

Gaither, Wayne

From: Horsting, Michael S.
Sent: Sunday, January 28, 2007 8:51 PM
To: Gaither, Wayne
Cc: Noble, Matthew A.
Subject: RE: CPA2006-00012 / North River Village Map and Text Amendment

Wayne,

We have no additional comments to add to what we have already addressed regarding creating a multi-modal environment.

-Mike Horsting

From: Gaither, Wayne
Sent: Fri 1/26/2007 1:44 PM
To: tpmfmd@yahoo.com; Bergquist, W.; Campbell, George G.; Collins, Donna Marie ; Dalttry, Wayne E.; Eckenrode, Peter J.; Hansen, Hans C.; Houck, Pamela E.; Lavender, James H.; Liddblad, Ellen; Loveland, David M.; Horsting, Michael S.; Newman, William T.; Nygaard, James; Ottolini, Roland E.; Pavese, Michael P.; Roberts, Rickey G.; Sampson, Lindsey J.; Smith, Regina Y.; Trebatoski, Kim; Velez, Sergio I.; William Horner; Wilson, John; Wu, Lili ; Yarbrough, John H.; Zettel, Mary S.
Cc: Noble, Matthew A.
Subject: CPA2006-00012 / North River Village Map and Text Amendment

Distribution List:

John Wilson, Lee County Public Safety
Chris Hansen, Lee County Public Safety, EMS
Richard Cranford, Lee County Public Safety
Gerald Campbell, Lee County Public Safety, Emergency Management
W. Bergquist, Lee County Sheriff's Office
James Nygaard, Lee County Sheriff's Office
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Michael Horsting, Lee Tran
Dave Loveland, Lee County Division of Transportation
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Rick Roberts, DCD/Code Enforcement
Donna Marie Collins, County Attorney's Office
Ellen Lidblad, Lee County School Board
William Horner, Airport Authority

Susan T. T. T.

Terry Pye, North Fort Myers Fire Control and Rescue District

January 26, 2007

Public Service/Review Agencies

RE: CPA2006-00012 – North River Village (Map and Text Amendment)

Planning staff requests your agencies help in reviewing the above referenced Lee Plan Amendment. The proposed map and text amendment would change the Land Use designation from Rural to a new land use designation of North River Village. The site is generally 1263 acres in size.

The applicant is proposing to amend the Future Land Use Map (FLUM), Map 1.

The existing Rural Land Use designation allows a density range of one (1) dwelling unit per acre (1 du / acre). Under the existing land use designation it is estimated that 95 dwelling units could be generated on this site. The Rural Land Use designation is anticipated to remain predominately rural, with low density residential development and agricultural uses. These are areas not intended to receive urban type capital improvements.

The proposed land use designation of North River Village is written to create a land use category to accommodate large areas of land (over 1,000 acres), a maximum of 3,000 dwelling units including condo hotel units and 150,000 square feet of commercial.

Planning staff requests that your agency help determine the sufficiency of the proposed plan amendment application for review. If you can identify any deficiencies in the information provided, need clarification on the subject matter, or if you find the application sufficient for review, please provide these comments to us by February 12, 2007 (Approximately 2 weeks). A letter is being drafted to submit any additional data requests to the applicant and your input concerning the potential impacts to your agency is important.

A link to the application is below. If you have problems opening the attachment or if you have any questions, please contact:

Matt Noble
479-8548
noblema@leegov.com

<http://www.lee-county.com/dcd/PlanAmendments/PA2006-2007/CPA200612A1.pdf>

Cunningham, Brent

From: Cunningham, Brent
Sent: Wednesday, April 04, 2007 12:31 PM
To: Loveland, David M.; Wu, Lili ; 'kfarrell@sheriffleefl.org'; Ottolini, Roland E.; Trebatoski, Kim; Yarbrough, John H.; Smith, Regina Y.; Lavender, James H.; Houck, Pamela E.; Eckenrode, Peter J.; 'Susanmte@leeschools.net'; Velez, Sergio I.; 'wbhorner@flylcpa.com'; 'tpnfmfd@yahoo.com'
Cc: Noble, Matthew A.
Subject: CPA2006-00012 North River Village Map and Text Amendment

If there are additional comments from your agencies regarding the above referenced Lee Plan Amendment, please provide them. Thank you.

Brent Cunningham
Senior Planner
Lee County DCD
Division of Planning
phone: 239-479-8567
fax : 239-479-8319
bcunningham@leegov.com
www.lee-county.com

Cunningham, Brent

From: Horsting, Michael S.
Sent: Thursday, April 05, 2007 10:37 AM
To: Cunningham, Brent
Subject: RE: Hey

With the pace of growth projected for Lee County and the potential the SR 31 corridor has for becoming a transit corridor in the future, we requested the design and development of North River Village to include "transit ready" features. Such features should include pedestrian walkways and bike ways internal to the project that will connect with the SR 31 corridor for future access to a transit system, as well as ROW and land preservation for future transit passenger amenities. The standard grid system is much preferred for efficient transit service as apposed to the curved roads with dead-ends and cul-de-sacs. Such items will facilitate easier access to public transportation and will allow for ease of implementation of such service in the future.

Mike Horsting, AICP
Principal Planner - Lee County Transit
239-533-0333 tel

From: Cunningham, Brent
Sent: Wednesday, April 04, 2007 11:23 AM
To: Horsting, Michael S.
Subject: RE: Hey

Well at least things are good for now. In addition, I am reading an email dated 1/28/2007 regarding the CPA2006-00012 North River Village Map and Text Amendment. You stated that LeeTran had no additional comments to add to what you had already discussed regarding creating a multi-modal environment. What was discussed in the previous emails? Please let me know when you get a chance. Thanks Michael.

Brent Cunningham
Senior Planner
Lee County DCD
Division of Planning
phone: 239-479-8567
fax : 239-479-8319
bcunningham@leegov.com
www.lee-county.com

From: Horsting, Michael S.
Sent: Wednesday, April 04, 2007 11:13 AM
To: Cunningham, Brent
Subject: RE: Hey

She's doing better now, thanks. We got a call early Saturday morning that she was at work and having a stroke. She spent three days in the hospital, went home yesterday and should be able to go back to work sometime next week. There's just this new fear now; once you're a stroke victim the chances of future strokes increases.

Mike Horsting, AICP
Principal Planner - Lee County Transit
239-533-0333 tel

From: Cunningham, Brent
Sent: Wednesday, April 04, 2007 9:23 AM
To: Horsting, Michael S.

4/5/2007

Cunningham, Brent

From: Cunningham, Brent
Sent: Friday, April 13, 2007 3:19 PM
To: 'tpnfmfd@yahoo.com'; 'kfarrell@sheriffleefl.org.'; Campbell, George G.; Collins, Donna Marie ; Daltry, Wayne E.; Eckenrode, Peter J.; Hansen, Hans C.; Houck, Pamela E.; Lavender, James H.; Loveland, David M.; Newman, William T.; Ottolini, Roland E.; Pavese, Michael P.; Roberts, Rickey G.; Sampson, Lindsey J.; Smith, Regina Y.; Trebatoski, Kim; Velez, Sergio I.; Wilson, John; Wu, Lili ; Yarbrough, John H.; Zettel, Mary S.; 'Susanmte@leeschools.net'; Horsting, Michael S.
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Matt Noble
479-8548
noblema@leegov.com

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bcunningham@leegov.com
www.lee-county.com

Cunningham, Brent

From: Newman, William T.
Sent: Monday, April 16, 2007 8:39 AM
To: Cunningham, Brent
Cc: Noble, Matthew A.
Subject: RE: CPA2006-00012 North River Village Map and Text Amendment
Attachments: North River Village(Comm and Res).doc

Brent:

Please find my attached letter dated September 29, 2006 which was in response to a request by Debbie Strach of DeLisi Fitzgerald. DeLisi Fitzgerald included their request letter in their submittal, but didn't include my response.

Bill Newman
 Operations Manager
 Solid Waste Division
 (239)338-3302
 newmanwt@leegov.com

From: Cunningham, Brent
Sent: Friday, April 13, 2007 3:19 PM
To: tpnfmfd@yahoo.com; kfarrell@sheriffleefl.org.; Campbell, George G.; Collins, Donna Marie ; Daltry, Wayne E.; Eckenrode, Peter J.; Hansen, Hans C.; Houck, Pamela E.; Lavender, James H.; Loveland, David M.; Newman, William T.; Ottolini, Roland E.; Pavese, Michael P.; Roberts, Rickey G.; Sampson, Lindsey J.; Smith, Regina Y.; Trebatoski, Kim; Velez, Sergio I.; Wilson, John; Wu, Lili ; Yarbrough, John H.; Zettel, Mary S.; Susanmte@leeschools.net; Horsting, Michael S.
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 Pam Houck, Lee County Zoning
 Pete Eckenrode, Lee County Development Services
 Michael Pavese, Lee County Public Works
 Wayne Daltry, Lee County Smart Growth*

4/23/2007

*Mary Zettel, DCD/Code Enforcement
Rick Roberts, DCD/Code Enforcement
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noblema@leegov.com

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Cunningham, Brent

From: Daltry, Wayne E.
Sent: Tuesday, April 24, 2007 10:10 AM
To: Cunningham, Brent
Subject: RE: CPA2006-00012 North River Village Map and Text Amendment

Good morning Brent:

My apologies for being a day late in responding but I was on the road from the 13th to the 23rd.

I have previously met with agents of the applicant, and I have no doubt that an internally consistent project can be developed, with the relevant input on content, design, and timing. I told them the big issue I saw was that there was no real county "need" for the project at this time, due to the population forecasts and distribution just reviewed and adopted by the Lee MPO. This same distribution is before the Board in its current review of the EAR based plan amendments. Given the guidance that population distribution and growth drives our concurrency based system, there would need to be a reconsideration of the forecasts for Alva.

In regard to the topic before us, I have the following comments:

1. "Out parcels." The configuration of the ownership has "out parcels" which will be future problems unless they are brought in within at least a common sector plan. Current allocations by land use do not create that problem, but the reallocation of density—or creation of new density—to this project while overlooking the others belies a systematic review of land use need.
2. "Sector Planning" In the context of the comment above, and the various agreements concerning the property formerly known as Babcock Ranch, we can forecast that land use proposals reviewed separately will not encompass the service needs if reviewed collectively. If population forecasts are redistributed, or newly created, the overall area should be reviewed for the aggregate demand before any individual approval is given. There is statutory guidance for this approach.
3. Existing Community Plans. Alva has proposed a truncated community plan for the smaller Alva community area, which is a subportion of the area designated in the Lee Plan as the Alva Community. Bayshore and Fort Myers Shores have approved community plans. Any proposed change to the FLUM and Plan should be reviewed for impacts on the two adopted plans, and at least be reviewed for whether the Alva Plan would create inconsistencies.

Wayne Daltry, FAICP
 Director, Smart Growth
 239-335-2840
 fx -335-2262

From: Cunningham, Brent
Sent: Friday, April 13, 2007 3:19 PM
To: tpmfmd@yahoo.com; kfarrell@sheriffleefl.org.; Campbell, George G.; Collins, Donna Marie ; Daltry, Wayne E.; Eckenrode, Peter J.; Hansen, Hans C.; Houck, Pamela E.; Lavender, James H.; Loveland, David M.; Newman, William T.; Ottolini, Roland E.; Pavese, Michael P.; Roberts, Rickey G.; Sampson, Lindsey J.; Smith, Regina Y.; Trebatoski, Kim; Velez, Sergio I.; Wilson, John; Wu, Lili ; Yarbrough, John H.; Zettel, Mary S.; Susanmte@leeschools.net; Horsting, Michael S.
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LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

(239) 479-8567

A. Brian Bigelow
District Two

Ray Judah
District Three

June 27, 2007

Tammy Hall
District Four

Frank Mann
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

Mr. Daniel DeLisi, AICP
1500 Royal Palm Square Blvd., Suite 101
Fort Myers, FL 33919

RE: CPA2006-12, North River Village Large Scale Plan Amendment

Dear Mr. DeLisi,

The Planning Division has reviewed your application for the above-referenced Lee Plan amendment and finds that additional information is needed before the application may be found sufficient for review.

The following comments pertain to Part I of the application

Planning staff needs clarification regarding the owners of records for several parcels. According to the Lee County Property Appraiser property detail information included in section two (Property Owners) of the application materials, there are several properties that have outdated property owners. For example: parcel formerly owned by Thirty Nine Preserve Inc. (18-43-26-00-00001.0000), parcel formerly owned by Michael & Tracey Greenwell (18-43-26-00-00001.0010), parcels formerly owned by Talon Ventures LLC (18-43-26-00-00002.0020, 18-43-26-00-00002.0000, 19-43-26-00-00002.1020), parcel formerly owned by George Thompson (20-43-26-00-00001.0070), parcel formerly owned by Alfredo & Patricia Savigne (20-43-26-00-00001.0080) and parcels formerly owned by Riverhaven Trust (19-43-26-00-00005.0030, 19-43-26-00-00006.0010, 19-43-26-00-00006.0040, 19-43-26-00-00006.0060, 19-43-26-00-00006.0050, 19-43-26-00-00006.0070 & 19-43-26-00-00006.0030). Recently North River LLC has purchased these properties. Please provide updated deeds reflecting these purchases.

The following comments pertain to Part IV of the application:

A.1.

(1.) Please provide a Future Urban Area Descriptor Policy for this proposed plan amendment request.

Insufficiency Letter for
CPA2006-12

June 27, 2007
Page 1 of 9

(2.) Planning staff introduced a Floor Area Ratio (FAR) of 1 as an index of intensity that was included in the newly adopted Commercial Land Use category (CPA2005-00039). The FAR method sets a maximum floor area making development consistent throughout the land use category. FAR is calculated by dividing the total floor area (square feet) of the building by the total area (square feet) of the lot. Planning staff believes that DCA will require this of all new land use categories. Please include Policy language that discusses FAR for the proposed plan amendment request.

A.6

Please submit all updated deeds for the subject amendment parcels.

B.1.

Long Range-20-year horizon

B.1.a.

Please identify the Traffic Analysis Zones (TAZs) for this proposed plan amendment request.

B.1.b.

(1.) Please determine whether the requested change requires a modification to the socio-economic data forecasts for the host zone or zones. The land uses for the proposed change should be expressed in the same format as the socio-economic forecasts (number of units by type/number of employees by type/etc.).

Please provide an existing and future conditions analysis for sanitary sewer and potable water, that includes that includes (but is not limited to) the following:

- Franchise Area, Basin, or District in which the property is located;
- Current LOS, and LOS standard of facilities serving the site;
- Projected 2020 LOS under existing designation;
- Projected 2020 LOS under proposed designation;
- Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, long range improvements and
- Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).

(2.) The applicant did not indicate if an amendment is proposed for Future Water Service Areas (Map 6) and Future Sewer Areas (Map 7) for the amendment request. In addition, the applicant stated that North Fort Myers Utilities will be providing wastewater service and Lee County utilities will be providing water service to the subject amendment parcels. Is an amendment proposed to Map 6 and Map 7 for the proposed project? How will potable water and sanitary sewer service be provided to the site? Is the applicant proposing a facility onsite? Please clarify.

(3.) Lee County Utilities provided an email dated June 20, 2007 including the following comments:

We intend to provide wastewater service to the project. The applicant should provide a location for a regional wastewater plant.

Please address the Lee County Utilities comment.

(4.) The applicant in a recent a meeting held on June 14, 2007 with Matt Noble, Brent Cunningham, Daniel DeLisi, Margaret Emblidge stated that a golf course is proposed for the North River Village Area. If a golf course is proposed, please provide Policy language that includes the design, construction, management and certification in accordance with the Audubon International Signature Program standard.

B.3

Lee County Division of Transportation provided a memo dated March 20, 2007 including the following comments:

The property is located within TAZ 1289 in Lee County MPO 2030 FSUTMS model. For the analysis, a new TAZ (TAZ316) was created by the applicant to analyze the proposed change would have on the 2030 Financially Feasible Plan as adopted by the Lee Plan County MPO. 1,470 single family dwelling units, 630 multi-family dwelling units and 900 condominium hotel units were added in zdata 1 of TAZ, 316,300 commercial employees and 110 service employees were added in zdata 2 and rerun 2030 FSTUMS model by applicant. It is reported that projected 2030 traffic conditions under the 2030 Financially-Feasible plan without and with the proposed CPA indicate the 4 lane segment of SR 80 between SR 31 and Tropic Ave are expected to exceed the adopted LOS standard. The section of SR 90 west of SR 31 also exceeds the adopted LOS standard without and with the CPA. The section of SR 31 between SR 78 and the proposed project entrance is expected to exceed the adopted LOS standard with the proposed CPA.

The above findings of the applicant's traffic study are not based on a worse case condition. Since single family has a higher trip generation rate than multi-family and condominium and the applicant requests to allow for 3,000 units, a worse case of assuming 3,000 single family units shall be conducted for the traffic study. Additionally, the traffic information on SR 31 north of SR 80 is associated with Permanent Station # 5 which is located on SR 80 west of SR 31. However, the applicant used the data of Permanent Station # 4 (on Bayshore Rd west of Williamsburg) for SR 31 north of SR 80. The traffic study shall be revised to study a worse case and the data of Permanent Station # 5 shall be used for SR 31 north of SR 80.

Please address the Lee County Department of Transportation comments.

Lee County Department of Smart Growth provided an email memo dated January 29, 2007 including the following comments:

1. The CR 78 corridor and SR 31 corridor should not be defined by applicant initiated amendments but instead by a master plan. The current LeePlan is the county wide master plan, and the opportunity exists for community and subcommunity based plans to be developed as further detailed evaluation of the Countywide approach. For this area, such a plan should define the capacity of the roads as area, and as can be expanded without violating their effectiveness; that defines the watershed and the water budget that must be maintained by land alterations, and the pollution load reduction expected of most watershed, as well as any groundwater storage targets; and, addresses similar system driven components of public infrastructure.

2. The population forecasts of the County are presumed to be accommodated by the approved developments in the different planning districts. I am unaware of any outside analysis that indicate a shortcoming in the planning district this is within that would require additional population. Without such analysis the CIP response is likely to suffer additional delays, since this is not a small project. (This concern reinforces point 1 above). I note the applicant is raising issues that the forecasts used by the County are inappropriate, but the place to challenge these forecasts would be in a particular plan section, not in a land use map change that doesn't include a change of the forecast in the appropriate section of the Plan.

3. The proposed change seems to create a new future land use category that is apparently application to just this site. The proposal underlines the problem previously faced by other projects that have their own category. The greater problem is the need for a land use category wherein the subsequent processes of land use change, zoning, site design, building form, and building review/COs are integrated to achieve a particular vision. The somewhat jury rigging of the DRI process has promoted that in the past, and land use reviews did promote some flexibility. If the issues in points 1 and 2 above are resolved, then the need to have projects such as this "covered" by an integrated program is required. Rather than the developer initiated category "category", a more inclusive approach should be developed and provided. The current "Mixed Use" concept should be assessed to see if the "Village" basic theme is met by such an approach.

4. *Integration of land uses with adjacent parcels. This point emphasizes part of the issue 1 above. The project is one that has been assembled from diverse ownerships. The resulting geometric has "outparcels" and somewhat angular interfaces with adjacent properties. There needs to be adequate mobility access and natural system continuation regardless of ownerships to ensure system performance.*

Please address the Department of Smart Growth comments.

B.3.a.

Please provide a letter from the Bayshore Fire & Rescue and North Fort Myers Fire Department determining the adequacy/provision of existing or proposed support facilities.

B.3.b.

(1.) Lee County Division of Public Safety Emergency Management Program provided a memo dated January 29, 2007 including the following comments:

Emergency Management reviewed the documents for the above-referenced amendment. This request appears to allow a density increase from 997 dwelling units (under current) to 3,000 dwelling units (under proposed). Most of this property is located in a Tropical Storm surge zone.

Lee County Public Safety and Emergency Management remain fundamentally opposed to increasing density in the Coastal High Hazard Area. Increased density in the Coastal High Hazard Area places more people at risk and increases demand on already strained shelters and evacuation routes.

POLICY 5.1.2.: Prohibits residential development where physical constraints or hazards exist, or requires the density and design to be adjusted accordingly. This request to increase density in the Coastal High Hazard Area is inconsistent with Policy 5.1.2.

POLICY 105.1.4.: Through the Lee Plan amendment process, land use designations of undeveloped areas within coastal high hazard areas will be considered for reduced density categories (or assignment of minimum allowable densities where density ranges area permitted) in order to limit the future population exposed to coastal flooding.

This request to increase density in the Coastal High Hazard Area is inconsistent with Policy 105.1.4.

Please address the Lee County Division of Public Safety Emergency Management Program comments.

(2.) Please provide a letter from the Lee County Emergency Medical Services (EMS) determining the adequacy/provision of existing or proposed support facilities.

Lee County Transit provided a memo dated September 25, 2006 including the following the comments:

We currently do not provide transit service to this area north of the Calossahatchee River, nor have we identified the capacity with which to do so in the future. The nearest transit service is approximately 2 miles south on Palm Beach Boulevard, SR 80.

Transit service on SR 31 north of the river has not been identified as a need in either the Lee County Transit Development Plan or in the Lee County Long Range Transportation Plan. However, with the pace of growth projected for Lee County and the potential the SR 31 corridor has for becoming a transit corridor in the future, we request the design and development of North River Village to include "transit ready" feature. Such features should include pedestrian walkways and bike ways internal to the project that will connect with the SR 31 corridor for the future transit passenger amenities. Such items will facilitate easier access to public transportation and will allow for ease of implementation of such services in the future.

Please address the Lee County Transit comments.

B.3.e.

Please provide a letter from the Lee County School Board determining the adequacy/provision of existing or proposed support facilities.

C.1.

(1.) Lee County Division of Environmental Sciences provided an email dated June 15, 2007 including the following comments:

- *Policy 1.10.3. should require the public access for canoes and Kayaks. The way the policy is currently written a promenade in conjunction with say a public restaurant may meet the requirements.*
- *Policy 1.10.6 should be revised to established minimum buffers areas along the creeks and restoration of native plant communities. The placement of any buildings within the creek buffer area should be prohibited. There may be some structures such as a pervious path or boardwalk that may be appropriate, but we will need to discuss this further. After the BOCC meeting last week, I would recommend a 50-foot wide natural waterway buffer. We will need some help from Natural Resources staff to determine the most appropriate width of no impacts (e.g. filling or grading) from a*

flood protections standpoint. There should also be a minimum 20-foot building, pool, accessory structure, and pavement setback from the natural waterway buffer as well.

- *Policy 1.10.7 should be revised to include listed species.*
- *Policy 1.10.8 should be revised to establish clustering criteria and how functional common open space will be included in the design.*
- *There should be a policy added that addresses the use of a large roadway buffer that utilizes 100 % native species to NE Lee County; prohibits the use of berm, wall or fence; and includes a multi-use trail or path.*
- *There should be a policy added that addresses an enlarged natural waterway buffer along the Calossahatchee River.*
- *There should be a policy added limiting the amount of lake excavation to the minimum necessary to provide surface water management, and maximizing the best management practices such as filter marsh and created flow-ways (i.e. meandering naturalized swales) to lower the amount of lake excavation required.*
- *There should be a policy added to require a higher percentage of native vegetation than is required by the LDC for required landscaping, as well as, committing to a limitation on the use of non-native vegetation to non-invasive, low water, and low fertilizer plants.*
- *There should be a policy added regarding limitations on lawns. Whether the percentage of the lot or a limitation on the type of a sod used.*
- *The proposed future land use map should delineate the large tracts of proposed conservation area including the preserved or restored flow-ways.*

(2.) Is the applicant, proposing to place environmentally sensitive areas of the subject amendment site into the Conservation Lands Wetlands Future Land Use category? Please clarify.

Please address the Lee County Division of Environmental Sciences email comments.

D.1.

Please provide a map of any historic districts and/or sites , listed on the Florida Master Site File, which are located on the subject property or adjacent properties.

D.2.

Please provide a map showing the subject property location on the archeological sensitivity map for Lee County.

E.1.

Please address the 2030 allocations for commercial and residential uses in the Alva Planning community per CPA2005-00026 revised Table 1(b).

E.2.

(1.) Please list all goals and objectives of the Lee Plan that are affected by the proposed amendment.

This analysis should include an evaluation of all relevant policies under each goal and objective.

(2.) According to the proposed Policy 1.10.5, development within the North River Village will be required to accept reuse water if the utility is prepared to supply reuse water and a sufficient supply is available to meet all or a portion of the irrigation needs of the proposed development. In response to the state objectives in Section 373.250 and Section 403.064, Florida Statutes (F.S.), of “encouraging and promoting uses,” the Florida Department of Environmental Protection has developed a comprehensive reuse program. The Department has created extensive rules dealing with water reuse which are contained in Chapter 52-610, Florida Administrative Code. In addition, there are water reuse requirements per Policy 54.1.6 and Chapter 10 of the Land Development Code. Will the water reuse system meet these requirements? Please clarify.

E.3.

(1.) Please describe how the proposal affects adjacent local governments and their comprehensive plans

(2.) According to the application the applicant is proposing 3,000 dwelling units. But according to recent submitted text amendment language (Policy 1.10.10), development within the North River Village property will be limited to 2,500 residential units. Please clarify the number of dwelling units that are proposed for the project.

F.1.a.

The application provides no measure of intensity or FAR for the proposed commercial component of this plan amendment. According to the application, 150, 000 sq. ft. of commercial is proposed but there is no measure of-intensity language provided in the text amendment. Planning staff needs this information to determine the impacts the proposed development will generate. Please provide language that discuss measure of intensity for the proposed commercial component of this amendment. In addition, please state whether the site is accessible to arterial roadways, rail lines, and cargo airport terminals.

F.1.b.

Please provide data and analysis required by Policy 2.4.4 of the Lee Plan.

F.2.a.

(1.) How does this justify the proposed plan amendment request being in compliance with Objective 2.2: Development Location & Timing of the Lee Plan? Please clarify.

(2.) Please demonstrate why the proposed change does not constitute Urban Sprawl. In addition, please supply data and analysis specifically addressing the urban sprawl criteria listed in FAC Rule 9J 5.006(5)(g), (h), (I) and (j).

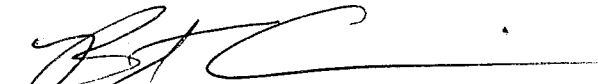
G.

(1.) It may be to the applicant's advantage to provide a conceptual site design due to the size and scope of this proposed plan amendment request that affects 1,263 ± acres of land.

(2.) Most residential, commercial, industrial, and public development is expected to occur within the designated Future Urban Areas on the Future Land Use Map per Policy 2.1.1 of the Lee Plan. New growth should be directed to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created per Objective 2.2: Development Timing of the Lee Plan, GOAL 11, Policy 39.1.6, Policy 43.1.6, and Objective 43.2. In addition to the above mentioned items, staff has concerns with the premature nature of the request, and questions whether the request could be approved as proposed.

If I can be of any assistance or if you have any questions, please do not hesitate to call me at 479-8316.

Sincerely,



Brent Cunningham, Senior Planner
Department of Community Development, Division of Planning

Attachments (comments from): Lee County Division of Public Safety, EMS
Lee County Utilities
Lee County Department of Transportation
Lee County Division of Environmental Sciences
Lee County Smart Growth

Interoffice Memo

Date: January 29, 2007

To: Wayne Gaither
Lee County Community Development Planning Department

From: Gerald Campbell
Chief of Planning
Lee County Division of Public Safety
Emergency Management Program

RE: CPA2006-00012 – North River Village (Map and Text Amendment)

Emergency Management reviewed the documents for the above-referenced amendment. This request appears to allow a density increase from 997 dwelling units (under current) to 3000 dwelling units (under proposed). Most of this property is located in a Tropical Storm surge zone.

Lee County Public Safety and Emergency Management remain fundamentally opposed to increasing density in the Coastal High Hazard Area. Increased density in the Coastal High Hazard Area places more people at risk and increases demand on already strained shelters and evacuation routes.

Specific Objectives and Policies are addressed below.

POLICY 5.1.2: Prohibits residential development where physical constraints or hazards exist, or requires the density and design to be adjusted accordingly.

This request to increase density in the Coastal High Hazard Area is inconsistent with Policy 5.1.2.

POLICY 105.1.4: Through the Lee Plan amendment process, land use designations of undeveloped areas within coastal high hazard areas will be considered for reduced density categories (or assignment of minimum allowable densities where density ranges are permitted) in order to limit the future population exposed to coastal flooding.

This request to increase density in the Coastal High Hazard Area is inconsistent with Policy 105.1.4.

These comments do not address requirements for shelter and evacuation mitigation under the Land Development Code or Emergency Preparedness Plan requirements under Administrative Code 7-7, which will apply to any development in this location.

A. Herald Campbell

cc: J. D. Wilson, Lee county Public Safety
D. J. Saniter, Lee County Emergency Management
T. M. Kelley, Lee County Emergency Management

Cunningham, Brent

From: Wegis, Howard S.
Sent: Wednesday, June 20, 2007 4:04 PM
To: Cunningham, Brent
Cc: Noble, Matthew A.; Velez, Sergio I.; Meurer, Douglas L.
Subject: RE: CPA2006-12 North River Village Large Scale Plan Amendment

I agree that the applicant will need to amend map 6 and 7. We intend to provide wastewater service to the project. The applicant should provide a location for a regional wastewater plant.

Howard S. Wegis
Staff Engineer
Lee County Utilities
P.O. Box 398
Fort Myers, FL 33901
Phone#: (239) 479-8163
Fax#: (239) 479-8176

From: Cunningham, Brent
Sent: Thursday, June 14, 2007 2:57 PM
To: Wegis, Howard S.
Cc: Noble, Matthew A.
Subject: CPA2006-12 North River Village Large Scale Plan Amendment

The applicant did not indicate if an amendment is proposed for Future Water Service Areas (Map 6) and Future Sewer Areas (Map 7) for the amendment request. In addition, the applicant stated that North Fort Myers Utilities will be providing wastewater service and Lee County utilities will be providing water service to the subject amendment parcels via the new water treatment plant on Durance Road. What is your opinion on this matter? Should the applicant provide a regional wastewater treatment plant on are near the proposed project area? Are there additional concerns? Below is the link to the proposed plan amendment.

<http://www.lee-county.com/dcd/PlanAmendments/PA2006-2007/CPA200612A1.pdf>

Planning staff would greatly appreciate your input. Thank you.

Brent Cunningham
Senior Planner
Lee County DCD
Division of Planning
phone: 239-479-8567
fax : 239-479-8319
bcunningham@leegov.com
www.lee-county.com

To: Paul O'Connor, Division of Planning

From: David Loveland

Date: March 20, 2007

Re: CPA2006-00012 (North River Village)

We have reviewed the traffic study prepared by the applicant for the above application which requests that the land use designation of approximately 1,253 acres be changed from the existing "Rural" to a proposed new category called "North River Village". The applicant indicates that the proposed "North River Village" designation would allow for a maximum of 3,000 dwelling units and 150,000 square feet commercial uses on the property. The property is within TAZ 1289 in Lee County MPO 2030 FSUTMS model. For this analysis, a new TAZ (TAZ316) was created by the applicant to analyze the proposed change would have on the 2030 Financially Feasible Plan as adopted by the Lee County MPO. 1,470 single family dwelling units, 630 multi-family dwelling units and 900 condominium hotel units were added in zdata 1 of TAZ 316, 300 commercial employees and 110 service employees were added in zdata 2 and rerun 2030 FSUTMS model by applicant. It is reported that projected 2030 traffic conditions under the 2030 Financially-Feasible plan without and with the proposed CPA indicate the 4 lane segment of SR 80 between SR 31 and Tropic Ave are expected to exceed the adopted LOS standard. The section of SR 90 west of SR 31 also exceeds the adopted LOS standard without and with the CPA. The section of SR 31 between SR 78 and the proposed project entrance is expected to exceed the adopted LOS standard with the proposed CPA.

The above findings of applicant's traffic study are not based on a worse case condition. Since single family has a higher trip generation rate than multi-family and condominium and the application requests to allow for 3,000 units, a worse case of assuming 3,000 single family units shall be conducted for the traffic study. Additionally, the traffic information on SR 31 north of SR 80 is associated with the Permanent Station #5 which is located on SR 80 west of SR 31. However, the applicant used the data of Permanent Station #4 (on Bayshore Rd west of Williamsburg) for SR 31 north of SR 80. The traffic study shall be revised to study a worse case and the data of Permanent Station #5 shall be used for SR 31 north of SR 80.

Cunningham, Brent

From: Trebatoski, Kim
Sent: Friday, June 15, 2007 3:10 PM
To: Cunningham, Brent; Noble, Matthew A.
Subject: RE: CPA2006-12 North River Village Large Scale Plan Amendment

Some additional comments and thoughts from ES staff:

- Policy 1.10.3 should require the public access for canoes and kayaks. The way the policy is currently written a promenade in conjunction with say a public restaurant may meet the requirements.
- Policy 1.10.6 should be revised to establish minimum buffer areas along the creeks and restoration of native plant communities. The placement of any buildings within the creek buffer area should be prohibited. There may be some structures such as a pervious path or boardwalk that may be appropriate, but we will need to discuss this further. After the BOCC meeting last week, I would recommend at least a 50-foot wide natural waterway buffer. We will need some help from Natural Resources staff to determine the most appropriate width of no impacts (e.g. filling or grading) from a flood protection standpoint. There should also be a minimum 20-foot building, pool, accessory structure, and pavement setback from the natural waterway buffer as well.
- Policy 1.10.7 should be revised to include listed species.
- Policy 1.10.8 should be revised to establish clustering criteria and how functional common open space will be included in the design.
- There should be a policy added that addresses the use of a large roadway buffer that utilizes 100% native species to NE Lee County; prohibits the use of berm, wall or fence; and includes a multi-use trail or path.
- There should be a policy added that addresses an enlarged natural waterway buffer along the Caloosahatchee River.
- There should be a policy added limiting the amount of lake excavation to the minimum necessary to provide surface water management, and maximizing the use the best management practices such as filter marsh and created flow-ways (i.e. meandering naturalized swales) to lower the amount of lake excavation required.
- There should be a policy added to require a higher percentage of native vegetation than is required by the LDC for required landscaping, as well as, committing to a limitation on the use of non-native vegetation to non-invasive, low water, and low fertilizer plants.
- There should be a policy added regarding limitations on lawns. Whether this is a percentage of the lot or a limitation on the type of sod used.
- The proposed future land use map should delineate the large tracts of proposed conservation area including the preserved or restored flow-ways.

Please let me know if you need this in a more refined form. These items are most definitely substantive, but wanted to get some ideas out there.

Kim Trebatoski
 Principal Environmental Planner
 Lee County Division of Environmental Sciences
 (239)479-8183
trebatkm@leegov.com
 Fax: (239)479-8144
<http://www.lee-county.com>

From: Cunningham, Brent
Sent: Thursday, June 14, 2007 3:12 PM
To: Trebatoski, Kim
Cc: Noble, Matthew A.
Subject: CPA2006-12 North River Village Large Scale Plan Amendment

Kim,

6/15/2007

Gaither, Wayne

From: Daltry, Wayne E.
Sent: Monday, January 29, 2007 11:17 AM
To: Gaither, Wayne
Subject: RE: CPA2006-00012 / North River Village Map and Text Amendment

Good Morning

I did have problems getting the whole report to "boot up." From the parts I gleaned, though, the following comments seem appropriate:

The greater parts of my comments are about the context of the application, and the rest reflect the application itself. The cover note sent out though, indicates 950 (plus) units are capable, a digit got misplaced when it noted "95" units.

1. The CR 78 corridor and SR 31 corridor should not be defined by applicant-initiated amendments, but instead by a master plan. The current LeePlan is the county wide master plan, and the opportunity exists for community and subcommunity based plans to be developed as further detailed evaluation of the Countywide approach. For this area, such a plan should define the capacity of the roads as are, and as can be expanded without violating their effectiveness; that defines the watershed and the water budget that must be maintained by land alterations, and the pollution load reduction expected of most watershed, as well as any groundwater storage targets; and, addresses similar system driven components of public infrastructure.

2. The population forecasts of the County are presumed to be accommodated by the approved developments in the different planning districts. I am unaware of any outside analysis that indicate a shortcoming in the planning district this is within that would require additional population. Without such analysis the CIP response is likely to suffer additional delays, since this is not a small project. (This concern reinforces point 1 above). I note the applicant is raising issues that the forecasts used by the County are inappropriate, but the place to challenge these forecasts would be that particular plan section, not in a land use map change that doesn't include a change of the forecast in the appropriate section of the Plan.

3. The proposed change seems to create a new future land use category that is apparently applicable to just this site. The proposal underlines the problem previously faced by other projects that have their own category. The greater problem is the need for a land use category wherein the subsequent processes of land use change, zoning, site design, building form, and building review/COs are integrated to achieve a particular vision. The somewhat jury rigging of the DRI process has promoted that in the past, and land use reviews did provide some flexibility. If the issues in points 1 and 2 above are resolved, then the need to have projects such as this "covered" by an integrated program is required. Rather than the developer initiated "category," a more inclusive approach should be developed and provided. The current "Mixed Use" concept should be assessed to see if the "Village" basic theme is met by such an approach.

4. Integration of land uses with adjacent parcels. This point emphasizes part of the issue in 1 above. The project is one that has been assembled from diverse ownerships. The resulting geometric has "outparcels" and somewhat angular interfaces with adjacent properties. There needs to be adequate mobility access and natural system continuation regardless of ownerships to ensure system performance.

Wayne Daltry, FAICP
Director, Smart Growth
239-335-2840
fx -335-2262

From: Gaither, Wayne
Sent: Friday, January 26, 2007 1:45 PM
To: tpnfmfd@yahoo.com; Bergquist, W.; Campbell, George G.; Collins, Donna Marie ; Daltry, Wayne E.; Eckenrode, Peter J.; Hansen, Hans C.; Houck, Pamela E.; Lavender, James H.; Liddblad, Ellen; Loveland,

September 26, 2007

Mr. Brent Cunningham
Senior Planner
Lee County Department of Community Development
Division of Planning
PO Box 398
Fort Myers, FL 33902-0398

Re: North River Village Large Scale Plan Amendment
CPA2006-12

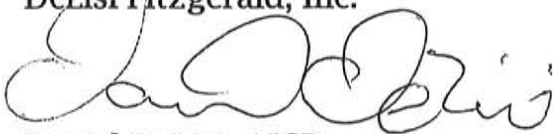
Dear Mr. Cunningham:

In response to the meeting with Lee County Staff held on Friday, September 21, 2007 in regard to the above referenced project, please find the following addendum to the first sufficiency response:

1. Revised Future Land Use Map
2. Letter of Service Availability from Lee County Solid Waste
3. Boundary Sketch and Description

If you should require any additional information, please contact our office.

Sincerely,
DeLisi Fitzgerald, Inc.



Daniel DeLisi, AICP
Principal

DD/vd

Project No.: 21023

RECEIVED

SEP 26 2007

COMMUNITY DEVELOPMENT



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

September 20, 2007

Mr. Daniel DeLisi, AICP
DeLisi Fitzgerald, Inc.
1500 Royal Palm Square Blvd.
Suite 101
Fort Myers, FL 33919

SUBJECT: North River Village – Project # 21023

Dear Mr. DeLisi:

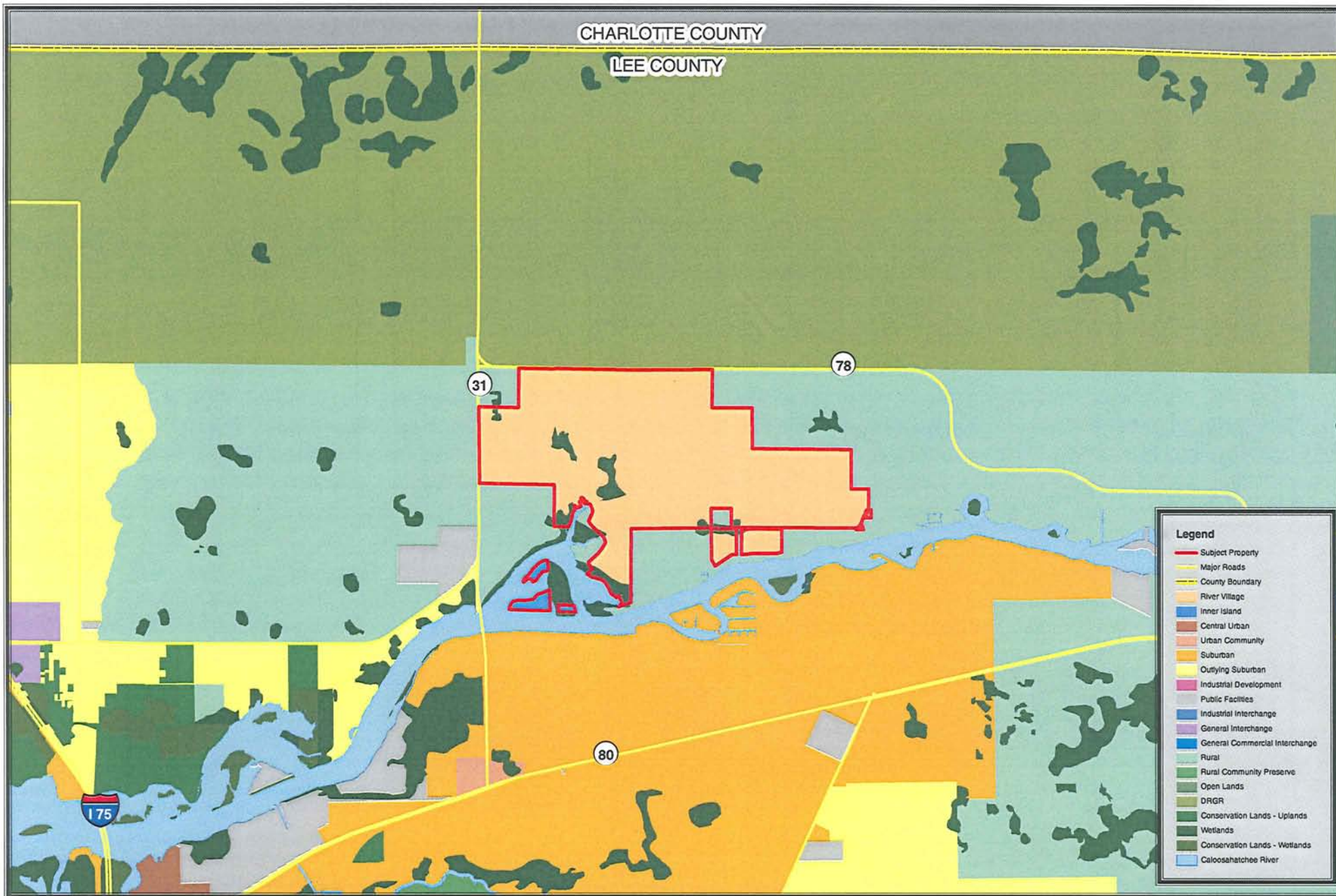
The Lee County Solid Waste Division is capable of providing solid waste collection service for the project known as North River Village through our franchised hauling contractors. Disposal of the solid waste from this development will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

The Solid Waste Ordinance (05-13, Section 21) and the Lee County Land Development Code, Chapter 10, Section 10-261 have requirements for providing on-site space for placement and servicing of certain multi-family and commercial solid waste containers. Please review these requirements when planning the project. Additionally, please review the Solid Waste Ordinance (05-13, Section 2) which defines those residential dwelling units that are eligible to receive curbside residential collection service. If you have any questions, please call me at (239) 338-3302.

Sincerely,

William T. Newman
Operations Manager
Solid Waste Division

cc: Brent Cunningham



PROPOSED FUTURE LAND USE MAP

NORTH RIVER VILLAGE

0 0.3 0.6 1.2 Miles



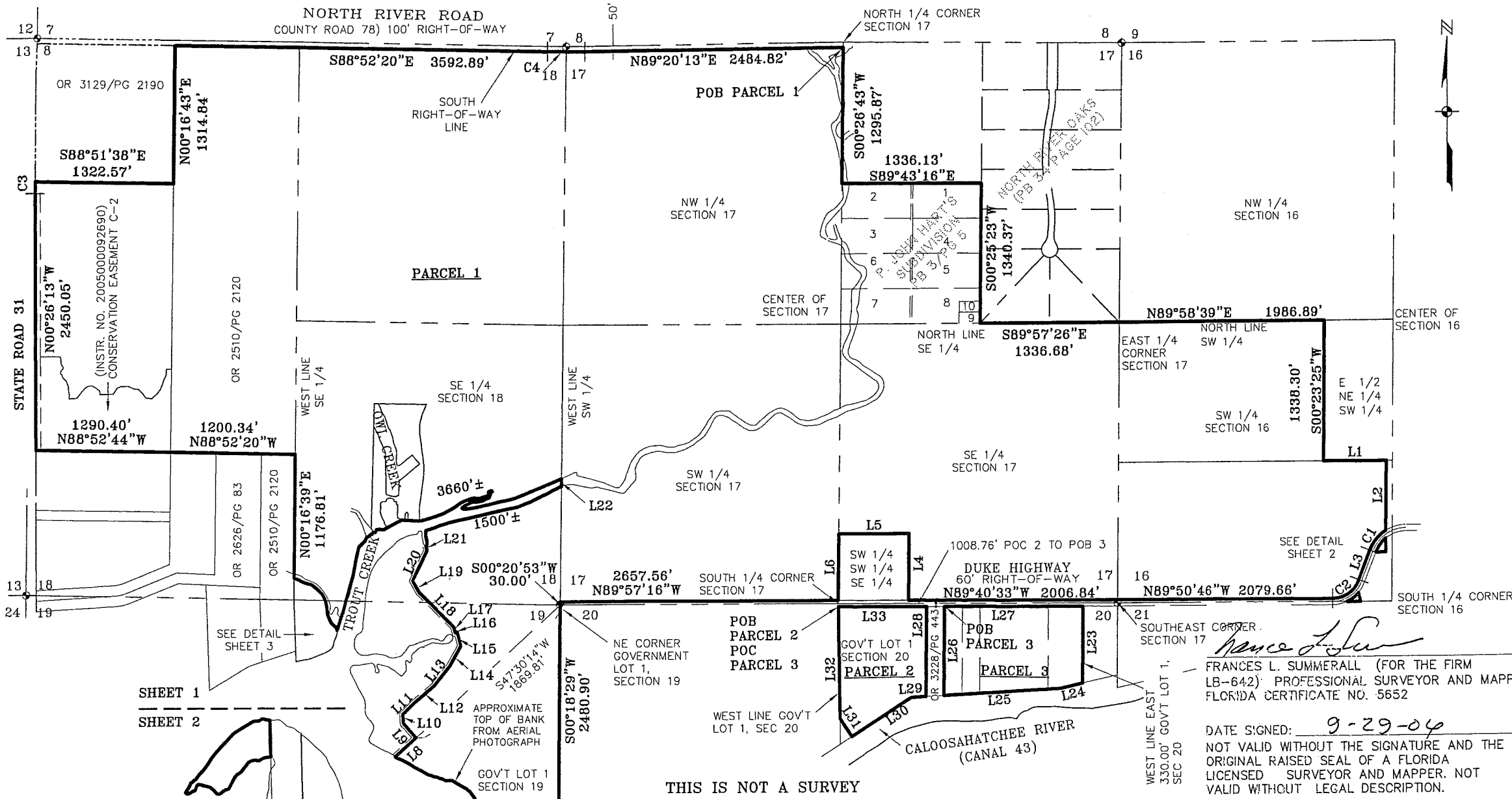
DELISI FITZGERALD
PROJECT MANAGEMENT, LLC

Planning - Engineering - Project Management

1500 Royal Palm Square Blvd., Suite 101
Fort Myers, FL 33919
239-418-0691 • 239-418-0692 fax

GENERAL NOTE:
THIS MAP IS FOR REFERENCE ONLY. DATA PROVIDED ARE DERIVED FROM MULTIPLE SOURCES WITH VARYING LEVELS OF ACCURACY.

S:\20066469\from 20066391-WORKSHEET_recover.dwg (066469-s1) fls Sep 29, 2006 - 2:36pm



NOTES:

1. THIS SKETCH DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON THE SUBJECT PARCEL.
2. DESCRIPTION ATTACHED
3. POC = POINT OF COMMENCEMENT
4. POB = POINT OF BEGINNING
5. INSTR = INSTRUMENT

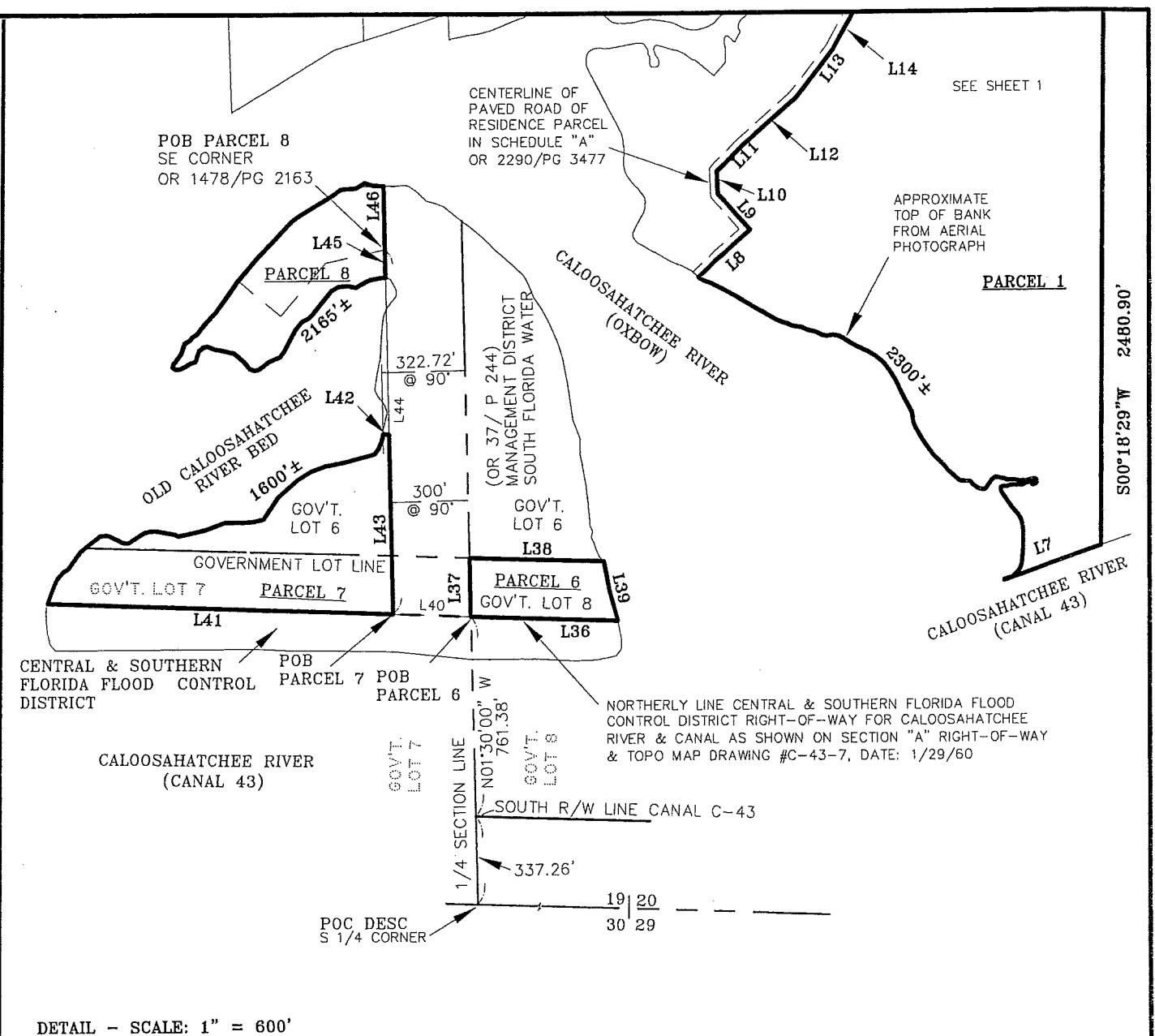
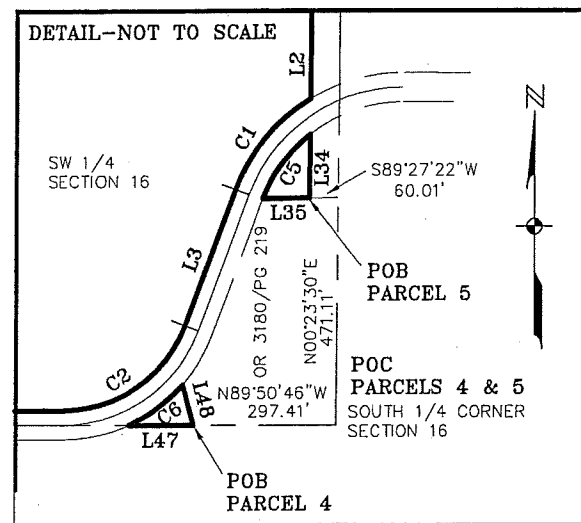
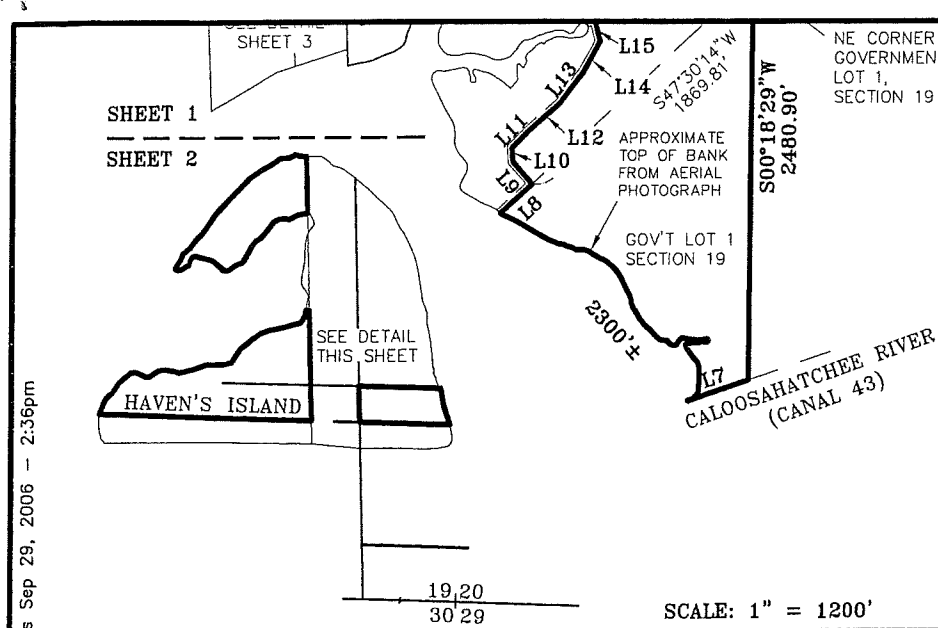
6. OR = OFFICIAL RECORDS BOOK
7. PG = PAGE
8. GOV'T = GOVERNMENT
9. NO = NUMBER

JOHNSON
ENGINEERING

2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

SKETCH TO ACCOMPANY DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
SEPT 2006	20066469	16-43-26	1" = 1200'	1 OF 13



JOHNSON
ENGINEERING

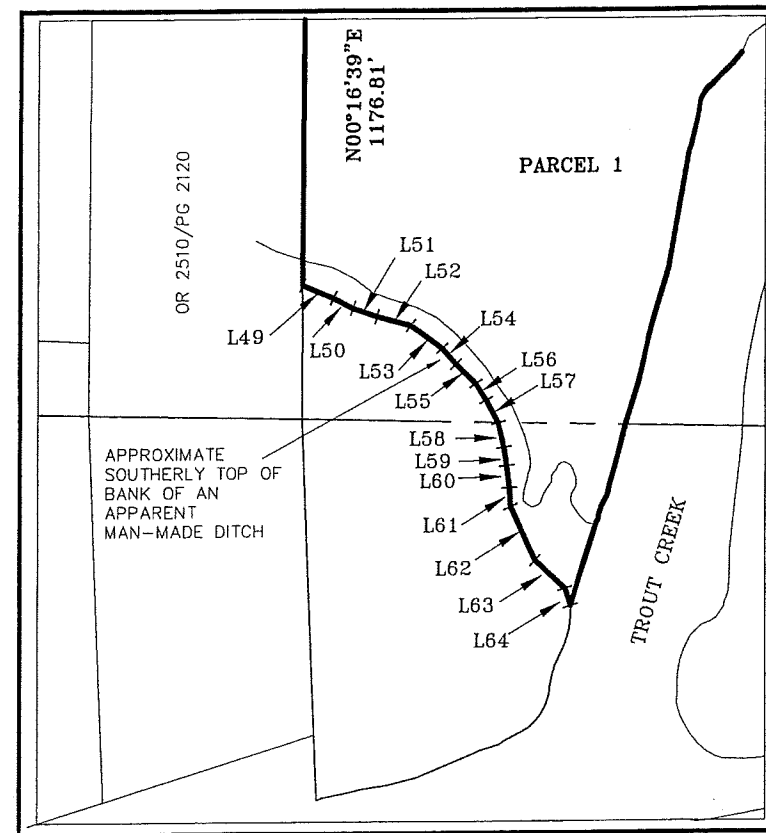
2158 JOHNSON STREET
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FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
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SKETCH TO ACCOMPANY DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
SEPT 2006	20066469	16-43-26	AS SHOWN	2 OF 13

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LINE TABLE			LINE TABLE		
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L2	S 00°23'30" W	664.44	L36	N 88°02'40" W	570±
L3	S 20°30'03" W	299.99	L37	N 01°30'00" W	223.42
L4	N 00°25'39" E	635.16	L38	S 88°18'00" E	515±
L5	N 89°44'46" W	668.82	L39	SOUTHEASTERLY	239±
L6	S 00°26'30" W	634.34	L40	N 88°02'40" W	300.55
L7	S 71°02'39" W	400±	L41	N 88°02'40" W	1326 ±
L8	N 48°07'32" E	271±	L42	S 88°02'40" E	22.77
L9	N 42°10'28" W	184.68	L43	S 01°30'00" E	685.35
L10	N 03°39'28" W	86.00	L44	N 01°30'00" W	1394.00
L11	N 44°51'32" E	140.42	L45	S 01°30'00" E	110±
L12	N 48°54'32" E	266.81	L46	S 01°30'00" E	278±
L13	N 37°57'32" E	235.27	L47	N 89°50'13" W	134.27
L14	N 28°50'32" E	219.46	L48	S 15°00'00" E	86.58
L15	N 14°59'28" W	137.17	L49	N66°57'52"W	51.84
L16	S 75°00'32" W	18.55	L50	N62°43'21"W	34.22
L17	N 14°59'28" W	52.93	L51	N71°07'29"W	40.46
L18	N 44°36'28" W	466.55	L52	N75°06'06"W	54.64
L19	N 29°51'28" W	128.59	L53	N53°48'48"W	60.20
L20	N 24°51'32" E	318.05	L54	N40°54'01"W	33.01
L21	N 13°27'58" W	41±	L55	N46°00'13"W	43.84
L22	N 00°20'53" E	73±	L56	N32°06'30"W	30.67
L23	S 00°24'00" W	734.91	L57	N28°21'08"W	39.90
L24	S 77°07'08" W	213.76	L58	N12°44'14"W	39.18
L25	S 87°00'19" W	1130.39	L59	N08°55'07"W	28.95
L26	N 00°24'00" E	849.19	L60	N06°50'33"W	34.61
L27	S 89°40'33" E	1336.45	L61	N03°48'34"W	29.62
L28	S 00°24'33" W	859.04	L62	N24°12'33"W	91.43
L29	S 87°00'19" W	140.39	L63	N47°24'06"W	64.61
L30	S 56°47'09" W	672.42	L64	N17°16'52"W	28.03
L31	N 33°12'35" W	208.65			
L32	N 00°51'18" W	1064.98			
L33	S 89°40'33" E	839.08			
L34	S 00°23'30" W	131.18			



DETAIL - SCALE: 1" = 300'

JOHNSON
ENGINEERING

2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

SKETCH TO ACCOMPANY DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
SEPT 2006	20066469	16-43-26	1" = 1200'	3 OF 13



September 28, 2006

DESCRIPTION

PARCEL 1
LYING IN SECTIONS 16, 17, 18, 19 & 20
TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

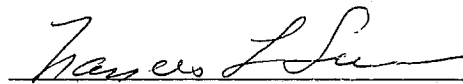
A tract or parcel of land lying in Sections 16, 17, 18, 19 & 20, Township 43 South, Range 26 East, Lee County, Florida, described as follows:

Beginning at an intersection of the south right-of-way line of North River Road (State Road 78) (100.00 feet wide) with the east line of the Northwest Quarter (NW-1/4) of said Section 17; thence run S 00° 26' 43" W along said east line for 1,295.87 feet to an intersection with the north line of P. John Harts Subdivision as recorded in Plat Book 3 at Page 5 of the Public Records of Lee County, Florida; thence run S 89° 43' 16" E along the north line of said subdivision for 1,336.13 feet; thence run S 00° 25' 23" W along the east line of said subdivision for 1,340.37 feet to an intersection with the north line of the Southeast Quarter (SE-1/4) of said Section 17 (being the south line of North River Oaks as recorded in Plat Book 34 at Page 102 in said public records); thence run S 89° 57' 26" E along said common line for 1,336.68 feet; thence run N 89° 58' 39" E along the north line of the Southwest Quarter (SW-1/4) of said Section 16 for 1986.89 feet to an intersection with the west line of the East Half (E-1/2) of the Northeast Quarter (NE-1/4) of the Southwest Quarter (SW-1/4) of said Section 16; thence run S 00° 23' 25" W along said west line for 1,338.30 feet; thence run S 89° 56' 03" E along the south line of said fraction for 602.25 feet to an intersection with a line which lies 60.00 feet west of (as measured on a perpendicular) and parallel with the east line of said Southwest Quarter (SW-1/4) of said Section 16; thence run S 00° 23' 30" W along said parallel line for 664.44 feet to an intersection with the northerly right-of-way line of Duke Highway (60.00 feet wide) being a point on a non-tangent curve; thence run the following courses along said right-of-way line: southwesterly along an arc of said curve to the left of radius 370.00 feet (delta 38° 19' 02") (chord bearing S 39° 39' 34" W) (chord 242.86 feet) for 247.44 feet to a point of tangency; S 20° 30' 03" W for 299.99 feet to a point of curvature; southwesterly along an arc of said curve to the right of radius 270.00 feet (delta 69° 39' 12") (chord bearing S 55° 19' 38" W) (chord 308.39 feet) for 328.23 feet to a point of tangency; N 89° 50' 46" W for 2,079.66 feet; N 89° 40' 33" W for 2,006.84 feet to an intersection with the east line of the Southwest Quarter (SW-1/4) of the Southwest Quarter (SW-1/4) of the Southeast Quarter (SE-1/4) of said section; thence departing said right-of-way line run the following courses along the boundary line of said fraction: N 00° 25' 39" E for 635.16 feet; N 89° 44' 46" W for 668.82 feet; S 00° 26' 30" W for 634.34 feet to an intersection with said north right-of-way line of Duke Highway; thence run N 89° 57' 16" W along said north right-of-way line

for 2,657.56 feet; thence run S 00° 20' 53" W along the west line of the Southwest Quarter (SW-1/4) of said Section 17 for 30.00 feet to the northeast corner of Government Lot 1, said Section 19; thence run S 00° 18' 29" W along said east line for 2,480.90 feet to an intersection with the north right-of-way line of the Caloosahatchee Canal C-43; thence run S 71° 02' 39" W along said north right-of-way line for 400 feet, more or less, to an intersection with the easterly mean high water line of an oxbow in the Caloosahatchee River; thence run northerly and northwesterly along said easterly mean high water line for 2300 feet, more or less, to an intersection with a line which lies 30.00 feet easterly of (as measured on a perpendicular) and parallel with the centerline of an existing paved drive described in Residence Parcel in Schedule "A" recorded in Official Records Book 2290 at Page 3477 of said public records; thence run the following courses along said parallel line: N 48° 07' 32" E for 271 feet, more or less, to a point which lies S 47° 30' 14" W 1869.81 feet of said northeast corner of Government Lot 1, Section 19; N 42° 10' 28" W for 184.68 feet; N 03° 39' 28" W for 86.00 feet; N 44° 51' 32" E for 140.42 feet; N 48° 54' 32" E for 266.81 feet; N 37° 57' 32" E for 235.27 feet; N 28° 50' 32" E for 219.46 feet; N 14° 59' 28" W for 137.17 feet; S 75° 00' 32" W for 18.55 feet; N 14° 59' 28" W for 52.93 feet; N 44° 36' 28" W for 466.55 feet; N 29° 51' 28" W for 128.59 feet; N 24° 51' 32" E for 318.05 feet; N 13° 27' 58" W for 41 feet, more or less, to an intersection with the southerly mean high water line of Trout Creek; thence run northerly and easterly along said mean high water line for 1500 feet, more or less, to an intersection with said west line of the Southwest Quarter (SW-1/4) of said Section 17; thence run N 00° 20' 53" E along said west line for 73 feet, more or less, to an intersection with the northerly mean high water line of said Trout Creek; thence run westerly, southerly and northwesterly along said mean high water line for 3660 feet, more or less, to an intersection with the approximate southerly top of bank of an apparent man-made ditch; thence run the following courses along said approximate southerly top of bank: N 17° 16' 52" W for 28.03 feet; N 47° 24' 06" W for 64.61 feet; N 24° 12' 33" W for 91.43 feet; N 03° 48' 34" W for 29.62 feet; N 06° 50' 33" W for 34.61 feet; N 08° 55' 07" W for 28.95 feet; N 12° 44' 14" W for 39.18 feet; N 28° 21' 08" W for 39.90 feet; N 32° 06' 30" W for 30.67 feet; N 46° 00' 13" W for 43.84 feet; N 40° 54' 01" W for 33.01 feet; N 53° 48' 48" W for 60.20 feet; N 75° 06' 06" W for 54.64 feet; N 71° 07' 29" W for 40.46 feet; N 62° 43' 21" W for 34.22 feet; N 66° 57' 52" W for 51.84 feet to an intersection with the west line of the Southeast Quarter (SE-1/4) of said Section 18; thence run N 00° 16' 39" E along said west line for 1,176.81 feet to an intersection with the easterly prolongation of the line common to the north line of lands described in Official Records Book 2626 at Page 83 of said public records and the south line of the lands described in Official Records Book 2510 at Page 2120 of said public records; thence run N 88° 52' 20" W along said prolongation and along a south line of said lands described in Official Records Book 2510 at Page 2120 for 1,200.34 feet; thence run N 88° 52' 44" W along the south line of Conservation Easement C-2 as described in Instrument No 2005000092690 (Item No. 8) and the westerly prolongation thereof for 1,290.40 feet to an intersection with the east right-of-way line of State Road No. 31; thence run the following courses along said right-of-way

line: N 00° 26' 13" W for 2,450.05 feet to an intersection with a non-tangent curve; northerly along an arc of said curve to the right of radius 68,704.96 feet (delta 00° 05' 37") (chord bearing N 00° 31' 13" W) (chord 112.25 feet) for 112.25 feet to an intersection with a non-tangent line, being the south line of lands described in Official Records Book 3129 at Page 2190 of said public records; thence run S 88° 51' 38" E along said south line for 1,322.57 feet; thence run N 00° 16' 43" E along the east line of said lands as described in Official Records Book 2510 at Page 2120 of said public records for 1,314.84 feet to the south right-of-way line of said North River Road; thence run the following courses along said south right-of-way line: S 88° 52' 20" E for 3,592.89 feet to a point of curvature; easterly along an arc of said curve to the left of radius 11,509.16 feet (delta 01° 47' 27") (chord bearing S 89° 46' 04" E) (chord 359.72 feet) for 359.73 feet to a point of tangency; N 89° 20' 13" E for 2,484.82 feet to the Point of Beginning.
Parcel contains 1,190 acres, more or less.

Bearings hereinabove mentioned are based on the east line of the Northwest Quarter (NW-1/4) of Section 17, Township 43 South, Range 26 East to bear S 00° 26' 43" W.



Frances L. Summerall (for The Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 5652



September 28, 2006

DESCRIPTION

**PARCEL 2
LYING IN GOVERNMENT LOT 1
SECTION 20, TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA**

A tract or parcel of land lying in Government Lot 1, Section 20, Township 43 South, Range 26 East, Lee County, Florida, being more particularly described as follows:

Beginning at an intersection of the west line of said Government Lot 1 with the south right-of-way line of Duke Highway (60.00 feet wide); thence run S 89° 40' 33" E along said right-of-way line for 839.08 feet; thence run S 00° 24' 33" W along the west line of land described in Official Records Book 3228 at Page 443 of the Public Records of Lee County, Florida, for 859.04 feet to an intersection with the north line of the C-43 Canal right-of-way; thence run S 87° 00' 19" W along said north line for 140.39 feet; thence run S 56° 47' 09" W continuing along said north line for 672.42 feet; thence run N 33° 12' 35" W for 208.65 feet to an intersection with said west line of Government Lot 1; thence run N 00° 51' 18" W along said west line for 1,064.98 feet; to the Point of Beginning. Parcel contains 19.65 acres, more or less.

Bearings hereinabove mentioned are based on the west line of the Government Lot 1 of Section 20, Township 43 South, Range 26 East to bear N 00° 51' 18" W.

Frances L. Summerall (for The Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 5652

20066469 – 09-28-06 – Parcel 2

SHEET 7 OF 13



September 28, 2006

DESCRIPTION

**PARCEL 3
LYING IN GOVERNMENT LOT 1
SECTION 20, TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA**

A tract or parcel of land lying in Government Lot 1, Section 20, Township 43 South, Range 26 East, Lee County, Florida, being more particularly described as follows:

From an intersection of the west line of said Government Lot 1 with the south right-of-way line of Duke Highway (60.00 feet wide); thence run S 89° 40' 33" E along said right-of-way line for 1008.76 feet to an intersection with the east line of lands described in Official Records Book 3228 at Page 443 of the Public Records of Lee County, Florida and the Point of Beginning

From said Point of Beginning continue S 89° 40' 33" E along said right-of-way line for 1,336.45 feet to an intersection with the west line of the east 330.00 feet of said Government Lot 1; thence run S 00° 24' 00" W along said west line for 734.91 feet to an intersection with the north line of the C-43 Canal right-of-way as described in Official Records Book 37 at Page 220 of said public records; thence run S 77° 07' 08" W along said north line for 213.76 feet; thence run S 87° 00' 19" W continuing along said north line for 1,130.39 feet to an intersection with said east line of said lands described in Official Records Book 3228 at Page 443; thence run N 00° 24' 00" E along said east line for 849.19 feet to the Point of Beginning.

Parcel contains 24.78 acres, more or less.

Bearings hereinabove mentioned are based on the west line of the Government Lot 1 of Section 20, Township 43 South, Range 26 East to bear N 00° 51' 18" W.

Frances L. Summerall (for The Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 5652

20066469 - 09-28-06 - Parcel 3

SHEET 8 OF 13



September 28, 2006

DESCRIPTION

**PARCEL 4
LYING IN SOUTHWEST QUARTER
SECTION 16, TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA**

A tract or parcel of land lying in the Southwest Quarter (SW-1/4) of Section 16, Township 43 South, Range 26 East, Lee County, Florida, being more particularly described as follows:

From the south quarter corner of Section 16 run N 89° 50' 46" W along the south line of said fraction for 297.41 feet to an intersection with the southwest line of lands described in Official Records Book 3180 at Page 219 of the Public Records of Lee County, Florida and the Point of Beginning.

From said Point of Beginning continue N 89° 50' 13" W along said south fraction line for 134.27 feet to an intersection with the south right-of-way line of Duke Highway (60.00 feet wide), being a point on a non-tangent curve; thence run northeasterly along said south right-of-way line and along an arc of said curve to the left of radius 330.00 feet (delta 24° 23' 46") (chord bearing N 53° 20' 09" E) (chord 139.45 feet) for 140.51 feet to an intersection with a non-tangent line; thence run S 15° 00' 00" E along said southwest line of lands described in Official Records Book 3180 at Page 219 of said public records for 86.58 feet to the Point of Beginning.

Parcel contains 0.11 acres, more or less.

Bearings hereinabove mentioned are based on the south line of the Southwest Quarter (SW-1/4) of Section 16, Township 43 South, Range 26 East, Lee County, Florida to bear N 89° 50' 46" W.

Frances L. Summerall (for The Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 5652



September 28, 2006

DESCRIPTION

PARCEL 5
LYING IN SOUTHWEST QUARTER
SECTION 16, TOWNSHIP 43 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

A tract or parcel of land lying in the Southwest Quarter (SW-1/4) of Section 16, Township 43 South, Range 26 East, Lee County, Florida, being more particularly described as follows:

From the south quarter corner of Section 16 run N 00° 23' 30" E along the east line of said fraction for 471.11 feet to an intersection with the north line of lands described in Official Records Book 3180 at Page 219 of the Public Records of Lee County, Florida; thence run S 89° 27' 22" W along said north line for 60.01 feet to an intersection with a line 60.00 feet west of (as measured on a perpendicular) and parallel with the east line of said fraction and the Point of Beginning.

From said Point of Beginning continue S 89° 27' 22" W along said north line for 96.39 feet to an intersection with the southerly right-of-way line of Duke Highway (60.00 feet wide) and a point on a non-tangent curve; thence run northeasterly along said right-of-way line and along an arc of said curve to the right of radius 310.00 feet (delta 30° 41' 11") (chord bearing N 36° 22' 16" E) (chord 164.05 feet) for 166.03 feet to an intersection with said parallel line (a non-tangent line); thence run S 00° 23' 30" W along said parallel line for 131.18 feet to the Point of Beginning.

Parcel contains 0.17 acres, more or less.

Bearings hereinabove mentioned are based on the south line of the Southwest Quarter (SW-1/4) of Section 16, Township 43 South, Range 26 East, Lee County, Florida to bear N 89° 50' 46" W.

Frances L. Summerall (for The Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 5652

20066469 - 09-28-06 - Parcel 5

SHEET 10 OF 13



September 28, 2006

DESCRIPTION

**PARCEL 6
PARCEL IN GOVERNMENT LOT 8
SECTION 19, TOWNSHIP 43 SOUTH, RANGE 26 EAST
HAVENS ISLAND
LEE COUNTY, FLORIDA**

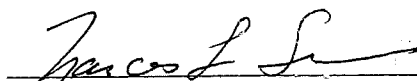
A lot or parcel of land lying in Government Lot 8, Section 19, Township 43 South, Range 26 East, Havens Island, Lee County, Florida, described as follows:

From a concrete monument marking the south quarter corner of Section 19, Township 43 South, Range 26 East, run along said quarter section line North 01° 30' 00" West for 337.26 feet to a concrete post near the southern shore of the Caloosahatchee River; thence continue North 01° 30' 00" West across said river for 761.38 feet to a point on the north right-of-way line of the Caloosahatchee Canal C-43 and the Point of Beginning.

From said Point of Beginning continue N 01° 30' 00" W along said quarter section line for 223.42 feet to the northwest corner of said Government Lot 8; thence run S 88° 18' 00" E along the north line of said Government Lot 8 for 515 feet, more or less, to the waters of the Caloosahatchee River; thence run southerly along said waters for 235 feet, more or less, to an intersection with said north right-of-way line of the Caloosahatchee Canal C-43; thence run N 88° 02' 40" W along said north right-of-way line for 570 feet, more or less to the Point of Beginning.

Parcel contains 2.7 acres, more or less.

Bearings hereinabove mentioned are based on the plat of Unit No. 4, Fort Myers Shores, Plat Book 11 at Page 28, said public records, and the north-south quarter section line as bearing North 01° 30' 00" West



Frances L. Summerall (for The Firm L.B-642)
Professional Surveyor and Mapper
Florida Certificate No. 5652

20066469 - 09-28-06 - Parcel 6

SHEET 11 OF 13



September 28, 2006

DESCRIPTION

**PARCEL 7
PARCEL IN GOVERNMENT LOTS 6 AND 7
SECTION 19, TOWNSHIP 43 SOUTH, RANGE 26 EAST
HAVENS ISLAND
LEE COUNTY, FLORIDA**

A lot or parcel of land lying in Government Lots 6 and 7, Section 19, Township 43 South, Range 26 East, Havens Island, Lee County, Florida, described as follows:

From a concrete monument marking the south quarter corner of Section 19, Township 43 South, Range 26 East, run along said quarter section line North 01° 30' 00" West for 337.26 feet to a concrete post near the southern shore of the Caloosahatchee River; thence continue North 01° 30' 00" West across said river for 761.38 feet to a point on the north right-of-way line of the Caloosahatchee Canal C-43; thence run North 88° 02' 40" West along said north right-of-way line for 300.55 feet to an intersection with a line which lies parallel with and 300.00 feet west of (as measured on a perpendicular) said quarter section line and the Point of Beginning.

From said Point of Beginning continue N 88° 02' 40" W along said north right-of-way line for 1326 feet, more or less, to the mean high water line of the Old Caloosahatchee River Bed; thence run northerly, easterly and northerly along said mean high water line for 1600 feet, more or less, to an intersection with a line which lies parallel with and 322.72 feet west of (as measured on a perpendicular) said quarter section line; thence run S 88° 02' 40" E for 22.77 feet to an intersection with said parallel line which lies 300.00 feet west of said quarter section line; thence run S 01° 30' 00" E along said parallel line for 685.35 feet to the Point of Beginning.

Parcel contains 11 acres, more or less.

Bearings hereinabove mentioned are based on the plat of Unit No. 4, Fort Myers Shores, Plat Book 11 at Page 28, said public records, and the north-south quarter section line as bearing North 01° 30' 00" West.

Frances L. Summerall (for The Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 5652

20066469 - 09-28-06 - Parcel 7



September 28, 2006

DESCRIPTION

**PARCEL 8
PARCEL IN GOVERNMENT LOT 6
SECTION 19, TOWNSHIP 43 SOUTH, RANGE 26 EAST
HAVENS ISLAND
LEE COUNTY, FLORIDA**

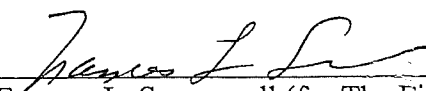
A lot or parcel of land lying in Government Lot 6, Section 19, Township 43 South, Range 26 East, Havens Island, Lee County, Florida, described as follows:

From a concrete monument marking the south quarter corner of Section 19, Township 43 South, Range 26 East, run along said quarter section line North 01° 30' 00" West for 337.26 feet to a concrete post near the southern shore of the Caloosahatchee River; thence continue North 01° 30' 00" West across said river for 761.38 feet to a point on the north right-of-way line of the Caloosahatchee Canal C-43; thence run North 88° 02' 40" West along said north right-of-way line for 300.55 feet to an intersection with a line which lies parallel with and 300.00 feet west of (as measured on a perpendicular) said quarter section line; thence run North 01° 30' 00" West along said parallel line for 1394.00 feet to the southeasterly corner of lands described in deed recorded in Official Record Book 1478 at Page 2163 of said public records and the Point of Beginning.

From said Point of Beginning run South 01° 30' 00" East along said parallel line for 110 feet, more or less, to the mean high water line of the Old Caloosahatchee River Bed; thence run southwesterly, northwesterly and northeasterly along said mean high water line to an intersection with said parallel line; thence run South 01° 30' 00" East along said parallel line for 278 feet, more or less, to the Point of Beginning.

Parcel contains 2.75 acres, more or less.

Bearings hereinabove mentioned are based on the plat of Unit No. 4, Fort Myers Shores, Plat Book 11 at Page 28, said public records, and the north-south quarter section line as bearing North 01° 30' 00" West



Frances L. Summerall (for The Firm LB-642)
Professional Surveyor and Mapper
Florida Certificate No. 5652

20066469 - 09-28-06 - Parcel 8

October 31, 2007

DELISI FITZGERALD, INC.
Planning – Engineering – Project Management

Mr. Brent Cunningham
Senior Planner
Lee County Department of Community Development
Division of Planning
PO Box 398
Fort Myers, FL 33902-0398

Re: North River Village Large Scale Plan Amendment
CPA2006-12



Dear Mr. Cunningham:

In response to the meeting on North River Village that was held on October 5, 2007, please find the attached additional information that staff requested. Based on our notes, we have listed the comments that were identified in the meeting in bold, with our additional information below in italics and attached.

1. Delete last sentence in policy 1.1.16.

We have made this change. Please see the attached revise policies. Policy 1.1.16 has been renumbered to 1.1.17.

2. Policy 1.14.4 add language to describe that the water quality improvements are for offsite water and is for the benefit of the public.

We have removed the language stating that we would receive 100% credit for lakes that are used for off-site water quality enhancements. Please see the attached revised policy 1.10.4.

3. Add that we will meet the standards of the Audubon Silver program. Also address the 35' vs. 50' setback request.

Please see the attached revised policy 1.10.19. It is our belief that meeting the standards of the Audubon Silver program address the issue of concern that staff has with the setback from preserve areas for the golf course. Our understanding is that staff is concerned with die off of vegetation due to pesticide and fertilizer run off. In addition to committing to the standards of the Audubon Silver program, the applicant can, through the design of the water management system, commit to requiring that all golf course run off will go into detention areas for treatment prior to discharge into wetlands, which is a requirement of the Audubon program. .

4. **Add in the Golf Course policies the location of Fertigation storage tanks will be a minimum setback of 100' from RS and will be fully screened and will have adequate access to allow trucks to maneuver around the tank.**

Please see the attached revised policies. We have added this requirement under Policy 1.10.19(14).

5. **Please provide a percentage of native vegetation, not drought tolerant**

We have revised Policy 1.10.14 to state that the requirement is for 70% Native vegetation and 70% drought tolerant vegetation in common areas. This will address both concerns stated by staff of using a high percentage of native vegetation and using a high percentage of drought tolerant vegetation as a water conservation measure.

6. **Please lower the requested density to up to 2 du/acre.**

We have revised the density request down to 2 DU/per acre. In doing this we have changed the proposed Policy 1.1.10 and amended Table 1a in the Lee Plan. Consistent with all other urban designation, we allow for a transfer off of contiguous freshwater wetland areas with the provision that the total gross density for upland areas will not exceed 2.5 du/acre. This is consistent with the approach taken by Lee County in evaluating other land use categories.

7. **Create a Build/No build exhibit to adopt with Comp Plan.**

Please see the attached map for the Conservation land use category. We have also added policy 10.1.22 to the text amendment to describe how lands in the conservation land use category will be handled. We have attempted to propose text consistent with our previous conversations about not losing the density from those areas and allowing for passive recreational uses, related facilities and road crossings in certain locations. The exhibit is a draft for discussion purpose. It is our intent to reflect this exhibit on the Future Land Use Map when we have received comments from staff on the locations of the Conservation areas.

8. **Need to address the public facilities entities' comments. The entities include the School Board, Lee County Utilities/North FTM Utilities, Fire station, Sheriff.**

The various public facilities providers have all issued standard letters stating what would need to be done in order to have available services at the time of development. The service providers all recognize that the developer will not be starting development for at least 2-3 years, and therefore certain things will need to take place in that time period to make sure that capacity is available at the time of development in accordance with the county's concurrency management system. It is important to

recognize that there are existing public facilities in close proximity or currently servicing this property, as it is adjacent to existing urban designations and urban uses. The proposed comprehensive plan amendment therefore represents a logical extension of utilities and not leap frog development and will be able to extend services that are currently not available to the property.

Facility providers such as solid waste, have stated that capacity is currently available. The School District stated that we will be required to pay impact fees at the time of development and requested that in lieu of impact fees, locating a property for a new school is something that they would be interested in. It is important to note that the request for new school sites is a standard request even for rezoning applications and the letter makes clear that the alternative of providing a school site is to pay impact fees in accordance with the impact fee ordinance.

The letters from the Sheriff's office and the Fire district indicated that certain things will need to be done at the time of site development to ensure that adequate facilities are in place. For the Fire district, fire hydrants or their equivalent will need to be installed at the time of development. The Sheriff's office will only be able to evaluate service availability based on a detailed site plan and stated that a study of Crime Prevention Through Environmental Design (CPTED) will be needed. In order to minimize impacts to service, Policy 1.10.3(6) addresses this by requiring that development in the River Village land use category use CPTED principles in the site design.

For utility service several meetings have been held with Lee County Utilities to determine their ability to serve the project with water and sewer. A letter was subsequently issued by Lee County Utilities on August 15th which summarized Lee County Utilities' ability to provide water and sewer service. The letter stated that water is available for connection along Bayshore Road but that sewer would only be available within a set of conditions that would require extensive upgrades to the Lee County Utilities system and reservation of a site within the project for construction of a regional wastewater treatment plant. In response to the letter, a meeting was held with Dough Meurer and Jim Lavendar on October 17th in which it was explained that the project would connect to the Lee County Utilities system for water, but the conditions for connecting to the Lee County Utilities sewer system are cost prohibitive to the development. Therefore, it was agreed by all parties that the project would connect to the North Fort Myers Utility sewer system along Bayshore Road just west of SR 31. This type of service arrangement is typical for developments north of the Caloosahatchee River with North Fort Myers Utility providing sewer service and Lee County Utilities providing water service. The arrangement is also the most cost effective way of extending sewer services to the area. The applicant will get a letter of service availability from North Fort Myers Utilities.

9. Need Hurricane Mitigation Plan and justification for the Coastal High Hazard issue.

The subject property is located within the Tropical, Category 1 and Category 2 Storm Surge Zones (attached Map). According to Section 2-485 of the Land Development Code, all units built within the Coastal High Hazard Area must provide for mitigation, which come in the form of evacuation efficiency improvements, hurricane shelter space or a fee in lieu. The applicant understands that this type of mitigation will be required. In addition that the already required mitigation, the applicant is proposing to create a policy that requires mitigation above and beyond the requirements of LDC Section 2-485.

In evaluating options for hurricane evacuation/mitigation and meeting with involved staffers at Lee County and the Regional Planning Council, we have prepared a mitigation plan that will provide for a regional hurricane evacuation shelter to alleviate a transportation choke point for evacuating traffic. The attached e-mail from Dan Trescott confirms that providing a regional shelter in a Category 4/5 zone in Western Hendry County, west of SR 29, would provide a significant benefit to evacuees from Lee County. Our proposal would be to include this as a form of mitigation over and above the mitigation that is currently required by code. We have added Policy 1.10.9 to the proposed text amendment, which directs an applicant for a River Village to provide mitigation in excess of the mitigation that is currently required by code.

In addition to the changes that have been made in response to staff comments, the applicant has also made a very significant change in response to meetings with community leaders. Policy 1.10.20(3) will require the developer to certify all single family units as a Green Building by the Florida Green Building Coalition. These standards are a step above all existing development in Lee County and mark a very significant commitment from the developer toward promoting green building. Although this commitment will be difficult and expensive to implement and will require significant builder education, the applicant believes that it is consistent with the goal of creating a community that truly exceeds expectation for environmental preservation.

If you should require any additional information, please contact our office.

Sincerely,
DeLisi Fitzgerald, Inc.

A handwritten signature in blue ink, appearing to read "Dan DeLisi", with a stylized flourish at the end.

Daniel DeLisi, AICP
Principal

Project No.: 21023

RIVER VILLAGE LAND USE CATEGORY

Policy 1.1.10: The River Village Land Use Category is intended to provide for new mixed use communities that are designed to prioritize energy efficiency, green development, water quality improvements, public benefits and compact development along the Caloosahatchee River and provides public benefits to the existing area. The River Village Land Use Category includes policies in the Lee Plan to require innovative development designed to protect environmentally sensitive areas, provide for the delivery of public facilities and services, enhance the existing riverfront community character, and allow for the efficient use of land. These objectives will be achieved by promoting compact mixed use development as an alternative to low density single use development, and will require that infrastructure and environmental design standards are implemented in a financially feasible manner. The intent of the River Village land use category is to promote a balanced mixture of uses, to increase the internal capture of trips, to support pedestrian, bicycle and transit opportunities and create pedestrian friendly streetscapes. The minimum density in the River Village land use category is 1.5 units per gross acre and the maximum density is two (2) units per gross acre. The Floor Area Ratio for commercial uses will be a maximum of 1.0 over the entire development area of commercial uses. River Village developments will be limited to a maximum of 150,000 square feet of overall commercial development.

Policy 1.4.8: The Inner Islands are located along the Caloosahatchee River, have reasonable access to available utility infrastructure, and are in close proximity to urban forms of development. The intent of the Inner Islands land use category is to provide for mixed use facilities that add to the character of the Caloosahatchee River. The primary focus is on resort uses constructed as part of a Inner Island development where the primary uses consist of lodging facilities and resorts, bed and breakfasts, restaurants, spas, boutique retailers, recreation and similar uses that would be associated with a resort environment. Although residential uses are allowed in the Inner Island land use category primary home ownership is discouraged. The maximum residential density is one dwelling unit per acre (1 du/acre). The maximum Floor Area Ratio for non residential uses is 1.0.

Objective 1.10: The River Village Land Use Category will provide for innovative development which is designed to protect environmentally sensitive areas, promote water conservation and energy efficient methods of development, provide for the efficient delivery of public facilities and services, enhance the existing riverfront community character, and allow for the efficient use of land. The River Village land use category will permit the use of smart growth principles to direct the form and design of communities to achieve environmental, planning and community character objectives. These objectives will be achieved by promoting compact mixed use development as an alternative to low density single use development, and will require

that infrastructure and environmental design standards are implemented in a financially feasible manner.

Policy 1.10.1 Development in a River Village must incorporate a mix of uses, such as residential, commercial, water related uses and recreational uses. The residential development in the River Village must be clustered to avoid, where possible, areas of environmental sensitivity and must promote both connectivity between uses and walkability throughout the development. The commercial uses will be designed with direct internal connectivity as well as public access. Commercial uses will be designed to a "Human-Scale", as defined in the Lee Plan.

Policy 1.10.2: All development utilizing the River Village Future Land Use Category will require rezoning to Mixed Use Planned Development. Further, any development within a ½ mile of the Caloosahatchee River east of I-75 that is over 200 acres in area and requests an increase in density, must be zoned and developed in compliance with the River Village land use category.

Sense of Place/Design

Policy 1.10.3: In order to create a sense of place within the residential and nonresidential areas the following design elements must be incorporated where feasible and further detailed on the Planned development master concept plan and subsequent local development order plans. The land plan must include design elements such as: a hierarchy of connectivity, special nodes, landmarks, transitional edges and a distinct variety of architectural styles.

Each River Village must provide for one or more Village Center areas for the benefit of the public and River Village. The Village Center will be designed to create a sense of community through internal and external connections with adjacent residential development, integrating commercial development with residential development and constructing the Village Center so that it is at a human scale and pedestrian oriented.

Village Center Areas should be designed to incorporate as many of the following features as possible.

1. Village Centers will be a minimum of 2 acres and a maximum of 10 acres in area.
2. Mixed uses will be encouraged within individual buildings (e.g. residential above commercial space).
3. Development plans will create focal points of signature buildings, civic spaces, natural amenities, and other prominent features through placement or street layout.
4. Nonresidential establishments will incorporate development design techniques to integrate the establishment into the surrounding community. Such design techniques will include:

- a. Creation of a series of smaller, well defined customer entrances to break up long facades and provide pedestrian scale and variety, that may be achieved through the use of liner buildings.
 - b. Unified sign package.
 - c. Landscaping and use of pocket parks and courtyards adequate to soften large building masses.
5. Parking areas will be designed to minimize intrusiveness and impacts on the pedestrian character. Parking lots will be designed with pedestrian connections to business entrances and public space to create a park-once environment.
6. Crime Prevention Through Environmental Design (CPTED) guidelines will be incorporated to the maximum extent possible.

Overall Community Design features must include the following:

7. When necessary, development density and intensity will be designed to integrate with surrounding land uses.
8. Link pedestrian routes and bikeways with the street system or other public spaces, avoiding routes through parking lots and other locations separated from the overall system.
9. The designs will include a pedestrian circulation system to connect the nonresidential uses with residential uses and areas.
10. Streets and roads will be fronted by design features including landscaping and sidewalks which define and contribute to a pedestrian street character. Building design, placement, and entrances will be at a pedestrian scale and oriented towards streets and other public space such as parks or squares.
 - a. Reduction of paved parking areas will be evaluated wherever practicable through measures such as provision of shared parking and parking structures to serve multiple uses and alternative paving materials. Large expanses of pavement will be discouraged. Reduced ratios of required parking for non-residential uses will be provided in the land development regulations.
11. Internal traffic circulation system design will include:
 - a. Traffic calming techniques to maintain a multi-modal transportation system including pedestrian, bicycles and automobile traffic.
 - b. Maximum use of common access drives.
 - c. Convenient access to transit facilities.
12. Buffering: River Village developments will be well integrated both internally and externally. Buffering of uses internal to a River Village are not required.

Policy 1.10.4: Each River Village Community will be required to provide an overall 50% on site Open Space as defined and calculated in Chapter 10-416 of the Lee County

Land Development Code. Individual pods, tracts, and parcels may be designed and developed with a minimum of 10% open space to facilitate the clustering of uses.

Community Outreach

Policy 1.10.5 Community Outreach requirements for properties utilizing the River Village Land Use Category must include, at a minimum, the following:

1. Prior to any required public hearings for a Comprehensive Plan Amendment, the applicant shall engage in a series of meetings with the surrounding community, County planning, zoning and natural resources staff and the public at large.
2. Prior to submitting a zoning application for a property utilizing the River Village land use category the applicant must conduct a minimum of two separate meetings. One meeting with the surrounding community in a location within the Planning Community, and one with County staff . Throughout the zoning review process the applicant shall conduct a series of meeting with the public to keep them informed on changes and opportunities to participate in the public hearing process. Meeting notices and sign in sheets shall be submitted formally to the County to keep with the zoning application records.

Public Benefit

Policy 1.10.6 Each River Village development-that is adjacent to natural and navigable bodies of water must provide public access to the natural water body. Public access must be provided through a minimum of parking and canoe/kayak launch facilities that connect to the Lee County Blue Way system. Additional public access may include any combination of provision of passive recreational facilities, development or redevelopment of a marina facility, access to commercial or civic uses open to the public, including a boat launch, docking facilities, or a promenade along the waterfront.

Policy 1.10.7 Connection to existing public blue ways and pedestrian trails will be provided.

Policy 1.10.8 River Villages must provide workforce housing at a rate of 10% of the total number of units permitted over 1 unit per gross acre. For the purpose of this policy, workforce housing shall be defined as units priced at a level that is affordable to a family making at or below 140% of the median income in Lee County, as defined in Chapter 420.5095 F.S.

Policy 1.10.9 Where River Villages are wholly or partially located within the Tropical or Category 1 Storm Surge zones, mitigation for hurricane evacuation must be provided in addition to the mitigation fees required in LDC Section 2-485. Hurricane mitigation may include the provision of a regional shelter in a category 4-5 zone in eastern Lee County or Western Hendry County that can be shown to relieve an evacuation choke point for Lee County evacuees and/or monetary contributions toward road capacity improvements that improve hurricane evacuation.

Compatibility and Integration with the Surrounding Community

Policy 1.10.10 To promote preservation of the surrounding community character and drive by experience along existing County maintained arterial roads, a minimum 100 foot edge protection area must be incorporated into the development. Where new development is adjacent to properties under separate ownership a 50 foot edge protection area must be provided. The rural edge protection area must contain one or more elements that are representative of rural character including groves, livestock grazing, pervious recreational areas or open space, preserves, equestrian facilities, lake or other elements of rural character. Berms and walls that are intended to provide a visual barrier will not be permitted along State and County maintained arterial roads and are discouraged along the remaining perimeter, unless specifically requested by the adjoining property owners. The use of perimeter fencing including but not limited to horse fences and picket fences will be encouraged. This policy is not intended to preclude any berms required to meet the requirements of the South Florida Water Management District.

Policy 1.10.11 Where external local residential streets run along an edge of a River Village, edge development must be designed to maintain the existing residential character of the residential street. Similar type homes or landscape area must be developed and oriented toward the local residential street rather than creating a community backing up to the street.

Policy 1.10.12 Where feasible, River Village developments will provide local public road connections that add new links to the transportation network. Connections to adjacent offsite residential neighborhoods will not be precluded by the River Village's design.

Water Conservation and Management

Policy 1.10.13: To ensure that development occurs in a manner that is consistent with Lee County's goals for the protection of natural aquatic systems and the enhancement of water quality within the Caloosahatchee River basin, new development or redevelopment within the River Village land use category will be required to provide or connect to central water and sewer facilities.

Policy 1.10.14: Water conservation measures will be implemented during the site construction process, utilizing the following mechanisms:

1. Accepting reuse water, if available, and
2. Using 70% drought tolerant landscape material and 70% native plants for required landscaping in common areas.
3. Limit the amount of irrigated turf to 50% for all residential lots.

Policy 1.10.15 Required surface and storm water management facilities will be designed to provide open space or a visual amenity and act as an aesthetic feature resembling natural areas.

Water Quality

Policy 1.10.16 Enhanced Best Management Practices for surface water management such as treatment trains, created flow ways, reduced impervious area, and other Low Impact Development design techniques will be implemented where practicable for the design of the project.

Policy 1.10.17 To provide the opportunity to restore existing natural water flows, development within a River Village category will provide a minimum of 50' buffer along natural waterways. Buffer areas may contain passive recreational uses, including boardwalks, and river oriented recreational uses such as a canoe/kayak launch with an ancillary building, and necessary community infrastructure crossing points. This policy is not intended to apply to the improvements or expansion of any marina facility that is identified on the Lee County Water Dependant Overlay Map Series. Residential dwelling units must not be constructed within 50 feet of the MHWL of natural water bodies.

Policy 1.10.18 During the Planned Development process developers will pursue opportunities to partner with governmental agencies to create water quality improvement systems for degraded water bodies directly connected to the property. Specifically, applicants will work with Lee County and the South Florida Water Management District to find ways to improve the water quality of the Caloosahatchee River.

POLICY 1.10.19 Golf courses must be designed, constructed, managed and certified in accordance with the Audubon International Signature Silver Program or equivalent. In addition all golf courses must be managed and designed in accordance with the following criteria:

1. Fertilizers with a low leaching potential (slow release) must be used, must not be applied after active growth of the turfgrass has ceased, and must be kept to the lowest reasonable levels.
2. To reduce sources of pollutants, especially nutrients and pesticides associated with the golf course, the golf course manager must implement a chemicals management plan which includes an integrated pest management (IPM) program and a nutrient management program such that nutrient management program such that nutrients and pesticides are used only when absolutely necessary. The program must address prevention, diagnosis, and limited treatment with pesticides when necessary rather than blanket treatment with broad spectrum pesticides as insurance against all pest species. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad spectrum pesticides is prohibited. The IPM program must

minimize the use of pesticides and must include the use of the US Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS) Soil Pesticide Interaction Rating guide to select pesticides for use that have a minimum potential for leaching or loss from runoff. The nutrient management program must be based upon the USDA-NRCS Nutrient Management Standard and must include the use of soil tests to determine needed applications of nutrients. Only EPA-approved chemicals may be used. No turf managed areas (including fairways, tees, and greens) are permitted within 35 feet of wetlands or preserve areas. This chemicals management plan must be submitted to and approved by Lee County Natural Resources Staff prior to the development order approval.

3. The golf course manager must coordinate the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients.
4. The utilization of a golf course manager licensed by the state to use restricted pesticides and experienced in the principles of IPM is required. The golf course manager is responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer runoff into the surface water and the leaching of those same fertilizers into the groundwater.
5. The storage, mixing, and loading of fertilizer and pesticides must be designed to prevent/minimize the pollution of the natural environment.
6.
 - 1) Prior to the issuance of local development order approval, the developer must demonstrate compliance with "Best Management Practices for Golf Course Maintenance Departments," prepared by the Florida Department of Environmental Protection, May 1995, as amended.
 - 2) The development order must demonstrate separate mixing and loading facilities for pesticides, and provide a separate pesticide storage area, in compliance with materials specified in the above referenced document. The development order must demonstrate separate mixing and loading facilities for fertilizer, and provide a separate fertilizer storage area, in compliance with materials specified in the above referenced document.
 - 3) The development order plans must indicate the construction material for all buildings in compliance with Best Management Practices for Golf Course Maintenance Departments.
 - 4) Equipment to apply pesticides and fertilizers must be stored in an area protected from rainfall.

7. The golf course must be planted with a turfgrass cultivated variety that is drought and pest resistant, while requiring relatively low fertilizer use;
8. The irrigation system must operate on an "as needed" basis through the utilization of weather forecasting and ongoing assessment of the moisture content of the soil.
9. All fairways, greens, and tees must be elevated above the 25-year flood level, and all greens must utilize underdrains. The effluent from these underdrains must be pre-treated prior to discharge into the balance of the project's water management system.
10. Stormwater run-off must be pre-treated through an acceptable recreated natural system or dry retention and/or detention and water retention and/or detention system, prior to discharging the run-off into existing lake or wetland (any aquatic) systems.
11. Prior to development order approval for the golf course, the developer must conduct a pre-development groundwater and surface water analysis and submit the analysis to Lee County Division of Natural Resources. This analysis is intended to establish baseline data for groundwater and surface water monitoring for the project area. The analysis must be designed to identify those nutrients and chemicals that are anticipated to be associated with the project. Prior to commencing this baseline study, the developer must submit the methodology for review, comment, and approval by Lee County.
12. An annual monitoring report of ground water and surface water quality is required for the golf course operation. The monitoring program must include: testing to assess whether there are any herbicide, pesticide or fertilizer pollution of the water within the area of the golf course; identifying the locations for the ground water monitoring and testing on a map(s); setting forth the testing and recording requirements. The Developer must submit the test results with the monitoring report to the Lee County Natural Resource Division. The monitoring program will be established and operated at the expense of the Developer, or other comparable legal entity charged with the legal responsibility of managing the golf course. This plan will be evaluated in accordance with the directives of Chapter 62-302, F.A.C., water quality standards. Developer, or their successor(s), and Staff will review this monitoring requirement every three years to determine if reduction or elimination of the monitoring requirements is justified, and if so, the condition may be proposed for modification through the public hearing process.
13. If groundwater or surface water pollution occurs, as that term is defined by the rules or regulations in effect at the time of development order, and should the pollution be caused by the application of fertilizers, herbicides or pesticides to the golf course, the application of the material(s) containing the polluting agent must cease until there is a revised management plan. If mitigation is necessary to address the

pollution, a mitigation plan approved by Lee County must be implemented by the Developer.

14. Fertigation storage tanks will be located within the golf maintenance facility or if located elsewhere due to functionality, the facility shall require a minimum setback of 100' from residences and preserves. These facilities will be fully screened and will have adequate access to allow trucks to safely maneuver in and out of the storage area.

Policy 1.10.20: Development within a River Village must be designed using environmental best management practices consisting of the following:

1. Energy Efficiency programs such as "Energy Star" and FPL's "HomeSmart" will be promoted in all buildings and residences within the community. An education program on energy efficiency programs will be available to all residents. In order to facilitate these benefits all Builders within the River Village communities shall be certified through the University of Florida's Build Green and Profit program.
2. Meet the requirements of a Green Community by the Florida Green Building Coalition.
3. All single family residential units will be certified as a Green Building by the Florida Green Building Coalition.
4. Incorporate elements from the Florida Yards and Neighborhoods program at the time of Planned Development review. Private homeowners will be encouraged to utilize the recommendations of the Florida Yards and Neighborhoods program and the University of Florida IFAS fact sheet ENH-860.
5. Achieve Certification as a Florida Firewise Community.
6. Incorporate elements of the requirements of the National Wildlife Federation Backyard Wildlife Habitat Program.
7. Use only controlled release or slow release organic fertilizers for both common areas and private areas. The developer or their successor shall have the responsibility of providing for sale or easy accessibility allowable fertilizers for private use.
8. Achieve LEED certification for all commonly owned and maintained buildings, excluding a golf course maintenance facility and any other non air-conditioned buildings.
9. Achieve Clean Marina Certification with all marina facilities.
10. Buffer zones for wetlands and natural waterways will be used to avoid where possible potential adverse effects upon ground and surface water quality, including any Outstanding Florida Waters, Wild and Scenic Rivers,

Florida Aquatic Preserves or Florida Class I or II Waters that occur within, abutting or downstream of the site.

11. Grading and site design of properties adjacent to natural bodies of water shall conform to Federal, State and local regulations which may include but is not limited to the use of berms or retention ditches to intercept surface runoff of water and debris that may contain fertilizer.
12. No grasses that require mowing shall be allowed within 6 feet of the water's edge, except where needed for erosion control. Riparian or littoral zone plants that do not require mowing or fertilization should be planted in these areas when possible.

Habitat Preservation

Policy 1.10.21: Development within the a River Village property will be designed to incorporate significant indigenous systems such as cabbage palm and oak hammocks and promote the preservation and restoration of wetlands, listed species habitat and rare and unique uplands. In order to protect the natural creeks and associated wetland systems within this part of the county, development will preserve high quality wetlands that are adjacent to natural water bodies. Site design will include minimizing impacts to native trees where feasible. Where impacts to live oak and laurel oak trees that have a greater than 10 inch caliper dbh are unavoidable, these trees will be relocated to the greatest extent feasible and used within the landscape design of the project.

Policy 1.10.22: In order to protect valuable upland and wetland areas, designation of a River Village area will include simultaneous designation of areas as Conservation on the Future Land Use Map. The intent is to provide certainty as to where preserve areas are projected to be located when the property requests rezoning to a planned development designation. Areas labeled as Conservation that are located within a River Village area will allow for the density, at the same density as the River Village density (2 dwelling units per acre), to be transferred to the adjacent River Village areas through the planned development process. Conservation lands will be defined as "indigenous", if restored where restoration is needed, and counted toward a River Village's overall open space and indigenous preservation requirements through the planned development process. Buildings and other areas of impervious surface for passive recreational uses will be allowed in Conservation areas.

TABLE 1(a)
SUMMARY OF RESIDENTIAL DENSITIES¹

FUTURE LAND USE CATEGORY	STANDARD OR BASE DENSITY RANGE		BONUS DENSITY
	MINIMUM ² (Dwelling Units per Gross Acre)	MAXIMUM (Dwelling Units per Gross Acre)	MAXIMUM TOTAL DENSITY ³ (Dwelling Units per Gross Acre)
Intensive Development	8	14	22
Central Urban	4	10	15
Urban Community ^{4,5}	1	6	10
Suburban	1	6	No Bonus
Outlying Suburban ⁶	1	3	No Bonus
Rural ¹¹	No Minimum	1	No Bonus
Outer Islands	No Minimum	1	No Bonus
Rural Community Preserve ⁷	No Minimum	1	No Bonus
Open Lands ⁸	No Minimum	1 du/5 acres	No Bonus
Density Reduction/Groundwater	No Minimum	1 du/10 acres	No Bonus
Wetlands ⁹	No Minimum	1 du/20 acres	No Bonus
New Community	1	6	No Bonus
University Community ¹⁰	1	2.5	No Bonus
River Village ⁹	<u>1.5</u>	<u>2</u>	<u>No Bonus</u>
Inner Islands	<u>No Minimum</u>	<u>1</u>	<u>No Bonus</u>

¹ See the glossary in Chapter XII for the full definition of "density."

² Adherence to minimum densities is not mandatory but is recommended to promote compact development.

³ These maximum densities may be permitted by transferring density from non-contiguous land through the provisions of the Housing Density Bonus Ordinance (No. 89-45, as amended or replaced) and the Transfer of Development Rights Ordinance (No. 86-18, as amended or replaced).

⁴ Within the Future Urban Areas of Pine Island Center, rezonings that will allow in excess of 3 dwelling units per gross acre must "acquire" the density above 3 dwelling units per gross acre utilizing TDRs that were created from Greater Pine Island Coastal Rural or Greater Pine Island Urban Categories. (Amended by Ordinance No. 05-21).

⁵ In all cases on Gasparilla Island, the maximum density must not exceed 3 du/acre.

⁶ In the Outlying Suburban category: north of the Caloosahatchee River and east of Interstate-75; north of Pondella Road and south of Pine Island Road (SR 78); Lots 6-11, San Carlos Groves Tract, Section 20, Township 46 S, Range 25 E of the San Carlos/Estero area; in the Buckingham area (see Goal 17); and, all lands 187.5 feet south of the north section line of Section 33, Township 43 S, Range 26 E in the Caloosahatch Shores Community Plan area, the maximum density is 2 du/acre. (Amended by Ordinance No. 03-20, 03-21)

⁷ Caloosahatch Shores Community Plan area, the maximum density is 2 du/acre. (Amended by Ordinance No. 03-20, 03-21)

⁸ The maximum density of 1 unit per 5 acres can only be approved through the planned development process (see Policy 1.4.4), except in the approximately 135 acres of land lying east of US41 and north of Alico Road in the northwest corner of Section 5, Township 46, Range 25. (Amended by Ordinance No. 99-15)

⁹ Higher densities may be allowed under the following circumstances:

(a) If the dwelling units are relocated off-site through the provisions of the Transfer of Development Rights Ordinance (No. 86-18, as amended or replaced); or

(b) Dwelling units may be relocated to developable contiguous uplands designated Intensive Development, Central Urban, or Urban Community at the same underlying density as is permitted for those uplands, so long as the uplands density does

not exceed the maximum standard density plus one-half of the difference between the maximum total density and the maximum standard density; or

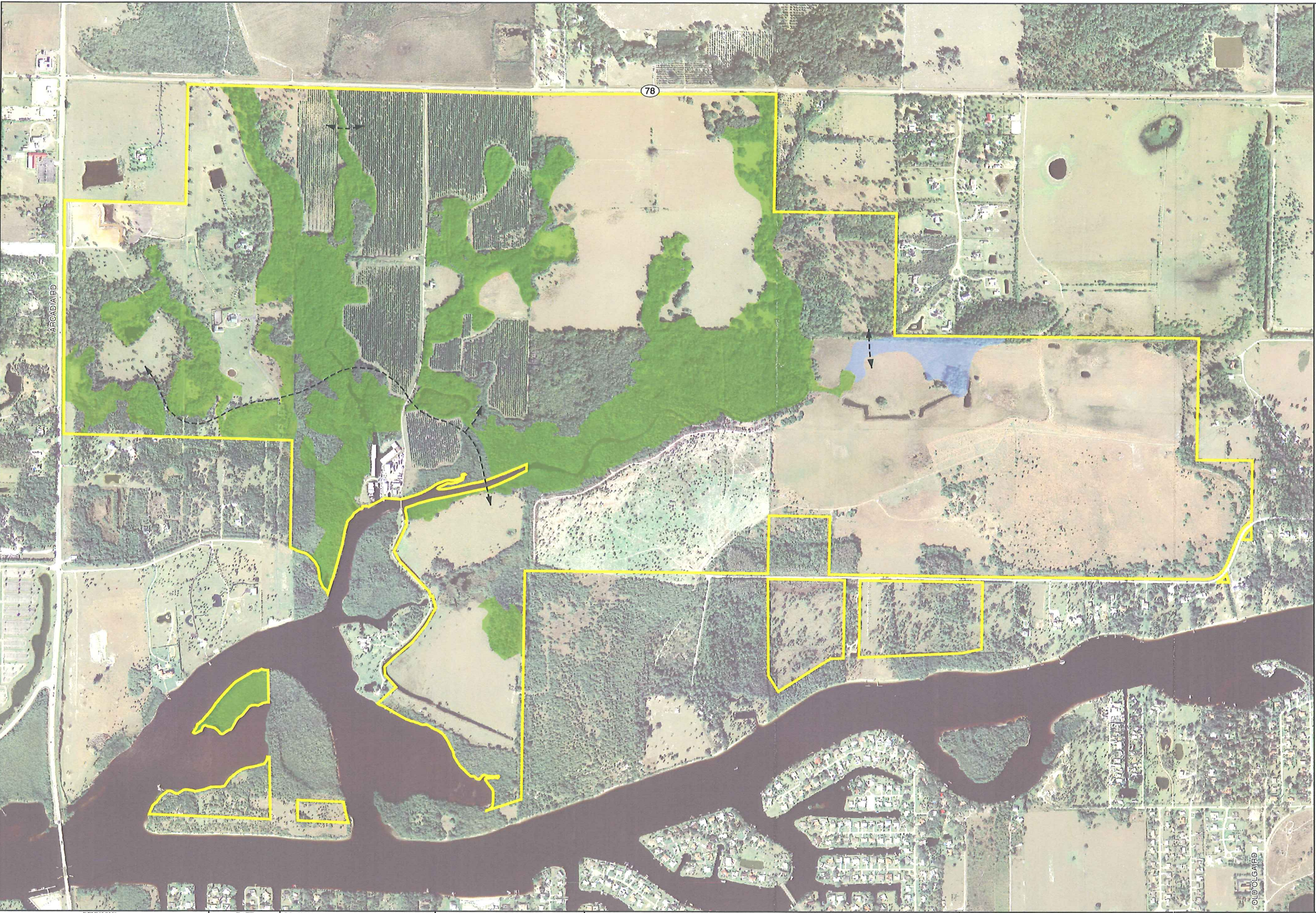
(c) Dwelling units may be relocated from freshwater wetlands to developable contiguous uplands designated Suburban or Outlying Suburban at the same underlying density as is permitted for those uplands, so long as the uplands density does not exceed eight (8) dwelling units per acre for lands designated Suburban and four (4) dwelling units per acre for lands designated Outlying Suburban, unless the Outlying Suburban lands are located in those areas described in Note 6 above, in which case the maximum upland density will be three (3) units per acre. (Amended by Ordinance No. 00-22)

(d) Dwelling units may be relocated from freshwater wetlands to developable contiguous uplands designated River Village at the same underlying density as is permitted for those uplands, so long as the uplands density does not exceed 2.5 dwelling units per acre.

¹⁰ Overall average density for the University Village sub-district must not exceed 2.5 du/acre. Clustered densities within the area may reach 15 du/acre to accommodate university housing.

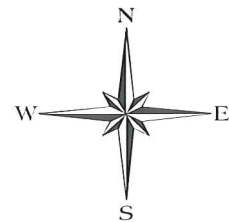
¹¹ In the Rural category located in Section 24, Township 43 South, Range 23 East and south of Gator Slough, the maximum density is 1du/2.25 acres. (Added by Ordinance No. 02-02)

J:\2005\05BBG1393\GIS\NORTH RIVER VILLAGE\2007\CONSERVATION LAND USE DESIGNATION\FIGURES\AERIAL WITH CONSERVATION LAND DESIGNATIONS - COMBINED 10-26-07 FOR LEE COUNTY 11x17.mxd - 10/30/2007 @ 8:32:06 AM



Legend:

- NORTH RIVER VILLAGE
- CONSERVATION LANDS
- RESTORED FLOWWAY
- ROADWAYS



NOTES:

DRAWING NOT TO SCALE.

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF JANUARY 2005.

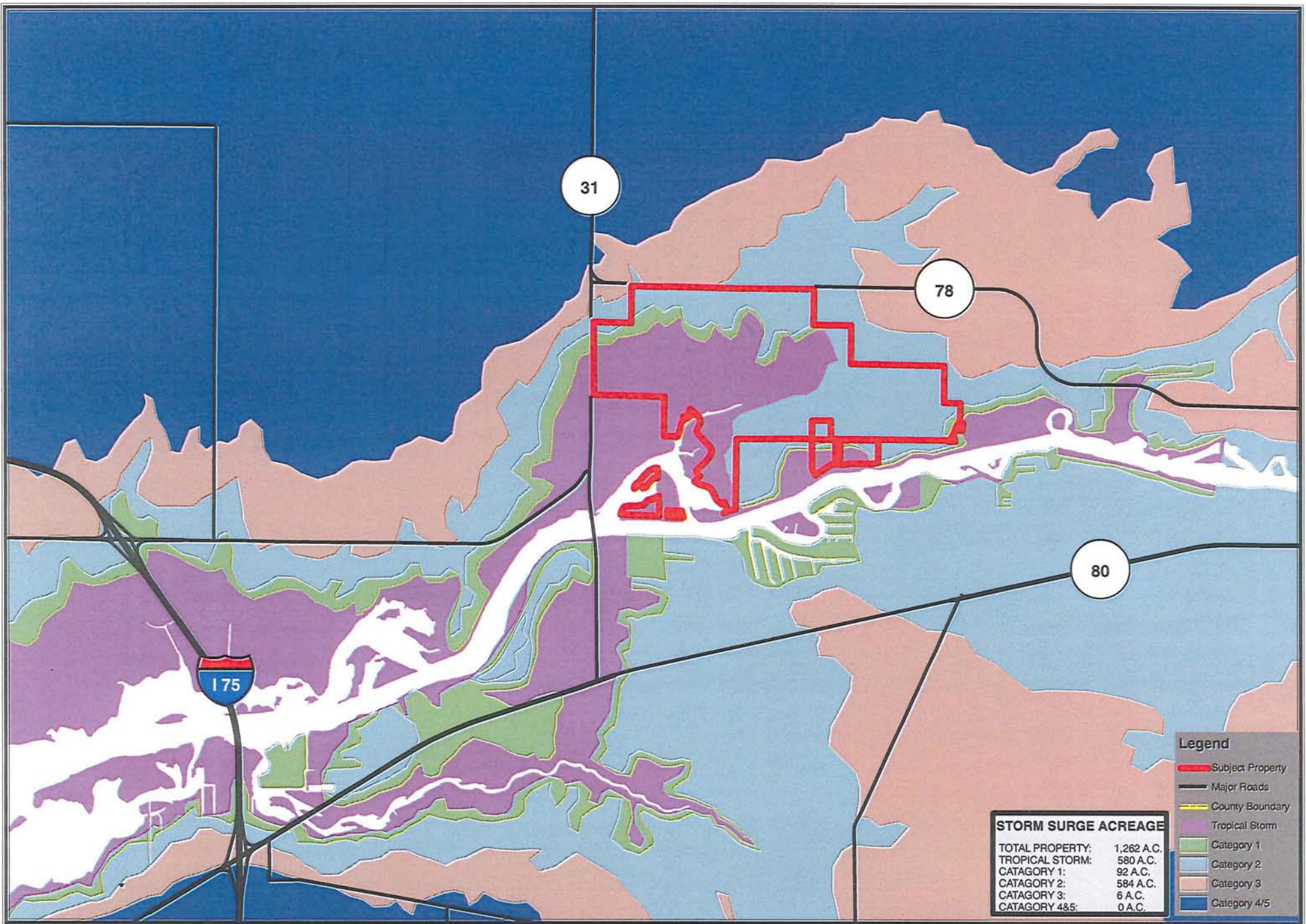
CONSERVATION LANDS SHOWN HAVE NOT BEEN SURVEY LOCATED.

EXACT LOCATION OF CONSERVATION LANDS AND CROSSINGS WILL BE CONFIRMED AT ZONING.

COUNTY INFORMATION AND ROADWAY NETWORKS WERE ACQUIRED FROM THE FLORIDA GEOGRAPHIC DATA LIBRARY WEBSITE.

DRAFT

REVISIONS	DATE	DRAWN BY	DATE	9110 College Pointe Court Fort Myers, Florida 33919 Phone (239) 274-0067 Fax (239) 274-0069	 PASSARELLA & ASSOCIATES INC.	NORTH RIVER VILLAGE AERIAL WITH CONSERVATION LAND USE DESIGNATION MAP	DRAWING No. 05BBG1393 SHEET No.
		DESIGNED BY	DATE				
		REVIEWED BY	DATE				
		K.C.P.	10/30/07				



COASTAL HIGH HAZARD MAP

NORTH RIVER VILLAGE

0 0.25 0.5 1 Miles



DELISI FITZGERALD
PROJECT MANAGEMENT, LLC
Planning - Engineering - Project Management
1500 Royal Palm Square Blvd., Suite 101
Fort Myers, FL 33919
239-418-0651 ~ 239-418-0652 Fax

GENERAL NOTE:
THIS MAP IS FOR INFORMATIONAL USE ONLY.
IT IS NOT TO BE USED FOR ANY OTHER PURPOSE.
MAY BE A MAP OF THE STATE OF FLORIDA.

From: Dan Trescott [mailto:dtrescott@swfrpc.org]
Sent: Wednesday, October 24, 2007 9:56 AM
To: Margaret Emblidge
Subject: RE: Hurricane Evacuation and Shelters

Hello Margaret:

Yes, I would agree a shelter in Hendry or eastern Lee County would be great, particularly a shelter that would meet American Red Cross Shelter standards.

Daniel L. Trescott, Principal Planner
DRI/Hurricane/Sea Level Rise Planning
Southwest Florida Regional Planning Council
1926 Victoria Ave.
Fort Myers, FL 33901
Office: 239.338.2550 Ext. 220
Fax: 239.338.2560
Suncom 748.2550 Ext. 220
email: dtrescott@swfrpc.org
Web: <http://www.swfrpc.org>

From: Margaret Emblidge [mailto:MargaretE@BonitaBayGroup.com]
Sent: Tuesday, October 23, 2007 4:16 PM
To: Dan Trescott
Subject: Hurricane Evacuation and Shelters

Hi Dan regarding the North River Village property, we discussed the opportunities for mitigating hurricane evacuation impacts. You agreed that the methodology for determining hurricane evacuation patterns shows most traffic in Lee County heading to I-75. I also understand that the statutes allow for mitigation for impacts to development located in the Coastal High Hazard Areas. It is my understanding that based on the 2004/2005 hurricane seasons that the evacuation patterns showed many of evacuees going east and in particular east on SR 80. You also indicated that there was a choke point on SR 80 where it intersects with SR 29. So now that you have more real life information on the evacuation patterns would you agree that since a lot of the traffic is going east; that providing a shelter in eastern Lee County, or Hendry County, west of SR 29 would make sense. Please let me know if you would agree with this mitigation approach. Thank you for your consideration of these questions.

Margaret Emblidge, AICP
Bonita Bay Group
Director of Entitlements and Governmental Affairs
9990 Coconut Road, Suite 200
Bonita Springs, FL 34135
Ofc. 239-390-1147
Cell 239-233-3192

December 14, 2007

DELSI FITZGERALD, INC.
Planning - Engineering - Project Management

Mr. Matt Noble
Principal Planner
Lee County Department of Community Development
Division of Planning
PO Box 398
Fort Myers, FL 33902-0398



Re: North River Village Large Scale Plan Amendment
CPA2006-12

CPA 2006-00012

Dear Mr. Noble:

In response to the meetings on North River Village that were held on November 29 and 30, 2007, please find the attached additional information that staff requested. Per staff request, we have enclosed the following:

1. Four copies of the Archeological Study
2. A narrative on how the proposed project fits into the nearby rural communities
3. Community outreach synopsis
4. Revised Build/No Build Map
5. Discussion of nearby eagle nests and on site Gopher Tortoises
6. Changes to the Text Amendment to provide for timing of hurricane evacuation mitigation and road crossings of the Conservation areas.

In addition, in our meeting on November 30th, staff asked us to provide the estimated acreage of upland area and wetland area that is being included in the Conservation land use area. The following estimated acreages are based on aerial maps and have not been surveyed. The overall Conservation area is approximately 265 acres, which includes approximately 200 acres of wetlands, 65 acres of uplands. The actual acres will be determined by survey during the final site planning process.

Also shown on the map in blue is the general location where a historic flow way will be restored. The flow way will not be designated as Conservation but will be incorporated in the zoning master concept plan. This historic flow way which has been impacted by the ACOE spoil cell will be restored by reshaping and expanding the existing ditch that currently conveys surface water from the small offsite upstream drainage area to Trout Creek. The ditch will be widened to provide a broader and shallower cross section than the existing ditch with meandering shape and width to mimic a more natural system. The bottom of the proposed flow way will gradually slope downhill from the small cypress slough that is north of the site to a wetland that is along the east side of Trout Creek. A portion of the southern boundary of the proposed flow way will share a common boundary with an existing

North River Village Large Scale Plan Amendment
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December 14, 2007

cypress head. The flow way is not proposed to go through the cypress head due to ground elevations being equal to or greater than the upstream cypress slough. The flow way will contain marsh habitat with periodic deeper pools that will serve as wading bird foraging areas. Where possible, the flow way will also contain vegetated tree buffers to provide additional habitat. The flow way restoration project will increase foraging habitat for wading birds, mimic a more natural hydrology, and provide additional water quality treatment.

If you should require any additional information, please do not hesitate to contact our office.

Sincerely,
DeLisi Fitzgerald, Inc.

A handwritten signature in blue ink, appearing to read "Daniel DeLisi".

Daniel DeLisi, AICP
Principal

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RURAL CHARACTER ANALYSIS

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DELISI FITZGERALD, INC.
Planning - Engineering - Project Management

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Over the last year the applicant has worked closely with the Alva community and county staff to ensure that any proposed development on the North River Village property would not have a negative impact on the existing character of areas north of the river they are striving to protect their rural character. Our goal is to create a community that "fits" with the existing neighborhoods immediately adjacent to the property and the community at large. One of the goals is to preserve the rural look and feel that exists in the community at large. In order to accomplish this there are a number of planning and design criteria that need to be addressed. These criteria include the appearance of development from surrounding communities, the traffic generated from this area, look at how other urban development nodes within rural areas have supplemented the community character.

It is also important to look at historic patterns of development and their effect on the area's rural character. The different communities north of the river, in both Lee and Hendry County all have plans for higher residential densities and commercial uses clustered around, major intersections. The North Fort Myers community has commercial development and higher densities around the US 41, Pondella, Pine Island, Bayshore and the Old 41 intersections. There is also higher densities and commercial located at Old 41 and Bayshore Road. The Bayshore community has commercial and industrial uses located at or near the I-75 and Bayshore Road interchange, and public and commercial uses approved and in existence at the SR 31 and Bayshore Road intersection. The Bayshore plan targets these intersections for the more intensive uses. Beyond these nodes is a development pattern that consists of a transition area and then moves into a more rural setting.

Alva is centered around a historic plat and an area of approximately one section of land designated as Urban Community in the Lee Plan. The "Downtown Alva" area is generally considered an asset to the community even though the standard density allowed is 6 dwelling units per acre because it provides a sense of identity and destination. The design and layout of "downtown Alva" fits in with the rural character that serves and enhances the rural community, not detracts from it.

The intersection of SR 29 and SR 78 in Labelle also provides for commercial uses. The conclusion is that even though there may be lower densities as one moves away from the major intersections, all of the communities provide for higher densities and intensities near the major intersections. This is consistent with good planning as it provides for community needs to be met within the community.

The North Olga community (add a description of what or where the Olga community is) does not have an established community center which acts as a destination point. Similar to Downtown Alva, an area of higher density can be designed as an asset to the community, creating a sense of place, rather than detracting from the rural environment. Slightly higher density in selected locations, such as at major community transportation intersections in and of itself is clearly not contrary to rural character.

The applicant understands that Alva and Bayshore want to be protected from outside

influences that will change their community. The attached graphic shows that the Alva and Bayshore community centers are a significant distance away from the subject property, making the provision of a higher intensity node justifiable and providing Olga the same ability to have its needs met within its community that the other communities enjoy.

In designing a community destination point such as the North River Village, it is necessary to make sure that the surrounding rural areas are not overwhelmed by new traffic. Significant increases in traffic through the rural areas could impact the rural lifestyle. However, through careful design of a development this can be avoided. For example, locating the development node at the intersection(s) of CR/SR 78 and SR 31 will create that destination point for the local community for some needs while the majority of the traffic from this development to go south for other needs. With minimal or no attractors located to the east or west north of the river vehicles have minimal need or likelihood of going through the rural areas. Being on the edge of an urban area allows the development of a destination point without funneling traffic through surrounding rural areas. The attached map shows the projected traffic distribution as assumed in the traffic impact study. 91% of the project traffic is projected to head south to State Road 80, an urbanized area in Lee County. This would limit the amount of traffic that has to travel into and through the surrounding communities, thereby reducing the transportation impacts on their communities. To the south is the river and a large area of Suburban development at higher gross densities than the proposed development node. The North River community provides a nice transition from the urban densities on the south to the lower density areas to the north and to the east.

In approaching this development and understanding that the vast majority of traffic impacts will be to the already urbanized areas of the county and development nodes can be an asset to the community, the applicant has taken the final step of providing design criteria so that the development blends in with the surrounding community, creating the asset that the community desires. One of the things the applicant learned is that the community does not believe large berms are representative of a rural character. They want the North River development to be part of the fabric of the community. The community also determined that they want something along the edges that retained elements of agricultural development, such as citrus trees or horse trails. In one location, the community wants a single family development that fronts on the road so that it mirrors existing development. Lee Plan text policies were created to implement the suggestions of residents to how this development could blend into the surrounding character. The response from the most immediate neighbors, the ones that should be most impacted by the visualization of the community and the ones that have already set the character of the immediate North Olga community has been very positive.

There is a mistaken notion that the only measure of rural character is density or intensity of development, and this is simply not the case. The Owl Creek boat works is an intensive industrial marine area that has been in existence for decades, and it has not disrupted the rural lifestyle of anyone in Olga. The reason is because the intense use is buffered appropriately from other uses. The preservation of the Owl Creek and Trout Creek tributaries and the protection of the edges of the community and the provision of public access to the property provides for the protection of the rural aspects of this property that the neighboring residents treasure. The best way to protect the parts of the property that are treasured by the community is cluster development in a way that preserves and

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restores valued environmental areas. The ability to provide for significant open areas, conservation areas, and public access to the waterfront comes from the ability to provide a diversity of product type internal to the property at a density that provides the economic foundation for the "no build" portions of the community. The development of the property at one unit an acre in accordance with the existing comprehensive plan would not provide the character the adjoining community is seeking, and it would not provide for the more intense node that occurs everywhere else north of the river in Lee and Hendry County.

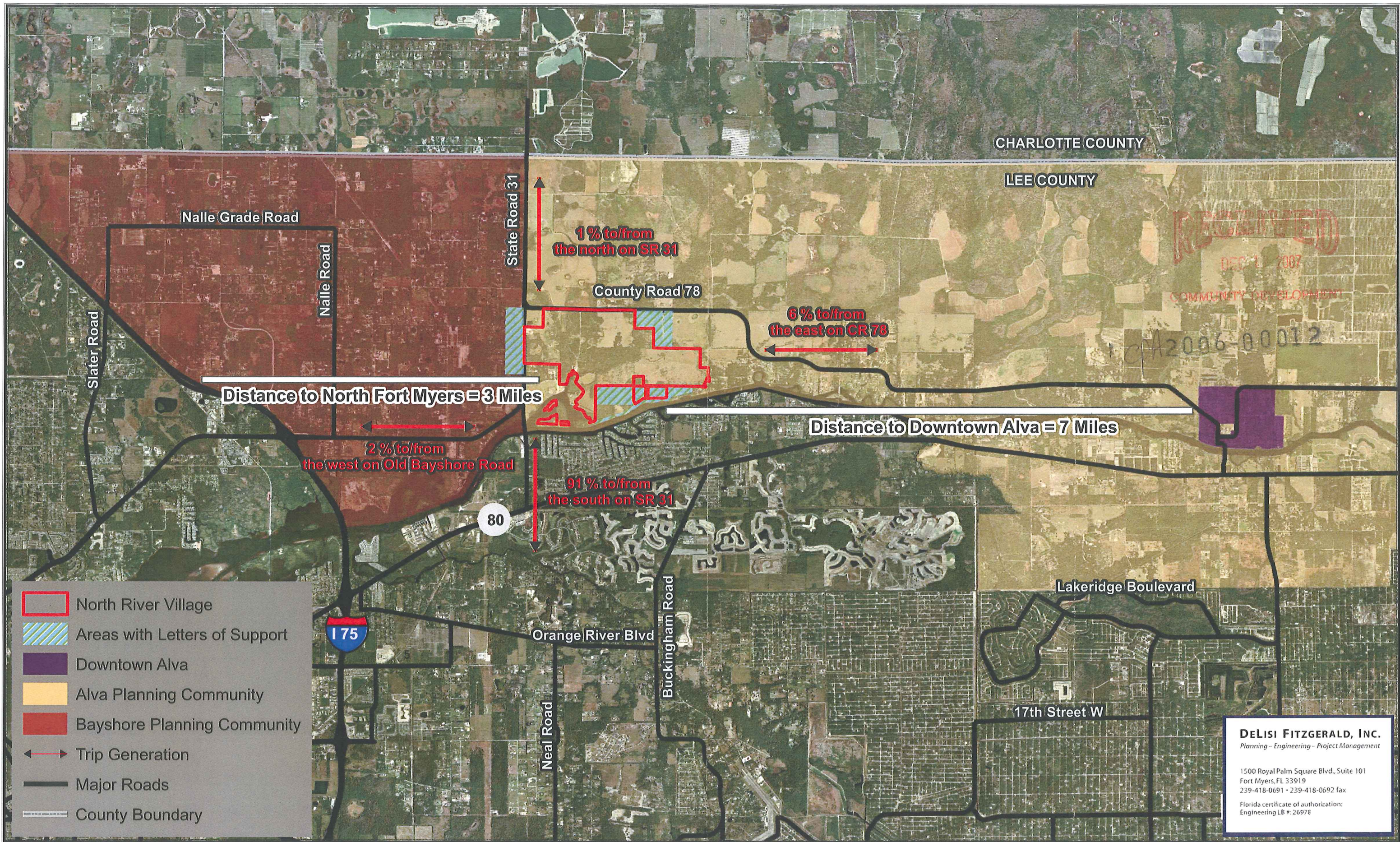
The proposal of a development node at this location is therefore appropriate for the following reasons:

1. Development nodes have historically been provided in rural areas and if designed right can add character to the community and a sense of place. The Alva Community generally embraces development of "downtown Alva" as a community destination point. It is appropriate for North Olga to have a community destination point at the community's major transportation intersection(s).
2. Standards are in place to ensure that any development on the property is sensitive to a rural character. With the proposed design standards, this community will provide an asset to the rural lifestyle.
3. The rural communities of Bayshore and Alva will not be inundated with traffic. The vast majority of traffic from development on this property will go south into the urbanized areas of Lee County, not having a detrimental effect on Bayshore or Alva.

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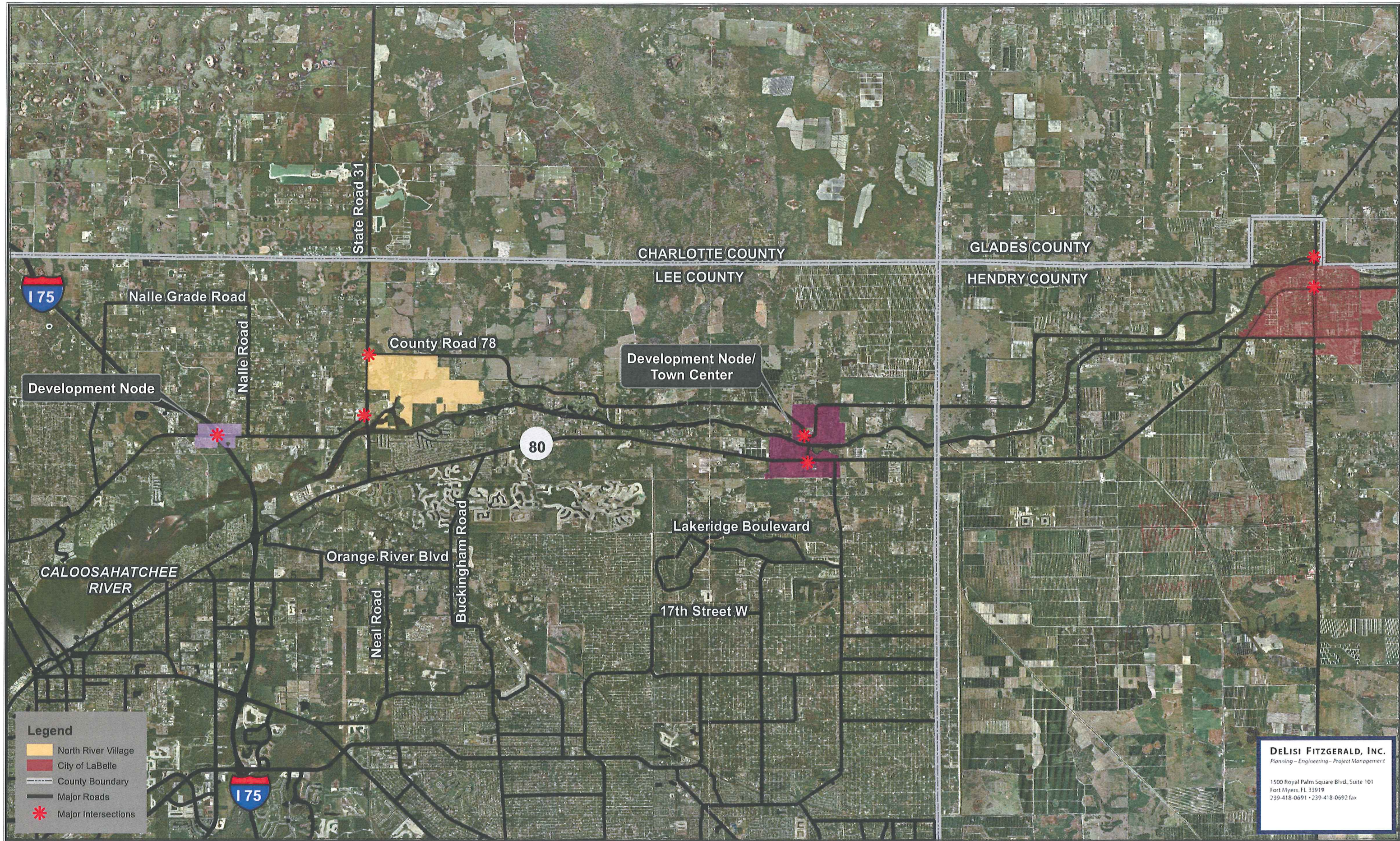


GENERAL NOTE:
THIS MAP IS FOR REFERENCE ONLY.
DATA PROVIDED ARE DERIVED FROM MULTIPLE
SOURCES WITH VARYING LEVELS OF ACCURACY.

North River Village

0 0.5 1 2 Miles





GENERAL NOTE:
THIS MAP IS FOR REFERENCE ONLY.
DATA PROVIDED ARE DERIVED FROM MULTIPLE
SOURCES WITH VARYING LEVELS OF ACCURACY.

North River Village

DEVELOPMENT NODES

0 0.5 1 2
Miles





A PHASE I CULTURAL RESOURCE ASSESSMENT OF THE WILLIAMS ISLAND PARCELS, LEE COUNTY, FLORIDA

By:

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ARCHAEOLOGICAL AND HISTORICAL CONSERVANCY, INC.

For:

BONITA BAY PROPERTIES, INC.

NOVEMBER 2007

AHC PROJECT NO. 2007.77

AHC TECHNICAL REPORT NO. 824

A Phase I Cultural Resource Assessment of the Williams Island Parcels, Lee County, Florida

By:

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November 2007

AHC Project No. 2007.77

AHC Technical Report No. 824



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Consultant Summary

In September 2007, the Archaeological and Historical Conservancy, Inc. (AHC) conducted a Phase I cultural resource assessment for Bonita Bay Properties, Inc. of the Williams (Havens) Island Parcels located in western Lee County. The combined (three) ± 7 hectare (± 20 acre) subject parcels on a 58-acre island were surveyed to locate sites of archaeological and/or historical significance.

This assessment was conducted to fulfill historic resource requirements in response to Florida's Chapters 267 and 373. This assessment was conducted in accordance with Section 106 of the National Historic Preservation Act of 1966 (Public Law 89-665), as amended in 1992, and 36 C.F.R., Part 800: Protection of Historic Properties. The work and the report conform to the specifications set forth in Chapter IA-46, Florida Administrative Code.

The parcels are within Section 19 in Township 43S, Range 26E (Figure 1). The island encompasses areas that have been cleared and filled, woodlands, and wetlands. Much of the parcel has been previously cleared and covered with fill (Figure 3). Prior to development the parcel area was hydric and mesic woodlands vegetated in slash pine/saw palmetto flatwoods and riverine mangrove swamp. The parcel area prior to the turn of the 20th century and the dredging of the Caloosahatchee River was a point or promontory of the south bank of the Caloosahatchee River opposite the confluence of Trout and Owl Creeks.

The subject parcel was investigated with a pedestrian survey and subsurface testing. It was determined that the areas closest to the historic bank of the Caloosahatchee River were Moderate to High Probability Zones (MPZ/HPZ) for archaeological sites. Many of the higher probability zones on the parcel were covered with 1 to 5 meters of fill making shovel testing impossible. However an effort was made to test all three parcels on the island. Overall, 17 shovel tests (50 cm^2) were dug systematically and judgmentally across the parcel. No archaeological or historical artifacts, features, or sites were observed but two prehistoric sites were documented outside the project parcels. No historic structures occur on the parcel. A modern house and out building constructed in the 1980's are the only structures on the parcel. If future development uncovers archaeological or historic resources than an archaeologist should document those discoveries.

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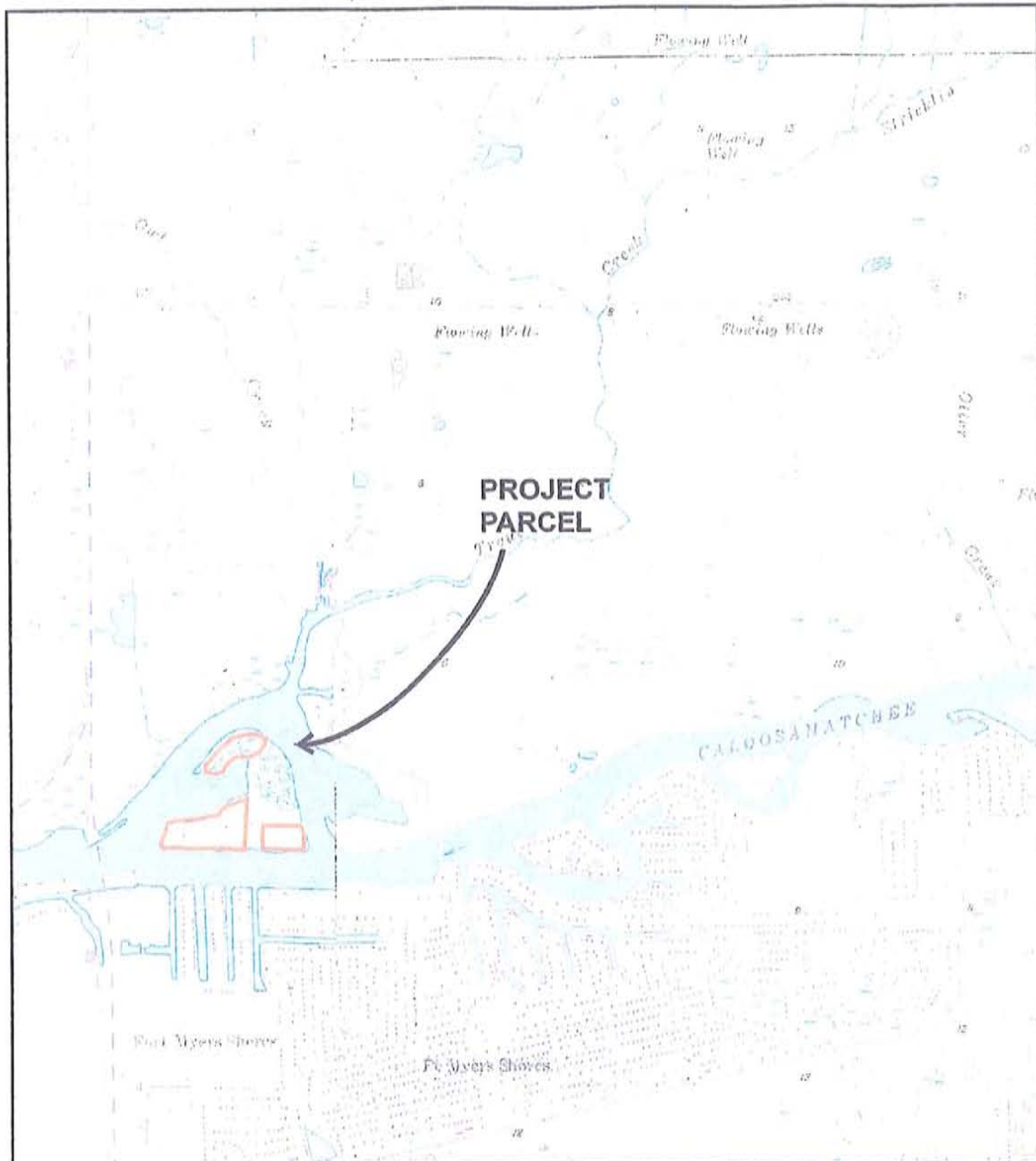
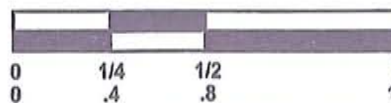


Figure 1. Map of the Williams Island Parcel area.

USGS MAP: FORT MYERS, REV. 1991

TOWNSHIP 43S, RANGE 26E, SECTION 19



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Project Setting

The three Williams Island parcels encompass a total of approximately 8 hectares (20 acres) of a 23-hectare (59 acre) island created 70+ years ago from a promontory point on the south bank of the Caloosahatchee River. The subject parcel is located in Section 19 in Township 43S, Range 26E in north central Lee County (Figure 1). The ± 8 -hectare (± 20 -acre) project area are three irregular polygons. The subject parcel is surrounded by the Caloosahatchee River/Waterway on all sides and is located south of its confluence with Trout and Owl Creeks. The relevant USGS map is Fort Myers, Fla.

Williams Island was historically a promontory point of the southern bank of the Caloosahatchee River, and was created by the channelization of the Caloosahatchee. The island contains oak hammocks, naturally elevated berms paralleling the original course of the river on its north side, brackish/mangrove marshes, and extensively filled areas. Modern dredging created an east-west channel along the south side leaving the promontory as an island.

Systematic shovel testing of the Williams Island subparcels revealed that the two southern parcels are covered by fill. This fill originated from the channelization of the Caloosahatchee River and had been spread across the parcel areas adjacent to the river. These areas contain from one to five meters of fill overburden, and conventional shovel testing was impossible there.

The immediate region is low-lying to moderately elevated (5-10 feet, NGVD) vegetated in slash pine/saw palmetto flatwoods with grassy marshes. Slash pine flatwoods communities are usually situated on high ground in much of western Lee County. Historically, floral communities which contain a dense, often head-high understory of saw palmetto, were subject to and maintained by periodic forest fires. Fires either began naturally through lightning strikes or were started by prehistoric Indians or by early settlers to aid hunting or cattle grazing. Among the plants typically found in the slash pine/saw palmetto flatland/prairie environments are: slash pine, saw palmetto, gallberry, shiny lyonia, rusty lyonia, staggerbush, dahoon holly, ground oak, wire grass, broom sedges, shiny blueberry, yxiris, and a variety of annual and perennial herbs and wildflowers blooming seasonally.

The mangrove swamps/grass marshes fringing the Caloosahatchee River are low-lying and dense with head-high leather ferns and somewhat salt-tolerant vegetation. Isolated slightly elevated natural berms occur along portions of the original river bank area and can support luxuriant though limited hammocks with diverse plant elements.

The geology of the central Lee County area is characterized fine-grained wind and wave born sands overlying shelly marls. Most of the surfacial sands are characterized in the *Lee County Soil Survey* as "hydric, level, poorly drained" and are fine-grained wind and water-born deposits from the late Pleistocene/early Holocene. Among the soils present on the subject parcel are: Wulfert muck and Caloosa fine sand. Wulfert muck is a mangrove sand/peat formation present in tidally flooded mangrove swamps (See Figure 5). Gray and tan sands found extensively in the district usually overlie relict marine deposits of shelly marl and marly limestone caprock that are part of Pleistocene formations. Many of these formations are linked to the Caloosahatchee/Fort Thompson/Coffee Mill Hammock series. Marine marls contain lenses and deposits of clay intermixed with varying percentages of sand. These clays

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may have been a source for ceramic manufacture by the Formative period Native Americans. Mantling the Pleistocene sands are windblown deposits of gray sands of varying depths.

The North River Assemblage Parcel contains two soil types (Figure 5). Most of these are characterized as fine, poorly drained sand or sandy loams. Many of these occur in the area as formations on moderately elevated ground; others are depressional and are located in the ponds, sloughs and creek banks and beds of the parcel.

Areas of the parcel contain tan and gray sand surfacial zones overlying a dense brown sand spodic horizon (often referred to as "hardpan"). This formation is a zone of organic leaching accumulation. Occasionally, harder "nuggets" or nodules of an iron oxide precipitate will be found in this zone, which is sometimes a basal archaeological zone.

Limestone caprock can contain the index fossil bivalve, *Chione cancellata*, in quantity. Many higher ground formations in the area appear to be bedrock unconformities that consist of fully exposed tabular slabs of limestone caprock containing numerous rounded solution holes.

The north central Lee County area has been the focus of low-impact/low density ranching and farming activities for many years. "Improved" areas are interspersed with undeveloped woodlands. Recently, the area has had increased growth in the form of planned residential communities that have advanced at a steady rate along State Roads 80, 31, and 78.

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Figure 2. Portion of the 1873 plat map for Township 43S, Range 26E with the modern parcel boundaries superimposed.

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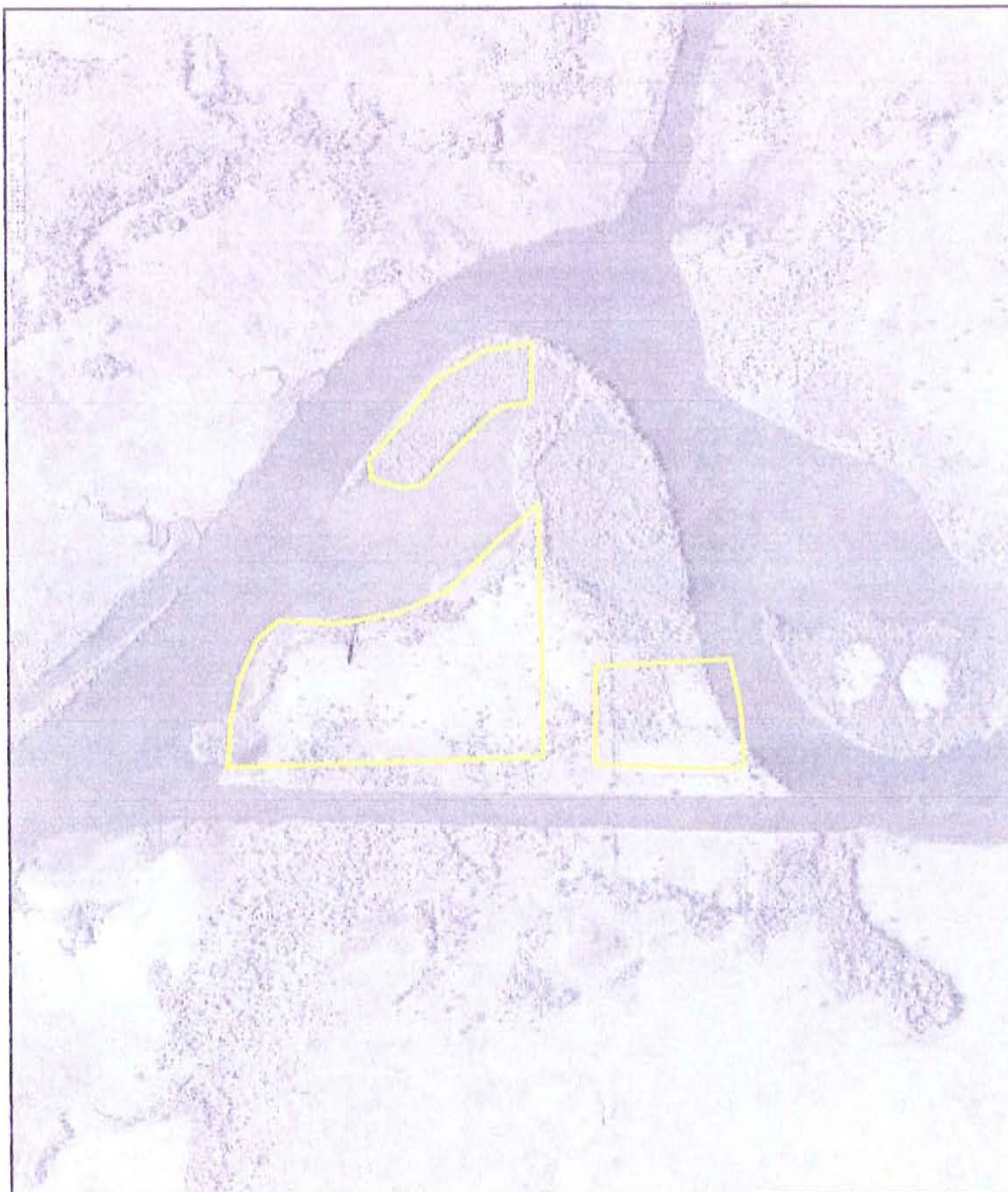
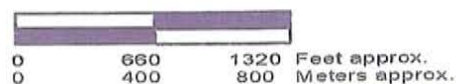


Figure 3. 1944 black and white aerial photograph of the Williams Island area with modern parcel boundaries superimposed.

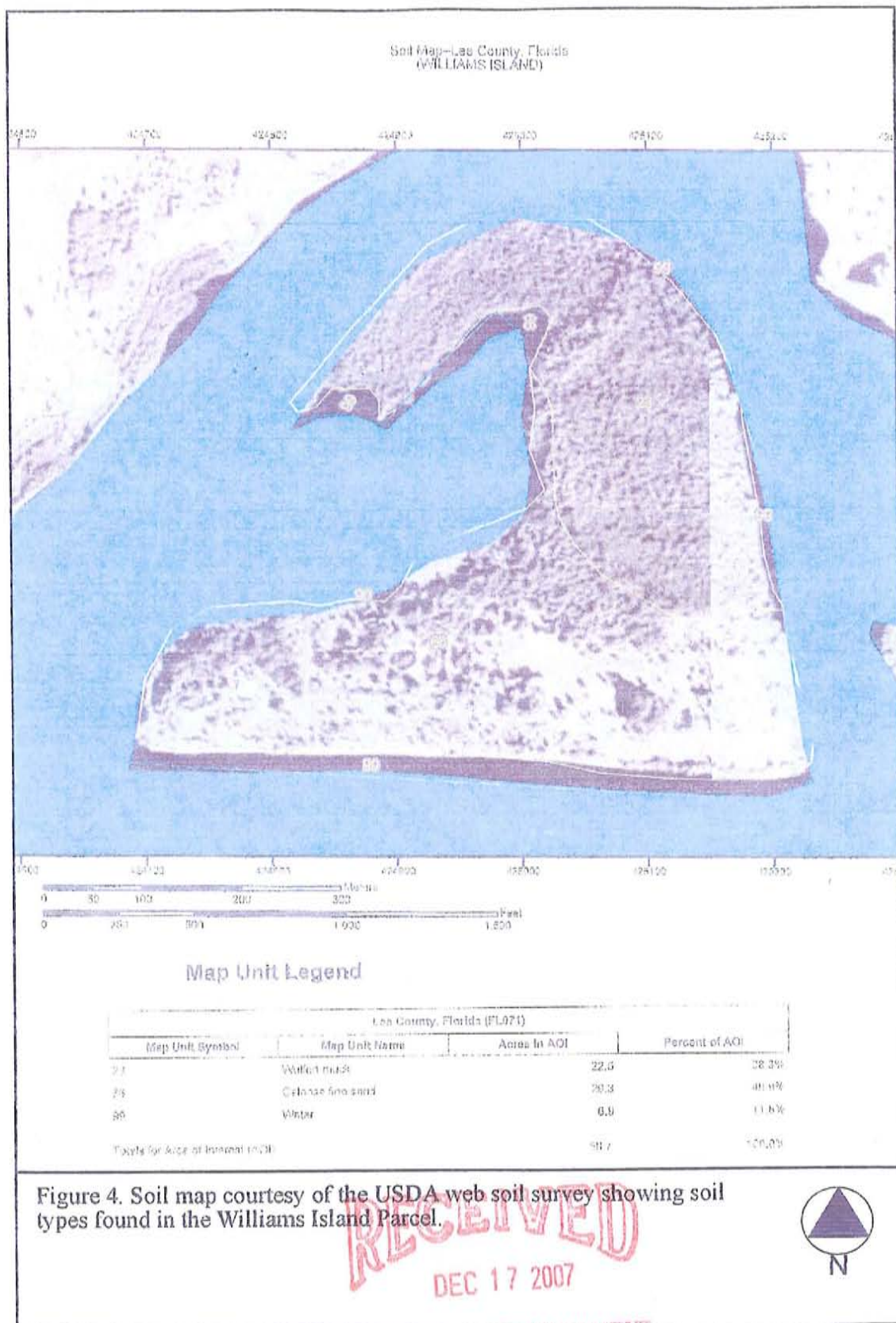


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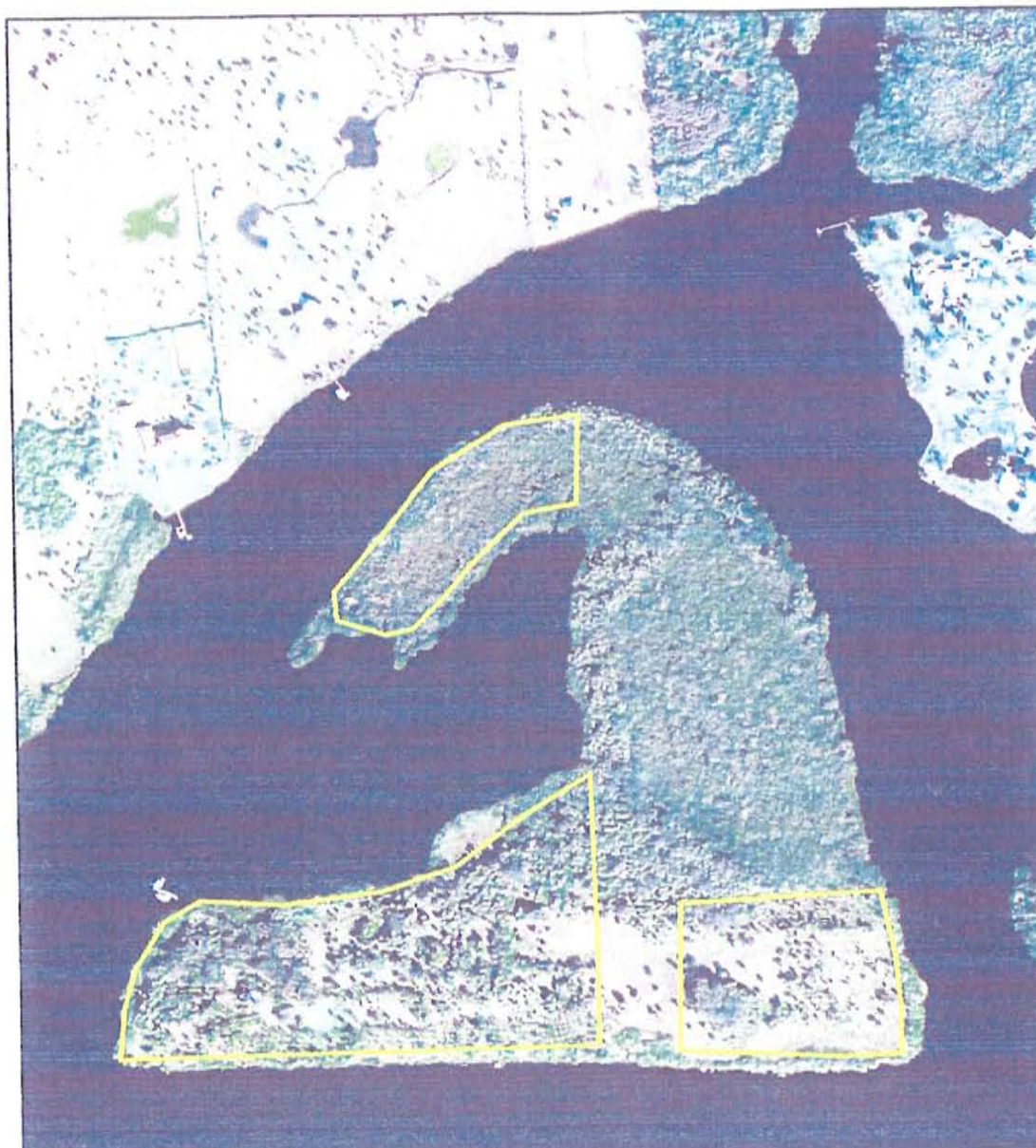


Figure 5. 2004 color aerial orthophotograph of the Williams Island area showing project parcel boundaries.

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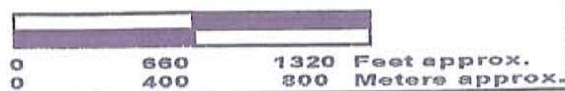




Figure 6. View east near south central area of island. The rising ground to right is a portion of the heavily-filled areas closest to the Caloosahatchee Waterway



Figure 7. View north in eastern portion of island near vicinity of Shovel Test 9. The area in the foreground near flagpole is heavily filled with dredged spoil.

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Previous Research

Southwest Florida has been a focus of archaeological investigations since the 1880s, although much of the early work was directed toward the recovery of museum quality artifacts rather than understanding cultural processes. Griffin (1988:48-50) discussed some of the very early references to archaeological sites in South Florida. He noted that these early reports were mostly casual observations, and few appear to refer to southwest Florida, but rather refer to the southeast and Key West areas.

Kenworthy's (1883) informal report on shell mounds and ancient canals was one of the first reports on southwest Florida archaeological sites. At about the same time as Kenworthy's investigations, Simons (1884) gave a narrative account of some of the very large coastal shell middens, and Douglass (1885) provided further information about prehistoric canals (although he did not accept that they were prehistoric). One account described a canal near Gordon's Pass that is probably the Naples Canal (8CR59), and another further north may be the Pineland Canal. Douglass' diaries record excavations of a post-contact era site (8CR41) on Horrs Island, as evidenced by the presence of European artifacts (Griffin, 1988:50-51). Douglass visited Lostman's River and other areas in the Ten Thousand Island area including Horrs Island (1890).

In 1895 Durnford reported that cordage and other artifacts were recovered from a mangrove muck pond on Marco Island (8CR49). The material was shown to Cushing, who mounted a major project to recover more material from the site. Cushing (1897) reported recovering wood and other perishable artifacts from the muck pond on Marco Island, adjacent to a large shell works and midden village site. Publication of illustrations of the spectacular finds generated a great deal of subsequent interest. Wells M. Sawyer, a young artist accompanying the expedition, produced an excellent and presumably accurate contour map for the entire Key Marco Shell Midden. This map is valuable to present-day efforts in understanding many of the now obliterated features and interpreting (reconstructing) the "architecture" of the shell midden. Widmer (1983) notes that Cushing also focused attention on the nonagricultural chiefdom level of social organization supported by the rich estuary and marine resources, although his anthropological observations have remained overshadowed by the wealth of artifacts.

Moore (1900, 1905, 1907) investigated a number of sites along the Collier/Lee County coast, apparently attempting to find material comparable to Cushing's finds. Although Moore provided information about site locations and general contents, most of his work was extremely crude and uncontrolled, by both contemporary archaeological standards, and by modern standards.

The first attempt to systematically survey and investigate archaeological sites was initiated by Ales Hrdlička, who visited a number of sites along the coast and tidal mangrove estuaries in 1918, focusing on the Ten Thousand Island region (Hrdlička 1922). Hrdlička noted that southwest Florida was a distinct region within south Florida and made an attempt to type sites by function.

Matthew Stirling's (1931, 1933) excavation of a burial mound on Horrs Island represents one of the first controlled excavations in Collier/Lee Counties (although he attempted stratigraphic control, Cushing had little success in his wet site excavation). The site was named the Blue Hill Mound, but it is not recorded under that name in the FMSF (either as a primary or secondary name), so it is unclear exactly which site he excavated, although it was probably site 8CR41 (McMichaels, 1982). These reports by Stirling are preliminary, and apparently neither a final report nor a skeletal analysis has been published.

John M. Goggin was the first to define a south Florida cultural area (Glades Area), and describe south Florida ceramics (Glades ware), establishing a basis for later archaeological work. He published an analysis of the ceramic sequence in south Florida (Goggin, 1939, 1940). In later reports (Goggin, 1947, 1949a, 1949b), he formulated a basic framework of cultural areas and chronologies that is still current (although modifications with additional data have been made, see further discussion below). Goggin (1949b) summarized much of this information in an unpublished manuscript, which Griffin (1988) thoroughly described.

In passing, one unfortunate aspect of Goggin's work was a dependence on informant information for location of sites (especially interior sites) and he had a real concern that existing sites would be looted. This concern resulted in his either deliberately or incidentally reporting vague locational data for many sites. Some of these sites have never been satisfactorily relocated, although a few have undoubtedly been re-recorded by later investigators.

For several decades, much of the subsequent archaeological investigations in the region took place in Lee and Charlotte Counties, especially in the Cape Haze, Charlotte Harbor and Pine Island areas. It is rumored that Goggin had a "gentleman's agreement" with many of the other leading practicing Florida archaeologists of the time that the South Florida area was his exclusive province to investigate. If this rumor is correct, it might explain the neglect shown the southwest Florida area in the archaeological arena from the end of World War II to Goggin's death in 1964.

In 1956, Sears reported on a large village and mound complex at the mouth of Turner River on Chokoloskee Bay south of Marco Island, and in 1967 he reported on the results of a survey of the Cape Coral area (Sears, 1956, 1957). Laxson (1966) reported on excavations at Turner River Jungle Garden site, which is upriver from the Turner River site, although these have been confused in recent accounts.

Van Beck and Van Beck (1965) excavated three small test pits on Marco Island (at the Marco midden, 8CR48) associated with the Cushing site (8CR49). The resulting publication of this work was some of the first reported scientific archaeological work to come from the southwest Florida area in nearly twenty years (Van Beck and Van Beck, 1965).

In 1967 through 1969, Marco Island was extensively surveyed and a few sites were tested through excavation by Cockrell, Morrell, and others (Morrell, 1969). No complete site

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report was ever published, although an unpublished and incomplete manuscript is available. Some of these sites were discussed in Cockrell's master's thesis (1970). Widmer performed a survey of Big Key, John Stevens Creek, Barfield Bay, Blue Hill Bay, and Collier Bay, which are proximal to Marco Island (Widmer, 1974). Widmer eventually utilized his southwest coast experience to write a doctoral dissertation on the Calusa that not only remains the definitive work on that group, but also explored the relationship between subsistence adaptation and cultural evolution (Widmer, 1983).

In Lee County, Arlene Fradkin and other investigators from the University of Florida began an ongoing involvement with the Pine Island Sound/Sanibel Island area in the 1970s. Her first investigations were at the Wightman site on northern Sanibel Island (Fradkin, 1976).

Several archaeologists excavated at Horrs Island in the 1980s. McMichaels (1982) reviewed sites on Horrs Island in a Master's thesis. In 1983, Marquardt began a series of investigations at Josslyn Key, Useppa Island, Pineland, Buck Key, Galt Island in Lee County, and at Big Mound Key in Charlotte County (Marquardt, 1984, 1987, 1988, 1992). Marquardt and Russo have investigated Horrs Island in Collier County. A number of the large shell midden village sites they excavated appear to be late Archaic, and they expect to document a more elaborate social organization at these sites and larger sedentary or semi-sedentary population sizes than previously known for that period (Russo, 1990, and pers. comm.).

Most of these studies focused on the coastal sites, as have subsequent summaries and discussions. Recent work on the interior has made significant advances in documenting the extent and intensity of inland resources, especially in the Big Cypress and Everglades parks (Ehrenhard *et al.*, 1978, 1979; Ehrenhard and Taylor 1980; Ehrenhard *et al.*, 1980; Taylor and Komara 1983; Taylor, 1984, 1985). Griffin's (1988) synthesis of the Everglades Park data is the defining work on south Florida archaeology to date. Athens (1983) summarized some of the results of the Big Cypress survey, but more analysis of this data resource is needed.

Beriault and colleagues (1981) reported on salvage excavations at Bay West Nursery (8CR200). Their description of the site includes a well known but rare and infrequently documented Early and Middle Archaic use of ponds for cemeteries.

In 1995, Widmer and Story began an ongoing investigation at the Key Marco Midden (Widmer, 1996). In the first season they excavated with the help of graduate students and volunteers. The results of their work have appeared in the *Florida Anthropologist*.

In the last two decades the pressure of development as well as a recognized need for preservation or mitigation of prehistoric sites has led to a number of reports by commercial cultural resource management consultants. While most of these reports are limited in scope due to restriction to a small tract of land, many have produced useful summaries of regional archaeological, as well as insightful analysis of the relationship between site types and location and ecotypes (Almy and Deming 1982, 1986a, 1986b,

1986c, 1987, Austin 1987, Carr and Allerton 1988a, 1988b, Deming and Almy 1987, 1988, Fay and Carr 1990, Fuhrmeister et al. 1990, Martinez 1977, Miller and Fryman 1978, Swift and Carr 1989).

Arthur W. Lee, John Beriault and others in the Southwest Florida Archaeological Society (SWFAS) have recorded and investigated a large number of archaeological sites in Collier and Lee Counties. It is an ongoing effort of the Society to publish and disseminate reports and manuscripts (Lee *et al.*, 1993, 1997, 1998; Beriault, 1973, 1982, 1986, 1987; Beriault and Strader, 1984). Many of these reports deal with small interior seasonal sites. In addition, Beriault has provided several unpublished manuscripts as to site types and areas (Beriault 1982, 1987).

The Archaeological and Historical Conservancy, Inc. (AHC) has investigated several large parcels in the Olga/Buckingham area. In 1998, AHC personnel assessed the Veranda Parcel which is located two miles south of the present subject parcel and located four prehistoric sites and three historic sites (Beriault and Carr 1998). In 2000, AHC personnel conducted a Phase I assessment of the ± 300 -acre Orange River Parcel located three miles south of the subject parcel. There they located three prehistoric sites. In early 2005, AHC personnel discovered two prehistoric sites at the 650-acre Portico Parcel located on the Buckingham-Olga Road four miles southeast of the subject parcel (Mankowski et al 2005). The present investigator (Beriault) has also produced an historic study of the Caloosahatchee River east of Ft. Myers (Beriault 2001). Five other AHC projects have been performed within four miles of the subject parcel with an additional two archaeological sites having been located.

Literature Review

A site search was requested on 9-10-07 with the Florida Division of Historic Resources for relevant archives and literature for the project parcel area. This included, but was not limited to site forms from the Master Site File in Tallahassee concerning previously recorded sites within a 1.6 kilometer (1.0 mile) radius of the North River Assemblage Parcel and reports for cultural resource investigations previously conducted within a 1.6 kilometer (1.0 mile) radius of the North River Assemblage Parcel (Table 1).

Table 1. Literature Review Summary

Previously Recorded Archaeological Sites:	
In Survey Parcel	0
Within 1.6 km (1.0 mi) of Parcel	4 (8LL1982, 8LL1986, 8LL2030, 8LL2338)
Previous Investigations:	
In Survey Parcel	0
Within 1.6 km (1.0 mi) of Parcel	4

A review of state site files conducted on September 10th, 2007 resulted in the identification of four previously recorded sites at or about 1.6 kilometers (1.0 miles) from, but *outside*, of the survey parcel (Table 2). Seventeen historic standing structures are also reported for the area; none of these are within the project parcel boundaries.

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Table 2. Previously Recorded Sites Summary¹

Site No.	Site Chronology	Site Type	References	In Survey Parcel	Outside of Parcel
8LL1982	Prehistoric: Likely Glades	Interior Midden	<i>Carr and Beriault, 2001</i>		√
8LL1986	Historic 19 th -20 th Century	Citrus Packing House	<i>Carr and Beriault, 2001</i>		√
8LL2030	Historic 19 th -20 th Century	King family Homestead	<i>Carr and Beriault, 2001</i>		√
8LL2338	Historic 19 th -20 th Century	Howard House	<i>Mankowski and Beriault, 2005</i>		√

Notes: ¹Based on sites within 1.6 kilometers (1.0 miles) of the survey parcel.

A review of the projects conducted in the same area indicated four investigations previously conducted within 1.6 kilometers (1.0 miles) of the North River Assemblage Parcel (Table 3). None of these investigations were within the parcel.

Table 3. Previous Investigations¹

Survey No.	Date	Author	Title	In Parcel	Out of Parcel
3144	1992	Weant, Laura and Nickerson, Michael	<i>Historic Report and Survey Supplement for Lee County, Florida</i>		√
3460	1993	Fuhrmeister, Charles and Estabrook, Richard	<i>Survey of the Southwest Florida Pipeline Company Corridor Realignment, DeSoto, Charlotte, and Lee Counties, Florida</i>		√
6575	2001	Carr, Robert S. and Beriault, John G.	<i>An Archaeological and Historical Assessment of the Verandah Parcel,, Lee County, Florida</i>		√
11581	2005	Mankowski, Joseph and Beriault, John G.	<i>A Phase One Archaeological Assessment of the Olga Parcel, Lee County</i>		√

Notes: ¹Based on sites within 1.6 kilometers (1.0 miles) of the survey parcel.

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Cultural Summary

Stirling was the first to distinguish the indigenous prehistoric cultures of southern Florida in 1936 by defining a Glades cultural area, including all of south Florida (Carr *et al.*, 1994b:9; Milanich, 1994:5-6). Griffin (1988) pointed out that this was not formulated as a strict cultural area, but it was rather a geographic region with some common cultural traits. Kroeber (1939), in a review of North American prehistory, utilized a slightly different term, the "South Florida Area," basing his definition on both environmental and cultural factors. Subsequently Goggin delineated more particular boundaries for southern Florida and divided the region into three sub-areas: "Okeechobee" around Lake Okeechobee, "Tekesta" for southeast Florida and the Florida Keys, and "Calusa" for Southwest Florida (Carr *et al.*, 1994b:10; Goggin, 1947:114-127).

Following Goggin's study, subsequent researchers have refined or altered the cultural distinctions attributed to southern Florida's prehistoric populations. There has been criticism that Goggin's names and definitions were based on historic accounts of the main (proto) historic groups found in the respective regions and not on the archaeological evidence of spatial, temporal, and cultural differences (Sears, 1966; Griffin, 1974; Carr and Beriault, 1984; Griffin, 1988). Griffin, in particular, questioned the distinctions. He believed that South Florida cultures varied only by local environmental conditions and ceramic exchange rates. Griffin believed the inhabitants of prehistoric southern Florida were mainly dwelling on the coast and that the interior was nearly uninhabited and under-utilized. Griffin designated the entire southern Florida region as the "Circum-Glades" area (Eck, 1997:5; Griffin, 1974:342-346). This new designation for the area was furthered by a widely circulated book on Florida archaeology by Milanich and Fairbanks (1980). Griffin later (1988) retreated to some extent from his earlier position as further research (particularly by Ehrenhard, Carr, Komara, and Taylor in the Big Cypress and Carr in the eastern Everglades in the 1970s and 1980s) showed abundant sites (and concomitant use and habitation) in the interior and Everglades.

Carr and Beriault, in particular, have taken issue with the concept of a Circum-Glades region. Carr's research in the Big Cypress and Everglades and his subsequent analysis demonstrating variation of key cultural markers (particularly in decorated ceramics) formed the basis for this contention. There is abundant evidence for cultural (and probably political or tribal) diversity in the various areas of south Florida. Carr and Beriault particularly noted and defined differences between the lower southwest Florida coast, which they termed the "Ten Thousand Island" region, and the area to the north, which they called the "Caloosahatchee" region. This latter area they believed to be the seat of the historic Calusa chiefdomship, although previous (and some subsequent) researchers have called the entire southwest Florida from Cape Sable to the Cape Haze peninsula (and beyond) in Charlotte County "Calusa."

Griffin, in his definitive 1988 synthesis on Everglades archaeology, attempted to reconcile and refine some of the conflict in the definition of south Florida prehistoric and historic culture areas. As stated by Carr and colleagues (1994b), "the issue...appears in part to be one of trying to determine the significance of regional and temporal variation,

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rather than whether these differences are real." There is evidence that changes through time in regional political affiliations or realities makes any model *not* addressing this complex issue two-dimensional. The Calusa hegemony that was in place by the time of the arrival of Europeans may have begun as early as 800 AD in the Ten Thousand Island "district" or area (Griffin, 1988:321; Carr *et al.*, 1994b:12). There is currently ongoing research to further refine present thought as to cultural affiliations in south Florida. It would seem only a matter of time before new directions and emphases provide a more accurate summation of south Florida cultural affinities.

Using the present models, the coastal zones of Collier County and southern Lee County contain three distinct culture areas. Indian Hill on Marco Island lies thirty miles from the projected interface by Carr and Beriault (1984) of the Caloosahatchee area (called the "the 'heartland' of the Calusa," Carr *et al.*, 1994b:12) to the north, and the Ten Thousand Islands area to the south. At a yet undefined point to the east lies the Okeechobee cultural area, but the boundary, if it is a definite, fixed one, is likely to occur in the vicinity of the Immokalee rise forty miles or more to the northeast of Indian Hill. Further work is in progress by Carr to address the issue of where the southwest boundaries of the Okeechobee culture area occur.

Temporal Periods and Adaptations

At the same time that the south Florida archaeological cultural models have evolved over the past 60-plus years, so have the temporal markers or framework on which we base evolution of that culture. Much of this latter effort has resulted from comparisons made between the recovered artifacts from the 100-year period of scientific and *nonscientific* excavation and collection by the various individuals and institutions (and others) enumerated in part above. This Floridian effort must be seen against the broader background of archaeological work in eastern North America and the New World as a whole. All of these efforts have been mutually complimentary and certainly not exclusive.

In South Florida, the following periods and adaptations are generally accepted. Part of this chronology involving the later or Formative period is called the Glades sequence in honor of Goggin, the greater part of whose work in defining the ceramic sequence or markers has withstood the test of time and subsequent criticism (Goggin, 1939, 1947, 1949c). From Goggin's day to present, pottery variability in form, substance, and decoration has proven useful for providing time markers, at least during the archaeologically-brief (\pm 3500 year) period spanning the late Archaic and Formative periods that it was produced. Other artifact types and their variations have, to present, proven somewhat less reliable as absolute indicants of prehistoric age. Radiocarbon dating, a phenomena of the last 30-plus years, provides, within the standard deviation expressed in plus-or-minus years BP (before present), a relatively absolute date for a given sample and provides a yardstick to measure traits or distinctions in provenienced artifacts. Determining and adequately defining what traits we can discern against this absolute is part of the ongoing function of the regional archaeological effort.

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The following information is generalized and abbreviated. The dates are approximate; transitions between periods are in reality more gradual than the manner they are expressed for convenience.

Paleo Period (14,000 – 10,000 BP)

During the Paleo Period, the first Native Americans began moving into the southeastern portion of North America and Florida. Most evidence of their presence in Florida can be reliably dated to about 10,000 BP.

There are no known Paleoindian sites in Lee County. Several are documented from elsewhere in south Florida, including Warm Mineral Springs and Little Salt Springs in Sarasota County (Cockrell and Murphy, 1978; Clausen and Gifford, 1975), Harney Flats in Hillsborough County (Daniel and Wisenbaker, 1987) and the Cutler Fossil Site in Dade County (Carr, 1986).

During this period, the terminal Wisconsin ice age, the climate was probably less extreme, with cooler summers and warmer winters. The climate was also drier, and sea levels were lower (Carbone, 1983; Allerton and Carr 1988a; Griffin, 1988).

One reason that possible Paleo period sites have not been discovered in Charlotte County is that the shoreline may have been as much as 100 miles further west due to lower sea levels. Drier conditions may have made the interior very inhospitable, and the shallow estuarine and littoral sites that existed were flooded by post-ice age Holocene sea rises.

Any possible interior sites from the Paleo Period may be unrecognizable due to lack of diagnostic artifacts, subsequent reuse of site areas, low population density, and few permanent camps. These and other factors may help explain the absence to date of identifiable Paleo period sites in the area.

Archaic Period (10,000 - 2,500 BP)

The Archaic period reflects a post-Pleistocene shift in adaptation marked by an increase in the seasonal exploitation of a broad spectrum of food resources, a more restricted use of territory due to regional specialization, and more semi-sedentary habitation sites. No ceramics are known until the Late Archaic. During the Archaic, regional specializations became more marked, not only with material culture but also with distinct local utilization of local plant and animal resource.

As mentioned above, there is, as yet, no firm evidence of human presence in southwest Florida during the Paleo period (Allerton and Carr, 1988:14). This is also true for the Early Archaic (8500-7000BP), as there is evidence of an environment too arid to support scrub oak, and the presence of shifting wind formed dunes (Watts, 1975; Widmer, 1983).

By about 6500 BP mesic conditions began to spread, although localized xeric conditions continued (and still exist in some areas) through South Florida. Middle Archaic sites

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dating from this time are rare, although the Bay West Nursery site (8CR200) in Collier County and the Ryder Pond site (8LL1850) in Lee County near Bonita Springs provide evidence of occupation, as do several sites in southeast Florida. The Bay West site is a Middle Archaic cypress pond cemetery, associated with a lithic scatter. The Ryder Pond site is a similar mortuary pond site surrounded by pine flatwoods (Carr and Heinz, 1996). Beriault has also recorded several aceramic shell scatters in coastal sand hills (paleo dunes), some of which may date to the Middle Archaic. Griffin (1988) summarizes evidence indicating that despite the rise of available surface water, brackish estuaries and other major modern landscape features had not formed, and population (or repopulation) was still sparse.

During the Archaic period sea levels began to rise at a fairly rapid rate, estimated at 8.3 cm. per 100 years 6000-3000 BP, and 3.5 cm per 100 years afterwards (Scholl *et al.*, 1969), although whether sea levels were steadily rising or oscillating is still unclear (see Griffin 1988; Allerton and Carr, 1990 for recent reviews of the literature). Data is somewhat difficult to sort out as sea level rise was accompanied by both shore regression and transgression in places. As conditions became wetter (and warmer) in the interior, cypress swamps and hardwood sub-tropical forests established themselves by about 5000 BP (Carbone 1983, Delcourt and Delcourt 1981).

By late Middle or early Late Archaic times (4000 years BP) there were significant shell mounds and middens on Horrs Island, Marco Island, and elsewhere in the coastal regions, suggesting that the estuary system had been established and was being utilized to provide the subsistence basis for denser populations and semi-sedentary settlements (Morrell, 1969; Cockrell, 1970). At Useppa Island in Lee County, excavations have provided radiocarbon dates from pre-ceramic shell middens ranging between roughly 4900 BP and 5600 BP, suggesting that the Middle Archaic as well as Late Archaic periods had a growing dependence on shellfish resources (Milanich *et al.*, 1984). There are aceramic coastal sand hill and interior wetland sites as well, but these have not been demonstrated to be Archaic despite some investigators equating aceramic with preceramic. Radiocarbon dates for these sites would clarify this point.

Allerton and Carr (1988) noted that a number of stratified sites in the wet mangrove and marsh areas of the Everglades, as well as on Horrs Island, contain Archaic preceramic horizons, although it is unclear if aceramic was equated with preceramic. Additional supporting evidence of interior use by Archaic peoples will provide a new dimension to the archaeological understanding of Archaic resource utilization. Allerton and Carr point out that if the wet tree islands were initially used by Archaic people, then at least some of the hardwood hammocks in swamp environments were raised in elevation (with subsequent changes in vegetation) due to human activities. Post-Archaic people extensively utilized these hammocks and continued to advance their development as distinct geomorphic features. This is obviously an area where additional archaeological investigations have a potential to contribute to understanding the interaction of geomorphic and cultural evolution in Southwest Florida.

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Toward the end of the Archaic there was the introduction of fiber-tempered pottery into the archaeological record, often used as a marker of the Orange Phase, commencing at about 4000 BP, either coincident with or soon after the development of the extensive shell middens. The Late Archaic Orange Phase subsistence strategy is characterized by intensive use of shellfish and marine resources, as well as being marked by an accelerated trend toward regional specializations.

A number of the large shell middens on Marco Island (Cockrell, 1970), Horrs Island (Russo n.d.), Cape Haze (Bullen and Bullen, 1956), and elsewhere date from this period or earlier, as they contain fiber-tempered ceramics, although there are known aceramic (preceramic?) levels below the Orange Phase deposits that may date to the Middle Archaic. These shell middens are usually capped by deposits from later occupations as well.

Formative Stage or Glades Periods (2500 BP - 500 BP)

The Formative or Glades adaptation, based on hunting, fishing, and the harvesting of shellfish and plants, was similar to the Archaic, but was characterized by increasing specializations in gathering strategies and tool-making. Earlier writers have typed this hunter-gatherer society as primitive or "low-level" (Kroeber, 1939). However, there is certainly evidence from the specialization of tools, from the beautifully-executed wood carvings from Key Marco in Collier County and those from Fort Center near Lake Okeechobee (Cushing, 1897; Sears, 1982), and from the historic accounts of the Calusa hegemony, that the south Florida area had an advanced culture that Goggin (1964) has called a "stratified non-agrarian society."

The preceding Late Archaic late Orange phase (also known as the transitional phase) was marked by changes in pottery, and terminated with the relatively rapid replacement of fiber-tempered pottery with sand-tempered, limestone-tempered, and chalky "temperless" pottery. It was also characterized by changes in ceramic style and often by reduction in the size of stone projectile points.

The Formative Stage (beginning about 2500 BP) is divided in south Florida into the Glades Periods sequence. Subsistence adaptation is marked by a narrowing spectrum of resource use, as well as continued trends toward regional diversity and ecological specializations, marked in part by the proliferation of inland resource extraction encampments.

Formative Period cultural evolution eventually led to increased political sophistication, perhaps initially of modest dimensions, but culminating in broad regional political alliances and regulation of materials and goods (*i.e.* resources) between the coast and inland areas (Milanich and Fairbanks, 1980). By protohistoric and contact times the Calusa were the dominant tribal group, gaining broad political influence and at least partial control over much of south Florida as far north as central Brevard County. Historically, the main Calusa village has been regarded as "Calos" on Mound Key in

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Estero Bay in Lee County, although 50 to 70 large villages were under direct Calusa control by contact times (Griffin, 1988).

During the Formative Periods, village sites grew to the proportions of large multi-use complexes, particularly along the coast and barrier islands of southwest Florida. Some of the projected intra-site functions of the elements of these complex shellworks were as temples, canals, causeways, temple and platform mounds, courtyards and watercourts. Current research involving the excavating of large contiguous areas of these shell mound complexes is beginning to establish demonstrable uses for the features of these large sites, upon which heretofore were merely speculated (Widmer, 1996).

Tidal estuary rivers and inland hammocks along deep water sloughs, marshes, and permanent ponds were seasonally visited for extraction of natural resources, and are now marked by small to relatively large black dirt middens, some of which may have been semi-permanent hamlets. The pine and cypress flatwoods appear to have supported few sites, although areas around Lake Trafford and other rich interior areas developed substantial sites, including sand mounds, and may be more similar to the Okeechobee cultural area than to the coastal cultures.

In 1992, Dickel and Carr excavated a Deptford Period burial mound (the Oak Knoll Site) in the Bonita Bay Tract north of the Imperial River. Exotic trade items and seventy or more human burials were among the material findings. The resulting conclusions and subsequent surveying and testing of the Bonita Bay Shell works (8LL717) suggest social stratification and complexity may extend further back into the past than the Formative period (Dickel and Carr, 1992).

Coastal sites (shell middens) reflect a predominate dependence on fish and shellfish, wild plant foods and products, and larger inland game. The inland sites show a greater reliance on interior resources, including large, medium and small mammals, turtle, small freshwater fish, alligator, snake, frogs, and, sometimes, freshwater shellfish. Interior and coastal resource exchange can be documented by the consistent finds of moderate amounts of marine shell in many interior middens, as well as interior resources in coastal middens.

The Formative Stage (with a nod to Goggin) has been often termed the Glades cultural tradition. Much of this "tradition" is focused on decorated ceramics, the minority in the archaeological record, although the majority of recovered (rim) sherds are plainware. However, despite this, pottery (and its decorations) is usually utilized as the major temporal marker(s) for fitting sites into a temporal framework. Changes in pottery do not represent mere changes in artistic motifs, but reflect inter- and intra-regional trade contacts and outside cultural influences (possibly through exogamy, shifting of populations, and even the through evolution of a culture through time). Whatever the influences, the Glades tradition is continuous from post-Archaic times to contact times.

Despite the fact that exogamy is likely to have been practiced, traders or other specialists probably moved between major cultural areas in small numbers, and genetic flow

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probably accompanied cultural exchange, although perhaps not on the same scale. This may have increased in later times due to use of traditional obligations of kinship and intermarriage to stabilize alliances that were not codified into a formal legal system.

The Caloosahatchee subarea's chronology has been defined based on the ceramic sequences found there. Below is a table partially adapted from Susan Lynn White in her analysis of Galt Island ceramics (White 1995) which she in turn adapted from Randolph Widmer's book on the evolution of the Calusa (Widmer 1988):

Table 1: Caloosahatchee Area Ceramic Sequence

<u>Period/Time Range</u>	<u>Characteristic Traits</u>
Caloosahatchee I (500 B.C.- A.D.700)	<input type="checkbox"/> Sand-tempered Plain predominant <input type="checkbox"/> Belle Glade Plain absent
Caloosahatchee II (A.D. 700-1200)	<input type="checkbox"/> First appearance of Belle Glade Plain <input type="checkbox"/> Increase in Belle Glade Plain use
Caloosahatchee III (A.D. 1200-1400)	<input type="checkbox"/> Englewood ceramics <input type="checkbox"/> St. Johns Check Stamped
Caloosahatchee IV (A.D. 1400-1513)	<input type="checkbox"/> Safety Harbor
Caloosahatchee V (A.D. 1513-1750)	<input type="checkbox"/> European goods <input type="checkbox"/> Mission period aboriginal pottery <input type="checkbox"/> Pinellas Plain-Glades Tooled <input type="checkbox"/> Decrease in Sand-tempered Plain use <input type="checkbox"/> Laminated/contorted paste <input type="checkbox"/> Small amounts of St. Johns Plain

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By European contact times (the first half of the 16th century), the southwest coast of Florida was maintaining a vigorous, possibly expanding political chiefdom with a broad network of alliances, as well as a rich and ancient cultural tradition without an agricultural base. However, direct conflict with Europeans and, more importantly, exposure to European diseases led to the rapid decline of the Calusa. By the mid 1700s their numbers had greatly diminished. The remnants of this once-powerful tribe may have left south Florida in the 1760s with the Spanish for relocation in Cuba. Others may have become indistinguishable from Spanish Cuban fishermen who worked the great fishing "ranchos" in the Pine Island Sound region catching and salting fish for export to Cuba. Other groups of Native Americans may have fused with the Creek-derived Seminoles.

In the late 1700s, members of the Creek tribe were forced into Florida from Georgia and Alabama. They were later called Seminoles, from the Spanish term "cimmarones." Pressures from colonial (and later) white encroachment on their traditional territories

forced them into the Big Cypress and Everglades area by the 1830s. By this time, most of the cultural identity of pre-contact times had been lost, although some of the Calusa subsistence strategies may have been partly adopted by Seminoles. A number of Seminole period sites have been documented on earlier Glades middens. This coincidence may in part reflect the paucity of high land in the interior (Ehrenhard *et al.*, 1978, 1979, 1980; Ehrenhard and Taylor, 1980; Taylor and Komara, 1983; Taylor, 1984, 1985). Older midden sites (particularly those called "black dirt" middens) can be rich agriculturally as well as archaeologically, making these foci for historic Seminole gardens and fruit groves.

Seminole periods in south Florida are divided into I (1820-1860), II (1860-1900) and III (1900-1940) (Ehrenhard *et al.*, 1978). Post-1940 Seminole camps are designated "Late Seminole" in some reports. These designations reflect the different stages of Seminole migration into south Florida, Seminole displacement and active conflict with the expanding American culture, and the eventual refuge by Seminole remnants in Big Cypress and Everglades regions. Military records, and, in particular, several sketch maps by military personnel done in the 1830s and 1840s and the Ives military map of South Florida (1856) shows evidence of investigations at and near "Malco Inlet," "Casimba," "Good Land," and "Cape Romans."

Seminole Wars in the Southwest Florida Area

The advent of the Second and Third Seminole Wars (1834-38, 1855-58) disrupted the peaceful settlement of the Southwest Florida region. There were a number of forts, "temporary" and permanent, established along the Caloosahatchee River during this time. Fort Dulaney was established at Punta Rassa near the mouth of the Caloosahatchee in 1837 and was occupied intermittently through 1841, and again in 1855. After a hurricane destroyed Ft. Dulaney in 1841, Fort Harvie was established upriver. The name of this fort was changed in 1850 by its commander General Twiggs to honor his new son-in-law, Col. Abraham Myers. Fort Myers was thus created, and became the chief fort of the region.

From this central administrative point, a line of forts was established up the Caloosahatchee River. They were: Fort Denaud, Fort Adams, Fort Thompson, and Fort Center on Fisheating Creek leading into Lake Okeechobee. Other forts and "temporary depots" were established south into the Big Cypress Swamp such as Fort Simon Drum, Temporary Depot Number One, Fort Doane, Fort Simmons, Fort Keis, Fort Foster, Fort Shackleford, and others.

A number of military expeditions were sent south along the coast during the Second and Third Seminole Wars with the objectives of interdicting trade in guns and ammunition between the Seminoles and the Spanish-Cuban fishing community, and hunting and capturing Indians. General Thomas Lawson, who had just been appointed Surgeon General of the United States, commanded one of the early notable expeditions. Lawson's expedition left Fort Harvie (Fort Myers) in February 1838. Elements of Lawson's command explored the area in and around the Caxambas Point area, discovering two

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abandoned Indian villages in the Blackwater River/Palm Bay area. Other expeditions bivouacked at Cape Romano and Caxambas Point. Colonel Rogers, of the ill-fated Parkhill expedition, wrote several dispatches from Cape Romano in the Caxambas area in 1858, describing the ambush of Captain Parkhill's party at the headwaters of Turner River. The Collier County Museum is the repository for a collection of military artifacts purportedly found by a local collector near Indian Hill in the early 1960s. This material may have originated with one of the various military expeditions stopping at Caxambas Point.

The military road linking Fort Myers with Fort Thompson on the bank of the Caloosahatchee River passed south of the Orange River and crossed the creek head two miles southwest of the subject parcel.

Fort Myers/Olga Area History

After the Civil War in 1868, the International Ocean Telegraph Company obtained a twenty-year charter to operate a telegraph line through the state and to run a submarine cable to Key West and Cuba. The company brought the line through Fort Myers, crossing the Caloosahatchee River at Olga, and thence to Punta Rassa. Several settlers moved to the area, including many that had fought in the Seminole and Civil Wars. In 1885, Fort Myers was incorporated as a city. In 1887, the area that is now Lee County became a county, supposedly resulting from a fire destroying the new schoolhouse in Fort Myers. Some of the local citizens, led by Capt. F.A. Hendry, traveled to Key West (the seat of Monroe County of which Lee was then a part) and petitioned for funds to rebuild the school. When they were rebuffed, they called a meeting in the yard of the burned school and sent a delegation to Tallahassee requesting status as a new county. Various sources credit either Capt. Hendry or Peter O. Knight with proposing that the county be named after the Civil War hero Robert E. Lee.

Early cattlemen such as Jacob Summerlin drove cattle across a ford in the Caloosahatchee River near the subject parcel both before and after the Civil War. This ford may have existed where a trail is shown crossing the Caloosahatchee River in the 1875 plat map. A large cattle pen north of the Caloosahatchee River and a fence line for directing cattle south toward the Orange River are shown on the 1875 plat map. A settler named Wilkison had a residence and fields east of the subject parcel. Another homestead, the Hickey homestead, is depicted approximately 2 miles southeast of the subject parcel.

In 1881 Hamilton Disston began dredging the Caloosahatchee River extending that waterway directly to Lake Okeechobee. The famous Falls of the River at Fort Thompson were destroyed, and in 1885, an Hungarian naturalist Angelo Heilprin traveled there to study the geology and collect fossils new to science, one of which (*Strombus leidyii*) he named for his superior Joseph Leidy, the Father of American Paleontology. This and subsequent dredging activity over the next 100 years would change the essential nature of the Caloosahatchee River from a narrow winding stream to a "highway" for river traffic and a conduit for the rapidly developing industries of citrus, for other crops such as

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tomatoes and for other vegetables, logging, and cattle. Population and small communities were rapidly increasing in the Caloosahatchee region.

During the late 19th-century, several small outlying river side communities were created east of Fort Myers, such as Olga, Alva, Buckingham, Fort Denaud and Labelle. Olga was a farming community similar to Buckingham. The first mention of Olga was in 1885 by the newly founded Fort Myers Press. Olga had been established at a point on the south bank of the Caloosahatchee River one mile east of where the telegraph line from the north crossed the river. Olga at that time was a post office described as a "pretty site" owned by a L. McNeill. The present-day location of Olga is slightly east of the Fort Myers Shores subdivision. Just east of Olga was Hollingsworth Ferry where thousands of cattle crossed from the north side of the river en route for Punta Rassa and shipment to Key West and Cuba.

In the 1920s through the very early 1950s, the area, particularly east and south of Olga was extensively exploited for pine and cypress logging and lumbering. C.J. Jones Lumber Co. and other timber concerns had a vast network of temporary logging railroads running south and east into southern Lee and Collier Counties. These railroads converged on a saw mill several miles east of the subject parcel to the south of the Caloosahatchee River and on a main saw mill in a community called Slater that was on the north side of the Caloosahatchee River northeast of Ft. Myers. Many hundreds of people lived in large temporary camps near these two locations. Peak activity for these two facilities was in the mid 1930s to the period of World War II, when the demand for timber was very high for barracks and other military structures.

The Buckingham Air Field was established during World War II in the 1940s about four miles to the southwest. This was an extensive facility of several thousand people, both civilian and military. The base's prime function was as a way station for large bombers such as the B-17, which flew from there to Miami and onto the Azores and Europe. The air base was dismantled following the end of the war and little remains at the site.

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Methodology

Prior to conducting fieldwork in the project parcel, relevant archives and literature were reviewed. This included, but was not limited to, studying previous archaeological reports for sites in Lee County, reviewing information from the Master Site File in Tallahassee concerning nearby sites, and examining USGS maps of the project area. Also, black and white and color aerial photographs from the project area, which could aid in revealing anthropogenic changes to the topography and floral communities, were interpreted.

Research Design

This Phase I cultural resource survey of the three Williams Island parcels incorporated the use of certain predictive archaeological site models. These models are based on topographic and vegetative attributes that are associated with prehistoric and historic sites in north-central Lee County and the Caloosahatchee River. These models postulate that high ground live oak/tropical hardwood hammocks in close proximity to wetlands, ponds, rivers and creeks are moderate to high probability areas for archaeological sites. The elevational information on the USGS Fort Myers map for the area also was used. One Moderate to High Probability Zone was identified throughout the parcel based on the interpretation of aerial photographs and as a result of ground truthing (Figure 3). This was the higher ground closest to the original riverbank located generally along the northern portions of the island.

Fieldwork

The subject parcel was assessed by pedestrian survey and subsurface testing. A total of 17 shovel tests (50 cm²) was dug across the parcel, each to an average of 1 meter in depth (where possible). All excavated material was screened through a 1/4" diameter mesh and any material of archaeological significance collected was sent to AHC in Davie for cleaning, cataloging, and analysis.

Shovel testing was hindered due to the presence throughout an estimated 80 percent of the two southern parcels of one or more meters of fill placed there by dredging. These fill areas could not be effectively shovel tested and are indicated in Figure 8.

Collections

All collected material were placed in self-sealing plastic bags and transferred to the AHC lab in Davie to be cleaned and catalogued. All collected materials and field notes repose at the AHC facility in Davie.

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Informants

Interviews with several ranch staff and managers Andy Tilton, a long time area resident living close to the project parcel failed to reveal any additional information on historic or archaeological sites on the parcel. Additionally Paul Williams, former owner of Williams Island was interviewed. Mr. Williams knew of no archaeological or historic sites, though mentioned finding over a twenty-year span disassociated/redeposited metal "pieces" he believed were associated with railroad activities.

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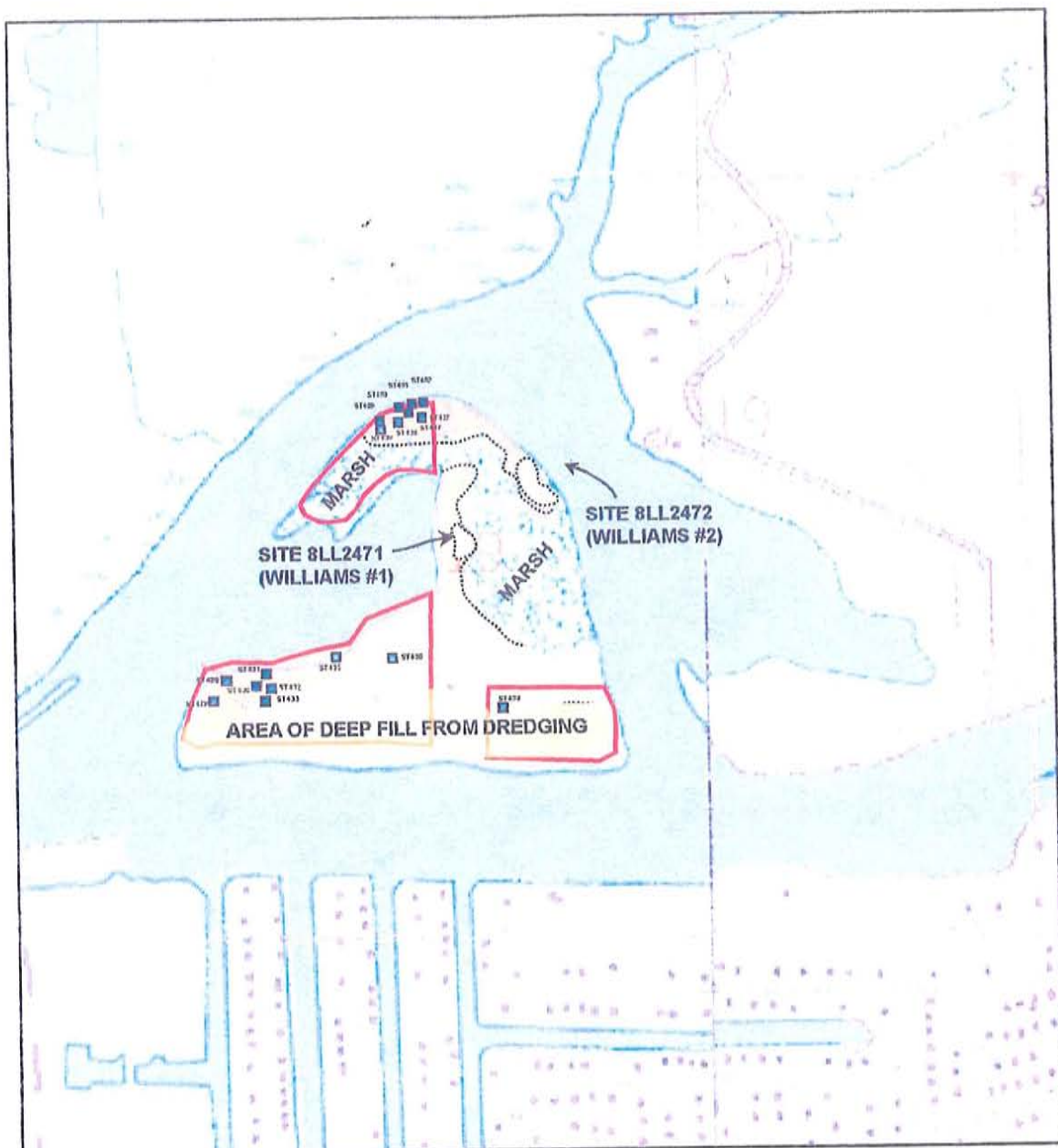



Figure 8. Map of Williams Island showing location of moderate to high probability zones , transects, shovel tests, and archaeological sites.

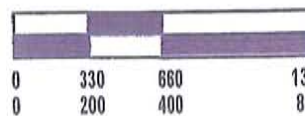
 = NEGATIVE SHOVEL TEST

 = MODERATE TO HIGH PROBABILITY ZONE

 = AREA OF FILL

 = PROJECT BOUNDARIES

USGS MAPS: FORT MYERS, REV. 1991
TOWNSHIP 43S, RANGE 26E, SECTION 19



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Results and Conclusions

This Phase I cultural resource assessment of the Williams Island parcels resulted in no prehistoric or historic sites being documented within the three subject parcels, however, two prehistoric sites were observed in the adjacent wetlands.

A check with the Florida Division of Historic Resources on 9-10-07 indicates that there are no previously recorded historical or archaeological sites for Township 46S, Range 23E, Section 19. No historic buildings occur on the subject parcel although there are two modern structures on the parcel. The structures were built in the early 1980's according to the former property owner, Paul Williams. A check with the Lee County Property Appraiser webpage indicates no historic sites designated for the island.

A total of 17 shovel tests was dug judgmentally where possible in the largely-filled areas of the island (Figure 8). High, moderate, and low probability areas were assessed. A moderate to high probability zone was identified as being the areas of higher ground closest to the original course of the Caloosahatchee River on the north side of the island.

No archaeological or historic material, features or sites were noted on the three Williams Island parcels, however, two scatters of prehistoric materials were observed by the investigators outside the project parcels on the north-west and western shore of the island atop a sandy berm. Those two sites, 8LL2471 and 8LL2472, were not tested as part of this assessment. Site forms for these two sites were submitted to the Florida Master Site File in Tallahassee.

Although a systematic effort was made to locate additional sites across the subject parcel without success, there is a possibility that other archaeological sites, features and artifacts occur. Should subsequent development reveal this, efforts should be made to protect or document these resources. In the event that human remains are discovered then the provisions of Florida Statute 872.05, the Unmarked Human Graves Act, will apply.

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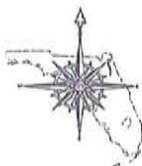
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Survey Log Sheet

**Florida Master Site File
Version 2.0 9/97**

Survey # (FMSF only)

Consult *Guide to the Survey Log Sheet* for detailed instructions.

Identification and Bibliographic Information

Survey Project (Name and project phase) Williams (Havens) Island Parcels Phase One Cultural Resource Assessment

Report Title (exactly as on title page) A Phase One Cultural Resource Assessment of the Williams Island Parcels, Lee County, Florida

Report Author(s) (as on title page—individual or corporate; last names first) Carr, Robert S., Beriault, John G., Mankowski, Joseph F. _____

Publication Date (year): 2007 Total Number of Pages in Report (Count text, figures, tables, not site forms) 37

Publication Information (If relevant, series and no. in series, publisher, and city. For article or chapter, cite page numbers. Use the style of *American Antiquity*; see *Guide to the Survey Log Sheet*.) Archaeological and Historical Survey Technical Report #824 _____

Supervisor(s) of Fieldwork (whether or not the same as author[s]; last name first) Carr, Robert S.

Affiliation of Fieldworkers (organization, city) Archaeological and Historical Conservancy(AHC), Davie, FL

Key Words/Phrases (Don't use the county, or common words like *archaeology*, *structure*, *survey*, *architecture*. Put the most important first. Limit each word or phrase to 25 characters.) Williams Island, Havens Island, Trout Creek, Owl Creek, Caloosahatchee

Survey Sponsors (corporation, government unit, or person who is directly paying for fieldwork)

Name Bonita Bay Properties, Inc.

Address/Phone 9990 Coconut Road, Suite 200, Bonita Springs, Fl 34135

Recorder of *Log Sheet* John G. Beriault Date *Log Sheet* Completed 9 / 24 / 07

Is this survey or project a continuation of a previous project? ☒ No ☐ Yes: Previous survey #(s) [FMSF only]

Mapping

Counties (List each one in which field survey was done - do not abbreviate; use supplement sheet if necessary)

Lee County COMMUNITY DEVELOPMENT

USGS 1:24,000 Map(s) : Map Name/Date of Latest Revision (use supplement sheet if necessary): Fort Myers, rev. 1991

Description of Survey Area

Dates for Fieldwork: Start 9/15/07 End 10/2/07 Total Area Surveyed (fill in one) _____ hectares
20 acres

Number of Distinct Tracts or Areas Surveyed three

If Corridor (fill in one for each): Width meters feet Length kilometers miles

Survey Log Sheet of the Florida Master Site File

HR6E06610-97 Florida Master Site File, Division of Historical Resources, Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250

Phone 850-487-2299, Suncom 277-2299, FAX 850-921-0372, Email fmsfile@mail.dos.state.fl.us, Web <http://www.dos.state.fl.us/dhr/msf/>

S:\2007 PROJECT FOLDERS\North River Revised 2007.77\WILLIAMS ISLAND\Report\Text\WILLIAMS ISLAND SURVEY LOG 11-21-07.doc 11/23/07 3:05 PM

Research and Field Methods

Types of Survey (check all that apply): ☒ archaeological ☐ architectural ☒ historical/archival ☐ underwater ☐ other: _____

Preliminary Methods (Check as many as apply to the project as a whole. If needed write others at bottom).

☐ Florida Archives (Gray Building) ☐ library research- *local public* ☐ local property or tax records ☐ windshield
☐ Florida Photo Archives (Gray Building) ☐ library-special collection - *nonlocal* ☐ newspaper files ☒ aerial photography
☒ FMSF site property search ☐ Public Lands Survey (maps at DEP) ☐ literature search
☐ FMSF survey search ☒ local informant(s) ☐ Sanborn Insurance maps
☒ other (describe) grayline aerial photographs and USGS Map _____

Archaeological Methods (Describe the proportion of properties at which method was used by **writing** in the corresponding letter. Blanks are interpreted as "None.")

F(-ew: 0-20%), S(-ome: 20-50%); M(-ost: 50-90%); or A(-ll, Nearly all: 90-100%). If needed write others at bottom.

☐ Check here if **NO** archaeological methods were used.

☐ surface collection, controlled ☐ other screen shovel test (size: _____) ☐ block excavation (at least 2x2 M)
☒ A surface collection, uncontrolled ☐ water screen (finest size: _____) ☐ soil resistivity
☒ A shovel test-1/4" screen ☐ posthole tests ☐ magnetometer
☐ shovel test-1/8" screen ☐ auger (size: _____) ☐ side scan sonar
☐ shovel test 1/16" screen ☐ coring ☐ unknown
☐ shovel test-unscreened ☐ test excavation (at least 1x2 M)
☐ other (describe): _____

Historical/Architectural Methods (Describe the proportion of properties at which method was used by **writing** in the corresponding letter. Blanks are interpreted as "None.")

F(-ew: 0-20%), S(-ome: 20-50%); M(-ost: 50-90%); or A(-ll, Nearly all: 90-100%). If needed write others at bottom.

☐ Check here if **NO** historical/architectural methods were used.

☐ building permits ☐ demolition permits ☐ neighbor interview ☐ subdivision maps
☐ commercial permits ☒ X exposed ground inspected ☒ X occupant interview ☒ X tax records
☐ interior documentation ☐ local property records ☐ occupation permits ☐ unknown
☐ other (describe): _____

Scope/Intensity/Procedures Review of USGS maps and aerial photographs followed by boat, and pedestrian survey of entire parcel, the selection of one MPZ, and the excavation of 17 shovel tests judgmentally and systematically.

Survey Results (cultural resources recorded)

Site Significance Evaluated? ☐ Yes ☐ No If Yes, circle NR-eligible/significant site numbers below.

Site Counts: Previously Recorded Sites ☐ None ☐ Newly Recorded Sites None ☐

Previously Recorded Site #'s (List site #'s without "8." Attach supplementary pages if necessary) _____

Newly Recorded Site #'s (Are you sure all are originals and not updates? Identify methods used to check for updates, ie, researched the FMSF records. List site #'s without "8." Attach supplementary pages if necessary.) _____

Site Form Used: ☒ SmartForm ☐ FMSF Paper Form ☐ Approved Custom Form: Attach copies of written approval from FMSF Supervisor.

DO NOT USE SITE FILE USE ONLY DO NOT USE

BAR Related

☐ 872 ☐ 1A32

☐ CARL ☐ UW

BHP Related

☐ State Historic Preservation Grant

☐ Compliance Review: CRAT # _____

ATTACH PLOT OF SURVEY AREA ON PHOTOCOPIES OF USGS 1:24,000 MAP(S)

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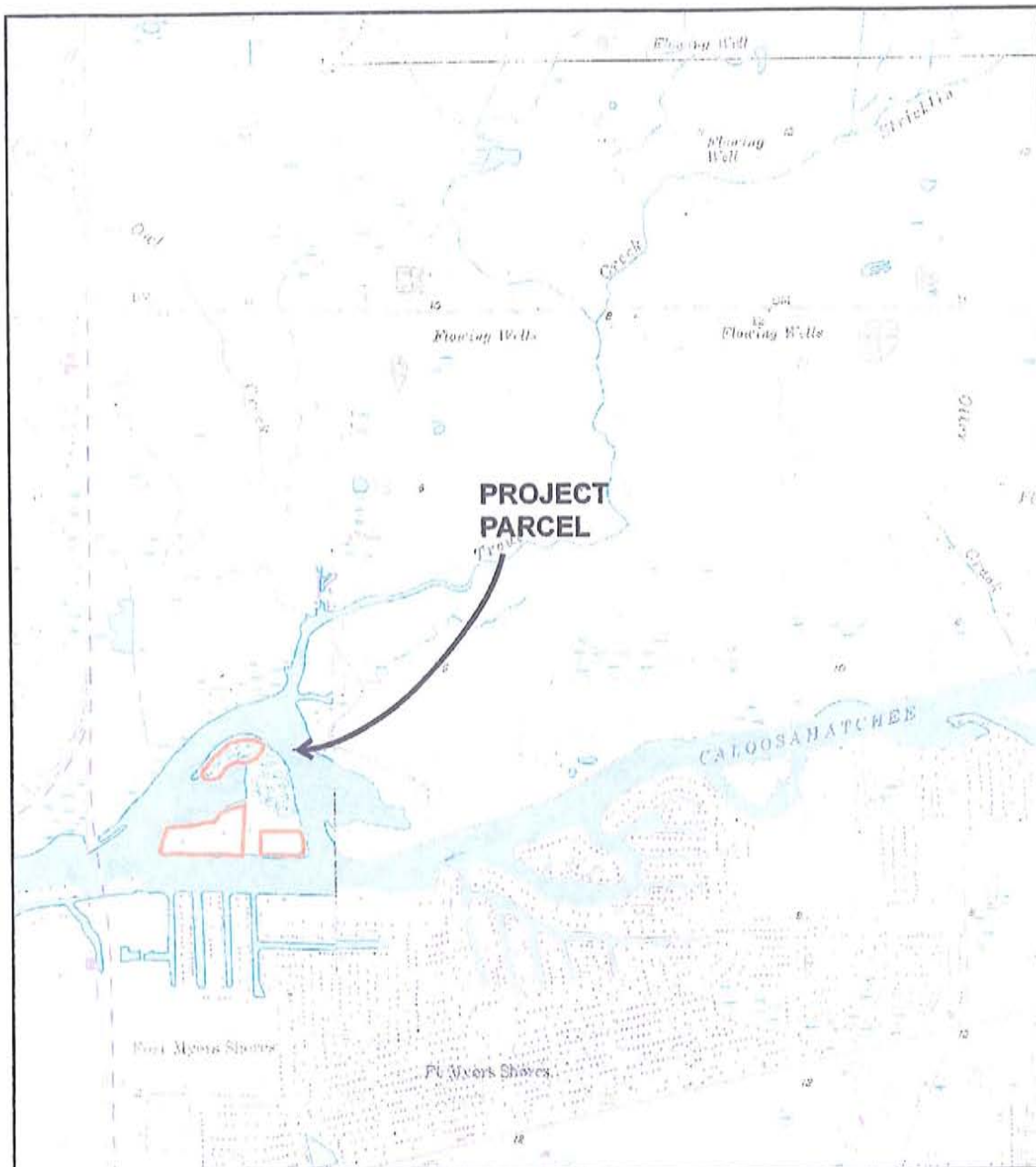
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HR6E06610-97 Florida Master Site File, Division of Historical Resources, Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250

Phone 850-487-2299, Suncom 277-2299, FAX 850-921-0372, Email fmsfile@mail.dos.state.fl.us, Web http://www.dos.state.fl.us/dhr/msf/

S:\2007 PROJECT FOLDERS\North River Revised 2007.77\WILLIAMS ISLAND\Report\Text\WILLIAMS ISLAND SURVEY LOG 11-21-07.doc 11/23/07 3:05 PM



Map of the Williams Island Parcel area.

USGS MAP: FORT MYERS, REV. 1991

TOWNSHIP 43S, RANGE 26E, SECTION 19



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A PHASE I CULTURAL RESOURCE ASSESSMENT SURVEY OF THE NORTH RIVER ASSEMBLAGE PARCELS, LEE COUNTY, FLORIDA

By:

Robert S. Carr, M.S.
John G. Beriault, B.A.
Joseph F. Mankowski, M.A.

ARCHAEOLOGICAL AND HISTORICAL CONSERVANCY, INC.
Davie, Florida 33314

For:

BONITA BAY PROPERTIES, INC.

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OCTOBER 2007
AHC PROJECT NO. 2007.77
AHC TECHNICAL REPORT NO. 814

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October 2007
AHC Project No. 2007.77
AHC Technical Report No. 814



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Consultant Summary

In April -July 2006 and September 2007, the Archaeological and Historical Conservancy, Inc. (AHC) conducted a Phase I cultural resource assessment for Bonita Bay Properties, Inc. of the North River Assemblage Parcel located in western Lee County. The combined ± 520 hectare (± 1300 acre) subject parcel was surveyed to locate sites of archaeological and/or historical significance.

This assessment was conducted to fulfill historic resource requirements in response to Florida's Chapters 267 and 373. This assessment was conducted in accordance with Section 106 of the National Historic Preservation Act of 1966 (Public Law 89-665), as amended in 1992, and 36 C.F.R., Part 800: Protection of Historic Properties. The work and the report conform to the specifications set forth in Chapter IA-46, Florida Administrative Code.

The parcel encompasses parts of Sections 16, 17, 18, 19, and 20 in Township 43 South, Range 26 East (Figure 1). The parcel encompasses citrus groves, improved pasture, woodlands, and wetlands. Much of the parcel has been previously farmed and covered with fill (Figure 3). Prior to development the parcel area was hydric and mesic woodlands vegetated in slash pine/saw palmetto flatwoods, wetlands were characterized as cypress sloughs and grass marshes. The Trout and Owl Creeks exhibit a mangrove fringe near their confluence with the Caloosahatchee River.

The subject parcel was investigated with a pedestrian survey and subsurface testing. It was determined that the areas closest to the Caloosahatchee River as well as creeks, ponds, sloughs were Moderate to High Probability Zones (MPZ/HPZ) for archaeological sites. Ten higher probability areas were identified on the project parcel. Overall, 602 shovel tests (50 cm^2) were dug systematically and judgmentally across the parcel. Five previously unrecorded archaeological sites were documented: 8LL2395, 8LL2396, 8LL2397, 8LL2398, and 8LL2399. Four of the sites are small prehistoric middens or camps, and one, 8LL2399, is a possible burial mound. No historic buildings occur on the subject parcel although there are six modern buildings on the parcel.

It is the consultant's opinion that four of the archaeological sites on the North River Assemblage Parcels are potentially eligible for listing on the National Register of Historic Places and should be preserved or subject to Phase II investigations if preservation is not feasible. One site, 8LL2396, is small and although available data does not indicate National Register significance, other site components are possible and if the site area is proposed for development, then Phase II testing is recommended.

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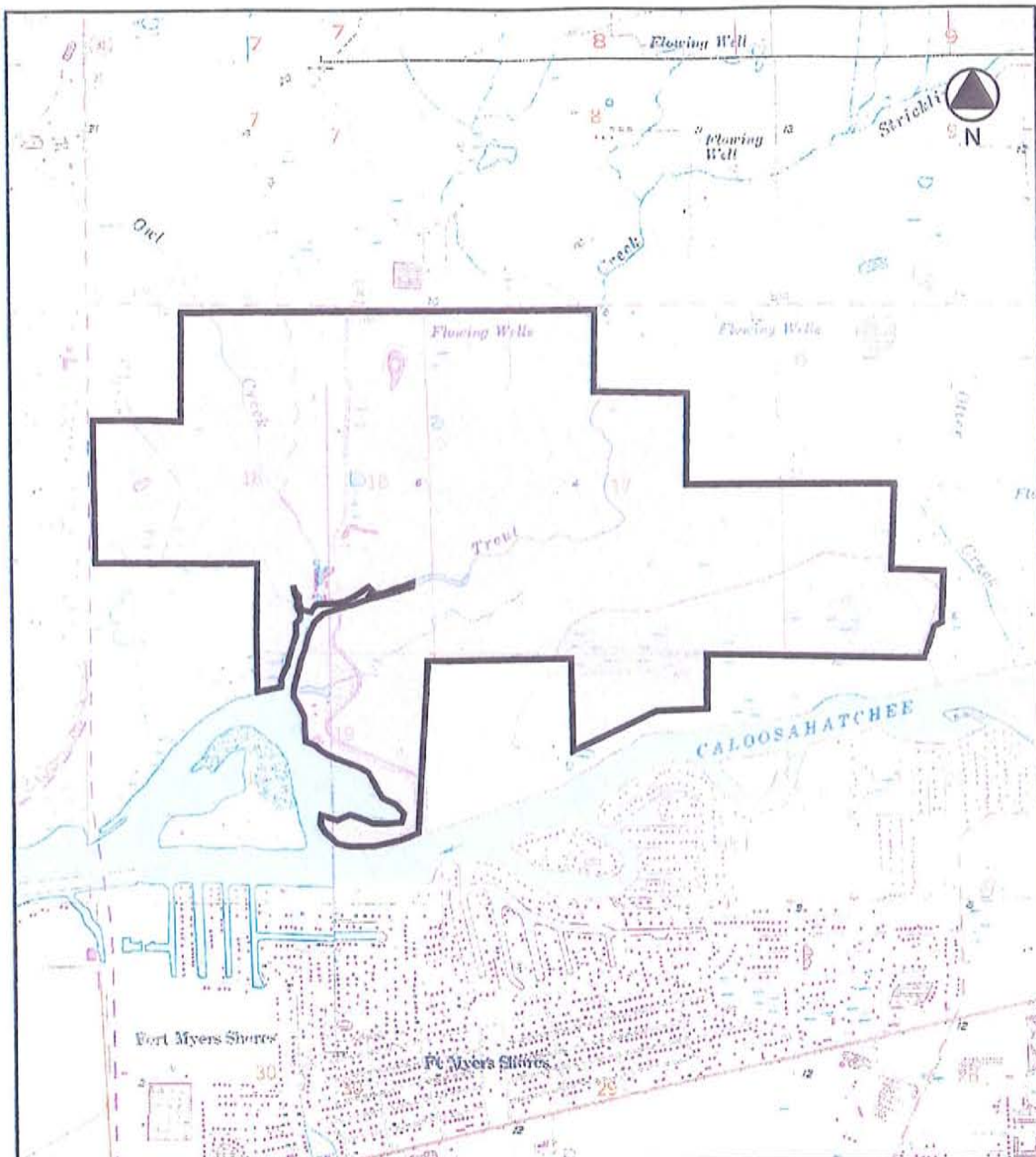
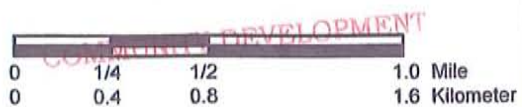


Figure 1. Map of the North River Assemblage Parcel area.

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USGS Maps: Fort Myers, Rev. 1991; Olga, Rev. 1987
Township 43S, Range 26E, Sections 16, 17, 18, 19, 20

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Project Setting

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The North River Assemblage Parcels is located in parts of Sections 16, 17, 18, 19, and 20 in Township 43S, Range 26E immediately south of County Road 78 in north central Lee County (Figure 1). The ± 520 -hectare (± 1300 -acre) project area is a polygon, with sides that are more or less oriented to the cardinal points. The subject parcel is bordered by State Road 31 on the west, on a portion of the northern side by State Road 78, and on the other sides by cleared fields, undeveloped woodland, the Caloosahatchee River and Trout and Owl Creeks. The relevant USGS maps are Olga and Fort Myers, Fla.

The subject parcel includes improved areas such as citrus groves and cattle range as well as natural areas of palmetto and slash pine flat woods, oak/cabbage palm hammocks, and several creeks that drain southward into the Caloosahatchee River. Prior land alterations include clearing, grading and ditching. Many portions of the parcel have been previously farmed with winter vegetables and are currently citrus groves.

An arbitrary division was made of the North River Assemblage Parcel into two subparcels to facilitate description of the parcel areas for this report (Figure 6). Subparcel One is the parcel portion west of Trout Creek; Subparcel Two is the parcel portion east and south of Trout Creek. These parcels are roughly equal in area with Subparcel One at approximately 260 hectares (650 acres) and Subparcel Two at 272 hectares (680 acres).

Subparcel One is a generally low lying area of improved pasture and wetlands. Owl Creek drains across part of the parcel. The subparcel was generally historic wetlands. Subparcel Two is bound on the north by Trout Creek and contains an approximately 36-hectare (90-acre) area of fill (Figures 11, 12).

The immediate region is low-lying to moderately elevated (5-10 feet, NGVD) vegetated in slash pine/saw palmetto flatwoods with grassy marshes. Slash pine flatwoods communities are usually situated on high ground in much of western Lee County. Historically, floral communities which contain a dense, often head-high understory of saw palmetto, were subject to and maintained by periodic forest fires. Fires either began naturally through lightning strikes or were started by prehistoric Indians or by early settlers to aid hunting or cattle grazing. Among the plants typically found in the slash pine/saw palmetto flatland/prairie environments are: slash pine, saw palmetto, gallberry, shiny lyonia, rusty lyonia, staggerbush, dahoon holly, ground oak, wire grass, broom sedges, shiny blueberry, xyris, and a variety of annual and perennial herbs and wildflowers blooming seasonally.

The geology of the central Lee County area is characterized by fine-grained wind and wave born sands overlying shelly marls. Most of the surficial sands are characterized in the *Lee County Soil Survey* as "hydric, level, poorly drained" and are fine-grained wind and water-born deposits from the late Pleistocene/early Holocene. Among the soils present on the subject parcel are: Myakka fine sand, Pompano Fine Sand, Hallandale Fine Sand, Isles Fine Sand and Immokalee sands. A soil category designed as Peckish Mucky Fine Sand is a mangrove sand/peat formation present in tidally flooded mangrove swamps (See Figure 5). Gray and tan sands found extensively in the district usually overlie relict marine deposits of shelly marl and marly limestone caprock that are part of Pleistocene formations. Many of these formations are linked to the Caloosahatchee/Fort

Thompson/Coffee Mill Hammock series. Marine marls contain lenses and deposits of clay intermixed with varying percentages of sand. These clays may have been a source for ceramic manufacture by the Formative period Native Americans. Mantling the Pleistocene sands are windblown deposits of gray sands of varying depths.

The North River Assemblage Parcel contains eighteen soil types (Figure 5). Most of these are characterized as fine, poorly drained sand or sandy loams. Many of these occur in the area as formations on moderately elevated ground; others are depressional and are located in the ponds, sloughs and creek banks and beds of the parcel. Among those noted are: Caloosa fine sand (28% of parcel), Copeland Sandy Loam (23.6% of parcel), Oldsmar sand (24.6% of parcel), and Boca fine sand (13.1% of parcel). All others represent individually less than two percent of parcel area, and collectively total the remaining 10.7 percent of the parcel.

Areas of the parcel contain tan and gray sand surfacial zones overlying a dense brown sand spodic horizon (often referred to as "hardpan"). This formation is a zone of organic leaching accumulation. Occasionally, harder "nuggets" or nodules of an iron oxide precipitate will be found in this zone, which is sometimes a basal archaeological zone.

Limestone caprock can contain the index fossil bivalve, *Chione cancellata*, in quantity. Many higher ground formations in the area appear to be bedrock unconformities that consist of fully exposed tabular slabs of limestone caprock containing numerous rounded solution holes.

The north central Lee County area has been the focus of low-impact/low density ranching and farming activities for many years. "Improved" areas are interspersed with undeveloped woodlands. Recently, the area has had increased growth in the form of planned residential communities that have advanced at a steady rate along State Roads 80, 31, and 78.

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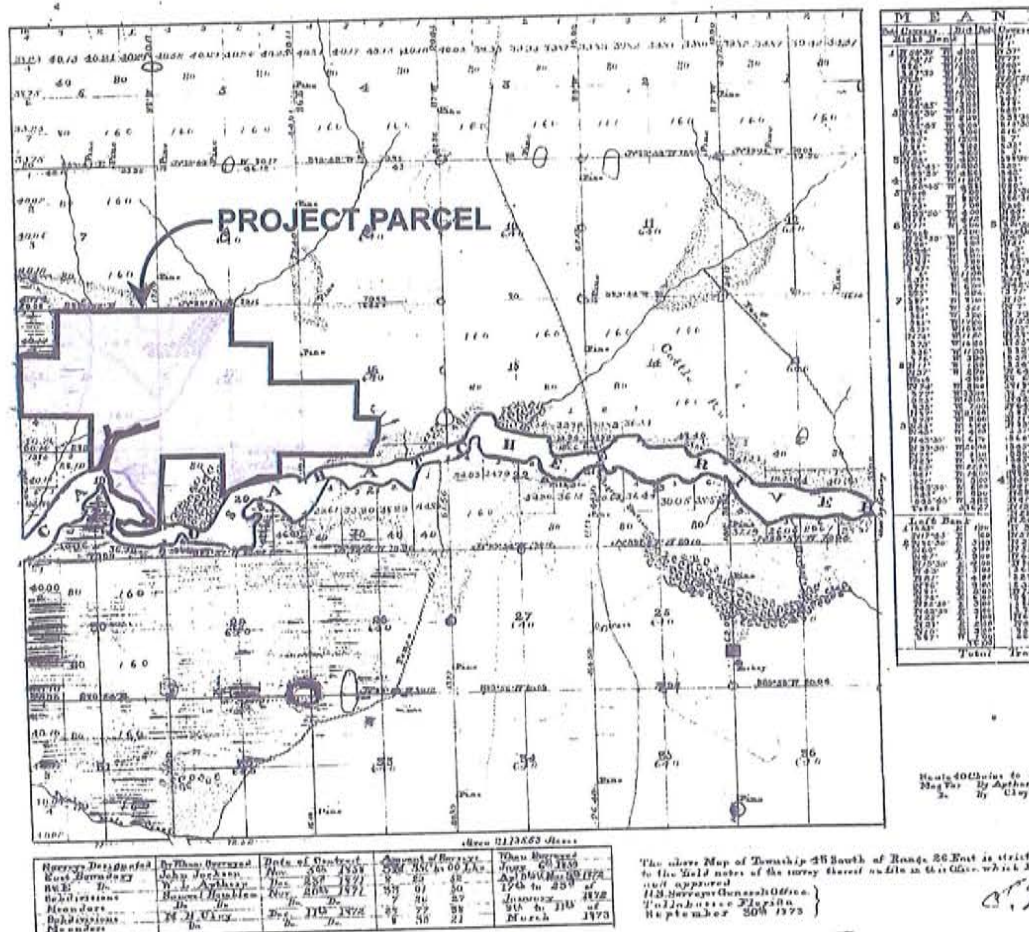


Figure 2. Portion of the 1873 plat map for Township 43S, Range 26E with the project parcel boundaries superimposed.

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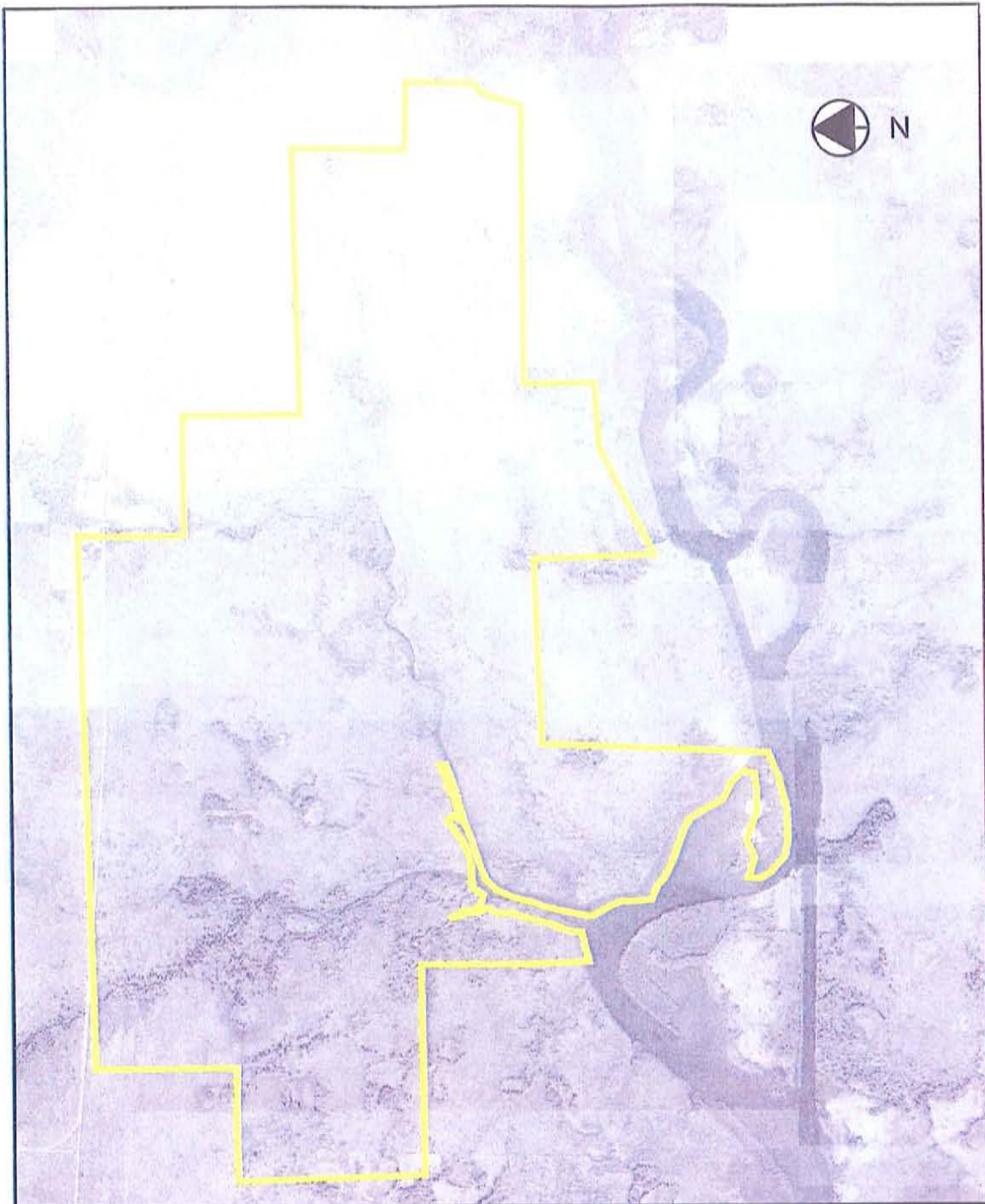


Figure 3. 1944 black and white aerial photographs of the North River Assemblage Project Parcel.

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0 1/4 1/2 1.0 Mile
0 0.4 0.8 1.6 Kilometer

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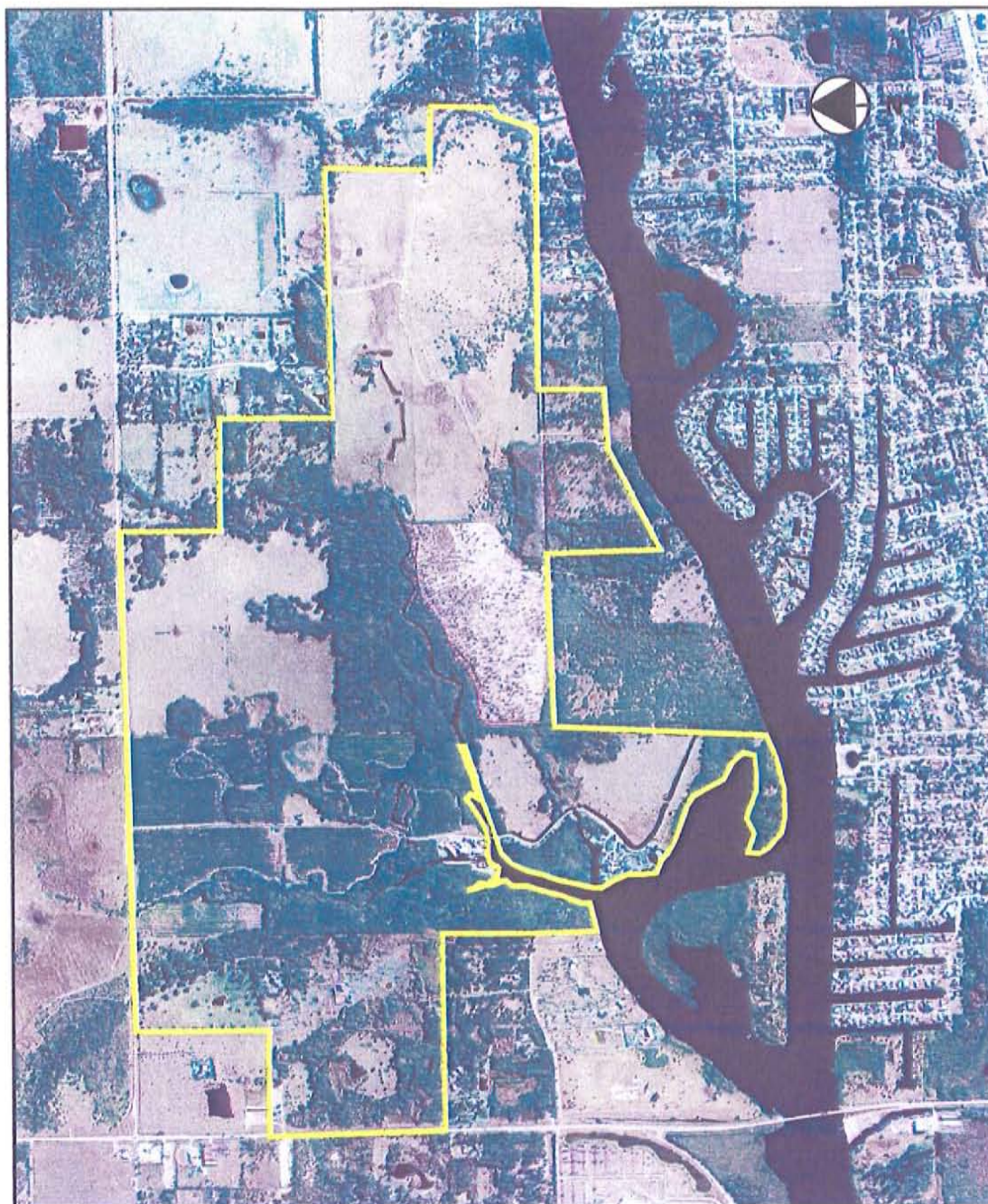
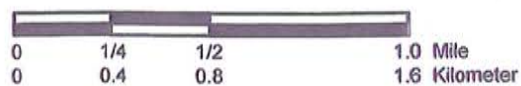


Figure 4. 2004 color aerial orthophotograph of the North River Assemblage Project Parcel area.

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Soil Map—Lee County, Florida
(NORTH RIVER ASSEMBLAGE)

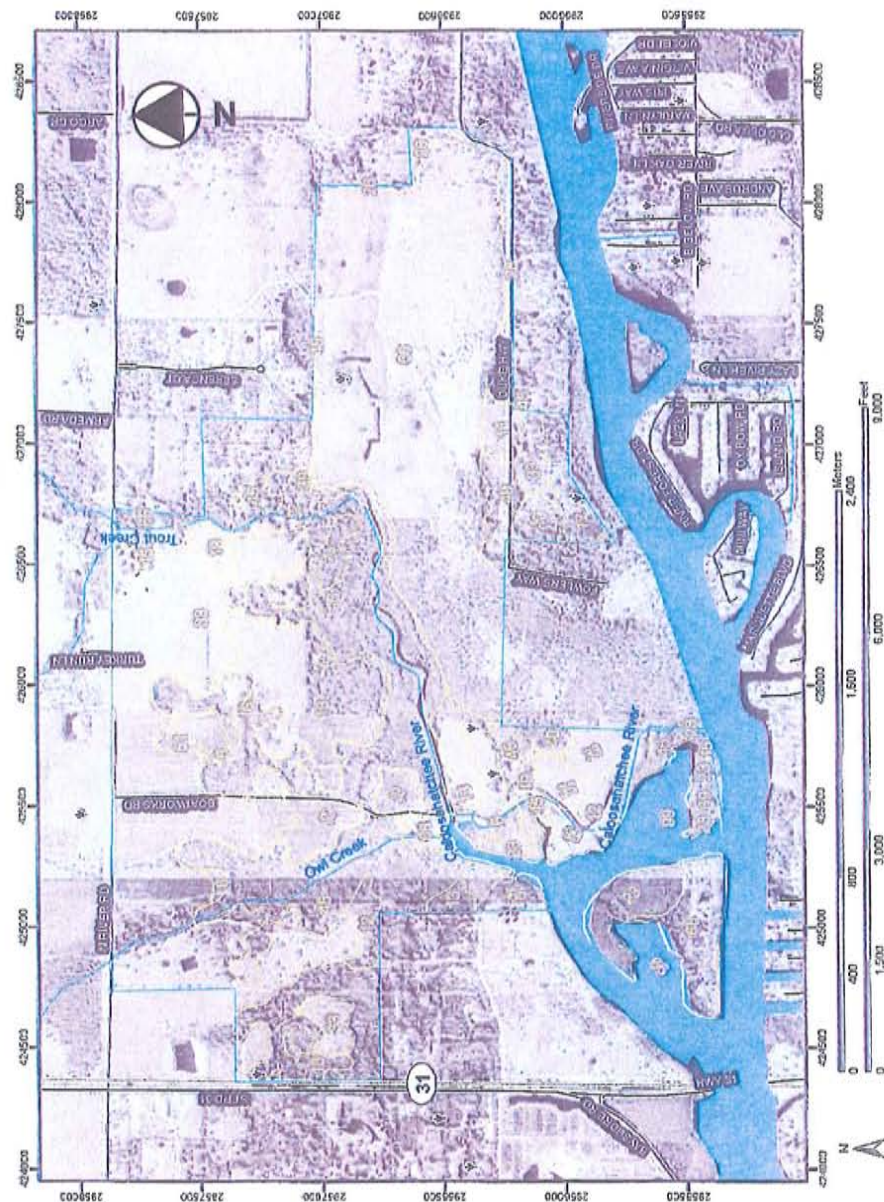


Figure 5. USDA-NRCS soil map survey showing soil types found in the project parcel.

Map Unit Legend

Lee County, Florida (FL871)			
Map Unit Symbol	Map Unit Name	Area in ACI	Percent of ACI
0	Undulata fine sand	25.6	1.6%
11	Myakka fine sand	8.0	0.5%
12	Felda fine sand	10.4	0.7%
13	Boke fine sand	102.4	11.7%
23	Watten muck	28.9	2.1%
30	Pinola fine sand	0.4	0.0%
31	Immolata sand	16.3	1.3%
32	Osama sand	315.6	27.5%
33	Vassara sand	20.6	2.1%
36	Isle fine sand, depressional	1.9	0.1%
40	Amole sand, depressional	5.0	0.4%
41	Copeland sandy loam, depressional	283.0	25.3%
45	Felda fine sand, depressional	17.6	1.5%
51	Floridana sand, depressional	3.3	0.3%
53	Cocoa fine sand	0.0	0.0%
60	Culpea fine sand	378.8	37.3%
65	Kalispell gravelly fine sand	3.0	0.3%
72	Bradenton fine sand	15.0	1.1%
80	Water	78.6	6.6%
	Total by area of interest (total)	1,301.1	100.0%

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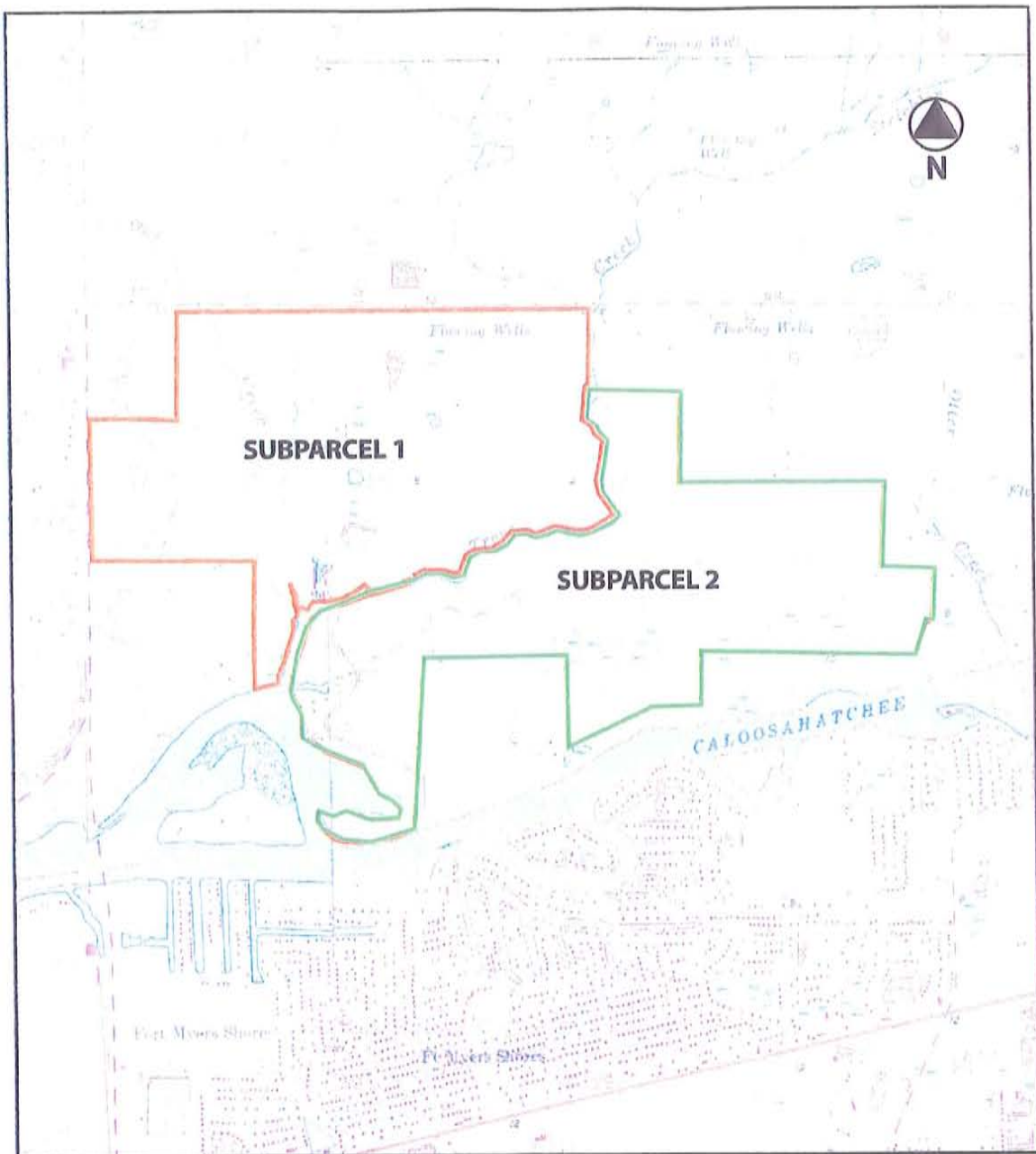


Figure 6. Map of the North River Assemblage Project Parcel area showing two subparcels as divided for cultural resource assessment.

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USGS Maps: Fort Myers, Rev. 1991; Olga, Rev. 1987
Township 43S, Range 26E, Sections 16, 17, 19, 20

0 1/4 1/2 1.0 Mile
0 0.4 0.8 1.6 Kilometer

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Figure 7. View west at open pasture in southeast quadrant of the parcel.



Figure 8. View west at large marsh pond in the west center of the parcel in the North River Assemblage. Shovel tests were placed at 30-meter intervals around the circumference of the pond.

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Previous Research

Southwest Florida has been a focus of archaeological investigations since the 1880s, although much of the early work was directed toward the recovery of museum quality artifacts rather than understanding cultural processes. Griffin (1988:48-50) discussed some of the very early references to archaeological sites in South Florida. He noted that these early reports were mostly casual observations, and few appear to refer to southwest Florida, but rather refer to the southeast and Key West areas.

Kenworthy's (1883) informal report on shell mounds and ancient canals was one of the first reports on southwest Florida archaeological sites. At about the same time as Kenworthy's investigations, Simons (1884) gave a narrative account of some of the very large coastal shell middens, and Douglass (1885) provided further information about prehistoric canals (although he did not accept that they were prehistoric). One account described a canal near Gordon's Pass that is probably the Naples Canal (8CR59), and another further north may be the Pineland Canal. Douglass' diaries record excavations of a post-contact era site (8CR41) on Horrs Island, as evidenced by the presence of European artifacts (Griffin, 1988:50-51). Douglass visited Lostman's River and other areas in the Ten Thousand Island area including Horrs Island (1890).

In 1895 Durnford reported that cordage and other artifacts were recovered from a mangrove muck pond on Marco Island (8CR49). The material was shown to Cushing, who mounted a major project to recover more material from the site. Cushing (1897) reported recovering wood and other perishable artifacts from the muck pond on Marco Island, adjacent to a large shell works and midden village site. Publication of illustrations of the spectacular finds generated a great deal of subsequent interest. Wells M. Sawyer, a young artist accompanying the expedition, produced an excellent and presumably accurate contour map for the entire Key Marco Shell Midden. This map is valuable to present-day efforts in understanding many of the now obliterated features and interpreting (reconstructing) the "architecture" of the shell midden. Widmier (1983) notes that Cushing also focused attention on the nonagricultural chiefdom level of social organization supported by the rich estuary and marine resources, although his anthropological observations have remained overshadowed by the wealth of artifacts.

Moore (1900, 1905, 1907) investigated a number of sites along the Collier/Lee County coast, apparently attempting to find material comparable to Cushing's finds. Although Moore provided information about site locations and general contents, most of his work was extremely crude and uncontrolled, by both contemporary archaeological standards, and by modern standards.

The first attempt to systematically survey and investigate archaeological sites was initiated by Ales Hrdlička, who visited a number of sites along the coast and tidal mangrove estuaries in 1918, focusing on the Ten Thousand Island region (Hrdlička 1922). Hrdlička noted that southwest Florida was a distinct region within south Florida and made an attempt to type sites by function.

Matthew Stirling's (1931, 1933) excavation of a burial mound on Horrs Island represents one of the first controlled excavations in Collier/Lee Counties (although he attempted stratigraphic

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control, Cushing had little success in his wet site excavation). The site was named the Blue Hill Mound, but it is not recorded under that name in the FMSF (either as a primary or secondary name), so it is unclear exactly which site he excavated, although it was probably site 8CR41 (McMichaels, 1982). These reports by Stirling are preliminary, and apparently neither a final report nor a skeletal analysis has been published.

John M. Goggin was the first to define a south Florida cultural area (Glades Area), and describe south Florida ceramics (Glades ware), establishing a basis for later archaeological work. He published an analysis of the ceramic sequence in south Florida (Goggin, 1939, 1940). In later reports (Goggin, 1947, 1949a, 1949b), he formulated a basic framework of cultural areas and chronologies that is still current (although modifications with additional data have been made, see further discussion below). Goggin (1949b) summarized much of this information in an unpublished manuscript, which Griffin (1988) thoroughly described.

In passing, one unfortunate aspect of Goggin's work was a dependence on informant information for location of sites (especially interior sites) and he had a real concern that existing sites would be looted. This concern resulted in his either deliberately or incidentally reporting vague locational data for many sites. Some of these sites have never been satisfactorily relocated, although a few have undoubtedly been re-recorded by later investigators.

For several decades, much of the subsequent archaeological investigations in the region took place in Lee and Charlotte Counties, especially in the Cape Haze, Charlotte Harbor and Pine Island areas. It is rumored that Goggin had a "gentleman's agreement" with many of the other leading practicing Florida archaeologists of the time that the South Florida area was his exclusive province to investigate. If this rumor is correct, it might explain the neglect shown the southwest Florida area in the archaeological arena from the end of World War II to Goggin's death in 1964.

In 1956, Sears reported on a large village and mound complex at the mouth of Turner River on Chokoloskee Bay south of Marco Island, and in 1967 he reported on the results of a survey of the Cape Coral area (Sears, 1956, 1957). Laxson (1966) reported on excavations at Turner River Jungle Garden site, which is upriver from the Turner River site, although these have been confused in recent accounts.

Van Beck and Van Beck (1965) excavated three small test pits on Marco Island (at the Marco midden, 8CR48) associated with the Cushing site (8CR49). The resulting publication of this work was some of the first reported scientific archaeological work to come from the southwest Florida area in nearly twenty years (Van Beck and Van Beck, 1965).

In 1967 through 1969, Marco Island was extensively surveyed and a few sites were tested through excavation by Cockrell, Morrell, and others (Morrell, 1969). No complete site report was ever published, although an unpublished and incomplete manuscript is available. Some of these sites were discussed in Cockrell's master's thesis (1970). Widmer performed a survey of Big Key, John Stevens Creek, Barfield Bay, Blue Hill Bay, and Collier Bay, which are proximal to Marco Island (Widmer, 1974). Widmer eventually utilized his southwest coast experience to write a doctoral dissertation on the Calusa that not only remains the definitive work on that

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group, but also explored the relationship between subsistence adaptation and cultural evolution (Widmer, 1983).

In Lee County, Arlene Fradkin and other investigators from the University of Florida began an ongoing involvement with the Pine Island Sound/Sanibel Island area in the 1970s. Her first investigations were at the Wightman site on northern Sanibel Island (Fradkin, 1976).

Several archaeologists excavated at Horrs Island in the 1980s. McMichaels (1982) reviewed sites on Horrs Island in a Master's thesis. In 1983, Marquardt began a series of investigations at Josslyn Key, Useppa Island, Pineland, Buck Key, Galt Island in Lee County, and at Big Mound Key in Charlotte County (Marquardt, 1984, 1987, 1988, 1992). Marquardt and Russo have investigated Horrs Island in Collier County. A number of the large shell midden village sites they excavated appear to be late Archaic, and they expect to document a more elaborate social organization at these sites and larger sedentary or semi-sedentary population sizes than previously known for that period (Russo, 1990, and pers. comm.).

Most of these studies focused on the coastal sites, as have subsequent summaries and discussions. Recent work on the interior has made significant advances in documenting the extent and intensity of inland resources, especially in the Big Cypress and Everglades parks (Ehrenhard *et al.*, 1978, 1979; Ehrenhard and Taylor 1980; Ehrenhard *et al.*, 1980; Taylor and Komara 1983; Taylor, 1984, 1985). Griffin's (1988) synthesis of the Everglades Park data is the defining work on south Florida archaeology to date. Athens (1983) summarized some of the results of the Big Cypress survey, but more analysis of this data resource is needed.

Beriault and colleagues (1981) reported on salvage excavations at Bay West Nursery (8CR200). Their description of the site includes a well known but rare and infrequently documented Early and Middle Archaic use of ponds for cemeteries.

In 1995, Widmer and Story began an ongoing investigation at the Key Marco Midden (Widmer, 1996). In the first season they excavated with the help of graduate students and volunteers. The results of their work have appeared in the *Florida Anthropologist*.

In the last two decades the pressure of development as well as a recognized need for preservation or mitigation of prehistoric sites has led to a number of reports by commercial cultural resource management consultants. While most of these reports are limited in scope due to restriction to a small tract of land, many have produced useful summaries of regional archaeological, as well as insightful analysis of the relationship between site types and location and ecotypes (Almy and Deming 1982, 1986a, 1986b, 1986c, 1987, Austin 1987, Carr and Allerton 1988a, 1988b, Deming and Almy 1987, 1988, Fay and Carr 1990, Fuhrmeister *et al.* 1990, Martinez 1977, Miller and Fryman 1978, Swift and Carr 1989).

Arthur W. Lee, John Beriault and others in the Southwest Florida Archaeological Society (SWFAS) have recorded and investigated a large number of archaeological sites in Collier and Lee Counties. It is an ongoing effort of the Society to publish and disseminate reports and manuscripts (Lee *et al.*, 1993, 1997, 1998; Beriault, 1973, 1982, 1986, 1987; Beriault and Strader, 1984). Many of these reports deal with small interior seasonal sites. In addition,

Beriault has provided several unpublished manuscripts as to site types and areas (Beriault 1982, 1987).

The Archaeological and Historical Conservancy, Inc. (AHC) has investigated several large parcels in the Olga/Buckingham area. In 1998, AHC personnel assessed the Veranda Parcel which is located two miles south of the present subject parcel and located four prehistoric sites and three historic sites (Beriault and Carr 1998). In 2000, AHC personnel conducted a Phase I assessment of the ± 300 -acre Orange River Parcel located three miles south of the subject parcel. There they located three prehistoric sites. In early 2005, AHC personnel discovered two prehistoric sites at the 650-acre Portico Parcel located on the Buckingham-Olga Road four miles southeast of the subject parcel (Mankowski et al 2005). The present investigator (Beriault) has also produced an historic study of the Caloosahatchee River east of Ft. Myers (Beriault 2001). Five other AHC projects have been performed within four miles of the subject parcel with an additional two archaeological sites having been located.

Literature Review

A site search was requested on 9-10-07 with the Florida Division of Historic Resources for relevant archives and literature for the project parcel area. This included, but was not limited to site forms from the Master Site File in Tallahassee concerning previously recorded sites within a 1.6 kilometer (1.0 mile) radius of the North River Assemblage Parcel and reports for cultural resource investigations previously conducted within a 1.6 kilometer (1.0 mile) radius of the North River Assemblage Parcel (Table 1).

Table 1. Literature Review Summary

Previously Recorded Archaeological Sites:		
In Survey Parcel	0	
Within 1.6 km (1.0 mi) of Parcel	4 (8LL1982, 8LL1986, 8LL2030, 8LL2338)	
Previous Investigations:		
In Survey Parcel	0	
Within 1.6 km (1.0 mi) of Parcel	4	

A review of state site files conducted on September 10th, 2007 resulted in the identification of four previously recorded sites at or about 1.6 kilometers (1.0 miles) from, but *outside*, of the survey parcel (Table 2). Seventeen historic standing structures are also reported for the area; none of these are within the project parcel boundaries.

Table 2. Previously Recorded Sites Summary¹

Site No.	Site Chronology	Site Type	References	In Survey Parcel	Outside of Parcel
8LL1982	Prehistoric: Likely Glades	Interior Midden	Carr and Beriault, 2001		✓
8LL1986	Historic 19 th -20 th Century	Citrus Packing House	Carr and Beriault, 2001		✓
8LL2030	Historic 19 th -20 th Century	King family Homestead	Carr and Beriault, 2001		✓
8LL2338	Historic 19 th -20 th Century	Howard House	Mankowski and Beriault, 2005		✓

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A review of the projects conducted in the same area indicated four investigations previously conducted within 1.6 kilometers (1.0 miles) of the North River Assemblage Parcel (Table 3). None of these investigations were within the parcel.

Table 3. Previous Investigations¹

Survey No.	Date	Author	Title	In Parcel	Out of Parcel
3144	1992	Weant, Laura and Nickerson, Michael	<i>Historic Report and Survey Supplement for Lee County, Florida</i>		√
3460	1993	Fuhrmeister, Charles and Estabrook, Richard	<i>Survey of the Southwest Florida Pipeline Company Corridor Realignment, DeSoto, Charlotte, and Lee Counties, Florida</i>		√
6575	2001	Carr, Robert S. and Beriault, John G.	<i>An Archaeological and Historical Assessment of the Verandah Parcel, Lee County, Florida</i>		√
11581	2005	Mankowski, Joseph and Beriault, John G.	<i>A Phase One Archaeological Assessment of the Olga Parcel, Lee County</i>		√

Notes: ¹Based on sites within 1.6 kilometers (1.0 miles) of the survey parcel.

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Cultural Summary

Stirling was the first to distinguish the indigenous prehistoric cultures of southern Florida in 1936 by defining a Glades cultural area, including all of south Florida (Carr *et al.*, 1994b:9; Milanich, 1994:5-6). Griffin (1988) pointed out that this was not formulated as a strict cultural area, but it was rather a geographic region with some common cultural traits. Kroeber (1939), in a review of North American prehistory, utilized a slightly different term, the "South Florida Area," basing his definition on both environmental and cultural factors. Subsequently Goggin delineated more particular boundaries for southern Florida and divided the region into three sub-areas: "Okeechobee" around Lake Okeechobee, "Tekesta" for southeast Florida and the Florida Keys, and "Calusa" for Southwest Florida (Carr *et al.*, 1994b:10; Goggin, 1947:114-127).

Following Goggin's study, subsequent researchers have refined or altered the cultural distinctions attributed to southern Florida's prehistoric populations. There has been criticism that Goggin's names and definitions were based on historic accounts of the main (proto) historic groups found in the respective regions and not on the archaeological evidence of spatial, temporal, and cultural differences (Sears, 1966; Griffin, 1974; Carr and Beriault, 1984; Griffin, 1988). Griffin, in particular, questioned the distinctions. He believed that South Florida cultures varied only by local environmental conditions and ceramic exchange rates. Griffin believed the inhabitants of prehistoric southern Florida were mainly dwelling on the coast and that the interior was nearly uninhabited and under-utilized. Griffin designated the entire southern Florida region as the "Circum-Glades" area (Eck, 1997:5; Griffin, 1974:342-346). This new designation for the area was furthered by a widely circulated book on Florida archaeology by Milanich and Fairbanks (1980). Griffin later (1988) retreated to some extent from his earlier position as further research (particularly by Ehrenhard, Carr, Komara, and Taylor in the Big Cypress and Carr in the eastern Everglades in the 1970s and 1980s) showed abundant sites (and concomitant use and habitation) in the interior and Everglades.

Carr and Beriault, in particular, have taken issue with the concept of a Circum-Glades region. Carr's research in the Big Cypress and Everglades and his subsequent analysis demonstrating variation of key cultural markers (particularly in decorated ceramics) formed the basis for this contention. There is abundant evidence for cultural (and probably political or tribal) diversity in the various areas of south Florida. Carr and Beriault particularly noted and defined differences between the lower southwest Florida coast, which they termed the "Ten Thousand Island" region, and the area to the north, which they called the "Caloosahatchee" region. This latter area they believed to be the seat of the historic Calusa chiefdomship, although previous (and some subsequent) researchers have called the entire southwest Florida from Cape Sable to the Cape Haze peninsula (and beyond) in Charlotte County "Calusa."

Griffin, in his definitive 1988 synthesis on Everglades archaeology, attempted to reconcile and refine some of the conflict in the definition of south Florida prehistoric and historic culture areas. As stated by Carr and colleagues (1994b), "the issue...appears in part to be one of trying to determine the significance of regional and temporal variation, rather than whether these differences are real." There is evidence that changes through time in regional political affiliations or realities makes any model *not* addressing this complex issue two-dimensional. The Calusa hegemony that was in place by the time of the arrival of Europeans may have begun as early as

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800 AD in the Ten Thousand Island "district" or area (Griffin, 1988:321; Carr *et al.*, 1994b:12). There is currently ongoing research to further refine present thought as to cultural affiliations in south Florida. It would seem only a matter of time before new directions and emphases provide a more accurate summation of south Florida cultural affinities.

Using the present models, the coastal zones of Collier County and southern Lee County contain three distinct culture areas. Indian Hill on Marco Island lies thirty miles from the projected interface by Carr and Beriault (1984) of the Caloosahatchee area (called the "the 'heartland' of the Calusa," Carr *et al.*, 1994b:12) to the north, and the Ten Thousand Islands area to the south. At a yet undefined point to the east lies the Okeechobee cultural area, but the boundary, if it is a definite, fixed one, is likely to occur in the vicinity of the Immokalee rise forty miles or more to the northeast of Indian Hill. Further work is in progress by Carr to address the issue of where the southwest boundaries of the Okeechobee culture area occur.

Temporal Periods and Adaptations

At the same time that the south Florida archaeological cultural models have evolved over the past 60-plus years, so have the temporal markers or framework on which we base evolution of that culture. Much of this latter effort has resulted from comparisons made between the recovered artifacts from the 100-year period of scientific and *nonscientific* excavation and collection by the various individuals and institutions (and others) enumerated in part above. This Floridian effort must be seen against the broader background of archaeological work in eastern North America and the New World as a whole. All of these efforts have been mutually complimentary and certainly not exclusive.

In South Florida, the following periods and adaptations are generally accepted. Part of this chronology involving the later or Formative period is called the Glades sequence in honor of Goggin, the greater part of whose work in defining the ceramic sequence or markers has withstood the test of time and subsequent criticism (Goggin, 1939, 1947, 1949c). From Goggin's day to present, pottery variability in form, substance, and decoration has proven useful for providing time markers, at least during the archaeologically-brief (\pm 3500 year) period spanning the late Archaic and Formative periods that it was produced. Other artifact types and their variations have, to present, proven somewhat less reliable as absolute indicants of prehistoric age. Radiocarbon dating, a phenomena of the last 30-plus years, provides, within the standard deviation expressed in plus-or-minus years BP (before present), a relatively absolute date for a given sample and provides a yardstick to measure traits or distinctions in provenienced artifacts. Determining and adequately defining what traits we can discern against this absolute is part of the ongoing function of the regional archaeological effort.

The following information is generalized and abbreviated. The dates are approximate; transitions between periods are in reality more gradual than the manner they are expressed for convenience.

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Paleo Period (14,000 – 10,000 BP)

During the Paleo Period, the first Native Americans began moving into the southeastern portion of North America and Florida. Most evidence of their presence in Florida can be reliably dated to about 10,000 BP.

There are no known Paleoindian sites in Lee County. Several are documented from elsewhere in south Florida, including Warm Mineral Springs and Little Salt Springs in Sarasota County (Cockrell and Murphy, 1978; Clausen and Gifford, 1975), Harney Flats in Hillsborough County (Daniel and Wisenbaker, 1987) and the Cutler Fossil Site in Dade County (Carr, 1986).

During this period, the terminal Wisconsin ice age, the climate was probably less extreme, with cooler summers and warmer winters. The climate was also drier, and sea levels were lower (Carbone, 1983; Allerton and Carr 1988a; Griffin, 1988).

One reason that possible Paleo period sites have not been discovered in Charlotte County is that the shoreline may have been as much as 100 miles further west due to lower sea levels. Drier conditions may have made the interior very inhospitable, and the shallow estuarine and littoral sites that existed were flooded by post-ice age Holocene sea rises.

Any possible interior sites from the Paleo Period may be unrecognizable due to lack of diagnostic artifacts, subsequent reuse of site areas, low population density, and few permanent camps. These and other factors may help explain the absence to date of identifiable Paleo period sites in the area.

Archaic Period (10,000 - 2,500 BP)

The Archaic period reflects a post-Pleistocene shift in adaptation marked by an increase in the seasonal exploitation of a broad spectrum of food resources, a more restricted use of territory due to regional specialization, and more semi-sedentary habitation sites. No ceramics are known until the Late Archaic. During the Archaic, regional specializations became more marked, not only with material culture but also with distinct local utilization of local plant and animal resource.

As mentioned above, there is, as yet, no firm evidence of human presence in southwest Florida during the Paleo period (Allerton and Carr, 1988:14). This is also true for the Early Archaic (8500-7000BP), as there is evidence of an environment too arid to support scrub oak, and the presence of shifting wind formed dunes (Watts, 1975; Widmer, 1983).

By about 6500 BP mesic conditions began to spread, although localized xeric conditions continued (and still exist in some areas) through South Florida. Middle Archaic sites dating from this time are rare, although the Bay West Nursery site (8CR200) in Collier County and the Ryder Pond site (8LL1850) in Lee County near Bonita Springs provide evidence of occupation, as do several sites in southeast Florida. The Bay West site is a Middle Archaic cypress pond cemetery, associated with a lithic scatter. The Ryder Pond site is a similar mortuary pond site surrounded by pine flatwoods (Carr and Heinz, 1996). Beriault has also recorded several aceramic shell scatters in coastal sand hills (paleo dunes), some of which may date to the Middle Archaic.

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Griffin (1988) summarizes evidence indicating that despite the rise of available surface water, brackish estuaries and other major modern landscape features had not formed, and population (or repopulation) was still sparse.

During the Archaic period sea levels began to rise at a fairly rapid rate, estimated at 8.3 cm. per 100 years 6000-3000 BP, and 3.5 cm per 100 years afterwards (Scholl *et al.*, 1969), although whether sea levels were steadily rising or oscillating is still unclear (see Griffin 1988; Allerton and Carr, 1990 for recent reviews of the literature). Data is somewhat difficult to sort out as sea level rise was accompanied by both shore regression and transgression in places. As conditions became wetter (and warmer) in the interior, cypress swamps and hardwood sub-tropical forests established themselves by about 5000 BP (Carbone 1983, Delcourt and Delcourt 1981).

By late Middle or early Late Archaic times (4000 years BP) there were significant shell mounds and middens on Horrs Island, Marco Island, and elsewhere in the coastal regions, suggesting that the estuary system had been established and was being utilized to provide the subsistence basis for denser populations and semi-sedentary settlements (Morrell, 1969; Cockrell, 1970). At Useppa Island in Lee County, excavations have provided radiocarbon dates from pre-ceramic shell middens ranging between roughly 4900 BP and 5600 BP, suggesting that the Middle Archaic as well as Late Archaic periods had a growing dependence on shellfish resources (Milanich *et al.*, 1984). There are aceramic coastal sand hill and interior wetland sites as well, but these have not been demonstrated to be Archaic despite some investigators equating aceramic with preceramic. Radiocarbon dates for these sites would clarify this point.

Allerton and Carr (1988) noted that a number of stratified sites in the wet mangrove and marsh areas of the Everglades, as well as on Horrs Island, contain Archaic preceramic horizons, although it is unclear if aceramic was equated with preceramic. Additional supporting evidence of interior use by Archaic peoples will provide a new dimension to the archaeological understanding of Archaic resource utilization. Allerton and Carr point out that if the wet tree islands were initially used by Archaic people, then at least some of the hardwood hammocks in swamp environments were raised in elevation (with subsequent changes in vegetation) due to human activities. Post-Archaic people extensively utilized these hammocks and continued to advance their development as distinct geomorphic features. This is obviously an area where additional archaeological investigations have a potential to contribute to understanding the interaction of geomorphic and cultural evolution in Southwest Florida.

Toward the end of the Archaic there was the introduction of fiber-tempered pottery into the archaeological record, often used as a marker of the Orange Phase, commencing at about 4000 BP, either coincident with or soon after the development of the extensive shell middens. The Late Archaic Orange Phase subsistence strategy is characterized by intensive use of shellfish and marine resources, as well as being marked by an accelerated trend toward regional specializations.

A number of the large shell middens on Marco Island (Cockrell, 1970), Horrs Island (Russo n.d.), Cape Haze (Bullen and Bullen, 1956), and elsewhere date from this period or earlier, as they contain fiber-tempered ceramics, although there are known aceramic (preceramic?) levels

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below the Orange Phase deposits that may date to the Middle Archaic. These shell middens are usually capped by deposits from later occupations as well.

Formative Stage or Glades Periods (2500 BP - 500 BP)

The Formative or Glades adaptation, based on hunting, fishing, and the harvesting of shellfish and plants, was similar to the Archaic, but was characterized by increasing specializations in gathering strategies and tool-making. Earlier writers have typed this hunter-gatherer society as primitive or "low-level" (Kroeber, 1939). However, there is certainly evidence from the specialization of tools, from the beautifully-executed wood carvings from Key Marco in Collier County and those from Fort Center near Lake Okeechobee (Cushing, 1897; Sears, 1982), and from the historic accounts of the Calusa hegemony, that the south Florida area had an advanced culture that Goggin (1964) has called a "stratified non-agrarian society."

The preceding Late Archaic late Orange phase (also known as the transitional phase) was marked by changes in pottery, and terminated with the relatively rapid replacement of fiber-tempered pottery with sand-tempered, limestone-tempered, and chalky "temperless" pottery. It was also characterized by changes in ceramic style and often by reduction in the size of stone projectile points.

The Formative Stage (beginning about 2500 BP) is divided in south Florida into the Glades Periods sequence. Subsistence adaptation is marked by a narrowing spectrum of resource use, as well as continued trends toward regional diversity and ecological specializations, marked in part by the proliferation of inland resource extraction encampments.

Formative Period cultural evolution eventually led to increased political sophistication, perhaps initially of modest dimensions, but culminating in broad regional political alliances and regulation of materials and goods (*i.e.* resources) between the coast and inland areas (Milanich and Fairbanks, 1980). By protohistoric and contact times the Calusa were the dominant tribal group, gaining broad political influence and at least partial control over much of south Florida as far north as central Brevard County. Historically, the main Calusa village has been regarded as "Calos" on Mound Key in Estero Bay in Lee County, although 50 to 70 large villages were under direct Calusa control by contact times (Griffin, 1988).

During the Formative Periods, village sites grew to the proportions of large multi-use complexes, particularly along the coast and barrier islands of southwest Florida. Some of the projected intra-site functions of the elements of these complex shellworks were as temples, canals, causeways, temple and platform mounds, courtyards and watercourts. Current research involving the excavating of large contiguous areas of these shell mound complexes is beginning to establish demonstrable uses for the features of these large sites, upon which heretofore were merely speculated (Widmer, 1996).

Tidal estuary rivers and inland hammocks along deep water sloughs, marshes, and permanent ponds were seasonally visited for extraction of natural resources, and are now marked by small to relatively large black dirt middens, some of which may have been semi-permanent hamlets. The pine and cypress flatwoods appear to have supported few sites, although areas around Lake

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Trafford and other rich interior areas developed substantial sites, including sand mounds, and may be more similar to the Okeechobee cultural area than to the coastal cultures.

In 1992, Dickel and Carr excavated a Deptford Period burial mound (the Oak Knoll Site) in the Bonita Bay Tract north of the Imperial River. Exotic trade items and seventy or more human burials were among the material findings. The resulting conclusions and subsequent surveying and testing of the Bonita Bay Shell works (8LL717) suggest social stratification and complexity may extend further back into the past than the Formative period (Dickel and Carr, 1992).

Coastal sites (shell middens) reflect a predominate dependence on fish and shellfish, wild plant foods and products, and larger inland game. The inland sites show a greater reliance on interior resources, including large, medium and small mammals, turtle, small freshwater fish, alligator, snake, frogs, and, sometimes, freshwater shellfish. Interior and coastal resource exchange can be documented by the consistent finds of moderate amounts of marine shell in many interior middens, as well as interior resources in coastal middens.

The Formative Stage (with a nod to Goggin) has been often termed the Glades cultural tradition. Much of this "tradition" is focused on decorated ceramics, the minority in the archaeological record, although the majority of recovered (rim) sherds are plainware. However, despite this, pottery (and its decorations) is usually utilized as the major temporal marker(s) for fitting sites into a temporal framework. Changes in pottery do not represent mere changes in artistic motifs, but reflect inter- and intra-regional trade contacts and outside cultural influences (possibly through exogamy, shifting of populations, and even the through evolution of a culture through time). Whatever the influences, the Glades tradition is continuous from post-Archaic times to contact times.

Despite the fact that exogamy is likely to have been practiced, traders or other specialists probably moved between major cultural areas in small numbers, and genetic flow probably accompanied cultural exchange, although perhaps not on the same scale. This may have increased in later times due to use of traditional obligations of kinship and intermarriage to stabilize alliances that were not codified into a formal legal system.

The Caloosahatchee subarea's chronology has been defined based on the ceramic sequences found there. Below is a table partially adapted from Susan Lynn White in her analysis of Galt Island ceramics (White 1995) which she in turn adapted from Randolph Widmer's book on the evolution of the Calusa (Widmer 1988):

Table 4. Caloosahatchee Area Ceramic Sequence

Period/Time Range	Characteristic Traits
Caloosahatchee I (500 B.C.- A.D.700)	<input type="checkbox"/> Sand-tempered Plain predominant <input type="checkbox"/> Belle Glade Plain absent
Caloosahatchee II (A.D. 700-1200)	<input type="checkbox"/> First appearance of Belle Glade Plain <input type="checkbox"/> Increase in Belle Glade Plain use

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Caloosahatchee III (A.D. 1200-1400)

- ☐ Englewood ceramics
- ☐ St. Johns Check Stamped

Caloosahatchee IV (A.D. 1400-1513)

- ☐ Safety Harbor

Caloosahatchee V (A.D. 1513-1750)

- ☐ European goods
- ☐ Mission period aboriginal pottery
- ☐ Pinellas Plain-Glades Tooled
- ☐ Decrease in Sand-tempered Plain use
- ☐ Laminated/contorted paste
- ☐ Small amounts of St. Johns Plain

By European contact times (the first half of the 16th century), the southwest coast of Florida was maintaining a vigorous, possibly expanding political chiefdom with a broad network of alliances, as well as a rich and ancient cultural tradition without an agricultural base. However, direct conflict with Europeans and, more importantly, exposure to European diseases led to the rapid decline of the Calusa. By the mid 1700s their numbers had greatly diminished. The remnants of this once-powerful tribe may have left south Florida in the 1760s with the Spanish for relocation in Cuba. Others may have become indistinguishable from Spanish Cuban fishermen who worked the great fishing "ranchos" in the Pine Island Sound region catching and salting fish for export to Cuba. Other groups of Native Americans may have fused with the Creek-derived Seminoles.

In the late 1700s, members of the Creek tribe were forced into Florida from Georgia and Alabama. They were later called Seminoles, from the Spanish term "cimmarones." Pressures from colonial (and later) white encroachment on their traditional territories forced them into the Big Cypress and Everglades area by the 1830s. By this time, most of the cultural identity of pre-contact times had been lost, although some of the Calusa subsistence strategies may have been partly adopted by Seminoles. A number of Seminole period sites have been documented on earlier Glades middens. This coincidence may in part reflect the paucity of high land in the interior (Ehrenhard *et al.*, 1978, 1979, 1980; Ehrenhard and Taylor, 1980; Taylor and Komara, 1983; Taylor, 1984, 1985). Older midden sites (particularly those called "black dirt" middens) can be rich agriculturally as well as archaeologically, making these foci for historic Seminole gardens and fruit groves.

Seminole periods in south Florida are divided into I (1820-1860), II (1860-1900) and III (1900-1940) (Ehrenhard *et al.*, 1978). Post-1940 Seminole camps are designated "Late Seminole" in some reports. These designations reflect the different stages of Seminole migration into south Florida, Seminole displacement and active conflict with the expanding American culture, and the eventual refuge by Seminole remnants in Big Cypress and Everglades regions. Military records, and, in particular, several sketch maps by military personnel done in the 1830s and 1840s and the Ives military map of South Florida (1856) shows evidence of investigations at and near "Malco Inlet," "Casimba," "Good Land," and "Cape Romans."

Seminole Wars in the Southwest Florida Area

The advent of the Second and Third Seminole Wars (1834-38, 1855-58) disrupted the peaceful settlement of the Southwest Florida region. There were a number of forts, "temporary" and

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permanent, established along the Caloosahatchee River during this time. Fort Dulaney was established at Punta Rassa near the mouth of the Caloosahatchee in 1837 and was occupied intermittently through 1841, and again in 1855. After a hurricane destroyed Ft. Dulaney in 1841, Fort Harvie was established upriver. The name of this fort was changed in 1850 by its commander General Twiggs to honor his new son-in-law, Col. Abraham Myers. Fort Myers was thus created, and became the chief fort of the region.

From this central administrative point, a line of forts was established up the Caloosahatchee River. They were: Fort Denaud, Fort Adams, Fort Thompson, and Fort Center on Fisheating Creek leading into Lake Okeechobee. Other forts and "temporary depots" were established south into the Big Cypress Swamp such as Fort Simon Drum, Temporary Depot Number One, Fort Doane, Fort Simmons, Fort Keis, Fort Foster, Fort Shackelford, and others.

A number of military expeditions were sent south along the coast during the Second and Third Seminole Wars with the objectives of interdicting trade in guns and ammunition between the Seminoles and the Spanish-Cuban fishing community, and hunting and capturing Indians. General Thomas Lawson, who had just been appointed Surgeon General of the United States, commanded one of the early notable expeditions. Lawson's expedition left Fort Harvie (Fort Myers) in February 1838. Elements of Lawson's command explored the area in and around the Caxambas Point area, discovering two abandoned Indian villages in the Blackwater River/Palm Bay area. Other expeditions bivouacked at Cape Romano and Caxambas Point. Colonel Rogers, of the ill-fated Parkhill expedition, wrote several dispatches from Cape Romano in the Caxambas area in 1858, describing the ambush of Captain Parkhill's party at the headwaters of Turner River. The Collier County Museum is the repository for a collection of military artifacts purportedly found by a local collector near Indian Hill in the early 1960s. This material may have originated with one of the various military expeditions stopping at Caxambas Point.

The military road linking Fort Myers with Fort Thompson on the bank of the Caloosahatchee River passed south of the Orange River and crossed the creek head two miles southwest of the subject parcel.

Fort Myers/Olga Area History

After the Civil War in 1868, the International Ocean Telegraph Company obtained a twenty-year charter to operate a telegraph line through the state and to run a submarine cable to Key West and Cuba. The company brought the line through Fort Myers, crossing the Caloosahatchee River at Olga, and thence to Punta Rassa. Several settlers moved to the area, including many that had fought in the Seminole and Civil Wars. In 1885, Fort Myers was incorporated as a city. In 1887, the area that is now Lee County became a county, supposedly resulting from a fire destroying the new schoolhouse in Fort Myers. Some of the local citizens, led by Capt. F.A. Hendry, traveled to Key West (the seat of Monroe County of which Lee was then a part) and petitioned for funds to rebuild the school. When they were rebuffed, they called a meeting in the yard of the burned school and sent a delegation to Tallahassee requesting status as a new county. Various sources credit either Capt. Hendry or Peter O. Knight with proposing that the county be named after the Civil War hero Robert E. Lee.

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Early cattlemen such as Jacob Summerlin drove cattle across a ford in the Caloosahatchee River near the subject parcel both before and after the Civil War. This ford may have existed where a trail is shown crossing the Caloosahatchee River in the 1875 plat map. A large cattle pen north of the Caloosahatchee River and a fence line for directing cattle south toward the Orange River are shown on the 1875 plat map. A settler named Wilkison had a residence and fields east of the subject parcel. Another homestead, the Hickey homestead, is depicted approximately 2 miles southeast of the subject parcel.

In 1881 Hamilton Disston began dredging the Caloosahatchee River extending that waterway directly to Lake Okeechobee. The famous Falls of the River at Fort Thompson were destroyed, and in 1885, an Hungarian naturalist Angelo Heilprin traveled there to study the geology and collect fossils new to science, one of which (*Strombus leidyii*) he named for his superior Joseph Leidy, the Father of American Paleontology. This and subsequent dredging activity over the next 100 years would change the essential nature of the Caloosahatchee River from a narrow winding stream to a "highway" for river traffic and a conduit for the rapidly developing industries of citrus, for other crops such as tomatoes and for other vegetables, logging, and cattle. Population and small communities were rapidly increasing in the Caloosahatchee region.

During the late 19th-century, several small outlying river side communities were created east of Fort Myers, such as Olga, Alva, Buckingham, Fort Denaud and Labelle. Olga was a farming community similar to Buckingham. The first mention of Olga was in 1885 by the newly founded Fort Myers Press. Olga had been established at a point on the south bank of the Caloosahatchee River one mile east of where the telegraph line from the north crossed the river. Olga at that time was a post office described as a "pretty site" owned by a L. McNeill. The present-day location of Olga is slightly east of the Fort Myers Shores subdivision. Just east of Olga was Hollingsworth Ferry where thousands of cattle crossed from the north side of the river en route for Punta Rassa and shipment to Key West and Cuba.

In the 1920s through the very early 1950s, the area, particularly east and south of Olga was extensively exploited for pine and cypress logging and lumbering. C.J. Jones Lumber Co. and other timber concerns had a vast network of temporary logging railroads running south and east into southern Lee and Collier Counties. These railroads converged on a saw mill several miles east of the subject parcel to the south of the Caloosahatchee River and on a main saw mill in a community called Slater that was on the north side of the Caloosahatchee River northeast of Ft. Myers. Many hundreds of people lived in large temporary camps near these two locations. Peak activity for these two facilities was in the mid 1930s to the period of World War II, when the demand for timber was very high for barracks and other military structures.

The Buckingham Air Field was established during World War II in the 1940s about four miles to the southwest. This was an extensive facility of several thousand people, both civilian and military. The base's prime function was as a way station for large bombers such as the B-17, which flew from there to Miami and onto the Azores and Europe. The air base was dismantled following the end of the war and little remains at the site.

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Methodology

Prior to conducting fieldwork in the project parcel, relevant archives and literature were reviewed. This included, but was not limited to, studying previous archaeological reports for sites in Lee County, reviewing information from the Master Site File in Tallahassee concerning nearby sites, and examining USGS maps of the project area. Also, black and white and color aerial photographs from the project area, which could aid in revealing anthropogenic changes to the topography and floral communities, were interpreted.

Research Design

This Phase I cultural resource survey of the North River Assemblage Parcel incorporated the use of certain predictive archaeological site models. These models are based on topographic and vegetative attributes that are associated with prehistoric and historic sites in north-central Lee County and the Caloosahatchee River. These models postulate that high ground live oak/tropical hardwood hammocks in close proximity to wetlands, ponds, rivers and creeks are moderate to high probability areas for prehistoric archaeological sites. The elevational information on the USGS Fort Myers and Olga maps for the area also was used. Ten Moderate to High Probability Zones were identified throughout the parcel based on the interpretation of aerial photographs and as a result of ground truthing (Figure 3).

Fieldwork

The subject parcel was assessed by pedestrian survey and subsurface testing. A total of 602 shovel tests (50 cm²) was dug across the parcel, each to an average of 1 meter in depth (where possible). All excavated material was screened through a 1/4" diameter mesh and any material of archaeological significance collected was sent to AHC in Davie for cleaning, cataloging, and analysis.

Transects were established for all moderate to high probability zones across the parcel. Higher probability zones were identified as all elevated ground in close proximity to the Caloosahatchee River, creeks, ponds, and marshes. Four moderate to high probability zone areas were identified on both banks of Owl and Trout Creeks and additional higher probability areas were identified on the historical riverbanks of the Caloosahatchee River. Other discrete areas of possible oak vegetation or higher relief noted during analysis of aerial photographs and USGS maps were ground truthed. Determinations were made in the field as to whether these areas of interest were recent modern alterations or natural features with a moderate to high probability of being associated with archaeological sites. All areas assessed as moderate to high probability zones were shovel tested in 10-30 meter intervals.

Thirty-one transects were established across the parcel (Figures 9-12). Some of the transects were straight and oriented to the cardinal points; others followed the course of the two principal creeks, the historic banks of the Caloosahatchee River, or along upland/wetland intergrades. The cardinal transects traversed the low probability areas and were plotted at intervals of separation of between 130 meters (400 feet) and 160 meters (500 feet) apart. Test holes intervals on these cardinal transects varied from 30 to 100 meter intervals depending on where they crossed higher

probability areas. In addition, judgmental test holes were dug when topographic/vegetative features of higher probability were encountered. It should be noted that most areas of the parcel adjacent to the Caloosahatchee River were covered with one to five meters of fill/spoil generated from the dredging of the Caloosahatchee Waterway. These fill areas could not be effectively shovel tested and are so indicated (Figures 11, 12).

Collections

All collected material were placed in self-sealing plastic bags and transferred to the AHC lab in Davie to be cleaned and catalogued. All collected materials and field notes repose at the AHC facility in Davie.

Informants

Interviews with several ranch staff and managers Andy Tilton, a long time area resident living close to the project parcel failed to reveal any additional information on historic or archaeological sites on the parcel.

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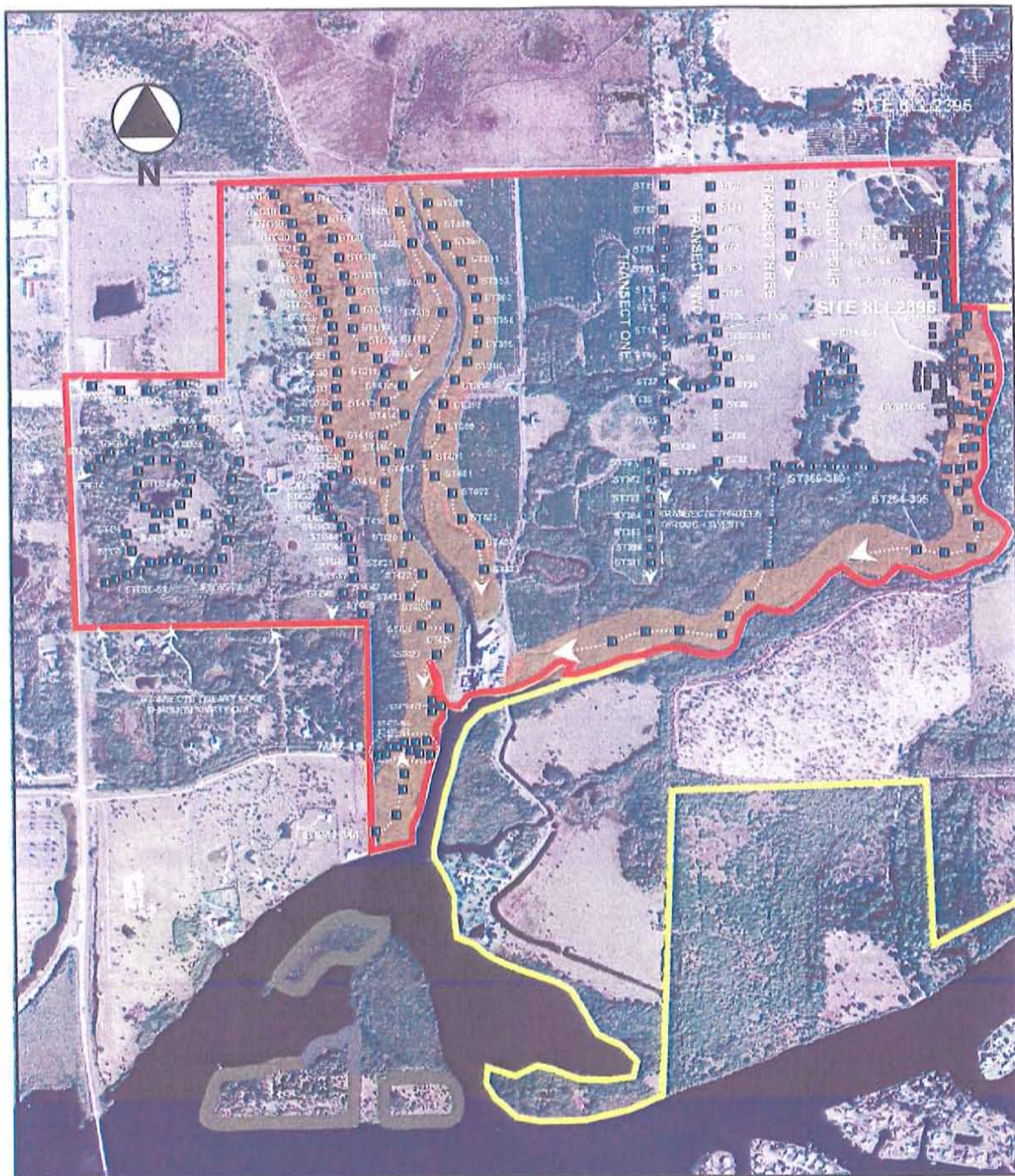


Figure 10. Aerial photograph of the North River Assemblage Project Parcel, Subparcel 1 area showing the location of moderate to high probability zones, transects, and shovel tests.

- = POSITIVE SHOVEL TEST
- = NEGATIVE SHOVEL TEST
- = MODERATE TO HIGH PROBABILITY ZONE

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0 660 1320 2640 Feet
0 200 400 800 Meters

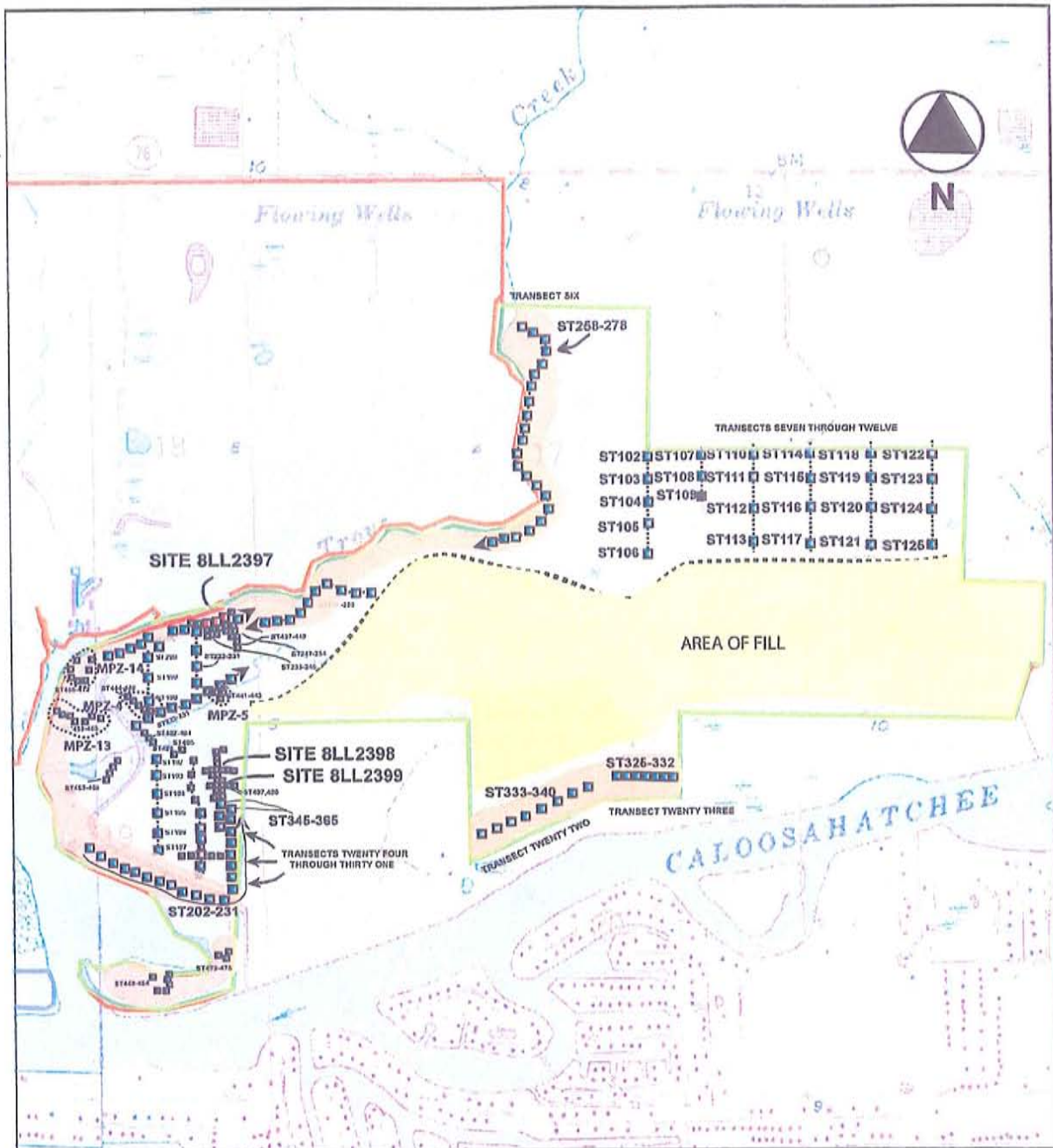


Figure 11. Map of the Subparcel 2 of the North River Assemblage showing the location of moderate to high probability zones, transects, and shovel tests.

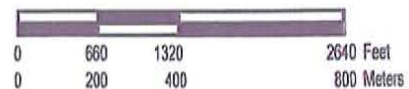
- = POSITIVE SHOVEL TEST
- = NEGATIVE SHOVEL TEST
- = AREA OF FILL
- = MODERATE TO HIGH PROBABILITY ZONE

USGS Maps: Fort Myers, Rev. 1991; Olga, Rev. 1987
Township 43S, Range 26E, Sections 16, 17, 18, 19, 20

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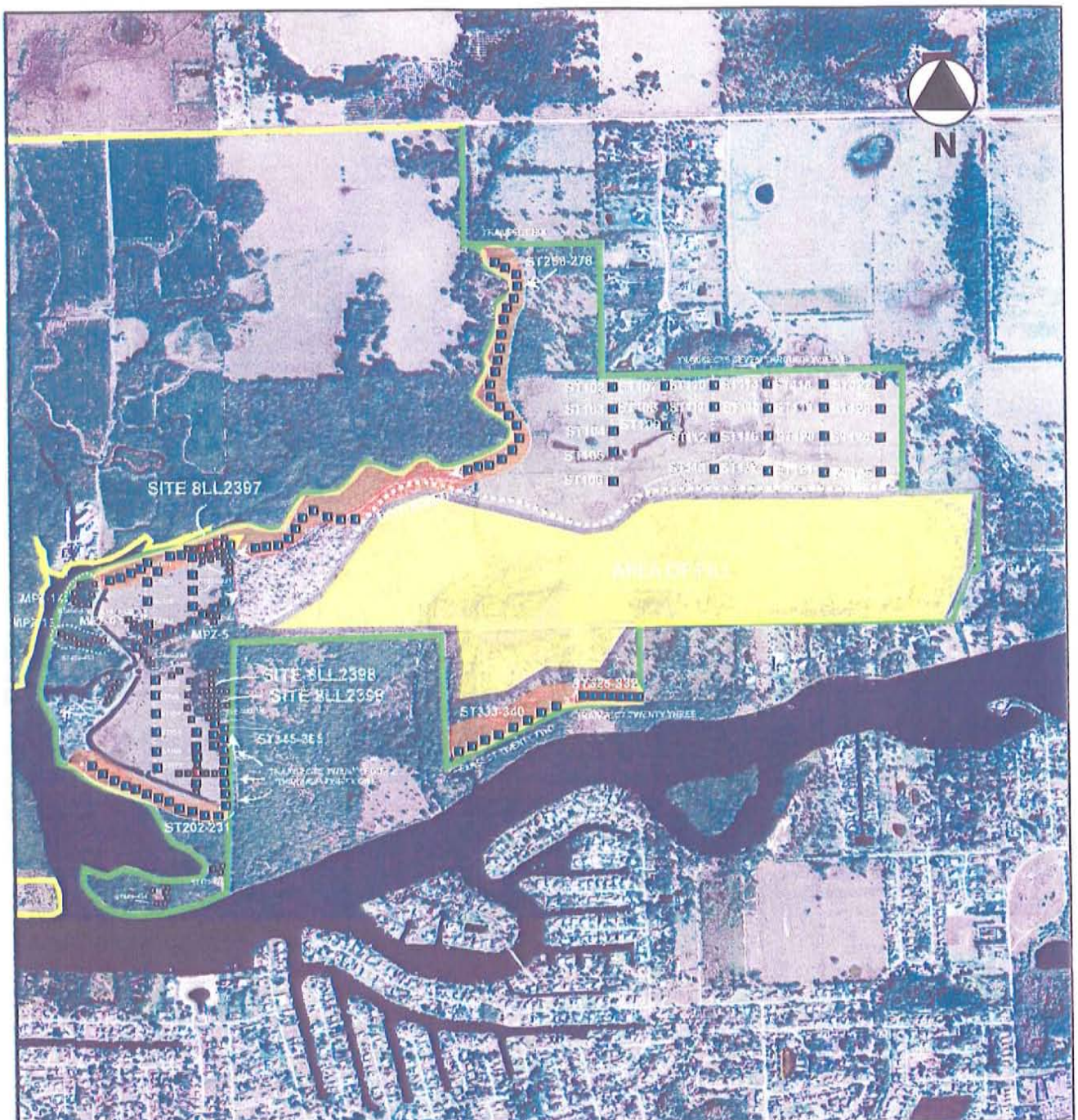


Figure 12. Aerial photograph of the North River Assemblage Project Parcel, Subparcel 2 area showing the location of moderate to high probability zones, transects, and shovel tests.

- = POSITIVE SHOVEL TEST
- = NEGATIVE SHOVEL TEST

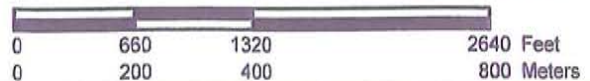
— = MODERATE TO HIGH PROBABILITY ZONE

— = AREA OF FILL

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Summary of Sites

State Site Number: 8LL2395

Site Name: Twisted Oak

Environmental Setting: Cleared field / climax cabbage palm / live oak / hardwood hammock near Trout Creek

Location: Township 43S, Range 26E, Section 17

Site Type: Midden

Site Function: Habitation, resource extraction

Description: The site occupies a slightly elevated linear ridge adjacent to the flood terrace of Trout Creek (Figure 15). The site is located in cleared open pasture with one massive live oak (Figures 10, 11). The site is characterized by ceramics and lithic debitage. Cultural deposits begin 35 cm below surface. Site size is estimated at 30 meters (100 feet) on an east-west axis and about 25 meters (75 feet) on a north-south axis.

Chronology: Prehistoric: late Archaic Period to Glades I-II

Collections: Faunal bone, sand tempered ceramics (39), chert flakes (2) (FS 3, 5, 6)

Previous Research: None

Preservation Quality: Good to excellent. The site is in a cleared field. There is little disturbance to the cultural strata.

Ownership: Private

Significance: Site is of local significance and is potentially eligible for listing on the National Register of Historic Places based on Criterion D.

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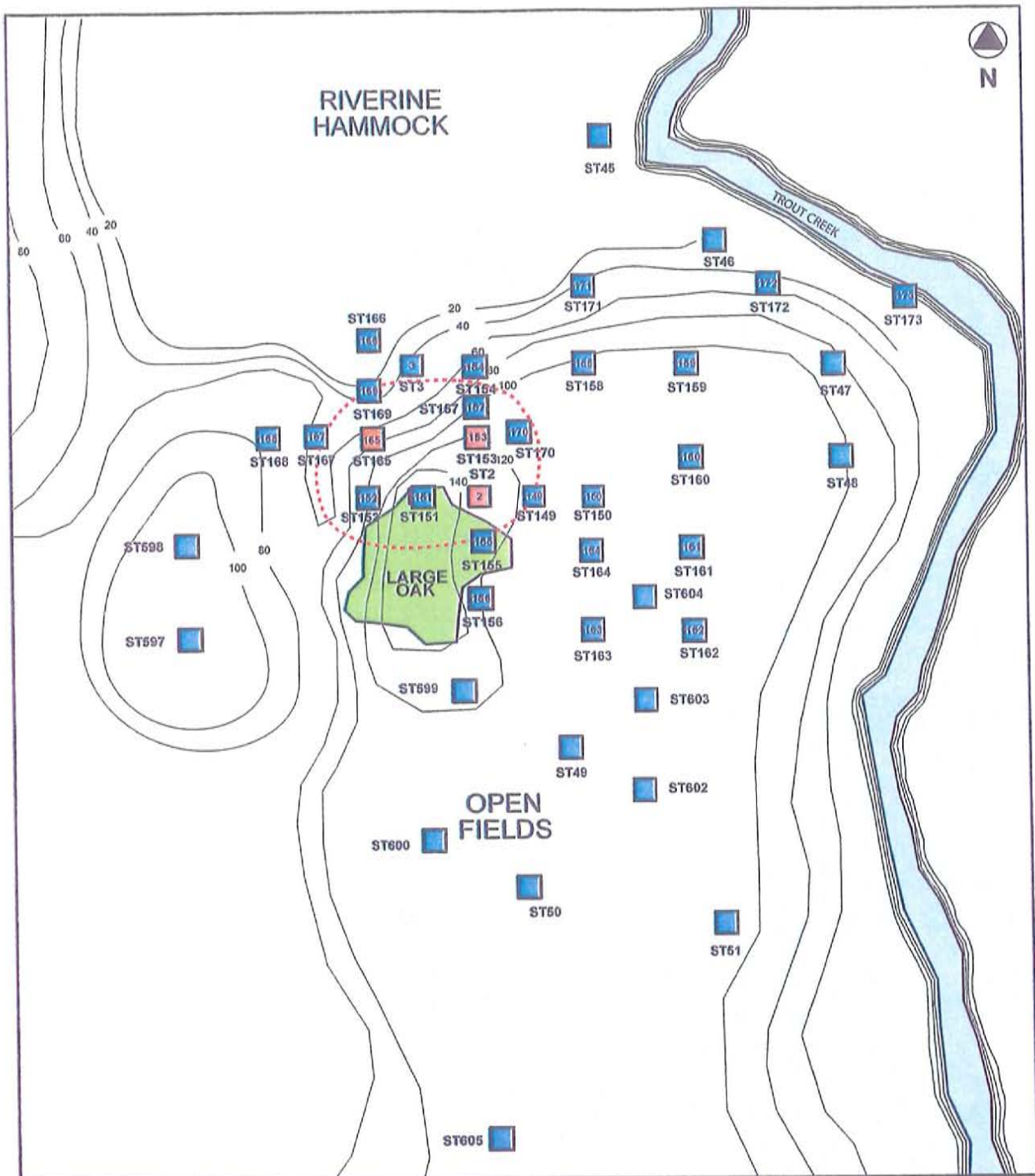


Figure 13. Map of the Twisted Oak Site, 8LL2395, area showing location of shovel tests (ST).

- = POSITIVE SHOVEL TEST
- = NEGATIVE SHOVEL TEST
- ⋯ = ESTIMATED SITE BOUNDARIES

Contours Approximate

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0 25 50 100 Feet
8 16 30 Meters

State Site Number: 8LL2396

Site Name: Trout Creek

Environmental Setting: Cleared field and remnant cabbage palm / live oak hammock near Trout Creek

Location: Township 43S, Range 26E, Section 17

Site Type: Midden? Artifact scatter?

Site Function: Habitation, resource extraction

Description: The site occupies a slightly elevated linear ridge immediately west of Trout Creek. The site area is located in cleared open pasture with live oaks associated with a remnant riverine hammock. The site is located in a bend of the creek about 150 feet (45.72 meters) south of the bridge crossing the creek. The site is characterized as a concentration of pottery sherds beginning at 35 cm below surface. Site size is unknown but adjacent negative tests suggests a small site area. The site tends to center on a point encompassed by the present creek location.

Chronology: Prehistoric: Glades I – II ?

Collections: Sand tempered ceramics (9)
(FS 4)

Previous Research: None

Preservation Quality: Good to excellent. The site is in a cleared field, but there is little disturbance of the cultural strata.

Ownership: Private

Significance: Based on available data, the site is not regarded as potentially eligible for listing on the National Register of Historic Places. However, Phase II testing is recommended if the site area is not preserved.

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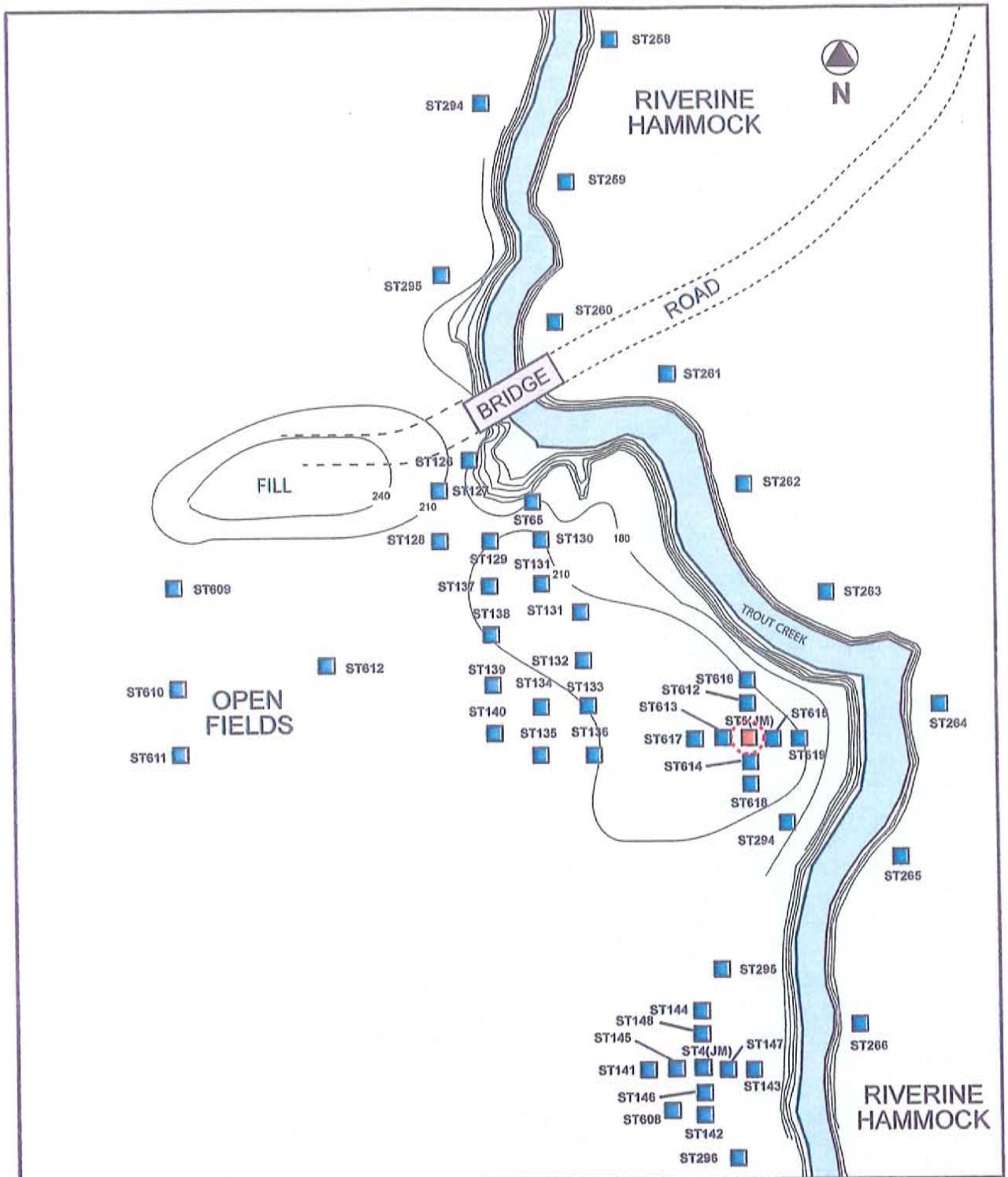


Figure 14. Map of the Trout Creek Site, 8LL2396, area showing location of shovel tests (ST).

- = POSITIVE SHOVEL TEST
- = NEGATIVE SHOVEL TEST
- ⬢ = Estimated site boundary
- Contours Approximate

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0 25 50 100 Feet
0 8 16 32 Meters

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Figure 15. View east at the Twisted Oak, 8LL2395, site area. Note slight rise in topography. North edge of the site is to the right of the individuals shown.



Figure 16. View north toward bend in Trout Creek slightly to northwest of Trout Creek Site, 8LL2396.

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Figure 17. View southeast at Trout Creek Site, 8LL2396, on the western bank of Trout Creek (in background).



Figure 18. View north. Field crew are standing in the center of the Trout Creek Hunt Camp Site, 8LL2397 on the south bank of Trout Creek.

State Site Number: 8LL2397

Site Name: Trout Creek Hunt Camp

Environmental Setting: Cleared field / live oak grove near lower course of Trout Creek

Location: Township 43S, Range 26E, Section 18

Site Type: Midden

Site Function: Habitation, resource extraction

Description: This small site occupies a slightly elevated but distinct linear ridge south of and paralleling Trout Creek. The flood plain near the lower course of Trout Creek is an extensive low-lying brackish marsh/swamp, and the site occupies the high ground interface on the south bank of the creek. The site area is located in a live oak grove with open understory. The site is characterized as a 20 to 30 cm thick lens of cultural material beginning at surface. Material recovered includes a sparse amount of ceramics, faunal bone (including deer antler and tooth), lithic debitage and abundant Carolina marsh clams. Site size is estimated at 100 feet on an east-west axis and 50 feet on a north-south axis. The site tends to center on a small elevated ridge.

Chronology: Prehistoric: late Archaic Period to Glades I - II

Collections: Faunal bone, sand tempered ceramics (10), marine shell (FS 11 - 14)

Previous Research: None

Preservation Quality: Good to excellent. The site is near a cleared field, but there is little disturbance to the cultural strata.

Ownership: Private

Significance: The site is of local significance and is potentially eligible for listing on the National Register of Historic Places based on Criterion D.

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State Site Number: 8LL2398

Site Name: Intrigue

Environmental Setting: Tropical hardwood hammock within tall cypress head / slough

Location: Township 43S, Range 26E, Section 19

Site Type: Midden

Site Function: Habitation, resource extraction

Description: The site occupies a slightly elevated linear ridge within the western area of a climax cypress head. The site is west of the central depressional pond of the cypress head. The site is characterized by a 30 cm thick deposit of shell refuse largely consisting of oyster that begins at the surface. Material recovered includes oyster shell and faunal bone. Site size is estimated at 18 meters on an east-west axis and 50 meters on a north-south axis. The site tends to center on the small elevated ridge. This is an unusual site both in terms of the marine shell content and its location in a cypress head feature. The site is heavily vegetated in camphorwood with some moderate-sized gumbo-limbos.

Chronology: Prehistoric: Glades I - II

Collections: Faunal bone, marine shell
(FS 1, 7, 8, 9)

Previous Research: None

Preservation Quality: Excellent. The site is undisturbed.

Ownership: Private

Significance: Site is of at least local significance, and potentially eligible for listing on the National Register of Historic Places based on Criterion D.

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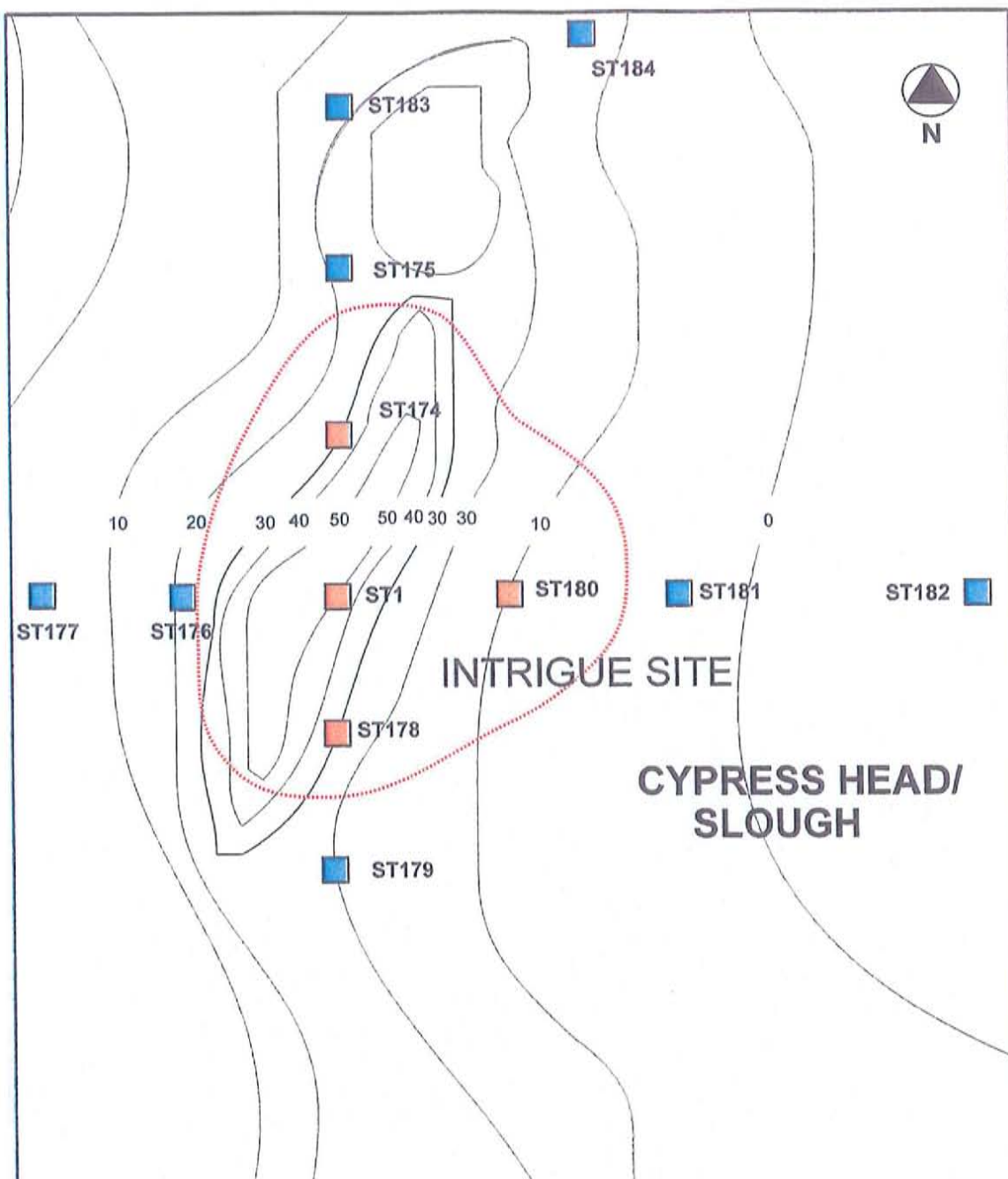


Figure 20. The Intrigue Site, 8LL2398, area showing the location of Phase I shovel tests (ST).

- = POSITIVE SHOVEL TEST
- = NEGATIVE SHOVEL TEST
- ⋯ = ESTIMATED SITE BOUNDARIES

Contours Approximate

0 25 50 100 Feet
0 8 16 30 Meters

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Figure 21. View south at elevated ridge area of Intrigue Site, 8LL2398. Note the grove of mature camphorwood and gumbo limbo trees.



Figure 22. View south at the Majestic Gumbo Limbo Site, 8LL2399. Note the large gumbo limbo in the background.

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State Site Number: 8LL2399

Site Name: Majestic Gumbo-Limbo

Environmental Setting: Tropical hardwood hammock within western area of tall cypress head

Location: Township 43S, Range 26E, Section 19

Site Type: Constructed mound, possible burial mound

Site Function: Habitation?, possible mortuary

Description: The site is characterized by a moderately elevated knoll or mound well within the western area of a climax cypress head/slough feature. The site area is located west of the central depressional area of the cypress head and approximately 200 feet south of the Intrigue Site, 8LL2398. Site elevation is approximately 60-70cm above the surrounding low marshy cypress swamp. Site size is estimated at 15 meters (50 feet) on an east-west axis and 25 meters (80 feet) on a north-south axis. The site likely centers on the elevated knoll. It is possible the mound is constructed and may represent a burial area or house mound. One piece of oyster shell was recovered from a shovel test. This is an unusual site both in terms of the configuration and location in a cypress head feature. The site is heavily vegetated in camphorwood with one massive-sized gumbo-limbo at the south end of the feature.

Chronology: Prehistoric: Unknown

Collections: Marine shell
(FS 2)

Previous Research: None

Preservation Quality: Excellent

Ownership: Private

Significance: Site is of at least local significance, and potentially eligible for listing on the National Register of Historic Places, based on Criterion D and because it is likely a burial mound.

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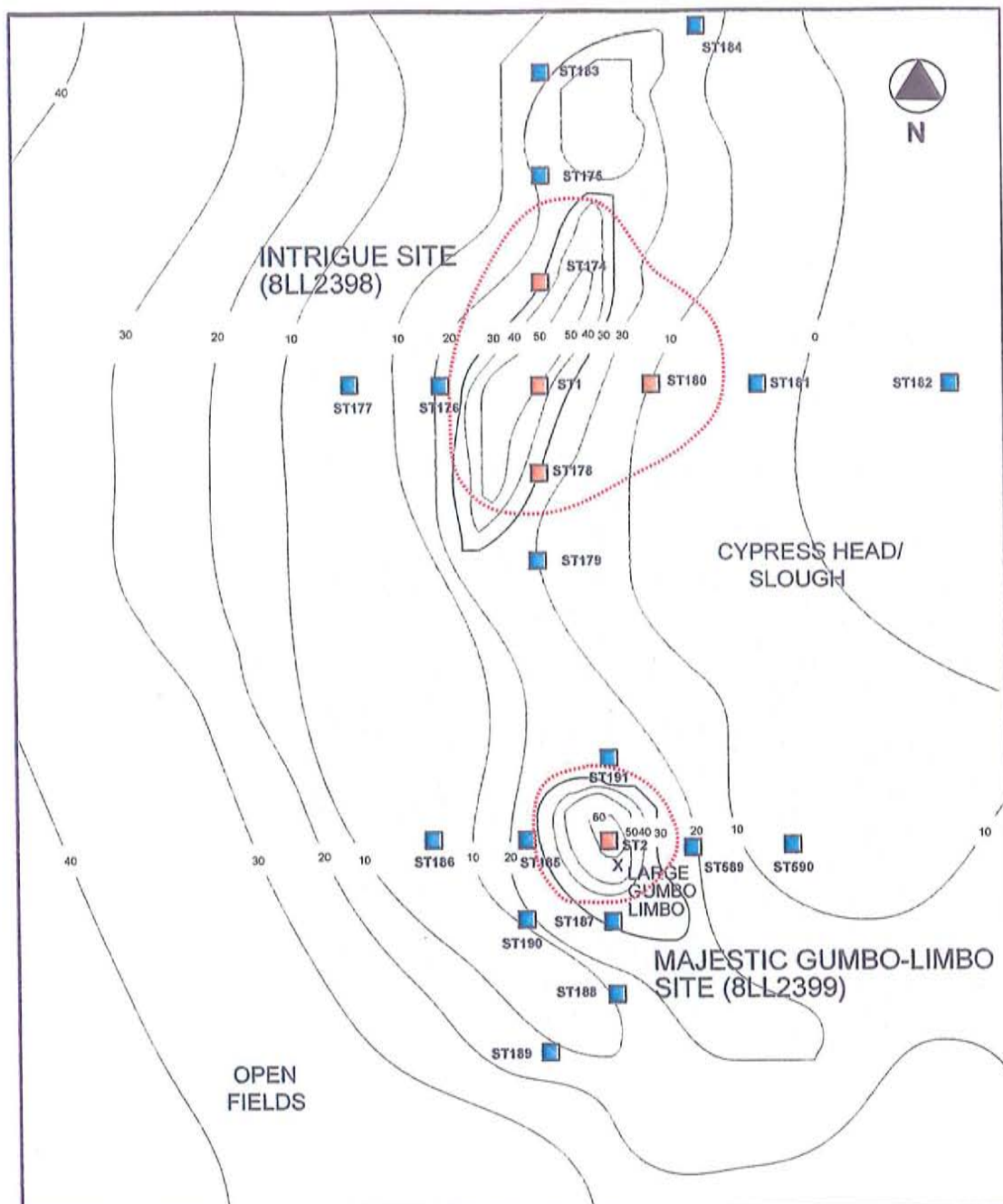


Figure 23. The Intrigue Site, 8LL2398, and Majestic Gumbo-Limbo Site, 8LL2399 areas showing the location of Phase I shovel tests (ST).

- = POSITIVE SHOVEL TEST
 - = NEGATIVE SHOVEL TEST
 - ⋯ = ESTIMATED SITE BOUNDARIES
- Countours Approximate

0 25 50 100 Feet
0 8 16 30 Meters

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Results and Conclusions

This Phase I cultural resource assessment of the North River Assemblage Parcels resulted in the documentation of five previously unrecorded prehistoric sites: 8LL2395, 8LL2396, 8LL2397, 8LL2398, and 8LL2399 (Figure 24). At least three of these sites appear to be small middens or artifact scatters representing possible camps. Site 8LL2399, based on its form and elevation, may be a constructed burial mound.

A check with the Florida Division of Historic Resources on 9-10-07 indicates that there are no previously recorded historical or archaeological sites for Township 46S, Range 23E, Sections 16, 17, 18, 19, 20. No historic buildings occur on the subject parcel although there are six modern structures on the parcel.

A total of 602 shovel tests was dug along 31 transects (Figures 8, 9). High, moderate, and low probability areas were assessed. Eight higher probability zones were identified along the several creeks and the Caloosahatchee River that traverse the parcel. Three of the sites were found on the bank of Trout Creek and two sites were found within a cypress swamp.

Fifteen field specimens representing individual or groups of archaeological materials were recovered during shovel testing. All were prehistoric and included shell refuse, faunal bone, two chert flakes, and 58 STP pottery sherds. Faunal bone includes fish, reptile, and turtle. The recovered material suggests a Late Archaic-Woodland age of human activity (ca. 500 B.C. – A.D. 1000) for the subject parcel.

It is the consultant's opinion that four of the five archaeological sites are regarded as potentially eligible for listing on the National Register of Historic Places based on Criterion D and that these should be preserved if possible and if avoidance is not feasible then Phase II excavations should be conducted. Two of the sites are within wetlands (i.e. 8LL2398 and 8LL2399) and the others are near the creek banks should make preservation a viable option. Site 8LL2396 is a small artifact scatter, and based on available data, does not appear to be eligible for listing on the National Register of Historic Places. However, other site components are possible and if the site area is proposed for development, then Phase II testing is recommended.

Although a systematic effort was made to locate additional sites across the subject parcel without success, there is a likelihood that other archaeological sites, features and artifacts occur. Should subsequent development reveal this, efforts should be made to protect or document these resources. In the event that human remains are discovered then the provisions of Florida Statute 872.05, the Unmarked Human Graves Act, will apply.

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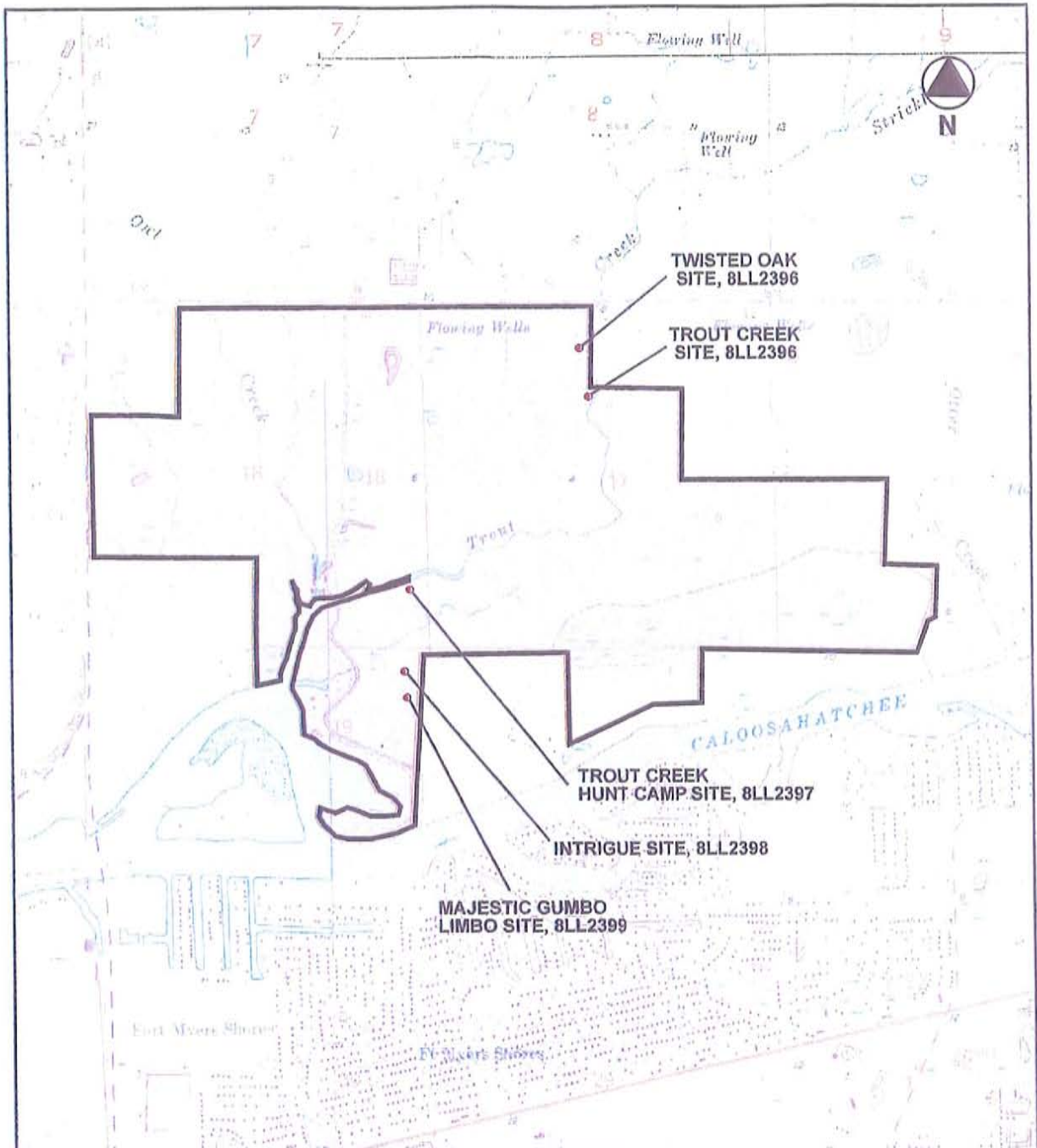


Figure 24. Map of the North River Assemblage Project Parcel showing the location of archaeological sites.

USGS Maps: Fort Myers, Rev. 1991; OLGA, Rev. 1987
Township 43S, Range 26E, Sections 16, 17, 18, 19, 20

0 1/4 1/2 1.0 Mile
0 0.4 0.8 1.6 Kilometer

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APPENDIX 1: NORTH RIVER ASSEMBLAGE PHASE I SHOVEL TEST LOG (POSITIVES ONLY)

ST1: (50cm²) Positive, placed in the south end of the Intrigue Site, 8LL2398
0-16cm Dark gray sand, shell midden, dense oyster shell, sparse faunal bone **(FS-1)**
16-30cm Gray marl, cultural deposit ends
30-45cm Light gray marl

ST2: (50cm²) Positive, placed in the center of what is now known as the Majestic Gumbo Limbo Site, 8LL2399
0-15cm Dark gray sand, sparse shell **(FS-2)**
15-36cm Gray clayey sand

ST4: (50cm²) Positive, 23meters (70 feet) due south of ST3, now designated the Twisted Oak Site, 8LL2395.
0-20cm Gray sand
20-65cm Light gray sand, STP ceramics **(FS-3)**
65-69cm Brown hardpan

ST6: (50cm²) Positive, 28 meters (90 feet) due north of ST5, now designated the Trout Creek Site, 8LL2396
0-23cm Gray sand
23-68cm Light gray sand, thick STP ceramics **(FS-4)**

ST153: (50cm²) Positive, 8 meters (25 feet) north of ST2
0-20cm Gray sand, chert **(FS-5)**
20-83cm Light gray sand

ST174: (50cm²) Positive, 8 meters (25 feet) north of ST1
0-24cm Dark brown silty loam, shell, fish vertebra **(FS-7)**
24-35cm Light gray clay

ST178: (50cm²) Positive, 8 meters (25 feet) south of ST1
0-13cm Brown silty loam
13-51cm Gray silty sandy clay, Fossilized (?) bone **(FS-8)**

ST180: (50cm²) Positive, 8 meters (25 feet) east of ST1
0-12cm Dark brown silty clay loam, faunal bone **(FS-9)**
12-50cm Gray silty sandy clay

ST187: (50cm²) Positive, 8 meters (25 feet) south of ST2
0-35cm Brown silty loam, faunal bone and teeth **(FS-10)**
35-42cm Gray clay

ST244: (50cm²) Positive, 30 meters (100 feet) east of ST243
0-45cm Dark brown silty loam, shell faunal bone STP ceramics **(FS-11)**
45-50cm Yellowish brown clay

ST247: (50cm²) Positive, 8 meters (25 feet) east of ST244
0-21cm Dark brown sand, shell and STP ceramics **(FS-12)**
21-31cm Pale brown sand
31-38cm Brown clay

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ST248: (50cm²) Positive, 8 meters (25 feet) north of ST244
0-35cm Dark brown silty sand, shell, bone, deer antler, deer teeth (**FS-13**)
35-44cm Brown sandy clay

ST249: (50cm²) Positive, 8 meters (25 feet) west of ST244
0-21cm Dark brown silty sand, faunal bone, shell, STP ceramics (**FS-14**)
21-45cm Brown sand
45-50cm Brown sandy clay

ST349: (50cm²) Positive, 60 meters (200 feet) south of ST348. This finding was adjudged a "single artifact occurrence" by subsequent shovel testing.
0-30cm Dark gray sand
30-70cm Pale brown sand, one chert flake (**FS-15**)

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rcjA 2006-00012

APPENDIX 2: NORTH RIVER ASSEMBLAGE PHASE I FIELD SPECIMEN (FS) LOG

Field Specimen Number	Provenience (Shovel Test Number and Depth)	Description	Collector
1	ST1, 0-16cm, Intrigue Site, 8LL2398	Marine shell (82.1g), faunal bone (10g), terrestrial shell (2.1g)	JM
2	ST2, 0-15cm, Majestic Gumbo Limbo Site, 8LL2399	Marine shell (3.5g), terrestrial shell (3.7g)	JM
3	ST4, 20-65cm, Twisted Oak Site, 8LL2395	STP body sherds (35), STP rim sherds (2), charcoal (1g)	JM
4	ST6, 23-68cm, Trout Creek Site, 8LL2396	Thick STP body sherds (9)	JM
5	ST153, 0-35cm, Twisted Oak Site, 8LL2395	Chert flake (1)	JC
6	ST165, 0-40cm, Twisted Oak Site, 8LL2395	STP body sherds (2)	JC
7	ST174, 0-24cm, Intrigue Site, 8LL2398	Marine shell (21.4g) faunal bone (.4g)	JC
8	ST178, 13-51cm, Intrigue Site, 8LL2398	Limestone (13.9g)	JC
9	ST180, 0-33cm, Intrigue Site, 8LL2398	Faunal bone (.4g)	JC
10	ST187, 0-35cm	Faunal bone (3.4g)	JC
11	ST244, 0-45cm, Trout Creek Hunt Camp Site, 8LL2397	Marine shell (26.4g), faunal bone (2.4g), STP body sherds (2)	JC
12	ST247, 0-21cm, Trout Creek Hunt Camp Site, 8LL2397	Marine shell (32.4g), STP body sherds (5), STP rim sherds (1)	JC
13	ST248, 0-35cm, Trout Creek Hunt Camp Site, 8LL2397	Marine shell (63.6g) faunal bone (22.2g)	JC
14	ST249, 0-43cm, Trout Creek Hunt Camp Site, 8LL2397	Marine shell (9.3g), faunal bone (2.6g), STP body sherds (2)	JC
15	ST349, 40 cm depth, single artifact occurrence in southwestern part of parcel	Chert flake (1)	JC

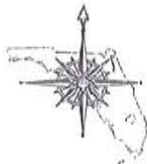
JM = Joe Mankowski

JC = John Crump

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Ent D (FMSF only) 1 / 1 / 1

Survey Log Sheet

Florida Master Site File
Version 2.0 9/97

Survey # (FMSF only) _____

Consult *Guide to the Survey Log Sheet* for detailed instructions.

Identification and Bibliographic Information

Survey Project (Name and project phase) North River Assemblage Parcel Phase One Cultural Resource AssessmentReport Title (exactly as on title page) A Phase I Culutral Resource Assessment Survey of the North River Assemblage Parcels, Lee County, FloridaReport Author(s) (as on title page— individual or corporate; last names first) Carr, Robert S., Beriault, John G., Mankowski, Joseph F.Publication Date (year): 2007 Total Number of Pages in Report (Count text, figures, tables, not site forms): 59Publication Information (If relevant, series and no. in series, publisher, and city. For article or chapter, cite page numbers. Use the style of *American Antiquity*; see *Guide to the Survey Log Sheet*.): Archaeological and Historical Survey Technical Report #814, Project No. 2007.77Supervisor(s) of Fieldwork (whether or not the same as author(s); last name first): Carr, Robert S.Affiliation of Fieldworkers (organization, city): Archaeological and Historical Conservancy, Inc. (AHC), Davie, FLKey Words/Phrases (Don't use the county, or common words like *archaeology*, *structure*, *survey*, *architecture*. Put the most important first. Limit each word or phrase to 25 characters.): Trout Creek, Owl Creek, Caloosahatchee

Survey Sponsors (corporation, government unit, or person who is directly paying for fieldwork)

Name: Bonita Bay Properties, Inc.Address/Phone: 9990 Coconut Road, Suite 200, Bonita Springs, FL 34135Recorder of *Log Sheet* John G. BeriaultDate *Log Sheet* Completed: 11/23/2007Is this survey or project a continuation of a previous project? ☒ No ☐ Yes: Previous survey #(s) (FMSF only) _____

Mapping

Counties (List each one in which field survey was done - do not abbreviate; use supplement sheet if necessary): LeeUSGS 1:24,000 Map(s) : Map Name/Date of Latest Revision (use supplement sheet if necessary): Olga, rev. 1987; Fort Myers, 1991

Description of Survey Area

Dates for Fieldwork: Start 2/20/2006 End 10/02/2007 Total Area Surveyed (fill in one) 520 hectares 1300 acresNumber of Distinct Tracts or Areas Surveyed one

If Corridor (fill in one for each): Width _____ meters _____ feet Length _____ kilometers _____ miles

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Research and Field Methods

Types of Survey (check all that apply): ☒ archaeological ☐ architectural ☒ historical/archival ☐ underwater ☐ other: _____

Preliminary Methods (Check as many as apply to the project as a whole. If needed write others at bottom).

☐ Florida Archives (Gray Building) ☐ library research- local public ☐ local property or tax records ☐ windshield
☐ Florida Photo Archives (Gray Building) ☐ library-special collection - nonlocal ☐ newspaper files ☒ aerial photography
☒ FMSF site property search ☐ Public Lands Survey (maps at DEP) ☐ literature search
☐ FMSF survey search ☒ local informant(s) ☐ Sanborn Insurance maps
☒ other (describe) grayline aerial photographs and USGS Map _____

Archaeological Methods (Describe the proportion of properties at which method was used by writing in the corresponding letter. Blanks are interpreted as "None.")

F(-ew: 0-20%), S(-ome: 20-50%); M(-ost: 50-90%); or A(-ll, Nearly all: 90-100%). If needed write others at bottom.

☐ Check here if NO archaeological methods were used.

☐ surface collection, controlled ☐ other screen shovel test (size: _____) ☐ block excavation (at least 2x2 M)
☐ A_ surface collection, uncontrolled ☐ water screen (finest size: _____) ☐ soil resistivity
☐ A_ shovel test-1/4" screen ☐ posthole tests ☐ magnetometer
☐ shovel test-1/8" screen ☐ auger (size: _____) ☐ side scan sonar
☐ shovel test 1/16" screen ☐ coring ☐ unknown
☐ shovel test-unscreened ☐ test excavation (at least 1x2 M)
☐ other (describe): _____

Historical/Architectural Methods (Describe the proportion of properties at which method was used by writing in the corresponding letter. Blanks are interpreted as "None.")

F(-ew: 0-20%), S(-ome: 20-50%); M(-ost: 50-90%); or A(-ll, Nearly all: 90-100%). If needed write others at bottom.

☒ Check here if NO historical/architectural methods were used.

☐ building permits ☐ demolition permits ☐ neighbor interview ☐ subdivision maps
☐ commercial permits ☐ exposed ground inspected ☐ occupant interview ☐ tax records
☐ interior documentation ☐ local property records ☐ occupation permits ☐ unknown
☐ other (describe): _____

Scope/Intensity/Procedures: Review of USGS maps and aerial photographs followed by vehicular, boat, and pedestrian survey of entire parcel, the selection of eight MPZ, and the excavation of 618 shovel tests judgmentally and systematically in thirty-one transects.

Survey Results (cultural resources recorded)

Site Significance Evaluated? ☒ Yes ☐ No If Yes, circle NR-eligible/significant site numbers below.

Site Counts: Previously Recorded Sites None Newly Recorded Sites Five

Previously Recorded Site #'s (List site #'s without "8." Attach supplementary pages if necessary) _____

Newly Recorded Site #'s (Are you sure all are originals and not updates? Identify methods used to check for updates, ie, researched the FMSF records. List site #'s without "8." Attach supplementary pages if necessary.): LL2395, LL2396, LL2397, LL2398, LL2399

Site Form Used: ☐ SmartForm ☒ FMSF Paper Form ☐ Approved Custom Form: Attach copies of written approval from FMSF Supervisor.

DO NOT USE *****SITE FILE USE ONLY*****DO NOT USE

BAR Related

☐ 872 ☐ 1A32
☐ CARL ☐ UW

BHP Related

☐ State Historic Preservation Grant
☐ Compliance Review: CRAT # _____

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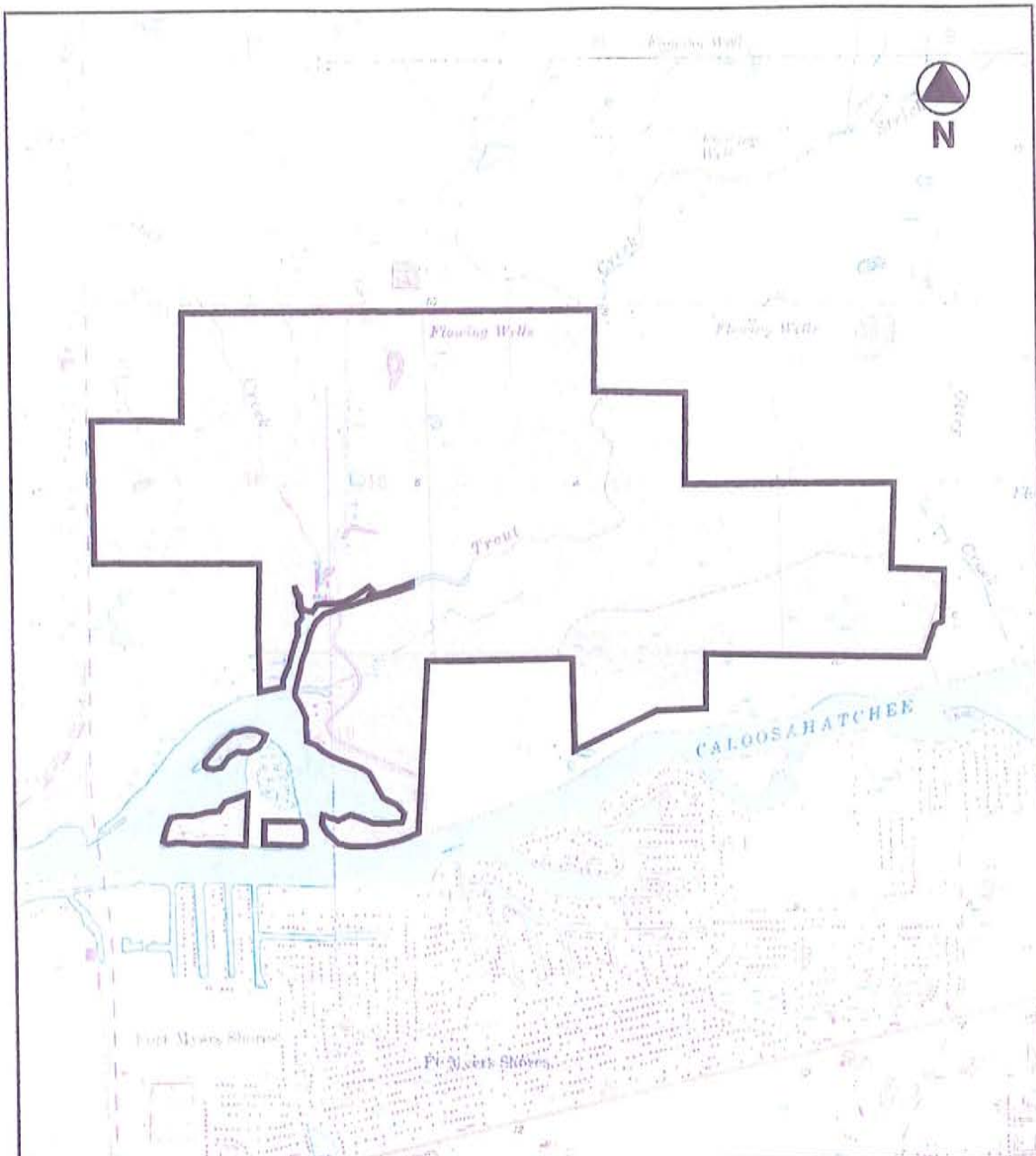
ATTACH PLOT OF SURVEY AREA ON PHOTOCOPIES OF USGS 1:24,000 MAP(S)

HR6E06610-97 Florida Master Site File, Division of Historical Resources, Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250

Phone 850-487-2299, Suncom 277-2299, FAX 850-921-0372, Email fmsfile@mail.dos.state.fl.us, Web http://www.dos.state.fl.us/dhr/fmsf/

S:\2007 PROJECT FOLDERS\North River Revised 2007.77\NorthRiver_Rpt_814\NorthRiver_Rpt_Txt\NorthRiver_SurveyLog.doc 11/23/07 3:05 PM

2006-00012



Survey Log Form Map. USGS map of the North River Assemblage Project Parcel area.

USGS Maps: Fort Myers, Rev. 1991; Olga, Rev. 1987
Township 43S, Range 26E, Sections 16, 17, 18, 19, 20

2006-00012

0 1/4 1/2 1.0 Mile
0 0.4 0.8 1.6 Kilometer

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COMMUNITY DEVELOPMENT

Page 1

x Original

□ Update

ARCHAEOLOGICAL SITE FORM

FLORIDA MASTER SITE FILE

Version 2.2 12/95

Site #8LL2395

Recorder #

Field Date 8/20/06

Form Date 9/14/06

Site Name(s) Twisted Oak [Multiple Listing #8]Project Name North River Assemblage Parcel [Survey #]Ownership: ☒ private-profit ☐ private-nonprofit ☐ private-individual ☐ private-unspecified ☐ city ☐ county ☐ state ☐ federal ☐ foreign ☐ native american ☐ unknownUSGS 7.5 map name & date Olga (1987)County LeeTownship 43S Range 26E Section 17 ¼ Sect.: ☐ NE ☒ NW ☐ SE ☐ SW (check all that apply)City / Town Fort Myers in Current City Limits? ☒ Y ☒ X NUTM: zone ☐ 16 ☒ 17 easting _____ 0 northing _____ 0Address / Vicinity of / Route to State Road 31 to juncture with SR78, thence east 1.5 miles Site is 400 yards south of road and west of Trout Creek.

A large twisted oak marks center of site area.

Landgrant

Tax Parcel #

Name of Public Tract (e.g., park)

TYPE OF SITE (Check all choices that apply; if needed write others in at bottom)

SETTING

- ☒ Land - terrestrial
☐ Cave/Sink - subterranean
☐ terrestrial
☐ aquatic
☐ intermittently flooded
☐ Wetland - palustrine
☐ usually flooded (historically)
☐ sometimes flooded
☐ usually dry
 other _____
- ☐ Lake/Pond - lacustrine
☐ River/Stream/Creek - riverine
☐ Tidal - estuarine
☐ Saltwater - marine
☐ marine unspecified
☐ "high energy" marine
☐ "low energy" marine

STRUCTURES - OR - FEATURES

- ☐ aboriginal boat
☐ agric/farm bldg
☐ burial mound
☐ building remains
☐ cemetery/grave
☐ dump/refuse
☐ earthworks
☐ fort
☒ midden
☐ mill unspecified
☐ mission
☐ mound unspecified
☐ plantation
☐ platform mound
☐ road segment
☐ shell midden
☐ shell mound
☐ shipwreck
☐ subsurface features
☐ surface scatter
☐ well

FUNCTION

- ☐ none specified
☒ X campsite
☒ X extractive site
☐ habitation (prehistoric)
☐ homestead (historic)
☐ farmstead
☐ village (prehistoric)
☐ town (historic)
☐ quarry

HISTORIC CONTEXTS (Check all that apply, except use most specific subphases only)

Aboriginal

- ☐ Alachua
☐ Archaic Unspecified?
☐ Belle Glade I
☐ Belle Glade II
☐ Belle Glade III
☐ Belle Glade IV
☐ Belle Glade Unspec
☐ Cades Pond
☐ Deptford
☐ Early Archaic
☐ Early Swift Creek
☐ Englewood
☐ Fort Walton
☐ Glades Ia
☐ Glades Ib
☐ Glades I Unspec
☐ Glades IIa
☐ Glades IIb
☐ Glades IIc
☐ Glades II Unspec
☐ Glades IIIa
☐ Glades IIIb
☐ Glades IIc
☐ Glades III Unspec
☒ X Glades Unspec
☐ Hickory Pond
☐ Late Archaic
☐ Late Swift Creek
☐ Leon-Jefferson
☐ Malabar I
☐ Malabar II
☐ Manasota
☐ Middle Archaic?
☐ Mount Taylor
☐ Norwood
☐ Orange
☐ Paleoindian
☐ Pensacola
☐ Perico Island
☐ Safety Harbor
☐ St. Augustine
☐ St. Johns Ia
☐ St. Johns Ib
☐ St. Johns I Unspecified
☐ St. Johns IIa
☐ St. Johns IIb
☐ St. Johns IIc
☐ St. Johns II Unspecified
☐ St. Johns Unspecified
☐ Santa Rosa
☐ Santa Rosa-Swift Creek

- ☐ Seminole: Colonization
☐ Seminole: 1st War To 2d
☐ Seminole: 2d War To 3d
☐ Seminole: 3d War On
☐ Seminole-Unspecified
☐ Swift Creek Unspecified
☐ Transitional
☐ Weeden Island I
☐ Weeden Island II
☐ Weeden Island Unspec
☐ Prehistoric Nonceramic
☐ Prehistoric Ceramic
☐ Prehistoric Unspecified

Nonaboriginal

- ☐ 1st Spanish 1513-99
☐ 1st Spanish 1600-99
☐ 1st Spanish 1700-1763
☐ 1st Spanish Unspecified
☐ British 1763-1783
☐ 2nd Spanish 1783-1821
☐ Amer.Territor' 1821-45
☐ Amer.Civil War 1861-65
☐ American 19th Century
☐ quarry American 20th Century
☐ American Unspecified
☐ African-American

☐ other (Less common phases are not checklisted. For historic sites, also give specific dates if known)

SURVEYOR'S EVALUATION OF SITE

Potentially eligible for local designation? ☒ yes ☐ no ☐ insuff. infoIndividually eligible for National Register? ☒ yes ☐ no ☐ insuff. infoPotential contributor to NR district? ☐ yes ☐ no ☒ X insuff. info

Name of Local Register eligible for:

Explanation of Evaluation (Required if evaluated; limit to 3 lines; attach full justification)

A fairly intact, moderate intensity scatter of lithics and ceramics.

Recommendations for Site Preservation or further investigation

COMMUNITY DEVELOPMENT

DHR USE ONLY===== OFFICIAL EVALUATIONS =====DHR USE ONLY

NR DATE

KEEPER-NR ELIGIBILITY:

☐ y ☐ n

Date

DELIST DATE

SHPO-NR ELIGIBILITY:

☐ y ☐ n ☐ pe ☐ ii

Date

LOCAL DESIGNATION:

LOCAL DESIGNATION:

Date

Local office

National Register Criteria for Evaluation ☐ a ☐ b ☐ c ☐ d

CPA 2006-00012

FIELD METHODS (Check one or more methods for detection and for boundaries)Site Detection

- ☐ no field check ☐ exposed ground ☒ screened shovel
☐ literature search ☐ posthole digger ☐ aerial photo
☐ informant report ☐ auger--size: _____ ☐ Field visit and survey
☐ literature search ☐ unscreened shovel
☐ posthole digger ☐ block excavations ☐ remote sensing
☐ information

Site Boundaries

- ☐ bounds unknown ☐ remote sensing ☐ unscreened shovel
☐ none by recorder ☐ insp exposed ground ☒ screened shovel
☐ auger--size: _____ ☐ estimate or guess

Number, size, depth, pattern of units; screen size Approximately 12 50-cm judgmental and systematic shovel tests

SITE DESCRIPTION

Extent Size (m²) 2500m² Depth/stratigraphy of cultural deposit 35cm deep x 20cm thick

Temporal Interpretation Components: ☐ single ☐ prob single ☒ prob multiple ☐ multiple ☐ uncertain ☐ unknown
Describe each occupation in plan (refer to attached large scale map) and stratigraphically. Discuss temporal and functional interpretations.

Integrity Overall disturbance: ☐ none seen ☒ minor ☐ substantial ☐ major ☐ redeposited destroyed-document! ☐ unknown

Disturbances / threats / protective measures _____

Area Collected _____ m² Surface: #collect. Units _____ Excavation: #contiguous blocks _____

ARTIFACTS

Total Artifacts # _____ (C)ount or (E)stimate? c Surface # _____ Subsurface # _____

Overall Collection Strategy

- ☐ unknown ☒ unselective (all artifacts)
☐ selective (some artifacts)
☐ mixed selectivity
☐ uncollected ☐ general (not by subarea)
☐ controlled (by subarea)
☐ variable spatial control
☐ Other _____

Artifact Categories / Artifact Depositions

- ☐ unspecified ☐ nonlocal-exotic
☒ lithics, aboriginal ☐ metal, nonprecious
☒ ceramic-aboriginal ☐ bone-human
☐ ceramic-nonaboriginal ☒ bone-animal
☐ daub ☐ bone-unspecif
☐ brick/bldg matl ☐ unworked shell
☐ glass ☐ worked shell
☐ precious metal/coin ☐ Other _____

Disposition List

- A - this category always collected
 O - observed, not collected
 I - informant reported or collected
 S - some items in category collected
 R - collected & reburied at site
 U - unknown

(Use abbreviation(s) from Deposition List to fill blank(s) of pertinent Artifact Categories)

DIAGNOSTICS (Type and frequency)

- | | | |
|----------------------------|----------------------|-----------------------|
| 1. <u>chert flakes</u> N=2 | 5. _____ N= _____ | 9. _____ N= _____ |
| 2. _____ N= _____ | 6. _____ N= _____ | 10. _____ N= _____ |
| 3. _____ N= _____ | 7. _____ N= _____ | 11. _____ N= _____ |
| 4. _____ N= _____ | 8. _____ N= _____ | 12. _____ N= _____ |

ENVIRONMENT

Nearest fresh water (type & name) Trout Creek Distance (m)/bearing 60M East

Natural community Open cleared field, oak hammock

Local vegetation Grass, large live oak

Topography Gently rolling, moderately elevated MIN Elevation 3 m MAX Elevation 4 m

Present land use Cattle pasture

SCS soil series Boca fine sand Soil association Immokalee/ Caloosahatchee

FURTHER INFORMATION

Informant(s): Name/Address/Phone John G. Beriault

Location & File numbers (field notes, artifacts/accession nos, photographs/negative nos.) Archaeological and Historical Conservancy, Inc.

4800 SW 64th Avenue, Suite 107, Davie, FL 33314 (954) 792-9776 Fax: (954)-792-9554 email: archlqcl@bellsouth.net

Manuscripts or Publications on the site (Use Continuation Sheet, give FSF# if relevant) _____

Recorder(s): Name/Address/Phone John G. Beriault

Affiliation or FAS Chapter FAS, SHA, AHC

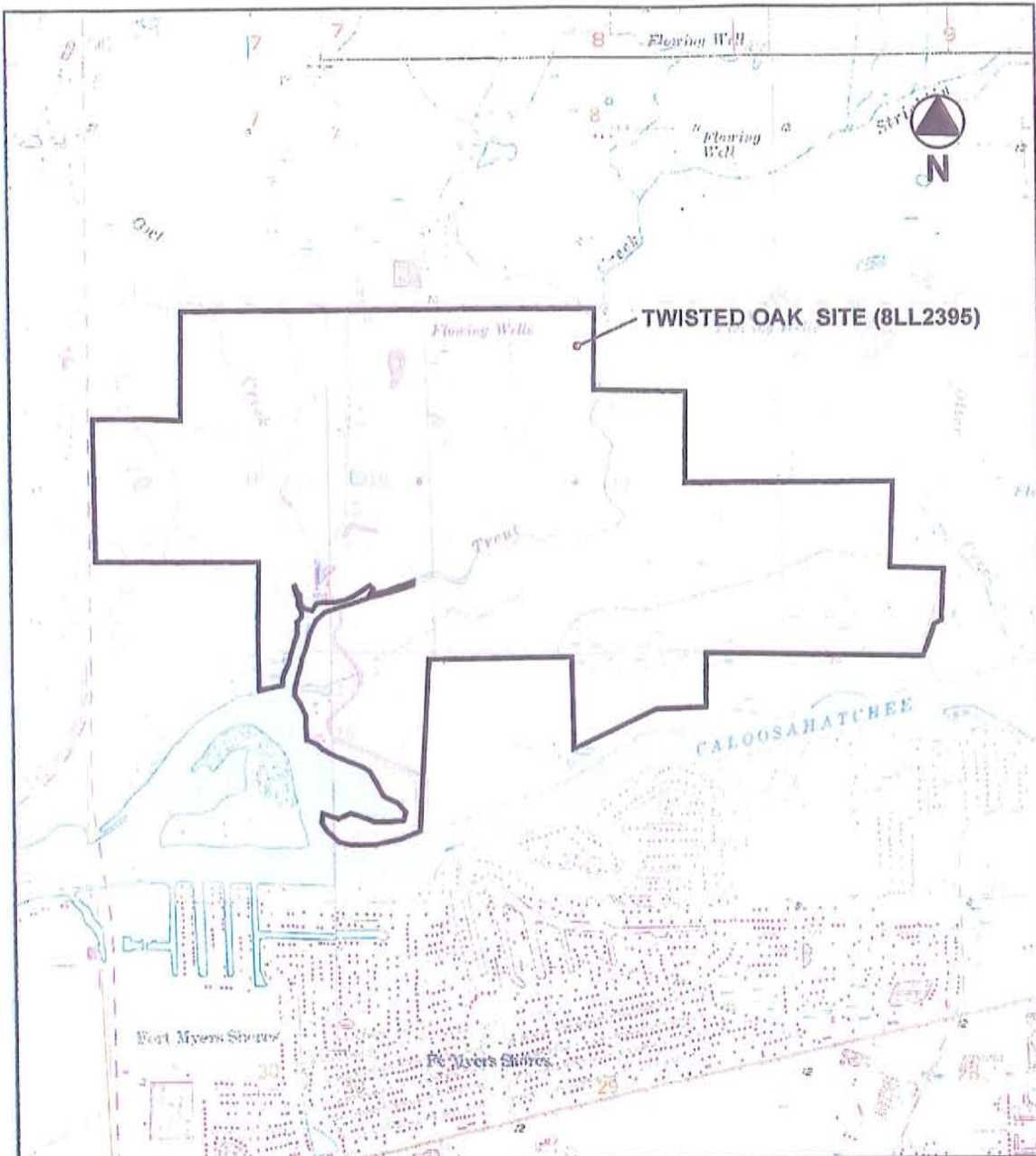
*** PLEASE INCLUDE SITE PLANS ***

LARGE SCALE MAP: At 1"=200' or larger scale, show: site boundaries, scale, North arrow, datum, test/collection units, tie-ins to USGS.

NARRATIVE DESCRIPTION/CONTINUATIONS: Attach additional sheets with detailed information or with continuations. **COMMUNITY DEVELOPMENT**

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CPA 2006-00012



USGS map of the North River Assemblage Project Parcel showing the location of the Twisted Oak Site, 8LL2395.

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DEC 17 2007

USGS Maps: Fort Myers, Rev. 1991; Olga, Rev. 1987
Township 43S, Range 26E, Sections 16, 17, 18, 19, 20

COMMUNITY DEVELOPMENT
0 1/4 1/2 1.0 Mile
0 0.4 0.8 1.6 Kilometer

2006-00012

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□ Update

ARCHAEOLOGICAL SITE FORM

FLORIDA MASTER SITE FILE

Version 2.2 12/95

Site #8LL2396

Recorder #

Field Date 8/20/06

Form Date 9/14/06

Site Name(s) Trout Creek [Multiple Listing #8]

Project Name North River Assemblage Parcel [Survey #]

Ownership: X private-profit □ private-nonprofit □ private-individual private-unspecified □ city □ county □ state □ federal □ foreign □ native american □ unknown

USGS 7.5 map name & date Olga (1987) County Lee

Township 43S Range 26E Section 17 ¼ Sect.: □ NE X NW □ SE □ SW (check all that apply)

City / Town Fort Myers in Current City Limits? Y X N

UTM: zone □ 16 X 17 easting 0 northing 0

Address / Vicinity of / Route to State Road 31 to juncture with SR78, thence east 1.5 miles Site is 800 yards south of road and west of Trout Creek.

A bridge marks north edge of site area area.

Landgrant Tax Parcel #

Name of Public Tract (e.g., park)

TYPE OF SITE (Check all choices that apply; if needed write others in at bottom)

SETTING

- X Land - terrestrial
 □ Cave/Sink - subterranean
 □ terrestrial
 □ aquatic
 □ Intermittently flooded
 □ Wetland - palustrine
 □ usually flooded (historically)
 □ sometimes flooded
 □ usually dry
 other
- Lake/Pond - lacustrine
 □ River/Stream/Creek - riverine
 □ Tidal - estuarine
 □ Saltwater - marine
 □ marine unspecified
 □ "high energy" marine
 □ "low energy" marine

STRUCTURES - OR - FEATURES

- aboriginal boat
 □ agric/farm bldg
 □ burial mound
 □ building remains
 □ cemetery/grave
 □ dump/refuse
 □ earthworks
- fort
 X midden
 □ mill unspecified
 □ mission
 □ mound unspecified
 □ plantation
 □ platform mound
- road segment
 □ shell midden
 □ shell mound
 □ shipwreck
 □ subsurface features
 □ surface scatter
 □ well

FUNCTION

- none specified
 X campsite
 X extractive site
 □ habitation (prehistoric)
 □ homestead (historic)
 □ farmstead
 □ village (prehistoric)
 □ town (historic)
 □ quarry

HISTORIC CONTEXTS (Check all that apply, except use most specific subphases only)

Aboriginal

- Alachua
 □ Archaic Unspecified?
 □ Belle Glade I
 □ Belle Glade II
 □ Belle Glade III
 □ Belle Glade IV
 □ Belle Glade Unspec
 □ Cades Pond
 □ Deptford
 □ Early Archaic
 □ Early Swift Creek
 □ Englewood
 □ Fort Walton
 □ Glades Ia
 □ Glades Ib
 □ Glades I Unspec
 □ Glades IIa
 □ Glades IIb
 □ Glades IIc
 □ Glades II Unspec
 □ Glades IIIa
 □ Glades IIIb
 □ Glades IIIc
 □ Glades III Unspec
 □ X Glades Unspec
 □ Hickory Pond
 □ Late Archaic
 □ Late Swift Creek
 □ Leon-Jefferson
 □ Malabar I
 □ Malabar II
 □ Manasota
 □ Middle Archaic
 □ Mount Taylor
 □ Norwood
 □ Orange
 □ Paleoindian
 □ Pensacola
 □ Perico Island
 □ Safety Harbor
 □ St. Augustine
 □ St. Johns Ia
 □ St. Johns Ib
 □ St. Johns I Unspecified
 □ St. Johns IIa
 □ St. Johns IIb
 □ St. Johns IIc
 □ St. Johns II Unspecified
 □ St. Johns Unspecified
 □ Santa Rosa
 □ Santa Rosa-Swift Creek
 □ Seminole: Colonization
 □ Seminole: 1st War To 2d
 □ Seminole: 2d War To 3d
 □ Seminole: 3d War On
 □ Seminole-Unspecified
 □ Swift Creek Unspecified
 □ Transitional
 □ Weeden Island I
 □ Weeden Island II
 □ Weeden Island Unspec
 □ Prehistoric Nonceramic
 □ Prehistoric Ceramic
 □ Prehistoric Unspecified

Nonaboriginal

- 1st Spanish 1513-99
 □ 1st Spanish 1600-99
 □ 1st Spanish 1700-1763
 □ 1st Spanish Unspecified
 □ British 1763-1783
 □ Transitional
 □ 2nd Spanish 1783-1821
 □ Amer.Territor! 1821-45
 □ Amer.Civil War 1861-65
 □ American 19th Century
 □ quarry American 20th Century
 □ American Unspecified
 □ African-American

□ other (Less common phases are not checklisted. For historic sites, also give specific dates if known)

SURVEYOR'S EVALUATION OF SITE

Potentially eligible for local designation? □ yes x no □ insuff. info

Individually eligible for National Register? □ yes X no □ insuff. info

Potential contributor to NR district? □ yes x no □ insuff. info

Name of Local Register eligible for:

Explanation of Evaluation (Required if evaluated; limit to 3 lines; attach full justification)

A fairly intact, light intensity scatter of ceramics.

Recommendations for Site Preservation or further investigation

COMMUNITY DEVELOPMENT

DHR USE ONLY===== OFFICIAL EVALUATIONS =====DHR USE ONLY

NR DATE

KEEPER-NR ELIGIBILITY:

□ y □ n

Date / /

DELIST DATE

SHPO-NR ELIGIBILITY:

□ y □ n □ pe □ ii

Date / /

LOCAL DESIGNATION:

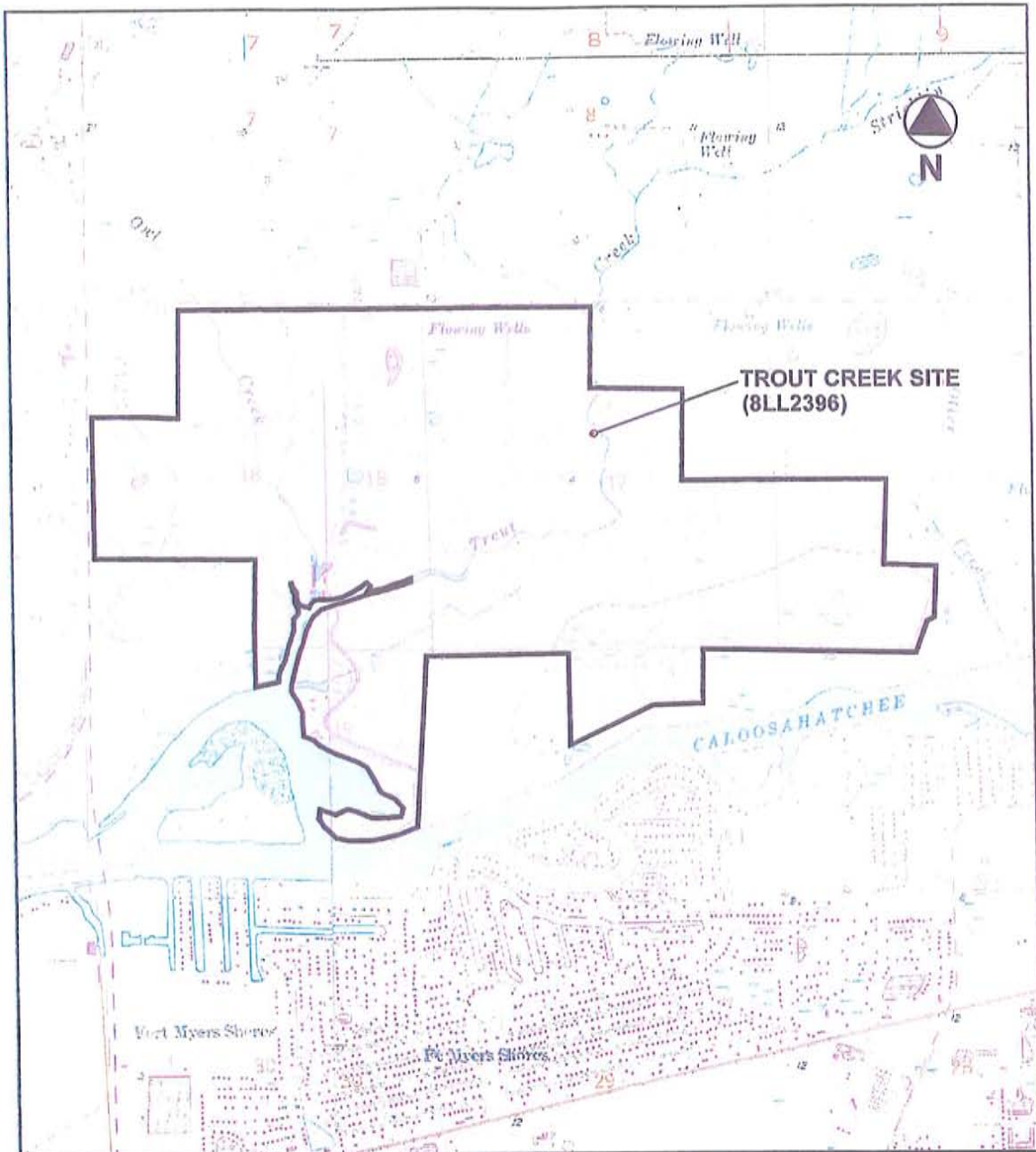
LOCAL DESIGNATION:

Date / /

Local office

National Register Criteria for Evaluation □ a □ b □ c □ d

EPA 2006-00012



USGS map of the North River Assemblage Project Parcel showing the location of the Trout Creek Site, 8LL2396.

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COMMUNITY DEVELOPMENT

USGS Maps: Fort Myers, Rev. 1991; Olga, Rev. 1987
Township 43S, Range 26E, Sections 16, 17, 18, 19, 20

0 1/4 1/2 1.0 Mile
0 0.4 0.8 1.6 Kilometer

CPA 2006-00012

*** PLEASE INCLUDE SITE PLANS ***

LARGE SCALE MAP: At 1"=200' or larger scale, show: site boundaries, scale, North arrow, datum, test/collection units, tie-ins to USGS.
NARRATIVE DESCRIPTION/CONTINUATIONS: Attach additional sheets with detailed information or with continuations.

Computer Document File Irving F:\DOCS\FORMS\AR_95.DOC

Appendix

Page 1

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ARCHAEOLOGICAL SITE FORM FLORIDA MASTER SITE FILE Version 2.2 12/95

Site #8LL2397

Recorder #

Field Date 8/20/06

Form Date 9/14/06

Site Name(s) Trout Creek Hunt Camp [Multiple Listing #8]
Project Name North River Assemblage [Survey #]

Ownership: X private-profit □ private-nonprofit □ private-individual private-unspecified □ city □ county □ state □ federal □ foreign □ native american □ unknown

USGS 7.5 map name & date Olga (1987) County Lee

Township 43S Range 26E Section 18 ¼ Sect.: □ NE □ NW X SE □ SW (check all that apply)

City / Town Fort Myers in Current City Limits? Y X N

UTM: zone □ 16 X 17 easting _____ 0 northing _____ 0

Address / Vicinity of / Route to State Road 31 to juncture with SR78, thence east 1.5 miles to Owl Creek Road, thence south .8 miles Site is 300 yards east of road and south of Trout Creek.

Landgrant _____ Tax Parcel # _____

Name of Public Tract (e.g., park) _____

TYPE OF SITE (Check all choices that apply; if needed write others in at bottom)

SETTING

- X Land - terrestrial □ Lake/Pond - lacustrine
□ Cave/Sink - subterranean □ River/Stream/Creek - riverine
□ terrestrial □ Tidal - estuarine
□ aquatic □ Saltwater - marine
□ intermittently flooded □ marine unspecified
□ Wetland - palustrine □ "high energy" marine
□ usually flooded (historically) □ "low energy" marine
□ sometimes flooded
□ usually dry

other _____

STRUCTURES - OR - FEATURES

- aboriginal boat □ fort □ road segment
□ agric/farm bldg X midden □ shell midden
□ burial mound □ mill unspecified □ shell mound
□ building remains □ mission □ shipwreck
□ cemetery/grave □ mound unspecified □ subsurface features
□ dump/refuse □ plantation □ surface scatter
□ earthworks □ platform mound □ well

FUNCTION

- none specified
X campsite
X extractive site
□ habitation (prehistoric)
□ homestead (historic)
□ farmstead
□ village (prehistoric)
□ town (historic)
□ quarry

HISTORIC CONTEXTS (Check all that apply, except use most specific subphases only)

Aboriginal

- Alachua □ Fort Walton □ Hickory Pond □ Perico Island
□ Archaic Unspecified? □ Glades Ia □ Late Archaic □ Safety Harbor
□ Belle Glade I □ Glades Ib □ Late Swift Creek □ St. Augustine
□ Belle Glade II □ Glades I Unspec □ Leon-Jefferson □ St. Johns Ia
□ Belle Glade III □ Glades IIa □ Malabar I □ St. Johns Ib
□ Belle Glade IV □ Glades IIb □ Malabar II □ St. Johns I Unspecified
□ Belle Glade Unspec □ Glades IIc □ Manasota □ St. Johns IIa
□ Cades Pond □ Glades II Unspec □ Middle Archaic □ St. Johns IIb
□ Deptford □ Glades IIIa □ Mount Taylor □ St. Johns IIc
□ Early Archaic □ Glades IIIb □ Norwood □ St. Johns II Unspecified
□ Early Swift Creek □ Glades IIIc □ Orange □ St. Johns Unspecified
□ Englewood □ Glades III Unspec □ Paleoindian □ Santa Rosa
□ other (Less common phases are not checklisted. For historic sites, also give specific dates if known) X Glades Unspec □ Pensacola □ Santa Rosa-Swift Creek □ Prehistoric Unspecified

Nonaboriginal

- 1st Spanish 1513-99
□ 1st Spanish 1600-99
□ 1st Spanish 1700-1763
□ 1st Spanish Unspecified
□ British 1763-1783
□ 2nd Spanish 1783-1821
□ Amer. Terror! 1821-45
□ Amer. Civil War 1861-65
□ American 19th Century
□ quarry American 20th Century
□ American Unspecified
□ African-American

SURVEYOR'S EVALUATION OF SITE

- Potentially eligible for local designation? X yes □ no □ insuff. info
Individually eligible for National Register? X yes □ no □ insuff. info
Potential contributor to NR district? □ yes □ no X insuff. info

Name of Local Register eligible for: _____

Explanation of Evaluation (Required if evaluated; limit to 3 lines; attach full justification)

A fairly intact, moderate intensity creekside midden deposit with shell, faunal bone, lithics and ceramics.

Recommendations for Site Preservation or further investigation

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DHR USE ONLY===== OFFICIAL EVALUATIONS =====DHR USE ONLY

NR DATE

KEEPER-NR ELIGIBILITY:

□ y □ n

Date / /

DELIST DATE

SHPO-NR ELIGIBILITY:

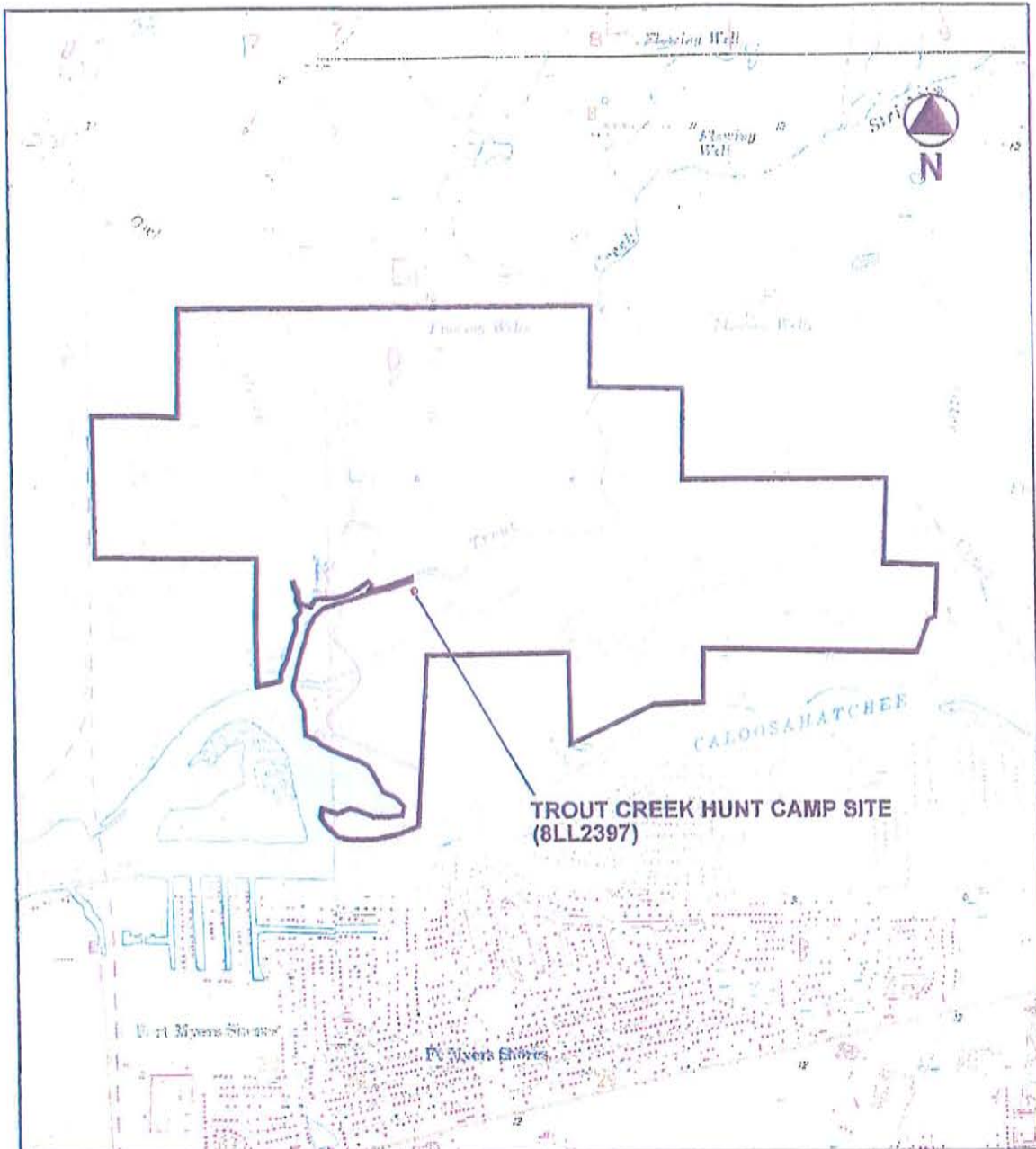
□ y □ n □ pe □ ii

Date / /

LOCAL DESIGNATION:

Date / /

2006-00012



USGS map of the North River Assemblage Project Parcel showing the location of the Trout Creek Hunt Camp Site, 8LL2397.

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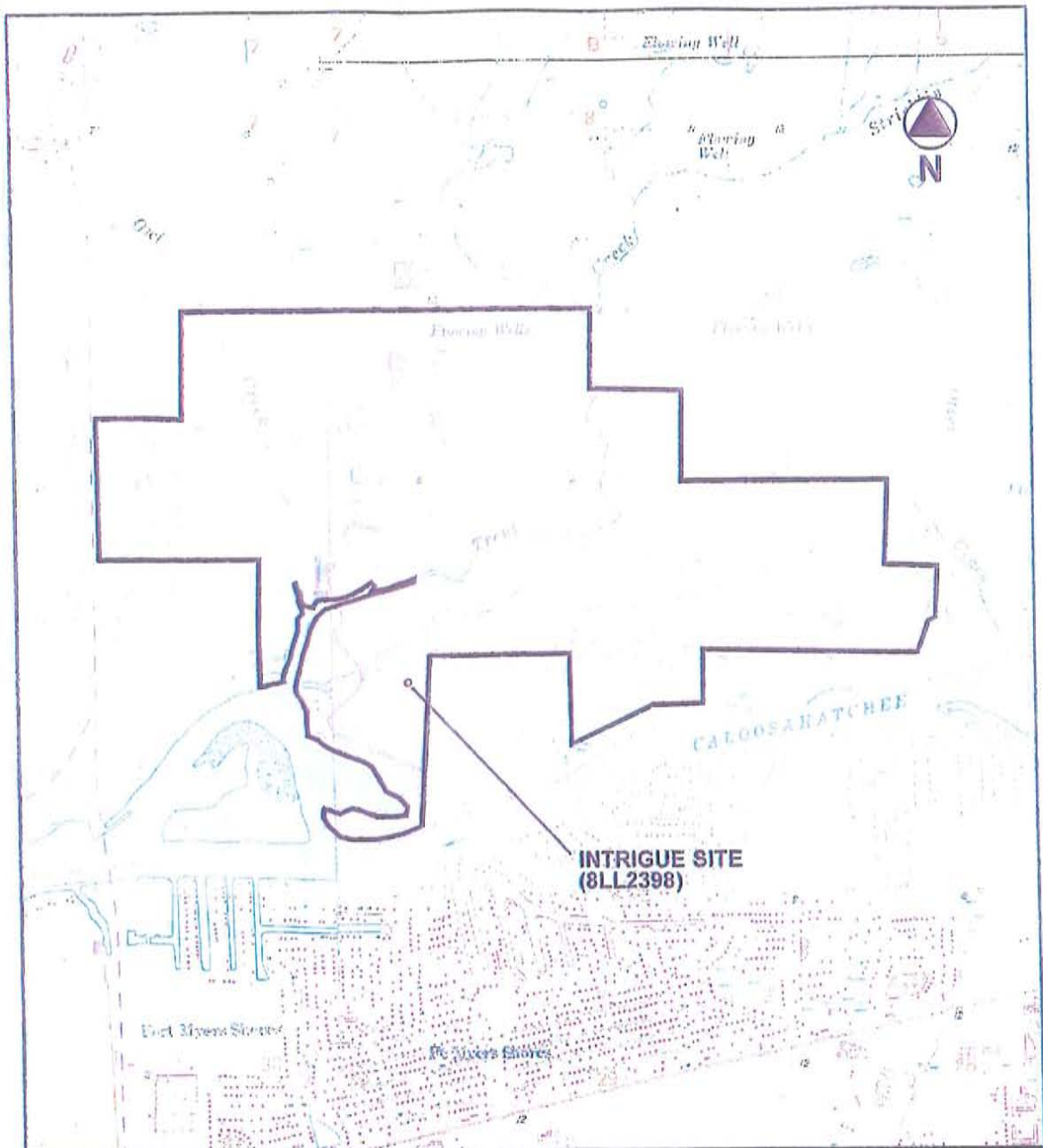
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COMMUNITY DEVELOPMENT

USGS Maps: Fort Myers, Rev. 1991; Olga, Rev. 1987
Township 43S, Range 26E, Sections 16, 17, 18, 19, 20



2006-00012



USGS map of the North River Assemblage Project Parcel showing the location of the Intrigue Site, 8LL2398.

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USGS Maps: Fort Myers, Rev. 1991; Olga, Rev. 1987
Township 43S, Range 26E, Sections 16, 17, 18, 19, 20



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Page 2

ARCHAEOLOGICAL SITE FORM

Site #8112397

FIELD METHODS (Check one or more methods for detection and for boundaries)

Site Detection

- ☐ no field check ☐ exposed ground ☒ screened shovel
☐ literature search ☐ posthole digger ☐ aerial photo
☐ informant report ☐ auger--size: _____ ☐ Field visit and
☐ literature search ☐ unscreened shovel survey
☐ posthole digger ☐ block excavations ☐ remote sensing
☐ information

Site Boundaries

- ☐ bounds unknown ☐ remote sensing ☐ unscreened shovel
☐ none by recorder ☐ insp exposed ground ☒ screened shovel
☐ auger--size: _____ ☐ estimate or guess

Number, size, depth, pattern of units; screen size approximately 10 50-cm judgmental and systematic shovel tests

SITE DESCRIPTION

Extent Size (m²) 750m2 Depth/stratigraphy of cultural deposit surface to 30 cm thickTemporal Interpretation Components: ☐ single ☐ prob single ☒ prob multiple ☐ multiple ☐ uncertain ☐ unknown

Describe each occupation in plan (refer to attached large scale map) and stratigraphically. Discuss temporal and functional interpretations.

Integrity Overall disturbance: ☐ none seen ☒ minor ☐ substantial ☐ major ☐ redeposited destroyed-document! ☐ unknown

Disturbances / threats / protective measures _____

Area Collected _____ m² Surface: #collect. Units _____ Excavation: #contiguous blocks _____

ARTIFACTS

Total Artifacts # _____ (C)ount or (E)stimate? c Surface # _____ Subsurface # _____

Overall Collection Strategy

- ☐ unknown ☒ unselective (all artifacts)
☐ selective (some artifacts)
☐ mixed selectivity
☐ uncollected ☐ general (not by subarea)
☐ controlled (by subarea)
☐ variable spatial control
☐ Other _____

Artifact Categories / Artifact Depositions

- _____ unspecified _____ nonlocal-exotic
A lithics, aboriginal _____ metal, nonprecious
A ceramic-aboriginal _____ bone-human
_____ ceramic-nonaboriginal A bone-animal
_____ daub _____ bone-unspecif
_____ brick/bldg matl A unworked shell
_____ glass A worked shell
_____ precious metal/coin _____ Other _____

Disposition List

- A** - this category always collected
O - observed, not collected
I - informant reported or collected
S - some items in category collected
R - collected & reburied at site
U - unknown

(Use abbreviation(s) from Deposition List to fill blank(s) of pertinent Artifact Categories)

DIAGNOSTICS (Type and frequency)

1. _____ N= _____ 5. _____ N= _____ 9. _____ N= _____
2. _____ N= _____ 6. _____ N= _____ 10. _____ N= _____
3. _____ N= _____ 7. _____ N= _____ 11. _____ N= _____
4. _____ N= _____ 8. _____ N= _____ 12. _____ N= _____

ENVIRONMENT

Nearest fresh water (type & name) Trout Creek Distance (m)/bearing 10M NorthNatural community Open cleared field, riverine oak hammockLocal vegetation Grass, live oakTopography Moderately elevated, riverbankMIN Elevation 3 m MAX Elevation 4 mPresent land use Cattle pastureSCS soil series Boca fine sandSoil / association Immokalee Caloosahatchee

FURTHER INFORMATION

Informant(s): Name/Address/Phone John G. BeriaultLocation & File numbers (field notes, artifacts/accession nos, photographs/negative nos.) Archaeological and Historical Conservancy, Inc.
4800 S.W. 64th Avenue, Suite 107, Davie, FL 33314 (954) 792-9776 Fax: (954) 792-9554 email: archlgcl@bellsouth.net

Manuscripts or Publications on the site (Use Continuation Sheet, give FSF# if relevant)

Recorder(s): Name/Address/Phone John G. BeriaultAffiliation or FAS Chapter FAS, SHA, AHC

COMMUNITY DEVELOPMENT

DEC 17 2007

CJA

2006-00012

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☐ Update

ARCHAEOLOGICAL SITE FORM **FLORIDA MASTER SITE FILE** **Version 2.2 12/95**

Site #8LL2399 _____
 Recorder # _____
 Field Date 8/20/06
 Form Date 9/14/06

Site Name(s) Majestic Gumbo Limbo [Multiple Listing #8 _____]
 Project Name North River Assemblage Parcel [Survey # _____]
 Ownership: ☒ private-profit ☐ private-nonprofit ☐ private-individual ☐ private-unspecified ☐ city ☐ county ☐ state ☐ federal ☐ foreign ☐ native american ☐ unknown
 USGS 7.5 map name & date Olga (1987) County Lee
 Township 43S Range 26E Section 19 ¼ Sect.: ☒ NE ☐ NW ☐ SE ☐ SW (check all that apply)
 City / Town Fort Myers in Current City Limits? ☒ Y ☒ X N
 UTM: zone ☐ 16 ☒ 17 easting _____ 0 northing _____ 0
 Address / Vicinity of / Route to State Road 31 to juncture with SR78, thence east 1.5 miles to Owl Creek Road, thence south .9 miles Site is 400 yards east of road and 400 yards south of Trout Creek in SW portion of tall cypress dome feature 200 feet south of Intrigue Site, 8LL2398 area.
 Landgrant _____ Tax Parcel # _____
 Name of Public Tract (e.g., park) _____

TYPE OF SITE (Check all choices that apply; if needed write others in at bottom)

SETTING

- ☒ Land - terrestrial
☐ Cave/Sink - subterranean
 ☐ terrestrial
 ☐ aquatic
 ☐ intermittently flooded
☐ Wetland - palustrine
 ☐ usually flooded (historically)
 ☐ sometimes flooded
 ☐ usually dry
☐ Lake/Pond - lacustrine
☐ River/Stream/Creek - riverine
 ☐ Tidal - estuarine
☐ Saltwater - marine
 ☐ marine unspecified
 ☐ "high energy" marine
 ☐ "low energy" marine

STRUCTURES - OR - FEATURES

- ☐ aboriginal boat
☐ agric/farm bldg
☐ burial mound
☐ building remains
☐ cemetery/grave
☐ dump/refuse
☐ earthworks
☐ fort
☒ X midden
☐ mill unspecified
☐ mission
☐ mound unspecified
☐ plantation
☐ platform mound
☐ road segment
☐ shell midden
☐ shell mound
☐ shipwreck
☐ subsurface features
☐ surface scatter
☐ well

FUNCTION

- ☐ none specified
☐ campsite
☐ extractive site
☐ habitation (prehistoric)
☐ homestead (historic)
☐ farmstead
☐ village (prehistoric)
☐ town (historic)
☐ quarry

Other Unknown: Possible burial mound _____

HISTORIC CONTEXTS (Check all that apply, except use most specific subphases only)

Aboriginal

- ☐ Alachua
☐ Archaic Unspecified?
☐ Belle Glade I
☐ Belle Glade II
☐ Belle Glade III
☐ Belle Glade IV
☐ Belle Glade Unspec
☐ Cades Pond
☐ Deptford
☐ Early Archaic
☐ Early Swift Creek
☐ Englewood
☐ Fort Walton
☐ Glades Ia
☐ Glades Ib
☐ Glades I Unspec
☐ Glades IIa
☐ Glades IIb
☐ Glades IIc
☐ Glades II Unspec
☐ Glades IIIa
☐ Glades IIIb
☐ Glades IIIc
☐ Glades III Unspec
☒ X Glades Unspec
☐ Hickory Pond
☐ Late Archaic
☐ Late Swift Creek
☐ Leon-Jefferson
☐ Malabar I
☐ Malabar II
☐ Manasota
☐ Middle Archaic
☐ Mount Taylor
☐ Norwood
☐ Orange
☐ Paleoindian
☐ Pensacola
☐ Perico Island
☐ Safety Harbor
☐ St. Augustine
☐ St. Johns Ia
☐ St. Johns Ib
☐ St. Johns I Unspecified
☐ St. Johns IIa
☐ St. Johns Iib
☐ St. Johns Iic
☐ St. Johns II Unspecified
☐ St. Johns Unspecified
☐ Santa Rosa
☐ Santa Rosa-Swift Creek
☐ Seminole: Colonization
☐ Seminole: 1st War To 2d
☐ Seminole: 2d War To 3d
☐ Seminole: 3d War On
☐ Seminole-Unspecified
☐ Swift Creek Unspecified
☐ Transitional
☐ Weeden Island I
☐ Weeden Island II
☐ Weeden Island Unspec
☐ Prehistoric Nonceramic
☐ Prehistoric Ceramic
☐ Prehistoric Unspecified

Nonaboriginal

- ☐ 1st Spanish 1513-99
☐ 1st Spanish 1600-99
☐ 1st Spanish 1700-1763
☐ 1st Spanish Unspecified
☐ British 1763-1783
☐ 2nd Spanish 1783-1821
☐ Amer.Territor' 1821-45
☐ Amer.Civil War 1861-65
☐ American 19th Century
☐ quarry American 20th Century
☐ American Unspecified
☐ African-American

☐ other (Less common phases are not checklisted. For historic sites, also give specific dates if known) _____

SURVEYOR'S EVALUATION OF SITE

- Potentially eligible for local designation? ☒ yes ☐ no ☐ insuff. info
 Individually eligible for National Register? ☒ yes ☐ no ☐ insuff. info
 Potential contributor to NR district? ☐ yes ☐ no ☒ X insuff. info

Name of Local Register eligible for: _____

Explanation of Evaluation (Required if evaluated; limit to 3 lines; attach full justification)

A n intact, high sand knoll feature with light cultural deposit in cypress dome.

Recommendations for Site Preservation or further investigation

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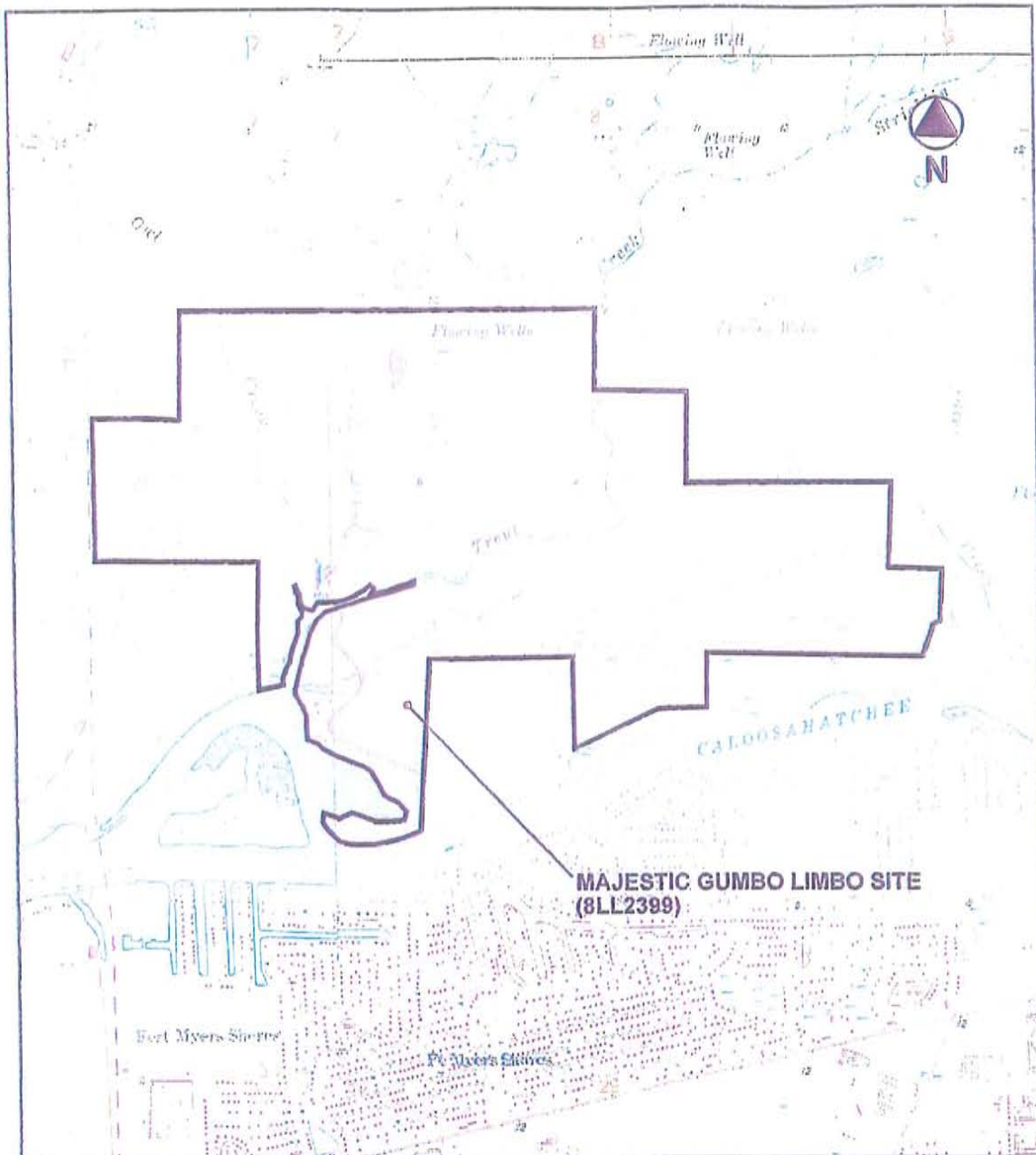
DHR USE ONLY===== OFFICIAL EVALUATIONS =====DHR USE ONLY

COMMUNITY DEVELOPMENT

NR DATE _____ **KEEPER-NR ELIGIBILITY:** ☐ y ☐ n **Date** ____/____/____
 _____ **SHPO-NR ELIGIBILITY:** ☐ y ☐ n ☐ pe ☐ ii **Date** ____/____/____
DELIST DATE _____ **LOCAL DESIGNATION:** _____ **Date** ____/____/____
 _____ **Local office** _____

National Register Criteria for Evaluation ☐ a ☐ b ☐ c ☐ d

2006-00012



USGS map of the North River Assemblage Project Parcel showing the location of the Majestic Gumbo Limbo Site, 8LL2399.

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USGS Maps: Fort Myers, Rev. 1991; Olga, Rev. 1987
Township 43S, Range 26E, Sections 16, 17, 18, 19, 20



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COMMUNITY DEVELOPMENT

December 11, 2007

CPA 2006-00012

COMMUNITY OUTREACH

Achieving a Shared Vision for North River Village

Bonita Bay Group initiated the community visioning process for North River Village in February 2007 as part of a dedicated effort to seek input from neighbors, community leaders, government officials, environmental organizations and interested stakeholders. During the past 10 months, the Bonita Bay Group team has held 38 community meetings involving more than 120 citizens to understand issues of concern and work together to achieve a shared vision for the project.

Duke Highway Residents. An ongoing series of meetings has been held with Duke Highway residents, the neighbors immediately south of North River Village. The residents had questions about the views from the front of their homes, being part of a neighborhood, access to Duke Highway and the condition of the road, wildlife protection, buffering of the property's edges, river water quality, access and use of the North River Village and the preservation of the area's rural and riverine character. The Bonita Bay Group team refined the plans based on the input received from these neighboring property owners, and today the majority of Duke Highway residents support the project. The following are direct quotes from a few of the letters sent to the Lee County Commissioners by Duke Highway residents:

"Bonita Bay Group is a high caliber developer, and their plans for clustered density and preserved edge conditions set a very good precedent for the area."

*Roger Culver
14120 Duke Highway*

"We must confess, when we first heard that the property on North River Road was bought by a developer we were disappointed. After speaking with you and Paul though, our disappointment has turned into enthusiasm and excitement."

*Larry and Carla Ronco
14600 Duke Highway*

"From the very beginning of their planning stages, we have been invited to several of their presentations and they have allowed us to express our concerns about the proposed project. They have responded to every one of the issues, such as well water, sewage, security, etc. and they have changed their plan in accordance with our concerns."

Joseph Sterlacci

14130 Duke Highway



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DEC 17 2007

COMMUNITY DEVELOPMENT

2006-00012

Olga Residents. The community outreach effort has also included community leaders from Olga and residents living to the west, north and east of the property. Neighborhood group meetings were held with the residents living in Telegraph Creek, Serenoa Court and along State Road 31, County Road 78 and Old Bayshore Road. These residents initially expressed concerns about widening SR 31, flooding issues and fire service to the area. In response to their concerns, meetings focused specifically on transportation and water issues were held with Ron Talone, David Plummer and Associates, the team's transportation consultant, and Andy Tilton, Johnson Engineering, engineer. Ongoing meetings will continue to be held with residents. The following quote is from a letter sent by an Olga resident to the Lee County Commissioners.

"I have been extremely impressed with Bonita Bay Group's level of commitment to community outreach. We are very happy to have them as neighbors and hope you'll support their plans for North River Village."

*Robert Quillen
22920 North River Road*

Alva Residents. Several meetings have been held with the board and officers of Alva, Inc. As a result of those meetings, the plan has been revised to comply with many of the Alva, Inc. proposed Standards for Development. The plan clusters housing toward the interior of the project to preserve the rural character along River Road, preserves heritage trees, enhances wildlife corridors, protects and preserves existing flow-ways, uses native vegetation to the greatest extent possible and sets a new standard for green building with all single-family builders following Florida Green Building Coalition guidelines. In response to the density issue raised by Alva, Inc. and County staff, the density of the revised plan has been decreased to two residential units per acre.

Alva, Inc.

North Fort Myers Community Planning Panel. The Bonita Bay Group team presented the North River Village Visioning Update to the North Fort Myers Community Panel on November 6.

Environmental Partnerships. In an effort to ensure creative and innovative approaches in the development of North River Village, Bonita Bay Group conducted an Integrated Ecological Design/Hydrology Planning Workshop on October 4. The daylong session brought together a group of experts including environmental engineers; ecological consultants including Dr. Martin Wannalasta, University of Central Florida's Stormwater Management Academy, and Dr. Harvey Harper, PE, Environmental Research & Design; the South Florida Water Management District, including Bob Brown, director of regulation, and Ricardo Valera, PE, regulatory operations director; Lee County Commissioner Ray Judah; and a nationally recognized ecological restoration, water resource and ecological engineering firm. These environmental stewards evaluated opportunities for implementation of low impact design techniques and state-of-the-art surface water scenario with the ultimate

goal of raising the standards for development along the Caloosahatchee River by preserving the quality of natural waterways, lakes and underground water supplies by reducing contaminants in stormwater runoff. In addition, the North River environmental team is coordinating with Babcock Ranch team to coordinate efforts on wildlife/waterway connections, transportation planning and the CR 78 overlay.

Environmental Leaders. The plan for North River Village sets new standards of environmental stewardship based on input received from elected officials, community leaders and environmental stakeholders. Meetings on the proposed plan have been scheduled with leaders from The Conservancy of Southwest Florida, the Southwest Florida office of the Florida Wildlife Federation and Collier Audubon.

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COMMUNITY DEVELOPMENT

CFA 2006-00012

September 21, 2007

The Honorable Frank Mann
Lee County Commission
Post Office Box 398
Fort Myers, FL 33902

Dear Commissioners Bigelow:

I live at 14130 Duke Highway, Alva, FL directly across from the proposed North River Village Development that Bonita Bay is planning. From the very beginning of their planning stages, we have been invited to several of their presentations and they have allowed us to express our concerns about the proposed project. They have responded to every one of the issues, such as well water, sewage, security, etc. and they have changed their plan in accordance with our concerns almost without exception. We feel confident about the Bonita Bay Group, we have toured some of their projects and they deliver what they promise. We feel fortunate to have Bonita Bay group as our neighbor.

Because I live directly across from this proposed project and not 10 miles away, I realize their plans directly affect the economic value of my home and all my neighbors. The only concern that keeps raising its ugly head is that of density. Many are opposed with no reason or rationale; they are just opposed to the density. I would like to go on record in stating, I am in favor of their density for I want them to have an economically successful project. I am also in favor of this project for one rarely stated reason in that it creates jobs and adds stability to our local economy, a very important consideration in these times.

I am sure you do not receive many letters in favor of this kind of project which is why I am taking the time to send it to you.

Very truly yours,

Joseph M. Sterlacci

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SEP 17 2007

COMMUNITY DEVELOPMENT

CPA 2006-00012

Received
OCT 08 2007
Commissioner Hall

The Honorable Tammy Hall
Lee County Commission
Post Office Box 398
Fort Myers, Florida 33902-0398

Dear Commissioner Hall:

I live on North River Road and feel very strongly that the Alva/Olga area is a very special place with a character and lifestyle unique to Southwest Florida.

During the past few months, I have had the opportunity to attend several meetings where folks from Bonita Bay Group shared the company's plans for their land east of 31 and south of River Road. I have been extremely impressed with their level of commitment to community outreach.

Bonita Bay Group is a company with a track record of consensus building and delivering on their promises. We are very happy to have them as neighbors, and hope you'll support their plans for North River Village.

Sincerely,



Robert Quillen
22920 N. River Road
Alva, Florida 33920
Land: 239-728-7777
Cell: 239-340-6162

Note sent 10/8/07

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COMMUNITY DEVELOPMENT
2006-00012

The Honorable Tammy Hall
Lee County Commission
Post Office Box 398
Fort Myers, Florida 33902-0398

RECEIVED
OCT 12 2007
COMMISSIONER HALL

Dear Commissioner Hall:

As a resident of Duke Highway, I'd like to bring to your attention recent activities by Bonita Bay Group related to their North River Village project on CR 31 and River Road.

During the past six months, Susan Watts has held ongoing meetings with area residents to share the company's initial concepts for the project and to get our feedback. Based on that feedback, they have continually updated the plans to ensure compatibility with our homes on Duke Highway and to address our concerns related to roads, utilities and the rural character of the area.

Bonita Bay Group is a high caliber developer, and their plans for clustered density and preserved edge conditions set a very good precedent for the area. I hope you'll support their project as it goes through the approval process.

Thank you.

Sincerely,

Roger Culver

Roger Culver
14120 Duke Highway
Alva, Florida 33920
239-693-2214

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CPA 2006-00012

October 10, 2007

RECEIVED
OCT 12 2007
COMMISSIONER HALL

The Honorable Tammy Hall
Lee County Commission
Post Office Box 398
Fort Myers, Florida 33902-0398

Dear Commissioner Hall:

I recently attended a meeting where Bonita Bay Group presented their plans for developing a community on land they own in Olga, north of the Caloosahatchee and south of River Road. We appreciate their efforts to reach out to the community for input and their openness to hearing feedback from the residents of Duke Highway and the surrounding area.

I believe that their plan is very well conceived and applaud their commitment to green building, native landscaping and environmentally responsible development. The river is such an important asset to our region, and it is critically important that we all work together to establish new standards for water management and the preservation of natural areas.

Thank you for your consideration.

Sincerely,



Sandra Ronco
14640 Duke Highway
Alva, Florida 33920
(239) 694-2140

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COMMUNITY DEVELOPMENT

2006-00012

October 26, 2007

The Honorable Brian Bigelow
Lee County Commission
Post Office Box 398
Fort Myers, Florida 33902-0398

Dear Commissioner Bigelow:

Last spring, when we heard that the property just north of us had been bought by a developer we were disappointed. At that time, we were not familiar with Bonita Bay Group and the company's commitment to work with neighbors to develop a mutually agreeable plan.

After attending several meetings with Bonita Bay Group, our disappointment has turned into enthusiasm and excitement. They are working to preserve the character of North River Road, to safely relocate the gopher tortoise and to keep the beautiful character of our area. We are confident they will create a community consistent with the rural character and a place where our kids can ride their bikes.

I encourage you to look favorably upon their plan when it is submitted for your review. Many Olga residents have been a part of the process, and we look forward to welcoming our new neighbor.

Warmest regards,

Larry Ronco
14600 Duke Highway
Alva, FL 33920

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COMMUNITY DEVELOPMENT

CPA 2006-00012

November 2, 2007

Commissioner Brian Bigelow
Lee County Commission
Post Office Box 398
Fort Myers, Florida 33902-0398

Dear Commissioner Bigelow:

There is always a great deal of concern expressed when a developer announces plans to build in Olga or Alva. But, as I'm sure you are aware, all developers are not alike, and they should not be treated as such.

Recently Bonita Bay Group shared its plans to build a community immediately north of my home on Duke Highway. The company has developed a responsible plan, with the input of their neighbors, and the response has been very positive. This is a quality company that delivers on its promises and stays with its communities for the long haul.

Please consider Bonita Bay Group's track record when evaluating its plans for the North River project. We know that this land will be developed by someone, and we would rather see a sound plan by a highly respected company than the unplanned one unit per acre development that could be the alternative.

Sincerely,

Cheri Mulling
14661 Duke Highway
Alva, Inc. 33920

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2006-00012

Received
NOV 27 2007
Commissioner Hall

November 21, 2007

Commissioner Tammy Hall
Lee County Commission
Post Office Box 398
Fort Myers, Florida 33902-0398

Dear Commissioner Hall:

Recently I attended a meeting where I learned of Bonita Bay Group's plans to develop land in my neighborhood.

I have had the opportunity to visit Bonita Bay, Bonita Bay Group's first community, and was very impressed by the company's commitment to protecting wildlife and enhancing water quality. I am also familiar with Verandah, another Bonita Bay Group community, where the company has preserved the rural character of the area. I am very pleased that Bonita Bay Group has plans to develop land near Olga, and I believe that the benefits a company like this can bring to the area are significant.

I respectfully request that you support North River Village when it comes before the commission.

Sincerely,



Lupe Bianco

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November 21, 2007

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NOV 28 2007
COMMISSIONER Hall

Commissioner Tammy Hall
Lee County Commission
Post Office Box 398
Fort Myers, Florida 33902-0398

Dear Commissioner Hall:

Recently I learned that Bonita Bay Group is planning to develop property in my area.

I am familiar with that Bonita Bay Group's track record of consensus building and delivering on its promises. I have heard that density is an issue, but I believe that the density is necessary if we expect them to develop a community that preserves the wildlife and protects water quality.

I have had the opportunity to visit Bonita Bay Group communities in the past, and they are a company that stands behind its promises. I realize that this land is going to be developed, and I think it's a blessing that we will have a Bonita Bay Group community as our neighbor.

With this in mind, I hope you will support North River Village when it comes before the commission.

Sincerely,


R.J. Choinski

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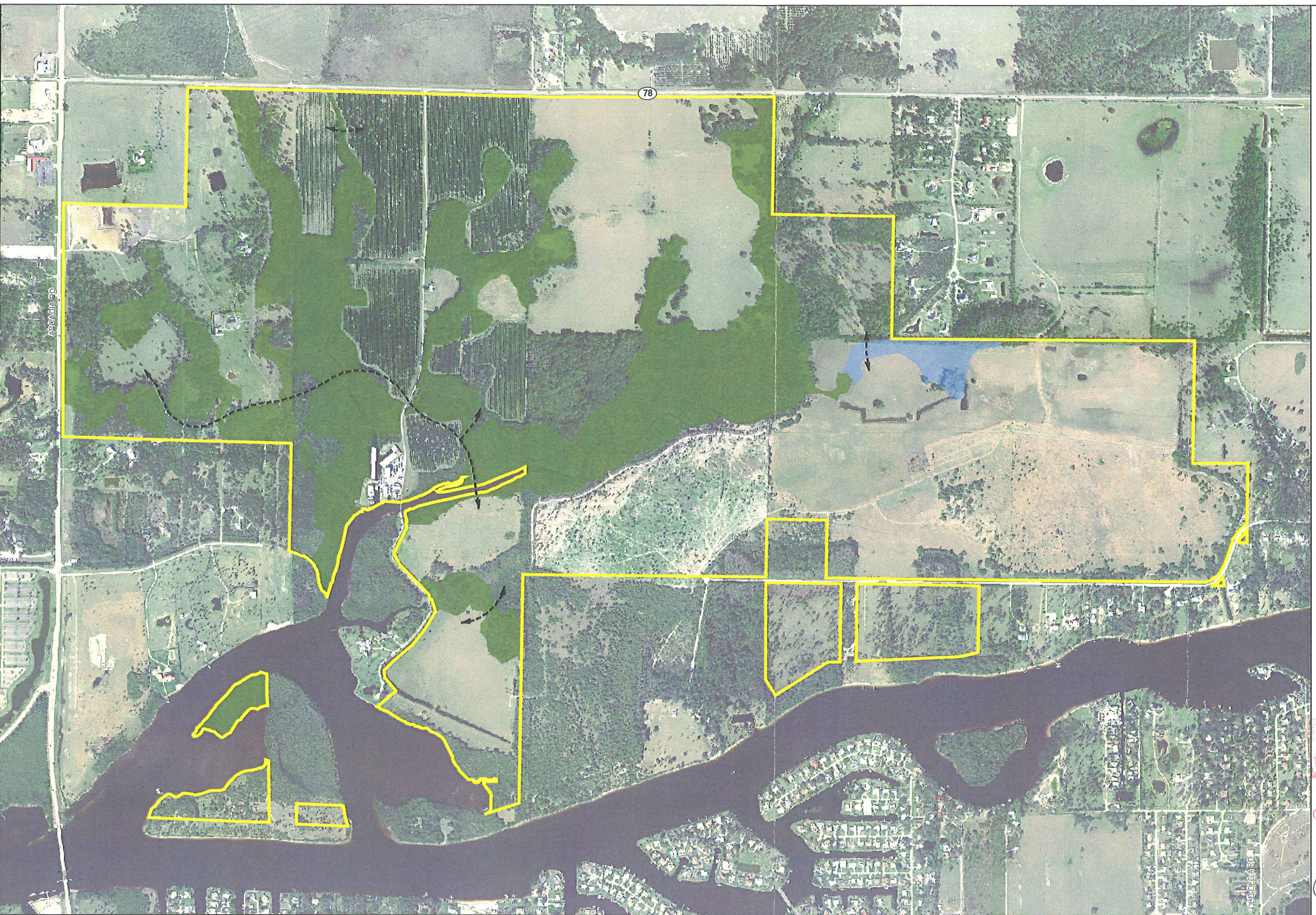
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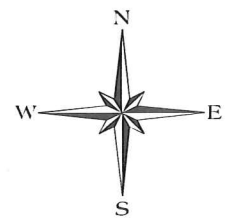


J:\2005\05BBG1393\GIS\NORTH RIVER VILLAGE\2007\CONSERVATION LAND USE DESIGNATION\FIGURES\AERIAL WITH CONSERVATION LAND DESIGNATIONS - COMBINED 12-5-07 FOR LEE COUNTY I\X7.XXD - 12/5/2007 @ 3:13:13 PM



Legend:

- NORTH RIVER VILLAGE
- CONSERVATION LANDS
- RESTORED FLOWWAY
- ROADWAYS



NOTES:

DRAWING NOT TO SCALE.

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF JANUARY 2005.

CONSERVATION LANDS SHOWN HAVE NOT BEEN SURVEY LOCATED.

EXACT LOCATION OF CONSERVATION LANDS AND CROSSINGS WILL BE CONFIRMED AT ZONING.

COUNTY INFORMATION AND ROADWAY NETWORKS WERE ACQUIRED FROM THE FLORIDA GEOGRAPHIC DATA LIBRARY WEBSITE.

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CIA DRAFT
2006-00012

REVISIONS	DATE	DRAWN BY	DATE
REVISED CONSERVATION LANDS	12/5/07	J.L.	10/30/07
		DESIGNED BY	DATE
		K.C.P.	10/30/07
		REVIEWED BY	DATE
		K.C.P.	10/30/07

9110 College Pointe Court
Fort Myers, Florida 33919
Phone (239) 274-0067
Fax (239) 274-0069



NORTH RIVER VILLAGE
AERIAL WITH CONSERVATION LAND USE DESIGNATION MAP

DRAWING No.
05BBG1393
SHEET No.

GOPHER TORTOISE

A Lee County protected species survey has been conducted on the property and found approximately 300 active and inactive gopher tortoise (*Gopherus polyphemus*) burrows on the property. Based on a conversion factor of 0.4, the estimated gopher tortoise population on the property is 120 tortoises.

The majority (approximately 48 percent) of the gopher tortoise burrows are located in two general areas: the old spoil berm in the southeast corner of the site along Duke Highway and remnant scrub oak habitat in the central portion of the site along the north side of Trout Creek. The first area (the spoil berm) contains approximately 33 percent of tortoise burrows observed and the second area (scrub oak area) contains approximately 15 percent of the burrows observed. The remaining burrows are scattered throughout the eastern two thirds of the property.

The spoil berm in the southeast corner of the site was created as a result of historic dredging of the Caloosahatchee. The property was used in the early 1960's as a spoil disposal site for dredging activities in the river. The spoil berm is the remnant perimeter berm from the spoil cell that was constructed to contain the spoil material.

The remnant scrub oak habitat in the central portion covers approximately 20 acres. The scrub habitat is currently degraded as a result of fire suppression and has an overgrown sub-canopy and canopy. With appropriate management activities, this scrub habitat can be restored and the carrying capacity for gopher tortoises increased.

It is currently proposed to preserve the gopher tortoise populations within both the old spoil berm in the southeast corner of the property and the remnant scrub habitat in the central portion of the property. Management activities will be conducted to restore the scrub habitat in the central portion of the property and this area will be used as a recipient site for the relocation of tortoises from other portions of the site that may be developed. These preserves will be subject to Florida Fish and Wildlife Conservation Commission gopher tortoise guidelines in place at the time of development approval for the proposed development activities on the property.

BALD EAGLE

Bald Eagle Territory LE-039 includes three nest sites: LE-039, LE-039A, and LE-039B. Nest site LE-039 is located approximately 650 feet west of the property boundary along Fowler's Way and nest sites LE-039A and LE-039B are located on the southern portion of the property along the south side of Duke Highway. Nest LE-039 was lost and not observed in several years. In a letter dated April 18, 2007, the U.S. Fish and Wildlife Service (USFWS) declared Nest LE-039 lost and stated that the protection recommendations no longer apply to that nest tree. Nest LE-039A is severely damaged, almost to non-existence, due to great horned owl (*Bubo virginianus*) use. In a letter dated August 24, 2007, the USFWS declared Nest LE-039A abandoned and stated that the protection recommendations no longer apply to that nest tree. However, under the Bald and Golden Eagle Protection Act (BGEPA), the tree supporting the nest is still protected and cannot be destroyed. Nest LE-039B is the active nest in the territory. This nest was first

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documented during the 2005-2006 nesting season. Bald eagles were documented using Nest LE-039B during the 2005-2006, 2006-2007, and 2007-2008 nesting seasons.

LE-039

The approximate location of Nest LE-039 was provided by the FWCC. This nest was originally located in a slash pine (*Pinus elliottii*) tree approximately 150 feet east of Fowler's Way and 850 feet south of Duke Highway; and approximately 650 feet west of the property boundary.

Nesting history information was obtained on April 27, 2006 from Tom Logan through his communication with the FWCC. Nest LE-039 was first entered in the FWCC database during the 1990-1991 nesting season. The FWCC records on the FWCC website indicate that Nest LE-039 was active from the 1990-1991 nesting season through the 2002-2003 nesting season with the exception of the 1995-1996 nesting season. The FWCC does not differentiate between alternate nest sites and they can label a territory as active. The FWCC did not record any nest success information. The FWCC documented Nest LE-039 as inactive for the 2003-2004 nesting season.

Nest LE-039 was first documented in Lee County records in the 1997-1998 nesting season. Lee County Eagle Technical Advisory Committee (ETAC) records show that no eagles were observed after December 8, 1997 and the nest was deteriorating at the end of the nesting season. Lee County records show no nest success for LE-039 since 1997 and no longer list the nest after the 2002-2003 nesting season.

During the 2005-2006 and 2006-2007 nesting seasons, site visits were conducted to locate and assess the status of nest LE-039; however, a nest could not be located. The site visits confirmed that Nest LE-039 was lost. In a letter dated March 21, 2007 a request for technical assistance was made to the USFWS to declare Nest LE-039 as "lost" under provisions of the *Habitat Management Guidelines For The Bald Eagle In The Southeast Region* (USFWS 1987) since the nest did not exist during the 2005-2006 and 2006-2007 nesting seasons. In a letter dated April 18, 2007, the USFWS declared Nest LE-039 lost and stated that the protection recommendations no longer apply to that nest tree.

LE-039A

Nest LE-039A is located in a slash pine tree approximately 600 feet south of Duke Highway, 1,300 feet east of Nest LE-039, and on the southern portion of the property. This nest was first recorded by Lee County as an alternative nest to LE-039 in the 1997-1998 nesting season based on a flyover conducted by the Florida Game and Fresh Water Fish Commission (FGFWFC).

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Activity and success of this nest is unknown for the 1998-1999 nesting season and for the 1999-2000 nesting season. For the 2000-2001 nesting season, an ETAC observer documented activity at the nest with two fledglings. For the 2002-2003 nesting season, no activity or fledglings were reported by Lee County or the FGFWFC.

Great horned owls were documented nesting in LE-039A during the 2005-2006 and 2006-2007 nesting seasons during the months of February, November, and December 2006. Nest LE-039A is severely damaged, almost to non-existence, due to great horned owl use. In a letter dated August 24, 2007, the USFWS declared Nest LE-039A abandoned and stated that the protection recommendations no longer apply to that nest tree; however, under BGEPA, the tree supporting the nest is still protected and cannot be destroyed.

Nest LE-039B

Nest LE-039B is located in a slash pine tree approximately 575 feet south of Duke Highway, 900 feet east of Nest LE-039A, and on the southern portion of the property. This nest was first documented on February 2, 2006 as an unrecorded eagle nest.

Bald eagles were documented using Nest LE-039B during the 2005-2006 nesting season. Monitoring of the nest confirmed eggs were laid, incubation began, one chick had hatched before February 2, 2006, and the second chick hatched before February 22, 2006. One juvenile bald eagle fledged on or before April 27, 2006. The second juvenile bald eagle is presumed to have successfully fledged on or before May 3, 2006.

Bald eagles were documented using Nest LE-039B during the 2006-2007 nesting season. Monitoring of the nest confirmed eggs were laid, incubation began, one chick, possibly two, had hatched on or before March 6, 2007. During the following monitoring events on March 29, 2007 and April 5, 2007, no chicks were observed in or around the nest. Nest LE-039B was unsuccessful during the 2006-2007 nesting season.

Bald eagles have been documented using Nest LE-039B during the 2007-2008 nesting season. Nest repair and courtship activities have been observed in and around the nest during the month of October and November 2007.

It is proposed to prepare a bald eagle management plan for Nest LE-039B that will include the establishment of a 660 foot buffer around nest LE-039B per current state and federal guidelines. The bald eagle management plan will be subject to review and approval of the FWCC and USFWS prior to proposed development activities occurring on the property.

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RIVER VILLAGE LAND USE CATEGORY

Policy 1.1.10: The River Village Land Use Category is intended to provide for new mixed use communities that are designed to prioritize energy efficiency, green development, water quality improvements, public benefits and compact development along the Caloosahatchee River and provides public benefits to the existing area. The River Village Land Use Category includes policies in the Lee Plan to require innovative development designed to protect environmentally sensitive areas, provide for the delivery of public facilities and services, enhance the existing riverfront community character, and allow for the efficient use of land. These objectives will be achieved by promoting compact mixed use development as an alternative to low density single use development, and will require that infrastructure and environmental design standards are implemented in a financially feasible manner. The intent of the River Village land use category is to promote a balanced mixture of uses, to increase the internal capture of trips, to support pedestrian, bicycle and transit opportunities and create pedestrian friendly streetscapes. The minimum density in the River Village land use category is 1.5 units per gross acre and the maximum density is two (2) units per gross acre. The Floor Area Ratio for commercial uses will be a maximum of 1.0 over the entire development area of commercial uses. River Village developments will be limited to a maximum of 150,000 square feet of overall commercial development.

Policy 1.4.8: The Inner Islands are located along the Caloosahatchee River, have reasonable access to available utility infrastructure, and are in close proximity to urban forms of development. The intent of the Inner Islands land use category is to provide for mixed use facilities that add to the character of the Caloosahatchee River. The primary focus is on resort uses constructed as part of a Inner Island development where the primary uses consist of lodging facilities and resorts, bed and breakfasts, restaurants, spas, boutique retailers, recreation and similar uses that would be associated with a resort environment. Although residential uses are allowed in the Inner Island land use category primary home ownership is discouraged. The maximum residential density is one dwelling unit per acre (1 du/acre). The maximum Floor Area Ratio for non residential uses is 1.0.

Objective 1.10: The River Village Land Use Category will provide for innovative development which is designed to protect environmentally sensitive areas, promote water conservation and energy efficient methods of development, provide for the efficient delivery of public facilities and services, enhance the existing riverfront community character, and allow for the efficient use of land. The River Village land use category will permit the use of smart growth principles to direct the form and design of communities to achieve environmental, planning and community character objectives. These objectives will be achieved by promoting compact mixed use development as an alternative to low density single use development, and will require

that infrastructure and environmental design standards are implemented in a financially feasible manner.

Policy 1.10.1 Development in a River Village must incorporate a mix of uses, such as residential, commercial, water related uses and recreational uses. The residential development in the River Village must be clustered to avoid, where possible, areas of environmental sensitivity and must promote both connectivity between uses and walkability throughout the development. The commercial uses will be designed with direct internal connectivity as well as public access. Commercial uses will be designed to a "Human-Scale", as defined in the Lee Plan.

Policy 1.10.2: All development utilizing the River Village Future Land Use Category will require rezoning to Mixed Use Planned Development. Further, any development within a ½ mile of the Caloosahatchee River east of I-75 that is over 200 acres in area and requests an increase in density, must be zoned and developed in compliance with the River Village land use category.

Sense of Place/Design

Policy 1.10.3: In order to create a sense of place within the residential and nonresidential areas the following design elements must be incorporated where feasible and further detailed on the Planned development master concept plan and subsequent local development order plans. The land plan must include design elements such as: a hierarchy of connectivity, special nodes, landmarks, transitional edges and a distinct variety of architectural styles.

Each River Village must provide for one or more Village Center areas for the benefit of the public and River Village. The Village Center will be designed to create a sense of community through internal and external connections with adjacent residential development, integrating commercial development with residential development and constructing the Village Center so that it is at a human scale and pedestrian oriented.

Village Center Areas should be designed to incorporate as many of the following features as possible.

1. Village Centers will be a minimum of 2 acres and a maximum of 10 acres in area.
2. Mixed uses will be encouraged within individual buildings (e.g. residential above commercial space).
3. Development plans will create focal points of signature buildings, civic spaces, natural amenities, and other prominent features through placement or street layout.
4. Nonresidential establishments will incorporate development design techniques to integrate the establishment into the surrounding community. Such design techniques will include:

- a. Creation of a series of smaller, well defined customer entrances to break up long facades and provide pedestrian scale and variety, that may be achieved through the use of liner buildings.
 - b. Unified sign package.
 - c. Landscaping and use of pocket parks and courtyards adequate to soften large building masses.
5. Parking areas will be designed to minimize intrusiveness and impacts on the pedestrian character. Parking lots will be designed with pedestrian connections to business entrances and public space to create a park-once environment.
6. Crime Prevention Through Environmental Design (CPTED) guidelines will be incorporated to the maximum extent possible.

Overall Community Design features must include the following:

7. When necessary, development density and intensity will be designed to integrate with surrounding land uses.
8. Link pedestrian routes and bikeways with the street system or other public spaces, avoiding routes through parking lots and other locations separated from the overall system.
9. The designs will include a pedestrian circulation system to connect the nonresidential uses with residential uses and areas.
10. Streets and roads will be fronted by design features including landscaping and sidewalks which define and contribute to a pedestrian street character. Building design, placement, and entrances will be at a pedestrian scale and oriented towards streets and other public space such as parks or squares.
 - a. Reduction of paved parking areas will be evaluated wherever practicable through measures such as provision of shared parking and parking structures to serve multiple uses and alternative paving materials. Large expanses of pavement will be discouraged. Reduced ratios of required parking for non-residential uses will be provided in the land development regulations.
11. Internal traffic circulation system design will include:
 - a. Traffic calming techniques to maintain a multi-modal transportation system including pedestrian, bicycles and automobile traffic.
 - b. Maximum use of common access drives.
 - c. Convenient access to transit facilities.

12. Buffering: River Village developments will be well integrated both internally and externally. Buffering of uses internal to a River Village are not required.

Policy 1.10.4: Each River Village Community will be required to provide an overall 50% on site Open Space as defined and calculated in Chapter 10-416 of the Lee County

Land Development Code. Individual pods, tracts, and parcels may be designed and developed with a minimum of 10% open space to facilitate the clustering of uses.

Community Outreach

Policy 1.10.5 Community Outreach requirements for properties utilizing the River Village Land Use Category must include, at a minimum, the following:

1. Prior to any required public hearings for a Comprehensive Plan Amendment, the applicant shall engage in a series of meetings with the surrounding community, County planning, zoning and natural resources staff and the public at large.
2. Prior to submitting a zoning application for a property utilizing the River Village land use category the applicant must conduct a minimum of two separate meetings. One meeting with the surrounding community in a location within the Planning Community, and one with County staff. Throughout the zoning review process the applicant shall conduct a series of meeting with the public to keep them informed on changes and opportunities to participate in the public hearing process. Meeting notices and sign in sheets shall be submitted formally to the County to keep with the zoning application records.

Public Benefit

Policy 1.10.6 Each River Village development-that is adjacent to natural and navigable bodies of water must provide public access to the natural water body. Public access must be provided through a minimum of parking and canoe/kayak launch facilities that connect to the Lee County Blue Way system. Additional public access may include any combination of provision of passive recreational facilities, development or redevelopment of a marina facility, access to commercial or civic uses open to the public, including a boat launch, docking facilities, or a promenade along the waterfront.

Policy 1.10.7 Connection to existing public blue ways and pedestrian trails will be provided.

Policy 1.10.8 River Villages must provide workforce housing at a rate of 10% of the total number of units permitted over 1 unit per gross acre. For the purpose of this policy, workforce housing shall be defined as units priced at a level that is affordable to a family making at or below 140% of the median income in Lee County, as defined in Chapter 420.5095 F.S.

Policy 1.10.9 Where River Villages are wholly or partially located within the Tropical or Category 1 Storm Surge zones, mitigation for hurricane evacuation must be provided in addition to the mitigation fees required in LDC Section 2-485. Hurricane mitigation may include the provision of a regional shelter in a category 4-5 zone in eastern Lee County or Western Hendry County that can be shown to relieve an evacuation choke point for Lee County evacuees and/or monetary contributions toward road capacity improvements that improve hurricane evacuation. The mitigation commitment and timing of the mitigation shall be established through the planned development process.

Compatibility and Integration with the Surrounding Community

Policy 1.10.10 To promote preservation of the surrounding community character and drive by experience along existing County maintained arterial roads, a minimum 100 foot edge protection area must be incorporated into the development. Where new development is adjacent to properties under separate ownership a 50 foot edge protection area must be provided. The rural edge protection area must contain one or more elements that are representative of rural character including groves, livestock grazing, pervious recreational areas or open space, preserves, equestrian facilities, lake or other elements of rural character. Berms and walls that are intended to provide a visual barrier will not be permitted along State and County maintained arterial roads and are discouraged along the remaining perimeter, unless specifically requested by the adjoining property owners. The use of perimeter fencing including but not limited to horse fences and picket fences will be encouraged. This policy is not intended to preclude any berms required to meet the requirements of the South Florida Water Management District.

Policy 1.10.11 Where external local residential streets run along an edge of a River Village, edge development must be designed to maintain the existing residential character of the residential street. Similar type homes or landscape area must be developed and oriented toward the local residential street rather than creating a community backing up to the street.

Policy 1.10.12 Where feasible, River Village developments will provide local public road connections that add new links to the transportation network. Connections to adjacent offsite residential neighborhoods will not be precluded by the River Village's design.

Water Conservation and Management

Policy 1.10.13: To ensure that development occurs in a manner that is consistent with Lee County's goals for the protection of natural aquatic systems and the enhancement of water quality within the Caloosahatchee River basin, new development or redevelopment within the River Village land use category will be required to provide or connect to central water and sewer facilities.

Policy 1.10.14: Water conservation measures will be implemented during the site construction process, utilizing the following mechanisms:

1. Accepting reuse water, if available, and
2. Using 70% drought tolerant landscape material and 70% native plants for required landscaping in common areas.
3. Limit the amount of irrigated turf to 50% for all residential lots.

Policy 1.10.15 Required surface and storm water management facilities will be designed to provide open space or a visual amenity and act as an aesthetic feature resembling natural areas.

Water Quality

Policy 1.10.16 Enhanced Best Management Practices for surface water management such as treatment trains, created flow ways, reduced impervious area, and other Low Impact Development design techniques will be implemented where practicable for the design of the project.

Policy 1.10.17 To provide the opportunity to restore existing natural water flows, development within a River Village category will provide a minimum of 50' buffer along natural waterways. Buffer areas may contain passive recreational uses, including boardwalks, and river oriented recreational uses such as a canoe/kayak launch with an ancillary building, and necessary community infrastructure crossing points. This policy is not intended to apply to the improvements or expansion of any marina facility that is identified on the Lee County Water Dependant Overlay Map Series. Residential dwelling units must not be constructed within 50 feet of the MHWL of natural water bodies.

Policy 1.10.18 During the Planned Development process developers will pursue opportunities to partner with governmental agencies to create water quality improvement systems for degraded water bodies directly connected to the property. Specifically, applicants will work with Lee County and the South Florida Water Management District to find ways to improve the water quality of the Caloosahatchee River.

POLICY 1.10.19 Golf courses must be designed, constructed, managed and certified in accordance with the Audubon International Signature Silver Program or equivalent. In addition all golf courses must be managed and designed in accordance with the following criteria:

1. Fertilizers with a low leaching potential (slow release) must be used, must not be applied after active growth of the turfgrass has ceased, and must be kept to the lowest reasonable levels.
2. To reduce sources of pollutants, especially nutrients and pesticides associated with the golf course, the golf course manager must implement a chemicals management plan which includes an integrated pest management (IPM) program and a nutrient management program such that nutrient management program such that nutrients and pesticides are used only when absolutely necessary. The program must address prevention, diagnosis, and limited treatment with pesticides when necessary rather than blanket treatment with broad spectrum pesticides as insurance against all pest species. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad spectrum pesticides is prohibited. The IPM program must

minimize the use of pesticides and must include the use of the US Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS) Soil Pesticide Interaction Rating guide to select pesticides for use that have a minimum potential for leaching or loss from runoff. The nutrient management program must be based upon the USDA-NRCS Nutrient Management Standard and must include the use of soil tests to determine needed applications of nutrients. Only EPA-approved chemicals may be used. No turf managed areas (including fairways, tees, and greens) are permitted within 35 feet of wetlands or preserve areas. This chemicals management plan must be submitted to and approved by Lee County Natural Resources Staff prior to the development order approval.

3. The golf course manager must coordinate the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients.
4. The utilization of a golf course manager licensed by the state to use restricted pesticides and experienced in the principles of IPM is required. The golf course manager is responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer runoff into the surface water and the leaching of those same fertilizers into the groundwater.
5. The storage, mixing, and loading of fertilizer and pesticides must be designed to prevent/minimize the pollution of the natural environment.
6.
 - 1) Prior to the issuance of local development order approval, the developer must demonstrate compliance with "Best Management Practices for Golf Course Maintenance Departments," prepared by the Florida Department of Environmental Protection, May 1995, as amended.
 - 2) The development order must demonstrate separate mixing and loading facilities for pesticides, and provide a separate pesticide storage area, in compliance with materials specified in the above referenced document. The development order must demonstrate separate mixing and loading facilities for fertilizer, and provide a separate fertilizer storage area, in compliance with materials specified in the above referenced document.
 - 3) The development order plans must indicate the construction material for all buildings in compliance with Best Management Practices for Golf Course Maintenance Departments.
 - 4) Equipment to apply pesticides and fertilizers must be stored in an area protected from rainfall.

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7. The golf course must be planted with a turfgrass cultivated variety that is drought and pest resistant, while requiring relatively low fertilizer use;
8. The irrigation system must operate on an "as needed" basis through the utilization of weather forecasting and ongoing assessment of the moisture content of the soil.
9. All fairways, greens, and tees must be elevated above the 25-year flood level, and all greens must utilize underdrains. The effluent from these underdrains must be pre-treated prior to discharge into the balance of the project's water management system.
10. Stormwater run-off must be pre-treated through an acceptable recreated natural system or dry retention and/or detention and water retention and/or detention system, prior to discharging the run-off into existing lake or wetland (any aquatic) systems.
11. Prior to development order approval for the golf course, the developer must conduct a pre-development groundwater and surface water analysis and submit the analysis to Lee County Division of Natural Resources. This analysis is intended to establish baseline data for groundwater and surface water monitoring for the project area. The analysis must be designed to identify those nutrients and chemicals that are anticipated to be associated with the project. Prior to commencing this baseline study, the developer must submit the methodology for review, comment, and approval by Lee County.
12. An annual monitoring report of ground water and surface water quality is required for the golf course operation. The monitoring program must include: testing to assess whether there are any herbicide, pesticide or fertilizer pollution of the water within the area of the golf course; identifying the locations for the ground water monitoring and testing on a map(s); setting forth the testing and recording requirements. The Developer must submit the test results with the monitoring report to the Lee County Natural Resource Division. The monitoring program will be established and operated at the expense of the Developer, or other comparable legal entity charged with the legal responsibility of managing the golf course. This plan will be evaluated in accordance with the directives of Chapter 62-302, F.A.C., water quality standards. Developer, or their successor(s), and Staff will review this monitoring requirement every three years to determine if reduction or elimination of the monitoring requirements is justified, and if so, the condition may be proposed for modification through the public hearing process.
13. If groundwater or surface water pollution occurs, as that term is defined by the rules or regulations in effect at the time of development order, and should the pollution be caused by the application of fertilizers, herbicides or pesticides to the golf course, the application of the material(s) containing the polluting agent must cease until there is a revised management plan. If mitigation is necessary to address the

pollution, a mitigation plan approved by Lee County must be implemented by the Developer.

14. Fertigation storage tanks will be located within the golf maintenance facility or if located elsewhere due to functionality, the facility shall require a minimum setback of 100' from residences and preserves. These facilities will be fully screened and will have adequate access to allow trucks to safely maneuver in and out of the storage area.

Policy 1.10.20: Development within a River Village must be designed using environmental best management practices consisting of the following:

1. Energy Efficiency programs such as "Energy Star" and FPL's "HomeSmart" will be promoted in all buildings and residences within the community. An education program on energy efficiency programs will be available to all residents. In order to facilitate these benefits all Builders within the River Village communities shall be certified through the University of Florida's Build Green and Profit program.
2. Meet the requirements of a Green Community by the Florida Green Building Coalition.
3. All single family residential units will be certified as a Green Building by the Florida Green Building Coalition.
4. Incorporate elements from the Florida Yards and Neighborhoods program at the time of Planned Development review. Private homeowners will be encouraged to utilize the recommendations of the Florida Yards and Neighborhoods program and the University of Florida IFAS fact sheet ENH-860.
5. Achieve Certification as a Florida Firewise Community.
6. Incorporate elements of the requirements of the National Wildlife Federation Backyard Wildlife Habitat Program.
7. Use only controlled release or slow release organic fertilizers for both common areas and private areas. The developer or their successor shall have the responsibility of providing for sale or easy accessibility allowable fertilizers for private use.
8. Achieve LEED certification for all commonly owned and maintained buildings, excluding a golf course maintenance facility and any other non air-conditioned buildings.
9. Achieve Clean Marina Certification with all marina facilities.
10. Buffer zones for wetlands and natural waterways will be used to avoid where possible potential adverse effects upon ground and surface water quality, including any Outstanding Florida Waters, Wild and Scenic Rivers,

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Florida Aquatic Preserves or Florida Class I or II Waters that occur within, abutting or downstream of the site.

11. Grading and site design of properties adjacent to natural bodies of water shall conform to Federal, State and local regulations which may include but is not limited to the use of berms or retention ditches to intercept surface runoff of water and debris that may contain fertilizer.
12. No grasses that require mowing shall be allowed within 6 feet of the water's edge, except where needed for erosion control. Riparian or littoral zone plants that do not require mowing or fertilization should be planted in these areas when possible.

Habitat Preservation

Policy 1.10.21: Development within the a River Village property will be designed to incorporate significant indigenous systems such as cabbage palm and oak hammocks and promote the preservation and restoration of wetlands, listed species habitat and rare and unique uplands. In order to protect the natural creeks and associated wetland systems within this part of the county, development will preserve high quality wetlands that are adjacent to natural water bodies. Site design will include minimizing impacts to native trees where feasible. Where impacts to live oak and laurel oak trees that have a greater than 10 inch caliper dbh are unavoidable, these trees will be relocated to the greatest extent feasible and used within the landscape design of the project.

Policy 1.10.22: In order to protect valuable upland and wetland areas, designation of a River Village area will include simultaneous designation of areas as Conservation on the Future Land Use Map. The intent is to provide certainty as to where preserve areas are projected to be located when the property requests rezoning to a planned development designation. Areas labeled as Conservation that are located within a River Village area will allow for the density, at the same density as the River Village density (2 dwelling units per acre), to be transferred to the adjacent River Village areas through the planned development process. Conservation lands will be defined as "indigenous", if restored where restoration is needed, and counted toward a River Village's overall open space and indigenous preservation requirements through the planned development process. Buildings and other areas of impervious surface for passive recreational uses will be allowed in Conservation areas. Road crossings of Conservation lands will be allowed in accordance with the general alignments shown on the Future Land Use Map.

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2006-00012

DELISI FITZGERALD, INC.

Planning – Engineering – Project Management



North River Village

Large Scale Plan Amendment
CPA2006-12

Lee County
Sufficiency Submittal

September 2007

North River Village
Large Scale Plan Amendment
CPA2006-12
Sufficiency Submittal

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September 10, 2007

DELISI FITZGERALD, INC.
Planning – Engineering – Project Management

Mr. Brent Cunningham
Senior Planner
Lee County Department of Community Development
Division of Planning
PO Box 398
Fort Myers, FL 33902-0398

Re: North River Village Large Scale Plan Amendment
CPA2006-12

Dear Mr. Cunningham:

In response to the comment letter dated June 27, 2007 in regard to the above referenced project, please find the following responses in order as received. In addition, to responding to your letter, the applicant has revised the proposed amendment significantly since the original submittal. Revision have been made in direct response to the literally dozens of people that we have met with including county staff and area residents. The revised language for the River Village land use category represents the input of these various interest groups as the Bonita Bay Group continues to strive to create an amendment that enhances the surrounding community. We look forward to continuing our work with staff and the community to come up with a land use category that achieves these goals.

PART I OF THE APPLICATION

Comment

Planning staff needs clarification regarding the owners of records for several parcels. According to the Lee County Property appraiser property detail information included in section two (Property Owners) of the application materials, there are several properties that have outdated property owners. For example: parcel formerly owned by Thirty Nine Preserve Inc. (18-43-26-00-00001.0000), parcel formerly owned by Michael & Tracey Greenwell (18-43-26-00-00001.0010), parcels formerly owned by Talon Ventures LLC (18-43-26-00-00002.0020, 18-43-26-00-00002.000, 19-43-26-00002.1020), parcel formerly owned by George Thompson (20-43-26-00-0001.0070), parcel formerly owned by Alfredo & Patricia Savigne (20-43-26-00-00001.0080), parcels formerly owned by Riverhaven Trust (19-43-26-00-00005.0030, 19-43-26-00-00006.0010, 19-43-26-00-00006.0040, 19-43-26-00-00006.0060, 19-43-26-00-00006.0050, 19-43-26-00-00006.0070 & 19-43-26-00-00006.0030). Recently North River LLC has purchased these properties. Please provide updated deeds reflecting these purchases.

Response

Please see the attached revised deeds and STRAP numbers.

PART IV OF THE APPLICATION

A.1.

Comment

Please provide a Future Urban Area Descriptor Policy for this proposed plan amendment request.

Response

Please see the attached revised text amendment.

Comment

Planning staff introduced a Floor Area Ratio (FAR) of 1 as an index of intensity that was included in the newly adopted Commercial Land Use category (CPA2005-00039). The FAR method sets a maximum floor area making development consistent throughout the land use category. FAR is calculated by dividing the total floor area (square feet) of the building by the total area (square feet) of the lot. Planning staff believes that DCA will require this of all new land use categories. Please include Policy language that discusses FAR for the proposed plan amendment request.

Response

Please see the attached revised text amendment. The revised text amendment proposes a FAR of 1.0 "over the entire development area for commercial uses". The reason why this language was added is because the commercial area in North River Village is intended to be designed as a mixed use town, where the FAR for individual commercial lots may be greater than 1.0 where there is use of a common water management system, joint use of parking facilities and mixed use buildings that are more than one story. The entire development area including parking, open space and water management will not exceed a FAR of 1.0. The proposed amendment also contains a new land use category of "Inner Islands" to be applied to Williams Island. The same F.A.R language is included in that category as well.

A.6.

Comment

Please submit all updated deeds for the subject amendment parcels.

Response

Please see the attached deeds.

B.1. Long Range 20-Year Horizon

B.1.a.

Comment

Please identify the Traffic Analysis Zones (TAZs) for this proposed plan amendment request.

Response

As explained on page 4 of the North River Village Comprehensive Plan Amendment Traffic Study (September 17, 2006), the assumed development parameters associated with the CPA were input into the Lee County travel model as new TAZ 316, which is located in the southeast quadrant of the SR 31/CR 78 intersection and has access connections (centroid connectors) to both of these roads.

There were no other changes to the model TAZ structure.

B.1.b.

Comment

Please determine whether the requested change requires a modification to the socioeconomic data forecasts for the host zone or zones. The land uses for the proposed change should be expressed in the same format as the socioeconomic forecasts (number of units by type/number of employees by type/etc.).

Response

The background TAZ's in the area did not include substantial numbers of units or employees. So, the land use assumptions were not modified from what were provided by the MPO, except for the addition of TAZ 316 to represent the CPA, as explained above.

The format of the input data is the same for TAZ 316 and all other zones in the system, with residential units and hotel rooms in ZDATA1 and employees in ZDATA2.

The travel model assignments were updated for this sufficiency response utilizing the latest MPO zonal data available off the internet. Otherwise, the background zonal data remains as before.

Comment

Please provide an existing and future conditions analysis for sanitary sewer and potable water, that includes (but is not limited to) the following:

- *Franchise Area, Basin, or District in which the property is located;*

The property is currently not located within a franchise district. This amendment proposes to add the property to the Lee County Utilities Franchise area for potable water. According to the proposed text amendment and Policy 1.10.12, new development will be required to provide or connect to central sewer facilities as well.

- ***Current LOS, and LOS standard of facilities serving the site;***

The property currently is not served by either central water or sewer. However, According to the proposed text amendment and Policy 1.10.12, new development will be required to provide or connect to central water and sewer facilities.

- ***Projected 2020 LOS under existing designation;***

The property is not currently projected to be served by either central water or sewer. However, According to the proposed text amendment and Policy 1.10.12, new development will be required to provide or connect to central water and sewer facilities.

- ***Projected 2020 LOS under proposed designation;***

According to the proposed text amendment, the property would need to extend utilities to the property. The total projected demand for both water and sewer would be approximately 650,500 gallons per day.

- ***Improvements/expansions currently programmed in 5 year CIP, 6 - 10 year CIP, long range improvements and***

There are no improvements currently scheduled.

- ***Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).***

Sufficient capacity exists for potable water. It would be the developer's responsibility to extend transmission lines to the property. Therefore no revisions will be necessary to the CIE for potable water. We are continuing discussion with Lee County Utilities on Waste Water service to the property, but have not yet concluded those discussions.

Comment

The applicant did not indicate if an amendment is proposed for Future Water Service Areas (Map 6) and Future Sewer Areas (Map 7) for the amendment request. In addition, the applicant stated that North Fort Myers Utilities will be providing wastewater service and Lee County utilities will be providing water service to the subject amendment parcels. Is an amendment proposed to Map 6 and Map 7 for the proposed project? How will potable water and sanitary sewer service be provided to the site? Is the applicant proposing a facility on site? Please clarify.

Response

The applicant has met with Lee County Utilities on several occasions to establish whether or not Lee County Utilities will be able to serve the area with potable water and sewer. It appears from the attached letter that Lee County Utilities will be able to service the project and the area for its potable water needs, however, we are continuing discussions with Lee County Utilities on Waste Water service to the property, but have not yet concluded those discussions.

Comment

Lee County Utilities provided an email dated June 20, 2007, including the following comments:

We intend to provide wastewater service to the project. The applicant should provide a location for a regional wastewater plant.

Please address the Lee County Utilities statement.

Response

Please see the response above.

Comment

The applicant in a recent meeting held on June 14, 2007 with Matt Noble, Brent Cunningham, Daniel DeLisi, Margaret Emblidge stated that a golf course is proposed for the North River Village Area. If a golf course is proposed, please provide Policy language that includes the design, construction, management and certification in accordance with the Audubon International Signature Program standard.

Response

Please see that attached revised text amendment which includes several policies on golf course design, construction, management and certification. The requirements included in Policy 1.10.18 are taken directly from recent golf course requirements (Renaissance) that Lee County has used to ensure that a high level of environmental protection is included in future golf courses.

B.3. Lee County Division of Transportation, March 20, 2007

Comment

The property is located within TAZ 1289 in Lee County MPO 2030 FSUTMS model. For the analysis, a new TAZ (TAZ316) was created by the applicant to analyze the proposed change would have on the 2030 Financially Feasible Plan as adopted by the Lee Plan County MPO. 1,470 single family dwelling units, 630 multi-family dwelling units and 900 condominium hotel units were added in zdata 1 of TAZ, 316,300 commercial employees and 110 service employees were added in zdata 2 and rerun 2030 FSTUMS model by

applicant. It is reported that the projected 2030 traffic conditions under the 2030 Financially-Feasible plan without and with the proposed CPA indicate the 4 lane segment of SR 80 between SR 31 and Tropic Ave are expected to exceed the adopted LOS standard. The section of SR 90 west of SR 31 also exceeds the adopted LOS standard without and with the CPA. The section of SR 31 between SR 78 and the proposed project entrance is expected to exceed the adopted LOS standard with the proposed CPA.

Response

The assumed development parameters associated with the CPA have been changed for this sufficiency response.

The base scenario (A) now includes only 2,500 residential units, with an assumption of 1,500 single-family units and 1,000 multifamily units. In addition, it is assumed that there will be 100 hotel rooms, 150,000 sq. ft. of commercial space, the existing marina, and an 18-hole golf course. It is our intent to limit the residential units and commercial floor area through the MPD process or through this comprehensive plan amendment process. Based on the on site constraints this is a maximum development scenario.

An alternative scenario (B) includes 2,200 residential units, with all being single-family units. The non-residential uses remain the same as in Scenario A: 100 hotel rooms, 150,000 sq. ft. of commercial space, the existing marina, and an 18-hole golf course. This reason for this alternative scenario is explained below.

In the original CPA traffic study, two comparative travel model assignments were run under the MPO 2030 Financially-Feasible Plan: 2030 Traffic Conditions Without the CPA and 2030 Traffic Conditions with the CPA. The same approach was used for this first sufficiency response, except that both Scenario A and Scenario B were evaluated separately for the 2030 Traffic Conditions with the CPA. As mentioned previously, the model assignments were re-run with the latest MPO data and with the revised CPA scenarios.

The results of the travel model assignments for 2030 Traffic Conditions without the CPA, 2030 Traffic Conditions with the CPA (Scenario A), and 2030 Traffic Conditions with the CPA (Scenario B) are provided in Exhibit 2 Revised, Exhibit 3A Revised and Exhibit 3B Revised, respectively. The results are comparable to those reported previously, with one exception: the six-lane segment of SR 80 between I-75 and SR 31 now operates at an acceptable level of service under all three scenarios.

Finally, DPA's estimates of the anticipated road impact fees that would be collected from the assumed development parameters have been updated to reflect new Scenarios A and B. They are provided in Exhibits 4A Revised and 4B Revised.

Comment

The above findings of the applicants traffic study are not based on a worse case condition. Since single family has a higher trip generation rate than mutli-family and condominium and the applicant requests to allow for 3,000 units, a worse case of assuming 3,000 single family units shall be conducted for the traffic study.

Response

DPA has been advised that the developable land associated with this CPA will not accommodate 2,500 or more single-family units. For this reason, Scenario A includes a 60% SF and 40% MF mix of residential units.

To be responsive to the staff's concern, however, a scenario with a reduced number of total units, but all single-family, was tested. DPA has found that Scenario B, with 2,200 single-family units, produces comparable traffic generation and impacts to Scenario A.

It is the Applicant's intent that language be included in the text amendment (Policy 1.10.24) to limit the number of residential units to either 2,500 residential units (with 1,500 SF and 1,000 MF units), 2,200 residential units (all SF), or some other mix of single-family and multifamily units that produces the same or fewer external trips.

Comment

Additionally, the traffic information on SR 31 north of SR 80 is associated with Permanent Station #5, which is located on SR 80 west of SR 31. However, the applicant used the data of Permanent Station #4 (on Bayshore Road west of Williamsburg) for SR 31 north of SR 80. The traffic study shall be revised to study a worse case and the data of Permanent Station #5 shall be used for SR 31 north of SR 80.

Response

DPA used the K and D adjustment factors for PCS #4 for SR 31 north of SR 80, because we concluded that they more closely matched the directional splits observed on this section of SR 31. The County uses the adjustment factors from PCS #5 on SR 80 for this section of SR 31, even though they reflect the high directional splits associated with commuter traffic to and from Ft. Myers Shores and other development along SR 80.

However, as requested by the staff, DPA has revised our level of service spreadsheets to use the adjustment factors preferred by the Lee County DOT. The adjustment factors have also been updated based on the latest data from the Lee County 2006 Traffic Count Report. These changes are included in Exhibit 2 Revised, Exhibit 3A Revised and Exhibit 3B Revised.

B.3. Lee County Department of Smart Growth

Comment

The CR 78 corridor and SR 31 corridor should not be defined by applicant initiated amendments but instead by a master plan. The current Lee Plan is the county wide master plan, and the opportunity exists for community and subcommunity based plans to be developed as further detailed evaluation of the Countywide approach. For this area, such a plan should define the capacity of the roads as area, and as can be expanded

without violating their effectiveness; that defines the watershed and the water budget that must be maintained by land alterations, and the pollution load reduction expected of most watershed, as well as any groundwater storage targets; and, as addresses similar system driven components of public infrastructure.

Response

The applicant is working with the community and all stakeholders to address transportation, utility and water quality issues. Furthermore, the applicant has had repeated meetings with local residents to address those issues that would ordinarily be part of a community or sub-community plan, like community vision and character. The attached text amendment was written specifically to address both infrastructure needs and community vision comments.

In meeting with Mr. Daltry, he indicated that this comment was meant to promote additional connectivity on the local road network. The applicant is willing to provide for that connectivity through an additional public access corridor that will connect State Road 31 with County Road 78. Furthermore, the applicant has had several meetings with the residents along Duke Highway to explore possibilities of providing them more direct access to improve their access to State Road 31 and help relieve traffic on County Road 78.

Comment

The population forecasts of the County are presumed to be accommodated by the approved developments in the different planning districts. I am unaware of any outside analysis that indicate a shortcoming in the planning district this is within that would require additional population. Without such analysis the CIP response is likely to suffer additional delays, since this is not a small project. (This concern reinforces point 1 above). I note the applicant is raising issues that the forecasts used by the County are inappropriate, but the place to challenge these forecasts would be in a particular plan section, not in a land use map change that doesn't include a change of the forecast in the appropriate section of the Plan.

Response

The applicant does not disagree with the population projections that are being used to calculate density or the allocation of population for the Alva Planning community in the 2030 Allocation Table. The submittal was done prior to the adoption of the new 2030 allocation table. However, the applicant does believe that the shift of density from that will take place when making the future land use change from Rural to North River Village is justifiable based on settlement patterns of the east Lee County area.

The attached amendment to the Lee County 2030 allocation table shows how the project proposes to shift land area allocations and the effect that has on population. This shift is justifiable for the following reasons:

- 1. The applicant agrees with the staff assumptions in CPA 2005-00026 that development trends are moving to the east and north parts of Lee County. In response to this, staff increased the allocation in the Alva Planning Community*

- primarily in the Rural land use category by over 400 acres. Within the Alva Planning community locating that density in the most urban section, at the intersection of two state roads, across the river from urban land uses and in close proximity to public and commercial services should be the priority location for the construction of new units. The proposed amendment is to shift land area from the Rural land use category to the River Village land use category.
2. The allocation table shows 520 acres of development in the Urban Community land use category being accommodated in the year 2030. The assumption in the table is that the Urban Community Land Use Category is in the Alva Planning Community will accommodate much of the projected population. However, settlement patterns show that the actual density of the Urban Community area in Alva is at a very low density. Current densities in the Urban Community area are closer to 1 du/acre. Furthermore, utility infrastructure for development in the eastern parts of Alva and the Urban Community area of Alva is very unlikely. The location of the proposed development is the most likely location for the extension of utilities and urban services and the most in line with Lee Plan Objectives 2.1 and 2.2, which promote compact development forms where utilities can be extended.
 3. The use of population allocations was meant to prevent premature development or to direct development to the areas of each community that are most able to provide for infrastructure. By increasing the allocation for the North River land use category, allocations should decrease for other categories, including a significant area of the Rural land use category, the DR/GR land use category and reallocating population from nearby planning communities where population is unlikely to go. For instance, CPA 2005-00026 attempted to reallocate population from the Buckingham community, some of which was allocated to the Central Urban portion of the Fort Myers Shores Planning Community, where staff has acknowledged it is unlikely that new residential development will occur.

The proposed amendment will shift that population to an area that is closer to public infrastructure, at the intersection of two State Roads, in a location where utility service can and will be extended, and where development can happen in a more planned manner. There are sufficient acres available on the 2030 allocation table to accommodate the proposed commercial areas.

Comment

The proposed change seems to create a new future land use category that is apparently application to just this site. The proposal underlines the problem previously faced by other projects that have their own category. The greater problem is the need for a land use category wherein the subsequent processes of land use change, zoning, site design, building form, and building review/Cos are integrated to achieve a particular vision. The somewhat jury rigging of the DRI process has promoted that in the past, and land use reviews did promote some flexibility. If the issues in points 1 and 2 above are resolved, then the need to have projects such as this "covered" by an integrated program is required. Rather than the developer initiated category "category", a more inclusive approach should be developed and provided. The current "Mixed Use" concept should be assessed to see if the "Village" basic theme is met by such an approach.

Response

The idea for a site specific plan amendment came about through discussions with staff. It has nothing to do with avoiding the DRI process. Preliminary site plans show that it is very difficult and unrealistic to do DRI level development on this property. Our revised analysis is based on 2,500 units, the maximum that we think can be built on this property given environmental constraints including restoration areas.

The applicant has created a non-site specific land use category for which this property can use. With input from staff, it is our belief that a new category that could address specific land preservation, development and community character goals, a new category can be more effective then the current "Rural Land Use Category" in both preserving the character of the surrounding riverfront and rural communities and improving quality of life.

Comment

Integration of land uses with adjacent parcels. This point emphasizes part of the issue 1 above. The project is one that has been assembled from diverse ownerships. The resulting geometric has "outparcels" and somewhat angular interfaces with adjacent properties. There needs to be adequate mobility access and natural system continuation regardless of ownerships to ensure system performance.

Response

The applicant agrees. The revised text amendment attempts to achieve this goal by providing language that requires development along Duke Highway to be consistent with the existing development (i.e. single family uses facing the road). Furthermore, the flowway restoration and environmental features of the property will be designed to create environmental interconnects with surrounding areas.

B.3.a.

Comment

Please provide a letter from the Bayshore Fire & Rescue and North Fort Myers Fire Department determining the adequacy/provision of existing or proposed support facilities.

Response

Please see the attached letter from the Bayshore Fire District.

B.3.b.

Comment

Lee County Division of Public Safety Emergency Management Program provided a memo dated January 29, 2007, including the following comment:

Emergency Management reviewed the documents for the above referenced amendment. This request appears to allow a density increase from 997 dwelling units (under current) to 3,000 dwelling units (under proposed). Most of this property is located in a Tropical Storm surge zone.

Lee County Public Safety and Emergency Management remain fundamentally opposed to increasing density in the Coastal High Hazard Area. Increased density in the Coastal High Hazard Area places more people at risk and increases demand on already strained shelters and evacuation routes.

POLICY 5.1.2: Prohibits residential development where physical constraints or hazards exist, or requires the density and design to be adjusted accordingly. This request to increase density in the Coastal High Hazard Area is inconsistent with Policy 5.1.2.

POLICY 105.1.4: Through the Lee Plan amendment process, land use designations of undeveloped areas within coastal high hazard areas will be considered for reduced density categories (or assignment of minimum allowable densities where density ranges are permitted) in order to limit the future population exposed to coastal flooding. This request to increase density in the Coastal High Hazard Area is inconsistent with Policy 105.1.4.

Response

The applicant is in the process of working with the Lee County Division of Public Safety Emergency Management to come up with a mitigation package that off sets concerns of development within the Coastal High Hazard Area. Mitigation can include the generation of fees to assist in the widening of State Road 78 to I-75, a central choke point for evacuation traffic and or the provision of a shelter in a Category 4/5 zone.

Comment

Please provide a letter from the Lee County Emergency Medical Services (EMS) determining the adequacy/provision of existing or proposed support facilities.

Response

The letter from Lee County EMS is forthcoming.

Comment

Lee County Transit provided a memo dated September 25, 2006, including the following comments:

We currently do not provide transit service to this area north of the Caloosahatchee River, nor have we identified the capacity with which to do so in the future. The nearest transit service is approximately 2 miles south on Palm Beach Boulevard, SR 80.

Transit service on SR 31 north of the river has not been identified as a need in either the Lee County Transit Development Plan or in the Lee County Long Range Transportation Plan. However, with the pace of growth projected for Lee County and the potential the SR 31 corridor has for becoming a transit corridor in the future, we request the design and development of North River Village to include "transit ready" features. Such features should include pedestrian walkways and bike ways internal to the project that will connect with the SR 31 corridor for the future transit passenger amenities. Such items will facilitate easier access to public transportation and will allow for ease of implementation of such services in the future.

Response

The applicant has revised the proposed text amendment to specifically include a policy that requires pedestrian walkways and bike ways internal to the project that will connect with the SR 31, County Road 78 and local roads for the future transit passenger amenities. Policy 1.1.3.8 and Policy 1.1.3.11 require the project to be designed to accommodate a strong pedestrian orientation to the community and accessibility to future transit opportunities.

B.3.e.

Comment

Please provide a letter from the Lee County School Board determining the adequacy/provision of existing or proposed support facilities.

Response

Please see the attached letter from the Lee County School Board.

C.1.

Comment

Lee County Division of Environmental Sciences provided an email dated June 15, 2007, including the following comments

- *Policy 1.10.3 should require the public access for canoes and kayaks. The way the policy is currently written, a promenade in conjunction with say a public restaurant may meet the requirements.*

Policy 1.10.3 was revised to reference the design elements. Please refer to Policy 1.10.6 which has been revised to include public access for canoes and kayaks in addition to other forms of public access.

- *Policy 1.10.6 should be revised to established minimum buffers areas along the creeks and restoration of native plant communities. The placement of any buildings within the creek buffer area should be prohibited. There may be some structures such as a pervious path or boardwalk that may be appropriate, but we*

will need to discuss further. After the BOCC meeting last week, I would recommend a 50-foot wide natural waterway buffer. We will need some help from natural Resources staff to determine the most appropriate width of no impacts (e.g. filling or grading) from a flood protections standpoint. There should also be a minimum 20-foot building, pool, accessory structure, and pavement setback from the natural waterway buffer as well.

Policy 1.10.6 was revised to reference public access. Please refer to Policy 10.10.16 which was added to include a minimum 50 foot buffer along natural waterways. Buffer areas may contain passive recreational uses, including boardwalks, and river oriented recreation uses such as a canoe/kayak launch with an ancillary building, and necessary community infrastructure crossing points. Residential dwelling units will not be constructed within 50 feet of the mean high water line (MHWL) of natural water bodies. Water dependent uses may be permitted with a zero foot setback.

- ***Policy 1.10.7 should be revised to include listed species.***

Policy 1.10.7 was revised to reference water quality improvement systems for degraded water bodies directly connected to the property. Please refer to Policy 1.10.19 which has been added to promote the preservation of listed species habitat.

- ***Policy 1.10.8 should be revised to establish clustering criteria and how functional common open space will be included in the design.***

Please see the attached revised policies.

- ***There should be a policy added that addresses the use of a large roadway buffer that utilizes 100% native species to NE Lee County; prohibits the use of berm, wall or fence; and includes a multi-use trail or path.***

Policy 1.10.9 addresses the rural edge protection area which promotes the preservation of the surrounding community character. A minimum 100 foot edge protection area will be incorporated into the development and 50 feet along adjacent properties under separate ownership. The rural edge protection area will contain one or more elements that are representative of rural character including groves, livestock grazing, pervious recreational areas or open space, preserves, equestrian facilities, lakes, or other elements of rural character. The existing rural elements located within the proposed comprehensive plan amendment will provide an excellent landscape buffer adjacent to roadways and adjacent properties while preserving and promoting rural community character and allowing for the efficient use of land.

Berms and walls that are intended to provide a visual barrier will not be permitted along County maintained arterial roads and are discouraged along the remaining perimeter, unless specifically requested by the adjoining property owner. The use of perimeter fencing including, but not limited to, horse fences and picket fences will be encouraged. This policy is not intended to preclude any berms required to meet the requirements of the South Florida Water Management District. The requirement for 100

percent native landscaping would, in this case, conflict with the goal of preserving some of the grove area within the rural buffer area.

- ***There should be a policy added that addresses an enlarged natural waterway buffer along the Caloosahatchee River.***

Please see Policy 1.10.16 in the revised text amendment.

- ***There should be a policy added limiting the amount of lake excavation to the minimum necessary to provide surface water management, and maximizing the best management practices such as filter marsh and created flow-ways (i.e. meandering naturalized swales) to lower the amount of lake excavation required.***

The Best Management Practices in Policy 1.10.15 - 1.10.18 aim to implement the goal of improving water quality.

- ***There should be a policy added to require a higher percentage of native vegetation than is required by the LDC for required landscaping, as well as committing to a limitation on the use of non-native vegetation to non-invasive, low water, and low fertilizer plants.***

Please see the commitments listed under 1.10.13 and 1.10.18 in the revised text amendment.

- ***There should be a policy added regarding limitations on lawns. Whether the percentage of the lot or a limitation on the type of a sod used.***

We agree. Please see the commitments listed under 1.10.13 in the revised text amendment.

- ***The proposed future land use map should delineate the large tracts of proposed conservation area including the preserved or restored flow-ways.***

Policy 1.10.20 attempts to accomplish this goal by changing those areas subsequent to MPD approval for development.

Comment

Is the applicant proposing to place environmentally sensitive areas of the subject amendment site into the Conservation Lands Wetlands Future Land Use category? Please clarify.

Response

Policy 1.10.20 attempts to accomplish this goal by changing those areas subsequent to MPD approval for development.

D.1.

Comment

Please provide a map of any historic districts and/or sites, listed on the Florida Master Site File, which are located on the subject property or adjacent properties.

Response

Please see the attached letter from the Florida Department of the State Division of Historical Resources (DHR) dated October 6, 2006 recommending a systematic, professional archaeological and historical survey. We are in the process of finishing a survey of historic and archeological resources and will provide the information to the county when complete.

D.2.

Comment

Please provide a map showing the subject property location on the archeological sensitivity map for Lee County.

Response

Please see the attached Archeological Sensitivity Map for Lee County.

E.1.

Comment

Please address the 2030 allocations for commercial and residential uses in the Alva Planning community per CPA2005-00026 revised Table 1(b).

Response

Please see the response above on pages 8 and 9 with regard to the 2030 allocations.

E.2.

Comment

Please list all goals and objectives of the Lee Plan that are affected by the proposed amendment.

This analysis should include an evaluation of all relevant policies under each goal and objective.

Response

Please see the attached revised Lee Plan analysis.

Comment

According to the proposed Policy 1.10.5, development within the North River Village will be required to accept reuse water if the utility is prepared to supply reuse water and a sufficient supply is available to meet all or a portion of the irrigation needs of the proposed development. In response to the state objectives in Section 373.250 and Section 403.064, Florida Statutes (F.S.), of "encouraging and promoting uses," the Florida Department of Environmental Protection has developed a comprehensive reuse program. The Department has created extensive rules dealing with water reuse which are contained in Chapter 52-610, Florida Administrative code. In addition, there are water reuse requirements per Policy 54.1.6 and Chapter 10 of the Land Development code. Will the water reuse system meet these requirements? Please clarify.

Response

Yes. The reuse system will meet these requirements.

E.3.

Comment

Please describe how the proposal affects adjacent local governments and their comprehensive plans.

Response

The applicant does not believe that the proposed amendment will have any effect on adjacent local governments or their comprehensive plans. The proposed amendment is a significant distance away from any adjacent governmental entity. The closest adjacent county is Charlotte County, which projects the development of the Babcock Ranch Community. According to our traffic analysis, we do not project more than 1 % of our trips from going north across the County line. Therefore, although the proposed comprehensive plan amendment would in many ways be consistent with Babcock, there is projected to be very little interaction between developments across county lines.

Comment

According to the application the applicant is proposing 3,000 dwelling units. But according to recent submitted text amendment language (Policy 1.10.10), development within the North River Village property will be limited to 2,500 residential units. Please clarify the number of dwelling units that are proposed for the project.

Response

The amendment proposes to limit residential development to a maximum of 2,500 dwelling units, which will be done through the MPD process. Given environmental constraints, including restoration of environmental areas, 2,500 units is the maximum that could be built on this property.

F.1.a.

Comment

The application provides no measure of intensity or FAR for the proposed commercial component of this plan amendment. According to the application, 150,000 square feet of commercial is proposed but there is no measure of intensity language provided in the text amendment. Planning staff needs this information to determine the impacts the proposed development will generate. Please provide language that discusses measure of intensity for the proposed commercial component of this amendment. In addition, please state whether the site is accessible to arterial roadways, rail lines, and cargo airport terminals.

Response

Please see the attached revised text amendment. The revised text amendment proposes a FAR of 1.0 "over the entire development area for commercial uses". The reason why this language was added is because the commercial area in North River Village is intended to be designed as a mixed use town, where the FAR for individual commercial lots may be greater than 1.0 where there is use of a common water management system, joint use of parking facilities and mixed use buildings that are more than one story. The entire development area including parking, open space and water management will not exceed a FAR of 1.0.

The proposed plan amendment is accessible to two arterial roadways, State Road 31 and County Road 78. The property is also within two miles of State Road 80, and within five miles of I-75. The proposed plan amendment is not directly accessible to rail lines. The closest cargo airport terminals are located at either Page Field or the Southwest Florida International Airport, approximately 15 miles from the subject property.

F.1.b.

Comment

Please provide data and analysis required by Policy 2.4.4 of the Lee Plan.

Response

Policy 2.4.4 states the following:

Lee Plan amendment applications to expand the Lee Plan's employment centers, which include light industrial, commercial retail and office land uses, will be evaluated by the Board of County Commissioners in light of the locations and cumulative totals already designated for such uses, including the 1994 addition of 1,400 acres to the Tradeport category just south of the Southwest Florida International Airport.

The proposed amendment will contain commercial development only to the extent to accommodate two county goals. The first is to provide for uses that are water dependant in nature, in accordance with the Water Dependant Overlay and Policy 1.7.5. The second goal is to provide for retail development that would create a sense of place for North Olga and provide for some of the retail needs of the surrounding community without having to access the surrounding road network.

F.2.a.

Comment

How does this justify the proposed plan amendment request being in compliance with Objective 2.2: Development Location & Timing of the Lee Plan? Please clarify.

Response

Please see the revised Growth Management Analysis that was submitted with the original application.

Comment

Please demonstrate why the proposed change does not constitute Urban Sprawl. In addition, please supply data and analysis specifically addressing the urban sprawl criteria listed in FAC Rule 9J 5.006(5)(g), (h), (i), and (j).

Response

Please see the revised Growth Management Analysis that was submitted with the original application.

G.

Comment

It may be to the applicant's advantage to provide a conceptual site design due to the size and scope of this proposed plan amendment request that affects 1,263 +/- acres of land.

Response

We are now in the process of preparing exhibits to visualize the goal of the proposed amendment.

Comment

Most residential, commercial, industrial, and public development is expected to occur within the designated Future Urban Areas on the Future Land Use Map per Policy 2.1.1 of the Lee Plan. New growth should be directed to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created per Objective 2.2: Development Timing of the Lee Plan, GOAL 11, Policy 39.1.6, Policy 43.1.6, and Objective 43.2. In addition to the above mentioned items, staff has concerns with the premature nature of the request, and questions whether the request could be approved as proposed.

Response

It is our hope that we can and are crafting a proposal that can mitigate for staff's concerns. The current land use category still allows for development of up to 1 dwelling units per acre, but without the requirement to extend urban services or include extra water quality measures that well exceed county, state and federal standards. The proposed amendment also requires public benefits such as water access and amenities and workforce housing, two very important aspects of maintaining and enhancing quality of life in Lee County, benefits which are not currently provided for under the current land use category. The proposed amendment, while in the Rural land use category, is located geographically at the intersection of two arterial roads, in an area where services do exist. The Lee County Civic Center is in close proximity, as are urban amenities such as shopping centers, restaurants, recreational facilities and government services, all within a few miles of the property. As proposed, it is our belief that not only will population be accommodated in a more compact form of development, but in an area where service can be provided and under requirements to add significant environmental benefits to the community.

If you should require any additional information, please contact our office.

Sincerely,
DeLisi Fitzgerald, Inc.



Daniel DeLisi, AICP
Principal

DD/vd

Project No.: 21023

NORTH RIVER VILLAGE

Parcel Strap No.

Property Address:

18-43-26-00-00001.0000	SR 31, Alva, FL 33920
18-43-26-00-00001.0010	12250 N. River Rd., Alva, FL 33920
18-43-26-00-00002.0020	12850 N. River Rd., Alva, FL 33920
19-43-26-00-00002.1020	17900 Owl Creek Drive, Alva, FL 33920
18-43-26-00-00002.0000	18420 Owl Creek Drive, Alva, FL 33920
20-43-26-00-00001.0000	13638 Duke Hwy., Ft. Myers, FL 33905
17-43-26-00-00006.0000	13231 Duke Hwy., Alva, FL 33920
17-43-26-00-00001.0000	13230 N. River Rd., Alva, FL 33920
18-43-26-00-00002.0020	12850 N. River Rd., Alva, FL 33920
20-43-26-00-00001.0070	13746 Duke Hwy., Ft. Myers, FL 33905
20-43-26-00-00001.0080	13778 Duke Hwy., Ft. Myers, FL 33905
20-43-26-00-00001.0040	13808 Duke Hwy., Ft. Myers, FL 33905
20-43-26-00-00001.0090	13860 Duke Hwy., Ft. Myers, FL 33905
16-43-26-00-00001.0040	
19-43-26-00-00005.0030	Havens Island, Ft. Myers, FL 33905
19-43-26-00-00006.0010	6 Havens Island, Alva, FL 33920
19-43-26-00-00006.0040	Havens Island, Alva, FL 33920
19-43-26-00-00006.0060	Havens Island, Alva, FL 33920
19-43-26-00-00006.0050	Havens Island, Alva, FL 33920
19-43-26-00-00006.0070	Havens Island, FL 33920
19-43-26-00-00006.0030	Havens Island, Alva, FL 33920

This Instrument Prepared By:
Thomas E. Moorey, Attorney
1430 Royal Palm Square Blvd.
Suite 105
Fort Myers, Florida 33919

INSTR # 5038389
OR BK 03348 PG 2578

RECORDED 01/19/01 10:54 AM
CHARLIE GREEN CLERK OF COURT
LEE COUNTY
RECORDING FEE 24.00
DOC TAX PD (F.S. 201.02) 25,900.00
DEPUTY CLERK A Janke

DEED TO LAND TRUSTEE
(F.S. 689.071)

THIS DEED executed this 5th day of JAN., 2001, by OWL CREEK BOAT WORKS AND STORAGE, INC., a Florida corporation, hereinafter referred to as Grantor, and

DAVID L. COOK AS TRUSTEE under that certain Land Trust Agreement dated April 20, 2000, hereinafter referred to as Trustee, whose post office address is 3461 Bonita Bay Blvd., Suite 221, Bonita Springs, FL 34134

WITNESSETH, Grantor, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to Trustee, its successors and assigns, the following described property situate in Lee County, Florida:

SEE ATTACHED EXHIBIT 'A'

Property Appraiser's parcel ID No. 18-43-26-00-00002.0010

SUBJECT to existing mortgage instruments as listed on attached Schedule "I."

SUBJECT to restrictions, reservations and easements of record, if any, which are not reimposed hereby, and taxes subsequent to the year 2000.

Together with all appurtenances, privileges, rights, interests, dower, reversions, remainders and easements thereunto appertaining;

TO HAVE AND TO HOLD the said property in fee simple upon the trusts and for the uses and purposes herein and in said trust agreement set forth.

Full power and authority is hereby granted to said Trustee to protect, conserve, sell, convey, lease, encumber and otherwise manage and dispose of said property pursuant to F.S. 689.071.

This deed is given and accepted in accordance with Section 689.071, Florida Statutes. The Trustee shall have no personal liability whatsoever for action as trustee under the trust agreement referred to above or by virtue of taking title to the land described above and the sole liability of Trustee hereunder shall be limited to the property which the Trustee holds under the trust agreement referred to above.

AND the Grantor hereby covenants with said Trustee that Grantor is lawfully seized of said property in fee simple; that the Grantor has good right and lawful authority to sell and convey said property; that the Grantor hereby fully warrants the title to said property and will defend the same against the lawful claims of all persons whomsoever. "Grantor," "Grantee," "Trustee" and "Beneficiary" are used for singular or plural, as context requires.

IN WITNESS WHEREOF, the Grantor aforesaid have hereunto set their hands and seals this 5th day of JAN., 2001.

Deed
Page 2

OWL CREEK BOAT WORKS AND
STORAGE, INC., a Florida corporation

Witness Signature

Witness Printed Name

Witness Signature

Witness Printed Name

By:

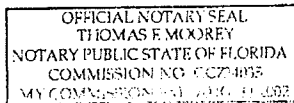
Waring T. Fulton, President

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 5th day of Jan, 2001, by
Waring T. Fulton, as President of Owl Creek Boat Works and Storage, Inc., a Florida corporation, on
behalf of said corporation, who is personally known to me or has provided _____
_____ as identification.

Notary Public

Printed Name _____



Diane Murray

From: Dan Ciesielski
Sent: Tuesday, July 10, 2007 4:16 PM
To: Diane Murray
Subject: FW: Parcel Clarification

This parcel also showed up in North River. Thanks

From: Dan Delisi [mailto:Dan@delisifitzgerald.com]
Sent: Tuesday, July 10, 2007 3:36 PM
To: Dan Ciesielski
Subject: FW: Parcel Clarification

Can you get the deed on this one as well? Thanks.

Daniel DeLisi, AICP
DeLisi Fitzgerald, Inc.
1500 Royal Palm Square Blvd., Suite 101
Fort Myers, FL 33919
(239) 418-0691 (P)
(239) 418-0692 (F)

From: Cunningham, Brent [mailto:BCunningham@leegov.com]
Sent: Tuesday, July 10, 2007 1:21 PM
To: Dan Delisi
Cc: Noble, Matthew A.
Subject: Parcel Clarification

Dan,

I was looking through the submittal package and notice that one of the parcels was not included (18-43-26-00-00002.0010). According to the property appraisal records, this property is owned by David Cook. Please provide a letter of authorization from this owner, or if the property was purchased by the applicant, please provide documentation. Thank you.

Brent Cunningham, Senior Planner
Lee County Dept. of Community Development
Division of Planning
phone: 239-479-8567
fax : 239-479-8319
bcunningham@leegov.com
www.lee-county.com

Owl
Creek

LAND TRUST AGREEMENT

THIS TRUST AGREEMENT is made and entered into as of the 20th day of April, 2000, by and between **DAVID L. COOK** as an individual residing and domiciled in Collier County, Florida, as **TRUSTEE** (which description shall include any successor Trustee), and **RESOURCE CONSERVATION PROPERTIES, INC., a Florida Corporation**, having a principal office and place of business in Lee County, Florida, which is the Beneficiary of this Trust and which, together with any successor in interest, shall hereinafter be referred to as the "Beneficiary" or "Beneficiaries".

Recitals

A. At the direction of the Beneficiary, Trustee will be entering into one or more Contracts to purchase vacant properties in Collier and/or Lee County for commercial purposes (the "Property").

B. When the Contracts have been entered into by Trustee and he has taken any action pursuant to the Contracts, and if Trustee takes title to the Property or any other property, real or personal, conveyed to him as Trustee under this Agreement (all of which shall collectively be referred to herein as "Property"), he will take such actions and hold title to the Property, in trust, for the uses and purposes and subject to the terms and conditions as hereinafter set forth.

C. It is the intent of Trustee to hold the Property in accordance with Section 689.071, Florida Statutes.

NOW, THEREFORE, for and in consideration of the agreements herein contained, the parties hereby agree as follows:

§1. Incorporation of Recitals. The Recitals portion of this Agreement is hereby incorporated by this reference to the same extent and as fully as though here rewritten in its entirety.

§2. Name of Trust. The Trust created by this instrument shall be known as the "Land Trust Agreement dated as of April 20, 2000." Any reference to "Trust" shall refer to the Trust herein established between the Trustee and the Beneficiaries.

§3. Right of Trustee to Acquire the Property. The Trustee is hereby authorized, empowered and directed to enter into the Contracts as Trustee, to perform in accordance with the Contracts and accept conveyance of the Property in the name of the Trustee, as Trustee in accordance with the terms of this Agreement. Previous acts of the Trustee with regard to the Property are hereby ratified.

§4. Funding from Beneficiary. The Beneficiary hereby agrees to provide to the Trustee or pay directly: (a) all disbursements of deposits required under the Contracts; (b) all funds required for the performance by Trustee under the Contracts, which shall include, but which shall not be limited to (i) costs of any consultants hired to investigate the Property and obtain any permits for the

Property, and (ii) costs of any surveys, appraisals, environmental audits or other information pertaining to the Property; and (c) all funds necessary to purchase the Property and thereafter to preserve and maintain the Property, including but not limited to (i) the balance of the Purchase Price or Deposit required under each Contract to close, (ii) the Trustee's closing costs as the Buyer under the Contracts, (iii) real estate taxes and assessments, (iv) casualty and liability insurance premiums, (v) payments due under any Purchase Money Mortgages given to the Sellers under the Contracts, and (vi) other customary costs and expenses incurred in the acquisition, ownership, development, maintenance, use and disposition of the Property. Provided, however, in the event that the Beneficiary fails or refuses to provide the funds necessary under subparagraphs (a), (b) or (c) above, the Trustee shall have absolutely no duty (whether express or implied) to advance the Trustee's own funds for any such payments or purposes, and upon the Beneficiary's failure or refusal to provide such funds, this Trust shall terminate, and the Trustee shall notify the Seller under each Contract that he is terminating the Contracts, or if a closing has occurred under one or more Contracts, the Property shall be distributed or disposed of by the Trustee as though this Trust had terminated in accordance with paragraph (b) of §8 of this Agreement, which follows.

§5. Identity of Beneficiary. RESOURCE CONSERVATION PROPERTIES, INC. is the initial Beneficiary of this Trust and, as such, shall be entitled to all of the earnings, avails, use and proceeds of and from the Property.

§6. Interest of Beneficiaries are Personalty. The interest of the Beneficiaries in the Property shall consist solely of the right to receive the proceeds and avails from the principal and interest payments made to Trustee or other disposition of the Property. The foregoing rights of the Beneficiaries shall be deemed to be personal property and may be assigned and otherwise transferred as such. No Beneficiary shall have any legal or equitable right, title, or interest, as realty, in or to any real estate held in trust pursuant to this Agreement, or the right to require partition of that real estate, but shall have only the rights, as personalty, set forth above. The death of any individual Beneficiary or the dissolution, reorganization, bankruptcy, or liquidation of any Beneficiary which is a legal entity shall not terminate this Trust or in any manner affect the powers of the Trustee hereunder.

§7. Term of Trust. This Trust shall terminate the earlier of (a) the termination of each Contract without any closing having occurred under any Contract, or (b) on December 31, 2015. Upon termination of this Trust, all Property held by Trustee shall be distributed to the Beneficiaries pro rata based upon their respective interests in this Trust, or solely to one Beneficiary if there are no other Beneficiaries hereunder.

§8. Powers and Duties of Trustee. The Trustee shall have all necessary powers and duties to perform acts necessary to accomplish the purposes of this Trust as are provided under Florida law. In addition to the general powers furnished hereby, the Trustee is authorized, empowered and directed to perform the following active and affirmative duties:

(a) To Execute Instruments: To deal with the Property with full power and authority to protect, conserve, assign, sell, lease, encumber, otherwise manage, maintain and dispose

of the Property. The Trustee shall execute all instruments necessary to protect and conserve the Property; to sell, assign, contract to sell or assign the Property and any right, title or interest in it on any terms; to exchange all or any part of the Property upon any terms for any other property, real, personal or mixed; to convey the Property to any grantee with or without consideration; to pledge or otherwise encumber the Property or any part of it; and to release, convey or assign any other right, title or interest whatsoever in, to or about the Property or any part of it; and deal with governmental authorities for any of the foregoing purposes.

(b) To Sell or Distribute Property and Distribute Proceeds: If any Property shall remain in Trust under this Agreement at the expiration date of this Trust specified in §7 hereof, the Trustee forthwith may either:

(1) Sell the Property then held by the Trustee at public sale after a reasonable public advertisement and reasonable notice to the Beneficiaries; and after deducting the Trustee's reasonable costs and expenses of the sale, the Trustee shall divide the proceed of the sale among the Beneficiaries, as their interests may then appear, without any direction or consent whatsoever, or

(2) Transfer, set over, convey and deliver to all the then Beneficiaries of this Trust, their respective undivided interests in any non-divisible assets, or

(3) Transfer, set over and deliver all of the assets of the Trust to its Beneficiaries in their respective proportionate interests in this Trust, at any time that the assets of the Trust consist solely of cash.

(c) To Furnish Information Concerning Taxes and Assessments: Within thirty (30) calendar days after receipt of notice of any taxes and/or assessments for public improvements that may be levied upon or against the Property, the Trustee shall advise the Beneficiaries of the amount thereof and due date.

If the Trustee delivers written notice to the Beneficiaries of the Trustee's intent to do anything with the Property permitted to be done by the Trustee, either pursuant to this §8 or elsewhere in this Agreement, and within five (5) business days after delivery of the written notice from the Trustee to all of the Beneficiaries, the Trustee does not receive from the Beneficiaries either the Beneficiaries' written consent and approval of the action or actions proposed to be taken by the Trustee, or contrary written instructions, then it shall be deemed for all purposes that the Beneficiaries have unconditionally consented to and approved the action or actions proposed to be taken by the Trustee in the Trustee's written notice to the Beneficiaries.

§9. Objects and Purposes of Trust. The objects and purposes of this Trust shall be to hold the Property until the termination of the Contracts or closing on the Property, and if Trustee takes title to any of the Property, until disposition of the Property. The Trustee shall not manage or operate the Property nor undertake any activity not necessary to the attainment of the foregoing objects and purposes, nor shall the Trustee transact business of any kind with respect to the Property within the

meaning of Chapter 609 of the Florida Statutes or any other law of similar tenor or effect. This Agreement shall not be deemed to be or create or evidence the existence of a corporation, de facto or de jure, or any Massachusetts trust or any other type of business trust, or any association in the nature of a corporation, or co-partnership or joint venture by or between the Trustee and the Beneficiaries, or by and between the Beneficiaries if there is more than one (1) Beneficiary of this Trust.

§10. Beneficiaries Do Not Manage and Operate Trust Property. The Beneficiaries, in their own right, shall have no control over the management and operation of the Property, or control of the selling or disposition of the Property. Provided, however, the Beneficiaries may from time to time issue written instructions to the Trustee to accomplish any of the foregoing, which shall be promptly implemented and carried out by the Trustee.

§11. Protection of Third Parties Dealing with Trustee. No party dealing with the Trustee in relation to the Property in any manner whatsoever, and (without limiting the foregoing) no party to whom the Property or any part of it or any interest in it shall be conveyed or assigned by the Trustee, shall be obliged: (a) to see the application of any purchase money; (b) to see that the terms of this Agreement have been complied with; (c) to inquire into the authority, necessity or expediency of any act of the Trustee; or (d) be privileged to inquire into any of the terms of this Agreement. Every deed, mortgage, lease, assignment, satisfaction, cancellation or other instrument executed by the Trustee in relation to the Property shall be conclusive evidence in favor of every person claiming any right, title or interest under the Trust: (a) that at the time of its delivery, the Trust created under this Agreement was in full force and effect; (b) that the instrument was executed in accordance with the terms and conditions of this Agreement and all amendments, if any, and is binding upon all Beneficiaries under it; (c) that the Trustee was duly authorized and empowered to execute and deliver every such instrument; (d) if a conveyance has been made to a successor or successors have been appointed properly and are vested fully with all the title, estate, rights, powers, duties, and obligations of its, his, her or their predecessor in trust.

§12. Trust Agreement Not to Be Recorded. This Agreement shall not be placed of record in the counties in which the Property is situated or elsewhere, but if it is so recorded, the recording shall not be considered as notice of the rights of any person under this Agreement derogatory to the title or powers of the Trustee.

§13. Beneficiary Cannot Bind Trustee or Other Beneficiary. No Beneficiary shall have the authority to contract for or in the name of the Trustee or any other Beneficiary, or to bind the Trustee or any other Beneficiary personally.

§14. Trustee Shall Not File Income Tax Returns. The Trustee shall not be obligated to file any income tax returns with respect to this Trust, but the Beneficiaries individually shall report and pay their share of income taxes on the earnings and avails of the Property, or arising from their respective interests in this Trust.

§15. Method of Assigning Interest of Beneficiary. The interest of a Beneficiary, or any part of that interest, may be transferred only by a written assignment executed in duplicate and delivered to the Trustee and consented to by the Trustee, provided, however, the Trustee may refuse to consent to any such assignment or transfer of the interest of a Beneficiary if the Trustee, in the exercise of the Trustee's sole judgment and discretion, determines that the proposed assignee does not have the financial capability to fulfill the undertakings of the Beneficiary set forth in this Agreement, and upon the determination of such, the transfer or assignment of the Beneficiary's interest in this Trust shall be deemed null and void. The Trustee shall note the Trustee's acceptance on the original and duplicate original to the assignee as and for his, her or its evidence of ownership of a beneficial interest under this Agreement. No assignment of any interest under this Agreement (other than by operation of law) that is not so executed, delivered and accepted shall be binding upon the Trustee.

§16. Trustee Not Individually Liable. The Trustee shall not be required, in dealing with the Property or in otherwise acting under this Agreement: (a) to enter into any individual contract or other individual obligation whatsoever; or (b) to become individually liable to pay or incur the payment of any damages, attorneys' fees, fines, penalties, forfeitures, costs, charges or other sums of money whatsoever. The Trustee shall have no individual liability or obligation whatsoever arising from its ownership as Trustee of the equitable or legal title to the Property, or with respect to any act done or contract entered into or indebtedness incurred by it in dealing with the Property or in otherwise acting under this Agreement, except only as far as the Trustee shall be applicable to the payment and discharge of that liability or obligation. The corpus of the Trust shall be the sole asset subject to creditors' claims.

The Trustee shall be obligated to exercise reasonable prudence and judgment in the administration of the Trust created in this Agreement, but shall not be liable for any loss resulting from the exercise of good faith and reasonable prudence in the conduct and administration of this Trust, or the exercise of any discretionary power granted to the Trustee hereunder. To the extent the Trustee seeks and obtains the advice of counsel concerning the exercise of any discretion or administrative power granted to the Trustee under this Agreement, the Trustee acting in reliance on such advice shall constitute conclusive evidence that the Trustee has acted reasonably.

The Trustee shall only be held to the exercise of reasonable care and diligence in relation to the Property, and when he acts by or through agents, he shall not be responsible for their actions, but shall only be held to the exercise of reasonable care in selecting and discharging such agents. The Trustee shall not have personal liability, except for acts of bad faith or fraud.

§17. Successor Trustee. In the event of the death, resignation or legal incapacity (which shall be deemed to include, but is not limited to, bankruptcy or receivership) of the herein originally named Trustee, the Beneficiaries shall, within thirty (30) days after the occurrence of such event, designate a Successor Trustee by written notice to the Trustee, whereupon the Trustee shall execute such documents as necessary to convey or transfer the Property to such Successor Trustee. Any Successor Trustee herein named shall have all powers, duties, rights and authority imposed upon the originally named Trustee hereunder. In the event that the Beneficiaries fail to notify the Trustee as

to the identity of the Successor Trustee, or are unable to agree on a Successor Trustee, the Trustee may convey the Property to the Beneficiaries, and the conveyance may be recorded by the Trustee and such recording and/or delivery of other appropriate documentation of conveyance shall constitute delivery of the conveyance to the Beneficiaries.

§18. Trustee's Compensation. The Trustee hereunder shall receive no compensation for services rendered in the administration of this Trust and taking title to the Property hereunder, however, the Trustee will be paid on an hourly basis as attorney to the Trust and its Beneficiary for work performed in connection with the Trust and/or the Property.

§19. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the respective heirs, personal representatives, successors and assigns of the parties hereunder upon the condition that the Trustee has approved such assignee or successor in interest in accordance with §15 hereof.

§20. Addresses of Parties; Notices. The addresses of the Trustee and Beneficiary herein, and any notices or demands required to be given herein or desired to be given by any party to the other, shall be in writing and shall be either personally delivered (including recognized air courier service, such as Federal Express) or mailed through the United States Postal Services by registered or certified mail, postage prepaid, return receipt requested, to the party at the following address:

Trustee: David L. Cook, Esq.
Windels Marx Lane & Mittendorf, LLP
3461 Bonita Bay Blvd., Suite 221
Bonita Springs, Florida 34134

Beneficiary: Resource Conservation Properties, Inc.
3451 Bonita Bay Blvd., Suite 202
Bonita Springs, Florida 34134

or such other addresses as any person named above designates to the others in writing as aforesaid. Any notice addressed as aforesaid shall be deemed given and received by the party to whom it is addressed, as follows: (a) if personally delivered, on the date delivered; or (b) if sent by air courier service, on the next following business day after it is placed in the hands of an agent for the air courier service or deposited in a pick-up box for such service; or (c) if mailed as aforesaid, three (3) business days after the date of deposit with the United States Postal Service.

§21. Governing Law. This Agreement shall be governed by and construed pursuant to the laws of the State of Florida.

§22. Complete Agreement; Amendment. This instrument contains the entire agreement between the parties and supersedes any prior understandings or agreements between them respecting the subject matter hereof. No changes, alterations, modifications, additions or qualifications to the

terms of this Agreement shall be made or binding unless made in writing and signed by all of the parties hereto.

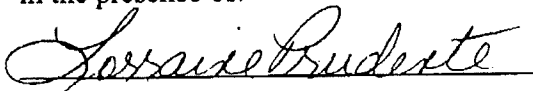
§23. Captions; Business Day Defined. The captions used at the beginning of several sections and subsections of this Agreement are not part of the context hereof, but are merely labels to assist in locating and reading those sections and subsections, and shall be ignored in construing this Agreement.

The use of the term "business day" or "business days" shall mean a day which is neither a Saturday, Sunday nor national holiday observed by the United States Postal Service.

§24. Miscellaneous. Each pronoun shall include any gender or number thereof, as the identity of its antecedent may require. This Agreement may be executed in several counterparts, and each executed counterpart shall be considered as the original of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

Signed, sealed and delivered
in the presence of:


Signature

Lorraine Prudente
Printed Name


Signature

MARSHA STACHLER
Printed Name


BENEFICIARY:

RESOURCE CONSERVATION
PROPERTIES, INC


By: 

Its: **VICE PRESIDENT**

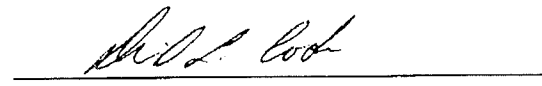
TRUSTEE:


Signature

CAROL D. NOERNAN
Printed Name


Signature

CAROL D. NOERNAN
Printed Name


David L. Cook

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 20th day of April, 2000, by JAMES P. McGowan as VICE PRESIDENT of Resource Conservation Properties, Inc. on behalf of the corporation, who is personally known to me.

Marsha Stachler

Notary Public

MARSHA STACHLER

(Affix Seal)



Marsha Stachler
MY COMMISSION # CC899536 EXPIRES
March 20, 2004
BONDED THRU TROY FAIN INSURANCE, INC.

Printed Name

My commission expires: _____

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 20th day of April, 2000, by David L. Cook, who is personally known to me.

Marsha Stachler

Notary Public

MARSHA STACHLER

(Affix Seal)



Marsha Stachler
MY COMMISSION # CC899536 EXPIRES
March 20, 2004
BONDED THRU TROY FAIN INSURANCE, INC.

Printed Name

My commission expires: _____

Prepared by and return to:

Sharon M. Zuccaro, Esq.

Henderson, Franklin, Starnes & Holt, P.A. (Brooks)

9990 Coconut Road Suite 101

Bonita Springs, FL 34135

239-344-1372

File Number: North River SMZ

INSTR # 2006000334834, Page 2

Doc Type D, Recorded 08/26/2006 at 11:32 AM,

Charlie Green, Lee County Clerk of Circuit Court

Doc. Dec. \$0.70 Rec. Fee \$16.80

Deputy Clerk TBAER

#1

[Space Above This Line For Recording Data]

Special Warranty Deed

This Special Warranty Deed made this 14th day of August, 2006 between E.W. Weathers, Individually and as Trustee pursuant to Trust Agreement dated March 26, 1999, whose post office address is 2260 Bay Street, Suite 11, Fort Myers, FL 33901, grantor, and North River Communities LLC, a Florida limited liability company whose post office address is 9990 Coconut Road, Suite 200, Bonita Springs, FL 34135, grantee:

(Whenever used herein the terms grantor and grantee include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to-wit:

The Southwest 1/4 of Section 17, Township 43 South, Range 26 East, Lee County, Florida.

Parcel Identification Number: 17-43-26-00-00006.0000

SUBJECT TO: oil, gas and mineral reservations, if any; the right-of-way of Duke Highway created by the Board of County Commissioners on August 26, 1950 and recorded in CCMB 11, Page 199, Public Records of Lee County, Florida; and ad valorem and non ad valorem real property taxes for the current year of closing and subsequent years.

The real property described herein is not now nor has it ever been the homestead property or contiguous to the homestead property of the First Party who resides at 3001 Batman Road, Alva, Florida 33920

That grantor will warrant and defend the property hereby conveyed against the lawful claims and demands of all persons claiming by, through, or under it, but against none other.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Documentary Stamps were paid on previous
Trustee's Deed dated 04/27/06 and recorded in
O.R. Book 3223, Page 1102, Public
Records of LCC, County, FL

DoubleTime

Signed, sealed and delivered in our presence:

Robin Bidlison

Witness Name: Robin Bidlison

Francine Perre

Witness Name: Francine Perre

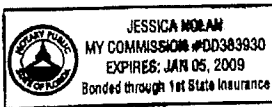
E. W. Weathers

E. W. Weathers, Individually and as Trustee
pursuant to Trust Agreement dated March 26, 1999

State of Florida
County of Lee

The foregoing instrument was acknowledged before me this 14th day of August, 2006, by E. W. Weathers, Individually and as Trustee, pursuant to Trust Agreement dated March 26, 1999, who ☒ is personally known or ☐ has produced a driver's license as identification.

[Notary Seal]



Jessica Nolan

Notary Public

Printed Name: Jessica Nolan

My Commission Expires: 1-5-2009

This Instrument Prepared by:
Edward L. Wotitzky, Esquire
WOTITZKY, WOTITZKY, ROSS, GOLDMAN,
STURGES & TUTTLE, P.A.
109 Taylor Street, Suite 112
Punta Gorda, FL 33950
Strap No.

INSTR # 2006000281038, Pages 3
Doc Type D, Recorded 07/17/2006 at 11:19 AM,
Charlie Green, Lee County Clerk of Circuit Court
Deed Doc. \$1445.50 Rec. Fee \$27.00
Deputy Clerk LAMBROSIO
#10

(Space Above This Line for Recording Data)

WARRANTY DEED

This Indenture made this 14 day of July, 2006 between **RAYMOND E. HARNEY** and **KATHY R. HARNEY**, husband and wife, as an estate by they entireties, as Grantors, to **NORTH RIVER COMMUNITIES LLC**, a Florida limited liability company, whose address is 9990 Coconut Road, Suite 200, Bonita Springs, Florida 34135, as Grantee.

WITNESSETH

That said Grantors, for in consideration of TEN AND NO/100s DOLLARS, and other good and valuable considerations to said Grantors, in hand paid by said Grantee, the receipt whereof is hereby acknowledged, and does grant, bargain, sell, alien, remise, release, convey and confirm to Grantee and Grantee's heirs, successors and assigns forever the following described land located in the County of Lee, State of Florida, to wit:

See Exhibit "A" attached hereto and made a part hereof as if fully set forth herein.

Subject to taxes for 2006 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of records, if any.

And said Grantors do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantors has hereunto set Grantors' hands and seals this day and year first above written.

SIGNED, SEALED and DELIVERED

in the presence of:

Lynda Swenson

Lynda Swenson

Printed Name of First Witness

Kim Spander

Kim Spander

Printed Name of Second Witness

Raymond E. Harney

Kathy R. Harney

Kathy R. Harney

STATE OF: WASHINGTON
COUNTY OF: KING

The foregoing instrument was acknowledged before me this 6th day of July, 2006 by Raymond E. Harney and Kathy R. Harney, husband and wife. They are personally known to me or produced Driver License as valid identification.

SEAL



Derek W. Jensen

Derek W. Jensen

NOTARY PUBLIC

Printed Name of Notary

Commission expires: 08/08/08

Commission Serial No.

EXHIBIT "A"

Parcel Two D

Lot 8, P. JOHN HARTS SUBDIVISION, a subdivision according to the plat thereof, as recorded in Plat Book 3, at Page 7, of the Public Records of Lee County, Florida.

This Instrument Prepared by:
Edward L. Wotitzky, Esquire
WOTITZKY, WOTITZKY, ROSS, GOLDMAN,
STURGES & TUTTLE, P.A.
109 Taylor Street, Suite 112
Punta Gorda, FL 33950
Strap No.

(Space Above This Line for Recording Data)

WARRANTY DEED

This Indenture made this 14 day of July, 2006 between **RAYMOND HARNEY a/k/a RAYMOND E. HARNEY**, as Grantor, to **NORTH RIVER COMMUNITIES LLC**, a Florida limited liability company, whose address is 9990 Coconut Road, Suite 200, Bonita Springs, Florida 34135, as Grantee.

WITNESSETH

That said Grantor, for in consideration of TEN AND NO/100s DOLLARS, and other good and valuable considerations to said Grantor, in hand paid by said Grantee, the receipt whereof is hereby acknowledged, and does grant, bargain, sell, alien, remise, release, convey and confirm to Grantee and Grantee's heirs, successors and assigns forever the following described land located in the County of Lee, State of Florida, to wit:

See Exhibit "A" attached hereto and made a part hereof as if fully set forth herein.

Subject to taxes for 2006 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of records, if any.

Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the constitution of the State of Florida, nor is it contiguous to or a part of homestead property.

And said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal this day and year first above written.

SIGNED, SEALED and DELIVERED
in the presence of:

Linda Swenson

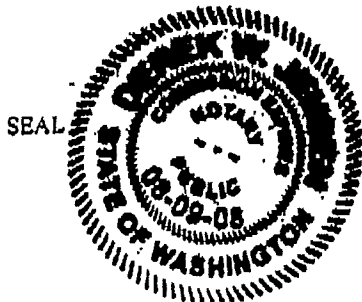
Linda Swenson
Printed Name of First Witness

Kim Spangler
Kim Spangler
Printed Name of Second Witness

Raymond Harney a/k/a Raymond E. Harney

STATE OF: WASHINGTON
COUNTY OF: KING

The foregoing instrument was acknowledged before me this 6th day of July, 2006 by Raymond Harney a/k/a Raymond E. Harney. He is personally known to me or produced Archie L. Rydell as valid identification.



Derek W. Jensen

Derek W. Jensen
NOTARY PUBLIC
Printed Name of Notary
Commission expires: 08/09/08
Commission Serial No.

EXHIBIT "A"

Parcel Three C

A tract or parcel of land lying in Government Lot 1, Section 20, Township 43 South, Range 26 East, Lee County, Florida being more particularly described as follows:
From the Northwest corner of Government Lot 1 of said Section 20 run South $00^{\circ}20'40''$ West along the West line of said lot for 30.00 feet to an intersection with the South Right-of-Way line of Duke Highway (60' right-of-way) and the Point of Beginning.
From said Point of Beginning run South $89^{\circ}41'18''$ East along said South right-of-way line for 839.08 feet; thence run South $00^{\circ}23'49''$ West for 859.10 feet to an intersection with the North line of the Caloosahatchee River Canal (800' right-of-way); thence run South $86^{\circ}59'37''$ West along the said canal for 139.80 feet; thence run South $56^{\circ}47'02''$ West for 672.60 feet; thence run North $33^{\circ}12'35''$ West for 250.13 feet to an intersection with the above mentioned West line of said Government Lot 1; thence North $00^{\circ}20'40''$ East along said West line for 1,030.17 feet to the Point of Beginning.
Bearings hereinabove mentioned are based on assuming the North line of Government Lot 1 of Section 20 to bear North $89^{\circ}41'18''$ West.

This Instrument Prepared by:
Edward L. Wotitzky, Esquire
WOTITZKY, WOTITZKY, ROSS, GOLDMAN,
STURGES & TUTTLE, P.A.
109 Taylor Street, Suite 112
Punta Gorda, FL 33950
Strap No.

INSTR # 2006000281036, Pages 3
Doc Type D, Recorded 07/17/2006 at 11:19 AM,
Charlie Green, Lee County Clerk of Circuit Court
Deed Doc. \$3601.50 Rec. Fee \$27.00
Deputy Clerk LAMBROSIO
#8

(Space Above This Line for Recording Data)

WARRANTY DEED

This Indenture made this 14th day of July, 2006 between GLENN O. CARY, Individually and as Trustee of the Glenn O. Cary Revocable Trust Agreement dated May 26, 1993, joined by his spouse LINNIE M. CARY, as Grantors, to NORTH RIVER COMMUNITIES LLC, a Florida limited liability company, whose address is 9990 Coconut Road, Suite 201, Bonita Springs, Florida 34135, as Grantee.

WITNESSETH

That said Grantors, for in consideration of TEN AND NO/100s DOLLARS, and other good and valuable considerations to said Grantors, in hand paid by said Grantee, the receipt whereof is hereby acknowledged, and does grant, bargain, sell, alien, remise, release, convey and confirm to Grantee and Grantee's heirs, successors and assigns forever the following described land located in the County of Lee, State of Florida, to wit:

See Exhibit "A" attached hereto and made a part hereof as if fully set forth herein.

Subject to taxes for 2006 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of records, if any.

And said Grantors do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

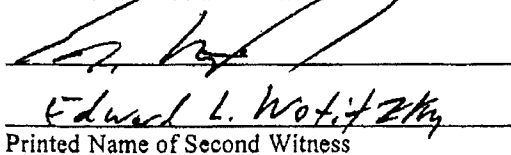
IN WITNESS WHEREOF, Grantors have hereunto set Grantors' hands and seals this day and year first above written.

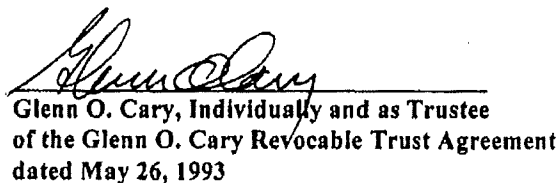
SIGNED, SEALED and DELIVERED

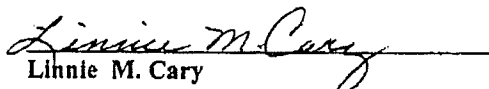
in the presence of:


MARIE GAHAGAN

Printed Name of First Witness


Edward L. Wotitzky
Printed Name of Second Witness


Glenn O. Cary, Individually and as Trustee
of the Glenn O. Cary Revocable Trust Agreement
dated May 26, 1993


Linnie M. Cary

STATE OF: Florida
COUNTY OF: Charlotte

The foregoing instrument was acknowledged before me this 14 day of July, 2006 by Glenn O. Cary, Individually and as Trustee of the Glenn O. Cary Revocable Trust Agreement dated May 26, 1993 on behalf of said trust, and Linnie M. Cary. They are personally known to me, or produced _____ as valid identification.

Lorie Gahagan

SEAL

NOTARY PUBLIC
Printed Name of Notary: Lorie Gahagan
Commission expires: November 13, 2007
Commission Serial No. DD265289
MY COMMISSION # DD265289 EXPIRES
November 13, 2007
BONDED THRU TROY FAIN INSURANCE, INC.

Exhibit "A" Legal Description

Parcel Two B

Lots 1 and 2, P. JOHN HARTS SUBDIVISION, a subdivision according to the plat thereof, as recorded in Plat Book 3, at Page 7, of the Public Records of Lee County, Florida.

This Instrument Prepared by:
Edward L. Wotitzky, Esquire
WOTITZKY, WOTITZKY, ROSS, GOLDMAN,
STURGES & TUTTLE, P.A.
109 Taylor Street, Suite 112
Punta Gorda, FL 33950
Strap No.

INSTR # 2006000281034, Page 5
Doc Type D, Recorded 07/17/2006 at 11:19 AM,
Charlie Green, Lee County Clerk of Circuit Court
Deed Doc. \$146130.60 Rec. Fee \$44.00
Deputy Clerk LAMBROSIO
#6

(Space Above This Line for Recording Data)

WARRANTY DEED

This Indenture made this 14th day of July, 2006 between GLENN O. CARY, Individually and as Trustee of the Glenn O. Cary Revocable Trust Agreement dated May 26, 1993, joined by his spouse, LINNIE M. CARY, RAYMOND E. HARNEY, and ALBERT NATHAN MILLER, JR., Individually and as Trustee of the Gladys Cleo Miller Revocable Trust created under Trust Agreement dated May 16, 2002, as Grantors, to NORTH RIVER COMMUNITIES LLC, a Florida limited liability company, whose address is 9990 Coconut Road, Suite 200, Bonita Springs, Florida 34135, as Grantee.

WITNESSETH

That said Grantors, for in consideration of TEN AND NO/100s DOLLARS, and other good and valuable considerations to said Grantors, in hand paid by said Grantee, the receipt whereof is hereby acknowledged, and does grant, bargain, sell, alien, remise, release, convey and confirm to Grantee and Grantee's heirs, successors and assigns forever the following described land located in the County of Lee, State of Florida, to wit:

See Exhibit "A" attached hereto and made a part hereof as if fully set forth herein.

Subject to taxes for 2006 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of records, if any.

Grantors, Raymond E. Harney and Albert Nathan Miller, Jr., Individually and as Trustee of the Gladys Cleo Miller Revocable Trust created under Trust Agreement dated May 16, 2002, each warrant that at the time of this conveyance, the subject property is not the Grantors' homestead within the meaning set forth in the constitution of the State of Florida, nor is it contiguous to or a part of homestead property.

And said Grantors do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has herunto set Grantor's hand and seal this day and year first above written.

SIGNED, SEALED and DELIVERED

In the presence of:

Kim Swanson

Kim Swanson

Printed Name of First Witness

Lynda Swenson

Lynda Swenson

Printed Name of Second Witness

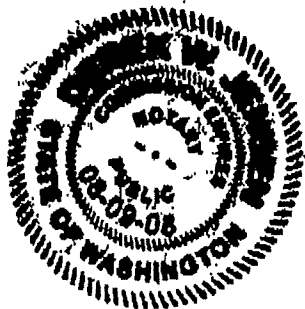
Raymond E. Harney

Raymond E. Harney

STATE OF: WASHINGTON

COUNTY OF: KING

The foregoing instrument was acknowledged before me this 6th day of July, 2006 by Raymond E. Harney. He is personally known to me or produced Driver License as valid identification.



SEAL

Derek W. Jensen

Derek W. Jensen

NOTARY PUBLIC

Printed Name of Notary

Commission expires: 08/09/08

Commission Serial No.

IN WITNESS WHEREOF, Grantors have hereunto set Grantors' hands and seals this day and year first above written.

SIGNED, SEALED and DELIVERED
in the presence of:

Lorie Gahagan

LORIE GAHAGAN

Printed Name of First Witness

Ed. L. Whitely

Edward L. Whitely

Printed Name of Second Witness

Glenn O. Cary

Glenn O. Cary, Individually and as Trustee
of the Glenn O. Cary Revocable Trust Agreement
dated May 26, 1993

Linnie M. Cary

Linnie M. Cary

STATE OF: Florida
COUNTY OF: Charlotte

The foregoing instrument was acknowledged before me this 14 day of July, 2006 by Glenn O. Cary,
Individually and as Trustee of the Glenn O. Cary Revocable Trust Agreement dated May 26, 1993 on behalf of said
trust, and Linnie M. Cary. They are personally known to me or produced as valid
identification.

Lorie Gahagan

SEAL

NOTARY PUBLIC
Printed Name of Notary
Commission expires:
Commission Serial No.



Lorie Gahagan
MY COMMISSION # 00248289 EXPIRES
November 15, 2007
BONDED THROUGH TROY FARM INSURANCE, INC.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal this day and year first above written.

SIGNED, SEALED and DELIVERED

in the presence of:

Lorie Gahagan

LORIE GAHAGAN

Printed Name of First Witness

Edward L. Hofitzky

Printed Name of Second Witness

Albert Nathan Miller, Jr.
Individually and as Trustee

Albert Nathan Miller, Jr., Individually and as Trustee
of the Gladys Cleo Miller Revocable Trust created
under Trust Agreement dated May 16, 2002

STATE OF:

COUNTY OF:

Florida
Charlotte

The foregoing instrument was acknowledged before me this 14 day of July, 2006 by Albert Nathan Miller, Jr., Individually and as Trustee of the Gladys Cleo Miller Revocable Trust created under Trust Agreement dated May 16, 2002 on behalf of said trust. He is personally known to me, or produced _____ as valid identification.

Lorie Gahagan

SEAL

NOTARY PUBLIC

Printed Name of Notary

Commission expires:

Commission Serial No.



Lorie Gahagan
MY COMMISSION # DD265289 EXPIRES
November 15, 2007
BONDED THRU TROY FAIR INSURANCE, INC.

INSTR # 2006000281041, Pages 3
Doc Type D, Recorded 07/17/2006 at 11:19 AM,
Charlie Green, Lee County Clerk of Circuit Court
Deed Doc. \$8162.00 Rec. Fee \$27.00
Deputy Clerk LAMBROSIO
#13

This Instrument Prepared by:
Edward L. Wotitzky, Esquire
WOTITZKY, WOTITZKY, ROSS, GOLDMAN,
STURGES & TUTTLE, P.A.
109 Taylor Street, Suite 112
Punta Gorda, FL 33950
Strap No.

(Space Above This Line for Recording Data)

WARRANTY DEED

This Indenture made this 14th day of July, 2006 between LINNIE M. CARY, Individually and as Trustee of the Linnie M. Cary Revocable Trust Agreement dated May 26, 1993 joined by her spouse GLENN O. CARY, as Grantors, to NORTH RIVER COMMUNITIES LLC, a Florida limited liability company, whose address is 9990 Coconut Road, Suite 201, Bonita Springs, Florida 34135, as Grantee.

WITNESSETH

That said Grantors, for in consideration of TEN AND NO/100s DOLLARS, and other good and valuable considerations to said Grantors, in hand paid by said Grantee, the receipt whereof is hereby acknowledged, and does grant, bargain, sell, alien, remise, release, convey and confirm to Grantee and Grantee's heirs, successors and assigns forever the following described land located in the County of Lee, State of Florida, to wit:

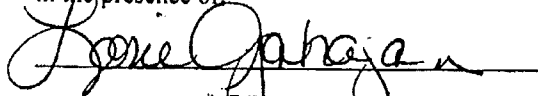
See Exhibit "A" attached hereto and made a part hereof as if fully set forth herein.

Subject to taxes for 2006 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of records, if any.

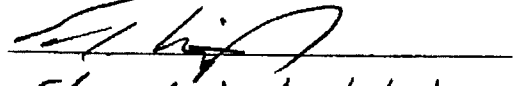
And said Grantors do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.


IN WITNESS WHEREOF, Grantors have hereunto set Grantors' hands and seals this day and year first above written.


SIGNED, SEALED and DELIVERED
in the presence of:


LORIE GAHAGAN

Printed Name of First Witness


Edward L. Wotitzky
Printed Name of Second Witness


Linnie M. Cary, Individually and as Trustee
of the Linnie M. Cary Revocable Trust Agreement
dated May 26, 1993



Glenn O. Cary

STATE OF: Florida
COUNTY OF: Charlotte

The foregoing instrument was acknowledged before me this 14 day of July, 2006 by Linnie M. Cary, individually and as Trustee of the Linnie M. Cary Revocable Trust Agreement dated May 26, 1993 on behalf of said trust, and Glenn O. Cary. They are personally known to me, or produced _____ as valid identification.

Lorie Gahagan

SEAL

NOTARY PUBLIC  Lorie Gahagan
Printed Name of Notary
Commission expires: November 15, 2007
Commission Serial No. 00245289
BONDED THROUGH TROY FARM INSURANCE, INC.

V:\WPWIN\RE\Cary\Warranty Deed-File D.wpd

EXHIBIT "A"

Parcel One

- A. The Southeast one-quarter of Section 17, Township 43 South Range 26 East, less and except the Southwest one-quarter of the Southwest one-quarter of the Southeast one-quarter of Section 17, Township 43 South, Range 26 East, and also less and except any portion of the subject property contained in the Order of Taking recorded in O.R. Book 353, Page 829, of the Public Records of Lee County, Florida.

AND

- B. The Southwest one-quarter of Section 16, Township 43 South, Range 26 East, less and except therefrom Parcel No. 1.003 as reflected on the Lee County, Florida Tax Assessment Rolls, and also less and except the following parcels:
- (i) The East one-half of the Northeast one-quarter of the Southwest one-quarter of Section 16, Township 43 South, Range 26 East; and
 - (ii) The Easterly 60 feet of the Southeast one-quarter of the Southwest one-quarter of Section 16, Township 43 South, Range 26 East, Lee County, Florida.

Parcel Two A

The Northwest one-quarter of Section 17, Township 43 South, Range 26 East, less and except any portion of the subject property contained in the Order of Taking recorded in O.R. Book 353, Page 829, of the Public Records of Lee County, Florida.

Parcel Two C

Lots 3 through 7, inclusive, and Lots 9 and 10 of P. JOHN HARTS SUBDIVISION, a subdivision according to the plat thereof, as recorded in Plat Book 3, at Page 7, of the Public Records of Lee County, Florida.

EXHIBIT "A"

Parcel Three A

The East one-half of the East 1,320 feet of Government Lot 1, in Section 20, Township 43 South, Range 26 East, lying North of the Right-of-Way line of the Central and Southern Florida Flood Control District less and except the Easterly 330 feet of the said parcel.

15.
This Instrument Prepared by:
Edward L. Wotitzky, Esquire
WOTITZKY, WOTITZKY, ROSS, GOLDMAN,
STURGES & TUTTLE, P.A.
109 Taylor Street, Suite 112
Punta Gorda, FL 33950
Strap No.

11. 34
INSTR # 2006000281043, Pages 3
Doc Type D, Recorded 07/17/2006 at 11:19 AM,
Charlie Green, Lee County Clerk of Circuit Court
Deed Doc. \$17178.00 Rec. Fee \$27.00
Deputy Clerk LAMBROSIO
#15

(Space Above This Line for Recording Data)

WARRANTY DEED

This Indenture made this 14th day of July, 2006 between ALBERT NATHAN MILLER, JR., Individually and as Trustee of the Gladys Cleo Miller Revocable Trust created under Trust Agreement dated May 16, 2002, as Grantor, to NORTH RIVER COMMUNITIES LLC, a Florida limited liability company, whose address is 9990 Coconut Road, Suite 200, Bonita Springs, Florida 34135, as Grantee.

WITNESSETH

That said Grantor, for in consideration of TEN AND NO/100s DOLLARS, and other good and valuable considerations to said Grantor, in hand paid by said Grantee, the receipt whereof is hereby acknowledged, and does grant, bargain, sell, alien, remise, release, convey and confirm to Grantee and Grantee's heirs, successors and assigns forever the following described land located in the County of Lee, State of Florida, to wit:

See Exhibit "A" attached hereto and made a part hereof as if fully set forth herein.

Subject to taxes for 2006 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of records, if any.

Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the constitution of the State of Florida, nor is it contiguous to or a part of homestead property.

And said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal this day and year first above written.

SIGNED, SEALED and DELIVERED
in the presence of:

Lorrie Gahagan
LORRIE GAHAGAN

Printed Name of First Witness

Edward L. Wotitzky
Printed Name of Second Witness

Albert Nathan Miller, Jr.
Albert Nathan Miller, Jr., Individually and as Trustee
of the Gladys Cleo Miller Revocable Trust created
under Trust Agreement dated May 16, 2002

STATE OF: Florida
COUNTY OF: Charlotte

The foregoing instrument was acknowledged before me this 14 day of July, 2006 by Albert Nathan Miller, Jr., as Trustee of the Gladys Cleo Miller Revocable Trust created under Trust Agreement dated May 16, 2002 on behalf of said trust. He is personally known to me ~~or produced~~ _____ as valid identification.

Lorile Gahagan

SEAL

NOTARY PUBLIC

Printed Name of Notary

Commission expires:

Commission Serial No.



Lorile Gahagan

MY COMMISSION # DD245289 EXPIRES

November 15, 2007

BONDED THROUGH TROY FARM INSURANCE, INC.

EXHIBIT "A"

Parcel Three B

The East 1,320 feet of Government Lot 1, in Section 20, Township 43 South, Range 26 East, lying North of the Right-of-Way line of the Central and Southern Florida Flood Control District, less and except the East half of the said East 1,320 feet.

THIS INSTRUMENT PREPARED BY:

Sharon M. Zuccaro, Esq.
Henderson, Franklin, Starnes & Holt, P.A..
9990 Coconut Road, Suite 101
Bonita Springs, Florida 34135

SPECIAL WARRANTY DEED

THIS INDENTURE, made this 3rd day of November, 2006, between **George D. Thomson, as Trustee under that certain Land Trust Agreement dated March 28, 2006**, whose address is 3451 Bonita Bay Blvd., Suite 206, Bonita Springs, FL 34134, Grantor, and **North River Communities LLC, a Florida limited liability company**, whose address is 9990 Coconut Road, Suite 200, Bonita Springs, Florida 34135, Grantee.

WITNESSETH that the said Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, to them in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, have granted, bargained, sold, remised, released, conveyed and confirmed, and by these presents do grant, bargain, sell, alien, remise, release, convey and confirm unto the said Grantee, its heirs and assigns forever, the following described land, situate lying and being in the County of Lee, State of Florida, to wit:

See Exhibit "A", attached hereto and made a part hereof.

Parcel Identification Number: 20-43-26-00-00001.0070

The real property described herein is not now nor has it ever been the homestead property or contiguous to the homestead property of the Grantor.

Subject to easements, restrictions and reservations of record and real estate taxes for the year 2006 and subsequent years.

TOGETHER with all the tenements, hereditaments and appurtenances, with every privilege, right, title, interest and estate, reversion, remainder and easement thereto belonging or in anywise appertaining:

TO HAVE AND TO HOLD the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that Grantor is lawfully seized of said land in fee simple; that Grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said Grantor.

IN WITNESS WHEREOF, the said Grantor have hereunto set their hands and seals the day and year first above written.

SIGNED, SEALED, AND DELIVERED
IN THE PRESENCE OF:

[Signature]
Witness #1

[Signature]
George D. Thomson, as Trustee under that
certain Land Trust Agreement dated March
28, 2006

Angel B. Cavill
(Type/Print Name of Witness)

[Signature]
Witness #2
Lisa M. Moore
(Type/Print Name of Witness)

STATE OF FLORIDA
COUNTY OF Lee

THE FOREGOING INSTRUMENT was acknowledged before me this 3 day of November 2006, by George D. Thomson, as Trustee under that certain Land Trust Agreement dated March 28, 2006, who is personally known to me or who has produced _____ as identification.

My Commission Expires:



Angel B. Cavill
MY COMMISSION # DD279916 EXPIRES
January 8, 2008
BONDED THRU TROY FAIR INSURANCE, INC.

[Signature]
Notary Public

Print/Type Name of Notary
Commission Expires: _____

EXHIBIT A

A TRACT OR PARCEL OF LAND LYING IN GOVERNMENT LOT 1, SECTION 20, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

FROM THE NORTHEAST CORNER OF SAID SECTION 20 RUN NORTH 89 DEGREES 41 MINUTES 18 SECONDS WEST ALONG THE NORTH LINE OF SAID SECTION ALONG THE WIDE CENTERLINE OF A COUNTY ROAD 60 FEET WIDE FOR 1494.38 FEET; THENCE RUN SOUTH 00 DEGREES 23 MINUTES 49 SECONDS WEST PARALLEL WITH THE EAST LINE OF SAID SECTION FOR 30 FEET TO A IRON ROD MARKING A POINT ON THE SOUTH LINE OF SAID COUNTY ROAD AND THE POINT OF BEGINNING OF LANDS HEREIN DESCRIBED.

FROM SAID POINT OF BEGINNING RUN NORTH 89 DEGREES 41 MINUTES 18 SECONDS WEST PARALLEL WITH THE NORTH LINE OF SAID SECTION ALONG THE SOUTH LINE OF SAID COUNTY ROAD FOR 172.31 FEET TO AN IRON ROD; THENCE RUN SOUTH 00 DEGREES 23 MINUTES 49 SECONDS WEST, 849.04 FEET TO AN IRON ROD MARKING THE INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF THE CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT RIGHT-OF-WAY FOR THE CALOOSAHATCHEE RIVER AND CANAL NUMBER 43; THENCE RUN NORTH 86 DEGREES 59 MINUTES 52 SECONDS EAST ALONG SAID RIGHT-OF-WAY LINE FOR 172.61 FEET TO AN IRON ROD MARKING THE INTERSECTION OF A LINE PARALLEL TO AND 1494.38 FEET WESTERLY OF THE EAST LINE OF SAID SECTION 20; THENCE RUN NORTH 00 DEGREES 23 MINUTES 49 SECONDS EAST ALONG SAID PARALLEL LINE 839.06 FEET TO THE POINT OF BEGINNING. CONTAINING 3.34 ACRES MORE OR LESS.

Bearings hereinabove mentioned are from the Central and Southern Florida Flood Control District's survey of said Caloosahatchee River and Canal No. 43.

Prepared by and return to:

Tarpon Title Services, LLC
9990 Coconut Road Suite 101
Bonita Springs, FL 34135-8488

File Number: NorthRiver.3917

(Space Above This Line For Recording Data)

Warranty Deed

This Warranty Deed made this 11th day of September, 2006 between Alfredo Luis Savigne and Patricia M. Savigne, husband and wife whose post office address is 1405 SE 47th St., Ste. 1, Cape Coral, FL 33904, grantor, and North River Communities LLC, a Florida limited liability company whose post office address is 9990 Coconut Road, Ste. 101, Bonita Springs, FL 34135, grantee:

(Whoever and herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida to-wit:

See Exhibit "A" attached hereto and made a part hereof.

Parcel Identification Number: 20-43-26-80-00001.0000

Subject to taxes for 2006 and subsequent years; covenants, conditions, restrictions, assessments, reservations and limitations of record, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Held, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whatsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2005.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Name: **DEBORAH D. TOWNS**

Witness Name: **RICHARD T. TOWNS**

Alfredo Luis Savigne

Patricia M. Savigne

State of Florida
County of Lee

The foregoing instrument was acknowledged before me this 11 day of September, 2006 by Alfredo Luis Savigne and Patricia M. Savigne, who ☐ are personally known or ☒ have produced a driver's license as identification.

[Notary Seal]

Notary Public

Printed Name:

My Commission Expires:



DEBORAH D. TOWNS
MY COMMISSION # DO 139175
EXPIRES: October 2, 2008
Bonded thru Budget Notary Services



DEBORAH D. TOWNS
MY COMMISSION # DO 139175
EXPIRES: October 2, 2008
Bonded thru Budget Notary Services

DoubleTimes

EXHIBIT "A"

LEGAL DESCRIPTION

DESCRIPTION
Parcel in Government Lot 1
Section 20, Twp. 43 S, Rge. 26 E
Lee County, Florida.

A tract or parcel of land lying in Government Lot 1, Section 20, Twp. 43 South, Rge. 26 East, Lee County, Florida which tract or parcel is described as follows:

From the Northeast corner of said Section 20 run N 89°41'18" W along the North line of said section along the centerline of a County road 60 Feet wide for 1320.0 Feet; thence run S 00°23'49" W parallel with the East line of said section for 30 Feet to a concrete monument marking a point on the South line of said County road and the Point Of Beginning of lands herein described.

From said Point Of Beginning run N 89°41'18" W parallel with the North line of said Section along the South line of said County road for 174.38 Feet to an iron rod; thence run S 00°23'49" W, 839.06 Feet to an iron rod marking the intersection with the Northerly Right-Of-Way line of the Central and Southern Florida Flood Control District Right-Of-Way for the Caloosahatchee River and Canal No. 43; thence run N 86°59'52" E along said Northerly Right-Of-Way line for 174.67 Feet to a concrete monument marking the intersection of a line parallel to and 1320 Feet Westerly of the East line of said Section 20; thence run N 00°23'49" E, along said parallel line 828.97 Feet to the Point Of Beginning.

Bearings hereinabove mentioned are from the Central and Southern Florida Flood Control District's survey of said Caloosahatchee River and Canal No. 43.

Prepared by and return to:

Tarpon Title Services, LLC
9990 Coconut Road Suite 101
Bonita Springs, FL 34135-8488
Ph: 239-992-8706
File Number: Thomson.2919

[Space Above This Line For Recording Data]

Corrective Warranty Deed

This Corrective Warranty Deed is intended to correct and replace that certain Warranty Deed recorded as Instrument # 2006000192800, Public Records of Lee County, Florida, conveying the property described herein from Grantor to George D. Thomson, Trustee under Land Trust Agreement dated June 23, 2004. The reference to the date of the Land Trust Agreement was incorrect. George D. Thomson, Trustee, serves as Trustee under two Land Trusts, one dated June 23, 2004 and one dated March 28, 2006. It was the intention of George D. Thomson to take title as Trustee under the Land Trust Agreement dated March 28, 2006 and the reference to the June 23, 2004 Land Trust was a scrivener's error. By his Acknowledgement and Quit Claim below, George D. Thomson hereby acknowledges the intent expressed herein and quit claims any interest in the property described herein, in his capacity as Trustee of the Land Trust Agreement dated June 23, 2004.

This Corrective Warranty Deed made this 28th day of August, 2006 between The Stans Foundation, an Illinois corporation whose post office address is 1725 Mariners CV Apt. A, Fort Pierce, FL 34950, grantor, and George D. Thomson, Trustee under Land Trust Agreement dated March 28, 2006, whose post office address is 3451 Bonita Bay Blvd., Suite 206, Bonita Springs, FL 34134, grantee, with full power and authority to protect, conserve, sell, convey, lease, encumber, and to otherwise manage and dispose of said real property pursuant to F.S. 689.071.

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida to-wit:

See Exhibit "A" attached hereto and made a part hereof

Parcel Identification Number: 20-43-26-00-00001.0070

Subject to taxes for 2006 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2005.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

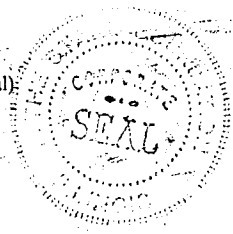
The Stans Foundation, an Illinois corporation

#1 [Signature]
Witness Name: Lillian Brakebill

By: [Signature]
Steven H. Stans, President

#2 [Signature]
Witness Name: Tom Ervin

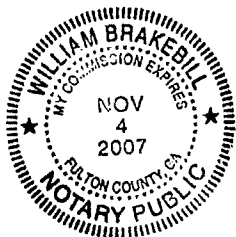
(Corporate Seal):



State of Georgia
County of Fulton

The foregoing instrument was acknowledged before me this 28th day of August, 2006 by Steven H. Stans, President of The Stans Foundation, an Illinois corporation, on behalf of the corporation. He ☐ is personally known to me or ☒ has produced a driver's license as identification.

[Notary Seal]



[Signature]
Notary Public

Printed Name: William Brakebill

My Commission Expires: Nov 4, 2007

Witnesses:

ACKNOWLEDGEMENT AND QUIT CLAIM

1 Lisa M. Moore
Witness Name: Lisa M. Moore

George D. Thomson, Trustee
George D. Thomson, Trustee Under Land Trust Agreement
Dated June 23, 2004

2 Angel B. Cavill
Witness Name: Angel B. Cavill

State of Florida
County of Lee

The foregoing instrument was acknowledged before me this 29 day of August, 2006 by George D. Thomson, Trustee Under Land Trust Agreement Dated June 23, 2004, who is personally known to me or ☐ has produced a driver's license as identification.

[Notary Seal]



Angel B. Cavill
MY COMMISSION # DD279916 EXPIRES
January 8, 2008
BONDED THRU TROY FAIR INSURANCE, INC.

Angel B. Cavill
Notary Public

Printed Name: _____

My Commission Expires: _____

EXHIBIT A

A TRACT OR PARCEL OF LAND LYING IN GOVERNMENT LOT 1, SECTION 20, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

FROM THE NORTHEAST CORNER OF SAID SECTION 20 RUN NORTH 89 DEGREES 41 MINUTES 18 SECONDS WEST ALONG THE NORTH LINE OF SAID SECTION ALONG THE WIDE CENTERLINE OF A COUNTY ROAD 60 FEET WIDE FOR 1494.38 FEET; THENCE RUN SOUTH 00 DEGREES 23 MINUTES 49 SECONDS WEST PARALLEL WITH THE EAST LINE OF SAID SECTION FOR 30 FEET TO A IRON ROD MARKING A POINT ON THE SOUTH LINE OF SAID COUNTY ROAD AND THE POINT OF BEGINNING OF LANDS HEREIN DESCRIBED.

FROM SAID POINT OF BEGINNING RUN NORTH 89 DEGREES 41 MINUTES 18 SECONDS WEST PARALLEL WITH THE NORTH LINE OF SAID SECTION ALONG THE SOUTH LINE OF SAID COUNTY ROAD FOR 172.31 FEET TO AN IRON ROD; THENCE RUN SOUTH 00 DEGREES 23 MINUTES 49 SECONDS WEST, 849.04 FEET TO AN IRON ROD MARKING THE INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF THE CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT RIGHT-OF-WAY FOR THE CALOOSAHATCHEE RIVER AND CANAL NUMBER 43; THENCE RUN NORTH 86 DEGREES 59 MINUTES 52 SECONDS EAST ALONG SAID RIGHT-OF-WAY LINE FOR 172.61 FEET TO AN IRON ROD MARKING THE INTERSECTION OF A LINE PARALLEL TO AND 1494.38 FEET WESTERLY OF THE EAST LINE OF SAID SECTION 20; THENCE RUN NORTH 00 DEGREES 23 MINUTES 49 SECONDS EAST ALONG SAID PARALLEL LINE 839.06 FEET TO THE POINT OF BEGINNING. CONTAINING 3.34 ACRES MORE OR LESS.

Bearings hereinabove mentioned are from the Central and Southern Florida Flood Control District's survey of said Caloosahatchee River and Canal No. 43.

2919
Prepared by and return to:
Tarpon Title Services, LLC
9990 Coconut Road Suite 101
Bonita Springs, FL 34135-8488

File Number: Thomson.2919

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 10th day of May, 2006 between The Stans Foundation, an Illinois corporation whose post office address is 1725 Mariners CV Apt. A, Fort Pierce, FL 34950, grantor, and George D. Thomson, Trustee under Land Trust Agreement dated June 23, 2004 whose post office address is 3451 Bonita Bay Blvd., Suite 206, Bonita Springs, FL 34134, with the full power and authority to protect, conserve, sell, lease, encumber, manage and/or dispose of said real property pursuant to F.S. 689.071, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida to-wit:

See Exhibit "A" attached hereto and made a part hereof

Parcel Identification Number: 20-43-26-00-00001.0070

Subject to taxes for 2006 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2005.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Name: [Signature]

Witness Name: [Signature]

The Stans Foundation

By: Steven H Stans

Steven H. Stans, President

FL DL # S352-788-37-373-0

(Corporate Seal)

State of GA
County of Fulton

The foregoing instrument was acknowledged before me this 9th day of May, 2006 by Steven H. Stans, President of The Stans Foundation, an Illinois corporation on behalf of the corporation. He ☐ is personally known to me or ☐ has produced a driver's license as identification.

[Notary Seal]

[Signature]
Notary Public

Printed Name: Thomas M. Ervin

My Commission Expires:



DoubleTimee

EXHIBIT A

A TRACT OR PARCEL OF LAND LYING IN GOVERNMENT LOT 1, SECTION 20, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

FROM THE NORTHEAST CORNER OF SAID SECTION 20 RUN NORTH 89 DEGREES 41 MINUTES 18 SECONDS WEST ALONG THE NORTH LINE OF SAID SECTION ALONG THE WIDE CENTERLINE OF A COUNTY ROAD 60 FEET WIDE FOR 1494.38 FEET; THENCE RUN SOUTH 00 DEGREES 23 MINUTES 49 SECONDS WEST PARALLEL WITH THE EAST LINE OF SAID SECTION FOR 30 FEET TO A IRON ROD MARKING A POINT ON THE SOUTH LINE OF SAID COUNTY ROAD AND THE POINT OF BEGINNING OF LANDS HEREIN DESCRIBED.

FROM SAID POINT OF BEGINNING RUN NORTH 89 DEGREES 41 MINUTES 18 SECONDS WEST PARALLEL WITH THE NORTH LINE OF SAID SECTION ALONG THE SOUTH LINE OF SAID COUNTY ROAD FOR 172.31 FEET TO AN IRON ROD; THENCE RUN SOUTH 00 DEGREES 23 MINUTES 49 SECONDS WEST, 849.04 FEET TO AN IRON ROD MARKING THE INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF THE CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT RIGHT-OF-WAY FOR THE CALOOSAHATCHEE RIVER AND CANAL NUMBER 43; THENCE RUN NORTH 86 DEGREES 59 MINUTES 52 SECONDS EAST ALONG SAID RIGHT-OF-WAY LINE FOR 172.61 FEET TO AN IRON ROD MARKING THE INTERSECTION OF A LINE PARALLEL TO AND 1494.38 FEET WESTERLY OF THE EAST LINE OF SAID SECTION 20; THENCE RUN NORTH 00 DEGREES 23 MINUTES 49 SECONDS EAST ALONG SAID PARALLEL LINE 839.06 FEET TO THE POINT OF BEGINNING. CONTAINING 3.34 ACRES MORE OR LESS.

Bearings hereinabove mentioned are from the Central and Southern Florida Flood Control District's survey of said Caloosahatchee River and Canal No. 43.

25 50 Rec
140,000 Doc

Prepared by and return to:

DENIS H. NOAH

Attorney at Law

HENDERSON, FRANKLIN, STARNES & HOLT, P.A.

1715 Monroe St. P. O. Box 280

Fort Myers, FL 33902

239-344-1100

File Number: DHN TALON BONIT

Will Call No.: 35

INSTR # 2006000405365, Pages 4
Doc Type D, Recorded 10/24/2006 at 04:39 PM,
Charlie Green, Lee County Clerk of Circuit Court
Deed Doc. \$140000.00 Rec. Fee \$35.50
Deputy Clerk LAMBROSIO
#3

[Space Above This Line For Recording Data]

Special Warranty Deed

This Special Warranty Deed made this 17th day of October, 2006 between TALON VENTURES, LLC, a Florida limited liability company whose post office address is 10 Wimbledon Ct, Frisco, TX 75034, grantor, and NORTH RIVER COMMUNITIES LLC, a Florida limited liability company whose post office address is 9990 Coconut Rd., Ste 200, Bonita Springs, FL 34135, grantee:

(Whenever used herein the terms grantor and grantee include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to-wit:

Parcel 1

All that part of the East half (E 1/2) of Section 18 and Government Lot 2, Section 19, Township 43 South, Range 26 East, lying southerly of State Road 78 (O.R. Book 354, Page 660) (50 feet wide) and northerly of Trout Creek. LESS AND EXCEPT that parcel described in Exhibit "A" of the instrument recorded in O.R. Book 1100, Page 642, Public Records of Lee County, Florida.

Subject to easements granted or reserved in Deeds recorded in: O.R. Book 1100, Page 642; O.R. Book 2437, Page 2976; O.R. Book 2464, Page 1973; O.R. Book 2619, Page 3907; O.R. Book 2841, Page 1222; O.R. Book 2941, Page 3561; O.R. Book 3136, Page 1844; and O.R. Book 3136, Page 1849, all of the Public Records of Lee County, Florida. Subject to easements, restrictions and reservations of record and taxes for the year 2006 and subsequent years.

Parcel 2

A tract or parcel of land lying in the East half of Section 18, and part of Government Lots 1 and 2, Section 19, Township 43 South, Range 26 East, Lee County, Florida more particularly described as follows:

All that part of the East half (E 1/2) of Section 18 and Government Lots 1 and 2, Section 19, Township 43 South, Range 26 East lying Southerly of Trout Creek, Northerly of the waters of the Caloosahatchee River and Northwesterly of the North right of way line of the Caloosahatchee River described in deed recorded in O.R. Book 37 at page 220 of the Public Records of Lee County, Florida and being Easterly of the following described line: From the Northeast corner of said Section 19, run N89°53'37"W along the line common to said Sections 18 and 19, Township 43 South, Range 26 East for 1,257.90 feet to an intersection with a line 30 feet Easterly from (as measured on a perpendicular) and parallel with the centerline of an existing paved drive described in Residence Parcel in Schedule "A" recorded in O.R. Book 2290 at page 3479, of said Public Records; thence run the following

DoubleTimee

courses and distances along said parallel line: N45°45'00"W for 134.63 feet, N31°00'00"W for 128.59 feet, N23°43'00"E for 318.05 feet, N14°36'30"W for 189.78 feet passing through a point designated "A" at 50.49 feet along said line and N07°11'19"E for 93.02 feet to the Point of Beginning of the herein described line.

From said Point of Beginning run the following courses and distances along said parallel line: S07°11'19"W for 93.02 feet, S14°36'30"E for 189.78 feet, S23°43'00"W for 318.05 feet, S31°00'00"E for 128.59 feet, S45°45'00"E for 466.55 feet and S16°08'00"E for 53.03 feet to an intersection with a line parallel with and 30 feet Easterly from (as measured on a perpendicular) the Easterly line of said Residence Parcel described in said Schedule "A"; thence run the following courses and distances along said parallel line: N73°52'00"E for 18.55 feet, S16°08'00"E for 137.17 feet, S27°42'00"W for 219.46 feet, S36°49'00"W for 235.27 feet, S47°46'00"W for 266.81 feet, S43°43'00"W for 140.42 feet, S04°48'00"E for 86.00 feet, S43°19'00"E for 184.68 feet and S46°59'00"W for 268 feet, more or less to said waters of the Caloosahatchee River and the end of the herein described line. Subject to easements, restrictions and reservations of record and taxes for the year 2006 and subsequent years.

SUBJECT TO AND TOGETHER WITH the following easements for roadway, utilities and drainage described as follows:

EASEMENT 1

A non-exclusive easement for the benefit of Parcels 1 and 2 for roadway, utilities and drainage 60 feet wide lying 15 feet easterly and 45 feet westerly of the following described line:

Beginning at the hereinabove described point designated "A", run the following courses and distances along said line: S14°36'30"E for 50.49 feet, S23°43'00"W for 318.05 feet, S31°00'00"E for 128.59 feet, S45°45'00"E for 466.55 feet and S16°08'00"E for 53.03 feet to an intersection with a line parallel with and 30 feet Easterly from (as measured on a perpendicular) the Easterly line of the hereinabove referenced Residence Parcel; thence run the following courses and distances along said parallel line: N73°52'00"E for 18.55 feet, S16°08'00"E for 137.17 feet, S27°42'00"W for 219.46 feet, S36°49'00"W for 235.27 feet, S47°46'00"W for 266.81 feet, S43°43'00"W for 140.42 feet, S04°48'00"E for 86.00 feet, S43°19'00"E for 184.68 feet and S46°59'00"W for 268 feet, more or less to said waters of the Caloosahatchee River and the end of the herein described line, wherein the Northerly limits of the side lines of said easement will terminate at the South line of the 60' Roadway, Utility and Drainage Easement as described in Easement 2 below.

EASEMENT 2

A non-exclusive easement for the benefit of Parcels 1 and 2, sixty (60') feet in width for roadway, utilities and drainage purposes lying in the East one half (E 1/2) of Section 18, Township 43 South, Range 26 East, Lee County, Florida, more particularly described as follows:

From the Northeast corner of said Section 18 run West along the line common to said Section 18 and Section 7, Township 43 South, Range 26 East for 1188.37 feet; thence run S01°24'15"E for 25.01 feet to said South line of State Road 78 and the Point of Beginning of the herein described roadway easement. From said Point of Beginning run the following courses and distances along the Westerly line of the 30 foot wide roadway easement described in Exhibit "B" recorded in O.R. Book 1100 at page 645; S01°24'15"E for 731.11 feet, S03°01'45"E for 200.32 feet, S03°51'00"E for 399.60 feet, S00°04'15"E for 199.85 feet, S02°42'45"E for 200.06 feet, S00°32'08"E for 399.67 feet, S00°11'00"E for 200.07 feet, S01°03'00"E for 399.74 feet, S01°48'00"W for 199.13 feet, S05°37'30"W for 99.01 feet, S09°23'45"W for 98.59 feet, S16°24'15"W for 98.50 feet, S20°50'15"W for 98.17 feet, S30°20'42"W for 113.33 feet; thence run East for 2.38 feet to the Northeast corner of parcel described in Exhibit "A" of the instrument recorded in O.R. Book 1100, page 645, Public Records of Lee County, Florida; thence run the following courses and distances along the Westerly line of said roadway easement (30 feet wide) being the East line of said parcel described in said Exhibit "A": S22°34'15"W for 99.22 feet, S12°15'15"W for 100.00 feet, S02°31'45"E for 100.00 feet, S08°35'25"E for 299.99 feet, S01°09'00"W for 100.00 feet, S05°55'50"W for 300.00 feet, S00°25'30"E for 118.06 feet, and South for 3.86 feet; thence run the following courses and distances: S07°11'19"W for 100.03

feet, S14°36'30"E for 136.11 feet, N89°42'57"E for 61.93 feet (passing through the hereinabove described point "A" at 46.44 feet), N14°36'30"W for 140.59 feet, N07°11'19"E for 93.68 feet; thence run the following courses parallel with the West line of said roadway easement, 30 feet wide: North for 5.75 feet, N00°25'30"W for 114.95 feet, N05°55'50"E for 299.17 feet, N01°09'00"E for 107.62 feet, N08°35'25"W for 301.93 feet, N02°31'45"W for 89.04 feet, N12°15'15"E for 86.80 feet, N22°34'15"E for 104.92 feet, N30°20'42"E for 97.98 feet, N20°50'15"E for 105.48 feet, N16°24'15"E for 104.50 feet, N09°23'45"E for 104.24 feet, N05°37'30"E for 102.98 feet, N01°48'00"E for 202.62 feet, N01°03'00"W for 400.78 feet, N00°11'00"W for 199.80 feet, N00°32'08"W for 400.99 feet, N02°42'45"W for 199.82 feet, N00°04'15"W for 200.45 feet, N03°51'00"W for 401.15 feet, N03°01'45"W for 199.04 feet and N01°24'15"W for 728.79 feet to an intersection with said Southerly line of State Road No. 78 (50 feet wide); thence run West along said South line of State Road 78 for 60.02 feet to the Point of Beginning.

Bearings hereinabove mentioned are based on the North line of the East half (E 1/2) of said Section 18 to bear West.

Parcel Identification Number: 18-43-26-00-00002.0000
18-43-26-00-00002.0020
19-43-26-00-00002.1010
19-43-26-00-00002.1020

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under grantor.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

TALON VENTURES, LLC, a Florida limited liability company

By: Belinda Ulrich
Belinda Ulrich, Manager

Dennis H. Noah
Witness Name: Dennis H. Noah
Sandra H. Patterson
Witness Name: Sandra H. Patterson

State of Florida
County of Lee

The foregoing instrument was acknowledged before me this 17th day of Oct., 2006, by Belinda Ulrich, Manager of TALON VENTURES, LLC, a Florida limited liability company, on behalf of said firm. He/she ☒ is personally known or ☐ has produced a driver's license as identification.

[Notary Seal]



Sandra A. Patterson
Commission # DD470980
Expires September 30, 2009
Bonded Troy Firm - Insurance, Inc. 800-385-7019

Sandra A. Patterson
Notary Public

Printed Name: _____

My Commission Expires: _____

Prepared by and return to:

Thomas H. Gunderson

Attorney at Law

HENDERSON, FRANKLIN, STARNES & HOLT, P.A.

1715 Monroe St. P. O. Box 280

Fort Myers, FL 33902

239-344-1100

File Number: THG Greenwell N

Will Call No.:

INSTR # 2008000467701, Pages 4

Doc Type D, Recorded 12/18/2008 at 01:39 PM,

Charlie Green, Lee County Clerk of Circuit Court

Deed Doc. \$28838.80 Rec. Fee \$35.50

Deputy Clerk DMAYS

#5

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 15th day of December, 2006 between Michael L. Greenwell and Tracy C. Greenwell, a/k/a Tracey C. Greenwell, as to Parcel 1; ThirtyNine Preserve, Inc., a Florida corporation, as to Parcel 2 whose post office address is 12250 North River Avenue, Alva, FL 33920, grantor, and North River Communities LLC, a Florida limited liability company whose post office address is 9990 Coconut Rd., Ste 200, Bonita Springs, FL 34135, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida to-wit:

PARCEL 1:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE RUN S 88°52'38" E ALONG THE NORTH LINE OF SAID SECTION 18 AND THE CENTERLINE OF STATE ROAD 78, 1377.37 FEET, THENCE RUN S 00°16'25" W 50.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SAID STATE ROAD 78 AND THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED; THENCE CONTINUE S 00°16'25" W 3876.00 FEET; THENCE RUN S 88°52'38" E 869.73 FEET; THENCE RUN S 00°16'25" W 1384.64 FEET TO THE SOUTH SECTION LINE OF SAID SECTION 18; THENCE RUN S 02°12'51" E 599.52 FEET TO THE APPROXIMATE TOP BANK OF THE CALOOSAHATCHEE RIVER; THENCE RUN N 72°34'28" E 341.66 FEET ALONG SAID TOP BANK TO THE EAST LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 19; THENCE RUN N 02°12'51" W 490.06 FEET ALONG SAID EAST LINE TO THE SOUTH QUARTER (S 1/4) CORNER OF SECTION 18; THENCE RUN ALONG THE NORTH SOUTH QUARTER LINE OF SAID SECTION 18, N 00°16'25" E 5261.22 FEET TO THE SOUTH RIGHT-OF-WAY OF STATE ROAD 78; THENCE RUN ALONG SAID RIGHT-OF-WAY OF STATE ROAD 78, PARALLEL TO THE NORTH LINE OF SECTION 18, 50 FOOT OFFSET N 88°52'38" W 1200.00 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE NORTH LINE OF SECTION 18 AS BEARING N 88°52'39" W.

LESS AND EXCEPT THE FOLLOWING PARCEL:

A tract or parcel of land lying in Sections 18 and 19, Township 43 South, Range 26 East, Lee County, Florida being a part of the lands as described in deed recorded in Official Record Book 2510 at Page 2120, Public Records of Lee County, Florida, which tract or parcel is described as follows:

Beginning at the southwest corner of the Southeast Quarter (SE-1/4) of said Section 18 run N 00° 16' 39" E along the North/South Quarter (N/S-1/4) section line of said Section 18 for 1,385.08 feet to an intersection with the easterly prolongation of the line common to the north line of the deed recorded in Official Record Book 2626 at Page 83 and the south line of the lands described in deed recorded in Official Record Book 2510 at Page 2120, said public records; thence run N 88° 52' 20" W along said prolongation for 330.61 feet to the northeast corner of the lands as described in deed recorded in Official Record Book 2626 at Page 83, said public records; thence run S 00° 16' 43" W along the east line of said deed, also being the west line of the lands as described in deed recorded in Official Record Book 2510 at Page 2120, said public records for 1,384.54 feet to an intersection with south line of said Section 18; thence run S 02° 12' 33" E along the line common to the lands described in deed recorded in Official Record Book 4830 at Page 1310 and the lands described in deed recorded in Official Record Book 2510 at Page 2120, said public records for 599.52 feet to the approximate top of bank of the Caloosahatchee River; thence run N 72° 34' 46" E along the approximate top of bank for 342.04 feet to an intersection with the east line of the Northwest Quarter (NW-1/4) of said Section 19, also being the east line of the lands described in deed recorded in Official Record Book 2510 at Page 2120, Public Records of Lee County, Florida; thence run N 02° 12' 33" W along said east line and deed line for 490.10 feet to the Point of Beginning.

BEARINGS HEREINABOVE MENTIONED ARE BASED ON THE WEST LINE OF THE SOUTHWEST QUARTER (SW-1/4) OF SECTION 18 TO BEAR N 00°16'39 E.

PARCEL 2:

A TRACT OR PARCEL OF LAND LYING IN SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 18, SAID CORNER LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 31, (100 FEET WIDE), THENCE RUN S 88°46'28" E FOR 100.00 FEET TO THE EASTERLY RIGHT-OF-WAY OF SAID STATE ROAD 31 (BASIS OF BEARINGS); THENCE RUN N 00°26'31" W ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 1381.01 FEET TO THE POINT OF BEGINNING TO THE HEREIN DESCRIBED PARCEL.

FROM SAID POINT OF BEGINNING CONTINUE RUNNING N 00°26'31" W ALONG SAID RIGHT-OF-WAY LINE FOR 2450.05 FEET TO A POINT OF CURVE TO THE RIGHT WITH A DELTA ANGLE OF 00°05'37" A RADIUS OF 68704.96 FEET, A CHORD OF 112.20 FEET THAT BEARS N 00°31'31" W; THENCE RUN NORTHERLY ALONG SAID CURVE FOR 112.20 FEET, THENCE RUN S 88°51'56" E FOR 1322.57 FEET; THENCE RUN S 00°16'25" W FOR 2561.15 FEET; THENCE RUN N 88°53'02" W FOR 1290.40 FEET TO THE POINT OF BEGINNING.

Parcel Identification Number: 18-43-26-00-00001.0000 & 0010

Subject to taxes for 2007 and subsequent years; and permitted exceptions as disclosed on Exhibit "A" attached hereto.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2006.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Thomas H. Guadagnoli
Witness Name: Thomas H. Guadagnoli

Nancy Moss
Witness Name: Nancy Moss

Thomas H. Guadagnoli
Witness Name: Thomas H. Guadagnoli

Nancy Moss
Witness Name: Nancy Moss

Thomas H. Guadagnoli
Witness Name: Thomas H. Guadagnoli

Nancy Moss
Witness Name: Nancy Moss

Michael L. Greenwell (Seal)
Michael L. Greenwell

Tracy C. Greenwell (Seal)
Tracy C. Greenwell

ThirtyNine Preserve, Inc., a Florida corporation

By: Michael L. Greenwell
Michael L. Greenwell, President

(Corporate Seal)

State of Florida
County of Lee

The foregoing instrument was acknowledged before me this 14th day of December, 2006 by Michael L. Greenwell and Tracy C. Greenwell, who ☐ are personally known or ☒ have produced Driver's Licenses as identification.

[Notary Seal]



Nancy Moss
Commission # DD544359
Expires June 3, 2010
Bonded Troy Firm - Insurance, Inc. 800-365-7019

Nancy Moss
Notary Public

Printed Name: Nancy Moss

My Commission Expires: _____

State of Florida
County of Lee

The foregoing instrument was acknowledged before me this 14th day of December, 2006 by Michael I. Greenwell, President of ThirtyNine Preserve, Inc., a Florida corporation, on behalf of the corporation. He ☐ is personally known to me or ☒ has produced Driver's License as identification.

[Notary Seal]



Nancy Moss
Commission # DD544359
Expires June 3, 2010
Bonded Troy Firm - Insurance, Inc. 800-365-7019

Nancy Moss
Notary Public

Printed Name: Nancy Moss

My Commission Expires: _____

Exhibit A

Permitted Exceptions

1. Easement in favor of Lee County Electric Cooperative, Inc., recorded in O.R. Book 2546, Page 54, Public Records of Lee County, Florida. (As to Parcel 1).
2. Deed of Conservation Easement recorded in O.R. Book 3046, Page 3578 and O.R. Book 4295, Page 3423, as effected by that certain Partial Release of Conservation Easement dated 10/23/2006 and recorded as Instrument No. 2006000412915, all of the Public Records of Lee County, Florida. (As to Parcel 1).
3. Easement in favor of Florida Gas Transmission Company recorded in O.R. Book 3215, Page 3698, Public Records of Lee County, Florida. (As to Parcel 2)
4. Environmental Resource Permit Notice recorded in Instrument Number 2005-92690, Public Records of Lee County, Florida. (As to Parcel 2)
5. Deed of Conservation Easement recorded in O.R. Book 4295, Page 3454, Public Records of Lee County, Florida.
6. Easement in favor of Lee County Electric Cooperative, Inc., recorded in Instrument Number 2006-328925, Public Records of Lee County, Florida.

This Instrument Prepared By
and Please Return To:

JOHN F. STEWART
SHEPPARD, BRETT, STEWART,
HERSCH & KINSEY, P.A.
2121 West First Street
P. O. Drawer 400
Fort Myers, Florida 33902

INSTR # 4927529
OR BK 03284 PG 1452

RECORDED 07/26/00 03:15 PM
CHARLIE GREEN CLERK OF COURT
LEE COUNTY
RECORDING FEE 55.50
DOC TAX PD(F.S.201.02) 18,830.00
DEPUTY CLERK C Keller

128
55.50
18,830.00
Grantee(s) S.S. # ⁵⁴~~548-8795~~ - 8795

THIS WARRANTY DEED, made this 29th day of June, 2000 between **Paul H. Williams a/k/a Paul Havens Williams a/k/a Paul Havens Williams, II a/k/a Paul Haven Williams, an unmarried person**
whose post office address is: 4634 Palm Beach Boulevard
Fort Myers, FL 33905

hereinafter called the grantor, to **E.W. Weathers, as Trustee under The Riverhaven Trust dated 7/20/00, with full power and authority either to protect, conserve and to sell, or to lease or to encumber or otherwise manage and dispose of the real property described herein**
whose post office address is: 2260 Bay Street, Suite 11
Fort Myers, FL 33901

hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH, that the grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in Lee County, State of Florida, viz:

SEE EXHIBIT "A" ATTACHED

Subject to easements, restrictions and reservations of record, if any, and taxes for 2000 and subsequent years.

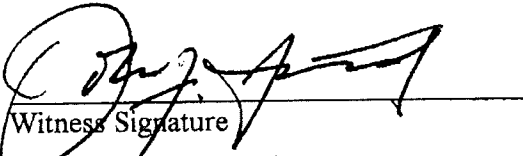
TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

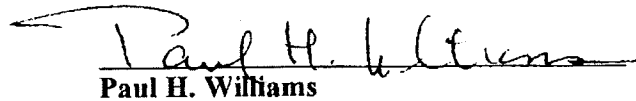
AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1999.

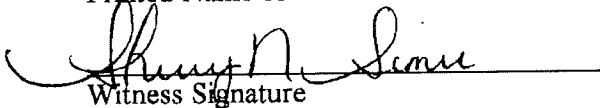
IN WITNESS WHEREOF, the said grantor has signed and sealed these present the day and year first above written.

Signed, Sealed and Delivered
in Our Presence:


Witness Signature

John F. Stewart
Printed Name of Witness


Paul H. Williams

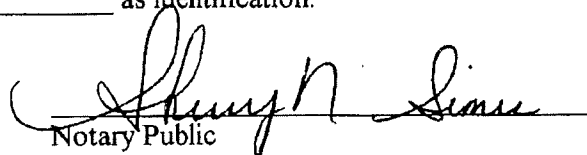

Witness Signature

SHERRY N. SIMES
Printed Name of Witness

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 29TH day of JUNE, 2000, by PAUL H. WILLIAMS, who is personally known to me or who has produced N/A as identification.

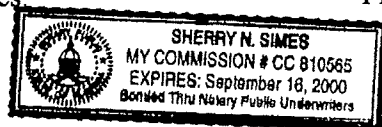
(Seal)


Notary Public

SHERRY N. SIMES

My Commission Expires:

Printed Notary Signature



Property Appraiser's Parcel Identification Number: 19-43-26-00-00006.0030
19-43-26-00-00006.0050
19-43-26-00-00005.0030
19-43-26-00-00005.0040
19-43-26-00-00006.0000
19-43-26-00-00006.0010
19-43-26-00-00006.0040
19-43-26-00-00006.0060
19-43-26-00-00006.0070
30-43-26-00-00001.0000
30-43-26-00-00001.0040
30-43-26-00-00001.0050
30-43-26-00-00001.0060
30-43-26-00-00001.0070
30-43-26-00-00001.0080
30-43-26-00-00001.0090
30-43-26-00-00001.0100

EXHIBIT "A"

PARCEL 1: A tract of land lying in Government Lot 7, Section 19 and Government Lot 1 of Section 30, Township 43 South, Range 26 East, Lee County, Florida, which tract is described as follows:

From the Southwest corner of said Government Lot 1 run South $88^{\circ} 18' 30''$ East along the South line of said lot for 50.04 feet to a point on the East line of State Road 31; thence run North $0^{\circ} 42' 30''$ West along said East line, parallel with the West line of said lot for 595.02 feet to a point of curvature; thence run Northwesterly along said East line, along the arc of a curve to the left of radius 5779.58 feet (chord bearing North $3^{\circ} 24'$ West) for 546.37 feet to a point of transition on said Easterly right-of-way line to the point of beginning; From this point of beginning run North $0^{\circ} 11' 10''$ West along said Easterly line for 404.51 feet to an intersection with the East line (100 feet from the center line) of said road; thence run North $7^{\circ} 32'$ West for 42.05 feet to an intersection with the Southerly line of the Central and Southern Florida Flood Control District right-of-way for the Caloosahatchee River and Canal; thence run North $7^{\circ} 32' 50''$ East along said South right-of-way line for 37.02 feet; thence run North $77^{\circ} 27' 10''$ East along said South line for 182.57 feet; thence run South $88^{\circ} 02' 40''$ East along said South line for 708.65 feet to an intersection with a Northerly prolongation of a line parallel with and 95 feet (as measured on a perpendicular) Westerly from the Westerly line of Block D of Unit No. 4, Fort Myers Shores, according to the map or plat recorded in Plat Book 11, Page 28, of the Public Records of Lee County, Florida; thence run South $1^{\circ} 30'$ East along said prolongation and parallel line for 666.64 feet; thence North $88^{\circ} 18' 30''$ West 889.2 feet, more or less, and until it intersects the Easterly right-of-way line of State Route 31; thence Northerly along said East right-of-way line along the same curve described above a distance of 142 feet, more or less, and back to the point of beginning.

PARCEL 2: The North 100 feet of South 300 feet of the property described as follows:

Being the same description as that set forth in Official Record Book 460, Pages 33 and 34 of the Public Records of Lee County, Florida, identified as Tracts 27 and 28 in the left-hand margin.

A tract or parcel of land lying in Government Lot 1 of Section 30, Township 43 South, Range 26 East which tract or parcel is described as follows:

From the Southwest corner of said lot run South $88^{\circ} 18' 30''$ East along the South line of said lot for 50.04 feet to a point on the Easterly line of State Road No. 31; thence run North $0^{\circ} 42' 30''$ West along said East line, parallel with the West line of said lot for 400.0 feet to the point of beginning.

From said point of beginning continue North 0° 42' 30" West along said Easterly line for 195.02 feet to a point of curvature; thence run Northwesterly along said Easterly line, along the arc of a curve to the left of radius 5779.58 (chord bearing North 3° 25' 00" West) for 546.37 feet to a point of transition in said Easterly right-of-way line; thence run North 0° 11' 10" West along said Easterly line for 58.39 feet; thence run South 88° 18' 30" East parallel with said South line for 897.29 feet to an intersection with a line parallel with and 95.0 feet (as measured on a perpendicular) Westerly from the Westerly line of Block D of Unit No. 4, Fort Myers Shores, according to plat recorded in Plat Book 11, at Page 28 of the Public Records of Lee County; thence run South 1° 30' 00" West along said parallel line for 800.54 feet to an intersection with a line parallel with said South line of said Lot 1, passing through the point of beginning; thence run North 88° 18' 30" West along said line for 883.08 feet to the point of beginning.

Bearings hereinabove mentioned are from the survey of the Central and Southern Florida Flood Control District Right-of-Way for the Caloosahatchee River and Canal.

PARCEL 3:

NORTHERLY PARCEL IN GOVERNMENT LOT 8
SECTION 19, T 43 S., R 26 E
LYING NORTH OF THE CALOOSAHATCHEE RIVER (CANAL C-43)
HAVENS ISLAND, LEE COUNTY, FLORIDA

A tract or parcel of land lying in Government Lot 8, Section 19, Township 43 South, Range 26 East, lying North of the Caloosahatchee River (Canal C-43), Havens Island, Lee County, Florida, which tract or parcel is described as follows:

From the Southwest corner of Section 19 run North 88° 18' 00" West along the South line of said section to the quarter section corner; thence run North 01° 30' 00" West along the quarter section line for 337.26 feet to the Southerly right-of-way of the Caloosahatchee River (Canal C-43), Plat Book 8 at Page 51, Lee County Records; thence continue North 01° 30' 00" West along said quarter section line for 761.38 feet to the Northerly right-of-way line of said river; thence continue North 01° 30' 00" West for 111.71 feet to the Point of Beginning of the herein described parcel.

From said Point of Beginning continue North 01° 30' 00" West along said quarter section line for 111.71 feet to the Northwest corner of said Government Lot 8; thence run South 88° 18' 00" East along the North line of said Lot 8 for 515 feet more or less to the waters of the Caloosahatchee River; thence run Southerly along said waters to an intersection with the line bearing South 88° 10' 01" East passing through the Point of Beginning; thence run North 88° 10' 01" West along said line for 536 feet more or less to the Point of Beginning.

Bearings hereinabove mentioned are based on the Plat of Unit No. 4, Fort Myers Shores, Plat Book 11 at Page 28, said Public Records and the North/South quarter section line as bearing North 01° 30' 00" West.

PARCEL 4:

SOUTHERLY PARCEL IN GOVERNMENT LOT 8
SECTION 19, T 43 S., R 26 E
LYING NORTH OF THE CALOOSAHATCHEE RIVER (CANAL C-43)
HAVENS ISLAND, LEE COUNTY, FLORIDA

A tract or parcel of land lying in Government Lot 8, Section 19, Township 43 South, Range 26 East, lying North of the Caloosahatchee River (Canal C-43), Havens Island, Lee County, Florida which tract or parcel is described as follows:

From the Southwest corner of Section 19 run North 88° 18' 00" West along the South line of said section to the quarter section corner; thence run North 01° 30' 00" West along the quarter section line for 337.26 feet to the Southerly right-of-way of the Caloosahatchee River (Canal C-43), Plat Book 8 at Page 51, Lee County Records; thence continue North 01° 30' 00" West along said quarter section line for 761.38 feet to the Northerly right-of-way line of said river & the Point of Beginning of the herein described parcel.

From said Point of Beginning continue North 01° 30' 00" West along said quarter section line for 111.71 feet; thence run South 88° 10' 01" East for 536 feet more or less to the waters of the Caloosahatchee River; thence run Southerly along said waters to an intersection with the Northerly line of said Caloosahatchee River (Canal C-43); thence run North 88° 02' 40" West for 570 feet more or less to the Point of Beginning;

Bearings hereinabove mentioned are based on the Plat of Unit No. 4, Fort Myers Shores, Plat Book 11 at Page 28, said Public Records and the North/South quarter section line as bearing North 01° 30' 00" West.

PARCEL 5: The North 100 feet of the South 200 feet of the property described as follows:

A tract or parcel of land lying in Government Lot 1 of Section 30, Township 43 South, Range 26 East, which tract or parcel is described as follows:

From the Southwest corner of said lot run South 88° 18' 30" East along the South line of said Lot for 50.04 feet to the point on the Easterly line of State Road No. 31; thence run North 0° 42' 30" West along said East line, parallel with the West line of said lot for 400.00 feet to the Point of Beginning.

From said Point of Beginning continue North $0^{\circ} 42' 30''$ West along said Easterly line for 195.02 feet to a point of curvature; thence run Northwesterly along said Easterly line, along the arc of a curve to the left of radius 5779.58 feet (chord bearing North $3^{\circ} 25' 00''$ West) for 546.37 feet to a point of transition in said Easterly right-of-way line; thence run North $0^{\circ} 11' 10''$ West along said Easterly line for 58.39 feet; thence run South $88^{\circ} 18' 30''$ East parallel with said South line for 897.29 feet to an intersection with a line parallel with and 95.0 feet (as measured on a perpendicular) Westerly from the Westerly line of Block D of Unit No. 4, Ft. Myers Shores, according to plat recorded in Plat Book 11, Page 28, in the Public Records of Lee County; thence run South $1^{\circ} 30' 00''$ West along said parallel line for 800.54 feet to an intersection with a line parallel with said South line of said Lot 1, passing through the Point of Beginning; thence run North $88^{\circ} 18' 30''$ West along said line for 883.08 feet to the Point of Beginning.

Bearings hereinabove mentioned are from the survey of the Central and Southern Florida Flood Control District Right-of-Way for the Caloosahatchee River and Canal.

PARCEL 6: The North 300 feet of the South 600 feet of the property described as follows:

A tract or parcel of land lying in Government Lot 1, Section 30, Township 43 South, Range 26 East which tract or parcel is described as follows:

From the Southwest corner of said lot run South $88^{\circ} 18' 30''$ East along the South line of said lot for 50.04 feet to a point on the Easterly line of State Road No. 31; thence run North $0^{\circ} 42' 30''$ West along said East line, parallel with the West line of said lot for 400.0 feet to the Point of Beginning.

From said Point of Beginning continue North $0^{\circ} 42' 30''$ West along said Easterly line for 195.02 feet to a point of curvature; thence run Northwesterly along said Easterly line, along the arc of a curve to the left of radius 5779.58 (chord bearing North $3^{\circ} 25' 00''$ West) for 546.37 feet to a point of transition in said Easterly right-of-way line; thence run North $0^{\circ} 11' 10''$ West along said Easterly line for 58.39 feet; thence run South $88^{\circ} 18' 30''$ East parallel with said South line for 897.29 feet to an intersection with a line parallel with and 95.0 feet (as measured on a perpendicular) Westerly from the Westerly line of Block D of Unit No. 4, FORT MYERS SHORES, according to Plat recorded in Plat Book 11 at Page 28 of the Public Records of Lee County; thence run South $1^{\circ} 30' 00''$ West along said parallel line for 800.54 feet to an intersection with a line parallel with said South line of said Lot 1, passing through the Point of Beginning; thence run North $83^{\circ} 18' 30''$ West along said line for 883.08 feet to the Point of Beginning.

Bearings hereinabove are from the survey of the Central and Southern Florida Flood Control District right-of-way for the Caloosahatchee River and Canal.

PARCEL 7:

**PARCEL IN GOVERNMENT LOT 6
SECTION 19, T. 43 S., R. 26 E.
HAVENS ISLAND
LEE COUNTY, FLORIDA**

A lot or parcel of land lying in Government Lot 6, Section 19, Township 43 South, Range 26 East, Havens Island, Lee County, Florida which lot or parcel is described as follows:

From a concrete monument marking the South quarter corner of Section 19, Township 43 South, Range 26 East, run along said quarter section line North 01° 30' 00" West for 337.26 feet to a concrete post near the Southern shore of the Caloosahatchee River; thence continue North 01° 30' 00" West across said river for 761.38 feet to a point on the North right-of-way line of the Caloosahatchee Canal C-43; thence run North 88° 02' 40" West along said North right-of-way line for 300.55 feet to a concrete monument; thence run North 01° 30' 00" West parallel to and 300.00 feet Westerly as measured on a perpendicular said quarter section line for 1394.00 feet to the Southeasterly corner of lands described in deed recorded in Official Record Book 1478 at Page 2163, Lee County Records, and the Point of Beginning of the herein described parcel.

From said Point of Beginning run South 77° 30' 00" West along a Southerly line of said lands for 235.00 feet; thence run South 40° 10' 00" West along a Southerly line of said lands for 265.00 feet to the Southerlymost corner of said lands; thence run North 49° 50' 00" West for 205 feet more or less to the mean high water line of the Old Caloosahatchee River bed; thence run Southwesterly, Southeasterly, Northeasterly, Southeasterly, and Northeasterly along said mean high water line to an intersection with a line bearing South 01° 30' 00" East passing through the Point of Beginning; thence run North 01° 30' 00" West along said line for 110 feet more or less to the Point of Beginning.

Bearings hereinabove mentioned are based on the plat of Unit No. 4, Fort Myers Shores, Plat Book 11 at Page 28, said Public Records, and the North-South quarter section line as bearing North 01° 30' 00" West.

PARCEL 8:

**PART OF PARCEL NO. 1
GOVERNMENT LOTS 6 AND 7
SECTION 19, T. 43 S., R. 26 E.
HAVENS ISLAND
LEE COUNTY, FLORIDA**

A lot or parcel of land lying in Government Lots 6 and 7, Section 19, Township 43 South, Range 26 East, Havens Island, Lee County, Florida which lot or parcel is described as follows:

From a concrete monument marking the South quarter corner of Section 19, Township 43 South, Range 26 East, run North 01° 30' 00" West along said quarter section line for 337.26 feet to a concrete post near the Southern shore of the Caloosahatchee River; thence continue North 01° 30' 00" West across said river for 761.38 feet to a point on the North right-of-way line of the Caloosahatchee Canal C-43; thence run North 88° 02' 40" West along said North right-of-way line for 670.55 feet to the Southeast corner of lands described in deed recorded in Official Record Book 1741 at Page 727, Lee County Records; thence run North 34° 00' 00" East along the Southeasterly line of said lands for 110.00 feet to an Easterly corner of said lands and the Point of Beginning of the herein described parcel.

From said Point of Beginning run South 34° 00' 00" West along the last mentioned course for 110.00 feet; thence run South 88° 02' 40" East for 370.00 feet; thence run North 01° 30' 00" West parallel to and 300.00 feet Westerly as measured on a perpendicular the North-South quarter section line for 685.35 feet to a concrete monument; thence run North 88° 02' 40" West for 10.02 feet to the Northeast corner of lands described in deed recorded in Official Record Book 1937 at Page 3675, said Public Records; thence run South 01° 30' 00" East along the Eastern line of said lands for 585.17 feet to the Southeast corner of said lands; thence run North 88° 02' 40" West along the Southern line of said lands for 240.44 feet; thence run North 01° 30' 00" West along the Western line of said lands for 418 feet more or less to the mean high water line of a cove in the Caloosahatchee River; thence run Southwesterly along said mean high water line for 59 feet more or less to an intersection with a line bearing North 01° 30' 00" West passing through the Point of Beginning; thence run South 01° 30' 00" East along said line for 400 feet more or less to the Point of Beginning.

Bearings hereinabove mentioned are based on the Plat of Unit No. 4, Fort Myers Shores, Plat Book 11 at Page 28, said Public Records, and the North-South quarter section line as bearing North 01° 30' 00" West.

PARCEL 9:

PARCEL NO. 2
GOVERNMENT LOT 6
SECTION 19, T. 43 S., R. 26 E.
LEE COUNTY, FLORIDA

A lot or parcel of land lying in Government Lot 6, Section 19, Township 43 South, Range 26 East, Lee County, Florida which lot or parcel is described as follows:

From the concrete monument marking the South quarter corner of Section 19, Township 43 South, Range 26 East run North 01° 30' West along the quarter section line for 337.26 feet to a concrete post near the Southern shore of the Caloosahatchee River; thence continue North 01° 30' West across said River for 761.38 feet to a point on the North right-of-way line of the Caloosahatchee Canal C-43; thence run North 88° 02' 40" West along said North right-of-way line for 300.55 feet to a concrete monument; thence continue North 88° 02' 40" West along said right-of-way line for 370 feet; thence run North 34° 00' East for 110 feet to the Point of Beginning of the herein described parcel.

From said Point of Beginning run South 34° 00' West along the last mentioned course for 110 feet; thence run North 88° 02' 40" West along said right-of-way line for 210 feet; thence run North 01° 30' West parallel with said quarter section line for 180 feet; thence run North 34° 00' East for 80 feet; thence run North 01° 30' West for 50 feet more or less to the waters of a cove in the Caloosahatchee River; thence run Northeasterly along said waters to an intersection with the line parallel with said quarter section line passing through the Point of Beginning; thence run South 01° 30' East along said parallel line for 400 feet more or less to the Point of Beginning.

Containing 2.2 acres more or less.

Bearings mentioned are from plat of Unit No. 4, Fort Myers Shores, recorded in Plat Book 11, Page 28 of the Public Records of Lee County, Florida.

PARCEL 10:

PARCEL NO. 3
GOVERNMENT LOT 6
SECTION 19, T. 43 S., R. 26 E.
LEE COUNTY, FLORIDA

A lot or parcel of land lying in Government Lot 6, Section 19, Township 43 South, Range 26 East, Lee County, Florida which lot or parcel is described as follows:

From the concrete monument marking the South quarter corner of Section 19, Township 43 South, Range 26 East run North 01° 30' West along the quarter section line for 337.26 feet to a concrete post near the Southern shore of the Caloosahatchee River; thence continue North 01° 30' West across said River for 761.38 feet to a point on the North right-of-way line of the Caloosahatchee Canal C-43; thence run North 88° 02' 40" West along said North right-of-way line for 300.55 feet to a concrete monument; thence continue North 88° 02' 40" West along said right-of-way line for 580 feet to the Point of Beginning of the herein described parcel.

From said Point of Beginning run North 01° 30' West parallel with said quarter section line for 180 feet; thence run North 34° 00' East for 80 feet; thence run North 01° 30' West for 50 feet more or less to the waters of a cove in the Caloosahatchee River; thence run Westerly and Southwesterly along said waters to an intersection with said North right-of-way line of the Caloosahatchee River Canal; thence run South 88° 02' 40" East along said North right-of-way line for 740 feet more or less to the Point of Beginning.

Containing 3.7 acres more or less.

Bearings mentioned are from plat of Unit No. 4, Fort Myers Shores, recorded in Plat Book 11, Page 28 of the Public Records of Lee County, Florida.

PARCEL 11:

**NORTHEASTERLY PARCEL
GOVERNMENT LOT 6
SECTION 19, T. 43 S., R. 26 E.
LEE COUNTY, FLORIDA**

A lot or parcel of land lying in Government Lot 6, Section 19, Township 43 South, Range 26 East, Lee County, Florida which lot or parcel is described as follows:

From a concrete monument marking the South quarter corner of Section 19, Township 43 South, Range 26 East, run along said quarter section line North 01° 30' West for 337.26 feet to a concrete post near the Southern shore of the Caloosahatchee River; thence continue North 01° 30' West across said river for 761.38 feet to a point on the North right-of-way line of the Caloosahatchee Canal C-43; thence run North 88° 02' 40" West along said North right-of-way line for 300.55 feet to a concrete monument; thence run parallel to said quarter section line at a distance of 300 feet, North 01° 30' West for 1394.00 feet to the Point of Beginning. From said Point of Beginning run South 77° 30' West for 235.00 feet; thence run South 44° 10' West for 265.00 feet; thence run North 49° 50' West for 205 feet more or less to the waters of the old river bed of the Caloosahatchee River; thence run Northeasterly following the meanders of said waters to an intersection with a line bearing North 01° 30' West passing through the Point of Beginning; thence run along said line South 01° 30' East for 278 feet more or less to the Point of Beginning.

PARCEL 12:

**SOUTHEASTERLY PARCEL
GOVERNMENT LOT 6
SECTION 19, T. 43 S., R. 26 E.
LEE COUNTY, FLORIDA**

A lot or parcel of land lying in Government Lot 6, Section 19, Township 43 South, Range 26 East, Lee County, Florida which lot or parcel is described as follows:

From a concrete monument marking the South quarter corner of Section 19, Township 43 South, Range 26 East, run North 01° 30' West along said quarter section line for 337.26 feet to a concrete post near the Southern shore of the Caloosahatchee River; thence continue North 01° 30' West across said river for 761.38 feet to a point on the North right-of-way line of the Caloosahatchee Canal C-43; thence run North 88° 02' 40" West along said North right-of-way line for 300.55 feet to a concrete monument; thence run North 01° 30' West, parallel with said quarter section line at a distance of 300 feet (as measured on a perpendicular) West of said quarter section line, for 685.35 feet to a concrete monument and the Point of Beginning. From said Point of Beginning run South 01° 30' East along a line parallel with and 300 feet (as measured on a perpendicular) Westerly of the aforementioned quarter section line, for 685.35 feet to a concrete monument on the North right-of-way line of the Caloosahatchee Canal C-43; thence run North 88° 02' 40" West along said North right-of-way line for 250.46 feet; thence run North 01° 30' West along a line parallel with and 550 feet (as measured on a perpendicular) Westerly from the aforementioned quarter section line for 518 feet more or less to the waters of the old river bed of the Caloosahatchee River; thence run Northeasterly along said waters to an intersection with a line bearing North 88° 02' 40" West passing through the Point of Beginning; thence run South 88° 02' 40" East along said line for 20 feet more or less to the Point of Beginning.

Containing 3.45 acres of land more or less.

Bearings are derived from the plat of Unit No. 4, Fort Myers Shores, as recorded in Plat Book 11 at Page 28, Public Records, Lee County, Florida.

LESS AND EXCEPT the Southerly 100 feet and the Easterly 10 feet.

Also less and except any portion of the above described properties which may lie within the Central and Southern Florida Flood Control District by virtue of deeds recorded in O.R. Book 37, Page 244; O.R. Book 38, Page 30 and by Final Judgment recorded in O.R. Book 635, Page 657.

RIVER VILLAGE LAND USE CATEGORY

Policy 1.1.10: The River Village Land Use Category is intended to provide for new mixed use communities that are designed to prioritize energy efficiency, green development, water quality improvements, public benefits and compact development along the Caloosahatchee River and provides public benefits to the existing area. The River Village Land Use Category includes policies in the Lee Plan to require innovative development designed to protect environmentally sensitive areas, provide for the delivery of public facilities and services, enhance the existing riverfront community character, and allow for the efficient use of land. These objectives will be achieved by promoting compact mixed use development as an alternative to low density single use development, and will require that infrastructure and environmental design standards are implemented in a financially feasible manner. The intent of the River Village land use category is to promote a balanced mixture of uses, to increase the internal capture of trips, to support pedestrian, bicycle and transit opportunities and create pedestrian friendly streetscapes. The minimum density in the River Village land use category is 1.5 units per gross acre and the maximum density is three units per gross acre. The Floor Area Ratio for commercial uses will be a maximum of 1.0 over the entire development area of commercial uses. River Village developments will be limited to a maximum of 150,000 square feet of overall commercial development.

Policy 1.4.8: The Inner Islands are located along the Caloosahatchee River, have reasonable access to available utility infrastructure, and are in close proximity to urban forms of development. The intent of the Inner Islands land use category is to provide for mixed use facilities that add to the character of the Caloosahatchee River. The primary focus is on resort uses constructed as part of a Inner Island development where the primary uses consist of lodging facilities and resorts, bed and breakfasts, restaurants, spas, boutique retailers, recreation and similar uses that would be associated with a resort environment. Although residential uses are allowed in the Inner Island land use category primary home ownership is discouraged. The maximum residential density is one dwelling unit per acre (1 du/acre). The maximum Floor Area Ratio for non residential uses is 1.0.

Objective 1.10: The River Village Land Use Category will provide for innovative development which is designed to protect environmentally sensitive areas, promote water conservation and energy efficient methods of development, provide for the efficient delivery of public facilities and services, enhance the existing riverfront community character, and allow for the efficient use of land. The River Village land use category will permit the use of smart growth principles to direct the form and design of communities to achieve environmental, planning and community character objectives. These objectives will be achieved by promoting compact mixed use development as an alternative to low density single use development, and will require

that infrastructure and environmental design standards are implemented in a financially feasible manner.

Policy 1.10.1 Development in a River Village must incorporate a mix of uses, such as residential, commercial, water related uses and recreational uses. The residential development in the River Village must be clustered to avoid, where possible, areas of environmental sensitivity and must promote both connectivity between uses and walkability throughout the development. The commercial uses will be designed with direct internal connectivity as well as public access. Commercial uses will be designed to a "Human-Scale", as defined in the Lee Plan.

Policy 1.10.2: All development utilizing the River Village Future Land Use Category will require rezoning to Mixed Use Planned Development. Further, any development within a ½ mile of the Caloosahatchee River east of I-75 that is over 200 acres in area and requests an increase in density, must be zoned and developed in compliance with the River Village land use category.

Sense of Place/Design

Policy 1.10.3: In order to create a sense of place within the residential and nonresidential areas the following design elements must be incorporated where feasible and further detailed on the Planned development master concept plan and subsequent local development order plans. The land plan must include design elements such as: a hierarchy of connectivity, special nodes, landmarks, transitional edges and a distinct variety of architectural styles.

Each River Village must provide for one or more Village Center areas for the benefit of the public and River Village. The Village Center will be designed to create a sense of community through internal and external interconnectedness with adjacent residential development, integrating commercial development with residential development and constructing the Village Center so that it is at a human scale and pedestrian oriented.

Village Center Areas should be designed to incorporate as many of the following features as possible.

1. Village Centers will be a minimum of 2 acres and a maximum of 10 acres in area.
2. Mixed uses will be encouraged within individual buildings (e.g. residential above commercial space).
3. Development plans will create focal points of signature buildings, civic spaces, natural amenities, and other prominent features through placement or street layout.
4. Nonresidential establishments will incorporate development design techniques to integrate the establishment into the surrounding community. Such design techniques will include:

- a. Creation of a series of smaller, well defined customer entrances to break up long facades and provide pedestrian scale and variety, that may be achieved through the use of liner buildings.
 - b. Unified sign package.
 - c. Landscaping and use of pocket parks and courtyards adequate to soften large building masses.
5. Parking areas will be designed to minimize intrusiveness and impacts on the pedestrian character. Parking lots will be designed with pedestrian connections to business entrances and public space to create a park-once environment.
6. Crime Prevention Through Environmental Design (CPTED) guidelines will be incorporated to the maximum extent possible.

Overall Community Design features must include the following:

7. When necessary, development density and intensity will be gradient from the center to the edge suitable to integrate with surrounding land uses.
8. Link pedestrian routes and bikeways with the street system or other public spaces, avoiding routes through parking lots and other locations separated from the overall system.
9. The designs will include a pedestrian circulation system to connect the nonresidential uses with residential uses and areas.
10. Streets and roads will be fronted by design features including landscaping and sidewalks which define and contribute to a pedestrian street character. Building design, placement, and entrances will be at a pedestrian scale and oriented towards streets and other public space such as parks or squares.
 - a. Reduction of paved parking areas will be evaluated wherever practicable through measures such as provision of shared parking and parking structures to serve multiple uses and alternative paving materials. Large expanses of pavement will be discouraged. Reduced ratios of required parking for non-residential uses will be provided in the land development regulations.
11. Internal traffic circulation system design will include:
 - a. Traffic calming techniques to maintain a multi-modal transportation system including pedestrian, bicycles and automobile traffic.
 - b. Maximum use of common access drives.
 - c. Convenient access to transit facilities.
12. Buffering: River Village developments will be well integrated both internally and externally. Buffering of uses internal to a River Village are not required.

Policy 1.10.4: Each River Village Community will be required to provide an overall 50% on site Open Space as defined in Chapter 10-416 of the Lee County Land Development Code. Water Quality enhancements, including increased lake area with the specific

intent of improving off site water quality will be counted at a rate of 100% toward the open space requirement. Individual pods, tracts, and parcels may be designed and developed with a minimum of 10% open space to facilitate the clustering of uses.

Community Outreach

Policy 1.10.5 Community Outreach requirements for properties utilizing the River Village Land Use Category must include, at a minimum, the following:

1. Prior to any required public hearings for a Comprehensive Plan Amendment, the applicant shall engage in a series of meetings with the surrounding community, County staff and the public at large.
2. Prior to submitting a zoning application for a property utilizing the River Village land use category the applicant must conduct a minimum of two separate meetings. One meeting with the surrounding community in a location within the Planning Community, and one with County staff . Throughout the zoning review process the applicant shall conduct a series of meeting with the public to keep them informed on changes and opportunities to participate in the public hearing process. Meeting notices and sign in sheets shall be submitted formally to the County to keep with the zoning application records.

Public Benefit

Policy 1.10.6 Each River Village development-that is adjacent to natural and navigable bodies of water must provide public access to the natural water body. Public access must be provided through a minimum of parking and canoe/kayak launch facilities that connect to the Lee County Blue Way system. Additional public access may include any combination of provision of passive recreational facilities, development or redevelopment of a marina facility, access to commercial or civic uses open to the public, including a boat launch, docking facilities, or a promenade along the waterfront.

Policy 1.10.7 Connection to existing public blue ways and pedestrian trails will be provided.

Policy 1.10.8 River Villages must provide workforce housing at a rate of 10% of the total number of units permitted over 1 unit per gross acre. For the purpose of this policy, workforce housing shall be defined as units priced at a level that is affordable to a family making at or below 140% of the median income in Lee County, as defined in Chapter 420.5095 F.S.

Compatibility and Integration with the Surrounding Community

Policy 1.10.9 To promote preservation of the surrounding community character and drive by experience along existing County maintained arterial roads, a minimum 100 foot edge protection area must be incorporated into the development. Where new development is adjacent to properties under separate ownership a 50 foot edge protection area must be provided. The rural edge protection area must contain one or more elements that are representative of rural character including groves, livestock grazing, pervious recreational areas or open space, preserves, equestrian facilities, lake or other elements of rural character. Berms and walls that are intended to provide a

visual barrier will not be permitted along State and County maintained arterial roads and are discouraged along the remaining perimeter, unless specifically requested by the adjoining property owners. The use of perimeter fencing including but not limited to horse fences and picket fences will be encouraged. This policy is not intended to preclude any berms required to meet the requirements of the South Florida Water Management District.

Policy 1.10.10 Where external local residential streets run along an edge of a River Village, edge development must be designed to maintain the existing residential character of the residential street. Similar type homes or preserve area must be developed and oriented toward the local residential street rather than creating a community backing up to the street.

Policy 1.10.11 Where feasible, River Village developments will provide local public road connections that add new links to the transportation network. Connections to adjacent offsite residential neighborhoods will not be precluded by the River Village's design.

Water Conservation and Management

Policy 1.10.12: To ensure that development occurs in a manner that is consistent with Lee County's goals for the protection of natural aquatic systems and the enhancement of water quality within the Caloosahatchee River basin, new development or redevelopment within the River Village land use category will be required to provide or connect to central water and sewer facilities.

Policy 1.10.13: Water conservation measures will be implemented during the site construction process, utilizing the following mechanisms:

1. Accepting reuse water, if available, and
2. Using drought tolerant landscape material for 70% of all required landscaping in common areas.
3. Limit the amount of irrigated turf to 50% for all residential lots.

Policy 1.10.14 Required surface and storm water management facilities will be designed to provide open space or a visual amenity and act as an aesthetic feature resembling natural areas.

Water Quality

Policy 1.10.15 Enhanced Best Management Practices for surface water management such as treatment trains, created flow ways, reduced impervious area, and other Low Impact Development design techniques will be implemented where practicable for the design of the project.

Policy 1.10.16 To provide the opportunity to restore existing natural water flows, development within a River Village category will provide a minimum of 50' buffer along natural waterways. Buffer areas may contain passive recreational uses, including boardwalks, and river oriented recreational uses such as a canoe/kayak launch with an ancillary building, and necessary community infrastructure crossing points. This policy

is not intended to apply to the improvements or expansion of any marina facility that is identified on the Lee County Water Dependant Overlay Map Series. Residential dwelling units must not be constructed within 50 feet of the MHWL of natural water bodies. Water dependant uses may be permitted with a zero foot setback.

Policy 1.10.17 During the Planned Development process developers will pursue opportunities to partner with governmental agencies to create water quality improvement systems for degraded water bodies directly connected to the property. Specifically, applicants will work with Lee County and the South Florida Water Management District to find ways to improve the water quality of the Caloosahatchee River.

POLICY 1.10.18 Golf courses must be designed, constructed, managed and certified in accordance with the Audubon International Signature Program. In addition all golf courses must be managed and designed in accordance with the following criteria:

1. Fertilizers with a low leaching potential (slow release) must be used, must not be applied after active growth of the turfgrass has ceased, and must be kept to the lowest reasonable levels.
2. To reduce sources of pollutants, especially nutrients and pesticides associated with the golf course, the golf course manager must implement a chemicals management plan which includes an integrated pest management (IPM) program and a nutrient management program such that nutrient management program such that nutrients and pesticides are used only when absolutely necessary. The program must address prevention, diagnosis, and limited treatment with pesticides when necessary rather than blanket treatment with broad spectrum pesticides as insurance against all pest species. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad spectrum pesticides is prohibited. The IPM program must minimize the use of pesticides and must include the use of the US Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS) Soil Pesticide Interaction Rating guide to select pesticides for use that have a minimum potential for leaching or loss from runoff. The nutrient management program must be based upon the USDA-NRCS Nutrient Management Standard and must include the use of soil tests to determine needed applications of nutrients. Only EPA-approved chemicals may be used. No turf managed areas (including fairways, tees, and greens) are permitted within 35 feet of wetlands or preserve areas. This chemicals management plan must be submitted to and approved by Lee County Natural Resources Staff prior to the development order approval.
3. The golf course manager must coordinate the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients.

4. The utilization of a golf course manager licensed by the state to use restricted pesticides and experienced in the principles of IPM is required. The golf course manager is responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer runoff into the surface water and the leaching of those same fertilizers into the groundwater.
5. The storage, mixing, and loading of fertilizer and pesticides must be designed to prevent/minimize the pollution of the natural environment.
6.
 - 1) Prior to the issuance of local development order approval, the developer must demonstrate compliance with "Best Management Practices for Golf Course Maintenance Departments," prepared by the Florida Department of Environmental Protection, May 1995, as amended.
 - 2) The development order must demonstrate separate mixing and loading facilities for pesticides, and provide a separate pesticide storage area, in compliance with materials specified in the above referenced document. The development order must demonstrate separate mixing and loading facilities for fertilizer, and provide a separate fertilizer storage area, in compliance with materials specified in the above referenced document.
 - 3) The development order plans must indicate the construction material for all buildings in compliance with Best Management Practices for Golf Course Maintenance Departments.
 - 4) Equipment to apply pesticides and fertilizers must be stored in an area protected from rainfall.
7. The golf course must be planted with a turfgrass cultivated variety that is drought and pest resistant, while requiring relatively low fertilizer use;
8. The irrigation system must operate on an "as needed" basis through the utilization of weather forecasting and ongoing assessment of the moisture content of the soil.
9. All fairways, greens, and tees must be elevated above the 25-year flood level, and all greens must utilize underdrains. The effluent from these underdrains must be pre-treated prior to discharge into the balance of the project's water management system.
10. Stormwater run-off must be pre-treated through an acceptable recreated natural system or dry retention and/or detention and water retention and/or detention system, prior to discharging the run-off into existing lake or wetland (any aquatic) systems.
11. Prior to development order approval for the golf course, the developer must conduct a pre-development groundwater and surface water analysis

and submit the analysis to Lee County Division of Natural Resources. This analysis is intended to establish baseline data for groundwater and surface water monitoring for the project area. The analysis must be designed to identify those nutrients and chemicals that are anticipated to be associated with the project. Prior to commencing this baseline study, the developer must submit the methodology for review, comment, and approval by Lee County.

12. An annual monitoring report of ground water and surface water quality is required for the golf course operation. The monitoring program must include: testing to assess whether there are any herbicide, pesticide or fertilizer pollution of the water within the area of the golf course; identifying the locations for the ground water monitoring and testing on a map(s); setting forth the testing and recording requirements. The Developer must submit the test results with the monitoring report to the Lee County Natural Resource Division. The monitoring program will be established and operated at the expense of the Developer, or other comparable legal entity charged with the legal responsibility of managing the golf course. This plan will be evaluated in accordance with the directives of Chapter 62-302, F.A.C., water quality standards. Developer, or their successor(s), and Staff will review this monitoring requirement every three years to determine if reduction or elimination of the monitoring requirements is justified, and if so, the condition may be proposed for modification through the public hearing process.
13. If groundwater or surface water pollution occurs, as that term is defined by the rules or regulations in effect at the time of development order, and should the pollution be caused by the application of fertilizers, herbicides or pesticides to the golf course, the application of the material(s) containing the polluting agent must cease until there is a revised management plan. If mitigation is necessary to address the pollution, a mitigation plan approved by Lee County must be implemented by the Developer.

Policy 1.10.18: Development within a River Village must be designed using environmental best management practices consisting of the following:

1. Energy Efficiency programs such as "Energy Star" and FPL's "HomeSmart" will be promoted in all buildings and residences within the community. An education program on energy efficiency programs will be available to all residents. In order to facilitate these benefits all Builders within the River Village communities shall be certified through the University of Florida's Build Green and Profit program.
2. Meet the requirements of a Green Community by the Florida Green Building Coalition.
3. Incorporate elements from the Florida Yards and Neighborhoods program at the time of Planned Development review. Private homeowners will be encouraged to utilize the recommendations of the Florida Yards

and Neighborhoods program and the University of Florida IFAS fact sheet ENH-860.

4. Achieve Certification as a Florida Firewise Community.
5. Incorporate elements of the requirements of the National Wildlife Federation Backyard Wildlife Habitat Program.
6. Use only controlled release or slow release organic fertilizers for both common areas and private areas. The developer or their successor shall have the responsibility of providing for sale or easy accessibility allowable fertilizers for private use.
7. Achieve LEED certification for all commonly owned and maintained buildings, excluding a golf course maintenance facility and any other non air-conditioned buildings.
8. Achieve Clean Marina Certification with all marina facilities.
9. All applications of fertilizer, other than by private homeowners on their own property shall be made in accordance with the most current version of the *Florida Green Industries Best Management Practices for Protection of Water Resources in Florida* and recommendations of the University of Florida Cooperative Extension Service.
10. Buffer zones for wetlands and natural waterways will be used to avoid where possible potential adverse effects upon ground and surface water quality, including any Outstanding Florida Waters, Wild and Scenic Rivers, Florida Aquatic Preserves or Florida Class I or II Waters that occur within, abutting or downstream of the site.
11. Grading and site design of properties adjacent to bodies of water shall conform to Federal, State and local regulations which may include but is not limited to the use of berms or retention ditches to intercept surface runoff of water and debris that may contain fertilizer.
12. No grasses that require mowing shall be allowed within 6 feet of the water's edge, except where needed for erosion control. Riparian or littoral zone plants that do not require mowing or fertilization should be planted in these areas when possible.

Habitat Preservation

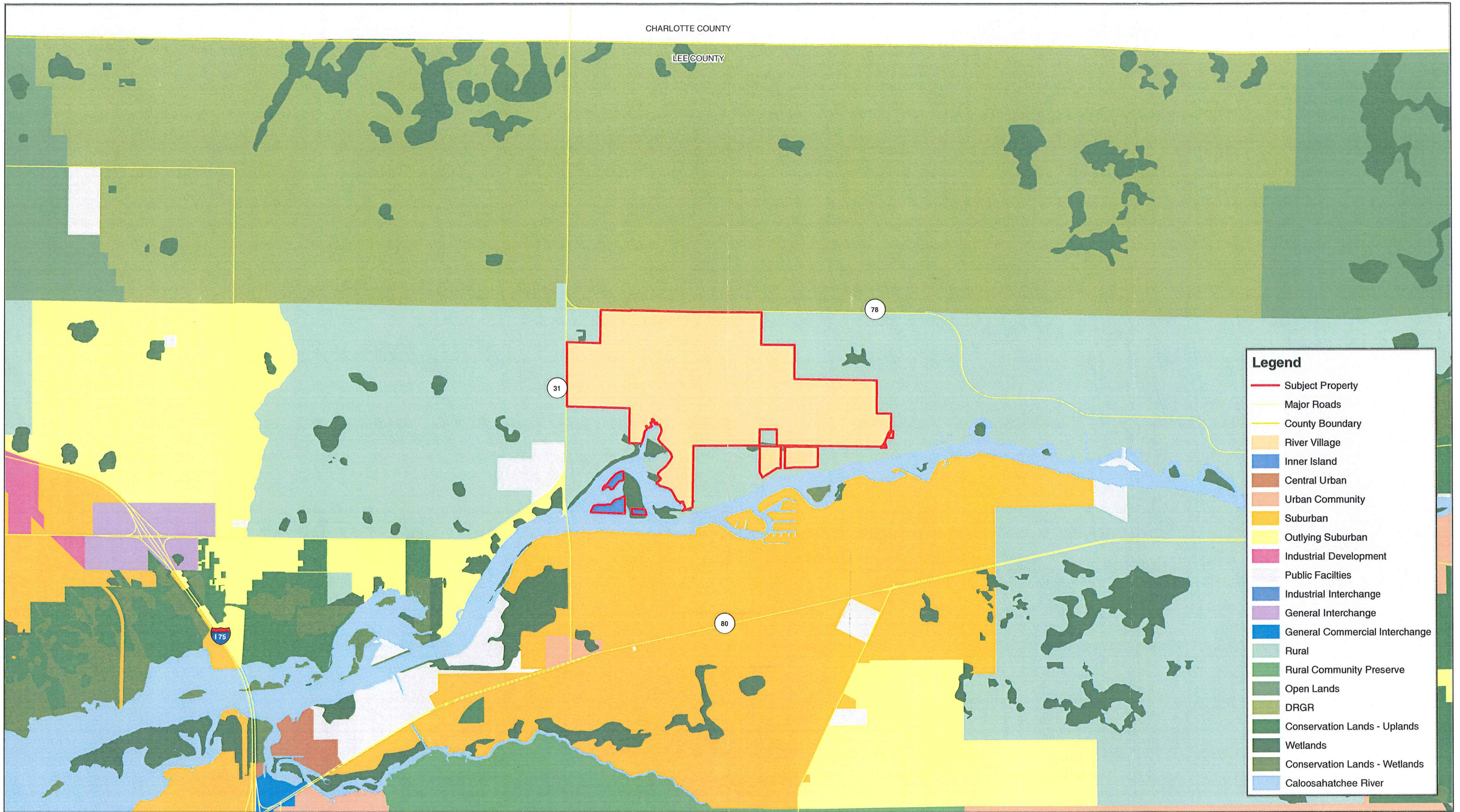
Policy 1.10.19: Development within the a River Village property will be designed to incorporate significant indigenous systems such as cabbage palm and oak hammocks and promote the preservation and restoration of wetlands, listed species habitat and rare and unique uplands. In order to protect the natural creeks and associated wetland systems within this part of the county, development will preserve high quality wetlands that are adjacent to natural water bodies. Site design will include minimizing impacts to native trees where feasible. Where impacts to live oak and laurel oak trees

that have a greater than 10 inch caliper dbh are unavoidable, these trees will be relocated to the greatest extent feasible and used within the landscape design of the project.

Policy 1.10.20: Subsequent to the approval of a Planned Development, the limits of environmental preserves, as depicted on the Master Concept Plan, will be administratively designated as "Conservation" on the future land use map.

2030 Allocations Table, Alva Planning Community

Residential Use by Future Land Use Category	Acreage		
	Allocation for Year 2030	Existing	Available
Urban Community (UC)	520	462	58
Outlying Suburban (OS)	30	5	25
<u>North River Village</u>	<u>600</u>	<u>0</u>	<u>600</u>
Rural (R)	1,948 1,348	1,225	723 123
Outer Islands (OI)	5	2	3
Open Lands (OL)	250	83	167
Density Reduction/ Groundwater Resources (DRGR)	711	49	662
Wetlands (RPA)	0	0	0
Total Residential	3,464	1,826	1,648

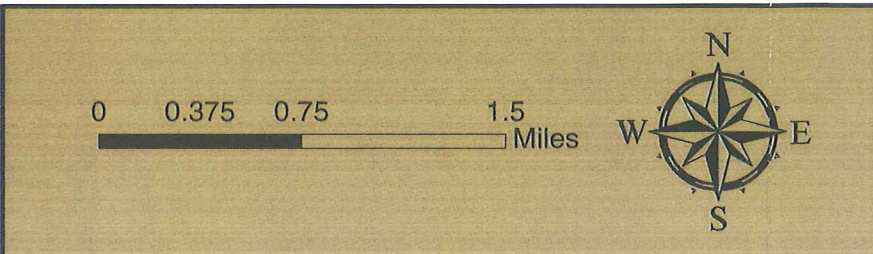


- Legend**
- Subject Property
 - Major Roads
 - County Boundary
 - River Village
 - Inner Island
 - Central Urban
 - Urban Community
 - Suburban
 - Outlying Suburban
 - Industrial Development
 - Public Facilities
 - Industrial Interchange
 - General Interchange
 - General Commercial Interchange
 - Rural
 - Rural Community Preserve
 - Open Lands
 - DRGR
 - Conservation Lands - Uplands
 - Wetlands
 - Conservation Lands - Wetlands
 - Caloosahatchee River

PROPOSED FUTURE LAND USE MAP

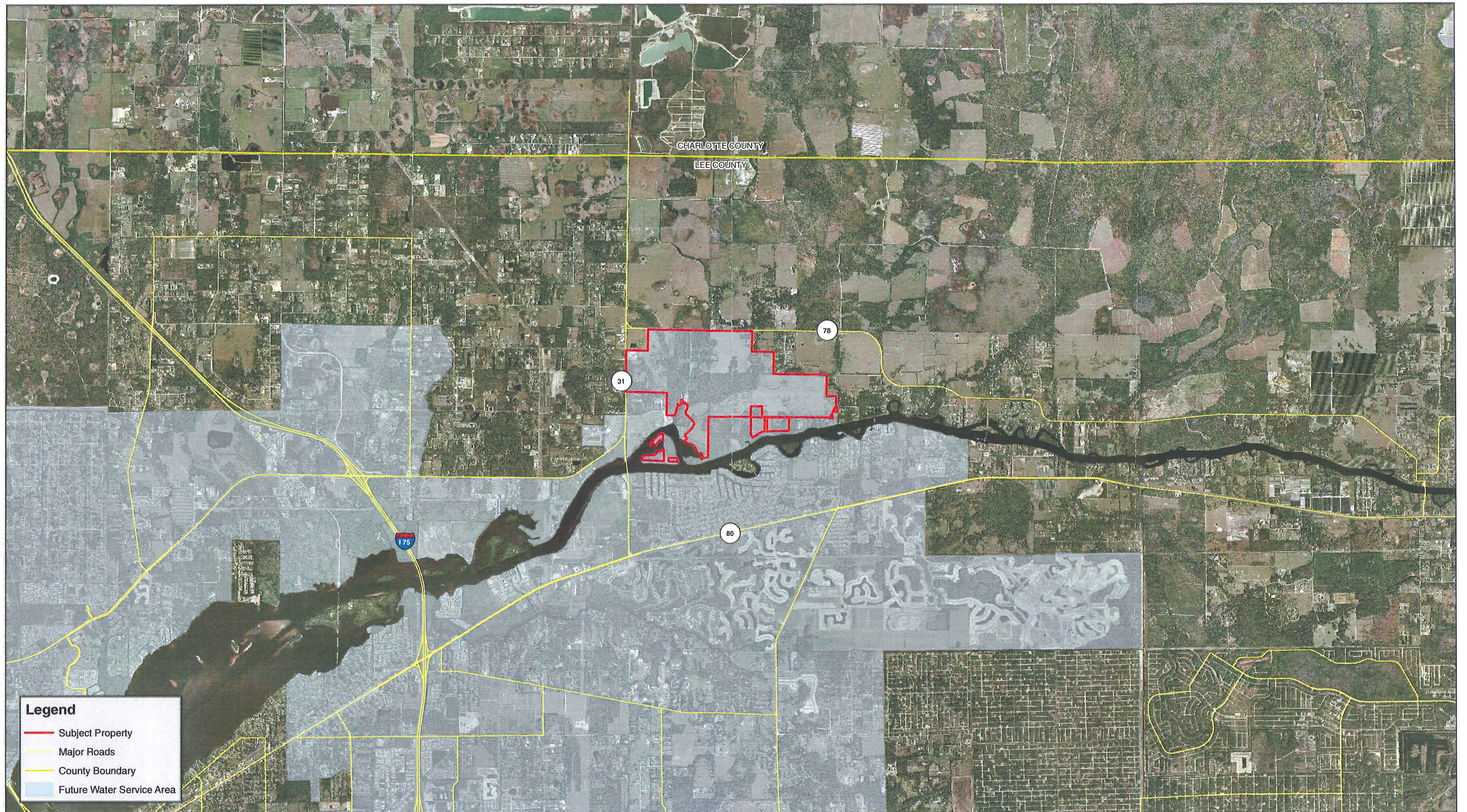
NORTH RIVER VILLAGE

GENERAL NOTE:
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DELISI FITZGERALD
PROJECT MANAGEMENT, LLC
Planning – Engineering – Project Management

1500 Royal Palm Square Blvd., Suite 101
Fort Myers, FL 33919
239-418-0691 • 239-418-0692 fax



- Legend**
- Subject Property
 - Major Roads
 - County Boundary
 - Future Water Service Area

FUTURE WATER SERVICE AREA

NORTH RIVER VILLAGE

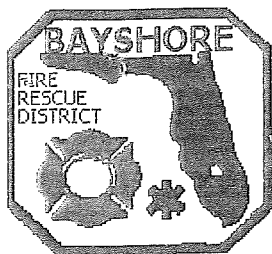
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Bayshore Fire Protection and Rescue Service District
17350 Nalle Road, North Fort Myers, Florida 33917

October 3, 2006

Debbie Strach
DeLisi Fitzgerald, Inc.
1500 Royal Palm Square Blvd. Suite 101
Fort Myers, FL 33919

Dear Ms. Strach:

Based on the limited information that you have provided referencing the proposed amendment, Bayshore Fire & Rescue would require fire hydrants or their equivalent to be installed prior to development.

In addition, depending on the exact nature of the development further modifications may be required. The exact requirements can be referenced through the Lee County Land Planning Code.

If I may be of any further assistance, or if you would like to discuss this issue further, please do not hesitate to contact me at the numbers listed below.

Sincerely,

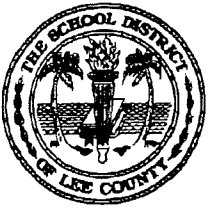
Edwin B. Campbell
Fire Chief

Office (239) 543-3443

FAX (239) 543-7075

24 Hours (239) 567-2833

Rec'd 10/6/06 (DS)



THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901 • (239) 334-1102 • TTD/TTY (239) 335-1512

STEVEN K. TEUBER, J.D.
CHAIRMAN • DISTRICT 4

ELINOR C. SCRICCA, PH.D.
VICE CHAIRMAN • DISTRICT 5

ROBERT D. CHILMONIK
DISTRICT 1

JEANNE S. DOZIER
DISTRICT 2

JANE E. KUCKEL, PH.D.
DISTRICT 3

JAMES W. BROWDER, ED.D.
SUPERINTENDENT

KEITH B. MARTIN
BOARD ATTORNEY

September 29, 2006

Ms. Debbie Strach
DeLisi, Fitzgerald, Inc.
1500 Royal Palm Square Blvd. Suite 101
Fort Myers, FL 33902

Re: North River Village

Dear Ms. Strach:

Thank you for the opportunity to review the proposed North River Village Comprehensive Plan Amendment for comments with regard to educational impacts. This proposed development is in the East Choice Zone of the District. This letter is in response to your request dated September 21, 2006.

The proposed maximum total of 2,013 dwelling units which was specified in the letter, did not state whether these are single family or multi-family units. At this time I will use the generation rate for single family units because it is the higher of the two rates. The School District of Lee County is estimating that the proposal could generate up to 636 additional school-aged children. This uses the single family generation rate of 0.316 students per dwelling unit (if you need the multi-family generation rate it is 0.125). **Based on the impact of this project to the school system, the School District of Lee County is requesting donation of land suitable for a school site, either within the project itself or within the same Choice Zone.**

The Lee County Board of County Commissioners adopted a School Impact Fee Ordinance on November 27, 2001, which was revised in November, 2005. This letter uses the revised generation rate. The developers will be expected to pay the impact fee at the appropriate time if a school site is not donated.

Thank you for your attention to this issue. If I may be of further assistance, please give me a call at (239) 335-1415.

Sincerely,

Ellen Lindblad, Long Range Planner
Planning, Growth, & School Capacity Department



FLORIDA DEPARTMENT OF STATE

Sue M. Cobb

Secretary of State

DIVISION OF HISTORICAL RESOURCES

RECEIVED
OCT 12 2006
PASSARELLA AND
ASSOCIATES, INC.

Ms. Laura Wells
Passarella and Associates, Inc.
9110 College Pointe Court
For Myers, Florida 33919

October 6, 2006

Re: Proposed Comprehensive Plan Amendment for the North River Village Property
Lee County / DHR Project File No. 2006-9068

Dear Ms. Wells:

According to this agency's responsibilities under Sections 163.3177 and 163.3178, *Florida Statutes*, Chapter 9J-5, *Florida Administrative Code*, and any appropriate local ordinances, we reviewed the proposed comprehensive plan amendment consisting of 1, 262+ acres.

A review of our records indicates that while most of this large tract falls within a high archaeological site probability zone, a systematic, professional survey to locate and evaluate cultural resources has never been conducted. It is the opinion of this office that there is a reasonable probability of proposed project activities impacting archaeological and historic sites and properties potentially eligible for listing in the National Register of Historic Places, or otherwise of historical or archaeological significance.

Since potentially significant archaeological and historic sites may be present, it is our recommendation that, prior to initiating any project related land clearing or ground disturbing activities within the project area, it should be subjected to a systematic, professional archaeological and historical survey. The purpose of this survey will be to locate and assess the significance of any historic properties present. The resultant survey report must conform to the specifications set forth in Chapter 1A-46, *Florida Administrative Code*, and be forwarded to this agency for comment in order to complete the process of reviewing the impact of this proposed project on historic properties.

If you have any questions concerning our comments, please do not hesitate to contact Susan Harp at (850) 245-6333. Thank you for your interest in protecting Florida's historic resources.

Sincerely,

Frederick P. Gaske, Director

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

☐ Director's Office
(850) 245-6300 • FAX: 245-6436

☐ Archaeological Research
(850) 245-6444 • FAX: 245-6452

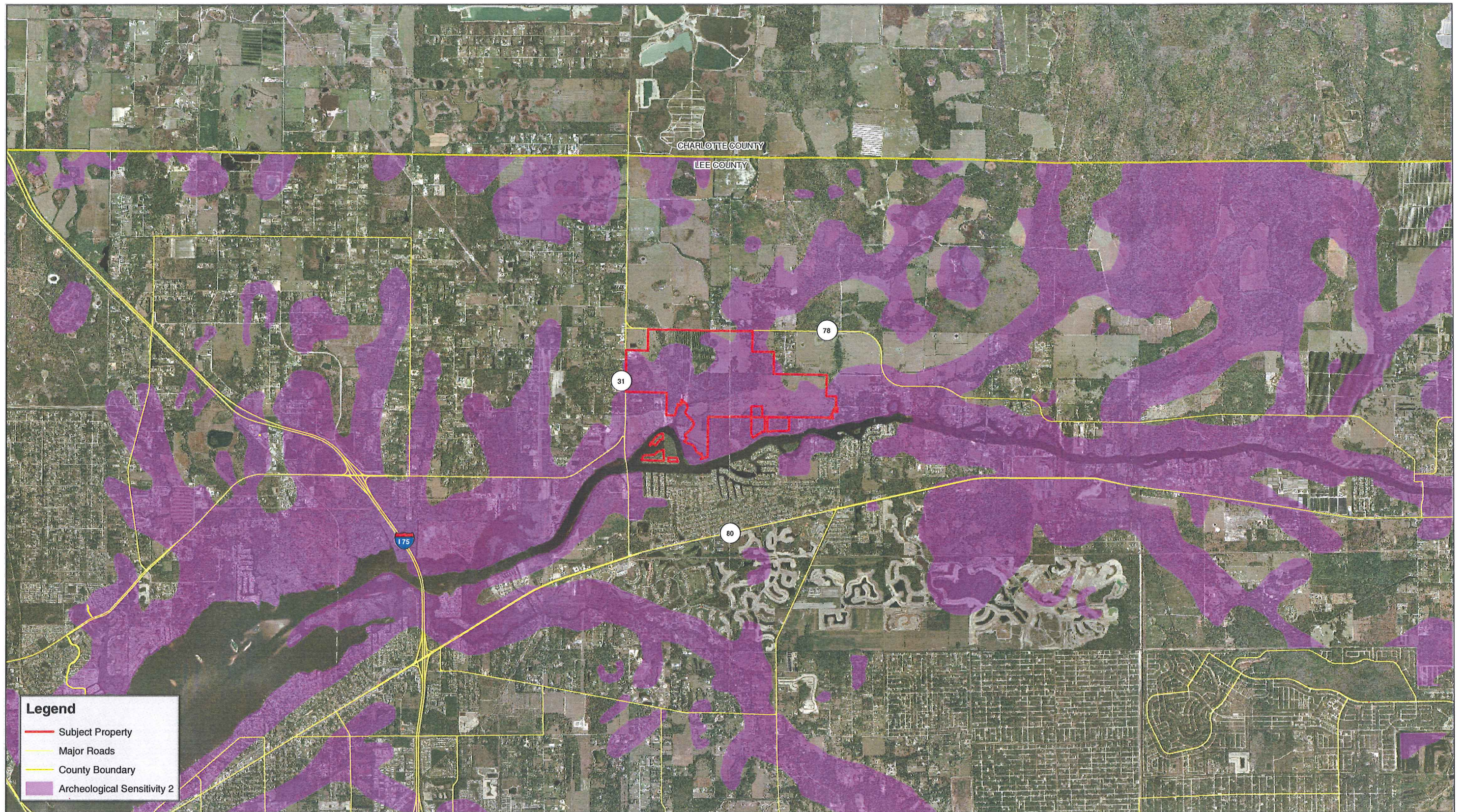
☒ Historic Preservation
(850) 245-6333 • FAX: 245-6437

☐ Historical Museums
(850) 245-6400 • FAX: 245-6433

☐ Southeast Regional Office
(954) 467-4990 • FAX: 467-4991

☐ Northeast Regional Office
(904) 825-5045 • FAX: 825-5044

☐ Central Florida Regional Office
(813) 272-3843 • FAX: 272-2340



ARCHEOLOGICAL SENSIVITY MAP

NORTH RIVER VILLAGE

GENERAL NOTE:
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LEE PLAN COMPLIANCE

The following is a comprehensive list of policies from the Lee County Comprehensive Plan that are affected by the proposed amendment.

POLICY 1.7.5: The Water-Dependent overlay zone designates shoreline areas where priority will be granted to water-dependent land uses.

The Owl Creek Marina, a property within this amendment, is part of the Water Dependant Overlay. The proposed amendment provides policies to create new access points for the public to the Caloosahatchee River for both passive and active recreational uses.

POLICY 1.7.6: The Planning Communities Map and Acreage Allocation Table

This amendment proposes a shift in the Planning Communities Allocation Table. The subject property is an ideal location for the concentration of new units that would otherwise be spread out, or accommodated over a larger area of land. The property is at the intersection of two arterial roads, adjacent to an urban land use category and in very close proximity to all urban services, making the extension of urban services feasible and practical.

GOAL 2: GROWTH MANAGEMENT. To provide for an economically feasible plan which coordinates the location and timing of new development with the provision of infrastructure by government agencies, private utilities, and other sources.

The proposed amendment provides for an economically feasible plan to extend urban services to the property and the area. Please see the attached Growth Management Analysis for more discussion of Goal 2.

OBJECTIVE 2.1: DEVELOPMENT LOCATION. Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are bypassed in favor of development more distant from services and existing communities. (Amended by Ordinance No. 94-30, 00-22)

The subject property is in an area with existing development. Directly West is the Lee County Civic center, a major urban attractor. Directly across the river is the Fort Myers Shores community. The subject property is at the intersection of two major roadway corridors, State Road 31 and County Road 78. While historically the North Olga community has a rural character it is now transitioning away from that with the development in the area, including Babcock, which is located directly North of the subject property.

The proposed amendment cannot be considered "leap frog development". There is existing development immediately to the West along SR 78 and immediately to the South along SR 31 and in the Fort Myers Shores Community. Urban services are available to nearby properties and the extension of urban services would not require "leaping" over undeveloped areas.

POLICY 2.1.1: Most residential, commercial, industrial, and public development is expected to occur within the designated Future Urban Areas on the Future Land Use Map through the assignment of very low densities to the non- urban categories.

The proposed amendment is to create a new future urban area within the Lee Plan.

OBJECTIVE 2.2: DEVELOPMENT TIMING. Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created.

There are currently limited public facilities and services in the North Olga area, because public services are not financially feasible with the type of development pattern that is occurring under the current Lee Plan - low density, spread out single use residential. This application is to create a land use category that would promote a mixed housing and commercial area that could make public services financially feasible for both this district and the adjacent neighborhoods. The applicant will be required to provide central water and sewer. With the extension of utility lines to the subject property, central water and sewer becomes financially feasible for the surrounding residential development.

POLICY 2.3.2: The cost for the provision and expansion of services and facilities that benefit new development will be borne primarily by those who benefit.

The proposed text amendment reinforces Policy 2.3.2 by requiring new development to extend utility service, a requirement that currently is not in place for the Rural land use category.

POLICY 2.4.4: Lee Plan amendment applications to expand the Lee Plan's employment centers, which include light industrial, commercial retail and office land uses, will be evaluated by the Board of County Commissioners in light of the locations and cumulative totals already designated for such uses, including the 1994 addition of 1,400 acres to the Tradeport category just south of the Southwest Florida International Airport.

The proposed amendment will contain commercial development only to the extent to accommodate two county goals. The first is to provide for uses that are water dependant in nature, in accordance with the Water Dependant Overlay and Policy 1.7.5. The second goal is to provide for retail development that would create a sense of place for North Olga and provide for some of the retail needs of the surrounding community without having to access the surrounding road network.

OBJECTIVE 2.7: HISTORIC RESOURCES. Historic resources will be identified and protected pursuant to the Historic Preservation element and the county's Historic Preservation Ordinance.

A Historic Resource Survey is being conducted for the subject property.

Policy 4.1.1 – requires development to be integrated with the natural features of the site.

The comprehensive plan amendment requires the preservation of existing natural features, where feasible. Development is encouraged to be placed in disturbed uplands, lower-quality wetlands, and small, isolated systems.

POLICY 5.1.2: Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.

The applicant is in the process of working with the Lee County Division of Public Safety Emergency Management to come up with a mitigation package that off sets concerns of development within the Coastal High Hazard Area. Mitigation can include the generation of fees to assist in the widening of State Road 78 to I-75, a central choke point for evacuation traffic and or the provision of a shelter in a Category 4/5 zone.

POLICY 5.1.8: Provide for adequate locations of low- and moderate-income housing through the rezoning process, the provision of public facilities and services, and the elimination of unnecessary administrative and legal barriers.

The proposed text amendment contains a policy that requires the provision of workforce housing. The amendment is unique in this respect as it will be the only Future Land Use Category in the Lee Plan to require the provision of workforce housing.

Policy 6.1.3 – requires that commercial developments protect natural resources.

The comprehensive plan amendment will require the preservation and enhancement of indigenous wetlands and uplands that will serve as habitat for native species.

OBJECTIVE 8.1: Existing marinas, fish houses, and port facilities indicated on the Future Land Use Map as having water-dependent overlay zones will be reclassified by the county to commercial and industrial marine zoning categories to protect their rights to rebuild and expand and to prevent their conversion to non-water-dependent uses without a public hearing.

The proposed amendment provides for policies to both expand the water dependant use and allow for increase public access to the water through the Owl Creek Marina and Trout Creek. The proposed amendment furthers the intent of Objective 8.1.

STANDARD 11.1: WATER.

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Chapter 17-22, F.A.C.).

The proposed text amendment requires that any development must connect to central water.

STANDARD 11.2: SEWER.

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.

The proposed text amendment requires that any development must connect to central sewer.

GOAL 39: PROTECTION OF LIFE AND PROPERTY. To reduce the hazards to life, health, and property created by flooding due to rainfall in a manner consistent with the community's criteria for the preservation of environmental values and the conservation of natural resources.

The proposed land use change will meet this goal as outlined in the responses to the Objectives and Policies below.

OBJECTIVE 39.1: Lee County will continue its efforts in developing a surface water management planning process designed to produce and maintain an up-to-date body of technical information, and, based on that information, the necessary surface water management plans, regulatory mechanisms, and facility proposals that will improve the protection of present and future uses of real property from stormwater flooding, while preserving or enhancing the environmental and natural resource values of both land and water.

The applicant will work with Lee County Natural Resource Management to provide updated information related to the site and areas downstream and upstream from the property so that the Lee County database will be maintained as an up-to-date technical document.

POLICY 39.1.1: The County will continue to prepare and implement a comprehensive countywide surface water management master plan, with full attention to issues of regional water quality and environmental integrity. The

County will complete basin plans for all of the remaining watersheds in Lee County by 2005. As each basin plan is completed, it will be scheduled for adoption by the Board of County Commissioners.

Lee County has information for this part of the County from the Master Plan developed in 1992. More recent data has been developed through a study of the area by the Federal Emergency Management Agency. Lee County is in the process of determining the information that will be used since there are substantial differences. The applicant will utilize the results to establish a water management plan for the site that will integrate with the County's Master Plan.

POLICY 39.1.2: From technical data underlying the surface water management plan, criteria will be established and utilized to identify floodways and other areas of special flood risk not already identified by the Federal Flood Hazard Map and Flood Insurance Study.

The water management plan for the site will address the flood risk for it by reviewing and analyzing the backwater profile information available on the receiving waters. The receiving waters for the site are Owl Creek, Trout Creek, Otter Creek and directly to the Caloosahatchee.

POLICY 39.1.4: Continue to develop, update, and improve technical information, with the assistance of the U.S.D.A. Natural Resources Conservation Service, United States Geological Survey, Federal Emergency Management Agency, South Florida Water Management District, and other agencies, in order to better determine the current flooding risks associated with severe rainfall events.

The applicant is agreeable to provide information used to analyze the streams in the vicinity of this site to assist Lee County in developing, updating and improving the technical information used to determine current flooding risks associated with severe rainfall events.

POLICY 39.1.5: The county will, through appropriate land use and engineering regulations, continue to control the introduction of obstructions or impediments within floodways.

The applicant will follow the land use and engineering regulations to keep any mapped floodways unobstructed and free from further impediments from this project. There are no mapped floodways that would affect this site at this time. There are floodways shown on draft maps from FEMA. An appeal has been made for this site to the FEMA contractor. Either way, the development will meet the requirements of the FEMA floodway designation from the maps when they are adopted.

POLICY 39.1.6: The county will, through appropriate regulations, continue to provide standards for construction of artificial drainageways compatible with

natural flow ways and otherwise provide for the reduction of the risk of flood damage to new development.

The applicant will follow the existing regulations if artificial drainageways are added as a part of the project.

POLICY 39.1.7: Priorities in public investment in surface water management facilities will be limited to new or expanded facilities serving the future urban areas, existing development, public facilities, and the maintenance of existing infrastructure; and outside the future urban areas, only to the prevention or reversal of environmental degradation, or the alleviation of bona fide health and safety emergencies.

The applicant understands this policy and will work within its constraints to develop this site. The site plan will be established in such a way that it enhances existing flowways. It will also address existing ditches to remove them if they cause onsite over drainage or enhance them where practical if they convey offsite waters.

GOAL 40: COORDINATED SURFACE WATER MANAGEMENT AND LAND USE PLANNING ON A WATERSHED BASIS. To protect or improve the quality of receiving waters and surrounding natural areas and the functions of natural groundwater aquifer recharge areas while also providing flood protection for existing and future development.

The proposed land use change will meet this goal as outlined in the responses to the Objectives and Policies below.

OBJECTIVE 40.1: COUNTY-WIDE PROGRAM. Lee County will continue its efforts in developing a surface water management program that is multi-objective in scope and is geographically based on basin boundaries.

The applicant will work within the existing Lee County Surface Water Master Plan in developing this site. The applicant will also work with Lee County staff to assist in new issues raised by the recently published FEMA analysis.

POLICY 40.1.2: Develop surface water management systems in such a manner as to protect or enhance the groundwater table as a possible source of potable water.

The applicant will work to at least protect and as reasonable enhance the groundwater table even though South Florida Water Management District now discourages the use of this aquifer as a source of potable water. The surficial aquifer does provide baseflow for the Caloosahatchee. Increasing the baseflow will help meet the goals for the Minimum Flows and Levels of SFWMD.

POLICY 40.1.3: Incorporate, utilize, and where practicable restore natural surface water flowways and associated habitats.

The applicant is committed to incorporating existing flowways on the site as a part of the comprehensive plan amendment. The flowways will provide conveyances across the site much as they existed prior to the farming activities that have and are occurring now. These flowways are in addition to the named streams that cross the site. One of the flowways will continue to convey offsite flow from west of SR 31 to Trout Creek. This will be a feature adjacent to the main entrance road.

POLICY 40.1.4: The county will examine steps necessary to restore principal flow-way systems, if feasible, to assure the continued environmental function, value, and use of natural surface water flow-ways and associated wetland systems.

The applicant will assist Lee County with the steps necessary to restore the principal flowway in the western portion of the project. This one takes water from west of SR 31 and to the north from ditches along SR 31.

POLICY 40.1.5: Additional public hearings on Lee Plan amendments will be held to incorporate each phase of the Surface Water Management Master Plan. These amendments will specifically address:

- (a) incorporating the additions to the database into the Lee Plan;**
- (b) modifying the interim level-of-service standards; and**
- (c) modifying the Future Land Use, Community Facilities and Services, and Capital Improvements elements as necessary to incorporate the study's initial findings.**

We do not believe that there is a need for amendments at this time. The applicant will work with Lee County to fit this project within the Surface Water Master Plan if shown to be needed.

POLICY 40.1.6: Lee County will maintain in its land development regulations requirements that proper stormwater management systems be installed when land is being redeveloped. Appropriate exemptions will be provided to this requirement for individual residential structures and for historic districts. The regulations may also provide modified stormwater management standards for publicly sponsored projects within community redevelopment areas (as defined by Chapter 163, Part III, Florida Statutes). However, this policy will not be interpreted so as to waive any concurrency level-of-service standards.

The applicant agrees to provide a surface water management system that meets current standards to the extent possible considering offsite constraints. The water quality treatment will be designed to include an additional 50 percent of the required treatment volume as now required by SFWMD. For example, the site now is anticipated to have an average impervious coverage of less than 40 percent and would require water quality treatment volume of one inch. The applicant will agree to provide one and a half inches of treatment volume.

OBJECTIVE 40.2: BASIN PROGRAM. Promote water management permitting on a basin-wide basis, as opposed to the current individual-site approach used by Lee County and the South Florida Water Management District, through pilot or demonstration programs in two or more basins by 1996.

This is a County policy. The applicant will work with Lee County to fit this project within the Surface Water Master Plan. The applicant is willing to work with a public-private partnership with Lee County or SFWMD that would benefit the Caloosahatchee for a water quality improvement as outlined in Policy 1.10.17.

POLICY 40.2.1: The Surface Water Management Master Plan will identify those basins (or subbasins) which may be most suitable for basin-wide surface water management, based on:

1. natural flow ways and drainage patterns;
2. existing development patterns;
3. land ownership patterns; and
4. development potential based on the Future Land Use element of this plan.

The applicant will work with Lee County to reasonably meet this requirement as long as it is not contrary to permit requirements of other agencies.

POLICY 40.2.2: Taxing/benefit districts or other financing mechanisms established pursuant to Goal 3 of this plan will include an examination of the potential for basin-wide surface water management within the designated area.

There is not an existing taxing district over the area of this Comprehensive Plan Amendment at this time. The applicant is willing to participate in a basin-wide surface water management plan if one is created by Lee County to address water quality.

POLICY 40.3.1: The following surface water management standards are adopted as minimum acceptable levels of service for unincorporated Lee County (see Policy 70.1.3).

A. Existing Infrastructure/Interim Standard. The existing surface water management system in the unincorporated areas of the county will be sufficient to prevent the flooding of designated evacuation routes (see Map 15) from the 25-year, 3-day storm event (rainfall) for more than 24 hours.

The applicant commits to provide a level of flood protection to the major roads such that they will not flood for more than 24 hours in a 25 year-3 day event.

D. Regulation of Private and Public Development Surface water management systems in new private and public developments (excluding widening of existing roads) must be designed to SFWMD standards (to detain or retain excess stormwater to match the predevelopment discharge rate for the 25-year, 3-day storm event [rainfall]).

The applicant agrees to obtain an overall storm water permit with SFWMD to meet the changes in land use and the permit will meet current standards. Current permitting only covers a portion of the lands within the site.

POLICY 40.3.2: The county will continue to maintain and update annually the CIP to provide for the needs of the surface water management program.

The applicant does not believe that there is a need to change the CIP at this time to provide for the needs of the surface water management system. If a need is later identified, the change will be incorporated as part of the proposed amendment.

OBJECTIVE 40.5: INCORPORATION OF GREEN INFRASTRUCTURE INTO THE SURFACE WATER MANAGEMENT SYSTEM. The long-term benefits of incorporating green infrastructure as part of the surface water management system include improved water quality, improved air quality, improved water recharge/infiltration, water storage, wildlife habitat, recreational opportunities, and visual relief within the urban environment.

The applicant proposes to enhance a flowway in the western portion of the project to promote green infrastructure in the surface water management system. The flowway will pass offsite surface waters from upstream of the project that are currently routed through the project site, but are interrupted by internal roads and driveways. The enhanced flowway will certainly provide improved water quality, improved air quality, water storage, wildlife habitat, recreational opportunities and visual relief within an urban environment. A flowway will not provide improved water recharge/infiltration due to the fine soils that made it mostly a wetland before its conversion to agriculture.

POLICY 40.5.1: The County encourages new developments to design their surface water management systems to incorporate best management practices including, but not limited to, filtration marshes, grassed swales planted with native vegetation, retention/detention lakes with enlarged littoral zones, preserved or restored wetlands, and meandering flow-ways.

The applicant will use best management practices (BMP's) within the surface water management system as practical to meet the needs of the development. The matrix of BMPs used for sites south of the Caloosahatchee will also be used here even though they are not required. The text amendment outlines the BMPs that are proposed.

POLICY 40.5.2: The County encourages new developments to design their surface water management system to incorporate existing wetland systems.

The applicant will where possible incorporate existing wetlands into the surface water management system. In addition, the applicant will enhance some previously disturbed wetlands within the flowway in the western portion of the project.

POLICY 40.5.3: The County encourages the preservation of existing natural flow-ways and the restoration of historic natural flow-ways.

The applicant will enhance the flowway in the western portion of the site.

POLICY 40.5.4: The County will continue to identify and map flow-ways as part of the Lee County Surface Water Management Plan. The Plan provides a general depiction of watersheds and their trunk and major tributaries and has been expanded to some degree in the DRGR area. As new information is assembled, the Plan will be updated for public use. Due to its magnitude and need for site specific information, not all flow-ways will be shown.

The applicant will provide a shapefile for use by Lee County to update their map once the existing flowways are fully identified on the site by staff and the applicant to assist the county in implementing this policy.

GOAL 41: PROTECTION OF WATER RESOURCES. To protect the county's water resources through the application of innovative and sound methods of surface water management and by ensuring that the public and private construction, operation, and maintenance of surface water management systems are consistent with the need to protect receiving waters.

The applicant intends to uphold this goal through sound methods of surface water management including both water quantity and quality.

POLICY 41.1.1: Lee County recognizes that all fresh waters are a resource to be managed and allocated wisely, and will support allocations of the resource on the basis 1) of ensuring that sufficient water is available to maintain or restore valued natural systems, and 2) of assigning to any specified use or user the lowest quality fresh water compatible with that use, consistent with financial and technical constraints.

The applicant supports utilizing water resources wisely and will follow applicable regulations to fulfill this policy.

OBJECTIVE 41.2: MIMICKING THE FUNCTIONS OF NATURAL SYSTEM. Support a surface water management strategy that relies on natural features (flow ways, sloughs, strands, etc.) and natural systems to receive and otherwise manage storm and surface water.

The site is altered, but the applicant supports a surface water management strategy that will mimic natural systems. The applicant is willing to work with a public-private partnership with Lee County or SFWMD that would benefit the Caloosahatchee for a water quality improvement as outlined in Policy 1.10.17.

POLICY 41.2.1: All development proposals outside the future urban areas must recognize areas where soils, vegetation, hydrogeology, topography, and other factors indicate that water flows or ponds; and require that these areas be utilized to the maximum extent possible, without significant structural alteration, for on-site stormwater management; and require that these areas be integrated into area-wide coordinated stormwater management schemes.

The applicant recognizes that this altered site had features including soils, hydrology and topography that conveyed water. To that end, the applicant is proposing the restoration/enhancement of a flowway in the western portion of the site.

POLICY 41.2.2: Where no natural features of flow or ponding exist on a site outside the future urban areas, the county will require that water management structures be designed and constructed in such a manner as to mimic the functions of natural systems. Special engineering and design standards for such structures will be incorporated into revised development regulations.

The surface water management system for the site beyond the restored flowway will incorporate features that will mimic the functions of natural systems.

POLICY 41.2.3: Outside the future urban areas where traditional drainage structures exist (ditches, canals, dikes, etc.), the county may permit their continued existence and maintenance, but will discourage their expansion or extension.

The applicant proposes to continue to utilize some of the existing ditches, canals, dikes and other water management features as necessary to continue the site's obligations to offsite interests and onsite features dependent on them. Where practical, the applicant will modify ditches to make them look and function more like a natural conveyance.

POLICY 41.2.4: Where feasible within future urban areas, surface water management plans are encouraged that mimic the functions of natural systems, notwithstanding the type or intensity of development permitted.

Where new systems are proposed, the design will incorporate features to have the new mimic natural systems.

POLICY 41.2.6: The county will maintain regulations that require reclamation standards for future excavation that mimic natural systems through the techniques that improve water quality, wildlife utilization, and enhance groundwater recharge.

The applicant will follow applicable regulations related to reclamation of future excavation areas.

OBJECTIVE 41.3: GENERAL SURFACE WATER MANAGEMENT STANDARDS. Lee County will continue to provide sufficient performance and/or design standards for development protective of the function of natural drainage systems.

The applicant will follow the applicable performance and/or design standards.

POLICY 41.3.1: Provide sufficient performance and design standards to require postdevelopment runoff to approximate the total characteristics of the natural flow prior to development.

The project has current surface water permit for portions of the site. The post development runoff will not exceed the current rate for each watershed as listed in the Lee County Surface Water Master Plan.

POLICY 41.3.2: Floodplains must be managed to minimize the potential loss of life and damage to property by flooding.

The ultimate site plan will incorporate features to limit encroachments into the floodplain in conformance with the guidelines of FEMA. The design will minimize the adverse impacts to the flood plain.

POLICY 41.3.3: Floodways should be kept as unobstructed as possible.

There are no known floodways on this site. There are proposed floodways. The extent of these is being appealed to FEMA by the applicant. The ultimate floodways will have minimum impacts by this development.

POLICY 41.3.4: Natural flow patterns will be publicly restored where such action is of significant public or environmental benefit, and feasible.

With the exception of the western flowway, there have been limited interruptions to the natural flow patterns. One of the crossings of Owl Creek is undersized. It is proposed by the applicant to remove this crossing and replace it in another location with an adequately sized crossing.

POLICY 41.3.6: Developments must have and maintain an adequate surface water management system, provision for acceptable programs for operation and maintenance, and post-development runoff conditions which reflect the natural surface water flow in terms of rate, direction, quality, hydroperiod, and drainage basin. Detailed regulations will continue to be integrated with other county development regulations.

It is anticipated that the project will use either a Chapter 190 Community Development District (CDD) or a Master Home Owner's Association to maintain the water management system.

POLICY 41.3.7: Channelization of natural streams and rivers is prohibited; channelization of other natural watercourses is discouraged.

There are no proposals to channelize the natural streams, rivers or other natural watercourses on the site. It is the applicant's plan to enhance the natural watercourses by removing exotic vegetation that is adversely impacting upstream properties.

POLICY 41.3.8: The banks of wet retention and detention areas must be sloped to promote growth of vegetation and safeguard against accidents.

The side slopes of storm water ponds on this site will be designed to promote growth of vegetation for improvement of water quality. The slopes will also be designed to reasonably safeguard against accidents.

POLICY 41.3.9: The county will adopt appropriate regulations to protect the natural functions of riparian systems from incompatible development practices along their banks.

Buffers with a minimum width of 50 feet are being proposed to protect the riparian systems on this site as outlined in Policy 1.10.16.

POLICY 41.3.10: New artificial drainage systems must not channel runoff directly into natural waterbodies.

The site will use existing discharge points to the greatest practical extent.

POLICY 41.3.11: Runoff must be routed through retention or detention areas and vegetated swales in order to reduce flow velocity, allow for percolation, and trap and remove suspended solids and pollutants.

The proposed water management system will convey runoff through a detention system to reduce velocity, allow for percolation and trap and remove solids and other pollutants.

POLICY 41.3.12: The design of shorelines of retention and detention areas and other excavations must be sinuous rather than straight.

Sinuous shorelines will be used on the new detention areas.

POLICY 41.3.13: Installation of erosion control devices for development activities adjacent to waterbodies, water courses, and wetlands will be required. Such control devices must be maintained to ensure operational effectiveness.

Erosion control devices to meet the NPDES requirements will be used as necessary.

POLICY 41.3.14: Artificial watercourses must be designed so as to reduce velocity of runoff and prevent erosion.

If needed, new artificial watercourses will be designed to reduce velocity and prevent erosion as required.

Goal 77: Development Design Requirements - To require new development to provide adequate open space for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation.

The comprehensive plan amendment establishes a requirement for 50 percent open space as defined in Chapter 10-416 of the Lee county Land Development Code. The amendment also establishes that native trees will be preserved, as much as feasible, and where impacts to live oak and laurel oak trees that have a ten inch diameter at breast height (DBH) or greater can not be avoided, these trees will be relocated to the greatest extent feasible and used within the landscape design.

Goal 79: Boat Ramps - To provide a shore of the boat ramps needed to allow county residents and visitors inexpensive access to public waterways.

The comprehensive plan amendment provides for public access to the Caloosahatchee River and other adjoining water bodies.

Goal 82: Maintained Water Accesses - To improve access to public beaches and other bodies of water.

The comprehensive plan amendment provides for public access to the Caloosahatchee River and other adjoining water bodies.

Goal 86: Environmental and Historic Programs - To provide programs and information to promote knowledge and understanding of Lee County's unique environmental and cultural heritage.

The comprehensive plan amendment will identify historical sites.

Goal 107: Resource Protection - manage county's wetland and upland ecosystems to maintain and enhance native habitats, floral and faunal species diversity, water quality and natural surface water characteristics.

The comprehensive plan amendment requires the preservation of native wetlands and uplands that will be enhanced and serve as habitat for indigenous flora and fauna species.

Objective 107.1: Resource Management Plan - The county will continue to implement a resource management program that ensures the long-term protection and enhancement of the natural upland and wetland habitats through the retention of interconnected, functioning, and maintainable hydroecological systems where the remaining wetlands and uplands function as a productive unit resembling the original landscape.

The comprehensive plan amendment will encourage preservation of upland and wetland habitats.

Objective 107.3: Wildlife - Maintain and enhance the fish and wildlife diversity and distribution within Lee County for the benefit of a balanced ecological system.

The comprehensive plan amendment encourages upland and wetland restoration and preservation to provide habitat diversity.

Objective 107.4: Endangered and Threatened Species in General - Lee County will continue to protect habitats of endangered and threatened species and species of special concern in order to maintain or enhance existing population numbers and distributions of listed species.

The comprehensive plan amendment encourages design to promote the preservation and restoration of listed species habitat.

Objective 107.7: West Indian Manatee - Minimize injuries and mortalities of manatees to maintain the existing population by encouraging the adoption by the state of Florida and local governments of regulations to protect the West Indian Manatee in the Caloosahatchee and elsewhere in Lee County. By 1998, manatee protection plans will be prepared for other waters of Lee County also frequented by manatees.

The comprehensive plan amendment encourages the preservation and restoration of listed species habitat.

Objective 107.8: Gopher Tortoises - The county will protect gopher tortoise through the enforcement of the protected species regulations and by operating and maintaining, in coordination with the Florida Game and Fresh Water Fish Commission, the Hickey Creek Mitigation Park.

The comprehensive plan amendment encourages the preservation and restoration of listed species habitat.

Objective 107.9: Red-Cockaded Woodpecker – County staff will coordinate with the Florida Game and Fresh Water Fish Commission to determine on a case-by-case basis the appropriate mitigation for the protection of the red-cockaded woodpecker's habitat. Mitigation may include on-site preservation, on-site mitigation, off-site mitigation, and associated habitat management.

The comprehensive plan amendment encourages the preservation and restoration of listed species habitat.

Objective 107.10: Wood Stork – Lee County will maintain regulatory measures to protect the wood storks feeding and roosting areas and habitat.

The comprehensive plan amendment encourages the preservation and restoration of listed species habitat.

Goal 108: Estuarine Water Quality – To manage estuarine ecosystems so as to maintain or improve water quality and wildlife diversity; to reduce or maintain current pollution loading and system imbalances in order to conserve estuarine productivity; and to provide the best use of estuarine areas.

The comprehensive plan amendment will enhance the water quality within the Caloosahatchee River basin; analyze opportunities to improve water quality in degraded water bodies directly connected to the property; and provide increased lake area to improve off-site water quality.

Goal 114: Wetlands – To maintain and enforce a regulatory program for development in wetlands that is cost-effective, complements federal and state permitting processes, and protects the fragile ecological characteristics of wetland systems.

The comprehensive plan amendment will preserve and enhance the higher quality, contiguous wetland systems, where feasible. The amendment encourages development to avoid or minimize adverse impacts on wetlands through clustering and other site planning techniques. No wetland impacts will be conducted without appropriate state agency permit or authorization. Mitigation banks and the issuance and use of mitigation bank credits will be permitted to the extent authorized by applicable state agencies.

Goal 115: Water Quality and Wastewater – To ensure that water quality is maintained or improved for the protection of the environment and people of Lee County.

The comprehensive plan amendment requires the enhancement of water quality through the use of Best Management Practices, where practicable. In addition, a minimum 50 foot buffer along natural waterways will be provided.

Goal 117: Water Resources - To conserve, manage, and protect the natural hydrologic system of Lee County to insure continued water resource availability.

The comprehensive plan amendment requires that new development provide or connect to central water and sewer facilities. Also, water conservation measures will be implemented during site construction.

Objective 117.1: Water Supplies - Insure water supplies of sufficient quantity and quality to meet the present and projected demands of all consumers and the environment, based on the capacity of the natural systems.

The comprehensive plan amendment requires that new development provide or connect to central water and sewer facilities. Also, water conservation measures will be implemented during site construction.

Objective 117.2: Xeriscape Landscape - The county will continue to promote xeriscape landscaping techniques.

The comprehensive plan amendment requires the use of drought tolerant landscape material for 70 percent of all required landscaping in common areas and limits the amount of irrigated turf to 50 percent for all residential lots.

Goal 121: Fisheries Management - To preserve and ecosystem that nourishes and shelters the commercial and sport fisheries in Lee County.

The comprehensive plan amendment requires the preservation of existing natural water bodies and improves on-site and off-site water quality.

Goal 125: Water Access - To develop and implement a public water access program.

The comprehensive plan amendment provides for public access to the Caloosahatchee River and other adjoining water bodies.

NORTH RIVER VILLAGE

GROWTH MANAGEMENT ANALYSIS (LEE PLAN OBJECTIVES 2.1 AND 2.2)

FAC 9J-5.006(5) provides specific guidance for reviewing plan amendments to determine how well they discourage urban sprawl. The purpose of the referenced subsection of 9J-5 is stated as to “give guidance to local governments and other interested parties about how to make sure that plans and plan amendments are consistent with relevant provisions of the state comprehensive plan, regional policy plans, Chapter 163, Part II, Florida Statutes, and the remainder of this chapter [9J-5] regarding discouraging urban sprawl, including provisions concerning the efficiency of land use, the efficient provisions of public facilities and services, the separation of urban and rural land uses, and the protection of agriculture and natural resources.”

Lee County implements this section of 9J5 through Objectives 2.1 and 2.2 in the Lee Comprehensive Plan. Objective 2.1 deals with Development Location and the need for development to be located in such a way that development does not create sprawl and public facilities become financially feasible. Objective 2.2 deals with Development Timing and is primarily implemented through the rezoning process.

The following point-by-point analysis demonstrates how the proposed amendment not only discourages sprawl, but helps the county transition from a plan that currently calls for low density single use development, while creating a sense of place for the community through development of the North River Village property. While this analysis is structured as a point-by-point answer as to how this proposal implements 9J5, the comments point out how this proposal is consistent with Objectives 2.1 and 2.2.

9J-5 lists thirteen “Primary Indicators” of urban sprawl. These are provided below with a brief analysis of how each is relevant to the proposed amendment.

1. *Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses in excess of demonstrated need. (Restated in Lee Plan Objective 2.1)*

The current comprehensive plan allows for only single use development at low densities on the subject property and over most of the land North of the Caloosahatchee River East of SR 31. The current Lee Plan promotes a scattering of low density residential subdivisions with few to no service or commercial areas. Under this pattern of development, the costs of infrastructure increase significantly, making most services financially infeasible.

Furthermore, CR 78 was not designed to handle the pass through traffic that is building up along the corridor in low density subdivisions in Lee County, as well as new residential developments in Hendry and Glades Counties. CR 78 has numerous residential units fronting directly on CR 78, a design more characteristic of a local road, not the type of road to handle the pass through traffic that is building up. The Babcock plan shows the need to widen CR 78 from Broadway to SR 31.

Golden Gate Estates (Collier County) is a visualization of the current low density single use development pattern that the Lee Plan is promoting with the Rural land use category. East-west traffic out of and into Golden Gate is a significant issue, as is the difficulty of extending central water and sewer facilities to the area. Furthermore, as with Golden Gate in Collier County, the Rural land use category would not require the clustering of units or the preservation of significant areas of common open space. Creating an AG subdivision, which would not have an open space requirement, would be the easiest way to construct a development in the Rural land use category.

The proposed amendment is transitioning the Lee Plan from a developing pattern of low density single use development that overly burdens the roads and makes utility infrastructure financially infeasible to a mixed use community with a range of uses. As demonstrated in the population accommodation section, this amendment will only funnel the current demand for housing into a more desirable land use pattern.

The proposed plan of development implements Objection 2.1, *which states that, "Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services."*

2. *Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while leaping over undeveloped lands which are available and suitable for development. (Restated in Lee Plan Objective 2.1)*

The subject property is in an area with existing development. Directly West is the Lee County Civic center, a major urban attractor. Directly across the river is the Fort Myers Shores community. The subject property is at the intersection of two major roadway corridors, State Road 31 and County Road 78. The property is also within two miles of State Road 80, within five miles of I-75, and approximately 15 miles from the Southwest Florida International Airport. While historically the North Olga community has a rural character it is now transitioning away from that with the development in the area, including Babcock, which is located directly North of the subject property.

The North River Village cannot be considered "leap frog development". There is existing development immediately to the West along SR 78 and immediately to the South along SR 31 and in the Fort Myers Shores Community. Urban services are available to nearby properties and the extension of urban services would not require "leaping" over undeveloped areas.

3. *Promotes, allows, or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.*

The proposed North River Village future land use map amendment proposes to break from the "*radial, strip, isolated or ribbon patterns*" of development currently allowed in the Lee Plan by protecting and restoring sensitive environmental lands and clustering density. This district creates a viable "node" of development that will be mixed use and mixed density in nature. It will act as a destination point for river oriented recreation uses.

4. *As a result of premature or poorly planned conversion of rural land to other uses, fails adequately to protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.*

The proposed amendment aims to create a land use category that moves the planning of this property from a blanket 1 dwelling unit per acre of residential development, to a form of development that meets environmental performance standards. By creating the performance standards, it is the intent of the North River Village land use category to improve upon the protections for natural areas beyond that which is currently in place in the Rural land use category.

5. *Fails to adequately protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silviculture activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils.*

The subject property is not surrounded by active agricultural uses. The property is surrounded on the West and North by arterial roads, on the South by the Caloosahatchee River and suburban development and on the East by low density residential development. Active agricultural uses are not present immediately adjacent to this property.

6. *Fails to maximize use of existing public facilities and services. (Restated in Lee Plan Objective 2.2)*

There are currently limited public facilities and services in the North Olga area, because public services are not financially feasible with the type of development pattern that is occurring under the current Lee Plan – low density, spread out single use residential. This application is to create a land use category that would promote a mixed housing and commercial area that could make public services financially feasible for both this district and the adjacent neighborhoods. The applicant will be required to provide central water and sewer. With the extension of utility lines to the subject property, central water and sewer becomes financially feasible for the surrounding residential development.

7. *Fails to maximize use of future public facilities and services. (Restated in Lee Plan Objective 2.2)*

The developer will be responsible for providing future facilities and services to community residents as stated in #6 above.

8. *Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, healthcare, fire and emergency response, and general government. (Restated in Lee Plan Objective 2.2)*

This area of Lee County is faced with enormous growth pressure. Developments are being planned to the East and North that will have a very significant impact on the community unless the road network is improved, water and sewer are available and

other services are planned for. This property creates an opportunity to make public infrastructure financially feasible.

9. *Fails to provide a clear separation between rural and urban areas.*

The subject property is surrounded on the West and North by arterial roads, on the South by the Caloosahatchee River and suburban development and on the East by low density residential development. With the development of Babcock Ranch and the current projected growth, this area is no longer of rural nature. The North River Village property is a natural extension of the surrounding urban uses including the residential development to the South and the Lee County Civic Center to the West.

10. *Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.*

The approval of the proposed North River Village community will not discourage or inhibit infill development for existing neighborhoods. The character of the development that would take place in the proposed North River Village land use category is unlike anything else that exists in Lee County, and would draw from a different market than infill development.

11. *Fails to encourage an attractive and functional mix of uses.*

The policies within the proposed text amendment allow for and require a mix of uses within the North River Village land use category.

12. *Results in poor accessibility among linked or related land uses.*

The proposed land use amendment creates a district that is mixed use in nature. Pedestrian connections will be provided between related uses so that commercial and residential uses are integrated.

13. *Results in the loss of significant amounts of functional open space.*

The property is currently being used for citrus production and grazing. The current condition of the site contains no functional open space. The proposed development will include public access to recreational facilities on the Caloosahatchee River, creating a vastly improved environment over the current condition.

EXHIBIT 2 REVISED
NORTH RIVER VILLAGE CPA #07548
FUTURE TRAFFIC CONDITIONS WITHOUT CPA
DIRECTIONAL PEAK HOUR, PEAK SEASON (K100)

UNDER 2030 FINANCIALLY-FEASIBLE PLAN

BACKGROUND TRAFFIC														TOTAL TRAFFIC				(7)								
ROADWAY	FROM	TO	(1)		(2)	(3)	(4)	(5)	(6)	Backgnd	Dir		Backgrd	Total		SERVICE VOLUME										
			# of Lanes	LOS	PCS	FSUTMS	Backgnd Traffic	PSWDT/ AADT Factor	K100 Factor	Peak Hr Volume	NE	SW	Peak Hr Volume	NE	SW	Peak Hr Volume	NE	SW	@ LOS C	@ LOS D	@ LOS E	@ STD	NE	SW	NE	SW
=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====
BAYSHORE RD.	Palm Creek Dr.	SR 31	2LU	E	5	12,040	12,040	1.060	11,360	0.094	1,070	0.55	0.45	589	482	589	482	760	900	920	920	0.64	0.52	C	C	
NORTH RIVER RD.	SR 31	Project Entrance	2LU	E	5	3,881	3,881	1.060	3,660	0.094	340	0.55	0.45	187	153	187	153	760	900	920	920	0.20	0.17	B	B	
	Project Entrance	N Olga Rd.	2LU	E	5	3,414	3,414	1.060	3,220	0.094	300	0.55	0.45	165	135	165	135	760	900	920	920	0.18	0.15	B	B	
	N Olga Rd.	Taylor Rd.	2LU	E	5	2,891	2,891	1.060	2,730	0.094	260	0.55	0.45	143	117	143	117	760	900	920	920	0.16	0.13	B	B	
SR 31	SR 80	Bayshore Rd.	2LU	E	5	14,211	14,211	1.060	13,410	0.094	1,260	0.55	0.45	693	567	693	567	760	900	920	920	0.75	0.62	C	C	
	Bayshore Rd.	Project Entrance	2LU	E	5	12,933	12,933	1.060	12,200	0.094	1,150	0.55	0.45	633	518	633	518	760	900	920	920	0.69	0.56	C	C	
	Project Entrance	North River Rd.	2LU	E	5	12,929	12,929	1.060	12,200	0.094	1,150	0.55	0.45	633	518	633	518	760	900	920	920	0.69	0.56	C	C	
SR 80	North River Rd.	County Line	2LU	E	4	9,340	9,340	1.093	8,550	0.094	800	0.51	0.49	408	392	408	392	760	900	920	920	0.44	0.43	C	C	
	I-75	SR 31	6LD	D	5	54,063	54,063	1.060	51,000	0.094	4,790	0.55	0.45	2,635	2,156	2,635	2,156	2,850	2,920	2,920	2,920	0.90	0.74	C	B	
	SR 31	Davis Blvd.	4LD	D	5	47,039	47,039	1.060	44,380	0.094	4,170	0.55	0.45	2,294	1,877	2,294	1,877	1,900	1,950	1,950	1,950	1.18	0.96	F	C	
	Davis Blvd.	Tropic Ave.	4LD	D	5	43,224	43,224	1.060	40,780	0.094	3,830	0.55	0.45	2,107	1,724	2,107	1,724	1,900	1,950	1,950	1,950	1.08	0.88	F	C	
	Tropic Ave.	Buckingham Rd.	4LD	D	5	33,771	33,771	1.060	31,860	0.094	2,990	0.55	0.45	1,645	1,346	1,645	1,346	1,900	1,950	1,950	1,950	0.84	0.69	C	B	

FOOTNOTES:

- (1) Lee County 2030 Financial Feasible Plan number of lanes
- (2) Lee County roadway LOS standard based on The Lee Plan, Policy 22.1.1.
- (3) Peak season weekday traffic (PSWDT) volumes based on FSUTMS travel model assignment.
- (4) Background traffic estimated by subtracting Project PSWDT from the total PSWDT.
- (5) PSADT/AADT factor based on Lee County 2006 permanent count station data.
- (6) K(100) factors derived from Lee County 2006 permanent count station data.
- (7) Lee County Generalized Service Volumes, November 2005.

EXHIBIT 3A REVISED

NORTH RIVER VILLAGE CPA #07548

FUTURE TRAFFIC CONDITIONS WITH COMP PLAN AMENDMENT SCENARIO A (2,500 UNITS WITH SF/MF MIX + 100 HOTEL ROOMS + GOLF AND MARINA)

DIRECTIONAL PEAK HOUR, PEAK SEASON (K100)

UNDER 2030 FINANCIALLY-FEASIBLE PLAN

BACKGROUND TRAFFIC															TOTAL TRAFFIC				(7)							
ROADWAY	FROM	TO																SERVICE VOLUME								
			(1)		(2)	(3)	(4)		(5)	(6)		Backgnd	Dir.	Peak Hr	Total		V/C				LOS					
			# of Lanes	LOS	PCS	FSUTMS	Backgnd Traffic	AADT Factor	AADT	K100 Factor	Peak Hr Volume	Split	Volume	Peak Hr Volume	Peak Hr Volume	NE	SW	@ LOS C	@ LOS D	@ LOS E	@ STD	NE	SW	NE	SW	
						PSWDT						NE	SW	NE	SW	NE	SW									
=====																										
BAYSHORE RD.	Palm Creek Dr	SR 31	2LU	E	5	13,545	13,545	1.060	12,780	0.094	1,200	0.55	0.45	660	540	660	540	760	900	920	920	0.72	0.59	C	C	
NORTH RIVER RD.	SR 31	Project Entrance	2LU	E	5	3,639	3,639	1.060	3,430	0.094	320	0.55	0.45	176	144	176	144	760	900	920	920	0.19	0.16	B	B	
	Project Entrance	N Olga Rd.	2LU	E	5	3,684	3,684	1.060	3,480	0.094	330	0.55	0.45	182	149	182	149	760	900	920	920	0.20	0.16	B	B	
SR 31	N Olga Rd.	Taylor Rd.	2LU	E	5	3,090	3,090	1.060	2,920	0.094	270	0.55	0.45	149	122	149	122	760	900	920	920	0.16	0.13	B	B	
	SR 80	Bayshore Rd.	2LU	E	5	18,159	18,159	1.060	17,130	0.094	1,610	0.55	0.45	886	725	886	725	760	900	920	920	0.96	0.79	D	C	
	Bayshore Rd.	Project Entrance	2LU	E	5	23,423	23,423	1.060	22,100	0.094	2,080	0.55	0.45	1,144	936	1,144	936	760	900	920	920	1.24	1.02	F	F	
SR 80	Project Entrance	North River Rd	2LU	E	5	9,997	9,997	1.060	9,430	0.094	890	0.55	0.45	490	401	490	401	760	900	920	920	0.53	0.44	C	C	
	North River Rd.	County Line	2LU	E	4	9,340	9,340	1.093	8,550	0.094	800	0.51	0.49	408	392	408	392	760	900	920	920	0.44	0.43	C	C	
	I-75	SR 31	6LD	D	5	58,401	58,401	1.060	55,100	0.094	5,180	0.55	0.45	2,849	2,331	2,849	2,331	2,850	2,920	2,920	2,920	0.98	0.80	C	B	
	SR 31	Davis Blvd.	4LD	D	5	46,867	46,867	1.060	44,210	0.094	4,160	0.55	0.45	2,288	1,872	2,288	1,872	1,900	1,950	1,950	1,950	1.17	0.96	F	C	
	Davis Blvd.	Tropic Ave.	4LD	D	5	43,022	43,022	1.060	40,590	0.094	3,820	0.55	0.45	2,101	1,719	2,101	1,719	1,900	1,950	1,950	1,950	1.08	0.88	F	C	
	Tropic Ave.	Buckingham Rd.	4LD	D	5	33,105	33,105	1.060	31,230	0.094	2,940	0.55	0.45	1,617	1,323	1,617	1,323	1,900	1,950	1,950	1,950	0.83	0.68	B	B	
=====																										

FOOTNOTES.

(1) Lee County 2030 Financial Feasible Plan number of lanes

(2) Lee County roadway LOS standard based on The Lee Plan, Policy 22.1.1

(3) Peak season weekday traffic (PSWDT) volumes based on FSUTMS travel model assignment.

(4) Background traffic estimated by subtracting Project PSWDT from the total PSWDT.

(5) PSADT/AADT factor based on Lee County 2006 permanent count station data.

(6) K(100) factors derived from Lee County 2006 permanent count station data.

(7) Lee County Generalized Service Volumes, November 2005.

EXHIBIT 3B REVISED

NORTH RIVER VILLAGE CPA #07548

FUTURE TRAFFIC CONDITIONS WITH COMP PLAN AMENDMENT SCENARIO B (2,200 UNITS WITH ALL SF + 100 HOTEL ROOMS + GOLF AND MARINA)

DIRECTIONAL PEAK HOUR, PEAK SEASON (K100)

UNDER 2030 FINANCIALLY-FEASIBLE PLAN

BACKGROUND TRAFFIC															TOTAL TRAFFIC				(7)							
ROADWAY	FROM	TO	(1)		(2)	(3)	(4)	(5)	(6)	Backgnd	Dir	Backgnd	Peak Hr	Total	SERVICE VOLUME											
			# of Lanes	LOS	PCS	FSUTMS	Backgnd	AADT	K100	Peak Hr	Volume	Volume	Peak Hr	Volume	@ LOS C	@ LOS D	@ LOS E	@ STD	V/C	LOS						
						PSWDT	Traffic	Factor	AADT	Factor	Volume	NE	SW	NE	SW	NE	SW					NE	SW	NE	SW	
BAYSHORE RD.	Palm Creek Dr.	SR 31	2LU	E	5	13,487	13,487	1.060	12,720	0.094	1,200	0.55	0.45	660	540	660	540	760	900	920	920	0.72	0.59	C	C	
NORTH RIVER RD.	SR 31	Project Entrance	2LU	E	5	3,625	3,625	1.060	3,420	0.094	320	0.55	0.45	176	144	176	144	760	900	920	920	0.19	0.16	B	B	
	Project Entrance	N Olga Rd.	2LU	E	5	3,658	3,658	1.060	3,450	0.094	320	0.55	0.45	176	144	176	144	760	900	920	920	0.19	0.16	B	B	
	N Olga Rd.	Taylor Rd.	2LU	E	5	3,094	3,094	1.060	2,920	0.094	270	0.55	0.45	149	122	149	122	760	900	920	920	0.16	0.13	B	B	
SR 31	SR 80	Bayshore Rd.	2LU	E	5	18,066	18,066	1.060	17,040	0.094	1,600	0.55	0.45	880	720	880	720	760	900	920	920	0.96	0.78	D	C	
	Bayshore Rd.	Project Entrance	2LU	E	5	23,257	23,257	1.060	21,940	0.094	2,060	0.55	0.45	1,133	927	1,133	927	760	900	920	920	1.23	1.01	F	F	
	Project Entrance	North River Rd.	2LU	E	5	9,994	9,994	1.060	9,430	0.094	890	0.55	0.45	490	401	490	401	760	900	920	920	0.53	0.44	C	C	
	North River Rd.	County Line	2LU	E	4	9,340	9,340	1.093	8,550	0.094	800	0.51	0.49	408	392	408	392	760	900	920	920	0.44	0.43	C	C	
SR 80	I-75	SR 31	6LD	D	5	58,313	58,313	1.060	55,010	0.094	5,170	0.55	0.45	2,844	2,327	2,844	2,327	2,850	2,920	2,920	2,920	0.97	0.80	C	B	
	SR 31	Davis Blvd.	4LD	D	5	46,727	46,727	1.060	44,080	0.094	4,140	0.55	0.45	2,277	1,863	2,277	1,863	1,900	1,950	1,950	1,950	1.17	0.96	F	C	
	Davis Blvd.	Tropic Ave.	4LD	D	5	42,884	42,884	1.060	40,460	0.094	3,800	0.55	0.45	2,090	1,710	2,090	1,710	1,900	1,950	1,950	1,950	1.07	0.88	F	C	
	Tropic Ave.	Buckingham Rd.	4LD	D	5	32,962	32,962	1.060	31,100	0.094	2,920	0.55	0.45	1,606	1,314	1,606	1,314	1,900	1,950	1,950	1,950	0.82	0.67	B	B	

FOOTNOTES:

(1) Lee County 2030 Financial Feasible Plan number of lanes.

(2) Lee County roadway LOS standard based on The Lee Plan, Policy 22.1.1

(3) Peak season weekday traffic (PSWDT) volumes based on FSUTMS travel model assignment.

(4) Background traffic estimated by subtracting Project PSWDT from the total PSWDT.

(5) PSADT/AADT factor based on Lee County 2006 permanent count station data.

(6) K(100) factors derived from Lee County 2006 permanent count station data.

(7) Lee County Generalized Service Volumes, November 2005.

**EXHIBIT 4A
LEE COUNTY ROADS IMPACT FEE ESTIMATES**

Project: NORTH RIVER VILLAGE CPA #07548

2,500 UNITS WITH SF/MF MIX

			<u>Fee Rate</u> / <u>Unit</u>	<u>Amount</u>
		<u>Size</u>		
Residential:	Single-Family - Detached	1,500	\$2,971 /d.u.	\$4,456,500
	Multiple Family Building	1,000	\$2,059 /d.u.	\$2,059,000
	Duplex/Two-Family/Townhouse	0	\$2,059 /d.u.	\$0
	Hotel / Motel Room/Time-share	100	\$2,237 /room	\$223,700
	Mobile Home	0	\$1,488 /d.u.	\$0
	Adult Cong. Living Facility (ACLF)	0	\$670 /d.u.	\$0
	Recreational Vehicle Site	0	\$1,488 /site	\$0
Office:	General Office (0-99,999 sf)	0	\$2,336 /1,000 s.f.	\$0
	General Office (100,000 sf +)	0	\$2,336 /1,000 s.f.	\$0
	Medical Office	0	\$7,716 /1,000 s.f.	\$0
	Hospital	0	\$3,582 /1,000 s.f.	\$0
	Nursing Home	0	\$1,004 /1,000 s.f.	\$0
	Church	0	\$1,476 /1,000 s.f.	\$0
	Day Care Center	0	\$4,107 /1,000 s.f.	\$0
	Elementary / Sec. School (Private)	0	\$643 /1,000 s.f.	\$0
Industrial:	Industrial Park	0	\$2,050 /1,000 s.f.	\$0
	Warehouse	0	\$1,461 /1,000 s.f.	\$0
	Mini-Warehouse	0	\$508 /1,000 s.f.	\$0
Retail: (GFA)	Shopping Center (0-99,999 sf)	0	\$5,063 /1,000 s.f.	\$0
	Shopping Center (100,000-249,999 sf)	150,000	\$5,063 /1,000 s.f.	\$759,450
	Shopping Center (250,000-499,999 sf)	0	\$5,063 /1,000 s.f.	\$0
	Shopping Center (500,000 sf +)	0	\$5,063 /1,000 s.f.	\$0
	Bank	0	\$8,038 /1,000 s.f.	\$0
	Car Wash, Self Service	0	\$1,683 /Stall	\$0
	Convenience Store w/Gas Sales	0	\$11,250 /1,000 s.f.	\$0
	Golf Course (open to public)	0	\$862 /acre	\$0
	Movie Theater	0	\$7,427 /1,000 s.f.	\$0
	Restaurant, Fast Food	0	\$12,763 /1,000 s.f.	\$0
	Restaurant, Standard	0	\$6,504 /1,000 s.f.	\$0

\$7,498,650

EXHIBIT 4B
LEE COUNTY ROADS IMPACT FEE ESTIMATES

Project: NORTH RIVER VILLAGE CPA #07548

2,200 UNITS WITH ALL SF

			<u>Fee Rate</u> / <u>Unit</u>	<u>Amount</u>
	<u>Size</u>			
Residential:	Single-Family - Detached	2,200	\$2,971 /d.u.	\$6,536,200
	Multiple Family Building	0	\$2,059 /d.u.	\$0
	Duplex/Two-Family/Townhouse	0	\$2,059 /d.u.	\$0
	Hotel / Motel Room/Time-share	100	\$2,237 /room	\$223,700
	Mobile Home	0	\$1,488 /d.u.	\$0
	Adult Cong. Living Facility (ACLF)	0	\$670 /d.u.	\$0
	Recreational Vehicle Site	0	\$1,488 /site	\$0
Office:	General Office (0-99,999 sf)	0	\$2,336 /1,000 s.f.	\$0
	General Office (100,000 sf +)	0	\$2,336 /1,000 s.f.	\$0
	Medical Office	0	\$7,716 /1,000 s.f.	\$0
	Hospital	0	\$3,582 /1,000 s.f.	\$0
	Nursing Home	0	\$1,004 /1,000 s.f.	\$0
	Church	0	\$1,476 /1,000 s.f.	\$0
	Day Care Center	0	\$4,107 /1,000 s.f.	\$0
	Elementary / Sec. School (Private)	0	\$643 /1,000 s.f.	\$0
Industrial:	Industrial Park	0	\$2,050 /1,000 s.f.	\$0
	Warehouse	0	\$1,461 /1,000 s.f.	\$0
	Mini-Warehouse	0	\$508 /1,000 s.f.	\$0
Retail: (GFA)	Shopping Center (0-99,999 sf)	0	\$5,063 /1,000 s.f.	\$0
	Shopping Center (100,000-249,999 sf)	150,000	\$5,063 /1,000 s.f.	\$759,450
	Shopping Center (250,000-499,999 sf)	0	\$5,063 /1,000 s.f.	\$0
	Shopping Center (500,000 sf +)	0	\$5,063 /1,000 s.f.	\$0
	Bank	0	\$8,038 /1,000 s.f.	\$0
	Car Wash, Self Service	0	\$1,683 /Stall	\$0
	Convenience Store w/Gas Sales	0	\$11,250 /1,000 s.f.	\$0
	Golf Course (open to public)	0	\$862 /acre	\$0
	Movie Theater	0	\$7,427 /1,000 s.f.	\$0
	Restaurant, Fast Food	0	\$12,763 /1,000 s.f.	\$0
	Restaurant, Standard	0	\$6,504 /1,000 s.f.	\$0

\$7,519,350