

PREPARED BY and RETURN TO:

James M. Costello, Esq. Law Offices of James M. Costello, P.L. Courthouse Box #922 Post Office Box 549 Fort Myers, FL 33902 INSTR # 6625083

OR BK 04574 Pgs 0914 - 1024; (111pgs)
RECORDED 01/31/2005 03:43:58 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 945.00
DEPUTY CLERK J Miller

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR PLAZA DEL SOL

SOL PROPERTY DEVELOPMENT, INC., a Texas corporation, hereinafter called the Declarant, is the owner in fee simple of certain real property located in Lee County, Florida, known by official plat designation as PLAZA DEL SOL, a subdivision of Lee County pursuant to a plat recorded in the Public Records of Lee County, Florida and more particularly described in Exhibit "A", attached hereto.

For the purposes of enhancing and protecting the value, attractiveness, and desirability of the lots or tracts constituting such subdivision, the Declarant hereby declares that all of the real property described above and each part thereof shall be held, sold, and conveyed only subject to the following easements, covenants, conditions and restrictions, which shall constitute covenants running with the land and shall be binding on all parties having any right, title, or interest in the above-described property or any part thereof, their heirs, successors, and assigns, and shall inure to the benefit of each owner thereof.

ARTICLE I. DEFINITIONS.

- Section 1. The "Association" shall mean and refer to the PLAZA DEL SOL PROPERTY OWNERS ASSOCIATION, INC., a Florida not-for-profit corporation, its successors and assigns. The initial Articles of Incorporation and Bylaws for the Association are attached hereto as Exhibits "C" and "D", respectively.
- Section 2. The "Common Areas" shall mean all real property owned by the Association for the common use and enjoyment of the owners and shall include, without limitation: the roadways, easements, surface water management system and public utility easements. The portions of common area to be owned by the Association in fee simple at the time of conveyance of the first lot is described as "Tracts" and shown on Exhibit "B.1", attached hereto.
- **Section 3.** The "Conservation Easement" or "Conservation Area(s)" shall mean any lands, or easement interests therein, conveyed or declared by the Association, the Declarant or either of their successors to the perpetual use of conservation. The portions of the common areas initially to be dedicated to conservation easement purposes are more particularly described in Exhibit "B.2", attached hereto.

Exhibit "G" to Declaration

WATER DETENTION AREAS WITHIN PARCELS "A" THROUGH "H", PLAZA DEL SOL SUBDIVISION



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard Fort Myers, Florida 33919-5910 email – fmoffice@bwlk.net (Ph) 239-481-1331 (Fax) 239-481-1073

Description of a Parcel of Land
Lying in
Section 35, Township 46 South, Range 25 East
Lee County, Florida
Plaza del Sol - Detention Area Easement - Parcel "B"

A tract or parcel of land situated in the State of Florida, County of Lee, lying in Section 35, Township 46 South, Range 25 East, and being part of Parcel "B" of the proposed plat of Plaza del Sol and further described as follows:

Commencing at the northwest corner of said Section 35; thence N89°42'56"E along the north line of said Section 35 for 120.66 feet to an intersection with the east right-of-way of Three Oaks Parkway (120 feet wide, more or less); thence S01°16'00"E along the east right-of-way of said Three Oaks Parkway and the west line of the proposed plat of Plaza del Sol for 596.08 feet to the northwest corner of Parcel "B" according to said proposed plat of Plaza del Sol; thence N89°51'32"E along the north line of said Parcel "B" for 218.60 feet to the Point of Beginning; thence continue N89°51'32"E along the north line of said Parcel "B" for 25.00 feet to an intersection with the west right-of-way of Arcos Avenue (50 feet wide) according to said proposed plat of Plaza del Sol; thence S00°08'28"E along the east line of said Parcel "B" and the west right-of-way of said Arcos Avenue for 149.11 feet to the beginning of a curve to the left having a radius of 125.00 feet; thence southeasterly along the arc of said curve through a central angle of 44°35'25" for 97.28 feet to the southeast corner of said Parcel "B"; thence S45°16'07"W along the southeasterly line of said Parcel "B" for 25.00 feet to an intersection with a curve to the right concave to the northeast having a radius of 150.00 feet and to which point a radial line bears S45°16'07"W; thence northwesterly and northerly along the arc of said curve through a central angle of 44°35'25" for 116.74 feet to a point of tangency; thence N00°08'28"W for 149.11 feet to the Point of Beginning.

Parcel contains 0.15 acres (6,403 square feet), more or less.

Bearings are State Plane Coordinate (Florida West Zone - N.A.D. 1983) with the north line of Section 35, Township 46 South, Range 25 East being N89°42'56"E.

Subject to easements, restrictions, reservations and rights-of-way (recorded and unrecorded, written and unwritten).

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)

Charles Donald Knight, P.S.M. 6056

31451DESC-PARCEL B 1/20/04

Sheet 1 of 2

ASSOCIATES:

TRACY N. BEAN, AICP
CHARLES D. KNIGHT, PSM
W. BRITT POMEROY, JR., PSM

STEPHEN H. SKORUPSKI, PSM ELWOOD FINEFIELD, PSM

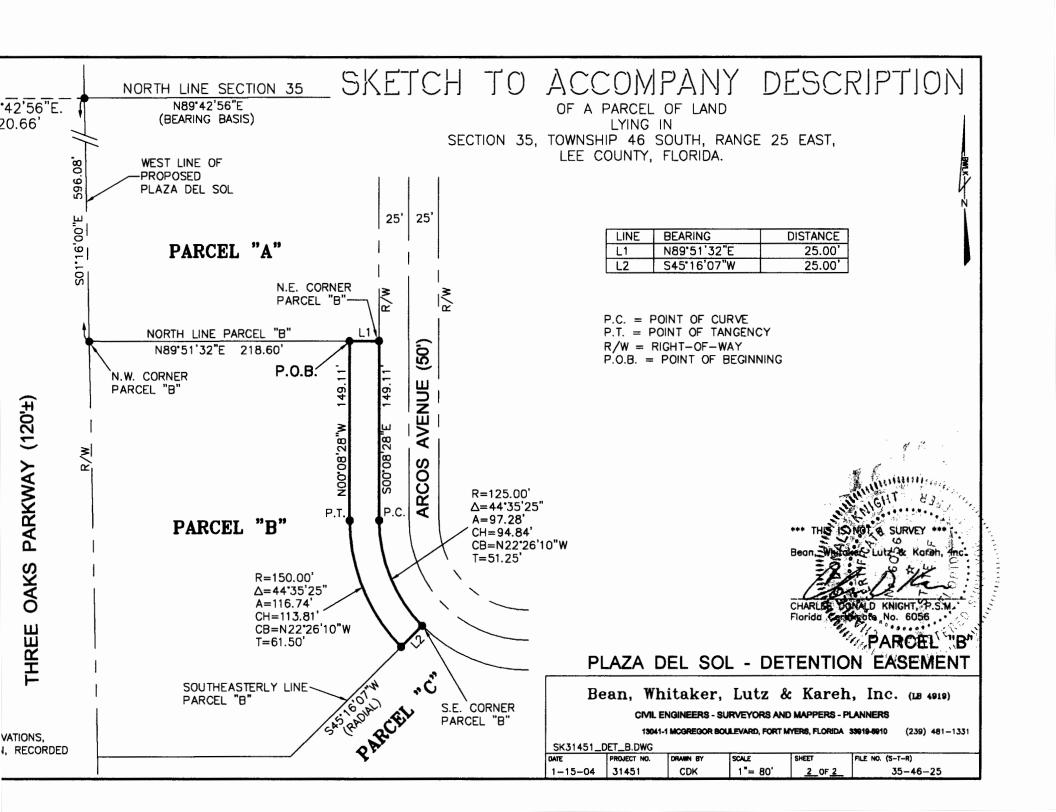
JAMES A. HESSLER, PSM
JAMES R. COLEMAN, PSM

RUDOLF A. NORMAN, PE

JOSEPH L. LUTZ, PSM AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

SCOTT C. WHITAKER, PSM, PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS





Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard Fort Myers, Florida 33919-5910 email - fmoffice@bwlk.net (Ph) 239-481-1331 (Fax) 239-481-1073

Description of a Parcel of Land Lvina in Section 35, Township 46 South, Range 25 East Lee County, Florida Plaza del Sol - Detention Area Easement - Parcel "C"

A tract or parcel of land situated in the State of Florida, County of Lee, Iving in Section 35. Township 46 South, Range 25 East, and being part of Parcel "C" of the proposed plat of Plaza del Sol and further described as follows:

Commencing at the northwest corner of said Section 35; thence N89°42'56"E along the north line of said Section 35 for 120.66 feet to an intersection with the east right-of-way of Three Oaks Parkway (120 feet wide, more or less); thence S01°16'00"E along said east right-of-way and the west line of the proposed plat of Plaza del Sol for 596.08 feet to the northwest corner of Parcel "B" according to the proposed plat of Plaza del Sol; thence N89°51'32"E along the north line of said Parcel "B" for 243.60 feet to an intersection with the west right-of-way of Arcos Avenue (50 feet wide) according to the proposed plat of Plaza del Sol; thence S00°08'28"E along said west right-of-way and the east line of said Parcel "B" for 149.11 feet to the beginning of a curve concave to the northeast having a radius of 125.00 feet; thence southeasterly along said curve through a central angle of 44°35'25" for 97.28 feet to the southeast corner of said Parcel "B" and the Point of Beginning; thence continue southeasterly along said curve having a radius of 125.00 feet, along the southwesterly right-of-way of said Arcos Avenue and the northeasterly line of Parcel "C" according to the proposed plat of Plaza del Sol through a central angle of 28°42'00" for 62.61 feet to the northeast corner of said Parcel "C"; thence S00°08'28"E along the east line of said Parcel "C" for 25.67 feet; thence S85°15'55"W for 13.49 feet; thence S47°47'28"W for 13.49 feet; thence S29°03'15"W for 24.40 feet; thence N60°56'45"W for 48.00 feet; thence N29°03'15"E for 24.16 feet; thence N10°22'07"E for 13.46 feet; thence N29°49'56"W for 15.85 feet to an intersection with the southeasterly line of said parcel "B"; thence N45°16'07"E along the southeasterly line of said Parcel "B" for 25.00 feet to the Point of Beginning.

Parcel contains 0.09 acres (3,873 square feet), more or less.

Bearings are State Plane Coordinate (Florida West Zone - N.A.D. 1983) with the north line of Section 35, Township 46 South, Range 25 East being N89°42'56"E.

Subject to easements, restrictions, reservations and rights-of-way (recorded and unrecorded, written and unwritten).

Bean, Whitaker Citit & Karen, Inc. (LB 4919)

31451DESC-PARCEL C 1/20/04

Charles Donald Knight, P.S.M. 6056

Sheet 1 of 2

TRACY N. BEAN, AICP CHARLES D. KNIGHT PSM W. BRITT POMEROY, JR., PSM STEPHEN H. SKORUPSKI, PSM

ASSOCIATES:

ELWOOD FINEFIELD, PSM

JAMES R. COLEMAN, PSM RUDOLF A. NORMAN, PE

PRINCIPALS: WILLIAM E. BEAN, PSM, CHAIRMAN SCOTT C. WHITAKER, PSM, PRESIDENT JOSEPHI LUTZ PSM AHMAD R. KAREH, PE. MSCF, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS

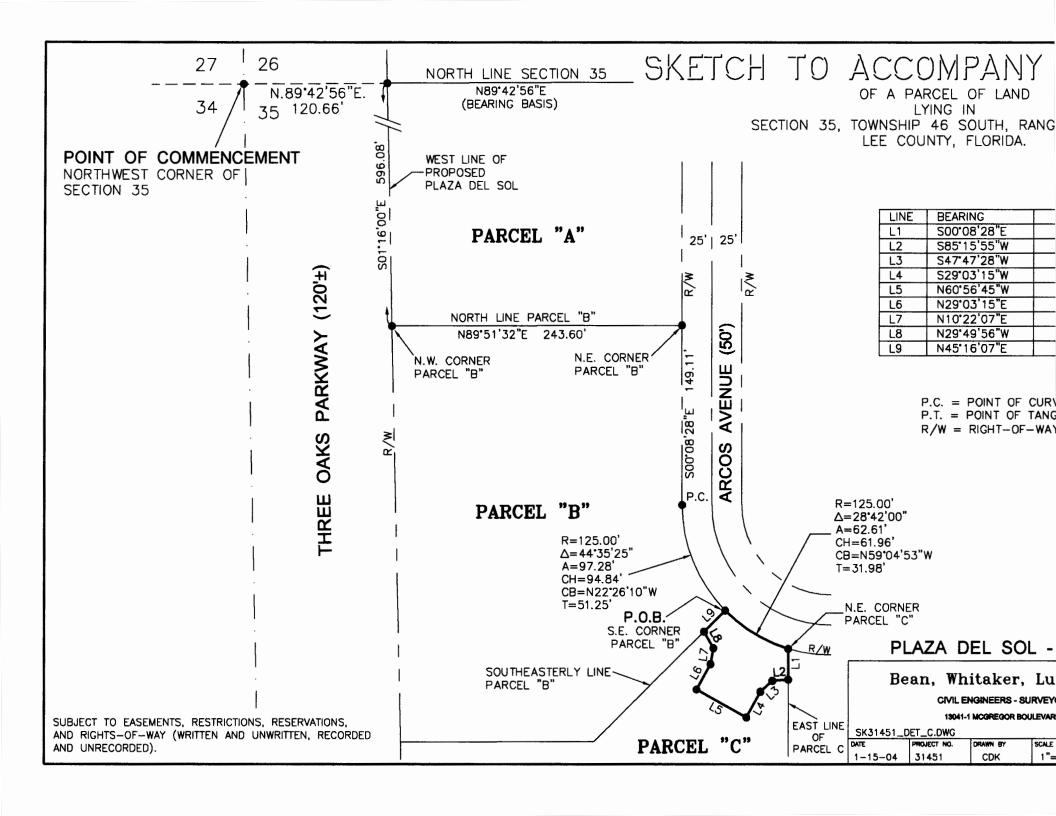


EXHIBIT B



8889 PELICAN BAY BLVD.
SUITE 400
NAPLES, FLORIDA 34108
TEL 239-598-3601
FAX 239-598-3164
gray-robinson.com

FORT LAUDERDALE
GAINESVILLE
JACKSONVILLE
KEY WEST
LAKELAND
MELBOURNE
MIAMI
NAPLES
ORLANDO
TALLAHASSEE
TAMPA

BOCA RATON

239-598-3601

DEREK.ROONEY@GRAY-ROBINSON.COM

MEMORANDUM

TO: Walter McCarthy, Development Review Manager

CC: Ross Morgan, Development Review Specialist

FROM: Derek Rooney, Assistant Village Attorney

DATE: September 29, 2017

SUBJECT: Village of Estero Plat Vacation

Arcos Executive Center – VAC2017-E002

Mr. McCarthy,

I have completed my review of the above-referenced drainage easement vacation on and found that the application meets the requirements of Chapter 177, Part I, Florida Statutes, and the requirements of the Village of Estero's Administrative Code Section 13-01. This application is ready for noticing and transmittal to the Village Council.

Sincerely,

/s/ Derek Rooney

Assistant Village Attorney

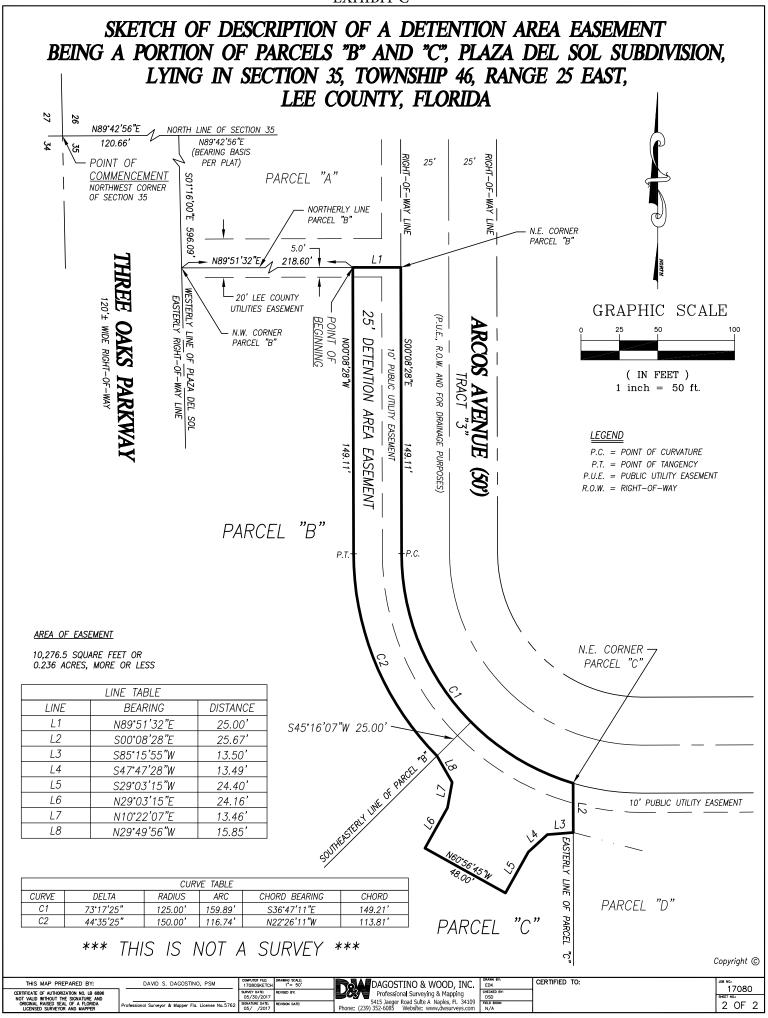


EXHIBIT D

1	VILLAGE OF ESTERO, FLORIDA		
2 3	RESOLUTION NO. 2018 -		
4			
5	A RESOLUTION OF THE VILLAGE COUNCIL OF THE		
6	VILLAGE OF ESTERO, FLORIDA, APPROVING THE		
7	VACATION OF A DRAINAGE DETENTION AREA		
8	EASEMENT FOR THE ARCOS EXECUTIVE CENTER		
9	PROJECT; AND PROVIDING AN EFFECTIVE DATE.		
10			
11	WHEREAS, Petitioner, Richard Losee, filed an application for vacation (VAC2017-		
12	E002) of part of a drainage detention area easement on a project known as Arcos Executiv		
13	Center; and		
14			
15	WHEREAS, the drainage easement to be vacated is wholly within the property known		
16	as Parcels B and C of Plaza Del Sol, a subdivision plat recorded in Plat Book 80, Pages 74		
17	through 76, Lee County Records, and having STRAP Nos. 35-46-25-E1-3100B.0000 and 35-		
18	46-25-E1-3100C.0000; and		
19			
20	WHEREAS, the Petitioner has fee simple title ownership to the underlying sought to		
21	be vacated; and		
22	WWW.DT.LG d		
23	WHEREAS, the property was rezoned to Commercial Planned Development (CPD		
24	on December 5, 1994 for a commercial subdivision project (Resolution No. Z-94-050); and		
25 26	WHEREAS, Florida Statutes, Chapter 177 and Administrative Code (AC-13-1)		
26 27	delineate vacation procedures; and		
28	defineate vacation procedures, and		
29	WHEREAS, the Village of Estero Planning and Zoning Board recommended approval		
30	of the partial vacation on April 17, 2018; and		
31			
32	WHEREAS, the notice of the vacation was properly advertised in the Fort Myers News		
33	Press on, 2018 and, 2018; and		
34			
35	WHEREAS, the legal description of the vacated drainage detention area easement is		
36	attached as Exhibit A and the sketch of the description is attached as Exhibit B.		
37			
38	NOW, THEREFORE, be it resolved by the Village Council of the Village of Estero,		
39	Florida:		
40			
41	Section 1. The above recitals are true and correct and are incorporated herein.		
12 13	Section 2 The following findings are haraby made		
†J	Section 2. The following findings are hereby made:		

1		1. The partial vacation was reviewed by technical staff and meets the technical requirements of Chapter 177, Part 1 Florida Statutes and		
, j		quirements of Administrative Code AC-13-1.		
7	2. The application was reviewed by the Village Attorney and meets			
}	**	ents of Chapter 177, Part 1, Florida Statutes and		
)	Administrative			
)		has provided notice to all affected property owners		
		intent of the Petition to Vacate in accordance with		
2	Florida Statutes	•		
}	4. A legally suffici	ient Affidavit of Publication regarding the Notice of		
1	Public Hearing	on this Petition to Vacate has been provided.		
		objections by the reviewing entities.		
		ppropriate drainage facilities will be provided as part elopment order No. DOS2017-E006.		
		nd Zoning Board recommended approval on April		
	17, 2018.	1		
Section 3.	. The Arcos Execu	tive Center vacation of the drainage detention area		
easement is appro		S		
Section 4.	This Resolution sha	all take effect immediately upon adoption.		
<u>Section 4</u> .	Timb resolution site	in take circut miniculatory apon adoption.		
ADOPTE	ED BY THE VILLAGE	E COUNCIL of the Village of Estero, Florida this		
day of	, 2018.			
Attest:		VILLAGE OF ESTERO, FLORIDA		
D		Day		
By:	MMC, Village Clerk	By: James R. Boesch, Mayor		
Kainy Hall, I	viivic, viiiage cieik	James R. Boesen, Mayor		
Reviewed for lega	al sufficiency:			
	y .			
By:		_		
Burt Saunder	rs, Esq., Village Attorney	7		
		-		
Attachments:				
	Legal Description			
Exhibit B:	Sketch of Description			
-				



DESCRIPTION OF A DETENTION AREA EASEMENT BEING A PORTION OF PARCELS "B" AND "C", PLAZA DEL SOL SUBDIVISION, LYING IN SECTION 35, TOWNSHIP 46, RANGE 25 EAST, LEE COUNTY, FLORIDA

LEGAL DESCRIPTION

A DETENTION AREA EASEMENT OVER A PORTION OF PARCELS "B" AND "C", PLAZA DEL SOL SUBDIVISION, AS RECORDED IN PLAT BOOK 80, PAGES 74 THROUGH 76, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA IN SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE N89°42′56″E, ALONG THE NORTH LINE OF SAID SECTION 35, 120.66 FEET, TO INTERSECT WITH THE EASTERLY RIGHT—OF—WAY LINE OF THREE OAKS PARKWAY, AS SHOWN ON THE PLAT OF PLAZA DEL SOL, AS RECORDED IN PLAT BOOK 80, PAGES 74 THROUGH 76, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE SO1°16′00″E, ALONG SAID EASTERLY RIGHT—OF—WAY LINE AND THE WESTERLY LINE OF THE PLAZA DEL SOL SUBDIVISION, FOR 596.09 FEET, TO THE NORTHWEST CORNER OF PARCEL "B"; THENCE N89°51′32″E, ALONG THE NORTHERLY LINE OF SAID PARCEL "B", FOR 218.60 FEET, FOR A POINT OF BEGINNING OF THE HEREIN DESCRIBED DETENTION AREA EASEMENT; THENCE CONTINUING ALONG SAID NORTHERLY LINE OF PARCEL "B", N89°51′32″E FOR 25.00 FEET, TO THE NORTHEAST CORNER OF PARCEL "B"; THENCE ALONG THE WESTERLY RIGHT—OF—WAY LINE OF ARCOS AVENUE (50 FEET WIDE), SOO'08′28″E FOR 149.11 FEET, TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY 159.89 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 125.00 FEET, THROUGH A CENTRAL ANGLE OF 73'17'25", THE CURVE OF WHICH IS SUBTENDED BY THE CHORD BEARING, S36'47'11"E FOR A CHORD DISTANCE OF 149.21 FEET, TO THE NORTHEAST CORNER OF PARCEL "C"; THENCE SOO'08'28"E, ALONG THE EASTERLY LINE OF OF PARCEL "C", FOR 25.67 FEET; THENCE LEAVING SAID EASTERLY LINE OF PARCEL "C", THE SEVEN FOLLOWING COURSES:

- 1.) S85°15'55"W FOR 13.50 FEET;
- 2.) S47*47'28"W FOR 13.49 FEET;
- 3.) S29'03'15"W FOR 24.40 FEET;
- 4.) N60°56'45"W FOR 48.00 FEET;
- 5.) N29'03'15"E FOR 24.16 FEET;
- 6.) N10°22'07"E FOR 13.46 FEET;
- 7.) N29'49'56"W FOR 15.85 FEET, TO INTERSECT WITH THE SOUTHEASTERLY LINE OF PARCEL "B"; THENCE NORTHWESTERLY 116.74 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 150.00 FEET, THROUGH A CENTRAL ANGLE OF 44'35'25", THE CURVE OF WHICH IS SUBTENDED BY THE CHORD BEARING N22'26'11"W FOR A CHORD DISTANCE OF 113.81 FEET, TO A POINT OF TANGENCY; THENCE N00'08'28"W FOR 149.11 FEET, TO THE POINT OF BEGINNING.

CONTAINING 10,276.5 SQUARE FEET OR 0.236 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

BEARINGS ARE BASED UPON THE RECORD PLAT OF PLAZA DEL SOL SUBDIVISION AS RECORDED IN PLAT BOOK 80, PAGES 74 THROUGH 76 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

0.453 0.453 0.453 0.753

*** THIS IS NOT A SURVEY ***

Copyright ©

THIS MAP PREPARED BY:

CERTIFICATE OF AUTHORIZATION NO. 18 5866

NOT VALID WITHOUT THE SCHATURE AND
ORIGINAL RAISED SEAL OF A FLOREDA
LICENSEED SURVEYOR AND MAPPER

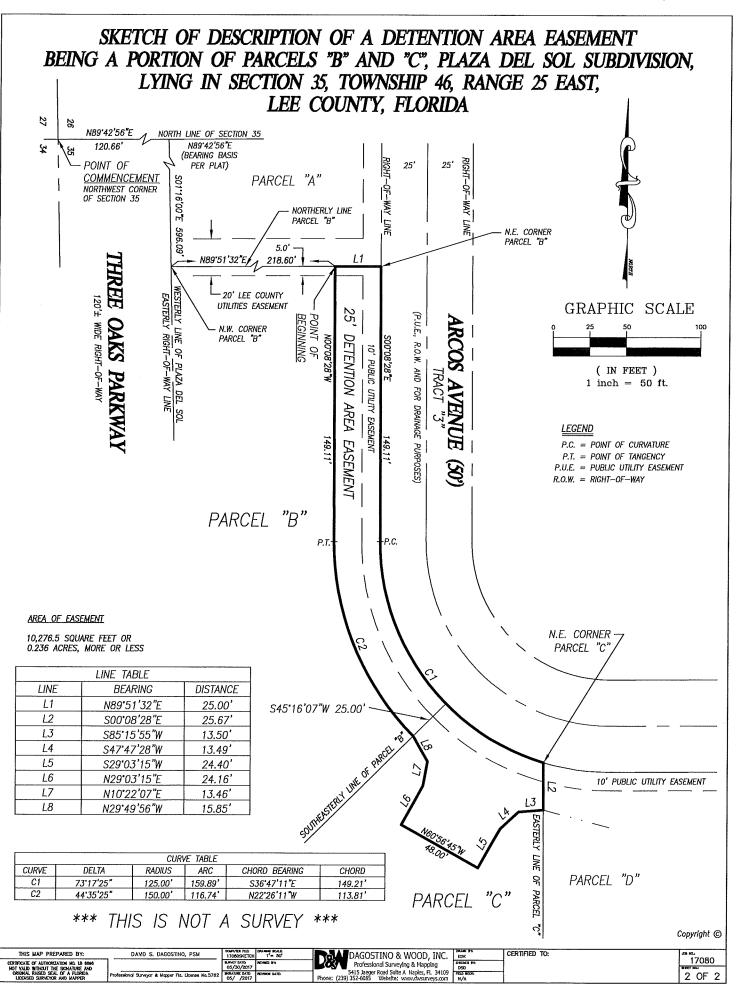
DAMD S. DAGOSTINO, PSM

Profession Profession Ra. 5762

DAGOSTINO & WOOD, INC.
Professional Surveying & Mapping
5415 Jaeger Road Sulte A Haples, FL 34109
Phone: (239) 352-6085 Website: www.dwsurveys.com

CERTIFIED TO:

17080 1 OF 2



Plaza Del Sol Property Owners Association, Inc.

c/o Vesta Property Services, Inc. 27180 Bay Landing Drive, Suite 4 Bonita Springs, Florida 34135

April 5, 2018

Kristina Johnson, PE J.R. Evans Engineering, PA. 9351 Corkscrew Road, Suite 102 Estero, FL 33928

Re:

Letter of No Objection to Vacate portion of Drainage Easement:

Plaza Del Sol - Parcels 'B' and 'C'

To whom it may concern:

The undersigned has received and reviewed the Request for a Letter of No Objection for the vacating of the existing Drainage Easement, as shown on the Plat of Plaza Del Sol (recorded in OR. Book 4574, Page 914, Public Records of Lee County, Florida) specifically as located on Parcels 'B' and 'C' of the Plat.

The Association has no objection to the vacating of the existing platted Drainage Easement over the portions of Parcels B and C as shown.

Sincerely,

PLAZA DEL SOL PROPERTY OWNERS ASSOCIATION, INC.

By:

Roseanne Giordani, President