



EXHIBITS

from HEX hearing

CASE #: DCI 2005-00089

CASE NAME: Beazer Bayshore 4b

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

ARE THERE ANY BOARD EXHIBITS? YES NO

LOCATION OF BOARDS:

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

EXHIBITS

APPLICANT

- #1 Aerial
- #2 Master Concept Plan 3/31/2006
- #3 Additional Conditions
- #4 Letter from Ralph Brooks
- #5 Power point
- #5 CD + Printout
- #6 Aerial Photo 3/29/06
- #7 Density Calculation
- #8 Resume - Ryan Shute
- #9 Historic Flow/
- #9 Drainage map.
- #10 TIS, Aug. 26, 2005

STAFF

- #1 _____
- #2 _____
- #3 _____
- #4 _____
- #5 _____
- #6 _____
- #7 _____
- #8 _____
- #9 _____
- #10 _____

OTHER EXHIBITS

NAME

- #1 Wiltzberger Partial
- #2 _____
- #3 _____
- #4 _____
- #5 _____

NAME

- #1 _____
- #2 _____
- #3 _____
- #4 _____
- #5 _____

ADDITIONAL CONDITIONS REGARDING STONEHILL MANOR

Condition 1.

Applicant agrees to improve Cypress Creek Drive as depicted on the Master Concept Plan (MCP). Said improvements shall be built in conformance with the private local road standards contained in Chapter 10, Section 10-710(b) of the Lee County Land Development Code (LDC), subject to any necessary deviations to bring the improvements into conformance with the cross section included on the MCP. Applicant agrees to complete construction of the road improvements prior to the issuance of a Certificate of Compliance for the subdivision infrastructure. They shall commence at the intersection of Cypress Creek Drive with Bayshore Road and shall terminate at the southwest corner of the project (i.e., to the southern terminus of the two dotted lines depicted in this area of the MCP). The applicant will convey to a resident's association for Cypress Creek Drive, at no cost and upon completion of said improvements, any interest that applicant currently holds in the right of way, less and except an easement for emergency ingress/egress purposes.

Condition 2.

The applicant agrees to install all buffers on the MCP, including, but not limited to, that buffer depicted on the western perimeter of the project.

APPLICANT'S EXHIBIT # 3
3/30/2006
D:\17628-00089

R A L F B R O O K E S, A T T O R N E Y

March 31, 2006

Lee County
Department of Community Development
Via Hand Delivery

Re: Proposed Bayshore Stonehill Manor (FKA Beazer Bayshore 40) project
DCI 2005-00089

Davie Investments, LLC as the "Developers" or "Applicants" for the above referenced project and the Cypress Creek Drive residents Pam & Jim Leppala – 9670 Bayshore Road; Bart & Emily Mahan – 17181 Cypress Creek Drive; Dorothy Richardson – 17120/17160 Cypress Creek Drive; William & Gladys Mutchner – 17161 Cypress Creek Drive; Ken & Carole Badger – 17141/17121/17101 Cypress Creek Drive; David & Brandy Gonzalez – 17061 Cypress Creek Drive; Kevin Lewis – 17060 Cypress Creek Drive; Brian & Tammy Hoffman – 17051 Cypress Creek Drive; Dan Wiltberger – 17031 Cypress Creek Drive; Joseph Dill – 17011 Cypress Creek Drive; Matt & Joy Daggett – 16890/16930 Cypress Creek Drive](collectively the "Concerned Residents of Cypress Creek Drive") have agreed to resolve their differences concerning the Stonehill Manor/Bayshore 40 residential development project and to do as follows:

1. Developers will improve Cypress Creek Drive to private local road standards per the LDC and consistent with paragraph 2 below.
2. The improvements shall include a paved surface and appropriate swales.
3. If for some reason currently unknown, any additional right of way, over and above the existing 50 foot wide right of way, is needed in order to complete the improvements-then the adjacent property owners agree to allow necessary improvements to swales or turnaround construction on their property and provide an easement allowing such improvements.
4. Developers will obtain any deviations necessary to accommodate the improvements to Cypress Creek Drive.
5. Developers has modified their Master Concept Plan to include additional buffer area and landscape plants along the west side of the project.
6. The Cypress Creek Drive residents agree that they will accept any future maintenance obligation associated with Cypress Creek Drive.
7. Developers will dedicate the improved road to the Cypress Creek Drive Homeowners Association. The parties realize that the residents do not yet have a formal association but will form such a legal entity, (e.g., residents association), so that Davie Investments, LLC has a legal entity to deed the ROW to, and so that the county will be assured that the

road will be maintained. The parties understand that the county will likely not accept the road as a county ROW.

8. Developers will reserve an easement to use a portion of Cypress Creek Drive for emergency access only.


9. The Cypress Creek Drive residents, who comprise the entirety of clients represented by Ralf Brookes Attorney in this matter, through Ralf Brookes Attorney, will file with the County a letter withdrawing all of their objections to the Stonehill Manor project.

10. In addition, the resident's attorney and at least one of the residents will appear at the hearing and place on the record a statement that the Cypress Creek Drive residents have withdrawn their objections to the project based on the terms set forth above and agreed Conditions 1 and 2, (which will be binding between the private parties):

Condition 1. Applicant agrees to improve Cypress Creek Drive as depicted on the MCP. Said improvements shall be built in conformance with the private local road standards contained in Chapter 10, Section 10-710(b) of the Lee County Land Development Code (LDC), subject to any necessary deviations to bring the improvements into conformance with the cross section included on the MCP. Applicant agrees to complete construction of the road improvements prior to the issuance of a Certificate of Compliance for the subdivision infrastructure. They shall commence at the intersection of Cypress Creek Drive with Bayshore Road and shall terminate at the southwest corner of the project (i.e., to the southern terminus of the two dotted lines depicted in this area of the MCP). The applicant will convey to a resident's association for Cypress Creek Drive, at no cost and upon completion of said improvements, any interest that applicant currently holds in the right of way, less and except an easement for emergency ingress/egress purposes.

Condition 2. The applicant agrees to install all buffers on the MCP (as shown on the revised MCP submitted to the Lee County Hearing Examiner), including, but not limited to, that buffer depicted on the western perimeter of the project.

As agreed to this 31st Day of March, 2006.


Ralf Brookes, Attorney For Concerned Residents of Cypress Creek Drive
1217 E. Cape Coral Parkway #107 Cape Coral Florida 33904 (239) 910-5464

The legal representative of Davie Investments, LLC has reviewed and agrees to the terms and conditions contained herein:


For Davie Investments, LLC dated: 3/29/06

Charles Basinait, Esq., Henderson, Franklin, Starnes & Holt, P.A. Attorney for Davie Investments, LLC, 1715 Monroe Street, P.O. Box 280, Fort Myers, FL 33902
phone (239) 344-1204

Stonehill Manor

Lee County Hearing Examiner

March 30, 2006

DCI2005-00089

1

Stonehill Manor

- Owner: Davie Investments, LLC
- 40.5 Acres
- Location: South side of Bayshore Road
approximately 400 feet east of Cypress Creek
Drive
 - 71 single family residential units
 - Maximum height of 35' - 2 Stories
 - No blasting

2

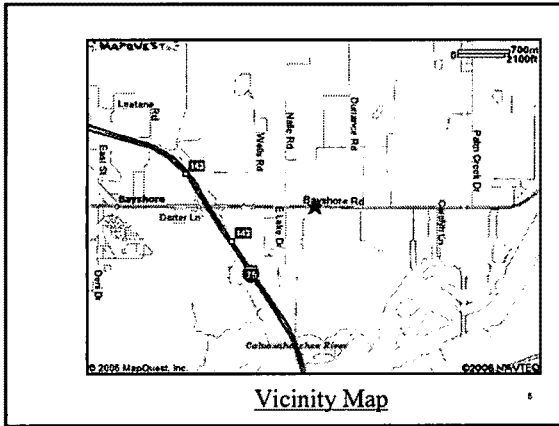
APPLICANT'S EXHIBIT # 5
3/30/2006
Approved by
DCI2005-00089

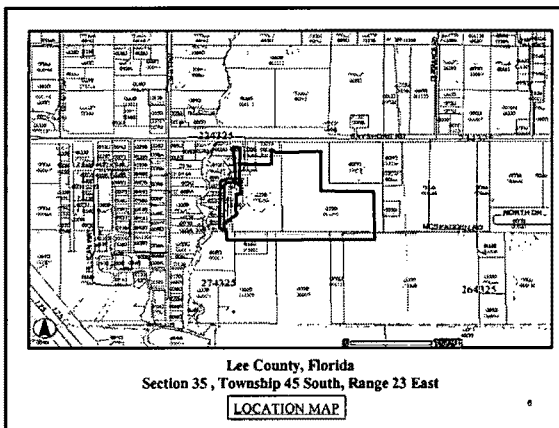
Stonehill Manor

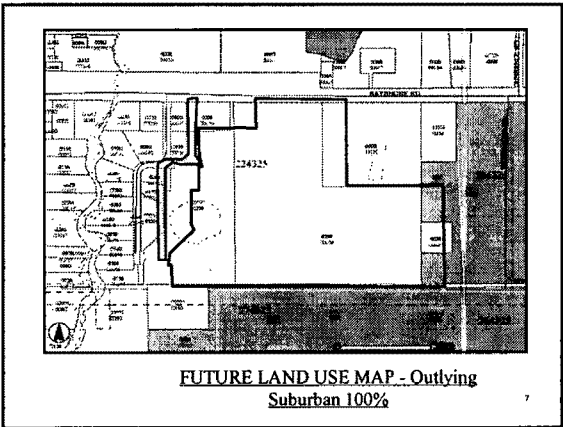
- In Agreement with Staff Recommendation of
Approval found in March 10, 2006 Staff
Report.

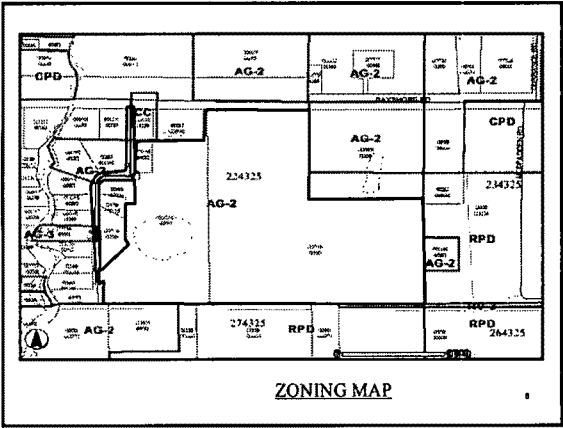
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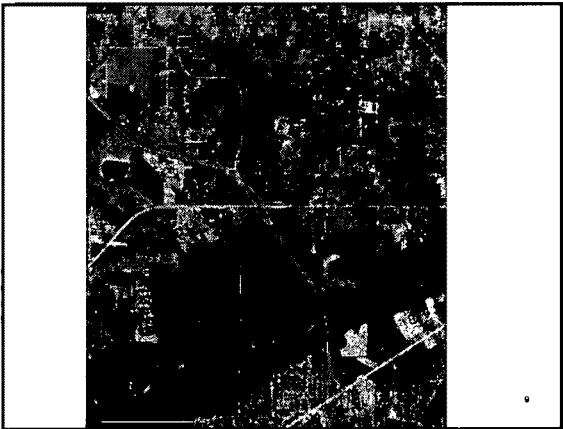
Stonehill Manor	
Site Development Regulations	
Minimum lot size	8,125 square feet
Minimum lot width	65 feet
Minimum lot depth	125 feet
Minimum side setback:	
Principal	7 feet
Accessory	10 feet
Minimum front setback	20 feet
Minimum waterbody setback	
Principal	25 feet
Accessory	15 feet
Maximum building height	35 feet/ 2 stories
Maximum lot coverage	40%

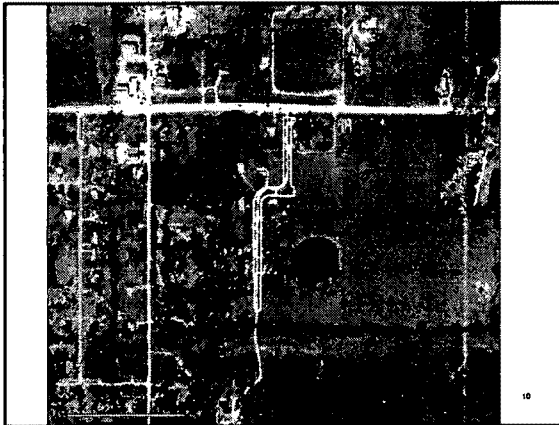


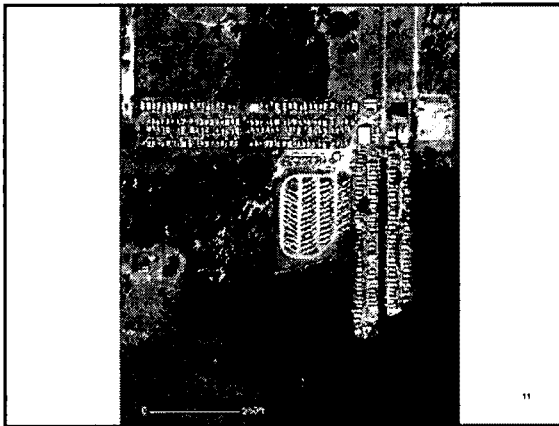




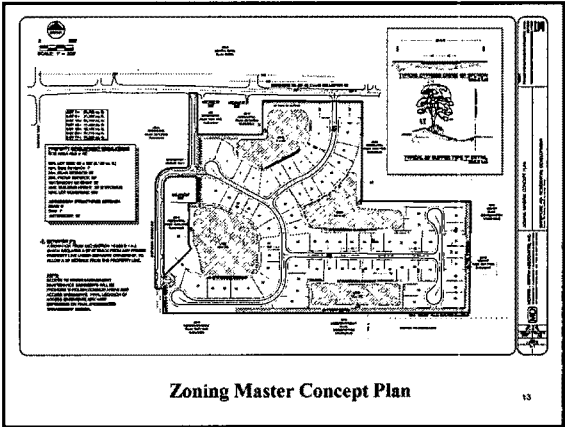


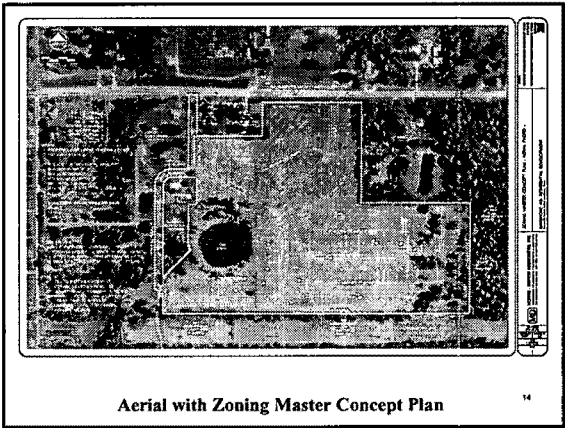


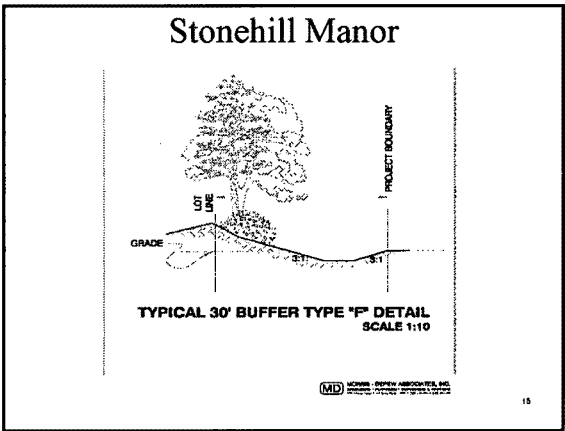












Stonehill Manor

- Buffer Area: 1.8 Acres
- Common Area: 5.1 Acres
- Lake Area: 8.9 Acres
- Total Site Area: 40.5 Acres
- Buffers + Common Area + Lakes = 39% of Site

16

Schedule of Uses

- ☐ Dwelling Units: 71 Single-Family
- ☐ Entrance gate and gatehouse (subject to condition #7)
- ☐ Essential Services
- ☐ Excavation: Water retention
- ☐ Fences, walls
- ☐ Fishing piers
- ☐ Models: for marketing purposes,
Homes (up to 4, lots 3-13)
- ☐ Residential accessory uses (34-622(c)(42))
- ☐ Real Estates sales office for marketing purposes (lots 8-11)
- ☐ Signs in accordance with Chapter 30

17

LEE PLAN

"The Bayshore Community, bounded by I-75, SR 31, the Caloosahatchee River and Charlotte County, is predominantly a rural residential area of single family homes on large acreages, small horse farms, citrus groves, and plant nurseries, interspersed by some larger cattle grazing operations. There are also scattered single-family subdivisions and mobile homes on smaller lots, which provide for a full range of housing prices. There is limited urban infrastructure and commercial uses. By and large, the residents of Bayshore want to see this land use pattern maintained. The vision of the future would include slow but steady growth with the building of larger single family homes on 2 1/2 to 5 acre tracts, as well as some higher density development in the Outlying Suburban category (i.e. up to two units per acre with proper zoning), and continued support for the infrastructure necessary for the owners and breeders of horses. The protection of environmental resources and the maintenance of a wholesome family atmosphere is desired, as well as the protection of existing agricultural and equestrian activities. One community project that could serve these ends would be the development of an equestrian park in the community."

18

LEE PLAN

POLICY 1.1.6: "The Outlying Suburban areas are characterized by their peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the requisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to three dwelling units per acre (3 du/acre). Bonus densities are not allowed."

19

Lee Plan

"POLICY 2.1.2: New land uses shall be permitted only if they are consistent with the Future Land Use Map and the goals, objectives, policies, and standards of this plan."

20

Lee Plan

"POLICY 2.2.1: Rezoning and development-of-regional-impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare."

21

Lee Plan

"POLICY 4.1.1: Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site, and that the placement of uses or structures within the development minimize the expansion and construction of street and utility improvements."

22

Lee Plan

"POLICY 5.1.5: Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments."

23

Lee Plan

"POLICY 5.1.6: Maintain development regulations that require high-density, multi-family, cluster, and mixed-use developments to have open space, buffering, landscaping, and recreation areas appropriate to their density and design."

24

LDC 34-411: Design Standards

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

25

LDC 34-411: Design Standards

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

26

LDC 34-411: Design Standards

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

27

LDC 34-411: Design Standards

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

28

LDC 34-411: Design Standards

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

29

LDC 34-411: Design Standards

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

30

LDC 34-411: Design Standards

- (j) Where a proposed planned development is surrounded by existing development or land use with which it is compatible and of an equivalent intensity of use, the design emphasis shall be on the integration of this development with the existing development, in a manner consistent with current regulation.

31

LDC 34-411: Design Standards

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

32

LDC 34-411: Design Standards

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

33

LDC 34-411: Design Standards

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

34

LDC Section 34-145(d)(3): Findings

- *a. The applicant has proved entitlement to the rezoning or special exception by demonstrating compliance with the Lee Plan, this land development code, and any other applicable code or regulation*
- The approval will serve to implement the Goals, Objectives, and Policies of the Lee Plan.

35

LDC Section 34-145(d)(3): Findings

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

36

**LDC Section 34-145(d)(3):
Findings**

- *c. The request, including the use of TDR or affordable housing bonus density units, is consistent with the densities, intensities and general uses set forth in the Lee Plan*
- Densities and intensity of use is consistent with the applicable Lee Plan category; open space and preservation areas will be located consistent with the requirements of the Plan.

37

**LDC Section 34-145(d)(3):
Findings**

- *d. The request is compatible with existing or planned uses in the surrounding area*
- Currently the adjacent properties are separated and buffered by features that are, in some instances, greater than that required by the LDC. Compatibility with these surroundings should not be a problem.

38

**LDC Section 34-145(d)(3):
Findings**

- *e. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development*
- As noted in the Traffic Impact Study and the analysis of infrastructure demand, this development will not have an adverse effect upon transportation or utility facilities in the area.

39

**LDC Section 34-145(d)(3):
Findings**

- *f. Where applicable, the request will not adversely affect environmentally critical areas and natural resources*
- There has been an extensive effort to incorporate natural features into the design of the project.

40

**LDC Section 34-145(d)(3):
Findings**

- *g. In the case of a planned development rezoning, the decision of the hearing examiner must also be supported by the formal findings required by sections 34-377(a)(2) and (4)*
- Proposed mix of uses appropriate
- Conditions to provide safeguards for public
- Conditions reasonably related to impacts

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LDC Section 34-145(d)(3): Findings

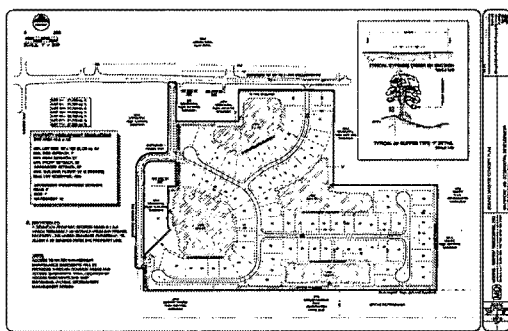
- *h. Where the change proposed is within a future urban area category, the hearing examiner must also find that urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use*
- All urban services available and at satisfactory levels of service

42

Compliance with Section 34-145(c)(2)a

- Whether there exist changed or changing conditions that make approval of the request appropriate
- Whether the request is consistent with the goals, objectives, policies and intent of the Lee Plan

43



Zoning Master Concept Plan

44

River Run RPD/CPD**Development Type - DCI****Status - Approved****North Fort Myers Planning Community****Project Approvals**

<u>Category/</u> Sub Category	<u>Acres</u> Totals/Sub Category	<u>Units</u> Totals/Sub Category	<u>Square Feet</u> Totals/Sub Category
Public	<u>0.00</u>		
Non-County Golf Course	0.00		
Residential	<u>1,115.00</u>	1,598	40,000
Total Residential 12,320 Hurricane Shelter	1,115.00	1,598	40,000
Project Total	1,115.00	1,598	40,000

Project Hearings

Resolution #	Case Number	Hearing Date	Approved	
PD-94-022	93-08-03-DCI-02(a)	9/23/94	Yes	Amends density
Click For Resolution				
Z-93-052	93-08-03-DCI-02	10/18/93	Yes	Rezone AG-2 to RPD/CPD
Click For Resolution				

DCI920059

APPLICANT'S EXHIBIT #7
 3/29/2006 H
 Hancock
 DCI92005-00089

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

WHEREAS, W. Emlen Roosevelt et al, Trustees, in reference to River Run, have properly filed an application for a rezoning from AG-2 to Residential Planned Development and Commercial Planned Development; and

WHEREAS, the subject property is located at 8648 and 10130 Bayshore Road and 17100 Pelican Way, North Fort Myers, described more particularly as:

LEGAL DESCRIPTION: In Sections 21, 22, 23, 26, 27, 28, 29, 32 and 33, Township 43 South, Range 25 East, Lee County, Florida:

Parcel I

The Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) of Section 23, Township 43 South, Range 25 East.

LESS:

State Road Department right-of-way Parcel, more particularly described as follows:

BEGIN at the Northwest corner of the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) of said Section 23;
THENCE run Southwardly along the Westerly line of said Section 23, a distance of 72.32 feet to the Southerly right-of-way of State Road 78 (Bayshore Road);
THENCE run Eastward along said Southerly right-of-way, a distance of 1,325.60 feet to the Easterly line of the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) of said Section 23;
THENCE run Northwardly along said Easterly line a distance of 66.74 feet to the Northeasterly corner of the previously described Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4);
THENCE run Westwardly along the Northerly line of said Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) a distance of 1,325.64 feet to the POINT OF BEGINNING.
Comprising 2.1 acres, more or less; and

LESS:

COMMENCE at the Southwest corner of Section 23, Township 43 South, Range 25 East;
THENCE run N00°58'40"E along the Westerly line of said Section 23, a distance of 210.65 feet to the POINT OF BEGINNING of land herein excepted;
Continue N00°58'40"E a distance of 211.02 feet;
THENCE S89°26'40"E a distance of 208.00 feet;
THENCE S00°58'40"W a distance of 211.02 feet;
THENCE N89°26'40"W a distance of 208.00 feet to the POINT OF BEGINNING; and

LESS:

The Northerly 416.00 feet of the Westerly 233.00 feet of the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) of said Section 23, said 416.00 feet to start at the South right-of-way line of State Road 78 and not at the Northern Quarter Section Mark; and

continued...

LESS:

COMMENCE AT the Northeast corner of the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4) of Section 23, Township 43 South, Range 25 East;

THENCE run S00°46'25"W, along the East line of said Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4), a distance of 66.73 feet to the Southerly right-of-way of Bayshore Road (SR 78) and the POINT OF BEGINNING;

THENCE continue S00°46'25"W, a distance of 1,262.37 feet to the Southerly line of said Section 23;

THENCE run N89°27'55"W along said Southerly line a distance of 159.29 feet;

THENCE run N00°58'25"E, a distance of 1,262.79 feet to the Southerly right-of-way of Bayshore Road (SR 78);

THENCE run N89°33'30"E along said Southerly right-of-way, a distance of 154.67 feet to the POINT OF BEGINNING.

Containing 4.6 acres, more or less.

Parcel II

Lots Five (5), Six (6), Seven (7) and Eight (8), in that certain Subdivision known as MCSPADDENS ACRES, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 6, Page 26.

Parcel III

Government Lot Five (5), in Section 26, Township 43 South, Range 25 East.

Parcel IV

Government Lots One (1) and Two (2), in Section 27, Township 43 South, Range 25 East.

LESS PARCEL "A"

On the North by Stroud Creek; on the East by Stroud Canal; on the West by the Easterly right-of-way of I-75 (State Road 93); on the Northwest by a tributary of Stroud Creek.

LESS PARCEL "B"

On the Northeast by the Westerly right-of-way of I-75 (State Road 93); on the South and West by the Caloosahatchee River; on the Northwest by a tributary of Stroud Creek.

Parcel V

The Northeast Quarter (NE1/4) of Section 27, Township 43 South, Range 25 East, including Lot Nine (9) in that certain Subdivision known as MCSPADDENS ACRES, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 6, Page 26.

LESS:

The West 610.00 feet of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4); and

LESS:

The North 760.00 feet of the West 810.00 feet (less the West 610.00 feet thereof) of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4); and

continued...

LESS:

The following described parcel:

COMMENCE AT the Northwest corner of the Northeast Quarter (NE1/4) of Section 27, Township 43 South, Range 25 East;
THENCE run S89°34'20"E along the Northerly line of said Northeast Quarter (NE1/4) a distance of 810.00 feet to the POINT OF BEGINNING;
THENCE continue S89°34'20"E a distance of 400.00 feet;
THENCE run S00°32'25"W a distance of 300.00 feet;
THENCE N89°34'20"W a distance of 400.00 feet;
THENCE run N00°32'25"E a distance of 300.00 feet to the POINT OF BEGINNING.

LESS PARCEL "A"

On the North by Stroud Creek; on the East by Stroud Canal; on the West by the Easterly right-of-way of I-75 (State Road 93); on the Northwest by a tributary of Stroud Creek.

PARCEL VI

Government Lot 3, in Section 27, Township 43 South, Range 25 East.

LESS PARCEL "A"

On the North by Stroud Creek; on the East by Stroud Canal; on the West by the Easterly right-of-way of I-75 (State Road 93); on the Northwest by a tributary of Stroud Creek.

LESS PARCEL "B"

On the Northeast by the Westerly right-of-way of I-75 (State Road 93); on the South and West by the Caloosahatchee River; on the Northwest by a tributary of Stroud Creek.

PARCEL VII

The Northwest Quarter (NW1/4) of Section 27, Township 43 South, Range 25 East.

LESS PARCEL "A"

On the North by Stroud Creek; on the East by Stroud Canal; on the West by the Easterly right-of-way of I-75 (State Road 93); on the Northwest by a tributary of Stroud Creek.

LESS PARCEL "B"

On the Northeast by the Westerly right-of-way of I-75 (State Road 93); on the South and West by the Caloosahatchee River; on the Northwest by a tributary of Stroud Creek.

LESS:

The East 194.00 feet of the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4); and

LESS:

Lot Fifty-eight (58) Colony Boulevard, more particularly described as follows:

COMMENCE AT the Southwest corner of the East Half (E1/2) of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 22, Township 43 South, Range 25 East;

continued...

THENCE N89°34'50"W along the South line of the Southwest Quarter (SW1/4) of said Section 22, 6.00 feet;
THENCE S00°28'02"W 360.00 feet;
THENCE N89°34'50"W, parallel to the South line of said Southwest Quarter (SW1/4), 100.00 feet to the POINT OF BEGINNING;
THENCE continue N89°34'50"W, 100.00 feet;
THENCE S00°28'02"W, 198.00 feet to the center of a waterway;
THENCE S89°34'50"E along the center of said waterway 100.00 feet;
THENCE N00°28'02"E, 198.00 feet to the POINT OF BEGINNING; and

LESS:

Lot Four (4) Colony Boulevard, more particularly described as follows:

COMMENCE AT the Northeast corner of the West Half (W1/2) of the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4) of Section 27, Township 43 South, Range 25 East;
THENCE run S00°28'02"W a distance of 30.00 feet;
THENCE run N89°34'50"W a distance of 103.00 feet to the POINT OF BEGINNING;
THENCE continue N89°34'50"W a distance of 97.00 feet;
THENCE run S00°28'02"W a distance of 270.00 feet;
THENCE run S89°34'50"E a distance of 97.00 feet;
THENCE run N00°28'02"E a distance of 270.00 feet to the POINT OF BEGINNING; and

LESS:

Lot Five (5), Heron Way, also described as Lot Sixty-three (63) East Lake Colony Section 1 - Unit 4, more particularly described as follows:

COMMENCE AT the Southwest corner of the East Half (E1/2) of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 22, Township 43 South, Range 25 East;
THENCE run N89°34'50"W along the South line of the Southwest Quarter (SW1/4) of said Section 22, a distance of 6.00 feet;
THENCE run S00°28'02"W a distance of 360.00 feet;
THENCE run N89°34'50"W parallel to the South line of said Southwest Quarter (SW1/4), a distance of 200.00 feet;
THENCE S00°28'02"W, a distance of 423.00 feet;
THENCE run S89°34'50"E, a distance of 430.00 feet to the arc of a curve concave to the Southwest, having a radius of 50.00 feet;
THENCE run Northeasterly along the arc of said curve, a distance of 27.00 feet to the POINT OF BEGINNING;
THENCE continue along the arc of said curve a distance of 80.00 feet;
THENCE run N40°25'00"E, a distance of 210.00 feet, more or less, to the thread of an existing waterway;
THENCE run Northerly and Westerly, a distance of 190.00 feet, more or less, to a point which bears N00°28'02"E from the POINT OF BEGINNING;
THENCE run S00°28'02"W, a distance of 175.00 feet to the POINT OF BEGINNING; and

LESS:

6.1 acres, constituting the Subdivision of EAST LAKE COLONY, recorded in Plat Book 16, Page 36 of the Public Records of Lee County, Florida;

EXCEPTING THEREFROM Lots Eight (8) and Nine (9), Block "B", EAST LAKE COLONY, which Lots Eight (8) and Nine (9) are hereby conveyed as Parcel VIII.

continued...

PARCEL VIII

Lots Eight (8) and Nine (9), Block "B" of that certain Subdivision known as EAST LAKE COLONY, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court in Plat Book 16, Page 36.

PARCEL IX

All of Section 28, Township 43 South, Range 25 East.

LESS:

The North Half (N1/2) of the North Half (N1/2) of the North Half (N1/2);
The South Half (S1/2) of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4);
And the East Half (E1/2) of the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4).

PARCEL X

The East Half (E1/2) of the Southeast Quarter (SE1/4) of Section 29, Township 43 South, Range 25 East.

LESS:

Lots One (1), Two (2) and Three (3) Bridge Road Extension, more particularly described as follows:

COMMENCE at the Northwest corner of the Southeast Quarter (SE1/4) of Section 29, Township 43 South, Range 25 East;
THENCE run N89°43'00"E along the Northerly line of said Southeast Quarter (SE1/4), a distance of 1,396.80 feet;
THENCE run S00°17'00"E a distance of 56.00 feet to the POINT OF BEGINNING;
THENCE S00°17'00"E a distance of 120.00 feet;
THENCE run N89°43'00"E a distance of 270.00 feet;
THENCE run N00°17'00"W a distance of 120.00 feet;
THENCE run S89°43'00"W a distance of 270.00 feet to the POINT OF BEGINNING; and

LESS:

Lots Eleven (11), Twelve (12) and Thirteen (13) Sabal Way, YACHT CLUB COLONY (Unrecorded Plat), more particularly described as follows:

COMMENCE at the Northeast corner of the Southeast Quarter (SE1/4) of Section 29, Township 43 South, Range 25 East;
THENCE run S00°14'46"E, along the East line of said Southeast Quarter (SE1/4), a distance of 206.00 feet;
THENCE run S89°43'00"W, a distance of 543.00 feet;
THENCE run S07°48'00"W, a distance of 240.00 feet;
THENCE run S28°28'00"W, a distance of 438.58 feet;
THENCE run S66°28'00"W, a distance of 163.14 feet;
THENCE run S23°38'00"W, a distance of 238.51 feet;
THENCE run S64°28'00"W, a distance of 117.31 feet;
THENCE run S07°28'00"W, a distance of 70.58 feet;
THENCE run N82°32'00"W, a distance of 30.00 feet to the POINT OF BEGINNING;
THENCE run S07°28'00"W, a distance of 274.42 feet;
THENCE run N82°32'00"W, a distance of 170.00 feet, more or less, to the bank of Daughtrey's Creek;
THENCE meander Northwardly along said bank to a line 299.89 feet Northerly of and parallel with the Southerly described line;
THENCE run S82°32'00"E, a distance of 180.00, more or less, to a point on a curve concave to the East, said curve having as its elements, a central angle of 09°09'37" and a radius of 160.00 feet;

continued...

THENCE Southerly along the arc of said curve, a distance of 25.58 feet to the POINT OF BEGINNING; and

LESS:

Lot Twenty-six (26) Sabal Way, YACHT CLUB COLONY (Unrecorded Plat), more particularly described as follows:

COMMENCE at the Northeast corner of the Southeast Quarter (SE1/4) of Section 29, Township 43 South, Range 25 East;
THENCE run S00°14'16"E along the East line of said Southeast Quarter (SE1/4), a distance of 206.00 feet;
THENCE run S89°43'00"W, a distance of 240.00 feet;
THENCE run S28°28'00"W, a distance of 438.58 feet;
THENCE run S61°32'00"E, a distance of 30.00 feet to the Point of Curvature of a curve concave to the Northwest, said curve having as its elements, a central angle of 38° and a radius of 275.00 feet;
THENCE run Southwestwardly along the arc of said curve, a distance of 9.09 feet to the POINT OF BEGINNING;
THENCE continue along the arc of said curve, a distance of 104.79 feet;
THENCE run S65°32'00"E, a distance of 160.00 feet, more or less, to the bank of a waterway;
THENCE meander Northeasterly along said bank, a distance of 105.00 feet, more or less, to a line 100.00 feet Northeasterly of and parallel with the Southerly described line;
THENCE run N65°32'00"W, a distance of 155.00 feet, more or less, to the POINT OF BEGINNING.

PARCEL XI

Government Lot One (1) in Section 32, Township 43 South, Range 25 East.

LESS:

That part of the recreational area lying in Government Lot 1, more particularly described as follows:

COMMENCE at the intersection of the West line of Government Lot 1, Section 32, Township 43 South, Range 25 East, and the waters of the Caloosahatchee River;
THENCE Southeasterly and Easterly along the waters of the Caloosahatchee River to the waters of Daughtrey's Creek;
THENCE Northerly along the shore line of Daughtrey's Creek, continuing to meander along said Creek Northerly, Westerly and Southwesterly to where the waters of said Creek intersect with the West line of said Government Lot 1;
THENCE South along the West line of said Government Lot 1 to the POINT OF BEGINNING.

PARCEL XII

Government Lot One (1) in Section 33, Township 43 South, Range 25 East.

PARCEL XIII

Lots Eight (8) and Nine (9), Block A of that certain Subdivision known as EAST LAKE COLONY, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 16, Page 36.

PARCEL XIV

The West Half (W1/2) of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 22, Township 43 South, Range 25 East;

continued...

LESS:

The East 6.00 feet thereof; and

LESS:

Lot One (1), Pelican Way, more particularly described as follows:

COMMENCE at the Northeast corner of the West Half (W1/2) of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 22, Township 43 South, Range 25 East;
THENCE run S00°28'02"W, a distance of 60.09 feet to the Southerly right-of-way of Bayshore Road;
THENCE run N89°17'23"W along the Southerly right-of-way, a distance of 250.00 feet;
THENCE run S00°28'02"W, a distance of 282.24 feet to the POINT OF BEGINNING;
THENCE continue S00°28'02"W, a distance of 65.02 feet to the Point of Curvature of a curve to the right, said curve having as its elements, a central angle of 89°57'08" and a radius of 25.00 feet;
THENCE along the arc of said curve to the right, a distance of 39.25 feet to a Point of Tangency;
THENCE run N89°34'50"W, a distance of 105.02 feet;
THENCE run N00°28'02"E, a distance of 90.00 feet;
THENCE run S89°34'50"E, a distance of 130.00 feet to the POINT OF BEGINNING; and

LESS:

Lots 2, 3, 4, 5, 6, 7, 8, 9 and 10, Pelican Way, more particularly described as follows:

COMMENCE at the Northeast corner of the West Half (W1/2) of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 22, Township 43 South, Range 25 East;
THENCE run S00°28'02"W, along the Easterly line of said Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) a distance of 60.09 feet to the Southerly right-of-way of State Road 78 (Bayshore Road);
THENCE run N89°17'23"W along said Southerly right-of-way, a distance of 250.00 feet;
THENCE run S00°28'02"W a distance of 422.22 feet to the POINT OF BEGINNING;
THENCE continue S00°28'02"W, a distance of 770.00 feet;
THENCE run N89°34'50"W a distance of 130.00 feet;
THENCE run N00°28'02"E a distance of 770.00 feet;
THENCE run S89°34'50"E a distance of 130.00 feet to the POINT OF BEGINNING; and

LESS:

Lots 18, 19, 20, 21 and 22, Pelican Way, more particularly described as follows:

COMMENCE at the Northeast corner of the West Half (W1/2) of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 22, Township 43 South, Range 25 East;
THENCE run S00°28'02"W a distance of 60.09 feet;
THENCE run N89°17'23"W a distance of 6.00 feet to the POINT OF BEGINNING;
THENCE continue N89°17'23"W a distance of 194.00 feet;
THENCE run S00°28'02"W a distance of 525.00 feet;
THENCE run S89°17'23"E a distance of 194.00 feet;
THENCE run N00°28'02"E a distance of 525.00 feet to the POINT OF BEGINNING; and

continued...

LESS:

Lots One (1) and Two (2) Swan Way, more particularly described as follows:

COMMENCE at the Northwest corner of the West Half (W1/2) of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 22, Township 43 South, Range 25 East;

THENCE run S00°20'53"W a distance of 351.99 feet to the POINT OF BEGINNING;
THENCE continue S00°20'53"W a distance of 180.00 feet;
THENCE run S89°34'50"E a distance of 112.33 feet;
THENCE run N00°28'02"E a distance of 180.00 feet;
THENCE run N89°34'50"W a distance of 112.71 feet to the POINT OF BEGINNING; and

LESS:

Lot Eight (8) Swan Way, EAST LAKE COLONY, unrecorded, more particularly described as follows:

COMMENCE at the Southwest corner of the West Half (W1/2) of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 22, Township 43 South, Range 25 East;
THENCE run N00°20'53"E along the Westerly line of said West Half (W1/2) of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4), a distance of 265.00 feet to the POINT OF BEGINNING;
THENCE continue N00°20'53"E a distance of 90.00 feet;
THENCE run S89°34'50"E, a distance of 111.40 feet;
THENCE run S00°28'02"W, a distance of 90.00 feet;
THENCE run N89°34'50"W a distance of 111.21 feet to the POINT OF BEGINNING; and

LESS:

Lot Eleven (11) Swan Way, EAST LAKE COLONY, Unrecorded Plat, more particularly described as follows:

BEGIN AT the Southwest corner of the West Half (W1/2) of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 22, Township 43 South, Range 25 East;
THENCE run N00°20'53"E along the West line of said West Half (W1/2) of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) a distance of 85.00 feet;
THENCE run S89°34'50"E, a distance of 110.84 feet;
THENCE run S00°28'02"W, a distance of 85.00 feet;
THENCE run N89°34'50"W, a distance of 110.66 feet to the POINT OF BEGINNING; and

LESS:

Lot Sixteen (16) Swan Way, EAST LAKE COLONY, Unrecorded Plat, more particularly described as follows:

COMMENCE at the Southeast corner of the West Half (W1/2) of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 22, Township 43 South, Range 25 East;
THENCE run N89°34'50"W along the Southerly line of said Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) for a distance of 380.00 feet;
THENCE run N00°28'02"E for a distance of 340.00 feet to the POINT OF BEGINNING;
THENCE continue N00°28'02"E, a distance of 85.00 feet;
THENCE run N89°34'50"W, a distance of 120.00 feet;
THENCE run S00°28'02"W, a distance of 85.00 feet;
THENCE run S89°34'50"E, a distance of 120.00 feet to the POINT OF BEGINNING.

continued...

PARCEL XV

That certain parcel being approximately 50.00 feet in width and shown as an unnumbered lot lying North of Lot 117 of that certain Subdivision known as REVISED PLAT OF YACHT CLUB COLONY, according to the plat recorded in Plat Book 12, Page 12, Public Records of Lee County, Florida.

PARCEL XVI

COMMENCE at the Northeast corner of the West Half (W1/2), Southeast Quarter (SE1/4) of Section 29, Township 43 South, Range 25 East; THENCE run S00°06'54"E along the Easterly line of said West Half (W1/2), a distance of 176.00 feet to the POINT OF BEGINNING; THENCE continue S00°06'54"E, a distance of 60.00 feet; THENCE run S89°43'00"W and parallel to the Northerly line of said quarter section, a distance of 154.77 feet to a Point of Curvature to the left, said curve having as its elements, a central angle of 130°26'47" and a radius of 19.00 feet; THENCE along the arc of said curve a distance of 43.26 feet to a Point of Reverse Curve, said curve having as its elements, a central angle of 30°55'47" and a radius of 260.00 feet; THENCE along the arc of said curve, a distance of 140.17 feet to the Point of Tangency; THENCE run S09°47'00"E, a distance of 264.24 feet to a Point of Curvature of a curve to the left, said curve having as its elements a central angle of 26°45'56" and a radius of 80.00 feet; THENCE along the arc of said curve, a distance of 37.37 feet to a Point of Reverse Curve, said curve having as its elements, a central angle of 254°02'00" and a radius of 60.00 feet; THENCE along the arc of said curve, a distance of 266.03 feet to a Point of Reverse Curve, said curve having as its elements a central angle of 47°16'04" and a radius of 80.00 feet; THENCE along the arc of said curve, a distance of 67.00 feet to the Point of Tangency; THENCE run N09°47'00"W, a distance of 224.47 feet to a Point of Curvature of a curve to the left, said curve having as its elements a central angle of 80°30'00" and a radius of 200.00 feet; THENCE along the arc of said curve, a distance of 279.32 feet to the Point of Tangency; THENCE run S89°43'00"W, a distance of 218.25 feet; THENCE run S82°36'57"W, a distance of 367.00 feet, more or less, to the Westerly bank of Daughtrey's Creek; THENCE run Northwardly along said bank to a point 50.00 feet Northerly of and parallel to the last described course; THENCE run N82°36'57"E, 451.00 feet, more or less, to a point where the right-of-way widens to 60.00 feet; THENCE run N89°43'00"E, a distance of 509.87 feet to the POINT OF BEGINNING.

PARCEL XVII

COMMENCE at the Northwest corner of the East Half (E1/2), Southeast Quarter (SE1/4) of Section 29, Township 43 South, Range 25 East; THENCE run S00°06'54"E, along the Westerly line of said East Half (E1/2), a distance of 176.00 feet to the POINT OF BEGINNING; THENCE continue S00°06'54"E, a distance of 60.00 feet; THENCE run N89°43'00"E, and parallel with the Northerly line of the previously mentioned Southeast Quarter (SE1/4), a distance of 705.94 feet to the Point of Curvature of a curve to the right, said curve having as its elements a central angle of 97°45'00" and a radius of 25.00 feet; THENCE along the arc of said curve, a distance of 42.65 feet to a Point of Tangency; THENCE run S07°28'00"W, 124.19 feet to the Point of Curvature of a curve to the right, said curve having as its elements a central angle of 21° and a radius of 255.00 feet;

continued...

THENCE along the arc of said curve, a distance of 93.46 feet to the Point of Tangency;
 THENCE S28°28'00"W, 301.39 feet to the Point of Curvature of a curve to the right, said curve having as its elements, a central angle of 38° and a radius of 215.00 feet;
 THENCE along the arc of said curve, a distance of 142.59 feet to a Point of Reverse Curve, said curve having as its elements a central angle of 43° and a radius of 170.00 feet;
 THENCE along the arc of said curve, a distance of 172.61 feet;
 THENCE run S23°28'00"W a distance of 113.20 feet to the Point of Curvature of a curve to the right, said curve having as its elements a central angle of 41°, and a radius of 95.00 feet;
 THENCE along the arc of said curve, a distance of 67.98 feet to a Point of Reverse Curve, said curve having as its elements, a central angle of 57° and a radius of 100.00 feet;
 THENCE along the arc of said curve a distance of 159.17 feet to a Point of Tangency;
 THENCE run S07°28'00"W, 287.82 feet to the Point of Curvature of a curve to the right, said curve having as its elements a central angle of 38°12'47" and a radius of 80.00 feet;
 THENCE along the arc of said curve, 53.35 feet to a Point of Reverse Curve, said curve having as its elements a central angle of 256°25'34" and a radius of 60.00 feet;
 THENCE along the arc of said curve, 268.53 feet to a Point of Reverse Curve, said curve having as its elements, a central angle of 38°12'47", and a radius of 80.00 feet;
 THENCE along the said curve having as its elements, a central angle of 43°, and a radius of 170.00 feet;
 THENCE along the arc of said curve, a distance of 127.58 feet to a Point of Reverse Curve, said curve having as its elements a central angle of 38°, and a radius of 275.00 feet;
 THENCE along the arc of said curve, 182.39 feet to the Point of Tangency;
 THENCE N28°28'00"E, 301.39 feet to the Point of Curvature of a curve to the left, said curve having as its elements a central angle of 21° and a radius of 315.00 feet;
 THENCE along the arc of said curve, 115.45 feet to the Point of Tangency;
 THENCE N07°28'00"E, 221.54 feet;
 THENCE run S89°43'00"W, a distance of 803.12 feet to the POINT OF BEGINNING.

PARCEL XVIII

A parcel of land lying in the West Half (W1/2) of the Southeast Quarter (SE1/4) of Section 29, Township 43 South, Range 25 East, described as follows:

COMMENCE at the Southeast corner of Lot 4, SECOND ADDITION TO SECTION ONE YACHT CLUB COLONY, according to plat thereof in Plat Book 16, Page 35, Public Records of Lee County;
 THENCE run S89°36'35"E and parallel with the Southerly line of said Section 29 to the Easterly bank of Daughtrey's Creek and POINT OF BEGINNING of land herein described;
 Continue S89°36'35"E for 80.00 feet, more or less, to the Easterly line of said West Half (W1/2) of the Southeast Quarter (SE1/4) of Section 29;
 THENCE N00°06'54"W along said Easterly line for 320.00 feet, more or less, to a point on a line 320.00 North of the South line of this parcel as measured on a perpendicular;
 THENCE N89°36'35"W for 80.00 feet, more or less, to the Easterly bank of Daughtrey's Creek;
 THENCE Southwardly along said Easterly bank for 320.00 feet more or less to the POINT OF BEGINNING.

continued...

SUBJECT TO:

- (a) Right-of-way of the Atlantic Coast Line Railway into Section 28 as described in deed, dated April 21, 1903, and recorded in Deed Book 17, Page 302 of the Public Records of Lee County, Florida.
- (b) Conveyance of certain islands located in Daughtrey's Creek, conveyed to the Florida Audubon Society by deed recorded January 24, 1962, in Official Records Book 119, Page 17, which contains a reverter clause if used for other than a wild life refuge.

AND

Official Records Book 2033, Page 870

Part of the North Half (N1/2) of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section 28, Township 43 South, Range 25 East, Lee County, Florida, described as follows:

COMMENCING at a 2" iron pipe found marking the quarter corner between Sections 21 and 28, Township 43 South, Range 25 East; THENCE S89°18'24"E, 457.87 feet, along the common line between Sections 21 and 28, to the POINT OF BEGINNING of the parcel described herein. From said POINT OF BEGINNING: THENCE S89°18'24"E, 380.58 feet, along the common line between Sections 21 and 28; THENCE S37°16'59"E, 834.72 feet, to a concrete monument found marking the Southeast corner of said North Half (N1/2) of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4); THENCE N89°25'45"W, 379.95 feet along the South line of said North Half (N1/2) of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4); THENCE N37°16'59"W, 835.75 feet, to the POINT OF BEGINNING.

Reserving unto Grantor, however, a perpetual and non-exclusive easement for ingress and egress over and across a portion of the property herein conveyed; said easement to provide for ingress and egress from adjacent lands owned by the Grantor consisting of two parcels in the North Half (N1/2) of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section 28, Township 43 South, Range 25 East, Lee County, Florida to Bayshore Road (SR 78). Such easement shall be of sufficient width to comply with Lee County development specifications and both of Grantor's adjacent parcels shall have at least one (1) access point on to said easement. Grantee shall convey such easement to Grantor by separate instrument on or before June 1, 1990. Until conveyance of such easement from Grantee to Grantor, this reservation of a perpetual and non-exclusive easement for ingress and egress shall apply to the entire property herein conveyed.

LESS AND EXCEPT:

Official Records Book 1145, Pages 1706-1714

That part of:

The West Half (W1/2) of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 22, Township 43 South, Range 25 East, lying within the following described boundaries:

COMMENCE on the South boundary line of Section 22, Township 43 South, Range 25 East, at a point 351.56 feet Easterly of the Southwest corner of said Section 22; THENCE run N35°30'56"W, 1,645.13 feet; THENCE S89°42'58.56"E, 1,440.00 feet to the POINT OF BEGINNING; THENCE continue S89°42'58.56"E, 606.95 feet; THENCE S00°17'01.44"W, 100.00 feet; THENCE S87°27'14.58"W, 607.691 feet; THENCE N00°17'01.44"E, 130.00 feet to the POINT OF BEGINNING.

continued...

Containing 0.16 acre, more or less, exclusive of existing road right-of-way.

WHEREAS, the applicant has indicated the property's current STRAP numbers are 22-43-25-00-00017.0000, 22-43-25-02-0000A.0080, 22-43-25-02-0000A.0090, 23-43-25-00-00034.0000, 23-43-25-00-00034.0020, 26-43-25-00-00001.0000, 26-43-25-01-00005.0000, 27-43-25-00-00001.0000, 27-43-25-00-00001.0010, 27-43-25-00-00001.0020, 27-43-25-00-00001.0110, 27-43-25-02-0000B.0080, 28-43-25-00-00004.0010, 28-43-25-00-00007.0000, 29-43-25-00-00007.0000, 29-43-25-00-00007.0130, 29-43-25-00-00007.0150, 32-43-25-00-00007.0000, 33-43-25-00-00009.0000; and

WHEREAS, proper authorization has been given to Henderson, Franklin, Starnes & Holt, P.A. and Johnson Engineering, Inc., by W. Emlen Roosevelt, Robert W. Kean, Jr., Hamilton F. Kean, Stewart B. Kean and John Kean, Jr. as the Trustees of The Realty Transfer Company Liquidating Trust of the subject parcel, to act as agents to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Hearing Examiner, with full consideration of all the evidence available; and the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on August 3, 1993, and subsequently continued to August 27, 1993; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE a rezoning to Residential Planned Development and Commercial Planned Development with conditions.

The rezoning and Master Concept Plan, which deviate from certain Lee County Standards, are subject to the following conditions:

1. The development and use of the subject property shall be in compliance with the two-page Master Concept Plan for River Run RPD/CPD (stamped received on March 9, 1993, job number 18061, File No. 22-43-25, sheets 2 of 4 [dated 2-17-93, last revised 2-5-93] and 4 of 4 [dated 9-23-92, last revised 3-1-93]) prepared by Johnson Engineering, Inc. This approval does not alleviate the need to comply with all state and county development regulations, unless specifically modified by this proposal. Pods 20, 21, 22, 23, 25, and 26 shall not be developed until residential use is consistent with the Lee Plan for development on these sites, either through Single Family Determination under Section XIII of the Lee Plan, or amendment of the Lee Plan to allow residential uses in the Interchange land use categories.

2. Development of the Pod(s) or Parcel(s) for this development shall be in substantial compliance with the Master Concept Plan. As designated, each portion of the development shall conform with the development regulations attached as Attachment C of this report. Each residential pod may be developed with a dwelling type that is less intense than shown on the Master Concept Plan, but may not be developed with a dwelling type that is more intense except upon approval as an amendment to the Master Concept Plan.
3. The developer shall provide a minimum of 12,320 square feet of hurricane shelter space in the following manner:
 - a) 2,000 to 5,000 square feet of the clubhouse facility shall be utilized as an on-site hurricane shelter, which shall include the following:
 - 1) The finished first floor elevation of any space used for shelter shall be no less than 16.1 feet above mean sea level,
 - 2) Storm shutters,
 - 3) Electrical generator,
 - 4) Potable water supply capability.
 - b) The remaining 10,320 to 7,320 square feet of shelter space shall be provided in increments of 2,000 square feet as the project is built. The developer shall submit a written report to the Lee County Emergency Management, with copy to the Department of Community Development, prior to the end of the month of June of every year, setting out the status of additional shelter space provided since the last report. Said reports shall continue until the full shelter space requirement of 12,320 square feet is met.
4. Vertical evacuation in the mid-rise buildings is hereby permitted provided all units so utilized are equipped with storm shutters. If vertical evacuation is determined to be unfeasible, the square footage of shelter space intended to be so provided shall be replaced by an equal amount of space in other buildings on the site which meet all of the stated shelter requirements.
5. The developer shall establish a hurricane vulnerability disclosure notification program. This program shall ensure that prospective purchasers of interests in real property located within a residential development be fully informed of the amount of potential flooding in feet above the Base Flood Elevation, according to the National Flood Insurance Program.
6.
 - a) The developer shall formulate an emergency hurricane preparedness and sheltering plan subject to the approval of Lee County Emergency Management.
 - b) The developer shall initiate the establishment of a homeowner's or resident's association to provide an educational program in conjunction with the staff of Emergency Management, which will provide literature, brochures, and Hurricane Awareness Seminars, if requested, describing the risks of natural and technological hazards. The intent of this recommendation is to provide a mechanism to educate residents concerning the actions they should take to mitigate the dangers inherent in these hazards.
7. The developer shall contact the Lee County Office of Emergency Management, Hazardous Materials representative, to discuss the proposed development relative to the potential type, use, and storage of hazardous materials which will be located on the premises.
8. Each phase of the River Run development shall be required to submit current FLUCCS mapping, and have all wetland lines flagged and field verified by DNR staff, prior to local development order approval.

9. A maximum of three acres of Lee County jurisdictional wetlands may be impacted within the entire project. A mitigation plan, subject to DNR's approval, shall be submitted prior to local development order approval for each wetland impact. Each mitigation plan shall include the following minimum criteria:
 - a) The designated mitigation area planted at a ratio of 1:1 to 2:1,
 - b) Replacement plants of like species as those removed,
 - c) The number of replacement plants. Ratios shall be determined by the proposed size of the replacement plants (the closer the size of the replacement plant to that of the removed plant, the smaller the replacement ratio),
 - d) An exotic removal maintenance plan,
 - e) A monitoring plan.
10. The eagle perch tree indicated on the Master Concept Plan (MCP) shall be identified and protected from construction and encroachment at the time of local development order for that portion of the site on which it is located.
11.
 - a) Approximately seven acres of contiguous palmetto prairie (FLUGCS 321) and pine flatwoods (FLUGCS 411) habitat located in the northeast portion of the project shall be preserved for gopher tortoises and Eastern indigo snakes. Approximately ten acres of contiguous palmetto prairie (FLUGCS 321) shall be preserved for gopher tortoises on the north central portion of the site, west of I-75. The preserve areas shall have a minimum dimension of 125 feet. The boundaries of the preserve areas shall be identified at the time of local development order.
 - b) Should the species survey conducted pursuant to Condition 15 warrant, DNR staff may approve a reduction or enlargement in the size and/or dimension of the preserve areas required by this condition. However, should a new survey within the area of the known Eastern indigo snake habitat not locate an indigo snake, it shall be within the discretion of DNR staff whether the area should remain as possible Eastern indigo snake habitat, provided this decision is based on pertinent biological data.
12. Single-family lots created within the development which abut existing water bodies and which are eligible for a dock permit under the Lee County Dock Ordinance (No. 85-25, as amended) shall have an average minimum width of 100 feet per lot as measured within the subject platted area. However, in no case shall more single-family lots be created using an average minimum width of 100 feet per lot than could be created if each lot was required to be a minimum of 100 feet in width. This condition is not intended to restrict these lots to SF-1 uses only; any of the single-family residential uses set out in the development regulations attached to the Master Concept Plan may be developed provided the minimum width complies with this condition.
13. Marinas and multi-slip docking facilities (as defined by the Lee County Zoning Ordinance) are specifically prohibited within the River Run development.
14. A comprehensive Manatee Protection Plan shall be submitted to the Division of Natural Resources Management for approval prior to the approval of the first development order for any portion or phase of the River Run development. This plan shall include, but not be limited to: access channel marking; limited motorized vessel use of creeks & canals; aquatic vegetation location and protection; and an ongoing manatee education program for all residents of the River Run development.
15. An approved species survey shall be performed, per Section 15 of the Development Standards Ordinance (DSO) as amended, prior to the granting of a local development order for each phase of this development. Species

surveys which are performed shall be considered valid for a period of five years from their approval date, and may be used for any phase of the development area which was part of the approved surveyed.

16. Prior to the first local development order approval for any phase of the River Run development, an invasive exotic vegetation removal and maintenance plan for the entire site shall be submitted to the Division of Natural Resources Management for approval. At a minimum, this plan shall be structured to provide for the phased removal of invasive exotic vegetation and maintenance of such on a pro rata basis as phased local development orders are obtained.
17. This zoning approval does not signify that the project's traffic impacts have been mitigated. Additional conditions may be required at the time of issuance of a local development order per the Development Standards Ordinance or other Lee County ordinances.
18. Approval of this rezoning does nothing more than change the zoning districts wherein the subject property lies, and does not grant or vest in the developer any present or future development rights that may exceed any Lee Plan use restrictions set forth in the 2010 (Roberts) Overlay or any other Lee Plan provision.
19. The developer must comply with the provisions of Standard 12.2 of the Lee Plan with regard to connection to a regional wastewater treatment facility if such service is available, or provision of an on-site facility. If a regional or central sewer service is available at the time of development, the temporary plant shall be deleted from the Master Concept Plan. If a regional or central sewer service becomes available after the temporary plant is constructed, the temporary plant shall be closed and removed from the site within six months after the public service is available. Applicant may consider the subject property as one contiguous parcel, or as two "separate" parcels for the purposes of this condition.
20. Deviation (1) is a request to deviate from the requirement that lands identified as meeting the criteria of Resource Protection Areas must meet certain performance standards and may not be used for roads except in instances of overriding public interest (Section 6.01 and 8.01 of Ordinance 86-33, Development Standards Ordinance Section C.1.b.4.a., and Zoning Section 202.B.1.b.), to permit necessary flexibility in design and construction of the internal roadways (Deviation (1)) and golf cart boardwalks, by allowing a maximum impact of up to two acres of RPA and one acre of T2 at a mitigation ratio of between 1:1 and 2:1 as determined by the applicant and the Lee County Division of Natural Resources Management at the time the nature of the area of impact is known through finalization of plans during the Development Order process. The Division of Natural Resources Management has recommended that this deviation be approved with a condition that limits the impacts to a maximum of three acres, replacement of like species of plants, and establishment of an exotic vegetation removal and maintenance program, and a monitoring plan. Deviation (1) is hereby APPROVED, as conditioned.

Deviation (2) is a request to deviate from the requirement of Development Standards Ordinance Section 10.I.5.c. (Ordinance 92-53) which requires that excavations not exceed 12 feet in depth, to 20 feet in depth, or to the confining layer whichever is more restrictive, and from the requirement of Development Standards Ordinance Section 10.I.5.a.2 (Ordinance 92-53) which requires that setbacks from a private property under separate ownership, a minimum of 50 feet, to set back 25 feet to perimeter property lines. The Division of Natural Resources Management has recommended denial of the increased lake depth. If this is recommended for approval, a set of conditions have been recommended by this division. Deviation (2) is hereby APPROVED, as conditioned below:

- 1) A destratification system, adequate for pond size and volume, shall be installed prior to Certificate of Compliance (C.C.) approval for local development order. The design of such a system shall be submitted to and approved by the Division of Natural Resources Management prior to installation.