

M E M O R A N D U M
FROM
THE DEPARTMENT OF
COMMUNITY DEVELOPMENT
DIVISION OF DEVELOPMENT REVIEW

DATE: November 22, 1993

TO: Patrick G. White
Assistant County Attorney

FROM: Walter J. McCarthy, P.E. *WJM*
Director

Re: D.O. #83-09-120.05E, Admiral's Bay

Enclosed please find draft copies of the Declaration of Drainage Easement, submitted by Mr. Al Roseman, for the above mentioned project to review for legal sufficiency. Upon completion of your review, please forward notice of your findings to this office.

Thank you for your assistance in this matter.

lp

Attachments: Copy of Easement w/legal description and sketch

cc: Timothy Jones w/o Attachments
Donna Marie Collins w/o Attachments
Project File
Ltr/Memo Log

Q. GRADY MINOR & ASSOCIATES, P.A.
Civil Engineers ■ Land Surveyors ■ Planners

Q. GRADY MINOR, P.E.
MARK W. MINOR, P.E.
C. DEAN SMITH, P.E.

ALAN V. ROSEMAN
ROBERT W. THINNES, A.I.C.P.
ERIC V. SANDOVAL, P.L.S.

November 10, 1993

Mr. Walter McCarthy
Lee County Development Review
P.O. Box 398
Ft. Myers, FL 33902-0398



RE: Admiral's Bay, Amendment of Exemption E 9-20-83 *TYPE #5*

Dear Mr. McCarthy:

Enclosed please find a check in the amount of \$50.00 along with the following for review to amend the above referenced exemption:

1. Application
2. Letter of Authorization
3. Paid tax receipt
4. Notarized Affidavit
5. Aerial photo
6. Engineering drawings (7 sets)
7. Updated Fire Flow Report
8. *DRAINAGE EASEMENT (ALSO SUBMITTED 11/16/93 BEM)*

The reason for this request is a revision to eliminate much of the walls and rip rap slopes by adding additional retention area on the north. These changes do not change the impervious area or number of units as approved by the previously approved exemption.

If you have any questions or require any additional data, please do not hesitate to call.

Very truly yours

Alan V. Roseman

AVR:kc

F:ADMRLBAY\ABS

This instrument prepared by:
J. Stephen Crawford, Esq.
5551 Ridgewood Drive, Suite 201
Naples, Florida 33963

For Clerk of Court

DECLARATION OF DRAINAGE EASEMENT

THIS DECLARATION OF EASEMENT is made on October 24, 1993, by Captain Properties, Inc., a Florida corporation (the "Declarant"), having a Post Office address at 3401 Bonita Beach Road, Bonita Springs, Florida 33923, as owner of the following described land, to-wit:

A parcel of land located in Section 3, Township 47 South, Range 24 East, Lee County, Florida, being more particularly described as follows:

Commence at the intersection of the Southerly line of Fairview Isles, Unit 2, according to the plat thereof recorded in Plat Book 33 at page 16 of the Public Records of Lee County, Florida, and the Easterly right-of-way line of Estero Boulevard, (an 80.00 foot right-of-way), the same being a point 40.00 feet easterly of, as measured at right angles to the centerline of said Estero Boulevard; thence run South 18° 34' 28" East along said easterly right-of-way line, for a distance of 313.51 feet; thence run North 89° 11' 00" East for a distance of 332.44 feet to the Point of Beginning of the parcel of land herein described; thence run North 00° 00' 00" East for a distance of 99.47 feet; thence run North 90° 00' 00" East for a distance of 45.55 feet; thence run South 27° 56' 03" East for a distance of 1.35 feet; thence run South 34° 36' 12" East for a distance of 44.26 feet; thence run South 19° 45' 10" East for a distance of 64.31 feet; thence run South 89° 11' 00" West for a distance of 93.06 feet to the Point of Beginning, containing 0.166 acres, more or less.

Bearings aforesaid refer to an assumed bearing of North 89° 11' 00" East along a line 600.00 feet Southerly of and parallel to the North line of Section 3, Township 47 South, Range 24 East, Lee County, Florida.

hereby declares that the above described land is hereby made subject to a perpetual, non-exclusive easement for surface water drainage for the benefit of the following described land, to-wit:

Commence at the intersection of the Southerly line of Fairview Isles, Unit 2, according to the Plat thereof recorded in Plat Book 33 at page 16 of the Public Records of Lee County, Florida, and the Easterly right-

of-way line of Estero Boulevard, (an 80.00 foot right-of-way), the same being a point 40.00 feet Easterly of, as measured at right angles to the centerline of said Estero Boulevard; thence run South 18° 34' 28" East along said Easterly right-of-way line, for 628.52 feet to the South line of the North 600.00 feet of said Section 3; thence run North 89° 11' 00" East for 269.84 feet to the Point of Beginning of the parcel of land herein described; thence continue North 89° 11' 00" East for a distance of 422.03 feet; thence run North 00° 49' 00" West for a distance of 4.00 feet; thence run North 88° 00' 54" East for a distance of 170.33 feet; thence run North 82° 24' 43" East for a distance of 42.41 feet; thence run North 25° 53' 19" East for a distance of 43.32 feet; thence run North 52° 32' 36" East for a distance of 43.85 feet; thence run North 42° 55' 02" East for a distance of 22.40 feet; thence run North 80° 42' 34" East for a distance of 28.25 feet; thence run North 72° 11' 15" East for a distance of 77.39 feet; thence run North 86° 47' 45" East for a distance of 72.14 feet; thence run South 88° 16' 18" East for a distance of 36.34 feet; thence run North 57° 18' 39" East for a distance of 30.77 feet; thence run North 04° 25' 14" East for a distance of 31.45 feet; thence run North 16° 38' 17" West for a distance of 46.08 feet; thence run North 61° 45' 16" West for a distance of 18.81 feet; thence run South 69° 48' 35" West for a distance of 23.18 feet; thence run North 72° 29' 52" West for a distance of 8.45 feet; thence run North 89° 41' 42" West for a distance of 91.63 feet; thence run South 85° 37' 35" West for a distance of 84.16 feet; thence run North 86° 05' 22" West for a distance of 46.51 feet; thence run South 85° 43' 04" West for a distance of 90.22 feet; thence run North 87° 42' 34" West for a distance of 44.66 feet; thence run South 85° 46' 52" West for a distance of 38.45 feet; thence run North 00° 49' 00" West for a distance of 2.20 feet; thence run South 89° 11' 00" West for a distance of 422.92 feet; thence run South 76° 12' 51" West for a distance of 102.62 feet; thence run South 00° 49' 00" East for a distance of 5.28 feet; thence run South 75° 09' 03" West for a distance of 21.05 feet; thence run North 81° 32' 32" West for a distance of 126.26 feet; thence run North 83° 03' 26" West for a distance of 35.83 feet; thence run South 67° 26' 41" West for a distance of 15.75 feet; thence run North 76° 52' 24" West for a distance of 52.77 feet; thence run South 80° 34' 46" West for a distance of 79.41 feet; thence run North 46° 45' 50" West for a distance of 28.51 feet; thence run North 09° 54' 05" West for a distance of 54.38 feet; thence run North 19° 45' 10" West for a distance of 26.13 feet; thence run South 89° 11' 00" West for a distance of 159.59 feet; thence run South 00° 49' 00" East for a distance of 145.00 feet; thence run North 89° 11' 00" East for a distance of 25.00 feet; thence run South 00° 49' 00" East for a distance of 40.00 feet; thence run North 89° 11' 00" East for a distance of 75.00 feet; thence run South 00° 49' 00" East for a distance of 115.00 feet to the Point of Beginning.

Bearings aforesaid refer to an assumed bearing of North 89° 11' 00" East along a line 600.00 feet Southerly of and parallel to the North line of Section 3, Township 47 South, Range 24 East, Lee County, Florida.

THIS DECLARATION of easement is made subject to the following conditions:

ASSESSMENTS. The owners of the benefitted land, their successors, assigns and grantees, shall be responsible for payment, in equitable proportions, of the reasonable costs incurred for the purpose of maintaining, repairing and keeping the land subject to the easement in a slightly condition in accordance with all applicable laws and ordinances; such payment shall be made to the party incurring such costs. The obligation for payment of said assessments shall be a covenant running with the land.

ARBITRATION. In the event of a controversy arising between the parties, or their respective successors, assigns and grantees, with respect to the equitable apportionment of the costs subject to the aforementioned assessments, the parties shall submit such controversy for settlement by arbitration pursuant to the provisions of the Florida Arbitration Code. This covenant shall run with the land and the acceptance of ownership of any interest in said land, whether by conveyance or operation of law, shall be deemed to constitute a contract between the parties for purposes of enforcing this covenant for arbitration. If any of the aforesaid lands are submitted to condominium ownership, then the association responsible for the operation of the condominium shall be a proper party to such arbitration.

LIENS. If any assessment is not timely paid, then sixty (60) days after written notice of such delinquency shall have been given to the party responsible for payment, the party entitled to receive such payment may file a claim of lien upon the land for the amount due, plus interest and reasonable attorney's fees incurred incident to the collection of the assessment and the enforcement of the lien.

RESERVATION OF RIGHTS. The Declarant reserves the right, without obligation, to grant to utilities and others the right, license, privilege and use of the easements herein described, and to dedicate all or any part of the easement to any governmental authority authorized and empowered to accept and maintain such easements. Further, Declarant reserves the right to extend the easements into adjacent lands, subject to the covenants herein, and any amendments thereto, and to provide for the apportionment of assessments equitably among the owners of all said lands from time to time subject to these covenants, which covenants shall run with all of the lands.

RELOCATION. Declarant may make non-material modifications of the easement, provided Declarant pays the cost of relocating any improvements or facilities which have been installed.

IN WITNESS WHEREOF, Declarant has caused this instrument to be executed the date first above written.

Signed, Sealed and Delivered, in the Presence of:

CAPTAIN PROPERTIES, INC.

Print Name: _____

By: _____
John Kaptyn, President

Print Name: _____

(Corporate Seal)

Grantee's FEIN:

Tax Strap #: 03-47-24-00-00001.0000

*State of Florida }
County of Lee }*

I hereby certify that on this day before me, an officer duly qualified to take acknowledgements, appeared John Kaptyn, President of Captain Properties, Inc., a Florida corporation, to me personally known to be the person described in and who executed the foregoing instrument and acknowledged before me under oath the execution of the same for and on behalf of said corporation.

WITNESS my hand and official seal in the State and County last aforesaid on _____, 1993.

(Notarial Seal)

Notary Public, State of Florida

Name: _____

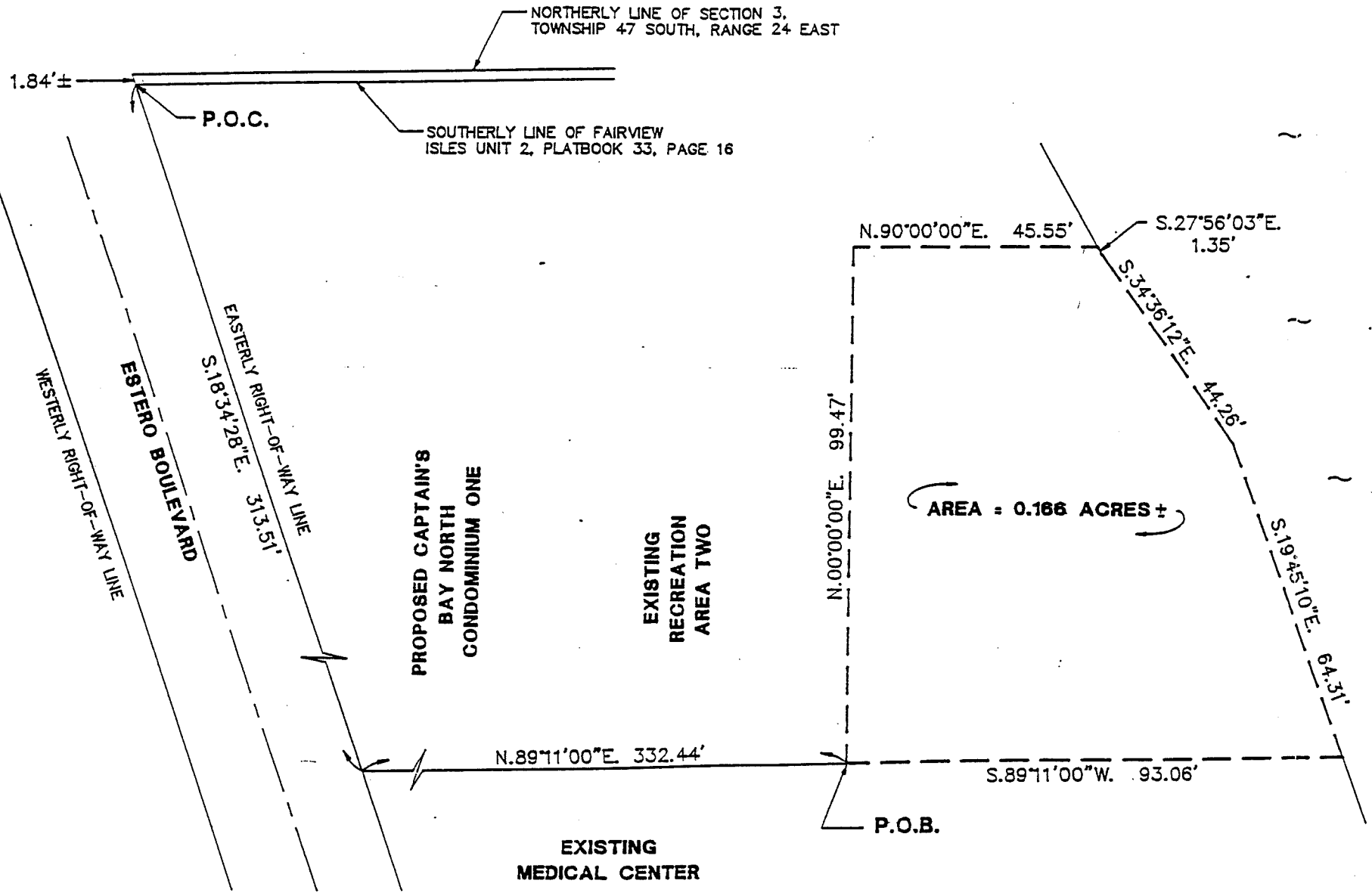
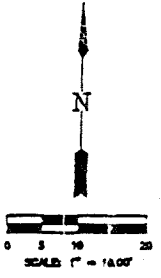
Commission No.: _____

Expiration Date: _____

NAME: CAPTAIN PROPERTIES

N A M E	STRAP						DOR CODE
	SC	TN	RG	AR	BLOCK	LOT	
CAPTAIN PROPERTIES INC	03	47	24	00	00001	0000	00
CAPTAIN PROPERTIES INC	03	47	24	00	00001	0020	96
CAPTAIN PROPERTIES INC	03	47	24	00	00002	0000	00
CAPTAIN PROPERTIES INC	03	47	24	00	00002	0040	10
CAPTAIN'S HARBOUR CONDO	07	45	24	E5	00000	000A	C.
CAPTAINS BAY INC	03	47	24	00	00001	0030	00
CAPTAINS BAY RECREATIONAL	03	47	24	00	00001	003A	00
CAPTAINS BAY RECREATIONAL	03	47	24	00	00002	0010	00
CAPTAINS BAY RECREATIONAL	03	47	24	00	00002	0030	00

PF1=FORWARD PF2=BACKWARD PF6=DSNL PF8=DSAD



(PRESERVE EASEMENT)

AREA = 0.166 ACRES ±

EXISTING MEDICAL CENTER

PROPOSED CAPTAIN'S BAY NORTH CONDOMINIUM ONE

EXISTING RECREATION AREA TWO

P.O.B.

LEGEND

- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- S.I.P.C. SET 5/8\"/>

THIS IS NOT A SURVEY
THIS SKETCH MAY HAVE BEEN REDUCED

Revision	Date	Description	By

Q. GRADY MINOR AND ASSOCIATES, P.A.
CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS
3888 VIA DEL REY
BOONZA SPRING, FLORIDA 32835 (813) 947-1514

SKETCH TO ACCOMPANY		
CAPTAIN'S BAY - DRAD/AS EASEMENT		
SECTION 3, TOWNSHIP 47 SOUTH, RANGE 24 EAST,		
LEE COUNTY, FLORIDA		
DATE MAY, 1985	FILE NAME ASN-EASE	DRAWING NUMBER 3-209



LEE COUNTY
SOUTHWEST FLORIDA

479-8585

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: _____

John E. Manning
District One

September 13, 2000

Douglas R. St. Cerny
District Two

Ray Judah
District Three

D. Wayne Arnold, AICP
Q. Grady Minor & Associates, P.A.
3800 Via Del Rey
Bonita Springs, FL 34134

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

Re: Agenda Schedule for Captain Investments, Inc., in ref. to Captain's Bay East
Case No. CPA2000-00001

James G. Yaeger
County Attorney

SEE REVISED TIME

Diana M. Parker
County Hearing Examiner

Dear Mr. Arnold, AICP:

Your zoning request has been scheduled before the Fort Myers Beach Local Planning Agency on October 10, 2000, at 11:00 am. The hearing will be conducted in the Nations Bank Building, 2523 Estero Boulevard, Fort Myers Beach, Florida.

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

Rebecca Tatlock
Rebecca Tatlock
Secretary, Internal Services

cc: Captain Investments, Inc.
Pam Houck, Planner
Zoning File

S:\CASES\200009\CPA20000.000\1\CPA2000-00001 1010 app letter.wpd

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: _____

John E. Manning
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September 13, 2000

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County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

D. Wayne Arnold, AICP
Q. Grady Minor & Associates, P.A.
3800 Via Del Rey
Bonita Springs, FL 34134

Re: Agenda Schedule for Captain Investments, Inc., in ref. to Captain's Bay East
Case No. CPA2000-00001

Dear Mr. Arnold, AICP:

Your zoning request has been scheduled before the Fort Myers Beach Local Planning Agency on October 10, 2000, at 12:00 noon. The hearing will be conducted in the Nations Bank Building, 2523 Estero Boulevard, Fort Myers Beach, Florida.

Your zoning sign will be ready for pick-up anytime after September 18, 2000, at the drive-in window, 1500 Monroe Street, Fort Myers, Florida. This sign must be posted in accordance with Department procedures no later than September 29, 2000, and is to remain posted until final decision is rendered.

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division


Rebecca Tatlock
Secretary, Internal Services

cc: Captain Investments, Inc.
Pam Houck, Planner
Zoning File

S:\CASES\200009\CPA20000.000\1\CPA2000-00001 1010 app letter.wpd

John E. Manning
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing
Examiner

April 18, 2000

Mr. D. Wayne Arnold, AICP
Q. Grady Minor & Associates, P.A.
3800 Via Del Rey
Bonita Springs, FL 34134

Re: Agenda Schedule for Captain Investments, Inc., in ref. to Captain's Bay East
Case No. CPA2000-00001

Dear Mr. Arnold:

Your request for interpretation of the designation of Wetland has been scheduled before the Fort Myers Beach Local Planning Agency on May 16, 2000, at 12:00 noon. The hearing will be conducted in the Nations Bank Building, 2523 Estero Boulevard, Fort Myers Beach, Florida.

Your sign will be ready for pick-up anytime after April 24, 2000, at the drive-in window, 1500 Monroe Street, Fort Myers, Florida. This sign must be posted in accordance with Department procedures no later than May 5, 2000, and is to remain posted until final decision is rendered.

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

Rebecca Tatlock
Rebecca Tatlock
Secretary, Internal Services

cc: Captain Investments, Inc.
Pam Houck, Planner
Zoning File

captains bay app letter.wpd

NOTICE TO ADJACENT PROPERTY OWNER

CASE NUMBER: CPA2000-00001

NAME: Captain Investments, Inc., in ref. to Captain's Bay East

REQUEST: a) Administrative Interpretation of the Town of Fort Myers Beach Comprehensive Plan of whether Phase IV of Captain's Bay has been (or should have been) designated "Wetlands" on the basis of a clear factual error as set forth in Chapter 15, page 3, Section A.1.

b) Determination that the building height of 80 feet (as measured from the base flood elevation to the top of the wall) in Phase IV of Captain's Bay is deemed consistent with the Town of Fort Myers Beach Comprehensive Plan as set forth in Chapter 15.

LOCATION: The subject property is located at 22676 Island Pines Way, in S03-T47S-R24E, Lee County, FL. (District #3)

SIZE OF PROPERTY: 3.14 ± acres

STAFF REPORT: Direct inquiries to Pam Houck, Planner, at 941/765-0202, at the Dept. of Community Development, 1500 Monroe St., Ft. Myers, FL 33901.

Notice is hereby given that the Fort Myers Beach Local Planning Agency (LPA) will hold a public hearing on Tuesday, October 10, 2000, at 12:00 noon, on the above case. The public hearing will be held in the Nations Bank Building, 2523 Estero Blvd., Fort Myers Beach, FL 33931.

You may appear in person, through counsel, or an authorized agent and provide testimony, legal argument or other evidence at the hearing.

After the LPA has made a written recommendation, the case will be scheduled for a public hearing before the Town of Fort Myers Beach Council who will review the recommendation and make a final decision.

Copies of the staff report may be obtained or the file reviewed at the Offices of the Town of Ft. Myers Beach Administration Building, 2523 Estero Blvd., Ft. Myers Beach, FL.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

NOTICE TO ADJACENT PROPERTY OWNER

CASE NUMBER: CPA2000-00001

NAME: Captain Investments, Inc., in ref. to Captain's Bay East

REQUEST: Administrative Interpretation of the Town of Fort Myers Beach Comprehensive Plan of whether Phase IV of Captain's Bay has been (or should have been) designated "Wetlands" on the basis of a clear factual error as set forth in Chapter 15, page 3, Section A.1.

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DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

03-47-24-W1-00002.0040
CAPTAINS BAY EAST INC

3421 BONITA BEACH RD STE 408

BONITA SPRINGS FL 34134 USA

03-47-24-W1-05100.000A
BAC-BAY HEALTH + RACQUET CLUB
C/O LAVERNE JOHNSON
5463 N LA CROSSE AV

CHICAGO IL 60630 USA

03-47-24-W1-05106.0611
SOCKEL ADAM JR + HELEN J

2024 N 24TH ST
{
SPRINGFIELD IL 62702 USA

03-47-24-W1-05106.0613
RICH-PAUL INC

2453 LEONARD ST
P O BOX 1106
STROUD ON L0L 2M0 CANADA

03-47-24-W1-05106.0615
MCKINNON WILLIAM H + DIANE J

416 SHADOW LN
STATE COLLEGE PA 16803 USA

03-47-24-W1-05106.0617
DALEY DUANE F + DOROTHY S

22676 ISLANDS PINES WAY
UNIT 147
FT MYERS BEACH FL 33931 USA

03-47-24-W1-05106.0619
GROSSI JOSEPH M 1/2 INT +

166 HIGHLAND AV
ST CATHERINES ON L2R 4J6 CANADA

03-47-24-W1-05106.0622
CAMPITIELLO GERARD A + JANICE

33 FOXWOOD ROAD
WEST NYACK NY 10994 USA

03-47-24-W1-05106.0624
ADRAK INVESTMENTS INC

66 KENTISH CRES
SCARBOROUGH ON M1S 2Z4 CANADA

03-47-24-W1-05106.0626
FURTADO FRANK +

340 CHAMP DE MARS BUREAU 209
MONTREAL QC H2Y 3Z8 CANADA

03-47-24-W1-00001.0020
CAPTAIN PROPERTIES INC

3421 BONITA BEACH RD STE 408

BONITA SPRINGS FL 34134 USA

03-47-24-W1-05100.00CE
BAC-BAY HEALTH + RACQUET CLUB

H/O ASSN C/O LAVERNE JOHNSON
5463 N LA CROSSE AV
CHICAGO IL 60630 USA

03-47-24-W1-05106.0612
GODESELL JOAN B

121 4TH ST
MEDFORD MA 02155 USA

03-47-24-W1-05106.0614
ALEXANDER JOSEPH

22676-144 ISLAND PINES WAY
FT MYERS BEACH FL 33931 USA

03-47-24-W1-05106.0616
RACINE M SUSAN

RR 1
PORT ROBINSON ON L0S 1K0 CANADA

03-47-24-W1-05106.0618
SELWA ELIZABETH A

1233 CRANBROOK DR
SCHAUMBURG IL 60193 USA

03-47-24-W1-05106.0621
VELANDER MARK + PAMELA

7757 EWING AV N
BROOKLYN PARK MN 55443 USA

03-47-24-W1-05106.0623
STARR ELAINE J

1140 BURNHAMTHORPE RD W
MISSISSAUGA ON L5C 4E9 CANADA

03-47-24-W1-05106.0625
KLINGBERG SCOTT B + LISA J

40W023 SUNFLOWER DR RT 6
ELGIN IL 60123 USA

03-47-24-W1-05106.0627
FURTADO FRANK +

190 DON BOSCO # 207
SHERBROOKE QC J1L 2G6 CANADA

CPA 2000-00001

03-47-24-W1-05106.0628
KARDA WILLIAM P + CLAIRE

1487 BRENTANO BLVD

MISSISSAUGA ON L4X 1A2 CANADA

03-47-24-W1-05106.6110
BOYE JOHN W + ALVINA

22676 ISLAND PINES WAY
UNIT 1410

FT MYERS BEACH FL 33931 USA

03-47-24-W1-05106.6210
GUTSHALL CHRIS

114 ENGLEWOOD ST

JOHNSTOWN PA 15901 USA

03-47-24-W1-05500.000A
ESTERO COVE CONDO

6981 ESTERO BLVD

FT MYERS BEACH FL 33931 USA

03-47-24-W1-06000.000A
ADMIRALS BAY PH-2

22652 ISLAND PINES WAY

FT MYERS BEACH FL 33907 USA

03-47-24-W1-06000.1510
FITZSIMONS PATRICK S + ANNE M

10460 DELIHANT RD

THREE RIVERS MI 49093 USA

03-47-24-W1-06000.1530
BAKOS GEORGE JR

24 MOUNTAIN AV

LYNN MA 01902 USA

03-47-24-W1-06000.1550
HODGSON HOWARD F + DORIS J

5595 ERICSON LN

WILLOUGHBY OH 44094 USA

03-47-24-W1-06000.1570
HALE KENNETH E + SANDRA R

363 US ROUTE 4

ENFIELD NH 03748 USA

03-47-24-W1-06000.2510
TURC WILLIAM SR & LINDA J

630 LAUREL DR

PASADENA MD 21122 USA

03-47-24-W1-05106.0629
MCKINNEY LLOYD P

7745 214TH ST N

FOREST LAKE MN 55025 USA

03-47-24-W1-05106.6111
VERNON JOHN F + BERTHA M TRUST

100 OBSERVATORY LN STE 1204

RICHMOND HILL ON L4C 1T4 CANADA

03-47-24-W1-05106.6211
ELLIOTT WILLIAM B

7754 CHESAPEAKE DR E

INDIANAPOLIS IN 46236 USA

03-47-24-W1-05500.00CE
ESTERO COVE CONDO ASSOCIATION

~~6981 ESTERO BLVD~~

~~FT MYERS BEACH FL 33931 USA~~

03-47-24-W1-06000.00CE
ADMIRALS BAY CONDO ASSOCIATION
C/O BENSONS INC
12560 WHITEHALL DR

FT MYERS FL 33907 USA

03-47-24-W1-06000.1520
ROSENBLUM MELVIN R + JEAN

436 STONEY POINT DR

FORKED RIVER NJ 08731 USA

03-47-24-W1-06000.1540
ROJAC VENTURES LTD

39 LINCREST RD

WINNIPEG MB R2V 2S8 CANADA

03-47-24-W1-06000.1560
PICCIRILLO EDWARD +

1422 HAMPTON PLACE BLVD

TROY NY 12180 USA

03-47-24-W1-06000.1580
CLOS DENNIS M + KAREN S

22652 ISLAND PINES WY

FORT MYERS BEACH FL 33931 USA

03-47-24-W1-06000.2520
LOWEY JOHN R + JUDITH H

1517 BROADMOOR

MATTOON IL 61938 USA

03-47-24-W1-06000.2530
FERGUSON WILLIAM + MARILYN

1005 WESTMINSTER ROAD

JOLIET IL 60435 USA

03-47-24-W1-06000.2550
CECILLE JAMES P + MARYANN

511 RIDGE CIRCLE

STREAMWOOD IL 60107 USA

03-47-24-W1-06000.2570
DREBES NANCY A

22652-257 ISLAND PINES WY

FT MYERS BEACH FL 33931 USA

03-47-24-W1-06000.2540
WAHL JOHN F + JEAN LEE

10 COMMONS DR

BRADFORDWOODS PA 15015 USA

03-47-24-W1-06000.2560
SPESIA DOUGLAS + LORETTA +

820 OAKWOOD DR

FRANKFORT IL 60423 USA

03-47-24-W1-06000.2580
JOHNSON HARTESE H

765 RIDGEWAY RD

STANFORD KY 40484 USA

 *** VARIANCE REPORT ***

 *** Prepared By ***
 *** LEE COUNTY PROPERTY APPRAISER ***
 *** Kenneth M. Wilkinson ***



DATE OF REPORT : 14APR00
 SUBJECT PROPERTY : 03-47-24-W1-00002.0040
 VARIANCE DISTANCE : 375(ft)
 PARCELS AFFECTED : 46

PERMIT COUNTER

 03-47-24-W1-00002.0040

LAND RES FOR DEV OF CAPTA
 INS BAY OR 2501/3791 60 U
 NITS-SURVEY ON FILE
 ***** SITE *****

***** OWNER *****
 CAPTAINS BAY EAST INC

3421 BONITA BEACH RD STE 408 22676 ISLAND PINES WY
 BONITA SPRINGS FL 34134 Fort Myers Beach 33931
 USA

 03-47-24-W1-00001.0020

PARL IN N 600 FT G L 1 AS
 DESC OR 2039 PG 1571

***** OWNER *****
 CAPTAIN PROPERTIES INC

***** SITE *****

3421 BONITA BEACH RD STE 408 0 ACCESS UNDETERMINED
 BONITA SPRINGS FL 34134 Fort Myers Beach 33931
 USA

 03-47-24-W1-05100.000A

BAC-BAY HEALTH + RACQUET
 CLUB AND ADMIRAL BAY PH-1
 CONDO 1703-1580+2066-1150
 ***** SITE *****

***** OWNER *****
 BAC-BAY HEALTH + RACQUET CLUB
 C/O LAVERNE JOHNSON
 5463 N LA CROSSE AV

0 HDR: BAC-BAY

CHICAGO IL 60630 Fort Myers Beach 33931
 USA

 03-47-24-W1-05100.00CE

BAC-BAY + ADMIRAL BAY PH-1
 OR 1703-1580 +OR 2066-11
 50 COMMON ELEMENTS
 ***** SITE *****

***** OWNER *****
 BAC-BAY HEALTH +RACQUET CLUB

H/O ASSN C/O LAVERNE JOHNSON 0 COMMON ELEMENTS
 5463 N LA CROSSE AV
 CHICAGO IL 60630 Fort Myers Beach 33931
 USA

CPA 2000-00001

 *** VARIANCE REPORT ***

 *** Prepared By ***
 *** LEE COUNTY PROPERTY APPRAISER ***
 *** Kenneth M. Wilkinson ***

DATE OF REPORT : 14APR00
 SUBJECT PROPERTY : 03-47-24-W1-00002.0040
 VARIANCE DISTANCE : 375(ft)
 PARCELS AFFECTED : 46

 03-47-24-W1-05106.0611 5
 ADMIRALS BAY CONDO OR2160
 -4478 UT141 FKA BAC BAY H
 EALTH+RAC CLUB UT611
 ***** OWNER *****
 ***** SITE *****
 SOCKEL ADAM JR + HELEN J
 2024 N 24TH ST 22676 ISLAND PINES WAY
 {
 SPRINGFIELD IL 62702 Fort Myers Beach
 USA 33931

 03-47-24-W1-05106.0612 6
 ADMIRALS BAY CONDO OR2160
 -4478 U142 FKA BAC BAY HE
 ALTH+RAC CLUB U612
 ***** OWNER *****
 ***** SITE *****
 GODSELL JOAN B
 121 4TH ST 22676 ISLAND PINES WAY
 MEDFORD MA 02155 Fort Myers Beach
 USA 33931

 03-47-24-W1-05106.0613 7
 ADMIRALS BAY CONDO OR2160
 -4478 U143 FKA BAC BAY HE
 ALTH+RAC CLUB U613
 ***** OWNER *****
 ***** SITE *****
 RICH-PAUL INC
 2453 LEONARD ST 22676 ISLAND PINES WAY
 P O BOX 1106
 STROUD ON L0L 2M0 Fort Myers Beach
 CANADA 33931

 03-47-24-W1-05106.0614 8
 ADMIRALS BAY OR2160-4478
 UNIT 144 FKA BAC BAY HEAL
 TH+RAC CLUB UNIT 614
 ***** OWNER *****
 ***** SITE *****
 ALEXANDER JOSEPH
 22676-144 ISLAND PINES WAY 22676 ISLAND PINES WAY
 FT MYERS BEACH FL 33931 Fort Myers Beach
 USA 33931

 *** VARIANCE REPORT ***

 *** Prepared By ***
 *** LEE COUNTY PROPERTY APPRAISER ***
 *** Kenneth M. Wilkinson ***

DATE OF REPORT : 14APR00
 SUBJECT PROPERTY : 03-47-24-W1-00002.0040
 VARIANCE DISTANCE : 375(ft)
 PARCELS AFFECTED : 46

 03-47-24-W1-05106.0615 9
 ADMIRALS BAY OR 2160-4478
 UNIT 145 FKA BACBAY HEAL
 TH+RAC CLUB UNIT 615
 ***** OWNER *****
 MCKINNON WILLIAM H + DIANE J
 ***** SITE *****
 416 SHADOW LN 22676 ISLAND PINES WAY
 STATE COLLEGE PA 16803 Fort Myers Beach
 USA 33931

03-47-24-W1-05106.0616 10
 ADMIRALS BAY OR 2160-4478
 UNIT 146 FKA BACBAY HEAL
 TH+RAC CLUB UNIT 616
 ***** OWNER *****
 RACINE M SUSAN
 ***** SITE *****
 RR 1 22676 ISLAND PINES WAY
 PORT ROBINSON ON LOS 1K0 Fort Myers Beach
 CANADA 33931

03-47-24-W1-05106.0617 11
 ADMIRALS BAY OR 2160-4478
 UNIT 147 FKA BACBAY HEAL
 TH+RAC CLUB UNIT 617
 ***** OWNER *****
 DALEY DUANE F + DOROTHY S
 ***** SITE *****
 22676 ISLANDS PINES WAY 22676 ISLAND PINES WAY
 UNIT 147
 FT MYERS BEACH FL 33931 Fort Myers Beach
 USA 33931

03-47-24-W1-05106.0618 12
 ADMIRALS BAY OR 2160-4478
 UNIT 148 FKA BACBAY HEAL
 TH+RAC CLUB UNIT 618
 ***** OWNER *****
 SELWA ELIZABETH A
 ***** SITE *****
 1233 CRANBROOK DR 22676 ISLAND PINES WAY
 SCHAUMBURG IL 60193 Fort Myers Beach
 USA 33931

 *** VARIANCE REPORT ***

 *** Prepared By ***
 *** LEE COUNTY PROPERTY APPRAISER ***
 *** Kenneth M. Wilkinson ***

DATE OF REPORT : 14APR00
 SUBJECT PROPERTY : 03-47-24-W1-00002.0040
 VARIANCE DISTANCE : 375(ft)
 PARCELS AFFECTED : 46

 03-47-24-W1-05106.0619 13
 ADMIRALS BAY OR 2160-4478
 UNIT 149 FKA BACBAY HEAL
 TH+RAC CLUB UNIT 619
 ***** OWNER *****
 GROSSI JOSEPH M 1/2 INT +
 ***** SITE *****
 166 HIGHLAND AV 22676 ISLAND PINES WAY
 ST CATHERINES ON L2R 4J6 Fort Myers Beach
 CANADA 33931

 03-47-24-W1-05106.0621 14
 ADMIRALS BAY OR 2160-4478
 UNIT 241 FKA BACBAY HEAL
 TH+RAC CLUB UNIT 621
 ***** OWNER *****
 VELANDER MARK + PAMELA
 ***** SITE *****
 7757 EWING AV N 22676 ISLAND PINES WAY
 BROOKLYN PARK MN 55443 Fort Myers Beach
 USA 33931

 03-47-24-W1-05106.0622 15
 ADMIRALS BAY OR 2160-4478
 UNIT 242 FKA BAC-BAY HEA
 LTH+RAC CLUB UNIT 622
 ***** OWNER *****
 CAMPITIELLO GERARD A + JANICE
 ***** SITE *****
 33 FOXWOOD ROAD 22676 ISLAND PINES WAY
 WEST NYACK NY 10994 Fort Myers Beach
 USA 33931

 03-47-24-W1-05106.0623 16
 ADMIRALS BAY OR 2160-4478
 UNIT 243 FKA BACBAY HEAL
 TH+RAC CLUB UNIT 623
 ***** OWNER *****
 STARR ELAINE J
 ***** SITE *****
 1140 BURNHAMTHORPE RD W 22676 ISLAND PINES WAY
 MISSISSAUGA ON L5C 4E9 Fort Myers Beach
 CANADA 33931

 *** VARIANCE REPORT ***

 *** Prepared By ***
 *** LEE COUNTY PROPERTY APPRAISER ***
 *** Kenneth M. Wilkinson ***

DATE OF REPORT : 14APR00
 SUBJECT PROPERTY : 03-47-24-W1-00002.0040
 VARIANCE DISTANCE : 375(ft)
 PARCELS AFFECTED : 46

 03-47-24-W1-05106.0624 17
 ADMIRALS BAY OR 2160-4478
 UNIT 244 FKA BAC BAY HEA
 LTH+RAC CLUB UNIT 624
 ***** OWNER *****
 ADRAK INVESTMENTS INC ***** SITE *****
 66 KENTISH CRES 22676 ISLAND PINES WAY
 SCARBOROUGH ON M1S 2Z4 Fort Myers Beach
 CANADA 33931

03-47-24-W1-05106.0625 18
 ADMIRALS BAY OR 2160-4478
 UNIT 245 FKA BAC BAY HEA
 LTH+RAC CLUB 625
 ***** OWNER *****
 KLINGBERG SCOTT B + LISA J ***** SITE *****
 40W023 SUNFLOWER DR RT 6 22676 ISLAND PINES WAY
 ELGIN IL 60123 Fort Myers Beach
 USA 33931

03-47-24-W1-05106.0626 19
 ADMIRALS BAY OR 2160-4478
 UNIT 246 FKA BAC BAY HEA
 LTH+RAC CLUB UNIT 626
 ***** OWNER *****
 FURTADO FRANK + ***** SITE *****
 340 CHAMP DE MARS BUREAU 209 22676 ISLAND PINES WAY
 MONTREAL QC H2Y 3Z8 Fort Myers Beach
 CANADA 33931

03-47-24-W1-05106.0627 20
 ADMIRALS BAY OR 2160-4478
 UNIT 247 FKA BAC-BAY HEA
 LTH+RAC CLUB UNIT 627
 ***** OWNER *****
 FURTADO FRANK + ***** SITE *****
 190 DON BOSCO # 207 22676 ISLAND PINES WAY
 SHERBROOKE QC J1L 2G6 Fort Myers Beach
 CANADA 33931

 *** VARIANCE REPORT ***

 *** Prepared By ***
 *** LEE COUNTY PROPERTY APPRAISER ***
 *** Kenneth M. Wilkinson ***

DATE OF REPORT : 14APR00
 SUBJECT PROPERTY : 03-47-24-W1-00002.0040
 VARIANCE DISTANCE : 375(ft)
 PARCELS AFFECTED : 46

-
- 03-47-24-W1-05106.0628 21
 ADMIRAL BAY OR 2160-4478
 UNIT 248 FKA BAC BAY UNIT
 628/PK#4-17
 ***** OWNER *****
 KARDA WILLIAM P + CLAIRE
 ***** SITE *****
 1487 BRENTANO BLVD 22676 ISLAND PINES WAY
 MISSISSAUGA ON L4X 1A2 Fort Myers Beach
 CANADA 33931
-
- 03-47-24-W1-05106.0629 22
 ADMIRALS BAY OR 2160-4478
 UNIT 249 FKA BAC BAY HEA
 LTH+ RAC CLUB UNIT 629
 ***** OWNER *****
 MCKINNEY LLOYD P
 ***** SITE *****
 7745 214TH ST N 22676 ISLAND PINES WAY
 FOREST LAKE MN 55025 Fort Myers Beach
 USA 33931
-
- 03-47-24-W1-05106.6110 23
 ADMIRALS BAY OR 2160-4478
 UNIT 1410 FKA BAC BAY HE
 ALTH+RAC CLUB UNIT 6110
 ***** OWNER *****
 BOYE JOHN W + ALVINA
 ***** SITE *****
 22676 ISLAND PINES WAY 22676 ISLAND PINES WAY
 UNIT 1410
 FT MYERS BEACH FL 33931 Fort Myers Beach
 USA 33931
-
- 03-47-24-W1-05106.6111 2A
 ADMIRALS BAY OR 2160-4478
 UNIT 1411 FKA BACBAY HEA
 LTH+RAC CLUB UNIT 6111
 ***** OWNER *****
 VERNON JOHN F + BERTHA M TRUST
 ***** SITE *****
 100 OBSERVATORY LN STE 1204 22676 ISLAND PINES WAY
 RICHMOND HILL ON L4C 1T4 Fort Myers Beach
 CANADA 33931

 *** VARIANCE REPORT ***

 *** Prepared By ***
 *** LEE COUNTY PROPERTY APPRAISER ***
 *** Kenneth M. Wilkinson ***

DATE OF REPORT : 14APR00
 SUBJECT PROPERTY : 03-47-24-W1-00002.0040
 VARIANCE DISTANCE : 375(ft)
 PARCELS AFFECTED : 46

 03-47-24-W1-05106.6210 25
 ADMIRALS BAY OR 2160-4478
 UNIT 2410 FKA BACBAY HEA
 LTH+RAC CLUB UNIT 6210
 ***** OWNER *****
 GUTSHALL CHRIS
 114 ENGLEWOOD ST 22676 ISLAND PINES WAY
 JOHNSTOWN PA 15901 Fort Myers Beach
 USA 33931

 03-47-24-W1-05106.6211 26
 ADMIRALS BAY OR 2160-4478
 UNIT 2411 FKA BAC BAY HE
 ALTH+RAC CLUB UNIT 6211
 ***** OWNER *****
 ELLIOTT WILLIAM B
 7754 CHESAPEAKE DR E 22676 ISLAND PINES WAY
 INDIANAPOLIS IN 46236 Fort Myers Beach
 USA 33931

 03-47-24-W1-05500.000A 27
 A CONDOMINIUM LOCATED IN
 SEC 03 TWP 47 RGE 24 AS D
 ESC IN OR 1765 PG 2993
 ***** OWNER *****
 ESTERO COVE CONDO
 6981 ESTERO BLVD 0 HDR:ESTERO COVE
 FT MYERS BEACH FL 33931 Fort Myers Beach
 USA 33931

 03-47-24-W1-05500.00CE 28
 ESTERO COVE CONDO DESC OR
 1765 PG 2993 COMMON ELEM
 ENTS + UNIT 312
 ***** OWNER *****
 ESTERO COVE CONDO ASSOCIATION
 6981 ESTERO BLVD 0 COMMON ELEMENTS
 FT MYERS BEACH FL 33931 Fort Myers Beach
 USA 33931

 *** VARIANCE REPORT ***

 *** Prepared By ***
 *** LEE COUNTY PROPERTY APPRAISER ***
 *** Kenneth M. Wilkinson ***

DATE OF REPORT : 14APR00
 SUBJECT PROPERTY : 03-47-24-W1-00002.0040
 VARIANCE DISTANCE : 375(ft)
 PARCELS AFFECTED : 46

----- 29

03-47-24-W1-06000.000A
 ADMIRALS BAY CONDO PH-2 D
 ESC OR BK 2262 PG 2055

***** OWNER ***** SITE *****
 ADMIRALS BAY PH-2

22652 ISLAND PINES WAY 0 HDR: ADMIRALS BAY2

FT MYERS BEACH FL 33907 Fort Myers Beach
 USA 33931

----- 30

03-47-24-W1-06000.00CE
 ADMIRALS BAY CONDO PH-2 D
 ESC OR BK 2262 PG 2055 C/
 E POOL

***** OWNER ***** SITE *****
 ADMIRALS BAY CONDO ASSOCIATION
 C/O BENSONS INC
 12560 WHITEHALL DR 0 COMMON ELEMENTS

FT MYERS FL 33907 Fort Myers Beach
 USA 33931

----- 31

03-47-24-W1-06000.1510
 ADMIRALS BAY CONDO OR 216
 0 PG 4478 PH-II UNIT 151

***** OWNER ***** SITE *****
 FITZSIMONS PATRICK S + ANNE M

10460 DELIHANT RD 22652 ISLAND PINES WAY

THREE RIVERS MI 49093 Fort Myers Beach
 USA 33931

----- 32

03-47-24-W1-06000.1520
 ADMIRALS BAY CONDO OR 216
 0 PG 4478 PH-II UNIT 152

***** OWNER ***** SITE *****
 ROSENBLOOM MELVIN R + JEAN

436 STONEY POINT DR 22652 ISLAND PINES WAY

FORKED RIVER NJ 08731 Fort Myers Beach
 USA 33931

 *** VARIANCE REPORT ***

 *** Prepared By ***
 *** LEE COUNTY PROPERTY APPRAISER ***
 *** Kenneth M. Wilkinson ***

DATE OF REPORT : 14APR00
 SUBJECT PROPERTY : 03-47-24-W1-00002.0040
 VARIANCE DISTANCE : 375(ft)
 PARCELS AFFECTED : 46

 03-47-24-W1-06000.1530 33
 ADMIRALS BAY CONDO OR 216
 0 PG 4478 PH-II UNIT 153
 ***** OWNER ***** SITE *****
 BAKOS GEORGE JR
 24 MOUNTAIN AV 22652 ISLAND PINES WAY
 LYNN MA 01902 Fort Myers Beach
 USA 33931

 03-47-24-W1-06000.1540 34
 ADMIRALS BAY CONDO OR 216
 0 PG 4478 PH-II UNIT 154
 ***** OWNER ***** SITE *****
 ROJAC VENTURES LTD
 39 LINCREST RD 22652 ISLAND PINES WAY
 WINNIPEG MB R2V 2S8 Fort Myers Beach
 CANADA 33931

 03-47-24-W1-06000.1550 35
 ADMIRALS BAY CONDO OR 216
 0 PG 4478 PH-II UNIT 155/
 PS#5-6
 ***** OWNER ***** SITE *****
 HODGSON HOWARD F + DORIS J
 5595 ERICSON LN 22652 ISLAND PINES WAY
 WILLOUGHBY OH 44094 Fort Myers Beach
 USA 33931

 03-47-24-W1-06000.1560 36
 ADMIRALS BAY CONDO OR 216
 0 PG 4478 PH-II UNIT 156
 ***** OWNER ***** SITE *****
 PICCIRILLO EDWARD +
 1422 HAMPTON PLACE BLVD 22652 ISLAND PINES WAY
 TROY NY 12180 Fort Myers Beach
 USA 33931

 *** VARIANCE REPORT ***

 *** Prepared By ***
 *** LEE COUNTY PROPERTY APPRAISER ***
 *** Kenneth M. Wilkinson ***

DATE OF REPORT : 14APR00
 SUBJECT PROPERTY : 03-47-24-W1-00002.0040
 VARIANCE DISTANCE : 375(ft)
 PARCELS AFFECTED : 46

 03-47-24-W1-06000.1570 37
 ADMIRALS BAY CONDO OR 216
 0 PG 4478 PH-II UNIT 157
 ***** OWNER ***** SITE *****
 HALE KENNETH E + SANDRA R
 363 US ROUTE 4 22652 ISLAND PINES WAY
 ENFIELD NH 03748 Fort Myers Beach
 USA 33931

 03-47-24-W1-06000.1580 38
 ADMIRALS BAY CONDO OR 216
 0 PG 4478 PH-II UNIT 158
 ***** OWNER ***** SITE *****
 CLOS DENNIS M + KAREN S
 22652 ISLAND PINES WY 22652 ISLAND PINES WAY
 FORT MYERS BEACH FL 33931 Fort Myers Beach
 USA 33931

 03-47-24-W1-06000.2510 39
 ADMIRALS BAY CONDO OR 216
 0 PG 4478 PH-II UNIT 251
 ***** OWNER ***** SITE *****
 TURC WILLIAM SR & LINDA J
 630 LAUREL DR 22652 ISLAND PINES WAY
 PASADENA MD 21122 Fort Myers Beach
 USA 33931

 03-47-24-W1-06000.2520 40
 ADMIRALS BAY CONDO OR 216
 0 PG 4478 PH-II UNIT 252
 ***** OWNER ***** SITE *****
 LOWEY JOHN R + JUDITH H
 1517 BROADMOOR 22652 ISLAND PINES WAY
 MATTOON IL 61938 Fort Myers Beach
 USA 33931

 *** VARIANCE REPORT ***

 *** Prepared By ***
 *** LEE COUNTY PROPERTY APPRAISER ***
 *** Kenneth M. Wilkinson ***

DATE OF REPORT : 14APR00
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 VARIANCE DISTANCE : 375(ft)
 PARCELS AFFECTED : 46

----- 41
 03-47-24-W1-06000.2530
 ADMIRALS BAY CONDO OR 216
 0 PG 4478 PH-II UNIT 253
 ***** OWNER ***** SITE *****
 FERGUSON WILLIAM + MARILYN
 1005 WESTMINSTER ROAD 22652 ISLAND PINES WAY
 JOLIET IL 60435 Fort Myers Beach
 USA 33931

----- 42
 03-47-24-W1-06000.2540
 ADMIRALS BAY CONDO OR 216
 0 PG 4478 PH-II UNIT 254
 ***** OWNER ***** SITE *****
 WAHL JOHN F + JEAN LEE
 10 COMMONS DR 22652 ISLAND PINES WAY
 BRADFORDWOODS PA 15015 Fort Myers Beach
 USA 33931

----- 43
 03-47-24-W1-06000.2550
 ADMIRALS BAY CONDO OR 216
 0 PG 4478 PH-II UNIT 255
 CCPT
 ***** OWNER ***** SITE *****
 CECILLE JAMES P + MARYANN
 511 RIDGE CIRCLE 22652 ISLAND PINES WAY
 STREAMWOOD IL 60107 Fort Myers Beach
 USA 33931

----- 44
 03-47-24-W1-06000.2560
 ADMIRALS BAY CONDO OR 216
 0 PG 4478 PH-II UNIT 256
 ***** OWNER ***** SITE *****
 SPESIA DOUGLAS + LORETTA +
 820 OAKWOOD DR 22652 ISLAND PINES WAY
 FRANKFORT IL 60423 Fort Myers Beach
 USA 33931

 *** VARIANCE REPORT ***

 *** Prepared By ***
 *** LEE COUNTY PROPERTY APPRAISER ***
 *** Kenneth M. Wilkinson ***

DATE OF REPORT : 14APR00
 SUBJECT PROPERTY : 03-47-24-W1-00002.0040
 VARIANCE DISTANCE : 375(ft)
 PARCELS AFFECTED : 46

 03-47-24-W1-06000.2570

45

ADMIRALS BAY CONDO OR 216
 0 PG 4478 PH-II UNIT 257

***** OWNER *****
 DREBES NANCY A

***** SITE *****

22652-257 ISLAND PINES WY

22652 ISLAND PINES WAY

FT MYERS BEACH FL 33931
 USA

Fort Myers Beach
 33931

 03-47-24-W1-06000.2580

46

ADMIRALS BAY CONDO OR 216
 0 PG 4478 PH-II UNIT 258

***** OWNER *****
 JOHNSON HARTESE H

***** SITE *****

765 RIDGEWAY RD

22652 ISLAND PINES WAY

STANFORD KY 40484
 USA

Fort Myers Beach
 33931

 *** END OF REPORT ***



Town of Fort Myers Beach

FAX TRANSMISSION

Date: 1/22/02

TO: Pam Houck

FAX:

FROM: Dan Folke

PHONE: 941-765-0202

FAX: 941-765-0909

SUBJECT: Captains Bay Resolutions

OF PAGES: 8 (including cover)

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 00-39

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ADDRESSING ADMINISTRATIVE INTERPRETATION OF THE TOWN OF FORT MYERS BEACH COMPREHENSIVE PLAN; PROVIDING FINDINGS; CONCLUSIONS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Captain Investments, Inc., in reference to Captain's Bay East has requested administrative interpretations of the Town of Fort Myers Beach Comprehensive Plan, as to whether Phase IV of Captain's Bay has been (or should have been) designated "Wetlands" on the basis of a clear factual error as set forth in Chapter 15, page 3, Section A.1; and,

WHEREAS, persons whose interests are directly affected by the Town Plan have the right to an administrative interpretation under the following procedure:

- A. Subject Matter of Administrative Interpretations.* Administrative interpretations shall be provided only as to the following matters:
1. Whether an area has been (or should have been) designated "Wetlands" on the basis of a clear factual error. A field check shall be made prior to the issuance of such an interpretation.
 2. Clarification of Future Land Use Map boundaries as to a specific parcel of property.
 3. Conflicts between pre-existing land development regulations and this comprehensive plan during the first year after its adoption (until those conflicts are resolved through amendments to the Land Development Code).

B. Procedures for Administrative Interpretations.

1. Anyone seeking an administrative interpretation shall submit an application to the Town Clerk with requested information, and shall have the burden of demonstrating compliance with the standards set forth below.
2. The Local Planning Agency's attorney shall review each application and request additional information or conduct research as necessary. The Local Planning Agency's attorney may issue a written administrative interpretation or may, at the attorney's sole discretion, refer the request to the Local Planning Agency which will then make the administrative interpretation.

C. Standards for Administrative Interpretations. Administrative interpretations of this plan shall be determined under the following standards:

1. Interpretations which would be confiscatory, arbitrary, capricious, unreasonable, or which would deny all economically viable use of property shall be avoided;
2. Interpretations should be consistent with background data, other policies, and objectives of the plan as a whole; and

3. Interpretations should, to the extent practical, be consistent with comparable prior interpretations.

D. Appeals of Administrative Interpretations. The following procedures shall apply in appealing administrative interpretations:

1. An administrative interpretation may be appealed to the Town Council by filing a written request within fifteen days after the administrative interpretation has issued in writing. In reviewing such an appeal, the Town Council shall consider only information submitted in the administrative interpretation process and shall review only whether the proper standards set forth in this plan have been applied to the facts presented. No additional evidence shall be considered by the Town Council.

2. The Council shall conduct such appellate review at a public meeting to be held within thirty days after the date of the written request for appeal. The Council may adopt the administrative interpretation being appealed, or may overrule it, with a written decision to be rendered by the Town Clerk in writing within thirty days after the date of the hearing.

WHEREAS, the subject property is located at 22676 Island Pines Way, Ft. Myers Beach, in S03-T47S-R24E, Lee County, FL.; and

WHEREAS, the applicant has indicated the property's current STRAP number is: 03-47-24-W1-00002.0040; and,

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on October 10, 2000; and,

WHEREAS, the LPA gave full and complete consideration to the recommendations of the Staff, the documents in the file, and the testimony of all interested persons and found as follows:

That as to whether Phase IV of Captain's Bay has been or should have been designated "Wetlands"; The LPA recommends the following:

1. That the property be designated Mixed Residential and deemed consistent with the Plan to complete the development of the project with 64 units for a total of 193 units pursuant to the F-0015 site plan approved in Exemption 83-09-120.00E with the following conditions;

- a. Phase IV must be reviewed by the south Florida Water Management District or Florida
- b. The development approval should be amended to require stabilization of the fill slope.

2. Pursuant to this recommendation, the LPA finds the following:

- a. A designation of Wetland would be confiscatory, arbitrary, capricious, unreasonable or would deny all economically viable use of property.

- b. A change to Mixed Residential is consistent with background data, other policies, and objectives of the plan as a whole.
- c. The interpretation is the first requested and therefore cannot be compared with prior interpretations.
- d. The project is deemed consistent with the Town's Comprehensive Plan for 193 dwelling units to be developed in compliance with the F-0015 site plan approved in Exemption #83-09-120.00E.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA:

Section 1. Findings. It is the finding of the Town Council that:

- a. A designation of Wetland would be confiscatory, arbitrary, capricious, unreasonable or would deny all economically viable use of property.
- b. A change to Mixed Residential is consistent with background data, other policies, and objectives of the plan as a whole.
- c. The interpretation is the first requested and therefore cannot be compared with prior interpretations.
- d. The project is deemed consistent with the Town's Comprehensive Plan for 193 dwelling units to be developed in compliance with the F-0015 site plan approved in Exemption #83-09-120.00E.

Section 2. Conclusions. The Town Council determines that:

The property be designated Mixed Residential and deemed consistent with the Plan to complete the development of the project with 64 units for a total of 193 units pursuant to the F-0015 site plan approved in Exemption 83-09-120.00E with the following conditions;

- c. Phase IV must be reviewed by the south Florida Water Management District or Florida
- d. The development approval should be amended to require stabilization of the fill slope.

Section 3. Effective Date. This resolution shall take effect immediately upon its adoption by the Fort Myers Beach Town Council.

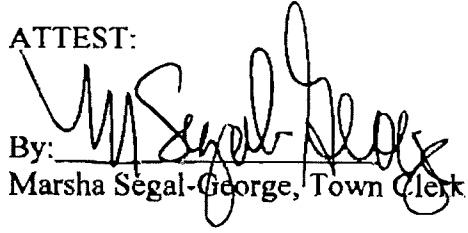
The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

Anita T. Cereceda	aye
Daniel Hughes	aye
Garr Reynolds	aye
Ray Murphy	aye
Terry Cain	aye

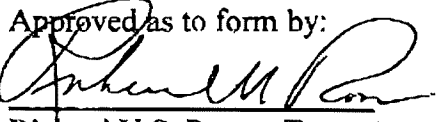
APPROVED this 13th day of November, 2000.

ATTEST:

TOWN OF FORT MYERS BEACH

By: 
Marsha Segal-George, Town Clerk

By: 
Daniel Hughes, Mayor

Approved as to form by:

Richard V.S. Roosa, Town Attorney

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 00-40

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ADDRESSING ADMINISTRATIVE INTERPRETATION OF THE TOWN OF FORT MYERS BEACH COMPREHENSIVE PLAN; PROVIDING FINDINGS; CONCLUSIONS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Captain Investments, Inc., in reference to Captain's Bay East has requested administrative interpretations of the Town of Fort Myers Beach Comprehensive Plan as to whether the building height of 80 feet (as measured from the base flood elevation to the tops of the wall) in Phase IV of Captain's Bay is deemed consistent with the Town's Comprehensive Plan as set forth in Chapter 15; and,

WHEREAS, persons whose interests are directly affected by the Town Plan have the right to an administrative interpretation under the following procedure:

A. Subject Matter of Administrative Interpretations. Administrative interpretations shall be provided only as to the following matters:

1. Whether an area has been (or should have been) designated "Wetlands" on the basis of a clear factual error. A field check shall be made prior to the issuance of such an interpretation.
2. Clarification of Future Land Use Map boundaries as to a specific parcel of property.
3. Conflicts between pre-existing land development regulations and this comprehensive plan during the first year after its adoption (until those conflicts are resolved through amendments to the Land Development Code).

B. Procedures for Administrative Interpretations.

1. Anyone seeking an administrative interpretation shall submit an application to the Town Clerk with requested information, and shall have the burden of demonstrating compliance with the standards set forth below.
2. The Local Planning Agency's attorney shall review each application and request additional information or conduct research as necessary. The Local Planning Agency's attorney may issue a written administrative interpretation or may, at the attorney's sole discretion, refer the request to the Local Planning Agency which will then make the administrative interpretation.

C. Standards for Administrative Interpretations. Administrative interpretations of this plan shall be determined under the following standards:

1. Interpretations which would be confiscatory, arbitrary, capricious, unreasonable, or which would deny all economically viable use of property shall be avoided;
2. Interpretations should be consistent with background data, other policies, and objectives of the plan as a whole; and

3. Interpretations should, to the extent practical, be consistent with comparable prior interpretations.

D. Appeals of Administrative Interpretations. The following procedures shall apply in appealing administrative interpretations:

1. An administrative interpretation may be appealed to the Town Council by filing a written request within fifteen days after the administrative interpretation has issued in writing. In reviewing such an appeal, the Town Council shall consider only information submitted in the administrative interpretation process and shall review only whether the proper standards set forth in this plan have been applied to the facts presented. No additional evidence shall be considered by the Town Council.

2. The Council shall conduct such appellate review at a public meeting to be held within thirty days after the date of the written request for appeal. The Council may adopt the administrative interpretation being appealed, or may overrule it, with a written decision to be rendered by the Town Clerk in writing within thirty days after the date of the hearing.

WHEREAS, the subject property is located at 22676 Island Pines Way, Ft. Myers Beach, in S03-T47S-R24E, Lee County, FL.; and

WHEREAS, the applicant has indicated the property's current STRAP number is: 03-47-24-W1-00002.0040; and,

WHEREAS, a public hearing was legally advertised and held before the Local Planning Agency (LPA) on October 10, 2000; and,

WHEREAS, the LPA gave full and complete consideration to the recommendations of the Staff, the documents in the file, and the testimony of all interested persons and found as follows:

That as to whether the building height of 80 feet in Phase IV of Captain's Bay is consistent with Chapter 15 of the comprehensive Plan; The LPA recommends the following:

1. That the requested building height of 80 feet as measured from the base flood elevation to the top of the wall in Phase IV of Captain's Bay is deemed inconsistent with the Town's Comprehensive Plan as set forth in Chapter 15 and is not vested based on the information presented and the facts as known at this time. The LPA believes that a height of 79.8 feet NGVD is vested based upon the information presented.

2. That the 2 decisions made by Lee County Staff in March 1999 and December 1999 were made in error and should be held to be invalid.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA:

Section 1. Findings. It is the finding of the Town Council that:

The 2 decisions made by Lec County Staff in March 1999 and December 1999 were made in error and should be held to be invalid.

Section 2. Conclusions. The Town Council finds that:

That the requested building height of 80 feet as measured from the base flood elevation to the top of the wall in Phase IV of Captain's Bay is deemed inconsistent with the Town's Comprehensive Plan as set forth in Chapter 15 and is not vested but that 5 stories over 1 story of parking with a height not to exceed 79.8 feet NGVD is vested.

Section 3. Effective Date. This resolution shall take effect immediately upon its adoption by the Fort Myers Beach Town Council.


The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

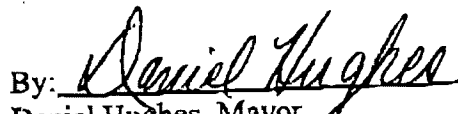
Anita T. Cereceda	aye
Daniel Hughes	aye
Garr Reynolds	nay
Ray Murphy	aye
Terry Cain	aye

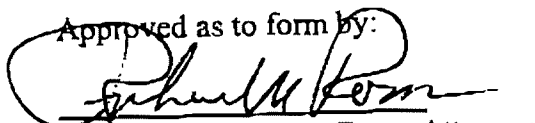
APPROVED this 13th day of November, 2000.

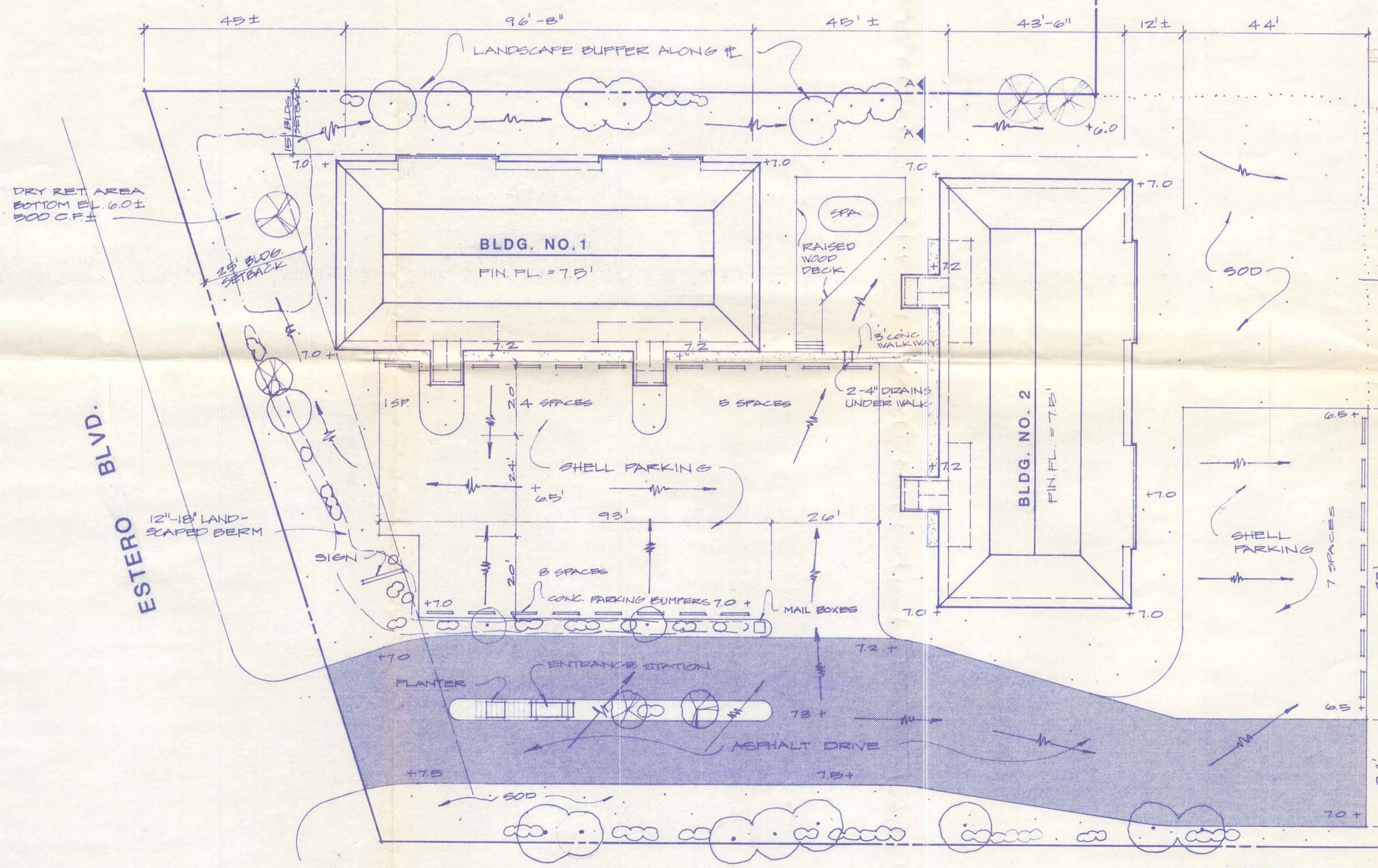
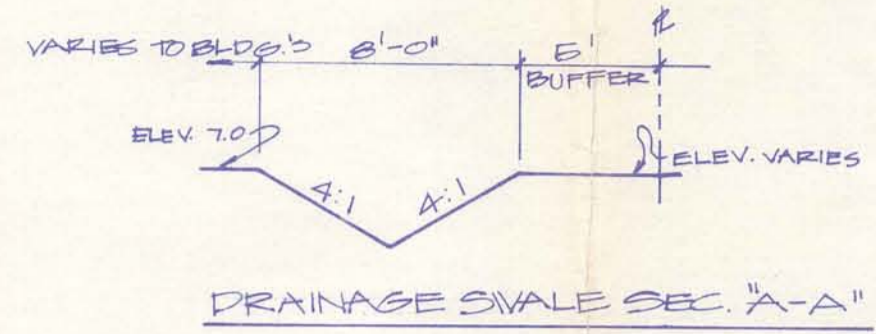
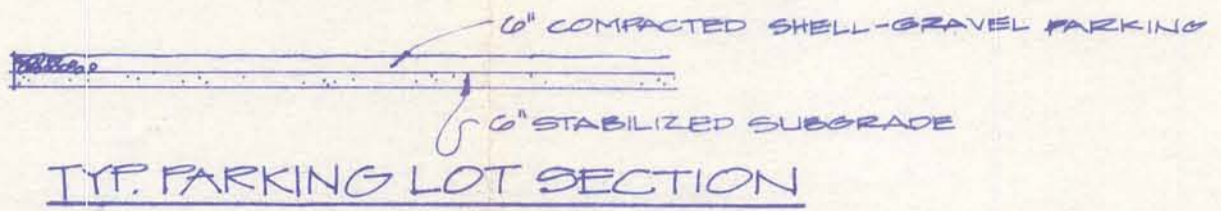
ATTEST:

TOWN OF FORT MYERS BEACH

By: 
Marsha Segal-George, Town Clerk

By: 
Daniel Hughes, Mayor

Approved as to form by:

Richard V.S. Roosa, Town Attorney



Bldg 1 & 2 only

REVIEW BLOCK				
DEPARTMENT	*ACTION	SIGNATURE	DATE	REMARKS
CURRENT PLANNING	app.	<i>B. Holland</i>	12/7/83	exemption granted #9-20
D.T.	Approved	<i>B. JB</i>	12/20/83	DESS Revised

PHASE I

PHASE I DRAINAGE CONT. AS SHEET FLOW TO EXIST. LAKE
4:1 SLOPE TO NATURAL GROUND ELEV. = 4.0'

LEGEND
→ DRAINAGE FLOW DIRECTION

ISLAND PINES RACQUET CLUB CONDOMINIUM
PHASE 1

1"=20'-0"

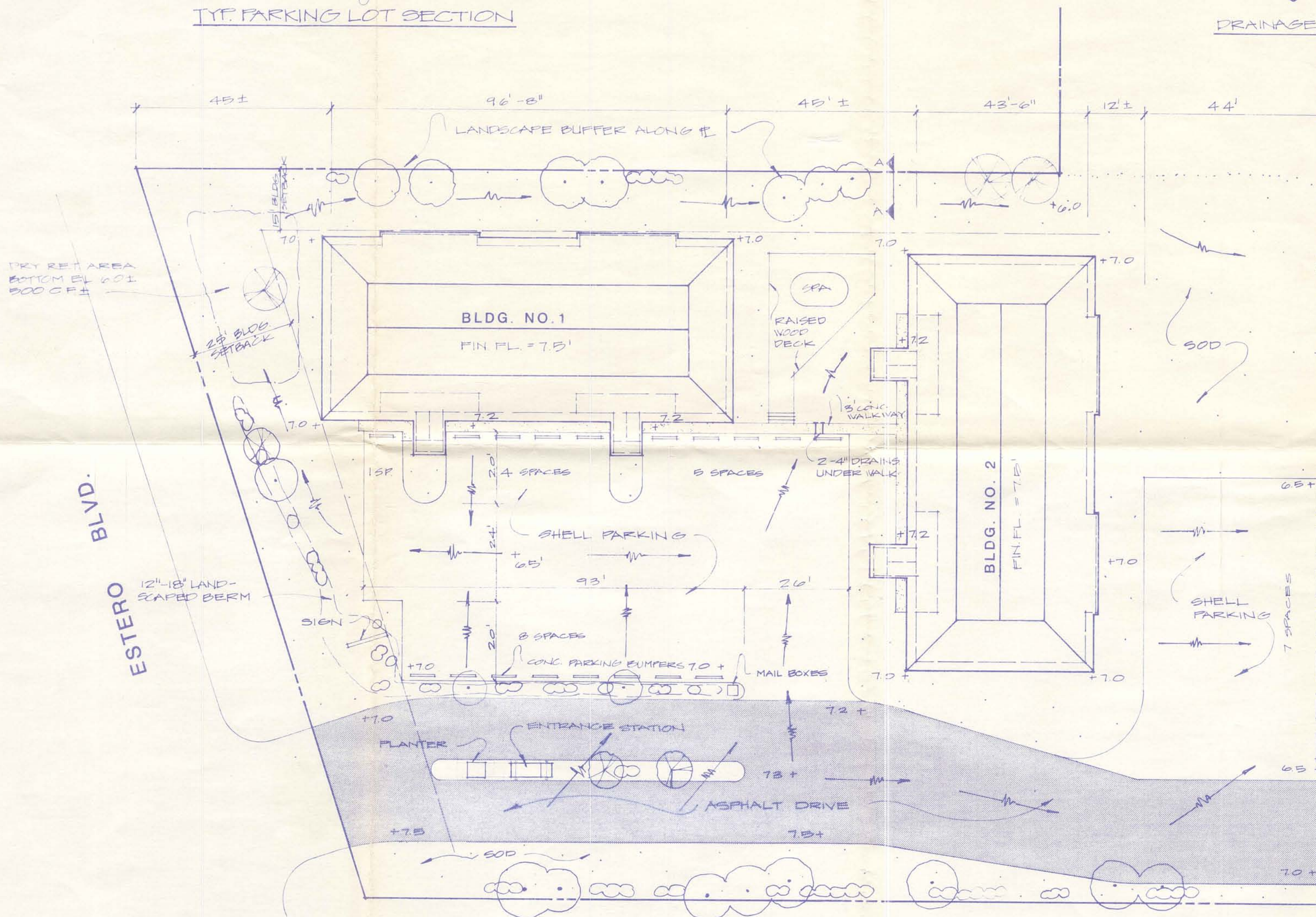
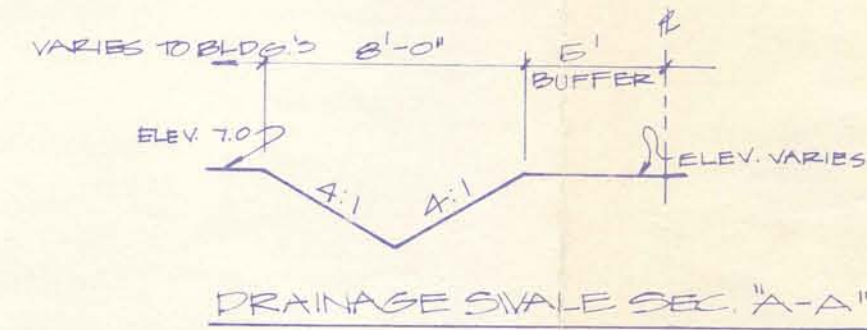


SHEET NO.

1 of 1

M.W. MORRIS & ASSOCIATES
ENGINEERS & PLANNERS
 P.O. BOX 06742 - 3434 CLEVELAND AVENUE - FORT MYERS, FLORIDA 33906
 PH. (813) 936-5222

DRAWN BY	DESIGNED
DATE	CHECKED
SCALE	APPROVED
1"=20'	



PARTMENT	*ACTION	SIGNATURE	DATE	REMARKS
CURRENT ZONING	App.	B. Holland	12/7/83	exemption granted 9/20/83 #9-20
D.T.	APPROVED	B. J. B. 12/83		Revised
PRELIMINARY				
PLANNING				

PHASE I

PHASE I DRAINAGE CONT. AS SHEET FLOW TO EXIST. LAKE
4:1 SLOPE TO NATURAL GROUND ELEV. = 4.0'

LEGEND
 DRAINAGE FLOW DIRECTION
 Eng
 Island Pines Racquet Club
 PHASE I
 Revised
 DDT
 Ummoria 12-6-83

ISLAND PINES RACQUET CLUB CONDOMINIUM
 PHASE 1

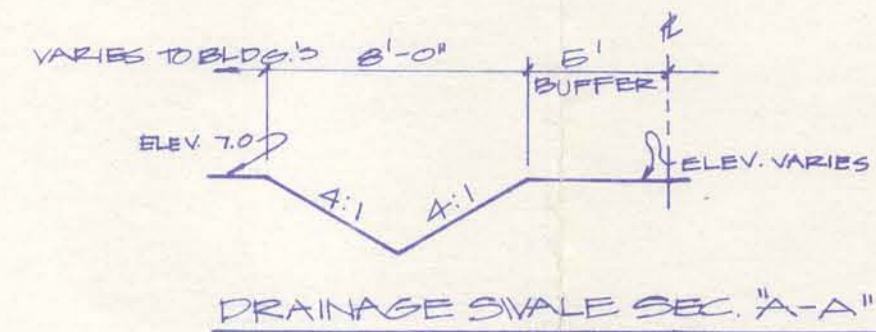
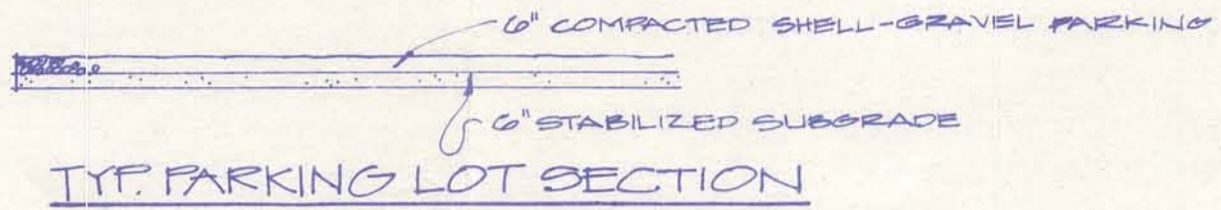
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DATE	CHECKED
SCALE	APPROVED
1" = 20'	



Bldg 1 & 2 only

REVIEW BLOCK	DATE	REMARKS
URGENT PLANNING	12/1/83	exempted by code
APPROVED	9/20/83	#9-20
DESIGNER		
ENGINEER		
PLANNING		
INSPECTION		
APPROVED		
NOTIFIED		
REJECTED		

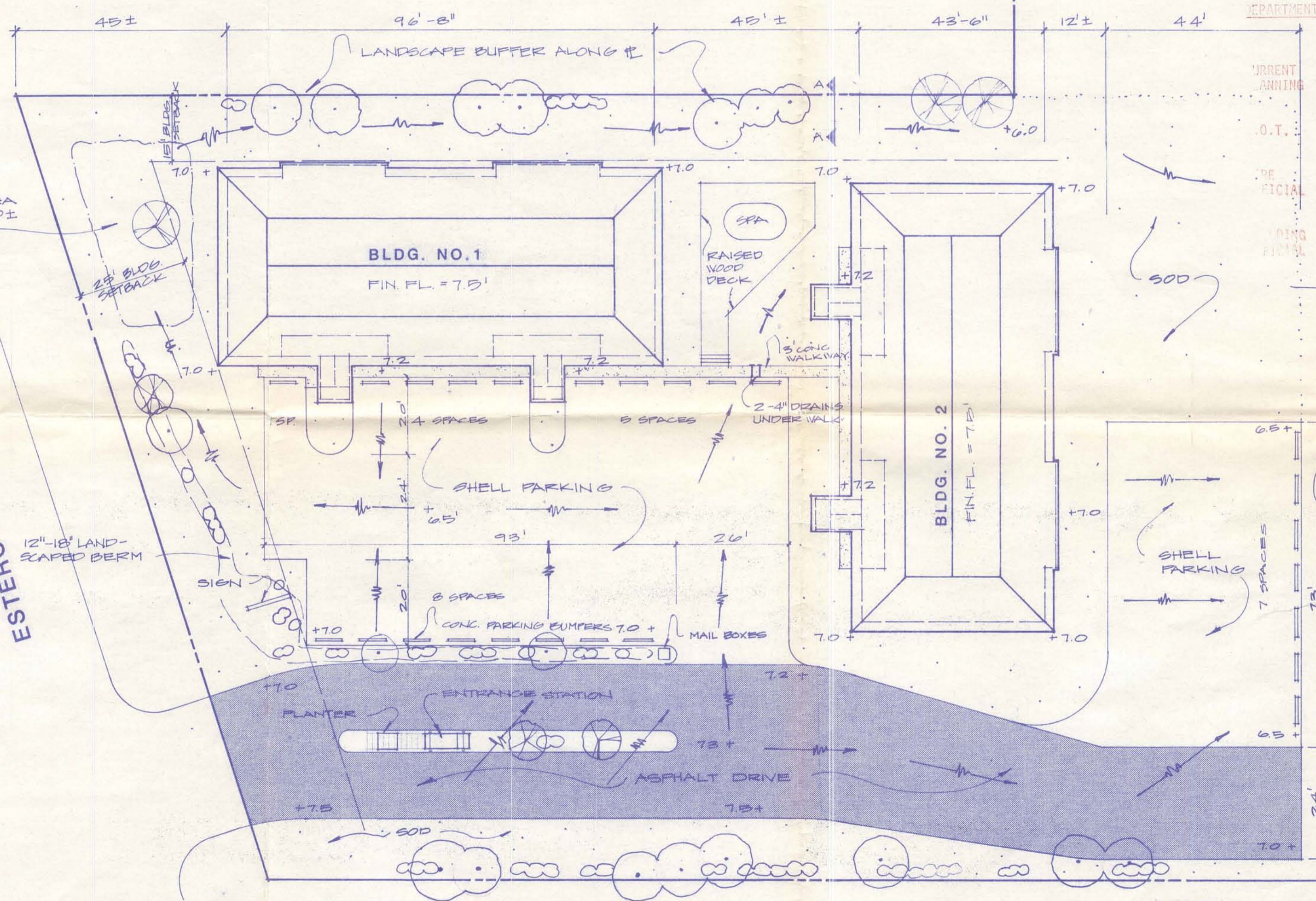
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PHASE I DRAINAGE CONT. AS SHEET FLOW TO EXIST. LAKE

4:1 SLOPE TO NATURAL GROUND ELEV. = 4.0'

LEGEND
- - - DRAINAGE FLOW DIRECTION

ISLAND PINES
Revised
INSPECTION



ISLAND PINES RACQUET CLUB CONDOMINIUM
PHASE 1

1" = 20'-0"



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DRAWN BY: SJS	DESIGNED:
DATE: DEC, 84	CHECKED:
SCALE: 1" = 20'	APPROVED: