ADMINISTRATIVE APPROVAL
LEE COUNTY, FLORIDA

WHEREAS, Taylor Morrison of Florida, Inc. filed an application for administrative approval on a project known as Tortuga (F.K.A. Stonegate) to rescind the use of Transfer of Development Rights (TDR) units approved by ADD2008-00135 on property located at 9840 Gladiolus Drive, described more particularly as:

LEGAL DESCRIPTION: In Section 33, Township 45 South, Range 24 East, Lee County, Florida:

See Legal Description, Exhibit A.

WHEREAS, the applicant has indicated the property's current STRAP numbers are 33-45-24-00-00001.0000 and 33-45-24-01-00000.00A0; and

WHEREAS, Taylor Morrison of Florida, Inc., the owner of the subject property, has authorized Waldrop Engineering, P.A. to act as agent to pursue this administrative approval; and

WHEREAS, the property is conventionally zoned Multiple Family (RM-2 and RM-8); and

WHEREAS, the subject property is located in the Urban Community Future Land Use Category as designated by the Lee Plan; and

WHEREAS, the Urban Community Future Land Use Category permits a maximum of six dwelling units per gross area; and

WHEREAS, administrative approval of density increase to utilize 88 TDR units was approved in ADD2008-00135 pursuant to Land Development Code (LDC) Section 2-147(b)(2); and

WHEREAS, the subject property was originally going to be developed in compliance with the zoning site plan attached to ADD2008-00135 with 368 multiple-family residential units utilizing 280 standard density dwelling units and 88 TDR units; and

WHEREAS, the applicant proposes to develop the subject property with 136 multiple-family residences and 120 single-family attached residences for a total of 266 dwelling units which is consistent with the standard density permitted in the Urban Community Future Land Use Category; and

WHEREAS, current development plans for the subject property no longer utilize the 88 TDR units approved by ADD2008-00135; and

WHEREAS, the applicant is requesting to rescind the use of the 88 TDR units approved by ADD2008-00135 on the subject property; and

WHEREAS, the applicant will retain the rights to the 88 TDR units to sell or utilize in other projects consistent with the Lee Plan and LDC; and

WHEREAS, LDC Section 2-147(b)(2) provides for administrative approval of density increases in conventional zoning districts; and

WHEREAS, the subject application has been reviewed by the Lee County Department of Community Development; and

WHEREAS, it is found that the request to rescind the use of the 88 TDR units on the subject property 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 rescind the 88 TDR units approved by ADD2008-00135 on the subject property is **APPROVED, subject to the following conditions:**

1. **The administrative approval to utilize 88 TDR units on the subject property on February 9, 2009 in ADD2008-00135 is superceded by this action. ADD2008-00135 has no further force or effect.**

2. **Development Order DOS2005-00120 approved the use of TDR units on the property with STRAP number 33-45-24-01-00000.00A0. DOS2005-00120 is no longer valid and must be vacated.**

DULY SIGNED this 29th day of March, A.D., 2010.

BY: Pam Houck

Pam Houck, Director
Division of Zoning
Department of Community Development

Exhibits:
A - Legal Description

EXHIBIT A

LEGAL DESCRIPTION

BEING A PORTION OF SECTION 33, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 33, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA; THENCE SOUTH 89°53'25" EAST, ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 33, A DISTANCE OF 33.01 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF A & W BULB ROAD AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE SOUTH 89°53'25" EAST, ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 33, A DISTANCE OF 1,958.21 FEET TO THE NORTHEAST CORNER OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 33; THENCE SOUTH 01°06'40" EAST, ALONG THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 33, A DISTANCE OF 407.52 FEET; THENCE SOUTH 88°53'20" WEST, A DISTANCE OF 296.32 FEET TO A POINT OF CURVATURE; THENCE WESTERLY, 33.98 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 146.36 FEET, THROUGH A CENTRAL ANGLE OF 13°18'13" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 84°27'33" WEST, 33.91 FEET TO A POINT OF REVERSE CURVATURE; THENCE WESTERLY, 61.35 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 263.25 FEET, THROUGH A CENTRAL ANGLE OF 13°21'13" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 84°29'03" WEST, 61.21 FEET; THENCE SOUTH 88°50'20" WEST, A DISTANCE OF 91.86 FEET; THENCE SOUTH 01°06'40" EAST, A DISTANCE OF 17.40 FEET; THENCE SOUTH 88°53'20" WEST, A DISTANCE OF 32.00 FEET; THENCE SOUTH 01°06'40" EAST, A DISTANCE OF 175.00 FEET; THENCE SOUTH 88°53'20" WEST, A DISTANCE OF 74.00 FEET; THENCE SOUTH 52°51'42" WEST, A DISTANCE OF 13.60 FEET; THENCE SOUTH 01°06'40" EAST, A DISTANCE OF 13.00 FEET; THENCE SOUTH 88°53'20" WEST, A DISTANCE OF 63.38 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 33; THENCE SOUTH 01°09'40" EAST, ALONG SAID WEST LINE, A DISTANCE OF 196.00 FEET; THENCE NORTH 88°53'20" EAST, A DISTANCE OF 168.21 FEET; THENCE NORTH 01°06'40" WEST, A DISTANCE OF 15.67 FEET; THENCE NORTH 88°53'20" EAST, A DISTANCE OF 149.67 FEET; THENCE SOUTH 01°06'40" EAST, A DISTANCE OF 340.97 FEET; THENCE SOUTH 14°56'56" WEST, A DISTANCE OF 54.94 FEET; THENCE SOUTH 00°13'08" WEST, A DISTANCE OF 23.40 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE; THENCE SOUTH 88°54'59" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 367.40 FEET TO A POINT ON A NON-TANGENTIAL CURVE; THENCE NORTHEASTERLY, 27.09 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 32.00 FEET, THROUGH A CENTRAL ANGLE OF 48°29'55" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 23°07'54" EAST, 26.29 FEET; THENCE NORTH 01°07'03" WEST, A DISTANCE OF 42.10 FEET TO A POINT OF CURVATURE; THENCE NORTHERLY, 52.56 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 72.00 FEET, THROUGH A CENTRAL ANGLE OF 41°49'20" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 22°01'43" WEST, 51.40 FEET; THENCE NORTH 42°56'23" WEST, A DISTANCE OF 106.83 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY, 70.09 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 189.00 FEET, THROUGH A CENTRAL ANGLE OF 21°14'48" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 32°18'59" WEST, 69.68 FEET TO A POINT ON A NON-TANGENTIAL CURVE; THENCE WESTERLY, 159.13 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 280.00 FEET, THROUGH A CENTRAL ANGLE OF 32°33'46" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 72°42'05" WEST, 157.00 FEET; THENCE SOUTH 88°58'57" WEST, A DISTANCE OF 79.37 FEET; THENCE NORTH 01°01'03" WEST, A DISTANCE OF 40.00 FEET; THENCE SOUTH 88°58'57" WEST, A DISTANCE

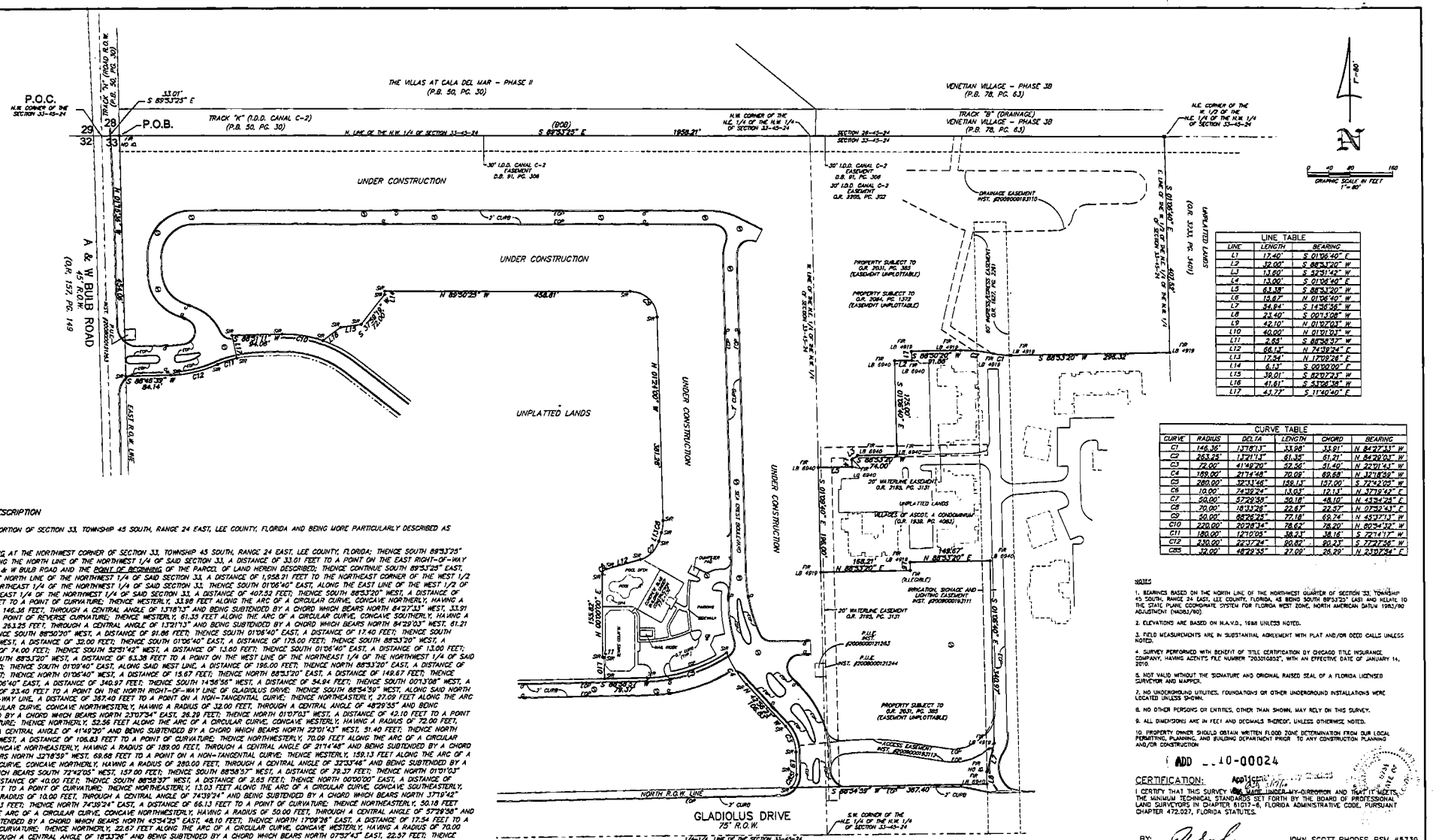
OF 2.65 FEET; THENCE NORTH 00°00'00" EAST, A DISTANCE OF 155.82 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY, 13.03 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 10.00 FEET, THROUGH A CENTRAL ANGLE OF 74°39'24" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 37°19'42" EAST, 12.13 FEET; THENCE NORTH 74°39'24" EAST, A DISTANCE OF 66.13 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY, 50.18 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 50.00 FEET, THROUGH A CENTRAL ANGLE OF 57°29'58" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 45°54'25" EAST, 48.10 FEET; THENCE NORTH 17°09'26" EAST, A DISTANCE OF 17.54 FEET TO A POINT OF CURVATURE; THENCE NORTHERLY, 22.67 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 70.00 FEET, THROUGH A CENTRAL ANGLE OF 18°33'26" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 07°52'43" EAST, 22.57 FEET; THENCE NORTH 01°24'00" WEST, A DISTANCE OF 381.28 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY, 77.18 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 50.00 FEET, THROUGH A CENTRAL ANGLE OF 88°26'25" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 45°37'13" WEST, 69.74 FEET; THENCE NORTH 89°50'25" WEST, A DISTANCE OF 458.81 FEET; THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 6.13 FEET; THENCE SOUTH 37°59'19" WEST, A DISTANCE OF 72.00 FEET; THENCE SOUTH 82°07'23" WEST, A DISTANCE OF 39.01 FEET; THENCE SOUTH 53°06'38" WEST, A DISTANCE OF 41.61 FEET TO A POINT ON A NON-TANGENTIAL CURVE; THENCE WESTERLY, 78.62 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 220.00 FEET, THROUGH A CENTRAL ANGLE OF 20°28'34" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 80°54'32" WEST, 78.20 FEET; THENCE SOUTH 88°51'11" WEST, A DISTANCE OF 94.06 FEET; THENCE SOUTH 11°40'40" EAST, A DISTANCE OF 43.77 FEET TO A POINT ON A NON-TANGENTIAL CURVE; THENCE WESTERLY, 38.23 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 180.00 FEET, THROUGH A CENTRAL ANGLE OF 12°10'05" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 72°14'17" WEST, 38.16 FEET TO A POINT OF REVERSE CURVATURE; THENCE WESTERLY, 90.82 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 230.00 FEET, THROUGH A CENTRAL ANGLE OF 22°37'24" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 77°27'56" WEST, 90.23 FEET; THENCE SOUTH 88°46'39" WEST, A DISTANCE OF 84.14 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF AFORESAID A & W BULB ROAD; THENCE NORTH 01°15'36" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 454.06 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,117,911 SQUARE FEET OR 25.664 ACRES, MORE OR LESS.

JOHN SCOTT RHODES
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA, LICENSE NUMBER 5739

APPROVED
LEGAL
3/17/10

ADD 2010-00024


P.O.C.
N.W. CORNER OF THE SECTION 33-45-24
P.O.B.
TRACK "K" (ROAD R.O.W. (P.B. 50, PG. 30))
33.01'
S 89°53'25" E
TRACK "K" (I.D.D. CANAL C-2) (P.B. 50, PG. 30)
THE VILLAS AT CALA DEL MAR - PHASE II (P.B. 50, PG. 30)
N. LINE OF THE N.W. 1/4 OF SECTION 33-45-24
(BOB)
S 89°53'25" E
1958.21'
N.W. CORNER OF THE N.E. 1/4 OF THE N.W. 1/4 OF SECTION 33-45-24
VENETIAN VILLAGE - PHASE 3B (P.B. 78, PG. 63)
SECTION 28-45-24
SECTION 33-45-24
TRACK "B" (DRAINAGE) VENETIAN VILLAGE - PHASE 3B (P.B. 78, PG. 63)
N.E. CORNER OF THE N. 1/2 OF THE N.E. 1/4 OF THE N.W. 1/4 OF SECTION 33-45-24
A & W BULB ROAD 45' R.O.W. (O.R. 157, PG 149)
EAST R.O.W. LINE
30' I.D.D. CANAL C-2 EASEMENT O.R. 91, PG. 306
UNDER CONSTRUCTION
UNPLATTED LANDS
N 89°50'23" W 458.81'
S 89°11'11" W 84.06'
S 88°48'32" W 84.14'
S 37°38'19" W 72.00'
N 01°08'40" W 634.06'
N 01°08'40" W 1328.36'
S 01°08'40" E 1328.36'
S 01°08'40" E 1150.01'
S 01°08'40" E 155.82'
N 00°00'00" E 155.82'
S 01°08'40" E 196.00'
S 01°08'40" E 1196.00'
S 01°08'40" E 1196.00'
S 01°08'40" E 1