

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

WHEREAS, Mohamed Jebai, in reference to Sabal Springs Golf & Racquet Club, Ltd., has properly filed an application for an amendment in the RPD district to modify the approval granted in Resolution Z-86-193 as follows:

- (a) Minimum setbacks between structures and the centerline of a private street of 1/2 (ROW) (or street easement) plus 20 feet (202.18.B.2.a.), to 15 feet for all corner lots excepting Unit 1 as recorded in Plat Book 41, Page 14-22 which shall include the following platted lots only;

Block 1, Lot 6; Block 4, Lot 9; Block 6, Lot 8; Block 7, Lots 1 and 2; Block 10, Lots 14 and 15; and Block 12, Lot 1; and

- (b) Requirement that discourages rear lot swales and ditches and does not permit them in easements (DSO Sec. D.4.c.), to permit rear lot swales in lieu of concrete gutters within all of the RPD portion of the property except Unit 1 as recorded in Plat Book 41, Pages 14-22; and

WHEREAS, the subject property is located at 17540 North Tamiami Trail, North Fort Myers, described more particularly as:

LEGAL DESCRIPTION: In Sections 22 and 23, Township 43 South, Range 24 East, Lee County, Florida:

SITE SPECIFIC FOR RPD PARCEL ONLY:

A parcel of land in Section 22, Township 43 South, Range 24 East, Lee County, Florida, more particularly described as follows:

Commence at the Northeast corner of Section 22, Township 43 South, Range 24 East;
THENCE S.00°12'19"E. along the East line of the Northeast One Quarter (NE¼) of said Section 22 for 2660.01 feet to the Southeast corner of the Northeast One Quarter (NE¼) of said Section 22;
THENCE N.89°51'07"W. along the South line of said Northeast One Quarter (NE¼) for 1779.96 feet to the POINT OF BEGINNING of the herein described parcel of land;
THENCE continue N.89°51'07"W. along said South line for 882.94 feet to the Southwest corner of said Northeast One Quarter (NE¼);
THENCE S.00°16'33"W. along the West line of the Southeast One Quarter (SE¼) of said Section 22 for 204.78 feet;
THENCE S.74°21'50"W. for 1102.54 feet;
THENCE N.15°38'10"W. for 180.00 feet;
THENCE N.74°21'50"E. for 140.00 feet;
THENCE N.15°38'10"W. for 360.00 feet;
THENCE S.74°21'50"W. for 195.69 feet to an intersection with the South line of the East One Half (E½) of the Northwest One Quarter (NW¼) of the aforementioned Section 22;
THENCE N.89°51'50"W. for 4.48 feet to an intersection with the Northeasterly line of that certain parcel of land described in Deed Book 186 at page 346 of the Public Records of Lee County, Florida;
THENCE N.15°38'10"W. along said Northeasterly line for 54.87 feet to the Northeasterly corner of said parcel of land;

THENCE N.74°21'50"W. along the Northwesterly line of said parcel of land and along the Southerly line of Lot 25 of Block 2 of Tamiami City according to the plat thereof as recorded in Plat Book 9 at pages 6 & 7 of the aforementioned Public Records for 201.47 feet to an intersection with the Easterly right-of-way line of S.R. 45 (U.S.41, Tamiami Trail);

THENCE N.15°38'10"W. along said Easterly right-of-way line for 375.37 feet to an intersection with the Northerly line of Lot 22 of said Block 2;

THENCE N.74°21'50"E. along said Northerly line for 246.61 feet to an intersection with the East line of said Block 2;

THENCE N.00°48'55"E. along the East line of said Block 2, also being the West line of the East One Half (E½) of the Northwest One Quarter (NW¼) of the aforementioned Section 22 for 2222.09 feet to an intersection with the North line of the Northwest One Quarter (NW¼) of the aforementioned Section 22;

THENCE N.89°49'30"E. along said North line for 1319.42 feet to the Northwest corner of the Northeast One Quarter (NE¼) of said Section 22;

THENCE S.89°57'02"E. along the North line of said Northeast One Quarter (NE¼) for 861.24 feet;

THENCE S.00°12'19"E. for 2656.95 feet to the POINT OF BEGINNING. Said parcel of land situate lying and being in Lee County, Florida. Containing 144.15 acres more or less.

A parcel of land in Sections 22 and 23, Township 43 South, Range 24 East, Lee County, Florida, more particularly described as follows:

BEGIN at the Northwest corner of Section 23, Township 43 South, Range 24 East;

THENCE S.00°12'19"E. along the West line of the Northwest One Quarter (NW¼) of said Section 23 for 260.00 feet to the Point of Curvature of a circular curve concave to the Northeast;

THENCE Southerly and Southeasterly along the arc of said curve having for its elements a radius of 1100.00 feet and a central angle of 12°26'49" for 238.97 feet to the Point of Tangency;

THENCE S.12°39'08"E. for 386.43 feet to the Point of Curvature of a circular curve concave to the Southwest;

THENCE Southeasterly and Southerly along the arc of said curve having for its elements a radius of 1100.00 and a central angle of 12°26'49" for 238.97 feet to the Point of Tangency;

THENCE S.00°12'19"E. for 1549.31 feet;

THENCE N.89°51'07"W. for 135.00 feet to the Southeast corner of the Northeast One Quarter (NE¼) of Section 22, Township 43 South, Range 24 East;

THENCE continue N.89°51'07"W. along the South line of said Northeast One Quarter (NE¼) for 1779.95 feet;

THENCE N.00°12'19"W. for 2656.95 feet to an intersection with the North line of the Northeast One Quarter (NE¼) of the aforementioned Section 22;

THENCE S.89°57'02"E. along the North line of said Northeast One Quarter (NE¼) for 1779.93 feet to the POINT OF BEGINNING. Said parcel situate lying and being in Lee County, Florida, containing 114.75 acres more or less.

WHEREAS, the applicant has indicated the property's current STRAP numbers are: 22-43-24-00-00001.0000,
22-43-24-01-00002.0220, and
23-43-24-00-00001.0000; and

WHEREAS, proper authorization has been given to Winesett, Avery, Dupree & Whigham, P.A., by Sabal Springs Golf & Racquet Club, Ltd., the 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 March 28, 1989 and April 17, 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 Request (a) Minimum setbacks between structures and the center-line of a private street of 1/2 (ROW) (or street easement) plus 15 feet for all corner lots except Unit 1 as recorded in Plat Book 41, Pages 14-22; exception shall include the following platted lots only:

Block 1, Lot 6; Block 4, Lot 9; Block 6, Lot 8; Block 7, Lots 1 and 2; Block 10, Lots 14 and 15; and Block 12, Lot 1; and

APPROVE WITH A CONDITION Request (b) Requirement that discourages rear lot swales and ditches and does not permit them in easements, to permit rear lot swales in lieu of concrete gutters within all of the RPD portion of the property except Unit 1 as recorded in Plat Book 41, Pages 14-22; UPON THE CONDITION that the approval be CONDITIONED upon the creation of an enforceable homeowner's association agreement and the imposition upon that association and/or its successors in interest of the obligation to perpetually maintain the grass swales to be located at the rear of the lots in the subdivision and is FURTHER CONDITIONED upon the approval by the Lee County Attorney of the documents required to create and impose this condition.

The following findings of fact were made in conjunction with this approval of the amendment in the Residential Planned Development district:

The amendment recommended for approval will enhance the achievement of the objective of the development and the general intent of the zoning regulations to preserve and promote the protection of the public health, safety, and welfare.

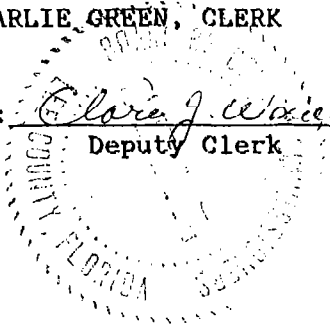
The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Donald D. Slisher, and seconded by Commissioner Bill Fussell and, upon being put to a vote, the result was as follows:

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

DULY PASSED AND ADOPTED this 22nd day of May, A.D., 1989.

ATTEST:
CHARLIE GREEN, CLERK

BY: Clara J. Wick
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: C. Bigelow
Chairman

Approved as to form by:

[Signature]
County Attorney's Office

FILED

JUN 1 1989

CLERK CIRCUIT COURT
BY C. Wick, D.C.