

Coconut Point Development, Area 2
Estero, FL

Design Review Authority

Joe McHarris Ned Dewhirst Michael Sharp Thomas Schneider

Coconut Point, Estero Florida

DRA Review

Coconut Point-Signage

Oct 09 06

RECEIVED
DEC 04 2006

Tenant: **Muvico 16 Theaters**

COMMUNITY DEVELOPMENT

Submittals received:

East Coast Sign Advertising drawings dated Aug 22 06

Reference drawings no. 31753 – 2.0 to 2.5, 3.0 to 3.2, 4.0 to 4.2

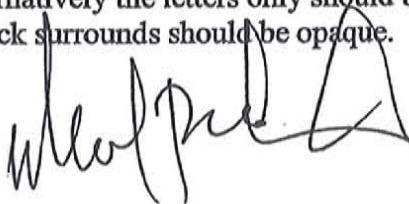
Building elevations with signs.
Sign details.

ADD 2006-00229

Your submittal to the DRA is hereby approved for conformity with the Design Review Guidelines, with the following comments:

- The signage is generally in accordance with the signs that were a part of the original submission to, and approval by the DRA and the EDRC.
- Signage is to be in accordance with applicable Lee County codes.
- Signs D and E are recessed into the building behind the covered areas. These were not shown on the original submission. As "box" signs are not permitted it would be preferable for the signs to be externally illuminated with "goose neck" type lighting. Alternatively the letters only should be translucent and the burgundy while and black surrounds should be opaque.

Sincerely,



DCI 2012-00017

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MAR 30 2012

Michael Sharp

Acting Member of the DRA at Coconut Point Estero, Florida

225 West Washington Street, Indianapolis, IN 46204

COMMUNITY DEVELOPMENT

MUMICO

THEATERS

ADMINISTRATIVE
ACTION COPY

Coconut Point 16



EAST COAST SIGN ADVERTISING

2222 Route 13 North at PA Turnpike, PA 19377
Tel: (215) 701-0000 Fax: (215) 701-0400

WEATHER: 100 MPH WINDS
L. STRUCTURE: FRAME EXPOSED OR NOT EXPOSED TO BE DETERMINED BY THE PERMITS OFFICE

WEATHER: 100 MPH WINDS
L. STRUCTURE: FRAME EXPOSED OR NOT EXPOSED TO BE DETERMINED BY THE PERMITS OFFICE

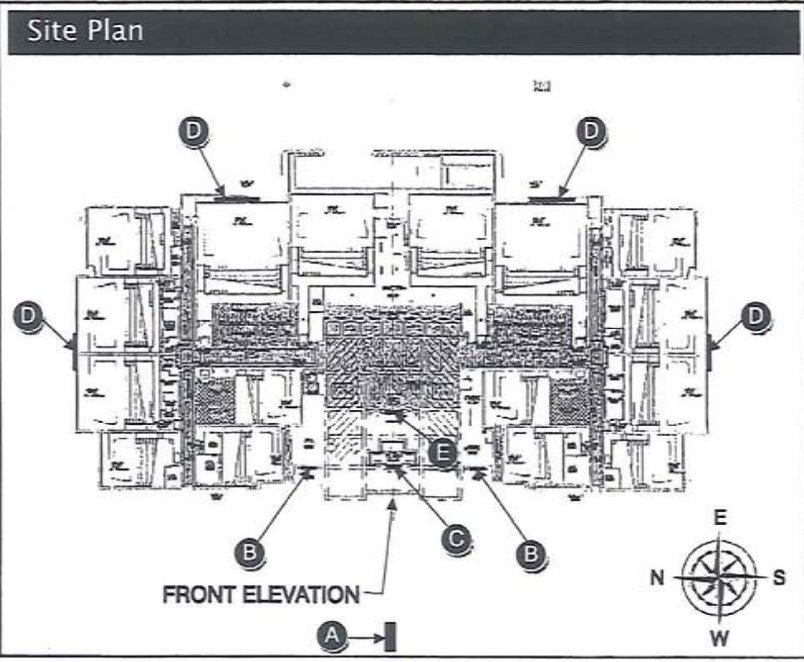
WEATHER: 100 MPH WINDS
L. STRUCTURE: FRAME EXPOSED OR NOT EXPOSED TO BE DETERMINED BY THE PERMITS OFFICE

SUBMITTAL TIME APPROVAL
THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 2.00 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL, STATE, FEDERAL AND FEDERAL REGULATIONS.

SUBMITTAL IS: APPROVED
 APPROVED AS NOTED
 REVISE AND RESUBMIT

APPROVAL: _____
DATE: _____

U.L. NOTE
THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 2.00 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL, STATE, FEDERAL AND FEDERAL REGULATIONS.



Proposed Sign Schedule		
NEW	Qty	DESCRIPTION
A	1	D/F PYLON SIGN
B	2	"AUTOMATIC TICKETING" S/F HANGING CABINET
C	1	"BOX OFFICE" S/F CABINET
D	4	S/F CABINET W/ ZIP TRACK
E	1	"WELCOME" S/F CABINET
ADD 2006-00229		
DEC 0 - 2006		
COMMUNITY DEVELOPMENT		

COMMUNITY DEVELOPMENT

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MAR 30 2012

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REV	DATE	DESCRIPTION	BY
REVISIONS			

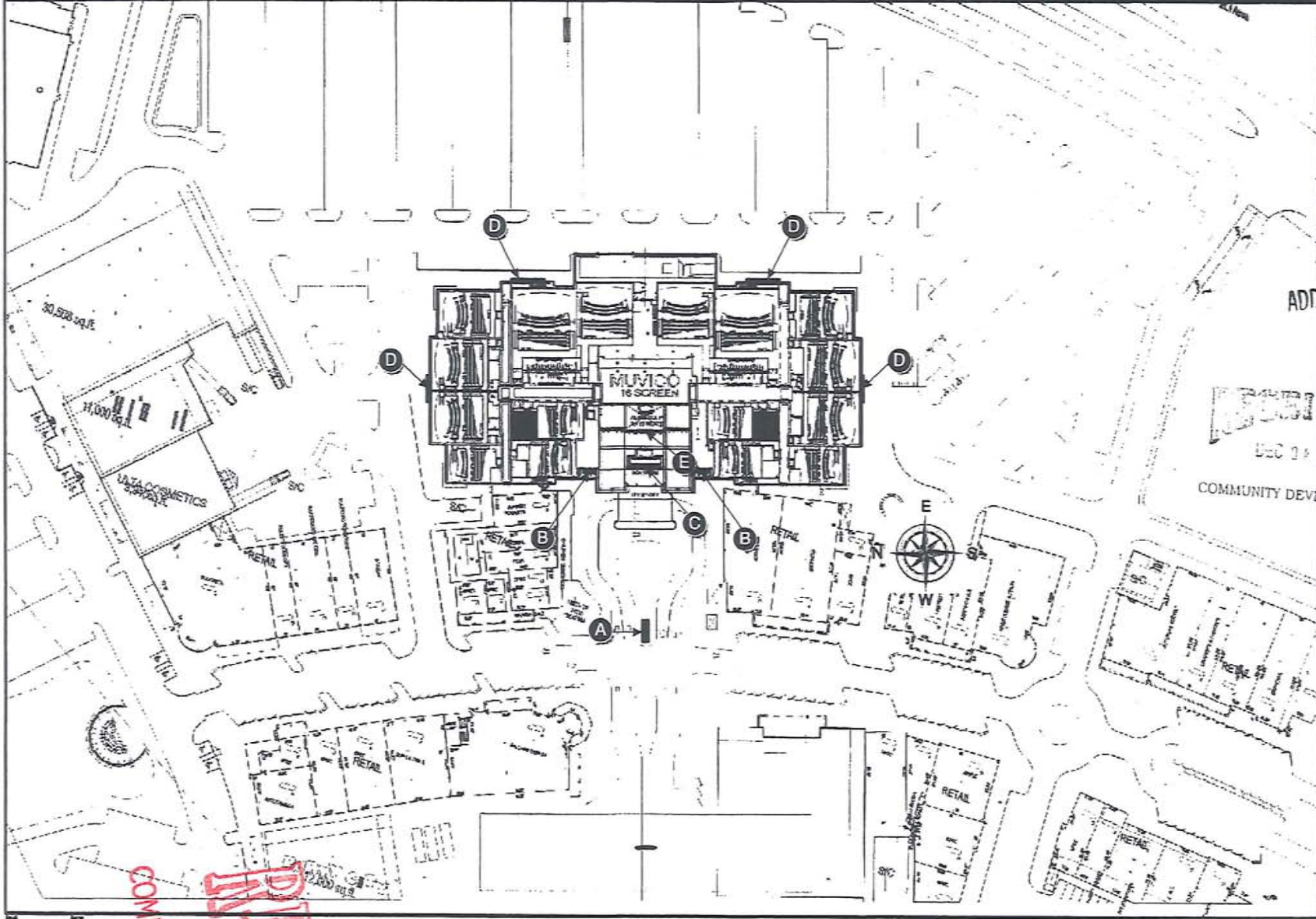
MUMICO

Exterior Signage Package

Mumico Theaters - Coconut Point 16
8021 Cinema Way Estero, FL 33928

DATE OF KS/MPG: 8/22/06
NO. 31753 COVER

SITE PLAN WITH SURROUNDING RETAIL & AREA



EAST COAST SIGN ADVERTISING

3025 Route 11 North at PA Temple, Orlando, FL 32817
Tel. (215)701-6800 Fax (215)701-6400

GENERAL NOTES:
1. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS IN ACCORDANCE WITH THE FINAL PLAN.

SCREENS:
1. SCREENS SHALL BE 14' HIGH BY 140' WIDE
2. SCREENS SHALL BE 14' HIGH BY 140' WIDE
3. SCREENS SHALL BE 14' HIGH BY 140' WIDE

1. MATERIALS SHALL BE OF THE BEST QUALITY AND SHALL BE APPROVED BY THE CITY OF ORLANDO.
2. ALL DIMENSIONS AND LOCATIONS SHALL BE AS SHOWN ON THE FINAL PLAN.

ADD 2006-00229

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DEC 3 2006
COMMUNITY DEVELOPMENT

APPROVED AS NOTED
REVISION AND RESUBMIT

APPROVALS

U.L. NOTE
THIS SIGN IS SUBJECT TO BE REVIEWED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 22 OF THE ORDINANCE, ELECTRONIC CODES AND/OR OTHER APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS.

NO.	DATE	DESCRIPTION	BY
REVISIONS			

MUVICO
Exterior Signage Package
Muvico Theaters - Coconut Point 16
8021 Cinema Way Estero, FL 33928
DATE: 8/22/06
BY: KS/MPG
PROJECT: 31753 SITE PLAN

DCI 2012-00017

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MAR 3 0 2012
COMMUNITY DEVELOPMENT



EAST COAST SIGN ADVERTISING

1000 Route 12 North of PA Templeton, PA 17077
Tel. (215)791-6500 Fax (215)791-6400

MINIMAL TYPE APPROVAL
THIS SIGN IS APPROVED AS NOTED. APPROVAL IS NOT GUARANTEED. THE SIGNER ASSUMES ALL LIABILITY FOR THE SIGN. APPROVAL IS NOT A WARRANTY OF THE SIGN OR THE SIGNAGE.

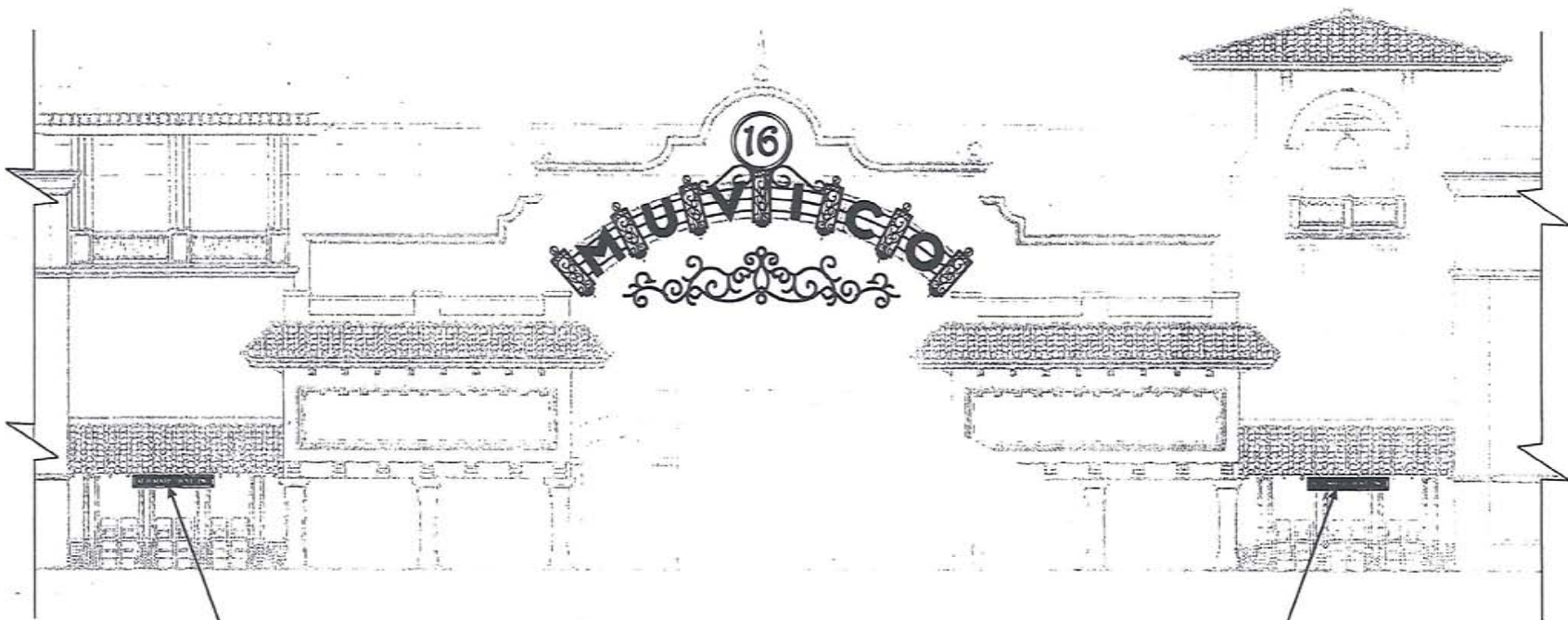
SIGNAL IS: APPROVED
 APPROVED AS NOTED
 REUSE AND RESUBMIT

APPROVALS:

EXPRESSIONS: _____ SIZE: _____

U.L. NOTE

THIS SIGN IS DESIGNED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 610 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL, STATE, AND FEDERAL REGULATIONS.

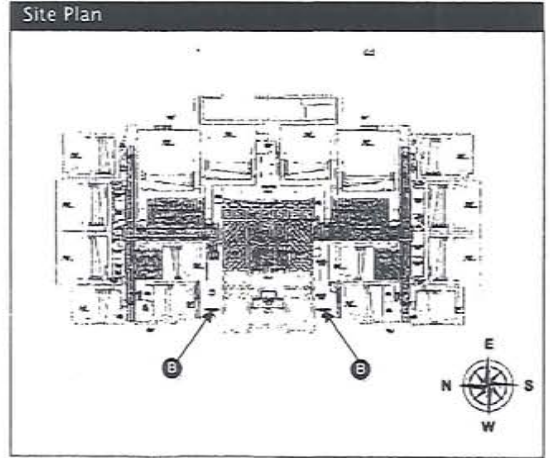


WEST ELEVATION

Scale: NTS

B SEE SHEETS 31753-2.3 & 31753-2.5 FOR DETAILS

B SEE SHEETS 31753-2.3 & 31753-2.5 FOR DETAILS



ADD 2006-00229

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DEC 04 2006

COMMUNITY DEVELOPMENT

REVISIONS

NO.	DATE	DESCRIPTION	BY

MUVICO

Exterior Signage Package

Muvico Theaters - Coconut Point 16
8021 Cinema Way Estero, FL 33928

DESIGNED BY	KS/MPG	DATE	8/22/06
AS NOTED			
31753			2.0

COMMUNITY DEVELOPMENT
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MAR 30 2012

DCI 2012-00017



EAST COAST SIGN ADVERTISING

2000 Route 13 North in PA, Tampa Bay, FL 33617
Tel. (215)781-0600 Fax (215)781-0400

PERMIT TYPE APPROVAL
THIS SIGN IS APPROVED AS SHOWN, PROVIDED THAT THE PERMITTEE SHALL MAINTAIN THE SIGN IN ACCORDANCE WITH THE PERMITS AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM ALL AFFECTED AGENCIES. THE PERMITTEE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM ALL AFFECTED AGENCIES. THE PERMITTEE SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM ALL AFFECTED AGENCIES.

SIGNAL IS: APPROVED
 APPROVED AS NOTED
 REVISE AND RESUBMIT

APPROVALS:
SUPERVISOR: _____ DATE: _____

U.L. NOTE
THIS SIGN IS APPROVED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 505 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL, STATE, AND FEDERAL REGULATIONS.

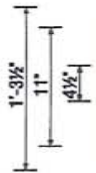
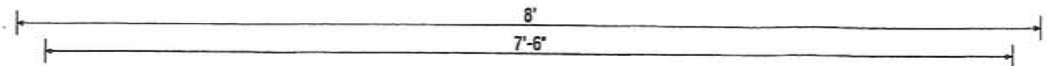
NO.	DATE	DESCRIPTION	BY

MUVICO

Exterior Signage Package

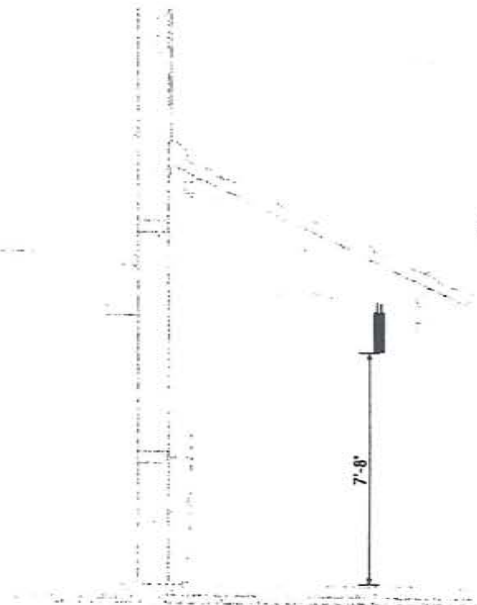
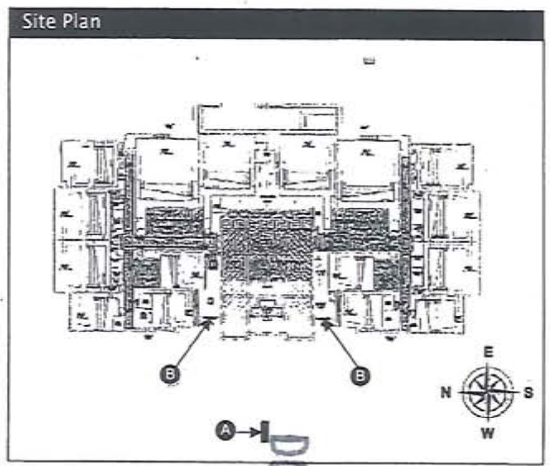
Muvico Theaters - Coconut Point 16
8021 Cinema Way Estero, FL 33928

NO.	DATE	DESCRIPTION	BY



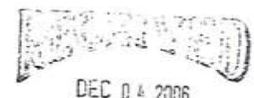
- 2" Tube Post painted Black
- Metal sign cabinet painted Black
- Internally illuminated translucent white acrylic panel
- Translucent applied vinyl to match PMS#1807
- Text to be cut from vinyl
- 1/4" Thk. Black routed Sintra outline trim & scroll work

B NEW INT. ILLUM. S/F CABINET SEE SHEET 31753-2.6 FOR MOUNTING DETAILS
Scale: 1" = 1'-0"



SIDE ELEVATION @ "AUTOMATIC TICKETING"
Scale: 1/4" = 1'-0"

ADD 2006-00229



COMMUNITY DEVELOPMENT

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15'-0"
14'-2"



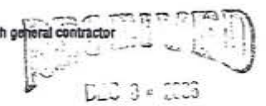
ADD 2006-0229

- 1/2" x 2" Rolled metal tube painted Black
- Metal sign cabinet painted Black
- Internally illuminated acrylic sign face
- Translucent applied red vinyl to match PMS #1807
- Text to be cut from vinyl
- Routed metal overlay to form "trim and scrolls" to be painted Black and applied to sign face
- Square tube support post painted Black

C NEW INT. ILLUM. S/F CABINET
Scale: 1/2" = 1'-0"

SEE SHEET 31753-2.8
FOR MOUNTING DETAILS

NOTE:
Coordinate with general contractor



COMMUNITY DEVELOPMENT

PERMITTING APPROVAL
THIS SIGN IS DESIGNED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 106 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS.

SIGNAL IS: APPROVED
 APPROVED AS NOTED
 REVIEW AND REVISIT

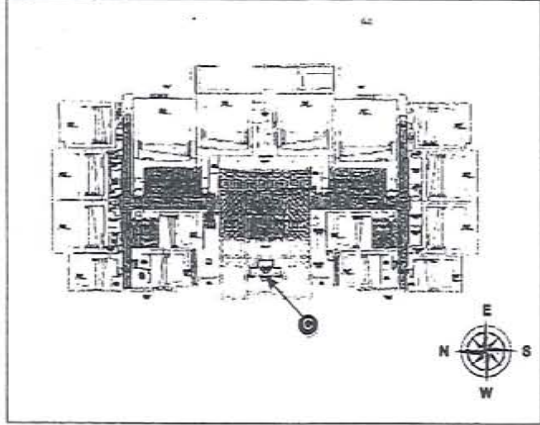
APPROVAL:

DATE: _____ BY: _____

U.L. NOTE
THIS SIGN IS DESIGNED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 106 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS.



Site Plan



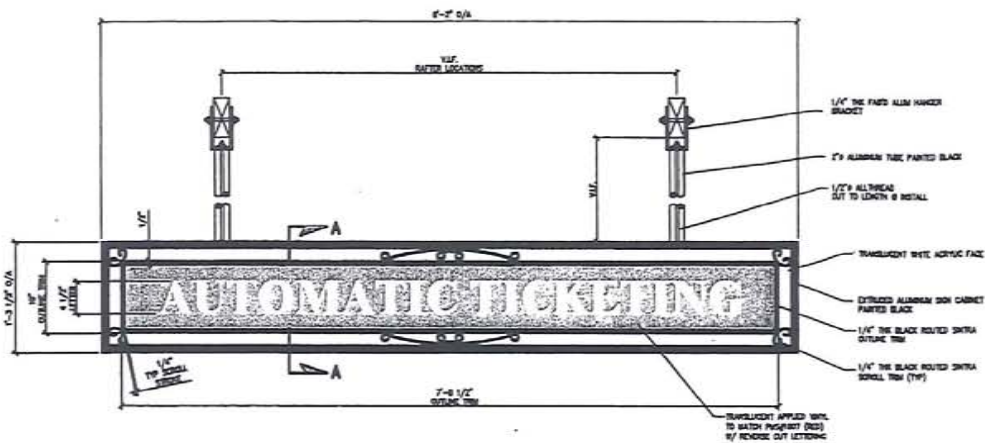
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MAR 30 2012
COMMUNITY DEVELOPMENT

BOX OFFICE ELEVATION
Scale: 1/2" = 1'-0"

DCI 2012-00017

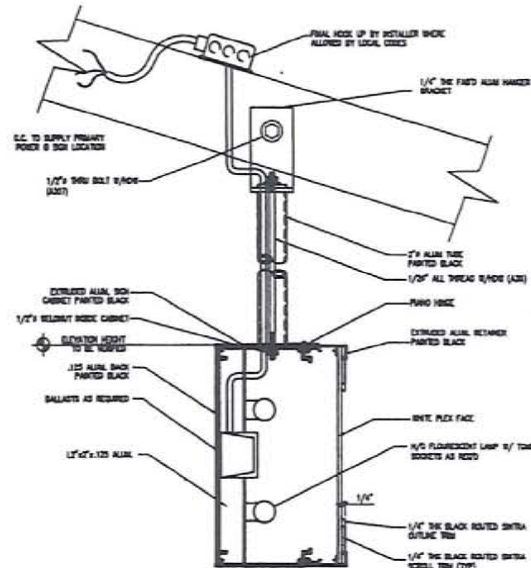
NO.	DATE	DESCRIPTION	BY
REVISIONS			

MUVICO	
Exterior Signage Package	
Muvico Theaters - Coconut Point 16 8021 Cinema Way Estero, FL 33928	
DESIGN BY	KS/MPG
DATE	AS NOTED 8/22/06
PROJECT NO.	31753 2.4

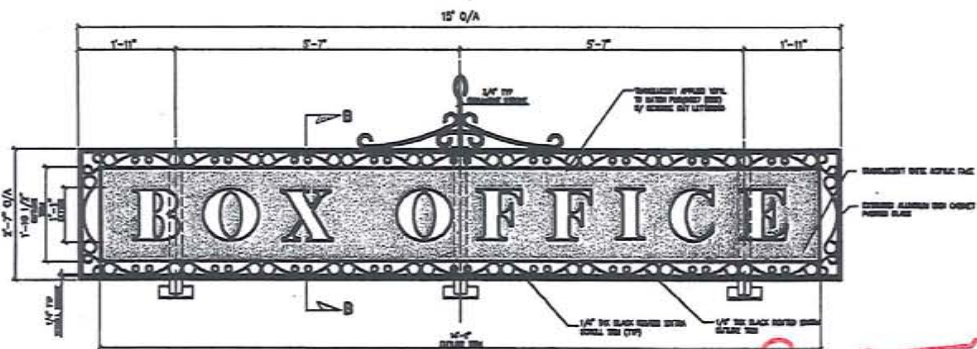


INTERNALLY ILLUMINATED "ARO" SIGNAGE
SCALE 1/2"=1'-0"

NOTE: SEE PAGE 2006 FOR REFERENCE ONLY
FABRICATION CONTRACTOR OR CUSTOMER
APPROVED/SUPPLIED MATERIALS

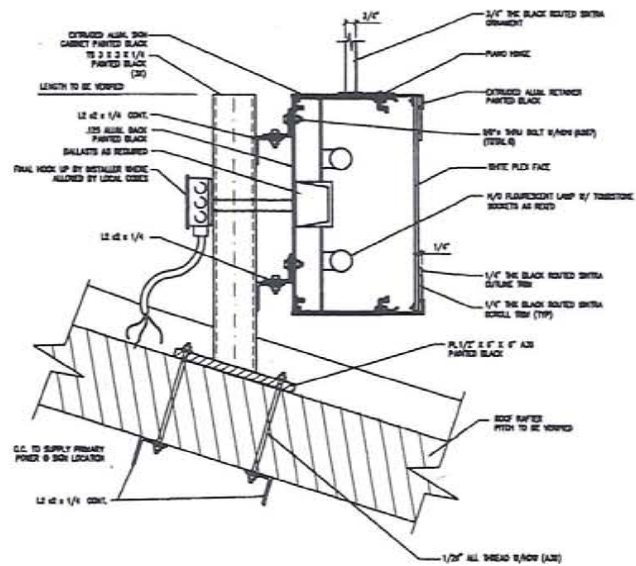


SECTION VIEW A-A
SCALE 1/2"=1'-0"



ILLUMINATED BOX OFFICE MARQUEE
SCALE 1/2"=1'-0"

NOTE: SEE PAGE 2006 FOR REFERENCE ONLY
FABRICATION CONTRACTOR OR CUSTOMER
APPROVED/SUPPLIED MATERIALS



SECTION VIEW B-B
SCALE 1/2"=1'-0"



EAST COAST SIGN ADVERTISING

1000 Route 13 North at PA Turnpike, Delton, PA 16017
Tel. (215)791-6500 Fax (215)791-0400

ADD 2006-00229

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DEC 14 2006

COMMUNITY DEVELOPMENT

SUBMITTAL TYPE APPROVAL

THIS SIGN IS APPROVED AS SHOWN PROVIDED THE SUBMITTER HAS OBTAINED THE NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.

REVISIONS: APPROVED
 APPROVED AS NOTED
 REVISE AND RESUBMIT

APPROVALS:

DATE: _____ SIZE: _____

U.L. NOTE

THIS SIGN IS APPROVED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 610 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL, STATE, AND FEDERAL REGULATIONS.

REV. NO.	DESCRIPTION	BY

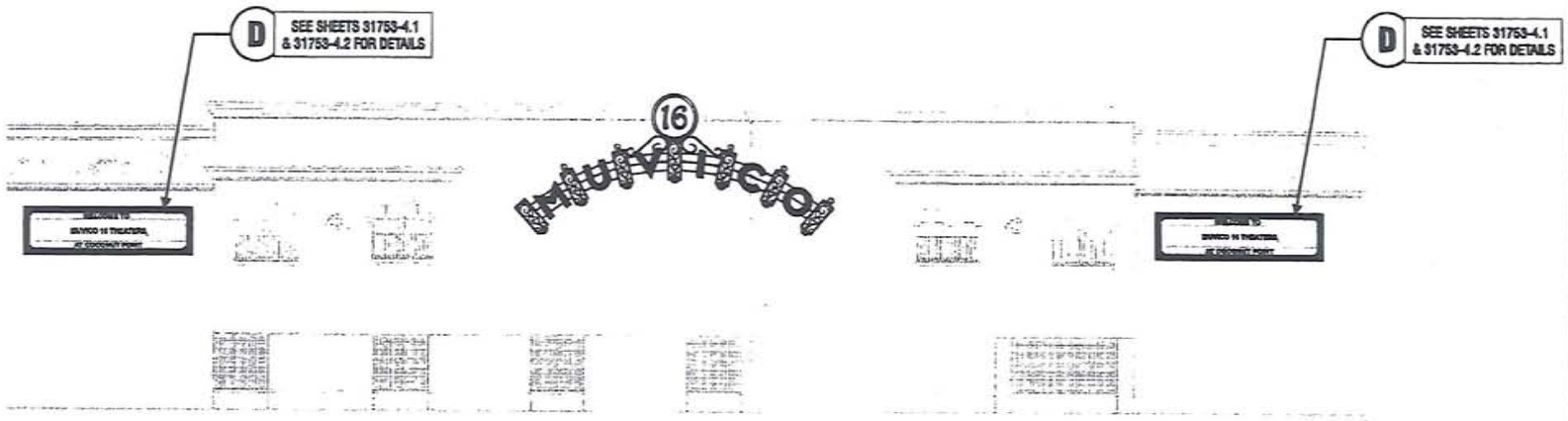
MUVICO

Exterior Signage Package

Muvico Theaters - Coconut Point 16
8021 Cinema Way Estero, FL 33928

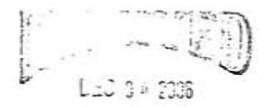
DATE: 8/22/06
BY: AS NOTED
NO. 31753

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 COMMUNITY DEVELOPMENT
 DCI 2012-00017

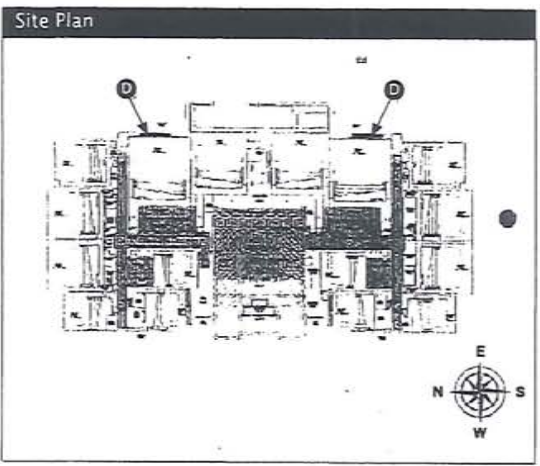


EAST ELEVATION

Scale: NTS



COMMUNITY DEVELOPMENT
ADD 2006-00229



EAST COAST SIGN ADVERTISING

8888 Road 13 North of PA Temple (Orlando) PA 18077
Tel: (215)791-0800 Fax: (215)791-0400

SIGNIFICANT TYPE APPROVAL
THIS SIGN IS NOT TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 808 OF THE NATIONAL ELECTRICAL CODE UNLESS OTHER APPLICABLE LOCAL, STATE, AND FEDERAL REGULATIONS ARE COMPLIED WITH.

- SIGNIFICANT IS APPROVED
- APPROVED AS NOTED
- REVISE AND RESUBMIT

APPROVALS:

DATE: _____ BY: _____

U.L. NOTE

THIS SIGN IS DESIGNED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 808 OF THE NATIONAL ELECTRICAL CODE UNLESS OTHER APPLICABLE LOCAL, STATE, AND FEDERAL REGULATIONS ARE COMPLIED WITH.

NO.	DATE	DESCRIPTION	BY
REVISIONS			

MUVICO

Exterior Signage Package

Muvico Theaters - Coconut Point 16
8021 Cinema Way Estero, FL 33928

KS/MPG	8/22/06
AS NOTED	
31753	3.0

DCI 2012-00017

COMMUNITY DEVELOPMENT

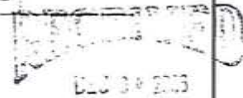
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MAR 30 2012



EAST COAST SIGN ADVERTISING

2002 Route 13 North at PA Turnpike Bristol, PA 19007
Tel: (215)761-8800 Fax: (215)761-8400

ADD 2006-00229



GENERAL TYPE APPROVAL
THIS SIGN IS APPROVED AS SHOWN PROVIDED THE INSTALLATION OF THIS SIGN IS IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 806 OF THE NATIONAL ELECTRONIC CODES, AND THE APPLICABLE LOCAL, STATE, AND FEDERAL REGULATIONS.

GENERAL IS: APPROVED
 APPROVED AS NOTED
 REVIEW AND REWORK

APPROVALS: _____
DATE: _____

U.L. NOTE
THIS SIGN IS DESIGNED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 806 OF THE NATIONAL ELECTRONIC CODES, AND THE APPLICABLE LOCAL, STATE, AND FEDERAL REGULATIONS.

NO.	DATE	DESCRIPTION	BY

MUVICO	
Exterior Signage Package	
Muvico Theaters - Coconut Point 16 8021 Cinema Way Estero, FL 33928	
DESIGNED BY	KS/MPG
DATE	8/22/06
SCALE	AS NOTED
PROJECT NO.	31753
VERSION	4.0

D SEE SHEETS 31753-4.1 & 31753-4.2 FOR DETAILS

RELATES TO
MUVICO 16 THEATERS
AT COCONUT POINT

MUVICO 16

SOUTH ELEVATION

Scale: NTS

D SEE SHEETS 31753-4.1 & 31753-4.2 FOR DETAILS

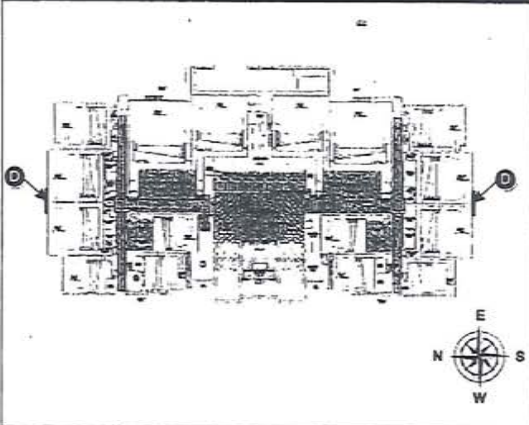
RELATES TO
MUVICO 16 THEATERS
AT COCONUT POINT

MUVICO 16

NORTH ELEVATION

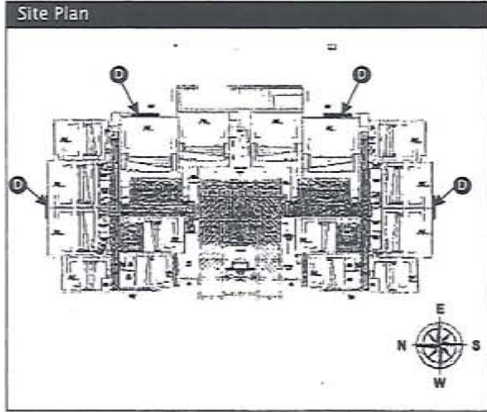
Scale: NTS

Site Plan

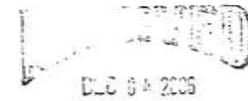


DCI 2012-00017

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MAR 30 2012
COMMUNITY DEVELOPMENT



ADD 2006-00229



COMMUNITY DEVELOPMENT



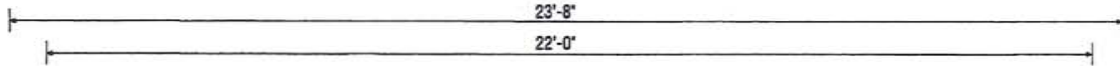
EAST COAST SIGN ADVERTISING

8882 Route 12 North at PA Turnpike Bristol, PA 19007
Tel. (215)791-0600 Fax. (215)791-0400

SUBMITTAL TYPE APPROVAL
 SUBMITTAL IS: APPROVED
 APPROVED AS NOTED
 REUSE AND RESUBMIT

APPROVAL:
 REPRESENTATIVE DATE

U.L. NOTE
 THIS SIGN IS DESIGNED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 802 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES.



- Aluminum sign cabinet painted Black
- Internally illuminated white sign face
- Applied black vinyl
- Applied translucent red vinyl to match PMS #1807
- Zip track and letters (Black 12", 250 count set supplied by ECSA)



SIDE VIEW
 Scale: 3/8"=1'-0"

D NEW S/F INT. ILLUM. CABINET *NOTE: (4) INT. ILLUM. WALL SIGNS REQUIRED
 Scale: 3/8" = 1'-0"

SEE SHEET 31753-4.2 FOR MOUNTING DETAILS

COMMUNITY DEVELOPMENT

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MAR 30 2012

2012-00017

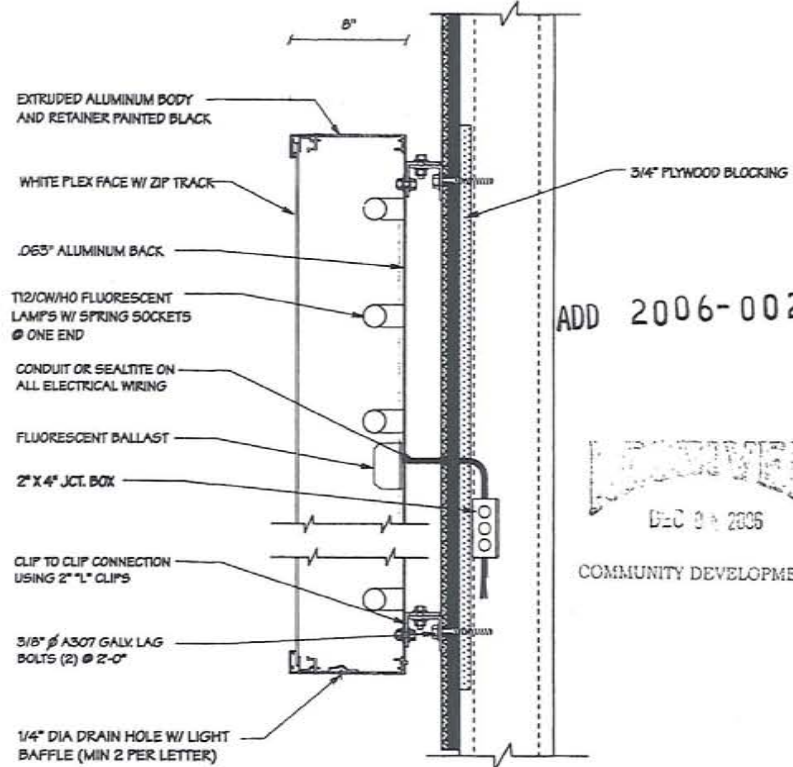
NO.	DATE	DESCRIPTION	BY

MUVICO	
Exterior Signage Package	
Muvico Theaters - Coconut Point 16 8021 Cinema Way Estero, FL 33928	
KS/MPG	DATE
AS NOTED	8/22/06
31753	4.1



EAST COAST SIGN ADVERTISING

800 Route 12 North at PA Turnpike Bristol, PA 19007
Tel. (215)791-0000 Fax (215)791-0400



ADD 2006-00229

APPROVED
DEC 9 2006

COMMUNITY DEVELOPMENT

GENERAL TYPE APPROVAL
THIS SIGN IS DESIGNED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 608 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL, STATE, AND FEDERAL REGULATIONS.

SUBMITAL IS: APPROVED
 APPROVED AS NOTED
 REUSE AND REVISIT

APPROVAL:
DATE: 12/9/06

U.L. NOTE
THIS SIGN IS DESIGNED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 608 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL, STATE, AND FEDERAL REGULATIONS.

D SECTION @ ILLUMINATED CABINETS
SCALE: 1/2" = 1'-0"

DCI 2012-00017

COMMUNITY DEVELOPMENT

RECEIVED
MAR 30 2012

REV	DATE	DESCRIPTION	BY
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

MUVICO

Exterior Signage Package

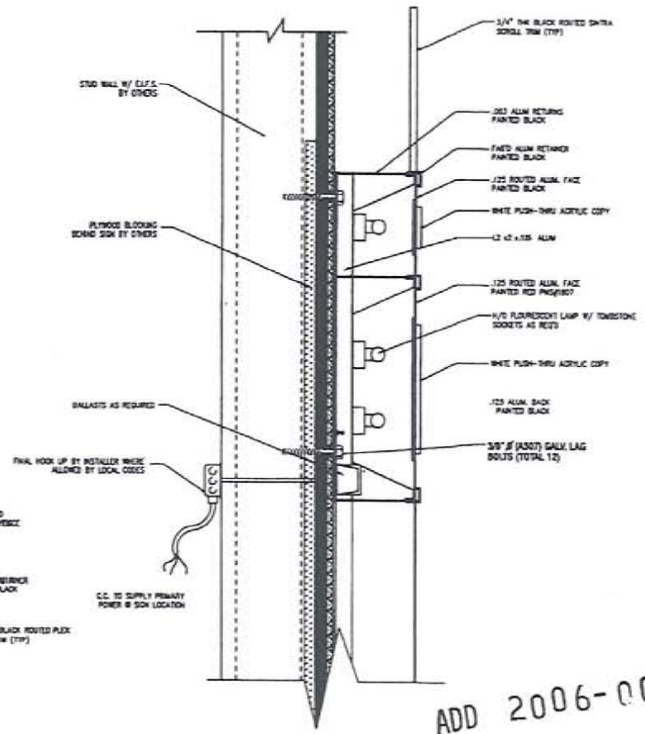
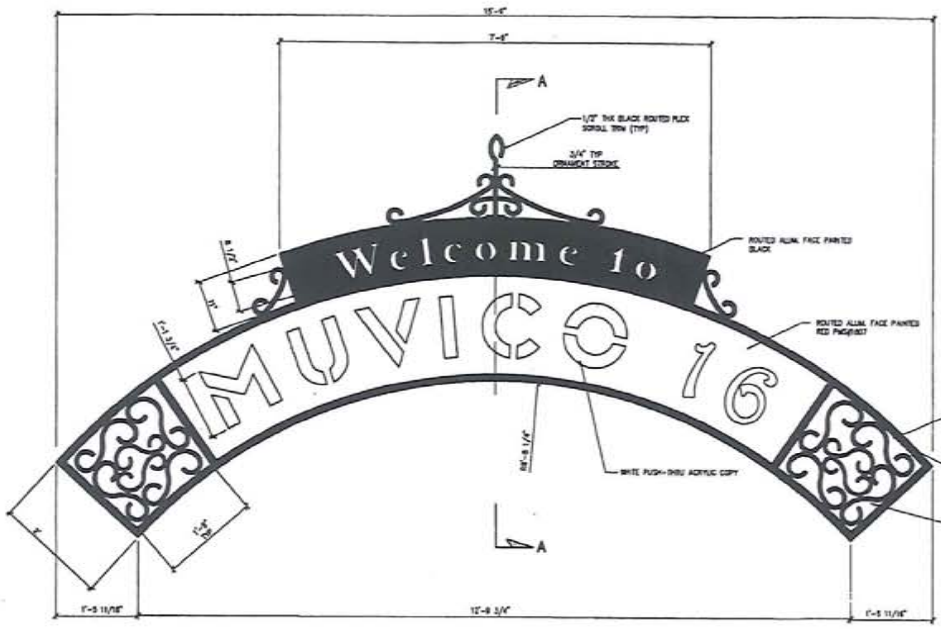
Muvico Theaters - Coconut Point 16
8021 Cinema Way Estero, FL 33928

DATE	KS/MPG	DATE	
AS NOTED		8/22/06	
31753			4.2



EAST COAST SIGN ADVERTISING

8888 Route 13 North at PA Turnpike Bristol, PA 19007
Tel. (215)701-9888 Fax (215)701-9400



VIEW A-A

ADD 2006-00229

RECEIVED
DEC 31 2011

COMMUNITY DEVELOPMENT

COMMUNITY DEVELOPMENT

ILLUMINATED ENTRY SIGN
RECEIVED
MAR 3 0 2012

DCI 2012-00017

SIGNIFICANT TYPE APPROVAL
THIS SIGN IS APPROVED TO BE INSTALLED IN ACCORDANCE WITH THE REGULATIONS OF ARTICLE 106 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS APPROVAL DOES NOT GUARANTEE THE QUALITY OF THE SIGN OR THE QUALITY OF THE INSTALLATION. THE SIGN CONTRACTOR SHALL BE RESPONSIBLE FOR THE QUALITY OF THE SIGN AND THE QUALITY OF THE INSTALLATION.

SIGNIFICANT TYPE APPROVAL:
 APPROVED
 APPROVED AS NOTED
 REJECT AND RESUBMIT

APPROVAL:
 _____ DATE

U.L. NOTE
THIS SIGN IS APPROVED TO BE INSTALLED IN ACCORDANCE WITH THE REGULATIONS OF ARTICLE 106 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS APPROVAL DOES NOT GUARANTEE THE QUALITY OF THE SIGN OR THE QUALITY OF THE INSTALLATION. THE SIGN CONTRACTOR SHALL BE RESPONSIBLE FOR THE QUALITY OF THE SIGN AND THE QUALITY OF THE INSTALLATION.

NO.	DATE	REVISION

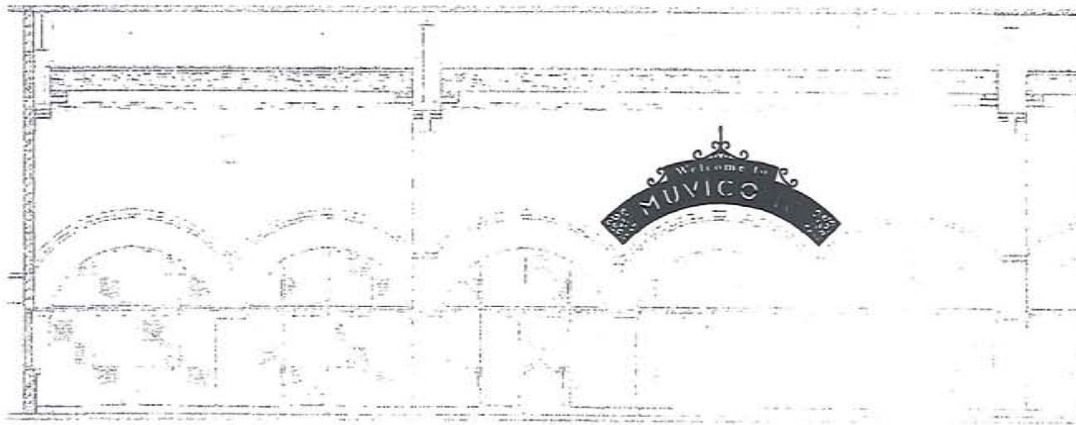
PROJECT NO. **MUVICO**

DATE: _____

EXTERIOR SIGNAGE PACKAGE

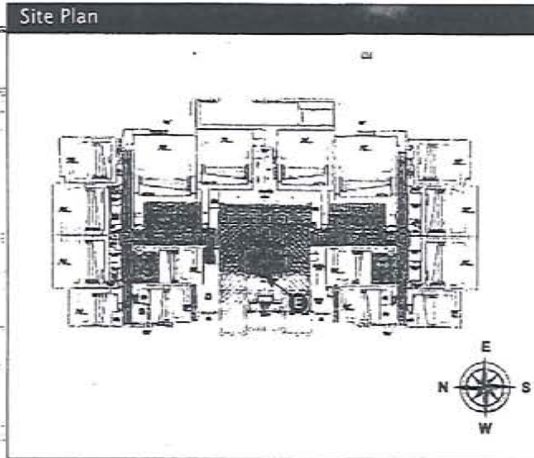
Muvico Theaters - Coconut Point 16
8021 Cinema Way Estero, FL 33928

DESIGNED BY: KS/MPG
 DRAWN BY: _____
 AS NOTED: 8/22/06
 PROJECT NO.: 31753 SCALE: 5.1

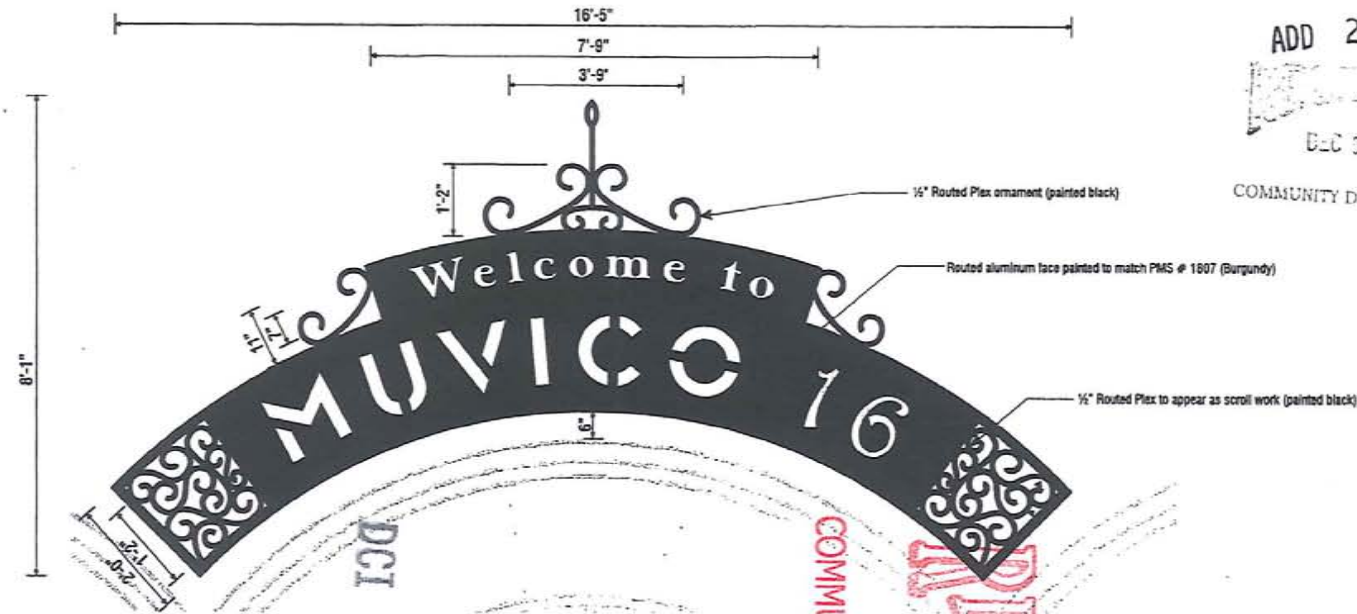


ENTRANCE ELEVATION

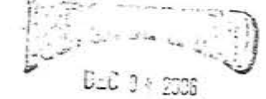
Scale: NTS



Site Plan



ADD 2006-00229



SIDE VIEW

Scale: NTS



EAST COAST SIGN ADVERTISING

8024 Peach 13 North at PA Tampa, Florida, PA 33607
Tel. (215)781-0000 Fax (215)781-0400

GENERAL TYPE APPROVAL
 THESE SIGNS ARE APPROVED FOR INSTALLATION ON THE BASIS OF THE INFORMATION PROVIDED BY THE SUBMITTER. THE SUBMITTER IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES.

SUBMITTER IS APPROVED
 APPROVED AS NOTED
 REVISE AND RESUBMIT

APPROVAL:

DATE: _____

U.L. NOTE
 THIS SIGN IS DESIGNED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 608 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL, STATE, AND FEDERAL REGULATIONS.

REV	DATE	DESCRIPTION	BY
REVISIONS			

MUVICO

Exterior Signage Package

Muvico Theaters - Coconut Point 16
 8021 Cinema Way Estero, FL 33928

KS/MPG	8/22/06
AS NOTED	5.0
31753	

DCI 2012-00017

NEW INT. ILLUM. ENTRY SIGN
 Scale: NTS

COMMUNITY DEVELOPMENT

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MAR 30 2012

DCI 2012-00017

ADMINISTRATIVE AMENDMENT (PD) ADD2006-00168

COMMUNITY DEVELOPMENT ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Coconut Point Developers, LLC filed an application for administrative approval to a Mixed-Use Planned Development on a project known as Coconut Point MPD for reduction in building separation from 20 feet to 6.3 feet for certain structures in Area #2 (Muvico, Building K, and Building L-1), described more particularly as:

LEGAL DESCRIPTION: In Section 04, Township 47 South, Range 25 East, Lee County, Florida:

SEE ATTACHED FOUR-PAGE "EXHIBIT A"

WHEREAS, the property was originally rezoned in case number DCI2001-00005, with subsequent amendments in case numbers ADD2004-00060, ADD2004-00060(A), ADD2004-00060(B), ADD2004-00187, ADD2004-00206, ADD2005-00080, ADD2005-00080(A), and ADD2006-0024; and

WHEREAS, the subject property is located in the Urban Community Future Land Use Category as designated by the Lee Plan; and

WHEREAS, the applicant has requested a reduction in the minimum building separation requirements for the Muvico structure in Area 2 from Building K and Building L-1; and

WHEREAS, in the approved Development Order #DOS2004-00193, the location of the buildings was shown in the correct positions, however a roofed structure was shown to be covering the corridor between the buildings; and

WHEREAS, building permits were approved for the structures in their current locations, without the roofed structure covering the corridor between the buildings; and

WHEREAS, the applicant has provided a site plan entitled "Muvico Location Plan" which depicts the locations of Building K and Building L-1; and

WHEREAS, the separation between Building L-1 and Muvico is 6.34 feet; and

WHEREAS, the applicant has provided a "Proposed Development Regulations" list with an added section for separation between Muvico/Bldg K/Bldg L-1, which requires a minimum building separation of 6.3 feet; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

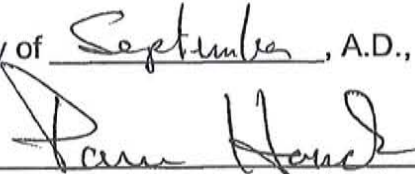
WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for a reduction in building separation from 20 feet to 6.3 feet for certain structures in Area #2 of the Coconut Point Mixed-Use Planned Development is **APPROVED, subject to the following conditions:**

1. The only change approved as part of this administrative amendment is to reduce the minimum building separation between Muvico, Building K, and Building L-1 from 20 feet to 6.3 feet. No other changes have been authorized as part of this amendment and development must remain in compliance with Resolution Z-02-009, as amended by ADD2004-00060, ADD2004-00060(A), ADD2004-00060(B), ADD2004-00187, ADD2004-00206, ADD2005-00080, ADD2005-00080(A), and ADD2006-0024. The terms and conditions of the original zoning resolution (as amended) remain in full force and effect.
2. The Development must be in compliance with the attached "Muvico Location Plan" stamped received August 29, 2006. This location plan for buildings in Area #2 is hereby APPROVED and adopted. A reduced copy is attached hereto as "Attachment A."
2. The development must be in compliance with the "Proposed Development Regulations" attached hereto as "Attachment B."

DULY SIGNED this 12th day of September, A.D., 2006.

BY: _____



Pam Houck, Director
Division of Zoning
Department of Community Development

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COMMUNITY DEVELOPMENT

DCI 2012-00017

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AUG 29 2006

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

LEGAL DESCRIPTION

ADD 2006-00168

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

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

AND

DCI 2012-00017

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MAR 30 2012

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

COMMUNITY DEVELOPMENT

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE

WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 3,021.15 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,320.56 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,692.32 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°56'59"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,590.78 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 5,641.38 FEET, THROUGH A CENTRAL ANGLE OF 09°31'27", SUBTENDED BY A CHORD OF 936.68 FEET AT A BEARING OF N.05°42'42"W., FOR A DISTANCE OF 937.76 FEET TO THE END OF SAID CURVE; THENCE RUN N.10°28'26"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 98.54 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, A 100.00 FOOT RIGHT-OF-WAY; THENCE RUN S.88°20'53"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,029.70 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN WESTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 7,050.00 FEET, THROUGH A CENTRAL ANGLE OF 03°00'00", SUBTENDED BY A CHORD OF 369.09 FEET AT A BEARING OF S.89°50'53"W., FOR A DISTANCE OF 369.14 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°39'07"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 674.92 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN S.04°52'41"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,901.57 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,725.19 FEET, THROUGH A CENTRAL ANGLE OF 11°32'50", SUBTENDED BY A CHORD OF 548.30 FEET AT A BEARING OF S.00°53'44"E., FOR A DISTANCE OF 549.23 FEET TO THE END OF SAID CURVE; THENCE RUN S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 225.81 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,710.61 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 626.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 11,584.73 FEET, THROUGH A CENTRAL ANGLE OF 06°24'13", SUBTENDED BY A CHORD OF 1,294.08 FEET AT A BEARING OF S.03°28'03"E., FOR A DISTANCE OF 1,294.76 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°15'56"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 274.74 FEET; THENCE RUN S.46°02'16"E., FOR A DISTANCE OF 577.44 FEET; THENCE RUN S.01°57'26"E. FOR A DISTANCE OF 25.19 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY; THENCE RUN N.88°02'34"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 32.80 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,875.00 FEET, THROUGH A CENTRAL ANGLE OF 17°41'59", SUBTENDED BY A CHORD OF 576.92 FEET AT A BEARING OF N.79°11'34"E., FOR A DISTANCE OF 579.22 FEET TO THE END OF SAID CURVE; THENCE RUN N.70°20'35"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE

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

NOTES:

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

TOTAL PROPERTY AREA: 482.421 ACRES, MORE OR LESS.

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

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

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION LB #1772

Applicant's Legal Checked
by Amy 31AUG06

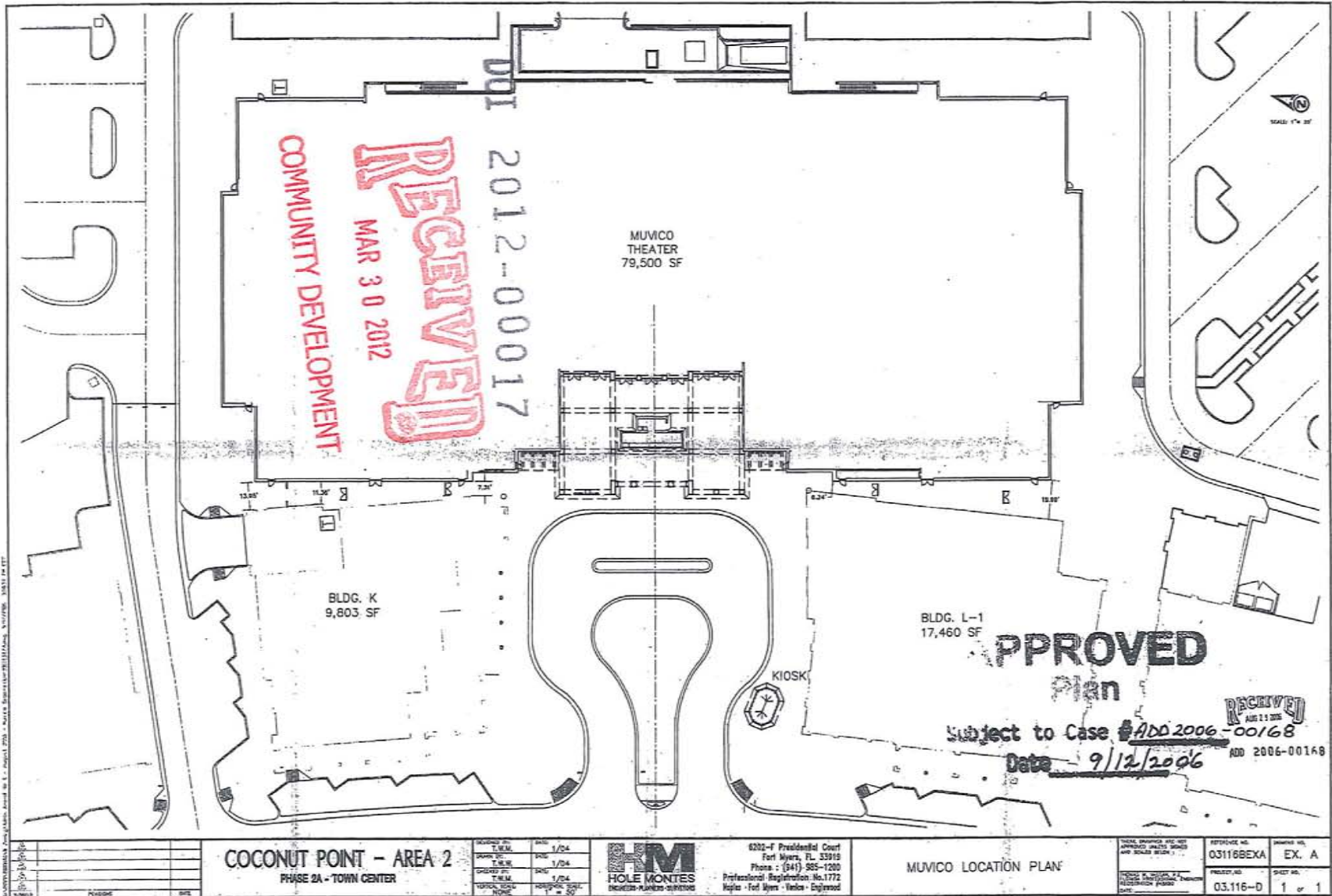
BY Jerry L. Riffelmacher
JERRY L. RIFFELMACHER

P.S.M. #6130
STATE OF FLORIDA

DCI 2012-00017

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COMMUNITY DEVELOPMENT



COCONUT POINT - AREA 2
 PHASE 2A - TOWN CENTER

DESIGNED BY	T.M.M.	DATE	1/04
CHECKED BY	T.M.M.	DATE	1/04
APPROVED BY	T.M.M.	DATE	1/04
PROJECT NO.	2012-00017		



6202-F Presidential Court
 Fort Myers, FL 33916
 Phone : (941) 985-1200
 Professional Registration No.1772
 Naples • Fort Myers • Venice • Englewood

MUVICO LOCATION PLAN

SCALE: AS SHOWN
 APPROVED DATE: 9/12/2006
 APPROVED BY: [Signature]

REFERENCE NO.	03116BEXA	SHEET NO.	EX. A
PROJECT NO.	03.116-D	SHEET NO.	1 of 1

ATTACHMENT B

PROPOSED
DEVELOPMENT REGULATIONS

Tract 1A, 1B, 1C and 1D

Lot Width	100 feet
Lot Depth	100 feet
Lot Area	20,000 square feet
Maximum Lot Coverage	40 percent

Minimum Setbacks

Front (street)	25 feet
Side	10 feet
Rear	25 feet (5 feet for an accessory structure)
Water body	25 feet (20 feet for an accessory structure)

Minimum Building Separation: one-half the sum of the building heights but not less than 20 feet

Maximum Building Height: 45 feet / 3 stories

Tracts 1E, 1F, 3D and 3B
(formerly included Tract 2B-2)

Minimum Lot Size: Townhouse

Lot Width Per Unit	25 feet
Lot Depth Per Unit	80 feet
Lot Area Per Unit	2,000 square feet
Maximum Building Height	35 feet / 2 stories
Maximum Lot Coverage	50 percent

Minimum Setbacks:

Front (street, private)	20 feet
Front (street, public)	25 feet
Side	10 feet
Side (interior)	0 feet
Rear	15 feet (5 feet for an accessory structure)
Waterbody	25 feet (10 feet for an accessory structure)

Minimum Lot Size: Multiple Family Building

Lot Width	100 feet
Lot Depth	100 feet

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AUG 29 2006

ADD 2006-00168

Lot Area 10,000 square feet
Maximum Lot Coverage 40 percent

Minimum Setbacks

Front (street) 25 feet
Side 10 feet
Rear 20 feet (5 feet for an accessory structure)
Water body 25 feet (20 feet for an accessory structure)

Minimum Building Separation: one-half the sum of the building heights but not less than 20 feet

Maximum Building Height: 45 feet / 3 stories

Tracts 2A, 2B, 2C, 2D, 2E, 3A and 3C
(formerly included Tract 2B-1)
(Excludes Regulations set forth in ADD2005-00080A)

Lot Width 100 feet
Lot Depth 100 feet
Lot Area 20,000 square feet
Maximum Lot Coverage 40 percent

Minimum Setbacks

Front (street) 25 feet
Side 10 feet
Rear 25 feet (5 feet for an accessory structure)
Water body 25 feet (20 feet for an accessory structure)

Minimum Building Separation: one-half the sum of the building heights but not less than 20 feet

Minimum Building Separation 6.3 feet
Muvico/Bldg K/Bldg L-1

Maximum Building Height for
Tract 3C: 45 feet / 3 stories

Maximum Building Height for:
Tract 2A, 2B, 2C, 2D, 2E:

Within 300 feet of Via Coconut Point (fka Sandy Lane): 45 feet/3 stories

Outside of 300 feet from Via
Coconut Point (fka Sandy Lane): 60 feet/5 stories

Maximum Building Height for:
Tract 3A:

Within 100 feet of Via Coconut
Point (fka Sandy Lane): 45 feet/3 stories over parking

Outside of 100 feet from Via
Coconut Point (fka Sandy Lane): 60 feet/5 stories over parking

RESIDENTIAL USES: (Tract 2A, 2B and 2F only)
(Excludes Regulations set forth in ADD2005-00080A)

TRACT 2A and 2B:

Minimum Lot Size: Townhouse

Lot Width Per Unit	25 feet
Lot Depth Per Unit	80 feet
Lot Area Per Unit	2,000 square feet
Maximum Building Height	35 feet / 2 stories
Maximum Lot Coverage	50 percent

Minimum Setbacks:

Front (street, private)	20 feet
Front (street, public)	25 feet
Side	10 feet
Side (interior)	0 feet
Rear	15 feet (5 feet for an accessory structure)
Waterbody	25 feet (10 feet for an accessory structure)

Minimum Lot Size: Multiple Family Building

Lot Width	100 feet
Lot Depth	100 feet
Lot Area	10,000 square feet
Maximum Lot Coverage	40 percent

Minimum Setbacks

Front (street)	25 feet
Side	10 feet
Rear	20 feet (5 feet for an accessory structure)

Water body	25 feet (20 feet for an accessory structure)
<u>Minimum Building Separation:</u>	one-half the sum of the building heights but not less than 20 feet
<u>Maximum Building Height:</u>	
Within 300 feet of Via Coconut Point (fka Sandy Lane):	45 feet/3 stories over parking
Outside of 300 feet from Via Coconut Point (fka Sandy Lane):	60 feet/5 stories over parking

TRACT 2F: (formerly Tract 2E)

Lot Width	100 feet
Lot Depth	100 feet
Lot Area	20,000 square feet
Maximum Lot Coverage	40 percent

Minimum Setbacks

Front (street)	25 feet
Side	10 feet
Rear	25 feet (5 feet for an accessory structure)
Water body	25 feet (20 feet for an accessory structure)

<u>Minimum Building Separation:</u>	one-half the sum of the building heights but not less than 20 feet
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<u>Maximum Building Height:</u>	40 feet /3 stories over parking
---------------------------------	---------------------------------

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ADMINISTRATIVE AMENDMENT (PD) ADD2007-00182

COMMUNITY DEVELOPMENT ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Coconut Point Developers LLC, filed an application for administrative approval to a Mixed Use Planned Development on a project known as Coconut Point - Area 2 - Phase 1 Community Center for:

1. **A reduction in minimum required building separation between Building G and Building PBA #1 from 39 feet to a minimum of 26 feet;**
2. **A reduction in the minimum required water body setback for Building PBA #2 from 25 feet to a minimum of 8 feet; and**
3. **To allocate 20,000 sq. ft. of office use from other tracts in Area 2 to be assigned to Tract 2B**

on property located at Plaza del Lago, described more particularly as:

LEGAL DESCRIPTION: In Section 04, Township 47 South, Range 25 East, Lee County, Florida:

SEE ATTACHED FOUR-PAGE "EXHIBIT A"

WHEREAS, the property was originally rezoned in case number DRI2000-00015 and DCI2001-00005 (Resolution Z-02-009), with subsequent amendments in case numbers DRI2004-00008 (Resolution Z-04-079), ADD2004-00060/60A/60B/60C, ADD2004-00187/187A, ADD2004-00206, ADD2005-00026, ADD2005-00080/80A, ADD2005-00177, ADD2005-00233, ADD2006-00024, ADD2006-00168, ADD2006-00229, DCI2006-00080 (Resolution Z-07-040), ADD2007-00028, and ADD2007-00087; and

WHEREAS, the subject property is located in the Urban Community Future Land Use Category as designated by the Lee Plan; and

WHEREAS, Coconut Point Developers, LLC and Dillard's, the owners of the subject property, have authorized Tom McLean to act as agent to pursue the proposed administrative amendment to the Coconut Point MPD; and

WHEREAS, the applicant has requested a reduction in the minimum building separation between Building G (Ted's Montana Grill, Pagelli's Cucina, et al) and Building PBA #1 from 39 feet to allow a minimum of 26 feet; and

WHEREAS, the applicant has indicated that adequate access has been provided around the building to ensure that fire protection personnel and equipment can access all parts of both buildings; and

WHEREAS, the applicant has requested a reduction in the minimum required water body setback of 25 feet to allow a minimum of 8 feet for building PBA #2; and

WHEREAS, the reduction in water body setback will not affect the maintenance of the retention pond, since there is a dock along the perimeter of the lake, mostly parallel to the shoreline, and all maintenance is performed from the water; and

WHEREAS, the applicant has provided an updated table titled "Proposed Development Regulations" depicting the above-requested changes for separation between Building G and Building PBA #1, as well as water body setback for Building PBA #2; and

WHEREAS, a copy of the "Proposed Development Regulations" is attached as "Exhibit B;" and

WHEREAS, the applicant has provided a site plan titled "Lake Shops Plan" for the area in question surrounding Buildings G, PBA #1, and PBA #2; and

WHEREAS, a reduced copy of the "Lake Shops Plan" is attached as "Exhibit C;" and

WHEREAS, the applicant has requested to allocate 20,000 square feet of office uses from other portions of Area 2 to be assigned to Tract 2B; and

WHEREAS, 5,000 square feet of office use is requested to be moved from Tract 2C, 5,000 square feet from Tracts 2D/E, and 10,000 square feet from Tract 2F to comprise the 20,000 square feet of office use being assigned to Tract 2B; and

WHEREAS, a copy of the "Maximum Development Intensity" table from the approved Master Concept Plan has been replicated and attached as "Exhibit D" to accurately depict the approved number of square footage for office and other uses in each Development Area; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

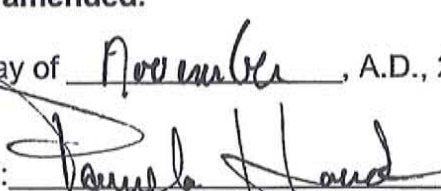
WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Mixed-Use Planned Development is **APPROVED, subject to the following conditions:**

1. The only changes approved as part of this administrative amendment are the reduction in building separation between Building G and Building PBA #1 from 39 feet to 26 feet, the reduction in water body setback for Building PBA #2 from 25 feet to 8 feet, and the allocation of 20,000 square feet of office use within Area 2 to Tract 2B. No other changes have been approved as part of this administrative amendment.
2. Development of Buildings PBA #1 and PBA #2 must be in compliance with the "Proposed Development Regulations" attached as "Exhibit B."
3. Building separation and water body setbacks must be in substantial compliance with the "Lake Shops Plan" attached as "Exhibit C."
4. The terms and conditions of the original zoning resolutions remain in full force and effect, except as herein amended.

DULY SIGNED this 15 day of November, A.D., 2007.

BY: _____


Pam Houck, Director
Division of Zoning
Department of Community Development

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EXHIBIT A

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

LEGAL DESCRIPTION

COMMUNITY DEVELOPMENT

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

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY, AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 1,733.04 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN N.10°32'05"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 971.33 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 5,605.39 FEET, THROUGH A CENTRAL ANGLE OF 04°03'11", SUBTENDED BY A CHORD OF 396.43 FEET AT A BEARING OF N.08°30'30"W., FOR A DISTANCE OF 396.52 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°07'51"E. FOR A DISTANCE OF 747.22 FEET TO A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS N.82°31'42"E., A DISTANCE OF 3,909.60 FEET THEREFROM; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,909.60 FEET, THROUGH A CENTRAL ANGLE OF 08°29'31", SUBTENDED BY A CHORD OF 578.92 FEET AT A BEARING OF N.03°13'32"W., FOR A DISTANCE OF 579.45 FEET TO THE END OF SAID CURVE; THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 583.09 FEET; THENCE RUN N.00°15'56"W., FOR A DISTANCE OF 47.04 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY, THE SAME BEING A POINT ON A CIRCULAR CURVE, CONCAVE NORTHERLY, WHOSE RADIUS POINT BEARS N.10°28'58"W., A DISTANCE OF 2,025.00 FEET THEREFROM; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°12'27", SUBTENDED BY A CHORD OF 325.07 FEET AT A BEARING OF N.74°58'48"E., FOR A DISTANCE OF 325.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.70°20'35"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 3,025.00 FEET, THROUGH A CENTRAL ANGLE OF 09°15'04", SUBTENDED BY A CHORD OF 487.89 FEET AT A BEARING OF N.74°58'07"E., FOR A DISTANCE OF 488.42 FEET TO THE END OF SAID CURVE; THENCE RUN N.79°35'39"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 238.23 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN S.00°59'47"E., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,869.10 FEET TO THE POINT OF BEGINNING; CONTAINING 95.885 ACRES, MORE OR LESS.

AND

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

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE

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Applicant's Legal Checked
by [Signature] 10/12/07

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REF. DWG. #A-994-3

PAGE 2 OF 3

WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 3,021.15 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,320.56 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,692.32 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°56'59"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,590.78 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 5,641.38 FEET, THROUGH A CENTRAL ANGLE OF 09°31'27", SUBTENDED BY A CHORD OF 936.68 FEET AT A BEARING OF N.05°42'42"W., FOR A DISTANCE OF 937.76 FEET TO THE END OF SAID CURVE; THENCE RUN N.10°28'26"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 98.54 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, A 100.00 FOOT RIGHT-OF-WAY; THENCE RUN S.88°20'53"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,029.70 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN WESTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 7,050.00 FEET, THROUGH A CENTRAL ANGLE OF 03°00'00", SUBTENDED BY A CHORD OF 369.09 FEET AT A BEARING OF S.89°50'53"W., FOR A DISTANCE OF 369.14 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°39'07"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 674.92 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN S.04°52'41"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,901.57 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,725.19 FEET, THROUGH A CENTRAL ANGLE OF 11°32'50", SUBTENDED BY A CHORD OF 548.30 FEET AT A BEARING OF S.00°53'44"E., FOR A DISTANCE OF 549.23 FEET TO THE END OF SAID CURVE; THENCE RUN S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 225.81 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,710.61 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 626.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 11,584.73 FEET, THROUGH A CENTRAL ANGLE OF 06°24'13", SUBTENDED BY A CHORD OF 1,294.08 FEET AT A BEARING OF S.03°28'03"E., FOR A DISTANCE OF 1,294.76 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°15'58"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 274.74 FEET; THENCE RUN S.46°02'16"E., FOR A DISTANCE OF 577.44 FEET; THENCE RUN S.01°57'28"E. FOR A DISTANCE OF 25.19 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY; THENCE RUN N.88°02'34"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 32.80 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,875.00 FEET, THROUGH A CENTRAL ANGLE OF 17°41'59", SUBTENDED BY A CHORD OF 576.92 FEET AT A BEARING OF N.79°11'34"E., FOR A DISTANCE OF 579.22 FEET TO THE END OF SAID CURVE; THENCE RUN N.70°20'35"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE

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PAGE 3 OF 3

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

NOTES:

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

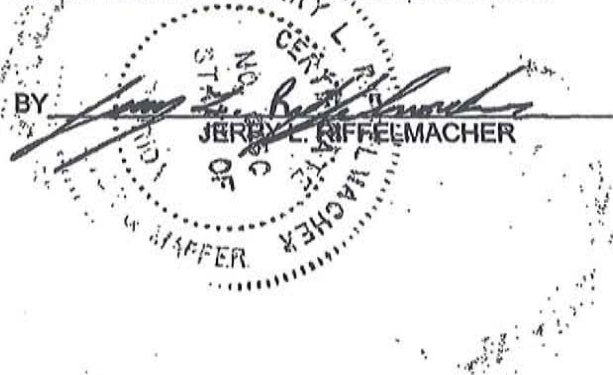
TOTAL PROPERTY AREA: 482.421 ACRES, MORE OR LESS.

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

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

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION LB #1772

BY



JERRY L. RIFFELMACHER

P.S.M. #6130

STATE OF FLORIDA

DCI 2012-00017

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EXHIBIT B

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PERMIT COUNTER

PROPOSED
DEVELOPMENT REGULATIONS

Tract 1A, 1B, 1C and 1D

Lot Width	100 feet
Lot Depth	100 feet
Lot Area	20,000 square feet
Maximum Lot Coverage	40 percent

Minimum Setbacks

Front (street)	25 feet
Side	10 feet
Rear	25 feet (5 feet for an accessory structure)
Water body	25 feet (20 feet for an accessory structure)

Minimum Building Separation: one-half the sum of the building heights but not less than 20 feet

Maximum Building Height: 45 feet / 3 stories

Tracts 1E, 1F, 3D and 3B
(formerly included Tract 2B-2)

DCI 2012-00017

Minimum Lot Size: Townhouse

Lot Width Per Unit	25 feet
Lot Depth Per Unit	80 feet
Lot Area Per Unit	2,000 square feet
Maximum Building Height	35 feet / 2 stories
Maximum Lot Coverage	50 percent

Minimum Setbacks:

Front (street, private)	20 feet
Front (street, public)	25 feet
Side	10 feet
Side (interior)	0 feet
Rear	15 feet (5 feet for an accessory structure)
Waterbody	25 feet (10 feet for an accessory structure)

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Minimum Lot Size: Multiple Family Building

Lot Width	100 feet
Lot Depth	100 feet

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Lot Area 10,000 square feet
Maximum Lot Coverage 40 percent

Minimum Setbacks

Front (street) 25 feet
Side 10 feet
Rear 20 feet (5 feet for an accessory structure)
Water body 25 feet (20 feet for an accessory structure)

Minimum Building Separation: one-half the sum of the building heights but not less than 20 feet

Maximum Building Height: 45 feet / 3 stories

Tracts 2A, 2B, 2C, 2D, 2E, 3A and 3C
(formerly included Tract 2B-1)
(Excludes Regulations set forth in ADD2005-00080A)

Lot Width 100 feet
Lot Depth 100 feet
Lot Area 20,000 square feet
Maximum Lot Coverage 40 percent

Minimum Setbacks

Front (street) 25 feet
Side 10 feet
Rear 25 feet (5 feet for an accessory structure)
Water body 25 feet (20 feet for an accessory structure)

Water body (Bldg PBA #2) 8 feet

Minimum Building Separation: one-half the sum of the building heights but not less than 20 feet

Minimum Building Separation 26 feet
Bldg G/Bldg PBA #1

Minimum Building Separation 6.3 feet
Muvico/Bldg K/Bldg L-1

Maximum Building Height for
Tract 3C: 45 feet / 3 stories

Maximum Building Height for:

Tract 2A, 2B, 2C, 2D, 2E:

Within 300 feet of Via Coconut Point (fka Sandy Lane): 45 feet/3 stories

Outside of 300 feet from Via Coconut Point (fka Sandy Lane): 60 feet/5 stories

Maximum Building Height for:
Tract 3A:

Within 100 feet of Via Coconut Point (fka Sandy Lane): 45 feet/3 stories over parking

Outside of 100 feet from Via Coconut Point (fka Sandy Lane): 60 feet/5 stories over parking

RESIDENTIAL USES: (Tract 2A, 2B and 2F only)
(Excludes Regulations set forth in ADD2005-00080A)

TRACT 2A and 2B:

Minimum Lot Size: Townhouse

Lot Width Per Unit	25 feet
Lot Depth Per Unit	80 feet
Lot Area Per Unit	2,000 square feet
Maximum Building Height	35 feet / 2 stories
Maximum Lot Coverage	50 percent

Minimum Setbacks:

Front (street, private)	20 feet
Front (street, public)	25 feet
Side	10 feet
Side (interior)	0 feet
Rear	15 feet (5 feet for an accessory structure)
Waterbody	25 feet (10 feet for an accessory structure)

Minimum Lot Size: Multiple Family Building

Lot Width	100 feet
Lot Depth	100 feet
Lot Area	10,000 square feet
Maximum Lot Coverage	40 percent

Minimum Setbacks

Front (street)	25 feet
Side	10 feet
Rear	20 feet (5 feet for an accessory structure)
Water body	25 feet (20 feet for an accessory structure)

Minimum Building Separation: one-half the sum of the building heights but not less than 20 feet

Maximum Building Height:

Within 300 feet of Via Coconut Point (fka Sandy Lane): 45 feet/3 stories over parking

Outside of 300 feet from Via Coconut Point (fka Sandy Lane): 60 feet/5 stories over parking

TRACT 2F: (formerly Tract 2E)

Lot Width	100 feet
Lot Depth	100 feet
Lot Area	20,000 square feet
Maximum Lot Coverage	40 percent

Minimum Setbacks

Front (street)	25 feet
Side	10 feet
Rear	25 feet (5 feet for an accessory structure)
Water body	25 feet (20 feet for an accessory structure)

Minimum Building Separation: one-half the sum of the building heights but not less than 20 feet

Maximum Building Height: 40 feet /3 stories over parking

EXHIBIT D

MAXIMUM DEVELOPMENT TRACT INTENSITY:

(NOTE: Cumulative intensities will not exceed maximum proposed land uses for each development area)

Development Area #1

Tract 1A	15,000 s.f. Retail / 50,000 s.f. Office
Tract 1B	90,000 s.f. Retail / 314 M.F. DU's / Arts Center – 506 seats
Tract 1C	60,000 s.f. Retail / 20,000 s.f. Office / 120 Room Hotel
Tract 1D	5,000 s.f. Retail / 30,000 s.f. Office / Fire Station
Tract 1E	450 M.F. DU's
Tract 1F	90 M.F. DU's

Development Area #2

Tract 2A	650,000 s.f. Retail / 450 M.F. DU's / 60,000 s.f. Office / 200 Room Hotel
Tract 2B	600,000 s.f. Retail / 200 Room Hotel / 200 M.F. DU's / 20,000 s.f. Office
Tract 2C	150,000 s.f. Retail / 200 Room Hotel / 15,000 s.f. Office
Tract 2D/E	150,000 s.f. Retail / 200 Room Hotel / 25,000 s.f. Office
Tract 2F	20,000 s.f. Retail / 100 Multi-family Units / 20,000 s.f. Office

Development Area #3

Tract 3A-1 thru 3	60,000 s.f. Retail / 130,000 s.f. Office / 150 Room Hotel
Tract 3B	250 M.F. DU's
Tract 3C	40,000 s.f. Retail / 30,000 s.f. Office / 150 Room Hotel
Tract 3D	250 M.F. DU's

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Coconut Point Developers, LLC filed an application for administrative approval to a Mixed Use Planned Development on a project known as Coconut Point Area 2 for a deviation from the LDC Sec. 34-1802(2)c requirement for side and rear yards to provide a minimum of 20 feet plus one-half foot for every foot over 35 feet in height, to allow a 10-foot side setback and 25-foot rear setback for hotel/motel uses in Area #2, Tracts 2A, 2B, 2C, 2D, and 2E, on property located on US 41 between Williams and Coconut Roads in Estero, described more particularly as:

LEGAL DESCRIPTION: In Section 09, Township 47 South, Range 25 East, Lee County, Florida:

SEE ATTACHED FOUR-PAGE "EXHIBIT A"

WHEREAS, the property was originally rezoned in case number DRI2000-00015; DCI2001-00005 (with subsequent amendments in case numbers); and

WHEREAS, the subject property is located in the Urban Community Future Land Use Category as designated by the Lee Plan; and

WHEREAS, Coconut Point Developers, LLC, the owner of the subject property, has authorized Thomas McClean to act as agent to pursue this administrative amendment to the development regulations for the Coconut Point Mixed-Use Planned Development; and

WHEREAS, the applicant has requested a deviation from the Land Development Code Sec. 34-1802(2)c minimum requirements for side and rear setbacks for hotel/motel uses; and

WHEREAS, LDC Sec. 34-1802(2)c requires a minimum 20 foot side and rear setback plus one-half foot for each additional foot in excess of 35 feet in height; and

WHEREAS, the applicant has requested an amendment to allow a 10-foot side setback and 25-foot rear setback for hotel/motel uses in Area #2; and

WHEREAS, the use of hotel/motel was added to all Tracts in Area #2, excluding Tract 2F, in ADD2006-00024; and

WHEREAS, the applicant has provided a revised Master Concept Plan which denotes possible hotel/motel tracts in Area #2 with a large asterisk; and

and WHEREAS, a copy of the revised Master Concept Plan is attached as "Exhibit B;"



WHEREAS, approval of this request will not reduce open space or increase lot coverage allowances, as these changes would require a separate approval in accordance with the Land Development Code; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

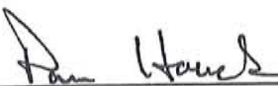
WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to the minimum setbacks required for a **deviation from the LDC Sec. 34-1802(2)c setbacks for hotel/motel uses** in the Coconut Point Mixed Use Planned Development is **APPROVED, subject to the following conditions:**

1. This administrative amendment is limited to the deviation from LDC Sec. 34-1802 requirement for a 20 ft setback for side and rear property lines plus one-half foot for each addition foot in height above 35 feet, to allow a 10-foot side setback and 25-foot rear setback for Tracts 2A, 2B, 2C, 2D, and 2E in Area #2.
2. No reduction in open space or increase in lot coverage is permitted without additional approval in accordance with the Land Development Code.
3. The Development must be in compliance with the amended Master Concept Plan, stamped received April 26, 2007 by Community Development. Master Concept Plan for ADD2007-00087 is hereby APPROVED and adopted. A reduced copy is attached hereto.
4. The terms and conditions of the original zoning resolutions remain in full force and effect, except as herein amended.

DULY SIGNED this 21st day of June, A.D., 2007.

BY:



Pam Houck, Director
Division of Zoning
Department of Community Development

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PAGE 1 OF 3

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LEGAL DESCRIPTION

COMMUNITY DEVELOPMENT

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

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

AND

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

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE

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

NOTES:

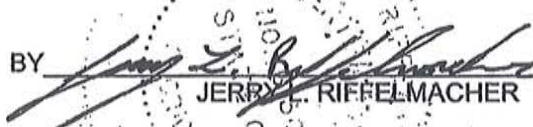
THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

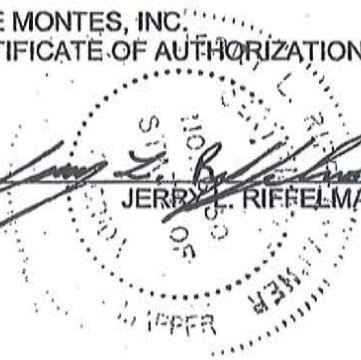
TOTAL PROPERTY AREA: 482.421 ACRES, MORE OR LESS.

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

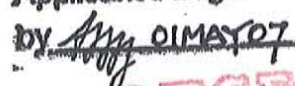
BEARINGS REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S.88°56'17"W.

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION LB #1772

BY 
JERRY L. RIFFELMACHER



P.S.M. #6130
STATE OF FLORIDA

Applicant's Legal Checked
by 

RECEIVED
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COMMUNITY DEVELOPMENT

ADV 2007-00087 **RECEIVED**
APR 18 2007

COMMUNITY DEVELOPMENT

DCI 2012-00017

WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 3,021.15 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,320.56 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,692.32 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°56'59"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,590.78 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 5,641.38 FEET, THROUGH A CENTRAL ANGLE OF 09°31'27", SUBTENDED BY A CHORD OF 936.68 FEET AT A BEARING OF N.05°42'42"W., FOR A DISTANCE OF 937.76 FEET TO THE END OF SAID CURVE; THENCE RUN N.10°28'26"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 98.54 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, A 100.00 FOOT RIGHT-OF-WAY; THENCE RUN S.88°20'53"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,029.70 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN WESTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 7,050.00 FEET, THROUGH A CENTRAL ANGLE OF 03°00'00", SUBTENDED BY A CHORD OF 369.09 FEET AT A BEARING OF S.89°50'53"W., FOR A DISTANCE OF 369.14 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°39'07"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 674.92 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN S.04°52'41"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,901.57 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,725.19 FEET, THROUGH A CENTRAL ANGLE OF 11°32'50", SUBTENDED BY A CHORD OF 548.30 FEET AT A BEARING OF S.00°53'44"E., FOR A DISTANCE OF 549.23 FEET TO THE END OF SAID CURVE; THENCE RUN S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 225.81 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,710.61 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 626.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 11,584.73 FEET, THROUGH A CENTRAL ANGLE OF 06°24'13", SUBTENDED BY A CHORD OF 1,294.08 FEET AT A BEARING OF S.03°28'03"E., FOR A DISTANCE OF 1,294.76 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°15'56"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 274.74 FEET; THENCE RUN S.46°02'16"E., FOR A DISTANCE OF 577.44 FEET; THENCE RUN S.01°57'26"E. FOR A DISTANCE OF 25.19 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY; THENCE RUN N.88°02'34"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 32.80 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,875.00 FEET, THROUGH A CENTRAL ANGLE OF 17°41'59", SUBTENDED BY A CHORD OF 576.92 FEET AT A BEARING OF N.79°11'34"E., FOR A DISTANCE OF 579.22 FEET TO THE END OF SAID CURVE; THENCE RUN N.70°20'35"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE

LEE COUNTY
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RECEIVED
MAR 30 2012

COMMUNITY DEVELOPMENT

DCI

2012-00017

714

RESOLUTION NUMBER Z-02-009

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COMM. DEV/
PUB. WORKS. CNTR.
SECOND FLOOR

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

WHEREAS, Simon Property Group and Oakbrook Properties, Inc. filed an application on behalf of the property owner, Edward J. McArdle, Trustee, to consider an Application for Development Approval (ADA) for a Development of Regional Impact (DRI) and rezone from Agriculture (AG-2) to a Mixed Use Planned Development (MPD), in reference to Coconut Point DRI (f/n/a Simon Suncoast DRI); and

WHEREAS, the initial public hearing was advertised and held on January 30, 2002, and continued to January 31, 2002, March 19, 2002, March 20, 2002, and March 22, 2002 before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DRI2000-00015 and DCI2001-00005; and

WHEREAS, a second public hearing was advertised and held on October 21, 2002 before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to:

- a) consider an Application for Development Approval for a Development of Regional Impact known as Coconut Point DRI (f/n/a Simon Suncoast DRI); and
- b) rezone a 482.4± acre parcel from AG-2 to MPD to permit a regional mall development consisting of 1,800,000 square feet of retail floor area, 300,000 square feet of office floor area, 1,200 dwelling units and 600 hotel units, all not to exceed 60 feet in height.

The property is located in the Rural and Wetlands Land Use Category and legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions specified in Section B below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. The development of this project must be consistent with the two-page Master Concept Plan entitled "Simon Suncoast," prepared by Hole Montes, dated October 9, 2000, last revised

CASE NO: DRI2000-00015 & DCI2001-00005

Z-02-009
Page 1 of 18

EXHIBIT A-3.0.

December 9, 2002, and stamped "Received Dec 12 2002 Community Development." The development must also be consistent with the approved DRI Development Order for Coconut Point DRI (DRI#09-2001-153). This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

2. The following limits apply to the project and uses:

a. Schedule of Uses

Permitted uses within Tracts 1A, 1B and 1C:

Accessory Uses and Structures permitted ancillary to a permitted principal use
Administrative offices
Animal clinic
ATM (automatic teller machine)
Auto parts store
Auto repair and service, Group I, limited to one
Banks and financial establishments, Group I
Banks and financial establishments, Group II, limited to SIC Codes 604, 621, 672, 673 and 674
Business services, Groups I and II
Car wash (limited to one)
Cleaning and maintenance services
Clothing stores, general
Contractors and Builders, Groups I and II
Convenience Food and Beverage Store (limited to one with attendant service station: however, the entire site is limited to a maximum of two)
Consumption on premises in compliance with LDC §34-1264 (limited to and in conjunction with a standard restaurant)
Cultural facilities, excluding zoos
Day care center, adult, child
Department Store
Drive thru facility for any permitted use
Drugstore (limited to one total, however, the entire site is limited to two)
Entrance gates and gatehouse, in compliance with LDC §34-1748
Essential services
Essential service facilities, Group I
Excavation, water retention (as shown on the Master Concept Plan)
Fences, walls
Food Stores, Groups I and II
Gift and souvenir shop
Hardware store
Health care facility, Group III
Hobby, toy, and game shops
Household and office furnishings, Groups I, II, III (no outdoor display)
Insurance companies

Laundromat
 Laundry or dry cleaning Group I
 Lawn and garden supply store
 Medical office
 Nonstore retailers, all groups
 Paint glass and wallpaper store
 Parking lot: Accessory
 Personal services, Groups I, II, and III (excluding escort services, palm readers, fortunetellers, card readers, and tattoo parlors)
 Pet services
 Pet shop
 Pharmacy
 Printing and publishing
 Real estate sales office
 Recreation facilities, commercial, Groups I and IV
 Rental or leasing establishments Groups I & II (excluding passenger car pick up and drop off)
 Repair shops, Groups I, II and III
 Research and development laboratories Groups II and IV
 Restaurant, fast food (limited to two, however, the entire site is limited to a maximum of four outside of the Regional food court/service area)
 Restaurants, Groups I, II, III, and IV
 Self service fuel pumps (limited to one in conjunction with a Convenience Food and Beverage Store, however entire site is limited to a maximum of two)
 Signs, in accordance with Chapter 30
 Social Services, Groups I and II
 Specialty retail shops, Groups I, II, III and IV
 Storage: Indoor only §34-3001 *et seq.*
 Used merchandise stores, Group I
 Variety store

Permitted uses within Tract 1D

Accessory Uses and Structures permitted ancillary to a permitted principal use
 Administrative offices
 Business services, Group I
 Cultural facilities, excluding zoos
 Day care center, adult, child
 Emergency medical services station
 Entrance Gate and Gatehouse, in compliance with LDC §34-1748
 Essential Services
 Essential Service Facilities, Group I
 Fences, walls
 Fire station
 Health care facility, Group III
 Hobby, toy, and game shops
 Household and office furnishings, Groups I, II, III (no outdoor display)
 Insurance companies

Library
Medical office
Parks, Group II, limited to community park
Parking lot: Accessory
Personal services, Groups I, II, and III (excluding escort services, palm readers, fortunetellers, card readers, and tattoo parlors)
Place of worship
Police or sheriff's station
Post office
Real estate sales office
Religious facilities
Restaurants, Groups I, II, and III
Signs, in compliance with LDC Chapter 30
Social Services, Groups I and II
Specialty retail shops, Groups I and II
Storage: Indoor only §34-3001 *et seq.*

Permitted uses within Tracts 1E and 1F

Accessory Uses and Structures permitted ancillary to a permitted principal use

Administrative offices

Club, private

Dwelling Units:

*Single-family

*Duplex

Multiple-Family Building

Townhouse

*Two-family attached

*Zero lot line

*(may be approved administratively upon findings that the use is compatible with other uses in the tract and consistent with the Traffic Conversion Table)

Entrance Gate and Gatehouse, in compliance with LDC §34-1748

Essential Services

Essential Service Facilities, Group I

Excavation, water retention (as shown on the Master Concept Plan)

Fences, walls

Home occupation, with no outside help

Model display center

Model home

Model unit

Parking lot, accessory only

Parks, Group I, limited to neighborhood park

Parks, Group II, limited to community park

Recreation Facilities, Private on-site, Personal

Residential Accessory Uses

Signs, in compliance with LDC Chapter 30

Permitted uses within Tract 2A (Regional Mall Parcel)

Accessory Uses and Structures permitted ancillary to a permitted principal use
Administrative offices
Animal clinic
ATM (automatic teller machine)
Auto parts store
Auto repair and service, Group I, if accessory to a department store
Banks and financial establishments, Group I
Banks and financial establishments, Group II, limited to SIC Codes 604, 621, 672, 673 and 674
Business services, Groups I and II
Cleaning and maintenance services
Clothing stores, general
Convenience Food and Beverage Store (limited to one, however, the entire site is limited to a maximum of two)
Consumption on premises in compliance with LDC §34-1264 (limited to and in conjunction with a standard restaurant)
Cultural facilities, excluding zoos
Day care center, adult, child
Department Store
Drive thru facility for any permitted use
Dwelling Units:
 *Single-family
 *Duplex
 Multiple-Family Building
 Townhouse
 *Two-family attached
 *Zero lot line
 *(may be approved administratively upon findings that the use is compatible with other uses in the tract and consistent with the Traffic Conversion Table)
Entrance gates and gatehouse, in compliance with LDC §34-1748
Essential services
Essential service facilities, Group I
Excavation, water retention (as shown on the Master Concept Plan)
Fences, walls
Food Store, Group I
Gift and souvenir shop
Hardware store
Hobby, toy, and game shops
Hotel/motel
Household and office furnishings, Groups I, II, III (no outdoor display)
Insurance companies
Laundry or dry cleaning Group I
Lawn and garden stores
Nonstore retailers, all groups
Paint glass and wallpaper store

- Parking garage
- Parking lot: Accessory
- Personal services, Groups I, II, and III (excluding escort services, palm readers, fortunetellers, card readers, and tattoo parlors)
- Pet services
- Pet shop
- Pharmacy
- Police or sheriffs station
- Real estate sales office
- Recreation facilities, commercial, Groups I and IV (limited to indoor theater)
- Rental or leasing establishments Groups I & II (excluding passenger car pick up and drop off)
- Repair shops, Groups I and II, limited to clocks, jewelry, music, cameras, calculators, computers and optical devices
- Restaurant, fast food (limited to one outside of food court/service area and the entire site is limited to a maximum of four outside of Regional Center food court/service area)
- Restaurants, Groups I, II, III, and IV
- Self service fuel pumps (limited to one in conjunction with a Convenience Food and Beverage Store, however entire site is limited to a maximum of two)
- Signs, in accordance with Chapter 30
- Specialty retail shops, Groups I, II, III and IV
- Storage: Indoor only §34-3001 *et seq.*
- Used merchandise stores, Group I
- Variety store

Permitted uses within Tract 2B - 1

- Accessory Uses and Structures permitted ancillary to a permitted principal use
- Administrative offices
- Animal clinic
- ATM (automatic teller machine)
- Banks and financial establishments, Group I
- Banks and financial establishments, Group II, limited to SIC Codes 604, 621, 672, 673 and 674
- Business services, Group I
- Business services, Group II, limited to parcel and express services and packaging services
- Cleaning and maintenance services
- Clothing stores, general
- Consumption on Premises, only in connection with a Group III restaurant
- Day Care Center, adult or child
- Drugstores, limited to one and the entire site is limited to a maximum of two
- Essential services
- Essential service facilities, Group I
- Excavation, water retention (as shown on the Master Concept Plan)
- Fences, walls
- Gift and souvenir shop

Hardware store
 Hobby, toy, and game shops
 Household and office furnishings, Groups I and II
 Insurance companies
 Laundry or dry cleaning Group I
 Lawn and garden store
 Non-store retailers, all groups
 Paint glass and wallpaper store
 Parking lot: Accessory
 Personal services, Groups I, II, and III (excluding escort services, palm readers, fortunetellers, card readers, and tattoo parlors)
 Pet services
 Pet shop
 Pharmacy
 Police or sheriffs station
 Real estate sales office
 Recreational facilities, commercial, Group IV, limited to Health Clubs
 Rental and leasing establishments, Groups I and II, passenger car pickup and drop off excluded
 Repair shops, Groups I and II
 Restaurants, Groups I - IV
 Signs, in accordance with Chapter 30
 Specialty retail shops, Groups I, II, III and IV
 Storage: Indoor only §34-3001 *et seq.*
 Used merchandise stores, Group I
 Variety store

Permitted uses within Tract 2B - 2

Accessory Uses and Structures permitted ancillary to a permitted principal use

Administrative offices

Club, private

Dwelling Units:

*Single-Family

*Duplex

Multiple-Family Building

Townhouse

*Two-family attached

*Zero lot line

*(may be approved administratively upon finding that the use is compatible with other uses in the tract and consistent with the Traffic Conversion Table)

Entrance Gate and Gatehouse, in compliance with LDC §34-1748

Essential Services

Essential Service Facilities, Group I

Excavation, water retention

Fences, walls

Home occupation, with no outside help

Model display center
Model home
Model unit
Parking lot, accessory only
Parks, Group I, limited to neighborhood park
Parks, Group II, limited to community park
Recreation Facilities, Private on-site, Personal
Residential Accessory Uses
Signs, in compliance with LDC Chapter 30

Permitted uses within Tracts 2C, 2D, and 2E
(Uses on Tract 2E are subject to condition 20)

Accessory Uses and Structures permitted ancillary to a permitted principal use

Administrative offices
Animal clinic
ATM (automatic teller machine)
Auto parts store (Tracts 2C and 2D only)
Auto repair and service, Group I (Tracts 2C and 2D only)
Banks and financial establishments, Group I
Banks and financial establishments, Group II, limited to SIC Codes 604, 621, 672,
673 and 674
Business services, Groups I and II
Cleaning and maintenance services
Clothing stores, general
Contractors and Builders, Group I
Consumption on premises in compliance with LDC §34-1264 (limited to and in
conjunction with a standard restaurant)
Convenience Food and Beverage Stores, limited to one (on either Tract 2C or 2D
only), however, the entire site is limited to a maximum of two
Cultural facilities, excluding zoos
Day care center, adult, child
Department Store
Drive thru facility for any permitted use (subject to condition 19)
Drugstores, limited to one (total), however, the entire site is limited to a maximum
of two
Entrance gates and gatehouse, in compliance with LDC §34-1748
Essential services
Essential service facilities, Group I
Excavation for water retention (as shown on the Master Concept Plan)
Fences, walls
Fire Station (limited to Tract 2C only)
Food Stores, Groups I and II (prohibited on Tract 2E except for specialty stores
such as health food store, vitamin store or similar type stores)
Gift and souvenir shop
Hardware store
Health care facility, Group III
Hobby, toy, and game shops

Hotel/motel (Tract 2D only)
Household and office furnishings, Groups I, II, III (no outdoor display)
Insurance companies
Laundromat (Tracts 2C and 2D only)
Laundry or dry cleaning Group I
Lawn and garden supply store
Medical office
Nonstore retailers, all groups
Paint glass and wallpaper store
Parking lot: Accessory only
Personal services, Groups I, II, and III ((Tracts 2C and 2D only, excluding escort services, palm readers, fortunetellers, card readers, and tattoo parlors and stand alone massage parlors)
Pet services
Pet shop
Pharmacy
Printing and publishing (Tracts 2C and 2D only)
Real estate sales office
Recreation facilities, commercial, Groups I and IV (limited to indoor theater)
Rental or leasing establishments Groups I & II (excluding passenger car pick up and drop off)
Repair shops, Groups I, II and III
Research and development laboratories Groups II and IV
Restaurants, Fast-food, limited to one (total), however, the entire site is limited to a maximum of four outside of the Regional Center food court/service area
Restaurants, Groups I, II, III, and IV
Signs, in accordance with Chapter 30
Social Services, Groups I and II (Tracts 2C and 2D only)
Specialty retail shops, Groups I, II, III and IV
Storage: Indoor only §34-3001 *et seq.*
Used merchandise stores, Group I
Variety Store

Permitted uses within Tracts 3A and 3C

Accessory Uses and Structures permitted ancillary to a permitted principal use
Administrative offices
Animal clinic
ATM (automatic teller machine)
Auto parts store
Banks and financial establishments, Group I
Banks and financial establishments, Group II, limited to SIC Codes 604, 621, 672, 673 and 674
Business services, Groups I and II
Cleaning and maintenance services
Clothing stores, general
Contractors and Builders, Group I

Consumption on premises in compliance with LDC §34-1264 (limited to and in conjunction with a standard restaurant)

Convenience Food and Beverage Store, limited to one (total), however, the entire site is limited to a maximum of two

Cultural facilities, excluding zoos

Day care center, adult, child

Department Store

Drive thru facility for any permitted use

Drugstores, limited to one (total), however, the entire site is limited to a maximum of two

Entrance gates and gatehouse, in compliance with LDC §34-1748

Essential services

Essential service facilities, Group I

Excavation, water retention (as shown on the Master Concept Plan)

Fences, walls

Food Stores, Groups I and II

Gift and souvenir shop

Hardware store

Health care facility, Group III

Hobby, toy, and game shops

Hotel/motel

Household and office furnishings, Groups I, II, III (no outdoor display)

Insurance companies

Laundromat

Laundry or dry cleaning Group I

Lawn and garden supply store

Medical office

Nonstore retailers, all groups

Paint glass and wallpaper store

Parking lot: Accessory only

Personal services, Groups I, II, and III (excluding escort services, palm readers, fortunetellers, card readers, and tattoo parlors)

Pet services

Pet shop

Pharmacy

Printing and publishing

Real estate sales office

Recreation facilities, commercial, Groups I and IV (limited to indoor theater)

Rental or leasing establishments Groups I & II (excluding passenger car pick up and drop off)

Repair shops, Groups I, II and III

Research and development laboratories Groups II and IV

Restaurants, Fast-food, limited to one (total), however, the entire site is limited to a maximum of four outside the Regional Center food court/service area

Restaurants, Groups I, II, III, and IV

Signs, in accordance with Chapter 30

Social Services, Groups I and II

Specialty retail shops, Groups I, II, III and IV

Storage: Indoor only §34-3001 *et seq.*
Used merchandise stores, Group I

Permitted uses within Tracts 3B and 3D

Accessory Uses and Structures permitted ancillary to a permitted principal use

Administrative offices
Adult Living Facilities (ALF) (Tract 3B only)
Club, private
Dwelling Unit:

- *Single-Family
- *Duplex
- Multiple-Family Building
- Townhouse
- *Two-family attached
- *Zero lot line

*(may be approved administratively upon findings that the use is compatible with other uses in the tract and consistent with the Traffic Conversion Table)

Entrance Gate and Gatehouse, in compliance with LDC §34-1748

Essential Services
Essential Service Facilities, Group I
Excavation, water retention
Fences, walls
Home occupation, with no outside help
Model display center
Model home
Model unit
Parking lot, accessory only
Parks, Group I, limited to neighborhood park
Recreation Facilities, Private on-site, Personal
Residential Accessory Uses
Signs, in compliance with LDC Chapter 30

b. Site Development Regulations (See also c. below)

Tract 1A, 1B 1C and 1D

Lot Width	100 feet
Lot Depth	100 feet
Lot Area	20,000 square feet
Maximum Lot Coverage	40 percent

Minimum Setbacks

Front (street)	25 feet
Side	10 feet
Rear	25 feet (5 feet for an accessory structure)

Water body 25 feet (20 feet for an accessory structure)

Minimum Building Separation: one-half the sum of the building heights but not less than 20 feet

Maximum Building Height: 45 feet / 3 stories

Tracts 1E, 1F, 2B-2, 3D and 3B

Minimum Lot Size: Townhouse

Lot Width Per Unit 25 feet
 Lot Depth Per Unit 80 feet
 Lot Area Per Unit 2,000 square feet
 Maximum Building Height 35 feet / 2 stories
 Maximum Lot Coverage 50 percent

Minimum Setbacks:

Front (street, private) 20 feet
 Front (street, public) 25 feet
 Side 10 feet
 Side (interior) 0 feet
 Rear 15 feet (5 feet for an accessory structure)
 Waterbody 25 feet (10 feet for an accessory structure)

Minimum Lot Size: Multiple Family Building

Lot Width 100 feet
 Lot Depth 100 feet
 Lot Area 10,000 square feet
 Maximum Lot Coverage 40 percent

Minimum Setbacks

Front (street) 25 feet
 Side 10 feet
 Rear 20 feet (5 feet for an accessory structure)
 Water body 25 feet (20 feet for an accessory structure)

Minimum Building Separation: one-half the sum of the building heights but not less than 20 feet

Maximum Building Height: 45 feet / 3 stories

Tracts 2A, 2B-1, 2C, 2D, 3A and 3C

Lot Width	100 feet
Lot Depth	100 feet
Lot Area	20,000 square feet
Maximum Lot Coverage	40 percent

Minimum Setbacks

Front (street)	25 feet
Side	10 feet
Rear	25 feet (5 feet for an accessory structure)
Water body	25 feet (20 feet for an accessory structure)

Minimum Building Separation: one-half the sum of the building heights but not less than 20 feet

Maximum Building Height for Tract 2B-1, 2C, 2D and 3C: 45 feet / 3 stories

Maximum Building Height for Tract 2A and Tract 3A: 60 feet / 5 stories *

*subject to the following setback from Sandy Lane Extension:

Tract 2A	300 feet
Tract 3A	100 feet

Tract 2E

Lot Width	100 feet
Lot Depth	100 feet
Lot Area	20,000 square feet
Maximum Lot Coverage	40 percent

Minimum Setbacks

Front (street)	25 feet
Side	10 feet
Rear	25 feet (5 feet for an accessory structure)
Water body	25 feet (20 feet for an accessory structure)

Minimum Building Separation: one-half the sum of the building heights but not less than 20 feet

Maximum Building Height: 40 feet / 2 stories

- c. **Additional Site Development Regulations for Tracts 1E, 1F, 2A, 2B-2, 3B and 3D**

Single-family, Duplex, Two-family attached and Zero lot line dwelling units consistent with the Master Concept Plan and the following Conversion Table:

<u>From Multi-Family (MF)</u>	<u>To Single-family (SF)</u>
100 MF Apartments	53 SF dwelling units
100 MF Residential condos	40 SF dwelling units
100 ALF units	13 SF dwelling units

3. The development of the subject property must include a regional shopping center, which incorporates a shopping center and commercial and residential tracts all developed with a common architectural theme. The entire project must include a common landscaping and graphic theme throughout the project. The architectural theme, landscaping and graphic design theme must be reviewed and approved by the Lee County Department of Community Development prior to the issuance of any local development order for the property. Any change from the proposed "regional mall" development will necessitate an amendment to the MPD zoning approval through the public hearing process.
4. Subject to Condition 3 above, the development of the subject property is limited to a maximum of 1,800,000 gross square feet of retail floor area and 300,000 gross square feet of office floor area. These limitations are further restricted to the maximum totals allowed for each Development "Area" and the maximum totals allowed for each Development "Tract" as indicated on the approved Master Concept Plan.
5. This development, including the proposed regional shopping center, must incorporate a common architectural theme on all sides of all buildings that are visible from the Brooks MPD, U.S. 41, Coconut Road, Williams Road and Sandy Lane Extension rights-of-way to ensure an equally attractive architectural elevation for all facets of the development. The common architectural theme must include streetscape landscaping and enhanced building architectural features. This condition is applicable to the entire development including any proposed outparcels within the MPD. A plan reflecting the design standards required by this condition must be submitted for review and approval by the Lee County Department of Community Development prior to the issuance of any local development order for property within this MPD.
6. A 30-foot-wide buffer is required along the entire length of U.S. 41. The buffer must be designed to utilize the entire 30-foot width by meandering and clustering plants. The buffer must be planted with a minimum of the following:
 - a) 10 trees per 100 linear foot; minimum 10-foot 2-inch caliper with 4-foot spread -or- minimum 10-foot clear trunk for palms. A minimum of 50 percent of the trees must be canopy type trees (i.e. not palms); and
 - b) Double staggered shrub hedge; minimum 24-inch height 3-gallon container size at planting to be maintained at 36 inches of height.

The buffer must be installed along U.S. 41 for the entire frontage of the development area (#1, #2 or #3) shown on the Master Concept Plan prior to the issuance of a Certificate of

Compliance for any development (excluding public uses mandated by the DRI Development Order) within that development area.

7. Any property abutting the Sandy Lane extension must provide a 15-foot-wide street tree planting area along Sandy Lane. Residential developments must provide five live oak trees per 100 linear feet that must be planted in the street tree planting area. Commercial developments must provide five live oak trees per 100 linear feet and a double staggered hedge within the street tree planting area. Plantings must meet the minimum size standards referenced in LDC §10-420. Utility easements must be located in accordance with LDC §10-421(a).
8. A Type "C" buffer must be provided along the southern boundary of Tract 3B.
9. Prior to local development order approval, open space must be provided as detailed in the open space table on the Master Concept Plan with the condition that any residential dwelling units requiring open space per LDC §10-415(a) must provide 30 percent common open space within Tracts 1-E, 1-F, 2-B2, 3-B, and 3-D.
10. Prior to local development order approval for any development order, a detailed exotic removal plan for the preserved wetland area must be submitted for the Division of Environmental Sciences staff review and approval. Removal methods must not disturb the soil or existing native vegetation.

Prior to the issuance of a Certificate of Compliance for any development order, the exotic vegetation must be removed from the preserved wetlands per an approved exotic removal plan, and a detailed wetland enhancement planting plan must be submitted for the Division of Environmental Sciences staff review and approval. Lee County recognizes that the wetland restoration planting efforts can be utilized as compensatory mitigation for the proposed wetland impacts shown on Exhibit "D" during subsequent permitting review processes with the state and federal regulatory agencies. The wetland restoration planting plan will be subject to the review and approval of the South Florida Water Management District and the Department of the Army Corps of Engineers, and will include:

- a) documentation of existing native vegetation/baseline monitoring with photographs; and
 - b) plant specifications including species, size and number of native wetland plants to be installed. Both herbaceous plants and trees must be included; and
 - c) planting schedule including a starting and completion date; and
 - d) 5-year monitoring plan.
11. The MPD zoning and DRI development order, as conditioned, will only be effective upon the adoption and finding of compliance of the Lee Plan Future Land Use Map and Text amendment that is being concurrently reviewed with this rezoning and DRI application for development approval (Lee County Plan Amendment CPA2000-00030).

12. A minimum of one acre of the property must be provided or set aside for use as an Estero Fire District fire station. The location of the fire station property must be mutually agreed upon by the developer/property owner and representatives of the Estero Fire District.
13. A minimum of five acres of the property, or an equivalent amount of property in this general location must be provided or set aside for use as a Lee County public school. The location of the public school property must be mutually agreed upon by the developer/property owner and representatives of the Lee County School District.
14. The development must provide separate pedestrian connections (i.e., sidewalks or pedestrian paths) between the commercial and residential tracts within the development. A generalized pedestrian circulation plan for the entire property must be submitted to the County for Administrative Approval prior to the approval of the first local development order for the project.
15. Approval of this zoning request does not address mitigation of the project's local vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
16. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.
17. A Type "C" buffer, as that term is defined in LDC section 10-416, must be shown on local development order plans and must be installed along the eastern side of Sandy Lane whenever any existing or proposed residences in The Brooks are or would be located within 250 feet of the eastern edge of the pavement of Sandy Lane before Sandy Lane is determined to be substantially complete.
18. Lighting within the project and along Sandy Lane must be designed to prevent direct glare and light spillage on the Brooks.
19. Any drive-thru facility that is constructed on Tract 2E must be oriented towards Sandy Lane or Coconut Road.
20. A 15 foot wide buffer including a berm or berm/wall combination 8 feet in height, 10 trees per 100 linear feet and a hedge is required along the eastern boundary of parcel 2E as a condition of local development order approval for any use on Tract 2E that typically operates prior to 8:00am or after 6:00pm.

SECTION C. EXHIBITS AND STRAP NUMBER:

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

- Exhibit A: The legal description of the property
- Exhibit B: Zoning Map (subject parcel identified with shading)
- Exhibit C: The Master Concept Plan
- Exhibit D: Wetlands Map
- Exhibit E: Coconut Point DRI Development Order

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

SECTION D. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the MPD rezoning by demonstrating compliance with Florida Statutes Chapter 380, the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

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


Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Absent
John E. Albion	Aye

DULY PASSED AND ADOPTED this 21st day of October 2002.

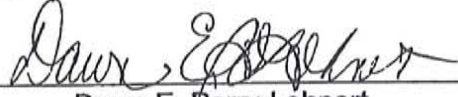
ATTEST:
CHARLIE GREEN, CLERK

BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Chairman

Approved as to form by:


Dawn E. Perry-Lehnert
County Attorney's Office



RECEIVED
MINUTES OFFICE
2002 DEC 19 AM 11:40

DCI 2012-00017
RECEIVED
MAR 30 2012
COMMUNITY DEVELOPMENT

EXHIBIT "A"
LEGAL DESCRIPTION
Property located in Lee County, Florida
PAGE 1 OF 3

RECEIVED
MAR 30 2012

HM
HOLE MONTES
ENGINEERS - PLANNERS - SURVEYORS

COMMUNITY DEVELOPMENT

950 Encore Way - Naples, Florida 34110

RECEIVED
JAN 31 2001

PROJECT #1997079
1/17/01
REF. DWG. #A-994-2
PAGE 1 OF 23

PERMIT CENTER

DCI 2012-00017

LEGAL DESCRIPTION

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

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

AND

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

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

DCI 2001-00015

HM PROJECT #1997079
1/17/01
REF. DWG. #A-994-2
PAGE 2 OF 23

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

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HM PROJECT #1997079
1/17/01
REF. DWG. #A-994-2
PAGE 3 OF 23

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

NOTES:

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

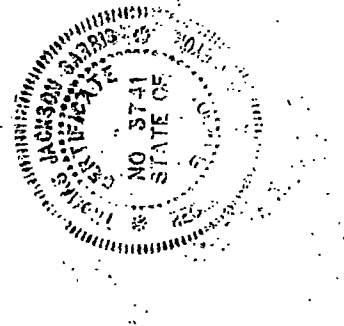
TOTAL PROPERTY AREA: 482.421 ACRES, MORE OR LESS.

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

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

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

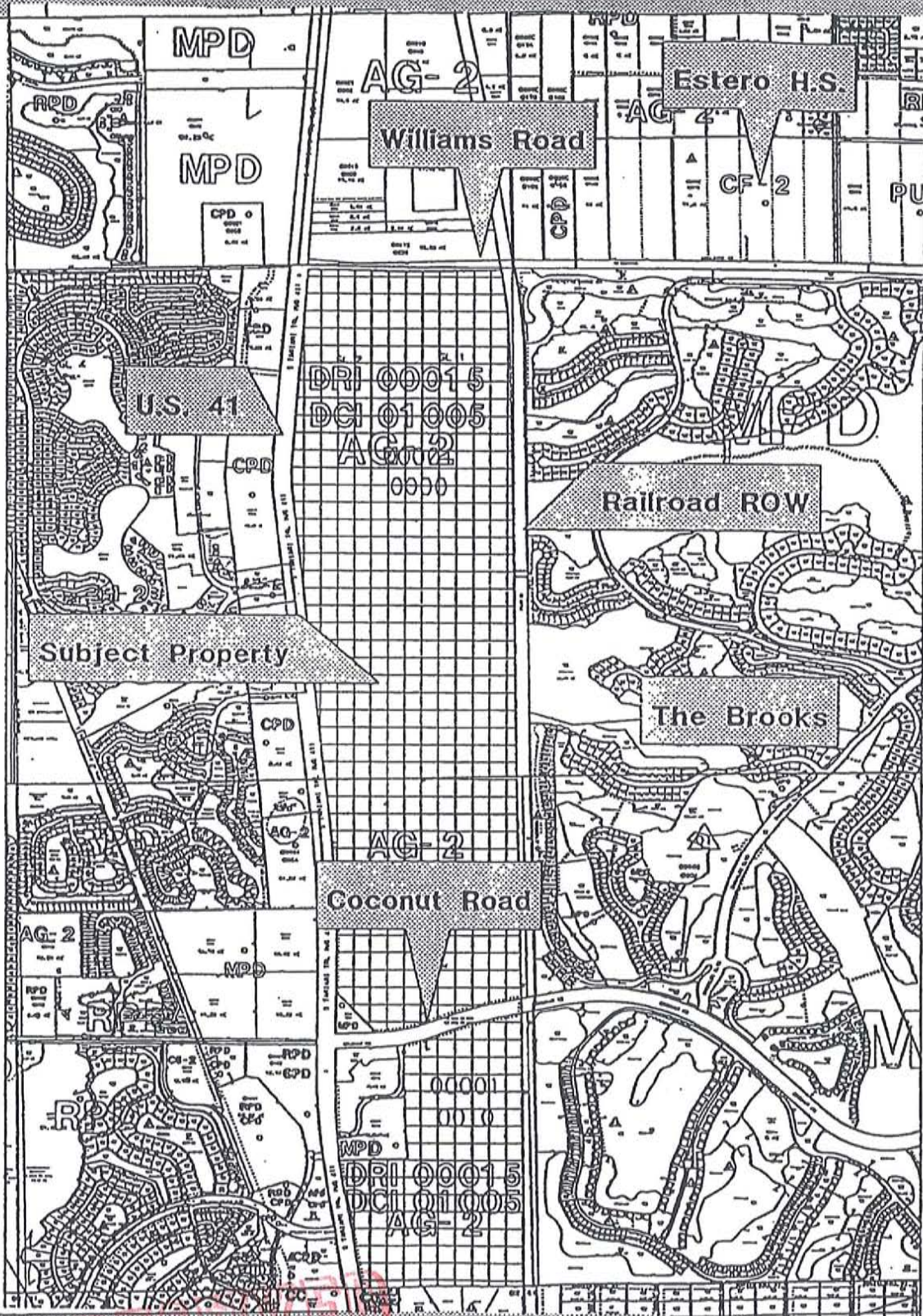
BY Thomas J. Garris P.L.S. #3741
THOMAS J. GARRIS STATE OF FLORIDA



Applicant's Legal Checked
by Jm 1/13/02

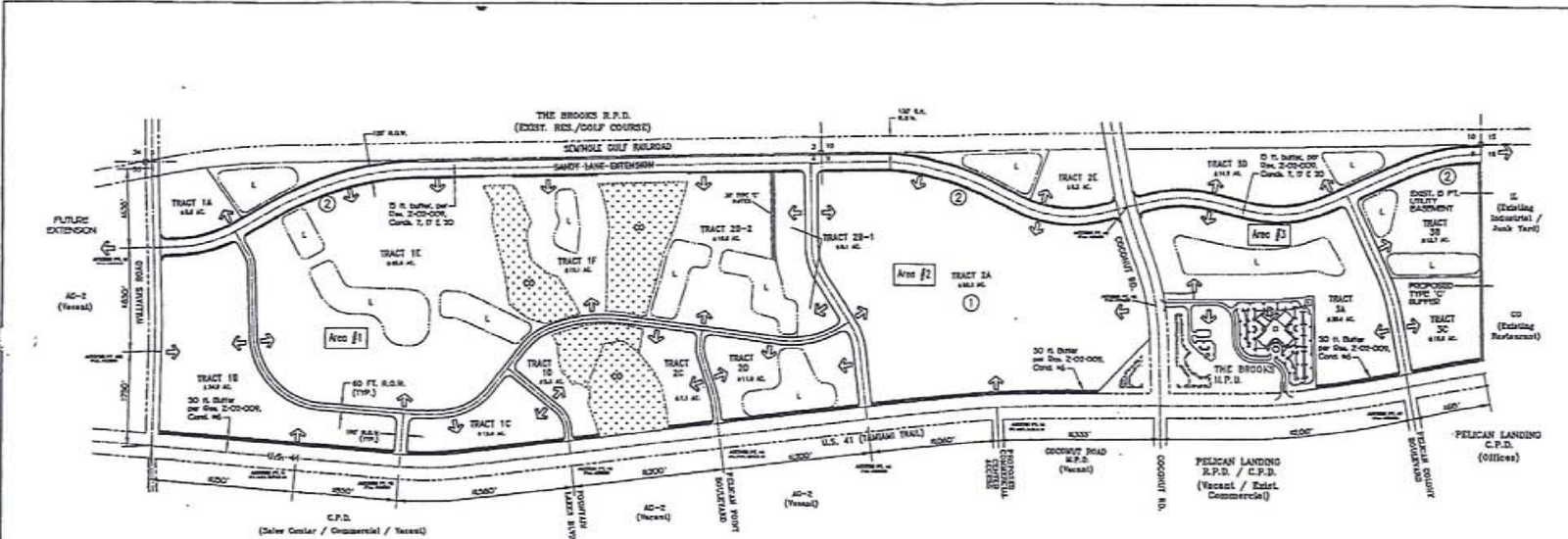
DCI 2001-00005
DRI 2000-00015

ZONING MAP



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MAR 30 2012
COMMUNITY DEVELOPMENT

DCI 2012-00017
EXHIBIT B



PROJECT SUMMARY:

1.) REDUCTA RISING FROM AC-2 TO MIXED USE PLANNED DEVELOPMENT (MUD)

2.) INITIAL CONCEPTUAL PROPERTY AREAS:

CONSERVATION AREAS	± 32.7 ACRES
LAKE	± 47.1 ACRES
INTERNAL (PRIVATE) R.O.W.	± 20.2 ACRES
INTERNAL (PUBLIC) R.O.W.	± 30.0 ACRES
GREEN AREAS / OPEN SPACE	± 11.8 ACRES
DEVELOPMENT TRACT AREAS	± 348.8 ACRES
TOTAL	± 482.4 ACRES

3.) CONCEPTUAL TRACT LAND USE / ZONING RECOMMENDATIONS:

a.) DEVELOPMENT AREAS:

Development Area #1: (Residential - 200 M.F. lots / mixed - Comm. 200,000 sq ft / Office 100,000 sq ft)	
Proposed Lakes	± 17.3 AC.
Proposed Internal/Private R.O.W.	± 8.1 AC.
Proposed Public R.O.W. (Sandy Lane Extension)	± 12.1 AC.
Conservation Areas	± 32.7 AC.
Drawn Areas / Open Space	± 4.5 AC.
Development Areas (Tracts 1A - 1F)	± 134.2 AC.
Total Development Area #1	± 210.8 AC.
Development Area #2: (Residential - 200 M.F. lots / mixed - Comm. 1,000,000 sq ft / Office 500,000 sq ft)	
Proposed Lakes	± 16.1 AC.
Proposed Internal/Private R.O.W.	± 8.9 AC.
Proposed Public R.O.W. (Sandy Lane Extension)	± 9.9 AC.
Green Areas / Open Space	± 2.2 AC.
Development Areas (Tracts 2A - 2F)	± 138.9 AC.
Total Development Area #2	± 175.7 AC.
Development Area #3: (Residential - 100 M.F. lots / mixed - Comm. 10,000 sq ft / Office 100,000 sq ft)	
Proposed Lakes	± 1.9 AC.
Proposed Internal/Private R.O.W.	± 4.1 AC.
Proposed Public R.O.W. (Sandy Lane Extension)	± 8.0 AC.
Green Areas / Open Space	± 1.4 AC.
Development Areas (Tracts 3A - 3C)	± 68.8 AC.
Total Development Area #3	± 93.8 AC.

4.) MAXIMUM DEVELOPMENT TRACT INTENSITIES (NOTE: CUMULATIVE INTENSITIES WILL NOT EXCEED MAXIMUM PROPOSED LAND USES FOR EACH DEVELOPMENT AREA)

Development Area #1:

Tract 1A	15,000 a.f. Retail / 30,000 a.f. Office
Tract 1B	300,000 a.f. Retail / 30,000 a.f. Office
Tract 1C	40,000 a.f. Retail / 20,000 a.f. Office
Tract 1D	15,000 a.f. Retail / 20,000 a.f. Office
Tract 1E	500 M.F. DU's
Tract 1F	100 M.F. DU's

Development Area #2:

Tract 2A	1,200,000 a.f. Retail / 100 M.F. DU's / 200 Room Hotel
Tract 2B-1	80,000 a.f. Retail / 20,000 a.f. Office / 200 Room Hotel
Tract 2B-2	200 M.F. DU's
Tract 2C	40,000 a.f. Retail / 20,000 a.f. Office / 200 Room Hotel
Tract 2D	50,000 a.f. Retail / 20,000 a.f. Office / 200 Room Hotel
Tract 2E	20,000 a.f. Retail / 30,000 a.f. Office

Development Area #3:

Tract 3A	60,000 a.f. Retail / 130,000 a.f. Office / 150 Room Hotel
Tract 3B	250 M.F. DU's
Tract 3C	40,000 a.f. Retail / 30,000 a.f. Office / 150 Room Hotel
Tract 3D	250 M.F. DU's

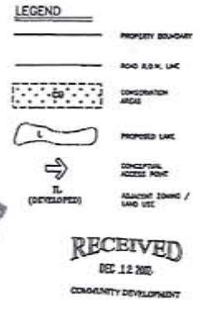
5.) CONCEPTUAL OPEN SPACE

a.) REQUIRED (per L.C.L.S.C.):

Development Area #1: (LESS Sandy Lane Ext. & Tracts 1C & 1F) (Tracts 1A & 1B)	131.1 AC. ± 30%	± 39.3 AC.
Development Area #2: (LESS Sandy Lane Ext. & Tract 2B-2)	147.0 AC. ± 40%	± 58.8 AC.
Development Area #3: (LESS Sandy Lane Ext. & Tracts 3B & 3C) (Tract 3D ± 30)	80.3 AC. ± 30%	± 24.1 AC.
Development Area #3: (Tract 3B ± 30)	27.8 AC. ± 40%	± 11.1 AC.
Total Open Space Required:		± 133.3 AC.

b.) PROVIDED (per L.C.L.S.C.):

Pres. Lake Areas (B ± 25.0% of 148.1 AC.)	± 37.0 AC.	
Pres. Conservation Areas	± 32.7 AC.	
Pres. Green Areas / Open Space	± 11.8 AC.	
Required Development:		± 39.2 AC.
(Tracts 1A - 1F, 2B-2, 3B & 3C) (± 1,100.5 AC. @ 35%)		± 383.1 AC.
(Tracts 1A - 1F, 2A, 2B-1, 2C - 2E, 3A & 3C) (± 210.1 AC. @ 13.4%)		± 28.1 AC.
Total Open Space Provided:		± 148.1 AC.



6.) PROPOSED DENSITY SCHEDULE

M.F. / A.L.F. (UNITS)	RETAIL (SQ.FT.)	COMM. (SQ.FT.)	OFFICE (SQ.FT.)	HOTEL (SQ.FT.)
2001 - 2005	1,200*	1,000,000	300,000	200

*M.F. / A.L.F. UNITS MAY BE REPLACED WITH S.F. / L.F. / S.F. DUPLICATE UNITS SO LONG AS THE TOTAL SQ. FT. PER HOUR VEHICULAR TRAFFIC GENERATED BY THE DEVELOPMENT IS NOT INCREASED AND APPROVAL IS OBTAINED IN ACCORDANCE WITH RESOLUTION 2-02-009.

7.) NOTES:

- Locations / configurations of proposed land uses, such as lakes, conservation areas, recreation and open spaces are conceptually shown and subject to change during final design / permitting.
- The location of proposed commercial uses 1B and 2A for existing parcels ± 100M @ subject to L.C.C. Sec 34-222(1)(c).

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DCI 2000-00015
DCI 2001-00005

APPROVED
Master Concept Plan
DCI 2001-00015
DCI 2001-00005

PRINTED
DEC 12 2012

9779B/MCP
97.79B 1 of 2

COCONUT POINT MASTER CONCEPT PLAN

EXHIBIT IV - E

6102-1-1 Residential Court
Fort Myers, FL 33919
Phone: (941) 955-1200
Professional Registration No. 1772
John - Fort Myers - Voice - Explained

9779B/MCP
97.79B 1 of 2

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 COMMUNITY DEVELOPMENT
 MAR 3 0 2012

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

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

WHEREAS, the Board of County Commissioners of Lee County, Florida has considered the report and recommendations of the Southwest Florida Regional Planning Council, the Lee County Staff, the Lee County Hearing Examiner, the application and sufficiency submittals, and the documents and comments made on the record in public hearing, and after full consideration of those reports, recommendations, documents and comments, the Board of County Commissioners of Lee County, Florida, finds and determines that:

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

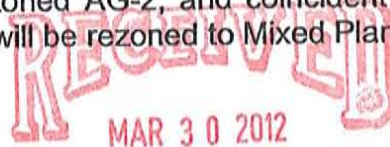
A. The Coconut Point DRI is a master planned commercial development consisting of 482.4 +/- acres located in unincorporated south central Lee County at the intersection of US 41 and Coconut Road. The Coconut Point DRI is a mixed use development that will consist of: 1,450,000 gross leasable square feet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

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

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

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

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



The property is currently in active agricultural use.

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

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

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

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

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

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

II. ACTION ON THE REQUEST AND CONDITIONS OF APPROVAL

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

A. AFFORDABLE HOUSING

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

- a. The Developer must provide, either directly or through third parties, 150 units (combined total) of affordable housing for very low, low, and moderate-income persons within the identified DRI housing assessment area on or before December 31, 2006.
- b. In the event the Developer does not provide all of the 150 units required above prior to December 31, 2006, the Developer may satisfy the remaining affordable housing obligation by paying \$4,000 (\$600,000 divided by 150 units) for each unit of the shortfall to the Lee County Affordable Housing Trust Fund.

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

B. ENERGY

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

These features are:

1. A bicycle/pedestrian system connecting all land uses, to be placed along arterial and collector roads within the project and also along Sandy Lane. This system will be consistent with LDC regulations.
2. Bicycle racks or storage facilities in recreational, commercial and multi-family residential areas.
3. Bus stops, shelters and other passenger and system accommodations for a

transit system to service the project area.

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

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

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

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

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

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

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

11. Including porch and patio areas in residential units.

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

C. STORMWATER MANAGEMENT

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

issuance of the permit modification, the District will evaluate this issue in greater detail.

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

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

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

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

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

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

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

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

inspection.

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

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

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

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

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

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

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

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

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

D. TRANSPORTATION

1. Significant Impacts

a. Assessment Parameters

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

	<u>Buildout (2006)</u>
Multifamily Apartments (ITE LUC 220) (200 d.u. Town Center, 250 d.u. South Village)	450 d.u.
Multifamily Condominiums (ITE LUC 230) (550 d.u. North Village)	550 d.u.
Assisted Living Facility (ITE LUC 252) (200 d.u. South Village)	200 d.u.
Hotel (ITE LUC 310) (450 rooms Town Center, 150 rooms South Village)	600 rooms
Community Retail (ITE LUC 820) (280,000 square feet North Village, 70,000 square feet South Village)	350,000 sq. ft. (gla)
Regional Retail Center (ITE LUC 820) (1,450,000 square feet Town Center)	1,450,000 sq. ft. (gla)
General Office (ITE LUC 710) (70,000 square feet North Village, 90,000 square feet Town Center, 40,000 square feet South Village)	200,000 sq. ft.
Medical Office (ITE LUC 720) (100,000 square feet South Village)	100,000 sq. ft.

The above parameters form the basis for the Project impacts and the mitigation requirements contained herein. The assumed land uses associated with the general parameters are identified by the Land Use Code (LUC) from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 6th Edition. While approved zoning categories may allow a wider range of uses, from a DRI standpoint the Project impacts are based on the above parameters and assumed uses. If the Developer exercises Mitigation

Option 2 and is granted concurrency vesting for all or a portion of the DRI, any significant change in the assumed uses, mix of uses or location of uses on the Master Concept Plan will require a re-evaluation of the DRI transportation impacts. A significant change is one that would increase the external project traffic by 5% or more or that would change the projected distribution and assignment of project traffic so as to result in a net increase in road miles of significantly and adversely impacted roadway links. This condition does not apply if Mitigation Option 1 is selected.

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

b. *Buildout Impacts*

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

Roadway Improvements Needed

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

Intersection Improvements Needed

Bonita Beach Road @ Old 41 ⁽¹⁾	Add 2 nd SB left turn lane
Coconut Road @ Driveway 9/Regional Retail Center ⁽²⁾	Add WB right turn lane

Coconut Road @ Sandy Lane⁽²⁾

Corkscrew Road @ Ben Hill Griffin Parkway⁽¹⁾

Corkscrew Road @ River Ranch Road⁽¹⁾
Corkscrew Road @ Three Oaks Parkway

I-75 @ Corkscrew Road⁽¹⁾

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

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

US 41 @ Pelican Colony Boulevard

Add SB right turn lane
Add SB left turn lane
Add dual EB left turn lane
Signalization⁽³⁾

Add WB left turn lane
Add WB right turn lane
Add NB right turn lane
Add NB left turn lane
Add SB left turn lane
Add SB right turn lane
Add EB left turn lane
Add EB right turn lane
Signalization⁽³⁾

Add 2nd EB left turn lane
Add 2nd NB left turn lane
Add 2nd SB left turn lane

Signal retiming
Add 2nd WB left turn lane
Add 2nd NB left turn lane
Add 2nd SB left turn lane
Add 2nd EB left turn lane⁽⁴⁾
Add 2nd WB left turn lane⁽⁴⁾
Add 2nd NB left turn lane
Add 2nd SB left turn lane
Signalization⁽³⁾

Signal retiming
Add 2nd NB thru lane
Add 2nd SB thru lane

Signalization⁽³⁾
Signalization⁽³⁾
Signalization⁽³⁾

Signal retiming
Signal retiming
Signal retiming
Signal retiming

Add 2nd WB right turn lane
Add 2nd NB left turn lane
Add 2nd SB left turn lane
Add 2nd EB left turn lane
Add dual WB left turn lane⁽²⁾
Add WB right turn lane⁽²⁾
Add NB right turn lane⁽²⁾
Add 2nd NB left turn lane

US 41 @ Coconut Road

Add dual SB left turn lane⁽²⁾
Add 2nd EB left turn lane
Add EB right turn lane
Add 2nd WB left turn lane
Add 2nd NB right turn lane
Add 2nd NB left turn lane
Add 2nd SB left turn lane
Add 2nd EB left turn lane

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

Add EB right turn lane
Add NB right turn lane⁽²⁾
Add SB left turn lane⁽²⁾⁽³⁾
Add WB right turn lane⁽²⁾
Signalization⁽²⁾⁽³⁾

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

Add NB right turn lane⁽²⁾
Add dual SB left turn lane⁽²⁾
Add dual WB left turn lane⁽²⁾
Add WB right turn lane⁽²⁾
Signalization⁽²⁾⁽³⁾

US 41 @ Driveway 4/Pelican Point Boulevard⁽¹⁾

Add NB right turn lane⁽²⁾
Add SB Left turn lane⁽²⁾
Add WB right turn lane⁽²⁾
Signalization⁽²⁾⁽³⁾

US 41 @ Driveway 3/Fountain Lakes Boulevard⁽¹⁾

Add NB right turn lane⁽²⁾
Add SB left turn lane⁽²⁾
Add dual WB left turn lane⁽²⁾
Add WB thru lane⁽²⁾
Add WB right turn lane⁽²⁾
Signalization⁽²⁾⁽³⁾

US 41 @ Driveway 2/Estero Greens⁽¹⁾

Add NB right turn lane⁽²⁾
Add dual SB left turn lane⁽²⁾
Add dual WB left turn lane⁽²⁾
Add WB thru lane⁽²⁾
Add WB right turn lane⁽²⁾
Add EB right turn lane⁽²⁾
Signalization⁽²⁾⁽³⁾

US 41 @ Driveway 1/Community Commercial⁽¹⁾

Add NB right turn lane⁽²⁾
Add SB left turn lane⁽²⁾
Add WB right turn lane⁽²⁾

US 41 @ Williams Road⁽¹⁾

Add 2nd SB left turn lane
Add 2nd WB left turn lane

US 41 @ Corkscrew Road⁽¹⁾

Add 2nd WB left turn lane
Signal retiming

US 41 @ Broadway⁽¹⁾

Signalization⁽³⁾

US 41 @ Koreshan Boulevard

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

- (1) *This intersection is not included in a significantly and adversely impacted roadway segment.*
- (2) *This intersection is considered a site-related improvement.*
- (3) *Signalization only if warranted and subject to approval by the maintaining agency.*
- (4) *Dual EB and WB left turn lanes should be provided if they can be constructed without requiring reconstruction of the I-75 overpass bridge structure.*

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

2. Mitigation

a. Buildout Proportionate Share

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

As noted in Condition D.3 below, the Developer must pay \$170,000 as

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

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

b. *Mitigation Options*

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

(1) Traffic Mitigation Option 1

(a) Payment

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

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

(b) Concurrency

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

(2) Traffic Mitigation Option 2

(a) Payment

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

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

(b) Development Agreement

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

c. *Application of Payments*

(1) Cash.

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

(2) Pipelined Improvements.

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

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

at the Developer's sole expense.

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

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

d. *Buildout Extension*

(1) Requirement for Reanalysis

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

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

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

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

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

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

(2) Alternative for Reanalysis

If all or a part of the Regional Retail Center has received building permits prior to December 31, 2006, the Developer may choose to pay the traffic mitigation for some or all of the balance of the development through buildout in a lump sum at

the time the extension application is approved. Full payment of the required mitigation pursuant to Mitigation Option 2 constitutes an election under this section. In this case a cumulative traffic reanalysis is not required for the portion of the balance that is mitigated as part of the original DRI Development order. This section is not intended to supersede the standard submittal requirements for a typical Notice of Proposed Change under state law.

3. Comprehensive Plan Mitigation

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

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

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

4. Access and Site Related Improvements

In addition to the proportionate share obligation set forth above, the Developer is responsible for its share of the following site-related roadway and intersection improvements: all internal roadways, all intersection improvements, including signalization, turn lanes, deceleration lanes, and other improvements deemed necessary by the County

HM PROJECT #1997079
1/17/01
REF. DWG. #A-994-2
PAGE 3 OF 23

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

NOTES:

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

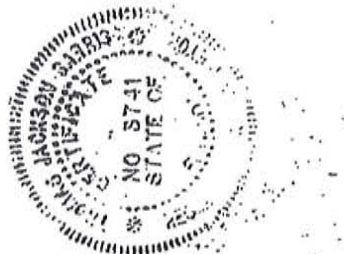
TOTAL PROPERTY AREA: 482.421 ACRES, MORE OR LESS.

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

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

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

BY Thomas J. Garris P.L.S. #3741
THOMAS J. GARRIS STATE OF FLORIDA



Applicant's Legal Checked
by Jm 4/13/02

DCI 2012-00017
RECEIVED
MAR 30 2012

COMMUNITY DEVELOPMENT
DCI 2001-00005
DRI 2000-00015

Engineer and consistent with the Lee County Land Development Code for the Project's access points onto U.S. 41, Coconut Road, and Williams Road. The improvements include the installation of a signal coordination system on U.S. 41 from Pelican Colony Boulevard to Williams Road. During the local development order review process, site-related improvements must be evaluated based on weekday, PM peak hour conditions. Saturday mid-day conditions must be considered in the design of turn lanes due to the retail component of the DRI. Site-related improvements are not eligible for credit against impact fees and may not be used to offset the proportionate share obligation. Project accesses onto US 41 are subject to obtaining a connection permit from FDOT.

5. **Committed Improvements**

Roadway Improvements

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

US 41		
- Old 41 (Collier County) to N. of Bonita Beach Road	03	6 Lanes
- San Carlos Boulevard to Alico Road	U/C	6 Lanes
Williams Road		
- River Ranch Road to Three Oaks Parkway	02	2 Lane Ext.

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

<u>Date</u>	<u>Maximum Square Footage</u>	<u>Needed Improvements to Avoid Interim Level of Service Problem</u>	
		<u>Route</u>	<u>Limit</u>
Adoption of DR+DO AND Compliance with Cond. D.2	400,000	Not Applicable	Not Applicable
July 1, 2004	800,000	U. S. 41 - 6 Lane	Collier County line to Bonita Beach Road
July 1, 2005	1,200,000	Three Oaks Ext. 4L OR Livingston Rd./ Imperial St. 4 Lane	Terry St. to Coconut Rd. Immokalee Rd. to E.Terry St.
July 1, 2006	1,800,000	US 41-6Lane AND	Corkscrew Rd. to San Carlos

Three Oaks Ext. 4 Lane	Terry St. to Coconut Rd.
AND	
Old 41 - 4 lane	Rosemary dr. to US 41
AND	
Metro Pkwy. Ext.- 6 Lane	Alico Rd. to ben C Pratt/ Six Mile Cypress Pkwy
AND	
Three Oaks Ext- 4 Lane	Alico Rd. to Daniels Pkwy
or	
Treeline Ext.-4L	Alico Rd. to Daniels Pkwy.

6. Annual Transportation Monitoring Program

a. Design of Monitoring Program

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

b. Submittal of Monitoring Report

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

c. Minimum Requirements for Report Contents

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

- (1) P.M. peak Signalization⁽²⁾⁽³⁾ hour traffic counts with turning movements at the Project's access points onto U.S. 41, Coconut Road, Williams Road, Pelican Colony Boulevard and Sandy Lane, and on the external road segments and intersections identified in Paragraph D.1.b. (Traffic counts/volumes may be obtained from original traffic counts, public agency reports, other monitoring reports, and other available data.)
- (2) A comparison of field measured external Project traffic volumes to the 5,909 total P.M. Peak hour external (including 757 pass-by and 1,032 interzonal trip ends) project trip generation from all driveways onto U.S. 41, Coconut Road, Williams Road, Pelican Colony Boulevard and Sandy Lane assumed in the DRI analysis. If an interconnection is provided to The Brooks parcel at the southeast corner of U.S. 41 and Coconut Road, a methodology must be developed to identify pass-through trips generated by The Brooks parcel.
- (3) Estimated existing levels of service and needed improvements for the roads and intersections specified in Paragraph D.1.b. above.
- (4) Estimated future levels of service and needed improvements for the roads and intersections specified in Paragraph D.1.b. above, based on a one-year projection of future volumes. A summary of the status of road improvements assumed to be committed by Collier County, Lee County and FDOT.

d. *Implications*

- (1) If the annual transportation monitoring report reveals that the Project trip generation exceeds the original assumptions contained herein, then the statutory provisions regarding substantial deviations will govern.
- (2) Changes to development parameters or buildout may require the Developer to rebut the statutory presumption of substantial deviation. In some instances, the evidence necessary to rebut the presumption may involve a comparison of Project trip distribution and assignment.

7. Pedestrian/Bicycle and Transit Facilities

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

E. VEGETATION AND WILDLIFE/WETLANDS

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

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

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

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

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

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

7. Wetlands and surface waters remaining on the project site must be protected

during construction through the implementation of temporary erosion and sedimentation control procedures.

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

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

F. HURRICANE PREPAREDNESS

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

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

- a. elevated above the Category 3 storm surge level;
- b. constructed in accordance with the requirements in Rule 9J-2.0257(6)(e), FAC, to withstand winds of at least one hundred twenty (120) miles per hour;
- c. all windows in the building are shuttered;
- d. equipped with an emergency power generator with adequate capacity to handle the following:
 - (1) ventilation fans;

- (2) emergency lighting;
 - (3) life safety equipment (i.e., intercom, fire and smoke alarms); and
 - (4) refrigeration and cooking equipment.
- e. have an auxiliary potable water supply.

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

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

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

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

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

In order to use the above mitigation option, the Developer must provide a continuing hurricane awareness program and a hurricane evacuation plan. The hurricane evacuation plan must address and include, at a minimum, the

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

- b. Alternatively, the applicant must commit to providing roadway capacity improvements above and beyond those improvements required by Rule 9J-2.0255, FAC; or
- c. The applicant must commit to providing funds to be used for the purpose of procuring communications equipment, which would upgrade the existing warning and notification capability of local emergency management officials. In order to use this mitigation option, the Developer must provide reasonable assurance to local emergency management officials regarding the provision's ability to reduce the development's hurricane evacuation impacts. The amount of the funding will be determined and approved by the local emergency management officials.

G. WASTEWATER MANAGEMENT/WATER SUPPLY

1. The Developer will obtain a SFWMD permit for groundwater withdrawals for landscape irrigation, for irrigation well construction, as well as for any dewatering needed to construct the project lakes, roads or building foundations.
2. The Developer will utilize water conserving devices and methods necessary to meet the criteria established in the water conservation plan of the public water supply permit issued to Bonita Springs Utilities (BSU).
3. The Developer will coordinate with BSU or other water supplier to ensure that adequate potable water is available to meet the demands of the project.
4. The Developer will provide any necessary verification to the SFWMD that the Developer's plumbing and irrigation designs are consistent with District rules.
5. The Developer must demonstrate at the time of local development order approval that sufficient potable water and wastewater treatment capacity is available. If

BSU cannot provide the necessary service, then the Developer must obtain service from an alternate provider with capacity or construct on-site interim facilities that satisfy BSU Standards. Interim facilities must be dismantled at the Developer's expense when service by BSU is available.

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

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

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

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

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

H. COMPREHENSIVE PLAN

Lee County may not issue a local development order unless the proposed development order is consistent with the County's Comprehensive Plan, Land Development Code.¹

I. POLICE AND FIRE PROTECTION

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

2. The project must be constructed and maintained in accordance with the

¹ On October 21, 2002 the Board adopted a resolution amending the Lee Plan to reclassify the DRI site to the Urban Community land use category.

adopted Life Safety and Fire Code requirements.

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

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

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

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

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

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

J. EDUCATION

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

site to the School District, the Developer may be entitled to seek school impact fee credits in accordance with the LDC.

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

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

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

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

1. The Coconut Point (f/n/a Simon Suncoast) Application for Development Approval, stamped received on September 12, 2000;
2. The Coconut Point DRI sufficiency responses stamped received on February 7, 2001 and April 10, 2001 (transportation) and April 13, 2001; and
3. The governing zoning resolution for the Coconut Point (f/n/a Simon Suncoast) MPD .

C. Master Plan of Development. Map H, stamped received at the Zoning Counter on February 7, 2001 and attached hereto as Exhibit "B", and is incorporated by reference. It is understood that because it is a concept plan it is very general. The Developer may modify the boundaries of development areas and the locations of internal roadways to accommodate topography, vegetation, market conditions, traffic circulation, or other site related conditions as long as the modifications meet local development regulations. This provision may not be used to reduce the size of wetland preserve areas. Precise wetland boundaries will be determined by the South Florida Water Management District, as delegated by the Department of Environmental Protection and the Army Corp of Engineers.

D. Binding Effect. The Development Order is binding upon the Developer, its successors and assigns. Where the Development Order refers to lot owners, business

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

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

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

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

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

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

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

1. There is a substantial deviation from the terms or conditions of this

Development Order or other changes to the approved development plans that create a reasonable likelihood of an additional regional impact or any other regional impact created by the change that has not been evaluated and reviewed by the Regional Planning Council; or

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

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

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

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

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

N. Credits Against Local Impact Fees. Pursuant to §380.06(16), Florida Statutes, the Developer may be eligible for credits for contributions, construction, expansion, or acquisition of public facilities, if the Developer is also subject by local ordinances to impact fees or exactions to meet the same needs. However, no credit will be provided for internal or external site-related facilities required by County regulations, or to any off-site facilities to the extent those facilities are necessary to provide safe and adequate services to the development.

O. Protection of Development Rights. The project will not be subject to down-zoning, unit density reduction, or intensity reduction prior to December 31, 2013. If the

County demonstrates at a public hearing that substantial changes have occurred in the conditions underlying the approval of this Development Order, or finds that the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by Lee County to be essential to public health, safety and welfare, then down-zoning, unit density reduction, or intensity reduction may occur. [See 9J-2.025(3)(b)13]

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

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

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

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

R. Transmittal and Effective Date. The County will forward certified copies of this Development Order to the SWFRPC, the Developer, and appropriate state agencies. This Development Order is rendered as of the date of that transmittal, but will not be

effective until the expiration of the statutory appeal period (45 days from rendition) or until FDCA has completed their review and has determined not to take an appeal, should that occur prior to the expiration of the 45-day period, or until the completion of any appellate proceedings, whichever time is greater. In accordance with the requirements of §380.06(15)f, Florida Statutes, once this development order is effective, the Developer must record notice of its adoption in the office of the Clerk of the Circuit Court of Lee County.

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

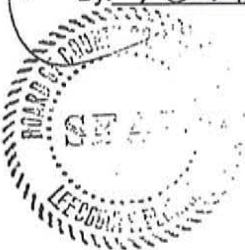
THE MOTION TO ADOPT this Development Order was offered by Commissioner Ray Judah, and seconded by Commissioner Douglas St. Cerny and upon a poll of the members present, the vote was as follows:

Robert Janes	Aye
Douglas St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Absent
John E. Albion	Aye

DULY PASSED AND ADOPTED this 21st day of October 2002

ATTEST:
CHARLIE GREEN, CLERK

By: *Charlie Green*



BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: *Ray Judah*

Approved as to form

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

State of Florida
County of Lee

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

Given under my hand and official seal at Fort Myers, Florida, this 20th day of December, A.D. 2002

CHARLIE GREEN, CLERK

By: *Charlie Green*
Deputy Clerk



DCI 2012-00017

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COMMUNITY DEVELOPMENT

Exhibits:

- A. Legal Description
- B. Master Plan of Development (Map H) Stamped Received February 7, 2001
- C. Development Parameters and Phasing Schedule
- D. Annual Monitoring Report Requirements
- E. Calculation of Road Impact Fee Obligation
- F. Pedestrian, Bicycle and Bus Stop Plan

EXHIBIT "A"
LEGAL DESCRIPTION
Property located in Lee County, Florida
PAGE 1 OF 3



950 Encore Way - Naples, Florida 34110

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PROJECT #1997079
1/17/01
REF. DWG. #A-994-2
PAGE 1 OF 23

PERMIT COUNTER

LEGAL DESCRIPTION

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

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

AND

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

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

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Naples - Fort Myers - Venice - Englewood

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COMMUNITY DEVELOPMENT

EXHIBIT "A" PAGE 2 OF 3

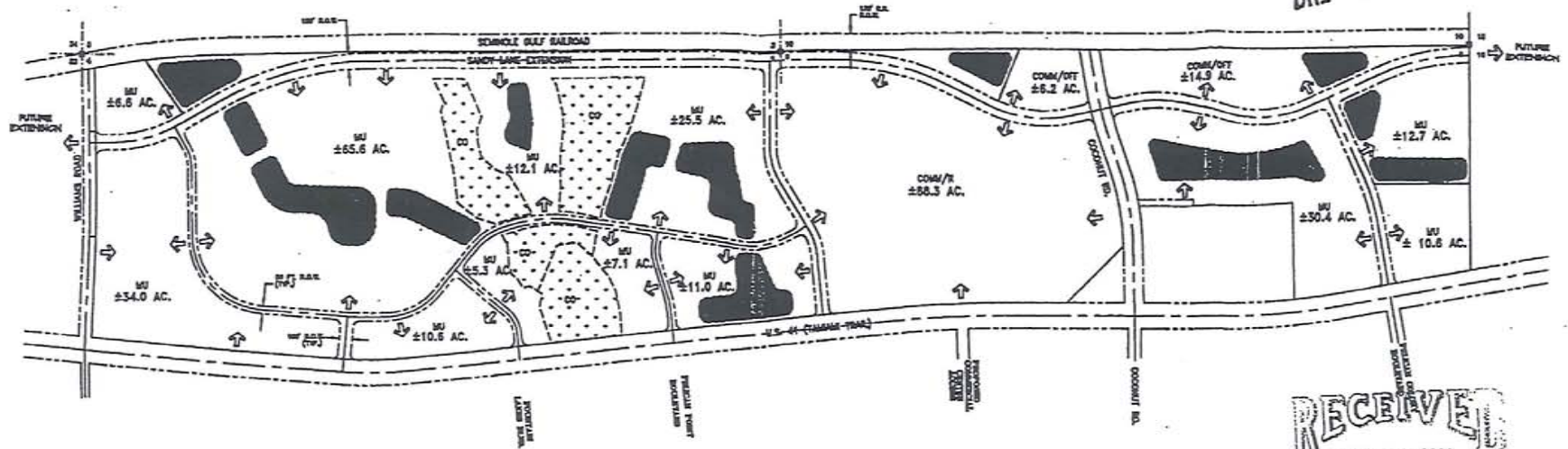
HM PROJECT #1997079
1/17/01
REF. DWG. #A-994-2
PAGE 2 OF 23

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

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LAND USE BREAKDOWN

CONSERVATION AREAS	632.7 ACRES
LAKE	647.1 ACRES
INTERNAL R.O.E.	280.2 ACRES
OPEN AREA / OPEN SPACE	611.8 ACRES
DEVELOPMENT AREAS	6340.8 ACRES
TOTAL	8482.4 ACRES

PROJECT INTENSITY

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

ZONING COUNTER

LEGEND

COM	RETAIL/COMMERCIAL
MU	MIXED USE
OFF	OFFICE/MEDICAL
R	RESIDENTIAL
---	PROPERTY BOUNDARY
---	ROAD R.O.E. LINE
[Stippled Box]	CONSERVATION AREAS
[Wavy Line]	PROPOSED LAKE
→	CONCEPTUAL ACCESS POINT

- NOTES:**
1. LOCATIONS/CONTOURS OF PROPOSED LAKE USES, SUCH AS LAKE, CONSERVATION AREAS, ROADWAYS AND OPEN SPACE ARE CONCEPTUALLY SHOWN AND SUBJECT TO CHANGE DURING FINAL DESIGN/POSTING.
 2. THE MIXED USE (MU) DESIGNATION CONTAINS A MIX OF RETAIL/COMMERCIAL, HOTEL, OFFICE, RESIDENTIAL, R/F, AND PUBLIC FACILITY LAND USES.

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September 2000
Not to Scale



Simon Suncoast

Map H - Master Development Plan

EXHIBIT B

DRI
EXHIBIT C

Development Parameters and Phasing Schedule

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

* Gross Leasable Area

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

DRI
EXHIBIT D

ANNUAL MONITORING REPORT REQUIREMENTS

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

- A. Any changes in the plan of development or in the representations contained in the application for development approval, or in the phasing for the reporting year and for the next year;
- B. A summary comparison of development activity proposed and actually conducted for the year;
- C. Identification of undeveloped tracts of land, other than individual single family lots, that have been sold to separate entities or developers.
- D. Identification and intended use of lands purchased, leased, or optioned by the Developer adjacent to the original DRI site since the development order was issued;
- E. A specific assessment of the Developer's and the local government's compliance with each individual condition of approval contained in the DRI Development Order and the commitments which are contained in the application for development approval and which have been identified by the local government, the RPC, or the DCA as being significant;
- F. Any requests for substantial deviation determination that were filed in the reporting year and to be filed during the following year;
- G. An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;
- H. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose of each;
- I. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(15) and (18), Florida Statutes;
- J. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer pursuant to Paragraph 380.06(15)(f), Florida Statutes.

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

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COMMUNITY DEVELOPMENT DCI 2012-00017

DRI
EXHIBIT E
Calculation of Road Impact Fee Obligation

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

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

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

- a. Consider a Notice of Proposed Change to amend the Coconut Point DRI Development Order to increase residential condominiums from 550 to 1,000; decrease hotel rooms from 600 to 350; and decrease apartments from 450 to 250; and
- b. Evaluate whether the amendments constitute a substantial deviation from the original development order approvals warranting further development of regional impact review; and

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

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

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

SECTION A. REQUEST

The applicant filed a requests to:

- a. Consider a Notice of Proposed Change to amend the Coconut Point DRI Development Order to increase residential condominiums from 550 to 1,000; decrease hotel rooms from 600 to 350; and decrease apartments from 450 to 250.
- b. Evaluate whether the amendments constitute a substantial deviation from the original development order approvals warranting further development of regional impact review.

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

DCI 2012-00017

CASE NO: DRI2004-00008

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COMMUNITY DEVELOPMENT

Z-04-079
Page 1 of 3

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SECTION B. EXHIBITS AND STRAP NUMBER:

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

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

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

SECTION C. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The requested changes do not constitute a substantial deviation from the original Development of Regional Impact Development Order.

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

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

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

ATTEST:
CHARLIE GREEN, CLERK

BY: *Ima S. Perce*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *[Signature]*
Chairman

Approved as to form by:

[Signature]
Dawn E. Perry-Lehnert
County Attorney's Office



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COMMUNITY DEVELOPMENT

CASE NO: DRI2004-00008

Z-04-079
Page 3 of 3

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EXHIBIT A
PAGE 1 OF 3

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

COMMUNITY DEVELOPMENT

DKI2004-00008

LEGAL DESCRIPTION

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

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

AND

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

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

DCI 2012-00017

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

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

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

NOTES:

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

TOTAL PROPERTY AREA: 482.421 ACRES, MORE OR LESS.

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

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

Applicant's Legal Checked

by *[Signature]* July 30, 2004. :

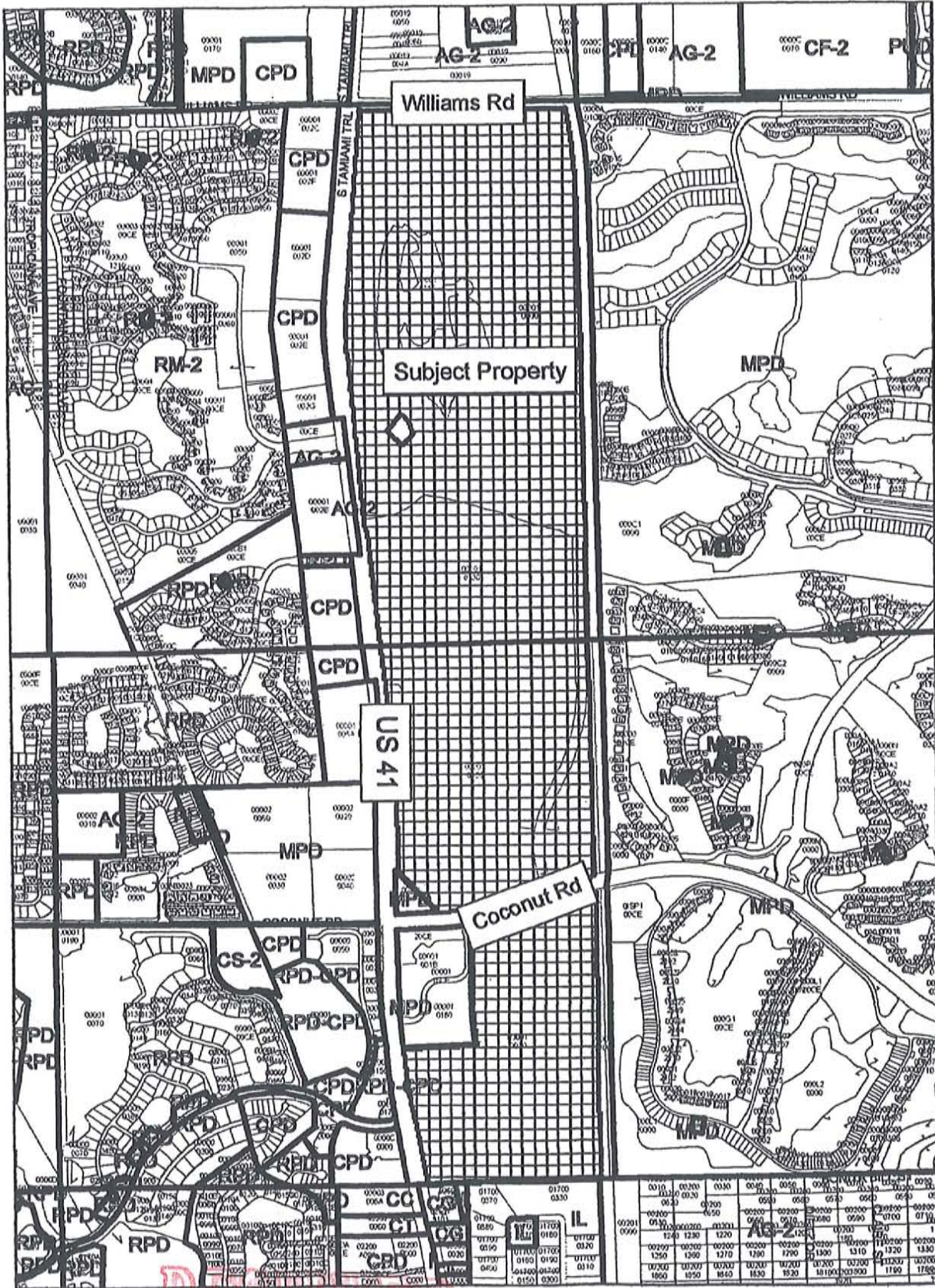
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ZONING INTAKE MAP

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EXHIBIT B

1,600 800 0 1,600 Feet

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DCI 2012-00017

EXHIBIT C

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

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

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

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

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

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

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

DCI 2012-00017

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

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MAR 30 2012

COMMUNITY DEVELOPMENT

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

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. The Coconut Point DRI is a master planned commercial development consisting of 482.4+/- acres located in unincorporated south central Lee County at the intersection of US 41 and Coconut Road. The Coconut Point DRI is a mixed use development that will consist of: 1,450,000 gross leasable square feet of retail/regional mall (Regional Retail Center), 350,000 gross leasable square feet of retail on other parcels adjacent to the regional mall (Community Commercial Retail), 300,000 square feet of office, of which no more than 100,000 square feet may be medical office, ~~600~~ 350 hotel rooms, ~~4,000~~ 1,250 multi-family units (consisting of 250 apartment units, and 1000 residential condominium units) and a 200 unit assisted living facility. The project will include 32.7 acres of conservation areas, 47.1 acres of lakes, 50.2 acres of road rights-of-way and 11.6 acres of green area/open space.

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

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

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

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

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

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

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

G. The development proposed Development Order Amendment has been reviewed by the Southwest Florida Regional Planning Council (SWFRPC) and is the subject of the report and recommendations adopted by that body ~~on January 17, 2004. The SWFRPC report and recommendations were~~ and subsequently forwarded to Lee County in accordance with §380.06, Florida Statutes. The development, as proposed in the ADA ,subsequently amended by the Notice of Proposed Change, and modified by this Development Order Amendment, is generally consistent with the report and recommendations of the SWFRPC pursuant to §380.06(11), Florida Statutes.

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

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

II. ACTION ON THE REQUEST AND CONDITIONS OF APPROVAL

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

A. AFFORDABLE HOUSING

1. *150 Affordable Housing Units (\$600,000).*
 - a. The Developer must provide, either directly or through third parties, 150 units (combined total) of affordable housing for very low, low, and moderate-income persons within the identified DRI housing assessment area on or before December 31, 2006.

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

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

B. ENERGY

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

These features are:

1. A bicycle/pedestrian system connecting all land uses, to be placed along arterial and collector roads within the project and also along Sandy Lane. This system will be consistent with LDC regulations.
2. Bicycle racks or storage facilities in recreational, commercial and multi-family residential areas.
3. Bus stops, shelters and other passenger and system accommodations for a transit system to service the project area.
4. Energy efficient features in window design (e.g. tinting and exterior shading), operable windows, ceiling fans, appliances and equipment.
5. Minimize coverage by asphalt, concrete, rock and similar substances in street, parking lots and other area to reduce local air temperatures and reflecting light and heat.
6. Energy-efficient lighting for streets, parking area, recreation area and other interior and exterior public areas.

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

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

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

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

11. Including porch and patio areas in residential units.

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

C. STORMWATER MANAGEMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D. TRANSPORTATION

1. Significant Impacts

a. Assessment Parameters

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

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

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

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

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

b. *Buildout Impacts*

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

Roadway Improvements Needed

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

Intersection Improvements Needed

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

Corkscrew Road @ River Ranch Road⁽¹⁾
Corkscrew Road @ Three Oaks Parkway

I-75 @ Corkscrew Road⁽¹⁾

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

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

US 41 @ Pelican Colony Boulevard

US 41 @ Coconut Road

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

Add 2nd NB left turn lane
Add 2nd SB left turn lane
Signal retiming
Add 2nd WB left turn lane
Add 2nd NB left turn lane
Add 2nd SB left turn lane
Add 2nd EB left turn lane⁽⁴⁾
Add 2nd WB left turn lane⁽⁴⁾
Add 2nd NB left turn lane
Add 2nd SB left turn lane
Signalization⁽³⁾
Signal retiming
Add 2nd NB thru lane
Add 2nd SB thru lane
Signalization⁽³⁾
Signalization⁽³⁾
Signalization⁽³⁾
Signal retiming
Signal retiming
Signal retiming
Signal retiming
Add 2nd WB right turn lane
Add 2nd NB left turn lane
Add 2nd SB left turn lane
Add 2nd EB left turn lane
Add dual WB left turn lane⁽²⁾
Add WB right turn lane⁽²⁾
Add NB right turn lane⁽²⁾
Add 2nd NB left turn lane
Add dual SB left turn lane⁽²⁾
Add 2nd EB left turn lane
Add EB right turn lane
Add 2nd WB left turn lane
Add 2nd NB right turn lane
Add 2nd NB left turn lane
Add 2nd SB left turn lane
Add 2nd EB left turn lane
Add EB right turn lane
Add NB right turn lane⁽²⁾
Add SB left turn lane⁽²⁾⁽³⁾
Add WB right turn lane⁽²⁾
Signalization⁽²⁾⁽³⁾

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

- (1) *This intersection is not included in a significantly and adversely impacted roadway segment.*
- (2) *This intersection is considered a site-related improvement.*
- (3) *Signalization only if warranted and subject to approval by the maintaining agency.*
- (4) *Dual EB and WB left turn lanes should be provided if they can be constructed without requiring reconstruction of the I-75 overpass bridge structure.*

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

2. Mitigation

a. *Buildout Proportionate Share*

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

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

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

b. *Mitigation Options*

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

(1) Traffic Mitigation Option 1

(a) Payment

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

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

(b) Concurrency

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

(2) Traffic Mitigation Option 2

(a) Payment

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

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

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

(b) **Development Agreement**

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

c. *Application of Payments*

(1) Cash.

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

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

(2) Pipelined Improvements.

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

- (a) Sandy Lane 2-lane Extension, from the south property line to the north property line (Williams Road) and from Williams Road to Corkscrew Road. Consistent with the County's long-range plan for Sandy Lane as a 2-lane collector and the County's standards for collector roads, no more than 100 feet of right-of-way and 2 lanes of construction will be eligible for credits against the proportionate share obligation. The reasonable cost of providing the railroad crossing between Williams Road and Corkscrew Road will be eligible for credits against the project's proportionate share obligation. If the Developer chooses to build more than 2 lanes, it will be at the Developer's sole expense.
- (b) Interim improvements not requiring right-of-way at the Corkscrew Road/I-75 interchange (subject to FDOT approval).

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

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

d. *Buildout Extension*

(1) Requirement for Reanalysis

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

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

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

review agencies as necessary, to establish the appropriate methodology.

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

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

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

(2) Alternative for Reanalysis

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

3. Comprehensive Plan Mitigation

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

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

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

4. Access and Site Related Improvements

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

5. Committed Improvements

Roadway Improvements

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

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

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

6. **Annual Transportation Monitoring Program**

a. *Design of Monitoring Program*

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

b. *Submittal of Monitoring Report*

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

c. *Minimum Requirements for Report Contents*

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

- (1) P.M. peak Signalization⁽²⁾⁽³⁾ hour traffic counts with turning movements at the Project's access points onto U.S. 41, Coconut Road, Williams Road, Pelican Colony Boulevard and Sandy Lane, and on the external road segments and intersections identified in Paragraph D.1.b. (Traffic counts/volumes may be obtained from original traffic counts, public agency reports, other monitoring reports, and other available data.)
- (2) A comparison of field measured external Project traffic volumes to the 5,909 total P.M. Peak hour external (including 757 pass-by and 1,032 interzonal trip ends) project trip generation from all driveways onto U.S. 41, Coconut Road, Williams Road, Pelican Colony Boulevard and Sandy Lane

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

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

d. *Implications*

- (1) If the annual transportation monitoring report reveals that the Project trip generation exceeds the original assumptions contained herein, then the statutory provisions regarding substantial deviations will govern.
- (2) Changes to development parameters or buildout may require the Developer to rebut the statutory presumption of substantial deviation. In some instances, the evidence necessary to rebut the presumption may involve a comparison of Project trip distribution and assignment.

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

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

E. **VEGETATION AND WILDLIFE/WETLANDS**

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

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

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

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

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

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

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

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

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

F. HURRICANE PREPAREDNESS

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

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

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

- a. elevated above the Category 3 storm surge level;
- b. constructed in accordance with the requirements in Rule 9J-2.0257(6)(e), FAC, to withstand winds of at least one hundred twenty (120) miles per hour;
- c. all windows in the building are shuttered;
- d. equipped with an emergency power generator with adequate capacity to handle the following:
 - (1) ventilation fans;
 - (2) emergency lighting;
 - (3) life safety equipment (i.e., intercom, fire and smoke alarms); and
 - (4) refrigeration and cooking equipment.
- e. have an auxiliary potable water supply.

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

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

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

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

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

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

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

- b. Alternatively, the applicant Developer must commit to providing roadway capacity improvements above and beyond those improvements required by Rule 9J-2.0255, FAC; or
- c. The applicant Developer must commit to providing funds to be used for the purpose of procuring communications equipment, which would upgrade the existing warning and notification capability of local emergency management officials. In order to use this mitigation option, the Developer must provide reasonable assurance to local emergency management officials regarding the provision's ability to reduce the development's hurricane evacuation impacts. The amount of the funding will be determined and approved by the local emergency management officials.

G. WASTEWATER MANAGEMENT/WATER SUPPLY

1. The Developer will obtain a SFWMD permit for groundwater withdrawals for landscape irrigation, for irrigation well construction, as well as for any dewatering needed to construct the project lakes, roads or building foundations.
2. The Developer will utilize water conserving devices and methods necessary to meet the criteria established in the water conservation plan of the public water supply permit issued to Bonita Springs Utilities (BSU).
3. The Developer will coordinate with BSU or other water supplier to ensure that adequate potable water is available to meet the demands of the project.
4. The Developer will provide any necessary verification to the SFWMD that the Developer's plumbing and irrigation designs are consistent with District rules.
5. The Developer must demonstrate at the time of local development order approval that sufficient potable water and wastewater treatment capacity is available. If BSU cannot provide the necessary service, then the Developer must obtain service from an alternate provider with capacity or construct on-site interim facilities that satisfy BSU Standards. Interim facilities must be dismantled at the Developer's expense when service by BSU is available.
6. The on-site lakes, wetlands, and stormwater management system must be buffered from treated effluent contamination in accordance with SFWMD regulations.
7. Septic systems utilized in conjunction with construction trailers, sales offices and model homes must be temporary. When it is feasible to connect the temporary uses to the regional wastewater treatment facilities, all temporary septic systems must be abandoned or removed by a licensed septic system firm, in accordance with all applicable regulations.
8. The Developer must submit copies of all local development order application plans that include potable water or wastewater collection and distribution systems to BSU. BSU will review the plans for compliance with the BSU specifications manual.
9. Lee County will evaluate all potable water facilities to ensure that the facilities are properly sized to meet average, peak day, and fire flow demands in accordance with the LDC. Lee County will consult with the appropriate fire protection district to confirm that the fire flow demands will be satisfied by the proposed potable water facility.
10. The Developer must use the lowest, yet acceptable for the intended purpose, quality of water available for all non-potable water purposes.

H. COMPREHENSIVE PLAN

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

I. POLICE AND FIRE PROTECTION

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

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

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

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

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

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

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

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

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

J. EDUCATION

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

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

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

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

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

1. The Coconut Point (f/nk/a Simon Suncoast) Application for Development Approval, stamped received on September 12, 2000;
2. The Coconut Point DRI sufficiency responses stamped received on February 7, 2001 and April 10, 2001 (transportation) and April 13, 2001; and
3. The governing zoning resolution for the Coconut Point (f/nk/a Simon Suncoast) MPD .

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RECEIVED
MAR 30 2012

COMMUNITY DEVELOPMENT

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

DCI 2012-00017

ATTEST:
CHARLIE GREEN, CLERK

By: *Isa Pierce*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: *[Signature]*

Approved as to form

By: *[Signature]*
Dawn E. Perry-Lehnert
Assistant County Attorney



Exhibits:

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

RECEIVED
JUL 09 2004

EXHIBIT A
PAGE 1 OF 3

PERMIT COUNTER

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

DRI 2004-00008

LEGAL DESCRIPTION

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

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

AND

DCI 2012-00017

MAR 30 2012

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

COMMUNITY DEVELOPMENT

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

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

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

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

NOTES:


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

TOTAL PROPERTY AREA: 482.421 ACRES, MORE OR LESS.

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

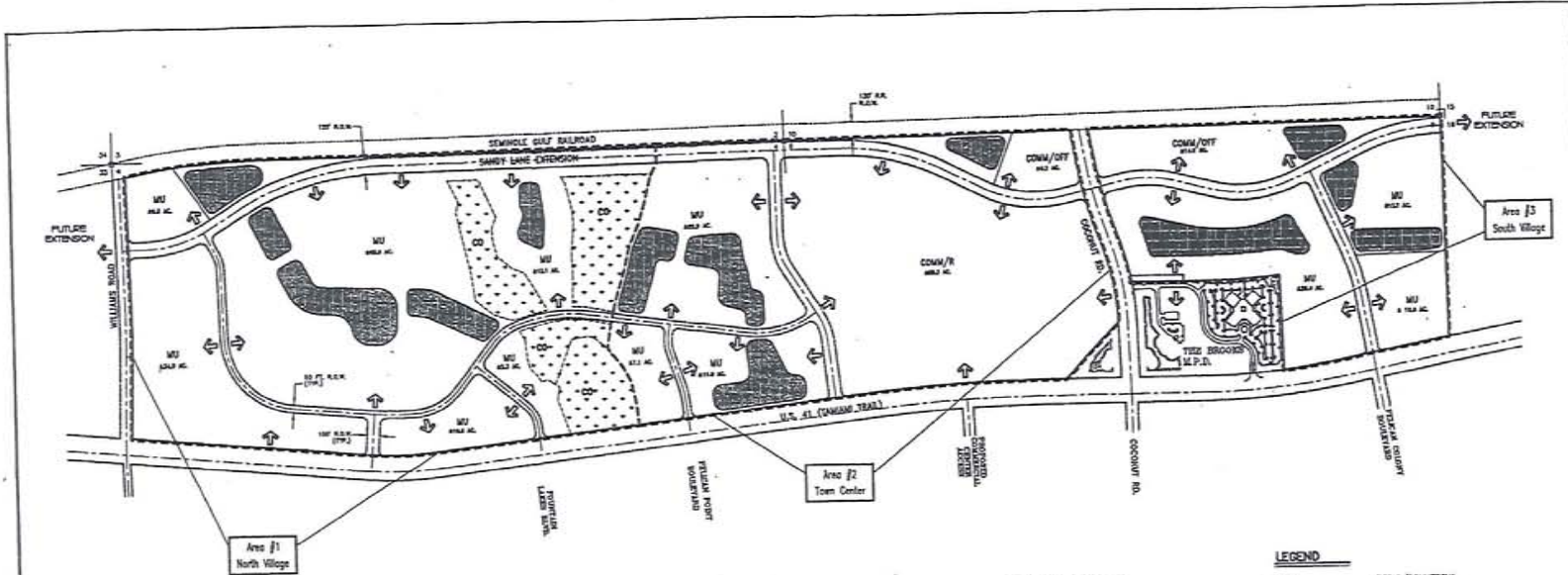
BEARINGS REFER TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING S.88°56'17"W.

Applicant's Legal Checked

by  July 30, 2004 :

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MAR 30 2012

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DCI 2012-00017

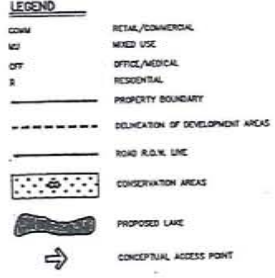


LAND USE BREAKDOWN

CONSERVATION AREAS	432.7 ACRES
LAKE	47.1 ACRES
INTERNAL R.O.M.	452.2 ACRES
OPEN SPACE / GREEN AREA	611.6 ACRES
DEVELOPMENT AREAS	1,540.8 ACRES
TOTAL	2,484.4 ACRES

PROJECT INTENSITY

RESIDENTIAL UNITS	1,430
COMMERCIAL/RETAIL (GROSS LEASABLE AREA)	1,800,000
GENERAL OFFICE (S.F.)	205,000
MEDICAL OFFICE (S.F.)	105,000
HOTEL (ROOMS)	330



- NOTES:**
- LOCATIONS/CONFIGURATIONS OF PROPOSED LAND USES, SUCH AS LAKE, CONSERVATION AREAS, ROADWAYS AND OPEN SPACE ARE CONCEPTUALLY SHOWN AND SUBJECT TO CHANGE DURING FINAL DESIGN/PHASING.
 - THE MIXED USE LAND DESIGNATION CONTAINS A MIX OF RETAIL/COMMERCIAL, HOTEL, OFFICE, RESIDENTIAL, A.F., AND PUBLIC FACILITY LAND USES.

H.M. HOLE MONTES ENGINEERS-PLANNERS-ARCHITECTS

6325-F Presidential Court
 Fort Myers, FL 33919
 Phone : (239) 985-1200
 Florida Certificate of Authorization No.1772
 Regis. - Fort Myers - Venice - Englewood

SIMON SUNCOAST
 MASTER CONCEPT PLAN
 MAP "H"

DATE	
C.A.B.	11/19/04
N.E.D.	11/24
SCALE	1" = 400'
PROJECT NO.	9779BMAPH
DATE	97.79-B 1 of 1

EXHIBIT B

COMMUNITY DEVELOPMENT
 DRI 2012-000171
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 MAR 30 2012

RECEIVED
 NOV 17 2004
 PERMIT COUNTER
 DRI 2004 0000

DRI
EXHIBIT C

Development Parameters and Phasing Schedule

		<u>Buildout</u>
Regional Retail Commercial	1,450,000* sq. ft.	2006
Community Retail	350,000* sq. ft.	2006
Office	300,000** sq. ft.	2006
Hotel	600 <u>350</u> Rooms	2006
Residential, Multi-family	4000 <u>1250</u> du	2006
Assisted Living Facility	200 units	2006

* Gross Leasable Area

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

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DRI
EXHIBIT D

ANNUAL MONITORING REPORT REQUIREMENTS

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

- A. Any changes in the plan of development or in the representations contained in the application for development approval, or in the phasing for the reporting year and for the next year;
- B. A summary comparison of development activity proposed and actually conducted for the year;
- C. Identification of undeveloped tracts of land, other than individual single family lots, that have been sold to separate entities or developers.
- D. Identification and intended use of lands purchased, leased, or optioned by the Developer adjacent to the original DRI site since the development order was issued;
- E. A specific assessment of the Developer's and the local government's compliance with each individual condition of approval contained in the DRI Development Order and the commitments which are contained in the application for development approval and which have been identified by the local government, the RPC, or the DCA as being significant;
- F. Any requests for substantial deviation determination that were filed in the reporting year and to be filed during the following year;
- G. An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;
- H. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose of each;
- I. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(15) and (18), Florida Statutes;
- J. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer pursuant to Paragraph 380.06(15)(f), Florida Statutes.

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

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DRI
EXHIBIT E
Calculation of Road Impact Fee Obligation³

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

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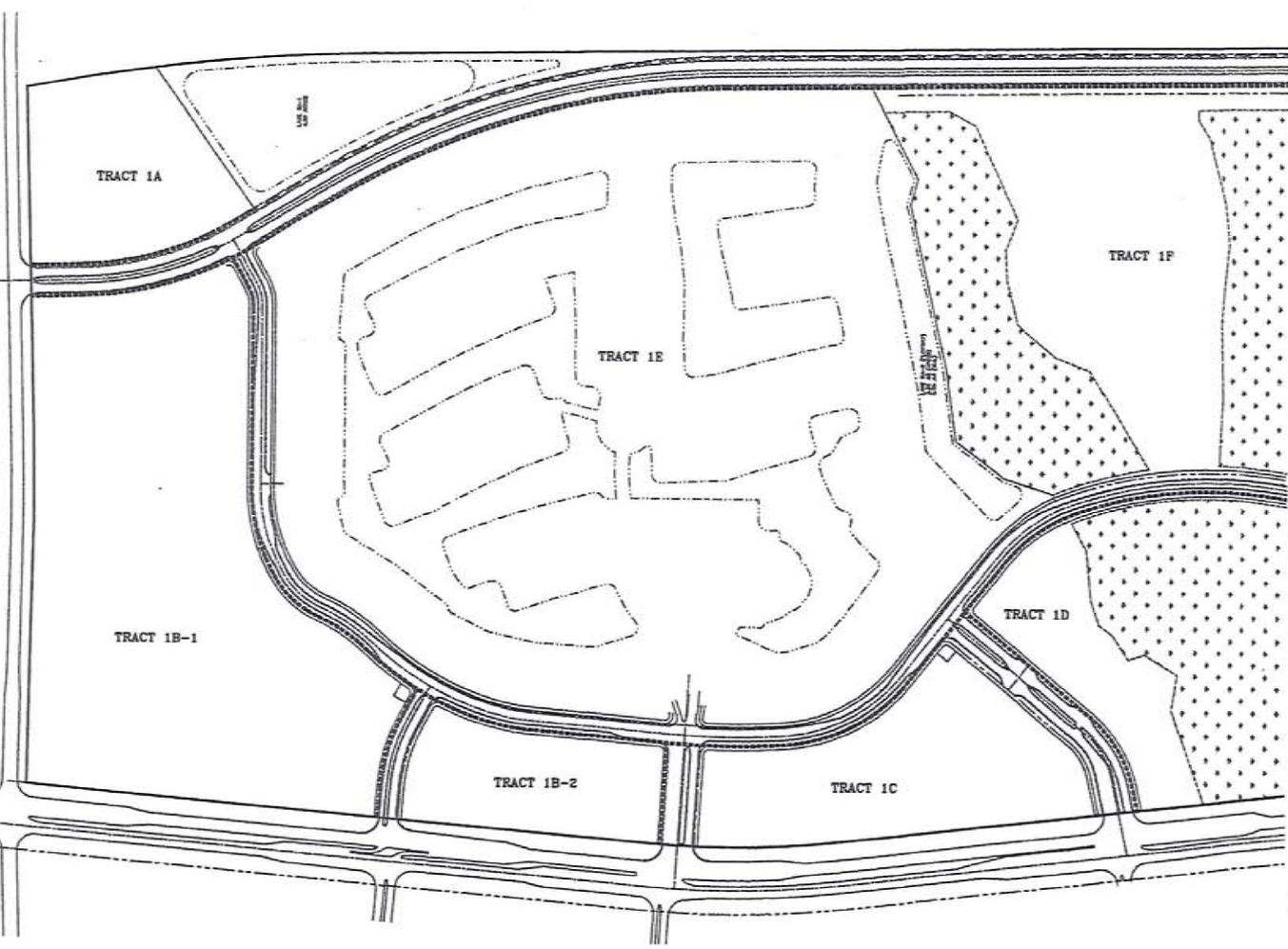
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³ The calculations included here are based upon the impact fee schedule effective July 1, 2000.

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LEGEND:
 - - - - - PRIMARY PEDESTRIAN WALKWAYS (typ.)

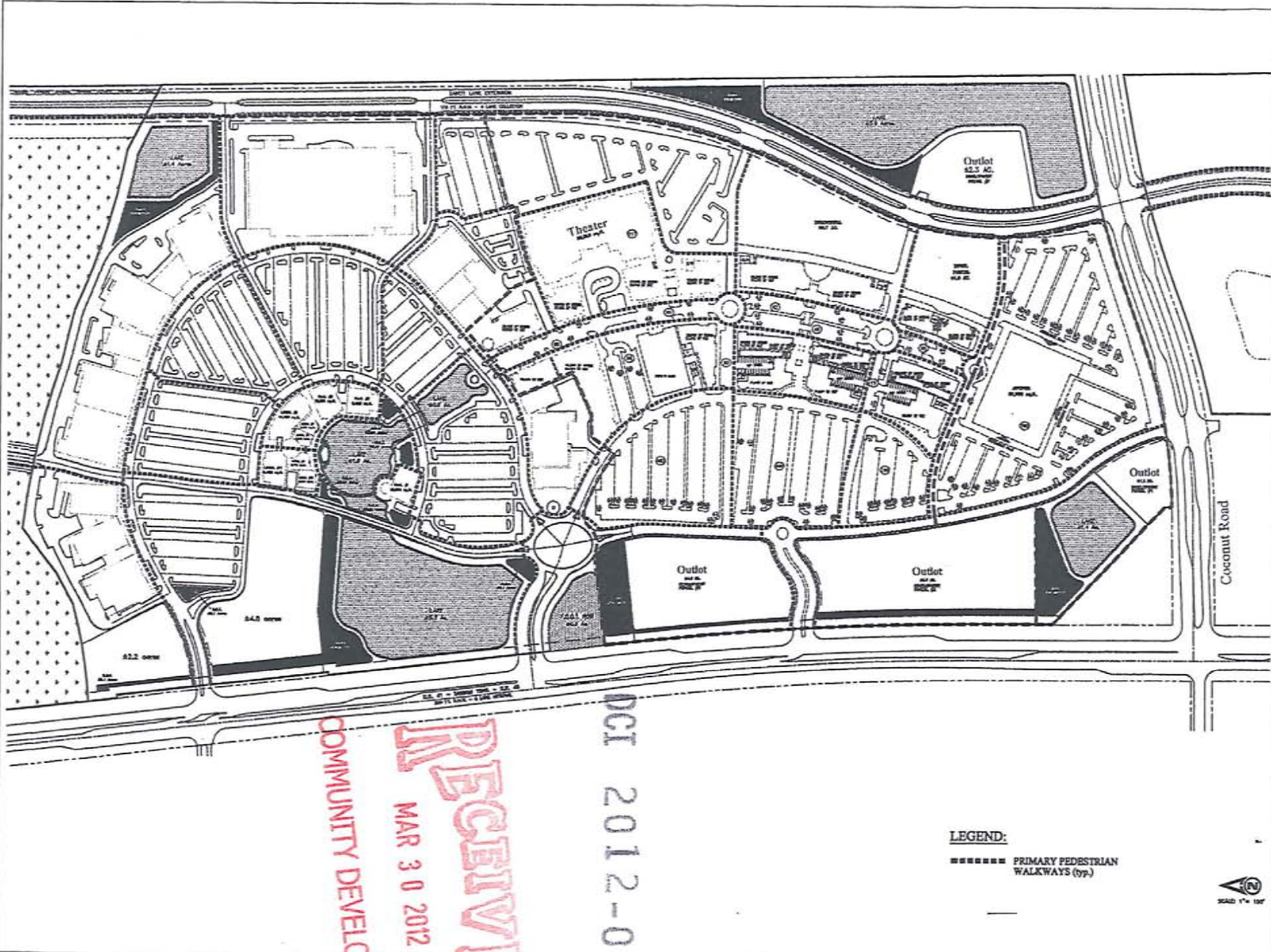
SIMON
 National City Center
 115 W. Washington Street
 Indianapolis, IN 46204
 (317) 636-1620

Project: The Shops at Coconut Point
 Location: BONITA SPRINGS FLORIDA

PROPOSED PEDESTRIAN CIRCULATION PLAN

DATE:	03/16/12
BY:	DCI
SCALE:	AS SHOWN
PROJECT NO.:	2012-00017

031160_PED CIRC PLAN_030904



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COMMUNITY DEVELOPMENT

MAR 30 2012

DCI 2012-00017

LEGEND:
 ■■■■■■ PRIMARY PEDESTRIAN WALKWAYS (typ.)



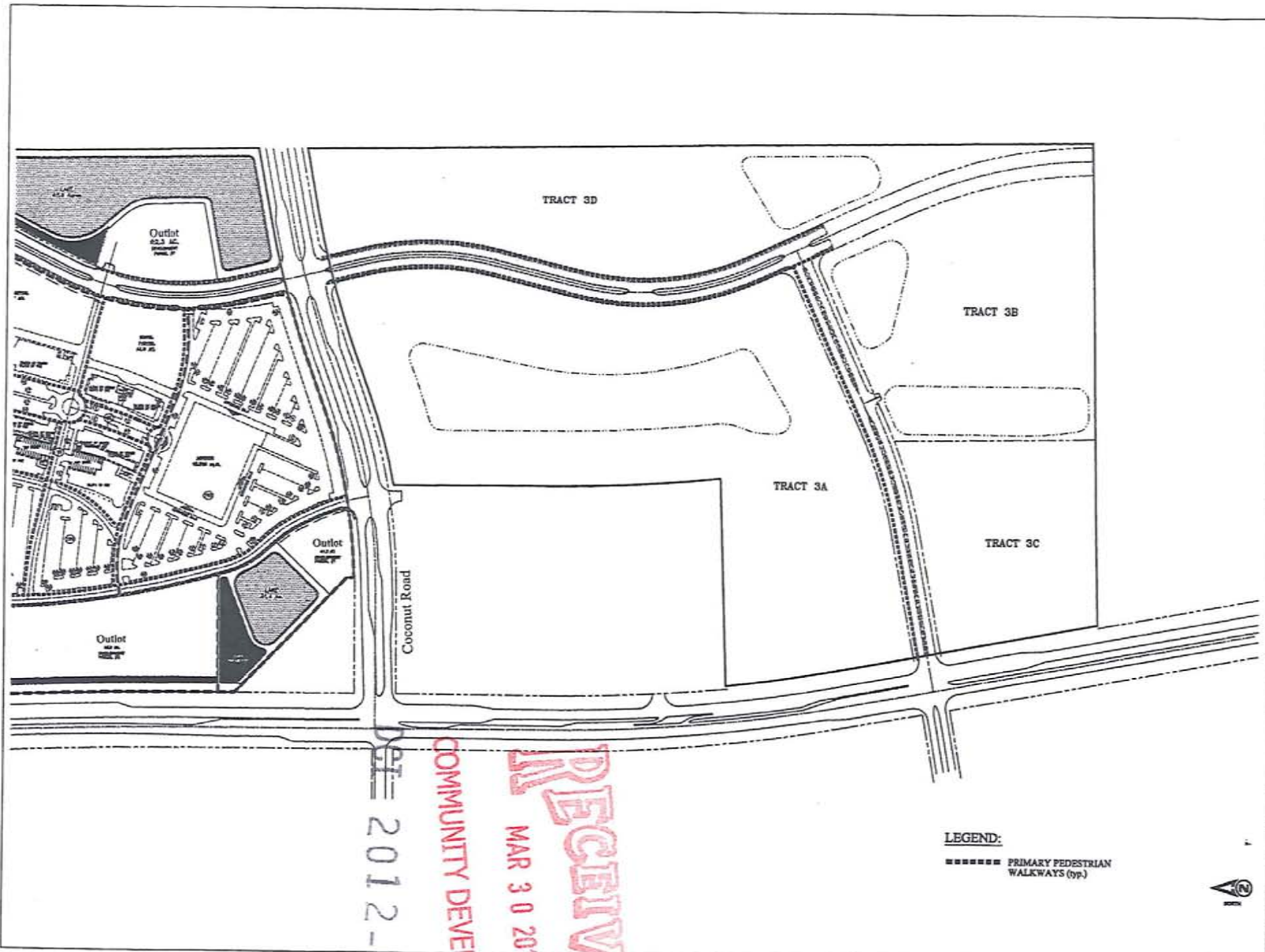
SIMON
 National City Center
 115 W. Washington Street
 Indianapolis, IN 46204
 (317) 436-1800

The Shops at Coconut Point
BONITA SPRINGS FLORIDA

PROPOSED PEDESTRIAN CIRCULATION PLAN

DATE:	C.A.:	REVISED:
DATE:	C.A.:	REVISED:
DATE:	C.A.:	REVISED:

031160_FED CIRC PLAN_030904



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 2012-00017

LEGEND:
 - - - - - PRIMARY PEDESTRIAN WALKWAYS (typ.)



SIMON
 National City Center
 111 W. Washington Street
 Tallahassee, FL 32304
 (917) 636-3628

The Shops at
 Coconut Point

**BONITA SPRINGS
 FLORIDA**

PROPOSED PEDESTRIAN
 CIRCULATION PLAN

DATE:	03.16.12
BY:	CEA
APPROVED BY:	CEA
SCALE:	AS SHOWN
PROJECT:	THE SHOPS AT COCONUT POINT
DATE:	03.16.12

03116D_PED_CIRC_PLAN_030994

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ADMINISTRATIVE AMENDMENT (PD) ADD2011-00008

COMMUNITY DEVELOPMENT

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Coconut Point Developers LLC. filed an application for administrative approval to amend Resolution Z-02-009, as amended to add Temporary Uses to the Schedule of Uses within Tracts SC-1, SC-2, SC-3, OS-1, L-1, L-2, L-3, L-4, L-5 and Lot 7 of Coconut Point, Area 2 as recorded in Instrument #2006000409925 in the Lee County Lee Clerks records, on a project known as Coconut Point, described more particularly as:

LEGAL DESCRIPTION: In Sections 04 & 09, Township 47 South, Range 25 East, Lee County, Florida:

See Exhibit "A"

WHEREAS, the project is a Development of Regional Impact, State DRI #09-2001-153, Coconut Point and is zoned Mixed Planned Development approved Resolution Z-02-009, with subsequent amendments in case numbers DRI2004-00003, DRI2004-00008, DRI2006-00002, DRI2006-00009, DRI2009-00001, ADD2004-00187, ADD2004-00206, ADD2005-00080, ADD2006-00168, ADD2006-00229, Resolution Z-07-040, ADD2007-00087, ADD2007-00182); and

WHEREAS, the subject property is located in the Urban Community Future Land Use Category as designated by the Lee Plan; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the property is zoned Mixed Use Development (MPD); and

WHEREAS, the project was approved for a regional mall by Resolution Z-02-009 and amended by Resolution Z-07-040 for a maximum of 1,528 residential units, 200 Assisted Living Units; retail square footage of 1,638,000; office square footage of 383,333 (of which not more than 68,333 square feet may be medical offices); 440 hotel units; and a 506 seat performing arts theater; and

WHEREAS, the applicant is requesting to add Temporary Uses to the Schedule of Uses in Tracts SC-1, SC-2, SC-3, OS-1, L-1, L-2, L-3, L-4, L-5 and Lot 7 of Coconut Point, Area 2; and

WHEREAS, the temporary uses must be in compliance with Section 34-3041 with regards to location and time limitation; and

WHEREAS, the applicant originally included a request to allow live entertainment in connection with outdoor consumption on premises of alcoholic beverages at restaurants. This request has been withdrawn from this ADD as it must go thru the public hearing process; and

WHEREAS, the applicant presented the request to add temporary uses to the Schedule of Uses in Coconut Point to the Estero Community Planning Panel (ECPP) on January 24, 2011. The ECPP reviewed and discussed the temporary uses and supported the request. Included in the

presentation to the ECPP was the request to allow live entertainment with outdoor consumption on premises of alcoholic beverages at restaurants. The ECPP stated for the record that they did take into consideration neighbor's concerns regarding noise, see Attachment "B"; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Mixed Use Planned Development to amend Resolution Z-02-009, as amended to add Temporary Uses to the Schedule of Uses within Tracts SC-1, SC-2, SC-3, OS-1, L-1, L-2, L-3, L-4, L-5 and Lot 7 of Coconut Point, Area 2 is **APPROVED, as conditioned.**

1. **The Development must be in compliance with the Master Concept Plan as approved by Resolution Z-02-009, as amended by Z-07-040.**
2. **The terms and conditions of the original zoning resolutions remain in full force and effect, except as amended herein.**
3. **All temporary uses must comply with Section 34-3041 of the Lee County Land Development Code.**

DULY SIGNED this 3rd day of October, A.D., 2011.

BY: Pam Houck
Pam Houck, Director
Division of Zoning
Department of Community Development

Exhibits:

- A - Legal Description
- B - Minutes from ECPP meeting



LEGAL DESCRIPTION

Tracts SC-1, SC-2, SC-3, OS-1, L-1, L-2, L-3, L-4, and L-5, and Lot 7, Coconut Point Area 2, according to the plat thereof as recorded in Instrument No. 2006000409925 of the Public Records of Lee County, Florida.

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APPROVED
LEGAL

BA 1/31/11

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EXHIBIT AA-3.C.1

EXHIBIT A

ESTERO COMMUNITY PLANNING PANEL
Minutes of Public Meeting #125– January 24, 2011
Estero Community Park, Estero, Florida

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Panel Members Present: Jack Lienesch, Civic Association, Chairman; Dan DeLisi, Estero development community; Greg Toth, Founding Member; Ned Dewhirst, Estero development community; Erik Dickens, ECCL; Jeff Maas, Estero Chamber of Commerce; Neal Noethlich, Emeritus Chairman; Bev MacNellis, Treasurer, ECCL and Bill Brown, Recording Secretary, ECCL. Absent: John Goodrich.

Public Notice: Brown reported that the meeting notice appeared in a story in the News-Press and the News –Press online calendar, the Century- Link Estero Events Calendar and Esterofl.org websites. The notice was posted at the South County Regional Library, Realty World of Estero, and the BB&T and the Fifth Third Banks.

Approval of Minutes: Brown distributed minutes of the November 22 and December 20 meetings. Dewhirst: Motion to accept November minutes: Dickens Seconded. Accepted unanimously. Dewhirst: Motion to accept December minutes. DeLisi Seconded. Accepted unanimously.

Treasurer's Report: MacNellis reported a balance of \$1,300.72 as of December 3, 2010. Report accepted.

Four Presentations were made to the Panel:


DCI 2012-00017

Commercial lot split for Kite Realty: Jay Westerdorf from Omega Consulting. Kite is proposing to split off and sell a commercial parcel next to Lowes on the corner of Three Oaks and Corkscrew. They are requesting a deviation from the commercial-to-commercial buffer requirement along the proposed lot line, along with allowance for six fewer parking spaces than currently required. Noethlich inquired and was told that the same zoning would still apply. Toth inquired whether the lot buyer would be required to follow the approved master plan and was told that they would. Lienesch said the EDRC should review any new signage that will occur. Lienesch concluded that the Minutes will reflect support for the proposed lot split.

Germain Arena COP amendment request: Craig Brush said they are seeking to amend the Gale Force Sports & Entertainment liquor license at Germaine Arena to allow them to sell alcohol outside the arena in a designated area for home hockey pre-game activities from October 1st until June 30th of each year from 5:00 P.M. until 8:00 P. M. Noethlich asked if food were served and was told that it was. Toth observed that while they didn't have residential neighbors now, mixed use developments are proposed around them. Brush pointed out that the hours were only from 5 to 8 PM. Dickens asked if this set a precedent. Noethlich asked that the minutes specify that no precedent is intended. Dewhirst said it is appropriate for this area and DeLisi said he thinks it is great. Maas pointed that it increased attendance and jobs. The panel supported this amendment request from Germaine.

Proposed amendment to Pelican Landing DRI: Neale Montgomery requested two changes to the DRI: one would extend the build out date to 2020, and the other was relief from certain environmental monitoring. She explained the County had required monitoring of run-off from the Pelican's Nest Gulf Course because of its proximity to the Gulf and some adverse experience years

ago on Florida's East Coast. The monitoring has been done for 15 years with no problems identified, so the Pelican Landing developer would like to be relieved from the required monitoring. Toth suggested they should just cut back rather than eliminate the monitoring completely. DeLisi suggested they do a baseline just before turn-over to the residents. Toth suggested monitoring every 3 years. Lienesch concluded that the Panel had no problem with the build out date extension, but could not agree to complete elimination of the well monitoring because it was not expert in this area. He recommended following the lead of SFWMD, RPC and Lee County DNR on this issue.

 **Administrative amendment permitting temporary uses with Coconut Point:** Matt Uhle, attorney, and Jamie Grofik, mall manager, asked that temporary uses be added to the list of scheduled uses. Uhle explained that this was necessary because the present system of granting temporary permits for outdoor entertainment at mall restaurants did not appear to be legal because no outdoor uses are allowed by the existing the schedule of zoning uses. Uhle said: "There have been some complaints expressed by some people in The Brooks." Pagelli's has been cited by Lee County for noise violations. "We're willing to do whatever we need to do," said Pagelli's partner, Richard Osborne. Greg Toth said if the county grants a permit for live entertainment and gets a lot of noise complaints, it likely would not grant another. "This is something that so many residents look so forward to," said Estero resident Richard Sands, who frequently goes to Pagelli's, Hemingway's and The Grape at Coconut Point for the live entertainment. "I'm so in favor of having music out there. It's just a wonderful addition to a great community and a great place to live." Restaurants claimed to have collected thousands of signatures from their patrons in support of live music. Dewhirst pointed out that the County can impose noise limitations when the permit is issued. MacNellis said noise from outdoor entertainment at the Grape is bothering her neighborhood at Marsh Landing. DeLisi said he hasn't seen any problem. Lienesch said he has received emails and complaints from the Brooks and Fountain Lakes and, depending on the direction of the wind, noise can sometimes be heard in Pelican Landing. Dickens said the minutes should make it clear that we are addressing the neighbor's concerns. Lienesch concluded that while the panel did not have a problem with the mall's request, the noise management issue will not go away and needs to be addressed by the county.

ECPP

Development of Work Plan – Lienesch asked Panel to accept assignments for various areas. DeLisi agreed to work on signage and Noethlich on style such as Mediterranean vs. Old Florida. Kathie Ebaugh suggested that they meet with the County Planning Director, Paul O'Connor, on development of the Work Plan. It was agreed that Lienesch, Noethlich, and DeLisi will meet with O'Connor and Ebaugh in the near future.

Kathie Ebaugh told the Panel that a contingent of planning folks from Hillsboro County is visiting Lee County next Monday and Tuesday to compare notes. Among other things, they expressed interest in seeing how Estero does business as an unincorporated area with respect to our planning panel and design review committee activities. Lee County also wants them to go on a short tour of our Estero community. The Panel will meet with them next Tuesday morning.

Gerard Ripo of The Southlandgroup, developers of Downtown Estero, north of Broadway on US41 gave the Panel a chronology of their efforts to work out driveway connections with FDOT. They are having difficulty because they do not yet have zoning which the FDOT wants. The lack of connections to the future WalMart property was also discussed briefly.

Panel was adjourned at 8:00 PM

NEXT REGULAR MEETING: February 21, 6:00 PM, Estero Community Park

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

WHEREAS, Oakbrook Properties, Inc., filed an application on behalf of the property owner, Edward J. McArdle Declaration of Trust and Edward J. McArdle Tr., to amend the Coconut Point Development of Regional Impact (DRI) Development Order and amend the existing Mixed Use Planned Development (MPD) in reference to Coconut Point DRI/MPD; and

WHEREAS, a public hearing was advertised and held on July 26, 2007 and August 2, 2007, before the Lee County Zoning Hearing Examiner, Diana M. Parker, who gave full consideration to the evidence in the record for Case #DRI2006-00009 and DCI2006-00080; and

WHEREAS, a second public hearing was advertised and held on October 29, 2007, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to:

- A. Amend the Coconut Point Development of Regional Impact (DRI) Development Order to:
- (1) increase multi-family units from 1250 to 1528;
 - (2) decrease community retail square footage from 350,000 to 188,900;
 - (3) increase office square footage from 300,000 to 383,333 (of which not more than 68,333 square feet may be medical offices);
 - (4) increase hotel units from 350 to 440;
 - (5) add a 506 seat performing arts theater;
 - (6) add a land use conversion table; and,
 - (7) amend Map H.
- B. Determine whether the requested DRI amendment constitutes a substantial deviation from the original development approvals requiring further Development of Regional Impact (DRI) review; and,

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- C. Amend the existing Mixed Use Planned Development (MPD) to:
- (1) reduce commercial use and intensity and increase residential intensity within Area #1 (North Village);
 - (2) revise approved Schedule of Uses to add Hotel/Motel (Tract 1C), Dwelling Units, Multiple-family buildings (Tract 1B) and Theater, indoor (Tract 1B);
 - (3) relocate and increase the lakes within Tract 1F;
 - (4) redistribute land uses within Area #3;
 - (5) reduce the buffer along the southern property line of Tract 3C, including the removal of a wall;
 - (6) revise the approved Schedule of Uses to add Warehouse, mini-warehouse and public (Tract 3C);
 - (7) adopt a new Master Concept Plan; and,
 - (8) add a land use conversion table.

The property is located in the Urban Community Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. *MASTER CONCEPT PLAN*

The development of this project must be consistent with the 4-page Master Concept Plan for Coconut Point MPD, prepared by Hole Montes, stamped Received Nov 06 2007 (Exhibit C). The development must also be consistent with the approved amended DRI Development Order for Coconut Point DRI (DRI#09-2001-153). This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

The intensity of the approved planned development is amended to allow a maximum of 1,528 residential units; 200 Assisted Living Units; retail square footage of 1,638,000; office square footage of 383,333 (of which not more than 68,333 square feet may be medical offices); 440 hotel units; and a 506 seat performing arts theater. Approval is also subject to the Land Conversion Table (Exhibit D).

The developer must provide a cumulative land development summary table as part of any local development order application demonstrating compliance with the intensity of the development as conditioned above.

2. *SCHEDULE OF USES*

The approved Schedule of Uses is amended as follows:

Schedule of Uses

Permitted uses within Tracts 1A, 1B and 1C:

Accessory Uses and Structures allowed ancillary to a permitted principal use

Administrative Offices

Animal Clinic

ATM (Automatic Teller Machine)

Auto Parts Store

Auto Repair and Service, Group I, limited to one

Banks and Financial Establishments, Group I

Banks and Financial Establishments, Group II, Limited to SIC Codes 604, 621, 672, 673 and 674

Business services, Groups I and II

Car wash (limited to one)

Cleaning and maintenance services

Clothing stores, general

Contractors and Builders, Groups I and II

Convenience Food and Beverage Store (limited to one with attendant service station: however, the entire site is limited to a maximum of two)

Consumption on premises in compliance with LDC §34-1264 (limited to and in conjunction with a standard restaurant)

Cultural facilities, excluding zoos

Day care center, adult, child

Department Store

Drive thru facility for any permitted use

Drugstore (limited to one total, however, the entire site is limited to two)

Dwelling Units: multiple family building (Tract 1B only)

Entrance gates and gatehouse, in compliance with LDC §34-1748

Essential services

Essential service facilities, Group I

Excavation, water retention (as shown on the Master Concept Plan)

Fences, walls

Food Stores, Groups I and II

Gift and souvenir shop

Hardware store

Health care facility, Group III

Hobby, toy, and game shops

Hotel/motel (Parcel 1C only)

Household and office furnishings, Groups I, II, III (no outdoor display)

Insurance companies
Laundromat
Laundry or dry cleaning Group I
Lawn and garden supply store
Medical office
Nonstore retailers, all groups
Paint glass and wallpaper store
Parking lot: Accessory
Personal services, Groups I, II, and III (excluding escort services, palm readers, fortunetellers, card readers, and tattoo parlors)
Pet services
Pet shop
Pharmacy
Printing and publishing
Real estate sales office
Recreation facilities, commercial, Groups I and IV
Recreational facilities, private (Tract 1B)
Rental or leasing establishments Groups I & II (excluding passenger car pick up and drop off)
Repair shops, Groups I, II and III
Research and development laboratories Groups II and IV
Restaurant, fast food (limited to two, however, the entire site is limited to a maximum of four outside of the Regional food court/service area)
Restaurants, Groups I, II, III, and IV
Self service fuel pumps (limited to one in conjunction with a Convenience Food and Beverage Store, however entire site is limited to a maximum of two)
Signs, in accordance with Chapter 30
Social Services, Groups I and II
Specialty retail shops, Groups I, II, III and IV
Storage: Indoor only §34-3001 *et seq.*
Used merchandise stores, Group I
Variety store

Permitted uses within Tract 1D:

Accessory Uses and Structures permitted ancillary to a permitted principal use
Administrative offices
Banks and financial establishments, Group I (limited to three drive-thru teller lanes)
Banks and financial establishments, Group II, limited to SIC Codes 604, 621, 672, 673 and 674
Business services, Groups I and II
Cultural facilities, excluding zoos
Day care center, adult, child
Emergency medical services station
Entrance gates and gatehouse, in compliance with LDC §34-1748
Essential services
Essential service facilities, Group I
Fences, walls

Fire station
Health care facility, Group III
Hobby, toy, and game shops
Household and office furnishings, Groups I, II, III (no outdoor display)
Insurance companies
Library
Medical office
Parks, Group II, limited to community park
Parking lot: Accessory
Personal services, Groups I, II, and III (excluding escort services, palm readers, fortunetellers, card readers, and tattoo parlors)
Place of worship
Police or sheriffs station
Post office
Real estate sales office
Religious facilities
Restaurants, Groups I, II, and III
Signs, in accordance with Chapter 30
Social Services, Groups I and II
Specialty retail shops, Groups I and II
Storage: Indoor only §34-3001 *et seq.*

Permitted uses within Tracts 2A and Tract 2B:
(Regional Mall Parcel)

Accessory Uses and Structures permitted ancillary to a permitted principal use
Administrative offices
Animal clinic
ATM (automatic teller machine)
Auto parts store
Auto repair and service, Group I, if accessory to a department store
Banks and financial establishments, Group I
Banks and financial establishments, Group II, limited to SIC Codes 604, 621, 672, 673 and 674
Business services, Groups I and II
Cleaning and maintenance services
Clothing stores, general
Convenience Food and Beverage Store (limited to one, however, the entire site is limited to a maximum of two)
Consumption on premises in compliance with LDC §34-1264 (limited to and in conjunction with a standard restaurant)
Cultural facilities, excluding zoos
Day care center, adult, child
Department Store
Drive thru facility for any permitted use
Dwelling Units: (Tract 2A only)
*Single-family
*Duplex

Multiple-Family Building
 Townhouse
 *Two-family attached
 *Zero lot line
 *(may be approved administratively upon findings that the use is compatible with other uses in the tract and consistent with the Traffic Conversion Table)
 Entrance gates and gatehouse, in compliance with LDC §34-1748
 Essential services
 Essential service facilities, Group I
 Excavation, water retention (as shown on the Master Concept Plan)
 Fences, walls
 Food Store, Group I
 Gift and souvenir shop
 Hardware store
 Hobby, toy, and game shops
 Hotel/motel (amended by ADD2006-00024)
 Household and office furnishings, Groups I, II, III (no outdoor display)
 Insurance companies
 Laundry or dry cleaning Group I
 Lawn and garden stores
 Nonstore retailers, all groups
 Paint glass and wallpaper store
 Parking garage
 Parking lot: Accessory
 Personal services, Groups I, II, and III (excluding escort services, palm readers, fortunetellers, card readers, and tattoo parlors)
 Pet services
 Pet shop
 Pharmacy
 Police or sheriffs station
 Real estate sales office
 Recreation facilities, commercial, Groups I and IV (limited to indoor theater)
 Rental or leasing establishments Groups I & II (excluding passenger car pick up and drop off)
 Repair shops, Groups I and II, limited to clocks, jewelry, music, cameras, calculators, computers and optical devices
 Restaurant, fast food (limited to one outside of food court/service area and the entire site is limited to a maximum of four outside of Regional Center food court/service area)
 Restaurants, Groups I, II, III, and IV
 Self service fuel pumps (limited to one in conjunction with a Convenience Food and Beverage Store, however entire site is limited to a maximum of two)
 Signs, in accordance with Chapter 30
 Specialty retail shops, Groups I, II, III and IV
 Storage: Indoor only §34-3001 *et seq.*
 Used merchandise stores, Group I
 Variety store

Permitted uses within Tracts 2C, 2D, 2E and 2F:

(Uses on Tract 2F are subject to Condition #20 of original zoning approval)

Accessory Uses and Structures permitted ancillary to a permitted principal use

Administrative offices

Animal clinic

ATM (automatic teller machine)

Auto parts store (Tracts 2C, 2D and 2E only)

Auto repair and service, Group I (Tracts 2C, 2D and 2E only)

Banks and financial establishments, Group I

Banks and financial establishments, Group II, limited to SIC Codes 604, 621, 672, 673 and 674

Business services, Group I and II

Cleaning and maintenance services

Clothing stores, general

Consumption on Premises, in compliance with LDC §34-1264 (limited to and in conjunction with a standard restaurant)

Convenience Food and Beverage Stores, limited to one (on either Tract 2C, 2D or 2E only) however, the entire site is limited to a maximum of two)

Cultural facilities (excluding zoos)

Day Care Center, adult or child

Department Store

Drive thru facility for any permitted use (subject to Condition 19)

Drugstores, limited to one and the entire site is limited to a maximum of two

Dwelling Units: (Tract 2F only)

Multiple-Family Building

Entrance gates and gatehouse, in compliance with LDC §34-1748

Essential services

Essential service facilities, Group I

Excavation, water retention (as shown on the Master Concept Plan)

Fences, walls

Fire Station (limited to Tract 2C only)

Food Stores, Groups I and II (prohibited on Tract 2F except for specialty stores such as health food store, vitamin store or similar type stores)

Gift and souvenir shop

Hardware store

Health care facility, Group III

Hobby, toy, and game shops

Hotel/motel (except Tract 2F) (amended by ADD2006-00024)

Household and office furnishings, Groups I, II, III (no outdoor display)

Insurance companies

Laundromat (Tract 2C only)

Laundry or dry cleaning Group I

Lawn and garden store

Medical office

Non-store retailers, all groups

Paint glass and wallpaper store

Parking lot: Accessory only
Personal services, Groups I, II, and III (Tract 2C only, excluding escort services, palm readers, fortunetellers, card readers, and tattoo parlors)
Pet services
Pet shop
Pharmacy
Printing and publishing (Tract 2C only)
Real estate sales office
Recreational facilities, commercial, Groups I and IV (limited to indoor theater)
Rental and leasing establishments, Groups I and II (excluding passenger car pickup and drop off)
Repair shops, Groups I, II and III
Research and development laboratories, Groups II and IV
Restaurants, Fast-food, limited to one (total), however, the entire site is limited to a maximum of four outside of the Regional Center food court/service area
Restaurants, Groups I, II, III and IV
Signs, in accordance with Chapter 30
Social Services, Groups I and II (Tract 2C only)
Specialty retail shops, Groups I, II, III and IV
Storage: Indoor only §34-3001 *et seq.*
Used merchandise stores, Group I
Variety store

Permitted uses within Tracts 3A and 3C:

Accessory Uses and Structures permitted ancillary to a permitted principal use
Administrative offices
Animal clinic
ATM (automatic teller machine)
Auto parts store
Banks and financial establishments, Group I
Banks and financial establishments, Group II, limited to SIC Codes 604, 621, 672, 673 and 674
Business services, Groups I and II
Caretaker's Residence (only in conjunction with a mini-warehouse)
Cleaning and maintenance services
Clothing stores, general
Contractors and Builders, Group I
Consumption on premises in compliance with LDC §34-1264 (limited to and in conjunction with a standard restaurant)
Convenience Food and Beverage Store, limited to one (total), however, the entire site is limited to a maximum of two
Cultural facilities, excluding zoos
Day care center, adult, child
Department Store
Drive thru facility for any permitted use
Drugstores, limited to one (total), however, the entire site is limited to a maximum of two

Entrance gates and gatehouse, in compliance with LDC §34-1748
Essential services
Essential service facilities, Group I
Excavation, water retention (as shown on the Master Concept Plan)
Fences, walls
Food Stores, Groups I and II
Gift and souvenir shop
Hardware store
Health care facility, Group III
Hobby, toy, and game shops
Hotel/motel
Household and office furnishings, Groups I, II, III (no outdoor display)
Insurance companies
Laundromat
Laundry or dry cleaning Group I
Lawn and garden supply store
Medical office
Nonstore retailers, all groups
Paint glass and wallpaper store
Parking lot: Accessory only
Personal services, Groups I, II, and III (excluding escort services, palm readers, fortunetellers, card readers, and tattoo parlors)
Pet services
Pet shop
Pharmacy
Printing and publishing
Real estate sales office
Recreation facilities, commercial, Groups I and IV (limited to indoor theater)
Rental or leasing establishments Groups I & II (excluding passenger car pick up and drop off)
Repair shops, Groups I, II and III
Research and development laboratories Groups II and IV
Restaurants, Fast-food, limited to one (total), however, the entire site is limited to a maximum of four outside the Regional Center food court/service area
Restaurants, Groups I, II, III, and IV
Signs, in accordance with Chapter 30
Social Services, Groups I and II
Specialty retail shops, Groups I, II, III and IV
Storage: Indoor only §34-3001 *et seq.*
Used merchandise stores, Group I
Warehouse: mini-warehouse and public (Tract 3C only)

Permitted uses within Tracts 3B and 3D:

Accessory Uses and Structures permitted ancillary to a permitted principal use
Administrative offices
Adult Living Facilities (ALF) (Tract 3B only)

Club, private
 Dwelling Unit:
 *Single-Family
 *Duplex
 Multiple-Family Building
 Townhouse
 *Two-family attached
 *Zero lot line
 *(may be approved administratively upon findings that the use is compatible with other uses in the tract and consistent with the Traffic Conversion Table)
 Entrance Gate and Gatehouse, in compliance with LDC §34-1748
 Essential Services
 Essential Service Facilities, Group I
 Excavation, water retention
 Fences, walls
 Home occupation, with no outside help
 Model display center
 Model home
 Model unit
 Parking lot, accessory only
 Parks, Group I, limited to neighborhood park
 Recreation Facilities, Private on-site, Personal
 Residential Accessory Uses
 Signs, in compliance with LDC Chapter 30

3. *TRACTS 1A, 1B, 1C, and 1D PROPERTY DEVELOPMENT REGULATIONS*

Tract 1A, 1C and 1D

Lot Width	100 feet
Lot Depth	100 feet
Lot Area	20,000 square feet
Maximum Lot Coverage	40 percent

NOTE: Tract 1 A will not be subdivided

Minimum Setbacks

Front (street)	25 feet
Side	10 feet
Rear	25 feet (5 feet for an accessory structure)
Water body	25 feet (20 feet for accessory structure)

Minimum Building Separation: one-half the sum of the building heights but not less than 20 feet

Maximum Building Height: 45 feet / 3 stories
55 feet / 4 stories (Tract 1 C only)

Tract 1B

Min Lot Width (north/south) 600 feet
Min Lot Depth (east/west) 280 feet
Min Lot Area 34.0 acres
Maximum Lot Coverage (Building) 40 percent

NOTE: Tract 1B will not be subdivided

Multiple Family (Alternative #2)

Minimum Setbacks

Front (street) 15 feet
Side 10 feet / 0 feet (interior) for villa unit
8 feet / 0 feet (interior) for detached garages
Rear 15 feet between villa unit and detached garage
8 feet (street/lane)
Water body 20 feet

Maximum Building Height: 45 feet / 3 stories

Multiple Family (Alternative #1)

Minimum Setbacks

Front (street) 20 feet
Side (street) 20 feet
Rear 25 feet between buildings
Water body 20 feet

Minimum Building Separation: 20 feet

Maximum Building Height: 45 feet / 3 stories

Multiple Family (Alternative #3)

Minimum Setbacks

Front (street/parking) 10 feet
Side (street/lane) 10 feet
Rear (street/lane) 8 feet
Water body 20 feet

Minimum Building Separation: 20 feet

Maximum Building Height: 45 feet / 3 stories

Multiple Family (Alternative #4)

Minimum Setbacks

Front (parking)	10 feet
Side (street/accessway)	10 feet
Rear (US 41)	30 feet
Water body	20 feet

Minimum Building Separation: 30 feet

Maximum Building Height: 55 feet / 4 stories

Performing Arts Center

Minimum Setbacks

Rear (US 41 / Williams Road)	30 feet
Rear (parking)	10 feet
Side (parking)	10 feet
Front (street/accessway)	10 feet
Water body	20 feet

Minimum Building Separation: 30 feet

Maximum Building Height: 45 feet / 3 stories

Tract Buffering:

No required internal landscape buffers (excluding perimeter) between parcels of different uses in order to create an integrated, pedestrian-friendly community without separation or barriers.

Street Design:

Width	20 feet plus 2-foot valley gutter
Radius	15 feet min (EOP) for internal roads / accessways / alleys only
Horizontal Curve Radius	25 feet min for one-way alleys and lanes with design speed of 10 mph or less

4. *TRACT 3C BUFFER (specifically 3C-2 and 3C-3)*

The buffer along the southern perimeter property line of Tract 3C must be a Type C buffer (15 feet wide with five trees and 18 shrubs per 100 linear feet and an 8-foot-high wall or berm and wall combination), except where Tract 3C abuts adjoining commercial development where a Type A buffer (5 feet in width with 4 trees per 100 linear feet) is required.

5. *TRACT 1F LAKE AREA*

Within Tract 1F, the lake area has been increased from approximately 2 acres to 3.7 acres.

6. *Concurrency*

Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).

7. *Subdivision / Platting*

The owner/developer of Tract 1B cannot utilize the provisions of Section 10-174(5), Lee County LDC, to undertake a commercial lot split because the parent parcel has already utilized the allotted number of four commercial lot splits.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §34-2020 requirement to provide one parking space per 25 storage units with a minimum of five spaces, to allow one parking space per 100 storage units for the mini-warehouse/storage facility on Tract 3C. This deviation is APPROVED, SUBJECT TO the following conditions:

- a. The Deviation is restricted to the uses of "Warehouse, mini-warehouse and public" located on Tract 3C only; and
- b. A minimum of eight off-street parking spaces must be provided outside the security gate to support the administrative office and caretaker's residence; and eight off-street loading spaces must be provided inside the security gate, as depicted on Exhibit E.

2. Deviation (2) seeks relief from the LDC §2020 provision regarding minimum off-street parking requirements for the mixed residential and commercial uses as follows:

- a. To allow the Tract 1B mixed use development to reduce the required commercial spaces from 342 to 326 spaces; and

- b. To allow the Performing Arts Center (Recreational Facilities, commercial, Group IV, indoor theater) to reduce the required parking from 179 to 155 spaces.

This deviation is APPROVED, SUBJECT TO the following conditions:

- a. All residential uses in Tract 1B, including the mixed use buildings, must provide the required number of off-street parking spaces consistent with the LDC; and
- b. *Alternative Parking Plan*
 - (1) Prior to development order approval allowing vertical construction of the theater, the developer must submit a generic plan describing available, alternative, potential means or actions for addressing any additional future parking deficiency for Tract 1B. (i.e., valet parking, shuttle service from off-site parking areas or communities, etc.) Said list of actions or means is intended only to be a representation of possible solutions to the parking deficiency, but does not commit the developer to utilizing any of these actions.
 - (2) The developer must advise Lee County Development Review Staff - at the time the deficiency is found to exist - of the means or actions selected to alleviate the situation, and provide documentation of its implementation. For the purposes of this condition, a parking deficiency exists when the surrounding parking lots are full, and there is consistent or continuous use of non-parking areas, i.e., grassy areas; driveways; roadsides, etc. for events at the performing arts center.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan
- Exhibit D: Land Conversion Table
- Exhibit E: Parking Deviation
- Exhibit F: Third Development Order Amendment

The applicant has indicated that the STRAP numbers for the subject property are: 04-47-25-00-00001.0000, 04-47-25-30-0001A.0000, 04-47-25-30-0001B.0000, 04-47-25-30-0001C.0000, 04-47-25-30-000R1.0000, 04-47-25-30-000R2.0000, 04-47-25-30-000R3.0000, 04-47-25-30-001D3.0000, and 09-47-25-00-00001.0010

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.
6. The requests, as conditioned, do not create new or additional unreviewed regional impacts and do not constitute a Substantial Deviation under Section 380.06(19), Fla. Stat.

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

Robert P. Janes	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 29th day of October 2007.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Marcia Wilson
Deputy Clerk

BY: Robert P. Janes
Robert P. Janes
Chair



Approved as to form by:

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

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COMMUNITY DEVELOPMENT

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

LEGAL DESCRIPTION

COMMUNITY DEVELOPMENT

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

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

AND

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

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE

WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 3,021.15 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,320.56 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,692.32 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°56'59"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,590.78 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 5,641.38 FEET, THROUGH A CENTRAL ANGLE OF 09°31'27", SUBTENDED BY A CHORD OF 936.68 FEET AT A BEARING OF N.05°42'42"W., FOR A DISTANCE OF 937.76 FEET TO THE END OF SAID CURVE; THENCE RUN N.10°28'26"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 98.54 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, A 100.00 FOOT RIGHT-OF-WAY; THENCE RUN S.88°20'53"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,029.70 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN WESTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 7,050.00 FEET, THROUGH A CENTRAL ANGLE OF 03°00'00", SUBTENDED BY A CHORD OF 369.09 FEET AT A BEARING OF S.89°50'53"W., FOR A DISTANCE OF 369.14 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°39'07"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 674.92 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN S.04°52'41"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,901.57 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,725.19 FEET, THROUGH A CENTRAL ANGLE OF 11°32'50", SUBTENDED BY A CHORD OF 548.30 FEET AT A BEARING OF S.00°53'44"E., FOR A DISTANCE OF 549.23 FEET TO THE END OF SAID CURVE; THENCE RUN S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 225.81 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,710.61 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 626.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 11,584.73 FEET, THROUGH A CENTRAL ANGLE OF 06°24'13", SUBTENDED BY A CHORD OF 1,294.08 FEET AT A BEARING OF S.03°28'03"E., FOR A DISTANCE OF 1,294.76 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°15'56"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 274.74 FEET; THENCE RUN S.46°02'16"E., FOR A DISTANCE OF 577.44 FEET; THENCE RUN S.01°57'26"E. FOR A DISTANCE OF 25.19 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY; THENCE RUN N.88°02'34"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 32.80 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,875.00 FEET, THROUGH A CENTRAL ANGLE OF 17°41'59", SUBTENDED BY A CHORD OF 576.92 FEET AT A BEARING OF N.79°11'34"E., FOR A DISTANCE OF 579.22 FEET TO THE END OF SAID CURVE; THENCE RUN N.70°20'35"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE

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

NOTES:

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

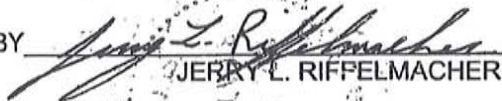
TOTAL PROPERTY AREA: 482.421 ACRES, MORE OR LESS.

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

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

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION LB #1772

BY


JERRY L. RIFFELMACHER

P.S.M. #6130
STATE OF FLORIDA

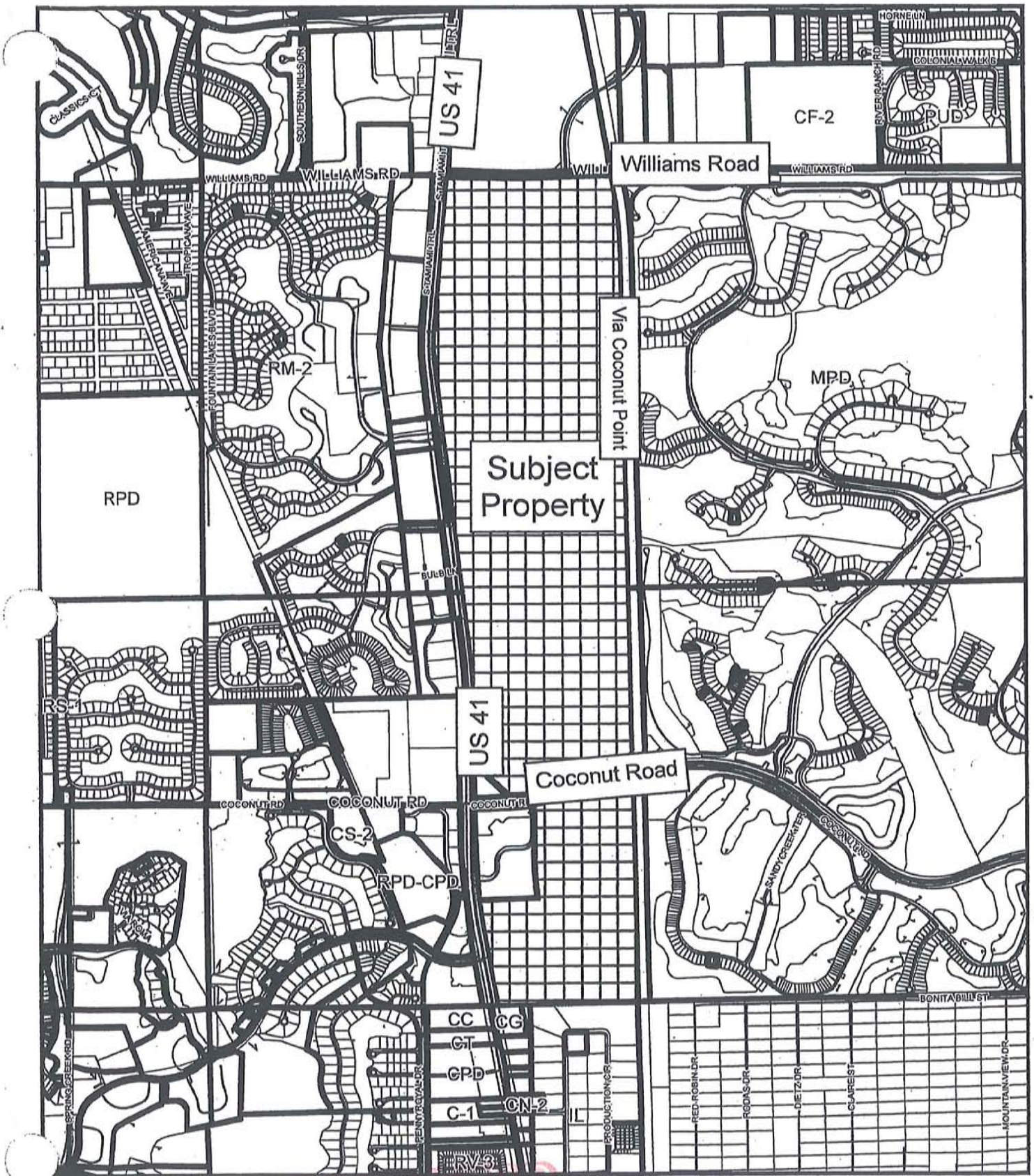
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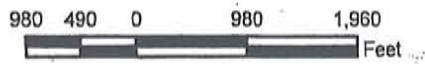
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Exhibit B



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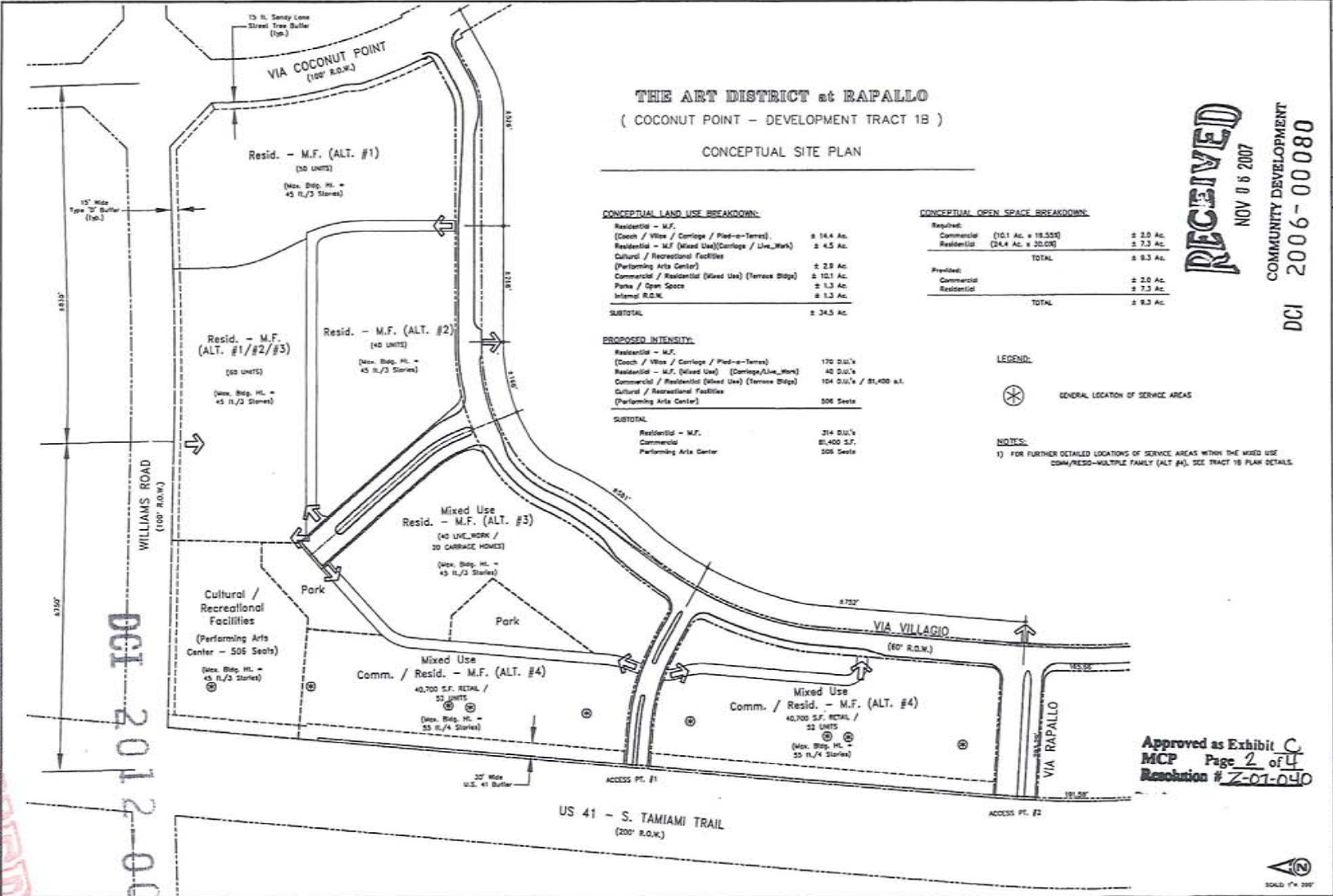
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THE ART DISTRICT at RAPALLO
(COCONUT POINT - DEVELOPMENT TRACT 1B)
CONCEPTUAL SITE PLAN

CONCEPTUAL LAND USE BREAKDOWN:

Residential - M.F. (Couch / Villa / Cottage / Pied-a-Terres)	± 14.4 Ac.
Residential - M.F. (Mixed Use)(Cottage / Live/Work)	± 4.5 Ac.
Cultural / Recreational Facilities (Performing Arts Center)	± 2.9 Ac.
Commercial / Residential (Mixed Use) (Terrace Shops)	± 12.1 Ac.
Parks / Open Space	± 1.3 Ac.
Internal R.O.W.	± 1.3 Ac.
SUBTOTAL	± 34.5 Ac.

PROPOSED INTENSITY:

Residential - M.F. (Couch / Villa / Cottage / Pied-a-Terres)	170 DU's
Residential - M.F. (Mixed Use) (Cottage/Live/Work)	40 DU's
Commercial / Residential (Mixed Use) (Terrace Shops)	104 DU's / \$1,400 a.t.
Cultural / Recreational Facilities (Performing Arts Center)	506 Seats
SUBTOTAL	314 DU's / \$1,400 S.F. / 506 Seats

CONCEPTUAL OPEN SPACE BREAKDOWN:

Required:	
Commercial (101 Ac. ± 18,000')	± 2.0 Ac.
Residential (24.4 Ac. ± 32,000')	± 7.2 Ac.
TOTAL	± 9.2 Ac.
Provided:	
Commercial	± 2.0 Ac.
Residential	± 7.2 Ac.
TOTAL	± 9.2 Ac.

LEGEND:

⊗ GENERAL LOCATION OF SERVICE AREAS

NOTES:

1) FOR FURTHER DETAILED LOCATIONS OF SERVICE AREAS WITHIN THE MIXED USE COMM/RESID-MULTIPLE FAMILY (ALT #4), SEE TRACT 1B PLAN DETAILS.

Approved as Exhibit C
MCP Page 2 of 4
Resolution # Z-01-040

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Coconut Point DRI

Land Use Conversion Chart

Land Use	Max Increase*
Retail	54,999 sf
Office (Gen / Med)	65,999 sf
Residential	54 MF
Hotel	82 rms

* Conversion increase may occur provided no increase in the original DRI's trip generation

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PERMIT COUNTER

DRI 2006-00009

Parking Summary:

Land Use	Total Parking Required (spaces)	Total Parking Provided (spaces)	Surplus/(Deficit) (spaces)	Reason for Reduction Request	Location of Compensating Spaces
Residential (M.F. Alt. # 1, 2, & 3)	Per LDC	Per LDC	n/a	n/a	n/a
Residential (M.F. Alt. # 3)	Per LDC	Per LDC	n/a	n/a	n/a
Mixed Use - Residential	Per LDC	Per LDC	n/a	n/a	n/a
Mixed Use - Commercial	342	326	-16	Internal Capture	n/a
Arts Center	179	155	-24	Shared Use/Differing Peak Hours	Mixed Use/Commercial

LEGEND

- ▬ LAND USE BOUNDARY
- ▬ PARK BOUNDARY
- ➔ ENTRANCES

NOTE:
ALL BOUNDARIES ARE CONCEPTUAL
AND APPROXIMATE FOR ILLUSTRATIVE
PURPOSES ONLY.

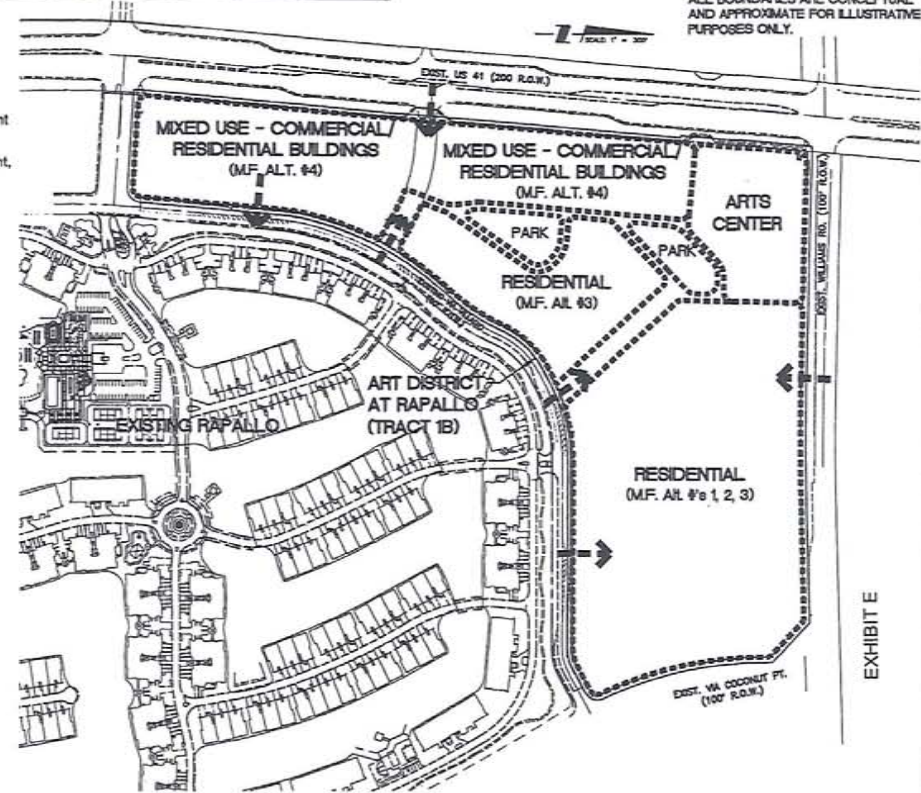
Notes:

1) The reduction requested for the Mixed Use/Commercial use is based on the following:

- *Parking required = # of trips in the peak hour x duration of parking event
- *Utilizing Lee County's required parking intensity for the individual uses, solve for assumed duration of parking event
- *ITE trip capture allotment for Mixed Use/Commercial use is 6 captured trips
- *Utilizing Lee County's assumed duration of parking event and ITE trip capture allotment for mixed use development, solve for number of captured parking events
- *#of captured parking events is 7 per pair of Mixed Use/Commercial use
- *Calculated reduction in parking spaces required = 7 spaces per Mixed Use/Commercial use = 14 spaces
- *Requested reduction in parking spaces required = 16, to allow some flexibility for site plan layout at the time of local Development Order

2) The reduction requested for the Arts Center is based on the following:

- *The Arts Center will experience a peak hour of operation at a different hour than the peak hours of operation for the Mixed Use - Commercial use.
- *As such, the Arts Center will be able to utilize available spaces in the Mixed Use - Commercial area during the Arts Center peak hour.
- *Group tickets and group travel will be encouraged
- *The theater is a community theater in the midst of 832 homes at Rapallo
- *Although the anticipated deficit of dedicated spaces at the Arts Center is 20 spaces, the reduction of request is for 24 spaces at time of zoning, to allow some flexibility for site plan layout at the time of local Development Order.



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CLIENT: TOUCHSTONE AT RAPALLO, INC.
 PROJECT: THE ART DISTRICT AT RAPALLO
 TITLE: PARKING DEVIATION EXHIBIT (TRACT 1B)
 SHEET NUMBER: 1 of 1

THIRD DEVELOPMENT ORDER AMENDMENT ¹
FOR
COCONUT POINT DRI
STATE DRI # 09-2001-153
CASE #DRI2006-00009

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

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

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

WHEREAS, the DRI Development Order was subsequently amended on February 7, 2005 to reduce the number of hotel rooms from 600 to 350, decrease the number of apartments from 450 to 250, and increase the number of residential condominiums from 550 to 1,000; and

WHEREAS, on August 1, 2006 the DRI Development Order was amended a second time to extend the buildout date one year to December 31, 2007; and

WHEREAS, on August 30, 2006, Oakbrook Properties, Inc. filed a Notice of Proposed Change to amend the DRI Development Order a third time to: (1) increase condominium units from 1,000 to 1,528; (2) decrease apartment units from 250 to 0; (3) increase hotel units from 350 to 440; (4) decrease retail commercial square footage from 1,800,000 to 1,638,900; (5) increase commercial square footage for banks by 8,000 square feet; (6) increase general office square footage from 200,000 to 315,000; (7) decrease medical office square footage from 100,000 to 68,333; (8) add a 506 seat performing arts center; and (9) add a land use conversion chart; and

¹ This is a codification and restatement of the DRI Development Orders rendered with respect to the Coconut Point DRI, including actions taken on October 21, 2002, February 7, 2005, and August 1, 2006, and October 29, 2007.



WHEREAS, under F.S. §380.06(19), the proposed changes must be reviewed cumulatively with previous changes to determine whether they constitute a substantial deviation from the terms of the original development order approval; and

WHEREAS, the Applicant's 2006 NOPC proposal is presumed to create a substantial deviation under F.S. §380.06(19)(e)(5)(b); and

WHEREAS, the Applicant has successfully rebutted the presumption of a substantial deviation; and

WHEREAS, a public hearing was advertised and held on October 29, 2007 before the Lee County Board of County Commissioners who gave full and complete consideration to the report and recommendations of the Southwest Florida Regional Planning Council, the Lee County Staff, the Lee County Hearing Examiner, the documents in the record, and the testimony of all interested parties; and

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

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

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. The Coconut Point DRI is a master planned commercial development consisting of 482.4+/- acres located in unincorporated south central Lee County at the intersection of US 41 and Coconut Road. The Coconut Point DRI is a mixed use development that will consist of: 1,450,000 gross leasable square feet of retail/regional mall (Regional Retail Center), ~~350,000~~ 188,900 gross leasable square feet of retail on other parcels adjacent to the regional mall (Community Commercial Retail), 8,000 gross leasable square feet of Banks, ~~300,000~~ 383,333 square feet of office, of which no more than ~~400,000~~ 68,333 square feet may be medical office, ~~350~~ 440 hotel rooms, ~~1,250~~ multi-family 1,528 condominium units, ~~(consisting of 250 apartment units, and 1000 residential condominium units)~~ and a 200 unit assisted living facility and a 506 seat performing arts theater. The project will include ~~32.7~~ 33.4 acres of conservation areas, ~~47.4~~ 57.1 acres of lakes, ~~50.2~~ 43.2 acres of road rights-of-way and ~~44.6~~ 9.0 acres of green area/open space.

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

The project phasing schedule consists of one phase with buildout in 2007

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

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

D. The Application for Development Approval (ADA) is consistent with the requirements of §380.06, Florida Statutes, and was found sufficient by the Southwest Florida Regional Planning Council (SWFRPC) on January 17, 2001.

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

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

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

H. The development is located in the Urban Community and Wetlands future land use categories. The project, as proposed and conditioned herein, is consistent with the Lee County Comprehensive Plan and the Lee County Land Development Code (LDC).

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

II. ACTION ON THE REQUEST AND CONDITIONS OF APPROVAL

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

A. AFFORDABLE HOUSING

1. 150 Affordable Housing Units (\$600,000).²

- a. The Developer must provide, either directly or through third parties, 150 units (combined total) of affordable housing for very low, low, and moderate-income persons within the identified DRI housing assessment area on or before December 31, 2006.
- b. In the event the Developer does not provide all of the 150 units required above prior to December 31, 2006, the Developer may satisfy the remaining affordable housing obligation by paying \$4,000 (\$600,000 divided by 150 units) for each unit of the shortfall to the Lee County Affordable Housing Trust Fund.

2. *University Student Housing (\$400,000).*³ In addition to the above, the Developer will subsidize University student housing by giving \$400,000 to the Florida Gulf Coast University prior to the issuance of the first development order allowing vertical construction within the DRI (excepting any public uses mandated by this Development Order). These funds must be specifically earmarked for University student housing.

B. ENERGY

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

These features are:

1. A bicycle/pedestrian system connecting all land uses, to be placed along arterial and collector roads within the project and also along Sandy Lane. This system will be consistent with LDC regulations.
2. Bicycle racks or storage facilities in recreational, commercial and multi-family residential areas.

²The Developer paid \$600,000 to Lee County on December 20, 2006 to satisfy this condition. These funds were accepted by the Board via Bluesheet 20070290 in March 2007.

³This requirement was satisfied in October 2004.

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

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

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

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

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

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

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

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

11. Including porch and patio areas in residential units.

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

C. STORMWATER MANAGEMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D. TRANSPORTATION

1. Significant Impacts

a. Assessment Parameters

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

	<u>Buildout (2007)</u>
Multifamily Apartments (ITE LUC 220) (250 d.u. South Village)	250 d.u.
Multifamily Condominiums (ITE LUC 230) (450 d.u. Town Center, 854 d.u. North Village) <u>224 d.u. South Village</u>	4,000 <u>1,528</u> d.u.
Assisted Living Facility (ITE LUC 252) (200 d.u. South Village)	200 d.u.
Hotel (ITE LUC 310) (200 rooms Town Center, 450 <u>120</u> rooms South Village) <u>120 rooms North Village</u>	350 <u>440</u> rooms
Community Retail (ITE LUC 820) (280,000 <u>131,400</u> square feet North Village, 70,000 <u>57,500</u> square feet South Village)	350,000 <u>188,900</u> sq. ft. (gla)
Regional Retail Center (ITE LUC 820) (1,450,000 square feet Town Center)	1,450,000 sq. ft. (gla)
General Office (ITE LUC 710) (70,000 <u>78,333</u> square feet North Village, 90,000 square Town Center, 40,000 <u>146,667</u> square feet South Village)	200,000 <u>315,000</u> sq. ft.
Medical Office (ITE LUC 720) (400,000 <u>68,333</u> square feet South Village)	400,000 <u>68,333</u> sq. ft.
<u>Bank with drive-thru (4,000 square feet North Village)</u>	<u>8,000 sq. ft.</u>
<u>4,000 square feet South Village</u>	
<u>Performing Arts Theater (North Village)</u>	<u>506 seats</u>

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

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

b. *Buildout Impacts*

The assessment on an existing-plus-committed network assuming the advancement of certain projects indicates that the significantly impacted roadways and intersections described below will be operating below acceptable levels of service at the end of Buildout (2007):

Roadway Improvements Needed

<u>Roadways</u>	<u>Needed Improvement</u>
I-75 - Corkscrew Road to Daniels Parkway	Widen to 6 lanes
Three Oaks Parkway - Williams Road to Corkscrew Road	Widen to 6 lanes

US 41	
- Koreshan Boulevard to San Carlos Boulevard	Widen to 6 lanes
- Bonita Beach Road to Coconut Road	Widen to 6 lanes
Old US 41	
- Rosemary Drive to US 41	Widen to 4 lanes

Intersection Improvements Needed

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

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

US 41 @ Pelican Colony Boulevard

US 41 @ Coconut Road

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

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

US 41 @ Driveway 4/Pelican Point Boulevard⁽¹⁾

US 41 @ Driveway 3/Fountain Lakes Boulevard⁽¹⁾

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

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

- ⁽¹⁾ *This intersection is not included in a significantly and adversely impacted roadway segment.*
- ⁽²⁾ *This intersection is considered a site-related improvement.*
- ⁽³⁾ *Signalization only if warranted and subject to approval by the maintaining agency.*
- ⁽⁴⁾ *Dual EB and WB left turn lanes should be provided if they can be constructed without requiring reconstruction of the I-75 overpass bridge structure.*

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

in the proportionate share calculation and must be addressed by the Developer at the time of local development order approval.

2. Mitigation

a. *Buildout Proportionate Share*

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

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

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

b. *Mitigation Options*

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

(1) Traffic Mitigation Option 1

(a) Payment

All development within the project must pay roads impact fees in effect at the time of building permit issuance. In addition to roads impact fees, and prior to the issuance of the first building permit for vertical construction of any portion of the Regional Retail Center, the Developer must make a lump sum cash

payment of \$4,573,750 in year 2002 dollars. This lump sum cash payment is intended to mitigate the transportation impacts associated with the Regional Retail Center and satisfy the proportionate share obligation that is due over and above road impact fees.

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

(b) Concurrency

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

(2) Traffic Mitigation Option 2⁴

(a) Payment

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

Concurrency certificates issued pursuant to this option will be effective until December 31, 2007, or for three (3) years, whichever is later.

⁴ The Developer chose Option 2 and made the two installment payments in a timely manner.

(b) Development Agreement

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

c. *Application of Payments*

(1) Cash.

The County will apply all impact fees and cash payments made by the DRI toward the non-site related improvements identified in Section D.1.b. In the alternative, the County will apply the fees toward improvements that relieve those roadways, provided those improvements are deemed necessary to maintain the County's adopted level of service standards. If the improvements identified in Section D.1.b are ultimately funded through other sources, in whole or in part, or deemed unnecessary to maintain the adopted level of service standards, Lee County may apply the impact fees and cash payments paid by the DRI to other improvements consistent with the requirements of Lee County LDC Chapter 2. Potential applications of the cash payment can be specified in the Development Agreement.⁵

⁵ An Interlocal Agreement addressing the traffic impacts to the City of Bonita Springs precipitated by approval of the Coconut Point DRI was approved by the Board of County Commissioners on March 23, 2003. The Agreement required the County to: (1) conduct the Sandy Lane Alignment Study; (2) transfer \$2.184 million to the City for the DRI impacts to Old U.S. 41 between Rosemary Drive and the intersection of Old U.S. 41 with U.S. 41 and Pelican

(2) Pipelined Improvements.⁶

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

- (a) Sandy Lane 2-lane Extension, from the south property line to the north property line (Williams Road) and from Williams Road to Corkscrew Road. Consistent with the County's long-range plan for Sandy Lane as a 2-lane collector and the County's standards for collector roads, no more than 100 feet of right-of-way and 2 lanes of construction will be eligible for credits against the proportionate share obligation. The reasonable cost of providing the railroad crossing between Williams Road and Corkscrew Road will be eligible for credits against the project's proportionate share obligation. If the Developer chooses to build more than 2 lanes, it will be at the Developer's sole expense.
- (b) Interim improvements not requiring right-of-way at the Corkscrew Road/I-75 interchange (subject to FDOT approval).

The estimated costs of any improvements made by the Developer (including design, right-of-way acquisition, drainage,

Colony Boulevard; (3) transfer \$138,000 for specified intersection improvements; and, (4) set the alignment of Sandy Lane between Pelican Landing Boulevard and the southern DRI boundary. As of November 2004, all requirements of the Interlocal Agreement have been fulfilled and the Interlocal is considered terminated by its own terms.

⁶The developer chose to pipeline improvements by constructing Sandy Lane Extension (now known as via Coconut Point) from Pelican Colony Boulevard to Corkscrew Road. Lee County accepted that portion of Sandy Lane Extension from Pelican Colony Boulevard to Williams Road for maintenance on January 16, 2007. Acceptance of Sandy Lane Extension from Williams Road to Corkscrew Road is still pending as of May 2007.

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

d. *Buildout Extension*

(1) Requirement for Reanalysis

Extension of the buildout date beyond 2007 may alter the project's impact to the area road network. Therefore, if the Developer files a Notice of Proposed Change resulting in an extension of project buildout beyond December 31, 2007 then the Developer must provide a detailed traffic assessment to Lee County DOT for review and approval.⁷

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

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

⁷The original DRI Development Order established a buildout date of December 31, 2006 and allowed a one year extension without traffic reanalysis, to December 31, 2007. Based upon a 2006 NOPC, the Developer sought and obtained the one year extension contemplated and allowed under the original DRI Development Order (See sections D.2(b)(2) and D.2.(d)(2).)

reassessment analysis, the Developer must attend a transportation methodology meeting with the County, and other review agencies as necessary, to establish the appropriate methodology.

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

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

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

(2) Alternative for Reanalysis

(a) *Extension of Buildout to December 31, 2007.*⁸

If all or a part of the Regional Retail Center has received building permits prior to December 31, 2006, the Developer may choose to pay the traffic mitigation for some or all of the balance of the development

⁸The developer paid the lump sums required to exercise Mitigation Option 2 in December 2004 and December 2005. The second DRI Development Order Amendment adopted August 1, 2006 served to extend the buildout date to December 31, 2007. This was approved without a traffic reanalysis.

through buildout in a lump sum at the time the extension application is approved. Full payment of the required mitigation pursuant to Mitigation Option 2 constitutes an election under this section. In this case a cumulative traffic reanalysis is not required for the portion of the balance that is mitigated as part of the original DRI Development order. This section is not intended to supersede the standard submittal requirements for a typical Notice of Proposed Change under state law.

- (b) NOPC filed to extend buildout beyond 2007.

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

3. Comprehensive Plan Mitigation

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

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

The costs for needed improvements beyond those planned in the 2020 Financially Feasible Plan are solely the responsibility of the Developer, and are treated much as a proportionate share obligation. In this case, the Developer has estimated that the provision of dual left turn lanes at a number of key intersections along the impacted segment of US 41 will improve the capacity enough to allow satisfactory operation. The Developer estimated that the cost of providing these turn lanes would be roughly \$692,000,

not including the costs of maintenance of traffic, mobilization and permitting. The Developer's proportionate share of the cost of the turn lanes is \$170,000. This figure has been added to the project's DRI proportionate share, as noted above.

4. Access and Site Related Improvements

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

5. Committed Improvements⁹

Roadway Improvements

<u>Roadways</u>	<u>Start Year</u>	<u>Improvement</u>
Alico Road		
- US 41 to Seminole Gulf Railway	02	4 Lanes
- Seminole Gulf Railway to I-75 West Ramps	02	6 Lanes
Ben Hill Griffin Parkway/Treeline Avenue		
- Alico Road to Daniels Parkway	02	4 Lane Ext.
Bonita Beach Road		
- Imperial Street to I-75	03	6 Lanes

⁹ As of the date the Third DRI DO was adopted, many of the improvements identified as committed are complete. The completed improvements include Alico Road, Ben Hill Griffin/Treeline, Bonita Beach Road, Livingston/Imperial, Three Oaks from Coconut Road to Corkscrew Road, US 41 and Williams Road. Three Oaks from Corkscrew Road to Alico Road is currently under construction. Construction of Three Oaks Parkway from Alico to Daniels Parkway is delayed; and the Metro Parkway project is currently not funded.

Livingston/Imperial Connection		
- Immokalee Road to Bonita Beach Road	U/C	2 Lane Ext.
Metro Parkway		
- U.S. 41/Alico Road to Ben Pratt/Six Mile Cypress Pkwy (including interchange)	04	6 Lane Ext.
Three Oaks Parkway		
- S. of Coconut Road to Williams Road	U/C	4 Lane Ext.
- Williams Road to Corkscrew Road	U/C	4 Lane Ext.
- Corkscrew Road to Alico Road	03	4 Lanes
- Alico Road to Daniels Parkway	03	4 Lane Ext.
US 41		
- Old 41 (Collier County) to N. of Bonita Beach Road	03	6 Lanes
- San Carlos Boulevard to Alico Road	U/C	6 Lanes
Williams Road		
- River Ranch Road to Three Oaks Parkway	02	2 Lane Ext.

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

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

6. Annual Transportation Monitoring Program

a. Design of Monitoring Program

The transportation monitoring program will be designed in cooperation with the Lee County Department of Transportation, the Florida Department of Transportation (FDOT), the Southwest Florida Regional Planning Council (SWFRPC), and the Florida Department of Community Affairs (FDCA) prior

to submittal of the first report. The methodology of the annual transportation monitoring report may be revised if agreed upon by all parties.

b. *Submittal of Monitoring Report*

The Developer must submit an annual transportation monitoring report to the following entities for review and approval: Lee County Department of Transportation, FDOT, FDCA, and SWFRPC. The first monitoring report will be submitted one year after the effective date of the DRI Development Order.¹⁰ The Developer must provide written notice to the above review agencies if the Developer concludes that a traffic monitoring report is not required because no traffic impacts have been created. Once the transportation monitoring report has been submitted, a report must be submitted annually thereafter until Project buildout, whether actual or declared.

c. *Minimum Requirements for Report Contents*

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

- (1) P.M. peak Signalization⁽²⁾⁽³⁾ hour traffic counts with turning movements at the Project's access points onto U.S. 41, Coconut Road, Williams Road, Pelican Colony Boulevard and Sandy Lane, and on the external road segments and intersections identified in Paragraph D.1.b. (Traffic counts/volumes may be obtained from original traffic counts, public agency reports, other monitoring reports, and other available data.)
- (2) A comparison of field measured external Project traffic volumes to the 5,909 total P.M. Peak hour external (including 757 pass-by and 1,032 interzonal trip ends) project trip generation from all driveways onto U.S. 41, Coconut Road, Williams Road, Pelican Colony Boulevard and Sandy Lane assumed in the DRI analysis. If an interconnection is provided to The Brooks parcel at the southeast corner of U.S. 41 and

¹⁰ The first monitoring report was submitted in January 2004.

Coconut Road, a methodology must be developed to identify pass-through trips generated by The Brooks parcel.

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

d. *Implications*

- (1) If the transportation monitoring report reveals that the Project trip generation exceeds the original assumptions contained herein, then the statutory provisions regarding substantial deviations will govern.
- (2) Changes to development parameters or buildout may require the Developer to rebut the statutory presumption of substantial deviation. In some instances, the evidence necessary to rebut the presumption may involve a comparison of Project trip distribution and assignment.

7. Pedestrian/Bicycle and Transit Facilities

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

E. VEGETATION AND WILDLIFE/WETLANDS

1. Impacts to the habitat value of the site (i.e. habitat utilized by dispersing juveniles and possible habitat available to adults occupying the Corkscrew area) must be considered during the permitting review process with the SFWMD and the Department of Army Corps of Engineers (ACOE). This impact must be assessed in terms of the type and function of the forested habitat on site, and the site's contribution as a connection between preserve lands to support wide-ranging and wetland dependent species. The Developer

will coordinate with the U.S. Fish and Wildlife Service (USFWS) and Florida Fish and Wildlife Conservation Commission (FFWCC) to address the impacts the proposed project may have on habitat utilized by wide-ranging listed species including the Florida Panther and Florida Black Bear.

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

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

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

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

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

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

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

9. The existing flow-way is part of the Halfway Creek Watershed and headwaters. The 32.7 acre flow-way must be preserved and enhanced. An enhancement

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

F. HURRICANE PREPAREDNESS

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

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

- a. elevated above the Category 3 storm surge level;
- b. constructed in accordance with the requirements in Rule 9J-2.0257(6)(e), FAC, to withstand winds of at least one hundred twenty (120) miles per hour;
- c. all windows in the building are shuttered;
- d. equipped with an emergency power generator with adequate capacity to handle the following:
 - (1) ventilation fans;
 - (2) emergency lighting;
 - (3) life safety equipment (i.e., intercom, fire and smoke alarms); and
 - (4) refrigeration and cooking equipment.
- e. have an auxiliary potable water supply.

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

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

5. The Developer is also proposing to develop ~~350~~ 440 hotel or motel rooms, within the Coconut Point DRI. Prior to issuance of a local development order for the hotel/motel, the hotel/motel Developer must contact Lee County Emergency Management with respect to establishing written hurricane preparation and evacuation/sheltering procedures. These procedures must be reduced to a written plan, prepared by the hotel/motel Developer, and approved by Lee County Emergency Management prior to occupancy of the hotel/motel.

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

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

In order to use the above mitigation option, the Developer must provide a continuing hurricane awareness program and a hurricane evacuation plan. The hurricane evacuation plan must address and include, at a minimum, the following items: operational procedures for the warning and notification of all residents and visitors prior to and during a hurricane watch and warning period; a public awareness program that addresses vulnerability, hurricane evacuation, hurricane shelter alternatives including hotels, the locations of

both the onsite hurricane shelters and onsite or offsite public shelters, and other protective actions that may be specific to the development; identification of who is responsible for implementing the plan; and other items as deemed appropriate. The plan must be developed in coordination with local emergency management officials. In order to use this mitigation option, the final plan must be found sufficient by the reviewing agencies and must address the recommendations provided by the reviewing agencies; or

- b. Alternatively, the Developer must commit to providing roadway capacity improvements above and beyond those improvements required by Rule 9J-2.0255, FAC; or
- c. The Developer must commit to providing funds to be used for the purpose of procuring communications equipment, which would upgrade the existing warning and notification capability of local emergency management officials. In order to use this mitigation option, the Developer must provide reasonable assurance to local emergency management officials regarding the provision's ability to reduce the development's hurricane evacuation impacts. The amount of the funding will be determined and approved by the local emergency management officials.

G. WASTEWATER MANAGEMENT/WATER SUPPLY

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

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

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

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

5. The Developer must demonstrate at the time of local development order approval that sufficient potable water and wastewater treatment capacity is available. If BSU cannot provide the necessary service, then the Developer must obtain service from

an alternate provider with capacity or construct on-site interim facilities that satisfy BSU Standards. Interim facilities must be dismantled at the Developer's expense when service by BSU is available.

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

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

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

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

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

H. COMPREHENSIVE PLAN

On October 21, 2002 the Board adopted a resolution amending the Lee Plan to reclassify the DRI site to the Urban Community land use category.

I. POLICE AND FIRE PROTECTION

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

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

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

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

5. The Fire and EMS impacts of this project will be mitigated by the payment of impact fees in accordance with the schedules set forth in the LDC. However, the Developer must provide the Estero Fire Rescue District with an appropriate parcel (not less than 1 acre in size) for the location of a fire-rescue station and emergency medical services facility on the project site. Upon transfer of this site to the Fire District, the Developer will be entitled to fire impact fee credits in accordance with the LDC.¹¹

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

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

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

¹¹The requirement to provide property to the Estero Fire Rescue District was satisfied by the recording of a deed at OR Book 4097 Page 0672, dated July 31, 2003.

J. EDUCATION

1. The education impact of this project will be mitigated by the payment of school impact fees in accordance with the schedules set forth in the LDC. However, the Developer must provide a site at least five acres in size and appropriately located to accommodate the growing school needs in this area of the county. Upon transfer of this site to the School District, the Developer may be entitled to seek school impact fee credits in accordance with the LDC.¹²

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

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

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

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

1. The Coconut Point (f/k/a Simon Suncoast) Application for Development Approval, stamped received on September 12, 2000;
2. The Coconut Point DRI sufficiency responses stamped received on February 7, 2001 and April 10, 2001 (transportation) and April 13, 2001; and
3. The governing zoning resolution for the Coconut Point (f/k/a Simon Suncoast) MPD.

¹²Developer entered an Agreement with the School District on April 3, 2007 to provide a 5 acre tract as a school site. A copy of this Agreement is attached as Exhibit G.

C. Master Plan of Development. Map H, stamped received at the Zoning Counter on ~~November 17, 2004~~ April 11, 2007 and attached hereto as Exhibit "B", and is incorporated by reference. It is understood that because it is a concept plan it is very general. The Developer may modify the boundaries of development areas and the locations of internal roadways to accommodate topography, vegetation, market conditions, traffic circulation, or other site related conditions as long as the modifications meet local development regulations. This provision may not be used to reduce the size of wetland preserve areas. Precise wetland boundaries will be determined by the ~~South Florida Water Management District~~ SFWMD, as delegated by the Department of Environmental Protection (FDEP) and the Army Corp of Engineers (ACOE).

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

E. Reliance. The terms and conditions set out in this Development Order constitute a basis upon which the Developer and the County may rely with respect to future actions necessary to fully implement the final development contemplated by this Development Order. The development parameters and phasing schedule upon which this development order approval is based is set forth in Exhibit C. These development parameters may be adjusted to the extent contemplated by, and in accordance with, the Land Use Conversion Table set forth in Exhibit C-1. Change to the development mix or phasing schedule may require a reanalysis of project impacts in order to rebut a presumption of substantial deviation.

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

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

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

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

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

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

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

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

K. Buildout and Termination Dates. The project has a buildout date of December 31, 2007, and a termination date of December 31, 2013. The termination date is based on a 4-year buildout and the recognition that a local Development Order, which is valid for six years, may be obtained prior to December 31, 2013. No permits for development will be issued by the County subsequent to the termination date or expiration date unless the conditions set forth in §380.06(15)(g) are applicable.

L. Commencement of Physical Development. As of November 2004, commencement of substantial physical development of the project has occurred. Further

development must occur in accordance with the development parameters and phasing schedule set forth in Exhibit C.

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

N. Credits Against Local Impact Fees. Pursuant to §380.06(16), Florida Statutes, the Developer may be eligible for credits for contributions, construction, expansion, or acquisition of public facilities, if the Developer is also subject by local ordinances to impact fees or exactions to meet the same needs. However, no credit will be provided for internal or external site-related facilities required by County regulations, or to any off-site facilities to the extent those facilities are necessary to provide safe and adequate services to the development.

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

P. Annual Biennial Reports. The Developer must submit a report ~~annually~~ biennial to the Lee County Department of Community Development, the SWFRPC and Florida DCA on Form RPM-BSP-Annual Report-1. The content of the report must include the information set forth in Exhibit D, and must also be consistent with the rules of the FDCA. The first monitoring report must be submitted to the DRI coordinator for SWFRPC, DCA, and Lee County no later than one year after the effective date of this Development Order¹³. Further reporting must be submitted ~~not later than one year~~ every two years for subsequent calendar years thereafter, until buildout, whether actual or declared. Failure to comply with this ~~annual~~ reporting procedure is governed by §380.06(18), Florida Statutes, which provides for the temporary suspension of the DRI Development Order.

¹³ The first monitoring report was submitted in January 2004.

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

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

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

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

S. Continued Agricultural Use of Property. Bona fide agricultural uses in existence on the date of this DRI initially approved October 21, 2005 may continue until the first development order approval for a site within the particular tract, as designed on Map H, (excluding public uses mandated by this Development Order). No development activity of any kind may occur on the property, including the clearing of vegetation or cutting of trees, unless such activity is reviewed and approved in accordance with Lee County regulations as if no agricultural use existed on the property. The purpose of the limitation is to eliminate any exemption or other special considerations or procedures that might

otherwise be available under Lee County regulations by virtue of the existing agriculture on the property.

Commissioner Judah made a motion to adopt the foregoing third amendment, seconded by Commissioner Mann. The vote was as follows:

Robert P. Janes	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 29th day of October 2007.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Marcia Wilson
Deputy Clerk

BY: Robert P. Janes
Robert P. Janes, Chair



Approved as to form
By: Dawn E. Perry-Lehnert
Dawn E. Perry-Lehnert
Assistant County Attorney

Exhibits:

- A. Legal Description
- B. Master Plan of Development (Map H) Stamped Received November-17, 2004 May 9, 2007
- C. Development Parameters and Phasing Schedule
- C-1 Land Use Conversion Table
- D. Annual Biennial Monitoring Report Requirements
- E. Calculation of Road Impact Fee Obligation
- F. Pedestrian, Bicycle and Bus Stop Plan
- G. School Site Dedication Agreement

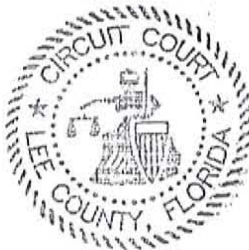
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DCI 2012-00017

Page 36 of 36

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COMMUNITY DEVELOPMENT



State of Florida
County of Lee

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

Given under my hand and official seal at Fort Myers, Florida, this 6th day of December, A.D. 2007

CHARLIE GREEN, CLERK

By: Marcia Wilson
Deputy Clerk

DRI 2006-00009



DCI 2012-00017

6200 Whiskey Creek Drive • Fort Myers, Florida 33919 Phone 239.985.7000 Fax 239.985.1259

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

LEGAL DESCRIPTION

COMMUNITY DEVELOPMENT

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

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

AND

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

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.88°56'17"W., ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, FOR A DISTANCE OF 5.89 FEET TO A POINT ON THE

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COMMUNITY DEVELOPMENT

EXHIBIT A

WESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 3,021.15 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,320.56 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°59'47"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,692.32 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N.00°56'59"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,590.78 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 5,641.38 FEET, THROUGH A CENTRAL ANGLE OF 09°31'27", SUBTENDED BY A CHORD OF 936.68 FEET AT A BEARING OF N.05°42'42"W., FOR A DISTANCE OF 937.76 FEET TO THE END OF SAID CURVE; THENCE RUN N.10°28'26"W., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 98.54 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WILLIAMS ROAD, A 100.00 FOOT RIGHT-OF-WAY; THENCE RUN S.88°20'53"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,029.70 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN WESTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 7,050.00 FEET, THROUGH A CENTRAL ANGLE OF 03°00'00", SUBTENDED BY A CHORD OF 369.09 FEET AT A BEARING OF S.89°50'53"W., FOR A DISTANCE OF 369.14 FEET TO THE END OF SAID CURVE; THENCE RUN N.88°39'07"W., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 674.92 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HWY. NO. 41 (FLORIDA STATE ROAD NO. 45), A 200.00 FOOT RIGHT-OF-WAY; THENCE RUN S.04°52'41"W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1,901.57 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,725.19 FEET, THROUGH A CENTRAL ANGLE OF 11°32'50", SUBTENDED BY A CHORD OF 548.30 FEET AT A BEARING OF S.00°53'44"E., FOR A DISTANCE OF 549.23 FEET TO THE END OF SAID CURVE; THENCE RUN S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 225.81 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2,710.61 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE CONTINUE S.06°40'09"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 626.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN SOUTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 11,584.73 FEET, THROUGH A CENTRAL ANGLE OF 06°24'13", SUBTENDED BY A CHORD OF 1,294.08 FEET AT A BEARING OF S.03°28'03"E., FOR A DISTANCE OF 1,294.76 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°15'56"E., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 274.74 FEET; THENCE RUN S.46°02'16"E., FOR A DISTANCE OF 577.44 FEET; THENCE RUN S.01°57'26"E. FOR A DISTANCE OF 25.19 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COCONUT ROAD, A 150.00 FOOT RIGHT-OF-WAY; THENCE RUN N.88°02'34"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 32.80 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN EASTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,875.00 FEET, THROUGH A CENTRAL ANGLE OF 17°41'59", SUBTENDED BY A CHORD OF 576.92 FEET AT A BEARING OF N.79°11'34"E., FOR A DISTANCE OF 579.22 FEET TO THE END OF SAID CURVE; THENCE RUN N.70°20'35"E., ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 200.00 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE

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COMMUNITY DEVELOPMENT

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

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

NOTES:

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

TOTAL PROPERTY AREA: 482.421 ACRES, MORE OR LESS.

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

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

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION LB #1772

BY

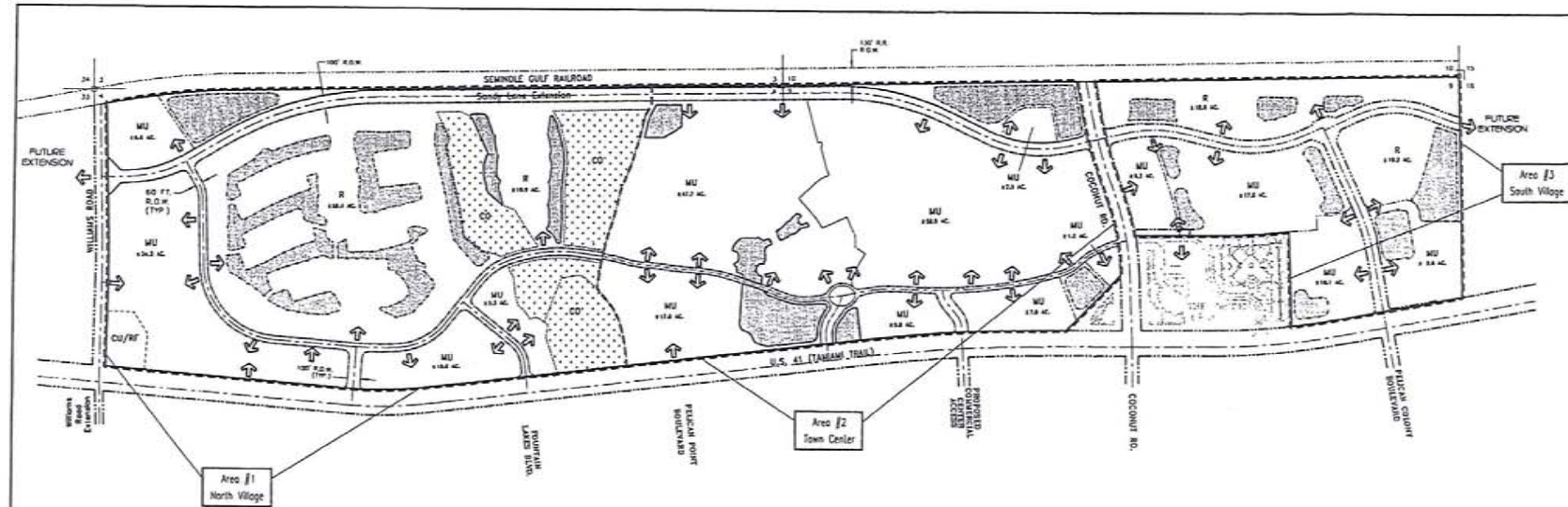

JERRY L. RIFFELMACHER

P.S.M. #6130
STATE OF FLORIDA

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LAND USE BREAKDOWN

CONSERVATION AREAS	± 33.4 ACRES
LAKES	± 58.8 ACRES
INTERNAL (Private) R.O.M.	± 17.7 ACRES
INTERNAL (Public) R.O.M.	± 25.8 ACRES
GREEN AREA / OPEN SPACE	± 8.7 ACRES
DEVELOPMENT AREAS	± 330.2 ACRES
TOTAL	± 482.4 ACRES

PROJECT INTENSITY

RESIDENTIAL UNITS (MF)	1,526
RESIDENTIAL UNITS (ALF)	200
COMMERCIAL/RETAIL (GROSS LEASABLE AREA)	1,638,800
GENERAL OFFICE (S.F.)	315,000
MEDICAL OFFICE (S.F.)	68,333
HOTEL (ROOMS)	440
BANK +/- D.T. (S.F.)	8,000
PERFORMING ARTS THEATER (seats)	506

DEVELOPMENT AREA BREAKDOWN

RESIDENTIAL (R)	98.1 AC. ±
MIXED USE (MU)	237.2 AC. ±
CULTURAL/REC. FAC. (CU/RF)	2.9 AC. ±

LEGEND

- MU MIXED USE
- R RESIDENTIAL
- CU / RF CULTURAL / RECREATIONAL FACILITIES
- PROPERTY BOUNDARY
- - - DELINEATION OF DEVELOPMENT AREAS
- ROAD R.O.W. LINE
- [Patterned Box] CONSERVATION AREAS
- [Wavy Line] PROPOSED LAKE
- ➔ CONCEPTUAL ACCESS POINT

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

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PERMIT COUNTER

DRI 2006-00009

Exhibit B



DATE	06/20/07	APPROVED		REVISIONS	1. REVISED PER THE PERMITTING CONTRACT	DATE	06/20/07		
DESIGNED BY		CHECKED BY							
DRAWN BY		IN CHARGE							
PROJECT NO.	9779MB_MCP								
SCALE	1" = 800'								
<p>6030 Whiskey Creek Drive Fort Myers, FL 33903 Phone: (941) 966-1300 Florida Commission of Agriculture Nights - Fall Nights</p> <p>HMM HOLE MONTES DESIGN-BUILDERS-SURVEYORS</p> <p>SIMON SUNCOAST - COCONUT POINT TOWN CENTER MASTER CONCEPT PLAN MAP "H"</p>									

DRI
EXHIBIT C

Development Parameters and Phasing Schedule

		<u>Buildout</u>
Regional Retail Commercial	1,450,000* sq. ft.	2007
Community Retail	350,000 <u>188,900</u> * sq. ft.	2007
Office	300,000 <u>383,333</u> ** sq. ft.	2007
Hotel	350 <u>440</u> Rooms	2007
Residential, Multi-family	4250 <u>1,528</u> du	2007
Assisted Living Facility	200 units	2007
<u>Banks</u>	<u>8,000</u> sq. ft.	<u>2007</u>
<u>Performing Arts Theater</u>	<u>506</u> seats	<u>2007</u>

* Gross Leasable Area

**Up to ~~400,000~~ 68,333 sq. ft., may be medical office

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DRI EXHIBIT C-1

Land Use Conversion Table

Land Use	Max Increase*
Retail	54,999 sf
Office (Gen / Med)	65,999 sf
Residential	54 MF
Hotel	82 rms

*The purpose of this table is to permit one land use to be converted to a different use. The conversion may be approved only if the project's overall net new peak hour trips do not exceed 5,909 trips based upon the parameters set forth in Condition II.D.1.a.

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DRI
EXHIBIT D

~~ANNUAL~~ BIENNIAL MONITORING REPORT REQUIREMENTS

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

- A. Any changes in the plan of development or in the representations contained in the application for development approval, or in the phasing for the reporting year and for the next year;
- B. A summary comparison of development activity proposed and actually conducted for the year;
- C. Identification of undeveloped tracts of land, other than individual single family lots, that have been sold to separate entities or developers.
- D. Identification and intended use of lands purchased, leased, or optioned by the Developer adjacent to the original DRI site since the development order was issued;
- E. A specific assessment of the Developer's and the local government's compliance with each individual condition of approval contained in the DRI Development Order and the commitments ~~which are~~ contained in the application for development approval and ~~which that~~ have been identified by the local government, the RPC, or the DCA as being significant;
- F. Any requests for substantial deviation determination that were filed in the reporting year and to be filed during the following year;
- G. An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;
- H. A list of significant local, state, and federal permits ~~which that~~ have been obtained or ~~which~~ are pending by agency, type of permit, permit number and purpose of each;
- I. A statement that all persons have been sent copies of the report in conformance with Subsections 380.06(15) and (18), Florida Statutes;
- J. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer pursuant to Paragraph 380.06(15)(f), Florida Statutes.

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

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DRI
EXHIBIT E
Calculation of Road Impact Fee Obligation¹⁴

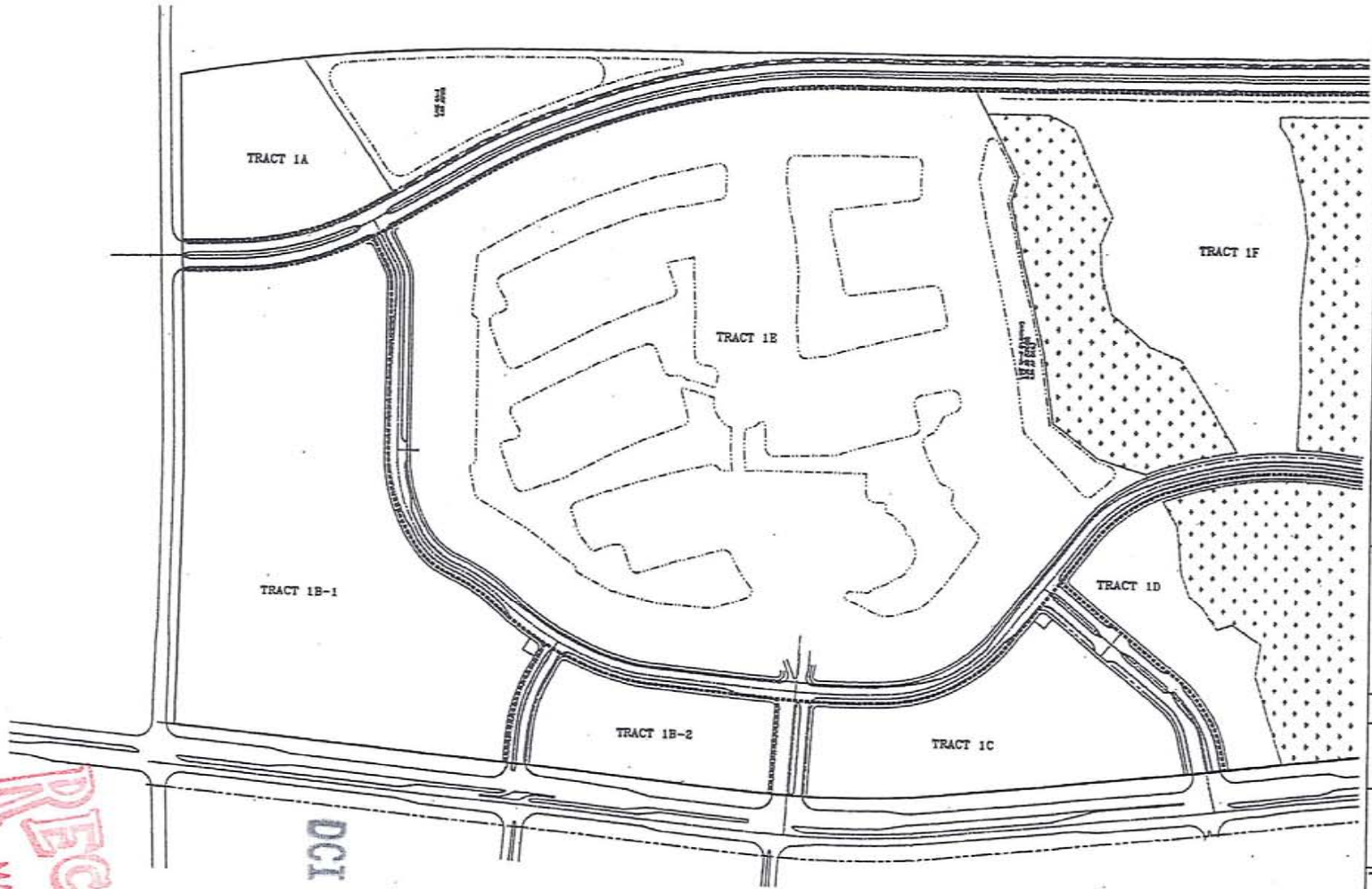
LAND USE	ITE LUC	UNIT	RATE	SIZE	AMOUNT
GENERAL INDUSTRIAL	130	1000 SF	\$1,681.00	0	\$ -
WAREHOUSE	150	1000 SF	\$1,198.00	0	\$ -
MINI-WAREHOUSE	151	1000 SF	\$ 419.00	0	\$ -
SINGLE-FAMILY DETACHED	210	DU	\$2,436.00	0	\$ -
MULTI-FAMILY	220	DU	\$1,687.00	1000	\$ 1,687,000.00
MOBILE HOME (PARK UNIT)/RV SITE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

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¹⁴ The calculations included here are based upon the impact fee schedule effective July 1, 2000. The fee schedule was used as a basis for establishing traffic mitigation option 1. The Developer did not ultimately choose option 1.



LEGEND:
 ----- PRIMARY PEDESTRIAN WALKWAYS (tp.)

SIMON
 National City Center
 115 N. Washington Street
 Indianapolis, IN 46204
 317-641-1877

The Shops at
 Coconut Point
 BONITA SPRINGS
 FLORIDA

PROPOSED PEDESTRIAN
 CIRCULATION PLAN

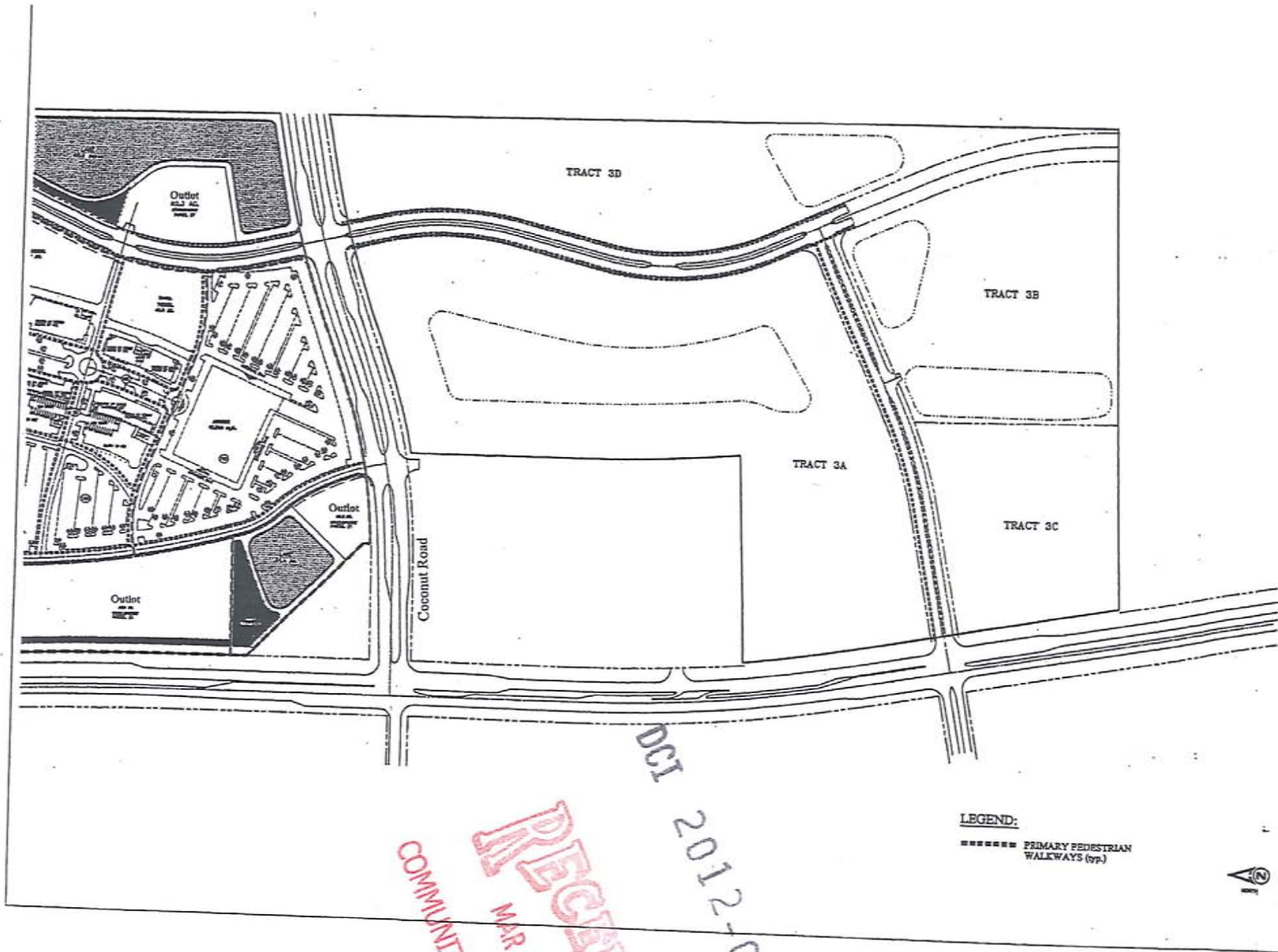
DATE	DESCRIPTION	BY

031142D_FED CONC PLAN_030904

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SIMON
 Simon City Center
 133 W. Washington Street
 Indianapolis, IN 46204
 317-646-6000

The Shops at
 Coconut Point

BONITA SPRINGS
 FLORIDA

PROPOSED PEDESTRIAN
 CIRCULATION PLAN

DATE:	03/29/12	SCALE:	AS SHOWN
BY:	DCI	DATE PLOTTED:	03/29/12
CHECKED BY:	DCI	DATE:	03/29/12
PROJECT:	THE SHOPS AT COCONUT POINT	PROJECT NO.:	2012-00017

63116D_FED CRIC PLAN_030912

APPROVED

APR 03 2007

SCHOOL BOARD OF
LEE COUNTY

SCHOOL SITE DEDICATION AGREEMENT

This Agreement, the "Agreement", is by and between THE SCHOOL BOARD OF LEE COUNTY, FLORIDA, (the "School Board"), Oakbrook Properties, Inc. and Coconut Point Developers, LLC ("Developer"), and DMM Development, LLC, a Florida limited liability company, ("DMM").

WITNESSETH:

WHEREAS, Oakbrook Properties, Inc. and Coconut Point Developers, LLC are the developers of Coconut Point, a Development of Regional Impact located in Lee County, Florida; and

WHEREAS, the School Board is in need of additional property for use as a school within Lee County; and

WHEREAS, Zoning Resolution Number Z-02-009 and DRI DO # 09-2001-153 requires the Developer to provide a five (5) acre parcel for use as a Lee County public school and the Developer and the School Board have agreed on that property being described on Exhibit "A" ("Impact Parcel") to satisfy that requirement; and

WHEREAS, in accordance with the Lee County Land Development Code, the County Attorney, the School Board Attorney, County Lands staff and representatives of the Developer met to discuss the appropriateness of the Impact Parcel and determined that the Impact Parcel is acceptable; and

WHEREAS, the Parties to this Agreement acknowledge that the conveyance of the Impact Parcel to the School Board is intended to fully satisfy the requirements of Zoning Resolution Number Z-02-009 and DRI DO # 09-2001-153; and

WHEREAS, the School Board acknowledges that school impact fees have been adopted by the County and the Developer will accept an impact fee credit for the full value of the dedication of the Impact Parcel, to the full extent that such impact fee credit may be issued subject to the terms of Lee County Ordinance 01-21; and

WHEREAS, the Developer acknowledges that the School Board does not directly issue school impact fee credits, which credits are issued by Lee County, subject to the terms of Lee County Ordinance 01-21; and

WHEREAS, DMM has acquired title to the Impact Parcel at the direction of the Developer; and

WHEREAS, DMM has also acquired title to a parcel described on Exhibit "B" which the School Board wishes to purchase from DMM ("Sale Parcel"); and

DCI 2012-00017
1

Exhibit G

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COMMUNITY DEVELOPMENT

WHEREAS, the Developer will accept an impact fee credit for the full value of the dedication of the Sale Parcel, to the full extent that such impact fee credit may be issued subject to the terms of Lee County Ordinance 01-21; and

WHEREAS, The Impact Parcel and the Sale Parcel are sometimes collectively referred to as the "Property" herein; and

WHEREAS, the School Board has determined that this Agreement is in the best interest and benefit of the public; and

WHEREAS, the parties wish to memorialize the understanding between them;

NOW, THEREFORE, in consideration of the mutual promises contained herein, the undersigned parties agree as follows:

1. The above recitals are true and correct, and are incorporated as part of this Agreement.

2. The Impact Parcel will be conveyed to the School Board in exchange for impact fee credits in the amount of One Hundred Forty Thousand Dollars (\$140,000.00) and in satisfaction of Condition 13 of Lee County Zoning Resolution Number Z-02-009 and DRI DO # 09-2001-153 Condition II.J.1. The Sale Parcel will be conveyed to the School Board in exchange for impact fee credits in the amount of One Hundred Forty Thousand Dollars (\$140,000.00).

3. DMM acknowledges that in order to obtain credits, DMM must prepare and submit an application in accordance with section 2-413 a. (3) of the Lee County Land Development Code, including all submittals required thereby. The following must be submitted by DMM for the processing of the impact fee credit request for the Property and no credit will be issued until all such information has been provided:

a) Survey certified by a professional land surveyor licensed in the State of Florida.

b) Specimen of the Deed.

c) A title insurance commitment indicating that DMM will convey unencumbered fee simple title.

d) Appraisal prepared by a qualified professional. Within thirty (30) days of the date that this Agreement is executed by all parties, the School Board shall obtain appraisal reports for the Property.

4. An un-executed special warranty deed for the Property is attached hereto as Exhibit "C". The form of the un-executed special warranty deed has been reviewed by the School Board, and the parties agree that the form of the deed is acceptable. An executed special warranty deed for the Property shall be provided to the School Board at closing upon acknowledgment from Lee County that it has approved the issuance of the school impact fee credits as provided herein and which shall be created upon the recording of the special warranty deed in the Lee County Public Records Official Records Book and upon acknowledgement from Lee County of the satisfaction of Condition 13 of Lee County Zoning Resolution Number Z-02-009 and DRI DO #09-2001-153 Condition II.J.1.

5. As a material consideration for this Agreement, DMM and the Developer make the following representations and warranties to the best of their knowledge, without independent investigation, each of which is material and is being relied upon by School Board and shall be continuing from the Effective Date of this Agreement through the date of closing:

a) There is no existing violation of any building code, building or use restriction, zoning ordinance, building permit or other authorization, governmental order, or statute, rule or regulation applicable to the Property;

b) There is no pending or threatened litigation, administrative action or claim relating to the Property, or to the ownership, use or operation thereof, or that would adversely affect the ability of DMM or Developer to perform its obligations under this Agreement;

c) There are no charges, assessments or liens presently outstanding or unpaid for local improvements or otherwise which have or may become a lien against the Property, nor are there any public improvements which have been ordered to be made and/or which have not heretofore been completed, assessed, and fully paid for;

d) All necessary action and any required consents have been taken and/or obtained to authorize the execution and delivery of this Agreement and have been or, prior to Closing, will be taken and/or obtained to authorize the performance of its terms and conditions and those of the other documents, instruments and agreements provided for herein; and this Agreement and all such other documents, instruments and agreements provided for herein shall be valid, legally binding obligations of DMM enforceable against DMM in accordance with their terms, subject only to applicable bankruptcy, insolvency, reorganization, moratorium and similar laws or equitable principles affecting or limiting the right of contracting parties generally;

e) DMM is not (and neither the execution, delivery or performance of this Agreement or of the documents, instruments and agreements provided for herein will result) in breach of or default under any document, instrument, order, or agreement to which DMM is a party or by which it is bound. There are no facts or events which, with notice or the passage of time or both, would constitute a default by DMM under any such document, instrument, order or agreement;

f) No condemnation or eminent domain proceeding affecting the Property has been commenced or threatened, or, to the best of DMM's knowledge, is contemplated, nor does DMM have any knowledge of (i) any intended public improvement which may involve a charge being levied against the Property, or (ii) any intended statute, ordinance, rule or regulation which would be specifically applicable to the Property and materially and adversely affect its use.

g) All amounts due and owing for the furnishing of labor, equipment and/or materials to or for DMM have been, or prior to Closing will be, fully paid. In the event that any claim is made by any party, before or after closing, for payment of any amount due for the furnishing of labor, equipment and/or materials to or for DMM prior to the closing, or in the event that any lien is filed against the Property, before or after closing, as a result of the furnishing of such labor, equipment and/or materials prior to the closing, DMM, at its sole cost and expense, immediately shall either (i) pay the said claim and discharge said lien, or (ii) post a sufficient bond to insure over such lien and thereafter diligently proceed to resolve such a lien.

h) With respect to the environmental condition of the Property: (i) during the period from DMM's acquisition of the Property through the Closing Date; (A) to the best of DMM's knowledge, no Hazardous Substances (as that term is hereinafter defined) have been placed, used,

generated, stored, discharged, or released on, in or about the Property (B) DMM has not used or permitted the Property to be used as a landfill or dump, or for the use, generation, storage or discharge of Hazardous Substances, (C) no underground storage tanks of any type have been placed on or in the Property by DMM, and to the best of DMM's knowledge, by any tenant or their contractors or agents, and (D) to the best of DMM's knowledge, neither DMM nor any tenant has created or permitted any surface or subsurface conditions to exist which constitute, or with the passage of time may constitute, a public or private nuisance; and (ii) prior to the date of DMM acquisition of the Property, to the best of DMM's knowledge; (X) no Hazardous Substances were placed, used, generated, stored, discharged, or released on, in or about the Property, (Y) the Property was not used as a landfill or dump, or for the storage or generation of any Hazardous Substances, and no underground storage tank of any type was placed on or in the Property, and (Z) there were no surface or subsurface conditions which constituted a public or private nuisance. The term hazardous substances, as used herein, means any hazardous or toxic substance, material or waste, including without limitation any substance, material or waste which is (i) designated as a "hazardous substance" pursuant to Section 101 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Section 6901, et seq., (ii) asbestos or asbestos-containing building materials, (iii) petroleum or petroleum byproducts, or (iv) defined as a hazardous or toxic waste, substance, material or waste under any other applicable federal, state, county or local law, ordinance, rule or regulation.

i) DMM owns the Property free and clear of any and all liens, claims, encumbrances, easements, leases, and other exceptions to title, or as is otherwise shown on the Commitment furnished by DMM to School Board pursuant to this Agreement. To the best of DMM's knowledge, there are no obligations in connection with the Property other than between the parties hereto which will be binding upon School Board after the closing, except matters set forth in the Commitment and this Agreement.

j) DMM is in sole and undisputed possession of the Property, and to the best of DMM's knowledge, no other person or entity is entitled to possession of all or any portion of the Property, and there are no boundary disputes.

k) No attachments, execution proceedings, assignments for the benefit of creditors, insolvency, bankruptcy, reorganization or other proceeding are pending or threatened against DMM, nor are any of such proceedings contemplated by DMM.

6. The Property is valued at \$280,000.00. It is a condition precedent to the conveyance of the Property and the closing of this transaction that Lee County (subject to submittal of application(s) by DMM for the issuance of impact fee credits as required by and pursuant to the terms of Lee County Ordinance 21-01), issue DMM Two Hundred Eighty Thousand Dollars (\$280,000.00) of impact fee credits for the dedication of the Property. In the event it is determined that DMM is not entitled to impact fee credits as provided in this Paragraph 6 or that DMM is entitled to impact fee credits in lesser amounts than as specified in this Paragraph 6, the School Board shall have the option to pay the difference in cash, failing which DMM may elect to terminate this Contract and the parties shall be relieved of all further obligations hereunder.

7. DMM shall select the title agent and shall pay the costs of the title search and premium for the ALTA Title Insurance Policy in the amount of \$280,000.00 for the Property and shall be responsible for the documentary stamp tax due on the deed. DMM shall convey to School Board marketable title to the Property, subject only to the title exceptions as to which Purchaser has waived its right to object. Marketable title shall be determined according to the Uniform Title Standards adopted by The Florida Bar. Within twenty (20) calendar days following the Effective

Date of this Agreement, DMM shall deliver to the School Board a Title Commitment, together with a copy of each instrument shown as an exception. If the Title Commitment reflects that title to the Property is subject to any exception that would render title to the Property to be unmarketable, or if at any time after delivery of the Title Commitment and prior to Closing, School Board receives notice of or otherwise discovers that title to the Property is subject to any additional title exceptions, School Board shall notify DMM in writing of the title exceptions to which School Board objects within ten (10) calendar days after School Board receives notice of such exceptions. If School Board fails to deliver timely notice to DMM of any objections, School Board shall be deemed to have waived its right to object to same, and School Board shall proceed to closing as hereinafter provided. If School Board has timely notified DMM of any title exceptions to which School Board objects, DMM will have thirty (30) days from receipt of notice to remove the exceptions and shall notify School Board whether or not DMM has been able to remove the exceptions within said thirty (30) days. If DMM has not been able to remove the exceptions, School Board may either: (i) extend the time for a reasonable period not to exceed sixty (60) days within which DMM shall use diligent effort to remove the exceptions; or (ii) the School Board may elect to terminate this Agreement by written notice to DMM and the parties shall be relieved of all further obligations hereunder.

8. The Property shall be conveyed by DMM to the School Board in accordance with the form of the deed described in Paragraph 2 and as attached hereto as Exhibit "C". The original of the recorded deed will be provided to the School Board as soon as practicable when returned from recording.

9. Subject to all of the provisions of this Agreement, the Developer, DMM and School Board shall close this transaction on a date which is not more than ninety (90) days from the Effective Date of this Agreement or sooner at the option of School Board provided that all conditions precedent to the parties obligations to close have been met or waived as applicable.

10. Either party to this Agreement shall be entitled to reimbursement of all attorneys' fees and costs reasonably incurred in the successful enforcement of its rights hereunder in any judicial proceeding relating thereto.

11. This Agreement: (a) represents the full Agreement of the parties with respect to its subject matter; (b) shall be construed according to the laws of the State of Florida; (c) shall not be amended, modified or terminated, except in writing executed by the affected parties; and (d) shall be liberally construed to effect its purposes without regard to any rule of construction relating to the principal drafting hereof.

12. The provisions hereof shall be severable, and in the event any provision is found to be unenforceable, the remaining provisions shall be enforced as if the unenforceable provision had never been included.

13. The effective date of this Agreement shall be the date on which the later of the parties to the Agreement affix their signature ("Effective Date"). Time is of the essence in the performance of all obligations by the parties under this Agreement.

14. The obligations assumed by the parties in this Agreement shall be binding upon any successors in interest.

Any notices sent pursuant to this Agreement must be sent to: Oakbrook Properties Inc., Ned Dewhirst, P.O. Box 366879, Bonita Springs, FL 34135; Coconut Point Developers, LLC, Tom Schneider, 225 West Washington Street Indianapolis, IN 46204-3438; DMM Development LLC,

David McArdle, PO Box 64 St. Charles, IL 60174; Jeanne S. Dozier, Chairman of Lee County School Board, 2055 Central Avenue, Fort Myers, FL 33901, Mr. Keith Martin, Attorney for Lee County School Board, 2055 Central Avenue, Fort Myers, FL 33901 and Heather W. Hawkins, Esq., Attorney for School Support, 3308 Canal Street, Fort Myers, FL 33916.

THE SCHOOL BOARD OF LEE COUNTY,
FLORIDA

Attest:

By:

James W. Browder, III
James W. Browder, III, Ed.D.
Secretary and District Superintendent

By:

Jeanne S. Dozier
Jeanne S. Dozier
Chairman

Approved as to Form:

[Signature]
School Board Attorney

STATE OF FLORIDA

COUNTY OF LEE

APPROVED

APR 03 2007

SCHOOL BOARD OF
LEE COUNTY

The foregoing instrument was acknowledged before me this 3rd day of April, 2007 by Jeanne S. Dozier, as Chairman of the School Board of Lee County, Florida, who is [] personally known to me or who has [] produced n/a as identification.

My Commission Expires:

Ruth H. Moon
Notary Public

Ruth H. Moon
Print/Type Name of Notary

Commission No. DD 363955

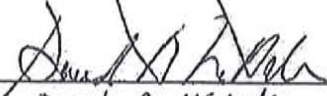



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COMMUNITY DEVELOPMENT

Oakbrook Properties, Inc.

By: 
David A. McAvoy
Title: President


Witness
Rodney A. Welty
(Print/Type Name of Witness)


Witness
JEAN RYAN
(Print/Type Name of Witness)

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Witness Darlene Harvey
Darlene Garvey

(Print/Type Name of Witness)

Coconut Point Developers, LLC

By: [Signature]

David Simon
Title: Chief Executive Officer

Witness

Edith L. Hicks
(Print/Type Name of Witness)
Edith L. Hicks

DMM Development LLC, a Florida limited liability company

By: [Signature]

Title: Manager - Oakbrook Properties, Inc.
David A. McArdle, President

Witness

[Signature]
Rodney A. Welty
(Print/Type Name of Witness)

Witness

[Signature]
JEAN RYAN
(Print/Type Name of Witness)

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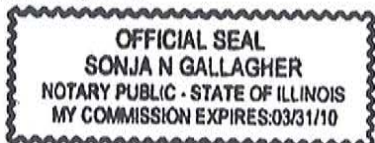
COMMUNITY DEVELOPMENT

STATE OF Illinois

COUNTY OF Kane

The foregoing instrument was acknowledged before me this 12th day of April, 2007 by David A. McArdle as President of Oakbrook Properties, Inc. on behalf of the Corporation, who is personally known to me or who has produced _____ as identification.

My Commission Expires:



Sonja N. Gallagher
Notary Public

Sonja N. Gallagher
Print/Type Name of Notary

Commission No. 376644

STATE OF Indiana

COUNTY OF Madison

The foregoing instrument was acknowledged before me this 26th day of April, 2007 by David Simon as Chief Executive Officer of Coconut Point Developers, LLC on behalf of the company, who is personally known to me or who has produced _____ as identification.

My Commission Expires:



Joan Walker-Emminger
Res. Of Shelby County
Comm. Exp. 2/6/2013

Joan Walker-Emminger
Notary Public

Print/Type Name of Notary

Commission No. _____

STATE OF Illinois

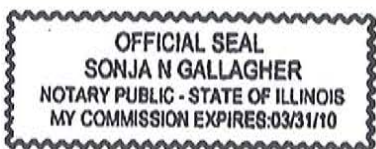
COUNTY OF Kane

DCI 2012-00017

The foregoing instrument was acknowledged before me this 12th day of April, 2007 by David A. McArdle as Mgr, Oakbrook Props. of DMM Development, LLC on behalf of the company, who is personally known to me or who has produced _____ as identification.

David A. McArdle, Pres.

My Commission Expires:



Sonja N. Gallagher
Notary Public

Sonja N. Gallagher

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Print/Type Name of Notary

Commission No. 376644

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Exhibit "A"

The South Half (S1/2) of Lot 20, Block C, Florida Gulf Land Company's Subdivision, according to the plat thereof recorded in Plat Book 1 at Page 59 of the Public Records of Lee County, Florida.

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Exhibit "B"

The South Half (S1/2) of Lot 19, Block C, Florida Gulf Land Company's Subdivision, according to the plat thereof recorded in Plat Book 1 at Page 59 of the Public Records of Lee County, Florida.

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COMMUNITY DEVELOPMENT

Prepared by and return to:
Truman J. Costello

Truman J. Costello, P.A.
12670 New Brittany Blvd.
Fort Myers, FL 33907
239-939-2222
File Number: 07-0128
Will Call No.:

Parcel Identification No. 34-46-25-01-0000C.0190

[Space Above This Line For Recording Data]

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this ____ day of _____, 2007 between DMM Development, LLC, a Florida limited liability company, whose post office address is 24880 Burnt Pine Drive #8, Bonita Springs, FL, 34134, of the County of Lee, State of Florida, grantor*, and Lee County School Board, whose post office address is 2055 Central Avenue, Fort Myers, FL 33901 of the County of Lee, State of Florida, grantee*,

Witnesseth that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to-wit:

The South Half (S-1/2) of Lot 19, Block C, FLORIDA GULF LAND COMPANY'S SUBDIVISION, according to the plat thereof recorded in Plat Book 1 at Page 59 of the Public Records of Lee County, Florida.

AND

The South Half (S-1/2) of Lot 20, Block C, FLORIDA GULF LAND COMPANY'S SUBDIVISION, according to the plat thereof recorded in Plat Book 1 at Page 59 of the Public Records of Lee County, Florida.

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

EXHIBIT C

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DoubleTimes

Signed, sealed and delivered in our presence:

Witness

Printed Name of Witness

Witness

Printed Name of Witness

DMM Development, LLC, a Florida limited liability company

By: Oakbrook Properties, Inc., a Delaware corporation, its Manager

By: _____
David A. McArdle, President

State of _____

County of _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2007 by David A. McArdle, President of Oakbrook Properties, Inc., a Delaware corporation, Manager of DMM Development, LLC, a Florida limited liability company. He is [] personally known to me or [] has produced a driver's license as identification.

[Notary Seal]

Notary Public

Printed Name: _____

My Commission Expires: _____

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26 P.P.
163 DR

EXHIBIT PH-3.L.2

DR2677 PG0583

3913348

This instrument prepared by:
J. Stephen Crawford, Esq.
5129 Castello Drive, Suite 1
Naples, Florida 33940

AFFIDAVIT OF RE-RECORDING

I certify that the following Declaration of Protective Covenants, Conditions and Restrictions, dated January 31, 1996, which was originally recorded on February 1, 1996, in Official Records Book 2672 at page 3942 of the Public Records of Lee County, Florida, is being re-recorded to include pages 3 through 12, inclusive, of Exhibit "C" and Attachment "A" to Exhibit "C" which were at all times a part of said Declaration but were erroneously omitted from the original recording.


February 15, 1996.


J. Stephen Crawford

State of Florida
County of Collier

Before me on February 15, 1996, appeared J. Stephen Crawford, who is personally known to me and acknowledged on oath the execution of the foregoing affidavit.




Notary Public, State of Florida
Name: Donna M. Owen
Commission No.: CC413076
Expiration Date: 10/13/98

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Prepared by and return to:
David L. Cook, Esq.
Young, van Assenderp & Varnadoe, P.A.
801 Laurel Oak Drive, Suite 300
Naples, FL 33963-2771

21 PP
96⁰⁰R

3905584

DR2672 PS3942

DR2677 PS0584

**DECLARATION OF PROTECTIVE COVENANTS,
CONDITIONS, EASEMENTS AND RESTRICTIONS**

THIS DECLARATION made this 31st day of January, 1996,
by Edward J. McArdle, as trustee of the Edward J. McArdle Grantor
Trust dated January 6, 1992, (hereinafter referred to as "EJM").

WITNESSETH:

WHEREAS, EJM is the owner in fee simple of the real property
located in Lee County, Florida and more particularly described on
Exhibit "A" attached hereto (the "PROPERTY"); and

WHEREAS, Long Bay Partners LLC, a Florida limited company
("LBP") is entering into an option agreement to purchase that
certain real property adjacent to the PROPERTY described in
Exhibit "B" attached hereto ("LBP Property") from EJM, which it
intends to develop as a master planned community consisting of
predominantly residential and recreational uses. LBP anticipates
imposing upon the LBP Property mutually beneficial restrictions
under a general plan of improvement for the benefit of the present
and future owners of property within the LBP Property; and

WHEREAS, EJM and LBP agree that the establishment of a general
scheme of development, and a standard of conduct, maintenance, and
activities prevailing throughout the PROPERTY would benefit both
the PROPERTY and the LBP Property. The parties desire to create
and preserve such general scheme of development through the
imposition of mutually beneficial restrictions affecting the
development and use of the PROPERTY; and

WHEREAS, EJM by this DECLARATION desires to impose the
covenants, conditions, easements, reservations and restrictions
contained herein upon the PROPERTY; and

WHEREAS, EJM hereby declares that the PROPERTY shall be held,
conveyed, encumbered, leased, rented, used, occupied, improved and

RECORDED & INDEXED - CHARLIE GREEN, CLERK
BY: G. SHERWOOD, D.C.

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maintained subject to the following limitations, restrictions, easements, conditions, reservations and covenants, all of which are agreed to be in furtherance of a plan for the protection, subdivision, operation, use, maintenance, improvement and sale of the PROPERTY and for the purposes of enhancing and protecting the value, desirability and attractiveness of the PROPERTY. The provisions of this Declaration, including, without limitation, the easements, uses, obligations, covenants, conditions, reservations and restrictions hereof, are hereby imposed upon the PROPERTY. All of the limitations, restrictions, easements, reservations, conditions and covenants herein shall run with the land and shall be binding on and for the benefit of all of the PROPERTY and all parties having or acquiring any right, title or interest in or to the PROPERTY, or any part thereof, and their successors and assigns.

DR2677 PG0585

ARTICLE 1
DEFINITIONS

1. "COMMERCIAL PARCEL" shall mean a portion of the PROPERTY, whether improved or unimproved, which may be independently owned and conveyed and which is intended for commercial development, use and occupancy consistent with this Declaration, any other applicable covenants, and applicable zoning. The term shall refer to the land, if any, which is part of the Commercial Parcel as well as any improvements thereon. If any Commercial Parcel is subdivided or resubdivided, whether by plat or deed, each such subdivision shall be considered a Commercial Parcel hereunder.

2. "DECLARANT" shall mean EJM. However, EJM hereby assigns all of its rights as DECLARANT to LBP until an instrument is recorded in the Public Records of Lee County, Florida by LBP relinquishing its rights to act as DECLARANT under this DECLARATION.

3. "PROPERTY" shall mean the land, described in Exhibit "A".

4. "DECLARATION" shall mean and refer to covenants contained herein as this DECLARATION may be amended or supplemented from time to time.

5. "OWNER" shall mean and refer to any person or persons, entity or entities, who are the record owner(s) of any fee interest in the PROPERTY, their heirs, successors, legal representative or assigns.

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ARTICLE II
GENERAL RESTRICTIONS

1. Prohibited Uses. The following uses shall not be permitted on the Property:

- A. Aircraft Landing Facilities, all categories
- B. Amusement Park
- C. Animals:
 - 1. Kennels
 - 2. Control Center (including Humane Society)
- D. Bait and Tackle Shop
- E. Boarding House
- F. Boats:
 - 1. Boat Rental
 - 2. Boat Repair and Service
 - 3. Boat Storage, dry, not exceeding two tiers or 18 feet above natural grade
- G. Bus Station Depot
- H. Clubs:
 - 1. Fraternal
- I. Cold Storage Warehouse and Processing Plant (including precooling)
- J. Commercial Fishery
- K. Contractors and Builders, Groups II and III
- L. Cultural Facilities:
 - 1. Animal and Reptile Exhibits
 - 2. Zoos
- M. Drive-in Theater
- N. Dwelling Units: Mobile Homes
- O. Essential Service Facilities, Groups II and III
- P. Excavation:
 - 1. Mining
 - 2. Oil or Gas
- Q. Farm Equipment, Sales, Storage, Rental Service
- R. Feed or Fertilizer, Mixing and Sales
- S. Fish House, Wholesale
- T. Flea Market:
 - 1. Open
 - 2. Indoor
- U. Forestry Tower
- V. Fraternity House
- W. Freight and Cargo Handling Establishments
- X. Funeral Homes or Mortuary with Cremation
- Y. Government Maintenance Facility
- Z. Heliport or Helistop
- AA. Manufacturing of all categories

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- AB. Mass Transit Depot or Maintenance Facility (government operated)
- AC. Mini-Warehouse
- AD. Mobile Home Dealers
- AE. Processing and Warehousing
- AF. Racetracks, Groups I and II
- AG. Recycling Facility
- AH. Roadside Stand
- AI. Stable, Commercial
- AJ. Storage, Open
- AK. Theater, Drive In
- AL. Towers, Communication, only when accessory to a permitted use: Over 50 feet in height
- AM. Transportation Services, all Groups
- AN. Truck Stop
- AO. Trucking Terminal, Motor, Rail, Air, including warehousing of goods awaiting shipment, parking and storage of rolling stock
- AP. Warehouse:
 - 1. Mini-warehouse
 - 2. Private
 - 3. Public
- AQ. Wholesale Establishment, all Groups

DR2677 P60587

2. General Prohibitions. The use of the PROPERTY shall also be subject, inter alia, to the following conditions:

A. There shall be no outside sale or display of any materials, products or goods, outside storage of shopping carts must be visually buffered and no outside display of advertising flags, pennants, streamers, balloons or the like on any portion of the PROPERTY or on any building, structure or vehicle in the PROPERTY, except for:

(i) The seasonal sale of merchandise by any supermarket located within PROPERTY shall be permitted, subject to the following restrictions:

- (a) sales shall be limited to not more than four occasions per calendar year for a cumulative total of not more than 60 days duration.
- (b) the sales area shall be limited to not more than 20 parking spaces located in the area immediately adjacent to the supermarket.
- (c) all booths, stands, displays and other structures erected in connection with such

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DR2672 PG3946

sale shall be promptly removed upon termination of said activities.

- (d) any damage to the Common Areas of PROPERTY shall be promptly repaired to their condition immediately prior to said sale, at the sole cost of the operator of the supermarket, and
- (e) the sale shall not interfere with the free movement of vehicular traffic within PROPERTY or with access to or from PROPERTY, or any part thereof, to or from any public right of way.
- (f) the sales area and all Common Areas affected by such use shall be cleaned and all debris removed on a daily basis.

DR2677 PG0588

(ii) The display of temporary "Grand Opening" or "Now Open" banners or signs for a period of not more than 15 days by tenants of Outparcels and anchor tenants only.

B. There shall be no use of the PROPERTY that, taking into consideration the commercial nature of PROPERTY, is or may be obnoxious because of dust, dirt, smoke, fumes, odors, noises or vibrations and there shall be no outside paging systems or loudspeakers permitted in the PROPERTY;

C. All service and deliveries for any building(s) in the PROPERTY shall be contained to the rear of the building(s) where physically possible;

D. There shall be no outside music, festivities, gatherings or events prior to 8:00 a.m. or later than 10:00 p.m.;

E. Except as permitted under Paragraph 2.A. (i), all permitted uses shall be conducted entirely within a completely enclosed building, provided, however, outdoor dining shall be permitted.

F. No Owner shall use, generate, store, or dispose of hazardous materials on the PROPERTY or discharge any hazardous material on, above, or under the PROPERTY except in compliance with all applicable laws, regulations, ordinances and permits. "Hazardous materials" means materials, substances, gases, or vapors identified as hazardous, toxic, or radioactive by any applicable federal, state, or local laws, regulations or ordinances.

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OR2672 PG3947

3. Plans, Specifications and Locations of Buildings.

A. All construction, reconstruction or modification of buildings shall be done using a common architectural theme, in accordance with this DECLARATION and the "Design Review Guidelines" attached as Exhibit "C". The Design Review Guidelines shall not be construed to require anything not permitted by law.

B. The required landscaping shall be installed at the time of completion of the building(s) on the PROPERTY, as evidenced by the issuance of a Certificate of Occupancy by the appropriate governmental regulatory agency. All areas of the PROPERTY not covered by buildings, structures or paved parking and service road facilities shall be maintained as landscaped areas and shall be maintained to the pavement edge of abutting streets and alleys and to the water line of abutting lakes, if any.

C. No structure of any kind of what is commonly known as "factory built", modular", or "mobile home" type construction shall be erected in the PROPERTY. Provided, however, the prohibition of this subparagraph C shall not apply to temporary construction and/or sales trailers.

4. Landscaping and Irrigation Systems. OWNER shall install and maintain landscaping and underground irrigation systems throughout the parking and service drive areas to water any landscaping placed therein.

5. Parking and Storage Areas.

A. No parking shall be permitted on any road or service drives, and adequate permanent paved parking areas and service drives shall be constructed in accordance with standards acceptable to Lee County for such use and maintained in a good, clean condition consistent with the maintenance standards of other first class shopping centers in Southwest Florida.

B. No open storage area shall be permitted in the PROPERTY.

C. During construction periods, outside storage of construction materials shall be temporarily permitted within fenced locations in the PROPERTY.

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6. Walls and Fences. No wood fencing material shall be permitted.

7. Antennas. No outside communication dish or antennae, including microwave and satellite dishes, antenna poles, antenna masts, antenna towers, satellite dishes, or electronic devices (collectively called "facilities") shall be visible from fronting streets. These facilities must be painted in a color compatible to the primary building so as to blend with the surrounding area and buffered by landscaping or screen walls where appropriate. None of the above mentioned facilities shall exceed a height of fifteen (15) feet above the height of the building. OWNER agrees that all such electronic devices shall be installed toward the rear of any building and shall be installed to minimize their impact on the aesthetics of buildings within the PROPERTY.

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8. Accessory or Temporary Buildings. Except as permitted under Paragraph 2.A.(i), no tents or temporary buildings or structures shall be permitted in the PROPERTY.

9. Garbage Containers, Oil and Gas Tanks, Air Conditioners, Solar Collectors.

A. All garbage and trash containers, oil tanks, fuel tanks, bottled gas tanks, and irrigation system pumps on the PROPERTY shall be underground or located within landscaped walls of masonry block or similar material so that they shall not be visible from any adjacent street or properties. Adequate landscaping or shielding shall be installed and maintained by OWNER.

B. All air-conditioning units on the PROPERTY must be located either (i) on the ground surface and shall be shielded or screened by landscaped walls of masonry block or similar material or (ii) on the roof of the structures served by such units and integrated into the structure so that they shall not be visible when viewing the building from the North, South or West side, or in the case of Outparcels, when viewing the building thereon from any side.

C. Solar collectors are permitted but shielding of solar collectors is required.

10. Signs. No signs, either permanent or temporary in nature, shall be erected or displayed on the PROPERTY, or on any building, structure, vehicle or window (excluding signs inside any building which are visible through any windows), unless (a) the signs are "Grand Opening" or "Now Open" banners or signs which comply with Article II, paragraph 2.A.(ii) above, or (b) the

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placement, character, form, color, size and time of placement of such signs meet the sign standards in the Design Review Guidelines. All signs must also be in conformance with all regulatory ordinances. "Signs" for the purposes of this DECLARATION shall mean any type of lettered board or other display that would be used to identify or advertise a place of business, including any type of "lighting", fixture or apparatus that is visible from the exterior of the PROPERTY, which lighting, fixture or apparatus might be used as a type of sign to entice customers to the PROPERTY. "Lighting" includes flashing lights and any other type of illumination that attracts notice.

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11. Maintenance of Property/Except While the Owner Uses the PROPERTY for Agricultural Purposes:

A. No weeds, underbrush, or unsightly growths which is permitted to be removed by applicable codes or regulations shall be permitted to grow or remain on the PROPERTY, and no refuse, trash, junk or other unsightly objects shall be allowed to be placed or suffered to remain on the PROPERTY. Failure by OWNERS to keep the PROPERTY free of weeds, underbrush, unsightly growths, refuse, trash, junk or other unsightly objects, and after fifteen (15) days notice commence the corrections when required by DECLARATION, shall be cause for DECLARANT to enter the PROPERTY to remove said objectionable material and (i) such entry shall not be deemed a trespass; and (ii) the disposal of removed material shall not be deemed a conversion. Any costs incurred by DECLARANT shall be borne by OWNER and shall be due and payable within fifteen (15) days after written request from DECLARANT for payment.

B. OWNER shall maintain the PROPERTY and the buildings, structures, improvements, sidewalks and appurtenances thereon in a good, safe, clean, neat, finished, painted and attractive condition at all times, consistent with the operation of the PROPERTY. Failure by OWNER to maintain as required herein, and after fifteen (15) days notice to commence the corrections or improvements as required by DECLARANT, shall be cause for DECLARANT to enter the PROPERTY, and such entry shall not be deemed a trespass, to make such corrections or improvements as may be necessary to conform with the maintenance requirements herein. Any costs incurred by DECLARANT shall be borne by OWNER and shall be due and payable within fifteen (15) days after request from DECLARANT for payment.

C. Upon failure of OWNER to make payments within the time periods set forth in this paragraph DECLARANT is hereby empowered to file a claim of lien against the PROPERTY in the

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Public Records of Lee County, Florida, in order to secure such payments, and other sums, all as hereinafter set forth against the PROPERTY, which lien shall be effective from the date of filing in the Public Records of the County.

D. By taking title to a Commercial Parcel, each Owner covenants and agrees to carry property insurance for the full replacement cost of all insurable improvements on his or her Commercial Parcel, less a reasonable deductible. Each Owner further covenants and agrees that in the event of damage to or destruction of structures on or comprising his Commercial Parcel, the Owner shall proceed promptly to repair or to reconstruct in a manner consistent with the original construction. Alternatively, the Owner shall clear the Commercial Parcel of all debris and ruins and maintain the Commercial Parcel in a neat and attractive, landscaped condition. The Owner shall pay any costs which are not covered by insurance proceeds.

OR2677 PG0592

12. Trucks, Commercial Vehicles, Buses, Recreational Vehicles, Motor Homes, Mobile Homes, Boats, Campers and Trailers.

A. No truck or commercial vehicle of any kind shall be permitted to be parked on the PROPERTY for a period of more than four (4) hours unless (i) said vehicles are temporarily present and necessary in the actual construction or repair of buildings or other improvements on the PROPERTY, or (ii) are necessary and incident to business in the PROPERTY, or (iii) are parked overnight adjacent to a loading dock located at the rear of a building. No truck or commercial vehicle shall otherwise be parked overnight or stored in the PROPERTY unless fully enclosed within a building.

B. Except as provided in Paragraph 12.A. above, no recreational vehicle of any kind shall be parked overnight, and no boats, boat trailers, or trailers of any kind, or campers, motor homes, mobile homes or buses shall be permitted to park on the PROPERTY overnight, unless kept fully enclosed inside a building.

C. None of the vehicles named herein shall be used as a domicile or residence, either permanent or temporary.

13. No Oil and Mining Operations. No oil or gas drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted on the PROPERTY, nor shall oil or gas wells, tunnels, mining excavations or shafts be permitted upon the PROPERTY. No derrick or other structure

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designed for use in drilling for oil or natural gas shall be erected, maintained or permitted upon the PROPERTY.

ARTICLE III
GENERAL PROVISIONS

1. Non-Liability of Declarant. DECLARANT shall not in any way or manner be held liable or responsible for any violation of this DECLARATION by any person or entity other than itself and its employees and agents.

2. Owner Compliance. The covenants, restrictions and servitudes imposed by this DECLARATION shall apply not only to OWNER, but also any person or persons, entity or entities, occupying OWNER'S premises under lease from the OWNER or by permission or invitation of OWNER or OWNER'S tenants, expressed or implied. Failure of OWNER to notify said persons, entities or occupants of the existence of this DECLARATION shall not in any way act to limit to divest the right of DECLARANT to enforce this DECLARATION. OWNER shall be responsible for any violations of this DECLARATION by OWNER'S tenants, licensees, invitees or guests and by guests, licensees, and invitees of OWNER'S tenants at any time.

3. Notice to Declarant. Any notice to DECLARANT shall be in writing and delivered or mailed to DECLARANT at its principal place of business as shown by the records of the Florida Department of State.

4. Notice to Owner. Notice to OWNER of a violation of this DECLARATION or any other notice or request herein required shall be in writing and shall be delivered or mailed to OWNER at the address shown on the tax rolls of Lee County, Florida, or to the address of OWNER as shown on the deed as recorded in the Public Records of Lee County, Florida, or to the address of OWNER as shown on the records of the Florida Department of State if OWNER is a corporation or limited partnership. Upon written request of any Owner, DECLARANT shall, concurrent with any notice of default given to Owner, give notice of such default to any first mortgagee of Owner, who shall have the same right as Owner to cure such default.

5. Restrictions Run With The Land. The covenants, reservations, restrictions and other provisions of this DECLARATION shall constitute an easement and imposition in and upon the PROPERTY and every part thereof, and they shall run with the land and shall inure to the benefit of and be binding upon and enforceable by DECLARANT, its successors and assigns, for a period of thirty (30) years from the date this DECLARATION is recorded, after which time these restrictions shall be extended for successive periods of ten (10) years each until an instrument

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signed by the then OWNERS of two thirds (2/3) of the acreage within the PROPERTY and LBP, its successors or assigns, has been recorded agreeing to change or terminate this DECLARATION in whole or in part.

6. Amendment. Except as set forth in paragraph 5, this DECLARATION may not be amended except in writing recorded in the Official Records of Lee County, Florida and signed by all owners of the PROPERTY and LBP, its successors or assigns.

7. Liens and Enforcement.

A. Enforcement of this DECLARATION by DECLARANT shall be by any procedure at law or in equity against any person or persons, entity or entities, violating or attempting to violate any covenants or restriction, either to restrain violating or attempting to violate any covenant or restriction or to require certain performances or to recover damages or to enforce any lien created hereby.

B. Failure by DECLARANT to enforce any provision under this DECLARATION shall in no event be deemed a waiver of the right to enforce the same at any other time or from time to time.

8. Severability. Invalidation of any provision under this DECLARATION, in whole or in part, by a court of competent jurisdiction shall not affect any of the other provisions set forth herein, all of which shall remain in full force and effect.

9. Captions. The captions of the various paragraphs of this DECLARATION have been inserted for the purpose of convenience. Such captions shall not be deemed in any manner to modify, explain, enlarge or restrict any of the provisions herein.

10. Waiver. Any waiver by DECLARANT of any provision of this DECLARATION or breach hereof must be in writing and shall not obligate DECLARANT or be construed as a waiver of any other provisions or subsequent breach.

11. Third Party Beneficiaries. No party other than DECLARANT and Owner and their successors and assigns is intended to be benefitted or shall have the right to enforce the covenants and restrictions set forth in this DECLARATION.

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IN WITNESS WHEREOF, the DECLARANT does hereby execute this DECLARATION in its name, by its undersigned authorized officer, and affixes its corporate seal hereto, all as of the day and year first above mentioned.

DR2677 P60595

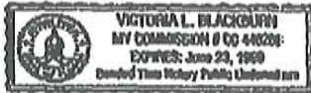
Witnesses:

Joanna D. Baze
Printed Name
Joanna D. Baze
Printed Name
Donna M. Owen
Printed Name

By: Edward J. McArdle
Edward J. McArdle, Trustee of the
Edward J. McArdle Grantor Trust
dated January 6, 1992

STATE OF
COUNTY OF

The foregoing instrument was acknowledged before me this 31st day of January, 1996, by Edward J. McArdle, as Trustee of the Edward J. McArdle Grantor Trust dated January 6, 1992, who is personally known to me or who produced _____ as identification.



Victoria L. Blackburn
NOTARY PUBLIC
Name Typed, Printed or Stamped
Commission No.: _____
My commission expires: _____

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WILSON, MILLER, BARTON & PEEK, INC.

Engineers, Planners, Surveyors, Landscape Architects & Environmental Consultants
Wilson Professional Center, Suite 200, 3200 Bailey Lane at Airport Road, Naples, Florida 33942 • (941) 649-4040 Fax (941) 643-5716

Commercial Restrictions
being a part of Section 9, Township 47 South, Range 25 East,
Lee County, Florida

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All that part of Section 9, Township 47 South, Range 25 East, Lee County, Florida being more particularly described as follows:

That portion lying between the U.S. 41 right-of-way and the Seaboard Coast railroad right-of-way and within 500 feet of the northern right-of-way line of the easement described in Exhibit 1

AND

That portion lying between the U.S. 41 right-of-way and the Seaboard Coast railroad right-of-way and within 500 feet of the southern boundary of the west parcel described in Exhibit 2 for a distance of 1,250 feet from the U.S. 41 right-of-way, and within 500 feet of the eastern boundary of the west parcel described in Exhibit 2 for a distance of 1,662 feet from the southern right-of-way line of the easement described in Exhibit 1, and that portion lying between the U.S. 41 right-of-way and the Seaboard Coast railroad right-of-way and within 500 feet of the southern right-of-way line of the easement described in Exhibit 1 beginning 1,250 feet from the U.S. 41 right-of-way to the Seaboard Coast railroad right-of-way.

Subject to easements and restrictions of record;

Bearings are based on the east line of said Section 10, being North 01°05'50" West.

WILSON, MILLER, BARTON & PEEK, INC.
Registered Engineers and Land Surveyors

By: 
George G. Esbala, P.L.S. #5187

Date 1-26-95

Not valid unless embossed with the Professional's seal.

W.O. 36210

Date: January 26, 1996

EXHIBIT A

DCI 2012-00017

012996-W-0714013305
1-0714095866

Naples
(941) 649-4040
Fax (941) 643-5716

Fort Myers
(941) 939-1000
Fax (941) 939-7479

Sarasota
(941) 571-3690
Fax (941) 577-0897

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WILSON, MILLER, BARTON & PEEK, INC.

Engineers, Planners, Surveyors, Landscape Architects, Environmental Consultants & Construction Managers
Wilson Professional Center, Suite 300, 2263 Eddy East at Airport Road, Naples, Florida 34104 • (917) 697-6040 Fax (917) 642-5716

EXHIBIT 1 Description of Easement/Right, Utility and Drainage Easement being a part of Sections 9 and 10, Township 47 South, Range 25 East, Lee County, Florida (Re: Sweetwater Release Parcel Access and Utility)

All that part of Sections 9 and 10, Township 47 South, Range 25 East, Lee County, Florida being more particularly described as follows:

Commencing at the southeast corner of said Section 10;
 thence along the east line of said Section 10, North 01°05'50" West 1699.08 feet to a point on the southerly right-of-way line of assumed Coconut Road Extension;
 thence leaving said section line along said southerly right-of-way line in the following six (6) described courses:
 1) South 88°26'03" West 441.49 feet;
 2) westerly 367.82 feet along the arc of a tangential circular curve concave to the south, having a radius of 2925.00 feet through a central angle of 31°07'22" and being subtended by a chord which bears South 82°52'22" West 566.93 feet;
 3) South 77°18'41" West 446.48 feet;
 4) westerly and northwesterly 1013.71 feet along the arc of a tangential circular curve concave to the northeast, having a radius of 1150.00 feet through a central angle of 30°30'19" and being subtended by a chord which bears North 77°26'09" West 981.20 feet;
 5) North 53°11'00" West 1240.71 feet;
 6) northwesterly and westerly 1272.37 feet along the arc of a tangential circular curve concave to the southwest, having a radius of 1923.00 feet through a central angle of 37°53'36" and being subtended by a chord which bears North 71°07'18" West 1249.52 feet to a point on said curve;
 thence leaving said curve and said southerly right-of-way line, South 00°59'47" East 436.17 feet;
 thence South 89°00'13" West 663.24 feet to the easterly right-of-way line of Seaboard Coast Railroad;
 thence along said easterly right-of-way line North 00°59'47" West 329.80 feet to the Point of Beginning of the easement herein described;
 thence leaving said easterly right-of-way line, South 38°06'50" West 131.49 feet;
 thence southwesterly 255.27 feet along a non-tangential circular curve concave to the southeast, having a radius of 1900.00 feet through a central angle of 07°41'52" and being subtended by a chord which bears South 61°31'04" West 235.08 feet to a point of reverse curvature;
 thence southwesterly and westerly 593.13 feet along the arc of a tangential circular curve concave to the northwest, having a radius of 1100.00 feet through a central angle of 30°22'26" and being subtended by a chord which bears South 72°31'21" West 576.33 feet;
 thence South 88°02'34" West 1184.23 feet to a point on the easterly right-of-way line of U.S. 41 (Tankum Trail);
 thence along said easterly right-of-way line North 00°15'56" West 200.09 feet;
 thence leaving said easterly right-of-way line North 88°02'34" East 1178.34 feet;
 thence easterly and northeasterly 477.11 feet along the arc of a tangential circular curve concave to the northwest, having a radius of 900.00 feet through a central angle of 30°22'26" and being subtended by a chord which bears North 72°31'21" East 471.54 feet to a point of reverse curvature;
 thence northeasterly 368.91 feet along the arc of a tangential circular curve concave to the southeast, having a radius of 2100.00 feet through a central angle of 10°03'55" and being subtended by a chord which bears North 62°42'06" East 368.46 feet to a point on said curve;
 thence leaving said curve along a non-radial line, North 80°27'48" East 131.46 feet to said easterly right-of-way line of Seaboard Coast Railroad;
 thence along said easterly right-of-way line South 00°59'47" East 158.11 feet to the Point of Beginning of the easement herein described;

Subject to easements and restrictions of record;
Bearings are based on the east line of said Section 10, being North 01°03'50" West.

WILSON, MILLER, BARTON & PEEK, INC.
Registered Engineers and Land Surveyors

By: George S. Puleo Date 1-26-96
George S. Puleo, P.L.S. #3187

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EXHIBIT 2
West parcel
being a part of Section 9, Township 47 South, Range 25 East,
Lee County, Florida

All that part of the south 1/2 of Section 9, Township 47 South, Range 25 East, Lee County, Florida being more particularly described as follows:
Commencing at the southeast corner of Section 9, Township 47 South, Range 25 East, Lee County, Florida, run North 00°57'23" West along the east line of said Section 9 for a distance of 2,542.33 feet;
thence run South 88°02'34" West for a distance of 1,221.61 feet to the POINT OF BEGINNING of the parcel described parcel of land;
thence continue South 88°02'34" West for a distance of 750.33 feet to a point on the easterly right-of-way line of U.S. Highway No. 41 (State Road No. 45, a 200 foot right-of-way);
thence run South 00°15'56" East along said easterly right-of-way line for a distance of 553.06 feet to the beginning of a tangential circular curve concave easterly;
thence run southerly along said easterly right-of-way line and along the arc of said curve to the left; having a radius of 5,605.39 feet, through a central angle of 06°12'58", subtended by a chord of 607.83 feet at a bearing of South 03°22'24" East for a distance of 608.13 feet;
thence run North 88°07'51" East for a distance of 747.23 feet to a point of intersection with a non-tangential circular curve concave easterly, whose radius point bears North 82°31'42" East a distance of 3,909.60 feet therefrom;
thence run northerly along the arc of said curve to the right, having a radius of 3,909.60 feet, through a central angle of 08°29'31", subtended by a chord of 578.92 feet at a bearing of North 03°13'32" West for a distance of 579.45 feet to the end of said curve;
thence run North 00°15'56" West for a distance of 583.09 feet to the Point of Beginning;
Subject to easements and restrictions of record;
Bearings are based on the east line of said Section 10, being North 01°05'50" West.

WILSON, MILLER, BARTON & PEEK, INC.
Registered Engineers and Land Surveyors

By: George C. Gibala
George C. Gibala, P.L.S. #5187

Date 1-26-96

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W.O. 36210
Date: January 26, 1996

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1-971-02-31-01

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H.M.A. PROJECT #95.85
DRAWING #1795
NOV. 22, 1995

PROPERTY DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTIONS 2, 3, 10 AND 11, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 3, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN S. 00°46'22" E., ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 3, FOR A DISTANCE OF 100.02 FEET TO A POINT 100.00 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 3; THENCE RUN N. 89°51'03" E., PARALLEL WITH THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 3, FOR A DISTANCE OF 23.35 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF WILLIAMS ROAD, A 100.00 FOOT RIGHT-OF-WAY, THE SAME BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N. 89°51'03" E., ALONG SAID PARALLEL LINE AND ALONG SAID SOUTH RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2822.11 FEET; THENCE RUN N. 89°51'33" E., PARALLEL WITH THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 3 AND ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 975.29 FEET; THENCE RUN N. 00°08'27" W., ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 100.00 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 3; THENCE RUN N. 89°51'33" E., ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 3, FOR A DISTANCE OF 1884.48 FEET TO THE NORTHEAST CORNER OF SAID SECTION 3, THE SAME BEING THE NORTHWEST CORNER OF SECTION 2, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN N. 89°51'16" E., ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 2, FOR A DISTANCE OF 2641.95 FEET; THENCE RUN N. 89°50'12" E., ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 2, FOR A DISTANCE OF 2028.48 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF INTERSTATE 75, A 410 FOOT RIGHT-OF-WAY, THE SAME BEING A POINT ON A CIRCULAR CURVE CONCAVE WESTERLY, WHOSE RADIUS POINT BEARS S. 79°55'57" W. A DISTANCE OF 828.13 FEET THEREFROM; THENCE RUN SOUTHERLY, ALONG SAID RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 5507.58 FEET, THROUGH A CENTRAL ANGLE OF 08°30'06", SUBTENDED BY A CHORD OF 826.37 FEET AT A BEARING OF S. 05°49'00" E., FOR A DISTANCE OF 828.13 FEET TO THE END OF SAID CURVE; THENCE RUN S. 01°33'57" E., ALONG SAID RIGHT-OF-WAY LINE, OR A DISTANCE OF 4512.58 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE CONTINUE S. 01°33'57" E., ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1238.06 FEET; THENCE RUN S. 04°27'35" W. FOR A DISTANCE OF 905.00 FEET; THENCE RUN S. 30°54'10" W. FOR A DISTANCE OF 1303.84 FEET; THENCE RUN S. 81°10'33" W. FOR A DISTANCE OF 1007.78 FEET; THENCE RUN S. 01°33'57" E. FOR A DISTANCE OF 150.00 FEET; THENCE RUN S. 84°26'27" E. FOR A DISTANCE OF 1007.78 FEET; THENCE RUN S. 34°02'13" E. FOR A DISTANCE OF 1303.84 FEET; THENCE RUN S. 07°35'29" E. FOR A DISTANCE OF 905.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75, A 410 FOOT RIGHT-OF-WAY; THENCE RUN S. 01°33'57" E., ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 339.22 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 11; THENCE RUN N. 82°32'38" W., ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 11, FOR A DISTANCE OF 2165.51 FEET; THENCE RUN N. 82°29'27" W., ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 11, FOR A DISTANCE OF 2698.44 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 11, THE SAME BEING THE SOUTHEAST CORNER OF SECTION 10, TOWNSHIP 47 SOUTH, RANGE 25 EAST; THENCE RUN S. 88°50'10" W., ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 10, FOR A DISTANCE OF 2684.18 FEET; THENCE RUN S. 88°50'37" W., ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 10, FOR A DISTANCE OF 2540.14 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD RIGHT-OF-WAY, A 130.00 FOOT RIGHT-OF-WAY; THENCE RUN N. 00°59'47" W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 5341.51 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 10; THENCE CONTINUE N. 00°59'47" W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2692.12 FEET; THENCE RUN N. 00°58'59" W., ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1590.73 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY, ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE

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LEFT, HAVING A RADIUS OF 5771.38 FEET, THROUGH A CENTRAL ANGLE OF 05°31'27", SUBTENDED BY A CHORD OF 659.27 FEET AT A BEARING OF N. 05°42'43" W., FOR A DISTANCE OF 939.37 FEET TO THE END OF SAID CURVE; THENCE RUN N. 10°28'25" W., ALONG SAID EASTERNLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 77.72 FEET TO THE POINT OF BEGINNING, CONTAINING 2432.334 ACRES, MORE OR LESS.

BEARINGS REFER TO THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, AS BEING N. 89°51'03" E.

THIS SKETCH IS NOT VALID WITHOUT SURVEYOR'S SIGNATURE AND RAISED SEAL.

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

LEGAL DESCRIPTION COMPILED FROM SURVEYS PREPARED BY DENI AND ASSOCIATES ON 01/14/95 AND 12/24/88 AND FROM THE RIGHT-OF-WAY MAP FOR WILLIAMS ROAD PREPARED BY JOHNSON ENGINEERING INC. DATED DEC. 1988.

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EX. B

TOTAL P.05
P.05

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WILSON • MILLER • BARTON & PEEK, INC.

DR2672 PG3959

DR2677 PG601

West parcel
being a part of Section 9, Township 47 South, Range 25 East,
Lee County, Florida

All that part of the south 1/2 of Section 9, Township 47 South, Range 25 East, Lee County, Florida being more particularly described as follows:

Commencing at the southeast corner of Section 9, Township 47 South, Range 25 East, Lee County, Florida, run North 00°57'23" West along the east line of said Section 9 for a distance of 2,542.33 feet;

thence run South 88°02'34" West for a distance of 1,221.61 feet to the POINT OF BEGINNING of the parcel described parcel of land;

thence continue South 88°02'34" West for a distance of 750.33 feet to a point on the easterly right-of-way line of U.S. Highway No. 41 (State Road No. 45, a 200 foot right-of-way);
thence run South 00°15'56" East along said easterly right-of-way line for a distance of 553.06 feet to the beginning of a tangential circular curve concave easterly;

thence run southerly along said easterly right-of-way line and along the arc of said curve to the left; having a radius of 5,605.39 feet, through a central angle of 06°12'58", subtended by a chord of 607.83 feet at a bearing of South 03°22'24" East for a distance of 608.13 feet;

thence run North 88°07'51" East for a distance of 747.23 feet to a point of intersection with a non-tangential circular curve concave easterly, whose radius point bears North 82°31'42" East a distance of 3,909.60 feet therefrom;

thence run northerly along the arc of said curve to the right, having a radius of 3,909.60 feet, through a central angle of 08°29'31", subtended by a chord of 578.92 feet at a bearing of North 03°13'32" West for a distance of 579.45 feet to the end of said curve;

thence run North 00°15'56" West for a distance of 583.09 feet to the Point of Beginning;

Subject to easements and restrictions of record;

Bearings are based on the east line of said Section 10, being North 01°05'50" West.

WILSON, MILLER, BARTON & PEEK, INC.
Registered Engineers and Land Surveyors

By: George G. Gibala
George G. Gibala, P.L.S. #5187

Date 1-26-96

Not valid unless embossed with the Professional's seal.

W.O. 36210
Date: January 26, 1996

01/29/96 W-07/001AMRS
1-0716-00-SLCL

EXHIBIT B

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OR2672 P63960



WILSON, MILLER, BARTON & PEEK, INC.

Engineers, Planners, Surveyors, Landscape Architects, Environmental Consultants & Construction Managers
Wilson Professional Center, Suite 200, 2000 Babcock Lane at Alapka Road, Naples, Florida 33963 - (813) 643-4040 Fax (813) 643-3716

Description of Parcel 1996-2 (2.00 Acres ±)
being a part of Section 9,
Township 47 South, Range 25 East,
Lee County, Florida
(Ref. Siverwater Release Parcel 1996-2)

OR2677 P60602

All that part of Section 9, Township 47 South, Range 25 East, Lee County, Florida being more particularly described as follows:

Commencing at the southeast corner of Section 10, Township 47 South, Range 25 East, Lee County, Florida;

thence along the east line of said Section 10, North 01°05'50" West 1699.05 feet to a point on the southerly right-of-way line of assumed Coconut Road Extension;
thence leaving said section line along said southerly right-of-way line in the following six (6) described courses:

- 1) South 88°26'03" West 441.49 feet;
 - 2) westerly 567.82 feet along the arc of a tangential circular curve concave to the south, having a radius of 2925.00 feet through a central angle of 11°07'22" and being subtended by a chord which bears South 82°52'22" West 566.93 feet;
 - 3) South 77°18'41" West 446.48 feet;
 - 4) westerly and northwesterly 1013.71 feet along the arc of a tangential circular curve concave to the northeast, having a radius of 1150.00 feet through a central angle of 50°30'19" and being subtended by a chord which bears North 77°26'09" West 931.20 feet;
 - 5) North 52°11'00" West 1240.71 feet;
 - 6) northwesterly and westerly 1272.57 feet along the arc of a tangential circular curve concave to the southwest, having a radius of 1925.00 feet through a central angle of 37°32'36" and being subtended by a chord which bears North 71°07'18" West 1249.52 feet to a point on said curve;
thence leaving said curve and said southerly right-of-way line, South 00°59'47" East 436.17 feet;
thence South 89°00'13" West 663.24 feet to the easterly right-of-way line of Seaboard Coast Railroad;
thence along said easterly right-of-way line North 00°59'47" West 329.80 feet;
thence leaving said easterly right-of-way line, South 58°06'50" West 151.49 feet;
thence southwesterly 255.27 feet along a non-tangential circular curve concave to the northeast, having a radius of 1900.00 feet through a central angle of 07°41'52" and being subtended by a chord which bears South 61°31'04" West 255.08 feet to a point of reverse curvature;
thence southwesterly and westerly 583.13 feet along the arc of a tangential circular curve concave to the northwest, having a radius of 1100.00 feet through a central angle of 30°22'26" and being subtended by a chord which bears South 72°51'21" West 576.33 feet;
thence South 88°02'34" West 1184.25 feet to a point on the easterly right-of-way line of U.S. 41 (Tamiami Trail);
thence along said easterly right-of-way line North 00°15'56" West 200.09 feet to the Point of Beginning of the parcel herein described;
thence continue along said easterly right-of-way line, North 00°15'56" West 415.00 feet;
thence leaving said easterly right-of-way line, South 46°02'16" East 577.45 feet;
thence South 88°02'34" West 413.96 feet to the Point of Beginning of the parcel herein described;
- Subject to easements and restrictions of record;
Containing 2.00 acres more or less;
Bearings are based on the east line of said Section 10, being North 01°05'50" West.

WILSON, MILLER, BARTON & PEEK, INC.
Registered Engineers and Land Surveyors

By: [Signature] Date 1-17-96
George S. Sivola, P.L.S. #5187

Not valid unless embossed with the Professional's seal.

Ref. 4K-385
W.O. 36211
DME: 1-15-96

Exhibit B

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1-0710-00-000

Naples
(813) 643-4040
Fax (813) 643-3716

Fort Myers
(813) 939-1000
Fax (813) 939-1000

Sarasota
(813) 371-3600
Fax (813) 371-0000

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December 14, 1995

DESIGN GUIDELINES
FOR
SWEETWATER COMMERCIAL PROPERTY

OR2677 P60603

I. APPLICABILITY

These Design Guidelines ("Guidelines") govern all property within Sweetwater Commercial Property ("Property") which is subject to the Declaration of Protective Covenants, Conditions, Easements and Restrictions for the Sweetwater Commercial Property ("Declaration") to which these Guidelines are attached.

II. SITE DEVELOPMENT DESIGN STANDARDS

A. CLEARING AND GRADING

Working with the natural contours and protecting the native vegetation is a critical element in the site development. The Owner should seek solutions that minimize the impact of grading with respect to removal of natural vegetation and the major alterations of existing grades.

In low areas, special attention must be given to grading and drainage and to the vegetation that is to be saved. Timber tie walls, rock revetments, and steep sodded slopes are examples of methods to save and protect natural vegetation. Drainage consideration must be given to impounded natural areas.

B. ACCESS AND PARKING AREAS

The structural integrity of the paving design, minimizing of clearing limits, and aesthetics are important factors to be considered in design of the project accessways. Projects are encouraged to have only one entrance per street frontage. Landscaping, circulation signage, lighting, striping and changes in paving materials should be coordinated to enhance circulation.

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It is important that flexibility be provided in the design of parking lots to allow shifting of spaces to preserve vegetation, based on actual field conditions encountered during construction. Parking spaces should be designed to avoid long rows of spaces without an island of vegetation. Curbing is required at parking islands to preserve natural vegetation and provide a pleasing appearance. Refer to Section III.B for landscape requirements.

All parking areas and driveways must be paved using concrete or asphalt. Reinforced concrete is strongly recommended for service and truck loading areas. Specialty paving is strongly encouraged at entrances and pedestrian traffic areas.

C. UTILITIES

Attention should be given to location of pedestals and transformers as they relate to aesthetics and to the location of utility corridors to minimize clearing natural vegetation. Hand trenching may be required to accomplish vegetation protection. All utilities shall be installed underground. Any utility items which must protrude above ground for service, access, safety, or code (i.e. meters, valves, backflow preventors and fire stand pipes) must be screened with walls, fences, or landscape elements.

III. ARCHITECTURE AND LANDSCAPE DESIGN STANDARDS

A. ARCHITECTURAL STANDARDS

The exteriors of all buildings must be designed to be compatible with the natural site features of the property and to be in harmony with their surroundings. Consideration of the subtropical location is important and covered overhangs are encouraged to help protect from the sun and driving rains.

1. Elevations, Building Materials and Roofing

Common architectural themes are required for all buildings within the Property. The themes may vary, but must be uniform for minimum areas of 100 acres each. Equal attention to detail and architectural

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definition must be given to the sides of the structure, including but not limited to banding, accent materials, roof character and window treatment. Retaining walls, planter walls and privacy walls should be used to break up the elevation of a building and help relate the structure to the ground. Monolithic block forms are to be discouraged. Architectural detail (such as change of plane, height, texturing, ribbing, fluting, banding, etc.) should be considered to give large surfaces interest where appropriate.

Natural materials and light, warm earth tones are required. Examples of materials and colors in keeping with these requirements are:

- a. Stucco in light, warm earth tones. Pure white is not permitted.
- b. Wood of redwood or cedar in natural stain colors or paints.
- c. Rock of keystone or coral rock, left in natural patina.
- d. Brick in light, warm earth tones, no bright reds.
- e. Wood siding in natural stain colors with appropriate trim details.
- f. Synthetic siding materials may be allowed, subject to review and approval. No metal siding will be permitted.

Avoid fragmenting the site caused when each outparcel is allowed to establish a separate architectural character. Outparcel building designs must fit the theme for that particular area. Maintain consistent colors and use of materials, even if it requires modifying "standard" building plans for certain tenants.

All buildings shall have pitched roofs or a simulation of pitched roof lines. Flat walls with parapets are not permitted, unless consistent with the theme architecture, or at the rear of buildings, in non-view areas. Free-standing

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buildings with a single-tenant must have a pitched roof on all sides. Parapets may be appropriate in certain situations above covered walkways and in conjunction with a coordinated signage design or as decorative elements.

Roof pitches and overhangs may vary as dictated by architectural design. Minimum pitch is 4:12. Roof overhangs will protect from the sun and will provide passive energy conservation, especially over entries and fenestration. No fiberglass or asphalt shingles are permitted.

Suggested roofing materials and colors are:

- a. Cedar shakes or shingles left to weather naturally.
- b. Concrete tile in warm earth tones - no white, reds, orange or pure terra cotta. Terra cotta colors may be used provided a mixture of hues are used to give an "aged" look.
- c. Slate left natural.
- d. Copper and other metals left to weather to a natural patina.

Prohibited materials include concrete flowers, plastic or simulated brick materials, and simulated stone (with the exception of precast keystone material).

An example of inappropriate color is a bright color used for an entire wall surface or roof material.

Covered walkways are required for shopping centers except at the front of anchor tenants' buildings of 30,000 sf or larger. Set back all covered walkways and storefronts from entry drives and parking a sufficient distance to provide a buffer of landscape, textured walkway paving, and street furnishings for pedestrian use. Walkway roofs and awnings may not overhang drives and parking, with exception of covered entries or features, provided they are high enough to clear all vehicles. Connect all entries within a building of multiple tenants with uninterrupted roofs and/or awnings, if

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possible. Awnings are permitted; however, lighted awnings or back-lit canopies, especially with lettering or advertising are not.

2. Windows, Doors and Trim

Windows and doors are often dominant elements in the design of buildings. The trim around these openings becomes an important feature to link the openings to the building. Provide storefronts for individual tenants to avoid the "wall of glass" look, and provide consistency with the Architectural Theme.

Windows should be clear glass or a tinted glass of bronze, grey, green or smoke colors. No reflective glass, stained glass, or reflective tinting may be used.

Mill finish aluminum is prohibited.

Exterior shutters, when used, should be operable or appear as such. Storm shutters or panels may be installed over openings only as an impending storm approaches. All shutters must be designed early in the process, and uniform for all uses.

Service and emergency exit doors shall be painted the same color as adjacent walls. Surface applied stripes and graphics are prohibited.

3. Roof Accessories

Plumbing stacks and roof vents must match roofing colors and be placed as inconspicuously as possible. Exposed flashing, gutters and downspouts must be painted to match the fascia and siding of the structure. No exposed attachment straps are allowed. In general, all rooftop equipment shall be screened with elements fully integrated into the architectural design. Any vents, chimneys or other rooftop equipment which must, by code, project above the roof must be either screened from view or enclosed in an architectural finish up to and including a terminal cap painted to match the buildings.

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All solar installations shall be installed to give the appearance of a skylight, shall have a finished trim material or curb, and shall not be visible from the street. Landscaping or other buffering may be required for solar panels. Skylights should be placed in locations so as not to detract from the building elevations.

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4. Exterior Lighting

Light sources must be concealed, where possible, and all light shall be in shades of white, i.e. mercury vapor, metal halide, etc. Colored lights are prohibited. No spillover of light can occur on neighboring properties, and lighting must be shielded to prevent glare. Wall washes can be achieved through a soffit-mounted, wall or ground light. Tree uprights should be concealed underground or in shrub masses.

Garden lights or walkway bollards should direct the light downward with a concealed spotlight. No mill finish aluminum housing will be allowed for landscape lighting.

Parking lot lighting fixtures may not exceed thirty-five feet in height. No "cobra head" style fixtures are permitted. Metal Halide lamps are preferred. Walkway lighting fixtures may not exceed fifteen feet in height.

Building mounted security and service area lighting fixtures must not project above the fascia or roof line of the building and must be shielded. Such fixtures and shields must be a harmonious color with the building. Security fixtures may not be substituted for parking lot or walkway lighting and are restricted to loading, storage service, and similar locations.

Identification graphics illumination is permissible as described in the "signage" section of these guidelines.

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5. Signage

The signage and graphics theme within the limits of these Restrictions must be of a scale and design which compliments the residential development east of U.S. 41. Signs must be professionally lettered and must conform to the appropriate local ordinances.

Pylon signs are defined to be any sign over 15', and will not be permitted along the Coconut Road corridor. Ground signs or other identifying elements for the development or for specific buildings or tenants should be placed to coordinate with access drives and landscape elements.

Signs on buildings should be uniform in size, color and typeface. Wording should be limited to tenant names and not list services or projects. Logotypes, if any, should be proportionate in size to the other letters and the same color. Signage should be easily adaptable for tenant changes.

One temporary free standing sign along public roadways is permitted to identify each parcel, prior to permanent signage installation.

Temporary real estate signage advertising available tenant space for lease or rent is allowed. No real estate signage will be permitted to remain on a Plot for which the building located thereon is fully leased or occupied.

No sign shall be located within 10 feet of any lot line. Owners may not erect signs outside the boundaries of their Plot without the written approval of the owner of the property on which the sign is located.

The following are not permitted:

- Permanent banners or streamers
- Sidewalk or curb signs (sandwich or "A" type)
- Portable displays or mobile signs
- Roof mounted signs
- Revolving or rotating signs
- Flashing signs
- Iridescent or dayglow painted signs

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Exposed neon, fluorescent or incandescent illumination
Permanent search lights
Subcontractor signs
Billboards - only along U.S. 41
Letters or graphics painted directly on the building walls or roof
Tenant painted or created signs, unless specifically in the signage or graphics business.

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6. Site Furniture

Site furnishings, including benches, movable planters, bicycle racks, fountains, decorative lamp-posts, directories, etc. should be encouraged in pedestrian areas, walkways, between buildings and away from vehicular traffic. Such elements should be coordinated in design and character to the architectural theme of the buildings, and organized to coordinate with the landscape design.

Newspaper dispensers, mailboxes and express/package pick-up boxes, and waste receptacles must be grouped within fences or walls compatible with the building design. Vending machines, coin operated games and rides are not permitted outside the buildings. Public telephones, if any, should be placed to promote security and discourage loitering. Enclosures must be compatible with building materials, colors, and design.

No advertising is permitted on benches, enclosures or any free-standing furnishings.

7. Service Areas and Screening

Adequate area shall be provided on site for all loading and maneuvering of trucks and other vehicles in order that such operations will not be carried out in any street. Truck loading and service areas shall be located, screened and/or buffered by landscaping so as not to be visible from any street or from any adjoining residential site. Loading doors should not face a street. Truck loading and service areas shall be located to the side or rear of the building.

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No materials, supplies or equipment (including company owned or operated trucks but excluding temporary storage of shopping carts) may be stored in any area on a site except inside a close building or behind a suitable barrier so as not to be visible from any street, or adjoining residential site.

The design, materials, textures and colors of walls, fences and screens must be architecturally compatible with those of the building, and where possible, are to be integrated with the building so as to be an extension thereof.

Frequently, planting materials can provide an effective screen offering the same opaqueness of a wall. Planting should be considered to soften the "hardness" of manmade screens.

Screening devices must be of a height at least equal to that of materials or equipment being screened.

Fences used for security purposes should be designed and placed to be as inconspicuous as possible.

All refuse must be properly contained within dumpsters which will be located and/or screened so as not to be visible from any street or from any adjoining site. Dumpsters must be emptied on a regular basis.

Storage of merchandise, equipment, boxes, displays is not permitted outside the buildings. Shopping carts may be temporarily stored outside the building, provided that they are relocated to inside the buildings on a regular basis. (No overnight outside storage is allowed.)

8. Communication Dishes and Antennae

No communication dish or antennae, including microwave and satellite dishes, may be visible from fronting streets or other public view. These dishes and antennae structures must be painted in a color compatible to the primary building so as to

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blend with the surrounding area and buffered by landscaping or screen walls where appropriate.

All electronic and other ancillary equipment must be screened from public view. The materials and color of the screen must be compatible with the primary building.

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B. LANDSCAPING STANDARDS

1. Planting Design

Landscaping is an essential element of the site design. Preservation of existing vegetation must be taken into consideration in establishing the landscape design and should be a primary goal in developing such design.

St. Augustine species of Floratam, Bitter Blue, and Seville are required for lawns. Bahia is not allowed as lawn grass. Gravel and rock may not be substituted as a ground cover, lawn or mulch in areas open to public visibility.

All shrub plantings should be massed in groupings of three or more plants. No hedge lines or box clipped shrubbery will be allowed as a buffer.

Views from the roadways, and buildings toward a landscaped area should compliment the appearance of the existing natural vegetation. A minimum of 50% native plants must be used in the landscape design. Refer to Attachment "A" for list of "native" allowable plants. Existing material will be credited for these requirements. A cluster of two palm trees may be substituted for one canopy tree.

The existing native trees and shrubs may be trimmed or shaped to accent the landscape design. All trees to be preserved should be left undisturbed from the trunk outward to the drip line of the canopy, if possible. No fill should be placed on top of the roots, and palmettos should be left around the bases of pines to help ensure their survival. Pine straw or bark mulch should be placed in natural areas which are to be retained to help curtail undesirable weed growth. To prevent

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the further infestation and choking of native plants, all existing exotics listed below shall be removed:

Australian Pine - Casuarina equisetifolia
Punk Tree or Cajeput - Melaleuca leucandendra
Brazilian Pepper - Schinus terebinthifolius
Downy Rose Myrtle - Rhodomytus tomentosa

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2. Buffers

Perimeter buffers are required to meet the following minimum standards:

- A. 14 ft. minimum height canopy trees at 20 ft. maximum on centers.
- B. 3 ft. minimum height shrubs at 3 ft. maximum on centers.

3. Parking Islands

All islands must be landscaped with a minimum of one 14 ft. minimum height canopy tree every 20 ft. of island, with a minimum of 15 3-gallon shrubs per island.

4. Structure Orientation

Structure orientation should consider the existing native vegetation, shape of the Plot, adjacent parcels, and views from and to the structures.

5. Walls and Fences

Fencing must be used to screen or buffer private and service areas. Fencing materials, shapes and colors must be compatible with the materials of the building structure. Walls should be further buffered by hedges, berms and other landscape elements.

6. Site Improvement Materials

Use of the following types of materials is required at entries, crosswalks, and pedestrian areas:

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- a. Impressed or pattern concrete in warm earthtones. Shades of bright red or orange are not allowed.
 - b. Paver blocks or bricks in warm earthtones. Shades of bright red or orange are not allowed.
 - c. Fixed exposed aggregate in natural colors. No epoxy bonded aggregate allowed.
 - d. All smooth concrete must be bordered or curbed with an acceptable material, such as brick, railroad tie, or concrete curbing.
 - e. Curbed edges are necessary to retain loose material, such as gravel or mulch.
 - f. Asphalt may be used for commercial drives and parking lots only.

Entry walkway surface materials should be the same, or compatible with, paving or structure materials.

IV. CONSTRUCTION GUIDELINES

All sites must be maintained in a clean and orderly manner at all times. The storage of materials should be in an inconspicuous location within the site and stored neatly and orderly. All sites are required to have commercial dumpsters, and all debris must be placed within the dumpsters at the end of each working day.

The Owner/Project Developer is responsible to ensure that all contractors and subcontractors control the conduct of their employees while working on the Property. Loud music, profanity and other behavior which is unbecoming of a quality operation will not be allowed.

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ATTACHMENT "A"
RECOMMENDED NATIVE VEGETATION

The use of native plants is encouraged to minimize maintenance and long-term costs. The use of natives will preserve the natural beauty. The rose and hibiscus flowers are certainly attractive, but should be used in the proper locations.

It is very important that native plants are used in the right position also. Many species prefer no water, while others require almost constant water. Careful study of native plants should be undertaken by the Landscape Architect or designer before starting on your site. Consideration should be given to your location and what you wish to create; whether it be Pinelands, Hammock or a Scrub Community. Several excellent resource books are Growing Native by Dick Worker, Wild Things by Georgia Tasker, and Natural Landscaping by Carol Smyser.

Listed below are some native plants that are adapted to local environmental conditions and are easily incorporated into the landscape design of your site. Plants with asterisks represent more available material found in nurseries.

1. Ground Covers

*String Lily	<i>Crinum americanum</i>
Golden Creeper	<i>Ernodea littoralis</i>
*Beach Sunflower	<i>Helianthus debilis</i>
*Spider Lily	<i>Hymenocallis latifolia</i>
*Lantana	<i>Lantana depressa</i>
Sword Fern	<i>Nephrolepis biserrata</i>
*Boston Fern	<i>Nephrolepis exatata</i>
*Adam's Needle	<i>Yucca smalliana</i>
*Coontia	<i>Zamia integrifolia</i>
Fakahatchee Grass	<i>Tripsacum Dactyldides</i>
Cord Grass	<i>Spartina Baker</i>

2. Shrubs

Marlberry	<i>Ardisia escallonioides</i>
*Jamaica Caper	<i>Capparis cynophallophora</i>
Seven Year Apple	<i>Casasia clusifolia</i>
*Coco Plum	<i>Chrysobalanus icaco</i>
Coco Plum	<i>Chrysobalanus icaco var. pellocarpus</i>
*Green Buttonwood	<i>Conocarpus erecta</i>
*Silver Buttonwood	<i>Conocarpus erecta 'sericeus'</i>
Varnish Leaf	<i>Dodonaea viscosa</i>

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White Stopper
Spanish Stopper
Gopher Apple
*Wax Myrtle
*Rapanea
*Wild Coffee
White Indigo Berry
*Spanish Bayonet
Walters Viburnum
Florida Privet

Eugenia axillaria
Eugenia Foetida
Licania michauxii France
Myrica cerifera
Myrsine cerifera
Pyschotria undata
Randia aculeata
Yucca aloifolia
Viburnum Obovatom
Forestiera Segregata

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3. Palms

*Paurotis Palm
Needle Palm
*Royal Palm
*Cabbage Palm
Saw Palmetto
Coconut Palm
Key Thatch Palm
Tatch Palm

Acoelorrhapa wrightii
Rhapidophyllum hystrix
Roystonea regia
Sabal palmetto
Serenoa repens
Cocos Nucifera
Thrinax Morrish
Thrinax Radiata

4. Small Trees

*Pitch Apple
Geiger Tree
*Dahoon Holly
*Wax Myrtle

Clusia rosea
Cordia Sebestena
Ilex cassine

5. Shade Trees

*Red Maple
*Black Olive
*Laurel Oak
*Live Oak
*Mahogany

Acer rubrum
Bucida buxera
Quercus laurifolia
Quercus virginiana
Swietenia mahogoni

6. Special or Accent Trees

*Gumbo Limbo
Satinleaf
Pigeon Plum
*Sea Grape
*Sweet Bay
Red Bay
*Slash Pine
Jamaica Dogwood
Bald Cypress

Bursera simaruba
Chrysophyllum oliviforme
Coccoloba diversifolia
Coccoloba uvifera
Magnolia virginiana
Persea borbonia
Pinus elliotii
Piscidia piscipula
Taxodium spp.

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ALLOWABLE NON-NATIVE PLANTS

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1. Ground Covers

Liriope "Evergreen Giant"	Liriope Muscari "Evergreen Giant"
Parson's Juniper	Juniperus Parsonii
Mexican Heather	Cuphea Hyssopifolia
Mondo Grass	Ophiopogon Japonicus
African Iris	Dietes Vegeaa
Day Lilies	Hemerocallis Spp.
Lily-of-the-Nile	Agapanthus Africanus
Fountain Grass	Pennisetum Setaceum
Wart Fern	Polypodium Scolopendria
Pentas	Pentas Lanceolata
Aztec Grass	Liriope Muscari "Varigated Giant"

2. Shrubs

Dwarf Bougainvillea	Bougainvillea Spp.
Xanadu Philodendrum	Philoidendron "Xanadu"
Variegated Pittosposum	Pittosporum Varigata
Green Pittosporum	Pittosporum Tobira
Thryallis	Galphimia Gracilus
Nora Grant Ixora	Ixora "Nora Grant"
Eugenia	SyzygiumPaninulata "Myrtifolia"
Sweet Viburnum	Viburnum Odoratissimum
Awabuki Viburnum	Viburnum Awabuki
Sandankwa Viburnum	Viburnum Suspensum
Ligustrum	Ligustrum Spp.
Indian Hawthorne	Raphiolepis Indica
Dwarf Ilex	Ilex Shillings
Wax Jasmine	Jasminum Volubile
Downy Jasmine	Jasminum Multiflorum
Shining Jasmine	Jasminum Nitidum
Dwarf Schefflera	Schefflera Arborcola
Silverthorn	Elaeganus Pungens
Orange Jasmine	Murraya Paniculata
Oleander	Nerium Oleander
Dwarf Oleander	" " Dwarf
Photina	Photinia Fraseri
Podocarpus	Podocarpus Spp.

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3. Palms

Washingtonia
Canary Island Date
Senegal Date
Pigmy Date
Zahedi Date
European Fan
Carpentaria
Lady Palm
Needle Palm

Washingtonia Robusta
Phoenix Canariensis
Phoenix Reclinata
Phoenix Roebelenii
Phoenix Dactylifera 'Zahedi'
Chamerops Humilis
Carpentaria Accliminata
Rhapis Excelsa
Rhapidophyllum Hystrix

DR2677 PG0618

4. Small Trees

Ligustrum
Viburnum
Cassia
Guava
Crepe Myrtle

Ligustrum Spp.
Viburnum Spp.
Cassia Spp.
Psidium Littorale
Lagerstroemia

5. Shade Trees

Carrotwood
Tabebuia
Golden Raintree
Southern Magnolia

Cupaniopsis Anacardiopsis
Tabebuia Spp.
Koelreuteria Elegans
Magnolia Grandiflora

6. Accents

King Sago
Crinum Lily
Cardboard Plant
Varigated Ginger
Shell Ginger

Cycas Renoluta
Crinum Asiaticum
Zamia Furfuracea
Alpinia Spp.
Alpinia Spp.

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130' R.R.
R.O.W.

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500'

500'

ACCESS PT. #9
(FULL ACCESS)

TRACT
3D
±18.6 Ac.

SEMINOLE GULF RAILROAD

Outlot
±2.3 AC.
RESERVATION
TRACT #1

Sandy Lane
over 100' depression

5 ft. buffer, per
res. Z-02-009,
Conds. 7, 17 & 20

TRACT
3A-1
±6.3 AC.

TRACT
3A-2
±18.3 AC.

ACCESS
PT. #8
(FULL ACCESS)

COCONUT
ROAD

Coconut Road

500'

TRACT 3A-3_1

THE BROOKS
M.P.D.

500'

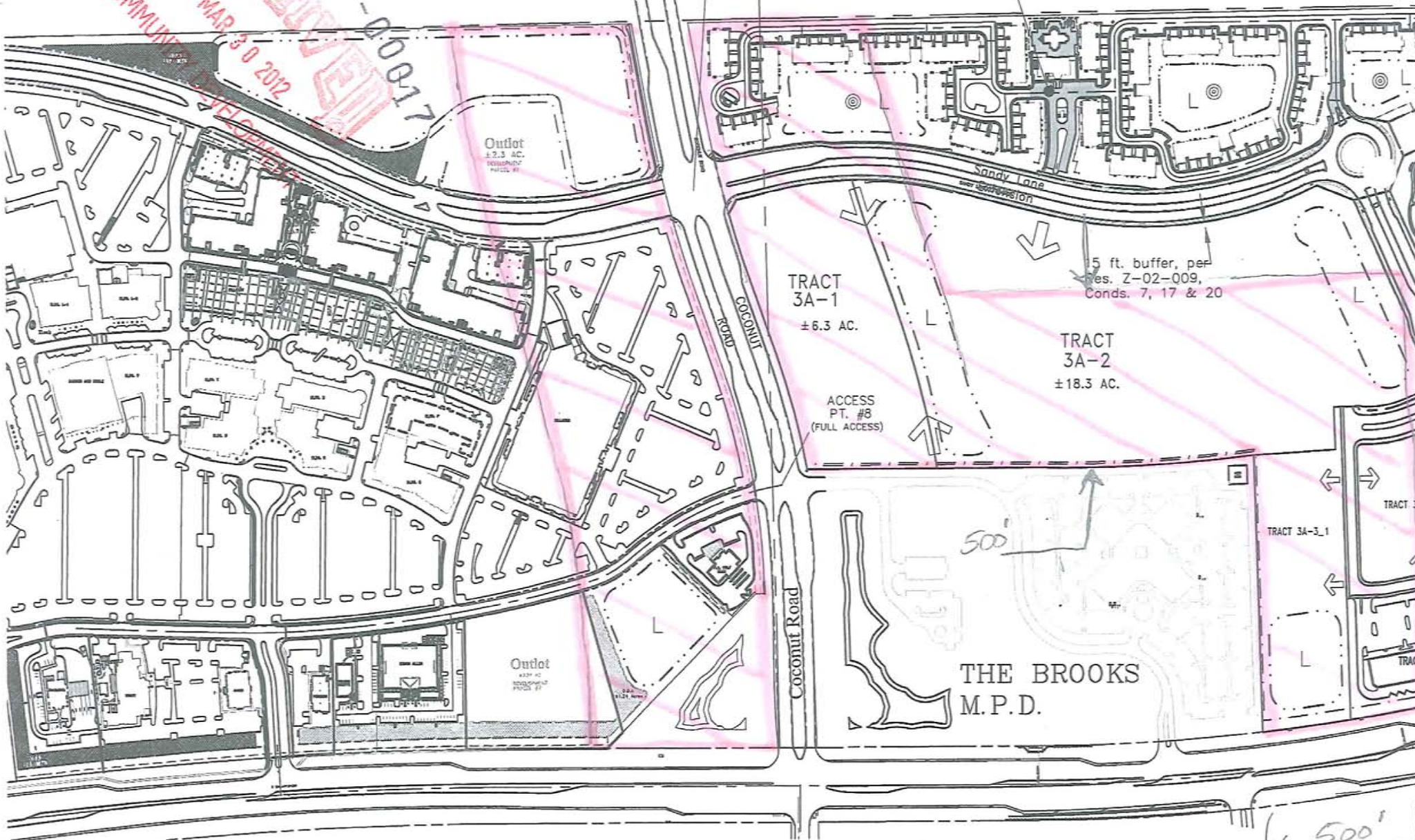


EXHIBIT PH-3.L.3

DEED RESTRICTION NARRATIVE

A portion of the property owned by the applicant is encumbered by a restriction which prohibits outdoor music prior to 8:00 AM or after 10:00 PM. A map showing the boundaries of this area is attached to the copy of the deed restrictions. The applicant is not requesting the right to have outdoor entertainment in the area encumbered by the restriction.

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EXHIBIT 4.G.1



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ESTERO COMMUNITY PLANNING PANEL

Minutes of Public Meeting #132 – October 17, 2011

Estero Community Park, Estero, Florida

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Panel Members Present: Jack Lienesch, Chairman, Estero Community Association; Neal Noethlich, Emeritus Chairman; Greg Toth, Founding Member; Ned Dewhirst, Estero development community; Jeff Maas, Estero Chamber of Commerce; Judy Beach, Recording Secretary, ECCL; and Treasurer, Bev MacNellis, ECCL. **Excused Absences:** John Goodrich, ECCL; Erik Dickens, ECCL; Paul Roberts, Southland Development.

Also present, Mary Zettel, Code Enforcement Officer, Division of Planning, Lee County Department of Community Development; Bill Prys, Estero Design Review Committee

Tribute to Bill Brown. Jack asked for a moment of silence to honor the memory of our past secretary, Bill Brown, who passed away earlier this month. A memorial service was held at his church on October 15th.

Public Notice: Beach reported that the meeting notice was posted at the South County Regional Library, Realty World of Estero, the BB&T and Fifth Third Banks. Suggestion was made to post at the Estero Community Park and Beach will look into the notice appearing in the Bonita Banner at no charge.

Approval of Minutes: Beach distributed minutes of the July 18th meeting. Maas: Motion to waive the reading of the minutes of the July 18th meeting and accept them as written. Lienesch: Seconded. Accepted unanimously.

Treasurer's Report: Treasurer MacNellis reported a balance of \$1,957.67 as of September 30, 2011. No other activity as of this date. A \$328 check was mailed to the ECPP mailbox, without explanation. MacNellis will contact ECCL for clarification. Noethlich: Motion to accept the report. Mass: Seconded. Accepted unanimously.

ECPP

Update on Funding Grant Contract between County and ECPP. Lienesch has signed the special legal contract between ECPP and the County which will enable ECPP to request and receive funds from the \$50,000 grant. Noethlich asked that confirmation be made that there is not a duplicate contract for ECPP from former years.

Signage Changes Submitted to County. Mary Zettel reviewed needed clarification of specific definitions to eliminate confusion on Estero the signage codes in the current Land Development Code. The previous LDC, when published, had inconsistencies in its descriptions in several locations. After a great deal of discussion and input from other committee members, Lienesch appointed Greg Toth and Bill Prys, to summarize the panel's recommended changes and present them at the November meeting for discussion and subsequent approval.

Consulting Assistance. Panel discussion covered posting a request for proposal in a national publication or pursuing through local sources. The important requisite is to have someone committed to the same interest and standards for Estero as the ECPP and EDRC are. Neal and Jack will work on this in the coming weeks.

Northpoint DRI Build Out Extension Request. Northpoint is on the east side of US 41 between Williams Road and the Corkscrew Village Shopping Center. Their proposal to extend their build-out date from December 2010 to December 2016

has reached the county and a public hearing is being scheduled. We approved this in May.

Chase Bank Lighting. MacNellis offered to drive by and photograph the building this evening to establish if there has been any change.

Coconut Point Outdoor Music Status. Lienesch will follow up with Matt Uhle regarding receiving a copy of Simon's proposed amendment prior to their County approval hearings so we are able to check it against our agreed-upon documents. To date we have not received a copy.

Uptown Larry's COP Issue: The Panel's understanding is that the issue is back in the hands of the State.

Storage Space for ECPP, EDRC and ECCL files. Three possible sources were identified: the South County Regional Library, Extra Storage of Estero and FGCU. The total amount of space required has not been fully identified.

ADJOURNMENT

Maas: Motion to adjourn meeting. Noethlich: Seconded. Accepted unanimously.

Panel was adjourned at 8:00 p.m.

NEXT REGULAR MEETING: Monday, November 21, 2011, 6 p.m., Estero Community Park.



[Home](#) > [ECPP](#) > January 2011 ECPP Meeting Minutes

ESTERO COMMUNITY PLANNING PANEL

Minutes of Public Meeting #125- January 24, 2011

Estero Community Park, Estero, Florida

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Panel Members Present:

Jack Lienesch, Civic Association, Chairman; Dan DeLisi, Estero development community; Greg Toth, Founding Member; Ned Dewhirst, Estero development community; Erik Dickens, ECCL; Jeff Maas, Estero Chamber of Commerce; Neal Noethlich, Emeritus Chairman; Bev MacNellis, Treasurer, ECCL and Bill Brown, Recording Secretary, ECCL. Absent: John Goodrich.

Public Notice:

Brown reported that the meeting notice appeared in a story in the News-Press and the News -Press online calendar, the Century- Link Estero Events Calendar and Esterofl.org websites. The notice was posted at the South County Regional Library, Realty World of Estero, and the BB&T and the Fifth Third Banks.

Approval of Minutes:

Brown distributed minutes of the November 22 and December 20 meetings. Dewhirst: Motion to accept November minutes: Dickens Seconded. Accepted unanimously. Dewhirst: Motion to accept December minutes. DeLisi Seconded. Accepted unanimously.

Treasurer's Report:

MacNellis reported a balance of \$1,300.72 as of December 3, 2010. Report accepted.

Four Presentations were made to the Panel:

Commercial lot split for Kite Realty: Jay Westerdorf from Omega Consulting. Kite is proposing to split off and sell a commercial parcel next to Lowes on the corner of Three Oaks and Corkscrew. They are requesting a deviation from the commercial-to-commercial buffer requirement along the proposed lot line, along with allowance for six fewer parking spaces than currently required. A cross parking easement is proposed which will allow use by lot owner/tenants of parking spaces outside of new lot line. Noethlich inquired and was told that the same zoning would still apply. Toth inquired whether the lot buyer would be required to follow the approved master plan and was told that they would. Dewhirst inquired if access would be included with proposed cross parking easement and was told yes it would. Lienesch said the EDRC should review any new signage that will occur. Lienesch concluded that the Minutes will reflect support for the proposed lot split.

Germain Arena COP amendment request: Craig Brush said they are seeking to amend the Gale Force Sports & Entertainment liquor license at [Germaine Arena](#) to allow them to sell alcohol outside the arena in a designated area for home hockey pre-game activities from October 1st until June 30th of each year from 5:00 P.M. until 8:00 P. M. Noethlich asked if food were served and was told that it was. Toth observed that while they didn't have residential neighbors now,

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mixed use developments are proposed around them. Brush pointed out that the hours were only from 5 to 8 PM. Dickens asked if this set a precedent. Noethlich asked that the minutes specify that no precedent is intended. Dewhirst said it is an appropriate request given the location of the arena and its long-term operations within the area. DeLisi said he thinks it is great. Maas pointed that it increased attendance and jobs. The panel supported this amendment request from Germaine.

Proposed amendment to Pelican Landing DRI: Neale Montgomery requested two changes to the DRI: one would extend the build out date to 2020, and the other was relief from certain environmental monitoring. She explained the County had required monitoring of storm water run-off from the Pelican's Nest Golf Course because of its proximity to the Gulf and some adverse experience years ago on Florida's East Coast. The monitoring has been done for 15 years with no problems identified, so the Pelican Landing developer would like to be relieved from the required monitoring. Toth suggested they should just cut back rather than eliminate the monitoring completely. Dewhirst noted i) that given the golf course's location directly next to Estero Bay (an Outstanding Florida Waters (OFW)) that some monitoring is warranted, possible in the range of every 2-5 years; and ii) maintaining the drainage system for a golf course is a dynamic process where levels of service and budgets can be reduced in the future thus possibly lowering water quality treatment. DeLisi suggested they do a baseline just before turn-over to the residents. Toth suggested monitoring every 3 years. Lienesch concluded that the Panel had no problem with the build out date extension, but could not agree to complete elimination of the well monitoring although it was not expert in this area. He recommended following the lead of SFWMD, RPC and Lee County DNR on this issue.

Administrative amendment permitting temporary uses with Coconut Point TownCenter: Matt Uhle, attorney, and Jamie Grofik, mall manager, asked that temporary uses be added to the list of scheduled uses. Uhle explained that this was necessary because the present system of granting temporary permits for outdoor entertainment at the TownCenter restaurants did not appear to be legal because no outdoor uses are allowed by the existing the schedule of zoning uses. Plus the TownCenter has done other uses such as art shows and farmer's market which are considered temporary uses. This action will allow owners to legally apply for a temp use such as outdoor music, which allows the county through their review of the request to place restrictions and ultimately monitor for compliance. Uhle also mentioned that this request is a short-term solution for current ongoing temp uses and that the CP TownCenter will likely apply for an amendment/public hearing for a more long-term solution for the temp use issue. The panel would then get another chance to review at that time. Uhle said: "There have been some complaints expressed by some people in The Brooks." Pagelli's has been cited by Lee County for noise violations. "We're willing to do whatever we need to do," said Pagelli's partner, Richard Osborne. Greg Toth said if the county grants a permit for live entertainment and gets a lot of noise complaints, it likely would not grant another. "This is something that so many residents look so forward to," said Estero resident Richard Sands, who frequently goes to Pagelli's, Hemingway's and The Grape at Coconut Point for the live entertainment. "I'm so in favor of having music out there. It's just a wonderful addition to a great community and a great place to live." Restaurants claimed to have collected thousands of signatures from their patrons in support of live music. Dewhirst inquired if current users that use ie outdoor seating/music will need to apply to the county for a temp use permit, Uhle answered yes. Dewhirst pointed out that the County can impose noise and time limitations when the permit is issued. MacNellis said noise from outdoor entertainment at the Grape is bothering her neighborhood at Marsh Landing. DeLisi said he hasn't seen any problem. Lienesch said he has received emails and complaints from the Brooks and Fountain Lakes and, depending on the direction of the wind, noise can sometimes be heard in Pelican Landing. Dickens said the minutes should make it clear that we are addressing the neighbor's concerns. Lienesch concluded that while the panel did not have a problem with the mall's request, the noise management issue will not go away and needs to be addressed by the county.

ECPP

Development of Work Plan – Lienesch asked Panel to accept assignments for various areas. DeLisi agreed to work on signage and Noethlich on style such as Mediterranean vs. Old Florida. Kathie Ebaugh suggested that they meet with the County Planning Director, Paul O'Connor, on development of the Work Plan. It was agreed that Lienesch, Noethlich, and DeLisi will meet with O'Connor and Ebaugh in the near future.

Kathie Ebaugh told the Panel that a contingent of planning folks from Hillsboro County is visiting Lee County next Monday and Tuesday to compare notes. Among other things, they expressed interest in seeing how Estero does business as an

unincorporated area with respect to our planning panel and design review committee activities. Lee County also wants them to go on a short tour of our Estero community. The Panel will meet with them next Tuesday morning.

Gerard Ripo of The Southlandgroup, developers of Downtown Estero, north of Broadway on US41 gave the Panel a chronology of their efforts to work out driveway connections with FDOT. They are having difficulty because they do not yet have zoning which the FDOT wants. Dewhirst asked if they were any further along with access designs/agreements with adjacent owners and Ripo replied no. The lack of connections to the future WalMart property was also discussed briefly.

Panel was adjourned at 8:00 PM

NEXT REGULAR MEETING: February 21, 6:00 PM, Estero Community Park

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ESTERO COMMUNITY PLANNING PANEL

Minutes of Public Meeting #130 – June 20, 2011

Estero Community Park, Estero, Florida

Panel Members Present: Jack Lienesch, Chairman, Estero Civic Association; John Goodrich, ECCL; Erik Dickens, ECCL; Jeff Maas, Estero Chamber of Commerce; Greg Toth, Founding Member; Dan DeLisi, development community; Ned Dewhirst, Estero development community; Judy Beach, Substitute Recording Secretary, ECCL; and Bev MacNellis, Treasurer, ECCL. Absent: Neal Noethlich, Emeritus Chairman.

Public Notice: Beach reported that the meeting notice appeared in the Naples Daily News Calendar, the Century Link Calendar and Esterofl.org websites. The notice was posted at the South County Regional Library, Realty World of Estero, The BB&T and Fifth Third Banks.

Approval of Minutes: Beach distributed minutes of the May 16th meeting. Maas: Motion to accept the minutes with correction of April 30 date in the treasurer's report. Goodrich: Seconded. Accepted unanimously.

Treasurer's Report: Treasurer MacNellis reported a balance of \$1,957.67 as of May 31, 2011. A \$100.00 fee received from North Point DRI (5-16-11) is included in the new balance. Goodrich: Motion to accept the report. DeLisi: Seconded. Accepted unanimously.

Presentation: [Estero Park Commons Administrative Amendment](#) for "Place of Worship" – Dara Goren. Ms. Goren, speaking for the property owner, is requesting an amendment to allow "Helping Administry for Miracles" obtain a 3-year lease for a 1,200 sq. ft. unit on the property. Services planned for Sundays 10-11 a.m. and Wednesdays 7-8:30 p.m. Expect growth to 70 members or whatever the fire code will allow. There was some discussion as to whether this was an Administrative Amendment issue. Members generally thought the usage was acceptable, particularly since the planned services are at times when the complex is essentially vacant. Panel will support this request.

Update on Personal Services usages amendment for the same property. Jack reviewed the correspondence regarding the applicant's request for Personal Services usages. The panel agreed that Group II (sans Massage Parlors) and Group III (medical appliances) were appropriate for this location.

ECPP

Future request for Firestone Minor Automotive center on the NW corner of the [Lowe's](#) property.

Auto repair facility not presently on usage list. After discussion, it was agreed by the Panel that more information was needed regarding which outlot they were considering and how they would buffer/landscape the property consistent with the other outlots and the Lowes facility. A copy of the June 2011 minutes will be forwarded to Firestone.

Electronic Sign issue for [Coconut Point](#). Dewhirst summarized background on this subject and reviewed all meetings to date. Ned strongly suggested that ECPP/EDRC volunteers work with county staff to rework LDC, Chapter 33, SIGNS, to correct current issues and begin to address the use of electronic signs. Dewhirst agreed to make copies of current LDC, Chapters 30 and 33. Lienesch would like to have something agreed upon regarding signs by the end of July, as revisions will be presented to the County Board of Commissioners for approval in early August. Jack will discuss with county legal staff whether these preliminary drafting activities need be under Florida Sunshine provisions.

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Workplan Proposal Submission. Dan indicated that several panel members will meet with Kathie Ebaugh on Thursday, June 23, 2011, to discuss next steps. Kathie had indicated that a special form has been developed that ECPP can submit as a request for matching county funds for our Plan update. Funds may be available to ECPP within 30 days after the BoCC approves this expenditure.

Budget Issue. Our Fee Waiver with the County Park System expires at the end of July and will not be renewed for either the ECPP or EDRC. We need to pay in advance, by the hour, starting in August for any meeting rooms we require. MacNellis to work with the Park on how to accomplish this. It was also suggested we investigate other locations.

Coconut Point Noise Issue Update.

Jack reviewed a 1996 document regarding prohibited uses for properties within 500 feet of Coconut Road. It was noted that these restrictions do not affect the current noise control proposals for the Mall that the county is reviewing.

Uptown Larry's COP.

No update from last month -- unsure of status of the State of Florida's administrative complaint.

Estero Community Church rezone - Notice dated June 9th that a public hearing will be held on the rezone that we approved in May. No HEX date has been set as of this writing.

Cardella Rezone -- HEX hearing was June 15th. ECPP reviewed the zoning request back in October of 2008. Staff report indicated they supported the rezone but HEX decided to "continue" the case until the final FEMA letter absolving the developer of the new flood plain regulations due to Midtowne Estero's regrading their property adjacent to the river.

DeLisi Resignation from the Panel. After 11 years of service, minus one year hiatus, Dan DeLisi announced his resignation from the ECPP Panel. DeLisi is a self-employed planning and engineering consultant and his experience has been an tremendous asset to the work done by ECPP. Interviews are being conducted for his replacement.

Goodrich: Motion to adjourn meeting. DeLisi: Seconded. Accepted unanimously.

Panel was adjourned at 7:20 p.m.

NEXT REGULAR MEETING: Monday, July 18, 2011, 6 p.m., Estero Community Park



[Home](#) > [ECPP](#) > April 2011 ECPP Meeting Minutes

ESTERO COMMUNITY PLANNING PANEL

Minutes of Public Meeting #128– April 18, 2011

Estero Community Park, Estero, Florida

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Panel Members Present: John Goodrich, acting Chairman, ECCL; Neal Noethlich, Emeritus Chairman; Ned Dewhirst, Estero development community; Erik Dickens, ECCL; Jeff Maas, Estero Chamber of Commerce; Greg Toth, Founding Member; and Bill Brown, Recording Secretary, ECCL and Treasurer, Bev MacNellis.

Public Notice: Brown reported that the meeting notice appeared in the Naples Daily News online calendars, the Century- Link Estero Events Calendar and Estero.org websites. The notice was posted at the South County Regional Library, Realty World of Estero, and the BB&T and the Fifth Third Banks.

Approval of Minutes: Brown distributed minutes of the February 21st meeting. Dewhirst: Motion to accept the minutes: Dickens Seconded. Accepted unanimously.

Treasurer's Report: Treasurer MacNellis reported a balance of \$1,385.17 as of March 31, 2011. Report accepted.

Presentations: Pelican Sound Admin Amendment, River Club Improvements – Beverly Grady, Roetzel & Andress, PA. The Pelican Sound Golf and River Club is seeking an administrative amendment to the approved Residential Planned Development (RPD) zoning and Final Plan Approval (FPA) to make improvements to the River Club portion of the development. The proposed improvements include the minor extension of the existing boat ramp, a new dock/temporary mooring slip to be located off the existing fishing pier, and a new canoe/kayak launching area. The proposed improvements are consistent with the approved Master Concept Plan (MCP) and are necessary to improve safety and access for boaters, kayakers and residents. Dewhirst asked if they had consulted neighbors on the river across from the proposed improvements and was told they had not because it was consistent with the previously approved plan. Dewhirst also asked the width of the river and distance from proposed dock to center of river/channel and was told approx. 300' and 100' respectively. Toth said he likes it. Noethlich and Dickens agreed. Maas asked and was told that a vessel would not be docked at the location over night. Goodrich said the Panel had no objection and that the minutes would reflect their support.

Estero United Methodist Church Rezone- Dave McKee, Professional Engineer, Lake Hickory Ventures, Inc. The Church is proposing to rezone the 10.66 acres south of Lord's Way (following a meeting with County staff it was determined that the parcel north of Lord's Way that contains the Thrift Store should not be included in the request). The property would be rezoned from Place of Worship to a Religious facility and includes four proposed structures: a 1000 seat sanctuary, a classroom building, a multi-purpose building and an open air structure. The site will be upgraded including doing away with the present septic tank system and connecting to Lee County Utilities which will require an offsite forcemain improvement by the church. When funding permits, it is likely that the classroom building will be built first. A project traffic analysis had not been completed yet. Three deviations are requested: a 15 ft buffer instead of the required 20 ft west of the western most entrance and no buffer along the remaining portion of Lord's Way; a 70 ft separation instead of 125 ft required between roadways; allow a break in US41 30 ft buffer to permit the existing signage to be observed by utilizing ground plantings that will not block the sign. Noethlich said

there should be one Master Concept Plan and asked about the right-in and right-out entrances. Toth said there should be a right turn lane on the entrance off US41. Dewhirst was concerned about how the overall project traffic would be handled. He said it appears most project traffic entering from the north and leaving the site to go southbound would need to heavily rely upon Highlands Ave. and Broadway. With over 1000 LF of US 41 frontage, it seemed there should be a full cut on US 41 so to better handle the project traffic. In addition there should be an interconnection with property to the south. Dewhirst also added that the northern property should be included in an overall master plan. Dewhirst assumed the applicant would be proposing unified architectural standards for the project. McKee said the County staff objected to including the property to the North of Lord's Way in the Master concept Plan. Dewhirst said the County staff should be encouraged to reconsider their position. Noethlich said the Panel is working on a new overlay for this area that may emphasize use of Old Florida architecture. McKee stated that the new/proposed buildings would likely be a version of Old Florida architecture; however the existing structures would likely remain as-is due to budget restraints. Toth said there should be one Master Concept Plan for the whole property and that the county staff should be encouraged to reconsider their position. Dewhirst asked the applicant if they preferred to vacate Lord's Way and they responded that they would. The Panel discussed the possible vacation of Lord's Way as a public road. The Panel was in support of one Master Concept Plan. Goodrich said the Panel would be willing to participate in a follow-up meeting with the County and the Church and he encouraged the Church to participate in the development of the new overlay for US41 as the new Community Plan is developed.

Coconut Point DRI Zoning Updates – Matt Uhle told the Panel that OBP and Simon were proposing to amend the Coconut Point DRI/MPD in order to 1) extend the Coconut Point DRI buildout date which is set to expire at the end of 2012, 2) amend the lands uses for Tract 1B , 3) propose an electronic monument sign at the US 41 entrance and, 4) propose a plan for self monitoring noise from outside entertainment. The buildout date extension is necessary since remaining vacant tracts would not be able to obtain permits after the buildout date. Uhle added that a pending state bill may address this issue. The amending of lands uses for Tract 1B is needed since the proposed Art District at Rapallo project never materialized and the developer did not purchase the property. Uhle explained this would entail eliminating the overlay concept plans unique to the Art District project which detailed uses such as live/work units, residential/parking on top of commercial, and a performing arts theater. The remaining base MCP would show Tract 1B almost identical to the original approvals in 2002. On the proposed sign they have requested an amendment to the Land Development Code that would require them and others to come to the Panel with a specific proposal for signage. Therefore details of the sign such as landscaping and message duration/content/size would be provided later for county and Panel approval. On the self-monitoring noise plan they are still awaiting a response from the county and a letter is planned to near-by residents giving them a phone number to call with complaints. The phone number is 239-440-2113. Other steps of the plan were outlined in a submitted email to the Panel. Toth said he had no problem with rezoning to take out the detail on the Art District since it had proved to be economically unfeasible, the electronic sign would be more of a concern since Miromar had been denied such a request. Noethlich said he had no problem with them being given the right to request an electronic sign. When they made such a request the Panel would be concerned with copy and frequency of change. Noethlich also added that the restaurant users of outdoor entertainment should be proactive in monitoring the noise levels and not wait for nearby residents to complain. Dickens said he was concerned with the removal of the Performing Arts Center and the Art District in view of the public desire that the Panel emphasize the development of the arts. Dewhirst pointed out that the developer of the Art District had found the market/community would not support a performing arts theater and the schedule of uses would change to reflect this. Don Eslick suggested that they should keep the Performing Arts Center in play in case the market changes. Uhle suggested that this could be done by keeping it in the Schedule Uses while still making the DRI zoning changes. Dickens agreed with this suggestion. Goodrich said he agrees with giving the right to request an electronic sign, but the noise monitoring needs more consideration. The Panel then heard from members of the audience from the Brooks. Nick Batos spelled out the following points that should be in the self-monitoring noise plan: 1. Permission to use live music should not be granted automatically, 2. Properties should submit specific plans to the Mall management, 3. The Mall Management should monitor the noise

daily, 4.the letter giving the phone number for complaints should go to all residents within 2500 ft of the Mall, 5. a monthly letter should be sent to the panel listing complaints, 6. The Mall Manager should have the right to stop noise if complaints are not resolved, and 6. 11:30 is too late a cut-off for the noise –by that time it is a stand-alone-bar. Goodrich asked Coconut Point Mall management that the noise plan be formalized so that it can be circulated to the Panel. Meetings if necessary can be held in advance of our next panel meeting to hopefully finalize an understanding of how Mall management will ensure nuisances are not allowed during events permitted under temporary uses. Goodrich emphasized he does not believe the panel should be in the business of permitting temporary uses such as outdoor music nor provide enforcement. He said he expects Mall management to ensure that their businesses do not inconvenience the community.

ECPP: Update by Kathie Ebaugh. She reported that the county staff was planning to deny Uptown Larry's request for County auditing of food and liquor sales since the County does not have the staff to do this. Records provided reflect approx. 20% food sales, well short of the required 50%. She also said the County also hopes to have a response to the Panel's proposed Workplan in May.

Panel was adjourned at 8:00 PM

NEXT REGULAR MEETING: May 16, 6:00 PM, Estero Community Park

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ESTERO COMMUNITY PLANNING PANEL

Minutes of Public Meeting #129 – May 16, 2011

Estero Community Park, Estero, Florida

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Panel Members Present: Jack Lienesch, Chairman, Estero Civic Association; John Goodrich, ECCL; Neal Noethlich, Emeritus Chairman; Erik Dickens, ECCL; Jeff Maas, Estero Chamber of Commerce; Greg Toth, Founding Member; Dan DeLisi, development community, Bill Brown, Recording Secretary, ECCL, and Treasurer, Bev MacNellis, ECCL. Absent: Ned Dewhirst, Estero development community

Public Notice: Brown reported that there was a news story in the News-Press and the meeting notice appeared in the Naples Daily News Calendar, and EsteroFl.org websites. The notice was posted at the South County Regional Library, Realty World of Estero, the BB&T and Fifth Third Banks.

Approval of Minutes: Brown distributed minutes of the April 18th meeting. Goodrich: Motion to accept the minutes: Maas Seconded. Accepted unanimously.

Treasurer's Report: Treasurer MacNellis reported a balance of \$1857.67 as of April 31, 2011. Report accepted.

Presentations:

[Northpoint DRI Notice of Proposed Change](#) to extend build-out dates – Charles Basinait. Northpoint is on the east side of US 41 between Williams Road and the [Corkscrew Village Shopping Center](#). They propose to extend their build-out date from December 2010 to December 2016. No panel members had any objection and Lienesch announced that the minutes will show that the Panel supports the proposal.

Update on rezoning of the [Estero United Methodist Church](#) - Dave McKee reported that the property north of Lord's Way can be combined with the property south of Lord's Way into one master concept plan which he presented to the panel. An annex to the thrift shop is proposed across from the old post office on Broadway. The Florida DOT was unwilling to add a right turn lane to the planned widening of US41, but Lee DOT suggested that the Church save an extra ten feet for the addition of a turn lane should one be eventually required. Toth said he believed the turn lane would be needed. Rusty Efferdink, who restored the Soto house at the corner of Broadway and Highlands, pointed out that Broadway would not be able to handle the additional traffic and noted that southbound traffic leaving the church would drive to Highland and Broadway to get to the light. DeLisi and Toth agreed and suggested the Church allow space for an additional lane on Broadway for future left turns onto US 41 Southbound. Lienesch said the minutes will reflect that the Panel is in agreement with revised plan, but has concerns about the Broadway traffic situation.

Coconut Point Mall Noise Control Proposal – Matt Uhle said once the governor signs pending legislation it will extend the DRI build-out date by four years, so the first item from April could be ignored. He presented an eight-point Noise Control Proposal revised from that presented at our April meeting:

1. Simon will send a letter to every owner of record within 2,500 feet of the boundaries of the regional mall parcel. The letter will include a phone number for people to call in the event they are disturbed by outdoor entertainment at the mall.
2. A security person will be available to answer the phone at all times and will be authorized to investigate all complaints.
3. If the security person determines that the establishment in question has violated the hours of operation or the terms of

its noise abatement plan, he will order the outdoor entertainment to cease.

4. All business establishments in Coconut Point which wish to have ongoing or regular outdoor entertainment will provide a noise abatement plan to Simon which addresses hours of operation and methods by which noise will be limited to a conversational level at the regional mall boundary line. Each plan must be approved by Simon, must be kept on the site, and will be provided to the County and to the ECPP upon request.
5. Repeated violations of the noise plan will result in enforcement action by Simon, which will include a prohibition against further outdoor entertainment.
6. Records regarding violations will be kept by Simon at the mall office and will be provided to the County and the ECPP on request.
7. All outdoor entertainment plans will require the activity to cease by 11:30 PM unless the business establishment applies for and receives permission to operate later through the County public hearing process.
8. These requirements will be included in any County approval authorizing outdoor entertainment.

Lienesch read emails from two individuals with concerns. One was from Ingrid Walsh, who lives west of the mall, across U.S. 41 in Fountain Lakes. She said she's glad to see the mall's plan but feels the 11:30 PM cutoff is too late. She said she plans to call the mall and the police to complain every night. The other email was from Jim Bridenbaugh who called mall manager Jamie Grofik on two nights in May to complain about noise. He said he doesn't think the mall's enforcement is effective. Jamie Grofik stated they have had only two calls since the policy was implemented: both were from Mr. Bridenbaugh and, in the first instance, they were not able to locate the source of the noise. Two residents spoke in support of the music. "People are dancing and having a good time," said Lena Boles, who lives across U.S. 41 in Marsh Landing. Jackie Forker, who lives off River Ranch Road, said she enjoys hearing the music from her lanai. Noethlich suggested that the Mall make quarterly reports to the Panel, but DeLisi and Toth took the position that such an approach wasn't warranted when there were so few complaints. Dickens pointed out that hundreds had signed a petition supporting music and only one person had complained. He also indicated that a survey of the Brooks communities on the West side failed to turn up any other complaints. Lienesch concluded that the minutes will reflect the Panel's support of the eight point control proposal presented by Mr. Uhle.

ECPP: [Uptown Larry's](#) attorney emailed Lienesch that the State has withdrawn its complaint since the State audit was not conducted properly. Hence the HEX hearing on the 18th will be a continuance only.

The revised Work Plan for our update to the community plan was presented by DeLisi. He suggested that any consultant hired for these tasks should report directly to the Panel rather than to the County.

Old Florida Overlay. Noethlich reported that he had met with the EDRC on developing an Old Florida Overlay for the area from Broadway to Corkscrew and US 41 to Sandy Lane.

Signage. Noethlich distributed to the Panel a memo he had prepared on Malt Uhle's proposal for an electronic changing message center sign at Coconut Point along US 41. Toth said it made no sense to give permission to request such a sign when it was clearly contrary to the Estero Plan. Lienesch noted that this issue will be part of our LDC Chapter 33.update activities on signage.

Panel was adjourned at 7:25 PM

NEXT REGULAR MEETING: June 20th, 6:00 PM, Estero Community Park



[Home](#) > [ECPP](#) > February 2011 ECPP Meeting Minutes

ESTERO COMMUNITY PLANNING PANEL
Minutes of Public Meeting #126– February 21, 2011
 Estero Community Park, Estero, Florida

Panel Members Present:

Jack Lienesch, Civic Association, Chairman; John Goodrich, ECCL ; Ned Dewhirst, Estero development community; Erik Dickens, ECCL; Jeff Maas, Estero Chamber of Commerce; Neal Noethlich, Emeritus Chairman; Bev MacNellis, Treasurer, ECCL and Bill Brown, Recording Secretary, ECCL. Absent: Greg Toth, Founding Member, Dan DeLisi, Estero development community.

Public Notice:

Brown reported that NBC-2 had a story, and the notice was in the News –Press and the Naples Daily News online calendars, the Century- Link Estero Events Calendar and Esterofl.org websites. The notice was posted at the South County Regional Library, Realty World of Estero, and the BB&T and the Fifth Third Banks.

Approval of Minutes: Brown distributed minutes of the JANUARY 24th meeting. Dickens: Motion to accept the minutes: Maas Seconded. Accepted unanimously.

Treasurer's Report:

MacNellis reported a balance of \$1,198.72 as of January 31, 2011. Report accepted.

Presentations :

CR 951 – Commissioner Ray Judah

Commissioner Judah used a power point presentation with the following slides: 001 is the CREW lands, 002 is a 2010 aerial showing the proposed CR951 route, 003 is the same but showing the properties as they appeared in 2004 and 004 is the Alico Research Diamond area. Commissioner Judah told the group that although CR 951 was not needed today, the MPO should keep it in the long-range plan because it might be needed in 10-20 years and it would be very difficult to revive. He said he had consulted with the county appraiser and was told that whether or not CR 951 was kept in the plan it would have no impact on the value of the Edison Farms property. Dewhirst said he agreed with Judah that it should be kept in for planning purposes. Noethlich indicated that he had been part of a study group that had recommended that the route should be moved further east. Maas said the area will continue to grow and the route will be needed to relieve traffic congestion. Wildcat Run resident Jim Dodge did not buy Judah's argument. "The growth won't happen if you don't build these roads," he said. "Mass transit, affordable housing - those are the things that would free up I-75, not building a parallel road that's right up next to us." Deborah Rardin supported Judah position. A Grandezza resident told Judah that they would like to meet with him to discuss this further, and he agreed. Goodrich pointed out that both the Audubon and the Conservancy are opposed to CR 951. The panel noted that this issue will be discussed at an upcoming ECCL meeting in March.

Administrative Amendment for the Preserve at Corkscrew – Stacy Hewitt, Director of Planning, Banks Engineering
 The Preserve at Corkscrew is on the south side of Corkscrew Road west of Bella Terra and east of Monte Cristo. The owner is proposing that previously approved multi-family tracts be revised to allow a single family option. Minor site plan changes are also proposed including an innovative design for two of the cul-de-sacs to allow for a joint driveway off the cul-de-sacs which requires 3 additional deviation requests. The first deviation would eliminate the requirement for dead end streets to end with a turnaround. The second deviation would revise the requirement on utility easement on each side

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of the right-of-way by providing for a utility easement on only one side. The third deviation would revise the requirement for a minimum width of 40 feet for two-way private local streets to allow a 30-foot width. Goodrich asked how many houses and was told that there would be 6 or 7 at each location. Lienesch expressed concern as to the visibility of house numbers. Dickens asked about emergency equipment and was told that fire departments have not complained about the proposed arrangement. Noethlich asked why only Chapter 30 was referred to on signage whereas Chapter 33 is also applicable. He was told this would be taken care of at the time of the Development Order review. Dewhirst pointed out the absence of interconnections. Lienesch suggested they should consider interconnections with the neighboring commercial property to the East (Bella Terra). It was explained that they had tried to work out interconnection with neighboring developments with no success. Dewhirst suggested that the County should enforce the policy of interconnections. When asked about timing, the developer indicated he would like to begin construction "in about four months." Lienesch said the minutes will show that the Panel supports the requested amendments.

ECPP:

Workplan Development – Kathie Ebaugh gave us her and Paul O' Connor's feedback to the [Estero Community Plan](#) Scope of Services that was drafted by Dan DeLisi:

- 1.) Not enough detail. Each item needs to identify what we want to accomplish along with each step's deliverables and relative time frames to do it.
- 2.) We need to prioritize -- if all are not able to be funded, which does Estero want to do first, then second, etc.?
- 3.) It was unclear to the county if the requested funds were all from them (\$100K) or would Estero be responsible for half.
- 4.) If the final time for completion is to coincide with the County Plan submission, the time should be Spring of 2013.
- 5.) Adoption should be the final task – the last of the sequence.

Ebaugh was asked to forward to Lienesch some of the documents other community planning groups have submitted just to see the level of detail expected. Jeff suggested we circulate the revised document among the panel for comments. This kind of work can be done outside of the sunshine laws.

On a somber note, Ebaugh announced that Matt Noble's wife passed away last Friday. We asked her for specifics for the arrangements to see what an appropriate response from us should be. Bev will coordinate for the ECPP.

David Graham Award – Dickens will email the group that made the selection last time.

Walk-on Issue: Noise Issue at Coconut Pointe Town Center: Jim Bridenbaugh from Shadowwood asked about the temporary use / noise issue at Coconut Pointe. It was clear there was uncertainty about what was supported at last month's meeting. Lienesch explained that he had discussed the issue with Pam Houck at the county and had invited the Simon Mall manager to have a meeting with some of the panel and county staff on site to clarify the situation. Panel was adjourned at 8:00 PM

NEXT REGULAR MEETING: March 21, 6:00 PM, Estero Community Park



DCI 2012-00017

REQUEST FOR PUBLIC HEARING
SUBMITTAL REQUIREMENT WAIVER
FOR UNINCORPORATED AREAS ONLY

EXHIBIT PH-4.H

Upon written request, the Director may modify the submittal requirements for Public Hearings (and other administrative applications) where it can be clearly demonstrated that the submission will have no bearing on the review and processing of the application. The request and the Director's written response must accompany the application submitted and will become a part of the permanent file.

APPLICATION FOR WAIVER OF REQUIRED SUBMITTAL ITEMS
(indicate the appropriate application type)

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- Public Hearing - General Requirements (34-202)
Public Hearing - Mining Excavation Planned Development (12-110)
Public Hearing - Additional Requirements for:
Development of Regional Impact (34-203(a))
Planned Developments (34-203(b))
Master Concept Plan Extension (34-381(c))
Master Concept Plan Reinstatement (34-381(d))
Rezoning other than Planned Developments (34-203 (c))
Mobile Home Park (34-203(d))
Special Exception (34-203(e))
Variances (34-203(f))
Administrative Action Requirements

PRE 2012-00024
C 5 21

PLEASE PRINT OR TYPE:

STRAP Number: See Exhibit "A" Attached
Name of Project: Coconut Point
Name of Agent: Matthew D. Uhle
Street Address: 1617 Hendry St Suite 411
City, State, Zip: Fort Myers, FL 33901
Phone Number: (239) 226-4500 Fax Number: (239) 226-4500
Email Address: matthewuhle@aol.com

Name of Applicant*: Coconut Point Developers LLC
Street Address: 225 West Washington St.
City, State, Zip: Indianapolis, IN 46206
Phone Number: (317) 263-7032 Fax Number: (317) 685-7299
Email Address: kshields@simon.com

*If applicant is not the owner, a letter of authorization from the owner must be submitted.

LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (239) 533-8585

A. SPECIFIC SECTION(S) AND REQUIREMENT(S) FOR WHICH A WAIVER IS SOUGHT:

#	Section Number	Requirement
#1	34-202(b) (8)	Utility letters
#2		
#3		
#4		
#5		
#6		
#7		
#8		
#9		

B. SCOPE OF PROJECT AND REASON(S) FOR REQUEST:

Please provide an explanation of the scope of the project and the reason(s) why you think the request for submittal waiver(s) should be approved. Use additional sheets if necessary and attach to this application form. (Please print or type)

The project is a regional mall with existing utility service. The requested amendment to the Schedule of Uses to permit live outdoor entertainment will have no impact on utilities.

Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true.

Matthew S. White

Signature of Applicant

2/14/12

Date

.....
FOR STAFF USE ONLY

DIRECTOR'S DECISION:

Request Approved

Request Denied

Comments:

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Paul Howard

Director Signature

Feb 15, 2012

Date

PRE 2012-00024

EXHIBIT "A"

LIST OF STRAP NUMBERS

1. 04-47-25-36-000SC.0010
2. 04-47-25-36-000SC.0020
3. 04-47-25-36-000SC.0030
4. 04-47-25-36-0000L.01CE
5. 04-47-25-36-0000L.02CE
6. 04-47-25-36-0000L.03CE
7. 09-47-25-36-0000L.04CE
8. 09-47-25-36-0000L.05CE
9. 09-47-25-36-00000.0070
10. 04-47-25-36-0000S.0010

PRE 2012-00024

PRE 2012-00024



REQUEST FOR PUBLIC HEARING
SUBMITTAL REQUIREMENT WAIVER
FOR UNINCORPORATED AREAS ONLY

Upon written request, the Director may modify the submittal requirements for Public Hearings (and other administrative applications) where it can be clearly demonstrated that the submission will have no bearing on the review and processing of the application.

APPLICATION FOR WAIVER OF REQUIRED SUBMITTAL ITEMS
(indicate the appropriate application type)

- x Public Hearing - General Requirements (34-202)
Public Hearing - Mining Excavation Planned Development (12-110)
x Public Hearing - Additional Requirements for:
Development of Regional Impact (34-203(a))
x Planned Developments (34-203(b))
Master Concept Plan Extension (34-381(c))
Master Concept Plan Reinstatement (34-381(d))
Rezoning other than Planned Developments (34-203 (c))
Mobile Home Park (34-203(d))
Special Exception (34-203(e))
Variances (34-203(f))
Administrative Action Requirements

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PLEASE PRINT OR TYPE:

STRAP Number: See Exhibit "A" Attached

Name of Project: Coconut Point

COMMUNITY DEVELOPMENT

Name of Agent: Matthew D. Uhle

Street Address: 1617 Hendry St. Suite 411

City: Fort Myers State: FL Zip: 33901

Phone #: (239) 226-4500 Fax #: (239) 226-400

E-mail: matthewuhle@aol.com

Name of Applicant*: Coconut Point Developers LLC

Street Address: 225 West Washington St.

City: Indianapolis State: IN Zip: 46206

Phone #: (317) 263-7032 Fax #: (317) 685-7299

E-mail: kshields@simon.com

* If applicant is not the owner, a letter of authorization from the owner must be submitted.

PRE 2011-00204

LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (239) 533-8585

PRE 2011-00204

EXHIBIT "A"

LIST OF STRAP NUMBERS

1. 04-47-25-36-000SC.0010
2. 04-47-25-36-000SC.0020
3. 04-47-25-36-000SC.0030
4. 04-47-25-36-0000L.01CE
5. 04-47-25-36-0000L.02CE
6. 04-47-25-36-0000L.03CE
7. 09-47-25-36-0000L.04CE
8. 09-47-25-36-0000L.05CE
9. 09-47-25-36-00000.0070
10. 04-47-25-36-0000S.0010

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PRE 2011-00204

A. SPECIFIC SECTION(S) AND REQUIREMENT(S) FOR WHICH A WAIVER IS SOUGHT:

Section Number	Requirement
#1 34-202(a)(1)	Legal description and sketch
#2 34-202(a)(2)	Survey
#3 34-202(a)(3)	Title opinion
#4 34-202(a)(4)	Area location map
#5 34-202(b)(3)	Existing structures affidavit
#6 34-373(a)(1)	DCI Supplement (not general public hearing application)
#7 34-373(a)(3)	Legal description and sketch
#8 34-373(a)(4)a	Survey
#9 Others	See Exhibit "B" attached

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B. SCOPE OF PROJECT AND REASON(S) FOR REQUEST:

Please provide an explanation of the scope of the project and the reason(s) why you think the request for submittal waiver(s) should be approved. Use additional sheets if necessary and attach to this application form. (Please print or type)

The applicant is requesting an amendment to the existing MPD resolution for Coconut Point to permit live entertainment within portions of Development Area 2 in connection with COP and outdoor seating. No new development or redevelopment is contemplated as part of this application. Copies of the plat pages for the affected area will be submitted in lieu of a sketch and description.

Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true.

M. White 8/29/11
 Signature of Applicant

Directors Decision: Request Approved Request Denied
 Comments: *for # 1-5 + 7-9* *for # 6*
for attached comments

Signature: *Paul Howard* Date: Sept. 9, 2011
PRE 2011-00204

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EXHIBIT "B"

COMMUNITY DEVELOPMENT

ADDITIONAL SUBMITTAL WAIVER REQUESTS

- | | |
|-----------------|---------------------------------------|
| 34-373(a)(4)b | Location map |
| 34-373(a)(4)c | Existing zoning map |
| 34-373(a)(4)d | Aerial photograph |
| ✓ 34-373(a)(4)e | Environmental maps |
| ✓ 34-373(a)(4)f | FLUCCS map |
| 34-373(a)(4)g | Transit map |
| ✓ 34-373(a)(4)h | Historic and archaeological sites map |
| 34-373(a)(6) | Master Concept Plan |
| ✓ 34-373(a)(7) | TIS |
| 34-373(b)(1) | Surface water management plan |
| 34-373(b)(3) | Existing structures affidavit |

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Description	Activity Enter Date	Target Date	Activity Completed Date	Status	Assigned To	Done By	Notes
Development Services Comments	8/29/2011		8/30/2011	APPR	RYP	RYP	TIS waiver approved.
Environmental Review Comments	8/29/2011		8/30/2011	DONE	SMD	SMD	approved #9 Exhibit B 34-373(a)(4)(e) environmental maps and 34-373(a)(4)(f) FLUCCS map
Zoning Comments	8/29/2011		8/30/2011	PART	CSJ	CSJ	Site is cleared, filled, developed. Chick Jakacki Recommend approval of 1 thru 5 and 7 thru 8, provided applicant provides a legal description stating the lots, blocks, units, name of plat, section, township and range, plat book and page or instrument number if applicable along with strap numbers below the stated description and copies of the plat.
Submittal Waiver Request	8/29/2011		8/29/2011	DONE		AME	
Final Document Imported	8/29/2011						
Planning Notes			8/29/2011	APPR	GMS	GMS	
Zoning Notes	8/29/2011		9/8/2011	DONE	AHB	AHB	APPROVE Items 4, 5, and 9. DENY Item 6, applicant would have to complete and submit required Supplement. Items waived in this request and required by the Supplement are waived.

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Spatial District Query Report

STRAP Number: 04-47-25-36-000SC.0010

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District Name	District Value	Pct of Parcel in District (if fractional)	Notes
Airport Noise Zone		NOT FOUND	
Airspace Notification		NOT FOUND	
Census Tract	Tract ID	503.08	69.35%
	Tract ID	503.07	30.66%
Coastal Building Zone		NOT FOUND	
Coastal High Hazard Area		NOT FOUND	
Fire District	Fire District Taxing Authority	Estero 029	
Evacuation Zone	Zone	C	
Active Evacuation Status		NOT FOUND	
Flood Insurance Zone	Flood Zone	AE-EL15 (NAVD88)	1
	Assigned Number	415	
Flood Insurance Zone - Old	Flood Zone	B	
FIRM Floodway	Floodway	OUTSIDE	
FIRM Floodway - Old		NOT FOUND	
Flood Insurance Panel	Community Panel	125124 0593	76.94%
	Map Number	12071C0593F	
	Effective Date	8/28/2008 12:00:00 AM	
	Community Panel	125124 0591	23.06%
Map Number	12071C0591F		
Effective Date	1/4/2010 12:00:00 AM		
Flood Insurance Panel - Old	Community Panel	125124 0475	
	Version	B	
	Date	NotPrinted	
Flowway - 2005	Composition	FELDA FINE SAND, DEPRESSIONAL	0.6% 2
(DNR Flood Zones) Zone A BFE		NOT FOUND	
DNR Flood Zones - Old		NOT FOUND	
Coastal Barrier Resources System (COBRA)		NOT FOUND	
Coastal Barrier Resources System (COBRA) - Old		NOT FOUND	
Lighting District/MSTBU		NOT FOUND	
Preliminary MSTBU Districts		NOT FOUND	
Taxing Authorities	Authority Name	West Coast Inland Waterway	
	Authority Name	SFL Water Mgmt Everglade Const	
	Authority Name	Lee County Mosquito Control	

DCI 2012-00017

Authority Name	Lee County All Hazards Uninc	
Authority Name	Preservation Lands MSTU	
Authority Name	SFL Water MGMT Okeechobee Levy	
Authority Name	SFL Water Mgmt District Levy	
Authority Name	Lee County Library Fund	
Authority Name	School District By State Law	
Authority Name	School District By Local Board	
Authority Name	ESTERO FIRE RESCUE	
Authority Name	Lee County Capital Improvement	
Authority Name	Lee County Hyacinth Control	
Authority Name	Lee County General Revenue	
Authority Name	Lee County Unincorporated MSTU	
Planning Community	ID Plan Community	21 Estero
Planning Future Land Use	Landuse	Urban Community 99.96%
	Landuse	Wetlands 0.04% 2
Sanibel/County Agreement	NOT FOUND	
School Board District	District School Board Member	3 Jane E. Kucel, Ph.D.
School Choice Zone	Choice Zones	South Zone 3
	Choice Zones	South Zone
Solid Waste District	District Area	Area 3
Storm Surge	Category	C
Subdivisions	Subdivision No.	04472536 95.42%
	Subdivision Name	COCONUT POINT AREA 2
	Book Page 1	
	Book Page 2 Book Page 3	
Traffic Analysis Zone		
Archaeological Sensitivity	Sensitivity Level	2 94.72%
Sea Turtle Lighting Zone	NOT FOUND	
Watersheds	Shed ID	Halfway Creek
FLUCCS1999		
Vegetation Permit Required	NOT FOUND	
Soil	Map Symbol Soil Name	14 VALKARIA FINE SAND 63.88% 3
	Map Symbol Soil Name	75 HALLANDALE FINE SAND, SLOUGH 15.3% 3
	Map Symbol Soil Name	11 MYAKKA FINE SAND 8.06%

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Map Symbol	26	3.93%	<u>2</u> <u>3</u>
Soil Name	PINEDA FINE SAND		
Map Symbol	99	3.34%	<u>2</u>
Soil Name	WATER		
Map Symbol	6	2.33%	<u>2</u>
Soil Name	HALLANDALE FINE SAND		
Map Symbol	42	2.31%	<u>2</u>
Soil Name	WABASSO SAND, LIMESTONE SUBSTRATUM		
Map Symbol	49	0.6%	<u>2</u> <u>3</u>
Soil Name	FELDA FINE SAND, DEPRESSIONAL		
Map Symbol	13	0.25%	<u>2</u>
Soil Name	BOCA FINE SAND		
Panther Habitat	NOT FOUND		
Eagle Nesting Site Buffer	NOT FOUND		
Commissioner District	District Commissioner	3 Ray Judah	
Unincorporated Lee County Zoning	Zoning Designation	MPD	<u>Zoning Notes</u>
Minimum Use Determination	NOT FOUND		
Development Orders	Development Order Status Wet Season Water Table	DOS2004-00059	64.8%
	Development Order Status Wet Season Water Table	DOS2004-00135	43.15%
	Development Order Status Wet Season Water Table	DOS2004-00183	34.99%
	Development Order Status Wet Season Water Table	DOS2004-00193	31.03%
	Development Order Status Wet Season Water Table	DOS2005-00070	25.56%
	Development Order Status Wet Season Water Table	DOS2005-00099	0.47% <u>2</u>
	Development Order Status Wet Season Water Table	DOS2005-00100	0.01% <u>2</u>
	Development Order Status Wet Season Water Table	DOS2004-00038	0.01% <u>2</u>

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Table		
Road Impact Fee Districts	District Tidemark ID Name	4 54 SOUTHWEST
Water Franchise	Franchise Name	Bonita Springs Utilities
Water Treatment Plant Service Area		NOT FOUND
Wastewater Franchise	Franchise Name	Bonita Springs Utilities
Wastewater Treatment Plant Service Area		NOT FOUND
Res. Garbage Collection Day	Hauling Day	Tuesday
Res. Recycling Collection Day	Hauling Day	Monday
Res. Horticulture Collection Day	Hauling Day	Monday
Microwave Radio Relay Path		NOT FOUND
DEP Impaired Waters and TMDLs	TMDL Status IWR_Status IWR Parameters	No TMDL Impaired (Category 5) DO (5) Fecal Coliform (5)
Wind Speed Building Risk Category I	Design Wind Speed FL Building Code Figure	150 mph 1609C
Wind Speed Building Risk Category II	Design Wind Speed FL Building Code Figure	160 mph 1609A
Wind Speed Building Risk Category III and IV	Design Wind Speed FL Building Code Figure	180 mph 1609B

[\[Modify Report Settings \]](#)

DCI 2012-00017

Note	Details
1	The Flood Zone with the highest corresponding assigned number is the recognized flood zone designation for this property. Residents of unincorporated Lee County may call Zoning Review at (239) 533-8597 (option #4) with additional questions. Residents of incorporated areas should call the city in which they reside to verify flood zone status.
2	Small percentages can result from slight variations in the way lines are drawn or imported into our system. Such values may not accurately reflect an overlap with the subject parcel.
3	Contact DEP (239) 344-5600 for wetland determination

RECEIVED
MAR 30 2012
COMMUNITY DEVELOPMENT

RECEIVED
MAR 30 2012

EXHIBIT PH-3.G.2

DCI 2012-00017

VARIANCE REPORT

2/14/2012

COMMUNITY DEVELOPMENT

Subject Parcels : 10 Affected Parcels : 440 Buffer Distance : 500 ft



09-47-25-36-000OS.01CE et al.

2,200 1,100 0 2,200 Feet



Lee County Property Appraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

Phone: (239) 533-6159 • Fax: (239) 533-6139 • eMail: MapRoom@LeePA.org

VARIANCE REPORT

Date of Report: February 14, 2012

DCI 2012-00017

Buffer Distance: 500 ft

Parcels Affected: 440

Subject Parcel: 09-47-25-36-0000S.01CE, 04-47-25-36-000SC.0010, 04-47-25-36-000SC.0020, 04-47-25-36-000SC.0030, 04-47-25-36-0000L.01CE, 04-47-25-36-0000L.02CE, 04-47-25-36-0000L.03CE, 09-47-25-36-0000L.04CE, 09-47-25-36-0000L.05CE, 09-47-25-36-00000.0070

RECEIVED
MAR 30 2012

COMMUNITY DEVELOPMENT

EXHIBIT PH-3.G.1

<u>OWNER NAME AND ADDRESS</u>	<u>STRAP AND LOCATION</u>	<u>LEGAL DESCRIPTION</u>	<u>Map Index</u>
ACL RR CO 500 WATER ST #J-910 JACKSONVILLE FL 32202	03-47-25-00-00001.0000 RIGHT OF WAY ESTERO FL 33928	STRIP OF LAND FOR RR R/W IN SEC 03 TWN 47 RGE 25	1
SHADOW WOOD COUNTRY CLUB INC 22801 OAKWILDE BLVD BONITA SPRINGS FL 34135	03-47-25-01-0000F.0000 22801-805 OAKWILDE BLVD BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UNIT 1 PB61/21 TRS E+GC-1-8+UNIT 2-A PB62/31 TR GC-1+UNIT 2-B PB61/52 TR GC-1+UNIT 3 PB63/89 TR GC-1-3+ UNIT 5 PB65/23 TRS GC-1+2+UNIT 7 PB66/90 TR GC-1+UNIT 8 PB67/74 +NOTES	2
SHADOW WOOD COMMUNITY ASSN INC 8000 HEALTH CENTER BLVD #202 BONITA SPRINGS FL 34135	03-47-25-01-0000G.00CE RESERVED BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UNIT ONE PB 61 PG 21 TRACT G	3
FLOYD DANIEL L + 9101 HOLLOW PINE DR BONITA SPRINGS FL 34135	03-47-25-01-000C3.0240 9101 HOLLOW PINE DR BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UNIT ONE PB 61 PG 21 BLK C3 LOT 24	4
BROOKS OF BONITA SPRINGS CDD WRATHELL HART HUNT ASSOCIATES 6131 LYONS RD STE 100 COCONUT CREEK FL 33073	03-47-25-01-000L1.0000 LAKE BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UNIT ONE PB 61 PG 21 TRACT L-1	5
BROOKS OF BONITA SPRINGS CDD WRATHELL HART HUNT ASSOCIATES 6131 LYONS RD STE 100 COCONUT CREEK FL 33073	03-47-25-01-000L2.0000 LAKE BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UNIT ONE PB 61 PG 21 TRACT L-2	6
BROOKS OF BONITA SPRINGS CDD WRATHELL HART HUNT ASSOCIATES 6131 LYONS RD STE 100 COCONUT CREEK FL 33073	03-47-25-02-000C1.0000 RESERVED BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UN 4 PB 65 PGS 3-8 TRACT C-1 LESS OR 3260 PG 956	7
STATE OF FL DOT PO BOX 1249 BARTOW FL 33831	04-47-25-00-00001.013A COCONUT POINT ESTERO FL 33966	PARL LOC IN SE 1/4 OF SECT DESC IN OR 4339/1857 LESS SUBD	8
COCONUT POINT NORTH VILLAGE 24880 BURNT PINE DR STE 8 BONITA SPRINGS FL 34134	04-47-25-30-0000R.00CE RIGHT OF WAY ESTERO FL 33928	COCONUT POINT AREA 1 DESC IN PB 83 PGS 1-13 TRACT R	9
TOUCHSTONE AT RAPALLO INC ED DWIER 8551 VIA RAPALLO DR ESTERO FL 33928	04-47-25-30-0001F.02CE ACCESS UNDETERMINED ESTERO FL 33928	COCONUT POINT AREA 1 DESC IN PB 83 PGS 1-13 PORT TRACT 1-F LESS CONDO	10
COCONUT POINT NORTH VILLAGE 24880 BURNT PINE DR STE 8 BONITA SPRINGS FL 34134	04-47-25-30-000L1.00CE ACCESS UNDETERMINED ESTERO FL 33928	COCONUT POINT AREA 1 DESC IN PB 83 PGS 1-13 TRACT L-1	11
LEE COUNTY PO BOX 398 FORT MYERS FL 33902	04-47-25-30-000R4.0000 RIGHT OF WAY ESTERO FL 33928	COCONUT POINT AREA 1 DESC IN PB 83 PGS 1-13 TRACT R-4	12

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
RBC BANK CBRE PO BOX 17327 RALEIGH NC 27619	04-47-25-30-001D1.0000 8003 SWEETWATER RANCH BLVD ESTERO FL 33928	COCONUT POINT AREA 1 DESC IN PB 83 PGS 1-13 TRACT 1-D1	13
COCONUT POINT NORTH VILLAGE 24880 BURNT PINE DR STE 8 BONITA SPRINGS FL 34134	04-47-25-30-00C19.00CE RESERVED ESTERO FL 33928	COCONUT POINT AREA 1 DESC IN PB 83 PGS 1-13 TRACT C-19 CONSERVATION EASEMENT DESC IN INST#2006-213325	14
COCONUT POINT NORTH VILLAGE 24880 BURNT PINE DR STE 8 BONITA SPRINGS FL 34134	04-47-25-30-00C20.00CE RESERVED ESTERO FL 33928	COCONUT POINT AREA 1 DESC IN PB 83 PGS 1-13 TRACT C-20 CONSERVATION EASEMENT DESC IN INST#2006-213325	15
COCONUT POINT NORTH VILLAGE 24880 BURNT PINE DR STE 8 BONITA SPRINGS FL 34134	04-47-25-30-00OS2.00CE RESERVED ESTERO FL 33928	COCONUT POINT AREA 1 DESC IN PB 83 PGS 1-13 TRACT OS-2	16
COCONUT POINT NORTH VILLAGE 24880 BURNT PINE DR STE 8 BONITA SPRINGS FL 34134	04-47-25-30-00OS4.00CE RESERVED ESTERO FL 33928	COCONUT POINT AREA 1 DESC IN PB 83 PGS 1-13 TRACT OS-4	17
COCONUT POINT NORTH VILLAGE 24880 BURNT PINE DR STE 8 BONITA SPRINGS FL 34134	04-47-25-30-00OS5.00CE RESERVED ESTERO FL 33928	COCONUT POINT AREA 1 DESC IN PB 83 PGS 1-13 TRACT OS-5	18
JHS + MCB COCONUT LLC 11411 PARK RD ANCHORAGE KY 40223	04-47-25-35-0000A.00B0 22911 LYDEN DR ESTERO FL 33928	COCONUT TRACE DESC IN INST#2006-423660 BLK A PARCEL B	19
TULIP ASSOCIATES LLC DENNIS J LYNCH 4081 TAMIAMI TR N STE C-105 NAPLES FL 34103	04-47-25-35-0000A.00C0 CORNER LOT ESTERO FL 33928	COCONUT TRACE DESC IN INST#2006-423660 BLK A PARCEL C + D	20
TULIP ASSOCIATES LLC DENNIS J LYNCH 4081 TAMIAMI TR N STE C-105 NAPLES FL 34103	04-47-25-35-0000A.00E0 22900 LYDEN DR ESTERO FL 33928	COCONUT TRACE DESC IN INST#2006-423660 BLK A PARCEL E	21
TULIP ASSOCIATES LLC DENNIS J LYNCH 4081 TAMIAMI TR N STE C-105 NAPLES FL 34103	04-47-25-35-0000A.00F0 22910 LYDEN DR ESTERO FL 33928	COCONUT TRACE DESC IN INST#2006-423660 BLK A PARCEL F	22
MTJ LLC THE DIAMOND DISTRICT 7995 PLAZA DEL LAGO DR ESTERO FL 33928	04-47-25-36-00000.0040 ACCESS UNDETERMINED ESTERO FL 33928	COCONUT POINT AREA 2 DESC IN INST#2006-409925 LOT 4	23
TGI FRIDAYS INC LEASE ACCOUNTING-TGIF # 455 PO BOX 1788 MINNEAPOLIS MN 55440	04-47-25-36-00000.0050 7991 PLAZA DEL LAGO DR ESTERO FL 33928	COCONUT POINT AREA 2 DESC IN INST#2006-409925 LOT 5	24
CNLBANK SOUTHWEST FLORIDA 450 S ORANGE AVE ORLANDO FL 32801	04-47-25-36-00000.0060 7996 MEDITERRANEAN DR ESTERO FL 33928	COCONUT POINT AREA 2 DESC IN INST#2006-409925 LOT 6	25
COCONUT POINT DEVELOPERS LLC PO BOX 6120 INDIANAPOLIS IN 46206	04-47-25-36-0000R.00CE RIGHT OF WAY ESTERO FL 33928	COCONUT POINT AREA 2 DESC IN INST#2006-409925 TRACT R	26
TARGET CORP PROPERTY TAX DEPT T-2317 PO BOX 9456 MINNEAPOLIS MN 55440	04-47-25-36-000SC.0050 8040 MEDITERRANEAN DR ESTERO FL 33928	COCONUT POINT AREA 2 DESC IN INST#2006-409925 TRACT SC-5	27
ENCLAVE AT RAPALLO ASSN INC 8551 VIA RAPALLO ESTERO FL 33928	04-47-25-38-00000.00CE COMMON ELEMENT ENCLAVE AT RAPALLO ESTERO FL 33928	ENCLAVE AT RAPALLO DESC IN INST#2007-88445 COMMON ELEMENT	28
GOODMAN BARRY S + 1206 CALIFON COKESBURY RD CALIFON NJ 07830	04-47-25-38-00066.0101 8601 PIAZZA DEL LAGO CIR #101 ESTERO FL 33928	ENCLAVE AT RAPALLO DESC IN INST#2007-88445 BLDG 66 UNIT 101	*29
MARRELLI DOROTHY R UNIT 103 8601 PIAZZA DEL LAGO CIR ESTERO FL 33928	04-47-25-38-00066.0103 8601 PIAZZA DEL LAGO CIR #103 ESTERO FL 33928	ENCLAVE AT RAPALLO DESC IN INST#2007-88445 BLDG 66 UNIT 103	*29

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
RUDONI RAYMOND R + PAULA M 17115 KINGS FAIRWAY LN GRAND BLANC MI 48439	04-47-25-38-00066.0104 8601 PIAZZA DEL LAGO CIR #104 ESTERO FL 33928	ENCLAVE AT RAPALLO DESC IN INST#2007-88445 BLDG 66 UNIT 104	*29
CUNNINGHAM JOHN C 1/2 + E A KELLEY CO STE 501 PMB 14190 450 VETERANS MEMORIAL PKWY EAST PROVIDENCE RI 02914	04-47-25-38-00066.0106 8601 PIAZZA DEL LAGO CIR #106 ESTERO FL 33928	ENCLAVE AT RAPALLO DESC IN INST#2007-88445 BLDG 66 UNIT 106	*29
EBERT TERESA T TR + 8601 PIAZZA DEL LAGO CIR #201 ESTERO FL 33928	04-47-25-38-00066.0201 8601 PIAZZA DEL LAGO CIR #201 ESTERO FL 33928	ENCLAVE AT RAPALLO DESC IN INST#2007-88445 BLDG 66 UNIT 201	*29
SCHOEN THEODORE F + DEBRA A UNIT 202 8601 PIAZZA DEL LAGO CIR ESTERO FL 33928	04-47-25-38-00066.0202 8601 PIAZZA DEL LAGO CIR #202 ESTERO FL 33928	ENCLAVE AT RAPALLO DESC IN INST#2007-88445 BLDG 66 UNIT 202	*29
CLARKE JENNIFER 8601 PIAZZA DEL LAGO CIR # 203 ESTERO FL 33928	04-47-25-38-00066.0203 8601 PIAZZA DEL LAGO CIR #203 ESTERO FL 33928	ENCLAVE AT RAPALLO DESC IN INST#2007-88445 BLDG 66 UNIT 203	*29
ALESSIO RICHARD P + WILHELMINA 29 LOUIS DR MONTVILLE NJ 07045	04-47-25-38-00066.0204 8601 PIAZZA DEL LAGO CIR #204 ESTERO FL 33928	ENCLAVE AT RAPALLO DESC IN INST#2007-88445 BLDG 66 UNIT 204	*29
WISNER DONALD J + MARILYN D 8601 PIAZZA DEL LAGO CIR #205 ESTERO FL 33928	04-47-25-38-00066.0205 8601 PIAZZA DEL LAGO CIR #205 ESTERO FL 33928	ENCLAVE AT RAPALLO DESC IN INST#2007-88445 BLDG 66 UNIT 205	*29
RAPALLO PARTNERS LLC 3440 RENAISSANCE BLVD STE 12 BONITA SPRINGS FL 34134	04-47-25-38-00066.0206 8601 PIAZZA DEL LAGO CIR #206 ESTERO FL 33928	ENCLAVE AT RAPALLO DESC IN INST#2007-88445 BLDG 66 UNIT 206	*29
HALFWAY CREEK LAND CONDO ASSN	04-47-25-39-00000.00CE 22774/776 S TAMIAMI TRL ESTERO FL 33928	HALFWAY CREEK LAND CONDO AS DESC IN INST #2009000260728 COMMON ELEMENTS	30
FLORIDA SE INC 1000 DARDEN CENTER DR ORLANDO FL 32837	04-47-25-40-00000.0080 8091 PLAZA DEL LAGO DR ESTERO FL 33928	COCONUT POINT AREA 2 - LOT 8 DESC IN INST#2011000101956 LOT 8	31
DRACKETT + OTT ENTERPRISES LLC 745 12TH AVE S STE 100 NAPLES FL 34102	09-47-25-00-00001.001B 8000/8300 HEALTH CENTER BLVD BONITA SPRINGS FL 34135	PAR IN W1/2 OF E1/2 SEC 9 LYING E OF TH ELY R/W LINE US41 DESC OR 3263 PG 746	32
STATE OF FL DOT PO BOX 1249 BARTOW FL 33831	09-47-25-00-00001.0110 ACCESS UNDETERMINED ESTERO FL 33928	PARCEL LOC IN NW 1/4 OF NE 1/4 E OF ST.RD45 LESS SUBD	33
BROOKS 41 COMMERCIAL ASSN INC BARRETT C OTT 745 12TH AV S STE 100 NAPLES FL 34102	09-47-25-00-00001.016A RIGHT OF WAY BONITA SPRINGS FL 34135	PARL LOC IN THE N 1/2 OF THE SE 1/4 AS DESC IN OR 3338 PG 420	34
BROOKS OF BONITA SPRINGS CDD 6131 LYONS RD STE 100 COCONUT CREEK FL 33073	09-47-25-00-00001.01A0 NEEDS ACCESS CONFIRMED BONITA SPRINGS FL 34135	PAR IN W1/2 OF E1/2 SEC 9 LYING E OF TH ELY R/W LINE US 41 DESC OR 2672/3982 + POR DESC IN OR 3194 PG 2896	35
BROOKS 41 COMMERCIAL ASSN INC 745 12TH AVE S STE 105 NAPLES FL 34102	09-47-25-00-00001.020A COMMON ELEMENT ESTERO FL 33928	PARL IN SE 1/4 LYING E OF US 41 + SLY OF COCONUT RD DESC IN INST# 2008000097004	36
BROOKS OF BONITA SPRINGS CDD 6131 LYONS RD STE 100 COCONUT CREEK FL 33073	09-47-25-00-00001.2000 8350 HEALTH CENTER BLVD BONITA SPRINGS FL 34135	PARL LOC IN THE SE 1/4 LYING E OF US 41 + SLY OF COCONUT ROAD LESS INST# 2008000097004	37
COCONUT 41 LLC 9130 CORSEA DEL FONTANA WAY NAPLES FL 34109	09-47-25-00-00002.0020 ACCESS UNDETERMINED BONITA SPRINGS FL 34134	PARL IN S 1/2 OF N 1/2 W OF US-41 DESC OR 1871 PG 1306 LESS INST#2007-208549 + 2007-218031	38
COCONUT 41 LLC 9130 CORSEA DEL FONTANA WAY NAPLES FL 34109	09-47-25-00-00002.0040 23281 LYDEN DR BONITA SPRINGS FL 34134	PARL IN S 1/2 OF N 1/2 AS DESC OR 2014 PG 4241 LESS INST#2007000218031 + LESS RD R/W INST#2008000173146	39

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
IBERIABANK PROPERTY TAX DEPT 200 W CONGRESS ST LAFAYETTE LA 70501	09-47-25-00-00002.0080 23241 LYDEN DR ESTERO FL 33928	PARL IN S 1/2 OF N 1/2 W OF US-41 DESC IN INST#2007-218031	40
MARSH LANDING COMMUNITY ASSN 22901 MARSH LANDING BLVD ESTERO FL 33928	09-47-25-22-0000F.01CE RIGHT OF WAY ESTERO FL 33928	MARSH LANDING PB 58 PGS 42 THRU 49 PT OF TR F AS DESC IN OR 2969 PG 1832 + R/W LESS PAR F.0020	41
JHS + MCB COCONUT LLC 11411 PARK RD ANCHORAGE KY 40223	09-47-25-35-0000A.00A0 CORNER LOT ESTERO FL 33928	COCONUT TRACE DESC IN INST#2006-423660 BLK A PARCEL A	42
WACO LLC SUNTRUST CORP REAL ESTATE 919 E MAIN ST FL 14 RICHMOND VA 23219	09-47-25-35-0000B.00A0 3501 VANDERBERG WAY ESTERO FL 33928	COCONUT TRACE DESC IN INST#2006-423660 BLK B PARCEL A	43
CHERNG ANDREW JIN-CHAN TR + 1683 WALNUT GROVE AVE ROSEMEAD CA 91770	09-47-25-35-0000B.00B0 22941 LYDEN DR ESTERO FL 33928	COCONUT TRACE DESC IN INST#2006-423660 BLK B PARCEL B	44
MANCHESTER ASSOCIATES LLC DENNIS J LYNCH 4081 TAMIAMI TRAIL N SUITE C-105 NAPLES FL 34103	09-47-25-35-0000B.00C0 22951 LYDEN DR ESTERO FL 33928	COCONUT TRACE DESC IN INST#2006-423660 BLK B PARCEL C	45
COCONUT TRACE OWNERS ASSN INC 4081 TAMIAMI TRL N STE C-105 NAPLES FL 34103	09-47-25-35-0000P.00CE COCONUT TRACE TRACT P BONITA SPRINGS FL	COCONUT TRACE DESC IN INST#2006-423660 TRACT P	46
COCONUT TRACE OWNERS ASSN INC 4081 TAMIAMI TRL N STE C-105 NAPLES FL 34103	09-47-25-35-0000R.00CE RIGHT OF WAY BONITA SPRINGS FL	COCONUT TRACE DESC IN INST#2006-423660 TRACT R	47
FLORIDA GULF BANK 9101 COLLEGE POINTE CT FORT MYERS FL 33919	09-47-25-36-00000.0010 23250 VIA VILLAGIO ESTERO FL 33928	COCONUT POINT AREA 2 DESC IN INST#2006-409925 LOT 1	48
NAPERVILLE 2 LLC 9440 ENTERPRISE DR MOKENA IL 60448	09-47-25-36-00000.002A NEED SITE PLAN ESTERO FL 33928	COCONUT POINT AREA 2 DESC IN INST#2006-409925 LOT 2-A	49
WACHOVIA BANK N A THOMSON REUTERS PO BOX 2609 CARLSBAD CA 92018	09-47-25-36-00000.003A 23100 VIA VILLAGIO ESTERO FL 33928	COCONUT POINT AREA 2 DESC IN INST#2006-409925 LOT 3-A	50
RESIDENCES AT COCONUT POINT 11350 N MERIDIAN ST STE 100 CARMEL IN 46032	09-47-25-36-0000A.00CE HDR: RESIDENCE AT COCONUT POINT ESTERO FL 33928	COCONUT POINT AREA 2 DESC IN INST#2006-409925 TRACT A LESS CONDOS	51
J B IVEY + COMPANY PROPERTY TAX DEPT 4501 N BEACH ST FORT WORTH TX 76137	09-47-25-36-0000SC.0040 COCONUT POINT TRACT SC-4 FL	COCONUT POINT AREA 2 DESC IN INST#2006-409925 TRACT SC-4	52
ALV COCONUT POINT LLP 125 N AIRPORT RD STE 202 NAPLES FL 34104	09-47-25-37-00006.01CE SUBMERGED LAND BONITA SPRINGS FL 34135	COCONUT POINT AREA 3 DESC IN INST#2006-470844 TRACT 6-1	53
LEE MEMORIAL HEALTH SYSTEM PROPERTY MANAGEMENT 636 DEL PRADO BLVD CAPE CORAL FL 33990	09-47-25-37-003A1.0000 ACCESS UNDETERMINED BONITA SPRINGS FL 34135	COCONUT POINT AREA 3 DESC IN INST#2006-470844 TRACT 3A-1	54
RESIDENCES AT COCONUT POINT I 11350 N MERIDIAN ST STE 100 CARMEL IN 46032	09-47-25-40-00000.00CE COMMON ELEMENT RESIDENCES @ COCONUT ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 COMMON ELEMENT	55
SAXON DOUGLAS + BARBARA 59 HARBOR RD COLCHESTER CT 06415	09-47-25-40-00001.1101 8001 VIA MONTE CARLO WAY #1101 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 1 UNIT 1101	*56
DECARLO FRANK JR + ROBIN 347 ERIE CIR BLOOMINGDALE IL 60108	09-47-25-40-00001.1102 8001 VIA MONTE CARLO WAY #1102 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 1 UNIT 1102	*56

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
LUSKER CRAIG 14003 PAWNEE LN LEAWOOD KS 66224	09-47-25-40-00001.1103 8001 VIA MONTE CARLO WAY #1103 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 1 UNIT 1103	*56
CICAK STEPHEN M + ROSEMARY M 8001 VIA MONTE CARLO WAY #1104 ESTERO FL 33928	09-47-25-40-00001.1104 8001 VIA MONTE CARLO WAY #1104 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 1 UNIT 1104	*56
BROWNING MICHAEL + 401 MCCAULEY RD WILMORE KY 40390	09-47-25-40-00001.1105 8001 VIA MONTE CARLO WAY #1105 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 1 UNIT 1105	*56
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-40-00001.1106 8001 VIA MONTE CARLO WAY #1106 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 1 UNIT 1106	*56
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-40-00001.1107 8001 VIA MONTE CARLO WAY #1107 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 1 UNIT 1107	*56
BECKERMAN MATTHIAS 122 BLEAMS RD KITCHNER ON N2C 2K5 CANADA	09-47-25-40-00001.1201 8001 VIA MONTE CARLO WAY #1201 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 1 UNIT 1201	*56
SALERNO MICHAEL V + AMANDA + 13608 LOST BOY LN HOMER GLEN IL 60491	09-47-25-40-00001.1202 8001 VIA MONTE CARLO WAY #1202 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 1 UNIT 1202	*56
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-40-00001.1203 8001 VIA MONTE CARLO WAY #1203 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 1 UNIT 1203	*56
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-40-00001.1204 8001 VIA MONTE CARLO WAY #1204 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 1 UNIT 1204	*56
CULLEY JAMES + SANDRA 9000 WINDSWEPT DR BONITA SPRINGS FL 34135	09-47-25-40-00001.1205 8001 VIA MONTE CARLO WAY #1205 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 1 UNIT 1205	*56
LOCKOWITZ STANLEY G TR 478 E BAY TREE CIR VERNON HILLS IL 60061	09-47-25-40-00001.1206 8001 VIA MONTE CARLO WAY #1206 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 1 UNIT 1206	*56
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-40-00001.1207 8001 VIA MONTE CARLO WAY #1207 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 1 UNIT 1207	*56
PELICAN ASSOCIATION CORP 235 N OGDEN AVE CHICAGO IL 60607	09-47-25-40-00001.1301 8001 VIA MONTE CARLO WAY #1301 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 1 UNIT 1301	*56
ROZMAN FANCI 4502 SILVER FOX NAPLES FL 34119	09-47-25-40-00001.1302 8001 VIA MONTE CARLO WAY #1302 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 1 UNIT 1302	*56
HAMILTON DEBORAH A 8001 VIA MONTE CARLO WAY #1303 ESTERO FL 33928	09-47-25-40-00001.1303 8001 VIA MONTE CARLO WAY #1303 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 1 UNIT 1303	*56
LINKE PETER + HELENA AM SANNBRUCH 36 17094 BURG STARGARD GERMANY	09-47-25-40-00001.1304 8001 VIA MONTE CARLO WAY #1304 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 1 UNIT 1304	*56
HALO CAROLYN KAY TR 201 CALLE DIAMANTE SEDONA AZ 86336	09-47-25-40-00001.1305 8001 VIA MONTE CARLO WAY #1305 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 1 UNIT 1305	*56
DIDONATO NORMAN 689 MAIN ST BUFFALO NY 14203	09-47-25-40-00001.1306 8001 VIA MONTE CARLO WAY #1306 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 1 UNIT 1306	*56

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
ZMUDA WALTER D + 689 MAIN ST BUFFALO NY 14203	09-47-25-40-00001.1307 8001 VIA MONTE CARLO WAY #1307 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 1 UNIT 1307	*56
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-40-00002.2101 8011 VIA MONTE CARLO WAY #2101 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2101	*57
PELKOWSKI THOMAS W + JANETH 31 WINTERCRESS LN EAST NORTHPORT NY 11731	09-47-25-40-00002.2102 8011 VIA MONTE CARLO WAY #2102 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2102	*57
JAQUESS TINA M UNIT 103 8011 VIA MONTE CARLO WAY ESTERO FL 33928	09-47-25-40-00002.2103 8011 VIA MONTE CARLO WAY #2103 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2103	*57
TM HIGHLAND LLC 3740 S OCEAN BLVD # 1210 HIGHLAND BEACH FL 33487	09-47-25-40-00002.2104 8011 VIA MONTE CARLO WAY #2104 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2104	*57
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-40-00002.2105 8011 VIA MONTE CARLO WAY #2105 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2105	*57
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-40-00002.2106 8011 VIA MONTE CARLO WAY #2106 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2106	*57
PUTT JAMES L 28861 CAVELL TER NAPLES FL 34119	09-47-25-40-00002.2107 8011 VIA MONTE CARLO WAY #2107 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2107	*57
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-40-00002.2108 8011 VIA MONTE CARLO WAY #2108 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2108	*57
ANTHONY ALODYLE + 8011 VIA MONTE CARLO WAY #2109 ESTERO FL 33928	09-47-25-40-00002.2109 8011 VIA MONTE CARLO WAY #2109 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2109	*57
IRWIN RICHARD L SR TR PO BOX 157 WOODWARD OK 73802	09-47-25-40-00002.2110 8011 VIA MONTE CARLO WAY #2110 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2110	*57
BANEZ NESTOR V + OFELIA G 6482 DUNWOODY CIR W CANTON OH 44718	09-47-25-40-00002.2111 8011 VIA MONTE CARLO WAY #2111 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2111	*57
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-40-00002.2112 8011 VIA MONTE CARLO WAY #2112 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2112	*57
CARLSON ALBERT JOHN + MARY 6538 NEWTON AVE MINNEAPOLIS MN 55423	09-47-25-40-00002.2113 8011 VIA MONTE CARLO WAY #2113 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2113	*57
RESIDENCES AT COCONUT POINT 11350 N MERIDIAN ST STE 100 CARMEL IN 46032	09-47-25-40-00002.2114 8011 VIA MONTE CARLO WAY #2114 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2114	*57
S + W PROPERTIES UNLIMITED INC 1320 STATE ROAD 46 E BATESVILLE IN 47006	09-47-25-40-00002.2115 8011 VIA MONTE CARLO WAY #2115 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2115	*57
FONTAINE ANNE J 202 HOLLOW RD COSBY TN 37722	09-47-25-40-00002.2116 8011 VIA MONTE CARLO WAY #2116 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2116	*57
BOILINI HEIDI J 3732 E 71ST ST INDIANAPOLIS IN 46220	09-47-25-40-00002.2117 8011 VIA MONTE CARLO WAY #2117 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2117	*57
IRWIN BRENDA L 1019 COUNTRYSIDE DR MOORELAND OK 73852	09-47-25-40-00002.2118 8011 VIA MONTE CARLO WAY #2118 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2118	*57

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
WAGNER DONALD W + MARY ANN 114 ASPEN DR BOALSBURG PA 16827	09-47-25-40-00002.2119 8011 VIA MONTE CARLO WAY #2119 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2119	*57
BICKNESE PETER 8011 VIA MONTE CARLO WAY #2201 ESTERO FL 33928	09-47-25-40-00002.2201 8011 VIA MONTE CARLO WAY #2201 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2201	*57
SUN DONG 71 CASTLETHORPE CRESCENT OTTAWA ON K2G 5P8 CANADA	09-47-25-40-00002.2202 8011 VIA MONTE CARLO WAY #2202 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2202	*57
CULLEY JAMES K + SANDRA 9000 WINDSWEPT DR BONITA SPRINGS FL 34135	09-47-25-40-00002.2203 8011 VIA MONTE CARLO WAY #2203 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2203	*57
NGUYEN KEVIN GOLDEN DRAGON 8410 SEDONIA CIR FORT MYERS FL 33912	09-47-25-40-00002.2204 8011 VIA MONTE CARLO WAY #2204 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2204	*57
HOGAN FRANCIS J + MICHELE F 325 MOUNTAIN AVE WESTFIELD NJ 07090	09-47-25-40-00002.2205 8011 VIA MONTE CARLO WAY #2205 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2205	*57
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-40-00002.2206 8011 VIA MONTE CARLO WAY #2206 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2206	*57
MAG ESTERO 207 LLC 816 HAWKS NEST CT PONTE VEDRA BEACH FL 32082	09-47-25-40-00002.2207 8011 VIA MONTE CARLO WAY #2207 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2207	*57
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-40-00002.2208 8011 VIA MONTE CARLO WAY #2208 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2208	*57
RUDNITSKY MARVIN J TR + 108 SUSQUEHANNA AVE SELINGSGROVE PA 17870	09-47-25-40-00002.2209 8011 VIA MONTE CARLO WAY #2209 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2209	*57
HANKINSON STEPHEN + ELIZABETH MILL FARM 251 HILL BARK ROAD WIRRAL CH48 1NL UNITED KINGDOM	09-47-25-40-00002.2210 8011 VIA MONTE CARLO WAY #2210 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2210	*57
SIMONETTI CARMELA N 8011 VIA MONTE CARLO WAY #2211 ESTERO FL 33928	09-47-25-40-00002.2211 8011 VIA MONTE CARLO WAY #2211 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2211	*57
MANCUSO CHARLES L + ROBIN R 24 SUTHERLAND DR HIGHLAND MILLS NY 10930	09-47-25-40-00002.2212 8011 VIA MONTE CARLO WAY #2212 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2212	*57
SWINGOS JAMES G + ROSEMARY TR 20360 CHAPEL TRACE ESTERO FL 33928	09-47-25-40-00002.2213 8011 VIA MONTE CARLO WAY #2213 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2213	*57
JONES JOHN + MARILYN 183 BREEZE HILL AVE N OTTAWA ON K1Y 2J1 CANADA	09-47-25-40-00002.2214 8011 VIA MONTE CARLO WAY #2214 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2214	*57
HARE HOLDINGS INC 2001 STONETCREEK RD NOBLESVILLE IN 46060	09-47-25-40-00002.2215 8011 VIA MONTE CARLO WAY #2215 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2215	*57
WINTER ALBERT W + DEBORAH J 2315 WHIRLPOOL ST # 315 NIAGARA FALLS NY 14305	09-47-25-40-00002.2216 8011 VIA MONTE CARLO WAY #2216 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2216	*57
RIGTERINK VICTOR A + JUANITA 1711 LAFAYETTE AVE # 19 LEBANON IN 46052	09-47-25-40-00002.2217 8011 VIA MONTE CARLO WAY #2217 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2217	*57

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
KAHN HARVEY + 9989 COLONIAL WALK N ESTERO FL 33928	09-47-25-40-00002.2218 8011 VIA MONTE CARLO WAY #2218 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2218	*57
CATANZARO FRANK C + PATRICIA A 800 HULTON RD OAKMONT PA 15139	09-47-25-40-00002.2219 8011 VIA MONTE CARLO WAY #2219 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2219	*57
NATOLI CARMELO J + 18841 CLIFFVIEW LN CHESTERFIELD MO 63005	09-47-25-40-00002.2301 8011 VIA MONTE CARLO WAY #2301 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2301	*57
COLANTUONI GEORGE W PO BOX 529 ESTERO FL 33929	09-47-25-40-00002.2302 8011 VIA MONTE CARLO WAY #2302 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2302	*57
COCONUT PROPERTIES LLC 4532 STONY RIVER DR BLOOMFIELD HILLS MI 48301	09-47-25-40-00002.2303 8011 VIA MONTE CARLO WAY #2303 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2303	*57
PRITCHETT S DUANE 1843 LEAMINGTON LN NAPLES FL 34109	09-47-25-40-00002.2304 8011 VIA MONTE CARLO WAY #2304 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2304	*57
SNYDER JOHN E 8011 VIA MONTE CARLO WAY #2305 ESTERO FL 33928	09-47-25-40-00002.2305 8011 VIA MONTE CARLO WAY #2305 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2305	*57
KLACZYNSKI JASON 8011 VIA MONTE CARLO WAY #2306 ESTERO FL 33928	09-47-25-40-00002.2306 8011 VIA MONTE CARLO WAY #2306 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2306	*57
ROSINI JAMES E + BOBBIE 2 ESTATES DR COLONIA NJ 07067	09-47-25-40-00002.2307 8011 VIA MONTE CARLO WAY #2307 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2307	*57
CUNNINGHAM KATHLEEN 8011 VIA MONTE CARLO WAY #2308 ESTERO FL 33928	09-47-25-40-00002.2308 8011 VIA MONTE CARLO WAY #2308 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2308	*57
MTRR LLC ROBERT MCWILLIAMS 7384 MONTEVERDE WAY NAPLES FL 34119	09-47-25-40-00002.2309 8011 VIA MONTE CARLO WAY #2309 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2309	*57
COCCARO PIETRO + DEBRA 53 ROWNTREE MILL RD TORONTO ON M9L 1C4 CANADA	09-47-25-40-00002.2310 8011 VIA MONTE CARLO WAY #2310 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2310	*57
REUTHER JOHN W 114 GRIFFIN RD ELMHURST TOWNSHIP PA 18444	09-47-25-40-00002.2311 8011 VIA MONTE CARLO WAY #2311 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2311	*57
PRENDERGAST NEIL J + 1 CROYDON LANE OAK BROOK IL 60523	09-47-25-40-00002.2312 8011 VIA MONTE CARLO WAY #2312 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2312	*57
HILLIARD MARK E TR + 18151 PARKSIDE GREENS DR FORT MYERS FL 33908	09-47-25-40-00002.2313 8011 VIA MONTE CARLO WAY #2313 ESTERO FL 33928	RESIDENCES AT COCONUT POINT I DESC IN INST# 2007000237638 BLDG 2 UNIT 2313	*57
RESIDENCES AT COCONUT POINT II 11350 N MERIDIAN ST STE 100 CARMEL IN 46032	09-47-25-41-00000.00CE COMMON ELEMENT RESIDENCES AT COCONU ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 COMMON ELEMENT	58
OCONNOR PATRICK L + 909 E 82ND ST INDIANAPOLIS IN 46240	09-47-25-41-00003.3101 23159 AMGCI WAY #3101 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3101	*59
BALDWIN SANDRA T 23021 WHISPERING RIDGE DR BONITA SPRINGS FL 34135	09-47-25-41-00003.3102 23159 AMGCI WAY #3102 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3102	*59

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
SALDEEN L SCOTT + 23159 AMGCI WAY #3103 ESTERO FL 33928	09-47-25-41-00003.3103 23159 AMGCI WAY #3103 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3103	*59
OMALLEY R MICHAEL 4021 ARROWWOOD CT BONITA SPRINGS FL 34134	09-47-25-41-00003.3104 23159 AMGCI WAY #3104 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3104	*59
HAJDU LOUIS + ELIZABETH J 710 NEW BRUNSWICK AVE ALPHA NJ 08865	09-47-25-41-00003.3105 23159 AMGCI WAY #3105 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3105	*59
GARTEN CARESS S 4503 KESSLER BLVD E DR INDIANAPOLIS IN 46220	09-47-25-41-00003.3106 23159 AMGCI WAY #3106 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3106	*59
RITTER MARY C TR 215 BAREFOOT BEACH BLVD BONITA SPRINGS FL 34134	09-47-25-41-00003.3107 23159 AMGCI WAY #3107 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3107	*59
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-41-00003.3108 23159 AMGCI WAY #3108 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3108	*59
BRAENDLE GEORGE + DEBORAH 24821 PENNYROYAL DR BONITA SPRINGS FL 34134	09-47-25-41-00003.3109 23159 AMGCI WAY #3109 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3109	*59
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-41-00003.3110 23159 AMGCI WAY #3110 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3110	*59
SCHNEIDER THOMAS J + ESTHER + 703 HANOVER CLOSE ZIONSVILLE IN 46077	09-47-25-41-00003.3111 23159 AMGCI WAY #3111 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3111	*59
VALINETZ DAVID F + LYNN G 11539 WILLOW BEND DR ZIONSVILLE IN 46077	09-47-25-41-00003.3112 23159 AMGCI WAY #3112 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3112	*59
MILLER KIMBERLY A + 23159 AMGCI WAY UNIT 113 ESTERO FL 33928	09-47-25-41-00003.3113 23159 AMGCI WAY #3113 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3113	*59
BARBER FREDERICK T III + 42 9TH ST BONITA SPRINGS FL 34134	09-47-25-41-00003.3114 23159 AMGCI WAY #3114 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3114	*59
KIBLITSKY STAN 23 MARINUCCI CT RICHMOND HILL ON L3C 0M3 CANADA	09-47-25-41-00003.3115 23159 AMGCI WAY #3115 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3115	*59
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-41-00003.3116 23159 AMGCI WAY #3116 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3116	*59
HKBW PROPERTIES LLC 9240 N MERIDIAN ST #300 INDIANAPOLIS IN 46260	09-47-25-41-00003.3117 23159 AMGCI WAY #3117 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3117	*59
AMGCI LANE LLC 804 7TH ST TELL CITY IN 47586	09-47-25-41-00003.3201 23159 AMGCI WAY #3201 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3201	*59
ENTRUST FREEDOM LLC 23159 AMGCI WAY UNIT 202 ESTERO FL 33928	09-47-25-41-00003.3202 23159 AMGCI WAY #3202 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3202	*59
CAMPBELL RONALD E + JANE M 20481 CHAPEL TRACE ESTERO FL 33928	09-47-25-41-00003.3203 23159 AMGCI WAY #3203 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3203	*59
GRIMES CHRISTIN + PO BOX 770247 NAPLES FL 34107	09-47-25-41-00003.3204 23159 AMGCI WAY #3204 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3204	*59

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
HOLLAND TERESA E 200 MATTHEW DR PADUCAH KY 42001	09-47-25-41-00003.3205 23159 AMGCI WAY #3205 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3205	*59
THOMPSON ANDERSON C + NANCY G 4721 VIA SANTA LUCIA BONITA SPRINGS FL 34134	09-47-25-41-00003.3206 23159 AMGCI WAY #3206 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3206	*59
GIBSON ELIZABETH M TR 23159 AMGCI WAY # 3207 ESTERO FL 33928	09-47-25-41-00003.3207 23159 AMGCI WAY #3207 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3207	*59
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-41-00003.3208 23159 AMGCI WAY #3208 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3208	*59
ADDAMAN RONALD E + LINDA G 10280 SUMMERLIN WAY FISHERS IN 46038	09-47-25-41-00003.3209 23159 AMGCI WAY #3209 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3209	*59
ROBBINS CHRISTOPHER F + HELEN WILLOWS #2 STONELEIGH CLOSE HIGHWEEK NEWTON ABBOT DEVON TQ121OZ UNITED KINGDOM	09-47-25-41-00003.3210 23159 AMGCI WAY #3210 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3210	*59
PORTER DAVID A + THERESA M 6350 E 106TH ST FISHERS IN 46038	09-47-25-41-00003.3211 23159 AMGCI WAY #3211 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3211	*59
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-41-00003.3212 23159 AMGCI WAY #3212 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3212	*59
BRYANT CHRISTOPHER D + JILL A 7320 E 86TH ST STE 100 INDIANAPOLIS IN 46256	09-47-25-41-00003.3213 23159 AMGCI WAY #3213 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3213	*59
BAKER JOHN E JR 2473 BROOKSHIRE CIR LEXINGTON KY 40575	09-47-25-41-00003.3214 23159 AMGCI WAY #3214 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3214	*59
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-41-00003.3215 23159 AMGCI WAY #3215 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3215	*59
MOYER DANIEL L + SHERRI K 14727 N MERIDIAN ST CARMEL IN 46032	09-47-25-41-00003.3216 23159 AMGCI WAY #3216 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3216	*59
BOGAN STEVEN + DEBORAH 23159 AMGCI WAY UNIT 217 ESTERO FL 33928	09-47-25-41-00003.3217 23159 AMGCI WAY #3217 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3217	*59
MURRAY B JOAN 23159 AMGCI WAY UNIT 301 ESTERO FL 33928	09-47-25-41-00003.3301 23159 AMGCI WAY #3301 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3301	*59
PHILLIPPE THOMAS E SR + JOAN M 11650 OLIO RD STE 1000 FISHERS IN 46037	09-47-25-41-00003.3302 23159 AMGCI WAY #3302 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3302	*59
SUTHERLAND D MUNRO + BARBARA M 28 KINGS QUAY CHELSEA HARBOUR LONDON SW 10 OUX UNITED KINGDOM	09-47-25-41-00003.3303 23159 AMGCI WAY #3303 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3303	*59
VILLANI MICHAEL B 16 FIELDSTONE DR APT 358 HARTSDALE NY 10530	09-47-25-41-00003.3304 23159 AMGCI WAY #3304 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3304	*59
MAZANOWSKI DAVID B + 12544 SCOTTISH BND CARMEL IN 46033	09-47-25-41-00003.3305 23159 AMGCI WAY #3305 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3305	*59

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
DIXON AARON S 23159 AMGCI WAY UNIT 306 ESTERO FL 33928	09-47-25-41-00003.3306 23159 AMGCI WAY #3306 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3306	*59
DOPP PAUL W + KATHLEEN P 100 ABBEY DAWN DR BATH ON K0H 1G0 CANADA	09-47-25-41-00003.3307 23159 AMGCI WAY #3307 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3307	*59
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-41-00003.3308 23159 AMGCI WAY #3308 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3308	*59
HUDSON JAMES E + JANIS S 260 FAIRWAY CIR NAPLES FL 34110	09-47-25-41-00003.3309 23159 AMGCI WAY #3309 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3309	*59
DRYDEN STEPHEN D 20017 GRANDE LAKE DR ESTERO FL 33928	09-47-25-41-00003.3310 23159 AMGCI WAY #3310 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3310	*59
POLIAN WILLIAM P + EILEEN A 8157 GWINNETT PL INDIANAPOLIS IN 46250	09-47-25-41-00003.3311 23159 AMGCI WAY #3311 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3311	*59
KO LINA TOI WEI 99 AVENUE RD # 506 TORONTO ON M5R 2G5 CANADA	09-47-25-41-00003.3312 23159 AMGCI WAY #3312 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3312	*59
BLOCK ELISABETH F 23159 AMGCI WAY UNIT 313 ESTERO FL 33928	09-47-25-41-00003.3313 23159 AMGCI WAY #3313 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3313	*59
PRUITT THOMAS E + TERI C 1801 BAYBERRY CT STE 100 RICHMOND VA 23226	09-47-25-41-00003.3314 23159 AMGCI WAY #3314 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3314	*59
BAKER JOHN JR 2473 BROOKSHIRE CIR LEXINGTON KY 40515	09-47-25-41-00003.3315 23159 AMGCI WAY #3315 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3315	*59
PALUMBO JOSEPH N + 4060 WILLIAM CHAPMAN ST SAINT-LAURENT QC H4R 3G1 CANADA	09-47-25-41-00003.3316 23159 AMGCI WAY #3316 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3316	*59
MITCHELL RAMONA O TR 906 N SANBORN DR PALATINE IL 60074	09-47-25-41-00003.3317 23159 AMGCI WAY #3317 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 BLDG 3 UNIT 3317	*59
RESIDENCES AT COCONUT POINT 11350 N MERIDIAN ST STE 100 CARMEL IN 46032	09-47-25-41-000CH.0301 23159 AMGCI WAY #3101 ESTERO FL 33928	RESIDENCES AT COCONUT POINT II DESC IN INST# 2007000297517 UNIT 301	*59
RESIDENCES AT COCONUT 11350 N MERIDIAN ST STE 100 CARMEL IN 46032	09-47-25-42-00000.00CE COMMON ELEMENT RESIDENCE @ COCONUT ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 COMMON ELEMENT	60
THOMPSON MARK D + 2313 LONGBOAT DR NAPLES FL 34104	09-47-25-42-00004.4101 8010 VIA SARDINIA WAY #4101 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4101	*61
BKHW PROPERTIES LLC 9240 N MERIDIAN ST STE 300 INDIANAPOLIS IN 46260	09-47-25-42-00004.4102 8010 VIA SARDINIA WAY #4102 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4102	*61
TM HIGHLAND LLC 3740 S OCEAN BLVD # 1210 HIGHLAND BEACH FL 33487	09-47-25-42-00004.4103 8010 VIA SARDINIA WAY #4103 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4103	*61
BELLIS EDWARD A + LINDSEY A PEU SIRE 16130 LIGNIERES-SONNEVILLE FRANCE	09-47-25-42-00004.4104 8010 VIA SARDINIA WAY #4104 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4104	*61

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
INCOLLINGO ROBERT R + SHIRLEY 15 MELISSA DR SICKLERVILLE NJ 08081	09-47-25-42-00004.4105 8010 VIA SARDINIA WAY #4105 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4105	*61
STONER KEVIN W + 10825 ANDRADE DR ZIONSVILLE IN 46077	09-47-25-42-00004.4106 8010 VIA SARDINIA WAY #4106 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4106	*61
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-42-00004.4107 8010 VIA SARDINIA WAY #4107 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4107	*61
NEWMAN DON M + 9333 N MERIDIAN ST STE 203 INDIANAPOLIS IN 46260	09-47-25-42-00004.4108 8010 VIA SARDINIA WAY #4108 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4108	*61
BALOGH RONALD C 601 MAGNOLIA DR PAINESVILLE OH 44077	09-47-25-42-00004.4109 8010 VIA SARDINIA WAY #4109 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4109	*61
HITE FRED L + JILL M 11731 AUTUMN TREE DR FORT WAYNE IN 46845	09-47-25-42-00004.4110 8010 VIA SARDINIA WAY #4110 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4110	*61
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-42-00004.4111 8010 VIA SARDINIA WAY #4111 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4111	*61
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-42-00004.4112 8010 VIA SARDINIA WAY #4112 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4112	*61
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-42-00004.4113 8010 VIA SARDINIA WAY #4113 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4113	*61
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-42-00004.4114 8010 VIA SARDINIA WAY #4114 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4114	*61
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-42-00004.4115 8010 VIA SARDINIA WAY #4115 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4115	*61
ST JOHN JEFFRE R TR + 2444 LITTLE CREEK CIR NEWBURY PARK CA 91320	09-47-25-42-00004.4116 8010 VIA SARDINIA WAY #4116 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4116	*61
TELIO JEAN JACQUES + LAURA 1716 WESTMEADOW TER ROUND ROCK TX 78665	09-47-25-42-00004.4117 8010 VIA SARDINIA WAY #4117 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4117	*61
GORDON DOUGLAS S + KAREN F 7111 COVE POINT PL PROSPECT KY 40059	09-47-25-42-00004.4118 8010 VIA SARDINIA WAY #4118 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4118	*61
KRZYZEK THOMAS + SUZANNE 24348 3200 EAST ST LA MOILLE IL 61330	09-47-25-42-00004.4119 8010 VIA SARDINIA WAY #4119 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4119	*61
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-42-00004.4120 8010 VIA SARDINIA WAY #4120 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4120	*61
EDWARDS CHARLES ANTHONY 8010 VIA SARDINIA WAY UNIT 121 ESTERO FL 33928	09-47-25-42-00004.4121 8010 VIA SARDINIA WAY #4121 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4121	*61
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-42-00004.4122 8010 VIA SARDINIA WAY #4122 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4122	*61
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-42-00004.4123 8010 VIA SARDINIA WAY #4123 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4123	*61

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-42-00004.4201 8010 VIA SARDINIA WAY #4201 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4201	*61
WICKERSHAM SCOTT + VANESSA C 1748 S OLD HIGHWAY 27 WINCHESTER IN 47394	09-47-25-42-00004.4202 8010 VIA SARDINIA WAY #4202 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4202	*61
SLESSER RUTH A + 8800 SUMMIT RIDGE DR LOUISVILLE KY 40241	09-47-25-42-00004.4203 8010 VIA SARDINIA WAY #4203 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4203	*61
LOCASCIO ROY + DEBRA 8010 VIA SARDINIA WAY #4204 ESTERO FL 33928	09-47-25-42-00004.4204 8010 VIA SARDINIA WAY #4204 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4204	*61
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-42-00004.4205 8010 VIA SARDINIA WAY #4205 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4205	*61
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-42-00004.4206 8010 VIA SARDINIA WAY #4206 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4206	*61
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-42-00004.4207 8010 VIA SARDINIA WAY #4207 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4207	*61
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-42-00004.4208 8010 VIA SARDINIA WAY #4208 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4208	*61
GRILLO BRENDAN M 7 HAZEL HURST AVE AUBURN NY 13021	09-47-25-42-00004.4209 8010 VIA SARDINIA WAY #4209 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4209	*61
TZELIAS CHRISTOS G + MARY E 22 HILLCREST DR TYNGSBORO MA 01879	09-47-25-42-00004.4210 8010 VIA SARDINIA WAY #4210 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4210	*61
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-42-00004.4211 8010 VIA SARDINIA WAY #4211 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4211	*61
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-42-00004.4212 8010 VIA SARDINIA WAY #4212 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4212	*61
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-42-00004.4213 8010 VIA SARDINIA WAY #4213 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4213	*61
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-42-00004.4214 8010 VIA SARDINIA WAY #4214 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4214	*61
WIDDOWSON EDWARD + CAROLYN R 10111 ORCHID RIDGE LN BONITA SPRINGS FL 34135	09-47-25-42-00004.4215 8010 VIA SARDINIA WAY #4215 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4215	*61
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-42-00004.4216 8010 VIA SARDINIA WAY #4216 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4216	*61
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-42-00004.4217 8010 VIA SARDINIA WAY #4217 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4217	*61
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-42-00004.4218 8010 VIA SARDINIA WAY #4218 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4218	*61

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
FRITH GREGORY H 116 CHURCH ST STE 2 RAINBOW CITY AL 35906	09-47-25-42-00004.4219 8010 VIA SARDINIA WAY #4219 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4219	*61
SALENTINE THOMAS J 13540 BRENTWOOD LN CARMEL IN 46033	09-47-25-42-00004.4220 8010 VIA SARDINIA WAY #4220 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4220	*61
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-42-00004.4221 8010 VIA SARDINIA WAY #4221 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4221	*61
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-42-00004.4222 8010 VIA SARDINIA WAY #4222 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4222	*61
SELF DAVID R 10035 HARRODS CREEK DR PROSPECT KY 40059	09-47-25-42-00004.4223 8010 VIA SARDINIA WAY #4223 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4223	*61
CHRISTIE LEE C + 951 N DELAWARE ST INDIANAPOLIS IN 46202	09-47-25-42-00004.4301 8010 VIA SARDINIA WAY #4301 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4301	*61
SCOLAR ROBERT + JULIE 6349 TORINGTON DR MEDINA OH 44256	09-47-25-42-00004.4302 8010 VIA SARDINIA WAY #4302 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4302	*61
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-42-00004.4303 8010 VIA SARDINIA WAY #4303 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4303	*61
BLUESTEIN MARGERY S TR + 2538 MARQUESA ROYALE UNIT 201 NAPLES FL 34109	09-47-25-42-00004.4304 8010 VIA SARDINIA WAY #4304 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4304	*61
BOERSMA BRAD 485 GERMAIN AVE NAPLES FL 34108	09-47-25-42-00004.4305 8010 VIA SARDINIA WAY #4305 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4305	*61
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-42-00004.4306 8010 VIA SARDINIA WAY #4306 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4306	*61
MCKEEVER GLENN T 20241 ESTERO GARDENS CIR # 108 ESTERO FL 33928	09-47-25-42-00004.4307 8010 VIA SARDINIA WAY #4307 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4307	*61
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-42-00004.4308 8010 VIA SARDINIA WAY #4308 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4308	*61
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-42-00004.4309 8010 VIA SARDINIA WAY #4309 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4309	*61
S + W PROPERTIES UNLIMITED INC 1320 STATE ROAD 46 E BATESVILLE IN 47006	09-47-25-42-00004.4310 8010 VIA SARDINIA WAY #4310 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4310	*61
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-42-00004.4311 8010 VIA SARDINIA WAY #4311 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4311	*61
PARKER NICHOLAS + NORA 8010 VIA SARDINIA WAY #4312 ESTERO FL 33928	09-47-25-42-00004.4312 8010 VIA SARDINIA WAY #4312 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4312	*61
BOILINI KENNETH J + SHARON A + 5508 E 450 S LA PORTE IN 46350	09-47-25-42-00004.4313 8010 VIA SARDINIA WAY #4313 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4313	*61
MICHELI JOSEPH + THERESA M 8010 VIA SARDINIA WAY # 4314 ESTERO FL 33928	09-47-25-42-00004.4314 8010 VIA SARDINIA WAY #4314 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4314	*61

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
GRAVES DONALD E + 20301 ROOKERY DR ESTERO FL 33928	09-47-25-42-00004.4315 8010 VIA SARDINIA WAY #4315 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4315	*61
DESLAURIERS YVES + 174 CHEMIN DE LA GRAND COTE BOISBRIAND QC J7G 1B7 CANADA	09-47-25-42-00004.4316 8010 VIA SARDINIA WAY #4316 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4316	*61
GRACE DENNIS J + SRIVARN S 8010 VIA SARDINIA WAY # 4317 ESTERO FL 33928	09-47-25-42-00004.4317 8010 VIA SARDINIA WAY #4317 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 4 UNIT 4317	*61
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-42-00005.5101 8000 VIA SARDINIA WAY #5101 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 5 UNIT 5101	*62
KATZ CHARLOTTE S TR 8000 VIA SARDINIA WAY UNIT 102 ESTERO FL 33928	09-47-25-42-00005.5102 8000 VIA SARDINIA WAY #5102 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 5 UNIT 5102	*62
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-42-00005.5103 8000 VIA SARDINIA WAY #5103 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 5 UNIT 5103	*62
HOGAN THOMAS A + 10 GREEN LINKS TURN AUBURN NY 13021	09-47-25-42-00005.5104 8000 VIA SARDINIA WAY #5104 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 5 UNIT 5104	*62
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-42-00005.5105 8000 VIA SARDINIA WAY #8105 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 5 UNIT 5105	*62
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-42-00005.5106 8000 VIA SARDINIA WAY #5106 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 5 UNIT 5106	*62
CROWLEY GERALD A 5047 STATE ROUTE 34 AUBURN NY 13021	09-47-25-42-00005.5107 8000 VIA SARDINIA WAY #5107 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 5 UNIT 5107	*62
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-42-00005.5201 8000 VIA SARDINIA WAY #5201 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 5 UNIT 5201	*62
SCHERER THOMAS E 8000 VIA SARDINIA WAY UNIT 202 ESTERO FL 33928	09-47-25-42-00005.5202 8000 VIA SARDINIA WAY #5202 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 5 UNIT 5202	*62
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-42-00005.5203 8000 VIA SARDINIA WAY #5203 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 5 UNIT 5203	*62
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-42-00005.5204 8000 VIA SARDINIA WAY #5204 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 5 UNIT 5204	*62
AZIZ ANGELIKA + ABDULRAB 103 HAVERFORD RD PITTSBURGH PA 15238	09-47-25-42-00005.5205 8000 VIA SARDINIA WAY #5205 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 5 UNIT 5205	*62
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-42-00005.5206 8000 VIA SARDINIA WAY #5206 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 5 UNIT 5206	*62
WICKHAM ROBERT C + DIEDRE A 18 LAKEWOOD RD NATICK MA 01760	09-47-25-42-00005.5207 8000 VIA SARDINIA WAY #5207 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 5 UNIT 5207	*62
COCONUT POINT CONDOS LLC 665 SIMONDS RD WILLIAMSTOWN MA 01267	09-47-25-42-00005.5301 8000 VIA SARDINIA WAY #8301 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 5 UNIT 5301	*62

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
MANCINI VINCENT + 8000 VIA SARDINIA WAY # 5302 ESTERO FL 33928	09-47-25-42-00005.5302 8000 VIA SARDINIA WAY #5302 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 5 UNIT 5302	*62
SHAW BARBARA A 2850 GULF SHORE BLVD N APT 303 NAPLES FL 34103	09-47-25-42-00005.5303 8000 VIA SARDINIA WAY #8303 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 5 UNIT 5303	*62
HANNAH JAMES S + PAMELA K 11213 VALOR BRIDGE DR SPOTSYLVANIA VA 22551	09-47-25-42-00005.5304 8000 VIA SARDINIA WAY #5304 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 5 UNIT 5304	*62
GRAVEL PAUL A + CHRISTINE M 936 GLEN LAKE CIR NAPLES FL 34119	09-47-25-42-00005.5305 8000 VIA SARDINIA WAY #5305 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 5 UNIT 5305	*62
BORRE JAMES P 8000 VIA SARDINIA WAY #5306 ESTERO FL 33928	09-47-25-42-00005.5306 8000 VIA SARDINIA WAY #5306 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 5 UNIT 5306	*62
BROUSSEAU PETER + SUSAN 417 CHARTWELL PL NAPLES FL 34110	09-47-25-42-00005.5307 8000 VIA SARDINIA WAY #5307 ESTERO FL 33928	RESIDENCES AT COCONUT POINT III DESC IN INST#2007000328877 BLDG 5 UNIT 5307	*62
SHCP HOTEL LLC 225 W WASHINGTON ST INDIANAPOLIS IN 46204	09-47-25-43-0003B.0010 23120 VIA VILLAGIO ESTERO FL 33928	COCONUT POINT AREA 2 LOT 3B REPLAT AS DESC IN INST# 2008000055764 LOT 3B-1	63
COCONUT POINT DEVELOPERS LLC PO BOX 6120 INDIANAPOLIS IN 46206	09-47-25-43-0003B.0020 23150-160 VIA VILLAGIO ESTERO FL 33928	COCONUT POINT AREA 2 LOT 3B REPLAT AS DESC IN INST# 2008000055764 LOT 3B-2	64
JOHNSON COCO LLC 601 STATE ST FL 6 BRISTOL VA 24201	09-47-25-45-00000.2B10 23200 VIA VILLAGIO ESTERO FL 33928	COCONUT POINT AREA 2 LOT 2B REPLAT DESC IN INST#2008000108943 LOT 2B-1	65
COCONUT POINT DEVELOPERS LLC PO BOX 6120 INDIANAPOLIS IN 46206	09-47-25-46-00000.2B2A 23210 VIA VILLAGIO ESTERO FL 33928	COCONUT POINT AREA 2 LOT 2B-2 REPLAT DESC IN INST#2008000152028 LOT 2B-2-A	66
ETHAN ALLEN RETAIL INC ATTN LEASE ADMINISTRATOR ETHAN ALLEN DR DANBURY CT 06811	09-47-25-46-00000.2B2B 23220 VIA VILLAGIO ESTERO FL 33928	COCONUT POINT AREA 2 LOT 2B-2 REPLAT DESC IN INST#2008000152028 LOT 2B-2-B	67
MIRASOL HOLDINGS LLC 4949 SW 79TH AVE MIAMI FL 33155	09-47-25-48-00000.00CE 23471 ALAMANDA DR BONITA SPRINGS FL 34134	MIRASOL AT COCONUT POINT AS DESC IN INST#2008000316303 COMMON ELEMENTS	68
MIRASOL HOLDINGS LLC 4949 SW 79TH AVE MIAMI FL 33155	09-47-25-48-00001.0101 23421 ALAMANDA DR #101 BONITA SPRINGS FL 34134	MIRASOL AT COCONUT POINT DESC IN INST#2008000316303 BLDG 1 UNIT 101	*69
MIRASOL HOLDINGS LLC 4949 SW 79TH AVE MIAMI FL 33155	09-47-25-48-00001.0102 23421 ALAMANDA DR #102 BONITA SPRINGS FL 34134	MIRASOL AT COCONUT POINT DESC IN INST#2008000316303 BLDG 1 UNIT 102	*69
MIRASOL HOLDINGS LLC 4949 SW 79TH AVE MIAMI FL 33155	09-47-25-48-00001.0103 23421 ALAMANDA DR #103 BONITA SPRINGS FL 34134	MIRASOL AT COCONUT POINT DESC IN INST#2008000316303 BLDG 1 UNIT 103	*69
MIRASOL HOLDINGS LLC 4949 SW 79TH AVE MIAMI FL 33155	09-47-25-48-00001.0104 23421 ALAMANDA DR #104 BONITA SPRINGS FL 34134	MIRASOL AT COCONUT POINT DESC IN INST#2008000316303 BLDG 1 UNIT 104	*69
MIRASOL HOLDINGS LLC 4949 SW 79TH AVE MIAMI FL 33155	09-47-25-48-00001.0105 23421 ALAMANDA DR #105 BONITA SPRINGS FL 34134	MIRASOL AT COCONUT POINT DESC IN INST#2008000316303 BLDG 1 UNIT 105	*69
MIRASOL HOLDINGS LLC 4949 SW 79TH AVE MIAMI FL 33155	09-47-25-48-00001.0106 23421 ALAMANDA DR #106 BONITA SPRINGS FL 34134	MIRASOL AT COCONUT POINT DESC IN INST#2008000316303 BLDG 1 UNIT 106	*69

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
MIRASOL HOLDINGS LLC 4949 SW 79TH AVE MIAMI FL 33155	09-47-25-48-00001.0203 23421 ALAMANDA DR #203 BONITA SPRINGS FL 34134	MIRASOL AT COCONUT POINT DESC IN INST#2008000316303 BLDG 1 UNIT 203	*69
MIRASOL HOLDINGS LLC 4949 SW 79TH AVE MIAMI FL 33155	09-47-25-48-00001.0204 23421 ALAMANDA DR #204 BONITA SPRINGS FL 34134	MIRASOL AT COCONUT POINT DESC IN INST#2008000316303 BLDG 1 UNIT 204	*69
MIRASOL HOLDINGS LLC 4949 SW 79TH AVE MIAMI FL 33155	09-47-25-48-00002.0101 23421 ALAMANDA DR #101 BONITA SPRINGS FL 34134	MIRASOL AT COCONUT POINT DESC IN INST#2008000316303 BLDG 2 UNIT 101	*70
MIRASOL HOLDINGS LLC 4949 SW 79TH AVE MIAMI FL 33155	09-47-25-48-00002.0102 23421 ALAMANDA DR #102 BONITA SPRINGS FL 34134	MIRASOL AT COCONUT POINT DESC IN INST#2008000316303 BLDG 2 UNIT 102	*70
MIRASOL HOLDINGS LLC 4949 SW 79TH AVE MIAMI FL 33155	09-47-25-48-00002.0103 23421 ALAMANDA DR #103 BONITA SPRINGS FL 34134	MIRASOL AT COCONUT POINT DESC IN INST#2008000316303 BLDG 2 UNIT 103	*70
MIRASOL HOLDINGS LLC 4949 SW 79TH AVE MIAMI FL 33155	09-47-25-48-00002.0104 23421 ALAMANDA DR #104 BONITA SPRINGS FL 34134	MIRASOL AT COCONUT POINT DESC IN INST#2008000316303 BLDG 2 UNIT 104	*70
MIRASOL HOLDINGS LLC 4949 SW 79TH AVE MIAMI FL 33155	09-47-25-48-00002.0201 23400 ALAMANDA DR #201 BONITA SPRINGS FL 34134	MIRASOL AT COCONUT POINT DESC IN INST#2008000316303 BLDG 2 UNIT 201	*70
MIRASOL HOLDINGS LLC 4949 SW 79TH AVE MIAMI FL 33155	09-47-25-48-00002.0202 23400 ALAMANDA DR #202 BONITA SPRINGS FL 34134	MIRASOL AT COCONUT POINT DESC IN INST#2008000316303 BLDG 2 UNIT 202	*70
MIRASOL HOLDINGS LLC 4949 SW 79TH AVE MIAMI FL 33155	09-47-25-48-00002.0203 23400 ALAMANDA DR #203 BONITA SPRINGS FL 34134	MIRASOL AT COCONUT POINT DESC IN INST#2008000316303 BLDG 2 UNIT 203	*70
MIRASOL HOLDINGS LLC 4949 SW 79TH AVE MIAMI FL 33155	09-47-25-48-00002.0204 23400 ALAMANDA DR #204 BONITA SPRINGS FL 34134	MIRASOL AT COCONUT POINT DESC IN INST#2008000316303 BLDG 2 UNIT 204	*70
MIRASOL HOLDINGS LLC 4949 SW 79TH AVE MIAMI FL 33155	09-47-25-48-00003.0101 23420 ALAMANDA DR #101 BONITA SPRINGS FL 34134	MIRASOL AT COCONUT POINT DESC IN INST#2008000316303 BLDG 3 UNIT 101	*71
MIRASOL HOLDINGS LLC 4949 SW 79TH AVE MIAMI FL 33155	09-47-25-48-00003.0102 23420 ALAMANDA DR #102 BONITA SPRINGS FL 34134	MIRASOL AT COCONUT POINT DESC IN INST#2008000316303 BLDG 3 UNIT 102	*71
MIRASOL HOLDINGS LLC 4949 SW 79TH AVE MIAMI FL 33155	09-47-25-48-00003.0103 23420 ALAMANDA DR #103 BONITA SPRINGS FL 34134	MIRASOL AT COCONUT POINT DESC IN INST#2008000316303 BLDG 3 UNIT 103	*71
MIRASOL HOLDINGS LLC 4949 SW 79TH AVE MIAMI FL 33155	09-47-25-48-00003.0104 23420 ALAMANDA DR #104 BONITA SPRINGS FL 34134	MIRASOL AT COCONUT POINT DESC IN INST#2008000316303 BLDG 3 UNIT 104	*71
MIRASOL HOLDINGS LLC 4949 SW 79TH AVE MIAMI FL 33155	09-47-25-48-00003.0201 23420 ALAMANDA DR #201 BONITA SPRINGS FL 34134	MIRASOL AT COCONUT POINT DESC IN INST#2008000316303 BLDG 3 UNIT 201	*71
MIRASOL HOLDINGS LLC 4949 SW 79TH AVE MIAMI FL 33155	09-47-25-48-00003.0202 23420 ALAMANDA DR #202 BONITA SPRINGS FL 34134	MIRASOL AT COCONUT POINT DESC IN INST#2008000316303 BLDG 3 UNIT 202	*71
MIRASOL HOLDINGS LLC 4949 SW 79TH AVE MIAMI FL 33155	09-47-25-48-00003.0203 23420 ALAMANDA DR #203 BONITA SPRINGS FL 34134	MIRASOL AT COCONUT POINT DESC IN INST#2008000316303 BLDG 3 UNIT 203	*71
MIRASOL HOLDINGS LLC 4949 SW 79TH AVE MIAMI FL 33155	09-47-25-48-00003.0204 23420 ALAMANDA DR #204 BONITA SPRINGS FL 34134	MIRASOL AT COCONUT POINT DESC IN INST#2008000316303 BLDG 3 UNIT 204	*71
MIRASOL HOLDINGS LLC 4949 SW 79TH AVE MIAMI FL 33155	09-47-25-48-00004.0101 23430 ALAMANDA DR #101 BONITA SPRINGS FL 34134	MIRASOL AT COCONUT POINT DESC IN INST#2008000316303 BLDG 4 UNIT 101	*72

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
MIRASOL HOLDINGS LLC 4949 SW 79TH AVE MIAMI FL 33155	09-47-25-48-00004.0102 23430 ALAMANDA DR #102 BONITA SPRINGS FL 34134	MIRASOL AT COCONUT POINT DESC IN INST#2008000316303 BLDG 4 UNIT 102	*72
MIRASOL HOLDINGS LLC 4949 SW 79TH AVE MIAMI FL 33155	09-47-25-48-00004.0103 23430 ALAMANDA DR #103 BONITA SPRINGS FL 34134	MIRASOL AT COCONUT POINT DESC IN INST#2008000316303 BLDG 4 UNIT 103	*72
MIRASOL HOLDINGS LLC 4949 SW 79TH AVE MIAMI FL 33155	09-47-25-48-00004.0104 23430 ALAMANDA DR #104 BONITA SPRINGS FL 34134	MIRASOL AT COCONUT POINT DESC IN INST#2008000316303 BLDG 4 UNIT 104	*72
MIRASOL HOLDINGS LLC 4949 SW 79TH AVE MIAMI FL 33155	09-47-25-48-00004.0201 23430 ALAMANDA DR #201 BONITA SPRINGS FL 34134	MIRASOL AT COCONUT POINT DESC IN INST#2008000316303 BLDG 4 UNIT 201	*72
MIRASOL HOLDINGS LLC 4949 SW 79TH AVE MIAMI FL 33155	09-47-25-48-00004.0202 23430 ALAMANDA DR #202 BONITA SPRINGS FL 34134	MIRASOL AT COCONUT POINT DESC IN INST#2008000316303 BLDG 4 UNIT 202	*72
MIRASOL HOLDINGS LLC 4949 SW 79TH AVE MIAMI FL 33155	09-47-25-48-00004.0203 23430 ALAMANDA DR #203 BONITA SPRINGS FL 34134	MIRASOL AT COCONUT POINT DESC IN INST#2008000316303 BLDG 4 UNIT 203	*72
MIRASOL HOLDINGS LLC 4949 SW 79TH AVE MIAMI FL 33155	09-47-25-48-00004.0204 23430 ALAMANDA DR #204 BONITA SPRINGS FL 34134	MIRASOL AT COCONUT POINT DESC IN INST#2008000316303 BLDG 4 UNIT 204	*72
ACL RR CO 500 WATER ST #J-910 JACKSONVILLE FL 32202	10-47-25-00-00001.0000 RAILROAD R/W FORT MYERS FL 34134	STRIP OF LAND IN SEC 10 47 25 FOR RR R/W LYING SOUTH OF COCONUT ROW	73
ACL RR CO 500 WATER ST #J-910 JACKSONVILLE FL 32202	10-47-25-00-00001.0010 RAIL ROAD TRACKS BONITA SPRINGS FL	STRIP OF LAND IN SEC 10 47 25 FOR RR R/W LYING NORTH OF COCONUT ROW	74
BROOKS OF BONITA SPRINGS CDD WRATHELL HART HUNT ASSOCIATES 6131 LYONS RD STE 100 COCONUT CREEK FL 33073	10-47-25-01-000L4.0000 SUBMERGED BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UNIT ONE PB 61 PG 21 TRACT L-4	75
BROOKS OF BONITA SPRINGS CDD WRATHELL HART HUNT ASSOCIATES 6131 LYONS RD STE 100 COCONUT CREEK FL 33073	10-47-25-01-000L6.0000 SUBMERGED BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UNIT ONE PB 61 PG 21 TRACT L-6	76
BROOKS OF BONITA SPRINGS CDD WRATHELL HART HUNT ASSOCIATES 6131 LYONS RD STE 100 COCONUT CREEK FL 33073	10-47-25-01-000L7.0000 LAKE BONITA SPRINGS FL 34135	SHADOW WOOD AT THE BROOKS UNIT ONE PB 61 PG 21 TR L-7	77
SPRING RUN GOLF CLUB COMM ASSN 9501 SPRING RUN BLVD BONITA SPRINGS FL 34135	10-47-25-02-000G1.00CE 9350 SPRING RUN BLVD BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PHI + PHIIA + PHIIB + PHIII + PHIV + PH V GOLF COURSE PARCEL (SEE NOTES FOR COMPLETE LEGAL)	78
MORNINGSIDE AT THE BROOKS GULF BREEZE MGMT SERVICES INC 8910 TERRENE CT STE 200 BONITA SPRINGS FL 34135	10-47-25-06-00000.00CE 23120 ROSEDALE DR BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC IN OR 3056 PG 0522 + OR 3222 PG 4412 COMMON ELEMENTS	79
HEILSTEDT JOHN E TR + 432 PICKWICK PL VALPARAISO IN 46385	10-47-25-06-00001.0101 23166 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 1 UNIT 101	*80
STREAMS EDGE LLC 6450 POE AVE DAYTON OH 45414	10-47-25-06-00001.0102 23166 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 1 UNIT 102	*80
STEURER ROBERT L + RUBY ANN 23166 ROSEDALE DR APT 201 BONITA SPRINGS FL 34135	10-47-25-06-00001.0201 23166 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 1 UNIT 201	*80

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
SILVA LOUIS + JOYA M 88 VALENTINE CIR WARWICK RI 02886	10-47-25-06-00001.0202 23166 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 1 UNIT 202	*80
BAUER RICHARD T TR 23156 ROSEDALE DR #101 BONITA SPRINGS FL 34135	10-47-25-06-00002.0101 23156 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 2 UNIT 101	*81
BURNS JEROME E SR 4379 EL MONTE SAGINAW MI 48638	10-47-25-06-00002.0102 23156 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 2 UNIT 102	*81
HARPER ANDREW + GILLIAN 18 ARBOR CLOSE FETCHAM SORREY KT229DZ UNITED KINGDOM	10-47-25-06-00002.0201 23156 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 2 UNIT 201	*81
DOWNIN SUSAN 23156 ROSEDALE DR #202 BONITA SPRINGS FL 34135	10-47-25-06-00002.0202 23156 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 2 UNIT 202	*81
ACHZET RUSSELL K 9570 CYPRESS HAMMOCK CIR #202 BONITA SPRINGS FL 34135	10-47-25-06-00003.0101 23146 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 3 UNIT 101	*82
NELSON EDWARD F + BETTY M 14440 MORNINGSIDE RD ORLAND PARK IL 60462	10-47-25-06-00003.0102 23146 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 3 UNIT 102	*82
MARCANO MIRIELA 13150 CORBEL CIR #528 FORT MYERS FL 33907	10-47-25-06-00003.0201 23146 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 3 UNIT 201	*82
SPATHOLT EDGAR J + ELIZABETH A PO BOX 380 YOUNGSTOWN NY 14174	10-47-25-06-00003.0202 23146 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 3 UNIT 202	*82
HADLE VIRGINIA W TR 23136 ROSEDALE DR #101 BONITA SPRINGS FL 34135	10-47-25-06-00004.0101 23136 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 4 UNIT 101	*83
IULIANO BARBARA L TR 23136 ROSEDALE DR #102 BONITA SPRINGS FL 34135	10-47-25-06-00004.0102 23136 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 4 UNIT 102	*83
LIGHTNER MARILYN REED 3661 BAY CREEK DR BONITA SPRINGS FL 34134	10-47-25-06-00004.0201 23136 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 4 UNIT 201	*83
WEBER RICHARD A 1308 LAROCHELLE DR COLUMBUS OH 43221	10-47-25-06-00004.0202 23136 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 4 UNIT 202	*83
LEE RICHARD A + BERNICE A 7802 HERMITS RUN RD LOUISVILLE KY 40291	10-47-25-06-00007.0101 23151 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 7 UNIT 101	*84
BOCK WILLIAM C + KATHY L 23151 ROSEDALE DR #102 BONITA SPRINGS FL 34135	10-47-25-06-00007.0102 23151 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 7 UNIT 102	*84

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
HEIDER TIMOTHY M + HOLLIE D 2564 WAYWARD WIND DR INDIANAPOLIS IN 46239	10-47-25-06-00007.0201 23151 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 7 UNIT 201	*84
STEWART PETER M 23151 ROSEDALE DR #202 BONITA SPRINGS FL 34135	10-47-25-06-00007.0202 23151 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 7 UNIT 202	*84
LINDER BARBARA E 11987 WINDSOR MOSS ELLCOTT CITY MD 21042	10-47-25-06-00008.0101 23141 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 8 UNIT 101	*85
MESJAK RICHARD J + VIRGINIA M 6501 SHINGLE CREEK DR BROOKLYN PARK MN 55445	10-47-25-06-00008.0102 23141 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 8 UNIT 102	*85
BEHNKEN LELAND E + ANN LOU 2822 KNOX HIGHWAY 3 ALTONA IL 61414	10-47-25-06-00008.0201 23141 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 8 UNIT 201	*85
CASOLO BONITA A 23141 ROSEDALE DR #202 BONITA SPRINGS FL 34135	10-47-25-06-00008.0202 23141 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 8 UNIT 202	*85
SAEKS LINDA J + ALLEN I TR 14840 PONDVIEW CIR WAYZATA MN 55391	10-47-25-06-00009.0101 23131 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 9 UNIT 101	*86
MCGINNIS LYNDA E 8110 BOUNTY CT INDIANAPOLIS IN 46236	10-47-25-06-00009.0102 23131 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 9 UNIT 102	*86
HENDRICKS PATRICIA J 1770 N MEADOW DR MECHANICSBURG PA 17055	10-47-25-06-00009.0201 23131 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 9 UNIT 201	*86
CABLE DALE A 29471 HUMMINGBIRD CIR WESTLAKE OH 44145	10-47-25-06-00009.0202 23131 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 9 UNIT 202	*86
MEYER JOHN J + KATHERINE TR 14929 GREENBERRY HILL CT CHESTERFIELD MO 63017	10-47-25-06-00010.0101 23121 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 10 UNIT 101	*87
VANBUREN JAMES K + KAREN J 9807 COPPER HILL RD SAINT LOUIS MO 63124	10-47-25-06-00010.0102 23121 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 10 UNIT 102	*87
SMADBECK PAUL B + LOIS A 320 TITICUS RD NORTH SALEM NY 10560	10-47-25-06-00010.0201 23121 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 10 UNIT 201	*87
BERTOLINI JOSEPH M + DOREEN P 23121 ROSEDALE RD #202 BONITA SPRINGS FL 34135	10-47-25-06-00010.0202 23121 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 10 UNIT 202	*87
WAYNE A LUNDY REV LIVING TRUST 23111 ROSEDALE DR #101 BONITA SPRINGS FL 34135	10-47-25-06-00011.0101 23111 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 11 UNIT 101	*88

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
HAMILTON G SICOTTE 243 FITTONS RD EAST ORILLA ON L3V 2J7 CANADA	10-47-25-06-00011.0102 23111 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 11 UNIT 102	*88
SCHNEIDER GREGORY E + JANE TR 8536 STONECHAT LOOP DUBLIN OH 43017	10-47-25-06-00011.0201 23111 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 11 UNIT 201	*88
HRDLICKA LORETTA C TR 23111 ROSEDALE DR APT 202 BONITA SPRINGS FL 34135	10-47-25-06-00011.0202 23111 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 11 UNIT 202	*88
MILLER DAVID E + JOANN C 23101 ROSEDALE DR #101 BONITA SPRINGS FL 34135	10-47-25-06-00012.0101 23101 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 12 UNIT 101	*89
THEISS ELAINE M 23101 ROSEDALE DR APT 102 BONITA SPRINGS FL 34135	10-47-25-06-00012.0102 23101 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 12 UNIT 102	*89
CROUSE SHARON O 23101 ROSEDALE DR #201 BONITA SPRINGS FL 34135	10-47-25-06-00012.0201 23101 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 12 UNIT 201	*89
GLEYZE RONALD D + JANET A TR 2658 HAAS LN MONTOURSVILLE PA 17754	10-47-25-06-00012.0202 23101 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 12 UNIT 202	*89
PICCIANO VALERIE TR PO BOX 24489 MAYFIELD HEIGHTS OH 44124	10-47-25-06-00013.0101 23091 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 13 UNIT 101	*90
GAUS WILLIAM T TR + 1800 N PROSPECT AVE APT 17D MILWAUKEE WI 53202	10-47-25-06-00013.0102 23091 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 13 UNIT 102	*90
PROKOP R PETER + MARY LYNN 37735 EAGLE TRACE FARMINGTON HILLS MI 48331	10-47-25-06-00013.0201 23091 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 13 UNIT 201	*90
CUMMINGS JEANNE M 70 GREAT OAK DR HUDSON OH 44236	10-47-25-06-00013.0202 23091 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 13 UNIT 202	*90
BARRY WILLIAM P + MICHELNA S 2320 WESTON DR PITTSBURGH PA 15241	10-47-25-06-00014.0101 23081 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 14 UNIT 101	*91
LEE ARTHUR M + JANET J TR 5100 SHANTY CREEK RD BELLAIRE MI 49615	10-47-25-06-00014.0102 23081 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 14 UNIT 102	*91
PRITCHARD J BRYAN + JUDITH H 2624 LANSDALE DR WEXFORD PA 15090	10-47-25-06-00014.0201 23081 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 14 UNIT 201	*91
DARIN WILLIAM A JR + LAURA LEE 6136 KINGSLEY CT BRIGHTON MI 48116	10-47-25-06-00014.0202 23081 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 14 UNIT 202	*91

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
NOLAN JOHN M + CATHLEEN T 19 FENIMORE LN HUNTINGTON NY 11743	10-47-25-06-00015.0101 23071 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 15 UNIT 101	*92
ALLEN WILLIAM V + SHARON J 7422 WYCLIFFE DR PROSPECT KY 40059	10-47-25-06-00015.0102 23071 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 15 UNIT 102	*92
NELSON GARY A + JANETH 9220 OVERLOOK TRL EDEN PRAIRIE MN 55347	10-47-25-06-00015.0201 23071 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 15 UNIT 201	*92
MUEHLENKAMP DEENA J TR 23071 ROSEDALE DR # 202 BONITA SPRINGS FL 34135	10-47-25-06-00015.0202 23071 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 15 UNIT 202	*92
GIVENS ROBERT M + CONNIE J 1 BOBBY JONES DR ANDOVER MA 01810	10-47-25-06-00016.0101 23061 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 16 UNIT 101	*93
BARMORE C PAUL 23061 ROSEDALE DR #102 BONITA SPRINGS FL 34135	10-47-25-06-00016.0102 23061 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 16 UNIT 102	*93
VANPELT JACK FRANKLIN TR 10109 IDLE PINE LN BONITA SPRINGS FL 34135	10-47-25-06-00016.0201 23061 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 16 UNIT 201	*93
REA HENRY E JR + NANCY M 55 ROYCROFT AVE PITTSBURGH PA 15228	10-47-25-06-00016.0202 23061 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 16 UNIT 202	*93
SHAW DAVID M + M JOYCE 8604 MILLWOOD RD BROKEN ARROW OK 74011	10-47-25-06-00017.0101 23051 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 17 UNIT 101	*94
BENNETT ANTHONY J + NANCY E 8 STONEWOOD DR ST CHARLES IL 60174	10-47-25-06-00017.0102 23051 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 17 UNIT 102	*94
JACOBS ROBERT S + DONNA S 125 HILTON RD GREENSBURG PA 15601	10-47-25-06-00017.0201 23051 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 17 UNIT 201	*94
BALDRIDGE JAMES G + 6290 MILLBANK DR CENTERVILLE OH 45459	10-47-25-06-00017.0202 23051 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 17 UNIT 202	*94
HOFF WALLACE J + MARY J 10202 SUNWAY TER ELLCOTT CITY MD 21042	10-47-25-06-00018.0101 23041 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 18 UNIT 101	*95
WHITELEY NANCY L 23041 ROSEDALE DR #102 BONITA SPRINGS FL 34135	10-47-25-06-00018.0102 23041 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 18 UNIT 102	*95
AVELLA ANTHONY P + MARIA C 43784 WOODWORTH CT ASHBURN VA 20147	10-47-25-06-00018.0201 23041 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 18 UNIT 201	*95

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
JENSEN AMY 23041 ROSEDALE DR #202 BONITA SPRINGS FL 34135	10-47-25-06-00018.0202 23041 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 18 UNIT 202	*95
PASCO CHARLES A + KATHRYN L TR 23031 ROSEDALE DR #101 BONITA SPRINGS FL 34135	10-47-25-06-00019.0101 23031 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 19 UNIT 101	*96
OFFENBACHER RICHARD D TR GRAYBAR ELECTRIC 23031 ROSEDALE DR #102 BONITA SPRINGS FL 34135	10-47-25-06-00019.0102 23031 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 19 UNIT 102	*96
HILLARD FREDERICK H + CAROL C 1107 VALLEY STREAM ROCHESTER HILLS MI 48309	10-47-25-06-00019.0201 23031 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 19 UNIT 201	*96
YURCO NANCY E TR 6901 LAKEWOOD ISLE DR FORT MYERS FL 33908	10-47-25-06-00019.0202 23031 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 19 UNIT 202	*96
JONES ROBERT K + MARIANNE P TR 294 NARROWS TRACE BEAVERCRK TWP OH 45385	10-47-25-06-00020.0101 23021 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 20 UNIT 101	*97
DEBRUYN STEPHEN J + JAYNE M 2620 MUIRFIELD PL URBANA IL 61802	10-47-25-06-00020.0102 23021 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 20 UNIT 102	*97
SHARP RONALD A + INESE B 12 WATSON RD POUGHKEEPSIE NY 12603	10-47-25-06-00020.0201 23021 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 20 UNIT 201	*97
FRIEL JAMES + JOAN 2375 LASSITER DR ROCHESTER MI 48309	10-47-25-06-00020.0202 23021 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 20 UNIT 202	*97
MARKEL SUSAN A TR 10510 DEER CHASE AVE ORLAND PARK IL 60467	10-47-25-06-00021.0101 23011 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 21 UNIT 101	*98
EIKER GEORGE L + ELIZABETH ANN 1986 SPRUCE DR CARMEL IN 46033	10-47-25-06-00021.0102 23011 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 21 UNIT 102	*98
JOHNSTON MARK K 32697 N RIVER RD HARRISON TOWNSHIP MI 48045	10-47-25-06-00021.0201 23011 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 21 UNIT 201	*98
NOLAN TRACY E 1005 WINDFAIRE PL ROSWELL GA 30076	10-47-25-06-00021.0202 23011 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 21 UNIT 202	*98
BYRER BRADLEY W 23001 ROSEDALE DR #101 BONITA SPRINGS FL 34135	10-47-25-06-00022.0101 23001 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 22 UNIT 101	*99
BODNAR DAVID J + 58 GLENDALE DR STAMFORD CT 06906	10-47-25-06-00022.0102 23001 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 22 UNIT 102	*99

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
DEMSKI KENNETH E + MARY ANN 9330 THORNHILL DR CLARKSTON MI 48348	10-47-25-06-00022.0201 23001 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 22 UNIT 201	*99
FERGUSON CHARLOTTE + JOHN PMB 338 21301 S TAMiami TRL STE 320 ESTERO FL 33928	10-47-25-06-00022.0202 23001 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 22 UNIT 202	*99
COLBURN ELLEN 22991 ROSEDALE DR #101 BONITA SPRINGS FL 34135	10-47-25-06-00023.0101 22991 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 23 UNIT 101	*100
HANSEN ROBERT E + ELIZABETH A 22991 ROSEDALE DR APT 102 BONITA SPRINGS FL 34135	10-47-25-06-00023.0102 22991 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 23 UNIT 102	*100
MCNEILLY DAVID P + YVONNE P 22991 ROSEDALE DR #201 BONITA SPRINGS FL 34135	10-47-25-06-00023.0201 22991 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 23 UNIT 201	*100
STANIEC TED + DOROTHY 22991 ROSEDALE DR #202 BONITA SPRINGS FL 34135	10-47-25-06-00023.0202 22991 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 23 UNIT 202	*100
HALE JAMES T + SHARON S 22020 RESERVE ESTATES DR BONITA SPRINGS FL 34135	10-47-25-06-00024.0101 22981 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 24 UNIT 101	*101
PINKEL VICKI G + GARY R 4803 SILVER CLIFF DR COLUMBIA MO 65203	10-47-25-06-00024.0102 22981 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 24 UNIT 102	*101
NEWCORBE CYNTHIA A 351 CLUBHOUSE RD WELLS ME 04090	10-47-25-06-00024.0201 22981 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 24 UNIT 201	*101
FULLERTON JAMES G + MARY L 304-500 AVENUE RD TORONTO ON M4V 2J6 CANADA	10-47-25-06-00024.0202 22981 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 24 UNIT 202	*101
HEAVEY WILLIAM M TR 22971 ROSEDALE DR #101 BONITA SPRINGS FL 34135	10-47-25-06-00025.0101 22971 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 25 UNIT 101	*102
DREWEK DAVID F + SUSAN V 38020 VILLA MAR HARRISON TOWNSHIP MI 48045	10-47-25-06-00025.0102 22971 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 25 UNIT 102	*102
SISK GARDNER P + SUSAN P 254 CANAL ST SALEM MA 01970	10-47-25-06-00025.0201 22971 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 25 UNIT 201	*102
HIGGINS NICHOLAS + 10820 SUNSET OFFICE DR #200 SAINT LOUIS MO 63127	10-47-25-06-00025.0202 22971 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 25 UNIT 202	*102
MINATO ANGELO D 2762 LOMBARDY CRES LASALLE ON N9H 2L8 CANADA	10-47-25-06-00026.0101 22961 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 26 UNIT 101	*103

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
VON GUNTEN DOROTHY R TR 710 MARINER VILLAGE HURON OH 44839	10-47-25-06-00026.0102 22961 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 26 UNIT 102	*103
PIFER RICHARD L + LINDA B 1383 CLUB DR BLOOMFIELD HILLS MI 48302	10-47-25-06-00026.0201 22961 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 26 UNIT 201	*103
MANNING DAVID D + JOANN 22961 ROSEDALE DR #202 BONITA SPRINGS FL 34135	10-47-25-06-00026.0202 22961 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 26 UNIT 202	*103
RUSSELL H BRUCE + SUSAN F 22951 ROSEDALE DR #101 BONITA SPRINGS FL 34135	10-47-25-06-00027.0101 22951 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 27 UNIT 101	*104
RAVIN ALISON B TR 101 OL FRANKLIN GROVE DR CHAPEL HILL NC 27514	10-47-25-06-00027.0102 22951 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 27 UNIT 102	*104
ROEMER JAMES P + PATRICIA J 10160 ORCHID RIDGE LN BONITA SPRINGS FL 34135	10-47-25-06-00027.0201 22951 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 27 UNIT 201	*104
DEGROFT WALTER J JR TR 22951 ROSEDALE DR #202 BONITA SPRINGS FL 34135	10-47-25-06-00027.0202 22951 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 27 UNIT 202	*104
KNUTSON KENNETH A TR PO BOX 3187 OAK BROOK IL 60522	10-47-25-06-00028.0101 22941 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 28 UNIT 101	*105
KORBEE HAROLD G + CAROL M 8304 CARDNIA CT LIBERTY TOWNSHIP OH 45044	10-47-25-06-00028.0102 22941 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 28 UNIT 102	*105
GAGNON BARRY + MONIQUE 55 CHEMIN DES MOHAWKS HARRINGTON QC J8G 2S6 CANADA	10-47-25-06-00028.0201 22941 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 28 UNIT 201	*105
MATTHEWS THERESA L + GERALD E 7720 BUCKHAVEN CT SE ADA MI 49301	10-47-25-06-00028.0202 22941 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 28 UNIT 202	*105
BRUNN RICHARD C + C SUE 8846 SERENITY DR NW MASSILLON OH 44646	10-47-25-06-00029.0101 22931 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 29 UNIT 101	*106
DAY PATRICK J TR 18947 DORENKEMPER PL EDEN PRAIRIE MN 55347	10-47-25-06-00029.0102 22931 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 29 UNIT 102	*106
NORREY RONALD W + AUDREY E 2175 STAVENBANK RD #14 MISSISSAUGA ON L5C 1T3 CANADA	10-47-25-06-00029.0201 22931 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 29 UNIT 201	*106
BIRCHENOUGH SUSAN 2160 SINGING WOODS DR SKANEATELES NY 13152	10-47-25-06-00029.0202 22931 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 29 UNIT 202	*106

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
CLARE RONALD D + JANET D 4611 ANDERSON AVE RR 7 ORILLIA ON L3V 6H7 CANADA	10-47-25-06-00030.0101 22921 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 30 UNIT 101	*107
ERHARDT PAUL III + CHERYL A 22921 ROSEDALE DR #102 BONITA SPRINGS FL 34135	10-47-25-06-00030.0102 22921 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 30 UNIT 102	*107
CUDAHY ROGER + MONICA 22921 ROSEDALE DR #201 BONITA SPRINGS FL 34135	10-47-25-06-00030.0201 22921 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 30 UNIT 201	*107
RICARDO GIL + MARIA 4 ROBERT DR LEBANON NJ 08833	10-47-25-06-00030.0202 22921 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 30 UNIT 202	*107
WATSON MARK A 213 W GLENRIDGE RD AKRON OH 44319	10-47-25-06-00031.0101 22911 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 31 UNIT 101	*108
DANHOFFER THOMAS B + LINDA L 22911 ROSEDALE DR #102 BONITA SPRINGS FL 34135	10-47-25-06-00031.0102 22911 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 31 UNIT 102	*108
SALIB RICHARD M + MARY P 7033 HOWARD LN EDEN PRAIRIE MN 55346	10-47-25-06-00031.0201 22911 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 31 UNIT 201	*108
MANTOR GREGORY E + 6470 KITZMILLER NEW ALBANY OH 43054	10-47-25-06-00031.0202 22911 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 31 UNIT 202	*108
MORROW THOMAS A + CAROL M 22901 ROSEDALE DR APT 101 BONITA SPRINGS FL 34135	10-47-25-06-00032.0101 22901 ROSEDALE DR #101 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 32 UNIT 101	*109
IRMA J HUBBARD TRUST 10813 CHERYL LN ORLAND PARK IL 60467	10-47-25-06-00032.0102 22901 ROSEDALE DR #102 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 32 UNIT 102	*109
WARD KIMIKO M TR 2390 LOCH CREEK WAY BLOOMFIELD HILLS MI 48304	10-47-25-06-00032.0201 22901 ROSEDALE DR #201 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 32 UNIT 201	*109
BRENNAN MARY P TR 418 E INVERNESS DR HIGHLAND HEIGHTS OH 44143	10-47-25-06-00032.0202 22901 ROSEDALE DR #202 BONITA SPRINGS FL 34135	MORNINGSIDE AT THE BROOKS CONDO AS DESC OR 3056 PG 0522 BLDG 32 UNIT 202	*109
RESOURCE CONSERV SYSTEMS LLC SPRING RUN GOLF CLUB INC 9990 COCONUT RD STE 200 BONITA SPRINGS FL 34135	10-47-25-13-0ISP1.00CE LAKES BONITA SPRINGS FL 34135	SPRING RUN AT THE BROOKS PH V DESC IN PB 65 PGS 58-63 TRACT ISP-1 + OR 3517/4203	110

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