GIS Tracking Sheet

Post-it® eLabel 006 083 684

Case No.: DRI 2004-00008

Intake Date: 7-9-04

Project Name: Coconut Point / Siman Suncoast

STRAP Number(s): 09-47-25-00-00001.0020 and .0010, 4-47-25-00-00001.0130 and .0000

Planner Name: Chip Ext. 8371

LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date: 30JULY04 INTAKE: [initials]

LEGAL SUFFICIENT ☑ YES ☐ NO Initials: LGM

If not, give brief explanation:

MAP UPDATE following FINAL ACTION

Date: 22FEB05

☐ Hearing Examiner Decision ☒ Board of County Commissioner's Resolution

☐ Administrative Approval ☐ Blue Sheet

Zoning Notes: Z-04-079, DRI 2004-00008, 07FEB05 APRVL TO AMEND THE COCONUT POINT DRI DEVELOPMENT ORDER + EVALUATE AMENDMENTS.

MAP UPDATED (YES) ☐ NO Initials: [initials]

If not, give brief explanation: Note to MPD: 000761

S:\WRITERS\Murphyge\gistracking.wpd

EXHIBITS

CASE #_____ DRI2004-00008

CASE NAME: COCONUT POINT DEVELOPERS, LLC., in ref. to COCONUT POINT / SIMON SUNCOAST NOPC

Attach copy of this form to top of packet of exhibits & place exhibits in case file.

ARE THERE ANY BOARD EXHIBITS? ____ **YES** ✓ **NO**

LOCATION OF BOARDS_____

If there are any board exhibits, attach another copy of this form to boards for identification purposes.

RECEIVED
JUL 09 2004
PERMIT COUNTER

EXHIBIT II-A-1

HM PROJECT #1997079
1/17/01
REF. DWG. #A-994-3

DRI 2004-00008

LEGAL DESCRIPTION

A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY, AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 1,733.04 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN N.10°32'05"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 971.33 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 5,605.39 FEET, THROUGH A CENTRAL ANGLE OF 04°03'11", SUBTENDED BY A CHORD OF 396.43 FEET AT A BEARING OF N.08°30'30"W., FOR A DISTANCE OF 396.52 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°07'51"E. FOR A DISTANCE OF 747.22 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N.82°31'42"E., A DISTANCE OF 3,909.60 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,909.60 FEET, THROUGH A CENTRAL ANGLE OF 08°29'31", SUBTENDED BY A CHORD OF 578.92 FEET AT A BEARING OF N.03°13'32"W., FOR A DISTANCE OF 579.45 FEET TO THE END OF SAID CURVE; THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 583.09 FEET; THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 47.04 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE NORTHERLY, WHOSE RADIUS POINT BEARS N.10°26'58"W., A DISTANCE OF 2,025.00 FEET THEREFROM; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°12'27", SUBTENDED BY A CHORD OF 325.07 FEET AT A BEARING OF N.74°56'48"E., FOR A DISTANCE OF 325.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.70°20'35"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 487.89 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 488.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 238.23 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN S.00°59'47"E., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,869.10 FEET TO THE POINT OF BEGINNING; CONTAINING 95.885 ACRES; MORE OR LESS.

AND

A PORTION OF SECTIONS 3, 4, 9, AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE

SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 3,021.15 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,320.56 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,692.32 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°56'59"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,590.78 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 5,641.38 FEET, THROUGH A CENTRAL ANGLE OF 09°31'27", SUBTENDED BY A CHORD OF 936.68 FEET AT A BEARING OF N.05°42'42"W., FOR A DISTANCE OF 937.76 FEET TO THE END OF SAID CURVE; THENCE RUN N.10°28'26"W., ALONG SAID WESTERLY RIGHT-OF -WAY LINE, FOR A DISTANCE OF 98.54 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, A 100.00 FOOT RIGHT-OF-WAY; THENCE RUN S.88°20'53"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,029.70 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN WESTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 7,050.00 FEET, THROUGH A CENTRAL ANGLE OF 03°00'00", SUBTENDED BY A CHORD OF 369.09 FEET AT A BEARING OF S.89°50'53"W., FOR A DISTANCE OF 369.14 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°39'07"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 674.92 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN S.04°52'41"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,901.57 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,725.19 FEET, THROUGH A CENTRAL ANGLE OF 11°32'50", SUBTENDED BY A CHORD OF 548.30 FEET AT A BEARING OF S.00°53'44"E., FOR A DISTANCE OF 549.23 FEET TO THE END OF SAID CURVE; THENCE RUN S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 225.81 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,710.61 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 626.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 11,584.73 FEET, THROUGH A CENTRAL ANGLE OF 06°24'13", SUBTENDED BY A CHORD OF 1,294.08 FEET AT A BEARING OF S.03°28'03"E., FOR A DISTANCE OF 1,294.76 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°15'56"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 274.74 FEET; THENCE RUN S.46°02'16"E., FOR A DISTANCE OF 577.44 FEET; THENCE RUN S.01°57'26"E. FOR A DISTANCE OF 25.19 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY; THENCE RUN N.88°02'34"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 32.80 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,875.00 FEET, THROUGH A CENTRAL ANGLE OF 17°41'59", SUBTENDED BY A CHORD OF 576.92 FEET AT A BEARING OF N.79°11'34"E., FOR A DISTANCE OF 579.22 FEET TO THE END OF SAID

CURVE; THENCE RUN N.70°20'35"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 512.09 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 512.65 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 263.08 FEET TO THE POINT OF BEGINNING; CONTAINING 386.536 ACRES, MORE OR LESS.

NOTES:

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

TOTAL PROPERTY AREA: 482.421 ACRES, MORE OR LESS.

INFORMATION RELATING TO BOUNDARY DATA OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, TOGETHER WITH THE LOCATION OF THE US HIGHWAY #41 RIGHT-OF-WAY, WAS OBTAINED FROM A SURVEY OF THE SWEETWATER RANCH PREPARED BY DENI ASSOCIATES HAVING ORDER NUMBER 8409031, DATED 9/14/84. INFORMATION RELATING TO THE LOCATION OF COCONUT ROAD AND ADJOINING EXCEPTED PARCELS WAS OBTAINED FROM PROPERTY DESCRIPTIONS PROVIDED BY CLIENT.

BEARINGS REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S.88°56'17"W.

Applicant's Legal Checked
by _____ July 30, 2004.

ORI2004-00008

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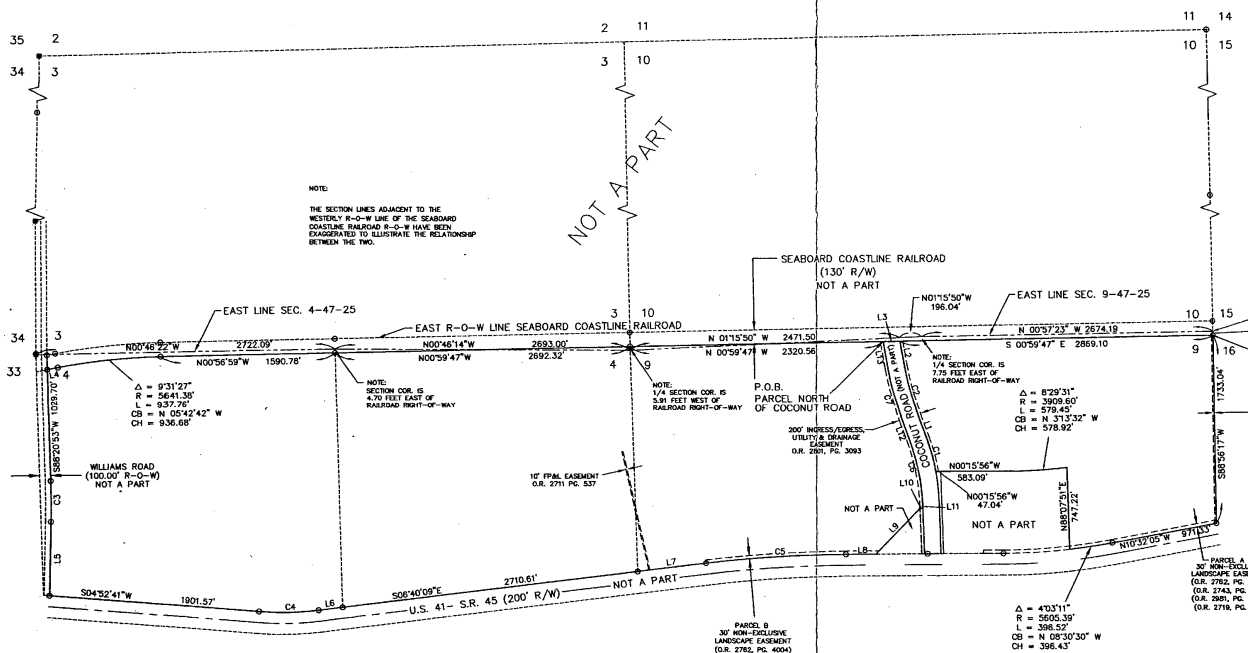

LINE TABLE		
LINE	LENGTH	BEARING
L1	200.00	N70°20'35"E
L2	238.23	N79°35'39"E
L3	152.95	N00°56'47"W
L4	98.54	N10°28'20"W
L5	674.92	N88°38'07"W
L6	225.81	S06°40'09"E
L7	636.03	S06°40'09"E
L8	274.74	S00°15'56"E
L9	577.44	S46°02'18"E
L10	25.19	S01°57'28"E
L11	32.80	N88°02'34"E
L12	200.00	N70°20'35"E
L13	263.08	N79°35'39"E

CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	2025.00	325.42	325.07	N74°56'48"E	9°12'27"
C2	3025.00	488.42	487.89	N74°56'07"E	9°15'04"
C3	7050.00	369.14	369.09	S88°50'53"W	3°00'00"
C4	2725.18	549.23	548.30	S00°57'44"E	11°32'50"
C5	11584.73	1294.76	1294.08	S03°28'03"E	6°24'13"
C6	1875.00	578.22	576.92	N76°11'34"E	17°41'59"
C7	3175.00	512.65	512.09	N74°56'07"E	9°15'04"

LEGAL DESCRIPTION

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NOTES:

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

TOTAL PROPERTY AREA 482.421 ACRES MORE OR LESS.

INFORMATION RELATING TO BOUNDARY DATA OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, TOGETHER WITH THE LOCATION OF THE US HIGHWAY #41 RIGHT-OF-WAY, WAS OBTAINED FROM A SURVEY OF THE SWEETWATER RANCH PREPARED BY DEM ASSOCIATES HAVING ORDER NUMBER 8409031, DATED 9/14/84. INFORMATION RELATING TO THE LOCATION OF COCONUT ROAD AND ADJOINING EXCEPTED PARCELS WAS OBTAINED FROM PROPERTY DESCRIPTIONS PROVIDED BY CLIENT.

BEARINGS REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S.88°56'17"W.

HOLE, MONTES, INC.
CERTIFICATE OF AUTHORIZATION LB #1772

Applicant's Survey Checked
By _____ July 20, 2004

EXHIBIT II-A-2

BY: _____ P.S.M. #6130
JEFFREY J. SCHLEICHER
STATE OF FLORIDA

"NOT A SURVEY"

LEGEND

POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING

FIELD BOOK			
LETTER	REVISIONS	DATE	

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

PARTY CHIEF:		DATE:
DRAWN BY:	BA	DATE: 01/18/01
CHECKED BY:	TJG	DATE: 01/19/01
VERTICAL SCALE:		HORIZONTAL SCALE: 1" = 500'

HOLE MONTES
ENGINEERS-PLANNERS-SURVEYORS

950 Encore Way
Naples, FL. 34110
Phone: (941) 254-2000
Florida Certificate of Authorization No.1772

SKETCH AND LEGAL DESCRIPTION
OF A PORTION OF SECTIONS
3, 4, 9 AND 10,
TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY FLORIDA

DRAWING NO.	A-994-3
PROJECT NO.	1997079B
REFERENCE NO.	SWEETREV3

MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY

LEE COUNTY
RECEIVED
05 JAN -7 AM 11:55
ATTY
CNTR.
FOR

DATE: January 7, 2005

TO: Jamie Princing
Development Services

FROM: Tina L. Boone
Tina Boone, Legal Administrative Secretary

RE: **Coconut Point/Simon Suncoast**
Zoning Case #DRI2004-00008
Resolution No. Z-04-079

Attached please find the legal verification in regard to the above matter. Please place this verification in the appropriate file. Thank you.

/tlb
attachment

From: "Matthew Uhle" <MUhle@knott-law.com>
To: "Dawn Lehnert" <LEHNERTD@leegov.com>
Date: 1/7/05 8:24AM
Subject: Coconut Point Draft Resolution

The draft, including the legal description, is OK.

Matthew D. Uhle
Attorney At Law
Knott, Consoer, Ebelini, Hart & Swett, P.A.
239-334-2722
MUhle@knott-law.com

CC: "Zsuzsanna Weigel" <ZWeigel@knott-law.com>

FILE

RESOLUTION NUMBER Z-04-079

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

WHEREAS, Coconut Point Developers, LLC, filed an application on behalf of the property owners Coconut Point Developers, LLC, Dillard's Inc., Edward J. McArdle Tr., and Wallace Homes of Southwest Florida, Inc., to

a. Consider a Notice of Proposed Change to amend the Coconut Point DRI Development Order to increase residential condominiums from 550 to 1,000; decrease hotel rooms from 600 to 350; and decrease apartments from 450 to 250; and

b. Evaluate whether the amendments constitute a substantial deviation from the original development order approvals warranting further development of regional impact review; and

WHEREAS, a public hearing was advertised and held on December 15, 2004, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DRI2004-00008; and

WHEREAS, a second public hearing was advertised and held on February 7, 2005, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a requests to:

a. Consider a Notice of Proposed Change to amend the Coconut Point DRI Development Order to increase residential condominiums from 550 to 1,000; decrease hotel rooms from 600 to 350; and decrease apartments from 450 to 250.

b. Evaluate whether the amendments constitute a substantial deviation from the original development order approvals warranting further development of regional impact review.

The property is located in the Urban Community Land Use Category and is legally described in attached Exhibit A. The request to amend the development order is APPROVED.

COPY

SECTION B. EXHIBITS AND STRAP NUMBER:

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

Exhibit A: Legal description of the property
Exhibit B: Zoning Map (subject parcel identified with shading)
Exhibit C: Coconut Point DRI - First Development Order Amendment

The applicant has indicated that the STRAP numbers for the subject property are: 09-47-25-00-00001.0020, 04-47-25-00001.0130, 09-47-25-00-00001.0010, and 04-47-25-00-00001.0000.

SECTION C. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.

2. The rezoning, as approved:

   a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,

   c. is compatible with existing or planned uses in the surrounding area; and,

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

   e. will not adversely affect environmentally critical areas or natural resources.

3. The rezoning satisfies the following criteria:

   a. the proposed use or mix of uses is appropriate at the subject location; and

   b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

   c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

5. The requested changes do not constitute a substantial deviation from the original Development of Regional Impact Development Order.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Judah, seconded by Commissioner Janes and, upon being put to a vote, the result was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Absent
Ray Judah	Aye
Tammy Hall	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 7th day of February 2005.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

Approved as to form by:

_____
Dawn E. Perry-Lehnert
County Attorney's Office

BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY, FLORIDA

RECEIVED
MINUTES OFFICE
2005 FEB 11 AM 10:34

RECEIVED
JUL 09 2004
PERMIT COUNTER

HM PROJECT #1997079
1/17/01
REF. DWG. #A-994-3

DRI2004-00008

LEGAL DESCRIPTION

A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY, AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 1,733.04 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN N.10°32'05"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 971.33 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 5,605.39 FEET, THROUGH A CENTRAL ANGLE OF 04°03'11", SUBTENDED BY A CHORD OF 396.43 FEET AT A BEARING OF N.08°30'30"W., FOR A DISTANCE OF 396.52 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°07'51"E. FOR A DISTANCE OF 747.22 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N.82°31'42"E., A DISTANCE OF 3,909.60 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,909.60 FEET, THROUGH A CENTRAL ANGLE OF 08°29'31", SUBTENDED BY A CHORD OF 578.92 FEET AT A BEARING OF N.03°13'32"W., FOR A DISTANCE OF 579.45 FEET TO THE END OF SAID CURVE; THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 583.09 FEET; THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 47.04 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE NORTHERLY, WHOSE RADIUS POINT BEARS N.10°26'58"W., A DISTANCE OF 2,025.00 FEET THEREFROM; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°12'27", SUBTENDED BY A CHORD OF 325.07 FEET AT A BEARING OF N.74°56'48"E., FOR A DISTANCE OF 325.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.70°20'35"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 487.89 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 488.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 238.23 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN S.00°59'47"E., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,869.10 FEET TO THE POINT OF BEGINNING; CONTAINING 95.885 ACRES, MORE OR LESS.

AND

A PORTION OF SECTIONS 3, 4, 9, AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE

SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 3,021.15 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,320.56 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,692.32 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°56'59"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,590.78 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 5,641.38 FEET, THROUGH A CENTRAL ANGLE OF 09°31'27", SUBTENDED BY A CHORD OF 936.68 FEET AT A BEARING OF N.05°42'42"W., FOR A DISTANCE OF 937.76 FEET TO THE END OF SAID CURVE; THENCE RUN N.10°28'26"W., ALONG SAID WESTERLY RIGHT-OF -WAY LINE, FOR A DISTANCE OF 98.54 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, A 100.00 FOOT RIGHT-OF-WAY; THENCE RUN S.88°20'53"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,029.70 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN WESTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 7,050.00 FEET, THROUGH A CENTRAL ANGLE OF 03°00'00", SUBTENDED BY A CHORD OF 369.09 FEET AT A BEARING OF S.89°50'53"W., FOR A DISTANCE OF 369.14 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°39'07"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 674.92 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN S.04°52'41"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,901.57 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,725.19 FEET, THROUGH A CENTRAL ANGLE OF 11°32'50", SUBTENDED BY A CHORD OF 548.30 FEET AT A BEARING OF S.00°53'44"E., FOR A DISTANCE OF 549.23 FEET TO THE END OF SAID CURVE; THENCE RUN S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 225.81 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,710.61 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 626.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 11,584.73 FEET, THROUGH A CENTRAL ANGLE OF 06°24'13", SUBTENDED BY A CHORD OF 1,294.08 FEET AT A BEARING OF S.03°28'03"E., FOR A DISTANCE OF 1,294.76 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°15'56"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 274.74 FEET; THENCE RUN S.46°02'16"E., FOR A DISTANCE OF 577.44 FEET; THENCE RUN S.01°57'26"E. FOR A DISTANCE OF 25.19 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY; THENCE RUN N.88°02'34"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 32.80 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,875.00 FEET, THROUGH A CENTRAL ANGLE OF 17°41'59", SUBTENDED BY A CHORD OF 576.92 FEET AT A BEARING OF N.79°11'34"E., FOR A DISTANCE OF 579.22 FEET TO THE END OF SAID

CURVE; THENCE RUN N.70°20'35"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 512.09 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 512.65 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 263.08 FEET TO THE POINT OF BEGINNING; CONTAINING 386.536 ACRES, MORE OR LESS.

NOTES:

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

TOTAL PROPERTY AREA: 482.421 ACRES, MORE OR LESS.

INFORMATION RELATING TO BOUNDARY DATA OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, TOGETHER WITH THE LOCATION OF THE US HIGHWAY #41 RIGHT-OF-WAY, WAS OBTAINED FROM A SURVEY OF THE SWEETWATER RANCH PREPARED BY DENI ASSOCIATES HAVING ORDER NUMBER 8409031, DATED 9/14/84. INFORMATION RELATING TO THE LOCATION OF COCONUT ROAD AND ADJOINING EXCEPTED PARCELS WAS OBTAINED FROM PROPERTY DESCRIPTIONS PROVIDED BY CLIENT.

BEARINGS REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S.88°56'17"W.

Applicant's Legal Checked
by _____ July 30, 2004

ZONING INTAKE MAP

11/4/2004

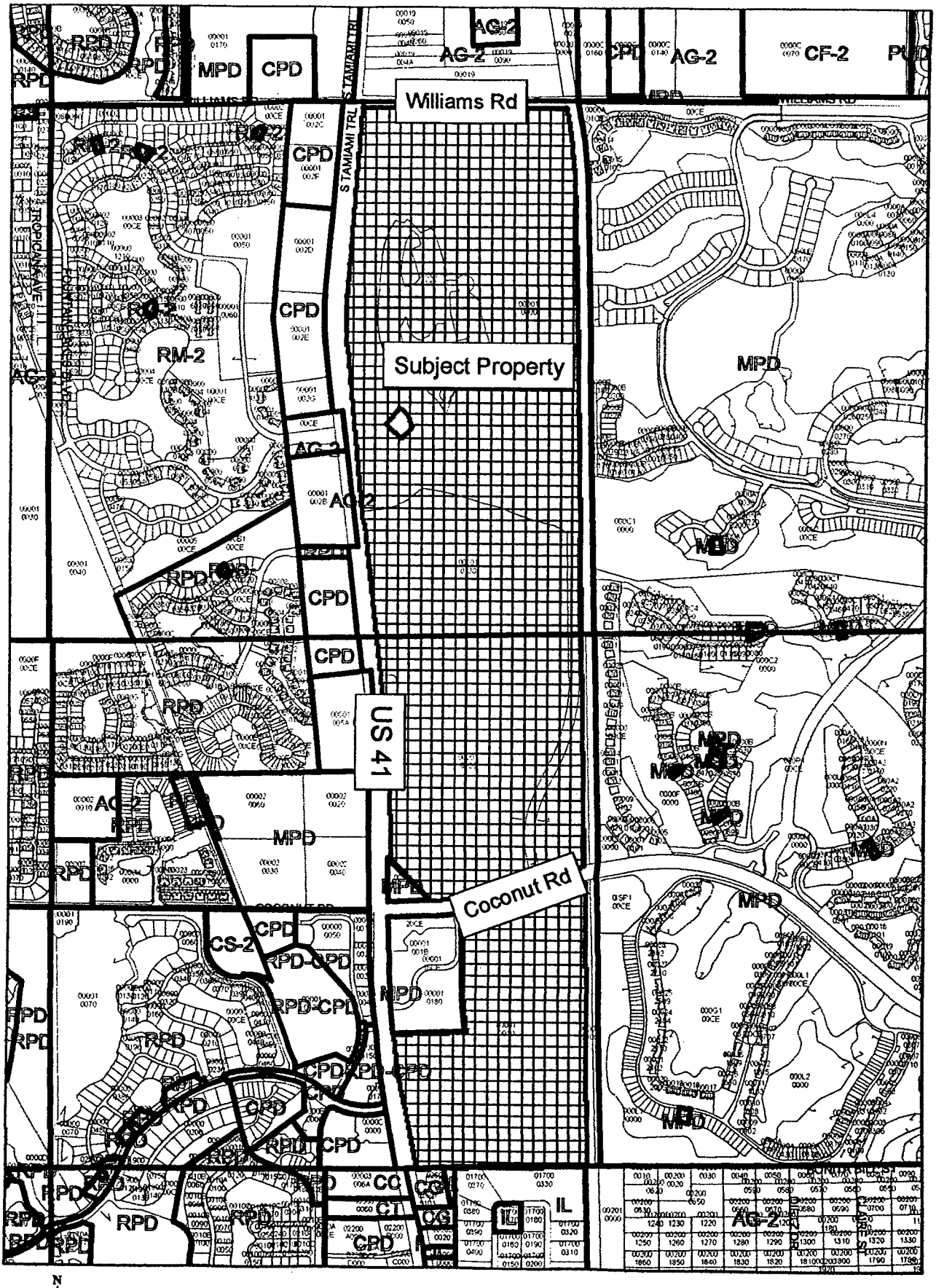

EXHIBIT B

1,600 800 0 1,600 Feet

EXHIBIT C

FIRST DEVELOPMENT ORDER AMENDMENT [1]
FOR
COCONUT POINT DRI
STATE DRI # 09-2001-153
CASE #DRI2000-00015

Let it Be Known That, pursuant to Florida Statutes §380.06, the Board of County Commissioners of Lee County, Florida, ~~has~~ heard at a public hearing convened on October 21, 2002, the Application For Development Approval submitted by The Simon Property Group, L.P. and Oakbrook Properties, Inc., for Coconut Point DRI (originally known as Simon Suncoast DRI), a mixed use development in Lee County, consisting of approximately 482.4 +/- acres.

WHEREAS, the Board of County Commissioners of Lee County, Florida ~~has~~ considered the report and recommendations of the Southwest Florida Regional Planning Council, the Lee County Staff, the Lee County Hearing Examiner, the application and sufficiency submittals, and the documents and comments made on the record in public hearing, and after full consideration of those reports, recommendations, documents and comments, the Board of County Commissioners of Lee County, Florida, adopted the Coconut Point Development of Regional Impact (DRI) Development Order; and

WHEREAS, the original Development Order for the Coconut Point DRI was approved on October 21, 2002; and

WHEREAS, Coconut Point Developers, L.L.C., filed a Notice of Proposed Change on July 9, 2004 to the DRI Development Order to reduce the number of hotel rooms from 600 to 350, decrease the number of apartments from 450 to 250, and increase the number of residential condominiums from 550 to 1000; and

WHEREAS, pursuant to §380.06(19), Florida Statutes, the proposed change must be reviewed and evaluated to determine whether it constitutes a substantial deviation from the terms of the existing DRI Development Order; and

WHEREAS, the Board of County Commissioners have concluded that the changes do not constitute a substantial deviation from the original development approvals.

---

[1] This is a codification and restatement of the DRI Development Orders rendered with respect to the Coconut Point DRI, including actions taken on October 21, 2002 and February 7, 2005.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Lee County, Florida, that the Development Order for the Coconut Point DRI is hereby amended as follows:

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. The Coconut Point DRI is a master planned commercial development consisting of 482.4+/- acres located in unincorporated south central Lee County at the intersection of US 41 and Coconut Road. The Coconut Point DRI is a mixed use development that will consist of: 1,450,000 gross leasable square feet of retail/regional mall (Regional Retail Center), 350,000 gross leasable square feet of retail on other parcels adjacent to the regional mall (Community Commercial Retail), 300,000 square feet of office, of which no more than 100,000 square feet may be medical office, ~~600~~ 350 hotel rooms, ~~1,000~~ 1,250 multi-family units (consisting of 250 apartment units, and 1000 residential condominium units) and a 200 unit assisted living facility. The project will include 32.7 acres of conservation areas, 47.1 acres of lakes, 50.2 acres of road rights-of-way and 11.6 acres of green area/open space.

Water and wastewater treatment will be provided by Bonita Springs Utilities.

The project phasing schedule consists of one phase with buildout in 2006.

B. The terms of this Development Order apply to the property located and described in attached Exhibit A.

C. The property ~~was zoned AG-2, and coincident with the approval of this Development Order the property will be rezoned~~ is zoned ~~to~~ Mixed Planned Development (MPD). Undeveloped portions of t~~T~~he property ~~is~~ are currently in active agricultural use.

D. The Application for Development Approval (ADA)~~, submitted on September 12, 2000,~~ is consistent with the requirements of §380.06, Florida Statutes~~:~~, and was found sufficient by the Southwest Florida Regional Planning Council on January 17, 2001. ~~The application went through two sufficiency reviews.~~

E. The development is not located in an area designated as an Area of Critical State Concern under the provision of §380.05, Florida Statutes.

F. The development will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan. The development is consistent with the State Comprehensive Plan if developed in accordance with the conditions set forth herein.

G. The ~~development~~ proposed Development Order Amendment has been reviewed by the Southwest Florida Regional Planning Council (SWFRPC) and is the subject of the report and recommendations adopted by that body ~~on January 17, 2001. The SWFRPC report and recommendations were~~ and subsequently forwarded to Lee County in accordance with §380.06, Florida Statutes. The development, as proposed in the ADA ,subsequently amended by the Notice of Proposed Change, and modified by this Development Order Amendment, is generally consistent with the report and recommendations of the SWFRPC pursuant to §380.06(11), Florida Statutes.

H. The development is located in the ~~Rural~~ Urban Community and Wetlands future land use categories. The ~~development~~ project, as proposed and conditioned herein, is ~~currently not consistent with the Lee Plan and can not be conditioned to attain consistency. However, a Lee Plan amendment is currently being considered by DCA that will, if ultimately adopted, allow the project as conditioned to be~~ consistent with the Lee County Comprehensive Plan and the Lee County Land Development Code (LDC).

I. The conditions set forth below meet the criteria found in §380.06(15)(d), Florida Statutes.

II. ACTION ON THE REQUEST AND CONDITIONS OF APPROVAL

NOW THEREFORE, be it resolved by the Board of County Commissioners of Lee County, Florida, in a public meeting duly advertised, constituted and assembled that the Development of Regional Impact Application for Development Approval submitted on behalf of Simon Property Group, L.P. and the Oakbrook Properties, Inc., for the project known as the Coconut Point DRI, originally approved October 21, 2002, is hereby ~~Approved~~ amended subject to the following conditions, restrictions and limitations ~~that follow~~. For the purpose of this Development Order, the term "Developer" refers to Simon Property Group, L.P., ~~and~~ Oakbrook Properties, Inc., and Coconut Point Developers, LLC, and includes all successors or assigns, and all references to County Ordinances or other regulations, including future amendments.

A. AFFORDABLE HOUSING

1. *150 Affordable Housing Units ($600,000).*

a. The Developer must provide, either directly or through third parties, 150 units (combined total) of affordable housing for very low, low, and moderate-income persons within the identified DRI housing assessment area on or before December 31, 2006.

b. In the event the Developer does not provide all of the 150 units required above prior to December 31, 2006, the Developer may satisfy the remaining affordable housing obligation by paying $4,000 ($600,000 divided by 150 units) for each unit of the shortfall to the Lee County Affordable Housing Trust Fund.

2. *University Student Housing ($400,000).* In addition to the above, the Developer will subsidize University student housing by giving $400,000 to the Florida Gulf Coast University prior to the issuance of the first development order allowing vertical construction within the DRI (excepting any public uses mandated by this Development Order). These funds must be specifically earmarked for University student housing.

B. ENERGY

The Developer must incorporate, as a minimum, the following energy conservation features into all site plans and architectural programs , or insure that the following features are implemented through deed restrictions or covenants with successors in title. All applications for site plan approvals and building permits must be accompanied by ~~a~~ documents detailing proposed compliance with these conditions. If deed restrictions or covenants are utilized to insure compliance, those documents must be approved by the County Attorney's Office prior to recording.

These features are:

1. A bicycle/pedestrian system connecting all land uses, to be placed along arterial and collector roads within the project and also along Sandy Lane. This system will be consistent with LDC regulations.

2. Bicycle racks or storage facilities in recreational, commercial and multi-family residential areas.

3. Bus stops, shelters and other passenger and system accommodations for a transit system to service the project area.

4. Energy efficient features in window design (e.g. tinting and exterior shading), operable windows, ceiling fans, appliances and equipment.

5. Minimize coverage by asphalt, concrete, rock and similar substances in street, parking lots and other area to reduce local air temperatures and reflecting light and heat.

6. Energy-efficient lighting for streets, parking area, recreation area and other interior and exterior public areas.

7. Water closets with a maximum flush of 1.6 gallons and shower heads and faucets with a maximum flow rate of 2.5 gallons per minute (at 80 pounds of water pressure per square inch).

8. Selecting, planting and maintaining native plants, trees and other vegetation and landscape design features that reduce requirements for water, fertilizer, maintenance and other needs.

9. Planting native shade trees to provide reasonable shade for all recreation areas, street and parking areas. Planting native shade trees for each residential unit.

10. Placing trees to provide needed shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months. Orienting structures, whenever possible, to reduce solar heat gain by walls and utilize the natural cooling effects of the wind.

11. Including porch and patio areas in residential units.

12. Establishing project architectural review committees that will consider energy conservation measures to assist builders and residents in the efforts to achieve greater energy efficiency in the development.

C. STORMWATER MANAGEMENT

1. The Developer must meet the criteria set forth in Chapter 40E, Florida Administrative Code, and the South Florida Water Management District (SFWMD) Basis of Review. The Developer must obtain a modification of SFWMD Permit No. 36-00288-S for the construction and operation of the surface water management system. This permit must address any impacts created by the development to wetlands and other surface waters. Halfway Creek is classified as an Outstanding Florida Water (OFW). Any discharge to an OFW requires additional water quality consideration. Prior to the issuance of the permit modification, the District will evaluate this issue in greater detail.

2. The Developer must obtain all necessary approvals from the Florida Department of Transportation for any proposed discharge points and water control structures associated with US 41.

3. At the time of permit modification application, the Developer must provide finalized information regarding the size of proposed project lakes, the location of major water control structures, the correct identification of control structures within pre-treatment areas and verification of adequate dimensions for pre-treatment areas.

4. Best management practices are subject to Lee County review and approval and must be included on all construction plans for development.

5. All internal stormwater management lakes and ditches as well as any onsite preserved or enhanced wetland areas, must be set aside as private drainage or conservation easements on the recorded plat. Stormwater lakes must include, where practical, adequate maintenance easements around the lakes with access to a paved roadway.

6. During construction activities, the ~~applicant~~ Developer must employ best management practices for erosion and sedimentation control. These practices must be included with, or presented on, all construction plans, and are subject to approval by the appropriate agencies prior to implementation.

7. The final stormwater management plan must consider, as applicable, measures to reduce runoff rates and volumes, including, but not limited to, fixed control structures, perforated pipes, and grass swale conveyances. Swales, rather than closed systems, must be used whenever possible.

8. Any shoreline banks created along the onsite stormwater management system must include littoral zones constructed on slopes consistent with District and Lee County requirements and be planted in native emergent or submergent aquatic vegetation. The ~~applicant~~ Developer must ensure, by supplemental replanting if necessary, that at least 80% cover by native aquatic vegetation is established/maintained within the littoral zone for the duration of the project.

9. The ~~applicant~~ Developer must conduct annual inspections of the Master Stormwater Management System and any preserved/enhanced wetland areas on the project site to ensure that these areas are maintained in keeping with the final approved designs, and that the water management system is capable of accomplishing the level of stormwater storage and treatment for which it was intended. The Developer or operating entity must undertake any cleaning and repair determined to be necessary based upon the annual inspection.

10. The ~~applicant~~ Developer must confirm, to the satisfaction of all applicable federal, state, and local review agencies, and the South Florida Water Management District, that the proposed stormwater management system will not impact habitats of any state or federally listed plant and/or animal species potentially occurring onsite, or that such impacts will be mitigated to the benefit of onsite populations of those species.

11. The Developer must undertake a regularly scheduled vacuum sweeping of all common streets and parking areas within the development.

12. If Lee County establishes a County-wide stormwater management system, the Developer must participate to the extent the system benefits the development.

13. Ditch and swale slopes must be designed to minimize discharges so that these facilities may provide some additional water quality treatment prior to discharge. Treatment swales must be grassed.

14. The grassed stormwater treatment areas must be mowed on a regular basis as part of the normal lawn maintenance of the development. Any debris that may accumulate in project lakes, ditches or swales, or which may interfere with the normal flow of water through discharge structures and under drain systems, must be cleaned from the detention/retention areas on a regular basis. Any erosion to banks must be replaced immediately.

15. Under drain systems and grease baffles, if utilized within the Coconut Point DRI, must be inspected and cleaned and/or repaired on a regular basis. In no instance may the period between such inspections exceed eighteen months.

16. Stormwater management system maintenance requirements include removal of any mosquito-productive nuisance plant species (e.g., water lettuce, water hyacinth, cattails and primrose willows) from all system nodes, reaches, and percolation basins, as well as from the lake littoral zones employed in the system.

17. When required by the SFWMD permit, any isolated wading bird "pools" constructed in lake littoral zones must be excavated to a depth that provides aquatic habitat for mosquito larvae predators, such as *Gambusia affinis*.

18. The Developer will establish a legal operating entity in accordance with the SFWMD Basis of Review and Lee County Land Development Code to maintain the internal stormwater management lakes, ditches and wetlands. Easements, common areas or other legal mechanisms may be utilized to ensure there is sufficient access to the stormwater management areas for maintenance purposes.

D. TRANSPORTATION

1. Significant Impacts

a. *Assessment Parameters*

The traffic impact assessment for the Project assumes the following development parameters, as a single phase:

	Buildout (2006)
Multifamily Apartments (ITE LUC 220) (~~200 d.u. Town Center,~~ 250 d.u. South Village)	~~450~~ 250 d.u.
Multifamily Condominiums (ITE LUC 230) (450 d.u. Town Center, 550 d.u. North Village)	~~550~~ 1,000 d.u.

Assisted Living Facility (ITE LUC 252) (200 d.u. South Village)	200 d.u.
Hotel (ITE LUC 310) (~~450~~ 200 rooms Town Center, 150 rooms South Village)	~~600~~ 350 rooms
Community Retail (ITE LUC 820) (280,000 square feet North Village, 70,000 square feet South Village)	350,000 sq. ft. (gla)
Regional Retail Center (ITE LUC 820) (1,450,000 square feet Town Center)	1,450,000 sq. ft. (gla)
General Office (ITE LUC 710) (70,000 square feet North Village, 90,000 square Town Center, 40,000 square feet South Village)	200,000 sq. ft.
Medical Office (ITE LUC 720) (100,000 square feet South Village)	100,000 sq. ft.

The above parameters form the basis for the Project impacts and the mitigation requirements contained herein. The assumed land uses associated with the general parameters are identified by the Land Use Code (LUC) from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 6th Edition. While approved zoning categories may allow a wider range of uses, from a DRI standpoint the Project impacts are based on the above parameters and assumed uses. If the Developer exercises Mitigation Option 2 and is granted concurrency vesting for all or a portion of the DRI, any significant change in the assumed uses, mix of uses or location of uses on the Master Concept Plan will require a re-evaluation of the DRI transportation impacts. A significant change is one that would increase the external project traffic by 5% or more or that would change the projected distribution and assignment of project traffic so as to result in a net increase in road miles of significantly and adversely impacted roadway links. This condition does not apply if Mitigation Option 1 is selected.

The overall traffic at the Project driveway entrances based on the above parameters is estimated to be 5,909 trips. They include 4,120 PM net new external peak hour trips, 757 pass-by trips, and 1,032 interzonal trip ends at buildout in 2006. ("Interzonal trip ends" are from one part of the project to another that travel along or across public roadways.)

b. *Buildout Impacts*

The assessment on an existing-plus-committed network assuming the advancement of certain projects indicates that the significantly impacted roadways and intersections described below will be operating below acceptable levels of service at the end of Buildout (2006):

Roadway Improvements Needed

Roadways	Needed Improvement
I-75	
– Corkscrew Road to Daniels Parkway	Widen to 6 lanes
Three Oaks Parkway	
- Williams Road to Corkscrew Road	Widen to 6 lanes
US 41	
– Koreshan Boulevard to San Carlos Boulevard	Widen to 6 lanes
- Bonita Beach Road to Coconut Road	Widen to 6 lanes
Old US 41	
- Rosemary Drive to US 41	Widen to 4 lanes

Intersection Improvements Needed

Bonita Beach Road @ Old 41[1]	Add 2nd SB left turn lane
Coconut Road @ Driveway 9/Regional Retail Center[2]	Add WB right turn lane
	Add SB right turn lane
	Add SB left turn lane
	Add dual EB left turn lane
	Signalization[3]
Coconut Road @ Sandy Lane[2]	Add WB left turn lane
	Add WB right turn lane
	Add NB right turn lane
	Add NB left turn lane
	Add SB left turn lane
	Add SB right turn lane
	Add EB left turn lane
	Add EB right turn lane
	Signalization[3]
Corkscrew Road @ Ben Hill Griffin Parkway[1]	Add 2nd EB left turn lane

	Add 2nd NB left turn lane
	Add 2nd SB left turn lane
Corkscrew Road @ River Ranch Road[1]	Signal retiming
Corkscrew Road @ Three Oaks Parkway	Add 2nd WB left turn lane
	Add 2nd NB left turn lane
	Add 2nd SB left turn lane
I-75 @ Corkscrew Road[1]	Add 2nd EB left turn lane[4]
	Add 2nd WB left turn lane[4]
	Add 2nd NB left turn lane
	Add 2nd SB left turn lane
Old 41 @ Dean Street[1]	Signalization[3]
Old 41 @ Pennsylvania Avenue[1]	Signal retiming
Old 41 @ West Terry Street[1]	Add 2nd NB thru lane
	Add 2nd SB thru lane
Three Oaks Parkway @ Koreshan Boulevard[1]	Signalization[3]
Three Oaks Parkway @ Williams Road[1]	Signalization[3]
Three Oaks Parkway @ Coconut Road[1]	Signalization[3]
US 41 @ Immokalee Road[1]	Signal retiming
US 41 @ Old 41[1] (Collier County)	Signal retiming
US 41 @ Bonita Beach Road	Signal retiming
US 41 @ West Terry Street	Signal retiming
US 41 @ Old 41/Pelican Landing Parkway	Add 2nd WB right turn lane
	Add 2nd NB left turn lane
	Add 2nd SB left turn lane
	Add 2nd EB left turn lane
US 41 @ Pelican Colony Boulevard	Add dual WB left turn lane[2]
	Add WB right turn lane[2]
	Add NB right turn lane[2]
	Add 2nd NB left turn lane
	Add dual SB left turn lane[2]
	Add 2nd EB left turn lane
	Add EB right turn lane
US 41 @ Coconut Road	Add 2nd WB left turn lane
	Add 2nd NB right turn lane
	Add 2nd NB left turn lane
	Add 2nd SB left turn lane
	Add 2nd EB left turn lane
	Add EB right turn lane
US 41 @ Driveway 6/Regional Retail Center[1]	Add NB right turn lane[2]
	Add SB left turn lane[2][3]
	Add WB right turn lane[2]
	Signalization[2][3]

US 41 @ Driveway 5/Internal East-west Road[1]	Add NB right turn lane[2]
	Add dual SB left turn lane[2]
	Add dual WB left turn lane[2]
	Add WB right turn lane[2]
	Signalization[2][3]
US 41 @ Driveway 4/Pelican Point Boulevard[1]	Add NB right turn lane[2]
	Add SB Left turn lane[2]
	Add WB right turn lane[2]
	Signalization[2][3]
US 41 @ Driveway 3/Fountain Lakes Boulevard[1]	Add NB right turn lane[2]
	Add SB left turn lane[2]
	Add dual WB left turn lane[2]
	Add WB thru lane[2]
	Add WB right turn lane[2]
	Signalization[2][3]
US 41 @ Driveway 2/Estero Greens[1]	Add NB right turn lane[2]
	Add dual SB left turn lane[2]
	Add dual WB left turn lane[2]
	Add WB thru lane[2]
	Add WB right turn lane[2]
	Add EB right turn lane[2]
	Signalization[2][3]
US 41 @ Driveway 1/Community Commercial[1]	Add NB right turn lane[2]
	Add SB left turn lane[2]
	Add WB right turn lane[2]
US 41 @ Williams Road[1]	Add 2nd SB left turn lane
	Add 2nd WB left turn lane
US 41 @ Corkscrew Road[1]	Add 2nd WB left turn lane
US 41 @ Broadway[1]	Signal retiming
US 41 @ Koreshan Boulevard	Signalization[3]
US 41 @ Sanibel Boulevard[1]	Signal retiming
US 41 @ Metro Parkway[1]	Add 2nd NB right turn lane
US 41 @ Alico Road[1]	Signal retiming
US 41 @ Island Park Road[1]	Signal retiming
US 41 @ Ben Pratt/Six Mile Cypress Parkway[1]	Add EB thru lane
	Add WB thru lane
Williams Road @ Driveway 1/Comm Commercial[1]	Signalization[3]
Williams Road @ River Ranch Road[1]	Signalization[3]
Williams Road @ Sandy Lane[2]	Signalization[3]
	Add WB left turn lane
	Add NB right turn lane
	Add NB left turn lane
	Add EB right turn lane

Williams Road @ Three Oaks Parkway		Signalization[3]

(1) *This intersection is not included in a significantly and adversely impacted roadway segment.*

(2) *This intersection is considered a site-related improvement.*

(3) *Signalization only if warranted and subject to approval by the maintaining agency.*

(4) *Dual EB and WB left turn lanes should be provided if they can be constructed without requiring reconstruction of the I-75 overpass bridge structure.*

The intersection improvements include at grade geometric improvements, such as turn lanes and signalization when warranted. Intersection improvements are accounted for in the overall proportionate share calculation. Site-related needs at the Project entrances are not addressed in the proportionate share calculation and must be addressed by the Developer at the time of local development order approval.

2. **Mitigation**

a. *Buildout Proportionate Share*

The buildout proportionate share is $14,600,000 in year 2002 dollars. This figure represents the Developer's share of necessary roadway and intersection improvements based on the development parameters set forth in Section II.D.1.a. The estimated roads impact fees based on the schedule effective July 1, 2000 is $10,196,250, which is lower than the proportionate share estimate.

As noted in Condition D.3 below, the Developer must pay $170,000 as mitigation for the project's Comprehensive Plan impacts to the 2020 level of service on US 41 from Koreshan Boulevard to Alico Road. Therefore, the total proportionate share obligation deemed sufficient to mitigate both the buildout DRI-related transportation impacts on the non-site related roads and intersections set forth in Paragraph D.1.b and the project's Comprehensive Plan impacts is $14,770,000. However, if the reanalysis described in section D.2.d.1 demonstrates that additional funds are necessary to mitigate the project's transportation impacts, then the Developer will be required to pay the higher mitigation amount.

No independent fee calculation will be permitted for the project, or a subpart thereof, absent a Notice of Proposed Change.

b. *Mitigation Options*

The Developer must choose one of the two mitigation options identified below to satisfy the proportionate share obligation.

(1) Traffic Mitigation Option 1

(a) Payment

All development within the project must pay roads impact fees in effect at the time of building permit issuance. In addition to roads impact fees, and prior to the issuance of the first building permit for vertical construction of any portion of the Regional Retail Center, the Developer must make a lump sum cash payment of $4,573,750 in year 2002 dollars. This lump sum cash payment is intended to mitigate the transportation impacts associated with the Regional Retail Center and satisfy the proportionate share obligation that is due over and above road impact fees.

In accordance with local policies and regulations, the Developer may be entitled to roads impact fee credits for road improvements constructed within the area surrounding the project.

(b) Concurrency

All development within the project will be subject to the County's Concurrency Management System at the time it obtains a local development order.

(2) Traffic Mitigation Option 2

(a) Payment

The Developer may vest, for concurrency purposes, up to 400,000 square feet of retail uses and all of the non-retail uses by making an up-front payment of $6,270,000 in 2002 dollars on or before December 31, 2003 or the issuance of the first building permit for the site, whichever comes first (excepting any public uses mandated by this Development Order). The

remaining portion of the project will be entitled to concurrency vesting upon the payment of $8,500,000 in 2002 dollars on or before December 31, 2004 or the issuance of the first building permit for the retail uses of the project over 400,000 square feet, whichever comes first. The value of creditable pipelined improvements identified in the Development Agreement may be subtracted from the second payment only.

Concurrency certificates issued pursuant to this option will be effective until December 31, 2006, or for three (3) years, whichever is later; provided, however, that the concurrency certificates will be extended upon approval of an extension pursuant to Section D. 2. d(2) for the period of the extension not to exceed one year.

(b) Development Agreement

Exercise of traffic mitigation option 2 requires a Local Government Development Agreement executed pursuant to §163.3220, Florida Statues, and Chapter 2, Article III of the Lee County Land Development Code. The Developer must submit a draft Development Agreement to Lee County within 6 months of the adoption of the original DRI Development Order or prior to submittal of any local development order application for the Regional Retail Center or the Community Commercial Retail. The Development Agreement must be executed prior to issuance of a local development order allowing vertical construction anywhere on the site, excepting public uses mandated by this Development Order. The agreement must specify the payment schedule for the total proportionate share obligation in accordance with subparagraph (2)(a) above.

c. *Application of Payments*

(1) Cash.

The County will apply all impact fees and cash payments made by the DRI toward the non-site related improvements identified in Section D.1.b. In the alternative, the County will apply the fees toward improvements that relieve those roadways, provided those improvements are deemed necessary to

maintain the County's adopted level of service standards. If the improvements identified in Section D.1.b are ultimately funded through other sources, in whole or in part, or deemed unnecessary to maintain the adopted level of service standards, Lee County may apply the impact fees and cash payments paid by the DRI to other improvements consistent with the requirements of Lee County LDC Chapter 2. Potential applications of the cash payment can be specified in the Development Agreement.[2]

(2) Pipelined Improvements.

The Developer may propose in the Development Agreement to provide a specific roadway improvement or improvements in lieu of the second cash payment to the County of $8,500,000 in 2002 dollars, which is referenced in Section D.2.b.(2)(a). The proposed pipeline improvements are subject to County approval. In addition to the improvements listed in Section D. 1. b, potential improvements for pipelining consideration include (but are not limited to):

(a) Sandy Lane 2-lane Extension, from the south property line to the north property line (Williams Road) and from Williams Road to Corkscrew Road. Consistent with the County's long-range plan for Sandy Lane as a 2-lane collector and the County's standards for collector roads, no more than 100 feet of right-of-way and 2 lanes of construction will be eligible for credits against the proportionate share obligation. The reasonable cost of providing the railroad crossing between Williams Road and Corkscrew Road will be eligible for credits against the project's proportionate share obligation. If the Developer chooses to build more than 2 lanes, it will be at the Developer's sole expense.

(b) Interim improvements not requiring right-of-way at the Corkscrew Road/I-75 interchange (subject to FDOT approval).

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[2] An Interlocal Agreement addressing the traffic impacts to the City of Bonita Springs precipitated by approval of the Coconut Point DRI was approved by the Board of County Commissioners on March 23, 2003. The Agreement required the County to: (1) conduct the Sandy Lane Alignment Study; (2) transfer $2.184 million to the City for the DRI impacts to Old U.S. 41 between Rosemary Drive and the intersection of Old U.S. 41 with U.S. 41 and Pelican Colony Boulevard; (3) transfer $138,000 for specified intersection improvements; and, (4) set the alignment of Sandy Lane between Pelican Landing Boulevard and the southern DRI boundary. As of November 2004, all requirements of the Interlocal Agreement have been fulfilled and the Interlocal is considered terminated by its own terms.

The estimated costs of any improvements made by the Developer (including design, right-of-way acquisition, drainage, permitting, water retention, construction, and the like) must be documented and submitted to the County for review and approval. The County reserves the right to obtain its own estimates for comparison purposes. Credit against the proportionate share obligation will be based on the final actual costs of the agreed upon improvements. Any right-of-way granted to the County will be valued as of the day prior to the DRI and zoning approval and subject to the compliance with applicable LDC provisions. Credit for the construction costs will be subject to the provisions of the County Land Development Code and standard practice related to project timing. The improvements must be built to applicable County or State standards and accepted for maintenance in accordance with the requirements of the responsible jurisdiction.

d. *Buildout Extension*

(1) Requirement for Reanalysis

Extension of the buildout date beyond 2006 may alter the project's impact to the area road network. Therefore, if the Developer: (a) files a Notice of Proposed Change resulting in an extension of project buildout beyond December 31, 2006; or (b) desires to extend the concurrency certificates issued pursuant to Condition D.2.b(2), then the Developer must provide a detailed traffic assessment to Lee County DOT for review and approval.

The assessment must include, but is not limited to, identification of the adjusted phasing, the level of development anticipated for the revised phasing, estimated traffic impacts, needed improvements, and the project's proportionate share of those improvements.

The assessment must include a cumulative analysis of the project's traffic impacts. The assessment must also identify mitigation for significantly and adversely impacted road segments by cumulative project traffic at the extended buildout year in accordance with the Transportation Uniform Standard Rule in the Florida Administrative Code. Prior to conducting a reassessment analysis, the Developer must attend a transportation methodology meeting with the County, and other

review agencies as necessary, to establish the appropriate methodology.

The traffic assessment will be prepared by the Developer following generally acceptable transportation planning procedures consistent with the standards in effect at the time of reanalysis. Payment of additional mitigation, if any, resulting from the traffic assessment must be specified in an amended development order. The development order must be amended via a Notice of Proposed Change to reflect the revised phasing and additional mitigation.

The County will provide credit against the recalculated proportionate share for all mitigation paid through the date of the new traffic assessment. Proportionate share payments previously made by the Developer will be adjusted to then current year dollars. This will be accomplished by increasing the principal amount paid by an amount equal to the increase as determined in the State Highway Bid Index for the State of Florida, published in the Engineering News Record, using an average of the last four quarterly factors. This increase will be expressed as a percentage and will be measured from the index published for the fourth quarter of 2001 to the index published in the then latest available edition.

Under no circumstances will reimbursement be granted for any portion of a payment made in exchange for concurrency vesting, regardless of the outcome of a reanalysis.

(2) Alternative for Reanalysis

If all or a part of the Regional Retail Center has received building permits prior to December 31, 2006, the Developer may choose to pay the traffic mitigation for some or all of the balance of the development through buildout in a lump sum at the time the extension application is approved. Full payment of the required mitigation pursuant to Mitigation Option 2 constitutes an election under this section. In this case a cumulative traffic reanalysis is not required for the portion of the balance that is mitigated as part of the original DRI Development order. This section is not intended to supersede the standard submittal requirements for a typical Notice of Proposed Change under state law.

3. **Comprehensive Plan Mitigation**

An amendment to the Future Land Use Map, to change 435 acres from "Rural" to "Urban Community" was necessary to accommodate the approval of this DRI. To support the Map amendment, an analysis different from the DRI Transportation Analysis was necessary. This Comprehensive Plan analysis required review of the effects of the proposed DRI project in the year 2020 on the planned, financially feasible roadway network. The result of this analysis indicated that four road segments, beyond those planned for improvement as part of the 2020 financially feasible roadways network plan, will fail with the addition of the Coconut Point (aka Simon Suncoast) project. The failure for three of the identified segments will likely be addressed through other means, but the segment of US 41 from Koreshan Boulevard to Alico Road is projected to fail even after the six-lane improvement identified in paragraph D.1.b.

The comprehensive plan amendment transmittal package approved by the Board of County Commissioners on December 13, 2001, indicated that appropriate traffic impact mitigation must be provided at the time of rezoning or DRI development approval.

The costs for needed improvements beyond those planned in the 2020 Financially Feasible Plan are solely the responsibility of the ~~applicant~~ Developer, and are treated much as a proportionate share obligation. In this case, the ~~applicant~~ Developer has estimated that the provision of dual left turn lanes at a number of key intersections along the impacted segment of US 41 will improve the capacity enough to allow satisfactory operation. The ~~applicant~~ Developer estimated that the cost of providing these turn lanes would be roughly $692,000, not including the costs of maintenance of traffic, mobilization and permitting. The ~~applicant~~ Developer's proportionate share of the cost of the turn lanes is $170,000. This figure has been added to the project's DRI proportionate share, as noted above.

4. **Access and Site Related Improvements**

In addition to the proportionate share obligation set forth above, the Developer is responsible for its share of the following site-related roadway and intersection improvements: all internal roadways, all intersection improvements, including signalization, turn lanes, deceleration lanes, and other improvements deemed necessary by the County Engineer and consistent with the Lee County Land Development Code for the Project's access points onto U.S. 41, Coconut Road, and Williams Road. The improvements include the installation of a signal coordination system on U.S. 41 from Pelican Colony Boulevard to Williams Road. During the local development order review process, site-related improvements must be evaluated based on weekday, PM peak hour conditions. Saturday mid-day conditions must be considered in the design of turn lanes due to the retail component of the DRI. Site-related improvements are not eligible for credit against impact fees and may not be used to offset the proportionate share obligation. Project accesses onto US 41 are subject to obtaining a connection permit from FDOT.

5. **Committed Improvements**

Roadway Improvements

Roadways	Start Year	Improvement
Alico Road – US 41 to Seminole Gulf Railway	02	4 Lanes
– Seminole Gulf Railway to I-75 West Ramps	02	6 Lanes
Ben Hill Griffin Parkway/Treeline Avenue – Alico Road to Daniels Parkway	02	4 Lane Ext.
Bonita Beach Road - Imperial Street to I-75	03	6 Lanes
Livingston/Imperial Connection – Immokalee Road to Bonita Beach Road	U/C	2 Lane Ext.
Metro Parkway – U.S. 41/Alico Road to Ben Pratt/Six Mile Cypress Pkwy (including interchange)	04	6 Lane Ext.
Three Oaks Parkway – S. of Coconut Road to Williams Road	U/C	4 Lane Ext.
– Williams Road to Corkscrew Road	U/C	4 Lane Ext.
– Corkscrew Road to Alico Road	03	4 Lanes
– Alico Road to Daniels Parkway	03	4 Lane Ext.
US 41 – Old 41 (Collier County) to N. of Bonita Beach Road	03	6 Lanes
- San Carlos Boulevard to Alico Road	U/C	6 Lanes
Williams Road – River Ranch Road to Three Oaks Parkway	02	2 Lane Ext.

The Regional Retail Center has the potential to create a temporary burden on the transportation network. The following Staging Schedule is an effort to minimize the temporary transportation burden while providing the Developer with the ability to obtain building permits for vertical construction of retail uses. Issuance of any building permit for vertical construction will require prior compliance with the mitigation options set forth in condition D.2. The "Maximum Square Footage" column identifies the maximum gross retail square footage for which building permits allowing vertical construction may be issued prior to the corresponding date, unless the improvements identified "to Avoid Interim Level of Service Problem" are under construction on or before the identified date. If all required interim improvements are completed or under construction on or before the identified date, then building permits for the maximum amount of retail square footage as identified in conjunction with the corresponding date may be issued.

Date	Maximum Square Footage	Needed Improvements to Avoid Interim Level of Service Problem	
		Route	Limit
Adoption of DRI DO AND Compliance with Cond. D.2	400,000	Not Applicable	Not Applicable
July 1, 2004	800,000	U. S. 41 - 6 Lane	Collier County line to Bonita Beach Road
July 1, 2005	1,200,000	Three Oaks Ext. 4L OR Livingston Rd./ Imperial St. 4 Lane	Terry St. to Coconut Rd. Immokalee Rd. to E.Terry St.
July 1, 2006	1,800,000	US 41-6Lane AND Three Oaks Ext. 4 Lane AND Old 41 - 4 lane AND Metro Pkwy. Ext.- 6 Lane AND Three Oaks Ext- 4 Lane or Treeline Ext.-4L	Corkscrew Rd. to San Carlos Terry St. to Coconut Rd. Rosemary dr. to US 41 Alico Rd. to ben C Pratt/ Six Mile Cypress Pkwy Alico Rd. to Daniels Pkwy Alico Rd. to Daniels Pkwy.

6. **Annual Transportation Monitoring Program**

a. *Design of Monitoring Program*

The transportation monitoring program will be designed in cooperation with the Lee County Department of Transportation, the Florida Department of Transportation (FDOT), the Southwest Florida Regional Planning Council (SWFRPC), and the Florida Department of Community Affairs (FDCA) prior to submittal of the first report. The methodology of the annual transportation monitoring report may be revised if agreed upon by all parties.

b. *Submittal of Monitoring Report*

The Developer must submit an annual transportation monitoring report to the following entities for review and approval: Lee County Department of Transportation, FDOT, FDCA, and SWFRPC. The first monitoring report will be submitted one year after the effective date of the DRI Development Order. The Developer must provide written notice to the above review agencies if the Developer concludes that a traffic monitoring report is not required because no traffic impacts have been created. Once an annual transportation monitoring report has been submitted, a report must be submitted annually thereafter until Project buildout, whether actual or declared.

c. *Minimum Requirements for Report Contents*

The monitoring report will measure the Project's actual external roadway impacts and the level of service conditions on the impacted roads and intersections, and determine the timing for needed improvements. The annual traffic monitoring report must also contain the following information:

(1) P.M. peak Signalization[(2)(3)] hour traffic counts with turning movements at the Project's access points onto U.S. 41, Coconut Road, Williams Road, Pelican Colony Boulevard and Sandy Lane, and on the external road segments and intersections identified in Paragraph D.1.b. (Traffic counts/volumes may be obtained from original traffic counts, public agency reports, other monitoring reports, and other available data.)

(2) A comparison of field measured external Project traffic volumes to the 5,909 total P.M. Peak hour external (including 757 pass-by and 1,032 interzonal trip ends) project trip generation from all driveways onto U.S. 41, Coconut Road, Williams Road, Pelican Colony Boulevard and Sandy Lane

assumed in the DRI analysis. If an interconnection is provided to The Brooks parcel at the southeast corner of U.S. 41 and Coconut Road, a methodology must be developed to identify pass-through trips generated by The Brooks parcel.

(3) Estimated existing levels of service and needed improvements for the roads and intersections specified in Paragraph D.1.b. above.

(4) Estimated future levels of service and needed improvements for the roads and intersections specified in Paragraph D.1.b. above, based on a one-year projection of future volumes. A summary of the status of road improvements assumed to be committed by Collier County, Lee County and FDOT.

d. *Implications*

(1) If the annual transportation monitoring report reveals that the Project trip generation exceeds the original assumptions contained herein, then the statutory provisions regarding substantial deviations will govern.

(2) Changes to development parameters or buildout may require the Developer to rebut the statutory presumption of substantial deviation. In some instances, the evidence necessary to rebut the presumption may involve a comparison of Project trip distribution and assignment.

7. **Pedestrian/Bicycle and Transit Facilities**

The Developer will provide for pedestrian and bicycle facilities and bus stop locations in accordance with the map attached as Exhibit F.

E. VEGETATION AND WILDLIFE/WETLANDS

1. Impacts to the habitat value of the site (i.e. habitat utilized by dispersing juveniles and possible habitat available to adults occupying the Corkscrew area) must be considered during the permitting review process with the SFWMD and the Department of Army Corps of Engineers (ACOE). This impact must be assessed in terms of the type and function of the forested habitat on site, and the site's contribution as a connection between preserve lands to support wide-ranging and wetland dependent species. The Developer will coordinate with the U.S. Fish and Wildlife Service (USFWS) and Florida Fish and Wildlife Conservation Commission (FFWCC) to address the impacts the proposed project may have on habitat utilized by wide-ranging listed species including the Florida Panther and Florida Black Bear.

2. The lake designs must include draw down pool features in littoral shelf slopes to favor use by woodstork and other wading birds.

3. The Developer must follow the Standard U.S. Fish and Wildlife Service Protection Measures for the Eastern Indigo Snake; and an Eastern Indigo Snake Protection Plan to be submitted for review and approval by the FFWCC as a condition of local development order approval.

4. The Developer must provide an on-site preserve management plan for review and approval by the FFWCC as a condition of local development order approval.

5. The 482± acre site originally consisted of 36.23± acres of SFWMD jurisdictional wetlands. The Developer is committed to conserving 22.15 acres of jurisdictional wetlands and 4.81 acres of jurisdictional surface waters. An estimated 9.27 acres of jurisdictional wetlands are proposed to be impacted with an additional 14.56 acres of non-jurisdictional surface waters to be filled (borrow lakes). 3.76 acres of the proposed wetland impacts have been previously permitted by the SFWMD and the Army Corp of Engineers (ACOE) under the Sweetwater MPD/Brooks project (e.g., eradication of exotic vegetation and wetland hydroperiod enhancement).

6. Prior to impacting the additional 5.51 acres of jurisdictional wetlands, the Developer must modify existing SFWMD and ACOE permits and provide additional mitigation.

7. Wetlands and surface waters remaining on the project site must be protected during construction through the implementation of temporary erosion and sedimentation control procedures.

8. Littoral plantings will be incorporated into the final design of the proposed stormwater management ponds. Plantings of desirable wetland herbaceous plants, to include species such as pickerelweed, maiden cane, and blue flag iris, cypress and black gum.

9. The existing flow-way is part of the Halfway Creek Watershed and headwaters. The 32.7 acre flow-way must be preserved and enhanced. An enhancement plan must be submitted as part of the local development order approval process. This plan must include a restoration planting plan for the 8.49± acres melaleuca dominated slash pine-cypress mixed wetland forest and the 6.84± acre area located in the southeast branch of the flow-way that was previously cleared/disturbed. The restoration planting plan, which is outside of the mitigation requirements under the existing permits, can be utilized as compensatory mitigation for additional wetland impacts during subsequent permitting review processes with the state and federal regulatory agencies.

F. HURRICANE PREPAREDNESS

1. The ~~applicant~~ Developer has stated an intention to utilize various community

buildings, which are to be built in several locations throughout the development, as onsite emergency shelters for the project's residents. Based on the estimate of needed shelter space prepared by the staff of the Southwest Florida Regional Planning Council, the total shelter space provided by the ~~applicant~~ Developer within Coconut Point DRI will be 10,480 square feet.

2. Construction of the buildings to serve, as onsite shelters must be started no later than the issuance of the 100th residential unit certificate of occupancy within each separate community in the overall development. All buildings to be utilized, as shelters must meet the following criteria:

a. elevated above the Category 3 storm surge level;

b. constructed in accordance with the requirements in Rule 9J-2.0257(6)(e), FAC, to withstand winds of at least one hundred twenty (120) miles per hour;

c. all windows in the building are shuttered;

d. equipped with an emergency power generator with adequate capacity to handle the following:

(1) ventilation fans;

(2) emergency lighting;

(3) life safety equipment (i.e., intercom, fire and smoke alarms); and

(4) refrigeration and cooking equipment.

e. have an auxiliary potable water supply.

3. As an alterative to providing all or part of the shelter space in on-site buildings, the Developer may limit the onsite shelter demand of the project by elevating all or portion of the residential units above 15.9 to 16.8 feet NGVD, if the units are located in these elevation ranges, which is the maximum predicted Category 3 storm surge flooding level. The amount of shelter space to be constructed or shelter impact fees to be paid will be determined by the Lee County Office of Emergency Management.

4. All deeds to property located within the Coconut Point DRI must include or be accompanied by a disclosure statement in the form of a covenant stating the property is located in a hurricane vulnerability zone and that the hurricane evacuation clearance time for Lee County or the Southwest Florida Region is high and hurricane shelter spaces are limited.

5. The ~~applicant~~ Developer is also proposing to develop ~~600~~ 350 hotel or motel rooms, within the Coconut Point DRI. Prior to issuance of a local development order for

the hotel/motel, the hotel/motel Developer must contact Lee County Emergency Management with respect to establishing written hurricane preparation and evacuation/sheltering procedures. These procedures must be reduced to a written plan, prepared by the hotel/motel Developer, and approved by Lee County Emergency Management prior to occupancy of the hotel/motel.

6. Mitigation for hurricane evacuation route impacts will be accomplished through implementation of one of the following provisions. The mitigation option to be used must be identified by the Developer as part of the local development order process.

a. Establish and maintain a public information program within the proposed homeowners associations for the purpose of educating the development's residents regarding the potential hurricane threat; the need for timely evacuation in the event of an impending hurricane; the availability and location of hurricane shelters (specifically including the onsite shelters); and the identification of steps to minimize property damage and protect human life.

In order to use the above mitigation option, the Developer must provide a continuing hurricane awareness program and a hurricane evacuation plan. The hurricane evacuation plan must address and include, at a minimum, the following items: operational procedures for the warning and notification of all residents and visitors prior to and during a hurricane watch and warning period; a public awareness program that addresses vulnerability, hurricane evacuation, hurricane shelter alternatives including hotels, the locations of both the onsite hurricane shelters and onsite or offsite public shelters, and other protective actions that may be specific to the development; identification of who is responsible for implementing the plan; and other items as deemed appropriate. The plan must be developed in coordination with local emergency management officials. In order to use this mitigation option, the final plan must be found sufficient by the reviewing agencies and must address the recommendations provided by the reviewing agencies; or

b. Alternatively, the ~~applicant~~ Developer must commit to providing roadway capacity improvements above and beyond those improvements required by Rule 9J-2.0255, FAC; or

c. The ~~applicant~~ Developer must commit to providing funds to be used for the purpose of procuring communications equipment, which would upgrade the existing warning and notification capability of local emergency management officials. In order to use this mitigation option, the Developer must provide reasonable assurance to local emergency management officials regarding the provision's ability to reduce the development's hurricane evacuation impacts. The amount of the funding will be determined and approved by the local emergency management officials.

G. WASTEWATER MANAGEMENT/WATER SUPPLY

1. The Developer will obtain a SFWMD permit for groundwater withdrawals for landscape irrigation, for irrigation well construction, as well as for any dewatering needed to construct the project lakes, roads or building foundations.

2. The Developer will utilize water conserving devices and methods necessary to meet the criteria established in the water conservation plan of the public water supply permit issued to Bonita Springs Utilities (BSU).

3. The Developer will coordinate with BSU or other water supplier to ensure that adequate potable water is available to meet the demands of the project.

4. The Developer will provide any necessary verification to the SFWMD that the Developer's plumbing and irrigation designs are consistent with District rules.

5. The Developer must demonstrate at the time of local development order approval that sufficient potable water and wastewater treatment capacity is available. If BSU cannot provide the necessary service, then the Developer must obtain service from an alternate provider with capacity or construct on-site interim facilities that satisfy BSU Standards. Interim facilities must be dismantled at the Developer's expense when service by BSU is available.

6. The on-site lakes, wetlands, and stormwater management system must be buffered from treated effluent contamination in accordance with SFWMD regulations.

7. Septic systems utilized in conjunction with construction trailers, sales offices and model homes must be temporary. When it is feasible to connect the temporary uses to the regional wastewater treatment facilities, all temporary septic systems must be abandoned or removed by a licensed septic system firm, in accordance with all applicable regulations.

8. The Developer must submit copies of all local development order application plans that include potable water or wastewater collection and distribution systems to BSU. BSU will review the plans for compliance with the BSU specifications manual.

9. Lee County will evaluate all potable water facilities to ensure that the facilities are properly sized to meet average, peak day, and fire flow demands in accordance with the LDC. Lee County will consult with the appropriate fire protection district to confirm that the fire flow demands will be satisfied by the proposed potable water facility.

10. The Developer must use the lowest, yet acceptable for the intended purpose, quality of water available for all non-potable water purposes.

H. COMPREHENSIVE PLAN

~~Lee County may not issue a local development order unless the proposed development order is consistent with the County's Comprehensive Plan, Land Development Code~~. On October 21, 2002 the Board adopted a resolution amending the Lee Plan to reclassify the DRI site to the Urban Community land use category.

I. POLICE AND FIRE PROTECTION

1. The Developer will ensure that first responders to the area are adequately trained by TECO/People Gas to address accidental natural gas releases from the natural gas pipelines that are to be located on or adjacent to the site to ensure the safety of the residents and visitors to the area.

2. The project must be constructed and maintained in accordance with the adopted Life Safety and Fire Code requirements.

3. The owner or operator of a facility qualifying under the Superfund Amendments Reauthorization Act (SARA) Title III of 1986, and the Florida Hazardous Materials Emergency Response and Community Right to Know Act of 1988, must file hazardous materials reporting applications in accordance with §§302, 303, 304, 311, 312, or 313. The applications must be updated annually by each reporting facility.

4. The Developer will provide the Lee County Sheriff's Department with finished shell space in the main regional mall complex (Regional Retail Center) for use as a Sheriff's substation to facilitate law enforcement activities. This space will be provided at nominal cost to the Sheriff's Department.

5. The Fire and EMS impacts of this project will be mitigated by the payment of impact fees in accordance with the schedules set forth in the LDC. However, the Developer must provide the Estero Fire Rescue District with an appropriate parcel (not less than 1 acre in size) for the location of a fire-rescue station and emergency medical services facility on the project site. Upon transfer of this site to the Fire District, the Developer will be entitled to fire impact fee credits in accordance with the LDC.

6. The Developer will conduct a comprehensive security study and evaluation during the design and construction of each retail development phase. The purpose of this study is to design and implement site specific security measures. The plan must provide for review on a quarterly basis by regional security audits. A copy of this plan must be submitted to the County as a condition of local development order approval.

7. The water mains, fire hydrants, and site access must be designed and constructed in accordance with Lee County regulations and BSU guidelines by providing large water mains meeting minimum diameters based upon proposed land use, and installation of fire hydrants in suitable locations to provide adequate fire protection

coverage. Internal fire sprinkler systems may be required for structures to meet supplemental fire protection.

8. Any on-site facilities with commercial pool operations must comply with appropriate codes and statutes including required safety measures such as chemical sensors, internal alarm systems, or emergency shutdown systems.

J. EDUCATION

1. The education impact of this project will be mitigated by the payment of school impact fees in accordance with the schedules set forth in the LDC. However, the Developer must provide a site at least five acres in size and appropriately located to accommodate the growing school needs in this area of the county. Upon transfer of this site to the School District, the Developer may be entitled to seek school impact fee credits in accordance with the LDC.

2. This project will have an impact on the Estero High School and surrounding neighborhood traffic. The Developer will use reasonable efforts to prevent the project's construction traffic from using Williams Road east of the railroad tracks.

III. LEGAL EFFECT AND LIMITATIONS OF THIS DEVELOPMENT ORDER, AND ADMINISTRATIVE REQUIREMENTS

A. Resolution. This Development Order constitutes a resolution of Lee County adopted by the Board of County Commissioners in response to the DRI ADA filed for Coconut Point DRI and this subsequently filed Notice of Proposed Change.

B. Additional Developer Commitments. All commitments and impact mitigating actions volunteered by the Developer in the ADA and supplementary documents that are not in conflict with conditions or stipulations specifically enumerated above are incorporated by reference into this Development Order. These documents include, but are not limited to the following:

1. The Coconut Point (f/~~n~~k/a Simon Suncoast) Application for Development Approval, stamped received on September 12, 2000;

2. The Coconut Point DRI sufficiency responses stamped received on February 7, 2001 and April 10, 2001 (transportation) and April 13, 2001; and

3. The governing zoning resolution for the Coconut Point (f/~~n~~k/a Simon Suncoast) MPD .

C. Master Plan of Development. Map H, stamped received at the Zoning Counter on ~~February 7, 2001~~ November 17, 2004 and attached hereto as Exhibit "B", and

is incorporated by reference. It is understood that because it is a concept plan it is very general. The Developer may modify the boundaries of development areas and the locations of internal roadways to accommodate topography, vegetation, market conditions, traffic circulation, or other site related conditions as long as the modifications meet local development regulations. This provision may not be used to reduce the size of wetland preserve areas. Precise wetland boundaries will be determined by the South Florida Water Management District, as delegated by the Department of Environmental Protection and the Army Corp of Engineers.

D. Binding Effect. The Development Order is binding upon the Developer, its successors and assigns. Where the Development Order refers to lot owners, business owners or other specific reference, those provisions are binding on the entities or individuals referenced. Those portions of this Development Order that clearly apply only to the project Developer are binding upon any builder/developer who acquires a tract of land within the DRI. The Developer may impose or pass on the requirements of this DRI development order to ultimate purchasers through covenants that run with the land and phasing schedule.

E. Reliance. The terms and conditions set out in this Development Order constitute a basis upon which the Developer and the County may rely with respect to future actions necessary to fully implement the final development contemplated by this Development Order. The development parameters and phasing schedule upon which this development order approval is based is set forth in Exhibit C. Change to the development mix or phasing schedule may require a reanalysis of project impacts in order to rebut a presumption of substantial deviation.

F. Enforcement. All conditions, restrictions, stipulations and safeguards contained in this Development Order may be enforced by either party by action at law or equity. All costs of those proceedings, including reasonable attorney's fees, will be paid by the defaulting party.

G. Successor Agencies. References to governmental agencies will be construed to mean future instrumentalities that may be created and designated as successors in interest to, or which otherwise possess, the powers and duties of the referenced governmental agencies in existence on the effective date of this Development Order.

H. Severability. If any portion or section of this Development Order is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, then that decision will not affect the remaining portions or sections of the Development Order, which will remain in full force and effect.

I. Applicability of Regulations. This Development Order does not negate the Developer's responsibility to comply with federal, state, regional and local regulations.

J. Further Review. Subsequent requests for local development permits do not require further DRI review pursuant to §380.06, Florida Statutes. However, upon a finding at a public hearing by the Board that any of the following conditions exist, the Board must order a termination of all development activity in that portion of the development affected by substantial deviation until a DRI Application for Development Approval, Notice of Substantial Deviation or Notice of Proposed Change has been submitted, reviewed and approved in accordance with §380.06, Florida Statutes.

1. There is a substantial deviation from the terms or conditions of this Development Order or other changes to the approved development plans that create a reasonable likelihood of an additional regional impact or any other regional impact created by the change that has not been evaluated and reviewed by the Regional Planning Council; or

2. Expiration of the period of effectiveness of the Development Order. Any request to extend the effectiveness of this Development Order will be evaluated based on the criteria for the extension of the buildout date set forth in §380.06(19), Florida Statutes.

3. Conditions in this development order that specify circumstances in which the development will be required to undergo additional DRI review. See 9J-2.025(10).

K. Buildout and Termination Dates. The project has a buildout date of December 31, 2006, and a termination date of December 31, 2012. The termination date is based on a 4-year buildout and the recognition that a local Development Order, which is valid for six years, may be obtained prior to December 31, 2012. No permits for development will be issued by the County subsequent to the termination date or expiration date unless the conditions set forth in §380.06(15)(g) are applicable.

L. Commencement of Physical Development. As of November 2004, c~~C~~ommencement of substantial physical development of the project ~~must~~ has occured ~~no later than December 31, 2004~~. Further development must occur in accordance with the development parameters and phasing schedule set forth in Exhibit C.

M. Assurance of Compliance. The administrative director of the Lee County Department of Community Development, or their designee, will be the local official responsible for assuring compliance with this Development Order. Lee County is primarily responsible for monitoring the development and enforcing the provisions of the development order. No permits or approvals will be issued if the Developer fails to act in substantial compliance with the development order.

N. Credits Against Local Impact Fees. Pursuant to §380.06(16), Florida Statutes, the Developer may be eligible for credits for contributions, construction, expansion, or acquisition of public facilities, if the Developer is also subject by local

ordinances to impact fees or exactions to meet the same needs. However, no credit will be provided for internal or external site-related facilities required by County regulations, or to any off-site facilities to the extent those facilities are necessary to provide safe and adequate services to the development.

O. Protection of Development Rights. The project will not be subject to down-zoning, unit density reduction, or intensity reduction prior to December 31, 2013. If the County demonstrates at a public hearing that substantial changes have occurred in the conditions underlying the approval of this Development Order, or finds that the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by Lee County to be essential to public health, safety and welfare, then down-zoning, unit density reduction, or intensity reduction may occur. [See 9J-2.025(3)(b)13]

P. Annual Reports. The Developer must submit a report annually to the Lee County Department of Community Development, the SWFRPC and Florida DCA on Form RPM-BSP-Annual Report-1. The content of the annual report must include the information set forth in Exhibit D, and must also be consistent with the rules of the FDCA. The first monitoring report must be submitted to the DRI coordinator for SWFRPC, DCA, and Lee County no later than one year after the effective date of this Development Order. Further reporting must be submitted not later than one year for subsequent calendar years thereafter, until buildout, whether actual or declared. Failure to comply with this annual reporting procedure is governed by §380.06(18), Florida Statutes, which provides for the temporary suspension of the DRI Development Order.

The Developer must file the annual monitoring reports until actual or declared buildout of the project. The Simon Property Group is the party responsible for filing the annual monitoring reports until one or more successor entities are named in the development order. The Developer must inform successors in title to the undeveloped portion of the real property covered by this development order of the annual reporting requirement. Tenants or owners of individual lots or units have no obligation to comply with this reporting condition.

The Developer must also submit a transportation annual report in accordance with the provisions set forth in Section II.D. of this development order.

Q. Community Development District. The Developer might elect to petition for the formation of a Uniform Community Development District to serve all or a portion of the project pursuant to Florida Statutes, Chapter 190, as it may be in effect from time to time. Lee County hereby gives its approval that any such district may undertake the construction and/or funding of all or any of the mitigation and public infrastructure projects for which the Developer is responsible under the terms of this development order, whether within or without the boundaries of the district, and including the payment of mitigation amounts provided for in this development order, as a co-obligor hereunder. This provision may not be construed to require the approval of any petition to form such a district, and in no event will the Developer be released from its obligations under this development order.

R. Transmittal and Effective Date. The County will forward certified copies of this Development Order to the SWFRPC, the Developer, and appropriate state agencies. This Development Order is rendered as of the date of that transmittal, but will not be effective until the expiration of the statutory appeal period (45 days from rendition) or until FDCA has completed their review and has determined not to take an appeal, should that occur prior to the expiration of the 45-day period, or until the completion of any appellate proceedings, whichever time is greater. In accordance with the requirements of §380.06(15)f, Florida Statutes, once this development order is effective, the Developer must record notice of its adoption in the office of the Clerk of the Circuit Court of Lee County.

S. Continued Agricultural Use of Property. Bona fide agricultural uses in existence on the date of this DRI approval may continue until the first development order approval for a site within the particular tract, as designed on Map H, (excluding public uses mandated by this Development Order). No development activity of any kind may occur on the property, including the clearing of vegetation or cutting of trees, unless such activity is reviewed and approved in accordance with Lee County regulations as if no agricultural use existed on the property. The purpose of the limitation is to eliminate any exemption or other special considerations or procedures that might otherwise be available under Lee County regulations by virtue of the existing agriculture on the property.

THE MOTION TO ADOPT this Development Order was offered by Commissioner Judah, and seconded by Commissioner Janes and upon a poll of the members present, the vote was as follows:

Robert Janes	Aye
Douglas St. Cerny	Absent
Ray Judah	Aye
Tammy Hall	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 7th day of February, 2005.

ATTEST:
CHARLIE GREEN, CLERK

By: Ina S Pierce
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By:

Approved as to form

By:
Dawn E. Perry-Lehnert
Assistant County Attorney

Exhibits:

A. Legal Description
B. Master Plan of Development (Map H) Stamped Received November 17, 2004
C. Development Parameters and Phasing Schedule
D. Annual Monitoring Report Requirements
E. Calculation of Road Impact Fee Obligation
F. Pedestrian, Bicycle and Bus Stop Plan

RECEIVED
JUL 09 2004
PERMIT COUNTER

HM PROJECT #1997079
1/17/01
REF. DWG. #A-994-3

DRI2004-00008

LEGAL DESCRIPTION

A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY, AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 1,733.04 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN N.10°32'05"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 971.33 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 5,605.39 FEET, THROUGH A CENTRAL ANGLE OF 04°03'11", SUBTENDED BY A CHORD OF 396.43 FEET AT A BEARING OF N.08°30'30"W., FOR A DISTANCE OF 396.52 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°07'51"E. FOR A DISTANCE OF 747.22 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N.82°31'42"E., A DISTANCE OF 3,909.60 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,909.60 FEET, THROUGH A CENTRAL ANGLE OF 08°29'31", SUBTENDED BY A CHORD OF 578.92 FEET AT A BEARING OF N.03°13'32"W., FOR A DISTANCE OF 579.45 FEET TO THE END OF SAID CURVE; THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 583.09 FEET; THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 47.04 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE NORTHERLY, WHOSE RADIUS POINT BEARS N.10°26'58"W., A DISTANCE OF 2,025.00 FEET THEREFROM; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°12'27", SUBTENDED BY A CHORD OF 325.07 FEET AT A BEARING OF N.74°56'48"E., FOR A DISTANCE OF 325.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.70°20'35"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 487.89 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 488.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 238.23 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN S.00°59'47"E., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,869.10 FEET TO THE POINT OF BEGINNING; CONTAINING 95.885 ACRES, MORE OR LESS.

AND

A PORTION OF SECTIONS 3, 4, 9, AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE

SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 3,021.15 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,320.56 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,692.32 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°56'59"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,590.78 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 5,641.38 FEET, THROUGH A CENTRAL ANGLE OF 09°31'27", SUBTENDED BY A CHORD OF 936.68 FEET AT A BEARING OF N.05°42'42"W., FOR A DISTANCE OF 937.76 FEET TO THE END OF SAID CURVE; THENCE RUN N.10°28'26"W., ALONG SAID WESTERLY RIGHT-OF -WAY LINE, FOR A DISTANCE OF 98.54 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, A 100.00 FOOT RIGHT-OF-WAY; THENCE RUN S.88°20'53"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,029.70 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN WESTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 7,050.00 FEET, THROUGH A CENTRAL ANGLE OF 03°00'00", SUBTENDED BY A CHORD OF 369.09 FEET AT A BEARING OF S.89°50'53"W., FOR A DISTANCE OF 369.14 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°39'07"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 674.92 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN S.04°52'41"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,901.57 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,725.19 FEET, THROUGH A CENTRAL ANGLE OF 11°32'50", SUBTENDED BY A CHORD OF 548.30 FEET AT A BEARING OF S.00°53'44"E., FOR A DISTANCE OF 549.23 FEET TO THE END OF SAID CURVE; THENCE RUN S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 225.81 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,710.61 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 626.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 11,584.73 FEET, THROUGH A CENTRAL ANGLE OF 06°24'13", SUBTENDED BY A CHORD OF 1,294.08 FEET AT A BEARING OF S.03°28'03"E., FOR A DISTANCE OF 1,294.76 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°15'56"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 274.74 FEET; THENCE RUN S.46°02'16"E., FOR A DISTANCE OF 577.44 FEET; THENCE RUN S.01°57'26"E. FOR A DISTANCE OF 25.19 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY; THENCE RUN N.88°02'34"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 32.80 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,875.00 FEET, THROUGH A CENTRAL ANGLE OF 17°41'59", SUBTENDED BY A CHORD OF 576.92 FEET AT A BEARING OF N.79°11'34"E., FOR A DISTANCE OF 579.22 FEET TO THE END OF SAID

CURVE; THENCE RUN N.70°20'35"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 512.09 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 512.65 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 263.08 FEET TO THE POINT OF BEGINNING; CONTAINING 386.536 ACRES, MORE OR LESS.

NOTES:

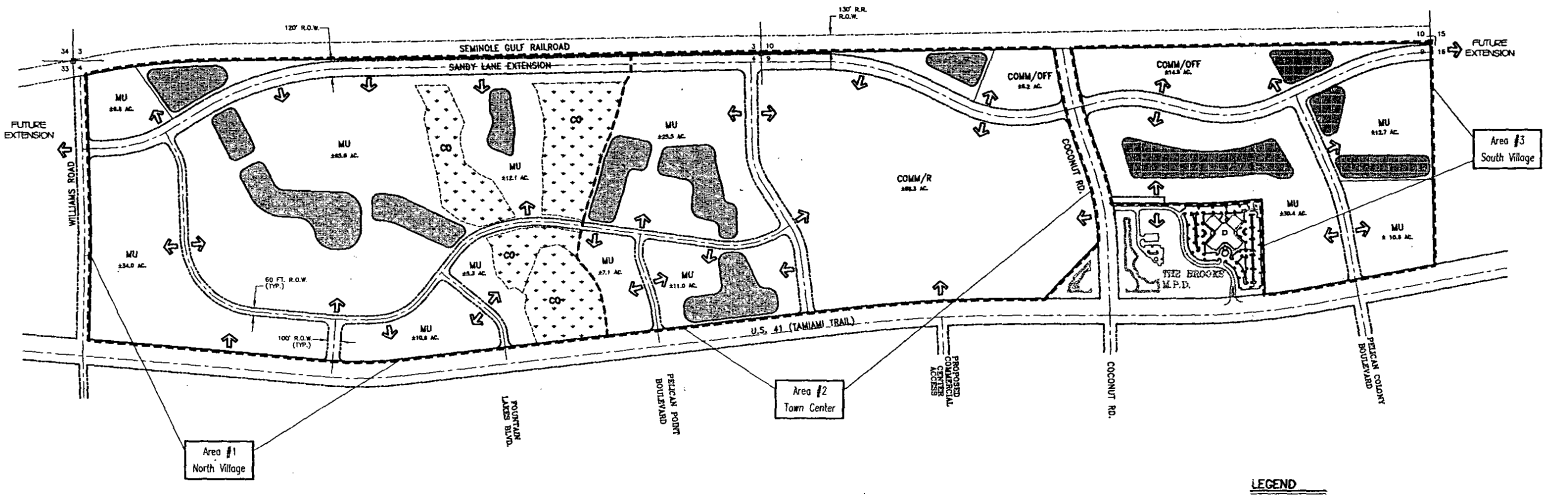
THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

TOTAL PROPERTY AREA: 482.421 ACRES, MORE OR LESS.

INFORMATION RELATING TO BOUNDARY DATA OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, TOGETHER WITH THE LOCATION OF THE US HIGHWAY #41 RIGHT-OF-WAY, WAS OBTAINED FROM A SURVEY OF THE SWEETWATER RANCH PREPARED BY DENI ASSOCIATES HAVING ORDER NUMBER 8409031, DATED 9/14/84. INFORMATION RELATING TO THE LOCATION OF COCONUT ROAD AND ADJOINING EXCEPTED PARCELS WAS OBTAINED FROM PROPERTY DESCRIPTIONS PROVIDED BY CLIENT.

BEARINGS REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S.88°56'17"W.

Applicant's Legal Checked
by _____ July 30, 2004



LAND USE BREAKDOWN

CONSERVATION AREAS	±32.7 ACRES
LAKES	±47.1 ACRES
INTERNAL R.O.W.	±50.2 ACRES
GREEN AREA / OPEN SPACE	±11.6 ACRES
DEVELOPMENT AREAS	±340.8 ACRES
TOTAL	±482.4 ACRES

PROJECT INTENSITY

RESIDENTIAL UNITS	1,450
COMMERCIAL/RETAIL (GROSS LEASABLE AREA)	1,800,000
GENERAL OFFICE (S.F.)	200,000
MEDICAL OFFICE (S.F.)	100,000
HOTEL (ROOMS)	350

LEGEND

COMM	RETAIL/COMMERCIAL
MU	MIXED USE
OFF	OFFICE/MEDICAL
R	RESIDENTIAL
	PROPERTY BOUNDARY
	DELINEATION OF DEVELOPMENT AREAS
	ROAD R.O.W. LINE
	CONSERVATION AREAS
	PROPOSED LAKE
	CONCEPTUAL ACCESS POINT

NOTES:

1. LOCATIONS/CONFIGURATIONS OF PROPOSED LAND USES, SUCH AS LAKES, CONSERVATION AREAS, ROADWAYS AND OPEN SPACE ARE CONCEPTUALLY SHOWN AND SUBJECT TO CHANGE DURING FINAL DESIGN/PERMITTING.
2. THE MIXED USE (MU) DESIGNATION CONTAINS A MIX OF RETAIL/COMMERCIAL, HOTEL, OFFICE, RESIDENTIAL, ALF, AND PUBLIC FACILITY LAND USES.

RECEIVED
NOV 17 2004
PERMIT COUNTER
DRI 2004 00006

SCALE: 1" = 400'

EXHIBIT B

NO.	REVISIONS	DATE
4		
3		
2		
1	REVISIONS PER 1st SUFFICIENCY COMMENTS	11/15/04
	N.O.P.C.	07/30/01

HOLE MONTES
ENGINEERS · PLANNERS · SURVEYORS
6202-F Presidential Court
Fort Myers, FL 33919
Phone: (239) 985-1200
Florida Certificate of Authorization No. 1772
Naples · Fort Myers · Venice · Englewood

SIMON SUNCOAST

MASTER CONCEPT PLAN
MAP "H"

DESIGNED		DATE
DRAWN	C.R.B.	DATE 11/15/04
CHECKED	M.E.D.	DATE 11/04
HORIZ. SCALE		ORIGINAL SCALE 1" = 400'
DRAWING NO.		
REFERENCE NO.	9779BMAPH	
PROJECT NO.	97.79-B	SHEET NO. 1 of 1

DRI
EXHIBIT C

Development Parameters and Phasing Schedule

		Buildout
Regional Retail Commercial	1,450,000* sq. ft.	2006
Community Retail	350,000* sq. ft.	2006
Office	300,000** sq. ft.	2006
Hotel	~~600~~ 350 Rooms	2006
Residential, Multi-family	~~1000~~ 1250 du	2006
Assisted Living Facility	200 units	2006

* Gross Leasable Area

**Up to 100,000 sq. ft., may be medical office

DRI
EXHIBIT D

ANNUAL MONITORING REPORT REQUIREMENTS

The Annual Monitoring Report that must be submitted by the Developer in accordance with Subsections 380.06(15) and 380.06(18), Florida Statutes, and 9J-2.025(7), Florida Administrative Code, must include the following:

A. Any changes in the plan of development or in the representations contained in the application for development approval, or in the phasing for the reporting year and for the next year;

B. A summary comparison of development activity proposed and actually conducted for the year;

C. Identification of undeveloped tracts of land, other than individual single family lots, that have been sold to separate entities or developers.

D. Identification and intended use of lands purchased, leased, or optioned by the Developer adjacent to the original DRI site since the development order was issued;

E. A specific assessment of the Developer's and the local government's compliance with each individual condition of approval contained in the DRI Development Order and the commitments which are contained in the application for development approval and which have been identified by the local government, the RPC, or the DCA as being significant;

F. Any requests for substantial deviation determination that were filed in the reporting year and to be filed during the following year;

G. An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;

H. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose of each;

I. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(15) and (18), Florida Statutes;

J. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer pursuant to Paragraph 380.06(15)(f), Florida Statutes.

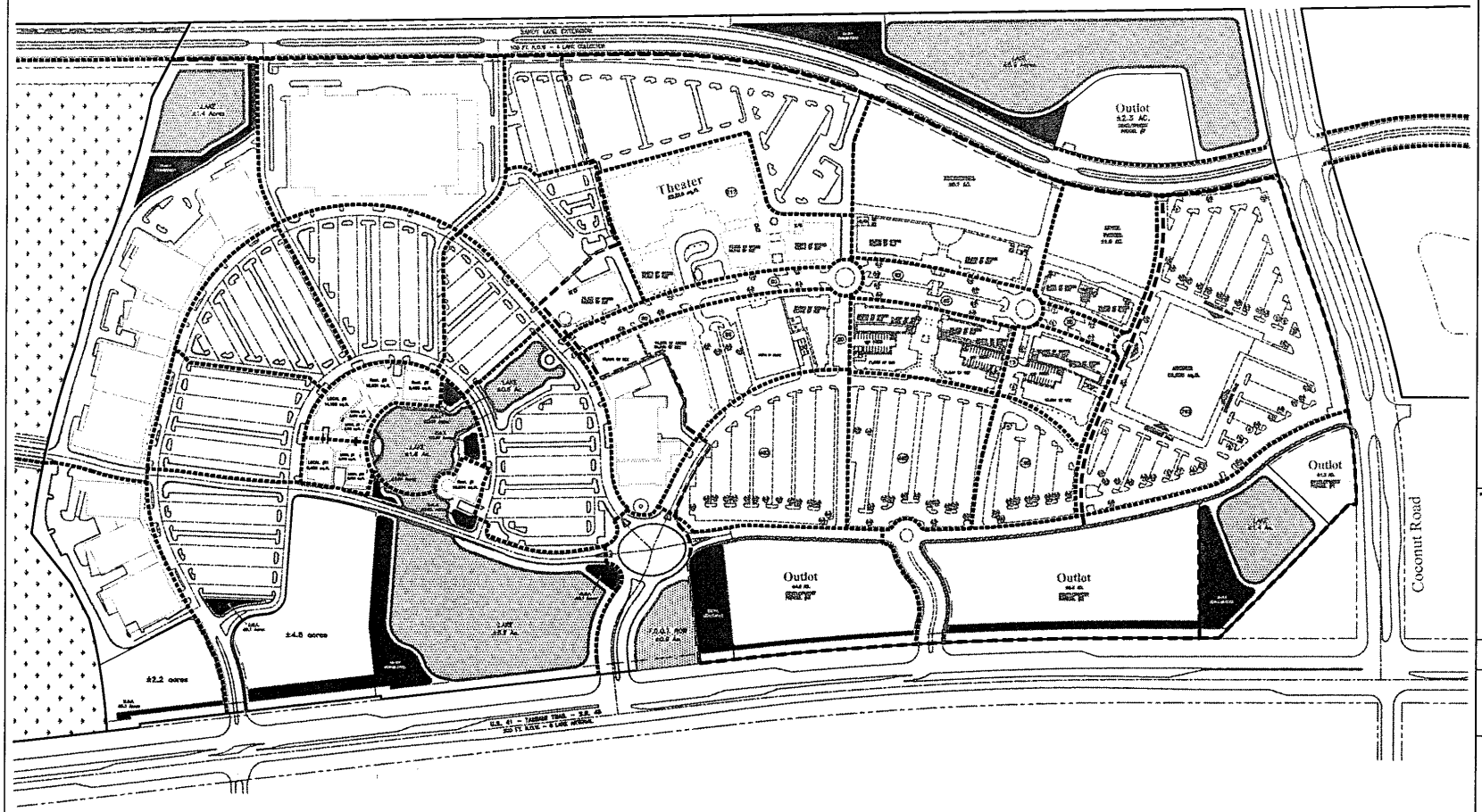
NOTE: The Florida Administrative Code specifically requires that the development order specify the requirements for the annual report. The Administrative Code requires that the annual report will be submitted to DCA, the RPC, and the local government on Form RPM-BSP-Annual Report-1.

DRI
EXHIBIT E
Calculation of Road Impact Fee Obligation[3]

LAND USE	ITE LUC	UNIT	RATE	SIZE	AMOUNT
GENERAL INDUSTRIAL	130	1000 SF	$1,681.00	0	$ -
WAREHOUSE	150	1000 SF	$1,198.00	0	$ -
MINI-WAREHOUSE	151	1000 SF	$ 419.00	0	$ -
SINGLE-FAMILY DETACHED	210	DU	$2,436.00	0	$ -
MULTI-FAMILY	220	DU	$1,687.00	1000	$ 1,687,000.00
MOBILE HOME (PARK UNIT)/RV SITE	240	DU	$1,221.00	0	$ -
ACLF	252	DU	$ 550.00	200	$ 110,000.00
HOTEL	310	ROOM	$1,834.00	600	$ 1,100,400.00
TIMESHARE	310	DU	$1,834.00	0	$ -
GOLF COURSE	430	ACRE	$ 711.00	0	$ -
MOVIE THEATRE	443	1000 SF	$5,600.00	0	$ -
ELEMENTARY/SECONDARY SCHOOL (PRIVATE)	520	1000 SF	$ 611.00	0	$ -
CHURCH	560	1000 SF	$1,402.00	0	$ -
DAYCARE	565	1000 SF	$3,900.00	0	$ -
HOSPITAL	610	1000 SF	$2,941.00	0	$ -
NURSING HOME	620	1000 SF	$ 824.00	0	$ -
OFFICE UNDER 100,000 SF	710	1000 SF	$2,254.00	100	$ 225,400.00
OFFICE 100,000 SF AND OVER	710	1000 SF	$1,918.00	100	$ 191,800.00
MEDICAL OFFICE	720	1000 SF	$6,334.00	100	$ 633,400.00
RETAIL UNDER 100,000 SF	820	1000 SF	$3,992.00	100	$ 399,200.00
RETAIL 100,000 SF TO 250,000 SF	820	1000 SF	$3,869.00	150	$ 580,350.00
RETAIL 250,000 SF TO 500,000	820	1000 SF	$3,634.00	250	$ 908,500.00
RETAIL 500,000 SF AND OVER	820	1000 SF	$3,354.00	1300	$ 4,360,200.00
STANDARD RESTAURANT	831	1000 SF	$8,715.00	0	$ -
FAST FOOD RESTAURANT	834	1000 SF	$9,886.00	0	$ -
CAR WASH, SELF-SERVICE	847	STALL	$7,749.00	0	$ -
CONVENIENCE FOOD AND BEVERAGE STORE	851	1000 SF	$8,715.00	0	$ -
BANK	911	1000 SF	$6,063.00	0	$ -
TOTAL					$10,196,250.00

[3] The calculations included here are based upon the impact fee schedule effective July 1, 2000.

TRACT 1F
TRACT 1D
TRACT 1C
TRACT 1E
TRACT 1B-2
TRACT 1B-1
TRACT 1A
LEGEND:
PRIMARY PEDESTRIAN WALKWAYS (typ.)
NORTH
SIMON
Network City Center
115 W. Washington Street
Indianapolis, IN 46204
(317) 636-1600
The Shops at Coconut Point
BONITA SPRINGS
FLORIDA
PROPOSED PEDESTRIAN CIRCULATION PLAN
0316D_PED CIRC PLAN_030904



LEGEND:

▬▬▬ PRIMARY PEDESTRIAN WALKWAYS (typ.)

SCALE: 1" = 150'

SIMON
National City Center
115 W. Washington Street
Indianapolis, IN 46204
(317) 636-1600

The Shops at Coconut Point

BONITA SPRINGS FLORIDA

PROPOSED PEDESTRIAN CIRCULATION PLAN

C.S.B. | 2003.116-D

C.S.B. | March 9th, 2004

1" = 150'

03116D_PED CIRC PLAN_030904

EXHIBIT F
PAGE 2 OF 3

TRACT 3D
TRACT 3B
TRACT 3C
TRACT 3A
Coconut Road
Outlet
Outlet
Outlet
LEGEND:
PRIMARY PEDESTRIAN WALKWAYS (typ.)
NORTH
SIMON
National City Center
115 W. Washington Street
Indianapolis, IN 46204
(317) 636-1600
The Shops at Coconut Point
BONITA SPRINGS
FLORIDA
PROPOSED PEDESTRIAN CIRCULATION PLAN
031160_PED CIRC PLAN_030904

State of Florida
County of Lee

I Charlie Green, Clerk of the Circuit Court for Lee County, Florida, do hereby certify this document to be a true and correct copy of the original document filed in the Minutes Department.

Given under my hand and official seal at Fort Myers, Florida, this 14th day of February, A.D. 2005

CHARLIE GREEN, CLERK

By Josie L Pierce
Deputy Clerk

LEE COUNTY FLORIDA

CIRCUIT COURT

RECEIVED
DEC 28 2004
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OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DRI2004-00008
APPLICANT: COCONUT POINT DEVELOPERS, LLC., in reference to COCONUT POINT / SIMON SUNCOAST NOPC
HEARING DATE: DECEMBER 15, 2004

I. APPLICATION:

This matter came before the Lee County Hearing Examiner as an Application for an Amendment to a Mixed Use Planned Development (MPD) pursuant to the Lee County Land Development Code (LDC).

Filed by COCONUT POINT DEVELOPERS, LLC, P. O. Box 7033, Indianapolis, Indiana 46207 (Applicant/Owner); DILLARD'S INC., P. O. BOX 1600, Cantrell Road, Little Rock, Arkansas, 72201; EDWARD J. McARDLE TR, P. O. Box 366879, Bonita Springs, Florida 34136; and WALLACE HOMES OF SOUTHWEST FLORIDA, INC., 2640 Golden Gate Parkway, Suite 305, Naples, Florida 34105 (Owners); MATT UHLE, ESQUIRE, % KNOTT, CONSOER, EBELINI, HART & SWETT, 1625 Hendry Street, Suite 301, Fort Myers, Florida 33904 (Agent).

Requests are:

A) Consider a Notice of Proposed Change to amend the Coconut Point DRI Development Order to increase residential condominiums from 550 to 1,000; decrease hotel rooms from 600 to 350; and decrease apartments from 450 to 250.

B) Evaluate whether the amendments constitute a substantial deviation from the original development order approvals warranting further development of regional impact review.

The subject property is located at Estero, Florida (east side of U.S. 41 between Williams Road and northern boundary of Bonita Springs), in Section 9, Township 47 South, Range 25 East, Lee County, Florida (District #3).

II. STAFF REPORT AND RECOMMENDATION: APPROVE

The Department of Community Development Staff Report was prepared by Chip Block. The Staff Report is incorporated herein by this reference.

III. RECOMMENDATION OF HEARING EXAMINER:

The undersigned Lee County Hearing Examiner recommends that the Lee County Board of County Commissioners:

A. **APPROVE** the Applicant's request for a NOPC to amend the Coconut Point DRI Development Order for an increase in residential condominiums from 550 to 1,000; decrease in hotel rooms from 600 to 350; and decrease in apartments from 450 to 250; AND

B. **MAKE A FINDING** that the requested amendment **does not** constitute a Substantial Deviation from the original Development of Regional Impact Development Order

for the real estate described in Section IX. Legal Description:

IV. HEARING EXAMINER DISCUSSION:

This is a request to amend the Coconut Point Development of Regional Impact (DRI), located at U.S. 41 and Coconut Road, to reduce the number of apartments and hotel rooms and to increase the number of condominium units. The DRI is surrounded by other large scale commercial and residential developments and zoning districts. It is designated Urban Community in the Lee Plan.

The DRI was initially approved in 2000 for 1.75 million square feet of retail/regional mall and commercial uses; 300,000 square feet of office; 600 hotel rooms; 1,000 multi-family dwelling units; and a 200-bed assisted living facility. Applicant intends to redistribute the uses by reducing the number of hotel rooms from 600 to 350 and increasing the number of dwelling units to 1,250. In addition, Applicant intends to redistribute dwelling units by reducing the number of apartment units by 200, and adding those 200 units and the 250 hotel units to the condominium units. This redistribution will result in 1,000 condominium units, 250 apartments and 350 hotel rooms.

Applicant's Traffic Impact Study concluded that the redistribution of uses would not have any adverse impacts on the surrounding roadways, internal or external, and would actually decrease by 1.6 percent the number of trips generated by this DRI.

The redistribution of uses will have no other impacts - regional or local - on the rest of the DRI project or the surrounding mixture of commercial and residential uses.

Given the lack of regional impacts, Applicant asserted that the proposed changes will not constitute a Substantial Deviation under the regulations set out in Section 380.06(19), Florida Statutes. As such, the DRI is not required to undergo any further DRI review.

Staff recommended approval of the proposed changes to the DRI Development Order, finding that the changes, as conditioned in the Development Order, are consistent with the intent of the Lee Plan and the Land Development Code, and will be compatible with the surrounding mixture of existing or planned commercial and residential uses. They also found that the proposed changes would not be detrimental to the neighborhood, and would not create any additional or result in any unreviewed impacts on the surrounding area.

Lee County Department of Transportation reviewed Applicant's Traffic Impact Study and concurred with the conclusion that the proposed changes would reduce the transportation impacts to the surrounding area by 1.6 percent.

Staff found that the requested changes did not constitute a Substantial Deviation to the original approval, and that no additional DRI review was necessary or warranted.

A representative of the City of Bonita Springs spoke at the public hearing, concurring with the approval of the request. She asked that the County include a footnote in the Transportation Section of the DRI Development Order acknowledging the fulfillment of the traffic mitigation terms of the Interlocal Agreement between Lee County and the City. Neither the County Attorney nor Applicant objected to the inclusion of the footnote.

The undersigned Hearing Examiner concurs with Staff's analysis, findings and recommendation of approval of the requested changes, finding that the request meets the criteria for approval set out in LDC Section 34-145, and is consistent with the intent of the Lee Plan and the Land Development Code. She also finds that the request will not be detrimental or injurious to the neighborhood or the surrounding mixture of commercial and residential uses.

The Hearing Examiner also concurs with Applicant's and Staff's finding that the proposed changes will not result in any new or unreviewed regional impacts. As such, it does not constitute a Substantial Deviation under Section 380.06(19), Florida Statutes, and, thus, the DRI is not required to undergo any further Section 380.06 review.

As neither Staff, Applicant nor the County Attorney's Office have any objections to the inclusion of the footnote requested by the City of Bonita Springs, the Hearing Examiner has included the requested footnote. It is the opinion of the Hearing Examiner that the inclusion of the footnote will not be prejudicial or detrimental to Applicant or Lee County.

V. FINDINGS AND CONCLUSIONS:

Based upon the Staff Report, the testimony and exhibits presented in connection with this matter, the undersigned Hearing Examiner makes the following findings and conclusions:

A. That the Applicant has proved entitlement to this request, as conditioned, by demonstrating compliance with the Lee Plan, the Land Development Code, and Section 380.06, Florida Statutes.

B. That the request, as conditioned in the DRI Development Order, will meet or exceed all performance and locational standards set forth for the potential uses allowed by the request.

C. That the request, as conditioned in the DRI Development Order, is consistent with the densities, intensities and general uses set forth in the Lee Plan.

D. That the request, as conditioned in the DRI Development Order, is compatible with existing or planned uses in the surrounding area.

E. That approval of the request, as conditioned in the DRI Development Order, will not place an undue burden upon existing transportation or planned infrastructure facilities, and the development will be served by streets with the capacity to carry traffic it generates.

F. That the request, as conditioned in the DRI Development Order, will not adversely affect environmentally critical areas and natural resources.

G. That the proposed mix of uses, as conditioned in the DRI Development Order, are appropriate at the subject location.

H. That urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

I. That the request, as conditioned in the DRI Development Order, does not create new or additional unreviewed regional impacts and, therefore, does not constitute a Substantial Deviation under Section 380.06(19), Fla. Stat.

VI. LIST OF EXHIBITS:

STAFF'S EXHIBITS

Résumés of Lee County Staff are on file with the Hearing Examiner's Office and are incorporated herein.

APPLICANT'S EXHIBITS

Résumés of Applicant's consultants are on file with the Hearing Examiner's Office and are incorporated herein.

VII. PRESENTATION SUMMARY:

The Hearing Examiner explained the hearing process and placed all the participants under oath. Matt Uhle, with Knott, Consoer, Ebelini, Hart & Swett, introduced himself as the Applicant's, Coconut Point Developers, LLC, representative, and indicated that the Applicant was in agreement with Staff's recommendation of approval of the request. The Staff Report contained the traffic analysis completed by David Plummer and Associates, which included that their proposed changes, which resulted in a 1.6 percent reduction of net, new external p.m. peak hour trips. Additionally, the memorandum from Andy Getch, Attachment "D" of the Staff Report, essentially accepted the traffic analysis conclusion and he also came to the conclusion that the distribution changes, resulting from the amendment, were minimal.

The Hearing Examiner clarified that the request was to amend an existing DRI Development Order to change the distribution of uses. The Hearing Examiner wondered if there would be any internal shift in transportation impacts associated with the request to:

1. increase residential condominiums from 550 to 1,000;
2. decrease hotel rooms from 600 to 350; and
3. decrease apartments from 450 to 250.

Mr. Uhle replied "not really." All of the changes pertained to the portion of the project referred to as the Town Center.

Next, referring to Item C on page 2 of the Development Order, the Hearing Examiner inquired if the property was still in "active agricultural use." Tom Schneider of Simon Property Group, Inc. replied that, with the exception of South Village, the rest was under development. The Hearing Examiner suggested that, since portions of the Development Order were being revised, all of the incorrect portions of it should also be revised. Dawn Perry-Lehnert, Assistant County Attorney, agreed that all provisions of the Development Order needed to be changed to reflect the current conditions. Mr. Schneider stated that parts of the North Village would stay under agriculture for the current time. The Hearing Examiner suggested rewording that condition to read, "Portions of the property currently remain in active agricultural use."

Next, the Hearing Examiner noted that references to the Applicant and the Developer were used interchangeably throughout the DRI document. She requested that only one designation be used, unless there was a specific reason for the use of both. She felt it could be very confusing in the future. Ms. Lehnert indicated there may be a problem with doing that in the Transportation section, but would need to review it before she could be sure.

Mr. Uhle suggested the terms were used interchangeably because the storm water management language came straight out of the Regional Planning Council's recommendation and nobody changed it. The Hearing Examiner asked that Ms. Lehnert review the document after the hearing to determine whether the two terms must be left in. Ms. Lehnert agreed to do so.

Then, the Hearing Examiner referred to the footnote on page 27 of the DRI document and wondered why it was not just included under Section "H." Mr. Uhle agreed that could be done. He further advised that, when they prepared the draft Development Order, they made minimal changes, so as "not to rock the boat." The Hearing Examiner stated her opinion that, if changes were to be made to some portions of the document, the balance of it should also be updated.

Continuing, the Hearing Examiner questioned why the Notice of Proposed Change (NOPC) and the backup to the NOPC were not listed on page 29 of the DRI, under Section III. B. "Additional Developer Commitments." Ms. Lehnert replied that it could be listed but she was unaware if any additional commitments were being made, to which Mr. Uhle stated that he did not believe there were any.

Proceeding to page 30 of the DRI document, under Section "L," the Hearing Examiner noted that the provisions stated "Commencement of substantial physical development of the project must occur no later than December 31, 2004." She questioned whether substantial physical development had occurred on the site. Ms. Lehnert was unaware if that had occurred and advised that, typically, she did not change anything unless she had been advised by Staff. Chip Block, Principal Planner with the Department of Community Development, stated that utilities, infrastructure, and vertical development had commenced for the residential portion near Williams Road, which led him to believe that they had complied with that provision.

Proceeding, the Hearing Examiner referred to the supposedly impending submission of the DRI Exhibit "F," entitled "Pedestrian, Bicycle and Bus Stop Plan." Mr. Uhle advised that had already been done as part of an Administrative Amendment, and was not contemplated to be part of the current hearing. However, it was referred to in the Transportation section on page 22 and the Hearing Examiner needed a copy to attach to the DRI Development Order.

Mr. Ned Dewhirst, from Hole Montes and Associates, agreed to provide a copy to the Hearing Examiner after the hearing.

At that point, the County's first witness, Chip Block, asked to be accepted as an expert in planning and zoning for his presentation. After receiving no objections from the Applicant , the Hearing Examiner accepted him as such.

Mr. Block noted that the Staff Report, dated November 29, 2004, contained Staff's analysis and recommendations of approval of the NOPC and the finding that it was not a Substantial Deviation as per the Florida Statutes. He believed that the Hearing Examiner and the Board of County Commissioners (BOCC) would make the same finding. Page 2 of the Staff Report listed the findings and conclusions in addition to the introduction and synopsis. Page 3 referred to the change to development intensity that was a generalization of what had been approved within the project as listed on page 2 of the DRI Development Order. The County Attorney's Office had already indicated that a draft of the DRI language, offered by the County, had been forwarded to the Hearing Examiner's Office, and Staff supported those changes. In conclusion, Mr. Block stated that Andy Getch, a Senior Engineer, with the Lee County Department of Transportation (LCDOT) performed the review and analysis of the NOPC and he was present to address any concerns.

At that point, Ms. Lehnert stated that Audrey Vance, from the City of Bonita Springs (City), contacted the County Attorney's Office to request that a copy of an Interlocal Agreement between the City and the County be included as part of the DRI Development Order. The Agreement dealt with the impacts that would be caused by the Coconut Point DRI on the City - specifically the north/south roadways within the City. There were some requirements in the document for the transfer of a proportionate share of funds for the Sandy Lane Extension Alignment Study and the setting of an alignment of a particular segment of Sandy Lane. All of the criteria in the Agreement had been satisfied between the County and the City, and the Interlocal Agreement had terminated by its own terms. However, Ms. Vance had requested that a footnote be included in the DRI Development Order Transportation section, which stated, in essence, that an Interlocal Agreement had been signed that required certain things by the County, the Applicant and the City, and that those things were now completed.

Ms. Lehnert provided Mr. Block with a copy of a footnote that appeared in the draft DRI Development Order provided to the Hearing Examiner Office on the day before the hearing. She clarified there was a footnote to Section D.2.C.(1) that read,

> An inter-local agreement addressing the traffic impacts to the City of Bonita Springs precipitated by approval of the Coconut Point DRI was approved by the Board of County Commissioners on March 23, 2003. The agreement required the County to:
>
> 1. Conduct the Sandy Lane Alignment Study;
> 2. Transfer $2.184 million to the City for DRI impacts to Old U.S. 41 between Rosemary Drive and the intersection of old U.S. 41, and with U.S. 41 at Pelican Landing Boulevard;
> 3. Transfer $138,000 for specific intersection improvements;
> 4. Set the alignment of Sandy Lane, between Pelican Landing Boulevard and the southern DRI boundary.

As of November 2004, all requirements of the inter-local agreement have been fulfilled and the inter-local agreement has been terminated by its own terms.

The City has agreed to that footnote to address the inter-local agreement that they believe should have been part of the DRI Development Order. Ms. Lehnert noted that a representative from the City was present to testify to this on the record.

The Hearing Examiner inquired if Mr. Uhle had any objections to the footnote, to which he replied in the negative.

The County's next witness was Andy Getch. The Hearing Examiner questioned whether Mr. Getch also performed a separate analysis of the NOPC and the resulting traffic and concurred with the Applicant's traffic study and conclusion. He agreed and stated, that based on the submitted analysis and his own analysis, the changes the Applicant may make to the network as stated by Mr. Uhle, would be de minimus. The overall results may be slightly lower or about the same, but it was not enough to warrant more detailed traffic studies or trip generation comparisons than what was submitted. Further, he did not believe there would be any likelihood of any change in the regional impacts that were previously identified.

At another question, he explained that the internal impacts were not known at the present time, because the DRI analysis broke the project into three areas by transportation standards; the North Village, the Town Center and the South Village. As testified to by Mr. Uhle, all the changes were in the Town Center area. The DRI analysis looked at those as a point and did not really look at the internal impacts on the other portions of the project. He noted that David Plummer and Associates did an internal traffic analysis but that was more to address the individual links of U.S. 41, as opposed to internal traffic within the site. He stated that he did not anticipate any major change to the internal traffic circulation.

In response to a question by the Hearing Examiner, Mr. Block advised that the Town Center MCP did not need to be amended. The planned development was so generalized and conceptual that any proposed changes at the current hearing could be incorporated into the planned development without an amendment.

Next, Barbara Barnes-Buchanan, Assistant City Manager, with the City of Bonita Springs, stated the Bonita Springs' City Council requested that their position be placed on the record. They did not object to the request and had taken a position on the alignment of Sandy Lane. The City would be willing to work with the Applicant and Lee County on expediting the construction of the Sandy Lane project.

In addition, Councilman Grant requested the Applicant consider reserving some type of right-of-way for a small commuter rail station platform, similar to the Tri-Rail, with a type of operation similar to an ATM and a small canopy, along the Seminole Gulf Railway.

The Hearing Examiner advised that, although she was not completely familiar with the full DRI approval, she did not believe the proposed changes constituted a Substantial Deviation and did not believe there would be a problem with the approval of the request. She indicated her hope of issuing her Recommendation to the BOCC by the end of the first week in January 2005. The public hearing was then closed.

VIII. OTHER PARTICIPANTS AND SUBMITTALS:

ADDITIONAL APPLICANT'S REPRESENTATIVES:

1. Mark Gillis, % David Plummer & Associates, Inc., 1531 Hendry Street, Fort Myers, Florida 33901

2. Tom Schneider, % Simon Property Group, Inc., 6451 Meridian Parkway, Indianapolis, Indiana 46220

ADDITIONAL COUNTY STAFF:

1 Dawn E. Perry-Lehnert, Assistant County Attorney, P. O. Box 398, Fort Myers, Florida 33902

PUBLIC PARTICIPATION:

A. THE FOLLOWING PERSONS TESTIFIED OR SUBMITTED EVIDENCE FOR THE RECORD AT THE HEARING (SEE SECTION VII.):

For:

1. Barbara Barnes-Buchanon, City of Bonita Springs, 9220 Bonita Beach Road, Suite B-111, Sunshine Professional Center, Bonita Springs, Florida 34135

Against: NONE

B. THE FOLLOWING PERSONS SUBMITTED A LETTER/COMMENT CARD, OR OTHERWISE REQUESTED A COPY OF THE HEARING EXAMINER RECOMMENDATION:

For: NONE

Against: NONE

IX. LEGAL DESCRIPTION:

See Exhibit A (scanned legal description).

X. UNAUTHORIZED COMMUNICATIONS:

Unauthorized communications shall include any direct or indirect communication in any form, whether written, verbal or graphic, with the Hearing Examiner, or the Hearing Examiner's staff, any individual County Commissioner or their executive assistant, by any person outside of a public hearing and not on the record concerning substantive issues in any proposed or pending matter relating to appeals, variances, rezonings, special exceptions, or any other matter assigned by statute, ordinance or administrative code to the Hearing Examiner for decision or recommendation. . . . [Administrative Code AC-2-5]

No person shall knowingly have or attempt to initiate an unauthorized communication with the Hearing Examiner or any county commissioner [or their staff]. . . . [LDC Section 34-52(a)(1), emphasis added]

Any person who knowingly makes or attempts to initiate an unauthorized communication . . . [may] be subject to civil or criminal penalties which may include: [Section 34-52(b)(1), emphasis added]

Revocation, suspension or amendment of any permit variance, special exception or rezoning granted as a result of the Hearing Examiner action which is the subject of the unauthorized communication. [LDC Section 34-52(b)(1)b.2.]; OR

A fine not exceeding $500.00 per offense, by imprisonment in the county jail for a term not exceeding 60 days, or by both such fine and imprisonment. [LDC Section 1-5(c)]

XI. HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS:

A. This recommendation is made this 28th day of December, 2004. Notice or copies will be forwarded to the offices of the Lee County Board of County Commissioners.

B. The original file and documents used at the hearing will remain in the care and custody of the Department of Community Development. The documents are available for examination and copying by all interested parties during normal business hours.

C. The Board of County Commissioners will hold a hearing at which they will consider the record made before the Hearing Examiner. The Department of Community Development will send written notice to all hearing participants of the date of this hearing before the Board of County Commissioners. Only participants, or their representatives, will be allowed to address the Board. The content of all statements by persons addressing the Board shall be strictly limited to the correctness of Findings of Fact or Conclusions of Law contained in the recommendation, or to allege the discovery of relevant new evidence which was not known by the speaker at the time of the earlier hearing before the Hearing Examiner and not otherwise disclosed in the record.

D. The original file containing the original documents used in the hearing before the Hearing Examiner will be brought by the Staff to the hearing before the Board of County Commissioners. Any or all of the documents in the file are available on request at any time to any County Commissioner.

XII. COPIES OF TESTIMONY AND TRANSCRIPTS:

A verbatim transcript of the testimony presented at the hearing can be purchased from the court reporting service under contract to the Hearing Examiner's Office. The original documents and file in connection with this matter are located at the Lee County Department of Community Development, 1500 Monroe Street, Fort Myers, Florida.

DIANA M. PARKER
LEE COUNTY HEARING EXAMINER
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, Florida 33902-0398
Telephone: 239/479-8100
Facsimile: 239/479-8106

RECEIVED
JUL 09 2004
PERMIT COUNTER

EXHIBIT II-A-1

HM PROJECT #1997079
1/17/01
REF. DWG. #A-994-3

DRI2004-00008

LEGAL DESCRIPTION

A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY, AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 1,733.04 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN N.10°32'05"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 971.33 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 5,605.39 FEET, THROUGH A CENTRAL ANGLE OF 04°03'11", SUBTENDED BY A CHORD OF 396.43 FEET AT A BEARING OF N.08°30'30"W., FOR A DISTANCE OF 396.52 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°07'51"E. FOR A DISTANCE OF 747.22 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N.82°31'42"E., A DISTANCE OF 3,909.60 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,909.60 FEET, THROUGH A CENTRAL ANGLE OF 08°29'31", SUBTENDED BY A CHORD OF 578.92 FEET AT A BEARING OF N.03°13'32"W., FOR A DISTANCE OF 579.45 FEET TO THE END OF SAID CURVE; THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 583.09 FEET; THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 47.04 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE NORTHERLY, WHOSE RADIUS POINT BEARS N.10°26'58"W., A DISTANCE OF 2,025.00 FEET THEREFROM; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°12'27", SUBTENDED BY A CHORD OF 325.07 FEET AT A BEARING OF N.74°56'48"E., FOR A DISTANCE OF 325.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.70°20'35"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 487.89 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 488.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 238.23 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN S.00°59'47"E., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,869.10 FEET TO THE POINT OF BEGINNING; CONTAINING 95.885 ACRES, MORE OR LESS.

AND

A PORTION OF SECTIONS 3, 4, 9, AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE

SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 3,021.15 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,320.56 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,692.32 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°56'59"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,590.78 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 5,641.38 FEET, THROUGH A CENTRAL ANGLE OF 09°31'27", SUBTENDED BY A CHORD OF 936.68 FEET AT A BEARING OF N.05°42'42"W., FOR A DISTANCE OF 937.76 FEET TO THE END OF SAID CURVE; THENCE RUN N.10°28'26"W., ALONG SAID WESTERLY RIGHT-OF -WAY LINE, FOR A DISTANCE OF 98.54 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, A 100.00 FOOT RIGHT-OF-WAY; THENCE RUN S.88°20'53"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,029.70 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN WESTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 7,050.00 FEET, THROUGH A CENTRAL ANGLE OF 03°00'00", SUBTENDED BY A CHORD OF 369.09 FEET AT A BEARING OF S.89°50'53"W., FOR A DISTANCE OF 369.14 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°39'07"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 674.92 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN S.04°52'41"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,901.57 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,725.19 FEET, THROUGH A CENTRAL ANGLE OF 11°32'50", SUBTENDED BY A CHORD OF 548.30 FEET AT A BEARING OF S.00°53'44"E., FOR A DISTANCE OF 549.23 FEET TO THE END OF SAID CURVE; THENCE RUN S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 225.81 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,710.61 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 626.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 11,584.73 FEET, THROUGH A CENTRAL ANGLE OF 06°24'13", SUBTENDED BY A CHORD OF 1,294.08 FEET AT A BEARING OF S.03°28'03"E., FOR A DISTANCE OF 1,294.76 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°15'56"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 274.74 FEET; THENCE RUN S.46°02'16"E., FOR A DISTANCE OF 577.44 FEET; THENCE RUN S.01°57'26"E. FOR A DISTANCE OF 25.19 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY; THENCE RUN N.88°02'34"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 32.80 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,875.00 FEET, THROUGH A CENTRAL ANGLE OF 17°41'59", SUBTENDED BY A CHORD OF 576.92 FEET AT A BEARING OF N.79°11'34"E., FOR A DISTANCE OF 579.22 FEET TO THE END OF SAID

CURVE; THENCE RUN N.70°20'35"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 512.09 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 512.65 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 263.08 FEET TO THE POINT OF BEGINNING; CONTAINING 386.536 ACRES, MORE OR LESS.

NOTES:

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

TOTAL PROPERTY AREA: 482.421 ACRES, MORE OR LESS.

INFORMATION RELATING TO BOUNDARY DATA OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, TOGETHER WITH THE LOCATION OF THE US HIGHWAY #41 RIGHT-OF-WAY, WAS OBTAINED FROM A SURVEY OF THE SWEETWATER RANCH PREPARED BY DENI ASSOCIATES HAVING ORDER NUMBER 8409031, DATED 9/14/84. INFORMATION RELATING TO THE LOCATION OF COCONUT ROAD AND ADJOINING EXCEPTED PARCELS WAS OBTAINED FROM PROPERTY DESCRIPTIONS PROVIDED BY CLIENT.

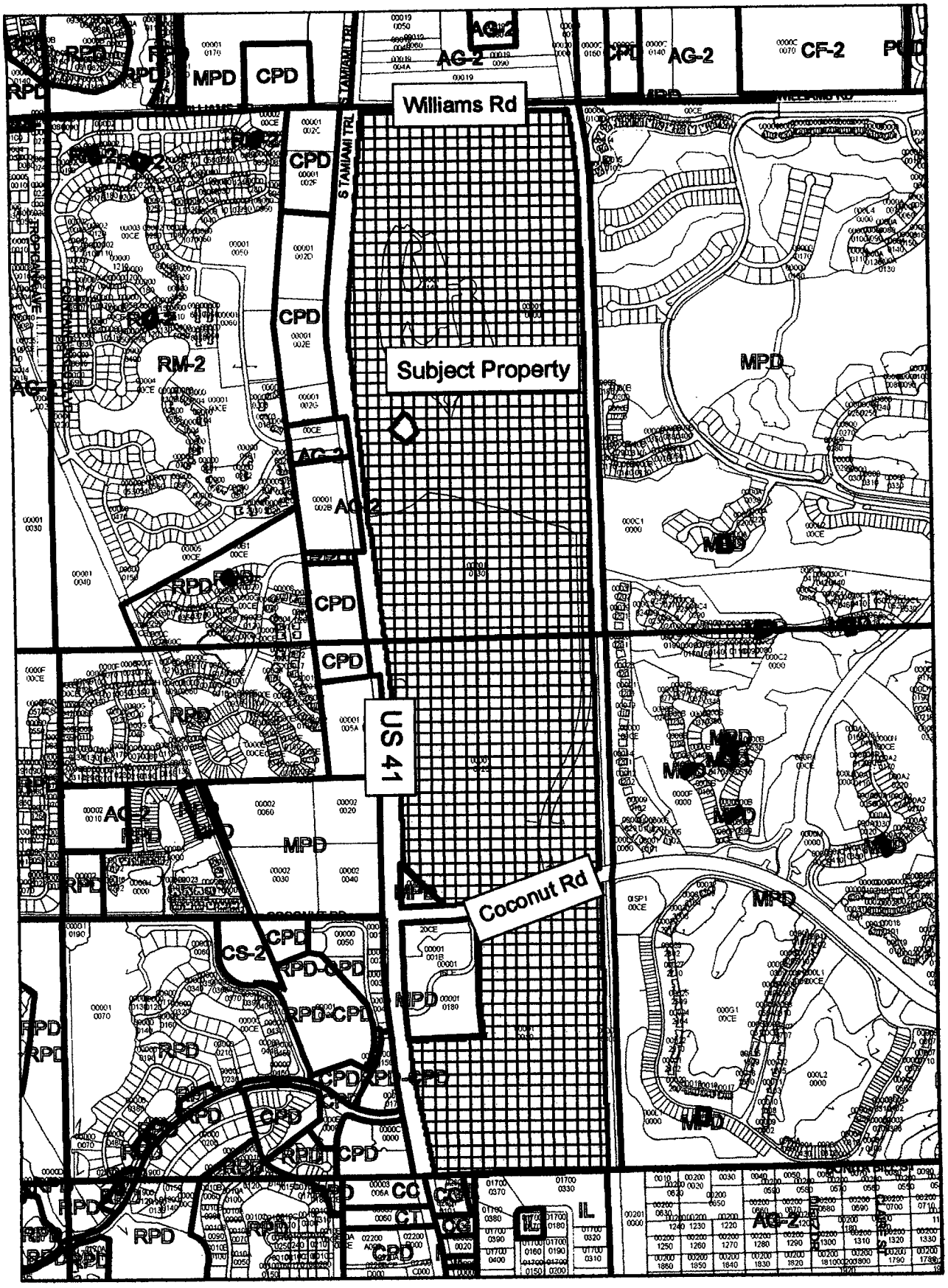
BEARINGS REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S.88°56'17"W.

Applicant's Legal Checked
by _____ July 30, 2004

EXHIBIT A

ZONING INTAKE MAP

11/4/2004



Attachment A

1,600 800 0 1,600 Feet

FIRST DEVELOPMENT ORDER AMENDMENT [1]
FOR
COCONUT POINT DRI
STATE DRI # 09-2001-153
CASE #DRI2000-00015

Let it Be Known That, pursuant to Florida Statutes §380.06, the Board of County Commissioners of Lee County, Florida, ~~has~~ heard at a public hearing convened on October 21, 2002, the Application For Development Approval submitted by The Simon Property Group, L.P. and Oakbrook Properties, Inc., for Coconut Point DRI (originally known as Simon Suncoast DRI), a mixed use development in Lee County, consisting of approximately 482.4 +/- acres.

WHEREAS, the Board of County Commissioners of Lee County, Florida ~~has~~ considered the report and recommendations of the Southwest Florida Regional Planning Council, the Lee County Staff, the Lee County Hearing Examiner, the application and sufficiency submittals, and the documents and comments made on the record in public hearing, and after full consideration of those reports, recommendations, documents and comments, the Board of County Commissioners of Lee County, Florida, adopted the Coconut Point Development of Regional Impact (DRI) Development Order; and

WHEREAS, the original Development Order for the Coconut Point DRI was approved on October 21, 2002; and

WHEREAS, Coconut Point Developers, L.L.C., filed a Notice of Proposed Change on July 9, 2004 to the DRI Development Order to reduce the number of hotel rooms from 600 to 350, decrease the number of apartments from 450 to 250, and increase the number of residential condominiums from 550 to 1000; and

WHEREAS, pursuant to §380.06(19), Florida Statutes, the proposed change must be reviewed and evaluated to determine whether it constitutes a substantial deviation from the terms of the existing DRI Development Order; and

WHEREAS, the Board of County Commissioners have concluded that the changes do not constitute a substantial deviation from the original development approvals.

---

[1] This is a codification and restatement of the DRI Development Orders rendered with respect to the Coconut Point DRI, including actions taken on October 21, 2002 and _____, 2004.

NOW, THEREFORE, let it resolved by the Board of County Commissioners of Lee County, Florida, that the Development Order for the Coconut Point Dri is hereby amended as follows:

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. The Coconut Point DRI is a master planned commercial development consisting of 482.4+/- acres located in unincorporated south central Lee County at the intersection of US 41 and Coconut Road. The Coconut Point DRI is a mixed use development that will consist of: 1,450,000 gross leasable square feet of retail/regional mall (Regional Retail Center), 350,000 gross leasable square feet of retail on other parcels adjacent to the regional mall (Community Commercial Retail), 300,000 square feet of office, of which no more than 100,000 square feet may be medical office, ~~600~~ 350 hotel rooms, ~~1,000~~ 1,250 multi-family units (consisting of 250 apartment units, and 1000 residential condominium units) and a 200 unit assisted living facility. The project will include 32.7 acres of conservation areas, 47.1 acres of lakes, 50.2 acres of road rights-of-way and 11.6 acres of green area/open space.

Water and wastewater treatment will be provided by Bonita Springs Utilities.

The project phasing schedule consists of one phase with buildout in 2006.

B. The terms of this Development Order apply to the property located and described in attached Exhibit A.

C. The property ~~was zoned AG-2, and coincident with the approval of this Development Order the property will be rezoned~~ is zoned ~~to~~ Mixed Planned Development (MPD). Undeveloped portions of t~~T~~he property ~~is~~ are currently in active agricultural use.

D. The Application for Development Approval (ADA)~~, submitted on September 12, 2000,~~ is consistent with the requirements of §380.06, Florida Statutes~~.~~, and was found sufficient by the Southwest Florida Regional Planning Council on January 17, 2001. ~~The application went through two sufficiency reviews.~~

E. The development is not located in an area designated as an Area of Critical State Concern under the provision of §380.05, Florida Statutes.

F. The development will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan. The development is consistent with the State Comprehensive Plan if developed in accordance with the conditions set forth herein.

G. The ~~development~~ proposed Development Order Amendment has been reviewed by the Southwest Florida Regional Planning Council (SWFRPC) and is the subject of the report and recommendations adopted by that body ~~on January 17, 2001.~~

~~The SWFRPC report and recommendations were~~ and subsequently forwarded to Lee County in accordance with §380.06, Florida Statutes. The development, as proposed in the ADA ,subsequently amended by the Notice of Proposed Change, and modified by this Development Order Amendment, is generally consistent with the report and recommendations of the SWFRPC pursuant to §380.06(11), Florida Statutes.

H. The development is located in the ~~Rural~~ Urban Community and Wetlands future land use categories. The ~~development~~ project, as proposed and conditioned herein, ~~is currently not consistent with the Lee Plan and can not be conditioned to attain consistency. However, a Lee Plan amendment is currently being considered by DCA that will, if ultimately adopted, allow the project as conditioned to be~~ consistent with the Lee County Comprehensive Plan and the Lee County Land Development Code (LDC).

I. The conditions set forth below meet the criteria found in §380.06(15)(d), Florida Statutes.

II. ACTION ON THE REQUEST AND CONDITIONS OF APPROVAL

NOW THEREFORE, be it resolved by the Board of County Commissioners of Lee County, Florida, in a public meeting duly advertised, constituted and assembled _____, 200__, that the Development of Regional Impact Application for Development Approval submitted on behalf of Simon Property Group, L.P. and the Oakbrook Properties, Inc., for the project known as the Coconut Point DRI, originally approved October 21, 2002, is hereby ~~Approved~~ amended subject to the following conditions, restrictions and limitations ~~that follow~~. For the purpose of this Development Order, the term "Developer" refers to Simon Property Group, L.P., ~~and~~ Oakbrook Properties, Inc., and Coconut Point Developers, LLC, and includes all successors or assigns, and all references to County Ordinances or other regulations, including future amendments.

A. AFFORDABLE HOUSING

1. *150 Affordable Housing Units ($600,000).*

a. The Developer must provide, either directly or through third parties, 150 units (combined total) of affordable housing for very low, low, and moderate-income persons within the identified DRI housing assessment area on or before December 31, 2006.

b. In the event the Developer does not provide all of the 150 units required above prior to December 31, 2006, the Developer may satisfy the remaining affordable housing obligation by paying $4,000 ($600,000 divided by 150 units) for each unit of the shortfall to the Lee County Affordable Housing Trust Fund.

2. *University Student Housing ($400,000).* In addition to the above, the Developer will subsidize University student housing by giving $400,000 to the Florida Gulf Coast University prior to the issuance of the first development order allowing vertical construction within the DRI (excepting any public uses mandated by this Development Order). These funds must be specifically earmarked for University student housing.

B. ENERGY

The Developer must incorporate, as a minimum, the following energy conservation features into all site plans and architectural programs , or insure that the following features are implemented through deed restrictions or covenants with successors in title. All applications for site plan approvals and building permits must be accompanied by a documents detailing proposed compliance with these conditions. If deed restrictions or covenants are utilized to insure compliance, those documents must be approved by the County Attorney's Office prior to recording.

These features are:

1. A bicycle/pedestrian system connecting all land uses, to be placed along arterial and collector roads within the project and also along Sandy Lane. This system will be consistent with LDC regulations.

2. Bicycle racks or storage facilities in recreational, commercial and multi-family residential areas.

3. Bus stops, shelters and other passenger and system accommodations for a transit system to service the project area.

4. Energy efficient features in window design (e.g. tinting and exterior shading), operable windows, ceiling fans, appliances and equipment.

5. Minimize coverage by asphalt, concrete, rock and similar substances in street, parking lots and other area to reduce local air temperatures and reflecting light and heat.

6. Energy-efficient lighting for streets, parking area, recreation area and other interior and exterior public areas.

7. Water closets with a maximum flush of 1.6 gallons and shower heads and faucets with a maximum flow rate of 2.5 gallons per minute (at 80 pounds of water pressure per square inch).

8. Selecting, planting and maintaining native plants, trees and other vegetation and landscape design features that reduce requirements for water, fertilizer, maintenance and other needs.

9. Planting native shade trees to provide reasonable shade for all recreation areas, street and parking areas. Planting native shade trees for each residential unit.

10. Placing trees to provide needed shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months. Orienting structures, whenever possible, to reduce solar heat gain by walls and utilize the natural cooling effects of the wind.

11. Including porch and patio areas in residential units.

12. Establishing project architectural review committees that will consider energy conservation measures to assist builders and residents in the efforts to achieve greater energy efficiency in the development.

C. STORMWATER MANAGEMENT

1. The Developer must meet the criteria set forth in Chapter 40E, Florida Administrative Code, and the South Florida Water Management District (SFWMD) Basis of Review. The Developer must obtain a modification of SFWMD Permit No. 36-00288-S for the construction and operation of the surface water management system. This permit must address any impacts created by the development to wetlands and other surface waters. Halfway Creek is classified as an Outstanding Florida Water (OFW). Any discharge to an OFW requires additional water quality consideration. Prior to the issuance of the permit modification, the District will evaluate this issue in greater detail.

2. The Developer must obtain all necessary approvals from the Florida Department of Transportation for any proposed discharge points and water control structures associated with US 41.

3. At the time of permit modification application, the Developer must provide finalized information regarding the size of proposed project lakes, the location of major water control structures, the correct identification of control structures within pre-treatment areas and verification of adequate dimensions for pre-treatment areas.

4. Best management practices are subject to Lee County review and approval and must be included on all construction plans for development.

5. All internal stormwater management lakes and ditches as well as any onsite preserved or enhanced wetland areas, must be set aside as private drainage or conservation easements on the recorded plat. Stormwater lakes must include, where practical, adequate maintenance easements around the lakes with access to a paved roadway.

6. During construction activities, the ~~applicant~~ Developer must employ best management practices for erosion and sedimentation control. These practices must be

included with, or presented on, all construction plans, and are subject to approval by the appropriate agencies prior to implementation.

7. The final stormwater management plan must consider, as applicable, measures to reduce runoff rates and volumes, including, but not limited to, fixed control structures, perforated pipes, and grass swale conveyances. Swales, rather than closed systems, must be used whenever possible.

8. Any shoreline banks created along the onsite stormwater management system must include littoral zones constructed on slopes consistent with District and Lee County requirements and be planted in native emergent or submergent aquatic vegetation. The ~~applicant~~ Developer must ensure, by supplemental replanting if necessary, that at least 80% cover by native aquatic vegetation is established/maintained within the littoral zone for the duration of the project.

9. The ~~applicant~~ Developer must conduct annual inspections of the Master Stormwater Management System and any preserved/enhanced wetland areas on the project site to ensure that these areas are maintained in keeping with the final approved designs, and that the water management system is capable of accomplishing the level of stormwater storage and treatment for which it was intended. The Developer or operating entity must undertake any cleaning and repair determined to be necessary based upon the annual inspection.

10. The ~~applicant~~ Developer must confirm, to the satisfaction of all applicable federal, state, and local review agencies, and the South Florida Water Management District, that the proposed stormwater management system will not impact habitats of any state or federally listed plant and/or animal species potentially occurring onsite, or that such impacts will be mitigated to the benefit of onsite populations of those species.

11. The Developer must undertake a regularly scheduled vacuum sweeping of all common streets and parking areas within the development.

12. If Lee County establishes a County-wide stormwater management system, the Developer must participate to the extent the system benefits the development.

13. Ditch and swale slopes must be designed to minimize discharges so that these facilities may provide some additional water quality treatment prior to discharge. Treatment swales must be grassed.

14. The grassed stormwater treatment areas must be mowed on a regular basis as part of the normal lawn maintenance of the development. Any debris that may accumulate in project lakes, ditches or swales, or which may interfere with the normal flow of water through discharge structures and under drain systems, must be cleaned from the detention/retention areas on a regular basis. Any erosion to banks must be replaced immediately.

15. Under drain systems and grease baffles, if utilized within the Coconut Point DRI, must be inspected and cleaned and/or repaired on a regular basis. In no instance may the period between such inspections exceed eighteen months.

16. Stormwater management system maintenance requirements include removal of any mosquito-productive nuisance plant species (e.g., water lettuce, water hyacinth, cattails and primrose willows) from all system nodes, reaches, and percolation basins, as well as from the lake littoral zones employed in the system.

17. When required by the SFWMD permit, any isolated wading bird "pools" constructed in lake littoral zones must be excavated to a depth that provides aquatic habitat for mosquito larvae predators, such as *Gambusia affinis*.

18. The Developer will establish a legal operating entity in accordance with the SFWMD Basis of Review and Lee County Land Development Code to maintain the internal stormwater management lakes, ditches and wetlands. Easements, common areas or other legal mechanisms may be utilized to ensure there is sufficient access to the stormwater management areas for maintenance purposes.

D. TRANSPORTATION

1. Significant Impacts

a. *Assessment Parameters*

The traffic impact assessment for the Project assumes the following development parameters, as a single phase:

	Buildout (2006)
Multifamily Apartments (ITE LUC 220) (~~200 d.u. Town Center,~~ 250 d.u. South Village)	~~450~~ 250 d.u.
Multifamily Condominiums (ITE LUC 230) (450 d.u. Town Center, 550 d.u. North Village)	~~550~~ 1,000 d.u.
Assisted Living Facility (ITE LUC 252) (200 d.u. South Village)	200 d.u.
Hotel (ITE LUC 310) (~~450~~ 200 rooms Town Center, 150 rooms South Village)	~~600~~ 350 rooms
Community Retail (ITE LUC 820) (280,000 square feet North Village, 70,000 square feet South Village)	350,000 sq. ft. (gla)
Regional Retail Center (ITE LUC 820)	1,450,000

(1,450,000 square feet Town Center)	sq. ft. (gla)
General Office (ITE LUC 710) (70,000 square feet North Village, 90,000 square Town Center, 40,000 square feet South Village)	200,000 sq. ft.
Medical Office (ITE LUC 720) (100,000 square feet South Village)	100,000 sq. ft.

The above parameters form the basis for the Project impacts and the mitigation requirements contained herein. The assumed land uses associated with the general parameters are identified by the Land Use Code (LUC) from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 6th Edition. While approved zoning categories may allow a wider range of uses, from a DRI standpoint the Project impacts are based on the above parameters and assumed uses. If the Developer exercises Mitigation Option 2 and is granted concurrency vesting for all or a portion of the DRI, any significant change in the assumed uses, mix of uses or location of uses on the Master Concept Plan will require a re-evaluation of the DRI transportation impacts. A significant change is one that would increase the external project traffic by 5% or more or that would change the projected distribution and assignment of project traffic so as to result in a net increase in road miles of significantly and adversely impacted roadway links. This condition does not apply if Mitigation Option 1 is selected.

The overall traffic at the Project driveway entrances based on the above parameters is estimated to be 5,909 trips. They include 4,120 PM net new external peak hour trips, 757 pass-by trips, and 1,032 interzonal trip ends at buildout in 2006. ("Interzonal trip ends" are from one part of the project to another that travel along or across public roadways.)

b. *Buildout Impacts*

The assessment on an existing-plus-committed network assuming the advancement of certain projects indicates that the significantly impacted roadways and intersections described below will be operating below acceptable levels of service at the end of Buildout (2006):

Roadway Improvements Needed

Roadways	Needed Improvement
I-75 – Corkscrew Road to Daniels Parkway	Widen to 6 lanes

Three Oaks Parkway	
- Williams Road to Corkscrew Road	Widen to 6 lanes
US 41	
– Koreshan Boulevard to San Carlos Boulevard	Widen to 6 lanes
- Bonita Beach Road to Coconut Road	Widen to 6 lanes
Old US 41	
- Rosemary Drive to US 41	Widen to 4 lanes

Intersection Improvements Needed

Bonita Beach Road @ Old 41[1]	Add 2nd SB left turn lane
Coconut Road @ Driveway 9/Regional Retail Center[2]	Add WB right turn lane
	Add SB right turn lane
	Add SB left turn lane
	Add dual EB left turn lane
	Signalization[3]
Coconut Road @ Sandy Lane[2]	Add WB left turn lane
	Add WB right turn lane
	Add NB right turn lane
	Add NB left turn lane
	Add SB left turn lane
	Add SB right turn lane
	Add EB left turn lane
	Add EB right turn lane
	Signalization[3]
Corkscrew Road @ Ben Hill Griffin Parkway[1]	Add 2nd EB left turn lane
	Add 2nd NB left turn lane
	Add 2nd SB left turn lane
Corkscrew Road @ River Ranch Road[1]	Signal retiming
Corkscrew Road @ Three Oaks Parkway	Add 2nd WB left turn lane
	Add 2nd NB left turn lane
	Add 2nd SB left turn lane
I-75 @ Corkscrew Road[1]	Add 2nd EB left turn lane[4]
	Add 2nd WB left turn lane[4]
	Add 2nd NB left turn lane
	Add 2nd SB left turn lane
Old 41 @ Dean Street[1]	Signalization[3]
Old 41 @ Pennsylvania Avenue[1]	Signal retiming
Old 41 @ West Terry Street[1]	Add 2nd NB thru lane
	Add 2nd SB thru lane
Three Oaks Parkway @ Koreshan Boulevard[1]	Signalization[3]
Three Oaks Parkway @ Williams Road[1]	Signalization[3]
Three Oaks Parkway @ Coconut Road[1]	Signalization[3]
US 41 @ Immokalee Road[1]	Signal retiming
US 41 @ Old 41[1] (Collier County)	Signal retiming
US 41 @ Bonita Beach Road	Signal retiming
US 41 @ West Terry Street	Signal retiming
US 41 @ Old 41/Pelican Landing Parkway	Add 2nd WB right turn lane
	Add 2nd NB left turn lane
	Add 2nd SB left turn lane
	Add 2nd EB left turn lane
US 41 @ Pelican Colony Boulevard	Add dual WB left turn lane[2]
	Add WB right turn lane[2]

US 41 @ Coconut Road	Add NB right turn lane[2] Add 2nd NB left turn lane Add dual SB left turn lane[2] Add 2nd EB left turn lane Add EB right turn lane Add 2nd WB left turn lane Add 2nd NB right turn lane Add 2nd NB left turn lane Add 2nd SB left turn lane Add 2nd EB left turn lane Add EB right turn lane
US 41 @ Driveway 6/Regional Retail Center[1]	Add NB right turn lane[2] Add SB left turn lane[2][3] Add WB right turn lane[2] Signalization[2][3]
US 41 @ Driveway 5/Internal East-west Road[1]	Add NB right turn lane[2] Add dual SB left turn lane[2] Add dual WB left turn lane[2] Add WB right turn lane[2] Signalization[2][3]
US 41 @ Driveway 4/Pelican Point Boulevard[1]	Add NB right turn lane[2] Add SB Left turn lane[2] Add WB right turn lane[2] Signalization[2][3]
US 41 @ Driveway 3/Fountain Lakes Boulevard[1]	Add NB right turn lane[2] Add SB left turn lane[2] Add dual WB left turn lane[2] Add WB thru lane[2] Add WB right turn lane[2] Signalization[2][3]
US 41 @ Driveway 2/Estero Greens[1]	Add NB right turn lane[2] Add dual SB left turn lane[2] Add dual WB left turn lane[2] Add WB thru lane[2] Add WB right turn lane[2] Add EB right turn lane[2] Signalization[2][3]
US 41 @ Driveway 1/Community Commercial[1]	Add NB right turn lane[2] Add SB left turn lane[2] Add WB right turn lane[2]
US 41 @ Williams Road[1]	Add 2nd SB left turn lane Add 2nd WB left turn lane
US 41 @ Corkscrew Road[1]	Add 2nd WB left turn lane
US 41 @ Broadway[1]	Signal retiming
US 41 @ Koreshan Boulevard	Signalization[3]

US 41 @ Sanibel Boulevard[1]	Signal retiming
US 41 @ Metro Parkway[1]	Add 2nd NB right turn lane
US 41 @ Alico Road[1]	Signal retiming
US 41 @ Island Park Road[1]	Signal retiming
US 41 @ Ben Pratt/Six Mile Cypress Parkway[1]	Add EB thru lane
	Add WB thru lane
Williams Road @ Driveway 1/Comm Commercial[1]	Signalization[3]
Williams Road @ River Ranch Road[1]	Signalization[3]
Williams Road @ Sandy Lane[2]	Signalization[3]
	Add WB left turn lane
	Add NB right turn lane
	Add NB left turn lane
	Add EB right turn lane
Williams Road @ Three Oaks Parkway	Signalization[3]

(1) *This intersection is not included in a significantly and adversely impacted roadway segment.*

(2) *This intersection is considered a site-related improvement.*

(3) *Signalization only if warranted and subject to approval by the maintaining agency.*

(4) *Dual EB and WB left turn lanes should be provided if they can be constructed without requiring reconstruction of the I-75 overpass bridge structure.*

The intersection improvements include at grade geometric improvements, such as turn lanes and signalization when warranted. Intersection improvements are accounted for in the overall proportionate share calculation. Site-related needs at the Project entrances are not addressed in the proportionate share calculation and must be addressed by the Developer at the time of local development order approval.

2. Mitigation

a. *Buildout Proportionate Share*

The buildout proportionate share is $14,600,000 in year 2002 dollars. This figure represents the Developer's share of necessary roadway and intersection improvements based on the development parameters set forth in Section II.D.1.a. The estimated roads impact fees based on the schedule effective July 1, 2000 is $10,196,250, which is lower than the proportionate share estimate.

As noted in Condition D.3 below, the Developer must pay $170,000 as mitigation for the project's Comprehensive Plan impacts to the 2020 level of service on US 41 from Koreshan Boulevard to Alico Road. Therefore, the total proportionate share obligation deemed sufficient to mitigate both the buildout DRI-related transportation impacts on the non-site related roads and intersections set forth in Paragraph D.1.b and the project's Comprehensive Plan impacts is $14,770,000. However, if the reanalysis described in section D.2.d.1 demonstrates that additional funds are necessary to mitigate the project's transportation impacts, then the Developer will be required to pay the higher mitigation amount.

No independent fee calculation will be permitted for the project, or a subpart thereof, absent a Notice of Proposed Change.

b. *Mitigation Options*

The Developer must choose one of the two mitigation options identified below to satisfy the proportionate share obligation.

(1) <u>Traffic Mitigation Option 1</u>

(a) Payment

All development within the project must pay roads impact fees in effect at the time of building permit issuance. In addition to roads impact fees, and prior to the issuance of the first building permit for vertical construction of any portion of the Regional Retail Center, the Developer must make a lump sum cash payment of $4,573,750 in year 2002 dollars. This lump sum cash payment is intended to mitigate the transportation impacts associated with the Regional Retail Center and satisfy the proportionate share obligation that is due over and above road impact fees.

In accordance with local policies and regulations, the Developer may be entitled to roads impact fee credits for road improvements constructed within the area surrounding the project.

(b) Concurrency

All development within the project will be subject to the County's Concurrency Management System at the time it obtains a local development order.

(2) Traffic Mitigation Option 2

(a) Payment

The Developer may vest, for concurrency purposes, up to 400,000 square feet of retail uses and all of the non-retail uses by making an up-front payment of $6,270,000 in 2002 dollars on or before December 31, 2003 or the issuance of the first building permit for the site, whichever comes first (excepting any public uses mandated by this Development Order). The remaining portion of the project will be entitled to concurrency vesting upon the payment of $8,500,000 in 2002 dollars on or before December 31, 2004 or the issuance of the first building permit for the retail uses of the project over 400,000 square feet, whichever comes first. The value of creditable pipelined improvements identified in the Development Agreement may be subtracted from the second payment only.

Concurrency certificates issued pursuant to this option will be effective until December 31, 2006, or for three (3) years, whichever is later; provided, however, that the concurrency certificates will be extended upon approval of an extension pursuant to Section D. 2. d(2) for the period of the extension not to exceed one year.

(b) Development Agreement

Exercise of traffic mitigation option 2 requires a Local Government Development Agreement executed pursuant to §163.3220, Florida Statues, and Chapter 2, Article III of the Lee County Land Development Code. The Developer must submit a draft Development Agreement to Lee County within 6 months of the adoption of the original DRI Development Order or prior to submittal of any local development order application for the Regional Retail Center or the Community Commercial Retail. The Development Agreement must be executed prior to issuance of a local development order allowing vertical construction anywhere on the site, excepting public uses mandated by this Development Order. The agreement must specify the payment schedule for the total proportionate share obligation in accordance with subparagraph (2)(a) above.

c. *Application of Payments*

(1) Cash.

The County will apply all impact fees and cash payments made by the DRI toward the non-site related improvements identified in Section D.1.b. In the alternative, the County will apply the fees toward improvements that relieve those roadways, provided those improvements are deemed necessary to maintain the County's adopted level of service standards. If the improvements identified in Section D.1.b are ultimately funded through other sources, in whole or in part, or deemed unnecessary to maintain the adopted level of service standards, Lee County may apply the impact fees and cash payments paid by the DRI to other improvements consistent with the requirements of Lee County LDC Chapter 2. Potential applications of the cash payment can be specified in the Development Agreement.[2]

(2) Pipelined Improvements.

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[2] An Interlocal Agreement addressing the traffic impacts to the City of Bonita Springs precipitated by approval of the Coconut Point DRI was approved by the Board of County Commissioners on March 23, 2003. The Agreement required the County to: (1) conduct the Sandy Lane Alignment Study; (2) transfer $2.184 million to the City for the DRI impacts to Old U.S. 41 between Rosemary Drive and the intersection of Old U.S. 41 with U.S. 41 and Pelican Colony Boulevard; (3) transfer $138,000 for specified intersection improvements; and, (4) set the alignment of Sandy Lane between Pelican Landing Boulevard and the southern DRI boundary. As of November 2004, all requirements of the Interlocal Agreement have been fulfilled and the Interlocal is considered terminated by its own terms.

The Developer may propose in the Development Agreement to provide a specific roadway improvement or improvements in lieu of the second cash payment to the County of $8,500,000 in 2002 dollars, which is referenced in Section D.2.b.(2)(a). The proposed pipeline improvements are subject to County approval. In addition to the improvements listed in Section D. 1. b, potential improvements for pipelining consideration include (but are not limited to):

(a) Sandy Lane 2-lane Extension, from the south property line to the north property line (Williams Road) and from Williams Road to Corkscrew Road. Consistent with the County's long-range plan for Sandy Lane as a 2-lane collector and the County's standards for collector roads, no more than 100 feet of right-of-way and 2 lanes of construction will be eligible for credits against the proportionate share obligation. The reasonable cost of providing the railroad crossing between Williams Road and Corkscrew Road will be eligible for credits against the project's proportionate share obligation. If the Developer chooses to build more than 2 lanes, it will be at the Developer's sole expense.

(b) Interim improvements not requiring right-of-way at the Corkscrew Road/I-75 interchange (subject to FDOT approval).

The estimated costs of any improvements made by the Developer (including design, right-of-way acquisition, drainage, permitting, water retention, construction, and the like) must be documented and submitted to the County for review and approval. The County reserves the right to obtain its own estimates for comparison purposes. Credit against the proportionate share obligation will be based on the final actual costs of the agreed upon improvements. Any right-of-way granted to the County will be valued as of the day prior to the DRI and zoning approval and subject to the compliance with applicable LDC provisions. Credit for the construction costs will be subject to the provisions of the County Land Development Code and standard practice related to project timing. The improvements must be built to applicable County or State standards and accepted for maintenance in accordance with the requirements of the responsible jurisdiction.

d. *Buildout Extension*

(1) Requirement for Reanalysis

Extension of the buildout date beyond 2006 may alter the project's impact to the area road network. Therefore, if the Developer: (a) files a Notice of Proposed Change resulting in an extension of project buildout beyond December 31, 2006; or (b) desires to extend the concurrency certificates issued pursuant to Condition D.2.b(2), then the Developer must provide a detailed traffic assessment to Lee County DOT for review and approval.

The assessment must include, but is not limited to, identification of the adjusted phasing, the level of development anticipated for the revised phasing, estimated traffic impacts, needed improvements, and the project's proportionate share of those improvements.

The assessment must include a cumulative analysis of the project's traffic impacts. The assessment must also identify mitigation for significantly and adversely impacted road segments by cumulative project traffic at the extended buildout year in accordance with the Transportation Uniform Standard Rule in the Florida Administrative Code. Prior to conducting a reassessment analysis, the Developer must attend a transportation methodology meeting with the County, and other review agencies as necessary, to establish the appropriate methodology.

The traffic assessment will be prepared by the Developer following generally acceptable transportation planning procedures consistent with the standards in effect at the time of reanalysis. Payment of additional mitigation, if any, resulting from the traffic assessment must be specified in an amended development order. The development order must be amended via a Notice of Proposed Change to reflect the revised phasing and additional mitigation.

The County will provide credit against the recalculated proportionate share for all mitigation paid through the date of the new traffic assessment. Proportionate share payments previously made by the Developer will be adjusted to then current year dollars. This will be accomplished by increasing the principal amount paid by an amount equal to the increase as determined in the State Highway Bid Index for the State of Florida, published in the Engineering News Record, using an average of the last four quarterly factors. This increase will be expressed as a percentage and will be measured from the index published for the fourth quarter of 2001 to the index published in the then latest available edition.

Under no circumstances will reimbursement be granted for any portion of a payment made in exchange for concurrency vesting, regardless of the outcome of a reanalysis.

(2) Alternative for Reanalysis

If all or a part of the Regional Retail Center has received building permits prior to December 31, 2006, the Developer may choose to pay the traffic mitigation for some or all of the balance of the development through buildout in a lump sum at the time the extension application is approved. Full payment of the required mitigation pursuant to Mitigation Option 2 constitutes an election under this section. In this case a cumulative traffic reanalysis is not required for the portion of the balance that is mitigated as part of the original DRI Development order. This section is not intended to supersede the standard submittal requirements for a typical Notice of Proposed Change under state law.

3. **Comprehensive Plan Mitigation**

An amendment to the Future Land Use Map, to change 435 acres from "Rural" to "Urban Community" was necessary to accommodate the approval of this DRI.

To support the Map amendment, an analysis different from the DRI Transportation Analysis was necessary. This Comprehensive Plan analysis required review of the effects of the proposed DRI project in the year 2020 on the planned, financially feasible roadway network. The result of this analysis indicated that four road segments, beyond those planned for improvement as part of the 2020 financially feasible roadways network plan, will fail with the addition of the Coconut Point (aka Simon Suncoast) project. The failure for three of the identified segments will likely be addressed through other means, but the segment of US 41 from Koreshan Boulevard to Alico Road is projected to fail even after the six-lane improvement identified in paragraph D.1.b.

The comprehensive plan amendment transmittal package approved by the Board of County Commissioners on December 13, 2001, indicated that appropriate traffic impact mitigation must be provided at the time of rezoning or DRI development approval.

The costs for needed improvements beyond those planned in the 2020 Financially Feasible Plan are solely the responsibility of the ~~applicant~~ Developer, and are treated much as a proportionate share obligation. In this case, the ~~applicant~~ Developer has estimated that the provision of dual left turn lanes at a number of key intersections along the impacted segment of US 41 will improve the capacity enough to allow satisfactory operation. The ~~applicant~~ Developer estimated that the cost of providing these turn lanes would be roughly $692,000, not including the costs of maintenance of traffic, mobilization and permitting. The ~~applicant~~ Developer 's proportionate share of the cost of the turn lanes is $170,000. This figure has been added to the project's DRI proportionate share, as noted above.

4. **Access and Site Related Improvements**

In addition to the proportionate share obligation set forth above, the Developer is responsible for its share of the following site-related roadway and intersection improvements: all internal roadways, all intersection improvements, including signalization, turn lanes, deceleration lanes, and other improvements deemed necessary by the County Engineer and consistent with the Lee County Land Development Code for the Project's access points onto U.S. 41, Coconut Road, and Williams Road. The improvements include the installation of a signal coordination system on U.S. 41 from Pelican Colony Boulevard to Williams Road. During the local development order review process, site-related improvements must be evaluated based on weekday, PM peak hour conditions. Saturday mid-day conditions must be considered in the design of turn lanes due to the retail component of the DRI. Site-related improvements are not eligible for credit against impact fees and may not be used to offset the proportionate share obligation. Project accesses onto US 41 are subject to obtaining a connection permit from FDOT.

5. **Committed Improvements**

Roadway Improvements

Roadways	Start Year	Improvement
Alico Road		
– US 41 to Seminole Gulf Railway	02	4 Lanes
– Seminole Gulf Railway to I-75 West Ramps	02	6 Lanes
Ben Hill Griffin Parkway/Treeline Avenue		
– Alico Road to Daniels Parkway	02	4 Lane Ext.
Bonita Beach Road		
- Imperial Street to I-75	03	6 Lanes
Livingston/Imperial Connection		
– Immokalee Road to Bonita Beach Road	U/C	2 Lane Ext.
Metro Parkway		
– U.S. 41/Alico Road to Ben Pratt/Six Mile Cypress Pkwy (including interchange)	04	6 Lane Ext.
Three Oaks Parkway		
– S. of Coconut Road to Williams Road	U/C	4 Lane Ext.
– Williams Road to Corkscrew Road	U/C	4 Lane Ext.
– Corkscrew Road to Alico Road	03	4 Lanes
– Alico Road to Daniels Parkway	03	4 Lane Ext.
US 41		
– Old 41 (Collier County) to N. of Bonita Beach Road	03	6 Lanes
- San Carlos Boulevard to Alico Road	U/C	6 Lanes
Williams Road		
– River Ranch Road to Three Oaks Parkway	02	2 Lane Ext.

The Regional Retail Center has the potential to create a temporary burden on the transportation network. The following Staging Schedule is an effort to minimize the temporary transportation burden while providing the Developer with the ability to obtain building permits for vertical construction of retail uses. Issuance of any building permit for vertical construction will require prior compliance with the mitigation options set forth in condition D.2. The "Maximum Square Footage" column identifies the maximum gross retail

square footage for which building permits allowing vertical construction may be issued prior to the corresponding date, unless the improvements identified "to Avoid Interim Level of Service Problem" are under construction on or before the identified date. If all required interim improvements are completed or under construction on or before the identified date, then building permits for the maximum amount of retail square footage as identified in conjunction with the corresponding date may be issued.

Date	Maximum Square Footage	Needed Improvements to Avoid Interim Level of Service Problem	
		Route	Limit
Adoption of DRI DO AND Compliance with Cond. D.2	400,000	Not Applicable	Not Applicable
July 1, 2004	800,000	U. S. 41 - 6 Lane	Collier County line to Bonita Beach Road
July 1, 2005	1,200,000	Three Oaks Ext. 4L OR Livingston Rd./ Imperial St. 4 Lane	Terry St. to Coconut Rd. Immokalee Rd. to E.Terry St.
July 1, 2006	1,800,000	US 41-6Lane AND Three Oaks Ext. 4 Lane AND Old 41 - 4 lane AND Metro Pkwy. Ext.- 6 Lane AND Three Oaks Ext- 4 Lane or Treeline Ext.-4L	Corkscrew Rd. to San Carlos Terry St. to Coconut Rd. Rosemary dr. to US 41 Alico Rd. to ben C Pratt/ Six Mile Cypress Pkwy Alico Rd. to Daniels Pkwy Alico Rd. to Daniels Pkwy.

6. **Annual Transportation Monitoring Program**

a. *Design of Monitoring Program*

The transportation monitoring program will be designed in cooperation with the Lee County Department of Transportation, the Florida Department of Transportation (FDOT), the Southwest Florida Regional Planning Council (SWFRPC), and the Florida Department of Community Affairs (FDCA) prior to submittal of the first report. The methodology of the annual transportation monitoring report may be revised if agreed upon by all parties.

b. *Submittal of Monitoring Report*

The Developer must submit an annual transportation monitoring report to the following entities for review and approval: Lee County Department of Transportation, FDOT, FDCA, and SWFRPC. The first monitoring report will be submitted one year after the effective date of the DRI Development Order. The Developer must provide written notice to the above review agencies if the Developer concludes that a traffic monitoring report is not required because no traffic impacts have been created. Once an annual transportation monitoring report has been submitted, a report must be submitted annually thereafter until Project buildout, whether actual or declared.

c. *Minimum Requirements for Report Contents*

The monitoring report will measure the Project's actual external roadway impacts and the level of service conditions on the impacted roads and intersections, and determine the timing for needed improvements. The annual traffic monitoring report must also contain the following information:

(1) P.M. peak Signalization[(2)(3)] hour traffic counts with turning movements at the Project's access points onto U.S. 41, Coconut Road, Williams Road, Pelican Colony Boulevard and Sandy Lane, and on the external road segments and intersections identified in Paragraph D.1.b. (Traffic counts/volumes may be obtained from original traffic counts, public agency reports, other monitoring reports, and other available data.)

(2) A comparison of field measured external Project traffic volumes to the 5,909 total P.M. Peak hour external (including 757 pass-by and 1,032 interzonal trip ends) project trip generation from all driveways onto U.S. 41, Coconut Road, Williams Road, Pelican Colony Boulevard and Sandy Lane assumed in the DRI analysis. If an interconnection is provided to The Brooks parcel at the southeast corner of U.S. 41 and Coconut Road, a methodology must be developed to identify pass-through trips generated by The Brooks parcel.

(3) Estimated existing levels of service and needed improvements for the roads and intersections specified in Paragraph D.1.b. above.

(4) Estimated future levels of service and needed improvements for the roads and intersections specified in Paragraph D.1.b. above, based on a one-year projection of future volumes. A summary of the status of road improvements assumed to be committed by Collier County, Lee County and FDOT.

d. *Implications*

(1) If the annual transportation monitoring report reveals that the Project trip generation exceeds the original assumptions contained herein, then the statutory provisions regarding substantial deviations will govern.

(2) Changes to development parameters or buildout may require the Developer to rebut the statutory presumption of substantial deviation. In some instances, the evidence necessary to rebut the presumption may involve a comparison of Project trip distribution and assignment.

7. **Pedestrian/Bicycle and Transit Facilities**

The Developer will provide for pedestrian and bicycle facilities and bus stop locations in accordance with the map attached as Exhibit F.

E. VEGETATION AND WILDLIFE/WETLANDS

1. Impacts to the habitat value of the site (i.e. habitat utilized by dispersing juveniles and possible habitat available to adults occupying the Corkscrew area) must be considered during the permitting review process with the SFWMD and the Department of Army Corps of Engineers (ACOE). This impact must be assessed in terms of the type and function of the forested habitat on site, and the site's contribution as a connection between preserve lands to support wide-ranging and wetland dependent species. The Developer will coordinate with the U.S. Fish and Wildlife Service (USFWS) and Florida Fish and Wildlife Conservation Commission (FFWCC) to address the impacts the proposed project may have on habitat utilized by wide-ranging listed species including the Florida Panther and Florida Black Bear.

2. The lake designs must include draw down pool features in littoral shelf slopes to favor use by woodstork and other wading birds.

3. The Developer must follow the Standard U.S. Fish and Wildlife Service Protection Measures for the Eastern Indigo Snake; and an Eastern Indigo Snake Protection Plan to be submitted for review and approval by the FFWCC as a condition of local development order approval.

4. The Developer must provide an on-site preserve management plan for review and approval by the FFWCC as a condition of local development order approval.

5. The 482± acre site originally consisted of 36.23± acres of SFWMD jurisdictional wetlands. The Developer is committed to conserving 22.15 acres of jurisdictional wetlands and 4.81 acres of jurisdictional surface waters. An estimated 9.27 acres of jurisdictional wetlands are proposed to be impacted with an additional 14.56 acres of non-jurisdictional surface waters to be filled (borrow lakes). 3.76 acres of the proposed wetland impacts have been previously permitted by the SFWMD and the Army Corp of Engineers (ACOE) under the Sweetwater MPD/Brooks project (e.g., eradication of exotic vegetation and wetland hydroperiod enhancement).

6. Prior to impacting the additional 5.51 acres of jurisdictional wetlands, the Developer must modify existing SFWMD and ACOE permits and provide additional mitigation.

7. Wetlands and surface waters remaining on the project site must be protected during construction through the implementation of temporary erosion and sedimentation control procedures.

8. Littoral plantings will be incorporated into the final design of the proposed stormwater management ponds. Plantings of desirable wetland herbaceous plants, to include species such as pickerelweed, maiden cane, and blue flag iris, cypress and black gum.

9. The existing flow-way is part of the Halfway Creek Watershed and headwaters. The 32.7 acre flow-way must be preserved and enhanced. An enhancement plan must be submitted as part of the local development order approval process. This plan must include a restoration planting plan for the 8.49± acres melaleuca dominated slash pine-cypress mixed wetland forest and the 6.84± acre area located in the southeast branch of the flow-way that was previously cleared/disturbed. The restoration planting plan, which is outside of the mitigation requirements under the existing permits, can be utilized as compensatory mitigation for additional wetland impacts during subsequent permitting review processes with the state and federal regulatory agencies.

F. HURRICANE PREPAREDNESS

1. The ~~applicant~~ Developer has stated an intention to utilize various community buildings, which are to be built in several locations throughout the development, as onsite emergency shelters for the project's residents. Based on the estimate of needed shelter space prepared by the staff of the Southwest Florida Regional Planning Council, the total shelter space provided by the ~~applicant~~ Developer within Coconut Point DRI will be 10,480 square feet.

2. Construction of the buildings to serve, as onsite shelters must be started no later than the issuance of the 100th residential unit certificate of occupancy within each separate community in the overall development. All buildings to be utilized, as shelters must meet the following criteria:

a. elevated above the Category 3 storm surge level;

b. constructed in accordance with the requirements in Rule 9J-2.0257(6)(e), FAC, to withstand winds of at least one hundred twenty (120) miles per hour;

c. all windows in the building are shuttered;

d. equipped with an emergency power generator with adequate capacity to handle the following:

(1) ventilation fans;

(2) emergency lighting;

(3) life safety equipment (i.e., intercom, fire and smoke alarms); and

(4) refrigeration and cooking equipment.

e. have an auxiliary potable water supply.

3. As an alterative to providing all or part of the shelter space in on-site buildings, the Developer may limit the onsite shelter demand of the project by elevating all or portion of the residential units above 15.9 to 16.8 feet NGVD, if the units are located in these elevation ranges, which is the maximum predicted Category 3 storm surge flooding level. The amount of shelter space to be constructed or shelter impact fees to be paid will be determined by the Lee County Office of Emergency Management.

4. All deeds to property located within the Coconut Point DRI must include or be accompanied by a disclosure statement in the form of a covenant stating the property is located in a hurricane vulnerability zone and that the hurricane evacuation clearance time for Lee County or the Southwest Florida Region is high and hurricane shelter spaces are limited.

5. The ~~applicant~~ Developer is also proposing to develop ~~600~~ 350 hotel or motel rooms, within the Coconut Point DRI. Prior to issuance of a local development order for the hotel/motel, the hotel/motel developer must contact Lee County Emergency Management with respect to establishing written hurricane preparation and evacuation/sheltering procedures. These procedures must be reduced to a written plan, prepared by the hotel/motel developer, and approved by Lee County Emergency Management prior to occupancy of the hotel/motel.

6. Mitigation for hurricane evacuation route impacts will be accomplished through implementation of one of the following provisions. The mitigation option to be used must be identified by the Developer as part of the local development order process.

a. Establish and maintain a public information program within the proposed homeowners associations for the purpose of educating the development's residents regarding the potential hurricane threat; the need for timely evacuation in the event of an impending hurricane; the availability and location of hurricane shelters (specifically including the onsite shelters); and the identification of steps to minimize property damage and protect human life.

In order to use the above mitigation option, the Developer must provide a continuing hurricane awareness program and a hurricane evacuation plan. The hurricane evacuation plan must address and include, at a minimum, the following items: operational procedures for the warning and notification of all residents and visitors prior to and during a hurricane watch and warning period; a public awareness program that addresses vulnerability, hurricane evacuation, hurricane shelter alternatives including hotels, the locations of both the onsite hurricane shelters and onsite or offsite public shelters, and other protective actions that may be specific to the development; identification of who is responsible for implementing the plan; and other items as deemed appropriate. The plan must be developed in coordination with local emergency management officials. In order to use this mitigation option, the final plan must be found sufficient by the reviewing agencies and must address the recommendations provided by the reviewing agencies; or

b. Alternatively, the ~~applicant~~ Developer must commit to providing roadway capacity improvements above and beyond those improvements required by Rule 9J-2.0255, FAC; or

c. The ~~applicant~~ Developer must commit to providing funds to be used for the purpose of procuring communications equipment, which would upgrade the existing warning and notification capability of local emergency management officials. In order to use this mitigation option, the Developer must provide reasonable assurance to local emergency management officials regarding the provision's ability to reduce the development's hurricane evacuation impacts. The amount of the funding will be determined and approved by the local emergency management officials.

G. WASTEWATER MANAGEMENT/WATER SUPPLY

1. The Developer will obtain a SFWMD permit for groundwater withdrawals for landscape irrigation, for irrigation well construction, as well as for any dewatering needed to construct the project lakes, roads or building foundations.

2. The Developer will utilize water conserving devices and methods necessary to meet the criteria established in the water conservation plan of the public water supply permit issued to Bonita Springs Utilities (BSU).

3. The Developer will coordinate with BSU or other water supplier to ensure that adequate potable water is available to meet the demands of the project.

4. The Developer will provide any necessary verification to the SFWMD that the Developer's plumbing and irrigation designs are consistent with District rules.

5. The Developer must demonstrate at the time of local development order approval that sufficient potable water and wastewater treatment capacity is available. If BSU cannot provide the necessary service, then the Developer must obtain service from an alternate provider with capacity or construct on-site interim facilities that satisfy BSU Standards. Interim facilities must be dismantled at the Developer's expense when service by BSU is available.

6. The on-site lakes, wetlands, and stormwater management system must be buffered from treated effluent contamination in accordance with SFWMD regulations.

7. Septic systems utilized in conjunction with construction trailers, sales offices and model homes must be temporary. When it is feasible to connect the temporary uses to the regional wastewater treatment facilities, all temporary septic systems must be abandoned or removed by a licensed septic system firm, in accordance with all applicable regulations.

8. The Developer must submit copies of all local development order application plans that include potable water or wastewater collection and distribution systems to BSU. BSU will review the plans for compliance with the BSU specifications manual.

9. Lee County will evaluate all potable water facilities to ensure that the facilities are properly sized to meet average, peak day, and fire flow demands in accordance with the LDC. Lee County will consult with the appropriate fire protection district to confirm that the fire flow demands will be satisfied by the proposed potable water facility.

10. The Developer must use the lowest, yet acceptable for the intended purpose, quality of water available for all non-potable water purposes.

H. COMPREHENSIVE PLAN

~~Lee County may not issue a local development order unless the proposed development order is consistent with the County's Comprehensive Plan, Land Development Code~~. On October 21, 2002 the Board adopted a resolution amending the Lee Plan to reclassify the DRI site to the Urban Community land use category.

I. POLICE AND FIRE PROTECTION

1. The Developer will ensure that first responders to the area are adequately trained by TECO/People Gas to address accidental natural gas releases from the natural gas pipelines that are to be located on or adjacent to the site to ensure the safety of the residents and visitors to the area.

2. The project must be constructed and maintained in accordance with the adopted Life Safety and Fire Code requirements.

3. The owner or operator of a facility qualifying under the Superfund Amendments Reauthorization Act (SARA) Title III of 1986, and the Florida Hazardous Materials Emergency Response and Community Right to Know Act of 1988, must file hazardous materials reporting applications in accordance with §§302, 303, 304, 311, 312, or 313. The applications must be updated annually by each reporting facility.

4. The Developer will provide the Lee County Sheriff's Department with finished shell space in the main regional mall complex (Regional Retail Center) for use as a Sheriff's substation to facilitate law enforcement activities. This space will be provided at nominal cost to the Sheriff's Department.

5. The Fire and EMS impacts of this project will be mitigated by the payment of impact fees in accordance with the schedules set forth in the LDC. However, the Developer must provide the Estero Fire Rescue District with an appropriate parcel (not less than 1 acre in size) for the location of a fire-rescue station and emergency medical services facility on the project site. Upon transfer of this site to the Fire District, the Developer will be entitled to fire impact fee credits in accordance with the LDC.

6. The Developer will conduct a comprehensive security study and evaluation during the design and construction of each retail development phase. The purpose of this study is to design and implement site specific security measures. The plan must provide for review on a quarterly basis by regional security audits. A copy of this plan must be submitted to the County as a condition of local development order approval.

7. The water mains, fire hydrants, and site access must be designed and constructed in accordance with Lee County regulations and BSU guidelines by providing large water mains meeting minimum diameters based upon proposed land use, and installation of fire hydrants in suitable locations to provide adequate fire protection

coverage. Internal fire sprinkler systems may be required for structures to meet supplemental fire protection.

8. Any on-site facilities with commercial pool operations must comply with appropriate codes and statutes including required safety measures such as chemical sensors, internal alarm systems, or emergency shutdown systems.

J. EDUCATION

1. The education impact of this project will be mitigated by the payment of school impact fees in accordance with the schedules set forth in the LDC. However, the Developer must provide a site at least five acres in size and appropriately located to accommodate the growing school needs in this area of the county. Upon transfer of this site to the School District, the Developer may be entitled to seek school impact fee credits in accordance with the LDC.

2. This project will have an impact on the Estero High School and surrounding neighborhood traffic. The Developer will use reasonable efforts to prevent the project's construction traffic from using Williams Road east of the railroad tracks.

III. LEGAL EFFECT AND LIMITATIONS OF THIS DEVELOPMENT ORDER, AND ADMINISTRATIVE REQUIREMENTS

A. Resolution. This Development Order constitutes a resolution of Lee County adopted by the Board of County Commissioners in response to the DRI ADA filed for Coconut Point DRI and this subsequently filed Notice of Proposed Change.

B. Additional Developer Commitments. All commitments and impact mitigating actions volunteered by the Developer in the ADA and supplementary documents that are not in conflict with conditions or stipulations specifically enumerated above are incorporated by reference into this Development Order. These documents include, but are not limited to the following:

1. The Coconut Point (f/~~n~~k/a Simon Suncoast) Application for Development Approval, stamped received on September 12, 2000;

2. The Coconut Point DRI sufficiency responses stamped received on February 7, 2001 and April 10, 2001 (transportation) and April 13, 2001; and

3. The governing zoning resolution for the Coconut Point (f/~~n~~k/a Simon Suncoast) MPD .

C. Master Plan of Development. Map H, stamped received at the Zoning Counter on ~~February 7, 2001~~ _____ and attached hereto as Exhibit "B",

and is incorporated by reference. It is understood that because it is a concept plan it is very general. The Developer may modify the boundaries of development areas and the locations of internal roadways to accommodate topography, vegetation, market conditions, traffic circulation, or other site related conditions as long as the modifications meet local development regulations. This provision may not be used to reduce the size of wetland preserve areas. Precise wetland boundaries will be determined by the South Florida Water Management District, as delegated by the Department of Environmental Protection and the Army Corp of Engineers.

D. Binding Effect. The Development Order is binding upon the Developer, its successors and assigns. Where the Development Order refers to lot owners, business owners or other specific reference, those provisions are binding on the entities or individuals referenced. Those portions of this Development Order that clearly apply only to the project Developer are binding upon any builder/developer who acquires a tract of land within the DRI. The Developer may impose or pass on the requirements of this DRI development order to ultimate purchasers through covenants that run with the land and phasing schedule.

E. Reliance. The terms and conditions set out in this Development Order constitute a basis upon which the Developer and the County may rely with respect to future actions necessary to fully implement the final development contemplated by this Development Order. The development parameters and phasing schedule upon which this development order approval is based is set forth in Exhibit C. Change to the development mix or phasing schedule may require a reanalysis of project impacts in order to rebut a presumption of substantial deviation.

F. Enforcement. All conditions, restrictions, stipulations and safeguards contained in this Development Order may be enforced by either party by action at law or equity. All costs of those proceedings, including reasonable attorney's fees, will be paid by the defaulting party.

G. Successor Agencies. References to governmental agencies will be construed to mean future instrumentalities that may be created and designated as successors in interest to, or which otherwise possess, the powers and duties of the referenced governmental agencies in existence on the effective date of this Development Order.

H. Severability. If any portion or section of this Development Order is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, then that decision will not affect the remaining portions or sections of the Development Order, which will remain in full force and effect.

I. Applicability of Regulations. This Development Order does not negate the Developer's responsibility to comply with federal, state, regional and local regulations.

J. Further Review. Subsequent requests for local development permits do not require further DRI review pursuant to §380.06, Florida Statutes. However, upon a finding at a public hearing by the Board that any of the following conditions exist, the Board must order a termination of all development activity in that portion of the development affected by substantial deviation until a DRI Application for Development Approval, Notice of Substantial Deviation or Notice of Proposed Change has been submitted, reviewed and approved in accordance with §380.06, Florida Statutes.

1. There is a substantial deviation from the terms or conditions of this Development Order or other changes to the approved development plans that create a reasonable likelihood of an additional regional impact or any other regional impact created by the change that has not been evaluated and reviewed by the Regional Planning Council; or

2. Expiration of the period of effectiveness of the Development Order. Any request to extend the effectiveness of this Development Order will be evaluated based on the criteria for the extension of the buildout date set forth in §380.06(19), Florida Statutes.

3. Conditions in this development order that specify circumstances in which the development will be required to undergo additional DRI review. See 9J-2.025(10).

K. Buildout and Termination Dates. The project has a buildout date of December 31, 2006, and a termination date of December 31, 2012. The termination date is based on a 4-year buildout and the recognition that a local Development Order, which is valid for six years, may be obtained prior to December 31, 2012. No permits for development will be issued by the County subsequent to the termination date or expiration date unless the conditions set forth in §380.06(15)(g) are applicable.

L. Commencement of Physical Development. As of November 2004, cCommencement of substantial physical development of the project ~~must~~ has occured ~~no later than December 31, 2004~~. Further development must occur in accordance with the development parameters and phasing schedule set forth in Exhibit C.

M. Assurance of Compliance. The administrative director of the Lee County Department of Community Development, or their designee, will be the local official responsible for assuring compliance with this Development Order. Lee County is primarily responsible for monitoring the development and enforcing the provisions of the development order. No permits or approvals will be issued if the Developer fails to act in substantial compliance with the development order.

N. Credits Against Local Impact Fees. Pursuant to §380.06(16), Florida Statutes, the Developer may be eligible for credits for contributions, construction, expansion, or acquisition of public facilities, if the Developer is also subject by local

ordinances to impact fees or exactions to meet the same needs. However, no credit will be provided for internal or external site-related facilities required by County regulations, or to any off-site facilities to the extent those facilities are necessary to provide safe and adequate services to the development.

O. Protection of Development Rights. The project will not be subject to down-zoning, unit density reduction, or intensity reduction prior to December 31, 2013. If the County demonstrates at a public hearing that substantial changes have occurred in the conditions underlying the approval of this Development Order, or finds that the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by Lee County to be essential to public health, safety and welfare, then down-zoning, unit density reduction, or intensity reduction may occur. [See 9J-2.025(3)(b)13]

P. Annual Reports. The Developer must submit a report annually to the Lee County Department of Community Development, the SWFRPC and Florida DCA on Form RPM-BSP-Annual Report-1. The content of the annual report must include the information set forth in Exhibit D, and must also be consistent with the rules of the FDCA. The first monitoring report must be submitted to the DRI coordinator for SWFRPC, DCA, and Lee County no later than one year after the effective date of this Development Order. Further reporting must be submitted not later than one year for subsequent calendar years thereafter, until buildout, whether actual or declared. Failure to comply with this annual reporting procedure is governed by §380.06(18), Florida Statutes, which provides for the temporary suspension of the DRI Development Order.

The Developer must file the annual monitoring reports until actual or declared buildout of the project. The Simon Property Group is the party responsible for filing the annual monitoring reports until one or more successor entities are named in the development order. The Developer must inform successors in title to the undeveloped portion of the real property covered by this development order of the annual reporting requirement. Tenants or owners of individual lots or units have no obligation to comply with this reporting condition.

The Developer must also submit a transportation annual report in accordance with the provisions set forth in Section II.D. of this development order.

Q. Community Development District. The Developer might elect to petition for the formation of a Uniform Community Development District to serve all or a portion of the project pursuant to Florida Statutes, Chapter 190, as it may be in effect from time to time. Lee County hereby gives its approval that any such district may undertake the construction and/or funding of all or any of the mitigation and public infrastructure projects for which the Developer is responsible under the terms of this development order, whether within or without the boundaries of the district, and including the payment of mitigation amounts provided for in this development order, as a co-obligor hereunder. This provision may not

be construed to require the approval of any petition to form such a district, and in no event will the Developer be released from its obligations under this development order.

R. Transmittal and Effective Date. The County will forward certified copies of this Development Order to the SWFRPC, the Developer, and appropriate state agencies. This Development Order is rendered as of the date of that transmittal, but will not be effective until the expiration of the statutory appeal period (45 days from rendition) or until FDCA has completed their review and has determined not to take an appeal, should that occur prior to the expiration of the 45-day period, or until the completion of any appellate proceedings, whichever time is greater. In accordance with the requirements of §380.06(15)f, Florida Statutes, once this development order is effective, the Developer must record notice of its adoption in the office of the Clerk of the Circuit Court of Lee County.

S. Continued Agricultural Use of Property. Bona fide agricultural uses in existence on the date of this DRI approval may continue until the first development order approval for a site within the particular tract, as designed on Map H, (excluding public uses mandated by this Development Order). No development activity of any kind may occur on the property, including the clearing of vegetation or cutting of trees, unless such activity is reviewed and approved in accordance with Lee County regulations as if no agricultural use existed on the property. The purpose of the limitation is to eliminate any exemption or other special considerations or procedures that might otherwise be available under Lee County regulations by virtue of the existing agriculture on the property.

THE MOTION TO ADOPT this Development Order was offered by Commissioner _____, and seconded by Commissioner _____ and upon a poll of the members present, the vote was as follows:

Robert Janes	___
Douglas St. Cerny	___
Ray Judah	___
Tammy Hall	___
John E. Albion	___

DULY PASSED AND ADOPTED this _____ day of _____, 2004.

ATTEST:
CHARLIE GREEN, CLERK

By:_____

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By:_____

Approved as to form

By:_____

Dawn E. Perry-Lehnert
Assistant County Attorney

Exhibits:

A. Legal Description
B. Master Plan of Development (Map H) Stamped Received November 17, 2004
C. Development Parameters and Phasing Schedule
D. Annual Monitoring Report Requirements
E. Calculation of Road Impact Fee Obligation
F. Pedestrian, Bicycle and Bus Stop Plan

DRI
EXHIBIT C

Development Parameters and Phasing Schedule

		Buildout
Regional Retail Commercial	1,450,000* sq. ft.	2006
Community Retail	350,000* sq. ft.	2006
Office	300,000** sq. ft.	2006
Hotel	~~600~~ 350 Rooms	2006
Residential, Multi-family	~~1000~~ 1250 du	2006
Assisted Living Facility	200 units	2006

* Gross Leasable Area

**Up to 100,000 sq. ft., may be medical office

DRI
EXHIBIT D

ANNUAL MONITORING REPORT REQUIREMENTS

The Annual Monitoring Report that must be submitted by the Developer in accordance with Subsections 380.06(15) and 380.06(18), Florida Statutes, and 9J-2.025(7), Florida Administrative Code, must include the following:

A. Any changes in the plan of development or in the representations contained in the application for development approval, or in the phasing for the reporting year and for the next year;

B. A summary comparison of development activity proposed and actually conducted for the year;

C. Identification of undeveloped tracts of land, other than individual single family lots, that have been sold to separate entities or developers.

D. Identification and intended use of lands purchased, leased, or optioned by the Developer adjacent to the original DRI site since the development order was issued;

E. A specific assessment of the Developer's and the local government's compliance with each individual condition of approval contained in the DRI Development Order and the commitments which are contained in the application for development approval and which have been identified by the local government, the RPC, or the DCA as being significant;

F. Any requests for substantial deviation determination that were filed in the reporting year and to be filed during the following year;

G. An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;

H. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose of each;

I. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(15) and (18), Florida Statutes;

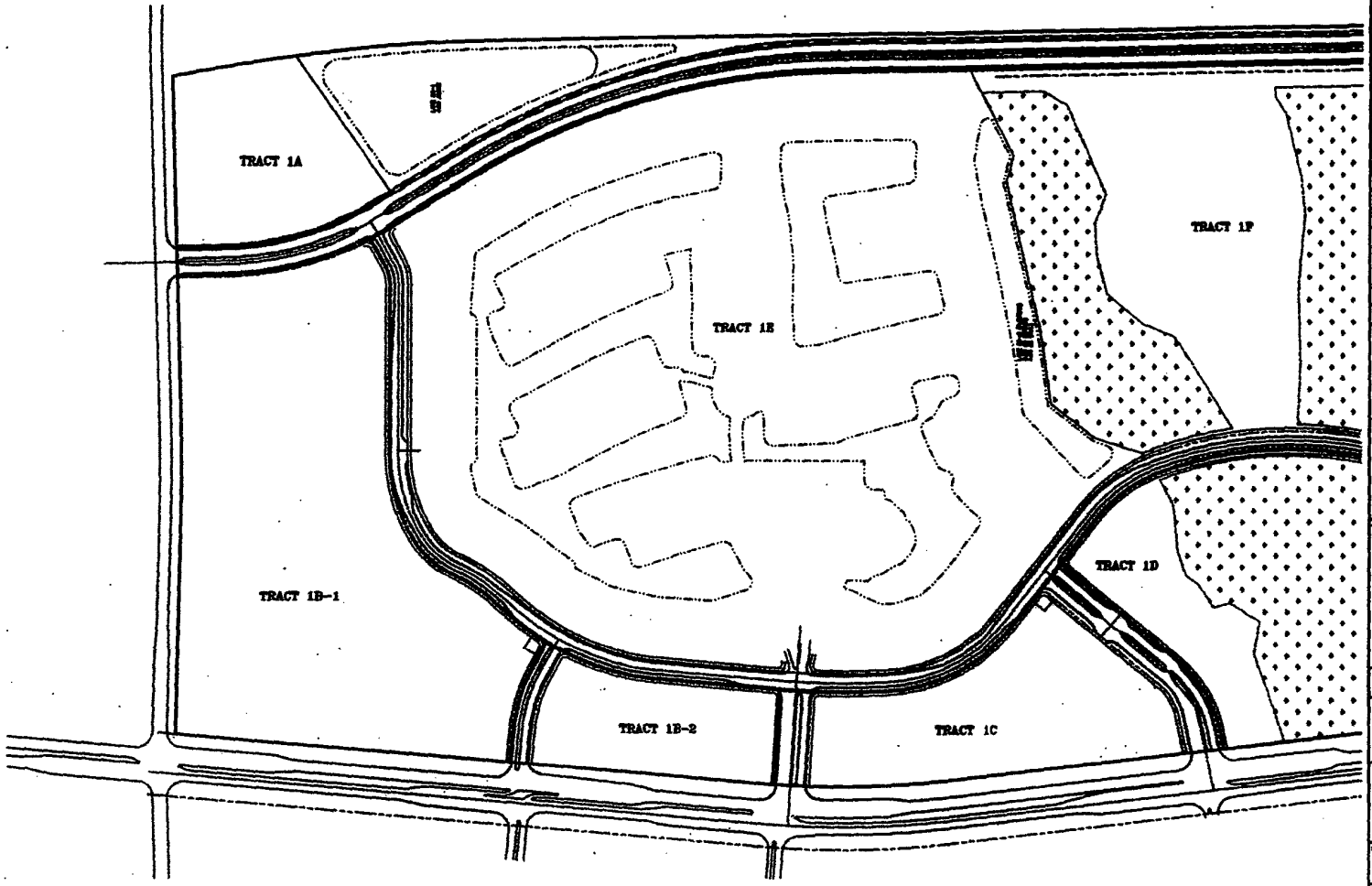
J. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer pursuant to Paragraph 380.06(15)(f), Florida Statutes.

NOTE: The Florida Administrative Code specifically requires that the development order specify the requirements for the annual report. The Administrative Code requires that the annual report will be submitted to DCA, the RPC, and the local government on Form RPM-BSP-Annual Report-1.

DRI
EXHIBIT E
Calculation of Road Impact Fee Obligation[3]

LAND USE	ITE LUC	UNIT	RATE	SIZE	AMOUNT
GENERAL INDUSTRIAL	130	1000 SF	$1,681.00	0	$ -
WAREHOUSE	150	1000 SF	$1,198.00	0	$ -
MINI-WAREHOUSE	151	1000 SF	$ 419.00	0	$ -
SINGLE-FAMILY DETACHED	210	DU	$2,436.00	0	$ -
MULTI-FAMILY	220	DU	$1,687.00	1000	$ 1,687,000.00
MOBILE HOME (PARK UNIT)/RV SITE	240	DU	$1,221.00	0	$ -
ACLF	252	DU	$ 550.00	200	$ 110,000.00
HOTEL	310	ROOM	$1,834.00	600	$ 1,100,400.00
TIMESHARE	310	DU	$1,834.00	0	$ -
GOLF COURSE	430	ACRE	$ 711.00	0	$ -
MOVIE THEATRE	443	1000 SF	$5,600.00	0	$ -
ELEMENTARY/SECONDARY SCHOOL (PRIVATE)	520	1000 SF	$ 611.00	0	$ -
CHURCH	560	1000 SF	$1,402.00	0	$ -
DAYCARE	565	1000 SF	$3,900.00	0	$ -
HOSPITAL	610	1000 SF	$2,941.00	0	$ -
NURSING HOME	620	1000 SF	$ 824.00	0	$ -
OFFICE UNDER 100,000 SF	710	1000 SF	$2,254.00	100	$ 225,400.00
OFFICE 100,000 SF AND OVER	710	1000 SF	$1,918.00	100	$ 191,800.00
MEDICAL OFFICE	720	1000 SF	$6,334.00	100	$ 633,400.00
RETAIL UNDER 100,000 SF	820	1000 SF	$3,992.00	100	$ 399,200.00
RETAIL 100,000 SF TO 250,000 SF	820	1000 SF	$3,869.00	150	$ 580,350.00
RETAIL 250,000 SF TO 500,000	820	1000 SF	$3,634.00	250	$ 908,500.00
RETAIL 500,000 SF AND OVER	820	1000 SF	$3,354.00	1300	$ 4,360,200.00
STANDARD RESTAURANT	831	1000 SF	$8,715.00	0	$ -
FAST FOOD RESTAURANT	834	1000 SF	$9,886.00	0	$ -
CAR WASH, SELF-SERVICE	847	STALL	$7,749.00	0	$ -
CONVENIENCE FOOD AND BEVERAGE STORE	851	1000 SF	$8,715.00	0	$ -
BANK	911	1000 SF	$6,063.00	0	$ -
TOTAL					$10,196,250.00

[3] The calculations included here are based upon the impact fee schedule effective July 1, 2000.



LEGEND:

PRIMARY PEDESTRIAN WALKWAYS (typ.)

N

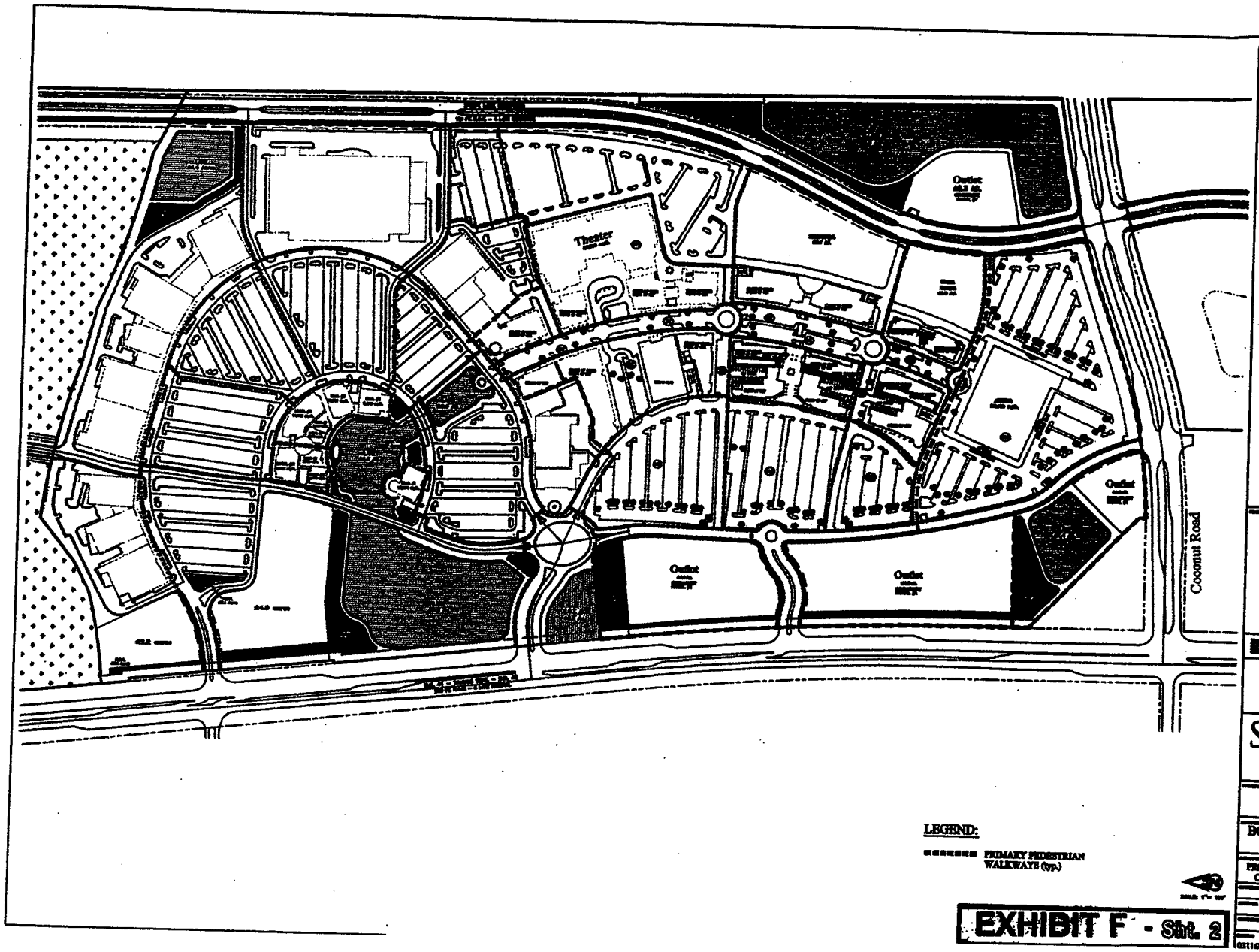
EXHIBIT F - Sht. 1

SIMON

The Shops at Coconut Point

BONITA SPRINGS FLORIDA

PROPOSED PEDESTRIAN CIRCULATION PLAN



LEGEND:

PRIMARY PEDESTRIAN WALKWAYS (typ.)

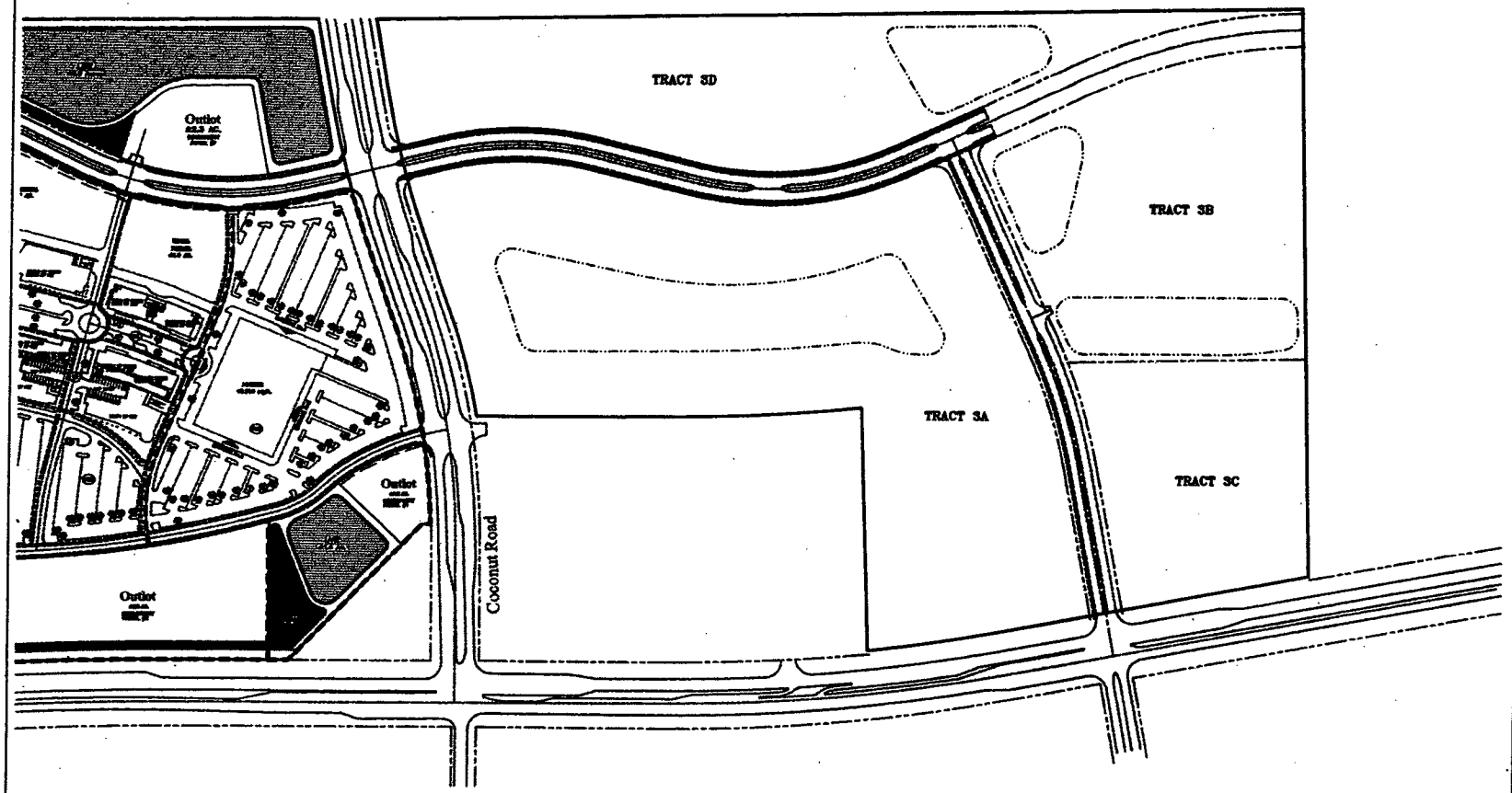
SIMON

The Shops at Coconut Point

BONITA SPRINGS FLORIDA

PROPOSED PEDESTRIAN CIRCULATION PLAN

EXHIBIT F - Sht. 2



LEGEND:

PRIMARY PEDESTRIAN WALKWAYS (typ.)

EXHIBIT F - Sht. 3

SIMON

The Shops at Coconut Point

BONITA SPRINGS FLORIDA

PROPOSED PEDESTRIAN CIRCULATION PLAN

LEE COUNTY, FLORIDA

ZONING DIVISION

STAFF REPORT

TYPE OF CASE: PLANNED DEVELOPMENT/DRI

CASE NUMBER: DRI2004-00008

HEARING EXAMINER DATE: December 15, 2004

I. APPLICATION SUMMARY:

A. Applicant: Coconut Point Developers, LLC in ref. to Coconut Point/Simon Suncoast

B. Request(s): a. Consider a Notice of Proposed Change to amend the Coconut Point DRI Development Order to increase residential condominiums from 550 to 1,000; decrease hotel rooms from 600 to 350; and decrease apartments from 450 to 250.

b. Evaluate whether the amendments constitute a substantial deviation from the original development order approvals warranting further development of regional impact review.

C. Location: The subject property is located at Estero, FL (east side of US 41 between Williams Rd and northern boundary of Bonita Springs), in S09 & 04-T47S-25E, Lee County, FL. (District #3)

D. Future Land Use Plan Designation, Current Zoning and Use of Subject Property:
The Lee Plan future land use categories are Urban Community and Wetlands. The subject property is zoned Mixed Use Planned Development. The site is being developed in accordance with the current zoning approval.

E. Surrounding Land Use:

	Existing Zoning & Land Use	Future Land Use Map
North:	MPD (North Point DRI), vacant	Urban Community
East:	MPD (The Brooks), most developed residential project	Rural
South:	IL and CG, light industrial and commercial uses	(City of Bonita Springs) Industrial and General Commercial
West:	US 41, then CPD, MPD, and AG-2 with shopping center, model home, car dealership (developing), and vacant properties.	Suburban and Urban Community

F. Size of Property: 482.421± acres

II. RECOMMENDATION:

Staff recommends **APPROVAL** of the Applicant's request for a Notice of Proposed Change to DRI Development Order for Coconut Point DRI (DRI# 9-2001-153) to consider an increase in residential condominiums from 550 to 1000; decrease in hotel rooms from 600 to 350; and decrease in apartments from 450 to 250. Staff furthers recommends that the Hearing Examiner and Board of County Commissioners conclude that the proposed changes do not constitute a substantial deviation from the original development order approval.

Findings and Conclusions:

Based upon an analysis of the application and the standards for approval of Developments of Regional Impact Amendments, staff offers the following findings and conclusions.

a. The request to amend the Coconut Point DRI Development to increase residential condominiums from 550 to 1000; decrease hotel rooms from 600 to 350; and decrease apartments from 450 to 250 is not presumed to be a substantial deviation from the original development order approvals under Florida Statutes section 380.06(19). The affect trips are less than three percent of the DRI total net new external rips, with a difference in the distribution likely to be less than one percent. The NOPC serves to reduce the overall trips by 1.6 percent. Therefore, Staff finds it is not likely that the proposed change will create a net increase in additional transportation regional impacts.

b. The proposed changes do not constitute a substantial deviation from the original development order approvals warranting further DRI review.

III. BACKGROUND INFORMATION AND ANALYSIS:

Introduction/Synopsis

This application seeks a Notice of Proposed Change to the approved DRI Development Order for this project. The original approval was granted on October 21, 2002 and can be found in Resolution Z-02-009. The applicant seeks the following changes to the DRI Development Order:

1. In Section I.A., the applicant is seeking a change that changes the intensity of the development by reducing the number of hotel/motel units from 600 to 350 and increasing the number of multiple family residential units from 1,000 to 1,250.

2. In Section I.C., correcting language indicating that the property is currently zoned Mixed Use Planned Development.

3. In Section I.G., changing the date of review of this project by the Regional Planning Council.

4. In Section I.H., changing the language of this Section acknowledging the current Lee Plan future land use categories that the subject property is located within.

5. In Section II.D.1., changing the assessment parameters to reflect the changes (if approved) in the approved development intensity for hotel/motel units and multiple family residential units within this development.

6. In Section III.C., changing the date of the approved Map H.

7. Exhibit C, DRI Phasing Schedule, changing this document to reflect the changes in the approved intensity of this project, if the NOPC is approved.

8. Adopting a new Map H and attaching it as an exhibit to the amended DRI Development Order.

Change to Development Intensity

The project is currently allowed to have a development intensity of 1,450,000 square feet of retail/regional mall (Regional Retail Center); 350,000 gross leasable square feet of retail on other parcels adjacent to the regional ,all (Community Commercial Retail); 300,00 square feet of office, of which no more than 100,000 square feet may be medical office, 600 hotel rooms; 1,000 multi-family units; and a 200 unit assisted living facility. The request seeks to reduce the hotel units to 350 and increase the number of multi-family residential units to 1,250.

Staff has reviewed this proposal and finds that the location of the uses is not planned to be changed just the intensity of uses within these areas. Effectively the Town Center loses 200 apartments and 250 hotel units, but is increased by 450 condominium units. Overall this is not a substantial change to the approved DRI, and is in staff's opinion still consistent with the Lee Plan and the allowed densities within the Urban Community future land use designation.

Lee County DOT reports (see Attachment C) that although the uses have been changed the affected trips are less than three percent of the DRI total net new external trips with a difference in the distribution likely less than one percent. The NOPC also reduces overall trips by 1.6 percent. DOT staff finds it is unlikely that the NOPC would create a net increase in additional transportation regional impacts.

Map H Changes

There are no substantial changes proposed to the approved Map H. However, some changes will be made to address the approved intensity of the project, specifically identifying the Villages (development areas) previously approved, and generally revising the Map to reflect the previous actions approving this project.

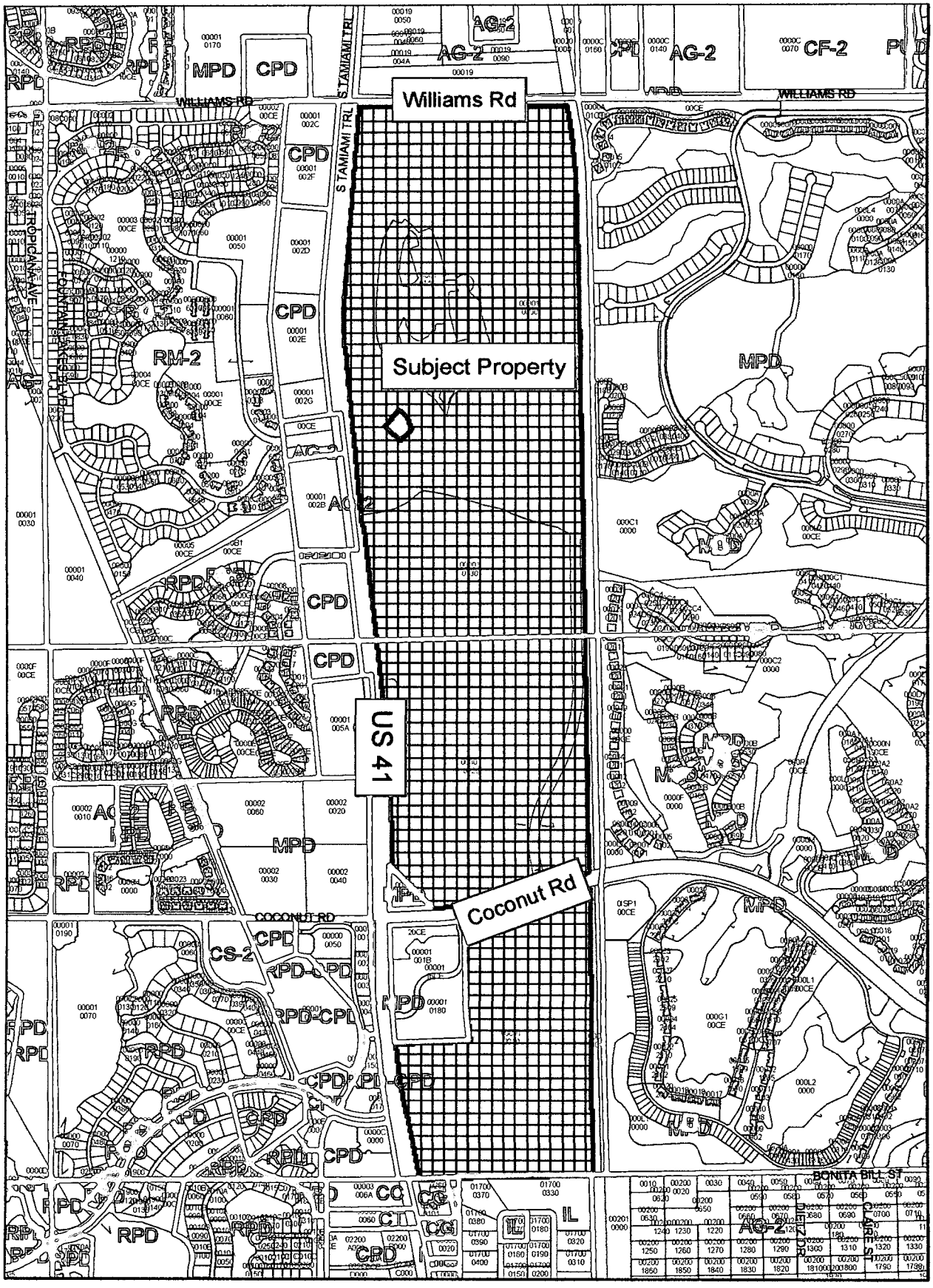
IV. ATTACHMENTS:

A. Map of surrounding zoning
B. Applicant's supporting documentation
C. Applicant's draft DRI Development Order
D. Comments from Lee County DOT
E. Comments from School District of Lee County

cc: Applicant
County Attorney
Zoning/DCI File

ZONING INTAKE MAP

11/4/2004



Attachment A

1,600 800 0 1,600 Feet

EXHIBIT III-C

NARRATIVE REGARDING REQUEST

The proposed DRI amendment will increase the number of condominiums at Coconut Point from 550 to 1,000; decrease the number of apartments from 450 to 250; and decrease the number of hotel units from 600 to 350. As a result of these revisions, the net new external peak hour vehicular trips will decrease by 1.6 percent. No other substantive changes are being requested.

Due to the decrease in traffic impacts, the amendment does not constitute a substantial deviation.

RECEIVED
AUG 26 2004
PERMIT COUNTER

DRI2004-00008

COCONUT POINT DRI

NOTICE OF PROPOSED CHANGE (NOPC)
TRAFFIC STUDY

Project #04586

June 3, 2004
Revised August 12, 2004

Prepared by:
DAVID PLUMMER & ASSOCIATES, INC.
1531 Hendry Street
Fort Myers, Florida 33901

COCONUT POINT DRI

NOTICE OF PROPOSED CHANGE (NOPC) TRAFFIC STUDY

Introduction

The Coconut Point DRI (formerly known as the Simon Suncoast DRI) is a planned, mixed-use development located in Estero, on the east side of US 41 near Coconut Road. Coconut Point was approved for 1,200 residential units (including apartments, residential condominiums and adult living facilities), 1,800,000 sq. ft. of commercial/retail uses, 300,000 sq. ft. of office space and 600 hotel rooms.

The Project will be developed as three Areas: Area 1, the North Village; Area 2, the Town Center; and Area 3, the South Village. Buildout is anticipated in the year 2006.

A Notice of Proposed Change (NOPC) is being processed to increase the number of residential units in Area 2 of Coconut Point. This Traffic Study is being submitted in support of this NOPC.

The Traffic Study demonstrates that the NOPC will not result in an increase in the traffic impacts of Coconut Point. Any increase in traffic due to the additional residential units will be off-set by reductions in traffic due to a reduction in the number of hotel units and due to a change in the approved residential units in Area 2 from apartments to residential condominiums. This is explained in detail below.

Development Parameters

A comparison of the approved land uses in Coconut Point with the proposed land uses under the NOPC is provided in Exhibit 1. All of the changes occur in Area 2 and involve residential and hotel units.

The Developer proposes to add 450 residential condominiums and to offset this by deleting 200 apartments and 250 hotel rooms. These changes are reflected in the revised totals for the Coconut Point DRI. No other changes are proposed at this time.

Project Trip Generation

The trip generation of the Coconut Point DRI was originally estimated using the Institute of Transportation Engineers (ITE) Trip Generation, Sixth Edition, and contemporary trip generation methodologies that are acceptable to Lee County and the other DRI review agencies. As indicated in Section II.D.1.a on page 8 of the approved DRI Development Order, the Coconut

Point DRI is expected to generate 4,120 net new external PM peak hour trips. These are the trips drawn to the site on the surrounding road network.

For comparison, the Project's trip generation estimates were updated to reflect the proposed land uses, using the same trip generation methodology that was reviewed and approved for the DRI, with one exception. Instead of using ITE Trip Generation, Sixth Edition, the newer Seventh Edition of the ITE Trip Generation report was used. This made little difference in the findings.

The updated trip generation estimates for the Coconut Point DRI are provided in Exhibit 2. The ITE/MICROTRANS trip generation print-outs are provided in Appendix A. Exhibit 3a and 3b are the worksheets for estimating the internal orientation for PM peak hour and daily trips, respectively, based on Chapter 7 of the ITE Trip Generation Handbook.

With the proposed uses, the DRI is expected to generate 4,056 net new external PM peak hour trips. That is 64 (or 1.6%) fewer PM peak hour trips than were approved for the DRI.

The reduced trip generation is due to the fact that residential condominiums generate traffic at a lower rate per unit than hotel rooms and apartments. In other words, in terms of traffic generation, the addition of 450 residential condominiums is more than offset by the loss of an equal number of hotel rooms and apartments.

Project Traffic Impacts

The Project's off-site traffic impacts would also be reduced by the proposed land uses under this NOPC. As demonstrated above, the Project's overall trip generation is reduced by 1.6%.

In addition, all three of the uses being changed (residential condominiums, apartments and hotel rooms) are considered trip producers. That is, they produce trips that are attracted to commercial, industrial and other non-residential uses. Substituting one form of trip producer for another would have a negligible affect on the distribution and assignment of Coconut Point trips.

Therefore, the Project's traffic impacts on the surrounding road network would be reduced slightly by the proposed change in land uses. No additional road or intersection improvements or off-site traffic mitigation would be needed.

EXHIBIT 1

NOTICE OF PROPOSED CHANGE (NOPC)
LAND USES BY AREA

	Approved Land Uses	Changes	Proposed Land Uses
Area 1 (North Village)			
MF - Condos	550 units	0 units	550 units
MF - Apartments	0 units	0 units	0 units
ALF	0 units	0 units	0 units
Hotel	0 rooms	0 rooms	0 rooms
General Retail	280,000 sq. ft.	0 sq. ft.	280,000 sq. ft.
General Office	70,000 sq. ft.	0 sq. ft.	70,000 sq. ft.
Medical Office	0 sq. ft.	0 sq. ft.	0 sq. ft.
Area 2 (Town Center)			
MF - Condos	0 units	450 units	450 units
MF - Apartments	200 units	(200) units	0 units
ALF	0 units	0 units	0 units
Hotel	450 rooms	(250) rooms	200 rooms
General Retail	1,450,000 sq. ft.	0 sq. ft.	1,450,000 sq. ft.
General Office	90,000 sq. ft.	0 sq. ft.	90,000 sq. ft.
Medical Office	0 sq. ft.	0 sq. ft.	0 sq. ft.
Area 3 (South Village)			
MF - Condos	0 units	0 units	0 units
MF - Apartments	250 units	0 units	250 units
ALF	200 units	0 units	200 units
Hotel	150 rooms	0 rooms	150 rooms
General Retail	70,000 sq. ft.	0 sq. ft.	70,000 sq. ft.
General Office	40,000 sq. ft.	0 sq. ft.	40,000 sq. ft.
Medical Office	100,000 sq. ft.	0 sq. ft.	100,000 sq. ft.
TOTAL DRI			
MF - Condos	550 units	450 units	1,000 units
MF - Apartments	450 units	(200) units	250 units
ALF	200 units	0 units	200 units
Hotel	600 rooms	(250) rooms	350 rooms
General Retail	1,800,000 sq. ft.	0 sq. ft.	1,800,000 sq. ft.
General Office	200,000 sq. ft.	0 sq. ft.	200,000 sq. ft.
Medical Office	100,000 sq. ft.	0 sq. ft.	100,000 sq. ft.

EXHIBIT 2

NOTICE OF PROPOSED CHANGE (NOPC)
ITE TRIP GENERATION CALCULATIONS
OVERALL DEVELOPMENT

BUILDOUT (2007)

OVERALL DEVELOPMENT, INCLUDING AREAS 1, 2 AND 3

LAND USE	ITE LUC	SIZE	UNIT	TRIP TYPE	ADJ. FACTOR	(1) PM PEAK IN	PM PEAK OUT	PM PEAK TOTAL		ADJ. FACTOR	(1) DAILY	
APARTMENT	220	250	D.U.	TOTAL		101	54	155			1,653	
				INTERNAL	40%	33	29	62	(2)	37%	608	(2)
				EXTERNAL		68	25	93			1,045	
				PRIMARY		68	25	93			1,045	
RESIDENTIAL CONDOMINIUM	230	1000	D.U.	TOTAL		266	131	397			4,544	
				INTERNAL	40%	87	71	158	(2)	37%	1,670	(2)
				EXTERNAL		179	60	239			2,874	
				PRIMARY		179	60	239			2,874	
ALF	253	200	D.U.	TOTAL		20	14	34			430	
				INTERNAL	41%	6	8	14	(2)	37%	158	(2)
				EXTERNAL		14	6	20			272	
				PRIMARY		14	6	20			272	
RETAIL	820	1,800,000 (T.G.L.A.)	Sq. Ft.	TOTAL		2,025	2,193	4,218			44,449	
				INTERNAL	10%	213	199	412	(2)	10%	4,599	(2)
				EXTERNAL		1,812	1,994	3,806			39,850	
				PASS-BY	20%	380	380	760	(4)	18%	6,600	(4)
				DIVERTED	0%	0	0	0	(4)	0%	0	(4)
				PRIMARY		1,432	1,614	3,046			33,250	
OFFICE	710	200,000	Sq. Ft.	TOTAL		51	251	302			2,275	
				INTERNAL	14%	17	27	44	(2)	21%	467	(2)
				EXTERNAL		34	224	258			1,808	
				PRIMARY		34	224	258			1,808	
MEDICAL OFFICE	720	100,000	Sq. Ft.	TOTAL		85	230	315			3,874	
				INTERNAL	17%	27	25	52	(2)	21%	794	(2)
				EXTERNAL		58	205	263			3,080	
				PRIMARY		58	205	263			3,080	
HOTEL	310	350	Rooms	TOTAL		119	126	245			3,122	
				INTERNAL	44%	40	68	108	(2)	37%	1,148	(2)
				EXTERNAL		79	58	137			1,974	
				PRIMARY		79	58	137			1,974	
TOTAL				TOTAL		2,667	2,999	5,666			60,347	
				INTERNAL		424	426	850	(2)		9,444	(2)
				EXTERNAL		2,243	2,573	4,816			50,903	
				PASS-BY		380	380	760	(4)		6,600	(4)
				DIVERTED		0	0	0	(4)		0	(4)
				PRIMARY		1,863	2,193	4,056			44,303	
Peak Hour Directional Split/Peak-to-Daily Ratio						45.9%	54.1%	9.15%				

FOOTNOTES:

(1) Based on ITE, Trip Generation (7th Edition). The trip generation equations were used for all uses, when available. Daily generation for limited services hotel (LUC 310) derived by assuming pm peak hour estimate is approximately 10% of the daily generation.
(2) Internal trips between the residential (R) and nonresidential (NR) uses.
(3) No internal trip deduction was taken between retirement community, ALF, and hotel uses.
(4) Pass-by rate (20%) which indicates 17% pass-by plus an adjust allowed by LCDOT for consistency with the Gulf Coast Town Center Projec based on ITE, Trip Generation (7th Edition).

Primary Percentage	87.04%
Pass-by Percentage	12.96%
Diverted Percentage	0.00%

EXHIBIT 3a

NOTICE OF PROPOSED CHANGE (NOPC)
TRIP GENERATION HANDBOOK - An ITE Recommended Practice

Analyst DPA
Date 08/05/2004

Generation Calculation Worksheet

Project Name Coconut Point NOPC #04586
Time Period PM PH (2007)

LAND USE A Residential, ALF, & Hotel

ITE LU	CODE	XXX
	SIZE	XXX

	Total	Internal	External
Enter	506	167	339
Exit	325	175	150
Total	831	342	489
%	100%	41%	59%

Exit to External: 150
Enter From External: 339

A to B

2% | 7 Demand
3 Balanced
2% | 3 Demand

B to A

2% | 10 Demand
10 Balanced
2% | 10 Demand

A to C

53% | 172 Demand
172 Balanced
9% | 182 Demand

C to A

31% | 157 Demand
157 Balanced
12% | 263 Demand

LAND USE B Office

ITE LU	CODE	710 & 720
	SIZE	300,000

	Total	Internal	External
Enter	136	44	92
Exit	481	52	429
Total	617	96	521
%	100%	16%	84%

Exit to External: 429
Enter From External: 92

B to C

23% | 111 Demand
41 Balanced
2% | 41 Demand

C to B

3% | 66 Demand
42 Balanced
31% | 42 Demand

LAND USE C Retail

ITE LU	CODE	820
	SIZE	1,800,000

	Total	Internal	External
Enter	2025	213	1812
Exit	2193	199	1994
Total	4218	412	3806
%	100%	10%	90%

Exit to External: 1994
Enter From External: 1812

Net External Trips for Multi-Use Development

	LU - A	LU - B	LU - C	TOTAL	
Enter	339	92	1812	2243	
Exit	150	429	1994	2573	Internal
Total	489	521	3806	4816	Capture
Single Use	831	617	4218	5666	15.0%

EXHIBIT 3b

NOTICE OF PROPOSED CHANGE (NOPC)
TRIP GENERATION HANDBOOK - An ITE Recommended Practice

Analyst: DPA
Date: 08/05/2004

Generation Calculation Worksheet

Project Name: Coconut Point NOPC #04586
Time Period: DAILY (2007)

LAND USE A Residential, ALF, & Hotel

ITE LU	CODE	XXX
	SIZE	XXX

	Total	Internal	External
Enter	4874	1670	3204
Exit	4875	1914	2961
Total	9749	3584	6165
%	100%	37%	63%

Exit to External: 2961
Enter From External: 3204

A to B

3% | 146 — Demand
61 — Balanced
2% | 61 — Demand

B to A

3% | 146 — Demand
62 — Balanced
2% | 62 — Demand

A to C

38% | 1853 — Demand
1853 — Balanced
9% | 2000 — Demand

C to A

33% | 1608 — Demand
1608 — Balanced
11% | 2445 — Demand

LAND USE B Office

ITE LU	CODE	710 & 720
	SIZE	300,000

	Total	Internal	External
Enter	3074	522	2552
Exit	3075	739	2336
Total	6149	1261	4888
%	100%	21%	79%

Exit to External: 2336
Enter From External: 2552

B to C

22% | 677 — Demand
677 — Balanced
4% | 889 — Demand

C to B

3% | 667 — Demand
461 — Balanced
15% | 461 — Demand

LAND USE C Retail

ITE LU	CODE	820
	SIZE	1,800,000

	Total	Internal	External
Enter	22224	2530	19694
Exit	22225	2069	20156
Total	44449	4599	39850
%	100%	10%	90%

Exit to External: 20156
Enter From External: 19694

Net External Trips for Multi-Use Development

	LU - A	LU - B	LU - C	TOTAL	
Enter	3204	2552	19694	25450	
Exit	2961	2336	20156	25453	Internal Capture
Total	6165	4888	39850	50903	
Single Use	9749	6149	44449	60347	15.6%

APPENDIX A

ITE/MICROTRANS TRIP GENERATION PRINT-OUTS

Coconut Point NOPC
Summary of Trip Generation Calculation
For 250 Dwelling Units of Apartments
August 05, 2004

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	6.61	0.00	1.00	1653
7-9 AM Peak Hour Enter	0.10	0.00	1.00	25
7-9 AM Peak Hour Exit	0.40	0.00	1.00	101
7-9 AM Peak Hour Total	0.50	0.00	1.00	126
4-6 PM Peak Hour Enter	0.40	0.00	1.00	101
4-6 PM Peak Hour Exit	0.22	0.00	1.00	54
4-6 PM Peak Hour Total	0.62	0.00	1.00	155
Saturday 2-Way Volume	6.83	0.00	1.00	1706
Saturday Peak Hour Enter	0.00	0.00	1.00	0
Saturday Peak Hour Exit	0.00	0.00	1.00	0
Saturday Peak Hour Total	0.49	0.00	1.00	122

Note: A zero indicates no data available.
The above rates were calculated from these equations:

24-Hr. 2-Way Volume:	T = 6.01(X) + 150.35, R^2 = 0.88
7-9 AM Peak Hr. Total:	T = .49(X) + 3.73
	R^2 = 0.83 , 0.2 Enter, 0.8 Exit
4-6 PM Peak Hr. Total:	T = .55(X) + 17.65
	R^2 = 0.77 , 0.65 Enter, 0.35 Exit
AM Gen Pk Hr. Total:	T = .53(X) + 4.21
	R^2 = 0.82 , 0.29 Enter, 0.71 Exit
PM Gen Pk Hr. Total:	T = .6(X) + 17.52
	R^2 = 0.8 , 0.61 Enter, 0.39 Exit
Sat. 2-Way Volume:	T = 7.85(X) + -256.19, R^2 = 0.85
Sat. Pk Hr. Total:	T = .41(X) + 19.23
	R^2 = 0.56 , 0 Enter, 0 Exit
Sun. 2-Way Volume:	T = 6.42(X) + -101.12, R^2 = 0.82
Sun. Pk Hr. Total:	0
	R^2 = 0 , 0 Enter, 0 Exit

Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

Coconut Point NOPC
Summary of Trip Generation Calculation
For 1000 Dwelling Units of Residential Condominium / Townhouse
August 05, 2004

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	4.54	0.00	1.00	4544
7-9 AM Peak Hour Enter	0.06	0.00	1.00	55
7-9 AM Peak Hour Exit	0.27	0.00	1.00	270
7-9 AM Peak Hour Total	0.33	0.00	1.00	326
4-6 PM Peak Hour Enter	0.27	0.00	1.00	266
4-6 PM Peak Hour Exit	0.13	0.00	1.00	131
4-6 PM Peak Hour Total	0.40	0.00	1.00	397
Saturday 2-Way Volume	4.05	0.00	1.00	4048
Saturday Peak Hour Enter	0.18	0.00	1.00	180
Saturday Peak Hour Exit	0.15	0.00	1.00	153
Saturday Peak Hour Total	0.33	0.00	1.00	333

Note: A zero indicates no data available.
The above rates were calculated from these equations:

24-Hr. 2-Way Volume:	LN(T) = .85LN(X) + 2.55, R^2 = 0.83
7-9 AM Peak Hr. Total:	LN(T) = .8LN(X) + .26
	R^2 = 0.76 , 0.17 Enter, 0.83 Exit
4-6 PM Peak Hr. Total:	LN(T) = .82LN(X) + .32
	R^2 = 0.8 , 0.67 Enter, 0.33 Exit
AM Gen Pk Hr. Total:	LN(T) = .82LN(X) + .17
	R^2 = 0.8 , 0.18 Enter, 0.82 Exit
PM Gen Pk Hr. Total:	T = .34(X) + 38.31
	R^2 = 0.83 , 0.64 Enter, 0.36 Exit
Sat. 2-Way Volume:	T = 3.62(X) + 427.93, R^2 = 0.84
Sat. Pk Hr. Total:	T = .29(X) + 42.63
	R^2 = 0.84 , 0.54 Enter, 0.46 Exit
Sun. 2-Way Volume:	T = 3.13(X) + 357.26, R^2 = 0.88
Sun. Pk Hr. Total:	T = .23(X) + 50.01
	R^2 = 0.78 , 0.49 Enter, 0.51 Exit

Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

Coconut Point NOPC
Summary of Trip Generation Calculation
For 350 Occupied Rooms of Hotel
August 05, 2004

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	8.92	6.04	1.00	3122
7-9 AM Peak Hour Enter	0.39	0.00	1.00	137
7-9 AM Peak Hour Exit	0.28	0.00	1.00	98
7-9 AM Peak Hour Total	0.67	0.84	1.00	235
4-6 PM Peak Hour Enter	0.34	0.00	1.00	119
4-6 PM Peak Hour Exit	0.36	0.00	1.00	126
4-6 PM Peak Hour Total	0.70	0.87	1.00	245
Saturday 2-Way Volume	10.50	4.11	1.00	3675
Saturday Peak Hour Enter	0.00	0.00	1.00	0
Saturday Peak Hour Exit	0.00	0.00	1.00	0
Saturday Peak Hour Total	0.87	0.94	1.00	305

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

Coconut Point NOPC
Summary of Trip Generation Calculation
For 350 Occupied Rooms of Hotel
August 05, 2004

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	0.00	0.00	1.00	0
7-9 AM Peak Hour Enter	0.40	0.00	1.00	141
7-9 AM Peak Hour Exit	0.29	0.00	1.00	102
7-9 AM Peak Hour Total	0.69	0.00	1.00	243
4-6 PM Peak Hour Enter	0.34	0.00	1.00	117
4-6 PM Peak Hour Exit	0.35	0.00	1.00	122
4-6 PM Peak Hour Total	0.68	0.00	1.00	240
Saturday 2-Way Volume	0.00	0.00	1.00	0
Saturday Peak Hour Enter	0.00	0.00	1.00	0
Saturday Peak Hour Exit	0.00	0.00	1.00	0
Saturday Peak Hour Total	0.00	0.00	1.00	0

Note: A zero indicates no data available.
The above rates were calculated from these equations:

24-Hr. 2-Way Volume:	0, R^2 = 0
7-9 AM Peak Hr. Total:	T = .78(X) + -29.8
	R^2 = 0.69 , 0.58 Enter, 0.42 Exit
4-6 PM Peak Hr. Total:	LN(T) = 1.2LN(X) + -1.55
	R^2 = 0.67 , 0.49 Enter, 0.51 Exit
AM Gen Pk Hr. Total:	LN(T) = .91LN(X) + .01
	R^2 = 0.57 , 0.55 Enter, 0.45 Exit
PM Gen Pk Hr. Total:	LN(T) = .94LN(X) + -.03
	R^2 = 0.6 , 0.57 Enter, 0.43 Exit
Sat. 2-Way Volume:	0, R^2 = 0
Sat. Pk Hr. Total:	0
	R^2 = 0 , 0 Enter, 0 Exit
Sun. 2-Way Volume:	0, R^2 = 0
Sun. Pk Hr. Total:	0
	R^2 = 0 , 0 Enter, 0 Exit

Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

AMENDED DEVELOPMENT ORDER
FOR
COCONUT POINT DRI
STATE DRI # 09-2001-153
CASE #DRI2000-00015

WHEREAS, on June _____, 2004, _____ requested an amendment to the Coconut Point Development of Regional Impact Development Order adopted by the Lee County Board of County Commissioners on October 21, 2002; and

WHEREAS, the applicant is requesting to amend the Development Order to reduce the number of hotel rooms from 600 to 350, to decrease the number of apartments from 450 to 250, and to increase the number of residential condominiums from 550 to 1,000; and

WHEREAS, under Section 380.06(19), Florida Statutes, the proposed change must be reviewed and evaluated to determine whether it constitutes a substantial deviation from the terms of the existing Development Order; and

WHEREAS, the Lee County Board of County Commissioners has reviewed the proposed amendment and finds that the changes do not constitute a substantial deviation; and

WHEREAS, the proposed changes to the Development Order described herein are consistent with the adopted Comprehensive Land Use Plan of Lee County and applicable local Land Development Regulations; and

WHEREAS, the proposed changes to the Development Order described herein are consistent with the state Comprehensive Plan, the Southwest Florida Regional Plan, and the state Land Development Plan.

NOW, THEREFORE, let it be resolved by the Board of County Commissioners of Lee county, Florida, that the Development Order for the Coconut Point DRI are hereby amended as follows:

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. The Coconut Point DRI is a master planned commercial development consisting of 482.4+/- acres located in unincorporated south central Lee County at the intersection of US 41 and Coconut Road. The Coconut Point DRI is a mixed use development that will consist of: 1,450,000 gross leasable square feet of retail/regional mall

ATTACHMENT C

(Regional Retail Center), 350,000 gross leasable square feet of retail on other parcels adjacent to the regional mall (Community Commercial Retail), 300,000 square feet of office, of which no more than 100,000 square feet may be medical office, ~~600~~350 hotel rooms, ~~1,000~~1,250 multi-family units and a 200 unit assisted living facility. The project will include 32.7 acres of conservation areas, 47.1 acres of lakes, 50.2 acres of road rights-of-way and 11.6 acres of green area/open space.

Water and wastewater treatment will be provided by Bonita Springs Utilities.

The project phasing schedule consists of one phase with buildout in 2006.

B. The terms of this Development Order apply to the property located and described in attached Exhibit A.

C. The property ~~was zoned AG-2, and coincident with the approval of this Development Order the property will be rezoned~~is zoned ~~to~~ Mixed Planned Development (MPD). The property is currently in active agricultural use.

D. The original Application for Development Approval (ADA), submitted on September 12, 2000, is consistent with the requirements of §380.06, Florida Statutes. The application went through two sufficiency reviews.

E. The development is not located in an area designated as an Area of Critical State Concern under the provision of §380.05, Florida Statutes.

F. The development will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan. The development is consistent with the State Comprehensive Plan if developed in accordance with the conditions set forth herein.

G. The development has been reviewed by the Southwest Florida Regional Planning Council (SWFRPC) and is the subject of the report and recommendations adopted by that body on ~~January 17, 2001~~_____. The SWFRPC report and recommendations were subsequently forwarded to Lee County. The development, as proposed in the ADA and modified by this Amended Development Order, is generally consistent with the report and recommendations of the SWFRPC pursuant to §380.06(11), Florida Statutes.

H. The development is located in the ~~Rural~~Urban Community and Wetlands future land use categories. The development proposed is ~~currently not~~ consistent with the Lee Plan. ~~and can not be conditioned to attain consistency. However, a Lee Plan amendment is currently being considered by DCA that will, if ultimately adopted, allow the project as conditioned to be consistent with the Lee County Comprehensive Plan and the~~

~~Lee County Land Development Code (LDC).~~

I. The conditions set forth below meet the criteria found in §380.06(15)(d), Florida Statutes.

II. ACTION ON THE REQUEST AND CONDITIONS OF APPROVAL

NOW THEREFORE, be it resolved by the Board of County Commissioners of Lee County, Florida, in a public meeting duly advertised, constituted and assembled that the Development of Regional Impact Application for Development Approval submitted on behalf of Simon Property Group, L.P. and the Oakbrook Properties, Inc., for the project known as the Coconut Point DRI, is hereby Approved subject to the conditions, restrictions and limitations that follow. For the purpose of this Development Order, the term "Developer" refers to Simon Property Group, L.P. and Oakbrook Properties, Inc., and includes all successors or assigns, and all references to County Ordinances or other regulations, including future amendments.

A. AFFORDABLE HOUSING

1. *150 Affordable Housing Units ($600,000).*

a. The Developer must provide, either directly or through third parties, 150 units (combined total) of affordable housing for very low, low, and moderate-income persons within the identified DRI housing assessment area on or before December 31, 2006.

b. In the event the Developer does not provide all of the 150 units required above prior to December 31, 2006, the Developer may satisfy the remaining affordable housing obligation by paying $4,000 ($600,000 divided by 150 units) for each unit of the shortfall to the Lee County Affordable Housing Trust Fund.

2. *University Student Housing ($400,000).* In addition to the above, the Developer will subsidize University student housing by giving $400,000 to the Florida Gulf Coast University prior to the issuance of the first development order allowing vertical construction within the DRI (excepting any public uses mandated by this Development Order). These funds must be specifically earmarked for University student housing.

B. ENERGY

The Developer must incorporate, as a minimum, the following energy conservation features into all site plans and architectural programs , or insure that the following features are implemented through deed restrictions or covenants with successors in title. All

applications for site plan approvals and building permits must be accompanied by a documents detailing proposed compliance with these conditions. If deed restrictions or covenants are utilized to insure compliance , those documents must be approved by the County Attorney's Office prior to recording.

These features are:

1. A bicycle/pedestrian system connecting all land uses, to be placed along arterial and collector roads within the project and also along Sandy Lane. This system will be consistent with LDC regulations.

2. Bicycle racks or storage facilities in recreational, commercial and multi-family residential areas.

3. Bus stops, shelters and other passenger and system accommodations for a transit system to service the project area.

4. Energy efficient features in window design (e.g. tinting and exterior shading), operable windows, ceiling fans, appliances and equipment.

5. Minimize coverage by asphalt, concrete, rock and similar substances in street, parking lots and other area to reduce local air temperatures and reflecting light and heat.

6. Energy-efficient lighting for streets, parking area, recreation area and other interior and exterior public areas.

7. Water closets with a maximum flush of 1.6 gallons and shower heads and faucets with a maximum flow rate of 2.5 gallons per minute (at 80 pounds of water pressure per square inch).

8. Selecting, planting and maintaining native plants, trees and other vegetation and landscape design features that reduce requirements for water, fertilizer, maintenance and other needs.

9. Planting native shade trees to provide reasonable shade for all recreation areas, street and parking areas. Planting native shade trees for each residential unit.

10. Placing trees to provide needed shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months. Orienting structures, whenever possible, to reduce solar heat gain by walls and utilize the natural cooling effects of the wind.

11. Including porch and patio areas in residential units.

12. Establishing project architectural review committees that will consider energy conservation measure to assist builders and residents in the efforts to achieve greater energy efficiency in the development.

C. STORMWATER MANAGEMENT

1. The Developer must meet the criteria set forth in Chapter 40E, Florida Administrative Code, and the South Florida Water Management District (SFWMD) Basis of Review. The Developer must obtain a modification of SFWMD Permit No. 36-00288-S for the construction and operation of the surface water management system. This permit must address any impacts created by the development to wetlands and other surface waters. Halfway Creek is classified as an Outstanding Florida Water (OFW). Any discharge to an OFW requires additional water quality consideration. Prior to the issuance of the permit modification, the District will evaluate this issue in greater detail.

2. The Developer must obtain all necessary approvals from the Florida Department of Transportation for any proposed discharge points and water control structures associated with US 41.

3. At the time of permit modification application, the Developer must provide finalized information regarding the size of proposed project lakes, the location of major water control structures, the correct identification of control structures within pre-treatment areas and verification of adequate dimensions for pre-treatment areas.

4. Best management practices are subject to Lee County review and approval and must be included on all construction plans for development.

5. All internal stormwater management lakes and ditches as well as any onsite preserved or enhanced wetland areas, must be set aside as private drainage or conservation easements on the recorded plat. Stormwater lakes must include, where practical, adequate maintenance easements around the lakes with access to a paved roadway.

6. During construction activities, the applicant must employ best management practices for erosion and sedimentation control. These practices must be included with, or presented on, all construction plans, and are subject to approval by the appropriate agencies prior to implementation.

7. The final stormwater management plan must consider, as applicable, measures to reduce runoff rates and volumes, including, but not limited to, fixed control structures, perforated pipes, and grass swale conveyances. Swales, rather than closed

systems, must be used whenever possible.

8. Any shoreline banks created along the onsite stormwater management system must include littoral zones constructed on slopes consistent with District and Lee County requirements and be planted in native emergent or submergent aquatic vegetation. The applicant must ensure, by supplemental replanting if necessary, that at least 80% cover by native aquatic vegetation is established/maintained within the littoral zone for the duration of the project.

9. The applicant must conduct annual inspections of the Master Stormwater Management System and any preserved/enhanced wetland areas on the project site to ensure that these areas are maintained in keeping with the final approved designs, and that the water management system is capable of accomplishing the level of stormwater storage and treatment for which it was intended. The Developer or operating entity must undertake any cleaning and repair determined to be necessary based upon the annual inspection.

10. The applicant must confirm, to the satisfaction of all applicable federal, state, and local review agencies, and the South Florida Water Management District, that the proposed stormwater management system will not impact habitats of any state or federally listed plant and/or animal species potentially occurring onsite, or that such impacts will be mitigated to the benefit of onsite populations of those species.

11. The Developer must undertake a regularly scheduled vacuum sweeping of all common streets and parking areas within the development.

12. If Lee County establishes a County-wide stormwater management system, the Developer must participate to the extent the system benefits the development.

13. Ditch and swale slopes must be designed to minimize discharges so that these facilities may provide some additional water quality treatment prior to discharge. Treatment swales must be grassed.

14. The grassed stormwater treatment areas must be mowed on a regular basis as part of the normal lawn maintenance of the development. Any debris that may accumulate in project lakes, ditches or swales, or which may interfere with the normal flow of water through discharge structures and under drain systems, must be cleaned from the detention/retention areas on a regular basis. Any erosion to banks must be replaced immediately.

15. Under drain systems and grease baffles, if utilized within the Coconut Point DRI, must be inspected and cleaned and/or repaired on a regular basis. In no instance may the period between such inspections exceed eighteen months.

16. Stormwater management system maintenance requirements include removal of any mosquito-productive nuisance plant species (e.g., water lettuce, water hyacinth, cattails and primrose willows) from all system nodes, reaches, and percolation basins, as well as from the lake littoral zones employed in the system.

17. When required by the SFWMD permit, any isolated wading bird "pools" constructed in lake littoral zones must be excavated to a depth that provides aquatic habitat for mosquito larvae predators, such as *Gambusia affinis*.

18. The Developer will establish a legal operating entity in accordance with the SFWMD Basis of Review and Lee County Land Development Code to maintain the internal stormwater management lakes, ditches and wetlands. Easements, common areas or other legal mechanisms may be utilized to ensure there is sufficient access to the stormwater management areas for maintenance purposes.

D. TRANSPORTATION

1. Significant Impacts

a. *Assessment Parameters*

The traffic impact assessment for the Project assumes the following development parameters, as a single phase:

	Buildout (2006)
Multifamily Apartments (ITE LUC 220) (~~200 d.u. Town Center,~~ 250 d.u. South Village)	~~450~~250 d.u.
Multifamily Condominiums (ITE LUC 230) (450 d.u. Town Center, 550 d.u. North Village)	~~550~~1,000 d.u.
Assisted Living Facility (ITE LUC 252) (200 d.u. South Village)	200 d.u.
Hotel (ITE LUC 310) (~~450~~200 rooms Town Center, 150 rooms South Village)	~~600~~350 rooms
Community Retail (ITE LUC 820) (280,000 square feet North Village, 70,000 square feet South Village)	350,000 sq. ft. (gla)
Regional Retail Center (ITE LUC 820) (1,450,000 square feet Town Center)	1,450,000 sq. ft. (gla)

General Office (ITE LUC 710) (70,000 square feet North Village, 90,000 square Town Center, 40,000 square feet South Village)	200,000 sq. ft.
Medical Office (ITE LUC 720) (100,000 square feet South Village)	100,000 sq. ft.

The above parameters form the basis for the Project impacts and the mitigation requirements contained herein. The assumed land uses associated with the general parameters are identified by the Land Use Code (LUC) from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 6th Edition. While approved zoning categories may allow a wider range of uses, from a DRI standpoint the Project impacts are based on the above parameters and assumed uses. If the Developer exercises Mitigation Option 2 and is granted concurrency vesting for all or a portion of the DRI, any significant change in the assumed uses, mix of uses or location of uses on the Master Concept Plan will require a re-evaluation of the DRI transportation impacts. A significant change is one that would increase the external project traffic by 5% or more or that would change the projected distribution and assignment of project traffic so as to result in a net increase in road miles of significantly and adversely impacted roadway links. This condition does not apply if Mitigation Option 1 is selected.

The overall traffic at the Project driveway entrances based on the above parameters is estimated to be 5,909 trips. They include 4,120 PM net new external peak hour trips, 757 pass-by trips, and 1,032 interzonal trip ends at buildout in 2006. ("Interzonal trip ends" are from one part of the project to another that travel along or across public roadways.)

b. *Buildout Impacts*

The assessment on an existing-plus-committed network assuming the advancement of certain projects indicates that the significantly impacted roadways and intersections described below will be operating below acceptable levels of service at the end of Buildout (2006):

Roadway Improvements Needed

Roadways	Needed Improvement
I-75 – Corkscrew Road to Daniels Parkway	Widen to 6 lanes

Three Oaks Parkway	
- Williams Road to Corkscrew Road	Widen to 6 lanes
US 41	
– Koreshan Boulevard to San Carlos Boulevard	Widen to 6 lanes
- Bonita Beach Road to Coconut Road	Widen to 6 lanes
Old US 41	
- Rosemary Drive to US 41	Widen to 4 lanes

Intersection Improvements Needed

Bonita Beach Road @ Old 41[1]	Add 2nd SB left turn lane
Coconut Road @ Driveway 9/Regional Retail Center[2]	Add WB right turn lane
	Add SB right turn lane
	Add SB left turn lane
	Add dual EB left turn lane
	Signalization[3]
Coconut Road @ Sandy Lane[2]	Add WB left turn lane
	Add WB right turn lane
	Add NB right turn lane
	Add NB left turn lane
	Add SB left turn lane
	Add SB right turn lane
	Add EB left turn lane
	Add EB right turn lane
	Signalization[3]
Corkscrew Road @ Ben Hill Griffin Parkway[1]	Add 2nd EB left turn lane
	Add 2nd NB left turn lane
	Add 2nd SB left turn lane
Corkscrew Road @ River Ranch Road[1]	Signal retiming
Corkscrew Road @ Three Oaks Parkway	Add 2nd WB left turn lane
	Add 2nd NB left turn lane
	Add 2nd SB left turn lane
I-75 @ Corkscrew Road[1]	Add 2nd EB left turn lane[4]
	Add 2nd WB left turn lane[4]
	Add 2nd NB left turn lane
	Add 2nd SB left turn lane
Old 41 @ Dean Street[1]	Signalization[3]
Old 41 @ Pennsylvania Avenue[1]	Signal retiming
Old 41 @ West Terry Street[1]	Add 2nd NB thru lane
	Add 2nd SB thru lane
Three Oaks Parkway @ Koreshan Boulevard[1]	Signalization[3]

Three Oaks Parkway @ Williams Road[1]	Signalization[3]
Three Oaks Parkway @ Coconut Road[1]	Signalization[3]
US 41 @ Immokalee Road[1]	Signal retiming
US 41 @ Old 41[1] (Collier County)	Signal retiming
US 41 @ Bonita Beach Road	Signal retiming
US 41 @ West Terry Street	Signal retiming
US 41 @ Old 41/Pelican Landing Parkway	Add 2nd WB right turn lane
	Add 2nd NB left turn lane
	Add 2nd SB left turn lane
	Add 2nd EB left turn lane
US 41 @ Pelican Colony Boulevard	Add dual WB left turn lane[2]
	Add WB right turn lane[2]
	Add NB right turn lane[2]
	Add 2nd NB left turn lane
	Add dual SB left turn lane[2]
	Add 2nd EB left turn lane
	Add EB right turn lane
US 41 @ Coconut Road	Add 2nd WB left turn lane
	Add 2nd NB right turn lane
	Add 2nd NB left turn lane
	Add 2nd SB left turn lane
	Add 2nd EB left turn lane
	Add EB right turn lane
US 41 @ Driveway 6/Regional Retail Center[1]	Add NB right turn lane[2]
	Add SB left turn lane[2][3]
	Add WB right turn lane[2]
	Signalization[2][3]
US 41 @ Driveway 5/Internal East-west Road[1]	Add NB right turn lane[2]
	Add dual SB left turn lane[2]
	Add dual WB left turn lane[2]
	Add WB right turn lane[2]
	Signalization[2][3]
US 41 @ Driveway 4/Pelican Point Boulevard[1]	Add NB right turn lane[2]
	Add SB Left turn lane[2]
	Add WB right turn lane[2]
	Signalization[2][3]
US 41 @ Driveway 3/Fountain Lakes Boulevard[1]	Add NB right turn lane[2]
	Add SB left turn lane[2]
	Add dual WB left turn lane[2]
	Add WB thru lane[2]
	Add WB right turn lane[2]
	Signalization[2][3]
US 41 @ Driveway 2/Estero Greens[1]	Add NB right turn lane[2]

	Add dual SB left turn lane[2]
	Add dual WB left turn lane[2]
	Add WB thru lane[2]
	Add WB right turn lane[2]
	Add EB right turn lane[2]
	Signalization[2][3]
US 41 @ Driveway 1/Community Commercial[1]	Add NB right turn lane[2]
	Add SB left turn lane[2]
	Add WB right turn lane[2]
US 41 @ Williams Road[1]	Add 2nd SB left turn lane
	Add 2nd WB left turn lane
US 41 @ Corkscrew Road[1]	Add 2nd WB left turn lane
US 41 @ Broadway[1]	Signal retiming
US 41 @ Koreshan Boulevard	Signalization[3]
US 41 @ Sanibel Boulevard[1]	Signal retiming
US 41 @ Metro Parkway[1]	Add 2nd NB right turn lane
US 41 @ Alico Road[1]	Signal retiming
US 41 @ Island Park Road[1]	Signal retiming
US 41 @ Ben Pratt/Six Mile Cypress Parkway[1]	Add EB thru lane
	Add WB thru lane
Williams Road @ Driveway 1/Comm Commercial[1]	Signalization[3]
Williams Road @ River Ranch Road[1]	Signalization[3]
Williams Road @ Sandy Lane[2]	Signalization[3]
	Add WB left turn lane
	Add NB right turn lane
	Add NB left turn lane
	Add EB right turn lane
Williams Road @ Three Oaks Parkway	Signalization[3]

(1) *This intersection is not included in a significantly and adversely impacted roadway segment.*

(2) *This intersection is considered a site-related improvement.*

(3) *Signalization only if warranted and subject to approval by the maintaining agency.*

(4) *Dual EB and WB left turn lanes should be provided if they can be constructed without requiring reconstruction of the I-75 overpass bridge structure.*

The intersection improvements include at grade geometric improvements, such as turn lanes and signalization when warranted. Intersection improvements are accounted for in the overall proportionate share calculation. Site-related needs at the Project entrances are not addressed in the proportionate share calculation and must be addressed by the

Developer at the time of local development order approval.

2. **Mitigation**

a. *Buildout Proportionate Share*

The buildout proportionate share is $14,600,000 in year 2002 dollars. This figure represents the Developer's share of necessary roadway and intersection improvements based on the development parameters set forth in Section II.D.1.a. The estimated roads impact fees based on the schedule effective July 1, 2000 is $10,196,250, which is lower than the proportionate share estimate.

As noted in Condition D.3 below, the Developer must pay $170,000 as mitigation for the project's Comprehensive Plan impacts to the 2020 level of service on US 41 from Koreshan Boulevard to Alico Road. Therefore, the total proportionate share obligation deemed sufficient to mitigate both the buildout DRI-related transportation impacts on the non-site related roads and intersections set forth in Paragraph D.1.b and the project's Comprehensive Plan impacts is $14,770,000. However, if the reanalysis described in section D.2.d.1 demonstrates that additional funds are necessary to mitigate the project's transportation impacts, then the Developer will be required to pay the higher mitigation amount.

No independent fee calculation will be permitted for the project, or a subpart thereof, absent a Notice of Proposed Change.

b. *Mitigation Options*

The Developer must choose one of the two mitigation options identified below to satisfy the proportionate share obligation.

(1) Traffic Mitigation Option 1

(a) Payment

All development within the project must pay roads impact fees in effect at the time of building permit issuance. In addition to roads impact fees, and prior to the issuance of the first building permit for vertical construction of any portion of the Regional Retail Center, the Developer must make a lump sum cash payment of $4,573,750 in year 2002 dollars. This lump sum cash payment is intended to mitigate the transportation

impacts associated with the Regional Retail Center and satisfy the proportionate share obligation that is due over and above road impact fees.

In accordance with local policies and regulations, the Developer may be entitled to roads impact fee credits for road improvements constructed within the area surrounding the project.

(b) Concurrency

All development within the project will be subject to the County's Concurrency Management System at the time it obtains a local development order.

(2) Traffic Mitigation Option 2

(a) Payment

The Developer may vest, for concurrency purposes, up to 400,000 square feet of retail uses and all of the non-retail uses by making an up-front payment of $6,270,000 in 2002 dollars on or before December 31, 2003 or the issuance of the first building permit for the site, whichever comes first (excepting any public uses mandated by this Development Order). The remaining portion of the project will be entitled to concurrency vesting upon the payment of $8,500,000 in 2002 dollars on or before December 31, 2004 or the issuance of the first building permit for the retail uses of the project over 400,000 square feet, whichever comes first. The value of creditable pipelined improvements identified in the Development Agreement may be subtracted from the second payment only.

Concurrency certificates issued pursuant to this option will be effective until December 31, 2006, or for three (3) years, whichever is later; provided, however, that the concurrency certificates will be extended upon approval of an extension pursuant to Section D. 2. d(2) for the period of the extension not to exceed one year.

(b) Development Agreement

Exercise of traffic mitigation option 2 requires a Local Government Development Agreement executed pursuant to §163.3220, Florida Statues, and Chapter 2, Article III of the Lee County Land Development Code. The Developer must submit a draft Development Agreement to Lee County within 6 months of the adoption of the original DRI Development Order or prior to submittal of any local development order application for the Regional Retail Center or the Community Commercial Retail. The Development Agreement must be executed prior to issuance of a local development order allowing vertical construction anywhere on the site, excepting public uses mandated by this Development Order. The agreement must specify the payment schedule for the total proportionate share obligation in accordance with subparagraph (2)(a) above.

c. *Application of Payments*

(1) Cash.

The County will apply all impact fees and cash payments made by the DRI toward the non-site related improvements identified in Section D.1.b. In the alternative, the County will apply the fees toward improvements that relieve those roadways, provided those improvements are deemed necessary to maintain the County's adopted level of service standards. If the improvements identified in Section D.1.b are ultimately funded through other sources, in whole or in part, or deemed unnecessary to maintain the adopted level of service standards, Lee County may apply the impact fees and cash payments paid by the DRI to other improvements consistent with the requirements of Lee County LDC Chapter 2. Potential applications of the cash payment can be specified in the Development Agreement.

(2) Pipelined Improvements.

The Developer may propose in the Development Agreement to provide a specific roadway improvement or improvements in lieu of the second cash payment to the County of $8,500,000 in 2002 dollars, which is referenced in Section D.2.b.(2)(a). The proposed pipeline improvements are subject to County approval. In addition to the improvements listed in

Section D. 1. b, potential improvements for pipelining consideration include (but are not limited to):

(a) Sandy Lane 2-lane Extension, from the south property line to the north property line (Williams Road) and from Williams Road to Corkscrew Road. Consistent with the County's long-range plan for Sandy Lane as a 2-lane collector and the County's standards for collector roads, no more than 100 feet of right-of-way and 2 lanes of construction will be eligible for credits against the proportionate share obligation. The reasonable cost of providing the railroad crossing between Williams Road and Corkscrew Road will be eligible for credits against the project's proportionate share obligation. If the Developer chooses to build more than 2 lanes, it will be at the Developer's sole expense.

(b) Interim improvements not requiring right-of-way at the Corkscrew Road/I-75 interchange (subject to FDOT approval).

The estimated costs of any improvements made by the Developer (including design, right-of-way acquisition, drainage, permitting, water retention, construction, and the like) must be documented and submitted to the County for review and approval. The County reserves the right to obtain its own estimates for comparison purposes. Credit against the proportionate share obligation will be based on the final actual costs of the agreed upon improvements. Any right-of-way granted to the County will be valued as of the day prior to the DRI and zoning approval and subject to the compliance with applicable LDC provisions. Credit for the construction costs will be subject to the provisions of the County Land Development Code and standard practice related to project timing. The improvements must be built to applicable County or State standards and accepted for maintenance in accordance with the requirements of the responsible jurisdiction.

d. *Buildout Extension*

(1) Requirement for Reanalysis

Extension of the buildout date beyond 2006 may alter the project's impact to the area road network. Therefore, if the Developer: (a) files a Notice of Proposed Change resulting in an extension of project buildout beyond December 31, 2006; or (b) desires to extend the concurrency certificates issued pursuant to Condition D.2.b(2), then the Developer must provide a detailed traffic assessment to Lee County DOT for review and approval.

The assessment must include, but is not limited to, identification of the adjusted phasing, the level of development anticipated for the revised phasing, estimated traffic impacts, needed improvements, and the project's proportionate share of those improvements.

The assessment must include a cumulative analysis of the project's traffic impacts. The assessment must also identify mitigation for significantly and adversely impacted road segments by cumulative project traffic at the extended buildout year in accordance with the Transportation Uniform Standard Rule in the Florida Administrative Code. Prior to conducting a reassessment analysis, the Developer must attend a transportation methodology meeting with the County, and other review agencies as necessary, to establish the appropriate methodology.

The traffic assessment will be prepared by the Developer following generally acceptable transportation planning procedures consistent with the standards in effect at the time of reanalysis. Payment of additional mitigation, if any, resulting from the traffic assessment must be specified in an amended development order. The development order must be amended via a Notice of Proposed Change to reflect the revised phasing and additional mitigation.

The County will provide credit against the recalculated proportionate share for all mitigation paid through the date of the new traffic assessment. Proportionate share payments previously made by the Developer will be adjusted to then current year dollars. This will be accomplished by increasing the principal amount paid by an amount equal to the increase as determined in the State Highway Bid Index for the State of

Florida, published in the Engineering News Record, using an average of the last four quarterly factors. This increase will be expressed as a percentage and will be measured from the index published for the fourth quarter of 2001 to the index published in the then latest available edition.

Under no circumstances will reimbursement be granted for any portion of a payment made in exchange for concurrency vesting, regardless of the outcome of a reanalysis.

(2) Alternative for Reanalysis

If all or a part of the Regional Retail Center has received building permits prior to December 31, 2006, the Developer may choose to pay the traffic mitigation for some or all of the balance of the development through buildout in a lump sum at the time the extension application is approved. Full payment of the required mitigation pursuant to Mitigation Option 2 constitutes an election under this section. In this case a cumulative traffic reanalysis is not required for the portion of the balance that is mitigated as part of the original DRI Development order. This section is not intended to supersede the standard submittal requirements for a typical Notice of Proposed Change under state law.

3. **Comprehensive Plan Mitigation**

An amendment to the Future Land Use Map, to change 435 acres from "Rural" to "Urban Community" was necessary to accommodate the approval of this DRI. To support the Map amendment, an analysis different from the DRI Transportation Analysis was necessary. This Comprehensive Plan analysis required review of the effects of the proposed DRI project in the year 2020 on the planned, financially feasible roadway network. The result of this analysis indicated that four road segments, beyond those planned for improvement as part of the 2020 financially feasible roadways network plan, will fail with the addition of the Coconut Point (aka Simon Suncoast) project. The failure for three of the identified segments will likely be addressed through other means, but the segment of US 41 from Koreshan Boulevard to Alico Road is projected to fail even after the six-lane improvement identified in paragraph D.1.b.

The comprehensive plan amendment transmittal package approved by the Board of County Commissioners on December 13, 2001, indicated that appropriate traffic impact mitigation must be provided at the time of rezoning or DRI development approval.

The costs for needed improvements beyond those planned in the 2020 Financially Feasible Plan are solely the responsibility of the applicant, and are treated much as a proportionate share obligation. In this case, the applicant has estimated that the provision of dual left turn lanes at a number of key intersections along the impacted segment of US 41 will improve the capacity enough to allow satisfactory operation. The applicant estimated that the cost of providing these turn lanes would be roughly $692,000, not including the costs of maintenance of traffic, mobilization and permitting. The applicant's proportionate share of the cost of the turn lanes is $170,000. This figure has been added to the project's DRI proportionate share, as noted above.

4. **Access and Site Related Improvements**

In addition to the proportionate share obligation set forth above, the Developer is responsible for its share of the following site-related roadway and intersection improvements: all internal roadways, all intersection improvements, including signalization, turn lanes, deceleration lanes, and other improvements deemed necessary by the County Engineer and consistent with the Lee County Land Development Code for the Project's access points onto U.S. 41, Coconut Road, and Williams Road. The improvements include the installation of a signal coordination system on U.S. 41 from Pelican Colony Boulevard to Williams Road. During the local development order review process, site-related improvements must be evaluated based on weekday, PM peak hour conditions. Saturday mid-day conditions must be considered in the design of turn lanes due to the retail component of the DRI. Site-related improvements are not eligible for credit against impact fees and may not be used to offset the proportionate share obligation. Project accesses onto US 41 are subject to obtaining a connection permit from FDOT.

5. **Committed Improvements**

Roadway Improvements

Roadways	Start Year	Improvement
Alico Road		
– US 41 to Seminole Gulf Railway	02	4 Lanes
– Seminole Gulf Railway to I-75 West Ramps	02	6 Lanes
Ben Hill Griffin Parkway/Treeline Avenue		
– Alico Road to Daniels Parkway	02	4 Lane Ext.
Bonita Beach Road		
- Imperial Street to I-75	03	6 Lanes

Livingston/Imperial Connection – Immokalee Road to Bonita Beach Road	U/C	2 Lane Ext.
Metro Parkway – U.S. 41/Alico Road to Ben Pratt/Six Mile Cypress Pkwy (including interchange)	04	6 Lane Ext.
Three Oaks Parkway – S. of Coconut Road to Williams Road	U/C	4 Lane Ext.
– Williams Road to Corkscrew Road	U/C	4 Lane Ext.
– Corkscrew Road to Alico Road	03	4 Lanes
– Alico Road to Daniels Parkway	03	4 Lane Ext.
US 41 – Old 41 (Collier County) to N. of Bonita Beach Road	03	6 Lanes
- San Carlos Boulevard to Alico Road	U/C	6 Lanes
Williams Road – River Ranch Road to Three Oaks Parkway	02	2 Lane Ext.

The Regional Retail Center has the potential to create a temporary burden on the transportation network. The following Staging Schedule is an effort to minimize the temporary transportation burden while providing the Developer with the ability to obtain building permits for vertical construction of retail uses. Issuance of any building permit for vertical construction will require prior compliance with the mitigation options set forth in condition D.2. The "Maximum Square Footage" column identifies the maximum gross retail square footage for which building permits allowing vertical construction may be issued prior to the corresponding date, unless the improvements identified "to Avoid Interim Level of Service Problem" are under construction on or before the identified date. If all required interim improvements are completed or under construction on or before the identified date, then building permits for the maximum amount of retail square footage as identified in conjunction with the corresponding date may be issued.

Date	Maximum Square Footage	Needed Improvements to Avoid Interim Level of Service Problem	
		Route	Limit

Adoption of DRI DO AND Compliance with Cond. D.2	400,000	Not Applicable	Not Applicable
July 1, 2004	800,000	U. S. 41 - 6 Lane	Collier County line to Bonita Beach Road
July 1, 2005	1,200,000	Three Oaks Ext. 4L OR Livingston Rd./ Imperial St. 4 Lane	Terry St. to Coconut Rd. Immokalee Rd. to E.Terry St.
July 1, 2006	1,800,000	US 41-6Lane AND Three Oaks Ext. 4 Lane AND Old 41 - 4 lane AND Metro Pkwy. Ext.- 6 Lane AND Three Oaks Ext- 4 Lane or Treeline Ext.-4L	Corkscrew Rd. to San Carlos Terry St. to Coconut Rd. Rosemary dr. to US 41 Alico Rd. to ben C Pratt/ Six Mile Cypress Pkwy Alico Rd. to Daniels Pkwy Alico Rd. to Daniels Pkwy.

6. **Annual Transportation Monitoring Program**

a. *Design of Monitoring Program*

The transportation monitoring program will be designed in cooperation with the Lee County Department of Transportation, the Florida Department of Transportation (FDOT), the Southwest Florida Regional Planning Council (SWFRPC), and the Florida Department of Community Affairs (FDCA) prior to submittal of the first report. The methodology of the annual transportation monitoring report may be revised if agreed upon by all parties.

b. *Submittal of Monitoring Report*

The Developer must submit an annual transportation monitoring report to the

following entities for review and approval: Lee County Department of Transportation, FDOT, FDCA, and SWFRPC. The first monitoring report will be submitted one year after the effective date of the DRI Development Order. The Developer must provide written notice to the above review agencies if the Developer concludes that a traffic monitoring report is not required because no traffic impacts have been created. Once an annual transportation monitoring report has been submitted, a report must be submitted annually thereafter until Project buildout, whether actual or declared.

c. *Minimum Requirements for Report Contents*

The monitoring report will measure the Project's actual external roadway impacts and the level of service conditions on the impacted roads and intersections, and determine the timing for needed improvements. The annual traffic monitoring report must also contain the following information:

(1) P.M. peak Signalization[(2)(3)] hour traffic counts with turning movements at the Project's access points onto U.S. 41, Coconut Road, Williams Road, Pelican Colony Boulevard and Sandy Lane, and on the external road segments and intersections identified in Paragraph D.1.b. (Traffic counts/volumes may be obtained from original traffic counts, public agency reports, other monitoring reports, and other available data.)

(2) A comparison of field measured external Project traffic volumes to the 5,909 total P.M. Peak hour external (including 757 pass-by and 1,032 interzonal trip ends) project trip generation from all driveways onto U.S. 41, Coconut Road, Williams Road, Pelican Colony Boulevard and Sandy Lane assumed in the DRI analysis. If an interconnection is provided to The Brooks parcel at the southeast corner of U.S. 41 and Coconut Road, a methodology must be developed to identify pass-through trips generated by The Brooks parcel.

(3) Estimated existing levels of service and needed improvements for the roads and intersections specified in Paragraph D.1.b. above.

(4) Estimated future levels of service and needed improvements for the roads and intersections specified in Paragraph D.1.b. above, based on a one-year projection of future volumes. A

summary of the status of road improvements assumed to be committed by Collier County, Lee County and FDOT.

d. *Implications*

(1) If the annual transportation monitoring report reveals that the Project trip generation exceeds the original assumptions contained herein, then the statutory provisions regarding substantial deviations will govern.

(2) Changes to development parameters or buildout may require the Developer to rebut the statutory presumption of substantial deviation. In some instances, the evidence necessary to rebut the presumption may involve a comparison of Project trip distribution and assignment.

7. **Pedestrian/Bicycle and Transit Facilities**

The Developer will provide for pedestrian and bicycle facilities and bus stop locations in accordance with the map attached as Exhibit F.

E. VEGETATION AND WILDLIFE/WETLANDS

1. Impacts to the habitat value of the site (i.e. habitat utilized by dispersing juveniles and possible habitat available to adults occupying the Corkscrew area) must be considered during the permitting review process with the SFWMD and the Department of Army Corps of Engineers (ACOE). This impact must be assessed in terms of the type and function of the forested habitat on site, and the site's contribution as a connection between preserve lands to support wide-ranging and wetland dependent species. The Developer will coordinate with the U.S. Fish and Wildlife Service (USFWS) and Florida Fish and Wildlife Conservation Commission (FFWCC) to address the impacts the proposed project may have on habitat utilized by wide-ranging listed species including the Florida Panther and Florida Black Bear.

2. The lake designs must include draw down pool features in littoral shelf slopes to favor use by woodstork and other wading birds.

3. The Developer must follow the Standard U.S. Fish and Wildlife Service Protection Measures for the Eastern Indigo Snake; and an Eastern Indigo Snake Protection Plan to be submitted for review and approval by the FFWCC as a condition of local development order approval.

4. The Developer must provide an on-site preserve management plan for review and approval by the FFWCC as a condition of local development order approval.

5. The 482± acre site originally consisted of 36.23± acres of SFWMD jurisdictional wetlands. The Developer is committed to conserving 22.15 acres of jurisdictional wetlands and 4.81 acres of jurisdictional surface waters. An estimated 9.27 acres of jurisdictional wetlands are proposed to be impacted with an additional 14.56 acres of non-jurisdictional surface waters to be filled (borrow lakes). 3.76 acres of the proposed wetland impacts have been previously permitted by the SFWMD and the Army Corp of Engineers (ACOE) under the Sweetwater MPD/Brooks project (e.g.,eradication of exotic vegetation and wetland hydroperiod enhancement).

6. Prior to impacting the additional 5.51 acres of jurisdictional wetlands, the Developer must modify existing SFWMD and ACOE permits and provide additional mitigation.

7. Wetlands and surface waters remaining on the project site must be protected during construction through the implementation of temporary erosion and sedimentation control procedures.

8. Littoral plantings will be incorporated into the final design of the proposed stormwater management ponds. Plantings of desirable wetland herbaceous plants, to include species such as pickerelweed, maiden cane, and blue flag iris, cypress and black gum.

9. The existing flow-way is part of the Halfway Creek Watershed and headwaters. The 32.7 acre flow-way must be preserved and enhanced. An enhancement plan must be submitted as part of the local development order approval process. This plan must include a restoration planting plan for the 8.49± acres melaleuca dominated slash pine-cypress mixed wetland forest and the 6.84± acre area located in the southeast branch of the flow-way that was previously cleared/disturbed. The restoration planting plan, which is outside of the mitigation requirements under the existing permits, can be utilized as compensatory mitigation for additional wetland impacts during subsequent permitting review processes with the state and federal regulatory agencies.

F. HURRICANE PREPAREDNESS

1. The applicant has stated an intention to utilize various community buildings, which are to be built in several locations throughout the development, as onsite emergency shelters for the project's residents. Based on the estimate of needed shelter space prepared by the staff of the Southwest Florida Regional Planning Council, the total shelter space provided by the applicant within Coconut Point DRI will be 10,480 square feet.

2. Construction of the buildings to serve, as onsite shelters must be started no later than the issuance of the 100th residential unit certificate of occupancy within each separate community in the overall development. All buildings to be utilized, as shelters must meet the following criteria:

a. elevated above the Category 3 storm surge level;

b. constructed in accordance with the requirements in Rule 9J-2.0257(6)(e), FAC, to withstand winds of at least one hundred twenty (120) miles per hour;

c. all windows in the building are shuttered;

d. equipped with an emergency power generator with adequate capacity to handle the following:

(1) ventilation fans;

(2) emergency lighting;

(3) life safety equipment (i.e., intercom, fire and smoke alarms); and

(4) refrigeration and cooking equipment.

e. have an auxiliary potable water supply.

3. As an alterative to providing all or part of the shelter space in on-site buildings, the Developer may limit the onsite shelter demand of the project by elevating all or portion of the residential units above 15.9 to 16.8 feet NGVD, if the units are located in these elevation ranges, which is the maximum predicted Category 3 storm surge flooding level. The amount of shelter space to be constructed or shelter impact fees to be paid will be determined by the Lee County Office of Emergency Management.

4. All deeds to property located within the Coconut Point DRI must include or be accompanied by a disclosure statement in the form of a covenant stating the property is located in a hurricane vulnerability zone and that the hurricane evacuation clearance time for Lee County or the Southwest Florida Region is high and hurricane shelter spaces are limited.

5. The applicant is also proposing to develop ~~600~~350 hotel or motel rooms, within the Coconut Point DRI. Prior to issuance of a local development order for the hotel/motel, the hotel/motel developer must contact Lee County Emergency Management with respect to establishing written hurricane preparation and evacuation/sheltering procedures. These procedures must be reduced to a written plan, prepared by the

hotel/motel developer, and approved by Lee County Emergency Management prior to occupancy of the hotel/motel.

6. Mitigation for hurricane evacuation route impacts will be accomplished through implementation of one of the following provisions. The mitigation option to be used must be identified by the Developer as part of the local development order process.

a. Establish and maintain a public information program within the proposed homeowners associations for the purpose of educating the development's residents regarding the potential hurricane threat; the need for timely evacuation in the event of an impending hurricane; the availability and location of hurricane shelters (specifically including the onsite shelters); and the identification of steps to minimize property damage and protect human life.

In order to use the above mitigation option, the Developer must provide a continuing hurricane awareness program and a hurricane evacuation plan. The hurricane evacuation plan must address and include, at a minimum, the following items: operational procedures for the warning and notification of all residents and visitors prior to and during a hurricane watch and warning period; a public awareness program that addresses vulnerability, hurricane evacuation, hurricane shelter alternatives including hotels, the locations of both the onsite hurricane shelters and onsite or offsite public shelters, and other protective actions that may be specific to the development; identification of who is responsible for implementing the plan; and other items as deemed appropriate. The plan must be developed in coordination with local emergency management officials. In order to use this mitigation option, the final plan must be found sufficient by the reviewing agencies and must address the recommendations provided by the reviewing agencies; or

b. Alternatively, the applicant must commit to providing roadway capacity improvements above and beyond those improvements required by Rule 9J-2.0255, FAC; or

c. The applicant must commit to providing funds to be used for the purpose of procuring communications equipment, which would upgrade the existing warning and notification capability of local emergency management officials. In order to use this mitigation option, the Developer must provide reasonable assurance to local emergency management officials regarding the provision's ability to reduce the development's hurricane evacuation impacts. The amount of the funding will be determined and approved by the local emergency management officials.

G. WASTEWATER MANAGEMENT/WATER SUPPLY

1. The Developer will obtain a SFWMD permit for groundwater withdrawals for landscape irrigation, for irrigation well construction, as well as for any dewatering needed to construct the project lakes, roads or building foundations.

2. The Developer will utilize water conserving devices and methods necessary to meet the criteria established in the water conservation plan of the public water supply permit issued to Bonita Springs Utilities (BSU).

3. The Developer will coordinate with BSU or other water supplier to ensure that adequate potable water is available to meet the demands of the project.

4. The Developer will provide any necessary verification to the SFWMD that the Developer's plumbing and irrigation designs are consistent with District rules.

5. The Developer must demonstrate at the time of local development order approval that sufficient potable water and wastewater treatment capacity is available. If BSU cannot provide the necessary service, then the Developer must obtain service from an alternate provider with capacity or construct on-site interim facilities that satisfy BSU Standards. Interim facilities must be dismantled at the Developer's expense when service by BSU is available.

6. The on-site lakes, wetlands, and stormwater management system must be buffered from treated effluent contamination in accordance with SFWMD regulations.

7. Septic systems utilized in conjunction with construction trailers, sales offices and model homes must be temporary. When it is feasible to connect the temporary uses to the regional wastewater treatment facilities, all temporary septic systems must be abandoned or removed by a licensed septic system firm, in accordance with all applicable regulations.

8. The Developer must submit copies of all local development order application plans that include potable water or wastewater collection and distribution systems to BSU. BSU will review the plans for compliance with the BSU specifications manual.

9. Lee County will evaluate all potable water facilities to ensure that the facilities are properly sized to meet average, peak day, and fire flow demands in accordance with the LDC. Lee County will consult with the appropriate fire protection district to confirm that the fire flow demands will be satisfied by the proposed potable water facility.

10. The Developer must use the lowest, yet acceptable for the intended purpose, quality of water available for all non-potable water purposes.

H. COMPREHENSIVE PLAN

Lee County may not issue a local development order unless the proposed development order is consistent with the County's Comprehensive Plan, Land Development Code.[1]

I. POLICE AND FIRE PROTECTION

1. The Developer will ensure that first responders to the area are adequately trained by TECO/People Gas to address accidental natural gas releases from the natural gas pipelines that are to be located on or adjacent to the site to ensure the safety of the residents and visitors to the area.

2. The project must be constructed and maintained in accordance with the adopted Life Safety and Fire Code requirements.

3. The owner or operator of a facility qualifying under the Superfund Amendments Reauthorization Act (SARA) Title III of 1986, and the Florida Hazardous Materials Emergency Response and Community Right to Know Act of 1988, must file hazardous materials reporting applications in accordance with §§302, 303, 304, 311, 312, or 313. The applications must be updated annually by each reporting facility.

4. The Developer will provide the Lee County Sheriff's Department with finished shell space in the main regional mall complex (Regional Retail Center) for use as a Sheriff's substation to facilitate law enforcement activities. This space will be provided at nominal cost to the Sheriff's Department.

5. The Fire and EMS impacts of this project will be mitigated by the payment of impact fees in accordance with the schedules set forth in the LDC. However, the Developer must provide the Estero Fire Rescue District with an appropriate parcel (not less than 1 acre in size) for the location of a fire-rescue station and emergency medical services facility on the project site. Upon transfer of this site to the Fire District, the Developer will be entitled to fire impact fee credits in accordance with the LDC.

6. The Developer will conduct a comprehensive security study and evaluation during the design and construction of each retail development phase. The purpose of this study is to design and implement site specific security measures. The plan must provide for review on a quarterly basis by regional security audits. A copy of this plan must be submitted to the County as a condition of local development order approval.

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[1] On October 21, 2002 the Board adopted a resolution amending the Lee Plan to reclassify the DRI site to the Urban Community land use category.

7. The water mains, fire hydrants, and site access must be designed and constructed in accordance with Lee County regulations and BSU guidelines by providing large water mains meeting minimum diameters based upon proposed land use, and installation of fire hydrants in suitable locations to provide adequate fire protection coverage. Internal fire sprinkler systems may be required for structures to meet supplemental fire protection.

8. Any on-site facilities with commercial pool operations must comply with appropriate codes and statutes including required safety measures such as chemical sensors, internal alarm systems, or emergency shutdown systems.

J. EDUCATION

1. The education impact of this project will be mitigated by the payment of school impact fees in accordance with the schedules set forth in the LDC. However, the Developer must provide a site at least five acres in size and appropriately located to accommodate the growing school needs in this area of the county. Upon transfer of this site to the School District, the Developer may be entitled to seek school impact fee credits in accordance with the LDC.

2. This project will have an impact on the Estero High School and surrounding neighborhood traffic. The Developer will use reasonable efforts to prevent the project's construction traffic from using Williams Road east of the railroad tracks.

III. LEGAL EFFECT AND LIMITATIONS OF THIS DEVELOPMENT ORDER, AND ADMINISTRATIVE REQUIREMENTS

A. Resolution. This Development Order constitutes a resolution of Lee County adopted by the Board of County Commissioners in response to the DRI ADA filed for Coconut Point DRI.

B. Additional Developer Commitments. All commitments and impact mitigating actions volunteered by the Developer in the ADA and supplementary documents that are not in conflict with conditions or stipulations specifically enumerated above are incorporated by reference into this Development Order. These documents include, but are not limited to the following:

1. The Coconut Point (f/n/a Simon Suncoast) Application for Development Approval, stamped received on September 12, 2000;

2. The Coconut Point DRI sufficiency responses stamped received on February 7, 2001 and April 10, 2001 (transportation) and April 13, 200; and

3. The governing zoning resolution for the Coconut Point (f/n/a Simon Suncoast) MPD .

C. Master Plan of Development. Map H, stamped received at the Zoning Counter on ~~February 7, 2001~~ _____ and attached hereto as Exhibit "B", and is incorporated by reference. It is understood that because it is a concept plan it is very general. The Developer may modify the boundaries of development areas and the locations of internal roadways to accommodate topography, vegetation, market conditions, traffic circulation, or other site related conditions as long as the modifications meet local development regulations. This provision may not be used to reduce the size of wetland preserve areas. Precise wetland boundaries will be determined by the South Florida Water Management District, as delegated by the Department of Environmental Protection and the Army Corp of Engineers.

D. Binding Effect. The Development Order is binding upon the Developer, its successors and assigns. Where the Development Order refers to lot owners, business owners or other specific reference, those provisions are binding on the entities or individuals referenced. Those portions of this Development Order that clearly apply only to the project Developer are binding upon any builder/developer who acquires a tract of land within the DRI. The Developer may impose or pass on the requirements of this DRI development order to ultimate purchasers through covenants that run with the land and phasing schedule.

E. Reliance. The terms and conditions set out in this Development Order constitute a basis upon which the Developer and the County may rely with respect to future actions necessary to fully implement the final development contemplated by this Development Order. The development parameters and phasing schedule upon which this development order approval is based is set forth in Exhibit C. Change to the development mix or phasing schedule may require a reanalysis of project impacts in order to rebut a presumption of substantial deviation.

F. Enforcement. All conditions, restrictions, stipulations and safeguards contained in this Development Order may be enforced by either party by action at law or equity. All costs of those proceedings, including reasonable attorney's fees, will be paid by the defaulting party.

G. Successor Agencies. References to governmental agencies will be construed to mean future instrumentalities that may be created and designated as successors in interest to, or which otherwise possess, the powers and duties of the referenced governmental agencies in existence on the effective date of this Development Order.

H. Severability. If any portion or section of this Development Order is

determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, then that decision will not affect the remaining portions or sections of the Development Order, which will remain in full force and effect.

I. Applicability of Regulations. This Development Order does not negate the Developer's responsibility to comply with federal, state, regional and local regulations.

J. Further Review. Subsequent requests for local development permits do not require further DRI review pursuant to §380.06, Florida Statutes. However, upon a finding at a public hearing by the Board that any of the following conditions exist, the Board must order a termination of all development activity in that portion of the development affected by substantial deviation until a DRI Application for Development Approval, Notice of Substantial Deviation or Notice of Proposed Change has been submitted, reviewed and approved in accordance with §380.06, Florida Statutes.

1. There is a substantial deviation from the terms or conditions of this Development Order or other changes to the approved development plans that create a reasonable likelihood of an additional regional impact or any other regional impact created by the change that has not been evaluated and reviewed by the Regional Planning Council; or

2. Expiration of the period of effectiveness of the Development Order. Any request to extend the effectiveness of this Development Order will be evaluated based on the criteria for the extension of the buildout date set forth in §380.06(19), Florida Statutes.

3. Conditions in this development order that specify circumstances in which the development will be required to undergo additional DRI review. See 9J-2.025(10).

K. Buildout and Termination Dates. The project has a buildout date of December 31, 2006, and a termination date of December 31, 2012 The termination date is based on a 4 year buildout and the recognition that a local Development Order, which is valid for six years, may be obtained prior to December 31, 2012. No permits for development will be issued by the County subsequent to the termination date or expiration date unless the conditions set forth in §380.06(15)(g) are applicable.

L. Commencement of Physical Development. Commencement of substantial physical development of the project must occur no later than December 31, 2004. Further development must occur in accordance with the development parameters and phasing schedule set forth in Exhibit C.

M. Assurance of Compliance. The administrative director of the Lee County

Department of Community Development, or their designee, will be the local official responsible for assuring compliance with this Development Order. Lee County is primarily responsible for monitoring the development and enforcing the provisions of the development order. No permits or approvals will be issued if the Developer fails to act in substantial compliance with the development order.

N. Credits Against Local Impact Fees. Pursuant to §380.06(16), Florida Statutes, the Developer may be eligible for credits for contributions, construction, expansion, or acquisition of public facilities, if the Developer is also subject by local ordinances to impact fees or exactions to meet the same needs. However, no credit will be provided for internal or external site-related facilities required by County regulations, or to any off-site facilities to the extent those facilities are necessary to provide safe and adequate services to the development.

O. Protection of Development Rights. The project will not be subject to down-zoning, unit density reduction, or intensity reduction prior to December 31, 2013. If the County demonstrates at a public hearing that substantial changes have occurred in the conditions underlying the approval of this Development Order, or finds that the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by Lee County to be essential to public health, safety and welfare, then down-zoning, unit density reduction, or intensity reduction may occur. [See 9J-2.025(3)(b)13]

P. Annual Reports. The Developer must submit a report annually to the Lee County Department of Community Development, the SWFRPC and Florida DCA on Form RPM-BSP-Annual Report-1. The content of the annual report must include the information set forth in Exhibit D, and must also be consistent with the rules of the FDCA. The first monitoring report must be submitted to the DRI coordinator for SWFRPC, DCA, and Lee County no later than one year after the effective date of this Development Order. Further reporting must be submitted not later than one year for subsequent calendar years thereafter, until buildout, whether actual or declared. Failure to comply with this annual reporting procedure is governed by §380.06(18), Florida Statutes, which provides for the temporary suspension of the DRI Development Order.

The Developer must file the annual monitoring reports until actual or declared buildout of the project. The Simon Property Group is the party responsible for filing the annual monitoring reports until one or more successor entities are named in the development order. The Developer must inform successors in title to the undeveloped portion of the real property covered by this development order of the annual reporting requirement. Tenants or owners of individual lots or units have no obligation to comply with this reporting condition.

The Developer must also submit a transportation annual report in accordance

with the provisions set forth in Section II.D. of this development order.

Q. Community Development District. The Developer might elect to petition for the formation of a Uniform Community Development District to serve all or a portion of the project pursuant to Florida Statues, Chapter 190, as it may be in effect from time to time. Lee County hereby gives its approval that any such district may undertake the construction and/or funding of all or any of the mitigation and public infrastructure projects for which the Developer is responsible under the terms of this development order, whether within or without the boundaries of the district, and including the payment of mitigation amounts provided for in this development order, as a co-obligor hereunder. This provision may not be construed to require the approval of any petition to form such a district, and in no event will the Developer be released from its obligations under this development order.

R. Transmittal and Effective Date. The County will forward certified copies of this Development Order to the SWFRPC, the Developer, and appropriate state agencies. This Development Order is rendered as of the date of that transmittal, but will not be effective until the expiration of the statutory appeal period (45 days from rendition) or until FDCA has completed their review and has determined not to take an appeal, should that occur prior to the expiration of the 45-day period, or until the completion of any appellate proceedings, whichever time is greater. In accordance with the requirements of §380.06(15)f, Florida Statutes, once this development order is effective, the Developer must record notice of its adoption in the office of the Clerk of the Circuit Court of Lee County.

S. Continued Agricultural Use of Property. Bona fide agricultural uses in existence on the date of this DRI approval may continue until the first development order approval for a site within the particular tract, as designed on Map H, (excluding public uses mandated by this Development Order). No development activity of any kind may occur on the property, including the clearing of vegetation or cutting of trees, unless such activity is reviewed and approved in accordance with Lee County regulations as if no agricultural use existed on the property. The purpose of the limitation is to eliminate any exemption or other special considerations or procedures that might otherwise be available under Lee County regulations by virtue of the existing agriculture on the property.

THE MOTION TO ADOPT this Amended Development Order was offered by Commissioner Ray Judah, and seconded by _____ and upon a poll of the members present, the vote was as follows:

Robert Janes	_____
Douglas St. Cerny	_____
Ray Judah	_____
Andrew W. Coy	_____
John E. Albion	_____

DULY PASSED AND ADOPTED this_____ day of _____, 2004

ATTEST:
CHARLIE GREEN, CLERK

By:_____

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By:_____

Approved as to form

By:_____
Dawn E. Perry-Lehnert
Assistant County Attorney
Office of the County Attorney

Exhibits:

A. Legal Description
B. Master Plan of Development (Map H) Stamped Received February 7, 2001
C. Development Parameters and Phasing Schedule
D. Annual Monitoring Report Requirements
E. Calculation of Road Impact Fee Obligation
F. Pedestrian, Bicycle and Bus Stop Plan

EXHIBIT "A"
LEGAL DESCRIPTION
Property located in Lee County, Florida

HOLE MONTES
ENGINEERS · PLANNERS · SURVEYORS
950 Encore Way · Naples, Florida 34110

RECEIVED
JAN 31 2001
PERMIT COUNTER

HM PROJECT #1997079
1/17/01
REF. DWG. #A-994-2

LEGAL DESCRIPTION

A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY, AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 1,733.04 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN N.10°32'05"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 971.33 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 5,605.39 FEET, THROUGH A CENTRAL ANGLE OF 04°03'11", SUBTENDED BY A CHORD OF 396.43 FEET AT A BEARING OF N.08°30'30"W., FOR A DISTANCE OF 396.52 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°07'51"E. FOR A DISTANCE OF 747.22 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N.82°31'42"E., A DISTANCE OF 3,909.60 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,909.60 FEET, THROUGH A CENTRAL ANGLE OF 08°29'31", SUBTENDED BY A CHORD OF 578.92 FEET AT A BEARING OF N.03°13'32"W., FOR A DISTANCE OF 579.45 FEET TO THE END OF SAID CURVE; THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 583.09 FEET; THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 47.04 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE NORTHERLY, WHOSE RADIUS POINT BEARS N.10°26'58"W., A DISTANCE OF 2,025.00 FEET THEREFROM; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°12'27", SUBTENDED BY A CHORD OF 325.07 FEET AT A BEARING OF N.74°56'48"E., FOR A DISTANCE OF 325.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.70°20'35"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 487.89 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 488.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 238.23 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN S.00°59'47"E., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,869.10 FEET TO THE POINT OF BEGINNING; CONTAINING 95.885 ACRES, MORE OR LESS.

AND

A PORTION OF SECTIONS 3, 4, 9, AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE

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HM PROJECT #1997079
1/17/01
REF. DWG. #A-994-2
PAGE 2 OF 3

SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 3,021.15 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,320.56 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,692.32 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°56'59"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,590.78 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 5,641.38 FEET, THROUGH A CENTRAL ANGLE OF 09°31'27", SUBTENDED BY A CHORD OF 936.68 FEET AT A BEARING OF N.05°42'42"W., FOR A DISTANCE OF 937.76 FEET TO THE END OF SAID CURVE; THENCE RUN N.10°28'26"W., ALONG SAID WESTERLY RIGHT-OF -WAY LINE, FOR A DISTANCE OF 98.54 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, A 100.00 FOOT RIGHT-OF-WAY; THENCE RUN S.88°20'53"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,029.70 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN WESTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 7,050.00 FEET, THROUGH A CENTRAL ANGLE OF 03°00'00", SUBTENDED BY A CHORD OF 369.09 FEET AT A BEARING OF S.89°50'53"W., FOR A DISTANCE OF 369.14 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°39'07"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 674.92 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN S.04°52'41"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,901.57 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,725.19 FEET, THROUGH A CENTRAL ANGLE OF 11°32'50", SUBTENDED BY A CHORD OF 548.30 FEET AT A BEARING OF S.00°53'44"E., FOR A DISTANCE OF 549.23 FEET TO THE END OF SAID CURVE; THENCE RUN S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 225.81 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,710.61 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 626.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 11,584.73 FEET, THROUGH A CENTRAL ANGLE OF 06°24'13", SUBTENDED BY A CHORD OF 1,294.08 FEET AT A BEARING OF S.03°28'03"E., FOR A DISTANCE OF 1,294.76 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°15'56"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 274.74 FEET; THENCE RUN S.46°02'16"E., FOR A DISTANCE OF 577.44 FEET; THENCE RUN S.01°57'26"E. FOR A DISTANCE OF 25.19 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY; THENCE RUN N.88°02'34"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 32.80 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,875.00 FEET, THROUGH A CENTRAL ANGLE OF 17°41'59", SUBTENDED BY A CHORD OF 576.92 FEET AT A BEARING OF N.79°11'34"E., FOR A DISTANCE OF 579.22 FEET TO THE END OF SAID

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HM PROJECT #1997079
1/17/01
REF. DWG. #A-994-2
PAGE 3 OF 23

CURVE; THENCE RUN N.70°20'35"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 512.09 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 512.65 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 263.08 FEET TO THE POINT OF BEGINNING; CONTAINING 386.536 ACRES, MORE OR LESS.

NOTES:

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

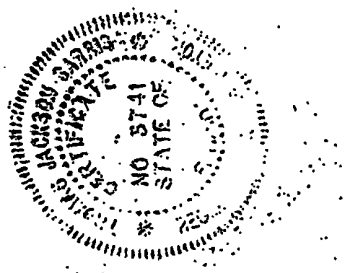
TOTAL PROPERTY AREA: 482.421 ACRES, MORE OR LESS.

INFORMATION RELATING TO BOUNDARY DATA OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, TOGETHER WITH THE LOCATION OF THE US HIGHWAY #41 RIGHT-OF-WAY, WAS OBTAINED FROM A SURVEY OF THE SWEETWATER RANCH PREPARED BY DENI ASSOCIATES HAVING ORDER NUMBER 8409031, DATED 9/14/84. INFORMATION RELATING TO THE LOCATION OF COCONUT ROAD AND ADJOINING EXCEPTED PARCELS WAS OBTAINED FROM PROPERTY DESCRIPTIONS PROVIDED BY CLIENT.

BEARINGS REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S.88°56'17"W.

HOLE, MONTES, INC.
CERTIFICATE OF AUTHORIZATION LB #1772

BY _____ P.L.S. #3741
THOMAS J. GARRIS STATE OF FLORIDA



Applicant's Legal Checked
by _____ 1/13/02

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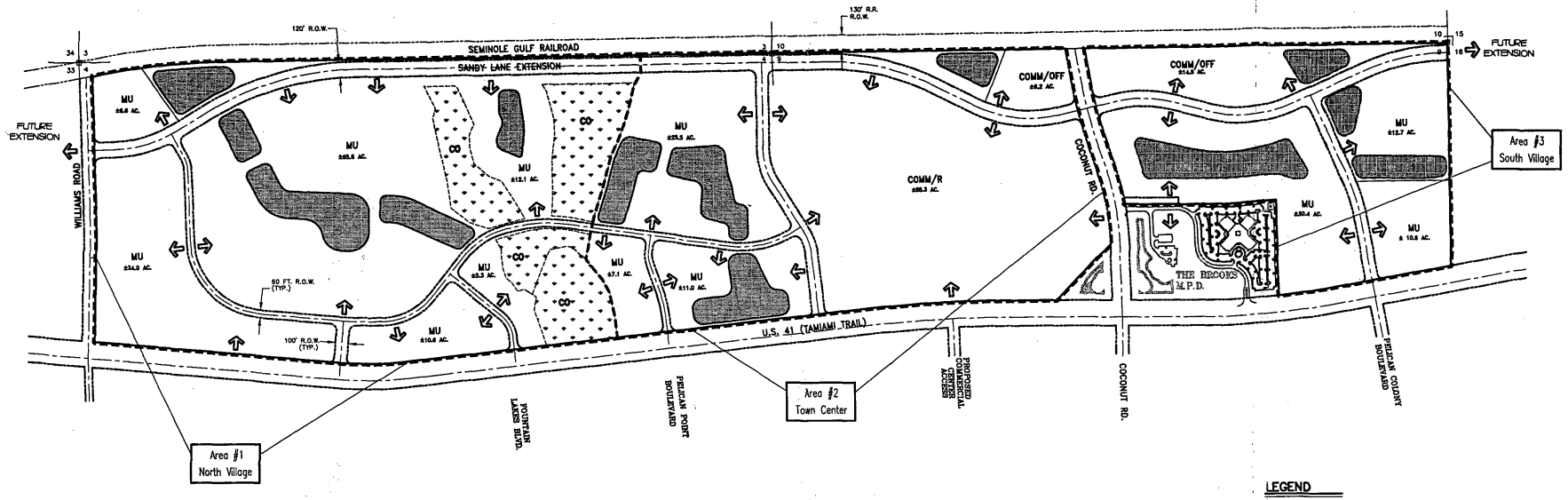

LAND USE BREAKDOWN

CONSERVATION AREAS	±32.7 ACRES
LAKES	±47.1 ACRES
INTERNAL R.O.W.	±50.2 ACRES
GREEN AREA / OPEN SPACE	±11.6 ACRES
DEVELOPMENT AREAS	±340.8 ACRES
TOTAL	±482.4 ACRES

PROJECT INTENSITY

RESIDENTIAL UNITS	1,450
COMMERCIAL/RETAIL (GROSS LEASABLE AREA)	1,800,000
GENERAL OFFICE (S.F.)	200,000
MEDICAL OFFICE (S.F.)	100,000
HOTEL (ROOMS)	350

NOTES:

1. LOCATIONS/CONFIGURATIONS OF PROPOSED LAND USES, SUCH AS LAKES, CONSERVATION AREAS, ROADWAYS AND OPEN SPACE ARE CONCEPTUALLY SHOWN AND SUBJECT TO CHANGE DURING FINAL DESIGN/PERMITTING.
2. THE MIXED USE (MU) DESIGNATION CONTAINS A MIX OF RETAIL/COMMERCIAL, HOTEL, OFFICE, RESIDENTIAL, ALF, AND PUBLIC FACILITY LAND USES.

LEGEND

COMM	RETAIL/COMMERCIAL
MU	MIXED USE
OFF	OFFICE/MEDICAL
R	RESIDENTIAL
	PROPERTY BOUNDARY
	DELINEATION OF DEVELOPMENT AREAS
	ROAD R.O.W. LINE
	CONSERVATION AREAS
	PROPOSED LAKE
	CONCEPTUAL ACCESS POINT

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EXHIBIT B

SCALE: 1"= 400'

NUMBER	REVISIONS	DATE
1	N.O.P.C.	11/15/04
2	REVISIONS PER 1st SUFFICIENCY COMMENTS	01/25/01

6202-F Presidential Court
Fort Myers, FL 33919
Phone : (239) 985-1200
Florida Certificate of Authorization No.1772
Naples · Fort Myers · Venice · Englewood

HOLE MONTES
ENGINEERS · PLANNERS · SURVEYORS

SIMON SUNCOAST

MASTER CONCEPT PLAN MAP 'H'

DESIGNED:	DATE:
DRAWN: C.R.B.	DATE: 11/15/04
CHECKED: N.E.D.	DATE: 11/04
VERT. SCALE:	HORZ. SCALE: 1"= 400'
DRAWING NO.	
REFERENCE NO.	9779BMAPH
PROJECT NO.	97.79-B
SHEET NO.	1 OF 1

DRI
EXHIBIT C

Development Parameters and Phasing Schedule

		Buildout
Regional Retail Commercial	1,450,000* sq. ft.	2006
Community Retail	350,000* sq. ft.	2006
Office	300,000** sq. ft.	2006
Hotel	~~600~~350Rooms	2006
Residential, Multi-family	~~1000~~1,250 du	2006
Assisted Living Facility	200 units	2006

* Gross Leasable Area

**Up to 100,000 sq. ft., may be medical office

DRI
EXHIBIT D

ANNUAL MONITORING REPORT REQUIREMENTS

The Annual Monitoring Report that must be submitted by the Developer in accordance with Subsections 380.06(15) and 380.06(18), Florida Statutes, and 9J-2.025(7), Florida Administrative Code, must include the following:

A. Any changes in the plan of development or in the representations contained in the application for development approval, or in the phasing for the reporting year and for the next year;

B. A summary comparison of development activity proposed and actually conducted for the year;

C. Identification of undeveloped tracts of land, other than individual single family lots, that have been sold to separate entities or developers.

D. Identification and intended use of lands purchased, leased, or optioned by the Developer adjacent to the original DRI site since the development order was issued;

E. A specific assessment of the Developer's and the local government's compliance with each individual condition of approval contained in the DRI Development Order and the commitments which are contained in the application for development approval and which have been identified by the local government, the RPC, or the DCA as being significant;

F. Any requests for substantial deviation determination that were filed in the reporting year and to be filed during the following year;

G. An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;

H. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose of each;

I. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(15) and (18), Florida Statutes;

J. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer pursuant to Paragraph 380.06(15)(f), Florida Statutes.

NOTE: The Florida Administrative Code specifically requires that the development order specify the requirements for the annual report. The Administrative Code requires that the annual report will be submitted to DCA, the RPC, and the local government on Form RPM-BSP-Annual Report-1.

DRI
EXHIBIT E
Calculation of Road Impact Fee Obligation

ND USE	ITE LUC	UNIT	RATE	SIZE	AMOUNT
ENERAL INDUSTRIAL	130	1000 SF	$1,681.00	0	$ -
'AREHOUSE	150	1000 SF	$1,198.00	0	$ -
INI-WAREHOUSE	151	1000 SF	$ 419.00	0	$ -
NGLE-FAMILY DETACHED	210	DU	$2,436.00	0	$ -
ULTI-FAMILY	220	DU	$1,687.00	1000	$ 1,687,000.00
OBILE HOME (PARK UNIT)/RV SITE	240	DU	$1,221.00	0	$ -
ɔLF	252	DU	$ 550.00	200	$ 110,000.00
ɔTEL	310	ROOM	$1,834.00	600	$ 1,100,400.00
MESHARE	310	DU	$1,834.00	0	$ -
OLF COURSE	430	ACRE	$ 711.00	0	$ -
OVIE THEATRE	443	1000 SF	$5,600.00	0	$ -
ɹEMENTARY/SECONDARY SCHOOL (PRIVATE)	520	1000 SF	$ 611.00	0	$ -
HURCH	560	1000 SF	$1,402.00	0	$ -
ʎYCARE	565	1000 SF	$3,900.00	0	$ -
ɔSPITAL	610	1000 SF	$2,941.00	0	$ -
URSING HOME	620	1000 SF	$ 824.00	0	$ -
FFICE UNDER 100,000 SF	710	1000 SF	$2,254.00	100	$ 225,400.00
FFICE 100,000 SF AND OVER	710	1000 SF	$1,918.00	100	$ 191,800.00
EDICAL OFFICE	720	1000 SF	$6,334.00	100	$ 633,400.00
ƎTAIL UNDER 100,000 SF	820	1000 SF	$3,992.00	100	$ 399,200.00
ƎTAIL 100,000 SF TO 250,000 SF	820	1000 SF	$3,869.00	150	$ 580,350.00
ƎTAIL 250,000 SF TO 500,000	820	1000 SF	$3,634.00	250	$ 908,500.00
ƎTAIL 500,000 SF AND OVER	820	1000 SF	$3,354.00	1300	$ 4,360,200.00
ΓANDARD RESTAURANT	831	1000 SF	$8,715.00	0	$ -
ʎST FOOD RESTAURANT	834	1000 SF	$9,886.00	0	$ -
ʎR WASH, SELF-SERVICE	847	STALL	$7,749.00	0	$ -
ɔNVENIENCE FOOD AND BEVERAGE STORE	851	1000 SF	$8,715.00	0	$ -
ʎNK	911	1000 SF	$6,063.00	0	$ -
ɔTAL					$10,196,250.00

DRI
EXHIBIT F
Pedestrian, Bicycle and Bus Stop Plan

To be submitted by applicant during Hearing Examiner Presentation

LEE COUNTY
SOUTHWEST FLORIDA

LEE COUNTY
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04 SEP 22 AM 11:48
COMM. DEV/
PUB. WRKS. CNTR.
SECOND FLOOR

DEPARTMENT OF TRANSPORTATION

Memo

To: Alvin "Chip" Block
Development Services Principal Planner

From: Andy Getch, P.E.
LCDOT Senior Engineer

Date: September 22, 2004

Re: Coconut Point MPD NOPC
DRI2004-00008 and ADD2004-00187

LCDOT has reviewed the Notice of Proposed Change (NOPC) to the Coconut Point Development of Regional Impact (DRI) and Administrative Amendment Application for the subject case. The Master Concept Plan (MCP) depicts added access points to an extension of Sandy Lane. The applicant has submitted the extension plans as a local development order. The modified and added access points on the Zoning MCP are consistent with the design under review by staff. The DRI MCP does not currently include all of the access points on the Zoning MCP and the road design plans. The DRI MCP should be revised to be consistent with the Zoning and road design plans.

The NOPC also includes a revision of the number of residential units and hotel rooms in Area #2 of the project. The request is to replace 200 apartments and 250 hotel rooms with 450 residential condominiums. Apartments and residential condominiums would both be considered multi-family units in the travel model. Hotel rooms are a different use category in the travel model. Hotel room and multi-family unit trip are distributed differently in the model. However, the affected trips are less than three percent of the DRI total net new external trips. The percentage of the overall trips that would have a different distribution is likely less than one percent. The NOPC also reduces overall trips by 1.6 percent. Therefore, it is unlikely that the NOPC would create a net increase in additional transportation regional impacts.

AJG/mlb

cc: Dawn Lehnert, Assistant County Attorney

S:\DOCUMENT\GETCH\MEMOS\2004\Coconut Point NOPC subst 092204.doc

ATTACHMENT D

THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3916 • (239) 334-1102 • TTD/TTY (239) 335-1512

LEE COUNTY
RECEIVED
04 SEP -7 AM 9:08
COMM. DEV/
PUB. WRKS. CNTR.
SECOND FLOOR

JEANNE S. DOZIER
CHAIRMAN • DISTRICT 2

ELINOR C. SCRICCA, PH.D.
VICE CHAIRMAN • DISTRICT 5

ROBERT D. CHILMONIK
DISTRICT 1

JANE E. KUCKEL, PH.D.
DISTRICT 3

STEVEN K. TEUBER
DISTRICT 4

JAMES W. BROWDER, ED.D.
SUPERINTENDENT

KEITH B. MARTIN
BOARD ATTORNEY

September 2, 2004

Mr. Alvin Block, AICP
Lee County Development Services Division
P.O. Box 398
Fort Myers, FL 33902-0398

Re: Coconut Point/Simon Suncoast, DCI Substantive Review, Case #DRI#2004-00008

Dear Mr. Block:

Thank you for the opportunity to review Coconut Point/Simon Suncoast for substantive comments with regard to educational impacts. This proposed development is in the South Choice Zone of the District, on the east side of U.S. 41 south of Williams Road in the Estero Planning Area. This letter is in response to your request dated August 25, 2004.

The School District of Lee County has several concerns with this project, as follows:

1. Section J.1 of the Amended Development Order reads: "The education impact of this project will be mitigated by the payment of school impact fees in accordance with the schedules set forth in the LDC. However, the Developer must provide a site at least five acres in size and appropriately located to accommodate the growing school needs in this area of the county. Upon transfer of this site to the School District, the Developer may be entitled to seek school impact fee credits in accordance with the LDC." **Please be advised that the developer has NOT transferred a site to the School District.**

2. In addition to the site to be transferred to the District referenced above, the developer has also agreed to donate a separate five acre parcel to the District under the terms of a School Site Dedication Agreement, also in exchange for school impact fee credits. **Please be advised that the developer has NOT transferred a second site to the School District.**

3. Section J.2 of the Amended Development Order reads: "This project will have an impact on the Estero High School and surrounding neighborhood traffic. The Developer will use reasonable efforts to prevent the project's construction traffic from using Williams Road east of the railroad tracks." **Although a Notice of Proposed Change Traffic Study prepared by David Plummer & Associates and dated August 12, 2004 was submitted, it does not address the issue of construction traffic and Williams Road. Please provide specifics on the "reasonable efforts" that the developer will use to stop construction traffic from using Williams Road east of the railroad tracks.**

Thank you for your attention to this issue. If I may be of further assistance, please give me a call at (239) 479-4205.

Sincerely,

Kathy Babcock

Kathy Babcock, Long Range Planner
Department of Construction and Planning

Cc: William G. Moore, Jr.
Executive Director, School Support

INSTRUCTIONS

(Section C.1.c., Lee County Administrative Code AC 2-8)

A zoning sign must be posted on the parcel subject to any zoning application for a minimum of fifteen CALENDAR (15) days in advance of the Hearing Examiner's Public Hearing and maintained through the Board of County Commissioners Hearing, if any. This sign will be provided by the Zoning Division in the following manner:

a. Signs for case **#DRI2004-00008** must be posted by **November 30, 2004.**
b. The sign must be erected in full view of the public, not more than five (5) feet from the nearest street right-of-way or easement.
c. The sign must be securely affixed by nails, staples or other means to a wood frame or to a wood panel and then fastened securely to a post, or other structure. The sign may not be affixed to a tree or other foliage.
d. The applicant must make a good faith effort to maintain the sign in place, and readable condition until the requested action has been heard and a final decision rendered.
e. If the sign is destroyed, lost, or rendered unreadable, the applicant must report the condition to the Zoning Division, and obtain duplicate copies of the sign from the Zoning Division.

The Division may require the applicant to erect additional signs where large parcels are involved with street frontages extending over considerable distances. If required, such additional signs must be placed not more than three hundred (300) feet apart.

When a parcel abuts more than one (1) street, the applicant must post signs along each street. When a subject parcel does not front a public road, the applicant must post the sign at a point on a public road which leads to the property, and the sign must include a notation which generally indicates the distance and direction to the parcel boundaries and the dimensions of the parcel.

NOTE: AFTER THE SIGN HAS BEEN POSTED, THE AFFIDAVIT OF POSTING NOTICE, BELOW, SHOULD BE RETURNED NO LATER THAN THREE (3) WORKING DAYS BEFORE THE INITIAL HEARING DATE TO LEE COUNTY ZONING DIVISION, 1500 MONROE ST., FT. MYERS, FL 33901.

(Return the completed Affidavit below to the Zoning Division as indicated in previous paragraph.)

AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA
COUNTY OF LEE

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED _____
WHO ON OATH SAYS THAT HE/SHE HAS POSTED PROPER NOTICE AS REQUIRED BY SECTION 34-236(b) OF THE LEE COUNTY LAND DEVELOPMENT CODE ON THE PARCEL COVERED IN THE ZONING APPLICATION REFERENCED BELOW:

date posted: 11/30/04

RECEIVED
DEC 0 2 2004
PERMIT COUNTER

_____
SIGNATURE OF APPLICANT OR AGENT

_____
NAME (TYPED OR PRINTED)

_____
ST. OR PO BOX

_____
CITY, STATE & ZIP

#DRI2004-00008/Coconut Point/ Simon Suncoast/Dec 15, 2004 / JSS

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to and subscribed before me this 1ST day of DECEMBER, 2004, by MIKE NATION, personally known to me or who produced _____ as identification and who did/did not take an oath.

_____
Signature of Notary Public

ZSUZSANNA
Printed Name of Notary Public

ZSUZSANNA WEIGEL
MY COMMISSION # DD 261359
EXPIRES: October 23, 2007
Bonded Thru Notary Public Underwriters

My Commission Expires:
(Stamp with serial number)

LEE COUNTY
SOUTHWEST FLORIDA

COMMUNITY DEVELOPMENT
JUL 09 2004
RECEIVED

APPLICATION FOR PUBLIC HEARING FOR A DEVELOPMENT OF REGIONAL IMPACT (DRI)

IF REQUEST WILL INVOLVE REZONING, PLEASE INCLUDE THE "PUBLIC HEARING FOR PLANNED DEVELOPMENT" FORM.

Applicant's Name: Coconut Point Developers, L.L.C. Phone #: 317/263-7032

Project Name: Coconut Point/DRI Simon Suncoast

***09-47-25-00-00001.0020; *4-47-25-00-00001.0130**) *strap #'s for entire DRI ; *Applicant*

STRAP Number: 09-47-25-00-00001.0010; 4-47-25-00-00001.0000) *only owns 2 parcels*

****

STAFF USE ONLY

Case Number: DRI 2004-00008 Commission District: 3

Current Zoning: MPD Fee Amount: $4000.00

Land Use Classification: urban comm - 97.65 wetlands 2.35 Intake by: amkw

Planning Community: Estero

****

LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (239) 479-8585

PART I
APPLICANT\PROPERTY OWNERSHIP INFORMATION

A. Name of applicant*: Coconut Point Developers, L.L.C.

Mailing Address: Street: P.O. Box 7033

City: Indianapolis State: Indiana Zip: 46207

Phone Number: Area Code: 317 Number: 263-7032 Ext. _____

Fax Number: Area Code: 317 Number: 685-7299

B. Relationship of applicant to property:

√ Owner* _____ Trustee* _____ Option holder*
_____ Lessee* _____ Contract Purchaser*
_____ Other (indicate)*
_____

*Applicant must submit a **statement under oath** that he is the authorized representative of the owner. [see **Part V** (attached) and please complete the Affidavit form appropriate to the type of applicant].

C. Name of owner of property: See Owners List for entire DRI; Applicants owns two parcels

Mailing Address: Street: _____

City: _____

Phone Number: Area Code: _____ Number: _____ Ext. _____

Fax Number: Area Code: _____ Number: _____

D. Date property was acquired by present owner(s): Entire DRI; Applicant owns two parcels

1. Coconut Point Developers, L.L.C. - June 6, 2004 (recorded June 18) - for two parcels
2. Edward J. McArdle, Trustee - December 13, 1995 (recorded Jan 19, 1996)
3. Wallace Homes of Southwest Florida, Inc. - May 25, 2004 (recorded June 1)

E. Is the property subject to a sales contract or sales option? √ NO _____ YES

F. Are owner(s) or contract purchasers required to file a disclosure form? √ NO _____ YES

If yes, please complete and submit Exhibit I-F (attached).

G. Authorized Agent(s): List names of authorized agents. Attach extra sheet if more space is required

Name: Knott, Consoer, Ebelini, Hart & Swett, P.A.

Address: 1625 Hendry Street, Suite 301, Fort Myers, FL 33901

Contact Person: Matthew D. Uhle, Esq.

Phone: 239/ 334-2722 Fax: 239/ 334-2722 E-mail: muhle@knott-law. com

PART II
GENERAL INFORMATION

A. Legal Description: Is property within a platted subdivision recorded in the official Plat Books of Lee County?

__√__ NO. Attach a legible copy of the legal description (labeled Exhibit II-A-1.) and a certified sketch of description as set out in chapter 61G 17-6.006, Florida Administrative Code, unless the subject property consists of one or more undivided platted lots (labeled Exhibit II-A-2.). If the application includes multiple abutting parcels, the legal description must describe the perimeter boundary of the total area, but need not describe each individual parcel. However, the STRAP number for each parcel must be included.

_____ YES. Property is identified as:

Subdivision Name: _____

Plat Book: _____ Page: _____ Unit: _____ Block: _____ Lot: _____

STRAP NUMBER: ***09-47-25-00-00001.0020; *4-47-25-00-00001.0130** *(Entire DRI; *Applicant owns 09-47-25-00-00001.0010; 4-47-25-00-00001.0000 2 parcels)*

B. Project Street Address: multiple addresses

C. General Location Of Property (referenced to major streets):

East side of U.S. 41, between Williams Road and northern boundary of Bonita Springs

D. Request is for: __√__ DRI _____ FQD _____ AMDA. (Check applicable answers)

_____ Application for development approval. _____ Substantial Deviation.

_____ Changes per LDC 34-145(d)(1)(c). _____ Abandonment.

_____ Development Agreement _____ Development Agreement Amendment

__√__ Notice of Proposed Change (Non-substantial deviation).

_____ Other: _____

E. Property Dimensions (Entire DRI)

1. Width (average if irregular): 2,050 Feet
2. Depth (average if irregular): 10,780 Feet
3. Frontage on road or street: 10,780 Feet Name of street: U.S. 41
4. Width along waterbody (If applicable): n/a Feet
5. Total land area: 482.421 acres Acres or Square Feet

F. Present Use of Property: Is the property vacant? _____ Yes __√__ No

Briefly describe current use of the property:

Vacant. Portions of the DRI are under construction.

G. Property Restrictions: Are there any covenants, deed restrictions, or other restrictions which affect this request? __√__ NO _____ YES. If yes, submit a copy of the restriction(s) and a statement as to how they affect this request.

PART III
SUBMITTAL REQUIREMENTS

	APPLICATIONS	COPIES	EXHIBIT	ITEM
	All	12√		Completed application
	All	~~12√~~		Application Fee
	All	12√	Part IV; A1or A2	Applicant's Affidavit of Authorization
	All	12√	I-F	Notarized Disclosure Form (if applicable)
	All	12√	II-A-1	Legal Description
	All	12√	II-A-2	Certified sketch of description (if applicable)
	All	1 2	II-A-3	Plat Book Page (if applicable)
	All	12	II -G	Deed Restrictions & Narrative (if applicable)
	All	12√	III -A	Property Owners List
	All	12√	III -B	Property Owners Map
	All	12√	III -C	Narrative Regarding Request
	Notice of proposed change ~~Substantial Deviations~~	12√		Form RPM-BSP-Proposed Change - 1 pursuant to Section 380.06(19) F.S.
	DRI, AMDA, FQD	12		Form RPM-BSP-ADA - 1. Application for Development Approval pursuant to Section 380.06 F.S.
	Abandonment	12		Form RPM-BSP-Abandonment-DRI-1. Application for abandonment of a DRI.

PART VII AFFIDAVIT A2
AFFIDAVIT FOR PUBLIC HEARING
APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, * **David Simon, Chief Executive Officer of Simon Property Group, Inc., General Partner of Simon Property Group, L.P., Managing Member of Coconut Point Developers, L.L.C.** swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code.
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I am hereby authorizing the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

COCONUT POINT DEVELOPERS, L.L.C., a Delaware Limited Liability Company
by: Simon Property Group, L.P., a Delaware Limited Partnership, Managing Member
by: Simon Property Group, Inc., a Delaware Corporation, General Partner

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Name of Entity (corporation, partnership, LLP, LC, etc.)

Signature

David Simon
(Type or printed name)

Chief Executive Officer of Simon Property Group, Inc.
(title of signatory)

NOTARY PUBLIC SEAL INDIANA

DARLENE E. GARVEY
Res. of Johnson Co.
Comm. Exp. 1-18-2008

STATE OF INDIANA
COUNTY OF MARION

The foregoing instrument was sworn to (or affirmed) and subscribed before me this June 17, 2004 (date) by **David Simon, as Chief Executive Officer of Simon Property Group, Inc., on behalf of the corporation, General Partner of Simon Property Group, L.P., Managing Member of Coconut Point Developers, L.L.C.**, who is personally known to me or who has produced _____ (type of identification) as identification.

Darlene E. Garvey
Signature of person taking oath or affirmation

Name typed, printed or stamped

Title or rank

Serial number, if any

Notes:
- *If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.*
- *If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.)., then the documents should typically be signed by the Company's "Managing Member."*
- *If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.*
- *If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.*
- *If the applicant is a trustee, then the they must include their title of "trustee."*
- *In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.*

EXHIBIT I-F
DISCLOSURE OF INTEREST FORM FOR:

STRAP NO. 04-47-25-00-00001.0130 and 09-47-25-00-00001.0020 CASE NO._____

1. If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address	Percentage of Ownership

2. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name, Address, and Office	Percentage of Stock

3. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address	Percentage of Interest

LIMITED LIABILITY COMPANY

4. If the property is in the name of a ~~GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP~~, list the names of the ~~general and limited partners~~ members.

Name and Address	Percentage of Ownership
See attached	See attached

5. If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name, Address, & Office(if applicable)	Percentage of Stock

Date of Contract: _____

6. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name and Address

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PERMIT COUNTER

DRI2004-00008

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Signature: _____
(Applicant)

COCONUT POINT DEVELOPERS, L.L.C., a Delaware Limited Liability Company
by: Simon Property Group, L.P., a Delaware Limited Partnership, Managing Member
by: Simon Property Group, Inc., a Delaware Corporation, General Partner

_____
(Printed or typed name of applicant)

STATE OF INDIANA
COUNTY OF MARION

The foregoing instrument was acknowledged before me this 17th day of June, 200_4_, by **David Simon, as Chief Executive Officer of Simon Property Group, Inc., General Partner of Simon Property Group, L.P., Managing Member of Coconut Point Developers, L.L.C.**, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

(SEAL)

DARLENE E. GARVEY
Res. of Johnson Co.
Comm. Exp. 1-18-2008

Darlene E Garvey
Signature of Notary Public

_____
Printed Name of Notary Public

COCONUT POINT DEVELOPERS, L.L.C.
a Delaware Limited Liability Company

Simon Property Group, L.P., a Delaware Limited Partnership
115 West Washington Street, Indianapolis, IN 46204
Managing Member of Coconut Point Developers, L.L.C.

50 % in Coconut Point Developers, L.L.C.

Simon Property Group, Inc.
a Delaware Corporation
Managing Partner of Simon Property Group. L.P.
David Simon, Chief Executive Officer

Dillard's, Inc.
P.O. Box 1600, Cantrell Road, Little Rock Arkansas 72201
Managing Member of Coconut Point Developers, L.L.C.

50 % in Coconut Point Developers, L.L.C.

EXPLANATORY NOTES
GENERAL

ALL APPLICANTS MUST PAY THE APPLICATION FEE SET FORTH IN THE COUNTY EXTERNAL FEES AND CHARGES MANUAL. (ADMINISTRATIVE CODE 3-10 APPENDIX C)

UPON WRITTEN REQUEST, THE DIRECTOR MAY MODIFY THE SUBMITTAL REQUIREMENTS CONTAINED IN THIS SECTION WHERE IT CAN BE CLEARLY DEMONSTRATED THAT THE SUBMISSION WILL HAVE NO BEARING ON THE REVIEW AND PROCESSING OF THE APPLICATION. THE REQUEST AND THE DIRECTOR'S WRITTEN RESPONSE MUST ACCOMPANY THE APPLICATION SUBMITTED AND WILL BECOME A PART OF THE PERMANENT FILE.

EXPLANATORY NOTES FOR PART I

A. Applicant's Name: Application may be made by the landowner or the authorized agent. **[Sec. 34-201(a)]**

B. Applicant's signed statement. A statement is to be signed by the applicant, under oath, that he is the authorized representative of the owner(s) of the property and has full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of the action approved by the County in accordance with the Land Development Code. The signed statement also constitutes an agreement that the property will not be transferred, conveyed, sold or subdivided unencumbered by the covenants and restrictions imposed by the approved action. {See **Part IV** for suggested forms where application is signed by either an individual owner or applicant (Affidavit A1), or is signed by a corporation, limited liability company (L.L.C.), limited company (L.C.), partnership, limited partnership, or trustee (Affidavit A2).} **[34-202(b)(1)b.]**

C. Name of owner (s): see F. below

D. Date property was acquired by present owner(s).

F. Name of Owner(s): A Disclosure Form (Exhibit I-F, attached) must be submitted for any entity whose interest in the property is other than solely equity interest(s) which are regularly traded on an established commodities market in the United States or another Country. **[Sec. 34-201(b)(2)]**

G. Authorized Agents: If the owner or applicant has authorized agents to act on his/her behalf, list the agent(s) name, mailing address and phone number.**[Sec. 34-202(b)(1)]**

EXPLANATORY NOTES FOR PART II

A. Legal Description: If the property is not within a platted subdivision recorded in the official plat books of Lee County, a complete legal description must be attached which is sufficiently detailed and legible so as to be able to locate the property on county maps or aerial photographs. Also include the Section, Township, Range, and parcel number(s).

If the application includes multiple contiguous parcels, the legal description may describe the perimeter boundary of the total area, and need not describe each individual parcel,. Label the legal description as Exhibit II-A-1.

A survey or a certified sketch of description as set out in chapter 61G 17-6.006, Florida Administrative Code must be submitted. , unless the subject property consists of one or more undivided platted lots. If the application includes multiple abutting parcels, the legal description must describe the perimeter boundary of the total area, but need not describe each individual parcel. However, the STRAP number for each parcel must be included. Label the Sketch as Exhibit II-A-2. **[34-202(a)]**

If the request is owner-initiated and a boundary survey is required, the survey must include the location of any existing structures on the property. Label the Boundary Survey as Exhibit II-A-2. **[Sec. 34-202(a)(2)]**

The Director has the right to reject any legal description which is not sufficiently detailed or legible so as to locate said property, and may require a certified survey or boundary survey prepared by a surveyor meeting the minimum technical standards for land surveying in the state, as set out in chapter 61G 17-6, F. A.C. Boundaries must be clearly marked with a heavy line. The boundary line must include the entire area to be developed. If the request is owner-initiated the Federal Emergency Management Agency flood zone and required finished floor elevation must be shown as well as the location of existing structures on the property. **[Sec. 34-202(b)(2)]**

A copy of the plat may be purchased from the County Clerks office.

B. Project Street Address: If the street address is unknown, the address may be obtained from the Lee County E-911 Addressing Division at (941) - 338-3200.

C. General Location: The general location should reference known major streets so as to indicate to the general public the location of the property.

E. Property Dimensions: If the parcel is irregularly shaped, indicate the average width and depth of the property. Indicate the length of property abutting any existing street rights-of-way or easements. If property abuts more than one street, indicate frontage on each street.

F. If the property is not vacant, the owner or applicant's signature on this application indicates that the Owner agrees to either remove all existing buildings and structures, OR that the use of the building or structure(s) will be in compliance with all applicable requirements of the land development code. **[Sec.34-202(b)(3)]**.

G. Deed Restrictions: A copy of the deed restrictions on the subject property, if any, and a written statement as to how the deed restrictions may affect the requested action. Label as Exhibit II-G. **(Sec. 34-202(b)(2)]**

EXPLANATORY NOTES FOR PART III

a. The applicant is responsible for the accuracy and completeness of this application. Any time delays or additional expenses necessitated by the submittal of inaccurate or incomplete information will be the responsibility of the applicant.

b. All information submitted with the application or submitted at the public hearing becomes a part of the public record and will be a permanent part of the file.

c. All applications must be submitted in person. Mailed-in applications will not be processed.

d. All attachments and exhibits submitted must be of a size that will fit or conveniently fold to fit into a letter size (8 ½" x 11") folder.

e. The Department staff will review this application for compliance with requirements of the Lee County Land Development Code. If any deficiencies are noted, the applicant will be notified.

Property Owners List: A complete list of all property owners, and their mailing addresses, for all property within five hundred (500) feet* of the perimeter of the subject property. Names and addresses of property owners will be deemed to be those appearing on the latest tax rolls of the County. Information may be obtained from the Lee County Property Appraiser's office. The applicant is responsible for the accuracy of the list. Label as Exhibit III-A. [Sec. 34-202(a)(6)]

Property Owners Map: A County Zoning map or other similar map displaying all of the parcels of property within five hundred (500) feet* of the perimeter of the subject parcel or the portion thereof that is the subject of the request, referenced by number or other symbol to the names on the property owners list. The applicant is responsible for the accuracy of the map. Label as Exhibit III-B. [Sec. 34-202(a)(7)].

*NOTE: In those instances where fewer than 10 owners of property would be notified, the distance must be expanded to include all owners of property within 750 feet.

Narrative Statement: Label as Exhibit III-C. State the basis or reason(s) for the requested action.

EXPLANATORY NOTES FOR PART IV

a. Applicant's signed statement. A statement is to be signed by the applicant, under oath, that he is the authorized representative of the owner(s) of the property and has full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of the action approved by the County in accordance with the Land Development Code. The signed statement also constitutes an agreement that the property will not be transferred, conveyed, sold or subdivided unencumbered by the covenants and restrictions imposed by the approved action. {See **Part IV** for suggested forms where application is signed by either an individual owner or applicant (Affidavit A1), or is signed by a corporation, limited liability company (L.L.C.), limited company (L.C.), partnership, limited partnership, or trustee (Affidavit A2). Please complete the form appropriate to the applicant's status.} **[34-202(b)(1)b.]**

DRI2004-00008

AMENDED DEVELOPMENT ORDER
FOR
COCONUT POINT DRI
STATE DRI # 09-2001-153
CASE #DRI2000-00015

RECEIVED
JUL 09 2004
PERMIT COUNTER

WHEREAS, on June _____, 2004, _____ requested an amendment to the Coconut Point Development of Regional Impact Development Order adopted by the Lee County Board of County Commissioners on October 21, 2002; and

WHEREAS, the applicant is requesting to amend the Development Order to reduce the number of hotel rooms from 600 to 450, to decrease the number of apartments from 450 to 250, and to increase the number of residential condominiums from 550 to 900; and

WHEREAS, under Section 380.06(19), Florida Statutes, the proposed change must be reviewed and evaluated to determine whether it constitutes a substantial deviation from the terms of the existing Development Order; and

WHEREAS, the Lee County Board of County Commissioners has reviewed the proposed amendment and finds that the changes do not constitute a substantial deviation; and

WHEREAS, the proposed changes to the Development Order described herein are consistent with the adopted Comprehensive Land Use Plan of Lee County and applicable local Land Development Regulations; and

WHEREAS, the proposed changes to the Development Order described herein are consistent with the state Comprehensive Plan, the Southwest Florida Regional Plan, and the state Land Development Plan.

NOW, THEREFORE, let it be resolved by the Board of County Commissioners of Lee county, Florida, that the Development Order for the Coconut Point DRI are hereby amended as follows:

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. The Coconut Point DRI is a master planned commercial development consisting of 482.4+/- acres located in unincorporated south central Lee County at the intersection of US 41 and Coconut Road. The Coconut Point DRI is a mixed use development that will consist of: 1,450,000 gross leasable square feet of retail/regional mall (Regional Retail Center), 350,000 gross leasable square feet of retail on other parcels

adjacent to the regional mall (Community Commercial Retail), 300,000 square feet of office, of which no more than 100,000 square feet may be medical office, ~~600~~450 hotel rooms, ~~1,000~~1,150 multi-family units and a 200 unit assisted living facility. The project will include 32.7 acres of conservation areas, 47.1 acres of lakes, 50.2 acres of road rights-of-way and 11.6 acres of green area/open space.

Water and wastewater treatment will be provided by Bonita Springs Utilities.

The project phasing schedule consists of one phase with buildout in 2006.

B. The terms of this Development Order apply to the property located and described in attached Exhibit A.

C. The property ~~was zoned AG-2, and coincident with the approval of this Development Order the property will be rezoned~~is zoned ~~to~~ Mixed Planned Development (MPD). The property is currently in active agricultural use.

D. The original Application for Development Approval (ADA), submitted on September 12, 2000, is consistent with the requirements of §380.06, Florida Statutes. The application went through two sufficiency reviews.

E. The development is not located in an area designated as an Area of Critical State Concern under the provision of §380.05, Florida Statutes.

F. The development will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan. The development is consistent with the State Comprehensive Plan if developed in accordance with the conditions set forth herein.

G. The development has been reviewed by the Southwest Florida Regional Planning Council (SWFRPC) and is the subject of the report and recommendations adopted by that body on ~~January 17, 2001~~_____. The SWFRPC report and recommendations were subsequently forwarded to Lee County. The development, as proposed in the ADA and modified by this Amended Development Order, is generally consistent with the report and recommendations of the SWFRPC pursuant to §380.06(11), Florida Statutes.

H. The development is located in the ~~Rural~~Urban Community and Wetlands future land use categories. The development proposed is ~~currently not~~ consistent with the Lee Plan. ~~and can not be conditioned to attain consistency. However, a Lee Plan amendment is currently being considered by DCA that will, if ultimately adopted, allow the project as conditioned to be consistent with the Lee County Comprehensive Plan and the Lee County Land Development Code (LDC).~~

I. The conditions set forth below meet the criteria found in §380.06(15)(d), Florida Statutes.

II. ACTION ON THE REQUEST AND CONDITIONS OF APPROVAL

NOW THEREFORE, be it resolved by the Board of County Commissioners of Lee County, Florida, in a public meeting duly advertised, constituted and assembled that the Development of Regional Impact Application for Development Approval submitted on behalf of Simon Property Group, L.P. and the Oakbrook Properties, Inc., for the project known as the Coconut Point DRI, is hereby Approved subject to the conditions, restrictions and limitations that follow. For the purpose of this Development Order, the term "Developer" refers to Simon Property Group, L.P. and Oakbrook Properties, Inc., and includes all successors or assigns, and all references to County Ordinances or other regulations, including future amendments.

A. AFFORDABLE HOUSING

1. *150 Affordable Housing Units ($600,000).*

a. The Developer must provide, either directly or through third parties, 150 units (combined total) of affordable housing for very low, low, and moderate-income persons within the identified DRI housing assessment area on or before December 31, 2006.

b. In the event the Developer does not provide all of the 150 units required above prior to December 31, 2006, the Developer may satisfy the remaining affordable housing obligation by paying $4,000 ($600,000 divided by 150 units) for each unit of the shortfall to the Lee County Affordable Housing Trust Fund.

2. *University Student Housing ($400,000).* In addition to the above, the Developer will subsidize University student housing by giving $400,000 to the Florida Gulf Coast University prior to the issuance of the first development order allowing vertical construction within the DRI (excepting any public uses mandated by this Development Order). These funds must be specifically earmarked for University student housing.

B. ENERGY

The Developer must incorporate, as a minimum, the following energy conservation features into all site plans and architectural programs , or insure that the following features

are implemented through deed restrictions or covenants with successors in title. All applications for site plan approvals and building permits must be accompanied by a documents detailing proposed compliance with these conditions. If deed restrictions or covenants are utilized to insure compliance , those documents must be approved by the County Attorney's Office prior to recording.

These features are:

1. A bicycle/pedestrian system connecting all land uses, to be placed along arterial and collector roads within the project and also along Sandy Lane. This system will be consistent with LDC regulations.

2. Bicycle racks or storage facilities in recreational, commercial and multi-family residential areas.

3. Bus stops, shelters and other passenger and system accommodations for a transit system to service the project area.

4. Energy efficient features in window design (e.g. tinting and exterior shading), operable windows, ceiling fans, appliances and equipment.

5. Minimize coverage by asphalt, concrete, rock and similar substances in street, parking lots and other area to reduce local air temperatures and reflecting light and heat.

6. Energy-efficient lighting for streets, parking area, recreation area and other interior and exterior public areas.

7. Water closets with a maximum flush of 1.6 gallons and shower heads and faucets with a maximum flow rate of 2.5 gallons per minute (at 80 pounds of water pressure per square inch).

8. Selecting, planting and maintaining native plants, trees and other vegetation and landscape design features that reduce requirements for water, fertilizer, maintenance and other needs.

9. Planting native shade trees to provide reasonable shade for all recreation areas, street and parking areas. Planting native shade trees for each residential unit.

10. Placing trees to provide needed shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months. Orienting structures, whenever possible, to reduce solar heat gain by walls and utilize the natural cooling effects of the wind.

11. Including porch and patio areas in residential units.

12. Establishing project architectural review committees that will consider energy conservation measure to assist builders and residents in the efforts to achieve greater energy efficiency in the development.

C. STORMWATER MANAGEMENT

1. The Developer must meet the criteria set forth in Chapter 40E, Florida Administrative Code, and the South Florida Water Management District (SFWMD) Basis of Review. The Developer must obtain a modification of SFWMD Permit No. 36-00288-S for the construction and operation of the surface water management system. This permit must address any impacts created by the development to wetlands and other surface waters. Halfway Creek is classified as an Outstanding Florida Water (OFW). Any discharge to an OFW requires additional water quality consideration. Prior to the issuance of the permit modification, the District will evaluate this issue in greater detail.

2. The Developer must obtain all necessary approvals from the Florida Department of Transportation for any proposed discharge points and water control structures associated with US 41.

3. At the time of permit modification application, the Developer must provide finalized information regarding the size of proposed project lakes, the location of major water control structures, the correct identification of control structures within pre-treatment areas and verification of adequate dimensions for pre-treatment areas.

4. Best management practices are subject to Lee County review and approval and must be included on all construction plans for development.

5. All internal stormwater management lakes and ditches as well as any onsite preserved or enhanced wetland areas, must be set aside as private drainage or conservation easements on the recorded plat. Stormwater lakes must include, where practical, adequate maintenance easements around the lakes with access to a paved roadway.

6. During construction activities, the applicant must employ best management practices for erosion and sedimentation control. These practices must be included with, or presented on, all construction plans, and are subject to approval by the appropriate agencies prior to implementation.

7. The final stormwater management plan must consider, as applicable, measures to reduce runoff rates and volumes, including, but not limited to, fixed control structures, perforated pipes, and grass swale conveyances. Swales, rather than closed

systems, must be used whenever possible.

8. Any shoreline banks created along the onsite stormwater management system must include littoral zones constructed on slopes consistent with District and Lee County requirements and be planted in native emergent or submergent aquatic vegetation. The applicant must ensure, by supplemental replanting if necessary, that at least 80% cover by native aquatic vegetation is established/maintained within the littoral zone for the duration of the project.

9. The applicant must conduct annual inspections of the Master Stormwater Management System and any preserved/enhanced wetland areas on the project site to ensure that these areas are maintained in keeping with the final approved designs, and that the water management system is capable of accomplishing the level of stormwater storage and treatment for which it was intended. The Developer or operating entity must undertake any cleaning and repair determined to be necessary based upon the annual inspection.

10. The applicant must confirm, to the satisfaction of all applicable federal, state, and local review agencies, and the South Florida Water Management District, that the proposed stormwater management system will not impact habitats of any state or federally listed plant and/or animal species potentially occurring onsite, or that such impacts will be mitigated to the benefit of onsite populations of those species.

11. The Developer must undertake a regularly scheduled vacuum sweeping of all common streets and parking areas within the development.

12. If Lee County establishes a County-wide stormwater management system, the Developer must participate to the extent the system benefits the development.

13. Ditch and swale slopes must be designed to minimize discharges so that these facilities may provide some additional water quality treatment prior to discharge. Treatment swales must be grassed.

14. The grassed stormwater treatment areas must be mowed on a regular basis as part of the normal lawn maintenance of the development. Any debris that may accumulate in project lakes, ditches or swales, or which may interfere with the normal flow of water through discharge structures and under drain systems, must be cleaned from the detention/retention areas on a regular basis. Any erosion to banks must be replaced immediately.

15. Under drain systems and grease baffles, if utilized within the Coconut Point DRI, must be inspected and cleaned and/or repaired on a regular basis. In no instance may the period between such inspections exceed eighteen months.

16. Stormwater management system maintenance requirements include removal of any mosquito-productive nuisance plant species (e.g., water lettuce, water hyacinth, cattails and primrose willows) from all system nodes, reaches, and percolation basins, as well as from the lake littoral zones employed in the system.

17. When required by the SFWMD permit, any isolated wading bird "pools" constructed in lake littoral zones must be excavated to a depth that provides aquatic habitat for mosquito larvae predators, such as *Gambusia affinis*.

18. The Developer will establish a legal operating entity in accordance with the SFWMD Basis of Review and Lee County Land Development Code to maintain the internal stormwater management lakes, ditches and wetlands. Easements, common areas or other legal mechanisms may be utilized to ensure there is sufficient access to the stormwater management areas for maintenance purposes.

D. TRANSPORTATION

1. Significant Impacts

a. *Assessment Parameters*

The traffic impact assessment for the Project assumes the following development parameters, as a single phase:

	Buildout (2006)
Multifamily Apartments (ITE LUC 220) (~~200 d.u. Town Center,~~ 250 d.u. South Village)	~~450~~250 d.u.
Multifamily Condominiums (ITE LUC 230) (350 d.u. Town Center, 550 d.u. North Village)	~~550~~900 d.u.
Assisted Living Facility (ITE LUC 252) (200 d.u. South Village)	200 d.u.
Hotel (ITE LUC 310) (~~450~~300 rooms Town Center, 150 rooms South Village)	~~600~~450 rooms
Community Retail (ITE LUC 820) (280,000 square feet North Village, 70,000 square feet South Village)	350,000 sq. ft. (gla)
Regional Retail Center (ITE LUC 820) (1,450,000 square feet Town Center)	1,450,000 sq. ft. (gla)

General Office (ITE LUC 710) (70,000 square feet North Village, 90,000 square Town Center, 40,000 square feet South Village)	200,000 sq. ft.
Medical Office (ITE LUC 720) (100,000 square feet South Village)	100,000 sq. ft.

The above parameters form the basis for the Project impacts and the mitigation requirements contained herein. The assumed land uses associated with the general parameters are identified by the Land Use Code (LUC) from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 6th Edition. While approved zoning categories may allow a wider range of uses, from a DRI standpoint the Project impacts are based on the above parameters and assumed uses. If the Developer exercises Mitigation Option 2 and is granted concurrency vesting for all or a portion of the DRI, any significant change in the assumed uses, mix of uses or location of uses on the Master Concept Plan will require a re-evaluation of the DRI transportation impacts. A significant change is one that would increase the external project traffic by 5% or more or that would change the projected distribution and assignment of project traffic so as to result in a net increase in road miles of significantly and adversely impacted roadway links. This condition does not apply if Mitigation Option 1 is selected.

The overall traffic at the Project driveway entrances based on the above parameters is estimated to be 5,909 trips. They include 4,120 PM net new external peak hour trips, 757 pass-by trips, and 1,032 interzonal trip ends at buildout in 2006. ("Interzonal trip ends" are from one part of the project to another that travel along or across public roadways.)

b. *Buildout Impacts*

The assessment on an existing-plus-committed network assuming the advancement of certain projects indicates that the significantly impacted roadways and intersections described below will be operating below acceptable levels of service at the end of Buildout (2006):

Roadway Improvements Needed

Roadways	Needed Improvement
I-75 – Corkscrew Road to Daniels Parkway	Widen to 6 lanes

Three Oaks Parkway	
- Williams Road to Corkscrew Road	Widen to 6 lanes
US 41	
– Koreshan Boulevard to San Carlos Boulevard	Widen to 6 lanes
- Bonita Beach Road to Coconut Road	Widen to 6 lanes
Old US 41	
- Rosemary Drive to US 41	Widen to 4 lanes

Intersection Improvements Needed

Bonita Beach Road @ Old 41[1]	Add 2nd SB left turn lane
Coconut Road @ Driveway 9/Regional Retail Center[2]	Add WB right turn lane
	Add SB right turn lane
	Add SB left turn lane
	Add dual EB left turn lane
	Signalization[3]
Coconut Road @ Sandy Lane[2]	Add WB left turn lane
	Add WB right turn lane
	Add NB right turn lane
	Add NB left turn lane
	Add SB left turn lane
	Add SB right turn lane
	Add EB left turn lane
	Add EB right turn lane
	Signalization[3]
Corkscrew Road @ Ben Hill Griffin Parkway[1]	Add 2nd EB left turn lane
	Add 2nd NB left turn lane
	Add 2nd SB left turn lane
Corkscrew Road @ River Ranch Road[1]	Signal retiming
Corkscrew Road @ Three Oaks Parkway	Add 2nd WB left turn lane
	Add 2nd NB left turn lane
	Add 2nd SB left turn lane
I-75 @ Corkscrew Road[1]	Add 2nd EB left turn lane[4]
	Add 2nd WB left turn lane[4]
	Add 2nd NB left turn lane
	Add 2nd SB left turn lane
Old 41 @ Dean Street[1]	Signalization[3]
Old 41 @ Pennsylvania Avenue[1]	Signal retiming
Old 41 @ West Terry Street[1]	Add 2nd NB thru lane
	Add 2nd SB thru lane
Three Oaks Parkway @ Koreshan Boulevard[1]	Signalization[3]

Three Oaks Parkway @ Williams Road[1]	Signalization[3]
Three Oaks Parkway @ Coconut Road[1]	Signalization[3]
US 41 @ Immokalee Road[1]	Signal retiming
US 41 @ Old 41[1] (Collier County)	Signal retiming
US 41 @ Bonita Beach Road	Signal retiming
US 41 @ West Terry Street	Signal retiming
US 41 @ Old 41/Pelican Landing Parkway	Add 2nd WB right turn lane
	Add 2nd NB left turn lane
	Add 2nd SB left turn lane
	Add 2nd EB left turn lane
US 41 @ Pelican Colony Boulevard	Add dual WB left turn lane[2]
	Add WB right turn lane[2]
	Add NB right turn lane[2]
	Add 2nd NB left turn lane
	Add dual SB left turn lane[2]
	Add 2nd EB left turn lane
	Add EB right turn lane
US 41 @ Coconut Road	Add 2nd WB left turn lane
	Add 2nd NB right turn lane
	Add 2nd NB left turn lane
	Add 2nd SB left turn lane
	Add 2nd EB left turn lane
	Add EB right turn lane
US 41 @ Driveway 6/Regional Retail Center[1]	Add NB right turn lane[2]
	Add SB left turn lane[2][3]
	Add WB right turn lane[2]
	Signalization[2][3]
US 41 @ Driveway 5/Internal East-west Road[1]	Add NB right turn lane[2]
	Add dual SB left turn lane[2]
	Add dual WB left turn lane[2]
	Add WB right turn lane[2]
	Signalization[2][3]
US 41 @ Driveway 4/Pelican Point Boulevard[1]	Add NB right turn lane[2]
	Add SB Left turn lane[2]
	Add WB right turn lane[2]
	Signalization[2][3]
US 41 @ Driveway 3/Fountain Lakes Boulevard[1]	Add NB right turn lane[2]
	Add SB left turn lane[2]
	Add dual WB left turn lane[2]
	Add WB thru lane[2]
	Add WB right turn lane[2]
	Signalization[2][3]
US 41 @ Driveway 2/Estero Greens[1]	Add NB right turn lane[2]

	Add dual SB left turn lane[2]
	Add dual WB left turn lane[2]
	Add WB thru lane[2]
	Add WB right turn lane[2]
	Add EB right turn lane[2]
	Signalization[2][3]
US 41 @ Driveway 1/Community Commercial[1]	Add NB right turn lane[2]
	Add SB left turn lane[2]
	Add WB right turn lane[2]
US 41 @ Williams Road[1]	Add 2nd SB left turn lane
	Add 2nd WB left turn lane
US 41 @ Corkscrew Road[1]	Add 2nd WB left turn lane
US 41 @ Broadway[1]	Signal retiming
US 41 @ Koreshan Boulevard	Signalization[3]
US 41 @ Sanibel Boulevard[1]	Signal retiming
US 41 @ Metro Parkway[1]	Add 2nd NB right turn lane
US 41 @ Alico Road[1]	Signal retiming
US 41 @ Island Park Road[1]	Signal retiming
US 41 @ Ben Pratt/Six Mile Cypress Parkway[1]	Add EB thru lane
	Add WB thru lane
Williams Road @ Driveway 1/Comm Commercial[1]	Signalization[3]
Williams Road @ River Ranch Road[1]	Signalization[3]
Williams Road @ Sandy Lane[2]	Signalization[3]
	Add WB left turn lane
	Add NB right turn lane
	Add NB left turn lane
	Add EB right turn lane
Williams Road @ Three Oaks Parkway	Signalization[3]

(1) *This intersection is not included in a significantly and adversely impacted roadway segment.*

(2) *This intersection is considered a site-related improvement.*

(3) *Signalization only if warranted and subject to approval by the maintaining agency.*

(4) *Dual EB and WB left turn lanes should be provided if they can be constructed without requiring reconstruction of the I-75 overpass bridge structure.*

The intersection improvements include at grade geometric improvements, such as turn lanes and signalization when warranted. Intersection improvements are accounted for in the overall proportionate share calculation. Site-related needs at the Project entrances are not addressed in the proportionate share calculation and must be addressed by the

Developer at the time of local development order approval.

2. **Mitigation**

a. *Buildout Proportionate Share*

The buildout proportionate share is $14,600,000 in year 2002 dollars. This figure represents the Developer's share of necessary roadway and intersection improvements based on the development parameters set forth in Section II.D.1.a. The estimated roads impact fees based on the schedule effective July 1, 2000 is $10,196,250, which is lower than the proportionate share estimate.

As noted in Condition D.3 below, the Developer must pay $170,000 as mitigation for the project's Comprehensive Plan impacts to the 2020 level of service on US 41 from Koreshan Boulevard to Alico Road. Therefore, the total proportionate share obligation deemed sufficient to mitigate both the buildout DRI-related transportation impacts on the non-site related roads and intersections set forth in Paragraph D.1.b and the project's Comprehensive Plan impacts is $14,770,000. However, if the reanalysis described in section D.2.d.1 demonstrates that additional funds are necessary to mitigate the project's transportation impacts, then the Developer will be required to pay the higher mitigation amount.

No independent fee calculation will be permitted for the project, or a subpart thereof, absent a Notice of Proposed Change.

b. *Mitigation Options*

The Developer must choose one of the two mitigation options identified below to satisfy the proportionate share obligation.

(1) <u>Traffic Mitigation Option 1</u>

(a) Payment

All development within the project must pay roads impact fees in effect at the time of building permit issuance. In addition to roads impact fees, and prior to the issuance of the first building permit for vertical construction of any portion of the Regional Retail Center, the Developer must make a lump sum cash payment of $4,573,750 in year 2002 dollars. This lump sum cash payment is intended to mitigate the transportation

impacts associated with the Regional Retail Center and satisfy the proportionate share obligation that is due over and above road impact fees.

In accordance with local policies and regulations, the Developer may be entitled to roads impact fee credits for road improvements constructed within the area surrounding the project.

(b) Concurrency

All development within the project will be subject to the County's Concurrency Management System at the time it obtains a local development order.

(2) Traffic Mitigation Option 2

(a) Payment

The Developer may vest, for concurrency purposes, up to 400,000 square feet of retail uses and all of the non-retail uses by making an up-front payment of $6,270,000 in 2002 dollars on or before December 31, 2003 or the issuance of the first building permit for the site, whichever comes first (excepting any public uses mandated by this Development Order). The remaining portion of the project will be entitled to concurrency vesting upon the payment of $8,500,000 in 2002 dollars on or before December 31, 2004 or the issuance of the first building permit for the retail uses of the project over 400,000 square feet, whichever comes first. The value of creditable pipelined improvements identified in the Development Agreement may be subtracted from the second payment only.

Concurrency certificates issued pursuant to this option will be effective until December 31, 2006, or for three (3) years, whichever is later; provided, however, that the concurrency certificates will be extended upon approval of an extension pursuant to Section D. 2. d(2) for the period of the extension not to exceed one year.

(b) Development Agreement

Exercise of traffic mitigation option 2 requires a Local Government Development Agreement executed pursuant to §163.3220, Florida Statues, and Chapter 2, Article III of the Lee County Land Development Code. The Developer must submit a draft Development Agreement to Lee County within 6 months of the adoption of the original DRI Development Order or prior to submittal of any local development order application for the Regional Retail Center or the Community Commercial Retail. The Development Agreement must be executed prior to issuance of a local development order allowing vertical construction anywhere on the site, excepting public uses mandated by this Development Order. The agreement must specify the payment schedule for the total proportionate share obligation in accordance with subparagraph (2)(a) above.

c. *Application of Payments*

(1) Cash.

The County will apply all impact fees and cash payments made by the DRI toward the non-site related improvements identified in Section D.1.b. In the alternative, the County will apply the fees toward improvements that relieve those roadways, provided those improvements are deemed necessary to maintain the County's adopted level of service standards. If the improvements identified in Section D.1.b are ultimately funded through other sources, in whole or in part, or deemed unnecessary to maintain the adopted level of service standards, Lee County may apply the impact fees and cash payments paid by the DRI to other improvements consistent with the requirements of Lee County LDC Chapter 2. Potential applications of the cash payment can be specified in the Development Agreement.

(2) Pipelined Improvements.

The Developer may propose in the Development Agreement to provide a specific roadway improvement or improvements in lieu of the second cash payment to the County of $8,500,000 in 2002 dollars, which is referenced in Section D.2.b.(2)(a). The proposed pipeline improvements are subject to County approval. In addition to the improvements listed in

Section D. 1. b, potential improvements for pipelining consideration include (but are not limited to):

(a) Sandy Lane 2-lane Extension, from the south property line to the north property line (Williams Road) and from Williams Road to Corkscrew Road. Consistent with the County's long-range plan for Sandy Lane as a 2-lane collector and the County's standards for collector roads, no more than 100 feet of right-of-way and 2 lanes of construction will be eligible for credits against the proportionate share obligation. The reasonable cost of providing the railroad crossing between Williams Road and Corkscrew Road will be eligible for credits against the project's proportionate share obligation. If the Developer chooses to build more than 2 lanes, it will be at the Developer's sole expense.

(b) Interim improvements not requiring right-of-way at the Corkscrew Road/I-75 interchange (subject to FDOT approval).

The estimated costs of any improvements made by the Developer (including design, right-of-way acquisition, drainage, permitting, water retention, construction, and the like) must be documented and submitted to the County for review and approval. The County reserves the right to obtain its own estimates for comparison purposes. Credit against the proportionate share obligation will be based on the final actual costs of the agreed upon improvements. Any right-of-way granted to the County will be valued as of the day prior to the DRI and zoning approval and subject to the compliance with applicable LDC provisions. Credit for the construction costs will be subject to the provisions of the County Land Development Code and standard practice related to project timing. The improvements must be built to applicable County or State standards and accepted for maintenance in accordance with the requirements of the responsible jurisdiction.

d. *Buildout Extension*

(1) <u>Requirement for Reanalysis</u>

Extension of the buildout date beyond 2006 may alter the project's impact to the area road network. Therefore, if the Developer: (a) files a Notice of Proposed Change resulting in an extension of project buildout beyond December 31, 2006; or (b) desires to extend the concurrency certificates issued pursuant to Condition D.2.b(2), then the Developer must provide a detailed traffic assessment to Lee County DOT for review and approval.

The assessment must include, but is not limited to, identification of the adjusted phasing, the level of development anticipated for the revised phasing, estimated traffic impacts, needed improvements, and the project's proportionate share of those improvements.

The assessment must include a cumulative analysis of the project's traffic impacts. The assessment must also identify mitigation for significantly and adversely impacted road segments by cumulative project traffic at the extended buildout year in accordance with the Transportation Uniform Standard Rule in the Florida Administrative Code. Prior to conducting a reassessment analysis, the Developer must attend a transportation methodology meeting with the County, and other review agencies as necessary, to establish the appropriate methodology.

The traffic assessment will be prepared by the Developer following generally acceptable transportation planning procedures consistent with the standards in effect at the time of reanalysis. Payment of additional mitigation, if any, resulting from the traffic assessment must be specified in an amended development order. The development order must be amended via a Notice of Proposed Change to reflect the revised phasing and additional mitigation.

The County will provide credit against the recalculated proportionate share for all mitigation paid through the date of the new traffic assessment. Proportionate share payments previously made by the Developer will be adjusted to then current year dollars. This will be accomplished by increasing the principal amount paid by an amount equal to the increase as determined in the State Highway Bid Index for the State of

Florida, published in the Engineering News Record, using an average of the last four quarterly factors. This increase will be expressed as a percentage and will be measured from the index published for the fourth quarter of 2001 to the index published in the then latest available edition.

Under no circumstances will reimbursement be granted for any portion of a payment made in exchange for concurrency vesting, regardless of the outcome of a reanalysis.

(2) Alternative for Reanalysis

If all or a part of the Regional Retail Center has received building permits prior to December 31, 2006, the Developer may choose to pay the traffic mitigation for some or all of the balance of the development through buildout in a lump sum at the time the extension application is approved. Full payment of the required mitigation pursuant to Mitigation Option 2 constitutes an election under this section. In this case a cumulative traffic reanalysis is not required for the portion of the balance that is mitigated as part of the original DRI Development order. This section is not intended to supersede the standard submittal requirements for a typical Notice of Proposed Change under state law.

3. **Comprehensive Plan Mitigation**

An amendment to the Future Land Use Map, to change 435 acres from "Rural" to "Urban Community" was necessary to accommodate the approval of this DRI. To support the Map amendment, an analysis different from the DRI Transportation Analysis was necessary. This Comprehensive Plan analysis required review of the effects of the proposed DRI project in the year 2020 on the planned, financially feasible roadway network. The result of this analysis indicated that four road segments, beyond those planned for improvement as part of the 2020 financially feasible roadways network plan, will fail with the addition of the Coconut Point (aka Simon Suncoast) project. The failure for three of the identified segments will likely be addressed through other means, but the segment of US 41 from Koreshan Boulevard to Alico Road is projected to fail even after the six-lane improvement identified in paragraph D.1.b.

The comprehensive plan amendment transmittal package approved by the Board of County Commissioners on December 13, 2001, indicated that appropriate traffic impact mitigation must be provided at the time of rezoning or DRI development approval.

The costs for needed improvements beyond those planned in the 2020 Financially Feasible Plan are solely the responsibility of the applicant, and are treated much as a proportionate share obligation. In this case, the applicant has estimated that the provision of dual left turn lanes at a number of key intersections along the impacted segment of US 41 will improve the capacity enough to allow satisfactory operation. The applicant estimated that the cost of providing these turn lanes would be roughly $692,000, not including the costs of maintenance of traffic, mobilization and permitting. The applicant's proportionate share of the cost of the turn lanes is $170,000. This figure has been added to the project's DRI proportionate share, as noted above.

4. **Access and Site Related Improvements**

In addition to the proportionate share obligation set forth above, the Developer is responsible for its share of the following site-related roadway and intersection improvements: all internal roadways, all intersection improvements, including signalization, turn lanes, deceleration lanes, and other improvements deemed necessary by the County Engineer and consistent with the Lee County Land Development Code for the Project's access points onto U.S. 41, Coconut Road, and Williams Road. The improvements include the installation of a signal coordination system on U.S. 41 from Pelican Colony Boulevard to Williams Road. During the local development order review process, site-related improvements must be evaluated based on weekday, PM peak hour conditions. Saturday mid-day conditions must be considered in the design of turn lanes due to the retail component of the DRI. Site-related improvements are not eligible for credit against impact fees and may not be used to offset the proportionate share obligation. Project accesses onto US 41 are subject to obtaining a connection permit from FDOT.

5. **Committed Improvements**

Roadway Improvements

Roadways	Start Year	Improvement
Alico Road		
– US 41 to Seminole Gulf Railway	02	4 Lanes
– Seminole Gulf Railway to I-75 West Ramps	02	6 Lanes
Ben Hill Griffin Parkway/Treeline Avenue		
– Alico Road to Daniels Parkway	02	4 Lane Ext.
Bonita Beach Road		
- Imperial Street to I-75	03	6 Lanes

Livingston/Imperial Connection – Immokalee Road to Bonita Beach Road	U/C	2 Lane Ext.
Metro Parkway – U.S. 41/Alico Road to Ben Pratt/Six Mile Cypress Pkwy (including interchange)	04	6 Lane Ext.
Three Oaks Parkway – S. of Coconut Road to Williams Road	U/C	4 Lane Ext.
– Williams Road to Corkscrew Road	U/C	4 Lane Ext.
– Corkscrew Road to Alico Road	03	4 Lanes
– Alico Road to Daniels Parkway	03	4 Lane Ext.
US 41 – Old 41 (Collier County) to N. of Bonita Beach Road	03	6 Lanes
- San Carlos Boulevard to Alico Road	U/C	6 Lanes
Williams Road – River Ranch Road to Three Oaks Parkway	02	2 Lane Ext.

The Regional Retail Center has the potential to create a temporary burden on the transportation network. The following Staging Schedule is an effort to minimize the temporary transportation burden while providing the Developer with the ability to obtain building permits for vertical construction of retail uses. Issuance of any building permit for vertical construction will require prior compliance with the mitigation options set forth in condition D.2. The "Maximum Square Footage" column identifies the maximum gross retail square footage for which building permits allowing vertical construction may be issued prior to the corresponding date, unless the improvements identified "to Avoid Interim Level of Service Problem" are under construction on or before the identified date. If all required interim improvements are completed or under construction on or before the identified date, then building permits for the maximum amount of retail square footage as identified in conjunction with the corresponding date may be issued.

Date	Maximum Square Footage	Needed Improvements to Avoid Interim Level of Service Problem	
		Route	Limit

Adoption of DRI DO AND Compliance with Cond. D.2	400,000	Not Applicable	Not Applicable
July 1, 2004	800,000	U. S. 41 - 6 Lane	Collier County line to Bonita Beach Road
July 1, 2005	1,200,000	Three Oaks Ext. 4L OR Livingston Rd./ Imperial St. 4 Lane	Terry St. to Coconut Rd. Immokalee Rd. to E.Terry St.
July 1, 2006	1,800,000	US 41-6Lane AND Three Oaks Ext. 4 Lane AND Old 41 - 4 lane AND Metro Pkwy. Ext.- 6 Lane AND Three Oaks Ext- 4 Lane or Treeline Ext.-4L	Corkscrew Rd. to San Carlos Terry St. to Coconut Rd. Rosemary dr. to US 41 Alico Rd. to ben C Pratt/ Six Mile Cypress Pkwy Alico Rd. to Daniels Pkwy Alico Rd. to Daniels Pkwy.

6. **Annual Transportation Monitoring Program**

a. *Design of Monitoring Program*

The transportation monitoring program will be designed in cooperation with the Lee County Department of Transportation, the Florida Department of Transportation (FDOT), the Southwest Florida Regional Planning Council (SWFRPC), and the Florida Department of Community Affairs (FDCA) prior to submittal of the first report. The methodology of the annual transportation monitoring report may be revised if agreed upon by all parties.

b. *Submittal of Monitoring Report*

The Developer must submit an annual transportation monitoring report to the

following entities for review and approval: Lee County Department of Transportation, FDOT, FDCA, and SWFRPC. The first monitoring report will be submitted one year after the effective date of the DRI Development Order. The Developer must provide written notice to the above review agencies if the Developer concludes that a traffic monitoring report is not required because no traffic impacts have been created. Once an annual transportation monitoring report has been submitted, a report must be submitted annually thereafter until Project buildout, whether actual or declared.

c. *Minimum Requirements for Report Contents*

The monitoring report will measure the Project's actual external roadway impacts and the level of service conditions on the impacted roads and intersections, and determine the timing for needed improvements. The annual traffic monitoring report must also contain the following information:

(1) P.M. peak Signalization[(2)(3)] hour traffic counts with turning movements at the Project's access points onto U.S. 41, Coconut Road, Williams Road, Pelican Colony Boulevard and Sandy Lane, and on the external road segments and intersections identified in Paragraph D.1.b. (Traffic counts/volumes may be obtained from original traffic counts, public agency reports, other monitoring reports, and other available data.)

(2) A comparison of field measured external Project traffic volumes to the 5,909 total P.M. Peak hour external (including 757 pass-by and 1,032 interzonal trip ends) project trip generation from all driveways onto U.S. 41, Coconut Road, Williams Road, Pelican Colony Boulevard and Sandy Lane assumed in the DRI analysis. If an interconnection is provided to The Brooks parcel at the southeast corner of U.S. 41 and Coconut Road, a methodology must be developed to identify pass-through trips generated by The Brooks parcel.

(3) Estimated existing levels of service and needed improvements for the roads and intersections specified in Paragraph D.1.b. above.

(4) Estimated future levels of service and needed improvements for the roads and intersections specified in Paragraph D.1.b. above, based on a one-year projection of future volumes. A

summary of the status of road improvements assumed to be committed by Collier County, Lee County and FDOT.

d. *Implications*

(1) If the annual transportation monitoring report reveals that the Project trip generation exceeds the original assumptions contained herein, then the statutory provisions regarding substantial deviations will govern.

(2) Changes to development parameters or buildout may require the Developer to rebut the statutory presumption of substantial deviation. In some instances, the evidence necessary to rebut the presumption may involve a comparison of Project trip distribution and assignment.

7. **Pedestrian/Bicycle and Transit Facilities**

The Developer will provide for pedestrian and bicycle facilities and bus stop locations in accordance with the map attached as Exhibit F.

E. VEGETATION AND WILDLIFE/WETLANDS

1. Impacts to the habitat value of the site (i.e. habitat utilized by dispersing juveniles and possible habitat available to adults occupying the Corkscrew area) must be considered during the permitting review process with the SFWMD and the Department of Army Corps of Engineers (ACOE). This impact must be assessed in terms of the type and function of the forested habitat on site, and the site's contribution as a connection between preserve lands to support wide-ranging and wetland dependent species. The Developer will coordinate with the U.S. Fish and Wildlife Service (USFWS) and Florida Fish and Wildlife Conservation Commission (FFWCC) to address the impacts the proposed project may have on habitat utilized by wide-ranging listed species including the Florida Panther and Florida Black Bear.

2. The lake designs must include draw down pool features in littoral shelf slopes to favor use by woodstork and other wading birds.

3. The Developer must follow the Standard U.S. Fish and Wildlife Service Protection Measures for the Eastern Indigo Snake; and an Eastern Indigo Snake Protection Plan to be submitted for review and approval by the FFWCC as a condition of local development order approval.

4. The Developer must provide an on-site preserve management plan for review and approval by the FFWCC as a condition of local development order approval.

5. The 482± acre site originally consisted of 36.23± acres of SFWMD jurisdictional wetlands. The Developer is committed to conserving 22.15 acres of jurisdictional wetlands and 4.81 acres of jurisdictional surface waters. An estimated 9.27 acres of jurisdictional wetlands are proposed to be impacted with an additional 14.56 acres of non-jurisdictional surface waters to be filled (borrow lakes). 3.76 acres of the proposed wetland impacts have been previously permitted by the SFWMD and the Army Corp of Engineers (ACOE) under the Sweetwater MPD/Brooks project (e.g.,eradication of exotic vegetation and wetland hydroperiod enhancement).

6. Prior to impacting the additional 5.51 acres of jurisdictional wetlands, the Developer must modify existing SFWMD and ACOE permits and provide additional mitigation.

7. Wetlands and surface waters remaining on the project site must be protected during construction through the implementation of temporary erosion and sedimentation control procedures.

8. Littoral plantings will be incorporated into the final design of the proposed stormwater management ponds. Plantings of desirable wetland herbaceous plants, to include species such as pickerelweed, maiden cane, and blue flag iris, cypress and black gum.

9. The existing flow-way is part of the Halfway Creek Watershed and headwaters. The 32.7 acre flow-way must be preserved and enhanced. An enhancement plan must be submitted as part of the local development order approval process. This plan must include a restoration planting plan for the 8.49± acres melaleuca dominated slash pine-cypress mixed wetland forest and the 6.84± acre area located in the southeast branch of the flow-way that was previously cleared/disturbed. The restoration planting plan, which is outside of the mitigation requirements under the existing permits, can be utilized as compensatory mitigation for additional wetland impacts during subsequent permitting review processes with the state and federal regulatory agencies.

F. HURRICANE PREPAREDNESS

1. The applicant has stated an intention to utilize various community buildings, which are to be built in several locations throughout the development, as onsite emergency shelters for the project's residents. Based on the estimate of needed shelter space prepared by the staff of the Southwest Florida Regional Planning Council, the total shelter space provided by the applicant within Coconut Point DRI will be 10,480 square feet.

2. Construction of the buildings to serve, as onsite shelters must be started no later than the issuance of the 100th residential unit certificate of occupancy within each separate community in the overall development. All buildings to be utilized, as shelters must meet the following criteria:

a. elevated above the Category 3 storm surge level;

b. constructed in accordance with the requirements in Rule 9J-2.0257(6)(e), FAC, to withstand winds of at least one hundred twenty (120) miles per hour;

c. all windows in the building are shuttered;

d. equipped with an emergency power generator with adequate capacity to handle the following:

(1) ventilation fans;

(2) emergency lighting;

(3) life safety equipment (i.e., intercom, fire and smoke alarms); and

(4) refrigeration and cooking equipment.

e. have an auxiliary potable water supply.

3. As an alterative to providing all or part of the shelter space in on-site buildings, the Developer may limit the onsite shelter demand of the project by elevating all or portion of the residential units above 15.9 to 16.8 feet NGVD, if the units are located in these elevation ranges, which is the maximum predicted Category 3 storm surge flooding level. The amount of shelter space to be constructed or shelter impact fees to be paid will be determined by the Lee County Office of Emergency Management.

4. All deeds to property located within the Coconut Point DRI must include or be accompanied by a disclosure statement in the form of a covenant stating the property is located in a hurricane vulnerability zone and that the hurricane evacuation clearance time for Lee County or the Southwest Florida Region is high and hurricane shelter spaces are limited.

5. The applicant is also proposing to develop ~~600~~450 hotel or motel rooms, within the Coconut Point DRI. Prior to issuance of a local development order for the hotel/motel, the hotel/motel developer must contact Lee County Emergency Management with respect to establishing written hurricane preparation and evacuation/sheltering procedures. These procedures must be reduced to a written plan, prepared by the

hotel/motel developer, and approved by Lee County Emergency Management prior to occupancy of the hotel/motel.

6. Mitigation for hurricane evacuation route impacts will be accomplished through implementation of one of the following provisions. The mitigation option to be used must be identified by the Developer as part of the local development order process.

a. Establish and maintain a public information program within the proposed homeowners associations for the purpose of educating the development's residents regarding the potential hurricane threat; the need for timely evacuation in the event of an impending hurricane; the availability and location of hurricane shelters (specifically including the onsite shelters); and the identification of steps to minimize property damage and protect human life.

In order to use the above mitigation option, the Developer must provide a continuing hurricane awareness program and a hurricane evacuation plan. The hurricane evacuation plan must address and include, at a minimum, the following items: operational procedures for the warning and notification of all residents and visitors prior to and during a hurricane watch and warning period; a public awareness program that addresses vulnerability, hurricane evacuation, hurricane shelter alternatives including hotels, the locations of both the onsite hurricane shelters and onsite or offsite public shelters, and other protective actions that may be specific to the development; identification of who is responsible for implementing the plan; and other items as deemed appropriate. The plan must be developed in coordination with local emergency management officials. In order to use this mitigation option, the final plan must be found sufficient by the reviewing agencies and must address the recommendations provided by the reviewing agencies; or

b. Alternatively, the applicant must commit to providing roadway capacity improvements above and beyond those improvements required by Rule 9J-2.0255, FAC; or

c. The applicant must commit to providing funds to be used for the purpose of procuring communications equipment, which would upgrade the existing warning and notification capability of local emergency management officials. In order to use this mitigation option, the Developer must provide reasonable assurance to local emergency management officials regarding the provision's ability to reduce the development's hurricane evacuation impacts. The amount of the funding will be determined and approved by the local emergency management officials.

G. WASTEWATER MANAGEMENT/WATER SUPPLY

1. The Developer will obtain a SFWMD permit for groundwater withdrawals for landscape irrigation, for irrigation well construction, as well as for any dewatering needed to construct the project lakes, roads or building foundations.

2. The Developer will utilize water conserving devices and methods necessary to meet the criteria established in the water conservation plan of the public water supply permit issued to Bonita Springs Utilities (BSU).

3. The Developer will coordinate with BSU or other water supplier to ensure that adequate potable water is available to meet the demands of the project.

4. The Developer will provide any necessary verification to the SFWMD that the Developer's plumbing and irrigation designs are consistent with District rules.

5. The Developer must demonstrate at the time of local development order approval that sufficient potable water and wastewater treatment capacity is available. If BSU cannot provide the necessary service, then the Developer must obtain service from an alternate provider with capacity or construct on-site interim facilities that satisfy BSU Standards. Interim facilities must be dismantled at the Developer's expense when service by BSU is available.

6. The on-site lakes, wetlands, and stormwater management system must be buffered from treated effluent contamination in accordance with SFWMD regulations.

7. Septic systems utilized in conjunction with construction trailers, sales offices and model homes must be temporary. When it is feasible to connect the temporary uses to the regional wastewater treatment facilities, all temporary septic systems must be abandoned or removed by a licensed septic system firm, in accordance with all applicable regulations.

8. The Developer must submit copies of all local development order application plans that include potable water or wastewater collection and distribution systems to BSU. BSU will review the plans for compliance with the BSU specifications manual.

9. Lee County will evaluate all potable water facilities to ensure that the facilities are properly sized to meet average, peak day, and fire flow demands in accordance with the LDC. Lee County will consult with the appropriate fire protection district to confirm that the fire flow demands will be satisfied by the proposed potable water facility.

10. The Developer must use the lowest, yet acceptable for the intended purpose, quality of water available for all non-potable water purposes.

H. COMPREHENSIVE PLAN

Lee County may not issue a local development order unless the proposed development order is consistent with the County's Comprehensive Plan, Land Development Code.[1]

I. POLICE AND FIRE PROTECTION

1. The Developer will ensure that first responders to the area are adequately trained by TECO/People Gas to address accidental natural gas releases from the natural gas pipelines that are to be located on or adjacent to the site to ensure the safety of the residents and visitors to the area.

2. The project must be constructed and maintained in accordance with the adopted Life Safety and Fire Code requirements.

3. The owner or operator of a facility qualifying under the Superfund Amendments Reauthorization Act (SARA) Title III of 1986, and the Florida Hazardous Materials Emergency Response and Community Right to Know Act of 1988, must file hazardous materials reporting applications in accordance with §§302, 303, 304, 311, 312, or 313. The applications must be updated annually by each reporting facility.

4. The Developer will provide the Lee County Sheriff's Department with finished shell space in the main regional mall complex (Regional Retail Center) for use as a Sheriff's substation to facilitate law enforcement activities. This space will be provided at nominal cost to the Sheriff's Department.

5. The Fire and EMS impacts of this project will be mitigated by the payment of impact fees in accordance with the schedules set forth in the LDC. However, the Developer must provide the Estero Fire Rescue District with an appropriate parcel (not less than 1 acre in size) for the location of a fire-rescue station and emergency medical services facility on the project site. Upon transfer of this site to the Fire District, the Developer will be entitled to fire impact fee credits in accordance with the LDC.

6. The Developer will conduct a comprehensive security study and evaluation during the design and construction of each retail development phase. The purpose of this study is to design and implement site specific security measures. The plan must provide for review on a quarterly basis by regional security audits. A copy of this plan must be submitted to the County as a condition of local development order approval.

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[1] On October 21, 2002 the Board adopted a resolution amending the Lee Plan to reclassify the DRI site to the Urban Community land use category.

7. The water mains, fire hydrants, and site access must be designed and constructed in accordance with Lee County regulations and BSU guidelines by providing large water mains meeting minimum diameters based upon proposed land use, and installation of fire hydrants in suitable locations to provide adequate fire protection coverage. Internal fire sprinkler systems may be required for structures to meet supplemental fire protection.

8. Any on-site facilities with commercial pool operations must comply with appropriate codes and statutes including required safety measures such as chemical sensors, internal alarm systems, or emergency shutdown systems.

J. EDUCATION

1. The education impact of this project will be mitigated by the payment of school impact fees in accordance with the schedules set forth in the LDC. However, the Developer must provide a site at least five acres in size and appropriately located to accommodate the growing school needs in this area of the county. Upon transfer of this site to the School District, the Developer may be entitled to seek school impact fee credits in accordance with the LDC.

2. This project will have an impact on the Estero High School and surrounding neighborhood traffic. The Developer will use reasonable efforts to prevent the project's construction traffic from using Williams Road east of the railroad tracks.

III. LEGAL EFFECT AND LIMITATIONS OF THIS DEVELOPMENT ORDER, AND ADMINISTRATIVE REQUIREMENTS

A. Resolution. This Development Order constitutes a resolution of Lee County adopted by the Board of County Commissioners in response to the DRI ADA filed for Coconut Point DRI.

B. Additional Developer Commitments. All commitments and impact mitigating actions volunteered by the Developer in the ADA and supplementary documents that are not in conflict with conditions or stipulations specifically enumerated above are incorporated by reference into this Development Order. These documents include, but are not limited to the following:

1. The Coconut Point (f/n/a Simon Suncoast) Application for Development Approval, stamped received on September 12, 2000;

2. The Coconut Point DRI sufficiency responses stamped received on February 7, 2001 and April 10, 2001 (transportation) and April 13, 200; and

3. The governing zoning resolution for the Coconut Point (f/n/a Simon Suncoast) MPD .

C. Master Plan of Development. Map H, stamped received at the Zoning Counter on ~~February 7, 2001~~ _____ and attached hereto as Exhibit "B", and is incorporated by reference. It is understood that because it is a concept plan it is very general. The Developer may modify the boundaries of development areas and the locations of internal roadways to accommodate topography, vegetation, market conditions, traffic circulation, or other site related conditions as long as the modifications meet local development regulations. This provision may not be used to reduce the size of wetland preserve areas. Precise wetland boundaries will be determined by the South Florida Water Management District, as delegated by the Department of Environmental Protection and the Army Corp of Engineers.

D. Binding Effect. The Development Order is binding upon the Developer, its successors and assigns. Where the Development Order refers to lot owners, business owners or other specific reference, those provisions are binding on the entities or individuals referenced. Those portions of this Development Order that clearly apply only to the project Developer are binding upon any builder/developer who acquires a tract of land within the DRI. The Developer may impose or pass on the requirements of this DRI development order to ultimate purchasers through covenants that run with the land and phasing schedule.

E. Reliance. The terms and conditions set out in this Development Order constitute a basis upon which the Developer and the County may rely with respect to future actions necessary to fully implement the final development contemplated by this Development Order. The development parameters and phasing schedule upon which this development order approval is based is set forth in Exhibit C. Change to the development mix or phasing schedule may require a reanalysis of project impacts in order to rebut a presumption of substantial deviation.

F. Enforcement. All conditions, restrictions, stipulations and safeguards contained in this Development Order may be enforced by either party by action at law or equity. All costs of those proceedings, including reasonable attorney's fees, will be paid by the defaulting party.

G. Successor Agencies. References to governmental agencies will be construed to mean future instrumentalities that may be created and designated as successors in interest to, or which otherwise possess, the powers and duties of the referenced governmental agencies in existence on the effective date of this Development Order.

H. Severability. If any portion or section of this Development Order is

determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, then that decision will not affect the remaining portions or sections of the Development Order, which will remain in full force and effect.

I. Applicability of Regulations. This Development Order does not negate the Developer's responsibility to comply with federal, state, regional and local regulations.

J. Further Review. Subsequent requests for local development permits do not require further DRI review pursuant to §380.06, Florida Statutes. However, upon a finding at a public hearing by the Board that any of the following conditions exist, the Board must order a termination of all development activity in that portion of the development affected by substantial deviation until a DRI Application for Development Approval, Notice of Substantial Deviation or Notice of Proposed Change has been submitted, reviewed and approved in accordance with §380.06, Florida Statutes.

1. There is a substantial deviation from the terms or conditions of this Development Order or other changes to the approved development plans that create a reasonable likelihood of an additional regional impact or any other regional impact created by the change that has not been evaluated and reviewed by the Regional Planning Council; or

2. Expiration of the period of effectiveness of the Development Order. Any request to extend the effectiveness of this Development Order will be evaluated based on the criteria for the extension of the buildout date set forth in §380.06(19), Florida Statutes.

3. Conditions in this development order that specify circumstances in which the development will be required to undergo additional DRI review. See 9J-2.025(10).

K. Buildout and Termination Dates. The project has a buildout date of December 31, 2006, and a termination date of December 31, 2012 The termination date is based on a 4 year buildout and the recognition that a local Development Order, which is valid for six years, may be obtained prior to December 31, 2012. No permits for development will be issued by the County subsequent to the termination date or expiration date unless the conditions set forth in §380.06(15)(g) are applicable.

L. Commencement of Physical Development. Commencement of substantial physical development of the project must occur no later than December 31, 2004. Further development must occur in accordance with the development parameters and phasing schedule set forth in Exhibit C.

M. Assurance of Compliance. The administrative director of the Lee County

Department of Community Development, or their designee, will be the local official responsible for assuring compliance with this Development Order. Lee County is primarily responsible for monitoring the development and enforcing the provisions of the development order. No permits or approvals will be issued if the Developer fails to act in substantial compliance with the development order.

N. Credits Against Local Impact Fees. Pursuant to §380.06(16), Florida Statutes, the Developer may be eligible for credits for contributions, construction, expansion, or acquisition of public facilities, if the Developer is also subject by local ordinances to impact fees or exactions to meet the same needs. However, no credit will be provided for internal or external site-related facilities required by County regulations, or to any off-site facilities to the extent those facilities are necessary to provide safe and adequate services to the development.

O. Protection of Development Rights. The project will not be subject to down-zoning, unit density reduction, or intensity reduction prior to December 31, 2013. If the County demonstrates at a public hearing that substantial changes have occurred in the conditions underlying the approval of this Development Order, or finds that the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by Lee County to be essential to public health, safety and welfare, then down-zoning, unit density reduction, or intensity reduction may occur. [See 9J-2.025(3)(b)13]

P. Annual Reports. The Developer must submit a report annually to the Lee County Department of Community Development, the SWFRPC and Florida DCA on Form RPM-BSP-Annual Report-1. The content of the annual report must include the information set forth in Exhibit D, and must also be consistent with the rules of the FDCA. The first monitoring report must be submitted to the DRI coordinator for SWFRPC, DCA, and Lee County no later than one year after the effective date of this Development Order. Further reporting must be submitted not later than one year for subsequent calendar years thereafter, until buildout, whether actual or declared. Failure to comply with this annual reporting procedure is governed by §380.06(18), Florida Statutes, which provides for the temporary suspension of the DRI Development Order.

The Developer must file the annual monitoring reports until actual or declared buildout of the project. The Simon Property Group is the party responsible for filing the annual monitoring reports until one or more successor entities are named in the development order. The Developer must inform successors in title to the undeveloped portion of the real property covered by this development order of the annual reporting requirement. Tenants or owners of individual lots or units have no obligation to comply with this reporting condition.

The Developer must also submit a transportation annual report in accordance

with the provisions set forth in Section II.D. of this development order.

Q. Community Development District. The Developer might elect to petition for the formation of a Uniform Community Development District to serve all or a portion of the project pursuant to Florida Statues, Chapter 190, as it may be in effect from time to time. Lee County hereby gives its approval that any such district may undertake the construction and/or funding of all or any of the mitigation and public infrastructure projects for which the Developer is responsible under the terms of this development order, whether within or without the boundaries of the district, and including the payment of mitigation amounts provided for in this development order, as a co-obligor hereunder. This provision may not be construed to require the approval of any petition to form such a district, and in no event will the Developer be released from its obligations under this development order.

R. Transmittal and Effective Date. The County will forward certified copies of this Development Order to the SWFRPC, the Developer, and appropriate state agencies. This Development Order is rendered as of the date of that transmittal, but will not be effective until the expiration of the statutory appeal period (45 days from rendition) or until FDCA has completed their review and has determined not to take an appeal, should that occur prior to the expiration of the 45-day period, or until the completion of any appellate proceedings, whichever time is greater. In accordance with the requirements of §380.06(15)f, Florida Statutes, once this development order is effective, the Developer must record notice of its adoption in the office of the Clerk of the Circuit Court of Lee County.

S. Continued Agricultural Use of Property. Bona fide agricultural uses in existence on the date of this DRI approval may continue until the first development order approval for a site within the particular tract, as designed on Map H, (excluding public uses mandated by this Development Order). No development activity of any kind may occur on the property, including the clearing of vegetation or cutting of trees, unless such activity is reviewed and approved in accordance with Lee County regulations as if no agricultural use existed on the property. The purpose of the limitation is to eliminate any exemption or other special considerations or procedures that might otherwise be available under Lee County regulations by virtue of the existing agriculture on the property.

THE MOTION TO ADOPT this Amended Development Order was offered by Commissioner _Ray Judah, and seconded by _____ and upon a poll of the members present, the vote was as follows:

Robert Janes	_____
Douglas St. Cerny	_____
Ray Judah	_____
Andrew W. Coy	_____
John E. Albion	_____

DULY PASSED AND ADOPTED this_____ day of _____, 2004

ATTEST:
CHARLIE GREEN, CLERK

By:_____

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By:_____

Approved as to form

By:_____
Dawn E. Perry-Lehnert
Assistant County Attorney
Office of the County Attorney

Exhibits:

A. Legal Description
B. Master Plan of Development (Map H) Stamped Received February 7, 2001
C. Development Parameters and Phasing Schedule
D. Annual Monitoring Report Requirements
E. Calculation of Road Impact Fee Obligation
F. Pedestrian, Bicycle and Bus Stop Plan

EXHIBIT "A"

LEGAL DESCRIPTION
Property located in Lee County, Florida

HOLE MONTES
ENGINEERS · PLANNERS · SURVEYORS
950 Encore Way · Naples, Florida 34110

RECEIVED
JAN 31 2001
PERMIT COUNTER

HM PROJECT #1997079
1/17/01
REF. DWG. #A-994-2

LEGAL DESCRIPTION

A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY, AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 1,733.04 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN N.10°32'05"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 971.33 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 5,605.39 FEET, THROUGH A CENTRAL ANGLE OF 04°03'11", SUBTENDED BY A CHORD OF 396.43 FEET AT A BEARING OF N.08°30'30"W., FOR A DISTANCE OF 396.52 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°07'51"E. FOR A DISTANCE OF 747.22 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N.82°31'42"E., A DISTANCE OF 3,909.60 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,909.60 FEET, THROUGH A CENTRAL ANGLE OF 08°29'31", SUBTENDED BY A CHORD OF 578.92 FEET AT A BEARING OF N.03°13'32"W., FOR A DISTANCE OF 579.45 FEET TO THE END OF SAID CURVE; THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 583.09 FEET; THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 47.04 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE NORTHERLY, WHOSE RADIUS POINT BEARS N.10°26'58"W., A DISTANCE OF 2,025.00 FEET THEREFROM; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°12'27", SUBTENDED BY A CHORD OF 325.07 FEET AT A BEARING OF N.74°56'48"E., FOR A DISTANCE OF 325.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.70°20'35"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 487.89 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 488.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 238.23 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN S.00°59'47"E., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,869.10 FEET TO THE POINT OF BEGINNING; CONTAINING 95.885 ACRES, MORE OR LESS.

AND

A PORTION OF SECTIONS 3, 4, 9, AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE

DCI 2001-00025

DRI 2004-00008

RECEIVED
JUL 09 2004
PERMIT COUNTER

SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 3,021.15 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,320.56 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,692.32 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°56'59"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,590.78 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 5,641.38 FEET, THROUGH A CENTRAL ANGLE OF 09°31'27", SUBTENDED BY A CHORD OF 936.68 FEET AT A BEARING OF N.05°42'42"W., FOR A DISTANCE OF 937.76 FEET TO THE END OF SAID CURVE; THENCE RUN N.10°28'26"W., ALONG SAID WESTERLY RIGHT-OF -WAY LINE, FOR A DISTANCE OF 98.54 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, A 100.00 FOOT RIGHT-OF-WAY; THENCE RUN S.88°20'53"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,029.70 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN WESTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 7,050.00 FEET, THROUGH A CENTRAL ANGLE OF 03°00'00", SUBTENDED BY A CHORD OF 369.09 FEET AT A BEARING OF S.89°50'53"W., FOR A DISTANCE OF 369.14 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°39'07"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 674.92 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN S.04°52'41"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,901.57 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,725.19 FEET, THROUGH A CENTRAL ANGLE OF 11°32'50", SUBTENDED BY A CHORD OF 548.30 FEET AT A BEARING OF S.00°53'44"E., FOR A DISTANCE OF 549.23 FEET TO THE END OF SAID CURVE; THENCE RUN S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 225.81 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,710.61 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 626.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 11,584.73 FEET, THROUGH A CENTRAL ANGLE OF 06°24'13", SUBTENDED BY A CHORD OF 1,294.08 FEET AT A BEARING OF S.03°28'03"E., FOR A DISTANCE OF 1,294.76 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°15'56"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 274.74 FEET; THENCE RUN S.46°02'16"E., FOR A DISTANCE OF 577.44 FEET; THENCE RUN S.01°57'26"E. FOR A DISTANCE OF 25.19 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY; THENCE RUN N.88°02'34"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 32.80 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,875.00 FEET, THROUGH A CENTRAL ANGLE OF 17°41'59", SUBTENDED BY A CHORD OF 576.92 FEET AT A BEARING OF N.79°11'34"E., FOR A DISTANCE OF 579.22 FEET TO THE END OF SAID

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HM PROJECT #1997079
1/17/01
REF. DWG. #A-994-2
PAGE 3 OF 23

CURVE; THENCE RUN N.70°20'35"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 512.09 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 512.65 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 263.08 FEET TO THE POINT OF BEGINNING; CONTAINING 386.536 ACRES, MORE OR LESS.

NOTES:

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

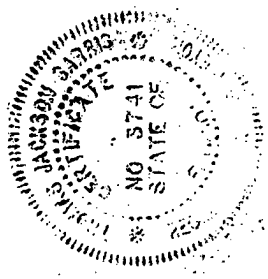
TOTAL PROPERTY AREA: 482.421 ACRES, MORE OR LESS.

INFORMATION RELATING TO BOUNDARY DATA OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, TOGETHER WITH THE LOCATION OF THE US HIGHWAY #41 RIGHT-OF-WAY, WAS OBTAINED FROM A SURVEY OF THE SWEETWATER RANCH PREPARED BY DENI ASSOCIATES HAVING ORDER NUMBER 8409031, DATED 9/14/84. INFORMATION RELATING TO THE LOCATION OF COCONUT ROAD AND ADJOINING EXCEPTED PARCELS WAS OBTAINED FROM PROPERTY DESCRIPTIONS PROVIDED BY CLIENT.

BEARINGS REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S.88°56'17"W.

HOLE, MONTES, INC.
CERTIFICATE OF AUTHORIZATION LB #1772

BY _____ P.L.S. #3741
THOMAS J. GARRIS STATE OF FLORIDA



Applicant's Legal Checked
by _____ 1/13/02

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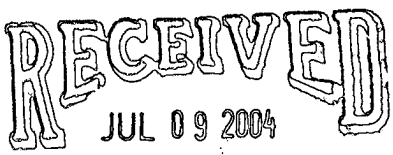
DRI 2000-00015



DRI 2004-00008

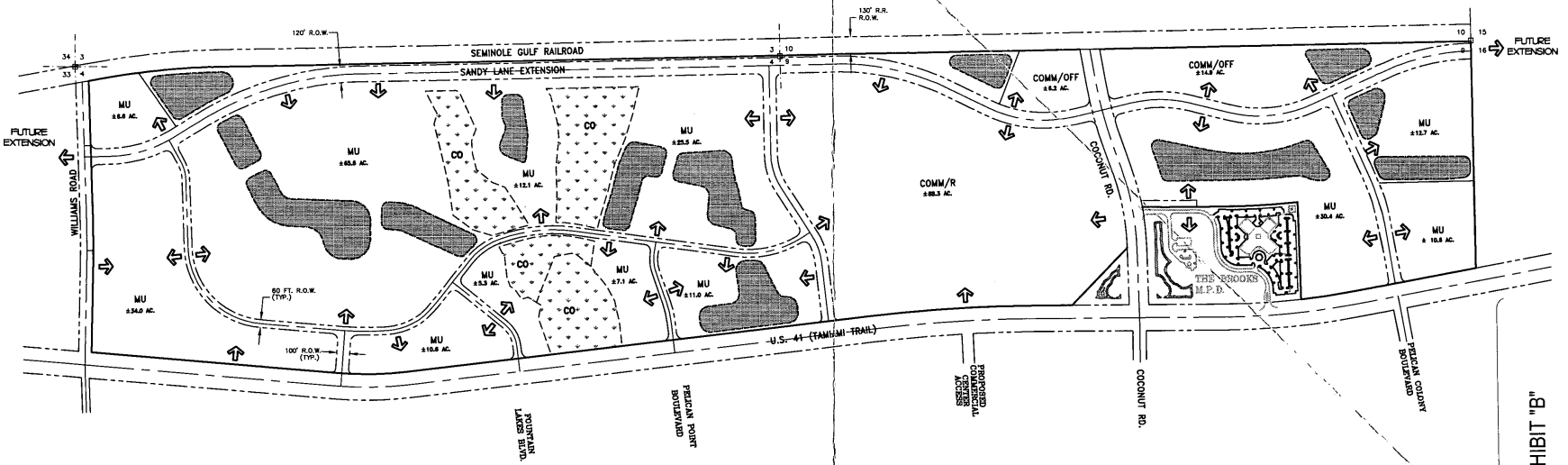


EXHIBIT "B"

LAND USE BREAKDOWN

CONSERVATION AREAS	±32.7 ACRES
LAKES	±47.1 ACRES
INTERNAL R.O.W.	±50.2 ACRES
GREEN AREA / OPEN SPACE	±11.6 ACRES
DEVELOPMENT AREAS	±340.8 ACRES
TOTAL	±482.4 ACRES

PROJECT INTENSITY

RESIDENTIAL UNITS	1,350
COMMERCIAL/RETAIL (GROSS LEASABLE AREA)	1,800,000
GENERAL OFFICE (S.F.)	200,000
MEDICAL OFFICE (S.F.)	100,000
HOTEL (ROOMS)	450

LEGEND

COMM	RETAIL/COMMERCIAL
MU	MIXED USE
OFF	OFFICE/MEDICAL
R	RESIDENTIAL
	PROPERTY BOUNDARY
	ROAD R.O.W. LINE
CO	CONSERVATION AREAS
	PROPOSED LAKE
	CONCEPTUAL ACCESS POINT

NOTES:
1. LOCATIONS/CONFIGURATIONS OF PROPOSED LAND USES, SUCH AS LAKES, CONSERVATION AREAS, ROADWAYS AND OPEN SPACE ARE CONCEPTUALLY SHOWN AND SUBJECT TO CHANGE DURING FINAL DESIGN/PERMITTING.
2. THE MIXED USE (MU) DESIGNATION CONTAINS A MIX OF RETAIL/COMMERCIAL, HOTEL, OFFICE, RESIDENTIAL, ALF, AND PUBLIC FACILITY LAND USES.

ORI 2004-00008

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SCALE: 1" = 400'
DRAWING CURRENT AS OF: 06/04/04

NUMBER	REVISIONS	DATE
4	NOPC	06/04/04
3	REVISIONS PER 1st SUFFICIENCY COMMENTS	01/30/01

6202-F Presidential Court
Fort Myers, FL. 33919
Phone : (941) 985-1200
Professional Registration No.1772
Naples Fort Myers Venice Englewood
HOLE MONTES
ENGINEERS PLANNERS SURVEYORS

SIMON SUNCOAST
MASTER CONCEPT PLAN MAP 'H'

THESE DRAWINGS ARE NOT APPROVED UNLESS SIGNED AND SEALED BELOW

DESIGNED:	DATE:
DRAWN: C.R.B.	DATE: 01/31/01
CHECKED: N.E.D.	DATE: 01/31/01
VERT. SCALE:	HORZ. SCALE: 1" = 400'
DRAWING NO.	
REFERENCE NO. 9779BMAPH	
PROJECT NO. 97.79-B	SHEET NO. 1 OF 1

DRI
EXHIBIT C

Development Parameters and Phasing Schedule

		Buildout
Regional Retail Commercial	1,450,000* sq. ft.	2006
Community Retail	350,000* sq. ft.	2006
Office	300,000** sq. ft.	2006
Hotel	~~600~~450Rooms	2006
Residential, Multi-family	~~1000~~1150 du	2006
Assisted Living Facility	200 units	2006

* Gross Leasable Area

**Up to 100,000 sq. ft., may be medical office

DRI
EXHIBIT D

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ANNUAL MONITORING REPORT REQUIREMENTS

The Annual Monitoring Report that must be submitted by the Developer in accordance with Subsections 380.06(15) and 380.06(18), Florida Statutes, and 9J-2.025(7), Florida Administrative Code, must include the following:

A. Any changes in the plan of development or in the representations contained in the application for development approval, or in the phasing for the reporting year and for the next year;

B. A summary comparison of development activity proposed and actually conducted for the year;

C. Identification of undeveloped tracts of land, other than individual single family lots, that have been sold to separate entities or developers.

D. Identification and intended use of lands purchased, leased, or optioned by the Developer adjacent to the original DRI site since the development order was issued;

E. A specific assessment of the Developer's and the local government's compliance with each individual condition of approval contained in the DRI Development Order and the commitments which are contained in the application for development approval and which have been identified by the local government, the RPC, or the DCA as being significant;

F. Any requests for substantial deviation determination that were filed in the reporting year and to be filed during the following year;

G. An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;

H. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose of each;

I. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(15) and (18), Florida Statutes;

J. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer pursuant to Paragraph 380.06(15)(f), Florida Statutes.

NOTE: The Florida Administrative Code specifically requires that the development order specify the requirements for the annual report. The Administrative Code requires that the annual report will be submitted to DCA, the RPC, and the local government on Form RPM-BSP-Annual Report-1.

DRI
EXHIBIT E
Calculation of Road Impact Fee Obligation

LAND USE	ITE LUC	UNIT	RATE	SIZE	AMOUNT
GENERAL INDUSTRIAL	130	1000 SF	$1,681.00	0	$ -
WAREHOUSE	150	1000 SF	$1,198.00	0	$ -
MINI-WAREHOUSE	151	1000 SF	$ 419.00	0	$ -
SINGLE-FAMILY DETACHED	210	DU	$2,436.00	0	$ -
MULTI-FAMILY	220	DU	$1,687.00	1000	$ 1,687,000.00
MOBILE HOME (PARK UNIT)/RV SITE	240	DU	$1,221.00	0	$ -
ACLF	252	DU	$ 550.00	200	$ 110,000.00
HOTEL	310	ROOM	$1,834.00	600	$ 1,100,400.00
TIMESHARE	310	DU	$1,834.00	0	$ -
GOLF COURSE	430	ACRE	$ 711.00	0	$ -
MOVIE THEATRE	443	1000 SF	$5,600.00	0	$ -
ELEMENTARY/SECONDARY SCHOOL (PRIVATE)	520	1000 SF	$ 611.00	0	$ -
CHURCH	560	1000 SF	$1,402.00	0	$ -
DAYCARE	565	1000 SF	$3,900.00	0	$ -
HOSPITAL	610	1000 SF	$2,941.00	0	$ -
NURSING HOME	620	1000 SF	$ 824.00	0	$ -
OFFICE UNDER 100,000 SF	710	1000 SF	$2,254.00	100	$ 225,400.00
OFFICE 100,000 SF AND OVER	710	1000 SF	$1,918.00	100	$ 191,800.00
MEDICAL OFFICE	720	1000 SF	$6,334.00	100	$ 633,400.00
RETAIL UNDER 100,000 SF	820	1000 SF	$3,992.00	100	$ 399,200.00
RETAIL 100,000 SF TO 250,000 SF	820	1000 SF	$3,869.00	150	$ 580,350.00
RETAIL 250,000 SF TO 500,000	820	1000 SF	$3,634.00	250	$ 908,500.00
RETAIL 500,000 SF AND OVER	820	1000 SF	$3,354.00	1300	$ 4,360,200.00
STANDARD RESTAURANT	831	1000 SF	$8,715.00	0	$ -
FAST FOOD RESTAURANT	834	1000 SF	$9,886.00	0	$ -
CAR WASH, SELF-SERVICE	847	STALL	$7,749.00	0	$ -
CONVENIENCE FOOD AND BEVERAGE STORE	851	1000 SF	$8,715.00	0	$ -
BANK	911	1000 SF	$6,063.00	0	$ -
TOTAL					$10,196,250.00

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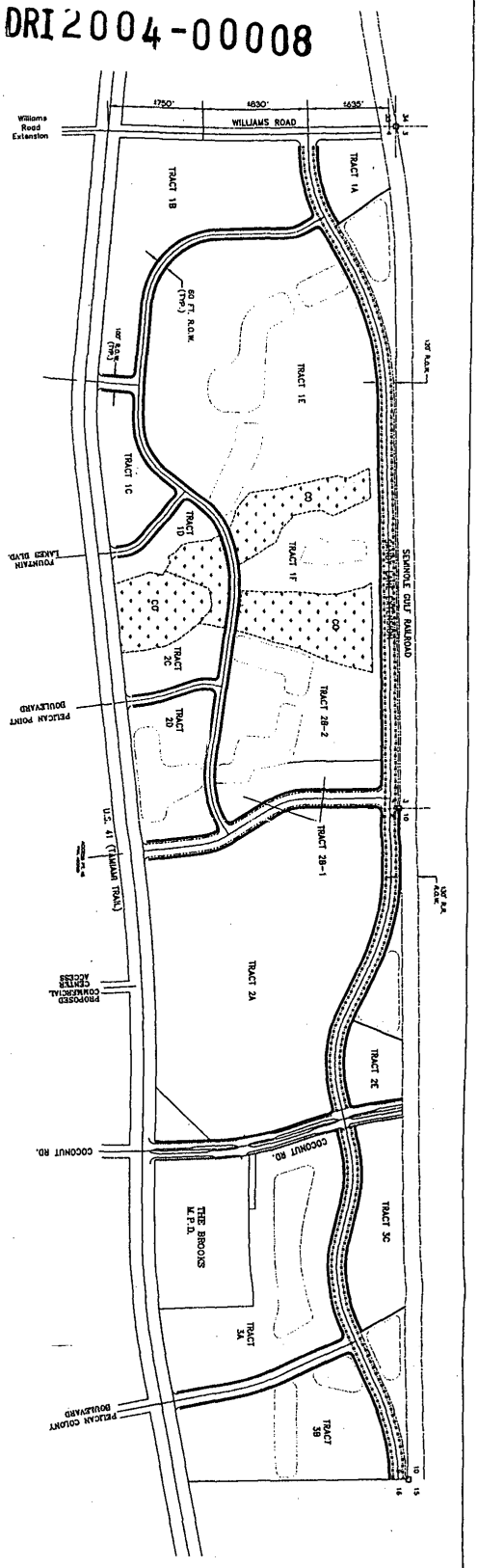

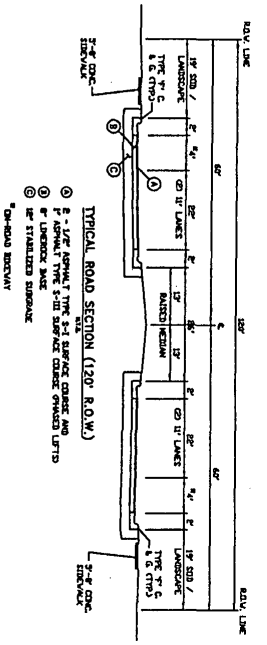

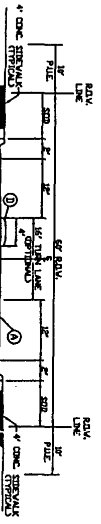

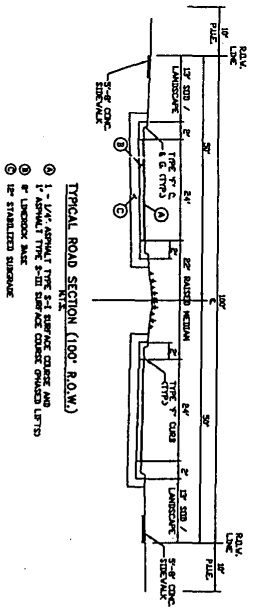

LEGEND:
SIDEWALK / BIKEWAY
ON-ROAD BIKEWAY

DCI 2001-00005

SIMON SUNCOAST
MASTER PEDESTRIAN / SIDEWALK PLAN

HOLE MONTES
ENGINEERS-PLANNERS-SURVEYORS

6202-F Presidential Court
Fort Myers, FL 33919
Phone : (941) 985-1200
Florida Certificate of Authorization No.1772

DESIGN		10/00/00
DRAWN		10/00/00
C.H.K.		10/00/00
P.M.		10/00/00
CONST. MGR.		
SCALE	1" = 400'	
PROJECT NO.	97798PED	
SHEET NO.	3A of 4	

THESE DRAWINGS ARE NOT APPROVED UNLESS SIGNED AND SEALED BELOW !

DATE _____

EXHIBIT F

EXHIBIT III-C

NARRATIVE REGARDING REQUEST

The proposed DRI amendment will increase the number of condominiums at Coconut Point from 550 to 1,000; decrease the number of apartments from 450 to 250; and decrease the number of hotel units from 600 to 350. As a result of these revisions, the net new external peak hour vehicular trips will decrease by 1.6 percent. No other substantive changes are being requested.

Due to the decrease in traffic impacts, the amendment does not constitute a substantial deviation.

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2. Applicant (name, address, phone).

Coconut Point Developers, L.L.C.
P.O. Box 7033
Indianapolis, FL 46207
Attention: Thomas J. Schneider, Executive Vice-President
317/ 263-7032

3. Authorized Agent (name, address, phone).

Matthew D. Uhle
Knott, Consoer, Ebelini, Hart & Swett, P.A.
1625 Hendry Street
Fort Myers, FL 33901
Tel: 239/334-2722
Fax: 239/334-1446

4. Location (City, County, township/Range/Section) of approved DRI:

Sections 3, 4, 9, and 10
Township 47 South
Range 25 East, Lee County, Florida

and location of proposed change:

Sections 4, and 9
Township 47 South
Range 25 East, Lee County, Florida

5. Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing, additional lands, commencement date, build-out date, development order conditions and requirements, or to the representations contained in either the development order or the Application for Development Approval.

This is an increase in residential condominiums from 550 to1,000; decrease in hotel rooms from 600 to 350; decrease in apartments from 450 to 250.

Indicate such changes on the project master site plan, supplementing with other detailed maps, as appropriate. Additional information may be requested by the Department or any reviewing agency to clarify the nature of the change or the resulting impacts.

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TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Attraction/Recreation	# Parking Spaces			
	# Spectators			
	# Seats			
	Site locational changes			
	Acreage, including drainage, ROW, easements, etc.			
	External Vehicle Trips			
	D.O. Conditions			
	ADA Representations			
Airports	Runway (length)			
	Runway (strength)			
	Terminal (gross square feet)			
	# Parking Spaces			
	# Gates			
	Apron Area (gross square feet)			
	Site locational changes			
	Airport Acreage, including drainage, ROW, easements, etc.			
	# External Vehicle Trips			
	D.O. Conditions			

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TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Airports (cont.)	ADA representations			
Hospitals	# Beds			
	# Parking Spaces			
	Building (gross square feet)			
	Site locational changes			
	Acreage, including drainage, ROW, easements, etc.			
	External Vehicle Trips			
	D.O. conditions			
	ADA representations			
Industrial	Acreage, including drainage, ROW, easements, etc.			
	# Parking spaces			
	Building (gross square feet)			
	# Employees			
	chemical storage (barrels and pounds)			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			

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TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Mining Operations	Acreage mined (year)			
	Water withdrawal (gal/day)			
	Size of mine (acres), including drainage, ROW, easements, etc.			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
Office	Acreage, including drainage, ROW, easements, etc.			
	Building (gross square feet)			
	# Parking Spaces			
	# Employees			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
Petroleum/Chemical Storage	Storage Capacity (barrels and/or pounds)			
	Distance to Navigable Waters (feet)			
	Site locations changes			

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TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Petroleum/Chemical Storage (cont.)	Facility Acreage, including drainage, ROW, easements, etc.			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
Ports (Marinas)	# Boats, wet storage			
	# Boats, dry storage			
	Dredge and fill (cu. yds.)			
	Petroleum storage (gals.)			
	Site locational changes			
	Port Acreage, including drainage, ROW, easements, etc.			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
Residential	# Dwelling units Type of dwelling units	Apartment 250 Condominium 1,000 ALF Units 200	Apartment 450 Condominium 550 ALF Units 200	Not Applicable Not Applicable Not Applicable
	# of lots			

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TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Residential (cont.)	Acreage, including drainage, ROW, easements, etc.			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
Wholesale, Retail, Service	Acreage, including drainage, ROW, easements, etc.			
	Floor Space (gross square feet)			
	# Parking Spaces			
	# Employees			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
Hotel/Motel	# Rental Units	350	600	not applicable
	Floor space (gross square feet)			
	# Parking Places			
	# Employees			
	Site locational changes			

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DRI 2004-00008

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Hotel, Motel (cont.)	Acreage, including drainage, ROW, easements, etc.			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
R.V. Park	Acreage, including drainage, ROW, easements, etc.			
	# Parking Spaces			
	Buildings (gross square feet)			
	# Employees			
	Site locational changes			
	# External vehicle trips			
	D.O. conditions			
	ADA representations			
Open Space (All natural and vegetated non-impervious surfaces)	Acreage			
	Site locational changes			
	Type of open space			
	D.O. Conditions			
	ADA representations			

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TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Preservation, Buffer or Special Protection Areas	Acreage			
	Site locational changes			
	Development of site proposed			
	D.O. Conditions			
	ADA representations			

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AMENDED DEVELOPMENT ORDER
FOR
COCONUT POINT DRI
STATE DRI # 09-2001-153
CASE #DRI2000-00015

WHEREAS, on June _____, 2004, _____ requested an amendment to the Coconut Point Development of Regional Impact Development Order adopted by the Lee County Board of County Commissioners on October 21, 2002; and

WHEREAS, the applicant is requesting to amend the Development Order to reduce the number of hotel rooms from 600 to 350, to decrease the number of apartments from 450 to 250, and to increase the number of residential condominiums from 550 to 1,000; and

WHEREAS, under Section 380.06(19), Florida Statutes, the proposed change must be reviewed and evaluated to determine whether it constitutes a substantial deviation from the terms of the existing Development Order; and

WHEREAS, the Lee County Board of County Commissioners has reviewed the proposed amendment and finds that the changes do not constitute a substantial deviation; and

WHEREAS, the proposed changes to the Development Order described herein are consistent with the adopted Comprehensive Land Use Plan of Lee County and applicable local Land Development Regulations; and

WHEREAS, the proposed changes to the Development Order described herein are consistent with the state Comprehensive Plan, the Southwest Florida Regional Plan, and the state Land Development Plan.

NOW, THEREFORE, let it be resolved by the Board of County Commissioners of Lee county, Florida, that the Development Order for the Coconut Point DRI are hereby amended as follows:

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. The Coconut Point DRI is a master planned commercial development consisting of 482.4+/- acres located in unincorporated south central Lee County at the intersection of US 41 and Coconut Road. The Coconut Point DRI is a mixed use development that will consist of: 1,450,000 gross leasable square feet of retail/regional mall

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(Regional Retail Center), 350,000 gross leasable square feet of retail on other parcels adjacent to the regional mall (Community Commercial Retail), 300,000 square feet of office, of which no more than 100,000 square feet may be medical office, ~~600~~350 hotel rooms, ~~1,000~~1,250 multi-family units and a 200 unit assisted living facility. The project will include 32.7 acres of conservation areas, 47.1 acres of lakes, 50.2 acres of road rights-of-way and 11.6 acres of green area/open space.

Water and wastewater treatment will be provided by Bonita Springs Utilities.

The project phasing schedule consists of one phase with buildout in 2006.

B. The terms of this Development Order apply to the property located and described in attached Exhibit A.

C. The property ~~was zoned AG-2, and coincident with the approval of this Development Order the property will be rezoned~~is zoned ~~to~~ Mixed Planned Development (MPD). The property is currently in active agricultural use.

D. The original Application for Development Approval (ADA), submitted on September 12, 2000, is consistent with the requirements of §380.06, Florida Statutes. The application went through two sufficiency reviews.

E. The development is not located in an area designated as an Area of Critical State Concern under the provision of §380.05, Florida Statutes.

F. The development will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan. The development is consistent with the State Comprehensive Plan if developed in accordance with the conditions set forth herein.

G. The development has been reviewed by the Southwest Florida Regional Planning Council (SWFRPC) and is the subject of the report and recommendations adopted by that body on ~~January 17, 2001~~_____. The SWFRPC report and recommendations were subsequently forwarded to Lee County. The development, as proposed in the ADA and modified by this Amended Development Order, is generally consistent with the report and recommendations of the SWFRPC pursuant to §380.06(11), Florida Statutes.

H. The development is located in the ~~Rural~~Urban Community and Wetlands future land use categories. The development proposed is ~~currently not~~ consistent with the Lee Plan. ~~and can not be conditioned to attain consistency. However, a Lee Plan amendment is currently being considered by DCA that will, if ultimately adopted, allow the project as conditioned to be consistent with the Lee County Comprehensive Plan and the~~

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~~Lee County Land Development Code (LDC).~~

I. The conditions set forth below meet the criteria found in §380.06(15)(d), Florida Statutes.

II. ACTION ON THE REQUEST AND CONDITIONS OF APPROVAL

NOW THEREFORE, be it resolved by the Board of County Commissioners of Lee County, Florida, in a public meeting duly advertised, constituted and assembled that the Development of Regional Impact Application for Development Approval submitted on behalf of Simon Property Group, L.P. and the Oakbrook Properties, Inc., for the project known as the Coconut Point DRI, is hereby Approved subject to the conditions, restrictions and limitations that follow. For the purpose of this Development Order, the term "Developer" refers to Simon Property Group, L.P. and Oakbrook Properties, Inc., and includes all successors or assigns, and all references to County Ordinances or other regulations, including future amendments.

A. AFFORDABLE HOUSING

1. *150 Affordable Housing Units ($600,000).*

a. The Developer must provide, either directly or through third parties, 150 units (combined total) of affordable housing for very low, low, and moderate-income persons within the identified DRI housing assessment area on or before December 31, 2006.

b. In the event the Developer does not provide all of the 150 units required above prior to December 31, 2006, the Developer may satisfy the remaining affordable housing obligation by paying $4,000 ($600,000 divided by 150 units) for each unit of the shortfall to the Lee County Affordable Housing Trust Fund.

2. *University Student Housing ($400,000).* In addition to the above, the Developer will subsidize University student housing by giving $400,000 to the Florida Gulf Coast University prior to the issuance of the first development order allowing vertical construction within the DRI (excepting any public uses mandated by this Development Order). These funds must be specifically earmarked for University student housing.

B. ENERGY

The Developer must incorporate, as a minimum, the following energy conservation features into all site plans and architectural programs , or insure that the following features are implemented through deed restrictions or covenants with successors in title. All

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applications for site plan approvals and building permits must be accompanied by a documents detailing proposed compliance with these conditions. If deed restrictions or covenants are utilized to insure compliance , those documents must be approved by the County Attorney's Office prior to recording.

These features are:

1. A bicycle/pedestrian system connecting all land uses, to be placed along arterial and collector roads within the project and also along Sandy Lane. This system will be consistent with LDC regulations.

2. Bicycle racks or storage facilities in recreational, commercial and multi-family residential areas.

3. Bus stops, shelters and other passenger and system accommodations for a transit system to service the project area.

4. Energy efficient features in window design (e.g. tinting and exterior shading), operable windows, ceiling fans, appliances and equipment.

5. Minimize coverage by asphalt, concrete, rock and similar substances in street, parking lots and other area to reduce local air temperatures and reflecting light and heat.

6. Energy-efficient lighting for streets, parking area, recreation area and other interior and exterior public areas.

7. Water closets with a maximum flush of 1.6 gallons and shower heads and faucets with a maximum flow rate of 2.5 gallons per minute (at 80 pounds of water pressure per square inch).

8. Selecting, planting and maintaining native plants, trees and other vegetation and landscape design features that reduce requirements for water, fertilizer, maintenance and other needs.

9. Planting native shade trees to provide reasonable shade for all recreation areas, street and parking areas. Planting native shade trees for each residential unit.

10. Placing trees to provide needed shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months. Orienting structures, whenever possible, to reduce solar heat gain by walls and utilize the natural cooling effects of the wind.

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11. Including porch and patio areas in residential units.

12. Establishing project architectural review committees that will consider energy conservation measure to assist builders and residents in the efforts to achieve greater energy efficiency in the development.

C. STORMWATER MANAGEMENT

1. The Developer must meet the criteria set forth in Chapter 40E, Florida Administrative Code, and the South Florida Water Management District (SFWMD) Basis of Review. The Developer must obtain a modification of SFWMD Permit No. 36-00288-S for the construction and operation of the surface water management system. This permit must address any impacts created by the development to wetlands and other surface waters. Halfway Creek is classified as an Outstanding Florida Water (OFW). Any discharge to an OFW requires additional water quality consideration. Prior to the issuance of the permit modification, the District will evaluate this issue in greater detail.

2. The Developer must obtain all necessary approvals from the Florida Department of Transportation for any proposed discharge points and water control structures associated with US 41.

3. At the time of permit modification application, the Developer must provide finalized information regarding the size of proposed project lakes, the location of major water control structures, the correct identification of control structures within pre-treatment areas and verification of adequate dimensions for pre-treatment areas.

4. Best management practices are subject to Lee County review and approval and must be included on all construction plans for development.

5. All internal stormwater management lakes and ditches as well as any onsite preserved or enhanced wetland areas, must be set aside as private drainage or conservation easements on the recorded plat. Stormwater lakes must include, where practical, adequate maintenance easements around the lakes with access to a paved roadway.

6. During construction activities, the applicant must employ best management practices for erosion and sedimentation control. These practices must be included with, or presented on, all construction plans, and are subject to approval by the appropriate agencies prior to implementation.

7. The final stormwater management plan must consider, as applicable, measures to reduce runoff rates and volumes, including, but not limited to, fixed control structures, perforated pipes, and grass swale conveyances. Swales, rather than closed

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systems, must be used whenever possible.

8. Any shoreline banks created along the onsite stormwater management system must include littoral zones constructed on slopes consistent with District and Lee County requirements and be planted in native emergent or submergent aquatic vegetation. The applicant must ensure, by supplemental replanting if necessary, that at least 80% cover by native aquatic vegetation is established/maintained within the littoral zone for the duration of the project.

9. The applicant must conduct annual inspections of the Master Stormwater Management System and any preserved/enhanced wetland areas on the project site to ensure that these areas are maintained in keeping with the final approved designs, and that the water management system is capable of accomplishing the level of stormwater storage and treatment for which it was intended. The Developer or operating entity must undertake any cleaning and repair determined to be necessary based upon the annual inspection.

10. The applicant must confirm, to the satisfaction of all applicable federal, state, and local review agencies, and the South Florida Water Management District, that the proposed stormwater management system will not impact habitats of any state or federally listed plant and/or animal species potentially occurring onsite, or that such impacts will be mitigated to the benefit of onsite populations of those species.

11. The Developer must undertake a regularly scheduled vacuum sweeping of all common streets and parking areas within the development.

12. If Lee County establishes a County-wide stormwater management system, the Developer must participate to the extent the system benefits the development.

13. Ditch and swale slopes must be designed to minimize discharges so that these facilities may provide some additional water quality treatment prior to discharge. Treatment swales must be grassed.

14. The grassed stormwater treatment areas must be mowed on a regular basis as part of the normal lawn maintenance of the development. Any debris that may accumulate in project lakes, ditches or swales, or which may interfere with the normal flow of water through discharge structures and under drain systems, must be cleaned from the detention/retention areas on a regular basis. Any erosion to banks must be replaced immediately.

15. Under drain systems and grease baffles, if utilized within the Coconut Point DRI, must be inspected and cleaned and/or repaired on a regular basis. In no instance may the period between such inspections exceed eighteen months.

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16. Stormwater management system maintenance requirements include removal of any mosquito-productive nuisance plant species (e.g., water lettuce, water hyacinth, cattails and primrose willows) from all system nodes, reaches, and percolation basins, as well as from the lake littoral zones employed in the system.

17. When required by the SFWMD permit, any isolated wading bird "pools" constructed in lake littoral zones must be excavated to a depth that provides aquatic habitat for mosquito larvae predators, such as *Gambusia affinis*.

18. The Developer will establish a legal operating entity in accordance with the SFWMD Basis of Review and Lee County Land Development Code to maintain the internal stormwater management lakes, ditches and wetlands. Easements, common areas or other legal mechanisms may be utilized to ensure there is sufficient access to the stormwater management areas for maintenance purposes.

D. TRANSPORTATION

1. Significant Impacts

a. *Assessment Parameters*

The traffic impact assessment for the Project assumes the following development parameters, as a single phase:

	Buildout (2006)
Multifamily Apartments (ITE LUC 220) (~~200 d.u. Town Center,~~ 250 d.u. South Village)	~~450~~250 d.u.
Multifamily Condominiums (ITE LUC 230) (450 d.u. Town Center, 550 d.u. North Village)	~~550~~1,000 d.u.
Assisted Living Facility (ITE LUC 252) (200 d.u. South Village)	200 d.u.
Hotel (ITE LUC 310) (~~450~~200 rooms Town Center, 150 rooms South Village)	~~600~~350 rooms
Community Retail (ITE LUC 820) (280,000 square feet North Village, 70,000 square feet South Village)	350,000 sq. ft. (gla)
Regional Retail Center (ITE LUC 820) (1,450,000 square feet Town Center)	1,450,000 sq. ft. (gla)

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General Office (ITE LUC 710) 200,000 sq. ft.
(70,000 square feet North Village, 90,000
square Town Center, 40,000 square feet South Village)

Medical Office (ITE LUC 720) 100,000 sq. ft.
(100,000 square feet South Village)

The above parameters form the basis for the Project impacts and the mitigation requirements contained herein. The assumed land uses associated with the general parameters are identified by the Land Use Code (LUC) from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 6th Edition. While approved zoning categories may allow a wider range of uses, from a DRI standpoint the Project impacts are based on the above parameters and assumed uses. If the Developer exercises Mitigation Option 2 and is granted concurrency vesting for all or a portion of the DRI, any significant change in the assumed uses, mix of uses or location of uses on the Master Concept Plan will require a re-evaluation of the DRI transportation impacts. A significant change is one that would increase the external project traffic by 5% or more or that would change the projected distribution and assignment of project traffic so as to result in a net increase in road miles of significantly and adversely impacted roadway links. This condition does not apply if Mitigation Option 1 is selected.

The overall traffic at the Project driveway entrances based on the above parameters is estimated to be 5,909 trips. They include 4,120 PM net new external peak hour trips, 757 pass-by trips, and 1,032 interzonal trip ends at buildout in 2006. ("Interzonal trip ends" are from one part of the project to another that travel along or across public roadways.)

b. *Buildout Impacts*

The assessment on an existing-plus-committed network assuming the advancement of certain projects indicates that the significantly impacted roadways and intersections described below will be operating below acceptable levels of service at the end of Buildout (2006):

Roadway Improvements Needed

Roadways	Needed Improvement
I-75	
– Corkscrew Road to Daniels Parkway	Widen to 6 lanes

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Three Oaks Parkway	
- Williams Road to Corkscrew Road	Widen to 6 lanes
US 41	
– Koreshan Boulevard to San Carlos Boulevard	Widen to 6 lanes
- Bonita Beach Road to Coconut Road	Widen to 6 lanes
Old US 41	
- Rosemary Drive to US 41	Widen to 4 lanes

Intersection Improvements Needed

Bonita Beach Road @ Old 41[1]	Add 2nd SB left turn lane
Coconut Road @ Driveway 9/Regional Retail Center[2]	Add WB right turn lane
	Add SB right turn lane
	Add SB left turn lane
	Add dual EB left turn lane
	Signalization[3]
Coconut Road @ Sandy Lane[2]	Add WB left turn lane
	Add WB right turn lane
	Add NB right turn lane
	Add NB left turn lane
	Add SB left turn lane
	Add SB right turn lane
	Add EB left turn lane
	Add EB right turn lane
	Signalization[3]
Corkscrew Road @ Ben Hill Griffin Parkway[1]	Add 2nd EB left turn lane
	Add 2nd NB left turn lane
	Add 2nd SB left turn lane
Corkscrew Road @ River Ranch Road[1]	Signal retiming
Corkscrew Road @ Three Oaks Parkway	Add 2nd WB left turn lane
	Add 2nd NB left turn lane
	Add 2nd SB left turn lane
I-75 @ Corkscrew Road[1]	Add 2nd EB left turn lane[4]
	Add 2nd WB left turn lane[4]
	Add 2nd NB left turn lane
	Add 2nd SB left turn lane
Old 41 @ Dean Street[1]	Signalization[3]
Old 41 @ Pennsylvania Avenue[1]	Signal retiming
Old 41 @ West Terry Street[1]	Add 2nd NB thru lane
	Add 2nd SB thru lane
Three Oaks Parkway @ Koreshan Boulevard[1]	Signalization[3]

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Three Oaks Parkway @ Williams Road[1]	Signalization[3]
Three Oaks Parkway @ Coconut Road[1]	Signalization[3]
US 41 @ Immokalee Road[1]	Signal retiming
US 41 @ Old 41[1] (Collier County)	Signal retiming
US 41 @ Bonita Beach Road	Signal retiming
US 41 @ West Terry Street	Signal retiming
US 41 @ Old 41/Pelican Landing Parkway	Add 2nd WB right turn lane
	Add 2nd NB left turn lane
	Add 2nd SB left turn lane
	Add 2nd EB left turn lane
US 41 @ Pelican Colony Boulevard	Add dual WB left turn lane[2]
	Add WB right turn lane[2]
	Add NB right turn lane[2]
	Add 2nd NB left turn lane
	Add dual SB left turn lane[2]
	Add 2nd EB left turn lane
	Add EB right turn lane
US 41 @ Coconut Road	Add 2nd WB left turn lane
	Add 2nd NB right turn lane
	Add 2nd NB left turn lane
	Add 2nd SB left turn lane
	Add 2nd EB left turn lane
	Add EB right turn lane
US 41 @ Driveway 6/Regional Retail Center[1]	Add NB right turn lane[2]
	Add SB left turn lane[2][3]
	Add WB right turn lane[2]
	Signalization[2][3]
US 41 @ Driveway 5/Internal East-west Road[1]	Add NB right turn lane[2]
	Add dual SB left turn lane[2]
	Add dual WB left turn lane[2]
	Add WB right turn lane[2]
	Signalization[2][3]
US 41 @ Driveway 4/Pelican Point Boulevard[1]	Add NB right turn lane[2]
	Add SB Left turn lane[2]
	Add WB right turn lane[2]
	Signalization[2][3]
US 41 @ Driveway 3/Fountain Lakes Boulevard[1]	Add NB right turn lane[2]
	Add SB left turn lane[2]
	Add dual WB left turn lane[2]
	Add WB thru lane[2]
	Add WB right turn lane[2]
	Signalization[2][3]
US 41 @ Driveway 2/Estero Greens[1]	Add NB right turn lane[2]

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	Add dual SB left turn lane[2]
	Add dual WB left turn lane[2]
	Add WB thru lane[2]
	Add WB right turn lane[2]
	Add EB right turn lane[2]
	Signalization[2][3]
US 41 @ Driveway 1/Community Commercial[1]	Add NB right turn lane[2]
	Add SB left turn lane[2]
	Add WB right turn lane[2]
US 41 @ Williams Road[1]	Add 2nd SB left turn lane
	Add 2nd WB left turn lane
US 41 @ Corkscrew Road[1]	Add 2nd WB left turn lane
US 41 @ Broadway[1]	Signal retiming
US 41 @ Koreshan Boulevard	Signalization[3]
US 41 @ Sanibel Boulevard[1]	Signal retiming
US 41 @ Metro Parkway[1]	Add 2nd NB right turn lane
US 41 @ Alico Road[1]	Signal retiming
US 41 @ Island Park Road[1]	Signal retiming
US 41 @ Ben Pratt/Six Mile Cypress Parkway[1]	Add EB thru lane
	Add WB thru lane
Williams Road @ Driveway 1/Comm Commercial[1]	Signalization[3]
Williams Road @ River Ranch Road[1]	Signalization[3]
Williams Road @ Sandy Lane[2]	Signalization[3]
	Add WB left turn lane
	Add NB right turn lane
	Add NB left turn lane
	Add EB right turn lane
Williams Road @ Three Oaks Parkway	Signalization[3]

(1) *This intersection is not included in a significantly and adversely impacted roadway segment.*

(2) *This intersection is considered a site-related improvement.*

(3) *Signalization only if warranted and subject to approval by the maintaining agency.*

(4) *Dual EB and WB left turn lanes should be provided if they can be constructed without requiring reconstruction of the I-75 overpass bridge structure.*

The intersection improvements include at grade geometric improvements, such as turn lanes and signalization when warranted. Intersection improvements are accounted for in the overall proportionate share calculation. Site-related needs at the Project entrances are not addressed in the proportionate share calculation and must be addressed by the

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Developer at the time of local development order approval.

2. **Mitigation**

a. *Buildout Proportionate Share*

The buildout proportionate share is $14,600,000 in year 2002 dollars. This figure represents the Developer's share of necessary roadway and intersection improvements based on the development parameters set forth in Section II.D.1.a. The estimated roads impact fees based on the schedule effective July 1, 2000 is $10,196,250, which is lower than the proportionate share estimate.

As noted in Condition D.3 below, the Developer must pay $170,000 as mitigation for the project's Comprehensive Plan impacts to the 2020 level of service on US 41 from Koreshan Boulevard to Alico Road. Therefore, the total proportionate share obligation deemed sufficient to mitigate both the buildout DRI-related transportation impacts on the non-site related roads and intersections set forth in Paragraph D.1.b and the project's Comprehensive Plan impacts is $14,770,000. However, if the reanalysis described in section D.2.d.1 demonstrates that additional funds are necessary to mitigate the project's transportation impacts, then the Developer will be required to pay the higher mitigation amount.

No independent fee calculation will be permitted for the project, or a subpart thereof, absent a Notice of Proposed Change.

b. *Mitigation Options*

The Developer must choose one of the two mitigation options identified below to satisfy the proportionate share obligation.

(1) Traffic Mitigation Option 1

(a) Payment

All development within the project must pay roads impact fees in effect at the time of building permit issuance. In addition to roads impact fees, and prior to the issuance of the first building permit for vertical construction of any portion of the Regional Retail Center, the Developer must make a lump sum cash payment of $4,573,750 in year 2002 dollars. This lump sum cash payment is intended to mitigate the transportation

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impacts associated with the Regional Retail Center and satisfy the proportionate share obligation that is due over and above road impact fees.

In accordance with local policies and regulations, the Developer may be entitled to roads impact fee credits for road improvements constructed within the area surrounding the project.

(b) Concurrency

All development within the project will be subject to the County's Concurrency Management System at the time it obtains a local development order.

(2) Traffic Mitigation Option 2

(a) Payment

The Developer may vest, for concurrency purposes, up to 400,000 square feet of retail uses and all of the non-retail uses by making an up-front payment of $6,270,000 in 2002 dollars on or before December 31, 2003 or the issuance of the first building permit for the site, whichever comes first (excepting any public uses mandated by this Development Order). The remaining portion of the project will be entitled to concurrency vesting upon the payment of $8,500,000 in 2002 dollars on or before December 31, 2004 or the issuance of the first building permit for the retail uses of the project over 400,000 square feet, whichever comes first. The value of creditable pipelined improvements identified in the Development Agreement may be subtracted from the second payment only.

Concurrency certificates issued pursuant to this option will be effective until December 31, 2006, or for three (3) years, whichever is later; provided, however, that the concurrency certificates will be extended upon approval of an extension pursuant to Section D. 2. d(2) for the period of the extension not to exceed one year.

(b) Development Agreement

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Exercise of traffic mitigation option 2 requires a Local Government Development Agreement executed pursuant to §163.3220, Florida Statues, and Chapter 2, Article III of the Lee County Land Development Code. The Developer must submit a draft Development Agreement to Lee County within 6 months of the adoption of the original DRI Development Order or prior to submittal of any local development order application for the Regional Retail Center or the Community Commercial Retail. The Development Agreement must be executed prior to issuance of a local development order allowing vertical construction anywhere on the site, excepting public uses mandated by this Development Order. The agreement must specify the payment schedule for the total proportionate share obligation in accordance with subparagraph (2)(a) above.

c. *Application of Payments*

(1) Cash.

The County will apply all impact fees and cash payments made by the DRI toward the non-site related improvements identified in Section D.1.b. In the alternative, the County will apply the fees toward improvements that relieve those roadways, provided those improvements are deemed necessary to maintain the County's adopted level of service standards. If the improvements identified in Section D.1.b are ultimately funded through other sources, in whole or in part, or deemed unnecessary to maintain the adopted level of service standards, Lee County may apply the impact fees and cash payments paid by the DRI to other improvements consistent with the requirements of Lee County LDC Chapter 2. Potential applications of the cash payment can be specified in the Development Agreement.

(2) Pipelined Improvements.

The Developer may propose in the Development Agreement to provide a specific roadway improvement or improvements in lieu of the second cash payment to the County of $8,500,000 in 2002 dollars, which is referenced in Section D.2.b.(2)(a). The proposed pipeline improvements are subject to County approval. In addition to the improvements listed in

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Section D. 1. b, potential improvements for pipelining consideration include (but are not limited to):

(a) Sandy Lane 2-lane Extension, from the south property line to the north property line (Williams Road) and from Williams Road to Corkscrew Road. Consistent with the County's long-range plan for Sandy Lane as a 2-lane collector and the County's standards for collector roads, no more than 100 feet of right-of-way and 2 lanes of construction will be eligible for credits against the proportionate share obligation. The reasonable cost of providing the railroad crossing between Williams Road and Corkscrew Road will be eligible for credits against the project's proportionate share obligation. If the Developer chooses to build more than 2 lanes, it will be at the Developer's sole expense.

(b) Interim improvements not requiring right-of-way at the Corkscrew Road/I-75 interchange (subject to FDOT approval).

The estimated costs of any improvements made by the Developer (including design, right-of-way acquisition, drainage, permitting, water retention, construction, and the like) must be documented and submitted to the County for review and approval. The County reserves the right to obtain its own estimates for comparison purposes. Credit against the proportionate share obligation will be based on the final actual costs of the agreed upon improvements. Any right-of-way granted to the County will be valued as of the day prior to the DRI and zoning approval and subject to the compliance with applicable LDC provisions. Credit for the construction costs will be subject to the provisions of the County Land Development Code and standard practice related to project timing. The improvements must be built to applicable County or State standards and accepted for maintenance in accordance with the requirements of the responsible jurisdiction.

d. *Buildout Extension*

(1) Requirement for Reanalysis

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Extension of the buildout date beyond 2006 may alter the project's impact to the area road network. Therefore, if the Developer: (a) files a Notice of Proposed Change resulting in an extension of project buildout beyond December 31, 2006; or (b) desires to extend the concurrency certificates issued pursuant to Condition D.2.b(2), then the Developer must provide a detailed traffic assessment to Lee County DOT for review and approval.

The assessment must include, but is not limited to, identification of the adjusted phasing, the level of development anticipated for the revised phasing, estimated traffic impacts, needed improvements, and the project's proportionate share of those improvements.

The assessment must include a cumulative analysis of the project's traffic impacts. The assessment must also identify mitigation for significantly and adversely impacted road segments by cumulative project traffic at the extended buildout year in accordance with the Transportation Uniform Standard Rule in the Florida Administrative Code. Prior to conducting a reassessment analysis, the Developer must attend a transportation methodology meeting with the County, and other review agencies as necessary, to establish the appropriate methodology.

The traffic assessment will be prepared by the Developer following generally acceptable transportation planning procedures consistent with the standards in effect at the time of reanalysis. Payment of additional mitigation, if any, resulting from the traffic assessment must be specified in an amended development order. The development order must be amended via a Notice of Proposed Change to reflect the revised phasing and additional mitigation.

The County will provide credit against the recalculated proportionate share for all mitigation paid through the date of the new traffic assessment. Proportionate share payments previously made by the Developer will be adjusted to then current year dollars. This will be accomplished by increasing the principal amount paid by an amount equal to the increase as determined in the State Highway Bid Index for the State of

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Florida, published in the Engineering News Record, using an average of the last four quarterly factors. This increase will be expressed as a percentage and will be measured from the index published for the fourth quarter of 2001 to the index published in the then latest available edition.

Under no circumstances will reimbursement be granted for any portion of a payment made in exchange for concurrency vesting, regardless of the outcome of a reanalysis.

(2) Alternative for Reanalysis

If all or a part of the Regional Retail Center has received building permits prior to December 31, 2006, the Developer may choose to pay the traffic mitigation for some or all of the balance of the development through buildout in a lump sum at the time the extension application is approved. Full payment of the required mitigation pursuant to Mitigation Option 2 constitutes an election under this section. In this case a cumulative traffic reanalysis is not required for the portion of the balance that is mitigated as part of the original DRI Development order. This section is not intended to supersede the standard submittal requirements for a typical Notice of Proposed Change under state law.

3. **Comprehensive Plan Mitigation**

An amendment to the Future Land Use Map, to change 435 acres from "Rural" to "Urban Community" was necessary to accommodate the approval of this DRI. To support the Map amendment, an analysis different from the DRI Transportation Analysis was necessary. This Comprehensive Plan analysis required review of the effects of the proposed DRI project in the year 2020 on the planned, financially feasible roadway network. The result of this analysis indicated that four road segments, beyond those planned for improvement as part of the 2020 financially feasible roadways network plan, will fail with the addition of the Coconut Point (aka Simon Suncoast) project. The failure for three of the identified segments will likely be addressed through other means, but the segment of US 41 from Koreshan Boulevard to Alico Road is projected to fail even after the six-lane improvement identified in paragraph D.1.b.

The comprehensive plan amendment transmittal package approved by the Board of County Commissioners on December 13, 2001, indicated that appropriate traffic impact mitigation must be provided at the time of rezoning or DRI development approval.

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The costs for needed improvements beyond those planned in the 2020 Financially Feasible Plan are solely the responsibility of the applicant, and are treated much as a proportionate share obligation. In this case, the applicant has estimated that the provision of dual left turn lanes at a number of key intersections along the impacted segment of US 41 will improve the capacity enough to allow satisfactory operation. The applicant estimated that the cost of providing these turn lanes would be roughly $692,000, not including the costs of maintenance of traffic, mobilization and permitting. The applicant's proportionate share of the cost of the turn lanes is $170,000. This figure has been added to the project's DRI proportionate share, as noted above.

4. **Access and Site Related Improvements**

In addition to the proportionate share obligation set forth above, the Developer is responsible for its share of the following site-related roadway and intersection improvements: all internal roadways, all intersection improvements, including signalization, turn lanes, deceleration lanes, and other improvements deemed necessary by the County Engineer and consistent with the Lee County Land Development Code for the Project's access points onto U.S. 41, Coconut Road, and Williams Road. The improvements include the installation of a signal coordination system on U.S. 41 from Pelican Colony Boulevard to Williams Road. During the local development order review process, site-related improvements must be evaluated based on weekday, PM peak hour conditions. Saturday mid-day conditions must be considered in the design of turn lanes due to the retail component of the DRI. Site-related improvements are not eligible for credit against impact fees and may not be used to offset the proportionate share obligation. Project accesses onto US 41 are subject to obtaining a connection permit from FDOT.

5. **Committed Improvements**

Roadway Improvements

Roadways	Start Year	Improvement
Alico Road – US 41 to Seminole Gulf Railway	02	4 Lanes
– Seminole Gulf Railway to I-75 West Ramps	02	6 Lanes
Ben Hill Griffin Parkway/Treeline Avenue – Alico Road to Daniels Parkway	02	4 Lane Ext.
Bonita Beach Road - Imperial Street to I-75	03	6 Lanes

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Livingston/Imperial Connection – Immokalee Road to Bonita Beach Road	U/C	2 Lane Ext.
Metro Parkway – U.S. 41/Alico Road to Ben Pratt/Six Mile Cypress Pkwy (including interchange)	04	6 Lane Ext.
Three Oaks Parkway – S. of Coconut Road to Williams Road	U/C	4 Lane Ext.
– Williams Road to Corkscrew Road	U/C	4 Lane Ext.
– Corkscrew Road to Alico Road	03	4 Lanes
– Alico Road to Daniels Parkway	03	4 Lane Ext.
US 41 – Old 41 (Collier County) to N. of Bonita Beach Road	03	6 Lanes
- San Carlos Boulevard to Alico Road	U/C	6 Lanes
Williams Road – River Ranch Road to Three Oaks Parkway	02	2 Lane Ext.

The Regional Retail Center has the potential to create a temporary burden on the transportation network. The following Staging Schedule is an effort to minimize the temporary transportation burden while providing the Developer with the ability to obtain building permits for vertical construction of retail uses. Issuance of any building permit for vertical construction will require prior compliance with the mitigation options set forth in condition D.2. The "Maximum Square Footage" column identifies the maximum gross retail square footage for which building permits allowing vertical construction may be issued prior to the corresponding date, unless the improvements identified "to Avoid Interim Level of Service Problem" are under construction on or before the identified date. If all required interim improvements are completed or under construction on or before the identified date, then building permits for the maximum amount of retail square footage as identified in conjunction with the corresponding date may be issued.

Date	Maximum Square Footage	Needed Improvements to Avoid Interim Level of Service Problem	
		Route	Limit

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Adoption of DRI DO AND Compliance with Cond. D.2	400,000	Not Applicable	Not Applicable
July 1, 2004	800,000	U. S. 41 - 6 Lane	Collier County line to Bonita Beach Road
July 1, 2005	1,200,000	Three Oaks Ext. 4L OR Livingston Rd./ Imperial St. 4 Lane	Terry St. to Coconut Rd. Immokalee Rd. to E.Terry St.
July 1, 2006	1,800,000	US 41-6Lane AND Three Oaks Ext. 4 Lane AND Old 41 - 4 lane AND Metro Pkwy. Ext.- 6 Lane AND Three Oaks Ext- 4 Lane or Treeline Ext.-4L	Corkscrew Rd. to San Carlos Terry St. to Coconut Rd. Rosemary dr. to US 41 Alico Rd. to ben C Pratt/ Six Mile Cypress Pkwy Alico Rd. to Daniels Pkwy Alico Rd. to Daniels Pkwy.

6. **Annual Transportation Monitoring Program**

a. *Design of Monitoring Program*

The transportation monitoring program will be designed in cooperation with the Lee County Department of Transportation, the Florida Department of Transportation (FDOT), the Southwest Florida Regional Planning Council (SWFRPC), and the Florida Department of Community Affairs (FDCA) prior to submittal of the first report. The methodology of the annual transportation monitoring report may be revised if agreed upon by all parties.

b. *Submittal of Monitoring Report*

The Developer must submit an annual transportation monitoring report to the

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following entities for review and approval: Lee County Department of Transportation, FDOT, FDCA, and SWFRPC. The first monitoring report will be submitted one year after the effective date of the DRI Development Order. The Developer must provide written notice to the above review agencies if the Developer concludes that a traffic monitoring report is not required because no traffic impacts have been created. Once an annual transportation monitoring report has been submitted, a report must be submitted annually thereafter until Project buildout, whether actual or declared.

c. *Minimum Requirements for Report Contents*

The monitoring report will measure the Project's actual external roadway impacts and the level of service conditions on the impacted roads and intersections, and determine the timing for needed improvements. The annual traffic monitoring report must also contain the following information:

(1) P.M. peak Signalization[(2)(3)] hour traffic counts with turning movements at the Project's access points onto U.S. 41, Coconut Road, Williams Road, Pelican Colony Boulevard and Sandy Lane, and on the external road segments and intersections identified in Paragraph D.1.b. (Traffic counts/volumes may be obtained from original traffic counts, public agency reports, other monitoring reports, and other available data.)

(2) A comparison of field measured external Project traffic volumes to the 5,909 total P.M. Peak hour external (including 757 pass-by and 1,032 interzonal trip ends) project trip generation from all driveways onto U.S. 41, Coconut Road, Williams Road, Pelican Colony Boulevard and Sandy Lane assumed in the DRI analysis. If an interconnection is provided to The Brooks parcel at the southeast corner of U.S. 41 and Coconut Road, a methodology must be developed to identify pass-through trips generated by The Brooks parcel.

(3) Estimated existing levels of service and needed improvements for the roads and intersections specified in Paragraph D.1.b. above.

(4) Estimated future levels of service and needed improvements for the roads and intersections specified in Paragraph D.1.b. above, based on a one-year projection of future volumes. A

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summary of the status of road improvements assumed to be committed by Collier County, Lee County and FDOT.

d. *Implications*

(1) If the annual transportation monitoring report reveals that the Project trip generation exceeds the original assumptions contained herein, then the statutory provisions regarding substantial deviations will govern.

(2) Changes to development parameters or buildout may require the Developer to rebut the statutory presumption of substantial deviation. In some instances, the evidence necessary to rebut the presumption may involve a comparison of Project trip distribution and assignment.

7. **Pedestrian/Bicycle and Transit Facilities**

The Developer will provide for pedestrian and bicycle facilities and bus stop locations in accordance with the map attached as Exhibit F.

E. VEGETATION AND WILDLIFE/WETLANDS

1. Impacts to the habitat value of the site (i.e. habitat utilized by dispersing juveniles and possible habitat available to adults occupying the Corkscrew area) must be considered during the permitting review process with the SFWMD and the Department of Army Corps of Engineers (ACOE). This impact must be assessed in terms of the type and function of the forested habitat on site, and the site's contribution as a connection between preserve lands to support wide-ranging and wetland dependent species. The Developer will coordinate with the U.S. Fish and Wildlife Service (USFWS) and Florida Fish and Wildlife Conservation Commission (FFWCC) to address the impacts the proposed project may have on habitat utilized by wide-ranging listed species including the Florida Panther and Florida Black Bear.

2. The lake designs must include draw down pool features in littoral shelf slopes to favor use by woodstork and other wading birds.

3. The Developer must follow the Standard U.S. Fish and Wildlife Service Protection Measures for the Eastern Indigo Snake; and an Eastern Indigo Snake Protection Plan to be submitted for review and approval by the FFWCC as a condition of local development order approval.

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4. The Developer must provide an on-site preserve management plan for review and approval by the FFWCC as a condition of local development order approval.

5. The 482± acre site originally consisted of 36.23± acres of SFWMD jurisdictional wetlands. The Developer is committed to conserving 22.15 acres of jurisdictional wetlands and 4.81 acres of jurisdictional surface waters. An estimated 9.27 acres of jurisdictional wetlands are proposed to be impacted with an additional 14.56 acres of non-jurisdictional surface waters to be filled (borrow lakes). 3.76 acres of the proposed wetland impacts have been previously permitted by the SFWMD and the Army Corp of Engineers (ACOE) under the Sweetwater MPD/Brooks project (e.g.,eradication of exotic vegetation and wetland hydroperiod enhancement).

6. Prior to impacting the additional 5.51 acres of jurisdictional wetlands, the Developer must modify existing SFWMD and ACOE permits and provide additional mitigation.

7. Wetlands and surface waters remaining on the project site must be protected during construction through the implementation of temporary erosion and sedimentation control procedures.

8. Littoral plantings will be incorporated into the final design of the proposed stormwater management ponds. Plantings of desirable wetland herbaceous plants, to include species such as pickerelweed, maiden cane, and blue flag iris, cypress and black gum.

9. The existing flow-way is part of the Halfway Creek Watershed and headwaters. The 32.7 acre flow-way must be preserved and enhanced. An enhancement plan must be submitted as part of the local development order approval process. This plan must include a restoration planting plan for the 8.49± acres melaleuca dominated slash pine-cypress mixed wetland forest and the 6.84± acre area located in the southeast branch of the flow-way that was previously cleared/disturbed. The restoration planting plan, which is outside of the mitigation requirements under the existing permits, can be utilized as compensatory mitigation for additional wetland impacts during subsequent permitting review processes with the state and federal regulatory agencies.

F. HURRICANE PREPAREDNESS

1. The applicant has stated an intention to utilize various community buildings, which are to be built in several locations throughout the development, as onsite emergency shelters for the project's residents. Based on the estimate of needed shelter space prepared by the staff of the Southwest Florida Regional Planning Council, the total shelter space provided by the applicant within Coconut Point DRI will be 10,480 square feet.

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2. Construction of the buildings to serve, as onsite shelters must be started no later than the issuance of the 100th residential unit certificate of occupancy within each separate community in the overall development. All buildings to be utilized, as shelters must meet the following criteria:

a. elevated above the Category 3 storm surge level;

b. constructed in accordance with the requirements in Rule 9J-2.0257(6)(e), FAC, to withstand winds of at least one hundred twenty (120) miles per hour;

c. all windows in the building are shuttered;

d. equipped with an emergency power generator with adequate capacity to handle the following:

(1) ventilation fans;

(2) emergency lighting;

(3) life safety equipment (i.e., intercom, fire and smoke alarms); and

(4) refrigeration and cooking equipment.

e. have an auxiliary potable water supply.

3. As an alterative to providing all or part of the shelter space in on-site buildings, the Developer may limit the onsite shelter demand of the project by elevating all or portion of the residential units above 15.9 to 16.8 feet NGVD, if the units are located in these elevation ranges, which is the maximum predicted Category 3 storm surge flooding level. The amount of shelter space to be constructed or shelter impact fees to be paid will be determined by the Lee County Office of Emergency Management.

4. All deeds to property located within the Coconut Point DRI must include or be accompanied by a disclosure statement in the form of a covenant stating the property is located in a hurricane vulnerability zone and that the hurricane evacuation clearance time for Lee County or the Southwest Florida Region is high and hurricane shelter spaces are limited.

5. The applicant is also proposing to develop ~~600~~350 hotel or motel rooms, within the Coconut Point DRI. Prior to issuance of a local development order for the hotel/motel, the hotel/motel developer must contact Lee County Emergency Management with respect to establishing written hurricane preparation and evacuation/sheltering procedures. These procedures must be reduced to a written plan, prepared by the

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hotel/motel developer, and approved by Lee County Emergency Management prior to occupancy of the hotel/motel.

6. Mitigation for hurricane evacuation route impacts will be accomplished through implementation of one of the following provisions. The mitigation option to be used must be identified by the Developer as part of the local development order process.

a. Establish and maintain a public information program within the proposed homeowners associations for the purpose of educating the development's residents regarding the potential hurricane threat; the need for timely evacuation in the event of an impending hurricane; the availability and location of hurricane shelters (specifically including the onsite shelters); and the identification of steps to minimize property damage and protect human life.

In order to use the above mitigation option, the Developer must provide a continuing hurricane awareness program and a hurricane evacuation plan. The hurricane evacuation plan must address and include, at a minimum, the following items: operational procedures for the warning and notification of all residents and visitors prior to and during a hurricane watch and warning period; a public awareness program that addresses vulnerability, hurricane evacuation, hurricane shelter alternatives including hotels, the locations of both the onsite hurricane shelters and onsite or offsite public shelters, and other protective actions that may be specific to the development; identification of who is responsible for implementing the plan; and other items as deemed appropriate. The plan must be developed in coordination with local emergency management officials. In order to use this mitigation option, the final plan must be found sufficient by the reviewing agencies and must address the recommendations provided by the reviewing agencies; or

b. Alternatively, the applicant must commit to providing roadway capacity improvements above and beyond those improvements required by Rule 9J-2.0255, FAC; or

c. The applicant must commit to providing funds to be used for the purpose of procuring communications equipment, which would upgrade the existing warning and notification capability of local emergency management officials. In order to use this mitigation option, the Developer must provide reasonable assurance to local emergency management officials regarding the provision's ability to reduce the development's hurricane evacuation impacts. The amount of the funding will be determined and approved by the local emergency management officials.

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G. WASTEWATER MANAGEMENT/WATER SUPPLY

1. The Developer will obtain a SFWMD permit for groundwater withdrawals for landscape irrigation, for irrigation well construction, as well as for any dewatering needed to construct the project lakes, roads or building foundations.

2. The Developer will utilize water conserving devices and methods necessary to meet the criteria established in the water conservation plan of the public water supply permit issued to Bonita Springs Utilities (BSU).

3. The Developer will coordinate with BSU or other water supplier to ensure that adequate potable water is available to meet the demands of the project.

4. The Developer will provide any necessary verification to the SFWMD that the Developer's plumbing and irrigation designs are consistent with District rules.

5. The Developer must demonstrate at the time of local development order approval that sufficient potable water and wastewater treatment capacity is available. If BSU cannot provide the necessary service, then the Developer must obtain service from an alternate provider with capacity or construct on-site interim facilities that satisfy BSU Standards. Interim facilities must be dismantled at the Developer's expense when service by BSU is available.

6. The on-site lakes, wetlands, and stormwater management system must be buffered from treated effluent contamination in accordance with SFWMD regulations.

7. Septic systems utilized in conjunction with construction trailers, sales offices and model homes must be temporary. When it is feasible to connect the temporary uses to the regional wastewater treatment facilities, all temporary septic systems must be abandoned or removed by a licensed septic system firm, in accordance with all applicable regulations.

8. The Developer must submit copies of all local development order application plans that include potable water or wastewater collection and distribution systems to BSU. BSU will review the plans for compliance with the BSU specifications manual.

9. Lee County will evaluate all potable water facilities to ensure that the facilities are properly sized to meet average, peak day, and fire flow demands in accordance with the LDC. Lee County will consult with the appropriate fire protection district to confirm that the fire flow demands will be satisfied by the proposed potable water facility.

10. The Developer must use the lowest, yet acceptable for the intended purpose, quality of water available for all non-potable water purposes.

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H. COMPREHENSIVE PLAN

Lee County may not issue a local development order unless the proposed development order is consistent with the County's Comprehensive Plan, Land Development Code.[1]

I. POLICE AND FIRE PROTECTION

1. The Developer will ensure that first responders to the area are adequately trained by TECO/People Gas to address accidental natural gas releases from the natural gas pipelines that are to be located on or adjacent to the site to ensure the safety of the residents and visitors to the area.

2. The project must be constructed and maintained in accordance with the adopted Life Safety and Fire Code requirements.

3. The owner or operator of a facility qualifying under the Superfund Amendments Reauthorization Act (SARA) Title III of 1986, and the Florida Hazardous Materials Emergency Response and Community Right to Know Act of 1988, must file hazardous materials reporting applications in accordance with §§302, 303, 304, 311, 312, or 313. The applications must be updated annually by each reporting facility.

4. The Developer will provide the Lee County Sheriff's Department with finished shell space in the main regional mall complex (Regional Retail Center) for use as a Sheriff's substation to facilitate law enforcement activities. This space will be provided at nominal cost to the Sheriff's Department.

5. The Fire and EMS impacts of this project will be mitigated by the payment of impact fees in accordance with the schedules set forth in the LDC. However, the Developer must provide the Estero Fire Rescue District with an appropriate parcel (not less than 1 acre in size) for the location of a fire-rescue station and emergency medical services facility on the project site. Upon transfer of this site to the Fire District, the Developer will be entitled to fire impact fee credits in accordance with the LDC.

6. The Developer will conduct a comprehensive security study and evaluation during the design and construction of each retail development phase. The purpose of this study is to design and implement site specific security measures. The plan must provide for review on a quarterly basis by regional security audits. A copy of this plan must be submitted to the County as a condition of local development order approval.

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[1] On October 21, 2002 the Board adopted a resolution amending the Lee Plan to reclassify the DRI site to the Urban Community land use category.

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7. The water mains, fire hydrants, and site access must be designed and constructed in accordance with Lee County regulations and BSU guidelines by providing large water mains meeting minimum diameters based upon proposed land use, and installation of fire hydrants in suitable locations to provide adequate fire protection coverage. Internal fire sprinkler systems may be required for structures to meet supplemental fire protection.

8. Any on-site facilities with commercial pool operations must comply with appropriate codes and statutes including required safety measures such as chemical sensors, internal alarm systems, or emergency shutdown systems.

J. EDUCATION

1. The education impact of this project will be mitigated by the payment of school impact fees in accordance with the schedules set forth in the LDC. However, the Developer must provide a site at least five acres in size and appropriately located to accommodate the growing school needs in this area of the county. Upon transfer of this site to the School District, the Developer may be entitled to seek school impact fee credits in accordance with the LDC.

2. This project will have an impact on the Estero High School and surrounding neighborhood traffic. The Developer will use reasonable efforts to prevent the project's construction traffic from using Williams Road east of the railroad tracks.

III. LEGAL EFFECT AND LIMITATIONS OF THIS DEVELOPMENT ORDER, AND ADMINISTRATIVE REQUIREMENTS

A. Resolution. This Development Order constitutes a resolution of Lee County adopted by the Board of County Commissioners in response to the DRI ADA filed for Coconut Point DRI.

B. Additional Developer Commitments. All commitments and impact mitigating actions volunteered by the Developer in the ADA and supplementary documents that are not in conflict with conditions or stipulations specifically enumerated above are incorporated by reference into this Development Order. These documents include, but are not limited to the following:

1. The Coconut Point (f/n/a Simon Suncoast) Application for Development Approval, stamped received on September 12, 2000;

2. The Coconut Point DRI sufficiency responses stamped received on February 7, 2001 and April 10, 2001 (transportation) and April 13, 200; and

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3. The governing zoning resolution for the Coconut Point (f/n/a Simon Suncoast) MPD .

C. Master Plan of Development. Map H, stamped received at the Zoning Counter on ~~February 7, 2001~~ _____ and attached hereto as Exhibit "B", and is incorporated by reference. It is understood that because it is a concept plan it is very general. The Developer may modify the boundaries of development areas and the locations of internal roadways to accommodate topography, vegetation, market conditions, traffic circulation, or other site related conditions as long as the modifications meet local development regulations. This provision may not be used to reduce the size of wetland preserve areas. Precise wetland boundaries will be determined by the South Florida Water Management District, as delegated by the Department of Environmental Protection and the Army Corp of Engineers.

D. Binding Effect. The Development Order is binding upon the Developer, its successors and assigns. Where the Development Order refers to lot owners, business owners or other specific reference, those provisions are binding on the entities or individuals referenced. Those portions of this Development Order that clearly apply only to the project Developer are binding upon any builder/developer who acquires a tract of land within the DRI. The Developer may impose or pass on the requirements of this DRI development order to ultimate purchasers through covenants that run with the land and phasing schedule.

E. Reliance. The terms and conditions set out in this Development Order constitute a basis upon which the Developer and the County may rely with respect to future actions necessary to fully implement the final development contemplated by this Development Order. The development parameters and phasing schedule upon which this development order approval is based is set forth in Exhibit C. Change to the development mix or phasing schedule may require a reanalysis of project impacts in order to rebut a presumption of substantial deviation.

F. Enforcement. All conditions, restrictions, stipulations and safeguards contained in this Development Order may be enforced by either party by action at law or equity. All costs of those proceedings, including reasonable attorney's fees, will be paid by the defaulting party.

G. Successor Agencies. References to governmental agencies will be construed to mean future instrumentalities that may be created and designated as successors in interest to, or which otherwise possess, the powers and duties of the referenced governmental agencies in existence on the effective date of this Development Order.

H. Severability. If any portion or section of this Development Order is

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determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, then that decision will not affect the remaining portions or sections of the Development Order, which will remain in full force and effect.

I. Applicability of Regulations. This Development Order does not negate the Developer's responsibility to comply with federal, state, regional and local regulations.

J. Further Review. Subsequent requests for local development permits do not require further DRI review pursuant to §380.06, Florida Statutes. However, upon a finding at a public hearing by the Board that any of the following conditions exist, the Board must order a termination of all development activity in that portion of the development affected by substantial deviation until a DRI Application for Development Approval, Notice of Substantial Deviation or Notice of Proposed Change has been submitted, reviewed and approved in accordance with §380.06, Florida Statutes.

1. There is a substantial deviation from the terms or conditions of this Development Order or other changes to the approved development plans that create a reasonable likelihood of an additional regional impact or any other regional impact created by the change that has not been evaluated and reviewed by the Regional Planning Council; or

2. Expiration of the period of effectiveness of the Development Order. Any request to extend the effectiveness of this Development Order will be evaluated based on the criteria for the extension of the buildout date set forth in §380.06(19), Florida Statutes.

3. Conditions in this development order that specify circumstances in which the development will be required to undergo additional DRI review. See 9J-2.025(10).

K. Buildout and Termination Dates. The project has a buildout date of December 31, 2006, and a termination date of December 31, 2012 The termination date is based on a 4 year buildout and the recognition that a local Development Order, which is valid for six years, may be obtained prior to December 31, 2012. No permits for development will be issued by the County subsequent to the termination date or expiration date unless the conditions set forth in §380.06(15)(g) are applicable.

L. Commencement of Physical Development. Commencement of substantial physical development of the project must occur no later than December 31, 2004. Further development must occur in accordance with the development parameters and phasing schedule set forth in Exhibit C.

M. Assurance of Compliance. The administrative director of the Lee County

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Department of Community Development, or their designee, will be the local official responsible for assuring compliance with this Development Order. Lee County is primarily responsible for monitoring the development and enforcing the provisions of the development order. No permits or approvals will be issued if the Developer fails to act in substantial compliance with the development order.

N. Credits Against Local Impact Fees. Pursuant to §380.06(16), Florida Statutes, the Developer may be eligible for credits for contributions, construction, expansion, or acquisition of public facilities, if the Developer is also subject by local ordinances to impact fees or exactions to meet the same needs. However, no credit will be provided for internal or external site-related facilities required by County regulations, or to any off-site facilities to the extent those facilities are necessary to provide safe and adequate services to the development.

O. Protection of Development Rights. The project will not be subject to down-zoning, unit density reduction, or intensity reduction prior to December 31, 2013. If the County demonstrates at a public hearing that substantial changes have occurred in the conditions underlying the approval of this Development Order, or finds that the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by Lee County to be essential to public health, safety and welfare, then down-zoning, unit density reduction, or intensity reduction may occur. [See 9J-2.025(3)(b)13]

P. Annual Reports. The Developer must submit a report annually to the Lee County Department of Community Development, the SWFRPC and Florida DCA on Form RPM-BSP-Annual Report-1. The content of the annual report must include the information set forth in Exhibit D, and must also be consistent with the rules of the FDCA. The first monitoring report must be submitted to the DRI coordinator for SWFRPC, DCA, and Lee County no later than one year after the effective date of this Development Order. Further reporting must be submitted not later than one year for subsequent calendar years thereafter, until buildout, whether actual or declared. Failure to comply with this annual reporting procedure is governed by §380.06(18), Florida Statutes, which provides for the temporary suspension of the DRI Development Order.

The Developer must file the annual monitoring reports until actual or declared buildout of the project. The Simon Property Group is the party responsible for filing the annual monitoring reports until one or more successor entities are named in the development order. The Developer must inform successors in title to the undeveloped portion of the real property covered by this development order of the annual reporting requirement. Tenants or owners of individual lots or units have no obligation to comply with this reporting condition.

The Developer must also submit a transportation annual report in accordance

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with the provisions set forth in Section II.D. of this development order.

Q. Community Development District. The Developer might elect to petition for the formation of a Uniform Community Development District to serve all or a portion of the project pursuant to Florida Statues, Chapter 190, as it may be in effect from time to time. Lee County hereby gives its approval that any such district may undertake the construction and/or funding of all or any of the mitigation and public infrastructure projects for which the Developer is responsible under the terms of this development order, whether within or without the boundaries of the district, and including the payment of mitigation amounts provided for in this development order, as a co-obligor hereunder. This provision may not be construed to require the approval of any petition to form such a district, and in no event will the Developer be released from its obligations under this development order.

R. Transmittal and Effective Date. The County will forward certified copies of this Development Order to the SWFRPC, the Developer, and appropriate state agencies. This Development Order is rendered as of the date of that transmittal, but will not be effective until the expiration of the statutory appeal period (45 days from rendition) or until FDCA has completed their review and has determined not to take an appeal, should that occur prior to the expiration of the 45-day period, or until the completion of any appellate proceedings, whichever time is greater. In accordance with the requirements of §380.06(15)f, Florida Statutes, once this development order is effective, the Developer must record notice of its adoption in the office of the Clerk of the Circuit Court of Lee County.

S. Continued Agricultural Use of Property. Bona fide agricultural uses in existence on the date of this DRI approval may continue until the first development order approval for a site within the particular tract, as designed on Map H, (excluding public uses mandated by this Development Order). No development activity of any kind may occur on the property, including the clearing of vegetation or cutting of trees, unless such activity is reviewed and approved in accordance with Lee County regulations as if no agricultural use existed on the property. The purpose of the limitation is to eliminate any exemption or other special considerations or procedures that might otherwise be available under Lee County regulations by virtue of the existing agriculture on the property.

THE MOTION TO ADOPT this Amended Development Order was offered by Commissioner Ray Judah, and seconded by _____ and upon a poll of the members present, the vote was as follows:

Robert Janes	_____
Douglas St. Cerny	_____
Ray Judah	_____
Andrew W. Coy	_____
John E. Albion	_____

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DULY PASSED AND ADOPTED this_____ day of _____, 2004

ATTEST:
CHARLIE GREEN, CLERK

By:_____

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By:_____

Approved as to form

By:_____
Dawn E. Perry-Lehnert
Assistant County Attorney
Office of the County Attorney

Exhibits:

A. Legal Description
B. Master Plan of Development (Map H) Stamped Received February 7, 2001
C. Development Parameters and Phasing Schedule
D. Annual Monitoring Report Requirements
E. Calculation of Road Impact Fee Obligation
F. Pedestrian, Bicycle and Bus Stop Plan

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EXHIBIT "A"
LEGAL DESCRIPTION
Property located in Lee County, Florida

HOLE MONTES
ENGINEERS · PLANNERS · SURVEYORS
950 Encore Way · Naples, Florida 34110 · Phone (941) 597-3111 · Fax (941) 597-3231

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HM PROJECT #1997079
1/17/01
REF. DWG. #A-994-2

LEGAL DESCRIPTION

A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY, AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 1,733.04 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN N.10°32'05"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 971.33 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 5,605.39 FEET, THROUGH A CENTRAL ANGLE OF 04°03'11", SUBTENDED BY A CHORD OF 396.43 FEET AT A BEARING OF N.08°30'30"W., FOR A DISTANCE OF 396.52 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°07'51"E. FOR A DISTANCE OF 747.22 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N.82°31'42"E., A DISTANCE OF 3,909.60 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,909.60 FEET, THROUGH A CENTRAL ANGLE OF 08°29'31", SUBTENDED BY A CHORD OF 578.92 FEET AT A BEARING OF N.03°13'32"W., FOR A DISTANCE OF 579.45 FEET TO THE END OF SAID CURVE; THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 583.09 FEET; THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 47.04 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY; THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE NORTHERLY, WHOSE RADIUS POINT BEARS N.10°26'58"W., A DISTANCE OF 2,025.00 FEET THEREFROM; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°12'27", SUBTENDED BY A CHORD OF 325.07 FEET AT A BEARING OF N.74°56'48"E., FOR A DISTANCE OF 325.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.70°20'35"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 487.89 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 488.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 238.23 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN S.00°59'47"E., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,869.10 FEET TO THE POINT OF BEGINNING; CONTAINING 95.885 ACRES, MORE OR LESS.

AND

A PORTION OF SECTIONS 3, 4, 9, AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE

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HM PROJECT #1997079
1/17/01
REF. DWG. #A-994-2
PAGE 2 OF 3

SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 3,021.15 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,320.56 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,692.32 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°56'59"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,590.78 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 5,641.38 FEET, THROUGH A CENTRAL ANGLE OF 09°31'27", SUBTENDED BY A CHORD OF 936.68 FEET AT A BEARING OF N.05°42'42"W., FOR A DISTANCE OF 937.76 FEET TO THE END OF SAID CURVE; THENCE RUN N.10°28'26"W., ALONG SAID WESTERLY RIGHT-OF -WAY LINE, FOR A DISTANCE OF 98.54 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, A 100.00 FOOT RIGHT-OF-WAY; THENCE RUN S.88°20'53"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,029.70 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN WESTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 7,050.00 FEET, THROUGH A CENTRAL ANGLE OF 03°00'00", SUBTENDED BY A CHORD OF 369.09 FEET AT A BEARING OF S.89°50'53"W., FOR A DISTANCE OF 369.14 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°39'07"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 674.92 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN S.04°52'41"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,901.57 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,725.19 FEET, THROUGH A CENTRAL ANGLE OF 11°32'50", SUBTENDED BY A CHORD OF 548.30 FEET AT A BEARING OF S.00°53'44"E., FOR A DISTANCE OF 549.23 FEET TO THE END OF SAID CURVE; THENCE RUN S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 225.81 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,710.61 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 626.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 11,584.73 FEET, THROUGH A CENTRAL ANGLE OF 06°24'13", SUBTENDED BY A CHORD OF 1,294.08 FEET AT A BEARING OF S.03°28'03"E., FOR A DISTANCE OF 1,294.76 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°15'56"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 274.74 FEET; THENCE RUN S.46°02'16"E., FOR A DISTANCE OF 577.44 FEET; THENCE RUN S.01°57'26"E. FOR A DISTANCE OF 25.19 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY; THENCE RUN N.88°02'34"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 32.80 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,875.00 FEET, THROUGH A CENTRAL ANGLE OF 17°41'59", SUBTENDED BY A CHORD OF 576.92 FEET AT A BEARING OF N.79°11'34"E., FOR A DISTANCE OF 579.22 FEET TO THE END OF SAID

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1/17/01
REF. DWG. #A-994-2
PAGE 3 OF 3

CURVE; THENCE RUN N.70°20'35"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 512.09 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 512.65 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 263.08 FEET TO THE POINT OF BEGINNING; CONTAINING 386.536 ACRES, MORE OR LESS.

NOTES:

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

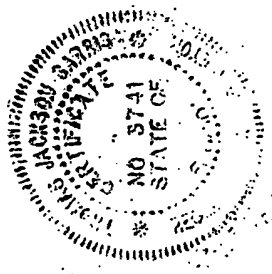
TOTAL PROPERTY AREA: 482.421 ACRES, MORE OR LESS.

INFORMATION RELATING TO BOUNDARY DATA OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, TOGETHER WITH THE LOCATION OF THE US HIGHWAY #41 RIGHT-OF-WAY, WAS OBTAINED FROM A SURVEY OF THE SWEETWATER RANCH PREPARED BY DENI ASSOCIATES HAVING ORDER NUMBER 8409031, DATED 9/14/84. INFORMATION RELATING TO THE LOCATION OF COCONUT ROAD AND ADJOINING EXCEPTED PARCELS WAS OBTAINED FROM PROPERTY DESCRIPTIONS PROVIDED BY CLIENT.

BEARINGS REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S.88°56'17"W.

HOLE, MONTES, INC.
CERTIFICATE OF AUTHORIZATION LB #1772

BY _____ P.L.S. #3741
THOMAS J. GARRIS STATE OF FLORIDA



Applicant's Legal Checked
by _____ 1/13/02

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DRI 2000-00015

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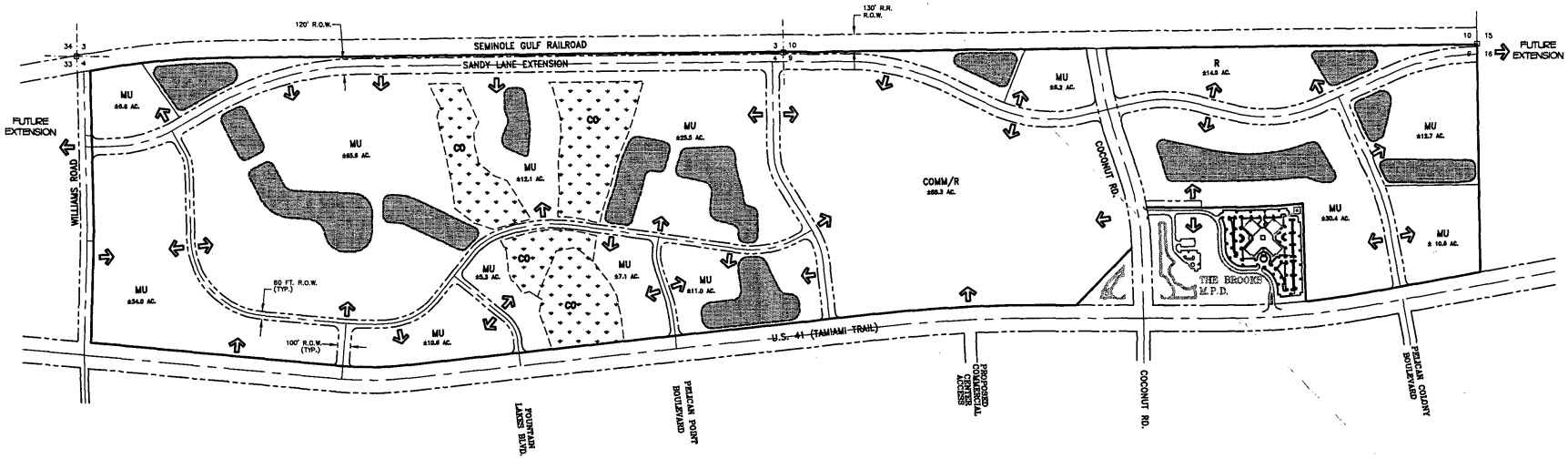
DRI 2004-00008

EXHIBIT "B"



LAND USE BREAKDOWN

CONSERVATION AREAS	±32.7 ACRES
LAKES	±47.1 ACRES
INTERNAL R.O.W.	±50.2 ACRES
GREEN AREA / OPEN SPACE	±11.6 ACRES
DEVELOPMENT AREAS	±340.8 ACRES
TOTAL	±482.4 ACRES

PROJECT INTENSITY

RESIDENTIAL UNITS	1,450
COMMERCIAL/RETAIL (GROSS LEASABLE AREA)	1,800,000
GENERAL OFFICE (S.F.)	200,000
MEDICAL OFFICE (S.F.)	100,000
HOTEL (ROOMS)	350

LEGEND

- COMM — RETAIL/COMMERCIAL
- MU — MIXED USE
- R — RESIDENTIAL
- PROPERTY BOUNDARY
- ROAD R.O.W. LINE
- CONSERVATION AREAS
- PROPOSED LAKE
- CONCEPTUAL ACCESS POINT

NOTES:

1. LOCATIONS/CONFIGURATIONS OF PROPOSED LAND USES, SUCH AS LAKES, CONSERVATION AREAS, ROADWAYS AND OPEN SPACE ARE CONCEPTUALLY SHOWN AND SUBJECT TO CHANGE DURING FINAL DESIGN/PERMITTING.
2. THE MIXED USE (MU) DESIGNATION CONTAINS A MIX OF RETAIL/COMMERCIAL, HOTEL, OFFICE, RESIDENTIAL, ALF, AND PUBLIC FACILITY LAND USES.

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SCALE: 1"= 400'
DRAWING CURRENT AS OF: 08/04/04

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NUMBER	REVISIONS	DATE
4		08/19/04
3	NDPC	
2	REVISIONS PER 1st SUFFICIENCY COMMENTS	01/26/01
1		DATE

6202-F Presidential Court
Fort Myers, FL. 33919
Phone : (239) 985-1200
Florida Certificate of Authorization No.1772
Naples · Fort Myers · Venice · Englewood

HOLE MONTES
ENGINEERS · PLANNERS · SURVEYORS

SIMON SUNCOAST
MASTER CONCEPT PLAN
MAP 'H'

THESE DRAWINGS ARE NOT CONSIDERED VALID UNLESS SIGNED AND SEALED BELOW

DATE

DESIGNED:	DATE:
DRAWN: C.R.B.	DATE: 01/31/01
CHECKED: N.E.D.	DATE: 01/31/01
VERT. SCALE:	HORZ. SCALE: 1"= 400'
DRAWING NO.	
REFERENCE NO.	9779BMAPH
PROJECT NO.	SHEET NO.
97.79-B	1 OF 1

DRI
EXHIBIT C

Development Parameters and Phasing Schedule

		Buildout
Regional Retail Commercial	1,450,000* sq. ft.	2006
Community Retail	350,000* sq. ft.	2006
Office	300,000** sq. ft.	2006
Hotel	~~600~~350Rooms	2006
Residential, Multi-family	~~1000~~1,250 du	2006
Assisted Living Facility	200 units	2006

* Gross Leasable Area

**Up to 100,000 sq. ft., may be medical office

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EXHIBIT D

ANNUAL MONITORING REPORT REQUIREMENTS

The Annual Monitoring Report that must be submitted by the Developer in accordance with Subsections 380.06(15) and 380.06(18), Florida Statutes, and 9J-2.025(7), Florida Administrative Code, must include the following:

A. Any changes in the plan of development or in the representations contained in the application for development approval, or in the phasing for the reporting year and for the next year;

B. A summary comparison of development activity proposed and actually conducted for the year;

C. Identification of undeveloped tracts of land, other than individual single family lots, that have been sold to separate entities or developers.

D. Identification and intended use of lands purchased, leased, or optioned by the Developer adjacent to the original DRI site since the development order was issued;

E. A specific assessment of the Developer's and the local government's compliance with each individual condition of approval contained in the DRI Development Order and the commitments which are contained in the application for development approval and which have been identified by the local government, the RPC, or the DCA as being significant;

F. Any requests for substantial deviation determination that were filed in the reporting year and to be filed during the following year;

G. An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;

H. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose of each;

I. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(15) and (18), Florida Statutes;

J. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer pursuant to Paragraph 380.06(15)(f), Florida Statutes.

NOTE: The Florida Administrative Code specifically requires that the development order specify the requirements for the annual report. The Administrative Code requires that the annual report will be submitted to DCA, the RPC, and the local government on form RH-BSP-Annual Report-1.

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EXHIBIT E
Calculation of Road Impact Fee Obligation

LAND USE	ITE LUC	UNIT	RATE	SIZE	AMOUNT
GENERAL INDUSTRIAL	130	1000 SF	$1,681.00	0	$ -
WAREHOUSE	150	1000 SF	$1,198.00	0	$ -
MINI-WAREHOUSE	151	1000 SF	$ 419.00	0	$ -
SINGLE-FAMILY DETACHED	210	DU	$2,436.00	0	$ -
MULTI-FAMILY	220	DU	$1,687.00	1000	$ 1,687,000.00
MOBILE HOME (PARK UNIT)/RV SITE	240	DU	$1,221.00	0	$ -
ACLF	252	DU	$ 550.00	200	$ 110,000.00
HOTEL	310	ROOM	$1,834.00	600	$ 1,100,400.00
TIMESHARE	310	DU	$1,834.00	0	$ -
GOLF COURSE	430	ACRE	$ 711.00	0	$ -
MOVIE THEATRE	443	1000 SF	$5,600.00	0	$ -
ELEMENTARY/SECONDARY SCHOOL (PRIVATE)	520	1000 SF	$ 611.00	0	$ -
CHURCH	560	1000 SF	$1,402.00	0	$ -
DAYCARE	565	1000 SF	$3,900.00	0	$ -
HOSPITAL	610	1000 SF	$2,941.00	0	$ -
NURSING HOME	620	1000 SF	$ 824.00	0	$ -
OFFICE UNDER 100,000 SF	710	1000 SF	$2,254.00	100	$ 225,400.00
OFFICE 100,000 SF AND OVER	710	1000 SF	$1,918.00	100	$ 191,800.00
MEDICAL OFFICE	720	1000 SF	$6,334.00	100	$ 633,400.00
RETAIL UNDER 100,000 SF	820	1000 SF	$3,992.00	100	$ 399,200.00
RETAIL 100,000 SF TO 250,000 SF	820	1000 SF	$3,869.00	150	$ 580,350.00
RETAIL 250,000 SF TO 500,000	820	1000 SF	$3,634.00	250	$ 908,500.00
RETAIL 500,000 SF AND OVER	820	1000 SF	$3,354.00	1300	$ 4,360,200.00
STANDARD RESTAURANT	831	1000 SF	$8,715.00	0	$ -
FAST FOOD RESTAURANT	834	1000 SF	$9,886.00	0	$ -
CAR WASH, SELF-SERVICE	847	STALL	$7,749.00	0	$ -
CONVENIENCE FOOD AND BEVERAGE STORE	851	1000 SF	$8,715.00	0	$ -
BANK	911	1000 SF	$6,063.00	0	$ -
TOTAL					$10,196,250.00

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DRI
EXHIBIT F
Pedestrian, Bicycle and Bus Stop Plan

To be submitted by applicant during Hearing Examiner Presentation

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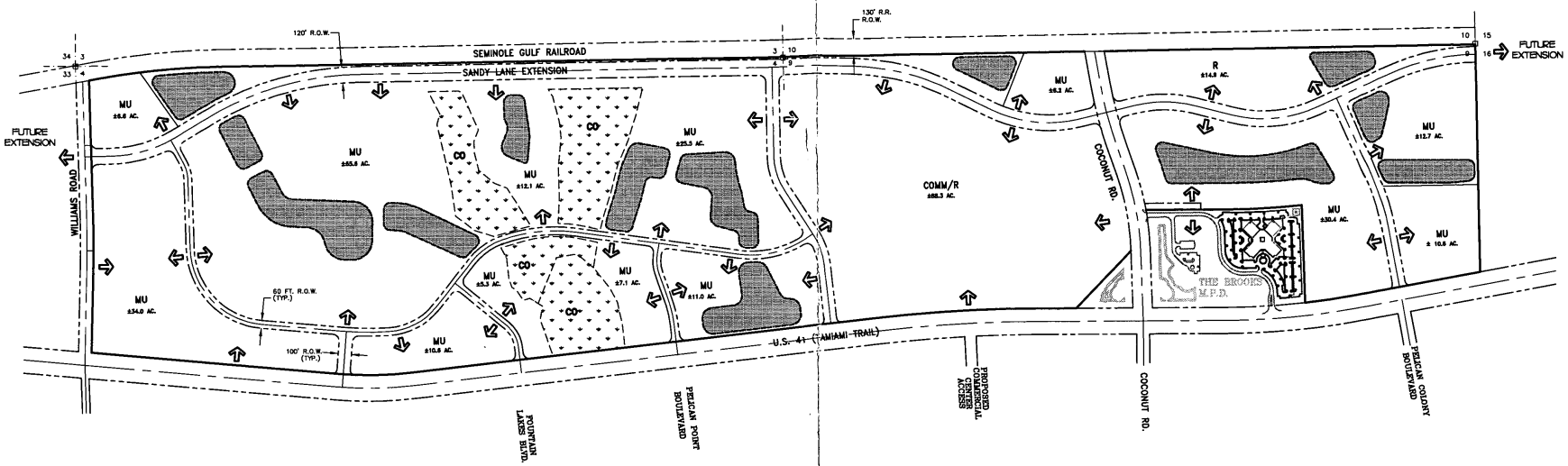
DRI 2004-00008



LAND USE BREAKDOWN

CONSERVATION AREAS	±32.7 ACRES
LAKES	±47.1 ACRES
INTERNAL R.O.W.	±50.2 ACRES
GREEN AREA / OPEN SPACE	±11.6 ACRES
DEVELOPMENT AREAS	±340.8 ACRES
TOTAL	±482.4 ACRES

PROJECT INTENSITY

RESIDENTIAL UNITS	1,450
COMMERCIAL/RETAIL (GROSS LEASABLE AREA)	1,800,000
GENERAL OFFICE (S.F.)	200,000
MEDICAL OFFICE (S.F.)	100,000
HOTEL (ROOMS)	350

LEGEND

COMM	RETAIL/COMMERCIAL
MU	MIXED USE
R	RESIDENTIAL
	PROPERTY BOUNDARY
	ROAD R.O.W. LINE
CO	CONSERVATION AREAS
	PROPOSED LAKE
	CONCEPTUAL ACCESS POINT

NOTES:

1. LOCATIONS/CONFIGURATIONS OF PROPOSED LAND USES, SUCH AS LAKES, CONSERVATION AREAS, ROADWAYS AND OPEN SPACE ARE CONCEPTUALLY SHOWN AND SUBJECT TO CHANGE DURING FINAL DESIGN/PERMITTING.
2. THE MIXED USE (MU) DESIGNATION CONTAINS A MIX OF RETAIL/COMMERCIAL, HOTEL, OFFICE, RESIDENTIAL, ALF, AND PUBLIC FACILITY LAND USES.

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HOLE MONTES

ORI 2004-00008

SCALE: 1"= 400'
DRAWING CURRENT AS OF: 08/04/04

NUMBER	REVISIONS	DATE
4	NOPC	08/18/04
3	REVISIONS PER 1st SUFFICIENCY COMMENTS	01/30/01
2		
1		

6202-F Presidential Court
Fort Myers, FL 33919
Phone : (239) 985-1200
Florida Certificate of Authorization No.1772
Naples · Fort Myers · Venice · Englewood

HOLE MONTES
ENGINEERS · PLANNERS · SURVEYORS

SIMON SUNCOAST

MASTER CONCEPT PLAN MAP 'H'

THESE DRAWINGS ARE NOT APPROVED UNLESS SIGNED AND SEALED BELOW.

DESIGNED: DATE:
DRAWN: C.R.B. DATE: 01/31/01
CHECKED: N.E.D. DATE: 01/31/01
VERT. SCALE: HORIZ. SCALE: 1"= 400'
DRAWING NO.

REFERENCE NO. 9779BMAPH
PROJECT NO. 97.79-B
SHEET NO. 1 of 1

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Spatial District Query Report

STRAP Number: 09-47-25-00-00001.0020

District Name	District Value(s)		Pct of Parcel in District (if fractional)	Notes
Airport Noise Zone			NOT FOUND	
Coastal Building Zone			NOT FOUND	
Coastal High Hazard Area			NOT FOUND	
Fire District	Fire District	Estero		
	Taxing Authority	029		
Flood Insurance Zone	Flood Zone	B		
FIRM Floodway			NOT FOUND	
Flood Insurance Panel	Community	125124		
	Panel	0475		
	Version	B		
	Date			
DNR Flood Zones			NOT FOUND	
Flood Insurance Coastal Barrier			NOT FOUND	
Lighting District			NOT FOUND	
Planning Community	ID	21		
	Plan Community	Estero		
Planning Land Use 2010	Landuse	Urban Community	97.65%	
	Landuse	Wetlands	2.35%	1
Storm Surge	Category	3		
Subdivisions			NOT FOUND	
Traffic Analysis Zone	TAZ	838	94.8%	
	TAZ	623	5.2%	1
Archaeological Sensitivity	Sensitivity Level	2	60.46%	
Vegetation Permit Required			NOT FOUND	
Soil	Map Symbol	14	80.76%	2
	Soil Name	VALKARIA FINE SAND		
	Map Symbol	11	13.31%	
	Soil Name	MYAKKA FINE SAND		
	Map Symbol	27	4.3%	1 2
	Soil Name	POMPANO FINE SAND, DEPRESSIONAL		
	Map Symbol	42	0.41%	1
	Soil Name	WABASSO SAND, LIMESTONE SUBSTRATUM		
	Map Symbol	26	0.34%	1 2
	Soil Name	PINEDA FINE SAND		
	Map Symbol	13	0.24%	1
	Soil Name	BOCA FINE SAND		
	Map Symbol	6	0.22%	1
	Soil Name	HALLANDALE FINE SAND		
	Map Symbol	99	0.22%	1
	Soil Name	WATER		

	Map Symbol	34	0.2%	1 2
	Soil Name	MALABAR FINE SAND		
Commissioner District	District	3		
	Commissioner	Ray Judah		
Unincorporated Lee County Zoning	Zoning Designation	MPD		
Development Orders	Development Order	DOS2004-00059	34.07%	
	Status	(null)		
	Wet Season Water Table	(null)		
	Development Order	DOS2004-00135	16.53%	
	Status	(null)		
	Wet Season Water Table	(null)		
	Development Order	LDO2003-00207	1.04%	1
	Status			
	Wet Season Water Table			
	Development Order	DOS2004-00038	0.01%	1
	Status	(null)		
	Wet Season Water Table	(null)		
Fort Myers Beach Interim Zoning			NOT FOUND	

[Modify] Report Settings

Note	Details
1	Small percentages can result from slight variations in the way lines are drawn or imported into our system. Such values may not accurately reflect an overlap with the subject parcel.
2	Contact DEP (239) 332-6975 for wetland determination

Our goal is to provide the most accurate data available, however no warranties, expressed or implied, are provided with this data, its use, or interpretation.
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EXHIBIT II-A-1

HM PROJECT #1997079
1/17/01
REF. DWG. #A-994-3

DRI 2004-00008

LEGAL DESCRIPTION

A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY, AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 1,733.04 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN N.10°32'05"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 971.33 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 5,605.39 FEET, THROUGH A CENTRAL ANGLE OF 04°03'11", SUBTENDED BY A CHORD OF 396.43 FEET AT A BEARING OF N.08°30'30"W., FOR A DISTANCE OF 396.52 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°07'51"E. FOR A DISTANCE OF 747.22 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N.82°31'42"E., A DISTANCE OF 3,909.60 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,909.60 FEET, THROUGH A CENTRAL ANGLE OF 08°29'31", SUBTENDED BY A CHORD OF 578.92 FEET AT A BEARING OF N.03°13'32"W., FOR A DISTANCE OF 579.45 FEET TO THE END OF SAID CURVE; THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 583.09 FEET; THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 47.04 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE NORTHERLY, WHOSE RADIUS POINT BEARS N.10°26'58"W., A DISTANCE OF 2,025.00 FEET THEREFROM; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°12'27", SUBTENDED BY A CHORD OF 325.07 FEET AT A BEARING OF N.74°56'48"E., FOR A DISTANCE OF 325.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.70°20'35"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 487.89 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 488.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 238.23 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN S.00°59'47"E., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,869.10 FEET TO THE POINT OF BEGINNING; CONTAINING 95.885 ACRES, MORE OR LESS.

AND

A PORTION OF SECTIONS 3, 4, 9, AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE

SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 3,021.15 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,320.56 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,692.32 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°56'59"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,590.78 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 5,641.38 FEET, THROUGH A CENTRAL ANGLE OF 09°31'27", SUBTENDED BY A CHORD OF 936.68 FEET AT A BEARING OF N.05°42'42"W., FOR A DISTANCE OF 937.76 FEET TO THE END OF SAID CURVE; THENCE RUN N.10°28'26"W., ALONG SAID WESTERLY RIGHT-OF -WAY LINE, FOR A DISTANCE OF 98.54 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, A 100.00 FOOT RIGHT-OF-WAY; THENCE RUN S.88°20'53"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,029.70 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN WESTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 7,050.00 FEET, THROUGH A CENTRAL ANGLE OF 03°00'00", SUBTENDED BY A CHORD OF 369.09 FEET AT A BEARING OF S.89°50'53"W., FOR A DISTANCE OF 369.14 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°39'07"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 674.92 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN S.04°52'41"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,901.57 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,725.19 FEET, THROUGH A CENTRAL ANGLE OF 11°32'50", SUBTENDED BY A CHORD OF 548.30 FEET AT A BEARING OF S.00°53'44"E., FOR A DISTANCE OF 549.23 FEET TO THE END OF SAID CURVE; THENCE RUN S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 225.81 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,710.61 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 626.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 11,584.73 FEET, THROUGH A CENTRAL ANGLE OF 06°24'13", SUBTENDED BY A CHORD OF 1,294.08 FEET AT A BEARING OF S.03°28'03"E., FOR A DISTANCE OF 1,294.76 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°15'56"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 274.74 FEET; THENCE RUN S.46°02'16"E., FOR A DISTANCE OF 577.44 FEET; THENCE RUN S.01°57'26"E. FOR A DISTANCE OF 25.19 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY; THENCE RUN N.88°02'34"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 32.80 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,875.00 FEET, THROUGH A CENTRAL ANGLE OF 17°41'59", SUBTENDED BY A CHORD OF 576.92 FEET AT A BEARING OF N.79°11'34"E., FOR A DISTANCE OF 579.22 FEET TO THE END OF SAID

CURVE; THENCE RUN N.70°20'35"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 512.09 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 512.65 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 263.08 FEET TO THE POINT OF BEGINNING; CONTAINING 386.536 ACRES, MORE OR LESS.

NOTES:

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

TOTAL PROPERTY AREA: · 482.421 ACRES, MORE OR LESS.

INFORMATION RELATING TO BOUNDARY DATA OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, TOGETHER WITH THE LOCATION OF THE US HIGHWAY #41 RIGHT-OF-WAY, WAS OBTAINED FROM A SURVEY OF THE SWEETWATER RANCH PREPARED BY DENI ASSOCIATES HAVING ORDER NUMBER 8409031, DATED 9/14/84. INFORMATION RELATING TO THE LOCATION OF COCONUT ROAD AND ADJOINING EXCEPTED PARCELS WAS OBTAINED FROM PROPERTY DESCRIPTIONS PROVIDED BY CLIENT.

BEARINGS REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S.88°56'17"W.

EXHIBIT III-A

Property Owners List

Coconut Point Developers, L.L.C. P.O. Box 7033 Indianapolis, IN 46207 Contact: Tom Schneider Tel: 317/263-7032 Fax: 317/685-7299	04-47-25-00-00001.0130 Access Undetermined Estero, FL 33928 09-47-25-00-00001.0020 Access Undetermined Estero, FL 33928
Edward J. McArdle, Trustee c/o David McArdle 1600 E. Main Street, Suite B St. Charles, IL 60174 Tel: 630/584-6580 Fax: 630/584-6604	09-47-25-00-00001.0010 Access Undetermined Bonita Springs, FL 33928
Wallace Homes of Southwest Florida, Inc. 2640 Golden Gate Pkwy, Ste. 305 Naples, FL 34105 Contact: James Wallace	04-47-25-00-00001.0000 Multiple addresses, Estero, FL 33928

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EXHIBIT III-C

NARRATIVE REGARDING REQUEST

The proposed DRI amendment will increase the number of condominiums at Coconut Point from 550 to 900; decrease the number of apartments from 450 to 250; and decrease the number of hotel units from 600 to 450. As a result of these revisions, the net new external peak hour vehicular trips will decrease by 1.1 percent. No other substantive changes are being requested.

Due to the decrease in traffic impacts, the amendment does not constitute a substantial deviation.

DRI2004-00008

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FORM RPM-BSP-PROPCHANGE-1

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF COMMUNITY PLANNING
BUREAU OF LOCAL PLANNING
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399
850/488-4925

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NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT (DRI) SUBSECTION 380.06(19), FLORIDA STATUTES

Subsection 380.06(19), Florida Statutes, requires that submittal of a proposed change to a previously approved DRI be made to the local government, the regional planning agency, and the state land planning agency according to this form.

1. I, **Matthew D. Uhle**, the undersigned authorized representative of **Coconut Point Developers, L.L.C.**, hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the **Coconut Point DRI** development, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to **Lee County,** to the **Southwest Florida Regional Planning Council**, and to the Bureau of Local Planning, Department of Community Affairs.

7/8/04
Date

Matthew D. Uhle
Signature

DRI2004-00008

2. Applicant (name, address, phone).

Coconut Point Developers, L.L.C.
P.O. Box 7033
Indianapolis, FL 46207
Attention: Thomas J. Schneider, Vice-President
317/ 263-7032

3. Authorized Agent (name, address, phone).

Matthew D. Uhle
Knott, Consoer, Ebelini, Hart & Swett, P.A.
1625 Hendry Street
Fort Myers, FL 33901
Tel: 239/334-2722
Fax: 239/334-1446

4. Location (City, County, township/Range/Section) of approved DRI:

Sections 3, 4, 9, and 10
Township 47 South
Range 25 East, Lee County, Florida

and location of proposed change:

Sections 4, and 9
Township 47 South
Range 25 East, Lee County, Florida

5. Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing, additional lands, commencement date, build-out date, development order conditions and requirements, or to the representations contained in either the development order or the Application for Development Approval.

This is an increase in residential condominiums from 550 to 900; decrease in hotel rooms from 600 to 450; decrease in apartments from 450 to 300.

Indicate such changes on the project master site plan, supplementing with other detailed maps, as appropriate. Additional information may be requested by the Department or any reviewing agency to clarify the nature of the change or the resulting impacts.

6. Complete the attached Substantial Deviation Determination Chart for all land use types approved in the development. If no change is proposed or has occurred, indicate no change

See attached Chart

7. List all the dates and resolution numbers (or other appropriate identification) of all modifications or amendments to the originally approved DRI development order that have been adopted by the local government, and provide a brief description of the previous changes (i.e., any information not already addressed in the Substantial Deviation Determination Chart). Has there been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued? If so, has the annexing local government adopted a new DRI development order for the project?

The original DRI Development Order has not been amended to date. There has not been any change in local government jurisdiction since the original Development Order was issued.

8. Describe any lands purchase or optioned within 1/4 mile of the original DRI site subsequent to the original approval or issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within ½ mile on a project master site plan or other map.

Not Applicable

9. Indicate if the proposed change is less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06(19)(b), Florida Statutes. **No.**

Do you believe this notification of change proposes a change which meets the criteria of Subparagraph 380.06(19)(e)2., F.S. YES _____ NO__**X**__

10. Does the proposed change result in a change to the buildout date or any phasing date of the project? If so, indicate the proposed new buildout or phasing dates. **No.**

11. Will the proposed change require an amendment to the local government comprehensive plan? **No.**

12. An updated master site plan or other map of the development portraying and distinguishing the proposed changes to the previously approved DRI or development order conditions.

Please see proposed Amended Development Order (attached).

13. Pursuant to Subsection 380.06(19)(f), F.S., include the precise language that is being proposed to be deleted or added as an amendment to the development order. This language should address and qualify:

Please see proposed Amended Development Order (attached).

a. All proposed specific changes to the nature, phasing, and build-out date or the development; to development order conditions and requirements; to commitments and representations in the Application for Development Approval; to the acreage attributable to each described proposed change of land use, open space, areas for preservation, green belts; to structures or to other improvements including locations, square footage, number of units; and other major characteristics or components of the proposed change;

b. An updated legal description of the property, if any project acreage is/has been added or deleted to the previously approved plan of development;

c. A proposed amended development order deadline for commencing physical development of the proposed changes, if applicable;

d. A proposed amended development order termination date that reasonably reflects the time required to complete the development;

e. A proposed amended development order date until which the local government agrees that the changes to the DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, if applicable; and

f. Proposed amended development order specification for the annual report, including the date of submission, contents, and parties to whom the report is submitted as specified in Subsection 9J-2.025 (7), F.A.C.

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Attraction/Recreation	# Parking Spaces			
	# Spectators			
	# Seats			
	Site locational changes			
	Acreage, including drainage, ROW, easements, etc.			
	External Vehicle Trips			
	D.O. Conditions			
	ADA Representations			
Airports	Runway (length)			
	Runway (strength)			
	Terminal (gross square feet)			
	# Parking Spaces			
	# Gates			
	Apron Area (gross square feet)			
	Site locational changes			
	Airport Acreage, including drainage, ROW, easements, etc.			
	# External Vehicle Trips			
	D.O. Conditions			

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Airports (cont.)	ADA representations			
Hospitals	# Beds			
	# Parking Spaces			
	Building (gross square feet)			
	Site locational changes			
	Acreage, including drainage, ROW, easements, etc.			
	External Vehicle Trips			
	D.O. conditions			
	ADA representations			
Industrial	Acreage, including drainage, ROW, easements, etc.			
	# Parking spaces			
	Building (gross square feet)			
	# Employees			
	chemical storage (barrels and pounds)			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Mining Operations	Acreage mined (year)			
	Water withdrawal (gal/day)			
	Size of mine (acres), including drainage, ROW, easements, etc.			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
Office	Acreage, including drainage, ROW, easements, etc.			
	Building (gross square feet)			
	# Parking Spaces			
	# Employees			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
Petroleum/Chemical Storage	Storage Capacity (barrels and/or pounds)			
	Distance to Navigable Waters (feet)			
	Site locations changes			

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Petroleum/Chemical Storage (cont.)	Facility Acreage, including drainage, ROW, easements, etc.			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
Ports (Marinas)	# Boats, wet storage			
	# Boats, dry storage			
	Dredge and fill (cu. yds.)			
	Petroleum storage (gals.)			
	Site locational changes			
	Port Acreage, including drainage, ROW, easements, etc.			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
Residential	# Dwelling units	Apartment 450 Condominium 550	Apartment 250 Condominium 900	Not Applicable Not Applicable
	Type of dwelling units			
	# of lots			

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Residential (cont.)	Acreage, including drainage, ROW, easements, etc.			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
Wholesale, Retail, Service	Acreage, including drainage, ROW, easements, etc.			
	Floor Space (gross square feet)			
	# Parking Spaces			
	# Employees			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
Hotel/Motel	# Rental Units	450	600	not applicable
	Floor space (gross square feet)			
	# Parking Places			
	# Employees			
	Site locational changes			

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Hotel, Motel (cont.)	Acreage, including drainage, ROW, easements, etc.			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
R.V. Park	Acreage, including drainage, ROW, easements, etc.			
	# Parking Spaces			
	Buildings (gross square feet)			
	# Employees			
	Site locational changes			
	# External vehicle trips			
	D.O. conditions			
	ADA representations			
Open Space (All natural and vegetated non-impervious surfaces)	Acreage			
	Site locational changes			
	Type of open space			
	D.O. Conditions			
	ADA representations			

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Preservation, Buffer or Special Protection Areas	Acreage			
	Site locational changes			
	Development of site proposed			
	D.O. Conditions			
	ADA representations			

COCONUT POINT DRI

NOTICE OF PROPOSED CHANGE (NOPC)
TRAFFIC STUDY

Project #04586

June 3, 2004
Revised August 12, 2004

Prepared by:
DAVID PLUMMER & ASSOCIATES, INC.
1531 Hendry Street
Fort Myers, Florida 33901

COCONUT POINT DRI

NOTICE OF PROPOSED CHANGE (NOPC) TRAFFIC STUDY

Introduction

The Coconut Point DRI (formerly known as the Simon Suncoast DRI) is a planned, mixed-use development located in Estero, on the east side of US 41 near Coconut Road. Coconut Point was approved for 1,200 residential units (including apartments, residential condominiums and adult living facilities), 1,800,000 sq. ft. of commercial/retail uses, 300,000 sq. ft. of office space and 600 hotel rooms.

The Project will be developed as three Areas: Area 1, the North Village; Area 2, the Town Center; and Area 3, the South Village. Buildout is anticipated in the year 2006.

A Notice of Proposed Change (NOPC) is being processed to increase the number of residential units in Area 2 of Coconut Point. This Traffic Study is being submitted in support of this NOPC.

The Traffic Study demonstrates that the NOPC will not result in an increase in the traffic impacts of Coconut Point. Any increase in traffic due to the additional residential units will be off-set by reductions in traffic due to a reduction in the number of hotel units and due to a change in the approved residential units in Area 2 from apartments to residential condominiums. This is explained in detail below.

Development Parameters

A comparison of the approved land uses in Coconut Point with the proposed land uses under the NOPC is provided in Exhibit 1. All of the changes occur in Area 2 and involve residential and hotel units.

The Developer proposes to add 450 residential condominiums and to offset this by deleting 200 apartments and 250 hotel rooms. These changes are reflected in the revised totals for the Coconut Point DRI. No other changes are proposed at this time.

Project Trip Generation

The trip generation of the Coconut Point DRI was originally estimated using the Institute of Transportation Engineers (ITE) Trip Generation, Sixth Edition, and contemporary trip generation methodologies that are acceptable to Lee County and the other DRI review agencies. As indicated in Section II.D.1.a on page 8 of the approved DRI Development Order, the Coconut

Point DRI is expected to generate 4,120 net new external PM peak hour trips. These are the trips drawn to the site on the surrounding road network.

For comparison, the Project's trip generation estimates were updated to reflect the proposed land uses, using the same trip generation methodology that was reviewed and approved for the DRI, with one exception. Instead of using ITE Trip Generation, Sixth Edition, the newer Seventh Edition of the ITE Trip Generation report was used. This made little difference in the findings.

The updated trip generation estimates for the Coconut Point DRI are provided in Exhibit 2. The ITE/MICROTRANS trip generation print-outs are provided in Appendix A. Exhibit 3a and 3b are the worksheets for estimating the internal orientation for PM peak hour and daily trips, respectively, based on Chapter 7 of the ITE Trip Generation Handbook.

With the proposed uses, the DRI is expected to generate 4,056 net new external PM peak hour trips. That is 64 (or 1.6%) fewer PM peak hour trips than were approved for the DRI.

The reduced trip generation is due to the fact that residential condominiums generate traffic at a lower rate per unit than hotel rooms and apartments. In other words, in terms of traffic generation, the addition of 450 residential condominiums is more than offset by the loss of an equal number of hotel rooms and apartments.

Project Traffic Impacts

The Project's off-site traffic impacts would also be reduced by the proposed land uses under this NOPC. As demonstrated above, the Project's overall trip generation is reduced by 1.6%.

In addition, all three of the uses being changed (residential condominiums, apartments and hotel rooms) are considered trip producers. That is, they produce trips that are attracted to commercial, industrial and other non-residential uses. Substituting one form of trip producer for another would have a negligible affect on the distribution and assignment of Coconut Point trips.

Therefore, the Project's traffic impacts on the surrounding road network would be reduced slightly by the proposed change in land uses. No additional road or intersection improvements or off-site traffic mitigation would be needed.

EXHIBIT 1

NOTICE OF PROPOSED CHANGE (NOPC)
LAND USES BY AREA

	Approved Land Uses	Changes	Proposed Land Uses
Area 1 (North Village)			
MF - Condos	550 units	0 units	550 units
MF - Apartments	0 units	0 units	0 units
ALF	0 units	0 units	0 units
Hotel	0 rooms	0 rooms	0 rooms
General Retail	280,000 sq. ft.	0 sq. ft.	280,000 sq. ft.
General Office	70,000 sq. ft.	0 sq. ft.	70,000 sq. ft.
Medical Office	0 sq. ft.	0 sq. ft.	0 sq. ft.
Area 2 (Town Center)			
MF - Condos	0 units	450 units	450 units
MF - Apartments	200 units	(200) units	0 units
ALF	0 units	0 units	0 units
Hotel	450 rooms	(250) rooms	200 rooms
General Retail	1,450,000 sq. ft.	0 sq. ft.	1,450,000 sq. ft.
General Office	90,000 sq. ft.	0 sq. ft.	90,000 sq. ft.
Medical Office	0 sq. ft.	0 sq. ft.	0 sq. ft.
Area 3 (South Village)			
MF - Condos	0 units	0 units	0 units
MF - Apartments	250 units	0 units	250 units
ALF	200 units	0 units	200 units
Hotel	150 rooms	0 rooms	150 rooms
General Retail	70,000 sq. ft.	0 sq. ft.	70,000 sq. ft.
General Office	40,000 sq. ft.	0 sq. ft.	40,000 sq. ft.
Medical Office	100,000 sq. ft.	0 sq. ft.	100,000 sq. ft.
TOTAL DRI			
MF - Condos	550 units	450 units	1,000 units
MF - Apartments	450 units	(200) units	250 units
ALF	200 units	0 units	200 units
Hotel	600 rooms	(250) rooms	350 rooms
General Retail	1,800,000 sq. ft.	0 sq. ft.	1,800,000 sq. ft.
General Office	200,000 sq. ft.	0 sq. ft.	200,000 sq. ft.
Medical Office	100,000 sq. ft.	0 sq. ft.	100,000 sq. ft.

EXHIBIT 2

NOTICE OF PROPOSED CHANGE (NOPC)
ITE TRIP GENERATION CALCULATIONS
OVERALL DEVELOPMENT

BUILDOUT (2007)

OVERALL DEVELOPMENT, INCLUDING AREAS 1, 2 AND 3

LAND USE	ITE LUC	SIZE	UNIT	TRIP TYPE	ADJ. FACTOR	(1) PM PEAK IN	PM PEAK OUT	PM PEAK TOTAL	ADJ. FACTOR	(1) DAILY
APARTMENT	220	250	D.U.	TOTAL		101	54	155		1,653
				INTERNAL	40%	33	29	62 (2)	37%	608 (2)
				EXTERNAL		68	25	93		1,045
				PRIMARY		68	25	93		1,045
RESIDENTIAL CONDOMINIUM	230	1000	D.U.	TOTAL		266	131	397		4,544
				INTERNAL	40%	87	71	158 (2)	37%	1,670 (2)
				EXTERNAL		179	60	239		2,874
				PRIMARY		179	60	239		2,874
ALF	253	200	D.U.	TOTAL		20	14	34		430
				INTERNAL	41%	6	8	14 (2)	37%	158 (2)
				EXTERNAL		14	6	20		272
				PRIMARY		14	6	20		272
RETAIL	820	1,800,000 (T.G.L.A.)	Sq. Ft.	TOTAL		2,025	2,193	4,218		44,449
				INTERNAL	10%	213	199	412 (2)	10%	4,599 (2)
				EXTERNAL		1,812	1,994	3,806		39,850
				PASS-BY	20%	380	380	760 (4)	18%	6,600 (4)
				DIVERTED	0%	0	0	0 (4)	0%	0 (4)
				PRIMARY		1,432	1,614	3,046		33,250
OFFICE	710	200,000	Sq. Ft.	TOTAL		51	251	302		2,275
				INTERNAL	14%	17	27	44 (2)	21%	467 (2)
				EXTERNAL		34	224	258		1,808
				PRIMARY		34	224	258		1,808
MEDICAL OFFICE	720	100,000	Sq. Ft.	TOTAL		85	230	315		3,874
				INTERNAL	17%	27	25	52 (2)	21%	794 (2)
				EXTERNAL		58	205	263		3,080
				PRIMARY		58	205	263		3,080
HOTEL	310	350	Rooms	TOTAL		119	126	245		3,122
				INTERNAL	44%	40	68	108 (2)	37%	1,148 (2)
				EXTERNAL		79	58	137		1,974
				PRIMARY		79	58	137		1,974
TOTAL				TOTAL		2,667	2,999	5,666		60,347
				INTERNAL		424	426	850 (2)		9,444 (2)
				EXTERNAL		2,243	2,573	4,816		50,903
				PASS-BY		380	380	760 (4)		6,600 (4)
				DIVERTED		0	0	0 (4)		0 (4)
				PRIMARY		1,863	2,193	4,056		44,303
Peak Hour Directional Split/Peak-to-Daily Ratio						45.9%	54.1%	9.15%		

FOOTNOTES:

(1) Based on ITE, Trip Generation (7th Edition). The trip generation equations were used for all uses, when available. Daily generation for limited services hotel (LUC 310) derived by assuming pm peak hour estimate is approximately 10% of the daily generation.
(2) Internal trips between the residential (R) and nonresidential (NR) uses.
(3) No Internal trip deduction was taken between retirement community, ALF, and hotel uses.
(4) Pass-by rate (20%) which indicates 17% pass-by plus an adjust allowed by LCDOT for consistency with the Gulf Coast Town Center Projec based on ITE, Trip Generation (7th Edition).

Primary Percentage	87.04%
Pass-by Percentage	12.96%
Diverted Percentage	0.00%

EXHIBIT 3a

NOTICE OF PROPOSED CHANGE (NOPC)
TRIP GENERATION HANDBOOK - An ITE Recommended Practice

Analyst DPA
Date 08/05/2004

Generation Calculation Worksheet

Project Name Coconut Point NOPC #04586
Time Period PM PH (2007)

LAND USE A Residential, ALF, & Hotel

ITE LU	CODE	XXX
	SIZE	XXX

	Total	Internal	External
Enter	506	167	339
Exit	325	175	150
Total	831	342	489
%	100%	41%	59%

Exit to External: 150
Enter From External: 339

A to B

2%	7
Demand	
	3
Balanced	
2%	3
Demand	

B to A

2%	10
Demand	
	10
Balanced	
2%	10
Demand	

A to C

53%	172
Demand	
	172
Balanced	
9%	182
Demand	

C to A

31%	157
Demand	
	157
Balanced	
12%	263
Demand	

LAND USE B Office

ITE LU	CODE	710 & 720
	SIZE	300,000

	Total	Internal	External
Enter	136	44	92
Exit	481	52	429
Total	617	96	521
%	100%	16%	84%

Exit to External: 429
Enter From External: 92

B to C

23%	111
Demand	
	41
Balanced	
2%	41
Demand	

C to B

3%	66
Demand	
	42
Balanced	
31%	42
Demand	

LAND USE C Retail

ITE LU	CODE	820
	SIZE	1,800,000

	Total	Internal	External
Enter	2025	213	1812
Exit	2193	199	1994
Total	4218	412	3806
%	100%	10%	90%

Exit to External: 1994
Enter From External: 1812

Net External Trips for Multi-Use Development

	LU - A	LU - B	LU - C	TOTAL	
Enter	339	92	1812	2243	
Exit	150	429	1994	2573	Internal
Total	489	521	3806	4816	Capture
Single Use	831	617	4218	5666	15.0%

EXHIBIT 3b

NOTICE OF PROPOSED CHANGE (NOPC)
TRIP GENERATION HANDBOOK - An ITE Recommended Practice

Analyst DPA
Date 08/05/2004

Generation Calculation Worksheet

Project Name Coconut Point NOPC #04586
Time Period DAILY (2007)

LAND USE A Residential, ALF, & Hotel

ITE LU	CODE	XXX		
	SIZE	XXX		
		Total	Internal	External
Enter		4874	1670	3204
Exit		4875	1914	2961
Total		9749	3584	6165
%		100%	37%	63%

Exit to External: 2961
Enter From External: 3204

A to B

3% | 146 Demand
61 Balanced
2% | 61 Demand

B to A

3% | 146 Demand
62 Balanced
2% | 62 Demand

A to C

38% | 1853 Demand
1853 Balanced
9% | 2000 Demand

C to A

33% | 1608 Demand
1608 Balanced
11% | 2445 Demand

LAND USE B Office

ITE LU	CODE	710 & 720		
	SIZE	300,000		
		Total	Internal	External
Enter		3074	522	2552
Exit		3075	739	2336
Total		6149	1261	4888
%		100%	21%	79%

Exit to External: 2336
Enter From External: 2552

B to C

22% | 677 Demand
677 Balanced
4% | 889 Demand

C to B

3% | 667 Demand
461 Balanced
15% | 461 Demand

LAND USE C Retail

ITE LU	CODE	820		
	SIZE	1,800,000		
		Total	Internal	External
Enter		22224	2530	19694
Exit		22225	2069	20156
Total		44449	4599	39850
%		100%	10%	90%

Exit to External: 20156
Enter From External: 19694

Net External Trips for Multi-Use Development

	LU - A	LU - B	LU - C	TOTAL	
Enter	3204	2552	19694	25450	
Exit	2961	2336	20156	25453	Internal
Total	6165	4888	39850	50903	Capture
Single Use	9749	6149	44449	60347	15.6%

APPENDIX A

ITE/MICROTRANS TRIP GENERATION PRINT-OUTS

Coconut Point NOPC
Summary of Trip Generation Calculation
For 250 Dwelling Units of Apartments
August 05, 2004

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	6.61	0.00	1.00	1653
7-9 AM Peak Hour Enter	0.10	0.00	1.00	25
7-9 AM Peak Hour Exit	0.40	0.00	1.00	101
7-9 AM Peak Hour Total	0.50	0.00	1.00	126
4-6 PM Peak Hour Enter	0.40	0.00	1.00	101
4-6 PM Peak Hour Exit	0.22	0.00	1.00	54
4-6 PM Peak Hour Total	0.62	0.00	1.00	155
Saturday 2-Way Volume	6.83	0.00	1.00	1706
Saturday Peak Hour Enter	0.00	0.00	1.00	0
Saturday Peak Hour Exit	0.00	0.00	1.00	0
Saturday Peak Hour Total	0.49	0.00	1.00	122

Note: A zero indicates no data available.
The above rates were calculated from these equations:

24-Hr. 2-Way Volume:	T = 6.01(X) + 150.35, R^2 = 0.88
7-9 AM Peak Hr. Total:	T = .49(X) + 3.73
	R^2 = 0.83 , 0.2 Enter, 0.8 Exit
4-6 PM Peak Hr. Total:	T = .55(X) + 17.65
	R^2 = 0.77 , 0.65 Enter, 0.35 Exit
AM Gen Pk Hr. Total:	T = .53(X) + 4.21
	R^2 = 0.82 , 0.29 Enter, 0.71 Exit
PM Gen Pk Hr. Total:	T = .6(X) + 17.52
	R^2 = 0.8 , 0.61 Enter, 0.39 Exit
Sat. 2-Way Volume:	T = 7.85(X) + -256.19, R^2 = 0.85
Sat. Pk Hr. Total:	T = .41(X) + 19.23
	R^2 = 0.56 , 0 Enter, 0 Exit
Sun. 2-Way Volume:	T = 6.42(X) + -101.12, R^2 = 0.82
Sun. Pk Hr. Total:	0
	R^2 = 0 , 0 Enter, 0 Exit

Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

Coconut Point NOPC
Summary of Trip Generation Calculation
For 1000 Dwelling Units of Residential Condominium / Townhouse
August 05, 2004

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	4.54	0.00	1.00	4544
7-9 AM Peak Hour Enter	0.06	0.00	1.00	55
7-9 AM Peak Hour Exit	0.27	0.00	1.00	270
7-9 AM Peak Hour Total	0.33	0.00	1.00	326
4-6 PM Peak Hour Enter	0.27	0.00	1.00	266
4-6 PM Peak Hour Exit	0.13	0.00	1.00	131
4-6 PM Peak Hour Total	0.40	0.00	1.00	397
Saturday 2-Way Volume	4.05	0.00	1.00	4048
Saturday Peak Hour Enter	0.18	0.00	1.00	180
Saturday Peak Hour Exit	0.15	0.00	1.00	153
Saturday Peak Hour Total	0.33	0.00	1.00	333

Note: A zero indicates no data available.
The above rates were calculated from these equations:

24-Hr. 2-Way Volume:	LN(T) = .85LN(X) + 2.55, R^2 = 0.83
7-9 AM Peak Hr. Total:	LN(T) = .8LN(X) + .26
	R^2 = 0.76 , 0.17 Enter, 0.83 Exit
4-6 PM Peak Hr. Total:	LN(T) = .82LN(X) + .32
	R^2 = 0.8 , 0.67 Enter, 0.33 Exit
AM Gen Pk Hr. Total:	LN(T) = .82LN(X) + .17
	R^2 = 0.8 , 0.18 Enter, 0.82 Exit
PM Gen Pk Hr. Total:	T = .34(X) + 38.31
	R^2 = 0.83 , 0.64 Enter, 0.36 Exit
Sat. 2-Way Volume:	T = 3.62(X) + 427.93, R^2 = 0.84
Sat. Pk Hr. Total:	T = .29(X) + 42.63
	R^2 = 0.84 , 0.54 Enter, 0.46 Exit
Sun. 2-Way Volume:	T = 3.13(X) + 357.26, R^2 = 0.88
Sun. Pk Hr. Total:	T = .23(X) + 50.01
	R^2 = 0.78 , 0.49 Enter, 0.51 Exit

Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

Coconut Point NOPC
Summary of Trip Generation Calculation
For 350 Occupied Rooms of Hotel
August 05, 2004

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	8.92	6.04	1.00	3122
7-9 AM Peak Hour Enter	0.39	0.00	1.00	137
7-9 AM Peak Hour Exit	0.28	0.00	1.00	98
7-9 AM Peak Hour Total	0.67	0.84	1.00	235
4-6 PM Peak Hour Enter	0.34	0.00	1.00	119
4-6 PM Peak Hour Exit	0.36	0.00	1.00	126
4-6 PM Peak Hour Total	0.70	0.87	1.00	245
Saturday 2-Way Volume	10.50	4.11	1.00	3675
Saturday Peak Hour Enter	0.00	0.00	1.00	0
Saturday Peak Hour Exit	0.00	0.00	1.00	0
Saturday Peak Hour Total	0.87	0.94	1.00	305

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

Coconut Point NOPC
Summary of Trip Generation Calculation
For 350 Occupied Rooms of Hotel
August 05, 2004

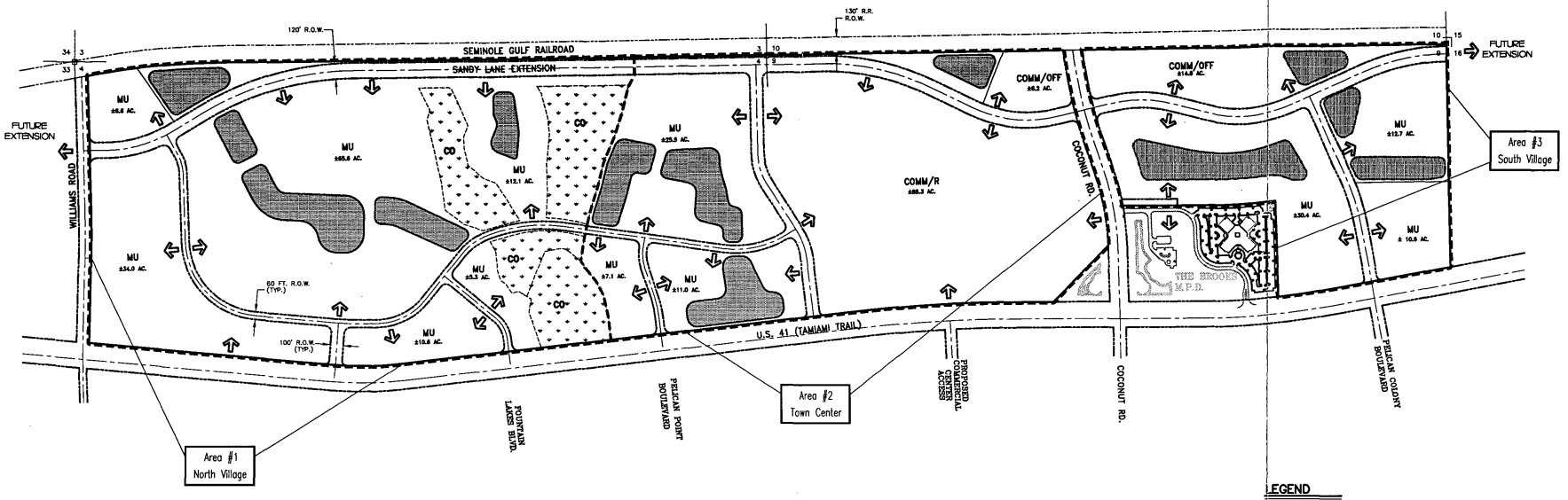
	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	0.00	0.00	1.00	0
7-9 AM Peak Hour Enter	0.40	0.00	1.00	141
7-9 AM Peak Hour Exit	0.29	0.00	1.00	102
7-9 AM Peak Hour Total	0.69	0.00	1.00	243
4-6 PM Peak Hour Enter	0.34	0.00	1.00	117
4-6 PM Peak Hour Exit	0.35	0.00	1.00	122
4-6 PM Peak Hour Total	0.68	0.00	1.00	240
Saturday 2-Way Volume	0.00	0.00	1.00	0
Saturday Peak Hour Enter	0.00	0.00	1.00	0
Saturday Peak Hour Exit	0.00	0.00	1.00	0
Saturday Peak Hour Total	0.00	0.00	1.00	0

Note: A zero indicates no data available.
The above rates were calculated from these equations:

24-Hr. 2-Way Volume:	0, R^2 = 0
7-9 AM Peak Hr. Total:	T = .78(X) + -29.8
	R^2 = 0.69 , 0.58 Enter, 0.42 Exit
4-6 PM Peak Hr. Total:	LN(T) = 1.2LN(X) + -1.55
	R^2 = 0.67 , 0.49 Enter, 0.51 Exit
AM Gen Pk Hr. Total:	LN(T) = .91LN(X) + .01
	R^2 = 0.57 , 0.55 Enter, 0.45 Exit
PM Gen Pk Hr. Total:	LN(T) = .94LN(X) + -.03
	R^2 = 0.6 , 0.57 Enter, 0.43 Exit
Sat. 2-Way Volume:	0, R^2 = 0
Sat. Pk Hr. Total:	0
	R^2 = 0 , 0 Enter, 0 Exit
Sun. 2-Way Volume:	0, R^2 = 0
Sun. Pk Hr. Total:	0
	R^2 = 0 , 0 Enter, 0 Exit

Source: Institute of Transportation Engineers
Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS



LAND USE BREAKDOWN

CONSERVATION AREAS	±32.7 ACRES
LAKES	±47.1 ACRES
INTERNAL R.O.W.	±50.2 ACRES
GREEN AREA / OPEN SPACE	±11.6 ACRES
DEVELOPMENT AREAS	±340.8 ACRES
TOTAL	±482.4 ACRES

PROJECT INTENSITY

RESIDENTIAL UNITS	1,450
COMMERCIAL/RETAIL (GROSS LEASABLE AREA)	1,800,000
GENERAL OFFICE (S.F.)	200,000
MEDICAL OFFICE (S.F.)	100,000
HOTEL (ROOMS)	350

NOTES:

1. LOCATIONS/CONFIGURATIONS OF PROPOSED LAND USES, SUCH AS LAKES, CONSERVATION AREAS, ROADWAYS AND OPEN SPACE ARE CONCEPTUALLY SHOWN AND SUBJECT TO CHANGE DURING FINAL DESIGN/PERMITTING.
2. THE MIXED USE (MU) DESIGNATION CONTAINS A MIX OF RETAIL/COMMERCIAL, HOTEL, OFFICE, RESIDENTIAL, ALF, AND PUBLIC FACILITY LAND USES.

LEGEND

COMM	RETAIL/COMMERCIAL
MU	MIXED USE
OFF	OFFICE/MEDICAL
R	RESIDENTIAL
	PROPERTY BOUNDARY
	DELINEATION OF DEVELOPMENT AREAS
	ROAD R.O.W. LINE
CO	CONSERVATION AREAS
	PROPOSED LAKE
	CONCEPTUAL ACCESS POINT

RECEIVED
NOV 17 2004
PERMIT COUNTER
DRI 2004 00008

SCALE: 1"= 400'

NUMBER	REVISIONS	DATE
1	N.O.P.C.	11/15/04
2	REVISIONS PER 1st SUFFICIENCY COMMENTS	01/20/01

HOLE MONTES
ENGINEERS · PLANNERS · SURVEYORS
6202-F Presidential Court
Fort Myers, FL 33919
Phone : (239) 985-1200
Florida Certificate of Authorization No.1772
Naples · Fort Myers · Venice · Englewood

SIMON SUNCOAST

MASTER CONCEPT PLAN MAP 'H'

DESIGNED	DATE:
DRAWN: C.R.B.	DATE: 11/15/04
CHECKED: N.E.D.	DATE: 11/04
VERT. SCALE:	HORZ. SCALE: 1"= 400'
DRAWING NO.	
REFERENCE NO.	9779BMAPH
PROJECT NO.	SHEET NO.
97.79-B	1 of 1

AMENDED DEVELOPMENT ORDER
FOR
COCONUT POINT DRI
STATE DRI # 09-2001-153
CASE #DRI2000-00015

WHEREAS, on June _____, 2004, _____ requested an amendment to the Coconut Point Development of Regional Impact Development Order adopted by the Lee County Board of County Commissioners on October 21, 2002; and

WHEREAS, the applicant is requesting to amend the Development Order to reduce the number of hotel rooms from 600 to 350, to decrease the number of apartments from 450 to 250, and to increase the number of residential condominiums from 550 to 1,000; and

WHEREAS, under Section 380.06(19), Florida Statutes, the proposed change must be reviewed and evaluated to determine whether it constitutes a substantial deviation from the terms of the existing Development Order; and

WHEREAS, the Lee County Board of County Commissioners has reviewed the proposed amendment and finds that the changes do not constitute a substantial deviation; and

WHEREAS, the proposed changes to the Development Order described herein are consistent with the adopted Comprehensive Land Use Plan of Lee County and applicable local Land Development Regulations; and

WHEREAS, the proposed changes to the Development Order described herein are consistent with the state Comprehensive Plan, the Southwest Florida Regional Plan, and the state Land Development Plan.

NOW, THEREFORE, let it be resolved by the Board of County Commissioners of Lee county, Florida, that the Development Order for the Coconut Point DRI are hereby amended as follows:

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. The Coconut Point DRI is a master planned commercial development consisting of 482.4+/- acres located in unincorporated south central Lee County at the intersection of US 41 and Coconut Road. The Coconut Point DRI is a mixed use development that will consist of: 1,450,000 gross leasable square feet of retail/regional mall

(Regional Retail Center), 350,000 gross leasable square feet of retail on other parcels adjacent to the regional mall (Community Commercial Retail), 300,000 square feet of office, of which no more than 100,000 square feet may be medical office, ~~600~~350 hotel rooms, ~~1,000~~1,250 multi-family units and a 200 unit assisted living facility. The project will include 32.7 acres of conservation areas, 47.1 acres of lakes, 50.2 acres of road rights-of-way and 11.6 acres of green area/open space.

Water and wastewater treatment will be provided by Bonita Springs Utilities.

The project phasing schedule consists of one phase with buildout in 2006.

B. The terms of this Development Order apply to the property located and described in attached Exhibit A.

C. The property ~~was zoned AG-2, and coincident with the approval of this Development Order the property will be rezoned~~is zoned ~~to~~ Mixed Planned Development (MPD). The property is currently in active agricultural use.

D. The original Application for Development Approval (ADA), submitted on September 12, 2000, is consistent with the requirements of §380.06, Florida Statutes. The application went through two sufficiency reviews.

E. The development is not located in an area designated as an Area of Critical State Concern under the provision of §380.05, Florida Statutes.

F. The development will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan. The development is consistent with the State Comprehensive Plan if developed in accordance with the conditions set forth herein.

G. The development has been reviewed by the Southwest Florida Regional Planning Council (SWFRPC) and is the subject of the report and recommendations adopted by that body on ~~January 17, 2001~~_____. The SWFRPC report and recommendations were subsequently forwarded to Lee County. The development, as proposed in the ADA and modified by this Amended Development Order, is generally consistent with the report and recommendations of the SWFRPC pursuant to §380.06(11), Florida Statutes.

H. The development is located in the ~~Rural~~Urban Community and Wetlands future land use categories. The development proposed is ~~currently not~~ consistent with the Lee Plan. ~~and can not be conditioned to attain consistency. However, a Lee Plan amendment is currently being considered by DCA that will, if ultimately adopted, allow the project as conditioned to be consistent with the Lee County Comprehensive Plan and the~~

~~Lee County Land Development Code (LDC).~~

I. The conditions set forth below meet the criteria found in §380.06(15)(d), Florida Statutes.

II. ACTION ON THE REQUEST AND CONDITIONS OF APPROVAL

NOW THEREFORE, be it resolved by the Board of County Commissioners of Lee County, Florida, in a public meeting duly advertised, constituted and assembled that the Development of Regional Impact Application for Development Approval submitted on behalf of Simon Property Group, L.P. and the Oakbrook Properties, Inc., for the project known as the Coconut Point DRI, is hereby Approved subject to the conditions, restrictions and limitations that follow. For the purpose of this Development Order, the term "Developer" refers to Simon Property Group, L.P. and Oakbrook Properties, Inc., and includes all successors or assigns, and all references to County Ordinances or other regulations, including future amendments.

A. AFFORDABLE HOUSING

1. *150 Affordable Housing Units ($600,000).*

a. The Developer must provide, either directly or through third parties, 150 units (combined total) of affordable housing for very low, low, and moderate-income persons within the identified DRI housing assessment area on or before December 31, 2006.

b. In the event the Developer does not provide all of the 150 units required above prior to December 31, 2006, the Developer may satisfy the remaining affordable housing obligation by paying $4,000 ($600,000 divided by 150 units) for each unit of the shortfall to the Lee County Affordable Housing Trust Fund.

2. *University Student Housing ($400,000).* In addition to the above, the Developer will subsidize University student housing by giving $400,000 to the Florida Gulf Coast University prior to the issuance of the first development order allowing vertical construction within the DRI (excepting any public uses mandated by this Development Order). These funds must be specifically earmarked for University student housing.

B. ENERGY

The Developer must incorporate, as a minimum, the following energy conservation features into all site plans and architectural programs , or insure that the following features are implemented through deed restrictions or covenants with successors in title. All

applications for site plan approvals and building permits must be accompanied by a documents detailing proposed compliance with these conditions. If deed restrictions or covenants are utilized to insure compliance , those documents must be approved by the County Attorney's Office prior to recording.

These features are:

1. A bicycle/pedestrian system connecting all land uses, to be placed along arterial and collector roads within the project and also along Sandy Lane. This system will be consistent with LDC regulations.

2. Bicycle racks or storage facilities in recreational, commercial and multi-family residential areas.

3. Bus stops, shelters and other passenger and system accommodations for a transit system to service the project area.

4. Energy efficient features in window design (e.g. tinting and exterior shading), operable windows, ceiling fans, appliances and equipment.

5. Minimize coverage by asphalt, concrete, rock and similar substances in street, parking lots and other area to reduce local air temperatures and reflecting light and heat.

6. Energy-efficient lighting for streets, parking area, recreation area and other interior and exterior public areas.

7. Water closets with a maximum flush of 1.6 gallons and shower heads and faucets with a maximum flow rate of 2.5 gallons per minute (at 80 pounds of water pressure per square inch).

8. Selecting, planting and maintaining native plants, trees and other vegetation and landscape design features that reduce requirements for water, fertilizer, maintenance and other needs.

9. Planting native shade trees to provide reasonable shade for all recreation areas, street and parking areas. Planting native shade trees for each residential unit.

10. Placing trees to provide needed shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months. Orienting structures, whenever possible, to reduce solar heat gain by walls and utilize the natural cooling effects of the wind.

11. Including porch and patio areas in residential units.

12. Establishing project architectural review committees that will consider energy conservation measure to assist builders and residents in the efforts to achieve greater energy efficiency in the development.

C. STORMWATER MANAGEMENT

1. The Developer must meet the criteria set forth in Chapter 40E, Florida Administrative Code, and the South Florida Water Management District (SFWMD) Basis of Review. The Developer must obtain a modification of SFWMD Permit No. 36-00288-S for the construction and operation of the surface water management system. This permit must address any impacts created by the development to wetlands and other surface waters. Halfway Creek is classified as an Outstanding Florida Water (OFW). Any discharge to an OFW requires additional water quality consideration. Prior to the issuance of the permit modification, the District will evaluate this issue in greater detail.

2. The Developer must obtain all necessary approvals from the Florida Department of Transportation for any proposed discharge points and water control structures associated with US 41.

3. At the time of permit modification application, the Developer must provide finalized information regarding the size of proposed project lakes, the location of major water control structures, the correct identification of control structures within pre-treatment areas and verification of adequate dimensions for pre-treatment areas.

4. Best management practices are subject to Lee County review and approval and must be included on all construction plans for development.

5. All internal stormwater management lakes and ditches as well as any onsite preserved or enhanced wetland areas, must be set aside as private drainage or conservation easements on the recorded plat. Stormwater lakes must include, where practical, adequate maintenance easements around the lakes with access to a paved roadway.

6. During construction activities, the applicant must employ best management practices for erosion and sedimentation control. These practices must be included with, or presented on, all construction plans, and are subject to approval by the appropriate agencies prior to implementation.

7. The final stormwater management plan must consider, as applicable, measures to reduce runoff rates and volumes, including, but not limited to, fixed control structures, perforated pipes, and grass swale conveyances. Swales, rather than closed

systems, must be used whenever possible.

8. Any shoreline banks created along the onsite stormwater management system must include littoral zones constructed on slopes consistent with District and Lee County requirements and be planted in native emergent or submergent aquatic vegetation. The applicant must ensure, by supplemental replanting if necessary, that at least 80% cover by native aquatic vegetation is established/maintained within the littoral zone for the duration of the project.

9. The applicant must conduct annual inspections of the Master Stormwater Management System and any preserved/enhanced wetland areas on the project site to ensure that these areas are maintained in keeping with the final approved designs, and that the water management system is capable of accomplishing the level of stormwater storage and treatment for which it was intended. The Developer or operating entity must undertake any cleaning and repair determined to be necessary based upon the annual inspection.

10. The applicant must confirm, to the satisfaction of all applicable federal, state, and local review agencies, and the South Florida Water Management District, that the proposed stormwater management system will not impact habitats of any state or federally listed plant and/or animal species potentially occurring onsite, or that such impacts will be mitigated to the benefit of onsite populations of those species.

11. The Developer must undertake a regularly scheduled vacuum sweeping of all common streets and parking areas within the development.

12. If Lee County establishes a County-wide stormwater management system, the Developer must participate to the extent the system benefits the development.

13. Ditch and swale slopes must be designed to minimize discharges so that these facilities may provide some additional water quality treatment prior to discharge. Treatment swales must be grassed.

14. The grassed stormwater treatment areas must be mowed on a regular basis as part of the normal lawn maintenance of the development. Any debris that may accumulate in project lakes, ditches or swales, or which may interfere with the normal flow of water through discharge structures and under drain systems, must be cleaned from the detention/retention areas on a regular basis. Any erosion to banks must be replaced immediately.

15. Under drain systems and grease baffles, if utilized within the Coconut Point DRI, must be inspected and cleaned and/or repaired on a regular basis. In no instance may the period between such inspections exceed eighteen months.

16. Stormwater management system maintenance requirements include removal of any mosquito-productive nuisance plant species (e.g., water lettuce, water hyacinth, cattails and primrose willows) from all system nodes, reaches, and percolation basins, as well as from the lake littoral zones employed in the system.

17. When required by the SFWMD permit, any isolated wading bird "pools" constructed in lake littoral zones must be excavated to a depth that provides aquatic habitat for mosquito larvae predators, such as *Gambusia affinis*.

18. The Developer will establish a legal operating entity in accordance with the SFWMD Basis of Review and Lee County Land Development Code to maintain the internal stormwater management lakes, ditches and wetlands. Easements, common areas or other legal mechanisms may be utilized to ensure there is sufficient access to the stormwater management areas for maintenance purposes.

D. TRANSPORTATION

1. Significant Impacts

a. *Assessment Parameters*

The traffic impact assessment for the Project assumes the following development parameters, as a single phase:

	Buildout (2006)
Multifamily Apartments (ITE LUC 220) (~~200 d.u. Town Center,~~ 250 d.u. South Village)	~~450~~250 d.u.
Multifamily Condominiums (ITE LUC 230) (450 d.u. Town Center, 550 d.u. North Village)	~~550~~1,000 d.u.
Assisted Living Facility (ITE LUC 252) (200 d.u. South Village)	200 d.u.
Hotel (ITE LUC 310) (~~450~~200 rooms Town Center, 150 rooms South Village)	~~600~~350 rooms
Community Retail (ITE LUC 820) (280,000 square feet North Village, 70,000 square feet South Village)	350,000 sq. ft. (gla)
Regional Retail Center (ITE LUC 820) (1,450,000 square feet Town Center)	1,450,000 sq. ft. (gla)

General Office (ITE LUC 710) (70,000 square feet North Village, 90,000 square Town Center, 40,000 square feet South Village)	200,000 sq. ft.
Medical Office (ITE LUC 720) (100,000 square feet South Village)	100,000 sq. ft.

The above parameters form the basis for the Project impacts and the mitigation requirements contained herein. The assumed land uses associated with the general parameters are identified by the Land Use Code (LUC) from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 6th Edition. While approved zoning categories may allow a wider range of uses, from a DRI standpoint the Project impacts are based on the above parameters and assumed uses. If the Developer exercises Mitigation Option 2 and is granted concurrency vesting for all or a portion of the DRI, any significant change in the assumed uses, mix of uses or location of uses on the Master Concept Plan will require a re-evaluation of the DRI transportation impacts. A significant change is one that would increase the external project traffic by 5% or more or that would change the projected distribution and assignment of project traffic so as to result in a net increase in road miles of significantly and adversely impacted roadway links. This condition does not apply if Mitigation Option 1 is selected.

The overall traffic at the Project driveway entrances based on the above parameters is estimated to be 5,909 trips. They include 4,120 PM net new external peak hour trips, 757 pass-by trips, and 1,032 interzonal trip ends at buildout in 2006. ("Interzonal trip ends" are from one part of the project to another that travel along or across public roadways.)

b. *Buildout Impacts*

The assessment on an existing-plus-committed network assuming the advancement of certain projects indicates that the significantly impacted roadways and intersections described below will be operating below acceptable levels of service at the end of Buildout (2006):

Roadway Improvements Needed

Roadways	Needed Improvement
I-75 – Corkscrew Road to Daniels Parkway	Widen to 6 lanes

Three Oaks Parkway - Williams Road to Corkscrew Road	Widen to 6 lanes
US 41 – Koreshan Boulevard to San Carlos Boulevard - Bonita Beach Road to Coconut Road	Widen to 6 lanes Widen to 6 lanes
Old US 41 - Rosemary Drive to US 41	Widen to 4 lanes

<u>Intersection Improvements Needed</u>

Bonita Beach Road @ Old 41[1]	Add 2nd SB left turn lane
Coconut Road @ Driveway 9/Regional Retail Center[2]	Add WB right turn lane Add SB right turn lane Add SB left turn lane Add dual EB left turn lane Signalization[3]
Coconut Road @ Sandy Lane[2]	Add WB left turn lane Add WB right turn lane Add NB right turn lane Add NB left turn lane Add SB left turn lane Add SB right turn lane Add EB left turn lane Add EB right turn lane Signalization[3]
Corkscrew Road @ Ben Hill Griffin Parkway[1]	Add 2nd EB left turn lane Add 2nd NB left turn lane Add 2nd SB left turn lane
Corkscrew Road @ River Ranch Road[1]	Signal retiming
Corkscrew Road @ Three Oaks Parkway	Add 2nd WB left turn lane Add 2nd NB left turn lane Add 2nd SB left turn lane
I-75 @ Corkscrew Road[1]	Add 2nd EB left turn lane[4] Add 2nd WB left turn lane[4] Add 2nd NB left turn lane Add 2nd SB left turn lane
Old 41 @ Dean Street[1]	Signalization[3]
Old 41 @ Pennsylvania Avenue[1]	Signal retiming
Old 41 @ West Terry Street[1]	Add 2nd NB thru lane Add 2nd SB thru lane
Three Oaks Parkway @ Koreshan Boulevard[1]	Signalization[3]

Three Oaks Parkway @ Williams Road[1]	Signalization[3]
Three Oaks Parkway @ Coconut Road[1]	Signalization[3]
US 41 @ Immokalee Road[1]	Signal retiming
US 41 @ Old 41[1] (Collier County)	Signal retiming
US 41 @ Bonita Beach Road	Signal retiming
US 41 @ West Terry Street	Signal retiming
US 41 @ Old 41/Pelican Landing Parkway	Add 2nd WB right turn lane
	Add 2nd NB left turn lane
	Add 2nd SB left turn lane
	Add 2nd EB left turn lane
US 41 @ Pelican Colony Boulevard	Add dual WB left turn lane[2]
	Add WB right turn lane[2]
	Add NB right turn lane[2]
	Add 2nd NB left turn lane
	Add dual SB left turn lane[2]
	Add 2nd EB left turn lane
	Add EB right turn lane
US 41 @ Coconut Road	Add 2nd WB left turn lane
	Add 2nd NB right turn lane
	Add 2nd NB left turn lane
	Add 2nd SB left turn lane
	Add 2nd EB left turn lane
	Add EB right turn lane
US 41 @ Driveway 6/Regional Retail Center[1]	Add NB right turn lane[2]
	Add SB left turn lane[2][3]
	Add WB right turn lane[2]
	Signalization[2][3]
US 41 @ Driveway 5/Internal East-west Road[1]	Add NB right turn lane[2]
	Add dual SB left turn lane[2]
	Add dual WB left turn lane[2]
	Add WB right turn lane[2]
	Signalization[2][3]
US 41 @ Driveway 4/Pelican Point Boulevard[1]	Add NB right turn lane[2]
	Add SB Left turn lane[2]
	Add WB right turn lane[2]
	Signalization[2][3]
US 41 @ Driveway 3/Fountain Lakes Boulevard[1]	Add NB right turn lane[2]
	Add SB left turn lane[2]
	Add dual WB left turn lane[2]
	Add WB thru lane[2]
	Add WB right turn lane[2]
	Signalization[2][3]
US 41 @ Driveway 2/Estero Greens[1]	Add NB right turn lane[2]

	Add dual SB left turn lane[2]
	Add dual WB left turn lane[2]
	Add WB thru lane[2]
	Add WB right turn lane[2]
	Add EB right turn lane[2]
	Signalization[2][3]
US 41 @ Driveway 1/Community Commercial[1]	Add NB right turn lane[2]
	Add SB left turn lane[2]
	Add WB right turn lane[2]
US 41 @ Williams Road[1]	Add 2nd SB left turn lane
	Add 2nd WB left turn lane
US 41 @ Corkscrew Road[1]	Add 2nd WB left turn lane
US 41 @ Broadway[1]	Signal retiming
US 41 @ Koreshan Boulevard	Signalization[3]
US 41 @ Sanibel Boulevard[1]	Signal retiming
US 41 @ Metro Parkway[1]	Add 2nd NB right turn lane
US 41 @ Alico Road[1]	Signal retiming
US 41 @ Island Park Road[1]	Signal retiming
US 41 @ Ben Pratt/Six Mile Cypress Parkway[1]	Add EB thru lane
	Add WB thru lane
Williams Road @ Driveway 1/Comm Commercial[1]	Signalization[3]
Williams Road @ River Ranch Road[1]	Signalization[3]
Williams Road @ Sandy Lane[2]	Signalization[3]
	Add WB left turn lane
	Add NB right turn lane
	Add NB left turn lane
	Add EB right turn lane
Williams Road @ Three Oaks Parkway	Signalization[3]

(1) *This intersection is not included in a significantly and adversely impacted roadway segment.*

(2) *This intersection is considered a site-related improvement.*

(3) *Signalization only if warranted and subject to approval by the maintaining agency.*

(4) *Dual EB and WB left turn lanes should be provided if they can be constructed without requiring reconstruction of the I-75 overpass bridge structure.*

The intersection improvements include at grade geometric improvements, such as turn lanes and signalization when warranted. Intersection improvements are accounted for in the overall proportionate share calculation. Site-related needs at the Project entrances are not addressed in the proportionate share calculation and must be addressed by the

Developer at the time of local development order approval.

2. **Mitigation**

a. *Buildout Proportionate Share*

The buildout proportionate share is $14,600,000 in year 2002 dollars. This figure represents the Developer's share of necessary roadway and intersection improvements based on the development parameters set forth in Section II.D.1.a. The estimated roads impact fees based on the schedule effective July 1, 2000 is $10,196,250, which is lower than the proportionate share estimate.

As noted in Condition D.3 below, the Developer must pay $170,000 as mitigation for the project's Comprehensive Plan impacts to the 2020 level of service on US 41 from Koreshan Boulevard to Alico Road. Therefore, the total proportionate share obligation deemed sufficient to mitigate both the buildout DRI-related transportation impacts on the non-site related roads and intersections set forth in Paragraph D.1.b and the project's Comprehensive Plan impacts is $14,770,000. However, if the reanalysis described in section D.2.d.1 demonstrates that additional funds are necessary to mitigate the project's transportation impacts, then the Developer will be required to pay the higher mitigation amount.

No independent fee calculation will be permitted for the project, or a subpart thereof, absent a Notice of Proposed Change.

b. *Mitigation Options*

The Developer must choose one of the two mitigation options identified below to satisfy the proportionate share obligation.

(1) Traffic Mitigation Option 1

(a) Payment

All development within the project must pay roads impact fees in effect at the time of building permit issuance. In addition to roads impact fees, and prior to the issuance of the first building permit for vertical construction of any portion of the Regional Retail Center, the Developer must make a lump sum cash payment of $4,573,750 in year 2002 dollars. This lump sum cash payment is intended to mitigate the transportation

impacts associated with the Regional Retail Center and satisfy the proportionate share obligation that is due over and above road impact fees.

In accordance with local policies and regulations, the Developer may be entitled to roads impact fee credits for road improvements constructed within the area surrounding the project.

(b) Concurrency

All development within the project will be subject to the County's Concurrency Management System at the time it obtains a local development order.

(2) Traffic Mitigation Option 2

(a) Payment

The Developer may vest, for concurrency purposes, up to 400,000 square feet of retail uses and all of the non-retail uses by making an up-front payment of $6,270,000 in 2002 dollars on or before December 31, 2003 or the issuance of the first building permit for the site, whichever comes first (excepting any public uses mandated by this Development Order). The remaining portion of the project will be entitled to concurrency vesting upon the payment of $8,500,000 in 2002 dollars on or before December 31, 2004 or the issuance of the first building permit for the retail uses of the project over 400,000 square feet, whichever comes first. The value of creditable pipelined improvements identified in the Development Agreement may be subtracted from the second payment only.

Concurrency certificates issued pursuant to this option will be effective until December 31, 2006, or for three (3) years, whichever is later; provided, however, that the concurrency certificates will be extended upon approval of an extension pursuant to Section D. 2. d(2) for the period of the extension not to exceed one year.

(b) Development Agreement

Exercise of traffic mitigation option 2 requires a Local Government Development Agreement executed pursuant to §163.3220, Florida Statues, and Chapter 2, Article III of the Lee County Land Development Code. The Developer must submit a draft Development Agreement to Lee County within 6 months of the adoption of the original DRI Development Order or prior to submittal of any local development order application for the Regional Retail Center or the Community Commercial Retail. The Development Agreement must be executed prior to issuance of a local development order allowing vertical construction anywhere on the site, excepting public uses mandated by this Development Order. The agreement must specify the payment schedule for the total proportionate share obligation in accordance with subparagraph (2)(a) above.

c. *Application of Payments*

(1) Cash.

The County will apply all impact fees and cash payments made by the DRI toward the non-site related improvements identified in Section D.1.b. In the alternative, the County will apply the fees toward improvements that relieve those roadways, provided those improvements are deemed necessary to maintain the County's adopted level of service standards. If the improvements identified in Section D.1.b are ultimately funded through other sources, in whole or in part, or deemed unnecessary to maintain the adopted level of service standards, Lee County may apply the impact fees and cash payments paid by the DRI to other improvements consistent with the requirements of Lee County LDC Chapter 2. Potential applications of the cash payment can be specified in the Development Agreement.

(2) Pipelined Improvements.

The Developer may propose in the Development Agreement to provide a specific roadway improvement or improvements in lieu of the second cash payment to the County of $8,500,000 in 2002 dollars, which is referenced in Section D.2.b.(2)(a). The proposed pipeline improvements are subject to County approval. In addition to the improvements listed in

Section D. 1. b, potential improvements for pipelining consideration include (but are not limited to):

(a) Sandy Lane 2-lane Extension, from the south property line to the north property line (Williams Road) and from Williams Road to Corkscrew Road. Consistent with the County's long-range plan for Sandy Lane as a 2-lane collector and the County's standards for collector roads, no more than 100 feet of right-of-way and 2 lanes of construction will be eligible for credits against the proportionate share obligation. The reasonable cost of providing the railroad crossing between Williams Road and Corkscrew Road will be eligible for credits against the project's proportionate share obligation. If the Developer chooses to build more than 2 lanes, it will be at the Developer's sole expense.

(b) Interim improvements not requiring right-of-way at the Corkscrew Road/I-75 interchange (subject to FDOT approval).

The estimated costs of any improvements made by the Developer (including design, right-of-way acquisition, drainage, permitting, water retention, construction, and the like) must be documented and submitted to the County for review and approval. The County reserves the right to obtain its own estimates for comparison purposes. Credit against the proportionate share obligation will be based on the final actual costs of the agreed upon improvements. Any right-of-way granted to the County will be valued as of the day prior to the DRI and zoning approval and subject to the compliance with applicable LDC provisions. Credit for the construction costs will be subject to the provisions of the County Land Development Code and standard practice related to project timing. The improvements must be built to applicable County or State standards and accepted for maintenance in accordance with the requirements of the responsible jurisdiction.

d. *Buildout Extension*

(1) Requirement for Reanalysis

Extension of the buildout date beyond 2006 may alter the project's impact to the area road network. Therefore, if the Developer: (a) files a Notice of Proposed Change resulting in an extension of project buildout beyond December 31, 2006; or (b) desires to extend the concurrency certificates issued pursuant to Condition D.2.b(2), then the Developer must provide a detailed traffic assessment to Lee County DOT for review and approval.

The assessment must include, but is not limited to, identification of the adjusted phasing, the level of development anticipated for the revised phasing, estimated traffic impacts, needed improvements, and the project's proportionate share of those improvements.

The assessment must include a cumulative analysis of the project's traffic impacts. The assessment must also identify mitigation for significantly and adversely impacted road segments by cumulative project traffic at the extended buildout year in accordance with the Transportation Uniform Standard Rule in the Florida Administrative Code. Prior to conducting a reassessment analysis, the Developer must attend a transportation methodology meeting with the County, and other review agencies as necessary, to establish the appropriate methodology.

The traffic assessment will be prepared by the Developer following generally acceptable transportation planning procedures consistent with the standards in effect at the time of reanalysis. Payment of additional mitigation, if any, resulting from the traffic assessment must be specified in an amended development order. The development order must be amended via a Notice of Proposed Change to reflect the revised phasing and additional mitigation.

The County will provide credit against the recalculated proportionate share for all mitigation paid through the date of the new traffic assessment. Proportionate share payments previously made by the Developer will be adjusted to then current year dollars. This will be accomplished by increasing the principal amount paid by an amount equal to the increase as determined in the State Highway Bid Index for the State of

Florida, published in the Engineering News Record, using an average of the last four quarterly factors. This increase will be expressed as a percentage and will be measured from the index published for the fourth quarter of 2001 to the index published in the then latest available edition.

Under no circumstances will reimbursement be granted for any portion of a payment made in exchange for concurrency vesting, regardless of the outcome of a reanalysis.

(2) Alternative for Reanalysis

If all or a part of the Regional Retail Center has received building permits prior to December 31, 2006, the Developer may choose to pay the traffic mitigation for some or all of the balance of the development through buildout in a lump sum at the time the extension application is approved. Full payment of the required mitigation pursuant to Mitigation Option 2 constitutes an election under this section. In this case a cumulative traffic reanalysis is not required for the portion of the balance that is mitigated as part of the original DRI Development order. This section is not intended to supersede the standard submittal requirements for a typical Notice of Proposed Change under state law.

3. **Comprehensive Plan Mitigation**

An amendment to the Future Land Use Map, to change 435 acres from "Rural" to "Urban Community" was necessary to accommodate the approval of this DRI. To support the Map amendment, an analysis different from the DRI Transportation Analysis was necessary. This Comprehensive Plan analysis required review of the effects of the proposed DRI project in the year 2020 on the planned, financially feasible roadway network. The result of this analysis indicated that four road segments, beyond those planned for improvement as part of the 2020 financially feasible roadways network plan, will fail with the addition of the Coconut Point (aka Simon Suncoast) project. The failure for three of the identified segments will likely be addressed through other means, but the segment of US 41 from Koreshan Boulevard to Alico Road is projected to fail even after the six-lane improvement identified in paragraph D.1.b.

The comprehensive plan amendment transmittal package approved by the Board of County Commissioners on December 13, 2001, indicated that appropriate traffic impact mitigation must be provided at the time of rezoning or DRI development approval.

The costs for needed improvements beyond those planned in the 2020 Financially Feasible Plan are solely the responsibility of the applicant, and are treated much as a proportionate share obligation. In this case, the applicant has estimated that the provision of dual left turn lanes at a number of key intersections along the impacted segment of US 41 will improve the capacity enough to allow satisfactory operation. The applicant estimated that the cost of providing these turn lanes would be roughly $692,000, not including the costs of maintenance of traffic, mobilization and permitting. The applicant's proportionate share of the cost of the turn lanes is $170,000. This figure has been added to the project's DRI proportionate share, as noted above.

4. **Access and Site Related Improvements**

In addition to the proportionate share obligation set forth above, the Developer is responsible for its share of the following site-related roadway and intersection improvements: all internal roadways, all intersection improvements, including signalization, turn lanes, deceleration lanes, and other improvements deemed necessary by the County Engineer and consistent with the Lee County Land Development Code for the Project's access points onto U.S. 41, Coconut Road, and Williams Road. The improvements include the installation of a signal coordination system on U.S. 41 from Pelican Colony Boulevard to Williams Road. During the local development order review process, site-related improvements must be evaluated based on weekday, PM peak hour conditions. Saturday mid-day conditions must be considered in the design of turn lanes due to the retail component of the DRI. Site-related improvements are not eligible for credit against impact fees and may not be used to offset the proportionate share obligation. Project accesses onto US 41 are subject to obtaining a connection permit from FDOT.

5. **Committed Improvements**

Roadway Improvements

Roadways	Start Year	Improvement
Alico Road – US 41 to Seminole Gulf Railway	02	4 Lanes
– Seminole Gulf Railway to I-75 West Ramps	02	6 Lanes
Ben Hill Griffin Parkway/Treeline Avenue – Alico Road to Daniels Parkway	02	4 Lane Ext.
Bonita Beach Road - Imperial Street to I-75	03	6 Lanes

Livingston/Imperial Connection – Immokalee Road to Bonita Beach Road	U/C	2 Lane Ext.
Metro Parkway – U.S. 41/Alico Road to Ben Pratt/Six Mile Cypress Pkwy (including interchange)	04	6 Lane Ext.
Three Oaks Parkway – S. of Coconut Road to Williams Road	U/C	4 Lane Ext.
– Williams Road to Corkscrew Road	U/C	4 Lane Ext.
– Corkscrew Road to Alico Road	03	4 Lanes
– Alico Road to Daniels Parkway	03	4 Lane Ext.
US 41 – Old 41 (Collier County) to N. of Bonita Beach Road	03	6 Lanes
- San Carlos Boulevard to Alico Road	U/C	6 Lanes
Williams Road – River Ranch Road to Three Oaks Parkway	02	2 Lane Ext.

The Regional Retail Center has the potential to create a temporary burden on the transportation network. The following Staging Schedule is an effort to minimize the temporary transportation burden while providing the Developer with the ability to obtain building permits for vertical construction of retail uses. Issuance of any building permit for vertical construction will require prior compliance with the mitigation options set forth in condition D.2. The "Maximum Square Footage" column identifies the maximum gross retail square footage for which building permits allowing vertical construction may be issued prior to the corresponding date, unless the improvements identified "to Avoid Interim Level of Service Problem" are under construction on or before the identified date. If all required interim improvements are completed or under construction on or before the identified date, then building permits for the maximum amount of retail square footage as identified in conjunction with the corresponding date may be issued.

Date	Maximum Square Footage	Needed Improvements to Avoid Interim Level of Service Problem	
		Route	Limit

Adoption of DRI DO AND Compliance with Cond. D.2	400,000	Not Applicable	Not Applicable
July 1, 2004	800,000	U. S. 41 - 6 Lane	Collier County line to Bonita Beach Road
July 1, 2005	1,200,000	Three Oaks Ext. 4L OR Livingston Rd./ Imperial St. 4 Lane	Terry St. to Coconut Rd. Immokalee Rd. to E.Terry St.
July 1, 2006	1,800,000	US 41-6Lane AND Three Oaks Ext. 4 Lane AND Old 41 - 4 lane AND Metro Pkwy. Ext.- 6 Lane AND Three Oaks Ext- 4 Lane or Treeline Ext.-4L	Corkscrew Rd. to San Carlos Terry St. to Coconut Rd. Rosemary dr. to US 41 Alico Rd. to ben C Pratt/ Six Mile Cypress Pkwy Alico Rd. to Daniels Pkwy Alico Rd. to Daniels Pkwy.

6. **Annual Transportation Monitoring Program**

a. *Design of Monitoring Program*

The transportation monitoring program will be designed in cooperation with the Lee County Department of Transportation, the Florida Department of Transportation (FDOT), the Southwest Florida Regional Planning Council (SWFRPC), and the Florida Department of Community Affairs (FDCA) prior to submittal of the first report. The methodology of the annual transportation monitoring report may be revised if agreed upon by all parties.

b. *Submittal of Monitoring Report*

The Developer must submit an annual transportation monitoring report to the

following entities for review and approval: Lee County Department of Transportation, FDOT, FDCA, and SWFRPC. The first monitoring report will be submitted one year after the effective date of the DRI Development Order. The Developer must provide written notice to the above review agencies if the Developer concludes that a traffic monitoring report is not required because no traffic impacts have been created. Once an annual transportation monitoring report has been submitted, a report must be submitted annually thereafter until Project buildout, whether actual or declared.

c. *Minimum Requirements for Report Contents*

The monitoring report will measure the Project's actual external roadway impacts and the level of service conditions on the impacted roads and intersections, and determine the timing for needed improvements. The annual traffic monitoring report must also contain the following information:

(1) P.M. peak Signalization[(2)(3)] hour traffic counts with turning movements at the Project's access points onto U.S. 41, Coconut Road, Williams Road, Pelican Colony Boulevard and Sandy Lane, and on the external road segments and intersections identified in Paragraph D.1.b. (Traffic counts/volumes may be obtained from original traffic counts, public agency reports, other monitoring reports, and other available data.)

(2) A comparison of field measured external Project traffic volumes to the 5,909 total P.M. Peak hour external (including 757 pass-by and 1,032 interzonal trip ends) project trip generation from all driveways onto U.S. 41, Coconut Road, Williams Road, Pelican Colony Boulevard and Sandy Lane assumed in the DRI analysis. If an interconnection is provided to The Brooks parcel at the southeast corner of U.S. 41 and Coconut Road, a methodology must be developed to identify pass-through trips generated by The Brooks parcel.

(3) Estimated existing levels of service and needed improvements for the roads and intersections specified in Paragraph D.1.b. above.

(4) Estimated future levels of service and needed improvements for the roads and intersections specified in Paragraph D.1.b. above, based on a one-year projection of future volumes. A

summary of the status of road improvements assumed to be committed by Collier County, Lee County and FDOT.

d. *Implications*

(1) If the annual transportation monitoring report reveals that the Project trip generation exceeds the original assumptions contained herein, then the statutory provisions regarding substantial deviations will govern.

(2) Changes to development parameters or buildout may require the Developer to rebut the statutory presumption of substantial deviation. In some instances, the evidence necessary to rebut the presumption may involve a comparison of Project trip distribution and assignment.

7. **Pedestrian/Bicycle and Transit Facilities**

The Developer will provide for pedestrian and bicycle facilities and bus stop locations in accordance with the map attached as Exhibit F.

E. VEGETATION AND WILDLIFE/WETLANDS

1. Impacts to the habitat value of the site (i.e. habitat utilized by dispersing juveniles and possible habitat available to adults occupying the Corkscrew area) must be considered during the permitting review process with the SFWMD and the Department of Army Corps of Engineers (ACOE). This impact must be assessed in terms of the type and function of the forested habitat on site, and the site's contribution as a connection between preserve lands to support wide-ranging and wetland dependent species. The Developer will coordinate with the U.S. Fish and Wildlife Service (USFWS) and Florida Fish and Wildlife Conservation Commission (FFWCC) to address the impacts the proposed project may have on habitat utilized by wide-ranging listed species including the Florida Panther and Florida Black Bear.

2. The lake designs must include draw down pool features in littoral shelf slopes to favor use by woodstork and other wading birds.

3. The Developer must follow the Standard U.S. Fish and Wildlife Service Protection Measures for the Eastern Indigo Snake; and an Eastern Indigo Snake Protection Plan to be submitted for review and approval by the FFWCC as a condition of local development order approval.

4. The Developer must provide an on-site preserve management plan for review and approval by the FFWCC as a condition of local development order approval.

5. The 482± acre site originally consisted of 36.23± acres of SFWMD jurisdictional wetlands. The Developer is committed to conserving 22.15 acres of jurisdictional wetlands and 4.81 acres of jurisdictional surface waters. An estimated 9.27 acres of jurisdictional wetlands are proposed to be impacted with an additional 14.56 acres of non-jurisdictional surface waters to be filled (borrow lakes). 3.76 acres of the proposed wetland impacts have been previously permitted by the SFWMD and the Army Corp of Engineers (ACOE) under the Sweetwater MPD/Brooks project (e.g.,eradication of exotic vegetation and wetland hydroperiod enhancement).

6. Prior to impacting the additional 5.51 acres of jurisdictional wetlands, the Developer must modify existing SFWMD and ACOE permits and provide additional mitigation.

7. Wetlands and surface waters remaining on the project site must be protected during construction through the implementation of temporary erosion and sedimentation control procedures.

8. Littoral plantings will be incorporated into the final design of the proposed stormwater management ponds. Plantings of desirable wetland herbaceous plants, to include species such as pickerelweed, maiden cane, and blue flag iris, cypress and black gum.

9. The existing flow-way is part of the Halfway Creek Watershed and headwaters. The 32.7 acre flow-way must be preserved and enhanced. An enhancement plan must be submitted as part of the local development order approval process. This plan must include a restoration planting plan for the 8.49± acres melaleuca dominated slash pine-cypress mixed wetland forest and the 6.84± acre area located in the southeast branch of the flow-way that was previously cleared/disturbed. The restoration planting plan, which is outside of the mitigation requirements under the existing permits, can be utilized as compensatory mitigation for additional wetland impacts during subsequent permitting review processes with the state and federal regulatory agencies.

F. HURRICANE PREPAREDNESS

1. The applicant has stated an intention to utilize various community buildings, which are to be built in several locations throughout the development, as onsite emergency shelters for the project's residents. Based on the estimate of needed shelter space prepared by the staff of the Southwest Florida Regional Planning Council, the total shelter space provided by the applicant within Coconut Point DRI will be 10,480 square feet.

2. Construction of the buildings to serve, as onsite shelters must be started no later than the issuance of the 100th residential unit certificate of occupancy within each separate community in the overall development. All buildings to be utilized, as shelters must meet the following criteria:

a. elevated above the Category 3 storm surge level;

b. constructed in accordance with the requirements in Rule 9J-2.0257(6)(e), FAC, to withstand winds of at least one hundred twenty (120) miles per hour;

c. all windows in the building are shuttered;

d. equipped with an emergency power generator with adequate capacity to handle the following:

(1) ventilation fans;

(2) emergency lighting;

(3) life safety equipment (i.e., intercom, fire and smoke alarms); and

(4) refrigeration and cooking equipment.

e. have an auxiliary potable water supply.

3. As an alterative to providing all or part of the shelter space in on-site buildings, the Developer may limit the onsite shelter demand of the project by elevating all or portion of the residential units above 15.9 to 16.8 feet NGVD, if the units are located in these elevation ranges, which is the maximum predicted Category 3 storm surge flooding level. The amount of shelter space to be constructed or shelter impact fees to be paid will be determined by the Lee County Office of Emergency Management.

4. All deeds to property located within the Coconut Point DRI must include or be accompanied by a disclosure statement in the form of a covenant stating the property is located in a hurricane vulnerability zone and that the hurricane evacuation clearance time for Lee County or the Southwest Florida Region is high and hurricane shelter spaces are limited.

5. The applicant is also proposing to develop ~~600~~350 hotel or motel rooms, within the Coconut Point DRI. Prior to issuance of a local development order for the hotel/motel, the hotel/motel developer must contact Lee County Emergency Management with respect to establishing written hurricane preparation and evacuation/sheltering procedures. These procedures must be reduced to a written plan, prepared by the

hotel/motel developer, and approved by Lee County Emergency Management prior to occupancy of the hotel/motel.

6. Mitigation for hurricane evacuation route impacts will be accomplished through implementation of one of the following provisions. The mitigation option to be used must be identified by the Developer as part of the local development order process.

a. Establish and maintain a public information program within the proposed homeowners associations for the purpose of educating the development's residents regarding the potential hurricane threat; the need for timely evacuation in the event of an impending hurricane; the availability and location of hurricane shelters (specifically including the onsite shelters); and the identification of steps to minimize property damage and protect human life.

In order to use the above mitigation option, the Developer must provide a continuing hurricane awareness program and a hurricane evacuation plan. The hurricane evacuation plan must address and include, at a minimum, the following items: operational procedures for the warning and notification of all residents and visitors prior to and during a hurricane watch and warning period; a public awareness program that addresses vulnerability, hurricane evacuation, hurricane shelter alternatives including hotels, the locations of both the onsite hurricane shelters and onsite or offsite public shelters, and other protective actions that may be specific to the development; identification of who is responsible for implementing the plan; and other items as deemed appropriate. The plan must be developed in coordination with local emergency management officials. In order to use this mitigation option, the final plan must be found sufficient by the reviewing agencies and must address the recommendations provided by the reviewing agencies; or

b. Alternatively, the applicant must commit to providing roadway capacity improvements above and beyond those improvements required by Rule 9J-2.0255, FAC; or

c. The applicant must commit to providing funds to be used for the purpose of procuring communications equipment, which would upgrade the existing warning and notification capability of local emergency management officials. In order to use this mitigation option, the Developer must provide reasonable assurance to local emergency management officials regarding the provision's ability to reduce the development's hurricane evacuation impacts. The amount of the funding will be determined and approved by the local emergency management officials.

G. WASTEWATER MANAGEMENT/WATER SUPPLY

1. The Developer will obtain a SFWMD permit for groundwater withdrawals for landscape irrigation, for irrigation well construction, as well as for any dewatering needed to construct the project lakes, roads or building foundations.

2. The Developer will utilize water conserving devices and methods necessary to meet the criteria established in the water conservation plan of the public water supply permit issued to Bonita Springs Utilities (BSU).

3. The Developer will coordinate with BSU or other water supplier to ensure that adequate potable water is available to meet the demands of the project.

4. The Developer will provide any necessary verification to the SFWMD that the Developer's plumbing and irrigation designs are consistent with District rules.

5. The Developer must demonstrate at the time of local development order approval that sufficient potable water and wastewater treatment capacity is available. If BSU cannot provide the necessary service, then the Developer must obtain service from an alternate provider with capacity or construct on-site interim facilities that satisfy BSU Standards. Interim facilities must be dismantled at the Developer's expense when service by BSU is available.

6. The on-site lakes, wetlands, and stormwater management system must be buffered from treated effluent contamination in accordance with SFWMD regulations.

7. Septic systems utilized in conjunction with construction trailers, sales offices and model homes must be temporary. When it is feasible to connect the temporary uses to the regional wastewater treatment facilities, all temporary septic systems must be abandoned or removed by a licensed septic system firm, in accordance with all applicable regulations.

8. The Developer must submit copies of all local development order application plans that include potable water or wastewater collection and distribution systems to BSU. BSU will review the plans for compliance with the BSU specifications manual.

9. Lee County will evaluate all potable water facilities to ensure that the facilities are properly sized to meet average, peak day, and fire flow demands in accordance with the LDC. Lee County will consult with the appropriate fire protection district to confirm that the fire flow demands will be satisfied by the proposed potable water facility.

10. The Developer must use the lowest, yet acceptable for the intended purpose, quality of water available for all non-potable water purposes.

H. COMPREHENSIVE PLAN

Lee County may not issue a local development order unless the proposed development order is consistent with the County's Comprehensive Plan, Land Development Code.[1]

I. POLICE AND FIRE PROTECTION

1. The Developer will ensure that first responders to the area are adequately trained by TECO/People Gas to address accidental natural gas releases from the natural gas pipelines that are to be located on or adjacent to the site to ensure the safety of the residents and visitors to the area.

2. The project must be constructed and maintained in accordance with the adopted Life Safety and Fire Code requirements.

3. The owner or operator of a facility qualifying under the Superfund Amendments Reauthorization Act (SARA) Title III of 1986, and the Florida Hazardous Materials Emergency Response and Community Right to Know Act of 1988, must file hazardous materials reporting applications in accordance with §§302, 303, 304, 311, 312, or 313. The applications must be updated annually by each reporting facility.

4. The Developer will provide the Lee County Sheriff's Department with finished shell space in the main regional mall complex (Regional Retail Center) for use as a Sheriff's substation to facilitate law enforcement activities. This space will be provided at nominal cost to the Sheriff's Department.

5. The Fire and EMS impacts of this project will be mitigated by the payment of impact fees in accordance with the schedules set forth in the LDC. However, the Developer must provide the Estero Fire Rescue District with an appropriate parcel (not less than 1 acre in size) for the location of a fire-rescue station and emergency medical services facility on the project site. Upon transfer of this site to the Fire District, the Developer will be entitled to fire impact fee credits in accordance with the LDC.

6. The Developer will conduct a comprehensive security study and evaluation during the design and construction of each retail development phase. The purpose of this study is to design and implement site specific security measures. The plan must provide for review on a quarterly basis by regional security audits. A copy of this plan must be submitted to the County as a condition of local development order approval.

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[1] On October 21, 2002 the Board adopted a resolution amending the Lee Plan to reclassify the DRI site to the Urban Community land use category.

7. The water mains, fire hydrants, and site access must be designed and constructed in accordance with Lee County regulations and BSU guidelines by providing large water mains meeting minimum diameters based upon proposed land use, and installation of fire hydrants in suitable locations to provide adequate fire protection coverage. Internal fire sprinkler systems may be required for structures to meet supplemental fire protection.

8. Any on-site facilities with commercial pool operations must comply with appropriate codes and statutes including required safety measures such as chemical sensors, internal alarm systems, or emergency shutdown systems.

J. EDUCATION

1. The education impact of this project will be mitigated by the payment of school impact fees in accordance with the schedules set forth in the LDC. However, the Developer must provide a site at least five acres in size and appropriately located to accommodate the growing school needs in this area of the county. Upon transfer of this site to the School District, the Developer may be entitled to seek school impact fee credits in accordance with the LDC.

2. This project will have an impact on the Estero High School and surrounding neighborhood traffic. The Developer will use reasonable efforts to prevent the project's construction traffic from using Williams Road east of the railroad tracks.

III. LEGAL EFFECT AND LIMITATIONS OF THIS DEVELOPMENT ORDER, AND ADMINISTRATIVE REQUIREMENTS

A. Resolution. This Development Order constitutes a resolution of Lee County adopted by the Board of County Commissioners in response to the DRI ADA filed for Coconut Point DRI.

B. Additional Developer Commitments. All commitments and impact mitigating actions volunteered by the Developer in the ADA and supplementary documents that are not in conflict with conditions or stipulations specifically enumerated above are incorporated by reference into this Development Order. These documents include, but are not limited to the following:

1. The Coconut Point (f/n/a Simon Suncoast) Application for Development Approval, stamped received on September 12, 2000;

2. The Coconut Point DRI sufficiency responses stamped received on February 7, 2001 and April 10, 2001 (transportation) and April 13, 200; and

3. The governing zoning resolution for the Coconut Point (f/n/a Simon Suncoast) MPD .

C. Master Plan of Development. Map H, stamped received at the Zoning Counter on ~~February 7, 2001~~ _____ and attached hereto as Exhibit "B", and is incorporated by reference. It is understood that because it is a concept plan it is very general. The Developer may modify the boundaries of development areas and the locations of internal roadways to accommodate topography, vegetation, market conditions, traffic circulation, or other site related conditions as long as the modifications meet local development regulations. This provision may not be used to reduce the size of wetland preserve areas. Precise wetland boundaries will be determined by the South Florida Water Management District, as delegated by the Department of Environmental Protection and the Army Corp of Engineers.

D. Binding Effect. The Development Order is binding upon the Developer, its successors and assigns. Where the Development Order refers to lot owners, business owners or other specific reference, those provisions are binding on the entities or individuals referenced. Those portions of this Development Order that clearly apply only to the project Developer are binding upon any builder/developer who acquires a tract of land within the DRI. The Developer may impose or pass on the requirements of this DRI development order to ultimate purchasers through covenants that run with the land and phasing schedule.

E. Reliance. The terms and conditions set out in this Development Order constitute a basis upon which the Developer and the County may rely with respect to future actions necessary to fully implement the final development contemplated by this Development Order. The development parameters and phasing schedule upon which this development order approval is based is set forth in Exhibit C. Change to the development mix or phasing schedule may require a reanalysis of project impacts in order to rebut a presumption of substantial deviation.

F. Enforcement. All conditions, restrictions, stipulations and safeguards contained in this Development Order may be enforced by either party by action at law or equity. All costs of those proceedings, including reasonable attorney's fees, will be paid by the defaulting party.

G. Successor Agencies. References to governmental agencies will be construed to mean future instrumentalities that may be created and designated as successors in interest to, or which otherwise possess, the powers and duties of the referenced governmental agencies in existence on the effective date of this Development Order.

H. Severability. If any portion or section of this Development Order is

determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, then that decision will not affect the remaining portions or sections of the Development Order, which will remain in full force and effect.

I. Applicability of Regulations. This Development Order does not negate the Developer's responsibility to comply with federal, state, regional and local regulations.

J. Further Review. Subsequent requests for local development permits do not require further DRI review pursuant to §380.06, Florida Statutes. However, upon a finding at a public hearing by the Board that any of the following conditions exist, the Board must order a termination of all development activity in that portion of the development affected by substantial deviation until a DRI Application for Development Approval, Notice of Substantial Deviation or Notice of Proposed Change has been submitted, reviewed and approved in accordance with §380.06, Florida Statutes.

1. There is a substantial deviation from the terms or conditions of this Development Order or other changes to the approved development plans that create a reasonable likelihood of an additional regional impact or any other regional impact created by the change that has not been evaluated and reviewed by the Regional Planning Council; or

2. Expiration of the period of effectiveness of the Development Order. Any request to extend the effectiveness of this Development Order will be evaluated based on the criteria for the extension of the buildout date set forth in §380.06(19), Florida Statutes.

3. Conditions in this development order that specify circumstances in which the development will be required to undergo additional DRI review. See 9J-2.025(10).

K. Buildout and Termination Dates. The project has a buildout date of December 31, 2006, and a termination date of December 31, 2012 The termination date is based on a 4 year buildout and the recognition that a local Development Order, which is valid for six years, may be obtained prior to December 31, 2012. No permits for development will be issued by the County subsequent to the termination date or expiration date unless the conditions set forth in §380.06(15)(g) are applicable.

L. Commencement of Physical Development. Commencement of substantial physical development of the project must occur no later than December 31, 2004. Further development must occur in accordance with the development parameters and phasing schedule set forth in Exhibit C.

M. Assurance of Compliance. The administrative director of the Lee County

Department of Community Development, or their designee, will be the local official responsible for assuring compliance with this Development Order. Lee County is primarily responsible for monitoring the development and enforcing the provisions of the development order. No permits or approvals will be issued if the Developer fails to act in substantial compliance with the development order.

N. Credits Against Local Impact Fees. Pursuant to §380.06(16), Florida Statutes, the Developer may be eligible for credits for contributions, construction, expansion, or acquisition of public facilities, if the Developer is also subject by local ordinances to impact fees or exactions to meet the same needs. However, no credit will be provided for internal or external site-related facilities required by County regulations, or to any off-site facilities to the extent those facilities are necessary to provide safe and adequate services to the development.

O. Protection of Development Rights. The project will not be subject to down-zoning, unit density reduction, or intensity reduction prior to December 31, 2013. If the County demonstrates at a public hearing that substantial changes have occurred in the conditions underlying the approval of this Development Order, or finds that the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by Lee County to be essential to public health, safety and welfare, then down-zoning, unit density reduction, or intensity reduction may occur. [See 9J-2.025(3)(b)13]

P. Annual Reports. The Developer must submit a report annually to the Lee County Department of Community Development, the SWFRPC and Florida DCA on Form RPM-BSP-Annual Report-1. The content of the annual report must include the information set forth in Exhibit D, and must also be consistent with the rules of the FDCA. The first monitoring report must be submitted to the DRI coordinator for SWFRPC, DCA, and Lee County no later than one year after the effective date of this Development Order. Further reporting must be submitted not later than one year for subsequent calendar years thereafter, until buildout, whether actual or declared. Failure to comply with this annual reporting procedure is governed by §380.06(18), Florida Statutes, which provides for the temporary suspension of the DRI Development Order.

The Developer must file the annual monitoring reports until actual or declared buildout of the project. The Simon Property Group is the party responsible for filing the annual monitoring reports until one or more successor entities are named in the development order. The Developer must inform successors in title to the undeveloped portion of the real property covered by this development order of the annual reporting requirement. Tenants or owners of individual lots or units have no obligation to comply with this reporting condition.

The Developer must also submit a transportation annual report in accordance

with the provisions set forth in Section II.D. of this development order.

Q. Community Development District. The Developer might elect to petition for the formation of a Uniform Community Development District to serve all or a portion of the project pursuant to Florida Statues, Chapter 190, as it may be in effect from time to time. Lee County hereby gives its approval that any such district may undertake the construction and/or funding of all or any of the mitigation and public infrastructure projects for which the Developer is responsible under the terms of this development order, whether within or without the boundaries of the district, and including the payment of mitigation amounts provided for in this development order, as a co-obligor hereunder. This provision may not be construed to require the approval of any petition to form such a district, and in no event will the Developer be released from its obligations under this development order.

R. Transmittal and Effective Date. The County will forward certified copies of this Development Order to the SWFRPC, the Developer, and appropriate state agencies. This Development Order is rendered as of the date of that transmittal, but will not be effective until the expiration of the statutory appeal period (45 days from rendition) or until FDCA has completed their review and has determined not to take an appeal, should that occur prior to the expiration of the 45-day period, or until the completion of any appellate proceedings, whichever time is greater. In accordance with the requirements of §380.06(15)f, Florida Statutes, once this development order is effective, the Developer must record notice of its adoption in the office of the Clerk of the Circuit Court of Lee County.

S. Continued Agricultural Use of Property. Bona fide agricultural uses in existence on the date of this DRI approval may continue until the first development order approval for a site within the particular tract, as designed on Map H, (excluding public uses mandated by this Development Order). No development activity of any kind may occur on the property, including the clearing of vegetation or cutting of trees, unless such activity is reviewed and approved in accordance with Lee County regulations as if no agricultural use existed on the property. The purpose of the limitation is to eliminate any exemption or other special considerations or procedures that might otherwise be available under Lee County regulations by virtue of the existing agriculture on the property.

THE MOTION TO ADOPT this Amended Development Order was offered by Commissioner Ray Judah, and seconded by _____ and upon a poll of the members present, the vote was as follows:

Robert Janes	_____
Douglas St. Cerny	_____
Ray Judah	_____
Andrew W. Coy	_____
John E. Albion	_____

DULY PASSED AND ADOPTED this_____ day of _____, 2004

ATTEST:
CHARLIE GREEN, CLERK

By:_____

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By:_____

Approved as to form

By:_____
Dawn E. Perry-Lehnert
Assistant County Attorney
Office of the County Attorney

Exhibits:

A. Legal Description
B. Master Plan of Development (Map H) Stamped Received February 7, 2001
C. Development Parameters and Phasing Schedule
D. Annual Monitoring Report Requirements
E. Calculation of Road Impact Fee Obligation
F. Pedestrian, Bicycle and Bus Stop Plan

EXHIBIT "A"
LEGAL DESCRIPTION
Property located in Lee County, Florida

HOLE MONTES
ENGINEERS · PLANNERS · SURVEYORS
950 Encore Way · Naples, Florida 34110 · Phone (941) 597-3111 · Fax (941) 597-3232

RECEIVED
JAN 31 2001
PERMIT COUNTER

HM PROJECT #1997079
1/17/01
REF. DWG. #A-994-2

LEGAL DESCRIPTION

A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY, AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 1,733.04 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN N.10°32'05"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 971.33 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 5,605.39 FEET, THROUGH A CENTRAL ANGLE OF 04°03'11", SUBTENDED BY A CHORD OF 396.43 FEET AT A BEARING OF N.08°30'30"W., FOR A DISTANCE OF 396.52 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°07'51"E. FOR A DISTANCE OF 747.22 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N.82°31'42"E., A DISTANCE OF 3,909.60 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,909.60 FEET, THROUGH A CENTRAL ANGLE OF 08°29'31", SUBTENDED BY A CHORD OF 578.92 FEET AT A BEARING OF N.03°13'32"W., FOR A DISTANCE OF 579.45 FEET TO THE END OF SAID CURVE; THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 583.09 FEET; THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 47.04 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE NORTHERLY, WHOSE RADIUS POINT BEARS N.10°26'58"W., A DISTANCE OF 2,025.00 FEET THEREFROM; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°12'27", SUBTENDED BY A CHORD OF 325.07 FEET AT A BEARING OF N.74°56'48"E., FOR A DISTANCE OF 325.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.70°20'35"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 487.89 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 488.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 238.23 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN S.00°59'47"E., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,869.10 FEET TO THE POINT OF BEGINNING; CONTAINING 95.885 ACRES, MORE OR LESS.

AND

A PORTION OF SECTIONS 3, 4, 9, AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE

DCI 2001-00005

SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 3,021.15 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,320.56 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,692.32 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°56'59"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,590.78 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 5,641.38 FEET, THROUGH A CENTRAL ANGLE OF 09°31'27", SUBTENDED BY A CHORD OF 936.68 FEET AT A BEARING OF N.05°42'42"W., FOR A DISTANCE OF 937.76 FEET TO THE END OF SAID CURVE; THENCE RUN N.10°28'26"W., ALONG SAID WESTERLY RIGHT-OF -WAY LINE, FOR A DISTANCE OF 98.54 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, A 100.00 FOOT RIGHT-OF-WAY; THENCE RUN S.88°20'53"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,029.70 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN WESTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 7,050.00 FEET, THROUGH A CENTRAL ANGLE OF 03°00'00", SUBTENDED BY A CHORD OF 369.09 FEET AT A BEARING OF S.89°50'53"W., FOR A DISTANCE OF 369.14 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°39'07"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 674.92 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN S.04°52'41"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,901.57 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,725.19 FEET, THROUGH A CENTRAL ANGLE OF 11°32'50", SUBTENDED BY A CHORD OF 548.30 FEET AT A BEARING OF S.00°53'44"E., FOR A DISTANCE OF 549.23 FEET TO THE END OF SAID CURVE; THENCE RUN S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 225.81 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,710.61 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 626.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 11,584.73 FEET, THROUGH A CENTRAL ANGLE OF 06°24'13", SUBTENDED BY A CHORD OF 1,294.08 FEET AT A BEARING OF S.03°28'03"E., FOR A DISTANCE OF 1,294.76 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°15'56"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 274.74 FEET; THENCE RUN S.46°02'16"E., FOR A DISTANCE OF 577.44 FEET; THENCE RUN S.01°57'26"E. FOR A DISTANCE OF 25.19 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY; THENCE RUN N.88°02'34"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 32.80 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,875.00 FEET, THROUGH A CENTRAL ANGLE OF 17°41'59", SUBTENDED BY A CHORD OF 576.92 FEET AT A BEARING OF N.79°11'34"E., FOR A DISTANCE OF 579.22 FEET TO THE END OF SAID

DRI 2000-00015

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DRI 2004 00008

HM PROJECT #1997079
1/17/01
REF. DWG. #A-994-2
PAGE 3 OF 23

CURVE; THENCE RUN N.70°20'35"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,175.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 512.09 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 512.65 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 263.08 FEET TO THE POINT OF BEGINNING; CONTAINING 386.536 ACRES, MORE OR LESS.

NOTES:

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

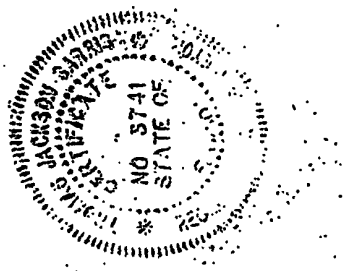
TOTAL PROPERTY AREA: 482.421 ACRES, MORE OR LESS.

INFORMATION RELATING TO BOUNDARY DATA OF SECTIONS 3, 4, 9 AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, TOGETHER WITH THE LOCATION OF THE US HIGHWAY #41 RIGHT-OF-WAY, WAS OBTAINED FROM A SURVEY OF THE SWEETWATER RANCH PREPARED BY DENI ASSOCIATES HAVING ORDER NUMBER 8409031, DATED 9/14/84. INFORMATION RELATING TO THE LOCATION OF COCONUT ROAD AND ADJOINING EXCEPTED PARCELS WAS OBTAINED FROM PROPERTY DESCRIPTIONS PROVIDED BY CLIENT.

BEARINGS REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S.88°56'17"W.

HOLE, MONTES, INC.
CERTIFICATE OF AUTHORIZATION LB #1772

BY _____ P.L.S. #3741
THOMAS J. GARRIS STATE OF FLORIDA



Applicant's Legal Checked
by _____ 1/13/02

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DCI 2001-00005
DRI 2000-00015

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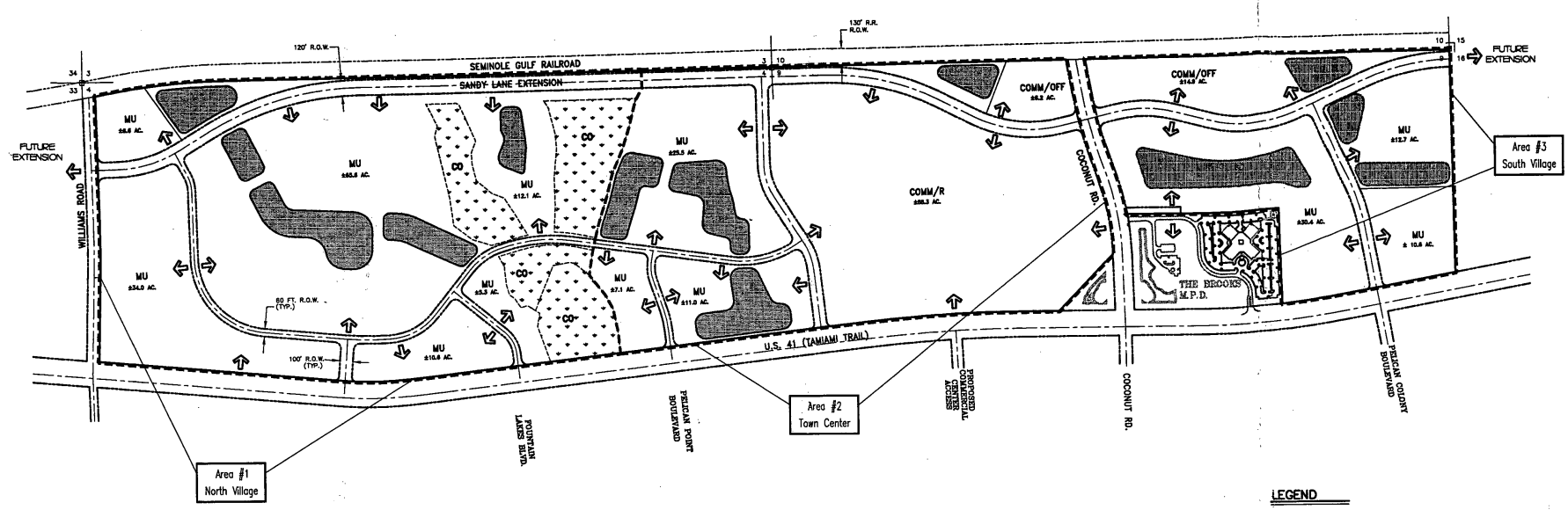
PERMIT COUNTER
DRI 2004 00008



LAND USE BREAKDOWN

CONSERVATION AREAS	±32.7 ACRES
LAKES	±47.1 ACRES
INTERNAL R.O.W.	±50.2 ACRES
GREEN AREA / OPEN SPACE	±11.6 ACRES
DEVELOPMENT AREAS	±340.8 ACRES
TOTAL	±482.4 ACRES

PROJECT INTENSITY

RESIDENTIAL UNITS	1,450
COMMERCIAL/RETAIL (GROSS LEASABLE AREA)	1,800,000
GENERAL OFFICE (S.F.)	200,000
MEDICAL OFFICE (S.F.)	100,000
HOTEL (ROOMS)	350

NOTES:

1. LOCATIONS/CONFIGURATIONS OF PROPOSED LAND USES, SUCH AS LAKES, CONSERVATION AREAS, ROADWAYS AND OPEN SPACE ARE CONCEPTUALLY SHOWN AND SUBJECT TO CHANGE DURING FINAL DESIGN/PERMITTING.
2. THE MIXED USE (MU) DESIGNATION CONTAINS A MIX OF RETAIL/COMMERCIAL, HOTEL, OFFICE, RESIDENTIAL, ALF, AND PUBLIC FACILITY LAND USES.

LEGEND

COMM	RETAIL/COMMERCIAL
MU	MIXED USE
OFF	OFFICE/MEDICAL
R	RESIDENTIAL
	PROPERTY BOUNDARY
	DELINEATION OF DEVELOPMENT AREAS
	ROAD R.O.W. LINE
	CONSERVATION AREAS
	PROPOSED LAKE
	CONCEPTUAL ACCESS POINT

DRI 2004 00008

RECEIVED
NOV 17 2004
PERMIT COUNTER

EXHIBIT B

SCALE: 1"= 400'

HOLE MONTES
ENGINEERS · PLANNERS · SURVEYORS
6202-F Presidential Court
Fort Myers, FL 33919
Phone : (239) 985-1200
Florida Certificate of Authorization No.1772
Naples · Fort Myers · Venice · Englewood

NUMBER	REVISIONS	DATE
1	R.O.P.C.	11/15/04
2	REVISIONS PER 1st SUFFICIENCY COMMENTS	01/20/05

SIMON SUNCOAST
MASTER CONCEPT PLAN MAP 'H'

DESIGNED:	DATE:
DRAWN: C.R.B.	DATE: 11/15/04
CHECKED: N.E.D.	DATE: 11/04
VERT. SCALE:	HORZ. SCALE: 1" = 400'
DRAWING NO.	
REFERENCE NO. 9779BMAPH	
PROJECT NO. 97.79-B	SHEET NO. 1 of 1

DRI
EXHIBIT C

Development Parameters and Phasing Schedule

		Buildout
Regional Retail Commercial	1,450,000* sq. ft.	2006
Community Retail	350,000* sq. ft.	2006
Office	300,000** sq. ft.	2006
Hotel	~~600~~350Rooms	2006
Residential, Multi-family	~~1000~~1,250 du	2006
Assisted Living Facility	200 units	2006

* Gross Leasable Area

**Up to 100,000 sq. ft., may be medical office

DRI
EXHIBIT D

ANNUAL MONITORING REPORT REQUIREMENTS

The Annual Monitoring Report that must be submitted by the Developer in accordance with Subsections 380.06(15) and 380.06(18), Florida Statutes, and 9J-2.025(7), Florida Administrative Code, must include the following:

A. Any changes in the plan of development or in the representations contained in the application for development approval, or in the phasing for the reporting year and for the next year;

B. A summary comparison of development activity proposed and actually conducted for the year;

C. Identification of undeveloped tracts of land, other than individual single family lots, that have been sold to separate entities or developers.

D. Identification and intended use of lands purchased, leased, or optioned by the Developer adjacent to the original DRI site since the development order was issued;

E. A specific assessment of the Developer's and the local government's compliance with each individual condition of approval contained in the DRI Development Order and the commitments which are contained in the application for development approval and which have been identified by the local government, the RPC, or the DCA as being significant;

F. Any requests for substantial deviation determination that were filed in the reporting year and to be filed during the following year;

G. An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;

H. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose of each;

I. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(15) and (18), Florida Statutes;

J. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer pursuant to Paragraph 380.06(15)(f), Florida Statutes.

NOTE: The Florida Administrative Code specifically requires that the development order specify the requirements for the annual report. The Administrative Code requires that the annual report will be submitted to DCA, the RPC, and the local government on Form RPM-BSP-Annual Report-1.

DRI
EXHIBIT E
Calculation of Road Impact Fee Obligation

ND USE	ITE LUC	UNIT	RATE	SIZE	AMOUNT
ENERAL INDUSTRIAL	130	1000 SF	$1,681.00	0	$ -
AREHOUSE	150	1000 SF	$1,198.00	0	$ -
INI-WAREHOUSE	151	1000 SF	$ 419.00	0	$ -
NGLE-FAMILY DETACHED	210	DU	$2,436.00	0	$ -
ULTI-FAMILY	220	DU	$1,687.00	1000	$ 1,687,000.00
OBILE HOME (PARK UNIT)/RV SITE	240	DU	$1,221.00	0	$ -
LF	252	DU	$ 550.00	200	$ 110,000.00
TEL	310	ROOM	$1,834.00	600	$ 1,100,400.00
MESHARE	310	DU	$1,834.00	0	$ -
LF COURSE	430	ACRE	$ 711.00	0	$ -
OVIE THEATRE	443	1000 SF	$5,600.00	0	$ -
EMENTARY/SECONDARY SCHOOL (PRIVATE)	520	1000 SF	$ 611.00	0	$ -
HURCH	560	1000 SF	$1,402.00	0	$ -
AYCARE	565	1000 SF	$3,900.00	0	$ -
SPITAL	610	1000 SF	$2,941.00	0	$ -
JRSING HOME	620	1000 SF	$ 824.00	0	$ -
FFICE UNDER 100,000 SF	710	1000 SF	$2,254.00	100	$ 225,400.00
FFICE 100,000 SF AND OVER	710	1000 SF	$1,918.00	100	$ 191,800.00
EDICAL OFFICE	720	1000 SF	$6,334.00	100	$ 633,400.00
ETAIL UNDER 100,000 SF	820	1000 SF	$3,992.00	100	$ 399,200.00
ETAIL 100,000 SF TO 250,000 SF	820	1000 SF	$3,869.00	150	$ 580,350.00
ETAIL 250,000 SF TO 500,000	820	1000 SF	$3,634.00	250	$ 908,500.00
ETAIL 500,000 SF AND OVER	820	1000 SF	$3,354.00	1300	$ 4,360,200.00
TANDARD RESTAURANT	831	1000 SF	$8,715.00	0	$ -
ST FOOD RESTAURANT	834	1000 SF	$9,886.00	0	$ -
R WASH, SELF-SERVICE	847	STALL	$7,749.00	0	$ -
ONVENIENCE FOOD AND BEVERAGE STORE	851	1000 SF	$8,715.00	0	$ -
NK	911	1000 SF	$6,063.00	0	$ -
TAL					$10,196,250.00

DRI
EXHIBIT F
Pedestrian, Bicycle and Bus Stop Plan

To be submitted by applicant during Hearing Examiner Presentation

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8585

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

January 19, 2005

Mr. Matthew D. Uhle
Knott Consoer
1625 Hendry St
Fort Myers, FL 33901

Re: Agenda Schedule for Coconut Point/Simon Suncoast
Case No. DRI2004-00008

Dear Mr. Uhle:

Your zoning request has been scheduled before the Board of County Commissioners to take final action after reviewing the Hearing Examiner's recommendation.

DATE & TIME: February 7, 2007, Meeting commences at 9:30 a.m.

LOCATION: Commissioners' Meeting Room
2120 Main Street
Ft. Myers, Florida

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Jessica M. Smith
Administrative Assistant

cc: Coconut Point Developers, LLC
Mr. Edward J. McArdle Tr
Mr. Chip Block, Principal Planner
Zoning File

U:\200501\DRI20040.000\8\BCC APPLICANT LETTER.WPD

MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
ZONING DIVISION

DATE: November 30, 2004

TO: File -

FROM: Jessica Smith
Secretary, Internal Services

RE: Notice of Public Hearing - **December 15, 2004 HEX**

I, Jessica Smith, Secretary, Internal Services, Development Services Division, do hereby certify that I have mailed notices to the adjacent property owners on the above referenced date, in the attached style, pursuant to the list marked and attached hereto and made a part of this certification.

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

CASE NUMBER: DRI2004-00008

CASE NAME: COCONUT POINT/SIMON SUNCOAST

REQUEST:
a. Consider a Notice of Proposed Change to amend the Coconut Point DRI Development Order to increase residential condominiums from 550 to 1,000; decrease hotel rooms from 600 to 350; and decrease apartments from 450 to 250.
b. Evaluate whether the amendments constitute a substantial deviation from the original development order approvals warranting further development of regional impact review.

LOCATION: The subject property is located at Estero, FL (east side of US 41 between Williams Rd and northern boundary of Bonita Springs), in **S**04 (Section)-**T**47 (Township)**S-R**25 (Range)**E**, Lee County, Florida.

SIZE OF PROPERTY: 482.42 Acres ±

STAFF REPORT: Direct inquiries to Alvin Block, AICP, Principal Planner, at 239-479-8371, at the Department of Community Development, 1500 Monroe St., Ft. Myers, FL 33901.

PROPERTY OWNER'S REPRESENTATIVE:
MR MATTHEW D UHLE
KNOTT CONSOER
239-334-2722

Notice is hereby given that the Lee County Hearing Examiner will hold a public hearing at 1:00 p.m. on December 15, 2004, on the above case. The public hearing will be held in the Hearing Examiner's Meeting Room, 1500 Monroe St., Ft. Myers, FL 33901.

You must appear in person, or through counsel, or an authorized agent and provide testimony, legal argument or other evidence at the hearing to become a participant with the right to address the Board of County Commissioners.

After the Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the Board of County Commissioners who will review the recommendation and make a final decision.

If you do not appear before the Hearing Examiner, by law, you will not be allowed to appear before the Board of County Commissioners at the final hearing in this case.

Copies of the staff report will be available two weeks prior to the hearing. The file may be reviewed at the Development Services Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/479-8585 for additional information.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Jessica M Smith at 239/479-8585.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

33-46-25-00-00001.0030
LONG CHARLES M ETAL
FOWLER- WHITE
%GARY BUTLER
2201 2ND ST
FORT MYERS, FL 33901

33-46-25-00-00001.0050
LEE COUNTY MEDICAL INVESTORS
3570 KEITH ST NW
CLEVELAND, TN 37312

33-46-25-00-00019.0030
SPANISH LAKES INC TR
P O BOX 366879
BONITA SPRINGS, FL 34136

33-46-25-00-00019.0040
MULLIGAN RICHARD E TRUSTEE
78 CHARDON PL
NAPLES, FL 34110

33-46-25-00-00019.004A
ESTERO LAKES DEV INC
P O BOX 366879
BONITA SPRINGS, FL 34136

33-46-25-00-00019.0070
ESTERO LAKES DEV II INC
24880 BURNT PINE DR STE 8
BONITA SPRINGS, FL 34134

33-46-25-00-00019.0090
ESTERO LAKES DEV INC
P O BOX 366879
BONITA SPRINGS, FL 34136

33-46-25-00-00020.0000
ACL RR CO

34-46-25-01-0000C.0150
SPIEGEL JONATHAN R + DEBORAH L
P O BOX 594
HIAWASSEE, GA 30546

34-46-25-01-0000C.0160
CHRIST COMMUNITY MINISTRIES
8681 COUNTY RD
ESTERO, FL 33928

03-47-25-00-00001.0000
ACL RR CO

03-47-25-01-0000F.0000
LONG BAY PARTNERS LLC
9990 COCONUT RD STE 202
BONITA SPRINGS, FL 34135

03-47-25-01-0000G.00CE
SHADOW WOOD COMMUNITY ASSN
9990 COCONUT RD STE 202
BONITA SPRINGS, FL 34135

03-47-25-01-000C3.0240
BELFORD WILLIAM A + DEBORAH A
9101 HOLLOW PINE DR
BONITA SPRINGS, FL 34135

03-47-25-01-000L1.0000
BROOKS OF BONITA SPRINGS CDD
GARY L MOYER DIST MANAGER
10300 NW 11TH MANOR
CORAL SPRINGS, FL 33071

03-47-25-02-000C1.0000
BROOKS OF BONITA SPRINGS CDD
GARY L MOYER DIST MANAGER
10300 NW 11TH MANOR
CORAL SPRINGS, FL 33071

03-47-25-03-0000A.00CE
SHADOW WOOD COMMUNITY ASSN
9990 COCONUT RD STE 202
BONITA SPRINGS, FL 34135

03-47-25-03-0000B.0120
KIRBY JUDITH M TR
1800 N POND LN
LAKE FOREST, IL 60045

03-47-25-03-0000B.0130
TAYLOR WAYNE A + JENNIFER A S
2134 N LAKEWOOD AV
CHICAGO, IL 60614

03-47-25-03-0000B.0140
COFFEY JAMES B + MARGUERITE B
59 BLUEBERRY HILL
BRIDGEWATER, CT 06752

03-47-25-03-0000B.0150
WEAVER PAMELA M TR
1580 TAYLOR RIDGE CT
ERIE, PA 16505

03-47-25-03-0000B.0160
CARTER TERRY R +
9065 FALLING LEAF DR
BONITA SPRINGS, FL 34135

03-47-25-03-0000B.0170
BINFORD MARY G TR +
4021 TERRACE LANE
MINNETONKA, MN 55305

03-47-25-03-0000B.0180
SMITH A GARY + MARLA
221 BEARDSLEY CT
MUSCLE SHOALS, AL 35661

03-47-25-03-0000B.0190
BAKEMAN ROBERT E + SHIRLEY A
7002 ADA DR SE
GRAND RAPIDS, MI 49546

03-47-25-03-0000B.0200
HARALDSON WAYNE L TR
378 W COUNTY LINE RD
BARRINGTON, IL 60010

03-47-25-03-0000B.0210
WENNINGER DONALD PHILLIP
4505 W LEXI CIR
BROOMFIELD, CO 80020

03-47-25-03-0000B.0220
KAUFMAN DENNIS E + SUSAN S
9024 FALLING LEAF DR
BONITA SPRINGS, FL 33928

03-47-25-03-0000B.0230
OTTERBECK JAMES + SUZANNE 96%
9030 FALLING LEAF DR
BONITA SPRINGS, FL 34135

03-47-25-03-0000B.0240
SHEARER KATHLEEN A
6418 CORRINE DR NW
CANTON, OH 44718

03-47-25-03-0000B.0250
IORIZZO ROBERT P + NANCY V
9608 LARCHMEDE CT
ELLIOTT CITY, MD 21042

03-47-25-03-0000B.0260
DALONZO THOMAS W + RACHEL L
908 VANCE ST
RALEIGH, NC 27608

03-47-25-03-0000B.0270
DAVIS GENE + SUSAN
9054 FALLING LEAF DR
BONITA SPRINGS, FL 33928

03-47-25-03-0000B.0280
LONGE WILLIAM G + PAMELA
9060 FALLING LEAF DR
BONITA SPRINGS, FL 34135

03-47-25-03-0000B.0290
STEWART ROBERT E + NANCY
2650 BROWNING DR
LAKE ORION, MI 48360

03-47-25-03-0000B.0300
HENDRICKSON LEONARD + JEANNE
9072 FALLING LEAF DR
BONITA SPRINGS, FL 34135

03-47-25-03-0000B.0310
EGAN PATRICK M + DONNA M
1090 N DAVIS RD
EAST AURORA, NY 14052

03-47-25-03-000C1.0000
BROOKS OF BONITA SPRINGS II
C/O GARY L MOYER
10300 NW 11TH MANOR
CORAL SPRINGS, FL 33071

03-47-25-03-000L1.0000
BROOKS AT BONITA SPRINGS II
C/O GARY L MOYER
10300 NW 11TH MANOR
CORAL SPRINGS, FL 33071

03-47-25-03-000R1.00CE
SHADOW WOOD COMMUNITY ASSN
9990 COCONUT RD STE 202
BONITA SPRINGS, FL 34135

03-47-25-06-00000.0030
GEANEY JOHN F JR + JULIA S
22321 BANYAN HIDEAWAY DR
BONITA SPRINGS, FL 34135

03-47-25-06-00000.0040
COURTNEY MARCIA M TR
22331 BANYAN HIDEAWAY DR
BONITA SPRINGS, FL 34134

03-47-25-06-00000.0050
BUSCH FREDERICK W +
22341 BANYAN HIDEAWAY DR
BONITA SPRINGS, FL 34135

03-47-25-06-00000.0060
LONGO RONALD M + ELEONORE
2-16 149TH ST
WHITESTONE, NY 11357

03-47-25-06-00000.0070
ROUNDING GARY E + LINDA L
22350 BANYAN HIDEAWAY DR
BONITA SPRINGS, FL 34135

03-47-25-06-00000.0080
PELLETZ MELVIN J TR
3 KNOLLWOOD DR
WORCESTER, MA 01609

03-47-25-06-00000.0090
VISION BUILDERS LLC
10120 CUMBERLAND RD
FISHERS, IN 46038

03-47-25-06-00000.0100
BURLEIGH WILLIAM H + PENELOPE
22320 BANYAN HIDEAWAY DR
BONITA SPRINGS, FL 34135

03-47-25-06-0000A.00CE
SHADOW WOOD COMMUNITY ASSN
9990 COCONUT RD STE 202
BONITA SPRINGS, FL 34135

03-47-25-06-000L1.0000
BROOKS OF BONITA SPRINGS II
C/O GARY L MOYER
10300 NW 11TH MANOR
CORAL SPRINGS, FL 33071

03-47-25-06-000R2.00CE
SHADOW WOOD COMMUNITY ASSN
9990 COCONUT RD STE 202
BONITA SPRINGS, FL 34135

03-47-25-07-0000A.0010
CENTEX HOMES
5801 PELICAN BAY BLVD STE 600
NAPLES, FL 34108

03-47-25-07-0000D.00CE
SHADOW WOOD COMMUNITY ASSN
9990 COCONUT RD STE 202
BONITA SPRINGS, FL 34135

03-47-25-07-0000E.00CE
SHADOW WOOD COMMUNITY ASSN
9990 COCONUT RD STE 202
BONITA SPRINGS, FL 34135

03-47-25-09-00000.0190
BOE RICHARD W + MARIDEE J
6553 N EAGLE LAKE DR
MAPLE GROVE, MN 55369

03-47-25-09-00000.0200
SANTORO RICHARD G + JUDITH H
137 GRANDE BLVD
SINKING SPRINGS, PA 19608

03-47-25-09-00000.0210
TOUSIGNANT ROBERT T +
9011 WINDSWEPT DR
BONITA SPRINGS, FL 34135

03-47-25-09-00000.0220
HAYDEN C BARRY TR
54 FAIR OAKS
ST LOUIS, MO 63124

03-47-25-09-00000.0230
HAMMER TODD + DARLENE
1321 STIRLING CT
WEST BEND, WI 53095

03-47-25-09-00000.0240
CULLEY JAMES K + SANDRA A
15287 BURNABY DR
NAPLES, FL 34110

03-47-25-09-00000.0250
LYONS LAND GROUP LLC
9240 MARKETPLACE RD SUITE 1
FORT MYERS, FL 33912

03-47-25-09-00000.0260
LYONS LAND GROUP LLC
9240 MARKETPLACE RD SUITE 1
FORT MYERS, FL 33912

03-47-25-09-00000.0270
LYONS LAND GROUP LLC
9240 MARKETPLACE RD SUITE 1
FORT MYERS, FL 33912

03-47-25-09-00000.0280
KADIC JOHN P + MARIANNE H
450 MAPLE LN
SEWICKLEY, PA 15143

03-47-25-09-000L1.0000
BROOKS OF BONITA SPRINGS II
C/O GARY L MOYER
10300 NW 11TH MANOR
CORAL SPRINGS, FL 33071

03-47-25-09-000L2.0000
BROOKS OF BONITA SPRINGS II
C/O GARY L MOYER DIST MGR
10300 NW 11TH MANOR
CORAL SPRINGS, FL 33071

03-47-25-09-000R1.00CE
HAWTHORNE AT SHADOW WOOD
C/O SOUTHWEST PROPERTY MGMNT
1044 CASTELLO DR STE 206
NAPLES, FL 34103

03-47-25-13-00000.00CE
PALMETTO RIDGE AT THE BROOKS
5801 PELICAN BAY BLVD #600
NAPLES, FL 34108

03-47-25-13-00011.0101
CULLEN JAMES D
4833 THOROUGHBRED LOOP
ERIE, PA 16506

03-47-25-13-00011.0102
FIRST L P
19 RAMSGATE DR
PALOS PARK, IL 60464

03-47-25-13-00011.0201
HULTGREN ROBERT M + CYNTHIA E
4159 BELMONT PL
NEW ALBANY, OH 43054

03-47-25-13-00011.0202
FICHTER JEFFREY R + LAURA L
12 SHADOW CREEK
PENFIELD, NY 14526

03-47-25-13-00012.0101
FIRST L P
19 RAMSGATE DR
PALOS PARK, IL 60464

03-47-25-13-00012.0102
JIRAK GORDON E + EILEEN T
9151 PALMETTO RIDGE DR #102
BONITA SPRINGS, FL 34135

03-47-25-13-00012.0201
MCVAY MICHAEL S
9151 PALMETTO RIDGE #201
BONITA SPRINGS, FL 34135

03-47-25-13-00012.0202
MORTIMER FRANKLIN J II +
4108 GRATIOT AVE
PORT HURON, OH 48060

03-47-25-13-00013.0101
CENTEX HOMES
5801 PELICAN BAY BLVD STE 600
NAPLES, FL 34108

03-47-25-13-00013.0102
FRIEG JOHN H
7178 SHADDY HOLLOW RD NW
CANTON, OH 44718

03-47-25-13-00013.0201
DEBILLIS CYNTHIA L TR
8 WIVELISCOMBE
NEW ALBANY, OH 43054

03-47-25-13-00013.0202
NIELSEN NORMAN R
5757 KIRKWOOD BLVD SW
CEDAR RAPIDS, IA 52404

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03-47-25-13-00014.0101
CASSA BARBARA S
31 CRAWFIELD LN
MELVILLE, NY 11747

03-47-25-13-00014.0102
KENT DAVID L
9121 PALMETTO RIDGE DR
BONITA SPRINGS, FL 34135

03-47-25-13-00014.0201
SHAW MARK E + LINDA H
9121 PALMETTO RIDGE DR #201
BONITA SPRINGS, FL 34135

03-47-25-13-00014.0202
HANLON FRANCIS M + PAMELA M
21 PENNY LANE
MERRIMACK, NH 30354

03-47-25-13-00015.0101
UNGER PHILLIP W TR
2324 WORCHESTER RD
MIDLOTHIAN, VA 23113

03-47-25-13-00015.0102
DENBAAS DAVID S + MARTHA
611 GALLAGHER COURT
OXFORD, MI 48371

03-47-25-13-00015.0201
LIEBERMAN CHERYL M TR
9111 PALMETTO RIDGE DR #201
BONITA SPRINGS, FL 34135

03-47-25-13-00015.0202
LYONS JERRY K
75 ENTERPRISE
DELAFIELD, WI 53018

03-47-25-13-00016.0101
MARCHESINI ROBERTO + ROBYN
17014 CHAPEL PKWY
HOUSTON, TX 77059

03-47-25-13-00016.0102
BUSHEE JAMES W + CAROLE G
315 EAST ST NE
VIENNA, VA 22180

03-47-25-13-00016.0201
EICH MATTHIAS + ELKE
ZEPPERWEG 4
D-35745,
GERMANY

03-47-25-13-00016.0202
BEERS BRUCE B + JEANNE
10300 DEERPATH SOUTH
TRAVERSE CITY, MI 49684

04-47-25-00-00001.0010
KRAUS-ANDERSON INC
523 S 8TH ST
MINNEAPOLIS, MN 55404

04-47-25-00-00001.0020
TULIP ASSOCIATES LLC
C/O DENNIS J LYNCH
4081 TAMIAMI TR N STE C-201
NAPLES, FL 34103

04-47-25-00-00001.002B
FLORIDA GROUP INVESTMENTS INC
5100 ROSEN BLVD
BOYNTON BEACH, FL 33437

04-47-25-00-00001.002C
WEST BAY CLUB DEV CORP
4600 WEST BAY BLVD
ESTERO, FL 33928

04-47-25-00-00001.002D
COLLMAN RICHARD A TR
1648 PERIWINKLE WY
SANIBEL, FL 33957

04-47-25-00-00001.002E
ESTERO GROUP LLP
P O BOX 70
FORT MYERS, FL 33902

04-47-25-00-00001.002F
LMC WILLIAMS ROAD INC
33 EAST WALL ST
FROSTPROOF, FL 33843

04-47-25-00-00001.002G
41 INVESTMENTS LLP
P O BOX 70
FORT MYERS, FL 33902

04-47-25-00-00001.0120
ESTERO FIRE RESCUE
9850 BRECKENRIDGE DR STE A
ESTERO, FL 33928

04-47-25-00-00007.00CE
FOUNTAIN LAKES COMM ASSOC INC
22201 FOUNTAIN LAKE BLVD #1
ESTERO, FL 33928

09-47-25-00-00001.001B
DRACKETT + OTT ENTERPRISES LLC
745 12TH AV S #100
NAPLES, FL 34102

09-47-25-00-00001.005A
MANCHESTER ASSOCIATES LLC
C/O DENNIS J LYNCH
4081 TAMIAMI TRAIL N STE C-201
NAPLES, FL 34103

09-47-25-00-00001.0140
VATTER LTD
4901 TAMIAMI TRAIL N
NAPLES, FL 34103

09-47-25-00-00001.0160
BROOKS 41 COMMERICAL ASSN INC
BARRETT C OTT
745 12TH AV S STE 100
NAPLES, FL 34102

09-47-25-00-00001.017A
WCI COMMUNITIES LTD PNTSHP
24301 WALDEN CENTER DR STE 300
BONITA SPRINGS, FL 34134

09-47-25-00-00001.0200
LONG BAY PARTNERS LLC
9990 COCONUT RD STE 202
BONITA SPRINGS, FL 34135

09-47-25-22-0000F.01CE
MILLENNIUM GROUP OF SW FL LC
9010 ESTERO RIVER CIR
ESTERO, FL 33928

09-47-25-23-0000C.0000
WCI COMMUNITIES INC
24301 WALDEN CENTER DR
SUITE 300
BONITA SPRINGS, FL 34134

04-47-25-00-00006.00CE
FOUNTAIN LAKES COMM ASSOC INC
22201 FOUNTAIN LAKE BLVD #1
ESTERO, FL 33928

09-47-25-00-00001.001A
LONG BAY PARTNERS LLC
11860 EAST TERRY STREET
BONITA SPRINGS, FL 34135

09-47-25-00-00001.0050
TULIP ASSOCIATES LLC
C/O DENNIS J LYNCH
4081 TAMIAMI TRAIL N STE C-201
NAPLES, FL 34103

09-47-25-00-00001.0120
ESTERO BAY PROPERTY INVESTORS
4265 SAN FELIPE SUITE 1060
HOUSTON, TX 70027

09-47-25-00-00001.0150
FORTUNE 2000 PROPERTIES INC
4901 TAMIAMI TRAIL N
NAPLES, FL 34103

09-47-25-00-00001.0170
GVB PROPERTIES LLC
P O BOX 1101
NAPLES, FL 34106

09-47-25-00-00001.0180
BONITA COMMUNITY HEALTH CENTER
3501 HEALTH CENTER BLVD
BONITA SPRINGS, FL 34135

09-47-25-00-00001.0210
BAYSIDE IMPROVEMENT CDD
210 N UNIVERSITY DR STE 301
CORAL SPRINGS, FL 33071

09-47-25-23-0000B.0000
WALDEN CENTER LLC
SUITE #100
24311 WALDEN CENTER DR
BONITA SPRINGS, FL 34134

09-47-25-31-00000.0040
BROOKS LANDING LLC
3606 ENTERPRISE AVE
NAPLES, FL 34104

09-47-25-31-0000E.00CE
COCONUT PROPERTIES LTD
COCONUT SQUARE
4901 TAMIAMI TRAIL N
NAPLES, FL 34103

09-47-25-31-0000G.00CE
COCONUT PROPERTIES LTD
COCONUT SQUARE
4901 TAMIAMI TRAIL N
NAPLES, FL 34103

10-47-25-00-00002.0000
MCARDLE EDWARD J TR
P O BOX 366879
BONITA SPRINGS, FL 34136

10-47-25-01-000L7.0000
BROOKS OF BONITA SPRINGS CDD
GARY L MOYER DIST MANAGER
10300 NW 11TH MANOR
CORAL SPRINGS, FL 33071

10-47-25-06-00000.00CE
MORNINGSIDE AT THE BROOKS
23171 ROSEDALE DR
BONITA SPRINGS, FL 34135

10-47-25-06-00001.0102
WILLIAMS MELISSA + DANIEL E +
24690 SWEET GUM CT
BONITA SPRINGS, FL 34134

10-47-25-06-00001.0202
DAVIDSON BRUCE K L
1300 MARLBORO CT
OAKVILLE, ON L6H 2S2
CANADA

10-47-25-06-00002.0102
BURNS JEROME E SR
4379 EL MONTE
SAGINAW, MI 48603

10-47-25-06-00002.0202
BULL STEPHEN W III + KATHLEEN
3324 FALLBROOK PK
CANANDAIGUA, NY 14424

10-47-25-06-00003.0102
NELSON EDWARD F + BETTY M
14440 MORNINGSIDE RD
ORLAND PARK, IL 60462

09-47-25-31-0000F.00CE
COCONUT PROPERTIES LTD
COCONUT SQUARE
4901 TAMIAMI TRAIL N
NAPLES, FL 34103

10-47-25-00-00001.0000
ACL RR CO

10-47-25-01-000L3.0000
BROOKS OF BONITA SPRINGS CDD
GARY L MOYER DIST MANAGER
10300 NW 11TH MANOR
CORAL SPRINGS, FL 33071

10-47-25-02-000G1.0000
SPRING RUN GOLF CLUB COMMUNITY
3451 BONITA BAY BLVD SUITE 202
BONITA SPRINGS, FL 34134

10-47-25-06-00001.0101
GREGORY THEODORE C + NANCY T/C
125 80TH ST #H2
AVALON, NJ 08202

10-47-25-06-00001.0201
SABATINI F ELENA TR
12 EAGLE POINTE DR
CORTLAND, OH 44410

10-47-25-06-00002.0101
BAUER RICHARD T + VICTORIA
4043 APRIL DR
UNIONTOWN, OH 44685

10-47-25-06-00002.0201
CAMPBELL RICHARD P + ALISON
244 LAKEWOOD DR
OAKVILLE, ON L6K 1B2
CANADA

10-47-25-06-00003.0101
ACHZET RUSSELL K
%AM+M FINANCIAL SERVICES INC
179 SULLYS TRAIL STE 200
PITTSFORD, NY 14534

10-47-25-06-00003.0201
MARCANO MIRIELA
13150 CORBEL CIR #528
FORT MYERS, FL 33907

10-47-25-06-00003.0202
SATTERWHITE CYNTHIA B
23146 ROSEDALE DR #202
BONITA SPRINGS, FL 34135

10-47-25-06-00004.0102
REID RUTH A TR
23136 ROSEDALE DR #102
BONITA SPRINGS, FL 34135

10-47-25-06-00004.0202
HADLEY JAMES A + DENISE B
15 FALL MEADOW DR
PITTSFORD, NY 14534

10-47-25-06-00007.0102
BOCK WILLIAM C + KATHY L
23151 ROSEDALE DR #102
BONITA SPRINGS, FL 34135

10-47-25-06-00007.0202
STEWART PETER M + JOAN T
19 LOWER VILLAGE GATE PH02
TORONTO, ON M5P 3L9
CANADA

10-47-25-06-00008.0102
MESJAK RICHARD J + VIRGINIA M
6501 SHINGLE CREEK DR
BROOKLYN PARK, MN 55445

10-47-25-06-00008.0202
CASOLO BONITA A
60 OVERBOOK RD
PAINTED POST, NY 14870

10-47-25-06-00009.0102
OVERHEUL DAVID + VALERIE R
1536 LORAL PINES CT SR
ADA, MI 49301

10-47-25-06-00009.0202
CABLE DALE A + TERRI LYNN
29212 INVERNESS DR
BAY VILLAGE, OH 44140

10-47-25-06-00010.0102
VANBUREN JAMES K + KAREN J
9807 COPPER HILL RD
ST LOUIS, MO 63124

10-47-25-06-00004.0101
HAIDLE VIRGINIA W TR
23136 ROSEDALE DR #101
BONITA SPRINGS, FL 34135

10-47-25-06-00004.0201
EGBERG DAVID C + JACQUELINE R
18668 FARMSTEAD CIR
EDEN PRAIRIE, MN 55347

10-47-25-06-00007.0101
PARROTT JL + JULIE T
1508 CROSS TIMBERS RD
LOUISVILLE, KY 40245

10-47-25-06-00007.0201
BOWERS CORAL L
4030 ETTER ROAD
MOGADORE, OH 44260

10-47-25-06-00008.0101
LINDER BARBARA E
11280 RIDERMARK ROW
COLUMBIA, MD 21044

10-47-25-06-00008.0201
BEHNKEN LELAND E + ANN L
2822 KNOX HIGHWAY 3
ALTONA, IL 61414

10-47-25-06-00009.0101
WILLOUGHBY BARRY B + JACKIE I
239 BAYFRONT DR
BONITA SPRINGS, FL 34134

10-47-25-06-00009.0201
HENDRICKS PATRICIA J
2 PENNS WAY
MECHANICSBURG, PA 17050

10-47-25-06-00010.0101
MEYER JOHN JOSEPH + KATHERINE
14929 GREENBERRY HILL CT
CHESTERFIELD, MO 63017

10-47-25-06-00010.0201
RILEY W PATRICK + JEANNE
1119 QUENTIN AVE S
LAKELAND, MN 55043

10-47-25-06-00010.0202
WOOF WILLIAM S + LORILEE A
FAIRWAYS NORTH ROAD
HALE ALTRINCHAM
CHESHIRE WA15 ONS,
ENGLAND

10-47-25-06-00011.0102
HAMILTON G SICOTTE
243 FITTONS RD EAST
ORILLA, ON L3V 2J7
CANADA

10-47-25-06-00011.0202
HRDLICKA LORETTA C TR
5961 GOLFVIEW DR
BLOOMFIELD, MI 48301

10-47-25-06-00012.0102
THEISS WILLIAM R + ELAINE M
150 SEQUOIA LN
DEERFIELD, IL 60015

10-47-25-06-00012.0202
GLEYZE RONALD + JANET
2658 HAAS LN
MONTOURSVILLE, PA 17754

10-47-25-06-00013.0102
GAUS WILLIAM T TR +
11441 N CANTERBURY DR
MEQUON, WI 53092

10-47-25-06-00013.0202
STIVELMAN ROBERTA L
23091 ROSEDALE DR #202
BONITA SPRINGS, FL 34135

10-47-25-06-00014.0102
LEE ARTHUR M + JANET J TR
4920 SHANTY CREEK RD
BELLAIRE, MI 49615

10-47-25-06-00014.0202
DARIN WILLIAM A JR + LAURA LEE
12426 SHADY OAK DR
SOUTH LYON, MI 48178

10-47-25-06-00015.0102
ALLEN WILLIAM V + SHARON J
7422 WYCLIFFE DR
PROSPECT, KY 40059

10-47-25-06-00011.0101
LUNDY WAYNE A + REBECCA M
23111 ROSEDALE DR #101
BONITA SPRINGS, FL 34135

10-47-25-06-00011.0201
SCHNEIDER GREGORY E + JANE V
5576 FAWNBROOK LN
DUBLIN, OH 43017

10-47-25-06-00012.0101
MILLER DAVID E + JOANN C
23101 ROSEDALE DR #101
BONITA SPRINGS, FL 34135

10-47-25-06-00012.0201
CROUSE SHARON O
23101 ROSEDALE DR #201
BONITA SPRINGS, FL 34135

10-47-25-06-00013.0101
PEARCE CHARLES A + VIRGINIA D
PO BOX 984
GRATHAM, NH 03753

10-47-25-06-00013.0201
PROKOP R PETER + MARY LYNN
37735 EAGLE TRACE
FARMINGTON HILLS, MI 48331

10-47-25-06-00014.0101
BECKER MARVIN R + SHIRLEY K
23081 ROSEDALE DR #101
BONITA SPRINGS, FL 34135

10-47-25-06-00014.0201
PRITCHARD J BRYAN + JUDITH H
2624 LANSDALE DR
WEXFORD, PA 15090

10-47-25-06-00015.0101
BURKE ROBERTA J
146 W 57TH ST #48A
NEW YORK, NY 10019

10-47-25-06-00015.0201
NELSON GARY A + JANETH
9220 OVERLOOK TRL
EDEN PRARIE, MN 55347

10-47-25-06-00015.0202
MUEHLENKAMP WILLIAM J JR +
23071 ROSEDALE DR #202
BONITA SPRINGS, FL 34135

10-47-25-06-00016.0102
BROWN MICHAEL W + ALYSON M
1143 W SOUTHLAWN
BIRMINGHAM, MI 48009

10-47-25-06-00016.0202
REA HENRY E JR + NANCY M
55 ROYCROFT AVE
PITTSBURG, PA 15228

10-47-25-06-00017.0102
BENNETT ANTHONY J + NANCY E
8 STONEWOOD DR
ST CHARLES, IL 60174

10-47-25-06-00017.0202
T WOLFE PROPERTIES
281 WARRINGTON ROAD
BLOOMFIELD HILLS, MT 48304

10-47-25-06-00018.0102
KOOS DAVID P + JANE L
20922 81ST ST
BRISTOL, WI 53104

10-47-25-06-00018.0202
RAJTORA SUSAN E
785 MT CARMEL RD
DUBUQUE, IA 52003

10-47-25-06-00019.0102
DENNIS PATRICK + CHRISTINA TR
4904 TURNBERRY CT
DAVENPORT, IA 52807

10-47-25-06-00019.0202
YURCO NANCY E TR
1639 INDIAN KNOLL
NAPERVILLE, IL 60565

10-47-25-06-00020.0102
MURPHY PATRICIA ANN TR
827 SOUTH CLAY ST
HINSDALE, IL 60521

10-47-25-06-00016.0101
GIVENS ROBERT M + CONNIE J
20 WOODHAVEN DR
ANDOVER, MA 01810

10-47-25-06-00016.0201
BAYMAN JEFFREY D + TRUDY C
1030 FAIRWAY COURT
WARREN, OH 44483

10-47-25-06-00017.0101
SHAW DAVID M + M JOYCE
23051 ROSEDALE DR #101
BONITA SPRINGS, FL 34135

10-47-25-06-00017.0201
JACOBS ROBERT S + DONNA S
RR # 8 BOX 154-E
GREENSBURG, PA 15601

10-47-25-06-00018.0101
HOFF WALLACE J + MARY J
10202 SUNWAY TER
ELLICOTT CITY, MD 21042

10-47-25-06-00018.0201
KARNAS BARBARA J
306 SINEGAR PL
POTOMAC FALLS, VA 20165

10-47-25-06-00019.0101
PASCO CHARLES A + KATHRYN
250 LAKEWOOD CIRCLE
BURR RIDGE, IL 60527

10-47-25-06-00019.0201
HILLARD FREDERICK H + CAROL C
1107 VALLEY STREAM
ROCHESTER HILLS, MI 48309

10-47-25-06-00020.0101
PENDLETON THOMAS G + JANIS J
S57W23102 MARCELLE DR
WAUKESHA, WI 53189

10-47-25-06-00020.0201
BLAICHER LINDA W
23021 ROSEDALE DR #201
BONITA SPRINGS, FL 34135

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10-47-25-06-00020.0202
ANTONELLI RICHARD J +
894 MACARTHUR DR
PITTSBURG, PA 15228

10-47-25-06-00021.0101
ROSEN MITCHELL + SHARON L
25550 GRAND RIVER AVE
REDFORD, MI 48240

10-47-25-06-00021.0102
EIKER GEORGE L + ELIZABETH ANN
1986 SPRUCE DR
CARMEL, IN 46033

10-47-25-06-00021.0201
JOHNSTON MARK K
1637 LAKEVIEW
SYLVAN LAKE, MI 48320

10-47-25-06-00021.0202
BENSON THOMAS S
23011 ROSEDALE DR #202
BONITA SPRINGS, FL 34135

10-47-25-06-00022.0101
BYRER BRADLEY W
5810 STONEBRIDGE CIR
MILFORD, OH 45150

10-47-25-06-00022.0102
KRATOVIL R D
23001 ROSEDALE DR #102
BONITA SPRINGS, FL 34135

10-47-25-06-00022.0201
DEMSKI KENNETH E + MARY ANN
9330 THORNHILL DR
CLARKSTON, MI 48348

10-47-25-06-00022.0202
PORTER JANET E TR
6090 WESTINGTON DR
CANFIELD, OH 44406

10-47-25-06-00023.0101
COLBURN ELLEN
22991 ROSENDALE DR #101
BONITA SPRINGS, FL 34135

10-47-25-06-00023.0102
HANSEN ROBERT E + ELIZABETH A
1225 GOLF COURSE RD
WARREN, VT 05674

10-47-25-06-00023.0201
MCNEILLY DAVID P + YVONNE P
22991 ROSEDALE DR #201
BONITA SPRINGS, FL 34135

10-47-25-06-00023.0202
LEACH RUSSELL K + BARBARA J
10759 HICKORY CT
CARMEL, IN 46033

10-47-25-06-00024.0101
MAZZETTA EDWARD P + SUZANNNE
22981 ROSEDALE DR #101
BONITA SPRINGS, FL 34135

10-47-25-06-00024.0102
PINKEL VICKI G + GARY R
4803 SILVER CLIFF DR
COLUMBIA, MO 65203

10-47-25-06-00024.0201
NEWCOMBE W JR + CYNTHIA 1/2 +
35 SPARWELL LN
BRUNSWICK, ME 04011

10-47-25-06-00024.0202
FULLERTON JAMES G + MARY L
26 QUINCY CRESCENT
TORONTO, ON M2J 1C4
CANADA

10-47-25-06-00025.0101
HEAVEY WILLIAM M TR 1/2 INT +
22971 ROSEDALE DR #101
BONITA SPRINGS, FL 34135

10-47-25-06-00025.0102
DREWEK DAVID F + SUSAN V
38020 VILLA MAR
HARRISON TOWNSHIP, MI 48045

10-47-25-06-00025.0201
SISK GARDNER P + SUSAN P
147 PINE ST
MANCHESTER, MA 01944

10-47-25-06-00025.0202
MARCUS MARVIN J + BARBARA A
1140 OAKWOOD AV
DAYTON, OH 45419

10-47-25-06-00026.0101
STOKES JAMES B + SARA R
360 WEST BLUFF DR
BLUFF POINT, NY 14478

10-47-25-06-00026.0102
TELMAN RANDALL J + PAMELA L
22961 ROSEDALE DR #102
BONITA SPRINGS, FL 34135

10-47-25-06-00026.0201
PIFER RICHARD L + LINDA B
1383 CLUB DR
BLOOMFIELD HILLS, MI 48302

10-47-25-06-00026.0202
MANNING DAVID D + JOANN
284 SUNDOWN
E ALTON, IL 62024

10-47-25-06-00027.0101
RUSSELL H BRUCE + SUSAN F
P O BOX 1039
CANANDAIGUA, NY 14424

10-47-25-06-00027.0102
RAVIN ALISON B TR
21 HEATH PL
DURHAM, NC 27705

10-47-25-06-00027.0201
ROEMER JAMES P + PATRICIA J
10160 ORCHID RIDGE LN
BONITA SPRINGS, FL 34135

10-47-25-06-00027.0202
DEGROFT WALTER J JR TR
22951 ROSEDALE DR #202
BONITA SPRINGS, FL 34135

10-47-25-06-00028.0101
KNUTSON KENNETH A TR
6433 BRENTON LAKES DR
WILLOWBROOK, IL 60527

10-47-25-06-00028.0102
KORBEE HAROLD G + CAROL M
8304 CARDNIA CT
LIBERTY TWSP, OH 45044

10-47-25-06-00028.0201
GAGNON BARRY + MONIQUE
1485 GOLDEN MEADOW TRAIL
OAKVILLE, ON L6H 3J2
CANADA

10-47-25-06-00028.0202
MATTHEWS THERESA L + GERALD E
7720 BUCKHAVEN CT SE
ADA, MI 49301

10-47-25-06-00029.0101
BRUNN RICHARD C + C SUE
1721 N POINTE DR NW
CANTON, OH 44708

10-47-25-06-00029.0102
DAY PATRICK J + PATRICIA K
10525 SHELTER GROVE
EDEN PRAIRIE, MN 55347

10-47-25-06-00029.0201
NORREY RONALD W + AUDREY E
2175 STAVENBANK RD #14
MISSISSAUGA, ON L5C 1T3
CANADA

10-47-25-06-00029.0202
POULIOT WILFRED J JR TR +
15 SCOTLAND DR
ANDOVER, MA 01810

10-47-25-06-00030.0101
CLARE RONALD D + JANET D
216 WANLESS AV
TORONTO, ON M4N 1W6
CANADA

10-47-25-06-00030.0102
ERHARDT PAUL III + CHERYL A
22921 ROSEDALE DR #102
BONITA SPRINGS, FL 34135

10-47-25-06-00030.0201
JONES LAWRENCE S + DIANE R TR
4869 RAMBLING DR
TROY, MI 48098

10-47-25-06-00030.0202
LUSK GEORGIA A
10109 CINNAMON TEAL DR
KLAMATH FALLS, OR 97601

10-47-25-06-00031.0101
WATSON MARK A +
213 W GLENRIDGE RD
AKRON, OH 44319

10-47-25-06-00031.0102
DANHOFFER THOMAS B + LINDA L
1436 KING ROAD
HINKLEY, OH 44233

10-47-25-06-00031.0201
SALIB RICHARD M + MARY P
7033 HOWARD LN
EDEN PRAIRIE, MN 55346

10-47-25-06-00031.0202
MANTOR GREGORY E +
6470 KITZMILLER
NEW ALBANY, OH 43054

10-47-25-06-00032.0101
TOTH DONALD A + MARY E
415 TYBURN DR
WEXFORD, PA 15090

10-47-25-06-00032.0102
BLAKEMORE THOMAS J + KATHLEEN
1222 BRASSIE RD
FLOSSMOOR, IL 60422

10-47-25-06-00032.0201
WARD KIMIKO M TR
558 KINGSLEY TRAIL
BLOOMFIELD HILLS, MI 48304

10-47-25-06-00032.0202
DOWD JAMES P + ANNETTE C
11430 N CANTERBURY DR
MEQUON, WI 53092

10-47-25-10-00000.0230
NAJDOWSKI DAVID J + JUDY J
9208 SPRING RUN BLVD
BONITA SPRINGS, FL 34135

10-47-25-10-00000.0240
MCTARNAGHAN ROY E + BEVERLY B
9212 SPRING RUN BLVD
BONITA SPRINGS, FL 34135

10-47-25-10-00000.0250
ARNOLD GARY M TR + T/C
1609 GREENBRIER
CAPE GIRARDEAU, MO 63701

10-47-25-10-00000.0260
NATIONAL APARTMENT LEASING CO
C/O MOZART
515 SOUTH AIKEN AV
PITTSBURGH, PA 15232

10-47-25-10-00000.0270
BEATTY H EDWARD + NANCY A
P O BOX 2457
CEDAR RAPIDS, IA 52406

10-47-25-10-000L1.0000
BROOKS OF BONITA SPRINGS CDD
~~GARY L MOYER DIST MANAGER~~
~~10300 NW 11TH MANOR~~
~~CORAL SPRINGS, FL 33071~~

10-47-25-13-00000.0010
KUHN J THOMAS + JOANNE
9306 SPRING RUN BLVD
BONITA SPRINGS, FL 34135

10-47-25-13-00000.0020
ZYGMUND MARTIN L + MARCIA A
810 BROOKCREEK LN
KIRKWOOD, MO 63122

10-47-25-13-00000.0030
MICHEL URSULA W
170 PELICAN DR
AVALON, NJ 08202

10-47-25-13-00000.0040
VERPY ALAN L + PATTIJO
810 GLEASON ACRES DR
WAYZATA, MN 55391

10-47-25-13-00000.0050
ALEXANDER JAMES E JR + JOLENE
9298 SPRING RUN BLVD
BONITA SPRINGS, FL 34135

10-47-25-13-00000.0060
BENTLEY S MICHELLE +
433 DRAYER DR
HUMMELSTOWN, PA 17036

10-47-25-13-00000.0070
KEAN JAMES A + MARY F
19 HARRIS AVE
WELLESLEY, MA 02481

10-47-25-13-00000.0080
ARTEBERRY D G + JUNE A
4505 W 124TH LN
LEAWOOD, KS 66209

10-47-25-13-00000.0090
MOORE EDWIN B + GRETCHEN H
3519 SORRENTO AV
LOUISVILLE, KY 40241

10-47-25-13-00000.0100
NAVARRO RICARDO A + SUSANNE C
4338 BRIDLE TRAIL
AKRON, OH 44333

10-47-25-13-00000.0110
SKAHEN JAMES + MARY
5138 REIS CIRCLE
FAYETTEVILLE, NY 13066

10-47-25-13-00000.0120
VANDER WILT ROBERT B + DOROTHY
9284 SPRING RUN BLVD
BONITA SPRINGS, FL 34135

10-47-25-13-00000.0130
HAYES GLADYS B +
9282 SPRING RUN BLVD
BONITA SPRINGS, FL 34135

10-47-25-13-00000.0140
FERRELL ENGINEERING INC
2 OFFICEPARK CIR STE 103
BIRMINGHAM, AL 35223

10-47-25-13-00000.0150
SULLIVAN PETER R + MADELYN M
191 BOLAS RD
DUXBURY, MA 02332

10-47-25-13-00000.0160
SIROIS MARY E
36 MID IRON DR
NORTH READING, MA 01864

10-47-25-13-00000.0170
FONTECCHIO RICH+CAROL 1/2 INT+
5221 E LAKE SHORE DR
WONDER LAKE, IL 60097

10-47-25-13-00000.0180
STINGER WILLIAM J + MARIA
371 COBBLESTONE CIR
MCKEES ROCKS, PA 15136

10-47-25-13-00000.0190
CROSSON MATTHEW T + ELAINE M
4 DOLPHINS RISE
HUNTINGTON, NY 11743

10-47-25-13-00000.0200
CAMPAGNA GUIDO M + EILEEN E
29820 NORTHBROOK
FARMINGTON HILLS, MI 48334

10-47-25-13-00000.0210
MOSS ELIZABETH A
9266 SPRING RUN BLVD
BONITA SPRINGS, FL 34135

10-47-25-13-00000.0220
SCHLUETER WILLIAM C + SHELLY A
8600 GIRL COUT RD
PEVELY, MO 63070

10-47-25-13-00000.0230
BAKER TERRY W + JEAN M
2573 SCHNELL DRIVE
ST LOUIS, MO 63129

10-47-25-13-00000.0240
URBANIAK HENRY S
12 OYSTER POINT
WARREN, RI 02885

10-47-25-13-00000.0250
MCHUGH STEPHANIE
9252 SPRING RUN BLVD
BONITA SPRINGS, FL 34134

All data is current at time of printing and subject to change without notice.

10-47-25-13-00000.0260
BROWN BRETT C +
23500 CARAWAY LAKES DR
BONITA SPRINGS, FL 34135

10-47-25-13-00000.0270
MARTIN NORMAN H + CYNTHIA L
340 SPRINGHOUSE LANE
MOORESTOWN, NJ 08057

10-47-25-13-00000.0280
SANSON MARY A TR
9246 SPRING RUN BLVD
BONITA SPRINGS, FL 34135

10-47-25-13-00000.0290
GUILD GORDON P + CAROL B
7610 STONEHEDGE DR
ONSTED, MI 49765

10-47-25-13-00000.0300
ROSS DOUGLAS SCOTT
78 SHOREWOOD PL
OAKVILLE, ON L6K 3Y4
CANADA

10-47-25-13-00000.0310
GLACIER GROUP LLC
54 W SEEGERS RD
ARLINGTON HEIGHTS, IL 60005

10-47-25-13-00000.0320
MELVILLE PETER M + PATRICIA A
GLENASCAUL
ORANMORE
COUNTY GALWAY,
IRELAND

10-47-25-13-00000.0330
MASTASCUSA JOSEPH J +
9236 SPRING RUN BLVD
BONITA SPRINGS, FL 34135

10-47-25-13-00000.0340
WILSON ROBERT STANLEY
28 WILLOW FARM LN
AURORA, ON L4G 6K1
CANADA

10-47-25-13-00000.0350
HAYWOOD PATRICIA A + MARK L
2380 LEHMAN LANE
BLAINE, MN 55449

10-47-25-13-00000.0360
FITZGERALD JOHN A + PATRICIA L
1134 W CHATHAM DR
PALATINE, IL 60067

10-47-25-13-0000A.0000
PULTE HOME CORP
9220 BONITA BEACH RD STE 215
BONITA SPRINGS, FL 34135

10-47-25-13-0ISP1.00CE
RESOURCE CONSERV SYSTEMS LLC
SPRING RUN GOLF CLUB, INC
9990 COCONUT RD STE 200
BONITA SPRINGS, FL 34135

15-47-25-B1-00001.0000
ACL RR CO

,

15-47-25-B1-00200.0010
NEAL LLOYD G + CHERYL A
PO BOX 368156
BONITA SPRINGS, FL 34136

15-47-25-B1-00200.0620
MARTIN JUDITH M TR +
245 2ND ST
BONITA SPRINGS, FL 34134

15-47-25-B1-00201.0000
THOMPSON NORMAN ALBERT +
37 ADOLPHUS ST
CORNWALL, ON K6H 3R9
CANADA

16-47-25-B2-00003.0030
GOUSE MARIAN T TR 1/3 +
24081 S TAMIAMI TRL #121
BONITA SPRINGS, FL 34134

16-47-25-B2-00003.0060
SOUTHEAST USA LC
P O BOX 6078
FORT MYERS BEACH, FL 33932

16-47-25-B2-00003.006A
HILL LEONARD J JR + DORIS E
15485 S TAMIAMI TRL
FT MYERS, FL 33908

All data is current at time of printing and subject to change without notice.

16-47-25-B2-01700.0170
DULIN REAL ESTATE COMPANY
24241 PRODUCTION CIR
BONITA SPRINGS, FL 34135

16-47-25-B2-01700.0180
CORDERS LANDSCAPE SUPPLY
24119 PRODUCTION CIR
BONITA SPRINGS, FL 34135

16-47-25-B2-01700.0330
HARRIS JAMES W + CONSTANCE
27101 IMERIAL ST SE
BONITA SPRINGS, FL 34135

16-47-25-B2-01700.0370
HARRIS JAMES W + CONSTANCE L
27101 IMPERIAL ST
BONITA SPRINGS, FL 34135

16-47-25-B2-01700.0380
HARRIS JAMES W + CONSTANCE L
27101 IMPERIAL ST
BONITA SPRINGS, FL 34135

16-47-25-B2-02600.00CE
COLONY PLAZA CONDO
325 SEDGWICK CT
NAPLES, FL 34109

16-47-25-B2-02601.0101
COLONY ASSOCIATES LLC
1473 PERIWINKLE WAY
SANIBEL, FL 33957

16-47-25-B2-02602.0101
KEYSTONE COMMERICAL LLC
5405 TAYLOR RD STE 4
NAPLES, FL 34109

16-47-25-B2-02602.0201
COLONY PLAZA LLC
9150 GALLERIA CT STE 100
NAPLES, FL 34109

16-47-25-B2-02602.0301
COLONY PLAZA LLC
9150 GALLERIA CT STE 100
NAPLES, FL 34109

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Mr. Matt Uhle
Knott, Consoer, Ebelini, Hart & Swett, P.A.
1625 Hendry Street, Suite 301
Fort Myers, FL 33901

Coconut Point Development, L.L.C,
Po Box 7033
Indianapolis, IN 46207

Simon Property Group, L.P.
115 West Washington Street
Indianapolis, IN 46204

Dillard's Inc.
Managing Member Coconut Point Developers
P.O. Box 1600 Cantrell Road
Little Rock, AR 72201

Chief Dennis Merrifield
Estero Fire Rescue
19850 Breckenridge Drive Suite A
Estero, FL 33928

Ray Glowaz
Coconut Shores Homeowner's Association
23214 Coconut Shores
Bonita Springs, FL 34134

Don Vilnius
West Bay Club Property Owners Association
PO Box 820
Estero, FL 33928

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MEMORANDUM

From The
Department Of
Community Development
Development Services Division

Date: January 25, 2005

To: File (DRI2004-00008)

From: Jessica Smith

RE: Notice of Public Hearing - February 7, 2005 BCC
Lee County Board of County Commissioners Meeting

I, Jessica Smith, Administrative Assistant, Development Services Division, do hereby certify that I have mailed **notices to the participants** in regard to the above referenced meeting, in the attached style, pursuant to the list marked and attached hereto and made a part of the certification.

NOTICE TO PARTICIPANT

CASE NUMBER: DRI2004-00008

NAME: Coconut Point/Simon Suncoast

REQUEST: Requests are:

A. Consider a Notice of Proposed Change to amend the Coconut Point DRI Development Order to increase residential condominiums from 550 to 1,000; decrease hotel rooms from 600 to 350; and decrease apartments from 450 to 250.

B. Determine whether the amendments constitute a substantial deviation from the original order approvals warranting further development of regional impact review.

LOCATION: The subject property is located at Estero, FL (east side of US 41 between Williams Rd and Estero, FL (east side of US 41 between Williams Rd and northern boundary of Bonita Springs) in S04,09-T47S-R25E, Lee County, FL.

PROPERTY OWNER'S REPRESENTATIVE:
Mr. Matthew Uhle
Knott Consoer
239-334-2722

Notice is hereby given that the Lee County Board of Commissioners will hold a public hearing at 9:30 a.m. on February 7, 2007, to review the written recommendation made by the Hearing Examiner and make a final decision in the above-referenced case. This hearing will be held in the Commissioners' Meeting Room, 2120 Main St., Ft. Myers, FL.

The law states that, as a participant, you have the right to appear and address the Board on this case. However, the law strictly limits all testimony before the Board to statements challenging the correctness of findings and conclusions contained in the record, or statements alleging the discovery of relevant new evidence which was not known by the speaker at the time of the Hearing Examiner's hearing and not otherwise disclosed in the record. Statements will be limited to five (5) minutes or as the Board may otherwise allow.

Additional copies of the Hearing Examiner's recommendation may be obtained or the file reviewed at the Zoning Division, 1500 Monroe St., Ft. Myers, FL. Call 479-8585 additional information.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Jessica M. Smith at 479-8585.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Mr. Matthew D. Uhle
Knott Consoer
1625 Hendry St
Fort Myers, FL 33901

Coconut Point Developers, LLC
PO BOX 7033
Indianapolis, IN 46207-7033

Mr. Edward J. McArdle Tr
1600 E. Main St. #B
Saint Charles, IL 60174

Ms. Barbara Barnes-Buchanon
City of Bonita Springs
Sunshine Professional Center
9220 Bonita Beach Road, Suite B-111
Bonita Springs, FL 34135

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8585

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Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

November 12, 2004

Mr. Matt Uhle
Knott, Consoer, Ebelini, Hart & Swett, P.A.
1625 Hendry Street, Suite 301
Fort Myers, FL 33901

Re: Agenda Schedule for Coconut Point/ Simon Suncoast
Case No. DRI2004-00008

Dear Mr. Uhle:

Your zoning request has been scheduled before the Hearing Examiner on December 15, 2004, at 1:00 p.m. The hearing will be conducted in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL.

Be advised all exhibits presented to Hearing Examiner will be retained for the records. The Hearing Examiner encourages the applicant to provide reduced copies of these exhibits for the record as an alternative to a full size copy.

Your zoning sign will be ready for pickup any time after November 17, 2004, at the drive-thru window at 1500 Monroe St., Ft. Myers, FL. This sign must be posted in accordance with Department procedures no later than November 30, 2004, and is to remain posted until final decision is rendered.

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Jessica M. Smith
Administrative Assistant

cc: Coconut Point Development, L.L.C,
Simon Property Group, L.P.
Dillard's Inc.
Mr. Chip Block, AICP, Principal Planner
Zoning File

U:\200411\DRI20040.000\8\APPLICANT LTR.WPD

ZONING DIVISION
LEE COUNTY
DEVELOPMENT OF REGIONAL IMPACT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution
Dawn Lehnert, Asst County Attorney
DS Reviewer - Don Blackburn
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Kathy Babcock, Lee County School District
Roland Ottolini, Natural Resources
Luis Machado, Zoning

FROM: Alvin Block, AICP

DATE: 11/17/2004

PROJECT NAME: COCONUT POINT/SIMON SUNCOAST

CASE #: DRI2004-00008

INFORMATION SUMMARY:

To update your file
_X_ Review and forward substantive comments **ASAP**.

RESPONSE REQUIRED BY: 11/27/2004

Additional Comments:

cc: DRI planner/working file
DRI Zone File

Distributed by: Jessica M Smith

Date: 11/17/2004

Knott, Consoer, Ebelini
Hart & Swett, P.A.
ATTORNEYS-AT-LAW

George H. Knott *+
George L. Consoer, Jr.**
Mark A. Ebelini
Thomas B. Hart
H. Andrew Swett

* Board Certified Civil Trial Lawyer
** Board Certified Real Estate Lawyer
+ Board Certified Business Litigation Lawyer

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ZWeigel@knott-law.com

Matthew D. Uhle
Aaron A. Haak
Derrick S. Eihausen
Natly Torres-Alvarado

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

MEMORANDUM

TO: Chip Block

FROM: Zsuzsanna Weigel

DATE: November 17, 2004

RE: DRI2004-00008 Coconut Point DRI

Enclosed please find:

1. Revised Master Concept Plan H (12- size 24x36 and 5 size 11x17);

2. 12 copies of the proposed Amended Development Order with the revised Map H as Exhibit B.

Enclosures

RECEIVED
NOV 17 2004
PERMIT COUNTER

DRI 2004 00008

ZONING DIVISION
LEE COUNTY
DEVELOPMENT OF REGIONAL IMPACT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution
Joan Henry, Asst. County Attorney
TIS Reviewer - Bob Rentz
DS Reviewer - Don Blackburn
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Kathy Babcock, Lee County School District
Roland Ottolini, Natural Resources
Luis Machado, Zoning

FROM: Alvin Block, AICP

DATE: 09/23/2004

PROJECT NAME: COCONUT POINT/SJMON SUNCOAST

CASE #: DRI2004-00008

INFORMATION SUMMARY:

To update your file
_X_ Review and forward substantive comments **ASAP**.

RESPONSE REQUIRED BY: 10/03/2004

Additional Comments:

cc: DRI planner/working file
DRI Zone File

Distributed by: Shawn Meredith

Date: 09/23/2004

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 239-479-8371

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District Two

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District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yeager
County Attorney

Diana M. Parker
County Hearing
Examiner

September 23, 2004

MR MATTHEW D. UHLE
KNOTT CONSOER
1625 HENDRY ST
FT. MYERS, FL 33901

Re: COCONUT POINT/SIMON SUNCOAST
DRI2004-00008 - NPC Application (NOPC)

Dear MR MATTHEW D. UHLE :

The Zoning Division has reviewed the information provided and supplemented for the Development or Regional Impact request referenced above. The application is now sufficient and the formal request has been drafted from your application as follows:

> Notice of Proposed Change to DRI Development Order for Coconut Point DRI (DRI# 9-2001-153) to consider an increase in residential condominiums from 550 to 1000; decrease in hotel rooms from 600 to 350; and decrease in apartments from 450 to 250.
>
> NOTE: If approved, the Master Concept Plan (available for inspection at 1500 Monroe St., in Ft. Myers) may deviate from certain Land Development Code (LDC) standards.

Please review this language carefully, and notify me in writing by October 7, 2004 whether or not this wording is satisfactory. Staff's substantive comments, along with the staff report, are being prepared. This request has been tentatively scheduled for public hearing before the Lee County Hearing Examiner on December 15, 2004. However, please note that this is a tentative date that is subject to change and that Lee County will be held harmless for any potential delay in effectuating compliance with the tentative hearing date.

You may schedule or waive a formal pre-hearing conference to discuss substantive issues. Contact me if you have any questions or if you would like to meet informally prior to the public hearings.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Alvin Block, AICP
Principal Planner

xc: Mr. Dan Trescott, Southwest Florida Regional Planning Council
Dawn Perry-Lehnert, Assistant County Attorney

copy w/o attachments:
Pamela Houck, Division Director
Donna Marie Collins, Assistant County Attorney
DS Reviewer - Don Blackburn
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Roland Ottolini, Natural Resources
Andy Getch, LCDOT
Kathy Babcock, Lee County School District
Billie Jacoby, DCD Admin
DRI Zoning File
DRI Working File

Knott, Consoer, Ebelini
Hart & Swett, P.A.
ATTORNEYS-AT-LAW

George H. Knott *+
George L. Consoer, Jr.**
Mark A. Ebelini
Thomas B. Hart
H. Andrew Swett

* Board Certified Civil Trial Lawyer
** Board Certified Real Estate Lawyer
+ Board Certified Business Litigation Lawyer

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P.O. Box 2449
Fort Myers, Florida 33902-2449

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Telecopier (239) 334-1446

zweigel@knott-law.com

Matthew D. Uhle
Aaron A. Haak
Derrick S. Eihausen
Natly Torres-Alvarado

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

MEMORANDUM

TO: Chip Block

FROM: Zsuzsanna Weigel, Legal Assistant

DRI 2004 00008

DATE: August 25, 2004

RE: DRI2004-00008 / Coconut Point DRI

As requested, please find attached 2 sets of mailing labels (a copy of the map and variance report is also attached for your reference).

Enclosures

RECEIVED
AUG 31 2004 10:03 AM
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ZONING DIVISION
LEE COUNTY

DEVELOPMENT OF REGIONAL IMPACT SUFFICIENCY REVIEW

TRANSMITTAL SHEET

TO: Distribution
Donna marie Collins, CAO
TIS Reviewer - Bob Rentz
DS Reviewer - Don Blackburn
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Kathy Babcock, Lee County School District
Roland Ottolini, Natural Resources
Luis Machado, Zoning

FROM: Alvin Block, AICP

DATE: 08/25/2004

*** REVIEWERS - remember permit plan checklists ~~should~~ now be used.**

PROJECT NAME: COCONUT POINT/SIMON SUNCOAST

CASE #: DRI2004-00008

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 09/15/2004

Additional Comments:

(DRI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DRI planner/working file
DRI Zone File

Distributed by: Billie Jacoby

Date: 8/30/04

Knott, Consoer, Ebelini
Hart & Swett, P.A.
ATTORNEYS-AT-LAW

George H. Knott *+
George L. Consoer, Jr.**
Mark A. Ebelini
Thomas B. Hart
H. Andrew Swett

* Board Certified Civil Trial Lawyer
** Board Certified Real Estate Lawyer
+ Board Certified Business Litigation Lawyer

1625 Hendry Street • Third Floor (33901)
P.O. Box 2449
Fort Myers, Florida 33902-2449

Telephone (239) 334-2722
Telecopier (239) 334-1446

zweigel@knott-law.com

Matthew D. Uhle
Aaron A. Haak
Derrick S. Eihausen
Natly Torres-Alvarado

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

MEMORANDUM

RECEIVED
AUG 25 1:45 pm 2004
PERMIT COUNTER

TO: Lee County Zoning

FROM: Zsuzsanna Weigel, Legal Assistant

DATE: August 25, 2004

RE: DRI2004-00008 / Coconut Point DRI

Enclosed please find:

1. Copy of August 16th letter to the SW Florida Regional Planning Council re revisions to the NOPC application.

2. Revised page 2 of the NOPC application, revised chart and revised development order (12 copies).

3. Revised Master Concept Plan Map H (full-size and 11x17 - 12 copies each).

4. Revised Narrative Exhibit III-C (12 copies).

Enclosures

RECEIVED
AUG 25 2004
PERMIT COUNTER

DRI2004-00008

Knott, Consoer, Ebelini
Hart & Swett, P.A.
ATTORNEYS-AT-LAW

George H. Knott *+
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+ Board Certified Business Litigation Lawyer

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MUhle@knott-law.com

Matthew D. Uhle
Aaron A. Haak
Derrick S. Eihausen
Natly Torres-Alvarado

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

August 16, 2004

Mr. Daniel Trescott, DRI Coordinator
Southwest Florida Regional Planning Council
4980 Bayline Drive, 4th Floor
North Fort Myers, FL 33917

Re: Coconut Point NOPC/Revisions to Application

Dear Dan:

Attached please find a revised traffic analysis from DPA and corrected pages from the application form which reflect a conversion of an additional 100 hotel units to condominiums. The new analysis shows a decrease in traffic of 1.6% with the amended development assumptions.

If you have any questions, please let me know.

Sincerely,

KNOTT, CONSOER, EBELINI,
HART & SWETT, P.A.

Matthew D. Uhle

MDU/zw

cc: Tom Schneider (w/encls)
Ron Talone (w/encls)
David McArdle (w/encls)
Lee County (w/encls)
FDCA (w/encls)

RECEIVED
AUG 25 2004
PERMIT COUNTER

DRI 2004-00008

ZONING DIVISION
LEE COUNTY
DEVELOPMENT OF REGIONAL IMPACT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Donna Marie Collins, Asst. County Attorney
TIS Reviewer - Bob Rentz
DS Reviewer - Don Blackburn
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Kathy Babcock, Lee County School District
Roland Ottolini, Natural Resources
Luis Machado, Zoning

FROM: Alvin Block, AICP

DATE: 08/26/2004

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: COCONUT POINT/SIMON SUNCOAST

CASE #: DRI2004-00008

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 09/16/2004

Additional Comments:

(DRI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DRI planner/working file
DRI Zone File

Distributed by: Billie Jacoby

Date: 08/30/2004

Knott, Consoer, Ebelini
Hart & Swett, P.A.
ATTORNEYS-AT-LAW

George H. Knott *+
George L. Consoer, Jr.**
Mark A. Ebelini
Thomas B. Hart
H. Andrew Swett

* Board Certified Civil Trial Lawyer
** Board Certified Real Estate Lawyer
+ Board Certified Business Litigation Lawyer

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P.O. Box 2449
Fort Myers, Florida 33902-2449

Telephone (239) 334-2722
Telecopier (239) 334-1446

zweigel@knott-law.com

Matthew D. Uhle
Aaron A. Haak
Derrick S. Eihausen
Natly Torres-Alvarado

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

MEMORANDUM

TO: Lee County Zoning

FROM: Zsuzsanna Weigel, Legal Assistant

DATE: August 26, 2004

RE: DRI2004-00008 / Coconut Point DRI

Enclosed please find 12 copies of the Traffic Study (revised August 12, 2004) regarding the revisions to the NOPC.

Enclosures

DRI 2004-00008
RECEIVED
AUG 26 2004
ZONING COUNTER

From: Alvin Chip Block
To: Payne, Jodi
Date: 8/4/04 2:44PM
Subject: DRI2004-00008

Courtesy Notice finished. The only map I see is the Property Owners Map. Reduce this to 8.5 by 11 and then use it.

Sorry for the delay. I forgot.

Chip

Alvin Block, AICP
Principal Planner
Department of Community Development
blockah@leegov.com
239-479-8371
239-479-8313 (fax)

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Writer's Direct Dial Number: 479-8371

FILE IN
DRI2004-00008
THANKS,
CP

August 24, 2004

Mr. Dan Trescott
Southwest Florida Regional Planning Council
P. O. Box 3455
North Fort Myers, Florida 33918-3455

Subject: Coconut Point DRI NOPC, State DRI #09-2001-153

Dear Mr. Trescott:

Lee County staff has reviewed the application for a Notice of Proposed Change for this development and offers the following comments or questions in order to find this case complete for hearings:

FORM RPM-BSP-PROPCHANGE-1

Question 5: The applicant indicates that they seek an increase in residential condominiums from 550 to 900; decrease hotel rooms from 600 to 450; and decrease apartments from 450 to 300. However in Exhibit III-C, a separate breakdown in the changes has different numbers. Either one or both documents will need to be changed to accurately reflect what the request is.

Question 5 & Draft DRI Development Order: In comparison of these items, it appears that the numbers of residential units are not the same. The response to the Question provides a total of 1200 residential dwelling units, but the draft DRI Development Order on Page 2 has a total of 1,150 dwelling units. This needs to be corrected.

DRAFT DRI Development Order:

Page 7, Transportation (Section II.D.1.): The number of residential units in this Section will need to be corrected to accurately reflect the number of units to be allowed within the project.

Traffic Study:

Page 1 "Development Parameters" will need to be looked at to make sure that this is consistent with any changes based on the comments above. Also any changes in the

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 335-2111
Internet address http://www.lee-county.com
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER
Recycled Paper

development parameters which result in changes to the analysis will also need to be reflected.

Attached you will find comments/questions from the School District of Lee County which should also be answered.

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

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT

Alvin Block

Alvin Block, AICP
Principal Planner

cc: Zoning/DRI File
Mr. Matthew Uhle, Esq., agent

THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3916 • (239) 334-1102 • TTD/TTY (239) 335-1512

LEE COUNTY
RECEIVED
04 JUL 21 AM 9:06
COMM. DEV.
PUB. WRKS. CNTR.
SECOND FLOOR

JEANNE S. DOZIER
CHAIRMAN • DISTRICT 2

ELINOR C. SCRICCA, PH.D.
VICE CHAIRMAN • DISTRICT 5

ROBERT D. CHILMONIK
DISTRICT 1

JANE E. KUCKEL, PH.D.
DISTRICT 3

STEVEN K. TEUBER
DISTRICT 4

JAMES W. BROWDER, ED.D.
SUPERINTENDENT

KEITH B. MARTIN
BOARD ATTORNEY

July 20, 2004

Mr. Alvin Block, AICP
Lee County Development Services Division
P.O. Box 398
Fort Myers, FL 33902-0398

Re: Coconut Point/Simon Suncoast, DCI Substantive Review, Case #DRI#2004-00008

Dear Mr. Block:

Thank you for the opportunity to review Coconut Point/Simon Suncoast for substantive comments with regard to educational impacts. This proposed development is in the South Choice Zone of the District, on the east side of U.S. 41 south of Williams Road in the Estero Planning Area. This letter is in response to your request dated July 9, 2004.

The School District of Lee County has several concerns with this project, as follows:

1. Section J.1 of the Amended Development Order reads: "The education impact of this project will be mitigated by the payment of school impact fees in accordance with the schedules set forth in the LDC. However, the Developer must provide a site at least five acres in size and appropriately located to accommodate the growing school needs in this area of the county. Upon transfer of this site to the School District, the Developer may be entitled to seek school impact fee credits in accordance with the LDC." **Please be advised that the developer has NOT transferred a site to the School District.**

2. In addition to the site to be transferred to the District referenced above, the developer has also agreed to donate a separate five acre parcel to the District under the terms of a School Site Dedication Agreement, also in exchange for school impact fee credits. **Please be advised that the developer has NOT transferred a second site to the School District.**

3. Section J.2 of the Amended Development Order reads: "This project will have an impact on the Estero High School and surrounding neighborhood traffic. The Developer will use reasonable efforts to prevent the project's construction traffic from using Williams Road east of the railroad tracks." **Please provide specifics on the "reasonable efforts" that the developer will use to stop construction traffic from using Williams Road east of the railroad tracks.**

Thank you for your attention to this issue. If I may be of further assistance, please give me a call at (239) 479-4205.

Sincerely,

Kathy Babcock

Kathy Babcock, Long Range Planner
Department of Construction and Planning

Cc: William G. Moore, Jr.
Executive Director, School Support

ZONING DIVISION
LEE COUNTY
DEVELOPMENT OF REGIONAL IMPACT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Donna Marie Collins
TIS Reviewer - Bob Rentz
DS Reviewer - Don Blackburn
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Kathy Babcock, Lee County School District
Roland Ottolini, Natural Resources
Luis Machado, Zoning

FROM: Alvin Block, AICP

DATE: 07/09/2004

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: COCONUT POINT/SIMON SUNCOAST

CASE #: DRI2004-00008

INFORMATION SUMMARY:

NEW SUBMITTAL

To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 07/30/2004

Additional Comments:

(DRI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness
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cc: DRI planner/working file
DRI Zone File

Distributed by: Jodi M Payne

Date: 07/14/2004

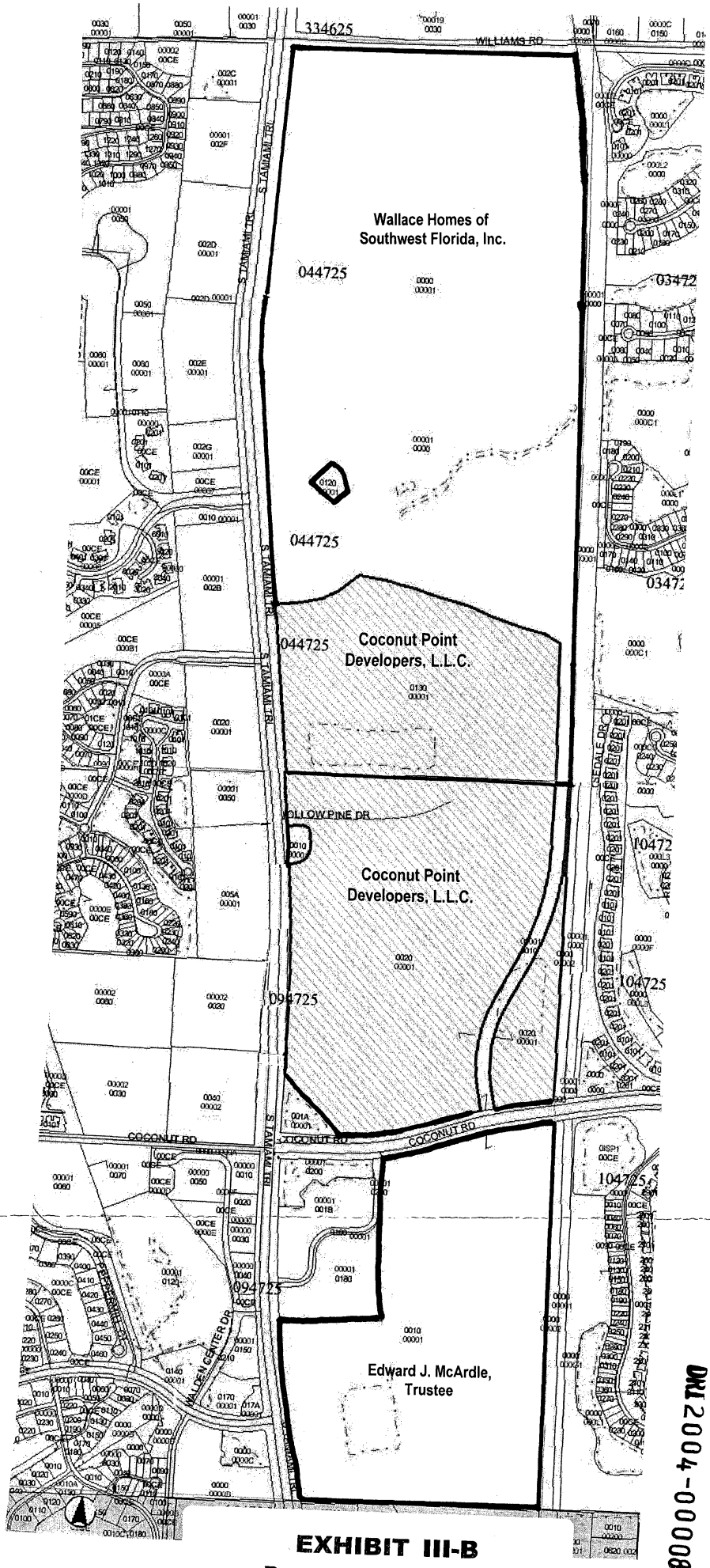

EXHIBIT III-B
Property Owners Map

DRI2004-00008

RECEIVED
JUL 09 2004
PERMIT COUNTER

LEE COUNTY
SOUTHWEST FLORIDA

COURTESY NOTICE
OF RECEIPT OF ZONING APPLICATION

Date:	September 14, 2004
Case Number:	DRI2004-00008
Case Name:	COCONUT POINT/SIMON SUNCOAST
Request:	Notice of Proposed Change to DRI Development Order for Coconut Point DRI (DRI# 9-2001-153) to consider an increase in residential condominiums from 550 to 900; decrease in hotel rooms from 600 to 450; and decrease in apartments from 450 to 300.
Location:	Estero, FL (east side of US 41 between Williams Rd and northern boundary of Bonita Springs)
Location Map:	SEE REVERSE
PROPERTY OWNER'S REPRESENTATIVE:	MR MATTHEW D UHLE KNOTT CONSOER 239-334-2722
Lee County Planner:	Alvin Block, AICP 239-479-8371

The file may be reviewed Monday through Friday between the hours of 7:30 a.m. and 4:30 p.m. at the Lee County Development Services Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/479-8585 for additional information.

This is a courtesy notice. A public hearing date has not yet been set. You will receive another notice once the hearing date and time have been established.

JMP

RECEIVED
JUL 09 2004
PERMIT COUNTER
DRI2004-00008

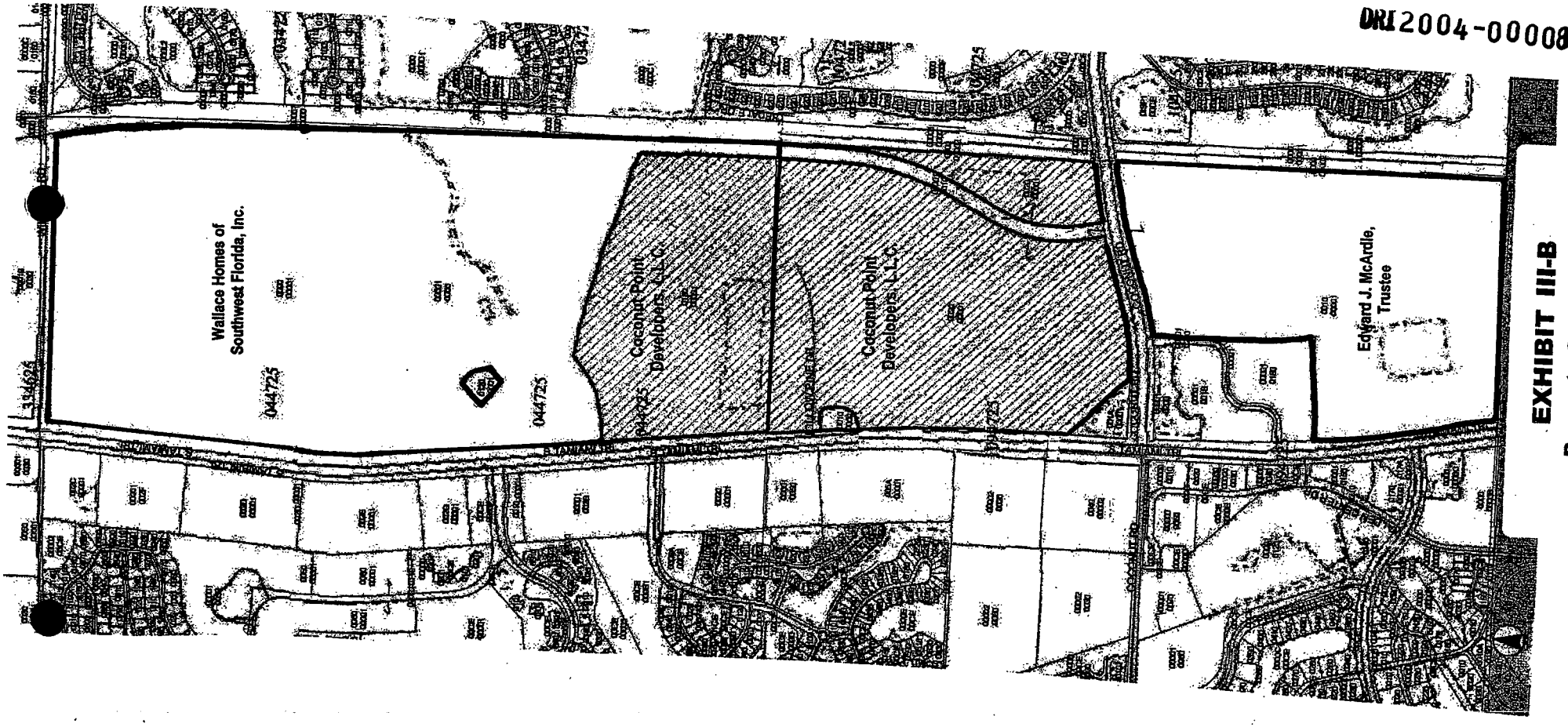

EXHIBIT III-B
Property Owners Map

33-46-25-00-00001.0030
LONG CHARLES M ETAL
FOWLER- WHITE
%GARY BUTLER
2201 2ND ST
FORT MYERS, FL 33901

33-46-25-00-00001.0050
LEE COUNTY MEDICAL INVESTORS
3570 KEITH ST NW
CLEVELAND, TN 37312

33-46-25-00-00019.0030
SPANISH LAKES INC TR
P O BOX 366879
BONITA SPRINGS, FL 34136

33-46-25-00-00019.0040
MULLIGAN RICHARD E TRUSTEE
78 CHARDON PL
NAPLES, FL 34110

33-46-25-00-00019.004A
ESTERO LAKES DEV INC
P O BOX 366879
BONITA SPRINGS, FL 34136

33-46-25-00-00019.0070
ESTERO LAKES DEV II INC
24880 BURNT PINE DR STE 8
BONITA SPRINGS, FL 34134

33-46-25-00-00019.0090
ESTERO LAKES DEV INC
P O BOX 366879
BONITA SPRINGS, FL 34136

33-46-25-00-00020.0000
ACL RR CO

,

34-46-25-01-0000C.0150
SPIEGEL JONATHAN R + DEBORAH L
P O BOX 594
HIAWASSEE, GA 30546

34-46-25-01-0000C.0160
CHRIST COMMUNITY MINISTRIES
8681 COUNTY RD
ESTERO, FL 33928

03-47-25-00-00001.0000
ACL RR CO

,

03-47-25-01-0000F.0000
LONG BAY PARTNERS LLC
9990 COCONUT RD STE 202
BONITA SPRINGS, FL 34135

03-47-25-01-0000G.00CE
SHADOW WOOD COMMUNITY ASSN
9990 COCONUT RD STE 202
BONITA SPRINGS, FL 34135

03-47-25-01-000C3.0240
BELFORD WILLIAM A + DEBORAH A
9101 HOLLOW PINE DR
BONITA SPRINGS, FL 34135

03-47-25-01-000L1.0000
BROOKS OF BONITA SPRINGS CDD
GARY L MOYER DIST MANAGER
10300 NW 11TH MANOR
CORAL SPRINGS, FL 33071

03-47-25-02-000C1.0000
BROOKS OF BONITA SPRINGS CDD
GARY L MOYER DIST MANAGER
10300 NW 11TH MANOR
CORAL SPRINGS, FL 33071

03-47-25-03-0000A.00CE
SHADOW WOOD COMMUNITY ASSN
9990 COCONUT RD STE 202
BONITA SPRINGS, FL 34135

03-47-25-03-0000B.0120
KIRBY JUDITH M TR
1800 N POND LN
LAKE FOREST, IL 60045

03-47-25-03-0000B.0130
TAYLOR WAYNE A + JENNIFER A S
2134 N LAKEWOOD AV
CHICAGO, IL 60614

03-47-25-03-0000B.0140
COFFEY JAMES B + MARGUERITE B
59 BLUEBERRY HILL
BRIDGEWATER, CT 06752

All data is current at time of printing and subject to change without notice.

03-47-25-03-0000B.0150
WEAVER PAMELA M TR
1580 TAYLOR RIDGE CT
ERIE, PA 16505

03-47-25-03-0000B.0160
CARTER TERRY R +
9065 FALLING LEAF DR
BONITA SPRINGS, FL 34135

03-47-25-03-0000B.0170
BINFORD MARY G TR +
4021 TERRACE LANE
MINNETONKA, MN 55305

03-47-25-03-0000B.0180
SMITH A GARY + MARLA
221 BEARDSLEY CT
MUSCLE SHOALS, AL 35661

03-47-25-03-0000B.0190
BAKEMAN ROBERT E + SHIRLEY A
7002 ADA DR SE
GRAND RAPIDS, MI 49546

03-47-25-03-0000B.0200
HARALDSON WAYNE L TR
378 W COUNTY LINE RD
BARRINGTON, IL 60010

03-47-25-03-0000B.0210
WENNINGER DONALD PHILLIP
4505 W LEXI CIR
BROOMFIELD, CO 80020

03-47-25-03-0000B.0220
KAUFMAN DENNIS E + SUSAN S
9024 FALLING LEAF DR
BONITA SPRINGS, FL 33928

03-47-25-03-0000B.0230
OTTERBECK JAMES + SUZANNE 96%
9030 FALLING LEAF DR
BONITA SPRINGS, FL 34135

03-47-25-03-0000B.0240
SHEARER KATHLEEN A
6418 CORRINE DR NW
CANTON, OH 44718

03-47-25-03-0000B.0250
IORIZZO ROBERT P + NANCY V
9608 LARCHMEDE CT
ELLIOTT CITY, MD 21042

03-47-25-03-0000B.0260
DALONZO THOMAS W + RACHEL L
908 VANCE ST
RALEIGH, NC 27608

03-47-25-03-0000B.0270
DAVIS GENE + SUSAN
9054 FALLING LEAF DR
BONITA SPRINGS, FL 33928

03-47-25-03-0000B.0280
LONGE WILLIAM G + PAMELA
9060 FALLING LEAF DR
BONITA SPRINGS, FL 34135

03-47-25-03-0000B.0290
STEWART ROBERT E + NANCY
2650 BROWNING DR
LAKE ORION, MI 48360

03-47-25-03-0000B.0300
HENDRICKSON LEONARD + JEANNE
9072 FALLING LEAF DR
BONITA SPRINGS, FL 34135

03-47-25-03-0000B.0310
EGAN PATRICK M + DONNA M
1090 N DAVIS RD
EAST AURORA, NY 14052

03-47-25-03-000C1.0000
BROOKS OF BONITA SPRINGS II
C/O GARY L MOYER
10300 NW 11TH MANOR
CORAL SPRINGS, FL 33071

03-47-25-03-000L1.0000
BROOKS AT BONITA SPRINGS II
C/O GARY L MOYER
10300 NW 11TH MANOR
CORAL SPRINGS, FL 33071

03-47-25-03-000R1.00CE
SHADOW WOOD COMMUNITY ASSN
9990 COCONUT RD STE 202
BONITA SPRINGS, FL 34135

03-47-25-06-00000.0030
GEANEY JOHN F JR + JULIA S
22321 BANYAN HIDEAWAY DR
BONITA SPRINGS, FL 34135

03-47-25-06-00000.0040
COURTNEY MARCIA M TR
22331 BANYAN HIDEAWAY DR
BONITA SPRINGS, FL 34134

03-47-25-06-00000.0050
BUSCH FREDERICK W +
22341 BANYAN HIDEAWAY DR
BONITA SPRINGS, FL 34135

03-47-25-06-00000.0060
LONGO RONALD M + ELEONORE
2-16 149TH ST
WHITESTONE, NY 11357

03-47-25-06-00000.0070
ROUNDING GARY E + LINDA L
22350 BANYAN HIDEAWAY DR
BONITA SPRINGS, FL 34135

03-47-25-06-00000.0080
PELLETZ MELVIN J TR
3 KNOLLWOOD DR
WORCESTER, MA 01609

03-47-25-06-00000.0090
VISION BUILDERS LLC
10120 CUMBERLAND RD
FISHERS, IN 46038

03-47-25-06-00000.0100
BURLEIGH WILLIAM H + PENELOPE
22320 BANYAN HIDEAWAY DR
BONITA SPRINGS, FL 34135

03-47-25-06-0000A.00CE
SHADOW WOOD COMMUNITY ASSN
9990 COCONUT RD STE 202
BONITA SPRINGS, FL 34135

03-47-25-06-000L1.0000
BROOKS OF BONITA SPRINGS II
C/O GARY L MOYER
10300 NW 11TH MANOR
CORAL SPRINGS, FL 33071

03-47-25-06-000R2.00CE
SHADOW WOOD COMMUNITY ASSN
9990 COCONUT RD STE 202
BONITA SPRINGS, FL 34135

03-47-25-07-0000A.0010
CENTEX HOMES
5801 PELICAN BAY BLVD STE 600
NAPLES, FL 34108

03-47-25-07-0000D.00CE
SHADOW WOOD COMMUNITY ASSN
9990 COCONUT RD STE 202
BONITA SPRINGS, FL 34135

03-47-25-07-0000E.00CE
SHADOW WOOD COMMUNITY ASSN
9990 COCONUT RD STE 202
BONITA SPRINGS, FL 34135

03-47-25-09-00000.0190
BOE RICHARD W + MARIDEE J
6553 N EAGLE LAKE DR
MAPLE GROVE, MN 55369

03-47-25-09-00000.0200
SANTORO RICHARD G + JUDITH H
137 GRANDE BLVD
SINKING SPRINGS, PA 19608

03-47-25-09-00000.0210
TOUSIGNANT ROBERT T +
9011 WINDSWEPT DR
BONITA SPRINGS, FL 34135

03-47-25-09-00000.0220
HAYDEN C BARRY TR
54 FAIR OAKS
ST LOUIS, MO 63124

03-47-25-09-00000.0230
HAMMER TODD + DARLENE
1321 STIRLING CT
WEST BEND, WI 53095

03-47-25-09-00000.0240
CULLEY JAMES K + SANDRA A
15287 BURNABY DR
NAPLES, FL 34110

All data is current at time of printing and subject to change without notice.

03-47-25-09-00000.0250
LYONS LAND GROUP LLC
9240 MARKETPLACE RD SUITE 1
FORT MYERS, FL 33912

03-47-25-09-00000.0260
LYONS LAND GROUP LLC
9240 MARKETPLACE RD SUITE 1
FORT MYERS, FL 33912

03-47-25-09-00000.0270
LYONS LAND GROUP LLC
9240 MARKETPLACE RD SUITE 1
FORT MYERS, FL 33912

03-47-25-09-00000.0280
KADIC JOHN P + MARIANNE H
450 MAPLE LN
SEWICKLEY, PA 15143

03-47-25-09-000L1.0000
BROOKS OF BONITA SPRINGS II
C/O GARY L MOYER
10300 NW 11TH MANOR
CORAL SPRINGS, FL 33071

03-47-25-09-000L2.0000
BROOKS OF BONITA SPRINGS II
C/O GARY L MOYER DIST MGR
10300 NW 11TH MANOR
CORAL SPRINGS, FL 33071

03-47-25-09-000R1.00CE
HAWTHORNE AT SHADOW WOOD
C/O SOUTHWEST PROPERTY MGMNT
1044 CASTELLO DR STE 206
NAPLES, FL 34103

03-47-25-13-00000.00CE
PALMETTO RIDGE AT THE BROOKS
5801 PELICAN BAY BLVD #600
NAPLES, FL 34108

03-47-25-13-00011.0101
CULLEN JAMES D
4833 THOROUGHBRED LOOP
ERIE, PA 16506

03-47-25-13-00011.0102
FIRST L P
19 RAMSGATE DR
PALOS PARK, IL 60464

03-47-25-13-00011.0201
HULTGREN ROBERT M + CYNTHIA E
4159 BELMONT PL
NEW ALBANY, OH 43054

03-47-25-13-00011.0202
FICHTER JEFFREY R + LAURA L
12 SHADOW CREEK
PENFIELD, NY 14526

03-47-25-13-00012.0101
FIRST L P
19 RAMSGATE DR
PALOS PARK, IL 60464

03-47-25-13-00012.0102
JIRAK GORDON E + EILEEN T
9151 PALMETTO RIDGE DR #102
BONITA SPRINGS, FL 34135

03-47-25-13-00012.0201
MCVAY MICHAEL S
9151 PALMETTO RIDGE #201
BONITA SPRINGS, FL 34135

03-47-25-13-00012.0202
MORTIMER FRANKLIN J II +
4108 GRATIOT AVE
PORT HURON, OH 48060

03-47-25-13-00013.0101
CENTEX HOMES
5801 PELICAN BAY BLVD STE 600
NAPLES, FL 34108

03-47-25-13-00013.0102
FRIEG JOHN H
7178 SHADDY HOLLOW RD NW
CANTON, OH 44718

03-47-25-13-00013.0201
DEBILLIS CYNTHIA L TR
8 WIVELISCOMBE
NEW ALBANY, OH 43054

03-47-25-13-00013.0202
NIELSEN NORMAN R
5757 KIRKWOOD BLVD SW
CEDAR RAPIDS, IA 52404

03-47-25-13-00014.0101
CASSA BARBARA S
31 CRAWFIELD LN
MELVILLE, NY 11747

03-47-25-13-00014.0102
KENT DAVID L
9121 PALMETTO RIDGE DR
BONITA SPRINGS, FL 34135

03-47-25-13-00014.0201
SHAW MARK E + LINDA H
9121 PALMETTO RIDGE DR #201
BONITA SPRINGS, FL 34135

03-47-25-13-00014.0202
HANLON FRANCIS M + PAMELA M
21 PENNY LANE
MERRIMACK, NH 30354

03-47-25-13-00015.0101
UNGER PHILLIP W TR
2324 WORCHESTER RD
MIDLOTHIAN, VA 23113

03-47-25-13-00015.0102
DENBAAS DAVID S + MARTHA
611 GALLAGHER COURT
OXFORD, MI 48371

03-47-25-13-00015.0201
LIEBERMAN CHERYL M TR
9111 PALMETTO RIDGE DR #201
BONITA SPRINGS, FL 34135

03-47-25-13-00015.0202
LYONS JERRY K
75 ENTERPRISE
DELAFIELD, WI 53018

03-47-25-13-00016.0101
MARCHESINI ROBERTO + ROBYN
17014 CHAPEL PKWY
HOUSTON, TX 77059

03-47-25-13-00016.0102
BUSHEE JAMES W + CAROLE G
315 EAST ST NE
VIENNA, VA 22180

03-47-25-13-00016.0201
EICH MATTHIAS + ELKE
ZEPPERWEG 4
D-35745,
GERMANY

03-47-25-13-00016.0202
BEERS BRUCE B + JEANNE
10300 DEERPATH SOUTH
TRAVERSE CITY, MI 49684

04-47-25-00-00001.0010
KRAUS-ANDERSON INC
523 S 8TH ST
MINNEAPOLIS, MN 55404

04-47-25-00-00001.0020
TULIP ASSOCIATES LLC
C/O DENNIS J LYNCH
4081 TAMIAMI TR N STE C-201
NAPLES, FL 34103

04-47-25-00-00001.002B
FLORIDA GROUP INVESTMENTS INC
5100 ROSEN BLVD
BOYNTON BEACH, FL 33437

04-47-25-00-00001.002C
WEST BAY CLUB DEV CORP
4600 WEST BAY BLVD
ESTERO, FL 33928

04-47-25-00-00001.002D
COLLMAN RICHARD A TR
1648 PERIWINKLE WY
SANIBEL, FL 33957

04-47-25-00-00001.002E
ESTERO GROUP LLP
P O BOX 70
FORT MYERS, FL 33902

04-47-25-00-00001.002F
LMC WILLIAMS ROAD INC
33 EAST WALL ST
FROSTPROOF, FL 33843

04-47-25-00-00001.002G
41 INVESTMENTS LLP
P O BOX 70
FORT MYERS, FL 33902

04-47-25-00-00001.0120
ESTERO FIRE RESCUE
9850 BRECKENRIDGE DR STE A
ESTERO, FL 33928

04-47-25-00-00007.00CE
FOUNTAIN LAKES COMM ASSOC INC
22201 FOUNTAIN LAKE BLVD #1
ESTERO, FL 33928

09-47-25-00-00001.001B
DRACKETT + OTT ENTERPRISES LLC
745 12TH AV S #100
NAPLES, FL 34102

09-47-25-00-00001.005A
MANCHESTER ASSOCIATES LLC
C/O DENNIS J LYNCH
4081 TAMIAMI TRAIL N STE C-201
NAPLES, FL 34103

09-47-25-00-00001.0140
VATTER LTD
4901 TAMIAMI TRAIL N
NAPLES, FL 34103

09-47-25-00-00001.0160
BROOKS 41 COMMERICAL ASSN INC
BARRETT C OTT
745 12TH AV S STE 100
NAPLES, FL 34102

09-47-25-00-00001.017A
WCI COMMUNITIES LTD PNTSHP
24301 WALDEN CENTER DR STE 300
BONITA SPRINGS, FL 34134

09-47-25-00-00001.0200
LONG BAY PARTNERS LLC
9990 COCONUT RD STE 202
BONITA SPRINGS, FL 34135

09-47-25-22-0000F.01CE
MILLENNIUM GROUP OF SW FL LC
9010 ESTERO RIVER CIR
ESTERO, FL 33928

09-47-25-23-0000C.0000
WCI COMMUNITIES INC
24301 WALDEN CENTER DR
SUITE 300
BONITA SPRINGS, FL 34134

04-47-25-00-00006.00CE
FOUNTAIN LAKES COMM ASSOC INC
22201 FOUNTAIN LAKE BLVD #1
ESTERO, FL 33928

09-47-25-00-00001.001A
LONG BAY PARTNERS LLC
11860 EAST TERRY STREET
BONITA SPRINGS, FL 34135

09-47-25-00-00001.0050
TULIP ASSOCIATES LLC
C/O DENNIS J LYNCH
4081 TAMIAMI TRAIL N STE C-201
NAPLES, FL 34103

09-47-25-00-00001.0120
ESTERO BAY PROPERTY INVESTORS
4265 SAN FELIPE SUITE 1060
HOUSTON, TX 70027

09-47-25-00-00001.0150
FORTUNE 2000 PROPERTIES INC
4901 TAMIAMI TRAIL N
NAPLES, FL 34103

09-47-25-00-00001.0170
GVB PROPERTIES LLC
P O BOX 1101
NAPLES, FL 34106

09-47-25-00-00001.0180
BONITA COMMUNITY HEALTH CENTER
3501 HEALTH CENTER BLVD
BONITA SPRINGS, FL 34135

09-47-25-00-00001.0210
BAYSIDE IMPROVEMENT CDD
210 N UNIVERSITY DR STE 301
CORAL SPRINGS, FL 33071

09-47-25-23-0000B.0000
WALDEN CENTER LLC
SUITE #100
24311 WALDEN CENTER DR
BONITA SPRINGS, FL 34134

09-47-25-31-00000.0040
BROOKS LANDING LLC
3606 ENTERPRISE AVE
NAPLES, FL 34104

09-47-25-31-0000E.00CE
COCONUT PROPERTIES LTD
COCONUT SQUARE
4901 TAMIAMI TRAIL N
NAPLES, FL 34103

09-47-25-31-0000F.00CE
COCONUT PROPERTIES LTD
COCONUT SQUARE
4901 TAMIAMI TRAIL N
NAPLES, FL 34103

09-47-25-31-0000G.00CE
COCONUT PROPERTIES LTD
COCONUT SQUARE
4901 TAMIAMI TRAIL N
NAPLES, FL 34103

10-47-25-00-00001.0000
ACL RR CO

10-47-25-00-00002.0000
MCARDLE EDWARD J TR
P O BOX 366879
BONITA SPRINGS, FL 34136

10-47-25-01-000L3.0000
BROOKS OF BONITA SPRINGS CDD
GARY L MOYER DIST MANAGER
10300 NW 11TH MANOR
CORAL SPRINGS, FL 33071

10-47-25-01-000L7.0000
BROOKS OF BONITA SPRINGS CDD
GARY L MOYER DIST MANAGER
10300 NW 11TH MANOR
CORAL SPRINGS, FL 33071

10-47-25-02-000G1.0000
SPRING RUN GOLF CLUB COMMUNITY
3451 BONITA BAY BLVD SUITE 202
BONITA SPRINGS, FL 34134

10-47-25-06-00000.00CE
MORNINGSIDE AT THE BROOKS
23171 ROSEDALE DR
BONITA SPRINGS, FL 34135

10-47-25-06-00001.0101
GREGORY THEODORE C + NANCY T/C
125 80TH ST #H2
AVALON, NJ 08202

10-47-25-06-00001.0102
WILLIAMS MELISSA + DANIEL E +
24690 SWEET GUM CT
BONITA SPRINGS, FL 34134

10-47-25-06-00001.0201
SABATINI F ELENA TR
12 EAGLE POINTE DR
CORTLAND, OH 44410

10-47-25-06-00001.0202
DAVIDSON BRUCE K L
1300 MARLBORO CT
OAKVILLE, ON L6H 2S2
CANADA

10-47-25-06-00002.0101
BAUER RICHARD T + VICTORIA
4043 APRIL DR
UNIONTOWN, OH 44685

10-47-25-06-00002.0102
BURNS JEROME E SR
4379 EL MONTE
SAGINAW, MI 48603

10-47-25-06-00002.0201
CAMPBELL RICHARD P + ALISON
244 LAKEWOOD DR
OAKVILLE, ON L6K 1B2
CANADA

10-47-25-06-00002.0202
BULL STEPHEN W III + KATHLEEN
3324 FALLBROOK PK
CANANDAIGUA, NY 14424

10-47-25-06-00003.0101
ACHZET RUSSELL K
%AM+M FINANCIAL SERVICES INC
179 SULLYS TRAIL STE 200
PITTSFORD, NY 14534

10-47-25-06-00003.0102
NELSON EDWARD F + BETTY M
14440 MORNINGSIDE RD
ORLAND PARK, IL 60462

10-47-25-06-00003.0201
MARCANO MIRIELA
13150 CORBEL CIR #528
FORT MYERS, FL 33907

10-47-25-06-00003.0202
SATTERWHITE CYNTHIA B
23146 ROSEDALE DR #202
BONITA SPRINGS, FL 34135

10-47-25-06-00004.0102
REID RUTH A TR
23136 ROSEDALE DR #102
BONITA SPRINGS, FL 34135

10-47-25-06-00004.0202
HADLEY JAMES A + DENISE B
15 FALL MEADOW DR
PITTSFORD, NY 14534

10-47-25-06-00007.0102
BOCK WILLIAM C + KATHY L
23151 ROSEDALE DR #102
BONITA SPRINGS, FL 34135

10-47-25-06-00007.0202
STEWART PETER M + JOAN T
19 LOWER VILLAGE GATE PH02
TORONTO, ON M5P 3L9
CANADA

10-47-25-06-00008.0102
MESJAK RICHARD J + VIRGINIA M
6501 SHINGLE CREEK DR
BROOKLYN PARK, MN 55445

10-47-25-06-00008.0202
CASOLO BONITA A
60 OVERBOOK RD
PAINTED POST, NY 14870

10-47-25-06-00009.0102
OVERHEUL DAVID + VALERIE R
1536 LORAL PINES CT SR
ADA, MI 49301

10-47-25-06-00009.0202
CABLE DALE A + TERRI LYNN
29212 INVERNESS DR
BAY VILLAGE, OH 44140

10-47-25-06-00010.0102
VANBUREN JAMES K + KAREN J
9807 COPPER HILL RD
ST LOUIS, MO 63124

10-47-25-06-00004.0101
HAIDLE VIRGINIA W TR
23136 ROSEDALE DR #101
BONITA SPRINGS, FL 34135

10-47-25-06-00004.0201
EGBERG DAVID C + JACQUELINE R
18668 FARMSTEAD CIR
EDEN PRAIRIE, MN 55347

10-47-25-06-00007.0101
PARROTT JL + JULIE T
1508 CROSS TIMBERS RD
LOUISVILLE, KY 40245

10-47-25-06-00007.0201
BOWERS CORAL L
4030 ETTER ROAD
MOGADORE, OH 44260

10-47-25-06-00008.0101
LINDER BARBARA E
11280 RIDERMARK ROW
COLUMBIA, MD 21044

10-47-25-06-00008.0201
BEHNKEN LELAND E + ANN L
2822 KNOX HIGHWAY 3
ALTONA, IL 61414

10-47-25-06-00009.0101
WILLOUGHBY BARRY B + JACKIE I
239 BAYFRONT DR
BONITA SPRINGS, FL 34134

10-47-25-06-00009.0201
HENDRICKS PATRICIA J
2 PENNS WAY
MECHANICSBURG, PA 17050

10-47-25-06-00010.0101
MEYER JOHN JOSEPH + KATHERINE
14929 GREENBERRY HILL CT
CHESTERFIELD, MO 63017

10-47-25-06-00010.0201
RILEY W PATRICK + JEANNE
1119 QUENTIN AVE S
LAKELAND, MN 55043

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10-47-25-06-00010.0202
WOOF WILLIAM S + LORILEE A
FAIRWAYS NORTH ROAD
HALE ALTRINCHAM
CHESHIRE WA15 ONS,
ENGLAND

10-47-25-06-00011.0102
HAMILTON G SICOTTE
243 FITTONS RD EAST
ORILLA, ON L3V 2J7
CANADA

10-47-25-06-00011.0202
HRDLICKA LORETTA C TR
5961 GOLFVIEW DR
BLOOMFIELD, MI 48301

10-47-25-06-00012.0102
THEISS WILLIAM R + ELAINE M
150 SEQUOIA LN
DEERFIELD, IL 60015

10-47-25-06-00012.0202
GLEYZE RONALD + JANET
2658 HAAS LN
MONTOURSVILLE, PA 17754

10-47-25-06-00013.0102
GAUS WILLIAM T TR +
11441 N CANTERBURY DR
MEQUON, WI 53092

10-47-25-06-00013.0202
STIVELMAN ROBERTA L
23091 ROSEDALE DR #202
BONITA SPRINGS, FL 34135

10-47-25-06-00014.0102
LEE ARTHUR M + JANET J TR
4920 SHANTY CREEK RD
BELLAIRE, MI 49615

10-47-25-06-00014.0202
DARIN WILLIAM A JR + LAURA LEE
12426 SHADY OAK DR
SOUTH LYON, MI 48178

10-47-25-06-00015.0102
ALLEN WILLIAM V + SHARON J
7422 WYCLIFFE DR
PROSPECT, KY 40059

10-47-25-06-00011.0101
LUNDY WAYNE A + REBECCA M
23111 ROSEDALE DR #101
BONITA SPRINGS, FL 34135

10-47-25-06-00011.0201
SCHNEIDER GREGORY E + JANE V
5576 FAWNBROOK LN
DUBLIN, OH 43017

10-47-25-06-00012.0101
MILLER DAVID E + JOANN C
23101 ROSEDALE DR #101
BONITA SPRINGS, FL 34135

10-47-25-06-00012.0201
CROUSE SHARON O
23101 ROSEDALE DR #201
BONITA SPRINGS, FL 34135

10-47-25-06-00013.0101
PEARCE CHARLES A + VIRGINIA D
PO BOX 984
GRATHAM, NH 03753

10-47-25-06-00013.0201
PROKOP R PETER + MARY LYNN
37735 EAGLE TRACE
FARMINGTON HILLS, MI 48331

10-47-25-06-00014.0101
BECKER MARVIN R + SHIRLEY K
23081 ROSEDALE DR #101
BONITA SPRINGS, FL 34135

10-47-25-06-00014.0201
PRITCHARD J BRYAN + JUDITH H
2624 LANSDALE DR
WEXFORD, PA 15090

10-47-25-06-00015.0101
BURKE ROBERTA J
146 W 57TH ST #48A
NEW YORK, NY 10019

10-47-25-06-00015.0201
NELSON GARY A + JANETH
9220 OVERLOOK TRL
EDEN PRARIE, MN 55347

10-47-25-06-00015.0202
MUEHLENKAMP WILLIAM J JR +
23071 ROSEDALE DR #202
BONITA SPRINGS, FL 34135

10-47-25-06-00016.0102
BROWN MICHAEL W + ALYSON M
1143 W SOUTHLAWN
BIRMINGHAM, MI 48009

10-47-25-06-00016.0202
REA HENRY E JR + NANCY M
55 ROYCROFT AVE
PITTSBURG, PA 15228

10-47-25-06-00017.0102
BENNETT ANTHONY J + NANCY E
8 STONEWOOD DR
ST CHARLES, IL 60174

10-47-25-06-00017.0202
T WOLFE PROPERTIES
281 WARRINGTON ROAD
BLOOMFIELD HILLS, MT 48304

10-47-25-06-00018.0102
KOOS DAVID P + JANE L
20922 81ST ST
BRISTOL, WI 53104

10-47-25-06-00018.0202
RAJTORA SUSAN E
785 MT CARMEL RD
DUBUQUE, IA 52003

10-47-25-06-00019.0102
DENNIS PATRICK + CHRISTINA TR
4904 TURNBERRY CT
DAVENPORT, IA 52807

10-47-25-06-00019.0202
YURCO NANCY E TR
1639 INDIAN KNOLL
NAPERVILLE, IL 60565

10-47-25-06-00020.0102
MURPHY PATRICIA ANN TR
827 SOUTH CLAY ST
HINSDALE, IL 60521

10-47-25-06-00016.0101
GIVENS ROBERT M + CONNIE J
20 WOODHAVEN DR
ANDOVER, MA 01810

10-47-25-06-00016.0201
BAYMAN JEFFREY D + TRUDY C
1030 FAIRWAY COURT
WARREN, OH 44483

10-47-25-06-00017.0101
SHAW DAVID M + M JOYCE
23051 ROSEDALE DR #101
BONITA SPRINGS, FL 34135

10-47-25-06-00017.0201
JACOBS ROBERT S + DONNA S
RR # 8 BOX 154-E
GREENSBURG, PA 15601

10-47-25-06-00018.0101
HOFF WALLACE J + MARY J
10202 SUNWAY TER
ELLICOTT CITY, MD 21042

10-47-25-06-00018.0201
KARNAS BARBARA J
306 SINEGAR PL
POTOMAC FALLS, VA 20165

10-47-25-06-00019.0101
PASCO CHARLES A + KATHRYN
250 LAKEWOOD CIRCLE
BURR RIDGE, IL 60527

10-47-25-06-00019.0201
HILLARD FREDERICK H + CAROL C
1107 VALLEY STREAM
ROCHESTER HILLS, MI 48309

10-47-25-06-00020.0101
PENDLETON THOMAS G + JANIS J
S57W23102 MARCELLE DR
WAUKESHA, WI 53189

10-47-25-06-00020.0201
BLAICHER LINDA W
23021 ROSEDALE DR #201
BONITA SPRINGS, FL 34135

All data is current at time of printing and subject to change without notice.

10-47-25-06-00020.0202
ANTONELLI RICHARD J +
894 MACARTHUR DR
PITTSBURG, PA 15228

10-47-25-06-00021.0102
EIKER GEORGE L + ELIZABETH ANN
1986 SPRUCE DR
CARMEL, IN 46033

10-47-25-06-00021.0202
BENSON THOMAS S
23011 ROSEDALE DR #202
BONITA SPRINGS, FL 34135

10-47-25-06-00022.0102
KRATOVIL R D
23001 ROSEDALE DR #102
BONITA SPRINGS, FL 34135

10-47-25-06-00022.0202
PORTER JANET E TR
6090 WESTINGTON DR
CANFIELD, OH 44406

10-47-25-06-00023.0102
HANSEN ROBERT E + ELIZABETH A
1225 GOLF COURSE RD
WARREN, VT 05674

10-47-25-06-00023.0202
LEACH RUSSELL K + BARBARA J
10759 HICKORY CT
CARMEL, IN 46033

10-47-25-06-00024.0102
PINKEL VICKI G + GARY R
4803 SILVER CLIFF DR
COLUMBIA, MO 65203

10-47-25-06-00024.0202
FULLERTON JAMES G + MARY L
26 QUINCY CRESCENT
TORONTO, ON M2J 1C4
CANADA

10-47-25-06-00025.0102
DREWEK DAVID F + SUSAN V
38020 VILLA MAR
HARRISON TOWNSHIP, MI 48045

10-47-25-06-00021.0101
ROSEN MITCHELL + SHARON L
25550 GRAND RIVER AVE
REDFORD, MI 48240

10-47-25-06-00021.0201
JOHNSTON MARK K
1637 LAKEVIEW
SYLVAN LAKE, MI 48320

10-47-25-06-00022.0101
BYRER BRADLEY W
5810 STONEBRIDGE CIR
MILFORD, OH 45150

10-47-25-06-00022.0201
DEMSKI KENNETH E + MARY ANN
9330 THORNHILL DR
CLARKSTON, MI 48348

10-47-25-06-00023.0101
COLBURN ELLEN
22991 ROSENDALE DR #101
BONITA SPRINGS, FL 34135

10-47-25-06-00023.0201
MCNEILLY DAVID P + YVONNE P
22991 ROSEDALE DR #201
BONITA SPRINGS, FL 34135

10-47-25-06-00024.0101
MAZZETTA EDWARD P + SUZANNNE
22981 ROSEDALE DR #101
BONITA SPRINGS, FL 34135

10-47-25-06-00024.0201
NEWCOMBE W JR + CYNTHIA 1/2 +
35 SPARWELL LN
BRUNSWICK, ME 04011

10-47-25-06-00025.0101
HEAVEY WILLIAM M TR 1/2 INT +
22971 ROSEDALE DR #101
BONITA SPRINGS, FL 34135

10-47-25-06-00025.0201
SISK GARDNER P + SUSAN P
147 PINE ST
MANCHESTER, MA 01944

10-47-25-06-00025.0202
MARCUS MARVIN J + BARBARA A
1140 OAKWOOD AV
DAYTON, OH 45419

10-47-25-06-00026.0101
STOKES JAMES B + SARA R
360 WEST BLUFF DR
BLUFF POINT, NY 14478

10-47-25-06-00026.0102
TELMAN RANDALL J + PAMELA L
22961 ROSEDALE DR #102
BONITA SPRINGS, FL 34135

10-47-25-06-00026.0201
PIFER RICHARD L + LINDA B
1383 CLUB DR
BLOOMFIELD HILLS, MI 48302

10-47-25-06-00026.0202
MANNING DAVID D + JOANN
284 SUNDOWN
E ALTON, IL 62024

10-47-25-06-00027.0101
RUSSELL H BRUCE + SUSAN F
P O BOX 1039
CANANDAIGUA, NY 14424

10-47-25-06-00027.0102
RAVIN ALISON B TR
21 HEATH PL
DURHAM, NC 27705

10-47-25-06-00027.0201
ROEMER JAMES P + PATRICIA J
10160 ORCHID RIDGE LN
BONITA SPRINGS, FL 34135

10-47-25-06-00027.0202
DEGROFT WALTER J JR TR
22951 ROSEDALE DR #202
BONITA SPRINGS, FL 34135

10-47-25-06-00028.0101
KNUTSON KENNETH A TR
6433 BRENTON LAKES DR
WILLOWBROOK, IL 60527

10-47-25-06-00028.0102
KORBEE HAROLD G + CAROL M
8304 CARDNIA CT
LIBERTY TWSP, OH 45044

10-47-25-06-00028.0201
GAGNON BARRY + MONIQUE
1485 GOLDEN MEADOW TRAIL
OAKVILLE, ON L6H 3J2
CANADA

10-47-25-06-00028.0202
MATTHEWS THERESA L + GERALD E
7720 BUCKHAVEN CT SE
ADA, MI 49301

10-47-25-06-00029.0101
BRUNN RICHARD C + C SUE
1721 N POINTE DR NW
CANTON, OH 44708

10-47-25-06-00029.0102
DAY PATRICK J + PATRICIA K
10525 SHELTER GROVE
EDEN PRAIRIE, MN 55347

10-47-25-06-00029.0201
NORREY RONALD W + AUDREY E
2175 STAVENBANK RD #14
MISSISSAUGA, ON L5C 1T3
CANADA

10-47-25-06-00029.0202
POULIOT WILFRED J JR TR +
15 SCOTLAND DR
ANDOVER, MA 01810

10-47-25-06-00030.0101
CLARE RONALD D + JANET D
216 WANLESS AV
TORONTO, ON M4N 1W6
CANADA

10-47-25-06-00030.0102
ERHARDT PAUL III + CHERYL A
22921 ROSEDALE DR #102
BONITA SPRINGS, FL 34135

10-47-25-06-00030.0201
JONES LAWRENCE S + DIANE R TR
4869 RAMBLING DR
TROY, MI 48098

10-47-25-06-00030.0202
LUSK GEORGIA A
10109 CINNAMON TEAL DR
KLAMATH FALLS, OR 97601

10-47-25-06-00031.0102
DANHOFFER THOMAS B + LINDA L
1436 KING ROAD
HINKLEY, OH 44233

10-47-25-06-00031.0202
MANTOR GREGORY E +
6470 KITZMILLER
NEW ALBANY, OH 43054

10-47-25-06-00032.0102
BLAKEMORE THOMAS J + KATHLEEN
1222 BRASSIE RD
FLOSSMOOR, IL 60422

10-47-25-06-00032.0202
DOWD JAMES P + ANNETTE C
11430 N CANTERBURY DR
MEQUON, WI 53092

10-47-25-10-00000.0240
MCTARNAGHAN ROY E + BEVERLY B
9212 SPRING RUN BLVD
BONITA SPRINGS, FL 34135

10-47-25-10-00000.0260
NATIONAL APARTMENT LEASING CO
C/O MOZART
515 SOUTH AIKEN AV
PITTSBURGH, PA 15232

10-47-25-10-000L1.0000
BROOKS OF BONITA SPRINGS CDD
GARY L MOYER DIST MANAGER
10300 NW 11TH MANOR
CORAL SPRINGS, FL 33071

10-47-25-13-00000.0020
ZYGMUND MARTIN L + MARCIA A
810 BROOKCREEK LN
KIRKWOOD, MO 63122

10-47-25-13-00000.0040
VERPY ALAN L + PATTIJO
810 GLEASON ACRES DR
WAYZATA, MN 55391

10-47-25-06-00031.0101
WATSON MARK A +
213 W GLENRIDGE RD
AKRON, OH 44319

10-47-25-06-00031.0201
SALIB RICHARD M + MARY P
7033 HOWARD LN
EDEN PRAIRIE, MN 55346

10-47-25-06-00032.0101
TOTH DONALD A + MARY E
415 TYBURN DR
WEXFORD, PA 15090

10-47-25-06-00032.0201
WARD KIMIKO M TR
558 KINGSLEY TRAIL
BLOOMFIELD HILLS, MI 48304

10-47-25-10-00000.0230
NAJDOWSKI DAVID J + JUDY J
9208 SPRING RUN BLVD
BONITA SPRINGS, FL 34135

10-47-25-10-00000.0250
ARNOLD GARY M TR + T/C
1609 GREENBRIER
CAPE GIRARDEAU, MO 63701

10-47-25-10-00000.0270
BEATTY H EDWARD + NANCY A
P O BOX 2457
CEDAR RAPIDS, IA 52406

10-47-25-13-00000.0010
KUHN J THOMAS + JOANNE
9306 SPRING RUN BLVD
BONITA SPRINGS, FL 34135

10-47-25-13-00000.0030
MICHEL URSULA W
170 PELICAN DR
AVALON, NJ 08202

10-47-25-13-00000.0050
ALEXANDER JAMES E JR + JOLENE
9298 SPRING RUN BLVD
BONITA SPRINGS, FL 34135

10-47-25-13-00000.0060
BENTLEY S MICHELLE +
433 DRAYER DR
HUMMELSTOWN, PA 17036

10-47-25-13-00000.0070
KEAN JAMES A + MARY F
19 HARRIS AVE
WELLESLEY, MA 02481

10-47-25-13-00000.0080
ARTEBERRY D G + JUNE A
4505 W 124TH LN
LEAWOOD, KS 66209

10-47-25-13-00000.0090
MOORE EDWIN B + GRETCHEN H
3519 SORRENTO AV
LOUISVILLE, KY 40241

10-47-25-13-00000.0100
NAVARRO RICARDO A + SUSANNE C
4338 BRIDLE TRAIL
AKRON, OH 44333

10-47-25-13-00000.0110
SKAHEN JAMES + MARY
5138 REIS CIRCLE
FAYETTEVILLE, NY 13066

10-47-25-13-00000.0120
VANDER WILT ROBERT B + DOROTHY
9284 SPRING RUN BLVD
BONITA SPRINGS, FL 34135

10-47-25-13-00000.0130
HAYES GLADYS B +
9282 SPRING RUN BLVD
BONITA SPRINGS, FL 34135

10-47-25-13-00000.0140
FERRELL ENGINEERING INC
2 OFFICEPARK CIR STE 103
BIRMINGHAM, AL 35223

10-47-25-13-00000.0150
SULLIVAN PETER R + MADELYN M
191 BOLAS RD
DUXBURY, MA 02332

10-47-25-13-00000.0160
SIROIS MARY E
36 MID IRON DR
NORTH READING, MA 01864

10-47-25-13-00000.0170
FONTECCHIO RICH+CAROL 1/2 INT+
5221 E LAKE SHORE DR
WONDER LAKE, IL 60097

10-47-25-13-00000.0180
STINGER WILLIAM J + MARIA
371 COBBLESTONE CIR
MCKEES ROCKS, PA 15136

10-47-25-13-00000.0190
CROSSON MATTHEW T + ELAINE M
4 DOLPHINS RISE
HUNTINGTON, NY 11743

10-47-25-13-00000.0200
CAMPAGNA GUIDO M + EILEEN E
29820 NORTHBROOK
FARMINGTON HILLS, MI 48334

10-47-25-13-00000.0210
MOSS ELIZABETH A
9266 SPRING RUN BLVD
BONITA SPRINGS, FL 34135

10-47-25-13-00000.0220
SCHLUETER WILLIAM C + SHELLY A
8600 GIRL COUT RD
PEVELY, MO 63070

10-47-25-13-00000.0230
BAKER TERRY W + JEAN M
2573 SCHNELL DRIVE
ST LOUIS, MO 63129

10-47-25-13-00000.0240
URBANIAK HENRY S
12 OYSTER POINT
WARREN, RI 02885

10-47-25-13-00000.0250
MCHUGH STEPHANIE
9252 SPRING RUN BLVD
BONITA SPRINGS, FL 34134

All data is current at time of printing and subject to change without notice.

10-47-25-13-00000.0260
BROWN BRETT C +
23500 CARAWAY LAKES DR
BONITA SPRINGS, FL 34135

10-47-25-13-00000.0270
MARTIN NORMAN H + CYNTHIA L
340 SPRINGHOUSE LANE
MOORESTOWN, NJ 08057

10-47-25-13-00000.0280
SANSON MARY A TR
9246 SPRING RUN BLVD
BONITA SPRINGS, FL 34135

10-47-25-13-00000.0290
GUILD GORDON P + CAROL B
7610 STONEHEDGE DR
ONSTED, MI 49765

10-47-25-13-00000.0300
ROSS DOUGLAS SCOTT
78 SHOREWOOD PL
OAKVILLE, ON L6K 3Y4
CANADA

10-47-25-13-00000.0310
GLACIER GROUP LLC
54 W SEEGERS RD
ARLINGTON HEIGHTS, IL 60005

10-47-25-13-00000.0320
MELVILLE PETER M + PATRICIA A
GLENASCAUL
ORANMORE
COUNTY GALWAY,
IRELAND

10-47-25-13-00000.0330
MASTASCUSA JOSEPH J +
9236 SPRING RUN BLVD
BONITA SPRINGS, FL 34135

10-47-25-13-00000.0340
WILSON ROBERT STANLEY
28 WILLOW FARM LN
AURORA, ON L4G 6K1
CANADA

10-47-25-13-00000.0350
HAYWOOD PATRICIA A + MARK L
2380 LEHMAN LANE
BLAINE, MN 55449

10-47-25-13-00000.0360
FITZGERALD JOHN A + PATRICIA L
1134 W CHATHAM DR
PALATINE, IL 60067

10-47-25-13-0000A.0000
PULTE HOME CORP
9220 BONITA BEACH RD STE 215
BONITA SPRINGS, FL 34135

10-47-25-13-0ISP1.00CE
RESOURCE CONSERV SYSTEMS LLC
SPRING RUN GOLF CLUB, INC
9990 COCONUT RD STE 200
BONITA SPRINGS, FL 34135

15-47-25-B1-00001.0000
ACL RR CO

15-47-25-B1-00200.0010
NEAL LLOYD G + CHERYL A
PO BOX 368156
BONITA SPRINGS, FL 34136

15-47-25-B1-00200.0620
MARTIN JUDITH M TR +
245 2ND ST
BONITA SPRINGS, FL 34134

15-47-25-B1-00201.0000
THOMPSON NORMAN ALBERT +
37 ADOLPHUS ST
CORNWALL, ON K6H 3R9
CANADA

16-47-25-B2-00003.0030
GOUSE MARIAN T TR 1/3 +
24081 S TAMIAMI TRL #121
BONITA SPRINGS, FL 34134

16-47-25-B2-00003.0060
SOUTHEAST USA LC
P O BOX 6078
FORT MYERS BEACH, FL 33932

16-47-25-B2-00003.006A
HILL LEONARD J JR + DORIS E
15485 S TAMIAMI TRL
FT MYERS, FL 33908

All data is current at time of printing and subject to change without notice.

All data is current at time of printing and subject to change without notice.
LABELS PRINTED 9130

16-47-25-B2-01700.0170
DULIN REAL ESTATE COMPANY
24241 PRODUCTION CIR
BONITA SPRINGS, FL 34135

16-47-25-B2-01700.0180
CORDERS LANDSCAPE SUPPLY
24119 PRODUCTION CIR
BONITA SPRINGS, FL 34135

16-47-25-B2-01700.0330
HARRIS JAMES W + CONSTANCE
27101 IMERIAL ST SE
BONITA SPRINGS, FL 34135

16-47-25-B2-01700.0370
HARRIS JAMES W + CONSTANCE L
27101 IMPERIAL ST
BONITA SPRINGS, FL 34135

16-47-25-B2-01700.0380
HARRIS JAMES W + CONSTANCE L
27101 IMPERIAL ST
BONITA SPRINGS, FL 34135

16-47-25-B2-02600.00CE
COLONY PLAZA CONDO
325 SEDGWICK CT
NAPLES, FL 34109

16-47-25-B2-02601.0101
COLONY ASSOCIATES LLC
1473 PERIWINKLE WAY
SANIBEL, FL 33957

16-47-25-B2-02602.0101
KEYSTONE COMMERICAL LLC
5405 TAYLOR RD STE 4
NAPLES, FL 34109

16-47-25-B2-02602.0201
COLONY PLAZA LLC
9150 GALLERIA CT STE 100
NAPLES, FL 34109

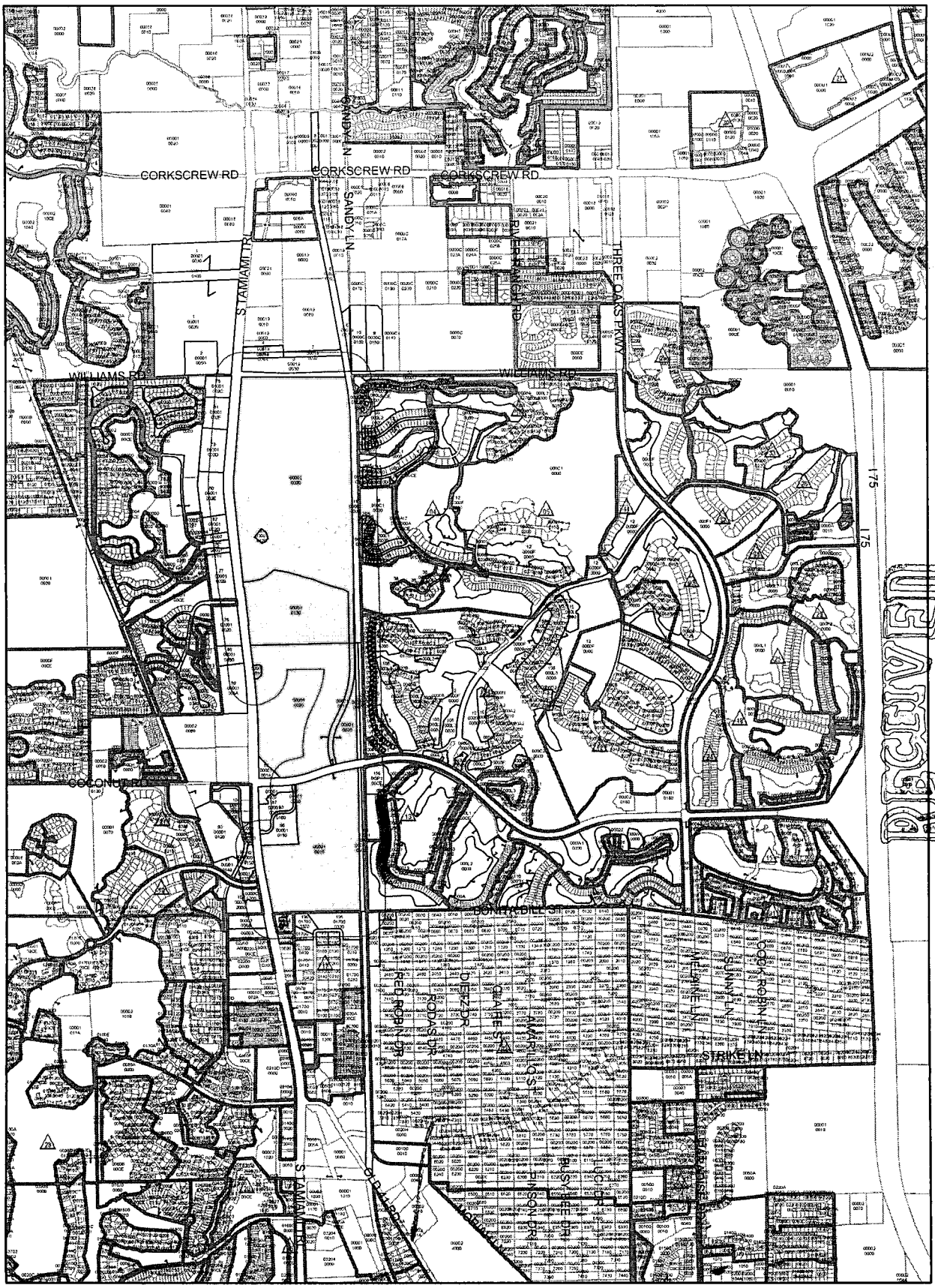
16-47-25-B2-02602.0301
COLONY PLAZA LLC
9150 GALLERIA CT STE 100
NAPLES, FL 34109

DRI 2004 0000

VARIANCE REPORT

7/08/2004

Subject Parcels : 4 Affected Parcels : 310 Buffer Distance : 500 ft



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N
W E
S

09-47-25-00-00001.0020 et al.

3,100 1,550 0 3,100 Feet

ORI 2004 00008

Lee County Property Appraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

Phone: (239) 339-6159 • Fax: (239) 339-6139 • eMail: MapRoom@LeePA.org

VARIANCE REPORT

Date of Report: July 08, 2004
Buffer Distance: 500 ft
Parcels Affected: 310
Subject Parcel: 09-47-25-00-00001.0020, 09-47-25-00-00001.0010, 04-47-25-00-00001.0130, 04-47-25-00-00001.0000

RECEIVED AUG 31 2004 PERMIT COUNTER

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
LONG CHARLES M ETAL FOWLER- WHITE %GARY BUTLER 2201 2ND ST FORT MYERS FL 33901	**33-46-25-00-00001.0030** NEEDS ACCESS CONFIRMED ESTERO FL 33928	SW1/4 LESS PARL 1.005 + W1/2 OF SE1/4 LYING W OF SR45 + 1.0060 + 1.0070	1
LEE COUNTY MEDICAL INVESTORS 3570 KEITH ST NW CLEVELAND TN 37312	**33-46-25-00-00001.0050** 3850 WILLIAMS RD ESTERO FL 33928	PARL IN SE 1/4 OF SE 1/4 OF SW 1/4	2
SPANISH LAKES INC TR P O BOX 366879 BONITA SPRINGS FL 34136	**33-46-25-00-00019.0030** ACCESS UNDETERMINED ESTERO FL 33928	S 1/2 S 1/2 S 1/2 SE 1/4 E OF TRAIL + W OF RR R/W LESS OR 1917 PG 1850	3
MULLIGAN RICHARD E TRUSTEE 78 CHARDON PL NAPLES FL 34110	**33-46-25-00-00019.0040** 21951 S TAMIAMI TRL ESTERO FL 33928	N 1/2 OF S 220 FT OF N 1/2 OF S 1/2 OF SW 1/4 OF SE 1/4	4
ESTERO LAKES DEV INC P O BOX 366879 BONITA SPRINGS FL 34136	**33-46-25-00-00019.004A** ACCESS UNDETERMINED ESTERO FL 33928	S 1/2 OF S 220 FT OF N 1/2 OF S 1/2 OF SW 1/4 OF SE 1/4	5
ESTERO LAKES DEV II INC 24880 BURNT PINE DR STE 8 BONITA SPRINGS FL 34134	**33-46-25-00-00019.0070** ACCESS UNDETERMINED ESTERO FL 33928	PARL LOC IN SE 1/4 LYING E OF ACL RR DESC IN OR 3824/ 225	6
ESTERO LAKES DEV INC P O BOX 366879 BONITA SPRINGS FL 34136	**33-46-25-00-00019.0090** ACCESS UNDETERMINED FL	PARL BETWEEN HWY 41 + ACL RR IN SE 1/4 SEC 33 TWP 46 R 25 AS DESC IN OR 3443 PG 2226	7
ACL RR CO	**33-46-25-00-00020.0000** RAILROAD R/W ESTERO FL 33928	A STRIP OF LAND RR R/W RUNNING SELY ACROSS E 1/2 OF SEC.	8
SPIEGEL JONATHAN R + DEBORAH L P O BOX 594 HIAWASSEE GA 30546	**34-46-25-01-0000C.0150** 9000 WILLIAMS RD ESTERO FL 33928	FLA.GULF LAND CO.SUBD. BLK.C PB 1 PG 59 LOT 15 LES 3028/3722	9
CHRIST COMMUNITY MINISTRIES 8681 COUNTY RD ESTERO FL 33928	**34-46-25-01-0000C.0160** 21850 SANDY LN ESTERO FL 33928	FLORIDA GULF LAND CO.SUB. BLK.C PB 1 PG 59 LOT 16	10
ACL RR CO	**03-47-25-00-00001.0000** RIGHT OF WAY ESTERO FL 33928	STRIP OF LAND FOR RR R/W	11
LONG BAY PARTNERS LLC 9990 COCONUT RD STE 202 BONITA SPRINGS FL 34135	**03-47-25-01-0000F.0000** 22790/800 OAKWILDE BLVD BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS GOLF COURSE	12
SHADOW WOOD COMMUNITY ASSN 9990 COCONUT RD STE 202 BONITA SPRINGS FL 34135	**03-47-25-01-0000G.00CE** RESERVED BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UNIT ONE PB 61 PG 21 TRS G H K S + T	13

DRI 2004 00008

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
BELFORD WILLIAM A + DEBORAH A 9101 HOLLOW PINE DR BONITA SPRINGS FL 34135	**03-47-25-01-000C3.0240** 9101 HOLLOW PINE DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UNIT ONE PB 61 PG 21 BLK C3 LOT 24	14
BROOKS OF BONITA SPRINGS CDD GARY L MOYER DIST MANAGER 10300 NW 11TH MANOR CORAL SPRINGS FL 33071	**03-47-25-01-000L1.0000** RESERVED BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UNIT ONE PB 61 PG 21 TRS L-1 L-2 L-13 + L-15	15
BROOKS OF BONITA SPRINGS CDD GARY L MOYER DIST MANAGER 10300 NW 11TH MANOR CORAL SPRINGS FL 33071	**03-47-25-02-000C1.0000** RESERVED BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UN 4 PB 65 PGS 3-8 TRACT C-1 LESS OR 3260 PG 956	16
SHADOW WOOD COMMUNITY ASSN 9990 COCONUT RD STE 202 BONITA SPRINGS FL 34135	**03-47-25-03-0000A.00CE** COMMON ELEMENTS ESTERO FL	SHADOW WOOD AT THE BROOKS UN 6 PB 66 PG 66 TRACTS A + B + E THRU I	17
KIRBY JUDITH M TR 1800 N POND LN LAKE FOREST IL 60045	**03-47-25-03-0000B.0120** 9077 FALLING LEAF DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UN 6 PB 66 PG 66 BLK B LOT 12	18
TAYLOR WAYNE A + JENNIFER A S 2134 N LAKEWOOD AV CHICAGO IL 60614	**03-47-25-03-0000B.0130** 9073 FALLING LEAF DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UN 6 PB 66 PG 66 BLK B LOT 13	19
COFFEY JAMES B + MARGUERITE B 59 BLUEBERRY HILL BRIDGEWATER CT 06752	**03-47-25-03-0000B.0140** 9071 FALLING LEAF DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UN 6 PB 66 PG 66 BLK B LOT 14	20
WEAVER PAMELA M TR 1580 TAYLOR RIDGE CT ERIE PA 16505	**03-47-25-03-0000B.0150** 9069 FALLING LEAF DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UN 6 PB 66 PG 66 BLK B LOT 15	21
CARTER TERRY R + 9065 FALLING LEAF DR BONITA SPRINGS FL 34135	**03-47-25-03-0000B.0160** 9065 FALLING LEAF DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UN 6 PB 66 PG 66 BLK B LOT 16	22
BINFORD MARY G TR + 4021 TERRACE LANE MINNETONKA MN 55305	**03-47-25-03-0000B.0170** 9059 FALLING LEAF DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UN 6 PB 66 PG 66 BLK B LOT 17	23
SMITH A GARY + MARLA 221 BEARDSLEY CT MUSCLE SHOALS AL 35661	**03-47-25-03-0000B.0180** 9000 FALLING LEAF DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UN 6 PB 66 PG 66 BLK B LOT 18	24
BAKEMAN ROBERT E + SHIRLEY A 7002 ADA DR SE GRAND RAPIDS MI 49546	**03-47-25-03-0000B.0190** 9006 FALLING LEAF DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UN 6 PB 66 PG 66 BLK B LOT 19	25
HARALDSON WAYNE L TR 378 W COUNTY LINE RD BARRINGTON IL 60010	**03-47-25-03-0000B.0200** 9012 FALLING LEAF DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UN 6 PB 66 PG 66 BLK B LOT 20	26
WENNINGER DONALD PHILLIP 4505 W LEXI CIR BROOMFIELD CO 80020	**03-47-25-03-0000B.0210** 9018 FALLING LEAF DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UN 6 PB 66 PG 66 BLK B LOT 21	27
KAUFMAN DENNIS E + SUSAN S 9024 FALLING LEAF DR BONITA SPRINGS FL 33928	**03-47-25-03-0000B.0220** 9024 FALLING LEAF DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UN 6 PB 66 PG 66 BLK B LOT 22	28
OTTERBECK JAMES + SUZANNE 96% 9030 FALLING LEAF DR BONITA SPRINGS FL 34135	**03-47-25-03-0000B.0230** 9030 FALLING LEAF DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UN 6 PB 66 PG 66 BLK B LOT 23	29
SHEARER KATHLEEN A 6418 CORRINE DR NW CANTON OH 44718	**03-47-25-03-0000B.0240** 9036 FALLING LEAF DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UN 6 PB 66 PG 66 BLK B LOT 24	30
IORIZZO ROBERT P + NANCY V 9608 LARCHMEDE CT ELLIOTT CITY MD 21042	**03-47-25-03-0000B.0250** 9042 FALLING LEAF DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UN 6 PB 66 PG 66 BLK B LOT 25	31

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OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
DALONZO THOMAS W + RACHEL L 908 VANCE ST RALEIGH NC 27608	**03-47-25-03-0000B.0260** 9048 FALLING LEAF DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UN 6 PB 66 PG 66 BLK B LOT 26	32
DAVIS GENE + SUSAN 9054 FALLING LEAF DR BONITA SPRINGS FL 33928	**03-47-25-03-0000B.0270** 9054 FALLING LEAF DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UN 6 PB 66 PG 66 BLK B LOT 27	33
LONGE WILLIAM G + PAMELA 9060 FALLING LEAF DR BONITA SPRINGS FL 34135	**03-47-25-03-0000B.0280** 9060 FALLING LEAF DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UN 6 PB 66 PG 66 BLK B LOT 28	34
STEWART ROBERT E + NANCY 2650 BROWNING DR LAKE ORION MI 48360	**03-47-25-03-0000B.0290** 9066 FALLING LEAF DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UN 6 PB 66 PG 66 BLK B LOT 29	35
HENDRICKSON LEONARD + JEANNE 9072 FALLING LEAF DR BONITA SPRINGS FL 34135	**03-47-25-03-0000B.0300** 9072 FALLING LEAF DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UN 6 PB 66 PG 66 BLK B LOT 30	36
EGAN PATRICK M + DONNA M 1090 N DAVIS RD EAST AURORA NY 14052	**03-47-25-03-0000B.0310** 9078 FALLING LEAF DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UN 6 PB 66 PG 66 BLK B LOT 31	37
BROOKS OF BONITA SPRINGS II C/O GARY L MOYER 10300 NW 11TH MANOR CORAL SPRINGS FL 33071	**03-47-25-03-000C1.0000** RESERVED FFD BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UN 6 PB 66 PG 66 TRACTS C-1 THRU C-6	38
BROOKS AT BONITA SPRINGS II C/O GARY L MOYER 10300 NW 11TH MANOR CORAL SPRINGS FL 33071	**03-47-25-03-000L1.0000** SUBMERGED LAND FL	SHADOW WOOD AT THE BROOKS UN 6 PB 66 PG 66 TRACT L-1	39
SHADOW WOOD COMMUNITY ASSN 9990 COCONUT RD STE 202 BONITA SPRINGS FL 34135	**03-47-25-03-000R1.00CE** RIGHT OF WAY BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UN 6 PB 66 PG 66 TRACTS R-1 + R-3	40
GEANEY JOHN F JR + JULIA S 22321 BANYAN HIDEAWAY DR BONITA SPRINGS FL 34135	**03-47-25-06-00000.0030** 22321 BANYAN HIDEAWAY DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UNIT 9 PB 67 PGS 84-86 LOT 3	41
COURTNEY MARCIA M TR 22331 BANYAN HIDEAWAY DR BONITA SPRINGS FL 34134	**03-47-25-06-00000.0040** 22331 BANYAN HIDEAWAY DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UNIT 9 PB 67 PGS 84-86 LOT 4	42
BUSCH FREDERICK W + 22341 BANYAN HIDEAWAY DR BONITA SPRINGS FL 34135	**03-47-25-06-00000.0050** 22341 BANYAN HIDEAWAY DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UNIT 9 PB 67 PGS 84-86 LOT 5	43
LONGO RONALD M + ELEONORE 2-16 149TH ST WHITESTONE NY 11357	**03-47-25-06-00000.0060** 22351 BANYAN HIDEAWAY DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UNIT 9 PB 67 PGS 84-86 LOT 6	44
ROUNDING GARY E + LINDA L 22350 BANYAN HIDEAWAY DR BONITA SPRINGS FL 34135	**03-47-25-06-00000.0070** 22350 BANYAN HIDEAWAY DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UNIT 9 PB 67 PGS 84-86 LOT 7	45
PELLETZ MELVIN J TR 3 KNOLLWOOD DR WORCESTER MA 01609	**03-47-25-06-00000.0080** 22340 BANYAN HIDEAWAY DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UNIT 9 PB 67 PGS 84-86 LOT 8	46
VISION BUILDERS LLC 10120 CUMBERLAND RD FISHERS IN 46038	**03-47-25-06-00000.0090** 22330 BANYAN HIDEAWAY DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UNIT 9 PB 67 PGS 84-86 LOT 9	47
BURLEIGH WILLIAM H + PENELOPE 22320 BANYAN HIDEAWAY DR BONITA SPRINGS FL 34135	**03-47-25-06-00000.0100** 22320 BANYAN HIDEAWAY DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UNIT 9 PB 67 PGS 84-86 LOT 10	48
SHADOW WOOD COMMUNITY ASSN 9990 COCONUT RD STE 202 BONITA SPRINGS FL 34135	**03-47-25-06-0000A.00CE** HDR: SHADOW WOOD BONITA SPRINGS FL 34134	SHADOW WOOD AT THE BROOKS UNIT 9 PB 67 PGS 84-86 TRACTS A THRU H + J THRU L	49

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OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
BROOKS OF BONITA SPRINGS II C/O GARY L MOYER 10300 NW 11TH MANOR CORAL SPRINGS FL 33071	**03-47-25-06-000L1.0000** COMMON ELEMENT FL	SHADOW WOOD AT THE BROOKS UNIT 9 PB 67 PGS 84-86 TRACT L-1	50
SHADOW WOOD COMMUNITY ASSN 9990 COCONUT RD STE 202 BONITA SPRINGS FL 34135	**03-47-25-06-000R2.00CE** RESERVED SHADOW WOOD FL	SHADOW WOOD AT THE BROOKS UNIT 9 PB 67 PGS 84-86 TRACT R-2	51
CENTEX HOMES 5801 PELICAN BAY BLVD STE 600 NAPLES FL 34108	**03-47-25-07-0000A.0010** RESERVED FL	SHADOW WOOD AT THE BROOKS U 11 PB 68 PGS 56-58 PT TR A DESC OR 3397/1371 LESS CONDOS	52
SHADOW WOOD COMMUNITY ASSN 9990 COCONUT RD STE 202 BONITA SPRINGS FL 34135	**03-47-25-07-0000D.00CE** RESERVED FL	SHADOW WOOD AT THE BROOKS U 11 PB 68 PGS 56-58 TRACT D	53
SHADOW WOOD COMMUNITY ASSN 9990 COCONUT RD STE 202 BONITA SPRINGS FL 34135	**03-47-25-07-0000E.00CE** RESERVED FL	SHADOW WOOD AT THE BROOKS U 11 PB 68 PGS 56-58 TRACT E	54
BOE RICHARD W + MARIDEE J 6553 N EAGLE LAKE DR MAPLE GROVE MN 55369	**03-47-25-09-00000.0190** 9017 WINDSWEPT DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS U-13 PB 69 PGS 27-30 LOT 19	55
SANTORO RICHARD G + JUDITH H 137 GRANDE BLVD SINKING SPRINGS PA 19608	**03-47-25-09-00000.0200** 9015 WINDSWEPT DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS U-13 PB 69 PGS 27-30 LOT 20	56
TOUSIGNANT ROBERT T + 9011 WINDSWEPT DR BONITA SPRINGS FL 34135	**03-47-25-09-00000.0210** 9011 WINDSWEPT DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS U-13 PB 69 PGS 27-30 LOT 21	57
HAYDEN C BARRY TR 54 FAIR OAKS ST LOUIS MO 63124	**03-47-25-09-00000.0220** 9005 WINDSWEPT DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS U-13 PB 69 PGS 27-30 LOT 22	58
HAMMER TODD + DARLENE 1321 STIRLING CT WEST BEND WI 53095	**03-47-25-09-00000.0230** 9001 WINDSWEPT DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS U-13 PB 69 PGS 27-30 LOT 23	59
CULLEY JAMES K + SANDRA A 15287 BURNABY DR NAPLES FL 34110	**03-47-25-09-00000.0240** 9000 WINDSWEPT DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS U-13 PB 69 PGS 27-30 LOT 24	60
LYONS LAND GROUP LLC 9240 MARKETPLACE RD SUITE 1 FORT MYERS FL 33912	**03-47-25-09-00000.0250** 9006 WINDSWEPT DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS U-13 PB 69 PGS 27-30 LOT 25	61
LYONS LAND GROUP LLC 9240 MARKETPLACE RD SUITE 1 FORT MYERS FL 33912	**03-47-25-09-00000.0260** 9012 WINDSWEPT DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS U-13 PB 69 PGS 27-30 LOT 26	62
LYONS LAND GROUP LLC 9240 MARKETPLACE RD SUITE 1 FORT MYERS FL 33912	**03-47-25-09-00000.0270** 9018 WINDSWEPT DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS U-13 PB 69 PGS 27-30 LOT 27	63
KADIC JOHN P + MARIANNE H 450 MAPLE LN SEWICKLEY PA 15143	**03-47-25-09-00000.0280** 9024 WINDSWEPT DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS U-13 PB 69 PGS 27-30 LOT 28	64
BROOKS OF BONITA SPRINGS II C/O GARY L MOYER 10300 NW 11TH MANOR CORAL SPRINGS FL 33071	**03-47-25-09-000L1.0000** LAKE FL	SHADOW WOOD AT THE BROOKS U-13 PB 69 PGS 27-30 TRACT L-1	65
BROOKS OF BONITA SPRINGS II C/O GARY L MOYER DIST MGR 10300 NW 11TH MANOR CORAL SPRINGS FL 33071	**03-47-25-09-000L2.0000** LAKE FL	SHADOW WOOD AT THE BROOKS U-13 PB 69 PGS 27-30 TRACT L-2	66

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HAWTHORNE AT SHADOW WOOD C/O SOUTHWEST PROPERTY MGMNT 1044 CASTELLO DR STE 206 NAPLES FL 34103	**03-47-25-09-000R1.00CE** RIGHT OF WAY FL	SHADOW WOOD AT THE BROOKS U-13 PB 69 PGS 27-30 TRACT R-1	67
PALMETTO RIDGE AT THE BROOKS 5801 PELICAN BAY BLVD #600 NAPLES FL 34108	**03-47-25-13-00000.00CE** COMMON ELEMENT FL	PALMETTO RIDGE AT THE BROOKS AS DESC IN OR3605/776+3647/2303 + 3711/2445+ 3747/1411+3778/4760+ 3816/3516+3840/1072+3875/3987+ 3888/317+3892/4873+3985/2439+ 3985/2451+3992/3576+4093/1817 +4093/4236 COMMON ELEMENTS	68
CULLEN JAMES D 4833 THOROUGHBRED LOOP ERIE PA 16506	**03-47-25-13-00011.0101** 9171 PALMETTO RIDGE DR #101 BONITA SPRINGS FL 34135	PALMETTO RIDGE AT THE BROOKS CONDO DESC IN OR 3985 PG 2439 PH 11 BLDG 11 UNIT 101	*69
FIRST L P 19 RAMSGATE DR PALOS PARK IL 60464	**03-47-25-13-00011.0102** 9171 PALMETTO RIDGE DR #102 BONITA SPRINGS FL 34135	PALMETTO RIDGE AT THE BROOKS CONDO DESC IN OR 3985 PG 2439 PH 11 BLDG 11 UNIT 102	*69
HULTGREN ROBERT M + CYNTHIA E 4159 BELMONT PL NEW ALBANY OH 43054	**03-47-25-13-00011.0201** 9171 PALMETTO RIDGE DR #201 BONITA SPRINGS FL 34135	PALMETTO RIDGE AT THE BROOKS CONDO DESC IN OR 3985 PG 2439 PH 11 BLDG 11 UNIT 201	*69
FICHTER JEFFREY R + LAURA L 12 SHADOW CREEK PENFIELD NY 14526	**03-47-25-13-00011.0202** 9171 PALMETTO RIDGE DR #202 BONITA SPRINGS FL 34135	PALMETTO RIDGE AT THE BROOKS CONDO DESC IN OR 3985 PG 2439 PH 11 BLDG 11 UNIT 202	*69
FIRST L P 19 RAMSGATE DR PALOS PARK IL 60464	**03-47-25-13-00012.0101** 9151 PALMETTO RIDGE DR #101 BONITA SPRINGS FL 34135	PALMETTO RIDGE AT THE BROOKS CONDO DESC IN OR 3985 PG 2451 PH 12 BLDG 12 UNIT 101	*70
JIRAK GORDON E + EILEEN T 9151 PALMETTO RIDGE DR #102 BONITA SPRINGS FL 34135	**03-47-25-13-00012.0102** 9151 PALMETTO RIDGE DR #102 BONITA SPRINGS FL 34135	PALMETTO RIDGE AT THE BROOKS CONDO DESC IN OR 3985 PG 2451 PH 12 BLDG 12 UNIT 102	*70
MCVAY MICHAEL S 9151 PALMETTO RIDGE #201 BONITA SPRINGS FL 34135	**03-47-25-13-00012.0201** 9151 PALMETTO RIDGE DR #201 BONITA SPRINGS FL 34135	PALMETTO RIDGE AT THE BROOKS CONDO DESC IN OR 3985 PG 2451 PH 12 BLDG 12 UNIT 201	*70
MORTIMER FRANKLIN J II + 4108 GRATIOT AVE PORT HURON OH 48060	**03-47-25-13-00012.0202** 9151 PALMETTO RIDGE DR #202 BONITA SPRINGS FL 34135	PALMETTO RIDGE AT THE BROOKS CONDO DESC IN OR 3985 PG 2451 PH 12 BLDG 12 UNIT 202	*70
CENTEX HOMES 5801 PELICAN BAY BLVD STE 600 NAPLES FL 34108	**03-47-25-13-00013.0101** 9131 PALMETTO RIDGE DR #101 BONITA SPRINGS FL 34135	PALMETTO RIDGE AT THE BROOKS CONDO DESC IN OR 3992 PG 3576 PH 13 BLDG 13 UNIT 101	*71
FRIEG JOHN H 7178 SHADDY HOLLOW RD NW CANTON OH 44718	**03-47-25-13-00013.0102** 9131 PALMETTO RIDGE DR #102 BONITA SPRINGS FL 34135	PALMETTO RIDGE AT THE BROOKS CONDO DESC IN OR 3992 PG 3576 PH 13 BLDG 13 UNIT 102	*71
DEBILLIS CYNTHIA L TR 8 WIVELISCOMBE NEW ALBANY OH 43054	**03-47-25-13-00013.0201** 9131 PALMETTO RIDGE DR #201 BONITA SPRINGS FL 34135	PALMETTO RIDGE AT THE BROOKS CONDO DESC IN OR 3992 PG 3576 PH 13 BLDG 13 UNIT 201	*71
NIELSEN NORMAN R 5757 KIRKWOOD BLVD SW CEDAR RAPIDS IA 52404	**03-47-25-13-00013.0202** 9131 PALMETTO RIDGE DR #202 BONITA SPRINGS FL 34135	PALMETTO RIDGE AT THE BROOKS CONDO DESC IN OR 3992 PG 3576 PH 13 BLDG 13 UNIT 202	*71

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CASSA BARBARA S 31 CRAWFIELD LN MELVILLE NY 11747	**03-47-25-13-00014.0101** 9121 PALMETTO RIDGE DR #101 BONITA SPRINGS FL 34135	PALMETTO RIDGE AT THE BROOKS OR 4015 PG 4809 PH 14 BLDG 14 UNIT 101	*72
KENT DAVID L 9121 PALMETTO RIDGE DR BONITA SPRINGS FL 34135	**03-47-25-13-00014.0102** 9121 PALMETTO RIDGE DR #102 BONITA SPRINGS FL 34135	PALMETTO RIDGE AT THE BROOKS OR 4015 PG 4809 PH 14 BLDG 14 UNIT 102	*72
SHAW MARK E + LINDA H 9121 PALMETTO RIDGE DR #201 BONITA SPRINGS FL 34135	**03-47-25-13-00014.0201** 9121 PALMETTO RIDGE DR #201 BONITA SPRINGS FL 34135	PALMETTO RIDGE AT THE BROOKS OR 4015 PG 4809 PH 14 BLDG 14 UNIT 201	*72
HANLON FRANCIS M + PAMELA M 21 PENNY LANE MERRIMACK NH 30354	**03-47-25-13-00014.0202** 9121 PALMETTO RIDGE DR #202 BONITA SPRINGS FL 34135	PALMETTO RIDGE AT THE BROOKS OR 4015 PG 4809 PH 14 BLDG 14 UNIT 202	*72
UNGER PHILLIP W TR 2324 WORCHESTER RD MIDLOTHIAN VA 23113	**03-47-25-13-00015.0101** 9111 PALMETTO RIDGE DR #101 BONITA SPRINGS FL 34135	PALMETTO RIDGE AT THE BROOKS CONDO DESC IN OR 4093/1817 PH 15 BLDG 15 UNIT 101	*73
DENBAAS DAVID S + MARTHA 611 GALLAGHER COURT OXFORD MI 48371	**03-47-25-13-00015.0102** 9111 PALMETTO RIDGE DR #102 BONITA SPRINGS FL 34135	PALMETTO RIDGE AT THE BROOKS CONDO DESC IN OR 4093/1817 PH 15 BLDG 15 UNIT 102	*73
LIEBERMAN CHERYL M TR 9111 PALMETTO RIDGE DR #201 BONITA SPRINGS FL 34135	**03-47-25-13-00015.0201** 9111 PALMETTO RIDGE DR #201 BONITA SPRINGS FL 34135	PALMETTO RIDGE AT THE BROOKS CONDO DESC IN OR 4093/1817 PH 15 BLDG 15 UNIT 201	*73
LYONS JERRY K 75 ENTERPRISE DELAFIELD WI 53018	**03-47-25-13-00015.0202** 9111 PALMETTO RIDGE DR #202 BONITA SPRINGS FL 34135	PALMETTO RIDGE AT THE BROOKS CONDO DESC IN OR 4093/1817 PH 15 BLDG 15 UNIT 202	*73
MARCHESINI ROBERTO + ROBYN 17014 CHAPEL PKWY HOUSTON TX 77059	**03-47-25-13-00016.0101** 9101 PALMETTO RIDGE DR #101 BONITA SPRINGS FL 34135	PALMETTO RIDGE AT THE BROOKS CONDO DESC IN OR 4093/4236 PH 16 BLDG 16 UNIT 101	*74
BUSHEE JAMES W + CAROLE G 315 EAST ST NE VIENNA VA 22180	**03-47-25-13-00016.0102** 9101 PALMETTO RIDGE DR #102 BONITA SPRINGS FL 34135	PALMETTO RIDGE AT THE BROOKS CONDO DESC IN OR 4093/4236 PH 16 BLDG 16 UNIT 102	*74
EICH MATTHIAS + ELKE ZEPPERWEG 4 D-35745 GERMANY	**03-47-25-13-00016.0201** 9101 PALMETTO RIDGE DR #201 BONITA SPRINGS FL 34135	PALMETTO RIDGE AT THE BROOKS CONDO DESC IN OR 4093/4236 PH 16 BLDG 16 UNIT 201	*74
BEERS BRUCE B + JEANNE 10300 DEERPATH SOUTH TRAVERSE CITY MI 49684	**03-47-25-13-00016.0202** 9101 PALMETTO RIDGE DR #202 BONITA SPRINGS FL 34135	PALMETTO RIDGE AT THE BROOKS CONDO DESC IN OR 4093/4236 PH 16 BLDG 16 UNIT 202	*74
KRAUS-ANDERSON INC 523 S 8TH ST MINNEAPOLIS MN 55404	**04-47-25-00-00001.0010** 22700/770 S TAMIAMI TRL ESTERO FL 33928	PARL W OF 41 OR 1775-2026 LESS FOUNTAIN LAKES CONDOS + SUBS + R/W'S + OR2541/3595 + OR 3324/439 + OR 3326/3516 LESS OR 3373/3170	75
TULIP ASSOCIATES LLC C/O DENNIS J LYNCH 4081 TAMIAMI TR N STE C-201 NAPLES FL 34103	**04-47-25-00-00001.0020** ACCESS UNDETERMINED BONITA SPRINGS FL 34134	PAR IN S1/2 OF S1/2 SEC LYING W OF US 41 DESC OR 2424 PG 2943	76
FLORIDA GROUP INVESTMENTS INC 5100 ROSEN BLVD BOYNTON BEACH FL 33437	**04-47-25-00-00001.002B** NEEDS ACCESS CONFIRMED ESTERO FL 33928	PAR IN N 1/2 OF S 1/2 - W OF US 41 DESC OR 2211/1596 LESS PAR 1.0020	77
WEST BAY CLUB DEV CORP 4600 WEST BAY BLVD ESTERO FL 33928	**04-47-25-00-00001.002C** 22050 S TAMIAMI TRL ESTERO FL 33928	PARL IN N1/2 OF SEC 4 AS DESC IN OR 2263/0526 LESS OR 3236 PG 3467	78
COLLMAN RICHARD A TR 1648 PERIWINKLE WY SANIBEL FL 33957	**04-47-25-00-00001.002D** 22250-290 S TAMIAMI TRL ESTERO FL 33928	PARL IN S 1/2 OF N 1/2 OF SEC LYING W OF US 41 DESC OR 2351 PG 2563	79
ESTERO GROUP LLP P O BOX 70 FORT MYERS FL 33902	**04-47-25-00-00001.002E** 22360-400 S TAMIAMI TRL ESTERO FL 33928	PAR LYING SE 1/4 OF NW 1/4 OF SECTION W OF US 41 DESC IN OR 3583/2498	80

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LMC WILLIAMS ROAD INC 33 EAST WALL ST FROSTPROOF FL 33843	**04-47-25-00-00001.002F** 22088-100 S TAMIAMI TRL ESTERO FL 33928	PARL LOC IN THE N 1/2 OF SECT DESC IN OR 3236 PG 3467	81
41 INVESTMENTS LLP P O BOX 70 FORT MYERS FL 33902	**04-47-25-00-00001.002G** ACCESS UNDETERMINED ESTERO FL 33928	FRM SW CORN OF NW 1/4 RUN E 118.32 TH STHLY 95.11 TO POB STHLY 348.48 WSTRLY 500 ETC	82
ESTERO FIRE RESCUE 9850 BRECKENRIDGE DR STE A ESTERO FL 33928	**04-47-25-00-00001.0120** ACCESS UNDETERMINED ESTERO FL 33928	PARL LOC IN SE 1/4 OF SECT LYING E OF US 41 AS DESC IN OR 4097 PG 672	83
FOUNTAIN LAKES COMM ASSOC INC 22201 FOUNTAIN LAKE BLVD #1 ESTERO FL 33928	**04-47-25-00-00006.00CE** COMMON ELEMENT ESTERO FL 33928	RIGHT OF WAYS WITHIN FOUNTAIN LAKES - COMMON AREAS + IRRIGATION PUMP	84
FOUNTAIN LAKES COMM ASSOC INC 22201 FOUNTAIN LAKE BLVD #1 ESTERO FL 33928	**04-47-25-00-00007.00CE** 22700/770 S TAMIAMI TRL ESTERO FL 33928	PARL W OF 41 + N OF FOUNTAIN LAKES BLVD DESC IN OR 3324 PG 439	85
LONG BAY PARTNERS LLC 11860 EAST TERRY STREET BONITA SPRINGS FL 34135	**09-47-25-00-00001.001A** NEEDS ACCESS CONFIRMED BONITA SPRINGS FL 34135	PAR IN W1/2 OF E1/2 SEC 9 LYING E OF TH ELY R/W LINE US 41 DESC OR 2672/3982 + POR DESC IN OR 3194 PG 2896	86
DRACKETT + OTT ENTERPRISES LLC 745 12TH AV S #100 NAPLES FL 34102	**09-47-25-00-00001.001B** 8000/8300 HEALTH CENTER BLVD BONITA SPRINGS FL 34135	PAR IN W1/2 OF E1/2 SEC 9 LYING E OF TH ELY R/W LINE US41 DESC OR 3263 PG 746	87
TULIP ASSOCIATES LLC C/O DENNIS J LYNCH 4081 TAMIAMI TRAIL N STE C-201 NAPLES FL 34103	**09-47-25-00-00001.0050** 23070 S TAMIAMI TRL BONITA SPRINGS FL 34134	PAR IN N 1/2 OF N 1/2 OF SEC - WEST OF US 41 DESC OR 2424 PG 2943	88
MANCHESTER ASSOCIATES LLC C/O DENNIS J LYNCH 4081 TAMIAMI TRAIL N STE C-201 NAPLES FL 34103	**09-47-25-00-00001.005A** 23168 S TAMIAMI TRL BONITA SPRINGS FL 34134	PAR IN NW 1/4 OF NE 1/4 WEST OF US 41 DESC IN OR 2211/1596 LESS PAR 1.0050	89
ESTERO BAY PROPERTY INVESTORS 4265 SAN FELIPE SUITE 1060 HOUSTON TX 70027	**09-47-25-00-00001.0120** 23480-710 WALDEN CENTER DR BONITA SPRINGS FL 34134	PAR LYING W OF US-41 ELY OF PELICAN LANDING U-22 DESC OR 2884 PG 2004	90
VATTER LTD 4901 TAMIAMI TRAIL N NAPLES FL 34103	**09-47-25-00-00001.0140** 3480 PELICAN COLONY BLVD BONITA SPRINGS FL 34134	BEG AT SLY MOST COR TR A N COMMONS DR DESC OR2907/ 31 AKA P LANDING SALES FACILITY	91
FORTUNE 2000 PROPERTIES INC 4901 TAMIAMI TRAIL N NAPLES FL 34103	**09-47-25-00-00001.0150** 24201/211 WALDEN CENTER DR BONITA SPRINGS FL 34134	PARL LOC IN THE SE 1/4 OF AS DESC IN OR 2960 PG 1251	92
BROOKS 41 COMMERICAL ASSN INC BARRETT C OTT 745 12TH AV S STE 100 NAPLES FL 34102	**09-47-25-00-00001.0160** RIGHT OF WAY BONITA SPRINGS FL 34135	PARL LOC IN THE N 1/2 OF THE SE 1/4 AS DESC IN OR 3338 PG 420	93
GVB PROPERTIES LLC P O BOX 1101 NAPLES FL 34106	**09-47-25-00-00001.0170** 24231 WALDEN CENTER DR BONITA SPRINGS FL 34134	PARL LOC IN THE SW 1/4 OF THE SE 1/4 AS DESC IN OR 3057 PG 885	94
WCI COMMUNITIES LTD PNTSHP 24301 WALDEN CENTER DR STE 300 BONITA SPRINGS FL 34134	**09-47-25-00-00001.017A** CORNER LOT BONITA SPRINGS FL 34134	PARL LOC IN SW 1/4 OF SE 1/4	95
BONITA COMMUNITY HEALTH CENTER 3501 HEALTH CENTER BLVD BONITA SPRINGS FL 34135	**09-47-25-00-00001.0180** 3501 HEALTH CENTER BLVD BONITA SPRINGS FL 34135	PARL LOC IN THE N 1/2 OF THE SE 1/4 AS DESC IN OR 3048 PG 2580	96
LONG BAY PARTNERS LLC 9990 COCONUT RD STE 202 BONITA SPRINGS FL 34135	**09-47-25-00-00001.0200** 8350 HEALTH CENTER BLVD BONITA SPRINGS FL 34135	PARL LOC IN THE SE 1/4 LYING E OF US 41 + SLY OF COCONUT ROAD	97
BAYSIDE IMPROVEMENT CDD 210 N UNIVERSITY DR STE 301 CORAL SPRINGS FL 33071	**09-47-25-00-00001.0210** RIGHT OF WAY BONITA SPRINGS FL 34134	PARL LYING S OF COCONUT RD + W OF US 41 DESC IN OR 4239/3010	98

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MILLENNIUM GROUP OF SW FL LC 9010 ESTERO RIVER CIR ESTERO FL 33928	**09-47-25-22-0000F.01CE** RIGHT OF WAY ESTERO FL 33928	MARSH LANDING PB 58 PGS 42 THRU 49 PT OF TR F AS DESC IN OR 2969 PG 1832 + R/W LESS PAR F.0020	99
WALDEN CENTER LLC SUITE #100 24311 WALDEN CENTER DR BONITA SPRINGS FL 34134	**09-47-25-23-0000B.0000** 24301/311 WALDEN CENTER DR BONITA SPRINGS FL 34134	PELICAN LANDING UT 24 TR B PB 58 PG 71 + VAC R/W	100
WCI COMMUNITIES INC 24301 WALDEN CENTER DR SUITE 300 BONITA SPRINGS FL 34134	**09-47-25-23-0000C.0000** RESERVED BONITA SPRINGS FL 34134	PELICAN LANDING UT 24 TR C PB 58 PG 71	101
BROOKS LANDING LLC 3606 ENTERPRISE AVE NAPLES FL 34104	**09-47-25-31-00000.0040** 23471 WALDEN CENTER DR FT MYERS FL 34134	COCONUT SQUARE PB 75 PGS 38-39 LOT 4	102
COCONUT PROPERTIES LTD COCONUT SQUARE 4901 TAMIAMI TRAIL N NAPLES FL 34103	**09-47-25-31-0000E.00CE** WALDEN CENTER DR BONITA SPRINGS FL 34134	COCONUT SQUARE PB 75 PGS 38-39 TRACT E	103
COCONUT PROPERTIES LTD COCONUT SQUARE 4901 TAMIAMI TRAIL N NAPLES FL 34103	**09-47-25-31-0000F.00CE** RIGHT OF WAY FT MYERS FL 34134	COCONUT SQUARE PB 75 PGS 38-39 TRACT F	104
COCONUT PROPERTIES LTD COCONUT SQUARE 4901 TAMIAMI TRAIL N NAPLES FL 34103	**09-47-25-31-0000G.00CE** WALDEN CENTER DR BONITA SPRINGS FL 34134	COCONUT SQUARE PB 75 PGS 38-39 TRACT G	105
ACL RR CO	**10-47-25-00-00001.0000** RAILROAD R/W FT MYERS FL 34134	STRIP OF LAND IN SEC 10 47 25 FOR RR R/W	106
MCARDLE EDWARD J TR P O BOX 366879 BONITA SPRINGS FL 34136	**10-47-25-00-00002.0000** 23000 STILLWELL PKWY BONITA SPRINGS FL 34135	ALL SEC 10 LESS RR R/W +2.0010 + 2.0060 +2.0100 +2. 0130 + 2.0160 + SUBDS	107
BROOKS OF BONITA SPRINGS CDD GARY L MOYER DIST MANAGER 10300 NW 11TH MANOR CORAL SPRINGS FL 33071	**10-47-25-01-000L3.0000** RESERVED BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UNIT ONE PB 61 PG 21 TRS L-3 + L-4 THRU L-6 + L-8 THRU L-12 + L-14 + L-16 THRU L-20	108
BROOKS OF BONITA SPRINGS CDD GARY L MOYER DIST MANAGER 10300 NW 11TH MANOR CORAL SPRINGS FL 33071	**10-47-25-01-000L7.0000** RESERVED BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UNIT ONE PB 61 PG 21 TR L-7	109
SPRING RUN GOLF CLUB COMMUNITY 3451 BONITA BAY BLVD SUITE 202 BONITA SPRINGS FL 34134	**10-47-25-02-000G1.0000** RESERVED BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PHI + PHIIA + PHIIB + PHIII + PHIV + PH V GOLF COURSE PARCEL (SEE NOTES FOR COMPLETE LEGAL)	110
MORNINGSIDE AT THE BROOKS 23171 ROSEDALE DR BONITA SPRINGS FL 34135	**10-47-25-06-00000.00CE** COMMON ELEMENTS BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC IN OR 3056 PG 0522 + OR 3222 PG 4412 COMMON ELEMENTS	111
GREGORY THEODORE C + NANCY T/C 125 80TH ST #H2 AVALON NJ 08202	**10-47-25-06-00001.0101** 23166 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 1 UNIT 101	*112
WILLIAMS MELISSA + DANIEL E + 24690 SWEET GUM CT BONITA SPRINGS FL 34134	**10-47-25-06-00001.0102** 23166 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 1 UNIT 102	*112

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SABATINI F ELENA TR 12 EAGLE POINTE DR CORTLAND OH 44410	**10-47-25-06-00001.0201** 23166 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 1 UNIT 201	*112
DAVIDSON BRUCE K L 1300 MARLBORO CT OAKVILLE ON L6H 2S2 CANADA	**10-47-25-06-00001.0202** 23166 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 1 UNIT 202	*112
BAUER RICHARD T + VICTORIA 4043 APRIL DR UNIONTOWN OH 44685	**10-47-25-06-00002.0101** 23156 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 2 UNIT 101	*113
BURNS JEROME E SR 4379 EL MONTE SAGINAW MI 48603	**10-47-25-06-00002.0102** 23156 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 2 UNIT 102	*113
CAMPBELL RICHARD P + ALISON 244 LAKEWOOD DR OAKVILLE ON L6K 1B2 CANADA	**10-47-25-06-00002.0201** 23156 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 2 UNIT 201	*113
BULL STEPHEN W III + KATHLEEN 3324 FALLBROOK PK CANANDAIGUA NY 14424	**10-47-25-06-00002.0202** 23156 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 2 UNIT 202	*113
ACHZET RUSSELL K %AM+M FINANCIAL SERVICES INC 179 SULLYS TRAIL STE 200 PITTSFORD NY 14534	**10-47-25-06-00003.0101** 23146 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 3 UNIT 101	*114
NELSON EDWARD F + BETTY M 14440 MORNINGSIDE RD ORLAND PARK IL 60462	**10-47-25-06-00003.0102** 23146 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 3 UNIT 102	*114
MARCANO MIRIELA 13150 CORBEL CIR #528 FORT MYERS FL 33907	**10-47-25-06-00003.0201** 23146 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 3 UNIT 201	*114
SATTERWHITE CYNTHIA B 23146 ROSEDALE DR #202 BONITA SPRINGS FL 34135	**10-47-25-06-00003.0202** 23146 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 3 UNIT 202	*114
HAIDLE VIRGINIA W TR 23136 ROSEDALE DR #101 BONITA SPRINGS FL 34135	**10-47-25-06-00004.0101** 23136 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 4 UNIT 101	*115
REID RUTH A TR 23136 ROSEDALE DR #102 BONITA SPRINGS FL 34135	**10-47-25-06-00004.0102** 23136 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 4 UNIT 102	*115
EGBERG DAVID C + JACQUELINE R 18668 FARMSTEAD CIR EDEN PRAIRIE MN 55347	**10-47-25-06-00004.0201** 23136 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 4 UNIT 201	*115
HADLEY JAMES A + DENISE B 15 FALL MEADOW DR PITTSFORD NY 14534	**10-47-25-06-00004.0202** 23136 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 4 UNIT 202	*115
PARROTT JL + JULIE T 1508 CROSS TIMBERS RD LOUISVILLE KY 40245	**10-47-25-06-00007.0101** 23151 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 7 UNIT 101	*116

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BOCK WILLIAM C + KATHY L 23151 ROSEDALE DR #102 BONITA SPRINGS FL 34135	**10-47-25-06-00007.0102** 23151 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 7 UNIT 102	*116
BOWERS CORAL L 4030 ETTER ROAD MOGADORE OH 44260	**10-47-25-06-00007.0201** 23151 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 7 UNIT 201	*116
STEWART PETER M + JOAN T 19 LOWER VILLAGE GATE PH02 TORONTO ON M5P 3L9 CANADA	**10-47-25-06-00007.0202** 23151 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 7 UNIT 202	*116
LINDER BARBARA E 11280 RIDERMARK ROW COLUMBIA MD 21044	**10-47-25-06-00008.0101** 23141 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 8 UNIT 101	*117
MESJAK RICHARD J + VIRGINIA M 6501 SHINGLE CREEK DR BROOKLYN PARK MN 55445	**10-47-25-06-00008.0102** 23141 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 8 UNIT 102	*117
BEHNKEN LELAND E + ANN L 2822 KNOX HIGHWAY 3 ALTONA IL 61414	**10-47-25-06-00008.0201** 23141 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 8 UNIT 201	*117
CASOLO BONITA A 60 OVERBOOK RD PAINTED POST NY 14870	**10-47-25-06-00008.0202** 23141 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 8 UNIT 202	*117
WILLOUGHBY BARRY B + JACKIE I 239 BAYFRONT DR BONITA SPRINGS FL 34134	**10-47-25-06-00009.0101** 23131 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 9 UNIT 101	*118
OVERHEUL DAVID + VALERIE R 1536 LORAL PINES CT SR ADA MI 49301	**10-47-25-06-00009.0102** 23131 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 9 UNIT 102	*118
HENDRICKS PATRICIA J 2 PENNS WAY MECHANICSBURG PA 17050	**10-47-25-06-00009.0201** 23131 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 9 UNIT 201	*118
CABLE DALE A + TERRI LYNN 29212 INVERNESS DR BAY VILLAGE OH 44140	**10-47-25-06-00009.0202** 23131 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 9 UNIT 202	*118
MEYER JOHN JOSEPH + KATHERINE 14929 GREENBERRY HILL CT CHESTERFIELD MO 63017	**10-47-25-06-00010.0101** 23121 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 10 UNIT 101	*119
VANBUREN JAMES K + KAREN J 9807 COPPER HILL RD ST LOUIS MO 63124	**10-47-25-06-00010.0102** 23121 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 10 UNIT 102	*119
RILEY W PATRICK + JEANNE 1119 QUENTIN AVE S LAKELAND MN 55043	**10-47-25-06-00010.0201** 23121 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 10 UNIT 201	*119
WOOF WILLIAM S + LORILEE A FAIRWAYS NORTH ROAD HALE ALTRINCHAM CHESHIRE WA15 ONS ENGLAND	**10-47-25-06-00010.0202** 23121 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 10 UNIT 202	*119

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LUNDY WAYNE A + REBECCA M 23111 ROSEDALE DR #101 BONITA SPRINGS FL 34135	**10-47-25-06-00011.0101** 23111 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 11 UNIT 101	*120
HAMILTON G SICOTTE 243 FITTONS RD EAST ORILLA ON L3V 2J7 CANADA	**10-47-25-06-00011.0102** 23111 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 11 UNIT 102	*120
SCHNEIDER GREGORY E + JANE V 5576 FAWNBROOK LN DUBLIN OH 43017	**10-47-25-06-00011.0201** 23111 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 11 UNIT 201	*120
HRDLICKA LORETTA C TR 5961 GOLFVIEW DR BLOOMFIELD MI 48301	**10-47-25-06-00011.0202** 23111 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 11 UNIT 202	*120
MILLER DAVID E + JOANN C 23101 ROSEDALE DR #101 BONITA SPRINGS FL 34135	**10-47-25-06-00012.0101** 23101 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 12 UNIT 101	*121
THEISS WILLIAM R + ELAINE M 150 SEQUOIA LN DEERFIELD IL 60015	**10-47-25-06-00012.0102** 23101 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 12 UNIT 102	*121
CROUSE SHARON O 23101 ROSEDALE DR #201 BONITA SPRINGS FL 34135	**10-47-25-06-00012.0201** 23101 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 12 UNIT 201	*121
GLEYZE RONALD + JANET 2658 HAAS LN MONTOURSVILLE PA 17754	**10-47-25-06-00012.0202** 23101 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 12 UNIT 202	*121
PEARCE CHARLES A + VIRGINIA D PO BOX 984 GRATHAM NH 03753	**10-47-25-06-00013.0101** 23091 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 13 UNIT 101	*122
GAUS WILLIAM T TR + 11441 N CANTERBURY DR MEQUON WI 53092	**10-47-25-06-00013.0102** 23091 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 13 UNIT 102	*122
PROKOP R PETER + MARY LYNN 37735 EAGLE TRACE FARMINGTON HILLS MI 48331	**10-47-25-06-00013.0201** 23091 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 13 UNIT 201	*122
STIVELMAN ROBERTA L 23091 ROSEDALE DR #202 BONITA SPRINGS FL 34135	**10-47-25-06-00013.0202** 23091 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 13 UNIT 202	*122
BECKER MARVIN R + SHIRLEY K 23081 ROSEDALE DR #101 BONITA SPRINGS FL 34135	**10-47-25-06-00014.0101** 23081 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 14 UNIT 101	*123
LEE ARTHUR M + JANET J TR 4920 SHANTY CREEK RD BELLAIRE MI 49615	**10-47-25-06-00014.0102** 23081 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 14 UNIT 102	*123
PRITCHARD J BRYAN + JUDITH H 2624 LANSDALE DR WEXFORD PA 15090	**10-47-25-06-00014.0201** 23081 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 14 UNIT 201	*123

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DARIN WILLIAM A JR + LAURA LEE 12426 SHADY OAK DR SOUTH LYON MI 48178	**10-47-25-06-00014.0202** 23081 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 14 UNIT 202	*123
BURKE ROBERTA J 146 W 57TH ST #48A NEW YORK NY 10019	**10-47-25-06-00015.0101** 23071 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 15 UNIT 101	*124
ALLEN WILLIAM V + SHARON J 7422 WYCLIFFE DR PROSPECT KY 40059	**10-47-25-06-00015.0102** 23071 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 15 UNIT 102	*124
NELSON GARY A + JANETH 9220 OVERLOOK TRL EDEN PRARIE MN 55347	**10-47-25-06-00015.0201** 23071 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 15 UNIT 201	*124
MUEHLENKAMP WILLIAM J JR + 23071 ROSEDALE DR #202 BONITA SPRINGS FL 34135	**10-47-25-06-00015.0202** 23071 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 15 UNIT 202	*124
GIVENS ROBERT M + CONNIE J 20 WOODHAVEN DR ANDOVER MA 01810	**10-47-25-06-00016.0101** 23061 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 16 UNIT 101	*125
BROWN MICHAEL W + ALYSON M 1143 W SOUTHLAWN BIRMINGHAM MI 48009	**10-47-25-06-00016.0102** 23061 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 16 UNIT 102	*125
BAYMAN JEFFREY D + TRUDY C 1030 FAIRWAY COURT WARREN OH 44483	**10-47-25-06-00016.0201** 23061 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 16 UNIT 201	*125
REA HENRY E JR + NANCY M 55 ROYCROFT AVE PITTSBURG PA 15228	**10-47-25-06-00016.0202** 23061 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 16 UNIT 202	*125
SHAW DAVID M + M JOYCE 23051 ROSEDALE DR #101 BONITA SPRINGS FL 34135	**10-47-25-06-00017.0101** 23051 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 17 UNIT 101	*126
BENNETT ANTHONY J + NANCY E 8 STONEWOOD DR ST CHARLES IL 60174	**10-47-25-06-00017.0102** 23051 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 17 UNIT 102	*126
JACOBS ROBERT S + DONNA S RR # 8 BOX 154-E GREENSBURG PA 15601	**10-47-25-06-00017.0201** 23051 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 17 UNIT 201	*126
T WOLFE PROPERTIES 281 WARRINGTON ROAD BLOOMFIELD HILLS MT 48304	**10-47-25-06-00017.0202** 23051 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 17 UNIT 202	*126
HOFF WALLACE J + MARY J 10202 SUNWAY TER ELLICOTT CITY MD 21042	**10-47-25-06-00018.0101** 23041 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 18 UNIT 101	*127
KOOS DAVID P + JANE L 20922 81ST ST BRISTOL WI 53104	**10-47-25-06-00018.0102** 23041 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 18 UNIT 102	*127

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KARNAS BARBARA J 306 SINEGAR PL POTOMAC FALLS VA 20165	**10-47-25-06-00018.0201** 23041 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 18 UNIT 201	*127
RAJTORA SUSAN E 785 MT CARMEL RD DUBUQUE IA 52003	**10-47-25-06-00018.0202** 23041 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 18 UNIT 202	*127
PASCO CHARLES A + KATHRYN 250 LAKEWOOD CIRCLE BURR RIDGE IL 60527	**10-47-25-06-00019.0101** 23031 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 19 UNIT 101	*128
DENNIS PATRICK + CHRISTINA TR 4904 TURNBERRY CT DAVENPORT IA 52807	**10-47-25-06-00019.0102** 23031 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 19 UNIT 102	*128
HILLARD FREDERICK H + CAROL C 1107 VALLEY STREAM ROCHESTER HILLS MI 48309	**10-47-25-06-00019.0201** 23031 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 19 UNIT 201	*128
YURCO NANCY E TR 1639 INDIAN KNOLL NAPERVILLE IL 60565	**10-47-25-06-00019.0202** 23031 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 19 UNIT 202	*128
PENDLETON THOMAS G + JANIS J S57W23102 MARCELLE DR WAUKESHA WI 53189	**10-47-25-06-00020.0101** 23021 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 20 UNIT 101	*129
MURPHY PATRICIA ANN TR 827 SOUTH CLAY ST HINSDALE IL 60521	**10-47-25-06-00020.0102** 23021 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 20 UNIT 102	*129
BLAICHER LINDA W 23021 ROSEDALE DR #201 BONITA SPRINGS FL 34135	**10-47-25-06-00020.0201** 23021 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 20 UNIT 201	*129
ANTONELLI RICHARD J + 894 MACARTHUR DR PITTSBURG PA 15228	**10-47-25-06-00020.0202** 23021 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 20 UNIT 202	*129
ROSEN MITCHELL + SHARON L 25550 GRAND RIVER AVE REDFORD MI 48240	**10-47-25-06-00021.0101** 23011 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 21 UNIT 101	*130
EIKER GEORGE L + ELIZABETH ANN 1986 SPRUCE DR CARMEL IN 46033	**10-47-25-06-00021.0102** 23011 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 21 UNIT 102	*130
JOHNSTON MARK K 1637 LAKEVIEW SYLVAN LAKE MI 48320	**10-47-25-06-00021.0201** 23011 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 21 UNIT 201	*130
BENSON THOMAS S 23011 ROSEDALE DR #202 BONITA SPRINGS FL 34135	**10-47-25-06-00021.0202** 23011 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 21 UNIT 202	*130
BYRER BRADLEY W 5810 STONEBRIDGE CIR MILFORD OH 45150	**10-47-25-06-00022.0101** 23001 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 22 UNIT 101	*131

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KRATOVIL R D 23001 ROSEDALE DR #102 BONITA SPRINGS FL 34135	**10-47-25-06-00022.0102** 23001 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 22 UNIT 102	*131
DEMSKI KENNETH E + MARY ANN 9330 THORNHILL DR CLARKSTON MI 48348	**10-47-25-06-00022.0201** 23001 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 22 UNIT 201	*131
PORTER JANET E TR 6090 WESTINGTON DR CANFIELD OH 44406	**10-47-25-06-00022.0202** 23001 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 22 UNIT 202	*131
COLBURN ELLEN 22991 ROSENDALE DR #101 BONITA SPRINGS FL 34135	**10-47-25-06-00023.0101** 22991 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 23 UNIT 101	*132
HANSEN ROBERT E + ELIZABETH A 1225 GOLF COURSE RD WARREN VT 05674	**10-47-25-06-00023.0102** 22991 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 23 UNIT 102	*132
MCNEILLY DAVID P + YVONNE P 22991 ROSEDALE DR #201 BONITA SPRINGS FL 34135	**10-47-25-06-00023.0201** 22991 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 23 UNIT 201	*132
LEACH RUSSELL K + BARBARA J 10759 HICKORY CT CARMEL IN 46033	**10-47-25-06-00023.0202** 22991 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 23 UNIT 202	*132
MAZZETTA EDWARD P + SUZANNNE 22981 ROSEDALE DR #101 BONITA SPRINGS FL 34135	**10-47-25-06-00024.0101** 22981 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 24 UNIT 101	*133
PINKEL VICKI G + GARY R 4803 SILVER CLIFF DR COLUMBIA MO 65203	**10-47-25-06-00024.0102** 22981 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 24 UNIT 102	*133
NEWCOMBE W JR + CYNTHIA 1/2 + 35 SPARWELL LN BRUNSWICK ME 04011	**10-47-25-06-00024.0201** 22981 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 24 UNIT 201	*133
FULLERTON JAMES G + MARY L 26 QUINCY CRESCENT TORONTO ON M2J 1C4 CANADA	**10-47-25-06-00024.0202** 22981 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 24 UNIT 202	*133
HEAVEY WILLIAM M TR 1/2 INT + 22971 ROSEDALE DR #101 BONITA SPRINGS FL 34135	**10-47-25-06-00025.0101** 22971 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 25 UNIT 101	*134
DREWEK DAVID F + SUSAN V 38020 VILLA MAR HARRISON TOWNSHIP MI 48045	**10-47-25-06-00025.0102** 22971 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 25 UNIT 102	*134
SISK GARDNER P + SUSAN P 147 PINE ST MANCHESTER MA 01944	**10-47-25-06-00025.0201** 22971 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 25 UNIT 201	*134
MARCUS MARVIN J + BARBARA A 1140 OAKWOOD AV DAYTON OH 45419	**10-47-25-06-00025.0202** 22971 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 25 UNIT 202	*134

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STOKES JAMES B + SARA R 360 WEST BLUFF DR BLUFF POINT NY 14478	**10-47-25-06-00026.0101** 22961 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 26 UNIT 101	*135
TELMAN RANDALL J + PAMELA L 22961 ROSEDALE DR #102 BONITA SPRINGS FL 34135	**10-47-25-06-00026.0102** 22961 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 26 UNIT 102	*135
PIFER RICHARD L + LINDA B 1383 CLUB DR BLOOMFIELD HILLS MI 48302	**10-47-25-06-00026.0201** 22961 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 26 UNIT 201	*135
MANNING DAVID D + JOANN 284 SUNDOWN E ALTON IL 62024	**10-47-25-06-00026.0202** 22961 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 26 UNIT 202	*135
RUSSELL H BRUCE + SUSAN F P O BOX 1039 CANANDAIGUA NY 14424	**10-47-25-06-00027.0101** 22951 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 27 UNIT 101	*136
RAVIN ALISON B TR 21 HEATH PL DURHAM NC 27705	**10-47-25-06-00027.0102** 22951 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 27 UNIT 102	*136
ROEMER JAMES P + PATRICIA J 10160 ORCHID RIDGE LN BONITA SPRINGS FL 34135	**10-47-25-06-00027.0201** 22951 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 27 UNIT 201	*136
DEGROFT WALTER J JR TR 22951 ROSEDALE DR #202 BONITA SPRINGS FL 34135	**10-47-25-06-00027.0202** 22951 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 27 UNIT 202	*136
KNUTSON KENNETH A TR 6433 BRENTON LAKES DR WILLOWBROOK IL 60527	**10-47-25-06-00028.0101** 22941 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 28 UNIT 101	*137
KORBEE HAROLD G + CAROL M 8304 CARDNIA CT LIBERTY TWSP OH 45044	**10-47-25-06-00028.0102** 22941 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 28 UNIT 102	*137
GAGNON BARRY + MONIQUE 1485 GOLDEN MEADOW TRAIL OAKVILLE ON L6H 3J2 CANADA	**10-47-25-06-00028.0201** 22941 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 28 UNIT 201	*137
MATTHEWS THERESA L + GERALD E 7720 BUCKHAVEN CT SE ADA MI 49301	**10-47-25-06-00028.0202** 22941 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 28 UNIT 202	*137
BRUNN RICHARD C + C SUE 1721 N POINTE DR NW CANTON OH 44708	**10-47-25-06-00029.0101** 22931 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 29 UNIT 101	*138
DAY PATRICK J + PATRICIA K 10525 SHELTER GROVE EDEN PRAIRIE MN 55347	**10-47-25-06-00029.0102** 22931 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 29 UNIT 102	*138
NORREY RONALD W + AUDREY E 2175 STAVENBANK RD #14 MISSISSAUGA ON L5C 1T3 CANADA	**10-47-25-06-00029.0201** 22931 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 29 UNIT 201	*138

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POULIOT WILFRED J JR TR + 15 SCOTLAND DR ANDOVER MA 01810	**10-47-25-06-00029.0202** 22931 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 29 UNIT 202	*138
CLARE RONALD D + JANET D 216 WANLESS AV TORONTO ON M4N 1W6 CANADA	**10-47-25-06-00030.0101** 22921 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 30 UNIT 101	*139
ERHARDT PAUL III + CHERYL A 22921 ROSEDALE DR #102 BONITA SPRINGS FL 34135	**10-47-25-06-00030.0102** 22921 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 30 UNIT 102	*139
JONES LAWRENCE S + DIANE R TR 4869 RAMBLING DR TROY MI 48098	**10-47-25-06-00030.0201** 22921 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 30 UNIT 201	*139
LUSK GEORGIA A 10109 CINNAMON TEAL DR KLAMATH FALLS OR 97601	**10-47-25-06-00030.0202** 22921 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 30 UNIT 202	*139
WATSON MARK A + 213 W GLENRIDGE RD AKRON OH 44319	**10-47-25-06-00031.0101** 22911 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 31 UNIT 101	*140
DANHOFFER THOMAS B + LINDA L 1436 KING ROAD HINKLEY OH 44233	**10-47-25-06-00031.0102** 22911 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 31 UNIT 102	*140
SALIB RICHARD M + MARY P 7033 HOWARD LN EDEN PRAIRIE MN 55346	**10-47-25-06-00031.0201** 22911 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 31 UNIT 201	*140
MANTOR GREGORY E + 6470 KITZMILLER NEW ALBANY OH 43054	**10-47-25-06-00031.0202** 22911 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 31 UNIT 202	*140
TOTH DONALD A + MARY E 415 TYBURN DR WEXFORD PA 15090	**10-47-25-06-00032.0101** 22901 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 32 UNIT 101	*141
BLAKEMORE THOMAS J + KATHLEEN 1222 BRASSIE RD FLOSSMOOR IL 60422	**10-47-25-06-00032.0102** 22901 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 32 UNIT 102	*141
WARD KIMIKO M TR 558 KINGSLEY TRAIL BLOOMFIELD HILLS MI 48304	**10-47-25-06-00032.0201** 22901 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 32 UNIT 201	*141
DOWD JAMES P + ANNETTE C 11430 N CANTERBURY DR MEQUON WI 53092	**10-47-25-06-00032.0202** 22901 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 32 UNIT 202	*141
NAJDOWSKI DAVID J + JUDY J 9208 SPRING RUN BLVD BONITA SPRINGS FL 34135	**10-47-25-10-00000.0230** 9208 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH 3 PB 64 PGS 78 - 82 LOT 23	142
MCTARNAGHAN ROY E + BEVERLY B 9212 SPRING RUN BLVD BONITA SPRINGS FL 34135	**10-47-25-10-00000.0240** 9212 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH 3 PB 64 PGS 78 - 82 LOT 24	143

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ARNOLD GARY M TR + T/C 1609 GREENBRIER CAPE GIRARDEAU MO 63701	**10-47-25-10-00000.0250** 9216 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH 3 PB 64 PGS 78 - 82 LOT 25	144
NATIONAL APARTMENT LEASING CO C/O MOZART 515 SOUTH AIKEN AV PITTSBURGH PA 15232	**10-47-25-10-00000.0260** 9220 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH 3 PB 64 PGS 78 - 82 LOT 26	145
BEATTY H EDWARD + NANCY A P O BOX 2457 CEDAR RAPIDS IA 52406	**10-47-25-10-00000.0270** 9224 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH 3 PB 64 PGS 78 - 82 LOT 27	146
BROOKS OF BONITA SPRINGS CDD GARY L MOYER DIST MANAGER 10300 NW 11TH MANOR CORAL SPRINGS FL 33071	**10-47-25-10-000L1.0000** COMMON ELEMENT BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH 3 PB 64 PGS 78 - 82 TRACT L1	147
KUHN J THOMAS + JOANNE 9306 SPRING RUN BLVD BONITA SPRINGS FL 34135	**10-47-25-13-00000.0010** 9306 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH V DESC IN PB 65 PGS 58-63 LOT 1	148
ZYGMUND MARTIN L + MARCIA A 810 BROOKCREEK LN KIRKWOOD MO 63122	**10-47-25-13-00000.0020** 9304 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH V DESC IN PB 65 PGS 58-63 LOT 2	149
MICHEL URSULA W 170 PELICAN DR AVALON NJ 08202	**10-47-25-13-00000.0030** 9302 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH V DESC IN PB 65 PGS 58-63 LOT 3	150
VERPY ALAN L + PATTIJO 810 GLEASON ACRES DR WAYZATA MN 55391	**10-47-25-13-00000.0040** 9300 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH V DESC IN PB 65 PGS 58-63 LOT 4	151
ALEXANDER JAMES E JR + JOLENE 9298 SPRING RUN BLVD BONITA SPRINGS FL 34135	**10-47-25-13-00000.0050** 9298 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH V DESC IN PB 65 PGS 58-63 LOT 5	152
BENTLEY S MICHELLE + 433 DRAYER DR HUMMELSTOWN PA 17036	**10-47-25-13-00000.0060** 9296 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH V DESC IN PB 65 PGS 58-63 LOT 6	153
KEAN JAMES A + MARY F 19 HARRIS AVE WELLESLEY MA 02481	**10-47-25-13-00000.0070** 9294 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH V DESC IN PB 65 PGS 58-63 LOT 7	154
ARTEBERRY D G + JUNE A 4505 W 124TH LN LEAWOOD KS 66209	**10-47-25-13-00000.0080** 9292 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH V DESC IN PB 65 PGS 58-63 LOT 8	155
MOORE EDWIN B + GRETCHEN H 3519 SORRENTO AV LOUISVILLE KY 40241	**10-47-25-13-00000.0090** 9290 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH V DESC IN PB 65 PGS 58-63 LOT 9	156
NAVARRO RICARDO A + SUSANNE C 4338 BRIDLE TRAIL AKRON OH 44333	**10-47-25-13-00000.0100** 9288 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH V DESC IN PB 65 PGS 58-63 LOT 10	157
SKAHEN JAMES + MARY 5138 REIS CIRCLE FAYETTEVILLE NY 13066	**10-47-25-13-00000.0110** 9286 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH V DESC IN PB 65 PGS 58-63 LOT 11	158
VANDER WILT ROBERT B + DOROTHY 9284 SPRING RUN BLVD BONITA SPRINGS FL 34135	**10-47-25-13-00000.0120** 9284 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH V DESC IN PB 65 PGS 58-63 LOT 12	159
HAYES GLADYS B + 9282 SPRING RUN BLVD BONITA SPRINGS FL 34135	**10-47-25-13-00000.0130** 9282 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH V DESC IN PB 65 PGS 58-63 LOT 13	160
FERRELL ENGINEERING INC 2 OFFICEPARK CIR STE 103 BIRMINGHAM AL 35223	**10-47-25-13-00000.0140** 9280 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH V DESC IN PB 65 PGS 58-63 LOT 14	161

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SULLIVAN PETER R + MADELYN M 191 BOLAS RD DUXBURY MA 02332	**10-47-25-13-00000.0150** 9278 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH V DESC IN PB 65 PGS 58-63 LOT 15	162
SIROIS MARY E 36 MID IRON DR NORTH READING MA 01864	**10-47-25-13-00000.0160** 9276 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH V DESC IN PB 65 PGS 58-63 LOT 16	163
FONTECCHIO RICH+CAROL 1/2 INT+ 5221 E LAKE SHORE DR WONDER LAKE IL 60097	**10-47-25-13-00000.0170** 9274 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH V DESC IN PB 65 PGS 58-63 LOT 17	164
STINGER WILLIAM J + MARIA 371 COBBLESTONE CIR MCKEES ROCKS PA 15136	**10-47-25-13-00000.0180** 9272 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH V DESC IN PB 65 PGS 58-63 LOT 18	165
CROSSON MATTHEW T + ELAINE M 4 DOLPHINS RISE HUNTINGTON NY 11743	**10-47-25-13-00000.0190** 9270 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH V DESC IN PB 65 PGS 58-63 LOT 19	166
CAMPAGNA GUIDO M + EILEEN E 29820 NORTHBROOK FARMINGTON HILLS MI 48334	**10-47-25-13-00000.0200** 9268 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH V DESC IN PB 65 PGS 58-63 LOT 20	167
MOSS ELIZABETH A 9266 SPRING RUN BLVD BONITA SPRINGS FL 34135	**10-47-25-13-00000.0210** 9266 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH V DESC IN PB 65 PGS 58-63 LOT 21	168
SCHLUETER WILLIAM C + SHELLY A 8600 GIRL COUT RD PEVELY MO 63070	**10-47-25-13-00000.0220** 9264 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH V DESC IN PB 65 PGS 58-63 LOT 22	169
BAKER TERRY W + JEAN M 2573 SCHNELL DRIVE ST LOUIS MO 63129	**10-47-25-13-00000.0230** 9262 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH V DESC IN PB 65 PGS 58-63 LOT 23	170
URBANIAK HENRY S 12 OYSTER POINT WARREN RI 02885	**10-47-25-13-00000.0240** 9260 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH V DESC IN PB 65 PGS 58-63 LOT 24	171
MCHUGH STEPHANIE 9252 SPRING RUN BLVD BONITA SPRINGS FL 34134	**10-47-25-13-00000.0250** 9252 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH V DESC IN PB 65 PGS 58-63 LOT 25	172
BROWN BRETT C + 23500 CARAWAY LAKES DR BONITA SPRINGS FL 34135	**10-47-25-13-00000.0260** 9250 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH V DESC IN PB 65 PGS 58-63 LOT 26	173
MARTIN NORMAN H + CYNTHIA L 340 SPRINGHOUSE LANE MOORESTOWN NJ 08057	**10-47-25-13-00000.0270** 9248 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH V DESC IN PB 65 PGS 58-63 LOT 27	174
SANSON MARY A TR 9246 SPRING RUN BLVD BONITA SPRINGS FL 34135	**10-47-25-13-00000.0280** 9246 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH V DESC IN PB 65 PGS 58-63 LOT 28	175
GUILD GORDON P + CAROL B 7610 STONEHEDGE DR ONSTED MI 49765	**10-47-25-13-00000.0290** 9244 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH V DESC IN PB 65 PGS 58-63 LOT 29	176
ROSS DOUGLAS SCOTT 78 SHOREWOOD PL OAKVILLE ON L6K 3Y4 CANADA	**10-47-25-13-00000.0300** 9242 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH V DESC IN PB 65 PGS 58-63 LOT 30	177
GLACIER GROUP LLC 54 W SEEGERS RD ARLINGTON HEIGHTS IL 60005	**10-47-25-13-00000.0310** 9240 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH V DESC IN PB 65 PGS 58-63 LOT 31	178
MELVILLE PETER M + PATRICIA A GLENASCAUL ORANMORE COUNTY GALWAY IRELAND	**10-47-25-13-00000.0320** 9238 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH V DESC IN PB 65 PGS 58-63 LOT 32	179

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MASTASCUSA JOSEPH J + 9236 SPRING RUN BLVD BONITA SPRINGS FL 34135	**10-47-25-13-00000.0330** 9236 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH V DESC IN PB 65 PGS 58-63 LOT 33	180
WILSON ROBERT STANLEY 28 WILLOW FARM LN AURORA ON L4G 6K1 CANADA	**10-47-25-13-00000.0340** 9234 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH V DESC IN PB 65 PGS 58-63 LOT 34	181
HAYWOOD PATRICIA A + MARK L 2380 LEHMAN LANE BLAINE MN 55449	**10-47-25-13-00000.0350** 9232 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH V DESC IN PB 65 PGS 58-63 LOT 35	182
FITZGERALD JOHN A + PATRICIA L 1134 W CHATHAM DR PALATINE IL 60067	**10-47-25-13-00000.0360** 9230 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH V DESC IN PB 65 PGS 58-63 LOT 36	183
PULTE HOME CORP 9220 BONITA BEACH RD STE 215 BONITA SPRINGS FL 34135	**10-47-25-13-0000A.0000** RESERVED FL	SPRING RUN AT THE BROOKS PH V DESC IN PB 65 PGS 58-63 PARCEL A	184
RESOURCE CONSERV SYSTEMS LLC SPRING RUN GOLF CLUB, INC 9990 COCONUT RD STE 200 BONITA SPRINGS FL 34135	**10-47-25-13-0ISP1.00CE** LAKES FL	SPRING RUN AT THE BROOKS PH V DESC IN PB 65 PGS 58-63 TRACT ISP-1 + OR 3517/4203	185
ACL RR CO	**15-47-25-B1-00001.0000** RAILROAD R/W BONITA SPRINGS FL 34135	STRIP OF LAND THRU SEC 15 47 25 FOR RR R/W	186
NEAL LLOYD G + CHERYL A PO BOX 368156 BONITA SPRINGS FL 34136	**15-47-25-B1-00200.0010** 24000 RED ROBIN DR BONITA SPRINGS FL 34135	SAN CARLOS ESTATES UNREC. OR 557 PG 354 TRACT 1	187
MARTIN JUDITH M TR + 245 2ND ST BONITA SPRINGS FL 34134	**15-47-25-B1-00200.0620** 24032 RED ROBIN DR BONITA SPRINGS FL 34135	SAN CARLOS ESTATES UNREC. OR 557 PG 354 TRACT 62	188
THOMPSON NORMAN ALBERT + 37 ADOLPHUS ST CORNWALL ON K6H 3R9 CANADA	**15-47-25-B1-00201.0000** 0 ACCESS UNDETERMINED BONITA SPRINGS FL 34135	PARL IN NW 1/4 SEC 15 DESC IN OR 1721 PG 2126 LESS OR 1884 PG 3366	189
GOUSE MARIAN T TR 1/3 + 24081 S TAMIAMI TRL #121 BONITA SPRINGS FL 34134	**16-47-25-B2-00003.0030** 24081 S TAMIAMI TRL #121 BONITA SPRINGS FL 34134	S 200 OF N 600 FT OF W 1/2 OF NE 1/4 E OF TAMIAMI TR.	190
SOUTHEAST USA LC P O BOX 6078 FORT MYERS BEACH FL 33932	**16-47-25-B2-00003.0060** 24080 S TAMIAMI TRL BONITA SPRINGS FL 34134	N 500 FT OF N 900 FT OF W 1/2 OF NE 1/4 W OF US 41 LESS PAR 3.006A	191
HILL LEONARD J JR + DORIS E 15485 S TAMIAMI TRL FT MYERS FL 33908	**16-47-25-B2-00003.006A** NEEDS ACCESS CONFIRMED BONITA SPRINGS FL 34134	N 300FT OF N 500FT OF N 900FT OF W 1/2 OF NE 1/4 W OF US 41	192
DULIN REAL ESTATE COMPANY 24241 PRODUCTION CIR BONITA SPRINGS FL 34135	**16-47-25-B2-01700.0170** 24241 PRODUCTION CIR BONITA SPRINGS FL 34135	PARL IN NE 1/4 AS DESC IN OR 1520 PG 1499 AKA LOT 17	193
CORDERS LANDSCAPE SUPPLY 24119 PRODUCTION CIR BONITA SPRINGS FL 34135	**16-47-25-B2-01700.0180** 24157 PRODUCTION CIR BONITA SPRINGS FL 34135	PARL IN NE 1/4 OF NE 1/4 AS DESC IN OR 1028 PG 313 AKA LOT 18	194
HARRIS JAMES W + CONSTANCE 27101 IMERIAL ST SE BONITA SPRINGS FL 34135	**16-47-25-B2-01700.0330** 24174 PRODUCTION CIR BONITA SPRINGS FL 34135	PARL IN E 1/2 OF NE 1/4 DESC IN OR 1786 PG 4024 LOTS 33 THRU 36	195
HARRIS JAMES W + CONSTANCE L 27101 IMPERIAL ST BONITA SPRINGS FL 34135	**16-47-25-B2-01700.0370** 24226 PRODUCTION CIR BONITA SPRINGS FL 34135	PARL IN N E 1/4 OF N E 1/4 DESC BONITA IND PK OR 1230 PG 241 AKA LT 37	196
HARRIS JAMES W + CONSTANCE L 27101 IMPERIAL ST BONITA SPRINGS FL 34135	**16-47-25-B2-01700.0380** 24242 PRODUCTION CIR BONITA SPRINGS FL 34135	TRACT OF LND CONTAINING 1.81 AC M/L IN NE 1/4 PER OR 1593 PG 1654	197

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COLONY PLAZA CONDO 325 SEDGWICK CT NAPLES FL 34109	**16-47-25-B2-02600.00CE** COMMON ELEMENTS BONITA SPRINGS FL	COLONY PLAZA CONDO PH I + II DESC IN OR 3318 PG 4042 + OR 3874 PG 2170 COMMON ELEMENT	198
COLONY ASSOCIATES LLC 1473 PERIWINKLE WAY SANIBEL FL 33957	**16-47-25-B2-02601.0101** 24041 S TAMIAMI TRL BONITA SPRINGS FL 34134	COLONY PLAZA CONDO DESC IN OR 3318 PG 4042 PH 1 UNIT 101	199
KEYSTONE COMMERICAL LLC 5405 TAYLOR RD STE 4 NAPLES FL 34109	**16-47-25-B2-02602.0101** 24031 S TAMIAMI TRL #101 BONITA SPRINGS FL 34134	COLONY PLAZA PH II OR 3874 PG 2170 UNIT 101	*200
COLONY PLAZA LLC 9150 GALLERIA CT STE 100 NAPLES FL 34109	**16-47-25-B2-02602.0201** 24031 S TAMIAMI TRL #201 BONITA SPRINGS FL 34134	COLONY PLAZA PH II OR 3874 PG 2170 UNIT 201	*200
COLONY PLAZA LLC 9150 GALLERIA CT STE 100 NAPLES FL 34109	**16-47-25-B2-02602.0301** 24031 S TAMIAMI TRL BONITA SPRINGS FL 34134	COLONY PLAZA PH II OR 3874 PG 2170 UNIT 301	*200

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