

RESOLUTION NO. 12-02-33

RESOLUTION PERTAINING TO STATUTORY
EXTENSION OF DRI COMMENCEMENT DATE FOR
THE CYPRESS LAKE CENTER DRI.

WHEREAS, in 2011, the Governor of the State of Florida signed House Bill 7207 into law, which provided a four-year extension of DRI Development Orders; and,

WHEREAS, HB7207 now Chapter 2011-139, Laws of Florida allows for a four-year extension of the commencement, phase, buildout, and expiration dates of DRI Development Orders upon written request that have an expiration date; and,

WHEREAS, the holder of a valid DRI Development Order must notify the local government in writing no later than December 31, 2011, of the intention to utilize the extension and the anticipated timeframe for acting on the authorization; and,

WHEREAS, the Board finds that the Cypress Lake Center DRI qualifies for the extension contemplated by Chapter 2011-139, Laws of Florida since a request for extension was submitted within the necessary time frame established by Statute; and,

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 DRI Development Order for Cypress Lake Center DRI is hereby amended as reflected in the attached Exhibit "A."
3. This Resolution and its exhibits constitute the Ninth Codified Development Order Amendment to the Cypress Lake Center Development of Regional Impact. Development of the project must be consistent with the DRI Development Order attached as exhibit A and the governing zoning approvals.
4. Certified copies of this Resolution will be forwarded to the Southwest Florida Regional Planning Council, the Florida Department of Economic Opportunity, 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 appeal 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.

5. To the extent that there are typographical and/or administrative errors that do not change the tone, tenor, or concept of this Resolution, then this Resolution may be revised without subsequent approval by the Board of County Commissioners.

Commissioner Ray Judah made a motion to adopt the foregoing resolution. The motion was seconded by Commissioner Frank Mann. The vote was as follows:

John Manning	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Absent
Frank Mann	Aye

DULY PASSED AND ADOPTED this 28th day of February, 2012.

ATTEST:

CHARLIE GREEN, CLERK

BOARD OF COUNTY
COMMISSIONERS
LEE COUNTY, FLORIDA

By: Lisa Hulse
Deputy Clerk

By: John Manning
John Manning, Chair

APPROVED AS TO FORM

By: [Signature]
County Attorney's Office



Exhibits:

Exhibit A - Ninth Amendment to the Cypress Lake Center DRI Development Order

**CODIFIED NINTH DEVELOPMENT ORDER AMENDMENT¹
FOR
CYPRESS LAKE CENTER**

A DEVELOPMENT OF REGIONAL IMPACT

#7-8384-47

LET IT BE KNOWN, THAT, PURSUANT TO SECTION 380.06 OF THE FLORIDA STATUTES, THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, HEARD, AT A PUBLIC HEARING CONVENED ON MAY 20, 1985, THE REQUEST TO ADOPT THE DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER FOR CYPRESS LAKE CENTER, A COMMERCIAL (SHOPPING CENTER/OFFICE PARK) DEVELOPMENT CONSISTING OF APPROXIMATELY 68.5 ACRES TO BE DEVELOPED IN ACCORDANCE WITH THE APPLICATION FILED ON JULY 17, 1984, BY ARTHUR L. MOSES, TRUSTEE, AUTHORIZED REPRESENTATIVE OF CYPRESS LAKE VENTURE, LTD.

WHEREAS, the original Cypress Lake Center DRI Development Order was approved on May 20, 1985; and

WHEREAS, the Development Order was subsequently amended ~~six times~~. The first amendment was approved on June 8, 1987 to allow 336,400 square feet of retail commercial and 270,000 square feet of office development; and

WHEREAS, the Development Order was amended a second time on November 9, 1987 to allow refund of traffic mitigation funds under certain circumstances; and

WHEREAS, the Development Order was amended a third time on November 29, 1993 to extend the effective date of the Development Order to June 19, 2000; and

WHEREAS, the Development Order was amended a fourth time on March 29, 1999, to adopt a new Master Development Plan, Map H which reflected approval of a shopping center (336,340 square feet on 40 acres); business corporate office area (40,000 square feet); an executive business office park (165,000 square feet); hotel complex (275 room hotel, 200-seat restaurant, 100-seat conference center); and, 210 multi-family residential units on approximately 68.5 acres, and to extend the buildout date to June 19, 2000; and

¹This codified Development Order (DO) includes all development order amendments through the 89th DRI DO Amendment adopted by the Board on ~~January 26, 2010~~ February 28, 2012, and may be relied on to state the terms of the original DRI DO, as amended. The ~~eight~~^{ninth} amendment to this development order is reflected by deleted text being struck through and new text being under-lined.

WHEREAS, the Development Order was amended on May 12, 2000, for a fifth time to adopt a new Master Development Plan (Map H) to reflect the change in Tract B and Lot 6 of Phase II, to replace "Proposed Multifamily uses (210 units)" with "Mixed Use Development," and to extend the buildout and termination dates to June 19, 2003; and

WHEREAS, the Development Order was amended for the sixth time on September 3, 2002, revising the Master Development Plan (Map H) to redesignate a .67+/-acre parcel from Office to Retail Commercial; and,

WHEREAS, the Development Order was amended a seventh time to amend the land use designations set forth on Map H (Master Development Plan), to extend the build out date to June 19, 2009, and to change the frequency of filing monitoring reports from annually to biennially; and,

WHEREAS, the Development Order was amended an eighth time to extend buildout date pursuant to SB 360 by two years; and

WHEREAS, on June 2, 2011, House Bill 7207 (HB 7207) was signed into law by the Governor of the State of Florida. HB 7207, as codified in Chapter 2011-139, Laws of Florida, authorizes a four year extension for all valid DRI Development Orders. At the option of the developer, all commencement, phase, buildout and expiration dates for valid Developments of Regional Impacts may be extended by four (4) years regardless of previous extensions issued in the past; and

WHEREAS, on December 28, 2011, Lee County received a request to extend the DRI compliance dates as contemplated under HB 7207; and

WHEREAS, Cypress Lake Center DRI qualifies for the extension of the DRI compliance dates; and

WHEREAS, the Board found the proposed amendments as conditioned do not constitute a substantial deviation from the original development approvals.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS of Lee County, Florida, that the development order for Cypress Lake Center DRI is further amended as set forth below:

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. This development, as amended, will be a mixed use project including a shopping center (336,340 square feet on 40 acres); business corporate office area (40,000 square feet); an executive business office park (165,000 square feet); hotel complex (275 room hotel, 200-seat restaurant, 100-seat conference center); and, 210 multi-family

residential units on approximately 68.5 acres. The proposed development constitutes a Development of Regional Impact on the real property described as:

A tract or parcel of land lying in the southeast quarter of Section 23, Township 45 South, range 24 East, which tract or parcel is described as follows:

The east one-half of the southeast one-quarter, less than north 116 feet lying west of State Road No. 45, of said Section 23, Township 45 South, Range 24 East, Lee County, Florida.

B. The subject property is presently zoned MPD, CPD, RPD, CG, CS and CT.

C. The Application for Development Approval (ADA) is consistent with the requirements of Section 380.06, Florida Statutes; and

D. The proposed development is not in an area designated as an Area of Critical State Concern pursuant to the provisions of Section 380.05, Florida Statutes; and

E. The proposed development has been reviewed by the Southwest Florida Regional Planning Council and is the subject of the report and recommendations adopted by that body, and subsequently forwarded to Lee County pursuant to the provisions of Section 380.06, Florida Statutes, and the proposed development is consistent with this report and recommendations of the Southwest Florida Regional Planning Council; and

F. The proposed development is consistent with the adopted Lee County Comprehensive Plan, subject to the following conditions.

G. ~~Senate Bill 360 was signed into law by the Governor of the State of Florida on June 1, 2009 (codified as a note to F.S. §§373.414 and 380.06). SB360 provided a statutory two-year extension for DRIs with build out dates between September 1, 2008 through January 1, 2012. The Board of County Commissioners recognized the statutory extension in Lee County Resolution 09-06-22, adopted by the Board on June 23, 2009;~~

Cypress Lake Center DRI ~~qualifies~~ qualified for a two-year extension of its build out date from June 19, 2009 to June 19, 2011. ~~Under under SB 360 (codified as a note to F.S. §§373.414 and 380.06), the two-year extension does not constitute a substantial deviation from the original DRI development approvals warranting further DRI review.~~

H. House Bill 7207 (HB 7207), signed into law by the Governor of the State of Florida on June 2, 2011 (as codified in Chapter 2011-139, Laws of Florida) authorized a four (4) year extension for all valid DRI Development Orders. At the option of the developer, all commencement, phase, buildout and expiration dates for valid

Developments of Regional Impacts may be extended by four years regardless of previous extensions issued in the past.

In accord with HB 7207, Cypress Lake Center DRI qualified for the extension of the DRI's compliance dates. Under HB 7207, the extension of the DRI's compliance dates does not constitute a substantial deviation of the original development order approvals warranting further DRI review.

II. CONDITIONS OF DEVELOPMENT APPROVAL

A. COMMUNITY SERVICES

1. The developer must meet with the Chief of the South Trail Fire Department and the Director of Lee County Division of Public Safety or his designee, prior to project construction, to discuss fire protection and Emergency Medical Service needs and appropriate measures to meet these needs.

2. The developer must demonstrate, to the satisfaction of the Lee County Division of Community Development prior to project construction, that there will be no adverse fiscal impacts (costs exceeding revenues) upon fire protection and Emergency Medical Service providers resulting from the development.

B. DRAINAGE/WATER QUALITY

1. The drainage system for the proposed project must be redesigned to provide greater upland (dry) retention/detention of runoff prior to discharge into the on-site lake system. Areas of natural vegetation as described in condition "E" below may be used where feasible.

2. The discharge structure must include a baffle, skimmer, or other mechanism suitable for preventing oil and grease from discharging from retention/detention areas.

3. The drainage system must implement the design standards and "best management practices" outlined in the ADA and in all supplementary material.

4. The developer and/or his successor(s), must implement an on-going maintenance and monitoring program that regularly inspects, maintains and samples the stormwater drainage system. The program must be designed in consultation with the staffs of the Southwest Florida Regional Planning Council, the South Florida Water Management District, and Lee County. Final approval of the program rests with Lee County. The program must be redesigned, if necessary, to incorporate any County ordinances and/or policies relating to the Lakes Park drainage basin. If the quality of surface water runoff

does not meet any present or future standards, then the developer must take remedial measures to improve the system to meet these standards, entirely at the developer's expense. The developer is responsible for any remedial measures required by the County, including all costs.

5. A regular program of vacuum sweeping of all project parking lots must be utilized both during and after project construction.

6. The project must be served by a central sewage system.

7. The project is subject to all regulations of Lee County for the protection of the Lakes Regional Park Watershed and Lakes Regional Park water quality.

C. ENERGY

The developer must incorporate, at 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 and covenants with successors in title. All applications for site plan approvals and building permits must be accompanied by a document detailing proposed compliance with these conditions. If deed restrictions or covenants are utilized to insure compliance, such documents must be approved by the Lee County Attorney's Office prior to recording.

These features are:

1. Provision of bicycle racks or storage facilities.

2. Location of bus stops, shelters, and other passenger and system accommodations for a transit system to serve the project area, in cooperation with the appropriate Lee County agencies.

3. Use of energy-efficient features in window design (e.g., tinting and exterior shading), and use of operable windows and ceiling fans.

4. Installation of energy-efficient appliances and equipment.

5. Prohibition of deed restrictions or covenants that would prevent or unnecessarily hamper energy conservation efforts (e.g., building orientation and solar water heating systems).

6. Reduced coverage by asphalt, concrete, rock, and similar substances in streets, parking lots, and other areas to reduce local air temperatures and reflected light and heat.

7. Installation of energy-efficient lighting for streets, parking areas, and other interior and exterior public areas.

8. Installation of water closets with a maximum flush of 3.5 gallons and shower heads and faucets with a minimum flow rate of 3.0 gallons per minute (at 60 pounds of pressure per square inch) as specified in the Water Conservation Act, (Section 553.14, F.S.).

9. Selection, installation and maintenance of native plants, trees, and other vegetation and landscape design features that reduce requirements for water, fertilizer, maintenance, and other needs, for all parking lot landscaping and required vegetated buffer areas.

10. Placement of native trees to provide shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months, and to provide shade for all streets and parking areas.

11. Orientation of structures, to reduce solar heat gain by walls and to utilize the natural cooling effects of the wind, whenever feasible.

12. Provision for structural shading (e.g., trellises, awnings, and roof overhangs) wherever practical when natural shading cannot be used effectively.

13. Establishment of an architectural review committee and consideration by the project architectural review committee(s) of energy conservation measures (both those noted here and others) to assist builders and tenants in their efforts to achieve greater energy efficiency in the development.

D. TRANSPORTATION²

1. The developer must construct, cause to be constructed or pay the full costs for intersection improvements deemed necessary by the Lee County Engineer for the project's access points onto U.S. 41 and Cypress Lake Drive. These improvements must be made prior to the issuance of the first certificate of occupancy for the project.

² The required transportation improvements for this Development under paragraphs 1-4 have been completed.

2. The developer must pay a proportionate share of the cost of constructing two additional lanes, on the following road segments:

- a. U.S. 41 from Cypress Lake Drive/Daniels Parkway to and including the intersection of Island Park Road with U.S. 41.
- b. Daniels Parkway from the Bell Tower Mall entrance east of U.S. 41 to the beginning of four lanes west of I-75.
- c. Cypress Lake Drive from the terminus of four lanes west of U.S. 41 to the intersection of McGregor Boulevard with Cypress Lake Drive.
- d. Gladiolus Drive from the terminus of four lanes west of U.S. 41 to and including the intersection of Summerlin Road with Gladiolus Drive.

The developer's proportionate share must be determined by the County Engineer and be paid at the time that the first local Development Order is issued under Lee County regulations.

3. The developer must pay a proportionate share of the cost of signalization, turn lanes, additional approach lanes, or other improvements deemed necessary by the Lee County Engineer or FDOT in order to maintain level of service "C" at the following intersections:

- a. U.S. 41 at Daniels Parkway/Cypress Lake Drive
- b. U.S. 41 at Gladiolus Drive/Six Mile Parkway
- c. U.S. 41 at College Parkway
- d. Cypress Lake Drive at Summerlin Road
- e. Daniels Parkway at Metro Parkway

The developer's proportionate share will be determined by the County Engineer and be paid upon commencement of the intersection improvement.

4. If more than two additional lanes are required to maintain level of service "C" on a road segment specified in D.2 above during project build out, then the developer must pay a proportionate share of the cost of constructing these lanes. The developer's proportionate share will be determined by the County Engineer and be paid upon commencement of the roadway improvement.

5. The developer must submit an annual monitoring report to the Lee County Engineer, the Lee County MPO, FDOT and the Southwest Florida Regional Planning Council for review. This monitoring report must include average daily and peak-hour traffic counts, with turning movements, at the project's access points on U.S. 41 and Cypress Lake Drive and at the intersections listed in D.3 above. The first report must be submitted one year following the issuance of the first certificate of occupancy for the project. Reports must be submitted annually until build out of the project.

6. Nothing contained in this Development Order may be construed to exempt this development from participation in the funding, through Municipal Services Benefit Units (MSBU's) or other special assessment districts of improvements to various state or county arterial and collector roads or intersections to the degree to which this development generates demand.

ALTERNATIVES

1. In lieu of the obligations and payments required by D.1 through D.3 above, the developer may contribute a base amount of \$1,300,000 (in 1985 dollars) for the mitigation of adverse traffic impacts due to this project. Payment must be made subject to the provisions listed below:

- a. The developer must design and construct, or cause to be designed and constructed, two additional lanes on U.S. 41 from the southern boundary line of the Cypress Lake Center DRI to Daniels Parkway/Cypress Lake Drive plus intersection improvements deemed necessary by the Lee County Engineer for the project's access points onto U.S. 41 and for the south leg of the U.S. 41/Daniels Parkway/Cypress Lake Drive intersection. The developer's contract(s) for the design and construction of these improvements must be reviewed and approved by the County Engineer. These improvements must be substantially completed to the satisfaction of the County Engineer prior to issuance of the first certification of occupancy for this project.
- b. Funds must be expended first for the U.S. 41 improvements specified in Alternative 1.a above, with the balance of the base amount of \$1,300,000 paid by the developer into a fund established by Lee County for the purpose of mitigating other adverse impacts due to the project, including improvements described in D.2 and D.3 above, plus intersection improvements deemed necessary by the County Engineer for the project's access points onto Cypress Lake Drive. At the time that construction contracts are let for the specified

improvements on U.S. 41, and after consultation and agreement with the County Engineer, the developer must pay an amount estimated to be the balance of the \$1,300,00 minus the cost for design and construction of the U.S. 41 improvements into the fund established by Lee County. Within one month of the completion of the U.S. 41 contracts, the County Engineer will determine the exact amount of this balance based on actual design and construction costs. The developer will receive a refund or make an additional payment to Lee County so that the total amount paid by the developer equals the base payment of \$1,300,000.

- c. If the construction contracts have not been let prior to October 1, 1985, the base payment of \$1,300,000 will be adjusted quarterly thereafter using the most current Construction Price Index (C.P.I.) published by the Engineer News Record (McGraw-Hill Publications) until the construction contracts are let. The base price index for these adjustments is the price index in the Second Quarterly Cost Round-Up for 1985.
- d. If Lee County adopts a Roads Impact Fee ordinance, the amount of this base payment will remain the same (\$1,300,000), except for adjustments required by Alternative 1.c above. This base payment will be credited against the roads impact fee when adopted.
- e. The Board of County Commissioners, in its discretion, may equitably refund monies to the developer for transportation mitigation fees paid in excess of those reasonably necessary to mitigate the development's adverse impacts. If the total refunding of such fees equals or exceeds 15% of the mitigation amount required by the Development Order, it will be deemed a substantial deviation. The refund in this case is not to exceed \$49,537 and is to be refunded only after staff has determined that all transportation commitments made in the Development Order have been met.

2. If the developer foregoes Alternative 1 and Lee County adopts a Roads Impact Fee ordinance before the first building permit is issued, this fee may be credited toward off-site improvements listed in D.2 through D.4 above. Site-related improvements remain the developer's responsibility and obligation. Payments already made for these off-site improvements will be credited toward the overall fee.

E. VEGETATION AND WILDLIFE

1. The developer must preserve no less than 15 percent of the total site as unaltered native vegetation, including understory, generally along the project's north, east, and west boundaries. These areas may be utilized as dry detention basins (excavation prohibited) in the water management system to purify surface run-off. Plans for this preserve area must be submitted to the Lee County Planning Department for approval. Native species must be utilized for all parking lot landscaping and required vegetated buffer areas.

F. WATER SUPPLY

1. The developer must incorporate the use of water-conserving devices, as required by state law (Chapter 553.14, F.S.).

2. The developer must utilize water-conserving features in irrigation system design and use, including the use of native or low water use plants and turf.

3. The developer must utilize either surface water from the on-site lake system or groundwater for irrigation, unless demonstrated infeasible.

G. HURRICANE EVACUATION

The developer must meet with Lee County Division of Public Safety officials to discuss the use of project common areas for storm shelter purposes, and establish and maintain a hotel/motel hurricane evacuation program of education and information describing the risks of environmental hazards, as well as the actions necessary to mitigate the dangers these hazards present.

H. OTHER

The project may not exceed a total of 336,340 square feet of retail commercial use as defined by the Lee County Comprehensive Plan. These uses may also include automobile dealerships, auto centers, automobile service stations, or indoor movie theaters (up to 800 permanent seats). The total project is approved for and limited to the following development parameters: 336,340 square feet of shopping center (on a total of 40 acres); 40,000 square feet of business corporate office area; 165,000 square feet of executive business office park; 275 room hotel (with 200 seat restaurant, and 100 seat conference center); and, 210 multiple family dwelling units.

BE IT FURTHER RESOLVED, by the Board of County Commissioners of Lee County, Florida, that:

III.

FURTHER CONDITIONS OF DEVELOPMENT APPROVAL

1. This resolution constitutes the Development Order of this Board issued in response to the original Development of Regional Impact application for Development Approval filed by Cypress Lake Venture, Ltd. and all amendments approved through and including ~~January 26, 2010~~ February 28, 2012. Map H, attached as Attachment 1, revised on November 7, 2005, is incorporated as part of this Development Order.

2. All commitments and impact mitigating actions volunteered by the developer in the Application for Development Approval and supplementary documents, not in conflict with conditions or stipulations specifically enumerated above, are adopted into this Development Order by reference. The commitments incorporated by reference are binding on the developer as if set forth herein.

3. This Development Order is binding upon the developer and the developer's heirs, assignees or successors in interest.

It is declared that the terms and conditions set out in this document constitute a basis upon which the developer and County may rely in future actions necessary to implement fully the final development contemplated by this Resolution and Development Order.

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

4. It is understood that any reference herein to any governmental agency will be construed to mean any future instrumentality which may be created and designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order.

5. In the event that any portion or section of this Development Order is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision will in no manner affect the remaining portions or sections of the Development Order, which will remain in full force and effect provided that the portion of the Development Order that is invalidated does not cause the remainder of the development area to be inconsistent with the purpose and intent of Lee County adopting this Development Order.

6. The approval granted by this Development Order is limited. Approval may not be construed to obviate the duty of the applicant to comply with all other applicable local or state review and permitting procedures.

7. Subsequent request for local development permits may not require further review pursuant to Section 380.06, Florida Statutes, unless it is found by the Board of County Commissioners, after due notice and hearing, that one or more of the following is present:

- a. A substantial deviation from the terms or conditions of this development order, or other changes to the approved development plans which create a reasonable likelihood of adverse regional impacts or other regional impacts which were not evaluated in the review by the Southwest Florida Regional Planning Council; or
- b. An expiration of the period of effectiveness of this development order as provided herein.

Upon finding that either of the above is present, the Board may order a termination of all development activity until such time as a new DRI Application for Development Approval has been submitted, reviewed and approved in accordance with Section 380.06, Florida Statutes, and all local approvals have been obtained.

8. This Development Order will remain in effect until June 19, ~~2014~~ 2015, provided that this effective period may be extended by this Board upon a finding of excusable delay in any proposed development activity and that conditions have not changed sufficiently to warrant further consideration of the development. In the event the developer fails to commence significant physical development of that property identified in this development order within five (5) years from the date of rendition of this Development Order, development approval will terminate and the development may be subject to further consideration. Significant physical development includes obtaining a Certificate of Completion on some substantial portion of the project. The project buildout date is June 19, ~~2014~~ 2015.

9. The Administrative Director of the Lee County Division of Community Development or his/her designee, is the local official responsible for assuring compliance with this Development Order.

10. The developer, or his successor(s) in title to the undeveloped portion of the subject property, must submit a report biennially to the Lee County Board of County Commissioners, the Southwest Florida Regional Planning Council, the State land planning agency, and all affected permit agencies. This report must describe the state of

development and compliance as of the date of submission, and be consistent with the rules of the State land planning agency. The first monitoring report must be submitted to the Administrative Director of the Division of Community Development not later than May 1, 1986, and further reporting must be submitted not later than January 1st of subsequent calendar years. Failure to comply with this reporting procedure is governed by Section 380.06 (16) F.S. and the developer must inform any successor in title to any undeveloped portion of the real property covered by this Development Order.

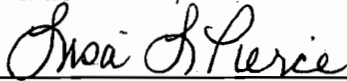
11. Certified copies of this Development Order will be forwarded to the Southwest Florida Regional Planning Council, the developer, and appropriate state agencies. This Development Order is rendered as of the date of that transmittal, but will not be effective until the expiration of the statutory appeals period (45 days from rendition) or until the completion of any appellate proceedings, whichever time is greater. Upon this Development Order becoming effective, notice of its adoption must be recorded as provided in Chapter 380, Florida Statutes.

Commissioner Ray Judah made a motion to adopt the Ninth Development Order Amendment, seconded by Commissioner Frank Mann. The vote was as follows:

John Manning	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Absent
Frank Mann	Aye

DULY PASSED AND ADOPTED this 28th day of February, 2012.

ATTEST:
Charlie Green, Clerk

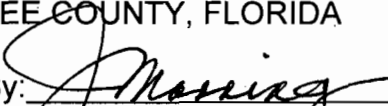


Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

By:


John Manning, Chair

APPROVED AS TO FORM

By: 

Susan M. Henderson
County Attorney's Office

1. Master Development Plan (Map H), revised November 7, 2005

MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY

DATE: March 1, 2012

To: Commissioner John Manning
Chair, BOCC

FROM:


Susan M. Henderson
Assistant County Attorney

RE: Deep Lagoon Marina DRI, 7th Amendment, State DRI #5-8586-66
Cypress Lake Center, 9th Amendment, State DRI #7-8384-47
Blue Sheet 20120137, 2/28/12

The Board of County Commissioners approved amendments to the above referenced DRI's to comply with HB 7207 on February 28, 2012, Consent Agenda Items C14b (Blue Sheet #20120137).

The original resolutions and development order amendments are attached to this memorandum for execution. Kindly execute these documents at your earliest convenience and then forward them to Lisa Pierce in the Minutes Department.

By copy of this memorandum to Lisa Pierce, I request that a clerk attest to the Chairman's signature on each resolution and development order amendment. Once this has been accomplished, please prepare one certified copy of each resolution with all exhibits, and three certified copies of each executed development order only with exhibits. Please forward these copies to my attention no later than March 8, 2012.

Thank you for your assistance.

SMH:blh
Attachments

VIA E-MAIL ONLY: (w/o attachments)

Lisa Pierce, Supervisor, Minutes Department, lpierce@leeclerk.org

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