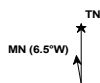


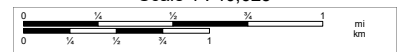
Data use subject to license.

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www.delorme.com

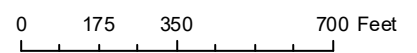


Scale 1 : 40,625



1" = 3,385.4 ft

Data Zoom 12-3

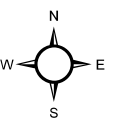


Section 12, Township 26 South, Range 27 East

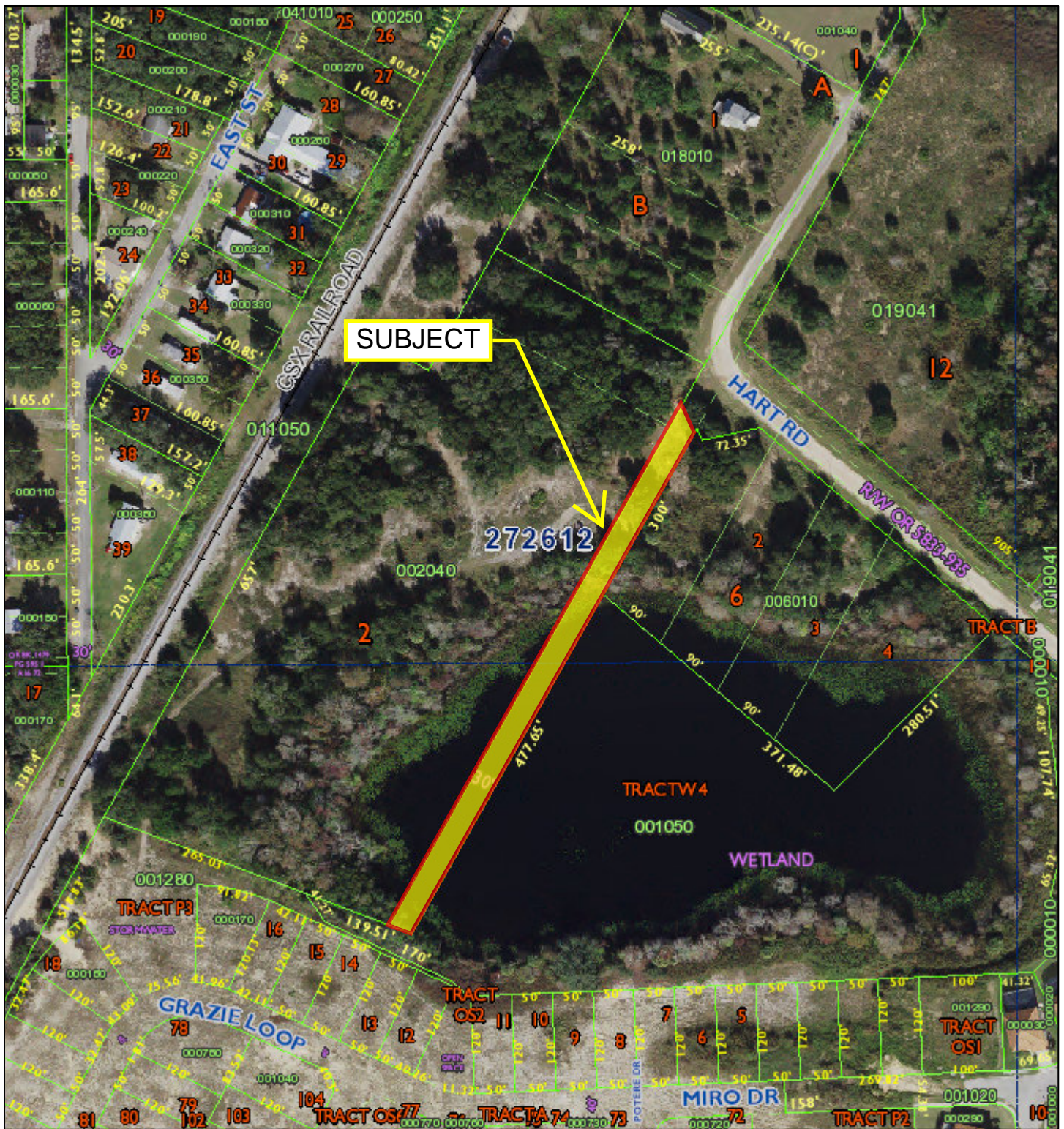
All maps are worksheets used for illustrative purposes only, they are not surveys. The Polk County Property Appraiser assumes no responsibility for errors in the information and does not guarantee the data is free from error or inaccuracy. The information is provided "as is".



Marsha M. Faux, CFA, ASA
Property Appraiser
Polk County, Florida



June 12, 2023

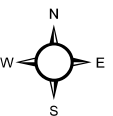


Section 12, Township 26 South, Range 27 East

All maps are worksheets used for illustrative purposes only, they are not surveys. The Polk County Property Appraiser assumes no responsibility for errors in the information and does not guarantee the data is free from error or inaccuracy. The information is provided "as is".



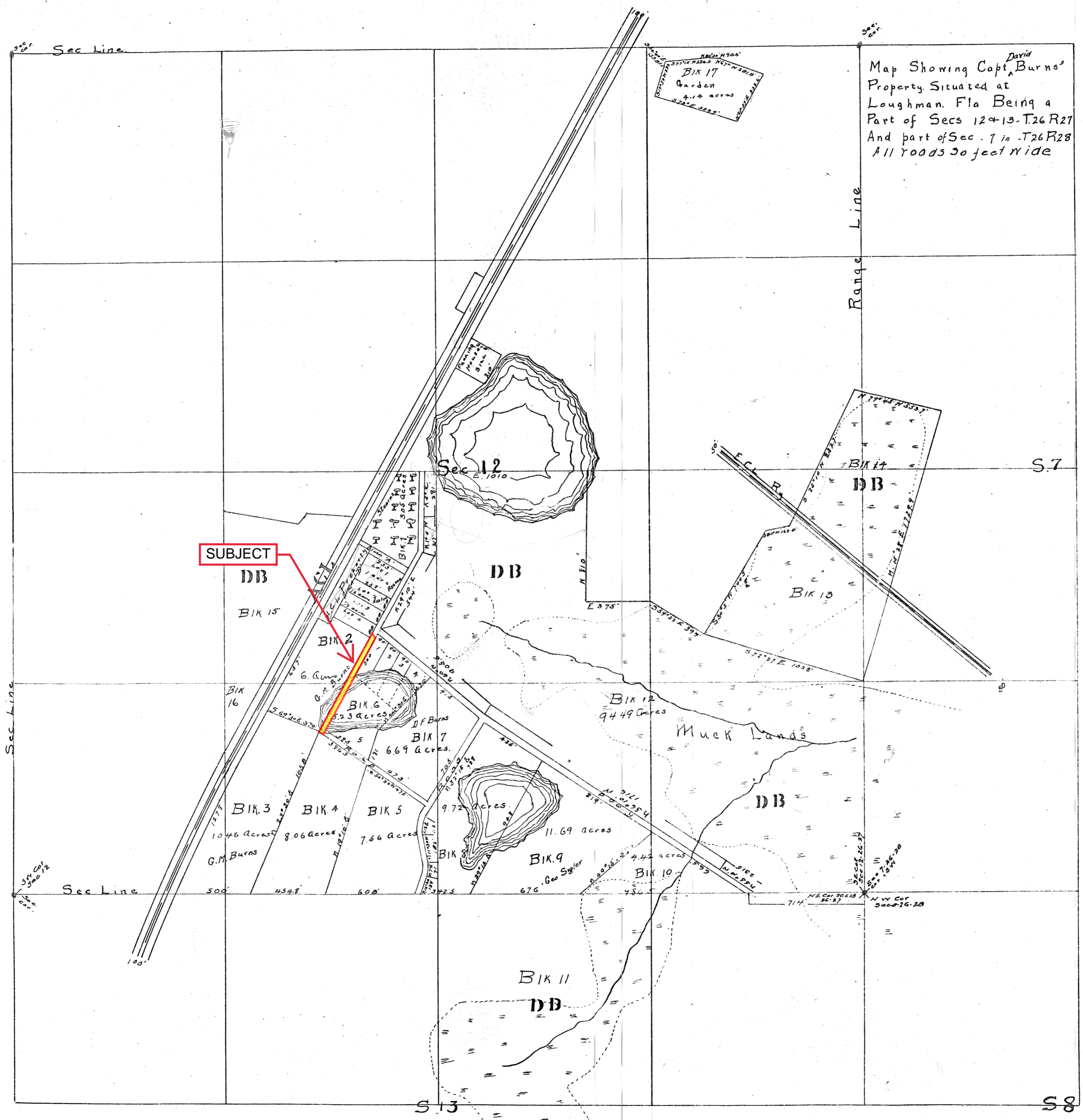
Marsha M. Faux, CFA, ASA
Property Appraiser
Polk County, Florida



June 12, 2023

4

34



Map Surveyed by J.A. Hancock - Polk Co Deputy Surveyor

Map Dec. 1896

Filed April 17, 1916
 J.A. Johnson Clerk
 Records Verified
 April 22, 1916



COUNTY OF POLK, FLORIDA
Application and Petition for Vacation and Abandonment
of Streets, Alleys, and Rights-of-Way

Return to:
 Real Estate Services
 P.O. Box 9005, Drawer F05-01
 Bartow, FL 33831
 or
 515 E. Boulevard St.,
 Bartow, FL 33830
 (863) 534-2580

FOR OFFICE USE ONLY

Case/File No.
 C/C Meeting:

2023-05-007

Date Received:
 Complete:

05/30/23

Please type or print clearly.

A. Property Owner(s): (Attach additional sheets if required)

Name Davenport Legacy, LLC		Email cwhitefield@landmarkcompanies.us
Address 1028 W Leland Ave		
City Chicago	State IL	Zip 60640
Phone 954.455.0336	Fax	Cellular
Name		Email
Address		
City	State	Zip
Phone	Fax	Cellular

B. Is there a pending "Contract for Sale"? Yes No
 If yes, please list all parties involved in the sales contract:

C. Applicant or Authorized Agent: (If different from above)

Name Jeffrey D. Hofius		Email jhofius@leadingedgels.com
Address 8802 Exchange Drive		
City Orlando	State FL	Zip 32809
Phone 407.351.6730	Fax	Cellular 407.402.5808

General Information

D. General Location of Property to be Vacated:

Property Location or Address West of Hwy 17, South of Hart Rd, North of Grazle Loop, East of railroad
Parcel Number(s) Right of Way lies West and adjacent to PID 27-26-12-702000-006010

Legal Description ⁽¹⁾ (Attach additional sheets as necessary)

The subject property is located within a platted or unrecorded subdivision.
 How was this right-of-way reserved? Plat Deed Other (describe): _____

⁽¹⁾ An exact legal description of the property to be vacated must be submitted. The County suggests the Applicant contact a Registered Land Surveyor to determine the exact legal description. The County reserves the right to require a survey of the subject property and/or a title opinion, if necessary. The Owner/Applicant is responsible for all costs associated therewith.

E. Are any other applications pending? Yes No (Check all that apply.)
 Variance Conditional Use Special Exception Other (describe): _____

F. Reason for this Request – Check all that apply: (Attach additional sheets as necessary)

Code Violation. (Attach copy of letter citing violation.)
 Need to clear an existing encroachment. (Describe encroachment below.)
 Request to vacate to allow for construction of:
 Pool Screened Pool/Deck Building Addition (Describe Below). Other (Describe below)

Additional Comments:

Owner has a Townhome project planned for the site and owns parcels on each side of the right of way
 Right of way is unimproved and dead ends into an existing lake
 Right of way is platted as part of Capt David Burns' Plat Book 4, Page 34
 There are no utilities located within right of way.

PETITION TO VACATE RIGHT-OF-WAY

TO: THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA

The undersigned Petitioner respectfully petitions the Board of County Commissioners of Polk County, Florida, and requests that the right-of-way described as follows:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

(NOTE: The term "Petitioner" shall refer to all Petitioners, whether singular or plural.)

be vacated, abandoned, discontinued, and closed, and that any rights of the County and the Public in and to the said right-of-way and any lands in connection therewith, be renounced and disclaimed by the Board of County Commissioners of Polk County, Florida. In support of this Petition, Petitioner respectfully affirms:

1. Petitioner is the owner and/or legal representative of the owner of all of the land abutting the above described right-of-way, which is the subject of this Petition; that said ownership has been fully divulged; and that the names of all parties to an existing contract for sale or any options are filed with this application.
2. Petitioner acknowledges and agrees that this vacation of right-of-way may require Petitioner to grant an easement for public utility purposes to Polk County or other legal entities over, under and across all or part of the property to be vacated and further agrees that if said easement is required, Petitioner shall convey said easement in compliance with this request prior to the actual Public Hearing. Further, Petitioner understands that if said easement is not granted, the Public Hearing may be continued or the Petition may be denied, at the discretion of the Board of County Commissioners.
3. The subject right-of-way is unopened right-of-way unmaintained right-of-way opened, maintained right-of-way (check all that apply). The closing of the right-of-way will not deprive the Petitioner the right of access to his/her/their property, nor will it deprive any other person(s) of access to his/her/their property.
4. The subject right-of-way is not a part of a state or federal highway and is not located within the corporate limits of any municipality.
5. Petitioner acknowledges that the act of vacating the subject right-of-way does not necessarily grant ownership rights in the property vacated to the abutting property owners and that decisions regarding the distribution of vacated property shall not be made by the Board of County Commissioners or any of its Departments, Divisions or employees. Upon vacation of the subject right-of-way, the Polk County Property Appraiser's Office will distribute the subject right-of-way in accordance with historical records and applicable Florida Statutes but further legal action may be required to fully clear title to the property. By granting the Petition to vacate right-of-way, the Board of County Commissioners is in no way certifying, declaring or guaranteeing legal title to the vacated right-of-way to the Petitioner or any other persons.

WHEREFORE, the undersigned Petitioner requests the Board of County Commissioners of Polk County, Florida, adopt a Resolution setting a time and place for a public hearing, and, after due notice thereof, adopt a Resolution vacating, abandoning, discontinuing and closing the right-of-way described, renouncing and disclaiming any rights of the County and the Public in and to the subject right-of-way and to any lands in connection therewith, in accordance with the provisions of Section 336.09 and Section 336.10 of the Florida Statutes.

DATED THIS 28 day of March, 2023.

Mike Kaplun - Manager - Davenport Legacy LLC
Petitioner Name
1028 W Leland Ave
Address
Chicago, IL 60640
City/State/Zip
Phone 954.455.0336

[Signature]
Petitioner's Signature

Petitioner Name

Address

City/State/Zip
Phone _____

Petitioner's Signature

Illinois
~~STATE OF FLORIDA~~
COUNTY OF COOK

The foregoing instrument was acknowledged before me this 28 day of March, 2023, by Mike Kaplun who is / are personally known to me or who has / have produced _____ as identification and who did / did not take an oath.



[Signature]
Notary Public
My Commission Expires: 11/26/2023
Commission No.: 904967

**SKETCH OF DESCRIPTION FOR
VACATION OF RIGHT OF WAY**

SECTION 12, TOWNSHIP 26 SOUTH, RANGE 27 EAST
POLK COUNTY, FLORIDA

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTION 12, TOWNSHIP 26 SOUTH, RANGE 27 EAST, POLK COUNTY, FLORIDA, BEING A 30-FOOT UNNAMED RIGHT OF WAY PER CAPTAIN DAVID BURNS SUBDIVISION, AS RECORDED IN PLAT BOOK 4, PAGE 34 OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF BLOCK 2 OF SAID CAPTAIN DAVID BURNS SUBDIVISION; THENCE ALONG THE SOUTH LINE OF SAID BLOCK 2, S69°14'13"E, A DISTANCE OF 374.21 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID 30-FOOT UNNAMED RIGHT OF WAY AND THE POINT OF BEGINNING;

THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, N29°24'30"E, A DISTANCE OF 739.52 FEET; THENCE DEPARTING SAID WEST RIGHT-OF-WAY LINE, S24°07'01"E, A DISTANCE OF 37.30 FEET TO THE EAST RIGHT-OF-WAY LINE OF SAID 30-FOOT UNNAMED RIGHT OF WAY; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, S29°24'30"W, A DISTANCE OF 712.78 FEET TO THE SOUTHEASTERLY EXTENSION OF BLOCK 2 OF SAID CAPTAIN DAVID BURNS SUBDIVISION; THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE, AND ALONG THE SOUTHEASTERLY EXTENSION OF SAID BLOCK 2, N69°14'13"W, A DISTANCE OF 30.34 FEET TO THE POINT OF BEGINNING.


CONTAINING 21,780 SQUARE FEET (0.500 ACRES) OF LAND, MORE OR LESS.

SURVEYOR'S NOTES

1. THE PURPOSE OF THIS SKETCH OF DESCRIPTION IS TO PROVIDE A LEGAL DESCRIPTION FOR VACATION OF AN UNOPENED, PLATTED RIGHT OF WAY.
2. THIS IS NOT A SURVEY.
3. THE BASIS OF BEARINGS FOR THIS SKETCH IS GRID NORTH, STATE PLANE COORDINATE SYSTEM, FLORIDA WEST, NAD 83, NGS ADJUSTMENT OF 2011. THE SOUTH LINE OF BLOCK 2 OF CAPTAIN DAVID BURNS SUBDIVISION AS RECORDED IN PLAT BOOK 4, PAGE 34, PUBLIC RECORDS OF POLK COUNTY, FLORIDA, BEARS S69°14'13"E.
4. THE PROPERTY DEPICTED ON THIS SKETCH IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
5. THIS LEGAL DESCRIPTION IS INCOMPLETE UNLESS ACCOMPANIED BY A SKETCH OF THE PROPERTY DESCRIBED HEREIN.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

03 MAY 2023; EXTENDED R/W VACATION EXTENTS

 <p>LEADING EDGE LAND SERVICES INCORPORATED 8802 EXCHANGE DRIVE ORLANDO, FLORIDA 32809 PHONE: (407) 351-6730 FAX: (407) 351-9691 WEB: www.leadingedgeis.com</p> <p>FLORIDA LICENSED BUSINESS NUMBER LB 6848</p>	<p>SKETCH OF DESCRIPTION FOR LEGACY AT DAVENPORT, LLC</p> <p>SURVEYOR'S CERTIFICATION</p> <p>I, THE UNDERSIGNED FLORIDA LICENSED SURVEYOR AND MAPPER, DO HEREBY CERTIFY THAT I HAVE COMPLETED THIS SKETCH IN ACCORDANCE WITH FLORIDA ADMINISTRATIVE RULE 15-17 STANDARDS OF PRACTICE FOR PROFESSIONAL SURVEYORS AND MAPPERS.</p> <p><i>[Signature]</i> DATE: 05/05/2023</p> <p>JEFFREY D. HOEJUS PROFESSIONAL SURVEYOR AND MAPPER NUMBER 6610</p>	<p>DATE OF DRAWING: 18 APR 2023</p> <p>MANAGER: JDH CADD: EAC</p> <p>PROJECT NUMBER: 1167-21001</p> <p>FIELD BOOK NUMBER: N/A</p> <p>LAST FIELD WORK: N/A</p> <p>CREW CHIEF(S): N/A</p> <p>COMPUTER FILE: 1167001SD_ROW1.DWG</p> <p>SCALE: 1" = 150' SHEET 1 OF 2</p>
	<p>FLORIDA LICENSED BUSINESS NUMBER LB 6848</p>	

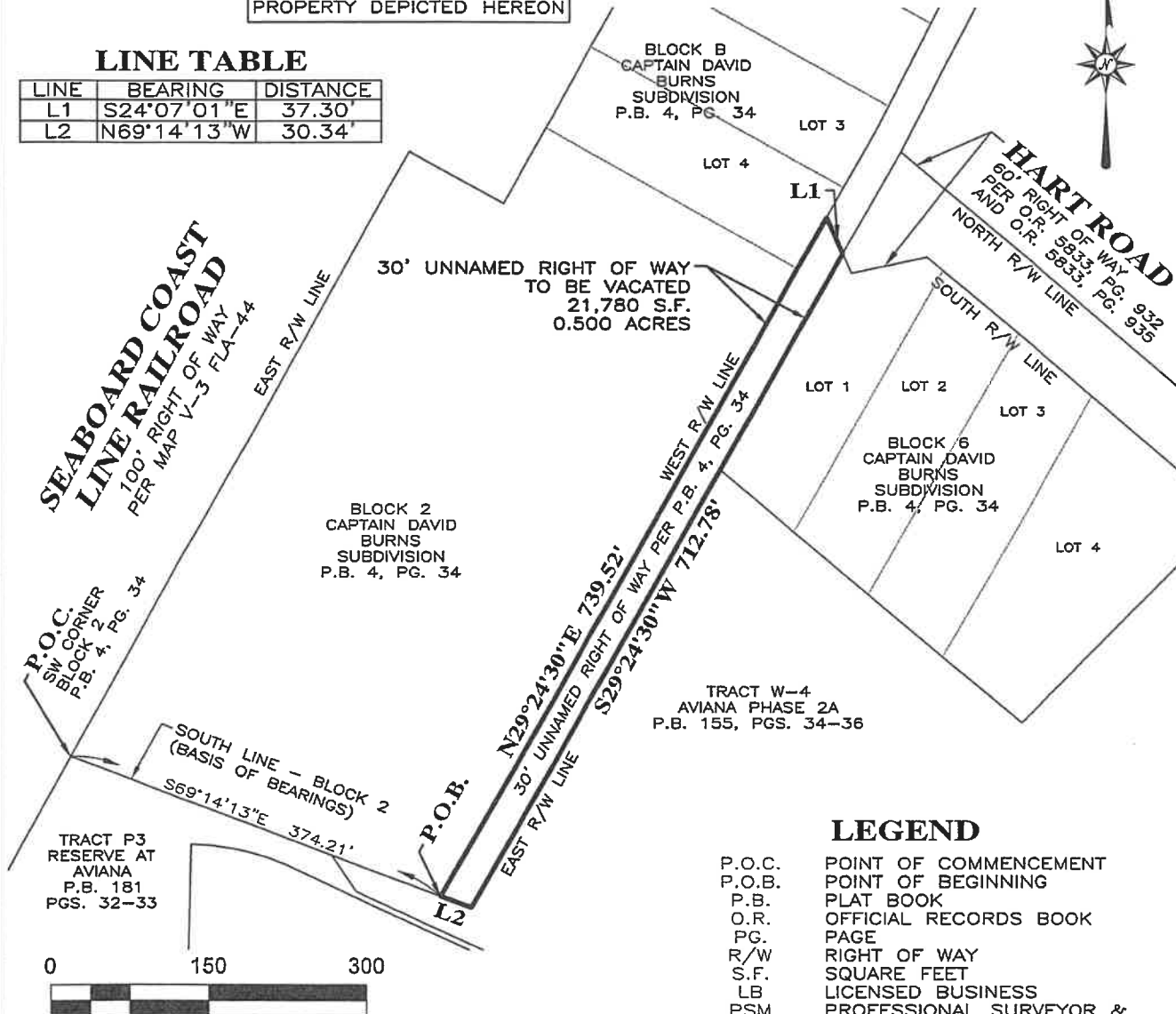
SKETCH OF DESCRIPTION FOR VACATION OF RIGHT OF WAY

SECTION 12, TOWNSHIP 26 SOUTH, RANGE 27 EAST
POLK COUNTY, FLORIDA

THIS SKETCH IS INCOMPLETE
UNLESS ACCOMPANIED BY A
LEGAL DESCRIPTION OF THE
PROPERTY DEPICTED HEREON

LINE TABLE

LINE	BEARING	DISTANCE
L1	S24°07'01"E	37.30'
L2	N69°14'13"W	30.34'



**SEABOARD COAST
LINE RAILROAD**
100' RIGHT OF WAY
PER MAP V-3 FLA-44

HART ROAD
60' RIGHT OF WAY
PER O.R. 5853, PG. 932
AND O.R. 5853, PG. 935

30' UNNAMED RIGHT OF WAY
TO BE VACATED
21,780 S.F.
0.500 ACRES

P.O.C.
SW CORNER
BLOCK 2
P.B. 4, PG. 34

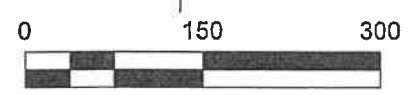
BLOCK 2
CAPTAIN DAVID
BURNS
SUBDIVISION
P.B. 4, PG. 34

BLOCK 6
CAPTAIN DAVID
BURNS
SUBDIVISION
P.B. 4, PG. 34

TRACT W-4
AVIANA PHASE 2A
P.B. 155, PGS. 34-36

SOUTH LINE - BLOCK 2
(BASIS OF BEARINGS)
S69°14'13"E 374.21'

TRACT P3
RESERVE AT
AVIANA
P.B. 181
PGS. 32-33



LEGEND

- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- P.B. PLAT BOOK
- O.R. OFFICIAL RECORDS BOOK
- PG. PAGE
- R/W RIGHT OF WAY
- S.F. SQUARE FEET
- LB LICENSED BUSINESS
- PSM PROFESSIONAL SURVEYOR & MAPPER

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER (SEE SHEET 1 OF 2)

03 MAY 2023: EXTENDED R/W VACATION EXTENTS

**LEADING EDGE
LAND SERVICES
INCORPORATED**
8802 EXCHANGE DRIVE
ORLANDO, FLORIDA 32809
PHONE: (407) 351-6730
FAX: (407) 351-9691
WEB: www.leadingedgels.com

FLORIDA LICENSED BUSINESS NUMBER LB 6846

SKETCH OF DESCRIPTION
FOR
LEGACY AT DAVENPORT, LLC

THIS IS NOT
A SURVEY

DATE OF DRAWING: 18 APR 2023	
MANAGER: JDH	CADD: EAC
PROJECT NUMBER: 1167-21001	
FIELD BOOK NUMBER: N/A	
LAST FIELD WORK: N/A	
CREW CHIEF(S): N/A	
COMPUTER FILE: 1167001SD_ROW1.DWG	
SCALE: 1" = 150'	SHEET 2 OF 2