

SHUMAKER

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July 7, 2017

Lee County Board of County Commissioners
P.O. Box 398
Fort Myers, Florida 33902

RECEIVED
JUL 10 2017

COMMUNITY DEVELOPMENT

ADD2017-00106

Re: Application for Rezoning by MCS One, LLC, a Florida limited liability company
SLK File No. K55160-179126

Dear Commissioners:

I am furnishing you with this opinion of title in connection with your review of the rezoning of the real property situated in Lee County, Florida, described on Exhibit "A" attached hereto and incorporated herein by reference (the "Property").

In rendering the opinion set forth herein, 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," and I am of the opinion that title to that Property is, as of May 22, 2017 at 5:00 PM, vested in:

MCS One, LLC, a Florida limited liability company

The following are all of those persons or entities holding a mortgage secured by the Property:

Mortgage, dated November 30, 2016, from MCS One, LLC, a Florida limited liability company, to Waterford Bank, N.A., a National Association, in the principal amount of \$419,000.00, which was recorded as Instrument No. 2016000253883 of the Public Records of Lee County, Florida.

The following are all easements affecting the Property, whether recorded or unrecorded:

None.

Lee County Board of County Commissioners
July 7, 2017
Page 2

In rendering the opinions expressed herein, I have assumed, without investigation, the authenticity of all agreements, documents and instructions reviewed by me as originals, the conformity to the originals of all agreements, documents and instruments reviewed by me as copies of originals and the genuineness of all signatures set forth on all originals and copies of all agreements, documents and instruments reviewed by me.

This opinion of title is provided pursuant to the requirements of the Lee County Land Development Code (LDC) Section 34-202(a)(3). This opinion may be relied on by you and your legal counsel in connection with the foregoing application, and may not be relied upon by any other person or entity for any reason whatsoever without my prior express written consent.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Mathew Poling', with a stylized flourish at the end.

Mathew Poling
Florida Bar No. 111704

MP\tq

Lee County Board of County Commissioners
July 7, 2017
Page 3

EXHIBIT "A"

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 5, TOWNSHIP 46 SOUTH, RANGE 24 EAST, BEING A PORTION OF LOT 6, BLOCK 3 OF E.P. BATES PINE RIDGE TRUCK FARMS SUBDIVISION AS RECORDED IN PLAT BOOK 3, PAGE 68 OF THE PUBLIC RECORDS OF SAID LEE COUNTY, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

PARCEL "A"

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 6; THENCE S 01°35'49" E ALONG THE EAST LINE OF SAID LOT FOR 157.72 FEET TO AN INTERSECTION WITH THE NORTH LINE OF LANDS DESCRIBED IN EXHIBIT A OF OFFICIAL RECORDS BOOK 4175, PAGE 2089 OF THE PUBLIC RECORDS OF SAID LEE COUNTY AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 339.41 FEET TO WHICH POINT A RADIAL LINE BEARS N 78°58'49" W; THENCE SOUTHERLY ALONG SAID CURVE AND SAID NORTH LINE THROUGH A CENTRAL ANGLE OF 02°14'30" FOR 13.28 FEET; THENCE S 18°51'06" W ALONG SAID NORTH LINE FOR 25.25 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 153.86 FEET TO WHICH POINT A RADIAL LINE BEARS S 65°49'12" E; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SAID NORTH LINE THROUGH A CENTRAL ANGLE OF 63°31'09" FOR 170.57 FEET; THENCE S 89°03'56" W ALONG SAID NORTH LINE FOR 1,118.21 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 110.42 FEET TO WHICH POINT A RADIAL LINE BEARS S 30°19'53" W; THENCE NORTHWESTERLY ALONG SAID CURVE AND SAID NORTH LINE THROUGH A CENTRAL ANGLE OF 05°23'07" FOR 10.38 FEET TO AN INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF PINE RIDGE ROAD (WIDTH VARIES) PER OFFICIAL RECORDS BOOK 1931, PAGE 1052 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE N 01°39'17" W ALONG SAID EAST LINE FOR 277.19 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID LOT 6; THENCE N 89°03'46" E ALONG SAID NORTH LINE FOR 1,275.16 FEET TO THE POINT OF BEGINNING.

AND

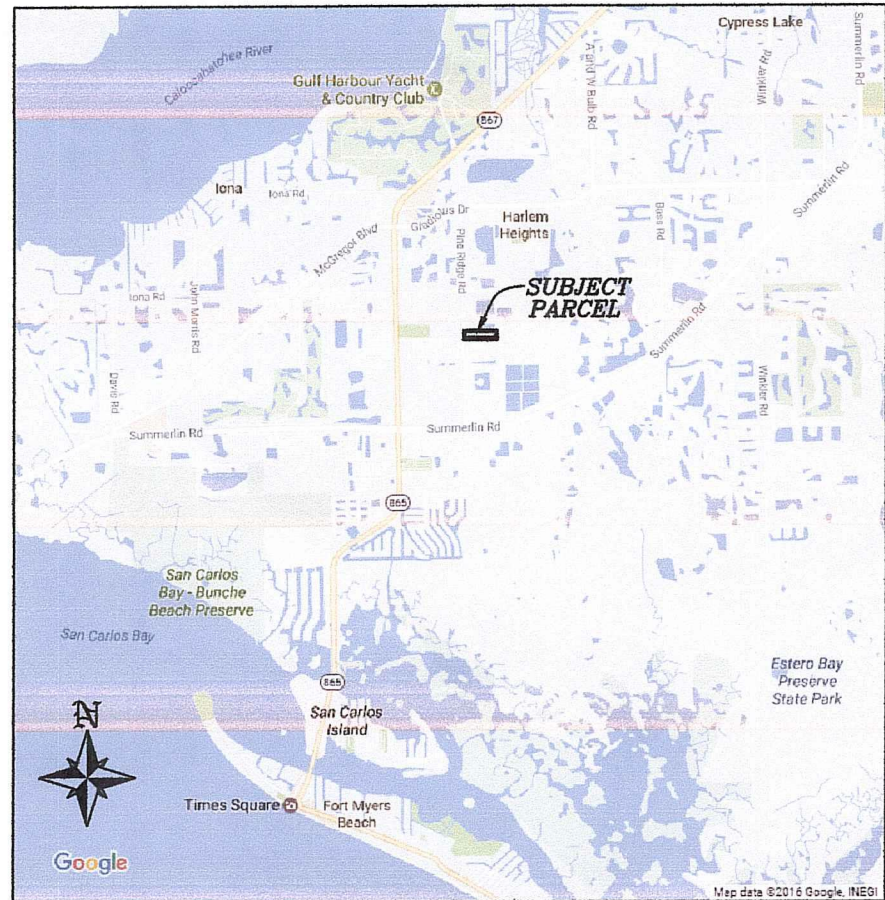
PARCEL "B"

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 6; THENCE S 89°03'56" W ALONG THE SOUTH LINE OF SAID LOT 6 FOR 1,274.83 FEET TO AN INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF PINE RIDGE ROAD (WIDTH VARIES) PER OFFICIAL RECORDS BOOK 1931, PAGE 1052 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE N 01°39'17" W ALONG SAID EAST LINE FOR 20.88 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF LANDS DESCRIBED IN EXHIBIT A OF OFFICIAL RECORDS BOOK 4175, PAGE 2089 OF THE PUBLIC RECORDS OF SAID LEE COUNTY AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 23.57 FEET TO WHICH POINT A RADIAL LINE BEARS N 30°46'03" W; THENCE EASTERLY ALONG SAID CURVE AND SAID SOUTH LINE THROUGH A CENTRAL

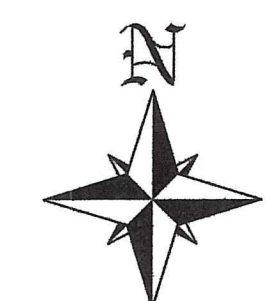
Lee County Board of County Commissioners
July 7, 2017
Page 4

ANGLE OF 21°17'32" FOR 8.76 FEET; THENCE N 89°03'56" E ALONG SAID SOUTH LINE FOR 1,114.93 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 172.32 FEET; THENCE EASTERLY ALONG SAID CURVE AND SAID SOUTH LINE THROUGH A CENTRAL ANGLE OF 21°51'11" FOR 65.72 FEET TO THE BEGINNING OF A COMPOUND CURVE TO THE LEFT HAVING A RADIUS OF 211.16 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE AND SAID SOUTH LINE THROUGH A CENTRAL ANGLE OF 17°20'36" FOR 63.92 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 140.83 FEET TO WHICH POINT A RADIAL LINE BEARS S 41°19'20" E; THENCE NORTHEASTERLY ALONG SAID CURVE AND SAID SOUTH LINE THROUGH A CENTRAL ANGLE OF 20°26'13" FOR 50.23 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID LOT 6; THENCE S 01°35'49" E ALONG SAID EAST LINE FOR 107.09 FEET TO THE POINT OF BEGINNING.

PARCEL "A" AND "B" CONTAINS 8.95 ACRES, MORE OR LESS.



VICINITY MAP
NOT TO SCALE



1" = 60'

LEGAL DESCRIPTION:

(AS REFERENCED IN EXHIBIT "A" OF THAT CERTAIN OPINION OF TITLE PREPARED BY MATTHEW POLING, ATTORNEY AT LAW FOR SHUMAKER, LOOP & KENDRICK, LLP, APPLICATION FOR REZONING BY MCS ONE, LLC, A FLORIDA LIMITED LIABILITY COMPANY, SLK FILE NO. K55160-179126, DATED JULY 7, 2017.)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 5, TOWNSHIP 46 SOUTH, RANGE 24 EAST, BEING A PORTION OF LOT 6, BLOCK 3 OF E.P. BATES PINE RIDGE TRUCK FARMS SUBDIVISION AS RECORDED IN PLAT BOOK 3, PAGE 68 OF THE PUBLIC RECORDS OF SAID LEE COUNTY, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

PARCEL "A"

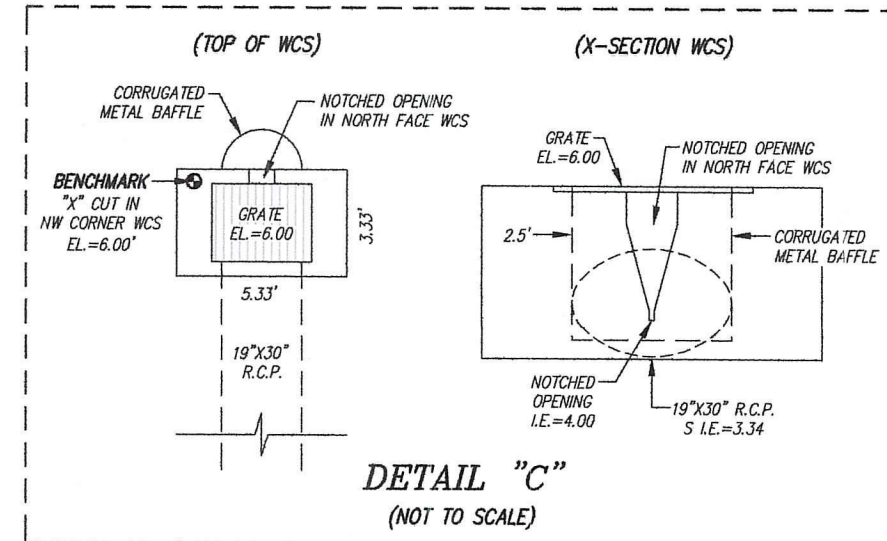
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AND

PARCEL "B"

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 6; THENCE S 89°03'56" W ALONG THE SOUTH LINE OF SAID LOT 6 FOR 1,274.83 FEET TO AN INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF PINE RIDGE ROAD (WIDTH VARIES) PER OFFICIAL RECORDS BOOK 1931, PAGE 1052 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE N 01°39'17" W ALONG SAID EAST LINE FOR 20.88 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF LANDS DESCRIBED IN EXHIBIT A OF OFFICIAL RECORDS BOOK 4175, PAGE 2089 OF THE PUBLIC RECORDS OF SAID LEE COUNTY AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 23.57 FEET TO WHICH POINT A RADIAL LINE BEARS N 30°46'03" W; THENCE EASTERLY ALONG SAID CURVE AND SAID SOUTH LINE THROUGH A CENTRAL ANGLE OF 21°17'32" FOR 8.76 FEET; THENCE N 89°03'56" E ALONG SAID SOUTH LINE FOR 1,144.93 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 172.32 FEET; THENCE EASTERLY ALONG SAID CURVE AND SAID SOUTH LINE THROUGH A CENTRAL ANGLE OF 21°51'11" FOR 65.72 FEET TO THE BEGINNING OF A COMPOUND CURVE TO THE LEFT HAVING A RADIUS OF 211.16 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE AND SAID SOUTH LINE THROUGH A CENTRAL ANGLE OF 17°20'36" FOR 63.92 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 140.83 FEET TO WHICH POINT A RADIAL LINE BEARS S 41°19'20" E; THENCE NORTHEASTERLY ALONG SAID CURVE AND SAID SOUTH LINE THROUGH A CENTRAL ANGLE OF 20°26'13" FOR 50.23 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID LOT 6; THENCE S 01°35'49" E ALONG SAID EAST LINE FOR 107.09 FEET TO THE POINT OF BEGINNING.

PARCEL "A" AND "B" CONTAINS 8.95 ACRES, MORE OR LESS.



SURVEY PLAT

OF
A PARCEL OF LAND LYING IN
SECTION 5, TOWNSHIP 46 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA

SURVEYOR'S NOTES:

THIS PLAT PREPARED AS A BOUNDARY AND TOPOGRAPHIC SURVEY AND IS NOT INTENDED TO DELINEATE THE JURISDICTION OR JURISDICTIONAL AREAS OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER ENTITY.

BOUNDARY SURVEY BASED ON THE FOLLOWING:

- LEGAL DESCRIPTION REFERENCED IN EXHIBIT "A" OF THAT CERTAIN OPINION OF TITLE PREPARED BY MATTHEW POLING, ATTORNEY AT LAW FOR SHUMAKER, LOOP & KENDRICK, LLP, APPLICATION FOR REZONING BY MCS ONE, LLC, A FLORIDA LIMITED LIABILITY COMPANY, SLK FILE NO. K55160-179126, DATED JULY 7, 2017.
- THE SUBDIVISION PLAT OF E.P. BATES PINE RIDGE TRUCK FARMS AS RECORDED IN PLAT BOOK 3, PAGE 68 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
- A BOUNDARY SURVEY PREPARED BY THIS FIRM, JOB NUMBER 1597, DATED 9-20-2002.
- A BOUNDARY SURVEY PREPARED BY THIS FIRM, JOB NUMBER 17404, DATED 12-22-2003.
- A LEE COUNTY DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR PINE RIDGE ROAD, PREPARED BY STARNES AND ASSOCIATES, INC. 074833703, P-1026-3A, W.Q. 1120, REVISED DATE 5/1986.
- DEPARTMENT OF NATURAL RESOURCES CERTIFIED CORNER RECORDS (C.C.R.) FOR SECTION 5, TOWNSHIP 46 SOUTH, RANGE 24 EAST.
- EXISTING MONUMENTATION.

BEARINGS, DISTANCES AND COORDINATES, UNLESS OTHERWISE SHOWN ARE BASED ON THE "STATE PLANE COORDINATE SYSTEM" (FLORIDA ZONE WEST NAD 83/2011) (CORRS). WHEREIN THE NORTH LINE LOT 6, BLOCK 3, E.P. BATES PINE RIDGE TRUCK FARMS SUBDIVISION BEARS N 89°03'46" E. THE STATION IS THE ANTENNA REFERENCE POINT OF THE GPS ANTENNA BASED AT PINE RIDGE. THE STATION IS A GPS CONTINUOUSLY OPERATING REFERENCE STATION DESIGNATION - FORT MYERS CORPS ARP. HORIZONTAL VALUES WERE ESTABLISHED AND ADJUSTED BY THE NATIONAL GEODETIC SURVEY IN AUGUST 2011. THE HORIZONTAL VALUES WERE ESTABLISHED BY GPS OBSERVATIONS. THE SCALE FACTOR IS 0.999941728.

ELEVATIONS SHOWN HEREON ARE BASED ON THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD 29).

ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.

ABOVE AND UNDERGROUND IMPROVEMENTS WERE NOT LOCATED UNLESS OTHERWISE SHOWN.

THE SUBJECT PARCEL AS SHOWN HEREON IS LOCATED IN A SPECIAL FLOOD HAZARD AREA ON THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAPS.

PER FLOOD INSURANCE RATE MAP NUMBER 12071C0418F, EFFECTIVE DATE AUGUST 28, 2008 THE SUBJECT PARCEL LIES IN FLOOD ZONE AE (EL 7) HAVING A BASE FLOOD ELEVATION OF 7 FEET (NAVD 88).

SUBJECT PARCEL IDENTIFICATION NUMBER: 05-46-24-01-00003.0060

SUBJECT PARCEL STREET ADDRESS: 10850 OLD SOUTH WAY, FORT MYERS, FL 33908

GROSS LAND AREA CONTAINS: 8.95 ACRES, MORE OR LESS.

DATE OF LAST FIELD WORK: 6-9-2017.

ACREAGE SUMMARY

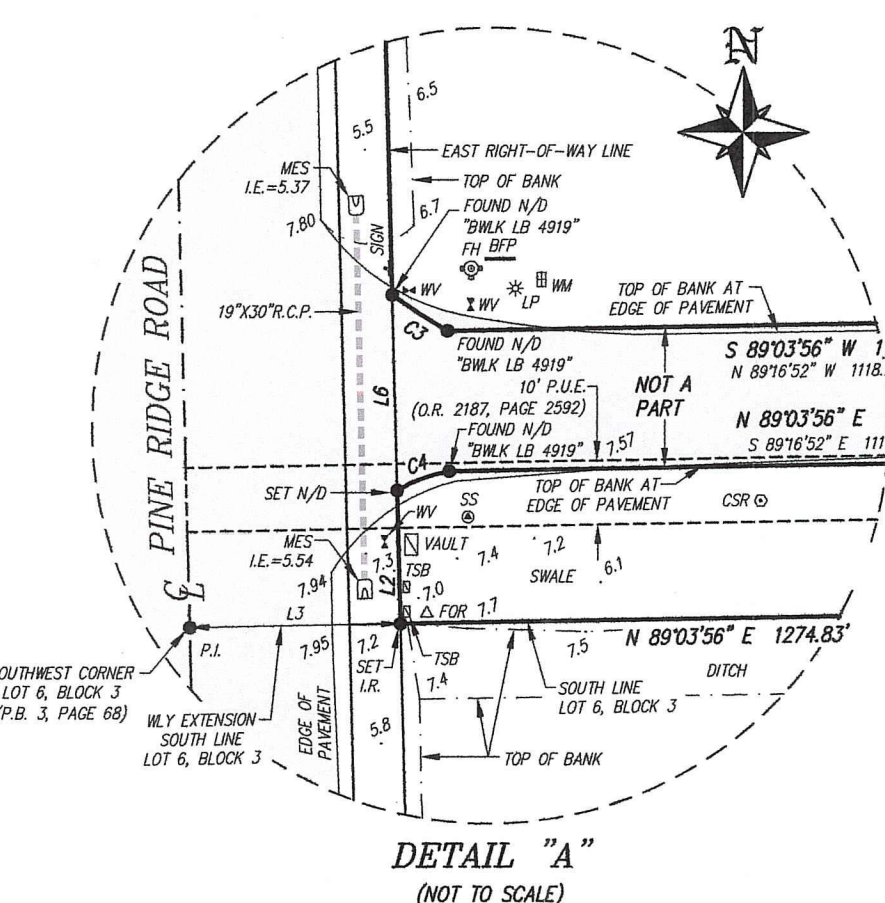
PARCEL "A" CONTAINS: 8.17 ACRES, MORE OR LESS
PARCEL "B" CONTAINS: 0.78 ACRES, MORE OR LESS
OVERALL AREA CONTAINS: 8.95 ACRES, MORE OR LESS

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, THAT THIS PLAT OF THE HEREIN DESCRIBED PROPERTY IS A TRUE REPRESENTATION OF THE SURVEY MADE UNDER MY DIRECTION AND MEETS THE STANDARDS OF PRACTICE SET FORTH IN CHAPTER 54-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

Richard M. Ritz, R.L.S.
RICHARD M. RITZ, R.L.S.
FLORIDA CERTIFICATION NO. 4003
DATE SIGNED: 7-7-2017

THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL, RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- ADDITIONS OR DELETIONS TO SURVEY MAPS OR HEREON, OTHER THAN THE SIGNED PARTY OR PARTIES IS PROHIBITED.
- THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED HEREON.
- THIS SURVEY WAS PREPARED WITH THE BENEFIT OF THE CERTAIN OPINION OF TITLE PREPARED BY MATTHEW POLING, ATTORNEY AT LAW FOR SHUMAKER, LOOP & KENDRICK, LLP, APPLICATION FOR REZONING BY MCS ONE, LLC, A FLORIDA LIMITED LIABILITY COMPANY, SLK FILE NO. K55160-179126, DATED JULY 7, 2017, AND ALL SURVEY RELATED MATTERS REFERENCED WITHIN THAT OPINION THAT CAN BE DELINEATED ON THE SURVEY ARE SHOWN OR ADDRESSED HEREON.
- ALL MATTERS OF TITLE SHOULD BE REFERRED TO AN ATTORNEY AT LAW.



LEGEND:

PLG INDICATES PLANE SECTION 5
MB INDICATES MILE BOX
E INDICATES ELEVATION
C INDICATES CENTERLINE
P.B. INDICATES PLAT BOOK
LP INDICATES LIGHT POLE
ENG. INDICATES ENGINEERING
WV INDICATES WATER VALVE
TH INDICATES TREE HYDRANT
C.L.F. INDICATES CHAIN LINE FENCE
A.E. INDICATES UTILITY EASEMENT
U.E. INDICATES UTILITY EASEMENT
C.M. INDICATES CABLE SERVICE RISER
M.S. INDICATES METER SERVICE RISER
P.L. INDICATES POINT OF INTERSECTION
B.P. INDICATES BACK FLOW PREVENTER

LEGEND:

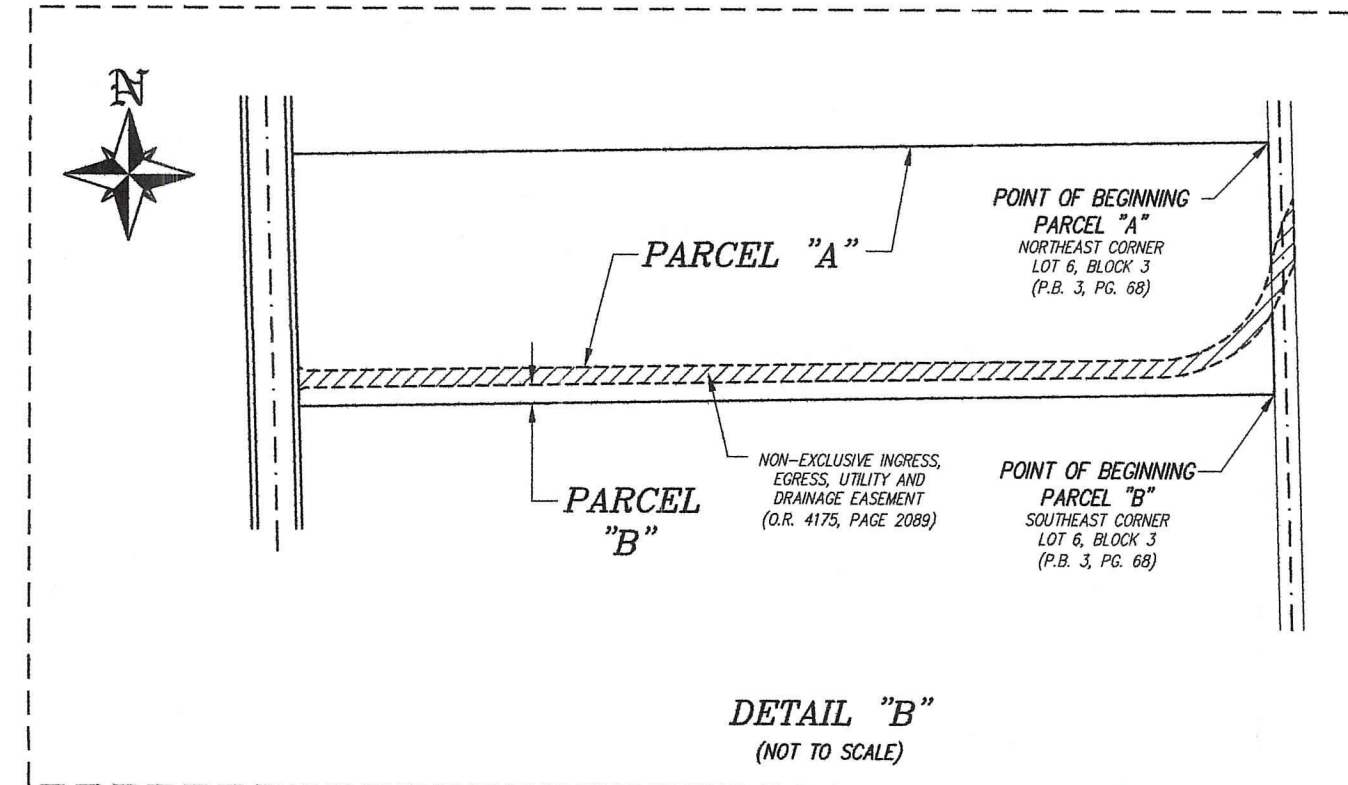
SS INDICATES SANITARY SEWER VALVE
SV INDICATES SEWER VALVE
O.R. INDICATES OFFICIAL RECORDS BOOK
L.I. INDICATES LINE 1 FROM LINE TABLE
P.U.E. INDICATES PUBLIC UTILITY EASEMENT
R.C.P. INDICATES REINFORCED CONCRETE PIPE
MCS INDICATES METER CONTROL STRUCTURE
R.L.S. INDICATES REGISTERED LAND SURVEYOR
C.I. INDICATES CURVE 1 FROM CURVE TABLE
P.R.C. INDICATES POINT OF REVERSE CURVATURE
P.L.S. INDICATES PROFESSIONAL LAND SURVEYOR
P.M. INDICATES PERMANENT REFERENCE MONUMENT
C.C.M.B. INDICATES COUNTY COMMISSIONERS' MINUTES BOOK
(NAVD 29) INDICATES NORTH AMERICAN VERTICAL DATUM OF 1929
(C) INDICATES BEARING AND/OR DISTANCE PER CALCULATION
(L) INDICATES BEARING AND/OR DISTANCE PER CALCULATION
(ITEM 2A) INDICATES ITEM 2A FROM TITLE OPINION (SEE SURVEYOR'S NOTES)
INDICATES "STATE PLANE COORDINATES" FLORIDA ZONE WEST NAD 83/2011 (CORRS)

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 18°51'06" W	25.25'
L2	N 01°39'17" W	20.88'
L3	N 89°03'56" E	33.00'
L4	S 89°03'56" E	33.00'
L5	N 01°35'49" E	84.61'
L6	S 01°39'17" E	30.86'
L7	S 02°00'05" E	30.86'

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	BEARING
C1	339.41'	02°14'30"	13.28'	13.28'	S 09°53'56" W
C2	153.86'	63°31'09"	170.57'	161.97'	S 55°56'23" W
C3	153.86'	63°31'09"	170.57'	161.97'	S 57°35'35" W
C4	110.42'	52°31'07"	10.38'	10.37'	W 56°58'53" W
C5	110.42'	52°31'07"	10.38'	10.37'	W 55°19'18" W
C6	211.16'	17°20'36"	63.92'	63.67'	N 60°11'39" E
C7	140.83'	21°17'32"	8.76'	8.71'	N 71°31'40" E
C8	140.83'	21°17'32"	8.76'	8.71'	N 78°08'20" E
C9	140.83'	20°26'13"	50.23'	49.97'	N 38°27'54" E
C10	339.41'	17°24'54"	103.11'	102.72'	S 17°28'53" W
C11	339.41'	17°24'54"	103.11'	102.72'	S 19°08'05" W



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FAX: (239) 839-2523
ENGINEERING LICENSE # EB 6489
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

BOUNDARY AND TOPOGRAPHIC SURVEY
PRTN. LOT 6, BLOCK 3, EP BATES PINE RIDGE TRUCK FARMS
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
12-5-2016	17400	BNDR SR	AMV	RMR	1"=60'	1	1	5-46-24