

A

THIS INSTRUMENT PREPARED BY:

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

**RESOLUTION NO. 08-04-34 FOR PETITION TO VACATE**

Case Number: VAC2007-00008

WHEREAS, Petitioner **JD McIntosh Properties, LLC, a Florida Limited Liability Company, Dale Lock and David M. Brandt, as Tennants in Common and NHC-FL17 L.P., a limited partnership exist under the laws of the State of Delaware** 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 Board of County Commissioners of Lee County, Florida held a Public Hearing on this Petition to Vacate on the 15 day of April, 2008 @ 9:30 AM ; 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

WHEREAS, the Petitioner(s) has fee simple title ownership to the underlying land sought to be vacated; and

WHEREAS, the Petitioner(s) has provided proof that all applicable state and county taxes have been paid; and

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

WHEREAS, the letters of review and recommendation provided by the various governmental and utility entities indicate that granting the Petition to Vacate will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

9:30 PH1  
4-15-08

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

1. Petition to Vacate No. VAC2007-00008 is hereby granted.
2. The public's interest in the easement, plat or portion of a plat legally described in Exhibit "A" and graphically depicted in the sketch attached as Exhibit "B" is hereby vacated.
3. This Resolution will become effective upon recording of a fully executed copy 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 15 day of April 2008.

ATTEST:  
CHARLIE GREEN, CLERK

  
Deputy Clerk Signature

PATRICIA H. WESEMAN  
Please Print Name

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

  
Chairman Signature

Ray Judah  
Please Print Name



APPROVED AS TO FORM

  
County Attorney Signature

Michael D. Jacobs  
Please Print Name

# Starnes Surveying, Inc.



ENGINEERING • SURVEYING • LAND PLANNING

18571 Durrance Road, N. Ft. Myers, FL 33917  
Phone (941) 543-3335 • Fax (941) 543-6445

**LEGAL DESCRIPTION AS PER STARNES SURVEYING, INC.**

**THAT PORTION OF HOWELL AVENUE, AS SHOWN ON THE PLAT OF HOWELLS SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 1, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LOCATED SOUTHWESTERLY OF WEST STREET AND NORTHERLY OF BAYSHORE ROAD, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT THE SOUTHEAST CORNER OF LOT 13, BLOCK J, OF SAID SUBDIVISION; THENCE RUN S.45°42'05"E. FOR 50 FEET TO THE NORTHERLY CORNER OF LOT 2, BLOCK "F" OF SAID SUBDIVISION; THENCE RUN S.44°17'55"W. ALONG NORTH LINE OF SAID LOT FOR 177.54 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF BAYSHORE ROAD; THENCE RUN N.89°37'15"W. ALONG SAID RIGHT OF WAY LINE FOR 69.42 FEET; THENCE RUN N.44°17'55"E. ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF HOWELL AVE. FOR 225.69 FEET TO THE POINT OF BEGINNING.**

**SAID PARCEL CONTAINS 10,081 SQUARE FEET MORE OR LESS.**

**Exhibit "A"  
Petition to Vacate  
VAC2007-00008  
[Page One of One]**

**RECEIVED**

**MAR 23 2007**

**COMMUNITY DEVELOPMENT**

**VAC2007-00008**

Exhibit "g"  
 Petition to Vacate  
 VAC2007-00008  
 [Page One of One]

SHEET 1 OF 1  
 FOR: DARLA MCINTOSH  
 DATE: 1-4-07  
 PHONE: (239) 543-3335

Starnes Surveying, Inc. L.B. 6766  
 SURVEYING, ENGINEERING, LAND PLANNING  
 18571 DURRANCERD.N. FT. MYERS, FL. 33917

CERTIFIED SKETCH  
 FIELD BOOK \_\_\_\_\_ W.O. NUMBER 5961  
 VAC 2007 - 00008

I HEREBY CERTIFY THAT THIS SKETCH AS SHOWN IS A TRUE REPRESENTATION OF THE PARCEL HEREON DESCRIBED AS TO THE BEST OF MY KNOWLEDGE AND BELIEF.

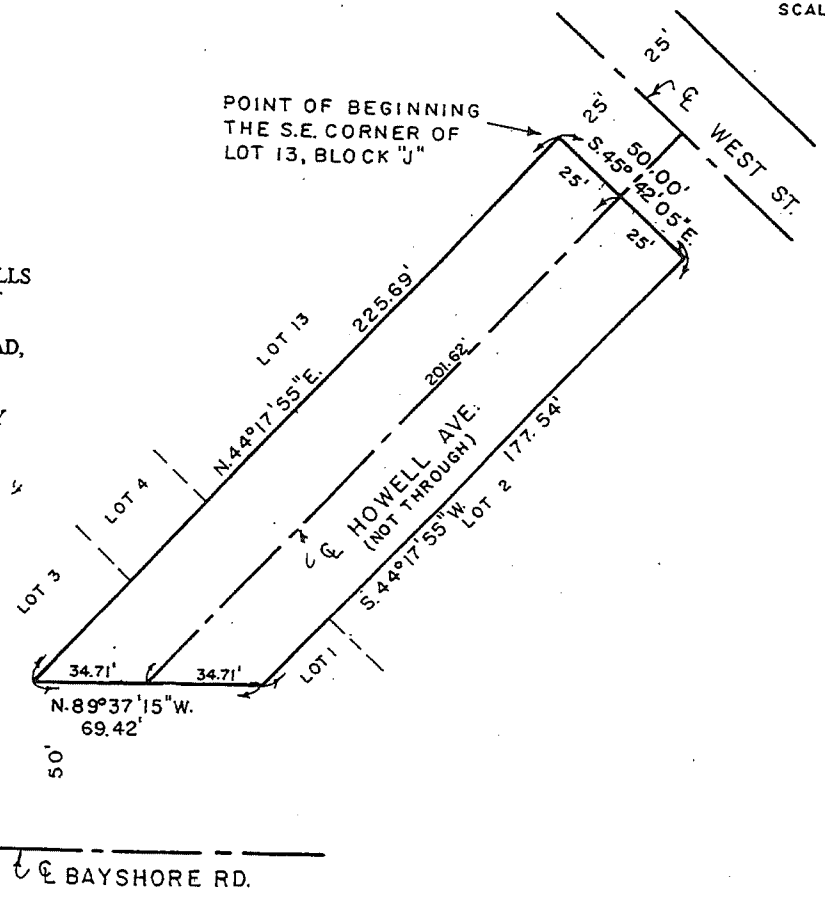
*James R. Starnes*  
 JAMES R. STARNES P.L.S. 4869  
 PROFESSIONAL LAND SURVEYOR  
 STATE OF FLORIDA.

LEGAL DESCRIPTION AS PER STARNES SURVEYING, INC.

THAT PORTION OF HOWELL AVENUE, AS SHOWN ON THE PLAT OF HOWELLS SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 1, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LOCATED SOUTHWESTERLY OF WEST STREET AND NORTHERLY OF BAYSHORE ROAD, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 BEGINNING AT THE SOUTHEAST CORNER OF LOT 13, BLOCK J, OF SAID SUBDIVISION; THENCE RUN S.45°42'05"E. FOR 50 FEET TO THE NORTHERLY CORNER OF LOT 2, BLOCK "F" OF SAID SUBDIVISION; THENCE RUN S.44°17'55"W. ALONG NORTH LINE OF SAID LOT FOR 177.54 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF BAYSHORE ROAD; THENCE RUN N.89°37'15"W. ALONG SAID RIGHT OF WAY LINE FOR 69.42 FEET; THENCE RUN N.44°17'55"E. ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF HOWELL AVE. FOR 225.69 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 10,081 SQUARE FEET MORE OR LESS.

NOTE: (1). THIS SKETCH IS NOT A SURVEY.  
 (2). THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



MAR 11 2008



THIS INSTRUMENT PREPARED BY:

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

**RESOLUTION NO. 08-08-49 FOR PETITION TO VACATE**

Case Number: VAC2007-00043

WHEREAS, Petitioner **Shirley K. Lucas, as Trustee of Lots of Lots Trust and William R. Browne, Jr.** 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 Board of County Commissioners of Lee County, Florida held a Public Hearing on this Petition to Vacate on the 12th day of August 2008; 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

WHEREAS, the Petitioner(s) has fee simple title ownership to the underlying land sought to be vacated; and

WHEREAS, the Petitioner(s) has provided proof that all applicable state and county taxes have been paid; and

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

WHEREAS, the letters of review and recommendation provided by the various governmental and utility entities indicate that granting the Petition to Vacate will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

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

1. Petition to Vacate No. VAC2007-00043 is hereby granted.
2. The public's interest in the easement, plat or portion of a plat legally described in Exhibit "A" and graphically depicted in the sketch attached as Exhibit "B" is hereby vacated.
3. This Resolution will become effective upon recording of a fully executed copy 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 12th day of August.

ATTEST:  
CHARLIE GREEN, CLERK

Christine P. Valencia  
Deputy Clerk Signature

CHRISTINE P. VALENCIA  
Please Print Name

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

Ray Judah  
Chairman Signature

Ray Judah  
Please Print Name



APPROVED AS TO FORM

Michael D. Jacob  
County Attorney Signature

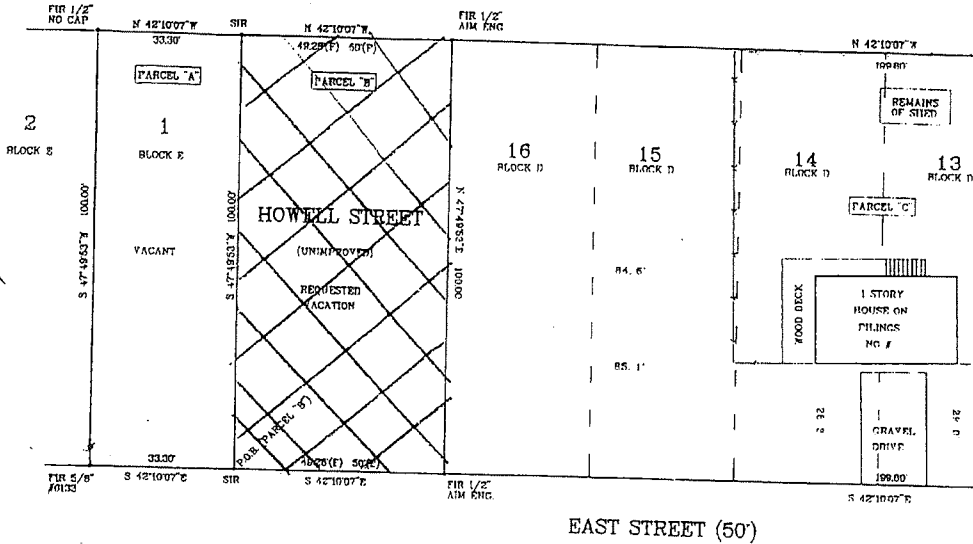
Michael D. Jacob  
Please Print Name

PARCEL "B"

THE UNIMPROVED PORTION OF HOWELL STREET, LYING BETWEEN EAST STREET AND THE A.C.L. RAILROAD RIGHT OF WAY, AS SHOWN ON R.H. HOWELL'S SUBDIVISION, AS RECORDED IN PLAT BOOK 5 AT PAGE 1 IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A NORTHERLY MOST CORNER OF LOT 1, BLOCK E, OF SAID R.H. HOWELL'S SUBDIVISION; THENCE SOUTH 47°49'53" WEST, A DISTANCE OF 100.00 FEET TO THE WESTERLY MOST CORNER OF SAID LOT 1; THENCE NORTH 42°10'07" WEST, A DISTANCE OF 49.28 FEET TO THE SOUTHERLY MOST CORNER OF LOT 16, BLOCK D OF SAID R.H. HOWELL'S SUBDIVISION; THENCE NORTH 47°49'53" EAST, A DISTANCE OF 100.00 FEET TO THE EASTERLY MOST CORNER OF SAID LOT 16; THENCE SOUTH 42°10'07" EAST, A DISTANCE OF 49.28 FEET TO THE POINT OF BEGINNING. of Section 21 Township 43, range 25 of Lee County, Florida. CONTAINING 4,928.0 SQUARE FEET, MORE OR LESS.

ACL RAILROAD RIGHT OF WAY



*PLEASE MATCHING  
TO PAPER 101A  
VILCARE D.*

Exhibit "B"  
Petition to Vacate  
VAC2007-00043  
[Page One of One]

BOUNDARY SURVEY

PARCEL "B"  
THE UNIMPROVED PORTION OF HOWELL STREET, LYING BETWEEN EAST STREET AND THE ACL RAILROAD RIGHT OF WAY, AS SHOWN ON R.H. HOWELL'S SUBDIVISION, AS RECORDED IN PLAT BOOK 5 AT PAGE 1 IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA BEING MORE PARTICULARLY ROUNDED AND DESCRIBED AS FOLLOWS:  
BEGINNING AT A NORTHERLY MOST CORNER OF LOT 1, BLOCK E, OF SAID R.H. HOWELL'S SUBDIVISION; THENCE SOUTH 47°49'53" WEST, A DISTANCE OF 100.00 FEET TO THE WESTERLY MOST CORNER OF SAID LOT 1; THENCE NORTH 42°10'07" WEST, A DISTANCE OF 49.28 FEET TO THE SOUTHERLY MOST CORNER OF LOT 16, BLOCK D OF SAID R.H. HOWELL'S SUBDIVISION; THENCE NORTH 47°49'53" EAST, A DISTANCE OF 100.00 FEET TO THE EASTERLY MOST CORNER OF SAID LOT 16; THENCE SOUTH 42°10'07" EAST, A DISTANCE OF 49.28 FEET TO THE POINT OF BEGINNING, of Section 21 Township 43, Range 25 of Lee County, Florida, CONTAINING 4,928.0 SQUARE FEET, MORE OR LESS.

SIS FOR BEARINGS: EAST STREET - ASSUMED		SCALE: 0 20	SURVEY DATE: 5/09/07
COMMUNITY: 125124	PANEL NUMBER: 225	SUFFIX: C	DATE OF FIRM INDEX: 05/05/03
<p>LEGEND</p> <ul style="list-style-type: none"> <li>- FOUND IRON ROD</li> <li>- FOUND IRON PIPE</li> <li>- FOUND DRILL HOLE</li> <li>- FOUND CONCRETE MONUMENT</li> <li>- SET IRON ROD 1/2" LB 7075</li> <li>- SET CONCRETE MONUMENT</li> <li>MPED "LB 7075"</li> <li>= PUBLIC UTILITY EASEMENT</li> <li>&amp; DE = PUBLIC UTILITY &amp; IMAGE EASEMENT</li> <li>D = SET NAIL &amp; DISK LB 7075</li> <li>= PERMANENT REFERENCE</li> <li>UMENT RECOVERED</li> <li>D = FOUND NAIL &amp; DISK</li> </ul>		<p>NOTE: NO UNDERGROUND STRUCTURES HAVE BEEN LOCATED BY THIS SURVEY. ANY REFERENCE TO UNDERGROUND STRUCTURES IF ANY IS APPROXIMATE.</p> <p>UNLESS OTHERWISE SHOWN ALL FIELD MEASURED DIRECTIONS &amp; DISTANCES MATCH THE RECORD DIRECTIONS &amp; DISTANCES OF THE PARCEL SURVEYED.</p>	<p>THIS SURVEY IS HEREBY CERTIFIED CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A CERTIFIED TITLE REPORT AND IS NOT A CERTIFICATION OF TITLE, ZONING, OR FREEDOM FROM ENCUMBRANCES.</p> <p>THIS SURVEY IS INTENDED FOR USE BY THE CERTIFIED TO PARTIES ONLY AND MAY NOT BE USED BY ANY OTHER</p> <p>NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER</p> <p><i>[Signature]</i> 5/22/07</p> <p>C.E DAVIS, CERTIFICATE NO. 4839 -OR- ERIC C. DAVIS, FSM # 5544</p>
<p>DAVIS SURVEYING INC</p> <p>WWW.SURVEYLEE.COM</p> <p>LB # 7075</p> <p>4409 S. E. 16th PLACE SUITE 8</p> <p>CAPE CORAL, FLORIDA 33904</p> <p>TEL: (239) 549-6454</p> <p>FAX: (239) 549-2548</p>		<p>JOB NUMBER: 07-0598</p>	



28.50R

THIS INSTRUMENT PREPARED BY:

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



4246364

0R2871 P60203

RESOLUTION NO. 97-08-23 FOR PETITION TO VACATE

Case Number: 97-06-016.03R

WHEREAS, Petitioner(s) A.P. Klootwyk & Bill deDeugd in accordance with Florida Statute (F.S.) Chapter 336 and Lee County Administrative Code (LCAC) 13-8, filed a Petition to vacate, abandon, close and discontinue the public's interest in the right-of-way or portion of a 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 a Petition to Vacate on the 26th day of August, 1997; and

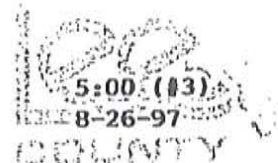
WHEREAS, a legally sufficient Affidavit of Publication regarding the Notice of Public Hearing on this Petition to Vacate was entered into the minutes of the County Commission Meeting and a copy of said Affidavit is attached as Exhibit "C"; and

WHEREAS, notice concerning the intent of the Petition to Vacate was provided in accordance with LCAC 13-8; 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 the various governmental and utility entities indicate granting Petitioner's request is appropriate and in accordance with F.S. Chapter 336.

RECORD VERIFIED - CHARLIE GREEN, CLERK  
BY: TRENT A. VOGES, D.C.



OR2871 PG0204

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

1. Petition to Vacate No. 97-06-016.03R is hereby granted.
2. The public's interest in the right-of-way or portion of right-of-way described in Exhibit "A" and graphically depicted in Exhibit "B" is hereby vacated, abandoned, closed and discontinued.
3. A Notice of Resolution of 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 this Resolution as Exhibit "D".
4. This Resolution will become effective upon the 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 26th day of August, 1997.

ATTEST:  
CHARLIE GREEN, CLERK

Lisa L. Pierce  
Deputy Clerk Signature

Lisa L. Pierce  
Please Print Name

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

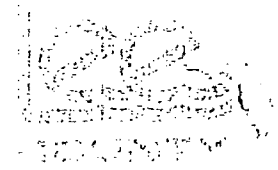
Andrew Coy  
Chairman Signature

Andrew Coy  
Please Print Name

APPROVED AS TO FORM

John J. Fredyma  
County Attorney Signature

John J. Fredyma  
Please Print Name



# JOHNSON ENGINEERING, INC.

FORT MYERS  
NAPLES  
PORT CHARLOTTE

2158 JOHNSON STREET  
TELEPHONE (941) 334-0046  
TELECOPIER (941) 334-3661  
POST OFFICE BOX 1550  
FORT MYERS, FLORIDA  
33902-1550

CARL E. JOHNSON  
1911-1968

Exhibit A

ENGINEERS, SURVEYORS AND ECOLOGISTS

May 2, 1997

## DESCRIPTION PORTION OF PALM AVENUE IN SW-1/4 OF THE SW-1/4 Section 21, T. 43 S., R. 25 E. Lee County, Florida

A tract or parcel of land lying in the southwest one-quarter (SW-1/4) of the southwest one-quarter (SW-1/4) of Section 21, Township 43 South, Range 25 East, Lee County, Florida, being a portion of Palm Avenue as shown on plat of R. H. Howell's Division as recorded in Plat Book 5 at Page 1, of the Public Records of Lee County, Florida, which tract or parcel is described as follows:

From the northwest corner of said fraction of a section run S 89° 42' 55" E along the northerly line of said fraction for 687.52 feet to an intersection with the southwesterly line (50 feet from the centerline) of the Atlantic Coast Line Railroad Company's right-of-way; thence run S 45° 42' 15" E along said southwesterly line for 140.50 feet to the Point of Beginning.

From said Point of Beginning continue S 45° 42' 15" E along said southwesterly line for 39.50 feet to an intersection with the northwesterly line of lands described in Official Record Book 2685 at Pages 1293-1294, said public records; thence run S 44° 17' 45" W along said northwesterly line for 200.00 feet; thence run N 45° 33' 33" W for 39.50 feet to an intersection with the southeasterly line of Blocks I and L on said plat of R. H. Howell's Division; thence run N 44° 17' 45" E along said southeasterly line for 199.90 feet to the Point of Beginning.

Containing 7,898 square feet, more or less.

Bearings hereinabove mentioned are based on the northerly line of the southwest one-quarter (SW-1/4) of the southwest one-quarter (SW-1/4) of said Section 21 to bear S 89° 42' 55" E.

CHAIRMAN  
FORREST H. BANKS

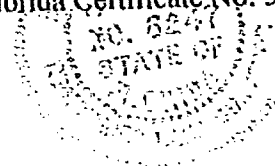
PRESIDENT  
STEVEN K. MORRISON

PARTNERS  
CARL A. BARRACO  
GARY R. BULL  
DAN W. DICKEY  
JOSEPH W. EBNER  
ARCHIE T. GRANT, JR.  
KENTON R. KEILING  
W. DAVID KEY, JR.  
W. BRITT POMEROY  
ANDREW D. TILTON  
KEVIN M. WINTER

ASSOCIATES  
STEVEN L. FORD  
PATRICIA H. NEWTON  
MARK G. WENTZEL

CONSULTANT  
LESTER L. BULSON

*Mark G. Wentzel*  
Mark G. Wentzel (For the Firm)  
Professional Surveyor and Mapper  
Florida Certificate No. 5247



OR2871 P60205

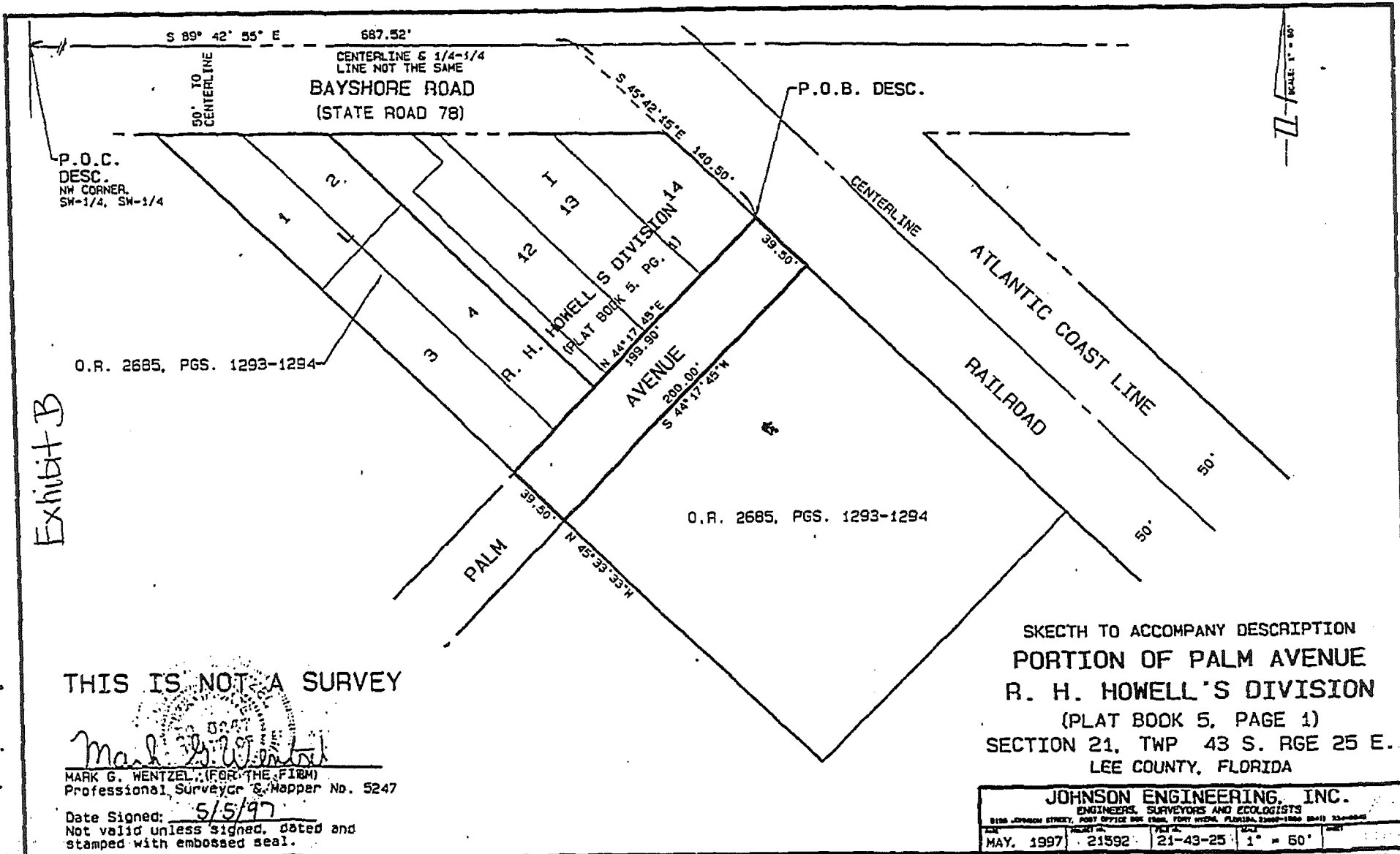
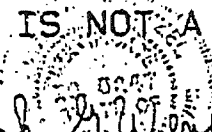


Exhibit B

THIS IS NOT A SURVEY

  
 Mark G. Wentzel  
 MARK G. WENTZEL (FOR THE FIRM)  
 Professional Surveyor & Mapper No. 5247

Date Signed: 5/5/97  
 Not valid unless signed, dated and stamped with embossed seal.

SKETCH TO ACCOMPANY DESCRIPTION  
 PORTION OF PALM AVENUE  
 R. H. HOWELL'S DIVISION  
 (PLAT BOOK 5, PAGE 1)  
 SECTION 21, TWP 43 S. RGE 25 E.  
 LEE COUNTY, FLORIDA

JOHNSON ENGINEERING, INC.			
ENGINEERS, SURVEYORS AND ECOLOGISTS			
8116 JOHNSON STREET, POST OFFICE BOX 1288, FORT WORTH, FLORIDA 33602-1288 (817) 234-0000			
DATE	SHEET NO.	TWP	SCALE
MAY, 1997	21592	21-43-25	1" = 50'

Exhibit C

DR2871 PG0207

PH 8/26/97  
5:00 PM

**NEWS-PRESS**  
Published every morning — Daily and Sunday  
Fort Myers, Florida

**Affidavit of Publication**

STATE OF FLORIDA  
COUNTY OF LEE

Before the undersigned authority, personally appeared  
Brenda Leighton

who on oath says that he/she is the  
Legal Coordinator of the News-Press, a  
daily newspaper, published at Fort Myers, in Lee County, Florida; that the  
attached copy of advertisement, being a  
notice of public hearing

in the matter of Petition to Vacate #97-06-016.03R

in the \_\_\_\_\_ Court  
was published in said newspaper in the issues of  
August 11, 1997

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida and that said newspaper has heretofore been continuously published in said Lee County, Florida, each day, and has been entered as a second class mail matter at the post office in Fort Myers in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of the advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

*Brenda Leighton*

Sworn to and subscribed before me this  
11th day of  
August 1997 by  
Brenda Leighton

who is personally known to me or who has produced

as identification, and who did or did not take an oath.  
Notary Public Janet E. Cobb  
Print Name \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

CLASS-16



Janet E. Cobb  
MY COMMISSION # CC602535 EXPIRES  
November 19, 2000  
BONDED THROUGH TROY FARM INSURANCE, INC.

**FILED**

**AUG 26 1997**

CLERK CIRCUIT COURT

FROM *Janet E. Cobb*  
50 PM (30)

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE Case Number 97-06-016.03R TO WHOM IT MAY CONCERN: NOTICE is hereby given that on the 26th day of August, 1997, at 5:00 P.M. in the County Commissioners Meeting Room, Old Lee County Courthouse, 2115 Second 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 interest in the right-of-way or portion of a right-of-way legally described in the attached Exhibit "A".

**EXHIBIT A DESCRIPTION**  
Portion of Palm Avenue in SW-1/4 of the SW-1/4, Section 21, T.43 S., R. 25 E., Lee County, Florida; or parcel of land lying in the southwest one-quarter (SW-1/4) of the southwest one-quarter (SW-1/4) of Section 21, Township 43 South, Range 25 East, Lee County, Florida, being a portion of Palm Avenue as shown on plat of R.H. Howell's Division as recorded in Plat Book 5 at Page 1 of the Public Records of Lee County, Florida, which tract or parcel is described as follows:

From the northwest corner of said fraction of a section run S 89°42'55" E along the northerly line of said fraction for 647.52 feet to an intersection with the southwesterly line 150 feet from the centerline of the Allentown Coast Line Railroad Company's right-of-way; thence run S 45°42'15" E along said southwesterly line for 140.50 feet to the Point of Beginning; from said Point of Beginning continue S 45°42'15" E along said southwesterly line for 39.50 feet to an intersection with the northwesterly line of lands described in Official Record Book 2685 at pages 1293-1294, a said public record; thence run S 44°17'45" W along said northwesterly line for 200.00 feet; thence run N 45°33'33" W for 39.50 feet to an intersection with the southwesterly line of Blocks I and II on said plat of R.H. Howell's Division; thence run N 44°17'45" E along said southeasterly line for 199.90 feet to the Point of Beginning. Containing 7,898 square feet, more or less. Bearings hereinabove mentioned are based on the northerly line of the southwest one-quarter (SW-1/4) of the southwest one-quarter (SW-1/4) of said Section 21 to bear S 89°42'55" E.

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 on the second floor of the Courthouse Office Building, 2115 Second Street, Fort Myers, Florida. P.O. #7000; REF: P08197-28 Aug 11 No. 19667

Exhibit D

LEE COUNTY RECEIVED

NEWS-PRESS  
Published every morning — Daily and Sunday  
Fort Myers, Florida

SEP 23 PM 3:27  
CORR. DEPT.  
PUB. WORKS. CNTR.  
SECOND FLOOR

**Affidavit of Publication**

STATE OF FLORIDA  
COUNTY OF LEE

Before the undersigned authority, personally appeared  
Brenda Leighton

who on oath says that he/she is the  
Legal Coordinator of the News-Press, a

daily newspaper, published at Fort Myers, in Lee County, Florida; that the  
attached copy of advertisement, being a  
public hearing

in the matter of Petition to Vacate on  
#97-06-016.03R

in the \_\_\_\_\_ Court

was published in said newspaper in the issues of  
September 20, 1997

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida and that said newspaper has heretofore been continuously published in said Lee County, Florida, each day, and has been entered as a second class mail matter at the post office in Fort Myers in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of the advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

*Brenda Leighton*

Sworn to and subscribed before me this  
22nd day of \_\_\_\_\_

September, 19 97 by

Brenda Leighton

who is personally known to me or who has produced

as identification, and who did or did not take an oath.

Notary Public Janet E. Cobb

Print Name \_\_\_\_\_

My Commission Expires:

CLASS-16



Janet E. Cobb  
MY COMMISSION # CC602535 EXPIRES  
November 19, 2000  
BONDED THRU TROY FAH INSURANCE, INC.

NOTICE OF RESOLUTION ADOPTION FOR PETITION TO VACATE Case Number: 97-06-016.03R TO WHOM IT MAY CONCERN: NOTICE is hereby given that on the 26th day of August, 1997 the Board of County Commissioners of Lee County, Florida adopted Resolution No. 97-08-23. The effect of this Resolution is 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. DESCRIPTION: PORTION OF PALM AVENUE IN SW 1/4 OF THE SW 1/4 Section 21, T. 43 S., R. 25 E., Lee County, Florida. A tract or parcel of land lying in the southwest one-quarter (SW-1/4) of the southwest one-quarter (SW-1/4) of Section 21, Township 43 South, Range 25 East, Lee County, Florida, being a portion of Palm Avenue as shown on plat of R.H. Howell's Division as recorded in Plat Book 5 at Page 1 of the Public Records of Lee County, Florida, which tract or parcel is described as follows: From the northwest corner of said fraction of a section, run S 89°42'55" E along the northerly line of said fraction for 687.52 feet to an intersection with the southwesterly line (50 feet from the centerline) of the Atlantic Coast Line Railroad Company's right-of-way, thence run S 45°42'15" E along said southwesterly line for 140.50 feet to the Point of Beginning. From said Point of Beginning continue S 45°42'15" E along said southwesterly line for 39.50 feet to an intersection with the northwesterly line of lands described in Official Record Book 2685 at Pages 1293-1294; said public records thence run S 44°17'45" W along said northwesterly line for 200.00 feet; thence run N 45°33'33" W for 39.50 feet to an intersection with the southeasterly line of Blocks and Lots on said plat of R.H. Howell's Division; thence run N 44°17'45" E along said southeasterly line for 199.90 feet to the Point of Beginning. Containing 7,898 square feet, more or less. Bearings hereinabove mentioned are based on the northerly line of the southwest one-quarter (SW-1/4) of the southwest one-quarter (SW-1/4) of said Section 21 to bear S 89°42'55" E. Please Govern Yourself Accordingly. Charlie Green, Clerk of the Board of County Commissioners, P.O. 702932, Sep 20, 1997, No. 23214

DR2871 PG0208

CHARLIE GREEN LEE CTY, FL  
97 SEP 25 PM 5:05

800

FORT MYERS NEWS-PRESS 799623  
Published every morning—Daily and Sunday

LEE REC. 1037 FEB 12 1974 Fort Myers, Florida

### Affidavit of Publication

State of Florida  
County of Lee

Before the undersigned authority, personally appeared  
**Robert Bruce**, who on oath says that he is the

**Adv-Director** of the Fort Myers News Press, a daily newspaper published at Fort Myers, in Lee County, Florida,

that the attached copy of advertisement, being a

notice of proceeding

in the matter of closing of platted

street in the

Court, was published in

said newspaper in the issues of

April 12, 19, 1974

Affiant further says that the said Fort Myers News-Press is a newspaper published at Fort Myers, in said Lee County, Florida and that the said newspaper has heretofore been continuously published in said Lee County, Florida, each day, and has been entered as second class mail matter at the post office in Fort Myers, in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

*Robert Bruce*

Sworn to and subscribed before me this 19 day  
of April, A.D. 1974

*Katie Walker*  
Notary Public

My Commission Expires August 27, 1977

**NOTICE OF THE PROCEEDING FOR THE CLOSING OF PLATTED STREET TO WHOM IT MAY CONCERN**  
You will take notice that the Board of County Commissioners of Lee County, Florida, upon the Petition of the attorneys for the owners of the surrounding lands will at 10:30 AM on the 1st day of May, 1974, at the COUNTY Commissioners' meeting room in the Lee County Courthouse in Fort Myers, Florida, consider and determine whether or not the County will vacate, abandon, discontinue and close the following described platted street and disclaim any right in of the County and the Public in and to said platted street which is described as follows, to-wit:  
That portion of Howell Street lying between the northeasterly right-of-way line of West Street and the southwesterly right-of-way line of the Atlantic Coastline Railroad right-of-way and between Lot 12, Block H and Lot 1, Block I, as shown and set forth upon the map or plat of R. H. Howell's Division recorded in Plat Book 5, page 1, of the public records of Lee County, Florida.  
Persons interested may appear and be heard at the time and place above specified, and since above specified, DATED this 3rd day of April, 1974.  
BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA  
BY: J. Sweetser Jr.  
Chairman  
Apr. 12, 1974 No. 6104

B

HNHJR:db

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA.

WHEREAS, a petition has been addressed to the Board of County Commissioners of Lee County, Florida, requesting that a certain platted easement as shown on the below-mentioned plat, be vacated, abandoned, discontinued and closed, and that the said Board renounce and disclaim any right of the County in and to the said platted easement as shown on said plat, and

WHEREAS, public hearing was held on the 1st day of May 1974, at 10:30 o'clock AM pursuant to duly published notice, and no objections being presented to the closing of said platted easement, and it further appearing that such said easement is not now and will not be of any material use to the public;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lee County, Florida, that the following platted easement described as:

That portion of Howell Street lying between the northeasterly right of way line of West Street and the southwesterly right of way line of the Atlantic Coastline Railroad right of way and between Lot 12, Block H and Lot 1, Block I, as shown and set forth upon the map or plat of R. H. Howell's Division recorded in Plat Book 5, page 1, of the public records of Lee County, Florida, EXCEPT the southwesterly six (6) feet thereof which is hereby expressly reserved as a utility easement,

be and the same is hereby vacated, abandoned, discontinued, and closed and as the Board of County Commissioners of Lee County, Florida, we do hereby renounce and disclaim any right of Lee County in and to the said land in and under the said platted easement as same is shown on the recorded plat of R. H. Howell's Division.

Dated this 1st day of May, 1974.

BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA.

By: [Signature] Chairman

APPROVED AS TO FORM & LEGAL SUFFICIENCY

By: [Signature] OFFICE OF COUNTY ATTORNEY 5-1-74

ALLEN, KNUDSEN, SWARTZ, DEBOEST, RHOADS & EDWARDS, P. A. ATTORNEYS AT LAW P.O. BOX 1480 COLLIER ARCADE FORT MYERS, FLORIDA



FORT MYERS NEWS-PRESS

Published every morning—Daily and Sunday

FILE NO. 1037 F61226

Fort Myers, Florida

Affidavit of Publication

State of Florida  
County of Lee

Before the undersigned authority, personally appeared  
Robert Bruce, who on oath says that he is the

Adv. Director of the Fort Myers News-Press, a daily newspaper published at Fort Myers, in Lee County, Florida,

that the attached copy of advertisement, being a Notice of adoption of resolution

in the matter of TO WHOM IT MAY CONCERN

in the

Court, was published in

said newspaper in the issues of

May 8 1974

Affiant further says that the said Fort Myers News Press is a newspaper published at Fort Myers, in said Lee County, Florida and that the said newspaper has heretofore been continuously published in said Lee County, Florida, each day, and has been entered as second class mail matter at the post office in Fort Myers, in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

*Robert Bruce*

Sworn to and subscribed before me this 8th day

of May

A.D. 1974

*James R. ...*  
Notary Public

My Commission Expires

My Commission Expires October 12, 1976

RECORDED IN OFFICIAL  
RECORDS  
LEE COUNTY, FLORIDA  
RECORD VERIFIED  
MAY 21 11 46 AM '74  
S.A. GERAGI  
CLERK OF CIRCUIT COURT  
BY \_\_\_\_\_ DO

NOTICE OF THE ADOPTION OF A RESOLUTION CLOSING AND VACATION PLATTED EASEMENT

TO WHOM IT MAY CONCERN— You will take notice that the Board of County Commissioners of Lee County, Florida, adopted a resolution on the 1st day of May, 1974, vacating, abandoning, discontinuing and closing the following described platted easement, and also renouncing and disclaiming any right of Lee County in and to the land in and under the following described said easement:

That portion of Howell Street lying between the northwesterly right of way line of West Street and the northwesterly right of way line of the Atlantic Coastline Railroad right of way and between Lot 12, Block H and Lot 1, Block I, as shown and set forth upon the map or plat of S. H. Howell's Division, recorded in Plat Book 5, page 1, of the public records of Lee County, Florida, EXCEPT the southwest six (6) feet thereof which is hereby expressly reserved as a utility easement.

DATED this 1st day of May, 1974.

BOARD OF COUNTY COMMISSIONERS  
of Lee County, Florida.  
BY: S/George A. Goldtrap  
Chairman  
May 8, No. 6571

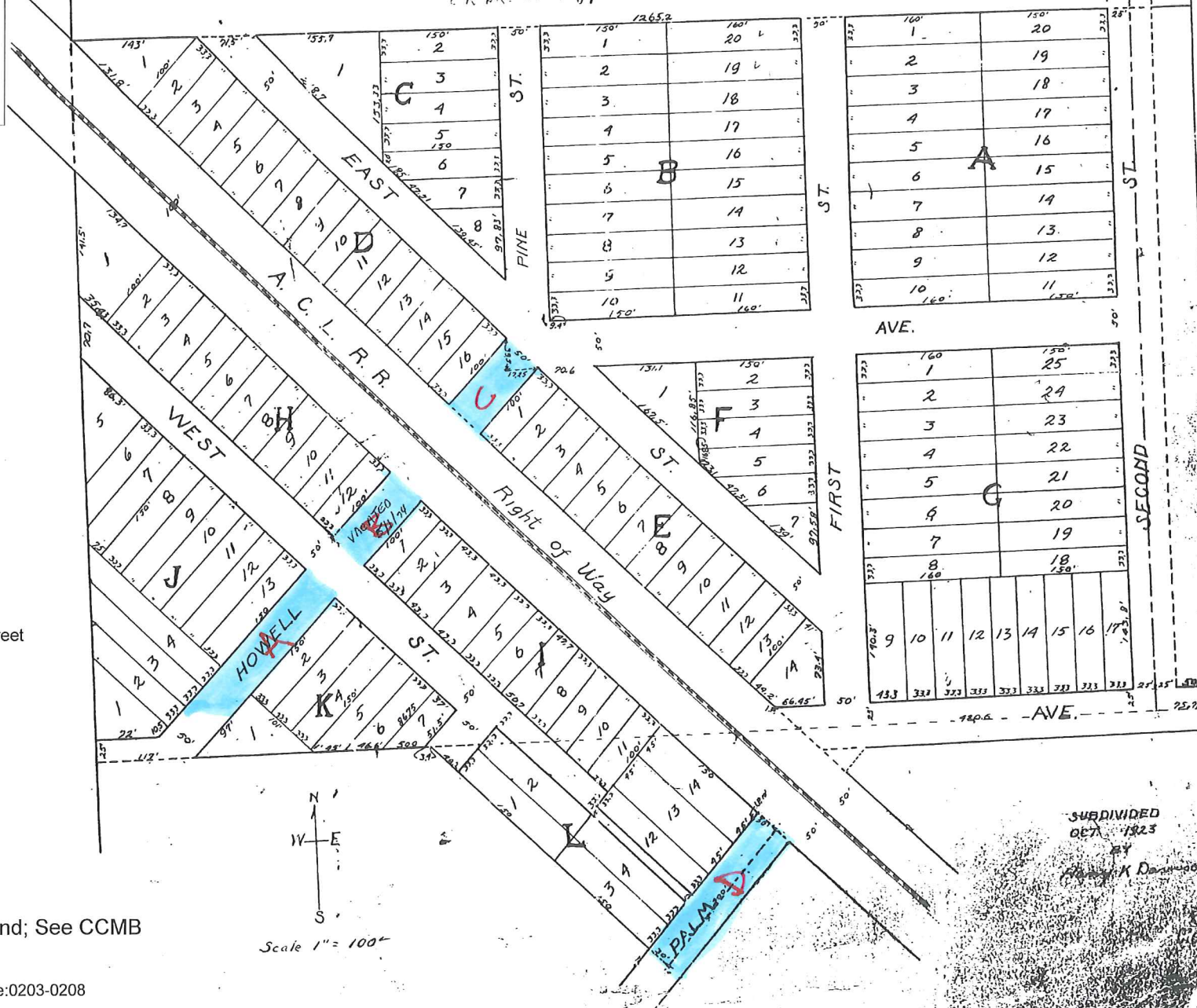
# R.H. HOWELL'S DIVISION

Properties, L.L.C., and lying between a southerly prolongation of the line common to Lots 1 through 4 and 13 and the northerly prolongation of the line common to Lot 2, in Section 21, Township 43 South, Range 25 East, of the R. H. Howell's Subdivision, as recorded in Plat Book 5, Page 1 of the Public Records of Lee County, Florida. Plat Book 5 Page 1 Approved 04/15/2008 3:30 PH1 Resolution No. 08-04-34 CCMB/Page 2008R/251-252 Instrument No. 2008000107789

VAC2007-00043-portion of a 50' wide un-built platted right-of-way Plat Book 5 Page 1 Board Date/Item No. 08-12 08R - 9:30 PH-1 Resolution No. 08-08 49 CCMB2008R/504 Instrument No. 2008000224900

beg. 75.75 ft. West of the S.E. Cor. of the N.W. 1/4 of the S.W. 1/4 of Sec. 21, T. 43 S., R. 25 E. thence with 768.8 ft., thence West 1265.2 ft. to the West line of Sec. 21, thence South 806.01 ft. to the 1st line of the N.W. 1/4 of the S.W. 1/4 of Sec. 21; thence East to the point of beg., less the A.C.L. R.R. Right-of-way. Also beg. on the West side of the A.C.L. Right-of-way at the boundary of the S.W. 1/4 of the S.W. 1/4 of Sec. 21, T. 43 S., R. 25 E. thence East 285.78 ft., thence S. 48° E. 378.18 ft. thence N. 42° E. 200 ft. to the West boundary of the A.C.L. Right-of-way, thence North-westerly to the point of beg.

VACATED PART OF HOWELL ST. CCMB 57, Pg. 130 CR BK. 1037 Jg. 1224-1226 Incl.



Petition to Vacate  
 Petition No: 74-5  
 Description: Vacaton of part of Howell Street  
 Date of Approval: 05/01/74  
 CCMB: 57 Page: 130  
 OR: 1037 Page: 1224-1226 Incl

Petition to Vacate  
 Petition No: 97-06-016.03R  
 Description: A tract of parcel of land; See CCMB  
 Date of Approval: 08/26/97  
 Resolution No: 97-08-23  
 CCMB: 1997R Page: 472  
 Recorded on: 9/25/97 OR Book: 2871 Page: 0203-0208

SUBDIVIDED  
 OCT 1923  
 BY  
 Frank K. Davidson  
 RECORDED IN THE  
 BOOK OF 1923