



APPLICATION FOR CONVENTIONAL REZONING PUBLIC HEARING UNINCORPORATED AREAS ONLY

Project Name: 16400 Old US 41

Request: ☒ Rezoning from: General Agriculture (AG-2) To: Intensive Commercial (CI)
☐ Variance included? ☒ NO ☐ YES¹ for: _____
☐ Special Exception included? ☒ NO ☐ YES¹ for: _____
☐ Bonus Density included? ☒ NO ☐ YES² for: _____ Bonus Units

¹ If YES, submit applicable application and fee

² If YES, submit additional fee required by LDC 2-147(A)(3)

PART 1 APPLICANT/AGENT INFORMATION

- A. Name of Applicant:** Herbert S Jones Jr. Trust
 Address: 6500 Gilman Drive
 City, State, Zip: North Fort, Myers, FL 33917
 Phone Number: _____ E-mail: greenie-1963@outlook.com
- B. Relationship of Applicant to owner (check one) and provide [Affidavit of Authorization](#) form:**
☒ Applicant is the sole owner of the property. [34-201(a)(1)a.1.]
☐ Applicant has been authorized by the owner(s) to represent them for this action. [34-202(a)(3)]
☐ Application is County initiated. Attach BOCC authorization.
- C. Authorized Agent: (If different than applicant) Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202(a)(4)]**
 1. Company Name: RVi Planning + Landscape Architecture
 Contact Person: Carol Zepeda
 Address: 111 N. Magnolia Ave Suite 1350
 City, State, Zip: Orlando, FL 32801
 Phone Number: 239-371-0462 Email: Carol.Zepeda@Rviplanning.com
2. **[Additional Agent\(s\)](#):** Provide the names of other agents that the County may contact concerning this application. [34-202(a)(4)]

PART 2 PROPERTY OWNERSHIP

- A. Property owner(s):** If multiple owners (corporation, partnership, trust, association), provide a list with owner interest. [34-202(a)(2)]
Name: SAME AS APPLICANT
 Address: _____
 City, State, Zip: _____
 Phone Number: _____ Email: _____

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

B. Disclosure of Interest [34-202(a)(2)]:

☒ Attach [Disclosure of Interest](#) Form.

C. Multiple parcels:

- ☐ Property owners list. [34-202(a)(8)]
☐ Property owners map. [34-202(a)(8)]

D. Certification of Title and Encumbrances [34-202(a)(7)]

1. Title certification document, no greater than 90 days old. [34-202(a)(7)]
 2. Date property was acquired by present owner(s): January 26, 2001

**PART 3
PROPERTY INFORMATION**

A. STRAP Number(s): [Attach extra sheets if additional space is needed.] [34-203(a)(5)]

06-46-25-00-00013.001A

B. Street Address of Property: 16400 Old US 41 Fort Myers FL 33912**C. Legal Description (must submit) [34-202(a)(5)]:**

☒ Legal description (metes and bounds) (8½"x11") and sealed sketch of the legal description.

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.)

AND

Boundary Survey [34-202(a)(6)]:

☒ A Boundary survey, tied to the state plane coordinate system.

OR

☐ Not required if the property is located within a subdivision platted per F.S. Chapter 177.

D. Surrounding property owners (within 500 feet of the perimeter of the subject parcel or portion thereof that is subject of the request):

1. ☒ List of surrounding property owners. [34-202(a)(9)]
 2. ☒ Map of surrounding property owners. [34-202(a)(9)]
 3. ☒ One set of mailing labels. [34-202(a)(9)]

Note: When the case is found complete/sufficient, a new list and mailing labels must be submitted.

E. Current Zoning of Property: AG-2

☐ Provide a list of all Zoning Resolutions and Zoning Approvals applicable to the subject property. [34-202(b)]

F. Use(s) of Property:

1. Current uses of property are: Vacant
 2. Intended uses of property are: Range of uses allowed in CI zoning district

G. Future Land Use Classification (Lee Plan):

<u>Urban Community</u>	<u>2.06</u>	Acres	<u>100</u>	% of Total
_____	_____	Acres	_____	% of Total
_____	_____	Acres	_____	% of Total

H. Property Dimensions:

- | | | | | |
|---|-------------|----------------------|------------|--------|
| 1. Width (average if irregular parcel): | <u>671</u> | Feet | | |
| 2. Depth (average if irregular parcel): | <u>324</u> | Feet | | |
| 3. Total area: | <u>2.06</u> | Acres or square feet | | |
| 4. Frontage on road or street: | <u>N/A</u> | Feet on | <u>N/A</u> | Street |
| 2 nd Frontage on road or street: | <u>N/A</u> | Feet on | <u>N/A</u> | Street |

- I. Planning Communities/Community Plan Area Requirements:** If located in one of the following planning communities/community plan areas, provide a meeting summary document of the required public informational session.
- ☒ Not Applicable
 - ☐ Captiva Planning Community (Captiva Island). [33-1612(a)&(b); Lee Plan Policy 13.1.7]
 - ☐ North (Upper) Captiva Community Plan area. [33-1711; Lee Plan Policy 25.1.1]
 - ☐ Boca Grande Planning Community. [Lee Plan Policy 22.1.5]
 - ☐ Caloosahatchee Shores Community Plan area. [33-1482(a)&(b); Lee Plan Policy 21.6.3]
 - ☐ Page Park Community Plan area. [33-1203(a) & (b); Lee Plan Policy 27.11.2]
 - ☐ Palm Beach Boulevard Community Plan area. [Lee Plan Policy 23.5.2]
 - ☐ Buckingham Planning Community. [Lee Plan Policy 17.7.2]
 - ☐ Pine Island Planning Community. [33-1004(a) & (b); Lee Plan Policy 14.7.1]
 - ☐ Lehigh Acres Planning Community. [33-1401(a)&(b); Lee Plan Policy 32.12.2]
 - ☐ North Fort Myers Planning Community. [33-1532(a)&(b)]
 - ☐ North Olga Community Plan area. [33-1663(a)&(b)]
- J. Waivers from Application Submission Requirements:** Attach waivers, if any, approved by the Director of Zoning. [34-201(c)]

PART 4 ACTION REQUESTED

- A. Reason(s) for Request:** Provide a statement explaining the nature of the request and how the property qualifies for the rezoning and, if applicable, bonus density. This statement should explain how the request meets the applicable findings/review criteria set forth in LDC section 34-145(d)(4) and, if applicable, LDC Section 2-146(b). This statement may be utilized by the Board of County Commissioners, Hearing Examiner and staff in establishing a factual basis for the granting or denial of the rezoning. [34-202(b)(3)]

PART 5 ADDITIONAL REQUIREMENTS

- A. Potable Water:** Will the project be connected to potable water and central sewer as part of any development of the property?
- ☒ **YES** (Provide letter from the appropriate utility to which the connection(s) are proposed confirming availability of service.) [34-202(a)(10)]
 - ☐ **NO** (Provide a narrative explaining why the connection is not planned and how the water and sewer needs of the project will be met.) [34-202(a)(10)]
- B. Existing Agricultural Use:** If the property owner intends to continue an existing agricultural use on the property subsequent to the zoning approval, an Existing Agricultural Use Affidavit must be provided. Entitle as "Existing Agricultural Uses at Time of Zoning Application. [34-202(a)(12)]
- C. Flood Hazard:**
- ☐ Not applicable
 - ☐ The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s.
 - ☒ The minimum elevation required for the first habitable floor is AE-11 NAVD (MSL)
- D. Excavations/Blasting:**
- ☒ No blasting will be used in the excavation of lakes or other site elements.
 - ☐ If blasting is proposed, provide Information Regarding Proposed Blasting (including soil borings, a map indicating the location of the proposed blasting, and other required information).
- E. Mobile Home Park: [34-202(b)(4)]**
- ☒ Not Applicable
 - ☐ Request includes rezoning of a Mobile Home Park. Provide facts related to the relocation of dislocated owners that meets the requirements of F.S. § 723.083 (1995).

F. Airport Zones & Lee County Port Authority (LCPA) Requirements:

- ☒ Not Applicable
☐ Property is located within _____ Airport Noise Zone: **[34-1104]**
☐ Property is located within Airport Runway Protection Zone. Indicate which Zone below. **[34-1105]**
☐ Property is located within Airport Residential and Educational Protection Zone: **[34-1106]**
☐ Property is located in an Airport Obstruction Notification Zone and subject to LCPA regulations. **[34-1107]**
☐ A Tall Structures Permit is required. **[34-1108]**

PART 6 SUBMITTAL REQUIREMENT CHECKLIST	
<i>Two copies required for submittal Clearly label your attachments as noted in bold below</i>	
☒	Completed application for Public Hearing [34-202(a)(1)]
☒	Filing Fee - [34-201(d)]
☐	Bonus Density Filing Fee - (if applicable) [34-202(a)(11)]
☒	Affidavit of Authorization (notarized) Form [34-202(a)(3)]
☐	Additional Agents [34-202(a)(4)]
☐	Multiple Owners List (if applicable) [34-202(a)(2)]
☒	Disclosure of Interest Form (multiple owners) [34-202(a)(2)]
☒	Legal description (must submit one) [34-202(a)(5)]
☒	Legal description (metes and bounds) and sealed sketch of legal description
	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.)
☒	Boundary Survey (not required if platted lot) [34-202(a)(6)]
☐	Property Owners list (if applicable) [34-202(a)(8)]
☐	Property Owners map (if applicable) [34-202(a)(8)]
☒	Confirmation of Ownership/Title Certification [34-202(a)(7)]
☐	STRAP Numbers (if additional sheet is required) [34-203(a)(5)]
☒	List of Surrounding Property Owners [34-202(a)(9)]
☒	Map of Surrounding Property Owners [34-202(a)(9)]
☒	Mailing labels [34-202(a)(9)]
☐	List of Zoning Resolutions and Approvals
☐	Summary of Public Informational Session (if applicable)
☐	Waivers from Application Submission Requirements [34-201(c)]
☒	Reason(s) for Request [34-202(b)(3)]
☒	Potable Water & Sanitary Sewer. Letter from the appropriate utility entity indicating the utility entity or explanation of how water and sewer needs will be met if connection will not be made. [34-202(a)(10)]
☐	Agricultural Use Affidavit (if applicable) [34-202(a)(12)]
☐	Information Regarding Proposed Blasting (if applicable)
☐	Mobile Home Dislocated Owners Information (if applicable) [34-202(b)(4)]
☐	Tall Structures Permit (if applicable) [34-1108]

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**

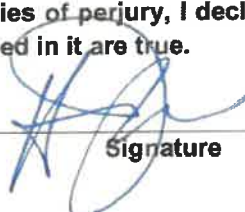
I, Herb Jones (name), as Owner (owner/title) of 16400 Old US 41, Fort Myers, FL (company/property), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

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

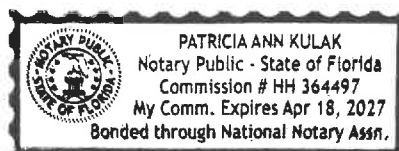
August 13 2025
Date

*****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 13th day of August, 2025, by Herb Jones (name of person providing oath or affirmation), who is personally known to me or who has produced (type of identification) as identification.

STAMP/SEAL



Patricia Ann Kulak
Signature of Notary Public

DISCLOSURE OF INTEREST
AFFIDAVIT

BEFORE ME this day appeared Herbert S. Jones, Jr., 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 16400 Old US 41, Fort Myers, FL 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 Ownership
N/A	N/A

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

Herbert S Jones Jr.

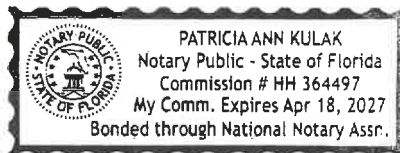
Print Name

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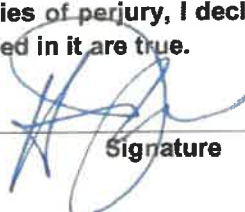
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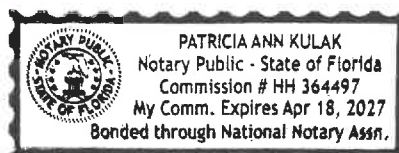
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Name and Address	Percentage of Ownership
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Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.



Property Owner

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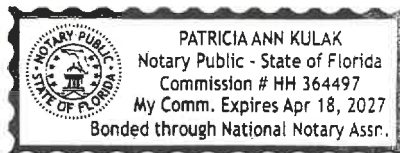
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STAMP/SEAL



Patricia Ann Kulak

Signature of Notary Public



16400 Old US 41 Rezone

Request Narrative & Compliance Statement

I. Request

Herbert Jones Jr. Trust (“Applicant”) is requesting approval to rezone the 2+/-acre property located at 16400 Old US 41 (“Property”) (STRAP: 06-46-25-00-00013.001A) from Agricultural (AG-2) to Intensive Commercial (CI).

The proposed rezoning will establish an appropriate zoning district that aligns with the existing land use patterns and surrounding industrial zoning districts, in light of the underlying Urban Community future land use. While continuation of Light Industrial (IL) zoning is inconsistent with Lee Plan Policy 7.1.2, the CI district supports a broad mix of uses—commercial, transportation, and warehouse operations – which will be compatible with the surrounding land use pattern and consistent with the Lee Plan. This flexibility is particularly advantageous in this location and will help foster business growth and job creation.

II. Existing Conditions & Property History

The 2.06-acre property is currently zoned Agricultural (AG-2) and is vacant. The site is located on the west side of Old US 41 with access provided through the adjacent property at 16420 Old US 41, under common ownership with the Applicant.

Light industrial and Commercial uses have thrived in the established areas along Alico Road and Old US 41, which are generally south and west of the airport. These locations provide diverse industrial space options for businesses in Fort Myers, offering a variety of sizes, amenities, and convenient access to key transportation routes. The surrounding land use pattern has been outlined below:

Table 1: Inventory of Surrounding Lands

	FUTURE LAND USE	ZONING	EXISTING LAND USE
NORTH	Urban Community	IL (Light Industrial)	Warehouse/Open Storage
SOUTH	Urban Community	Tamalico CPD DRI (Commercial Planned Development); IL (Light Industrial)	Warehouse/ Open Storage
EAST	Urban Community	IL (Light Industrial)	Warehouse/Open Storage
WEST	Urban Community	CPD	Office; Light Industrial; Mini-Warehouse

III. Public Infrastructure

Lee Plan Maps 4-A and 4-B include the site as part of the Lee County Service Franchise Area for centralized utilities. Lee County Utilities (LCU) sewer and water service is available to the property with lines in the abutting Old US 41 right-of-way. Capacity is available per the attached availability letter provided by LCU.

San Carlos Park Fire Department Station 52 and Lee County EMS Medic Station are co-located within 5 miles from the subject property, and the Lee County Sheriff's Office is 4 miles from the property.

It is understood that should the property be developed in the future; the developer will provide a transportation analysis and a transportation mitigation plan in accordance with Chapter 10 of the Land Development Code as part of the development order application once the final intended use is determined.

IV. Rezoning Justification

The proposed rezoning will bring the property into alignment with current Lee County code and enable development consistent with neighboring properties to the north, south, and west.

The existing Agricultural (AG-2) zoning is primarily intended for Rural and Non-Urban Areas and does not align with the site's current Future Land Use designation of Urban Community.

Rezoning to Intensive Commercial (CI) will allow for a broader range of uses, such as commercial retail, offices, warehousing, storage and open storage, —while restricting more intensive heavy industrial operations for consistency with the Urban Community FLU..

Rezoning the property from Agricultural (AG-2) to Intensive Commercial (CI), aligns well with the applicant's neighboring property located at 16420 Old US 41, thereby creating a larger site suitable for substantial commercial and industrial development. Its strategic location off the Alico Road industrial corridor near the airport enhances its appeal for such uses.

For these reasons, the proposed rezoning aims to position the property for a wider range of uses that support the community with minimal impact on nearby residences, while also ensuring consistency with the Lee Plan, as outlined below.

V. Decision-Making Compliance

In accordance with LDC Section 34-145, the data and analysis provided in the enclosed application demonstrate the following:

a) Complies with the Lee Plan;

The application is consistent with the uses and intensities allowed under the Urban Community Future Land Use designation. The rezoning will support commercial and

limited light industrial uses that promotes job creation, expands employment opportunities, and provides services for residents throughout Lee County.

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

The request will fully comply with or exceed, the performance and locational standards of the proposed CI zoning district. Due to the conventional zoning request, no deviations are sought. When the site is redeveloped in the future, it will undergo all necessary review processes and receive the required approvals from Lee County.

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

The requested CI rezone is consistent with the goals, objectives, and policies of the Lee Plan, as outlined in this application and is a logical extension of the surrounding industrial and commercial zoning districts. The surrounding area to the east, west and south are zoned Commercial Planned Development (CPD), Light Industrial or General Industrial and are developed with a range of non-residential uses including mini-warehouse, open storage, and vehicle repair. The Old US 41 corridor and nearby Alico Road corridor serve as one of the key areas for industrial uses serving the entirety of Lee County. The future land use is Urban Community which allows for Intensive Commercial Zoning district.

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

Future proposed development on the site will via Old US 41, a roadway maintained by the Lee County Department of Transportation (Lee DOT) via the Applicant's adjacent property. Further transportation analysis will be provided at the time of development order depending on the ultimate uses proposed for development.

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

Approval of this request is not expected to significantly affect the surrounding roadway network. The proposed rezoning aligns with the area's Future Land Use classification and the existing zoning pattern along Old US 41. If the site is developed in the future, it will be subject to additional development order approval, during which any potential impacts will be evaluated in accordance with the Land Development Code (LDC).

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

This request will not adversely affect environmentally critical areas and natural resources based on the historical impacts to the property and infill nature of the site. Further environmental analysis will be completed with any future development order.

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

The site is within the Future Urban Area and can be served by available urban levels of public infrastructure and services. Future development resulting from the proposed rezoning will be served by the County-maintained roadway network, Lee County Utilities, Lee County Fire, Sheriff, and EMS services.

VI. Lee Plan Compliance

The following is an analysis of the Intensive Commercial rezoning's consistency with goals, objectives and policies of the Lee County Comprehensive Plan (Lee Plan).

POLICY 1.1.4: The Urban Community future land use category are areas characterized by a mixture of relatively intense commercial and residential uses. The residential development in these areas will be at slightly lower densities than other future urban categories described in this plan. As vacant properties within this category are developed, the existing base of public services will need to be maintained which may include expanding and strengthening them accordingly. As in the Central Urban future land use category, predominant land uses in this category will be residential, commercial, public and quasi-public, and limited light industrial with future development encouraged to be mixed use , as described in Objective 11.1, where appropriate. The standard density range is from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 Future Land Use II-2 April 2024 du/acre), with a maximum total density of ten dwelling units per acre (10 du/acre). The maximum total density may be increased to fifteen dwelling units per acre (15 du/acre) utilizing Greater Pine Island Transfer of Development Units.

The intent of the Intensive Commercial (CI) zoning district is to permit the designation of suitable locations for and to facilitate the proper development and use of land for those commercial activities which are like, or which have many of the same needs as industrial land uses. Changing the zoning from Agricultural (AG-2) to Intensive Commercial (CI) aligns with the existing non-residential uses in the surrounding area. The Urban Community future land use category permits both commercial and light industrial zones, supporting uses such as essential service facilities, warehousing, wholesale establishments, and transportation services. CI is an implementing zoning district for the Urban Community FLU, as evidenced by surrounding properties within this category.

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, and prevent development patterns where large tracts of land are bypassed in favor of development more distant from services and existing communities.

This rezoning action supports the principles of smart growth by promoting compact, contiguous development patterns consistent with adjacent land uses to the south, east and west. Concentrating intensive commercial and industrial development in proximity to existing industrial land uses, available infrastructure and urban levels of public services reduces the need for costly service extensions and mitigates the inefficient use of outlying lands, or areas more proximate to residential land uses. This approach aligns with established community planning policies aimed at achieving sustainable land use and efficient resource allocation.

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 proposed rezone will occur within the Urban Community FLU designation in Lee County, which is a Future Urban Area per the Lee Plan. This FLU anticipates a multitude of uses including areas of commercial, and industrial lands, supporting developments like wholesale establishments, warehousing, and essential service facilities. It also accommodates, transportation services, airport-related terminals, offices uses and repair shops.

POLICY 2.2.1: Rezoning and DRI 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.

Please see enclosed LCU Letter of Availability. Future development proposed by the rezone will connect to centralized water and sewer. Fire/EMS are provided by San Carlos Fire District via a station within 2 miles of the site. Schools are not required to support the proposed non-residential land uses permitted via the CI zoning district. The site can be served by the Lee County Sheriff's Office. Further analysis of service availability will be provided at time of Development Order.

STANDARD 4.1.1 & 4.1.2: WATER & SEWER

Any future development proposed on the subject site will comply with the LDC relating to centralized water and sanitary sewer service connections.

POLICY 6.1.4: Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities.

Should future commercial uses be redeveloped on the site pursuant to the CI zoning district, they will be compatible with adjacent Commercial Planned Development and IL zoning districts surrounding the site. Public services and facilities exist to support development of the site. Additionally, the CI district is less intense and therefore will be compatible with the abutting IG and IL zoning districts.

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

The rezone proposes development that consist of CI uses that range from commercial to light industrial in nature. All development will fully comply with all applicable local, state, and federal standards. The project will adhere to air, water, and noise pollution regulations and will not include any bulk storage or production of toxic or hazardous materials near residential areas. Appropriate buffering and screening will be incorporated to minimize impacts on adjacent land uses, and measures will be taken to ensure no contamination of surface or groundwater occurs. The development will also be reviewed for its effects on transportation access, utility and sewer needs, drainage, and fire safety, while ensuring compatibility with surrounding neighborhoods through noise and odor control.

VII. Conclusion

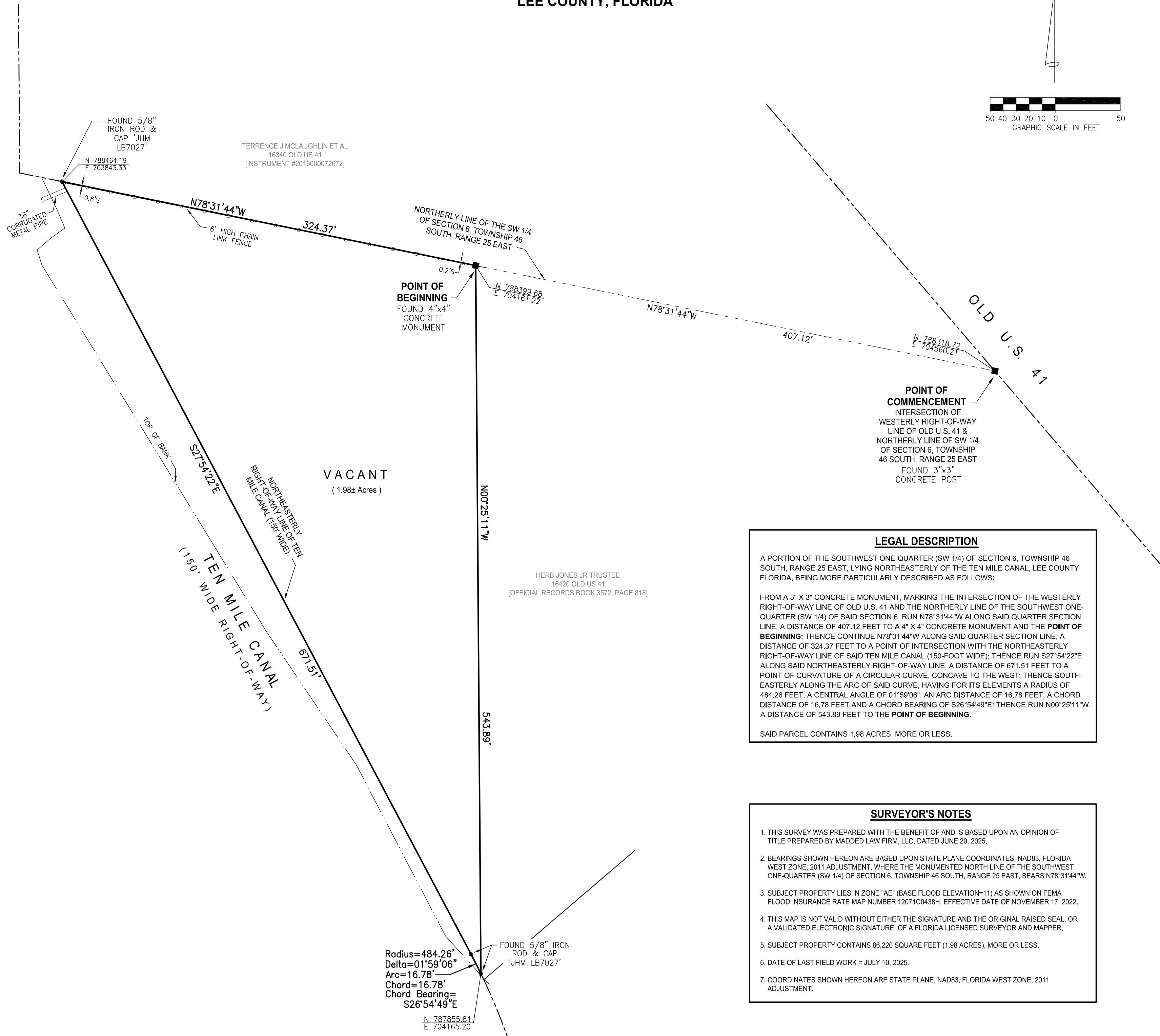
The subject property lies within the Urban Community Future Land Use category. The proposed rezoning to Intensive Commercial (CI) is consistent with the surrounding industrial and commercial uses and will facilitate appropriate non-residential development in a strategic location near major arterial roads and adjacent to IL and IG zoning districts. Moreover, the rezoning will correct the existing AG-2 zoning district's inconsistency with the underlying future land use category and Lee Plan.

Access to public infrastructure, including Old US 41 and connections to potable water and sanitary sewer through the adjacent applicant-owned parcel at 16420 Old US 41, further supports the viability of this rezoning. The property will be developed in accordance with Lee County regulations and the Lee Plan, promoting the efficient use of land and infrastructure while advancing the objectives of the Urban Community Future Land Use category.

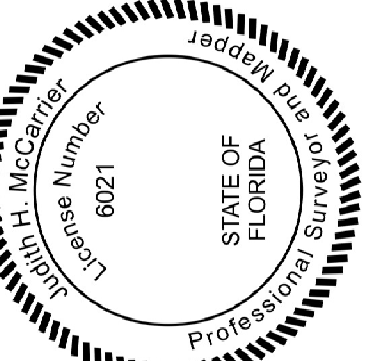
The rezoning will create a cohesive zoning framework aligned with established land use patterns, enhancing the area's economic potential and ensuring compatibility with adjacent development and infrastructure.

BOUNDARY SURVEY

A PORTION OF THE SW 1/4 OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA



SHEET 1 OF 1



I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE PER CHAPTER 54-17.050 THRU 54-17.050, F.S., AND I AM A LICENSED SURVEYOR AND MAPPER PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

2025.08.

11

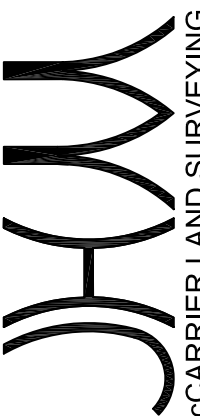
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CERTIFIED TO:

SCALE	DATE	PROJECT NO.	F.B. / PG.
1" = 50'	JUNE 11, 2021	20-143	FT. MYERS 16400 OLD US 41 survey
DRAWN BY	CHECKED BY	FILENAME	REVISIONS
JWM	JHM	16400OldUS41_bnd.dwg	
07-10-2025 UPDATE SURVEY			

CLIENT	ADDRESS	PARCEL ID
HERB JONES, JR. TRUST 16420 OLD U.S. 41 FORT MYERS, FL 33912 PHONE: (239) 340-6364	16400 OLD U.S. 41 FORT MYERS, FL 33912	06-46-25-00-00013.001A



J H McCarrier Land Surveying, Inc.

Licensed Business No. 7027

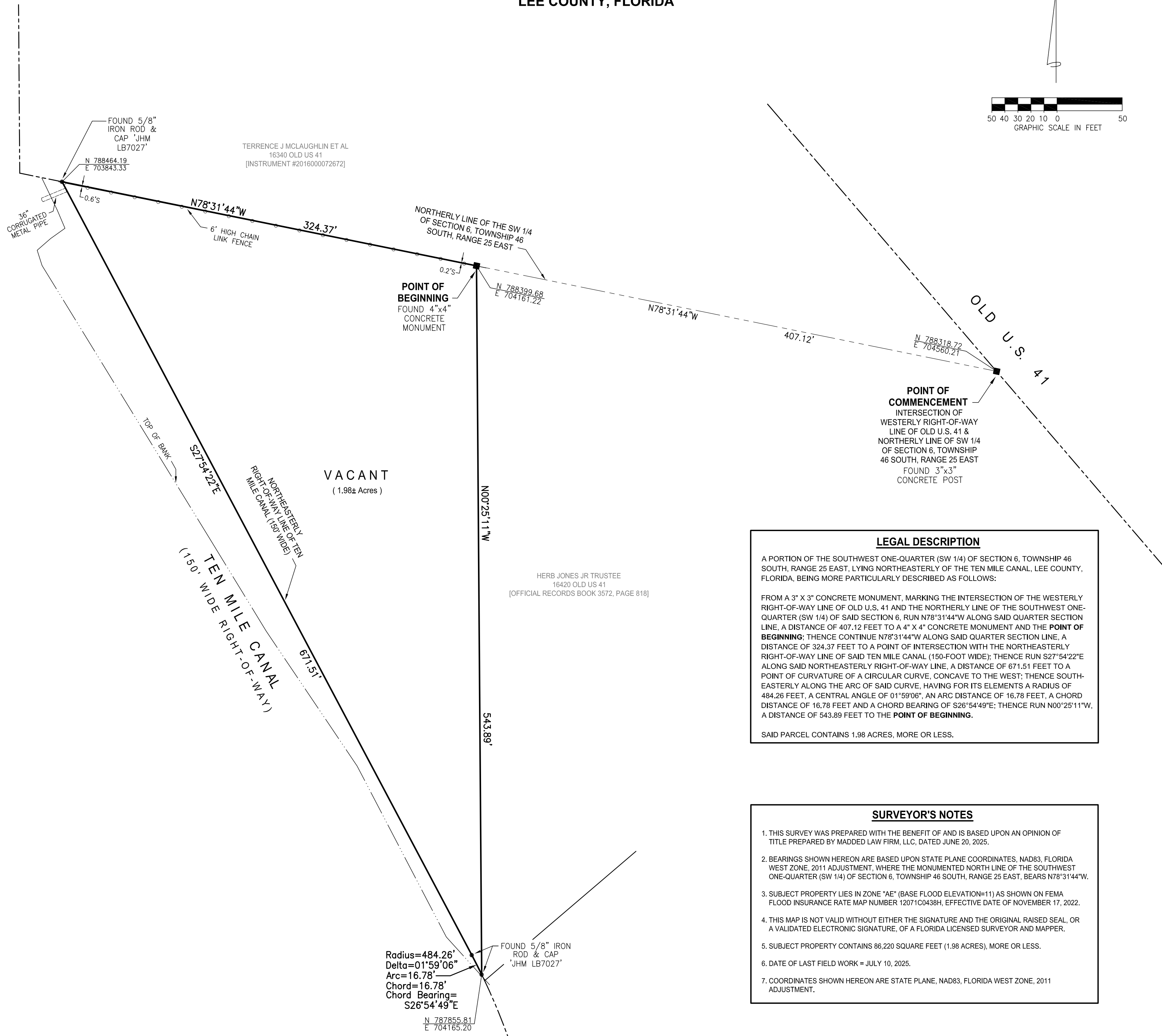
2460 SUNRISE BOULEVARD

FORT MYERS, FLORIDA 33907

Phone: (239) 277-7821

BOUNDARY SURVEY

A PORTION OF THE SW 1/4 OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA



LEGAL DESCRIPTION

A PORTION OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LYING NORTHEASTERLY OF THE TEN MILE CANAL, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

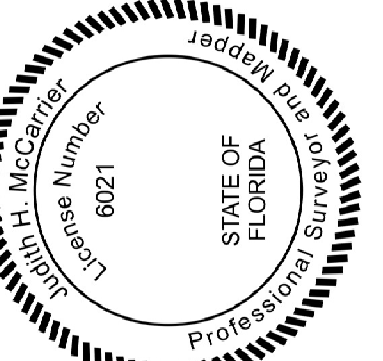
FROM A 3" X 3" CONCRETE MONUMENT, MARKING THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF OLD U.S. 41 AND THE NORTHERLY LINE OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SAID SECTION 6, RUN N78°31'44"W ALONG SAID QUARTER SECTION LINE, A DISTANCE OF 407.12 FEET TO A 4" X 4" CONCRETE MONUMENT AND THE **POINT OF BEGINNING**; THENCE CONTINUE N78°31'44"W ALONG SAID QUARTER SECTION LINE, A DISTANCE OF 324.37 FEET TO A POINT OF INTERSECTION WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID TEN MILE CANAL (150-FOOT WIDE); THENCE RUN S27°54'22"E ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 671.51 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE TO THE WEST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING FOR ITS ELEMENTS A RADIUS OF 484.26 FEET, A CENTRAL ANGLE OF 01°59'06", AN ARC DISTANCE OF 16.78 FEET, A CHORD DISTANCE OF 16.78 FEET AND A CHORD BEARING OF S26°54'49"E; THENCE RUN N00°25'11"W, A DISTANCE OF 543.89 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 1.98 ACRES, MORE OR LESS.

SURVEYOR'S NOTES

- THIS SURVEY WAS PREPARED WITH THE BENEFIT OF AND IS BASED UPON AN OPINION OF TITLE PREPARED BY MADDEN LAW FIRM, LLC, DATED JUNE 20, 2025.
- BEARINGS SHOWN HEREON ARE BASED UPON STATE PLANE COORDINATES, NAD83, FLORIDA WEST ZONE, 2011 ADJUSTMENT, WHERE THE MONUMENTED NORTH LINE OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, BEARS N78°31'44"W.
- SUBJECT PROPERTY LIES IN ZONE "AE" (BASE FLOOD ELEVATION=11) AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP NUMBER 12071C0438H, EFFECTIVE DATE OF NOVEMBER 17, 2022.
- THIS MAP IS NOT VALID WITHOUT EITHER THE SIGNATURE AND THE ORIGINAL RAISED SEAL, OR A VALIDATED ELECTRONIC SIGNATURE, OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- SUBJECT PROPERTY CONTAINS 86,220 SQUARE FEET (1.98 ACRES), MORE OR LESS.
- DATE OF LAST FIELD WORK = JULY 10, 2025.
- COORDINATES SHOWN HEREON ARE STATE PLANE, NAD83, FLORIDA WEST ZONE, 2011 ADJUSTMENT.

SHEET 1 OF 1



I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY SUPERVISION AND I MEET THE STANDARDS OF PRACTICE PER CHAPTER 54-17.050, F.S., AND I AM A LICENSED SURVEYOR AND MAPPER PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

2025.08.11

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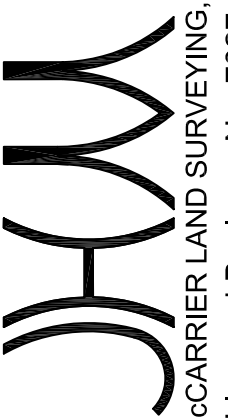
Judith H. McCarrier, PSM
License No. 6021
State of Florida

JUDITH H. MCCARRIER
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA LICENSE NO. 6021

CERTIFIED TO:

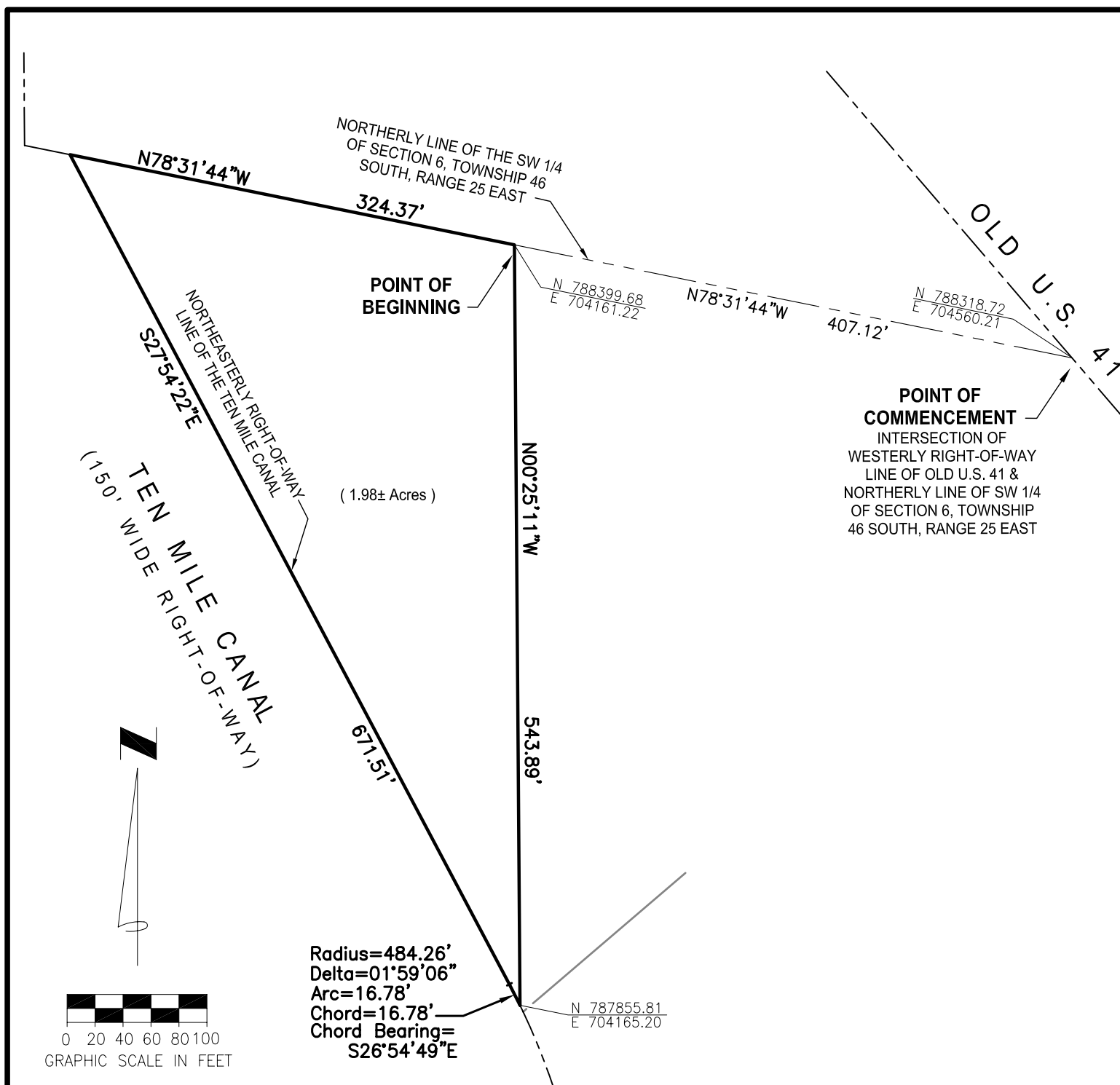
SCALE	DATE	PROJECT NO.	F.B. / PG.
1" = 50'	JUNE 11, 2021	20-143	FT. MYERS 16400 OLD US 41.survey
DRAWN BY	CHECKED BY	FILENAME	REVISIONS
JWM	JHM	16400OldUS41_bnd.dwg	
07-10-2025 UPDATE SURVEY			

CLIENT	ADDRESS	PARCEL ID
HERB JONES, JR. TRUST 16420 OLD U.S. 41 FORT MYERS, FL 33912 PHONE: (239) 340-6364	16400 OLD U.S. 41 FORT MYERS, FL 33912	06-46-25-00-00013.001A



J H McCARRIER LAND SURVEYING, INC.
Licensed Business No. 7027

2460 SUNRISE BOULEVARD
FORT MYERS, FLORIDA 33907
Phone: (239) 277-7821



THIS IS NOT A BOUNDARY SURVEY

SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION, SURVEYOR'S NOTES & SURVEYOR'S CERTIFICATION.



J H McCARRIER LAND SURVEYING, INC.
Licensed Business No. 7027

2460 SUNRISE BOULEVARD
FORT MYERS, FLORIDA 33907
Phone: (239) 277-7821

PROJECT

SKETCH & LEGAL DESCRIPTION

'16400 OLD U.S. 41 - FORT MYERS'

PART OF THE SW 1/4 OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST

CLIENT

HALEY WARD, INC.

13041 McGREGOR BLVD
FORT MYERS, FL 33919
PHONE: (239) 418-1331

SCALE

1"=100'

DATE

JUNE 18, 2021

FILENAME

16400OldUS41_s&l.dwg

PROJECT NO.

20-143.1

DRAWN BY
JHM

CHECKED BY
JHM

SHEET 1 OF 2

LEGAL DESCRIPTION

A PORTION OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LYING NORTHEASTERLY OF THE TEN MILE CANAL, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A 3" X 3" CONCRETE MONUMENT, MARKING THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF OLD U.S. 41 AND THE NORTHERLY LINE OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SAID SECTION 6, RUN N78°31'44"W ALONG SAID QUARTER SECTION LINE, A DISTANCE OF 407.12 FEET TO A 4" X 4" CONCRETE MONUMENT AND THE **POINT OF BEGINNING**; THENCE CONTINUE N78°31'44"W ALONG SAID QUARTER SECTION LINE, A DISTANCE OF 324.37 FEET TO A POINT OF INTERSECTION WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID TEN MILE CANAL (150-FOOT WIDE); THENCE RUN S27°54'22"E ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 671.51 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE TO THE WEST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING FOR ITS ELEMENTS A RADIUS OF 484.26 FEET, A CENTRAL ANGLE OF 01°59'06", AN ARC DISTANCE OF 16.78 FEET, A CHORD DISTANCE OF 16.78 FEET AND A CHORD BEARING OF S26°54'49"E; THENCE RUN N00°25'11"W, A DISTANCE OF 543.89 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 1.98 ACRES, MORE OR LESS.

SURVEYOR'S NOTES

1. BEARINGS SHOWN HEREON ARE BASED UPON FIXING THE MONUMENTED NORTH LINE OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, AS N78°31'44"W.
2. THIS MAP IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL, OR A VALIDATED ELECTRONIC SIGNATURE, OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
3. HORIZONTAL COORDINATE VALUES SHOWN HEREON REFLECT FLORIDA STATE PLANE COORDINATES, WEST ZONE, AND ARE REFERENCED TO THE NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT.

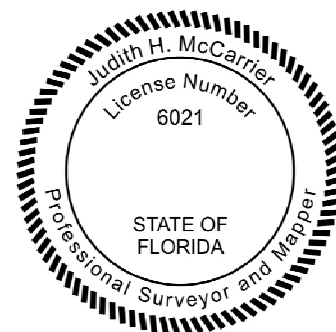
PREPARED BY:

*Judith H McCarrier, PSM
License No. 6021
State of Florida*

2025.07.03

15:06:50 -04'00'

JUDITH H. MCCARRIER
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA LICENSE NO. 6021

**THIS IS NOT A BOUNDARY SURVEY**

SEE SHEET 1 OF 2 FOR SKETCH.

 J H McCARRIER LAND SURVEYING, INC. Licensed Business No. 7027	PROJECT SKETCH & LEGAL DESCRIPTION '16400 OLD U.S. 41 - FORT MYERS' PART OF THE SW 1/4 OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST				
	CLIENT HALEY WARD, INC. 13041 McGREGOR BLVD FORT MYERS, FL 33919 PHONE: (239) 418-1331	SCALE	N.A.	DATE	JUNE 18, 2021
		FILENAME		PROJECT NO.	
		16400OldUS41_s&l.dwg		20-143.1	
2460 SUNRISE BOULEVARD FORT MYERS, FLORIDA 33907 Phone: (239) 277-7821	DRAWN BY		CHECKED BY	SHEET 2 OF 2	
		JHM		JHM	



Madden Law Firm^{LLC}

June 20, 2025

Lee County Department of Community Development
1500 Monroe Street
Fort Myers, FL 33901

RE: Title Certification
Applicant: Herb Jones Jr., Trustee of the Herb Jones Jr. Trust

Dear Department of Community Development:

Please be advised that our firm represents Herb Jones Jr., Trustee of the Herb Jones Jr. Trust.

This letter is in response to a request for title certification in support of a Development Order submittal for property located in Lee County, Florida, and more particularly described on Exhibit "A" attached hereto and incorporated herein. This opinion of title is based upon Old Republic National Title Insurance Company's title insurance commitment relative to the subject property.

The author of this title opinion, Joseph M. Madden Jr., is a licensed Florida attorney, bearing Bar No. 848557, and is authorized to issue this opinion. And now, therefore:

1. The name of the owner of the fee title is Herb Jones Jr., Trustee of the Herb Jones Jr. Trust under Warranty Deed dated January 26, 2001, and recorded on February 5, 2001 bearing Official Record Book 3359, Page 3173, in the Public Records of Lee County, Florida.
2. There is the following mortgage(s) secured by this property that the author is aware of:
 - a. None
3. There is the following encumbrance(s) on the property:
 - a. None
4. A copy of the Old Republic National Title Insurance Title Certification Report is attached hereto together with copies of any applicable mortgage(s) and encumbrance(s) identified above as Exhibit "B".
5. The title documentation provided herein is certified unequivocally.

Upon receipt, should you have any questions or comments, please advise. Thank you.

Sincerely,

Madden Law Firm, LLC

Joseph M. Madden, Jr.
Manager

JMM:sh
Enclosures
cc: Client(s)

EXHIBIT "A"

A PORTION OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LYING NORTHEASTERLY OF THE TEN MILE CANAL, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A 3" X 3" CONCRETE MONUMENT, MARKING THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF OLD U.S. 41 AND THE NORTHERLY LINE OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SAID SECTION 6, RUN N78°31'44"W ALONG SAID QUARTER SECTION LINE, A DISTANCE OF 407.12 FEET TO A 4" X 4" CONCRETE MONUMENT AND THE **POINT OF BEGINNING**; THENCE CONTINUE N78°31'44"W ALONG SAID QUARTER SECTION LINE, A DISTANCE OF 324.37 FEET TO A POINT OF INTERSECTION WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID TEN MILE CANAL (150-FOOT WIDE); THENCE RUN S27°54'22"E ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 671.51 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE TO THE WEST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING FOR ITS ELEMENTS A RADIUS OF 484.26 FEET, A CENTRAL ANGLE OF 01°59'06", AN ARC DISTANCE OF 16.78 FEET, A CHORD DISTANCE OF 16.78 FEET AND A CHORD BEARING OF S26°54'49"E; THENCE RUN N00°25'11"W, A DISTANCE OF 543.89 FEET TO THE **POINT OF BEGINNING**.



EXHIBIT "B"

Transaction Identification Data, for which the Company assumes no liability as set forth in Commitment Condition 5.e.:

Issuing Agent: **Madden Law Firm, LLC**
 Issuing Office: **2277 Main Street Fort Myers, FL 33901**
 Loan ID Number:
 Commitment Number: **25062377JLD**
 Your File No.: **10400.000**
 Property Address: **16400 Old US 41, Fort Myers, FL 33912**

Old Republic National Title Insurance Company
12751 New Brittany Blvd, Suite 500
Ft. Myers, Florida 33907

SCHEDULE A
COMMITMENT

1. Commitment Effective Date: June 9, 2025 at 08:00am
2. Policy to be issued:

(a) 2021 ALTA OWNER'S POLICY (with Florida Modifications) Proposed Insured:	Proposed Policy Amount: \$1,000.00
Purchaser with contractual rights under a purchase agreement with the vested owner identified in Schedule A herein	
(b) 2021 ALTA LOAN POLICY (with Florida Modifications) Proposed Insured:	Proposed Policy Amount: N/A
N/A	
3. The estate or interest in the Land described at the Commitment Date is Fee Simple.
4. The Title is, at the Commitment Date, vested in: **Herb Jones Jr. Trustee of the Herb Jones, Jr. Trust** and, as disclosed in the Public Records, has been since February 5, 2001

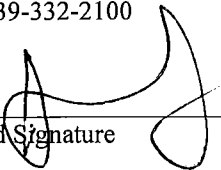
This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; and Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

FILE NO.: 25062377

5. The Land is described as follows:

See Attached Legal Description

Issued through the Office of:
Madden Law Firm, LLC
2277 Main Street
Fort Myers, FL 33901
Phone: 239-332-2100

Authorized Signature 

This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; and Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

FILE NO.: 25062377

**SCHEDULE B - I
COMMITMENT****Requirements**

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. Warranty Deed from Herb Jones Jr. , individually as a single person or joined by spouse, if married, or include non-homestead language and as Trustee of the Herb Jones, Jr. Trust to the proposed insured.
6. Provide and record a "Certification of Trust" pursuant to Section 736.1017, Florida Statutes.
7. The property appears to be vacant and/or unencumbered. As such, this transaction is at a high risk for scams involving fraud and forgery. The agent should review Underwriting Bulletins entitled "Fraud Scheme: Vacant Land, Foreign or Absentee Owners, Notarization & Disbursement" (December 2021), and "Increase in Attempted Fraudulent Transactions" (May 2022), and consider sending correspondence to the property owner at the address reflected on the tax rolls.
8. The name or name(s) of the Proposed Insured(s) under the Proposed Policy(ies) must be furnished in order for this Commitment to become effective. This Commitment is subject to further requirements and/or exceptions that may be deemed necessary.
9. The insured amount(s) under the Proposed Policy(ies) must be furnished in order for this Commitment to become effective. This Commitment is subject to further requirements and/or exceptions that may be deemed necessary.
10. Verify with the current owner that there are no open mortgages that would affect the subject property as a search of the Public Records does not reveal one.
11. A survey, satisfactory to The Company, in conformity with the minimum standard detail requirements for ALTA/ACSM land title surveys, certified to the Company and its agents and parties to the transaction, through a current date no more than 90 days prior to closing, delineating the location of all plottable exceptions shown on Schedule B-II of this commitment disclosing the nature and extent of any encroachments, building setback lines, overlaps, boundary line discrepancies, or other matters adversely affecting title to the property to be insured. ; which will appear as exceptions in Schedule B of any Owner's Policy and Schedule B Part I of any Loan Policy to be issued. The Company will revise the legal description of the land to be insured upon receipt of the survey, if necessary and reserves the right to add such additional requirements and/or exceptions as may be necessary based on its review of said survey.

This page is only a part of a 2021 ALTA Commitment for Title Insurance Issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; and Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

FILE NO.: 25062377

Note: The Company reserves the right to impose additional requirements or exceptions upon review thereof.

12. Submit proof of payment of any assessments or liens due to Lee County, and proof that all municipal and any special taxing district charges, assessments or other development fees, if any, are paid. NOTE: If this requirement is not complied with, the following Exception will appear on Schedule B of any policy issued pursuant to this commitment: Any Assessment due to the County, and any assessments due to the municipality and to any special taxing district.
13. Submit proof of payment of any service charges and assessments for water, sewer, waste and gas, if any, through the date of closing. NOTE: If this requirement is not complied with, the following Exception will appear on Schedule B of any policy issued pursuant to this commitment: Any lien provided by Chapter 159, Florida Statutes or any county ordinance in favor of any city, county, town, village or port authority for unpaid service charges for service by any water, sewer or gas system supplying the insured land.
14. Provide a satisfactory Owner's Affidavit of Possession and No Liens. Affidavit must (a) state that there are no parties in possession of the subject property other than said current record owner, or identify any parties in possession or tenants and set forth their nature of possession; (b) that there are no encumbrances upon the subject property other than as may be set forth in this Commitment; (c) there are no unrecorded assessments which are due and payable and all sewer and water bills are paid through the date of this Affidavit; (d) that there have been no improvements made to or upon the subject property within the last ninety (90) days for which there remain any outstanding and unpaid bills for labor, materials or supplies; (e) and disclose any unrecorded easements. Said affidavit, when properly executed at closing by the seller and/or mortgagor herein will serve to delete the standard lien, unrecorded easement and possession exceptions for the policy(ies) to be issued pursuant to this commitment.

Note: Taxes for the year 2025 became a lien on the land January 1st although not due or payable until November 1st of said year. Taxes for the year 2024 in the amount of \$2,968.46 are paid. Tax ID Number 06-46-25-00-00013.001A.

NOTE: All recording references in this commitment/policy shall refer to the Public Records of Lee County, unless otherwise noted.

SCHEDULE B SECTION II IS CONTINUED ON AN ADDED PAGE

This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; and Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

FILE NO.: 25062377

**SCHEDULE B - II
COMMITMENT****Exceptions From Coverage**

Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This Commitment and the Policy treat any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document will be excepted from coverage.

The Policy will not insure against loss or damage resulting from the terms and conditions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I-Requirements are met.
2. Facts which would be disclosed by an accurate and comprehensive survey of the premises herein described.
3. Rights or claims of parties in possession.
4. Construction, Mechanic's, Contractors' or Materialmen's lien claims, if any, where no notice thereof appears of record.
5. Easements or claims of easements not shown by the public records.
6. General or special taxes and assessments required to be paid in the year 2025 and subsequent years.
7. Any lien provided by County Ordinance or by Ch. 159, F.S., in favor of any city, town, village or port authority, for unpaid service charges for services by any water systems, sewer systems or gas systems serving the land described herein; and any lien for waste fees in favor of any county or municipality.
8. Rights of tenants and/or parties in possession, and any parties claiming, by through or under said tenants or parties in possession, as to any unrecorded leases or rental agreements.
9. Lee County Ordinances 86-14, 86-38, 11-03 and 11-27 providing for mandatory solid waste collection and the imposition of special assessments for said collection services. The special assessments for the current tax year are payable with the ad valorem taxes for improved land.
10. Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the lands insured hereunder, including submerged, filled and artificially exposed lands and lands accreted to such lands.
11. Riparian and littoral rights are not insured.
12. Notwithstanding the insuring provisions under Covered Risk 4 of the Jacket of this policy, this policy does not insure any right of access to and from said land.

This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; and Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

FILE NO.: 25062377

EXHIBIT A

A PORTION OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LYING NORTHEASTERLY OF THE TEN MILE CANAL, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A 3" X 3" CONCRETE MONUMENT, MARKING THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF OLD U.S. 41 AND THE NORTHERLY LINE OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SAID SECTION 6, RUN N78°31'44"W ALONG SAID QUARTER SECTION LINE, A DISTANCE OF 407.12 FEET TO A 4" X 4" CONCRETE MONUMENT AND THE **POINT OF BEGINNING**; THENCE CONTINUE N78°31'44"W ALONG SAID QUARTER SECTION LINE, A DISTANCE OF 324.37 FEET TO A POINT OF INTERSECTION WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID TEN MILE CANAL (150-FOOT WIDE); THENCE RUN S27°54'22"E ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 671.51 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE TO THE WEST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING FOR ITS ELEMENTS A RADIUS OF 484.26 FEET, A CENTRAL ANGLE OF 01°59'06", AN ARC DISTANCE OF 16.78 FEET, A CHORD DISTANCE OF 16.78 FEET AND A CHORD BEARING OF S26°54'49"E; THENCE RUN N00°25'11"W, A DISTANCE OF 543.89 FEET TO THE **POINT OF BEGINNING**.

This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; and Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

**BOARD OF COUNTY COMMISSIONERS**

Kevin Ruane
District One

June 17, 2025

Via E-Mail

Cecil L Pendergrass
District Two

Carol Zepeda

David Mulicka
District Three

RVI Planning and Landscape Architecture

Brian Hamman
District Four

111 N. Magnolia Avenue, Suite 1350

Orlando, FL 32801

Mike Greenwell
District Five

**RE: Potable Water and Wastewater Availability
16400 Old US 41 – 16400 Old US 41, Fort Myers, FL 33912
STRAP # 06-46-25-00-00013.001A**

Dave Harner, II
County Manager

Richard Wm. Wesch
County Attorney

To whom this may concern:

Donna Marie Collins
County Hearing
Examiner

The subject property is located within Lee County Utilities Future Service Area as depicted on Maps 4A and 4B of the Lee County Comprehensive Land Use Plan. Potable water and sanitary sewer lines are in operation adjacent to the property mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of three commercial units with an estimated flow demand of approximately 73,000 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our Green Meadows Water Treatment Plant.

Sanitary sewer service will be provided by our Three Oaks Water Reclamation Facility. The Lee County Utilities' Design Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

There are no reuse mains in the vicinity of this parcel.

Prior to beginning design work on this project, please meet with LCU Staff to determine the best point of connection and discuss requirements for construction.

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate

16400 Old US 41 - RVI Planning - Letter.Docx

June 17, 2025

Page 2

connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

Further, this letter of availability of potable water and sanitary sewer service is to be utilized for Zoning only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

Ashanti Shahriyar

LEE COUNTY UTILITIES

Ashanti Shahriyar

Plan Reviewer

239-533-8531

UTILITIES ENGINEERING

Subjects: 1		Affected: 20	Buffer: 500	Date: 5/27/2025 12:00:00 AM	List Size: 21															
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0	TRUE	10262555	06-46-25-00-00013.001A	JONES HERB JR TR		6500 GILMAN DR		NORTH FORT MYERS	FL	33917		16400	OLD US 41		FORT MYERS	33912	PARL IN NW 1/4 AS DESC<CR>IN OR 2006 PG 2155			
1	FALSE	10219805	01-46-24-00-00007.0000	DRS PROPERTY HOLDINGS LLC		16521 S TAMIAHI TRL		FORT MYERS	FL	33908		16521	S TAMIAHI TRL		FORT MYERS	33908	E 1/2 OF SE 1/4 LYING E OF<CR>US 41 LESS OR 1886/2015 <<CR>OR 1987/479+ OR 2728/0228			
2	FALSE	10219867	01-46-24-00-00007.0030	A & M PROPERTIES OF THE GULFCO		2518 CAPE CORAL PKWY W		CAPE CORAL	FL	33914		16571	S TAMIAHI TRL		FORT MYERS	33908	PARL IN E 1/2 OF SE 1/4 E OF<CR>US 41 DESC OR 4225 PG 3503			
3	FALSE	10219866	01-46-24-00-00007.003A	COASTAL FUN SPORTS INC		15087 ESTUARY CIR		BONITA SPRINGS	FL	34135		16611	S TAMIAHI TRL		FORT MYERS	33908	PAR LYING IN SE 1/4 OF SECTION<CR>E OF US 41 DESC IN OR 3336 PG 0160			
4	FALSE	10451150	01-46-24-00-00007.003B	INSURANCENTER LLC		16591 S TAMIAHI TRL		FORT MYERS	FL	33908		16591	S TAMIAHI TRL		FORT MYERS	33908	PAR IN E 1/2 OF SE 1/4 SEC 01+ <CR>+ SW 1/4 SEC 06-46-25 DESC <CR>OR 3132 + PG 2009			
5	FALSE	10219869	01-46-24-00-00007.0040	EYDEL MANAGEMENT LLC		16551 S TAMIAHI TRL		FORT MYERS	FL	33908		16551	S TAMIAHI TRL		FORT MYERS	33908	PARL IN E 1/2 OF SE 1/4<CR>DESC IN OR 2764/0318			
6	FALSE	10219892	01-46-24-01-0000A.0250	16387 TAMIAHI TRL LLC		12401 BRANTLEY COMMONS CT #101		FORT MYERS	FL	33907		16387	S TAMIAHI TRL		FORT MYERS	33908	LEE CO INDUSTRIAL PARK<CR>BLK A PB 30 PG 95<CR>LOT 25			
7	FALSE	10219893	01-46-24-01-0000A.0260	OMA REAL ESTATE INVESTOR LLC		9802 BLUE STONE CIRCLE		FORT MYERS	FL	33913		16401	S TAMIAHI TRL		FORT MYERS	33908	LEE CO INDUSTRIAL PARK<CR>BLK A PB 30 PG 95<CR>LOT 26			
8	FALSE	10219890	01-46-24-01-0000A.0ACE	MILLER KEITH A		3432 CLEVELAND AVE		FORT MYERS	FL	33901			LEE INDUSTRIAL PARK C/E		FORT MYERS	33912	LEE CO INDUSTRIAL PARK<CR>PB 30 PG 95<CR>TRACT A			
9	FALSE	10262478	06-46-25-00-00003.0010	KELECK HOLDINGS LLC		16341 OLD US 41 S		FORT MYERS	FL	33912		16351	OLD US 41		FORT MYERS	33912	FR NW COR OF S 1/2 OF NW<CR>1/4 SEC 6 RUN S 00 DEG 22<CR>MIN 47 SEC E 385.99 FT TH			
10	FALSE	10262482	06-46-25-00-00003.0040	OLD US 41 VENTURE LLC		15450 SUMMIT AVE #150		OAKBROOK TERRACE	IL	60181		16340	OLD US 41		FORT MYERS	33912	PARL NW 1/4 OF SEC<CR>DESC OR 2070/3859 +<CR>OR 2115/3534			
11	FALSE	10262485	06-46-25-00-00003.0060	PRESTIGE MOBILE CONCRETE OF OR	PREFERRED MATERIALS INC	4636 SCARBOROUGH DR		LUTZ	FL	33559		16401	OLD US 41		FORT MYERS	33912	PAR IN S 1/2 OF NW 1/4 SEC06<CR>DESC OR 1218 PG 407<CR>LESS PARL 3.006A + 3.006B			
12	FALSE	10262491	06-46-25-00-00003.009A	ENVIRONMENTAL CARE INC	REAL EST DEPT	980 JOLLY RD STE 300		BLUE BELL	PA	19422		16335	OLD US 41		FORT MYERS	33912	PARL IN SEC 6 TWP 46 RG 25<CR>S 1/2 OF NW 1/4 DESC IN<CR>OR 1820 PG 0617			
13	FALSE	10262492	06-46-25-00-00003.0100	RICHARD T COWART TRUST +		1204 LOGAN LANE		FORT MYERS	FL	33919		16341	OLD US 41		FORT MYERS	33912	PARL IN S W 1/4 OF N W 1/4<CR>SEC 6 TWP 46 R 25 DESC IN<CR>OR 1220 PG 607			
14	FALSE	10262554	06-46-25-00-00013.0000	RIVERSIDE INVESTORS LLC		4675 PELICAN COLONY BLVD #2001		BONITA SPRINGS	FL	34134			ACCESS UNDETERMINED		FORT MYERS		PARL IN W 1/2 OF SW 1/4<CR>DESC IN OR 1669 PG 0512<CR>LESS 13.001 THRU 13.004			
15	FALSE	10262556	06-46-25-00-00013.001B	EXTRA SPACE PROPERTIES TWO LLC	PTA-EX SITE #7294	PO BOX 320099		ALEXANDRIA	VA	22320		16641	S TAMIAHI TRL		FORT MYERS	33908	PARL IN NW 1/4 AS DESC<CR>IN OR 2006 PG 2153 <<CR>OR 3072 PG 1249 PAR IN<CR>MULTI SECS 01-46-24 LESS OR 3319/3709			
16	FALSE	10262557	06-46-25-00-00013.001C	LANDRUM GENE N		7897 COCO BAY DR		NAPLES	FL	34108			ACCESS UNDETERMINED		FORT MYERS		PARL IN NW 1/4 AS DESC<CR>IN OR 2006 PG 2157			
17	FALSE	10262558	06-46-25-00-00013.0020	LANDRUM GENE N		7897 COCO BAY DR		NAPLES	FL	34108			ACCESS UNDETERMINED		FORT MYERS		PARL IN W 1/2 OF SW 1/4 OF<CR>SEC 6 DESC IN OR 1585<CR>PG 1340			
18	FALSE	10262559	06-46-25-00-00013.0030	WALCO ENTERPRISES INC +		1943 MARAVILLA AVE		FORT MYERS	FL	33901		16450	OLD US 41		FORT MYERS	33912	PARL IN W 1/2 OF SW 1/4<CR>DESC IN OR 1691 PG 0878			
19	FALSE	10262560	06-46-25-00-00013.0040	JONES JR HERB TR	MELANIE JONES	6500 GILMAN DR		NORTH FORT MYERS	FL	33917		16420	OLD US 41		FORT MYERS	33912	PARL IN W 1/2 OF SW 1/4<CR>DESC IN OR 1758 PG 648<CR>LESS PARL 13.0050			
20	FALSE	10262561	06-46-25-00-00013.0050	HOLDS JARED F TR		2500 TAMIAHI TRL N #214		NAPLES	FL	34103			ACCESS UNDETERMINED		FORT MYERS		PARL IN SW 1/4 SEC 6<CR>DESC OR 1901 PG 2864			

DRG PROPERTY HOLDINGS LLC
16521 S TAMiami TRL
FORT MYERS FL 33908

A & M PROPERTIES OF THE GULFCO
2518 CAPE CORAL PKWY W
CAPE CORAL FL 33914

COASTAL FUN SPORTS INC
15067 ESTUARY CIR
BONITA SPRINGS FL 34135

INSURANCENTER LLC
16591 S TAMiami TRL
FORT MYERS FL 33908

EYDEL MANAGEMENT LLC
16551 S TAMiami TRL
FORT MYERS FL 33908

16387 TAMiami TRL LLC
12401 BRANTLEY COMMONS CT #101
FORT MYERS FL 33907

OMA REAL ESTATE INVESTOR LLC
9602 BLUE STONE CIRCLE
FORT MYERS FL 33913

MILLER KEITH A
3432 CLEVELAND AVE
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KELECK HOLDINGS LLC
16341 OLD US 41 S
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OLD US 41 VENTURE LLC
1S450 SUMMIT AVE #150
OAKBROOK TERRACE IL 60181

PRESTIGE MOBILE CONCRETE OF OR
PREFERRED MATERIALS INC
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LUTZ FL 33559

ENVIRONMENTAL CARE INC
REAL EST DEPT
980 JOLLY RD STE 300
BLUE BELL PA 19422

RICHARD T COWART TRUST +
1204 LOGAN LANE
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ALEXANDRIA VA 22320

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NAPLES FL 34108

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WALTCO ENTERPRISES INC +
1943 MARAVILLA AVE
FORT MYERS FL 33901

JONES JR HERB TR
MELANIE JONES
6500 GILMAN DR
NORTH FORT MYERS FL 33917

HOLES JARED F TR
2500 TAMiami TRL N #214
NAPLES FL 34103

Subjects: 1		Affected: 20	Buffer: 500	Date: 5/27/2025 12:00:00 AM	List Size: 21															
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7	FALSE	10219893	01-46-24-01-0000A.0260	OMA REAL ESTATE INVESTOR LLC		9602 BLUE STONE CIRCLE		FORT MYERS	FL	33913		16401	S TAMIAHI TRL		FORT MYERS	33908	LEE CO INDUSTRIAL PARK<CR>BLK A PB 30 PG 95<CR>LOT 26			
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