



July 18, 2022

Mr. Peter Blackwell  
Lee County Division of Community Development  
1500 Monroe Street  
Fort Myers, Florida 33901

RE: **McGregor Storage Rezone  
REZ2022-00014**

Dear Mr. Blackwell,

Please find the responses per your comments dated July 5, 2022, for the above-mentioned.  
Ownership:

Per LDC Sections 34-202(a)(2) and 34-202(a)(8), a complete list of ownership is required. The application lists "Entrust IRA SW Florida LLC" as the sole owner. However, "Tax free Strategies LLC" is listed as the owner for one of the two subject parcels. Please provide a complete list showing owner interest.

**Response: Please see attached authorization and disclosure of Interest from Tax Free Strategies, LLC**

Legal Description: Per LDC Section 34-202(a)(5), please provide a legal description and sketch. Staff finds that a 10' water pipeline easement shown as OR Book 1480 Page 2315 is incorrectly labeled. The actual easement is found in O.R. 1489, PG 2315, as stated on the title opinion.

**Response: Please see attached updated legal sketch and description**

In addition, an easement from OR Book 1445 Page 1413 is not shown. Lee County Utilities has a 16" water main running north and south in the western parcel in this easement.

**Response: Grant of Easement OR Book 1445 Page 1413 (attached) states that in the event that construction of a road on the above described parcel and the 25 foot strip immediately West of it has not begun on or before August 3, 1981, or in the event that such road is not substantially completed on or before August 3, 1982, then this easement shall become, in either case, null and void, and all rights granted herein in the above described property shall immediately revert to the then owner of the fee title, who shall then hold title to the above described parcel free and clear of any rights granted under this Grant of Easement as if this Grant of Easement had never been executed. Based on the location of the existing 16" water main not being located within an easement**

There is also an ingress/egress easement not shown from OR Book 1479 Page 701. Please provide a corrected copy of the document.

**Response: Please find attached the survey plat along with the 24' roadway easement vacation, OR Book 2400 Page 1280.**

Zoning History: Per Section 34-202(b)

**Response: Commercial development since 1980 with a zoning classification of CC and RM-2 by Resolution Z-80-181 and was subsequently amended by ADD2002- 00013. ADD2002-00013 approved an Administrative Variance from LDC Section 34-884 to reduce the required lot width from 100 feet, to allow a lot of width of 92.35 feet.**

Al Quattrone, P.E.

President

Email: [Permits@gainc.net](mailto:Permits@gainc.net)

**Attachments:**

**Revised Legal Sketch and Description**

**Recorded document that established the 24' roadway easement.**

**Recorded document that terminates and releases the 24' roadway easement.**

**A survey plat that came from the property owner that shows that the 24' roadway easement was vacated by OR Book 2400 Page 1280.**

## DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME this day appeared Jacqueline Diaz, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at Strap# 31-45-24-00-00007.3000 and is the subject of an Application for zoning action (hereinafter the "Property").

2. That I am 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<br>Ownership |
|------------------|----------------------------|
| <hr/>            | <hr/>                      |
| <hr/>            | <hr/>                      |
| <hr/>            | <hr/>                      |
| <hr/>            | <hr/>                      |
| <hr/>            | <hr/>                      |

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

Jacqueline Diaz, IRA Administrator  
Print Name

\*\*\*\*\*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 by means of ☒ physical presence or ☐ online notarization, on 20<sup>th</sup> of July 2022 (date) by Jacqueline Diaz, IRA Admin. (name of person providing oath or affirmation), who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.

STAMP/SEAL



Tiffany Jasmine Maher  
State of Florida  
My Commission Expires 09/04/2023  
Commission No. GG 910165

Tiffany Jasmine Maher  
Signature of Notary Public

**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**

I, Jacqueline Diaz (name), as IRA Administrator  
(owner/title) of Tax Free Strategies, LLC (company/property), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I 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;
2. 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;
3. I 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
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

**\*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

\_\_\_\_\_  
Date

\*\*\*\*\*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 by means of ☒ physical presence or ☐ online notarization, this 20<sup>th</sup> day of July, 2022, by Jacqueline Diaz, IRA Administrator (name of person providing oath or affirmation), who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.

STAMP/SEAL



Tiffany Jasmine Maher  
State of Florida

\_\_\_\_\_  
Signature of Notary Public

Charlie Green, Lee County Clerk of Circuit Court, Deed Doc. D \$0.70 Rec. Fee \$18.50 Deputy Clerk ELAYDEN

18.50  
17.20  
17.20  
17.20

Prepared By:  
Thomas E. Moorey, Esq.  
1430 Royal Palm Sq. Blvd., #105  
Fort Myers, FL 33919

Parcel ID Number: 31-45-24-00-00007.3000 and 31-45-24-00-00007.5030  
PREPARED WITHOUT TITLE EXAMINATION.

## WARRANTY DEED

This Indenture, made this 24<sup>th</sup> day of March, 2008, **Between**

**Greg A. Callaway and Jo Callaway, Individually and as Co-Trustees of the Callaway and Company Profit Sharing Plan and Trust, Grantors,**

**and**

**Tax Free Strategies, LLC, as custodian for the benefit of Greg A. Callaway IRA Account #60070, as to an undivided 59.79% interest, and Tax Free Strategies, LLC, as custodian for the benefit of Jo Callaway IRA Account #60072, as to an undivided 40.21% interest, as Tenants in Common, Grantee**

whose address is: c/o Entrust SWFL, LLC, 12853 Banyan Creek Dr., Ft. Myers, FL 33908

**WITNESSETH** that the Grantors, for and in consideration of the sum of-----  
----- \$10.00 -----Dollars  
to Grantors in hand paid by Grantee, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said Grantee and Grantee's heirs and assigns forever, the following described land, situate, lying and being in the County of LEE, State of Florida, to wit:

SEE ATTACHED EXHIBIT "A"

Subject to restrictions, easements and reservations of record, if any.

Subject land is not the Homestead Property of the Grantor, nor is it adjacent to or contiguous to the homestead property of Grantor.

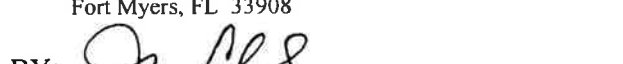
and the Grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

**In Witness Whereof**, the Grantor has hereunto set his/her hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

  
Witness Signature  
THOMAS E. MOOREY  
Witness Printed Name  
Barbara M. Dodson  
Witness Signature

CALLAWAY AND COMPANY PROFIT SHARING  
PLAN AND TRUST

BY:   
Greg A. Callaway, Co-Trustee and Individually  
15301 McGregor Blvd., Unit 2  
Fort Myers, FL 33908  
BY:   
Jo Callaway, Co-Trustee and Individually

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**Exhibit "A"**

A parcel of land situated in the state of Florida, County of Lee, Section 31, Township 45 South, Range 24 East, being part of Parcel I and all of Parcel II as described in Official Record Book 3007 at Page 141 and further described as follows:

Commencing at the northeast corner of said Section 31: thence N89°41'24"W along the north line of said Section 31 for 238.87 feet to the former right-of-way line of McGregor Boulevard (S.R. 867- 80 feet wide); thence S50°28'00"W along said former right-of-way line for 742.18 feet to the northeast corner of said Parcel I as described in Official Record Book 3007 at Page 141; thence S41°20'06"E along the northeasterly line of said parcel for 10.00 feet to the southeasterly right-of-way line of McGregor Boulevard by Order of Taking as recorded in Official Records Book 2463 at Page 1913; thence continue S41°20'06"E along said northeasterly line for 340.17 feet; thence S50°28'00"W parallel with McGregor Boulevard for 151.33 feet to the Point of Beginning; thence continue S50°28'00"W for 345.63 feet; thence S00°17'04"E for 150.00 feet; thence S89°42'56"W for 35.00 feet; thence N00°17'04"W for 553.99 feet to the southeasterly right-of-way line of McGregor Boulevard by said Order of Taking as recorded in Official Record Book 2463 at Page 1913; thence N50°28'00"E along said right-of-way line for 117.13 feet; thence S39°32'00"E for 335.00 feet to the Point of Beginning

Bearings are based on the east line of the Northeast One Quarter (NE 1/4) of Section 31, Township 45 South, Range 24 East as bearing S00°23'30"E.

TOGETHER WITH Easement described in Warranty Deed recorded under Instrument #2007000133855, Public Records of Lee County, Florida.

# LEGAL DESCRIPTION & SKETCH

15149 MCGREGOR BLVD

SECTION 31, TOWNSHIP 45 SOUTH, RANGE 24 EAST

FORT MYERS, FLORIDA

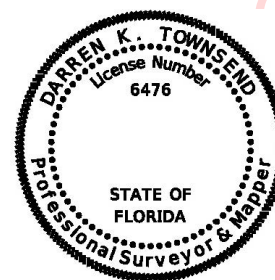
## DESCRIPTION:

A PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, SECTION 31, TOWNSHIP 45 SOUTH, RANGE 24 EAST, BEING PART OF PARCEL I AND ALL OF PARCEL II AS DESCRIBED IN OFFICIAL RECORD BOOK 3007 AT PAGE 141 AND FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 31: THENCE N89°41'24"W ALONG THE NORTH LINE OF SAID SECTION 31 FOR 238.87 FEET TO THE FORMER RIGHT-OF-WAY LINE OF MCGREGOR BOULEVARD (S.R. 867- 80 FEET WIDE); THENCE S50°28'00"W ALONG SAID FORMER RIGHT-OF-WAY LINE FOR 742.18 FEET TO THE NORTHEAST CORNER OF SAID PARCEL I AS DESCRIBED IN OFFICIAL RECORD BOOK 3007 AT PAGE 141; THENCE S41°20'06"E ALONG THE NORTHEASTERLY LINE OF SAID PARCEL FOR 10.00 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF MCGREGOR BOULEVARD BY ORDER OF TAKING AS RECORDED IN OFFICIAL RECORDS BOOK 2463 AT PAGE 1913; THENCE CONTINUE S41°20'06"E ALONG SAID NORTHEASTERLY LINE FOR 340.17 FEET; THENCE S50°28'00"W PARALLEL WITH MCGREGOR BOULEVARD FOR 151.33 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S50°28'00"W FOR 345.63 FEET; THENCE S00°17'04"E FOR 150.00 FEET; THENCE S89°42'56"W FOR 35.00 FEET; THENCE N00°17'04"W FOR 553.99 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF MCGREGOR BOULEVARD BY SAID ORDER OF TAKING AS RECORDED IN OFFICIAL RECORD BOOK 2463 AT PAGE 1913; THENCE N50°28'00"E ALONG SAID RIGHT-OF-WAY LINE FOR 117.13 FEET; THENCE S39°32'00"E FOR 335.00 FEET TO THE POINT OF BEGINNING.

## NOTES:

1. BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 31 AS BEARING N 89°51'24" W.
2. ALL DIMENSIONS ARE IN U.S. SURVEY FEET OR DECIMALS THEREOF.
3. NOT VALID WITHOUT THE ATTACHED SKETCH OF DESCRIPTION.
4. **THIS IS NOT A BOUNDARY SURVEY**
5. THIS LEGAL AND SKETCH HAS BEEN REVISED ON 05/02/22 TO REMOVE A 35' AND 25' ROADWAY EASEMENT; AND ON 07/06/22 TO CHANGE THE OFFICIAL RECORD BOOK OF THE WATERMAIN EASEMENT TO 1489.



Digitally signed  
by Darren  
Townsend  
Date:  
2022.07.07  
09:04:43 -04'00'

DARREN TOWNSEND  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE. NO. 6476

NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND  
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



**AIM Engineering & Surveying, Inc.**  
2161 FOWLER STREET, SUITE 100  
FORT MYERS, FLORIDA 33901  
www.aimengr.com  
PHONE (239) 332-4569  
TOLL FREE (800) 226-4569  
LICENSED BUSINESS No. 3114

## LEGAL DESCRIPTION & SKETCH

15149 MCGREGOR BLVD

|                         |                |                         |                |                              |              |  |
|-------------------------|----------------|-------------------------|----------------|------------------------------|--------------|--|
| DRAWN:<br>CH 04-25-22   |                | CHECKED:<br>DT 04-25-22 |                | CLIENT:<br>LAND AMERICA, LLC |              |  |
| PROJECT NO.:<br>21-1398 | SECTION:<br>31 | TOWNSHIP:<br>45 S       | RANGE:<br>24 E | COUNTY:<br>LEE               | SHEET 1 OF 2 |  |

# LEGAL DESCRIPTION & SKETCH

15149 MCGREGOR BLVD  
SECTION 31, TOWNSHIP 45 SOUTH, RANGE 24 EAST  
FORT MYERS, FLORIDA



INTENDED DISPLAY SCALE: 1" = 100'

N LINE, NE 1/4, SEC. 31

BASIS OF BEARINGS

N 89°41'24" W

238.87'

POC  
NE COR, SEC. 31

MCGREGOR BLVD.  
R/W VARIES  
ESTABLISHED FROM FDOT R/W  
MAPS FOR SECTION 12040-2515  
SOUTHEASTERLY R/W MCGREGOR BLVD  
PER O.R. 2463, PG. 1913

INGRESS / EGRESS  
EASEMENT  
O.R. 3668, PG. 2813

10' WATER PIPELINE  
EASEMENT  
O.R. 1489, PG. 2315

## LEGEND:

E = EAST OR EASTING  
FDOT = FLORIDA DEPARTMENT OF TRANSPORTATION  
LB = LICENSED BUSINESS  
N = NORTH OR NORTHING  
NO. OR # = NUMBER  
O.R. = OFFICIAL RECORD BOOK  
PG. = PAGE  
POB = POINT OF BEGINNING  
POC = POINT OF COMMENCEMENT  
PSM = PROFESSIONAL SURVEYOR & MAPPER  
R/W = RIGHT OF WAY  
SEC. = SECTION

NOT VALID WITHOUT THE ATTACHED DESCRIPTION.



**AIM Engineering & Surveying, Inc.**  
2161 FOWLER STREET, SUITE 100  
FORT MYERS, FLORIDA 33901  
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PHONE (239) 332-4569  
TOLL FREE (800) 226-4569  
LICENSED BUSINESS No. 3114

## LEGAL DESCRIPTION & SKETCH 15149 MCGREGOR BLVD

|                         |                |                         |                |                              |              |  |
|-------------------------|----------------|-------------------------|----------------|------------------------------|--------------|--|
| DRAWN:<br>CH 04-25-22   |                | CHECKED:<br>DT 04-25-22 |                | CLIENT:<br>LAND AMERICA, LLC |              |  |
| PROJECT NO.:<br>21-1398 | SECTION:<br>31 | TOWNSHIP:<br>45 S       | RANGE:<br>24 E | COUNTY:<br>LEE               | SHEET 2 OF 2 |  |

OF  
A PARCEL OF LAND  
LYING IN

DESCRIPTION OF A PARCEL OF LAND  
LYING IN  
SECTION 31, TOWNSHIP 45 SOUTH, RANGE 24 EAST  
LEE COUNTY, FLORIDA

A PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, SECTION 31, TOWNSHIP 45 SOUTH, RANGE 24 EAST, BEING PART OF PARCEL 1 AND ALL OF PARCEL 2 AS DESCRIBED IN OFFICIAL RECORD BOOK 3007 AT PAGE 141 AND FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 31; THENCE N89°41'24"W ALONG THE NORTH LINE OF SAID SECTION 31 FOR 238.87 FEET TO THE FURTHER RIGHT-OF-WAY LINE OF MCGREGOR BOULEVARD (S.R. 687 - 80 FEET WIDE); THENCE S50°28'00"W ALONG SAID FURTHER RIGHT-OF-WAY LINE FOR 742.18 FEET TO THE NORTHEAST CORNER OF SAID PARCEL 1 AS DESCRIBED IN OFFICIAL RECORD BOOK 3007 AT PAGE 141; THENCE S41°20'08"E ALONG THE NORTHEASTERLY LINE OF SAID PARCEL FOR 10.00 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF MCGREGOR BOULEVARD BY ORDER OF TAKING AS RECORDED IN OFFICIAL RECORD BOOK 2463 AT PAGE 1913; THENCE CONTINUE S41°20'08"E ALONG SAID NORTHEASTERLY LINE FOR 340.17 FEET; THENCE S50°28'00"W PARALLEL WITH MCGREGOR BOULEVARD FOR 151.33 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S50°28'00"W FOR 345.63 FEET; THENCE S00°17'04"E FOR 150.00 FEET; THENCE S89°42'58"W FOR 35.00 FEET; THENCE N00°17'04"W FOR 533.08 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF MCGREGOR BOULEVARD BY SAID ORDER OF TAKING AS RECORDED IN OFFICIAL RECORD BOOK 2463 AT PAGE 1913; THENCE N50°28'00"E ALONG SAID RIGHT-OF-WAY LINE FOR 117.13 FEET; THENCE S39°32'00"E FOR 333.00 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 31, TOWNSHIP 45 SOUTH, RANGE 24 EAST AS BEARING S00°23'30"E.

**UNDER CONSTRUCTION**

VACANT

NOT-A-PART

NOT-A-PART  
NEW WATER TANK

BENCH MARK:  
CHISELED SQUARE  
IN N.E. CORNER  
OF LIFT STATION  
ELEV. = +7.71'  
(WEST WET WELL)

BENCH MARK:  
FND PK N/D IN NE  
CONTROL STRUCTURE  
TOP=+7.04'

BENCH MARK:  
SET PK N/D EAST FACE  
OF POWER POLE  
ELEV. +8.04'

UNDER CONSTRUCTION

FND I.R. LB4919  
ALSO  
FND. 1/2" I.R.  
NO IDENTIFICATION  
0.34" NORTH  
0.48" WEST

BENCH MARK:  
SET PK N/D IN N. SIDE  
24" PORCUPINA TREE  
ELEV.=+8.42'

PORTION OF EASEMENT  
RECORDED IN O.R. 1479 PG.  
701 ACROSS THE SUBJECT  
PARCEL VACATED BY CUI  
CLAIM DEED RECORDED IN O.R.  
2400 PG. 1280

O.R. 1478 PG. 701 (SHEET 1)  
O.R. 2913 PG. 2973  
O.R. 4873 PG. 2439

CROSS EASEMENT  
AGREEMENT  
O.R. 1690 PG. 368  
1/2, DRAINAGE AND  
UTILITY EASEMENT  
EXHIBIT "B"

PUBLIC (12)  
— INGRESS/EGRESS EASEMENT  
ON 7-6-68 PG 2813

PROPOSED 10'X20'  
LIFT STATION EASEMENT  
P.O.B. PARC  
O.R. 1479 PG  
NORTHWEST CORNER  
IN COVENANTS AND P  
O.R. 1479 PG

⑦ TITLE EXCEPTION ✓  
PP&L EASEMENT  
OR 24, PG 278  
LINES WERE TO BE LOCATED  
41'± OFF CENTERLINE  
WHICH IS NOW WITHIN  
THE NEW R/W.  
SUB-ORDINATION  
OR 2386, PG 809

AN TITLE  
(NE 1/4)  
R/W LINE  
WRK K-245.  
THIS  
IS EFFECTIVE  
IN MAPS  
UST BE  
ING ANY

Additional inf dated 07-20-2022

REZ2022-00014 Lee County ePlan

RWN:108.0580

REC. BY: [illegible]  
DATE: 7/21/80  
PORT WEAVER, FLORIDA 33702

**1336059 GRANT OF EASEMENT**

THIS DEED, made this 7th day of August, 1980 by PAUL SCHULTZ, joined by his wife, DOROTHY M. SCHULTZ, Grantor, to MITCHELL HOMES, an Alabama General Partnership, Grantee. **1445: 1402**

Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, paid by Grantee, receipt of which is hereby acknowledged, has granted, bargained and sold to Grantee, its heirs and assigns forever, an easement for roadway and utilities purposes, over, across, and under the East 35 feet of the parcel described in Exhibit "A" attached hereto and incorporated herein by reference. This easement is granted for the benefit of, and as an easement appurtenant to, that certain property described in Exhibit "B" attached hereto and incorporated herein by reference.

PROVIDED HOWEVER, that in the event that construction of a road on the above described parcel and the 25 foot strip immediately West of it has not begun on or before August 3, 1981, or in the event that such road is not substantially completed on or before August 3, 1982, then this easement shall become, in either case, null and void, and all rights granted herein in the above described property shall immediately revert to the then owner of the fee title, who shall then hold title to the above described parcel free and clear of any rights granted under this Grant of Easement as if this Grant of Easement had never been executed.

IN WITNESS WHEREOF, Grantor has executed this Deed on the date first above written.

Signed, Sealed and Delivered in the Presence of:

[Signature: Agatha Anna Sorezzo] [Signature: Paul Schultz]  
[Signature: John O. Nelson] [Signature: Dorothy M. Schultz]  
PAUL SCHULTZ  
DOROTHY M. SCHULTZ

STATE OF FLORIDA  
COUNTY OF LEE

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared PAUL SCHULTZ, joined by his wife, DOROTHY M. SCHULTZ, to me known to be the persons described in and who executed the foregoing instrument and acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid, this 7th day of August, 1980.

My Commission Expires:

[Signature: Agatha Anna Sorezzo]  
Notary Public

Notary Public, State of Florida  
My Commission Expires July 3, 1981

RECORDED - 541 CERT. CLERK  
BY H. H. HARRISON, D.C.

EXHIBIT "A"

1445 1403

DESCRIPTION  
60' ROADWAY EASEMENT  
IN NE $\frac{1}{4}$ , SECTION 31, T. 45 S., R 24 E.  
LEE COUNTY, FLORIDA

A 60 foot roadway easement lying in the Northeast Quarter (NE $\frac{1}{4}$ ), Section 31, Township 45 South, Range 24 East, Lee County, Florida, extending from the Southeastern right-of-way line of McGregor Boulevard to the Northern right-of-way line of Gladiolus Drive, the centerline of which is 5 feet East of and parallel to a line described as follows:

¢

From the concrete post marking the intersection of the West line of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ), Section 31, Township 45 South, Range 24 East, and the Southeasterly line (40 feet from the centerline) of McGregor Boulevard (State Road S-867) run N 50° 28' 00" E along said Southeasterly line for 405 feet to the Point of Beginning.  
From said Point of Beginning run S 00° 17' 04" E for 1305.51 feet to the Northerly line of Gladiolus Drive (State Road S-865A) and the end of the herein described line.



4/7/22, 4:58 PM

**JOHNSON ENGINEERING, INC.**

CIVIL ENGINEERS AND LAND SURVEYORS

2100 JOHNSON STREET  
TELEPHONE (912) 354-0900  
POST OFFICE BOX 1030  
FORT WORTH, FLORIDA  
33908

July 16, 1980

OFF  
#1445-1404

CARL E. JOHNSON  
P.L.L.C.

DESCRIPTION  
PARCEL IN NE¼  
SECTION 31, T. 45 S., R. 24 E.  
LEE COUNTY, FLORIDA

A tract or parcel of land lying in the northeast quarter (NE¼), Section 31, Township 45 South, Range 24 East, Lee County, Florida which tract or parcel is described as follows:

Beginning at the concrete monument marking the northeast corner of the southwest quarter (SW¼) of the northeast quarter (NE¼) of said section run N 89° 48' 43" W along the north line of said fraction of a section for 517.02 feet; thence run S 00° 07' 30" W, perpendicular to the northerly line of Gladiolus Drive (State Road S-865), for 608.32 feet to said northerly line; thence run S 89° 52' 30" E along said northerly line of said Gladiolus Drive for 835 feet; thence run N 00° 17' 04" W, parallel with the west line of the northeast quarter (NE¼) of the northeast quarter (NE¼), for 1305.51 feet to an intersection with the southeasterly line (40 feet from the centerline) of McGregor Boulevard; thence run S 50° 28' W along said southeasterly line for 405 feet to an intersection with the west line of the northeast quarter (NE¼) of the northeast quarter (NE¼); thence run S 00° 17' 04" E along said west line for 439.26 feet to the Point of Beginning.

SUBJECT TO an easement for roadway purposes over and across the easterly 25 feet thereof, extending from said Gladiolus Drive to McGregor Boulevard.  
Containing 15.71 acres more or less.

AKT/ds

10175

CHAIRMAN  
ARCHIE T. GRANT, JR.

PRESIDENT  
FORREST H. BANKS  
VICE-PRESIDENT  
LEIF E. JOHNSON  
ASSOCIATES  
LESTER L. BULSON  
ROBERT S. O'BRIEN  
JOSEPH W. EDNER  
DAN W. DICKEY

AUG 8 9 08 AM '80  
LEE COUNTY, FLORIDA  
RECORD VERIFIED

CLERK OF COURT  
LEE COUNTY, FLORIDA

**EXHIBIT "A"**

AN EQUAL OPPORTUNITY EMPLOYER

THIS INSTRUMENT PREPARED BY:

Thomas A. Moseley, Esquire  
Greene, Donnelly, Schermer,  
Tipton & Moseley  
1301 6th Avenue West, Ste. 505  
Bradenton, Florida 34205  
(813) 747-3025

3411832

QUITCLAIM DEED

THIS QUITCLAIM DEED, Made this 18 day of May, 1993, between RONALD C. FRANCISCO, Individually and as Trustee and LAWRENCE P. O'REILLY, Individually and as Trustee, Grantor, and CROSSLAND SAVINGS, FSB, a Federally chartered savings bank, whose post office address is 1301 6th Avenue West, Bradenton, Florida 34205, Grantee,

WITNESSETH, That said Grantor, for and in consideration of the sum of Ten and no/100 (\$10.00) Dollars, and other good and valuable considerations, the receipt whereof is hereby acknowledged, hereby remises, releases and quitclaims unto Grantee all the right, title, interest, claim and demand which the Grantor has in and to the following described land, situate, lying and being in Lee County, Florida:

Ingress, egress, road and utility easement over, across and under a strip of land 24 feet wide, the center line of which is 200 feet southeasterly of and parallel to the southeasterly right-of-way line of McGregor Boulevard and being located on the property described in the attached Exhibit "A".

This quitclaim deed is being given to terminate and release the above described easement which was reserved by the Grantor in O. R. Book 1479, page 701, of the Public Records of Lee County, Florida.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all of the estate, right, title, interest, and claim whatsoever of the Grantor, either in law or in equity, to the only proper use, benefit, and behoof of the Grantee and Grantee's assigns forever.

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

IN WITNESS WHEREOF, Grantor signed and sealed this quitclaim deed the day and year first above written.

Signed, sealed and delivered in the presence of:

Jeanne M. Wozniak  
Printed Name:

Marion E. O'Brien  
Printed Name:

Ronald C. Francisco  
Printed Name: Ronald C. Francisco, Individually and as Trustee

Documentary Tax Pd. \$ 70  
Transfer Tax Pd. \_\_\_\_\_  
CHARGE OFFER, CLERK, LEE COUNTY  
by [Signature] Deputy Clerk

OR 2400 PG 280

0R2400 Pg1281

Betty M. Jurisic  
Betty M. JURISIC  
 Printed Name:  
Patty Abel  
Patty ABEL  
 Printed Name:

(SEAL)  
Lawrence P. O'Reilly, Individually  
 and as Trustee

STATE OF Florida  
 COUNTY OF Lee

The foregoing instrument was acknowledged before me this 17th  
 day of May, 1993 by Ronald C. Francisco, Individually and as  
 Trustee, who is personally known to me/who produced  
 as identification and who did/did not  
 take an oath.

Jeanne M. Wuerzburger  
 Notary Public  
 Printed Name: Jeanne M. Wuerzburger  
 My Commission Expires: ...

STATE OF Florida  
 COUNTY OF Lee

NOTARY PUBLIC STATE OF FLORIDA  
 MY COMMISSION EXP. JAN. 8, 1994  
 BONDED THRU GENERAL INS. UND.

The foregoing instrument was acknowledged before me this 18th  
 day of May, 1993 by Lawrence P. O'Reilly, Individually and as  
 Trustee, who is personally known to me/who produced  
N/A as identification and who did/did not  
 take an oath.

Betty M. Jurisic  
 Notary Public  
 Printed Name:  
 My Commission Expires:

H:\wpdata\creal\mcgregor.qcd

OFFICE OF THE CLERK  
 BERT M. YERGEN  
 NOTARY PUBLIC STATE OF FLORIDA  
 COMMISSION NO. C077010  
 MY COMMISSION EXPIRES 06/01/97

## EXHIBIT "A"

A lot or parcel of land lying in the Northeast 1/4 of Section 31, Township 45 South, Range 24 East, Lee County, Florida, which lot or parcel is described as follows:

From a steel pin marking the Northeast corner of said Section 31, run along said section line North 89°41'24" West for 238.87 feet to a concrete monument on the Southeast right-of-way line of McGregor Boulevard (S-867) 80 feet wide; thence run along said Southeasterly right-of-way line South 50°28'00" West for 942.19 feet to a steel pipe on the Easterly right-of-way line of a proposed road, 60 feet wide, said steel pipe being the point of beginning. From said point of beginning run along said Easterly right-of-way South 00°17'04" East for 451.96 feet; thence run parallel with McGregor Boulevard, North 50°29'00" East for 496.96 feet; thence run North 41°20'06" West for 150.17 feet to a point on the centerline of a 24 foot wide roadway easement which runs parallel with McGregor Boulevard; thence continue North 41°20'06" West for 200 feet to the Southeasterly right-of-way line of McGregor Boulevard; thence run along said right-of-way line South 50°29'00" West for 200.00 feet to the point of beginning.

OR 2400 PG 1282

93 JUN 25 PM 2:41

CHARLE GREEN LEE CTY, FL