

Application No.
FP-16-05-03
(Final Plat)

Applicant
RaceTrac Petroleum /
RaceTrac at Winchester

Quasi-Judicial

Commission Dist. III



MEMORANDUM

Date: June 23, 2016

To: Charlotte County Board of County Commissioners,
Planning and Zoning Board

From: Steven A. Ellis, Planner II *SAE*
Community Development / Zoning

Subject: FP-16-05-03, RaceTrac at Winchester

RaceTrac Petroleum, Inc. has requested Preliminary and Final Plat approval for a two-lot minor subdivision to be named, RaceTrac at Winchester. The site is 4.96 acres, more or less, and is located south of McCall Road, west of Winchester Boulevard, north of Creekview Lane, and east of Oriole Boulevard, in Section 04, Township 41, Range 20, in Commission District III.

The site is located within the boundaries of the Urban Service Area. The Future Land Use Map designation is Low Intensity Industrial. The Zoning District is Industrial General (IG). The project lies in Flood Zone X, and in Storm Surge Evacuation Zone B.

There is no construction associated with this plat. The applicant's stated purpose is to create two separate lots to accommodate their future development plans. The property is not a suitable candidate for a Land Split Determination, so a Minor Subdivision is the proper instrument for this action.

The County Surveyor identified some errors on the plat mylar. The applicant was notified and has agreed to correct the mylar prior to signatures being applied. All utilities were notified. None of them had any objections.

Departmental Review –

Addressing has reviewed the application and had the following comment:

When the plat is approved, each vacant lot will be assigned its own physical street address.

CHARLOTTE COUNTY COMMUNITY DEVELOPMENT
Zoning Division

18400 Murdock Circle, Port Charlotte, FL 33948
Phone: 941-764-4954 | Fax: 941-743-1598

Charlotte County Public School District has reviewed the application and had the following comment:

I don't see any impact on student transportation from the requested plat.

Comprehensive Planning has reviewed the application and had no comments.

Engineering has reviewed the application and had the following comments:

The Project Engineer has provided a proposed shared use agreement that covers the drainage flow and maintenance of the drainage facilities between the two future properties. Therefore, Stormwater has no objections to the proposed preliminary and final plat for the subject project.

Englewood Water District has reviewed the application and had no comments.

Environmental Health has reviewed the application and had no comments.

GIS has reviewed the application and had the following comments:

I do not see any issues with RaceTrac. I checked their survey with what we have in GIS.

LIS has reviewed the application and had no comments.

Land Development has reviewed the application and had the following comments:

The applicant is subdividing one lot into two lots. The property is not a suitable candidate for a Land Split Determination, so a Minor Subdivision is the proper instrument for this action.

Property Appraiser's Office has reviewed the application and had no comments.

Real Estate Services has reviewed the application and had no comments.

Transportation has reviewed the application and had no comments.

Zoning/Current Planning has reviewed the application and had the following comment:

Zoning/Current Planning finds that the proposed two-lot preliminary and final subdivision plat does comply with the development standards of the Land Development Regulations and therefore has no objection to the proposed Final Plat.

Zoning/Environmental has reviewed the application and had the following comments:

The subject parcel was reviewed and approval was recommended by environmental staff through the Site Plan Review Committee review.

If this petition is approved, the following conditions will be reviewed for compliance prior the issuance of any county permits or land improvement activities.

Staff conducted a site inspection on 12/8/2015. At the time of the inspection no listed species or signs thereof were observed on the subject site. The site has been cleared, filled and graded through past development activities. Prior to building permit approvals the site will be re-inspected by staff. If any listed species (i.e. gopher tortoise burrows) are observed at that time then any required Florida Fish and Wildlife Conservation Commission (FWCC) permits must be provided and required conditions met prior to land clearing activities.

The project must comply with Chapter 3-5, Article IV, Clearing, Filling and Soil Conservation requirements of the County Code. Best Use Management Plans must be documented on final site plans and utilized during all land clearing and development activities.

The applicant is advised that the Charlotte County site review is cursory, additional wildlife or environmental reviews may be required by state and federal agencies.

RECOMMENDATION

Community Development recommends approval of Petition #FP-16-05-03.



Community Development

CHARLOTTE COUNTY

Location Map for FP-16-05-03

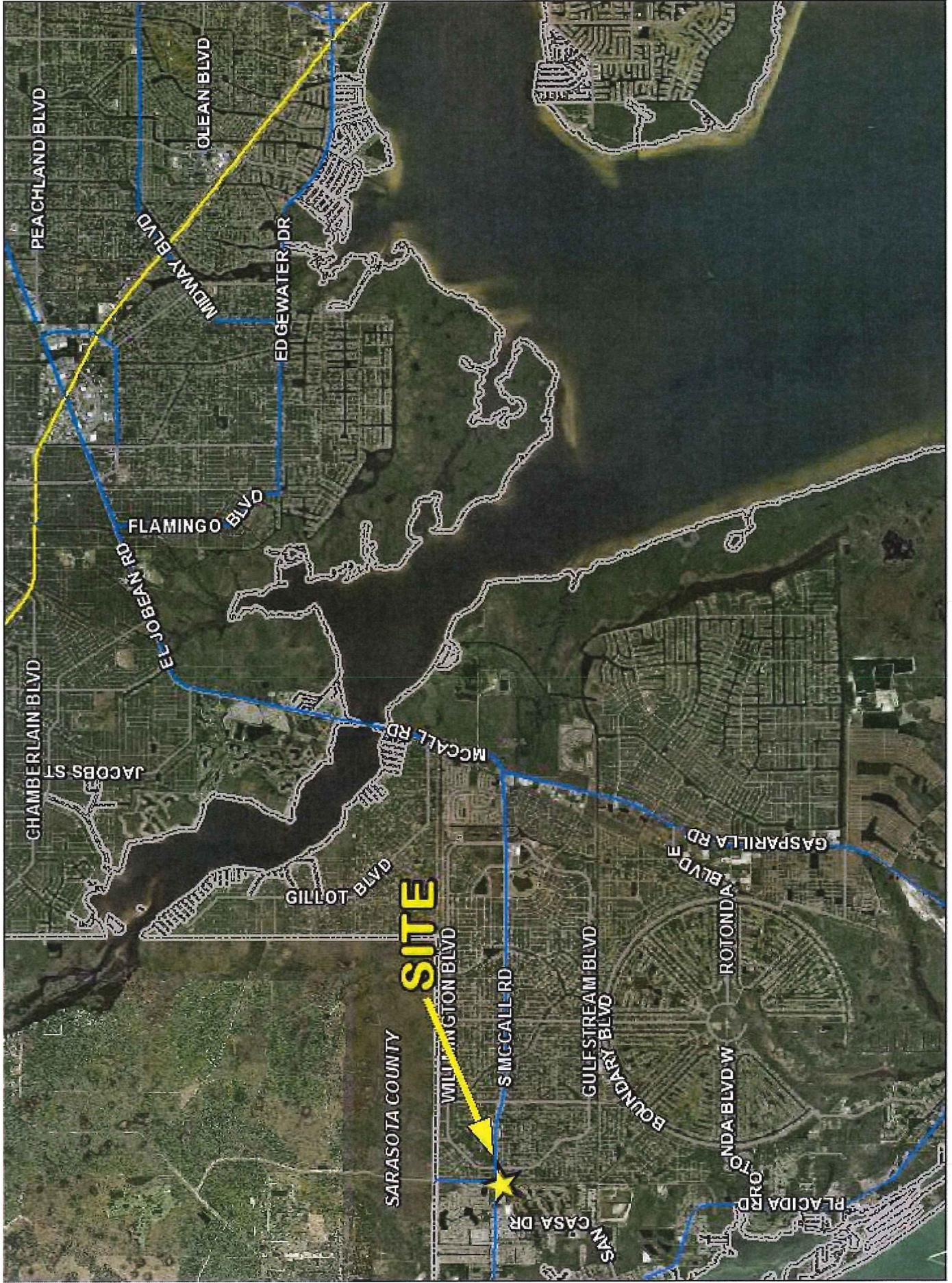


04/11/21 West County

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guarantees, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents. Created By: Land Information-D. Vance 7949 Date Saved: 5/13/2016 2:42:49 PM

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FP-16-05-03 - 2014 Aerial View



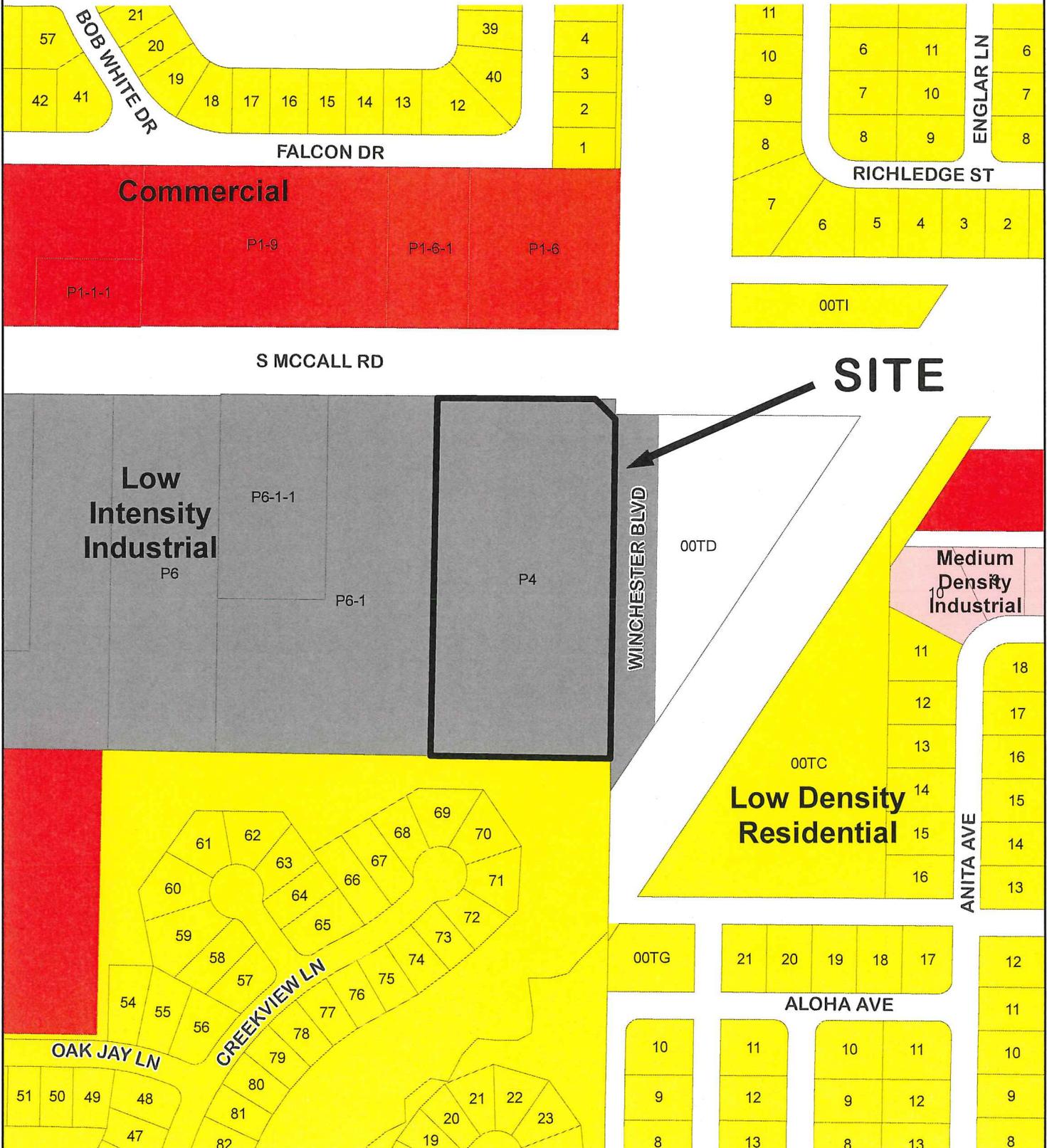
FP-16-05-03 - 2014 Aerial View



Community Development

CHARLOTTE COUNTY

Future Land Use Map for FP-16-05-03



04/41/20 West County

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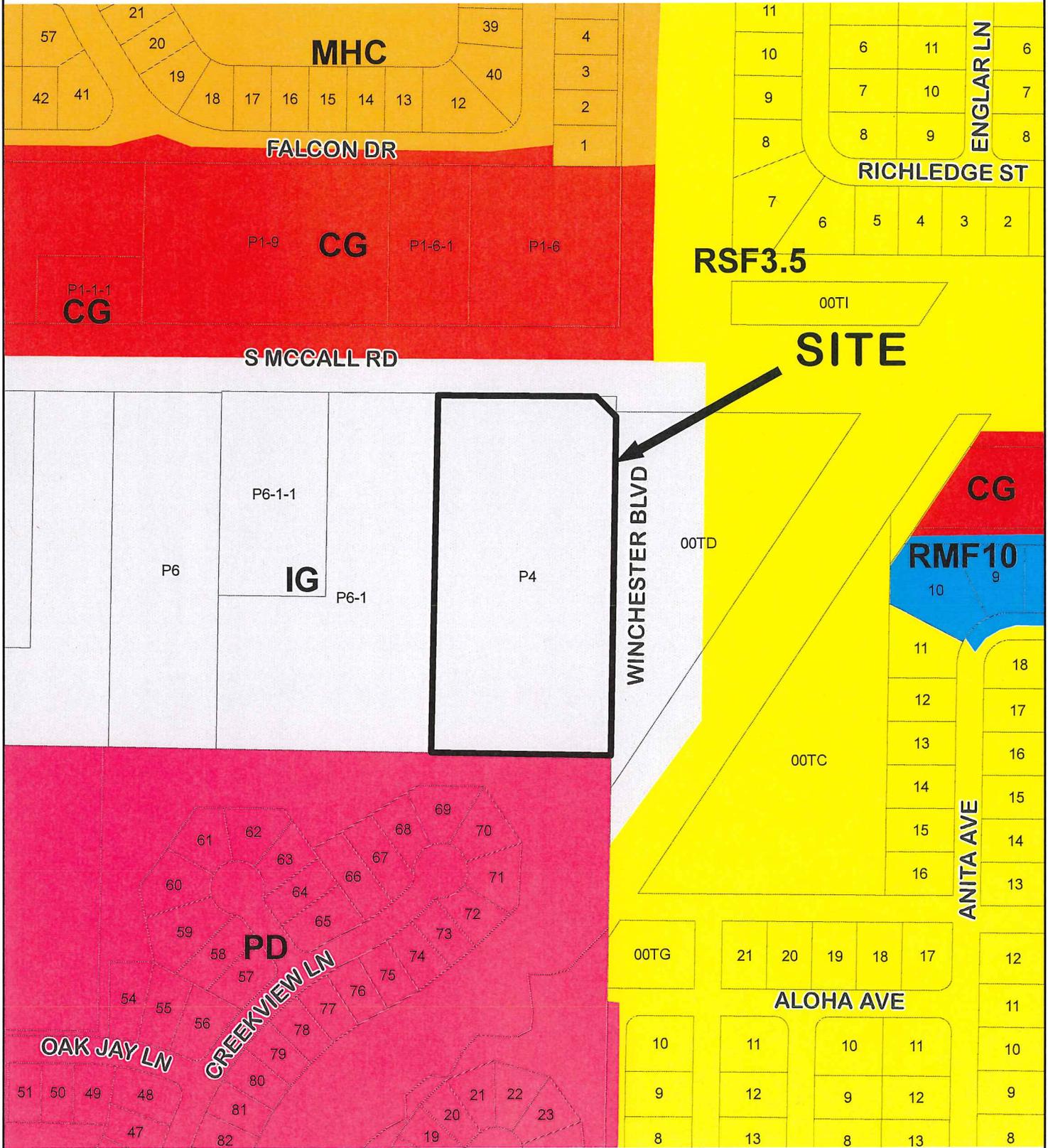




Community Development

CHARLOTTE COUNTY

Zoning Map for FP-16-05-03



04/41/21 West County

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NOT TO SCALE



**CHARLOTTE COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT**

PRELIMINARY PLAT APPLICATION

Date Received: 5/11/16	Log-in Date: 5/12/16
Petition #: FP-16-05-03	Cap # MSD-16-00002
Receipt #: 210729	Amount Paid: \$1,493.00

1. Name of proposed subdivision: RaceTrac at Winchester

2. Parties involved in the application:

A. Name of Applicant: RaceTrac Petroleum, Inc.

Mailing Address: 3225 Cumberland Blvd.

City: <u>Atlanta</u>	State: <u>GA</u>	Zip Code: <u>30339</u>
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Phone Number: <u>770-431-7600</u>	Fax Number: <u>678-503-1164</u>
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Email Address: thardy@racetrac.com

B. Name of Agent: John T. Wojdak, P.E., Delisi Fitzgerald, Inc.

Mailing Address: 1605 Hendry St

City: <u>Fort Myers</u>	State: <u>FL</u>	Zip Code: <u>33901</u>
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Phone Number: <u>239-418-0691</u>	Fax Number: <u>239-418-0692</u>
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Email Address: john@delisifitzgerald.com

C. Owner of Record*: MMS, Inc.

Mailing Address: 3340 Placida RD

City: <u>Englewood</u>	State: <u>FL</u>	Zip Code: <u>34224</u>
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Phone Number:	Fax Number:
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Email Address:

* The name and address of every person having a beneficial interest in this property, however small, in the form of a partnership, limited partnership, corporation, trust, or in any form of representative capacity whatsoever for others, shall be disclosed and a list attached to this application, with no exceptions.

D. Name of Surveyor: Metron Surveying and Mapping, LLC

Mailing Address: 10970 S. Cleveland Ave.

City: Fort Myers

State: FL

Zip Code: 33907

Phone Number: 239-275-8575

Fax Number: 239-275-8457

Email Address: denis@metronfl.com

E. Name of Engineer: John T. Wojdak, P.E., Delisi Fitzgerald, Inc.

Mailing Address: 1605 Hendry St

City: Fort Myers

State: FL

Zip Code: 33901

Phone Number: 239-418-0691

Fax Number: 239-418-0692

Email Address: john@delisifitzgerald.com

F. Name of Attorney:

Mailing Address:

City:

State:

Zip Code:

Phone Number:

Fax Number:

Email Address:

3. Property Location

Section: 04 Township: 41 Range: 20

Property ID # 412004476005

Commission District: _____

4. Total acreage: 4.96

5. Has the property ever been the subject of a public hearing?

 Yes x No

If yes,

Hearing Held by:

Date:

Petition #:

 Board of County Commissioners

 Planning and Zoning Board

 Board of Zoning Appeals

 Other (Describe) _____

ATTACH ALL DEPARTMENT COMMENTS AND DECISION LETTERS

6. Has an administrative interpretation ever been applied for or received for the subject property?

Yes No

If yes, Date: _____ Type: _____

PROVIDE A COPY OF THIS INTERPRETATION.

7. Has this property been platted before?

Yes No

If yes, in what name? _____

Date recorded: _____

Has the previous plat been vacated? Yes No

8. *Zoning designation(s): IG

*Future Land Use Map designation(s): Commercial

*if more than one, provide acreage of each

Number of lots allowed: 18 Number of lots proposed: 2

Minimum lot size: 12,000 SF Minimum lot dimension: 100 Ft

Total density: N/A

9. Type of proposed development:

Single-family Mobile home Institutional

Multi-family Commercial

Industrial Mixed Use

10. Is any variance from the subdivision requirements anticipated or requested per Article II, Section 3-7-21, of the County Code?

Yes No

If yes, attach a description of the variance request..

11. Is this proposed plat part of a Development of Regional Impact (DRI)?

Yes No

If yes, name the DRI: _____

12. Is the proposed subdivision located within a flood hazard zone as established by F.E.M.A.?
 Yes No

If yes, please specify: _____

13. What is the proposed minimum elevation of road crown and of the lots?

Road: 8.3 feet above sea level Lots: 11 feet above sea level

Existing elevation ranges from an average low of 9.5 to an average high of 11.3 feet above sea level.

Elevations based on: NGVD – 1929 NGVD – 1988

14. What type of potable water and sanitary sewer facilities will service this plat?

Wells Septic Tanks

Central Water Central Sewer

Attach:

• Utility letters proving service is available,

or

• Health Dept. letter verifying that the septic systems are acceptable based on the proposed subdivision

15. Is development of utility infrastructure proposed prior to final plat?

Yes No

16. Rights-of-way for this proposed subdivision are intended to be:

dedicated private existing dedicated roads

17. Is any excavation activity proposed as part of this subdivision? Yes No

If yes, indicate the type (canal, lake, etc.) and proposed use (navigable, drainage, scenic, etc.):

18. Is the subdivision to be developed prior to the filing of the final plat? Yes No

If no, bonding of the infrastructure is required in a form that is acceptable to the Charlotte County Board of County Commissioners under the conditions of the Charlotte County Subdivision Regulations.

If constructing new roads, and they are to be dedicated to the County, all paperwork shall be in accordance with Article VII of Charlotte County Code 3-7.

ALL ROADS SHALL BE CONSTRUCTED TO COUNTY STANDARDS.

19. Will the subdivision be constructed in phases? Yes No

If yes, please specify:

AFFIDAVIT

I, the undersigned, being first duly sworn, depose and say that I am the applicant or agent of the property described and that is the subject matter of the proposed Final Plat request, that data and other supplementary matter attached to and made part of the application, are honest and true to the best of my knowledge.

STATE OF FLORIDA, COUNTY OF LEE

The foregoing instrument was acknowledged before me this 18th day of JANUARY, 2016,
by John Wojdak, Vice President who is personally known
to me or has/have produced _____ as identification and who
did/did not take an oath.

<u>Kelly M. Snaauwaert</u>	<u>[Signature]</u>
Notary Public Signature	Signature of Applicant/Agent
<u>Kelly M. Snaauwaert</u>	<u>John Wojdak</u>
Notary Printed Signature	Signature of Applicant/Agent
	<u>1605 Hendry St.</u>
Title	Address
	<u>Fort Myers, FL, 33901</u>
Commission Code	City, State, Zip
	<u>239-418-0611</u>
	Telephone Number



Letter of Authorization

I, Paul Collom, Manager of MMS, LLC being first duly sworn, depose and say that MMS, LLC is the Owner of the property described as:

PARCEL #: 412004476005

Legal Description: 3069 S MCCALL RD, Englewood, FL 34224

The property described herein is the subject of an application for zoning or development. We hereby designate RaceTrac Petroleum, Inc. as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site.

Name of Property Owner:

MMS, LLC

By Paul Collom
Signature

PAUL COLLOM
Printed or Typed Name and Title

Sworn to and subscribed before me this 23rd day of OCTOBER, 2015, by
PAUL COLLOM, who is personally known to me

or who has produced _____ as identification. He/she has acknowledged to me and before me that he/she executed this instrument for the purposes therein expressed.

Michael P. Erney
Notary Public

Michael P. Erney
Print Name

My commission expires:

06-07-18



APPLICANT AUTHORIZATION TO AGENT

I, the undersigned, being first duly sworn, depose and say that I am the applicant for the Final Plat of the property described and which is the subject matter of the proposed hearing. I give authorization for John T. Wojdak, P.E., Delisi Fitzgerald, Inc. to be my agent for this application.

STATE OF GEORGIA, COUNTY OF COBB

The foregoing instrument was acknowledged before me this 11th day of JANUARY, 2016, by Brian Thornton, Vice PRESIDENT who is personally known to me or has/have produced _____ as identification and who did/did not take an oath.

[Signature] Notary Public Signature | [Signature] Signature of Applicant

Adam J. Caracci Notary Printed Signature | BRIAN THORNTON Printed Signature of Applicant

VICE PRESIDENT Title | 3225 CUMBERLAND BLD., ST 100 Address

Commission Code | ATLANTA, GA 30339 City, State, Zip

770-431-7600 Telephone Number





**CHARLOTTE COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT**

FINAL PLAT APPLICATION

Date Received: <u>5/11/16</u>	Date of Log-in: <u>5/12/16</u>
Petition #: <u>FP-16-05-03</u>	CAP# <u>MSD-16-00002</u>
Receipt #: <u>210729</u>	Amount Paid: <u>\$1,493.00</u>

1. Name of proposed subdivision: RaceTrac at Winchester

2. Preliminary Plat Petition #: DRC-P-15-27 Preliminary Site Plan

Date approved: December 9, 2015

3. Parties involved in the application:

Have any of the parties involved in this Application changed since the property received Preliminary Plat approval? Yes No

If yes, please explain: _____

A. Name of Applicant: RaceTrac Petroleum, Inc.

Mailing Address: 3225 Cumberland Blvd.

City: <u>Atlanta</u>	State: <u>GA</u>	Zip Code: <u>30339</u>
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Phone Number: <u>770-431-7600</u>	Fax Number: <u>678-503-1164</u>
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Email Address: thardy@racetrac.com

B. Name of Agent: John T. Wojdak, P.E., Delisi Fitzgerald, Inc.

Mailing Address: 1605 Hendry ST

City: <u>Fort Myers</u>	State: <u>FL</u>	Zip Code: <u>33901</u>
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Email Address: john@delisifitzgerald.com

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* The name and address of every person having a beneficial interest in this property, however small, in the form of a partnership, limited partnership, corporation, trust, or in any form of representative capacity whatsoever for others, shall be disclosed and a list attached to this application, with no exceptions.

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Mailing Address: 10970 S. Cleveland Ave.

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Fax Number: 239-275-8457

Email Address: denis@metronfl.com

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Mailing Address: 1605 Hendry St

City: Fort Myers

State: FL

Zip Code: 33901

Phone Number: 239-418-0691

Fax Number: 239-418-0692

Email Address: john@delisifitzgerald.com

F. Name of Attorney:

Mailing Address:

City:

State:

Zip Code:

Phone Number:

Fax Number:

Email Address:

4. Property ID #: 412004476005

5. Has the property undergone any public hearings, other than the public hearings for the Preliminary Plat approval, since the Preliminary Plat application was submitted?

Yes No

If yes,

Hearing Held by:

Date:

Petition #:

Board of County Commissioners

Planning and Zoning Board

Board of Zoning Appeals

Other (Describe) _____

ATTACH ALL DEPARTMENT COMMENTS AND DECISION LETTERS

6. Number of lots allowed: 18 Number of lots Proposed: 2

Minimum lot size previously approved in Preliminary Plat: N/A

Minimum lot dimension previously approved in Preliminary Plat: N/A

AFFIDAVIT

I, the undersigned, being first duly sworn, depose and say that I am the applicant or agent of the property described and that is the subject matter of the proposed Final Plat request, that data and other supplementary matter attached to and made part of the application, are honest and true to the best of my knowledge.

STATE OF FLORIDA, COUNTY OF LEE

The foregoing instrument was acknowledged before me this 18th day of JANUARY, 2016, by John Wojdak, Vice President who is personally known to me or has/have produced _____ as identification and who did/did not take an oath.

<u>Kelly M. Snaauwaert</u>	<u>[Signature]</u>
Notary Public Signature	Signature of Applicant/Agent
<u>Kelly M. Snaauwaert</u>	<u>John Wojdak</u>
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Name of Property Owner:

MMS, LLC

By Paul Collom
Signature

PAUL COLLUM
Printed or Typed Name and Title

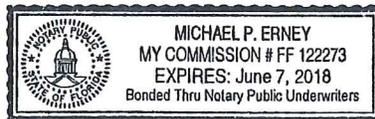
Sworn to and subscribed before me this 23rd day of OCTOBER, 2015, by PAUL COLLUM, who is personally known to me

or who has produced _____ as identification. He/she has acknowledged to me and before me that he/she executed this instrument for the purposes therein expressed.

Michael P. Erney
Notary Public

Michael P. Erney
Print Name

My commission expires:
06-07-18



APPLICANT AUTHORIZATION TO AGENT

I, the undersigned, being first duly sworn, depose and say that I am the applicant for the Final Plat of the property described and which is the subject matter of the proposed hearing.

I give authorization for John T. Wojdak, P.E., Delisi Fitzgerald, Inc. to be my agent for this application.

STATE OF GEORGIA, COUNTY OF COBB

The foregoing instrument was acknowledged before me this 11th day of JANUARY, 2016,

by Brian Thornton, Vice PRESIDENT who is personally known

to me or has/have produced _____ as identification and who

did/did not take an oath.

 _____
Notary Public Signature

 _____
Signature of Applicant

Adam J. Caracci _____
Notary Printed Signature

BRIAN THORNTON _____
Printed Signature of Applicant

VICE PRESIDENT _____
Title

3225 CUMBERLAND BLD., S1 100 _____
Address

ADAM J CARACCI _____
Commission Code

ATLANTA, GA 30339 _____
City, State, Zip

770-431-7600 _____
Telephone Number



THIS INSTRUMENT PREPARED BY
AND SHOULD BE RETURNED TO:
Fifth Third Bank
Attn: Michael G. Forson, VP
50 Central Ave., 8th Floor
Sarasota, FL 34236

CONSENT AND JOINDER OF MORTGAGEE

TO PLAT OF _____

The under signed being a mortgagee having a record interest in the lands subdivided under and subjected to the plat of _____ which is recorded at Plat Book _____, Page _____, Public Records of Charlotte County, Florida (the "Plat") which record interest arises under the following mortgage:

Open-End Mortgage and Security Agreement held by Fifth Third Bank, an Ohio banking corporation, recorded in Official Records Book 3908, Page 403, Public Records of Charlotte County, Florida

does hereby join in and ratify the Plat and all dedications and reservations contained thereon. This instrument is executed pursuant to Section 177.081(2) Florida Statutes which expressly authorizes the undersigned's joinder, consent and ratification of said plat by this separate instrument.

Signed, sealed and delivered
in the presence of:

FIFTH THIRD BANK

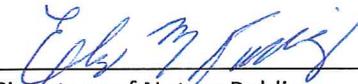

Print Name: MARK SABUDA

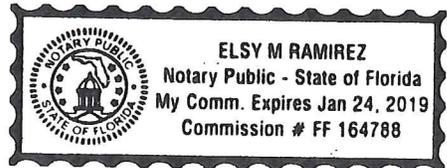
By: 
Name: Michael G. Forson
Title: Vice President


Print Name: KATHLEEN ADELBERG

STATE OF Florida
COUNTY OF Sarasota

The foregoing instrument was acknowledged before me this 6th day of May, 2016, by Michael G. Forson as Vice President of Fifth Third Bank, on behalf of said banking corporation. He/She is personally known to me or produced personally known as identification.


Signatory of Notary Public
Print Notary Name: Ely M Ramirez



May 10, 2016

DELISI FITZGERALD, INC.
Planning – Engineering – Project Management

Charlotte County
Community Development Department
18500 Murdock Circle
Port Charlotte, Florida 33948

**Re: RaceTrac at Winchester
Parcel ID: 412004476005
Preliminary & Final Minor Plat**

To Whom It May Concern:

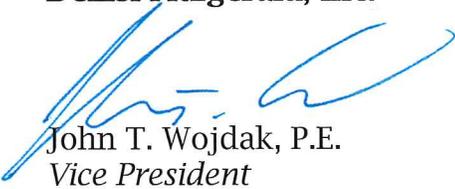
Attached for approval, please find the following items as they relate to the above referenced project:

1. One (1) Check for the amount of \$1,493.00 made payable to Charlotte County Board of County Commissioners;
2. One (1) Fee Calculation;
3. Five (5) copies of the Complete Preliminary Plat Application;
4. Five (5) copies of the Complete Final Plat Application;
5. Five (5) copies of the Preliminary Site Plan Approval Letter;
6. Five (5) copies of the Final Site Plan Approval Letter;
7. Five (5) copies of Proof of all Taxes Paid;
8. Five (5) original signed and sealed Boundary Survey and Legal Description prepared by *Metron Surveying & Mapping, LLC*;
9. Five (5) copies of the Title Opinion;
10. Five (5) copies of the Mortgage Consent;
11. Five (5) 11"x 17" sets of the Plat;
12. Five (5) 18"x 24" sets of the Plat;
13. One (1) CD with plans in pdf and AutoCAD format.

If you require any additional information, please contact our office at (239) 418-0691.

Sincerely,

DeLisi Fitzgerald, Inc.


John T. Wojdak, P.E.
Vice President

Project No.: 21363
cc: Tom Hardy, Samie Abdulhafiz

Company Name: Del Lago Ventures INC.

Vendor Name: CHARLOTTE COUNTY

Check Number 12279

Vendor No: 192169

Date 02/19/2016

Invoice		Description	Gross	Deductions	Amount Paid
Number	Date				
1175019.001	02/10/16		\$1,493.00	\$0.00	\$1,493.00
TOTALS:			\$1,493.00	\$0.00	\$1,493.00

Detach at Perforation Before Depositing. Check the FACE of THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER, A VOID PANTOGRAPH AND MICROPRINTING. THIS DOCUMENT HAS A TRUE WATERMARK - HOLD TO LIGHT TO VIEW.

Del Lago Ventures INC.

P.O. BOX 105035
ATLANTA, GA 30348



Check Date
02/19/2016

Number
12279

64-975/612

PAY *One Thousand Four Hundred Ninety Three and 00/100 Dollars*

Amount
\$ *****1,493.00

Void After 60 Days

PAY
TO THE
ORDER
OF

CHARLOTTE COUNTY
BOARD OF COUNTY COMMISSIONERS
18500 MURDOCK CIRCLE
PORT CHARLOTTE FL 33948
(192169)

Allen Smoran
CEO

2025 FEB 19 10 56 AM 60 90003

From: [Ellis, Steven](#)
To: [Sam Foisie](#)
Subject: Minor subdivision
Date: Friday, January 08, 2016 3:40:23 PM
Attachments: [PreliminaryPlatApplication.pdf](#)
[FINAL PLAT APPLICATION.pdf](#)

Applications attached.

To qualify as a Minor Subdivision, you must be platting 5 lots or less, with no construction related to the plat. Application fees are reduced by 50%, resulting in a fee of \$1,445.00. The \$12-per-lot fee remains in effect at both stages. So, if your intention is still to plat 2 lots, your total fees would be \$1,493.00. Call me if you have further questions.

Thanks,

Steven A. Ellis, Planner II
Community Development Department
Zoning Division
18400 Murdock Circle
Port Charlotte, FL 33948
Voice: 941-764-4954
Fax: 941-743-1598
www.charlottecountyfl.gov



Charlotte County Government

"To exceed expectations in the delivery of public services"

www.charlottecountyfl.gov

OFFICIAL RECEIPT

Trans Number : **210729**

Date Issued : 05/11/2016

Application No. : MSD-16-00002

Project Name : N/A

Received From : Del Lago Ventures INC.

Applicant : RaceTrac Petroleum Inc

DBA : RaceTrac Petroleum, Inc.

Address : 3225 Cumberland Blvd
Atlanta, GA, 30339

PAYMENT INFO

Method of Payment Fee / Description	Ref Doc	Amount Paid	Comment
Check			
FNL_PLAT_LOT Per Lot Fee for Final Plat	12279	\$24.00	
PRE_PLAT_LOT Per Lot Fee for Preliminary Plat	12279	\$24.00	
MIN_SUB_BASE Minor Subdivision Base Fee	12279	\$1,445.00	
		\$1,493.00	Total Check

Total Receipt Amount: **\$1,493.00**

Change Due: \$0.00

Cashier ID : WELSHW

APPLICATION INFO

Application #	Invoice #	Invoice Amt	Job Address
MSD-16-00002	261133	\$1,493.00	

Total Amount : \$1,493.00

Community Development Department

Permitting | Licensing | Building Code | Plans Examiner | Inspections

18400 Murdock Circle | Port Charlotte, FL 33948

Phone: 941.743.1201 | Fax: 941.743.1213



December 9, 2015

John Wojdak P.E.
Delisi Fitzgerald Inc.
1605 Hendry St.
Fort Myers FL 33901

Re: DRC-P-15-27 Preliminary Site Plan
RaceTrac at Winchester – December 17, 2015 agenda

Dear John:

County staff has reviewed your Preliminary Site Plan for RaceTrac Convenience Store. This project consists of the construction of a 5,488 s.f. convenience store building and 16 fueling stations. This 4.96 +/- acre site is located at 3069 S. McCall Road on Parcel P-4 in Section 4, Township 41 South, Range 20 East in Englewood, Florida.

It is the decision of the Zoning Official to approve the Preliminary Site Plan for DRC-P-15-27. The following conditions must be met:

1. Stormwater Plan approval per Charlotte County Ordinance 89-37 is required for this project. This does not preclude Preliminary Site Plan Approval. The applicant may contact Mr. R. Phil Aiuto, P.E., for details regarding this permit. Phil Aiuto – Stormwater
2. The survey for the above mentioned site has the following deficiencies: the distance on the south boundary is illegible due to over plotting of text. The distance along the most Northeasterly course fails to match description for that line as shown in Official Records Book 3646 at Page 859. The last note under the surveyor's signature should be stricken as it is apparent a title commitment was provided the Old Republic National Title Insurance Co., a minor subdivision plat will be required for this project...contact Steve Ellis concerning submittals and procedures for plats. Steven Ford – County Surveyor
3. Any R1-1 stop signs coming out onto Winchester Blvd shall be 30" x 30" and shall have an R3-5R right only sign mounted underneath the stop sign. They shall conform to the latest MUTCD standards for height and setback distances. Jason Ouimet – Transportation Engineering / Traffic Signs & Markings
4. County Code prohibits any portion of a detention or retention pond being placed in an easement. Debra Alexander – Real Estate Services

Zoning

18500 Murdock Circle, B-105 | Port Charlotte, FL 33948-1068
Phone: 941.743.1964 | Fax: 941.743.1598

5. The applicant should be made aware that the Charlotte County Lighting District has underground fiber optic, traffic signal and roadway lighting infrastructure within the Florida Department of Transportation right-of-way. Also, the Charlotte County IT Department has buried fiber optic facilities in this immediate area. These facilities are within close proximity to proposed improvements within the FDOT right of way and are not reflected on the plan sheets. All future submittals shall represent the existing facilities where improvements are proposed within the FDOT right of way. Andy Amendola – Lighting District
6. It shall be the applicant's responsibility to protect this entire infrastructure. Any/all costs associated with alteration, relocations or repairs made necessary by this development shall be borne by the applicant. Splices in the fiber optic cable or roadway lighting conductors will not be allowed. In the event a cable is cut, damaged or requires relocation, the cable(s) shall be completely replaced from point to point. Point to point is defined as the closest original termination or splice point within the run. Andy Amendola – Lighting District
7. Future comments may be forthcoming with the submission of more detailed plans. Andy Amendola – Lighting District
8. Final site plan approval will not be granted until all concerns pertaining to the existing facilities within the FDOT right of way are addressed to the Lighting District and IT Departments satisfaction. Andy Amendola – Lighting District
9. The Engineer shall add the following note to the **site plan** in a prominent location. "A right-of-way use permit will be required for all work within the public right-of-way. Specific stipulations or conditions will be imposed at the time of permit application." Bill Searfoss – Construction Services
10. Off-site improvements to Winchester Boulevard, including roadway modifications, as well as sidewalk installation, must be included and approved under the DRC process. Separate approval through the application of a detail plan or right-of-way permit, although allowed in the past, is unacceptable as this process does not allow the opportunity for the involvement of all departments to properly review these improvements within the context of the project. Bill Searfoss – Construction Services
11. Applicant has failed to identify which entrance will contain the "temporary construction entrance". If the "temporary construction entrance" falls onto Winchester Boulevard, the portion within the County right-of-way must be paved. The drainage along Winchester Boulevard is curb and gutter. Gravel and/or debris would clog the system. Bill Searfoss – Construction Services
12. Sheet 5 – Erosion Control Note#4 located under the "temporary construction entrance" details references Collier County. Please correct. Bill Searfoss – Construction Services

13. According to Paragraph C, of the Code of Laws & Ordinance Charlotte County, Florida (AKA Municode), granting authority to the County Engineer under Part III (Land Development & Growth Management), Chapter 3-6 (Roads & Bridges), Article II (Construction; Improvements), Division I (Generally), Section 3-6-21 (County Specifications; permits), that: Given the magnitude of improvements that will be performed to construct proposed improvements/modifications to Winchester Boulevard, to provide access to the site, either the owner, developer and/or contractor will post a check in an amount sufficient to cover the costs of inspection services necessary to ensure work performed within the right-of-way is performed in accordance with and acceptable to County and FDOT standards. This check would be used to cover costs incurred by Construction Management. At the time of permit application the applicant shall provide a full set of construction plans, pertinent data indicating the length of contract time needed to perform the work, and the name of the contractor to perform the work. An estimated amount of inspection time will be calculated and an amount will be determined to cover those services. Should the length of time or hours needed to complete the inspection services exceed the estimate and posted amount, the permit holder by acceptance of the permit conditions, will be charged and agree to reimburse Charlotte County, any additional costs incurred. No work shall commence until this check is posted and no CO will be given until any outstanding monies due the County are settled. **This note will be placed on the construction plans in a conspicuous location.** *Bill Searfoss – Construction Services*
14. No stationing has been provided along Winchester to indicate where the two drives are proposed. It is evident by the existing median cut where the southernmost drive is proposed, but more clarification is needed for the northern one. *Bill Searfoss – Construction Services*
15. Applicant will provide cross-sections for both drives entering/exiting Winchester Boulevard. *Bill Searfoss – Construction Services*
16. Sidewalks replaced on Winchester, within the County right-of-way will be in accordance with current standards and procedures utilized by Charlotte County (These standards exceed FDOT). These standards will be added to the construction plans for this project. *Bill Searfoss – Construction Services*
17. No details provided for gravity/cantilever wall and handrail. Must be included in final submission. *Bill Searfoss – Construction Services*
18. The Engineer shall add the following note to the site plan in a prominent location. "All areas within the County right-of-way disturbed through the course of construction will be re-graded and sodded." *Bill Searfoss – Construction Services*
19. Future comments may be forthcoming with the submission of more detailed plans. *Bill Searfoss – Construction Services*

20. From County transportation perspective, no comments. Please work with FDOT on the signal timing and other reviews as the intersection is under FDOT jurisdiction.
21. The proposed RaceTrac gas station and convenience store is to be developed using central sewer and water provided by the Englewood Water District. The building and kitchen plans should be reviewed by the Department of Agriculture and Consumer Services (DACCS). The applicant should contact the Department of Environmental Protection (DEP) in Fort Myers for information on the installation and permitting of the underground fuel storage tanks. Our office can give preliminary site plan approval for the project.
22. Staff conducted a site inspection on 12/8/2015. At the time of the inspection, no listed species or signs thereof were observed on the subject site. The site has been cleared, filled and graded through past development activities. Prior to building permit approvals, the site will be re-inspected by staff. If any listed species (i.e. gopher tortoise burrows) are observed at that time, then any required Florida Fish and Wildlife Conservation Commission (FWCC) permits must be provided and required conditions met prior to land clearing activities.
23. The project must comply with Chapter 3-5, Article IV, Clearing, Filling and Soil Conservation requirements of the County Code. Best Use Management Plans must be documented on final site plans and utilized during all land clearing and development activities.
24. The following notation shall be clearly provided on all landscape plans submitted to Charlotte County for review: **"Alterations to landscaping and buffers require the prior written permission of Charlotte County."**
25. Surinam cherry is on the Florida Exotic Pest Plant Council List of Invasive Species as a Category I Invasive Species, as well as the County's Prohibited Plants list (Section 3-9-100 Exhibit 9). Surinam cherry may not be planted, and in fact must be removed if existing on site. Please revise.
26. Please identify all existing and proposed underground and overhead utility lines on and adjacent to the site.
27. Several plant counts are incorrect. There is an extra label for "34 sweet viburnum" that should be removed. There are 149 sweet viburnums shown, but the plant schedule says there are 118. The plant schedule says 159 Walters viburnum, but 150 are drawn on the plan. The plant schedule says 6 East Palatka Hollies, but the plan shows 8. There are 56 muhly grass drawn on the plan, but the schedule lists 54. Please revise and ensure quantities are correct for all plant materials, and adjust tree point calculations as appropriate.
28. Provide written documentation from all entities in control of the drainage and utility easements allowing the encroachment of the landscaping, prior to the approval of the landscape plan.

29. The tree survey needs some clarification. Are all trees on site to be removed? If possible, please show the measurements next to each tree. Please ensure the numbers are correct on the removal table.
30. Duplicate Section 3-9-100 (g) Maintenance on the plans.
31. Ensure there are no more than 10 parking spaces between landscape islands.
32. For Final Site Plan review, please provide written responses with explanations of the plan revisions, along with a dated revision note in the title block. Revisions should be clearly identified on the plans through clouding or similar identification.
33. All trees that are to be preserved or removed must be in accordance with Section 3-9-100: Buffers, Landscaping, and Tree Requirements, of the County Code. Tree Removal Authorization, Tree Preservation, and a Memorandum of Exemption of Fees permits are required prior to any land clearing activity or the issuance of building permits.
34. Zoning approves the building design presented for this review, however, the canopy design presented for this review does not meet the minimum requirements of Chapter 3-5; Article XXIV titled Commercial Design Standards. Supply revised canopy drawings.

Preliminary Site Plan approval is valid for 12 months. If you wish to request a 12 month extension, you must make this request in written form a minimum of 30 days prior to the expiration date. Final site plan approval will not be granted until all conditions are met. No permits to build will be issued until final approval. If you have any questions regarding the review please call the listed reviewer.

Sincerely,



Shaun Cullinan
Zoning Official

SC/dlc

cc: RaceTrac Petroleum Inc.
3225 Cumberland Blvd.
Atlanta GA 30339



May 3, 2016

John Wojdak P.E.
Delisi Fitzgerald Inc.
1605 Hendry St.
Fort Myers FL 33901

Re: DRC-F-15-27 Final Site Plan
RaceTrac at Winchester – April 28, 2016 agenda

Dear John:

County staff has reviewed your Final Site Plan for RaceTrac Convenience Store. This project consists of the construction of a 5,488 s.f. convenience store building and 16 fueling stations. This 4.96 +/- acre site is located at 3069 S. McCall Road on Parcel P-4 in Section 4, Township 41 South, Range 20 East in Englewood, Florida.

It is the decision of the Zoning Official to approve the Final Site Plan for DRC-F-15-27. The following conditions must be met:

1. The project is a proposed convenience store and gas station with 16 fueling stations. The project will be connected to the Englewood Water District central water and sewer. A grease trap is included in the site design plans. The building and kitchen plans should be reviewed by the Department of Agriculture and Consumer Services (DACCS). The applicant must contact Mr. Steve Johnson at the Lee County Pollution Control at 239-694-4593 for information on the permitting, inspection and review of the underground fuel storage tanks. (Dept of Health)
2. Handicap accessible parking space and access isle size and striping. Refer to 2012 Florida Accessibility Code Section 502. (David Sipper – BCS)
3. Staff conducted a site inspection on December 8, 2015. At the time of the inspection, no listed species or signs thereof were observed on the subject site. The site has been cleared, filled and graded through past development activities. Prior to building permit approvals, the site will be re-inspected by staff. If any listed species (i.e. gopher tortoise burrows) are observed at that time, then any required Florida Fish and Wildlife Conservation Commission (FWCC) permits must be provided and required conditions met, prior to land clearing activities.

COMMUNITY DEVELOPMENT
Zoning | Current Planning

18400 Murdock Circle | Port Charlotte, FL 33948-1068
Phone: 941.743.1964 | Fax: 941.743.1598

4. The project must comply with Chapter 3-5, Article IV, Clearing, Filling and Soil Conservation requirements of the County Code. Best Use Management Plans must be documented on final site plans and utilized during all land clearing and development activities.
5. All trees that are to be preserved or removed must be in accordance with Section 3-9-100: Buffers, Landscaping, and Tree Requirements, of the County Code. Tree Removal Authorization, Tree Preservation, and a Memorandum of Exemption of Fees permits are required prior to any land clearing activity or the issuance of building permits.
6. The landscape plan has been approved for this project. Please provide 4 additional signed and sealed copies.

Final Site Plan approval is valid for 2 years. No time extensions can be granted. Failure to apply for building permits prior to the expiration date of this approval will cause this Site Plan approval to expire.

Sincerely,



Shaun Cullinan
Zoning Official

SC/dlc

cc: RaceTrac Petroleum Inc.
3225 Cumberland Blvd.
Atlanta GA 30339

Charlotte County
2015 Reminder Notice of Ad Valorem Taxes and Non-Ad Valorem Assessments

RETURN WITH PAYMENT

Make checks payable to:
Charlotte County Tax Collector (U.S. funds only)
Mail Payments to:
18500 Murdock Circle
Port Charlotte FL 33948
Telephone: 941-743-1350

Parcel ID: 412004476005
Owner Information: MMS LLC
Property Address: 3069 S MCCALL RD

Pay only the amount due according to the date payment will be received. Please write the year and total amount enclosed below.

If Received By:	03/31/2016	04/30/2016	05/31/2016
Total Due	\$27,191.51	\$28,007.26	\$28,037.26

Year(s):

Total Enclosed: \$ 27,191.51 CL# 1069

PAID
Charlotte County Tax Collector
C CK Cash Date 2/27/16
[Signature]

Notice: Failure to pay the amounts due will result in Advertising and a certificate being issued against the property.

1 10003939411 2015 2



[Tax Collector Home](#) [Search](#) [Reports](#) [Shopping Cart](#)

Accuracy of the information provided on this web site is not guaranteed for legal purposes. Changes may occur daily and to get the most current information, please contact The Tax Collector's Office.

Real Estate Account At 3069 S MCCALL RD, ENGLEWOOD

Real Estate Account #412004476005 Parcel details Latest bill Full bill history

2014	2013	2012	2011	...	2000
PAID	PAID	PAID	PAID		PAID

Vickie L. Potts Real Estate 2014 Annual Bill

Print This Bill (PDF)

Charlotte County Tax Collector Notice of Ad Valorem Taxes and Non-ad Valorem Assessments

Account number	Alternate key	Escrow code	Millage code
<input type="checkbox"/> 412004476005	10003472241	—	002

PAID 2014-12-02 \$24,924.36
 Effective 2014-11-30
 Receipt #999-00033885

Get Bills by Email

SAVE TIME PAY ONLINE @ WWW.CCTAXCOL.COM

Owner
 MMS LLC
 3340 PLACIDA RD
 ENGLEWOOD, FL 34224

Situs address
 3069 S MCCALL RD
 ENGLEWOOD

Legal description
 ZZZ 044120 P6-1 04 41 20 P-6-1 4.278 AC.
 M/L TH W 396 FT OF TH E 726 FT OF ...
 Full legal available: Parcel details

Ad Valorem Taxes

Taxing authority	Millage	Assessed	Exemption	Taxable	Tax
GREATER CHARLOTTE LIGHTING	0.23870	1,025,611	0	1,025,611	\$244.81
LAW ENFORCEMENT	2.58550	1,025,611	0	1,025,611	\$2,651.72
STUMP PASS BEACH RENOURISHMENT	0.19780	1,025,611	0	1,025,611	\$202.87
WEST COAST INLAND NAVIGATION	0.03940	1,025,611	0	1,025,611	\$40.41
ENVIRONMENTALLY SENSITIVE LANDS	0.20000	1,025,611	0	1,025,611	\$205.12
SOUTHWEST FL WATER MANAGEMENT	0.36580	1,025,611	0	1,025,611	\$375.17
CHARLOTTE COUNTY SCHOOL BOARD	7.36500	1,060,103	0	1,060,103	\$7,807.66
Total		17,29290			\$17,989.83

Taxing authority	Milage	Assessed	Exemption	Taxable	Tax
CHARLOTTE COUNTY	6.30070	1,025,611	0	1,025,611	\$6,462.07
Total	17.29290				\$17,989.83

Non-Ad Valorem Assessments

Levyng authority	Rate	Amount
ENGLEWOOD AREA FIRE DISTRICT		\$7,526.40
WEST CHARLOTTE STORMWATER UTIL		\$446.65
Total		\$7,973.05

Combined taxes and assessments: \$25,962.88

If paid by:	Nov 30, 2014
Please pay:	\$0.00

PAID 2014-12-02 \$24,924.36
 Effective 2014-11-30
 Recelpt #999-00033885

 [Get Bills by Email](#)

Charlotte County Property Appraiser

Paul L. Polk, CFA

Real Property Record

Show 2015	Show 2014	Show 2013	Show 2012
Show 2011			

If a discrepancy is discovered in your property's records, or those of another, please bring it to our attention immediately.

General Parcel Information for 412004476005 for the 2014 Tax Roll

Parcel ID:	412004476005	Property Address:	3069 S MCCALL RD
Old Parcel ID Number:	00698050000002	Property Zip Code:	34224
Business Name:	ENGLEWOOD EVENT CENTER	Section-Township-Range:	04-41-20
Map Number:	2B04S	Zoning Code:	IL, IL
Current Use:	STORES, ONE STORY	Roads:	PAVED
Future Land Use (Comp. Plan):	LOW INTENSITY INDUSTRIAL	Taxing District:	002
Utilities: This data is no longer available. Please contact your utilities provider.		Market Area/Neighborhood/Subneighborhood:	02/70/00
Waterfront:	NO	SOH Base Year:	

Ownership Information

MMS LLC 3340 PLACIDA RD ENGLEWOOD, FL 34224

Sales Information

Date	Book/Page	Sales Codes	Qualification/ Disqualification Code	Selling Price
9/1/1986	885/497	IMPROVED		\$101,500
10/1/1987	944/388	IMPROVED		\$100
4/1/1997	1530/1840	IMPROVED		\$875,000
6/1/1999	1708/466	IMPROVED		\$725,000
8/1/2001	1932/1091	IMPROVED		\$680,000
10/1/2003	2337/731	IMPROVED	18	\$255,400
1/4/2006	2885/42	IMPROVED	00	\$1,900,000
4/6/2012	3646/1093	IMPROVED	03	\$830,000

Click on the book/page to view transaction document images on the Clerk of the Circuit Court's web site.

Click on Qualification/Disqualification Code for description of code. Codes are not available prior to 2003.

2014 Value Summary

	Land	Land Improvements	Building	Damage	Total
Cost Approach	\$416,020	\$66,890	\$874,694	\$0	\$1,357,604
Income Approach					\$1,378,593

Market Approach					\$1,247,180
Classified Value					N/A

2014 Certified Tax Roll Values, as of January 1, 2014

	Non-School	School
Certified Just Value (Just Value reflects 193.011 adjustment):	\$1,060,103	\$1,060,103
Certified Assessed Value:	\$1,025,611	\$1,060,103
Certified Exemptions:		
Certified Taxable Value:	\$1,025,611	\$1,060,103

Duplicate Notice of Proposed Property Taxes

Tax Information

Land Information

Line	Description	Land Use	Zoning	Unit Type	Unit Rate	Units	Depth	Table/Factor	Acreage
1	ZZZ 044120 P6-1	1100	IL	SQUARE FOOT	\$1.25	130112	0		0
2	ZZZ 044120 P6-1	1100	IL	LOT	\$12.00	1	0		0
3	ZZZ 044120 P4	1002	IL	SQUARE FOOT	\$1.25	202685	0		0
4	ZZZ 044120 P4	1000	IL	LOT	\$12.00	1	0		0

Land Value may be adjusted due to scrub jay habitat. To determine if this parcel is within scrub jay habitat click here.

Land Improvement Information

Code	Description	Size	Year Built	Year Condition
1001	Wood Deck (raised) (sf)	119	2006	2006
1012	Storm Water Drainage	30909	1990	1990
1012	Storm Water Drainage	1078	1990	1990
1012	Storm Water Drainage	29380	2005	2005
1012	Storm Water Drainage	1289	2005	2005
1081	Fence - Vinyl - 3' (lf)	20	2002	2002
1100	Cl. Fence 4' (lf)	97	2001	2001
1120	Cl. Fence 6' (lf)	29	2002	2002
1160	Cl. Fence 6' - 3 Wire Barb (lf)	78	2001	2001
1310	Paving Asphalt	30909	1990	1990
1310	Paving Asphalt	29380	2005	2005
1310	Paving Asphalt	6540	1987	1987
1315	Concrete Pavers On Sand	1032	1998	1998
1320	Paving Concrete (sf)	1078	1990	1990
1320	Paving Concrete (sf)	1289	2005	2005
1320	Paving Concrete (sf)	14150	1987	1987
1720	Light Poles - Good (number)	1	1998	1998
1730	Lights - Low Cost (number)	4	1998	1998
1730	Lights - Low Cost (number)	2	2001	2001

1770	Lights Vapor Ave Cost (number)	2	1998	1998
1770	Lights Vapor Ave Cost (number)	1	2006	2006
1791	Residential Cost Wallmounts (low Cost)	3	2002	2002
1791	Residential Cost Wallmounts (low Cost)	2	2006	2006

[View Building Sketch](#)

Building Information

Building Number	Description	Quality	Building Use	Year Built	Year Cond	Floors	Rooms	Bedrooms	Plumbing Fxtures	Living Area	A/C Area	Total Area
1	Stores, one story		1100	1990	1991	1	2	0	0	25530	14519	27000
2	Stores, one story		1100	2006	2006	1	0	0	0	8120	8120	8330

Building Component Information

Bld #	Code	Description	Category	Area	Percent	Year Built	Year Cond	Type
1	9211	Commercial Canopy (SF)	Porch/Deck	1050	100	1990	1991	Appendage Component
1	9211	Commercial Canopy (SF)	Porch/Deck	420	100	1990	1991	Appendage Component
1	9280	Commercial Storage (SF)	Porch/Deck	3030	100	1990	1991	Appendage Component
2	9211	Commercial Canopy (SF)	Porch/Deck	210	100	2006	2006	Appendage Component

Legal Description

Short Legal	Legal Description
ZZZ 044120 P6-1	04 41 20 P-6-1 4.278 AC. M/L TH W 396 FT OF TH E 726 FT OF TH N1/2 OF TH SE1/4 OF TH SE1/4 LESS TH NW 199 FT X 376.01 FT FURTHER LESS RD R/W 250/135 747/1143 799/62-72 E960/2030 1017/122 E1298/1523 EE1298/1526 E1458/1724 E1458/1728 1530/1840 CT1708/466 1932/1091 2337/731 3646/1093 ZZZ 044120 P4 04 41 20 P-4 4.653 AC. M/L COMM SE COR SEC 4 N 705 FT FOR POB W 330 FT N 626 FT M/L TO S/LY R/W SR 776 E 330 FT ALG SAID R/W S 626 FT M/L TO POB LESS 704 S.F. AS DESC IN OR3650/859 382/232 359/814 E397/314 PR73-72 490/93 565/1009 885/496-97 E905/945 944/388 953/114 E949/1945-46 2885/42 RES2885/39

Data Last Updated: 6/17/2015- Printed On: 6/17/2015.

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Del Lago Ventures, Inc.

3225 Cumberland Boulevard, Suite 100

Atlanta, Georgia 30339

(770) 431-7600

September 3, 2015

Via UPS Next Day Air Saver

MMS LLC

3340 Placida Road

Englewood, Florida 34224

Attn: Paul Collom

Re: Real Estate Purchase Contract with a Contract Date of June 4, 2015 ("**Contract**") by and between Del Lago Ventures, Inc., a Georgia corporation ("**Purchaser**"), and MMS, LLC, a Florida limited liability company ("**Seller**") for the purchase of certain real property located at the SWC of SR 776 and Winchester Blvd., Charlotte County, Englewood, Florida (the "**Property**")

Dear Mr. Collom:

In accordance with Paragraph 6C of the Contract, Purchaser has reviewed Old Republic National Title Insurance Company's (the "**Title Company**") Commitment File No: **CM151049** (the "**Commitment**"), a copy of which is enclosed herewith for your reference. Please be advised that the effective date of the Commitment is May 13, 2015 at 5:00 P.M., and Purchaser hereby reserves its right to object to any matters arising subsequent to that date pursuant to Paragraph 6C of the Contract. Unless otherwise noted herein, any capitalized terms used herein shall have the meanings set forth in the Contract.

Purchaser hereby objects to the following matters set forth in the Commitment, all of which shall constitute Objections pursuant to Paragraph 6C of the Contract:

1. Schedule A, Item 2(a). By copy hereof to the Title Company, Purchaser requests that the proposed insured be changed to RaceTrac Petroleum, Inc., a Georgia corporation ("**RaceTrac**"). Purchaser intends to assign the Contract to RaceTrac at Closing.
2. Schedule A, Item 4. By copy hereof to the Title Company requests that the land insured be changed to the legal description in the Survey (as defined herein).
3. Schedule B – Section I, Item A.1. Pursuant to Paragraph 4 of the Contract, Seller shall execute and deliver to the Title Company at Closing a General Warranty Deed, in a form reasonably acceptable to Purchaser and subject only to the Permitted Exceptions to satisfy this requirement.
4. Schedule B – Section I, Item A.2; Schedule B – Section II, Item 2g and 7. On or before Closing, Seller shall provide a Municipal Lien Letter from the proper governmental authorities to satisfy these requirements, and remove these exceptions.
5. Schedule B – Section I, Items A.3(1) and (2). Purchaser hereby requires Seller to provide such corporate authority documents to the Title Company to satisfy these requirements.
6. Schedule B – Section I, Item A.6 and Schedule B – Section II, Item 2c. By copy hereof to the Title Company, Purchaser hereby requests that upon receipt of the Survey (defined below) by the Title Company, that these requirements be deemed satisfied, and that these exceptions be deleted from the Commitment.

7. Schedule B – Section I, Item A.7. At or before Closing, Seller shall deliver to the Title Company a recordable release of Mortgage to satisfy this requirement.
8. Schedule B – Section I, Items B. 1, 2, 3 and 4, Schedule B – Section II, Items 1, 2a, 2b, 2d, 4, 5 and 6. Seller shall provide to the Title Company an Owner's Affidavit to satisfy these requirements and remove these exceptions.
9. Schedule B – Section II, Item 2f. By copy hereof to the Title Company, Purchaser requests that this blanket exception be deleted or limited to specific mineral, oil, and gas rights found in the chain of title.
10. Schedule B – Section II, Item 3. At Closing, Seller shall pay all taxes and assessments due in the year in which Closing takes place which shall be prorated between Seller and Purchaser pursuant to Paragraph 9 of the Contract.
11. Schedule B – Section II, Items 9, 11, 12, 13, 15, and 20. Purchaser objects to these instruments to the extent they affects Purchaser's intended use and development of the Property.
12. Schedule B – Section II, Item 14. By copy hereof to the Title Company, without limiting objection, Purchaser hereby requests the Title Company to delete this exception.
13. Schedule B – Section II, Items 10, 17 and 18. By copy hereof to the Title Company, Purchaser requests that these exceptions be deleted from the Title Commitment. The surveyor indicates that these exceptions do not affect the Property.

In accordance with Paragraph 6C of the Contract, Purchaser has reviewed that certain draft ALTA/ACSM Land Title Survey prepared by Denis J. O'Connell, Jr., Florida LS No. 5430, of Metron Surveying & Mapping, LLC, dated July 2, 2015 ("Survey"), and Purchaser objects to the following matters revealed on said Survey. Please note that pursuant to Paragraph 6C of the Contract, Purchaser hereby reserves its right to object to any matters appearing on an updated version of the Survey.

- a. The various catch basins located throughout the Property;
- b. The utility stub out locate on the southwestern portion of the Property;
- c. The lamp poles located on the northern part of the Property;
- d. The four bollards located on the western side of the Property; and
- e. The mail box located on the northwestern part of the Property.

Very truly yours,



Robin Allen
Real Estate Paralegal

Enclosures

cc: Wotitzky, Wotitzky & Ross, P.A. (via Certified Mail)
223 Taylor Street
Punta Gorda, Florida 33950
Attn: Edward L. Wotitzky

Philip West, Esq. (via e-mail)
Kurt Adams (via e-mail)
Drew Cunningham (via e-mail)
Ronda Alley (via UPS Next Day Air Saver)

TITLE INSURANCE COMMITMENT

BY

Old Republic National Title Insurance Company

SCHEDULE A

1. Commitment Date: **May 13, 2015, 5:00 pm**

2. Policy (or Policies) to be issued: Policy Amount
 - a. Owner's Policy **\$1,500,000.00**

Proposed Insured: **Del Lago Ventures, Inc., a Georgia Corporation**

 - b. Loan Policy

Proposed Insured:

3. **Fee Simple** interest in the land described in this Commitment is owned, at the Commitment Date, by

MMS, LLC, a Florida Limited Liability Company

4. The land referred to in the Commitment is described as follows:

SEE ATTACHED EXHIBIT "A"

Countersigned
Southern Title Holding Company, LLC

By 

Authorized Countersignature



EXHIBIT "A"

THE CONTRACT PROPERTY, AS OUTLINED BELOW AND MADE A PART HEREOF, BEING LOCATED IN CHARLOTTE COUNTY, AND BEING A PORTION OF PARCEL ID NO. 412004476005 AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT LOCATED AT THE INTERSECTION OF THE SOUTHERN RIGHT OF WAY BOUNDARY LINE OF SR 776 AND THE WESTERN RIGHT OF WAY BOUNDARY LINE OF WINCHESTER BLVD. SAID POINT BEING THE POINT OF COMMENCEMENT; PROCEED IN A WESTERLY DIRECTION ALONG THE SOUTHERN RIGHT OF WAY BOUNDARY LINE OF SR 776 A DISTANCE OF +/- 300 FEET TO A POINT; THENCE TURN LEFT LEAVING SAID RIGHT OF WAY BOUNDARY LINE AND PROCEED IN A SOUTHERLY DIRECTION A DISTANCE OF +/- 300 FEET TO A POINT; THENCE TURN LEFT AND PROCEED IN A EASTERLY DIRECTION A DISTANCE OF +/- 297 FEET TO A POINT LOCATED ALONG THE WESTERN RIGHT OF WAY BOUNDARY LINE OF WINCHESTER BLVD.; THENCE TURN LEFT AND PROCEED IN A NORTHERLY DIRECTION ALONG SAID WESTERN RIGHT OF WAY BOUNDARY LINE DIRECTION A DISTANCE OF +/- 300 FEET TO A POINT, SAID POINT BEING THE POINT OF COMMENCEMENT; ALL AS SUBJECT TO CURRENT AND ACCURATE SURVEY.

EASEMENT NO. 1

COMMENCING AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF SR 776 AND THE WESTERLY LINE OF WINCHESTER BLVD. AND PROCEED ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SR 776 300 FEET TO THE POINT OF BEGINNING; THENCE GO DUE WEST 30 FEET; THENCE DUE SOUTH 300 FEET; THENCE DUE EAST 30 FEET; THENCE DUE NORTH 300 FEET TO POINT OF BEGINNING.

EASEMENT NO. 2

COMMENCING AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF SR 776 AND THE WESTERLY LINE OF WINCHESTER BLVD. AND PROCEED DUE SOUTH 300 FEET TO THE POINT OF BEGINNING; THENCE GO DUE WEST 75 FEET; THENCE DUE SOUTH 330 FEET; THENCE DUE EAST 75 FEET; THENCE DUE NORTH 330 FEET TO THE POINT OF BEGINNING.

TITLE INSURANCE COMMITMENT

BY

Old Republic National Title Insurance Company

SCHEDULE B - SECTION I

REQUIREMENTS

A. Instruments necessary to create the estate or interest to be insured must be properly executed, delivered and duly filed for record.

1. Warranty Deed from MMS, LLC, a Florida limited liability company to the proposed insured.
2. Determination must be made that there are no unrecorded special assessment liens or unrecorded liens arising by virtue of ordinances, unrecorded agreements as to impact or other development fees, unpaid waste fees payable to the county or municipality, or unpaid service charges under Ch. 159, F.S., or county ordinance.
3. The agent must:
 - (1) Determine that MMS, LLC, a Florida limited liability company is in good standing in the state of its formation; and
 - (2) Establish that the manager(s) or member(s) executing the deed or mortgage to be insured are authorized by the Articles of Organization or Operating Agreement of the limited liability company to execute said instruments on behalf of the company.
4. Evidence satisfactory to the company must be furnished showing proof of the legal existence of Del Lago Ventures, Inc.
5. Obtain written authorization from the company to issue the commitment if the amount of the policy or policies to be issued exceeds your agency limits.
6. Satisfactory survey, in conformity with the minimum standards for land surveys made for title insurance purposes, certified to the company and/or its agents, through a current date, disclosing the nature and extent of any encroachments, overlaps, boundary line discrepancies, or other matters adversely affecting title to the property to be insured. Additional requirements and/or exceptions will be made for matters disclosed by the survey.
7. Satisfaction of the mortgage from MMS, LLC, a Florida limited liability company to Fifth Third Bank recorded October 9, 2014 and recorded in O.R. Book 3908, page 403.

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

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AMERICAN
LAND TITLE
ASSOCIATION



Note: Taxes for the year 2015 became a lien on the land January 1st although not due or payable until November 1st of said year. Taxes for the year 2014 in the amount of \$25,962.88 are paid. Tax ID Number 412004476005.
3/OUTSOURCE/LAS
5/13/2015

- B. Affidavit from the seller and borrower stating:
1. That there are no matters pending against them that could give rise to a lien that would attach to the subject property between the effective date of the Commitment and the recording of instruments giving rise to the interest to be insured.
 2. That the affiants have not executed and will not execute any instruments that would adversely affect the title to the subject property or the lien of any mortgage to be insured pursuant to the Commitment.
 3. Liability as to all unpaid bills and county and municipal assessments and fees is hereby limited to only those which have been filed in the Official Records of the County noted on Schedule A hereof as of date of policy which contain the name of the owner, legal description and lien amount.
 4. Any lien provided by Chapter 159 Florida Statutes in favor of any city, town, village or port authority for unpaid service charges for service by any water system, sewer system or gas system serving the land described herein.
- C. The closing funds pertaining to the transaction must be disbursed by or at the direction of the insuror or its agent.
- D. An updated title examination, commencing as of the effective date of this Commitment, which shall be performed at or shortly prior to the closing of the transaction, should not reveal any title defects or other adverse matters appearing should be disposed of prior to closing to the satisfaction of the insuror or its agent.

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ALTA Plain Language Commitment (6-17-06)
Schedule B - Section I

AMERICAN
LAND TITLE
ASSOCIATION



TITLE INSURANCE COMMITMENT

BY

Old Republic National Title Insurance Company

SCHEDULE B - SECTION II

EXCEPTIONS

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching subsequent to the Effective Date but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
2. Standard Exceptions:
 - a. Rights or claims of parties in possession not shown by the public records.
 - b. Easements, or claims or easements, not shown by the public records.
 - c. Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey and inspection of the premises.
 - d. Any lien, or right to a lien, for services, labor, or material hereto or hereafter furnished, imposed by law and not shown by the public records.
 - e. Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of lands insured here under, including submerged, filled and artificially exposed lands and lands accreted to such lands.
 - f. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records or listed in Schedule B. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
 - g. Liability as to all unpaid utility bills and county and municipal assessments and fees is hereby limited to only those which have been filed in the Official Records Book of the County noted on Schedule A hereof as of date of policy which contain name of the owner, legal description and lien amount.
3. Taxes for the year 2015, and subsequent years which are not yet due and payable.

Special Exceptions:

4. Rights or claims of parties in possession.
5. Construction, Mechanic's, Contractors' or Materialmen's lien claims, if any, where no notice thereof appears of record.
6. Easements or claims of easements not shown by the public records.

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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. Provisions of Resolutions recorded in O.R. Book 30, Pages 404 and 405, Public Records of Charlotte County, Florida.
9. Easement recorded in O.R. Book 392, Page 328, Public Records of Charlotte County, Florida.
10. Easement recorded in O.R. Book 397, Page 314, Public Records of Charlotte County, Florida.
11. Easement contained in instrument recorded in O.R. Book 905, Page 945, Public Records of Charlotte County, Florida.
12. Easement contained in Instrument recorded in O.R. Book 949, Page 1945, Public Records of Charlotte County, Florida.
13. Conveyance of Water Mains recorded in O.R. Book 949, Page 1947, Public Records of Charlotte County, Florida.
14. Provisions contained in purchase Agreement recorded in O.R. Book 949, Page 1964, Public Records of Charlotte County, Florida.
15. Provisions of Utility Agreement recorded in O.R. Book 982, Page 21, Public Records of Charlotte County, Florida.
16. Notice of Central Sanitary Sewer Availability recorded in O.R. Book 1321, Page 591, Public Records of Charlotte County, Florida.
17. Subject to encroachment of the lift station on the southwest section of the property, as more particularly indicated on the survey from Lemonde & Company Surveying, LLC, certified on November 3, 2005.
18. Subject to encroachment of brick pavers on the northwest section of the property, as more particularly indicated on the survey from Lemonde & Company Surveying, LLC, certified on November 3, 2005.
19. Subject to encroachment of the paved drive on the northwest corner of the property, as more particularly indicated on the survey from Lemonde & Company Surveying, LLC, certified on November 3, 2005.
20. Subject to Agreement between Pelican Pete's Playland and West Charlotte Utilities, Inc., dated October 21, 1987, recorded at O.R. Book 953, Page 114 through 120, of the Public Records of Charlotte County, Florida.

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AMERICAN
LAND TITLE
ASSOCIATION





Matthew Steele, Esq.
Vice President & Legal Counsel

May 6, 2016

Via Electronic Mail

Richard Solano at richard.solano@live.com

Mike Thompson at mtmind@montroseautogroup.com

Paul Collom at pcollom2@comcast.net

Re: Consent to Plat

Fifth Third Bank ("Fifth Third") has been asked to execute a Mortgagee's Consent to Plat (the "Consent") executed by in relation to the subdivision of the property commonly known as 3069 S. McCall Road, Englewood, Florida 34223 (the "Mortgaged Property").

Please be advised that Fifth Third is willing to deliver the Consent to you solely in order to allow MMS, LLC ("MMS") and RaceTrac to seek preliminary approval from the appropriate government authorities for the subdivision plat (the "Plat"). Neither you nor RaceTrac is authorized to record the Consent or the Plat until such time as any and all obligations due and owing to Fifth Third relating to the credit facilities secured by the Mortgaged Property (collectively, the "Obligations") are paid in full. Such Obligations include, without limitation, the outstanding principal interest, fees, and costs associated with loan #0090628540800018.

By countersigning this letter, MMS agrees: (i) that it will not subdivide the Mortgaged Property or record the Consent or Plat until the Obligations are paid in full; and (ii) to indemnify, defend, and hold harmless Fifth Third Bank, its directors, officers, affiliates, subsidiaries, employees, and agents from any and all damages, losses, claims, legal fees (including reasonable attorneys' fees), court costs, judgments and other liabilities and expenses of any kind that may result from the Consent, Plat, any dedications or reservations set forth on the Plat, or the subdivision of the Mortgaged Property.

Please feel free to contact me if you have any questions.

Sincerely,

Acknowledged & Agreed:

MMS, LLC

Matthew C. Steele

By:

Handwritten signature of Paul Collom in black ink.

Print:

PAUL COLLOM

Title:

MANAGING MEMBER

THIS INSTRUMENT PREPARED BY
AND SHOULD BE RETURNED TO:
Fifth Third Bank
Attn: Michael G. Forson, VP
50 Central Ave., 8th Floor
Sarasota, FL 34236

CONSENT AND JOINDER OF MORTGAGEE
TO PLAT OF _____

The under signed being a mortgagee having a record interest in the lands subdivided under and subjected to the plat of _____ which is recorded at Plat Book _____, Page _____, Public Records of Charlotte County, Florida (the "Plat") which record interest arises under the following mortgage:

Open-End Mortgage and Security Agreement held by Fifth Third Bank, an Ohio banking corporation, recorded in Official Records Book 3908, Page 403, Public Records of Charlotte County, Florida

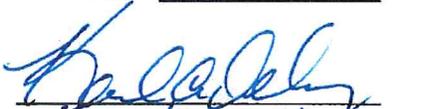
does hereby join in and ratify the Plat and all dedications and reservations contained thereon. This instrument is executed pursuant to Section 177.081(2) Florida Statutes which expressly authorizes the undersigned's joinder, consent and ratification of said plat by this separate instrument.

Signed, sealed and delivered
in the presence of:

FIFTH THIRD BANK


Print Name: MARK SABUDA

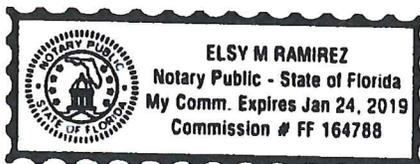
By: 
Name: Michael G. Forson
Title: Vice President


Print Name: KATHLEEN A. OELBERG

STATE OF Florida
COUNTY OF Sarasota

The foregoing instrument was acknowledged before me this 6th day of May, 2016, by Michael G. Forson as Vice President of Fifth Third Bank, on behalf of said banking corporation. He/She is personally known to me or produced personally known as identification.


Signatory of Notary Public
Print Notary Name: Ely M Ramirez



THIS INSTRUMENT PREPARED BY: DENIS J. O'CONNELL, JR.

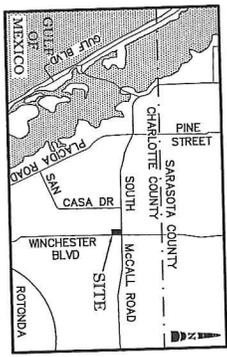


10970 S. CLEVELAND AVENUE
FORT MYERS, FLORIDA 33907
PHONE: (239) 275-6575
FAX: (239) 275-6457

RACETRAC

OF A PARCEL LYING IN SECTION 4,
TOWNSHIP 41 SOUTH, RANGE 20 EAST,
CHARLOTTE COUNTY, FLORIDA

LOCATION MAP
(NOT TO SCALE)



CERTIFICATE OF OWNERSHIP AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT MMS, LLC A LIMITED LIABILITY CORPORATION, HEREBY CERTIFY THAT THEY ARE THE FOLLOWING OWNERS OF THE LAND HEREIN DESCRIBED, AND DO HEREBY DEDICATE THE FOLLOWING:

- 1) TO THE PROPERTY OWNERS ASSOCIATION A FLORIDA NOT FOR PROFIT, TOGETHER WITH RESPONSIBILITY FOR MAINTENANCE;
- ALL UTILITY EASEMENTS (U.E.) DRAINAGE EASEMENTS (D.E.) AND INGRESS AND EGRESS EASEMENTS (I.E.E.) AS DESCRIBED OR SHOWN HEREON;
- 2) DEDICATES TO LICENSED PUBLIC AND PRIVATE UTILITIES:

ALL PUBLIC UTILITY EASEMENTS (P.U.E.) AS SET FORTH HEREIN, FOR THE PURPOSES OF INSTALLATION, MAINTENANCE AND OPERATION OF THEIR FACILITIES, INCLUDING, BUT NOT LIMITED TO, WATER, SEWER, CABLE TELEVISION SERVICES, TELEPHONE, GAS, ELECTRIC OR OTHER UTILITIES. THE PURPOSES OF THIS DEDICATION ARE TO PROVIDE FOR THE CONVENIENCE OF THE PUBLIC IN THE EVENT A CABLE OR TELEVISION COMPANY WILL BE SOLELY RESPONSIBLE FOR THE DAMAGES.

3) DEDICATES TO CHARLOTTE COUNTY AND ALL PROVIDERS OF EMERGENCY SERVICES:
A NON-EXCLUSIVE ACCESS EASEMENT (A.E.) ACROSS, OVER AND UNDER ALL LOTS FOR THE PURPOSES OF INGRESS AND EGRESS.

OWNERS:

WITNESS: _____ OWNER MMS, LLC

PRINT NAME: _____ PRINTED NAME

WITNESS: _____

PRINT NAME: _____

ACKNOWLEDGMENT:

STATE OF _____
COUNTY OF _____
THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2016, BY _____ OWNER OF MMS, LLC, HE IS PERSONALLY KNOWN TO ME OR WHO HAS PRODUCED AS IDENTIFICATION.

NOTARY PUBLIC _____ (SEAL)
PRINT NAME: _____
MY COMMISSION EXPIRES: _____

NOTICE:

THIS PLAT AS RECORDED IN GRAPHIC FORM, IS THE ORIGINAL DIRECTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPERSEDED IN AUTHORITY BY ANY ADDITIONAL GRAPHIC OR DIGITAL FORM OF RECORD OR RECORD IN THIS PLAT THAT MAY BE MADE IN THE PUBLIC RECORDS OF THIS COUNTY.

LEGAL DESCRIPTION:

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 41 SOUTH, RANGE 20 EAST, CHARLOTTE COUNTY, FLORIDA LYING SOUTH OF STATE ROAD 776, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTHEAST CORNER OF SECTION 4, TOWNSHIP 41 SOUTH, RANGE 20 EAST, CHARLOTTE COUNTY, FLORIDA, THENCE N 0°35'35" E, ALONG THE 62.5 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 4, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
S 17°41'00" E, THENCE N 89°55'09" W, FOR A DISTANCE OF 333.23 FEET; THENCE N 01°09'29" E, FOR A DISTANCE OF 672.93 FEET TO A POINT ON THE SOUTH ROAD AS SHOWN ON THE MAP OF TRANSPORTATION RIGHT OF WAY MAP SECTION 01090-2523 LATEST REVISION DATED 5-14-1998, THENCE S 89°28'32" E, ALONG SAID SOUTH ROAD FOR A DISTANCE OF 282.23 FEET; OFFICIAL RECORDS OF CHARLOTTE COUNTY, FLORIDA, PAGE 889, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, THENCE S 44°17'17" E, ALONG SAID TAKING, FOR A DISTANCE OF 52.97 FEET TO THE WEST RIGHT OF WAY OF WINCHESTER BLVD, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
VARIABLE AND RIGHT OF WAY, FOR A DISTANCE OF 623.56 FEET TO THE POINT OF BEGINNING.
PARCEL CONTAINS 219,038 SQUARE FEET, OR 5,005 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE UNDER SURVEY PERFORMED BY ME OR UNDER MY SUPERVISION, AS PROVIDED IN CHAPTER 177.044, FLORIDA STATUTES AND THAT THIS PLAT COMPLETES WITH ALL THE REQUIRED FLORIDA STATUTES AND THE APPLICABLE CHARLOTTE COUNTY, FLORIDA REGULATIONS. IT IS FURTHER CERTIFIED THAT ALL PERMANENT REFERENCE MONUMENTS WILL BE SET PRIOR TO RECORDING OF THIS PLAT.

DENIS J. O'CONNELL, JR., P.S.M.

FLORIDA CERTIFICATE NO. 5450

DATE: _____

PLAT BOOK _____ PAGE _____

CERTIFICATE OF APPROVAL OF COUNTY ATTORNEY
I, THE UNDERSIGNED, HEREBY CERTIFY THAT I HAVE EXAMINED AND APPROVED THIS PLAT FOR RECORDING THIS _____ DAY OF _____, 2016 A.D.

CHARLOTTE COUNTY ATTORNEY _____ PRINTED NAME _____

CERTIFICATE OF APPROVAL OF COUNTY SURVEYOR
I, THE UNDERSIGNED, PROFESSIONAL SURVEYOR AND MAPPER, HAVE REVIEWED THIS PLAT AND HEREBY CERTIFY THIS PLAT COMPLETES WITH 177, PART 1, FLORIDA STATUTES, THIS DAY OF _____, 2016 A.D.

CHARLOTTE COUNTY SURVEYOR & MAPPER _____ PRINTED NAME & FLORIDA REGISTRATION NO. _____

CERTIFICATE OF APPROVAL OF COUNTY ENGINEER
I, THE UNDERSIGNED, COUNTY ENGINEER FOR CHARLOTTE COUNTY, FLORIDA, HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH ALL THE REQUIREMENTS IN ACCORDANCE WITH CHARLOTTE COUNTY REGULATIONS THAT HAVE BEEN PROVIDED. SAID AGREEMENT INCLUDES CONFORMANCE TO ALL CONSTRUCTION, PAVING AND DRAINAGE PLANS ON FILE IN THE PUBLIC WORK DEPARTMENT AND WITH THE ACTION OF PLANNING AND ZONING BOARD GIVING APPROVAL OF THE PLAT FOR RECORD THIS _____ DAY OF _____, 2016 A.D.

CHARLOTTE COUNTY ENGINEER _____ PRINTED NAME _____

CERTIFICATE OF APPROVAL OF COUNTY COMMISSION
STATE OF FLORIDA COUNTY OF CHARLOTTE
IT IS HEREBY CERTIFIED THAT THIS PLAT HAS BEEN OFFICIALLY APPROVED FOR THE RECORD IN THE PUBLIC RECORD BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CHARLOTTE, FLORIDA THIS _____ DAY OF _____, 2016 A.D.

CHARMAN, BOARD OF COMMISSIONERS _____ PRINTED NAME _____

CERTIFICATE OF APPROVAL OF PLANNING AND ZONING
STATE OF FLORIDA COUNTY OF CHARLOTTE

I, GERRY, THAT THIS PLAT MEETS THE REQUIREMENTS OF THE APPLICABLE CHARLOTTE COUNTY SUBDIVISION REGULATIONS AS MODIFIED AND CONFORMS WITH THE CHARLOTTE COUNTY COMPREHENSIVE LAND USE PLAN THIS _____ DAY OF _____, 2016 A.D.

CHARMAN, CHARLOTTE COUNTY PLANNING & ZONING BOARD _____ PRINTED NAME _____

CERTIFICATE OF APPROVAL OF COUNTY PUBLIC HEALTH UNIT
I HEREBY CERTIFY THAT THE PROPERTIES DESCRIBED IN THIS PLAT ARE TO BE DEVELOPED UTILIZING A CENTRAL SEWER SYSTEM AND PUBLIC ENVIRONMENTAL PROTECTION REGULATORY JURISDICTION OF THE FLORIDA 2016, A.D.

CHARLOTTE COUNTY PUBLIC HEALTH UNIT _____ PRINTED NAME _____

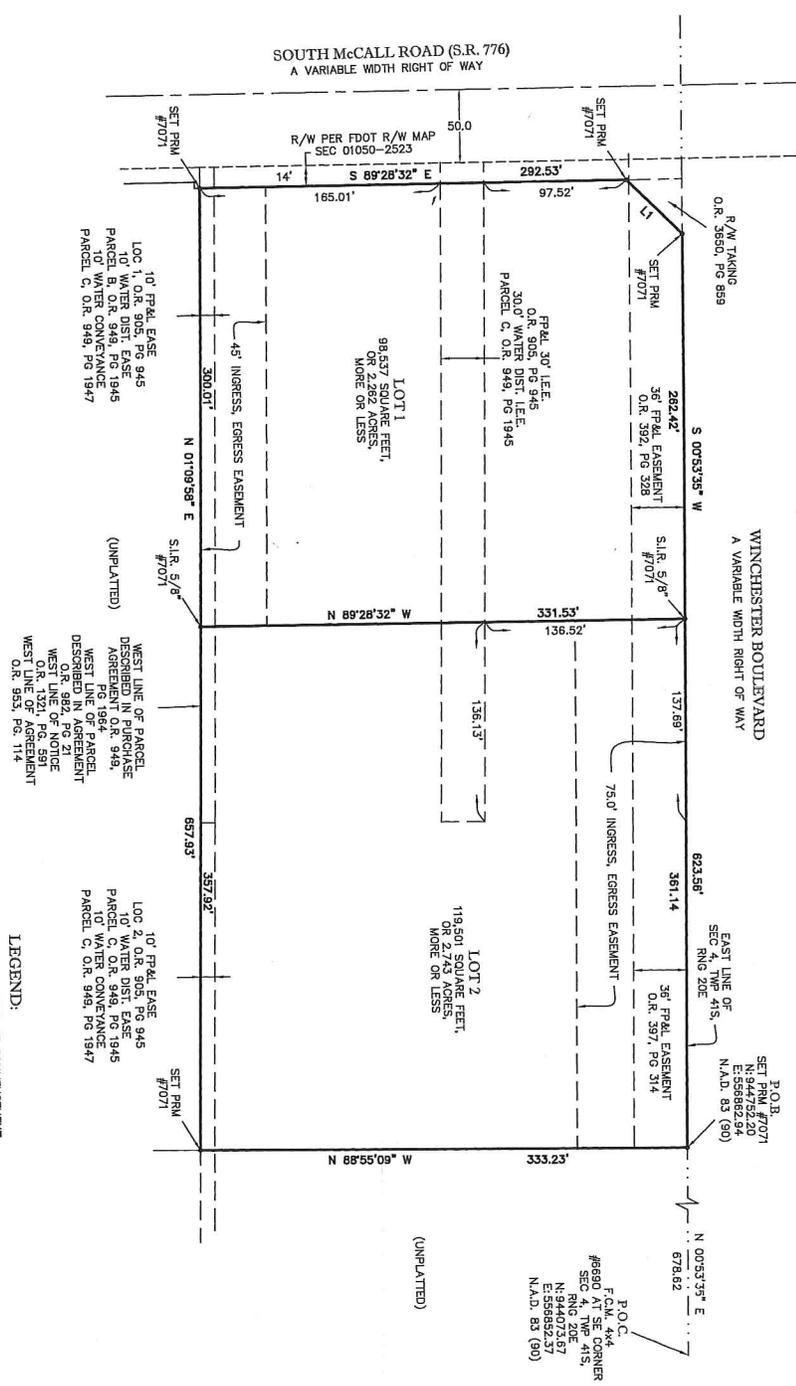
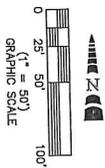
CERTIFICATE OF APPROVAL OF COUNTY CLERK
STATE OF FLORIDA COUNTY OF CHARLOTTE

I HEREBY CERTIFY THAT THIS PLAT HAS BEEN FOR RECORD THIS _____ DAY OF _____, 2016 A.D. AND DULY RECORDED IN PLAT BOOK _____ PAGE(S) _____ THROUGH _____ INCLUSIVE, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

BARBARA T. SCOTT
CLERK, CHARLOTTE COUNTY, FLORIDA

LINE	BEARING	DISTANCE
1	S 44°17'17" E	152.97'

RACETRAC
OF A PARCEL LYING IN
SECTION 4, TOWNSHIP 41 SOUTH, RANGE 20 EAST,
CHARLOTTE COUNTY, FLORIDA



THIS INSTRUMENT PREPARED BY: DENNIS J. O'CONNELL, JR.
METRON
SURVEYING & MAPPING, LLC
LAND SURVEYORS-PLANNERS
L.D.# 7071
10970 S. GLEBEAN AVENUE
FORT MYERS, FLORIDA 33907
PHONE: (239) 275-8575
FAX: (239) 275-8457

- SURVEYOR'S NOTES:**
1. THE STATE PLANE COORDINATES SHOWN HEREON ARE IN FEET, FLORIDA WEST ZONE, NORTH AMERICAN DATUM OF 1983 (1990 ADJUSTMENT) BASED UPON CONTINUOUSLY OPERATING FLORIDA PERMANENT REFERENCE NETWORK (FPRN) STATIONS MAINTAINED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION.
 2. BEARINGS ARE BASED ON THE EAST LINE OF SECTION 4, TOWNSHIP 41 SOUTH, RANGE 20 EAST AS BEARING N.0053°35'E.
 3. ALL CURVES SHOWN HEREON ARE CIRCULAR CURVES.
 4. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
 5. UNLESS OTHERWISE NOTED, ALL PERMANENT REFERENCE MONUMENTS (FPRM) ARE SET 5/8" IRON RODS WITH AN ALUMINUM DISK STAMPED "PRM LB 7071".
 6. RECORDING REFERENCES ARE TO THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

- LEGEND:**
- P.O.C. = POINT OF COMMENCEMENT
 - P.O.B. = POINT OF BEGINNING
 - SEC = SECTION
 - TWP = TOWNSHIP
 - RNG = RANGE
 - P.R.M. = PERMANENT REFERENCE MONUMENT
 - O.R. = OFFICIAL RECORDS BOOK
 - PG = PAGE
 - F.C.M. = FOUND CONCRETE MONUMENT
 - F.D.O.T. = FLORIDA DEPARTMENT OF TRANSPORTATION
 - F.M. = FURNISHED BY
 - S.V. = STATE ROAD
 - I.E. = INGRESS, EGRESS EASEMENT
 - F.P.A.L. = FLORIDA POWER AND LIGHT
 - N.A.D. 83 (90) = NORTH AMERICAN DATUM OF 1983 (90 ADJUSTMENT)

INTEROFFICE MEMORANDUM
Development Review Division

To: Steven Ellis

From: Gerry M. Collins
Design Technician - Addressing

Date: May 16, 2016

RE: Addressing Comments
July 11, 2016 P&Z / September 27, 2016 BCC

FP-16-05-03 – Race Trac at Winchester

When the plat is approved, each vacant lot will be assigned their own physical street address. I have no other comments on this petition.

Ellis, Steven

From: Duckworth, Richard <richard.duckworth@yourcharlotteschools.net>
Sent: Thursday, May 12, 2016 11:28 AM
To: Ellis, Steven
Subject: Re: FP-16-05-03, RaceTrac at Winchester

Good morning:

I don't see any impact on student transportation from the requested plat.

richard

From: Ellis, Steven <Steven.Ellis@charlottecountyfl.gov>
Sent: Thursday, May 12, 2016 10:52:49 AM
To: Matarese, Monte; Vattikuti, Venkat; Pederzoli, Gary; Quillen, Ken; Nocheck, Elizabeth; Derheimer, Suzanne; Gilbreath, Gina; Duckworth, Richard; MacDonald, John; Collins, Gerry; Stefan, Patricia; DUrso, Chris; Hunter, Judy; Anspach, Dawn
Cc: Cullinan, Shaun; Clim, Diane
Subject: FP-16-05-03, RaceTrac at Winchester

Please review the attachments.

Steven A. Ellis, Planner II
Community Development Department
Zoning Division
18400 Murdock Circle
Port Charlotte, FL 33948
Voice: 941-764-4954
Fax: 941-743-1598
www.charlottecountyfl.gov

Ellis, Steven

From: Aiuto, Phil
Sent: Wednesday, May 18, 2016 4:54 PM
To: Ellis, Steven
Subject: FP-16-05-03 - RaceTrac at Winchester

Mr. Steve,

The Project Engineer has provided a proposed shared use agreement that covers the drainage flow and maintenance of the drainage facilities between the two future properties. Therefore, *Stormwater* has no objections to the proposed preliminary and final plat for the subject project.

Should you have any questions or need additional information, please let me know.

Thanks,

R. Phil Aiuto, P.E.

Charlotte County
Stormwater Projects Engineer
Public Works - Engineering
Phone: 941-575-3650
Phil.aiuto@charlottecountyfl.gov

Ellis, Steven

From: Pederzolli, Gary
Sent: Wednesday, May 25, 2016 11:29 AM
To: Ellis, Steven
Subject: RE: FP-16-05-03, RaceTrac at Winchester

Steven,

I do not see any issues with RaceTrac. I checked their survey with what we have in GIS.

Gary M. Pederzolli
GIS Programmer
Information Technology Department
Budget & Administrative Services Department
Charlotte County Government
18500 Murdock Circle
Port Charlotte, FL 33948

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Fax: (941) 743-1957

Gary.Pederzolli@charlottecountyfl.gov

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"To Exceed Expectations in the Delivery of Public Services"

From: Ellis, Steven
Sent: Thursday, May 12, 2016 10:53 AM
To: Matarese, Monte <Monte.Matarese@charlottecountyfl.gov>; Vattikuti, Venkat <Venkat.Vattikuti@charlottecountyfl.gov>; Pederzolli, Gary <Gary.Pederzolli@charlottecountyfl.gov>; Quillen, Ken <Ken.Quillen@charlottecountyfl.gov>; Nocheck, Elizabeth <Elizabeth.Nocheck@charlottecountyfl.gov>; Derheimer, Suzanne <Suzanne.Derheimer@charlottecountyfl.gov>; Gilbreath, Gina <Gina.Gilbreath@charlottecountyfl.gov>; Duckworth, Richard (richard.duckworth@yourcharlotteschools.net) <richard.duckworth@yourcharlotteschools.net>; MacDonald, John <John.MacDonald@charlottecountyfl.gov>; Collins, Gerry <Gerry.Collins@charlottecountyfl.gov>; Stefan, Patricia <Patricia.Stefan@charlottecountyfl.gov>; DUrso, Chris <Chris.DUrso@charlottecountyfl.gov>; Hunter, Judy <Judy.Hunter@charlottecountyfl.gov>; Anspach, Dawn <Dawn.Anspach@charlottecountyfl.gov>
Cc: Cullinan, Shaun <Shaun.Cullinan@charlottecountyfl.gov>; Clim, Diane <Diane.Clim@charlottecountyfl.gov>
Subject: FP-16-05-03, RaceTrac at Winchester

Please review the attachments.

Steven A. Ellis, Planner II
Community Development Department
Zoning Division
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MEMORANDUM

Date: June 2, 2016
To: Steven Ellis, Planner II
From: Ken Quillen, AICP, Planner III
Subject: Review of proposed Preliminary and Final Plat; file number: **FP-16-05-03**

The Zoning Division has the following comments regarding the proposed preliminary and final subdivision plat called **RACETRAC** located at 3101 South McCall Road, Englewood, in Section 04, Township 41 South, Range 20 East.

Project Summary: This Preliminary and Final Plat proposes dividing a five acre parcel (parcel P4) into two lots. Lot One is the northerly 300 feet of this parcel, which consists of 2.262 acres and lot Two is the southerly 360 feet, which consists of 2.743 acres.

FLUM: This property lies within the Urban Service Area and has a Future Land Use Map (FLUM) designation of Low Intensity Industrial. The proposed subdivision complies with this designation.

Flood Zone: The majority of this property is located outside of any flood hazard zone; however, it borders the Flood Zone classification of **10AE** on the east, south and southwest portions of the property. This property is also located in Zone "B" of the Storm Surge Evacuation Zones.

Zoning: This property has an existing zoning classification of Industrial General (IG). The minimum lot size requirement in this zoning district is 12,000 square feet with a minimum lot width of 100 feet.

Finding: Staff finds that the proposed two-lot preliminary and final subdivision plat does comply with the development standards of the Land Development Regulations and therefore has no objection to the proposed Final Plat.

cc: Shaun Cullinan, Zoning Official
Zoning File, FP-16-05-03



MEMORANDUM

Date: June 15, 2016
To: Steven Ellis, Planner II
From: Susie Derheimer, Environmental Specialist
Subject: FP-16-05-03
RaceTrac at Winchester
PID 41200446005

The Current Planning and Zoning Environmental Review Section reviewed the above referenced petition for **environmental, landscaping and tree compliance** and offer the following comments:

The subject parcel was reviewed and approval was recommended by environmental staff through the Site Plan Review Committee review.

If this petition is approved, the following conditions will be reviewed for compliance prior the issuance of any county permits or land improvement activities.

1. Staff conducted a site inspection on 12/8/2015. At the time of the inspection no listed species or signs thereof were observed on the subject site. The site has been cleared, filled and graded through past development activities. Prior to building permit approvals the site will be re-inspected by staff. If any listed species (i.e. gopher tortoise burrows) are observed at that time then any required Florida Fish and Wildlife Conservation Commission (FWCC) permits must be provided and required conditions met prior to land clearing activities.
2. The project must comply with **Chapter 3-5, Article IV, Clearing, Filling and Soil Conservation** requirements of the County Code. Best Use Management Plans must be documented on final site plans and utilized during all land clearing and development activities.

The applicant is advised that the Charlotte County site review is cursory, additional wildlife or environmental reviews may be required by state and federal agencies.

Please contact me if you have any questions or need additional information (941) 743-1290.

SD

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COMMUNITY DEVELOPMENT DEPARTMENT

Planning and Zoning Division
18400 Murdock Circle | Port Charlotte, FL 33948
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