

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, 41 Development Corporation in reference to The Vines (formerly The Vintage) has properly filed an application in the PUD district for an amendment to modify the requirement that a P.U.D. must be developed under unified control (606.B and 606.C.2., 1984 Zoning Regulations), to allow the developer to convey subparcels within the P.U.D. to parties other than ultimate project residents; and

WHEREAS, the subject property is located on the east side of U.S. 41 across from Pine Road, described more particularly as:

LEGAL DESCRIPTION: In Section 21, Township 46, Range 25, Lee County, Florida:

Lying West of RR

A parcel of land in Section 21, Township 46 South, Range 25 East, Lee County, Florida, more particularly described as follows:

Begin at the Northwest corner of Section 21, Township 46 South, Range 25 East;

THENCE S.88°44'20"E. along the North line of said Section 21 for 193.70 feet to an intersection with the Southwesterly right-of-way line of the Seaboard Coastline Railroad (formerly Fort Myers Southern Railroad) as described in Deed Book 68 at Page 78 of the Public Records of Lee County, Florida;

THENCE S.32°30'02"E. along said Southwesterly right-of-way line for 3,741.80 feet to an intersection with a diagonal line between the Northeast corner and the Southwest corner of said Section 21;

THENCE S.44°58'58"W. along said diagonal line for 1,831.08 feet;

THENCE N.36°53'45"W. for 1,447.66 feet;

THENCE N.00°40'45"W. along said West line for 1,166.99 feet to the Northwest corner of the Southwest Quarter (SW¼) of said Section 21;

THENCE N.00°42'46"W. along the West line of the Northwest Quarter (NW¼) of said Section 21 for 2,661.72 feet to the POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING:

Lot 1, Bldg. 1, Unit A-2; Lot 2, Bldg. 1, Unit B-2; Lot 5, Bldg. 2, Unit A-2; Lot 27, Bldg. 7, Unit C-1; Lot 28, Bldg. 7 Unit A-1; Lot 29, Bldg. 8, Unit A-2; Lot 30, Bldg. 8, Unit B-2; Lot 32, Bldg. 8, Unit A-1; and Lot 42, Bldg. 11, Unit C-2; LOST CREEK AT THE VINTAGE, a Replat of a portion of Tract "F" of Vintage Golf and Country Club, as recorded in Plat Book 37, Pages 41 through 50, lying in part of Section 21, Township 46 South, Range 25 East, according to the plat thereof as recorded in Plat Book 38, Pages 20 through 38, Public Records of Lee County, Florida.

TOGETHER WITH:

A parcel of land in Section 21, Township 46 South, Range 25 East, more particularly described as follows:

Lying East of RR

Commence at the Northwest corner of Section 21, Township 46 South, Range 25 East;

THENCE S.88°44'20"E. along the North line of the Northwest Quarter (NW¼) of said Section 21 for 350.07 feet to an intersection with the Northeasterly right-of-way line of the Seaboard Coastline Railroad (formerly Fort Myers Southern Railroad) as described in Deed Book 68 at Page 78 of the Public Records of Lee County, Florida, and the POINT OF BEGINNING of the herein described parcel of land;
THENCE S.32°30'03"E. along said Northeasterly right-of-way line for 3,626.04 feet to an intersection with a diagonal line connecting the Northeast corner and the Southwest corner of said Section 21;
THENCE N.44°58'58"E. along said diagonal line for 2,370.26 feet;
THENCE N.00°49'11"W. for 1,317.90 feet to an intersection with the North line of the Northeast Quarter (NE¼) of the aforementioned Section 21;
THENCE N.89°25'10"W. along said North line for 1,305.92 feet to the Northeast corner of the Northwest Quarter (NW¼) of said Section 21;
THENCE N.88°44'20"W. along the North line of said Northwest Quarter (NW¼) for 2,299.67 feet to the POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING:

Lots 1, 4, 6, 30, 39, 66, 68, 71, 72 and 73, VINTAGE GOLF AND COUNTRY CLUB, a Planned Unit Development lying in Sections 20 and 21, Township 46 South, Range 25 East, Lee County, Florida, according to the plat thereof recorded in Plat Book 37, Pages 41 through 50, Public Records of Lee County, Florida.

WHEREAS, the applicant has indicated the property's current STRAP number is 21-46-25-01-00000.000A; and

WHEREAS, proper authorization has been given to Beverly Myers Grady of Peper, Martin, Jensen, Maichel and Hetlage, by John F. Hanscom, Vice-President of 41 Development Corporation, the fee simple owner of the subject parcel, to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Hearing Examiner, with full consideration of all the evidence available; and

WHEREAS, the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on October 3, 1989, continued to October 6, 1989; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and

WHEREAS, in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE WITH CONDITIONS in the PUD district for an amendment to modify the requirement that a P.U.D. must be developed under unified control (606.B and 606.C.2., 1984 Zoning Regulations), to allow the developer to convey subparcels within the PUD to

parties other than ultimate project residents. This approval is subject to the following conditions:

1. That any transferee of real estate within this Planned Unit Development, except an end user, shall execute a Covenant of Unified Control in a form approved by the Lee County Attorney's Office as adequate for the purposes set out herein which shall be recorded in the Public Records within 60 days of the conveyance.
2. The applicant shall execute a Covenant of Unified Control in a form approved by the Lee County Attorney's Office as adequate and sufficient for the purposes set out herein and which shall conform to currently enforced standards and regulations and shall record this document within 60 days of the date this request is approved by the Lee County Board of County Commissioners or the date of the next sale by the Applicant of ANY real estate within the Planned Unit Development, whichever shall first occur following said approval.

The following findings of fact were made in conjunction with the requested amendment to an existing Planned Unit Development:

- A. That this request for amendment to an existing Planned Unit Development concerns real estate which is correctly described in the Legal Description.
- B. That this request for amendment does not relate to any issue which affects the use of the property or its compliance with the Lee County Zoning Ordinance or the Lee County Comprehensive Plan or any other Lee County Statute, Ordinance or Regulation which directly affects the end use of any portion of the subject property.
- C. That the relief requested by the Applicant is routinely granted under current policy and regulation and it is appropriate that the request be granted.
- D. That it is not appropriate for the the Lee County Board of County Commissioners to approve a specific form of the document entitled "Covenant of Unified Control" but is appropriate that said Board direct that the Applicant have the relief requested subject to the use of forms or documents which are approved as to form by the County Attorney's Office.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Ray Judah, and seconded by Commissioner John E. Manning and, upon being put to a vote, the result was as follows:

John E. Manning	AYE
Charles L. Bigelow, Jr.	ABSENT
Ray Judah	AYE
Bill Fussell	AYE
Donald D. Slisher	ABSENT

DULY PASSED AND ADOPTED this 11th day of December, A.D., 1989.

ATTEST:
CHARLIE GREEN, CLERK

BY: Charlie Green
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Charles L. Bigelow, Jr.
Chairman

Approved as to form by:

[Signature]
County Attorney's Office

FILED
JAN 24 90
CLERK CIRCUIT COURT
BY C. Green D.C.