ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Sunbelt Equities II filed an application for administrative approval to a Commercial Planned Development on a project known as Winkler Falls. The amendment is to extend the date established by Condition #8.a. on the approved Master Concept Plan requiring the 225 foot Buffer Area to be constructed within 30 months of the date of the rezoning to 42 months from the date of rezoning which was approved by the Board of County Commissioners in Resolution Z-93-082 on December 20, 1993.

Whereas, the subject property is located at 15841 Winkler Road and is described more particularly as:

LEGAL DESCRIPTION: In Section 34, Township 45 South, Range 24 East, Lee County, Florida:

A parcel of land lying in the Southeast Quarter (SE¼) of the Southwest Quarter (SW¼) of Section 34, Township 45 South, Range 24 East, Lee County, Florida, described as follows:

COMMENCING at a found concrete monument marking the South Quarter corner of said Section 34;
THENCE N01°01'48"W along the East line of said fraction of a section for 346.56 feet to the POINT OF BEGINNING;
THENCE S88°39'16"W for 1,235.83 feet to the Easterly line of Winkler Road (100 feet wide);
THENCE N06°55'41"E along said East line for 577.50 feet to a Point of Curvature;
THENCE 407.00 feet along said Easterly line along the arc of a curve concave to the Northwest having a radius of 2,914.90 feet and subtended by a chord having a length of 406.67 feet and bearing N02°55'51"E to a point on a curve intersecting the said Easterly line and North line of said fraction of a section;
THENCE N88°45'17"E along said North line for 1,127.79 feet to a found concrete monument marking the Northeast corner of said fraction of a section;
THENCE S01°01'48"E along said East line for 975.07 feet to the POINT OF BEGINNING.

Parcel contains 26.25 acres more or less.

WHEREAS, the property was originally rezoned in case number 92-02-18-DCI-02 [with a subsequent amendment in case number 92-02-18-DCI-02(a)]; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the applicant requests a 12 month postponement of the implementation of the buffer as specified in Condition #8 to the Master Concept Plan and has an agreement to the postponement (attached hereto as Exhibit A) from Heritage Farms Property Association, Inc; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Condition #8.a. on the Master Concept Plan (date drawn 9/27/93; last revised 12/22/93; stamped Received 12/27/93) prepared by Gora, McGahey Associates in Architecture, Inc. and adopted pursuant to Resolution Z-93-082 is modified to expire 42 months from the date of the rezoning on December 20, 1993 is **APPROVED subject to the terms and conditions of the original zoning resolution, except as modified herein, remaining in full force and effect.**

DULY SIGNED this 23rd day of August, A.D., 1996.

BY: Mary Gibbs

Mary Gibbs, Director
Department of Community Development

William E. Dueease
15861 Dorth Circle
Ft Myers, Florida 33908

July 19, 1996

Jim Colosimo
4099 Tamiami Trail North, Suite 305
Naples, FL 33940

Via Fax 941-262-8307
and Regular Mail

Re: Sunbelt Equities II Amendment to Winkler Falls CPD

Dear Jim,

Please find enclosed an executed copy of our agreement to amend the Master concept plan by extending the implementation time period of Condition # 8 by 12 months.

Sincerely,

William E. Dueease
President
Heritage Farms Property Association, Inc.

RECEIVED
JUL 23 1996
ZONING COUNTER

EXHIBIT A-1

RECEIVED

HERITAGE FARMS PROPERTY OWNERS ASSOCIATION, INC
15861 Dorth Circle
Fort Myers, Florida 33908

July 8, 1996

James R. Colosimo
General Partner
Sunbelt Equities II
4099 Tamiami Trail No; Ste 305
Naples, FL 33940

RE: Sunbelt Equities II Amendment to Winkler Falls CPD

Dear Jim:

As requested, this is to inform you that the requested action of amending the Master Concept Plan to postpone the implementation of the buffer as specified in Condition # 8 for an additional 12 months, or forty-two (42) months from the date of the original rezoning has been outlined to the Heritage Farms Homeowners Association, and enjoys the property owners support. This includes the immediately adjacent property owners.

Very truly yours,
HERITAGE FARMS PROPERTY ASSOCIATION, INC

William E. Dueease, President

RECEIVED
JUL 23 1996
ZONING COUNTER

EXHIBIT A-2

96-11-340.BA OK4

HERITAGE FARMS PROPERTY ASSOCIATION, INC.
15861 Dorth Circle
Fort Myers, Florida 33908
482-5159

June 12, 1996

Jim Colosimo, Trustee
Jim Colosimo, Inc.
4099 Tamiami Trail, North
Suite 305
Naples, Florida 33940

Re:Winkler Falls

Dear Jim:

Thank you for your letter of May 30, 1996. This letter will serve as documentation of our agreement regarding the conditions for Sunbelt Equity II CPD rezoning.

We understand that you will be requesting an amendment to the Winkler Falls Site Plan from Lee County to permit your later compliance with the buffer requirements which are listed on the site plan in Conditions 1 through 13. Under the present conditions, the buffer is to be constructed prior to any construction on the property whatsoever and prior to any sale or other transfer of title or interest in the property, and prior to June 20, 1996, whichever occurs first. You have indicated that you will be unable to comply with the June 20, 1996 deadline.

Therefore, you have offered to pay to the Heritage Farms Property Association, Inc. $10,000.00 in exchange for our agreement to refrain from challenging or opposing your request to amend the zoning conditions to change the date of compliance to June 20, 1997. You have indicated that the change will not affect the obligations of Sunbelt Equity II to construct the buffer exactly as outlined in the conditions other than permitting this one (1) year extension of the time by which the construction must occur. Further, you have assured us that this extension will not affect your obligation to construct the buffer prior to any construction on the property whatsoever and prior to any transfer of title or an interest in the property.

In your letter of June 3, 1996, you also indicated that you would trim the pepper trees separating your property from the Heritage Farms properties within two (2) weeks and that you would continue to trim the trees at least every six (6) months, as necessary.

Based upon your letters and the above representations, the Board of Directors of the Heritage Farms Property Association, Inc. has met and agreed to your proposal. We will not object to or oppose the requested extension of time.

We have prepared this letter in two (2) original copies and I have signed both on behalf of the association. If this letter accurately states the terms of our agreement, please sign as indicated below and return one original of this letter to me at the above address. In that manner, we will each have an original signed by both parties.

EXHIBIT A-3

96-07-240.BA 01.01

We appreciate your courtesy and recognition of the concerns of our homeowners.

Very truly yours,
HERITAGE FARMS PROPERTY ASSOCIATION, INC.

William E. Dueease, President

I HAVE READ THE ABOVE AND AGREE TO THESE TERMS.

Jim Colosimo, Trustee

EXHIBIT A-4

96-07-240.BA 01.01

Received Time Aug. 15. 4:57PM Print Time Aug. 15. 4:59PM