



Professional Engineers, Planners & Land Surveyors

February 15, 2023

Ms. Lindsay Hickey
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, Florida 33901

Reference: **CRYSTAL DRIVE REZONE
REZ2022-00027
1ST SUFFICIENCY RESPONSE**

Dear Ms. Hickey,

This letter is written in response to your review comments dated December 6, 2022. With this letter we are submitting the additional information you requested. Presented below are responses to each review comment.

Enclosed are the following documents for review.

1. Revised Boundary Survey
2. Title Certification
3. Revised Narrative of Request

LEGAL DESCRIPTION COMMENTS

Comment 1: Please provide a boundary survey in accordance with the requirements of Lee County LDC §34-202(a)(6).
- The survey must be tied to the state plan coordinate system for the Florida West Zone (the most current adjustment is required) with two coordinates, one coordinate being the point of beginning (POB) and the other an opposing corner.

Response: Please see attached revised Boundary Survey.

Comment 2: Please provide a title certification in accordance with the requirements of Lee County LDC §34-202(a)(7).
- All easements encumbering the property and all mortgages secured by the property need to be listed on the title insurance policy in accordance with Lee County LDC §34-202(a)(7)(b). If there are no easements, Encumbrances, or mortgages on the property, the title insurance policy must state so.

Response: Please see attached Title Certification.

ZONING COMMENTS

Comment 1: Lee County LDC §34-145(d)(4)(d): Please consider revising the project narrative to provide clarification if road access is intended from Crystal Drive or Crystal Road.

MS. LINDSAY KICKEY
CRYSTAL DRIVE REZONE
REZ2022-00027

FEBRUARY 15, 2023
PAGE 2 OF 2

Response: **The narrative has been revised to reflect that access will be provided through the applicant's adjacent property onto Crystal Drive and Crystal Road.**

If you should have any questions or require additional information, please do not hesitate to contact me via (239) 770-2527 or shewitt@bankseng.com.

Sincerely,

BANKS ENGINEERING



Stacy Hewitt, AICP
Director of Planning

cc: Natalie Figley
 NFigley@Bankseng.com

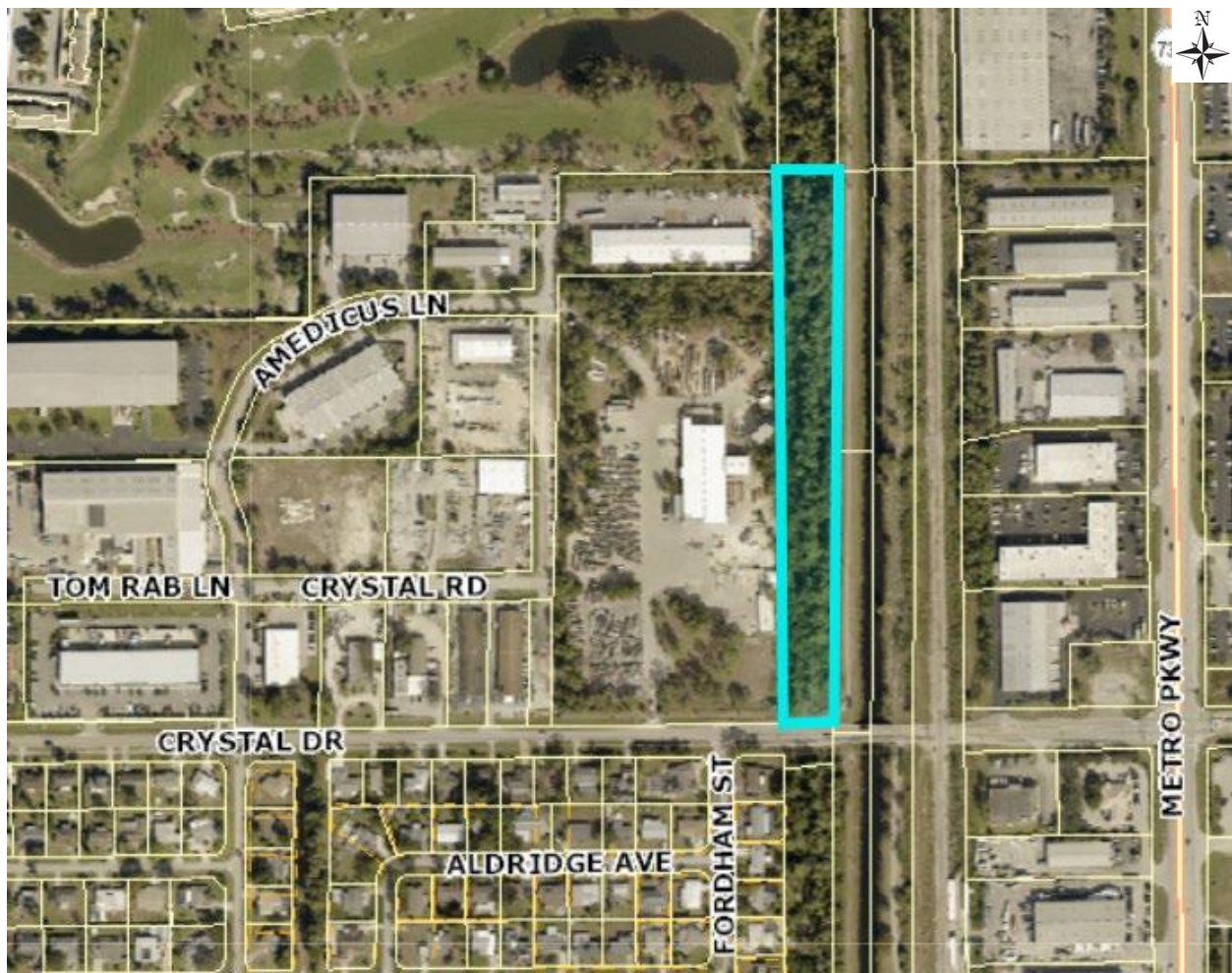


Professional Engineers, Planners & Land Surveyors

Crystal Drive Rezone Narrative of Request

Introduction

The applicant, Crystal Park, LLC, is requesting approval of a conventional rezoning of approximately 3.84 acres located on the north side of Crystal Drive, approximately 750 feet west of Metro Parkway, from Light Industrial (IL) and Agricultural District (AG-2) to Light Industrial District (IL). The property is within the Central Urban Future Land Use Category within the South Fort Myers Planning District. The property is currently undeveloped as shown in the below aerial.

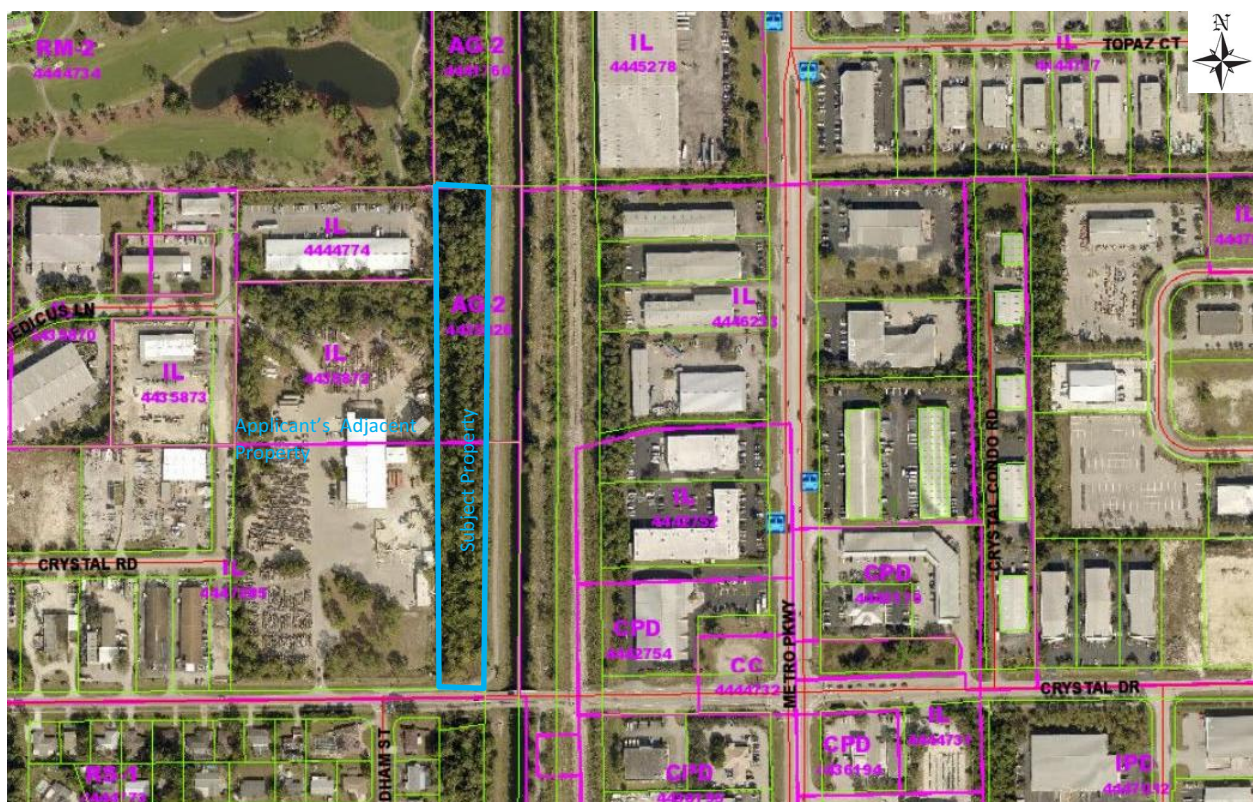


Background

The subject property has split zoning as shown in the below zoning overlay with the north 2.04± acres zoned AG-2 and the south 1.8± acres already zoned IL (converted from IU industrial to IL industrial in 1978). The Lee County Property Appraiser's Office describes the property as former SAL Railroad right-of-way.

The applicant owns the 12.5± acres abutting the west of the subject property that is also zoned IL. This property is developed with 29,768± square feet of industrial uses within 2 buildings, one built in 1964 and the other in 2001 under development order case number DOS2000-00116. The southern portion was converted from IU industrial to IL industrial in 1978 and the northern portion was rezoned from AG to IL in 1982 pursuant to Resolution No. ZAB-82-396.

The subject 3.84± acres separate the existing business from the adjacent Lee County lands and railroad right-of-way to the east. The subject property will be developed under unified control with the applicant's adjacent property. The Approval of the request will provide one consistent zoning category for the applicant's property and expand the allowable uses on the northern 2.04± acres while remaining consistent and compatible with surrounding uses.



Land Development Code Analysis

The property qualifies for the rezoning and the request meets the applicable required findings/review criteria set forth in Land Development Code section 34-145(d)(4)a.1. as follows:

(a) Complies with the Lee Plan

The proposed rezoning to IL is consistent with the Lee Plan. The southern half of the property has always been zoned industrial and deemed consistent with the Lee Plan.

The subject property is located in the Central Urban future land use category. The Comprehensive Plan describes the Central Urban future land use designation as follows:

POLICY 1.1.3: The Central Urban future land use category can best be characterized as the “urban core” of the County. These areas are already the most heavily settled and have, or will have, the greatest range and highest levels of public services. Residential, commercial, public and quasi-public, and limited light industrial land uses will continue to predominate in the Central Urban future land use category. Future development in this category is encouraged to be mixed use, as described in Objective 11.1, where appropriate. The standard density range is from four dwelling units per acre (4 du/ acre) to ten dwelling units per acre (10 du/acre), with a maximum total density of fifteen dwelling units per acre (15 du/acre). The maximum total density may be increased to twenty dwelling units per acre (20 du/acre) utilizing Greater Pine Island Transfer of Development Units.

The Central Urban areas are appropriate for intense zoning categories as demonstrated by the existing IL zoning on and surrounding the site. The southern 1.8± acres of the subject property is already zoned IL as are several other parcels in the vicinity. The parcel adjacent to the west is zoned IL, as is the property adjacent to the south ½ of the east property line. Approval of the rezoning will provide one consistent zoning category for the site and will provide employment opportunities by expanding the development potential of the applicant’s property adjacent to existing industrial lands along Crystal Drive. The allowable uses in the IL zoning district are consistent with this Policy. The proposed rezoning to IL is consistent with Policy 1.1.3.

OBJECTIVE 2.1: DEVELOPMENT LOCATION. Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are bypassed in favor of development more distant from services and existing communities.

POLICY 2.1.1: Most residential, commercial, industrial, and public development is expected to occur within the designated Future Urban Areas on the Future Land Use Map through the assignment of very low densities to the non-urban categories.

The southern ±1.8 acres of the property are already zoned IL. The proposed rezoning is located within a designated Future Urban Area and promotes contiguous and compact growth patterns by providing one consistent zoning category. Approval of the request will

expand the development potential for the applicant's property. The rezoning is consistent with Objective 2.1 and Policy 2.1.1.

OBJECTIVE 2.2: DEVELOPMENT TIMING. Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, F.S. and the concurrency requirements in the Land Development Code.

POLICY 2.2.1: Rezoning and development-of-regional-impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.

The southern 1.8± acres of the site are already zoned IL and the proposed rezoning will continue to promote growth in a Future Urban Area where adequate public facilities exist and where compact and contiguous development patterns can be created. The site has frontage on Crystal Drive (county-maintained major collector roadway). Access will be provided through the applicant's adjacent property onto Crystal Drive and Crystal Road. Lee County Utilities (LCU) has existing potable water and sanitary sewer service available to the property with adequate capacity to service the site as demonstrated in the submitted letter of availability. South Trail Fire Department Station 61 and Lee County EMS Medic 1 are located at 2100 Crystal Drive, located approximately 1 mile from the site. Lee County Sheriff's Office is located at 14750 6 Mile Cypress Pkwy, approximately 3.5 miles from the site. The rezoning is consistent with Objective 2.2 and Policy 2.2.1

STANDARD 4.1.1: WATER.

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Chapter 62-550, F.A.C.).

2. If the proposed development lies within the boundaries of a water utility's certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 6), then the development must be connected to that utility.

3. The developer must provide proof that the prior commitments of the water utility, plus the projected need of the developer, do not exceed the supply and facility capacity of the utility.

The subject property is located within the Lee County Utilities service area and existing facilities are available for connection. The submitted Letter of Availability demonstrates that there is sufficient capacity to serve development of the property. The applicant will be required to provide water service in accordance with the Lee County LDC at the time of local development order. The request is consistent with Standard 4.1.1.

STANDARD 4.1.2: SEWER.

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.

2. If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 7), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within 1/4 mile from any part of the development.

3. If there is not sufficient capacity nor adequate infrastructure within 1/4 mile of the development, the developer must provide proof in the form of a clearly stated rejection of service.

The subject property is located within the Lee County Utilities service area and existing facilities are available for connection. The submitted Letter of Availability demonstrates that there is sufficient capacity to serve development of the property. The applicant will be required to provide sanitary sewer service in accordance with the Lee County LDC at the time of local development order. The request is consistent with Standard 4.1.2.

The existing IL zoning on the southern 1.8± acres is consistent with Goal 7 and its attendant Objectives and Policies and approval of the rezoning of the remainder of the property to IL will remain consistent.

GOAL 7: INDUSTRIAL LAND USES. *To promote opportunities for well-planned industrial development at suitable locations within the County.*

OBJECTIVE 7.1: *All development approvals for industrial land uses must be consistent with the following policies, the general standards under Goal 4, and other provisions of this plan.*

POLICY 7.1.1: *In addition to the standards required herein, the following factors apply to industrial rezoning and development order applications:*

1. *The development must comply with local, state, and federal air, water, and noise pollution standards.*
2. *When located next to residential areas, industry must not generate noise levels incompatible with the residential development.*
3. *Bulk storage or production of toxic, explosive, or hazardous materials will not be permitted near residential areas.*
4. *Contamination of ground or surface water will not be permitted.*
5. *Applications for industrial development will be reviewed and evaluated as to:*
 - a. *air emissions (rezoning and development orders);*
 - b. *impact and effect on environmental and natural resources (rezoning and development orders);*
 - c. *effect on neighbors and surrounding land use (rezoning);*
 - d. *impacts on water quality and water needs (rezoning and development orders);*
 - e. *drainage system (development orders);*
 - f. *employment characteristics (rezoning);*
 - g. *fire and safety (rezoning and development orders);*
 - h. *noise and odor (rezoning and development orders);*
 - i. *buffering and screening, except properties within the Industrial Development future land use category adjacent to lands redesignated to the Urban Community future land use category by Ordinance 16-17 will retain their development potential and land development regulations (including buffers and setbacks) consistent with the requirements previous to the redesignation, as though the redesignated lands are non-residential in use (planned development rezoning and development orders);*
 - j. *impacts on transportation facilities and access points (rezoning and development orders);*
 - k. *access to rail, major thoroughfares, air, and, if applicable, water (rezoning and development orders);*
 - l. *utility needs (rezoning and development orders); and*
 - m. *sewage collection and treatment (rezoning and development orders)*

Given IL zoning on properties surrounding the site and on the site's south 1.8± acres, there is no question that the subject property is in an area identified as a suitable location for IL zoning. No variances are included with this rezoning request. Development of the property will be required to demonstrate compliance with the LDC and other applicable County regulations at the time of local development order approval. The rezoning will allow development of the property, increasing potential employment opportunities. The rezoning is located in close proximity to rail and on a major collector roadway. Access will be provided through the applicant's adjacent property onto Crystal Drive and Crystal Road. Lee County Utilities (LCU) has existing potable water and sanitary sewer service

available to the property with adequate capacity to service the site as demonstrated in the submitted letter of availability. The requested rezoning is consistent with Policy 7.1.1.

POLICY 7.1.2: Industrial developments requiring rezoning and meeting DCI thresholds must be developed as planned developments...

The proposed rezoning is only 3.84± acres and even if combined with the applicant's adjacent 12.5± acres, does not meet the thresholds for a development of county impact. A conventional rezoning application is consistent with Policy 7.1.2.

POLICY 7.1.3: Industrial land uses must be located in areas appropriate to their special needs and constraints, including, but not limited to, considerations of: topography; choice and flexibility in site selection; access by truck, air, deep water, and rail; commuter access from home-to-work trips; and utilities; greenbelt and other amenities; air and water quality considerations; proximity to supportive and related land uses; and compatibility with neighboring uses.

Given the site's southern 1.8± acres have always been zoned industrial and given the industrial zoning and uses on the surrounding properties, the area is appropriate for IL zoning and will remain compatible with neighboring uses. The request is consistent with Policy 7.1.3.

POLICY 7.1.4: The timing and location of industrial development will be permitted only with the availability and adequacy of existing or planned services and facilities.

The site is located in a Future Urban area where adequate services and facilities exist. The site has frontage on Crystal Drive (county-maintained major collector roadway). Lee County Utilities (LCU) has existing potable water and sanitary sewer service available to the property with adequate capacity to service the site as demonstrated in the submitted letter of availability. South Trail Fire Department Station 61 and Lee County EMS Medic 1 are located at 2100 Crystal Drive, located approximately 1 mile from the site. Lee County Sheriff's Office is located at 14750 6 Mile Cypress Pkwy, approximately 3.5 miles from the site. The rezoning is consistent with Policy 7.1.4.

POLICY 7.1.6: Land development regulations will require that industrial uses be adequately buffered and screened from adjacent existing or proposed residential areas so as to prevent visual blight and noise pollution.

Development of the property will be required to meet setbacks, open space, buffering and site lighting requirements contained in the LDC at the time of local development order approval. There are also supplement development regulations for specific uses that would need to be followed if proposed on the property. Hideaway Country Club is adjacent to the northwest but the nearest residential building is 740± feet from the subject property and separated by the golf course. There are existing single-family homes to the south across Crystal Drive, a county-maintained major collector roadway, but the southern 640±' of the subject property is and has always been zoned industrial. The rezoning is consistent with Policy 7.1.6.

POLICY 7.1.7: Industrial development will not be permitted if it allows industrial traffic to travel through predominantly residential areas.

The north side of Crystal Drive has always been industrial in this area. The south side of Crystal Drive east of the railroad right-of-way is commercial and industrial. Although there are single-family homes south of Crystal Drive, the area is not predominantly residential and industrial traffic already exists. The request is consistent with Policy 7.1.7.

POLICY 7.1.8: All County actions relating to industrial land uses must be consistent with the goals, objectives, and policies of the Economic Element.

The requested rezoning is consistent with the goals, objectives, and policies of the Economic Element. Objective 158.4 and Policy 158.4.1 below demonstrate encouraging retention and expansion of existing companies. The requested rezoning will bring the applicant's property into one consistent zoning category which will enable development of the site. The requested rezoning is consistent with Policy 7.1.8, Objective 158.4 and Policy 158.4.1.

OBJECTIVE 158.4: Lee County, in coordination with the Horizon Council and other appropriate entities, will maintain programs which are designed to encourage the retention and expansion of the County's existing economic base.

POLICY 158.4.1: Lee County, in coordination with the Horizon Council and other appropriate entities, will continue programs which assist existing companies in expansion efforts and new companies that desire to relocate to the County.

b) Meets this Code and other applicable County regulations or qualifies for deviations:

The southern 1.8± acres of the property are already zoned Light Industrial (IL). No variances are included with this rezoning request. Development of the property will be

required to demonstrate compliance with the LDC and other applicable County regulations at the time of local development order approval.

c) Is compatible with existing and planned uses in the surrounding area:

The southern 1.8± acres of the site and several of the surrounding properties are already zoned Light Industrial (IL), demonstrating appropriateness for industrial development of the property. This southern portion could be developed today. The proposed rezoning will have no impact on the compatibility with existing and planned uses in the surrounding area.

Adjacent to the north is an Agricultural (AG-2) zoned vacant strip of land within the Central Urban future land use category, owned by Hideaway Country Club adjacent to the northwest that is zoned Multi-Family (RM-2) and developed with the golf course. The nearest residential building is 740± feet from the subject property and separated by the golf course. Adjacent to the east is lands within the Public Facilities future land use category, zoned AG-2 and IL, developed with the John Yarbrough Linear Park, then lands within the Industrial Development future land use category, zoned IL and developed with the Seminole Gulf Railway, then lands zoned IL developed with industrial uses and lands zoned Commercial Planned Development (CPD) developed with commercial uses. Adjacent to the south is Crystal Drive, a county-maintained major collector roadway, then property zoned RS-1 with another vacant strip identified as former SAL railroad ROW then single family homes to the southwest. It should be noted that the southern 640± feet of the subject property across from these home has always been zoned industrial. The applicant owns the approximately 12.5 acre parcel adjacent to the west that is zoned Light Industrial (IL) and developed with approximately 29,768 square feet of industrial uses within 2 buildings, one built in 1964 and the other in 2001 under development order case number DOS2000-00116. The southern portion of this site was converted from IU industrial to IL industrial in 1978 and the northern portion was rezoned from AG to IL in 1982 pursuant to Resolution No. ZAB-82-396.

Development of the property will be required to meet setbacks, open space, buffering and site lighting requirements contained in the LDC at the time of local development order approval. There are also supplement development regulations for specific uses that would need to be followed if proposed on the property. Approval of the rezoning will remain consistent and compatible with existing and planned uses surrounding the property.

d) Will provide access sufficient to support the proposed development intensity:

The site has frontage on Crystal Drive (county-maintained, 2-lane major collector roadway). Access will be provided through the applicant's adjacent property onto Crystal Drive and Crystal Road. Approval of the rezoning will provide one consistent zoning category for the applicant's property. A traffic impact statement will be required at the time of development order approval to demonstrate that development of the property will not adversely affect the Level of Service of the surrounding road network.

e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;

Although no impacts are expected on transportation facilities as a result of the requested rezoning since a portion of the site is already zoned for industrial development, any impacts on transportation facilities will be adequately addressed by existing County regulations and will be addressed with the required traffic impact statement during local development order review.

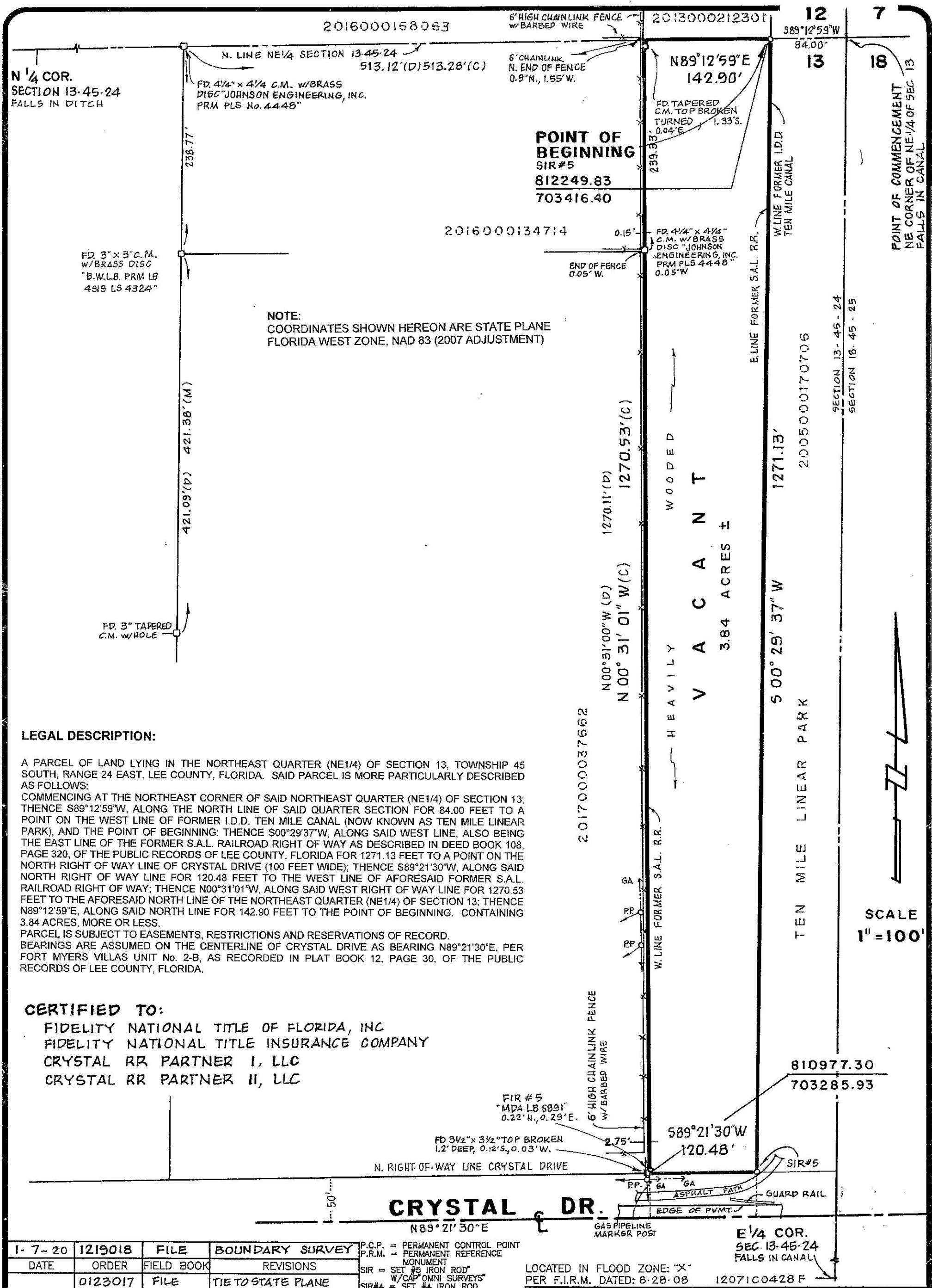
f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and

The rezoning of the subject property will not adversely affect environmentally critical or sensitive areas and natural resources. The southern 1.8± acres have always been zoned industrial and could be developed today. Development of the property will be required to meet the LDC requirements regarding environmental impacts, open space, buffering and landscaping requirements at the time of local development order approval.

g) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category.

The property is located within the Central Urban future land use category which is a Future Urban area. The applicant's existing development to the west is adequately served by existing urban services and the rezoning will have no impact on these existing services. Lee County Utilities (LCU) has existing potable water and sanitary sewer service available to the property with adequate capacity to service the site as demonstrated in the submitted letter of availability. South Trail Fire Department Station 61 and Lee County EMS Medic 1 are located at 2100 Crystal Drive, located approximately 1 mile from the site. Lee County Sheriff's Office is located at 14750 6 Mile Cypress Pkwy, approximately 3.5 miles from the site.

In conclusion, the proposed rezoning from AG-2 and IL to IL is in compliance with the Lee County Comprehensive Plan, the Land Development Code and other applicable codes and regulations; is compatible with existing or planned uses in the surrounding area; provides sufficient access to support the proposed development; the expected impact on transportation facilities will be addressed by existing County regulations; will not adversely affect environmentally critical or sensitive areas and natural resources; and will be served by urban services. Approval of the rezoning will provide one zoning category for the applicant's property and provide employment opportunities by expanding the potential for additional development in an existing industrial area along the Crystal Drive corridor while remaining consistent and compatible with the surrounding uses. For these reasons, the applicant respectfully submits that the rezoning request should be approved.



LEGAL DESCRIPTION:

A PARCEL OF LAND LYING IN THE NORTHEAST QUARTER (NE1/4) OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA. SAID PARCEL IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER (NE1/4) OF SECTION 13; THENCE S89°12'59"W, ALONG THE NORTH LINE OF SAID QUARTER SECTION FOR 84.00 FEET TO A POINT ON THE WEST LINE OF FORMER I.D.D. TEN MILE CANAL (NOW KNOWN AS TEN MILE LINEAR PARK), AND THE POINT OF BEGINNING; THENCE S00°29'37"W, ALONG SAID WEST LINE, ALSO BEING THE EAST LINE OF THE FORMER S.A.L. RAILROAD RIGHT OF WAY AS DESCRIBED IN DEED BOOK 108, PAGE 320, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA FOR 1271.13 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF CRYSTAL DRIVE (100 FEET WIDE); THENCE S89°21'30"W, ALONG SAID NORTH RIGHT OF WAY LINE FOR 120.48 FEET TO THE WEST LINE OF AFORESAID FORMER S.A.L. RAILROAD RIGHT OF WAY; THENCE N00°31'01"W, ALONG SAID WEST RIGHT OF WAY LINE FOR 1270.53 FEET TO THE AFORESAID NORTH LINE OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 13; THENCE N89°12'59"E, ALONG SAID NORTH LINE FOR 142.90 FEET TO THE POINT OF BEGINNING. CONTAINING 3.84 ACRES, MORE OR LESS.
PARCEL IS SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.
BEARINGS ARE ASSUMED ON THE CENTERLINE OF CRYSTAL DRIVE AS BEARING N89°21'30"E, PER FORT MYERS VILLAS UNIT No. 2-B, AS RECORDED IN PLAT BOOK 12, PAGE 30, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

CERTIFIED TO:

FIDELITY NATIONAL TITLE OF FLORIDA, INC
FIDELITY NATIONAL TITLE INSURANCE COMPANY
CRYSTAL RR PARTNER I, LLC
CRYSTAL RR PARTNER II, LLC

1-7-20	1219018	FILE	BOUNDARY SURVEY
DATE	ORDER	FIELD BOOK	REVISIONS
	0123017	FILE	TIE TO STATE PLANE

P.C.P. = PERMANENT CONTROL POINT
P.R.M. = PERMANENT REFERENCE MONUMENT
SIR = SET #5 IRON ROD
SIR#4 = SET #4 IRON ROD
C.M. = CONCRETE MONUMENT
FIR = FOUND IRON ROD
N&() = NAIL & (T=TIN, D=DISK)
FD = FOUND
(R) = RECORD
(M) = MEASURED
(C) = CALCULATED
(D) = DEED
DE = DRAINAGE EASEMENT
PUE = PUBLIC UTILITY EASEMENT
WM = WATER METER
WV = WATER VALVE
FH = FIRE HYDRANT
MH = MANHOLE (SS=SAN, STS=STORM)
RCP = REINFORCED CONCRETE PIPE
CMP = CORRUGATED METAL PIPE
ME = MITERED END
CB = CATCH BASIN
()P = POLE (L=LIGHT, P=POWER)
GA = GUY ANCHOR

LOCATED IN FLOOD ZONE: "X"
PER F.I.R.M. DATED: 8-28-08 12071C0428 F

CERTIFICATE
I hereby certify that the above sketch correctly represents a land survey made by me or under my direct supervision and meets the minimum technical standards as set forth by the Florida Board of Professional Land Surveyors in Ch 53-17.050-53-17.052, Florida Statutes. I further certify that it is only for the lands herein described and is valid only with the raised embossed surveyor's seal of the undersigned. It is not a certification of Title, Zoning or freedom of encumbrances.
Scott E. Marhenke, P.S.M.
Date: 2023.02.13
11:07:08 -05'00'



OMNI SURVEYS, INC.

LB 6584

TEL. (239) 939-3666

14216 BIGELOW ROAD, FORT MYERS, FL 33905



MICHAEL P. LEHNERT

Partner

Direct dial: (239) 336-6281

Email: MichaelLehnert@PaveseLaw.com

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

December 20, 2022

TITLE CERTIFICATION
CRYSTAL RR PARTNER I LLC & CRYSTAL RR PARTNER II LLC

Pavese Law Firm (as Agent/Title Company)

Plat Number: TBD

Development Order Number: TBD

Effective Date of Title Certification: November 30, 2022

Certified To: Lee County

I have searched the Public Records of Lee County, Florida and have examined the title to the real property more particularly described in Exhibit A attached hereto. I have made a careful examination of the Public Records of Lee County, Florida, with respect to the real property described in attached Exhibit A. Based on the foregoing, we hereby certify Record Title to the above described real property, as of the Effective Date of the Title Certification set forth above, is vested in:

CRYSTAL RR PARTNER I LLC, a Florida limited liability company and CRYSTAL RR PARTNER II LLC, a Florida limited liability company pursuant to that Warranty Deed recorded in Official Records Instrument Number 2020000015296 in the Public Records of Lee County, Florida.

The following persons or entities hold a mortgage secured by the property:

There are no mortgages secured by the Property.

All property taxes, due and owing, have been paid on the land described herein as of the date of this opinion.

The following are all easements and rights of way affecting the property to be platted, whether recorded or unrecorded:

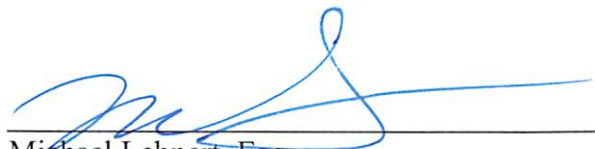
No easements or rights of way found.

All recording references are to the public records of Lee County, Florida.

Note, this is not a certification of ownership or surface entry rights of any oil, gas, and mineral rights or interests.

This certification is not to be used as the basis for the issuance of a title insurance commitment or policy. Pursuant to s. 627.7843, Florida Statutes, the maximum liability of the issuer of this property information report for errors or omissions in this property information report is limited to the amount paid for this property information report, and is further limited to the person(s) expressly identified by name in the property information report as the recipient(s) of the property information report.

By:



Michael Lehnert, Esq.

Exhibit A

A PARCEL OF LAND LYING IN THE NORTHEAST QUARTER (NE1/4) OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA. SAID PARCEL IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER (NE1/4) OF SECTION 13; THENCE S 89°12'59" W, ALONG THE NORTH LINE OF SAID QUARTER SECTION FOR 84.00 FEET TO A POINT ON THE WEST LINE OF FORMER I.D.D. TEN MILE CANAL (NOW KNOWN AS TEN MILE LINEAR PARK), AND THE POINT OF BEGINNING; THENCE S 00°29'37" W, ALONG SAID WEST LINE, ALSO BEING THE EAST LINE OF THE FORMER S.A.L. RAILROAD RIGHT-OF-WAY AS DESCRIBED IN DEED BOOK 108, PAGE 320 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA FOR 1271.13 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF CRYSTAL DRIVE (100 FEET WIDE); THENCE S 89°21'30" W, ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 120.48 FEET TO THE WEST LINE OF AFORESAID FORMER S.A.L. RAILROAD RIGHT OF WAY; THENCE N 00°31'01" W, ALONG SAID WEST RIGHT-OF-WAY LINE FOR 1270.53 FEET TO THE AFORESAID NORTH LINE OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 13; THENCE N 89°12'59" E, ALONG SAID NORTH LINE FOR 142.90 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE ASSUMED ON THE CENTERLINE OF CRYSTAL DRIVE AS BEARING N 89°21'30" E, PER FORT MYERS VILLAS UNIT NO. 2-B, AS RECORDED IN PLAT BOOK 12, PAGE 30, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.