

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

WHEREAS, an application was filed by the property owner, Caloosa Lakes, LLC, to rezone the following existing planned developments: Caloosa Lakes Residential Planned development (Zoning Resolution #Z-03-045), the commercial portion of Village on the Park, a/k/a Central Park (Zoning Resolution #Z-94-065), and +/- 62.78 acres of Agricultural (AG-2) land to Mixed-Use Planned Development (MPD), in reference to Caloosa Lakes MPD; and,

WHEREAS, a public hearing was advertised and held on December 21, 2005, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2005-00036; and

WHEREAS, a second public hearing was advertised and held on April 3, 2006, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone the following existing planned developments: Caloosa Lakes Residential Planned Development, the commercial portion of Village on the Park, a/k/a Central Park, and +/- 62.78 acres of AG-2 land to MPD to permit a maximum of 460 single- and two-family units, and a maximum 340 multi-family units (total maximum 800 dwelling units) and a maximum of 160,000 s/f floor area for commercial uses including retail and office uses on a total of +/- 196.41 acres of land. Maximum height proposed is 4 stories/50 feet. Mining for excess spoil removal pursuant to LDC Sections 10-329 and 34-1651 is also being requested. Blasting is not requested. The property is located in the Central Urban Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. The development of this project must be consistent with the single-page Master Concept Plan (MCP), entitled "Caloosa Lakes MPD - DCI2005-00036, Master Concept Plan - Exhibit 6-J," dated 03-11-05, last revised 4-3-06, stamped "Received Apr 06 2006 Permit Counter," except as modified by the conditions below.

COPY

This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

Maximum Dwelling Units: 800

SINGLE-FAMILY - Maximum 393 dwelling units may be single-family, zero-lot-line and/or two-family attached, limited to Parcel 1 only.

MULTI-FAMILY - Maximum 407 multi-family units. Parcel 2 must be multi-family. No single-family, zero-lot-line, duplex or two-family attached are permitted on Parcel 2.

Maximum Commercial Square Footage: (Parcel 3) 160,000 gross retail and or/office floor area.

Parcel 3 must be utilized for commercial development.

Upon approval of this zoning action, Resolution Numbers Z-89-113, Z-03-045 and ADD2005-00053 are all null and void. See Condition 17.

2. The following limits apply to the project and uses:

a. **SCHEDULE OF USES**

RESIDENTIAL AREAS (Parcels 1 and 2)

ADMINISTRATIVE OFFICES

ACCESSORY USES AND STRUCTURES

CLUBHOUSE

DWELLING UNITS - LIMITED TO A MAXIMUM OF 800 UNITS AS FOLLOWS:

SINGLE-FAMILY, ZERO-LOT-LINE,

TWO-FAMILY ATTACHED (Limited to a maximum of 393 dwellings on Parcel 1 only.)

MULTI-FAMILY, TOWNHOUSE (Limited to a maximum of 407 multi-family units on Parcel 2. No single-family, zero-lot-line, duplex or two-family attached are permitted on Parcel 2. (Also see Condition 1)

ENTRANCE GATES AND GATEHOUSE, IN COMPLIANCE WITH LDC §34-1748

ESSENTIAL SERVICES

ESSENTIAL SERVICE FACILITIES, GROUP I

EXCAVATION, WATER RETENTION - NO BLASTING

(SEE CONDITIONS FOR OFF-SITE SPOIL REMOVAL)

FENCES, WALLS

HOME OCCUPATION (LDC §34-1771 *et seq.*)

MODEL HOME, MODEL UNITS, MODEL DISPLAY CENTER, MODEL
DISPLAY GROUP (IN COMPLIANCE WITH
LDC §34-1951 *et seq.*)
REAL ESTATE SALES CENTER (LIMIT TO 1 AS SHOWN
ON THE APPROVED MCP.) (Also See Conditions)
PARKING LOT, ACCESSORY, TEMPORARY
RECREATION FACILITIES, PERSONAL
RECREATION FACILITIES, PRIVATE ON-SITE - INCLUDING CLUBHOUSE
RESIDENTIAL ACCESSORY USES
SIGNS, IN COMPLIANCE WITH LDC CHAPTER 30
TEMPORARY USES (LDC §34-3041)
TEMPORARY CONSTRUCTION TRAILER - LIMIT TO 1
AS SHOWN ON APPROVED MCP

COMMERCIAL AREAS (Parcel 3)

ADMINISTRATIVE OFFICES
ACCESSORY USES AND STRUCTURES
AUTOMATIC TELLER MACHINES
BANKS AND FINANCIAL ESTABLISHMENTS, GROUP I
BUSINESS SERVICES, GROUP I
CLOTHING STORE, GENERAL
CONTRACTORS AND BUILDERS, GROUP I
CONVENIENCE FOOD AND BEVERAGE STORE - Limited to 1 for
the entire planned development. No self-service fuel pumps
or fast food restaurants permitted with this use.
DRIVE THROUGH - LIMITED TO ONE LANE FOR EACH USE, LIMITED
TO BANKS AND FINANCIAL ESTABLISHMENTS GROUP I,
LAUNDRY OR DRY CLEANING, GROUP I, DRUG STORE/
PHARMACY.
DRUG STORE/PHARMACY - Limited to 1 for the entire planned development.
ESSENTIAL SERVICES
ESSENTIAL SERVICE FACILITIES, GROUP I
EXCAVATION, WATER RETENTION - NO BLASTING
(SEE CONDITIONS FOR OFF-SITE SPOIL REMOVAL)
FENCES, WALLS
FOOD STORE, GROUP I
GIFT AND SOUVENIR SHOP
HOBBY, TOY AND GAME STORE
INSURANCE COMPANIES
LAUNDRY OR DRY CLEANER, GROUP I
MEDICAL OFFICES
PAINT, GLASS AND WALLPAPER - NO OUTDOOR DISPLAY OR STORAGE
PARKING LOT, ACCESSORY, TEMPORARY
PERSONAL SERVICES, GROUP I AND II - EXCLUDING MASSAGE
PARLORS, STEAM OR TURKISH BATHS.
RESTAURANTS - All Groups (I, II, III & IV); however, Restaurants, Fast Food (as
defined in §34-2), are limited to locations in multi-occupant buildings only
(no stand-alone fast food Restaurants).

SIGNS, IN COMPLIANCE WITH LDC CHAPTER 30
SCHOOLS, COMMERCIAL
SOCIAL SERVICES, GROUP I AND II
SPECIALTY RETAIL SHOPS, GROUP I, II, III, IV (NO AMMUNITION,
FIREARMS OR HUNTERS EQUIPMENT)
STUDIOS
VARIETY STORE

b. **SITE DEVELOPMENT REGULATIONS**

PROPERTY DEVELOPMENT REGULATIONS									
LAND USE	Min. Lot Area SF	Min. Lot Width (ft)	Min. Lot Depth (feet)	Max. Lot Coverag e	Setbacks (ft) ⁽⁶⁾				Max. Height Feet /Stories
					Street	Side	Rear	Water	
RESIDENTIAL - Two-family & Multi-family Plan									
Two-Family Attached	7500	65	115	45%	20	5/0 ⁽³⁾ /5 ⁽¹⁾	15/5 ⁽¹⁾	20/5 ⁽¹⁾	2 stories
	3,750/unit								
Multi-family ⁽⁷⁾ (3 or more units)	10,000	100	100	45%	20	10 ⁽⁴⁾ /5 ⁽¹⁾	20/5 ⁽¹⁾	20/5 ⁽¹⁾	50/4 stories
	3,000/unit								
Townhouse ⁽⁷⁾ (3 or more units)	10,000	100	100	45%	20	10 ⁽⁴⁾ /5 ⁽¹⁾	20/5 ⁽¹⁾	20/5 ⁽¹⁾	50/4 stories
	2,400/unit								
RESIDENTIAL – Alternative Zero-Lot-Line & Single-family Plan									
Single-Family	6,500	52 ⁽⁵⁾	125	45%	20	5/5 ⁽¹⁾	15/5 ⁽¹⁾	20/5 ⁽¹⁾	35/2 stories
Zero-Lot-Line	6,500	52	125	45%	20	0/10 ⁽²⁾ /5 ⁽¹⁾	15/5 ⁽¹⁾	20/5 ⁽¹⁾	35/2 stories
COMMERCIAL									
	-	-	-	-	-	-	-	-	-
RETAIL	7,500	75	100	40%	20	10	15/5 ⁽¹⁾	20/5 ⁽¹⁾	40/3 stories
OFFICE	7,500	75	100	40%	20	10	15/5 ⁽¹⁾	20/5 ⁽¹⁾	40/3 stories
RECREATIONAL FACILITIES									
Recreational Facilities, Private On-site & Clubhouse	Setbacks for on-site recreational facilities will be in accordance with all applicable requirements of §§34-1176 & 34-2474(b)(6). In addition, the applicant will provide, at the time of first development order approval, a landscape betterment plan buffer for any common area amenity structures in association with the zero-lot line and single-family MCP. Parking for the private on-site recreational facility clubhouse will be calculated at 1 space per 300 square feet of total floor area.								

LAND USE	MINIMUM BUILDING SEPARATION
RESIDENTIAL - Two-family, Multi-family & Townhouse Plan	
Two-Family Attached	10
Multi-family (3 or more units)	20/10 ⁽¹⁾
Townhouse	20/10 ⁽¹⁾
RESIDENTIAL – Alternative Zero Lot Line & Single-family Plan	
Single-Family	20
Zero Lot Line	20
COMMERCIAL	-
RETAIL	10
OFFICE	10
RECREATIONAL FACILITIES	20

Notes to Site Development Regulations:

- (1) Accessory structures.
 - (2) Side opposite zero-lot-line.
 - (3) Interior side only.
 - (4) Exterior side only, with minimum building separation of 20 feet.
 - (5) Irregular lots, inclusive of eyebrow lots, and cul-de-sac lots, shall in all cases be designed to contain the minimum required width as measured between the mid-point of the foremost points of the side lot lines in front (where they intersect with the street line), and the rearmost points of the side lot line in the rear, except that the minimum street frontage shall not be less than 20 feet as measured along the cord of an eyebrow, or cul-de-sac lot. The chord represents a straight line joining the foremost points of the lot where it intersects with the street line.
 - (6) All structures must be set back a minimum of 10 feet from the boundary of the "Preserve" as shown on the MCP.
 - (7) Fee simple lots for two-family attached, townhouse and multi-family attached dwelling units with 3,750 s/f, 2,400 s/f and 3,000 s/f per dwelling unit, respectfully, will be allowed and deemed consistent with the minimum lot area and frontage requirements for two-family attached and multi-family housing structures not withstanding the actual frontage of each respective dwelling unit.
 - a) Single-family, zero-lot-line, duplex, and two-family attached development will be limited to the areas identified on the approved MCP as "Residential - one and two-family" (Parcel 1). Multi-family development will be permitted on Parcel 2 on the approved MCP. Single-family development - including two-family attached, duplexes, zero-lot-line - will not be permitted on Parcel 2.
 - b) Single-family, zero-lot line, duplex and two-family development are all inconsistent with Policy 1.8.1 of the Lee County Comprehensive Plan and will be prohibited on property within the Lehigh Commercial Overlay zone.
 - c) Commercial development will be permitted within the Lehigh Commercial Overlay Zone on this property.
 - d) A Clubhouse will be permitted within the Lehigh Commercial Overlay Zone on this property.
3. No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.
 4. Prior to local development order approval, the development order plans must delineate:
 - a. A 3.1- acre gopher tortoise preserve in substantial compliance with the preserve shown on the MCP and a fence or continuous hedge consisting of native shrubs (minimum 24-inch; 3-gallon container size) along the perimeter of the gopher tortoise preserve where it abuts single family lots. The fence or hedge must be installed prior to issuance of a certificate of compliance for the infrastructure; and
 - b. A 8.4-acre gopher tortoise preserve in the northern parcel with a permanent gopher tortoise fence behind the right-of-way buffer along Homestead Road and a continuous native hedge where the preserve abuts commercial or multifamily development. The fence and hedge must be installed prior to issuance of a certificate of

compliance for the infrastructure. An indigenous management plan must be submitted for the 8.4-acre preserve that details how the preserve will be prepared to provide adequate foraging habitat for the gopher tortoises.

5. Prior to moving the gopher tortoises and commensal species located outside the preserve into the preserve, all invasive exotic vegetation and any trash/debris must be hand removed from the preserve area.
6. Prior to local development order for the multifamily or commercial tracts, the buildings must be setback a minimum of 30 feet from the 8.0-acre indigenous preserve.
7. All required buffers must utilize 100 percent native vegetation.
8. Agriculture is not a permitted use within this Planned Development.
9. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
10. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee County Comprehensive Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee County Comprehensive Plan provisions.
11. Model Homes/Real Estate Sales:
 - a. Model homes are limited to seven (7), at locations as shown on the approved MCP.
 - b. Models cannot be of the same floor plan and each must be a different design.
 - c. Real estate sales are limited to the clubhouse, model home locations and sales center as shown on the approved MCP.
 - d. Real estate sales will be limited to the sale of lots or units within the development only.
 - e. Hours of operation for model homes and real estate sales are limited to Monday through Sunday 8 a.m. to 8 p.m.
 - f. No dry models are permitted.

- g. Model homes and real estate sales will be valid for a period of up to seven (7) years from the date of issuance of a certificate of occupancy of a model home per §34-1954(d)(1) - See Deviation 5.

12. Excess Spoil Removal:

- a. Excess spoil removal will not take place without the developer first obtaining a Mining Operation Permit from the Development Services Division. The Mining Operation Permit may be submitted as part of a Development Order for the project, or as a separate submittal to be reviewed by the Development Services Division.
- b. The Mining Operation Permit will be consistent with the "Excess Spoil Removal Plan" attached as Exhibit "D," and the provisions found in LDC Chapter 34, Division 15, Excavation Activities. If the two conflict, then the more stringent standard will apply.
- c. This approval grants the requested planned development zoning allowing for residential and commercial development and associated uses. This approval only allows the temporary mining activity sought in this general application with the new development and proposed lakes. Mining will be limited to excess spoil removal (fill dirt) as depicted in the "Excess Spoil Removal Plan." This is a temporary use and will not continue upon completion.

The permitted length of the entire mining operation, including removal of the spoil material from the site, is one year from the date of this zoning approval. Any extension of this deadline must be approved through the public hearing process amending this planned development.

- d. The permitted hours of the approved mining operation and activities related to hauling material off site are from 7:30 a.m. to 5:30 p.m. Monday through Friday excluding holidays.
- e. Construction materials mining as defined under F.S. 552.30 is not permitted.
- f. The "Excess Spoil Removal Plan" is considered to be a condition of approval, except specifically conditioned to the contrary as part of this planned development. Where a conflict may occur the specific condition will be the ruling requirement.
- g. Trucks must enter and exit the site consistent with the "Excess Spoil Removal Plan," with drivers limiting their routes to collector and arterial roadways (i.e. Homestead Road, Bell Boulevard, State Road 82, County Road 884, Joel Boulevard, and Lee Boulevard) to the greatest extent possible. No truck traffic is allowed on any of the

other roads, except for local delivery to a lot or parcel located on that road. Except in the rarest of circumstances, trucks must travel south on Homestead Road and not north.

- h. The owner may be allowed to temporarily stock pile excavated material on site to allow the excavated material to sufficiently dry out to be moved to one of the spoil disposal sites or delivery to a construction site.
 - i. Any damage directly attributable to this temporary mining operation to the roadways or culvert crossings must be repaired by the holder of the mining operations permit.
 - j. Deviations from the terms and conditions of this approval may only take place after approval through the appropriate public hearing process amending the Planned Development. Conditions further restricting the mining operations - such as reduced hours, less material extracted - will not require a public hearing but may be approved administratively.
 - k. Excavation depths will be limited to no more than 12 feet below the wet season water table.
 - l. Lakes will be limited to those depicted on the approved MCP.
 - m. The total volume of material to be hauled off site may not exceed 690,000 cubic yards. During the mining operation, the owner or the owner's representative must submit quarterly reports on the amount on material mined and/or hauled off-site to the Division of Development Services.
 - n. Prior to any off-site hauling, the contractor must coordinate with Lee County Department of Transportation (LCDOT) regarding the condition of the existing haul routes and proposed mitigation for any damage caused by the hauling operation.
 - o. The Developer is responsible for the conduct of the haul trucks (i.e. routes, hours of operation, noise, dust, etc.) The Director of Development Services will require the developer to provide for truck monitoring to ensure the haul trucks comply with the conditions of this rezoning and do not jeopardize the health, safety and welfare of the general public.
14. The 33-foot-wide road easement as shown on the approved MCP must be vacated prior to the issuance of a Development Order on any part of Parcel 2.
15. No dewatering activities have been requested, nor is dewatering permitted in this planned development.

16. All development must connect to public water and sewer. At time of local development order, the Developer must also demonstrate there is adequate water and sewer capacity to handle the proposed level of development.
17. Upon approval of this zoning action, Zoning Resolution Numbers Z-89-113, Z-03-045 and ADD2005-00053 are all null and void. Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan.

The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of any local development order for any development approved herein. Existing development orders that have not received a final Certificate of Compliance prior to April 3, 2006 must be amended to comply with this zoning resolution, including its concurrency requirements. Further development under inconsistent development order approvals is prohibited.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the §10-329(f)(1)(a)(1) requirement that no excavations be allowed within 25 feet of an existing right-of-way line or easement for a local street, to allow water retention lakes to be located within zero (0) feet of the right-of-way from back of curb of local streets to water control elevation. This deviation is APPROVED, SUBJECT TO the following conditions:
 - a. The requested deviation is limited to the lakes identified on the approved MCP.
 - b. The Developer must provide for the protection of wayward vehicles through the use of guardrails, berms, swales, vegetation or other suitable methods as determined by the Director of Development Services.
2. Deviation (2) seeks relief from the §10-329 (f)(1)(a)(3) requirement that no excavations be allowed within fifty (50) feet of any private property line under separate ownership be modified, to allow a setback of no less than twenty-five (25) from any adjoining property under separate ownership. This deviation is APPROVED, SUBJECT TO the following condition:

The requested deviation is limited to the lakes identified on the approved MCP.

3. Deviation (3) seeks relief from the §34-2194(c)(3)(b) requirement that non-roofed structures be permitted no closer than 10 feet from a non-seawalled artificial body of water, to allow recreational/amenity structures to be placed at the lake's control elevation as depicted in deviation illustration. Recreational/amenity structures include observation decks, fishing pier or leisure space. This deviation is APPROVED, SUBJECT TO the following conditions:

- a. Prior to local development order approval, the location of any observation deck, fishing pier or gazebo must be detailed on the development order plan with no more than one structure per lake and containing no more than 100 linear feet of shoreline per lake.
 - b. The requested deviation is limited to the lakes identified on the approved MCP.
4. Deviation (4) seeks relief from the §10-296(k) requirement to provide for modified cul-de-sac (eyebrows) in connection with certain street geometry (typically 90 degree angles) in order to maximize potential street frontage to each lot so juxtaposed, and to provide for some visual landscape relief made possible only by this type of design. This deviation is APPROVED, SUBJECT TO the following condition:

Traffic control devices that support the safe operation of the eyebrow must be established during the Development Order process.
5. Deviation (5) seeks relief from the §34-1954(d) requirement limiting the operation of model homes and model sales center for a time period not to exceed three years, to allow the operation of model homes and model sales center until all the lots are sold, but in no event to exceed a period of 10 years. This deviation is DENIED with regard to the request for a period of 10 years, BUT INSTEAD IS APPROVED, SUBJECT TO Condition 11 herein, to allow the operation of model homes and model sales center until all the lots are sold, but in no event to exceed a period of 7 years.
6. Deviation (6) seeks relief from the §10-285 requirement of connection separation spacing of 660 feet for arterial roads, to provide for connection separation distances of 510 and 333 feet on Homestead Road. This deviation is APPROVED.

SECTION D. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: Legal description of the property
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: The Master Concept Plan
Exhibit D: Excess Spoil Removal Plan

The applicant has indicated that the STRAP numbers for the subject property are:
05-45-27-00-00001.0000; 05-45-27-00-00005.0040; 05-45-27-00-00007.0010;
05-45-27-00-00005.0030; 05-45-27-00-00003.0000; 05-45-27-00-00005.0010;
and 05-45-27-00-00005.0000

SECTION E. FINDINGS AND CONCLUSIONS:

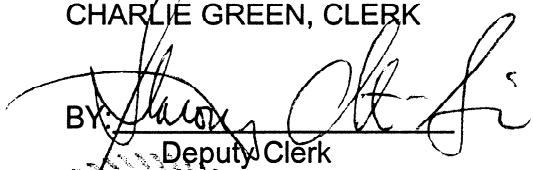
1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c. is compatible with existing or planned uses in the surrounding area;
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location;
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner John E. Albion, seconded by Commissioner Douglas R. St. Cerny and, upon being put to a vote, the result was as follows:

Robert P. Janes	Nay
Douglas R. St. Cerny	Aye
Ray Judah	Nay
Tammara Hall	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 3rd day of April 2006.

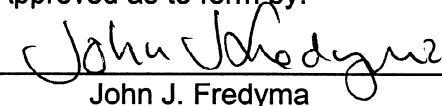
ATTEST:
CHARLIE GREEN, CLERK

BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Tammara Hall
Chairwoman

Approved as to form by:


John J. Fredyma
County Attorney's Office

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BBLs
SURVEYORS & MAPPERS INC.
1502-A RAILHEAD BLVD.
NAPLES, FLORIDA 34110
TELEPHONE: (239) 597-1315
FAX: (239) 597-5207

PERMIT COUNTER

LEGAL DESCRIPTION
CALOOSA LAKES

A PORTION OF THE NORTHEAST $\frac{1}{4}$, SOUTHEAST $\frac{1}{4}$, AND SOUTHWEST $\frac{1}{4}$ OF SECTION 5, TOWNSHIP 45 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

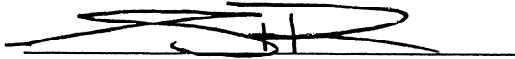
BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHEAST $\frac{1}{4}$ OF SAID SECTION 5; THENCE N.02°13'08"W., ALONG THE WEST LINE OF SAID NORTHEAST $\frac{1}{4}$, A DISTANCE OF 1405.94 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF HOMESTEAD ROAD; THENCE S.45°12'26"E., ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 2496.52 FEET; THENCE S.89°07'56"W., A DISTANCE OF 437.37 FEET; THENCE S.00°52'04"E., A DISTANCE OF 400.00 FEET; THENCE N.89°07'57"E., A DISTANCE OF 687.47 FEET; THENCE N.44°50'37"E., A DISTANCE OF 100.69 FEET TO A POINT ON SAID SOUTHWESTERLY RIGHT OF WAY LINE; THENCE S.45°12'26"E. ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 956.04 FEET TO A POINT ON THE EASTERLY LINE OF THE SOUTHEAST $\frac{1}{4}$ OF SAID SECTION 5; THENCE S.02°29'49"E., ALONG SAID EASTERLY LINE, A DISTANCE OF 1239.27 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHEAST $\frac{1}{4}$; THENCE S.89°08'31"W. ALONG THE SOUTHERLY LINE OF SAID SOUTHEAST $\frac{1}{4}$, A DISTANCE OF 2675.21 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST $\frac{1}{4}$; THENCE S.89°09'20"W. ALONG THE SOUTHERLY LINE OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SAID SECTION 5, A DISTANCE OF 1337.98 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST $\frac{1}{4}$ OF SAID SOUTHWEST $\frac{1}{4}$; THENCE N.02°04'44"W. ALONG THE WEST LINE OF THE SOUTHEAST $\frac{1}{4}$ OF SAID SOUTHWEST $\frac{1}{4}$, A DISTANCE OF 1315.92 FEET; THENCE N.89°08'38"E. ALONG THE NORTHERLY LINE OF THE SOUTHEAST $\frac{1}{4}$ OF SAID SOUTHWEST $\frac{1}{4}$, A DISTANCE OF 1334.76 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST $\frac{1}{4}$ OF SAID SOUTHWEST $\frac{1}{4}$; THENCE N.02°13'08"W. ALONG THE WEST LINE OF THE SOUTHEAST $\frac{1}{4}$ OF SAID SECTION 5, A DISTANCE OF 1316.26 FEET TO **POINT OF BEGINNING**.

PARCEL CONTAINS 196.4 ACRES, MORE OR LESS.

SHEET 1 OF 3

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESTRICTIONS AND
RESERVATIONS OF RECORD.

BEARINGS REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF
SECTION 5, TOWNSHIP 45 SOUTH, RANGE 27 EAST, LEE
COUNTY, FLORIDA, AS BEING S.89°08'31"W.



STEPHEN E. BERRY, STATE OF FLORIDA, (P.S.M. #5296)
BBL SURVEYORS & MAPPERS INC., (L.B. #6753)

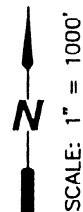
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(SEE ATTACHED SKETCH L&S 02790A. DWG)

Applicant's Legal Checked

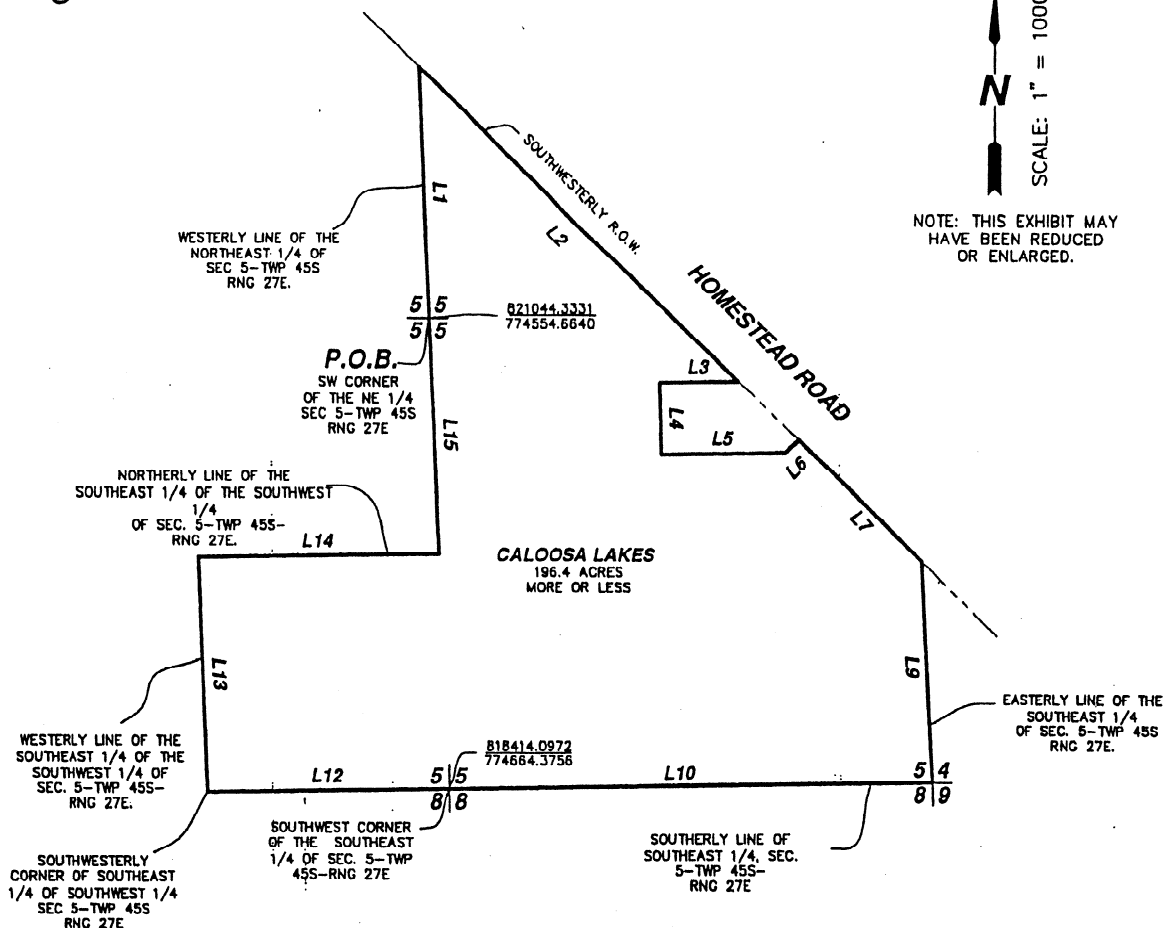
by Lgm 8/29/2005.

Applicant's Survey Checked

By Lgm 8/29/2005.



NOTE: THIS EXHIBIT MAY HAVE BEEN REDUCED OR ENLARGED.



LINE TABLE

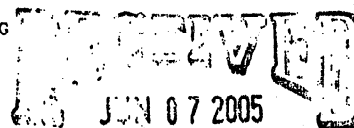
LINE	BEARING	DISTANCE
L1	N02°13'08"W	1405.94
L2	S45°12'26"E	2496.52
L3	S89°07'56"W	437.37
L4	S00°32'04"E	400.00
L5	N89°07'57"E	687.47
L6	N44°50'37"E	100.69
L7	S45°12'26"E	956.04
L9	S02°29'49"E	1239.27
L10	S89°08'31"W	2675.21
L12	S89°09'20"W	1337.98
L13	N02°04'44"W	1315.92
L14	N89°08'38"E	1334.76
L15	N02°13'08"W	1316.26

NOTES:

- 1.) BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 45 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA, AS BEING S.89°08'31"W.
- 2.) THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.
- 3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
- 4.) COORDINATES SHOWN ARE BASED ON THE STATE PLANE COORDINATE SYSTEM FOR THE FLORIDA WEST ZONE. (NORTH AMERICAN DATUM OF 1983/1990 ADJUSTMENT)

LEGEND

P.O.B.	POINT OF BEGINNING
SEC.	SECTION
TWP.	TOWNSHIP
RNG.	RANGE
R.O.W.	RIGHT OF WAY



THIS IS NOT A SURVEY

REVISED 6/06/05: ADD SPC

PERMIT COUNTER

SHEET 3 OF 3

DATE: 10/06/04	FIELD BOOK: SEE FILE	DRAWN BY: BUD	CHECKED BY: SDB	PLD: 0279 LAS DA	SCALE: 1" = 1000'
SKETCH TO ACCOMPANY LEGAL DESCRIPTION CALOOSA LAKES, A PORTION OF THE NE 1/4, SE 1/4 AND SW 1/4 OF SECTION 5, TOWNSHIP 45 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA					
BBLS SURVEYORS & MAPPERS INC. 1502-A RAIL HEAD BLVD. NAPLES, FLORIDA 34110 (239)597-1315					

DCI 2005-00036

EXHIBIT "A"

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ZONING INTAKE MAP

8/29/2005

Attachment A

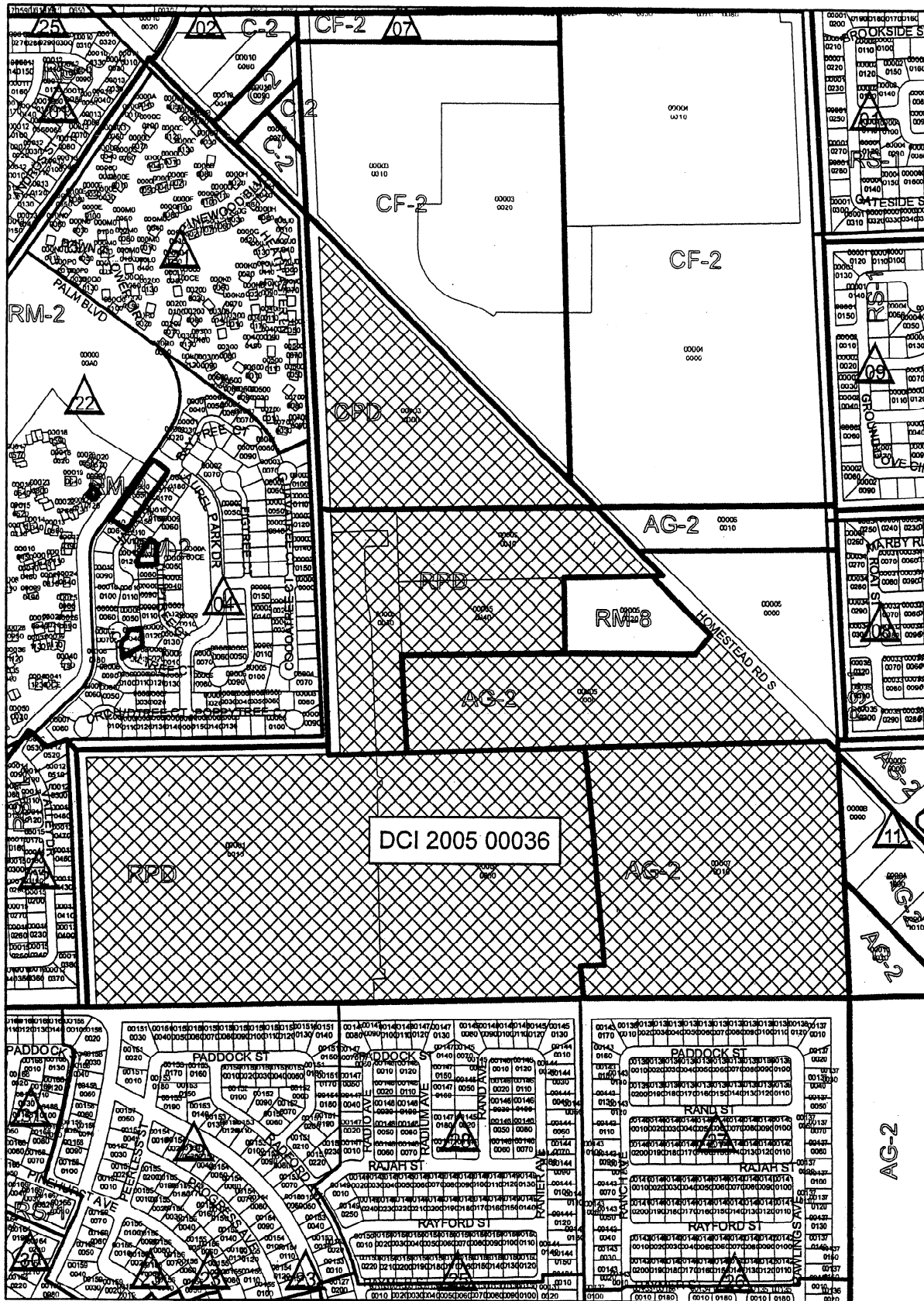


EXHIBIT "B"
Zoning Map

CALOOSA LAKES MPD

EXCESS SPOILS REMOVAL PLAN

May 2005

1. Location shape and dimensions of the areas to be excavated relative to all property lines, easements, and rights-of-way are indicated on the included Caloosa Lakes MPD Master Concept Plan – Exhibit 6-J. There are ten (10 lakes) totaling approximately 33 acres in surface area at the control elevation (24.5).
2. The proposed slopes, the maximum and average depth and the controlled water depth of the proposed excavations are indicated on the lake cross-section detail on the included Caloosa Lakes MPD Master Concept Plan – Exhibit 6-J.
3. It is estimated that up to 920,000 truck-measure cubic yards (tmcy) will be generated from the excavation of lakes. Approximately 230,000 tmcy will be used on-site, and the remaining approximately 690,000 tmcy of excess spoils will be removed from the site.
4. The maximum proposed haul-off truck volume is expected to be 200 trucks per day (approximately 3600 tmcy).
5. It is anticipated that the excess spoils will be hauled off within one (1) year, from issuance of the Development Order
6. The destination(s) of the removed material will be amongst four (4) different projects controlled by the developer, TOUSA Homes, Inc., d/b/a Engle Homes Southwest Florida, Inc. Reflection Key and Oasis Key will have Development Orders (DO's) in place by June or July of 2005. Other receiving sites include Gladiolus RPD and Ref Shores, which are scheduled to have DO's in September 2005.
7. The proposed haul route will be on to Homestead Road near the southerly limits of the Caloosa Lakes site. Trucks then will travel south on Homestead Road to SR82 and westerly to the receiving sites. The precise route(s) from the Homestead Road and SR82 intersection may vary, but all of the proposed receiving sites are in the area of Sutherlin Road and Gladiolus Boulevard.
8. The contractor shall take adequate measures to control dust, mud, and debris along the proposed haul route and on-site. Measures shall include, but are not limited to using water trucks to control dust and avoid hauling excessively saturated material. In accordance with BMP(s) identified in the SWPPP, a gravel entrance will be provided at the access point(s) with Homestead Road. The project superintendent will inspect the access route daily to assure that any debris from the haul operations is removed from the access route in a timely manner.

EXHIBIT "D"

Excess Spoils Removal Plan