.

cc: Thad D. Kirkpatrick, Esq.
Clients

SECTION I, III.A, III.2
Property Owners Information

STRAP# 07-47-25-00-00006.0000
Todd & Anita Smith
27567 Old U.S. 41
Bonita Springs, FL 34135
Site Address: 5000 Coconut Road

STRAP# 07-47-25-00-00006.001A
Jeffery Todd Smith
27567 Old U.S. 41
Bonita Springs, FL 34135
Site Address: ~~5050 Coconut Road~~

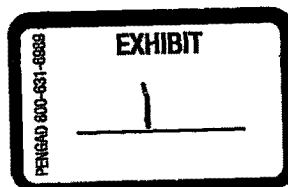
STRAP# 07-47-25-00-00003.0250
Neal A. Weeks
23153 Weeks Fish Camp Road
Bonita Springs, FL 34134
Site Address: 5207 Mamie Street

STRAP# 07-47-25-00-00003.0330
Philip R. Smith
25104 Stillway Parkway
Bonita Springs, FL 34135
Site Address: 5203 Mamie Street

STRAP# 07-47-25-00-00003.0340
Philip R. Smith
25104 Stillway Parkway
Bonita Springs, FL 34135
Site Address: 5199 Mamie Street

STRAP# 07-47-25-00-00003.0350
Erick Lee Smith
5246 Mamie Street
Bonita Springs, FL 34134
Site Address: 5195 Mamie Street

STRAP# 07-47-25-00-00003.0360
Erick Lee Smith
5246 Mamie Street
Bonita Springs, FL 34134
Site Address: 5191 Mamie Street



SECTION IV. A. 1.

PROPOSED TEXT CHANGE

Public Marine Mixed-Use

Policy 1.1.10:

The Public Marine Mixed-Use land use category provides for the continued operation of publicly accessible marinas and marine-related land uses and is intended to further Objective 98.1.1.

This land use category identifies existing publicly accessible marina facilities in areas of increasing demand for marine-related land uses. This land use category is intended to insure continued use for water dependent uses, public access to privately owned marina and boat ramp facilities, and access for safety service vessels. In addition, to full service commercial marina and marina-related supportive facilities, this land use category also permits mixed-use development consisting of residential and commercial land uses. Mixed-use projects not meeting Development of Regional Impact (DRI) thresholds shall be permitted a maximum of 150 dwelling units, and up to 30,000 square feet of commercial development, in addition to the marina and marina-related land uses.

In order to limit environmental impacts, and/or to successfully permit restoration of environmentally sensitive areas, non-water dependent uses shall be clustered on upland and/or previously impacted portions of the site.

Mixed-use projects shall be required to be reviewed as a mixed-use planned development, and must demonstrate through appropriate conditions, how public accessibility to the marina facilities will be maintained, and the measures that will be taken to limit impacts to areas of high environmental value.

**SECTION IV. A. 5.
LEGAL DESCRIPTION**

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN NORTH 01°07'45" WEST, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 7, FOR A DISTANCE OF 718.37 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED, ALSO BEING A POINT ON THE NORTH RIGHT-OF-WAY LINE OF COCONUT POINT ROAD, THENCE RUN SOUTH 89°32'15" WEST, ALONG SAID RIGHT OF WAY LINE, FOR A DISTANCE OF 264.00 FEET; THENCE CONTINUE SOUTH 89°35'27" WEST, ALONG SAID RIGHT-OF-WAY, FOR A DISTANCE OF 441.50 FEET TO THE SOUTHWEST CORNER OF PARCEL OF LAND MORE PARTICULARLY DESCRIBED IN OFFICIAL RECORD BOOK 2084, PAGE 4362; THENCE RUN NORTH 01°07'45" WEST, ALONG SAID WEST LINE, FOR A DISTANCE OF 197.55 FEET TO THE NORTHWEST CORNER OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORD BOOK 2084, PAGE 4362; THENCE RUN NORTH 89°32'45" EAST, ALONG THE NORTH LINE OF SAID PARCEL OF LAND MORE PARTICULARLY DESCRIBED IN OFFICIAL RECORD BOOK 2084, PAGE 4362, FOR A DISTANCE OF 200.00 FEET TO THE SOUTHEAST CORNER OF A PARCEL OF LAND MORE PARTICULARLY DESCRIBED IN OFFICIAL RECORD BOOK 2055, PAGE 6721; THENCE RUN NORTH 01°07'45" WEST, ALONG THE EAST LINE OF SAID PARCEL OF LAND MORE PARTICULARLY DESCRIBED IN OFFICIAL RECORD BOOK 2055, PAGE 6721, FOR A DISTANCE OF 105.51 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF A 50 FOOT WIDE DRIVEWAY EASEMENT; THENCE RUN SOUTH 89°32'45" WEST, ALONG SAID SOUTH LINE, FOR A DISTANCE OF 700.00 FEET TO THE NORTHWEST CORNER OF A PARCEL OF LAND MORE PARTICULARLY DESCRIBED IN OFFICIAL RECORD BOOK 3191, PAGE 1484, ALSO AN INTERSECTION WITH THE EAST LINE OF A 50 FOOT WIDE DRIVEWAY EASEMENT MORE PARTICULARLY DESCRIBED IN OFFICIAL RECORD BOOK 1272, PAGE 1298; THENCE RUN SOUTH 01°07'45" EAST, ALONG SAID EAST LINE, FOR A DISTANCE OF 105.54 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THE SOUTH HALF OF SAID GOVERNMENT LOT 2; THENCE RUN SOUTH 89°32'15" WEST, ALONG SAID NORTH LINE, FOR 548 FEET PLUS OR MINUS, TO THE MEAN HIGH WATER LINE OF ESTERO BAY; THENCE RUN NORTHERLY ALONG SAID MEAN HIGH WATER LINE TO AN INTERSECTION WITH THE NORTH LINE OF THE AFOREMENTIONED GOVERNMENT LOT 2; THENCE RUN NORTH 89°32'45" EAST, ALONG SAID NORTH LINE FOR 503 FEET PLUS OR MINUS TO AN INTERSECTION WITH THE WEST LINE OF A PARCEL OF LAND MORE PARTICULARLY DESCRIBED IN OFFICIAL RECORD BOOK 2236, PAGE 1704; THENCE RUN SOUTH 01°07'45" EAST, ALONG SAID WEST LINE, FOR A DISTANCE OF 142.00 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL OF LAND MORE PARTICULARLY DESCRIBED IN OFFICIAL RECORD BOOK 2236, PAGE 1704.; THENCE RUN NORTH 89°32'45" EAST, ALONG THE SOUTH LINE OF SAID

PARCEL OF LAND, FOR A DISTANCE OF 173.50 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND MORE PARTICULARLY DESCRIBED IN OFFICIAL RECORD BOOK 1841, PAGE 755; THENCE RUN SOUTH 01°07'45" EAST, ALONG THE EAST LINE OF SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORD BOOK 1841, PAGE 755, FOR A DISTANCE OF 100.00 FEET TO AN INTERSECTION WITH THE NORTH LINE OF A 50 FOOT WIDE DRIVEWAY EASEMENT MORE PARTICULARLY DESCRIBED IN OFFICIAL RECORD BOOK 1272, PAGE 1298; THENCE RUN NORTH 89°32'45" EAST, ALONG SAID NORTH LINE, FOR A DISTANCE OF 100.00 FEET TO THE SOUTHWEST CORNER OF A PARCEL OF LAND MORE PARTICULARLY DESCRIBED IN OFFICIAL RECORD BOOK 2829, PAGE 1118; THENCE RUN NORTH 01°07'45" WEST, ALONG THE WEST LINE FOR A OF SAID PARCEL OF LAND, FOR A DISTANCE OF 100.00 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE LANDS MORE PARTICULARLY DESCRIBED IN OFFICIAL RECORD BOOK 2236, PAGE 1704; THENCE RUN NORTH 89°32'45" EAST, ALONG SAID SOUTH LINE FOR A DISTANCE OF 1,005.50 FEET TO THE POINT OF BEGINNING, CONTAINING 22 ACRES, MORE OR LESS.
A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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LESS AND EXCEPT A PARCEL OF LAND MORE PARTICULARLY DESCRIBED IN OFFICIAL RECORD BOOK 3246, PAGE 814;

OVERALL PARCEL CONTAINING 22 ACRES, MORE OR LESS.

**SECTION IV. B 2.a.
SANITARY SEWER**

The subject property lies within the franchise area of Bonita Springs Utilities, Inc. An existing ten inch (10") force main is located within the Coconut Road right-of-way. Table 5 of the Lee County Concurrency Management Report 2002/2003 – 2003/2004 identifies the Bonita Springs Utilities STP as having a 4.25 MGD projected 2004 flow with a design capacity of 7.0 MGD. Current wastewater flow is estimated at 0.020 to 0.024 MGD. The projected flow for 150 dwelling units, 30,000 square feet of commercial and marina is 0.039 to 0.045 MGD. The proposed change will increase the demand by 0.019 to 0.021 MGD. This projected flow will have an insubstantial affect upon the design capacity of the existing facility.

