

SCALE: 1" = 100'



- LEGEND:
- POTENTIAL SFWMD AND COE WETLANDS (1.00 AC.±)
 - POTENTIAL SFWMD "OTHER SURFACE WATERS" AND COE "WATERS OF THE U.S." (0.97 AC.±)
 - SURVEYED WETLAND LINE

FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
4159 ES	PINE, DISTURBED (60-75% EXOTICS)	1.88 AC.±	12.7%
4221	BRAZILIAN PEPPER, HYDRIC	<0.01 AC.±	0.00%
424	MELALEUCA	0.56 AC.±	3.8%
4241	MELALEUCA, HYDRIC	0.53 AC.±	3.6%
510	STREAMS AND WATERWAYS (KEHL CANAL)	0.97 AC.±	6.5%
6259 ES	HYDRIC PINE, DISTURBED (60-75% EXOTICS)	0.47 AC.±	3.2%
740	DISTURBED LAND	9.81 AC.±	66.1%
743	SPOIL AREA	0.61 AC.±	4.1%
TOTAL		14.89 AC.±	100.0%

NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF AUGUST - NOVEMBER 2007.

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).

PROPERTY BOUNDARY AND SURVEYED WETLAND LINES PER RWA, INC. DRAWING No. 2008-11-20 BSU E TANK SITE.DWG DATED NOVEMBER 21, 2008.

UPLAND/WETLAND LIMITS HAVE NOT BEEN REVIEWED BY ANY REGULATORY AGENCY AND ARE SUBJECT TO CHANGE.

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COMMUNITY DEVELOPMENT

DCI 2008-00045

DRAWN BY	DATE
H.H./F.L.	11/21/08
REVIEWED BY	DATE
C.R.	11/21/08
REVISED	DATE

13620 Metropolis Avenue
Suite 200
Fort Myers, Florida 33912
Phone (239) 274-0067
Fax (239) 274-0069



BBR EAST WATER STORAGE TANK
AERIAL PHOTOGRAPH WITH PRELIMINARY
FLUCFCS AND WETLANDS MAP




DRAWING No.
07BSU1715
EXHIBIT No.
D-7-F



SCALE: 1" = 100'



LEGEND:

-  POTENTIAL SFWMD AND COE WETLANDS (1.00 AC.±)
-  POTENTIAL SFWMD "OTHER SURFACE WATERS" AND COE "WATERS OF THE U.S." (0.97 AC.±)
-  SURVEYED WETLAND LINE

FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
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748	SPOIL AREA	0.61 AC.±	4.1%
	TOTAL	14.83 AC.±	100.0%

NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF AUGUST - NOVEMBER 2007.

NO RARE OR UNIQUE UPLAND HABITATS EXIST ON THIS PROPERTY.

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).

PROPERTY BOUNDARY AND SURVEYED WETLAND LINES PER RWA, INC. DRAWING No. 2008-11-20 BSU E TANK SITE.DWG DATED NOVEMBER 21, 2008.

UPLAND/WETLAND LIMITS HAVE NOT BEEN REVIEWED BY ANY REGULATORY AGENCY AND ARE SUBJECT TO CHANGE.

DCI 2008-00045

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 DEC 12 2008
 COMMUNITY DEVELOPMENT

DRAWN BY	H.H/F.L.	DATE	11/21/08
REVIEWED BY	C.R.	DATE	11/21/08
REVISION		DATE	

13620 Metropolis Avenue
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 Fort Myers, Florida 33912
 Phone (239) 274-0067
 Fax (239) 274-0069



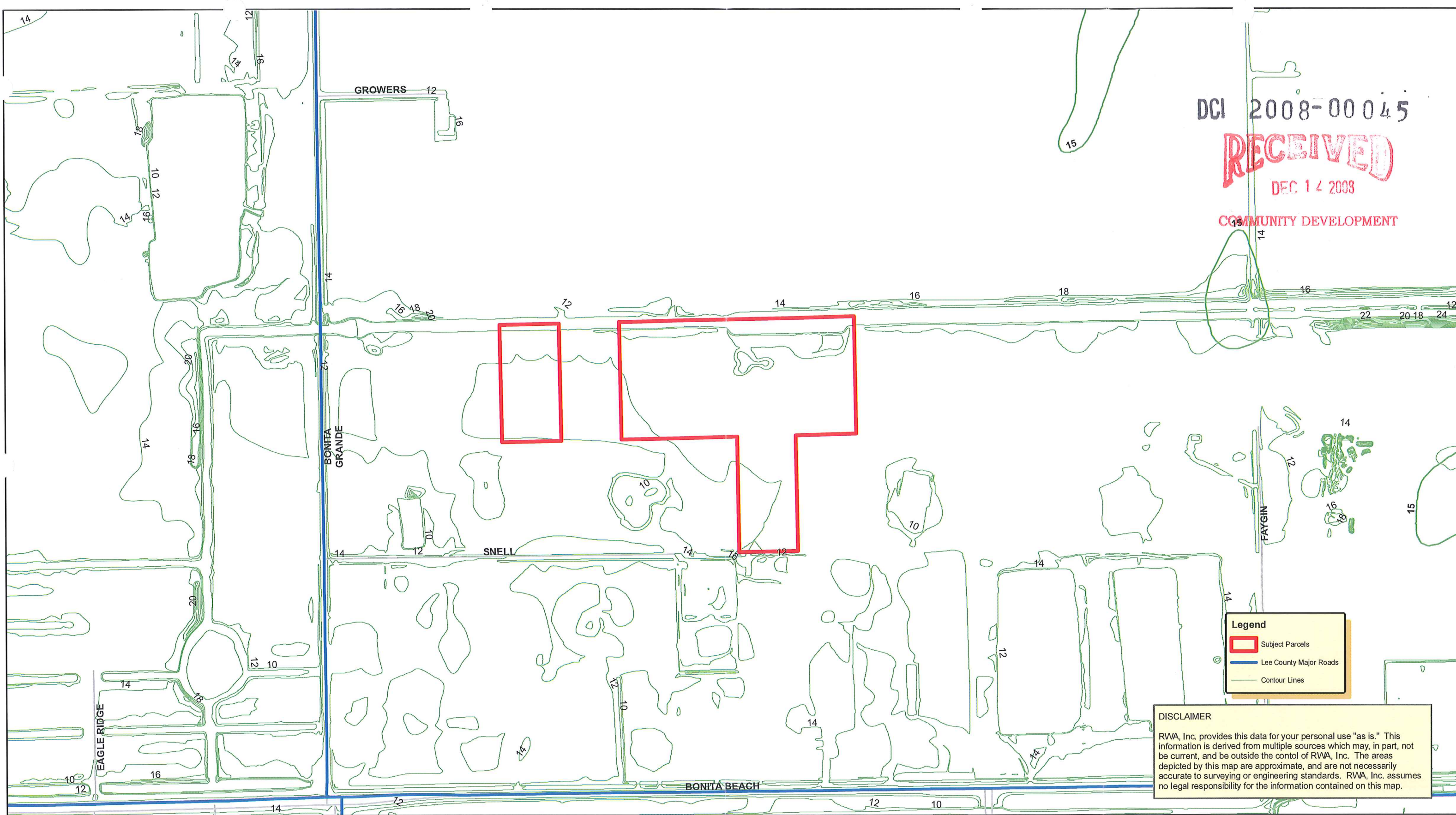
BBR EAST WATER STORAGE TANK
 AERIAL PHOTOGRAPH WITH RARE AND
 UNIQUE UPLAND HABITAT MAP

DRAWING No.
07BSU1715
 EXHIBIT No.
D-7-G

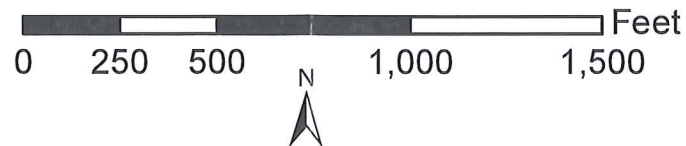
DCI 2008-00045

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DEC 14 2008

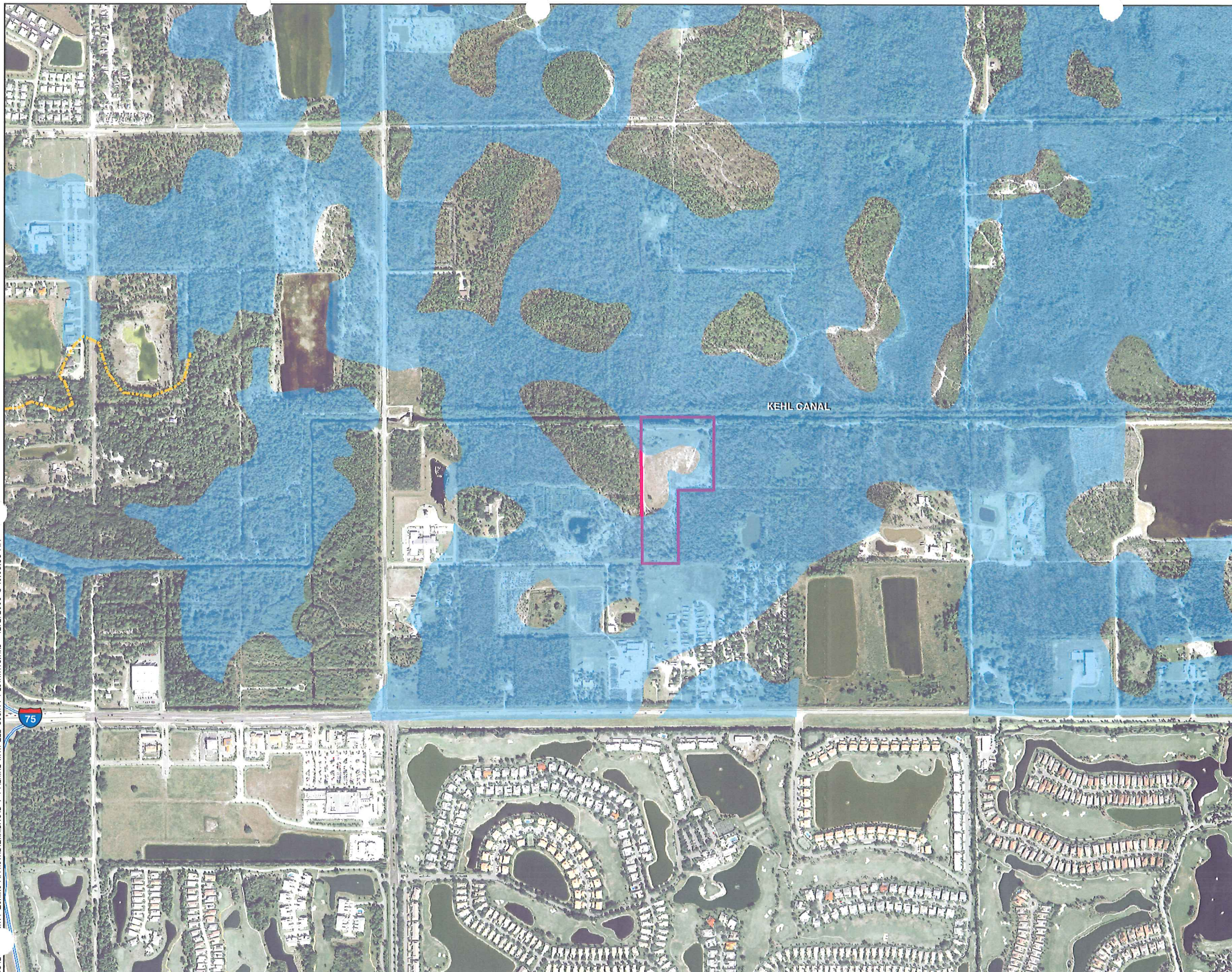
COMMUNITY DEVELOPMENT



**Bonita Beach Road East
Water Storage Tank**
Exhibit D-7-H: Topographic Map



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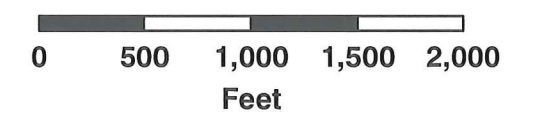
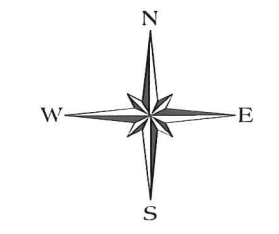
- BSU EAST WATER TANK
- HISTORIC FLOW-WAYS CONNECTIONS
- FLOW-WAYS CIRCA 1960

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COMMUNITY DEVELOPMENT

DCI 2008-00045



NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF AUGUST - NOVEMBER 2007.

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

LEE COUNTY FLOW-WAYS WERE ACQUIRED PER EMAIL FROM AGNOLI, BARBER, & BRUNDAGE, INC. JULY 2007.

REVISIONS	DATE

DRAWN BY D.B./F.L.	DATE 9/21/08
DESIGNED BY C.R.	DATE 9/21/08
REVIEWED BY M.A.M.	DATE 9/21/08

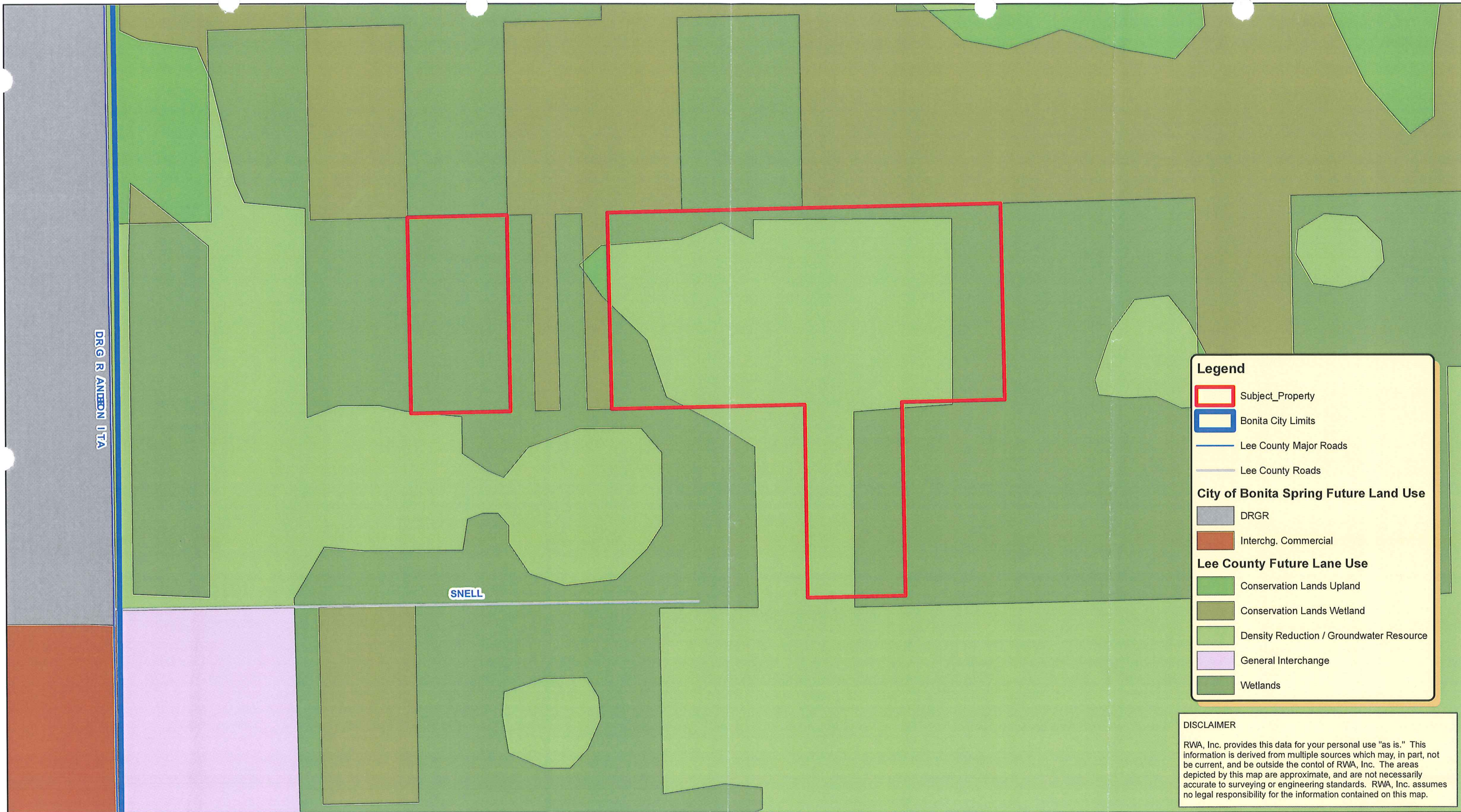
13620 Metropolis Avenue
Suite 200
Fort Myers, Florida 33912
Phone (239) 274-0067
Fax (239) 274-0069



BBR EAST WATER STORAGE TANK

AERIAL PHOTOGRAPH WITH EXISTING AND HISTORIC FLOW-WAYS

DRAWING No. 07BSU1715	
SHEET No. D-71	



DISCLAIMER

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**Bonita Beach Road East
Water Storage Tank**
Exhibit D-7-J-1: Future Land Use Map

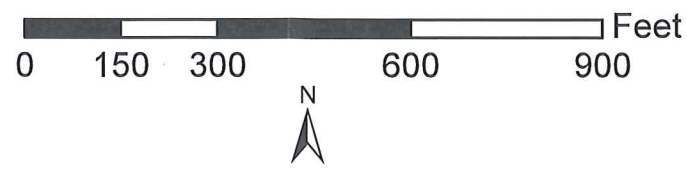


Exhibit D-7-K: Design Standards Compliance

Bonita Springs Utilities (BSU) had a Community Facility Planned Development (CFPD) approved on the subject property in 1992, as outlined in attached Resolution Z-92-043. The project was never built and consequently, the master concept plan (MCP) expired. BSU is proposing a zoning amendment to have a new MCP approved which would allow for the development of a potable water storage facility in two phases. The first phase includes a water storage tank and accessory maintenance structure. The second phase will be designed at a later date and include additional water storage facilities, including a potential Aquifer Storage and Recovery well (ASR), on the balance of the subject property.

Compliance with Section 34-411 of the Lee County LDC is demonstrated as follows:

a. All planned developments shall be consistent with the provisions of the Lee Plan.

The proposed CFPD rezoning is consistent with the provisions of the Lee Plan. Please see Exhibit D-7-J: LEE Plan Compliance Statement for a detailed narrative on how the proposed amendment is consistent with the Lee Plan.

b. All planned developments, unless otherwise excepted, shall be designed and constructed in accordance with the provisions of all applicable county development regulations in force at that time.

The proposed Community Facilities Planned Development will be designed and constructed in accordance with the applicable provisions of the County's land development regulations in force at the time of development order and subsequent permits except in those instances where deviations to design standards have been approved.

c. The tract or parcel proposed for development under this article must be located so as to minimize the negative effects of the resulting land uses on surrounding properties and the public interest generally, and must be of such size, configuration and dimension as to adequately accommodate the proposed structures, all required open space, including private recreational facilities and parkland, bikeways, pedestrian ways, buffers, parking, access, on-site utilities, including wet or dry runoff retention, and reservations of environmentally sensitive land or water.

The proposed CFPD will consist of a water storage facility, and will include the preservation of environmentally sensitive areas, open space and buffer areas. The proposed improvements will be located and screened to minimize any impacts to surrounding properties. The proposed CFPD will generate a negligible number of vehicular trips and will not impact the local transportation system. A TIS waiver has

been requested and approved by the County. The tank facility will be unmanned and will only require periodic maintenance. Parking associated with this CFPD will entail two parking spaces. The proposed CFPD project is of such a size, configuration and dimension as to accommodate the proposed structures, open space and preserve while minimizing the effects on the surrounding land uses.

d. The tract or parcel shall have access to existing or proposed roads:

- (1) In accordance with chapter 10 and as specified in the Lee Plan traffic circulation element or the official trafficways map of the county;**
- (2) That have either sufficient existing capacity or the potential for expanded capacity to accommodate both the traffic generated by the proposed land use and that traffic expected from the background (through traffic plus that generated by surrounding land uses) at a level of service D or better on an annual average basis and level of service E or better during the peak season, except where higher levels of service on specific roads have been established in the Lee Plan; and**
- (3) That provide ingress and egress without requiring site-related industrial traffic to move through predominantly residential areas.**

The subject property will have access via an existing right-of-way easement off of Snell Lane, which intersects with Bonita Grande Drive, north of Bonita Beach Road. The proposed tank facility will be unmanned and only require periodic maintenance. Therefore, the CFPD will generate a negligible number of vehicular trips and will not impact the local transportation system. A TIS waiver has been requested and approved by the County. The existing road network operates at an acceptable level of service. The proposed use will not result in industrial traffic.

e. If within the Lee Tran public transit service area, the development shall be designed to facilitate the use of the transit system

The project is not located within the Lee Tran public transit service area.

f. Development and subsequent use of the planned development shall not create or increase hazards to persons or property, whether on or off the site, by increasing the probability or degree of flood, erosion or other danger, nor shall it impose a nuisance on surrounding land uses or the public's interest generally through emissions of noise, glare, dust, odor, air or water pollutants.

The proposed CFPD will not create or increase hazards to persons or property or impose a nuisance on surrounding land uses. The subject property is not located within the 100-year flood plain. The development will not increase hazards to persons or property, by increasing the probability or degree of flood, erosion or other dangers. Additionally, given the requested uses, the project will not create or result in a nuisance on surrounding land uses or the public's interest generally through emissions of noise, glare, dust, odor, and air or water pollutants. All improvements proposed as part of this application will be located internal to the site and separated from adjacent properties

by extensive preserve areas and buffer yards, in order to minimize any potential impacts with surrounding uses. Lighting will be minimal and directed downward in order to eliminate the potential for light trespass on adjacent properties. The uses requested are compatible with existing or approved uses on adjacent and nearby properties.

- g. Every effort shall be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural, historic or archaeological features of the site, particularly mature native trees and other threatened or endangered native vegetation. Alteration of the vegetation or topography that unnecessarily disrupts the surface water or groundwater hydrology, increases erosion of the land, or destroys significant wildlife habitat is prohibited. That habitats significant that is critical for the survival of rare, threatened or endangered species of flora or fauna.***

The proposed CFPD will not generate any impacts to existing wetlands. These areas have been included as preserve areas on the MCP and adjacent development will be setback a minimum of 25-feet. Additionally, the project will actually result in an environmental benefit by protecting native vegetation and removing exotics. As illustrated in Exhibit D-1-B: Historical or Archeological Sites Map, there are no such features on the subject property.

- h. A fundamental principle of planned development design is the creative use of the open space requirement to produce an architecturally integrated human environment. This shall be coordinated with the achievement of other goals, e.g., the preservation or conservation of environmentally sensitive land and waters or archaeological sites.***

The principle set forth in this provision is not applicable to the proposed use of the property as a water storage facility. These public facilities are not intended as areas for human interaction and congregation.

- i. Site planning and design shall minimize any negative impacts of the planned development on surrounding land and land uses.***

The Bonita Beach Road East Water Storage Tank provides a public benefit and has been designed to minimize negative impacts on adjacent land and land uses. All improvements are located internal to the site and adequate buffers are provided to screen the development from adjacent properties. Where possible, buffers will utilize existing vegetation to meet the planting requirements. Moreover, the project will be consistent with, and in many cases exceed, the County's development regulations and, by doing so, will minimize any negative impacts of the planned development on surrounding land and land uses. The proposed water facility is appropriately located in close proximity to water supply areas.

- j. Where a proposed planned development is surrounded by existing development or land use with which it is compatible and of an equivalent intensity of use, the***

design emphasis shall be on the integration of this development with the existing development, in a manner consistent with current regulation.

The proposed CFPD is located in an area with scattered single-family dwellings and a mobile home park, but is otherwise undeveloped. The mobile home park located to the south of Snell Lane is currently being phased out, thereby removing a potentially incompatible use on an adjacent property. The site has been designed so that the preserve areas, landscape design, open space features, setbacks and buffers make this project compatible with the surrounding existing and approved uses.

- k. Where the proposed planned development is surrounded by existing development or land use with which it is not compatible or which is of a significant higher or lower intensity of use (plus or minus ten percent of the gross floor area per acre if a commercial or industrial land use, or plus or minus 20 percent of the residential density), or is surrounded by undeveloped land or water, the design emphasis will be to separate and mutually protect the planned development and its environs.***

The proposed CFPD is located in an area that is primarily undeveloped. The site has been designed so that the preserve area, landscape design, open space features, and buffers make this project compatible with the surrounding existing and future uses. The residential areas closest to the proposed water storage facility will be separated by Snell Lane and significant landscape buffers. The closest single-family dwelling is approximately 225-feet from the subject property; however, the proposed water storage tank is setback to provide over 650-feet of separation. Additionally, indigenous preserve areas will be provided along the property boundary to mitigate any visual impacts.

- l. In large residential or commercial planned developments, the site planner is encouraged to create subunits, neighborhoods or internal communities which promote pedestrian activity and community interaction.***

The proposal is not for a residential or commercial planned development, and is not of a sufficient size to allow for subunits, neighborhoods or internal communities.

- m. In order to enhance the viability and value of the resulting development, the designer shall ensure the internal buffering and separation of potentially conflicting uses within the planned development.***

The proposed CFPD does not propose conflicting uses within the property, and therefore does not provide any internal buffering.

- n. Density or type of use, height and bulk of buildings and other parameters of intensity should vary systematically throughout the planned development. This is intended to permit the location of intense or obnoxious uses away from incompatible land uses at the planned development's perimeter, or, conversely,***

to permit the concentration of intensity where it is desirable, e.g., on a major road frontage or at an intersection.

The CFPD only includes one structure in the initial phase. Additional structures will likely be added to the north of the water storage tank as the facility expands in the future phases. These future improvements will be designed to minimize impacts to incompatible uses. The proposed Water Storage Tank will meet the design parameters as set forth in the Lee County LDC and will be centrally located on the property to maximize separation from adjacent land uses.

- o. Unless otherwise provided for in this article, minimum parking and loading requirements shall be as set forth in article VII, divisions 25 and 26, of this chapter. Where it can be reasonably anticipated that specified land uses are generators of occasional peak demand for parking space, a portion of the required parking may be pervious or semi-pervious surfaces subject to the condition that it be constructed and maintained so as to prevent erosion of soil. In all cases, however, sufficient parking shall be provided to prevent the spilling over of parking demand onto adjacent properties or rights-of-way at times of peak demand.***

The proposed development will be unmanned and only require periodic maintenance. Parking will be provided as required by the Lee County LDC.

- p. Joint use of parking by various land uses within the planned development may be permitted by special condition where it can be demonstrated or required that the demand for parking by the various uses will not conflict. Joint parking agreements between uses within and uses without the planned development shall be governed by agreement per general regulation (see section 34-2018), without exception.***

The Bonita Beach Road East Water Storage Tank does not propose joint use of parking as described in Section 34-2018 of the LDC.

- q. Internal consistency through sign control, architectural controls, uniform planting schedules and other similar controls is encouraged.***

The CFPD will provide internal consistency through comprehensive landscaping design. There are no proposed sign or architectural controls proposed as part of this development. The project is designed as a functional utility facility that minimizes the development footprint, site clearing and impervious areas. The current water storage tank and future phases will be designed to share common access, internal roads and parking.

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COMMUNITY DEVELOPMENT Exhibit D-7-L: DCI 2008-00045
Decision Making Compliance Statement

Bonita Springs Utilities (BSU) had a Community Facility Planned Development (CFPD) approved on the subject property in 1992, as outlined in attached Resolution Z-92-043. The project was never built and consequently, the master concept plan (MCP) expired. BSU is proposing a zoning amendment to have a new MCP approved which would allow for the development of a potable water storage facility in two phases. The first phase includes a water storage tank and accessory maintenance structure. The second phase will be designed at a later date and include additional water storage facilities, including a potential Aquifer Storage and Recovery well (ASR), on the balance of the subject property.

The proposed CFPD demonstrates compliance with the Lee County Land Development Code (LDC) Section 34-145(c)(2)a & e and Section 34-145(d)(3) in the following ways:

Section 34-145(c)(2) Considerations. In reaching his decision, the hearing examiner must consider the following, whenever applicable:

- a. Whether there exist changed or changing conditions that make approval of the request appropriate.**

This application does not result from changed or changing conditions. The property received CFPD zoning approval in 1992 but was never constructed. Subsequently, the MCP has expired and a zoning amendment must be approved in order to develop the property. Approval of the proposed zoning amendment will allow for the immediate construction of water tank, which is a suitable use for the property and necessary to supply a needed utility to existing and future users of Bonita Springs Utilities.

- e. Whether the request is consistent with the goals, objectives, policies and intent of the Lee Plan.**

The request for the CFPD zoning is consistent with the goals, objectives, policies, and intent of the Lee Plan. Please refer to the Lee Plan Compliance Statement attached hereto as Exhibit D-7-J.

Section 34-145(d)(3) Findings. Before preparing his recommendation to the Board of County Commissioners on a rezoning, the hearing examiner must find that:

- a. The applicant has proved entitlement to the rezoning or special exception by demonstrating compliance with the Lee Plan, this land development code, and any other applicable code or regulation;**

The Bonita Beach Road East Water Storage Tank CFPD has demonstrated compliance with the Lee Plan, the Lee County Land Development Code, as well as other applicable regulations and ordinances. Please refer to the Lee Plan Compliance Statement and the Design Standards Compliance Statement attached hereto as Exhibit D-7-J and Exhibit D-7-K, respectively.

b. The request will meet or exceed all performance and locational standards set forth for the potential uses allowed by the request;

The project, as provided within this CFPD amendment, has been designed to meet or further enhance the performance and location standards set forth in the LDC. The Tank will not exceed 47-feet in height, as measured at the top of the dome, will be setback more than 100-feet from the property lines, and the site is designed to function without interfering with existing land uses and regulations.

c. The request, including the use of TDR or affordable housing bonus density units, is consistent with the densities, intensities and general uses set forth in the Lee Plan;

The proposed amendment is consistent with the allowed densities, intensities and general uses set forth in the Lee Plan. No residential uses are proposed as part of this Community Facility.

d. The request is compatible with existing or planned uses in the surrounding area;

The Bonita Beach Road East Water Storage Tank is located in an area that is primarily undeveloped, with scattered single-family dwellings and an adjacent mobile home park. The design of the proposed development, as illustrated on the MCP, meets the locational standards set forth in the LDC and adequately buffers the proposed potable water supply facility from adjacent properties.

e. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development;

The proposed potable water facility will be unmanned and will therefore not generate any trips, other than periodic maintenance and inspection on a bi-weekly basis. Inspection and maintenance trips will be minimal and will not place an undue burden on the existing roadway network. The development will be served by streets with sufficient capacity to carry traffic generated by the development. Additionally, the proposed water tank will help an existing utility maintain acceptable water pressure to serve the needs of the residents of Bonita Springs.

f. Where applicable, the request will not adversely affect environmentally critical areas and natural resources.

Approval of the proposed amendment to the CFPD will not adversely affect environmentally critical areas and natural resources. The development has been designed to provide indigenous preserve area, protect existing wetlands, and maintain significant open space. Existing vegetation will be retained on site to the maximum extent practicable.

- g. In the case of a planned development rezoning, the decision of the hearing examiner must also be supported by the formal findings required by sections 34-377(a)(2) and (4):**

Section 34-377(a)(2) The (hearing examiner's) recommendation made to the Board of County Commissioners must be supported by formal findings that address the guidelines set forth in section 34-145(d)(3) of this chapter. In addition, the findings must address whether the following criteria can be satisfied:

- a. The proposed use or mix of uses is appropriate at the subject location;**
- b. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.**
- c. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development**

The proposed water storage facilities are appropriate uses for the property, and provide a public benefit by supplying potable water to the residents of Bonita Springs. Approval of this application will allow BSU to locate water facilities in close proximity to water supply areas. The design and operation of the development incorporates sufficient safeguards to the public interest.

Section 34-377(a)(4) If the application includes a schedule of deviations pursuant to section 34-412, the hearing examiner's recommendation must approve, approve with modification or reject each requested deviation based upon a finding that each item:

- a. Enhances the achievement of the objectives of the planned development; and**
- b. Preserves and promotes the general intent of this chapter to protect the public health, safety and welfare.**

The proposed CFPD includes a schedule of deviations pursuant to Section 34-412 of the Lee County Land Development Code. These proposed deviations achieve the objectives of the Planned Development and preserve and promote the general intent of the LDC to protect the health, safety, and welfare of the public. Please see Exhibit D-7-Q.

- h. Where the change proposed is within a future urban area category, the hearing examiner must also find that urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.**

The Bonita Beach Road East Water Storage Tank is not located within a future urban area category. The proposed amendment will not increase the development potential above the thresholds established in the Lee Plan, and services are adequate to serve the proposed land use.

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Cwm *[Signature]*

COMMUNITY DEVELOPMENT

Bonita Beach Road East Water Storage Tank

Application for Public Hearing: CFPD Rezone

December 2008

DCI 2008-00045

Original Submittal Copy

RWA^{INC.}
CONSULTING
Engineers,
Surveyors & Mappers,
Planners, & Project Managers

6610 Willow Park Drive , Naples, Florida 34109

(239) 597-0575, fax: (239) 597-0578

1542 Carson Street, Fort Myers, Florida 33901

(239) 278-5224, fax: (239) 278-5419

www.consult-rwa.com






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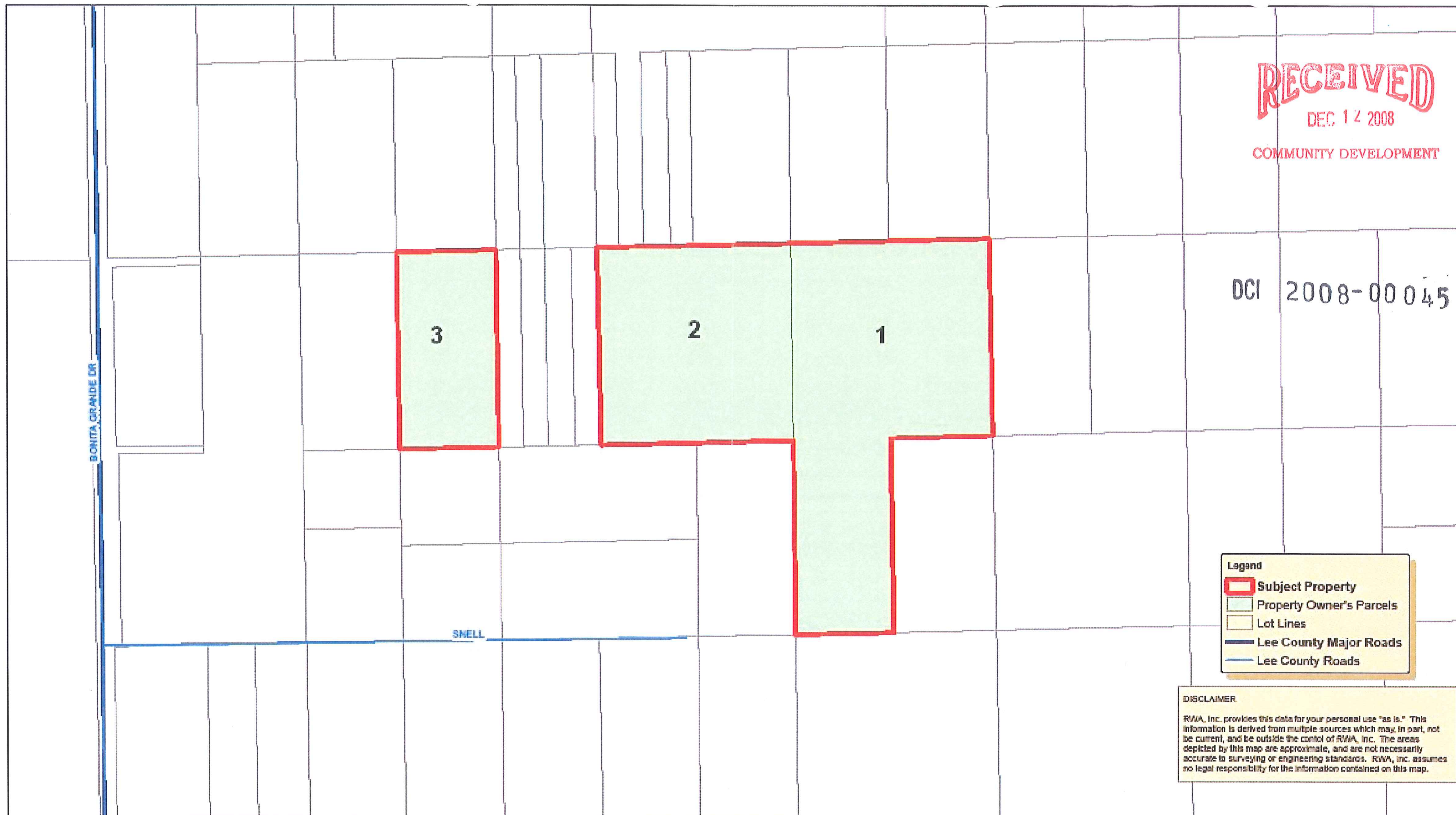
COMMUNITY DEVELOPMENT

DCI 2008-00045

Legend

-  Subject Property
-  Property Owner's Parcels
-  Lot Lines
-  Lee County Major Roads
-  Lee County Roads

DISCLAIMER
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Bonita Beach Road East Water Storage Tank

Exhibit PH-2.C.2: Subject Property Owners Map



RWA INC.
CONSULTING
ENGINEERS
PLANNERS
ARCHITECTS
CIVIL ENGINEERS, SURVEYORS & MAPPING

Prepared By: vjpelegina
Printing Date: September 3, 2008
File: T:\Projects\2008\080007\0007_00_00
Bonita Beach_RWAerial.mxd



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COMMUNITY DEVELOPMENT

December 12, 2008

Lee County Department of Community Development
Department of Community Development
1500 Monroe Street, Building 1
Fort Myers, FL 33901

Subject: BBR East Water Storage Tank CFPD
RWA Project No. 080097.00.00

DCI 2008-00045

To Whom It May Concern:

Attached for your review is the application and supporting documents for a Zoning Amendment to an existing Community Facilities Planned Development (CFPD) for the above referenced project. Bonita Springs Utilities, Inc. (BSU), the owner of the subject property, had a CFPD approved on the subject property in 1992, as outlined in attached Resolution Z-92-043. The project was never built and consequently, the master concept plan (MCP) expired. The property is located off of Snell Lane and includes three parcels totaling 30-acres. BSU is proposing a zoning amendment to have a new MCP approved which would allow for the development of a potable water facility in two separate phases.

The first phase is located on approximately 5 acres adjacent to Snell Lane and includes the construction of an above-ground water storage tank with accessory maintenance structure. This water storage provides an immediate need for BSU and is an essential upgrade to the system that will ensure an appropriate level of service for current and planned utility members throughout Bonita Springs. All of the associated buffers, indigenous preserve, and stormwater management for the 5-acre site will be provided as part of this phase. A boundary survey and environmental assessment have been conducted for this phase and are included as part of this application. A waiver was approved to limit the boundary survey to the parcel that includes Phase 1. Additionally, a sketch and legal description is provided for the entire project. It should also be noted that a TIS waiver was approved for this project.

The future phase will consist of the remaining 25 acres, including the noncontiguous 5-acre parcel. The noncontiguous parcel will be limited in use to excavation for water retention and fill material, which will be used within the CFPD. The balance of the property, located to the north of Phase 1, will consist of additional water treatment facilities, including a potential Aquifer Storage and Recovery well (ASR) and a telecommunication facility. The specific improvements and locations are still undetermined and are contingent upon future population growth and utility demand in Bonita Springs, technical design requirements, and anticipated revenues. The general

development footprint, setbacks, buffers, and indigenous preserve depicted on the MCP are consistent with the minimum development standards required for all uses outlined in the schedule of uses. It is assumed that existing conditions on the 25-acre future phase have not undergone any material change since the 1992 approval. It is understood that when BSU solidifies plans and moves forward with development on the future phase, a full environmental report will be provided as part of the Development Order application. A new boundary survey for this phase will also be submitted as part of the Development Order application.

Thank you for your consideration to this matter. Please let me know if you require any additional information or clarification.

Sincerely,



Patrick Vanasse, AICP
Planning Manager

CC: Michael Liggins, Bonita Springs Utilities
Neale Montgomery, Pavese Law Firm
File

DCI 2008-00045

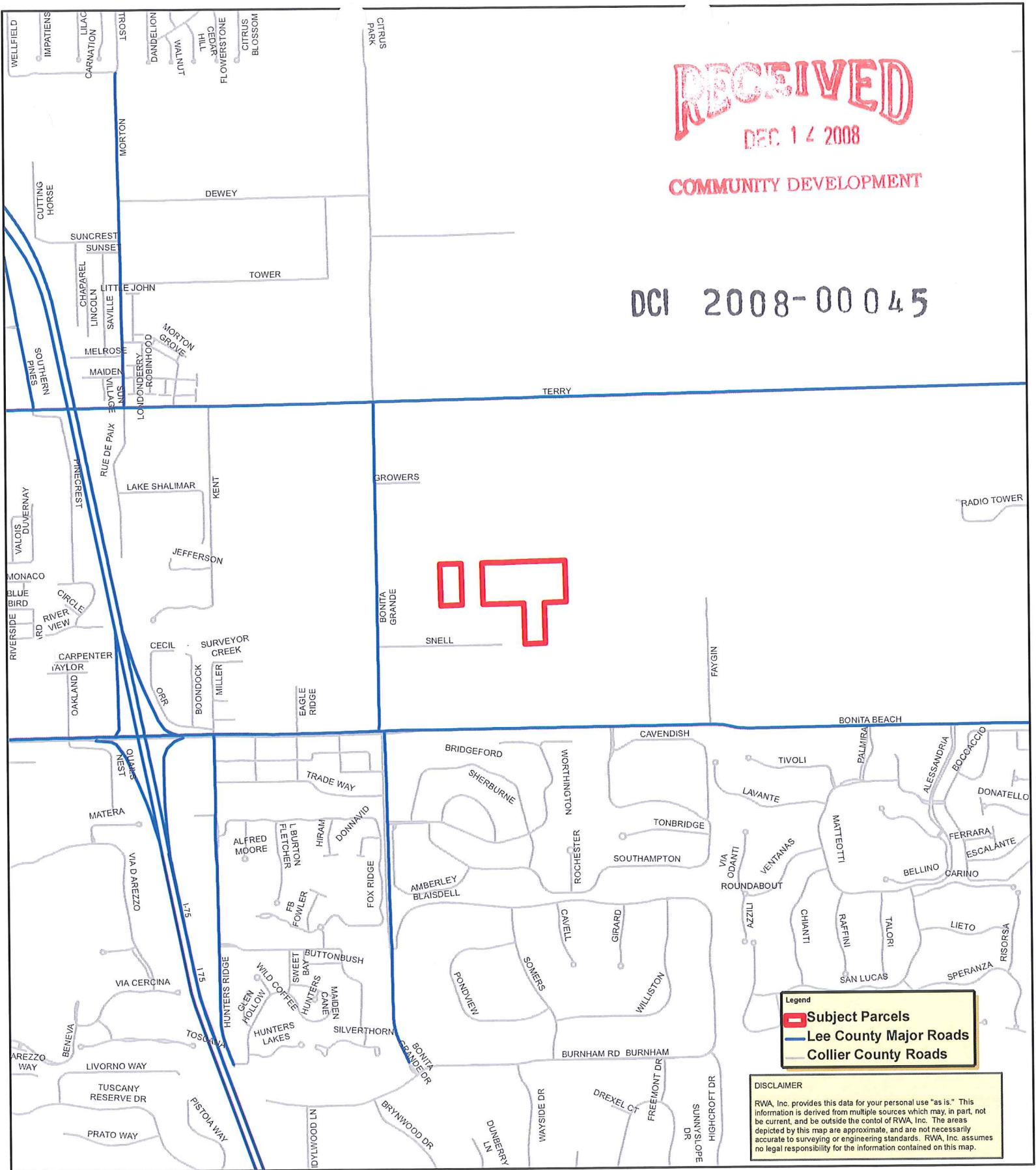
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DCI 2008-00045



Legend
■ Subject Parcels
— Lee County Major Roads
— Collier County Roads

DISCLAIMER
RWA, Inc. provides this data for your personal use "as is." This information is derived from multiple sources which may, in part, not be current, and be outside the control of RWA, Inc. The areas depicted by this map are approximate, and are not necessarily accurate to surveying or engineering standards. RWA, Inc. assumes no legal responsibility for the information contained on this map.



**Bonita Beach Road East
Water Storage Tank**
Exhibit D-7-B: Location Map





• Planning • Visualization
• Civil Engineering • Surveying & Mapping

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Chahram Badamtchian, Senior Planner
Lee County, Department of Community Development
Zoning Division
P.O. Box 398
Fort Myers, FL 33902-0398

COMMUNITY DEVELOPMENT

DCI 2008-00045

September 15, 2009

RE: **BBR East Water Storage Tank**
DCI2008-00045 – PDA Application (PD Amendment)

Dear Mr. Badamtchian:

The consultant team for the above referenced planned development amendment has thoroughly reviewed each of the items mentioned in your May 28, 2009 sufficiency review letter. Please find below an item-by-item response to each of the sufficiency issues raised.

LC ZONING ACTION LEGAL REQUIREMENTS CHECKLIST (ORD 05-29)

Staff Comment:

9) *Legal Description. A metes and bounds legal description, prepared by a Florida Licensed Surveyor and Mapper, must be submitted, unless the property consists of one or more undivided lots within a subdivision platted in accordance with Florida Statutes, Chapter 177 {see LC Public Hearing Application Form, Part 3.C}. [34-202(a)(1)]*

Create two separate metes and bounds legal descriptions, with accurate bearings and distances (including the ROW for the roads). One for the “T” shaped parcel and the other for the lone parcel to the west.

Response:

The Legal Description has been revised as requested and is attached as Exhibit PH-3.C.1.

Staff Comment:

9a) *Sealed Sketch to Accompany Legal Description. In accordance with Rule 61G-17, F.A.C., the legal description must be accompanied by a sealed sketch of the legal description. The sketch must be in recordable form and printed on a sheet no greater than 8½ x 14 inches in size [34-202(a)(1)]*

Please provide one sealed sketch of the legal description to describe the parcel, this sketch will be utilized when electronically recording the resolution.

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Response:

The Sealed Sketch of the Legal Description has been revised and is attached as Exhibit PH-3.C.2.

Staff Comment:

10a) *The boundary survey must identify and depict all easements effecting the subject property, whether recorded or unrecorded, and all other physical encumbrance readily identified by a field inspection. [34-202(a)(2)]*

The survey contains the language “This survey is only for the lands as described, it is not a certificate of title, zoning, easements or freedom of encumbrances.” This phrase must be removed as it conflicts with LDC Sec 34-202(a)(2) which states the survey must identify and depict all easements effecting the property, whether recorded or unrecorded and all other physical encumbrances readily identified by a field inspection.

Response:

The revised Boundary Survey will be submitted under a separate cover for the eastern 15-acre (+/-) area, which represents the initial development phase of the Environmental Resource Permit application. The property includes a variable width canal maintenance easement along the northern property boundary. The property also includes several rights-of-way, which, according to the deeds, have been “excepted” from the property. However, since there was never an acceptance of the dedication, and no acts of maintenance or other activity consistent with the use of the property as a road right-of-way, the ownership interest in these “excepted” areas is held by BSU and is, at best, an easement. The survey will be revised showing these areas as easements pending the updated Title Opinion, and will remove the phrasing, as requested.

Staff Comment:

12) *Contact. The reviewer may be contacted regarding any questions on the LC Zoning Action Legal Requirements Checklist.*

For questions concerning the legal description, sketch and boundary survey please contact Chick Jakacki by phone at 239-533-8578.

Response:

Acknowledged.

DCI 2008-00045

LC Environmental Sciences PD Application Sufficiency Checklist (Ord. 07-24)

Staff Comment:

11g) *FLUCCS Map. A Florida Land Use, Cover and Classification System (FLUCCS) map, at the same scale as the Master Concept Plan, prepared by an environmental consultant must be submitted. [34-373(a)(4)e.ii.]*

Please provide FLUCCs aerial at the same scale as 24x36 MCP. As discussed in meeting May 26 2009 ES, as a result of the site inspection, staff will not accept 6249E3 as indigenous habitat meet the criteria of LDC Section 10-1. The habitat on site is > than 75% exotic coverage.

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Response:

The FLUCCS map has been revised to include the Master Concept Plan and is attached hereto as Exhibit D-7-F. The revised FLUCCS exhibit more closely maps the on-site native versus non-native vegetative communities and was sent to Ms. Susie Derheimer as a draft on June 26, 2009 for your review. On July 1, 2009, Ms. Derheimer sent Chris Ryan an email accepting the FLUCCS Codes and acreages as submitted on the map.

Staff Comment:

12h) Open Space Design Plan. Open space design plan delineating the indigenous preserves and/or native tree preservation areas as required per LCLDC Section 10-415(b) must be shown on the Master Concept Plan. [34-373(a)(6)g.]

LDC Sec 10-415(b)(1)a large developments, with existing indigenous native vegetation communities must provide 50% of their open percentage requirement through the onsite preservation of existing indigenous native vegetation communities.

As per the site inspection, the minimum 4.16 acres of indigenous preserve depicted on the MCP does not meet LDC Sec 10-415(b)(1)a requirements. 62493E3 is not indigenous. ES staff can not support the MCP open space/indigenous design plan as proposed. Please revise the MCP indigenous preservation location and acreage to meet LDC requirements as discussed in May 26 2009 meeting

Response:

The open space design plan has been amended based on the revised FLUCCS Map and is shown on the Master Concept Plan, Exhibit D-7-M.1 and D-7-M.2. On July 1, 2009, Ms. Derheimer sent Chris Ryan an email accepting the FLUCCS Codes and acreages as submitted on the map, including the 6249E3.

The proposed CFPD is required to provide 8.55 acres (30%) of open space, with at least 4.28 acres (half of the required open space) being onsite preservation of indigenous vegetation communities. The MCP provides two areas of indigenous preserve totaling 3.63 acres. Indigenous Preserve areas include Disturbed Hydric Pine, 50-75% exotics (6259E3); Disturbed Cypress/Pine/Cabbage Palm, 50-75% exotics (6249E3); Disturbed Pine, 50-75% exotics (4159E3); and disturbed Pine Flatwoods, 0-24% exotics (4119E1).

The MCP also provides 1.29 acres of Enhanced and Restored Preserve. These areas include Melaleuca (424 and 4241), Hydric Brazilian Pepper (4221) and Tree Nursery (241), as shown on the FLUCCS Map. In accordance with Section 10-415(b)(5)a, the development requests that the 1.29 acres of restored and enhanced open space receive credit for 0.65 acres of indigenous preserve (See Deviation Request 6). The restored and enhanced areas allow for the on-site preserve to be contiguous with adjacent undeveloped areas including preservation land to the west. An Indigenous Preserve Area Management Plan, including proposed enhancements, will be provided at the time of Development Order.

Additional open space includes 3.11 acres in perimeter buffers, 0.84 acres of dry detention (Phase 1), and 2.14 acres of excavation area (per Section 10-415(d)(2)c, excavation areas may only account for 25% of the required open space). These areas are reflected in the open space

calculations table as shown on Sheet 3 of the MCP, and result in a minimum of 11.01-acres of open space for the development.

Staff Comment:

12l) Protected Species Management Plan. Protected species preserve areas must be indicated on the Master Concept Plan; a final management plan as required by LDC Section 10-474 is not required until time of local development order. [10-474]

Please revise MCP to depict action proposed for the gopher tortoise. Remove or label as gopher tortoise preserve. Revise preliminary gopher tortoise management plan to address actions taken to meeting (sic) FWC regulations.

Response:

Because the initial phase of the proposed Project will not be located in proximity (i.e., within 25± feet per the FWCC) to the identified gopher tortoise locations, the gopher tortoise location has been removed from the Master Concept Plan. We acknowledge that a final management plan may be required at the time of development order for any development in future phases that may impact identified gopher tortoise habitat.

Currently, no construction is proposed within 25± feet of either gopher tortoise burrow location. Per the FWCC's regulations, no consultation with the FWCC is needed and no action is required provided the proposed construction activity limits are properly fenced in order to exclude any tortoise from entering a construction zone.

If it is found that one or both of the burrows has moved to within 25± feet of construction limits at the time of construction, consultation with the FWCC will be initiated. A management plan will be implemented according to regulations enacted at that time, and the appropriate permit will be obtained to relocate the tortoise(s).

Staff Comment:

20) Contact. The Environmental Planner may be contacted regarding any questions on the LC Environmental Sciences Planned Development Application Sufficiency Checklist.

Susie Derheimer, Environmental Planner
239-479-8158
sderheimer@leegov.com

Response:

Acknowledged.

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LC Development Review PD Application Sufficiency Checklist (Ord 07-24)

Staff Comment:

4) Miscellaneous Items.

Please address the following comments/concerns.

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1) As previously stated, the proposed extension of Snell Road is a dead end road. This will require a cul-de-sac meeting the requirements of Section 10-296(p) of the Lee County Land Development Code at the time of substantive review and/or Development Order application.

Response:

As noted in the previous sufficiency response and by phone on June 4, 2009, the extension of Snell Lane will only serve the water tank facility, which will generate minimal traffic. Therefore, the application includes a deviation request from LDC Section 10-291(2) which requires that all developments have access to a public or private street designed, constructed and improved to meet the standards of Section 10-296, which includes the requirement for an improved cul-de-sac. In lieu of providing a cul-de-sac in conformance with Section 10-296(p), the Master Concept Plan has been revised to include a T-turnaround. Please see Sheet 3 of Exhibit D-7-M.1 and D-7-M.2.

Staff Comment:

2) There is a county Right-of-Way that bisects parcel #32-47-26-00-00001.0020.

The deeds to these properties use terms such as “except” and “excepting” in reference to the right-of-way areas which leads me to believe that Bonita Springs Utilities is not the underlying owner of the area within the right-of-way and has no underlying rights to those sections of the parcel.

Please demonstrate that Bonita Springs Utilities has sufficient rights to make ANY improvements to property that does not appear to be owned by them.

Response:

The property in question is owned by Bonita Springs Utilities (BSU). Please let me refer you to Dean v. Mod Properties, LTD., (528 So.2d 432) to assist you in understanding this situation. Dean addresses ownership of land and submits, "Ownership of land, or an ownership in land, constitutes an "estate" as distinguished from an easement, which is the right in one other than the owner of the land to use land for some particular purpose or purposes. An easement, or right to use land not owned, is more in the nature of a claim or encumbrance against the title to the land than it is in the nature of title to, or an estate in, the land itself." The draftsmen of the deeds in BSU's chain of title suffers from the same thing that the draftsman of the road right-of-way case in Dean suffered from; they were not clear as to the legal differences and distinctions as to landed estates, easements, and licenses. The use of the terminology in the chain of title excepting right-of-way areas that were never conveyed in fee to any public entity does not operate to convey the underlying fee to the County. It would create, at best, an easement for road right-of-way purposes. The exception in the deeds does not have an offer, and does not have an acceptance. The easement for the purported right-of-way was never accepted by Lee County, and as such, it lacks one of the fundamental components of the conveyance of land. Dean clearly provides that, "A transfer of the land subject to or even *excepting* the right-of-way passes title to the underlying fee to the grantee. So when the right-of-way is abandoned the then owner of the property out of which the easement was carved and not the original grantor or his heirs takes the undergoing fee free of the burden of the easement."

There was never an acceptance of the dedication, and no acts of maintenance or other activity consistent with the use of the property as a road right-of-way. The County's right to use the

property for road right-of-way purposes is in question. However, this issue does not need to be addressed because the question is, does the use of the term "except" or "excepting" create an ownership interest in land. The answer is, it does not, it creates, at best, an easement. Thus, BSU owns the underlying fee and the County, at best, has an easement. The location of a drainage or water line underneath the area subject to the easement is not inconsistent with a public right-of-way and as such would not be precluded.

Staff Comment:

5) Contact. The Staff reviewer may be contacted regarding any questions on the LC Development Review Planned Development Application Sufficiency Checklist.

Contact Brandon Dunn at bdunn@leegov.com.

Response:

Acknowledged.

LC Natural Resources Sufficiency Checklist (Ord 07-24)

Staff Comment:

1) Sufficiency Comments.

1. Revised Master Concept Plan shall comply with the existing Resolution Z-92-043.
2. Where a proposed development is traversed by or abuts a watercourse, drainage way, canal IDD easement, lake, pond or stream, or where such a facility is proposed as part of the plan, a drainage easement or right of way must be provided which conforms substantially with the limits of such watercourse, drainage way, canal, IDD easement, Lake, pond or stream. Additionally the right of way shall include on one side a twenty foot wide for maintenance purposed, unless a lesser dimension is approved by the development review director after consultation with appropriate staff. [10-328]. Please show this easement on the Master Concept Plan.

Response:

1. As noted in the last sufficiency response and over the phone on June 4, 2009, the proposed CFPD will result in a new zoning resolution and therefore is not required to comply with the existing Resolution Z-92-043.
2. The existing canal maintenance easement is shown on the Master Concept Plan, attached as Exhibit D-7-M.1 and D-7-M.2.

Staff Comment:

3) Contact. The Natural Resources reviewer may be contacted regarding any questions on the Natural Resources Checklist.

Tildon Copeland @ 239 533-8139

Response:

Acknowledged.

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COMMUNITY DEVELOPMENT

Lee County Sufficiency Checklist for Planned Developmetns, Amendments, and Existing Developments Requesting Planned Development Zoning

Staff Comment:

6a) Legal description. The request must include a legal description of the property upon which the action is to be initiated. [34-202(a)(1)]

Please provide two legal descriptions for the site one for the single parcel to the west and one that includes all parcels abutting or would be abutting if the ROWs were vacated.

Response:

The Legal Description has been revised as requested and is attached as Exhibit PH-3.C.1.

Staff Comment:

6b) Certified sketch of description. A certified sketch of description as set out in chapter 61G 17-6.006, Florida Administrative Code, must be provided unless the subject property consists of one or more undivided platted lots in a subdivision recorded in the Official County Plat Books. [34-202(a)(2)]

Please provide a sketch of legal description for all parcels.

Response:

The Certified Sketch of the Description has been revised as requested and is attached as Exhibit PH-3.C.2.

Staff Comment:

6c) Boundary Survey. A boundary survey meeting the minimum technical standards for land surveying in the state, as set out in chapter 61G 17-6, FAC, is required for property encompassing 10 or more acres and for all Planned Development applications. [34-202(a)(2)]

Please provide a boundary survey including all parcels. See attached revocation of waiver of survey requirements.

Response:

The revised boundary survey will be submitted under a separate cover. The property includes a variable width canal maintenance easement along the northern property boundary as well as several rights-of-way, which, according to the deeds, have been “excepted” from the property. However, since there was never an acceptance of the dedication, and no acts of maintenance or other activity consistent with the use of the property as a road right-of-way, the ownership interest in “excepted” areas is held by BSU and is, at best, an easement. The survey will be revised showing these areas as easements, pending the updated Title Opinion, and will remove the phrasing, as requested.

The waiver that was originally approved was revoked based on questions over the ownership of these “excepted” and how best to proceed with a rezoning application on a property that may or may not be bisected with various rights-of-way. The question of ownership has been resolved and the legal description and certified sketch have been revised to show the correct perimeter of the entire property, which should be sufficient to record the zoning resolution.

The Boundary Survey will be revised and submitted under a separate cover for the eastern 15-acre (+/-) area, which represents the initial development phase of the Environmental Resource Permit application.

Staff Comment:

20) Contact. The Zoning Planner may be contacted regarding any question on the Planned Development Sufficiency Checklist.

Chahram Badamtchian, AICP @ 239.533.8372

Response:
Acknowledged.

In closing, I am confident that you and the other reviewers will find that we have addressed the sufficiency issues raised, and with that finding, you will be able to schedule this item for public hearings.

Sincerely,



Patrick Vanasse, AICP
Planning Manager

cc: Andy Koebel, Bonita Springs Utilities
Neale Montgomery, Pavese Law Firm
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Enclosures:

Exhibit PH-3.C.1, Legal Description
Exhibit PH-3.C.2, Certified Sketch of the Description
Exhibit D-7-F, FLUCCS Map (24 X 36)
Exhibit D-7-F, FLUCCS Map (11 X 17)
Exhibit D-7-M.1, Master Concept Plan (24 X 36)
Exhibit D-7-M.2, Master Concept Plan (11 X 17)
Exhibit D-7-Q, Schedule of Deviations and Written Justifications

LEGAL DESCRIPTION
(PARCEL T)

DCI 2008-00045

A PARCEL OF LAND LYING IN SECTION 32, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32.

THENCE N.01°00'38"W, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32 FOR 1,316.62 FEET, TO THE SOUTHEAST CORNER OF THE EAST HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF SAID SECTION 32, ALSO BEING THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED:

THENCE ALONG THE SOUTH LINE OF THE EAST HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF SAID SECTION 32 S.89°11'39"W, FOR 327.67 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF SAID SECTION 32;
THENCE ALONG THE WEST LINE OF THE EAST HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32 N.00°57'50"W, FOR 658.01 FEET, TO THE NORTHWEST CORNER OF THE THE EAST HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF SAID SECTION 32;
THENCE ALONG THE SOUTH LINE OF THE NORTH QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32, S.89°08'31"W, FOR 654.27 FEET, TO THE SOUTHWEST CORNER OF THE EAST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF SAID SECTION 32;

(1/4) OF SAID SECTION 32;
THENCE ALONG THE WEST LINE OF THE EAST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32 N.00°52'14"W, FOR 627.41 FEET, TO A POINT ON THE SOUTHERLY BOUNDARY OF A CANAL EASEMENT, THENCE ALONG SAID CANAL EASEMENT N.89°05'23"E, FOR 1,306.54 FEET, TO A POINT ON THE EAST LINE OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF SAID SECTION 32;
THENCE ALONG THE EAST LINE OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32 S.01°03'21"E, FOR 628.63 FEET, TO THE SOUTHEAST CORNER OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (1/4) OF SAID SECTION 32;
THENCE ALONG THE SOUTH LINE OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32 S.89°08'43"W, FOR 327.18 FEET, TO THE SOUTHWEST CORNER OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (1/4) OF SAID SECTION 32;
THENCE ALONG THE EAST LINE OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32, S.01°00'38"E, FOR 658.31 FEET, TO THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN.

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CONTAINING 1,036,641 SQUARE FEET OR 24.7 ACRES, MORE OR LESS.

SUBJECT TO AND EASEMENT FOR ROADWAY OVER THE FOLLOWING DESCRIBED PROPERTY:

A PARCEL OF LAND LYING IN SECTION 32, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32.

THENCE N.01°00'38"W, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32 FOR 1,316.62 FEET, TO THE SOUTHEAST CORNER OF THE EAST HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32, ALSO BEING THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED:

THENCE ALONG THE SOUTH LINE OF THE EAST HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32 S.89°11'39"W, FOR 327.67 FEET;
THENCE ALONG THE WEST LINE OF THE EAST HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32 N.00°57'50"W, FOR 25.00 FEET;
THENCE N.89°11'39"E, FOR 302.65 FEET;
THENCE N.01°00'38"W, FOR 608.28 FEET;
THENCE S.89°08'31"W, FOR 302.15 FEET, TO A POINT ON THE WEST LINE OF THE EAST HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32;
THENCE ALONG THE WEST LINE OF THE EAST HALF (1/2) OF THE SOUTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32 N.00°57'50"W, FOR 25.00 FEET, TO THE NORTHWEST CORNER OF THE EAST HALF (1/2) OF THE SOUTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF SAID SECTION 32;
THENCE ALONG THE SOUTH LINE OF THE NORTH QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32, S.89°08'31"W, FOR 654.27 FEET, TO THE SOUTHWEST CORNER OF THE EAST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32;
THENCE ALONG THE WEST LINE OF THE EAST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32 N.00°52'14"W, FOR 25.00 FEET;

THENCE N.89°08'31"E, FOR 956.34 FEET;
THENCE N.01°00'38"W, FOR 603.29 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF A 30.00 FOOT WIDE CANAL EASEMENT, AS DESCRIBED IN OFFICIAL RECORDS BOOK 1122, PAGE 1539 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA;
THENCE N.89°05'23"E, ALONG THE SOUTHERLY BOUNDARY OF SAID CANAL EASEMENT FOR 25.00 FEET, TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER (1/4) OF SECTION 32;
THENCE ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (1/4) OF SECTION 32, S.01°00'38"E, FOR 603.31 FEET;
THENCE N.89°08'43"E, FOR 327.16 FEET, TO A POINT ON THE EAST LINE OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SECTION 32;
THENCE ALONG THE EAST LINE OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SECTION 32 S.01°03'21"E, FOR 25.00 FEET TO THE SOUTHEAST CORNER OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF SECTION 32;
THENCE ALONG THE SOUTH LINE OF THE WEST HALF (1/2) OF SECTION 32;
THENCE ALONG THE SOUTH LINE OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SECTION 32 S.89°08'43"W, FOR 327.18 FEET TO THE SOUTHWEST CORNER OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF SECTION 32;
THENCE ALONG THE EAST LINE OF THE SOUTHWEST QUARTER (1/4) OF SECTION 32 S.01°00'38"E, FOR 658.31 FEET, TO THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN.

CONTAINING 79,374 SQUARE FEET OR 1.8 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

BEARINGS ARE BASED ON THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32 AS BEING N.01°00'38"W.

RWA, INC.



BY: RICHARD V. NESTLER, PROFESSIONAL SURVEYOR AND MAPPER LS# 4786

9/11/09
SIGNING DATE

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SEE SHEET 2 OF 2 FOR SKETCH

DATE: 9-1-09		CLIENT: BONITA SPRINGS UTILITIES	
SCALE: 1"=200'		TITLE: LEGAL DESCRIPTION	
DRAWN BY: RAK		PROJECT NUMBER: 080097.00.00	
CHECKED BY: RVN		SHEET NUMBER: 1 OF 2	
FILE NUMBER: 0002 SK-T		FILE NUMBER: 0002 SK-T	

6610 Willow Park Drive, Suite 200
Naples, Florida 34109
Phone: (239) 597-0575
FAX: (239) 597-0578
Florida Certificate of Authorization # 1b-6952

RWA INC.
Planning
Visualization
Civil Engineering
Surveying & Mapping

DCI 2008-00045

RECEIVED
SEP 15 2009

LEGAL DESCRIPTION
(PARCEL 3A)
COMMUNITY DEVELOPMENT

A PARCEL OF LAND LYING IN SECTION 32, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32.

THENCE N.01°00'38"W. ALONG THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32 FOR 1,974.92 FEET TO THE SOUTH LINE OF NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32;

THENCE S.89°08'31"W. ALONG SAID SOUTH LINE FOR 1,308.53 FEET; TO THE EAST LINE OF THE EAST HALF (E 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32 AND THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;

THENCE CONTINUE S.89°08'31"W. ALONG THE SOUTH LINE FOR 327.22 FEET TO THE WEST LINE OF THE EAST HALF (E 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32;

THENCE N.00°46'47"W. ALONG SAID WEST LINE FOR 626.82 FEET TO THE SOUTH LINE OF A 30.0 FEET CANAL EASEMENT;

THENCE N.89°05'23"E. ALONG SAID SOUTH LINE FOR 326.74 FEET TO SAID EAST LINE; THENCE S.00°49'26"E. ALONG SAID EAST LINE FOR 627.11 FEET; TO THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN;

CONTAINING 205,006 SQUARE FEET OR 4.7 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS AND RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY (WRITTEN AND UNWRITTEN, RECORDED AND UNRECORDED).

BEARINGS ARE BASED ON THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32 AS BEING N.01°00'38"W.

SUBJECT TO A ROAD EASEMENT OVER THE SOUTH 25.00 FEET.

RWA, INC.

BY: 


RICHARD V. NESTLER, PROFESSIONAL SURVEYOR AND MAPPER LS# 4786

9/10/09
SIGNING DATE

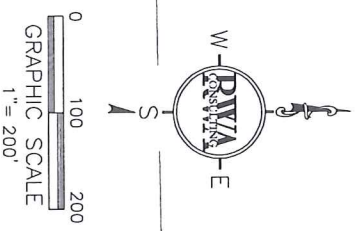
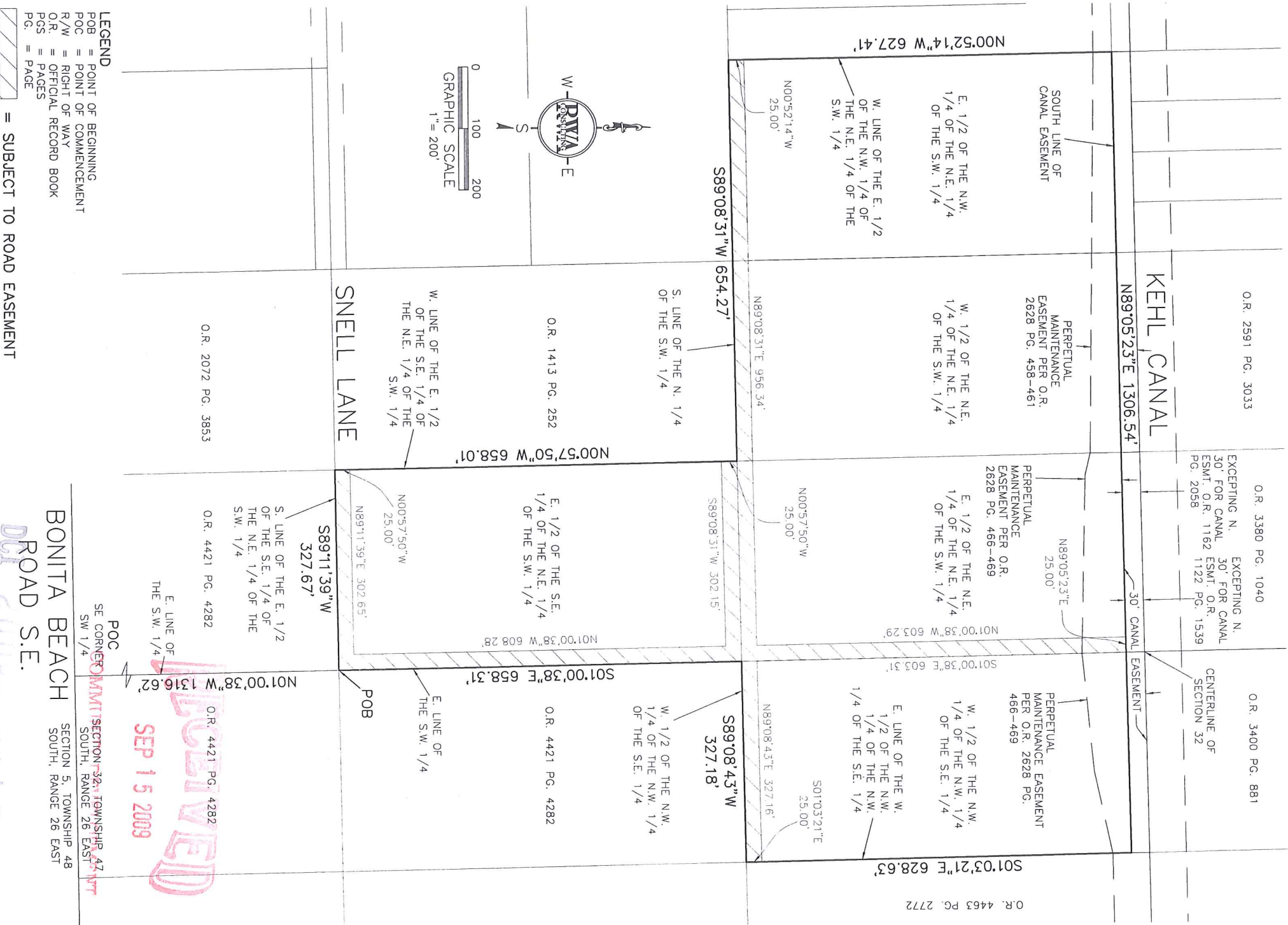
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SEE SHEET 2 OF 2 FOR SKETCH

September 3, 2009 11:58 AM S:\2008\080097.00.00 Bonita Bch Rd East Water Storage Tank\0002 Boundary Survey\SKETCHES AND DESCR\080097.00.00.0002 SK--3A.dwg

 DWA INC. Planning Visualization Civil Engineering Surveying & Mapping		DATE:		CLIENT:	
		9-1-09		BONITA SPRINGS UTILITES	
6610 Willow Park Drive, Suite 200 Naples, Florida 34109 Phone: (239) 597-0575 FAX: (239) 597-0578 Florida Certificate of Authorization # 1b-6952		DRAWN BY:		TITLE:	
		RWN		LEGAL DESCRIPTION	
		CHECKED BY:		PROJECT NUMBER:	
		RWN		080097.00.00	
		SEC. TWP. RGE:		SHEET NUMBER:	
		32 47 26		1 OF 2	
				FILE NUMBER:	
				0002 SK-3A	

THIS NOT A SURVEY



LEGEND
 POB = POINT OF BEGINNING
 POC = POINT OF COMMENCEMENT
 R/W = RIGHT OF WAY
 O.R. = OFFICIAL RECORD BOOK
 PGS = PAGES
 Pg. = PAGE
 [Hatched box symbol] = SUBJECT TO ROAD EASEMENT

SEE SHEET 1 OF 2 FOR DESCRIPTION

CLIENT: BONITA SPRINGS UTILITES

TITLE: SKETCH TO ACCOMPANY DESCRIPTION

BONITA BEACH ROAD S.E.

DL 2006-00045

SEP 15 2009

POB SE CORNER MAMT SECTION 32, TOWNSHIP 47 N, RANGE 26 EAST

DVMA INC.
 Consulting
 Planning
 Visualization
 Civil Engineering
 Surveying & Mapping

6610 Willow Park Drive, Suite 200
 Naples, Florida 34105
 Phone: (239) 597-0578
 Fax: (239) 597-0578
 Florida Certificate of Authorization # B-6952

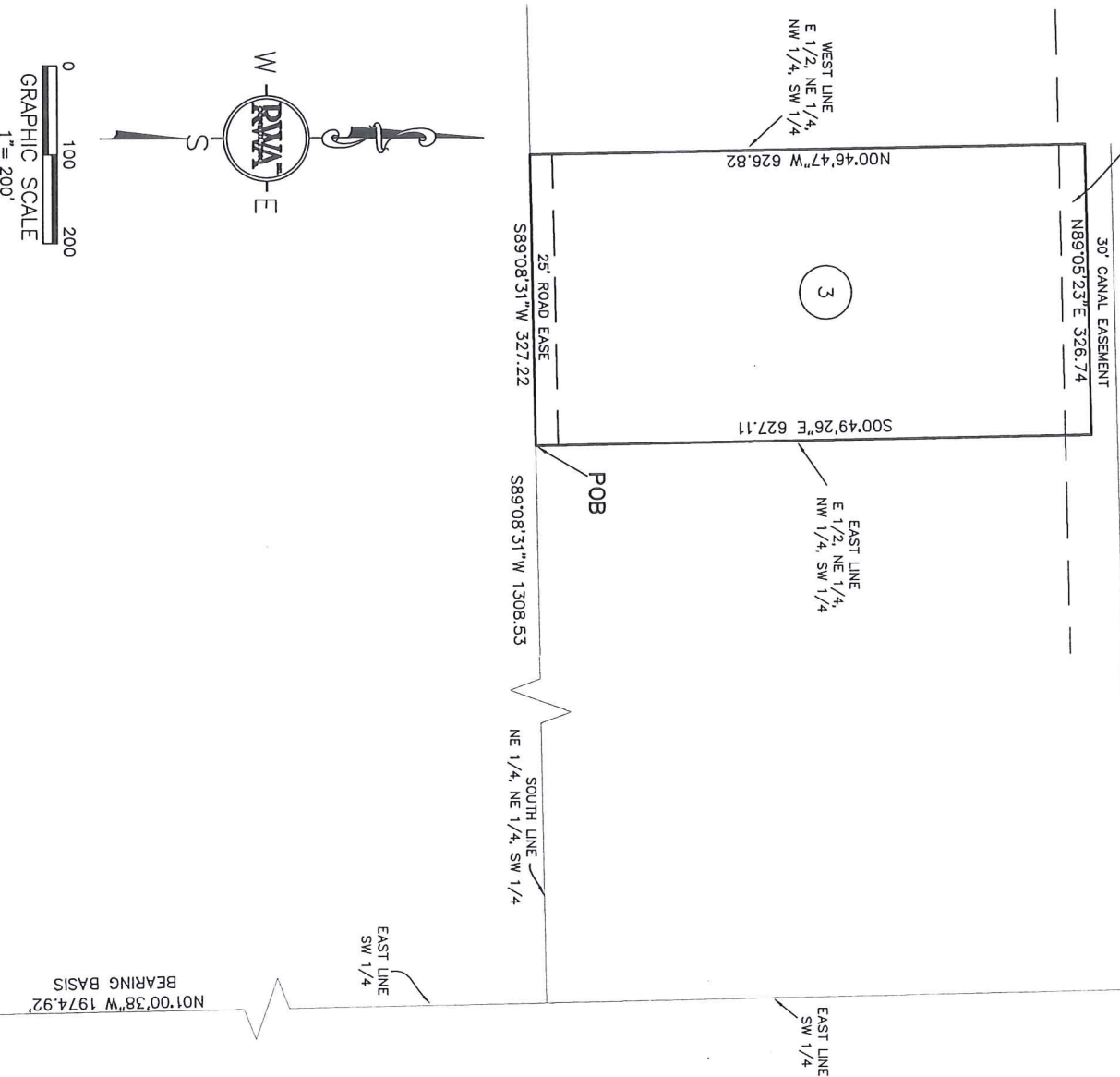
DATE:	9-4-09
SCALE:	1"=200'
DRAWN BY:	RAK
CHECKED BY:	RVN
SEC. TWP. RGE:	32 47 26

PROJECT NUMBER:	080097.00.00
SHEET NUMBER:	2
OF	2
FILE NUMBER:	0002 SK-1

THIS NOT A SURVEY

PERPETUAL MAINTENANCE
EASEMENT PER
OR 2628, FGS 466-469

KEHL CANAL



LEGEND
 POB = POINT OF BEGINNING
 POC = POINT OF COMMENCEMENT
 R/W = RIGHT OF WAY
 OR = OFFICIAL RECORD BOOK
 PGS = PAGES
 PGS = PAGES
 EASE = EASEMENT

DCI 2000-00145

COMMUNITY DEVELOPMENT

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SEP 15 2009

SEE SHEET 1 OF 2 FOR DESCRIPTION

PRIMA CONSULTING INC. Planning Visualization Civil Engineering Surveying & Mapping 6610 Willow Park Drive, Suite 200 Naples, Florida 34109 Phone: (239) 597-0575 FAX: (239) 597-0578 Florida Certificate of Authorization #1b-6952		DATE: 9-1-09 SCALE: 1"=200' DRAWN BY: RVM CHECKED BY: RVM		CLIENT: BONITA SPRINGS UTILITES TITLE: SKETCH TO ACCOMPANY DESCRIPTION	
September 3, 2009 11:58 AM S:\2008\080097.00.00 Bonita Bch Rd East Water Storage Tank\0002 Boundary Survey\SKETCHES AND DESCR\080097.00.00.0002 SK-3A.dwg	SEC: 32 TWP: 47 RGE: 26	PROJECT NUMBER: 080097.00.00	SHEET NUMBER: 2 OF 2	FILE NUMBER: 0002 SK-3	

Exhibit D-7-Q: Schedule of Deviations and Written Justifications

- 1. Deviation from LDC Section 10-291(2) which requires that all developments have access to a public or private street designed, constructed and improved to meet the standards of Section 10-296, to allow for access to the site from Snell Lane, which is a non-conforming road.**

Justification: Access to the site is provided by Snell Lane, which is predominantly unimproved. The proposed CFPD will be unmanned and generate a negligible number of vehicular trips. This development will not impact the local transportation system. A TIS waiver has been requested and approved by the County. The proposed development will generate fewer trips than a residential subdivision, which is permitted to utilize existing non-conforming access routes with an approved deviation (Section 12-296(m)). Since the water system facility will generate fewer trips than a single-family dwelling, the development should not be responsible for improving Snell Lane. The proposed extension of the existing road surface will serve this single use and will be provided as shown on the MCP to control stormwater runoff and allow for safe vehicular travel. A T-Turnaround will be provided at the terminus of the proposed extension to allow for vehicle movement.

- 2. Deviation from LDC Section 34-201(b)(1) which requires that all properties within a single application must be abutting to allow for a Planned Development application for non-contiguous properties.**

Justification: Section 34-201(b)(1) allows the director to authorize a single application for non-contiguous parcels where it is in the public interest due to the size or scope and nature of the request. The properties included in this application received CFPD approval in 1992 (Z-92-043) with the same deviation. The MCP associated with that approval has since expired resulting in the proposed CFPD zoning amendment. The non-contiguous parcel is intended to solely be used for excavation of fill material to be placed on site. There has been no change in conditions that would warrant eliminating this deviation.

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3. Deviation from LDC Section 10-416(d)(1) which requires buffers along the entire perimeter of the proposed development to allow preserve areas along the property perimeter to satisfy the buffer requirement.

Justification: The proposed site contains areas of significant natural vegetation that will be preserved along portions of the property boundaries as shown on the MCP. In these instances, the proposed preservation areas will exceed the minimum buffer width and planting requirements for the development, and will adequately screen adjacent properties from the proposed use. Restoration and enhancement will be provided in these preservation areas that require the removal of exotic vegetation results in order to ensure adequate screening. Therefore, requiring an additional buffer between the proposed improvements and these preserve areas is not warranted.

4. Deviation from LDC Section 10-416(d)(1), (3) and (4) which requires a Type C or F buffer along the northern property line of the proposed development to allow a Type B Buffer along the northern property line adjacent to the Kehl Canal Easement.

Justification: The northern property line of the subject property includes half of a 60 foot canal easement and a variable width (minimum 20-feet) canal maintenance easement. The majority of the adjacent property to the north of Kehl Canal is owned by Florida DEP and SFWMD and will not be developed. The other properties are vacant and zoned Agriculture. These properties are identified as Wetlands by the Future Land Use Map, and are unlikely to ever be developed. The LDC requires a 30 foot Type F Buffer comprised of native vegetation adjacent to preserve areas. Because the existing canal and maintenance easements provide sufficient separation (min. 50-feet) between the proposed use and the adjacent properties, and does not allow for a continuation of native vegetation as intended by the LDC, an additional 30 foot Type F Buffer is not warranted. Additionally, the existing berm along the northern property line in combination with the change in elevation from the surface water of Kehl Canal to the subject property will ensure that kayakers are adequately screened from the development proposed as part of this application. In lieu of this requirement, the development proposes to include a 15 foot Type B Buffer to the south of the Canal Maintenance Easement; which, in combination with the existing separation from the adjacent properties, and the change in elevation from the canal, will provide adequate screening to the Preserve area and potential kayakers.

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DCI 2008-00045

5. ***Deviation from LDC Section 10-261 which requires that all new multifamily residential developments, commercial businesses, and industrial uses provide sufficient on-site space for the placement of garbage containers or receptacles, and sufficient space for recyclable materials collection containers to allow the unmanned community facility to be constructed without on-site refuse collection.***

Justification: The proposed development will be an unmanned community facility and is not expected to generate enough solid waste or recycling to warrant garbage collection. Any waste generated from the site during construction of the facility or during intermittent site visits will be removed by employees to an off-site location.

6. ***Deviation from LDC Section 10-415(b)(1)a which requires that fifty (50%) percent of the required open space be onsite preservation of existing native vegetation communities to allow 0.65-acres of the required 4.275-acres of indigenous open space to be comprised of restored or enhanced areas at a ratio of two to one (2:1) of created/restored to indigenous area.***

Justification: The proposed CFPD is required to preserve 4.275-acres of indigenous open space. The development proposes to provide 3.63 acres of indigenous preserve and 1.29 acres of restored and enhanced preserve. In accordance with Section 10-415(b)(5)a, the development requests that the 1.29 acres of restored and enhanced open space receive credit for 0.65 acres of indigenous preserve. The restored and enhanced areas allow the preserve areas to be contiguous with adjacent undeveloped areas including preservation land to the west.

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SEP 15 2009

COMMUNITY DEVELOPMENT

DCI 2008-00045



Reply to
David L. Cook
Board Certified Real Estate Lawyer
Direct Dial Number 239.344.1373
Facsimile: 239-344-1517
E-Mail: david.cook@henlaw.com

February 12, 2010

RECEIVED

FEB 17 2010

COMMUNITY DEVELOPMENT

Lee County Community Development
Development Services Division
Attn: Peter J. Eckenrode, Director
1500 Monroe Street, 2nd Floor
Fort Myers, FL 33901

**Re: MCP Application by Bonita Springs Utilities, Inc.; 15 Acre Development Site,
inclusive of 5 acre Storage Tank Site**

Dear Sirs:

This opinion letter is given pursuant to Lee County Land Development Code Section 34-202(a)(3) on behalf of Bonita Springs Utilities, Inc.

Please be advised that I have conducted a title search for the property described on Exhibit "A" attached hereto (the "Property"), effective as of February 3, 2010 (the "Effective Date"). The title search reveals that the Property is owned, as of the Effective Date, by Bonita Springs Utilities, Inc. ("Owner").

The Property was acquired by Owner by that certain Deed dated December 20, 1982, and recorded in Official Records Book 1651, at Page 1241, of the Public Records of Lee County, Florida.

For the purposes of rendering this opinion, I have divided the property into 4 parcels labeled 1.1, 1.2, 1.3, and 1.4, as depicted on sheet 2 of 2 on attached Exhibit "A". Each parcel is subject to the following easements of record:

1. As to Parcels 1.1, 1.2, and 1.3, Perpetual Maintenance Easement in favor of Lee County recorded in Official Records Book 2628, Page 466, of the Public Records of Lee County, Florida.
2. As to Parcel 1.1, Easement for road right of way over the South 25 feet, reserved in Deed recorded in Official Record Book 123, Page 556, of the Public Records of Lee County, Florida.
3. As to Parcel 1.2, Easement for road right of way over the East, and South 25 feet, reserved in Deed recorded in Official Record Book 177, Page 213, of the Public Records of Lee County, Florida.

Henderson, Franklin, Starnes & Holt, P.A.

DCI 2008-00045

4. As to Parcel 1.3, Easement for road right of way over the South 25 feet, reserved in Deed recorded in Official Record Book 177, Page 213, of the Public Records of Lee County, Florida.

5. As to Parcel 1.4, Easement for road right of way over the North, East, and South 25 feet, reserved in Deed recorded in Official Record Book 191, Page 362, of the Public Records of Lee County, Florida.

The property is encumbered by the following mortgages:

None

This opinion is given as of the Effective Date and discloses matters recorded in the Public Records up through the Effective Date. No opinion is given nor may this letter be relied upon for any easements or other encumbrances recorded after the Effective Date.

Sincerely,



David L. Cook

#1734805v3

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FEB 17 2010

COMMUNITY DEVELOPMENT

DCI 2008-00045

Ex. A

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 32, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32

THENCE N.01°00'38"W ALONG THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32 FOR 1,316.63 FEET, TO THE SOUTHEAST CORNER OF THE EAST HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32, ALSO BEING THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;

THENCE ALONG THE SOUTH LINE OF THE EAST HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32 S.89°11'39"W, FOR 327.67 FEET TO THE WEST LINE OF THE EAST HALF (1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4),

THENCE ALONG THE WEST LINE OF THE NORTHEAST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32 N.00°57'50"W FOR 1256.02 FEET, TO A POINT ON THE SOUTHERLY BOUNDARY OF A CANAL EASEMENT,

THENCE ALONG SAID CANAL EASEMENT N.89°05'23"E, FOR 653.30 FEET, TO A POINT ON THE EAST LINE OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF SAID SECTION 32;

THENCE ALONG THE EAST LINE OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF SAID SECTION 32 S.01°03'21"E, FOR 628.63 FEET, TO THE SOUTHEAST CORNER OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF SAID SECTION 32,

THENCE ALONG THE SOUTH LINE OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF SAID SECTION 32 S.89°08'43"W, FOR 327.19 FEET, TO THE SOUTHWEST CORNER OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF SAID SECTION 32;

THENCE ALONG THE EAST LINE OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32, S.01°00'38"E, FOR 658.31 FEET, TO THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN.

CONTAINING 626,273 SQUARE FEET OR 14.4 ACRES, MORE OR LESS.

SUBJECT TO AN EASEMENT FOR ROADWAY OVER THE FOLLOWING DESCRIBED PROPERTY:

A PARCEL OF LAND LYING IN SECTION 32, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32

THENCE N.01°00'38"W, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32 FOR 1,316.63 FEET TO THE SOUTHEAST CORNER OF THE EAST HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32, ALSO BEING THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED,

THENCE ALONG THE SOUTH LINE OF THE EAST HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32 S.89°11'39"W, FOR 327.67 FEET,

THENCE ALONG THE WEST LINE OF THE EAST HALF (1/2) OF THE NORTHEAST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32 N.00°57'50"W FOR 25.00 FEET,

THENCE N.89°11'39"E, FOR 302.65 FEET,

THENCE N.01°00'38"W, FOR 605.28 FEET,

THENCE S.89°08'31"W, FOR 302.15 FEET, TO A POINT ON THE WEST LINE OF THE EAST HALF (1/2) OF THE NORTHEAST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32,

THENCE ALONG THE WEST LINE OF THE EAST HALF (1/2) OF THE SOUTHEAST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32 N.00°57'50"W, FOR 50.00 FEET;

THENCE LEAVING THE WEST LINE OF THE EAST HALF (1/2) OF THE NORTHEAST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 32 N.89°08'31"E, FOR 302.11 FEET,

THENCE N.01°00'38"W, FOR 603.29 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF A 30.00 FOOT WIDE CANAL EASEMENT, AS DESCRIBED IN OFFICIAL RECORDS BOOK 1122, PAGE 1539 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA,

THENCE N.89°05'23"E ALONG THE SOUTHERLY BOUNDARY OF SAID CANAL EASEMENT FOR 25.00 FEET, TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER (1/4) OF SECTION 32,

THENCE ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (1/4) OF SECTION 32, S.01°00'38"E FOR 603.31 FEET,

THENCE N.89°08'43"E, FOR 327.16 FEET, TO A POINT ON THE EAST LINE OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF SECTION 32;

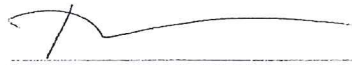
THENCE ALONG THE EAST LINE OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF SECTION 32 S.01°03'21"E, FOR 25.00 FEET TO THE SOUTHEAST CORNER OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF SECTION 32;

THENCE ALONG THE SOUTH LINE OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF SECTION 32 S.89°08'43"W, FOR 327.19 FEET TO THE SOUTHWEST CORNER OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF SECTION 32;

THENCE ALONG THE EAST LINE OF THE SOUTHWEST QUARTER (1/4) OF SECTION 32 S.01°00'38"E, FOR 658.31 FEET, TO THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN.

CONTAINING 63,017 SQUARE FEET OR 1.4 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32 AS BEING N.01°00'38"W

BY: 

RICHARD V. NESTLER, PROFESSIONAL SURVEYOR AND MAPPER LS# 4796
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

1/27/10
SIGNING DATE

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FEB 17 2010

COMMUNITY DEVELOPMENT

REVISED 1-27-10 RVN

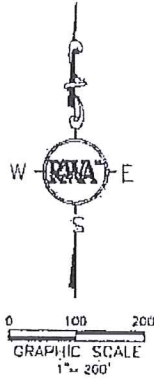
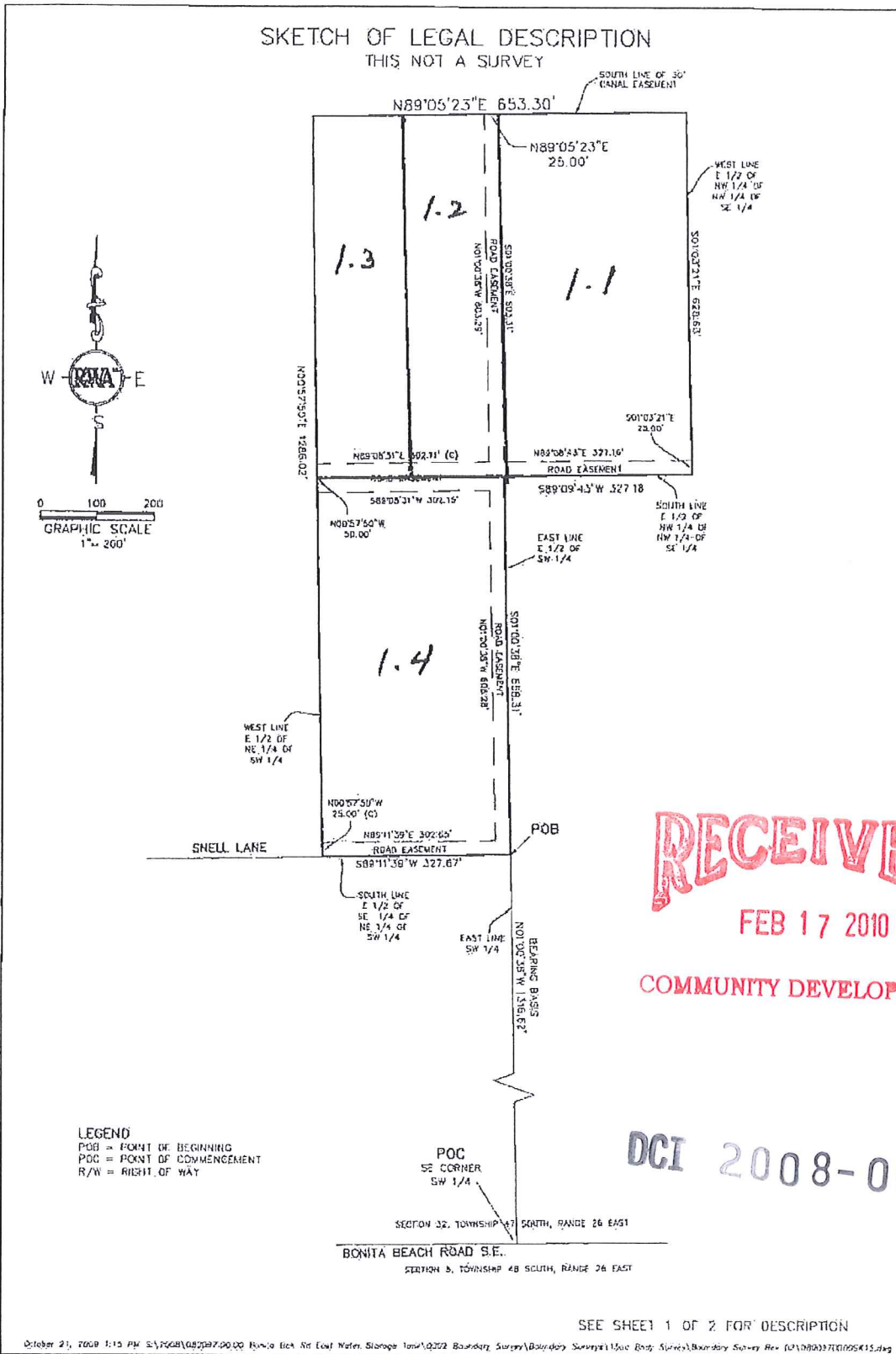
SEE SHEET 2 OF 2 FOR SKETCH

January 27, 2010 4:31 AM S:\2009\080097\0000 Final\env\dwg\dwg\Boundary\Survey\Boundary Survey\Map\Map.dwg Survey\Boundary Survey Rev-02\20090700000016 Plot.dwg

 <p>RVA CONSULTING INC. Planning Visualization Civil Engineering Surveying & Mapping</p> <p>5510 Willow Park Drive, Suite 203 Naples, Florida 34109 Phone: (239) 597-0575 Fax: (239) 597-0579 Florida Certificate of Authorization #10-9552</p>	10/21/09	CLIENT:	BONITA SPRINGS UTILITES		
	RVA	TITLE:	LEGAL DESCRIPTION		
	RVN	08C097.00.00	1	2	0002 SK15
	RVN	32 175 26E			

DCI 2008-00045

SKETCH OF LEGAL DESCRIPTION
THIS NOT A SURVEY



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FEB 17 2010
COMMUNITY DEVELOPMENT

DCI 2008-00045

LEGEND
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
R/W = RIGHT OF WAY

POC
SE CORNER
SW 1/4

SECTION 32, TOWNSHIP 48 SOUTH, RANGE 26 EAST
BONITA BEACH ROAD S.E.
SECTION 5, TOWNSHIP 48 SOUTH, RANGE 26 EAST

SEE SHEET 1 OF 2 FOR DESCRIPTION

October 21, 2009 1:15 PM S:\75048\082997.00.00 RWA\BIA-RT East Water Storage Tank\0202 Boundary Survey\Boundary Survey\Map 002\Survey\Boundary Survey Rev 0\1000037101050415.dwg

<p>RWA CONSULTING INC. Planning, Visualization, Civil Engineering, Surveying & Mapping 8610 Willow Park Drive, Suite 200 Naples, Florida 34110 Phone: (239) 597-0575 FAX: (239) 681-0574 Florida Certificate of Authorization # 7-5862</p>	DATE: 10/21/09	CLIENT: BONITA SPRINGS UTILITES
	SCALE: 1"=200' DRAWN BY: R/W CHECKED BY: R/W	TITLE: SKETCH OF LEGAL DESCRIPTION
SEC. TWP. RGE. 32 47S 26E	PROJECT NUMBER: 080097.00.00	SHEET NUMBER: 2 OF 2
		FILE NUMBER: 0002 SK15

Reply to:
David L. Cook
Board Certified Real Estate Lawyer
Direct Fax Number 239.344.1517
Direct Dial Number 239.344.1372
E-Mail: david.cook@henlaw.com

September 23, 2009

VIA ELECTRONIC MAIL:rvn@consult-rwa.com
AND VIA US MAIL

Richard Nestler
RWA Consulting, Inc.
1542 Carson Street
Fort Myers, FL 33901

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FEB 17 2010

COMMUNITY DEVELOPMENT

Re: Bonita Beach Road East Water Storage Tank Site;
Project Number 080097.00.00; File No. 0002; Draft Survey Dated
December 3, 2008, Last Updated September 9, 2009

Dear Mr. Nestler:

I represent Bonita Springs Utilities, Inc. and have been asked to give you an opinion regarding certain easements shown on that draft boundary survey prepared by your company identified in the above reference line of this letter. Specifically, on earlier site plans prepared by your office you had labeled the cross-hatched areas depicted on that draft survey as "less and except" parcels. On the draft survey referenced above, you have labeled those cross-hatched areas as road easements.

It is my understanding that you have relabeled those cross-hatched areas as easements in reliance on the opinion I will express in this letter.

Your survey depicts three parcels of land which I have labeled Parcels 1, 2 and 3 on the draft survey attached to this letter. Parcel 1 depicts a cross-hatched 25' strip along the South and East boundary; Parcel 2 depicts a 25' strip along the South boundary; and Parcel 3 depicts a 25' strip along the North, South and East boundary. In three distinct prior deeds conveying these parcels, there was identical language in each deed that read "excepting the _____ 25' thereof, reserved for county roadway right-of-way...". Of course, the only difference in these deeds was the directional call where I have left a blank line above. It is my opinion, based upon the case of Dean v. Mod Properties, Ltd., 528 So. 2nd 432 (FLA. 5th DCA, 1988) that the language in the deeds created an easement for roadway purposes rather than excluding those 25' strips

Henderson, Franklin, Starnes & Holt, P.A.

DCI 2008-00045

Richard Nestler
RWA Consulting, Inc.
September 23, 2009
Page 2

from the title being conveyed and therefore, Bonita Springs Utilities, Inc. is the current owner of those strips of land subject to an easement for roadway purposes.

By owning these strips of land, Bonita Springs Utilities, Inc., under the common law of easements and numerous case law authorities, has the right to use that land for any purpose so long as it does not interfere with the use of the property for roadway purposes. Therefore, in my opinion you have correctly noted on the draft survey that these strips of land are easements and they should be included as part of the parcels being surveyed, rather than being excluded from those parcels.

If you have any questions regarding this opinion, please feel free to contact me.

Sincerely,



David L. Cook

DLC/mmg
CC:

G. Donald Thomson
Mike Liggins

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COMMUNITY DEVELOPMENT

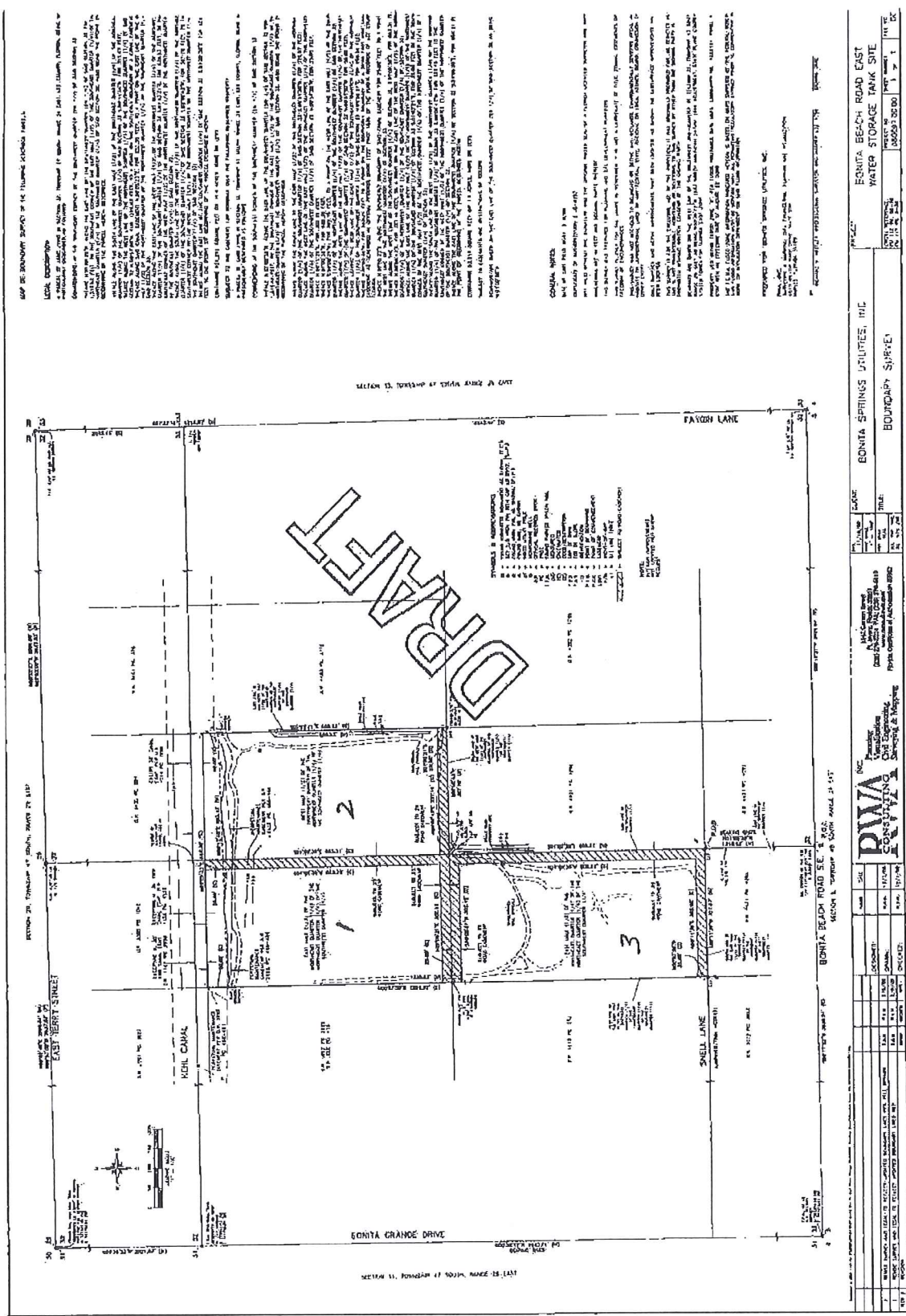
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CONTRACT NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS, LATEST EDITION, AS ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.

4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL UTILITIES AND STRUCTURES TO REMAIN.

5. THE CONTRACTOR SHALL MAINTAIN ADEQUATE EROSION CONTROL MEASURES THROUGHOUT THE PROJECT.

6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DISPOSAL OF ALL DEBRIS AND WASTE MATERIALS.

7. THE CONTRACTOR SHALL MAINTAIN ADEQUATE SAFETY MEASURES THROUGHOUT THE PROJECT.

8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ENVIRONMENTAL FEATURES.

9. THE CONTRACTOR SHALL MAINTAIN ADEQUATE RECORDS OF ALL WORK DONE.

10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES.

11. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT PROPERTIES.

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20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES.

PREPARED BY PWA CONSULTING

DATE: 1/14/10

PROJECT: BONITA BEACH ROAD EAST WATER STORAGE TANK SITE

SCALE: AS SHOWN

PROJECT NO: 080893-00-00

DATE: 1/14/10

BY: [Signature]

CHKD: [Signature]



•Planning •Visualization
•Civil Engineering •Surveying & Mapping

Chahram Badamtchian, Senior Planner
Lee County, Department of Community Development
Zoning Division
P.O. Box 398
Fort Myers, FL 33902-0398

November 4, 2009

RE: **BBR East Water Storage Tank**
DCI2008-00045 – PDA Application (PD Amendment)

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COMMUNITY DEVELOPMENT
DCI 2008-00045

Dear Mr. Badamtchian:

The consultant team for the above referenced planned development amendment has thoroughly reviewed each of the items mentioned in your October 6, 2009 sufficiency review letter and met with County Staff on October 8, 2009 to discuss this project. Pursuant to this meeting the Zoning Amendment application is being revised to only request Community Facilities Planned Development (CFPD) zoning designation with Master Concept Plan (MCP) approval on the southern +/- 4.95 acre water tank site rather than the original request which encompassed +/- 30 acres. The +/- 4.95 area is located adjacent to the Snell Lane right-of-way and was identified as Phase I on the previous submittals.

The changes to the application are needed to expedite the review and approval process in order for BSU to meet time commitments for the construction of the water storage tank. These commitments result from a developer contribution agreement which expires in February 2011.

As discussed with staff, the remaining +/- 25-acres will maintain its CFPD zoning with a vacated MCP. It is understood that BSU will need to apply for a new MCP for the remaining property once future improvements are determined based upon future population growth and utility demand in Bonita Springs. The enclosed Project Reference Map, Attachment A, shows the amendment to the Master Concept Plan on the portion of the property under BSU ownership where BSU has current plans for infrastructure improvements.

Please find below an item-by-item response to each of the sufficiency issues raised.

LC ZONING ACTION LEGAL REQUIREMENTS CHECKLIST (ORD 05-29)

Staff Comment:

9) *Legal Description.* A metes and bounds legal description, prepared by a Florida Licensed Surveyor and Mapper, must be submitted, unless the property consists of one or more undivided lots within a subdivision platted in accordance with Florida Statutes, Chapter 177 {see LC Public Hearing Application Form, Part 3.C}. [34-202(a)(1)]

The legal descriptions for the “T” Parcel contains the phrase “subject to and easements for roadway over the property...” This phrase must be removed as the legal description for the easement as it conflicts with LDC Sec 34-202(a)(2). The place for the easement is on the boundary survey. Please remove the phrase and the metes and bounds legal for the roadway easement.

The legal description Parcel 3A contains the phrase “Subject to easements and restrictions...” this phrase must be removed for the same reason.

Response:

The Legal Description has been revised to remove references to easements as requested and is attached as Exhibit PH-3.C.1. The Legal Description provides the metes and bounds of the perimeter of the 4.95-acre (+/-) tract that is subject to the revised zoning application and MCP.

Staff Comment:

10) Boundary Survey. A boundary survey of the subject property must be submitted unless the application is a non planned development request and the property consists of one or more undivided lots within a subdivision platted in accordance with Florida Statutes, Chapter 177 {see LC Public Hearing Application Form, Part 3.D.}. [34-202(a)(2)]

2nd Request-Please provide a boundary survey showing the “t” shaped parcel and the parcel to the west.

Response:

A Boundary Survey has been provided for the 4.95-acre (+/-) tract that is subject to the revised zoning application and MCP and is attached as Exhibit PH-3.D.1.

Staff Comment:

10a) The boundary survey must identify and depict all easements effecting the subject property, whether recorded or unrecorded, and all other physical encumbrance readily identified by a field inspection. [34-202(a)(2)]

The survey contains the language “This survey is only for the lands as described, it is not a certificate of title, zoning, easements or freedom of encumbrances.” This phrase must be removed as it conflicts with LDC Sec 34-202(a)(2) which states the survey must identify and depict all easements effecting the property, whether recorded or unrecorded and all other physical encumbrances readily identified by a field inspection.

In addition recent changes to the Land Development Code as of July 1, 2009 requires a Title Certificate/Opinion, no greater than 90 days old at the time of initial zoning application submittal, must be submitted to establish the following information concerning title to the subject property: (a) the owners of the fee title; (b) all easements encumbering the property; (c) the legal description of the property. The title certification submittal must be either an opinion of title meeting the Florida Bar Standards prepared by a licensed Florida attorney or a certification of title/title certification prepared by a title abstractor or company. The certification must be unequivocal. A title binder/commitment or title insurance policy is not acceptable to meet this requirement. Per LDC Sec 34-202 (a)(2).

Please submit a copy to the surveyor as the survey must be tied to it and a copy of the title opinion/title certificate to this office as required by LDC SEC 34-202(a)(3)

Response:

A Boundary Survey has been provided for the 4.95-acre (+/-) tract that is subject to the revised zoning application and MCP and is attached as Exhibit PH-3.D.1. The survey shows all easements affecting the subject property. The Boundary Survey is based on the Opinion of Title, prepared by David L. Cook, a Board Certified Real Estate Lawyer, and attached as Exhibit PH-3.D.2

Staff Comment:

12) Contact. The reviewer may be contacted regarding any questions on the LC Zoning Action Legal Requirements Checklist.

For questions concerning the legal description, sketch and boundary survey please contact Chick Jakacki by phone at 239-533-8578.

Response:

Acknowledged.

LC Environmental Sciences PD Application Sufficiency Checklist (Ord. 07-24)**Staff Comment:**

12h) Open Space Design Plan. Open space design plan delineating the indigenous preserves and/or native tree preservation areas as required per LCLDC Section 10-415(b) must be shown on the Master Concept Plan. [34-373(a)(6)g.]

ES staff is unable to verify proposed preserve acreage and habitat at locations depict. Please provide exhibit with breakdown of each enhanced and restored habitat type and acreage at individual locations to equal the preserve acreage provided.

Please revise the Legend to depict all areas of proposed enhanced or restored indigenous preserve and label as such.

The south preserve depicted on the MCP is inconsistent with proposed preservation submitted to SFWMD.

-boundary lines are different

-south preserve county 1.60 acre and SWMD 1.76 acre.

If you are proposing the SFWMD conservation easement over the portions of the property within the 5- foot road easements are the easements to be released (vacated) and never developed? If so, why not include in county preservation requirements?

Please revised site development regulations to depict a 30 foot building/structure setback to preserve 10-415(1)(c.)

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The open space design plan has been amended to include the FLUCCS codes on the MCP, Exhibit D-7-M.1 and D-7-M.2. The Open Space Calculation Table has also been amended to reflect the individual acreages based on FLUCCS code. The reduction to the site acreage results in the project being classified as a Small Project, as defined by the Lee County LDC. Small projects are required to provide twenty percent (20%) of the project area as open space. The 4.95-acre site is required to provide 0.99-acres of open space. The proposed MCP provides 2.091-acres of open space, which is equal to 42% of the site.

The Open Space includes 0.495 acres of Buffers and 1.596 acres of dedicated Preserve area. The Preserve area includes 0.756 acres of field verified wetlands and is located in the southeast corner of the site, extending to the edge of the existing easements. The site improvements, which include the water storage tank, accessory structure and driveway improvements only constitute 0.562-acres of the project site.

Although small projects are not required to preserve indigenous plant communities as a portion of the total open space requirement, the proposed Preserve area includes 1.154 acres of Indigenous Preserve that will be counted toward the indigenous preserve requirement, where it qualifies, as this project expands to Phase II and the MCP is amended to encompass adjoining BSU land zoned CFPD. This includes 0.680-acres of Disturbed Pine, 50-75% exotics (4159E3) and 0.474-acres of Disturbed Hydric Pine, 50-75% exotics (6259E3). The remaining Preserve area is comprised of 0.086-acres of Melaleuca (424), 0.282-acres of Hydric Melaleuca (4241) and 0.074-acres of Disturbed Land (740). It is anticipated that the areas identified as 424, 4241 and 740 will be enhanced as part of Phase II, in order to be counted toward the indigenous requirements for a large project. It is understood that all exotics will be removed as part of Phase I. These preserve areas are shown on the MCP and the acreages are included in the Open Space Calculation Table.

The Environmental Resource Permit (ERP) application has been revised so the Conservation Easement does not extend into the existing easements in order to be consistent with the Preserve areas as shown on the MCP. Although there is no intention of developing the existing easements, it is unclear whether they can be vacated and incorporated within the conservation easement at this time. The revised ERP was submitted to SFWMD on October 13, 2009, and identifies these areas as either Wetlands or Uplands Preserve.

The Site Development regulations have been amended to require a 30-foot setback for the Water Tank and Accessory Structures to the Preserve area.

Staff Comment:

12j) Buffers. The minimum width and composition of all proposed buffers along the perimeter of the subject property, as well as between the individual uses if the types of proposed uses require buffer separations, must be shown on the Master Concept Plan. [34-373(a)(6)i.]

Perpetual maintenance agreement OR 2628 Page 466-469 condition 6 states Grantee shall have a reasonable right of access across Grantor's property for the purposes of reaching the described easement (Exhibit A) on either Paved or unpaved surfaces. Access is intended to include the

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existing “access trails” along the canal that generally parallel its bank so that there is minimal vegetation removal.

A site visit conducted by ES staff and provided FLUCCS with MCP overlay reveals that the existing access trail is located landward of at top of bank (TOB). The MCP Section A-A illustrates the proposed type B buffer to be planted waterward of the existing TOB which is within the canal maintenance easement. Please revise MCP to illustrate the proposed buffer to be installed landward of the existing trail so that there is minimal vegetation removal if access to canal is needed.

Also, Type F buffers parallel and immediately perpendicular to perpetual maintenance easement will inhibit access. Please revise MCP to allow access as required in the agreement.

The proposed CE proposed to SFWMD depicts the 4241 and 424 habitat along the south parcel's east property line and the north parcel's southeast property line appear to be preserved within the 25 foot width of the 50 foot wide easement. The MCP proposed to the county depicts the 25 foot width of the 50 wide ROW easement to remain with a 15 foot wide Type D buffer provided. Please address inconsistency. Why is additional buffer is provided to the preserve when it appears the preserve area may be restored to meet the intent of the buffer?

Response:

The application has been amended to only include the southern 4.95-acre water tank site. Therefore, the buffers along the perpetual maintenance agreement, OR 2628 Page 466-469, will be addressed when the remaining +/- 25-acres seek zoning and Master Concept Plan approval.

The Environmental Resource Permit (ERP) application has been revised so the Conservation Easement does not extend into the existing easements in order to be consistent with the Preserve areas as shown on the MCP. Although there is no intention of developing the existing easements, it is unclear whether they can be vacated and incorporated within the conservation easement at this time. Due to this uncertainty, the MCP provides the required Type D Buffer between the water storage tank and the easement.

Comment:

12l) Protected Species Management Plan. Protected species preserve areas must be indicated on the Master Concept Plan; a final management plan as required by LDC Section 10-474 is not required until time of local development order. [10-474]

The MCP depict future impact to gopher tortoise burrows. Please revise the preliminary gopher tortoise management plan actions to be taken to meeting FWC regulations.

Response:

The application has been amended to only include the southern 4.95-acre water tank site. The property does not include any identified protected species locations as referenced within the Protected Species Surveys that were included with the previous submittals. Those Surveys showed two gopher tortoise burrows on the adjacent BSU property to the north of the water tank site, approximately 200 feet from proposed development activities. The proposed off-site temporary drainage swale is located more than 25 feet (approximately 40 ft) from the closest

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burrow. Per the FWCC's regulations, no consultation with the FWCC is needed and no action is required provided the proposed construction activity limits are properly fenced in order to exclude any tortoise from entering a construction zone. Therefore, no occupied habitat will be impacted by this development and no management plan is being produced as part of this application and the associated ERP.

At the time of construction of Phase I improvements, the burrows will be field verified. Should it be found that one or both of the burrows has moved to within 25± feet of construction limits, consultation with the FWCC will be initiated. A management plan would then be implemented according to regulations enacted at that time, and the appropriate permit will be obtained to relocate the tortoise(s).

Additionally, by reducing the site area to 4.95 acres and the impervious coverage to 0.562-acres, this project is now considered a Small Development as defined by the Lee County LDC. Per Section 10-473(c)(1), Small Developments are not required to provide a Protected Species Management Plan. If required, an updated Protected Species Survey will be submitted when this project proceeds to Phase II and requests an amendment to the MCP that would incorporate adjacent CFPD zoned land.

Staff Comment:

14) *Schedule of Deviations & Written Justification.* A schedule of deviations and a written justification for each deviation requested as part of the Master Concept Plan must be submitted. [34-373(a)(9)] {See Supplement D, Part 7}

Deviation #6, as requested through LDC Section 10-415(b)(5) is to allow 2:1 ecological creation/restoration with long term management, requires restoration. ES staff is unable to review proposed restoration without a preliminary enhancement restoration plan. Please provide preliminary restoration/enhancement plan to support deviation request.

Buffer deviation#3

Again, Please provide preliminary restoration/enhancement plan to support restoration will meet the intent of the required buffer.

Response:

The Project's application and MCP have been amended to include only the southern 4.95± acre water tank site. The requested deviations have been amended to reflect this change. The reduction in site acreage results in this project being classified as a Small Development by the Lee County LDC. Small Developments are not required to provide on-site preservation of indigenous areas as part of their open space plan. Therefore, Deviation #6, as shown on the previous submittal, to allow a 2:1 ecological creation/restoration for indigenous preserve is no longer being requested. Please see the revised deviations on Sheet 2 of the MCP, Exhibit D-7-M.1 and M.2, and the Schedule of Deviations and Written Justifications, Exhibit D-7-Q.

Although the project does not require indigenous preserve, the proposed development places existing wetland and uplands, including some indigenous plant communities, into a permanent conservation easement. The 1.60± acre preserve will remain on-site and is also

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proposed to be utilized for the Project's buffer requirements, as described in Deviation #3. The Applicant's experts submit that the 1.60± acre preserve, from which Category I exotic vegetation will be removed, as defined by the Florida Exotic Pest Plant Council (EPPC) 2009 list, meets the intent of the buffer requirement since the width of the preserve far exceeds the minimum 15 foot requirement and provides significant separation and buffering from adjacent uses. However, upon exotic removal, supplemental mid-story plantings will be installed along the eastern boundary of the preserve to meet the intent of the Type D buffer per the Lee County LDC. These plantings will be installed as a double staggered row hedge within 15 feet of the eastern and southern boundary in order to create a continuous visual screen, and will consist of commercially-available native shrub species typically found in upland and hydric pine communities, such as coco plum (*Chrysobalanus icaco*), wax myrtle (*Myrica cerifera*), or similar.

Staff Comment:

17) *Protected Species Survey.* A protected species survey, as specified in LCLDC Section 10-473, is required for large developments (as defined in LCLDC Section 10-1 {more than 10 acres in size or more than 2 acres of impervious area}). [34-373(b)(2)] {see Supplement D, Part 7}

Please provide a revised PSS habitat assessment to reflect the revisions made in the FLUCCS map and update the management plan for the gopher tortoise to identify activities required based on the proposed future impact to occupied habitat.

Response:

The application has been amended to only include the southern 4.95-acre water tank site and does not include any identified protected species locations as referenced within the Protected Species Surveys included with the previous submittals. Those Surveys showed two gopher tortoise burrows on the adjacent BSU property to the north of the water tank site, approximately 200 feet from proposed tank site. The proposed off-site temporary drainage swale is located more than 25 feet from the closest burrow. Per the FWCC's regulations, no consultation with the FWCC is needed and no action is required provided the proposed construction activity limits are properly fenced in order to exclude any tortoise from entering a construction zone. Therefore, no occupied habitat will be impacted by this development.

If it is found that one or both of the burrows has moved to within 25± feet of construction limits at the time of construction, consultation with the FWCC will be initiated. A management plan will be implemented according to regulations enacted at that time, and the appropriate permit will be obtained to relocate the tortoise(s).

Additionally, revisions to the application have reduced the site area to 4.95 acres and the impervious coverage to 0.562-acres, which classifies this project as a Small Development by the Lee County LDC. Per Section 10-473(c)(1), Small Developments are not required to provide a Protected Species Survey.

Staff Comment:

19) *Miscellaneous items.*

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The symbol 2 within a triangle is utilized a number of places for different purposes on the MCP. Please revised MCP for clarity.

Response:

The triangle notes were provided to identify where revisions were made to the MCP based on Lee County comments. These revision locations have been omitted from this submittal.

Staff Comment:

20) *Contact. The Environmental Planner may be contacted regarding any questions on the LC Environmental Sciences Planned Development Application Sufficiency Checklist.*

Susie Derheimer, Environmental Planner
239-479-8158
sderheimer@leegov.com

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Response:

Acknowledged.

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LC Development Review PD Application Sufficiency Checklist (Ord 07-24)

Staff Comment:

1) *General Design Standards. The development must have access to existing or proposed roads in accordance with LCLDC Chapter 10 and as specified in THE LEE PLAN traffic circulation element or the Official Trafficways Map. [34-411(d)(1)]*

This is not a sufficiency comment, however, please note that staff may not be supportive of requested deviation number one from section 10-291(2) of LDC.

Response:

As noted in the Schedule of Deviations and Written Justifications, Exhibit D-7-Q, the proposed Water Storage Tank will be unmanned and generate approximately 1 vehicle trip per week, on average. The facility will be controlled and monitored remotely via computer and a camera/security system. Site visits will be conducted on weekly basis to do a physical inspection of the buildings and equipment and to conduct maintenance as may be required. The proposed development will generate fewer trips than a single family residence, and should therefore be allowed to utilize existing non-conforming access routes with an approved deviation (Section 12-296(m)). Since the water system facility will generate fewer trips than a single-family dwelling, the development should not be required to improve Snell Lane to Category A roadway standards.

The proposed extension of the existing road surface will serve this single use and will be improved to unpaved Category D roadway standards to control stormwater runoff and allow for safe vehicular travel. A T-Turnaround will be provided at the terminus of the proposed extension to allow for vehicle movement. The site does not include solid waste pickup, which will eliminate the need for garbage truck access. The only time a large truck would need to access this portion of Snell Lane would be in the rare instance that a fire truck would need to reach the water tank site. The site will contain and store the water storage tank and associated equipment such as valves and

pumps, computer and security equipment, and electrical equipment including a generator and diesel as its fuel supply. As such access will be provided that meets the approval of the Bonita Springs Fire Department. Please see attached approval from the Bonita Springs Fire District regarding the proposed deviation. Bonita Springs Utilities understands and acknowledges that it will have to execute a Maintenance Covenant for the unpaved portions of Snell Lane extending from the end of the existing paved surface to the subject property line with Lee County as part of the Development Order approval. The Maintenance Covenant will be for the unpaved portions of Snell Lane extending from the end of the existing paved surface to the subject property line and will address impacts resulting from the proposed development.

Staff Comment:

5) *Contact.* The Staff reviewer may be contacted regarding any questions on the LC Development Review Planned Development Application Sufficiency Checklist.

Contact Brandon Dunn at bdunn@leegov.com.

Response:

Acknowledged.

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Lee County Sufficiency Checklist for Planned Developments, Amendments, and Existing Developments Requesting Planned Development Zoning

Staff Comment:

6a) *Legal description.* The request must include a legal description of the property upon which the action is to be initiated. [34-202(a)(1)]

The legal descriptions contain notes that must be removed. The Applicant needs to remove the sentence “subject to easements and restrictions of record” and “subject to Easements and Restrictions, Reservation and Rights of Way (Written and Unwritten, recorded and unrecorded).”

Response:

The Legal Description has been revised to remove references to easements, restrictions, etc. and is attached as Exhibit PH-3.C.1.

Staff Comment:

11) *Master Concept Plan.* All applications must be accompanied by a graphic illustration (Master Concept Plan) of the proposed development. [34-373(a)(6)]

Page 2 of 3 of the MCP under legal description contains the following languages: “subject to easements and restrictions of record” and “subject to Easements and Restrictions, Reservation and Rights of Way (Written and Unwritten, recorded and unrecorded).” This two sentences must be removed from the MCP.

Response:

The Legal Description on Sheet 2 of 3 has been revised to remove references to easements, restrictions, etc.

DCI 2008-00045

Staff Comment:

20) Contact. The Zoning Planner may be contacted regarding any question on the Planned Development Sufficiency Checklist.

Chahram Badamtchian, AICP @ 239.533.8372

Response:**Acknowledged.**

In closing, I am confident that you and the other reviewers will find that we have addressed the sufficiency issues raised, and with that finding, you will be able to schedule this item for public hearings.

Sincerely,



Patrick Vanasse, AICP
Planning Manager

cc: Andy Koebel, Bonita Springs Utilities
Neale Montgomery, Pavese Law Firm
File Copy

Enclosures:

Attachment A, Project Reference Map
Exhibit PH-3.C.1, Legal Description
Exhibit PH-3.C.2, Certified Sketch of the Description
Exhibit PH-3.D.1, Boundary Survey
Exhibit PH-3.D.2, Opinion of Title
Exhibit D-7-M.1, Master Concept Plan (24 X 36)
Exhibit D-7-M.2, Master Concept Plan (11 X 17)
Exhibit D-7-Q, Schedule of Deviations and Written Justifications

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LEGAL DESCRIPTION

COMMUNITY DEVELOPMENT

THE EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 32, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32.

THENCE N.01°00'38"W. ALONG THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32 FOR 1,316.62 FEET TO THE SOUTHEAST CORNER OF THE EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32, ALSO BEING THE **POINT OF BEGINNING** OF THE PARCEL HEREIN DESCRIBED;
 THENCE ALONG THE SOUTH LINE OF SAID EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) S.89°11'39"W. FOR 327.67 FEET TO THE SOUTHWEST CORNER OF SAID EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4);
 THENCE ALONG THE WEST LINE OF SAID EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) N.00°57'50"W. FOR 658.01 FEET TO THE NORTHWEST CORNER OF SAID EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4);
 THENCE ALONG THE NORTH LINE OF SAID EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) N.89°08'31"E. FOR 327.13 FEET TO THE NORTHEAST CORNER OF SAID EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4);
 THENCE ALONG THE EAST LINE OF SAID EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) S.01°00'38"E. FOR 658.31 FEET TO THE **POINT OF BEGINNING** OF THE PARCEL DESCRIBED HEREIN.

CONTAINING 215,480 SQUARE FEET OR 5.0 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32 AS BEING N.01°00'38"W.

RWA, INC.
 SURVEYING & MAPPING, CIVIL ENGINEERING, PLANNING AND VISUALIZATION
 6610 WILLOW PARK DRIVE, SUITE 200
 NAPLES, FLORIDA 34109

BY: 
 RICHARD V. NESTLER, PROFESSIONAL SURVEYOR AND MAPPER LS# 4786
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A
 FLORIDA LICENSED SURVEYOR AND MAPPER.

10/19/09
 SIGNING DATE

SEE SHEET 2 OF 2 FOR SKETCH

October 19, 2009 1:33 PM S:\2008\080097.00.00 Bonita Bch Rd East Water Storage Tank\0002 Boundary Survey\SKETCHES AND DESCR\0800970000SK05Z.dwg



6610 Willow Park Drive, Suite 200
 Naples, Florida 34109
 Phone: (239) 597-0575
 FAX: (239) 597-0578
 Florida Certificate of Authorization # 1b-6952

DATE: 10/19/09	CLIENT: BONITA SPRINGS UTILITIES
SCALE: 1"=200'	TITLE: SKETCH OF LEGAL DESCRIPTION
DRAWN BY: RVN	PROJECT NUMBER: 080097.00.00
CHECKED BY: RVN	SHEET NUMBER: 1 OF 2
SEC: 32 TWP: 47S RGE: 26E	FILE NUMBER: 0002 SK5Z

SKETCH OF LEGAL DESCRIPTION

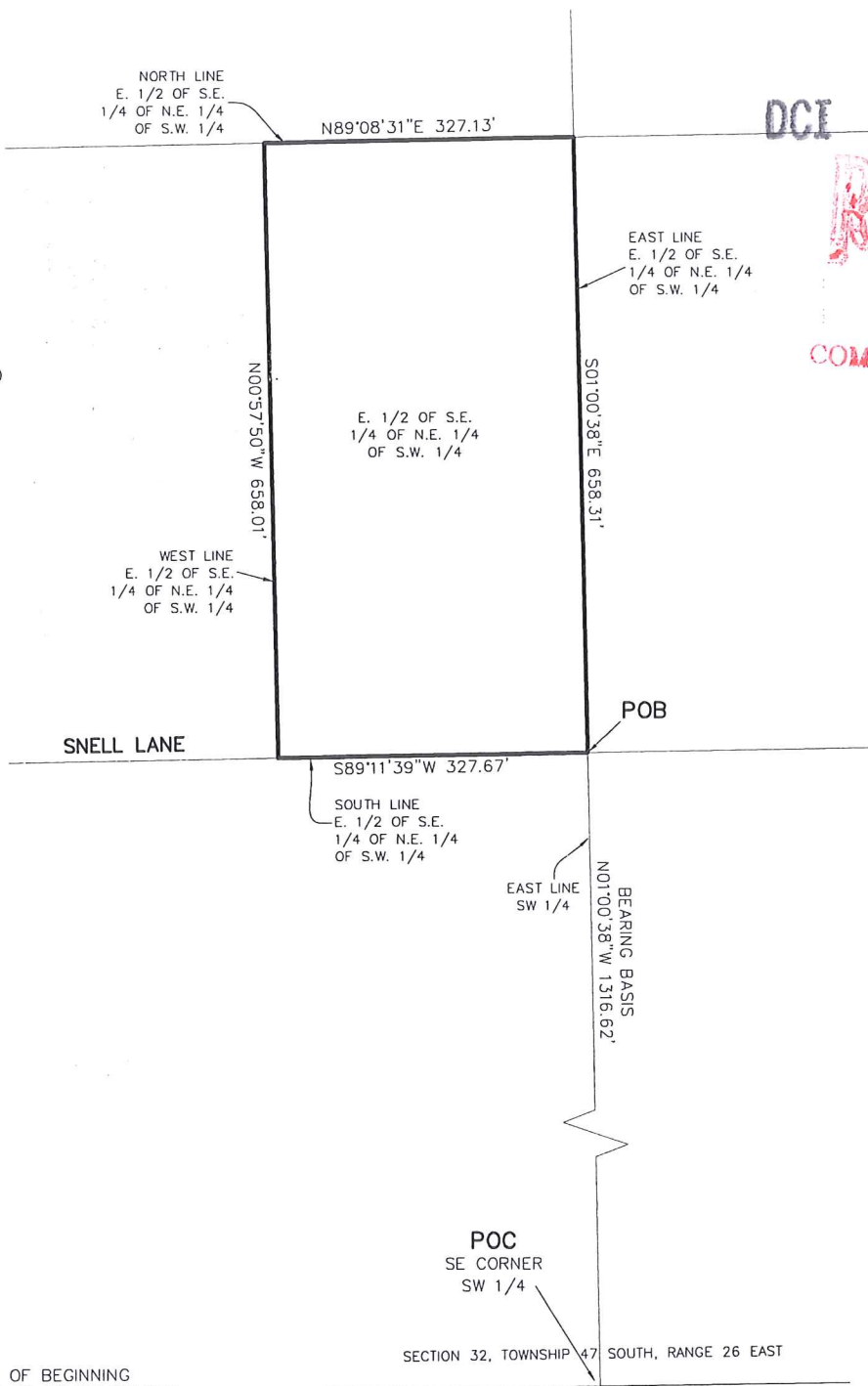
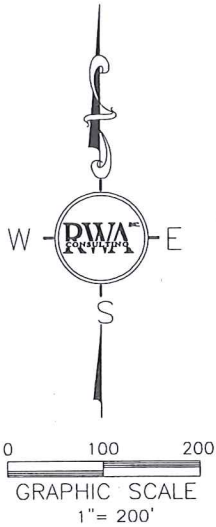
THIS NOT A SURVEY

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LEGEND

- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- R/W = RIGHT OF WAY

BONITA BEACH ROAD S.E.

SECTION 5, TOWNSHIP 48 SOUTH, RANGE 26 EAST

SEE SHEET 1 OF 2 FOR DESCRIPTION

October 19, 2009 1:33 PM S:\2008\080097.00.00 Bonita Bch Rd East Water Storage Tank\0002 Boundary Survey\SKETCHES AND DESCR\0800970000SK05Z.dwg

RWA INC.
CONSULTING
 Planning
 Visualization
 Civil Engineering
 Surveying & Mapping

6610 Willow Park Drive, Suite 200
 Naples, Florida 34109
 Phone: (239) 597-0575
 FAX: (239) 597-0578
 Florida Certificate of Authorization # 1b-6952

DATE: 10/19/09	CLIENT: BONITA SPRINGS UTILITIES				
SCALE: 1"=200'	TITLE: SKETCH OF LEGAL DESCRIPTION				
DRAWN BY: RVN					
CHECKED BY: RVN					
SEC: 32	TWP: 47S	RGE: 26E	PROJECT NUMBER: 080097.00.00	SHEET NUMBER: 2 OF 2	FILE NUMBER: 0002 SK5Z

**Exhibit PH-3.C.1:
Legal Description**

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DEC 12 2008

In Section 32, Township 47 South, Range 26 East, Lee County, Florida: **COMMUNITY DEVELOPMENT**

The West Half (W1/2) of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4), AND the East Half (E1/2) of the East Half (E1/2) of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4), AND the West Half (W1/2) of the East Half (E1/2) of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4), AND the East Half (E1/2) of the Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4) of Southwest Quarter (SW1/4), all in Section 32, Township 47 South, Range 26 East.

Comprising 15 acres more or less.

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AND

The West Half (W1/2) of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4), AND the East Half (E1/2) of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4), all in Section 32 Township 47 South, Range 26 East, comprising of 10 acres more or less, EXCEPTING therefrom the North 30 feet for canal easement and the South 25 feet for road right-of-way.

Containing 10 acres more or less.

AND

The East Half (E1/2) of the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section 32, Township 47 South, Range 26 East. Lee County, Florida, 5 acres more or less, EXCEPTING the North 30 feet thereof for canal easement, and the South 25 feet thereof for county roadway right-of-way.

Containing 5 acres, more or less.

Please See Exhibit PH-3.C.2 for the Signed Legal and Sketch.

NOTES:

AERIAL PHOTOGRAPHS PROVIDED BY THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF JANUARY 2008.

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).

BBR EAST WATER STORAGE TANK, OFF-SITE WATER MAIN, AND OFF-SITE ROADWAY BOUNDARIES PER RWA, INC. DRAWING NO. OFF-SITE AREAS.DWG DATED DECEMBER 9, 2008.

PROPERTY BOUNDARIES AND SURVEYED WETLAND LINES FOR THE 15 ACRE ADDITION PER RWA, INC. DRAWING NO. 0800970000PMI.DWG DATED APRIL 20, 2009.

SURVEYED WETLAND LINES FOR BBR EAST WATER STORAGE TANK, OFF-SITE WATER MAIN, AND OFF-SITE ROADWAY PER RWA, INC. DRAWING NO. 08009700.00 SUR.DWG DATED AUGUST 5, 2008.

UPLAND/WETLAND LIMITS FOR BBR EAST WATER STORAGE TANK, OFF-SITE WATER MAIN, AND OFF-SITE ROADWAY HAVE BEEN REVIEWED AND APPROVED BY THE COE ON-SITE FEBRUARY 13, 2009 BY LAURA DIAZ AND BY THE SFWMD MARCH 20, 2009 BY JULIE ARRISON.

UPLAND/WETLAND LIMITS FOR THE 15 ACRE ADDITION HAVE NOT BEEN REVIEWED BY ANY REGULATORY AGENCY AND ARE SUBJECT TO CHANGE.

MASTER CONCEPT PLAN PER RWA-MICA DRAWING NO. 0800970000PMI.DWG DATED SEPTEMBER 10, 2009.



J:\2007\078501715\2009\19-11-09 LEE COUNTY RESPONSE\FIGURE D-7-F AERIAL WITH MCF AND FLUCFCS 9-11-09.DWG TAB: 36X24-C TB SEP 14, 2009 - 8:10AM PLOTTED BY: HOLBENH

15 ACRE ADDITION

LEGEND:

	POTENTIAL SFWMD AND COE WETLANDS (5.84 Ac.±)
	POTENTIAL SFWMD "OTHER SURFACE WATERS" AND COE "WATERS OF THE U.S." (0.55 Ac.±)
	SURVEYED WETLAND LINE

FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
241	TREE NURSERY	0.75 Ac.±	5.1%
4119 E1	PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	5.88 Ac.±	38.6%
4159 E3	PINE, DISTURBED (50-70% EXOTICS)	0.10 Ac.±	0.7%
4159 E4	PINE, DISTURBED (75-100% EXOTICS)	0.19 Ac.±	1.3%
4241	MELALEUCA, HYDRIC	4.22 Ac.±	28.5%
510	STREAMS AND WATERWAYS	0.35 Ac.±	3.7%
6249 E3	CYPRESS/PINE/CABBAGE PALM, DISTURBED (50-70% EXOTICS)	1.52 Ac.±	11.0%
740	DISTURBED LAND	0.04 Ac.±	0.3%
743	SPOIL AREAS	0.04 Ac.±	0.3%
747	BERM	1.59 Ac.±	10.6%
TOTAL		14.79 Ac.±	100.0%

LEGEND:

	SFWMD AND COE WETLANDS (1.00 Ac.±)
	SFWMD "OTHER SURFACE WATERS" AND COE "WATERS OF THE U.S." (0.97 Ac.±)
	SURVEYED WETLAND LINE

BBR EAST WATER STORAGE TANK

FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
4159 E3	PINE, DISTURBED (50-70% EXOTICS)	1.88 Ac.±	12.7%
4221	BRAZILIAN PEPPER, HYDRIC	<0.01 Ac.±	<0.01%
424	MELALEUCA	0.57 Ac.±	3.8%
4241	MELALEUCA, HYDRIC	0.53 Ac.±	3.6%
510	STREAMS AND WATERWAYS	0.97 Ac.±	6.5%
6259 E3	HYDRIC PINE, DISTURBED (50-70% EXOTICS)	0.47 Ac.±	3.2%
740	DISTURBED LAND	3.93 Ac.±	26.1%
743	SPOIL AREAS	0.61 Ac.±	4.1%
TOTAL		14.83 Ac.±	100.0%

OFF-SITE WATER MAIN

FLUCFCS CODES	DESCRIPTIONS	ACREAGE
740	DISTURBED LAND	0.38 Ac.±

OFF-SITE ROADWAY

FLUCFCS CODES	DESCRIPTIONS	ACREAGE
740	DISTURBED LAND	0.17 Ac.±

REVISIONS	DATE
Revised FLUCFCS	6/26/09

DRAWN BY	H.H.	DATE	9/11/09
DESIGNED BY	C.R.	DATE	9/11/09
REVIEWED BY	M.A.M.	DATE	9/11/09

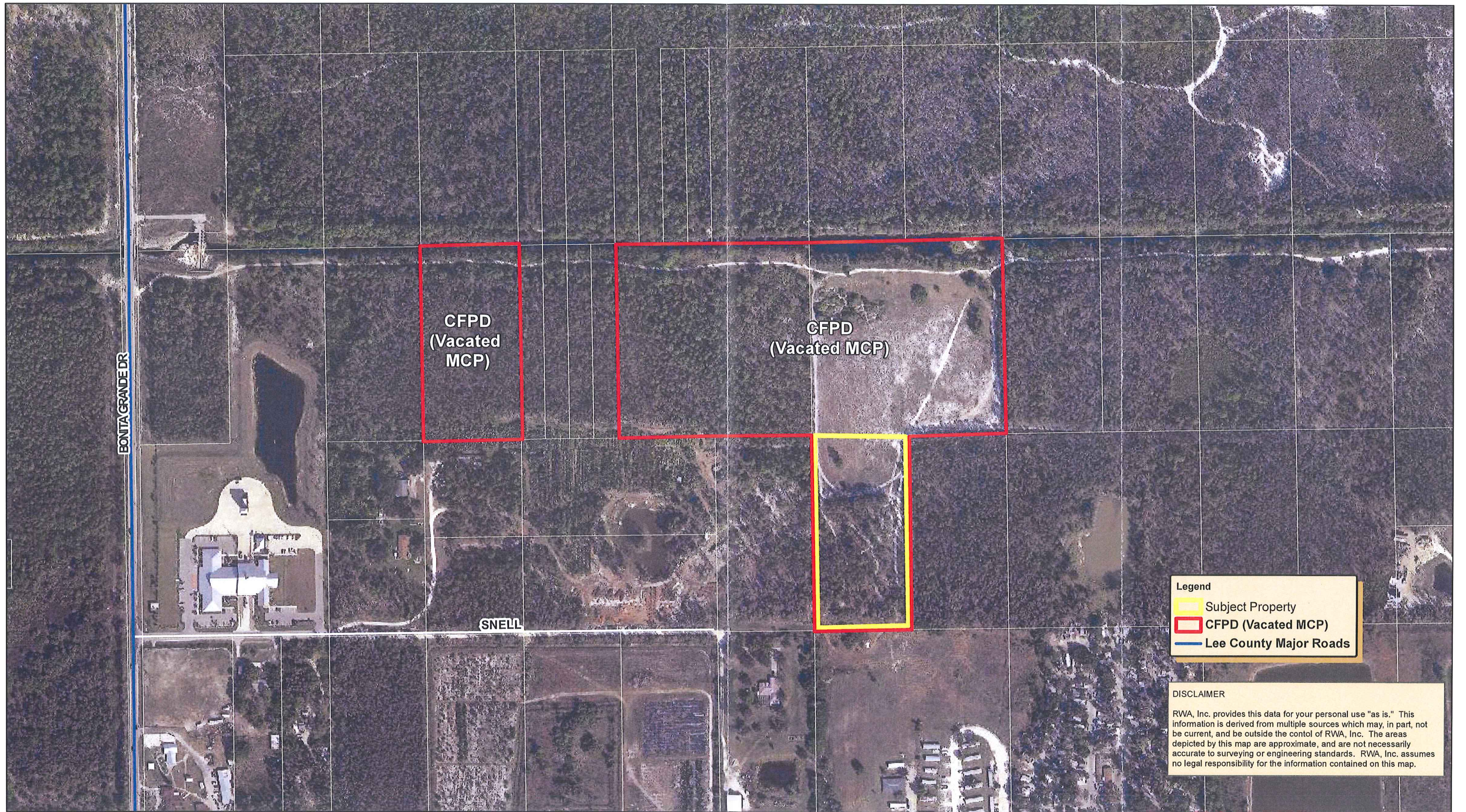
13620 Metropolis Avenue
Suite 200
Fort Myers, Florida 33912
Phone (239) 274-0067
Fax (239) 274-0069



**BBR EAST WATER STORAGE TANK
AND 15 ACRE ADDITION**
AERIAL WITH MASTER CONCEPT PLAN AND FLUCFCS OVERLAY

DRAWING No.	07BSU1715
SHEET No.	D-7-F

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**Bonita Beach Road East
Water Storage Tank**
Attachment A: Project Reference Map



Legend

- Subject Property
- CFPD (Vacated MCP)
- Lee County Major Roads

DISCLAIMER
RWA, Inc. provides this data for your personal use "as is." This information is derived from multiple sources which may, in part, not be current, and be outside the control of RWA, Inc. The areas depicted by this map are approximate, and are not necessarily accurate to surveying or engineering standards. RWA, Inc. assumes no legal responsibility for the information contained on this map.

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RWA INC.
CONSULTING

• Planning • Visualization
• Civil Engineering • Surveying & Mapping

COMMUNITY DEVELOPMENT

Prepared By: rjones
Printing Date: October 28, 2009
File: T:\Projects\2008\080097.00.00
Bonita Beach_RdAerial_NewBndry.mxd

DCI 2008-00045



Reply to
David L. Cook
Board Certified Real Estate Lawyer
Direct Dial Number 239-344-1172
Facsimile: 239-344-1517
E-Mail: david.cook@henlaw.com

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October 12, 2009

COMMUNITY DEVELOPMENT

Lee County Community Development
Development Services Division
Attn: Peter J. Eckenrode, Director
1500 Monroe Street, 2nd Floor
Fort Myers, FL 33901

DCI 2008-00045

Re: MCP Application by Bonita Springs Utilities, Inc.; 5 Acre Storage Tank Site

Dear Sirs:

This opinion letter is given pursuant to Lee County Land Development Code Section 34-202(a)(3) on behalf of Bonita Springs Utilities, Inc.

Please be advised that I have conducted a title search for the property described on Exhibit "A" attached hereto (the "Property"), effective as of October 9, 2009 (the "Effective Date"). The title search reveals that the Property is owned, as of the Effective Date, by Bonita Springs Utilities, Inc. ("Owner").

The Property was acquired by Owner by that certain Deed dated December 20, 1982, and recorded in Official Records Book 1651, at Page 1241, of the Public Records of Lee County, Florida.

The Property is subject to the following easements of record:

Easement for road right of way over the North, East, and South 25 feet, reserved in Deed recorded in Official Record Book 191, Page 362, of the Public Records of Lee County, Florida.

The property is encumbered by the following mortgages:

None

This opinion is given as of the Effective Date and discloses matters recorded in the Public Records up through the Effective Date. No opinion is given nor may this letter be relied upon for any easements or other encumbrances recorded after the Effective Date.

Sincerely,

David L. Cook
Henderson, Franklin, Starnes & Holt, P.A.

EXHIBIT A

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COMMUNITY DEVELOPMENT

DCI 2008-00045

LEGAL DESCRIPTION

THE EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 32, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32.

THENCE N.01°00'38"W. ALONG THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32 FOR 1,318.62 FEET TO THE SOUTHEAST CORNER OF THE EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32, ALSO BEING THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;
 THENCE ALONG THE SOUTH LINE OF SAID EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) S.89°11'39"W. FOR 327.67 FEET TO THE SOUTHWEST CORNER OF SAID EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4);
 THENCE ALONG THE WEST LINE OF SAID EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) N.00°57'50"W. FOR 656.01 FEET TO THE NORTHWEST CORNER OF SAID EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4);
 THENCE ALONG THE NORTH LINE OF SAID EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) N.89°08'31"E. FOR 327.13 FEET TO THE NORTHEAST CORNER OF SAID EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4);
 THENCE ALONG THE EAST LINE OF SAID EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) S.01°00'38"E. FOR 858.31 FEET TO THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN.

SUBJECT TO AN EASEMENT FOR ROADWAY OVER THE NORTH, EAST AND SOUTH 25.00 FEET THEREOF.

CONTAINING 215,480 SQUARE FEET OR 5.0 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32 AS BEING N.01°00'38"W.


RWA, INC.
 SURVEYING & MAPPING, CIVIL ENGINEERING, PLANNING AND VISUALIZATION
 6610 WILLOW PARK DRIVE, SUITE 200
 NAPLES, FLORIDA 34109

BY: Richard V. Nestler
 RICHARD V. NESTLER, PROFESSIONAL SURVEYOR AND MAPPER LS# 4788
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A
 FLORIDA LICENSED SURVEYOR AND MAPPER.

10/9/09
 SIGNING DATE

SEE SHEET 2 FOR SKETCH

October 9, 2009 4:18 PM S:\2009\080097.00.00 Bonita Bah Rd East Water Storage Tank\0002 Boundary Survey\SKETCHES AND DESCR\0800970002SK5.dwg

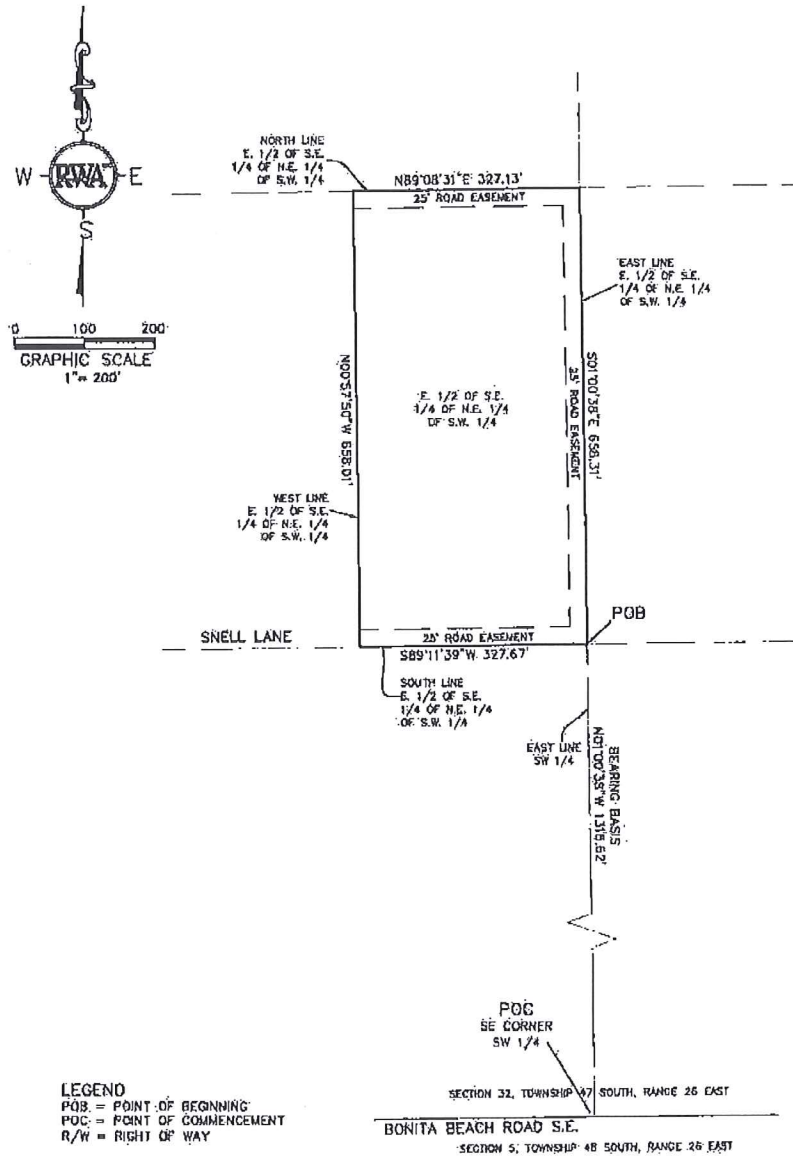
 <p>INC. Planning Visualization Civil Engineering Surveying & Mapping</p> <p>6610 Willow Park Drive, Suite 200 Naples, Florida 34109 Phone: (239) 597-0576 FAX: (239) 597-0576 Florida Certificate of Authorization # 14-0952</p>	DATE	CLIENT:		
	10/9/09	BONITA SPRINGS UTILITIES		
	SCALE	TITLE:		
	N/A	LEGAL DESCRIPTION		
DRAWN BY	PROJECT	SHEET	FILE NUMBER	
R.A.K.	080097.00.00	1	2	0002 SK5
CHECKED BY				
R.V.N.				
SHEET NO.				
32				

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COMMUNITY DEVELOPMENT

SKETCH OF LEGAL DESCRIPTION
THIS NOT A SURVEY



LEGEND
 POB = POINT OF BEGINNING
 POC = POINT OF COMMENCEMENT
 R/W = RIGHT OF WAY

SEE SHEET 1 FOR DESCRIPTION

October 8, 2008 4:18 PM S:\2008\080097.00.00 Bonita Beach Rd East Water Storage Tank\0002 Boundary Survey\SKETCHES AND DESCR\0800970000SK05.dwg

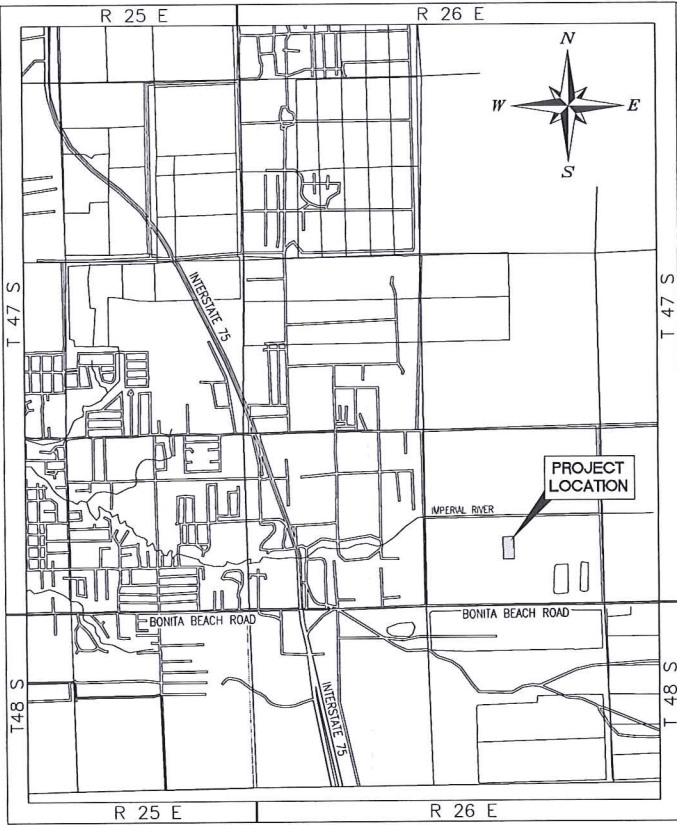
RWA INC.
 Planning
 Visualization
 Civil Engineering
 Surveying & Mapping

6810 Willow Park Drive, Suite 200
 Naples, Florida 34108
 Phone: (239) 597-0378
 FAX: (239) 597-0378
 Florida Certificate of Authorization # 10-0952

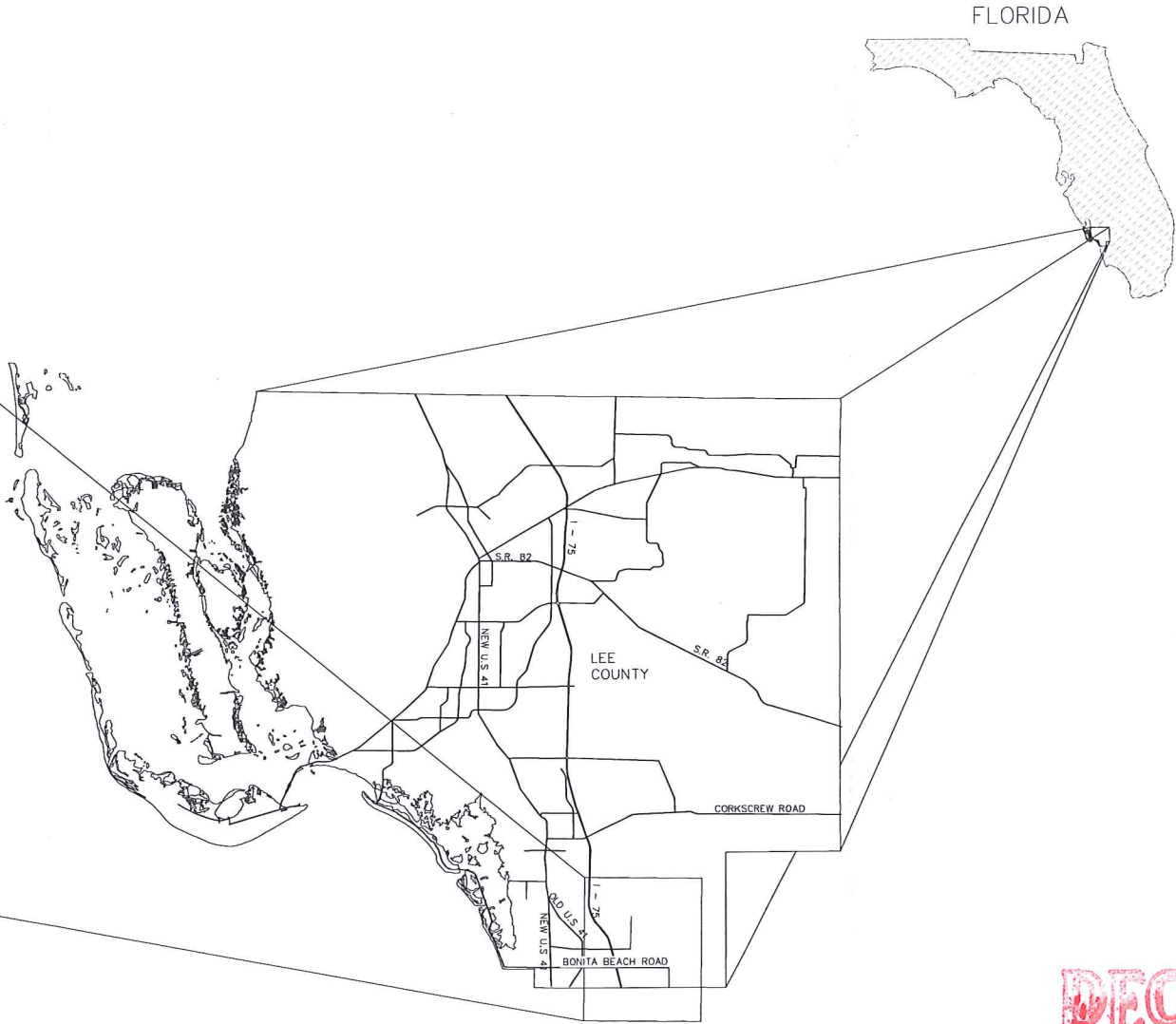
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SCALE 1"=200'	TITLE: SKETCH OF LEGAL DESCRIPTION
DRAWN BY R.A.K.	CHECKED BY R.Y.N.
DATE 32 475 26E	PROJECT NUMBER: 080097.00.00
	SHEET NUMBER 2 OF 2
	IT NUMBER 0002 SK5

BBR EAST WATER STORAGE TANK

SECTION 32, TOWNSHIP 47 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA



VICINITY MAP
N.T.S.



PREPARED FOR:

BONITA SPRINGS UTILITIES

11860 EAST TERRY STREET
BONITA SPRINGS, FLORIDA 34135

CONTENTS

SHEET 1 COVER SHEET

SHEET 2 MASTER CONCEPT PLAN

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COMMUNITY DEVELOPMENT

DCI 2008-00045

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6610 Willow Park Drive, Suite 200, Naples, Florida 34109 (239) 597-0575 FAX: (239) 597-0578
1542 Carson Street, Fort Myers, Florida 33901 (239) 278-5224 FAX: (239) 278-5419

October 29, 2009 7:33 AM S:\2008\060997\0000 Bonita Bch Rd East Water Storage Tank\2007 CPD Amendment Application Preparation\MCP_Rev 03\080970000P01.dwg

REV #	REVISION	DRAWN	CHECKED	DATE
Δ	REVISED PER CLIENT COMMENTS	M.S.J.	C.S.	10/15/09
Δ	REVISED PER LEE COUNTY ZONING COMMENTS (DATED 05/28/09)	M.S.J.	C.S.	09/09/09
Δ	REVISED PER LEE COUNTY ZONING COMMENTS (DATED 01/12/09)	M.S.J.	C.S.	05/04/09

BBR EAST WATER STORAGE TANK MASTER CONCEPT PLAN

SITE DATA:

GROSS ACREAGE: 4.95 ACRES +/-
 STRIP #: 32-47-26-00-00001.0020
 FUTURE LAND USE: DR/GR, WETLANDS
 EXISTING ZONING: CFPD
 EXISTING USE: VACANT
 PROPOSED ZONING: CFPD
 FLOODZONE: X
 FIRM (DATE): 12071C 0678F (8/28/08)

SITE DEVELOPMENT REGULATIONS:

WATER TANK MINIMUM SETBACKS:
 STREET (SNELL LN): 100 FEET
 SIDES: 100 FEET
 REAR: 100 FEET
 PRESERVE: 30 FEET

ACCESSORY STRUCTURES MINIMUM SETBACKS:
 STREET (SNELL LN): 100 FEET
 SIDES: 30 FEET
 REAR: 30 FEET
 PRESERVE: 30 FEET

BUILDING SEPARATION AND HEIGHT:
 ACCESSORY STRUCTURES TO WATER TANK: 0 FEET
 MAXIMUM HEIGHT (WATER TANK): 35 FEET
 MAXIMUM HEIGHT (OTHER STRUCTURES): 35 FEET

NOTE: STREET, SIDE, AND REAR SETBACKS ARE MEASURED FROM THE CFPD BOUNDARY.

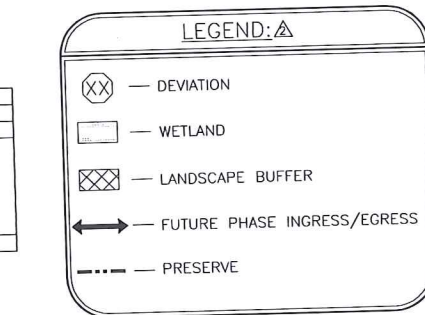
SCHEDULE OF USES:

ACCESSORY USES AND STRUCTURES [NOTE (1), 34-1711 ET SEQ., 34-2441 ET SEQ., 34-1862, 34-2141 ET SEQ., 34-3106] ESSENTIAL SERVICE FACILITIES [GROUP 8] [NOTE (1), 34-1611 ET SEQ., 34-1741 ET SEQ., 34-2141 ET SEQ.] EXCAVATION, WATER RETENTION [34-1651] FENCES, WALLS [NOTE (1), 34-1741 ET SEQ.] MAINTENANCE FACILITY PARKING LOT, ACCESSORY, TEMPORARY [34-2022] SIGNS (IN ACCORDANCE WITH CHAPTER 30) [NOTE (1)] STORAGE, INDOOR ONLY [NOTE (1), 34-3001 ET SEQ.] TEMPORARY USES [NOTE (1), 34-3041 ET SEQ.]

OPEN SPACE CALCULATIONS:

TOTAL ACREAGE: 4.95 ACRES
 OPEN SPACE REQUIRED: 0.99 ACRES
 OPEN SPACE PROVIDED: 2.091 +/- ACRES

DESCRIPTION	ACRES
Buffers	0.495
Preserve*	1.596
Pine, Disturbed (50-75% Exotics), 4159E3	0.680
Hydric Pine, Disturbed (50-75% Exotics), 6259E3	0.474
Melaleuca, 424	0.086
Melaleuca, Hydric, 4241	0.282
Disturbed Land, 740	0.074
TOTAL:	2.091



GENERAL NOTES:

- THE MASTER CONCEPT PLAN DEPICTS THE PROJECT'S GENERAL CONFIGURATION FOR CONCEPTUAL ZONING REVIEW AND APPROVAL. THE FINAL PRESERVE AND PUBLIC FACILITY TRACTS ALONG WITH THE PROJECT'S OPEN SPACE, SURFACE WATER MANAGEMENT SYSTEMS, STRUCTURES, AND OTHER FUNCTIONAL ELEMENTS WILL BE DETERMINED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.
- PARKING WILL BE PROVIDED IN ACCORDANCE WITH LDC CHAPTER 34, DIVISION 26.
- THE SUBJECT PROPERTY DOES NOT CONTAIN ANY HISTORICAL OR ARCHAEOLOGICAL SITES.
- THE CFPD IS CLASSIFIED AS A SMALL DEVELOPMENT BY THE LEE COUNTY LDC SECTION 10-1, AS THE PROJECT IS LESS THAN TEN ACRES IN LAND AREA (4.95 ACRES) AND LESS THAN TWO ACRES IN IMPERVIOUS AREA (0.56 ACRES). IF THE CFPD IS EXPANDED TO LARGE DEVELOPMENT IN THE FUTURE, THE ENTIRE CFPD MUST MEET ANY ADDITIONAL REQUIREMENTS FOR LARGE DEVELOPMENTS, INCLUDING INCREASED OPEN SPACE AND PRESERVATION OF INDIGENOUS PLANT COMMUNITIES. INDIGENOUS PLANT COMMUNITIES LOCATED WITHIN PHASE 1 PRESERVE AREA WILL CONTRIBUTE TO FUTURE INDIGENOUS PRESERVATION REQUIREMENTS.

DEVIATIONS:

- DEVIATION FROM LDC SECTION 10-291(2) WHICH REQUIRES THAT ALL DEVELOPMENTS HAVE ACCESS TO A PUBLIC OR PRIVATE STREET DESIGNED, CONSTRUCTED AND IMPROVED TO MEET THE STANDARDS OF SECTION 10-296, TO ALLOW FOR ACCESS TO THE SITE FROM THE END OF THE PAVED PORTION OF SNELL LANE AS AN UNPAVED CATEGORY D ROAD AND TO ALLOW FOR A T-TURN AROUND IN LIEU OF A CUL-DE-SAC.
- DEVIATION FROM LDC SECTION 10-261 WHICH REQUIRES THAT ALL NEW MULTIFAMILY RESIDENTIAL DEVELOPMENTS, COMMERCIAL BUSINESSES, AND INDUSTRIAL USES PROVIDE SUFFICIENT ON-SITE SPACE FOR THE PLACEMENT OF GARAGE CONTAINERS OR RECEPTACLES, AND SUFFICIENT SPACE FOR RECYCLABLE MATERIALS COLLECTION CONTAINERS TO ALLOW THE UNMANNED COMMUNITY FACILITY TO BE CONSTRUCTED WITHOUT ON-SITE REUSE COLLECTION.
- DEVIATION FROM LDC SECTION 10-416(D)(1) WHICH REQUIRES BUFFERS ALONG THE ENTIRE PERIMETER OF THE PROPOSED DEVELOPMENT TO ALLOW PRESERVE AREAS WITH ENHANCED PLANTINGS TO SATISFY THE BUFFER REQUIREMENT.
- DEVIATION FROM LDC SECTION 10-416(D)(1) WHICH REQUIRES BUFFERS ALONG THE ENTIRE PERIMETER OF THE PROPOSED DEVELOPMENT TO ELIMINATE THE REQUIRED BUFFER ADJACENT TO PROPERTY UNDER COMMON OWNERSHIP ALONG THE NORTHERN PROPERTY BOUNDARY.

1. THE CFPD IS CONSIDERED A SMALL DEVELOPMENT BY THE LEE COUNTY LDC, AS THE PROJECT IS LESS THAN TEN ACRES IN LAND AREA (4.95) AND LESS THAN TWO ACRES IN IMPERVIOUS AREA (0.56). SMALL DEVELOPMENTS ARE REQUIRED TO PROVIDE 20% OF THE PROJECT AREA IN OPEN SPACE. THE ON-SITE PRESERVATION OF INDIGENOUS PLANT COMMUNITIES IS NOT REQUIRED FOR SMALL DEVELOPMENTS (SECT. 10-415(B)(1)).

LEGAL DESCRIPTION

THE EAST HALF (E 1/2) OF THE SOUTHWEST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 32, TOWNSHIP 47 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32.

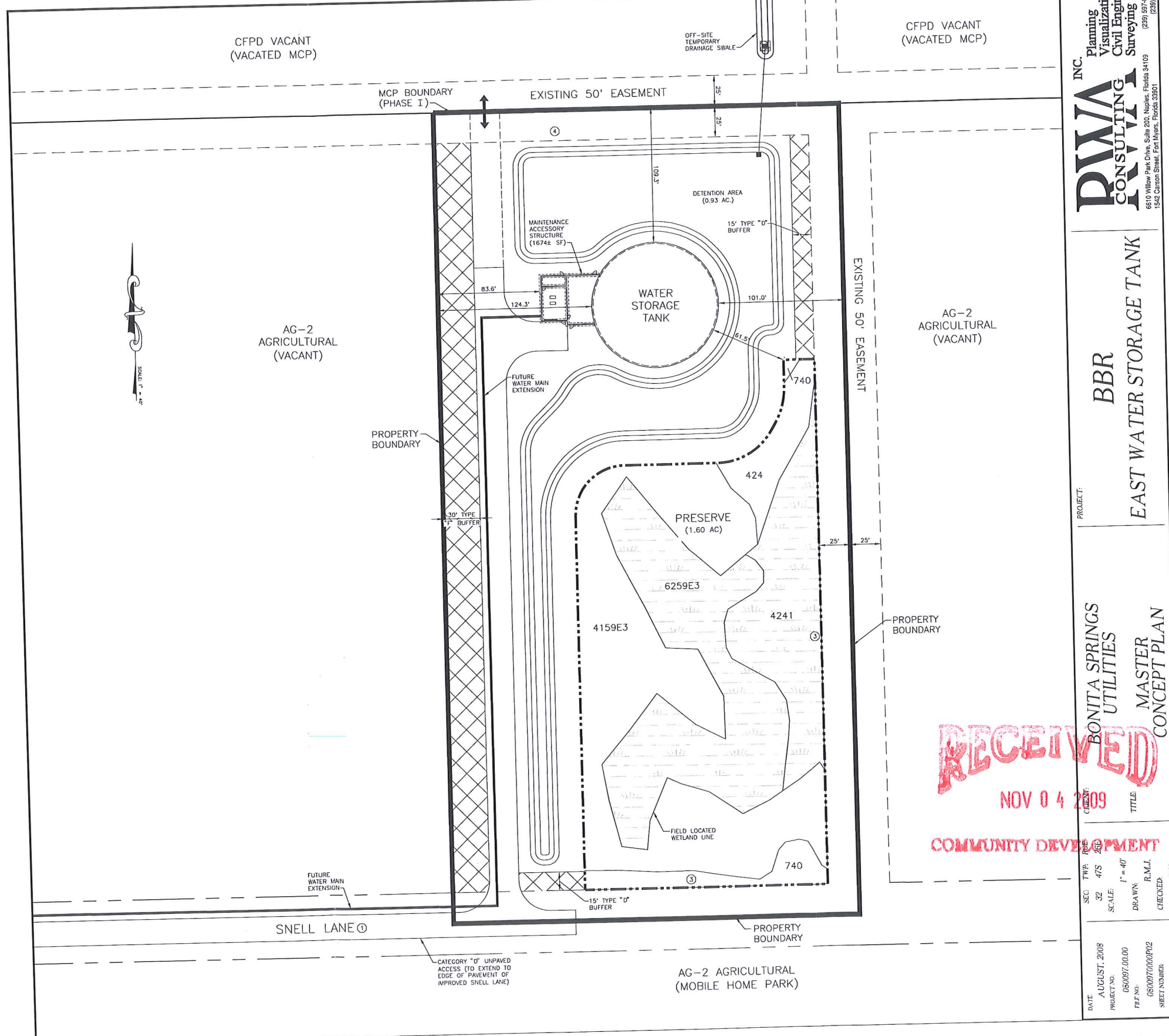
THENCE N.01°00'38"W. ALONG THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32 FOR 1,316.62 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF (E 1/2) OF THE SOUTHWEST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32, ALSO BEING THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;
 THENCE ALONG THE SOUTH LINE OF SAID EAST HALF (E 1/2) OF THE SOUTHWEST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32 FOR 327.57 FEET TO THE SOUTHWEST CORNER OF SAID EAST HALF (E 1/2) OF THE SOUTHWEST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4);
 THENCE ALONG THE WEST LINE OF SAID EAST HALF (E 1/2) OF THE SOUTHWEST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32 FOR 658.01 FEET TO THE NORTHWEST CORNER OF SAID EAST HALF (E 1/2) OF THE SOUTHWEST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4);
 THENCE ALONG THE NORTH LINE OF SAID EAST HALF (E 1/2) OF THE SOUTHWEST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32 FOR 327.13 FEET TO THE NORTHEAST CORNER OF SAID EAST HALF (E 1/2) OF THE SOUTHWEST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4);
 THENCE ALONG THE EAST LINE OF SAID EAST HALF (E 1/2) OF THE SOUTHWEST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32 FOR 658.31 FEET TO THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN.

CONTAINING 215,480 SQUARE FEET OR 5.0 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 32 AS BEING N.01°00'38"W.

November 3, 2008 9:23 AM S:\2008\080907.00.00 Bonita Bn Rd East Water Storage Tank\2007 CFPD Amendment Application Preparation\MCP\Rev 031.0809070000P02.dwg

REV #	REVISION	DRAWN	CHECKED	DATE
1	REVISED PER LEE COUNTY ZONING COMMENTS (DATED 05/28/09)	M.S.J.	C.S.	09/09/09
2	REVISED PER LEE COUNTY ZONING COMMENTS (DATED 01/12/09)	M.S.J.	C.S.	05/04/09



INC. **PWA CONSULTING**
 Planning Visualization Civil Engineering Surveying & Mapping
 6610 Willow Park Drive, Suite 200, Naples, Florida 34109
 (239) 597-5575 FAX: (239) 597-0579
 (239) 278-8224 FAX: (239) 278-5419

PROJECT: **BBR EAST WATER STORAGE TANK**
 CLIENT: **BONITA SPRINGS UTILITIES**
 TITLE: **MASTER CONCEPT PLAN**

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 COMMUNITY DEVELOPMENT

DATE: AUGUST, 2008
 PROJECT NO.: 080007.00.00
 FILE NO.: 0800070000P02
 SHEET NUMBER: 2 OF 2

DCI 2008-00045

**Exhibit D-7-Q:
Schedule of Deviations and Written Justifications**

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- 1. Deviation from LDC Section 10-291(2) which requires that all developments have access to a public or private street designed, constructed and improved to meet the standards of Section 10-296, to allow for access to the site from the end of the paved portion of Snell Lane as an unpaved Category D Road and to allow for a T-Turn around in lieu of a cul-de-sac.***

Justification: Access to the site is provided by Snell Lane. Snell Lane is a stabilized dirt road currently operating as a local stabilized gravel road. However, Snell Lane does not meet County standards for a local road. The proposed CFPD will be unmanned and generate a negligible number of vehicular trips, approximately one (1) vehicle trip per week. Site visits will be conducted on a weekly basis to do a physical inspection of the buildings and equipment and to conduct maintenance as may be required. The facility will be controlled and monitored remotely via computer and a camera/security system. This development will not impact the local transportation system. A TIS waiver has been requested and approved by the County. The proposed development will generate fewer trips than a single family residence, and should therefore be allowed to utilize existing non-conforming access routes with an approved deviation (Section 12-296(m)).

Since the water system facility will generate fewer trips than a single-family dwelling, the development should not be required to improve Snell Lane as a Category A roadway standards. However, the proposed extension of the existing road surface will be improved to unpaved Category D roadway standards to control stormwater runoff and allow for safe vehicular travel. This will be an improvement to the condition found on the existing dirt road currently in operation.

A T-Turnaround will be provided at the terminus of the proposed extension to allow for vehicle movement. The site does not include solid waste pickup (see deviation 2), which will eliminate the need for garbage truck access. As mentioned in Deviation #2, the facility is unmanned and will therefore not generate any solid waste which would require "pick up" services. The only time a large truck would need to access this portion of Snell Lane would be in the rare instance that a fire truck would need to reach the site. Other than diesel fuel for the electrical generator, the proposed facility will not include the storage of any hazardous materials or chemicals that pose a danger to life or safety, and therefore significantly minimize the likelihood of needing emergency service access. Please see attached approval from the Bonita Springs Fire District regarding the proposed deviation.

Bonita Springs Utilities will execute a Maintenance Covenant with Lee County as part of the Development Order approval. The Maintenance Covenant will be for the unpaved

portions of Snell Lane extending from the end of the existing paved surface to the subject property line and will address impacts resulting from the proposed development.

- 2. Deviation from LDC Section 10-261 which requires that all new multifamily residential developments, commercial businesses, and industrial uses provide sufficient on-site space for the placement of garbage containers or receptacles, and sufficient space for recyclable materials collection containers to allow the unmanned community facility to be constructed without on-site refuse collection.***

Justification: The proposed development will be an unmanned essential service facility, will not generate solid waste or recycling material, and therefore, garbage collection will not be necessary. The weekly visit by BSU staff will be to conduct a physical inspection of the facility and to perform maintenance as may be required. Any waste generated during weekly visits will be removed from the premises by employees and disposed of at BSU's Operations Service Center. Any waste generated during construction will be handled by a licensed contractor, hauled off site and disposed of appropriately. Therefore, the requirement to provide a permanent dumpster onsite is not warranted for this facility.

- 3. Deviation from LDC Section 10-416(d)(1) which requires buffers along the entire perimeter of the proposed development to allow preserve areas with enhanced plantings to satisfy the buffer requirement.***

Justification: The proposed site contains areas of significant natural vegetation that will be preserved along portions of the property boundaries as shown on the MCP. In these instances, the proposed preservation areas will exceed the minimum buffer width and planting requirements for the development, and will adequately screen adjacent properties from the proposed use. However, once exotics are removed from the preserve area, supplemental mid-story plantings will be installed along the eastern and southern boundary of the preserve to meet the intent of the Type D buffer per the Lee County LDC. These plantings will be installed as a double staggered row hedge within 15 feet of the eastern and southern boundary in order to create a continuous visual screen, and will consist of commercially-available native shrub species typically found in upland and hydric pine communities, such as coco plum (*Chrysobalanus icaco*), wax myrtle (*Myrica cerifera*), or similar.

The existing preserve provides a depth of up to 195 feet. The northern portion of the preserve is approximately 25-feet wide, which is still larger than the required buffer width. Requiring a full Type D Buffer is not warranted since the preserve width and enhanced plantings will provide separation and screening that far exceeds that of a 15 foot Type D Buffer.

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4. Deviation from LDC Section 10-416(d)(1) which requires buffers along the entire perimeter of the proposed development to eliminate the required buffer adjacent to property under common ownership along the northern property boundary.

Justification: The proposed 4.95-acre project site is adjacent to additional property owned by Bonita Springs Utilities to the north. This adjacent property shares the CFPD zoning designation although it currently has a vacated MCP. These adjacent properties, which were originally part of this application, will be added to the proposed site in the future and will seek zoning and MCP approval once it is determined what future improvements are needed based on future population growth and utility demand in Bonita Springs. Requiring a buffer between adjacent properties under a single ownership that are both zoned CFPD is not warranted.

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BONITA SPRINGS FIRE CONTROL & RESCUE DISTRICT

FIRE PREVENTION DIVISION: Office of the Fire Marshal



**Timothy A. Fernandez,
Fire Marshal
27701 Bonita Grande Dr.
Bonita Springs, FL 34135**

☎ 239-949-6200 📠 239-949-6216

www.bonitafire.org, TimmyF@bonitafire.org

October 29, 2009

Mark Sunyak, P.E.
RWA Inc.
6610 Willow Park Dr.
Suite 200
Naples, Florida 34109

RE: Proposed BSU water tank, Snell Lane, fire department access

Mark,

After reviewing the Tee/Hammerhead conceptual plan for maneuvering fire apparatus at the end of Snell Lane and water tank site, (i.e. file numbers 0800970000X02 and 0800970000X03) this is acceptable to the fire department. If there are any other questions, please ask.

Sincerely,

A handwritten signature in black ink that reads "Tim Fernandez".

Tim Fernandez
Fire Marshal

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LEGEND:

- A --- (REQUIRED) INSIDE RADIUS
- B --- (REQUIRED) CURB TO CURB
- C --- (ACTUAL) INSIDE RADIUS
- D --- (ACTUAL) CURB TO CURB

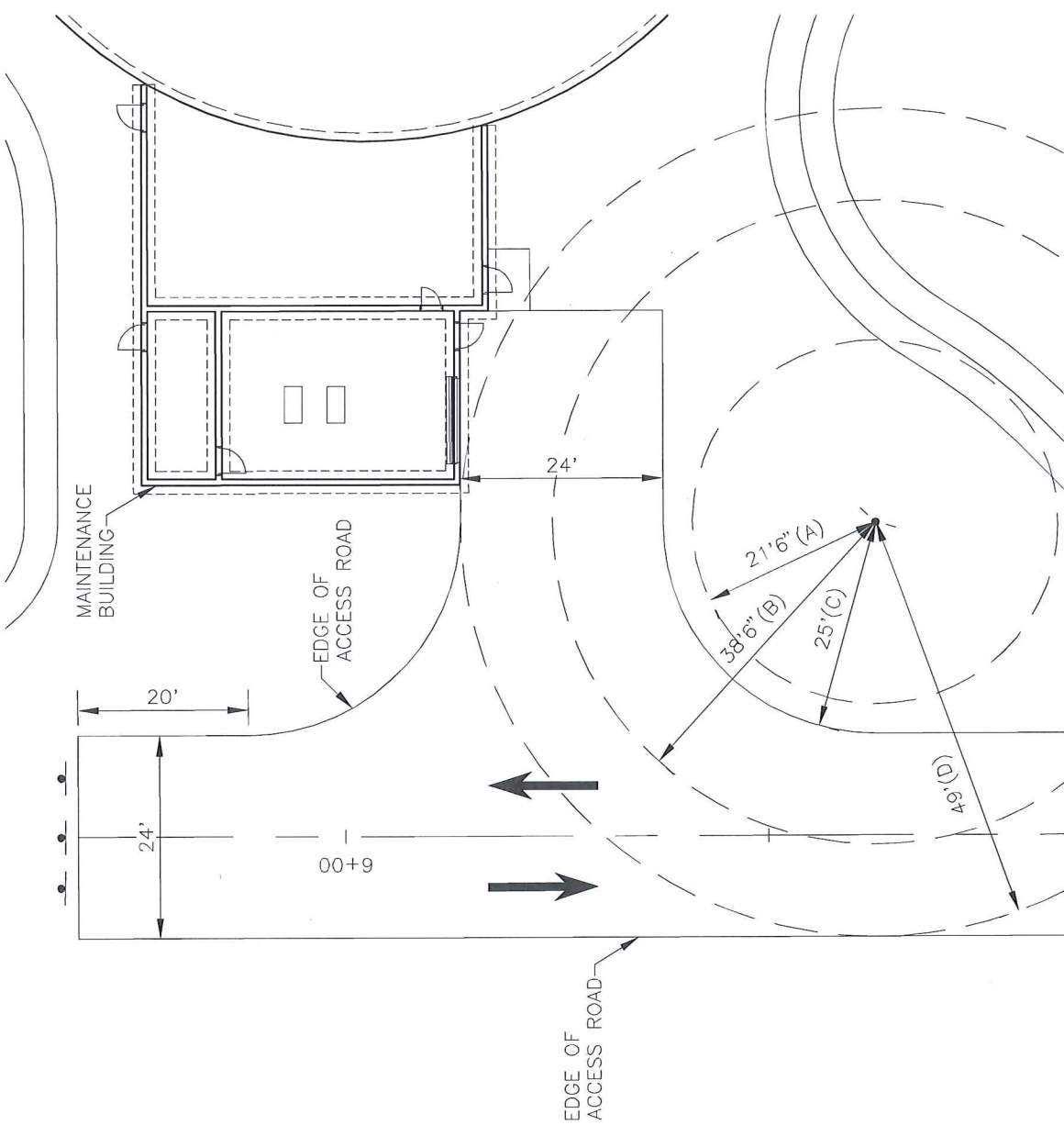
NOTE:

DIMENSIONS ARE SYMMETRICAL
ACROSS 24' DRIVEWAY



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PROPERTY
BOUNDARY



October 28, 2009 4:59 PM S:\2008\080097.00.00 Bonita Bch Rd East Water Storage Tank\0001 General Consult And Coord - Planning\EXHIBIT\0800970000X03.dwg R.W.A., INC. STATE OF FLORIDA BUSINESS LICENSE NO. EB-0007663

DATE: OCT., 2009	CLIENT: BONITA SPRINGS UTILITIES, INC.
SCALE: 1" = 20'	TITLE: BBR EAST WATER STORAGE TANK FIRE TURN AROUND EXHIBIT
DRAWN BY: M.S.J.	PROJECT NUMBER: 080097.00.00
CHECKED BY: M.J.S.	SHEET NUMBER: 1 OF 1
SEC: TWP: RGE: 32 47S 26E	FILE NUMBER: 0800970000X03

RWA INC.
CONSULTING
INCORPORATED

Planning
Visualization
Civil Engineering
Surveying & Mapping

6610 Willow Park Drive, Suite 200
Naples, Florida 34109
Phone: (239) 597-0578
FAX: (239) 597-0578

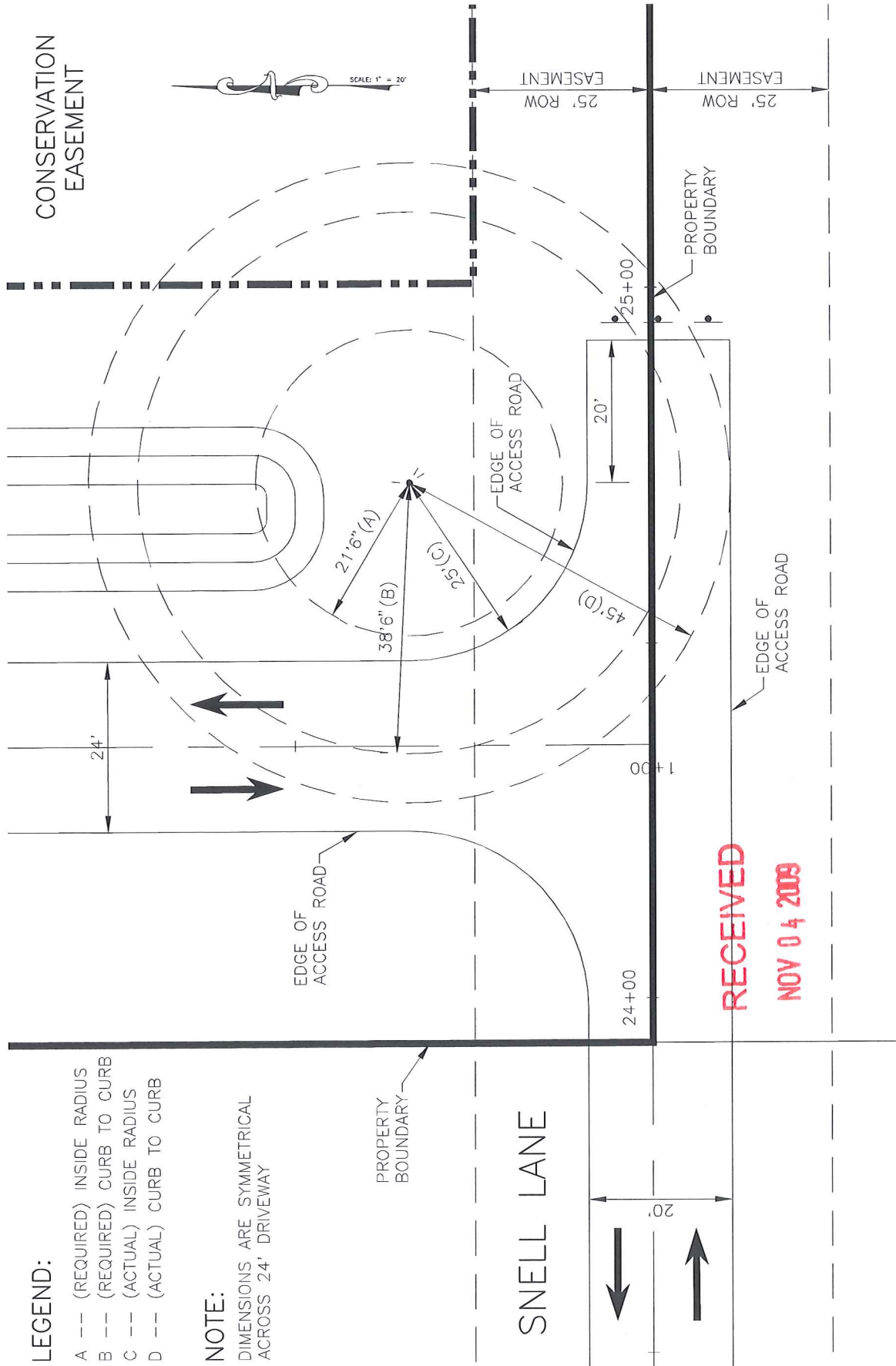
DCI 2008-00045

LEGEND:

- A --- (REQUIRED) INSIDE RADIUS
- B --- (REQUIRED) CURB TO CURB
- C --- (ACTUAL) INSIDE RADIUS
- D --- (ACTUAL) CURB TO CURB

NOTE:

DIMENSIONS ARE SYMMETRICAL
ACROSS 24' DRIVEWAY



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NOV 04 2009

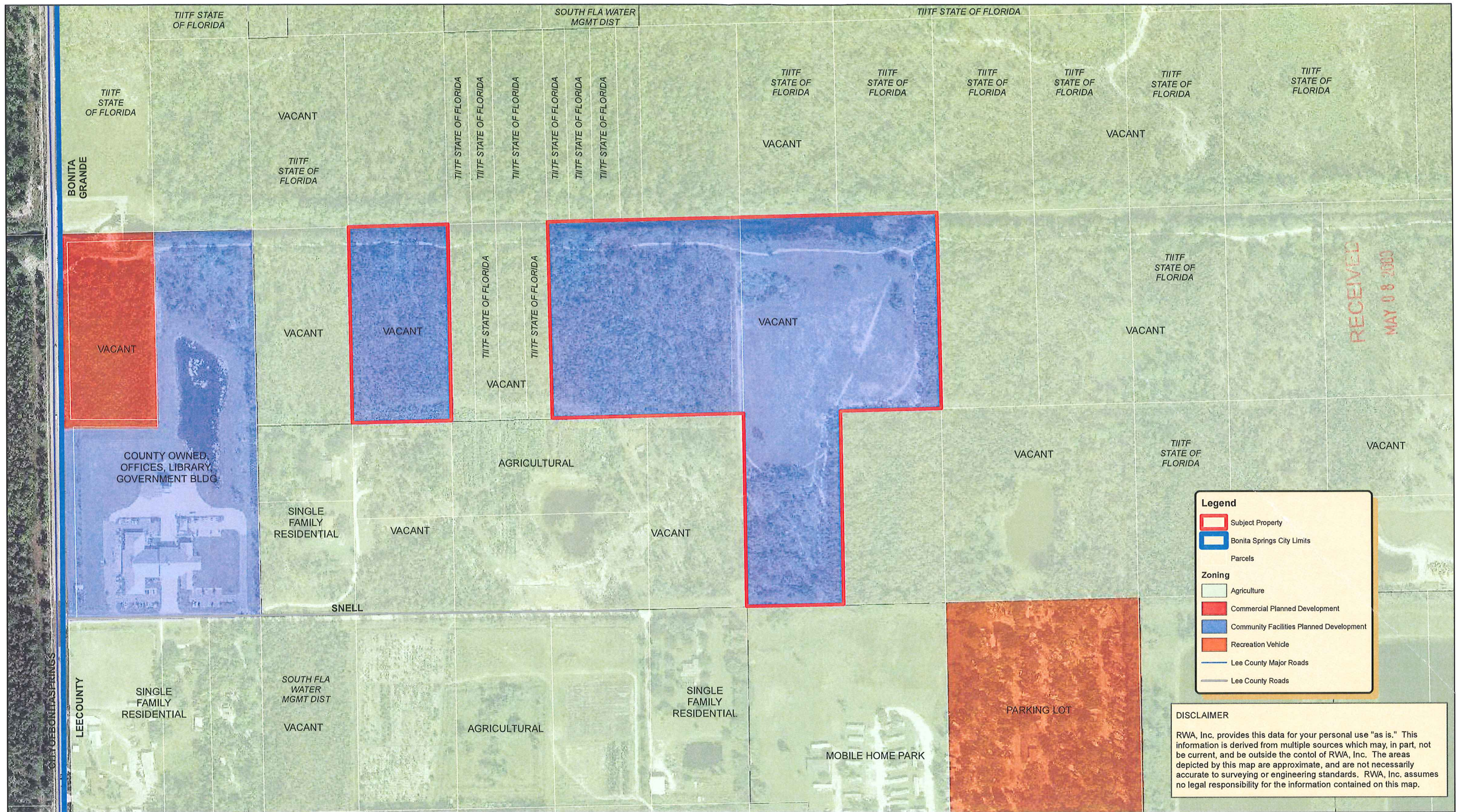
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RWA CONSULTING INC.
 Planning Visualization
 Civil Engineering
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SCALE: 1" = 20'	TITLE: BBR EAST WATER STORAGE TANK FIRE TURN AROUND EXHIBIT
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CHECKED BY: M.J.S.	SHEET NUMBER: 1 OF 1
SEC: TWP: RGC: 32 47S 26E	FILE NUMBER: 0800970000X02

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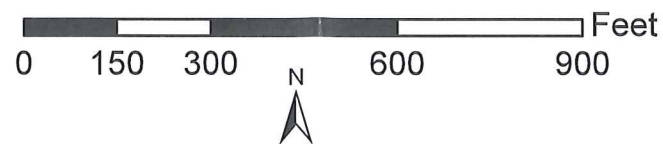


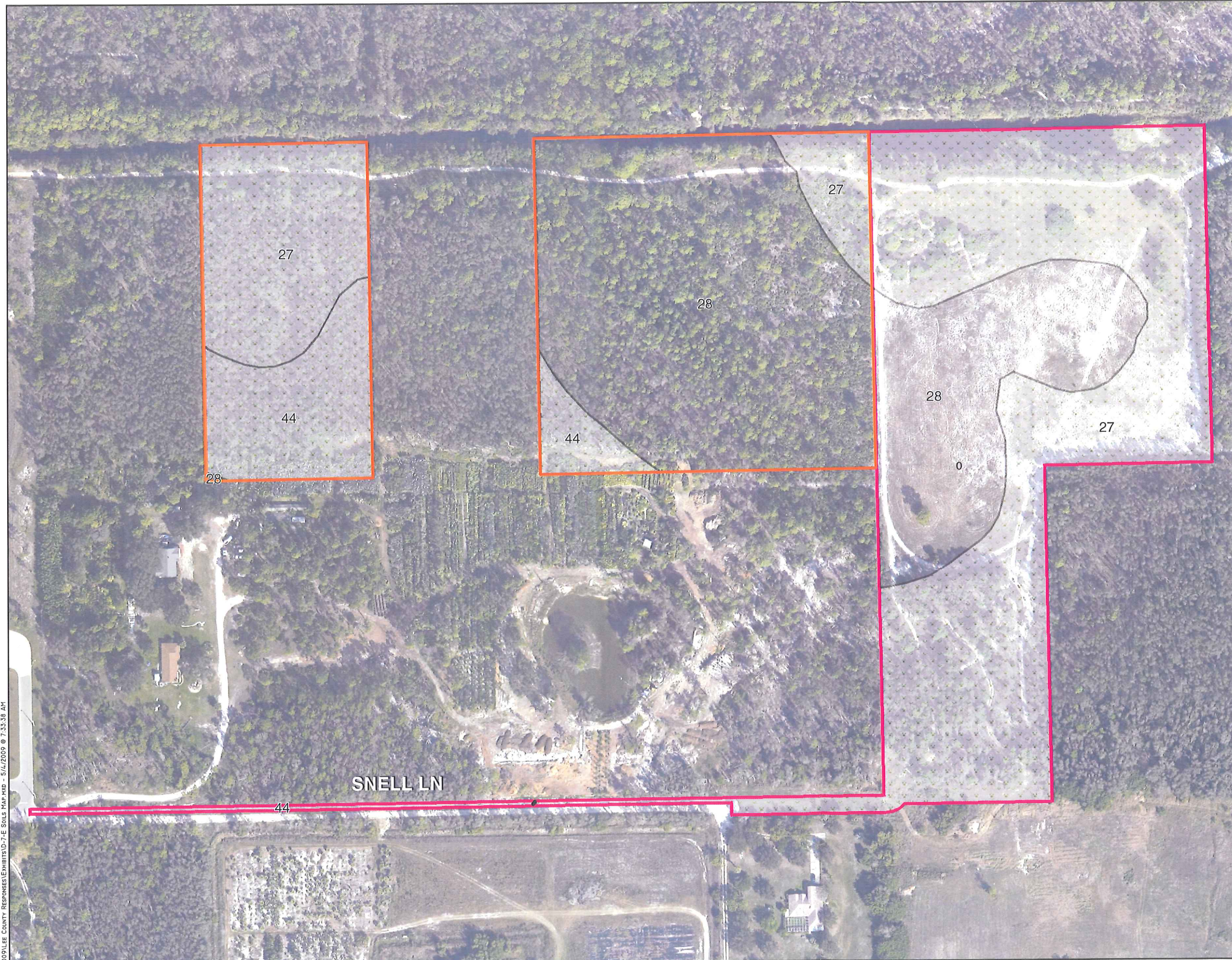
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Bonita Beach Road East Water Storage Tank

Exhibit D-7-C: Existing Zoning & Current Land Use Map



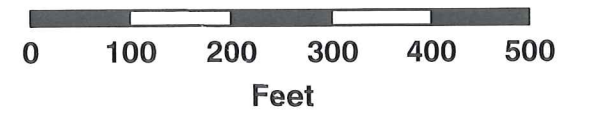
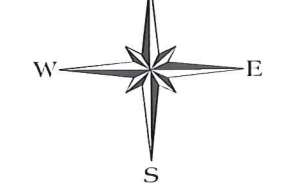


LEGEND

- BBR EAST WATER STORAGE TANK
- ADDITIONAL 15 ACRES
- HYDRIC
- NON-HYDRIC

Soil Unit	Description	Hydric
27	POMPANO FINE SAND; DEPRESSIONAL	YES
28	IMMOKALEE SAND	NO
44	MALABAR FINE SAND, DEPRESSIONAL	YES

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MAY 08 2009
DCI 2008-00045



NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF AUGUST - NOVEMBER 2007.

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

SOILS MAPPING WAS ACQUIRED FROM THE FLORIDA GEOGRAPHIC DATA LIBRARY WEBSITE OCTOBER 2007 AND CREATED BY THE NATURAL RESOURCES CONSERVATION SERVICE 1990.

J:\2007\07\15\GIS\2009\LEE COUNTY RESPONSES\EXHIBITS\7-E Soils Map.mxd - 5/4/2009 @ 7:33:38 AM

<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>REVISIONS</th> <th>DATE</th> <th>DRAWN BY</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>Added 15 Acre Addition</td> <td>5/1/09</td> <td>D.B.</td> <td>12/11/08</td> </tr> <tr> <td></td> <td></td> <td>DESIGNED BY</td> <td>DATE</td> </tr> <tr> <td></td> <td></td> <td>C.R.</td> <td>12/11/08</td> </tr> <tr> <td></td> <td></td> <td>REVIEWED BY</td> <td>DATE</td> </tr> <tr> <td></td> <td></td> <td>M.A.M.</td> <td>12/11/08</td> </tr> </tbody> </table>	REVISIONS	DATE	DRAWN BY	DATE	Added 15 Acre Addition	5/1/09	D.B.	12/11/08			DESIGNED BY	DATE			C.R.	12/11/08			REVIEWED BY	DATE			M.A.M.	12/11/08	<p>13620 Metropolis Avenue Suite 200 Fort Myers, Florida 33912 Phone (239) 274-0067 Fax (239) 274-0069</p>		<p>BBR EAST WATER STORAGE TANK AND 15 ACRE ADDITION</p> <p>SOILS MAP</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>DRAWING No.</td> <td>07BSU1715</td> </tr> <tr> <td>SHEET No.</td> <td>D-7-E</td> </tr> </table>	DRAWING No.	07BSU1715	SHEET No.	D-7-E
REVISIONS	DATE	DRAWN BY	DATE																													
Added 15 Acre Addition	5/1/09	D.B.	12/11/08																													
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


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DCI 2008-00045




15 ACRE ADDITION

BBR EAST WATER STORAGE TANK

LEGEND:

	SFWM AND COE WETLANDS (1.00 Ac.±)
	SFWM "OTHER SURFACE WATERS" AND COE "WATERS OF THE U.S." (0.97 Ac.±)
	SURVEYED WETLAND LINE

LEGEND:

	POTENTIAL SFWM AND COE WETLANDS (5.84 Ac.±)
	POTENTIAL SFWM "OTHER SURFACE WATERS" AND COE "WATERS OF THE U.S." (0.55 Ac.±)
	SURVEYED WETLAND LINE

FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
241	TREE NURSERY	0.75 Ac.±	5.1%
4119 E1	PINE FLATWOODS, DISTURBED (0-24% EXOTICS)	5.69 Ac.±	38.5%
4159 E3	PINE, DISTURBED (50-75% EXOTICS)	0.29 Ac.±	2.0%
4241	MELALEUCA, HYDRIC	0.96 Ac.±	6.5%
510	STREAMS AND WATERWAYS	0.55 Ac.±	3.7%
6249 E3	CYPRESS/PINE/CABBAGE PALM, DISTURBED (50-75% EXOTICS)	4.88 Ac.±	33.0%
740	DISTURBED LAND	0.04 Ac.±	0.3%
743	SPOIL AREAS	0.04 Ac.±	0.3%
747	BERM	1.59 Ac.±	10.8%
TOTAL		14.79 Ac.±	100.0%



FLUCFCS CODES	DESCRIPTIONS	ACREAGE	% OF TOTAL
4159 E3	PINE, DISTURBED (50-75% EXOTICS)	1.88 Ac.±	12.7%
4221	BRAZILIAN PEPPER, HYDRIC	<0.01 Ac.±	<0.01%
424	MELALEUCA	0.57 Ac.±	3.8%
4241	MELALEUCA, HYDRIC	0.53 Ac.±	3.6%
510	STREAMS AND WATERWAYS	0.97 Ac.±	6.5%
6259 E3	HYDRIC PINE, DISTURBED (50-75% EXOTICS)	0.47 Ac.±	3.2%
740	DISTURBED LAND	9.80 Ac.±	66.1%
743	SPOIL AREAS	0.61 Ac.±	4.1%
TOTAL		14.83 Ac.±	100.0%

OFF-SITE WATER MAIN

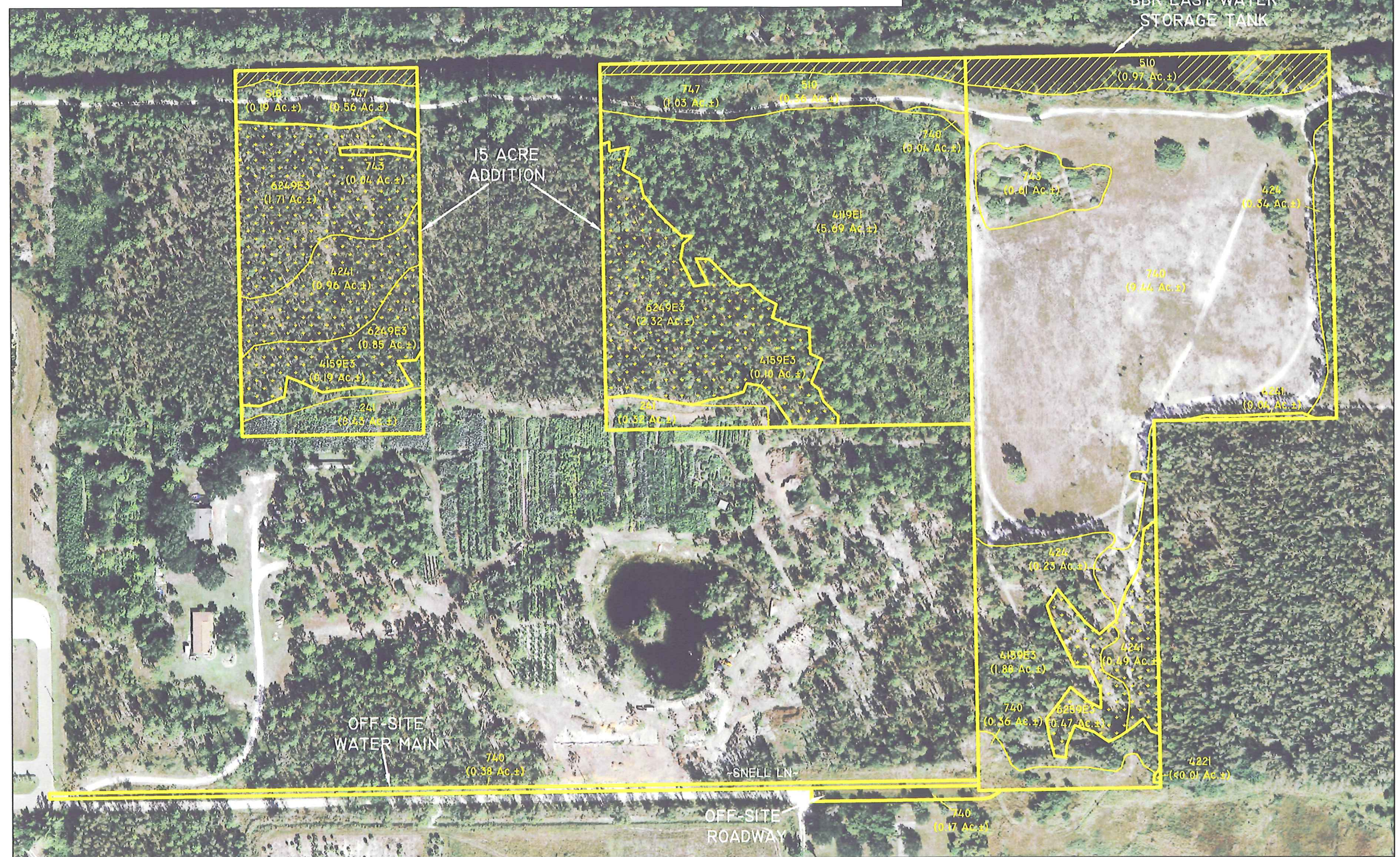
FLUCFCS CODES	DESCRIPTIONS	ACREAGE
740	DISTURBED LAND	0.38 Ac.±

OFF-SITE ROADWAY

FLUCFCS CODES	DESCRIPTIONS	ACREAGE
740	DISTURBED LAND	0.17 Ac.±

NOTES:

- AERIAL PHOTOGRAPHS PROVIDED BY THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH FLIGHT DATES OF AUGUST - NOVEMBER 2007.
- FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.
- FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).
- BBR EAST WATER STORAGE TANK, OFF-SITE WATER MAIN, AND OFF-SITE ROADWAY BOUNDARIES PER RWA, INC. DRAWING No. OFF-SITE AREAS.DWG DATED DECEMBER 9, 2008.
- PROPERTY BOUNDARIES AND SURVEYED WETLAND LINES FOR THE 15 ACRE ADDITION PER RWA, INC. DRAWING NO. 0800970000PMI.DWG DATED APRIL 20, 2009.
- SURVEYED WETLAND LINES FOR BBR EAST WATER STORAGE TANK, OFF-SITE WATER MAIN, AND OFF-SITE ROADWAY PER RWA, INC. DRAWING No. 08097.00.00 SUR.DWG DATED AUGUST 5, 2008.
- UPLAND/WETLAND LIMITS FOR BBR EAST WATER STORAGE TANK, OFF-SITE WATER MAIN, AND OFF-SITE ROADWAY HAVE BEEN REVIEWED AND APPROVED BY THE COE ON-SITE FEBRUARY 13, 2009 BY LAURA DIAZ AND BY THE SFWMD MARCH 20, 2009 BY JULIE ARRISON.
- UPLAND/WETLAND LIMITS FOR THE 15 ACRE ADDITION HAVE NOT BEEN REVIEWED BY ANY REGULATORY AGENCY AND ARE SUBJECT TO CHANGE.



J:\2007\07880715\2009\4-21-09 LEE CO ZONING\FIGURE D-7-F AERIAL WITH FLUCFCS AND WETLANDS 5-1-09.DWG TAB: 17X1-C TB MAY 06, 2009 - 10:24AM PLOTTED BY: FELIPEL

REVISIONS	DATE	DRAWN BY D.B.	DATE 5/1/09	13620 Metropolis Avenue Suite 200 Fort Myers, Florida 33912 Phone (239) 274-0067 Fax (239) 274-0069		BBR EAST WATER STORAGE TANK AND 15 ACRE ADDITION AERIAL WITH PRELIMINARY FLUCFCS AND WETLANDS MAP	DRAWING No. 07BSU1715
		DESIGNED BY C.R.	DATE 5/1/09				SHEET No. D-7-F
		REVIEWED BY M.A.M.	DATE 5/1/09				

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


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DCI 2008-00045

15 ACRE ADDITION

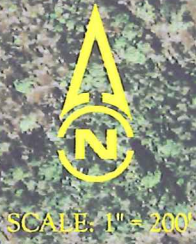
BBR EAST WATER STORAGE TANK

LEGEND:

-  SFWMD AND COE WETLANDS (1.00 Ac.±)
-  SFWMD "OTHER SURFACE WATERS" AND COE "WATERS OF THE U.S." (0.97 Ac.±)
-  SURVEYED WETLAND LINE

-  POTENTIAL SFWMD AND COE WETLANDS (5.84 Ac.±)
-  POTENTIAL SFWMD "OTHER SURFACE WATERS" AND COE "WATERS OF THE U.S." (0.55 Ac.±)
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OFF-SITE WATER MAIN

FLUCFCS CODES	DESCRIPTIONS	ACREAGE
740	DISTURBED LAND	0.38 Ac.±

OFF-SITE ROADWAY

FLUCFCS CODES	DESCRIPTIONS	ACREAGE
740	DISTURBED LAND	0.17 Ac.±

NOTES:

AERIAL PHOTOGRAPHS PROVIDED BY THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH FLIGHT DATES OF AUGUST - NOVEMBER 2007.

NO RARE OR UNIQUE UPLAND HABITATS EXIST ON THIS PROPERTY.

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1999).

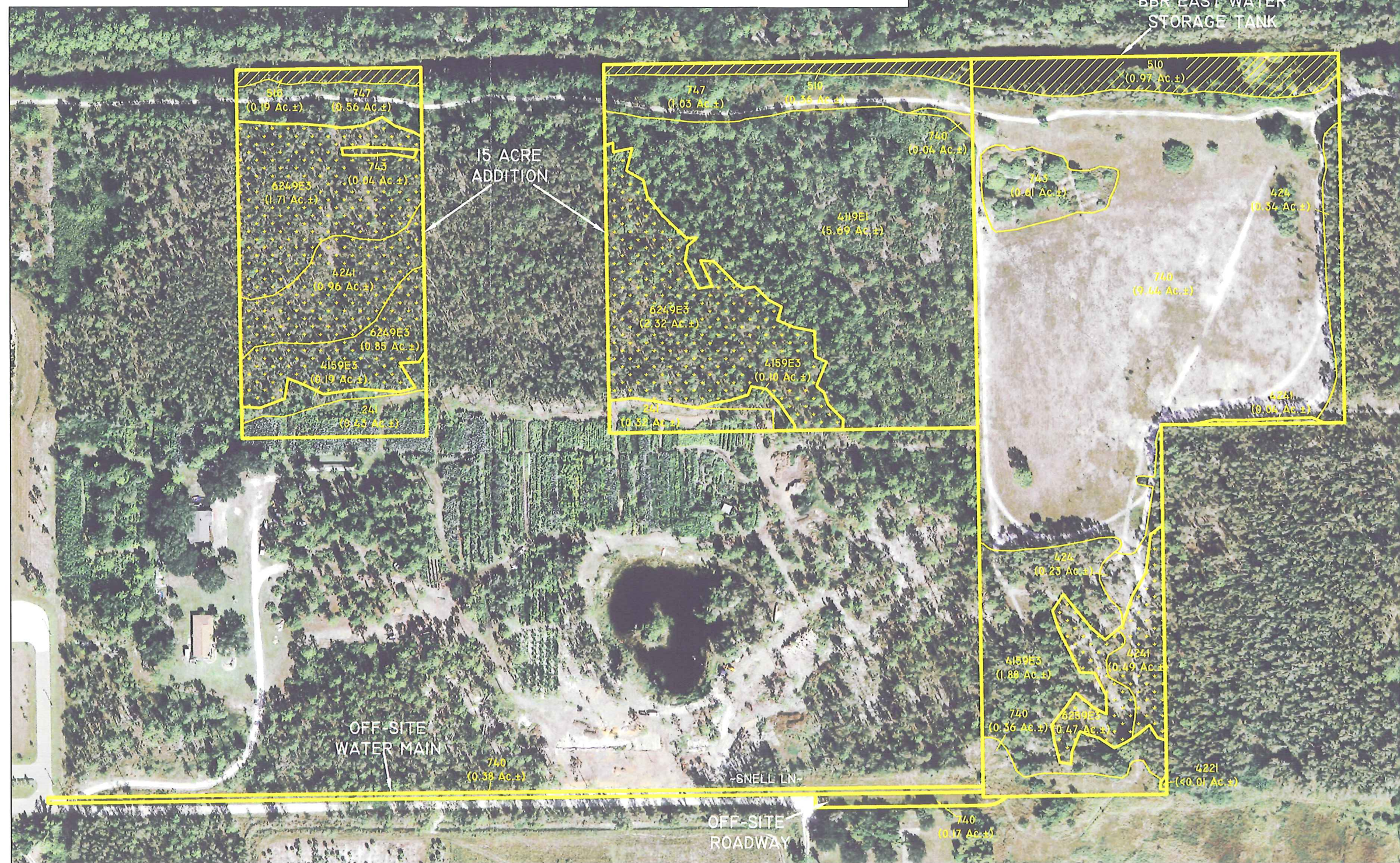
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UPLAND/WETLAND LIMITS FOR BBR EAST WATER STORAGE TANK, OFF-SITE WATER MAIN, AND OFF-SITE ROADWAY HAVE BEEN REVIEWED AND APPROVED BY THE COE ON-SITE FEBRUARY 13, 2009 BY LAURA DIAZ AND BY THE SFWMD MARCH 20, 2009 BY JULIE ARRISON.

UPLAND/WETLAND LIMITS FOR THE 15 ACRE ADDITION HAVE NOT BEEN REVIEWED BY ANY REGULATORY AGENCY AND ARE SUBJECT TO CHANGE.



J:\2007\0785\15\2009\LA-21-09 LEE CO ZONING\FIGURE D-7-G AERIAL WITH RARE AND UNIQUE UPLAND HABITAT MAP 5-1-09.DWG TAB: 17X1-C TB MAY 06, 2009 - 10:25AM PLOTTED BY: HELPEL

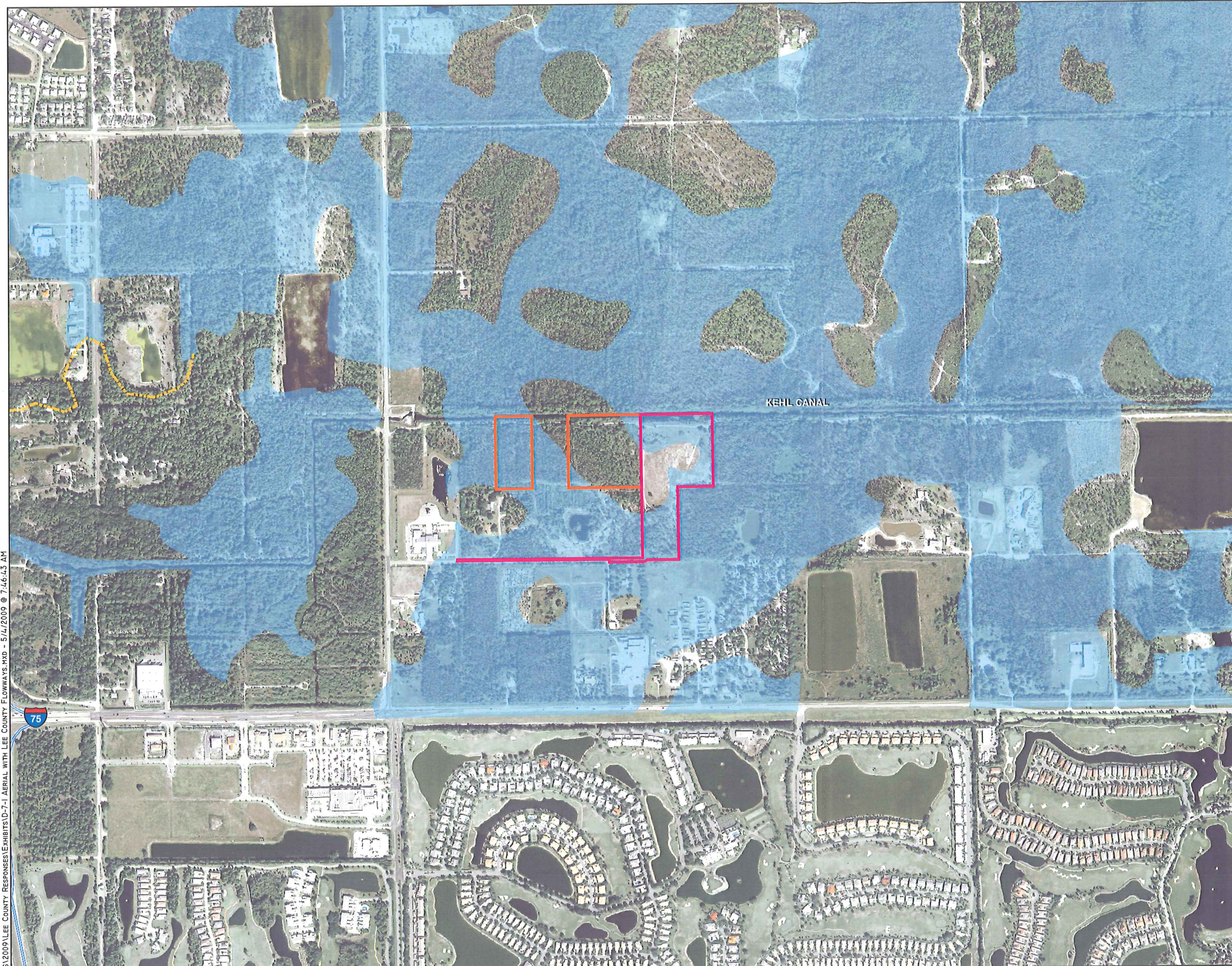
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		D.B.	5/1/09
		DESIGNED BY	DATE
		C.R.	5/1/09
		REVIEWED BY	DATE
		M.A.M.	5/1/09

13620 Metropolis Avenue
Suite 200
Fort Myers, Florida 33912
Phone (239) 274-0067
Fax (239) 274-0069







BBR EAST WATER STORAGE TANK
AND 15 ACRE ADDITION
AERIAL WITH RARE AND UNIQUE UPLAND HABITAT MAP

DRAWING No.	07BSU1715
SHEET No.	D-7-G

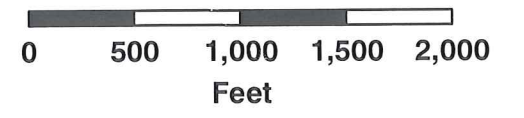
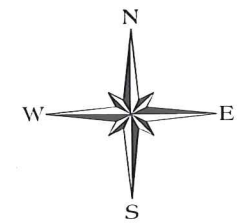


Legend:

-  BSU EAST WATER STORAGE TANK
-  15 ACRE ADDITION
-  HISTORIC FLOW-WAYS CONNECTIONS
-  FLOW-WAYS CIRCA 1960

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NOTES:

AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF AUGUST - NOVEMBER 2007.

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

LEE COUNTY FLOW-WAYS WERE ACQUIRED PER EMAIL FROM AGNOLI, BARBER, & BRUNDAGE, INC. JULY 2007.

J:\2007\07\GIS\2009\LEE COUNTY RESPONSES\EXHIBITS\7-1 AERIAL WITH LEE COUNTY FLOWWAYS.MXD - 5/14/2009 @ 7:46:43 AM

REVISIONS	DATE	DRAWN BY	DATE
Added 15 Acre Addition	5/1/09	D.B./F.L.	9/21/08
		DESIGNED BY	DATE
		C.R.	9/21/08
		REVIEWED BY	DATE
		M.A.M.	9/21/08

13620 Metropolis Avenue
Suite 200
Fort Myers, Florida 33912
Phone (239) 274-0067
Fax (239) 274-0069



BBR EAST WATER STORAGE TANK AND 15 ACRE ADDITION
AERIAL PHOTOGRAPH WITH EXISTING AND HISTORIC FLOW-WAYS

DRAWING No.	07BSU1715
SHEET No.	D-71

**Exhibit D-7-P:
Schedule of Uses**

Accessory Uses and Structures {Note (1), 34-1711 et seq., 34-2441 et seq., 34-1863, 34-2141 et seq., 34-3106}

Essential Service Facilities (Group II) {Note (1), 34-1611 et seq., 34-1741 et seq., 34-2141 et seq.}

Excavation, Water Retention {34-1651}

Fences, Walls {Note (1), 34-1741 et seq.}

Maintenance Facility

Parking Lot, Accessory, Temporary {34-2022}

Signs (In accordance with Chapter 30) {Note (1)}

Storage, Indoor Only {Note (1), 34-3001 et seq.}

Temporary Uses {Note (1), 34-3041 et seq.}

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Bonita Springs Utilities, Inc.
Bonita Beach Road East Water Storage Tank
Lee County, FL

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2008-0004

Schedule of Deviations and Written Justifications

Exhibit D-7-Q:

DCI 2008-00045

1. Deviation from LDC Section 10-291(2) which requires that all developments have access to a public or private street designed, constructed and improved to meet the standards of Section 10-296, to allow for access to the site from Snell Lane, which is a non-conforming road.

Justification: Access to the site is provided by Snell Lane, which is predominantly unimproved. The proposed CFD will be unimproved and generate a negligible number of vehicular trips. This development will not impact the local transportation system. A TIS waiver has been requested and approved by the County. The proposed development will generate fewer trips than a residential subdivision, which is permitted to utilize existing non-conforming access routes with an approved deviation (Section 12-296(m)). Since the water system facility will generate fewer trips than a single-family dwelling, the development should not be responsible for improving Snell Lane. The proposed extension of the existing road surface will serve this single use and will be provided as shown on the MCP to control stormwater runoff and allow for safe vehicular travel. A T-Turnaround will be provided at the terminus of the proposed extension to allow for vehicle movement.

2. Deviation from LDC Section 34-201(b)(1) which requires that all properties within a single application must be abutting to allow for a Planned Development application for non-contiguous properties.

Justification: Section 34-201(b)(1) allows the director to authorize a single application for non-contiguous parcels where it is in the public interest due to the size or scope and nature of the request. The properties included in this application received CFD approval in 1992 (Z-92-043) with the same deviation. The MCP associated with that approval has since expired resulting in the proposed CFD zoning amendment. The non-contiguous parcel is intended to solely be used for excavation of fill material to be placed on site. There has been no change in conditions that would warrant eliminating this deviation.

3. Deviation from LDC Section 10-416(d)(1) which requires buffers along the entire perimeter of the proposed development to allow preserve areas along the property perimeter to satisfy the buffer requirement.

Justification: The proposed site contains areas of significant natural vegetation that will be preserved along portions of the property boundaries as shown on the MCP. In these instances, the proposed preservation areas will exceed the minimum buffer width and planting requirements for the development, and will adequately screen adjacent properties from the proposed use. Restoration and enhancement will be provided in these preservation areas that require the removal of exotic vegetation results in order to

ensure adequate screening. Therefore, requiring an additional buffer between the proposed improvements and these preserve areas is not warranted.

4. Deviation from LDC Section 10-416(d)(1), (3) and (4) which requires a Type C or F buffer along the northern property line of the proposed development to allow a Type B Buffer along the northern property line adjacent to the Kehl Canal Easement.

Justification: The northern property line of the subject property includes half of a 60 foot canal easement and a variable width (minimum 20-feet) canal maintenance easement. The majority of the adjacent property to the north of Kehl Canal is owned by Florida DEP and SFWMD and will not be developed. The other properties are vacant and zoned Agriculture. These properties are identified as Wetlands by the Future Land Use Map, and are unlikely to ever be developed. The LDC requires a 30 foot Type F Buffer comprised of native vegetation adjacent to preserve areas. Because the existing canal and maintenance easements provide sufficient separation (min. 50- feet) between the proposed use and the adjacent properties, and does not allow for a continuation of native vegetation as intended by the LDC, an additional 30 foot Type F Buffer is not warranted. Additionally, the existing berm along the northern property line in combination with the change in elevation from the surface water of Kehl Canal to the subject property will ensure that kayakers are adequately screened from the development proposed as part of this application. In lieu of this requirement, the development proposes to include a 15 foot Type B Buffer to the south of the Canal Maintenance Easement; which, in combination with the existing separation from the adjacent properties, and the change in elevation from the canal, will provide adequate screening to the Preserve area and potential kayakers.

5. Deviation from LDC Section 10-261 which requires that all new multifamily residential developments, commercial businesses, and industrial uses provide sufficient on-site space for the placement of garbage containers or receptacles, and sufficient space for recyclable materials collection containers to allow the unmanned community facility to be constructed without on-site refuse collection.

Justification: The proposed development will be an unmanned community facility and is not expected to generate enough solid waste or recycling to warrant garbage collection. Any waste generated from the site during construction of the facility or during intermittent site visits will be removed by employees to an off-site location.

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2008-00045

**BONITA BEACH ROAD EAST WATER STORAGE TANK
LEE COUNTY PROTECTED SPECIES SURVEY**

**January 2009
Revised May 2009**

Prepared For:

RWA, Inc.
*6610 Willow Park Drive, Suite 200
Naples, Florida 34109
(239) 597-0575*

Prepared By:

Passarella & Associates, Inc.
*13620 Metropolis Avenue, Suite 200
Fort Myers, Florida 33912
(239) 274-0067*

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SEARCHED
INDEXED

INTRODUCTION

On July 10, 2008 and March 25, 2009, Passarella & Associates, Inc. conducted a protected species survey for the Bonita Beach Road (BBR) East Water Storage Tank, including the Off-Site Roadway and Off-Site Water Main areas (tank parcel) and the 15 Acre Addition (additional parcels). When referenced in its entirety, the overall applicant-owned property will be referred to as "Project." The purpose of the survey was to review the site for Lee County protected species as outlined in Lee County's Land Development Code (LDC) Chapter 10, Article III, Division 8 (Protection of Habitat). The following report reflects the site conditions as they were during the survey.

The Project totals 30.17± acres and is located within the City of Bonita Springs in Section 32, Township 47 South, Range 26 East, Lee County (Figure 1). More specifically, it is found approximately 0.5 mile east of Bonita Grande Drive, near the east end of Snell Lane, and along the south bank of the Kehl Canal. The Project is a combination of historically cleared land and forested habitats. Please note the additional parcels are comprised of two properties, one of which abuts the western boundary of the tank parcel (additional parcels) (Figure 2).

LAND USES AND COVER TYPES

The vegetation mapping for the subject property was conducted using Lee County 2007 rectified color aerials. Groundtruthing to map the vegetative communities was conducted on July 6 and 10, 2008 for the tank parcel and March 25 and 27, 2009 for the additional parcels utilizing the Florida Land Use, Cover and Forms Classification System (FLUCFCS) Levels III and IV. Level IV FLUCFCS was utilized to denote hydrological conditions and disturbance. "E" codes were used to show levels of exotic species invasion (i.e., melaleuca (*Melaleuca quinquenervia*) and Brazilian pepper (*Schinus terebinthifolius*)). AutoCAD Map 3D 2009 software was used to determine the acreage of each mapping area, produce summaries, and generate the FLUCFCS map for the subject property. The FLUCFCS delineations depicted on a 2007 color aerial photograph are provided as Figure 2. Table 1 provides the breakdown of the FLUCFCS codes by acreage, while a description of each of the classifications follows.

Table 1. Vegetation Associations and Land Use Acreages

FLUCFCS Code	Description	Acreage	Percent of Total
BBR East Water Storage Tank			
4159 E3	Pine, Disturbed (50-75% Exotics)	1.88	12.70
4221	Brazilian Pepper, Hydric	<0.01	<0.01
424	Melaleuca	0.57	3.80
4241	Melaleuca, Hydric	0.53	3.60
510	Streams and Waterways	0.97	6.50
6259 E3	Hydric Pine, Disturbed (50-75% Exotics)	0.47	3.20
740	Disturbed Land	9.80	66.10
743	Spoil Areas	0.61	4.10
Total		14.83	100.00

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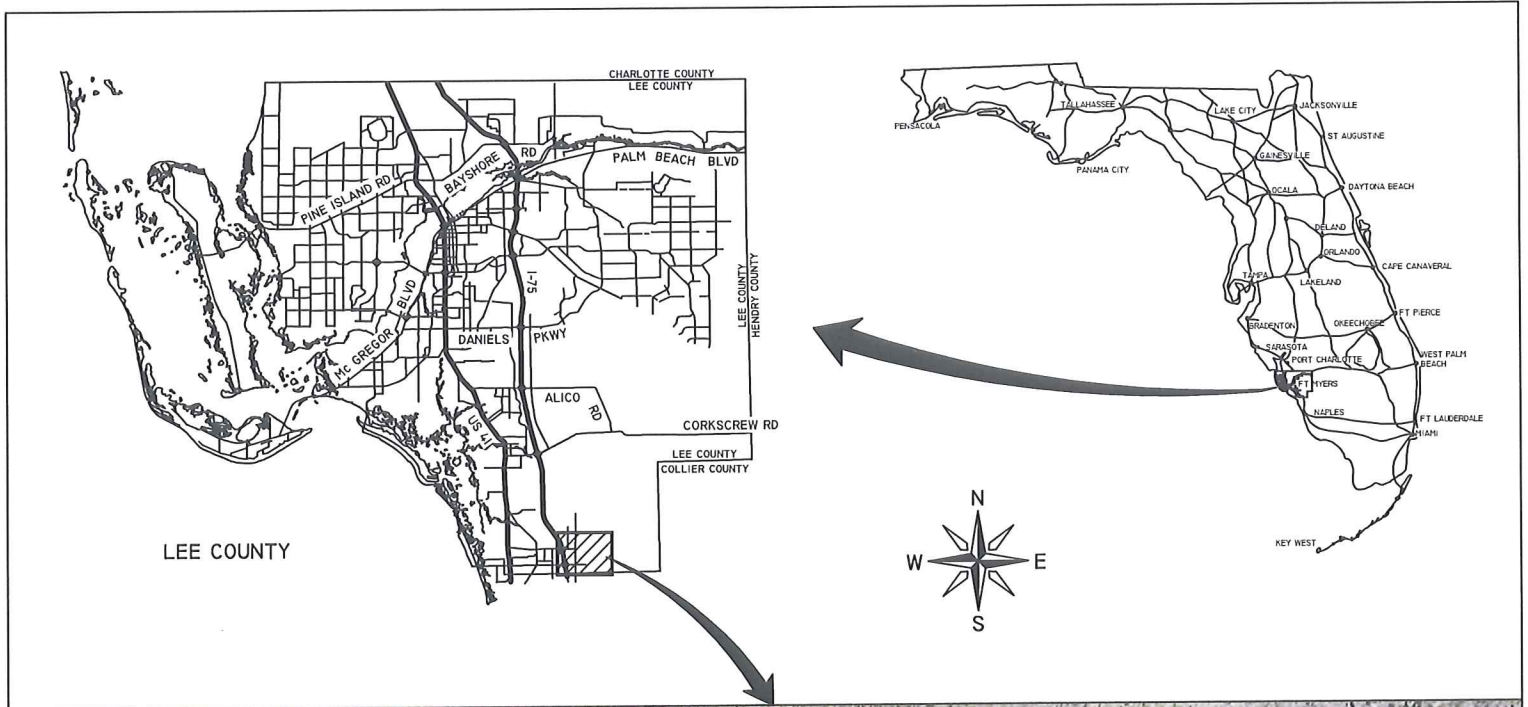


FIGURE 1. PROJECT LOCATION MAP
 BBR EAST WATER STORAGE TANK
 AND 15 ACRE ADDITION

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 MAY 08 2009

DRAWN BY	DATE
D.B.	12/10/08
REVIEWED BY	DATE
C.R.	12/10/08
REVISED	DATE



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J:\2007\0726\072615\200915-09_PSS_PRR_PRRP_INC_IS_ACRE_ADDITION\FIGURE 1_AERIAL_PROJECT_LOCATION_MAP.DWG TAB: B311 C: TB MAY 06, 2009 - 10:28AM PLOTTED BY: FELIPE

