

## Boone, Tina

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**Subject:** Telephone conference to discuss John & Connie Deschenes Appeal MUD2016-00016  
**Location:** CONF\_ROOM 621 (County Attorney)

**Start:** Thu 7/14/2016 9:00 AM  
**End:** Thu 7/14/2016 9:30 AM

**Recurrence:** (none)

**Meeting Status:** Accepted

**Organizer:** Giarrusso, Laurie  
**Required Attendees:** Jacob, Michael; Rozdolski, Mikki; Kathleen Oppenheimer Berkey  
**Optional Attendees:** ShellyMatzick@paveselaw.com; Boone, Tina

%MDEV SVC,3229,MUD2016-00016 (Appeal) - John and Connie Deschenes, 17446 Wells Road, NFM%

Michael Jacob, Mikki Rozdolski will initiate call to Katie Berkey – 239-336-6244

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## Rozdolski, Mikki

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**From:** Jacob, Michael  
**Sent:** Thursday, June 16, 2016 2:33 PM  
**To:** Rozdolski, Mikki  
**Subject:** FW: 17446 Wells Road, North Fort Myers  
**Attachments:** 17446 Wells Road.pdf

FYI

Michael D. Jacob  
Managing Assistant County Attorney  
Lee County Attorney's Office  
(239) 533-2236 (telephone)  
(239) 485-2106 (facsimile)  
mjacob@leegov.com

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-----Original Message-----

**From:** Dist5, Frank Mann  
**Sent:** Thursday, June 16, 2016 2:20 PM  
**To:** Jacob, Michael  
**Subject:** FW: 17446 Wells Road, North Fort Myers

Michael: Have you been made aware of this issue? This has been going on for a long time. If there is no other options for them, let me know so we bring this to an end.

Christine Berry  
Executive Assistant to Lee County Commissioner Frank Mann District #5

-----Original Message-----

**From:** Connie Deschenes [mailto:ladybughello@yahoo.com]  
**Sent:** Thursday, June 16, 2016 12:43 PM  
**To:** Dist5, Frank Mann  
**Subject:** FW: 17446 Wells Road, North Fort Myers

We are trying very hard to be able to build on our property, as you know by now we are being constantly rejected by Mikki Rozdolski. She is well aware the cost of applying for an amendment plan change can get very expensive, with no guarantees. This property is surrounded by homes on a private millings road. There is no way the surrounding neighbors would allow an 8 unit family dwelling or the traffic brought with it!!

Building our retirement home on this property is our only option. If you continue to hand this back to Ms. Rozdolsk the results will be the same. Do we need to get a meeting with Frank Mann?

Sincerely, Connie Deschenes

--- On Thu, 6/16/16, Kathleen Oppenheimer Berkey <kathleenberkey@paveselaw.com> wrote:

> From: Kathleen Oppenheimer Berkey <kathleenberkey@paveselaw.com>  
> Subject: FW: 17446 Wells Road, North Fort Myers  
> To: "john deschenes (john\_deschenes@yahoo.com)"  
> <john\_deschenes@yahoo.com>, "ladybughello@yahoo.com"  
> <ladybughello@yahoo.com>  
> Date: Thursday, June 16, 2016, 9:28 AM  
>  
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>  
> Hi John and  
> Connie,  
>  
> As we  
> expected, the attached letter from Mikki indicates that she will not  
> issue you an MUD. We have 15 days to submit a request for an appeal  
> (by July 1st) and a hearing to consider the appeal must take place  
> within 30 days after the date of the written request.  
>  
> Please  
> confirm that you wish to proceed with the appeal and I will begin  
> preparing our request for same to be filed next week.  
> Please also provide my office with a check for \$75.00 made payable to  
> the Lee County Board of County Commissioners for the appeal fee.  
>  
> Thank  
> you,  
>  
> Katie  
>  
>  
>  
>  
>  
>  
>  
>  
> Kathleen  
> Oppenheimer Berkey, Esq., AICP  
> (Bio)  
>  
> Attorney at Law and Certified Land Planner  
>  
> 1833 Hendry Street (33901)  
>  
> Post Office Drawer 1507 Fort Myers, FL 33902  
>  
> Direct 239.336.6280 Fax 239.332.2243  
>  
> katieberkey@paveselaw.com

>  
> Visit our  
> website:  
> [www.paveselaw.com](http://www.paveselaw.com)  
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>  
> From: Dietrich, Angela  
> [mailto:ADietrich@leegov.com]  
>  
>  
> Sent: Thursday, June 16, 2016 9:17 AM  
>  
> To: Kathleen Oppenheimer Berkey  
>  
> Cc: Rozdolski, Mikki; Jacob, Michael; Fredyma, John; Blackwell, Peter;  
> Carpenter, Deborah  
>  
> Subject: 17446 Wells Road, North Fort  
> Myers  
>  
>  
>  
> Good morning Ms.  
> Berkey,  
>  
> Attached please find Lee  
> County staff's response to your MUD application for  
> 17446 Wells Road, North Fort Myers, FL  
>  
>  
> If you have any questions,  
> please do not hesitate to contact the office at anytime.  
>  
>  
> Thank you and have a great  
> day!  
>  
> Angela Dietrich  
> Lee County Community  
> Development  
> Division of Planning  
> 1500 Monroe St., 2nd  
> Floor  
> Ft. Myers, FL  
> 33901  
> e-mail:  
> [adietrich@leegov.com](mailto:adietrich@leegov.com)  
> Phone (239)  
> 533-8389  
> Fax (239)

> 485-8344

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> a very broad public records law. Most written communications to or  
> from County Employees and officials regarding County business are  
> public records available to the public and media upon request.  
> Your email communication may be subject to public disclosure.

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> This law firm acts as a debt collector. This e-mail may be an attempt  
> to collect a debt. If so, all information obtained will be used for  
> that purpose.

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> DisclaimerThe  
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# PAVESE LAW FIRM

KATHLEEN OPPENHEIMER BERKEY, AICP  
*Attorney at Law and Certified Land Planner*

Direct dial: (239) 336-6280  
Email: KathleenBerkey@PaveseLaw.com

1833 Hendry Street, Fort Myers, Florida 33901 | P.O. Drawer 1507, Fort Myers, Florida 33902-1507 | (239) 334-2195 | Fax (239) 332-2243



June 1, 2016

Hand Delivered and E-mail to MRozdolski@leegov.com

Ms. Mikki Rozdolski, Planning Section Manager  
Lee County Community Development  
1500 Monroe Street  
Fort Myers, FL 33901

**Re: Application for Minimum Use Determination**  
**STRAP No.: 22-43-25-00-00021.0030**  
**17446 Wells Road, North Fort Myer, Florida 33917**  
**Our File No. 91378.001**



Dear Ms. Rozdolski:

Our office represents John and Connie Deschenes ("Applicants"). Enclosed please find the Applicants' Application for Minimum Use Determination ("MUD") for 17446 Wells Road, North Fort Myers, Florida further identified by STRAP No. 22-43-25-00-00021.0030 ("Subject Property"). The Subject Property is zoned Agricultural ("AG-2") and is located in the General Interchange future land use category. The Subject Property is surrounded by single-family residential development and is immediately adjacent to the Sub-Outlying Suburban future land use category. The Applicants are requesting a Minimum Use Determination to provide that a single-family residence is permitted on the Subject Property in the General Interchange future land use category in accordance with Objective 1.3 ("Interstate Highway Interchange Areas"), Policy 1.3.2 ("General Interchange"), and Chapter XIII.b ("Administrative Interpretations of the Plan") of the Lee Plan.

By way of background, the Applicants purchased the Subject Property on August 11, 2009. Prior to purchasing the Subject Property, someone at the County's zoning or permitting counter indicated that the Applicants could build a single-family home. Then the Applicants returned and spoke with Tony Palermo, AICP, Senior Planner, last year who told them they cannot build on the Subject Property since it is in the General Interchange future land use category. The Applicants then spoke with Sharon Jenkins-Owen, AICP, Principal Planner, Lee County Division of Planning, regarding a possible future land use map amendment; however, this avenue is too costly for the Applicants as private individuals and there is no certain outcome. In addition, it is unclear whether such an amendment would ultimately be supported by staff. Staff, understandably so, may not want to alter the future land use map to the extent it is still anticipating an interchange in this location in the next 10, 15, or 20 years.

**The Applicants are entitled to a MUD in this instance, because denial of the MUD request has the same effect as denying the Applicants *any* reasonable use of the Subject Property, effectuating a regulatory taking of their property, as detailed below.**

OBJECTIVE 1.3: ...Residential uses are only permitted in General Interchange in accordance with Chapter XIII or as provided in Policy 1.3.2.

*Lee Plan, Chapter XIII*

b. *Standards for Administrative Interpretations*

4. *Single-Family Residence Provision:*

a. *Applicability*

...any entity owning property...which property is not in compliance with the *standard density requirements* of the Lee Plan, will be allowed to construct one single-family residence on said property...

The standard density under Lee Plan Policy 1.3.2 and Table 1(a), Note 2, as recently amended by Ordinance No. 16-02, is a mandatory, minimum multi-family residential density of eight dwelling units per acre (8 du/acre). The Subject Property is only 41,096.74 square feet or 0.94 acres in area. Accordingly, eight multi-family dwelling units (8 du/acre) on the Subject Property only yields a density of 7.55 dwelling units per acre. Therefore, on its face, the Subject Property does not comply with the minimum, mandatory multi-family residential density in the General Interchange. Further, in application, the Applicants would never be approved to build the mandatory minimum multi-family density on the Subject Property. See additional discussion regarding the compatibility of multi-family residential development with the surrounding neighborhood under Subsection (4) below.

*PROVIDED THAT:*

(1) *Date Created:*

*(b) a legal description of the lot or parcel was lawfully recorded in the Official Record books of the Clerk of Circuit Court prior to December 21, 1984.*

A Warranty Deed creating the Subject Property was recorded at OR Book 1555 at Page 1328 on October 27, 1981. This deed is enclosed herein for your reference.

(2) *Minimum Lot Requirements:* *In addition to meeting the requirements set forth above, the lot or parcel must:*

*(a) Have a minimum of 4,000 square feet in area if it was created on or after June 27, 1962.*

The Subject Property exceeds the 4,000 square foot area requirement, as well as the dimensional requirements of the Agricultural (AG-2) zoning district as follows:



<u>AG-2 (current requirements)</u>	<u>Subject Property</u>
39,500 s.f. min. lot area	<b>41,096.73 s.f. in area</b>
100-foot min. lot width	166.98-feet in width
130-foot min. lot depth	246-feet in depth

(3) *Access and Drainage: In addition to meeting the requirements set forth above:*

(a) *The road that the lot or parcel fronts on must have been constructed and the lot must be served by drainage swales or equivalent drainage measures. The road must have, at a minimum, a graded surface of shell, marl, gravel base rock, or other compacted fill material, suitable for year-around use.*

The Subject Property has an existing ingress/egress easement that is 15-foot wide and ±369.19-foot long that joins Wells Road (see Instrument # 2009000226949 enclosed herein). This private road is made of asphalt millings and has drainage swales on both sides. There are also drainage swales on two sides of the Subject Property. The road is only shared by the Subject Property and single-family homeowners (e.g., 17470 Wells Road (existing single-family home); 17450 Wells Road (existing single-family home built back in 2011 following a fire and expanded in 2013), and 17430 Wells Road (existing single-family home)).

(4) *Interchange: In addition to the requirements set forth above, a residential use must be the only reasonable use of the lot or parcel...*

A residential use is the only reasonable use of the Subject Property and, thus, meets the fourth criterion. The fact that multi-family residential development is now permissible in the General Interchange does not preclude an otherwise eligible MUD from being approved. Lee Plan Chapter XIII.B.4.a(4) only provides that a **residential use** must be the only reasonable use of the lot or parcel. At this location, that is true. It is located at the end of private, short cul-de-sac with other single-family homes adjacent to it.

The Subject Property is currently zoned Agricultural (AG-2), which does not permit multi-family development. Accordingly, the Applicants would be forced to first apply to rezone the Subject Property to allow multi-family development. However, the mandatory minimum multi-family residential density of eight dwelling units per acre (8 du/acre) when surrounded exclusively by single-family homes would not be compatible. This would inevitably be opposed by the neighbors and be found to not meet the review criteria for rezoning approval (e.g., Section 34-145(d)(4)a.1.c, LDC, requiring a finding that the proposed rezoning is compatible with the existing and planned uses in the surrounding area), leaving the Applicants to only develop the Subject Property as a tourist commercial, general commercial, or light industrial/commercial use – all of which are not permitted in AG-2 and incompatible with the surrounding area too. In addition, adding a commercial or multi-family residential use on the Subject Property

when the only point of access is just 15-feet wide and shared exclusively by single-family homeowners is unreasonable. The access road would be inadequate for commercial customers or multi-family dwelling unit occupants and such usage of the road would exceed the scope of or otherwise overburden the access easement. **For these reasons, the only reasonable use left on the parcel is single-family residential.**

Now is the perfect time to approve the Applicants' MUD request. A single-family home was built back immediately to the west of the Subject Property following a fire in 2011 (17450 Wells Road; DEM2011-00018 and RES2011-01193) and expanded in 2013 (VIO2013-01342 and RES2013-01997). A home built by the Applicants on the Subject Property following a MUD would be about the same age as the 2011/2013 build back and will allow the Applicants to reasonably use the property in the same manner as their neighbors until the neighborhood as a whole becomes interchange friendly.

In light of the foregoing, a denial of the Applicants' request for an MUD will deny the Applicants all reasonable uses of the Subject Property, resulting in a regulatory taking.

Thank you and please do not hesitate to contact me if you have any questions.

Very truly yours,



Kathleen O. Berkey

KOB:sbm  
Enclosures (as indicated)

cc: John Fredyma, Esq., Sr. Assistant Lee County Attorney

**APPLICATION FOR MINIMUM  
USE DETERMINATION**



APPLICATION FOR MINIMUM USE DETERMINATION IN UNINCORPORATED AREAS ONLY

Project Name: Deschenes Residence

1. Name of Applicant: John E. and Connie F. Deschenes, Trustees of The John E. Deschenes and Connie F. Deschenes Revocable Joint Trust
Address: 181601 Sandy Pines Circle, NE
City, State, Zip: North Ft. Myers, FL 33917
Phone Number: (239) 217-0148
E-mail Address: Ladybughello@yahoo.com

2. Relationship of Applicant to owner (check one) and provide Affidavit of Authorization form:
[X] Applicant is the sole owner of the property. [34-201; 34-204]
[ ] Applicant has been authorized by the owner(s) to represent them for this action: [34-202; 34-204]

3. Authorized Agent: (If different than applicant) Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202; 34-204]

a. Company Name: Pavese Law Firm
Contact Person: Kathleen O. Berkey, Esq.
Address: P.O. Drawer 1507
City, State, Zip: Fort Myers, FL 33902-1507
Phone Number: 239-336-6280
E-mail address: KathleenBerkey@PaveseLaw.com

b. Additional Agent(s): Provide the names of other agents that the County may contact concerning this application. [34-202; 34-204]

4. Property owner(s): If multiple owners (corporation, partnership, trust, association), provide a list with owner interest. [34-201; 34-204]

Name: 100% - John E. and Connie F. Deschenes, Trustees of The John E. Deschenes and Connie F. Deschenes Revocable Joint Trust
Address:
City, State, Zip:
Phone Number:
E-mail address:

5. Disclosure of Interest [34-201; 34-204]:
[X] Attach Disclosure of Interest Form. [34-201; 34-204]

6. STRAP Number(s) [34-204]:
22-43-25-00-00021.0030

7. Street Address of Property: 17446 Wells Road, North Ft. Myers, FL 33917

LEE COUNTY COMMUNITY DEVELOPMENT
PO BOX 398 (1500 MONROE STREET, FORT MYERS, FL 33902
PHONE (239) 533-8585

8. **Legal Description (must submit one):**

Legal description (metes and bounds) and sealed sketch of the legal description. [34-204]

**OR**

Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.) [34-204]

9. **Use(s) of Property [34-204]:**

a. Current uses of property are: Vacant Residential  
b. Intended uses of property are: Single-Family

10. **Lee Plan (Future Land Use) Designation [34-204]:** General Interchange

11. **Current zoning of property [34-204]:** AG-2

12. **Property Dimensions [34-204(a)(5)]:**

a. Width (average if irregular parcel): 246 ± Feet  
b. Depth (average if irregular parcel): 166.98 ± Feet  
c. Total area: 41,082.00 ± Acres or square feet

13. **Road Access and Street Drainage [34-204]:**

a. Provide the name of the road or street which provides frontage and access for the subject parcel:  
Frontage on road or street: 7.5 ± Feet on 369.19-feet± long, 15-foot wide Private Access Driveway that joins Wells Road (Instrument No. 2009000226949)

2<sup>nd</sup> Frontage on road or street: \_\_\_\_\_ Feet on \_\_\_\_\_ Street

b. Please indicate the road surface material.

Asphalt  Graded shell, marl or gravel  Other (indicate type) Asphalt Millings

c. Indicate the type of roadside drainage on the street.

Drainage swales  Other (indicate type) \_\_\_\_\_

14. **Deed Documents:**

- a. Provide a copy of the recorded deed, agreement for deed, or other official documentation indicating the date you acquired the property and the date the deed was recorded in the Lee County Clerk's office.
- b. If the parcel(s) is not in a subdivision platted per F.S. Chapter 177 or unofficial recorded subdivision, please provide a copy of the recorded deed (or other official documentation) establishing the date the parcel(s) was created (i.e. split out from a larger parcel into its present dimensions).
- c. If property is located on Boca Grande, depending on complexity of ownership, a title search prepared by a professional title company may be required.

**SUBMITTAL REQUIREMENT CHECKLIST**  
*Clearly label your attachments as noted in bold below.*

<input checked="" type="checkbox"/>	Completed application [34-204]
<input checked="" type="checkbox"/>	Filing Fee [34-204]
<input checked="" type="checkbox"/>	<b>Affidavit of Authorization</b> Form [34-204; 34-202]
<input type="checkbox"/>	<b>Additional Agents</b> [34-204; 34-202]
<input type="checkbox"/>	<b>Multiple Owners</b> List (if applicable) [34-201; 34-204]
<input checked="" type="checkbox"/>	<b>Disclosure of Interest</b> Form [34-204; 34-201]
	<b>Legal description (must submit one)</b> [34-204]
<input checked="" type="checkbox"/>	Legal description (metes and bounds) and sealed sketch of legal description
	<b>OR</b>
<input type="checkbox"/>	Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click <a href="#">here</a> to see an example of a legal description with no metes and bounds.)
<input checked="" type="checkbox"/>	<b>Deed documents</b> [34-204]



# **LETTER OF AUTHORIZATION**

**LETTER OF AUTHORIZATION**

**TO LEE COUNTY COMMUNITY DEVELOPMENT**

*The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as 17446 Wells Road, North Fort Myers, Florida 33917 and further identified by STRAP No. 22-43-25-00-00021.0030 and legally described in Exhibit A attached hereto.*

*The property described herein is the subject of an application for zoning or development. We hereby designate Kathleen O. Berkey, Esq. and Steven C. Hartsell, Esq. of Pavese Law Firm, as the legal representatives of the property and as such, these individuals are authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. These representatives will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.*

*John E. Deschenes* 5-19-16  
Owner (signature)

John E. Deschenes, Trustee

*Connie F. Deschenes*  
Owner (signature)

Connie F. Deschenes, Trustee

①



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# **AFFIDAVIT OF AUTHORIZATION**

## AFFIDAVIT OF AUTHORIZATION

APPLICATION IS SIGNED BY INDIVIDUAL OWNER, APPLICANT, CORPORATION,  
LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP,  
LIMITED PARTNERSHIP, OR TRUSTEE

We, John E. and Connie F. Deschenes, Trustees of The John E. Deschenes and  
Connie F. Deschenes Revocable Joint Trust (name), as Owners (owner/title) of the  
property located at 17446 Wells Road, North Ft. Myers, FL (company/property),  
swear or affirm under oath, that we are the owners ~~or the authorized representative of~~  
~~the owner(s)~~ of the property and that:

We have full authority to secure the approval(s) requested and to impose covenants  
and restrictions on the referenced property as a result of any action approved by the  
County in accordance with this application and the Land Development Code;  
All answers to the questions in this application and any sketches, data or other  
supplementary matter attached hereto and made a part of this application are honest  
and true;

We have authorized the staff of Lee County Community Development to enter upon  
the property during normal working hours for the purpose of investigating and  
evaluating the request made thru this application; and that  
The property will not be transferred, conveyed, sold or subdivided unencumbered by  
the conditions and restrictions imposed by the approved action.

SEQ CHAPTER 161.1\*Notes:

*If the applicant is a corporation, then it is usually executed by the corp. pres. Or v.  
pres.*

*If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.),  
then the documents should typically be signed by the Company's "Managing  
Member."*

*If the applicant is a partnership, then typically a partner can sign on behalf of the  
partnership.*

*If the applicant is a limited partnership, then the general partner must sign and be  
identified as the "general partner" of the named partnership.*

*If the applicant is a trustee, then they must include their title of "trustee."*

*In each instance, first determine the applicant's status, e.g., individual, corporate,*

/

trust, partnership, estate, etc., and then use the appropriate format for that ownership.

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

Signature – John E. Deschenes, Trustee <i>John E. Deschenes</i>	Date <i>5-19-2016</i>
Signature – Connie F. Deschenes, Trustee <i>Connie Deschenes</i>	Date <i>5-19-2016</i>

\*\*\*\*\*NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS\*\*\*\*\*

ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

~~STATE OF FLORIDA~~  
~~COUNTY OF LEE~~

The foregoing instrument was sworn to (or affirmed) and subscribed before me on FORMTEXT (date) by John E. and Connie F. Deschenes (name of person(s) providing oath or affirmation), who is/are personally known to me or who has/have produced FORMTEXT (type of identification) as identification.

STAMP/SEAL	Signature of Notary Public
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# **DISCLOSURE OF INTEREST**

**DISCLOSURE OF INTEREST  
AFFIDAVIT**

BEFORE ME this day appeared John E. and Connie F. Deschenes, Trustees of the John E. Deschenes and Connie F. Deschenes Revocable Joint Trust, who, being first duly sworn and deposed says:

1. That we are the record owners, of the property that is located at 17446 Wells Road, North Ft. Myers, FL 33917 and is the subject of an Application for zoning action (hereinafter the "Property").

2. That we are familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

~~[OPTIONAL PROVISION IF APPLICANT IS CONTRACT PURCHASER: In addition, I am familiar with the individuals that have an ownership interest in the legal entity that is under contract to purchase the Property.]~~

3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.

4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.

5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.

6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

Name and Address	Percentage of Ownership
NA	
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____



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**SEQ CHAPTER 1 Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.**

Property Owner

FORMTEXT

Print Name

John E. Deschenes, Trustee

*John E. Deschenes 5-19-16*

Property Owner

FORMTEXT

Print Name

Connie F. Deschenes, Trustee

*Connie F. Deschenes*

**\*\*\*\*\*NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS\*\*\*\*\***

**ALL OTHER APPLICATION TYPES MUST BE NOTARIZED**

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on  
~~FORMTEXT~~ \_\_\_\_\_ (date) by ~~John E. and Connie E. Deschenes~~ (name of person(s)  
providing oath or affirmation), who is/are personally known to me or who has/have produced  
(type of identification) as  
identification.

~~STAMP/SEAL~~ Signature of Notary Public

**LEGAL DESCRIPTION AND SEALED  
SKETCH OF LEGAL DESCRIPTION**





**ABBREVIATIONS**

- D.E. DRAINAGE EASEMENT
- U.E. UTILITY EASEMENT
- L.A.E. LIMITED ACCESS EASEMENT
- L.L.E. LANDSCAPE MAINT. EASEM.
- L.S.E. LANDSCAPE SUPPLY EASEM.
- C.U.E. COUNTY UTILITY EASEM.
- I.E.E. INGRESS/EGRESS EASEM.

- M. FIELD MEASURED
- C. CALCULATED
- D. DISTANCE
- P. POINT
- R. ROAD
- S. SURFACE
- W. WALL
- M.H. MOUND
- D.H. DRILL HOLE
- C.C. CONCRETE
- E.E. ELECTRIC
- G.P. GUTTER
- C.P. CURB
- H.T. HATCH
- T. TELEPHONE
- M.F. METERS
- T.F. TELEPHONE FACILITIES
- A.C. AIR CONDITIONING
- S.F. SIGN
- T.M. TANK OF MOVEMENT
- F.F. FINISHED FLOOR

17446

L-1 = N 0°02'03" E  
10.00' D. & M.

P.O.C. PARCEL 2  
S.W. CORNER OF THE N 1/2,  
NW 1/4, NE 1/4, SW 1/4,  
SECTION 22, TOWNSHIP 43 SOUTH, RANGE 25 EAST

P.O.C. PARCEL 1  
NORTHWEST CORNER OF  
N 1/2, OF THE NW 1/4,  
OF THE NE 1/4, OF THE SW 1/4 OF  
SECTION 22, TOWNSHIP 43 SOUTH, RANGE 25 EAST

S 89°53'30" E 419.56' D.

P.O.B. PARCEL #1 NORTH LINE N 1/2, NW 1/4, NE 1/4, SW 1/4

S 89°53'30" E 246.00' D.

LANDS DESCRIBED  
IN O.R. BOOK 2728  
PAGE 1363

WELLS ROAD

N 0°05'04" W 167.13' D. & C.

S 89°54'33" E  
50.00' D.

S 89°54'02" E 246.19' D.  
S 89°54'02" E 241.19' M.

L-1

PARCEL #2  
IMPROVED  
(NO IMPROVEMENTS SHOWN ON PARCEL)

N 89°55'08" W 610.01' M.  
N 89°54'33" W 614.87' D.

FIND 474' C.M. NO I.D.

FIND 474' C.M. NO I.D.

FIND 474' C.M. NO I.D.

FIND 474' C.M. NO I.D.

FIND 474' C.M. NO I.D.

FIND 474' C.M. NO I.D.

FIND 474' C.M. NO I.D.

FIND 474' C.M. NO I.D.

FIND 474' C.M. NO I.D.

FIND 474' C.M. NO I.D.

FIND 474' C.M. NO I.D.

FIND 474' C.M. NO I.D.

FIND 474' C.M. NO I.D.

FIND 474' C.M. NO I.D.

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FIND 474' C.M. NO I.D.

FIND 474' C.M. NO I.D.

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FIND 474' C.M. NO I.D.

FIND 474' C.M. NO I.D.

FIND 474' C.M. NO I.D.

FIND 474' C.M. NO I.D.

FIND 474' C.M. NO I.D.

FIND 474' C.M. NO I.D.

FIND 474' C.M. NO I.D.

17446  
41,082.00 = .94 Area

PARCEL #1

17440

S 89°54'02" E 246.00' D. & M.

N 89°54'02" W 369.00' D. & M.

299.87

**Legal Description on Parcel #1**

A parcel of land lying in the North half (1/2) of the Northwest quarter (1/4) of the Northeast quarter (1/4) of the Southwest quarter (1/4) of section 22, Township 43 South, Range 25 East, more particularly described as follows:

Commencing at the Northwest corner of the North half (1/2) of the Northeast quarter (1/4) of the Southwest quarter (1/4) of said section; thence run S 89°53'30" E, along the West side line thereof, for 419.56 feet to the Point of Beginning of the lands herein described; thence on bearing S 89°53'30" E, along the North line of the North half (1/2) of the Northeast quarter (1/4) of the Southwest quarter (1/4) of said section, for 246.00 feet to the East line of the North half (1/2) of the Northeast quarter (1/4) of the Southwest quarter (1/4) of said section; thence run S 0°02'03" W, along the East line thereof, for 167.04 feet; thence run N 0°02'03" E, for 10.00 feet back to the Point of Beginning; said parcel containing 41,082.00 square feet or 0.94 acres more or less.

Together with and reserving an easement for ingress and egress 15 feet wide lying 7.5 feet on each side of the following described easement: From the Southwest corner of the parcel hereinabove described run N 89°54'33" W, for 308.18 feet to the East right-of-way line of Wells Road and the end of said easement, a 15 foot wide and being in Lee County, Florida.



**Surveyors Notes:**

1. LEGAL DESCRIPTION PROVIDED BY OTHER, NO EXAMINATION OF TITLE MADE BY SURVEYOR FOR THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAN.

2. THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED. IT IS NOT A CERTIFICATION OF TITLE, EGRESS/EASEMENTS OR PROVISION FROM ENCUMBRANCES.

3. LANDSCAPE AND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED. WALL TIES ARE TO THE FACE OF THE WALL AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES.

4. NOT VALID WITHOUT THE SIGNATURE & ORIGINAL PRINTED SEAL OF A FLORIDA LICENSED SURVEYOR AND SURVEYOR. ONLY VISIBLE ENCUMBRANCES LOCATED.

5. NO IDENTIFICATION FOUND ON PROPERTY CORNERS UNLESS NOTED.

6. DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE SPECIFIED FOR E. FENCE OWNERSHIP NOT DETERMINED AND GRAPHICALLY MAY BE ENHANCED FOR CLARITY PURPOSES.

7. ELEVATIONS IF SHOWN ARE BASED UPON NATIONAL GEODETIC VERTICAL DATUM (NAD 83) UNLESS OTHERWISE NOTED.

8. MEASUREMENTS REFERENCED TO LINE NOTED ABOVE AND ARE EITHER ASSIGNED OR FROM PLAT. ALL THIS SURVEY IS ENHANCED FOR CONSTRUCTION PURPOSES ONLY. EXCLUSIVELY FOR THIS USE BY THESE TO WHOM IT IS CERTIFIED. THIS SURVEY IS NOT TO BE USED FOR CONSTRUCTION PURPOSES UNLESS SHOWN OR ANY OTHER LINE WITHOUT WRITTEN CONSENT.

9. NORTH TANK AND DRAIN FIELD IF SHOWN ARE APPROXIMATE LOCATIONS, UNLESS OTHERWISE NOTED.

10. NO EFFORT WAS MADE TO PROVIDE PLAT BOUNDARIES.

11. NO VISIBLE ENCUMBRANCES WERE OPEN AND NOTICED UNLESS OTHERWISE SPECIFIED WERE OBSERVED UNLESS OTHERWISE SHOWN HEREON.

I hereby certify that A Survey of the herein described property was made under my direction and meets the Minimum Technical Standards as per Chapter 610-17-01 F.A.C., pursuant to section 473.087, Florida Statutes.

*[Signature]* 5/15/07  
 Professional Land Surveyor and Mapper P.L.S. No. 6218 State of Florida

Client's Address:  
17430 Wells Road  
N. Ft. Myers, Florida  
33917

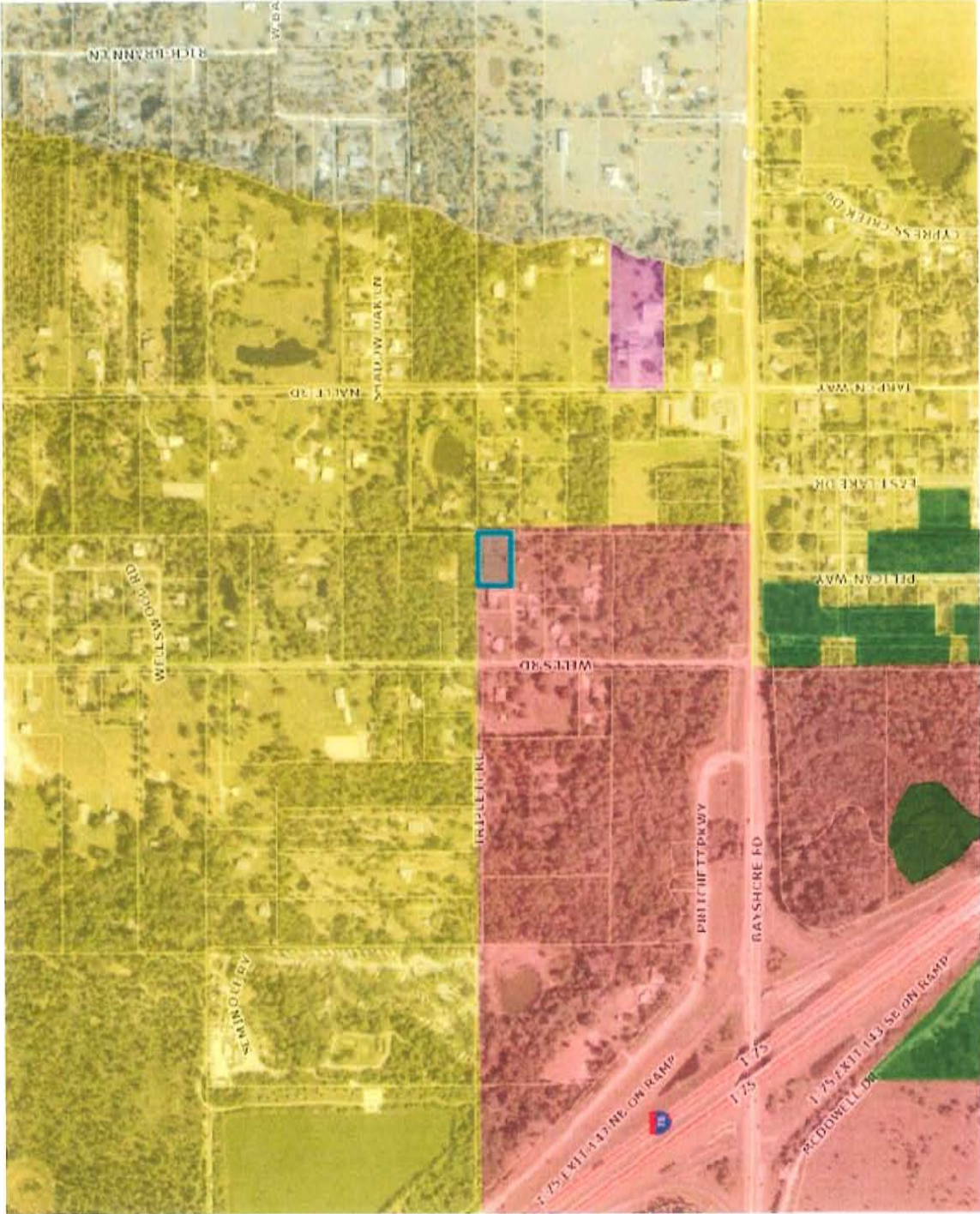
Parcel Certificate Information:  
Community Number: 120154  
Parcel: 0220  
Order Date: 05/03/07  
FLS#L: 519104  
Plot Zone: X

Client's Name:  
LINDA J. PROBERT, DOUG L. MCDONOUGH,  
DEBRA DROZDEK, KATHRYN  
DYKHOFFER

DATE OF SURVEY	COMPLETION DATE	MADE BY	CHECKED BY
05-03-2007	05-03-2007	J.C.	E. SORRE

# **FUTURE LAND USE MAP**





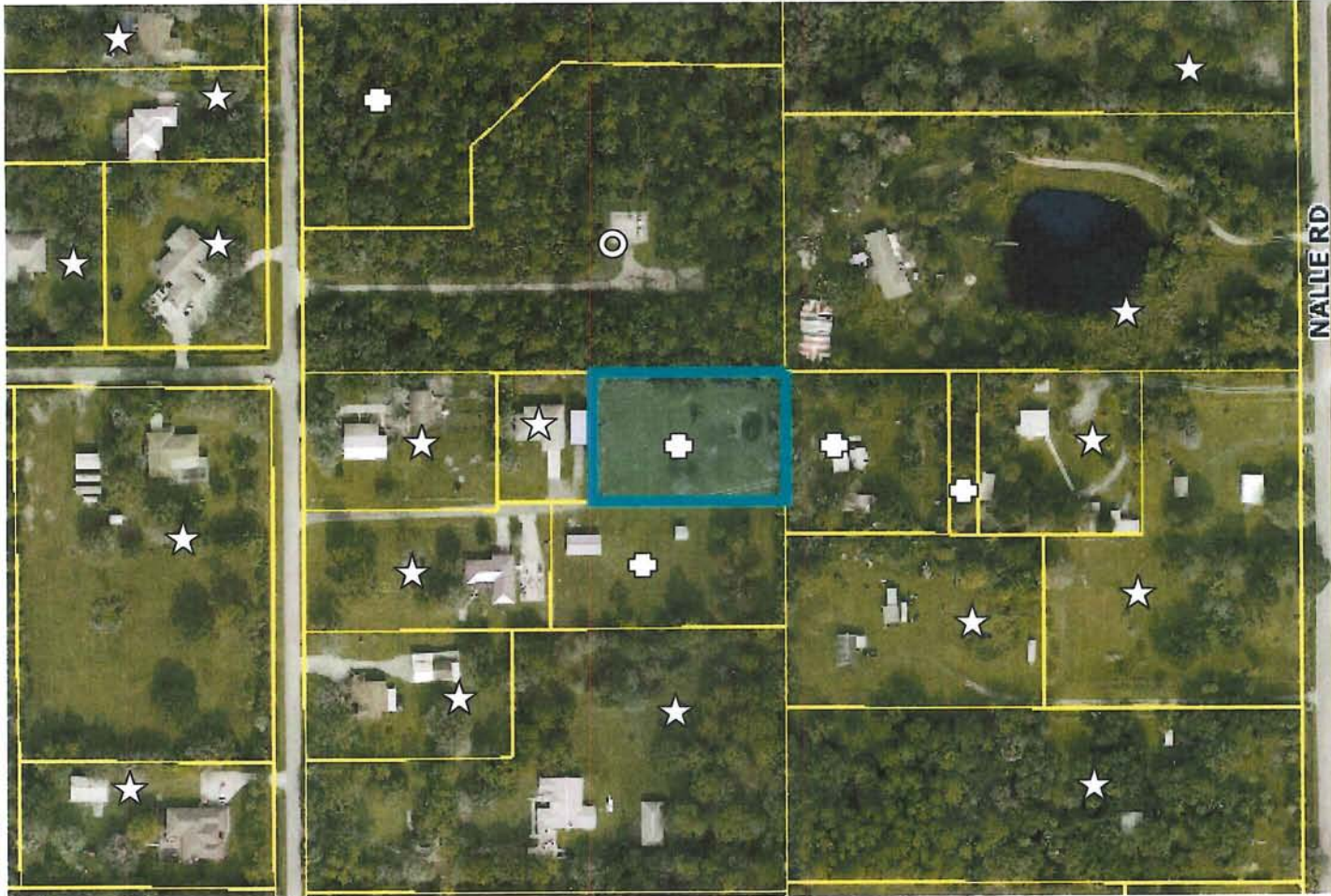
# ZONING MAP





# **SURROUNDING LAND USE MAP**





- ⊙ Vacant Governmental
- ☆ Single-Family Residential
- ⊕ Vacant Residential

# **ROAD ACCESS**

**(INSTRUMENT #2009000226949)**



Return to:  
Name:  
Address:

This Instrument Prepared:

Tony Fowkes  
Anchor Title Services, LLC  
5225 8th Street  
Zephyrhills, Florida 33542

as a necessary incident to the fulfillment of conditions  
contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s):

Grantee(s) S.S.#(s):  
File No:2009-0043

### WARRANTY DEED

This Warranty Deed Made the 11th day of August, 2009, by Robert H. Shockroo and Michelle A. Shockroo, Husband and Wife, , hereinafter called the grantor, whose post office address is: 17450 Wells Road, North Fort Meyers, Florida 33917

to John E. Deschenes and Connie F. Deschenes, Trustees of The John E. Deschenes and Connie F. Deschenes Revocable Joint Trust, whose post office address is: 18161 Sandy Pines Circle N.E., North Fort Meyers, Florida 33917, hereinafter called the grantee,

WITNESSETH: That said grantor, for and in consideration of the sum of \$50,000.00 Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida, viz:

A parcel of land lying in the N Half of the NW Quarter of the NE Quarter of the SW Quarter of Section 22, Township 43 South, Range 25 East, more particularly described as follows:

Commence at the NW corner of the N Half the NW Quarter of the NE Quarter of the SW Quarter of said section; thence run S89 degrees 53'30"E, along the northerly line thereof, a distance of 419.56 feet to the Point of Beginning of the land herein described: thence continuing S89 degrees 53'30"E, along the N Half of the NW Quarter of the NE Quarter of the SW Quarter of said Section, for 246.0 feet to the East line of the N Half of the NW Quarter of the NE Quarter of the SW Quarter of said Section; thence run S 0 degrees 02'03"W, along the East line thereof for 167.04 feet; thence run N 89 degrees 54'02"W, for 246.0 feet; thence run N 0 degrees 02'03"E, for 167.08 feet back to the Point of Beginning.

Together with and reserving an easement for ingress and egress 15 feet wide lying 7.5 feet on each side of the following described centerline; From the Southeast corner of the parcel hereinabove conveyed, run N89 degrees 54'02"W, a distance of 369.19 feet to the East right-of-way line of Wells Road and the end of said centerline. All lying and being in Lee County, Florida.

And

A parcel of land lying in the North half of the Northwest quarter of the Northeast quarter of the Southwest quarter of Section 22, Township 43 South, Range 25 East, more particularly described as follows:

Commencing at the Southwest corner of the North half of the Northwest quarter of the Northeast quarter of the Southwest quarter of said Section; thence run South 89 degrees 54'33" East, along the Southerly line thereof, for 365.00 feet to the Point of Beginning of the lands herein described; thence run North 0 degrees 02' 03" East for 167.08 feet; thence run South 89 degrees 54' 02" East for 299.87 feet to the East line of the North half of the Northwest quarter of the Northeast quarter of the Southwest quarter of said Section; thence run South 0 degrees 02' 03" West, along the East line thereof, for 167.04 feet; thence run North 89 degrees 54' 33" West, along the Southerly line of the North half of the Northwest quarter of the Northeast quarter of the Southwest quarter of said Section, for 299.87 feet back to the Point of Beginning. Together with and reserving an easement for ingress and egress 15 feet wide lying 7.5 feet on each side of the following described centerline; from the Northeast corner of the parcel herein conveyed; run North 89 degrees 54' 02" West, for 615.26 feet to the East right-of-way line of Wells Road and the end of said centerline. All lying and being In Lee County, Florida.

The property is not the homestead of the Grantor(s).

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants 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, reservations, restrictions and easements of record, if any.

(The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)

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

Signed, sealed and delivered in our presence:

Witness Signature: [Signature] Robert H. Shockroo  
Printed Name: Anthony M. Fowkes

Witness Signature: [Signature] Michelle A. Shockroo  
Printed Name: Michelle A. Shockroo

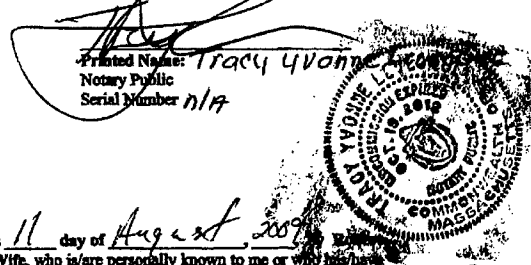
Witness Signature: Ronald L. Cyr  
Printed Name: Ronald L. Cyr

Witness Signature: Alice A. Cyr  
Printed Name: Alice A. Cyr

STATE OF ~~FLORIDA~~ Massachusetts  
COUNTY OF Hampden

The foregoing instrument was acknowledged before me this 10 day of August, 2009 by Robert H. Shockroo and Michelle A. Shockroo, Husband and Wife, who is/are personally known to me or who has/have produced driver license(s) as identification.

My Commission Expires: Oct. 19, 2012



STATE OF FLORIDA  
COUNTY OF

The foregoing instrument was acknowledged before me this 11 day of August, 2009 by Robert H. Shockroo and Michelle A. Shockroo, Husband and Wife, who is/are personally known to me or who has/have produced driver license(s) as identification.

My Commission Expires:

[Signature]  
Printed Name: Anthony M. Fowkes  
Notary Public  
Serial Number DD557226



## **DEED DOCUMENTS**

- A. Recorded deed indicating that Applicant acquired property in 2009.**
- B. Recorded deed establishing date parcel was created as 1981.**



Return to:  
Name:  
Address:

This Instrument Prepared:  
Tony Fowkes  
AnchorTitle Services, LLC  
5225 8th Street  
Zephyrhills, Florida 33542

as a necessary incident to the fulfillment of conditions  
contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s):

Grantee(s) S.S.#(s):  
File No:2009-0043

### WARRANTY DEED

This Warranty Deed Made the 11th day of August, 2009, by Robert H. Shockroo and Michelle A. Shockroo, Husband and Wife, , , hereinafter called the grantor, whose post office address is: 17450 Wells Road, North Fort Meyers, Florida 33917

to John E. Deschenes and Connie F. Deschenes, Trustees of The John E. Deschenes and Connie F. Deschenes Revocable Joint Trust, whose post office address is: 18161 Sandy Pines Circle N.E., North Fort Meyers, Florida 33917, hereinafter called the grantee,

WITNESSETH: That said grantor, for and in consideration of the sum of \$50,000.00 Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida, viz:

A parcel of land lying in the N Half of the NW Quarter of the NE Quarter of the SW Quarter of Section 22, Township 43 South, Range 25 East, more particularly described as follows:

Commence at the NW corner of the N Half the NW Quarter of the NE Quarter of the SW Quarter of said section; thence run S89 degrees 53'30"E, along the northerly line thereof, a distance of 419.56 feet to the Point of Beginning of the land herein described: thence continuing S89 degrees 53'30"E, along the N Half of the NW Quarter of the NE Quarter of the SW Quarter of said Section, for 246.0 feet to the East line of the N Half of the NW Quarter of the NE Quarter of the SW Quarter of said Section; thence run S 0 degrees 02'03"W, along the East line thereof for 167.04 feet; thence run N 89 degrees 54'02"W, for 246.0 feet; thence run N 0 degrees 02'03"E, for 167.08 feet back to the Point of Beginning.

Together with and reserving an easement for ingress and egress 15 feet wide lying 7.5 feet on each side of the following described centerline; From the Southeast corner of the parcel hereinabove conveyed, run N89 degrees 54'02"W, a distance of 369.19 feet to the East right-of-way line of Wells Road and the end of said centerline. All lying and being in Lee County, Florida.

And

A parcel of land lying in the North half of the Northwest quarter of the Northeast quarter of the Southwest quarter of Section 22, Township 43 South, Range 25 East, more particularly described as follows:

Commencing at the Southwest corner of the North half of the Northwest quarter of the Northeast quarter of the Southwest quarter of said Section; thence run South 89 degrees 54'33" East, along the Southerly line thereof, for 365.00 feet to the Point of Beginning of the lands herein described; thence run North 0 degrees 02' 03" East for 167.08 feet; thence run South 89 degrees 54' 02" East for 299.87 feet to the East line of the North half of the Northwest quarter of the Northeast quarter of the Southwest quarter of said Section; thence run South 0 degrees 02' 03" West, along the East line thereof, for 167.04 feet; thence run North 89 degrees 54' 33" West, along the Southerly line of the North half of the Northwest quarter of the Northeast quarter of the Southwest quarter of said Section, for 299.87 feet back to the Point of Beginning. Together with and reserving an easement for ingress and egress 15 feet wide lying 7.5 feet on each side of the following described centerline; from the Northeast corner of the parcel herein conveyed; run North 89 degrees 54' 02" West, for 615.26 feet to the East right-of-way line of Wells Road and the end of said centerline. All lying and being In Lee County, Florida.

The property is not the homestead of the Grantor(s).

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anyway appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants 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, reservations, restrictions and easements of record, if any.

(The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)



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

Signed, sealed and delivered in our presence:

Witness Signature: [Signature] Robert H. Shockroo  
Printed Name: Anthony M. Powkes

Witness Signature: [Signature] Michelle A. Shockroo  
Printed Name: ma Shockroo

Witness Signature: Ronald L. Cyr  
Printed Name: Ronald L. Cyr


Witness Signature: Alice A. Cyr  
Printed Name: Alice A. Cyr

STATE OF ~~FLORIDA~~ Massachusetts  
COUNTY OF Hampden

The foregoing instrument was acknowledged before me this 10 day of August 2009 by Robert H. Shockroo and Michelle A. Shockroo, Husband and Wife, who is/are personally known to me or who has/have produced driver license(s) as identification.

My Commission Expires: Oct. 19, 2012

[Signature]  
Printed Name: Tracy Yvonne  
Notary Public  
Serial Number n/a



STATE OF FLORIDA  
COUNTY OF

The foregoing instrument was acknowledged before me this 11 day of August 2009 by Robert H. Shockroo and Michelle A. Shockroo, Husband and Wife, who is/are personally known to me or who has/have produced driver license(s) as identification.

My Commission Expires:

[Signature]  
Printed Name: Anthony M. Powkes  
Notary Public  
Serial Number DD557226



700  
23

OFF REC 1555 PG 1328 1483889

HANCO FORM 01

WARRANTY DEED  
INDIVID. TO INDIVID.

This Warranty Deed Made the 27th day of October A D 19 81 by

DONALD B. PICKETT AND LINDA J. PICKETT, husband and wife  
hereinafter called the grantor, to  
NOLEN DRIGGERS AND CHARLOTTE DRIGGERS, husband and wife

whose postoffice address is Box 1118, Rt. 21, N. Ft. Myers, Fla. 33903  
hereinafter called the grantees:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to the instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

**Witnesseth:** That the grantor, for and in consideration of the sum of \$ 10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida, viz:

A parcel of land lying in the N $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 22, Township 43 South, Range 25 East, more particularly described as follows:

Commence at the NW corner, N  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of said section; thence run S 89° 53' 30" E along the Northerly line thereof, a distance of 369.56' to the point of beginning; thence continue S 89° 53' 30" a distance of 246.00' to the NE corner of the N $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , thence run S 0° 02' 03" W along the Easterly line thereof, a distance of 167.04', thence run N 89° 54' 02" W, a distance of 246.00'; thence run N 0° 02' 03" E, a distance of 167.08' to point of beginning.

Together with and reserving an easement for ingress and egress 15 feet wide lying 7.5 feet on each side of the following described centerline: (continue on the reverse side hereof)

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**To Have and to Hold,** the same in fee simple forever.

And the grantor hereby covenants with said grantees 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, 19

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:  
*Larrest Jernstrom*  
Cachusa Fortuna

*Donald B. Pickett*  
Donald B. Pickett  
*Linda J. Pickett*  
Linda J. Pickett

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  
Donald B. Pickett and Linda J. Pickett,  
husband and wife

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

WITNESS my hand and official seal in the County and State last aforesaid this  
27th day of  
October A. D. 19 81

RECORD VERIFIED - SUE GRACA CLERK  
BY H. TIZABROW D.C.

Notary Public - State of Florida at Large  
My Commission Expires June 27, 1984  
*Larrest Jernstrom*

This instrument prepared by: *Janet Pickett*  
Address Rt 21 Box 1117 Wells Rd.  
N. Ft. Myers Fl. 33903

SPACE BELOW FOR RECORDERS USE

EXHIBIT  
B

REV 1555 PC1329

From the Southeast corner of the parcel hereinabove conveyed run N 89° 54' 02" W a distance of 615.26' to the East right-of-way line of Wells Road and the end of said centerline.

STATE OF FLORIDA  
DOCUMENTARY STAMP TAX  
DEPT. OF REVENUE  
DEC 27 '81  
00-0.45

RECORDED  
K.T.  
LEE SHERIDAN  
RECORD  
OCT 27 11 35 AM '81  
CLERK OF DISTRICT COURT

TO

TO

TO

Warranty Deed

PLANS FORM 01

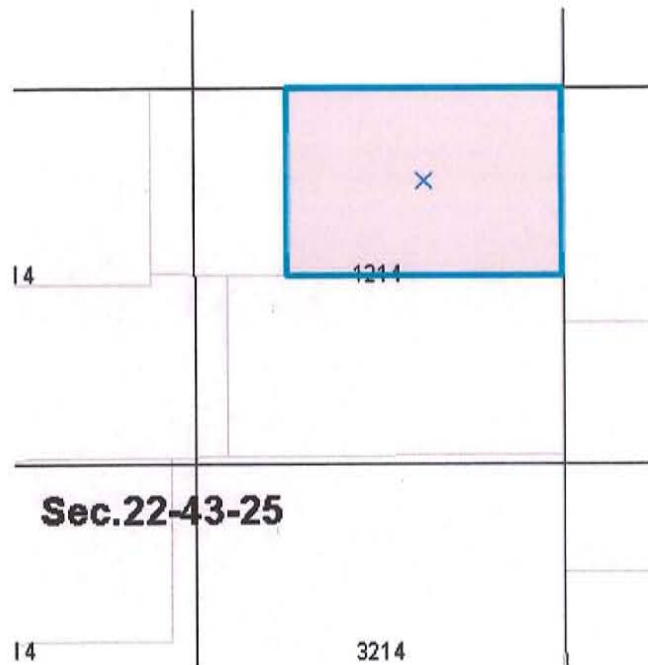
Kathy Matson  
will pick up



**SKETCHED LEGAL DESCRIPTION FOR DEED ESTABLISHING DATE OF CREATION**

**1981**

**OR BOOK 1555 / PAGE 1328**





# PAVESE LAW FIRM

KATHLEEN OPPENHEIMER BERKEY, AICP  
Attorney at Law and Certified Land Planner

Direct dial: (239) 336-6280  
Email: KathleenBerkey@PaveseLaw.com

1833 Hendry Street, Fort Myers, Florida 33901 | P.O. Drawer 1507, Fort Myers, Florida 33902-1507 | (239) 334-2195 | Fax (239) 332-2243



June 24, 2016

Sent by Regular Mail and E-mail (JFredyma@leegov.com)

John Fredyma, Esq.  
Senior Assistant County Attorney  
2115 Second Street  
Fort Myers, FL 33901

Re: Case No. MUD2016-00016  
17446 Wells Road, North Fort Myers  
STRAP No.: 22-43-25-00-00021.0030  
Our File No. 91378.001

2016 JUN 24 PM 3:41  
RECEIVED BY  
LEE CO. ATTORNEY

Dear Mr. Fredyma:

As you are already aware, my office represents John and Connie Deschenes, owners of 17446 Wells Road, North Fort Myers with regard to their request for a Minimum Use Determination (MUD2016-00016). We are in receipt of Mikki Rozdolski's denial of same dated June 16, 2016 (enclosed). Please note that we disagree with this denial and request a date to appeal to the Board of County Commissioners. Enclosed please also find the \$75.00 fee to accompany this request.

Thank you and please do not hesitate to contact me should you have any additional questions.

Very truly yours,

Kathleen O. Berkey

KOB:sbm  
Enclosure (as indicated)

cc: Client (via e-mail)  
Mikki Rozdolski, DCD Planning Section Manager (via e-mail [mrozdolski@leegov.com](mailto:mrozdolski@leegov.com))  
Michael Jacob, Managing Assistant County Attorney (via e-mail [mjacob@leegov.com](mailto:mjacob@leegov.com))  
Peter Blackwell, DCD Planner (via e-mail [pblackwell@leegov.com](mailto:pblackwell@leegov.com))



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

Telephone # (239) 533-8585

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June 16, 2016

Ms. Kathleen O. Berkey  
Pavese Law Firm  
1833 Hendry Street  
Fort Myers, Florida 33901

RE: Application for Minimum Use Determination  
17446 Wells Road, North Fort Myers  
STRAP No.: 22-43-25-00-00021.0030

Dear Ms. Berkey:

I am in receipt of your letter dated June 1, 2016 requesting a Minimum Use Determination (MUD) be issued for property located at 17446 Wells Road, identified by STRAP No. 22-43-25-00-00021.0030.

The subject property is located in the General Interchange future land use category which permits a broad range of land uses including multi-family dwelling units. The standard density range per Lee Plan Policy 1.3.2 is from 8 dwelling units per acre to 14 dwelling units per acre with a maximum density of 22 dwelling units per acre. Within your letter, you advised that the subject property is 41,096.74 square feet, or approximately 0.94 acres in area. The gross density of the property is 7.55 dwelling units per acre, but when rounded up, as permitted under the existing Lee Plan, a maximum of 8 dwelling units are allowed on the subject property.

Chapter XIII of the Lee Plan provides the requirements for Administrative Interpretations, specifically, the standards for application of the Single-Family Residence provisions (commonly known as the Minimum Use Determination "MUD" provision). Section b.B.4.a, in relevant part, provides:

4. Single-Family Residence Provision:

a. Applicability

Notwithstanding any other provision of this plan, any entity owning property or entering or participating in a contract for purchase agreement of property, **which property is not in compliance with the standard density requirements of the Lee Plan**, will be allowed to construct one single-family residence on said property PROVIDED THAT:

As provided above, the subject property adheres to the minimum density requirement of the General Interchange future land use category. The Single-Family Residence Provision of the Lee Plan does not authorize County Staff to

Kathleen O. Berkey  
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issue a MUD for property that complies with the standard density requirements of the Lee Plan and a MUD cannot be issued.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT  
Planning Section



Mikki Rozdolski  
Manager

Cc: Michael Jacob, Managing Assistant County Attorney  
John Fredyma, Senior Assistant County Attorney  
Peter Blackwell, DCD Planner