

April 14, 2011

Brandon D. Dunn Senior Planner Lee County Department of Community Development 1500 Monroe Street Fort Myers, FL 33902

Re:

RSW COMPREHENSIVE PLAN AMENDMENT

CPA2010-00008

CPT Application (Text)



### Dear Brandon:

This letter is in response to your February 22, 2011 letter regarding the above referenced application. The below items pertain directly to the items as outlined in your letter.

IV A. 2. General Information and Maps, Existing Future Land Use Map

Please provide a 24" x 36" Future Land Use Map.

## Response:

Three copies of the requested 24"x36" Future Land Use Map are provided.

IV A. 4. General Information and Maps, Map and describe existing land uses

Please provide a narrative description of the existing land uses of the subject and surrounding properties.

Response:

A Narrative of Existing Land Uses and Zoning is provided as Attachment A to Exhibit IV.A.1.

IV A. 5. General Information and Maps, Map and describe existing zoning

Please provide a narrative description of the existing zoning of the subject and surrounding properties.

Response:

A Narrative of Existing Land Uses and Zoning is provided as Attachment A to Exhibit IV.A.1.

Brandon D. Dunn RSW Comprehensive Plan Amendment CPA2010-00008 April 14, 2011 Page -2-



IV A. 7. General Information and Maps, A copy of the deed(s) for the property

Please provide a copy of the deeds for the property.

# Response:

Copies of the deeds for Southwest Florida International Airport are provided.

IV B. 2. a. Public Facilities Impacts, Provide an Existing and Future Conditions Analysis for, Sanitary Sewer

Lee County Utilities has concerns about the accuracy of some of the statements made in Exhibit IV.B.2 a & b, the Portable Water and Sanitary Sewer Analysis. Please revise this analysis based on the comments provided from LCU staff in Attachment A.

# Response:

The requested updates and changes have been made to the attached Potable Water and Sanitary Sewer Analysis.

IV B. 2. b. Public Facilities Impacts, Provide an Existing and Future Conditions Analysis for, Potable Water

In addition to the sufficiency comment provided above, please provide a description of any water conservation measures that will be applied to the site.

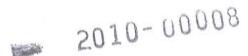
# Response:

The Water and Sewer Analysis determined the Gateway Wastewater Treatment Plant has limited reuse water available, and the available reclaimed water is consumed by current customers. The Analysis has been updated to indicate that new utility corridors or rights-of-way developed in the Airport's northern non-aviation lands will include a reserved alignment for future reclaimed water lines to prepare for the potential that adequate reclaimed water supply is available in the future. This will allow connection to the system if a reclaimed water main is constructed along Daniels Parkway in the future.

To further address water conservation, the Lee Plan Consistency Narrative has been updated to include reference to Objective 117.2 related to xeriscape, and indicates that the Port Authority is committed to utilizing drought-tolerant ground covers and shrubs that

Brandon D. Dunn RSW Comprehensive Plan Amendment CPA2010-00008 April 14, 2011 Page -3-





are on the Port Authority's "Compatible Native Landscape List for RSW and FMY." Additionally, for the land it manages, the Port Authority shall maximize use of irrigation systems alternative to spray (such as drip or seep) and utilization of rain sensors and moisture sensing systems to determine existing soil moisture, evapotranspiration rates, and zone control. For leased non-aviation development sites, the Port Authority shall encourage these types of irrigation systems as well as commercial use of energy star appliances and appliances with low water consumption rates through its lease agreements.

IV C. 1. Environmental Impacts, A map of the Plant Communities Pending site inspection for verification of FLUCCS.

# Response:

Acknowledged. Please contact Church Roberts with any questions concerning the FLUCCS mapping.

IV C. 2. Environmental Impacts, A map and description of the soils found on the property

Please provide a 24" x 36" soils map.

# Response:

Three copies of the requested 24"x36" Soils Map are provided.

IV C. 3. Environmental Impacts, A topographic map

Please provide a 24" x 36" topographic map.

## Response:

Three copies of the requested 24"x36" Topographic Map are provided.

IV C. 4. Environmental Impacts, A map delineating the property boundaries on the Flood Insurance Rate Map effective August 2008.

Please provide a 24" x 36" FIRM map.

### Response:

Three copies of the requested 24"x36" FIRM Map are provided.

Brandon D. Dunn RSW Comprehensive Plan Amendment CPA2010-00008 April 14, 2011 Page -4-



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IV C. 5. Environmental Impacts, A map delineating wetlands, aquifer recharge areas, and rare & unique uplands

Please provide a 24" x 36" map delineating wetlands, aquifer recharge areas, and rare & unique uplands.

# Response:

Three copies of the requested 24" x 36" map delineating wetlands, aquifer recharge areas, and rare & unique uplands are provided.

IV G. Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis.

In light of any changes made to this application, please update the Justification of the proposed amendment as necessary. This section of the application should also include or reference the appropriate data and analysis used to support any conclusions.

# Response:

Exhibit IV.G, Sound Planning Principles is updated with reference to responses concerning wildlife attractants.

## Miscellaneous Comments

Please clarify per Z-06-030 and Map 3F the Daniels Pkwy non aviation area contains 842.75 acres, where is the 200 acres of non aviation use being requested in this area located? Additionally, where will the indigenous preservation be located to accommodate the additional 200 acres of development area being requested? Note that per policy 1.2.7 the intent is to focus development within uplands and low quality wetlands.

## Response:

As reviewed during our April 4, 2011 meeting attended by Brandon Dunn, David Loveland, Josh Philpott, Laura DeJohn, Debi Pendlebury and Church Roberts, the proposed amendment is a text amendment to update the Lee Plan in two primary areas: Policy 1.2.7 which currently limits development within the non-aviation areas to 100 acres, and Table 5(a) SWFIA Development Schedule. The proposed text change in Policy 1.2.7 clarifies that 51.66 acres are currently allowed for development in the Midfield Terminal

Brandon D. Dunn RSW Comprehensive Plan Amendment CPA2010-00008 April 14, 2011 Page -5-



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area, and the request is for an additional 200 acres of development in the non-aviation area north of Runway 6-24.

The 100-acres currently approved for development was similarly processed through a by Comprehensive Plan Amendment Text Change. Subsequently, through an AOPD amendment, the actual 100-acre land area and indigenous preserves were resolved by zoning resolution Z-06-030. Similarly, the Port Authority proposes that the location of the additional 200 acres will be determined through site planning and development-specific indigenous preservation strategies associated with a future AOPD amendment.

It is noted that Policy 1.2.7 states that future non-aviation areas shall be developed, to the greatest extent possible, only within existing upland areas, and the intent of the policy language is to focus development in uplands and low quality wetlands.

As discussed during our meeting on April 4, 2011, the Port Authority is recognized as a leader among the airport industry in environmental responsibility by providing for wetland mitigation through the ±7,000 acre mitigation park. There is a growing body of documentation of hazards associated with attractants for wildlife on and near airports that can result in aircraft damage, aviation accidents, and threats to human safety. As a result of these dangers, the Federal Aviation Administration (FAA) has furthered its policy direction over the past several years to avoid wildlife attractants on airport property.

The Port Authority intends to comply with agency permitting requirements, and will continue to address wetland and indigenous preservation as responsibly and safely as possible. Because the proposed Comprehensive Plan Amendment is a text amendment, and no change is proposed to the adopted Airport Layout Plan (Map 3F of Lee Plan), the ultimate location and design of indigenous preservation will be coordinated during the rezoning process.

2) Please provide a set of 24 x 36 plans (including all maps) in a more legible scale. **Response:** 

Three copies of the requested 24"x36" plans including all maps are provided.

Please revise map 3F to identify the indigenous areas set aside for the original 151.66 acres of approved non aviation development per Z-06-030. Additionally,

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please include hatching for the indigenous areas to be set aside for the proposed 200 acres to be added.

# Response:

The proposed amendment is a text amendment to update the Lee Plan in two primary areas: Policy 1.2.7 which currently limits development within the non-aviation areas to 100 acres, and Table 5(a) Development Schedule. The proposed text change in Policy 1.2.7 clarifies that 51.66 acres are currently allowed for development in the Midfield Terminal area, and the request is for an additional 200 acres of development in the non-aviation area north of Runway 6-24. No changes to Lee Plan maps or the adopted Airport Layout Plan (which is a component of the RSW Airport Master Plan) are proposed as part of this amendment.

The 100-acres currently approved for development was similarly processed for approval, first through a Comprehensive Plan Amendment Text Change. Subsequently, through an AOPD amendment, the actual 100-acre land area and indigenous preserves were resolved by zoning resolution Z-06-030. Similarly, the Port Authority proposes that the location of the additional 200 acres will be determined through site planning and development-specific indigenous preservation strategies associated with a future AOPD amendment.

4) Please clarify how will the area located within the primary panther zone be addressed?

# Response:

Any impact to the Primary Panther Zone will be coordinated with the United States Fish and Wildlife Service (USFWS) during the future Army Corps of Engineers (ACOE) permitting for the subject property. The USFWS will make a determination if formal consultation is required, which means a biological assessment and opinion, or if they can provide a "likely to not adversely affect" determination for the project. Mitigation for unavoidable panther habitat impacts will be provided as part of this permit process.

Please clarify the proposed table 5(a) list office use as 275,000SF under the "Existing-2020" category and then list it as 162,600SF under the "2030" category, how does office space decrease?

## Response:

Table 5(a) Development Schedule lists the proposed space to be developed in the timeframe of existing through 2020, and then lists the proposed space to be developed in the timeframe of 2020-2030.

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The later timeframe indicates the additional development to occur; there is no proposed decrease. Therefore, the office space listed and approved as 275,000 SF will be developed during the time period of now through 2020, and the office space listed as 162,500 SF is additional office space to be developed later, between 2020 and 2030.

The above responses should address all of the items contained in your February 22, 2011 correspondence and we appreciate the County's comments and questions.

We would also like to address comments regarding the traffic impacts and transportation network received from Dave Loveland at our 4/4/11 meeting. As staff reviews the Traffic Impact Analysis for this Comprehensive Plan Amendment, it is important to note the analysis does not show any contributions to the level of service failures on the surrounding roadway network as a result of the proposed development through 2030. We'd like to offer the following items to also be considered in the analysis of this Amendment:

# Traffic Analysis - Supporting Comments

- 1. As a multi-modal facility, Southwest Florida International Airport serves the traveling public's needs by offering air travel alternatives for more efficient, longer distance travel. As a vital part of the national aviation system this local transportation resource provides a critical global economic link for tourism, business and personal travel requirements. In addition, the Airport is a key component of Florida's Strategic Intermodal System wherein the state recognizes the value of providing and maintaining quality access and mobility to support the region and State's competitive connection with the global economy. A 2010 Florida Statewide Aviation Economic Impact Study by the Florida Department of Transportation determined the total contribution from airport operations to the region's economy through direct and indirect sources is \$3.8 billion annually.
- 2. While the Port Authority must observe FAA restrictions on investment in capital projects outside the Airport boundary, the Port Authority has been supportive and contributed toward permitting and mitigation associated with the completed extension of Treeline Avenue and the planned development of a new I-75 direct airport connector interchange. These improvements relieve congestion on Daniels Parkway and the Daniels Parkway and Alico Road Interchanges.
- 3. The planned future eastern extension of Alico Road, and eventual connection of the Alico Extension to State Road 82 will provide an alternate route from Lehigh Acres to I-75 and all points south and west, and therefore relieve current and projected congestion on Daniels Parkway.

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> 4. Public transit provides alternative means of transportation to help reduce private vehicle trips to the Airport. LeeTran Route 50 connects travelers and employees from as far west as the Tanger Outlet Center on McGregor Boulevard to the Airport. Future expansion of LeeTran operations with service to Southwest Florida International Airport, the Red Sox Spring Training Facility, Florida Gulf Coast University and surrounding business parks will further improve connectivity and relieve congestion on the regional roadway network.

Thank you for the opportunity to provide these responses and additional comments. Should there be any questions or need for additional information to deem this application complete. please let me know. We are available to assist in any way that is helpful to prepare this application for hearings with the 2010/11 amendment cycle.

Sincerely,

JOHNSON ENGINEERING, INC.

Laura DeJohn, AICP

Director of Planning & Landscape Architecture

Attachments

cc:

Ellen Lindblad Josh Philpott

20087500-44

COMMUNITY DEVELOPMENT

# Exhibit IV.A.1 - Attachment A Narrative of Existing Land Use and Zoning for

# **RSW Comprehensive Plan Amendment**



COMMUNITY DEVELOPMENT

# **Existing Land Use of Subject Property**

The Airport property has a future land use designation of Airport with portions designated in the Wetlands future land use category, which is illustrated on the Current and Proposed Future Land Use Map Exhibit IV.A.2 & IV.A.3 accompanying this application.

The property is currently developed and operated as Southwest Florida International Airport (RSW). Existing uses at the Airport property include airport facilities associated with an international airport, as regulated and approved by the Federal Aviation Administration. The existing and proposed uses on Airport property are identified on the Airport Layout Plan according to the land use, transportation, environmental, safety and operational issues addressed during the Airport Master Planning process. The Airport property can be described according to three general areas:

The area North of Runway 6-24 consists of existing rental car facilities, water management and conservation areas, aviation related uses, fueling area, flight services, the Training Center, the Airport Surveillance Radar (ASR) tower, Air Traffic Control tower, Airport Vortac, airport vehicle maintenance, pistol shooting range, and proposed Non-Aviation Lands that include 100 acres approved for office, manufacturing, and warehouse uses known as the Madden Research Loop by zoning resolution Z-06-030. The proposed additional 200 acres of non-aviation development occupies the northern non-aviation areas of the Airport property. Future rental car facilities and future Passenger Multi-modal facilities are also anticipated in the northwest area of the property along Treeline Avenue.

The Midfield Terminal Area consists of the terminal, Runway 6-24 and parking to serve more than 20,500 daily passengers, with 51.66 acres of non-aviation development area approved for hotel and commercial uses (proposed gas station and animal kennel) by zoning resolution Z-06-030. A future parallel runway to the south of the terminal is proposed and shown on the adopted Airport Layout Plan. Future parking areas, Air Traffic Control Tower, Aircraft Rescue and Fire Fighting facility, and Airport Rotating Beacon are also anticipated in the Midfield area.

The South Area is currently undeveloped, and is proposed for detention, aviation related uses, and future potential non-aviation uses. An existing FPL Power Transmission line is proposed to be relocated along the south property line and east property line to resolve conflict with the future parallel runway. Well head locations are also anticipated along the southeast edge of the Airport property.





# COMMUNITY DEVELOPMENT

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# **Existing Zoning of Subject Property**

The subject property is zoned Airport Operations Planned Development (AOPD). In 2000, the ±6,366-acre Airport property was rezoned from AOPD, AG-2, IL, and IG to AOPD to permit the relocation of terminal facilities and related support facilities by Resolution Number Z-00-037.

In 2006, the AOPD was amended by Resolution Number Z-06-030 to add non-aviation related uses and to provide 100 acres of development area (Parcels A-G) in the northern non-aviation lands, and 51.66 acres near the midfield terminal. The AOPD Master Concept Plan was updated, and this action superseded all prior zoning resolutions.

The AOPD allows for aviation and non-aviation uses according to the AOPD permitted uses in the Land Development Code. The Master Plan depicts existing and proposed development areas and related indigenous preserves, access, and buffers for the allowable development.

# Existing Land Use & Zoning of Surrounding Property

# **Surrounding Properties to the North**

Surrounding the Airport property to the north are areas designated as New Community (Gateway), and Tradeport on the Future Land Use Map. A small portion of the Airport property lying north of Daniels Parkway is bordered by land area within the City of Fort Myers and designated as Traditional Community (Arborwood) on the City's Future Land Use Map.

Existing uses to the north of the Airport include a mix of agricultural, commercial, industrial, office, educational and recreational facilities. From the west, there is agricultural and natural land zoned Commercial Intensive and Conservation on the City of Fort Myers Zoning Map; smaller industrial and flex space buildings zoned Tourist Commercial and General Commercial; the under-construction Boston Red Sox Spring Training Facility zoned Mixed Planned Development; and a mix of uses within the Gateway Community zoned PUD and MPD, which include Gateway K-8 Charter School, office/flex buildings, Gateway Charter High School, business condominiums including a Comcast facility, the Worthington Commerce Park with warehousing and distribution, and agricultural and natural land associated with the Gateway DRI.

## Surrounding Properties to the West

Surrounding the Airport property to the west are areas designated as Tradeport on the Future Land Use Map.

Existing uses include a mix of undeveloped land, industrial, and office facilities. To the northwest of the Airport property, existing uses are primarily agricultural pasture land



zoned AG-2, and undeveloped land zoned General Commercial. Across Treeline Avenue to the west is Southwest International Commerce Park, a subdivided industrial park zoned IPD with some occupied sites used for parking, industrial, warehousing, and distribution. Additional undeveloped property is located along the remainder of the west side of Treeline Avenue, zoned AG-2.

# Surrounding Properties to the South

Surrounding the Airport property to the south are areas designated as Tradeport and Density Reduction Groundwater Recharge (DRGR), with a small site designated Public Facilities, and some areas designated as Wetland on the Future Land Use Map.

Existing uses include a mix of undeveloped land, agricultural, industrial, and mining land. To the southwest is the Airport Crossings development including proposed industrial, commercial, hotel and parking uses and zoned MPD. Agricultural grazing land zoned AG-2 extends along the south boundary of the Airport, which is subject to pending applications for DRI and MPD to allow industrial, office, retail, and hotel uses. The Green Meadow Water Treatment Plant zoned AG-2 is accessed from Airport Haul Road and abuts the southern boundary of the Airport. The IHUB project is zoned IPD and abuts the Airport property to the south, and is proposed to include industrial, heavy commercial, research and limited retail uses. There is also a mining operation zoned AG-2 adjoining the Airport to the south.

# Surrounding Properties to the East

Surrounding the Airport property to the east are areas designated as DRGR, Conservation Lands Upland, Conservation Land Wetland, and Wetland on the Future Land Use Map.

Along the southeast boundary of the Airport property is a Lee County utility facility zoned AG-2. The remainder of the eastern property line is bordered by natural, undeveloped land and some agricultural grazing land all zoned AG-2. The proposed large scale multi-use Fountains DRI application remains in the permitting process, and was submitted to include residential, commercial, warehouse, hotel, and golf course occupying 2,769 acres between the Airport Property and SR 82 to the east.







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ENGINEERING

2122 JOHNSON STREET P.O. BOX 1550 FORT MYERS, FLORIDA 33902-1550 PHONE (239) 334-0046 FAX (239) 334-3661 E.B. #642 & L.B. #642



OUTHWESTION TERNATION

AND 32 T AND 36 5 EAST / 31 AND 26EAST SECTIONS 23, 24, 25
TOWNSHIP 45 SOUTH, RASECTIONS 17, 18, 19, 20, TOWNSHIP 45 SOUTH LEE COUNTY, F

REVISIONS

DATE: MARCH 2011 PROJECT NO. 20087500-044 FILE NO. 19-45-26 SCALE: 1"=1000'

**DEED EXHIBIT** 

SHEET NUMBER

1 OF 1

COMMUNITY DEVELOPMENT

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# 1229716

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR LEE COUNTY, FLORIDA

LEE COUNTY, FLORIDA, a political subdivision of the State of Florida,

it 1369 12200

Petitioner,

vs.

CASE NO. 79-2049-CA-RWP

MAY K. WOOD, ET AL,

Defendants.

DOCKETED & FILED

AUG 15 1979

SAL GERACI, CLERK

### ORDER OF TAKING

THIS CAUSE coming on to be heard by the Court, and it appearing that proper notice was first given to all the Defendants, and all persons having or claiming any equity, lien, title, or other interest in or to the real property described in the Petition, that the Petitioner would apply to this Court on the 10th day of August 1979 for an Order of Taking, and the Court being fully advised in the premises, upon consideration, it is therefore.

ORDERED AND ADJUDGED:

- 1. That the Court has jurisdiction of the subject matter of the parties to this cause.
- 2. That the pleadings in this cause are sufficient and the Pétitioner is properly exercising its délegated authority.
- 3. That it is necessary to take the property described in the Petition.
- 4. That the estimate of value filled in this cause by the Petitioner was made in good faith and based upon a valid appraisal.
- 5. That the Petitioner is entitled to possession of the following described property prior to the entry of a Final Judgment, to-wit:

(See attached composite Exhibit "A"))

Upon payment to the Registry of this Court, the deposit hereafter specified; and that said deposit of money will fully secure and

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fully compensate the persons lawfully entitled to compensation, as will be determined ultimately by Final Judgment of the Court, and which said sum of money to be deposited is in no instance less than the value of said land, as fixed by the estimate of value as set by the Petitioner as follows:

Parcel No. 1 - \$81,600.00

Parcel No. 2 - \$ 9,200.00

Parcel No. 5 - \$ 4,600.00

PROVIDED, FURTHER, that the sum of money in the total amount of \$ 95,400.00 (NINETY FIVE THOUSAND FOUR HUNDRED DOLLARS) shall be deposited in the Registry of this Court within twenty (20) days after the date of this Order, and upon making such deposit, the Petitioner shall notify in writing all attorneys of record and those Defendants not represented by counsel that the deposit has been made, and that on the day of deposit the Petitioner shall be entitled to possession of the property described in the Petition without further notice or Order of this Court.

If the Petitioner shall default in the depositing of said sum of money within the time provided, this order shall be void and of no further force or effect.

DONE and ORDERED in Fort Myers, Lee County, Florida,

this 15 day of August

andles

ccuit Judge

Conformed copies furnished to: See Exhibit "B" attached.



COMMUNITY DEVELOPMENT

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## 1369 rs2202

LEGAL DESCRIPTION

ACQUISITION PARCEL (1)



SOUTHWEST FLORIDA REGIONAL AIRPORT

January 12, 1978

A parcel of land lying in the south half (S') of the southeast quarter (SEA) of the dortheast quarter (SEA), Section 23, Jacochip 45 South, Range 25 Wast, Lee Gours, Flatida, have particularly described as

Beginning at the east quarter corner of maid Section 23, can 5 88° 06° 12°W along the south time of maid mortheast quarter (ill.) for 1349.42 feet to the southeast corner of maid southeast quarter (ill.) of the mortheast quarter (ill.), of the mortheast quarter (ill.); thence con 0 00° 30° 22°U along the west time of maid fraction for 155.72 feet; thence can 0 80° 06° 12°U for 155.75 feet; thence can 0 50° 36° 12°U for 25°U for 25° point of Daginning.

Containing 13.11 acres more of less.

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POST CONTRACT TO THE PART OF T

MANNE 192 MITTION

CQUISITION MARGEL (2)

June 10, 19//

CAHL 1 300115011

DESCRIPTION
ACQUISTITION PARCIC
SOUTHWEST FLORIDA RECTORAL ARRIVET
PART OF TAX ROLL PARCICLS
74-45-25-01-00013-000
23-45-25-01-00014-000

# 1369 rc2203

The South 100 feet of Tracts 13 and 14, Sahal Ridge, an unrecorded subdivision in Section 23, Township 45 South, Range 25 Last as shown on plat recorded in Official Record Book 996 at pages 452 and 453 of the public records of Lee County, Florida, more particularly described as follows:

From the most quarter section corner of said Section 23 was Sage 06° 12" W along the east-west quarter section line of said section for 1349.77 Sect to the southeast corner of said Tract 13 and the point of beginning.

From said point of beginning continues 5.88° 06' 17" W shong made quarter section time and the court line of said Taxots N3 and 14 for 674.36 fort to the southwest corner of said Taxots N3 there was the contest in a said Taxots N3 and the contest ine of a body concern to beer vide for 100.002 foot; thence sun N 82° 06' 12" E parallel vith said gareter for 100.002 foot; there sun N 82° 06' 12" E parallel vith said gareter for 100.002 foot; the cost of the vest habt (4°) of the neitheast quarter (47%) of the said said the cost for 100.002 foot of the vest habt (4°) of the point said cost fine of the vest habt (4°) of the settless quarter (47%) of the point and the cost line of said facet 13 for 100.002 foot to the point

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JOHNSON ENGINEERING, INC.

CIVIL LOCALITATE OF LATID SURVEYORS

1127 Januar 50 Stores

LEGAL DESCRIPTION

ACQUISITION PARCEL (5)

CAUL L. JOHNSON

DESCRIPTION
ACQUISITION PARCEL
SOUTHWEST FOORDA REGLOBAL AIRPORT
PART OF TAX ROLL PARCEL
23-45-25-01-00028-000

HE: 1369 to2204

The north 100 (set of Tract 28, Sabal Ridge, an unrecorded subdivision in Section 23, Township 45 South, Range 25 East as shown on plan recorded in Official Record Book 966 at pages 452 and 453 of the public records of Lee County, Florida, more particularly described as follows:

uparty described as follows:

From the east quarter corner of said Section 23, zun S 88°
06' 12" Walong the east-west quarter section line of said section for 1349./2 feet to the northeast corner of said Seart. 28, beging the northeast corner of the northwest quarter (NNL) of the southeast quarter (SIL) of said Section 23 and the goint of beginning.

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SUBJECT to conduct, drainage and stiffity cosceners of record. Contacting 0.11 acres ange or Terms.

Bearings bereinshove sentioned are Plane Coordinate for the Florida Meyr Zone.

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STATEMENT STATEM

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COMMUNITY DEVELOPMENT

### EXHIBIT "B"

JEFFREY R. GARVIN, ESQ. P. O. Box 2040 Fort Myers, FL 33902

A. BROADDUS LIVINGSTON, ESQ. P. O. Box 3239 Tampa, FL 33601

JACK C. WARNOCK 37.0.7 Broadway Ave. Fort Myers, FL 33901

ELIZABETH B. WARNOCK 3707 Broadway Ave. Fort Myers, FL 33901

ROBERT L. BOUDREAU 37.07 Broadway Ave. Fort Myers, FL 33901

GLORIA S. BOUDREAU 3707 Broadway Ave. Fort Myers, FI 33901

MUSSIMO ANGELUCCI Sun-Lan Investments Co. 9814 Sterling Road Allen Park MI 48101

SCOTT MORAN 4580 McGregor Blyd. Fort Myers, FL 33901

DIANE MORAN BOYSEN 1523 Alcazar Ave. Fort Myers, FL 33901

JOHN N. SANTINI 3525 Presidential Court, S.W. Fort Myers, FL 35907

RONALD C. FRANCISCO 35'25 Presidential Court, S.W. Fort Myers, FL 339.7

LORINE GREINER 17450 Gulf Blvd. St. Petersburg, FL 33730

ROBERT J. FLINT Buckingham, FL 33901

GULF COAST PROPERTIES, INC. C/O Erleene Sanders, Registered Agent 1323 Gasparilla Drive Fort Myers, FL 33901

SUN-LAN INVESTMENTS CO. 9814 Sterling Road Allen Park, MI 48101

DAVID W. SWOR 3525 Presidential Court, S.W. Fort Myers, FL 33907

JOHN L. UPLS, 2376 Winkler Ave. Fort Myers, FL 33901





### 1229717

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR LEE COUNTY, FLORIDA .

LEE COUNTY, FLORIDA, a political : subdivision of the State of Florida, :

1369 62206

Petitioner,

vs.

CASE NO. 79-2080-CA-RWP

C. M. SYMONDS, JR., TRUSTEE, ET AL,

Defendants.

DOCKETED & FILED

AUG 15 1979

SAL GERACI, CHERK

### ORDER OF TAKING

THIS CAUSE coming on to be heard by the Court, and lit appearing that proper notice was first given to all the Defendants, and all persons having or claiming any equity, lien, title, or other interest in or to the real property described in the Petition, that the Petitioner would apply to this Court on the 10th day of August 1979 for an order of Taking, and the Court being fully advised in the premises, upon consideration, it is therefore,

### ORDERED AND ADJUDGED:

- That the court has jurisdiction of the subject matter of the parties to this cause.
- That the pleadings in this cause are sufflicient and the Petitioner is properly exercising its delegated authority.
- That it is necessary to take the property described in the Petition;
- 4. That the estimate of value filed in this cause by the Petitioner was made in good faith and based upon a valid appraisal.
- 5. That the Petitioner is entitled to possession of the following described property prior to the entry of a Final Judgment, to-wit:



COMMUNITY DEVELOPMENT

(See attached composite Exhibit "A")

Upon payment to the Registry of this Court, the deposit hereafter specified; and that said deposit of money will fully secure and fully compensate the persons lawfully entitled to compensation, as will be determined ultimately by Final Judgment of the Court, and which said sum of money to be deposited is in no instance less than the value of said land, as fixed by the estimate of value as set by the Petitioner as follows:

Parcel No. 6 - \$36,700.00	15 - \$474,200.00	
7-C - \$33,100.00 7-D - \$41,900.00	25 - \$409,600.00	
7-A = \$57,400.00		

PROVIDED, FURTHER, that the sum of money in the total amount of \$\_1,080,200,00 (ONE MILLION EIGHTY THOUSAND TWO HUNDRED DOLLARS) shall be deposited in the Registry of this Court Within twenty (20) days after the date of this Order, and upon making such deposit, the Petitioner shall notify in writing all attorneys of record and those Defendants not represented by counsel that the deposit has been made, and that on the day of deposit the Petitioner shall be entitled to possession of the property described in the Petition without further notice or Order of this Court,

If the Petitioner shall default in the depositing of said sum of money within the time provided, this Order shall be void and of no further force or effect.

DONE and ORDERED in Fort Myers, Lee County, Florida,

15 day of August

Circuit Judge

Conformed copies furnished to: See attached Exhibit "B"

APR 1 4 2011 COMMUNITY DEVELOPMENT 2010-00008

-----

JOHNSON ENGINEET NG. INC. CIVIL I RECEILLA ID PVED PRIKAL AOSES

LEGAL DESCRIPTION

ACQUISITION PARCEL June 10. 3.977



GARL E. JOHNSON

DESCRIPTION ACQUESTITION PARCEL SOUTHWEST FLORIDA REGIONAL ARREORT ALL OF TAX BOLL PARCEL 23-45-25-00-00006-002 AND

PART OF TAX ROLL PARCEL 23-45-25-00-00006-003

號 1369 62

The north half (84) of the northeast quarter (884) of the northone north main (MM) of the northeast quarter (MM) of the north-cast quarter (MM) of the southeast quarter (SM) and the north-100 feet of the north-one-half (M) of the north-east quarter (NM) of the north-east quarter (NM) of the southeast quarter (SM). Section 23, Township 45 South, honge 25 East, hee county, Marida, being all of tract 624 and part of Tenet 601 unrecorded Cokonfel Ranchetter Unit No. 4 and more particularly described as Follows:

hogimaing at the east quarter corner of said Section 23, sun S. Of" 05" 16" E along the east line of paid section for 530.56 feet to the southeast comer of said Tract 424 and hadd north east to the southeast comer of said tract 424 and said noith one-half (Nb) of the northeast quarter (N kb) of the northeast quarter (Nkb) of the southeast quarter (Nkb); thence tun 8 88 06" 10" i along the south time of said tract and said traction for 674-97 feet to an intersection with center time of a todd-tract content to the content time of a todd-tract content to the content time of a todd-tract content to the conten said contextine and the west Mine of said wast and said breaking for 230.56 feet, thence run \$ 88° 06' EZ" M, 100 feet north of and parallel with the cast-bast quarter rection line of said Section 23; through anid Fract for for 674,89 feet to the west line of the cost had file of the southeast quarter (SE) of said peating thence fun N OF 03" (I'' & stong said west line and the yest line of said north one-half (I's) of the northwest quarter (NWA) of the northeast quarter (NWA) of said southeast quarter (SEE) for 100.01 feet to an intersection with said east-west quarter section The; thence can R 88° 06' IZ" R along said quarter section time; thence can R 88° 06' IZ" R along said 174 for 1349.72 feet to the point of beginning. SUBJECT TO ensements of frecord:

Contributing 6.467 nexes more or Jessa, Bearings herekushove mentioned may Plane Coordinate for the Ekorida Wast Zong.

Arightic C. Guarre, and PRODUCTION, WARRES CAST NO. M-20875-05 CELLE C. SOUDION

REPARETOR OFFICE

DAN AR PERSONA OF MAGENTAL SURING

5010-00008

COMMUNITY DEVELOPMENT

LEGAL DESCRIPTION

ACQUISITION PARCEL (70

SOUTHWEST FLORIDA REGIONAL ALRPORT

October 17, 1977

A tract or parcel of land lying in the cast one-half (E 1/2) of the east one-half of the southeast quarter (SE 1/4), Section 23, Township 45 South, Range 25 East, Lee County, Florida known as Tract 420, unrecorded Colonial Ranchettes Unit No. 4 and more particularly described as follows:

From the east quarter corner of said Section 23 run S 01° 05'16'W along the east Time of said southeast quarter and said section for 1,327.23 feet to the northeast corner of said Fract 420 and the point of beginning.

From said point of beginning continer 5 of 05°16°E along the east line of said southeast quarter (SE 4/4) and the east line of said Track 420 for 330.55 feet to the southeast corner of said Track 420; thence run S 88° 06°02°W along the south time of said Track 420 for 675.50 feet to the vest line of said east one-half (E 1/2) of the cast one-half (E 1/2) of the southeast quarter (SE 1/4) and the centerline of a readway casesent 60 feet wide; thence run R 00° 04°08°W along said west line, said centerline and the vest line of said Tract 420 for 330.56 feet to the nerthwest corner of said Tract 420; thence run R 88° 06° 03°E along the north line of said Tract 421 for 6/5.79 feet to the point of beginning.

SUBJECT TO ensements of record.

Containing 5.12 newes more or less.

Bearings hereimphove mentioned are Plane Coordinates for the Florida West Zone.

No. of Street,

APR 1 4 2011

COMMUNITY DEVELOPMENT

EE 1369 FG2210

LEGAL DESCRIPTION

ACQUISITION PARCEL (

# SOUTHWEST FLORIDA REGIONAL AIRPORT

October 17, 1977

A tract or parcel of land lying in the east one-half (E 1/2) of the east one-half of the southeast quarter (SE 1/4), Section 23, Township 45 South, Range 25 East, Lee County, Florida known as Tracts 418 and 419, unrecorded Colonial Ranchettes Unit Ro. 4 and more particularly described as follows:

From the east quarter corner of said Section 73 run S of 05"16"H along the east time of said southerst quarter and said section for 1,657,78 feet to the northeast corner of said Tract 449 and the point of beginning.

From soid point of beginning continue 8 04° 05" k6" E along the east line of said southerst quarter (SE 1/4) and the cast line of said Tracts 449 and 418 for 664. 12 feet to the southeast corner of said Tract 448; thence run 8 88° 05'59" Wakong the south line of said tract 448 for 675.62 feet to the west line of said cast one-half (E 1/2) of the east one-half (E 1/2) of the southeast quarter (SE 1/4) and the centerline of a roadway casement 60 feet wide; thence run k 04° 04°03" Wakong said west line, said centerline and the west line of said Tracts 448 and 419 for 611.14 feet to a southeast corner of lands conveyed by deed recorded in 0471 cial Record Book 650 at page 360 of the publish records of said Lee County; thence run 8 88° 06"02" E along a south line of said parcel for 175 feet; thence run 8 88° 06"02" E along a south line of said parcel for 160 feet; thence run 8 88° 06"02" E along a south line of said parcel for line feet; thence run 8 88° 06"02" E along a south line of said parcel for 150 feet; thence run 8 04° 04"08" Wakong the cast line of said parcel for 150 feet to the north line of the south half (\$ 172) of the northeast quarter (NE 1/4) of the south cast quarter (SE 1/4); thence run 8 38° 06"02" E along said southeast quarter (NE 1/4); thence run 8 38° 06"02" E along said southeast quarter (NE 1/4); thence run 8 38° 06"02" E

SUBJECT TO consenents of record,

Containing 9.51 acres more or Tess.

Bearings hereinabove mentioned are Plane Coordinate for the Provided West Zone.

REGENTIED APR 14 2001

COMMUNITY DEVELOPMENT

JOHNSON ENGINEERING, INC.

CIVIL TROUBLER CO. AMD LAND SAUVEYORS.

POST OFFICE NOT 1200 FORT BY THE POST OFFICE NOT 1200 FORT

TEGAL DESCRIPTION

ACQUISTTION PARCEL (8)

CARL C. JOHNSON

DESCRIPTION
ACQUISITION PARCEL
SOUTHWEST FLORIDA REGIONAL AIRPORT
ALT, OF TAX ROLL, PARCEL
23-45-25-00-00006-001

E 1369 tc2211

A tract or parcel of land lying in the south half (5%) of the northeast quarter (REW) of the southeast quarter (SEW) of the southeast quarter (SEW). Section 23, Township 45 South, Range 25 East, Lee County, Thorida heing a part of Tract 419, unsected Colonial Kanchettes Unit No. 4 and were particularly described as follows:

Reginning at the northwest countr of said fraction and said geneties and the north line of said fraction and the north line of said tract being also the north line of lands conveyed by deed seconded in Official Record Book 650 at page 100, her County Records for 230 Lests thence run 8 00° 04° 08° E along the east line of taid lands. Thence run 8 00° 04° 08° E along the east line of taid lands. The described in taid deed for 120 Lest; thence run 8 00° 02° M along a routh line of said lands for 190 feet; thence run 8 00° 00° M along a north line of said lands for 190 feet; thence run 8 01° 100° 08° M along a touth line of said lands for 190 feet; thence run 8 01° 100° 100° M along a touth line of said lands for 190 feet; thence run 8 01° 06° 08° M along said lands for 190° feet to an intersection will runt line of said fraction and said tract; thence run 8 01° 06° 08° M along total vest line and the contextion of a routhry casesent 60 feet saide for 30 feet to the point of beginning.

Containing 0.23 neura wore or Pena.

Bearings hereinabove mentioned are Plane Goordinate for the Florida
Most Zone-

GAGE No. 11-20875-8

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COMMUNITY DEVELOPMENT
2010-00008

£ 1369 162212

LEGAL DESCRIPTION

ACQUISITION PARCEL (7A)

SOUTHWEST FLORIDA REGIONAL ATRPORT

October 17, 1977

A tract or parcel of land Lying in the east one-half (E 1/2) of the east one-half of the southeast quarter (SE 1/4), Section 23, Township 45 South, Range 25 East, Lee County, Florida known as Tracts 422 and 423, unrecorded Colonial Ranchettes Unit Ro. 4 and more particularly described as follows:

From the east quarter corner of said Section 23 run 5 OF 05\*16" along the east line of said southeast quarter (SE 1/4) and said section for 330.56 feet to the continuest corner of the north hatf (N 1/2) of the northeast quarter (SE 1/4) of the northeast quarter (NE 1/4) of the northeast quarter (SE 1/4) and the northeast corner of said Tract 423 and the point of beginning.

From said point of beginning continue S of 05"16"E along the cast line of said southeast quarter (SE 1/4) and the cast time of said Fract 422 and 423 for 661.13 feet to the southeast corner of said Fract 422; thence run S 86" 06"05"W along the routh time of said Fract 422; thence run S 86" 06"05"W along the routh time of said Fract 422 for 6/5.18 feet to the west line of said east one-half (E 1/2) of the east one-half (E 1/2) of the southeast quarter (SE 1/6) and the centertime of a toadway expensest 60 feet wide; thence run N 01" 04"08"W along said west line; said centerline and the west line of said Tracts 422 and 423 for 664. W feet to the northwest corner of said Tract 423 and the southwest corner of the north half (M 1/2) of the northeast quarter (NE 1/4) of the northeast quarter (NE 1/4) of the northeast quarter (NE 1/4) of the northeast quarter (NE 1/4); thence sun M 88° 06"10"E along south line of said fraction and north line of said Tract 423 for 6/4.97 feet to the point of beginning.

SUBJECT TO ensements of record,

1.

Contraining 10,24 neres more or less.

Beartings hereitrabove mentioned are Plane Coordinate for the Flortida West Zone;



JOHNSON ENGINEE ING. INC.

CIVIL I ROBELLA AND LADO FORVEYORS

TICE JOHNSON STHEET TO THE PROPERTY OF THE HOA 1500 POINT RYINS, I CONTO

LEGAL DESCRIPTION

ACQUISTTON PARCEL (15)

GARL E. 201111:011

DESCRIPTION
ACQUISITION PARCEL
SOUTHWEST FLORIDA REGIONAL A ORPORT
ALL OF TAX ROLL PARCEL
2A-45-25-00-00001,-200

**羅 1369 m2213** 

The south balf (St) of the southwest quarter (St) and the northcast quarter (RES) of the southwest quarter (St), Section 24, Township 55 South, Range 25 East, Lee County, Filorida, more particularly described as follows:

From the west quarter section corner of said Section 25, res. 5.89° 52' 50" E along the east-west quarter section line of said Section 26 for \$307.96 feet to the northwest corner of said sorthwest quarter (SEA) of the southwest quarter (SEA)

Contraining ARS. 56 norm wore or fees.

Bearings hereinabove ment toned are Plane Coordinate for the Florida Rent Zone.

GAST No. 41-20875-16

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Robert I. Anther

Leef T. John Bron

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COMMUNITY DEVELOPMENT

2010-00008

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JOHNSON ENGINEERING, INC.

CIVIL CHERT PROPRIETARD SURVEYORS

2458 JOHNSON STREET

LEGAL DESCRIPTION

ACQUISITION PARCEL (Z.

CARL C. JOHNSON

DESCRIPTION
ACQUESITION PARCEL
SOUTHWEST PEORIDA RESIDNAL ALEPOST
ALL OF TAX ROLL PARCEL
26-45-25-00-00005-000

EE 1369 162214

All of the northeast quarter (ECE) and the northeast quarter (ECE) of the northeast quarter (SEE), Section 26, Township 45 South, Range 25 East, Lee County, Florida, wore particularly described as follows:

Deginning at the northeast corner of said Section 26 run 5 OL\* 11. 64° E along the cont Tine of said northeast quarter (NP's) for 2625.91 feet to the cast quarter corner of said contiant Figure run 5 (0° 46° 04° U plong the east kine of said contiant figure run 5 (0° 46° 04° U plong the east kine of said continut quarter (Sk's) for 2346.27 feet; fleate xun 5 86° 10° 03° F plump like court like of said fraction for F333.29 feet; thence xun 8 00° 03° 57° 37 atong the vest line of said feaction for R332.52 feet; thence 5 87° 37° 47° M along the could kine of said section 26; thence xun 8 01° 02° 27° 47° M along the vest line of said northeast quarter (R2) for 1355.10 feet to the center of said Section 26; thence xun 8 01° 02° 24° M along the vest line of said northeast quarter (R2) for 2635.62 feet to the north quarter corner of said section 26; thence run 8 88° 05° 55° I; along the north line of said section and said northeast quarter (R1°s) for 2702.591 feet to the point of beginning.

Containing 204.80 senses were or less.

Heavings hereinabove mentioned and plane Goordinate for the Florida
West Zone.

GAST No. 14-20375-30

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ALLENET CHANT, IL.

VICTORYMINE

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ALEXANDER

TANDRES



COMMUNITY DEVELOPMENT

WILLIAM G. EARLE, ESQ. 1400 Alfred I. DuPont Building Miami, FL 33131 Attorneys for Defendant Symonds

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KENNETH A. JONES, ESQ. P. O. Box 2366 Fort Myers, FL 33902 Attorney for Colonial Ranchettes, Inc.

FRANK B. WATSON, JR., ESQ. P. O. Drawer X Fort Myers, FL 33902 Attorney for Ellis Fort Myers Bank

E. BRUCE STRAYHORN, ESQ.
P. O. Box 1288
Fort Myers, FL 33902
Attorney for Betty Thurmond,
Raymond Howerton,
Blanche Nyrer

KATHLEEN HOWERTON Route 13, Box 30 Fort Myers, FL 33901

JAMES H. MCNEIL, ESQ. P. O. Box 1567 Fort Myers, FL 33902 Fort Myers, For Gerald Pottinger, Susan Pottinger, East First National Bank

JAY A. BRETT, ESQ. P. O. Drawer 400 Fort Nyers, FL 33902 Attorney for Earl L. Morgan, Marie B. Morgan

FIRST NATIONAL BANK IN PUNTA GORDA. 6/o.B. L. Gabrielsen, President 126 Olympia Avenue Punta Gorda, FL 33950

STEPHEN E. DALTON, ESQ. P. O. Drawer 1507 Fort Myers, FD 33902 Attorney for Plaintiff/Petitioner fluc la 3 3 1 PH 978



COMMUNITY DEVELOPMENT

1163940

inted for Lawyers' Title Guaranty Fund, Orlando, Florida

This instrument was prepared by:

Haccanty Deed (STATUTORY FORM—SECTION 689.02 F.S.)

FRANK A. PAVESE PAVESE, SHIELDS, GARNER, HAVERFIELD & KLUTTZ FORT MYERS, FLORIDA 88902

This Indenture.

19 78 , Welmeen

COLONIAL RANCHETTES, INC., a Florida corporation,

of the County of

, State of

FLORIDA

, grantor\*, and

LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA,

whose post office address is

Fort Myers,

of the County of

, State of

Florida

, grantee\*,

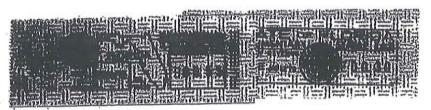
That sold granter, for and in consideration of the sum of

and other good and valuable considerations to said granter in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in

Lee

County, Florida, to-wit:

(See attached Exhibit "A")



and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever. \*"Grantor" and "grantee" are used for singular or plural, as context requires.

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

President

(Seal) (Seal)

(Seal)

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared

THOMAS R. CODNIN, President of COLONIAL RANCHETTES, INC.,

to me known to be the person described in and who executed the foregoing instrument and acknowledged before me the executed the same. being duly authorized to do so by COLONIAL RANCHETTES.

WATCHES my band and official seel in the County and State last aforesaid this doy of The County and State last aforesaid this WITNESS my hand and official seal in the County and State last aforesald this

My commission expires:

Notary Public, State of Florida at a My Coromical on Expires Aug 20,

### EXHIBIT A

A tract or parcel of land lying in the east one-half (E 1/2) of the east one-half of the southeast quarter (SE 1/4), Section 23, Township 45 South, Range 25 East, Lee County, Florida, known as Tracts 417, 418, 420, 421, 422, 423 and part of Tract 419, unrecorded Colonial Ranchettes Unit No. 4 and more particularly described as follows:

From the east quarter corner of said Section 23 run S 01° 05' 16" E along the east line of said southeast quarter (SE 1/4) and said section for 330.56 feet to the southeast corner of the north half (N 1/2) of the northeast quarter (NE 1/4) of the northeast quarter (NE 1/4) of the northeast quarter (NE 1/4) and the northeast corner of said tract 423 and the point of beginning. From said point of beginning continue S 01° 05' 16" E along the east line of said southeast quarter (SE 1/4) and the east line of said southeast quarter (SE 1/4) and the east line of said tracts 423, 422, 421, 420, 419, 418 and 417 for 2313.90 feet to the southeast corner of said section; thence run S 88° 05' 55" walong the south line of said fraction and the south line of said tract 417 for 675.73 feet to the west line of said east one-half (E 1/2) of the east one-half (E 1/2) of the southeast quarter (SE 1/4) and the centerline of a roadway easement 60 feet wide; thence run N 01° 04' 08" w along said west line, said centerline and the west line of said Tracts 417, 418 and 419 for 941.71 feet to a southwest corner of lands conveyed by deed reforded in Official Record Book 650 at page 300 of the public records of said Lee County; thence run N 88° 06' 02" E along a south line of said parcel for 155 feet; thence run N 01° 04' 08" w along the east line of said parcel for 150 feet to the north line of the southeast quarter (SE 1/4) of the northeast quarter (SE 1/4); thence run S 88° 06' 02" along said north line and the north line of the south east fract 419 for 330 feet to the northwest corner of said fraction and said Tract thence run N 01° 04' 08" w along said west line of the east half (E 1/2) of the east half (E 1/2) of the southeast quarter (SE 1/4), thence run N 01° 04' 08" w along said west line of the east half (E 1/2) of the east half (E 1/2) of the northwest corner of said Tract 423 and the center-line of said Tract 423 and the southwest corner of the northwest corner of the northwest corner of the northwest corner of the northeast

Containing 35.14 acres more or less.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone. (Parcel #7)

Subject to an Oil, Gas and Mineral Lease from Maurice A. Ayrer and Blanche S. Ayrer, his wife, to Humble Oil & Refining Company, dated May 1, 1965, and recorded in Official Record Book 326 at page 380, Public Records of Lee County, Florida.

Subject to reservations, restrictions, easements of record, and taxes for the current and all subsequent years.





IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR LEE COUNTY, FLORIDA

LEE COUNTY, FLORIDA, a political subdivision of the State of Florida,

Petitioner,

vs.

CASE NO.

79-3397-CA-JRS

GRACE W. GRESSONG, ET AL,

оскетно отгасо

NOV 1-6 1979 1862: 200 A

Defendants.

NOV: 1 6.1979 SAL GERACI CLERK CHRUPIT COURT

ORDER OF TAKING

THIS CAUSE coming on to be heard by the Court, and it appearing that proper notice was first given to all the Defendants, and all persons having or claiming any equity, lien, title, or other interest in or to the real property described in the Petition, that the Petitioner would apply to this Court on November 15, 1979 for an Order of Taking, and the Court being fully advised in the premises, upon consideration, it is therefore,

# ORDERED AND ADJUDGED:

- That the Court has jurisdiction of the subject matter of the parties to this cause,
- That the pleadings in this cause are sufficient and the Petitioner is properly exercising its delegated authority.
- That it is necessary to take the property described 3. in the Petition.
- That the estimate of value filed in this cause by the Petitioner was made in good faith and based upon a valid appraisal.
- 5. That the Petitioner is entitled to possession of the following described property prior to the entry of a Final Judgment, to-wit:

(See attached Exhibit "A")

COMMUNITY DEVELOPM

Upon payment to the Registry of this Court, the deposit hereafter specified; and that said deposit of money will fully secure and fully compensate the persons lawfully entitled to compensation, as will be determined ultimately by Final Judgment of the Court, and which said sum of money to be deposited is in no instance less than the value of said land, as fixed by the estimate of value as set by the Petitioner as follows:

Parcel No. 32 - \$ 51,700.00

Parcel No. 33 - \$113,700.00

Parcel No. 26 - \$ 51,500.00

provided, further, that the sum of money in the total amount of TWO HUNDRED SIXTEEN THOUSAND NAME HUNDRED POLITARS shall be deposited in the Registry of this Court within twenty (20) days after the date of this Order, and upon making such deposit, the Petitioner shall notify in writing all attorneys of record and those Defendants not represented by counsel that the deposit has been made, and that on the day of deposit the Petitioner shall be entitled to possession of the property described in the Petition without further notice or Order of this Court.

If the Petitioner shall default in the depositing of said sum of money within the time provided, this Order shall be void and of no further force or effect.

DONE and ORDERED in Fort Myers, Lee County, Florida, this

day of November 1979

RECEIVE

CONPULA DEVELOPMENT

JOHNSON ENGINEERING, INC.

CIVIL ENGINEER

LAND SURVEYORS

EXHIBIT "A"

HISS JOHNSON STREET TELEPHONE (MISS STATECTS PORT MISSIES, PONT 15AU FORT MICRS, PLONICA

LEGAL DESCRIPTION

ACQUISITION PARCEL (32)

EE 1389 FG2113

GARL E. JOHNSON

June 1.0, 1977

DESCRIPTION
ACQUISITION PARCEL
SOUTHWEST FLORIDA REGIONAL AIRPORT
ALL OF TAX ROLL PARCEL
35-45-25-00-00006-000

All of the southwest quarter (SME) of the southeast quarter (SME), Section 35, Township 45 South, Range 25 East, Lee County, Florida, more particularly described as follows:

leginning at the bouth quarter corner of said Section 35 and the southwest corner of said fraction run N 00° 12° M1° N along the north-south quarter section line of said Section 35 for 1933.11 feet to the north-section line of said Section 35 for 1933.11 feet to the north-section line of said section 35 (SEE) of the southeast quarter (SEE); thence run 189° 05° 27° E along the north line of said fraction for 1320.03 feet to the north-section for of said fraction; the cast line of said fraction for 1338,74 feet to an intersection with the south line of said Section 35; thence run S 89° 20° 10° V along said south line and the south line of said fraction for 1322.56 feet to the Point of Deginning.

Containing 40.52 acres more or loss. Bearings hereinahove mentioned are Flanc Coordinate for the Plorida. West Zone.

GNET No. M-20875-36

LEJ/jb .

7563

ANGINE JA.

POR CHART JA.

POR CHART L. HARRES

COREAN CHART AND CHART

ANGINER

CRECKEL HALL SON

HÖBERT S. GTAREN

DEAN C. THOMAS

JÖSERN V. ERNER

APR 14 2011

COMMUNITY DEVELOPMENT

2010-00008

JOHNSON ENGINEE G, INC.

CIVIL ENGINEEL.

LAND SURVEYORS

TALEPHONE THE DESTRUCTION OF THE POST OFFICE OOK 1056

LEGAL DESCRIPTION

ACQUISITION PARCEL (33)

HE 1389 rc2114

CARL E. JOHNSON

DESCRIPTION
ACQUISITION PARCEL
SOUTHWEST FLORIDA REGIONAL AIRPORT
PART OF TAX ROLL PARCEL
35-45-25-00-00007-000

All of the east half (E) of the southwest quarter (SWk), Section 35, Township 45 South, Range 25 East, Lee County, Florida, more particularly described as follows:

rly described so follows:
Reginning at the south quarter corner of said Section 35 and the southeast corner of said fraction run S 89° 20° 52" W plong the south kine of said fraction and said section for 1321.95 feat to the southwest corner of said fraction; thence run it 90° 36° 03° W glong the west kine of said fraction for 2654.39 feet to the northwest corner of said fraction, thence run N 88° 50° 42° E along the north line of said fraction for 1338.59 feet to the center of said Section 35; thence run S 00° 12° 41° 12 along the cent line of said fraction for 2666.21 feet to the point of beginning.

Containing 81.24 acres more or less.

Bearings hereimabove mentioned are Plane Coordinate for the Florida Rest Zone.

GART No. 11-20875-37

EEJ/jb

7563

2010-00008

RECEIVED

COMMUNITY DEVELOPMEN

JOHNSON ENGINE ("NG. INC.

CIVIL ENGINEERS. . TO LAND SURVEYORS

LEGAL DESCRIPTION

ACQUISITION PARCEL (26)

EARL E. JOHNSON

DESCRIPTION ACQUISITION PARCEL SOUTHWEST PLORIDA REGIONAL AIRPORT ALL OF TAX ROLL PARCEG. 26-45-25-00-00006-000

EE 1389 rc2115

All of the northwest quarter (NU%) of the southeast quarter (SE%), Section 26, Township 45 South, Range 25 East, Lee County, Florida, more particularly described as follows:

From the north quarter corner of said Section 26 run S 01.º 02' 4 along the north-south quarter section line of said section for 2635.62 feet to the center of said section and the point of

beginning. From said point of beginning tun & 87° 53" 44" E stong the north From said point of beginning fun R 87° 53" 46" E along the north-fine of said northwest quarter (NW) of the southeast quarter (SEM) for 1355.10 feet; thence run \$ 00° 07" 54" E along the got line of said fraction for 1337.52 feet; thence tun \$ 28° 10'08" W along the south line of said fraction for 1333.79 feet; thence run N 01° 02' 24" W along the west line of said fraction for 1330.60 feet to the point of beginning. Containing 41.16 acres more or less.

Bearings hereinabove mentioned are Plane Coordinate for the Florada

CAST No. M-20875-31

LEJ/jb

7563

AHEHE Y. GRANY, JR. POINTET, IL HANKS ASSOCIATED A LICATEDA, ALVIDON HONERT É, GUINER PAU-V. PIGNEY EDANG, INGRAS Joseph w. Ennen



### 1229718

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR LEE COUNTY, FLORIDA

LEE COUNTY, FLORIDA, a political : subdivision of the State of Florida, :

# 1369 E2216

Petitioner,

CASE NO. 79-2093-CA-RWP

VA.

HARDING S. FRANKEL, AS TRUSTEE, ET AL.

Defendants.

DOCKETED & FILED

AUG 15 1979

ORDER OF TAKING

BY TO SAL GERACI, CLERK

THIS CAUSE coming on to be heard by the Court, and it appearing that proper notice was first given to all the Defendants, and all persons having or craiming any equity, lien, title, or other interest in or to the real property described in the Petition, that the Petitioner would apply to this Court on the 10th day of August 1979 for an Order of Taking, and the Court being fully advised in the premises, upon consideration, it is therefore.

# ORDERED AND ADJUDGED.

- 1. That the Court has jurisdiction of the subject matter of the parties to this cause.
- 2. That the pleadings in this cause are sufficient and the Petitioner is properly exercising its delegated authority.
- 3. That it is necessary to take the property described in the Petition.
- 4. That the estimate of value filled in this cause by the Petitioner was made in good faith and based upon a valid appraisal.
- 5. That the Petitioner is entitled to possession of the following described property prior to the entry of a Final Judgment, to-wit:

(See attached composite Exhibit "A"

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Upon payment to the Registry of this Court, the deposit hereafter specified; and that said deposit of money will fully secure and fully compensate the persons lawfully entitled to compensation, as will be determined ultimately by Final Judgment of the Court, and which said sum of money to be deposited it in no instance less than the value of said land, as fixed by the estimate of value as set by the Petitioner as follows:

Parcel No: 14 - \$136,400.00

Parcel No: 27 - \$141,100.00

Parcel No: 31 - \$ 51,960.00

provided, further, that the sum of money in the total amount of three Hundred TWENTY NINE THOUSAND FOUR HUNDRED DOTTARS (\$329,400,00) shall be deposited in the Registry of this Court within twenty (20) days after the date of this Order, and upon making such deposit, the Petitioner shall notify in writing all attorneys of record and those befondants not represented by counsel that the deposit has been made, and that on the day of deposit the Petitioner shall be entitled to possession of the property described in the Petition without further notice or Order of this Court.

If the Petitioner shall default in the depositing of said sum of money within the time provided, this order shall be void and of no further force or effect.

DONE AND ORDERED in Fort Myers, Lee County, Florida,

this 15 day of August 1979.

R. WALLACE PACK, CIRCUIT JUDGE

Conformed copies furnished to: See attached Exhibit "B"

2010-00008

JOHNSON ENGINEER THO, INC. EXHIBIT "A" JUD EVINO PRIKAEAQUA LEGAL DESCRIPTION ACQUISTITON PARCEL (14) EE 1369 to2218 DESCRIPTION EARL E. JOHNSON ACQUISITION PARCEL SOUTHWEST PROBLEM REGIONAL ALREORY ALL OF TAX ROLL PARCELS 24-45-25-00-00003-000 24-45-25-00-00003-001 24-45-25-00-00004-000 24-45-25-00-00005-000 The east one-half (My)of the northwest quarter (NNA) of the southwest quarter (SNE) and the southwest quarter (SNE) of the northwest quarter (SNE) of the southwest quarter (SNE), Section 24, Township 45 South, Range 25 East, Lee County, Florida, more particularly described as follows: Promuthe west quarter conner of said Section 24, zun 8 69° 52' 400 H. allong the cast-west guarter section I inc of said acction for 651,48 feet to the northwest corner of said cast half (RES) of the northwest quarter (180k) of the nonthwest grouper (88k) and the point of heginging. Ruon and point of heginning continue 5 89° 52" have a dong said quarter caction fine and the north Line of said fraction for fish. As fact; thence sun fig. 35° 56° 5 and the car line of said fraction for 1325.19 heet; thence run 3.89° 86° 80° M along the south I in al said fraction and the south kine of and nouthwest quarter (82%) of the northwest quarter (81%) of the mouthwest quarter (Sta) for \$299.40 feet to an interbeetion with the vest Line of said sections, thence run it of 05" E6" Warrang the west time of said bection for 669.42 feet to the northwest governor of said continest quarter (SE) of the northwest quarter (NE) of the southwest quarter (SE); thence can \$ 898 480 400 E along the north line of said fraction for 650,38 keet to the northeast corner of avid fraction; thence Fin R OF 76 37 M. Atong the used blue of said eagt half (25) of the northwest quarter (82%) of the touthwest quarter (82%) for 663.86 feet to the point of beginning. Containing 29.65, acres note or less. Bearings heredandove ment foned one Plene Coordinate for the Pleyda West Zone-GART No. 14-20825-05 4357/Jb Appendigit, dienic, on. EQUITATION DAUGE AND AL OCCUPATION 2010-60008 AMIR AL ROTHERON
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JOHNSON ENGINEETING, INC.

AND LAND SURVEYORS CIVIL ENGINEED

EE 1369 102219

LEGAL DESCRIPTION ACQUISITION PARCEL (27

DESCRIPTION ACQUISITION PARCES. SOUTHWEST FLORIDA REGTORAL ALREOST ATA, OF TAX ROLL TARGELS

26-45-25-00-00002-000

26-45-25-00-00002-001 26-45-25-00-00003-000

26-45-25-00-00004-000

All of the southeast quarter (SEE) of the northwest quarter (18%) and the northeast quarter (18%) of the confinest quarter (18%), Section 26, Township 45 South, Range 25 East, Lee County, Plorida, more particularly described as follows:

Eron the north quarter corner of said Section 26, run S Ole 02" 23" E along the east Plus of said northwest quarter (88%) for E382-881 feet to the northeast corres of said southeast quarter (31%) of the northwest quarter (81%) and the point

of hardunday, Example and Price of and fraction for FVV. II feet no the center of said fraction for FVV. II feet no the center of said fraction for FVV. II feet no the center of said feeting. cast Five of said worth-ast quarter (80%) of the partitions. blong the nouth line of said northeast quarter (NPA) of the along the south line of eard northeast quarter (REA) of the confinent quarter (SEA) for 1386.93 feet; there can R 02° 05° 36° P along the rest time of each function for 1376.90 feet; there can M 00° h9° 32° V along the west line of paid noutheast quarter (SEA) of the portheast quarter (SEA) for 1320.37 feet; thence can R 25° 5° 5° 46° E along the north Eins of said fraction for \$356.40 feet to the point of begianning.

Containing 82.25 acres more or less. Bearings hereinaloge mentioned are Plane Coordinate for the Planida

GAST No: H-20875-29

ma/ab

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August, cumur, Jn. FOIGHT IN TANKS ntokinávneranky Lety II, John Kön Assádkira Entricine muskán nouthers, comme pair W., Glekkly bearing, Thomas actioniew, amilia

COMMUNITY DEVELOPMENT

JOHISOON ENCHALLISING, INC.

CIVIL TREES IN THE THAT PRINCE AGES

LEGAL DESCRIPTION

ACQUISITION PARCES, (31)

iff: 1369 #2220

CARL E. JOHNSON

DESCRIPTION
ACQUISITION PARCES,
SOUTHWEST FLORIDA RECTORAL AIRPORT

ALL OF PARCELS 35-45-25-00-00003-000 35-45-25-00-00003-001 35-45-25-00-00005-000 35-45-25-00-00005-000

ARE of the contheast quarter (SPa) of the contheast quarter (SPA), Section 35, Township 45 South, Range Z5 East, Lee County, Florida,

more particularly described as follows:

Beginning at the southeast corner of taid Section 35 xm S 89° 20° 30° W using the nouth time of taid function for \$322.56 20" 10" W along the could thine of said fraction for 1322.56 fact to the continuest course of said fraction, there in it 006 for 20" W along the test line of said fraction for 1381.76.

Eget to the center of said couldered quarter (SEL), things un 80° 05" 20" E along the north line of said conflicate quarter (SEL) of the couldeast quarter (SEL) for 1320.03 feet to in intersection with the east time of said certion; there im 5 00° 25" 56" E along said east line of said section; there im 5 00° 25" 56" E along said east line for 1344.39 feet to the point of bethuring. heptoming-

Containing 40-69 acces vouctor lens. Bearyings hereinshove sent toned are plane coordinate for the Ployida Worth Zonder

GAGT No. M-20875-35

JET/ju

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WE LAND 'A GUNT. AU ENGLISHMENT ALL TRACTICES General Formers กับอุทธานานักแบบเกล้า HOUSER'S, C'DREA DELING, THOUSE DELING, THOUSE incom we arrive

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#### Exhibit "B"

df: 1369 to2221

JOHN A. NOLAND, ESQ.

P. O. Box 280

Fort Myers, Florida 33902

Attorney for Defendants HARDING S. FRANKEL, AS TRUSTEE

VICTOR L. MINDLIN, AS TRUSTEE

GEORGE DAVID FRANKEL, AS TRUSTEE

ELIZABETH HARRIET BOCK, AS TRUSTEE

DORIS RUTH TULCIN, AS TRUSTEE

GERALDINE F. MERKSAMER, AS TRUSTEE

CHARLES KORN and FIRST NATIONAL BANK, AS TRUSTEES

P. F. BARNHART, TRUSTEE

H. P. PRESSLER, AS TRUSTEE

BENEFICIARIES OF MRS. HERMAN PRESSLER TRUSTS





## IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR LEE COUNTY, FLORIDA

LEB COUNTY, FLORIDA, a political subdivision of the State of Florida,

Petitioner,

.

CASE NO. 79-3418-CA-RWP

PHILIP J. CHASTAIN, AS TRUSTEE, ET AL,

Defendants.

DOCKETED & FILED

NOV 27 1979

BY Exerci, CLERK BY Exercise D.C.

#### ORDER OF TAKING

THIS CAUSE coming on to be heard by the Court, and It appearing that proper notice was first given to all the Defendants, and all persons having or claiming any equity, lien, title, or other interest in or to the real property described in the Petition, that the Petitioner would apply to this Court on November 26, 1979 for an Order of Taking, and the Court being fully advised in the premises, upon consideration, it is therefore,

## ORDERED AND ADJUDGED:

- 1. That the Court has jurisdiction of the subject matter of the parties to this cause.
- That the pleadings in this cause are sufficient and the retitioner is properly exercising its delegated authority.
- 3. That it is necessary to take the property described in the Patition.
- 4. That the estimate of value filled in this cause by the Petitioner was made in good faith and based upon a valid appraisal.
- 5. That the Petitioner is entitled to possession of the following described property prior to the entry of a Final Judgment, to wit:

(See attached Exhibit "A")

2010-00008

COMMUNITY DEVELOPMENT

APR 1 4 2011

(10)

Upon payment to the Registry of this Court, the deposit hereafter specified; and that said deposit of money will fully secure and fully compensate the persons lawfully entitled to compensation, as will be determined ultimately by Final Judgment of the Court, and which said sum of money to be deposited is in no instance less than the value of said land, as fixed by the estimate of value as set by the Petitioner as follows:

Parcel No. 28 - # 174000

PROVIDED, FURTHER, that the sum of money in the total amount of 2174600

shall be deposited in the Registry of this Court within twenty (20) days after the date of this Order, and upon making such deposit, the Petitioner shall notify in writing all attorneys of record and those Defendants not represented by counsel that the deposit has been made, and that on the day of deposit the Petitioner shall be entitled to possession of the property described in the Petition without further notice or Order of this Court.

If the Petitioner shall default in the depositing of said sum of money within the time provided, this order shall be wold and of no further force or effect.

DONE and ORDERED in Fort Myers, Lee County, Florida on

COMMUNITY DEVELOPME 2010-00008

JOHNSON ENGINEEL

CIVIL ENGINEERS AND LAND SURVEYORS

LEGAL DESCRIPTION

ACQUISITION PARCEL (28) June 10, 1977

GARL É, JOHNSON

DESCRIPTION PARCEL SOUTHWEST FLORIDA REGIONAL AIRPORT PART OF TAX ROLL PARCEL 26-45-25-00-00007-000

All of the south half (Sk) of the southeast quarter (SE%) and the southeast quarter (SE%), section 26, Township 45 South, tange 25 East, too County, Florida.

Section 26, Township 45 South, thinge 25 East, Lee County, Florida, more particularly described as follows:

Depinning at the southeast corner of said Section 26, run S 68° 27' 04" W along the south dane of said fraction for 2625.03

feet to the south quarter corner of said section; thence continue S 68° 27' 04" W along said south line for 1312.51 feet to the southwest corner of said southeast quarter (58%) of the southwest quarter (58%); thence run N 02° 05' 36" W along the vest line of said fraction for 1323.98 feet; thence run R 68° 10' 06" E along the morth line of said fraction for 1323.98 feet; thence run R 68° 10' 06" E along the morth the north-south quarter section 1336.93 feet to an interaction with the north-south quarter section 130c 05' said south half (Sk) of the southeast quanter (Sk) for 2667.58 feet to the cost line of said section; thence run S 00° 46' 01" y along said cost line for 1344.70 feet to the point of beginning. Containing 121.59 acros more or less.

Bearings hereinabove mentioned are Plane Coordinate for the Florida Nest Zone.

GA&T No. M-20875-32

EEJ/jb

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AUCHE THORANT. JA. FORESTATION OF THE STATE OF THE LESTENE MULTON NODERT & O'BRIEN PAR W. DICKEY

#### 1260430

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT

IN AND FOR LEE COUNTY, FLORIDA

DOCKETED & FILED

NOV 27 197:

LEE COUNTY, FLORIDA, a political subdivision of the State of Florida,

AL GERACI, CLERK Decker D.C.

Petitioner,

CASE NO. 79-3244-CA-RWP

LUCILLE GRIFFIN RUBSELL, ET AL,

Defendants.

#### ORDER OF TAKING

THIS CAUSE coming on to be heard by the court; and it appearing that proper notice was first given to all the Defendants, and all persons having or claiming any equity, lien, title, or other interest in or to the real property described in the Petition, that the Petitioner would apply to this Court on November 19, 1979, for an Order of Taking, and the Court being fully advised in the premises, upon consideration, it is therefore,

## ORDERED AND ADJUDGED:

- That the Court has jurisdiction of the subject matter of the parties to this cause.
- That the pleadings in this cause are sufficient and the Petitioner is properly exercising its delegated authority.
- That it is necessary to take the property described in the Petition.
- That the estimate of value filed in this cause by the Petitioner was made in good faith and based upon a valid appraisal.
- That the petitioner is entitled to possession of the following described property prior to the entry of a Final Judgment, to-wit:

(See attached Exhibit "A")

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COMMUNITY DEVELOPMENT 2010-00008

Upon payment to the Registry of this Court, the deposit hereafter specified; and that said deposit of money will fully secure and fully compensate the persons lawfully entitled to compensation, as will be determined ultimately by Final Judgment of the Court, and which said sum of money to be deposited is in no instance less than the value of said land, as fixed by the estimate of value as set by the Petitioner as follows:

Parcel No. 29 - \$111,500.00

PROVIDED, FURTHER, that the sum of money in the total amount of

shall be deposited in the Registry of this Court within twenty (20) days after the date of this Order, and upon making such deposit, the Petitioner shall notify in writing all attorneys of record and those Defendants not represented by counsel that the deposit has been made, and that on the day of deposit the Petitioner shall be entitled to possession of the property described in the Petition without further motice of Order of this Court.

If the Petitioner shall default in the depositing of said sum of money within the time provided, this order shall be void and of no further force or effect.

DONE and ORDERED in Fort Myers, Lee County, Florida on this

20 day of 700

1979

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COMMUNITY DEVELOPMENT

EXHIBIT "A" JOHNSON ENGINEERING, INC. CIVIL ENGINEERS AND LAND SURVEYORS EE 1391 rc1801 LEGAL DESCRIPTION ACQUISITION PARCEL June 10, 1977 DESCRIPTION ACQUISITION PARCEL SOUTHWEST FLORIDA REGIONAL ARRYORT PART OF TAX ROLL PARCEL 35-45-25-00-00001-000 All of the east half (EW) of the northwest quarter (NEW), Section 35, Township 45 South, Range 25 East, Lee County, Florida, more particularly described as follows: From the northwest corner of said Section 35, run N 889 27' 04" E along the north line of said fraction for 1312-52 feet to the northwest corner of said cast balf (F2) of the northwest quarter (NWE) and the point of (FE) of the northwest quarter (NUE) and the point of beginning.

From entil point of beginning continue N BS° 27" OAP E nlong the north line of said section for 1312:51 feet. to the north line of said section for 1312:51 feet. to the north guarter corner of said section; thence run S 00° 12" AP E along the cast line of said northwest quarter (NUE) for 2670:84 feet to the center of said Section 35; thence run S 88° 50" AP" M silong the south line of said spathwest quarter (NUE) for 1338.59 feet; thence run N 00° 21" LA" E along the vest like of said east half (EE) of the northwest quarter (NUE) for 2662.38 feet to the point of beginning.

Containing 81.12 acres more or lang. Containing SL.12 acres more or less. Bearings hereimsbove mentioned are Plane Coordinate for the Florida West Zono. GAAT No. M-20875-33 LEU/jb 7563 Angrications un ROUNGS HE DANKS 40gipii vi tilita Bending in india Accelera Accelera Bending opinisi Bending india Bending india Bending india

### 1260106

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR LEE COUNTY, FLORIDA

LEE COUNTY, FLORIDA, a political subdivision of the State of Florida,

Petitioner;

79-3398-CA-JRS CASE NO.

HERBERT GRIER,

Defëndants.

NOV 26 1979

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SAL CERACI , GRCUIT GOURT

ORDER OF TAKING

THIS CAUSE COMING on to be heard by the court, and it appearing that proper notice was first given to all the perendants, and all persons having or claiming any equity, lien, title, of other interest in or to the real property described in the Petition, that the Petitioner would apply to this Court on November 21, 1979 for an Order of Taking, and the Court being fully advised in the premises, upon consideration, it is therefore,

#### ORDERED AND ADJUDGED:

- That the Court has jurisdiction of the subject matter of the parties to this cause.
- That the pleadings in this cause are sufficient and the Petitioner is properly exercising its delegated authority.
- That it is necessary to take the property described in the Petition.
- That the estimate of value filed in this cause by the Petitioner was made in good faith and based upon a valid appraisal.
- That the Petitioner is entitled to possession of the following described property prior to the entry of a Final Judgment to-wit:

(See attached Exhibit

APR 1 4 2011

COMMUNITY DEVELOPMENT

Upon payment to the Registry of this Court, the deposit hereafter specified; and that said deposit of money will fully secure and fully compensate the persons lawfully entitled to compensation, as will be determined ultimately by Final Judgment of the Court, and which said sum of money to be deposited is in no instance less than the value of said land, as fixed by the estimate of value as set by the Petitioner as follows:

Parcel No. 30 - \$341,700.00

PROVIDED, FURTHER, that the sum of money in the total amount of THREE RUNDRED FORTY ONE THOUSAND SEVEN HUNDRED DOLLARS. shall be deposited in the Registry of this Court within twenty (20) days after the date of this Order, and upon making such deposit, the Petitioner shall notify in Writing all attorneys of record and those perendants not represented by coursel that the deposit has been made, and that on the day of deposit the Petitioner shall be entitled to possession of the property described in the Petition without further notice or order of this Court.

if the Petitioner shall default in the depositing of said sum of money within the time provided, this Order shall be void and of no further force or effect.

DONE and ORDERED IN Fort Myers, Lee County, Florida on Light day of

CIRCUIT JUDGE

-2-

COMMUNITY DEVELOPME 2010-00008



歷 1391 rc1237.

HNSON ENGINEER =G, INC.

CIVIL ENGINEERS . J LAND SURVEYORS

LEGAL DESCRIPTION

ACQUISITION PARCEL 30

CARE C. JOHNSON

DESCRIPTION ACQUISITION PARCEL SOUTHWEST FLORIDA RECIONAL AIRPORT ALL OF TAX ROLL PARCEL 35-45-25-00-00002-000

All of the northeast quarter (NFA) and the north half (NE) of the southeast quarter (SEA). Section 35, Township 45 South, Range 25 Kast, Lee County, Florada, more particularly described as follows:

Ollows:
Beginning at the northeast corner of said Section 35 runs 5:00° 25° 56° f along the east fine of unid section for 2008 35 feet to the east quarter section corner of said section; there is contained \$.00° 25° 50° f along the east line of said section for 13/4, 37 feet to the coupleast coiner of said section for 13/4, 37 feet to the coupleast coiner of said north half (\$20), of the southeast dialeter (\$120), thence runs 80° 05° 27° W along the south line of said frection for 26/0.06 feet to an intersection line of said frection for 26/0.06 feet to an intersection vith the mostle-south durter section line of said section; thence runk 00° 12° 42° W along said quarter section line for 4003.95 feet to the morth quarter corner of said Section 35; thence runk 80° 27° 04° x along the north line of said section for 2627.03 feet to the roint of beginning.
Containing 242.83 acres note or less.

Bearings hereinglove mentioned are Plane Courd mate for the Florida West Zone.

GART No. 11-20875=34

Liu/jb

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ANTERNATIONAL SELECTION vierkijskijije Konnecentije FEIL ET TOHNROH Augicialica Licational du Lagranie nontiffes. commen-icker V., attenty ogskind, pudsky iggistick, pudsky

APR 1 4 2011 COMMUNITY DEVELOPMENT

10-00008

IN THE CIRCUIT COURT OF THE TWEETIETH JUDICIAL CIRCUIT IN AND FOR LEE COUNTY, FLORIDA

LEE COUNTY, FLORIDA, a political: subdivision of the State of Florida,

Petitioner,

vs.

CASE NO. 79-4159-CA-JRS

CHARLES W. FLINT, ET AL,

Defendants.

DOCUMENT OF THE PARTY OF THE PA

TER 13 1980

SAL CERACI ORDER OF TAKING CLEEN CIRCUIT COURT

Longs aller

THIS CAUSE coming on to be heard by the Court, and it appearing that proper notice was first given to all the Defendants, and all persons having or claiming any equity, lien, title, or other interest in or to the real property described in the Petitioner, that the Petitioner would apply to this Court on February 6, 1980 for an Order of Taking, and the Court being fully advised in the premises, upon consideration, it is therefore,

ORDERED AND ADJUDGED:

- 1. That the Court has jurisdiction of the subject matter of the parties to this cause.
- 2. That the pleadings in this cause are sufficient and the Pētitioner is properly exercising its delegated authority.
- 3. That it is necessary to take the property described in the Petition.
- 4. That the estimate of value filed in this cause by the Petitioner was made in good faith and based upon a valid appraisal.
- 5. That the Petitioner is entitled to possession of the following described property prior to the entry of a Final Judgment, to-wit:

(See attached Exhibit "A")

2010-00008

COMMUNITY DEVELOPME

upon payment to the Registry of this Court, the deposit hereafter specified; and that said deposit of money will fully secure and fully compensate the persons lawfully entitled to compensation, as will be determined ultimately by Final Judgment of the Court, and which said sum of money to be deposited is in no instance less than the value of said land, as fixed by the estimate of value as set by the Petitioner, as follows:

Parcel Number 34 - \$224,000.00

provided, further, that the sum of money in the total amount of TWO HUNDRED TWENTY FOUR THOUSAND (\$224,000.00) DOLLARS shall be deposited in the Registry of this Court within twenty (20) days after the date of this Order, and upon making such deposit, the Petitioner shall notify in writing all attorneys of record and those Defendants not represented by counsel that the deposit has been made, and that on the day of deposit the Petitioner shall be entitled to possession of the property described in the Petition without further notice or order of this Court.

If the Petitioner shall default in the depositing of said sum of money within the time provided by this Order, this Order shall be void and of no further force or effect.

DOME AND ORDERED in Fort Myers, Lee County, Florida on this \_ & day of February 1980.

ACK R. SCHOONOVER, CIRCUIT JUDGE



COMMUNITY DEVELOPMENT



2010-00008-

PISA JAMPAGA STREET

EARL E. JOHNSON

EXHIBIT "B"

LEGAL DESCRIPTION

**E. 1407 rc1296** 

ACQUISITION PARCEL (34)

DESCRIPTION ACQUESTION PARCEL SOUTHWEST PLORIDA REGIONAL ATRIPORE ALL OF TAX ROLL PARCEL 36-45-25-00-01001-100 PART OF TAX ROLL PARCELS 36-45-25-00-01001-100 36-45-25-00-01001-100

A tract or parcel of land lying in the west half (0%) of Section 36, Township 45 South, Range 25 Rast, Lee County, Florida, which tract or parcel is described as follows:

\*\*Beginning at the morthwest corner of said Section 36 run 8 89° 53° 50° E along the morth dustice corner of said section 36 section for 2621-29 feet to the morth dustice corner of said section; thence run 5 54° 00° 00° 00° M for 1608.76 feet to in intersection with the cast line of the west half (0%) of the northwest guarter (N%) of said section; thence run 8 00° 33° 08° E along said cast line and the cast line of the west half (0%) of the southwest quarter (S0%) for 3,068.39 feet to the center of said southwest quarter (S0%); thence run 8 69° 22° 24° 1′ along the south Line of the northwest quarter (10%) of said southwest quarter (50%) for 1319.01 feet to an intersection with the west line of said section; thence run R 00° 25° 56° R along said west line for 4033.10 feet to the point of beginning.

Containing 135.74 heres more of less. Bearings hereinabove mentioned are Plane Coordinate for the Plorida West Zone:

GAST No. M-20875-38 11-20875-39 M-20875-40

maj/jb

7563

PORCESSION PROPERTY OF THE PRO

ANGENIC T. GRANT. JN.

L 2010-00008



COMMUNITY DEVELOPMENT

RECORD VERIFIED • CHARLIE GREEN, CLERK • 18 \*\* HEI EN CARROLL, D.C. •

(407) 423-7656

4104712

Parcel Identification (Folio) Number(s):

31-45-26-00-00001.2000 36-45-25-00-00001.0000 Jocumentary Tax Pd. \$ 70

Intangible Tax Pd.

CHARLIE GREEN, CLERX, LEE COUNTY

By Jo. Car. Deputy Clerk

For Recording Purposes Only

#### TRUSTEE DEED

THIS TRUSTEE DEED made and executed as of the 30 day of January, 1997, by FRANK N. SPELL, as Trustee under the provisions of a certain Trust Agreement dated October 6, 1987, which trust is a debtor-in-possession in a case under Chapter 11 of the Bankruptcy Code (Case No. 96-3715-9PI, Middle District of Florida) having a post office address at 1470 Royal Palm Square Boulevard. Fort Myers, Florida 33919 (hereinafter referred to as the "Grantor") to LEE COUNTY, a political subdivision of the State of Florida, having a post office address at P.O. Box 398, Fort Myers, Florida 33902-0398 (hereinafter referred to as the "Grantee"):

(Whenever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations, public bodies and quasi-public bodies.)

#### WITNESSETH:

THE GRANTOR, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, all that certain land, situate, lying and being in Lee County, Florida, more particularly described in <a href="Exhibit">Exhibit</a> "A" attached hereto and by this reference made a part hereof (the "Property" or said "Land").

TOGETHER, with all of the Grantor's rights, title and interest in and to all improvements, fixtures, easements, rights of way, licenses, privileges, tenements, hereditaments, reversions and appurtenances belonging or appertaining to the Property, including but not limited to any mineral rights owned or held by Grantor, and all right, title and interest of Grantor in and to any land within the perimeter of the Property lying in the bed of any canal, stream, lake, street, alley, road or avenue (before and after vacation thereof, and whether previously abandoned or vacated or hereafter abandoned or vacated).

TO HAVE AND TO HOLD, the same in fee simple forever.

GRANTOR hereby warrants and represents that said Land is not homestead property as defined under Florida Constitution 1968, Article X, Section 4, nor contiguous to the homestead property of the Grantor.

AND the Grantor hereby covenants to and with said Grantee that the Grantor is lawfully seized of said Land in fee simple; that the Grantor has good right and lawful authority to sell and convey said Land and that said Land is free of all encumbrances, except those matters set forth in <a href="Exhibit">Exhibit</a> "B" attached hereto and by this reference made a part hereof.



2010-00008

COMMUNITY DEVELOPMENT

OR2787 PG0866

IN WITNESS WHEREOF, the said Grantor has bereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:  Signed, sealed and delivered in our presence:  Name: Signed, sealed and delivered in our presence:  Name: Signed, sealed and delivered in our presence:	FRANK M. SNELL, as Trustee under the provisions of a certain Trust Agreement dated October 6, 1987, which trust is a debtor-in-possession in a case under Chapter 11 of the Bankruptcy Code (Case No. 96-3715-9P1, Middle District of Florida)	OR2787 PGO867
Accepted by the Chairman/Vice Chairman or designee in accordance with the Board of County Commissioners action of actoric (6, 1997)  CHAIRMAN/VICE CHAIRMAN OR DESIGNEE		
APPROVED AS TO LEGAL FORM AND SUFFICIENCY  LEGAL FORM	31	
STATE OF FLORIDA COUNTY OF LEE		
in the State aforesaid and in the County aforesaid FRANK 19. SNELL, as Trustee under the proctober 6, 1987, which trust is a debtor-in-pankruptcy Code (Case No. 96-3715-9P1, Mich.	ovisions of a certain Trust Agreement dated ossession in a case under Chapter 11 of the ddle District of Florida) who [-] is personally as identification, who executed subscribing witnesses freely and voluntarily for	
WITNESS my hand and official day of January, 1997.	seal in the County and State last aforesaid this 2010-	00008
	Notary Public	
(NOTARIAL SEAL)		
Carol L. Skillen  Sold Sold Sold State of Florida  Carol L. Skillen  Carol L. Skille	Printed Name	
Constitution No. Consti	Commission Number: ( 584750  My commission expires: 11181/2000	ALEST N
	DIS (CIE.N W	10 11

ASTRUSTIE DEDICTSTREE COUNTY-SSILE (DISCORDE &

DESCRIPTION
Parcels in
Section 36, T. 45 S., R. 25 E. &
Section 31 T. 45 S., R. 26 B
Lee County, Florida

Tracts or parcels of land lying in Section 36, Township 45 South, Range 25 East and Section 31, Township 45 South, Range 26 East, Lee County, Florida, which tracts or parcels are described as follows:

Parcel "E"

From the nonthwest corner of said Section 31 run S 00° 51' 53" E along the west line of the northwest one-quarter (NW-1/4) of said Section 31 for 1574.92 feet to the Point of Beginning.

From said Point of Beginning run N 89° 05' 10" E for 815.00 feet to an intersection with the west line of a roadway and public utility right-of-way described in Official Record Book 1398, at Page 2143 of the Public Records of Lee County, Florida; thence run S 00° 51° 53" E along said west line for 1068.81 feet; thence run S 90° 05' 10" W for 815.00 feet to the west quarter corner of said Section 31; thence run N 00° 51' 53" W along the west line of the northwest one-quarter (NW-1/4) of said Section 31 for 1068.81 feet to the Point of Beginning.

#### Parcel "G"

Beginning at the southwest corner of the southwest one-quarter (SW-1/4) of said Section 36 run N 00° 25' 51" W along the west line of said fraction for 1344.41 feet; thence run N 89° 22' 19° E for 1318.93 feet; thence run N 00° 33' 00° W for 3068.58 feet; thence run N 54° 00' 16° E for 1608.67 feet to an intersection with the north line of the northeast one-quarter (NE-1/4) of said Section 36; thence run S 89° 53' 45° E along the north line of said fraction for 2621.25 feet to an intersection with the east line of said fraction; thence run S 00° 51' 53° E along said east line for 855.40 feet; thence run \$ 49° 41° 00° W for 675.98 feet to a point on a non-tangent curve and an intersection with the easterly line of a roadway easement (100 feet wide) described in Official Record Book 2150, at Page 4520 of the Public Records of Lee County, Florida; thence run the following four courses along the casterly, and nonherly lines said roadway easement; southerly along an arc of a curve to the right of radius 250.00 feet (chord bearing S 12° 57' 32° E) (chord 104.76 feet) (delta 24° 11' 17") for 105.54 feet to a point of tangency; S 00° 51' 53" E for 572.35 feet to a point of curvature; southeasterly along an arc of a curve to the left of radius 100.00 feet (chord bearing \$ 45° 53' 22" E) (chord 141.48 feet) (delta 90° 02° 57") for 157.17 feet to a point of tangency; N 89° 05' 10° E for 399.92 feet to an intersection with the cast line of the northeast one-quarter (NE-1/4) of said Section 36; thence run S 00° 51' 53° E along said east line for 100.00 feet to an intersection with the southerly line of said roadway easement; thence run the following four courses along said southerly line: \$ 89° 03' 10° W for 378.91 feet to a point of curvature; westerly along an arc of a curve to the left of radius 500.00 feet (chord bearing S 75° 26' 19° W) (chord 235.95 feet) (delta 27° 17' 41") for 238.19 feet to a point of reverse curvatures; westerly along an are of a curve to the right of radius 200.00 feet (chord bearing \$ 75° 42' 03° W) (chord 96.16 feet) (delta 27° 49' 08") for 97.11 feet to a point of tangency; \$ 89" 36" 38" W for 165.42 feet; thence run S 00° 23' 22" E for 400.00 feet to an intersection with the south line of the northeast one-quarter (NE-1/4) of said Section 36; thence run S 89° 36' 38° W along said south line for 440.00 feet thence run N 00° 23' 22° W for 400.00



COMMUNITY DEVELOPMENT

DESCRIPTION
Parcels in
Section 36, T. 45 S., R. 25 E. &
Section 31 T. 45 S., R. 26 E
Lee County, Florida

feet to an intersection with the southerly line of said roadway casement; thence run S 89° 36' 38" W along said southerly line for 440.00 feet to a point designated as "Point A"; thence run \$ 00" 23" 22" E for 400.00 feet to an intersection with the south line of the northeast one-quarter (NE-1/4) of said Section 36; thence run S 89° 36' 38" W for 879.86 feet to an intersection with the west line of the southeast one-quarter (SE-1/4) of said Section 36; thence run S 00° 40' 13° E along said west line for 2666.87 feet to an intersection with the south line of the southwest one-quarter (SW-1/4) of said Section 35; thence run S 89° 08' 02° W along said south line for 2643.50 feet to the Point of Beginning LESS and EXCEPT the following described parcel: From said "Point A" run N 89" 36" 28 along the southerly line of said roadway easement for 322.08 feet; thence run N 00° 51' 53° W for 100.01 feet to an intersection with the nonherly line of said roadway easement and the Point of Beginning.
From said Point of Beginning continue N 00° S1° 53° W for 450.02 feet; thence run N 89° 36' 38" E for 400.01 feet; thence run N 00° 51' 53° W for 452.50 feet to an intersection with the southerly line of said roadway easement; thence run the following five courses along the southerly, westerly and nonherly lines of said roadway essement: S 89° 53' 45° E for 277.56 feet to a point of curvature; southeasterly along an arc of a curve to the right of radius 150.00 feet (chord bearing \$ 45° 22' 49° E) (chord 210.33 feet) (delta 89° 01' 52") for 233.08 feet to a point of tangency;

S 00° 51' 53" E for 650.54 feet to a point of curvature; southwesterly alunt an arc of a curve to the right of radius 100.00 feet (chord bearing S 44° 22' 22" W) (chord 142.01 feet) (delta 90° 28' 32") for 157.91 feet to a point of tangency; S 89° 36' 38" W

for 724.17 feet to the Point of Beginning.

2010-00008



#### EXHIBIT B

- 100' Road Right-of-Way for Southwest Regional Center as further described in Warranty Deed filed December 13, 1989 in Official Records Book 2115, Page 751 and by Deed filed October 15, 1990 in Official Records Book 2180, Page 4620, Public Records of Lee County, Florida.
- Easements reserved and set forth in that certain Final Judgment of Foreclosure filed July 31, 1995 in Official Records Book 2621, Page 3684 and re-recorded February 26, 1996 in Official Records Book 2679, Page 4016, Public Records of Lee County. Florida.

OR2787 PG0870



COMMUNITY DEVELOPMENT



2010-00008

THIS INSTRUMENT PREPARED BY AND SHOULD BE RETURNED TO:

Donna M. More FOLEY & LARDNER 111 North Orange Avenue, Suite 1800 Post Office Box 2193 Orlando, FL 32802-2193 (497) 423-7656

Parcel Identification (Folio) Number(s): 36-45-25-00-00005.0000

THIS IS A CONVEYANCE IN LIEU OF CONDEMNATION

4442972

081039 1663120

For Recording Purposes Only

RECORDED BY MARY JO ROBINSON, D.C.

#### WARRANTY DEED

THIS WARRANTY DEED made and executed as of the 3/day of July 1998, by MICHAEL M. STRAYHORN, individually and as Trustee, whose post office address is 1700 Medical Lane, Fort Myers, Florida (hereinafter referred to as the "Grantor") to LEE COUNTY, a political subdivision of the State of Florida, having a post office address at P.O. Box 398, Fort Myers, Florida 33902-0398 (hereinafter referred to as the "Grantee"):

(Whenever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations, public bodies and quasi-public bodies.)

## WITNESSETH:

THE GRANTOR, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, all that certain land, situate, lying and being in Lee County, Florida, more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof (the "Property").

TOGETHER, with all of the Grantor's rights, title and interest in and to all improvements, fixtures, easements, rights of way, licenses, privileges, tenements, hereditaments, reversions and appurtenances belonging or appertaining to the Property, including but not limited to any mineral rights owned or held by Grantor, and all right, title and interest of Grantor in and to any land within the perimeter of the Property lying in the bed of any canal, stream, lake, street, alley, road or avenue (before and after vacation thereof, and whether previously abandoned or vacated or hereafter abandoned or vacated).

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantor hereby covenant with and warrant to the Grantee that the Grantor is lawfully seized of said Property in fee simple; that the Grantor has good right and lawful authority to sell and convey said Property; the Grantor does hereby fully warrant the title to the Property and will defend the same against the lawful claims of all persons whomsoever; and that said Property is free of all encumbrances, except taxes for the year 1998 and subsequent years and easement and restrictions of record.



IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered

Name: (1)0 NNA MORE	MICHAEL M. STRAYHORN, individually and as Trustee
Accepted by the Chairman/Vice Chairman or designee in accordance with the Board of County Commissioners action of	
APPROVED AS TO LEGAL FORM AND SUFFICIENCY  LEGAL FORM  LEGAL FORM	THIS IS A CONVEYANCE IN LIEU OF CONDEMNATION
in the State aforesaid and in the County aforesaid, MICHAEL, M. STRAYHORN, indivudual	lly and as Trustee under that certain personally known to me or [½] produced on, who executed the foregoing instrument in y and voluntarily for the uses and purposes
WITNESS my hand and official s	eal in the County and State last aforesaid this
(NOTARIAL SEAL)	Printed Name  Commission Number  Commission explanation of the control of the con
	I'm to a construction of

RECEIVED

### EXHIBIT "A"

PARCEL 1:

The West 1/2 of the Southeast 1/4 of Section 36, Township 45 South, Range 25 East, Lee County, Florida.

0R2994 PG0 152

98 JUL 31 PH 3: 45



COMMUNITY DEVELOPMENT

2010-00001

# THIS INSTRUMENT PREPARED BY AND SHOULD BE RETURNED TO:

Daniel T. O'Keefe, Esq. FOLEY & LARDNER 111 North Orange Avenue, Suite 1800 Post Office Box 2193 Orlando, FL 32802-2193 (407)423-7656 4160475

Parcel Identification (Folio) Number(s): 36-45-25-00-00002.0000

11.00xx 78.00

WARRANTY DEED

THIS WARRANTY DEED made and executed as of the \_\_\_\_\_\_\_ day of April, 1997, by KENNETH R. FRANKEL, Individually, THOMAS B. FRANKEL, Individually, HARDING S. FRANKEL, Individually, VELDA BARNHART WYCHE (f/k/a Velda Barnhart Evans), Individually, L. IRVIN BARNHART, Individually, PAUL F. BARNHART, JR., Individually; H. PAUL PRESSLER, III, TOWNES G. PRESSLER and TOWNES G. PRESSLER, JR., the Trustees of the Mrs. Herman Pressler 1969 trusts created by Trust Indenture dated November 8, 1969, and recorded in Official Records Book 1377, Page 27 and amended in Official Records Book 1377, Page 39, of the Public Records of Lee County, Florida, and GEORGE DAVID FRANKEL, ELIZABETH HARRIET BOCK, DORIS RUTH TULCIN, GERALDINE F. MERKSAMER, and CITIBANK, N.A., (f/k/a First National City Bank of New York), Trustees of the trust created under the Will of George Frankel, deceased (hereinafter collectively referred to as the "Grantor") to LEE COUNTY, a political subdivision of the State of Florida, having a post office address at P.O. Box 398, Fort Myers, Florida 33902-0398 (hereinafter referred to as the "Grantee"):

(Whenever used herein the terms "Grantor" and Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations, public bodies and quasi-public bodies.)

#### WITNESSETH:

THE GRANTOR, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt of which is hereby acknowledged, by these presents does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, all that certain land, situate, lying and being in Lee County, Florida, more particularly described (the "Property" or said "Land") as follows:

The East Half (E 1/2) of the Southeast Quarter (SE 1/4) of Section 36, Township 45 South, Range 25 East, Lee County, Florida.

TOGETHER with all of the Grantor's rights, title and interest in and to all improvements, fixtures, easements, rights of way, licenses, privileges, tenements, hereditaments, reversions and appurtenances belonging or appertaining to the Property, including but not limited to any mineral rights owned or held by Grantor, and all right, title and interest of Grantor in and to any land within the perimeter of the Property lying in the bed of any canal, stream, lake, street, alley, road or avenue (before and after vacation thereof, and whether previously abandoned or vacated or hereafter abandoned or vacated).

TO HAVE AND TO HOLD the same in fee simple forever.

GRANTOR hereby warrants and represents that said Land is not homestead property as defined under Florida Constitution 1968, Article X, Section 4, nor contiguous to the homestead property of the Grantor.

2010-00008

APR 1 4 2011

COMMUNITY DEVELOPMEN

PREDORD VERIFIED - CHARLIEGREEN, CLERK.

**阿斯斯**州

AND the Grantor does hereby covenant with and warrant to the Grantee that the Grantor is lawfully seized of the Property in fee simple; that the Grantor has good right and lawful authority to sell and convey the Property; the Grantor does hereby fully warrant the title to the Property and will defend the same against the lawful claims of all persons whomsoever; and that the Property is free and clear of all encumbrances except for those matters set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered	
In our presence:	KENNETH R. FRANKEL, Individually
Name: Matt Alell	
STATE OF	
COUNTY OF	
appeared before me KENNETH R. FRAMME, or [ ] who produced who acknowledged that he executed the fo and purposes expressed therein.	y aforesaid, to take acknowledgements, personally NKEL, Individually, who [ ] is personally known to as identification, and regoing instrument freely and voluntarily for the uses  Tricial seal in the County and State last aforesaid this
	Signature of Notary
	Name of Notary (Typed, Printed or Stamped)
	Commission Number (if not legible un scal):
(.	SEE ATTACHED ACKNOWLEDGMENT SANTEMEUT)



## · CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of AZIFURILA	- 8
County of 11.472-11	-
On 4/25/97 before me, 54	HAPPON FRECRIESSIN, NOTHER FUREIC, Name and time of Officer (e.g. Jane Doe, Hotary Public)  P. FRAKER
	Name(af or pidue).
SHARON FREDRIKSSON COMM. # 1054940 Exe	the basis of satisfactory evidence to be the person(s) ose name(s) is/are subscribed to the within instrument acknowledged to me that he/she/they executed the ne in his/her/their authorized capacity(ies), and that by ther/their signature(s) on the instrument the person(s), the entity upon behalf of which the person(s) acted, recuted the instrument.  TNESS my hand and official seal.
Though the information below is not requited by law, it may prov	re valuable to persons relying on the document and could prevent ent of this form to another document.
Description of Attached Document	S S S S S S S S S S S S S S S S S S S
	, 7, c c
Document Date: 4/25/97	Number of Pages: 3
Signer(s) Other Than Named Above:/ F	<del>}</del>
Capacity(tes). Claimed by Signer(s)-	8
Signer's Name: KEKNETH R. FRANKEL	Signer's Name:
<ul><li>☑ Individual</li><li>☐ Corporate Officer</li></ul>	☐ Individual ☐ Corporate Officer
Title(s):   Partner — □ Limited □ General □ Attorney-in-Fact □ Trustee	Title(s):   General
☐ Guardian or Conservator ☐ Other: ☐ Other: ☐ Other:	Guardian or Conservator  Of Skoren  Top of thumb here
Signer Is Representing:	Signer Is Representing:
	enneman de la companya della companya della companya de la companya de la companya della company

© 1994 National Notary Association • 8236 Remmet Ave., P.O. Box 7184 • Canoga Park, CA 91309-7184

Prod. No. 5907. 4 A Reorder: Cat Toll-Free 1-800-876-6827

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c	X	)	

Name: Jaly More Dich	
STATE OF <u>Neveda</u> COUNTY OF <u>Alank</u>	
COUNTY OF alask	
in the State aforesaid and in the Countappeared before me THOMAS B. FRAN me, or [ ] who produced 27 cm d. s.	at on this day, before me, an officer duly authorized by aforesaid, to take acknowledgements, personally NKEL, Individually, who [ ] is personally known to as identification, and oregoing instrument freely and voluntarily for the uses
WITNESS my hand and o day of April, 1997.	fficial seal in the County and State last aforesaid this
NOTARY PUBLIC STORMEVADA OF NEVADA OF Clark My Appointment Expuses March 6, 1999	Signature of Notary
	Name of Notary (Typed, Printed or Stamped)
	Commission Number (if not legible on seal):  My Commission Expires (if not legible on seal):

THOMAS B. FRANKEL, Individually



Name: SAM 25 G. FRANKEL	HARDING S. REANKEL, Individually
Name: Alicia M. Carney	
STATE OF TELES	
COUNTY OF Harry	CG data subtractional
in the State aforesaid and in the Coun	at on this day, before me, an officer duly authorized ty aforesaid, to take acknowledgements, personally NKEL, Individually, who [ 44s personally known to

who acknowledged that he executed the foregoing instrument freely and voluntarily for the uses

WITNESS my hand and official seal in the County and State last aforesaid this

Ane B. Carry Signature of Notary

ANNE B. CARNEY
Notary Public, Glade of Tumo
My Commission Expires 09-18-09

me, or [ ] who produced \_

and purposes expressed therein.

day of April, 1997.

ANN E B. CARNEY

Name of Notary (Typed, Printed or Stamped)

Commission Number (if not legible on seal): 4/12/00

2010-00008

as identification, and



(SIGNATURE PAGE TO WARRANTY DEED BY AND BETWEEN KENNETH R. FRANKEL, ET AL, AND ·LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, COVERING THE SALE OF 80.2 ACRES OUT OF THE EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 36, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA)

(f/k/a Velda Barnhart Evans)

STATE OF

COUNTY OF Travie

WELTHA COLLIAS Notary Public, Steep of Toxas My Carnibites Popular SEPT. 18, 2000

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgements, personally appeared before me VELDA BARNHART WYCHE (f/k/a Velda Barnhart Evans), Individually, who [X] is personally known to me, or [ ] who produced as identification, and who acknowledged that he executed the foregoing instrument freely and voluntarily for the uses and purposes expressed therein.

WITNESS my hand and official seal in the County and State last aforesaid this 28 day of April, 1997.

Signature of Notary

Name of Notary (Typed, Printed or Stamped)

Commission Number (if not legible on seal): none waned My Commission Expires (if not legible on seal): 9/18/2000





	ž
STATE OF COUNTY OF Hayers	
in the State aforesaid and in the Co appeared before me L. IRVIN BARNE	that on this day, before me, an officer duly authorized outly aforesaid, to take acknowledgements, personally HART, Individually, who is personally known to me, as identification, and who egoing instrument freely and voluntarily for the uses and
WITNESS my hand and day of April, 1997.	d official seal in the County and State last aforesaid this
DAY TO THE STATE OF THE STATE O	Signature of Notary  Tanet Lyn Recues  Name of Notary (Typed, Printed or Stamped)
	Commission Number (if not legible on seal):

L. IRVIN BARNHART, Individually



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172
N

Name: PEGZy D. Bradensed.
COUNTY OF HUITIS
I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgements, personally appeared before me PAUL F. BARNHART, JR., Individually, who ⋈ is personally known to me, or [] who produced
WITNESS my hand and official seal in the County and State last aforesaid this day of April, 1997.
Signalure of Notary
JANET LYNN REEVES MY COMMISSION EXPIRES December 3, 1998  Name of Notary (Typed, Printed or Stamped)
Commission Number (if not legible on seal):

2010-00008



Christina R. Shine	- Drank
Name: Christina B. Shine Using Bulliture Name: Army B Whitacre	TOWNES G. PRESSLER, the Trustee of the Mrs. Herman Pressler 1969 trusts created by Trust Indenture dated November 8, 1969, and recorded in Official Records Book 1377, Page 27 and amended in Official Records Book 1377, Page 39, of the Public Records of Lee County, Florida
STATE OF TEMS	
COUNTY OF	
appeared before me TOWNES G. PRE trusts created by Trust Indenture dated Book 1377, Page 27 and amended in Records of Lee County, Florida. who	inty aforesaid, to take acknowledgements, personally SSLER, the Trustee of the Mrs. Herman Pressler 1969 November 8, 1969, and recorded in Official Records Official Records Book 1377, Page 39, of the Public [   is personally known to me, or [ ] who produced as identification, and who acknowledged that he iy and voluntarily for the uses and purposes expressed
WITNESS my hand and 3014 day of April, 1997.	official seal in the County and State last aforesaid this
	Quentax. buena
JESENDA L. BURNS ANY COMMASSION EXPIRES November 10, 1998	Signature of Notary
	Name of Notary (Typed, Printed or Stamped)
	Commission Number (if not legible on seal):  My Commission Expires (if not legible on seal):



COMMUNITY DEVELOPMENT

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Milway Amus	
Mayaul Aman	TO
Webrak Kinen	Mr. Ind
Name: DOSESTAN KUNEN	Off

TOWNES G. PRESSLER, JR., the Trustee of the Mrs. Herman Pressler 1969 trusts created by Trust Indenture dated November 8, 1969, and recorded in Official Records Book 1377, Page 27 and amended in Official Records Book 1377, Page 39, of the Public Records of Lee County, Florida

and the state of t
STATE OF Now York
COUNTY OF Naccau
I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgements, personally appeared before me TOWNES G. PRESSLER, JR., the Trustee of the Mrs. Herman Pressler 1969 trusts created by Trust Indenture dated November 8, 1969, and recorded in Official Records Book 1377, Page 27 and amended in Official Records Book 1377, Page 39, of the Public Records of Lee County, Florida, who [1] is personally known to me, or [1] who produced
expressed therein.
WITNESS my hand and official seal in the County and State last aforesaid this day of April, 1997.
15 0/ 103/1/20
De la la la Wittergen
Signalure of Notary
Notary Public, State of New York
Commission Expires April 50, 1909 1/1 3/9,7
Name of Notary (Typed, Printed or Stamped)
Commission Number (if not legible on seal): 31-50/0902

2010-00008



	//	Yng Chu
me:_	ANA	1 Gunther
2	0	111

Name: CAROLEA SCHINDO

GEORGE DAVID FRANKEL, Trustee of the trust created under the Will of George Frankel, deceased.

COUNTY OF CUESTOMES TOO

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgements, personally appeared before me GEORGE DAVID FRANKEL, Trustee of the trust created under the Will of George Frankel, deceased, who [3] is personally known to me, or [3] who produced as identification, and who acknowledged that he executed the foregoing instrument freely and voluntarily for the uses and purposes expressed therein.

WITNESS my hand and official seal in the County and State last aforesaid this as day of April, 1997.

Signature of Notary

KIMBERLY A. SATRIBLE

Name of Notary (Typed, Printed or Stamped)

Notes Public, State of New York Qualified in Westchester County No. 018/8027333 Commission Expires 05/09/9



/	1 11	11	
	ann f. ff		
	JAMES		
	om a		
Name:	Norman	U A	Bock

ELIZABETH HARRIET BOCK, Trustee of the Trust created under the Will of George Frankel, deceased.

COUNTY OF HARRIS

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgements, personally appeared before me ELIZABETH HARRIET BOCK, Trustee of the trust created under the Will of George Frankel, deceased, who is personally known to me, or [ ] who produced

as identification, and who acknowledged that she executed the foregoing instrument freely and voluntarily for the uses and purposes expressed therein.

WITNESS my hand and official seal in the County and State last aforesaid this day of April, 1997.



Signature of Notary

Jo Ann Ma Ho H

Name of Notary (Typed, Printed or Stamped)

Commission Number (if not legible on seal):

My Commission Expires (if not legible on seal): 12-10-97

2010-00008



Name: Flock diplomit	DORIS RUTH TULCIN, Trustee of the trust created under the Will of George Frankel, deceased.
in the State aforesaid and in the Count appeared before me DORIS RUTH TUL George Frankel, deceased, who [] is A Driver'S ICENSE executed the foregoing instrument freely therein.	at on this day, before me, an officer duly authorized y aforesaid, to take acknowledgements, personally CIN, Trustee of the trust created under the Will of personally known to me, or [] who produced as identification, and who acknowledged that she and voluntarily for the uses and purposes expressed
24 day of April, 1997.	Edden Shosser Signature of Notary
	Name of Notary (Typed, Printed Commission Expires Oct. 31, 1997



OR2819 P.61721

Tempie	a Viola
Name: Just	1/ole

Name MORMAN I. MERKSAMER

COUNTY OFLE EST Che, Ky

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgements, personally appeared before me GERALDINE F. MERKSAMER, Trustee of the trust created under the Will of George Frankel, deceased, who [1] is personally known to me, or [1] who produced as identification, and who acknowledged that she executed the foregoing instrument freely and voluntarily for the uses and purposes expressed therein.

deceased.

WITNESS my hand and official seal in the County and State last aforesaid this day of April, 1997.

Signature of Notativael AIRO

Notery Public, State of New York
No. 01AI5017081
Qualified in Westchester County
Commission Expires August 30,

GERALDINE F. MERKSAMER, Trustee of the trust created under the Will of George Frankel,

Name of Notary (Typed, Printed or Stamped)



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Name: (212) 559 3768  Name: (212) 559 3768	of New York), Trustee of the trust created under the Will of George Frankel, deceased.  SCOTT J. HELLER  Ven Previous  By:  134 534 534 544 10043  Name:  (212)559-3778  Title:
National City Bank of New York), and Frankel, deceased, and who as identi-	at on this day before me, an officer duly authorized in the acknowledgements, personally appeared to the state of the trust created under the Will of George is personally known to me or] produced fication, and that he acknowledged executing the same
on behalf of said corporation in the voluntarily, for the uses and purposes the	presence of two subscribing witnesses, freely and erein expressed.
WITNESS my hand and o	Signature of Notary  DAVID P, MARDO Notary Public, State of New York No. 01MA5064945.  Qualified in New York County   Q Q
	Name of Notary (Typed, Printed or Stamped)
	Commission Number (if not legible on scal):

CITIBANK, N.A., (f/k/a First National City Bank

Accepted by the Chairman/Vice Chairman or designee in accordance with the Board of County Commissioners action of , 1997.

CHAIRMAN/VICE CHAIRMAN OR DESIGNEE

APPROVED AS TO LEGAL FORM AND SUFFICIENCY

LEE COUNTY ATTORNEY'S OFFICE
ANNARRANT INTO 12 PRINTED 22-



COMMUNITY DEVELOPMENT

Name: LES CSORBA	H. PAUL PRESSLER, III, the Trustee of the Mrs. Herman Pressler 1969 trusts created by Trust Indenture dated November 8, 1969, and recorded in Official Records Book 1377, Page 27 and amended in Official Records Book 1377, Page 39, of the Public Records of Lee County, Florida
STATE OF TEXAS	_
COUNTY OF HARRIS	_
in the State aforesaid and in the Counappeared before me H. PAUL PRESSLE trusts created by Trust Indenture dated Book 1377, Page 27 and amended in Crecords of Lee County, Florida, who Who acknowledged that he executed the found purposes expressed therein.	at on this day, before me, an officer duly authorized ty aforesaid, to take acknowledgements, personally CR, III, the Trustee of the Mrs. Herman Pressler 1969 November 8, 1969, and recorded in Official Records Official Records Book 1377, Page 39, of the Public is personally known to me, or [ ] who produced as identification, and oregoing instrument freely and voluntarily for the uses
WITNESS my hand and c	official seal in the County and State last aforesaid this
	Manhael Mulilians Signature of Notary
MICHAEL MELCHIOARE Notary Public State of Texas My Commission Expires APRIL 17 2000	Name of Notary (Typed, Printed or Stamped)  Commission Number (if not legible on seal):
	My Commission Expires (if not legible on seal):

. . . . . .



#### EXHIBIT A

- Taxes and special assessments for the year 1997 and subsequent years which are not yet due and payable.
- Terms, conditions, and covenants contained in Easement Agreement recorded in Official Records Book 2228, Page 1777 of the Public Records of Lee County, Florida.

0R2819 P61731

2010-00008 RECEIVED

DEPUTY CLERK V Bahnsen

# IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR LEE COUNTY, FLORIDA

LEE COUNTY, FLORIDA, a political subdivision of the State of Florida,

Petitioner,

VS.

CASE No.: 99-8569-CA-LG

PARCEL: 8C

K.K. YANKOPOLUS, et al.

Defendants.



# STIPULATED ORDER OF TAKING AND ORDER FOR WITHDRAWAL OF FUNDS

THIS CAUSE came on for consideration by the Court upon the stipulation and motion of Petitioner, LEE COUNTY, FLORIDA, and Defendants, K.K. YANKOPOLUS and TERRY YANKOPOLUS, for entry of this stipulated order of taking and order for withdrawal of funds. It appearing that proper notice was first given to all Defendants and to all persons having or claiming any equity, lien, title, or other interest in or to Parcel 8C, and being otherwise fully advised in the premises, the Court finds as follows:

- That the Court has jurisdiction of this action, of the subject property and of the parties in this cause pursuant to Chapters 73 and 74 of the Florida Statutes; it is further
- 2. That the pleadings in this cause are sufficient, that Petitioner is properly exercising its delegated authority, and that the condemnation of Parcel 8C is for a valid public purpose and is necessary for such purpose, it is further
- That the stipulation for entry of this stipulated order of taking and order for withdrawal of funds is approved and is incorporated by reference in this judgment; it is further

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- 4. That this order is without prejudice to either party as to the ultimate amount of compensation; it is further
- That the Estimate of Value filed in this cause by the Petitioner was made in good faith, and based upon a valid appraisal; it is thereupon

### ORDERED AND ADJUDGED as follows:

- 1. That Petitioner, LEE COUNTY, shall deposit the sum of Two Hundred Forty-Eight Thousand Five Hundred and no/100 (\$248,500.00) Dollars, less \$347.14 payable to the Lee County Tax Collector which represents ad valorem taxes due, in the registry of the Court within twenty (20) days of entry of this judgment, and upon the deposit of said sum all title to and interest in Parcel 8C as described herein in the attached Exhibit "A" shall vest in Petitioner and Petitioner shall be entitled to immediate possession of the property.
- 2. That the Clerk of this Court shall forthwith, upon deposit of the Petitioner's good faith estimate as to Parcel 8C, as set forth above and without further notice or order of this Court, pay to Brigham, Moore, Gaylord, Schuster, Merlin and Tobin, LLP, attorneys for the Defendants, the sum of Petitioner's good faith estimate in the amount of Two Hundred Forty-Eight Thousand Five Hundred and no/100 (\$248,500.00) Dollars, *less* \$347.14 payable to the Lee County Tax Collector which represents ad valorem taxes due, for the taking of Parcel 8C, and upon issue said check shall be delivered by U.S. Regular Mail to Brigham, Moore, Gaylord, Schuster, Merlin & Tobin, LLP, 777 S. Harbour Island Boulevard, Suite 900, Tampa, Florida 33602-5701, who shall disburse the balance according to the instructions of the owner subject to the satisfaction of any parties with an interest in the property.

2010-00008

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DONE and ORDERED this da	y of Footuary, 2000, in the Chambers at Fort Myers,
Lee County, Florida this day of February	Jon Lynn Gerald, Jr., Circuit Judge

Conformed copies furnished to:

John S. Turner, Assistant County Attorney

David Cary, Esquire

Andrew G. Diaz, Esquire this By day of February, 2000.

# STIPULATION AND MOTION FOR ENTRY OF ORDER OF TAKING AND ORDER FOR WITHDRAWAL OF FUNDS

Petitioner, Lee County, Florida and Defendants, K.K. Yankopolus and Terry Yankopolus,

do stipulate and move that the Court enter the foregoing stipulated Order of Taking and Order for

Withdrawal of Funds.

S. CARY GAYLORD ESOUTRE

Florida Bar No. 180538

ANDREW G. DIAZ, ESQUIRE

Florida Bar No. 0974/96

BRIGHAM, MOORE, GAYLORD,

SCHUSTER, MERLIN & TOBIN, LLP

777 South Harbour Island Blvd., Suite 900

Tampa, FL 33602

813/229-8811

Attorneys for Defendants

Dated: February / , 2000

JOHN S. TURNER, ESQUIRE

Florida Bar No. 869570

Assistant County Attorney

Lee County Attorney

2115 Second Street

Post Office Box 398

Fort Myers, Florida 33902

813/335-2236

Dated: February

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IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR LEE COUNTY, FLORIDA # 4923573

LEE COUNTY, FLORIDA, a political subdivision of the State of Florida,

Petitioner, KILE

OR BK 03282 PG 0121 RECORDED 07/20/00 02:59 PM CHARLIE GREEN CLERK OF COURT

LEE COUNTY DEPUTY CLERK P Wise

vs.

JUL 1 9 2000

CASE NO. 99-8569-CA-LG Parcel 8C/Yankopolus

K. K. YANKOPOLUS, et al. CHARLIE GREET, CLERK

Defendants.

CHILLCOUNTY COURTS ache Mili

## STIPULATED FINAL JUDGMENT

THIS CAUSE having come upon joint motion for the entry of a Final Judgment made by the Petitioner, LEE COUNTY, and the Defendants, K.K. YANKOPOLUS and TERRI YANKOPOLUS, set forth herein below, and it appearing to the Court that the parties were authorized to enter into such a motion, and the Court finding the compensation to be paid by the Petitioner is full, just and reasonable for all parties concerned, and the Court being fully advised in the premises, it is therefore

## ORDERED AND ADJUDGED:

- 1. That the Petition in this action has been fully and finally adjudicated.
- That the vesting of title to the real property described in Exhibit "A" attached hereto, which vested in the Petitioner by Order of Taking dated February 7, 2000, effective as of March 10, 2000, is ratified and confirmed.



- 3. The Court reserves jurisdiction to award reasonable costs upon proper motion.
- 4. The Defendant is entitled to an award of statutory attorney's fees in the amount of \$14,520.00.
- 5. That the Defendants do have and recover from the Petitioner, LEE COUNTY, the sum of \$259,000.00 in full payment for the property taken and for all damages resulting to the remainder and for all other damages of any nature. The property owner has been paid \$248,500.00, by Order allowing withdrawal of funds, dated February 2, 2000. The balance due hereunder is \$10,500.00.
- 6. That the Petitioner, LEE COUNTY, shall deposit in the registry of the Court, within 20 days from the date of this Final Judgment, the sum of \$25,020.00.
- 7. Upon deposit by LEE COUNTY of \$25,020.00 and without further Order of the Court, the Clerk is directed to issue a warrant or check in the amount of \$25,020.00 to the Trust Account of Andrew E. Diaz, Esquire, BRIGHAM, MOORE, GAYLORD, SCHUSTER, MERLIN & TOBIN, LLP, 777 S. Harbour Island Boulevard, Suite 900, Tampa, Florida, 33602-5701.



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DONE AND ORDERED in Chambers at the Lee County Justice Center,
Fort Myers, Lee County, Florida, this \_\_\_\_\_\_\_ day of June 2000.

HONORABLE LYNN GERALD, JR. Circuit Court Judge

Conformed copies to:

John S. Turner, Assistant County Attorney Andrew G. Diaz, Esquire

on

2000.

Bv:

Judicial Assistant

## PARCEL 8C (O.R. Book 2115, Page 751)

A parcel of land in Section 36, Township 45 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Commencing at the Northeast corner of said Section 36, thence:

- South 00° 52' 14" East, 2643.93 feet, along the east line of said Section 36 to the South line of the Northeast quarter of said Section 36, thence;
- South 89° 36' 57" West, 1310.43 feet, along said South line to the true point of beginning, thence;
- South 89° 36' 57" West, 440.00 feet, along said South line, thence;
- North 00° 23' 03" West, 400.00 feet, to the South right of way line of a proposed road (100 feet wide), thence;
- North 89° 36' 57" East, 440.00 feet, along said South right of way line, thence;
- 6. South 00° 23' 03" East, 400.00 feet, to the true point of beginning.

2010-00008



# IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR LEE COUNTY, FLORIDA



LEE COUNTY, FLORIDA, a political subdivision of the State of Florida,

Petitioner,

VS.

CASE NO.: 99-8569-CA-LG Parcel 8C/Yankopolus

K.K. YANKOPOLUS, et al.,

Defendants.

#### MOTION

THE PARTIES respectfully move for the entry of the foregoing Stipulated Final Judgment.

JAMES G. YAEGER LEE COUNTY ATTORNEY 2115 Second Street Post Office Box 398 Fort Myers, Florida 33902 (941) 335-2236

JOHN S. TURNER

Assistant County Attorney

Fla. Bar No. 869570

Dated:

K. K. YANKOPOLUS TERRI YANKOPOLUS 2780 Cleveland Avenue Suite 819 Fort Myers, Florida 33901

ANDREW

G. DIAZ / ESQUIRE Attorney for

Fla. Bar No. 914196

Dated: 7-5-00

COMMUNITY DEVELOPME 2010-00008 Donna M. More, Esq. FOLEY & LARDNER 111 North Orange Avenue, Suite 1800 Post Office Box 2193 Orlando, FL 32802-2193 (407) 423-7656

Parcel Identification(Folio) Number(s):

36-45-25-01-0000A.0010 36-45-25-01-0000A .0020 36-45-25-01-0000A.0110 36-45-25-01-000013.0010 36-45-25-01-0000B.0020 36-45-25-01-0000C.0010

36-45-25-01-0000C.0020 31-45-26-00-00001.1080

IN LIEU OF CONDEMNATION

WARRANTY DEED

THIS WARRANTY DEED made and executed as of the 八 (L. (L) ( 1999, by RONALD A. YORK and JAMES L. BEVILLARD, as Co-Trustees under that certain Trust Agreement dated OCL. 1, 1970 whose post office address is 4524 SE 16th Place, Ste 3, Cape Coral, FL (hereinafter together \_ (hereinafter together referred to as the "Grantor"), to LEE COUNTY, a political subdivision of the State of Florida, having a post office address at P.O. Box 398, Fort Myers, Florida 33902-0398 (hereinafter referred to as the "Grantee"):

(Whenever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations, public bodies and quasi-public bodies.)

#### WITNESSETH:

THE GRANTOR, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, all that certain land, situate, lying and being in Lee County, Florida, more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof (the "Property" or said "Land").

TOGETHER, with all of the Grantor's rights, title and interest in and to all improvements, fixtures, easements, rights of way, licenses, privileges, tenements, hereditaments, reversions and appurtenances belonging or appertaining to the Property, including but not limited to any mineral rights owned or held by Grantor, and all right, title and interest of Grantor in and to any land within the perimeter of the Property lying in the bed of any canal, stream, lake, street, alley, road or avenue (before and after vacation thereof, and whether previously abandoned or vacated or hereafter abandoned or vacated).

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantor hereby covenants to and with said Grantee that the Grantor is lawfully seized of said Land in fee simple; that the Grantor has good right and lawful authority to sell and convey said Land; that the Grantor hereby fully warrants the title to said Land and will defend the same against the lawful claims of all persons whomsoever; and that said Land is free of all encumbrances, except taxes accruing subsequent to December 31, 1998.

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For Recording Purposes Only

IN WITNESS WHEREOF, the said Grantor has hereunto set their hand and seal the day and year first above written.	
Signed, sealed and delivered in our presence:	
RONALD A. YORK, individually and as Co- Name: Frances A. Weber-Sabuits Trustee	
Karen D. Mayer	9
Shanero G. Mayes (SEAL)	0R3 O 6 B
Name: Frances A. Weber-Sabuits and as Co-Trustee	P60820
Name: Karen G. Mayes	20.
Accepted by the Executive Director or designee in accordance with the Board of County Commissioners	
action of July 1998.9 APPROVED AS TO FORM:	
EXECUTIVE DIRECTOR OR DESIGNEE  By: \( \lambda \text{Lee Gounty Attorney's} \)  Office	
STATE OF FLORIDA COUNTY OF LEE	
I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared RONALD A. YORK, individually and as Co-Trustee under that certain Trust Agreement dated_October 1, 1990 on behalf of the Trust, who sis personally known to me or [] has produced as identification, who executed the foregoing instrument in the presence of two subscribing witnesses freely and voluntarily for the uses and purposes expressed therein, and he acknowledged under oath that he executed the same.	
WITNESS my hand and official seal in the County and State last aforesaid this 21st day of January , 1999.	
Noury Public Mayes	
Koren G. Mayes STATE OF FLORIDA Printed Name: Karen G. Mayes CC 438440 Commission Number BONDED	
(Notarial Seal)  My commission expires: 02/13/99	
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COMMUNITY DEVELOPMENT 2010-UU	

## STATE OF FLORIDA COUNTY OF LEE

	JAMES L. BEVILLARD, individually and as Co-Trustee under that certain Tru dated October 1, 1990, on behalf of the Trust, who kkis personally or [] has produced
he uses and purposes expressed therein, and he acknowledged under oath that he executed the	the uses and same.

WITNESS my hand and official seal in the County and State last aforesaid this 21st day of January , 1999.

Notary Public

Printed Name: Karen G. Mayes

CC 438440

Commission Number

(Notarial Scal)

Koren G. Mayes
STATE OF FLORIDA
PUBLIC My Comm. Exp. 2/13/99
BONDED

My commission expires: 02/13/99

C. supposed

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### **EXHIBIT "A"**

Parcels in the Northeast 1/4 of Section 36, Township 45 South, Range 25 East and the Northwest 1/4, of Section 31, Township 45 South, Range 26 East, Lee County, Florida.

Tracts or parcels of land lying in the Northeast quarter (NE 1/4) of Section 36, Township 45 South, Range 25 East and the Northwest quarter (NW 1/4) of Section 31, Township 45 South, Range 26 East, Lee County, Florida, which tracts or parcels are described as follows:

#### PARCEL A

From the Southeast corner of said Northeast quarter (NE 1/4) run South 89°36'38" West along the South line of said Northeast quarter (NE 1/4) for 870.43 feet; thence run North 00°23'22" West for 400.00 feet to an intersection with the South line of a 100 feet wide roadway easement as described in OR Book 2180, Page 4620 of the Public Records of Lec County, Florida; thence run the following four courses along said right-of-way, North 89°36'38" East for 165.42 feet to a point of curvature, Easterly along an arc of a curve to the left of radius 200.00 feet (chord bearing North 75°42'04" East) (chord 96.16 feet) (delta 27°49'09") for 97.11 feet to a point of reverse curvature Easterly along an arc of a curve to the right of radius 500.00 feet (chord bearing North, 75°26'20" East) (chord 235.95 feet) (delta 27°17'41") for 238.19 feet to a point of tangency North 89°05'10" East for 378.91 feet to a point of intersection with East line of said Northeast quarter (NE 1/4) being designated as "A"; thence run South 00°51'53" East along said East line for 484.36 feet to the Point of Beginning.

Together with all right, title and interest in and to that certain Roadway Easement recorded in Official Records Book 2180, Page 4620, Public Records of Lee County, Florida.

#### PARCEL B

From said point designated "A" run North 00°51'43" West along said East line for 100.00 feet to an intersection with the North line of said roadway easement and the Point of Beginning. From said Point of Beginning run the following three courses along the Northerly and Easterly lines of a 100 feet wide roadway easement described in OR Book 2180, Page 4620 of the Public Records of Lee County, Florida; South 89°05'10" West for 399.92 feet to a point of curvature; Northwesterly along a arc of a curve to the right of radius 100.00 feet (chord bearing North 45°53'22" West) (chord 141.48 feet) (delta 90°02'57") for 157.17 feet to a point of tangency; North 00°51'53" West for 572.34 feet to a point designated "B"; thence run North 89°08'07" East for 500.01 feet to an intersection with the East line of said Section 36; thence run South 00°51'53" East along said East line for 124.21 feet; thence run North 89°05'10" East for 815.00 feet to an intersection with the West line of a road right-of-way as described in OR Book 1398, Page 2143 of said Public Records; thence run South 00°51'53" East along said West line for 63.34 feet; thence run South 89°05'10" West for 815.00 feet to an intersection with the East line of said Section 36, thence run South 00°51'53" East for 484.45 feet to the Point of Beginning.

Together with all right, title and interest in and to that certain Roadway Easement recorded in Official Records Book 2180, Page 4620, Public Records of Lee County, Florida.

#### PARCEL C

From said Point "B" run South 89°08'07" West for 100.00 feet to an intersection with the West line of a 100 feet wide roadway easement right-of-way described in OR Book 2180, Page 4620 of the Public Records of Lee County, Florida; thence run the following three courses along the Westerly and Southerly roadway easement: South 00°51'53" East for 650.54 feet to a point of curvature; thence run Southwesterly along an arc of a curve to the right of radius 100.00 feet (chord bearing South 44°22'22" West) (chord 142.01 feet) (delta 90°28'31") for 157.91 feet to a point of tangency; South 89°36'38" West for 724.17 feet; thence run North 00°51'53" West for 450.02 feet; thence run North 89°36'38" East for 400.01 feet; thence run

2010-00008

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North 00°51'53" West for 452.50 feet to an intersection with the South line of said roadway easement; thence run the following two courses, along said South line South 89°53'45" East for 277.56 feet to a point of curvature; thence run Southeasterly along an arc of a curve to the right of radius 150.00 feet (chord bearing South 45°22'49" East) (chord 210.33 feet) (delta 89°01'52") for 233.08 feet to the Point of Beginning.

Together with all right, title and interest in and to that certain Roadway Easement recorded in Official Records Book 2180, Page 4620, Public Records of Lee County, Florida.



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THIS INSTRUMENT PREPARED BY AND SHOULD BE RETURNED TO:

Donna M. More FOLEY & LARDNER 111 North Orange Avenue, Suite 1800 Post Office Box 2193 Orlando, FL 32802-2193 (407) 423-7656

Parcel Identification (Folio) Number(s): 36-45-25-00-00001.1070

THIS IS A CONVEYANCE IN LIEU OF CONDEMNATION

4442970

2994 PG0145

For Recording Purposes Only

WARRANTY DEED

MARY JO ROBINSON, D.C.

THIS WARRANTY DEED made and executed as of the 16 day of 1998, by HARVEY YOUNGQUIST, individually and as Trustee, whose post office address is 20750 6L Farm Road, Estero, Florida 33928 (hereinafter referred to as the "Grantor") to LEE COUNTY, a political subdivision of the State of Florida, having a post office address at P.O. Box 398, Fort Myers, Florida 33902-0398 (hereinafter referred to as the "Grantee"):

(Whenever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations, public bodies and quasi-public bodies.)

# WITNESSETH:

THE GRANTOR, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, all that certain land, situate, lying and being in Lee County, Florida, more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof (the "Property").

TOGETHER, with all of the Grantor's rights, title and interest in and to all improvements, fixtures, easements, rights of way, licenses, privileges, tenements, hereditaments, reversions and appurtenances belonging or appertaining to the Property, including but not limited to any mineral rights owned or held by Grantor, and all right, title and interest of Grantor in and to any land within the perimeter of the Property lying in the bed of any canal, stream, lake, street, alley, road or avenue (before and after vacation thereof, and whether previously abandoned or vacated or hereafter abandoned or vacated).

TO HAVE AND TO HOLD, the same in fee simple forever.

GRANTOR hereby warrants and represents that the Property is not homestead property of the Grantor as defined under Florida Constitution 1968, Article X, Section 4, nor is it contiguous to the homestead property of the Grantor.

AND the Grantor hereby covenant with and warrant to the Grantee that the Grantor is lawfully seized of said Property in fee simple; that the Grantor has good right and lawful authority to sell and convey said Property; the Grantor does hereby fully warrant the title to the Property and will defend the same against the lawful claims of all persons whomsoever; and that said Property is free of all encumbrances, except taxes for the year 1998 and subsequent years and easement and restrictions of record.

2010-00008

APR 1 4 2011

IN WITNESS WHEREOF, the s the day and year first above written.	aid Grantor has hereunto set his hand and seal
Signed, sealed and delivered in our presence:  D. Wayne/Seely.  Name: D. Whyse helly  Name: Tim Youngguist	HARVEY YOUNGOVIST, individually
Accepted by the Chairman/Vice Chairman or designee in accordance with the Board of County Commissioners action of, 199  CHAIRMAN/VICE CHAIRMAN OR DESIGNEE	
APPROVED AS TO LEGAL FORM AND SUFFICIENCY  LEE COUNTY ATTORNEY'S OFFICE	THIS IS A CONVEYANCE IN LIEU OF CONDEMNATION
in the State aforesaid and in the County aforesaid, HARVEY YOUNGQUIST, indivudually who by is	and as Trustee under that certain personally known to me or [] produced on, who executed the foregoing instrument in ly and voluntarily for the uses and purposes
7	Notary Public
DAVID W. DAWSON State of Florida My Comm. Exp. Feb. 5, 2002	Printed Name  Commission Number:  My commission expires:



T. Q(...,

A Parcel of land lying in Section 31, Township 45 South, Range 26 East, Lee County, Florida, being more particularly described as follows:

Commencing at the Northwest corner of said Section 31, thence; South 00°52'26" East, 2643.83 feet, along the West line of said South 00°52 20° East, 2043.83 feet, along the West fine of said Section 31 to the West ¼ corner of said Section 31, thence; South 00°58'03" East, 2565.35 feet, along the West line of said Section 31 to the true point of beginning, thence North 89°04'46" East, 815.05 feet, to the West right-of-way line of Airport Haul Road (100 foot right-of-way), thence South 00°58'03" East, 78.09 feet, 100 feet, 100°50'05" along the said West right-of-way line, thence South 01°06'05" East, 5.74 feet, along the said West right-of-way line, thence; South 89°22'09" West, 815.07 feet to the Southwest corner of said Section 31, thence North 00°58'03" West 79.71 feet, along the West line of said Section 31 to the true point of beginning.

APR 1 4 2011

COMMUNITY DEVELOP

2010-00008

Oliphia:

0R2915 P604

Donna M. More, Esq.
FOLEY & LARDNER
111 North Orange Avenue, Suite 1800
Post Office Box 2193
Orlando, FL 32802-2193
(407) 423-7656

Parcel Identification (Folio) Number(s):

DEED IN LIEU OF CONDEMNATION

4317893

For Recording Purposes Only

2/00

#### WARRANTY DEED

THIS TRUSTEE DEED made and executed as of the 27 day of January, 1998, by GERARD A. McHALE, JR., individually and as Trustee as to Parcel G of the Property, and GERARD A. McHALE, JR., as Trustee under that certain Trust Agreement dated November 25, 1987, as to Parcels A,B,C,D,E, and F of the Property, whose post office address is 1601 Jackson Street, Suite 200, Fort Myers, Florida 33901 (hereinafter referred to as the "Grantor") to LEE COUNTY, a political subdivision of the State of Florida, having a post office address at P.O. Box 398, Fort Myers, Florida 33902-0398 (hereinafter referred to as the "Grantee"):

(Whenever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations, public bodies and quasi-public bodies.)

#### WITNESSETH:

THE GRANTOR, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, all that certain land, situate, lying and being in Lee County, Florida, more particularly described in <a href="Exhibit">Exhibit</a> "A" attached hereto and by this reference made a part hereof (the "Property").

TOGETHER, with all of the Grantor's rights, title and interest in and to all improvements, fixtures, easements, rights of way, licenses, privileges, tenements, hereditaments, reversions and appurtenances belonging or appertaining to the Property, including but not limited to any mineral rights owned or held by Grantor, and all right, title and interest of Grantor in and to any land within the perimeter of the Property lying in the bed of any canal, stream, lake, street, alley, road or avenue (before and after vacation thereof, and whether previously abandoned or vacated or hereafter abandoned or vacated).

TO HAVE AND TO HOLD, the same in fee simple forever.

GRANTOR hereby warrants and represents that the Property is not homestead property of the Grantor as defined under Florida Constitution 1968, Article X, Section 4, nor is it contiguous to the homestead property of the Grantor.

AND the Grantor hereby covenants to and with said Grantee that the Grantor is lawfully seized of said Property in fee simple; that the Grantor has good right and lawful authority to sell and convey said Property and that said Property is free of all encumbrances, except those matters set forth in <a href="Exhibit" "B"</a> attached hereto and by this reference made a part hereof.

2010-00008 RECEIVED APR 14 2011

COMMUNITY DEVELOPMENT

RECORD VERIFIED - CHARLIE BREEN, CLEHK • \* \$7:1. MFP4, B.C. •

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered  in our presence:  Name: AONNA-MORE  Name: Grub P. Danca  Name: DONNA MORE  Name: Crule P. Danca	GERARD A. McHALE, JR., individually and as Trustee  GERARD A. McHALE, JR., (SEAL)  GERARD A. McHALE, JR., Trustee under that certain Trust Agreement dated November 25, 1987	0R2915 P60437
Accepted by the Chairman/Vice Chairman or designee in accordance with the Board of County Commissioners action of Tanuary 12, 1998.  CHAIRMAN/VICE CHAIRMAN OR DESIGNEE		
APPROVED AS TO LEGAL FORM AND SUFFICIENCY  LEG COUNTY ATTORNEY'S OFFICE  STATE OF FLORIDA  COUNTY OF LEE		
I HEREBY CERTIFY that on the in the State aforesaid and in the County aforesaid, GERARD A. McHALE, JR., individually and or [x] produced his Ariana lectures like a securior instrument in the presence of two subscribing with purposes expressed therein and who acknowledge	as Trustee who [] is personally known to me as identification, who executed the foregoing itnesses freely and voluntarily for the uses and	
WITNESS my hand and official search day of January, 1998.  (NOTARIAL SEAL)  PUBLIC  2010 - 0000	Notary Public Save as a foresaid this LEONOR COLON COMMISSION & CC 510240 EXPIRES NOV 28, 1890 COMMISSION Number:  My commission Number:  APR 14	VEID

#### STATE OF FLORIDA COUNTY OF LEE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared GERARD A. McHALE, JR., as Trustee under that certain Trust Agreement dated November 25, 1987 who [] is personally known to me or [A] produced here clearly a term as identification, who executed the foregoing instrument in the presence of two subscribing witnesses freely and voluntarily for the uses and purposes expressed therein and who acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 244 day of January, 1998.

(NOTARIAL SEAL)

Notary Public

LEONOR COLON

COMMISSION # CC 510240

EXPIRES NOV28, 1909

ONDED THEM

OF THE PUBLISH OF THE PUB

Printed Name



Tract or parcels of land lying in and Sections 30 and 31, Township 45 South, Rauge 26 East, Lee County, Florida, which tracts or parcels are described as follows:

PARCEL A - Owner: Gerard A. McHale, Jr., Trustee under Trust Agreement dated November 25, 1987

From the Southwest corner of said Section 30 run North 00 degrees 51 minutes 02 seconds West along the West line of the Southwest One-Quarter (SW-1/4) of said Section 30 for 1374.95 feet to the POINT OF BEGINNING.

From said POINT OF BEGINNING continue North 00 degrees 51 minutes 02 seconds West along said West line for 514.13 feet; thence run North 54 degrees 00 minutes 06 seconds East for 996.73 feet to an intersection with the West line of a roadway and public utility right-of-way described in Official Records Book 1398, Page 2143, of the Public Records of Lee County, Florida; thence run South 00 degrees 51 minutes 02 seconds East along said West line for 1087.93 feet; thence run South 89 degrees 08 minutes 58 seconds West for 815.00 feet to the POINT OF BEGINNING.

PARCEL B - Owner: Gerard A. McHale, Jr., Trustee under Trust Agreement dated November 25, 1987

From the Southwest corner of said Section 30 run North 00 degrees 51 minutes 02 seconds West along the West line of the Southwest One-Quarter (SW-1/4) of said Section 30 for 199.18 feet to the POINT OF BEGINNING.

From said POINT OF BEGINNING continue North 00 degrees 51 minutes 02 seconds West along said West line for 534.45 feet; thence run North 89 degrees 08 minutes 58 seconds East for 815.00 feet to an intersection with the West line of a roadway and public utility right-of-way described in Official Records Book 1398, at Page 2143, of the Public Records of Lee County, Florida; thence South 00 degrees 51 minutes 02 seconds East along said West line for 534.45 feet; thence run South 89 degrees 08 minutes 58 seconds West for 815.00 feet to the POINT OF BEGINNING.



PARCEL C - Owner: Gerard A. McHale, Jr., Trustee under Trust Agreement dated November 25, 1987

Beginning at the Southwest corner of said Section 30 run North 00 degrees 51 minutes 02 seconds West along the West line of the Southwest One-Quarter (SW-1/4) of said Section 30 for 92.26 feet; thence run North 89 degrees 08 minutes 58 seconds East for 815.00 feet to an intersection with the West line of a roadway and public utility right-of-way described in Official Records Book 1398, Page 2143, of the Public records of Lee County, Florida; thence run South 00 degrees 51 minutes 02 seconds East along said West line for 198.96 feet to an intersection with the South line of said fraction; thence run North 83 degrees 23 minutes 31 seconds West along said South line for 821.98 feet to the POINT OF BEGINNING.

PARCEL D - Owner: Gerard A. McHale, Jr. Trustee under Trust Agreement dated November 25, 1987

Beginning at the Northwest corner of said Section 31 run South 83 degrees 23 minutes 31 seconds East along the North line of the Northwest One-Quarter (NW-1/4) of said Section 31 for 821.98 feet to an intersection with the West line of a roadway and public utility right-of-way described in Official Records Book 1398, at Page 2143, of the Public Records of Lee County, Florida; thence run South 00 degrees 51 minutes 53 seconds East along said West line for 762.65 feet; thence run South 89 degrees 05 minutes 10 seconds West for 815.00 feet to an intersection with the West line of said fraction; thence run North 00 degrees 51 minutes 53 seconds West along said West line of said fraction for 870.25 feet to the POINT OF BEGINNING.

PARCEL E - Owner: Gerard A. McHale, Jr., Trustee under Trust Agreement dated November 25, 1987

From the Northwest corner of said Section 31 run South 00 degrees 51 minutes 53 seconds East along the West line of the Northwest One-Quarter (NW-1/4) of said Section 31 for 1575.92 feet to the POINT OF BEGINNING.

From said POINT OF BEGINNING run North 89 degrees 05 minutes 10 seconds East for 815.00 feet to an intersection with the West line of a roadway and public utility right-of-way described in Official Records Book 1398, at Page 2143, of the Public Records of Lee County, Florida; thence run South 00 degrees 51 minutes 53 seconds East along said West line for 213.78 feet; thence run South 89 degrees 05 minutes 10 seconds West for 815.00 feet to an intersection with the West line of the Northwest One-Quarter (NW-1/4) of said section 31; thence run North 00 degrees 51 minutes 53 seconds West for 213.78 feet to the POINT OF BEGINNING.



PARCEL F - Owner: Gerard A. McHale, Jr., Trustee under Trust Agreement dated February 25, 1987

From the Southwest corner of said Section 31 run North 00 degrees 57 minutes 47 seconds West along the West line of the Southwest One-Quarter (SW-1/4) for 79.71 feet to the POINT OF BEGINNING.

From said POINT OF BEGINNING continue North 00 degrees 57 minutes 47 seconds West along said West line for 2351.50 feet; thence run North 89 degrees 05 minutes 10 seconds East for 815.00 feet to an intersection with the West line of a roadway and public utility right-of-way described in Official Records Book 1398, at Page 2143, of the Public Records of Lee County, Florida; thence run South 00 degrees 57 minutes 47 seconds East along said West line for 2351.50 feet; thence run South 89 degrees 05 minutes 10 seconds West for 815.00 feet to the POINT OF BEGINNING.





PARCEL G - Owner: Gerard A. McHale, Jr., Trustee

A parcel of land lying in Section 30, Township 45 South, Range 26 East, Lee County, Florida, being more particularly described as follows:

Commencing at the Southwest corner of said Section 30; thence North 00 degrees 50 minutes 57 seconds West, 92.26 feet, along the West line of said Section 30 to the TRUE POINT OF BEGINNING; thence North 00 degrees 50 minutes 57 seconds West, 106.89 feet, along the West line of said Section 30; thence North 89 degrees 09 minutes 03 seconds East, 815.04 feet, to the West right of way line of Airport Haul Road (100 foot Right of Way); thence South 00 degrees 50 minutes 57 seconds East, 106.89 feet, along the said West right of way line; thence South 89 degrees 09 minutes 03 seconds West, 815.04 feet, to the TRUE POINT OF BEGINNING.

ALL OF THE ABOVE-DESCRIBED PARCELS ALSO BEING KNOWN AND DESCRIBED AS FOLLOWS:

DESCRIPTION
Parcels in
Sections 30 & 31 T. 45 S., R. 26 E
Lee County, Florida

Tracts or percels of land lying in Sections 30 and 31, Township 45 South, Range 26 East, Lee County, Florida. which tracts or percels are described as follows:

Parcel "A"

From the southwest corner of said Section 30 run N 00° 51' 02" W along the west line of the southwest one-quarter (SW-1/4) of said Section 30 for 1375.56 feet to the Point of Beginning.

From said Point of Beginning continue N 00° 51' 02" W along said west line for 514.13 feet; thence run N 54° 00' 06" E for 996.73 feet to an intersection with the west line of a roadway and public utility right-of-way described in Official Record Book 1398, at Page 2143 of the Public Records of Lee County, Florida; thence run S 00° 51' 02" E along said west line for 1087.93 feet; thence run S 89° 08' 58" W for \$15.00 feet to the Point of Beginning.



# Percel "B"

From the southwest corner of said Section 30 run N 00°51° 02" W along the west line of the southwest one-quarter (SW-1/4) of said Section 30 for 734.22 feet; thence run N 89° 08' 58" E for 815.00 feet to an intersection with the west line of a roadway and public utility right-of-way described in Official Record Book 1398, at Page 2143 of the Public records of Lee County, Florida; thence run S 00° 51' 02" E along said west line for 840.30 feet to an intersection with the north line of northwest one-quarter (NW-1/4) of said Section 31; thence run S 00° 51' 53" E along said west line for 762.65 feet; thence run S 89° 05' 10" W for 815.00 to an intersection with the west line of said fraction; thence run N 00° 51' 53" W along said west line of said fraction for 870.25 feet to the Point of Beginning.

AND



# Parcel "C"

From the northwest corner of said Section 31 run S 00° 51' 53" E along the west line of the northwest one-quarter (NW-1/4) of said Section 31 for 1083.41 fect to the Point of Beginning. From said Point of Beginning run N 89° 05' 10" E for 815.00 feet to an intersection with the west line of a roadway and public utility right-of-way described in Official Record Book 1398, at Page 2143 of the Public records of Lee County, Florida; thence run S 00° 51' 53" E along said west line for 213.78 feet; thence run S 89° 05' 10" W for 815.00 feet to an intersection with the west line of the northwest one-quarter (NW-1/4) of said Section 31; thence run N 00° 51' 53" W for 213.78 feet to the Point of Beginning.

AND



# Percel "D"

From the southwest corner of said Section 31 run N 00° 57' 47" W along the west line of the southwest one-quarter (SW-1/4) for 79.71 feet to the Point of Beginning

From said Point of Beginning continue N 00° 57 47° W along said west line for 2351.50 feet; thence run N 89° 05' 10° E for 815.00 feet to an intersection with the west line of a roadway and public utility right-of-way described in Official Record Book 1398, at Page 2143 of the Public Records of Lee County, Florids; thence run S 00° 57 47° E along said west line for 2351.50 feet; thence run S 89° 05' 10° W for 815.00 feet to the Point of Beginning.



## EXHIBIT "B"

- Right of Way Agreement in favor of Florida Power and Light Company recorded in O.R. Book 258, Page 378.
- 2. Right of Way Agreement in favor of Florida Power and Light Company recorded in O.R. Book 728, Page 113.
- Utility Easement in favor of Florida Power and Light Company recorded in O.R. Book 1606, Page 1275.
- 4. Utility Easement in favor of Florida Power and Light Company recorded in O.R. Book 1628, Page 1232.
- 5. Utility Easement in favor of Florida Power and Light Company recorded in O.R. Book 1648, page 4533.
- 6. Utility Easement in favor of Lee County, recorded in O.R. Book 1398, page 2139.
- 7. Taxes for the year 1998 and subsequent years.
- 8. Lee County Ordinance No. 86-14 recorded in O.R. Book 2189, Page 3281; as amended by Ordinance No. 86038 recorded in O.R. Book 2189, Page 3334.

ALL RECORDING REFERENCES ARE TO THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.



IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR LEE COUNTY, FLORIDA

LEE COUNTY, FLORIDA, a political subdivision of the State of Florida,

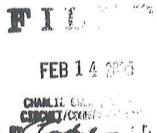
Petitioner,

vs.

CASE NO. 99-8569-CA-LG Parcel 31/Paparella

K. K. YANKOPOLUS; TERRY YANKOPOLUS; CHARLES W. FLINT; ANNALYNE M. FLINT; THOMAS F. DOYLE; LUCILLE B. DOYLE; STEVEN H. JONES, TRUSTEE; CONSOLIDATED-TOMOKA LAND CO.; AMERICAN FINANCE CORPORATION OF FLORIDA; FIRST NATIONAL BANK OF FORT MYERS, n/k/a NATIONSBANK; GERARD A. MCHALE, JR.; GERARD A. MCHALE, JR., TRUSTEE; TIMOTHY YOUNGQUIST; HARVEY YOUNGQUIST; GEORGE WHISTLER; NICK CROSS, TRUSTEE; GUY S. PAPARELLA and LEE COUNTY TAX COLLECTOR,

Defendants.



## STIPULATED ORDER OF TAKING

THIS CAUSE having come upon the joint motion for entry of an Order of Taking made by the Petitioner and the Defendant, GUY PAPARELLA, by and through their undersigned counsel, set forth hereinbelow, and it appearing to the Court that the parties were authorized to enter into such motion, it is therefore

#### ORDERED AND ADJUDGED:

- 1. That this Court has jurisdiction of the subject matter and parties to this cause.
- 2. That the pleadings in this case are sufficient and the Petitioner is properly exercising its delegated authority.



That upon deposit into the Court Registry of the sum of Eighty-Four Thousand and no/100 Dollars (\$84,000.00), less \$153.45 payable to the Le County Tax Collection which represents ad valorem taxes due, fee simple title to the subject property described in the attached Exhibit "A" shall vest in Lee County, Florida.
 That Lee County shall deposit into the court Registry said sum within twenty (20)

4. That Lee County shall deposit into the court Registry said sum within twenty (20) days from the date hereof. Should LEE COUNTY fail to deposit said sum within the twenty (20) day time period, this Order of Taking shall be void and of no effect.

5. That this order is without prejudice to the Defendant, Guy Paparella's right and demand for a trial before a jury so full compensation may be fixed and determined for all right, title, and interest in the land and improvements taken, for all the damages occasioned by this taking, for interest, attorneys' fees, and other costs incurred by the Defendant in these proceedings, including but not limited to appraisers' fees, surveying costs, photographers' costs, and engineers' costs as provided by law.

DONE AND ORDERED in Chambers at Fort Myers, Lee County, Florida this

day of February, 2000.

HON LYNN GERALD, JR. Circuit Judge

Conformed copies furnished to:

John S. Turner, Assistant County Attorney David Carv. Esquire

Anthony J. Gargano, Esquire

this ghay of February, 20000

Judicial Assistant

COMMUNITY DEVELOPMENT

2010-00008

on on USZZU Pb 3814

# PARCEL 31 (O. R. Book 2091, Page 922)

A parcel of land lying in Section 31, Township 45 South, Range 26 East, Lee County, Florida, being more particularly described as follows:

Commencing at the Northwest corner of said Section 31, thence;

- South 00° 52' 26" East, 2643.83 feet, along the West line of said Section 31 to the West 1/4 corner of said Section 31, thence;
- South 00° 58' 03" East, 106.89 feet, along the West line of said Section 31 to the true point of beginning, thence;
- North 89° 04' 46" East, 815.05 feet, to the West right of way line of Airport Haul Road (100 foot right of way), thence;
- South 00° 58' 03" East, 106.89 feet, along said West right of way line, thence;
- 5. South 89° 04' 46" West, 815.05 feet, to the West line of said Section 31, thence;
- North 00° 58' 03" West, 106.89 feet, along the West line of said Section 31, to the true point of beginning.

2010-00008



OR BK 03220 PG 3815

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR LEE COUNTY, FLORIDA

LEE COUNTY, FLORIDA, a political subdivision of the State of Florida,

Petitioner,

vs.

CASE NO. 99-8569-CA-LG Parcel 31/Paparella

K. K. YANKOPOLUS; TERRY YANKOPOLUS; CHARLES W. FLINT; ANNALYNE M. FLINT; THOMAS F. DOYLE; LUCILLE B. DOYLE; STEVEN H. JONES, TRUSTEE; CONSOLIDATED-TOMOKA LAND CO.; AMERICAN FINANCE CORPORATION OF FLORIDA; FIRST NATIONAL BANK OF FORT MYERS, n/k/a NATIONSBANK; GERARD A. MCHALE, JR.; GERARD A. MCHALE, JR., TRUSTEE; TIMOTHY YOUNGQUIST; HARVEY YOUNGQUIST; GEORGE WHISTLER; NICK CROSS, TRUSTEE; GUY S. PAPARELLA and LEE COUNTY TAX COLLECTOR,

Defendants.

#### MOTION

The parties, respectfully move for the entry of the foregoing Stipulated Order of Taking this  $\frac{1}{2}$  day of February, 2000.

JAMES G. YAEGER
LEE COUNTY ATTORNEY
2115 Second Street
Post Office Box 398
Fort Myers, Florida 33902
(813) 335-2236

By: JOHN S. TURNER

Assistant County Attorney Florida Bar No. 869570

GARGANO & MARCHEWKA, LLP Attorneys for Paparella Post Office Box 2527 Fort Myers, Florida 33902 (941) 337-2280

By: MILLY
ANTHONY J. GARGANO
Fla. Bar No. 375373

Dated: 2/7/00 Dated: 2/4/

APR 1 4 2011

2010-00008

DEPUTY CLERK Y Bahnsen

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR LEE COUNTY, FLORIDA

LEE COUNTY, FLORIDA, a political subdivision of the State of Florida,

Petitioner,

vs.

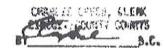
CASE NO. 99-8569-CA-LG Parcel 30/Cross

K. K. YANKOPOLUS; TERRY YANKOPOLUS; CHARLES W. FLINT; ANNALYNE M. FLINT; THOMAS F. DOYLE; LUCILLE B. DOYLE; STEVEN H. JONES, TRUSTEE; CONSOLIDATEDTOMOKA LAND CO.; AMERICAN FINANCE CORPORATION OF FLORIDA; FIRST NATIONAL BANK OF FORT MYERS, n/k/a NATIONSBANK; GERARD A. MCHALE, JR.; GERARD A. MCHALE, JR., TRUSTEE; TIMOTHY YOUNGQUIST; HARVEY YOUNGQUIST; GEORGE WHISTLER; NICK CROSS, TRUSTEE; GUY S. PAPARELLA and LEE COUNTY TAX COLLECTOR,

Defendants.

# FILED

FEB 1 4 2000



# STIPULATED ORDER OF TAKING

THIS CAUSE having come upon the joint motion for entry of an Order of Taking made by the Petitioner and the Defendant, NICK CROSS, TRUSTEE, by and through their undersigned counsel, set forth hereinbelow, and it appearing to the Court that the parties were authorized to enter into such motion, it is therefore

#### ORDERED AND ADJUDGED:

- 1. That this Court has jurisdiction of the subject matter and parties to this cause.
- That the pleadings in this case are sufficient and the
   Petitioner is properly exercising its delegated authority.



- 3. That upon deposit into the Court Registry of the sum of One Hundred Thousand Five Hundred and no/100 Dollars (\$100,500.00), less \$153.45 payable to the Le County Tax Collection which represents ad valorem taxes due, fee simple title to the subject property described in the attached Exhibit "A" shall vest in Lee County, Florida.
- 4. That Lee County shall deposit into the court Registry said sum within twenty (20) days from the date hereof. Should LEE COUNTY fail to deposit said sum within the twenty (20) day time period, this Order of Taking shall be void and of no effect.
- 5. That this order is without prejudice to the Defendant, Nick Cross' right and demand for a trial before a jury so full compensation may be fixed and determined for all right, title, and interest in the land and improvements taken, for all the damages occasioned by this taking, for interest, attorneys' fees, and other costs incurred by the Defendant in these proceedings, including but not limited to appraisers' fees, surveying costs, photographers' costs, and engineers' costs as provided by law.

DONE AND ORDERED in Chambers at Fort Myers, Lee County, Florida this

day of February, 2000.

HON. LYNN GERALD JR.

Circuit Judge

Conformed copies furnished to:

John S. Turner, Assistant County Attorney David Cary, Esquire Anthony J. Gargano, Esquire

Anthony J. Gargano, Esquire

day of February, 20000

Judicial Assistant

2010-00008 RECEIVED

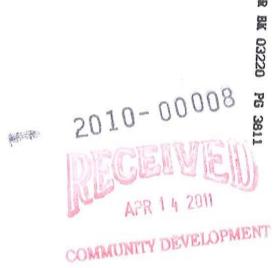
# EXHIBIT "A"

# PARCEL 30 (O. R. Book 2091, Page 0927)

A parcel of land lying in Section 31, Township 45 South, Range 26 East, Lee County, Florida, being more particularly described as follows:

Commencing at the Northwest corner of said Section 31, thence;

- South 00° 52' 26" East, 2643.83 feet, along the West line of said Section 31 to the West 1/4 corner of said Section 31 and the true point of beginning, thence;
- North 89° 04' 46" East, 815.05 feet, along the South line of the Northwest quarter of said Section 31 to the West right of way line of Airport Haul Road (100 foot right of way), thence;
- South 00° 58' 03" East, 106.89 feet, to the West right of way line of Airport Haul Road (100 foot right of way), thence;
- South 89° 04' 46" West, 815.05 feet, to the West line of said Section 31, thence;
- North 00° 58' 03" West, 106.89 feet, along the West line of said Section 31 to the true point of beginning.



IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR LEE COUNTY, FLORIDA

LEE COUNTY, FLORIDA, a political subdivision of the State of Florida,

Petitioner,

vs.

CASE NO. 99-8569-CA-LG Parcel 30/Cross

K. K. YANKOPOLUS; TERRY YANKOPOLUS; CHARLES W. FLINT; ANNALYNE M. FLINT; THOMAS F. DOYLE; LUCILLE B. DOYLE; STEVEN H. JONES, TRUSTEE; CONSOLIDATED-TOMOKA LAND CO.; AMERICAN FINANCE CORPORATION OF FLORIDA; FIRST NATIONAL BANK OF FORT MYERS, n/k/a NATIONSBANK; GERARD A. MCHALE, JR.; GERARD A. MCHALE, JR., TRUSTEE; TIMOTHY YOUNGQUIST; HARVEY YOUNGQUIST; GEORGE WHISTLER; NICK CROSS, TRUSTEE; GUY S. PAPARELLA and LEE COUNTY TAX COLLECTOR,

Defendants.

#### MOTION

The parties, respectfully move for the entry of the foregoing Stipulated Order of Taking this day of February, 2000.

JAMES G. YAEGER LEE COUNTY ATTORNEY 2115 Second Street Post Office Box 398 Fort Myers, Florida (813) 335-2236

JOHN S. TURNER Assistant County Attorney Florida Bar No. 869570

Dated: 2/7/0

GARGANO & MARCHEWKA, LLP Attorneys for Cross Post Office Box 2527 Fort Myers, Florida 33902 (941) 337-2280

ANTHONY J. GARGANO Fla. Bar No. 375373

2010-00008 APR 14 2011

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1270237

This instrument was 7 epored by Favese Sine do, Garrer Have Fel 4 & Mittz. P C Drawer 1507, Fait Myers, Fla 33902

THAILS A PAYESE

QUIT CLAIM DEED

THIS INDENTURE, Made this 28 day of Wocemble, A.D., 1979, Between GEORGE SANDERS, joined by his wife, MARY JO SANDERS; LOUIS STEIN, joined by his wife, BESSIE S. STEIN; IDA S. MANDELL, MORTON S. MANDELL and SEYMOUR G. MANDELL, as Ancillary Personal Representations. tatives of the Estate of SAMUEL P. MANDELL, of the Counties of Lee, Dade and Philadelphia respectively, and States of Florida and Pennsylvania respectively, Parties of the First Part, and LEE COUNTY, a political subdivision of the State of Florida, P. O. Box 398, Fort Myers, FL 33902, of the County of Lee and State of Florida, Party of the Second Part, WITNESSETH, that the said Parties of the First Part, for and

witnesseth, that the said Parties of the First Part, for and in consideration of the sum of TEN (\$10.00) DOLLARS and other good and valuable consideration, in hand paid by the said Party of the Second Part, the receipt whereof is hereby acknowledged, has remised, released and quitclaimed, and by these presents does remise, release and quitclaim unto the said Party of the Second Part all the right, title, interest, claim and demand, which the said Parties of the First Part have in and to the following-described lot, piece or parcel of land, situate, lying and beingg in the County of Lee, State of Florida, to-wit:

> A right of way for roadway and public utility purposes 100 feet wide in the southwest quarter of Section 30 and the west half of Section 31, Township 45 South, Range 26 East, which right of way is more particularly described on Schedule "A" attached hereto and made a part hereof, & subject to Schedule "B" conditions.

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

IN WITNESS WHEREOF, the said parties of the first part have

hereunto set their hands and seals the day and year first above written. IN THE PRESENCE OF: (SEAL) (SEAL) rer (SEAL) (SEAL) (SEAL) MANDELL, as Ancillary Personal Rep. of Estate of Samuel P. Mandell . 27 4 - 4 / .. .. . . . . . . . . MORTON S. MANDELL, as Ancillary Personal Representative of the Estate of Samuel P. Mandell SEYMOUR G. MANDELL, as Ancillary Personal Representative of the Estate of Samuel P. Mandell Seymour G.

胜 1398 62144 STATE OF FLORIDA ) SS COUNTY OF LEE I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, GEORGE SANDERS, joined by his wife, MARY JO SANDERS, to me well known to be the persons described in and who executed the foregoing instrument and they acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed. WITNESS my hand and official seal at City of Fort Myers
County of Lee and State of Florida, this gay of Since an Dece 1979. My Commission Expires: NOTARY PUBLIC STATE OF FLORIDA AT LANCE MY COMMISSION EXPIRES OCT .16 1981 SONDED THEU GENERAL INS UNDERWRITERS STATE OF FLORIDA SS COUNTY OF DADE I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, LOUIS STEIN, joined by his wife, BESSIE S. STEIN, to me well known to be the persons described in and who executed the foregoing instrument and they acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed. WITNESS my hand and official seal at City of Miami Beach, County of Dade and State of Florida, this 28 day of Apventure 1979. My Commission Expires: Notary Public State of Florida at Large My Commission Expires Aug. 15, 1983 STATE OF PENNSYLVANIA 88 COUNTY OF Sheleliphia I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, IDA S. MANDELL, MORTON S. MANDELL and SEYMOUR G. MANDELL, as Ancillary Personal Representatives of the Estate of SAMUEL P. MANDELL, to me well known to be the persons described in and who executed the foregoing instrument and they acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed. WITNESS my hand and official seal at City of Mindelphia and State of Pennsylvania, this County of day of

My Commission Expires:

APR 1 4 2011

KATHLEF ! T AR ... Notary Purice Proceeding Physician My Commission Expression Commission (Control of Control of Contr

2010-00008

DEVELOPMENT

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#### SCHEDULE "A"

JOHNSON ENGINEERING, INC.

CIVIL ENGINEERS AND LAND SURVEYORS

TITE JOHNSON STREET TELEPHONE 10131 334-0346 POST OFFICE BOX 1550 FORT HYEND, FLORIDA September 10, 1979

CARL E JOHNSON

DISCRIPTION

ROADWAY AND PUBLIC UTILITY RICHT-OF-WAY
SECTIONS 30 & 31, T. 45 S., R. 26 E.
LEE COUNTY, FLORIDA
FOR PROFOSED CONVEYANCE
SANDERS TO LEE COUNTY

A right-of-way for roadw, and public utility purposes 169 feet wide in the southwest quarter (s.i.) of Section 35 and the west half (w.) of Section 31, Township 45 South, Range 26 East, Lee County, Florida which right-of-way is described as follows:

From the southwest corner of said southwest quarter (SMA) of Section 30 run N 89° 05' 20" E along the bisector of the west lines of said Sections 30 and 31 for 814.99 feet to the Point

of Beginning. From said Point of 1 pinning run N 00° 50' 50" W along the west line of the Fast 100 feet of the West 515 feet of said southwest quarter (SWs) for 2452.79 feet to an intersection with the southeasterly line of the proposed Souther t Florida Regional Airport; thence run N 54° 00' 10" E along said southeasterly line 122.31 feet; thence run S C ° 50' 56" E along the cost line of said West 915 feet for 2533.19 feet to an intersection with said bisector; thence run S CO° 52' 30" E, parallel with the west line of the northwest quarter (Na'L) of said Section 31, for 119.99 feet to an intersect! a with the line common to said rections; thence continue S 00° 52° 30" F along the east line of the West 915 feet of said northwest quarter (N%) of Section 31 for 2522.86 feet to an intersection with the bisector of the west lines of said northwest quarter (\(\text{N.'.}\)) and the southwest quarter (S.\(\text{N.'.}\)) of said Section 31; then e run S 00° 57' 40" E along the east line of the West 915 feet of said southwest quarter (SWA) of Section 31 for 2643.40 feet to an intersection with the bisector of the west line of said southwest quarter (SW4) of Section 31 and the west line of the horthwest quarter (N.".) of Section 6, Township 46 South, Range 26 East; thence ren S 01° 06' 05" E, parallel with the west line of said northwest quarter (MAL), Section 6, for 3.56 feet to the south line of said Section 31; thence run S 89° 11' 30" W along said south line for 100.00 feet; thence run N 01° 06' 05" W, parallel with said west line of said northwest quarter (NN%) of Section 6 for 3.17 feet to an intersection with said bisector; thence run N 00° 57' 40" W along the west line of the East 100 feet of said West 915 of said southwest q arter (SWA), Section 31, for 2643.60 feet to an intersection with said hisector of the west lines of said southwest quarter (.....) and said north...\_st quarter (NN $^{\prime}4$ ), Section 31; thence run N 00 $^{\circ}$  52 $^{\prime}$  30 $^{\prime\prime}$  W along the west line of the East 100 feet of said West 915 of the northwest quarter (NW's) of said Section 31 for 2536.08 feet to an intersection with the north line of said section; thence continue N 00° 52' 30" W for 106.87 feet to the Point of Beginning.

CHAIRMAN ARCHIE T. GRANT, JR

基

Containing 17.88 acres more or less.

Bearings hereinabove mentioned are Plane Coordinate for the Florida
West Zone.

2010-00008 RECEIVED

COLUMNITY DEVELOPMENT

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#### SCHEDULE "B"

SUBJECT to the following: If party of the second part does not construct a road within two years from the date of this Deed, then the lands described herein shall revert back to the Grantors herein.

Reserving, however, unto the Grantors, its successors and assigns, all oil, gas and mineral rights, provided that development of same will not interfere with the surface use of the premises.

2010-00000



19.50 41

THIS INSTRUMENT PREPARED BY AND SHOULD BE RETURNED TO:

Michael W. McNatt, Esq. FOLEY & LARDNER 111 North Orange Avenue, Suite 1800 Post Office Box 2193 Orlando, FL 32802-2193 (407) 423-7656

Parcel Identification (Folio) Number(s): 36-45-25-01-0000C.0030

INSTR # 4744065 OR BK 03182 PG 3738

RECORDED 10/28/99 03:01 PM CHARLIE GREEN CLERK OF COURT LEE COUNTY RECORDING FEE 19.50 DOC TAX PD(F.S.201.02) 1,402.10 DEPUTY CLERK A Janke

For Recording Purposes Only

#### WARRANTY DEED

THIS WARRANTY DEED made and executed as of the day of October, 1999, by MAURICE E. MATTINGLY, JR. and J. THOMAS DONALSON, as tenants in common whose post office address is 13600 Byrnwood, Fort Myers, Florida 33912 (hereinafter together referred to as the "Grantor"), to LEE COUNTY, a political subdivision of the State of Florida, having a post office address at P.O. Box 398, Fort Myers, Florida 33902-0398 (hereinafter referred to as the "Grantee"):

(Whenever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations, public bodies and quasi-public bodies.)

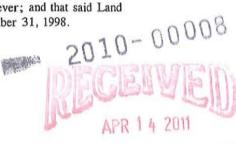
#### WITNESSETH:

THE GRANTOR, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, all that certain land, situate, lying and being in Lee County, Florida, more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof (the "Property" or said "Land").

TOGETHER, with all of the Grantor's rights, title and interest in and to all improvements, fixtures, easements, rights of way, licenses, privileges, tenements, hereditaments, reversions and appurtenances belonging or appertaining to the Property, including but not limited to any mineral rights owned or held by Grantor, and all right, title and interest of Grantor in and to any land within the perimeter of the Property lying in the bed of any canal, stream, lake, street, alley, road or avenue (before and after vacation thereof, and whether previously abandoned or vacated or hereafter abandoned or vacated).

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantor hereby covenants to and with said Grantee that the Grantor is lawfully seized of said Land in fee simple; that the Grantor has good right and lawful authority to sell and convey said Land; that the Grantor hereby fully warrants the title to said Land and will defend the same against the lawful claims of all persons whomsoever; and that said Land is free of all encumbrances, except taxes accruing subsequent to December 31, 1998.



IN WITNESS WHEREOF, the said Grantor has hereunto set their hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

| Signed | State | State | Maurice | Ma

J. THOMAS DONALSON (SEAL)

Accepted by the Executive Director or designee in accordance with the Board of County, Commissioners action of 13, 1999

EXECUTIVE DIRECTOR OR DESIGNEE

APPROVED TO FORM:

By: Lee County Attorney's office



# STATE OF FLORIDA COUNTY OF LEE

### OR BK 03182 PG 3740

State aforesaid and in the County aforesaid, MAURICE E. MATTINGLY, JR., who [	ay, before me, an officer duly authorized in the to take acknowledgments, personally appeared is personally known to me or [] has produced identification, who executed the foregoing witnesses freely and voluntarily for the uses and ged under oath that he executed the same.
WITNESS my hand and official seal is day of October, 1999.	n the County and State last aforesaid this
(Notarial Seal)	Carolyn J. Marshall
	Notary Public  CAROLYN L. MARSHALL  POLICY COMMISSION & CC780743  EXPIRES OCT 05, 2002  EXPIRES OCT 105, 2002  EXP
	Certificate Number:My commission expires:
State aforesaid and in the County aforesaid, t	ay, before me, an officer duly authorized in the o take acknowledgments, personally appeared J. sonally known to me or J has produced
driver's license as	identification, who executed the foregoing witnesses freely and voluntarily for the uses and
8 8 8 E	n the County and State last aforesaid this 28th
(Notarial Seal)	Notary Purice CAROLYN L. MARSHALL COMMISSION & CC780743 EXPIRES OCT 05, 2002
	Printed Name
	Certificate Number:



#### EXHIBIT "A"

DESCRIPTION - LOT 3, BLOCK C

A PARCEL OF LAND IN SECTION 36, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 36, THENCE;

- 1. SOUTH 00°52'14" EAST, 855.50 FEET, ALONG THE EAST LINE OF SAID SECTION 36 TO THE TRUE POINT OF BEGINNING, THENCE;
- 2. SOUTH 00°52'14" EAST, 531.98 FEET, ALONG SAID EAST SECTION LINE, THENCE;
- SOUTH 89°07'46" WEST, 500.00 FEET, TO THE EAST RIGHT OF WAY LINE OF A PROPOSED ROAD (100 FEET WIDE) TO A POINT ON THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, THENCE;
- 4. RUNNING 105.55 FEET ALONG THE ARC OF SAID CURVE, WITH A RADIUS OF 250.00 FEET, A CENTRAL ANGLE OF 24°11'26", AND A CHORD OF NORTH 12°57'57" WEST, 104.77 FEET, ALONG SAID RIGHT OF WAY LINE TO A POINT ON THE ARC OF A NON-TANGENT CURVE, THENCE;
- 5. NORTH 49°40'37" EAST, 675.97 FEET, TO THE TRUE POINT OF BEGINNING.



DEPUTY CLERK V Bahnsen



IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR LEE COUNTY, FLORIDA



LEE COUNTY, FLORIDA, a political subdivision of the State of Florida,

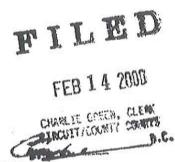
Petitioner,

vs.

99-8569-CA-LG CASE NO. Parcel 27/Whistler

K. K. YANKOPOLUS; TERRY YANKOPOLUS; CHARLES W. FLINT; ANNALYNE M. FLINT; THOMAS F. DOYLE; LUCILLE B. DOYLE; STEVEN H. JONES, TRUSTEE; CONSOLIDATED-TOMOKA LAND CO.; AMERICAN FINANCE CORPORATION OF FLORIDA; FIRST NATIONAL BANK OF FORT MYERS, n/k/a NATIONSBANK; GERARD A. MCHALE, JR.; GERARD A. MCHALE, JR., TRUSTEE; TIMOTHY YOUNGQUIST; HARVEY YOUNGQUIST; GEORGE WHISTLER; NICK CROSS, TRUSTEE; GUY S. PAPARELLA and LEE COUNTY TAX COLLECTOR,

Defendants.



#### STIPULATED ORDER OF TAKING

THIS CAUSE having come upon the joint motion for entry of an Order of Taking made by the Petitioner and the Defendant, GEORGE WHISTLER, by and through their undersigned counsel, set forth hereinbelow, and it appearing to the Court that the parties were authorized to enter into such motion, it is therefore

#### ORDERED AND ADJUDGED:

- That this Court has jurisdiction of the subject matter and parties to this cause.
- That the pleadings in this case are sufficient and the Petitioner is properly exercising its delegated authority.

2010-00008 APR 1 4 2011

- 3. That upon deposit into the Court Registry of the sum of Seventy-Three Thousand and no/100 Dollars (\$73,000.00), fee simple title to the subject property described in the attached Exhibit "A" shall vest in Lee County, Florida.
- 4. That Lee County shall deposit into the Court Registry said sum within twenty (20) days from the date hereof. Should LEE COUNTY fail to deposit said sum within the twenty (20) day time period, this Order of Taking shall be void and of no effect.

DONE AND ORDERED in Chambers at Fort Myers, Lee County,

Florida this day of February,

HON. LYNN GERALD, JR.

Circuit Judge

Conformed copies furnished to:

John S. Turner, Assistant County Attorney David Cary, Esquire Kenneth A. Jones, Esquire

this S day of February, 2000.

Judicial Assistant

2010-00008 RECEIVED AFR 14 2011

# PARCEL 27 (O. R. Book 1960, Page 1533)

A parcel of land lying in Section 31, Township 45 South, Range 26 East, Lee County, Florida, being more particularly described as follows:

Commencing at the Northwest corner of said Section 31, thence;

- 1. South 00° 52' 26" East, 1404.70 feet, along the West line of said Section 31, to the true point of beginning, thence;
- North 89° 04' 46 East, 815.05 feet, to the West right of way line of Airport Haul Road (100 foot right of way), thence;
- South 00° 52' 26" East, 106.89 feet, to the West right of way line of Airport Haul Road (100 foot right of way), thence;
- 4. South 89° 04' 46" West, 815.05 feet, to the West line of said Section 31, thence;
- 5. North 00° 52' 26" West, 106.89 feet, along the West line of said Section 31 to the true point of beginning.

2010-00008



IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR LEE COUNTY, FLORIDA

LEE COUNTY, FLORIDA, a political subdivision of the State of Florida,

Petitioner,

VS.

CASE NO. 99-8569-CA-LG Parcel 27/Whistler

K. K. YANKOPOLUS; TERRY YANKOPOLUS; CHARLES W. FLINT; ANNALYNE M. FLINT; THOMAS F. DOYLE; LUCILLE B. DOYLE; STEVEN H. JONES, TRUSTEE; CONSOLIDATED-TOMOKA LAND CO.; AMERICAN FINANCE CORPORATION OF FLORIDA; FIRST NATIONAL BANK OF FORT MYERS, n/k/a NATIONSBANK; GERARD A. MCHALE, JR.; GERARD A. MCHALE, JR., TRUSTEE; TIMOTHY YOUNGQUIST; HARVEY YOUNGQUIST; GEORGE WHISTLER; NICK CROSS, TRUSTEE; GUY S. PAPARELLA and LEE COUNTY TAX COLLECTOR,

Defendants.

#### MOTION

The parties, respectfully move for the entry of the foregoing Stipulated Order of Taking this day of February, 2000.

JAMES G. YAEGER LEE COUNTY ATTORNEY 2115 Second Street Post Office Box 398 Fort Myers, Florida 33902 (813) 335-2236

JOHN S. TURNER Assistant County Attorney Florida Bar No. 869570

Dated: 2/7/40

ROETZEL & ANDRESS Attorneys for Whistler 2320 First Street Suite 1000 Fort Myers, Florida 33901 (941) 33/7-3850

ENNETH A. JONES Fla. Bar No. 0200158

Dated:

APR 14 2011

.2010-00008

DEPUTY CLERK V Bahnsen



IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR LEE COUNTY, FLORIDA

LEE COUNTY, FLORIDA, a political subdivision of the State of Florida,

Petitioner,

vs.

CASE NO. 99-8569-CA-LG Parcel 26/Youngquist

K. K. YANKOPOLUS; TERRY YANKOPOLUS; CHARLES W. FLINT; ANNALYNE M. FLINT; THOMAS F. DOYLE; LUCILLE B. DOYLE; STEVEN H. JONES, TRUSTEE; CONSOLIDATED-TOMOKA LAND CO.; AMERICAN FINANCE CORPORATION OF FLORIDA; FIRST NATIONAL BANK OF FORT MYERS, n/k/a NATIONSBANK; GERARD A. MCHALE, JR.; GERARD A. MCHALE, JR., TRUSTEE; TIMOTHY YOUNGQUIST; HARVEY YOUNGQUIST; GEORGE WHISTLER; NICK CROSS, TRUSTEE; GUY S. PAPARELLA and LEE COUNTY TAX COLLECTOR,

Defendants.



FEB 1 4 2000



# STIPULATED ORDER OF TAKING

THIS CAUSE having come upon the joint motion for entry of an Order of Taking made by the Petitioner and the Defendants, TIMOTHY YOUNGQUIST and HARVEY YOUNGQUIST, by and through their undersigned counsel, set forth hereinbelow, and it appearing to the Court that the parties were authorized to enter into such motion, it is therefore

#### ORDERED AND ADJUDGED:

- 1. That this Court has jurisdiction of the subject matter and parties to this cause.
- 2. That the pleadings in this case are sufficient and the Petitioner is properly exercising its delegated authority.



- 3. That upon deposit into the Court Registry of the sum of Ninety-Three Thousand Five Hundred and no/100 Dollars (\$93,500.00) less \$153.45 payable to the Lee County Tax Collector which represents ad valorem taxes due, fee simple title to the subject property described in the attached Exhibit "A" shall vest in Lee County, Florida.
- 4. That Lee County shall deposit into the Court Registry said sum within twenty (20) days from the date hereof. Should LEE COUNTY fail to deposit said sum within the twenty (20) day time period, this Order of Taking shall be void and of no effect.

DONE AND ORDERED in Chambers at Fort Myers, Lee County, lorida this day of February, 2000 M

GON. NEWN GERALD, JR. Circuit Judge

Conformed copies furnished to:

John S. Turner, Assistant County Attorney David Cary, Esquire Thomas F. Kiesel, Esquire

this day of February, 2000.

Judicial Assistant



#### EXHIBIT "A"

# PARCEL 26 (O. R. Book 1960, Page 1533)

A parcel of land lying in Section 31, Township 45 South, Range 26 East, Lee County, Florida, being more particularly described as follows:

Commencing at the Northwest corner of said Section 31, thence;

- South 00° 52' 26" East, 1297.81 feet, along the West line of said Section 31, to the true point of beginning, thence;
- North 89° 04' 46: East, 815.05 feet, to the West right of way line of Airport Haul Road (100 foot right of way), thence;
- South 00° 52' 26" East, 106.89 feet, to the West right of way line of Airport Haul Road (100 foot right of way), thence;
- 4. South 89° 04' 46" West, 815.05 feet, to the West line of said Section 31, thence;
- 5. North 00° 52' 26" West, 106.89 feet, along the West line of said Section 31 to the true point of beginning.



IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR LEE COUNTY, FLORIDA

LEE COUNTY, FLORIDA, a political subdivision of the State of Florida,

Petitioner,

vs.

CASE NO. 99-8569-CA-LG Parcel 26/Youngquist

K. K. YANKOPOLUS; TERRY YANKOPOLUS; CHARLES W. FLINT; ANNALYNE M. FLINT; THOMAS F. DOYLE; LUCILLE B. DOYLE; STEVEN H. JONES, TRUSTEE; CONSOLIDATED-TOMOKA LAND CO.; AMERICAN FINANCE CORPORATION OF FLORIDA; FIRST NATIONAL BANK OF FORT MYERS, n/k/a NATIONSBANK; GERARD A. MCHALE, JR.; GERARD A. MCHALE, JR., TRUSTEE; TIMOTHY YOUNGQUIST; HARVEY YOUNGQUIST; GEORGE WHISTLER; NICK CROSS, TRUSTEE; GUY S. PAPARELLA and LEE COUNTY TAX COLLECTOR,

Defendants.

#### MOTION

The parties, respectfully move for the entry of the foregoing Stipulated Order of Taking this \_\_\_\_\_ day of February, 2000.

JAMES G. YAEGER
LEE COUNTY ATTORNEY
2115 Second Street
Post Office Box 398
Fort Myers, Florida 33902
(813) 335-2236

JOHN S. TURNER

Assistant County Attorney Florida Bar No. 869570 KIESEL, HUGHES & JOHNSTON Attorneys for Youngquist Post Office Drawer 1000 Fort Myers, Florida 33902 (941) 334-1800

Bu.

THOMAS F. KIESEL Fla. Bar No. 162938

Dated: 2/7/00

Dated:





THIS INSTRUMENT PREPARED BY AND SHOULD BE RETURNED TO:

Michael W. McNatt, Esq. FOLEY & LARDNER 111 North Orange Avenue, Suite 1800 Post Office Box 2193 Orlando, FL 32802-2193 (407) 423-7656

Parcel Identification (Folio) Number(s):

INSTR # 4820620 OR BK 03224 PG 1412

RECORDED 02/25/00 03:39 PM
CHARLIE GREEN CLERK OF COURT
LEE COUNTY
RECORDING FEE 19.50
DOC TAX PD (F. S. 201. 02)
DEPUTY CLERK A Janke

For Recording Purposes Only

# WARRANTY DEED

THIS WARRANTY DEED made and executed as of the \_\_\_\_\_\_ day of February, 2000, by GERARD A. McHALE, JR., Trustee, whose post office address is \_\_\_\_\_\_ Street Suite 2001, Fi. Myers, Fi. 55901 (hereinafter referred to as the "Grantor"), to LEE COUNTY, a political subdivision of the State of Florida, having a post office address at P.O. Box 398, Fort Myers, Florida 33902-0398 (hereinafter referred to as the "Grantee"):

(Whenever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations, public bodies and quasi-public bodies.)

#### WITNESSETH:

THE GRANTOR, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, all that certain land, situate, lying and being in Lee County, Florida, more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof (the "Property" or said "Land").

TOGETHER, with all of the Grantor's rights, title and interest in and to all improvements, fixtures, easements, rights of way, licenses, privileges, tenements, hereditaments, reversions and appurtenances belonging or appertaining to the Property, including but not limited to any mineral rights owned or held by Grantor, and all right, title and interest of Grantor in and to any land within the perimeter of the Property lying in the bed of any canal, stream, lake, street, alley, road or avenue (before and after vacation thereof, and whether previously abandoned or vacated or hereafter abandoned or vacated).

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantor hereby covenants to and with said Grantee that the Grantor is lawfully seized of said Land in fee simple; that the Grantor has good right and lawful authority to sell and convey said Land; that the Grantor hereby fully warrants the title to said Land and will defend the same against the lawful claims of all persons whomsoever; and that said Land is free of all encumbrances, except taxes accruing subsequent to December 31, 1999.



IN WITNESS WHEREOF, the said Grantor has hereunto set their hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Name:

SUSAMME KANTOR

Name:

LANGUNCE R. JACKSON

Accepted by the Executive Director or designee in accordance with the Board of County Commissioners action of

FEBRUARY 8, NEUD.

EXECUTIVE DIRECTOR OR DESIGNEE

APPROVED AS TO FORME

and as Trustee

By: //agraff . / Yaogn Lee County Attorney's Office



COMMUNITY DEVELOPMENT

# STATE OF FLORIDA COUNTY OF LEE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared GERARD A. McHALE, JR., who M is personally known to me or [] has produced as identification, who executed the foregoing instrument in the presence of two subscribing witnesses freely and voluntarily for the uses and purposes expressed therein, and he acknowledged under oath that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this \_/6 the day of February, 2000.

(Notarial Seal)

My Comm Exp. 2/16/2001
HOTARY Bonded By Service Ins
No. CC621916
It Personally Mozora | 1 Other LD.

Notary Public

Printed Name

Certificate Number: CC 621916

My commission expires: 2/16/61

2010-00008

APR 14 2011

COMMUNITY DEVELOPMENT

#### EXHIBIT "A"

A tract or parcel of land lying in Section 31, Township 45 South, Range 26 East, Lee County, Florida, being more particularly described as:

Commencing at the northwest corner of said Section 31, thence

- South 00°52'26" East, 870.25 feet along the West line of said Section 31 to the True Point of Beginning, thence;
- North 89°04'46" East, 815.05 feet to the West Right-of-Way line of Airport Haul Road (100 foot Right-of-Way), thence;
- South 00°52"26" East, 106.89 feet along the West Right-of-Way line of Airport Haul Road (100 foot Right-of-Way), thence;
- South 89°04'46" West, 815.05 feet, to the West line of Said Section 31, thence;
- North 00°52'46" West, 106.89 feet along the West line of Said Section 31 to the True Point of Beginning.

#### And

A tract or parcel of land lying in Section 31, Township 45 South, Range 26 East, Lee County, Florida, being more particularly described as:

Commencing at the northwest corner of said Section 31, thence.

- South 00°52'26" East, 977.14 feet along the West line of said Section 31 to the True Point of Beginning, thence;
- North 89°04'46" East, 815.05 feet to the West Right-of-Way line of Airport Haul Road (100 foot Right-of-Way), thence;
- South 00°52"26" East, 106.89 feet along the West Right-of-Way line of Airport Haul Road (100 foot Right-of-Way), thence;
- 9. South 89°04'46" West, 815.05 feet, to the West line of Said Section 31, thence;
- North 00°52'46" West, 106.89 feet along the West line of Said Section 31 to the True Point of Beginning.





CLERK V

Bahnsen

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR LEE COUNTY, FLORIDA



LEE COUNTY, FLORIDA, a political subdivision of the State of Florida,

Petitioner,

vs.

D. D. GERACI; D. THORPE FUSSELL; CONSOLIDATED-TOMOKA LAND CO.; KATHRYN M. GERACI; H. F. HOWARD HAULING CO.; DONALD D. GERACI; ROBERT M. TINDALE; HERITAGE NATIONAL BANK; SOUTHTRUST BANK OF FLORIDA; ELLSWORTH S. CABOT, TRUSTEE; ELAINE E. CABOT, TRUSTEE and LEE COUNTY TAX COLLECTOR,

Defendants.

99-8574-CA-LG CASE NO. Parcels 12, 13, 14, 15 16 and 17

ILE

FEB - 9 2000



# STIPULATED ORDER OF TAKING

THIS CAUSE having come upon the joint motion for entry of an Order of Taking made by the Petitioner and the Defendants, D. D. GERACI; D. THORPE FUSSELL, TRUSTEE; KATHRYN M. GERACI-PALMER, TRUSTEE; H. F. HOWARD HAULING CO.; DONALD D. GERACI, TRUSTEE; ROBERT M. TINDALE; SOUTHTRUST BANK OF FLORIDA; ELLSWORTH S. CABOT, TRUSTEE; ELAINE E. CABOT, TRUSTEE by and through their undersigned counsel, set forth hereinbelow, and it appearing to the Court that the parties were authorized to enter into such motion, it is therefore

#### ORDERED AND ADJUDGED:

That this Court has jurisdiction of the subject matter and parties to this cause.



- That the pleadings in this case are sufficient and the
   Petitioner is properly exercising its delegated authority.
- 3. That upon deposit into the Court Registry of the sum of Two Hundred Four Thousand and no/100 Dollars (\$204,000.00), fee simple title to the subject property described in the attached Exhibit "A" shall vest in Lee County, Florida.
- 4. That Lee County shall deposit into the Court Registry said sum within twenty (20) days from the date hereof. Should LEE COUNTY fail to deposit said sum within the twenty (20) day time period, this Order of Taking shall be void and of no effect.

DONE AND ORDERED in Chambers at Fort Myers, Lee County,

Florida this Tday of February,

HON. LYNN GERALD, JR.

Circuit Judge

Conformed copies furnished to:

John S. Turner, Assistant County Attorney David Cary, Esquire Joe W. Fixel, Esquire Gordon R. Duncan, Esquire

this 8th day of February, 2000.

Tudicial Assistant

APR 1 4 2011

#### EXHIBIT "A"

# PARCELS 12 - 17

A tract or parcel of land lying in Section 30, Township 45 South, Range 26 East, Lee County, Florida which tract or parcel are described as follows:

From the southwest corner of said Section 30 run N 00° 51' 02" W along the west line of the southwest one-quarter (SW-1/4) of said Section 30 for 733.60 feet to the Point of Beginning.

From said Point of Beginning continue N 00° 51' 02" W along said west line for 641.34 feet; thence run N 89° 08' 58" E for 815.00 feet to an intersection with the west line of a roadway and public utility right-of-way described in Official Record Book 1398, at Page 2139 of the Public Records of Lee County, Florida; thence run S 00° 51' 02" E along said west line for 641.34 feet; thence run S 89° 08' 58" W for 815.00 feet to the Point of Beginning.

Containing 12.00 acres, more or less.



# IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR LEE COUNTY, FLORIDA

LEE COUNTY, FLORIDA, a political subdivision of the State of Florida,

Petitioner,

vs.

D. D. GERACI; D. THORPE FUSSELL;
CONSOLIDATED-TOMOKA LAND CO.;
KATHRYN M. GERACI; H. F. HOWARD
HAULING CO.; DONALD D. GERACI;
ROBERT M. TINDALE; HERITAGE
NATIONAL BANK; SOUTHTRUST BANK OF
FLORIDA; ELLSWORTH S. CABOT, TRUSTEE;
ELAINE E. CABOT, TRUSTEE and LEE
COUNTY TAX COLLECTOR,

Defendants.

CASE NO. 99-8574-CA-LG Parcels 12, 13, 14, 15 16 and 17

CLERK OF COURTS

200 FEB -9 PM I2: 33

#### MOTION

The parties, respectfully move for the entry of the foregoing Stipulated Order of Taking this \_\_\_\_\_ day of February, 2000.

JAMES G. YAEGER
LEE COUNTY ATTORNEY
2115 Second Street
Post Office Box 398
Fort Myers, Florida 33902
(813) 335-2236

JOHN S. TURNER

Assistant County Attorney Florida Bar No. 869570

JOE W. FIXEL, ESQUIRE
Attorney for Defendants
D.D. Geraci, D. Thorpe
Fussell, Trustee, Kathryn
M. Geraci-Palmer, Trustee,
H.F. Howard Hauling Co.,
Donald D. Geraci, Trustee,
Robert M. Tindale,
Ellsworth S. Cabot, Trustee
and Elaine S. Cabot Trustee

y: DE W. FIXEL Fla. Bar No. 192026

Dated: 2/7/00

APR 1 4 2011

DUNCAN & TARDIF, P.A. Attorneys for SouthTrust Post Office Box 249 Fort Myers, Florida 33902 (941) 334-4574

Ву:

GORDON R. DUNCAN Fla. Bar No. 258563

-1 2/2/20





# 1230404

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR LEE COUNTY, FLORIDA CIVIL ACTION

LEE COUNTY, FLORIDA, a political subdivision of the State of Florida,

Petitioner,

vs.

JOHN WILLIAM KELLY and CARMEN INEZ KELLY, Husband and Wife, et al.,

Defendants.

.. 1370 .. 963

CA- JHS

**DOCKETED & FILEO** 

AUG 17 1979

BY MANK (JOST D.C

ORDER OF TAKING

appearing that proper notice was first given to all the Defendants, and all persons having or claiming any equity, lien, title, or other interest in or to the real property described in the Petition, that the Petitioner would apply to this Court on the day of fully advised in the premises, upon consideration, it is therefore ORDERED AND ADJUDGED:

- That the Court has jurisdiction of the subject matter of the parties to this cause.
- That the pleadings in this cause are sufficient and the Petitioner is properly exercising its delegated authority.
- That it is necessary to take the property described in the Petition.
- 4. That the estimate of value filed in this cause by the Petitioner was made in good faith and based upon a valid appraisal.
- 5. That the Petitioner is entitled to possession of the following described property prior to the entry of a Final Judgment, to-wit:

(See attached composite Exhibit "A")

Upon payment to the Registry of this Court, the deposit hereafter specified; and that said deposit of money will fully secure and

2010-00008

APR 1 4 2011

COMMUNITY DEVELO

fully compensate the persons lawfully entitled to compensation, as will be determined ultimately by Final Judgment of the Court, and which said sum of money to be deposited is in no instance less than the value of said land, as fixed by the estimate of value as set by the Petitioner as follows:

arcel No.	#22 -	1 383, 100.00	
	# 417-	84,500000	
		The state of the s	
	-	Marine Street St. St. St. St. St. St. St. St. St. St	
	-	SECTION .	

amount of \$\frac{1}{387}\,\text{GOO}\,\text{CO}\,\text{SO}\,\text{SOUTHER}\,\text{That the sum of money in the total}\,\text{amount of \$\frac{1}{387}\,\text{GOO}\,\text{CO}\,\text{SOUTHER}\,\text{of this Court within twenty}\,\text{(20) days after the date of this Order, and upon making such deposit, the Petitioner shall notify in writing all attorneys of record and those Defendants not represented by counsel that the deposit has been made, and that on the day of deposit the Petitioner shall be entitled to possession of the property described in the Petition without further notice or Order of this Court.

If the Petitioner shall default in the depositing of said sum of money within the time provided, this Order shall be void and of no further force or effect.

DONE and ORDERED in Fort Myers, Lee County, Florida,

this day of

Circuit Judge

APR 1 4 2011

COMMUNITY DEVELOPMEN

- 2 -



JOHNSON ENGINEERING, INC.

CIVIL ENGINEERS AND LAND SURVEYORS

3156 JOHNSON STHEET TLLEFHORE (815) 334.0016 FOST OFFICE BOX 1550 FORT MYERS, FLORIDA

LEGAL DESCRIPTION

ACQUISITION PARCEL 22

CAHL E. JOHNSON

DESCRIPTION
ACQUISITION PARCEL
SOUTHWEST FLORIDA REGIONAL AIRPORT
ALL OF TAX ROLL PARCELS
25-45-25-00-00001-000
25-45-25-00-00003-000

The northwest quarter (NW4) and the east half (E5), Section 25, Township 45 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Beginning at the northwest corner of said Section 25, run S 89° 36' 37" E along the north line of said northwest quarter (NN4) for 2591.82 feet to the north quarter corner of said Section 25; thence continue S 89° 36' 37" E along the north line of said east one half (Et) for 2591.82 feet to the northeast corner of said Section 25; thence run S 00° 50' 20" E along the east line of said east one half (E12) for 2645.52 feet to the east quarter corner of said section; thence run S 00° 50' 50" E along the east line of said east half ( $E^{1}_{2}$ ) for 2643.83 feet to the southeast corner of said section; thence run N 89° 53' 50" W along the south line of said east half (E12) for 2621.29 feet to the southwest corner of said fraction; thence run N 00° 31' 19" W along the west line of said fraction for 2666.77 feet to the center of said section; thence run N 89° 23' 18" W along the south line of said northwest quarter (NWA) for 2561.13 feet to the west quarter corner of said section; thence run N 01° 11' 44" W along the west line of said northwest quarter (NW%) for 2625.91 feet to the point of beginning. EXCEPTING THEREFROM a parcel in the northeast quarter (NE%) of the southeast quarter (SE%) of said Section 25, more

particularly described as follows:
From the east quarter corner of said Section 25 run N 89°
23' 18" W along the north line of said northeast quarter (NE%)
of the southeast quarter (SE%) for 1303.31 feet to the northwest corner of said fraction; thence run S 00° 41' 02" E along
the west line of said fraction for 510 feet to the point of
beginning.

From the said point of beginning run N 89° 18' 58" E for 210 feet; thence run S 00° 41' 02" E, parallel with the west line of said fraction, for 210 feet; thence run S 89° 18' 58" W for 210 feet to an intersection with the west line of said fraction; thence run N00° 41' 02" W along said west line for 210 feet to the point of beginning.

Containing 471.36 acres more or less, not of exception.
Rearings hereinabove mentioned are Plane Coordinate for the Florida

West Zone.

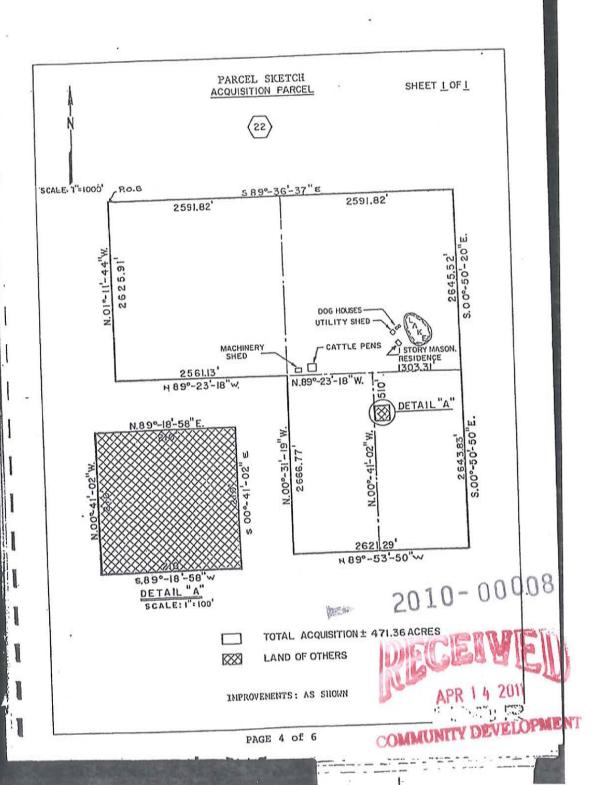
GA&T No. M-20875-25 M-20875-27

LEJ/jb 7563

PAGE 3 of 6

APR 1 4 2011

ARCHET GRANT, JR
VOIGEPHESDING
FOREGET H. BANKS
ESCHERSVINFAGURED
LEFT F. JOHNSON
ASSOCIATES
LESTFI L. BULSON
ROOGN O. O BINESI
DAN W. DICKEY
UCAN G. THOMAG
JOSEPHI W. TUNCKE



# LEGAL DESCRIPTION

ACQUISITION PARCEL



# SOUTHWEST FLORIDA REGIONAL AIRPORT

October 17, 1977

The north 100 feet of Tract 27, Sabal Ridge, an unrecorded subdivision in Section 23, Township 45 South, Range 25 East as shown on plat recorded in Official Record Book 966, at pages 452 and 453 of the public records of Lee County, Florida, more particularly described as follows:

From the east quarter corner of said Section 23 run S 880 06'12"W along the east-west quarter section line of said Section 23 for 1,687.15 feet to the northeast corner of said Tract 27 and the point of beginning.

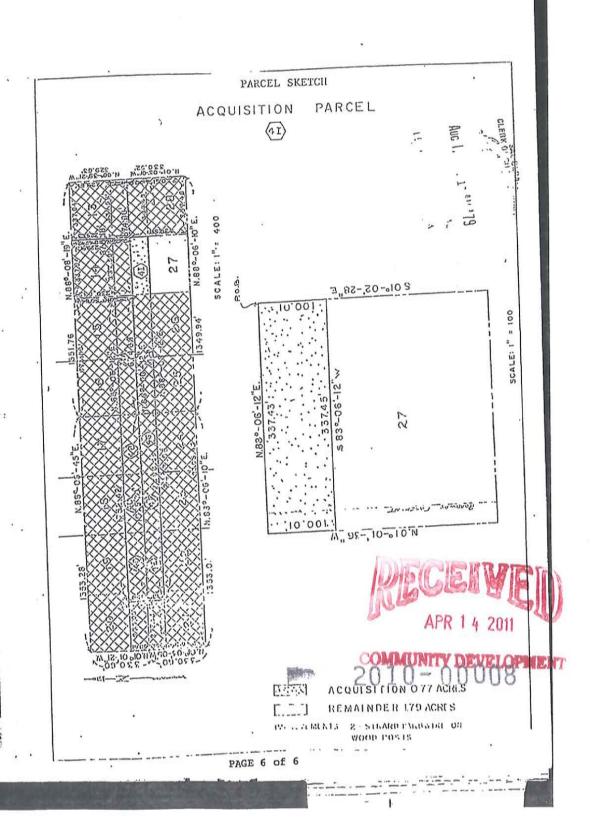
From said point of beginning run S 010 02'78"E along the east line of said Tract 27 for 100.01 feet; thence run S 880 06'12"W for 337.45 feet to the west line of said Tract 27; thence run N 010 01'36"W along said west line for 100.01 feet to the northwest corner of Tract 27 of said unrecorded Sabal Ridge subdivision; thence run N 880 06'12"E along the east-west quarter section line of said Section 23 for 337.43 feet to the point of beginning.

SUBJECT TO roadway, drainage and utility easements of record.

Containing 0.77 acres more or less.



PAGE 5-of 6-----



1252389 罷 1385 日 1844 10 Printed for Lawyers' Title Guaranty Fund, Orlando, Florida

This instrument was prepared by: FRANK A. PAVESE
PAVESE, SHELDS, GARNER,
HAVERFIELD & KLUTIZ
Pont Office Drawer 1507
FORT MYERS, FLORIDA 33902

# Warrantu Deed (STATUTORY FORM-SECTION 689,02 F.S.)

lhis Indenture, Made	this 26	day of	Catalier'	1977 , Brimen
		(2)	HEADLEY, Husba	and and Wife.
	. HEADEET, UK.		nonbada, naba	, grantor*, and
the County of		, State of		
LEE COUNTY, A	POLITICAL SUB	DIVISION (	OF THE STATE OF	FLORIDA,
hose post office address is	Fort Myers,			
the County of Lee	i.	, State of	Florida	, grantee*
litnesseth,. That said gro	ntor, for and in conside	ration of the sun	n of	
nd other good and valuable cknowledged, has granted, be escribed land, situate, lying, as	orgained and sold to the	ie raia diauica.	and diominal using and	he receipt whereof is hereby assigns forever the following Florida, to-with
(see attached	Exhibit "A")			
	n 100			. J. E.
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	BOCUMENT	ARY	IRIDA-I	8 8
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Lie Course	Sitt Color			and the state of the same of t
in anim Binition and instant	fully warrant the title t	o said land, and	will defend the same a	gainst the lawful claims of c
ersons whomsoever.	nter" and "orantee" are	used for singula	ar or plural, as context re	equires
lu Wituenn Wherenf,				and year first above writte
fined, spaled ond delivered in		evnio sei granioi	s name and rear me as	did jedi ma dadie emi
We C. Bak		()	, Drol Olan	e all a feet
1 July		SAM	UEL C. HEADLEY	s attorney-in-fact (Se
Strace A Jez	cerc	for price	Hendley	(Se
1/2		INE	Z HEADLEY	100
V		L	North Control	(Śe
				22
				(Sec
STATE OF Florida				
COUNTY OF LEE				
HEREBY CERTIFY that on the	däy before me, an off	ices duly qualifies	d to täke acknowledgmen	is personally appeared
SAMUET	C. HEADLEY, JR	and INE	Z HEADLEY, Hus	band and Wife,
as a Horner BAMUEL	n & described in and w	ho executed the	foregoing instrument and	acknowledged before me th
the Yexecuted the some.				directe 1
WITNESS my hand and office	al seal in the County on	d State läst äfor	esgid this 2'C day	of (Corder)
1979.	CONTRACTOR OF THE STREET AND STREET	A		ceecu
My commissión expires:	110		1	Notary Public
			C	7669
EPARY PUBLIC: SYAN; OF PLORID.	10:1902:		Free Land	TO STORY STORY

APR 1 4 2017

A tract or parcel of land lying in the northeast quarter (NE 1/4) of the southeast quarter (SE 1/4), Section 25, Township 45 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

From the east quarter section corner of said Section 25 run N 89° 23' 18" W along the north line of said fraction for 1303.31 feet; thence run S 00° 41' 02" E along the west line of said fraction for 510 feet to the point of beginning. From said point of beginning run N 89° 18' 58" E for 210 feet; thence run S 00° 41' 02" E, parallel with the west line of said fraction, for 210 feet; thence run S 89° 18' 58" W for 210 feet to an intersection with the west line of said fraction; thence run N 00° 41' 02" W along said west line for 210 feet to the point of beginning.

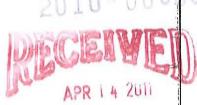
Containing 1.01 acres more or less. Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone (Randel #23)

Subject to a reservation of a one-half interest in the oil, gas and mineral rights of the subject property by Samuel Worthington Williams, joined by his wife Bertha D. Williams, in a deed dated April 2, 1958, and recorded in Deed Book 284 at page 570, Public Records of Lee County, Florida, on May 7, 1958.

Subject to an Oil, Gas & Mineral Lease from Pertha D. Williams, a widow, to Exxon Corporation dated April 30, 1975, and recorded in Official Record Book 1091 at page 1494, Public Records of Lee County, Florida.

Subject to reservations, restrictions, easements of record, and taxes for the current and all subsequent years.





UNITY DEVELOPMENT

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR LEE COUNTY, FLORIDA

LEE COUNTY, FLORIDA, a political subdivision of the State of Florida,

Petitioner,

Va.

CASE NO. 79-3417-CA-RWP

EDYTHE VIALE, ET AL,

Defendants.

DOCKETED & FILED

NOV 27 1479
BALICERACI CLERY.
BIG TOLARY.
BIG TOLARY.
BIG TOLARY.

ORDER OF TAKING

THIS CAUSE coming on to be heard by the Court, and it appearing that proper notice was first given to all the defendants, and all persons having or claiming any equity, lien, title, or other interest in or to the real property described in the Petition, that the Petitioner would apply to this Court on November 26, 1979 for an Order of Taking, and the Court being fully advised in the premises, upon consideration, it is therefore,

## ORDERED AND ADJUDGED:

- 1. That the Court has jurisdiction of the subject matter of the parties to this cause.
- That the pleadings in this cause are sufficient and the Petitioner is properly exercising its delegated authority.
- That it is necessary to take the property described in the Petition.
- That the estimate of value filed in this cause by the Petitioner was made in good faith and based upon a valid appraisal.
- 5. That the Petitioner is entitled to possession of the following described property prior to the entry of a Final Judgment, to wit:

(See attached Exhibit "A")

APR 1 4 2011

COMMUNITY DEVELOPMENT

2010-00008

Upon payment to the Registry of this Court, the deposit hereafter specified; and that said deposit of money will fully secure and fully compensate the persons lawfully entitled to compensation, as will be determined ultimately by Final Judgment of the Court, and which said sum of money to be deposited is in no instance less than the value of said land, as fixed by the estimate of value as set by the Petitioner as follows:

Parcel No. 24 - \$ 216100

PROVIDED, FURTHER, that the sum of money in the total amount of B 215,100.

shall be deposited in the Registry of this Court within twenty (20) days after the date of this Order, and upon making such deposit, the Petitioner shall notify in writing all attorneys of record and those Defendants not represented by counsel that the deposit has been made, and that on the day of deposit the Petitioner shall be entitled to possession of the property described in the Petition without further notice or Order of this Court.

If the retitioner shall default in the depositing of said sum of money within the time provided, this order shall be void and of no further force or effect.

DONE and ORDERED in Fort Myers, Lee County, Florida on this

H day of Mov

1979.

2010 - 00008 RECEIVED APR 1 4 2011

COMMUNITY DEVELOPMENT

#### EXHIBIT "A"

JOHNSON ENGINEERING, INC.

CIVIL ENGINEERS AND LAND SURVEYORS

LEGAL DESCRIPTION

ACQUISITION PARCEL June 10, 1977

DESCRIPTION ACQUISITION PARCEL SOUTHWEST FLORIDA REGIONAL AIRPORT ALL OF TAX ROLL PARCEL 25-45-25-00-00002-000

All of the southwest quarter (SNE), Section 25, Tourship 45 South, Range 25 East, Lee County, Florida more particularly described as:

follows:

Reginning at the couthwest corner of said Section 25 and said fraction run N 00° 46" 01" F. along the west line of said section and said fraction for 2589.54 feet to the west quarter corner of said section; flence run S 89° 23" 18" E along the north line of said section; flence run S 89° 23" 18" E along the corth line of said southwest quarter (80%) for 2561.13 feet to the center of said section 25; thence run S 00° 31" 10" E along the cast line of said southwest quarter (80%) for 2666.70 feet to the south quarter corner of Section 25; thence run N 89° 53" 50" W along the south line of said section and said fraction for 2621.29 feet to the point of beginning.

Containing 159:30: acres more or less.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone:

West Zone.

GAST No. M-20875-26

LEJ/jb

7563

ARCHESTI GRANT, JR.
WICE-PIRACEIF
FORREST BE-HAMKS
ACCEPTANT-MANAGER
EXTR E. JOHN 50 N ERIP GEORGE ERSTRIES BUSSON BONENTE, O'DNESS BONENTE, O'DNESS BONENTE, O'DNESS



T. OPrinkes for Lawyers' Title Guaranty Fund, Orlando, Florida
1233733

This instrument was prepared by:
DIANE L. JENSEN

PAVES, SHIEIDS, GARNER,
HAVERFIELD, MUTTL & COTTRELL
POST Office Drawer 1507
FORT MYERS, FLORIDA 33902

Warranty Deed

(STATUTORY FORM-SECTION 689.02 F.S.)

This Indenture, Made this

cts' day of

1979 , Between

WILLIAM P. REYNOLDS

of the County of

Lee

, State of Florida

, grantor\*, and

LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA,

whose post office address is Fort Myers,

of the County of

Lee

, State of Florida

, grantee\*.

#itnesseth. That said grantor, for and in consideration of the sum of

and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in

Lee

County, Florida, to-wit:

See attached Exhibit "A"



DOCUMENTARY

VEPT OF REVENUE

VEPT OF REVENUE

AUG28'70

8 1. 6.0

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

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

In Pittiess Wherenf. Grantor has hereunto set grantor's hand and seal the day and year first above written Signed, sealed and delivered in our presence:

Lace & Vensus

William P Reynolds (Seel)

(Seal)

STATE OF FLORIDA COUNTY OF LEE

L HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared

WILLIAM P. REYNOLDS,

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

WITNESS my hand and official seal in the County and State last aforesaid; this 1979 a

this 6th day of 20

Notary Public

My commission expires:

MORARY PUBLIC STATE OF FLORIDA AT LARCE MY COMMISSION DIVINES ARY 18 1992 BONDED THEIR GENERAL INS. UNDERWRITES

APR 1 4 2011

80000 - 010E

INVUNITY DEVE

VERHED - SAL GRACI CLERK BY H. FENSTROM D.C. 49

The west half (W 1/2) of the northwest quarter (NW 1/4) of the northwest quarter (NW 1/4) of the southwest quarter (SW 1/4), Section 24, Township 45 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Beginning at the west quarter section corner of said Section 24, run S 89° 52' 40" E along the east-west quarter section line of said Section for 325.74 feet to the northeast corner of said west half (W 1/2) of the northwest quarter (NW 1/4) of the northwest quarter (NW 1/4); thence run S 0.1° 02' 56" E along the east line of said fraction for 661.49 feet to the southeast corner of said fraction; thence run N 89° 48' 40" W along the south line of said fraction for 325.29 feet to the west line of said Section 24; thence run N 01° 05' 16" W along the west line of said fraction and said section for 661.11 feet to the point of beginning.

Containing 4.94 acres more or less.
Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone. (Parcel #12)

This is not the homestead property of the Grantor since it is vacant land.

Subject to reservations, restrictions, easements of record, and taxes for the current and all subsequent years.

Aug 28 II O7 AH 779





Printed for Lawyers' Title Guaranty Fund, Orlando, Florida

This instrument was prepared by:

FRANK A. PAVESE
PAVESE, SHIELDS, GARNER,
HAVERFIELD & KLUTTZ
Post Office Drawer 1507
FORT MYERS, FLORIDA 33902

Warranty Deed (STATUTORY FORM-SECTION 689.02 FS)

This Indenture, Made this

doy of July

19791, Between

HELEN P. SARKADY,

of the County of

Broward

, State of

Florida

, grantor\*, and

LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA,

whose post office address is

Fort Myers,

6th

, State of

Florida

, grantee\*,

of the County of

**Witnessell.** That sold grantor, for and in consideration of the sum of and other good and valuable considerations to said granter in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in

Lee

County, Florida, to-wit:

(See attached Exhibit "A")

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever. \*"Grantoi" and "grantee" are used for singular or plural, as context requires.

In Witness Wherenf.

and year first above written. Grantor has hereunto set grantor's hand and seal the day (Seal)

(Seal)

(Seal)

Florida

SIATE OF PLOYICA COUNTY OF Broward I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared

HELEN P. SARKADY,

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

WITNESS my hand and official seal in the County and State last aforesaid this 6th 19 79.

July

My commission expires:

Hotary Public, State of Florida at Large My Commission Expires April 18, 1983

Bonded by Mincey Agency

Notary.

LINDA EDWARDS D.C.

The east half (E 1/2) of the northwest quarter (NW 1/4) of the northwest quarter (NW 1/4) of the southwest quarter (SW 1/4) Section 24, Township 45 South, Range 25 East, Lee County, Florida, more particularly described as follows:

From the west quarter section corner of said Section 24 run S 89° 52' 40" E along the east-west quarter section line of said section for 325.74 feet to the northwest corner of said east half (E 1/2) of the northwest quarter (NW 1/4) of the northwest quarter (NW 1/4) of the southwest quarter (SW 1/4) and the Point of Beginning. From said Point of Beginning continue S 89° 52' 40" E along said quarter section line and the north line of said fraction for 325.74 feet; thence run S 01° 00' 37" E along the east line of said fraction for 661.86 feet; thence run N 89° 48' 40" W along the south line of said fraction for 325.29 feet; thence run N 01° 02' 56" W along the west line of said fraction for 661.49 feet to the Point of Beginning.

Containing 4.94 acres more or less. Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone. (Parcel #13)

This is not the homestead property of the Grantor since it is vacant land.

Subject to reservations, restrictions, easements of record, and taxes for the current and all subsequent years.

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COMMUNITY DEVELOPMENT

## **INDIAN RANCHETTES** AN UNRECORDED SUBDIVISION OR 586/PG 707



2010-00008

TRACTS 1, 2, 3 & 4	OR 1378/PG 505
TRACTS 5 & 6	OR 1402/PG 770
TRACTS 7, 13, 14 & 28	OR 1394/PG 1115
TRACT 8	OR 1269/PG 511
TRACT 9	OR 1284/PG 464
TRACT 10	OR 1298/PG 550
TRACT 11	OR 1402/PG 985
TRACT 12	OR 1420/PG 1270
TRACT 15	OR 1392/PG 1187
TRACTS 16, 17, 25, 26, 34 & 35	OR 1417/PG 1429
TRACT 18	OR 1402/PG 361
TRACT 19	OR 1402/PG 357
TRACT 20	OR 1381/PG 247
TRACT 21	OR 1402/PG 363
TRACTS 22, 23, 24 & 31	OR 1282/PG 1124
TRACT 27	OR 1407/PG 1291
TRACT 29	OR 1372/PG 290
TRACT 30	OR 1321/PG 1257
TRACTS 32 & 33	OR 1291/PG 913





50%

#### INDIAN RANCHETTES

#### DECLARATION OF RESTRICTIONS



THE UNDERSIGNED, owner and developer of lands lying situate and being in Lee County, Florida, more particularly MAUNITY DEVELOP described as follows:

The Southeast one-quarter (SE 1/4) of Section 24, Township 45 South, Range 25 East, Lee County, Florida, containing one hundred sixty (160) acres, more or less;

does hereby declare, covenant and agree that the above described property is held and shall be conveyed by the undersigned, subject to the covenants, restrictions, conditions, charges and agreements set forth as follows, on said property as described on Exhibit "A" which is attached hereto and made a part hereof:

- No soil or fill dirt shall be removed from premises without written permission from grantor.
- No skeletonized automobiles or trucks, or any other type of machinery shall be allowed on premises except standard farm implements for personal use on said premises.
- The keeping or raising of porcine species (hogs, pigs) or poultry of any kind for commercial use shall not be permitted.
- 4. A ten foot (10') easement of right-of-way along the side and real property lines is reserved for the purpose of constructing and maintaining facilities for furnishing property owners of this area with electricity, gas, water, drainage and other facilities.
- 5. All construction of buildings for dwelling purposes shall be of concrete block or frame construction, minimum size of 800 square feet of living area, and only new material shall be used.
- No houses or other structures shall be moved onto any tract or parcel without the written consent of grantor.
- 7. Existing drainage ditches and swales shall not be filled or altered in any manner to hinder drainage of general area, and shall be maintained free of debris so as to insure good water flow, without written permission of grantor.

GOLDBERG & RUBINSTEIN P. O. BOX 2366 FORT MYERS, PLORIDA 33802

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2010-60008

- No signs shall be displayed to the public view without written consent of grantor.
- Setback for construction of homes or other structures shall be a minimum of 70 feet from road centerline on the front and a minimum of 20 feet at the sides and rear of property line.
- 10. No house trailers or other metal prefabricated structures for dwelling purposes other than those that are 40 feet in length and 10 feet in width and comply with county zoning and health department regulations shall be stored or maintained on premises.
- 11. The developer, its designees, successors and assigns, and/or any person owning or purchasing property hereunder shall have the right or proceed at law and equity against any person or persons who shall violet these covenants and restructions and may enjoin and recover demages for such violation.
- 12. Failure to enforce any of the foregoing restrictions shall not be deemed a waiver of the right to do so thereafter, and the invalidation of any one or more of these said restrictions by judgment or Court order shall in no eyes effect any of the remaining restrictions and covenants, which shall remain in full force and
- 13. All culverts that are placed on the right-of-way shall be a minimum of 18" in diameter.
- The foregoing covenants and restrictions shall run with the land and be binding upon the heirs, personal representatives, successors & 1 assigns of all parties hereto.

IN WITNESS WHEREOF, Grantors have hereunto set his hand and seal this 20 day of March, A.D. 1970.

Signed, sealed and delivered in our presence:

GERALD LABODA.

Trustee

STATE OF FLORIDA) 55: COUNTY OF LEE

I HEREBY CERTIFY, that on this 20 day of March, A.D. 1970, before me personally appeared GERALD LABODA, as Trustee, to me

known to be the person described in and who executed the fore-

2010-00

GOLDBERG & RUBINSTEIN

P. O. BOX 2366

FORT MYERS, PLORIDA 358 APR 1 4 2011

COMMUNITY

## ME: 560 FALE 709

going Declaration of Restrictions and severally acknowledged the execution thereof to be his free act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal at Fort Myers, in the County and State aforesaid this 20 day of March, A.D. 1970:

Notary Public

My Commission Expires:

48

(SEAL)



COMMUNITY DEVELOPMEN

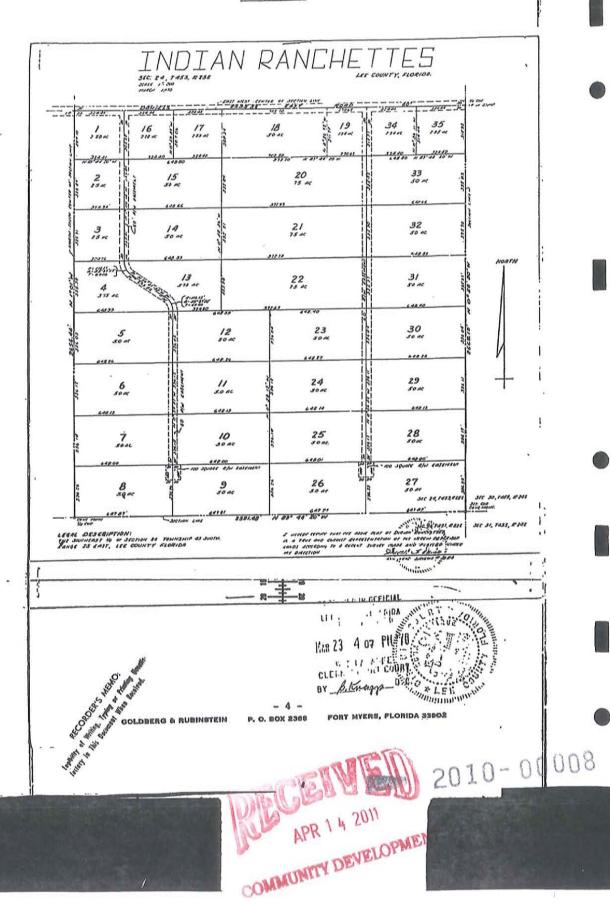
2010-0000

-3-

GOLDBERG & RUBINSTEIN P. O. BOX 2366

FORT MYERS, FLORIDA 33802

#### EXHIBIT "A"



Printed for Lawyers' Title Guaranty Fund, Orlando, Florida

REE: 1269 PC 511

This instrument was prepared by:

FRANK A. PAVESE
PAVESE, SHIELDS, CARNER,
HAVERFIELD & KLUTTZ
Fost Office Drawer 1507
FORT MYERS, FLORIDA 33902

Warranty Deed (STATUTORY FORM-SECTION 689:02 F.S.)

This Indenture, Mode this

1978 . Briween

BILL M. PRICE and MARILYN PRICE

of the County of

, State of

, State of

, grantor\*, and

LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA,

whose post office address is

Fort Myers.

6th

of the County of

Lee

Florida

, grantee\*,

Witnesself. That soid granter, for and in consideration of the sum of

and other good and valuable considerations to said granter in hand poid by taid granter, the receipt whereof is thereby acknowledged, that granted, borgated and sold to the said grantee, and grantee, their and assigns foreyer, the following described land, situate, lying and being in the land. Let

(See attached Exhibit "A")



and said grantar does hereby fully, warrant the stille to said liand; and will defend the same agains the lawfull claims of all ""Grantor" and "grantee" are used for singular or plural as cantext requires.

In Mitnege Mherent,

Grantor has hereunto set grantors hand and seal the day and year first above written.

(Seal)

(Seal)

STATE OF Frouder COUNTY OF LEET THE COUNTY OF LEET SHOULD BE TO THE REBY CERTIFY THE COUNTY OF LEET SHOULD BE TO THE COUNTY OF THE COUNTY OF

BILL M. PRICE and MARILYN PRICE,

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

WITNESS-Iny hand and official seal in the County and State last affigually his

My commission expires

SECOND VEHIND STR CRIMO CHIK ...

All of Tract 8, Indian Ranchettes, an unrecorded subdivision of the southeast quarter (SE 1/4), Section 24, Township 45 South, Range 25 East, as shown on plat recorded in Official Record Book 586 at page 710 of the public records of Lee County, Florida, and more particularly described as follows:

From the southwest corner of said Section 24, run S 89° 36' 37" E along the south line of said Section 24 for 2591.82 feet to the southwest corner of said southeast quarter and southwest corner of said Tract 8 and the point of beginning. From said point of beginning run N 00° 46' 40" W along the north-south quarter section line of said Section 24 for 336.26 feet; thence run S 89° 36' E along the north line of said Tract 8 for 647.68 feet; thence run S 00° 51' 59" E along the east line of said Tract 8 for 336.26 feet to its intersection with the south line of said Section 24; thence run N 89° 36' 37" W along said south line for 648.21 feet to the point of beginning.

Containing 5.00 acres more or less. Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone. (Parcel #16D)

Subject to a reservation of an undiwided one-half (1/2) interest in and to all the petroleum and minerals that may be in, under or on the above described property by forme greiner in a deed by her to Ralph Frint and Lillian R. Firnt, his wife, said deed dated June 3, 1966, and recorded in official Record Book 359 at page 31, Public Records of Lee County, Plorida.

Subject to an Oil, Gas and Mineral Lease from Lorine Creiner to Exxon Corporation dated May 2, 1975, and recorded October 6, 1975, in Official Record Book 1108 at page 1102, Public Records of Lee County, Florida.

Subject to reservations, restrictions, easements of record, and taxes for the current and all subsequent years.

Grantors are hereby conveying any and all interest they have in that certain Agreement for Deed dated June 20, 1970, between Indian Ranchettes and Bill M. Price and Marilyh Price, Husband and Wife, on the above-described property.

10 to 10 to



1108191

FRANK A. PAVESE PAVESE, SHIELDS, GARNER, HAVERFIELD & KLUTTZ Post Office Drawer 1507 FORT MYERS, FLORIDA 33902

This instrument was prepared by

Warranty Deed (STATUTORY FORM-SECTION 689 02 FS.) 19 72 Brimern 7612 This Indenture, Made this litte day of NICHOLAS ROCKWELL and THEO B. ROCKWELL, Husband and Wife, . grantor\* and . State of of the County of LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, whose post office address is Fort Myers, grantee\* . State of Florida of the County of Lee Withebeth. That said grantor, for and in consideration of the sum of and other good and volvable considerations to said granter in to a paid to a provide the said described land, situate, lying and being in Lee County Florida to with (See attached Exhibit "A") DOCUMENTARY SUR TAX FLORIDA + 4 JUR23'78 -di and said granter does hereby fully warrant the title to sold band and wellerd the same by the heatel claim of all persons whomsoever. \* Grantor and grantee are used for singular or plural as context requires In Witness Wherenf, Grantur has hereunta set you for Signed, sealed and delivered in our presence

NICHOLAS ROOKWELL Seal (Seal)

STATE OF THE ICIDAL

I HEREBY CERTIFY that on this day before me, an officer day qualified to take ack enterty- ethics, ethics, appeared

NICHOLAS ROCKWELL and THEO B. ROCKWELL, Husband and Wife, they executed the same.

WITNESS my hand and afficial seal in the County and State last aforesaid JMS €. 19 7%.

My commission expires: 7/16/7:8

Notary Public

5010-0001

COMMUNITY DEVELOPMEN

RECORD VERIFIED - SAL CERACI CLERK FERNSTRON D.C. No.

All of Tracts 22, 23, 24 and 31, Indian Ranchettes, an unrecorded subdivision of the southeast quarter (SE 1/4), Section 24, Township 45 South, Range 25 East, as shown on plat recorded in Official Record Book 586 at page 710 of the public records of Lee County, Florida, and more particularly described as follows:

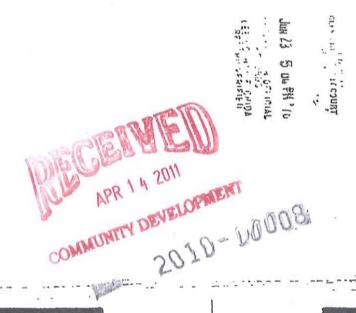
From the southeast corner of said southeast quarter (SE 1/4) and said Section 24 run N 00° 48' 00" W along the east line of said fraction and Tracts 27, 28, 29 and 30 of said Indian Ranchettes for 1344.57 feet to the southeast corner of said Tract 31 and the point of beginning. From said point of beginning, run N 89° 36' 33" W along the line common to said Tracts 30 and 31 for 648.41 feet; thence run S 00° 49' 23" E along the east line of said Tracts 23 and 24 for 672.16 feet; thence run N 89° 36' 35" W along the line common to said Tract 24 and Tract 25 of said Indian Ranchettes for 648.23 feet; thence run N 00° 50' 43" W along the west line of said Tracts 24 and 23 for 672.17 feet; thence run N 89° 36' 33" W along the line common to said Tract 22 and Tract 12 of said Indian Ranchettes for 324.29 feet; thence run N 00° 50' 21" W along the line common to said Tract 22 and Tract 13 of said Indian Ranchettes for 335.98 feet; thence run S 89° 36' 32" E along the north lines of said Tracts 22 and 31 for 1621.32 feet to an intersection with said east line of said southeast quarter (SE 1/4); thence run S 00° 48' 00" E along the east line of said section and said Tract 31 for 335.97 feet to the point of beginning.

Containing 22.50 acres more or less.
Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone. (Parcel #20)

Subject to a reservation of an undivided one-half (1/2) interest in and to all the petroleum and minerals that may be in, under or on the above described property by Lorine Greiner in a deed by her to Ralph Flint and Lillian R. Flint, his wife, said deed dated June 3, 1966, and recorded in Official Record Book 359 at page 31, Public Records of Lee County, Florida.

Subject to an Oil, Gas and Mineral Lease from Lorine Greiner to Exxon Corporation dated May 2, 1975, and recorded October 6, 1975, in Official Record Book 1108 at page 1102, Public Records of Lee County, Florida.

Subject to reservations, restrictions, easements of record, and taxes for the current and all subsequent years.



## 1110223

Printed for Lawyers' Title Guaranty Fund, Orlando, Florida

## 1284 Pr 464

FRANK A. PAVESE
PAVESE, SHIELDS, GARNER,
HAVERFIELD & KLUTTZ
Post Office Drawer 1507
FORT MYERS, FLORIDA 38902

This instrument was prepared by

5010-00008

	Warranty Deed (STATUTORY FORM-SECTION 689 02 FS)	Post Office Drawer 1507 FORT MYERS, FLORIDA 33902
	This Indenture, Mode this doy of June	19 78 Between
	Of the County of State of  LEE COUNTY, A POLITICAL SUBDIVISION OF THE ST.	, granter* and
	whose post office oddress is Fort Myers,	
	of the County of Lee Store of Flori	da grontee*
	Bittesseth. That said grantor for and in consideration of the sum of	Dollars
	and other good and valuable considerations to said granter in that I point to a disconledged, has granted, bargained and sold to the and grantee and granted described land, situate, lying and being in Lee	was ter the man pl whereof hereby
	(See attached Exhibit "A")	
COUNTY 1	FLORIDA DOCUMENTARY SUR TAX  BOTA TO THE PROPERTY OF THE PROPE	NTARY STAMP TAX
	and said grantor does hereby fully warrant the title to 10.3 fund and 20. Confered the persons whomsoever  * Grantor and grantee are used for singular or plural as	context requires
3	Kille C. Kristal Lan 24	DUNIAP Seoli
0		· /Seal
⊕ BY H. FERIST-OW D.C.	COUNTY OF LEE  I HEREBY CERTIFY that on this day before me, an officer dely qualified to take ack.  VIRGIL LEE DUNLAP and DIANE M. DUNLA  to me known to be the person S described in and who executed the foregoing instru	P, Husband and Wife,

COMMUNITY DEVELOPMENT

RECORD VERIFIED - SAL GERACI CLERK (6)

7/16/28

All of Tract 9, Indian Ranchettes, an unrecorded subdivision of the southeast quarter (SE 1/4), Section 24, Township 45 South, Range 25 East, as shown on plat recorded in Official Record Book 586 at page 710 of the public records of Lee County, Florida, and more particularly described as follows:

From the southwest corner of said Section 24, run S 89° 36' 37" E along the south line of said Section 24 for 3240.03 feet to the southwest corner of said Tract 9 and the point of beginning. From said point of beginning run N 00° 51' 59" W along the west line of said Tract 9 for 336.26 feet; thence run S 89° 36' 36" E along the north line of said Tract 9 for 648.01 feet; thence run S 00° 50' 43" E along the east line of said Tract 9 for 336.26 feet to its intersection with the south line of said Section 24; thence run N 89° 36' 37" W along the said south line for 647.87 feet to the point of beginning.

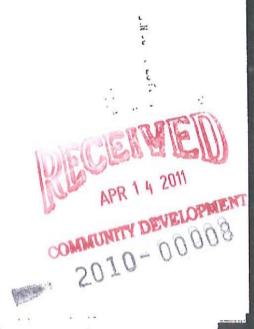
Containing 5.00 acres more or less. Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone. (Parcel #16E)

Subject to a reservation of an undivided one-half (1/2) interest in and to all the petroleum and minerals that may be in, under or on the above described property by Lorine Greiner in a deed by her to Ralph Flint and Lillian R. Flint, his wife, said deed dated June 3, 1966, and recorded in Official Record Book 359 at page 31, Public Records of Lee County, Florida.

Subject to an Oil, Gas and Mineral Lease from Lorine Greiner to Exxon Corporation dated May 2, 1975, and recorded October 6, 1975, in Official Record Book 1108 at page 1102, Public Records of Lee County, Florida.

This is not the homestead property of the Grantor since it is vacant land.

Subject to reservations, restrictions, easements of record, and taxes for the current and all subsequent years.



REE 1291 PC 913 1120085 7. O'Prinfod Grawyers' Title Gueranty Fund, Orlando, Florida This instrument was prepared by 88.50 FRANK A. PAVESE PAVESE, SHIELDS, GARNER, HAVERFIELD & KLUTTZ 32.95 Warranty Deed FORT MYERS, FLORIDA 33902 (STATUTORY FORM-SECTION 689.02 F.S.) 1978 . Between This Indenture, Mode this July GERALD LABODA, as Trustee and Individually, , State of , grantor\*, and of the County of LEE COUNTY, a Political Subdivision of the State of Florida, whose post office oddress is P. O. Box 398, Fort Myers, Florida 33902 . grantee\*. , State of Florida of the County of mitnesseth. That said grantor, for and in consideration of the sum of TEN (\$10.00) DOLLARS and Dollars, and other good and valuable considerations to soid granter in hand paid by soid grantee the receipt whereal is herea acknowledged; has granted, bargained and sold to the soid grantee, and grantee's here and assigns forever the following described land, situate, lying and being in LEE See Schedule "A" attached hereto and made a part hereof: DOCUMENTARY 17 and said granter does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever. ""Grantor" and "grantee" are used for singular or plural, as context requires In Mitness Wherent, Grantor has hereunto set grantor Signed; scaled and delivered in (Seol) Trustee and GERALD LABOUN, as: RECORD VEHIED - SAL GENAG, CLERK (Seal) 0 (Seal)

BY.H. HANSTROM D.C.

FLORIDA STATE OF FLOR

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared

GERALD HABODA, as Trustee and Individually,

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

West State

WITNESS my hand and official seal in the County and State last aforesaid this

My commission expires

11/11/2 PHE LIO F AUTADA-DANDO STATE DIA SIMULANA TEN 1828 - CONTRADA STATE DIA SIMULANA TEN 1828 - CONTRADA STATE DIA SIMULANA TENS



19 78:

#### Parcel 1:

All of Tract 32, Indian Ranchettes, an unrecorded subdivision of the southeast quarter (SE 1/4), Section 24, Township 45 South, Range 25 East, as shown on plat recorded in Official Record Book 586 at page 710 of the Public Records of Lee County, Florida, and more particularly included in the property described as follows:

From the east quarter section corner of said Section 24, run S 00° 48' 00" E along the east line of said Section 24 for 316.16 feet to the northeast corner of said Tract 33 and the point of beginning. From the point of beginning continue S 00° 48' 00" E along the east section line and east line of said Tracts 33 and 32 for 671.73 feet; thence run N 89° 36' 32" W along the south line of said Tract 32 for 648.53 feet; thence run N 00° 49' 23" W along the west line of said Tracts 32 and 33 for 671.74 feet; thence run S 89° 36' 30" E along the north line of said Section 33 for 648#82 feet to the point of beginning.

Containing 10.00 acrès more or less. Béarings hereinabove mentioned are Plane Coordinate for the Plorida West Zone.

#### Parcel 2:

All of Tract 38, Indian Ranchettes, an unrecorded subdivision of the Southeast quarter (SE 1/4), Section 24, Township 45 South, Range 25 East, as shown on plat recorded in Official Record Book 586 at page 710 of the Public Records of Lee County, Florida, and more particularly included in the property described as follows:

From the east quarter section corner of said Section 24, run S 00° 48. 00° E along the east line of said Section 24 for 316.16 feet to the hortheast corner of said Tract 33 and the point of beginning. From the point of beginning continue S 00° 48° 00° E along the east section line and east line of said Tracts 33 and 32 for 671.73 feet; thence run N 89° 36° 32° W along the south line of said Tract 32 for 648.53 feet; thence run N 00° 49° 23° W along the west line of said Tracts 32 and 33 for 671.74 feet; thence run S 89° 36° 30° E along the north line of said Section 33 for 648.82 feet to the point of beginning.

Containing 10.00 acres more or less. Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone.

### Parcel #160 = Tracts 32 and 33

Both Parcels subject to a reservation of an undivided one-half (1/2) interest in and to all the petroleum and minerals that may be in, under or on the above described property by Lorine Greiner in a deed by her to Ralph Flint and Lillian R. Flint, his wife, said deed dated June 3, 1966, and recorded in Official Record Book 359 at page 31, Public Records of Lee County, Florada.

Also subject to an Oil, Gas and Mineral Lease from Lorine Greiner to Exxon Corporation dated May 2, 1975, and recorded October 6, 1975, in Official Record Book 1108 at page 1102, Public Records of Lee County, Florida.

Also subject to reservations, restrictions, easements of record, and taxes for the current and all subsequent years.

REC:1298 PC 550

1129936

AUG 2 1978

In instrument was prepared by FRANK A. PAVESE PAVESE, SHIELDS, GARNER, HAVERFIELD & KLUTTZ Pett Office Drawer 1507 FORT MYERS, FLORIDA 33902

Warranty Deed (STATUTORY FORM—SECTION 689 02 FS)

19 78 Brimeen August 10th This Indenture, Made this day of GERALD LABODA, TRUSTEE, , State of Florida . grantor\*, and Lee of the County of LEE COUNTY, a Political Subdivision of the State of Florida whose post office address is Post Office Box 398, Fort Myers, Florida 33902 . granlee\*. , State of Florida of the County of Wilnesseth. That said granter, for and in consideration of the wom of TEN (\$10.00) and other good and valuable consideration ----Dollars, and other good and valuable considerations to said granter in hand paid by said granter the receipt whereof is hereby acknowledged, has granted by burgained and sold to the said granter and grunters here and arright facever the following described land, situate, lying and being in Lee County Florido, to wit

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.



and said grantor does hereby fully warrant the title to said faid and will defend the land against the lawfel claims of all persons whomsoever. \* 'Grantor' and "grantee are used for singular or plural as context requires In Witness Whereaf, Grantos nas hereuntu set grantur . 'und Signed, sealed and delivered in our presence Gerald Laboda VERIFIED=SAL GRAND FENSTROM D.C. (Seal) (Seal) # STATE OF Florida \* COUNTY OF Lee Lee I HEREBY CERTIFY that on this day before me, an officer daily qualified to take ack and agree freezeway appeared GERALD LABODA, TRUSTEE, to me known to be the person described in and who executed the furegoing retrained a distinct ledged before me that he executed the same. WITNESS my hand and official seal in the Count, a J State 12 . . . . . . . . 10th 1978 - .-Notary Public My commission expires;
NOTARY PUBLIC STATE OF FLORIDA AT LABOR
MY COMMISSION EXPIRES AUG 7: 1981
BONDED THEIR GONDAL INS., UNDERVIENTED omm APR 1 4 2011 COMMUNITY DEVELOPMENT

All of Tract 10, Indian Ranchettes, an unrecorded subdivision of the southeast quarter (SE 1/4), Section 24, Township 45 South, Range 25 East, as shown on plat recorded in Official Record Book 586 at page 710 of the public records of Lee County, Florida, and more particularly described as follows:

From the southwest corner of said fraction of a section run S 89° 36' 37" E along the south line of said fraction and the south line of Tracts 8 and 9 of said Indian Ranchettes for 1296.08 feet; thence run N 00° 50' 43" W along the line common to said Tract 9 and Tract 26 of said Indian Ranchettes for 336.26 feet to the southeast corner of said Tract 10 and the point of beginning. From said point of beginning run N 89° 36' 36" W along the line common to said Tracts 9 and 10 for 648.00 feet; thence run N 00° 51' 59" W along the line common to said Tract 10 and Tract 7 of said Indian Ranchettes for 336.19 feet; thence run S 89° 36' 35" E along the line common to said Tract 10 and Tract 11 of said Indian Ranchettes for 648.13 feet; thence run S 00° 50' 43" E along the line common to said Tract 10 and Tract 25 of said Indian Ranchettes for 336.18 feet to the point of beginning.

Containing 5.00 acres more or less.
Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone. (Parcel #17)

Subject to a reservation of an undivided one-half (1/2) interest in and to all the petroleum and minerals that may be in, under or on the above described property by Lorine Greiner in a deed by her to Ralph Flint and Lillian R. Flint, his wife, said deed dated June 3, 1966, and recorded in Official Record Book 359 at page 31, Public Records of Lee County, Florida.

Subject to an Oil, Gas and Mineral Lease from Lorine Greiner to Exxon Corporation dated May 2, 1975, and recorded October 6, 1975, in Official Record Book 1108 at page 1102, Public Records of Lee County, Florida.

Subject to reservations, restrictions, easements of record, and taxes for the current and all subsequent years.



Continued for Lawyers' Title Guaranty Fund, Orlando, Florida

This instrument was prepared by FRANK A. PAVESE
PAVESE, SHIELDS, GARNER, HAVERFIELD & KLUTTZ
Post Office Drawer 1507
FORT MYERS, FLORIDA 33902

T. Warranty Deed (STATUTORY FORM-SECTION 689.02 F.S.)

derail La Boda, Truster,  the County of Lee State of Florida grantor, and  the County of Lee State of Florida grantor, and  hose pain effice address in P. O. Box 398, Fort Myers, FL 33902  The County of Lee State of Florida grantor, for and in consideration of the sum of TEN (\$10.00)  The county of Lee State of Florida grantor, for and in consideration of the sum of TEN (\$10.00)  Minesarth, Their said grantor, for and in consideration of the sum of TEN (\$10.00)  The said grantor described lond; said grantor, in band polar by told, grantes, the receipt whereof is hereby incovered and said grantor described lond; slines, from the sum of the sum of grantes heir-and attem three the hereby incovered the sum of the sum of grantes heir-and attem three the hereby incovered the sum of the sum of grantes heir-and attem three the hereby incovered the sum of grantes and grantes heir-and attem three	92 ¥	VI J J	791
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## REE:1321 PC1258

#### EXHIBIT A

All of Tract 30, Indian Ranchettes, an unrecorded subdivision of the southeast quarter (SE 1/4), Section 24, Township 45 South, Range 25 East, as shown on plat recorded in Official Record Book 586 at page 710 of the public records of Lee County, Florida, and more particularly described as follows:

Erom the southeast corner of said Section 24, run N 00° 48' 00" W along the east line of said Section 24 for 1008.53 feet to the southeast corner of said Tract 30 and the point of beginning.

From the point of beginning run N 89° 36' 34" W along the south line of said Tract 30 for 648.18 feet; thence run N 00° 49" 23" W along the west line of said Tract 30 for 336.05 feet; thence run S 89° 36' 33" E along the north line of said Tract 30 for 648' 41 feet; thence run S 00° 48' 00" E along the east line of said Tract 30 and said Section 24 for 336.04 feet to the point of beginning.

Containing 5.00 acres more or less. Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone. (Parcel #1603)

Subject to a reservation of an undivided one-half (1/2) interest in and to all the petroleum and minerals that may be in, under or on the above described property by Lorine Greiner in a deed by her to Ralph Flint and Lillian R. Flint, his wife, said deed dated June 3, 1956, and recorded in Official Record Book 359 at page 31, Public Records of Lee County, Florida.

Subject to an Oil, Gas and Mineral Lease from Lorine Greiner to Exxon Corporation dated May 2, 1975, and recorded October 6, 1975, in Official Record Book 1108 at page 1102, Public Records of Lee County, Florida.

Subject to reservations, restrictions, easements of record, and taxes for the current and all subsequent years.





COMMUNITY DEVELOPMENT

1312 16 290

This instrument was prepared by: FRANK A. PAVESE PAVESE, SHIELDS, GARNER, HAVERFIELD, KLUTIZ & COTTRELL Post Office Drawer 1507 FORT MYERS, FLORIDA 33902

Warranty Deed

(STATUTORY FORM-SECTION 689.02 F.S.)

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This Indenture, Made this

14K

august

19 79 , Brimeen

GERALD LABODA, as Trustee and Individually,

of the County of

Lee

, State of

Florida

, grantor\*, and

LEE COUNTY, a Political Subdivision of the State of Florida, whose post office address is Post Office Box 398, Fort Myers, Florida 33902

of the County of

, State of

Florida

, grantee\*,

Witnesseth. That soid grantor, for and in consideration of the sum of

----Ten Dollars (\$10.00) & OG&VC-----Dollars, and other good and valuable considerations to said granter in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns for

(See attached Exhibit "A"

DOCUMENTARY FLORIDA

RECORD VERIFIED—SAL GERACI OLERK

and said granter does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever. \* "Grantor" and "grantee" are used for singular or plural, as context requires.

In Witness Wherent,

Grantor has hereunto set grantor hand and

first above written. .....

Signed, sealed and delivered in our presence:

GERALD LABODA, as Trustee and

(Seal)

Individually

(Seal)

(Seal)

STATE OF FLORIDA COUNTY OF LEE

COUNTY OF LEE

1 HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared

GERALD LABODA, as Trustee and Individually,

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

ne executed the same.
WITNESS my hand and official seal in the County and State last aforesaid this 19th day of August 1979

My commission expires:

Notary Public, State of Florida at Large My Commission Expires Sept. 10, 1982

APR 14 201

**MEN7** 

2010-00008

All of Tract 29, Indian Ranchettes, an unrecorded subdivision of the southeast quarter (SE 1/4), Section 24, Township 45 South, Range 25 East, as shown on plat recorded in Official Record Book 586 at page 710 of the public records of Lee County, Florida, and more particularly described as follows:

From the southeast corner of said Section 24, run N 00° 48' 00" W From the southeast corner of said Section 24, run N 00° 48' 00" W along the east line of said Section 24 for 672.42 feet to the southeast corner of said Tract 29 and the point of beginning. From the point of beginning run N 89° 36' 35" W along the south line of said Tract 29 for 648.04 feet; thence run N 00° 49' 23" W along the west line of said Tract 29 for 336.12 feet; thence run S 89° 36' 34" E along the north line of said Tract 29 for 648.18 feet; thence run S 00° 48' 00" E along the east line of said Tract 29 and said Section 24 for 336.11 feet to the point of beginning. beginning.

Containing 5.00 acres more or less. Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone. (Parcel #16N2)

Subject to a reservation of an undivided one-half (1/2) interest in and to all the petroleum and minerals that may be in, under or on the above described property by Lorine Greiner in a deed by her to Ralph Flint and Lillian R. Flint, his wife, said deed dated June 3, 1966, and recorded in Official Record Book 359 at page 31, Public Records of Lee County, Florida.

Subject to an Oil, Gas and Mineral Lease from Lorine Greiner to Exxon Corporation dated May 2, 1975, and recorded October 6, 1975, in Official Record Book 1108 at page 1102, Public Records of Lee County, Florida. OFF WYLLIN PETERS D.C.O

Subject to reservations, restrictions, easements of record, and taxes for the current and all subsequent years.





COMMUNITY DEVELOPMENT

Lee

This instrument was prepared by

FRANK A. PAVESE
PAVESE, SHIELDS, GARNER,
HAVERFIELD & KLUTTZ
Post Office Drawer 1507
FORT MYERS, FLORIDA 33903

101 Warranty Deed (STATUTORY FORM-SECTION 689 02 FS)

This Indenture, Made this

212

1979 . Brimeen

M. J. BURGES, JR., TRUSTEE,

of the County of

, grantor\*, and

LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA,

whose post office address is

Fort Myers,

of the County of

, State of

Florida

, grantee\*,

**週itnesseth**. That said grantor, for and in consideration of the sum of

Obliars, and other good and valuable considerations to said granter in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in

(See attached Exhibit "A")

DOCUMENTARY 25.30 SEP24'79

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

\* "Grantor" and "grantee" are used for singular or plural, as context requires and year first above written. Grantor has hereunto set grantor's hand and seal the day In Witness Mherenf,

Signed, sealed and delivered in

TRUSTEE

(Seal) (Seal)

(Seal)

(Seal)

STATE OF FLORIDA

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared

M. J. BURGES, JR.

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

WITNESS my hand and official seal in the County and State last aforesaid this 19 79.

Di Cicco

My commission expires: 1-6-81

APR 1 4 2011

COMMUNITY DEVELOPMENT

2010-00008

"INCARA VENINED - SAL GENACI CLERK

## 器 1378 市 506 EXHIBIT A

All of Tracts 1 through 4 inclusive, Indian Ranchettes, an unrecorded subdivision of the southeast quarter (SE 1/4), Section 24, Township 45 South, Range 25 East, as shown on plat recorded in Official Record Book 586 at page 710 of the public records of Lee County, Florida, and more particularly described as follows:

From the west quarter section corner of said Section 24, run S 89° 52' 40" E along the east-west quarter section line of said section for 2605.91 feet to the northwest corner of said southeast quarter (SE 1/4) and Tract 1, and the point of beginning. From said point of beginning continue S 89° 52' 40" E along said quarter section line and the north line of Tract 1 for 319.48 feet to the northeast corner of said Tract 1; thence run S 00° 53' 01" E along the east line of said Tracts 1, 2, 3 and 4 for 977.26 feet to a point of curvature; thence run southeasterly along the arc of the curve to the left of a radius 114.17 feet for 110.49 feet to a point of tangency; thence run S 56° 19' 52" E for 273.54 feet to a point of curvature; thence run southeasterly along the arc of the curve to the right of a radius 114.22 feet for 110.48 feet to a point of tangency and the southeast corner of Tract 4 of said Indian Ranchette subdivision; thence run N 89° 36' 33" W along the south line of said Tract 4 for 646.12 feet to its intersection with the west line of said Tract 4 and said southeast quarter (SE 1/4); thence run N 00° 46' 40" W along said quarter section line 1311.70 feet to the northwest corner of said southeast quarter (SE 1/4) and the point of beginning.

Containing 10.91 acres more or less. Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone. (Parcel #16A)

Subject to a reservation of an undivided one-half (1/2) interest in and to all the petroleum and minerals that may be in, under or on the above described property by Lorine Greiner in a deed by her to Ralph Flint and Lillian R. Flint, his wife, said deed dated June 3, 1966, and recorded in Official Record Book 359 at page 31, Public Records of Lee County, Florida.

Subject to an Oil, Gas and Mineral Lease from Lorine Greiner to Exxon Corporation dated May 2, 1975, and recorded October 6, 1975, in Official Record Book 1108 at page 1102, Public Records of Lee County, Florida.

This is not the homestead property of the Grantor since it is vacant land.

Subject to reservations, restrictions, easements of record, and taxes for the current and all subsequent years.



1245679 37 filed for Lawyers' Title Guaranty Fund, Orlando, Florida

ж. 1381 ю 247

This instrument was prepared by:

FRANK A. PAVESE PAVESE, SHIELDS, GARNER, HAVERFIELD & KLUTTZ FORT MXERS, FLORIDA 33902

Warranty Deed (STATUTORY FORM—SECTION 689.02 F.S.)

1979 Brimern

This Indenture, Mode this

of the County of

LOUIS MOORE

, State of

, granter\*, and

LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA,

Fort Myers, whose post-office address is

of the County of

, State of

Florida

, grantee\*,

Witnesselly. That said granter, for and in consideration of the sum of

ond other good and valuable considerations to said granter in hand paid by said granter the receipt whereal is hereby acknowledged; has granted, bargained and sold to the said grantee, and grantees here and assigns forever the following described land; structe, lying and being in

(See attached Exhibit "A")



nd year first above written.

and sold granter does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all \* "Grantor" and "grantee" are used for singular or plural, as context requires.

In Witness Wherent.	Grántor	hereunto	104	grantar's	hand	and	seal	the	day
Signed, sepled and delivered in our	r-presence:				P	52	,		m
Ster Um. Nove	minish			_ 0	10	W	ענע	_	117

LOUIS MOORE

(Sèāl) (Seal) (Seol)

- (Seal)

I HÉRÉBY ÉBRTIFY thát ón this day before me, on olficei duly availlad to take acknowledgments, personally appeared LOUIS MOORE

to merknown to be the person described in and who executed the foregoing instrument and acknowledged before me that WITNESS my thand and official scale in the County and State last physical life is . 30.79%. he executed the same.

My commission expires - Clici

All of Tract 20, Indian Ranchettes, an unrecorded subdivision of the southeast quarter (SE 1/4), Section 24, Township 45 South, Range 25 East, as shown on plat recorded in Official Record Book 586 at page 710 of the public records of Lee County, Florida, and more particularly described as follows:

From the west quarter section corner of said Section 24, run S 89° 52' 40" E along the east-west quarter section line of said Section 24 for 3574.27 feet to the northwest corner of Tract 18 of the said Indian Ranchettes; thence run S 00° 51' 35" E along the west line of said Tract 18 for 308.53 feet to the northwest corner of said Tract 20 and the point of beginning. From the point of beginning run S 89° 36' 30" E along the north line of said Tract 20 for 973.21 feet; thence run S 00° 49' 23" E along the east line of said Tract 20 for 335.83 feet; thence run N 89° 36' 31" W along the south line of said Tract 20 for 972.99 feet; thence run N 0.0° 51' 35" W along the west line of said Tract 20 for 335.84 feet to the point of beginning.

Containing 7.50 acres more or less. Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone: (Parcel #16K)

Subject to a reservation of an undivided one-half (1/2) interest in and to all the petroleum and minerals that may be in, under or on the above described property by Lorine Greiner in a deed by her to Ralph Flint and Lillian R. Flint, his wife, said deed dated dune 3, 1966, and recorded in Official Record Book 359 at page 31, Public Records of Lee County, Florida.

Subject to an Oil, Gas and Mineral Lease from Lorine Greiner to Exxon Corporation dated May 2., 1975, and recorded October 6., 1975, in Official Record Book 1708 at page 1702, Public Records of Lee County, Florida:

This is not the homestead property of the Grantor Since it is vacant land.

Subject to reservations, restrictions, easements of record, and taxes for the current and all subsequent years.





to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that doy of november he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 1979.

My commission expires

Motory Public, State of Florida at Large My Commission Expires Sopt. 10, 1982 Boaded by American fire & Cattoby Company

COMMUNITA DEARFORMEDO 008

All of Tract 15, Indian Ranchettes, an unrecorded subdivision of the southeast quarter (SE 1/4), Section 24, Township 45 South, Range 25 East, as shown on plat recorded in Official Record Book 586 at page 710 of the public records of Lee County, Florida, and more particularly described as follows:

From the west quarter section corner of said Section 24, run S 89°, 52' 40" E along the east-west quarter section line of said Section 24 for 2925.39 feet to the northwest corner of Tract 16 of said Indian Ranchettes; thence run S 00° 53' 01" E along the west line of said Tract 16 for 305.49 feet to the northwest corner of said Tract 15 and the point of beginning. From the point of beginning run S 89° 36' 30" E along the north line of said Tract 15 for 648.81 feet; thence run S 00° 51' 35" E along the east line of said Tract 15 for 335.84 feet; thence run N 89° 36' 31" W along the south line of said Tract 15 for 648.67 feet; thence run N 00° 53' 01" W along the west line of said Tract 15 for 335.85 feet to the point of beginning.

Containing 5.00 acres more or less.
Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone. (Parcel #16H)

Subject to a reservation of an undivided one-half (1/2) interest in and to all the petroleum and minerals that may be in, under or on the above described property by Lorine Greiner in a deed by her to Ralph Flint and Lillian R. Flint, his wife, said deed dated June 3, 1966, and recorded in Official Record Book 359 at page 31, Public Records of Lee County, Florida.

Subject to an Oil, Gas and Mineral Lease from Lorine Greiner to Exxon Corporation dated May 2, 1975, and recorded October 6, 1975, in Official Record Book 1108 at page 1102, Public Records of Lee County, Florida.

Subject to reservations, restrictions, easements of record, and taxes for the current and all subsequent years.

55

Nov 29 4 25 PH 778
RECUSE VICENDA

LEE COUNTY VICENDA

RECOUNTY VICENDA

RECOUNTY VICENDA



COMMUNITY DEVELOPMENT



## 1264197

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR LEE COUNTY, FLORIDA

LEE COUNTY, FLORIDA, a political subdivision of the State of Florida,

Petitioner,

vs.

CASE NO. 79-3675-CA-RWP

GERALD LaBODA, AS TRUSTEE,

ET AL,

DOCKETED & FILED

Defendants.

DEC 7 1919

SAL GERACI, CLERK BY YN NOON D.C.

ORDER OF TAKING

THIS CAUSE coming on to be heard by the Court, and it appearing that proper notice was first given to all the Defendants, and all persons having or claiming any equity, lien, title, or other interest in or to the real property described in the Petition, that the Petitioner would apply to this Court on December 6, 1979 for an Order of Taking, and the Court being fully advised in the premises, upon consideration, it is therefore,

#### ORDERED AND ADJUDGED:

- That the Court has jurisdiction of the subject matter of the parties to this cause.
- That the pleadings in this cause are sufficient and the
   Petitioner is properly exercising its delegated authority.
- 3. That it is necessary to take the property described in the Petition.
- 4. That the estimate of value filed in this cause by the Petitioner was made in good faith and based upon a valid appraisal.
- 5. That the Petitioner is entitled to possession of the following described property prior to the entry of a Final Judgment, to-wit:

(See attached Exhibit "A")





Upon payment to the Registry of this Court, the deposit hereafter specified; and that said deposit of money will fully secure and fully compensate the persons lawfully entitled to compensation, as will be determined ultimately by Final Judgment of the Court, and which said sum of money to be deposited is in no instance less than the value of said land, as fixed by the estimate of value as set by the Petitioner as follows:

Parcel No. 16-C = \$ /7000. 65 Parcel No. 16-G = \$ 25, 400. 65

Parcel No. 16-N1 = \$ /7000. 65

amount of 59,400.

shall be deposited in the Registry of this Court within twenty (20) days after the date of this Order, and upon making such deposit, the Petitioner shall notify in writing all attorneys of record and those Defendants not represented by counsel that the deposit has been made, and that on the day of deposit the Petitioner shall be entitled to possession of the property described in the Petition without further notice or Order of this Court.

If the Petitioner shall default in the depositing of said sum of money within the time provided, this Order shall be void and of no further force or effect.

DONE and ORDERED in Fort Myers, Lee County, Florida on this day of December 1979.

CIRCUIT JUDGE



0 00008

COMMUNITY DEVELOPMENT

LEGAL DESCRIPTION

ACQUISITION PARCEL (1



SOUTHWEST FLORIDA REGIONAL AIRPORT

October 17, 1977

All of Tract 7, Indian Ranchettes, an unrecorded subdivision of the southeast quarter (SE 1/4), Section 24, Township 45 South, Range 25 East as shown on plat recorded in Official Record Book 586 at page 710 of the public records of Lee County, Florida and more particularly described as follows:

From the west quarter section corner of said Section 24, run S 89° 52'40"E along the east-west quarter section line of said section for 2605.91 feet to the northwest corner of said southeast quarter (SE 1/4); thence run S 00° 46'40"E along the north-south quarter section line of said section for 1983.87 feet to the northwest corner of said fract 7 and the point of beginning.

From said point of beginning run S.89° 36'35"E along the north line of said Tract 7 for 647.16 feet; thence run S 00° 51'59"E along the east line of said Tract 7 for 336.19 feet; thence run N 89° 36'36"W along the south line of said Tract 7 for 647.68 feet to its intersection with the said north-south quarter section line; thence run N 00° 46'40"W along said north-south quarter section line 336.18 feet to the point of beginning.

Containing 5.00 acres more or less.

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Bearings hereinabove mentioned are Plane Coordinates for the Florida West Zone.



LEGAL DESCRIPTION ACQUISITION PARCEL (1.6C)

## SOUTHWEST FLORIDA REGIONAL AIRPORT

October 17, 1977

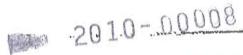
All of Tracts 13 and 14, Indian Ranchettes, an unrecorded subdivision of the southeast quarter (SE 1/4), Section 24, Township 45 South, Range 25 East as shown on plat recorded in Official Record Book 586 at page 710 of the public records of Lee County, Florida and more particularly described as follows:

From the west quarter section corner of said Section 24, run S 89° 52'40"E along the east-west quarter section line of said Section 24 for 2925.39 feet to the northwest corner of Tract 16 of said Indian Ranchettes; thence run S 00° 53'01"E along the west line of Tracts 16 and 15 for 641.34 feet to the northwest corner of said Tract 14 and the point of beginning.

From said point of beginning rum S 89° 36'31"E along the north line of said Tract 14 for 648.67 feet; thence rum S 00° 51'35"E along the east line of Tract 14 for 335.93 feet to the southeast corner of said Tract 14; thence rum S 00° 50'21"E along the east line of said Tract 13 for 335.98 feet; thence rum N 89° 36'33"W along the south line of said Tract 13 for 324.09 feet to the southwest corner of said Tract 13 and a point of curvature; thence rum northwesterly along the arc of the curve to the left of a radius of 114.22 feet for 110.48 feet to a point of tangency; thence rum N 56° 19'52"W for 273.54 feet to a point of curvature; thence rum northerly along the arc of the curve to the right of a radius of 114.17 feet for 110.49 feet to a point of tangency; thence rum N 00° 53'01"W along the west line of said Tract 14 for 335.93 feet to the point of beginning.

Containing 8.75 acres more or less.

Bearings hereinabove mentioned are Plane Coordinates for the Florida West Zone.





EE. 1394 +c1119

LEGAL DESCRIPTION

ACQUISITION PARCEL



SOUTHWEST FLORIDA REGIONAL AIRPORT

October 17, 1977

All of Tract 28, Indian Ranchettes, an unrecorded subdivision of the southeast quarter (SE 1/4), Section 24, Township 45 South, Range 25 East as shown on plat recorded in Official Record Book 586 at page 710 of the public records of Lee County, Florida and more particularly described as follows:

From the southeast corner of said Section 24, run N 00° 48'00"W along the east line of said Section 24 for 336.25 feet to the southeast corner of said Tract 28 and the point of beginning.

From the point of beginning run N 89° 36'36"W along the south line of said Tract 28 for 648.01 feet; thence run N 00° 49'23"W along the west line of said Tract 28 for 336.17 feet; thence run S 89° 36'35"E along the north line of said Tract 28 for 648.04 feet; thence run S 00° 48'00"E along the east line of said Tract 28 and said Section 24 for 336.17 feet to the point of beginning.

Containing 5.0 acres more or less.

ì,

Bearings hereinabove mentioned are Plane Coordinates for the Florida West Zone.

DEC 7 4 21 PH \*79
RI L. SIAL
LEE COL. LICADA

RECEIVED

COMMUNITY DEVELOPMENT

Printed for Lawyers' Title Guaranty Fund, Orlando, Florida

This instrument was prepared by FRANK A. PAVESE
PAVESE, SHIELDS, GARNER,
HAVERFIELD & KLUTTZ
Post Office Drawer 1507
FORT MYERS, FLORIDA 33902

# Warranty Deed (STATUTORY FORM—SECTION 689.02 F.S.)

1977. Between

MINERVA, INC., an Ohio Corporation,

of the County of

, State of

day of

, grantor\*, and

LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA,

This Indenture, Made this

Fort Myers,

of the County of

Lee

, State of

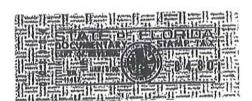
Florida

, grantee\*,

Witnesselly. That said grantor, for and in consideration of the sum of

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

(See attached Exhibit "A")



GRICORD VEE: F" 21 GRRAIT CLORGO DDY WYLLAN FELENS D.C.D.

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever. \* "Grantor" and "grantee" are used for singular or plural, as context requires.

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

MINERVA.

STATE OF OHIO COUNTY OF CHURNOSA

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared

Couls A. Movanesek

to me known to be the personal described in and who executed the foregoing instrument and acknowledged before me that
they executed the same., being duly qualified as such officer to do so.

WITHERS my hand and official seal in the County and State last ofgression this

MITHERS my hand and official seal in the County and State last ofgression this.

بعد ١٨٨٨ كالله ١٨٨٨

My commission expires:

NOMERY D. BOOKA

#### EXHIBIT A

All of Tract 21, Indian Ranchettes, an unrecorded subdivision of the southeast quarter (SE 1/4), Section 24, Township 45 South, Range 25 East, as shown on plat recorded in Official Record Book 586 at page 710 of the public records of Lee County, Florida, and more particularly described as follows:

From the west quarter section corner of said Section 24, run 8 89° 52' 40" E along the east-west quarter section line of said Section 24 for 3574.27 feet to the northwest corner of Tract 18 of the said Indian Ranchettes; thence run 8 00° 51' 35" E along the west line of said Tracts 18 and 20 for 644.37 feet to the northwest corner of said Tract 21 and the point of beginning. From the point of beginning run 8 89° 36' 31" E along the north line of said Tract 21 for 972.99 feet; thence run 8 00° 49' 23" E along the east line of said Tract 21 for 335.91 feet; thence run 8 89° 36" 32" W along the south line of said Tract 21 for 972.79 feet; thence run N 00° 51' 35" W along the west line of said Tract 21 for 335.93 feet to the point of beginning.

Containing 7.50 acres more or less.
Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone. (Parcel #16L)

Subject to a reservation of an undivided one-half (1/2) interest in and to all the petroleum and minerals that may be in, under or on the above described property by Lorine Greiner in a deed by her to Ralph Flint and Lillian R. Flint, his wife, said deed dated June 3, 1966, and recorded in Official Record Book 359 at page 31, Public Records of Lee County, Florida.

Subject to an Oil, Gas and Mineral Lease from Lorine Greiner to Exxon Corporation dated May 2, 1975, and recorded October 6, 1975, in Official Record Book 1108 at page 1102, Public Records of Lee County, Florida.

Subject to reservations, restrictions, easements of record, and taxes for the current and all subsequent years.



COMMUNITY DEVELOPMENT

Filmed for Lawyers' Title Guaranty Fund, Orlando, Florida

1275118

EE 1402 FG 357

This instrument was prepared by: Diane Jensen

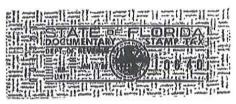
PAVESE, SHEIDS, GARNER, HAVERFIELD, KUUTZ & COTTRELL Post Office Drawer 1507 FORT MYERS, FLORIDA 33902

®RECORD VERFIED—SAL GERACI CLERK® ©DY WYLKA PETERS D.C. ©:

# Warranty Deed (STATUTORY FORM—SECTION 689.02 F.S.)

This Indenture, Made this29t	h day of _	November	19 79 , <b>Between</b>
of the County of Collier  LEE COUNTY, A POLI  whose post office address is Fort Mye		rida	, grantor*, and
of the County of Lee	, State of	Florida	, grantee*,
TEN AND NO/100 (\$10 and other good and valuable considerations acknowledged, has granted, bargained and described land, situate, lying and being in	. 00)	paid by said grantee,	the receipt whereof is hereby assigns forever, the following Florida, to-wit:

(See attached Exhibit "A")



and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever. ntor" and "arantee" are used for singular or plural, as context requires.

mitwes Wherent, Grontor has here gned scoled and delivered in our prosence:	unto set grantor's hand and seal the day and year first above wi
Jone Tallagle	ETTERDETH HOVANCSEK
Lan Shiller	
	(

COUNTY OF Collier

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared

ELIZABETH HOVANCSEK, a Single Woman

described in and who executed the foregoing instrument and acknowledged before me that to me known to be the person witness my hand and official seal in the County and State lo

My commission expires: THOMAS E. GALLAGHER Notary Public, State of Florida et Large My Commission Expires October 22, 1983.

#### EXHIBIT A

All of Tract 19, Indian Ranchettes, an unrecorded subdivision of the southeast quarter (SE 1/4), Section 24, Township 45 South, Range 25 East, as shown on plat recorded in Official Record Book 586 at page 710 of the public records of Lee County, Florida, and more particularly described as follows:

From the center of said Section 24, run S 89° 52' 40" E along the north line of said southeast quarter (SE 1/4) and the north line of Tracts 1, 16, 17 and 18 of said Indian Ranchettes for 1671.06 feet to the northwest corner of said Tract 19 and the point of beginning. From said point of beginning continue S 89° 52' 40" E along said north line of the southeast quarter (SE 1/4) and the north line of said Tract 19 for 270.62 feet; thence run S 00° 49' 23" E along the line common to said Tract 19 and Tract 34 of said Indian Ranchettes for 313.11 feet; thence run N 89° 36' 30" W along the line common to said Tract 19 and Tract 20 of said Indian Ranchettes for 270.62 feet; thence run N 00° 49' 37" W along the line common to said Tracts 18 and 19 for 311.84 feet to the point of beginning.

Containing 1.94 acres more or less.
Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone. (Parcel #19)

Subject to a reservation of an undivided one-half (1/2) interest in and to all the petroleum and minerals that may be in, under or on the above described property by Lorine Greiner in a deed by her to Ralph Flint and Lillian R. Flint, his wife, said deed dated June 3, 1966, and recorded in Official Record Book 359 at page 31, Public Records of Lee County, Florida.

Subject to an Oil, Gas and Mineral Lease from Lorine Greiner to Exxon Corporation dated May 2, 1975, and recorded October 6, 1975, in Official Record Book 1108 at page 1102, Public Records of Lee County, Florida.

Subject to reservations, restrictions, easements of record, and taxes for the current and all subsequent years.

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1275120 This instrument was prepared by: ArinNed for Lawyers' Title Guaranty Fund, Orlando, Florida Diane Jensen

PAVES, SHEIDS, GARKER,

HAVERRID, RUITZ & COTTRELL

Post Office Drawer 1507

FORT MYERS, FLORIDA 33902 Warranty Deed (STATUTORY FORM—SECTION 689.02 F.S.) 既 1402 16 361 19 79, **Beiween** NOVEMBER 30 Whis Indenture. Made this day of GERALD LA BODA, TRUSTEE , grantor\*, and Florida , State of of the County of Lee LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA whose post office address is Fort Myers , grantee\*, , State of Florida of the County of Lee Mittesseth, That said grantor, for and in consideration of the sum of ----TEN (\$10.00)-----and other good and valuable considerations to said granter in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in

Lee

County, Florida, to-wit: (See attached Exhibit "A") and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever. ""Grantor" and "grantee" are used for singular or plural, as context requires. Grantor has hereunto set grantor's haped and seel the day and In Witness Wherent. all sealed and delivered in our presence: GERALD LA BODA (Seal) (Seál) (Sedl) STATE OF Florida COUNTY OF Lee I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared GERALD LA BODA, TRUSTEE to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same. WITNESS my hand and official seal in the County and State light aforesoid this 1979. My.commission expires:

Uclary Public, State of Florida at Large Aby Commission Expires Sept. 10, 1982.

COMMUNITY DEVELOPMENT

\_\_\_\_

#### EXHIBIT A

All of Tract 18, Indian Ranchettes, an unrecorded subdivision of the southeast quarter (SE 1/4), Section 24, Township 45 South, Range 25 East, as shown on plat recorded in Official Record Book 586 at page 710 of the public records of Lee County, Florida, and more particularly described as follows:

From the west quarter section corner of said Section 24, run S 89° 52' 40" E along the east-west quarter section line of said Section 24 for 3574.27 feet to the northwest corner of said Tract 18 and the point of beginning. From the point of beginning continue S 89° 52' 40" E along the east-west quarter section line of said Section 24 for 702.70 feet to the northeast corner of said Tract 17; thence run S 00° 49' 37" E along the east line of said Tract 17 for 311.84 feet; thence run N 89° 36' 30" W along the south line of said Tract 17 for 702.59 feet; thence run N 00° 51' 35" W along the west line of said Tract 17 for 308.53 feet to the point of beginning.

Containing 5.00 acres more or less. Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone. (Parcel #16J)

Subject to a reservation of an undivided one-half (1/2) interest in and to all the petroleum and minerals that may be in, under or on the above described property by Lorine Greiner in a deed by her to Ralph Flint and Lillian R. Flint, his wife, said deed dated June 3, 1966, and recorded in Official Record Book 359 at page 31, Public Records of Lee County, Florida.

Subject to an Oil, Gas and Mineral Lease from Lorine Greiner to Exxon Corporation dated May 2, 1975, and recorded October 6, 1975, in Official Record Book 1108 at page 1102, Public Records of Lee County, Florida.

Subject to reservations, restrictions, easements of record, and taxes for the current and all subsequent years.

JAN 18 4 IS PH 980
REGI. 1 FOIAL
LEE COUNTY OF ORDA



COMMUNITY DEVELOPMEN

2010-00008

Manager .

## 1275346

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR LEE COUNTY, FLORIDA

LEE COUNTY, FLORIDA, a political subdivision of the State of

ME 1402 FG 770

Petitioner,

VS.

CASE NO. 79-4041 CA JRS

GERALD LABODA, AS TRUSTEE,

ET AL.

Florida,

Defendants.

DOCKETED & FILED

SAL GERACI, CLERK BY Management ORDER OF TAKING

THIS CAUSE coming on to be heard by the Court, and it appearing that proper notice was first given to all the Defendants, and all persons having or claiming any equity, lien, title, or other interest in or to the real property described in the Petition, that the Petitioner would apply to this Court on January 18, 1980 for an Order of Taking, and the Court being fully advised in the premises, upon consideration, it is therefore,

#### ORDERED AND ADJUDGED:

- 1. That the Court has jurisdiction of the subject matter of the parties to this cause.
- That the pleadings in this cause are sufficient and the Petitioner is properly exercising its delegated authority.
- 3. That it is necessary to take the property described in the Petition.
- 4. That the estimate of value filed in this cause by the Petitioner was made in good faith and based upon a valid appraisal.
- 5. That the Petitioner is entitled to possession of the following described property prior to the entry of a Final Judgment, to-wit:

(See attached Exhibit "A")

APR 1 4 2011

COMMUNITY DEVELOPMENT

Upon payment to the Registry of this Court, the deposit hereafter specified; and that said deposit of money will fully secure and fully compensate the persons lawfully entitled to compensation, as will be determined ultimately by Final Judgment of the Court, and which said sum of money to be deposited is in no instance less than the value of said land, as fixed by the estimate of value as set by the Petitioner as follows:

Parcel No. 16B...\$34,000.00

PROVIDED, FURTHER, that the sum of money in the total amount of thirty=four thousand dollars (\$34,000.00).

shall be deposited in the Registry of this Court within twenty (20) days after the date of this Order, and upon making such deposit, the Petitioner shall notify in writing all attorneys of record and those Defendants not represented by counsel that the deposit has been made, and that on the day of deposit the Petitioner shall be entitled to possession of the property described in the Petition without further notice or Order of this Court.

If the Petitioner shall default in the depositing of said sum of money within the time provided, this Order shall be void and of no further force or effect.

DONE and ORDERED in Fort Myers, Lee County, Florida on this

198 day of January 1980.

CIRCUIT JUDGE, Jack R. Schoonover.

2010-00008 -2- RECEIVED APR 14 2011

# LEGAL DESCRIPTION ACQUISITION PARCEL (16B) SOUTHWEST FLORIDA REGIONAL AIRPORT

October 17, 1977

All of Tracts 5 and 6, Indian Ranchettes, an unrecorded subdivision of the southeast quarter (SE 1/4), Section 24, Township 45 South, Range 25 East as shown on plat recorded in Official Record Book 586 at page 710 of the public records of Lee County, Florida and more particularly described as follows:

From the west quarter section corner of said Section 24, run S 89° 52'40"E along the east-west quarter section line of said section for 2605.91 feet to the northwest corner of said southeast quarter (SE 1/4); thence run S 00° 46'40"E along the north-south quarter section line of said section for 1311.70 feet to the northwest corner of said Tract 5 and the point of beginning.

From said point of beginning run S 89° 36'33"E along the north line of said Tract 5 for 646.12 feet; thence run S 00° 51'59"E along the east line of said Tracts 5 and 6 for 672.18 feet to the southeast corner of said Tract 6; thence run N 89° 36'35"W along the south line of said Tract 6 for 647.16 feet to its intersection with the west line of said Tract 5 and 6, and said north-south quarter section line; thence run N 00° 46'40"W along said north-south quarter section line for 672.17 feet to the point of beginning.

Containing 10.00 acres more or less.

Bearings hereinabove mentioned are Plane Coordinates for the Florida West Zone.



COMMUNITY DEVELOPMENT 0008

Barrier To Tomas

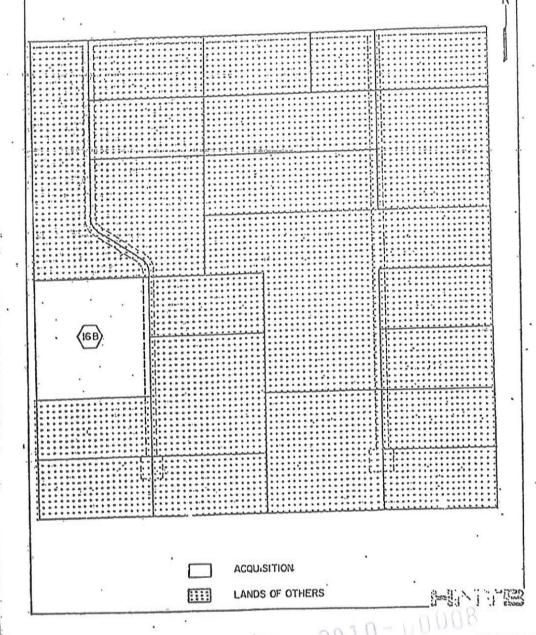
PARCEL SKETCH

ACQUISITION PARCEL

SHEET I OF 2

(16 B)

HEE: 1402 FG 773



RECEIVED

PARCEL SKETCH

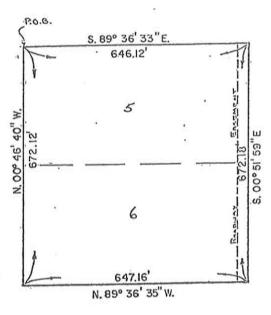
ACQUISITION PARCEL



SHEET 2 OF 2

REE 1402 FG 774

SCALE 1 = 200



JAN 21 12.2 PH 981
Re-1 :2.2 PH 981
Re-1 :30A

A-10-7 TEE

TOTAL ACQUISITION 10.0 ACRES

IMPROVEMENTS: 3 STRAND BARBWIRE ON WOOD POSTS AROUND NORTH PORTION ONLY

RECEIVED

Printed Br. Lawyers' Title Guaranty Fund, Orlando, Florida

1275491

歷 1402 16 985

This instrument was prepared by:

FRANK A. PAVESE PAVESE, SHIELDS, GARNER, HAVERFIELD & KLUTTZ PORT MYERS, FLORIDA 33902

# Warranty Deed

This Indenture, Made this

(STATUTORY FORM-SECTION 689.02 F.S.)

day of Wasan

1979 , Beimeen

TOM FOGARTY; JOHN USYK and PATRICIA USYK, Husband and Wife; and PHILIP GUARASCI and GEORGINA GUARASCI, Husband and Wife; as of the County of in Common, , grantor\*, and , State of

LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA,

whose post office address is Fort Myers,

of the County of

, State of

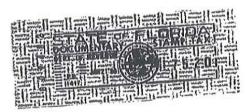
Florida

, grantee\*,

MILEBERIA. That said grantor, for and in consideration of the sum of

and other good and valuable considerations to said granter in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's herrs and assigns forever, the following described land, situate, lying and being in

(Šée attached Exhibit "A")



and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all \* "Grantor" and "grantee" are used for singular or plural, as context requires.

Signed speed of the delivered in our presence:  TOM FOGARTY  (Seal)
TOM FOGARTY
Michael maillion (Seal)
(Sed)
TOWN USYK
Michael Luillion Patrica asyl (Seol)
Michael Julian Philip Deligarion (Soul)
PARIMP GUARASQI
(SEAL GEORGAN GUARASCI
COUNTY OF  I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared

TOM FOGARTY, JOHN USYK, PATRICIA USYK, PHILIP GUARASCI and GEORGINA to me known to be the person described in and who executed the foregoing instrument and acknowledged before includes CI he executed the same.

WITNESS my hand and official seal in the County and State last aforesold this 1979.

My commission expires:

#### EXHIBIT A

All my rights in the oil, gas and minerals reserved by me on the following described property:

All of Tract 11, Indian Ranchettes, an unrecorded subdivision of the southeast quarter (SE 1/4), Section 24, Township 45 South, Range 25 East, as shown on plat recorded in Official Record Book 586 at page 710 of the public records of Lee County, Florida, and more particularly described as follows:

From the south quarter corner of said Section 24, run S 89° 36' 37" E along the south line of said southeast quarter (SE 1/4) and the south line of Tracts 8 and 9 of said Indian Ranchettes for 1296.08 feet; thence run N 00° 50' 43" W along the east line of said Tract 9 and Tract 10 of said Indian Ranchettes for 672.44 feet to the southeast corner of said Tract 11 and the point of beginning. From said point of beginning run N 89° 36' 35" W along the line common to said Tracts 10 and 11 for 648.13 feet; thence run N 00° 51' 59" W along the line common to said Tract 11 and Tract 6 of said Indian Ranchettes for 336.12 feet; thence run S 89° 36' 34" E along the line common to said Tract 11 and Tract 12 of said Indian Ranchettes for 648.25 feet; thence run S 00° 50' 43" E along the line common to said Tract 11 and Tract 24 of said Indian Ranchettes for 336.12 feet to the point of beginning.

Containing 5.00 acres more or less. Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zohe. (Parcel #18)

This is not the homestead property of the Grantor since it is vacant land.

Subject to reservations, restrictions, easements of record, and taxes for the current and all subsequent years.

JAN 21 4 45 PH \*80
REC. CIAL
LEE COLD TAINERINA
REC. CIAL
REC. CIAL
REC. COLD TAINERINA



# 1283032

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR LEE COUNTY, FLORIDA

LEE COUNTY, FLORIDA, a political subdivision of the State of Florida,

Petitioner,

vs.

CASE NO. 79-4159-CA-JRS

CHARLES W. FLINT, ET AL,

Defendants.

FILED

FEB 1 1 1980

DOCUETED & FILED

FEB 12 1980

ORDER OF TAKING

CL-IL- CIRCUIT COURT

SAL GERACI CLERK

THIS CAUSE coming on to be heard by the Court, and it appearing that proper notice was first given to all the Defendants, and all persons having or claiming any equity. Fien, title, or other interest in or to the real property described in the Petitioner would apply to this Court on February 6, 1980 for an Order of Taking, and the Court being fully advised in the premises, upon consideration, it is therefore, ORDERED AND ADJUDGED:

- That the Court has jurisdiction of the subject matter of the parties to this cause.
- That the pleadings in this cause are sufficient and the Petitioner is properly exercising its delegated authority.
- 3. That it is necessary to take the property described in the Petition.
- 4. That the estimate of value filed in this cause by the Retitioner was made in good faith and based upon a valid appraisal.
- 5. That the Petitioner is entitled to possession of the following described property prior to the entry of a Final judgment, to-wit:

(See attached Exhibit "A")

APR 1 4 2011

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DEVELOPMENT

AIR

upon payment to the Registry of this Court, the deposit hereafter specified; and that said deposit of money will fully secure and fully compensate the persons lawfully entitled to compensation, as will be determined ultimately by Final Judgment of the Court, and which said sum of money to be deposited is in no instance less than the value of said land, as fixed by the estimate of value as set by the Petitioner, as follows:

Parcel Number 21 - \$58,000.00

PROVIDED, FURTHER, that the sum of money in the total amount of FIFTY EIGHT THOUSAND (\$58,000.00) DOLLARS shall be deposited in the Registry of this Court within twenty (20) days after the date of this Order, and upon making such deposit, the Petitioner shall notify in writing all attorneys of record and those Defendants not represented by counsel that the deposit has been made, and that on the day of deposit the Petitioner shall be entitled to possession of the property described in the Petition without further notice or order of this Court.

If the Petitioner shall default in the depositing of said sum of money within the time provided by this Order, this Order shall be void and of no further force or effect.

DONE AND ORDERED in Fort Myers, Lee County, Florida on this day of February 1980.

APR 1 4 2011

COMMUNITY DEVELOPMENT



A157 JOHNSON DTILLS TONTHOUS 13131 ALL COLL FOST CONTING POP 1230 FORT AVENUE FLORIDA

CARL E. JOHNSON

LEGAL DESCRIPTION

WEE: 1407 Fc1293

ACQUISITION PARCEL (21

DESCRIPTION
ACQUISITION PARCEL
SOUTHWEST FLORIDA REGIONAL AIRPORT
ALL OF TAX ROLL PARCEL
24-45-25-01-00000-027

All of Tract 27, Indian Ranchettes, an unrecorded subdivision of the noutheast quarter (SEA), Section 24, Township 45 South, Range 25 East, as shown on plat recorded in Official Record Book 586 at page 710 of the public records of Lee County, Florida and more particularly described as follows:

icularly described as follows:
Deginning at the contheast corner of said contheast quarter (60%) and said Section 24, being also the contheast corner of said fract 24, run it 89° 36° 37° Walong the south line of said fract 24, run it 89° 36° 37° Walong the south line of said fract 24 for 647.67 feet; thence run it 00° 49° 23° Walong the line common to said fract 27 and fract 26 of said Indian Ranchettes for 336.26 feet; thence run \$ 89° 36° 36° E along the line common to said fract 27 and fract 28 of said Indian Ranchettes for 648.00 feet to the cast line of said fraction and said fract 27; thence run \$ 00° 46° 00° E along said east line for 336.25 feet to the point of beginning.
Containing 5.00. acres more or less.

Containing 5.00, acres part of Action Coordinate for the Florida Bearings hereinabove mentioned are Plane Coordinate for the Florida Beat Zone.

GAST No. M-20875-23

LEJ/jb

7563

FEB. 12 S 52 M 180

ARCHETT (GRANT, JR., WCC.) SCHOOL, JR., WCC.) SCHOOL, JR. (GRANT, JR., WCC.) SCHOOL, JR. (GRANT) SCHOOL, J

Exlikit A



COMMUNITY DEVELOPMEN

# 1297163

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR LEE COUNTY, FLORIDA

LEE COUNTY, FLORIDA, a political subdivision of the State of Florida,

Petitioner,

vs.

CASE NO. 80-810-CA-HES

VAN R. SPEAS and JACQUELYN H. SPEAS, : ET AL,

Defendants.

DOCKETED & FILED

MAR 3.1 1980

appearing that proper notice was first given to all the Defendants, and all persons having or claiming any equity, lien, title, or other interest in or to the real property described in the Petition, that the Petitioner would apply to this Court on March 31, 1980 for an Order of Taking, and the Court being fully advised in the premises, upon consideration, it is therefore,

ORDERED AND ADJUDGED:

- 1. That the Court has jurisdiction of the subject matter of the parties to this cause.
- 2. That the pleadings in this cause are sufficient and the Petitioner is properly exercising its delegated authority.
- 3. That it is necessary to take the property described in the Petition.
- 4. That the estimate of value filed in this cause by the Petitioner was made in good faith and based upon a valid appraisal.
- 5. That the Petitioner is entitled to possession of the following described property prior to the entry of a final Judgment, to-wit:

(See attached Exhibit "A")

upon payment to the Registry of this Court, the deposit hereafter apacified; and that said deposit of money will fully secure and fully

APR 1 4 2011

2010-00008

Washing.

compensate the persons lawfully entitled to compensation, as will be determined ultimately by Final Judgment of the Court, and which said sum of money to be deposited is in no instance less than the value of said land, as fixed by the estimate of value as set by the Petitioner, as follows:

PARCEL NUMBER 16-I: 421,500,00

PARCEL NUMBER 16-M: 40,700.00

PARCEL NUMBER 16-P: 20,000.00

PROVIDED, FURTHER, that the sum of money in the total amount of Each two Utward two rundred DOLLARS shall be deposited in the Registry of this Court within twenty (20) days after the date of this Order, and upon making such deposit, the Petitioner shall notify in writing all attorneys of record and those Defendants not represented by counsel that the deposit has been made, and that on the day of deposit the Petitioner shall be entitled to possession of the property described in the Petition without further notice or order of this Court.

If the Petitioner shall default in the depositing of said sum of money within the time provided by this Order, this Order shall be void and of no further force or effect.

DONE AND ORDERED in Fort Myers, Lee County, Florida on this

HUGH E, STARNES, CIRCUIT JUDGE

APR 1 4 2011

COMMUNITY DEVELOPMENT

2010-00008

- A STANIS CONTRACTOR

## EXHIBIT "A"

WE 1417 +61431 .

LEGAL DESCRIPTION

ACQUISITION PARCEL

(1.61)

SOUTHWEST FLORIDA REGIONAL AIRPORT

October 17, 1977

All of Tracts 16 and 17, Indian Ranchettes, an unrecorded subdivision of the southeast quarter (SE 1/6), Section 26, Township 45 South, Range 25 East as shown on plat recorded in Official Record Book 586 at page 710 of the public records of the County, Florida and more particularly described as follows:

From the west quarter section countr of said Section 24, run S 89° 52'80°E along the cast-west quarter section line of said Section 24 for 2925.39 feet to the northwest corner of said Tract 16 and the point of heighning.

From the point of beginning continue S 89° 52"40"E along the east-west quarter section line of said Section 24 for 648.88 feet to the northeast corner of said Tract 17; thence run S 00° 51"35"E along the east line of said Tract 17 thence run feet; thence run H 89° 36"30"W along the south fine of said Tract 16 and 17 for 648.81 feet; thence run N 00° 53"01"W along the west line of said Tract 16 for 305.49 feet to the point of beginning.

Containing 4.57 acres more or less.

Bearings hereinabove mentioned are Plane Coordinates for the Florida West Zone.

2010-00008



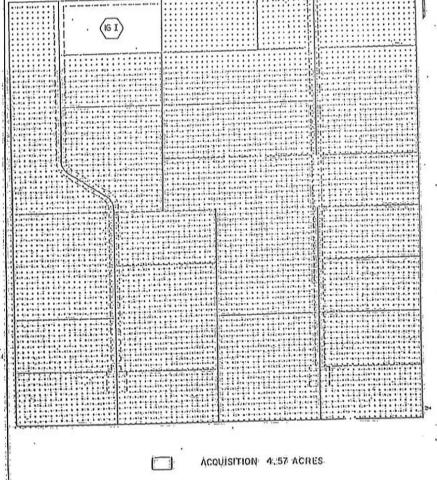
CONDUNITY DEVELOPMENT, TOTAL

- PARCEL SKUTCH

ACOUISTION PARCEL

SHEET LOFE

**E 1417 fc1432** 



LANDS OF OTHERS

APR 1 4 2011
COMMUNITY DEVELOPMEN

PARCEL S. CON

SHEET 2 OF 2

ACQUISITION PARCEL



WE 1417 Ft1433

TOTAL ACQUISITION 4,57 ACRES

інекоуементя: нойе

SHANETERS.



COMMUNITY DEVELOPMENT 2010-00008

1

WEE 1417 FC1434

LEGAL DESCRIPTION
ACQUISITION PARCEL (16H)

SOUTHWEST FLORIDA REGIONAL AIRPORT

October 17, 1977

All of Tracts 25 and 26. Indian Ranchettes, an unrecorded subdivision of the southeast quarter (SE 1/40). Section 24. Township 45 South, Range 25 East as shown on pitat recorded in Official Record Book 586 at page 710 of the public records of Lee County, Plorida and more particularly described as follows:

From the southeast corner of said Section 24, tun N 89° 36'37"W along the south line of the acction for 647.87 feet to the southeast corner of said Tract 26 and the point of beginning.

From the point of beginning continue N 89° 36'37"M along the south line of said Section 24 for 667.87 feet; thence run N 00° 50"43"M along the west line of said Tracts 26 and 25 for 672.66 feet; thence run S 89° 36"35"E along the north line of said Tract 25 for 668.23 feet; thence run S 00° 49"23"E along the east line of said Tracts 25 and 26 for 672.43 feet to the point of beginning.

Containing 10.00 cones more or less.

Bearings hereinsbove mentioned are Plane Coordinates for the Florida West Zone.

2010-00008

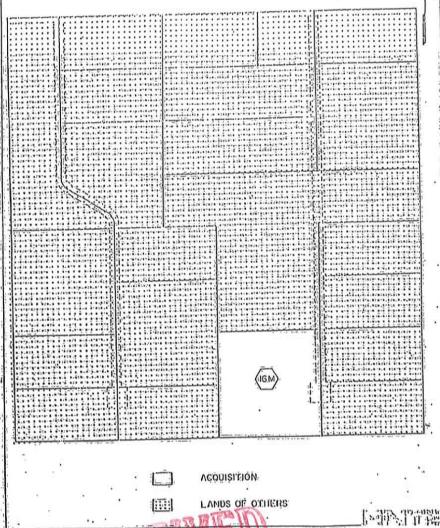


COMMUNITY DEVELOPMENT OF THE

PARCEL SUETCH VCODIRTION IMPORT

SHEET LOFE

HE 1417 F61435



APR 1 4 2011

HE. 1417 F61436

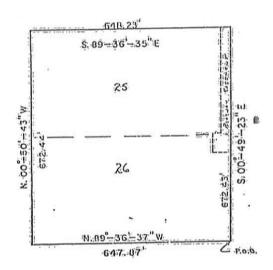
PARCEL SKETCH

ACQUISITION PARCEL

(1611)

SHEET 2 OF 2

SCARE IL"= 200



TOTAL ACQUISITION 10.0 ACRES

AMPROVEMENTS: NONE

5010-00008

APR 1 4 2011

EE 1417 FG1437

LEGAL DESCRIPTION

ACQUISITION PARCEL (16P)

SOUTHWEST FLORIDA REGIONAL AIRPORT

October 17, 1977

All of Tracts 34 and 35, Indian Rauchettes, an unxecorded subdivision of the southeast quarter (SE 1/4), Section 24, Township 45 South, Range 25 East as shown on plat recorded in Official Record Book 586 at page 750 of the public records of Lee County, Florida and more particularly described as follows:

Beginning at the cast quarter section corner of said Section 24 and the northeast corner of said southeast quarter (SE 1/4) run S 00° 48°00°E along the east line of said Section 24 and Tract 35 for 316.16 feet; there run N 80° 36°30°W along the south line of said Tracts 34 and 35 for 648.32 feet; thence run N 00° 49°23°W along the west line of pancel 34 for 313.11 feet; thence S 89° 52°40°E along the east-west quarter section line of said Section 24 and the north line of said Eracts 34 and 35 for 648.88 feet to the point of beginning.

Containing 4.69 acres more or less.

Bearings hereinahove mentioned are Plane Coordinates for the West Florida Zone.

COMMUNITY DEVELOPMENT

2010 - 00008

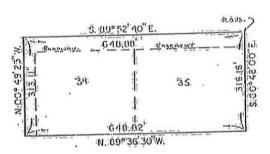
PARCEL SKITCH SHEET LOFE ACQUISITION PARCEL WEE: 1417 Fc1438 ACQUISITION 4.69 ACRES [[[]] LANDS OF OTHERS 2010-00008

SHEET 2 OF 2

PARCEL SKETCH ACQUISITION PARCEL



HE 1417 F61439



TOTAL ACOUNSITION 4.69 ACITES:



RECEIVED

COMMUNITY DEVELOPMENT

20

## 1301072

Planted for Lawyers' Title Guaranty Fund, Orlando, Florida

羅 1420 61270

Harranty Deed (STATUTORY FORM—SECTION 689.02 F.S.)

This instrument was prepared by:

FRANK A. PAVESE
PAVESE, SHIELDS, GARNER,
HAVERFIELD & KLUTIZ Post Office Drawer 1507 FORT MYERS, FLORIDA 33902

This Indenture, Made this

(corner)

1979 , Betwern

KENNETH K. WIGGS and CHERYL L. WIGGS

of the County of

, State of

, grantor\*, and

LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA,

whose post office address is

Fort Myers,

of the County of

, State of

Florida

, grantee\*,

Milterseith. That said grantor, for and in consideration of the sum of

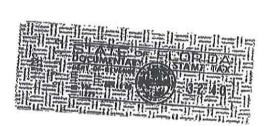
and other good and valuable considerations to said granter in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in

Lee

Dollars,

County, Florida, to-wit:

(See attached Exhibit "A")





COMMUNITY DEVELOPME

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever. ntor" and "arantee" are used for singular or plural, as context requires.

950332	* "Grantor		and "grantee"	for	singular	urai, as	ds coman require						30000000		
3n	Witness	Wherent.	Grantor has	hereunto	set	grantor's	hand	and se	ol the	day	and	year	first o	above	written
-		and delivered to our	Opresence:				-	1							

(Seol)

(Seal)

STATE OF Llow I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared

KENNETH K. WIGGS and CHERYL L. WIGGS

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

WITNESS my hand and official seal in the County and State last aforesoid this 19 79.

My commission expires:

MORARY PUBLIC STAYE OF PLORIDA AY LARGE ANY COMMISSION BURNES JULY 18 1992 BONDED YHBU GENERAL INS. UNDERWRITES

RECORD VERIFIED - SAL GERACI CUDIN OF BY G. WORKINGER D.C.

### EXHIBIT A

All of Tract 12, Indian Ranchettes, an unrecorded subdivision of the southeast quarter (SE 1/4), Section 24, Township 45 South, Range 25 East, as shown on plat recorded in Official Record Book 586 at page 710 of the public records of Lee County, Florida, and more particularly described as follows:

From the southwest corner of said Section 24, run S 89° 36' 37" E along the south line of said Section 24 for 3240.43 feet to the southwest corner of Tract 9 of said Indian Ranchettes; thence run N 00° 51' 59" W along the west line of Tracts 9, 10 and 11 of said Indian Ranchettes for 1008.57 feet to the southwest corner of said Tract 12 and the point of beginning. From said point of beginning run N 00° 51' 59" W along the west line of said Tract 12 for 336.06 feet; thence run S 89° 36' 33" E along the north line of said Tract 12 for 648.38 feet; thence run S 00° 50' 43" E along the east 1ine of said Tract 12 for 336.04 feet; thence run N 89° 36' 34" E along the south line of said Tract 12 for 648.25 feet to the point of beginning.

Containing 5.00 acres more or less.

Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone. (Parcel #16F)

Subject to a reservation of an undivided one-half (1/2) interest in and to all the petroleum and minerals that may be in, under or on the above described property by Lorine Greiner in a deed by her to Ralph Flint and Lillian R. Flint, his wife, said deed dated June 3, 1966, and recorded in Official Record Book 359 at page 31, Public Records of Lee County, Florida.

Subject to an Oil, Gas and Mineral Lease from Lorine Greiner to Exxon Corporation dated May 2, 1975, and recorded October 6, 1975, in Official Record Book 1108 at page 1102, Public Records of Lee County, Florida.

Subject to reservations, restrictions, easements of record, and taxes for the current and all subsequent years.



APR 10 4 04 PH '80
RECO. CIAL
LEE CONAT. FLORIDA
RECORD VERIFIED

COMMUNITY DEVELOPMENT



OU Pest 40

# 1255012

1 Printed for Lawyers' Title Guaranty Fund, Orlando, Florida

# ME 1387 101471

This instrument was prepared by: DIANE L. JENSEN PAVES, SMEIDS, GARMER, MAYERFRID, RUBITZ & COTTREIL Post Office Drawer 1507 FORT MYERS, FLORIDA 33902

# Warranty Deed (STATUTORY FORM—SECTION 689.02 F.S.)

1979 , Brimeen This Indenture, Made this BUCCANEER MOBILE ESTATES, INC., a Florida corporation, Florida , grantor\*, and of the County of LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, Fort Myers whose post-office address is , grantee\*, Florida , State of of the County of MINPERPLY, That sold granter, for and in consideration of the sum of TEN DOLLARS (\$10.00) & OG&VC-------and other good and valuable considerations to said granter in hand paid by said granter, the receipt whereof its hereby acknowledged, has granted by agained and sold to the said granter, and granters held assigns forever, the following described land, situate, lying and being in Lee. (SEE ATTACHED EXHIBIT "A") BOOKD YEARHED-SAL COMMUNITY DEVELOPMEN and said granter doés hereby fülly-warrant the title to sold and will defend the same against the lawful claims of all \*. "Grantor" and "grantee" are used for singular or plural; as-context-requires. Gränter has hereunto set granter's hand and seal the day and year first-above written. In Mitneus Mherenf. Granto. Signed, segled and delivered in our presence: BUCCANEER MOBILE ESTATES, INC. STATE OF FLORIDA I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared BUCCANEER MOBILE ESTATES, INC., a Florida corporation, to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that WITNESS my hand and afficial sign in the County and State last aforesaid this Wile F. Miles. explicati detary Public, State of Horida of Louis , 47. Commission Expires: November 23, 1978

#### EXHIBIT A

A tract or parcel of land lying in the northeast quarter (NE 1/4) Section 24, Township 45 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

From the west quarter section corner of said Section 24 run S 89° 52' 40" E along the east-west quarter section line of said section for 2605.90 feet to the center of said section and the beginning. From said point of beginning run N 00° 46' 40" W along the north-south quarter section line of said section for 100.01 feet; thence run S 89° 52' 40" E, 100 feet north of and parallel with said east-west quarter section line, for 233.70 feet to a point of curvature; thence run northeasterly along the arc of a curve to the left of a radius 2764.79 feet (Chord Bearing N 72° 03' 40" E) for 1743.07 feet to a point of tangency; thence run N 54° 00" 00" E for 875.98 feet to an intersection with the east line of said Section 24; thence run S 00° 55' 30" E along said east line for 491.68 feet to the northeast corner of the southeast quarter (SE 1/4)) of the southeast quarter (SE 1/4) of said northeast quarter (NE 1/4)); thence run N 89° 51" W along the morth line of said fraction; thence run S 00° 53" 18" E along the west line of said fraction; thence run S 00° 53' 18" E along the west line of said fraction; for 647.22 feet to the northwest corner of said fraction; thence run S 00° 53' 18" E along the west line of said fraction; for 656.58 feet to an intersection with said east-west quarter section line; thence run N 89° 52" 40" M along said quarter section line for 1942.92 feet to the point of beginning.

Containing 15.60 acres more or less. Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone. (Parcel #10)

Subject to an Oil, Gas and Mineral Lease from T. A. Kulhan and Wilma V. Rulhan to Humble Oil & Refining Company dated May 1, 1965, and recorded August 6, 1965, in Official Record Book 312 at page 890, Public Records of Lee County, Florida.

Subject to reservations, restrictions, easements of record, and taxes for the current and all subsequent years.



COMMUNITY DEVELOPMENT

on Rac. 900 x 0x

# WARRANTY DEED

at: 1364 152217

THIS INDENTURE, Made this \_\_\_\_\_ day of June 1979, between LOUIS STEIN, an undivided twenty-five (25%) percent interest; IDA S. MANDELL, MORTON S. MANDELL and SEYMOUR G. MANDELL, as ancillary personal representatives of the Estate of SAMUEL P. MANDELL, an undivided twenty-five (25%) percent interest; and GEORGE SANDERS, an undivided fifty (50%) percent interest; as tenants in common, of the County of Lee, State of Florida, GRANTORS, and LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, whose Post Office address is Fort Myers, of the County of Lee, State of Florida, GRANTEE,

WITNESSETH, that said Grantors for and in consideration of the sum of TEN AND NO/100 (\$10.00) Dollars, and other good and valuable considerations to said Grantors in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to-wit:

SEE ATTACHED EXHIBIT "A"

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

IN WITNESS WHEREOF, the Grantors have hereunto set their nands and seals the day and year first above written,

Signed, sealed and delivered

APR 1 4 2011

in our presence:

IDA S. MANDELL/ Ancillary Personal Representative of the Estate of SAMUEL P. MANDELL

MORTON S. MANDELL, Ancillary Personal Representative of the Estate of SAMUEL P. MANDELL

RECORD VERPIED - SAL GERACI CLERK BY H. FERNSTROM D.C.

This instrument was prepared by Pavese, Shields, Garner, Haverfield & Kuttz P. O. Drawer 1507, Fort Myers, Fla. 33902

SEYMOUR G. MANDELL, Ancillary Personal Representative of the Estate of SAMUEL P. MANDELL
Welen C. Horsen GEORGE SANDERS SAMMUN
STATE OF FEOREDA S  COUNTY OF LEE (500)
I HEREBY CERTIFY that on this day before me, an officer
duly qualified to take acknowledgments, personally appeared LOUIS
STEIN, to me known to be the person described in and who executed
the foregoing instrument and acknowledged before me that he executed
the same.
WITNESS my hand and official seal in the County and
State last aforesaid this 7th day of 1979.
NOTARY PUBLIC KATHLEEN I FARREN Worten Pu-lic Peniadelphia Philadelphia Co.
My Commission Expires: // ///
A Theory
STATE OF FLORIDA )  Paraguaran) S  COUNTY OF THEE
I HEREBY CERTIFY that on this day before me, an officer
duly qualified to take acknowledgments, personally appeared IDA S.
MANDELL, Ancillary Personal Representative of the Estate of SAMUEL P.
MANDELL, to me known to be the person described in and who executed
the foregoing instrument and acknowledged before me that she
executed the same.
WITNESS my hand and official seal in the County and
State last aforesaid this 1 15" day of, 1979.
1-11-
NOTARY PUBLIC
My Commission Expires: 9/14/94 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
thy Camanies on France up 12, 2000
APR 14 2011 2010 - 00000
COMMUNITY DEVE

STATE OF FEORTDA )
Photo ( ) !

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared MORTON S. MANDELL, Ancillary Personal Representative of the Estate of SAMUEL P. MANDELL, to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same.

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared SEYMOUR G. MANDELL, Ancillary Personal Representative of the Estate of SAMUEL P. MANDELL, to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same.

State last aforesaid this day of \_\_\_\_\_\_\_, 1979.

My Commission Expires:

KATHLEEN Y FARREN

Retary Public. Philadelphia, Philadelphia Co.
My Commission (2007) Sentember 12 1981

RECEIVE |

STATE OF FLORIDA )
COUNTY OF LEE )

Mr. missis

COMMUNITY DEVELOPMEN

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared GEORGE SANDERS, to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State

nii 1364 n.2220

last aforesaid this ( '2 ;20 day of

My Commission Expires :ALICE L. SMILEY

Notary Public, State of Florida at Large

My Commission Expires November 23, 1979

COMMUNITY DEVELOPMENT

#### EXHIBIT A

The southeast quarter (SE 1/4) of the southeast quarter (SE 1/4) of the northeast quarter (NE 1/4) Section 24, Township 45 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Beginning at the east quarter section corner of said Section 24 and the southeast corner of said southeast quarter (SE 1/4) of the southeast quarter (SE 1/4) of the northeast quarter (NE 1/4) run N 89° 52' 40" W along the east-west quarter section line of said Section 24 for 647.64 feet to the southwest corner of said fraction; thence run N 00° 53' 18" W along the west line of said fraction for 656.58 feet to the northwest corner of said fraction; thence run S 89° 51' 45" E along the north line of said fraction for 647.22 feet to an intersection with the east line of said section; thence run S 00° 55' 30" E along the east line of said fraction and said section for 656.41 feet to the point of beginning.

Containing 9.76 acres more or less. Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone. (Parcel #11)

Subject to an Oil, Gas and Mineral Lease from T. A. Kulhan and Wilma V. Kulhan to Humble Oil & Refining Company dated May 1, 1965, and recorded August 6, 1965, in Official Record Book 312 at page 890, Public Records of Lee County, Florida.

This is not the homestead property of the Grantor since it is vacant land.

Subject to reservations, restrictions, easements of record, and taxes for the current and all subsequent years.



THE STATE OF THE S



40

### 1255012

Printed for Lawyers' Title Guaranty Fund, Orlando, Florida

ME 1387 161471

This instrument was prepared by: DIANE L. JENSEN PAVESE, SMEIDS, GARRER, MAVENFRID, MUITZ & COTTRELL Post Office Drawer 1507 FORT MYERS, FLORIDA 35902

# Warranty Deed (STATUTORY FORM—SECTION 689.02 F.S.)

This Indenture, Made this

1979 , Meimeen

BUCCANEER MOBILE ESTATES, INC., a Florida corporation,

of the County of

, State of

Florida

, grantor\*, and

LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA,

whose post-office address is Fort Myers

of the County of

, State of

Florida

, grantee\*,

That said granter, for and in consideration of the sum of

(SEE ATTACHED EXHIBIT "A")



NECOND VEHINDES AL CENACI CIENCO

and said: granter does hereby fully warrant the title to said aland, and will defend the same against the lawful defins of all ""Grantor" and "grantee" are used for singular or plural; as context requires.

In Mitness Wherent, Signed, sealed and delivered in our presences

Granior has hereunto set grantor schand and seal the day and year first-above written.

BUCCANEER MOBILE ESTATES, INC.

(Seal)

STATE OF FLORIDA COUNTY OF LEE

I HEREBY CERTIFY that on this day before me; an officer duly qualified to take acknowledgments, personally appeared BUCCAMEER MOBILE ESTATES, INC., a Florida corporación,

tó, ma kňovin tó ba the person - described in and who executed the foregoing instrument and acknowledged before me that he executed the tame.

WITNESS my hand and official seal-hithe. County and State last alorefold this

WATCOMMISSION explicati

Aute L. Smiler darary Public, State of Harida of Laude ay Commission Expires November 23

Ket.:

Maria.

Hotary Public

(3)

#### EXHIBIT A

A tract or parcel of land lying in the northeast quarter (NE 1/4) Section 24, Township 45 South, Range 25 East, Lee County, Florida, which tract or parcel is described as follows:

From the west quarter section corner of said Section 24 run S 89° 52' 40" E along the east-west quarter section line of said section for 2605.90 feet to the center of said section and the beginning. From said point of beginning run N 00° 46' 40" W along the north-south quarter section line of said section for 100.01 feet; thence run S 89° 52' 40" E, 100 feet north of and parallel with said east-west quarter section line, for 233.70 feet to a point of curvature; thence run northeasterly along the arc of a curve to the left of a radius 2764.79 feet (Chord Bearing N 72° 03' 40" E) for 1743.07 feet to a point of tangency; thence run N 54° 00' 00" E for 875.98 feet to an intersection with the east line of said Section 24; thence run S 00° 55' 30" E along said east line for 490.68 feet to the northeast corner of the southeast quarter (SE 1/4) of the southeast quarter (SE 1/4) of said northeast quarter (NE 1/4); thence run N 89° 51" W along the north line of said fraction for 647.22 feet to the northwest corner of said fraction for 656.58 feet to an intersection with said east-west quarter section line; thence run N 89° 52" 40" W along said quarter section line; thence run N 89° 52" 40" W along said quarter section line; thence run N 89° 52" 40" W along said quarter section line; thence run N 89° 52" 40" W along said quarter section line for 1942.92 feet to the point of beginning.

Containing 15.60 acres more or less. Bearings hereinabove mentioned are Plane Coordinate for the Florida West Zone. (Parcel #10)

Subject to an Oil, Gas and Mineral Lease from T. A. Kulhan and Wilma V. Kulhan to Humble Oil & Refining Company dated May 1, 1965, and recorded August 6, 1965, in Official Record Book 312 at page 890, Public Records of Lee County, Florida.

Subject to reservations, restrictions, easements of record, and taxes for the current and all subsequent years.

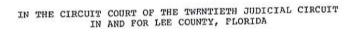




COMMUNITY DEVELOPMENT

2010-00,008

### 1271505



LEE COUNTY, FLORIDA, a political subdivision of the State of Florida,

Petitioner.

vs.

GEORGE SANDERS, et al.,

DULALIED & FILED Defendants.

JAN 8 1980

BY SAL GERACI, CLERK D.O.

CASE NO. 79-3916CA-JRS

ORDER OF TAKING

THIS CAUSE coming on to be heard by the Court, and it appearing that proper notice was first given to all the Defendants, and all
persons having or claiming any equity, lien, title, or other interest in
or to the real property described in the Petition, that the Petitioner
would apply to this Court on for an Order of Taking,
and the Court being fully advised in the premises, upon consideration,
it is therefore,

#### ORDERED AND ADJUDGED:

- That the Court has jurisdiction of the subject matter of the parties to this cause.
- 2. That the pleadings in this cause are sufficient and the Petitioner is properly exercising its delegated authority.
- 3. That it is necessary to take the property described in the Petition.
- 4. That the estimate of value filed in this cause by the Petitioner was made in good faith and based upon a valid appraisal.
- 5. That the Petitioner is entitled to possession of the following described property prior to the entry of a Final Judgment, to-wit:

(See attached Exhibit "A")

APR 1,4, 2011

FILED

JAN 8 1980

SAL GERACI
CLERK-CIRCUIT COURT
BY D.C.

COMMINITY DELYBLOSMENT

2010-00008

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Upon payment to the Registry of this Court, the deposit hereafter specified; and that said deposit of money will fully secure and fully compensate the persons lawfully entitled to compensation, as will be determined ultimately by Final Judgment of the Court, and which said sum of money to be deposited is in no instance less than the value of said land, as fixed by the estimate of value as set by the Petitioner as follows:

35: 2,50L, 400.

PROVIDED, FURTHER, that the sum of money in the total amount of 2,506, 410. Shall be deposited in the Requistry of this Court within twenty (20) days after the date of this order, and upon making such deposit, the Petitioner shall notify in writing all attorneys of record and those Defendants not represented by counsel that the deposit has been made, and that on the day of deposit the Petitioner shall be entitled to possession of the property described in the Petition without further notice or order of this Court.

If the Petitioner shall default in the depositing of said sum of money within the time provided, this Order shall be void and of no further force or effect:

DONE and ORDERED in Fort Myers, Lee County, Florida on this

74 day of January 1989.

RECEIVED

COMMUNITY DEVELOPMENT

- 2 --

#### COMPOSITE EXHIBIT "A"

JOHNSON ENGINEERING, INC.

CIVIL ENGINEERS AND LAND SURVEYORS

September 11, 1979

CARL E. JOHNSON

REVISED DESCRIPTION ACQUISITION PARCEL NO. 35 SOUTHWEST FLORIDA REGIONAL AIRPORT

A tract of land lying in Sections 17, 18, 19, 20 and 30, Township 45 South, Range 26 East, Lee County, Florida more particularly described

pliows:
Beginning at the southeast corner of said Section 19 run N 88°
24° 04" W along the south line of said Section 19 for 697.12
feet; thence run S 54° 00" 00" W through said Section 30 for 5567.99 feet to an intersection with the west line of said Section 30; thence run N 00° 50° 50" W along the west line of said section for 754.75 feet to the quarter corner on said west line; thence continue along said west line N 00° 50' 20" W for 2665.52 feet to the sauthwest corner of said Section 19: for 2645.52 feet to the southwest corner of said Section 19; thence run N 00° 48' 00" W along the west line of said Section quarter section line of said Section 17; thence run N 89" 30' 52" E along said quarter section line for 2110.98 feet to the center of said section; thence run S 01° 00' 13" E along the north-south quarter section line of said section for 2663.51 feet to an intersection with the south line of said section; thence run S 01° 15' 38" E along the morth-south quarter section line of said section 20 for 3032.31 feet; thence run S 54° 00' 100' M for 3233.54 feet to an intersection with the cast line of line of said Section 20 for 3032.31 feet; Thence run 5 54 00 00 00 W for 3233.54 feet to an intersection with the east line of said Section 19; thence run S 01 6 06 00 E along said east line for 518.6 feet to the Foint of Beginning.
Containing 1271.45 acres more or less.
Bearings hereinabove mentioned are Plane Coordinate for the Florida.

West Zone.

ARCHIE T. GRANT, JR.

PARSIDENT

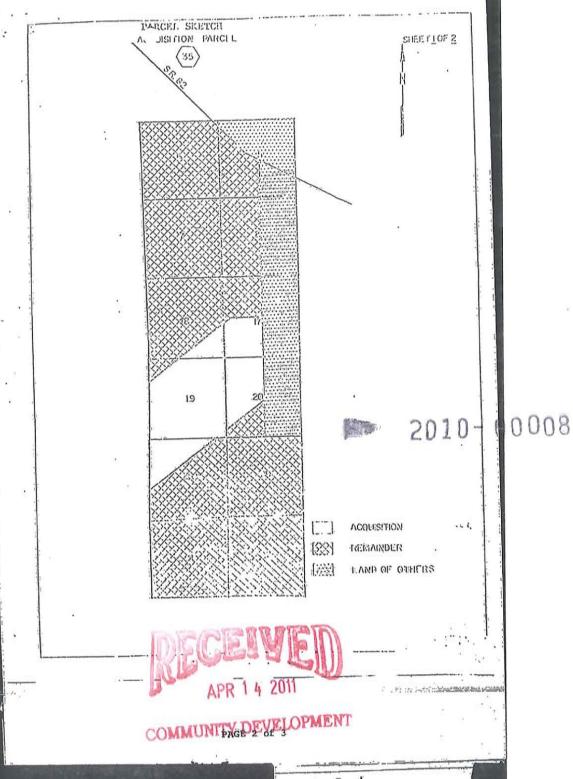
FORREST'H, BANKS
VICE PRESIDENT
LETF E. JOHNSON
ASSOCIATES
LETTERL, BULSON
MOBERT B. C'ORRICH
JOERH W. EDNER
DAN W. DICKEY

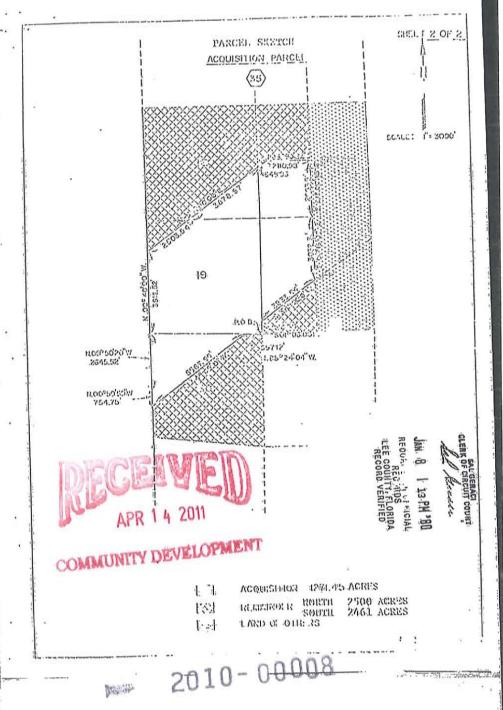
LEJ/ds

9646



· REE: 1399 FG1904





PAGE 3 of 3

# IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR LEE COUNTY, FLORIDA

LEE COUNTY, FLORIDA, a political subdivision of the State of Florida,

Petitioner,

Défendants.

vs.

CASE NO.

79-3419-CA-RWP

THE EXCHANGE NATIONAL BANK OF

TAMPA, ET AL,

DOCKETED & FILED

:

NOV- 27 1975

SAL GERACI, CLERK

#### ORDER OF TAKING

THIS CAUSE coming on to be heard by the Court, and it appearing that proper notice was first given to all the Defendants, and all persons having or claiming any equity, lien, title, or other interest in or to the real property described in the Petition, that the Petitioner would apply to this Court on November 26, 1979 for an Order of Taking, and the Court being fully advised in the premises, upon consideration, it is therefore,

### ORDERED AND ADJUDGED:

- 1. That the Court has jurisdiction of the subject matter of the parties to this cause.
- That the pleadings in this cause are sufficient and the Petitioner is properly exercising its delegated authority.
- That it is necessary to take the property described in the Petition.
- 4. That the estimate of value filled in this cause by the Petitioner was made in good faith and based upon a valid appraisal.
- 5. That the Petitioner is entitled to possession of the following described property prior to the entry of a Final Judgment, to-wit:

(See attached Exhibit "A")

2010-00008

APR 1 4 2011

COMMUNITY DEVELOPMENT

Maria Maria

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Upon payment to the Registry of this Court, the deposit hereafter specified; and that said deposit of money will fully secure and fully compensate the persons lawfully entitled to compensation, as will be determined ultimately by Final Judgment of the Court, and which said sum of money to be deposited is in no instance less than the value of said land, as fixed by the estimate of value as set by the Petitioner as follows:

Parcel No. 36 - \$113700

PROVIDED, FURTHER, that the sum of money in the total

shall be deposited in the Registry of this Court within twenty (20) days after the date of this Order, and upon making such deposit, the Petitioner shall notify in writing all attorneys of record and those Defendants not represented by counsel that the deposit has been made, and that on the day of deposit the Petitioner shall be entitled to possession of the property described in the Petition without further notice or Order of this Court.

If the Petitioner shall default in the depositing of said sum of money within the time provided, this Order shall be void and of no further force or effect.

DONE and ORDERED in Fort Myers, Lee County, Florida on this

26 day of Nov

1979.

RECEIVED
APR 1 4 2011

-2- COMMUNITY DEVELOPMENT

EE: 1391 tc1810

16. INC. JOHNSON ENGINEER

CIVIL ENGINEERS .D LAND SURVEYORS

LEGAL DESCRIPTION

ACQUISITION PARCEL June 10, 1977

DESCRIPTION
ACQUISITION PARCEL
SOUTHWEST FLORIDA REGIONAL AIRPORT
PART OF TAX ROLL PARCEL
20-45-26-00-00001-001

A tract or parcel of land lying in the east half (Pa) of Section 20, Township 45 South, Range 26 East, Lee County, Florida which tract or parcel is described as follows:

Reginning at the northeast corner of said Section 20 run S 01° 25° 28° E along the east line of said section for 1163.68 feet; thence run S 54° 00° 00° W for 3220.85 feet to an intersection with the north-south quarter section line of said Section 20; thence run N 01° 15° 38° W along said quarter section line for 3032.30 feat to the north quarter corner of said section; thence run N 59° 27' 35° E along the north line of said fraction for 2643.62 feet to the point of beginning.

Containing 127.43 acres more or less.

Regings hereinabove mentioned are Plane Coordinate for the Florida West Zone:

GAGT No. M-20875-45

LEJ/ju

7563

APR 1 4 2011 COMMUNITY DEVELOPMENT

ANCHUR ALIGNAMI. UN. CONTESTAL NAMES

DESTRUCTION OF THE CONTESTAL NAMES

ASSOCIATED TO THE CONTESTAL OF THE CON

配25 S 26 3

THIS INSTRUMENT PREPARED BY AND SHOULD BE RETURNED TO:

Bradley K. Alley, Esq. FOLEY & LARDNER 111 North Orange Avenue, Suite 1800 Post Office Box 2193

Orlando, FL 32802-2193 (407) 423-7656

Parcel Identification (Folio) Number(s):

20-45-26-00-00001-0000 29-45-26-00-00001-0000 30-45-26-00-00001-0000 31-45-26-00-00001-0000 32-45-26-00-00001-0000

B BTCOKO MERINO - CINARIO OCT OD CHINA

COMMUNITY DEVELOP For Recording Purposes Only

> Documentary Tax Pd. 5 Interprisin Tax Pda CHALLE GAIN, CLIER, LE COUNTY Deputy Clock Mund

WARRANTY DEED

THIS WARRANTY DEED made and executed as of the 17th day of April, 1995, by GEORGE SANDERS, as trustee pursuant to that certain Trust Agreement dated January 18, 1982 as amended by that certain First Amendment to Trust Agreement dated February 22, 1993, having a post office address at 2030 McGregor Boulevard, Fort Myers, Florida 33901 (hereinafter referred to as the "Grantor") to LEE COUNTY, a political subdivision of the State of Florida, having a post office address at P.O. Box 398, Fort Myers, Florida 33902-0398 (hereinafter referred to as the "Grantee"):

(Whenever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations, public bodies and quasi-public bodies.)

#### MITNEBBETH:

THE GRANTOR, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, all that certain land, situate, lying and being in Lee County, Florida, more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof (the "Property" or said "Land").

TOGETHER, with all of the Grantor's rights, title and interest in and to all improvements, fixtures, easements, rights of way, licenses, privileges, tenements, hereditaments, reversions and way, licenses, privileges, tenements, hereditaments, reversions and appurtenances belonging or appertaining to the Property, including but not limited to any mineral rights owned or held by Grantor, and all right, title and interest of Grantor in and to any land within the perimeter of the Property lying in the bed of any canal, stream, lake, street, alley, road or avenue (before and after vacation thereof, and whether previously abandoned or vacated or hereafter abandoned or vacated). hereafter abandoned or vacated).

TO HAVE AND TO HOLD, the same in fee simple forever.

GRANTOR hereby warrants and represents that said land is not homestead property as defined under Florida Constitution 1968, Article X, Section 4, nor contiguous to the homestead property of the Grantor.

AND the Grantor hereby covenants to and with said Grantee that the Grantor is lawfully seized of said Land in fee simple; that the Grantor has good right and lawful authority to sell and convey said Land; that the Grantor hereby fully warrants the title to said Land and will defend the same against the lawful claims of all persons whomsoever; and that said Land is free of all encumbrances, except those matters set forth in Exhibit "B"

attached hereto and by this reference made a part hereof; provided, however, that this reference shall not act to reimpose the same.

IN WITNESS WHEREOF, the said Grantor has hereunto set their hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Debra A Lemke

Name: Debra A Lonke Michael C. dander

Name: Michael C. Sander

GEORGE SANDERS, as trustee pursuant to that certain Trust Agreement dated January 18, 1982 as amended by that certain First Amendment to Trust Agreement dated February 22, 1993

Accepted by the Chairman/Vice Chairman or designes in accordance with the Board of County Commissioners action of March 15, 1995, and April 12, 1995.

CHAIRMAN/VICE CHAIRMAN OR DESIGNEE

APPROVED AS TO LEGAL FORM

AND SUFFICIENCY

Manuel Magle

STATE OF FLORIDA COUNTY OF LEE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared GEORGE SANDERS, as trustee pursuant to that certain Trust Agreement dated the January 18, 1992 as amended by that certain First Amendment to Trust Agreement dated February 22, 1993, who [ ] is personally known to me or [ ] produced as identification, who executed the foregoing instrument in the presence of two subscribing witnesses freely and voluntarily for the uses and purposes expressed therein and who acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this  $17^{th}$  day of April, 1995.

A PARTY

(Notarial Seal)

CYNTHA I COONER
My Commission 0C398514
W Explore Aug. 21, 1998
Bonded by AMB
800-852-8578

Notary Public

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CC395614

Commission Number My commission expires:

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2010-00008

COMMUNITY DEVELOPMENT

#### DESCRIPTION ACQUISITION PARCEL PORTION OF SECTIONS 20, 29, 30, 31 & 32. T. 45 S.R. 26.E LEE COUNTY, FLORIDA

A parcel of land lying in Sections 20, 29, 30, 31 & 32, Township 45 South, Range 26 East, Lee County, Florida which parcel is more particularly described as follows:

Beginning at the southwest corner of Section 32, Township 45 South, Range 26 East, Lee County, Florida, said point also being on the south line of Township 45 South, and the north line of Alico, Inc. as described in deed recorded in Deed Book 328 at Page 148, Public Records of Lee County, Florida; thence depart said south line of Section 32 run S 89 17' 37" W for 2638.68 feet along the south line of Section 31, Township 45 South, Range 26 East to the south quarter (S-1/4) section corner of said Section 31; thence continue S 89 22" 14" W for 1591.30 feet along said south line to the easterly line of a 100 foot wide roadway and public utility rightof-way (ROW) as described in deed recorded in Official Records Book 1398 at Page 2143, Public Records of Lee County, Florida; thence depart said south line of Section 31 and run through Section 31, Township 45 South, Range 26 East and along the east line of said roadway and public utility ROW the following courses and distances: N 00 55' 22" W for 5.00 feet; N 00 57' 47" W for 2644.53 and N 00 51' 53" W for 2522.94 feet to an intersection with the north line of said Section 31; thence depart said Section 31 running through Section 30, Township 45 South Range 26 East, and continue with said roadway and public utility ROW the following courses and distances: N 00 51' 53" W for 119.91 feet; N 00 51' 02" W for 2533.16 feet to a point, said point also being the northerly line of a 12 foot wide Florida Power and Light Company easement as described in deed recorded in Official Record Book 1650 at Page 2865, Lee County Public Record and also being the southerly line of the Southwest Florida International Airport as described in deed recorded in Official Record Book 1399 at Page 1901, Lee County Public Records; thence departing said 100 foot wide roadway and public utility ROW and run N 54 00' 06" E for 4448.88 feet along the southerly line of said Southwest Florida International Airport to an intersection with the north line of said Section 30; thence run S 88 23' 57" E for 697.00 feet along said northerly line to the northeast corner of said Section 30; thence depart said Section 30 and run N 01 06' 01" W for 518.51 feet along the west line of Section 20, Township 45 South, Range 26 East to a point; thence depart said west line of Section 20 running through said section 20 and continue N 54 00' 06" E for 3233.19 feet along said southerly line of Southwest Florida International Airport to the westerly line of C&S Trust Co. as described in deed recorded in Official Record Book 1535 at Page 1480, Lee County Public Records; thence depart said southerly line of Southwest Florida International Airport and run S 01 15' 40" E for 2341.43 feet along said west line of C&S Trust Co. to the north quarter (N-1/4) section corner of Section 29, Township 45 South, Range 26 East; thence run N 88 19' 15"E for 2658.48 feet along the north line of said Section 29, Township 45 South, Range 26 East to the northeast corner of said Section 29, also being on the west line of Carl H. and Louise H. Schewe as described in deed recorded in Official Record Book 1193 at Page 300, Lee County Records; thence run S 00 01' 11" W for 2581.61 feet along the east line of Section 29 and said west line of Schewe to the east quarter (E-1/4) section corner of said Section 29; thence continue S 00 01' 11" W for 1201.08 feet along said east line of Section 29 to a point; thence depart said east line and run S 54 00' 06" W for 2902.43 feet through said Section 29 to an intersection with the south of said Section 29; thence departing said Section 29 and continue S 54 00' 06" W for 3631.72 feet through aforementioned Section 32 to the west line of said Section 32; thence run S 00 33' 58" E for 918.87 feet along the west line of said Section 32 to the west quarter (W-1/4) section corner of said Section 32; thence run S 00 33' 55" E to a distance of 1983,84 feet along said west line to the aforementioned southwest corner of Section 32 and the Point of Beginning.

Parcel contains 1685.97 acres more or less.

SUBJECT TO easements, restrictions and reservations of record. Easements affecting subject parcel area.

COMMUNITY DEVELOPMENT

APR 1 4 2011

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Order of Taking filed April 21, 1981 in Official Records Book 1506, Page 441 and Stipulated Final Judgment filed December 6, 1982 in Official Records Book 1648, Page 4533; Easement executed by SMS, Ltd. file May 21, 1982 in Official Records Book 1606, Page 1275, all of the Public Records of Lee County, Florida.

- Easement in favor of Florida Power and Light Company filed December 17, 1982 in Official Records Book 1650, Page 2864, of the Public Records of Lee County, Florida.
- Easement in favor of Florida Power and Light Company filed December 17, 1982 in Official Records Book 1650, Page 2865, Public Records of Lee County, Florida.
- 4. Easement in favor of Lee County for Public Utilities filed January 5, 1980 in Official Records Book 1398, Page 2139, of the Public Records of Lee County, Florida.
- 5. Drainage Easement in favor of The Exchange National Bank of Tampa as set forth in that certain Indenture dated June 23, 1971 and filed in Official Records Book 707, Page 747, of the Public Records of Lee County, Florida.



COMMUNITY DEVELOPMENT



2010-00008

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# Exhibit IV.B.2.a & b Potable Water and Sanitary Sewer Analysis for RSW Comprehensive Plan Amendment

#### WATER

**Existing Conditions** 

Presently Lee County Utilities owns two (2) 16-inch water mains that have been installed parallel along Daniels Parkway from Chamberlain Parkway to Gateway Boulevard. In addition an existing 16-inch water main serves the airport that is directed south and east along Chamberlain Parkway. Per Lee County Utilities staff, an additional 30-inch water main is directed from the Green Meadows Water Treatment Plant and serves the Airport from the south side. And a 16-inch water main is directed south along Fuel Farm Road from Daniels Parkway.

**Plant Capacity** 

The Green Meadows Water Treatment Plant serves the Southwest International Airport along with the immediate area around the airport. Presently this plant is designed for 9 Million Gallons per Day (MGD) of production. Per the Lee County Concurrency Report (2009), the projected Peak Month Daily usage is approximately 6.8 MGD. Therefore, there is an estimated surplus capacity of 2.2 MGD. As mentioned in the FY 09/10 CIP as included in the Lee Plan an expansion of this Water Treatment Plant (to 16 MGD) is set for fiscal year 2012/13. However, recently the scope of the expansion has been reduced. On 12/14/10 the Lee County BOCC adopted the approved FY 10/11 CIP into the Lee Plan. The newly adopted CIP still includes a project for the expansion of capacity at the Green Meadows WTP scheduled for FY 12/13; however the expansion is to a capacity of 10.0 MGD.

The existing South Florida Water Management District (SFWMD) consumptive water use permit #36-00003-W (which covers the Olga, Green Meadows and Corkscrew plants) states that the permitted allocation is 30.37 MGD of raw water during a maximum month. Per the Lee County Concurrency Report, a total of 18.95 MGD of finished water was actually produced by the three water treatment plants during 2008.

#### **Future Conditions**

For this project, the ideal connection points would be along Daniels Parkway. The dual 16-inch water mains allow for the greatest reliability and are the most economically feasible. It is recommended to loop the 16-inch water main from Chamberlain Parkway to Fuel Farm Road to further allow for redundancy and reliability. If a loop was installed, connections could be made at any point along the loop.

A recent fire flow test near the Airside Loop Road (along Daniels Parkway) shows an

RSW Comprehensive Plan Amendment Exhibit IV.B.2.a & b – Potable Water and Sanitary Sewer Analysis 4/8/2011





available fire flow of approximately 6,100 gallons per minute at 20 psi residual. It appears there is plenty of capacity within these mains for some future development.

The Proposed Water and Wastewater Flows for this project are derived from the Development Schedule, Table 5(A). The Factors shown within Table 1 are provided from the Florida Administrative Code Chapter 64E-6.

Table 1: Proposed Water and Wastewater Flows

	TOTAL through 2030 using Option 1 or 2					
Unit Type	Units	Factor (GPD/Unit)	Average Daily Flow Gallons per Day	Average Daily Flow Gallons per Minute	Peak Factor	Peak Day Flow Gallons per Minute
Gas Station (square feet)	5,000	0.15	750	1	4	2
Hotel (rooms)	187	100	18,700	13	4	52
Light Manufacturing/Assembly (square feet)	147,500	0.15	22,125	15	4	61
Warehouse (square feet)	329,200	0.15	49,380	34	4	137
Office (square feet)	162,500	0.15	24,375	17	4	68
TOTAL			152,643	106		424

#### Minimum Level of Service

As stated within "The Lee Plan," (Policy 95.1.3)

Minimum Acceptable Level of Service (LOS):

Within certificated, franchised, or designated service areas only: supply and treatment capacity of 250 gallons per day per Equivalent Residential Connection (ERC) for the peak month, except that facilities serving only mobile home residential structures must have a capacity of 187.5 gallons per day, and facilities serving only travel trailer residential structures must have a capacity of 150 gallons per day. Where a private water utility has provided an alternate standard for application within its certificated or franchised area, and that standard has been adopted into this comprehensive plan, that will be the standard to be used for concurrency management in the respective certificated or franchised area.

Presently if the County meets the minimum LOS for the Green Meadows Water Treatment Plant, there is a surplus of 8,800 ERC's of additional flow based on 2.2 MGD of available capacity. After the expansion to 10 MGD there will be a total of 40,000 ERC's allowed or a total surplus of 12,800 ERC's. Per the 'Bureau of Economic Business Research' Lee County is projected to grow by approximately 50% by 2030 in population.

The anticipated 155,000 GPD for this project adds approximately 620 ERC to the treatment facility. It appears that the present plant capacity along with the future plant expansion should be able to accommodate this project. In addition it appears that Lee County's schedule for the plant expansion will sustain the LOS required by the Lee Plan.

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#### SANITARY SEWER

**Existing Conditions** 

Presently the Port Authority owns the gravity sewer system that leads to the old and new terminals for the Southwest Florida International Airport. Two lift stations from the gravity system direct wastewater from the Airport to a master pump station located approximately one mile due west of the existing terminal, just west of Chamberlain Parkway. Presently this lift station discharges wastewater into the Lee County owned 10-inch force main along Chamberlain Parkway and is directed to the west underneath Interstate 75 and on to the City of Fort Myers Wastewater Treatment Plant. In addition along Chamberlain Parkway there is a "dryline" 12-inch force main that connects the 10-inch force main to a 24-inch force main (also owned by Lee County) along the south side of Daniels Parkway. The 24-inch force main, also a "dryline," is then directed to the Gateway Wastewater Treatment Plant (GWWTP) approximately 3.5 miles east of Chamberlain Parkway.

#### **Future Conditions**

The GWWTP has completed the construction of tripling the treatment capacity from 1 Million Gallons per Day (MGD) to 3 MGD. Lee County Utilities staff has mentioned the plant does have the ability to expand the GWWTP to 4 MGD and then ultimately to 6 MGD. However, presently, there are currently no plans to expand this facility beyond its current capacity.

Presently Lee County is in the process of providing a force main interconnect with the wastewater system to the west of Interstate 75 to the system near Chamberlain Parkway. This will create the ability for Lee County to send more wastewater to the GWWTP.

If this project were to send flow to the east it would need to manifold with the Red Sox Spring Training facility and be directed directly to the GWWTP. The approved Red Sox DRI mentions this facility will produce 0.113 MGD of average daily flow. This would leave 1.887 MGD for this project (the other 1 MGD of capacity is used by Gateway, as it is today). Therefore it is recommended to send wastewater to the GWWTP. All of the wastewater that is presently directed to the west can still be directed that way. Presently, this would leave 1.887 MGD of capacity for this project.

The total wastewater treatment capacity needed for this project is proposed to be approximately 155,000 gallons per day (as shown within Table 1). The estimated surplus treatment capacity of 1.887 MGD will be reduced to a surplus of 1.732 MGD. The ideal connection points would be along Daniels Parkway. The 24-inch force main is on the south side of the road, therefore no roads would be affected during installation.

If Lee County wishes to send more wastewater to the GWWTP additional analysis would need to take place in order to coordinate timing of the treatment facility





expansion.



#### **Minimum Level of Service**

As stated within "The Lee Plan," (Policy 95.1.3)

Minimum Acceptable Level of Service:

Within certificated, franchised, or designated service areas only: average treatment and disposal capacity of 200 gallons per day per Equivalent Residential Connection (ERC) for the peak month, except that facilities serving only mobile home residential structures must have a capacity of 150 gallons per day, and facilities serving only travel trailer residential structures must have a capacity of 120 gallons per day. Where a private sewer utility has provided an alternate standard for application within its certificated or franchised area, and that standard has been adopted into this comprehensive plan, that will be the standard to be used for concurrency management in the respective certificated or franchised area.

Presently if the County meets the minimum LOS with the 1 MGD for the Gateway Wastewater Treatment Plant, there are 5,000 ERC's allowed. Since the expansion to 3 MGD was recently finalized there is now a total of 15,000 ERC's allowed. This is over 100% increase in the amount of treatment capacity and ERC's. Per the 'Bureau of Economic Business Research' Lee County is projected to grow by approximately 50% by 2030 in population.

The anticipated 155,000 GPD for this project adds approximately 620 ERC to the treatment facility. It appears that the completed plant expansion should be able to accommodate this project, future growth and sustain the LOS required by the Lee Plan through 2030.

#### RECLAIMED WATER

Reclaimed water may become available in the future from the Gateway Wastewater Treatment Plant. Presently, approximately 20% of the Gateway service area uses reclaimed water for irrigation. This is due to the lack of reuse water availability. After the GWWTP expansion is finalized and more wastewater is sent to the plant, there may be a possibility of providing reclaimed water to parcels outside of Gateway.

To prepare for the potential that adequate reclaimed water supply is available in the future, new utility corridors or rights-of-way developed in the Airport's northern non-aviation lands will include a reserved alignment for future reclaimed water lines. This will allow connection to the system if a reclaimed water main is constructed along Daniels Parkway in the future.





# Exhibit IV.G. Sound Planning Principles For RSW Comprehensive Plan Amendment

Florida's growth management law is designed to ensure sound planning for the proper placement of growth and protection of the state's land, water, and other natural resources since such resources are essential to our collective quality of life and a strong economy.

There are special considerations involved in the sound planning of airports within a community. Land use planning for airports must take into account all acreage within the airport boundary. Land uses within the airport boundary can be classified as aviation related and non-aviation related. "When there is acreage within the airport boundary in excess of aviation needs, it is sound fiscal planning to provide the greatest financial return from leases of the excess property" (Horonjeff and McKelvey, *Planning and Design of Airports*, 1994). Documented evidence of the importance of airport activity and development to the health and viability of the region's economy is provided in the 2010 Florida Statewide Aviation Economic Impact Study conducted by Florida Department of Transportation. This study determined the total contribution from RSW's operations to the region's economy through direct and indirect sources is \$3.8 billion annually.

The excess property at SWFIA that is not designated for aviation or future aviation expansion is designated for water management, open space, and non-aviation uses. The non-aviation use lands have been located to ensure they do not interfere with aircraft operations, communication equipment, and aids to navigation on the ground. The designation of non-aviation land uses also takes into account the impacts and compatibility of proposed uses on surrounding properties. The location of the northern non-aviation use lands are oriented toward Daniels Parkway, which is part of a corridor consisting of a mix of industrial, commercial and publicly owned land. The Port Authority seeks to lease the non-aviation use areas for appropriate non-aviation uses consistent with sound fiscal planning, to provide revenue to assist with the fiscal viability of the Airport.

The Port Authority engaged Johnson Engineering, Inc. ecologists and Archeological Consultants, Inc. to inventory and analyze the characteristics of the northern non-aviation lands to determine suitability for development. The results of the analysis show that the northern non-aviation lands are not known to be of archeological or historical significance. The environmental assessment provided with this application indicates the northern non-aviation lands are suitable to be developed. Specifically, the suitability of these lands for development is determined considering Federal Aviation Administration (FAA) Advisory Circular 150/5200-33B, which identifies that certain land uses, such as large tracts of open undeveloped land, natural areas, wastewater treatment plants, agricultural crops, and solid waste landfills have the potential to attract hazardous wildlife and can present potential hazards to aviation if they encourage wildlife to enter an airport's approach and departure space or air operations area. Therefore, the proposed uses are identified and shall be developed to minimize wildlife attraction and support aircraft and air traveler safety in accordance with the rules and regulations of the FAA, SFWMD, and Lee County.

The Port Authority engaged Real Estate Research Consultants, Inc. to perform market and needs analysis to assess property in the vicinity of the Airport and substantiate the demand for non-

Exhibit IV.G. Sound Planning Principles 4/13/2011

Page 1 of 2



# Exhibit IV.G. Sound Planning Principles For RSW Comprehensive Plan Amendment



COMMUNITY DEVELOPMENT

aviation uses in the Airport's market area, provided as an attachment to this application. The horizon year for the analysis is consistent with the 2030 planning horizon of the Lee Plan. The market and needs analysis quantifies development potential that is supportable through 2030 according to population and employment data and trends. This market and needs analysis was based on professionally accepted methodology and provides justification for the request to ensure the proposed development is properly placed in the market.

The acreage proposed to accommodate the development substantiated through the market and needs analysis was derived using appropriate Floor Area Ratio (FAR). While an industry standard Floor Area Ratio was not found in reference material, the appropriate FAR was determined using other community examples and the calculated FAR of the previously approved development in the northern non-aviation land area. The FAR for non-aviation development listed in Development Schedule Table 5(a) (excluding hotel, kennel, and convenience store assigned to the Midfield area) currently approved through 2020 on 100 acres is an FAR of approximately 0.10. Other communities were found to have minimum standard or observed industrial and commercial FARs of 0.10, including the following examples:

- Fairfax County, Virginia Coding Scheme for Planned Uses: base FAR of 0.1 for Office uses, Retail uses, Light Industrial/R&D uses.
- City of Fontana, California General Plan: base FAR of 0.1 for Community Commercial, General Commercial, Regional Mixed Use/Non-Residential, Light Industrial, and General Industrial uses.
- Contra Costa County, California General Plan: base FAR of 0.1 for Airport Commercial.
- Monroe County, Pennsylvania Comprehensive Plan: average FAR of 0.1 assumed for Manufacturing and Distribution, base FAR of 0.1 assumed for Retail, Service, Finance, Insurance and Real Estate uses.

The additional development substantiated by the market and needs analysis through 2030 is proposed to be accommodated on 200 acres, which calculates to an FAR 0.12, comparable to the calculated FAR for the non-aviation currently approved and the FAR examples from other communities. This FAR allows for industrial and commercial site design that includes the appropriate water management, open space, indigenous preserve, and minimization of wetland impacts to the extent acceptable by the FAA, without contributing to wildlife and bird attraction and the associated aviation safety hazards.

This request to amend the Development Schedule Table 5(a) and the acreage limit in Policy 1.2.7 to allow for additional non-aviation development to occur provides for proper placement of non-aviation development on non-aviation lands designated on a duly adopted Airport Layout Plan that is in accordance with an adopted Airport Master Plan, which is also incorporated in the County's Comprehensive Plan as provided for in Florida Statutes Section 163.3177(6)(k).

Through the process of data collection and analysis for land use compatibility, market factors, and environmental conditions, the requested amendment has been based on sound planning principles to provide for the proper placement of growth, protection of natural resources, and furtherance of a strong economy.





## Exhibit IV.G. Sound Planning Principles For





RSW Comprehensive Plan Amendment

Florida's growth management law is designed to ensure sound planning for the proper placement of growth and protection of the state's land, water, and other natural resources since such resources are essential to our collective quality of life and a strong economy.

There are special considerations involved in the sound planning of airports within a community. Land use planning for airports must take into account all acreage within the airport boundary. Land uses within the airport boundary can be classified as aviation related and non-aviation related. "When there is acreage within the airport boundary in excess of aviation needs, it is sound fiscal planning to provide the greatest financial return from leases of the excess property" (Horonjeff and McKelvey, *Planning and Design of Airports*, 1994). Documented evidence of the importance of airport activity and development to the health and viability of the region's economy is provided in the 2010 Florida Statewide Aviation Economic Impact Study conducted by Florida Department of Transportation. This study determined the total contribution from RSW's operations to the region's economy through direct and indirect sources is \$3.8 billion annually.

The excess property at SWFIA that is not designated for aviation or future aviation expansion is designated for water management, open space, and non-aviation uses. The non-aviation use lands have been located to ensure they do not interfere with aircraft operations, communication equipment, and aids to navigation on the ground. The designation of non-aviation land uses also takes into account the impacts and compatibility of proposed uses on surrounding properties. The location of the northern non-aviation use lands are oriented toward Daniels Parkway, which is part of a corridor consisting of a mix of industrial, commercial and publicly owned land. The Port Authority seeks to lease the non-aviation use areas for appropriate non-aviation uses consistent with sound fiscal planning, to provide revenue to assist with the fiscal viability of the Airport.

The Port Authority engaged Johnson Engineering, Inc. ecologists and Archeological Consultants, Inc. to inventory and analyze the characteristics of the northern non-aviation lands to determine suitability for development. The results of the analysis show that the northern non-aviation lands are not known to be of archeological or historical significance. The environmental assessment provided with this application indicates the northern non-aviation lands are suitable to be developed. Specifically, the suitability of these lands for development is determined considering Federal Aviation Administration (FAA) Advisory Circular 150/5200-33B, which identifies that certain land uses, such as large tracts of open undeveloped land, natural areas, wastewater treatment plants, agricultural crops, and solid waste landfills have the potential to attract hazardous wildlife and can present potential hazards to aviation if they encourage wildlife to enter an airport's approach and departure space or air operations area. Therefore, the proposed uses are identified and shall be developed to minimize wildlife attraction and support aircraft and air traveler safety in accordance with the rules and regulations of the FAA, SFWMD, and Lee County.

The Port Authority engaged Real Estate Research Consultants, Inc. to perform market and needs analysis to assess property in the vicinity of the Airport and substantiate the demand for non-



## Exhibit IV.G. Sound Planning Principles For



RSW Comprehensive Plan Amendment

aviation uses in the Airport's market area, provided as an attachment to this application. The horizon year for the analysis is consistent with the 2030 planning horizon of the Lee Plan. The market and needs analysis quantifies development potential that is supportable through 2030 according to population and employment data and trends. This market and needs analysis was based on professionally accepted methodology and provides justification for the request to ensure the proposed development is properly placed in the market.

The acreage proposed to accommodate the development substantiated through the market and needs analysis was derived using appropriate Floor Area Ratio (FAR). While an industry standard Floor Area Ratio was not found in reference material, the appropriate FAR was determined using other community examples and the calculated FAR of the previously approved development in the northern non-aviation land area. The FAR for non-aviation development listed in Development Schedule Table 5(a) (excluding hotel, kennel, and convenience store assigned to the Midfield area) currently approved through 2020 on 100 acres is an FAR of approximately 0.10. Other communities were found to have minimum standard or observed industrial and commercial FARs of 0.10, including the following examples:

- Fairfax County, Virginia *Coding Scheme for Planned Uses*: base FAR of 0.1 for Office uses, Retail uses, Light Industrial/R&D uses.
- City of Fontana, California General Plan: base FAR of 0.1 for Community Commercial, General Commercial, Regional Mixed Use/Non-Residential, Light Industrial, and General Industrial uses.
- Contra Costa County, California General Plan: base FAR of 0.1 for Airport Commercial.
- Monroe County, Pennsylvania Comprehensive Plan: average FAR of 0.1 assumed for Manufacturing and Distribution, base FAR of 0.1 assumed for Retail, Service, Finance, Insurance and Real Estate uses.

The additional development substantiated by the market and needs analysis through 2030 is proposed to be accommodated on 200 acres, which calculates to an FAR 0.12, comparable to the calculated FAR for the non-aviation currently approved and the FAR examples from other communities. This FAR allows for industrial and commercial site design that includes the appropriate water management, open space, indigenous preserve, and minimization of wetland impacts to the extent acceptable by the FAA, without contributing to wildlife and bird attraction and the associated aviation safety hazards.

This request to amend the Development Schedule Table 5(a) and the acreage limit in Policy 1.2.7 to allow for additional non-aviation development to occur provides for proper placement of non-aviation development on non-aviation lands designated on a duly adopted Airport Layout Plan that is in accordance with an adopted Airport Master Plan, which is also incorporated in the County's Comprehensive Plan as provided for in Florida Statutes Section 163.3177(6)(k).

Through the process of data collection and analysis for land use compatibility, market factors, and environmental conditions, the requested amendment has been based on sound planning principles to provide for the proper placement of growth, protection of natural resources, and furtherance of a strong economy.





# Exhibit IV.E. INTERNAL CONSISTENCY WITH THE LEE PLAN for RSW COMPREHENSIVE PLAN AMENDMENT

1. Discuss how the proposal affects established Lee County population projections, Table 1(b) (Planning Community Year 2030 Allocations), and the total population capacity of the Lee Plan Future Land Use Map.

The proposed text amendments involve a change to Policy 1.2.7 to allow additional commercial, light industrial, hotel, and office uses through the 2030 planning horizon at Southwest Florida International Airport. The requested non-aviation development is consistent with the applicable Airport Future Land Use designation, the adopted Southwest Florida International Airport Master Plan ("SWFIA Master Plan"), and the adopted Airport Layout Plan. The proposal does not affect established Lee County population projections and does not affect the total population capacity of the Lee Plan Future Land Use Map.

The subject property is located within the Gateway/Airport Planning Community. Table 1(b), as amended by Ordinance 09-16, indicates that 1,100 acres of Commercial land; 3,100 acres of Industrial land; and 7,500 acres of Public land is allocated in the Gateway/Airport Planning Community. The proposed additional development of lands designated as non-aviation uses on the adopted Airport Layout Plan will occur on public land owned by Lee County and operated by the Lee County Port Authority. The utilization of this public land consistent with the adopted Land Use designation is consistent with and will not affect the land areas allocated in the Gateway/Airport Planning Community.

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2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.

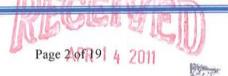
The subject property is currently designated Airport on the Lee Plan, Future Land Use Map. A Comprehensive Plan Amendment incorporating the SWFIA Master Plan and Airport Layout Plan into the Lee Plan was approved by the Board of County Commissioners through adoption of Ordinance 04-16. Those amended portions of the Lee Plan relevant to this application are included and discussed below.

GOAL 1: FUTURE LAND USE MAP. To maintain and enforce a Future Land Use Map showing the proposed distribution, location, and extent of future land uses by type, density, and intensity in order to protect natural and man-made resources, provide essential services in a cost-effective manner, and discourage urban sprawl. (Amended by Ordinance No. 94-30).

OBJECTIVE 1.2: SOUTHWEST FLORIDA INTERNATIONAL AIRPORT AND PAGE FIELD GENERAL AVIATION AIRPORT AREAS. Designate on the Future Land Use Map adequate land in appropriate locations to accommodate the projected growth needs of the Southwest Florida International Airport and the business and industrial areas related to it, as well as research and development activities and other non-aviation related development that is not necessarily related to the airport, through the year 2030. Designate on the Future Land Use Map existing and proposed development areas for Page Field General Aviation Airport. The Lee County Port Authority desires to establish non-aviation related uses to provide a supplementary revenue source as well as providing an opportunity for businesses that desire a location on airport property. Designate on the respective Airport Layout Plans suitable areas to accommodate these desired uses and provide general policy guidance as to how these uses will be developed. These categories are also considered Future Urban Areas. (Amended by Ordinance No. 94-30, 02-02, 04-16, 07-12, 09-14).

POLICY 1.2.1: Airport Lands includes the existing facility and projected growth areas for the Southwest Florida International Airport and Page Field General Aviation Airport through the year 2030. The Airport Lands comprising the Southwest Florida International Airport includes airport and airport-related development as well as non-aviation land uses as proposed in the approved 2003 Airport Master Plan update and as depicted on the Airport Layout Plan sheet (Map 3F) and the Southwest Florida International Airport Proposed Development Schedule (Table 5(a)). This mix of uses is intended to support the continued development of the Southwest Florida International Airport. Future development at the Southwest Florida International Airport will also include non-aviation related land uses such as hotels/motels, light industrial, service stations, ancillary retail/shopping, and office development. Any future airport expansion or development of aviation-related and non-aviation uses at Southwest Florida International Airport will offset environmental impacts through the Airport Mitigation Lands Overlay (Map 3M) or other appropriate mitigation acceptable to the permitting agencies and to Lee County. The physical design of the airport expansion will minimize any degradation of the

Exhibit IV.E. Internal Consistency with the Lee Plan 4/13/2011



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recharge capability of land being developed. Airport expansion beyond the present of boundaries will be subject to necessary amendments to the Lee Plan.

### COMMUNITY DEVELOPMENT

All development on Airport Lands comprising Southwest Florida International Airport must be consistent with Map 3F and Table 5(a). Map 3F depicts the planned expansion of the Southwest Florida International Airport through 2020.

Future development on Airport Lands comprising Page Field General Aviation Airport must be consistent with Objective 1.9 and related policies as well as Map 3G and Table 5(b).

If the airport master planning process precipitates a substantive change to the Airport Layout Plan (Map 3F or Map 3G), then the Port Authority must amend Map 3F or Map 3G, as appropriate, prior to obtaining local development approval. The non-aviation related development areas have been depicted on the approved Airport Layout Plan sheets (Maps 3F and 3G). These uses will be constructed upon Airport lands with long term leases.

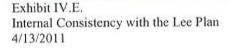
All development within the non-aviation land use areas will be subject to mitigation requirements for wetland impacts. Mitigation of wetland impacts will be in accordance with the U.S. Army Corps of Engineers and South Florida Water Management District requirements. To the greatest extent reasonably possible, development of non-aviation land use areas must avoid wetland impacts. All non-aviation land use development will meet the indigenous vegetation requirements set forth in the Lee County Land Development Code. (Amended by Ordinance No. 94-30, 00-22, 04-16, 07-12, 09-14).

**POLICY 1.2.3:** Airport Noise Zones are subject to varying levels of airport-related noise; see Policy 1.7.1 for details of these overlay zones.

**POLICY 1.2.4:** The Airport AOPD zoning resolution must be amended before any non-aviation related uses can be developed at the Southwest Florida International Airport. The intensity of the proposed aviation and non-aviation land uses at Southwest Florida International Airport must be consistent with Lee Plan Table 5(a). The Page Field General Aviation Airport project must be rezoned to AOPD prior to development of the new non-aviation uses proposed in Map 3G and Table 5(b). (Added by Ordinance No. 04-16, Amended by Ordinance No. 09-14).

POLICY 1.2.5: Map 3F, as currently incorporated into the Lee Plan, includes transportation improvements that exceed those shown on the balance of the Transportation Map series. The direct access improvements to I-75 depicted on Map 3F, which are being pursued by the Port Authority to benefit the midfield terminal, include and interchange at I-75 and grade separation at Treeline Avenue/Ben Hill Griffin Parkway. These future improvements are the Port Authority's desired access to the airport. The Port Authority will be responsible for achieving consistency between Map 3F and the balance of the Transportation Map Series concerning access to I-75. The Port





Authority will serve as the lead agency for achieving direct access to I-75. (Added by Ordinance No. 04-16)

**POLICY 1.2.6:** Any future airport expansion or development of aviation-related uses or non-aviation related uses will provide appropriate buffer areas, as determined by Lee County, for the protection of groundwater resources in the Southeast and Northeast quadrants of the airport property. (Added by Ordinance No. 04-16)

**POLICY 1.2.7:** Future non-aviation areas depicted on the Airport Layout Plan (Map 3F) will be developed, to the greatest extent possible, only within existing upland areas. Impacts to wetlands in the future non-aviation areas will be minimized by site design, wherever possible, in compliance with the Lee County Land Development Code. Development within the future non-aviation area, as designated on Map 3F, is limited to a total of 100 acres. Development of additional acreage will require prior Lee Plan amendment approval. (Added by Ordinance No. 04-16)

RESPONSE: The proposed comprehensive plan amendment request is consistent with this Goal, and supporting Objective and Policies with the exception of the proposed amendment to Policy 1.2.7.

The property is designated Airport Lands on the Future Land Use Map. Airport Lands include the existing and projected growth areas for SWFIA through the year 2030. Per Policy 1.2.1, future development at SWFIA will include non-aviation related land uses such as hotels/motels, light industrial, service stations, ancillary retail/shopping, and office development. The market analysis performed to support this request indicates the appropriate level of these non-aviation uses on the subject property through the year 2030. According to these market analysis findings, an amendment is requested to the 100-acre limit for non-aviation development in Policy 1.2.7 and amendment to the development schedule to increase square feet of non-aviation development through 2030.

The areas for non-aviation development are depicted per the Airport Layout Plan (Map 3F) and the proposed text change will allow for 300 acres of non-aviation development in designated non-aviation land use areas consistent with the adopted Airport Layout Plan.

This comprehensive plan amendment request includes supporting documentation to justify additional non-aviation development potential on designated non-aviation lands, and is being submitted pursuant to the dictates of Policy 1.2.7 of the Lee Plan, to obtain prior Lee Plan amendment approval for development of additional acreage within non-aviation land areas. The acreage is determined based on the Floor Area Ratio calculated for the approved development through 2020. Approximately 435,800 square feet of development is currently approved through 2020 on 100 acres of land (0.10 FAR), and the proposed additional 1,017,950 square feet of development (including 125,000 square feet calculated for 187 hotel rooms) through 2030 is proposed on 200 acres of land (FAR 0.12).



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**OBJECTIVE 1.7:** SPECIAL TREATMENT AREAS. Designate on the Future Land Use Map, as overlays, special treatment areas that contain special restrictions or allowances in addition to all of the requirements of their underlying categories.

**POLICY 1.7.1:** The <u>Airport Noise Zones</u> cover areas subject to varying levels of airport-related noise. By 2006 and every 5 years thereafter, the Port Authority will update the aviation forecasts and associated noise contours for the Southwest Florida International Airport and initiate an amendment to the Airport Noise Zone Overlay Map to reflect the findings of this study. In addition to meeting the requirements of the underlying Future Land Use Map categories, properties within the Noise Zone Overlay must meet the following:

Airport Noise Zone A is limited to uses that are compatible with airports and air commerce, including but not limited to those necessary to provide services and convenience goods to airline passengers, those generally associated with airport operation, and related development.

RESPONSE: The amendments seek to increase allowable acreage and square feet of development within the non-aviation area as depicted on the adopted Airport Layout Plan (Map 3F). The Port Authority will ensure consistency with Policy 1.7.1 with uses that provide services and convenience goods to airline passengers, those generally associated with airport operation, and related development that is compatible with airports and air commerce.

GOAL 46: COORDINATED SYSTEM OF RAILWAYS, AVIATION, PORTS AND ROADS. Develop and maintain a coordinated system of railways, aviation, ports, roads, and related facilities to facilitate the safe and efficient movement of commerce, consistent with community values and economic objectives. (Amended by Ordinance No. 99-15)

OBJECTIVE 46.1: FUTURE LAND USES. The county will encourage the location of suitable commerce movement support facilities such as warehouses, cargo handling facilities, and transfer points at areas appropriately designated on the Future Land Use Map. (Amended by Ordinance No. 99-15)

RESPONSE: The proposed amendment increases potential warehouse/distribution development through 2030 consistent with the findings of the Market Analysis supporting this application. The proposed amendment to allow development of warehouse facilities in non-aviation use areas depicted on the SWFIA Airport Layout Plan fulfills Goal 46 and Objective 46.1.

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GOAL 47: COORDINATED SYSTEM OF AVIATION FACILITIES. Develop and maintain a coordinated system of aviation facilities to facilitate the safe, cost effective



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and efficient movement of commerce consistent with community values and economic objectives (Amended by Ordinance 99-15).

OBJECTIVE 47.1: ECONOMIC GROWTH. To aid in the diversification of the county's economic growth the capacity and long term development of the Southwest Florida International Airport and Page Field General Aviation Airport will be expanded in compliance with Maps 3F and 3G, and Table 5(a) and 5(b). Specific project implementation and approval of the proposed development will be coordinated through the annual Capital Improvement Program process and be consistent with the Airport Layout Plans (Map 3F and 3G). These expansions will be funded through user fees, airline contributions, and other funding sources not involving general county tax dollars. The Port Authority will strive to minimize impacts to surrounding land uses while maintaining a safe and efficient facility for airport operations. (Amended by Ordinance No. 98-09, 99-15, 04-16, 09-14)

POLICY 47.1.1: The Port Authority will coordinate the implementation of scheduled infrastructure and facility improvements for the Southwest Florida International Airport and Page Field General Aviation Airport consistent with the approved Airport Layout Plan sheets (Map 3F and Map 3G, respectively) and the Development Schedules (Table 5(a) and (b), respectively). (Amended by Ordinance No. 98-09, 99-15, 04-16, 09-14)

POLICY 47.1.2: The development potential of Southwest Florida International Airport will continue to be protected by the acquisition of additional land for runway and taxiway, road access, storm water management, and environmental mitigation use, consistent with the adopted Airport Master Plan and the Port Authority's Capital Improvement Program. (Amended by Ordinance No. 98-09, 99-15, 07-09)

POLICY 47.1.3: The Port Authority will continue to expand existing and proposed aviation facilities such as the terminal building, airport aprons, cargo facilities, roadways and parking in order to meet the forecasted demand. (Amended by Ordinance No. 98-09, 99-15, 04-16)

POLICY 47.1.4: The Port Authority will continue to investigate commercial and industrial potentials at Page Field and at Southwest Florida International Airport through market surveys and the solicitation and receipt of acceptable proposals for land lease at fair market value as well as efforts to cultivate appropriate public/private partnerships in pursuing this potential. (Amended by Ordinance No. 98-09, 07-09)

POLICY 47.1.5: The Port Authority will capitalize on its Port of Entry and Foreign Trade Zone status to encourage economic diversification. This will be accomplished by actively: (1) seeking to increase international commerce movement; (2) implementing an international marketing program designed to increase tourist activity; (3) continuing planning efforts to ensure availability of adequate airport facilities to accommodate increases in international air traffic; and, (4) pursing development of international corporate activity. (Amended by Ordinance No. 99-15, 04-16)



POLICY 47.1.6: The Port Authority will maintain guidelines for the location, development, and operation of private aviation facilities that would add to Lee County's overall tax base. (Amended by Ordinance No. 99-15)

POLICY 47.1.7: The Port Authority will plan to accommodate growth at the existing facilities and provide for the development of future aviation facilities as warranted. (Amended by Ordinance No. 98-09, 99-15).

RESPONSE: This comprehensive plan amendment request is consistent with these Goals and supporting Objective and Policies. The development of Southwest Florida International Airport is planned to promote the safe, cost effective, and efficient movement of commerce. As an established, publicly owned airport, Southwest Florida International Airport continues to operate and grow in alignment with the adopted Airport Master Plan and the Lee Plan.

Southwest Florida International Airport is included in the Florida Aviation System Plan (which is updated on a continuous basis) and the National Plan of Integrated Airport Systems. The SWFIA Master Plan and Airport Layout Plan have been incorporated into the Lee Plan by adoption of Ordinance 04-16. This coordination facilitates the development of an aviation system that promotes the safe and efficient movement of commerce, consistent with community values and economic objectives.

Southwest Florida International Airport offers critical services that contribute to the vitality of Lee County. The Airport provides well-integrated, efficient, and direct commercial aviation services. Commercial aviation plays a vital role in the economic and transportation systems, offering opportunities for transportation of goods, and flying for business or personal reasons. Aviation activity forecasts reflect growth in the demand for the aviation services provided at Southwest Florida International Airport.

In addition to the aviation uses, land at Southwest Florida International Airport is designated for non-aviation uses. This non-aviation development promotes the financial independence of Southwest Florida International Airport and the LCPA, consistent with the policies contained in the Lee Plan. The purpose of this comprehensive plan amendment application is to update the non-aviation development anticipated and listed in the Development Schedule, Table 5(a). The projected demand for non-aviation uses has been analyzed through the year 2030 as provided in the Market Analysis accompanying this application. Per the Market Analysis, the Port Authority seeks to include the potential for the appropriate amount of non-aviation development on non-aviation designated lands through the year 2030.

**OBJECTIVE 47.2: DEVELOPMENT COMPATIBILITY.** The county and Port Authority will evaluate development proposals for property located within the vicinity of existing aviation facilities to ensure land use compatibility, to preclude obstructions to





aircraft operations, and to protect airport capacities. (Amended by Ordinance No. 99-15, 07-09)

**POLICY 47.2.1:** The Port Authority will coordinate efforts with aviation and other transportation interests at Southwest Florida International Airport to establish multimodal transfer facilities. (Amended by Ordinance No. 99-15, 04-16)

**POLICY 47.2.2:** The county will coordinate with the Port Authority to ensure that regulations in the Lee County Land Development Code restrict land uses in areas covered by the Airport Noise Zones (ANZ) to those uses that are compatible with the operation of the airport. (Amended by Ordinance No. 99-15)

**POLICY 47.2.3:** Future updates of the Page Field and Southwest Florida International Airport Master Plans will monitor and incorporate development of non-aviation uses at the airports and suggest aviation-related uses as appropriate. (Amended by Ordinance No. 99-15, 04-16).

**POLICY 47.2.4:** To the greatest extent possible, future airport master plans will retain the long term aviation expansion capability and capacity at both Page Field Airport and the Southwest Florida International Airport. (Amended by Ordinance No. 99-15).

POLICY 47.2.5: The county will utilize the approved Airport Master Plans and FAR Part 150 Study, including updates, as a basis to amend the comprehensive land use plan and the land development code to prohibit development that is incompatible with the Southwest Florida International Airport or Page Field General Aviation Airport; and, to ensure future economic enhancement consistent with Objective 46.2. Future updates of the Southwest Florida International Airport Master Plan and Page Field General Aviation Airport Master Plan that precipitate substantive changes to the Airport Layout Plans (Map 3F and Map 3G, respectively) will require a Lee Plan Amendment prior to local permitting approval for the affected airport. In accordance with FAA requirements, the Southwest Florida International Airport Master Plan and corresponding Airport Layout Plan (Map 3F) will be comprehensively updated at least once every 5 to 8 years. (Amended by Ordinance No. 99-15, 04-16, 09-14)

**POLICY 47.2.6**: Through an interlocal agreement, the Port Authority and the City of Fort Myers will continue to coordinate the review of new land uses that have the potential to create tall structure obstructions to aviation within the City of Fort Myers. (Added by Ordinance No. 07-09).

RESPONSE: The requested text amendments are consistent with this Objective and supporting Policies. The formal airport master planning process is guided by state and federal requirements, which require significant attention be placed on aviation as well as non-aviation land use planning. This ensures long-term aviation demands are satisfied and local land use compatibility achieved for non-aviation related developments. The proposed non-aviation development in the non-aviation land areas depicted in the adopted Airport Layout Plan is consistent with the

adopted SWFIA Master Plan, which incorporates aviation as well as non-aviation land uses for future development.

Although a formal update to the SWFIA Master Plan will occur on average every 5 to 7 years, airport planning at the local and state level occurs continuously. This is accomplished through the review and amendment of the airport's annual capital improvement program, the Continuous Florida Aviation System Planning Process undertaken by the Florida Department of Transportation, and various other ongoing planning efforts undertaken by the LCPA.

The compatibility of future development is assured through the enforcement of the Lee Plan and Land Development Code, state and federal statutes, rules, and regulations, height limitations, and adherence to the development standards and regulations outlined in the approved SWFIA Master Plan. Coordination with the City of Fort Myers to manage the compatibility of future land uses and development of adjoining properties within the City is ongoing.

**OBJECTIVE 47.3:** FUTURE DEMANDS. Continually evaluate the projected demands for public aviation facilities and ensure their adequate provision.

**POLICY 47.3.1:** The Port Authority Executive Director will coordinate all expansion plans contained in approved airport master plans with the Federal Aviation Administration and the Florida Department of Transportation to ensure that projects of interest to the Port Authority are included in the federal and state funding programs. (Amended by Ordinance No. 99-15)

**POLICY 47.3.2:** The appropriate costs for expansion as depicted in the approved Port Authority CIP will continue to be coordinated with the Capital Improvements element. (Amended by Ordinance No. 99-15).

POLICY 47.3.3: Maximum use of airport facilities should be ensured before expanding or developing new facilities. (Amended by Ordinance No. 07-09)

POLICY 47.3.4: The proposed development schedule for the Southwest Florida International Airport through the year 2020 is depicted in Table 5(a) of the Lee Plan. The proposed development schedule for the Page Field General Aviation Airport through the year 2025 is depicted in Table 5(b) of the Lee Plan. These Tables include both aviation and non-aviation related development. If the FAA/FDOT mandate navigational improvements (NAVAIDS) or require improvements related to Airport security or safety at Southwest Florida International Airport or Page Field General Aviation Airport, then the Port Authority may pursue installation of the improvement even though the improvement is not specifically identified on Table 5(a) or Table 5(b). However, the Port Authority must obtain all appropriate approvals and permits prior to installation, including approval from Lee County. If these improvements precipitate a substantive change to Table 5(a), Table 5(b), Map 3F, or Map 3G, then the Port Authority must





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pursue a Lee Plan amendment incorporating the changes in the next available amendment occupies. (Added by Ordinance No. 04-16, Amended by Ordinance No. 09-14).

RESPONSE: The request is consistent with this Objective and Policies with the exception of the proposed change to Policy 47.3.4 to indicate the non-aviation development is scheduled through 2030. The adopted SWFIA Master Plan identifies the aviation related development necessary to accommodate projected aviation demand as well as anticipated non-aviation development areas. This comprehensive plan amendment request addresses the identified market demand for non-aviation uses through the year 2030 as defined in the Market Analysis supporting this application. All future development approvals will be obtained through state permitting, rezoning, and local development order consistent with LDC requirements, including concurrency for non-aviation development.

**OBJECTIVE 47.4:** ACCESS. The Southwest Florida International Airport is an intermodal facility of significant value to the regional, state and federal transportation systems. Protecting this resource requires the provision of adequate landside and airside capacity. (Amended by Ordinance No. 99-15)

**POLICY 47.4.1:** The County and Port Authority will coordinate aviation facility expansion and demand, consistent with the Airport Layout Plan, through the County's annual Capital Improvement Program in conjunction with regular briefings by Port Authority staff to County staff. (Amended by Ordinance No. 98-09, 99-15, 04-16)

POLICY 47.4.2: The county and Port Authority recognize that the access from Interstate 75 to the Southwest Florida International Airport is designated as a priority intermodal connector in the National Highway Plan and Florida Intrastate Highway System Plan, and will work with the MPO, FDOT and the Federal Highway Administration to ensure that this access receives funding and is developed compatibly with the intermodal access needs of the region. (Amended by Ordinance No. 99-15)

**POLICY 47.4.3**: The Port Authority will coordinate surface transportation planning for Page Field and the Southwest Florida International Airport with the Lee County Metropolitan Planning Organization, the county Department of Transportation, Lee Tran, and the Florida Department of Transportation to ensure adequate access to the airports. (Amended by Ordinance No. 98-09, 99-15, 07-09)

**POLICY 47.4.4**: The County and Port Authority recognize the significance and value of the Southwest Florida International Airport. The Lee County Port Authority will aggressively pursue Federal and State funding for access roadway improvements as identified on the Airport Layout Plan. (Added by Ordinance No. 04-16)

**POLICY 47.4.5:** Development of non-aviation related uses on airport property will be required to meet concurrency standards set forth in the Lee County Land Development Code. (Added by Ordinance No. 04-16)





RESPONSE: This comprehensive plan amendment request addresses the identified market demand for non-aviation uses through the year 2030 as defined in the Market Analysis supporting this application. The associated transportation impacts have been analyzed in the Traffic Analysis accompanying this application. The Port Authority will continue coordinating with local, state and federal transportation agencies to pursue funding and improvements to ensure adequate access to airport lands. The development approvals for the anticipated non-aviation development through the year 2030 will be obtained through state permitting, rezoning, and local development order consistent with LDC requirements, including concurrency for non-aviation development.

**OBJECTIVE 47.5:** COORDINATED COMMERCE MOVEMENT. The Port Authority will provide facilities that are economically feasible and compatible with adjacent land uses, environmental standards and public safety, and that also meet the needs of commerce movement enterprises and facilities. (Amended by Ordinance No. 99-15)

**POLICY 47.5.1:** The Port Authority will continue to coordinate plans for existing and proposed aviation facilities with appropriate transportation agencies such as the Federal Aviation Administration, the Transportation Security Administration, the Lee County Metropolitan Planning Organization, the Florida Department of Transportation, Lee Tran and the Lee County Department of Transportation. (Amended by Ordinance No. 98-09, 99-15, 07-09)

**POLICY 47.5.2**: The county will monitor roads leading to Page Field and the Southwest Florida International Airport in order to facilitate efficient and convenient access for airport users. (Amended by Ordinance No. 99-15)

**POLICY 47.5.3**: The county will coordinate with private investors by reviewing plans and otherwise providing technical assistance in the development of aviation facilities in Lee County to ensure land use, airspace, and environmental compatibility. (Amended by Ordinance No. 99-15)

**POLICY 47.5.4**: The county will consider land use compatibility when reviewing development proposals within the vicinity of existing or proposed aviation facilities. (Amended by Ordinance No. 99-15)

**POLICY 47.5.5**: Locations adjacent to or near aviation facilities are identified in the Future Land Use Map as suitable for commerce movement support facilities such as warehouses, cargo handling facilities, and other transfer points, and will be periodically reviewed and updated. (Amended by Ordinance No. 98-09)

POLICY 47.5.6: The Port Authority will encourage cargo and freight development at the Southwest Florida International Airport by implementing domestic and international cargo marketing programs and by expanding airport facilities, as needed, in order to



accommodate large domestic and international cargo carriers. (Amended by Ordinance No. 99-15)

**POLICY 47.5.7**: The County will protect existing and proposed aviation facilities from the encroachment of incompatible land uses by updating the Future Land Use Map as needed to achieve consistency with revisions to the respective FAR Part 150 Studies (if applicable), and Airport Layout Plans for Southwest Florida International Airport and Page Field, as proposed by the Port Authority. (Amended by Ordinance No. 99-15, 04-16)

**POLICY 47.5.8:** The county will encourage the provision of warehouses, cargo handling facilities, and freight transfer points at aviation facilities needed for the movement of commerce by local industries, trade, and commercial enterprises. (Amended by Ordinance No. 99-15).

RESPONSE: This comprehensive plan amendment request is consistent with the above referenced Objective and Policies. The Port Authority seeks to allow for appropriate and compatible non-aviation land uses on airport property, including warehouses, through approval of this application.

**OBJECTIVE 47.6:** AGENCY COORDINATION. Ensure that existing and future air system needs can be met safely and with a minimum of land use conflict by coordinating aviation facility plans with appropriate federal, state, regional, and local review and permitting agencies. (Amended by Ordinance No. 99-15)

POLICY 47.6.1: The Port Authority will coordinate and obtain approval for airport development from the County through the annual capital improvement planning and programming process; local permitting process; Airport Master Plan Update process; and, the Lee Plan amendment process to ensure compatibility with other County programs. The Port Authority will provide Lee County copies of the annual Capital Improvement Plan or other similar document for the Southwest Florida International Airport and Page Field General Aviation Airport. Airport development will remain consistent with the MPO Long Range Transportation Plan and will support the provision of regional transportation facilities for the efficient use and operation of the transportation system and airports. Additional specific coordination requirements are contained in Objective 151.4 and subsequent policies. (Amended by Ordinance No. 99-15, 04-16, 09-14)

**POLICY 47.6.2**: While airport facilities will be operated in conformance with applicable state and federal regulations, the Port Authority will strive to ensure that Lee County environmental and other regulations are also implemented to the greatest extent possible. (Amended by Ordinance No. 99-15)

**POLICY 47.6.3**: The Port Authority will develop plans for aviation in the county that are consistent with the Continuing Florida Aviation System Planning Process and the National Plan of Integrated Airport Systems. (Amended by Ordinance No. 99-15)





**POLICY 47.6.4**: The safety of aircraft operators, aircraft passengers, and persons on the ground will guide the Port Authority in the operation of county airports, and hazardous wildlife attractants on or near the airports will be avoided. (Added by Ordinance No. 99-15)

**POLICY 47.6.5:** The county will maintain the tall structure permitting process to ensure that proponents of potential structural hazards to aviation coordinate with the Port Authority and the Federal Aviation Administration to properly place, mark and light potential obstructions as necessary. (Added by Ordinance No. 99-15

**POLICY 47.6.6:** In the interest of the safety of air commerce, the county will not approve a temporary or permanent structure that exceeds the height limitation standards, or does not comply with placement, lighting and marking standards, established by the Port Authority, Florida Statutes, or the Federal Aviation Administration rules and regulations. (Added by Ordinance No. 99-15, Amended by Ordinance No. 07-09)

RESPONSE: This comprehensive plan amendment request is consistent with this Objective and Policies. The LCPA coordinates with the Florida Department of Transportation, Federal Aviation Administration, Metropolitan Planning Organization (MPO), Lee County and numerous other local, regional, state and federal agencies in the development and implementation of the SWFIA Master Plan. Lee County has adopted the Airport Hazard Special Purpose District (Division 10 of Article VI of Chapter 34 of the Land Development Code) for the purpose of promoting maximum safety of residents and property within areas surrounding county airports including SWFIA.

**OBJECTIVE 47.7:** COORDINATION OF ELEMENTS. Coordinate the expansion of existing airports and the proposed siting of any new airports with the Future Land Use and Conservation and Coastal Management elements. (Amended by Ordinance No. 99-15, 07-09)

**POLICY 47.7.1:** The use of existing and proposed aviation facilities will be promoted by the Port Authority consistent with the Future Land Use and Conservation and Coastal Management elements of the Lee Plan. (Amended by Ordinance No. 99-15)

**POLICY 47.7.2**: Ensure that adverse structural and non-structural impacts of aviation facilities upon natural resources and wildlife are mitigated consistent with FAA policies and procedures and in coordination with federal, state, regional and local environmental agencies. (Amended by Ordinance No. 99-15)

**POLICY 47.7.3:** The Port Authority will abide by all other relevant parts of this comprehensive plan in the construction and operation of Page Field Airport and the Southwest Florida International Airport, especially the Future Land Use, Conservation and Coastal Management, and Transportation elements. (Amended by Ordinance by No.



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RESPONSE: This comprehensive plan amendment request is consistent with this OPMENT Objective and Policies. The additional non-aviation development requested to occur on designated non-aviation lands is within the existing boundary of SWFIA. There is no expansion of airport property proposed through this comprehensive plan amendment

An environmental analysis which provides documentation of the environmental conditions and the FAA advisories about controlling wildlife attractants is included in this application package. The future development of the proposed non-aviation uses will be consistent with the Lee Plan, and all relevant local, state and federal statutes, rules, and regulations relating to environmental impacts and compatibility.

**OBJECTIVE 117.2: XERISCAPE LANDSCAPE.** The county will continue to promote xeriscape landscaping techniques. (Amended by Ordinance No. 94-30, 00-22)

RESPONSE: This comprehensive plan amendment request is consistent with this Objective. To address water conservation, the Port Authority is committed to utilizing drought-tolerant ground covers and shrubs that are on the Port Authority's "Compatible Native Landscape List for RSW and FMY." Additionally, for the land it manages, the Port Authority shall maximize use of irrigation systems alternative to spray (such as drip or seep) and utilization of rain sensors, and moisture sensing systems to determine existing soil moisture, evapotranspiration rates, and zone control. For leased non-aviation development sites, the Port Authority shall encourage these types of irrigation systems as well as commercial use of energy star appliances and appliances with low water consumption rates through its lease agreements.

GOAL 151: SERVICE COORDINATION. To provide for efficient and effective coordination of provision of public services by Lee County and its special districts, bodies, boards, and other entities.

OBJECTIVE 151.4: COORDINATION OF AIRPORT DEVELOPMENT ANDIMPROVEMENTS AT THE SOUTHWEST FLORIDA INTERNATIONAL AIRPORT AND PAGE FIELD GENERAL AVIATION AIRPORT WITH ALL PERMITTING AGENCIES. The Port Authority will coordinate with Lee County, the Southwest Florida Regional Planning Council, the Florida Department of Community Affairs, Federal Aviation Administration, and the Florida Department of Transportation to ensure that the development of the Southwest Florida International Airport and the Page Field General Aviation Airport is consistent with the Lee Plan. (Added by Ordinance No. 04-16, Amended by Ordinance No. 09-14)



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POLICY 151.4.1: Port Authority staff will ensure that Lee County staff is directly involved in the review and approval process related to the ongoing update of the Airport Master Plan for Southwest Florida International Airport and Page Field General Aviation Airport. This mandatory inter-agency coordination will provide an official means for scheduled review and comment regarding Airport Master Plan Updates, related Lee Plan amendments, annual updates of the Airport Layout Plan and Capital Improvement Program, permitting for scheduled capital improvement projects, amendments to the Airport zoning approvals and compliance with the Lee County Land Development Code. (Added by Ordinance No. 04-16, Amended by Ordinance No. 09-14)

**POLICY 151.4.2:** The Port Authority will submit and County staff will review and provide comments regarding the following:

- 1. Scope and content of ongoing updates to the Airport Master Plan for Southwest Florida International Airport and Page Field General Aviation Airport pursued in accordance with Federal Aviation Administration Advisory Circular 150/5070-6 and the Florida Department of Transportation Guidebook for Airport Master Planning.
- 2. Consistency of proposed amendments to the Airport Master Plan and resulting Airport Layout Plan for Southwest Florida International Airport (Map 3F) and Page Field General Aviation Airport (Map 3G) with the Lee Plan, Land Development Code (LDC) and local zoning approvals.
- 3. Compatibility and compliance of individual CIP projects with the Lee Plan, LDC regulations, zoning approvals and other applicable regulations.
- 4. Proposed Lee Plan Amendments necessary to support revisions to the Airport Layout Plan for Southwest Florida International Airport (Map 3F) and Page Field General Aviation Airport (Map 3G), the Southwest Florida International Airport Proposed Development Schedule (Table 5(a)), the Page Field General Aviation Airport Proposed Development Schedule (Table 5(b)), the Airport Master Plans for Southwest Florida International Airport and Page Field General Aviation Airport, or CIP project list. (Added by Ordinance No. 04-16, Amended by Ordinance No. 09-14)

POLICY 151.4.3: Prior to submittal of any application to amend the Lee Plan, the Port Authority staff must obtain an endorsement of the proposed plan amendment application package, including the Airport Layout Plan, from the Board of Port Commissioners. Written evidence of this endorsement must be included in the plan amendment application package. The Port Authority staff will coordinate the date and time the endorsement request will be presented to the Port Commissioners with the County in order to provide County staff with ample opportunity to attend the meeting and address the Port Commissioners as necessary. (Added by Ordinance No. 04-16)

POLICY 151.4.4: Prior to formal submittal of any Lee Plan amendment package, rezoning request, or development order application, the Port Authority staff will informally present the proposed application to Lee County staff for initial comments and

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input regarding consistency with the Lee Plan and County regulations. (Added by Ordinance No. 04-16)

**POLICY 151.4.5:** The Port Authority is the lead agency in coordinating efforts to obtain approval for Southwest Florida International Airport access improvements with agencies participating in the Lee County Metropolitan Planning Organization. This includes the incorporation of improvements into the Financially Feasible Transportation Plan (Map 3A) and the Lee County Metropolitan Planning Organization Financially Feasible Highway Plan and Needs Assessment. The Port Authority will work with local, state, and federal transportation agencies to identify and obtain funding for access improvements to the airport. (Added by Ordinance No. 04-16).

RESPONSE: This proposed comprehensive plan amendment is consistent with this Goal, Objective and Policies. The request is consistent with the SWFIA Master Plan and Airport Layout Plan that are developed according to FAA guidelines and that have been incorporated into the Lee Plan, thereby assuring consistency.

No aspects of this rezoning request necessitate amendments to the Airport Master Plan and Airport Layout Plan. Coordination of any future updates to the Page Field Airport Master Plan and Airport Layout Plan shall be accomplished in accordance with the policies of the Lee Plan.

Port Authority staff informally presented the proposed comprehensive plan amendment application to Lee County staff for initial comments on July 7, 2010. Prior to submittal of this comprehensive plan amendment application, the Port Authority has obtained an endorsement of the proposed plan amendment application package from the Board of Port Commissioners, and written evidence of the endorsement accompanies this application.

GOAL 152: GROWTH MANAGEMENT. To coordinate the plans and policies of Lee County, its municipalities, and adjacent local governments so as to guide, manage, and regulate urban growth in a compatible fashion.

RESPONSE: The request comprehensive plan amendment is consistent with this Goal. The subject property is designated Airport on the Future Land Use Map, and is considered an Urban area. The non-aviation development proposed through this comprehensive plan amendment will be incorporated within the existing boundary of SWFIA. Coordination with local jurisdictions shall continue through necessary development approval processes of rezoning and local development order.

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COMMUNITY DEVELOPMENT 010-00008



## 3. Describe how the proposal affects adjoining local governments and their comprehensive plans.

Southwest Florida International Airport (SWFIA) is one of the top 50 U.S. airports for passenger traffic and continues to add flights and service to better serve the region. SWFIA is a major asset to surrounding local governments in the region, as it contributes to the economic base by providing mobility of goods and people.

The utilization of non-aviation designated land for businesses and industry is financially supportive to the Airport, and therefore contributes to the economic viability of the airport asset and the communities that it serves. Therefore, the addition of non-aviation development in non-aviation land areas at SWFIA as requested in this application is a benefit to surrounding local governments.

The City of Fort Myers city limits are within close proximity to the northern boundary of the Airport property. A small portion of the Airport property that is north of Daniels Parkway borders the Arborwood Master Planned Community that lies along Treeline Avenue within the City of Fort Myers. Pursuant to Lee Plan Policy, the City of Fort Myers and Lee County coordinate to ensure land use regulations on lands surrounding Airport property promote compatibility between uses. The proposed additional non-aviation development will provide jobs, shopping, and service opportunities to nearby City residents. The City and County will continue adhering to Intergovernmental Coordination goals, objectives and policies of their Comprehensive Plans.





## 4. List State Policy Plan and Regional Policy Plan goals and policies which are relevant to this application.

This application furthers the following State Policy Plan (SPP) goals and policies and Regional Policy Plan (RPP) strategy and action:

SPP Policy 7(b)5. Ensure that new development is compatible with existing local and regional water supplies.

SPP Goal 15(a) In recognition of the importance of preserving the natural resources and enhancing the quality of life of the state, development shall be directed to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and service capacity to accommodate growth in an environmentally acceptable manner.

SPP Policy 15(b)1. Promote state programs, investments, and development and redevelopment activities which encourage efficient development and occur in areas which will have the capacity to service new population and commerce.

SPP Policy 15(b)3. Enhance the livability and character of urban areas through the encouragement of an attractive and functional mix of living, working, shopping, and recreational activities.

SPP Policy 15(b)6. Consider, in land use planning and regulation, the impact of land use on water quality and quantity; the availability of land, water, and other natural resources to meet demands; and the potential for flooding.

SPP Goal 17(a) Florida shall protect the substantial investments in public facilities that already exist and shall plan for and finance new facilities to serve residents in a timely, orderly, and efficient manner.

SPP Policy 17(b)1. Provide incentives for developing land in a way that maximizes the uses of existing public facilities.

SPP Policy 17(b)5. Encourage local government financial self-sufficiency in providing public facilities.

SPP Policy 17(b)6. Identify and implement innovative but fiscally sound and cost-effective techniques for financing public facilities.

SPP Policy 19(b)5. Ensure that existing port facilities and airports are being used to the maximum extent possible before encouraging the expansion or development of new port facilities and airports to support economic growth.

Exhibit IV.E. Internal Consistency with the Lee Plan 4/13/2011 COMMUNITY DEVELOPMJOHNSON

SPP Policy 21(b)1. Attract new job-producing industries, corporate headquarters, distribution and service centers, regional offices, and research and development facilities to provide quality employment for the residents of Florida.

SPP Policy 21(b)13. Promote coordination among Florida's ports to increase their utilization.

SPP Policy 24(b)4. Encourage economic development in economically distressed areas.

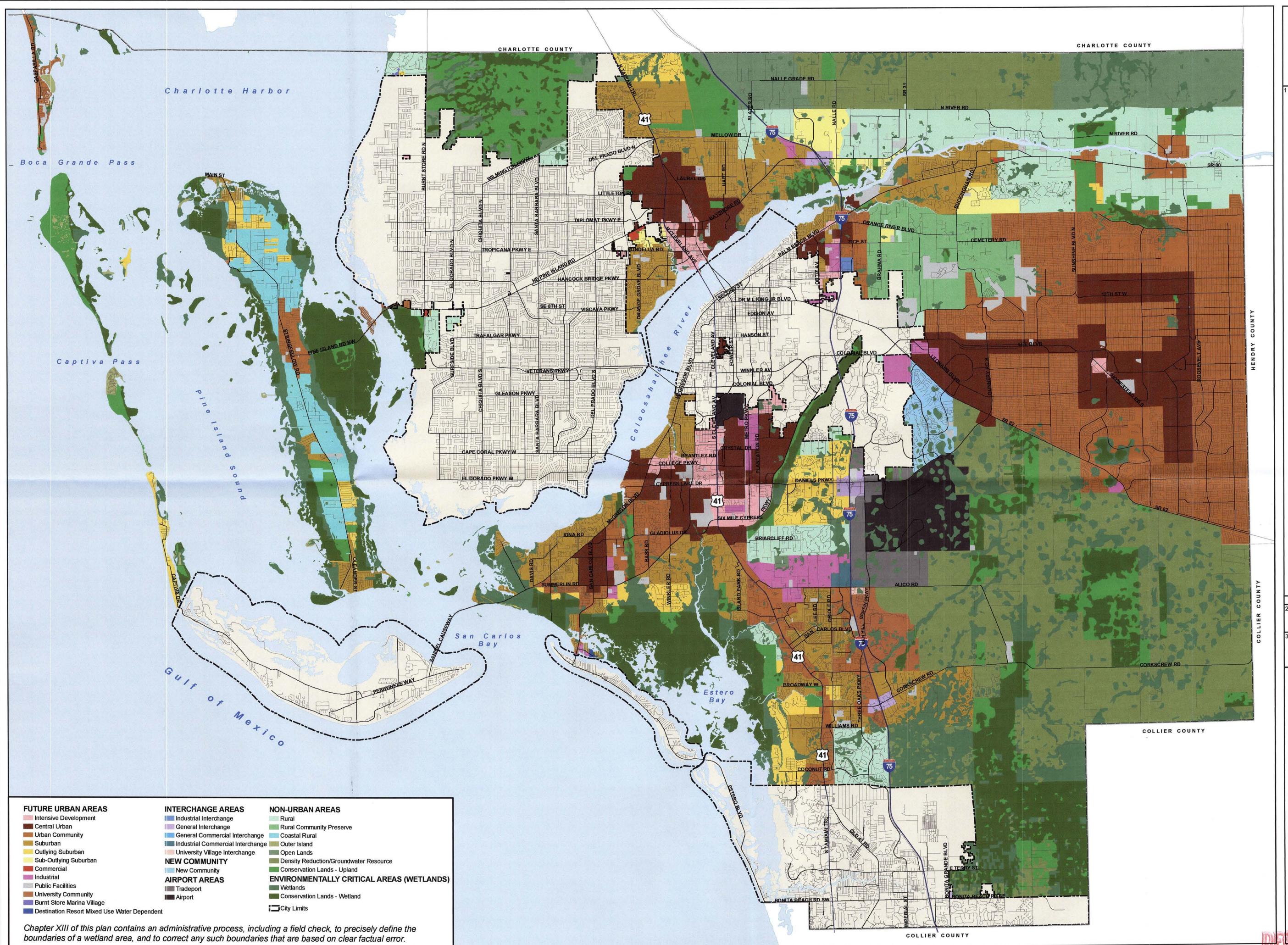
SPP Policy 24(b)5. Ensure that the transportation system provides maximum access to jobs and markets.

RPP Economic Development Strategy: Ensure the adequacy of lands for commercial and industrial centers, with suitable services provided.

RPP Transportation Action: Assist the region's airports in planning new improvements that will minimize travel delays and improve ground access for passengers, goods, and commercial vehicles.







## FUTURE LAND USE MAP

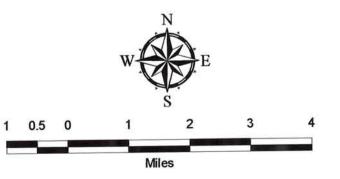
This map is a general representation of the Future Land Use Map as adopted the Board of County Commissioners On: September 17, 1990

ADOPTING ORDINANCE	DATE OF ADOPTION	EFFECTIVE DATE
8 9- 02	1/3 1/1 98 9	3/1/1989
9 0- 09	3/7 /1 99 0	3/14/1990
90-43	9/6/1 99 0	9/17/1990
9 0- 44	9/12/1990	9/17/1990
91-10	4/3/1991	4/10/1991
91-19	7/9 <i>/</i> 1 99 1	7/18/1991
92-35	8/7 /1 99 2	8/18/1992
92-41	9/15/1992	9/21/1992
92-47	1 0/2 7/19 92	1 1/9/1 9 92
92-48	1 0/2 7/19 92	1 1/9/1 9 92
92-51	12/9/1992	12/21/1992
93-05	2/22/1993	2/26/1993
93-25	9/20/1993	1/24/1994
94-23	8/29/1994	11/14/1994
94-29	1 0/2 6/19 94	1/9/1995
94-30	11/1/1994	7/25/1996
95-27	12/20/1995	1/20/1996
96-19	10/2/1996	1 1/2 /1 9 96
97-05	3/5/1997	4/2/1997
97-17	8/26/1997	9/30/1997
97-13	6/24/1997	7/25/1997
97-22	1 1/2 5/19 97	12/26/1997
98-02	1/13/1998	2/13/1998
100 May 200 Ma	6/3/1998	7/30/1998
98-09	4/13/1999	2/4/2000
9 9- 02	1 1/2 4/19 98	12/25/1998
98-26	1 1/2 2/19 99	1/19/2000
99-15	1 1/2 2/19 99	1/19/2000
99-16	1 1/2 2/19 99	1/19/2000
99-17		1/19/2000
99-18	1 1/2 2/19 99 1 1/2 2/19 99	12/23/1999
99-19		6/26/2000
0 0-08	5/4/2000	9/8/2000
0 0-16	8/8/2000	
0 0-22	11/1/2000	12/26/2000
0 1-24	12/13/2001	1/13/2002
02-02, 03, 04, 05, 06	1/1 0/2 00 2	3/27/2002
02-29	1 0/2 1/20 02	1/9/2003
03-01, 02, 03, 4, 05, 06, 07	1/9/2003	4/1/2003
03-12	5/6/2003	6/6/2003
03-19, 03-20, 03-21	1 0/2 9/20 03	1/21/2004
0 3- 26	12/15/2003	3/12/2004
0414	9/2 0/2 00 4	12/7/2004
04-15	9/22/2004	10/22/2004
05-19,0521	1 0/1 2/20 05	01/09/2006
0 5-20	1 0/1 2/20 05	11/15/2006
07-07	4/2 4/2 00 7	5/24/2007
07-06	4/2 4/2 00 7	5/24/2007
07-09 thru 07-18	5/16/2007	8/13 <i>I</i> 2007
0 8-04	3/1 1/2 00 8	4/11/2008
0 8-05	3/1 1/2 00 8	4/11/2008
09-06 thru 09-17	2/25/2009	5/15/2009
10-10, 11, 12, 16	3/3/2010	6/4/2010
10-27	6/16/2010	7/19/2010

Please see the Lee Plan for additional information regarding special restrictions overlays, or allowances in addition to the requirements of the land use categoric

The Planning Communities Map and Acreage Allocation Table (see Map 16 and Table 1b) and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extension and location of generalized land uses for the year 2030. Acreage to tals are provided for land in each Planning Community in unincorporated Lee County.





Map Generated: July 2010

Lee Plan Map 1 Page 1 of 8

