ADMINISTRATIVE AMENDMENT (PD) ADD2006-00041

ADMINISTRATIVE AMENDMENT

WHEREAS, Meristar SS Plantation Company LLC, filed an application for administrative approval to amend the South Seas Resort Master Development Plan (SSRMPD), to replace an existing 248 square foot building with a new 224 square foot building with ramp and deck that will encroach 11 feet into the required 25 foot waterbody setback requirement on a project known as Captiva Cruises located at 1200 South Seas Plantation Road; and

WHEREAS, the Board of County Commissioners changed the zoning to RU-3 (converted to RM-2) with a PUD concept and a special permit for up to 5 acres of commercial property by Resolution Z-73-202, Case Number 73-10-29 on November 20, 1973; and

WHEREAS, the Board of County Commissioners rezoned the subject property to Commercial Marine (CM) by Resolution Z-90-91, Case 90-9-25-Z-1 on May 13, 1991; and

WHEREAS, the Board of County Commissioners directed the County to summarize and clarify the current status of development in South Seas Resort; and

WHEREAS, Administrative Interpretation ADD2002-00098 established the South Seas Resort District (SSRD) and established the development standards for existing and new development within the resort; and

WHEREAS, subsequent amendments to South Seas Resort District (SSRD) have been approved in case numbers ADD2002-00054, ADD2002-00098, ADD2003-00077, and ADD2004-00077; and

WHEREAS, Administrative Interpretation ADD2002-00098 recognizes that certain changes to the SSRMDP may be approved administratively; and

WHEREAS, a metes and bounds property description for the perimeter boundaries of the SSRD has been provided and is described more particularly as:

LEGAL DESCRIPTION: In Sections 15, 22, 23, 26, and 27, Township 45 South, Range 21 East, Captiva Island, Lee County, Florida:

See Exhibit "A"

WHEREAS, Section 4.d (page 13 of 16) in the Administrative Interpretation ADD2002-00098 establishes a 25 foot setback for new buildings within the marina area; and WHEREAS, Meristar intends to demolish the existing 248 square foot building which was damaged by Hurricane Charley in August of 2004 and replace it with a 224 square foot building with a 260 square foot ramp and deck for handicap accessibility; and

WHEREAS, the new building with ramp and deck will setback 14 feet from the existing canal; and

WHEREAS, Lee County issued a demolition permit (DEM2006-00045) for the removal of the 248 square foot building; and

WHEREAS, the applicant has applied for a local development order (LDO2006-00084) and a building permit (COM2005-03725) for the construction of the new building with ramp and deck. Both applications are on hold pending the outcome of this request; and

WHEREAS, the existing building has been used to purchase tickets for Captiva Cruises that leave from the existing marina area; and

WHEREAS, the applicant has submitted a site plan entitled "Administrative Amendment - Captiva Cruise Building" dated received February 23, 2006, which will be labeled as Sheet 8F in the SSRMDP, to reflect the location of the new building with a waterbody setback of 14 feet; 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 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 to amend the South Seas Resort Master Development Plan (SSRMPD), to replace an existing 248 square foot building with a new 224 square foot building with ramp and deck on a project known as Captiva Cruises is **APPROVED**.

Approval is subject to the following conditions:

1. The Development must be in compliance with the site plan entitled "Administrative. Amendment - Captiva Cruise Building" dated received February 23, 2006, which will be included as Sheet 8F of the 2002 SSRMDP. The amendment to the SSRMDP for the Captiva Cruise Building, ADD2006-00041is hereby APPROVED and adopted. A reduced copy is attached hereto.

2. The terms and conditions of the original zoning resolutions, as confirmed in Administrative Interpretation ADD2002-00098, remain in full force and effect.

DULY SIGNED this day of A.D., 2006. BY:

Pam Houck, Director Division of Zoning Department of Community Development







May 16, 2003

DESCRIPTION

PERMIT COUNTER

SOUTH SEAS PLANTATION OVERALL PARCEL AS DESCRIBED IN OCTOBER 23, 1973 SECTIONS 15, 22, 23, 26 AND 27, TOWNSHIP 45 SOUTH, RANGE 21 EAST CAPTIVA ISLAND, LEE COUNTY, FLORIDA

A parcel or tract of land lying in Sections 15, 22, 23, 26 and 27, Township 45 South, Range 21 East, Captiva Island, Lee County, Florida, which tract or parcel is described as follows:

PARCEL 1

From a corner common to said Sections 22, 23, 26 and 27 run N 81° 30' 10" W along the north line of said Section 27 for 230.95 feet to an intersection with the bulkhead line as approved by The Lee County Board of County Commissioners and described in resolution recorded in County Commission Minutes Book 23 at Pages 54(a) through 54(d), Public Records of Lee County, Florida.

From said point of beginning run the following courses and distances along said bulkhead line S 18° 15' 20" W for 466.75 feet; thence run S 10° 42' 40" E for 1,881.11 feet to a point of curvature; thence run southeasterly along the arc of said curve to the left of radius 430.00 feet (chord bearing S 66° 09' 00" E) (chord 708.22 feet) (delta 110° 52' 33") for 832.11 feet to a point of tangency: thence run N 58° 24' 50" E for 205.81 feet to a point of curvature; thence run northeasterly along the arc of said curve to the left of radius 185.00 feet (chord bearing N 13° 24' 50" E) (chord 261.63 feet) (delta 90° 00' 00") for 290.60 feet to a point of compound curvature; thence run northwesterly along the arc of said curve to the left of radius 325.00 feet (chord bearing N 51° 29' 50" W) (chord 221.36 feet) (delta 39° 49' 16") for 225.88 feet to a point of reverse curvature; thence run northwesterly along the arc of said curve to the right of radius 185.00 feet (chord bearing N 28° 07' 10" W) (chord 253.70 feet) (delta 86° 34' 39") for 279.55 feet to a point of reverse curvature; thence run northwesterly along the arc of said curve to the left of radius 225.00 feet (chord bearing N 01° 56' 10" W) (chord 132.35 feet) (delta 34° 12' 31") for 134.34 feet to a point of reverse curvature; thence run northeasterly along the arc of said curve to the right of radius 227.37 feet (chord bearing N 57° 27' 20" E) (chord 442.17 feet) (delta 152° 59' 39") for 607.13 feet to a point of compound curvature; thence run southeasterly along said curve to the right of radius 1,485.00 feet (chord bearing S 21° 34' 00" E) (chord 1,230.75 feet) (delta 48° 57' 44") for 1,269.01 feet to a point of tangency; thence run S 02° 54' 50" W for 695.00 feet to a point of curvature; thence run southeasterly along the arc of said curve to the left of radius 135.00 feet (chord bearing S 22° 05' 10" E) (chord 114.11 feet) (delta 50° 00' 05") for 117.81 feet to

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EXHIBIT A

2158 Johnson Street = Post Office Box 1550 = Fort Myers, Florida 33902-1550 (239) 334-0046 = Fax (239) 334-3661

a point of compound curvature; thence run southwesterly along the arc of said curve to the right of radius 80.00 feet (chord bearing S 00° 24' 50" W) (chord 117.96 feet) (delta 94° 59' 43") for 132.64 feet to a point of reverse curvature; thence run southwesterly along the arc of said curve to the left of radius 180.00 feet (chord bearing S 27° 02' 22" W) (chord 128.26 feet) (delta 41° 44' 42") for 131. 15 feet to an intersection with the easterly prolongation of the northerly boundary of the lands described in deed recorded in Deed Book 130 at Page 21, Public Records of Lee County, Florida; thence run N 85° 50' 20" W along said northerly boundary line for 497.94 feet; thence run S 02° 47' 50" W along the westerly boundary of the lands as conveyed in said deed for 450.32 feet; thence run S 85° 47' 00" E along the south boundary of lands as described in said deed for 41.59 feet to an intersection with the west right-of-way line of a 30 foot easement for roadway purposes as recorded in Official Record Book 1216 at Pages 1789 and 1790, Public Records of Lee County, Florida; thence run S 02° 55' 20" W along said west easement line 227.87 feet to an intersection with the northerly right-of-way line of a 30 foot public road as described in deed recorded in Deed Book 54 at Page 540, Public Records of Lee County, Florida said road being the north line of Captiva Drive S.W. also known as Binder Avenue; thence N 71° 18' 20" W along the northerly right-of-way line of said road for 809.05 feet to an intersection with the east boundary of G.P. Bryant's Addition to Gulf View Captiva Island as recorded in Plat Book 3 at Page 21. Public Records of Lee County, Florida; thence run N 12° 49' 40" E along said east boundary line for 8.65 feet to the northerly right-of-way line of Binder Avenue as shown on said Plat of G.W. Bryant's Addition to Gulf View, Captiva Island; thence run N 77° 10' 20" W along said northerly right-of-way line of Binder Avenue (Captiva Drive S.W.) for 357.91 feet to an intersection with the easterly right-of-way line of a 30 foot public road also being the east boundary of Gulf View Subdivision as recorded in Plat Book 3 at Page 8, Public Records of Lee County, Florida; thence run N 16° 50' 00" W along east right-of-way line of said public road for 650 feet more or less, to an intersection with the Mean High Water Line of the Gulf of Mexico; thence run northwesterly along said Mean High Water Line for 4,779 feet more or less to an intersection with the south line of the lands as described in deed recorded in Deed Book 209 at Page 71, Public Records of Lee County, Florida; thence run N 89° 27' 00" E departing said Mean High Water Line along the south line of said deed for 69 feet more or less, to an intersection with the easterly line of the former 30 foot wide public road for South Seas Plantation; thence run N 04° 57' 00" W along said easterly right-of-way line for 375.04 feet to a jog in said right-of-way line; thence run N 00° 27' 00" W continuing along said right-of-way line for 597.23 feet to a jog in said right-ofway line; thence run N 22° 10' 43" W continuing along said right-of-way line for 140.17 feet to the southwest corner of the unrecorded American Hotel's Company Subdivision, Lot 14; thence run N 89° 21' 11" E along the south line of said lot for 183 feet more or less, to an intersection with the westerly shore Mean High Water Line of Bryant Bayou; thence run southerly, easterly and northeasterly along said Mean High Water Line of Bryant Bayou for 4,535 feet more or less, to the northerly most terminus point of a bulkhead line and submerged and since the second s

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Trustees of Internal Improvement Trust Fund as recorded in Official Record Book 572 at Page 14, Public Records of Lee County, Florida; thence run the following courses and distances along said bulkhead line and submerged lands: run southeasterly along arc of a curve to the right of radius 25.00 feet (chord bearing S 89° 56' 05" E) (chord 38.97 feet) (delta 102° 24' 41") for 44.69 feet to a point of tangency; thence run S 38° 44' 10" E for 497.24 feet to a point of curvature: thence run southeasterly along the arc of said curve to the right of radius 1400.00 feet (chord bearing S 35° 16' 00" E) (chord 169.44 feet) (delta 06° 56' 19") for 169.54 feet to a point of tangency; thence run S 31° 47' 50" E for 591.34 feet to a point of curvature; thence run southeasterly along the arc of said curve to the right of radius 500.00 feet (chord bearing S 32° 53' 55" E) (chord 19.22 feet) (delta 02° 12' 09") for 19.22 feet to a point of tangency; thence run S 34° 00' 00" E for 981.23 feet to a point of curvature; thence run southeasterly along the arc said curve to the right of radius 150.00 feet (chord bearing S 23° 00' 00" E) (chord 57.24 feet) (delta 21° 59' 56") for 57.59 feet to a point of tangency; thence run S 12° 00' 00" E for 638.00 feet to a point of curvature; thence run southeasterly along the arc of said curve to the right of radius 220.00 feet (chord bearing S 04° 22' 30" E) (chord 58.38 feet) (delta 15° 14' 57") for 58.55 feet to a point of reverse curvature; thence run southeasterly along the arc of said curve to the left of radius for 540.00 feet (chord bearing S 16° 37' 30" E) (chord 367.17 feet) (delta 39° 45' 01") for 374.64 to a point of reverse curvature; thence run southeasterly along the arc of said curve to the right of radius 175.97 feet (chord bearing S 23° 33' 50" E) (chord 78.79 feet) (delta 25° 52' 26") for 79.47 feet to a point of tangency; thence run S 10° 15' 19" E for 2.28 feet to a point of curvature; thence run southwesterly along the arc of said curve to the right of radius 175.97 feet (chord bearing S 02° 44' 01" W) (chord 76.88 feet) (delta 25° 14' 04") for 77.50 feet to a point of reverse curvature; thence run southeasterly along the arc of said curve to the left of radius 397.28 feet (chord bearing S 04° 04' 00" E) (chord 264.14 feet) (delta 38° 50' 00") for 269.26 feet to a point of compound curvature; thence run southeasterly along the arc of said curve to the right of radius 200.00 feet (chord bearing S 13° 53' 30" E) (chord 66.65 feet) (delta 19° 11'00") for 66.96 feet to a point of tangency; thence run S 04° 18'00" E for 286.00 feet to a point of curvature; thence run southwesterly along the arc of said curve to the right of radius 200.00 feet (chord bearing S 05° 12' 00" W) (chord 66.02 feet) (delta 19° 00' 01") for 66.32 feet to a point of tangency; thence run S 14° 42' 00" W for 244.00 feet to a point of curvature; thence run southwesterly along the arc of said curve to the right of radius 250.00 feet (chord bearing S 58° 27' 00" W) (chord 345.76 feet) (delta 87° 30' 04") for 381.80 feet to a point of tangency; thence run N 77° 48' 00" W for 425.21 feet to a point of curvature; thence run northwesterly along the arc of said curve to the right radius 241.48 feet (chord bearing N 39° 41' 20" W) (chord 298.08 feet) (delta 76° 13' 23") for 321.25 feet to a point of reverse curvature; thence run northwesterly along the arc of said curve to the left of radius 680.00 feet (chord bearing N 20° 09' 40" W) (chord 433.41 feet) (delta 37° 10' 00") for 441.10 feet to a point of tangency; thence run N 38° 44' 40" W for 145.60 feet to a point of curvature; thence run northwesterly along the arc of said curve to the right of radius 150.00 feet (chord



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bearing N 00° 31' 20" W) (chord 185.61 feet) (delta 76° 26' 33") for 200.13 feet to a point of reverse curvature; thence run northeasterly along the arc of said curve to the left of radius 150.00 feet (chord bearing N 09° 57' 00" E) (chord 139.68 feet) (delta 55° 29' 53") for 145.29 feet to a point of tangency; thence run N 17° 48' 00" W for 130.00 feet to a point of curvature; thence northwesterly along the arc of said curve to the left of radius 150.00 feet (chord bearing N 45° 25' 30" W) (chord 139.10 feet) (delta 55° 14' 53") for 144.64 feet to a point of tangency; thence run N 73° 03' 00" W for 163.07 feet to a point of curvature; thence run northwesterly along the arc of said curve to the right of radius 191.45 feet (chord bearing N 54° 18' 00" W) (chord 123.08 feet) (delta 37° 30' 01") for 125.30 feet to a point of reverse curvature; thence run southwesterly along the arc of said curve to the left of radius 35.00 feet (chord bearing S 66° 57' 00" W) (chord 68.34 feet) (delta 154° 59' 40") for 94.68 feet to a point of tangency; thence run S 10° 33' 00" E for 126.80 feet to a point of curvature; thence run southeasterly along the arc of said curve to the left of radius 73.00 feet (chord bearing S 53° 28' 50" E) (chord 99.44 feet) (delta 85° 51' 31") for 109.39 feet to a point of reverse curvature; thence run southeasterly along the arc of said curve to the right of radius 100.94 feet (chord bearing S 45° 34' 40" E) (chord 156.52 feet) (delta 101° 40' 00") for 179.11 feet to an intersection with the south line of the lands as described in deed recorded in Deed Book 209 at Page 71, Public Records of Lee County, Florida and the point of tangency; thence run S 05° 15' 20" W continuing along said bulkhead line for 110.81 feet to a point of curvature; thence run southeasterly along the arc of said curve to the left of radius 135.00 feet (chord bearing S 16° 44' 40" E) (chord 101.14 feet) (delta 44° 00'00") for 103.67 feet to a point of tangency; thence run S 38° 44' 40" E for 390.00 feet to a point of curvature; thence run southeasterly along the arc of said curve to the right of radius 620.00 feet (chord bearing S 10° 14' 40" E) (chord 591.68 feet) (delta 57° 00' 00") for 618.80 feet to a point of tangency; thence run S 18° 15' 20" W for 317.84 feet to an intersection with the north line of Government Lot 2 of said Section 27 and the Point of Beginning.

AND

PARCEL 2

From an intersection with the south line of the lands as described in Deed Book 209 at Page 71, Public Records of Lee County, Florida with the westerly right-ofway line of the former 30 foot roadway for South Seas Plantation run N 04° 57' 00" W along said westerly right-of-way line for 200.56 feet to the Point of Beginning.

From said Point of Beginning continue N 04° 57' 00" W along said westerly right-of-way line for 175.72 feet to a jog in said right-of-way; thence run N 00° 27' 00" W continuing said right-of-way line for 324.14 feet; thence run S 89° 27' 00" W and parallel with the south line of the lands as described in Deed Book 209 at Page 71 said public records for 237 feet more or less, to an intersection with the Mean High Water Line of the Gulf of Mexico; thence run



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southeasterly along said Mean High Water Line for 517 feet more or less, to an intersection with a line that bears S 89° 27' 00" W and passing through said Point of Beginning; thence run N 89° 27' 00" E along said line for 115 feet more or less to the Point of Beginning.

AND

PARCEL 3

From the northeaster corner of Plantation Beach Club, Phase II also being the southeasterly corner of Lot 7 of Unrecorded American Hotels Company Subdivision run S 22° 10' 43" E along the westerly right-of-way line of South Seas Plantation Road for 146.79 feet to a jog in said road; thence run S 00° 27' 00" E along the former 30 foot roadway for Plantation Road for 165.64 feet; thence run S 89° 27' 00" W and parallel with the south line of the lands as described in Deed Book 209 at Page 71, Public Records of Lee County, Florida for 290 feet more or less, to an intersection with the Mean High Water Line of the Gulf of Mexico; thence run northwesterly along said Mean High Water Line for 306 feet more or less, to an intersection with the north line of said Plantation Beach Club, Phase II and the southerly line of Lot 7 of Unrecorded American Hotels Company Subdivision; thence run N 89° 21' 11" E along said line for 290 feet more or less, to the Point of Beginning.

AND

PARCEL 4

From the northerly most terminus point of a bulkhead line as approved by The Lee County Board of County Commissioners also being the same northerly terminus of the submerged lands from the Trustees of Internal Improvement Trust Fund as recorded in Official Record Book as described in deed recorded Official Record Book 572 at Page 14, Public Records of Lee County, Florida run S 32° 48' 09" W for 278 feet more or less, to an intersection with the face of a existing concrete seawall and the Mean High Water Line of Bryant Bayou; thence southerly, westerly, northerly, northwesterly and southerly meandering along said Mean High Water Line for 1,980 feet, more or less to an intersection with the common lot line of Lots 22 and 23 of the unrecorded American Hotel's Company Subdivision; thence run S 89° 21' 11" W along said common lot line for 226 feet more or less, to an intersection with the east right-of-way line of South Seas Plantation Road as described in deed recorded in Official Record Book 1846 at Page 807, Public Records of Lee County, Florida; thence run S 08° 55' 49" E along said right-of-way for 136.42 feet to an intersection with the common lot line of Lots 22 and 21 of said American Hotel's Company Subdivision; thence run N 89° 21' 11" E along said common line for 244 feet more or less, to an intersection with the Mean High Water Line of said Bryant Bayou; thence run southerly meandering said Mean High Water Line for 134 feet more or less, to an



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intersection with the common lot line of Lots 21 and 20 of said unrecorded American Hotel's Company Subdivision; thence run S 89° 21' 11" W along said common line for 284 feet more or less, to an intersection with said South Seas Plantation Road: thence run S 12° 24' 49" E along said right-of-way line for 284.01 feet; thence run S 22° 13'12" E continuing along said east right-of-way line for 6.44 feet to an intersection with the south line of Government Lot 1: thence run N 81° 30' 10" W along said Government Lot line for 33.28 feet to an intersection with the westerly right-of-way line of said South Seas Plantation Road: thence run N 12° 24' 49" W along said right-of-way line for 381.52 feet to a jog in said right-of-way line; thence run N 08° 55' 49" W for 251.73 feet to an intersection with the north line of the lands as described in deed recorded in Deed Book 305 at Page 143, Public Records of Lee County, Florida also being the south line of a 30 foot wide access easement as described in Official Record Book 22 at page 486, Public Records of Lee County, Florida; thence run S 89° 21' 11" W along said line for 390 feet more or less, to an intersection with the Mean High Water Line of the Gulf of Mexico; thence run northwesterly, northerly, northeasterly and southerly meandering along the Mean High Water Line of Pine Island Sound for 5,334 feet more or less, to an intersection with the a line that bears N 49° 14' 36" W and passing through the Point of Beginning; thence run S 49° 14' 36" E along said line for 148 feet more or less, to said Point of Beginning.

SUBJECT TO easements, restrictions and reservations of record.

Bearings hereinabove mentioned are based on the bulkhead line as approved by The Lee County Board of County Commissioners as described in resolution recorded in County Commission Minute Book 23 at Pages 54(a) through 54(d), Public Records of Lee County, Florida, wherein the north line of Section 27, Township 45 South, Range 21 East bears N 81° 30' 10" W.

Applicant's Legal Checked AM, OSMAYOG

Michael W. Norman (for The Fir

Professional Land Surveyor Florida Certificate No. 4500

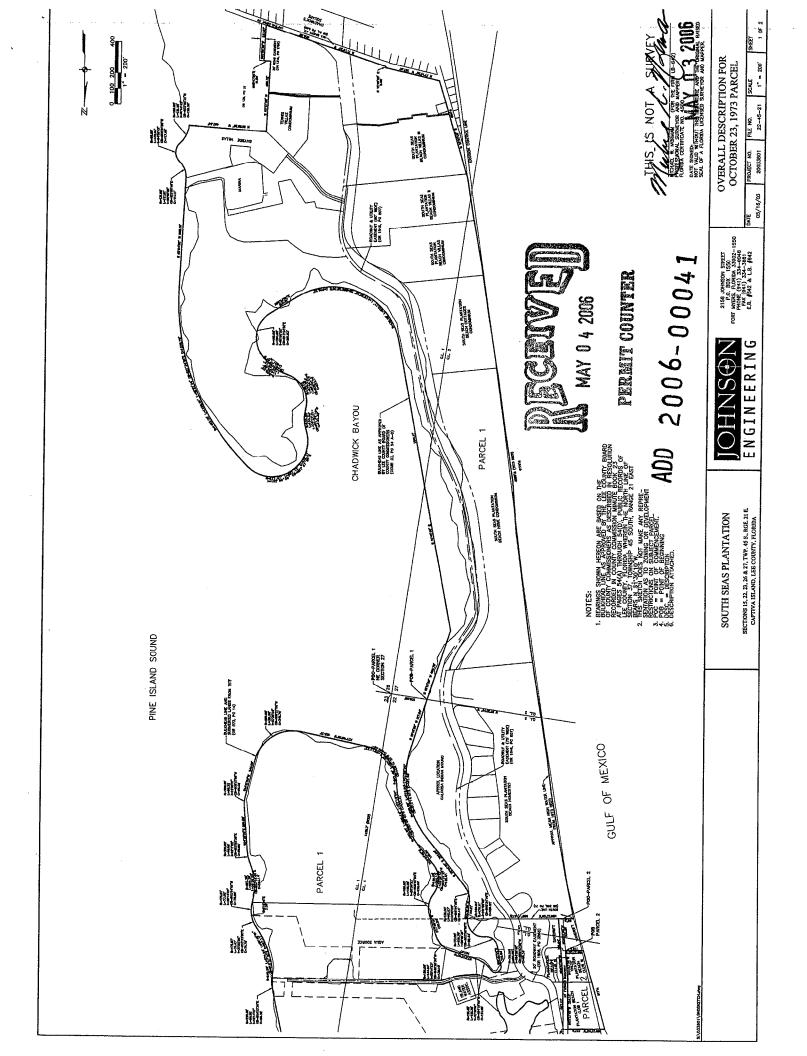


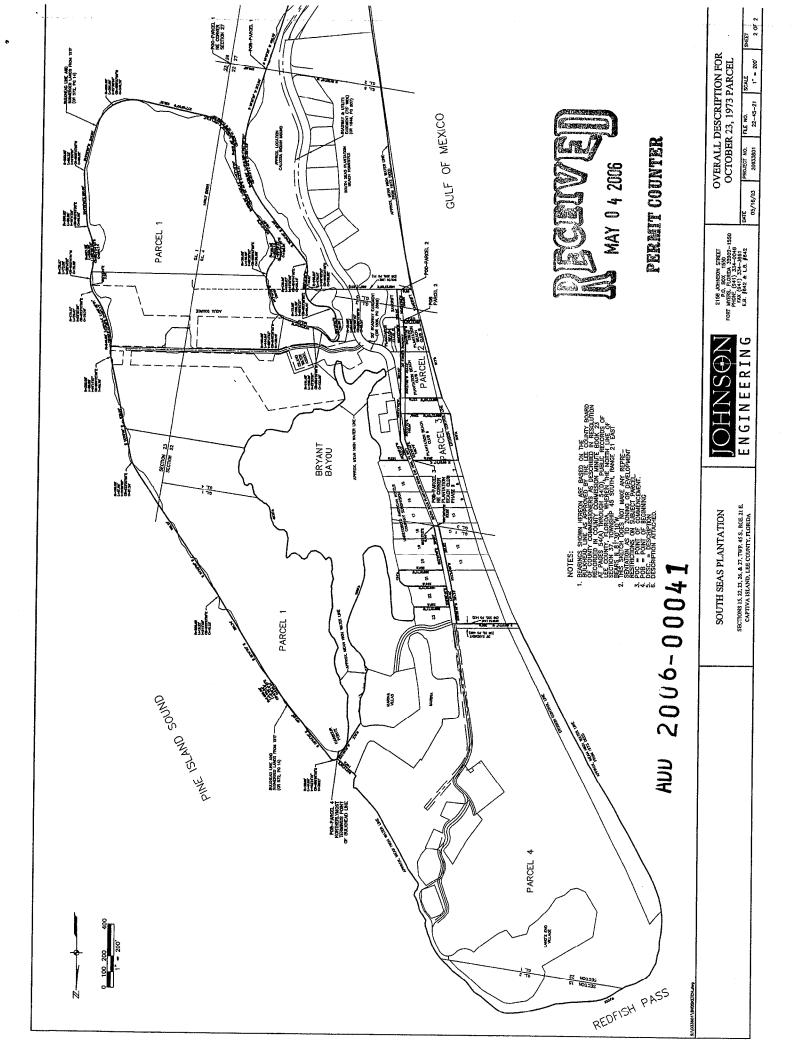
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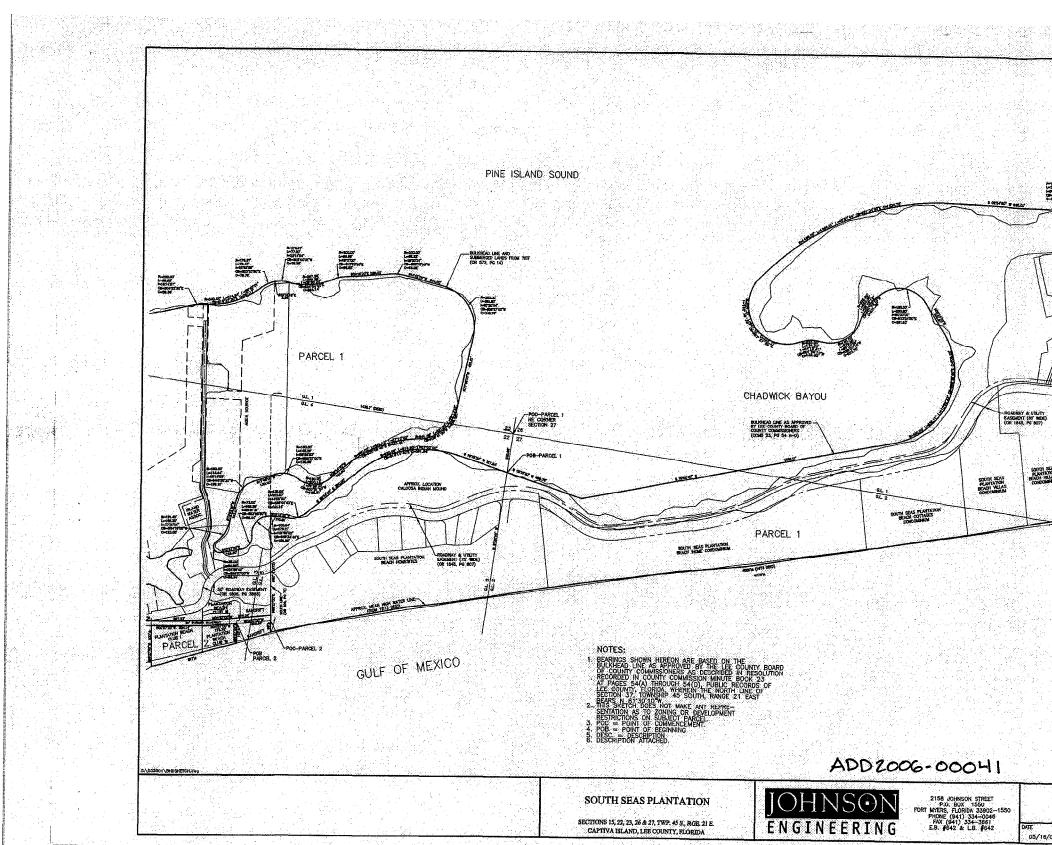
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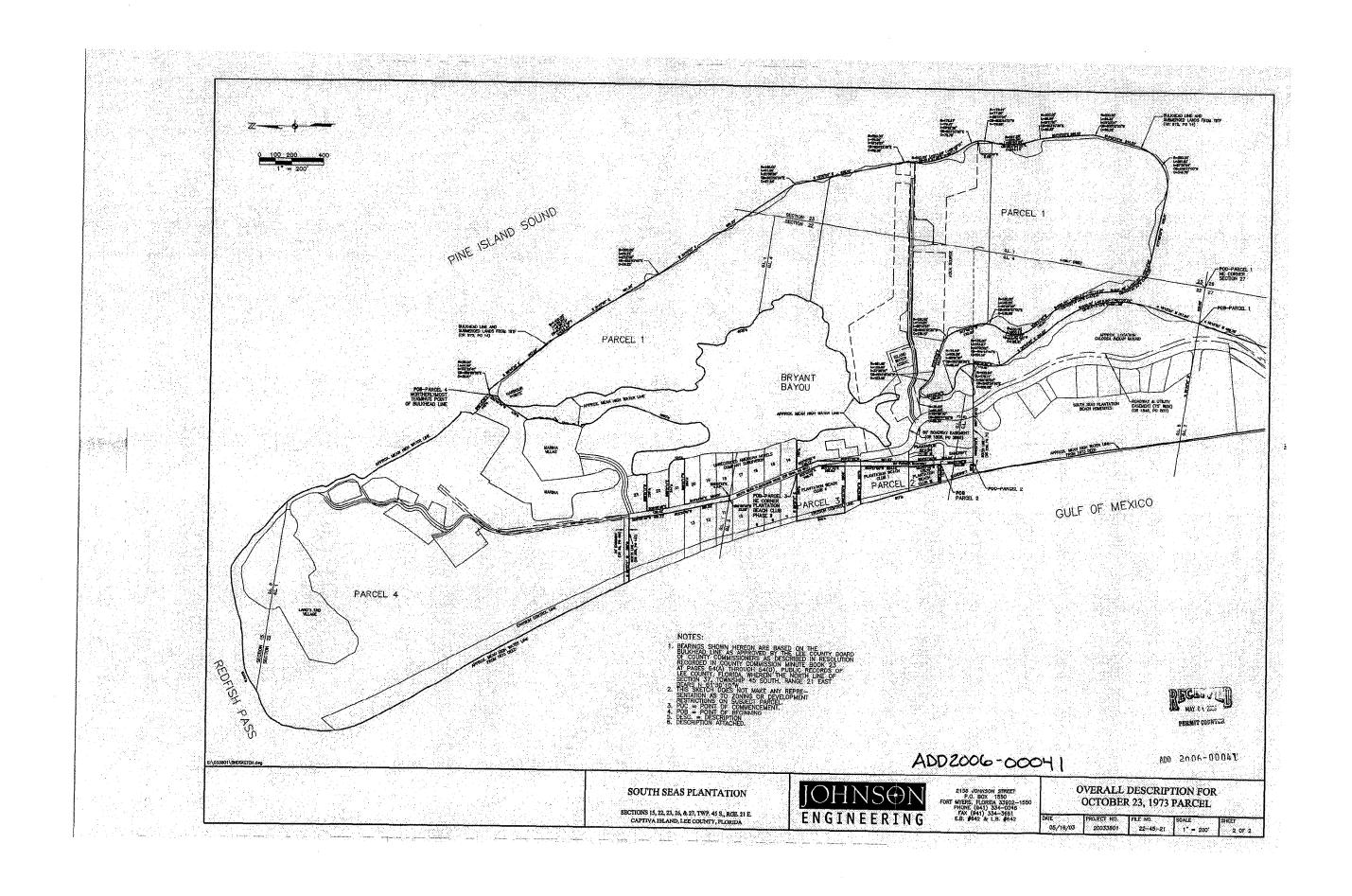


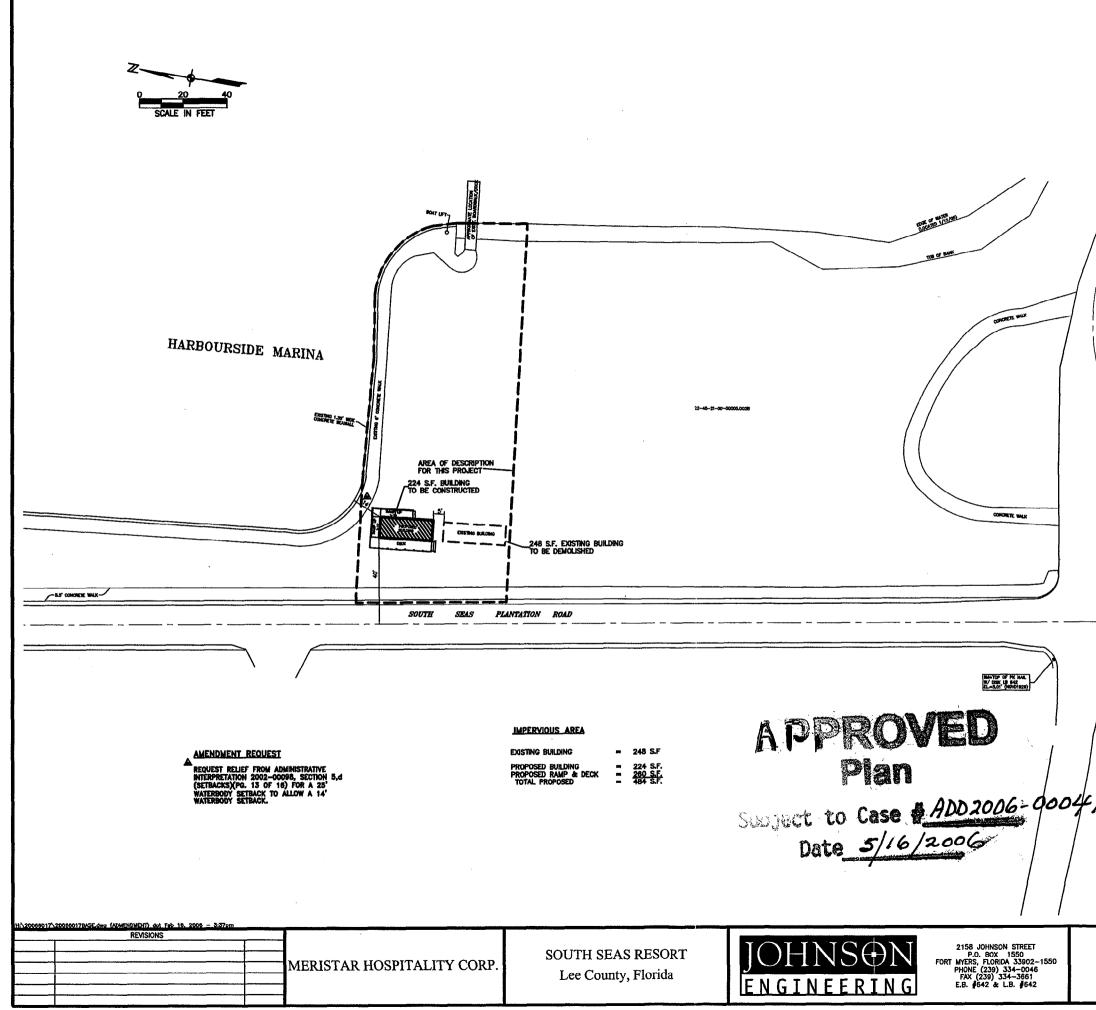




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	FEB 2 3 2005 PERMIT COULTER
DATE	EXHIBIT B ADD 2006-00041 ADMINISTRATIVE ADMENDMENT CAPTIVA CRUISE BUILDING PROJECT NO. FILE NO. SCALE SHEET