



GIS Tracking Sheet

Case No.: DR12006-00002

Intake Date: 2-6-06

Project Name: Coconut Point DRI

STRAP Number(s): 04-47-25-00-00001.0130 and 09-47-25-00-00001.0020

Planner Name: Ext.

Chip Block 8371

LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date: 2/27/2006

ArcGIS
INTAKE: DR106002

LEGAL SUFFICIENT

YES

NO

Initials: LGM

If not, give brief explanation:

MAP UPDATE following FINAL ACTION

Date: 07NOV06

Hearing Examiner Decision

Board of County Commissioner's Resolution

Administrative Approval

Blue Sheet

Zoning Notes: DR12006-00002, 01AUG06, SECOND DEVELOPMENT ORDER AMENDMENT, COCONUT POINT DRI

MAP UPDATED

YES

NO

Initials: [Signature]

If not, give brief explanation:

Note to MPD:000760 + MPD:000761

FEB 06 2003

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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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.

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EXHIBIT II-A-1

HM PROJECT #1997079

1/17/01

REF. DWG. #A-994-3

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LEGAL DESCRIPTION
COMMUNITY DEVELOPMENT

DRI 2006-00002

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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by Lgm 2/27/2006

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HM PROJECT #1997079

1/17/01

REF. DWG. #A-994-3

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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-994-3

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:

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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 Lgm 2/27/2006

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DRI 2006-00002

Lee County Board Of County Commissioners
 Agenda Item Summary

Blue Sheet No. 20060420

1. ACTION REQUESTED/PURPOSE: Adopt a resolution amending the Coconut Point DRI Development Order to extend the buildout date by one year to December 31, 2007.

2. WHAT ACTION ACCOMPLISHES: Florida Statutes requires Board approval of amendments to developments of regional impact. If adopted, the resolution will change the buildout date for the Coconut Point DRI from December 31, 2006 to December 31, 2007.

3. MANAGEMENT RECOMMENDATION:

4. Departmental Category: **A12A** **5. Meeting Date:** **08-01-2006**

6. Agenda:
 Consent
 Administrative
 Appeals
 Public
 Walk-On

7. Requirement/Purpose: (specify)
 Statute 380.06(19)(e) (2)
 Ordinance LDC § 34-145(d)(1)c
 Admin. Code
 Other

8. Request Initiated:
 Commissioner
 Department **DCD and County Attorney**
 Division **Zoning and Land Use**
 By: *[Signature]*
Dawn E. Perry-Lehnert
 Assistant County Attorney

9. Background:
 The Coconut Point DRI was adopted by the Board of County Commissioners in October 2002. Since that time, the development order has been amended one other time in February 2005. On May 26, 2006, Coconut Point Developers, LLC filed a Notice of Proposed Change to amend the Coconut Point DRI Development Order to extend the buildout date by one year to December 31, 2007.

The Lee County Land Development Code states that after staff review and recommendation, certain amendments to the DRI development orders, may proceed directly to the Board of County Commissioners for consideration during a regular weekly Board meeting as part of the Administrative Agenda. The Board may adopt this amendment based upon the staff recommendation. Hearing Examiner review is not required.

(continued on page 2)

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
				<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

[Handwritten notes]
 Consider 3/30/06

RECEIVED BY
 COUNTY ADMIN: *[Signature]*
 6-20-06 4:15 PM
 COUNTY ADMIN
 FORWARDED TO: *[Signature]*
 6/29/06
 JPR

Blue Sheet #: 20060420
Page #: 2
Subject: Coconut Point DRI Development Order

The request was reviewed by the Regional Planning Council (RPC) on June 15, 2006. A copy of the RPC Recommendation is attached. The attached draft DRI Development Order serves to extend the buildout date to December 31, 2007; and, provides that no further extensions of the buildout date will be permitted unless the applicant submits a complete cumulative traffic reanalysis.

Staff supports the proposed amendment to the DRI Development Order. The change will not create a likelihood of additional regional impact. Accordingly, staff recommends adoption of the attached resolution amending the Coconut Point DRI Development Order.

Attachment:

1. RPC Review and Recommendation.
2. Resolution amending the DRI Development Order and adopting the codification of the Second Amendment to the Coconut Point DRI Development Order.

cc: Mary Gibbs, Director, DCD
Pam Houck, Director, Zoning Division
Chip Block, Principal Planner, DCD
Matt Uhle, Esquire, Knott, Consoer, Ebelini, Hart & Swett

proceedings, whichever time is greater. Once effective, the Notice of Adoption of this Development Order Amendment must be recorded as provided for in Chapter 380, Florida Statutes.

The motion to adopt this Resolution was offered by Commissioner Judah, and seconded by Commissioner Albion, and, upon poll of the members present, the vote was as follows:

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

DULY PASSED AND ADOPTED this 1st day of August, 2006.

ATTEST:
CHARLIE GREEN, CLERK

By: Michele S. Cooper
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: T. Hall
Chairwoman

APPROVED AS TO FORM:

By: Dawn E. Perry-Lehnert
Dawn E. Perry-Lehnert
Office of the County Attorney



Exhibit A: Proposed Second Amendment to the Coconut Point DRI Development Order

RESOLUTION NO. 06-08-23

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, AMENDING THE COCONUT POINT DRI DEVELOPMENT ORDER.

WHEREAS, the Lee County Board of Commissioners adopted a DRI Development Order for the Coconut Point DRI on October 21, 2002 (State DRI No. 09-2001-153); and

WHEREAS, the DRI Development Order was subsequently amended on February 7, 2005; and

WHEREAS, Coconut Point Developers, LLC, has petitioned to amend the DRI Development Order to extend the buildout date one year to December 31, 2007 in accordance with DRI Condition D.2.b.(2); and

WHEREAS, the Southwest Florida Regional Planning Council staff has opined that the amendment of the DRI Development Order approvals to extend the buildout date to December 31, 2007 is a minor change as contemplated by Section 380.06(19)(e)(2)j, Florida Statutes; and

WHEREAS, the proposed amendment of the Coconut Point DRI Development Order does not constitute a substantial deviation and qualifies for expedited processing pursuant to Florida Statutes §380.06(19)(e)2 and Land Development Code §34-145(d)(1)c.

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

1. The above stated recitals are incorporated into this Resolution by reference.
2. The Coconut Point DRI is hereby amended as indicated by the strike through and underline in attached Exhibit A to reflect a buildout date extension of one year, from December 31, 2006 to December 31, 2007.
3. This Resolution and its exhibits constitute the Second Development Order Amendment to the Coconut Point Development of Regional Impact. All other terms and conditions of the Development Order as previously amended remain unchanged.
4. Certified copies of this Resolution and the revised DRI Development Order will be forwarded to the Southwest Florida Regional Planning Council, the Florida Department of Community Affairs, and other appropriate agencies. This amendment is rendered as of the date of transmittal, but will not be effective until the expiration of the statutory appeals period (45 days from rendition) or until the completion of any appellate

SECOND DEVELOPMENT ORDER AMENDMENT ¹
FOR
COCONUT POINT DRI
STATE DRI # 09-2001-153
CASE #DRI2006-00002

Let it Be Known That, pursuant to Florida Statutes §380.06, the Board of County Commissioners of Lee County, Florida, 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 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, the DRI Development Order was subsequently amended on February 2, 2005 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, On May 26, 2006 Coconut Point Developers, LLC filed a Notice of Proposed Change to amend the DRI Development Order a second time to extend the buildout date one year to December 31, 2007 as contemplated and allowed under DRI Conditions II.D.2.b(2)(a) and D.2.d; and

WHEREAS, the Southwest Florida Regional Planning Council staff has opined that the amendment of the DRI development order approval to extend the buildout date to December 31, 2007 as contemplated under Condition D.2.b(2)(a) constitutes a minor change as contemplated by Florida Statutes §380.06(19)(e)(2)j; and

WHEREAS, the proposed change to the Coconut Point DRI Development Order does not constitute a substantial deviation and qualifies for expedited processing pursuant to Florida Statutes §380.06(19)(e)(2) and Land Development Code §34-145(d)(1)c.

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, and August 1, 2006.

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, 350 hotel rooms, 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~~ 2007.

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

C. The property is zoned Mixed Planned Development (MPD). Undeveloped portions of the property are currently in active agricultural use.

D. The Application for Development Approval (ADA) 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.

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 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 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 Urban Community and Wetlands future land use categories. The project, as proposed and conditioned herein, is 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 amended subject to the following conditions, restrictions and limitations. For the purpose of this Development Order, the term "Developer" refers to Simon Property Group, L.P., 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).*² 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.

² This requirement was satisfied in October 2004.

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 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.

GIS Tracking Sheet

Case No.: DRI 2006-00002

Intake Date: 2-6-06

Project Name: Coconut Point DRI

STRAP Number(s): 04-47-25-00-00001.0130 and 09-47-25-06-00001.0020

Planner Name: Ext.

Chip Block

8371

LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date: 2/27/2006

Are GIS
INTAKE: DRI06002

LEGAL SUFFICIENT

YES

NO

Initials: LGM

If not, give brief explanation:

MAP UPDATE following FINAL ACTION

Date:

Hearing Examiner Decision

Board of County Commissioner's Resolution

Administrative Approval

Blue Sheet

Zoning Notes:

MAP UPDATED

YES

NO

Initials:

If not, give brief explanation:

RECEIVED
FEB 06 2006

EXHIBIT II-A-1

HM PROJECT #1997079

1/17/01

REF. DWG. #A-994-3

PAGE 1 OF 3

LEGAL DESCRIPTION COMMUNITY DEVELOPMENT DRI 2006-00002

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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by Lgm 2/27/2006

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1/17/01

REF. DWG. #A-994-3

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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by hcm 2/27/2006

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DRI 2006-00002

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HM PROJECT #1997079

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REF. DWG. #A-994-3

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.

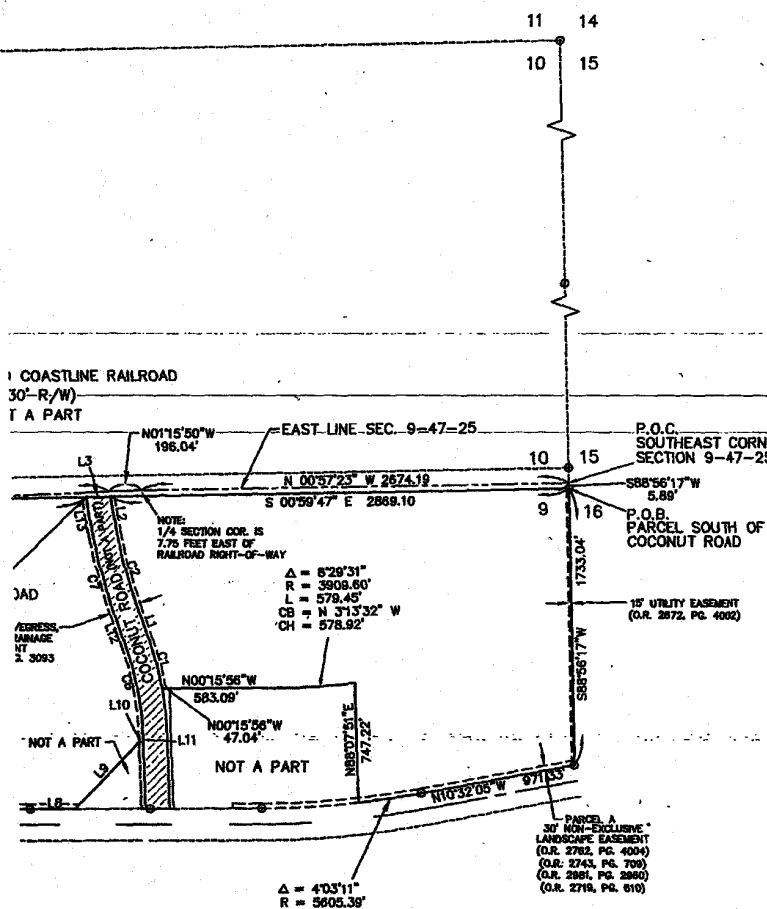
BEARINGS REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S.88°56'17"W.

Applicant's Legal Checked

by Lgm 2/27/2006

(Page 3 of 4)

DRI 2006-00002



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\"/>

AND

A PORTION OF SECTIONS 3, 4, 8, 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\"/>

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, 8 AND 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, INCLUDING THE LOCATION OF THE US HIGHWAY #41 RIGHT-OF-WAY, WAS OBTAINED FROM A SURVEY OF THE SWIFTWATER RANCH PREPARED BY BOM ASSOCIATES HAVING ORDER NUMBER 8408031, DATED 9/14/04. 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\"/>

Sketch

Applicant's Legal Checked
by *Lgm* 2/27/2006

HOE, MONTEZ, INC.
CERTIFICATE OF AUTHORIZATION LB #1772

DRI 2006-0002

FEB 06 2006

COMMUNITY DEVELOPMENT
P.S.M. #6130
STATE OF FLORIDA

OT A SURVEY



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

DRAWING NO.
A-894-3
PROJECT NO.
1997079B
REFERENCE NO.

LEE COUNTY

FLORIDA SWEETREVS

EXHIBIT II-A-2

Lee County Board Of County Commissioners
Agenda Item Summary

Blue Sheet No. 20060420

1. ACTION REQUESTED/PURPOSE: Adopt a resolution amending the Coconut Point DRI Development Order to extend the buildout date by one year to December 31, 2007.

2. WHAT ACTION ACCOMPLISHES: Florida Statutes requires Board approval of amendments to developments of regional impact. If adopted, the resolution will change the buildout date for the Coconut Point DRI from December 31, 2006 to December 31, 2007.

3. MANAGEMENT RECOMMENDATION:

4. Departmental Category:

A12A

5. Meeting Date:

08-01-2006

6. Agenda:

Consent

Administrative

Appeals

Public

Walk-On

7. Requirement/Purpose: (specify)

Statute 380.06(19)(e) (2)

Ordinance LDC § 34-145(d)(1)c

Admin. Code

Other

8. Request Initiated:

Commissioner

Department

DCD and County Attorney

Division

Zoning and Land Use

By:

Dawn E. Perry-Lehnert
Dawn E. Perry-Lehnert
Assistant County Attorney

9. Background:

The Coconut Point DRI was adopted by the Board of County Commissioners in October 2002. Since that time, the development order has been amended one other time in February 2005. On May 26, 2006, Coconut Point Developers, LLC filed a Notice of Proposed Change to amend the Coconut Point DRI Development Order to extend the buildout date by one year to December 31, 2007.

The Lee County Land Development Code states that after staff review and recommendation, certain amendments to the DRI development orders, may proceed directly to the Board of County Commissioners for consideration during a regular weekly Board meeting as part of the Administrative Agenda. The Board may adopt this amendment based upon the staff recommendation. Hearing Examiner review is not required.

(continued on page 2)

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
				<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

[Handwritten notes and stamps]

RECEIVED BY COUNTY ADMIN. <i>[Signature]</i>
6-20-06 4:15 PM
COUNTY ADMIN. FORWARDED TO: <i>[Signature]</i>
6/22/06 <i>[Signature]</i>

Blue Sheet #: 20060420
Page #: 2
Subject: Coconut Point DRI Development Order

The request was reviewed by the Regional Planning Council (RPC) on June 15, 2006. A copy of the RPC Recommendation is attached. The attached draft DRI Development Order serves to extend the buildout date to December 31, 2007; and, provides that no further extensions of the buildout date will be permitted unless the applicant submits a complete cumulative traffic reanalysis.

Staff supports the proposed amendment to the DRI Development Order. The change will not create a likelihood of additional regional impact. Accordingly, staff recommends adoption of the attached resolution amending the Coconut Point DRI Development Order.

Attachment:

1. RPC Review and Recommendation.
2. Resolution amending the DRI Development Order and adopting the codification of the Second Amendment to the Coconut Point DRI Development Order.

cc: Mary Gibbs, Director, DCD
Pam Houck, Director, Zoning Division
Chip Block, Principal Planner, DCD
Matt Uhle, Esquire, Knott, Consoer, Ebelini, Hart & Swett

RESOLUTION NO. 06-08-23

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, AMENDING THE COCONUT POINT DRI DEVELOPMENT ORDER.

WHEREAS, the Lee County Board of Commissioners adopted a DRI Development Order for the Coconut Point DRI on October 21, 2002 (State DRI No. 09-2001-153); and

WHEREAS, the DRI Development Order was subsequently amended on February 7, 2005; and

WHEREAS, Coconut Point Developers, LLC, has petitioned to amend the DRI Development Order to extend the buildout date one year to December 31, 2007 in accordance with DRI Condition D.2.b.(2); and

WHEREAS, the Southwest Florida Regional Planning Council staff has opined that the amendment of the DRI Development Order approvals to extend the buildout date to December 31, 2007 is a minor change as contemplated by Section 380.06(19)(e)(2)j, Florida Statutes; and

WHEREAS, the proposed amendment of the Coconut Point DRI Development Order does not constitute a substantial deviation and qualifies for expedited processing pursuant to Florida Statutes §380.06(19)(e)2 and Land Development Code §34-145(d)(1)c.

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

1. The above stated recitals are incorporated into this Resolution by reference.
2. The Coconut Point DRI is hereby amended as indicated by the strike through and underline in attached Exhibit A to reflect a buildout date extension of one year, from December 31, 2006 to December 31, 2007.
3. This Resolution and its exhibits constitute the Second Development Order Amendment to the Coconut Point Development of Regional Impact. All other terms and conditions of the Development Order as previously amended remain unchanged.
4. Certified copies of this Resolution and the revised DRI Development Order will be forwarded to the Southwest Florida Regional Planning Council, the Florida Department of Community Affairs, and other appropriate agencies. This amendment is rendered as of the date of transmittal, but will not be effective until the expiration of the statutory appeals period (45 days from rendition) or until the completion of any appellate

proceedings, whichever time is greater. Once effective, the Notice of Adoption of this Development Order Amendment must be recorded as provided for in Chapter 380, Florida Statutes.

The motion to adopt this Resolution was offered by Commissioner Judah, and seconded by Commissioner Albion, and, upon poll of the members present, the vote was as follows:

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

DULY PASSED AND ADOPTED this 1st day of August, 2006.

ATTEST:
CHARLIE GREEN, CLERK

By: Michelle B. Cooper
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: [Signature]
Chairwoman

APPROVED AS TO FORM:

By: [Signature]
Dawn E. Perry-Lehnert
Office of the County Attorney



Exhibit A - Proposed Second Amendment to the Coconut Point DRI Development Order

SECOND DEVELOPMENT ORDER AMENDMENT ¹
FOR
COCONUT POINT DRI
STATE DRI # 09-2001-153
CASE #DRI2006-00002

Let it Be Known That, pursuant to Florida Statutes §380.06, the Board of County Commissioners of Lee County, Florida, 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 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, the DRI Development Order was subsequently amended on February 2, 2005 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, On May 26, 2006 Coconut Point Developers, LLC filed a Notice of Proposed Change to amend the DRI Development Order a second time to extend the buildout date one year to December 31, 2007 as contemplated and allowed under DRI Conditions II.D.2.b(2)(a) and D.2.d; and

WHEREAS, the Southwest Florida Regional Planning Council staff has opined that the amendment of the DRI development order approval to extend the buildout date to December 31, 2007 as contemplated under Condition D.2.b(2)(a) constitutes a minor change as contemplated by Florida Statutes §380.06(19)(e)(2)); and

WHEREAS, the proposed change to the Coconut Point DRI Development Order does not constitute a substantial deviation and qualifies for expedited processing pursuant to Florida Statutes §380.06(19)(e)(2) and Land Development Code §34-145(d)(1)c.

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, and August 1, 2006.

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, 350 hotel rooms, 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
2007.

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

C. The property is zoned Mixed Planned Development (MPD). Undeveloped portions of the property are currently in active agricultural use.

D. The Application for Development Approval (ADA) 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.

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 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 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 Urban Community and Wetlands future land use categories. The project, as proposed and conditioned herein, is 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 amended subject to the following conditions, restrictions and limitations. For the purpose of this Development Order, the term "Developer" refers to Simon Property Group, L.P., 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).*² 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.

² This requirement was satisfied in October 2004.

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 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 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 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 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 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:

	<u>Buildout (2006 2007)</u>
Multifamily Apartments (ITE LUC 220) (250 d.u. South Village)	250 d.u.
Multifamily Condominiums (ITE LUC 230) (450 d.u. Town Center, 550 d.u. North Village)	1,000 d.u.
Assisted Living Facility (ITE LUC 252) (200 d.u. South Village)	200 d.u.
Hotel (ITE LUC 310) (200 rooms Town Center, 150 rooms South Village)	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 feet 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 based upon the original buildout in date of 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~~ 2007):

Roadway Improvements Needed

<u>Roadways</u>	<u>Needed Improvement</u>
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 2 nd 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 2 nd EB left turn lane
	Add 2 nd NB left turn lane
	Add 2 nd SB left turn lane
Corkscrew Road @ River Ranch Road ⁽¹⁾	Signal retiming
Corkscrew Road @ Three Oaks Parkway	Add 2 nd WB left turn lane
	Add 2 nd NB left turn lane
	Add 2 nd SB left turn lane
I-75 @ Corkscrew Road ⁽¹⁾	Add 2 nd EB left turn lane ⁽⁴⁾
	Add 2 nd WB left turn lane ⁽⁴⁾
	Add 2 nd NB left turn lane
	Add 2 nd 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 2 nd NB thru lane
	Add 2 nd 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 2 nd WB right turn lane
	Add 2 nd NB left turn lane
	Add 2 nd SB left turn lane
	Add 2 nd 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⁾

US 41 @ Coconut Road	Add 2 nd NB left turn lane Add dual SB left turn lane ⁽²⁾ Add 2 nd EB left turn lane Add EB right turn lane Add 2 nd WB left turn lane Add 2 nd NB right turn lane Add 2 nd NB left turn lane Add 2 nd SB left turn lane Add 2 nd 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 2 nd SB left turn lane Add 2 nd WB left turn lane
US 41 @ Corkscrew Road ⁽¹⁾	Add 2 nd 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 2 nd 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 2³

(a) Payment

³ The Developer chose Option 2 and made the two installment payments in a timely manner.

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~~ 2007, 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 Statutes, 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.⁴

(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).

⁴ 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~~ 2007 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 2007; 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.⁵

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

⁵The original DRI Development Order established a buildout date of December 31, 2006 and allowed a one year extension without traffic reanalysis, to December 31, 2007. Based upon a 2006 NOPC, the Developer sought and obtained the one year extension contemplated and allowed under the original DRI Development Order (See sections D.2(b)(2) and D.2.(d)(2).) Any extension of the buildout date beyond 2007 will require a complete traffic reanalysis.

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

(a) Extension of Buildout to December 31, 2007.⁶

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

⁶The developer paid the lump sums required to exercise Mitigation Option 2 in December 2004 and December 2005. The second DRI Development Order Amendment adopted August 1, 2006 served to extend the buildout date to December 31, 2007. This was approved without a traffic reanalysis.

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.

(b) NOPC filed to extend buildout beyond 2007.

If the entirety of the Coconut Point DRI is not built out by December 31, 2007, the NOPC requesting a buildout date extension must be accompanied by a complete cumulative traffic reanalysis, as contemplated by the June 15, 2005 RPC recommendation.

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 Developer, and are treated much as a proportionate share obligation. In this case, the 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 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 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

<u>Roadways</u>	<u>Start Year</u>	<u>Improvement</u>
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.

<u>Date</u>	<u>Maximum Square Footage</u>	<u>Needed Improvements to Avoid Interim Level of Service Problem</u>	
		<u>Route</u>	<u>Limit</u>
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	Corkscrew Rd. to San Carlos

AND
Three Oaks Ext. Terry St. to Coconut Rd.
4 Lane

AND
Old 41 - 4 lane Rosemary dr. to US 41

AND
Metro Pkwy. Ext.- Alico Rd. to ben C Pratt/
6 Lane Six Mile Cypress Pkwy

AND
Three Oaks Ext- Alico Rd. to Daniels Pkwy
4 Lane

or
Treeline Ext.-4L 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.⁷ 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 the~~ 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:

⁷ The first monitoring report was submitted in January 2004.

- (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 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 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 alternative 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 Developer is also proposing to develop 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 Developer must commit to providing roadway capacity improvements above and beyond those improvements required by Rule 9J-2.0255, FAC; or

- c. The 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

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/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/k/a Simon Suncoast) MPD.

C. Master Plan of Development. Map H, stamped received at the Zoning Counter on 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~~ 2007, and a termination date of December 31, ~~2012~~ 2013. 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~~ 2013. 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, commencement of substantial physical development of the project has occurred. 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 Order⁸. 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.

⁸

The first monitoring report was submitted in January 2004.

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 initially approved October 21, 2005 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 Albion and upon a poll of the members present, the vote was as follows:

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

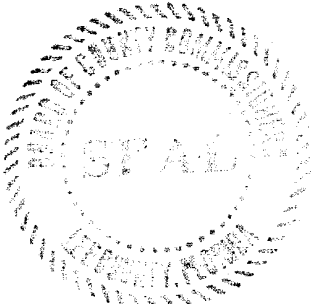
DULY PASSED AND ADOPTED this 1st day of August, 2006.

ATTEST:
CHARLIE GREEN, CLERK

By: Michelle S Cooper
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: [Signature]
Chairwoman



Approved as to form

By: [Signature]
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

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



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

DRI 2006-00002

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
STANIEC TED + DOROTHY 3 OXHOLM AVE STATEN ISLAND NY 10301	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	*57
JACOBSON KARL A + ELIZABETH F 794 7TH ST APT L SOUTH BOSTON MA 02127	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	*58
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	*58
NEWCOMBE W JR + CYNTHIA 1/2 + 10 PEPPERBERRY PATH 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	*58
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	*58
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	*59
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	*59
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	*59
HIGGINS NICHOLAS + 10820 SUNSET OFFICE DR #200 ST LOUIS MO 63127	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	*59
STOKES JAMES B + SARA R 22961 ROSEDALE DR 101 BONITA SPRINGS FL 34135	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	*60
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	*60
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	*60
MANNING DAVID D + JOANN 110 SUNDOWN DR WOOD RIVER IL 62095	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	*60
RUSSELL H BRUCE + SUSAN F 22951 ROSEDALE DR #101 BONITA SPRINGS FL 34135	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	*61
RAVIN ALISON B TR 101 OL FRANKLIN GROVE DR CHAPEL HILL NC 27514	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	*61

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
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	*61
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	*61
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	*62
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	*62
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	*62
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	*62
BRUNN RICHARD C + C SUE 8846 SERENITY DR NW MASSILLON OH 44646	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	*63
DAY PATRICK J + PATRICIA K 18947 DORENKEMPER PL 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	*63
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	*63
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	*63
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	*64
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	*64
CUDAHY ROGER + MONICA 83 OAK ST FLORAL PARK NY 11001	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	*64
RICARDO GIL + MARIA 4 ROBERT DR LEBANON NJ 08833	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	*64
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	*65

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Index</u>
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	*65
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	*65
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	*65
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	*66
WALLER LINDA L + DAVID L 16612 FREDERICK CIR OMAHA NE 68130	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	*66
WARD KIMIKO M TR 2390 LOCH CREEK WAY 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	*66
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	*66
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	67

157 RECORDS PRINTED

DRI 2006-00002
RECEIVED
FEB 06 2006

COMMUNITY DEVELOPMENT

VARIANCE REPORT

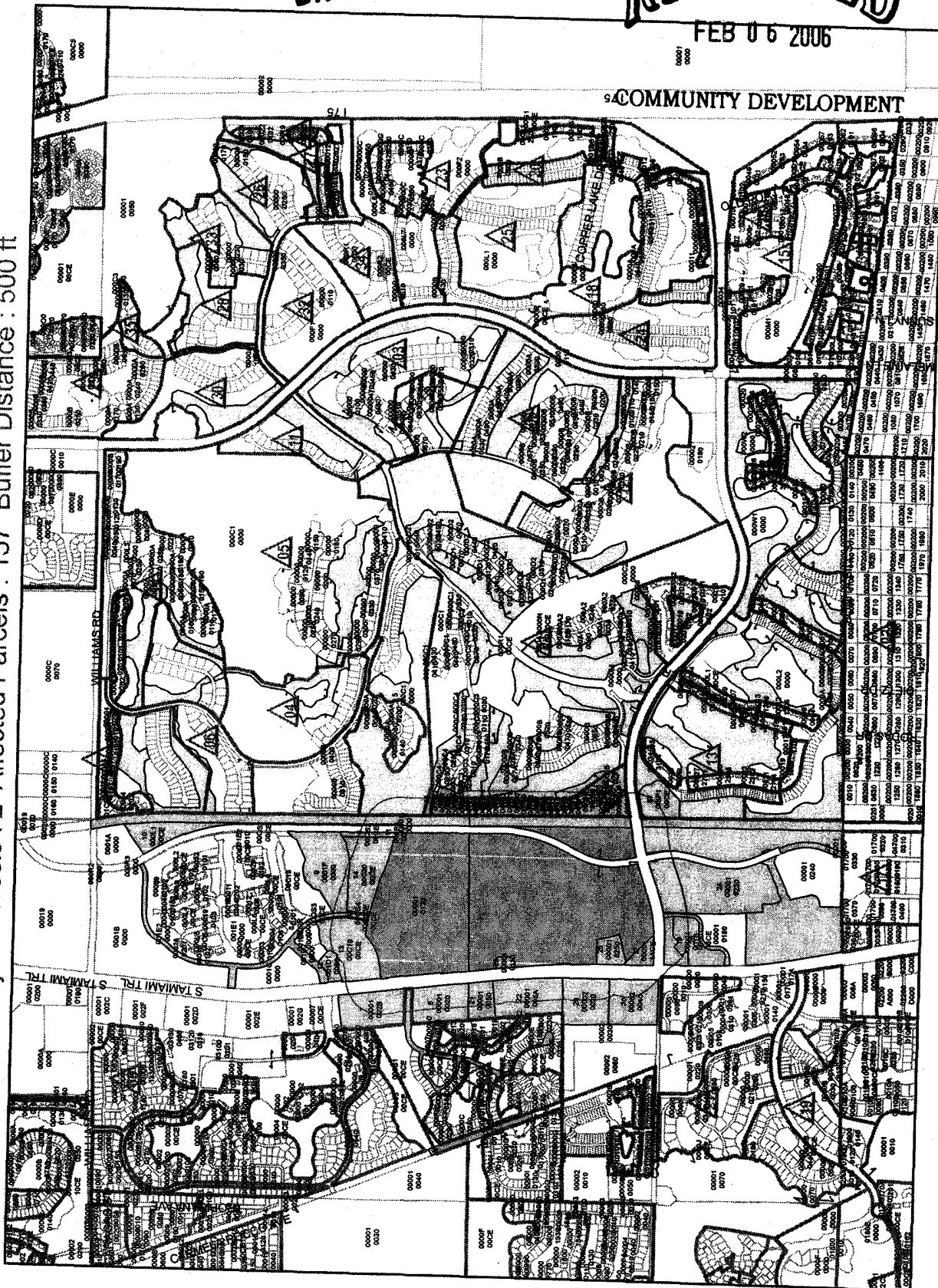
Subject Parcels : 2 Affected Parcels : 157 Buffer Distance : 500 ft

1/31/2006

DRI 2006-0000 RECEIVED

FEB 06 2006

COMMUNITY DEVELOPMENT



04-47-25-00-00001.0130 et al.

2,250 1,125 0 2,250 Feet



LEE COUNTY
SOUTHWEST FLORIDA

**COURTESY NOTICE TO ADJACENT PROPERTY OWNERS
OF RECEIPT OF ZONING APPLICATION**

Date: February 28, 2006

Case Number: DRI2006-00002

Case Name: COCONUT POINT/SIMON SUNCOAST

Request: Amendment to the Coconut Point DRI Development Order to utilize the single, one-year extension on the build-out date and termination dates.

Location: East side of US41, between Williams Rd and northern boundary of Bonita Springs, in S04 and 09-T47S-R25E, Lee County, FL.

PROPERTY OWNER'S
REPRESENTATIVE: MR. MATTHEW D. UHLE, ESQ
KNOTT, CONSOER, EBELINI ET AL
(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

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

03-47-25-01-000C3.0240
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

04-47-25-00-00001.0020
TULIP ASSOCIATES LLC
DENNIS J LYNCH
4081 TAMIAMI TR N STE C-105
NAPLES, FL 34103

04-47-25-00-00001.002B
LU/ESTERO LAND HOLDINGS LLC
800 FRONTAGE RD
NORTHFIELD, IL 60093

04-47-25-30-0000R.0000
COCONUT POINT NORTH VILLAGE
24880 BURNT PINE DR BLDG 8
BONITA SPRINGS, FL 34134

04-47-25-30-0001F.0000
MCARDLE EDWARD J TR
PO BOX 366879
BONITA SPRINGS, FL 34136

04-47-25-30-000L1.00CE
COCONUT POINT NORTH VILLAGE
24880 BURNT PINE DR BLDG 8
BONITA SPRINGS, FL 34134

04-47-25-30-000R4.0000
MCARDLE EDWARD J TR
PO BOX 366879
BONITA SPRINGS, FL 34136

04-47-25-30-001D1.0000
COMMUNITY BANK OF NAPLES NA
5150 TAMIAMI TRAIL N
NAPLES, FL 34103

04-47-25-30-00C19.00CE
COCONUT POINT NORTH VILLAGE
24880 BURNT PINE DR BLDG 8
BONITA SPRINGS, FL 34134

04-47-25-30-00C20.00CE
COCONUT POINT NORTH VILLAGE
24880 BURNT PINE DR BLDG 8
BONITA SPRINGS, FL 34134

04-47-25-30-00OS2.00CE
COCONUT POINT NORTH VILLAGE
24880 BURNT PINE DR BLDG 8
BONITA SPRINGS, FL 34134

04-47-25-30-00OS4.00CE
COCONUT POINT NORTH VILLAGE
24880 BURNT PINE DR BLDG 8
BONITA SPRINGS, FL 34134

04-47-25-30-00OS5.00CE
COCONUT POINT NORTH VILLAGE
24880 BURNT PINE DR BLDG 8
BONITA SPRINGS, FL 34134

09-47-25-00-00001.0010
MCARDLE EDWARD J TR
PO BOX 366879
BONITA SPRINGS, FL 34136

09-47-25-00-00001.001B
DRACKETT + OTT ENTERPRISES LLC
745 12TH AV S #100
NAPLES, FL 34102

09-47-25-00-00001.0030
ALV COCONUT POINT LLP
ONE SOUTHEAST 3RD AVE
MIAMI, FL 33131

09-47-25-00-00001.0050
TULIP ASSOCIATES LLC
DENNIS J LYNCH
4081 TAMAMI TRAIL N STE C-105
NAPLES, FL 34103

09-47-25-00-00001.0110
COCONUT POINT DEVELOPERS LLC
SIMON PROPERTY GROUP
P O BOX 6120
INDIANAPOLIS, IN 46206

09-47-25-00-00001.0250
NAPERVILLE 2 LLC
9440 ENTERPRISE DR
MOKENA, IL 60448

09-47-25-00-00001.1ACE
LONG BAY PARTNERS LLC
11860 EAST TERRY STREET
BONITA SPRINGS, FL 34135

09-47-25-00-00002.0020
COCONUT 41 LLC
9130 CORSEA DEL FONTANA WAY
NAPLES, FL 34109

09-47-25-22-0000F.01CE
MILLENNIUM GROUP OF SW FL LC
MELDON CONSULTANTS
800 HARBOUR DR STE 7 + 8
NAPLES, FL 34103

10-47-25-01-000L3.0000
BROOKS OF BONITA SPRINGS CDD
GARY L MOYER DIST MANAGER
10300 NW 11TH MANOR
CORAL SPRINGS, FL 33071

10-47-25-02-000G1.00CE
SPRING RUN GOLF CLUB COMM ASSN
9501 SPRING RUN BLVD
BONITA SPRINGS, FL 34134

10-47-25-06-00001.0101
HEILSTEDT JOHN E TR +
432 PICKWICK PL
VALPARAISO, IN 46385

10-47-25-06-00001.0201
SABATINI F ELENA TR
23166 ROSEDALE DR #201
BONITA SPRINGS, FL 34135

09-47-25-00-00001.005A
MANCHESTER ASSOCIATES LLC
DENNIS J LYNCH
4081 TAMAMI TRAIL N
SUITE C-105
NAPLES, FL 34103

09-47-25-00-00001.0230
LEE MEMORIAL HEALTH SYSTEM
636 DEL PRADO BLVD
CAPE CORAL, FL 33990

09-47-25-00-00001.16CE
BROOKS 41 COMMERCIAL ASSN INC
BARRETT C OTT
745 12TH AV S STE 100
NAPLES, FL 34102

09-47-25-00-00001.20CE
LONG BAY PARTNERS LLC
9990 COCONUT RD STE 202
BONITA SPRINGS, FL 34135

09-47-25-00-00002.0040
COCONUT 41 LLC
9130 CORSEA DEL FONTANA WAY
NAPLES, FL 34109

10-47-25-00-00001.0000
ACL RR CO

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
GULF BREEZE MGMT SERVICES INC
8910 TERRENE CT STE 200
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
SILVA LOUIS + JOYA M
88 VALENTINE CIR
WARWICK, RI 02886

10-47-25-06-00002.0101
BAUER RICHARD T + VICTORIA
4043 APRIL DR
UNIONTOWN, OH 44685

10-47-25-06-00002.0201
HARPER ANDREW + GILLIAN
18 ARBOR CLOSE
FETCHAM
SORREY KT229DZ,
UNITED KINGDOM

10-47-25-06-00003.0101
ACHZET RUSSELL K
9570 CYPRESS HAMMOCK CIR #202
BONITA SPRINGS, FL 34135

10-47-25-06-00003.0201
MARCANO MIRIELA
13150 CORBEL CIR #528
FORT MYERS, FL 33907

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
MCALEER JOSEPH F JR + LINDA A
12 VALLEY VIEW TER
MOORESTOWN, NJ 08057

10-47-25-06-00008.0101
LINDER BARBARA E
11987 WINDSOR MOSS
ELLCOTT CITY, MD 21042

10-47-25-06-00008.0201
BEHNKEN LELAND E + ANN L
2822 KNOX HIGHWAY 3
ALTONA, IL 61414

10-47-25-06-00002.0102
BURNS JEROME E SR
4379 EL MONTE
SAGINAW, MI 48603

10-47-25-06-00002.0202
DOWNIN SUSAN
23156 ROSEDALE DR #202
BONITA SPRINGS, FL 34135

10-47-25-06-00003.0102
NELSON EDWARD F + BETTY M
14440 MORNINGSIDE RD
ORLAND PARK, IL 60462

10-47-25-06-00003.0202
SPATHOLT EDGAR J + ELIZABETH A
435 RIVERVIEW DR
YOUNGSTOWN, NY 14174

10-47-25-06-00004.0102
IULIANO BARBARA L TR
177 BAYVIEW TER
AKRON, OH 44319

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

10-47-25-06-00009.0101
KARADIMAS PETER A +
7 SPAR RD
EAST NORWALK, CT 06855

10-47-25-06-00009.0201
HENDRICKS PATRICIA J
1770 N MEADOW DR
MECHANICSBURG, PA 17055

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
23121 ROSEDALE DR #201
BONITA SPRINGS, FL 34135

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 TR
8536 STONECHAT LOOP
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
PICCIANO MICHAEL V + VALERIE
23091 ROSEDALE DR APT 101
BONITA SPRINGS, FL 34135

10-47-25-06-00013.0201
PROKOP R PETER + MARY LYNN
37735 EAGLE TRACE
FARMINGTON HILLS, MI 48331

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
337 GREENSFIELD LANE
COPLEY, OH 44321

10-47-25-06-00010.0102
VANBUREN JAMES K + KAREN J
9807 COPPER HILL RD
ST LOUIS, MO 63124

10-47-25-06-00010.0202
BERTOLINI JOSEPH M + DOREEN P
23121 ROSEDALE RD #202
BONITA SPRINGS, FL 34135

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

10-47-25-06-00014.0101
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
NOLAN JOHN M + CATHLEEN T
19 FENIMORE LN
HUNTINGTON, NY 11743

10-47-25-06-00015.0201
NELSON GARY A + JANETH
9220 OVERLOOK TRL
EDEN PRARIE, MN 55347

10-47-25-06-00016.0101
GIVENS ROBERT M + CONNIE J
1 BOBBY JONES DR
ANDOVER, MA 01810

10-47-25-06-00016.0201
VANPELT JACK FRANKLIN TR
23061 ROSEDALE DR #201
BONITA SPRINGS, FL 34135

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
125 HILTON RD
GREENSBURG, PA 15601

10-47-25-06-00018.0101
HOFF WALLACE J + MARY J
10202 SUNWAY TER
ELLCOTT CITY, MD 21042

10-47-25-06-00018.0201
AVELLA ANTHONY P + MARIA C
43784 WOODWORTH CT
ASHBURN, VA 20147

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

10-47-25-06-00015.0202
MUEHLENKAMP WILLIAM J JR +
23071 ROSEDALE DR #202
BONITA SPRINGS, FL 34135

10-47-25-06-00016.0102
BARMORE C PAUL
11808 CEDARDALE RD
LOUISVILLE, KY 40223

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
BALDRIDGE JAMES G +
6290 MILLBANK DR
CENTERVILLE, OH 45459

10-47-25-06-00018.0102
KOOS DAVID P + JANE L
23041 ROSEDALE DR #102
BONITA SPRINGS, FL 34135

10-47-25-06-00018.0202
JENSEN AMY
23041 ROSEDALE DR #202
BONITA SPRINGS, FL 34135

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
SHARP RONALD A + INESE B
22 DEANS LN
POUGHKEEPSIE, NY 12503

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 ROSENDALE DR #201
BONITA SPRINGS, FL 34135

10-47-25-06-00019.0102
OFFENBACHER RICHARD D + LINDA
2539 VALLEY OAKS ESTATES DR
WILDWOOD, MO 63005

10-47-25-06-00019.0202
YURCO NANCY E TR
1639 INDIAN KNOLL
NAPERVILLE, IL 60565

10-47-25-06-00020.0102
DEBRUYN STEPHEN J + JAYNE M
408 WEST WINTER
DANVILLE, IL 61832

10-47-25-06-00020.0202
ELATTRACHE SELIM
606 S CHURCH ST
MOUNT PLEASANT, PA 15666

10-47-25-06-00021.0102
EIKER GEORGE L + ELIZABETH ANN
1986 SPRUCE DR
CARMEL, IN 46033

10-47-25-06-00021.0202
NOLAN TRACY E
142 WARKWORTH LN
INVERNEY, IL 60067

10-47-25-06-00022.0102
PATTERSON JAMES + CONNIE
236 LYNWOOD DR
BATTLE CREEK, MI 49015

10-47-25-06-00022.0202
FERGUSON CHARLOTTE + JOHN
23001 ROSENDALE DR UNIT 202
BONITA SPRINGS, FL 34135

10-47-25-06-00023.0102
HANSEN ROBERT E + ELIZABETH A
1225 GOLF COURSE RD
WARREN, VT 05674

10-47-25-06-00023.0202
STANIEC TED + DOROTHY
3 OXHOLM AVE
STATEN ISLAND, NY 10301

10-47-25-06-00024.0101
JACOBSON KARL A + ELIZABETH F
794 7TH ST APT L
SOUTH BOSTON, MA 02127

10-47-25-06-00024.0201
NEWCOMBE W JR + CYNTHIA 1/2 +
10 PEPPERBERRY PATH
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

10-47-25-06-00026.0101
STOKES JAMES B + SARA R
22961 ROSEDALE DR 101
BONITA SPRINGS, FL 34135

10-47-25-06-00026.0201
PIFER RICHARD L + LINDA B
1383 CLUB DR
BLOOMFIELD HILLS, MI 48302

10-47-25-06-00027.0101
RUSSELL H BRUCE + SUSAN F
22951 ROSEDALE DR #101
BONITA SPRINGS, FL 34135

10-47-25-06-00027.0201
ROEMER JAMES P + PATRICIA J
10160 ORCHID RIDGE LN
BONITA SPRINGS, FL 34135

10-47-25-06-00028.0101
KNUTSON KENNETH A TR
6433 BRENTON LAKES DR
WILLOWBROOK, IL 60527

10-47-25-06-00028.0201
GAGNON BARRY + MONIQUE
1485 GOLDEN MEADOW TRAIL
OAKVILLE, ON L6H 3J2
CANADA

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

10-47-25-06-00025.0202
HIGGINS NICHOLAS +
10820 SUNSET OFFICE DR #200
ST LOUIS, MO 63127

10-47-25-06-00026.0102
TELMAN RANDALL J + PAMELA L
22961 ROSEDALE DR #102
BONITA SPRINGS, FL 34135

10-47-25-06-00026.0202
MANNING DAVID D + JOANN
110 SUNDOWN DR
WOOD RIVER, IL 62095

10-47-25-06-00027.0102
RAVIN ALISON B TR
101 OL FRANKLIN GROVE DR
CHAPEL HILL, NC 27514

10-47-25-06-00027.0202
DEGROFT WALTER J JR TR
22951 ROSEDALE DR #202
BONITA SPRINGS, FL 34135

10-47-25-06-00028.0102
KORBEE HAROLD G + CAROL M
8304 CARDNIA CT
LIBERTY TWSP, OH 45044

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
8846 SERENITY DR NW
MASSILLON, OH 44646

10-47-25-06-00029.0201
NORREY RONALD W + AUDREY E
2175 STAVENBANK RD #14
MISSISSAUGA, ON L5C 1T3
CANADA

10-47-25-06-00030.0101
CLARE RONALD D + JANET D
216 WANLESS AV
TORONTO, ON M4N 1W6
CANADA

10-47-25-06-00030.0201
CUDAHY ROGER + MONICA
83 OAK ST
FLORAL PARK, NY 11001

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
2390 LOCH CREEK WAY
BLOOMFIELD HILLS, MI 48304

10-47-25-13-0ISP1.00CE
RESOURCE CONSERV SYSTEMS LLC
SPRING RUN GOLF CLUB INC
9990 COCONUT RD STE 200
BONITA SPRINGS, FL 34135

10-47-25-06-00029.0102
DAY PATRICK J + PATRICIA K
18947 DORENKEMPER PL
EDEN PRAIRIE, MN 55347

10-47-25-06-00029.0202
POULIOT WILFRED J JR TR +
15 SCOTLAND DR
ANDOVER, MA 01810

10-47-25-06-00030.0102
ERHARDT PAUL III + CHERYL A
22921 ROSEDALE DR #102
BONITA SPRINGS, FL 34135

10-47-25-06-00030.0202
RICARDO GIL + MARIA
4 ROBERT DR
LEBANON, NJ 08833

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
WALLER LINDA L + DAVID L
16612 FREDERICK CIR
OMAHA, NE 68130

10-47-25-06-00032.0202
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23214 Coconut Shores
Bonita Springs, FL 34134

Don Vilnius
West Bay Club Property Owners Assoc.
PO Box 820
Estero, FL 33928

Theresa Gumpert
Pine Road Neighborhood
19766 Beaulieu Court
Fort Myers, FL 33908

MR. MATTHEW D. UHLE, ESQ
KNOTT, CONSOER, EBELINI ET AL
1625 HENDRY STREET
SUITE 301
FORT MYERS FL 33901

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OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
ACHZET RUSSELL K 9570 CYPRESS HAMMOCK CIR #202 BONITA SPRINGS FL 34135	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	*39
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	*39
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	*39
SPATHOLT EDGAR J + ELIZABETH A 435 RIVERVIEW DR YOUNGSTOWN NY 14174	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	*39
HADLE 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	*40
IULIANO BARBARA L TR 177 BAYVIEW TER AKRON OH 44319	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	*40
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	*40
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	*40
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	*41
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	*41
MCALDER JOSEPH F JR + LINDA A 12 VALLEY VIEW TER MOORESTOWN NJ 08057	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	*41
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	*41
LINDER BARBARA E 11987 WINDSOR MOSS ELLCOTT CITY MD 21042	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	*42
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	*42
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	*42

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
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	*42
KARADIMAS PETER A + 7 SPAR RD EAST NORWALK CT 06855	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	*43
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	*43
HENDRICKS PATRICIA J 1770 N MEADOW DR MECHANICSBURG PA 17055	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	*43
CABLE DALE A + TERRI LYNN 337 GREENSFIELD LANE COPLEY OH 44321	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	*43
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	*44
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	*44
RILEY W PATRICK + JEANNE 23121 ROSEDALE DR #201 BONITA SPRINGS FL 34135	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	*44
BERTOLINI JOSEPH M + DOREEN P 23121 ROSEDALE RD #202 BONITA SPRINGS FL 34135	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	*44
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	*45
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	*45
SCHNEIDER GREGORY E + JANE TR 8536 STONECHAT LOOP 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	*45
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	*45
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	*46
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	*46

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
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	*46
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	*46
PICCIANO MICHAEL V + VALERIE 23091 ROSEDALE DR APT 101 BONITA SPRINGS FL 34135	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	*47
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	*47
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	*47
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	*47
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	*48
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	*48
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	*48
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	*48
NOLAN JOHN M + CATHLEEN T 19 FENIMORE LN HUNTINGTON NY 11743	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	*49
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	*49
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	*49
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	*49
GIVENS ROBERT M + CONNIE J 1 BOBBY JONES 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	*50

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BARMORE C.PAUL 11808 CEDARDALE RD LOUISVILLE KY 40223	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	*50
VANPELT JACK FRANKLIN TR 23061 ROSEDALE DR #201 BONITA SPRINGS FL 34135	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	*50
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	*50
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	*51
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	*51
JACOBS ROBERT S + DONNA S 125 HILTON RD 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	*51
BALDRIDGE JAMES G + 6290 MILLBANK DR CENTERVILLE OH 45459	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	*51
HOFF WALLACE J + MARY J 10202 SUNWAY TER ELLCOTT 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	*52
KOOS DAVID P + JANE L 23041 ROSEDALE DR #102 BONITA SPRINGS FL 34135	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	*52
AVELLA ANTHONY P + MARIA C 43784 WOODWORTH CT ASHBURN VA 20147	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	*52
JENSEN AMY 23041 ROSEDALE DR #202 BONITA SPRINGS FL 34135	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	*52
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	*53
OFFENBACHER RICHARD D + LINDA 2539 VALLEY OAKS ESTATES DR WILDWOOD MO 63005	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	*53
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	*53
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	*53

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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	*54
DEBRUYN STEPHEN J + JAYNE M 408 WEST WINTER DANVILLE IL 61832	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	*54
SHARP RONALD A + INESE B 22 DEANS LN POUGHKEEPSIE NY 12503	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	*54
ELATTRACHE SELIM 606 S CHURCH ST MOUNT PLEASANT PA 15666	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	*54
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	*55
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	*55
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	*55
NOLAN TRACY E 142 WARKWORTH LN INVERNEY IL 60067	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	*55
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	*56
PATTERSON JAMES + CONNIE 236 LYNWOOD DR BATTLE CREEK MI 49015	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	*56
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	*56
FERGUSON CHARLOTTE + JOHN 23001 ROSEDALE DR UNIT 202 BONITA SPRINGS FL 34135	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	*56
COLBURN ELLEN 22991 ROSEDALE 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	*57
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	*57
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	*57

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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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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:

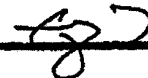
THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

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.

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 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 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 alternative 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 Developer is also proposing to develop 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

ZONING DIVISION
LEE COUNTY
DEVELOPMENT OF REGIONAL IMPACT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Alvin Block, AICP

DATE: 06/02/2006

Donna Marie Collins, Asst County Attorney
DS Reviewer - Susan L Hollingsworth
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Ellen Lindblad, Lee County School District
Brad Vance, Natural Resources
Luis Machado, Zoning

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: COCONUT POINT/SIMON SUNCOAST

CASE #: DRI2006-00002

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
 X Review and forward sufficiency
questions or make finding of
sufficiency

RESPONSE REQUIRED BY: 06/23/2006

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: Luisa V Villa

Date: 06/06/2006

**Knott, Consoer, Ebelini
Hart & Swett, P.A.**
ATTORNEYS - AT - LAW

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David A. Burt

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

MEMORANDUM

TO: Chip Block
FROM: Zsuzsanna Weigel
DATE: May 26, 2006
RE: Coconut Point DRI - DRI2006-00002

RECEIVED
JUN 02 2006
mkw
COMMUNITY DEVELOPMENT

Attached please find NOPC that was mailed to the State Bureau of Local Planning, and submitted to the Southwest Florida Regional Planning Council this afternoon.

Enclosure

MDU/zw

DRI 2006-00002

ZONING DIVISION
LEE COUNTY
DEVELOPMENT OF REGIONAL IMPACT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Alvin Block, AICP

DATE: 02/06/2006

Donna Marie Collins, Asst County Attorney
DS Reviewer - Susan Hollingsworth
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Ellen Lindblad, Lee County School District
Brad Vance, Natural Resources
Luis Machado, Zoning

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: COCONUT POINT/SIMON SUNCOAST

CASE #: DRI2006-00002

INFORMATION SUMMARY:

NEW SUBMITTAL

To update your file
 Review and forward sufficiency
questions or make finding of
sufficiency

RESPONSE REQUIRED BY: 02/27/2006

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: Jodi M Payne

Date: 02/09/2006



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: January 31, 2006
Buffer Distance: 500 ft
Parcels Affected: 157
Subject Parcel: 04-47-25-00-00001.0130, 09-47-25-00-00001.0020

RECEIVED
 FEB 06 2006

COMMUNITY DEVELOPMENT

DRI 2006-00002

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Index</u>
ACL RR CO	03-47-25-00-00001.0000 RIGHT OF WAY ESTERO FL 33928	STRIP OF LAND FOR RR R/W	1
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	2
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	3
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	4
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	5
TULIP ASSOCIATES LLC DENNIS J LYNCH 4081 TAMiami TR N STE C-105 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	6
LU/ESTERO LAND HOLDINGS LLC 800 FRONTAGE RD NORTHFIELD IL 60093	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	7
COCONUT POINT NORTH VILLAGE 24880 BURNT PINE DR BLDG 8 BONITA SPRINGS FL 34134	04-47-25-30-0000R.0000 RIGHT OF WAY ESTERO FL 33928	COCONUT POINT AREA 1 DESC IN PB 83 PGS 1-13 TRACT R	8
MCARDLE EDWARD J TR PO BOX 366879 BONITA SPRINGS FL 34136	04-47-25-30-0001F.0000 RESERVED ESTERO FL 33928	COCONUT POINT AREA 1 DESC IN PB 83 PGS 1-13 TRACT 1-F	9
COCONUT POINT NORTH VILLAGE 24880 BURNT PINE DR BLDG 8 BONITA SPRINGS FL 34134	04-47-25-30-000L1.00CE ACCESS UNDETERMINED ESTERO FL 33928	COCONUT POINT AREA 1 DESC IN PB 83 PGS 1-13 TRACT L-1	10
MCARDLE EDWARD J TR PO BOX 366879 BONITA SPRINGS FL 34136	04-47-25-30-000R4.0000 RIGHT OF WAY ESTERO FL 33928	COCONUT POINT AREA 1 DESC IN PB 83 PGS 1-13 TRACT R-4	11
COMMUNITY BANK OF NAPLES NA 5150 TAMiami TRAIL N NAPLES FL 34103	04-47-25-30-001D1.0000 CORNER LOT ESTERO FL 33928	COCONUT POINT AREA 1 DESC IN PB 83 PGS 1-13 TRACT 1-D1	12
COCONUT POINT NORTH VILLAGE 24880 BURNT PINE DR BLDG 8 BONITA SPRINGS FL 34134	04-47-25-30-00C19.00CE RESERVED ESTERO FL 33928	COCONUT POINT AREA 1 DESC IN PB 83 PGS 1-13 TRACT C-19	13

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
COCONUT POINT NORTH VILLAGE 24880 BURNT PINE DR BLDG 8 BONITA SPRINGS FL 34134	04-47-25-30-00C20.00CE RESERVED ESTERO FL 33928	COCONUT POINT AREA 1 DESC IN PB 83 PGS 1-13 TRACT C-20	14
COCONUT POINT NORTH VILLAGE 24880 BURNT PINE DR BLDG 8 BONITA SPRINGS FL 34134	04-47-25-30-00OS2.00CE RESERVED ESTERO FL 33928	COCONUT POINT AREA 1 DESC IN PB 83 PGS 1-13 TRACT OS-2	15
COCONUT POINT NORTH VILLAGE 24880 BURNT PINE DR BLDG 8 BONITA SPRINGS FL 34134	04-47-25-30-00OS4.00CE RESERVED ESTERO FL 33928	COCONUT POINT AREA 1 DESC IN PB 83 PGS 1-13 TRACT OS-4	16
COCONUT POINT NORTH VILLAGE 24880 BURNT PINE DR BLDG 8 BONITA SPRINGS FL 34134	04-47-25-30-00OS5.00CE RESERVED ESTERO FL 33928	COCONUT POINT AREA 1 DESC IN PB 83 PGS 1-13 TRACT OS-5	17
MCARDLE EDWARD J TR PO BOX 366879 BONITA SPRINGS FL 34136	09-47-25-00-00001.0010 ACCESS UNDETERMINED BONITA SPRINGS FL 34135	SEC9 E OF ST.RD45 + N1/2 OF N1/2 W OF ST.RD45 LESS PAR1.002/1.005/1.001A+001B + 1.0160 + RD R/W 3194/2896 + OR3249/1329 + OR4339/1857+ OR 4536/185+ OR 4844/1944 + INST 2005-36108 + 91875	18
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	19
ALV COCONUT POINT LLP ONE SOUTHEAST 3RD AVE MIAMI FL 33131	09-47-25-00-00001.0030 ACCESS UNDETERMINED BONITA SPRINGS FL 34135	PARCEL IN SE 1/4 LYING S OF COCONUT RD + E OF TAMIAMI TRL DESC IN INST 2005-91875	20
TULIP ASSOCIATES LLC DENNIS J LYNCH 4081 TAMIAMI TRAIL N STE C-105 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	21
MANCHESTER ASSOCIATES LLC DENNIS J LYNCH 4081 TAMIAMI TRAIL N SUITE C-105 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	22
COCONUT POINT DEVELOPERS LLC SIMON PROPERTY GROUP P O BOX 6120 INDIANAPOLIS IN 46206	09-47-25-00-00001.0110 ACCESS UNDETERMINED ESTERO FL 33928	PARCEL E OF ST.RD45 + N1/2 OF N1/2 OF NE 1/4 DESC IN OR 4536 PG 185	23
LEE MEMORIAL HEALTH SYSTEM 636 DEL PRADO BLVD CAPE CORAL FL 33990	09-47-25-00-00001.0230 ACCESS UNDETERMINED BONITA SPRINGS FL 34135	PARCEL IN SE 1/4 OF SEC SOUTH OF COCONUT RD + EAST OF TAMIAMI TRL AS DESC IN OR 4844 PG 1944	24
NAPERVILLE 2 LLC 9440 ENTERPRISE DR MOKENA IL 60448	09-47-25-00-00001.0250 RESERVED FL	PARL LOC IN NE 1/4 OS SEC DESC IN INST 2005-59776	25
BROOKS 41 COMMERCIAL ASSN INC BARRETT C OTT 745 12TH AV S STE 100 NAPLES FL 34102	09-47-25-00-00001.16CE 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	26
LONG BAY PARTNERS LLC 11860 EAST TERRY STREET BONITA SPRINGS FL 34135	09-47-25-00-00001.1ACE 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	27
LONG BAY PARTNERS LLC 9990 COCONUT RD STE 202 BONITA SPRINGS FL 34135	09-47-25-00-00001.20CE 8350 HEALTH CENTER BLVD BONITA SPRINGS FL 34135	PARL LOC IN THE SE 1/4 LYING E OF US 41 + SLY OF COCONUT ROAD	28
COCONUT 41 LLC 9130 CORSEA DEL FONTANA WAY NAPLES FL 34109	09-47-25-00-00002.0020 ACCESS UNDETERMINED BONITA SPRINGS FL 34134	PARL IN S 1/2 OF N 1/2 W OF US-41 DESC OR 1871 PG 1306	29

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
COCONUT 41 LLC 9130 CORSEA DEL FONTANA WAY NAPLES, FL 34109	09-47-25-00-00002.0040 3200 COCONUT RD BONITA SPRINGS FL 34134	PARL IN N 1/2 AS DESC OR 2014 PG 4241	30
MILLENNIUM GROUP OF SW FL LC MELDON CONSULTANTS 800 HARBOUR DR STE 7 + 8 NAPLES FL 34103	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	31
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	32
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	33
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	34
SPRING RUN GOLF CLUB COMM ASSN 9501 SPRING RUN BLVD BONITA SPRINGS FL 34134	10-47-25-02-000G1.00CE 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)	35
MORNINGSIDE AT THE BROOKS GULF BREEZE MGMT SERVICES INC 8910 TERRENE CT STE 200 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	36
HEILSTEDT JOHN E TR + 432 PICKWICK PL VALPARAISO IN 46385	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	*37
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	*37
SABATINI F ELENA TR 23166 ROSEDALE DR #201 BONITA SPRINGS FL 34135	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	*37
SILVA LOUIS + JOYA M 88 VALENTINE CIR WARWICK RI 02886	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	*37
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	*38
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	*38
HARPER ANDREW + GILLIAN 18 ARBOR CLOSE FETCHAM SORREY KT229DZ UNITED KINGDOM	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	*38
DOWNIN SUSAN 23156 ROSEDALE DR #202 BONITA SPRINGS FL 34135	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	*38

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 Developer must commit to providing roadway capacity improvements above and beyond those improvements required by Rule 9J-2.0255, FAC; or
- c. The 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

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/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/nk/a Simon Suncoast) MPD .

C. Master Plan of Development. Map H, stamped received at the Zoning Counter on 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~~2007, and a termination date of December 31, ~~2012~~2013. The termination date is based on a 5-year buildout and the recognition that a local Development Order, which is valid for six years, may be obtained prior to December 31, ~~2012~~2013. 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, commencement of substantial physical development of the project has occurred. 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~~2014~~. 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 _____, 200_____.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____

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

EXHIBIT A
PAGE 1 OF 3

PERMIT COUNTER

HM PROJECT #1997079

1/17/01

REF. DWG. #A-994-3

PAGE 1 OF 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

DRI 2006-00002

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

RECEIVED
FEB 06 2006

COMMUNITY DEVELOPMENT

Let it Be Known That, pursuant to Florida Statutes §380.06, the Board of County Commissioners of Lee County, Florida, heard at a public hearing convened on _____, 200__, 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 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, the DRI Development Order was amended by the Lee County Board of County Commissioners on February 7, 2005, 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 1000; and

WHEREAS, Coconut Point Developers, L.L.C., filed a Notice of Proposed Change on _____ to extend the buildout and termination dates of the project by one year; and

WHEREAS, the requested one year extension is conclusively deemed not to be a substantial deviation pursuant to section 380.06(19)(e)1, Florida Statutes; and

WHEREAS, notice of the proposed changes was provided to the Southwest Florida

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 , February 7, 2005, and _____.

Regional Planning Council and the Department of Community Affairs in accordance with section 380.06(19)(e)1, Florida Statutes.

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, 350 hotel rooms, 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 20062007.

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

C. The property is zoned Mixed Planned Development (MPD). Undeveloped portions of the property are currently in active agricultural use.

D. The Application for Development Approval (ADA) 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.

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 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 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 Urban Community and Wetlands future land use categories. The project, as proposed and conditioned herein, is 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 amended subject to the following conditions, restrictions and limitations. For the purpose of this Development Order, the term "Developer" refers to Simon Property Group, L.P., 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 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 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 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 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 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:

	<u>Buildout (20062007)</u>
Multifamily Apartments (ITE LUC 220) (250 d.u. South Village)	250 d.u.
Multifamily Condominiums (ITE LUC 230) (450 d.u. Town Center, 550 d.u. North Village)	1,000 d.u.
Assisted Living Facility (ITE LUC 252) (200 d.u. South Village)	200 d.u.
Hotel (ITE LUC 310) (200 rooms Town Center, 150 rooms South Village)	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~~2007. ("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 (2006/2007):

Roadway Improvements Needed

<u>Roadways</u>	<u>Needed Improvement</u>
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⁾ Coconut Road @ Driveway 9/Regional Retail Center ⁽²⁾	Add 2 nd SB left turn lane 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 2 nd EB left turn lane Add 2 nd NB left turn lane Add 2 nd SB left turn lane Signal retiming
Corkscrew Road @ River Ranch Road ⁽¹⁾ Corkscrew Road @ Three Oaks Parkway	Add 2 nd WB left turn lane Add 2 nd NB left turn lane

I-75 @ Corkscrew Road⁽¹⁾

Old 41 @ Dean Street⁽¹⁾
Old 41 @ Pennsylvania Avenue⁽¹⁾
Old 41 @ West Terry Street⁽¹⁾

Three Oaks Parkway @ Koreshan Boulevard⁽¹⁾
Three Oaks Parkway @ Williams Road⁽¹⁾
Three Oaks Parkway @ Coconut Road⁽¹⁾
US 41 @ Immokalee Road⁽¹⁾
US 41 @ Old 41⁽¹⁾ (Collier County)
US 41 @ Bonita Beach Road
US 41 @ West Terry Street
US 41 @ Old 41/Pelican Landing Parkway

US 41 @ Pelican Colony Boulevard

US 41 @ Coconut Road

US 41 @ Driveway 6/Regional Retail Center⁽¹⁾

US 41 @ Driveway 5/Internal East-west Road⁽¹⁾

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

⁽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~~2007, 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 Statutes, 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).

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

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.

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~~2007 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~~2007; 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 Developer, and are treated much as a proportionate share obligation. In this case, the 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 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 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

<u>Roadways</u>	<u>Start Year</u>	<u>Improvement</u>
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.

<u>Date</u>	<u>Maximum Square Footage</u>	<u>Needed Improvements to Avoid Interim Level of Service Problem</u>	
		<u>Route</u>	<u>Limit</u>
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.

DRI
EXHIBIT C

Development Parameters and Phasing Schedule

		<u>Buildout</u>
Regional Retail Commercial	1,450,000* sq. ft.	2006 <u>2007</u>
Community Retail	350,000* sq. ft.	2006 <u>2007</u>
Office	300,000** sq. ft.	2006 <u>2007</u>
Hotel	350 Rooms	2006 <u>2007</u>
Residential, Multi-family	1250 du	2006 <u>2007</u>
Assisted Living Facility	200 units	2006 <u>2007</u>

* Gross Leasable Area

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

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DRI 2006-00002

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.

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DRI
EXHIBIT E
Calculation of Road Impact Fee Obligation³

AND 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	\$ -
CLF	252	DU	\$ 550.00	200	\$ 110,000.00
MOTEL	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	\$ -
TRANSIENT 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	\$ -
PARK	911	1000 SF	\$6,063.00	0	\$ -
TOTAL					\$10,196,250.00

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COMMUNITY DEVELOPMENT

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

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 Developer must commit to providing roadway capacity improvements above and beyond those improvements required by Rule 9J-2.0255, FAC; or
- c. The 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.

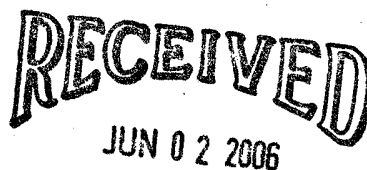
G. WASTEWATER MANAGEMENT/WATER SUPPLY

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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



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COMMUNITY DEVELOPMENT

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.

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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/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/nk/a Simon Suncoast) MPD .

C. Master Plan of Development. Map H, stamped received at the Zoning Counter on 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

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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~~2007, and a termination date of December 31, ~~2012~~2013. The termination date is based on a 5-year buildout and the recognition that a local Development Order, which is valid for six years, may be obtained prior to December 31, ~~2012~~2013. 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, commencement of substantial physical development of the project has occurred. 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

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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.

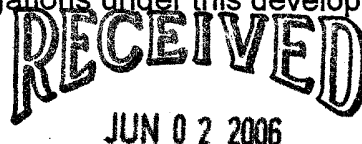
O. Protection of Development Rights. The project will not be subject to down-zoning, unit density reduction, or intensity reduction prior to December 31, 2013~~2014~~. If the County demonstrates at a public hearing that substantial changes have occurred in the conditions underlying the approval of this 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 _____, 200_____.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____

By: _____

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Approved as to form

By: _____

Dawn E. Perry-Lehnert
Assistant County Attorney

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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

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EXHIBIT A
PAGE 1 OF 3

PERMIT COUNTER

HM PROJECT #1997079

1/17/01

REF. DWG. #A-994-3

PAGE 1 OF 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.

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AND

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

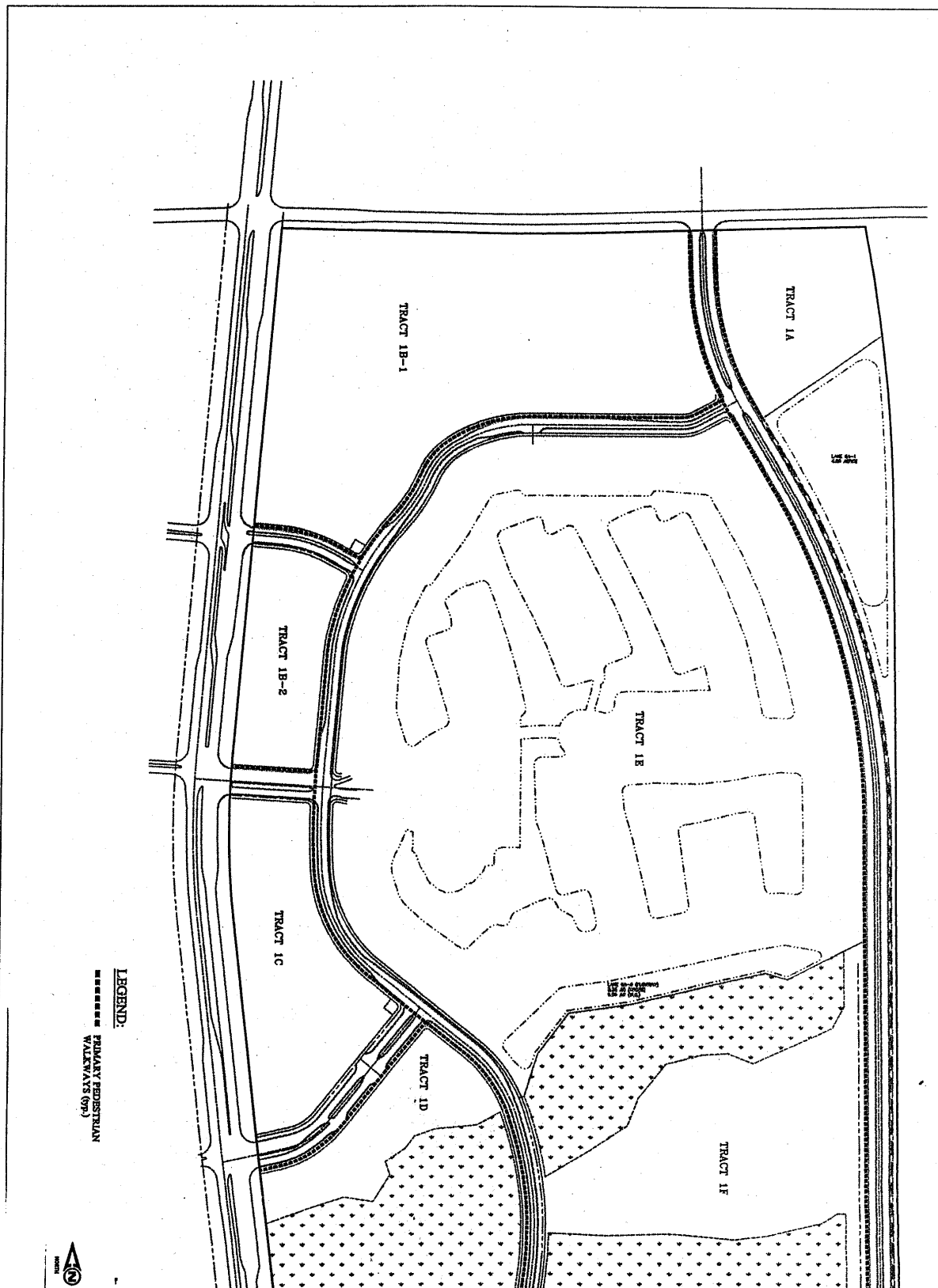
Applicant's Legal Checked

by [Signature] July 30, 2004

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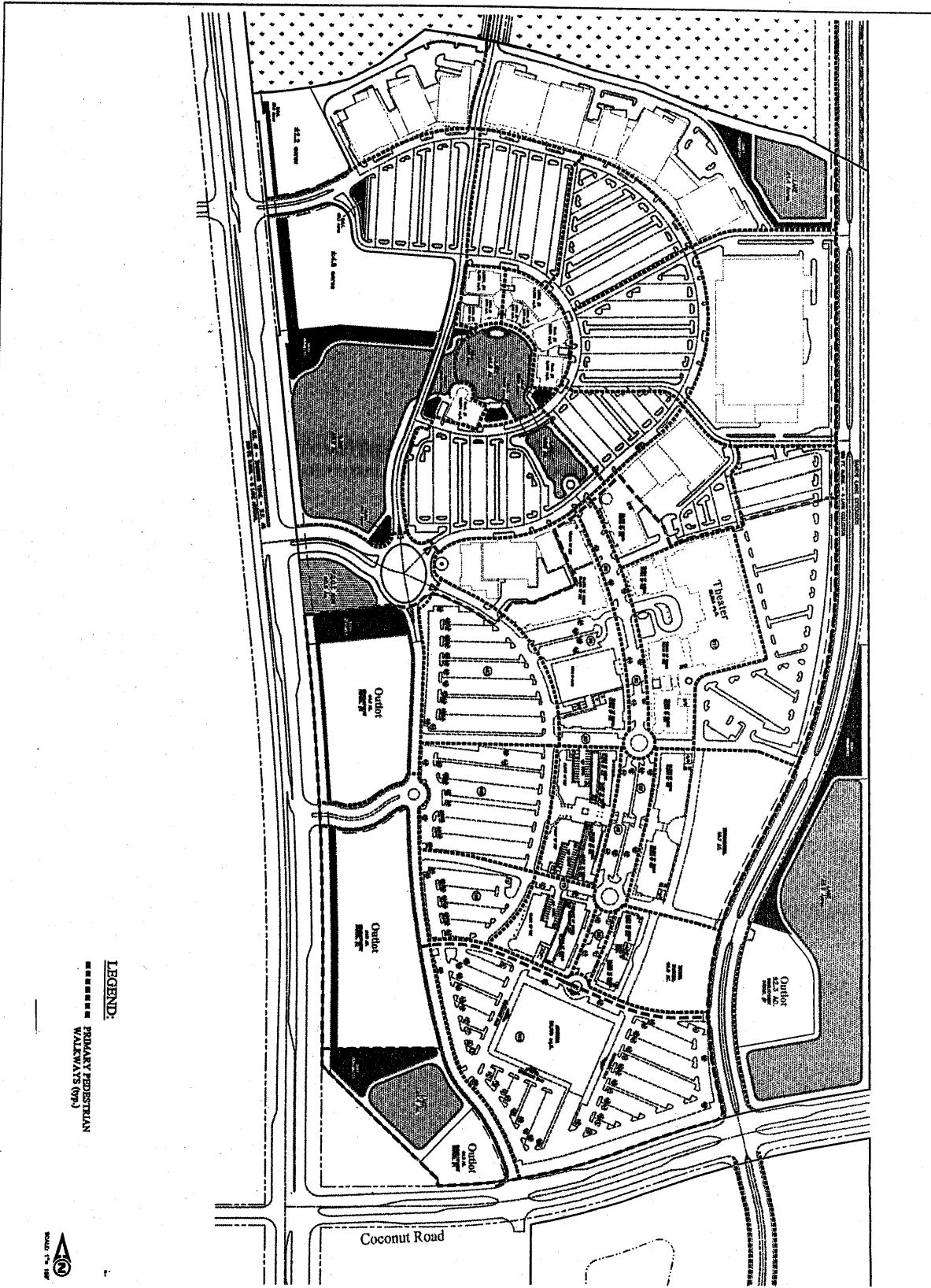
SIMON™
 Simon Property Group
 11000 North Central
 Expressway, Suite 2000
 Dallas, TX 75243
 (972) 352-1000

The Shops at
 Coconut Point
 BONITA SPRINGS
 FLORIDA

PROPOSED PEDESTRIAN
 CIRCULATION PLAN

DATE	DESCRIPTION	BY	SCALE

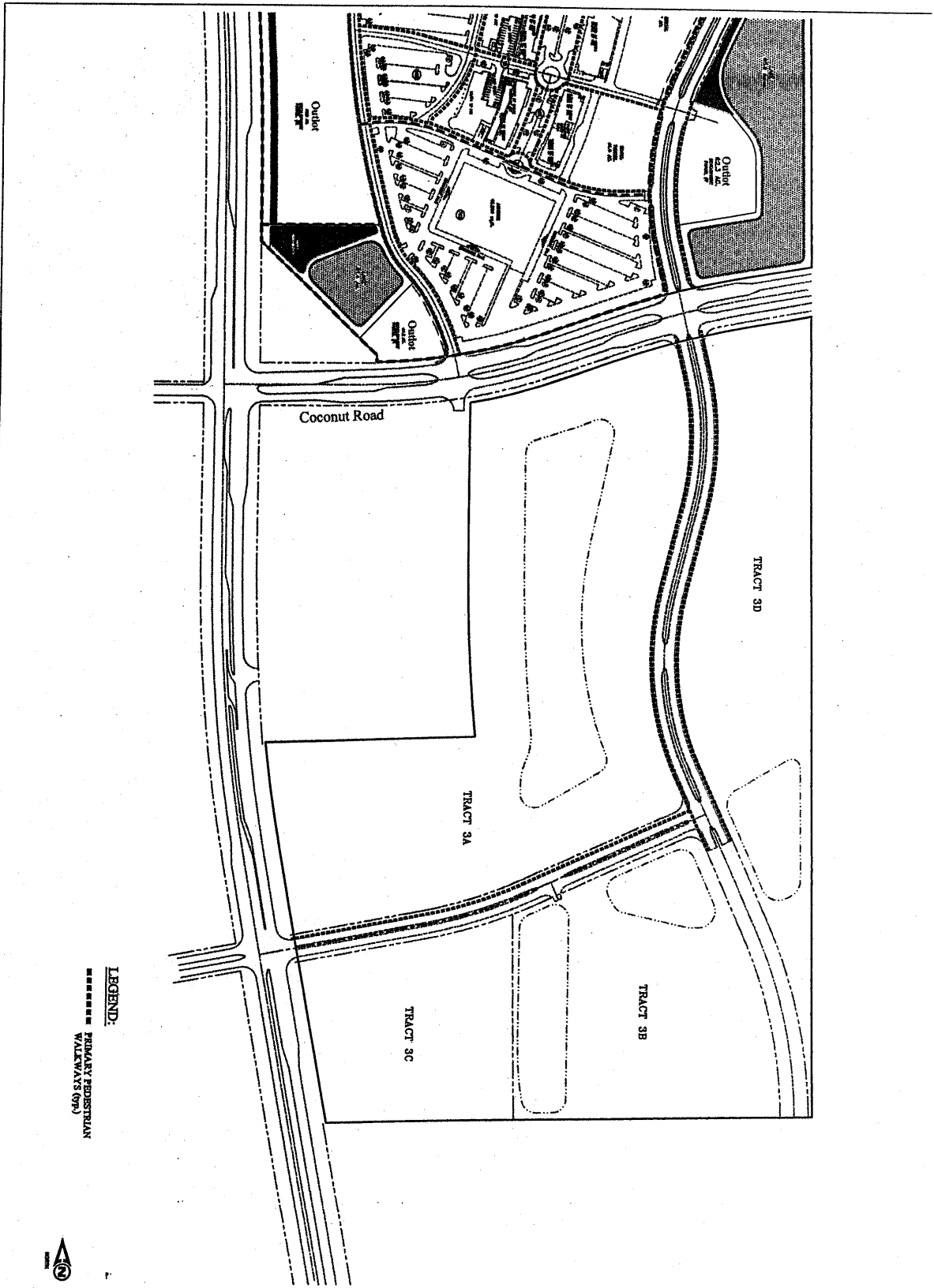
011180_789D_CIRC PLAN_090904



LEGEND:
 - - - - - PRIMARY PEDESTRIAN
 WALKWAYS (9%)



SIMON
 The Shops at
 Coconut Point
 BONITA SPRINGS
 FLORIDA
 PROPOSED PEDESTRIAN
 CIRCULATION PLAN
 0111602 PED CIRC PLAN 03/20/09



LEGEND:
 ■■■■■■■■■■ PRIMARY PEDESTRIAN
 WALKWAYS (99%)

SIMONT
 International City Center
 125 N. Wacker Drive
 Chicago, IL 60601
 312.786.1000

The Shops at
 Coconut Point
 BONITA SPRINGS
 FLORIDA

PROPOSED PEDESTRIAN
 CIRCULATION PLAN

DATE	ISSUE	SCALE	PROJECT NO.
01/11/10	1.0	1" = 100'	030904

011100_PSD_CIRC PLAN_030904



LEE COUNTY
SOUTHWEST FLORIDA

**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, LLC Phone #: (317) 263-7032
 Project Name: Coconut Point DRI
 STRAP Number: 04-47-25-00-00001.0130 & 09-47-25-00-00001.0020

STAFF USE ONLY

Case Number: DRI 2006-00002 Commission District: 3
 Current Zoning: MPD Fee Amount: 600.00
 Land Use Classification: URBAN Community Intake by: CWM
 Planning Community: ESTERO

 LEE COUNTY
 COMMUNITY DEVELOPMENT
 P.O. BOX 398 (1500 MONROE STREET)
 FORT MYERS, FLORIDA 33902
 PHONE (239) 479-8585

DRI 2006-00002

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**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: _____

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

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): NA Feet

5. Total land area: 482.421 Acres or Square Feet

F. Present Use of Property: Is the property vacant? Yes No

Briefly describe current use of the property:

Vacant with portions of the DRI 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	13		Completed application
✓	All	13		Application Fee
✓	All	13	Part IV; A1 or A2	Applicant's Affidavit of Authorization
✓	All	13	I-F	Notarized Disclosure Form (if applicable)
✓	All	13	II-A-1	Legal Description
✓	All	13	II-A-2	Certified sketch of description (if applicable)
NA	All	13	II-A-3	Plat Book Page (if applicable)
NA	All	13	II -G	Deed Restrictions & Narrative (if applicable)
✓	All	13	III -A	Property Owners List
✓	All	13	III -B	Property Owners Map
✓	All	13	III -C	Narrative Regarding Request
✓	Notice of proposed change	13		*Form RPM-BSP-Proposed Change - 1 pursuant to Section 380.06(19) F.S.
NA	DRI, AMDA, FQD	13		*Form RPM-BSP-ADA - 1. Application for Development Approval pursuant to Section 380.06 F.S.
NA	Abandonment	13		*Form RPM-BSP-Abandonment-DRI-1. Application for abandonment of a DRI.
* These forms are available through the SW Florida Regional Planning Council. They are also accessible via their web page at www.swfrpc.org/Pubs/DRI/DRI.htm .				

DESCRIPTION OF REQUEST

The applicant is requesting an amendment to the Coconut Point DRI Development Order to utilize the single one-year extension on the buildout and termination dates that is currently permitted without a traffic reanalysis pursuant to the "pipelining" transportation mitigation option. No other revisions to the DO are included in the application.

DRI 2006-00002

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COMMUNITY DEVELOPMENT

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

Name of Entity (corporation, partnership, LLP, LC, etc)

X [Signature]
Signature

David Simon
(Type or printed name)

Chief Executive Officer
of Simon Property Group, Inc.
(title of signatory)

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DRI 2006-00002

STATE OF INDIANA
COUNTY OF MARION

COMMUNITY DEVELOPMENT

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 11-22-05 (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., (name of person providing oath or affirmation), who is personally known to me or (type of identification) as identification.

[Signature]
Signature of person taking oath or affirmation

CARLA J. ARNOLD
Name typed in blue ink
NOTARY PUBLIC STATE OF INDIANA
MARION COUNTY
MY COMMISSION EXP. MAY 14, 2007
Serial number, if any

Title or rank

*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 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.

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

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.

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 COMMUNITY DEVELOPMENT

Signature: _____
(Applicant)

David Simon for 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

DAVID SIMON
(Printed or typed name of applicant)

STATE OF INDIANA
COUNTY OF MARION

The foregoing instrument was acknowledged before me this 22ND day of NOVEMBER, 2005, 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)

Carlo J. Arnold
 Signature of Notary Public
 NOTARY PUBLIC STATE OF INDIANA
 MARION COUNTY
 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.

EXHIBIT II-A-1

DRI 2006-00002

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REF. DWG. #A-994-3
PAGE 1 OF 3

LEGAL DESCRIPTION

COMMUNITY DEVELOPMENT

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

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1/17/01

REF. DWG. #A-994-3

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.

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

**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.

May 26, 2006
Date

Matthew Uhle
Signature

DRI 2006-00002

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COMMUNITY DEVELOPMENT

2. Applicant (name, address, phone).

Coconut Point Developers, L.L.C.
P.O. Box 7033
Indianapolis, FL 46207
Attention: Thomas J. Schneider, Senior Vice-President/Development
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.

An amendment to the Coconut Point DRI Development Order to utilize the single one-year extension on the buildout and termination dates that is currently permitted without a traffic reanalysis pursuant to the "pipelining" transportation mitigation option. No other revisions to the DO are included in this application.

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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COMMUNITY DEVELOPMENT

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

Chart not attached. No change is proposed or has occurred.

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 was amended by the Lee County Board of County Commissioners on February 7, 2005, to reduce the number of hotel rooms from 600-350, to decrease the number of apartments from 450 to 250, and to increase the number of residential condominiums from 550 to 1000.

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 1/2 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.
Yes. The new buildout date is 12/31/07.
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 of 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.

SECOND 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, heard at a public hearing convened on _____, 200__, 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 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, the DRI Development Order was amended by the Lee County Board of County Commissioners on February 7, 2005, 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 1000; and

WHEREAS, Coconut Point Developers, L.L.C., filed a Notice of Proposed Change on _____ to extend the buildout and termination dates of the project by one year; and

WHEREAS, the requested one year extension is conclusively deemed not to be a substantial deviation pursuant to section 380.06(19)(e)1, Florida Statutes; and

WHEREAS, notice of the proposed changes was provided to the Southwest Florida

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, February 7, 2005, and _____.

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Regional Planning Council and the Department of Community Affairs in accordance with section 380.06(19)(e)1, Florida Statutes.

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, 350 hotel rooms, 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~~2007.

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

C. The property is zoned Mixed Planned Development (MPD). Undeveloped portions of the property are currently in active agricultural use.

D. The Application for Development Approval (ADA) 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.

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

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with the State Comprehensive Plan if developed in accordance with the conditions set forth herein.

G. The 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 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 Urban Community and Wetlands future land use categories. The project, as proposed and conditioned herein, is 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 amended subject to the following conditions, restrictions and limitations. For the purpose of this Development Order, the term "Developer" refers to Simon Property Group, L.P., 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

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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 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).

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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 management must include, where

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practical, adequate maintenance easements around the lakes with access to a paved roadway.

6. During construction activities, the 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 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 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 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 inspected on a regular basis

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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:

	<u>Buildout (2006/2007)</u>
Multifamily Apartments (ITE LUC 220) (250 d.u. South Village)	250 d.u.
Multifamily Condominiums (ITE LUC 230) (450 d.u. Town Center, 550 d.u. North Village)	1,000 d.u.
Assisted Living Facility (ITE LUC 252) (200 d.u. South Village)	200 d.u.
Hotel (ITE LUC 310) (200 rooms Town Center, 150 rooms South Village)	350 rooms

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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~~2007. ("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

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acceptable levels of service at the end of Buildout (20062007):

Roadway Improvements Needed

<u>Roadways</u>	<u>Needed Improvement</u>
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 - Koreschan 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

Intersection Improvements Needed

Bonita Beach Road @ Old 41 ⁽¹⁾	Add 2 nd 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 2 nd EB left turn lane Add 2 nd NB left turn lane Add 2 nd SB left turn lane
Corkscrew Road @ River Ranch Road ⁽¹⁾	Signal retiming
Corkscrew Road @ Three Oaks Parkway	Add 2 nd WB left turn lane Add 2 nd NB left turn lane

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I-75 @ Corkscrew Road⁽¹⁾

Old 41 @ Dean Street⁽¹⁾
Old 41 @ Pennsylvania Avenue⁽¹⁾
Old 41 @ West Terry Street⁽¹⁾

Three Oaks Parkway @ Koreshan Boulevard⁽¹⁾
Three Oaks Parkway @ Williams Road⁽¹⁾
Three Oaks Parkway @ Coconut Road⁽¹⁾
US 41 @ Immokalee Road⁽¹⁾
US 41 @ Old 41⁽¹⁾ (Collier County)
US 41 @ Bonita Beach Road
US 41 @ West Terry Street
US 41 @ Old 41/Pelican Landing Parkway

US 41 @ Pelican Colony Boulevard

US 41 @ Coconut Road

US 41 @ Driveway 6/Regional Retail Center⁽¹⁾

US 41 @ Driveway 5/Internal East-west Road⁽¹⁾

Add 2nd SB left turn lane
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
Signalization⁽³⁾
Signal retiming
Add 2nd NB thru lane
Add 2nd SB thru lane
Signalization⁽³⁾
Signalization⁽³⁾
Signalization⁽³⁾
Signal retiming
Signal retiming
Signal retiming
Signal retiming
Add 2nd WB right turn lane
Add 2nd NB left turn lane
Add 2nd SB left turn lane
Add 2nd EB left turn lane
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
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
Add NB right turn lane⁽²⁾
Add SB left turn lane⁽²⁾⁽³⁾
Add WB right turn lane⁽²⁾
Signalization⁽²⁾⁽³⁾
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⁾

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

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

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

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- (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.

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(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

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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~~2007, 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 Statutes, 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

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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).

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

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.

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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~~2007 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~~2007; 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

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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

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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 Developer, and are treated much as a proportionate share obligation. In this case, the 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 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 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.

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5. **Committed Improvements**

Roadway Improvements

<u>Roadways</u>	<u>Start Year</u>	<u>Improvement</u>
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.

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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.

<u>Date</u>	<u>Maximum Square Footage</u>	<u>Needed Improvements to Avoid Interim Level of Service Problem</u>	
		<u>Route</u>	<u>Limit</u>
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.

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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

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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 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 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.

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3. As an alternative 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 Developer is also proposing to develop 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 Developer must commit to providing roadway capacity improvements above and beyond those improvements required by Rule 9J-2.0255, FAC; or
- c. The 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

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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

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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.

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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/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/k/a Simon Suncoast) MPD .

C. Master Plan of Development. Map H, stamped received at the Zoning Counter on 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

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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~~2007, and a termination date of December 31, ~~2012~~2013. The termination date is based on a 5-year buildout and the recognition that a local Development Order, which is valid for six years, may be obtained prior to December 31, ~~2012~~2013. 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, commencement of substantial physical development of the project has occurred. 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

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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~~2014. 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.

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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 _____, 200_____.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____

By: _____

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Approved as to form

By: _____

Dawn E. Perry-Lehnert
Assistant County Attorney

COMMUNITY DEVELOPMENT

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

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EXHIBIT A
PAGE 1 OF 3

PERMIT COUNTER

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

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COMMUNITY DEVELOPMENT

DRI 2006-00002

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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EXHIBIT A
PAGE 2 OF 3

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

Applicant's Legal Checked

by lj July 30, 2004.

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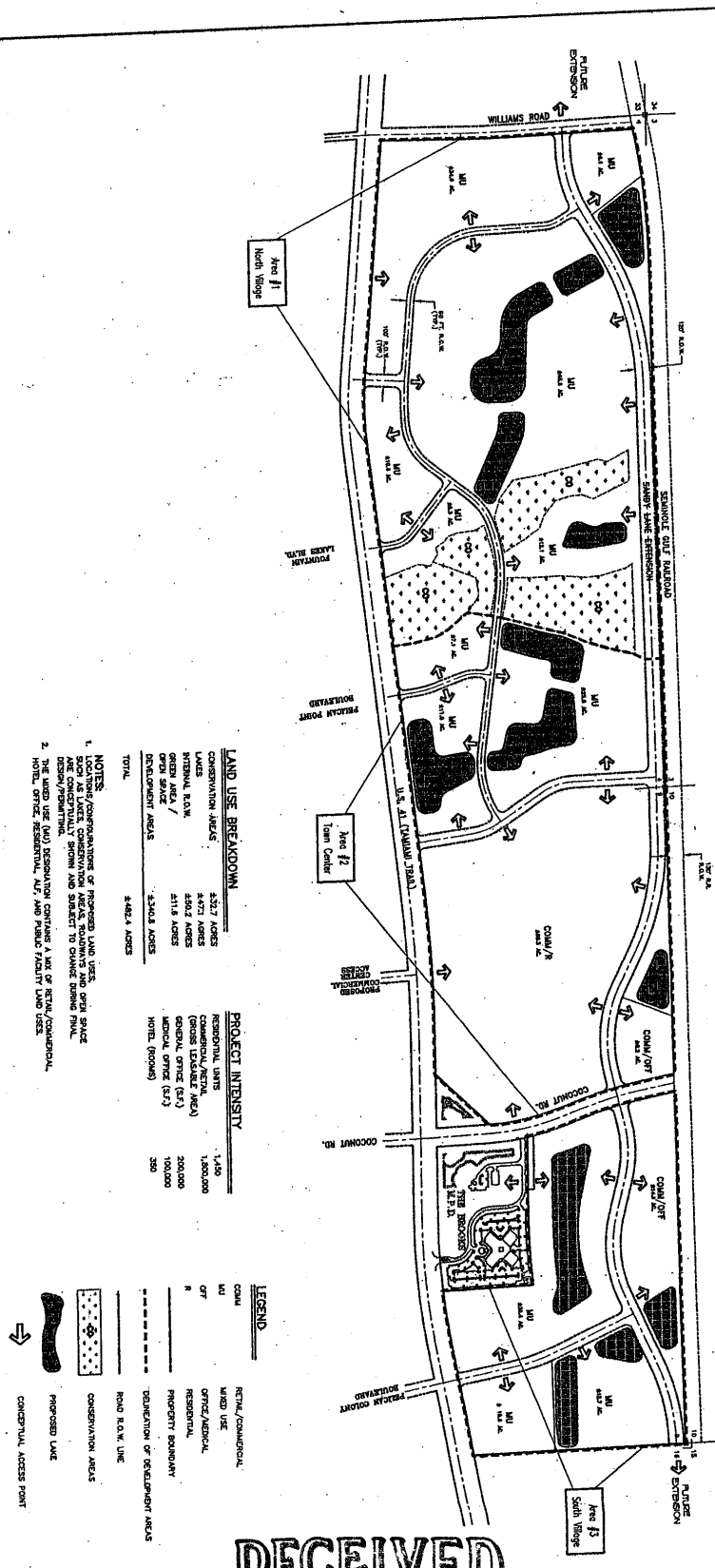
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DRI
EXHIBIT C

Development Parameters and Phasing Schedule

		<u>Buildout</u>
Regional Retail Commercial	1,450,000* sq. ft.	<u>20062007</u>
Community Retail	350,000* sq. ft.	<u>20062007</u>
Office	300,000** sq. ft.	<u>20062007</u>
Hotel	350 Rooms	<u>20062007</u>
Residential, Multi-family	1250 du	<u>20062007</u>
Assisted Living Facility	200 units	<u>20062007</u>

* Gross Leasable Area

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

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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.

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DRI
EXHIBIT E
Calculation of Road Impact Fee Obligation³

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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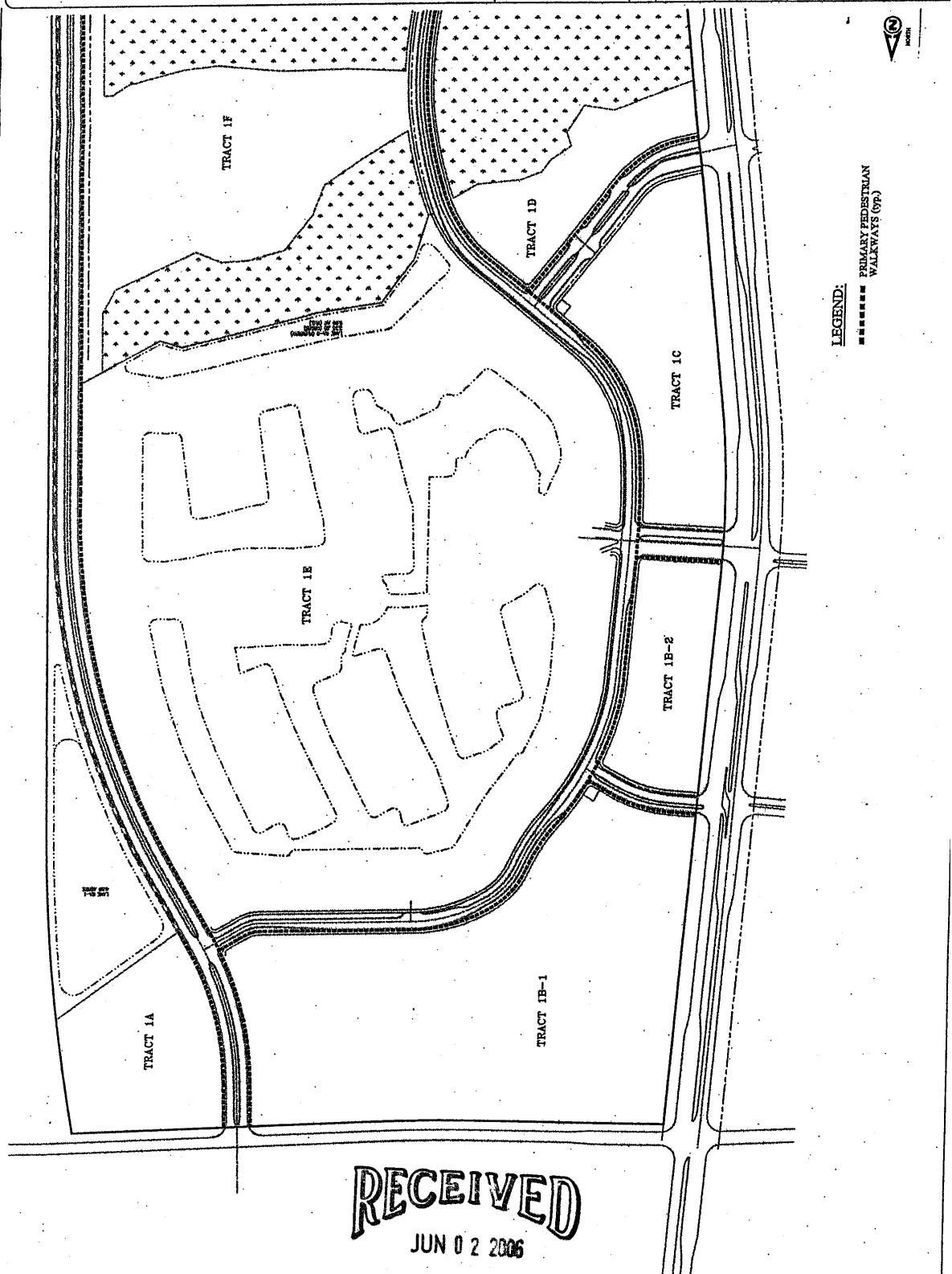
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COMMUNITY DEVELOPMENT

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

SIMON 115 N. W. 10th Street Boca Raton, FL 33432 (561) 993-1100		The Shops at Cocoanut Point BONITA SPRINGS FLORIDA	
PROJECT:	DATE:	SCALE:	BY:
PROPOSED PEDESTRIAN CIRCULATION PLAN	02.14.06	AS SHOWN	MM



LEGEND:
 - - - - - PRIMARY PEDESTRIAN WALKWAYS (9ft)

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DRI 2006-00002

SIMON

The Shops at
Coconut Point

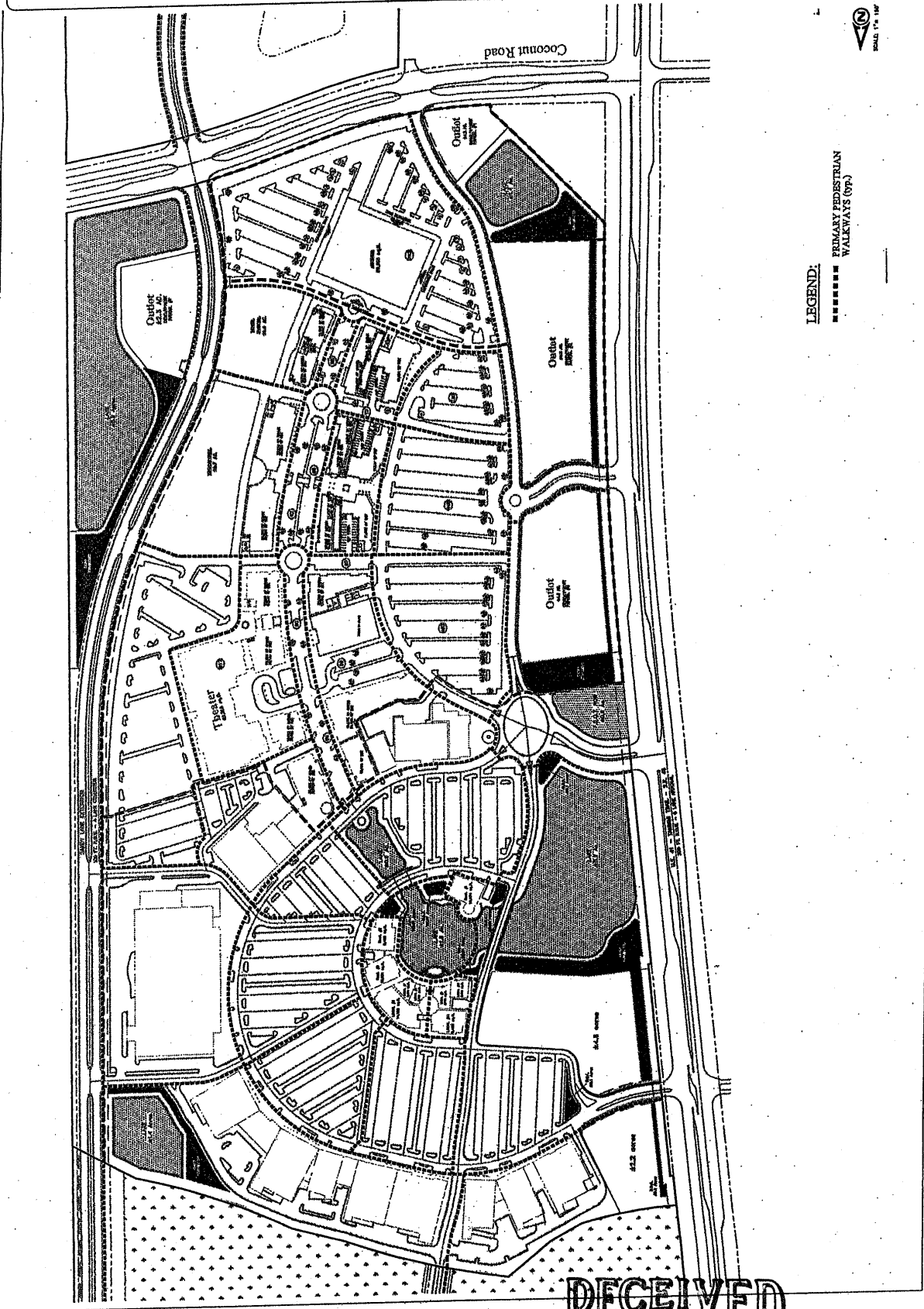
BONITA SPRINGS
FLORIDA

PROPOSED PEDESTRIAN
CIRCULATION PLAN

DATE: 05.14.16
SCALE: 1" = 100'

PROJECT NO: 2006-00002
SHEET NO: 1 OF 1

DATE: 05.14.16



LEGEND:
 - - - - - PRIMARY PEDESTRIAN WALKWAYS (PP)

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COMMUNITY DEVELOPMENT

SIMON
The Shops at
Coconut Point

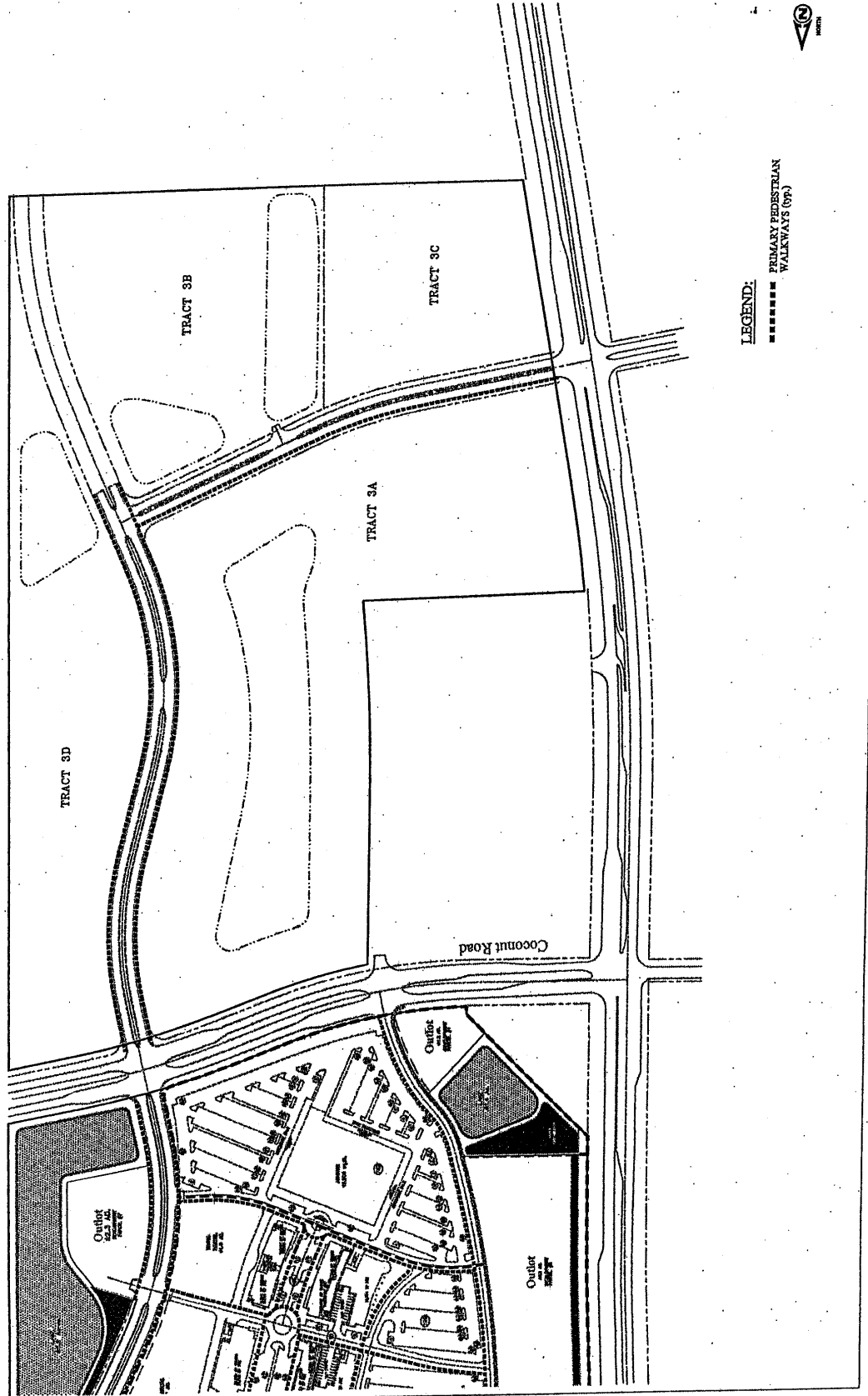
111 W. Washington Blvd.
Suite 100
Coral Gables, FL 33134
(305) 441-1000

The Shops at
Coconut Point

BONITA SPRINGS
FLORIDA

PROPOSED PEDESTRIAN
CIRCULATION PLAN

DATE	SCALE	PROJECT NO.	DATE



LEGEND:
 ■■■■■■■■■■ PRIMARY PEDESTRIAN WALKWAYS (PP)

DRI 2006-00002

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DRI 2006-00002

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

COMMUNITY DEVELOPMENT

Let it Be Known That, pursuant to Florida Statutes §380.06, the Board of County Commissioners of Lee County, Florida, heard at a public hearing convened on _____, 200__, 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 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, the DRI Development Order was amended by the Lee County Board of County Commissioners on February 7, 2005, 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 1000; and

WHEREAS, Coconut Point Developers, L.L.C., filed a Notice of Proposed Change on _____ to extend the buildout and termination dates of the project by one year; and

WHEREAS, the requested one year extension is conclusively deemed not to be a substantial deviation pursuant to section 380.06(19)(e)1, Florida Statutes; and

WHEREAS, notice of the proposed changes was provided to the Southwest Florida

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, February 7, 2005, and _____.

Regional Planning Council and the Department of Community Affairs in accordance with section 380.06(19)(e)1, Florida Statutes.

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, 350 hotel rooms, 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 20062007.

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

C. The property is zoned Mixed Planned Development (MPD). Undeveloped portions of the property are currently in active agricultural use.

D. The Application for Development Approval (ADA) 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.

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 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 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 Urban Community and Wetlands future land use categories. The project, as proposed and conditioned herein, is 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 amended subject to the following conditions, restrictions and limitations. For the purpose of this Development Order, the term "Developer" refers to Simon Property Group, L.P., 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 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 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 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 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 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:

	<u>Buildout (20062007)</u>
Multifamily Apartments (ITE LUC 220) (250 d.u. South Village)	250 d.u.
Multifamily Condominiums (ITE LUC 230) (450 d.u. Town Center, 550 d.u. North Village)	1,000 d.u.
Assisted Living Facility (ITE LUC 252) (200 d.u. South Village)	200 d.u.
Hotel (ITE LUC 310) (200 rooms Town Center, 150 rooms South Village)	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 20062007. ("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 (20062007):

Roadway Improvements Needed

<u>Roadways</u>	<u>Needed Improvement</u>
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⁾ Coconut Road @ Driveway 9/Regional Retail Center ⁽²⁾	Add 2 nd SB left turn lane 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 2 nd EB left turn lane Add 2 nd NB left turn lane Add 2 nd SB left turn lane
Corkscrew Road @ River Ranch Road ⁽¹⁾ Corkscrew Road @ Three Oaks Parkway	Signal retiming Add 2 nd WB left turn lane Add 2 nd NB left turn lane

I-75 @ Corkscrew Road⁽¹⁾

Old 41 @ Dean Street⁽¹⁾

Old 41 @ Pennsylvania Avenue⁽¹⁾

Old 41 @ West Terry Street⁽¹⁾

Three Oaks Parkway @ Koreshan Boulevard⁽¹⁾

Three Oaks Parkway @ Williams Road⁽¹⁾

Three Oaks Parkway @ Coconut Road⁽¹⁾

US 41 @ Immokalee Road⁽¹⁾

US 41 @ Old 41⁽¹⁾ (Collier County)

US 41 @ Bonita Beach Road

US 41 @ West Terry Street

US 41 @ Old 41/Pelican Landing Parkway

US 41 @ Pelican Colony Boulevard

US 41 @ Coconut Road

US 41 @ Driveway 6/Regional Retail Center⁽¹⁾

US 41 @ Driveway 5/Internal East-west Road⁽¹⁾

Add 2nd SB left turn lane

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

Signalization⁽³⁾

Signal retiming

Add 2nd NB thru lane

Add 2nd SB thru lane

Signalization⁽³⁾

Signalization⁽³⁾

Signalization⁽³⁾

Signal retiming

Signal retiming

Signal retiming

Signal retiming

Add 2nd WB right turn lane

Add 2nd NB left turn lane

Add 2nd SB left turn lane

Add 2nd EB left turn lane

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

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

Add NB right turn lane⁽²⁾

Add SB left turn lane⁽²⁾⁽³⁾

Add WB right turn lane⁽²⁾

Signalization⁽²⁾⁽³⁾

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 2 nd SB left turn lane Add 2 nd WB left turn lane Add 2 nd WB left turn lane
US 41 @ Corkscrew Road ⁽¹⁾	Signal retiming
US 41 @ Broadway ⁽¹⁾	Signalization ⁽³⁾
US 41 @ Koreshan Boulevard	Signal retiming
US 41 @ Sanibel Boulevard ⁽¹⁾	Add 2 nd NB right turn lane
US 41 @ Metro Parkway ⁽¹⁾	Signal retiming
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~~2007, 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 Statutes, 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).

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

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.

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~~2007 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~~2007; 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 Developer, and are treated much as a proportionate share obligation. In this case, the 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 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 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

<u>Roadways</u>	<u>Start Year</u>	<u>Improvement</u>
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.

<u>Date</u>	<u>Maximum Square Footage</u>	<u>Needed Improvements to Avoid Interim Level of Service Problem</u>	
		<u>Route</u>	<u>Limit</u>
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 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 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 alternative 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 Developer is also proposing to develop 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 Developer must commit to providing roadway capacity improvements above and beyond those improvements required by Rule 9J-2.0255, FAC; or
- c. The 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

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/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/k/a Simon Suncoast) MPD .

C. Master Plan of Development. Map H, stamped received at the Zoning Counter on 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~~2007, and a termination date of December 31, ~~2012~~2013. The termination date is based on a 5-year buildout and the recognition that a local Development Order, which is valid for six years, may be obtained prior to December 31, ~~2012~~2013. 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, commencement of substantial physical development of the project has occurred. 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~~2014~~. 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 _____, 200_____.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____

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

EXHIBIT A
PAGE 1 OF 3

PERMIT COUNTER

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

DR12004-00008

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

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

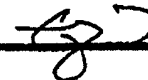
THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

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.

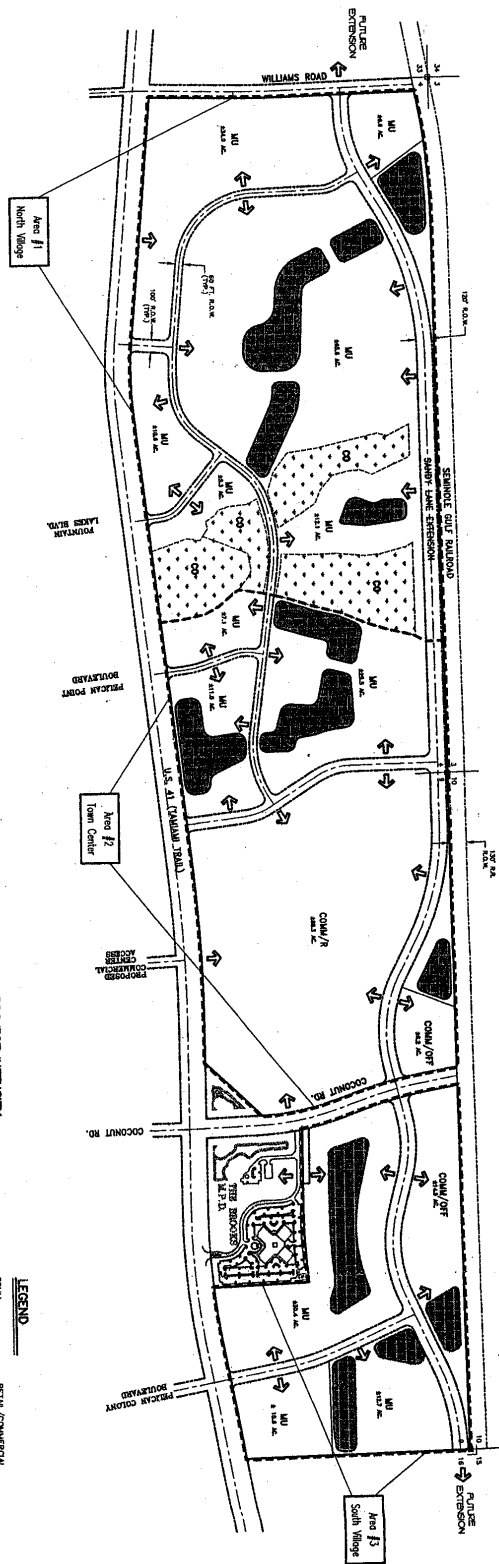
Applicant's Legal Checked

by  July 30, 2004.

DRI 2006-0002

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FEB 05 2005

COMMUNITY DEVELOPMENT



LAND USE BREAKDOWN

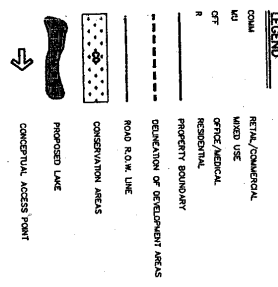
CONSERVATION AREAS	432.7 ACRES
INITIAL R.O.M.	447.1 ACRES
OPEN SPACE / DEVELOPMENT AREAS	811.8 ACRES
TOTAL	1,691.6 ACRES

PROJECT INTENSITY

RESIDENTIAL UNITS	1,450
COMMERCIAL/RETAIL (GROSS LEASABLE AREA)	1,000,000
GENERAL OFFICE (G.F.)	200,000
MOTEL (GROSS)	100,000
TOTAL	200

NOTES:

1. CONSERVATION AREAS, OPEN SPACE AND INITIAL R.O.M. ARE CONCEPTUAL. SHOWN AND SUBJECT TO CHANGE DURING FINAL DEVELOPMENT.
2. THE ZONES (MU) DESIGNATION CONTAIN A MIX OF RETAIL/COMMERCIAL, HOTEL, OTHER RESIDENTIAL, M/F AND PUBLIC FACILITY LAND USES.



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PERMIT COUNTER
DRI 2004 0000-80

SIMON SUNCOAST
MASTER CONCEPT PLAN
MAP 'H'

H M
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

REVISION	NO. & DESCRIPTION	DATE
1	ISSUED FOR 14. SUPPLEMENTARY COMMENTS	01/26/04
2	REVISION	11/15/04

DATE	BY	CHKD.	DATE
11/17/04	11/17/04	11/17/04	11/17/04
11/17/04	11/17/04	11/17/04	11/17/04

9772BMAPH
9779-B 1 of 1

DRI
EXHIBIT C

Development Parameters and Phasing Schedule

		<u>Buildout</u>
Regional Retail Commercial	1,450,000* sq. ft.	2006 <u>2007</u>
Community Retail	350,000* sq. ft.	2006 <u>2007</u>
Office	300,000** sq. ft.	2006 <u>2007</u>
Hotel	350 Rooms	2006 <u>2007</u>
Residential, Multi-family	1250 du	2006 <u>2007</u>
Assisted Living Facility	200 units	2006 <u>2007</u>

* 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 Obligation³

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

DRI 2006-00002

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COMMUNITY DEVELOPMENT

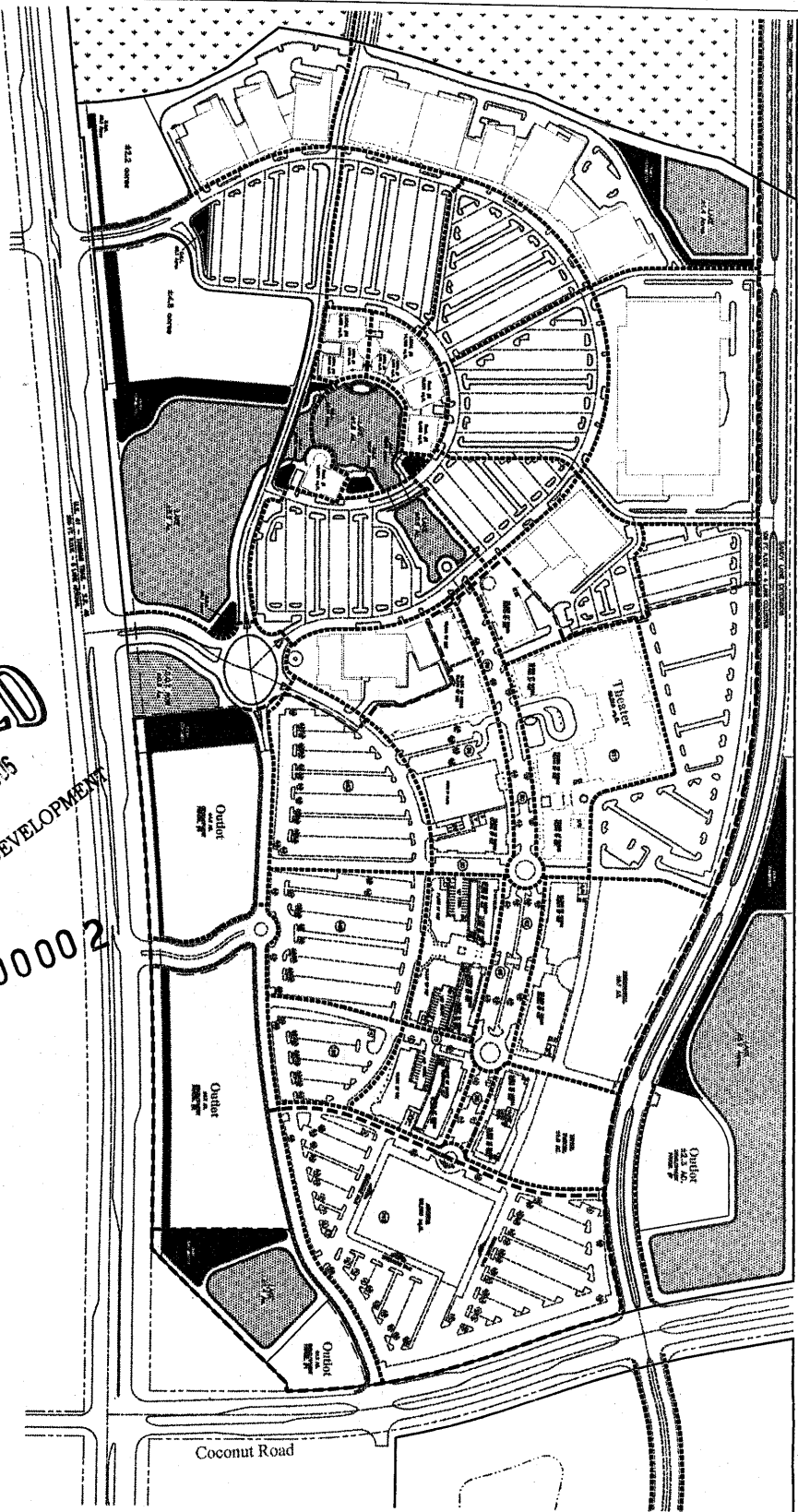
³ The calculations included here are based upon the impact fee schedule effective July 1, 2000.

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COMMUNITY DEVELOPMENT

DRI 2006-00002

LEGEND:
 PRIMARY PEDESTRIAN
 WALKWAYS (PW)



Coconut Road

SIMON
 National City Center
 1150 Brickell Avenue, Suite 2000
 Miami, Florida 33131
 (305) 575-5000

The Shops at
 Coconut Point
 BONITA SPRINGS
 FLORIDA

PROPOSED PEDESTRIAN
 CIRCULATION PLAN

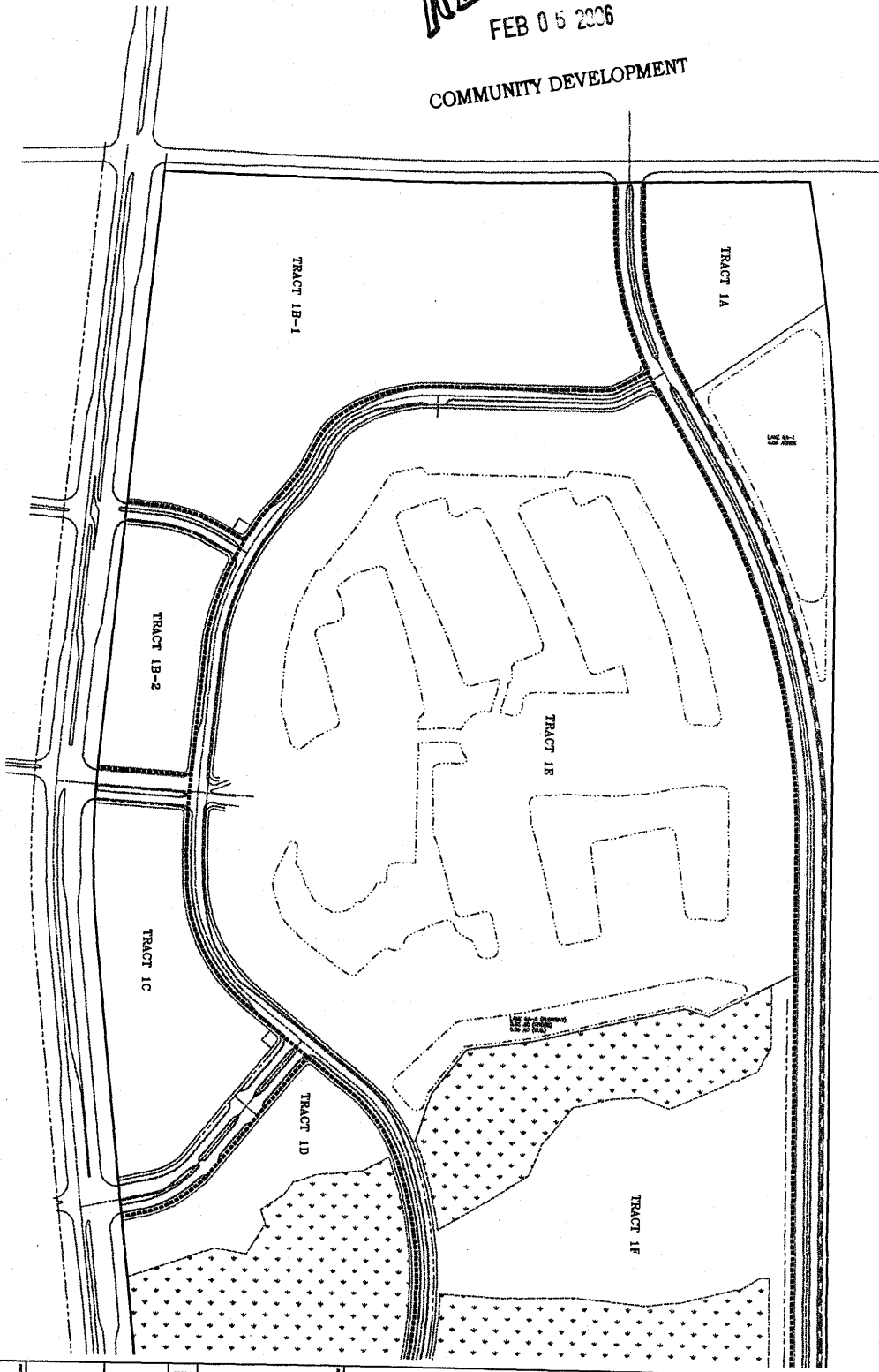
DATE: 1/21/05
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 SCALE: 1" = 100'

(011) DP 3RD CIR PLAN 000002

DRI 2006-00002

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FEB 05 2006

COMMUNITY DEVELOPMENT



LEGEND:
 - - - - - PRIMARY PEDESTRIAN WALKWAYS (PW)
 - - - - - PRIMARY PEDESTRIAN WALKWAYS (PW)



SIMON
 115 W. Park Avenue
 Suite 200
 Bonita Springs, FL 34134
 Phone: (941) 653-1000

The Shops at
 Coconut Point
 BONITA SPRINGS
 FLORIDA

PROPOSED PEDESTRIAN
 CIRCULATION PLAN

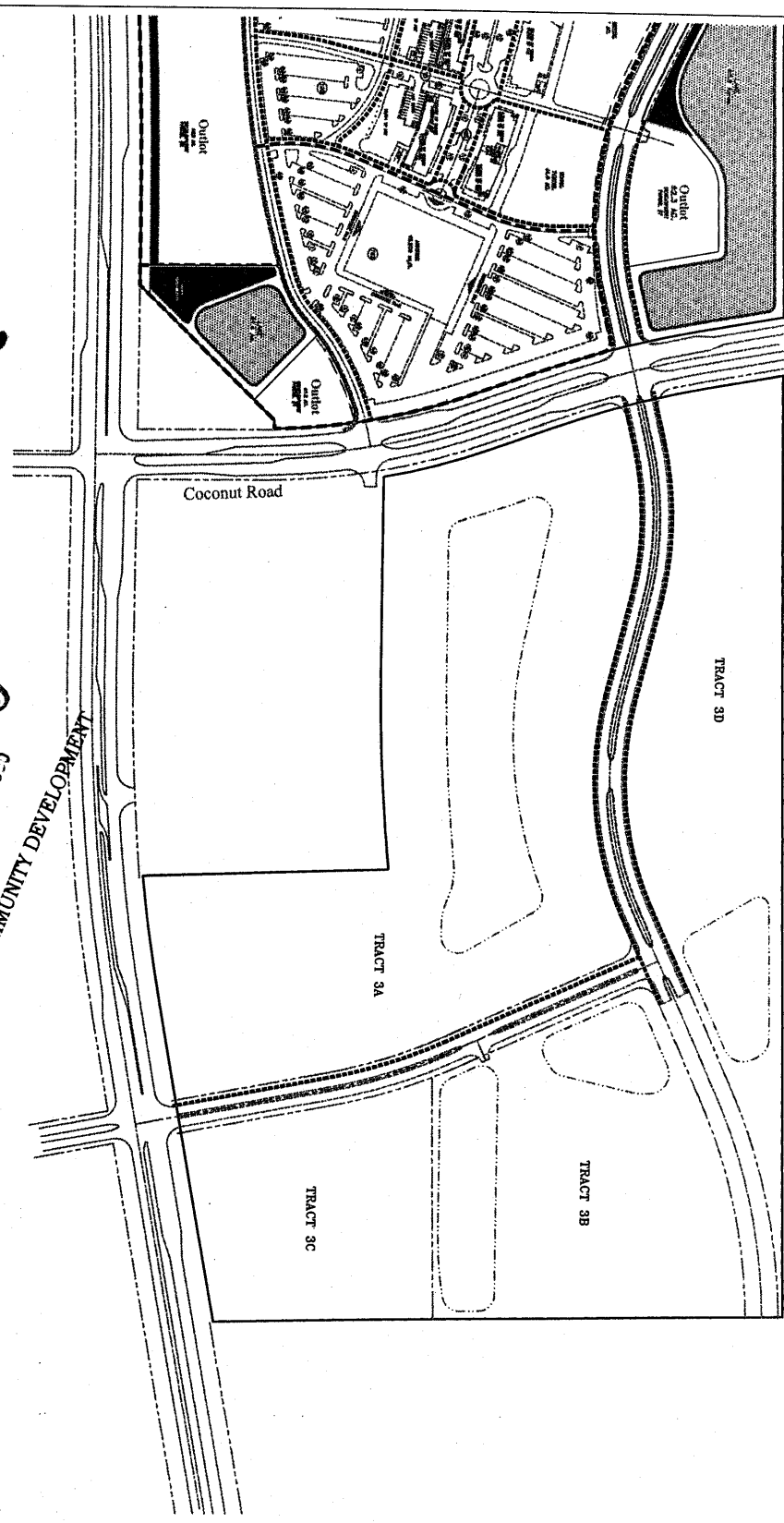
DATE: 08/14/04
 DRAWN BY: JMD
 CHECKED BY: JMD

011160_PBD_CIRCPLAN_00004

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 FEB 05 2005
 DRI 2006-00002

COMMUNITY DEVELOPMENT

LEGEND:
 ■■■■■■■■■■ PRIMARY PEDESTRIAN
 WALKWAYS (PW)



SIMONT National City Center 1100 Wisconsin Ave., N.W. Washington, D.C. 20004 (202) 462-1000		The Shops at Coconut Point BONITA SPRINGS FLORIDA	
PROPOSED PEDESTRIAN CIRCULATION PLAN			
DATE	SCALE	PROJECT NO.	SHEET NO.
01/10/05	AS SHOWN	050904	1-11
01/10/05 PED CIRC PLAN 050904			

ZONING DIVISION

LEE COUNTY

DEVELOPMENT OF REGIONAL IMPACT SUFFICIENCY REVIEW

TRANSMITTAL SHEET

TO: Distribution

FROM: Alvin Block, AICP

DATE: 06/02/2006

Donna Marie Collins, Asst County Attorney
DS Reviewer - Susan L Hollingsworth
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Ellen Lindblad, Lee County School District
Brad Vance, Natural Resources
Luis Machado, Zoning

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: COCONUT POINT/SIMON SUNCOAST

CASE #: DRI2006-00002

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
 Review and forward sufficiency
questions or make finding of
sufficiency

RESPONSE REQUIRED BY: 06/23/2006

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: Luisa V Villa

Date: 06/06/2006

**Knott, Consoer, Ebelini
Hart & Swett, P.A.**
ATTORNEYS - AT - LAW

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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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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
Naty Torres-Alvarado
David A. Burt

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

MEMORANDUM

TO: Chip Block
FROM: Zsuzsanna Weigel
DATE: May 26, 2006
RE: Coconut Point DRI - DRI2006-00002

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JUN 02 2006
mkw
COMMUNITY DEVELOPMENT

Attached please find NOPC that was mailed to the State Bureau of Local Planning, and submitted to the Southwest Florida Regional Planning Council this afternoon.

Enclosure

MDU/zw

DRI 2006-00002

ZONING DIVISION
LEE COUNTY
DEVELOPMENT OF REGIONAL IMPACT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Alvin Block, AICP

DATE: 02/06/2006

Donna Marie Collins, Asst County Attorney
DS Reviewer - Susan Hollingsworth
TIS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Ellen Lindblad, Lee County School District
Brad Vance, Natural Resources
Luis Machado, Zoning

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: COCONUT POINT/SIMON SUNCOAST

CASE #: DRI2006-00002

INFORMATION SUMMARY:

NEW SUBMITTAL

To update your file
 Review and forward sufficiency
questions or make finding of
sufficiency

RESPONSE REQUIRED BY: 02/27/2006

Additional Comments:

(DRI) Lee County LDC Section 34-373(d)(1).

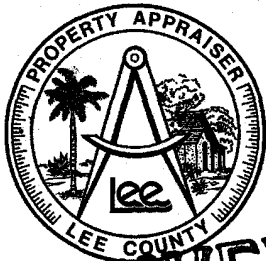
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cc: DRI planner/working file
DRI Zone File

Distributed by: Jodi M Payne

Date: 02/09/2006



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: January 31, 2006
Buffer Distance: 500 ft
Parcels Affected: 157
Subject Parcel: 04-47-25-00-00001.0130, 09-47-25-00-00001.0020

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 FEB 06 2006

COMMUNITY DEVELOPMENT

DRI 2006-00002

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Index</u>
ACL RR CO	03-47-25-00-00001.0000 RIGHT OF WAY ESTERO FL 33928	STRIP OF LAND FOR RR R/W	1
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	2
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	3
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	4
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	5
TULIP ASSOCIATES LLC DENNIS J LYNCH 4081 TAMIAMI TR N STE C-105 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	6
LU/ESTERO LAND HOLDINGS LLC 800 FRONTAGE RD NORTHFIELD IL 60093	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	7
COCONUT POINT NORTH VILLAGE 24880 BURNT PINE DR BLDG 8 BONITA SPRINGS FL 34134	04-47-25-30-0000R.0000 RIGHT OF WAY ESTERO FL 33928	COCONUT POINT AREA 1 DESC IN PB 83 PGS 1-13 TRACT R	8
MCARDLE EDWARD J TR PO BOX 366879 BONITA SPRINGS FL 34136	04-47-25-30-0001F.0000 RESERVED ESTERO FL 33928	COCONUT POINT AREA 1 DESC IN PB 83 PGS 1-13 TRACT 1-F	9
COCONUT POINT NORTH VILLAGE 24880 BURNT PINE DR BLDG 8 BONITA SPRINGS FL 34134	04-47-25-30-000L1.00CE ACCESS UNDETERMINED ESTERO FL 33928	COCONUT POINT AREA 1 DESC IN PB 83 PGS 1-13 TRACT L-1	10
MCARDLE EDWARD J TR PO BOX 366879 BONITA SPRINGS FL 34136	04-47-25-30-000R4.0000 RIGHT OF WAY ESTERO FL 33928	COCONUT POINT AREA 1 DESC IN PB 83 PGS 1-13 TRACT R-4	11
COMMUNITY BANK OF NAPLES NA 5150 TAMIAMI TRAIL N NAPLES FL 34103	04-47-25-30-001D1.0000 CORNER LOT ESTERO FL 33928	COCONUT POINT AREA 1 DESC IN PB 83 PGS 1-13 TRACT 1-D1	12
COCONUT POINT NORTH VILLAGE 24880 BURNT PINE DR BLDG 8 BONITA SPRINGS FL 34134	04-47-25-30-00C19.00CE RESERVED ESTERO FL 33928	COCONUT POINT AREA 1 DESC IN PB 83 PGS 1-13 TRACT C-19	13

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
COCONUT POINT NORTH VILLAGE 24880 BURNT PINE DR BLDG 8 BONITA SPRINGS FL 34134	04-47-25-30-00C20.00CE RESERVED ESTERO FL 33928	COCONUT POINT AREA 1 DESC IN PB 83 PGS 1-13 TRACT C-20	14
COCONUT POINT NORTH VILLAGE 24880 BURNT PINE DR BLDG 8 BONITA SPRINGS FL 34134	04-47-25-30-00OS2.00CE RESERVED ESTERO FL 33928	COCONUT POINT AREA 1 DESC IN PB 83 PGS 1-13 TRACT OS-2	15
COCONUT POINT NORTH VILLAGE 24880 BURNT PINE DR BLDG 8 BONITA SPRINGS FL 34134	04-47-25-30-00OS4.00CE RESERVED ESTERO FL 33928	COCONUT POINT AREA 1 DESC IN PB 83 PGS 1-13 TRACT OS-4	16
COCONUT POINT NORTH VILLAGE 24880 BURNT PINE DR BLDG 8 BONITA SPRINGS FL 34134	04-47-25-30-00OS5.00CE RESERVED ESTERO FL 33928	COCONUT POINT AREA 1 DESC IN PB 83 PGS 1-13 TRACT OS-5	17
MCARDLE EDWARD J TR PO BOX 366879 BONITA SPRINGS FL 34136	09-47-25-00-00001.0010 ACCESS UNDETERMINED BONITA SPRINGS FL 34135	SEC9 E OF ST.RD45 + N1/2 OF N1/2 W OF ST.RD45 LESS PAR1.002/1.005/.001A+001B + 1.0160 + RD R/W 3194/2896 + OR3249/1329 + OR4339/1857+ OR 4536/185+ OR 4844/1944 + INST 2005-36108 + 91875	18
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	19
ALV COCONUT POINT LLP ONE SOUTHEAST 3RD AVE MIAMI FL 33131	09-47-25-00-00001.0030 ACCESS UNDETERMINED BONITA SPRINGS FL 34135	PARCEL IN SE 1/4 LYING S OF COCONUT RD + E OF TAMIAMI TRL DESC IN INST 2005-91875	20
TULIP ASSOCIATES LLC DENNIS J LYNCH 4081 TAMIAMI TRAIL N STE C-105 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	21
MANCHESTER ASSOCIATES LLC DENNIS J LYNCH 4081 TAMIAMI TRAIL N SUITE C-105 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	22
COCONUT POINT DEVELOPERS LLC SIMON PROPERTY GROUP P O BOX 6120 INDIANAPOLIS IN 46206	09-47-25-00-00001.0110 ACCESS UNDETERMINED ESTERO FL 33928	PARCEL E OF ST.RD45 + N1/2 OF N1/2 OF NE 1/4 DESC IN OR 4536 PG 185	23
LEE MEMORIAL HEALTH SYSTEM 636 DEL PRADO BLVD CAPE CORAL FL 33990	09-47-25-00-00001.0230 ACCESS UNDETERMINED BONITA SPRINGS FL 34135	PARCEL IN SE 1/4 OF SEC SOUTH OF COCONUT RD + EAST OF TAMIAMI TRL AS DESC IN OR 4844 PG 1944	24
NAPERVILLE 2 LLC 9440 ENTERPRISE DR MOKENA IL 60448	09-47-25-00-00001.0250 RESERVED FL	PARL LOC IN NE 1/4 OS SEC DESC IN INST 2005-59776	25
BROOKS 41 COMMERICAL ASSN INC BARRETT C OTT 745 12TH AV S STE 100 NAPLES FL 34102	09-47-25-00-00001.16CE 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	26
LONG BAY PARTNERS LLC 11860 EAST TERRY STREET BONITA SPRINGS FL 34135	09-47-25-00-00001.1ACE 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	27
LONG BAY PARTNERS LLC 9990 COCONUT RD STE 202 BONITA SPRINGS FL 34135	09-47-25-00-00001.20CE 8350 HEALTH CENTER BLVD BONITA SPRINGS FL 34135	PARL LOC IN THE SE 1/4 LYING E OF US 41 + SLY OF COCONUT ROAD	28
COCONUT 41 LLC 9130 CORSEA DEL FONTANA WAY NAPLES FL 34109	09-47-25-00-00002.0020 ACCESS UNDETERMINED BONITA SPRINGS FL 34134	PARL IN S 1/2 OF N 1/2 W OF US-41 DESC OR 1871 PG 1306	29

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COCONUT 41 LLC 9130 CORSEA DEL FONTANA WAY NAPLES FL 34109	09-47-25-00-00002.0040 3200 COCONUT RD BONITA SPRINGS FL 34134	PARL IN N 1/2 AS DESC OR 2014 PG 4241	30
MILLENNIUM GROUP OF SW FL LC MELDON CONSULTANTS 800 HARBOUR DR STE 7 + 8 NAPLES FL 34103	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	31
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	32
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	33
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	34
SPRING RUN GOLF CLUB COMM ASSN 9501 SPRING RUN BLVD BONITA SPRINGS FL 34134	10-47-25-02-000G1.00CE 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)	35
MORNINGSIDE AT THE BROOKS GULF BREEZE MGMT SERVICES INC 8910 TERRENE CT STE 200 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	36
HEILSTEDT JOHN E TR + 432 PICKWICK PL VALPARAISO IN 46385	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	*37
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	*37
SABATINI F ELENA TR 23166 ROSEDALE DR #201 BONITA SPRINGS FL 34135	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	*37
SILVA LOUIS + JOYA M 88 VALENTINE CIR WARWICK RI 02886	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	*37
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	*38
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	*38
HARPER ANDREW + GILLIAN 18 ARBOR CLOSE FETCHAM SORREY KT229DZ UNITED KINGDOM	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	*38
DOWNIN SUSAN 23156 ROSEDALE DR #202 BONITA SPRINGS FL 34135	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	*38

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ACHZET RUSSELL K 9570 CYPRESS HAMMOCK CIR #202 BONITA SPRINGS FL 34135	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	*39
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	*39
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	*39
SPATHOLT EDGAR J + ELIZABETH A 435 RIVERVIEW DR YOUNGSTOWN NY 14174	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	*39
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	*40
IULIANO BARBARA L TR 177 BAYVIEW TER AKRON OH 44319	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	*40
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	*40
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	*40
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	*41
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	*41
MCALFEER JOSEPH F JR + LINDA A 12 VALLEY VIEW TER MOORESTOWN NJ 08057	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	*41
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	*41
LINDER BARBARA E 11987 WINDSOR MOSS ELLCOTT CITY MD 21042	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	*42
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	*42
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	*42

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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	*42
KARADIMAS PETER A + 7 SPAR RD EAST NORWALK CT 06855	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	*43
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	*43
HENDRICKS PATRICIA J 1770 N MEADOW DR MECHANICSBURG PA 17055	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	*43
CABLE DALE A + TERRI LYNN 337 GREENSFIELD LANE COPLEY OH 44321	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	*43
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	*44
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	*44
RILEY W PATRICK + JEANNE 23121 ROSEDALE DR #201 BONITA SPRINGS FL 34135	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	*44
BERTOLINI JOSEPH M + DOREEN P 23121 ROSEDALE RD #202 BONITA SPRINGS FL 34135	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	*44
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	*45
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	*45
SCHNEIDER GREGORY E + JANE TR 8536 STONECHAT LOOP 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	*45
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	*45
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	*46
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	*46

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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	*46
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	*46
PICCIANO MICHAEL V + VALERIE 23091 ROSEDALE DR APT 101 BONITA SPRINGS FL 34135	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	*47
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	*47
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	*47
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	*47
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	*48
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	*48
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	*48
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	*48
NOLAN JOHN M + CATHLEEN T 19 FENIMORE LN HUNTINGTON NY 11743	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	*49
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	*49
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	*49
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	*49
GIVENS ROBERT M + CONNIE J 1 BOBBY JONES 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	*50

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BARMORE C PAUL 11808 CEDARDALE RD LOUISVILLE KY 40223	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	*50
VANPELT JACK FRANKLIN TR 23061 ROSEDALE DR #201 BONITA SPRINGS FL 34135	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	*50
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	*50
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	*51
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	*51
JACOBS ROBERT S + DONNA S 125 HILTON RD 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	*51
BALDRIDGE JAMES G + 6290 MILLBANK DR CENTERVILLE OH 45459	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	*51
HOFF WALLACE J + MARY J 10202 SUNWAY TER ELLCOTT 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	*52
KOOS DAVID P + JANE L 23041 ROSEDALE DR #102 BONITA SPRINGS FL 34135	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	*52
AVELLA ANTHONY P + MARIA C 43784 WOODWORTH CT ASHBURN VA 20147	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	*52
JENSEN AMY 23041 ROSEDALE DR #202 BONITA SPRINGS FL 34135	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	*52
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	*53
OFFENBACHER RICHARD D + LINDA 2539 VALLEY OAKS ESTATES DR WILDWOOD MO 63005	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	*53
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	*53
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	*53

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
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	*54
DEBRUYN STEPHEN J + JAYNE M 408 WEST WINTER DANVILLE IL 61832	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	*54
SHARP RONALD A + INESE B 22 DEANS LN POUGHKEEPSIE NY 12503	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	*54
ELATTRACHE SELIM 606 S CHURCH ST MOUNT PLEASANT PA 15666	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	*54
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	*55
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	*55
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	*55
NOLAN TRACY E 142 WARKWORTH LN INVERNEY IL 60067	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	*55
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	*56
PATTERSON JAMES + CONNIE 236 LYNWOOD DR BATTLE CREEK MI 49015	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	*56
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	*56
FERGUSON CHARLOTTE + JOHN 23001 ROSEDALE DR UNIT 202 BONITA SPRINGS FL 34135	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	*56
COLBURN ELLEN 22991 ROSEDALE 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	*57
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	*57
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	*57

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Index</u>
STANIEC TED + DOROTHY 3 OXHOLM AVE STATEN ISLAND NY 10301	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	*57
JACOBSON KARL A + ELIZABETH F 794 7TH ST APT L SOUTH BOSTON MA 02127	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	*58
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	*58
NEWCOMBE W JR + CYNTHIA 1/2 + 10 PEPPERBERRY PATH 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	*58
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	*58
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	*59
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	*59
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	*59
HIGGINS NICHOLAS + 10820 SUNSET OFFICE DR #200 ST LOUIS MO 63127	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	*59
STOKES JAMES B + SARA R 22961 ROSEDALE DR 101 BONITA SPRINGS FL 34135	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	*60
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	*60
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	*60
MANNING DAVID D + JOANN 110 SUNDOWN DR WOOD RIVER IL 62095	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	*60
RUSSELL H BRUCE + SUSAN F 22951 ROSEDALE DR #101 BONITA SPRINGS FL 34135	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	*61
RAVIN ALISON B TR 101 OL FRANKLIN GROVE DR CHAPEL HILL NC 27514	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	*61

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
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	*61
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	*61
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	*62
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	*62
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	*62
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	*62
BRUNN RICHARD C + C SUE 8846 SERENITY DR NW MASSILLON OH 44646	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	*63
DAY PATRICK J + PATRICIA K 18947 DORENKEMPER PL 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	*63
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	*63
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	*63
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	*64
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	*64
CUDAHY ROGER + MONICA 83 OAK ST FLORAL PARK NY 11001	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	*64
RICARDO GIL + MARIA 4 ROBERT DR LEBANON NJ 08833	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	*64
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	*65

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Index</u>
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	*65
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	*65
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	*65
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	*66
WALLER LINDA L + DAVID L 16612 FREDERICK CIR OMAHA NE 68130	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	*66
WARD KIMIKO M TR 2390 LOCH CREEK WAY 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	*66
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	*66
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	67

157 RECORDS PRINTED

DRI 2006-00002
RECEIVED
FEB 06 2006

COMMUNITY DEVELOPMENT

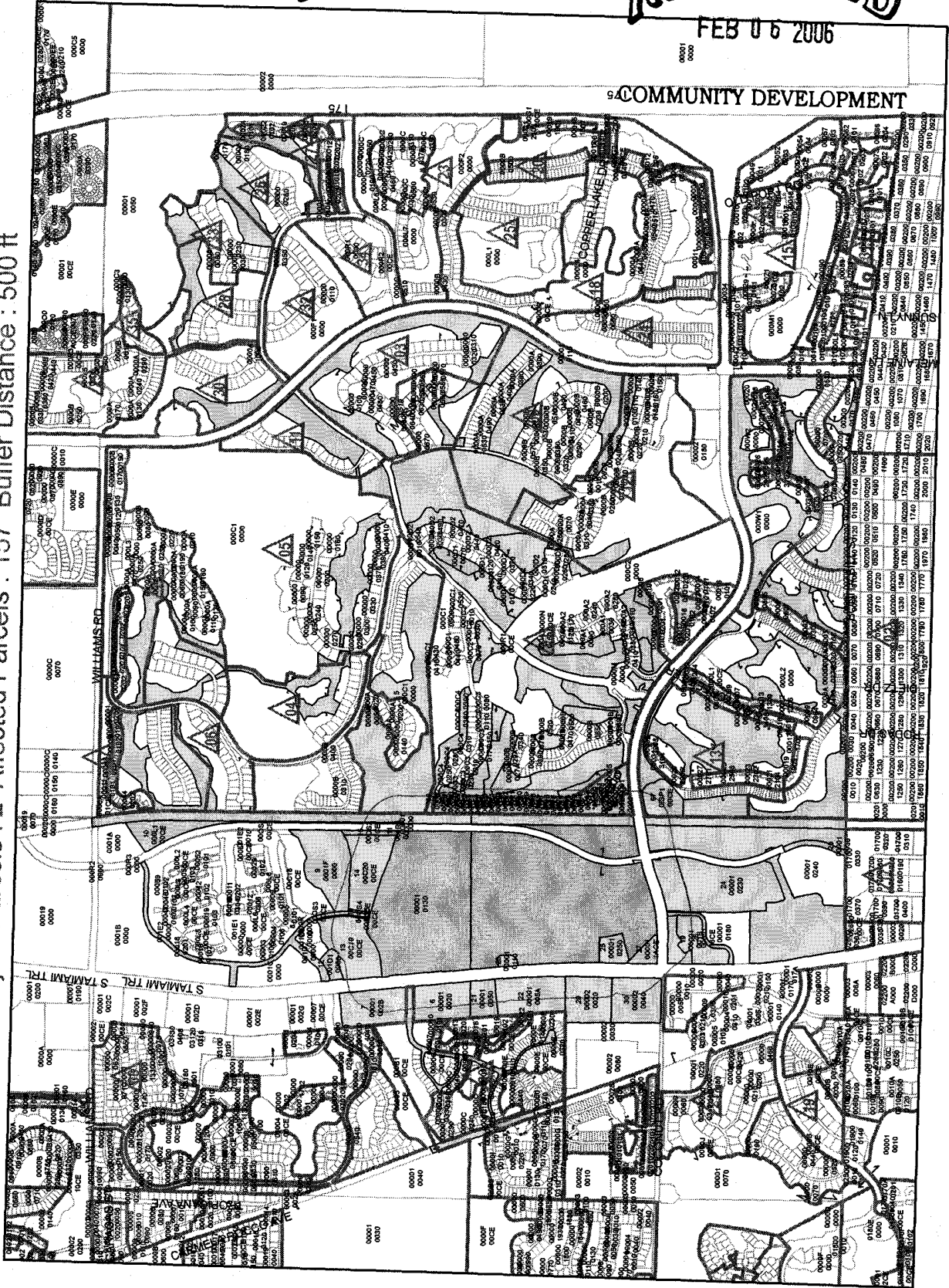
DRI 2006-0000 RECEIVED

FEB 06 2006

1/31/2006

VARIANCE REPORT

Subject Parcels : 2 Affected Parcels : 157 Buffer Distance : 500 ft



04-47-25-00-00001.0130 et al.





LEE COUNTY
SOUTHWEST FLORIDA

**COURTESY NOTICE TO ADJACENT PROPERTY OWNERS
OF RECEIPT OF ZONING APPLICATION**

Date: February 28, 2006

Case Number: DRI2006-00002

Case Name: COCONUT POINT/SIMON SUNCOAST

Request: Amendment to the Coconut Point DRI Development Order to utilize the single, one-year extension on the build-out date and termination dates.

Location: East side of US41, between Williams Rd and northern boundary of Bonita Springs, in S04 and 09-T47S-R25E, Lee County, FL.

PROPERTY OWNER'S REPRESENTATIVE: MR. MATTHEW D. UHLE, ESQ
KNOTT, CONSOER, EBELINI ET AL
(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

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

03-47-25-01-000C3.0240
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

04-47-25-00-00001.0020
TULIP ASSOCIATES LLC
DENNIS J LYNCH
4081 TAMIAMI TR N STE C-105
NAPLES, FL 34103

04-47-25-00-00001.002B
LU/ESTERO LAND HOLDINGS LLC
800 FRONTAGE RD
NORTHFIELD, IL 60093

04-47-25-30-0000R.0000
COCONUT POINT NORTH VILLAGE
24880 BURNT PINE DR BLDG 8
BONITA SPRINGS, FL 34134

04-47-25-30-0001F.0000
MCARDLE EDWARD J TR
PO BOX 366879
BONITA SPRINGS, FL 34136

04-47-25-30-000L1.00CE
COCONUT POINT NORTH VILLAGE
24880 BURNT PINE DR BLDG 8
BONITA SPRINGS, FL 34134

04-47-25-30-000R4.0000
MCARDLE EDWARD J TR
PO BOX 366879
BONITA SPRINGS, FL 34136

04-47-25-30-001D1.0000
COMMUNITY BANK OF NAPLES NA
5150 TAMIAMI TRAIL N
NAPLES, FL 34103

04-47-25-30-00C19.00CE
COCONUT POINT NORTH VILLAGE
24880 BURNT PINE DR BLDG 8
BONITA SPRINGS, FL 34134

04-47-25-30-00C20.00CE
COCONUT POINT NORTH VILLAGE
24880 BURNT PINE DR BLDG 8
BONITA SPRINGS, FL 34134

04-47-25-30-00OS2.00CE
COCONUT POINT NORTH VILLAGE
24880 BURNT PINE DR BLDG 8
BONITA SPRINGS, FL 34134

04-47-25-30-00OS4.00CE
COCONUT POINT NORTH VILLAGE
24880 BURNT PINE DR BLDG 8
BONITA SPRINGS, FL 34134

04-47-25-30-00OS5.00CE
COCONUT POINT NORTH VILLAGE
24880 BURNT PINE DR BLDG 8
BONITA SPRINGS, FL 34134

09-47-25-00-00001.0010
MCARDLE EDWARD J TR
PO BOX 366879
BONITA SPRINGS, FL 34136

09-47-25-00-00001.001B
DRACKETT + OTT ENTERPRISES LLC
745 12TH AV S #100
NAPLES, FL 34102

09-47-25-00-00001.0030
ALV COCONUT POINT LLP
ONE SOUTHEAST 3RD AVE
MIAMI, FL 33131

09-47-25-00-00001.0050
TULIP ASSOCIATES LLC
DENNIS J LYNCH
4081 TAMIAMI TRAIL N STE C-105
NAPLES, FL 34103

09-47-25-00-00001.0110
COCONUT POINT DEVELOPERS LLC
SIMON PROPERTY GROUP
P O BOX 6120
INDIANAPOLIS, IN 46206

09-47-25-00-00001.0250
NAPERVILLE 2 LLC
9440 ENTERPRISE DR
MOKENA, IL 60448

09-47-25-00-00001.1ACE
LONG BAY PARTNERS LLC
11860 EAST TERRY STREET
BONITA SPRINGS, FL 34135

09-47-25-00-00002.0020
COCONUT 41 LLC
9130 CORSEA DEL FONTANA WAY
NAPLES, FL 34109

09-47-25-22-0000F.01CE
MILLENNIUM GROUP OF SW FL LC
MELDON CONSULTANTS
800 HARBOUR DR STE 7 + 8
NAPLES, FL 34103

10-47-25-01-000L3.0000
BROOKS OF BONITA SPRINGS CDD
GARY L MOYER DIST MANAGER
10300 NW 11TH MANOR
CORAL SPRINGS, FL 33071

10-47-25-02-000G1.00CE
SPRING RUN GOLF CLUB COMM ASSN
9501 SPRING RUN BLVD
BONITA SPRINGS, FL 34134

10-47-25-06-00001.0101
HEILSTEDT JOHN E TR +
432 PICKWICK PL
VALPARAISO, IN 46385

10-47-25-06-00001.0201
SABATINI F ELENA TR
23166 ROSEDALE DR #201
BONITA SPRINGS, FL 34135

09-47-25-00-00001.005A
MANCHESTER ASSOCIATES LLC
DENNIS J LYNCH
4081 TAMIAMI TRAIL N
SUITE C-105
NAPLES, FL 34103

09-47-25-00-00001.0230
LEE MEMORIAL HEALTH SYSTEM
636 DEL PRADO BLVD
CAPE CORAL, FL 33990

09-47-25-00-00001.16CE
BROOKS 41 COMMERCIAL ASSN INC
BARRETT C OTT
745 12TH AV S STE 100
NAPLES, FL 34102

09-47-25-00-00001.20CE
LONG BAY PARTNERS LLC
9990 COCONUT RD STE 202
BONITA SPRINGS, FL 34135

09-47-25-00-00002.0040
COCONUT 41 LLC
9130 CORSEA DEL FONTANA WAY
NAPLES, FL 34109

10-47-25-00-00001.0000
ACL RR CC

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
GULF BREEZE MGMT SERVICES INC
8910 TERRENE CT STE 200
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
SILVA LOUIS + JOYA M
88 VALENTINE CIR
WARWICK, RI 02886

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
HARPER ANDREW + GILLIAN
18 ARBOR CLOSE
FETCHAM
SORREY KT229DZ,
UNITED KINGDOM

10-47-25-06-00002.0202
DOWNIN SUSAN
23156 ROSEDALE DR #202
BONITA SPRINGS, FL 34135

10-47-25-06-00003.0101
ACHZET RUSSELL K
9570 CYPRESS HAMMOCK CIR #202
BONITA SPRINGS, FL 34135

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
SPATHOLT EDGAR J + ELIZABETH A
435 RIVERVIEW DR
YOUNGSTOWN, NY 14174

10-47-25-06-00004.0101
HAIDLE VIRGINIA W TR
23136 ROSEDALE DR #101
BONITA SPRINGS, FL 34135

10-47-25-06-00004.0102
IULIANO BARBARA L TR
177 BAYVIEW TER
AKRON, OH 44319

10-47-25-06-00004.0201
EGBERG DAVID C + JACQUELINE R
18668 FARMSTEAD CIR
EDEN PRAIRIE, MN 55347

10-47-25-06-00004.0202
HADLEY JAMES A + DENISE B
15 FALL MEADOW DR
PITTSFORD, NY 14534

10-47-25-06-00007.0101
PARROTT JL + JULIE T
1508 CROSS TIMBERS RD
LOUISVILLE, KY 40245

10-47-25-06-00007.0102
BOCK WILLIAM C + KATHY L
23151 ROSEDALE DR #102
BONITA SPRINGS, FL 34135

10-47-25-06-00007.0201
MCALEER JOSEPH F JR + LINDA A
12 VALLEY VIEW TER
MOORESTOWN, NJ 08057

10-47-25-06-00007.0202
STEWART PETER M + JOAN T
19 LOWER VILLAGE GATE PH02
TORONTO, ON M5P 3L9
CANADA

10-47-25-06-00008.0101
LINDER BARBARA E
11987 WINDSOR MOSS
ELLCOTT CITY, MD 21042

10-47-25-06-00008.0102
MESJAK RICHARD J + VIRGINIA M
6501 SHINGLE CREEK DR
BROOKLYN PARK, MN 55445

10-47-25-06-00008.0201
BEHNKEN LELAND E + ANN L
2822 KNOX HIGHWAY 3
ALTONA, IL 61414

10-47-25-06-00008.0202
CASOLO BONITA A
60 OVERBOOK RD
PAINTED POST, NY 14870

10-47-25-06-00009.0101
 KARADIMAS PETER A +
 7 SPAR RD
 EAST NORWALK, CT 06855

10-47-25-06-00009.0201
 HENDRICKS PATRICIA J
 1770 N MEADOW DR
 MECHANICSBURG, PA 17055

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
 23121 ROSEDALE DR #201
 BONITA SPRINGS, FL 34135

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 TR
 8536 STONECHAT LOOP
 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
 PICCIANO MICHAEL V + VALERIE
 23091 ROSEDALE DR APT 101
 BONITA SPRINGS, FL 34135

10-47-25-06-00013.0201
 PROKOP R PETER + MARY LYNN
 37735 EAGLE TRACE
 FARMINGTON HILLS, MI 48331

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
 337 GREENSFIELD LANE
 COPLEY, OH 44321

10-47-25-06-00010.0102
 VANBUREN JAMES K + KAREN J
 9807 COPPER HILL RD
 ST LOUIS, MO 63124

10-47-25-06-00010.0202
 BERTOLINI JOSEPH M + DOREEN P
 23121 ROSEDALE RD #202
 BONITA SPRINGS, FL 34135

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

10-47-25-06-00014.0101
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
NOLAN JOHN M + CATHLEEN T
19 FENIMORE LN
HUNTINGTON, NY 11743

10-47-25-06-00015.0201
NELSON GARY A + JANETH
9220 OVERLOOK TRL
EDEN PRARIE, MN 55347

10-47-25-06-00016.0101
GIVENS ROBERT M + CONNIE J
1 BOBBY JONES DR
ANDOVER, MA 01810

10-47-25-06-00016.0201
VANPELT JACK FRANKLIN TR
23061 ROSEDALE DR #201
BONITA SPRINGS, FL 34135

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
125 HILTON RD
GREENSBURG, PA 15601

10-47-25-06-00018.0101
HOFF WALLACE J + MARY J
10202 SUNWAY TER
ELLCOTT CITY, MD 21042

10-47-25-06-00018.0201
AVELLA ANTHONY P + MARIA C
43784 WOODWORTH CT
ASHBURN, VA 20147

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

10-47-25-06-00015.0202
MUEHLENKAMP WILLIAM J JR +
23071 ROSEDALE DR #202
BONITA SPRINGS, FL 34135

10-47-25-06-00016.0102
BARMORE C PAUL
11808 CEDARDALE RD
LOUISVILLE, KY 40223

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
BALDRIDGE JAMES G +
6290 MILLBANK DR
CENTERVILLE, OH 45459

10-47-25-06-00018.0102
KOOS DAVID P + JANE L
23041 ROSEDALE DR #102
BONITA SPRINGS, FL 34135

10-47-25-06-00018.0202
JENSEN AMY
23041 ROSEDALE DR #202
BONITA SPRINGS, FL 34135

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
SHARP RONALD A + INESE B
22 DEANS LN
POUGHKEEPSIE, NY 12503

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 ROSENDALE DR #201
BONITA SPRINGS, FL 34135

10-47-25-06-00019.0102
OFFENBACHER RICHARD D + LINDA
2539 VALLEY OAKS ESTATES DR
WILDWOOD, MO 63005

10-47-25-06-00019.0202
YURCO NANCY E TR
1639 INDIAN KNOLL
NAPERVILLE, IL 60565

10-47-25-06-00020.0102
DEBRUYN STEPHEN J + JAYNE M
408 WEST WINTER
DANVILLE, IL 61832

10-47-25-06-00020.0202
ELATTRACHE SELIM
606 S CHURCH ST
MOUNT PLEASANT, PA 15666

10-47-25-06-00021.0102
EIKER GEORGE L + ELIZABETH ANN
1986 SPRUCE DR
CARMEL, IN 46033

10-47-25-06-00021.0202
NOLAN TRACY E
142 WARKWORTH LN
INVERNEY, IL 60067

10-47-25-06-00022.0102
PATTERSON JAMES + CONNIE
236 LYNWOOD DR
BATTLE CREEK, MI 49015

10-47-25-06-00022.0202
FERGUSON CHARLOTTE + JOHN
23001 ROSENDALE DR UNIT 202
BONITA SPRINGS, FL 34135

10-47-25-06-00023.0102
HANSEN ROBERT E + ELIZABETH A
1225 GOLF COURSE RD
WARREN, VT 05674

10-47-25-06-00023.0202
STANIEC TED + DOROTHY
3 OXHOLM AVE
STATEN ISLAND, NY 10301

10-47-25-06-00024.0101
JACOBSON KARL A + ELIZABETH F
794 7TH ST APT L
SOUTH BOSTON, MA 02127

10-47-25-06-00024.0201
NEWCOMBE W JR + CYNTHIA 1/2 +
10 PEPPERBERRY PATH
BRUNSWICK, ME 04011

10-47-25-06-00025.0101
HEAVEY WILLIAM M TR 1/2 INT +
22971 ROSEDALE DR #101
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10-47-25-06-00025.0201
SISK GARDNER P + SUSAN P
147 PINE ST
MANCHESTER, MA 01944

10-47-25-06-00026.0101
STOKES JAMES B + SARA R
22961 ROSEDALE DR 101
BONITA SPRINGS, FL 34135

10-47-25-06-00026.0201
PIFER RICHARD L + LINDA B
1383 CLUB DR
BLOOMFIELD HILLS, MI 48302

10-47-25-06-00027.0101
RUSSELL H BRUCE + SUSAN F
22951 ROSEDALE DR #101
BONITA SPRINGS, FL 34135

10-47-25-06-00027.0201
ROEMER JAMES P + PATRICIA J
10160 ORCHID RIDGE LN
BONITA SPRINGS, FL 34135

10-47-25-06-00028.0101
KNUTSON KENNETH A TR
6433 BRENTON LAKES DR
WILLOWBROOK, IL 60527

10-47-25-06-00028.0201
GAGNON BARRY + MONIQUE
1485 GOLDEN MEADOW TRAIL
OAKVILLE, ON L6H 3J2
CANADA

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PINKEL VICKI G + GARY R
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COLUMBIA, MO 65203

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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

10-47-25-06-00025.0202
HIGGINS NICHOLAS +
10820 SUNSET OFFICE DR #200
ST LOUIS, MO 63127

10-47-25-06-00026.0102
TELMAN RANDALL J + PAMELA L
22961 ROSEDALE DR #102
BONITA SPRINGS, FL 34135

10-47-25-06-00026.0202
MANNING DAVID D + JOANN
110 SUNDOWN DR
WOOD RIVER, IL 62095

10-47-25-06-00027.0102
RAVIN ALISON B TR
101 OL FRANKLIN GROVE DR
CHAPEL HILL, NC 27514

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DEGROFT WALTER J JR TR
22951 ROSEDALE DR #202
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10-47-25-06-00028.0102
KORBEE HAROLD G + CAROL M
8304 CARDNIA CT
LIBERTY TWSP, OH 45044

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MATTHEWS THERESA L + GERALD E
7720 BUCKHAVEN CT SE
ADA, MI 49301

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BRUNN RICHARD C + C SUE
8846 SERENITY DR NW
MASSILLON, OH 44646

10-47-25-06-00029.0102
DAY PATRICK J + PATRICIA K
18947 DORENKEMPER PL
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
CUDAHY ROGER + MONICA
83 OAK ST
FLORAL PARK, NY 11001

10-47-25-06-00030.0202
RICARDO GIL + MARIA
4 ROBERT DR
LEBANON, NJ 08833

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
WALLER LINDA L + DAVID L
16612 FREDERICK CIR
OMAHA, NE 68130

10-47-25-06-00032.0201
WARD KIMIKO M TR
2390 LOCH CREEK WAY
BLOOMFIELD HILLS, MI 48304

10-47-25-06-00032.0202
DOWD JAMES P + ANNETTE C
11430 N CANTERBURY DR
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PO Box 820
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19766 Beaulieu Court
Fort Myers, FL 33908

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