LEE COUNTY
SOUTHWEST FLORIDA
BOARD OF COUNTY COMMISSIONERS

John E. Manning
District One

Cecil L Pendergrass
District Two

Larry Kiker
District Three

Tammy Hall
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Andrea R. Fraser
Interim County Attorney

Laura B. Belflower
Acting Chief County Hearing Examiner

August 22, 2013

Ray Eubanks, Plan Processing Administrator
Department of Economic Opportunity
Bureau of Community Planning
Caldwell Building
107 East Madison St. MSC 160
Tallahassee, FL. 32399-4120

Re: Small-Scale Comprehensive Plan Amendment
Amendments to the Lee Plan
Adoption Submission Package (CPA2013-01)

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 1633187(1), this submission package constitutes the adoption of the small-scale Comprehensive Plan Amendment known locally as CPA2013-01, a Privately Initiated Amendment. The Lee County Board of County Commissioners held an adoption hearing for this plan amendment on August 19, 2013 starting at 9:30 a.m.

This small-scale amendment included 2.62 acres of land to be identified on Lee Plan Map 6, the Lee County Utilities Future Water Service Area Map. There have been no other small-scale comprehensive plan amendments this calendar year. Therefore, the total number of acres for small scale amendments approved by Lee County in the 2013 calendar year is 2.62 acres. The adopted small-scale comprehensive plan amendment is not within an area of critical state concern, nor does it involve a site within a rural area of critical economic concern.

The name, title, address, telephone number, facsimile number, and email address of the person for the local government who is most familiar with the proposed amendment is as follows:

Mr. Paul O'Connor, AICP
Lee County Planning Division Director
P.O. Box 398
Fort Myers, Florida 33902-0398
(239) 533-8585
Fax (239) 485-8344
Email: oconnops@leegov.com

Included with this package is one copy of the proposed amendment and supporting data and analysis on a CD ROM, in PDF format.

Sincerely,
DEPT. OF COMMUNITY DEVELOPMENT
Division of Planning

Paul O'Connor, AICP
Director

THE NEWS-PRESS
Published every morning
Daily and Sunday
Fort Myers, Florida

Affidavit of Publication

2013 AUG 14 AM 8:57

STATE OF FLORIDA
COUNTY OF LEE

RECEIVED BY
LEE CO. ATTORNEY

Before the undersigned authority, personally appeared **Kathy Allebach** who on oath says that he/she is the **Legal Assistant** of the News-Press, a daily newspaper, published at Fort Myers, in Lee County, Florida; that the attached copy of advertisement, being a

Notice of Public Hearing
In the matter of:
Hearing on August 19, 2013
In the court was published in said newspaper in the issues of

August 13, 2013

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida and that said newspaper has heretofore been continuously published in said Lee County, Florida, each day, and has been entered as a second class mail matter at the post office in Fort Myers in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of the advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Kathy Allebach

Sworn to and subscribed before me this 13th day of August, 2013.

by **Kathy Allebach**
personally known to me

as identification, and who did or did not take an oath.

Notary Public Jessica Hanft

Print Name: **Jessica Hanft**
My commission Expires: **February 12, 2017**

JESSICA HANFT
MY COMMISSION # EE874397
EXPIRES February 12, 2017
(407) 398-0153 FloridaNotaryService.com

NOTICE OF PROPOSED AMENDMENT TO THE LEE COUNTY COMPREHENSIVE LAND USE PLAN (ADOPTION HEARING)

The Lee County Board of County Commissioners will hold a public hearing to consider the adoption of a proposed amendment to the Lee County Comprehensive Land Use Plan (Lee Plan) on Monday, August 19, 2013. The hearing will commence at 9:30 a.m., or as soon thereafter as can be heard, in the Board Chambers, 2120 Main Street in Downtown Fort Myers.

At the conclusion of the hearing, the Board will vote to adopt, adopt with specific modifications, or not adopt the proposed amendment through the adoption of the following ordinance: Amend Map 6 Lee County Utilities Future Water Service Area to provide service to 2.62± acres within the West Lakes Excavation IPD (CPA2013-00001 West Lakes Excavation Small Scale Amendment) located at 15401 Alico Road, Fort Myers, Florida 33913.

This meeting is open to the public. Interested parties may appear at the meeting and be heard with respect to the proposed plan amendment.

A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing. Contact the Lee County Division of Planning at 239-533-8585 for further information on obtaining a record.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. Contact Janet Miller at 239-533-8583.

No.1476754
August 13, 2013

LEE COUNTY ORDINANCE NO. 13-16
(West Lakes Excavation IPD Small Scale Amendment)
(CPA2013-00001)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN TO ADOPT A SMALL SCALE AMENDMENT TO LEE PLAN MAP 6, THE LEE COUNTY UTILITIES FUTURE WATER SERVICE AREAS MAP TO PROVIDE SERVICES TO PROPERTY LOCATED AT 15401 ALICO ROAD, FORT MYERS FLORIDA.

WHEREAS, the Lee County Comprehensive Plan ("*Lee Plan*") Policy 2.4.1 and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners ("*Board*"); and

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6, provide an opportunity for private individuals to request amendment to the Future Land Use Map through a small scale amendment public hearing process; and

WHEREAS, the Local Planning Agency ("*LPA*") held a public hearing on the adoption of the proposed amendment on July 22, 2013. At that hearing the LPA found the proposed amendment to be consistent with the Lee Plan and recommended that the Board adopt the amendment; and

WHEREAS, the Board held a public hearing for the adoption the proposed amendment on August 19, 2013. At that hearing, the Board approved a motion to adopt proposed amendment CPA2013-00001 pertaining to West Lakes Excavation, amending Map 6 of the Lee Plan, the Lee County Utilities Future Water Service Areas Map. The subject parcel is located at 15401 Alico Road, Fort Myers, Florida 33913.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted a public hearing to review a proposed small scale amendment to the Future Land Use Map Series of the Lee Plan. The purpose of this ordinance is to adopt the amendment to the Lee Plan discussed at that meeting and later approved by a majority of the Board of County Commissioners. The short title and proper reference for the

Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." This amending ordinance may be referred to as the "West Lakes Excavation IPD Small Scale Amendment CPA2013-00001".

SECTION TWO: ADOPTION OF SMALL SCALE AMENDMENT TO LEE PLAN FUTURE LAND USE MAP SERIES, MAP 6

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment to the Future Land Use Map Series, Map 6, the Lee County Utilities Future Water Service Areas Map to provide service to an existing office building on 2.62± acres within the West Lakes Excavation IPD project. The subject parcel is located at 15401 Alico Road, Fort Myers, Florida 33913. The corresponding staff report and analysis, along with all attachments for this amendment, are adopted as "support documentation" for the Lee Plan.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

SECTION FOUR: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

SECTION FIVE: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board of County Commissioners that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

SECTION SIX: INCLUSION IN CODE, CODIFICATION AND SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be re-numbered or re-lettered and the word "ordinance" may be changed to "section," "article" or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of

this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent may be authorized by the County Manager, or her designee, without need of a public hearing, by filing a corrected or re-codified copy with the Clerk of the Circuit Court.

SECTION SEVEN: EFFECTIVE DATE

The small scale Lee Plan amendment adopted by this ordinance will be effective 31 days after adoption unless challenged within 30 days after adoption. If challenged within 30 days after adoption, the small scale amendment to the Lee Plan will not be effective until the Florida Department of Economic Opportunity or the Administrative Commission issues a final order determining the small scale amendment is in compliance with Florida Statutes, Section 163.3184. No development orders, development permits or land uses dependent on this amendment may be issued or commence before the amendment has become effective.

Commissioner Manning made a motion to adopt the foregoing ordinance, seconded by Commissioner Mann. The vote was as follows:

John E. Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 19th day of August, 2013.

ATTEST:
LINDA DOGGETT, CLERK

BY: Marcia Wilson
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

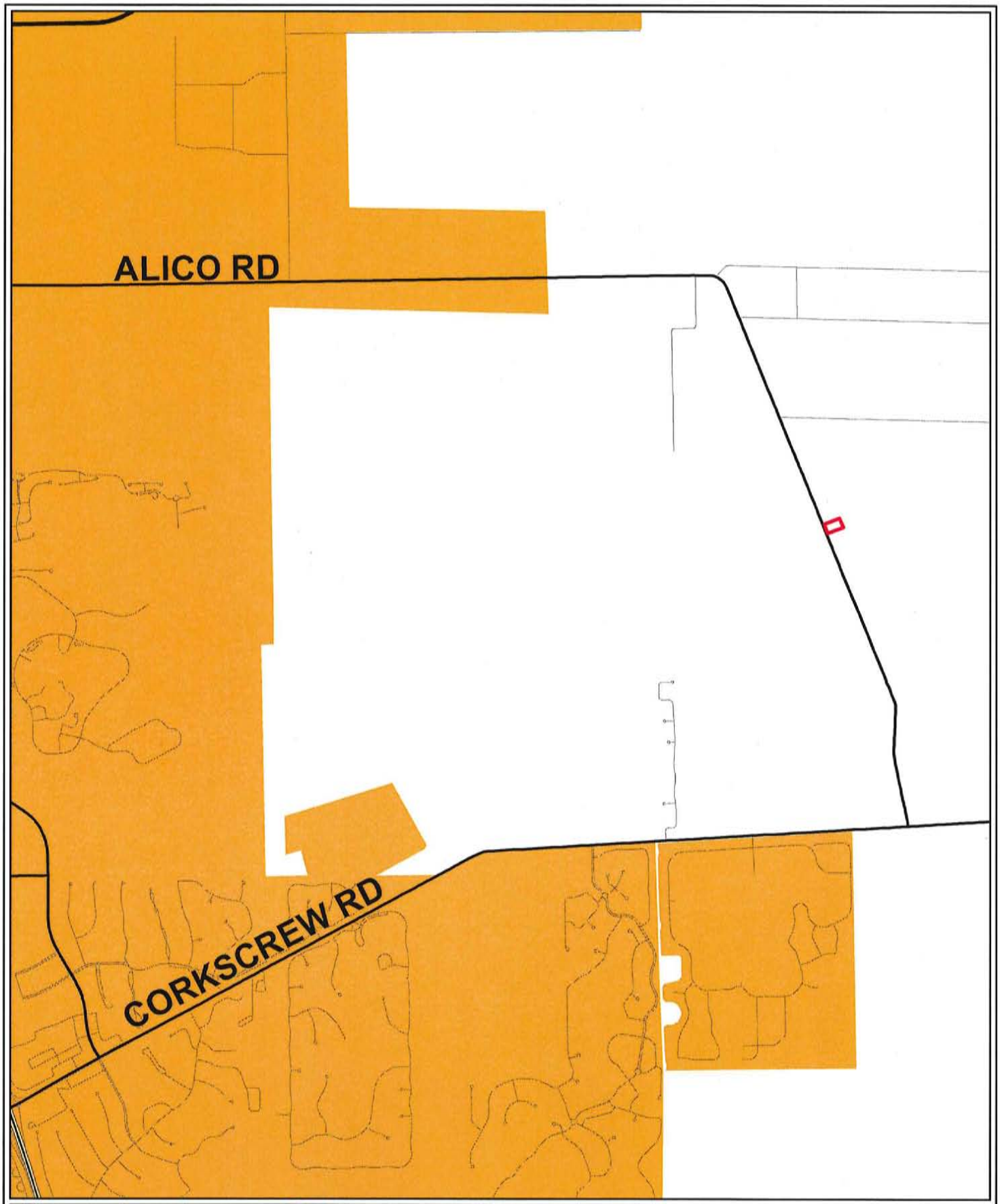
BY: _____
Cecil L Pendergrass, Chair

Approved as to form by:

_____
Michael D. Jacob
Assistant County Attorney
County Attorney's Office

BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY FLORIDA

Exhibit A: Future Land Use Map Series, Map 6, the Lee County Utilities Future Water Service Areas Map



LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

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Miles

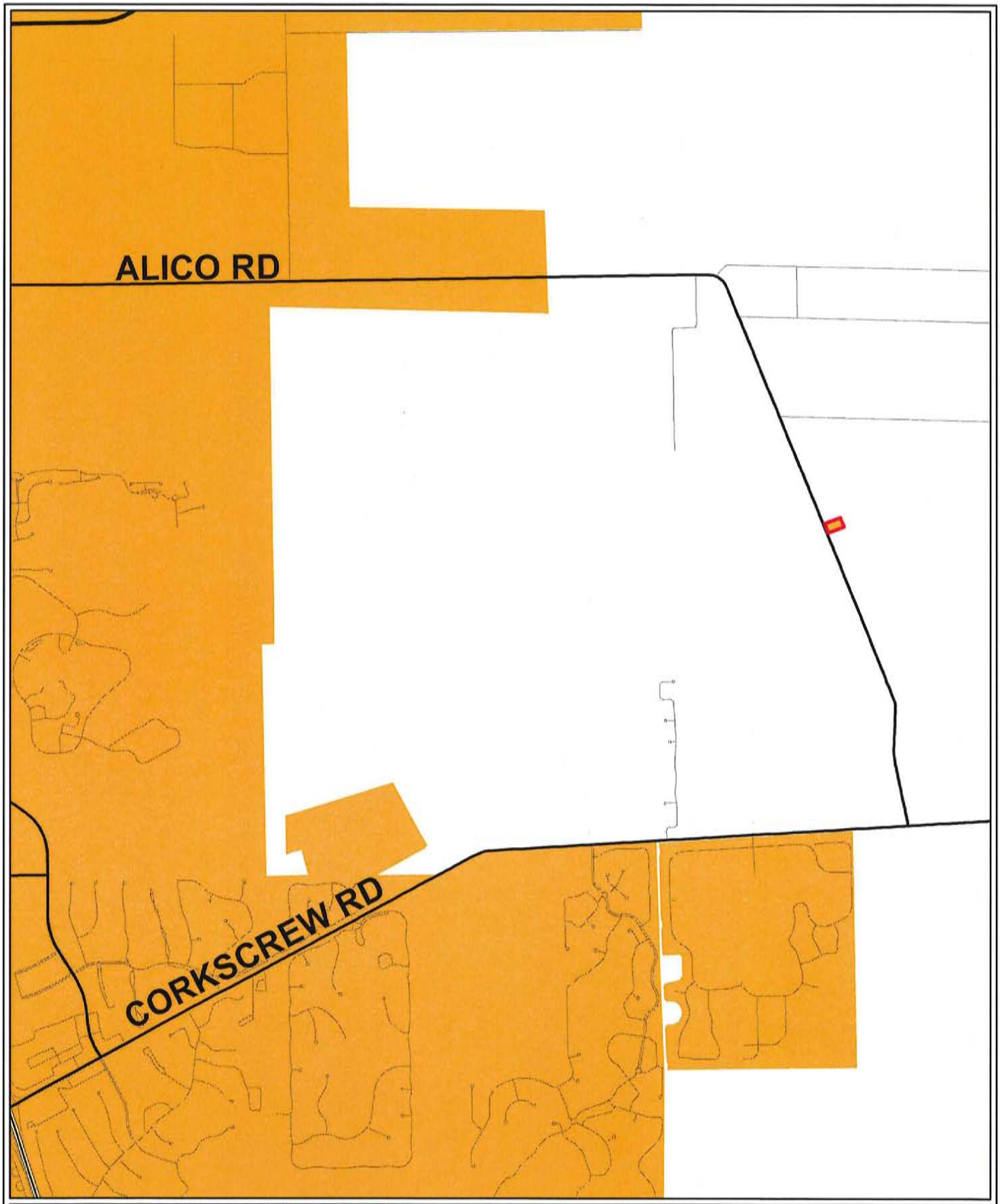
Map Generated July 2013

Legend

Future Water Service Area

Subject Property

CPA2013-00001 - WEST LAKES EXCAVATION
EXISTING LEE PLAN MAP 6
LEE COUNTY UTILITIES FUTURE WATER SERVICE AREAS



LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

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Miles

Map Generated July 2013

Legend

Future Water Service Area

Subject Property

CPA2013-00001 - WEST LAKES EXCAVATION
PROPOSED LEE PLAN MAP 6
LEE COUNTY UTILITIES
FUTURE WATER SERVICE AREAS

STATE OF FLORIDA

COUNTY OF LEE

I Linda Doggett, Clerk of Circuit Court, Lee County, Florida, and ex-Officio Clerk of the Board of County Commissioners, Lee County, Florida, do hereby certify that the above and foregoing, is a true and correct copy of Ordinance No. 13-16, adopted by the Board of Lee County Commissioners, at their meeting held on the 19th day of August, 2013 and same filed in the Clerk's Office.

Given under my hand and seal, at Fort Myers, Florida, this 20th day of August, 2013.

LINDA DOGGETT,
Clerk of Circuit Court
Lee County, Florida

By: Marcia Wilson
Deputy Clerk

CIRCUIT COURT
LEE COUNTY, FLORIDA

PO Box 2469, Fort Myers, FL 33902
Phone: (239) 533-2328 | FAX: (239) 239-485-2038

CPA2013-01
WEST LAKES EXCAVATION SMALL SCALE COMPRENSIVE PLAN AMENDMENT
TO THE

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

Lee County Board of County Commissioners
Sponsored Amendment and Staff Analysis

BoCC Adoption Document

Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(239) 533-8585

August 19, 2013

LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2013-01

☐ **Text Amendment** ☑ **Map Amendment**

	This Document Contains the Following Reviews
✓	**Staff Review**
✓	**Local Planning Agency Review and Recommendation**
✓	**Board of County Commissioners Hearing for Adoption**

STAFF REPORT PREPARATION DATE: June 12, 2013

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVES:

TIM & HARVEY YOUNQUIST / Tina Mayfield Ekblad, Morris-Depew Associates, Inc.

2. REQUEST:

Amend Map 6 of the Lee Plan, the Lee County Utilities Future Water Service Areas Map, to provide service to an existing office building on 2.62± acres within the West Lakes Excavation IPD project.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Staff recommends that the Board of County Commissioners ***adopt*** the proposed amendment to Map 6 of the Lee Plan.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Future Water Service Areas depicted on Map 6 reflect the portion of Lee County anticipated to be served by potable water infrastructure by Lee County Utilities within the Planning Horizon (the year 2030).

- The Corkscrew Water Treatment Plant has capacity available to serve the subject property and the approved development intensity at build-out.

- There are adequate transmission lines adjacent to the subject parcel to provide potable water service.

- The proposed amendment to Map 6 of the Lee Plan will not increase potential density and intensity of the subject site.

- The addition of the subject site to Map 6 of the Lee Plan will allow Lee County Utilities to serve the existing mine office building which was approved as part of the Industrial Planned Development for the limestone aggregate mine.

C. BACKGROUND INFORMATION

1. EXISTING CONDITIONS

SIZE OF PROPERTY: There are approximately 2.62 acres subject to the requested Lee Plan Amendment. The applicant is requesting service within this area to cover the existing office and septic drain field as well as potential future expansion for previously approved accessory uses (Resolution Z-05-88).

PROPERTY LOCATION: The subject site is located on the east side of Alico Road at 15401 Alico Road, just north of the Corkscrew Water Treatment Plant.

EXISTING LAND USE: The site is developed with an office building for the West Lakes Excavation IPD.

CURRENT ZONING: Industrial Planned Development (IPD) (Resolution Z-05-088).

CURRENT FUTURE LAND USE CATEGORY: Density Reduction/Groundwater Resource (DR/GR).

2. LAND USE, ZONING, & DEVELOPMENT ORDER HISTORY

The subject property is approved for active mining operations with ancillary uses. The application provides the following about the zoning approval:

The property was most recently approved for an IPD zoning in 2005, which established the current schedule of uses. Activities occur consistent with this approval and associated amendments. One of the ancillary uses currently on-site is a 5,000 SF administrative office. This building may be expanded in the future to include another 5,000 SF, which will be for accessory uses as permitted in Z-05-088. The office currently obtains water through a on-site potable water well and sewage disposal occurs by septic system…The existing, approved development of Zoning Resolution Z-05-088 and Administrative Amendments 2010-00077 and 2012-00042 will remain as currently approved.

The site's office building was developed pursuant to LDO2001-00067. The site contains employee parking, the mine administrative office building and septic drain field and open storage areas. This development order was approved on January 29, 2002. The West Lakes Mine and the University Lakes Mine were consolidated under one approval, LDO2006-00071, which was approved on July 9, 2007.

The subject property was designated as "Open Lands" on the original Lee County Future Land Use Map. In September 1990 the subject site was re-designated as "Density Reduction/Groundwater Resource."

The application provides the following about the proposed amendment:

The applicant desires central potable water to be available to the existing office. The proposed Comprehensive Plan Amendment would extend the Potable Water Service Area for Lee County Utilities to cover ±2.62 acres around the existing office. The existing septic system would remain. In compliance with Standard 11.1: Water, the applicant has prepared this application to request that the service area of the adjacent water utility be extended to incorporate a portion of the property.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

SURROUNDING ZONING, LAND USES, & FUTURE LAND USE CATEGORIES

The surrounding future land use categories consist of Density Reduction/Groundwater Resource, Wetlands, and Public Facilities. The Corkscrew Water Treatment Plant is located immediately south of the operating mine and is designated with the Public Facilities category. The office building is the focal point for the University-West Lakes Mine, which is located on both sides of Alico Road. The mine building includes administrative offices, a laboratory facility that tests mine materials, and the scale house that weighs and records the loads that leave the property. The office building is located near the center of the mining operation. The subject site is therefore surrounded by lands zoned Industrial Planned Development (IPD) for mining also owned by the applicant. The existing office building is provided potable water through an onsite well. County records indicate that a well was drilled for public supply use on September 29, 1988 in the surficial aquifer. It was cased to 52' and drilled to 90' total depth. The Lee County permit number is "WEL000012297".

COMMUNITY FACILITIES AND SERVICES

This Lee Plan Amendment application is to amend Map 6 to include approximately 2.62 acres into the Lee County Utilities Future Water Service Areas. The mine administrative office currently obtains water through an on-site potable water well. The existing administrative office contains 5,000 square feet, with approvals to add 5,000 additional square feet. Lee County Utilities has adequate capacity at the Corkscrew Water Treatment

Plant (WTP) and in the adjacent 30 inch potable water transmission line. Lee County Utilities staff have reviewed the request and provided the following:

The Corkscrew WTP is currently permitted to treat 15.0 MGD. Over the last 12 months (June 2012 – May 2013) the annual average daily finished water produced by the facility was 9.25 MGD. The Maximum Month Average Daily finished water produced over this same time period was 12.363 MGD in March 2013. The Maximum 3 month Average Daily finished water produced was 11.56 MGD. The Corkscrew Water Treatment Plant has available capacity to provide the 1,500 gallons per day of potable water presented in the application. There is a 30" potable water transmission line along the east side of Alico Road abutting the subject property that serve as a point of connection.

An existing 30 inch potable water transmission line is located adjacent to the site and a series of smaller lines provide fire hydrants near the existing office building. The survey submitted with the application depicts the location of this "fire hydrant assembly" along Alico Road in front of the subject parcel.

The Lee Plan, in Policy 53.1.8, provides that the costs of new or augmented potable water infrastructure that is developed by Lee County will be borne by those who benefit from the improved supply. Lee Plan Policy 53.1.9 provides that new development will pay through appropriate financial mechanisms its fair share of the costs of providing standard potable water for that development. Utility staff has provided the following discussion concerning consistency with these policies:

New development pays a connection fee to LCU prior to connection to the potable water system. These fees fund infrastructure to provide capacity within the water system ensuring capacity is available to serve the increased demand placed on the water system as a result of development.

The developer will be responsible for the cost of connection to the potable water system. There is an existing 30" potable water transmission main on the east side of Alico Road fronting the subject development. In addition, there is a 12" potable water line connected to the 30" that currently terminated at the east right of way of Alico Road fronting the subject parcel. There is also a fire hydrant connected to this 12" water line. This 12" line could serve as a point of connection to LCU's potable water system.

Planning and Utilities staff finds that there is adequate infrastructure in place to provide the desired potable water service at this location. The septic drain field has been included in the service area at the request of Utilities staff to demonstrate that the subject site has adequate sewer service. The request only includes the land that contains the office building and drain field, which is a very small portion of the approved mine. The applicant would have to seek an amendment to Map 6 for service to be provided anywhere else onsite outside of the boundary covered by this amendment.

B. STAFF RECOMMENDATION

County staff recommends that the Board of County Commissioners adopt the proposed amendment to Lee County Utilities Future Water Service Areas Map, Map 6, of the Lee Plan.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: July 22, 2013

A. LOCAL PLANNING AGENCY REVIEW

Planning staff provided a brief summary of the proposed amendment. One member asked if Lee County Utilities provides for temporary hookups. General discussion ensued, but staff provided that this amendment process is the only process that is established to identify where water service may be provided. This member asked if Lee County had a policy to allow connections if there is a public health issue. Staff responded that there is not a written policy, but that if there is an immediate public health issue it is addressed. Another member asked what is the future of this land when the mine is finished and how can it be assured that it is not further development. Staff responded that the request was sized to accommodate the current office building use, additional approval would be necessary to provide service to a larger area. One member provided that the mine has a buildout of 20 to 30 years, and it is a legally permitted use adjacent to existing infrastructure. The board discussed the merits of adding a footnote to the map that specified that the service is discontinued when the mining use is completed. The applicant's representative then addressed the board. This representative discussed the existing IPD approval, the requested amendment, and that the limits of the excavation and approved schedule of uses would not permit residential development. The representative provided that the applicant could not connect to this service without this amendment. The representative also provided that there are issues with the current on-site water treatment process and that to address the issue would be costly. It was also noted that there is infrastructure adjacent to the property and that there is capacity at the Corkscrew Water Treatment Plant to provide the necessary service. One member asked how many people work at the mine. A representative responded that 35 to 40 people work at the mine. One member stated that this was a significant number and public health is an issue. The LPA made a motion to move and second the staff recommendation. One member asked if a small scale amendment could be temporary. Staff discussed the small scale amendment process and possibly addressing the issues raised by the LPA in the EAR amendment process.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA recommends that the Board of County Commissioners adopt the proposed small scale amendment.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by the staff.

C. VOTE:

NOEL ANDRESS	**AYE**
STEVE BRODKIN	**AYE**
WAYNE DALTRY	**AYE**
JIM GREEN	**AYE**
MITCH HUTCHCRAFT	**AYE**
ANN PIERCE	**AYE**
ROGER STRELOW	**AYE**

PART IV – BOARD OF COUNTY COMMISSIONERS HEARING FOR ADOPTION OF PROPOSED AMENDMENT

DATE OF PUBLIC HEARING: August 19, 2013

A. BOARD REVIEW

Staff made a brief presentation to the Board of County Commissioners, providing a summary of the proposed Lee Plan amendment. Staff noted that the LPA unanimously recommended that the Board adopt the proposed amendment. The Board made a motion to adopt an ordinance that adopts the amendment as recommended by staff. The Board of County Commissioners did not make any comments or have any questions concerning the proposed amendment. No members of the public addressed the BoCC concerning the proposed Lee Plan amendment.

The motion passed 5-0.

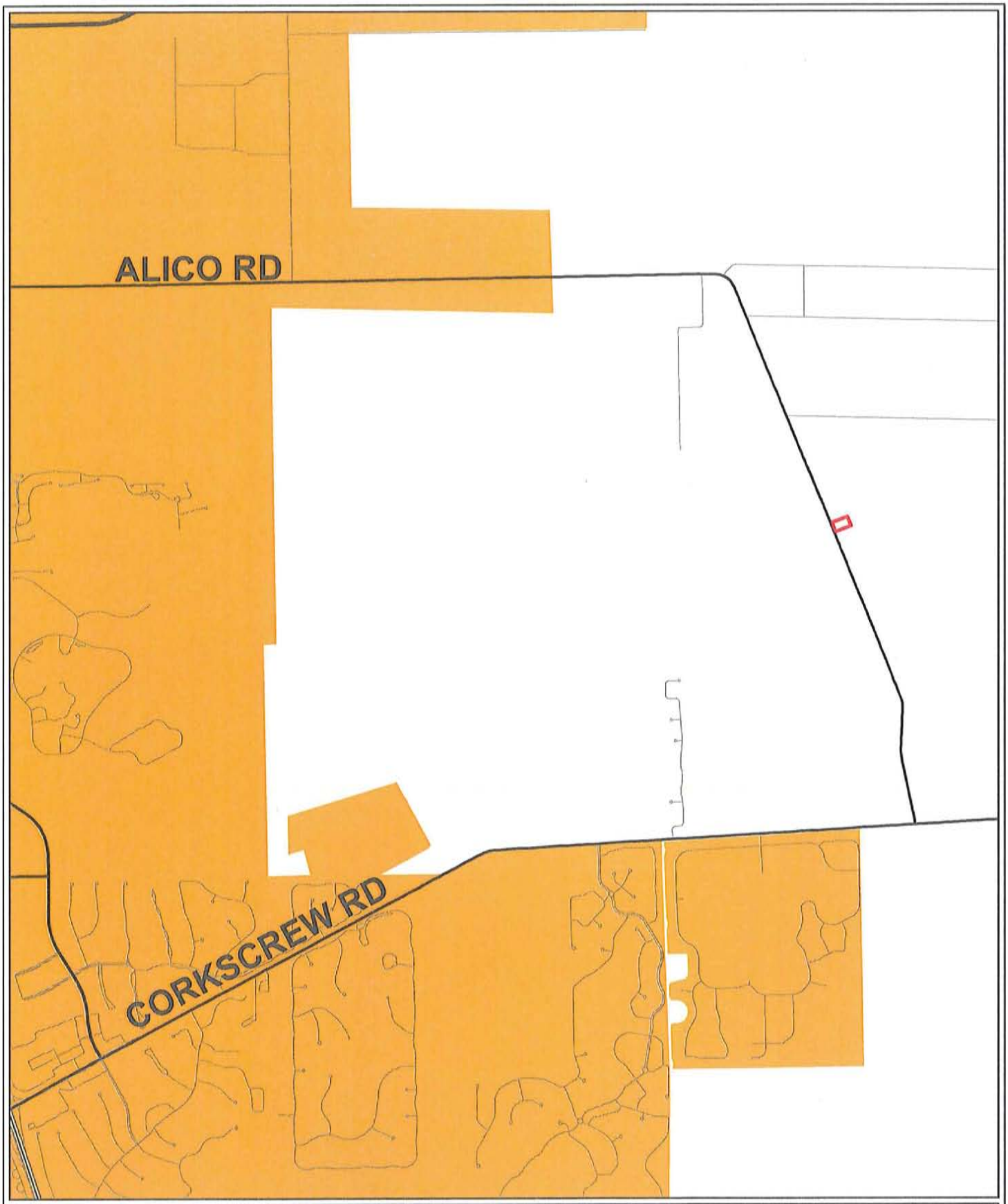
B. BOARD ACTION AND FINDINGS OF FACT SUMMARY

1. **BOARD ACTION:** The Board of County Commissioners adopted the proposed amendment as recommended by staff.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board of County Commissioners accepted the findings of fact as advanced by staff and the LPA.

C. VOTE:

TAMMARA HALL	**AYE**
LARRY KIKER	**AYE**
FRANK MANN	**AYE**
JOHN MANNING	**AYE**
CECIL L PENDERGRASS	**AYE**



LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

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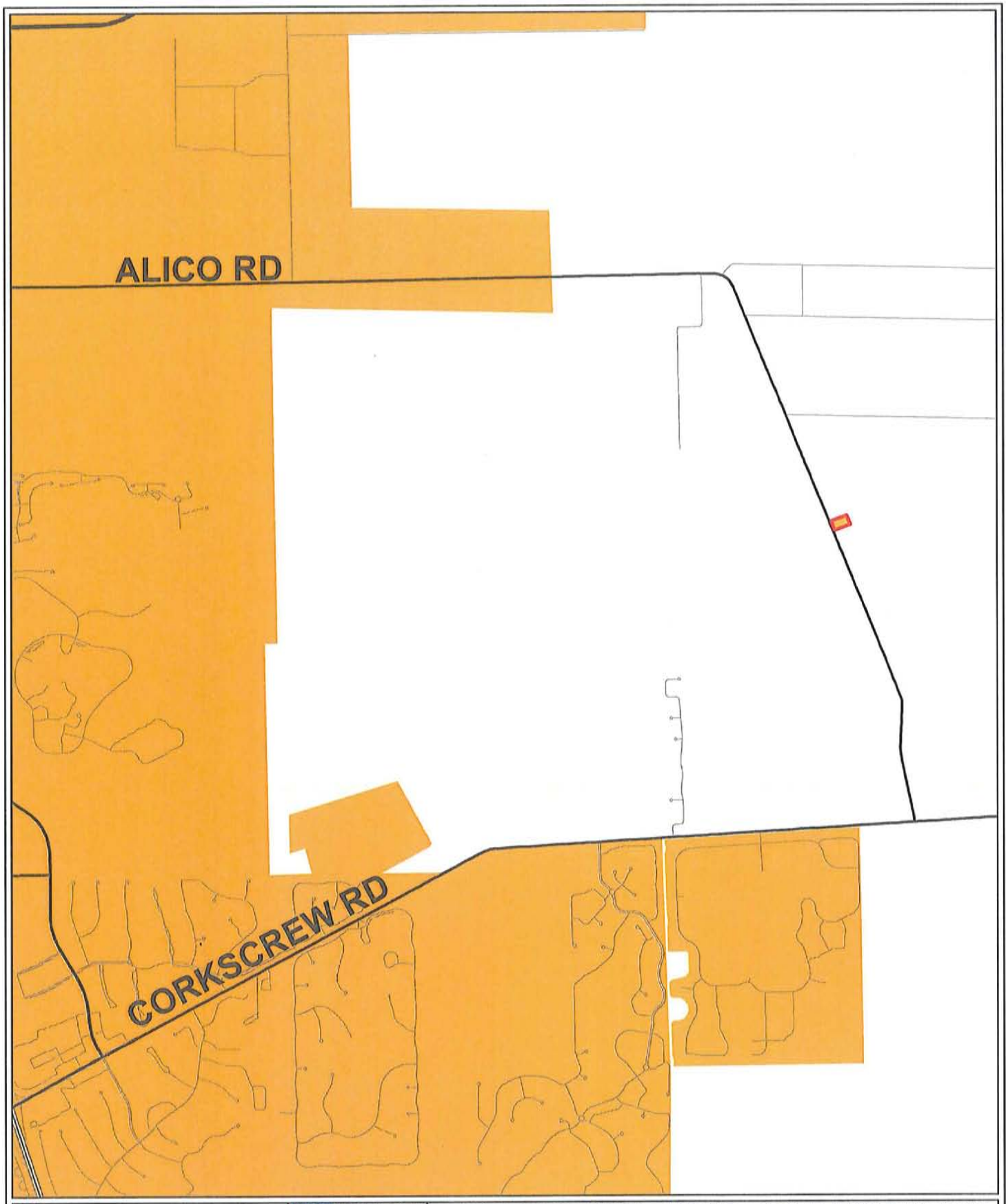
Map Generated July 2013

CPA2013-00001 - WEST LAKES EXCAVATION
EXISTING LEE PLAN MAP 6

Legend

- Future Water Service Area
- Subject Property

LEE COUNTY UTILITIES
FUTURE WATER SERVICE AREAS



LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

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Map Generated July 2013

CPA2013-00001 - WEST LAKES EXCAVATION
PROPOSED LEE PLAN MAP 6
LEE COUNTY UTILITIES
FUTURE WATER SERVICE AREAS

Legend
- Future Water Service Area
- Subject Property

RECEIVED
JUL 02 2013
COMMUNITY DEVELOPMENT

LEE COUNTY
SOUTHWEST FLORIDA

Lee County Board of County Commissioners
Department of Community Development
Division of Planning
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: (239) 533-8585
FAX: (239) 485-8344

CPA2013-00001

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D: _____ REC'D BY: _____

APPLICATION FEE: _____ TIDEMARK NO: _____

THE FOLLOWING VERIFIED:
Zoning ☐ Commissioner District ☐
Designation on FLUM ☐

(To be completed by Planning Staff)

Plan Amendment Cycle: ☐ Normal ☒ Small Scale ☐ DRI ☐ Emergency

Request No: _____

APPLICANT – PLEASE NOTE:

Answer all questions completely and accurately. Please print or type responses. If additional space is needed, number and attach additional sheets. The total number of sheets in your application is: _____

Submit **6** copies of the complete application and amendment support documentation, including maps, to the Lee County Division of Planning. Up to 90 additional copies will be required for Local Planning Agency, Board of County Commissioners hearings and the Department of Community Affairs' packages. Staff will notify the applicant prior to each hearing or mail out.

I, the undersigned owner or authorized representative, hereby submit this application and the attached amendment support documentation. The information and documents provided are complete and accurate to the best of my knowledge.

Signature of Owner or Authorized Representative — Date: 4-12-13

Timothy Youngquist
Printed Name of Owner or Authorized Representative

Signature of Owner or Authorized Representative — Date: 4-12-13

Harvey Youngquist
Printed Name of Owner or Authorized Representative

I. APPLICANT/AGENT/OWNER INFORMATION

Applicant: Tim & Harvey Younquist
Address: 15465 Pine Ridge Road
City, State, Zip: Fort Myers, FL 33908
Phone Number: 239-489-4444 Fax Number: 239-489-4545
Email: rofriday@yahoo.com

Agent*: Morris-Depew Associates, Inc.
Address: Metro Center 1, 2891 Center Pointe Drive, Unit 100
City, State, Zip: Fort Myers, FL 33916
Phone Number: 239-337-3993 Fax Number: 239-337-3994
Email: tekblad@m-da.com

Owner(s) of Record: Tim & Harvey Youngquist
Address: 15465 Pine Ridge Road
City, State, Zip: Fort Myers, FL 33908
Phone Number: 239-489-4444 Fax Number: 239-489-4545
Email: rofriday@yahoo.com

Name, address and qualification of additional planners, architects, engineers, environmental consultants, and other professionals providing information contained in this application.

* This will be the person contacted for all business relative to the application.

II. REQUESTED CHANGE (Please see Item 1 for Fee Schedule)

A. TYPE: (Check appropriate type)

☐ Text Amendment

☒ Future Land Use Map Series Amendment (Maps 1 thru 24)
List Number(s) of Map(s) to be amended:
Map 6 Lee County Utilities Future Water Service Area

1. Future Land Use Map amendments require the submittal of a complete list, map, and two sets of mailing labels of all property owners and their mailing addresses, for all property within 500 feet of the perimeter of the subject parcel. An additional set of mailing labels is required if your request includes a change to the Future Land Use Map (Map 1, page 1). The list and mailing labels may be obtained from the Property Appraisers office. The map must reference by number or other symbol the names of the surrounding property owners list. The applicant is responsible for the accuracy of the list and map.

At least 15 days before the Local Planning Agency (LPA) hearing, the applicant will be responsible for posting signs on the subject property, supplied by the Division of Planning, indicating the action requested, the date of the LPA hearing, and the case number. An affidavit of compliance with the posting requirements must be submitted to the Division of Planning prior to the LPA hearing. The signs must be maintained until after the final Board adoption hearing when a final decision is rendered.

B. SUMMARY OF REQUEST (Brief explanation):
Applicant is seeking to amend Maps 6 Lee County Utilities Future Water Service Area to provide service to ±2.62 acres within the West Lakes Excavation IPD.

III. PROPERTY SIZE AND LOCATION OF AFFECTED PROPERTY (for amendments affecting development potential of property)

A. Property Location:
1. Site Address: 15401 Alico Road, Fort Myers, FL 33913
2. STRAP(s): 16-46-26-00-00001.0000

B. Property Information:
Total Acreage of Property: 13.31 +/-
Total Acreage included in Request: 2.62 +/-
Total Uplands: 2.62 +/-
Total Wetlands: 0
Current Zoning: Industrial Planned Development
Current Future Land Use Designation: DRGR
Area of each Existing Future Land Use Category: 2.62 +/-
Existing Land Use: Office, accessory to mining approval

C. State if the subject property is located in one of the following areas and if so how does the proposed change affect the area:
Lehigh Acres Commercial Overlay: N/A
Airport Noise Zone 2 or 3: N/A
Acquisition Area: N/A
Joint Planning Agreement Area (adjoining other jurisdictional lands): N/A
Community Redevelopment Area: N/A

D. Proposed change for the subject property:
Amend Map 6 to include an additional ±2.62 ac within the West Lakes Excavation IPD.

E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density	
Commercial intensity	
Industrial intensity	See resolution Z-05-088

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density	
Commercial intensity	
Industrial intensity	See resolution Z-05-088

IV. AMENDMENT SUPPORT DOCUMENTATION

At a minimum, the application shall include the following support data and analysis. These items are based on comprehensive plan amendment submittal requirements of the State of Florida, Department of Community Affairs, and policies contained in the Lee County Comprehensive Plan. Support documentation provided by the applicant will be used by staff as a basis for evaluating this request. To assist in the preparation of amendment packets, the applicant is encouraged to provide all data and analysis electronically. (Please contact the Division of Planning for currently accepted formats.)

A. General Information and Maps

NOTE: For each map submitted, the applicant will be required to provide a reduced map (8.5" x 11") for inclusion in public hearing packets.

The following pertains to all proposed amendments that will affect the development potential of properties (unless otherwise specified).

1. Provide any proposed text changes. N/A

2. Provide a current Future Land Use Map at an appropriate scale showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.

3. Provide a proposed Future Land Use Map at an appropriate scale showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.

4. Map and describe existing land *uses* (not designations) of the subject property and surrounding properties. Description should discuss consistency of current uses with the proposed changes.

5. Map and describe existing zoning of the subject property and surrounding properties.

6. The certified legal description(s) and certified sketch of the description for the property subject to the requested change. A metes and bounds legal description must be submitted specifically describing the entire perimeter boundary of the property with accurate bearings and distances for every line. The sketch must be

tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment) with two coordinates, one coordinate being the point of beginning and the other an opposing corner. If the subject property contains wetlands or the proposed amendment includes more than one land use category a metes and bounds legal description, as described above, must be submitted in addition to the perimeter boundary of the property for each wetland or future land use category.

7. A copy of the deed(s) for the property subject to the requested change.

8. An aerial map showing the subject property and surrounding properties.

9. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner.

B. Public Facilities Impacts

NOTE: The applicant must calculate public facilities impacts based on a maximum development scenario (see Part II.H.).

1. Traffic Circulation Analysis

   The analysis is intended to determine the effect of the land use change on the Financially Feasible Transportation Plan/Map 3A (20-year horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit the following information:

   Long Range – 20-year Horizon:

   a. Working with Planning Division staff, identify the traffic analysis zone (TAZ) or zones that the subject property is in and the socio-economic data forecasts for that zone or zones;
   b. Determine whether the requested change requires a modification to the socio-economic data forecasts for the host zone or zones. The land uses for the proposed change should be expressed in the same format as the socio-economic forecasts (number of units by type/number of employees by type/etc.);
   c. If no modification of the forecasts is required, then no further analysis for the long range horizon is necessary. If modification is required, make the change and provide to Planning Division staff, for forwarding to DOT staff. DOT staff will rerun the FSUTMS model on the current adopted Financially Feasible Plan network and determine whether network modifications are necessary, based on a review of projected roadway conditions within a 3-mile radius of the site;
   d. If no modifications to the network are required, then no further analysis for the long range horizon is necessary. If modifications are necessary, DOT staff will determine the scope and cost of those modifications and the effect on the financial feasibility of the plan;
   e. An inability to accommodate the necessary modifications within the financially feasible limits of the plan will be a basis for denial of the requested land use change;
   f. If the proposal is based on a specific development plan, then the site plan should indicate how facilities from the current adopted Financially Feasible Plan and/or the Official Trafficways Map will be accommodated.

Short Range – 5-year CIP horizon:

a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediated development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);
b. Identify the major road improvements within the 3-mile study area funded through the construction phase in adopted CIP's (County or Cities) and the State's adopted Five-Year Work Program;
   Projected 2030 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);
c. For the five-year horizon, identify the projected roadway conditions (volumes and levels of service) on the roads within the 3-mile study area with the programmed improvements in place, with and without the_proposed development project. A methodology meeting with DOT staff prior to submittal is required to reach agreement on the projection methodology;
d. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.

2. Provide an existing and future conditions analysis for (see Policy 95.1.3):
   a. Sanitary Sewer
   b. Potable Water
   c. Surface Water/Drainage Basins
   d. Parks, Recreation, and Open Space
   e. Public Schools.

   Analysis should include (but is not limited to) the following (see the Lee County Concurrency Management Report):
   - Franchise Area, Basin, or District in which the property is located;
   - Current LOS, and LOS standard of facilities serving the site;
   - Projected 2030 LOS under existing designation;
   - Projected 2030 LOS under proposed designation;
   - Existing infrastructure, if any, in the immediate area with the potential to serve the subject property.
   - Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and
   - Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).
   - Provide a letter of service availability from the appropriate utility for sanitary sewer and potable water.

   In addition to the above analysis for Potable Water:
   - Determine the availability of water supply within the franchise area using the current water use allocation (Consumptive Use Permit) based on the annual average daily withdrawal rate.
   - Include the current demand and the projected demand under the existing designation, and the projected demand under the proposed designation.
   - Include the availability of treatment facilities and transmission lines for reclaimed water for irrigation.
   - Include any other water conservation measures that will be applied to the site (see Goal 54).

3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:
   a. Fire protection with adequate response times;
   b. Emergency medical service (EMS) provisions;
   c. Law enforcement;
   d. Solid Waste;
   e. Mass Transit; and
   f. Schools.

In reference to above, the applicant should supply the responding agency with the information from Section's II and III for their evaluation. This application should include the applicant's correspondence to the responding agency.

C. Environmental Impacts

Provide an overall analysis of the character of the subject property and surrounding properties, and assess the site's suitability for the proposed use upon the following:

1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS).

2. A map and description of the soils found on the property (identify the source of the information).

3. A topographic map depicting the property boundaries and 100-year flood prone areas indicated (as identified by FEMA).

4. A map delineating the property boundaries on the Flood Insurance Rate Map effective August 2008.

5. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.

6. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map).

D. Impacts on Historic Resources

List all historic resources (including structure, districts, and/or archeologically sensitive areas) and provide an analysis of the proposed change's impact on these resources. The following should be included with the analysis:

1. A map of any historic districts and/or sites, listed on the Florida Master Site File, which are located on the subject property or adjacent properties.

2. A map showing the subject property location on the archeological sensitivity map for Lee County.

E. Internal Consistency with the Lee Plan

1. Discuss how the proposal affects established Lee County population projections, Table 1(b) (Planning Community Year 2030 Allocations), and the total population capacity of the Lee Plan Future Land Use Map.

2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.

3. Describe how the proposal affects adjacent local governments and their comprehensive plans.

4. List State Policy Plan and Regional Policy Plan goals and policies which are relevant to this plan amendment.

F. Additional Requirements for Specific Future Land Use Amendments

1. Requests involving Industrial and/or categories targeted by the Lee Plan as employment centers (to or from)

   a. State whether the site is accessible to arterial roadways, rail lines, and cargo airport terminals,
   b. Provide data and analysis required by Policy 2.4.4,
   c. The affect of the proposed change on county's industrial employment goal specifically policy 7.1.4.

2. Requests moving lands from a Non-Urban Area to a Future Urban Area

   a. Demonstrate why the proposed change does not constitute Urban Sprawl. Indicators of sprawl may include, but are not limited to: low-intensity, low-density, or single-use development; 'leap-frog' type development; radial, strip, isolated or ribbon pattern type development; a failure to protect or conserve natural resources or agricultural land; limited accessibility; the loss of large amounts of functional open space; and the installation of costly and duplicative infrastructure when opportunities for infill and redevelopment exist.

3. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.

4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.

G. Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis.

Item 1: Fee Schedule

Map Amendment Flat Fee	$2,000.00 each
Map Amendment > 20 Acres	$2,000.00 and $20.00 per 10 acres
Small Scale Amendment (10 acres or less)	$1,500.00 each
Text Amendment Flat Fee	$2,500.00 each

AFFIDAVIT

I, Timothy Youngquist and I, Harvey Youngquist, certify that we are the owner's or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of our knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.

Signature of Applicant — Date: 4-12-13

Timothy Youngquist
Printed Name of Applicant

Signature of Applicant — Date: 4-12-13

Harvey Youngquist
Printed Name of Applicant

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 4-12-13 (date) by Tim Youngquist + Harvey Youngquist (name of person(s) providing oath or affirmation), who is personally known to me or who has produced personally known (type of identification) as identification.

Signature of Notary Public

(Name typed, printed or stamped)

CHRISTINE M. WYATT
MY COMMISSION # DD915220
EXPIRES August 10, 2013
(407) 398-0153 FloridaNotaryService.com

MORRIS DEPEW

ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS
#LC26000330

LETTER OF AUTHORIZATION

TO WHOM IT MAY CONCERN:

PLEASE BE ADVISED THAT I (WE) AM (ARE) THE FEE SIMPLE PROPERTY OWNER(S)/AUTHORIZED REPRESENTATIVE OF THE PROPERTY DESCRIBED BELOW AND THAT MORRIS-DEPEW ASSOCIATES, INC. AND HENDERSON, FRANKLIN, STARNES & HOLT, PA HAVE BEEN AUTHORIZED TO REPRESENT ME (US) FOR THE BELOW REFERENCED PARCEL(S) IN ALL MATTERS PERTAINING TO A COMPREHENSIVE PLAN AMENDMENT APPLICATION. THIS AUTHORITY TO REPRESENT MY (OUR) INTEREST INCLUDES ANY AND ALL DOCUMENTS REQUIRED BY THE PLANNING OR PERMITTING REQUESTS SUBMITTED ON MY (OUR) BEHALF BY MORRIS-DEPEW ASSOCIATES, INC.

STRAP NUMBER OR LEGAL DESCRIPTION:

STRAP# 16-46-26-00-00001.0000

Timothy Youngquist — OWNER NAME

Harvey Youngquist — OWNER NAME

SIGNATURE

SIGNATURE

STATE OF Florida

COUNTY OF Lee

The foregoing instrument was acknowledged before me this 9 day of April, 2013, by Tim Youngquist & Harvey Youngquist, who are personally known to me or have produced as identification and did not take an oath.

My Commission Expires:

Christine M Wyatt

Notary Public

(Seal)

CHRISTINE M. WYATT
MY COMMISSION # DD915220
EXPIRES August 10, 2013
(407) 398-0153 FloridaNotaryService.com

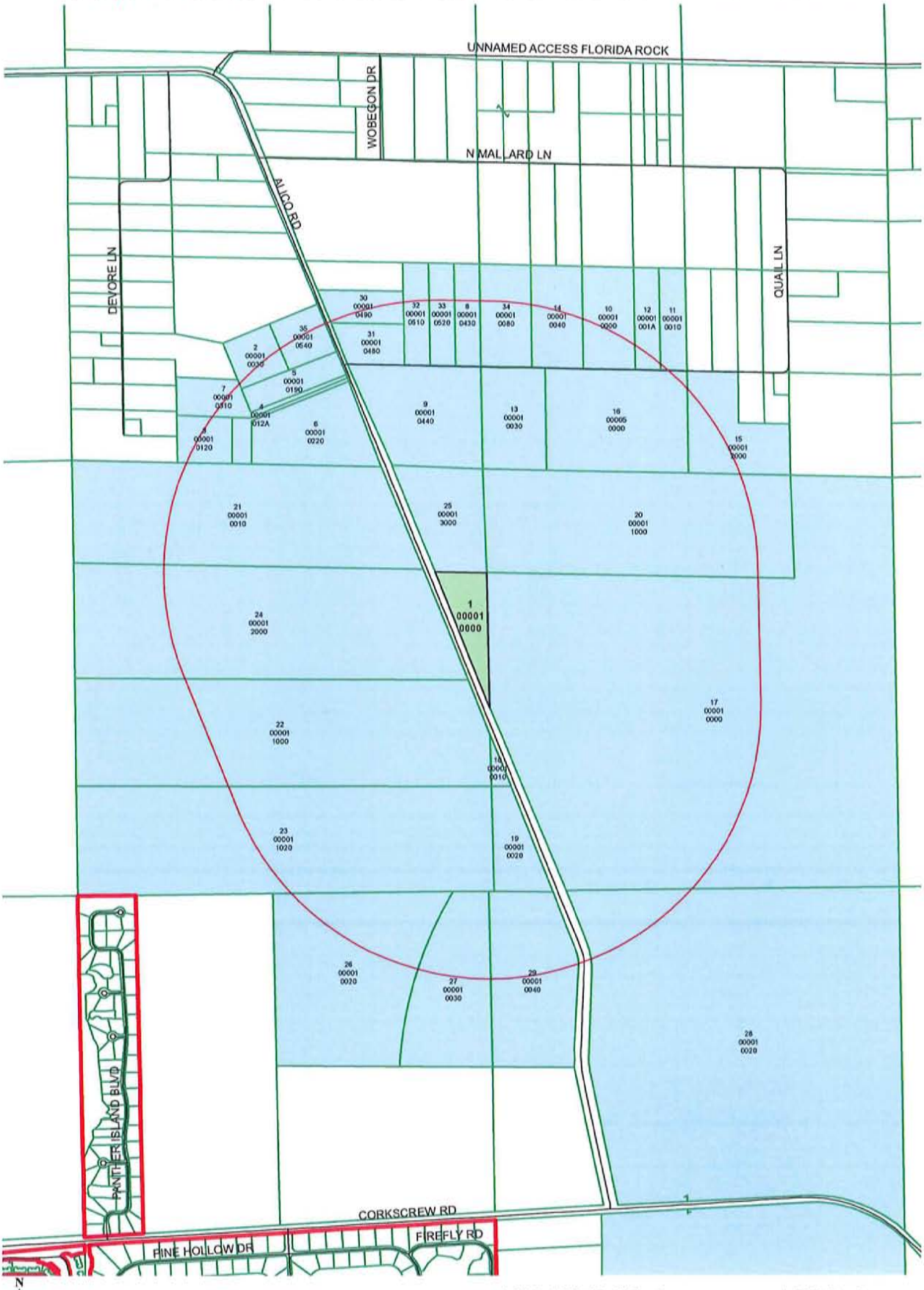
Notary Printed Name

Metro Center 1, 2891 Center Pointe Drive, Unite 100, Fort Myers, FL 33916 Telephone: (239) 337-3993 Fax: (239) 337-3994
327 Office Plaza, Suite 113, Tallahassee, Florida 32301 Telephone: (850) 224-6688 Fax: (850) 224-0688
414 SW 140th Terrace, Suite 1000, Newberry Florida 32669 Telephone: (352) 378-3450 Fax: (239) 337-3994
Toll Free: (866) 337-7341

VARIANCE REPORT

4/17/2013

Subject Parcels: 1 Affected Parcels: 34 Buffer Distance: 3500 ft



16-46-26-00-00001.0000

1,820,365910 455 0 1,820 Feet

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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: 4/17/2013 2:58:16 PM
Buffer Distance: 3500 ft
Parcels Affected: 34
Subject Parcels: 16-46-26-00-00001.0000

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION
NATURAL HEALTH + NUTRITION INC 11691 GATEWAY BLVD STE 203 FORT MYERS, FL 33913	09-46-26-00-00001.0030 ACCESS UNDETERMINED FORT MYERS FL	PARL INS 1/2 SEC 09 TWP 46 RG 26 DESC IN OR 1287 PG 0777
SMITH ROBERT E + 17921 DEVORE RD FORT MYERS, FL 33913	09-46-26-00-00001.0120 14890 ALICO RD FORT MYERS FL 33913	PARL IN S 1/2 AS DESC IN OR 1278 PG 632 LESS OR 1955 PG 609
SMITH ROBERT E + 17921 DEVORE RD FORT MYERS, FL 33913	09-46-26-00-00001.012A 14900 ALICO RD FORT MYERS FL 33913	PARL IN SE 1/4 AS DESC IN OR 1955 PG 609
YOUNGQUIST BRETT 14850 ALICO RD FORT MYERS, FL 33913	09-46-26-00-00001.0190 14850 ALICO RD FORT MYERS FL 33913	PARL IN S 1/2 SEC 9 TWP 46 RG 26 DESC IN OR 1237 PG 0672
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	09-46-26-00-00001.0220 14950 ALICO RD FORT MYERS FL 33913	PARL IN S 1/2 SEC 9 TWP 46 RG 26 DESC IN OR 1290 PG 1571
MAYHOOD SUE ANN + 24020 PRODUCTION CIR BONITA SPRINGS, FL 34135	09-46-26-00-00001.0310 14870 ALICO RD FORT MYERS FL 33913	PARL IN S E 1/4 OF S W 1/4 SEC 09 TWP 46 RGE 26 DESC IN OR 1295 PG 0732
MBW HOLDINGS LLC SUNNYGROVE LANDSCAPING + PO BOX 347 ESTERO, FL 33928	09-46-26-00-00001.0430 15101 S MALLARD LN FORT MYERS FL 33913	N 1/2 OF SE 1/4 LYING E OF ALICO RD LES 1.0480+1.0520
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	09-46-26-00-00001.0440 14951 ALICO RD FORT MYERS FL 33913	SE 1/4 OF SE 1/4 + SW 1/4 OF SE 1/4 LYING E OF ALICO RD
MBW HOLDINGS LLC SUNNYGROVE LANDSCAPING + PO BOX 347 ESTERO, FL 33928	09-46-26-00-00001.0480 15011 S MALLARD LN FORT MYERS FL 33913	PARL LOC IN THE N 1/2 OF SE 1/4 LYING E OF ALICO RD DESC OR 2782/1862
MBW HOLDINGS LLC SUNNYGROVE LANDSCAPING + PO BOX 347 ESTERO, FL 33928	09-46-26-00-00001.0490 14821 ALICO RD FORT MYERS FL 33913	PARL LOC IN THE N 1/2 OF SE 1/4 LYING E OF ALICO RD DESC OR 2782/1862
MBW HOLDINGS LLC SUNNYGROVE LANDSCAPING + PO BOX 347 ESTERO, FL 33928	09-46-26-00-00001.0510 15051 S MALLARD LN FORT MYERS FL 33913	PARL LOC IN THE N 1/2 OF THE SE 1/4 AS DESC IN OR 3250/1737
MBW HOLDINGS LLC SUNNYGROVE LANDSCAPPING + PO BOX 347 ESTERO, FL 33928	09-46-26-00-00001.0520 15071 S MALLARD LN FORT MYERS FL 33913	PARL LOC IN THE N 1/2 OF THE SE 1/4 AS DESC IN OR 3365/3540
NATURAL HEALTH + NUTRITION INC 11691 GATEWAY BLVD STE 203 FORT MYERS, FL 33913	09-46-26-00-00001.0540 14800 ALICO RD FORT MYERS FL 33913	PAL INS 1/2 SE 09 TWP 46 RG 26 DECS IN OR 4701 PG 4400
HINDERMAN DEAN V PO BOX 986 ESTERO, FL 33929	10-46-26-00-00001.0000 15291 S MALLARD LN FORT MYERS FL 33913	W 1/2 OF NE 1/4 OF SW 1/4

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(GENERAL EXEMPTIONS FROM INSPECTION OR COPYING OF PUBLIC RECORDS).

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION
WEATHERBEE FAMILY PROPERTIES PO BOX 1003 ESTERO, FL 33929	10-46-26-00-00001.0010 15441 S MALLARD LN FORT MYERS FL 33913	E 1/2 OF NE 1/4 OF SW 1/4 LESS PARL 1.001A
MOYE KATHRYN J + 15381 S MALLARD LN FORT MYERS, FL 33913	10-46-26-00-00001.001A 15381 S MALLARD LN FORT MYERS FL 33913	W 1/2 OF E 1/2 OF NE 1/4 OF SW 1/4
SANDS RAYMOND J JR + 900 SUNSET VISTA DR FORT MYERS, FL 33919	10-46-26-00-00001.0030 15070 S MALLARD LN FORT MYERS FL 33913	W 1/2 OF SW 1/4 OF SW1/4 + W 1/2 OF W 1/2 OF E 1/2 OF SW 1/4 OF SW1/4 OF SEC 10
DIBARNABA MARIE P 25% + 33 BHASKING RIDGE RD WILTON, CT 06897	10-46-26-00-00001.0040 15121 S MALLARD LN FORT MYERS FL 33913	E1/2 OF NW 1/4 OF SW 1/4 OF SEC 10
MALLARD-ALICO LLC PO BOXZ 347 ESTERO, FL 33928	10-46-26-00-00001.0080 15111 S MALLARD LN FORT MYERS FL 33913	THE W 1/2 OF THE NW 1/4 OF THE SW 1/4 DESC IN OR 3424 PG 2490
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	10-46-26-00-00001.2000 15590 S MALLARD LN FORT MYERS FL 33913	W 1/2 OF SW 1/4 OF SE 1/4 + SE 1/4 OF SW 1/4 OF SE 1/4
RESEARCH DEVELOPMENT LLC 50500 DESIGN LN SHELBY TOWNSHIP, MI 48315	10-46-26-00-00005.0000 15300 S MALLARD LN FORT MYERS FL 33913	PARL IN SW 1/4 OF SEC 10 T46 R26 DESC IN OR 1502 PG 376
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	15-46-26-00-00001.0000 15601 ALICO RD FORT MYERS FL 33913	ALL SEC 15 LESS PAR 1.100 + 1.001 + 1.002
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	15-46-26-00-00001.0010 15770 ALICO RD FORT MYERS FL 33913	THAT PART OF N 1/2 OF S1/2 SEC 15 LYING W OF ALICO ROAD
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	15-46-26-00-00001.0020 15830 ALICO RD FORT MYERS FL 33913	THAT PT OF S 1/2 OF S 1/2 SEC 15 LYING W OF ALICO RD DESC OR 1506 PG 741
YOUNGQUIST HARVEY + 15465 PINE RIDGE RD FORT MYERS, FL 33908	15-46-26-00-00001.1000 ACCESS UNDETERMINED FORT MYERS FL	N W 1/4 OF N E 1/4 + N E 1/4 OF N W 1/4 + N W 1/4 OF N W 1/4
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	16-46-26-00-00001.0010 ACCESS UNDETERMINED FORT MYERS FL	PARL IN N 1/2 OF N 1/2 SEC 16 TWP 46 R 26 DESC IN OR 1195 PG 1022
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	16-46-26-00-00001.1000 15460 ALICO RD FORT MYERS FL 33913	N 1/2 OF S 1/2 SEC 16 LYING W OF ALICO RD
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	16-46-26-00-00001.1020 ACCESS UNDETERMINED FORT MYERS FL	S 1/2 OF S 1/2 SEC 16 DESC IN OR 1506 PG 741
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	16-46-26-00-00001.2000 15400 ALICO RD FORT MYERS FL 33913	PARL IN N 1/2 SEC 16 TWP 46 RGE 26 DESC IN OR 1231 PG 881
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	16-46-26-00-00001.3000 15101/201 ALICO RD FORT MYERS FL 33913	N E 1/4/ OF N E 1/4 E OF ALICO RD
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-00-00001.0020 16200 ALICO RD FORT MYERS FL 33913	PARL IN N 1/2 OF E 1/2 SEC 21 DESC OR 2047 PG 3863
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	21-46-26-00-00001.0030 ACCESS UNDETERMINED FORT MYERS FL	PARL IN NE 1/4 OR 2100 PG 3554
LEE COUNTY PO BOX 398 FORT MYERS, FL 33902	22-46-26-00-00001.0020 16101 ALICO RD FORT MYERS FL 33913	ALL OF SEC 22 LYING N OF CORKCREW GRADE + E OF ALICO RD + PARL S OF CORKSCREW RD DESC IN OR 1538 PG 439
YOUNGQUIST HARVEY B + 15465 PINE RIDGE RD FORT MYERS, FL 33908	22-46-26-00-00001.0040 16100 ALICO RD FORT MYERS FL 33913	N 2260 FT W OF ALICO RD IN SEC 22 TWN 46 RGE 26

34 RECORDS PRINTED

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09-46-26-00-00001.0030
NATURAL HEALTH + NUTRITION INC
11691 GATEWAY BLVD STE 203
FORT MYERS, FL 33913

09-46-26-00-00001.0120
SMITH ROBERT E +
17921 DEVORE RD
FORT MYERS, FL 33913

09-46-26-00-00001.012A
SMITH ROBERT E +
17921 DEVORE RD
FORT MYERS, FL 33913

09-46-26-00-00001.0190
YOUNGQUIST BRETT
14850 ALICO RD
FORT MYERS, FL 33913

09-46-26-00-00001.0220
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

09-46-26-00-00001.0310
MAYHOOD SUE ANN +
24020 PRODUCTION CIR
BONITA SPRINGS, FL 34135

09-46-26-00-00001.0430
MBW HOLDINGS LLC
SUNNYGROVE LANDSCAPING +
PO BOX 347
ESTERO, FL 33928

09-46-26-00-00001.0440
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

09-46-26-00-00001.0480
MBW HOLDINGS LLC
SUNNYGROVE LANDSCAPING +
PO BOX 347
ESTERO, FL 33928

09-46-26-00-00001.0490
MBW HOLDINGS LLC
SUNNYGROVE LANDSCAPING +
PO BOX 347
ESTERO, FL 33928

09-46-26-00-00001.0510
MBW HOLDINGS LLC
SUNNYGROVE LANDSCAPING +
PO BOX 347
ESTERO, FL 33928

09-46-26-00-00001.0520
MBW HOLDINGS LLC
SUNNYGROVE LANDSCAPPING +
PO BOX 347
ESTERO, FL 33928

09-46-26-00-00001.0540
NATURAL HEALTH + NUTRITION INC
11691 GATEWAY BLVD STE 203
FORT MYERS, FL 33913

10-46-26-00-00001.0000
HINDERMAN DEAN V
PO BOX 986
ESTERO, FL 33929

10-46-26-00-00001.0010
WEATHERBEE FAMILY PROPERTIES
PO BOX 1003
ESTERO, FL 33929

10-46-26-00-00001.001A
MOYE KATHRYN J +
15381 S MALLARD LN
FORT MYERS, FL 33913

10-46-26-00-00001.0030
SANDS RAYMOND J JR +
900 SUNSET VISTA DR
FORT MYERS, FL 33919

10-46-26-00-00001.0040
DIBARNABA MARIE P 25% +
33 BHASKING RIDGE RD
WILTON, CT 06897

10-46-26-00-00001.0080
MALLARD-ALICO LLC
PO BOXZ 347
ESTERO, FL 33928

10-46-26-00-00001.2000
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

All data is current at time of printing and subject to change without notice.

10-46-26-00-00005.0000
RESEARCH DEVELOPMENT LLC
50500 DESIGN LN
SHELBY TOWNSHIP, MI 48315

15-46-26-00-00001.0000
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

15-46-26-00-00001.0010
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

15-46-26-00-00001.0020
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

15-46-26-00-00001.1000
YOUNGQUIST HARVEY +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

16-46-26-00-00001.0010
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

16-46-26-00-00001.1000
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

16-46-26-00-00001.1020
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

16-46-26-00-00001.2000
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

16-46-26-00-00001.3000
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-00-00001.0020
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-00-00001.0030
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

22-46-26-00-00001.0020
LEE COUNTY
PO BOX 398
FORT MYERS, FL 33902

22-46-26-00-00001.0040
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

All data is current at time of printing and subject to change without notice.

09-46-26-00-00001.0030
NATURAL HEALTH + NUTRITION INC
11691 GATEWAY BLVD STE 203
FORT MYERS, FL 33913

09-46-26-00-00001.0120
SMITH ROBERT E +
17921 DEVORE RD
FORT MYERS, FL 33913

09-46-26-00-00001.012A
SMITH ROBERT E +
17921 DEVORE RD
FORT MYERS, FL 33913

09-46-26-00-00001.0190
YOUNGQUIST BRETT
14850 ALICO RD
FORT MYERS, FL 33913

09-46-26-00-00001.0220
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

09-46-26-00-00001.0310
MAYHOOD SUE ANN +
24020 PRODUCTION CIR
BONITA SPRINGS, FL 34135

09-46-26-00-00001.0430
MBW HOLDINGS LLC
SUNNYGROVE LANDSCAPING +
PO BOX 347
ESTERO, FL 33928

09-46-26-00-00001.0440
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

09-46-26-00-00001.0480
MBW HOLDINGS LLC
SUNNYGROVE LANDSCAPING +
PO BOX 347
ESTERO, FL 33928

09-46-26-00-00001.0490
MBW HOLDINGS LLC
SUNNYGROVE LANDSCAPING +
PO BOX 347
ESTERO, FL 33928

09-46-26-00-00001.0510
MBW HOLDINGS LLC
SUNNYGROVE LANDSCAPING +
PO BOX 347
ESTERO, FL 33928

09-46-26-00-00001.0520
MBW HOLDINGS LLC
SUNNYGROVE LANDSCAPPING +
PO BOX 347
ESTERO, FL 33928

09-46-26-00-00001.0540
NATURAL HEALTH + NUTRITION INC
11691 GATEWAY BLVD STE 203
FORT MYERS, FL 33913

10-46-26-00-00001.0000
HINDERMAN DEAN V
PO BOX 986
ESTERO, FL 33929

10-46-26-00-00001.0010
WEATHERBEE FAMILY PROPERTIES
PO BOX 1003
ESTERO, FL 33929

10-46-26-00-00001.001A
MOYE KATHRYN J +
15381 S MALLARD LN
FORT MYERS, FL 33913

10-46-26-00-00001.0030
SANDS RAYMOND J JR +
900 SUNSET VISTA DR
FORT MYERS, FL 33919

10-46-26-00-00001.0040
DIBARNABA MARIE P 25% +
33 BHASKING RIDGE RD
WILTON, CT 06897

10-46-26-00-00001.0080
MALLARD-ALICO LLC
PO BOXZ 347
ESTERO, FL 33928

10-46-26-00-00001.2000
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

All data is current at time of printing and subject to change without notice.

10-46-26-00-00005.0000
RESEARCH DEVELOPMENT LLC
50500 DESIGN LN
SHELBY TOWNSHIP, MI 48315

15-46-26-00-00001.0000
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

15-46-26-00-00001.0010
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

15-46-26-00-00001.0020
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

15-46-26-00-00001.1000
YOUNGQUIST HARVEY +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

16-46-26-00-00001.0010
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

16-46-26-00-00001.1000
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

16-46-26-00-00001.1020
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

16-46-26-00-00001.2000
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

16-46-26-00-00001.3000
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-00-00001.0020
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

21-46-26-00-00001.0030
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

22-46-26-00-00001.0020
LEE COUNTY
PO BOX 398
FORT MYERS, FL 33902

22-46-26-00-00001.0040
YOUNGQUIST HARVEY B +
15465 PINE RIDGE RD
FORT MYERS, FL 33908

All data is current at time of printing and subject to change without notice.

MORRIS DEPEW
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS

FLU Map

(Strap# 16-46-26-00-00001.0000)

Request is for ±2.62 ac within this parcel to cover the existing office and potential future expansion for accessory uses approved via Resolution Z-05-88. Please see the provided legal description and sketch.

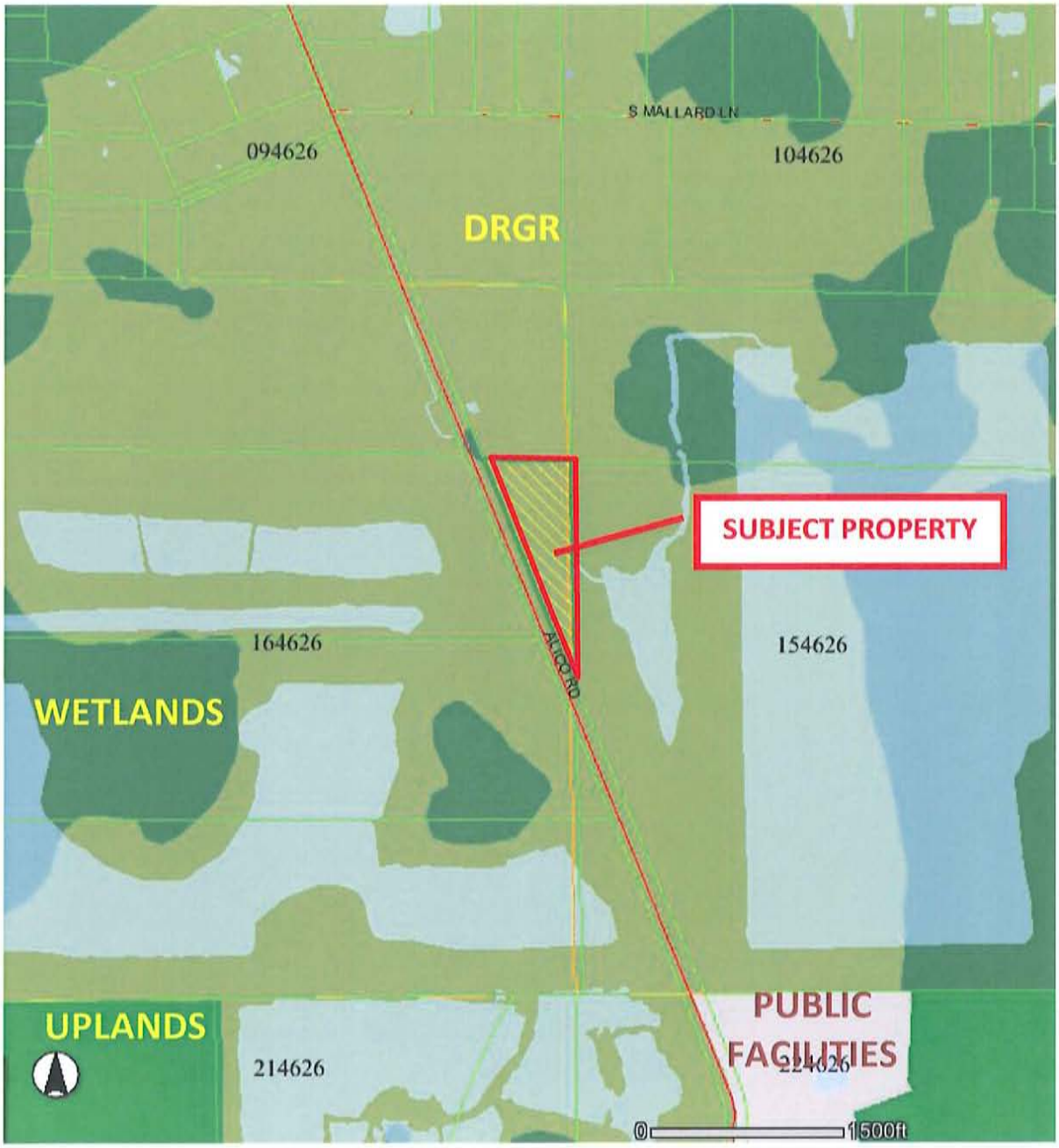


Exhibit Iv.A.2

MORRIS DEPEW

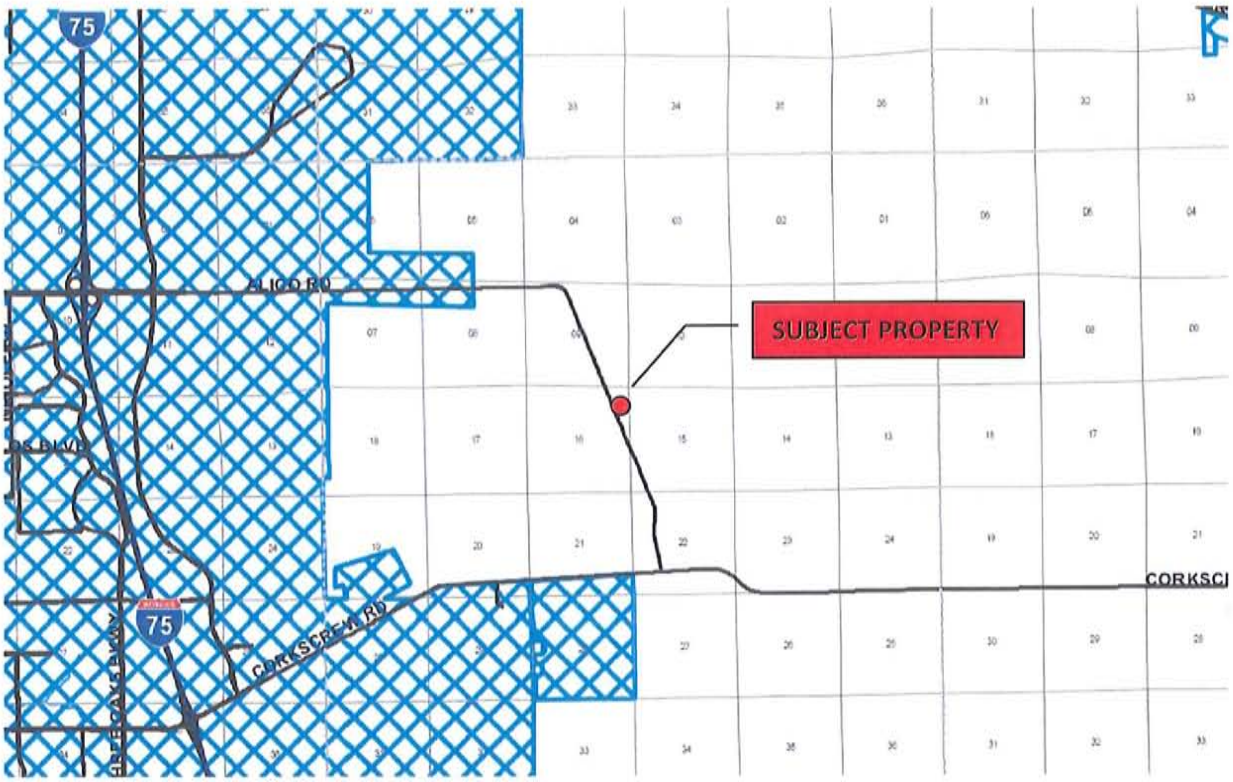
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS

Future Water Service Areas Map

(Strap# 16-46-26-00-00001.0000)

Request is for ±2.62 ac within this parcel to cover the existing office and potential future expansion for accessory uses approved via Resolution Z-05-88. Please see the provided legal description and sketch.

Lee Plan Map 6

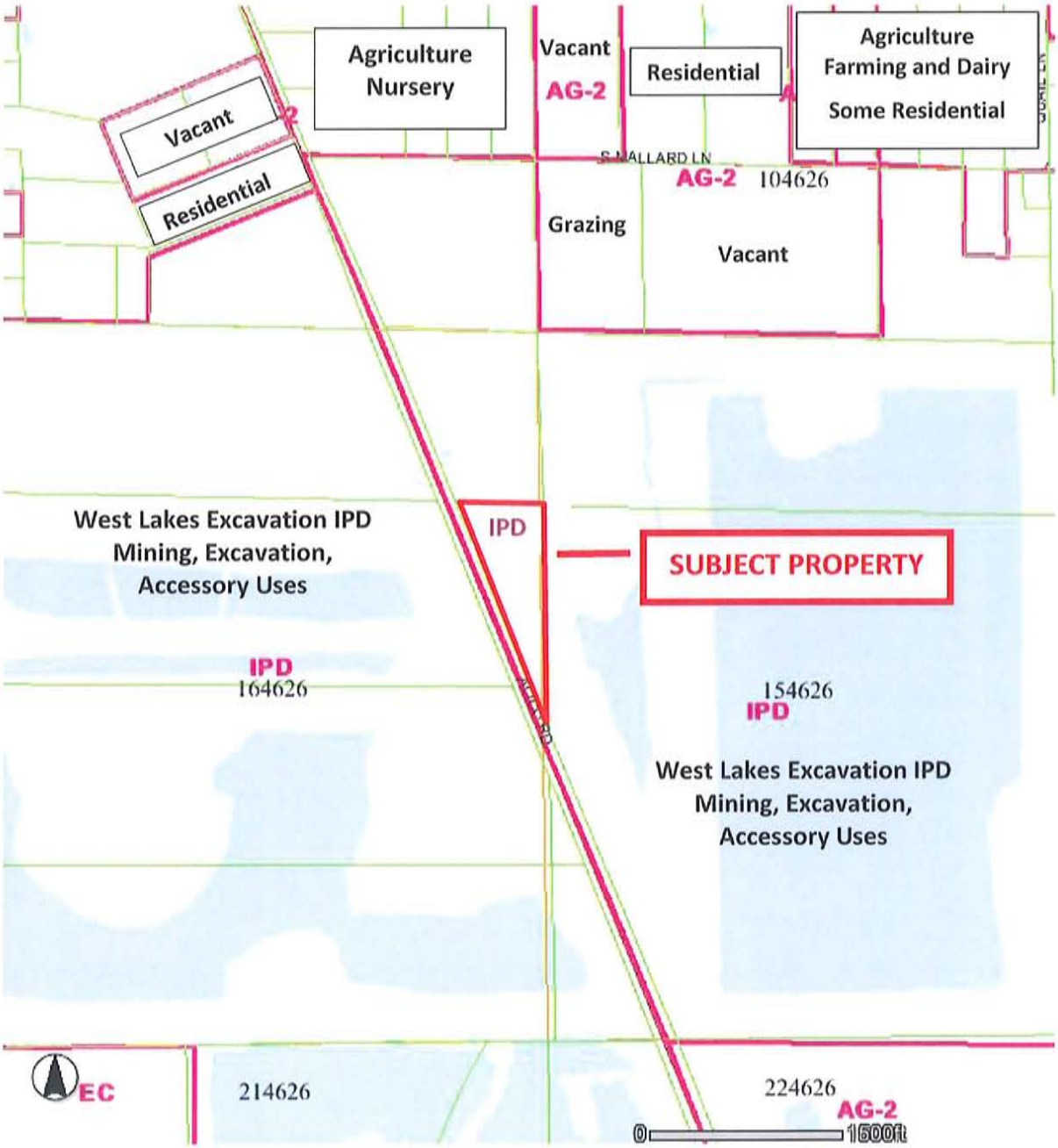


MORRIS DEPEW
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS

Uses Map

(Strap# 16-46-26-00-00001.0000)

Request is for ±2.62 ac within this parcel to cover the existing office and potential future expansion for accessory uses approved via Resolution Z-05-88. Please see the provided legal description and sketch.



MORRIS DEPEW
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS

Zoning Map

(Strap# 16-46-26-00-00001.0000)

Request is for ±2.62 ac within this parcel to cover the existing office and potential future expansion for accessory uses approved via Resolution Z-05-88. Please see the provided legal description and sketch.

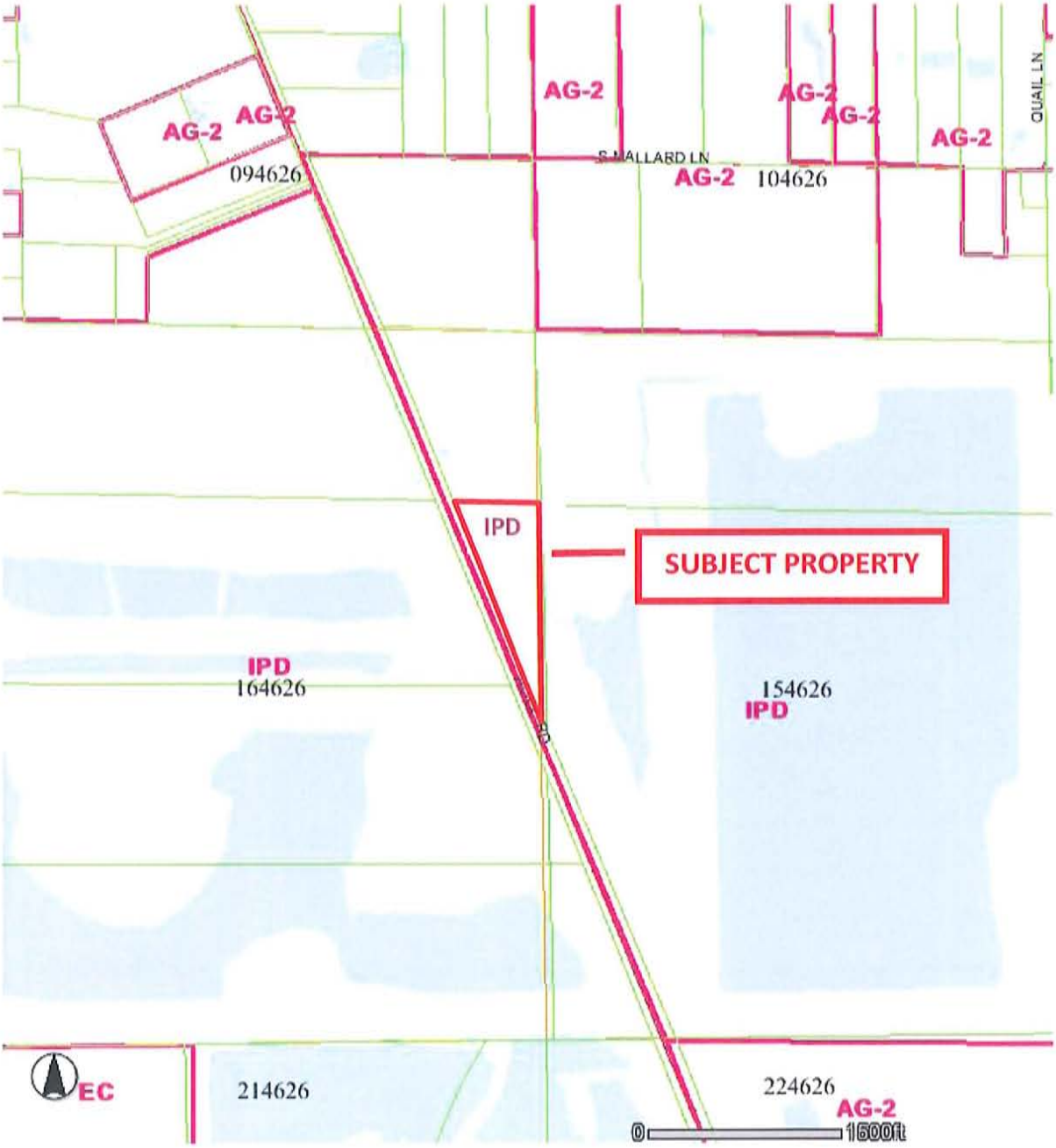
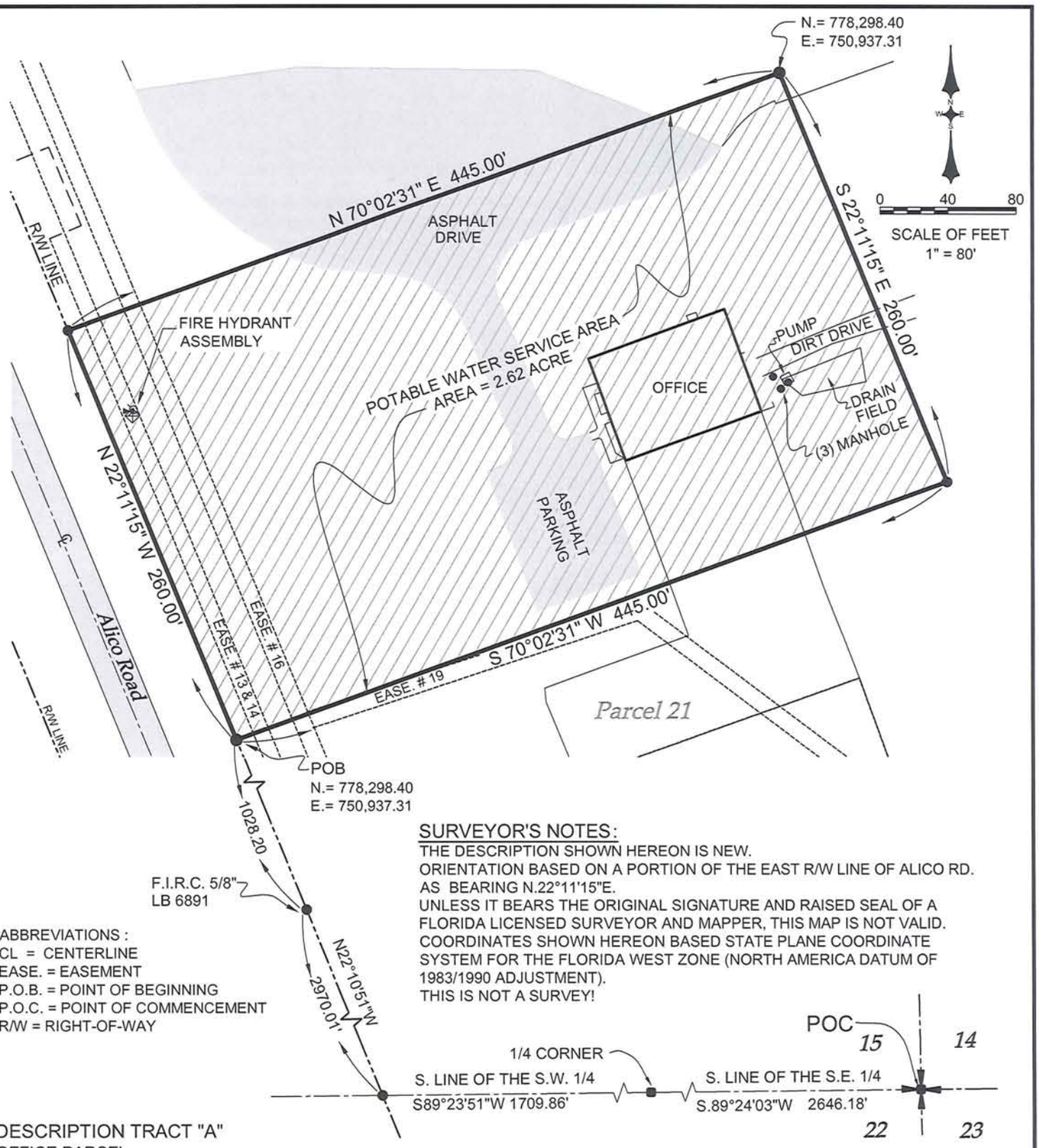


Exhibit Iv.A.5



ABBREVIATIONS :
CL = CENTERLINE
EASE. = EASEMENT
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
R/W = RIGHT-OF-WAY

SURVEYOR'S NOTES:
THE DESCRIPTION SHOWN HEREON IS NEW.
ORIENTATION BASED ON A PORTION OF THE EAST R/W LINE OF ALICO RD. AS BEARING N.22°11'15"E.
UNLESS IT BEARS THE ORIGINAL SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS MAP IS NOT VALID.
COORDINATES SHOWN HEREON BASED STATE PLANE COORDINATE SYSTEM FOR THE FLORIDA WEST ZONE (NORTH AMERICA DATUM OF 1983/1990 ADJUSTMENT).
THIS IS NOT A SURVEY!

DESCRIPTION TRACT "A"
OFFICE PARCEL
A PARCEL OF LAND LYING IN SECTION 16, TOWNSHIP 46 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 15, TOWNSHIP 46 SOUTH, RANGE 26 EAST; THENCE S.89°24'03"W. ALONG THE SOUTH LINE OF THE SOUTHEAST-QUARTER OF SAID SECTION 15, A DISTANCE OF 2646.18 FEET TO THE SOUTH-QUARTER CORNER OF SAID SECTION 15; THENCE S.89°23'51"W. ALONG THE SOUTH LINE OF THE SOUTHWEST-QUARTER OF SAID SECTION 15, A DISTANCE OF 1709.86 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF ALICO ROAD (50 FEET FROM THE CENTERLINE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 399, PAGE 334, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N.22°10'51"W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2970.01 FEET; THENCE N.22°11'15"W. CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1028.20 FEET TO THE POINT-OF-BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING N.22°11'15"W., ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 260.00 FEET; THENCE N.70°02'31"E., A DISTANCE OF 445.00 FEET; THENCE S.22°11'15"E., A DISTANCE OF 260.00 FEET; THENCE S.70°02'31"W. A DISTANCE OF 445.00 FEET TO THE SAID POINT OF BEGINNING OF THIS DESCRIPTION.
CONTAINING 2.62 ACRES, MORE OR LESS.

TABLE OF EASEMENTS		
EASE.	TYPE OF EASEMENT	O.R. BOOK/PAGE
# 13	WELLFIELD EASEMENT	2804/2025 & 3035/2637
# 14	PUBLIC WATERLINE EASEMENT	3035/2637
# 16	10' F.P.& L. EASEMENT	3852/1663
# 19	10'F.P.& L. EASEMENT	3935/0582

PREPARED BY:

4-17-13

MARK A. HATFIELD, PSM DATE
FLA. CERT. NO. 4155

MDA PROJECT: 04113	DESCRIPTION DRAWING POTABLE WATER SERVICE AREA PARCEL LYING IN SECTION 16, T. 46 S., R. 26 E., LEE COUNTY, FLORIDA FOR YOUNGQUIST BROS.	MORRIS DEPEW ENGINEERS • PLANNERS • SURVEYORS LANDSCAPE ARCHITECTS FL CA NO. 6532 / FL CERT NO. LB6891 / LC26000330
CHECKED BY: MAH / DRAWN BY: BMH		• Fort Myers • Tallahassee Metro Center 1 2891 Center Pointe Dr., Unit 100 Fort Myers, Florida 33916 (239) 337-3993 Fax: (239) 337-3994 Toll free: 866-337-7341
DATE: 4-17-13		
SHEET 1 OF 1		

INSTR # 2006000316453, Doc Type D, Pages 6, Recorded 08/11/2006 at 02:38 PM, Charlie Green, Lee County Clerk of Circuit Court, Deed Doc. D $0.70 Rec. Fee $52.50 Deputy Clerk JMILLER

Prepared by:

Komray Title Services
15465 Pine Ridge Road
Fort Myers, Florida 33908

File Number:

General Warranty Deed

Made this 8th day of August, 2006 A.D. By Harvey B. Youngquist and Timothy G. Youngquist, as joint tenants with right of survivorship hereinafter called the grantor, to Harvey B. Youngquist and Timothy G. Youngquist, as tenants in common, whose post office address is: 15465 Pine Ridge Road, Fort Myers, Florida 33908, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor hereby grants, bargains, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Lee County, Florida, viz:

See Attached Exhibit "A"

Parcel ID Number: 09-46-26-00-00001.0440 and 09-46-26-00-00001.0220

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2006.

Furthermore, this transaction is merely a change in the form of ownership without any exchange or change in value, consideration and/or purchaser, by the individuals who owned and continue to own the property which is more specifically described in Exhibit A, and, thus, pursuant to and inaccordance with Crescent Miami Center, L LC vs. Fla. Dept. of Revenue, 903 So2d 913 (Fla. 2005), THIS TRANSACTION IS EXEMPT FROM IMPOSITION OF ANY DOCUMENTARY STAMP TAX, OR OTHER SUCH TAX, FEE OR COST.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Christine M. Wyatt
Witness Printed Name CHRISTINE M. WYATT

Mark R Komray
Witness Printed Name MARK R KOMRAY, ESQ.

Harvey B. Youngquist (Seal)
Address:

Timothy G. Youngquist (Seal)
Address:

State of Florida
County of Lee

The foregoing instrument was acknowledged before me this 8th day of August, 2006, by Harvey B. Youngquist and Timothy G. Youngquist, who is/are personally known to me or who has produced Florida driver's licenses as identification.

Notary Public
Print Name:
My Commission Expires:

Belinda Bramlett
Commission # DD455266
Expires July 30, 2009
Bonded Troy Fain - Insurance, Inc 800-385-7019

DEED Individual Warranty Deed with Legal on Schedule A
Closers' Choice

Exhibit "A" Attachment

TRACT A

A PARCEL OF LAND BEING A PART OF SECTIONS 9, 10, 11,15 AND 16, TOWNSHIP 46 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID SECTION 15; THENCE SOUTH 89°24'03" WEST ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 15, A DISTANCE OF 2646.18 FEET TO THE SOUTH 1/4 CORNER OF SAID SECTION 15; THENCE SOUTH 89°23'51" WEST ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 15, A DISTANCE OF 1709.86 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF ALICO ROAD (50 FEET FROM THE CENTERLINE) AS RECORDED IN OFFICIAL RECORDS BOOK 399, PAGE 334 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 22°10'51" WEST ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 2970.01 FEET TO AN ANGLE POINT; THENCE NORTH 22°11'15" WEST ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 2924.90 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 16; THENCE NORTH 22°10'08" WEST ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 1438.67 FEET TO A POINT AT THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 9, SAID LINE BEING THE CENTERLINE OF A 60 FOOT WIDE INGRESS / EGRESS AND UTILITY EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 1320, PAGE 1808-1810 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID EASEMENT KNOWN AS SOUTH MALLARD LANE; THENCE SOUTH 88°45'20" EAST ALONG SAID NORTH LINE, A DISTANCE OF 1723.54 FEET TO A POINT AT THE EAST LINE OF SAID SOUTHEAST 1/4 OF SAID SECTION 9; THENCE SOUTH 00°57'03"EAST ALONG SAID EAST LINE, A DISTANCE OF 1320.89 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 9; THENCE SOUTH 88°46'15" EAST ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 15, A DISTANCE OF 2646.87 FEET TO THE NORTH 1/4 CORNER OF SAID SECTION 15; THENCE NORTH 00°58'51" WEST ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 10, A DISTANCE OF 1320.27 FEET TO A POINT AT THE NORTH LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 10, SAID LINE BEING THE SAID CENTERLINE OF THE 60 FOOT WIDE INGRESS / EGRESS AND UTILITY EASEMENT, SAID EASEMENT KNOWN AS SOUTH MALLARD LANE; THENCE SOUTH 88°45'25" EAST ALONG SAID NORTH LINE, A DISTANCE OF 661.84 FEET TO A POINT AT THE EAST LINE OF THE WEST 1/2 OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 10; THENCE SOUTH 00°58'24" EAST ALONG SAID EAST LINE, A DISTANCE OF 660.09 FEET TO A POINT AT THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 10; THENCE SOUTH 88°45'40"EAST ALONG SAID NORTH LINE, A DISTANCE OF 335.51 FEET TO A POINT AT THE WEST LINE OF THE EAST 326 FEET OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 10; THENCE CONTINUING SOUTH 88°45'40" EAST, ALONG THE SOUTH LINE OF SAID EAST 326 FEET, A DISTANCE OF 326.24 FEET; THENCE NORTH 00°57'56" WEST A DISTANCE OF 660.03 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 10, SAID LINE BEING THE SAID CENTERLINE OF A 60 FOOT WIDE INGRESS / EGRESS AND UTILITY

Continued on next page

EASEMENT; THENCE SOUTH 88°45'25"EAST ALONG SAID NORTH LINE AND THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID SOUTHEAST 1/4 OF SECTION 10, A DISTANCE OF 1323.67 FEET TO A POINT AT THE EAST LINE 0F SAID SOUTHEAST 1/4 OF SECTION 10; THENCE NORTH 89°10'08"EAST ALONG THE NORTH LINE OF THE NORTH 1/2 OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF SAID SECTION 11, A DISTANCE OF 5295.63 FEET TO A POINT AT THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 11; THENCE SOUTH 01°02'43" EAST ALONG SAID EAST LINE, A DISTANCE OF 1319.99 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 11; THENCE SOUTH 89°10'13" WEST ALONG THE SOUTH LINE OF SAID SECTION 11, A DISTANCE OF 5297.82 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 11; THENCE SOUTH 00°57'04" EAST ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 15, A DISTANCE OF 2637.33 FEET TO THE EAST 1/4 CORNER OF SAID SECTION 15; THENCE SOUTH 00°56'34"EAST ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 15, A DISTANCE OF 2636.66 FEET TO THE POINT OF BEGINNING. CONTAINING 946.96 ACRES, MORE OR LESS.

TRACT B

A parcel of land being a part of Sections 9, 15, 16, 21 and 22, Township 46 South, Range 26 East, Lee County, Florida, described as follows:

Begin at the Northwest corner of said Section 16; thence South 88° 46' 12" East along the North line of said Section 16, a distance of 2271.27 feet to a point on the East line of a parcel of land described in Official Records Book 3441, page 1424 of the Public Records of Lee County, Florida; thence North 01° 13' 48" East along said East line, a distance of 556.72 feet to a point on the South line of said parcel of land; thence North 68° 32' 34" East along said South line, a distance of 1348.04 feet to a point on the Westerly right of way line of Alico Road (50 feet from the centerline) as recorded in Official Records Book 399, page 334 of the Public Records of Lee County, Florida; thence South 21° 10' 08" East along said Westerly right of way line, a distance of 1173.14 feet to an angle point, said point being on the North line of said Section 16; thence continue South 21° 11' 15" East along said Westerly right of way line, a distance of 2968.14 feet to an angle point, said point being on the East-West half Section line of Section 16; thence continue South 22° 10' 51" East along said Westerly right of way line, a distance of 2930.47 feet to a point on the South line of the Southwest ¼ of said Section 15; thence continue South 22° 05' 18" East along said Westerly right of way line, a distance of 821.50 feet to a point of a curve; thence Southerly along said Westerly right of way line and said curve to the right, having a radius of 484.89 feet, a delta of 24° 17' 56", a chord bearing of South 09° 56' 07" West, a chord distance of 204.10 feet, an arc distance of 205.64 feet to a point of tangency; thence South 02° 13' 29" West along said Westerly right of way line, a distance of 1051.82 feet to a point of a curve; thence Southerly along said Westerly right of way line and said curve to the left, having a radius of 1880.87 feet, a delta of 14° 23' 38", a chord bearing of South 04° 58'21" East, a chord distance of 471.28 feet, an arc distance of 472.52 feet to the point of tangency; thence South 12° 10' 10" East along said Westerly right of way line, a distance of 1614.10 feet to a point on the North right of way line of Corkscrew Road (50 feet from the centerline); thence South 86° 32' 23" West along said North right of way line, a distance of 4216.19 feet to a point on the East line of lands described in Official Records Book 3283, page 4191 of the Public Records of Lee County, Florida; thence North 01° 09' 18" West along said East line, a distance of 4277.87 feet to a point on the South line of the Southwest ¼ of said Section 16; thence South 89° 23' 43" West along said South line, a distance of 2508.89 feet to the Southwest corner of said Section 16; thence North 00° 54' 58" West along the West line of the Southwest ¼ of said Section 16, a distance of 2806.14 feet to the West ¼ corner of said Section 16; thence North 00° 52' 59" West along the West line of the Northwest ¼ of said Section 16, a distance of 2806.54 feet to the Point of Beginning.

Bearings are based on the North line of said Section 16, being South 88° 46' 21" East, and were derived from NGS Control Point "46 26 22 01", NAD 83(1999).

Continued on next page

TRACT C

A parcel of land situated in the State of Florida, County of Lee, being a part of Section 21, Township 46 South, Range 26 East, and further described as follows:

Beginning at a concrete post marking the Northwest corner of said Section 21; thence South 01° 16' 48" East along the West line of said Section 21 for 590.48 feet; thence North 89° 16' 11" East parallel with the North line of said Section 21 for 745.115 feet to the East line of a parcel recorded in Official Records Book 1605 at Page 1049; thence North 01° 16' 48" West along the East line of said parcel for 590.48 feet to the North line of said Section 21; thence South 89° 16' 11" West along said North line for 745.115 feet to the point of beginning. Bearing are based on the West line of said Section 21 as bearing South 01° 16' 48" East.

And

A Tract or parcel of land lying in Section 21, Township 46 South, Range 26 East, Lee County, Florida; said tract or parcel is further described as follows:

Begin at a concrete post marking the Northwest corner of said Section 21; thence run South 01° 16' 47.5" East along the West line of said Section 21 for 4,403.377 feet to a point on the Northerly right of way line of Corkscrew Road; said right of way line lies 50 feet from and parallel to the center line of said Corkscrew Road; thence run North 86° 25' 00" East along said right of way line for 745.683 feet; thence run North 01° 16' 47.5" West along a line that is parallel to said West line of Section 21 for 4,366.19 feet to a point on the North line of said Section 21; thence run South 89° 16' 29.5" West along said North line of Section 21 for 745.115 feet to the point of beginning.

Less and Except: Beginning at a concrete post marking the Northwest corner of said Section 21; thence South 01° 16' 48" East along the West line of said Section 21 for 590.48 feet; thence North 89° 16' 11" East parallel with the North line of said Section 21 for 745.115 feet to the East line of a parcel recorded in Official Records Book 1605 at Page 1049; thence North 01° 16' 48" West along the East line of said parcel for 590.48 feet to the North line of said Section 21; thence South 89° 16' 11" West along said North line for 745.115 feet to the point of beginning. Bearing are based on the West line of said Section 21 as bearing South 01° 16' 48" East.

And

Less and Except:

All limestone on, in and under the land in that part of Section 15, Township 46 South, Range 26 East, Lee County, Florida described as follows:

Commence at the Northwest corner of said Section 15; thence South 87° 51' 58" East along the North line of the Northwest ¼ of said Section 15, a distance of 2,646.87 feet to the North ¼ corner of said Section 15; thence South 02° 08' 02" West along a line perpendicular to the last described line, a distance of 250.10 feet to the point of beginning; thence South 87° 51' 58" East along a line parallel to said North line of the Northwest ¼ of Section 15, a distance of 752.52 feet; thence South 00° 00' 06" East, a distance of 4,834.54 feet; thence North 89° 41' 51" West along a line parallel to the South line of Southwest ¼ of said Section 15, a distance of 1,434.84 feet; thence North 00° 00' 06" West, a distance of 4,880.43 feet; thence South 87° 51' 58" East along a line parallel to said North line of the Northwest ¼ of Section 15, a distance of 683.30 feet to the Point of beginning.

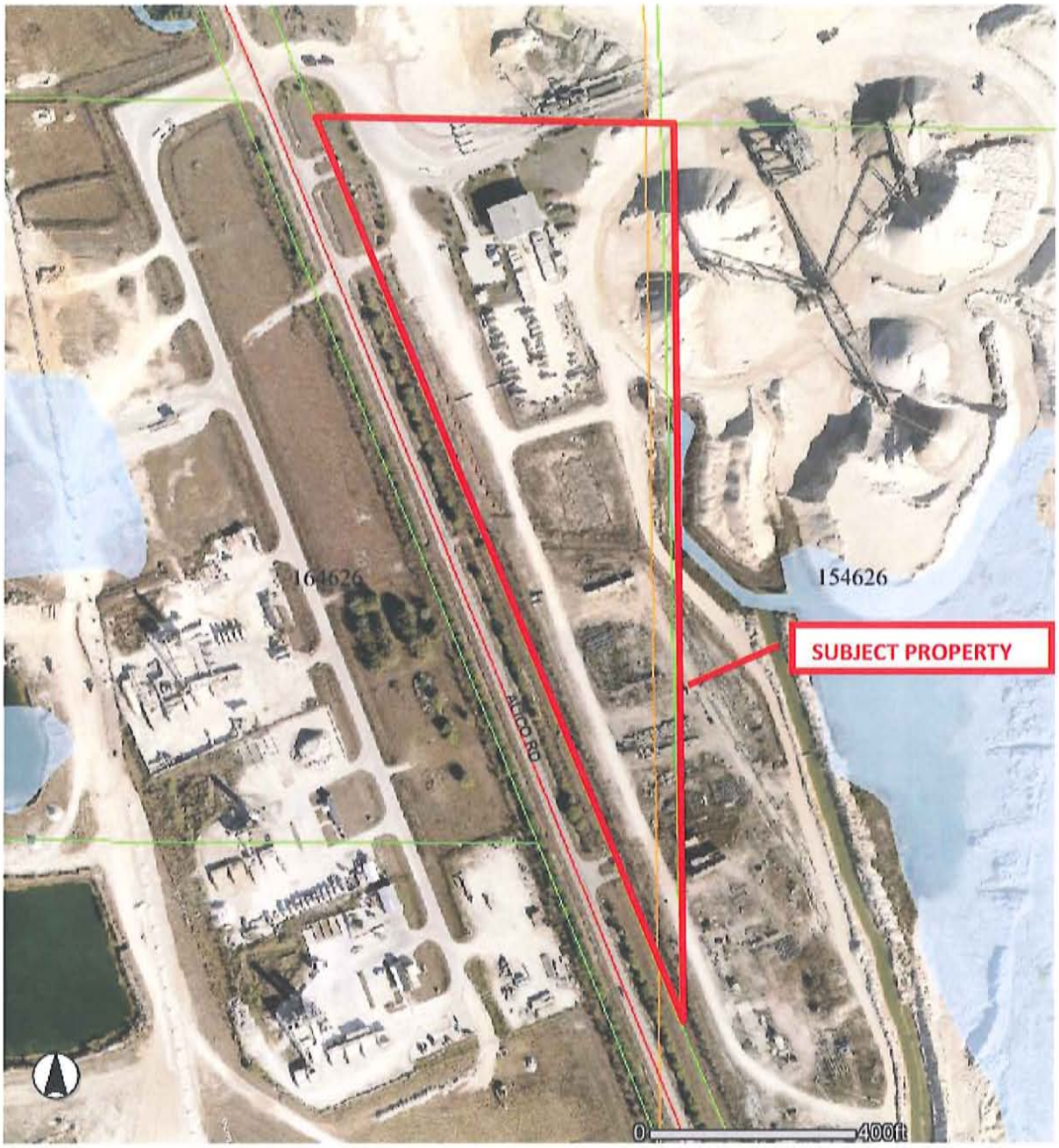
The bearings are based on the North line of said Northwest ¼ of Section 15 being South 87° 51' 58" East as an assumed meridian.

Together with the perpetual right of ingress and egress to and from said lands for the purposes of drilling, exploring for and mining the limestone and removing the same.

Aerial Map

16-46-26-00-00001.0000

Request is for ±2.62 ac within this parcel to cover the existing office and potential future expansion for accessory uses approved via Resolution Z-05-88. Please see the provided legal description and sketch.



MORRIS DEPEW
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#LC26000330

West Lakes Excavation Small Scale Comprehensive Plan Amendment
PUBLIC FACILITIES IMPACTS

The West Lakes Excavation project is an Industrial Planned Development for on-going active mining operation with ancillary uses. The property was most recently approved for an IPD zoning in 2005, which established the current schedule of uses. Activities occur consistent with this approval and associated amendments. One of the ancillary uses currently on-site is a 5,000SF administrative office. This building may be expanded in the future to include another 5,000SF, which will be for accessory uses as permitted in Z-05-088. The office currently obtains water through a on-site potable water well and sewage disposal occurs by septic system.

The applicant desires central potable water to be available to the existing office. The proposed Comprehensive Plan Amendment would extend the Potable Water Service Area for Lee County Utilities to cover ±2.62 acres around the existing office and potential future expansion. The existing septic system would remain.

Potable Water
The subject property is within the service area limits for the Pinewoods Water Treatment Plant provided by Lee County Utilities. According to the 2012 Concurrency Report the Pinewoods WTP has a capacity of 5,300,000 gallons per day. In 2010 3,673,226 gallons per day and in 2011 3,420,00 gallons per day were actually used. 2012 estimated usage was 3,025,000 and 2013 is projected at 3,200,000 gallons per day. The anticipated needs of the proposed project are well within the remaining capacity of the Pinewoods Water Treatment Plant. The LOS Standard for Potable Water is 15 gallons/ 100 Square Feet.

<u>Proposed Water Use</u>
10,000SF X .15 gallons = 1,500 gallons

Sanitary Sewer
The proposed office will be serviced by the existing, permitted septic system.

Solid Waste – Lee County Waste to Energy Facility
The proposed amendment will not create any additional solid waste.

Surface Water/Drainage Basins – South Florida Water Management District
The proposed amendment will not alter the existing approved surface water management system.

Parks, Recreation, Open Space
The proposed amendment will not alter the existing approved open space nor will increase need for parks and recreation opportunities.

Public School
The proposed amendment will not increase need for public schools.

MORRIS DEPEW

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#LC26000330

West Lakes Excavation Small Scale Comprehensive Plan Amendment
LEE PLAN CONSISTENCY

The West Lakes Excavation project is an Industrial Planned Development for on-going active mining operation with ancillary uses. The property was most recently approved for an IPD zoning in 2005, which established the current schedule of uses. Activities occur consistent with this approval and associated amendments. One of the ancillary uses currently on-site is a 5,000SF administrative office. This building may be expanded in the future to include another 5,000SF, which will be for accessory uses as permitted in Z-05-088. The office currently obtains water through a on-site potable water well and sewage disposal occurs by septic system.

The applicant desires central potable water to be available to the existing office. The proposed Comprehensive Plan Amendment would extend the Potable Water Service Area for Lee County Utilities to cover ±2.62 acres around the existing office. The existing septic system would remain. In compliance with Standard 11.1: Water, the applicant has prepared this application to request that the service area of the adjacent water utility be extended to incorporate a portion of the property.

The existing, approved development of Zoning Resolution Z-05-088 and Administrative Amendments 2010-00077 and 2012-00042 will remain as currently approved. Therefore the application will not impact Lee County population projections, adjacent local governments, the DR/GR land use category, environmental and natural resources, or surrounding roadways.

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Timothy and Harvey Youngquist filed an application for administrative approval to an Industrial Planned Development (IPD) on a project known as University – West Lakes to allow for the following changes:

1. **Revise the adopted Master Concept Plan to reflect the inconsistencies between subsequent permit approvals and the approved Master Concept Plan, and**
2. **Depiction of a land bridge dividing lake 1 into two separate lakes, and**
3. **Revision of the open space within the planned development to reflect the increase in the amount of general open space and indigenous areas, and**
4. **The preservation of a small area around an existing wetland abutting Corkscrew Road, and**
5. **Preservation of an area adjacent to the land bridge near the northern property line abutting the existing conservation area, and**
6. **Revision to the areas around the preserved wetland south of the land bridge which was reduced to reflect a verified wetland line by the Department of Environmental Protection, and**
7. **Amendment of Condition 23 to specifically identify the stamped received date of the Preserve Enhancement Plan.**

WHEREAS, the subject property is located along Alico Road and Corkscrew Road, and is described more particularly as:

See attached Exhibit A

WHEREAS, the property was originally rezoned in Resolution number Z-05-088 (with subsequent amendments in Case Number ADD2010-00077); and

WHEREAS, the subject property is located in the Density Reduction/Groundwater Resource and Wetlands 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 applicant is seeking to amend this planned development to reflect permitting approvals granted subsequent to the original zoning approvals; 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, the Division of Environmental Sciences has reviewed this application finding, as conditioned, the proposed amendments can be granted; 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 to allow for the following changes to the existing Industrial Planned Development (IPD) is **APPROVED for the following changes:**

1. **Revise the adopted Master Concept Plan to reflect the inconsistencies between subsequent permit approvals and the approved Master Concept Plan, and**
2. **Depiction of a land bridge dividing lake 1 into two separate lakes, and**
3. **Revision of the open space within the planned development to reflect the increase in the amount of general open space and indigenous areas, and**
4. **The preservation of a small area around an existing wetland abutting Corkscrew Road, and**
5. **Preservation of an area adjacent to the land bridge near the northern property line abutting the existing conservation area, and**
6. **Revision to the areas around the preserved wetland south of the land bridge which was reduced to reflect a verified wetland line by the Department of Environmental Protection, and**
7. **Amendment of Condition 23 to specifically identify the stamped received date of the Preserve Enhancement Plan.**

This approval is subject to the following conditions:

CONDITIONS:

1. **The terms and conditions of the original zoning Resolution Z-05-088, as amended by ADD2010-00077, remains in full force and effect, except as amended herein.**

2. **Condition 1 of Resolution Z-05-088, is hereby amended as follows:**

   The Development must be in substantial compliance with the amended Master Concept Plan, stamped received on October 10, 2012. Master Concept Plan for ADD2012-00042 is hereby APPROVED and adopted. A reduced copy is attached hereto as Attachment A.

3. **Within 1 year of the approval of this amendment:**
   - **the applicant must receive approval for an amendment to LDO2006-00071. The amendment must demonstrate the revised preservation/restoration areas consistent with the conditions of this zoning action. Additionally, this**

amendment must include for review and approval by ES staff a revised indigenous management plan for the 215 acres of preserve/restoration areas.

- the applicant must revise the conservation easements to be consistent with the revised 215 acres of preservation/restoration.

4. Conditions 1.a. and 23 of Resolution Z-05-088 are hereby revised as follows:

1.a. The single-page "Preserve Enhancement Plan," stamped ~~"Received Jun 16 2005 Permit Counter"~~ Received on October 10, 2012 and ~~last revised on April 13, 2005~~ dated 10-02-2012 (attached as ~~Exhibit D~~ Attachment B).

23. A local development order must be submitted for review and approval by the Division of Environmental Sciences staff detailing the indigenous restoration, enhancement and preservation areas for the entire West Lakes Mine IPD in substantial compliance with the exhibit entitled "Preserve Enhancement Plan" stamped received ~~on June 16, 2005 last revised on April 13, 2005~~ October 10, 2012. The development order plans must delineate the general areas for the installation of 4,350 south Florida slash pine (minimum 3-gallon container size), 4,350 cypress (minimum 3-gallon container size), 4,350 wax myrtle and other appropriate native shrubs (minimum 1-gallon container size), and 4,350 dahoon holly (minimum 1-gallon container size). The restoration plantings must be installed in a random manner that mimics a natural system. Due to the anticipated natural recruitment and seed source for other native vegetation to complete the restoration efforts, additional installation of native grasses and groundcover are not required with the initial restoration. If after three years the restoration area does not show any sign of natural recruitment of native grasses and understory, then an enhancement plan must be submitted for the Division of Environmental Sciences staff review and approval. All restoration plantings must be mulched with pine straw (minimum 3-inches), and a water plan must be provided to insure 80% survival of the restoration plantings. The restoration must be completed within 18 months of the zoning approval, and an initial monitoring plan submitted. Monitoring plans must be submitted for 5 consecutive years from the date of the zoning approval.

Prior to local development order approval, copies of the recorded Conservation Easements for all of the preserve areas must be submitted to the Division of Environmental Sciences. Previously recorded Conservation Easements do not need to be dedicated to Lee County except for the 80.33 acres required by condition 14 of zoning resolution Z-00-039. Any new Conservation Easements must include Lee County as a third party interest.

The development order plan must also include an invasive exotic vegetation removal plan for all the preserve areas. The initial exotic removal must be completed within a year of the zoning approval.

Prior to local development order approval for any phase of the mine, a mining reclamation plan must be submitted for the Division of Environmental Sciences staff review and approval. Each of the mined lakes must provide fifty percent of the final graded shoreline as a minimum 12-foot wide littoral shelf. The littoral shelf area must be planted with appropriate native wetland trees (25%; minimum 3-gallon container size), shrubs (25%; minimum 1-gallon container size), and herbaceous vegetation (50%; minimum 2-inch liner size) to provide 50% coverage of the littoral shelf prior to the issuance of a Certificate of Compliance for any phase of mining. The planted littoral shelves should be adjacent to existing and proposed preserves either onsite or on adjacent properties. The reclamation plan must also detail how the area between the indigenous preserves and the mined lakes will be stabilized with vegetation. None of the plants listed as Category 1 or 2 by the Florida Exotic Pest Plant Council in their 2005 list of invasive plants may be planted onsite.

DULY SIGNED this 20th day of November, A.D., 2012.

BY: Pam Houck

Pam Houck, Director
Division of Zoning
Department of Community Development

Exhibits:

A. Legal Description

Attachments:

A. Reduced Master Concept Plan, stamped received on October 10, 2012
B. Preserve Enhancement Plan, stamped received on October 10, 2012

MORRIS DEPEW

ENGINEERS · PLANNERS · SURVEYORS
LANDSCAPE ARCHITECTS

Fort Myers | Gainesville | Tallahassee

DESCRIPTION TRACT "A"
(EAST OF ALICO ROAD)

ADD 2012-00042

A PARCEL OF LAND BEING A PART OF SECTIONS 9, 10, 11, 15 AND 16, TOWNSHIP 46 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID SECTION 15; THENCE SOUTH 89°24'03"WEST ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION15, A DISTANCE OF 2646.18 FEET TO THE SOUTH 1/4 CORNER OF SAID SECTION 15; THENCE SOUTH 89°23'51"WEST ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 15, A DISTANCE OF 1709.86 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF ALICO ROAD (50 FEET FROM THE CENTERLINE) AS RECORDED IN OFFICIAL RECORDS BOOK 399, PAGE 334 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 22°10'51"WEST ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 2970.01 FEET TO AN ANGLE POINT; THENCE NORTH 22°11'15"WEST ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 2924.80 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 16; THENCE NORTH 22°10'08" WEST ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 1438.67 FEET TO A POINT AT THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 9, SAID LINE BEING THE CENTERLINE OF A 60 FOOT WIDE INGRESS / EGRESS AND UTILITY EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 1320, PAGE 1808-1810 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA SAID EASEMENT KNOWN AS SOUTH MALLARD LANE; THENCE SOUTH 88°45'20" EAST ALONG SAID NORTH LINE, A DISTANCE OF 1723.54 FEET TO A POINT AT THE EAST LINE OF SAID SOUTHEAST 1/4 OF SAID SECTION 9; THENCE SOUTH 00°57'03"EAST ALONG SAID EAST LINE, A DISTANCE OF 1320.89 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 9; THENCE SOUTH 88°46'15"EAST ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 15, A DISTANCE OF 2646.87 FEET TO THE NORTH 1/4 CORNER OF SAID SECTION 15; THENCE NORTH 00°58'51"WEST ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 10, A DISTANCE OF 1320.27 FEET TO A POINT AT THE NORTH LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 10, SAID LINE BEING THE SAID CENTERLINE OF THE 60 FOOT WIDE INGRESS / EGRESS AND UTILITY EASEMENT, SAID EASEMENT KNOWN AS SOUTH MALLARD LANE, THENCE SOUTH 88°45'25"EAST ALONG SAID NORTH LINE, A DISTANCE OF 861.84 FEET TO A POINT AT THE EAST LINE OF THE WEST 1/2 OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 10; THENCE SOUTH 00°58'24"EAST ALONG SAID EAST LINE, A DISTANCE OF 660.09 FEET TO A POINT AT THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 10; THENCE SOUTH 88°45'40"EAST ALONG SAID NORTH LINE, A DISTANCE OF 336.51 FEET TO A POINT AT THE WEST LINE OF THE EAST 326 FEET OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 10; THENCE NORTH 00°57'56"WEST ALONG SAID WEST LINE, A DISTANCE OF 660.06 FEET TO A POINT AT THE NORTH LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 10, SAID LINE BEING THE SAID CENTERLINE OF A 60 FOOT WIDE INGRESS / EGRESS AND UTILITY EASEMENT; THENCE SOUTH 88°45'25"EAST ALONG SAID NORTH LINE AND THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID SOUTHEAST 1/4 OF SECTION 10, A DISTANCE OF 1349.92 FEET TO A POINT AT THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 10, THENCE NORTH 89°10'08"EAST ALONG THE NORTH LINE OF THE NORTH 1/2 OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF SAID SECTION 11, A DISTANCE OF 5295.63 FEET TO A POINT AT THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 11; THENCE SOUTH 01°02'43" EAST ALONG SAID EAST LINE, A DISTANCE OF 1319.99 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 11, THENCE SOUTH 89°10'13"WEST ALONG THE SOUTH LINE OF SAID SECTION 11, A DISTANCE OF 5297.82 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 11; THENCE SOUTH 00°57'04"EAST ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 15, A DISTANCE OF 2637.33 FEET TO THE EAST 1/4 CORNER OF SAID SECTION 15; THENCE SOUTH 00°58'34"EAST ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 15 A DISTANCE OF 2636.66 FEET TO THE POINT OF BEGINNING. CONTAINING 346.96 ACRES, MORE OR LESS

AND ALSO

5 15 12

LEGAL

EX AA-3.C.1

Morris Depew Associates, Inc. | 2649 Cleveland Avenue, Fort Myers, Florida 33901 | Phone (239) 332-2991 Fax (239) 332-3674 | (800) 330-2961 | www.morrisdepew.com

EXHIBIT A

ADD 2012-00042

DESCRIPTION TRACT "B"
(WEST OF ALICO ROAD)

A PARCEL OF LAND BEING A PART OF SECTIONS 9, 15, 16, 21 AND 22, TOWNSHIP 46 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID SECTION 16; THENCE SOUTH 88°46'12"EAST ALONG THE NORTH LINE OF SAID SECTION 16, A DISTANCE OF 2271.27 FEET TO A POINT ON THE EAST LINE OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 3441, PAGE 1424 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 01°13'48"EAST ALONG SAID EAST LINE, A DISTANCE OF 556.72 FEET TO A POINT ON THE SOUTH LINE OF SAID PARCEL OF LAND; THENCE NORTH 88°32'34"EAST ALONG SAID SOUTH LINE, A DISTANCE OF 1348.04 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF ALICO ROAD (50 FEET FROM THE CENTERLINE) AS RECORDED IN OFFICIAL RECORDS BOOK 399, PAGE 334 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE SOUTH 22°10'08"EAST ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 1173.14 FEET TO AN ANGLE POINT, SAID POINT BEING ON THE NORTH LINE OF SAID SECTION 16; THENCE CONTINUE SOUTH 22 °11'15"EAST ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 2968.14 FEET TO AN ANGLE POINT, SAID POINT BEING ON THE EAST-WEST HALF SECTION LINE OF SECTION 16; THENCE CONTINUE SOUTH 22°10'51'EAST ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 2930.47 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 15; THENCE CONTINUE SOUTH 22°05'18"EAST ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 821.50 FEET TO A POINT OF A CURVE; THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT OF WAY LINE AND SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 484.89 FEET, A DELTA OF 24°17'55", A CHORD BEARING OF SOUTH 09°56'07"WEST, A CHORD DISTANCE OF 204.10 FEET, AN ARC DISTANCE OF 205.64 FEET TO A POINT OF TANGENCY; THENCE SOUTH 02°13'29"WEST ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 1051.82 FEET TO A POINT OF A CURVE; THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT OF WAY LINE AND SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1860.87 FEET, A DELTA OF 14°23'38", A CHORD BEARING OF SOUTH 04°58'21"EAST, A CHORD DISTANCE OF 471.28 FEET, AN ARC DISTANCE OF 472.52 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 12°10'10" EAST ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 1614.10 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF CORKSCREW ROAD (50 FEET FROM THE CENTERLINE); THENCE SOUTH 86°32'23"WEST ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 4215.19 FEET TO A POINT ON THE EAST LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3283, PAGE 4191 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 01°09'18"WEST ALONG SAID EAST LINE, A DISTANCE OF 4277.87 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 16; THENCE SOUTH 89°23'42"WEST ALONG SAID SOUTH LINE, A DISTANCE OF 2508.89 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 16; THENCE NORTH 00°54'58"WEST ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 16, A DISTANCE OF 2806.14 FEET TO THE WEST 1/4 CORNER OF SAID SECTION 16; THENCE NORTH 00°52'59"WEST ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 16, A DISTANCE OF 2806.54 FEET TO THE POINT OF BEGINNING. CONTAINING 1048.31 ACRES, MORE OR LESS.

ORIENTATION IS BASED ON A PORTION OF THE CENTERLINE OF ALICO ROAD, AS BEARING S. 22°11'15" E.

PREPARED BY:

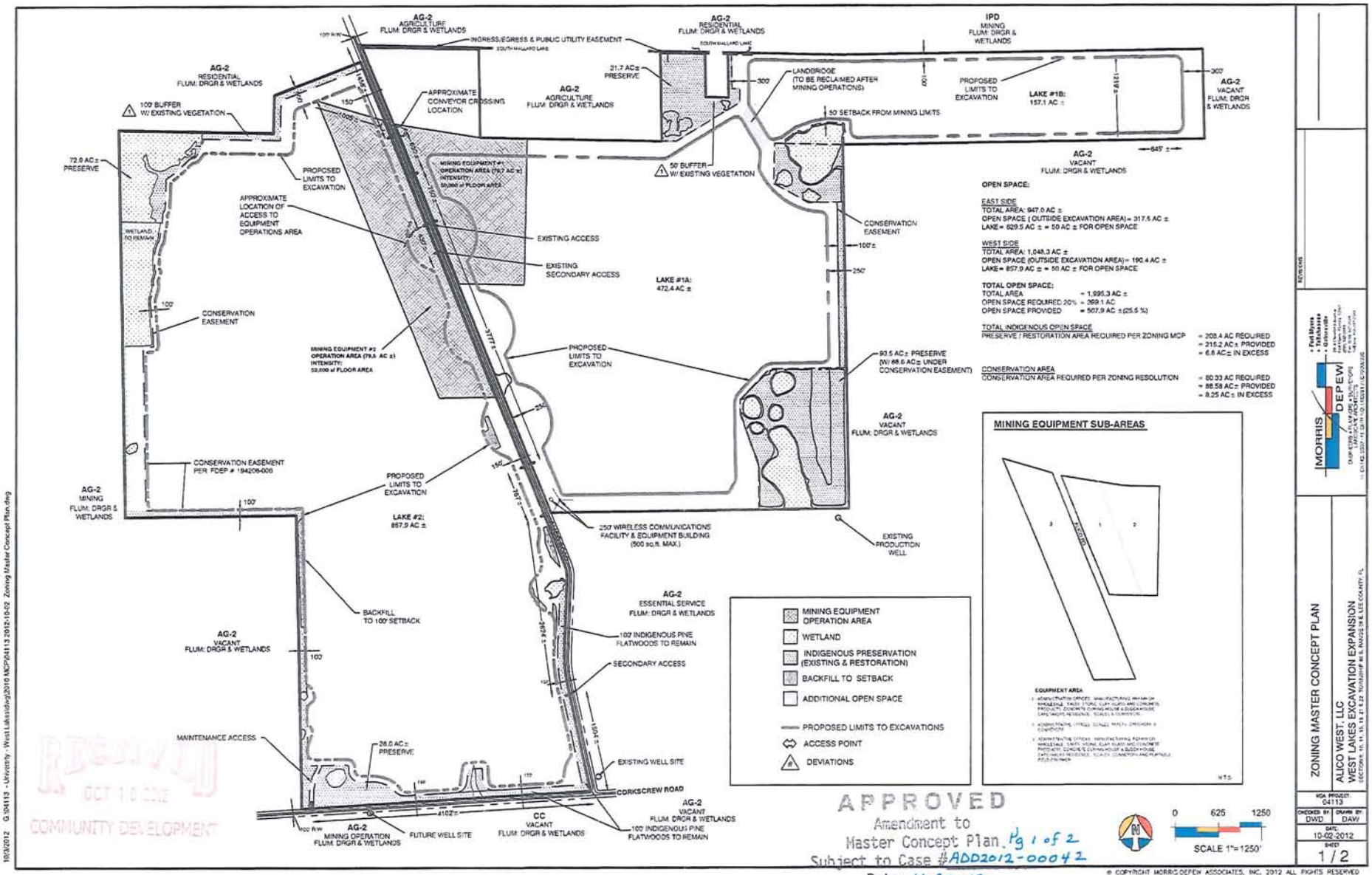
MARK A. HATFIELD, PSM DATE SEAL

5.15.12

FLA. CERT. NO. 4155

APPROVED
LEGAL

ATTACHMENT A



RECEIVED
OCT 10 2012
COMMUNITY DEVELOPMENT

APPROVED
Amendment to
Master Concept Plan. Pg 1 of 2
Subject to Case #ADD2012-00042
Date 11-20-12

ADD2012-00042

GENERAL NOTES:

PROPERTY OWNER:
ALICO WEST, LLC
RICHARD FRIDAY, MANAGING MEMBER
15401 ALICO ROAD
FORT MYERS, FL 33913
(239) 267-9176

APPLICANT:
ALICO WEST L.L.C.
15401 ALICO ROAD
FORT MYERS, FL 33913
(239) 267-9176

ENGINEER:
MICHAEL W. MORRIS, PE
MORRIS-DEPEW ASSOCIATES, INC.
2216 ALTAMONT AVENUE
FORT MYERS, FLORIDA 33901

SITE PARAMETERS:
ZONING: INDUSTRIAL PLANNED DEVELOPMENT
LEE PLAN DESIGNATION = DENSITY REDUCTION/ GROUNDWATER RESOURSE
SITE AREA = 1,996.1 ACRES ±

MINING PLAN NOTES:

1. PROPOSED IS A REZONING TO CONSOLIDATE EXISTING INDUSTRIAL PLANNED DEVELOPMENT MINING APPROVALS AND AG-2 LANDS INTO A SINGLE INDUSTRIAL PLANNED DEVELOPMENT UNDER UNIFIED CONTROL AND UNIFORM PROPERTY DEVELOPMENT REGULATIONS. THIS REQUEST INCLUDES USES INTEGRAL TO THE MINING OPERATIONS.

2. EXCAVATION SCHEDULE AND PLANS SHOWS EXCAVATION ACREAGE AND SEQUENTIAL SCHEDULE PURSUANT TO 34-1677(b)(6)(a)(2), LONG DURATION PROJECTS. SEE EXHIBIT 8-P, PHASING PLAN.

3. EXCAVATION WILL BE ACCOMPLISHED BY BACKHOE, DRAG LINE, AND BLASTING. BLASTING WILL ONLY OCCUR WITHIN THE AREA LOCATED INSIDE THE BORDER OF THE PROPOSED LAKE. FILL WILL BE DEPOSITED DIRECTLY AROUND THE PROPOSED LAKE. THIS AREA WILL BE USED TO STOCKPILE MATERIAL FOR OFF-SITE SALE.

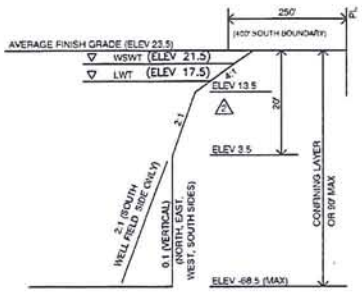
4. THE ENTRANCE WILL HAVE GATED ACCESS PREVENT UNAUTHORIZED ENTRY AND HAZARD TO THE PUBLIC.

5. PURSUANT TO ORD. #93-19, AN OPERATION PERMIT SHALL BE OBTAINED FOR ANY ACTIVITY REQUIRING SUCH.

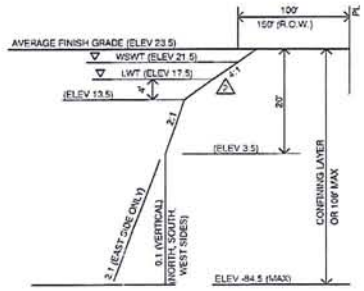
6. A SERIES OF MONITORING WELLS WILL BE ESTABLISHED FOR THE MINING OPERATION PERMIT, PURSUANT TO ORD. #93-19.

7. A CERTIFICATE TO DIG WILL BE REQUIRED PRIOR TO MINING OPERATIONS PERMIT APPROVAL.

RECEIVED
OCT 1 0 2012
COMMUNITY DEVELOPMENT



1 EAST LAKE (FKA UNIVERSITY LAKES)
TYPICAL LAKE SECTION
NOT TO SCALE



2 WEST LAKE
TYPICAL LAKE SECTION
NOT TO SCALE

DEVIATION #1.

REQUEST: DEVIATION FROM LDC SECTION 10-416(D)(3) WHICH REQUIRES A TYPE E BUFFER, CONSISTING OF 25 FEET WITH 5 TREES PER 100 LINEAR FEET, 30 SHRUBS PER 100 LINEAR FEET AND A WALL, BETWEEN INDUSTRIAL USES AND EXISTING RESIDENTIAL, TO ALLOW AN ALTERNATIVE SOLID BUFFER. THE BUFFER ALONG THE NORTH PROPERTY LINE ON THE WEST LAKES PORTION OF THE PROPERTY WILL CONSIST OF A 100 FOOT WIDE BUFFER WITH THE EXISTING THICK VEGETATION. THE VEGETATION CONSISTS OF PINE FLATWOODS WITH UNDERSTORY AND WILL PROVIDE A SOLID VEGETATIVE SCREEN. THE BUFFER ALONG THE NORTH PROPERTY LINE OF UNIVERSITY LAKES, ALONG MALLARD LANE (IN THE LOCATION IDENTIFIED ON THE MCP) WILL CONSIST OF A 50 FEET WIDE BUFFER WITH THE EXISTING THICK VEGETATION. THE VEGETATION CONSISTS OF PINE FLATWOODS WITH UNDERSTORY AND WILL PROVIDE A SOLID VEGETATIVE SCREEN.

DEVIATION #2.

REQUEST: DEVIATION AS REQUIRED IN LDC SECTION 34-1681(8)(B) TO ALLOW THE EXCAVATION BANKS TO SLOPE AT 4:1. PLEASE REFER TO DETAIL ON ZMCP FOR LAKE SECTION.

DEVIATION #3

REQUEST: DEVIATION FROM LDC SECTION 10-415(B)(1) WHICH REQUIRES 50% OF THE REQUIRED OPEN SPACE CONSIST OF EXISTING INDIGENOUS VEGETATION, TO ALLOW PRESERVATION AND RESTORATION OF 208.4± ACRES OF EXISTING INDIGENOUS VEGETATION, FOR A TOTAL OF 52% OF THE REQUIRED OPEN SPACE.

APPROVED
Amendment to
Master Concept Plan, pg 2 of 2
Subject to Case #ADD2012-00042
Date 11-20-12

10-09-13

MORRIS DEPEW
Fort Myers • Naples • Gainesville
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS • CONSULTANTS

ZONING MASTER CONCEPT PLAN - NOTES
ALICO WEST, LLC
WEST LAKES EXCAVATION EXPANSION
SECTIONS 4, 5, 11, 16, 17 & 20, TOWNSHIP 46 S, RANGE 26 E, LEE COUNTY, FL

MDA PROJECT: 04113
CHECKED BY: DWD | DRAWN BY: DAW
DATE: 10-02-2012
SHEET: 2/2

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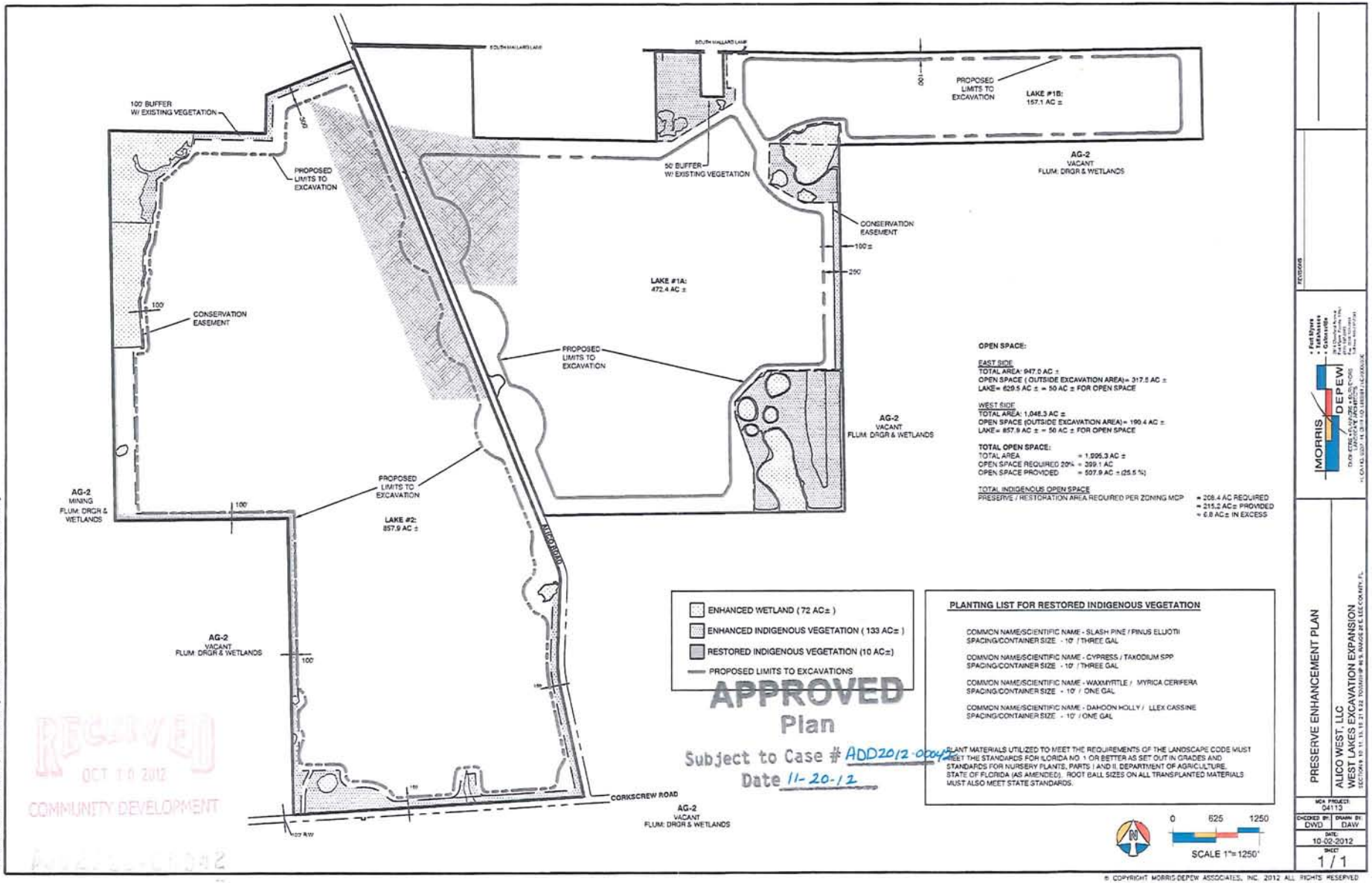
10/3/2012 G:\04113 - University - West Lakes\dwg\2010 MCP\04113 2012-10-02 Zoning Master Concept Plan.dwg

ATTACHMENT B



APPROVED
Plan
Subject to Case # ADD2012-00042
Date 11-20-12

RECEIVED
OCT 10 2012
COMMUNITY DEVELOPMENT

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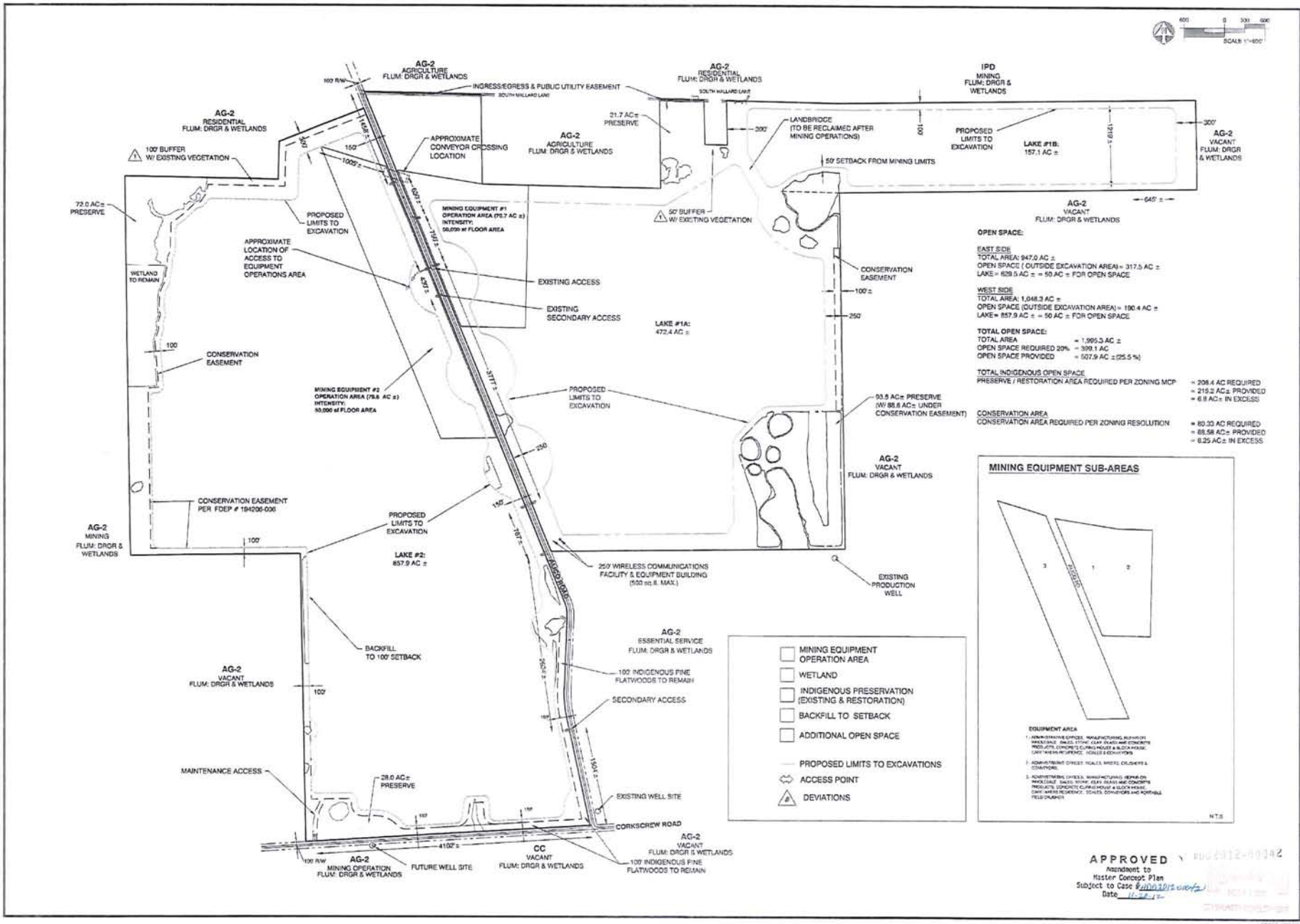
10/3/2012 G:\04113 - University - West Lake\dwg\2010 MCP\04113 2012-10-02 Preserve Enhancement Plan.dwg



OPEN SPACE:

EAST SIDE
TOTAL AREA: 947.0 AC ±
OPEN SPACE (OUTSIDE EXCAVATION AREA) = 317.5 AC ±
LAKE = 629.5 AC ± = 50 AC ± FOR OPEN SPACE

WEST SIDE
TOTAL AREA: 1,048.3 AC ±
OPEN SPACE (OUTSIDE EXCAVATION AREA) = 190.4 AC ±
LAKE = 857.9 AC ± = 50 AC ± FOR OPEN SPACE

TOTAL OPEN SPACE:
TOTAL AREA = 1,995.3 AC ±
OPEN SPACE REQUIRED 20% = 399.1 AC
OPEN SPACE PROVIDED = 507.9 AC ± (25.5 %)

TOTAL INDIGENOUS OPEN SPACE
PRESERVE / RESTORATION AREA REQUIRED PER ZONING MCP = 208.4 AC REQUIRED
= 219.2 AC± PROVIDED
= 6.8 AC± IN EXCESS

CONSERVATION AREA
CONSERVATION AREA REQUIRED PER ZONING RESOLUTION = 80.30 AC REQUIRED
= 88.58 AC± PROVIDED
= 8.25 AC± IN EXCESS

APPROVED
Amendment to
Master Concept Plan
Subject to Case #DD2012-00042
Date 11-28-12

MORRIS DEPEW
• Fort Myers
• Tallahassee
• Gainesville
ENGINEERS • PLANNERS • SURVEYORS
FL CA NO 6602 | FL CERT NO 1,856,931 | C2000033

ZONING MASTER CONCEPT PLAN
ALICO WEST, LLC
WEST LAKES EXCAVATION EXPANSION
SECTIONS 6, 10, 11, 14, 15 & 23 TOWNSHIP 45 S, RANGE 26 E, LEE COUNTY, FL

MCD PROJECT: 04113
CHECKED BY: DWD
DRAWN BY: DAW
DATE: 10-02-2012
SHEET: 1 / 2

GENERAL NOTES:

PROPERTY OWNER:
ALICO WEST, LLC
RICHARD FRIDAY, MANAGING MEMBER
15401 ALICO ROAD
FORT MYERS, FL 33913
(239) 267-9176

APPLICANT:
ALICO WEST L.L.C.
15401 ALICO ROAD
FORT MYERS, FL 33913
(239) 267-9176

ENGINEER:
MICHAEL W. MORRIS, PE
MORRIS-DEPEW ASSOCIATES, INC.
2216 ALTAMONT AVENUE
FORT MYERS, FLORIDA 33901

SITE PARAMETERS:
ZONING: INDUSTRIAL PLANNED DEVELOPMENT
LEE PLAN DESIGNATION = DENSITY REDUCTION/ GROUNDWATER RESOURSE
SITE AREA = 1,996.1 ACRES ±

MINING PLAN NOTES:

1. PROPOSED IS A REZONING TO CONSOLIDATE EXISTING INDUSTRIAL PLANNED DEVELOPMENT MINING APPROVALS AND AG-2 LANDS INTO A SINGLE INDUSTRIAL PLANNED DEVELOPMENT UNDER UNIFIED CONTROL AND UNIFORM PROPERTY DEVELOPMENT REGULATIONS. THIS REQUEST INCLUDES USES INTEGRAL TO THE MINING OPERATIONS.

2. EXCAVATION SCHEDULE AND PLANS SHOWS EXCAVATION ACREAGE AND SEQUENTIAL SCHEDULE PURSUANT TO 34-1677(b)(6)(a)(2), LONG DURATION PROJECTS. SEE EXHIBIT 6-P, PHASING PLAN.

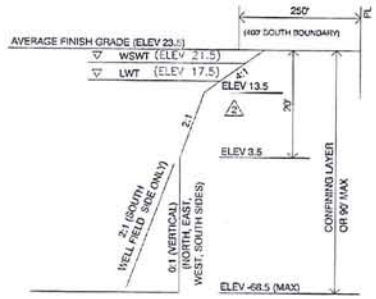
3. EXCAVATION WILL BE ACCOMPLISHED BY BACKHOE, DRAG LINE, AND BLASTING. BLASTING WILL ONLY OCCUR WITHIN THE AREA LOCATED INSIDE THE BORDER OF THE PROPOSED LAKE. FILL WILL BE DEPOSITED DIRECTLY AROUND THE PROPOSED LAKE. THIS AREA WILL BE USED TO STOCKPILE MATERIAL FOR OFF-SITE SALE.

4. THE ENTRANCE WILL HAVE GATED ACCESS PREVENT UNAUTHORIZED ENTRY AND HAZARD TO THE PUBLIC.

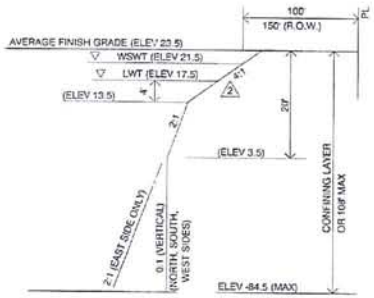
5. PURSUANT TO ORD. #93-19, AN OPERATION PERMIT SHALL BE OBTAINED FOR ANY ACTIVITY REQUIRING SUCH.

6. A SERIES OF MONITORING WELLS WILL BE ESTABLISHED FOR THE MINING OPERATION PERMIT, PURSUANT TO ORD. #93-19.

7. A CERTIFICATE TO DIG WILL BE REQUIRED PRIOR TO MINING OPERATIONS PERMIT APPROVAL.



1 EAST LAKE (FKA UNIVERSITY LAKES)
TYPICAL LAKE SECTION
NOT TO SCALE



2 WEST LAKE
TYPICAL LAKE SECTION
NOT TO SCALE

DEVIATION #1.

REQUEST: DEVIATION FROM LDC SECTION 10-416(D)(3) WHICH REQUIRES A TYPE E BUFFER, CONSISTING OF 25 FEET WITH 5 TREES PER 100 LINEAR FEET, 30 SHRUBS PER 100 LINEAR FEET AND A WALL, BETWEEN INDUSTRIAL USES AND EXISTING RESIDENTIAL, TO ALLOW AN ALTERNATIVE SOLID BUFFER. THE BUFFER ALONG THE NORTH PROPERTY LINE ON THE WEST LAKES PORTION OF THE PROPERTY WILL CONSIST OF A 100 FOOT WIDE BUFFER WITH THE EXISTING THICK VEGETATION. THE VEGETATION CONSISTS OF PINE FLATWOODS WITH UNDERSTORY AND WILL PROVIDE A SOLID VEGETATIVE SCREEN. THE BUFFER ALONG THE NORTH PROPERTY LINE OF UNIVERSITY LAKES, ALONG MALLARD LANE (IN THE LOCATION IDENTIFIED ON THE MCP) WILL CONSIST OF A 50 FEET WIDE BUFFER WITH THE EXISTING THICK VEGETATION. THE VEGETATION CONSISTS OF PINE FLATWOODS WITH UNDERSTORY AND WILL PROVIDE A SOLID VEGETATIVE SCREEN.

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APPROVED
Amendment to
Master Concept Plan
Subject to Case #
Date

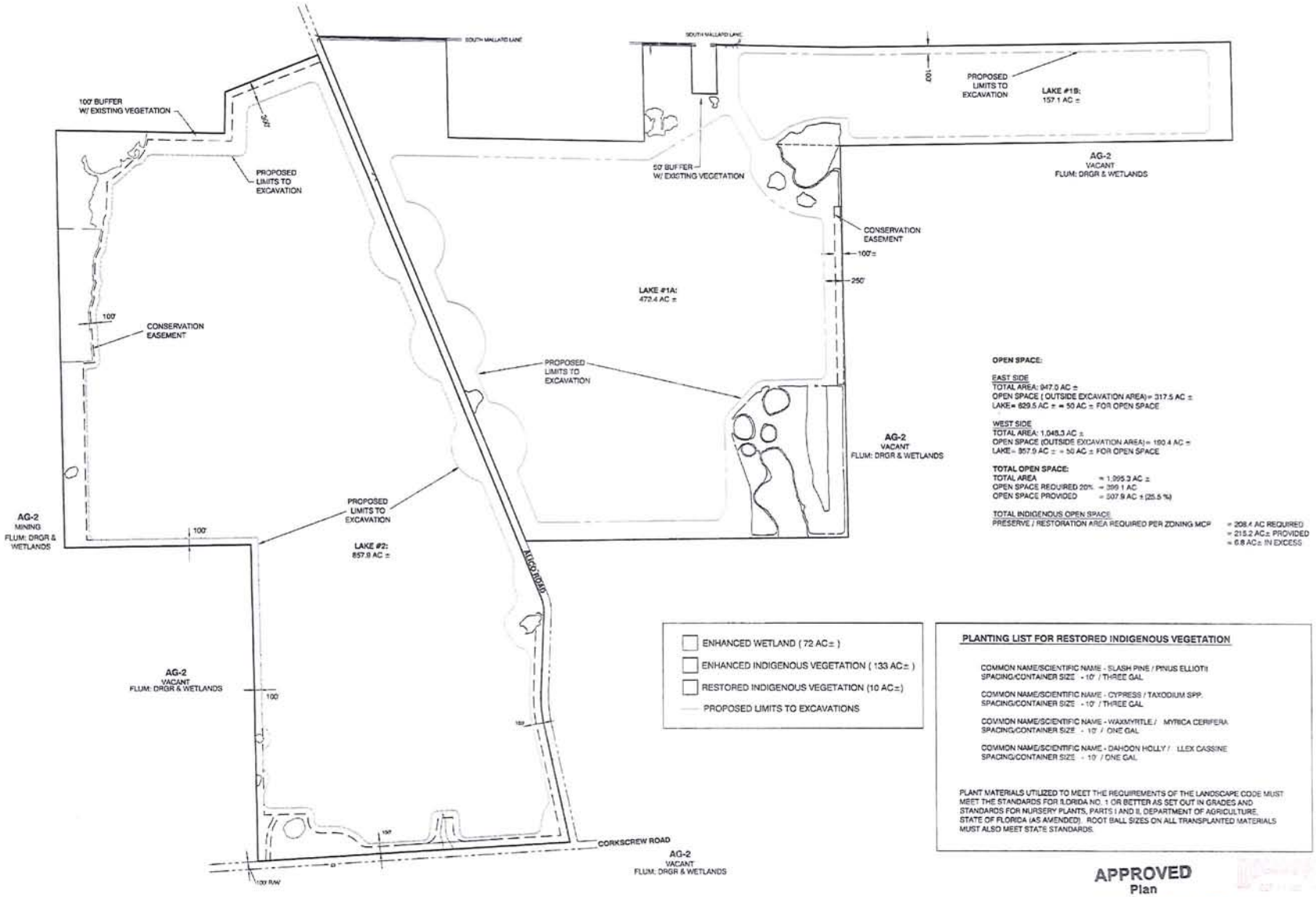
REVISIONS

• Fort Myers
• Tallahassee
• Gainesville
MORRIS DEPEW
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS
FL CA No. 6932 FL CERT. No. LB5801 (LC0000003)

ZONING MASTER CONCEPT PLAN - NOTES

ALICO WEST, LLC
WEST LAKES EXCAVATION EXPANSION
SECTION 6, 7, 18, 19 & 30 TOWNSHIP 45 S, RANGE 27 E, LEE COUNTY, FL

MDA PROJECT 04113
CHECKED BY DWD
DRAWN BY DAW
DATE 10-02-2012
SHEET 2 / 2



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TOTAL INDIGENOUS OPEN SPACE
PRESERVE / RESTORATION AREA REQUIRED PER ZONING MCP = 208.4 AC REQUIRED
= 215.2 AC± PROVIDED
= 6.8 AC± IN EXCESS

- ENHANCED WETLAND (72 AC±)
- ENHANCED INDIGENOUS VEGETATION (133 AC±)
- RESTORED INDIGENOUS VEGETATION (10 AC±)
- PROPOSED LIMITS TO EXCAVATIONS

PLANTING LIST FOR RESTORED INDIGENOUS VEGETATION

COMMON NAME/SCIENTIFIC NAME - SLASH PINE / PINUS ELLIOTII
SPACING/CONTAINER SIZE - 10' / THREE GAL

COMMON NAME/SCIENTIFIC NAME - CYPRESS / TAXODIUM SPP.
SPACING/CONTAINER SIZE - 10' / THREE GAL

COMMON NAME/SCIENTIFIC NAME - WAXMYRTLE / MYRICA CERIFERA
SPACING/CONTAINER SIZE - 10' / ONE GAL

COMMON NAME/SCIENTIFIC NAME - DAHOON HOLLY / ILEX CASSINE
SPACING/CONTAINER SIZE - 10' / ONE GAL

PLANT MATERIALS UTILIZED TO MEET THE REQUIREMENTS OF THE LANDSCAPE CODE MUST MEET THE STANDARDS FOR FLORIDA NO. 1 OR BETTER AS SET OUT IN GRADES AND STANDARDS FOR NURSERY PLANTS, PARTS I AND II, DEPARTMENT OF AGRICULTURE, STATE OF FLORIDA (AS AMENDED). ROOT BALL SIZES ON ALL TRANSPLANTED MATERIALS MUST ALSO MEET STATE STANDARDS.

APPROVED
Plan
Subject to Case # 2002005.00042
Date 11-20-12

2012-12-00042

REVISIONS

MORRIS DEPEW
• Fort Myers
• Tallahassee
• Gainesville
2014 Cleveland Avenue
Fort Myers, Florida 33901
(239) 337-3993
Fax (239) 337-2241
Fax (239) 332-3120
PLANNERS • ENGINEERS • SURVEYORS
LANDSCAPE ARCHITECTS
FL CA NO. 6850 / FL CERT. LC-1 / LB6591 / LC26000135

PRESERVE ENHANCEMENT PLAN

ALICO WEST, LLC
WEST LAKES EXCAVATION EXPANSION
SECTIONS 8, 10, 15, 16, 21 & 22, TOWNSHIP 46 S, RANGE 26 E, LEE COUNTY, FL

MDI PROJECT: 04113
CHECKED BY: DWD
DRAWN BY: DAIV
DATE: 10-02-2012
SHEET: 1 / 1

RESOLUTION NUMBER Z-05-088

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

WHEREAS, an application was filed by the property owners, Harvey and Timothy Youngquist, Trustees; Alico West L.L.C.; and TMC, L.L.P.; to amend the following existing planned developments: University Lakes Excavation Residential Planned Development (RPD), West Lakes Excavation Industrial Planned Development (IPD), and Southwest Florida Rock IPD; AND to rezone 157.4 acres from Agriculture District (AG-2) to Industrial Planned Development (IPD), in reference to West Lakes Excavation; and,

WHEREAS, a public hearing was advertised and held on November 3, 2005, with the record held open for requested written submissions until November 10, 2005, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2004-00019; and

WHEREAS, a second public hearing was advertised and held on January 30, 2006, 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 applicants filed a request to amend the following existing planned developments: University Lakes Excavation Residential Planned Development (RPD), West Lakes Excavation Industrial Planned Development (IPD), and Southwest Florida Rock IPD; AND to rezone 157.4 acres from AG-2 to IPD, to consolidate and create a single Industrial Planned Development (IPD) of 1,995.27 acres, to allow an excavation, mining operation with a maximum depth of 108 feet or the confining layer, whichever occurs first. Proposed uses include rock crushing, asphalt and ready-mix concrete, other concrete manufacturing activities, and a rock/aggregate conveyor system that will bridge over Alico Road. The project will also include blasting for construction materials mining and excavation. The property is located in the Density Reduction/ Groundwater Resource and Wetlands Future 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.

01-30-06 Z

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 (MCP): Sheet 1 entitled "Zoning Master Concept Plan, Alico West L.L.C. University - West Lakes," stamped "Received Feb 14 2006 Permit Counter," dated 3/16/05, last revised 2/14/06; and Sheet 2 entitled "Zoning Master Concept Plan - Notes, Alico West L.L.C., University - West Lakes," stamped "Received Apr 04 2006 Community Development," dated 3/16/05, last revised 03-30-06," except as modified by the conditions below. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

   In addition, to the above noted plan, the following Plans are also included in this action:

   a. The single-page "Preserve Enhancement Plan," stamped "Received Jun 16 2005 Permit Counter" and last revised on April 13, 2005 (attached as Exhibit D).

   b. The single-page "Zoning Master Concept Plan - Phases," stamped "Received Jun 16 2005 Permit Counter" (attached as Exhibit E).

   The mine operation must be completed within 20 years of January 30, 2006. Any extension of this date must be approved through the public hearing process amending this zoning approval.

   All blasting operations must be consistent with any regulations adopted by Lee County as well as Florida Statutes and Florida Administrative Code 4A-2.024 concerning Construction Materials Mining Activities.

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

   a. Schedule of Uses

      Agricultural Uses - as limited by Condition 17.
      Excavation, Mining
      Mining and Typical Accessory Uses [§34-1680(3)(b)], maximum 50,000-square-foot building area, and Conveyors

      The following uses are considered accessory to the principal use of the Excavation, Mining use and are only permitted in Mining Equipment #1 and #2 Operation Areas:
      - Scales
      - Mixers
      - Bins
      - Crushers

Communications Facility, wireless (limited to one, 90-foot-tall, self-supporting communication tower and associated equipment buildings)
Conveyors - in accordance with Condition 24.
Concrete Curing House
Administrative Office
Stone, Clay, Glass, and Concrete Products Manufacturing, Groups II & III only (excluding Concrete products, except block and brick) (See Condition 19)
Caretaker's Residence - limited to one
Entrance Gate(s) and Fences

b. Site Development Regulations

Maximum Excavation Depth:

West of Alico Road: The maximum permitted depth of this mining operation is 108 feet or to the confining layer, whichever occurs first (per FDEP permit).

East of Alico Road: The maximum permitted depth of this mining operation is 90 feet or to the confining layer, whichever occurs first (per FDEP permit).

Drilling, trenching, or any other penetration of the earth beyond these depths is strictly prohibited.

Excavation Bank Slopes:

4:1 to a depth of four feet below dry season water table, 2:1 from four feet below dry season water table to 20 feet below dry season water table, then vertical to the maximum depth. (Refer to detail shown on approved MCP)

Excavation Setbacks:

Existing Right-of-way:	150 feet
Private Property Line:	100 feet

Minimum Building Setbacks (but see also Processing Structure Setbacks below):

Street:	25 feet
Side:	15 feet
Rear:	20 feet
Water Body:	25 feet

Minimum Processing Structure Setbacks (also refer to §34-1681):

Street (Public):	250 feet
Street (private, on-site):	250 feet
Mining Equipment:	250 feet

Maximum structure height:	85 feet

3. The mine operation may continue 24 hours per day; as long as all fixed location rock crushing operations are conducted within a completely enclosed structure. Field crushers and appurtenant material handling conveyors used between the hours of 10 pm and 6 am must be electrically powered.

4. Dewatering is not a permitted activity as part of this approved planned development

5. The mining operation must comply with all requirements of §14-201, *et seq.*, relating to the use of properties adjoining existing potable water supply wellfields.

6. If any producing wellhead or equipment located in the Lee County wellfield is contaminated or damaged by the operations in this excavation, the owner of the excavation will be responsible for replacement of the well or the equipment to the satisfaction of Environmental Services Department: Utilities Division. A surety or other security acceptable to the Department of Community Development, equivalent to the amount of $100,000, must be provided prior to approval of the new Excavation/Mining Operations Permit. This provision does not limit the liability of the owner of the excavation as expressed in the first sentence of this Condition, it merely establishes the initial surety or security required for the issuance of the new Excavation/Mining Operations Permit.

7. Any damage directly attributable to this mining operation to the improved roadways must be repaired by the holder of the excavation/mining operation permit.

8. The Applicant will be subject to any duly adopted roads impact or mitigation fees for mining/excavation uses, provided such fees are adopted and applicable within the duration of the excavation/mining operation.

9. As part of the local development order process, the Applicant must provide a paved apron and truck/tire wash area on the subject property prior to the trucks leaving the site and traveling on Alico Road.

10. Excavated material must not be placed within 50 feet of any preserve area.

11. All landscaping material used within this planned development must be 100 percent native vegetation.

12. The "Mining Equipment, Processing and Manufacturing Area" shown on the MCP may only be used by the identified accessory mining uses and activities, shown on the MCP. All uses, with the exception of excavation and mining are considered as

accessory uses and must cease operation when the on-site mining operation also ceases to operate.

13. The recommendations and commitments contained in the technical memorandum entitled "Hydrogeology and Public Water Supply Impact Analysis of the West Lakes Mine Site," as prepared by CDM, dated June 2004, stamped "Received Jul 01 2005 Permit Counter," as amended by the West Lakes Mine Site - Revised Monitoring Plan, dated August 12, 2005, (attached as Exhibit F) are a mandatory requirement of this approved planned development. A copy of this report (including amendment) must be submitted when applying for the Mining Operations Permit.

14. The operator of the mining operation and/or the property owner must prepare and keep on-site a Pollution Prevention Plan. The plan should address any potential source of contamination and provide Best Management Practices (BMPs) to avoid on-site and off-site surface water and groundwater contamination. The plan must include an inspection program to ensure the proper operation of the implemented BMPs and contaminant spill containment and disposal procedures. A copy of the Pollution Prevention Plan must be submitted when applying for the Mining Operations Permit.

15. In the event, that the results of the quarterly water quality testing in the mine lake, as required in the recommendation in Condition 13 above, reveals a problem in the quality of the water, then the owner must take all necessary measures to correct the problems.

16. As part of this approved mining operation, the operator of the mining operation and the property owner must provide an annual report that provides 1) copies of the quarterly water quality testing and monthly BMP's inspection reports, and 2) signed and sealed surveys which provide the depth of the excavation that has been actively mined during the preceding year. This report must be submitted to the Department of Community Development annually on the date that the mining operation received the first local development order to commence the mining operation. This report must be submitted annually until the reclamation and completion of the mining operation.

17. AGRICULTURAL USES: Existing bona fide agricultural uses on this site are allowed only in strict compliance with the following:

    a. Bona fide agricultural uses that are in existence at the time the application for this project was filed, and as shown on attached Exhibit G, may continue until approval of a local development order for a phase of mining and/or for ancillary uses in areas as shown on the MCP.

    b. Additional clearing of trees or other vegetation in agricultural areas is prohibited. Existing areas of bona fide agricultural use may be maintained, i.e., mowed, but not cleared or expanded. This prohibition is not intended to preclude County approved requests for the removal of invasive exotic vegetation.

c. Prior to issuance of a local development order, the property owner must provide written proof, subject to approval by the County Attorney's Office, of the following:

(1) Termination of all agricultural use on any portion of the property described in paragraph 17.a. above. Proof must include a sworn affidavit from the person or entity holding title to the subject property that specifically provides:

(a) the date the agricultural uses ceased;

(b) the legal description of the property subject to the development order approval;

(c) the owner acknowledges and agrees that all agricultural uses are illegal and prohibited on the property described in paragraph 17.a. above, and they will not allow any such uses on that property unless and until that property is re-zoned to permit such uses; and,

(d) that the affidavit constitutes a covenant between the owner and the county that is binding on the owner and their assignees and successors in interest.

The covenant must be properly recorded in the public records of the county at the owner's expense.

(2) Termination of the agricultural tax exemption for any portion of the property described in paragraph 17.a. above. Proof as to termination must include of a copy of the request to terminate the tax exemption provided to the Property Appraiser.

18. The following buffers must be provided as part of this mining operation:

a. A buffer along Corkscrew Road consisting of a 12-foot-high berm with landscaping. The landscaping on the berm must consist of five trees and a hedge (per LDC §10-416). This berm and buffer must be established prior to the removal of any material from this site and located entirely outside of the indigenous pine flatwoods preserve.

b. If the Applicant is able to fill in (to the satisfaction of the County's Environmental Sciences staff) any gaps that exist in the pine flatwoods that serve as an additional buffer along Corkscrew Road, it may reduce the vegetative berm to eight feet in height. Moreover, to qualify for the reduction to eight feet, any exotics that have to be removed from the pine flatwoods preserve must be replaced by vegetation that is consistent with the remaining non-exotic vegetation. The landscaping required for the reduced 8-foot-high berm must be consistent with that required in Condition 22.a. of

Zoning Resolution No. Z-02-053, Southwest Florida Rock IPD, a copy of which is attached as Exhibit "L."

c. Others buffers and landscaping must be as noted on the approved MCP and Conceptual Conveyor Bridge.

19. The use of Stone, Clay, Glass, and Concrete Products Manufacturing, Group III (concrete block and brick) must be conducted within a building. All doors and entryways must be facing interior to the development and may not face adjoining roads or properties, except as may be required by any life, health, or safety code.

20. No extension of a Mining Operations Permit for any of the previously approved operations may be approved for only a portion of the mine. A New Mining Operations Permit for the entire planned development must be sought and approved. The length of this permit must be in accordance with the requirements of the LDC and conditions of this zoning approval. If any additional or new regulations related to water resources are enacted, these will be applicable to this project and must be complied with as part of any approval of a new or renewal of the Excavation/Mining Operations Permit.

21. The applicant must re-shape the existing lakes found on the site to correspond with the proposed lake boundaries. This language is intended to have the Applicant fill in the lake areas existing outside the boundaries of the proposed excavation as shown on the MCP. This must be completed within one year of the zoning approval for this request. If this is not achieved, the mining operation must cease and no material may be permitted to be removed from the site, until this condition has been fully complied with.

22. The Florida black bear and Big Cypress fox squirrel management plans required by Condition15 of Zoning Resolution No. Z-01-043 (attached as Exhibit H) and Condition 11 of Zoning Resolution No. Z-00-039 (attached as Exhibit I) remain applicable to the overall project. These management plans have been adopted through approved development orders, and must be applied to the overall project.

23. A local development order must be submitted for review and approval by the Division of Environmental Sciences staff detailing the indigenous restoration, enhancement and preservation areas for the entire West Lakes Mine IPD in substantial compliance with the exhibit entitled "Preserve Enhancement Plan" stamped received on June 16, 2005 last revised on April 13, 2005 (attached as Exhibit D). The development order plans must delineate the general areas for the installation of 4,350 south Florida slash pine (minimum 3-gallon container size), 4,350 cypress (minimum 3-gallon container size), 4,350 wax myrtle and other appropriate native shrubs (minimum 1-gallon container size), and 4,350 dahoon holly (minimum 1-gallon container size). The restoration plantings must be installed in a random manner that mimics a natural system. Due to the anticipated natural recruitment and seed source for other native vegetation to complete the restoration efforts, additional installation of native grasses and groundcover are not required with the initial restoration. If after three years the restoration area does not show

any sign of natural recruitment of native grasses and understory, then an enhancement plan must be submitted for the Division of Environmental Sciences staff review and approval. All restoration plantings must be mulched with pine straw (minimum 3-inches), and a water plan must be provided to insure 80 percent survival of the restoration plantings. The restoration must be completed within 18 months of the zoning approval, and an initial monitoring plan submitted. Monitoring plans must be submitted for five consecutive years from the date of the zoning approval.

Prior to local development order approval, copies of the recorded Conservation Easements for all of the preserve areas must be submitted to the Division of Environmental Sciences. Previously recorded Conservation Easements do not need to be dedicated to Lee County except for the 80.33 acres required by Condition 14 of Zoning Resolution No. Z-00-039. Any new Conservation Easements must include Lee County as a third party interest.

The development order plan must also include an invasive exotic vegetation removal plan for all the preserve areas. The initial exotic removal must be completed within a year of the zoning approval.

Prior to local development order approval for any phase of the mine, a mining reclamation plan must be submitted for the Division of Environmental Sciences staff review and approval. Each of the mined lakes must provide fifty percent of the final graded shoreline as a minimum 12-foot-wide littoral shelf. The littoral shelf area must be planted with appropriate native wetland trees (25 percent; minimum 3-gallon container size), shrubs (25 percent; minimum 1-gallon container size), and herbaceous vegetation (50 percent; minimum 2-inch liner size) to provide 50 percent coverage of the littoral shelf prior to the issuance of a Certificate of Compliance for any phase of mining. The planted littoral shelves should be adjacent to existing and proposed preserves either onsite or on adjacent properties. The reclamation plan must also detail how the area between the indigenous preserves and the mined lakes will be stabilized with vegetation. None of the plants listed as Category 1 or 2 by the Florida Exotic Pest Plant Council in their 2005 list of invasive plants may be planted onsite.

24. If the conveyor belt crossing is approved by the Board of County Commissioners, the construction of a bridge and conveyor belt across Alico Road will be at no cost to Lee County. The construction of a bridge and conveyor belt across Alico Road will require a local development order. Prior to approval of a local development order for the bridge, the applicant will execute an Agreement with Lee County, reviewed and approved by the County Attorney's Office, addressing the following responsibilities regarding construction, operation, maintenance, and removal of a bridge and conveyor belt system.

    a. Design standards and submittals.
    b. Method of construction.
    c. Provision of a detour.
    d. Maintenance of the bridge structure.

e. Prevention of objects from falling from the bridge structure onto Alico Road.
f. Installation and maintenance of advance warning signage for oversize vehicles.
g. Provision of bridge inspection reports by a structural engineer.
h. Removal of the machinery and equipment associated with the conveyor belt after the use has ceased.
i. Removal of the bridge structure.
j. Hold harmless and liability issues must be satisfactorily addressed with Lee County DOT and the County Attorney's office.
k. Initial construction of the bridge and conveyor belt crossing to accommodate the future widening of Alico Road; or agreement by the property owner to relocate any portion of the conveyor and bridge which Lee County DOT determines must be moved in order to accommodate the widening of Alico Road at the time such widening occurs in the future; the full cost of any such relocation of the bridge and conveyor to be borne by the property owner.
l. Remedies in the event debris falls onto the road from the overhead conveyor, including provisions: providing the Director of Lee County DOT (or his designee) with the authority to administratively order the immediate shut down the conveyor across Alico Road to protect the public health, safety and welfare in the event debris is dropped or spilled onto the road from the conveyor system; requiring the conveyor over Alico Road to remain shut down until the Director of Lee County DOT is satisfied that the problem causing the debris to fall has been fully addressed; and requiring the property owner or operator to immediately remove any fallen debris from the road and immediately repair the road as deemed necessary by the Director of Lee County DOT.

25. As part of the Mining Operations Permit, an annual report will be provided to the Department of Community Development detailing the areas being mined, the quality and quantity of material being excavated from the site, the existing depths of the excavations, current aerial photographs of the mine, and the estimated reserves of materials left to be mined.

26. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.

27. 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).

28. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.

29. Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan.

The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

SECTION C. DEVIATIONS:

Deviation (1) seeks relief from the §10-416(d)(3) requirement to provide a Type E buffer, consisting of a 25-foot-wide buffer with 5 trees and 30 shrubs per 100 linear feet, and a wall between industrial uses and existing residential uses, to allow an alternative solid buffer 50 feet wide with the existing thick vegetation. This deviation is APPROVED, SUBJECT TO the following conditions:

1) A 12-foot-high earthen berm, as measured from existing grade, must be installed along the area depicted on the MCP, north of the excavation lake on the west side of Alico Road, prior to any expansion of already approved mining excavation permits. The berm must be shown on a development order, including a cross-section that provides:

   a) A minimum 15-foot-wide maintenance access between the indigenous preserve and toe of the berm as depicted on attached Exhibit K (a/k/a the second page of Staff's Exhibit 1 presented to the Hearing Examiner).

   b) The slope of the berm must be no steeper than a 3:1 ratio; and

   c) Details of the plant material that is to be used for stabilizing the berm.

   The maintenance access is to provide vehicular access for maintaining the indigenous preserve (i.e., invasive exotic vegetation removal) and the berms (i.e. planting, mowing, etc.)

2) The earthen berm will be located as depicted attached Exhibit J. [The earthen berm was depicted in orange on the Applicant's Exhibit 21 presented to the Hearing Examiner. On the attached exhibit the berm area is depicted as a heavy black line.]

Deviation (2) seeks relief from the §34-1681(a)(8)(b) requirement that the bank sloping of an excavation may be sloped a minimum of 4 horizontal to 1 vertical to four feet below the dry season water table, if planted with suitable native wetland vegetation, to allow the excavation banks to be sloped at 4:1, as detailed on the MCP . This deviation is APPROVED, SUBJECT TO the condition that a suitable planting plan is approved as part of the local development order/mining operation permit.

Deviation (3) seeks relief from the §10-415(b)(1) requirement that large developments, with existing indigenous native vegetation communities, must provide 50 percent of their open space percentage requirement through the onsite preservation of existing native vegetation communities, to allow preservation and restoration of 205± acres of existing indigenous vegetation, for 51 percent of the required open space. This deviation is APPROVED, SUBJECT TO Condition 23.

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: The single-page "Preserve Enhancement Plan," stamped "Received on Jun 16 2005 Permit Counter" and last revised on April 13, 2005.
Exhibit E: The single-page "Zoning Master Concept Plan - Phases," stamped "Received Jun 16 2005 Permit Counter."
Exhibit F: The technical memorandum "Hydrogeology and Public Water Supply Impact Analysis of the West Lakes Mine Site," prepared by CDM, dated June 2004, stamped "Received Jul 01 2005 Permit Counter," as amended by the West Lakes Mine Site - Revised Monitoring Plan, dated August 12, 2005
Exhibit G: Agricultural Use Affidavit & Sketch
Exhibit H: Lee County Zoning Resolution No. Z-01-043
Exhibit I: Lee County Zoning Resolution No. Z-00-039
Exhibit J: Berm Location (Applicant's HEX Exhibit 21)
Exhibit K: Berm Configuration Cross-section (Page 2 of Staff's HEX Exhibit 1)
Exhibit L: Condition 22.a. of Zoning Resolution No. Z-02-053, Southwest Florida Rock IPD

The applicant has indicated that the STRAP numbers for the subject property are: 21-46-26-00-00001.0000; 21-46-26-00-00001.0020; 21-46-26-00-00001.0030; 22-46-26-00-00001.0040; 22-46-26-00-00001.0000; 16-46-26-00-00001.1020; 16-46-26-00-00001.1000; 16-46-26-00-00001.2000; 16-46-26-00-00001.0010; 09-46-26-00-00001.0220; 15-46-26-00-00001.0010; 15-46-26-00-00001.0020; 10-46-26-00-00001.7000; 09-46-26-00-00001.0440; 10-46-26-00-00001.2000; 10-46-26-00-00001.2010; 10-46-26-00-00001.201 A; 11-46-26-00-00001.1000; 11-46-26-00-00001.1010; 15-46-26-00-00001.1000; 15-46-26-00-00001.0000; 16-46-26-00-00001.3000; and 16-46-26-00-00001.0000

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;

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

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

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.

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

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

DULY PASSED AND ADOPTED this 30th day of January 2006.

ATTEST:
CHARLIE GREEN, CLERK

BY: Michele D. Cooper
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairwoman

Approved as to form by:

John Jolredyuz
County Attorney's Office

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EXHIBIT "A"

LEGAL DESCRIPTION

Property located in Lee County, Florida

DESCRIPTION

A PARCEL OF LAND BEING A PART OF SECTIONS 9, 10, 11, 15 AND 16, TOWNSHIP 46 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID SECTION 15; THENCE SOUTH 89°24'03"WEST ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 15, A DISTANCE OF 2646.18 FEET TO THE SOUTH 1/4 CORNER OF SAID SECTION 15; THENCE SOUTH 89°23'51"WEST ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 15, A DISTANCE OF 1709.86 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF ALICO ROAD (50 FEET FROM THE CENTERLINE) AS RECORDED IN OFFICIAL RECORDS 399, PAGE 334 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 22°10'51"WEST ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 2970.01 FEET TO AN ANGLE POINT; THENCE NORTH 22°11'15"WEST ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 2924.90 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 16; THENCE NORTH 22°10'08" WEST ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 1438.67 FEET TO A POINT AT THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 9, SAID LINE BEING THE CENTERLINE OF A 60 FOOT WIDE INGRESS / EGRESS AND UTILITY EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 1320, PAGE 1808-1810 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SAID EASEMENT KNOWN AS SOUTH MALLARD LANE; THENCE SOUTH 88°45'20" EAST ALONG SAID NORTH LINE, A DISTANCE OF 1723.54 FEET TO A POINT AT THE EAST LINE OF SAID SOUTHEAST 1/4 OF SAID SECTION 9; THENCE SOUTH 00°57'03"EAST ALONG SAID EAST LINE, A DISTANCE OF 1320.89 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 9; THENCE SOUTH 88°46'15"EAST ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 15, A DISTANCE OF 2646.87 FEET TO THE NORTH 1/4 CORNER OF SAID SECTION 15; THENCE NORTH 00°58'51"WEST ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 10, A DISTANCE OF 1320.27 FEET TO A POINT AT THE NORTH LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 10, SAID LINE BEING THE SAID CENTERLINE OF THE 60 FOOT WIDE INGRESS / EGRESS AND UTILITY EASEMENT, SAID EASEMENT KNOWN AS SOUTH MALLARD LANE; THENCE SOUTH 88°45'25"EAST ALONG SAID NORTH LINE, A DISTANCE OF 661.84 FEET TO A POINT AT THE EAST LINE OF THE WEST 1/2 OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 10; THENCE SOUTH 00°58'24"EAST ALONG SAID EAST LINE, A DISTANCE OF 660.09 FEET TO A POINT AT THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 10; THENCE SOUTH 88°45'40"EAST ALONG SAID NORTH LINE, A DISTANCE OF 335.51 FEET TO A POINT AT THE WEST LINE OF THE EAST 326 FEET OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 10; THENCE NORTH 00°57'56"WEST ALONG SAID WEST LINE, A DISTANCE OF 660.06 FEET TO A POINT A THE NORTH LINE OF SAID SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 10, SAID LINE BEING THE SAID CENTERLINE OF A 60 FOOT WIDE INGRESS / EGRESS AND UTILITY EASEMENT; THENCE SOUTH 88°45'25"EAST ALONG SAID NORTH LINE AND THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID SOUTHEAST 1/4 OF SECTION 10, A DISTANCE OF 1649.92 FEET TO A POINT AT THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 10; THENCE NORTH 89°10'08"EAST ALONG THE NORTH LINE OF THE NORTH 1/2 OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF SAID SECTION 11, A DISTANCE OF 5295.63 FEET TO A POINT AT THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 11; THENCE SOUTH 01°02'43" EAST ALONG SAID EAST LINE, A DISTANCE OF 1319.99 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 11; THENCE SOUTH 89°10'13"WEST ALONG THE SOUTH LINE OF SAID SECTION 11, A DISTANCE OF 5297.82 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 11; THENCE SOUTH 00°57'04"EAST ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 15, A DISTANCE OF 2637.33 FEET TO THE EAST 1/4 CORNER OF SAID SECTION 15; THENCE SOUTH 00°56'34"EAST ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 15, A DISTANCE OF 2636.66 FEET TO THE POINT OF BEGINNING. CONTAINING 946.96 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE SOUTH LINE OF SAID SECTION 11, BEING SOUTH 89°10'13"WEST, AND WERE DERIVED FROM NGS CONTROL POINT "46 26 22 01", NAD 83(1999).

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DESCRIPTION

A PARCEL OF LAND BEING A PART OF SECTIONS 9, 15, 16, 21 AND 22, TOWNSHIP 46 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID SECTION 16; THENCE SOUTH 88°46'12"EAST ALONG THE NORTH LINE OF SAID SECTION 16, A DISTANCE OF 2271.27 FEET TO A POINT ON THE EAST LINE OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS 3441, PAGE 1424 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 01°13'48"EAST ALONG SAID EAST LINE, A DISTANCE OF 556.72 FEET TO A POINT ON THE SOUTH LINE OF SAID PARCEL OF LAND; THENCE NORTH 68°32'34"EAST ALONG SAID SOUTH LINE, A DISTANCE OF 1348.04 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF ALICO ROAD (50 FEET FROM THE CENTERLINE) AS RECORDED IN OFFICIAL RECORDS 399, PAGE 334 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE SOUTH 21°10'08"EAST ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 1173.14 FEET TO AN ANGLE POINT, SAID POINT BEING ON THE NORTH LINE OF SAID SECTION 16; THENCE CONTINUE SOUTH 21°11'15"EAST ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 2968.14 FEET TO AN ANGLE POINT, SAID POINT BEING ON THE EAST-WEST HALF SECTION LINE OF SECTION 16; THENCE CONTINUE SOUTH 21°10'51" EAST ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 2930.47 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 15; THENCE CONTINUE SOUTH 22°05'18"EAST ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 821.50 FEET TO A POINT OF A CURVE; THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT OF WAY LINE AND SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 484.89 FEET, A DELTA OF 24°17'56", A CHORD BEARING OF SOUTH 09°56'07"WEST, A CHORD DISTANCE OF 204.10 FEET, AN ARC DISTANCE OF 205.64 FEET TO A POINT OF TANGENCY; THENCE SOUTH 02°13'29"WEST ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 1051.82 FEET TO A POINT OF A CURVE; THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT OF WAY LINE AND SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1880.87 FEET, A DELTA OF 14°23'38", A CHORD BEARING OF SOUTH 04°58'21"EAST, A CHORD DISTANCE OF 471.28 FEET, AN ARC DISTANCE OF 472.52 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 12°10'10" EAST ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 1614.10 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF CORKSCREW ROAD (50 FEET FROM THE CENTERLINE); THENCE SOUTH 86°32'23"WEST ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 4216.92 FEET TO A POINT ON THE EAST LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS 3283, PAGE 4191 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 01°09'18"WEST ALONG SAID EAST LINE, A DISTANCE OF 4277.87 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 16; THENCE NORTH 89°23'43"WEST ALONG SAID SOUTH LINE, A DISTANCE OF 2508.89 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 16; THENCE NORTH 00°54'58"WEST ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 16, A DISTANCE OF 2806.14 FEET TO THE WEST 1/4 CORNER OF SAID SECTION 16; THENCE NORTH 00°52'59"WEST ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 16, A DISTANCE OF 2806.54 FEET TO THE POINT OF BEGINNING. CONTAINING 1048.31 ACRES, MORE OR LESS.

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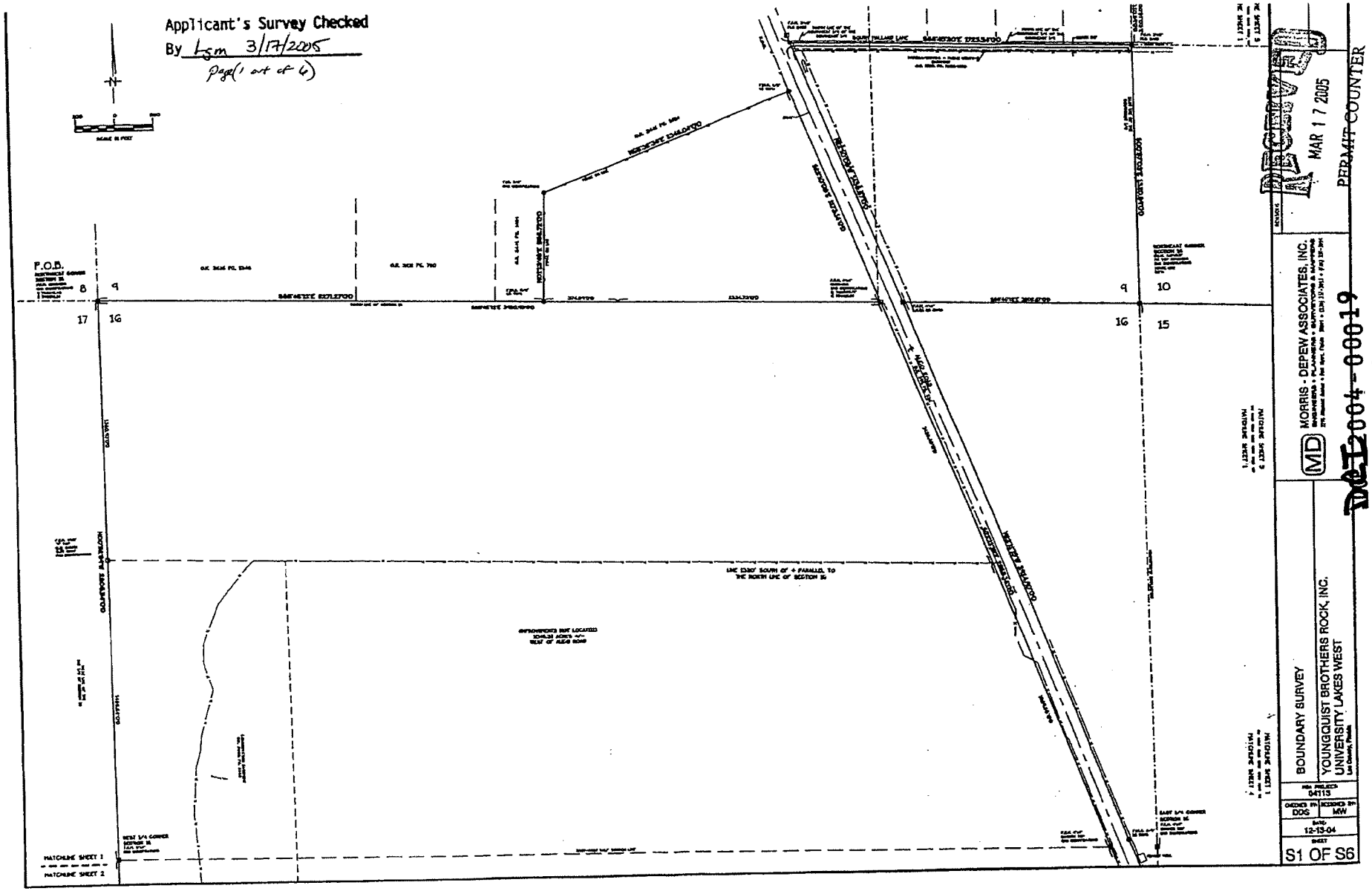

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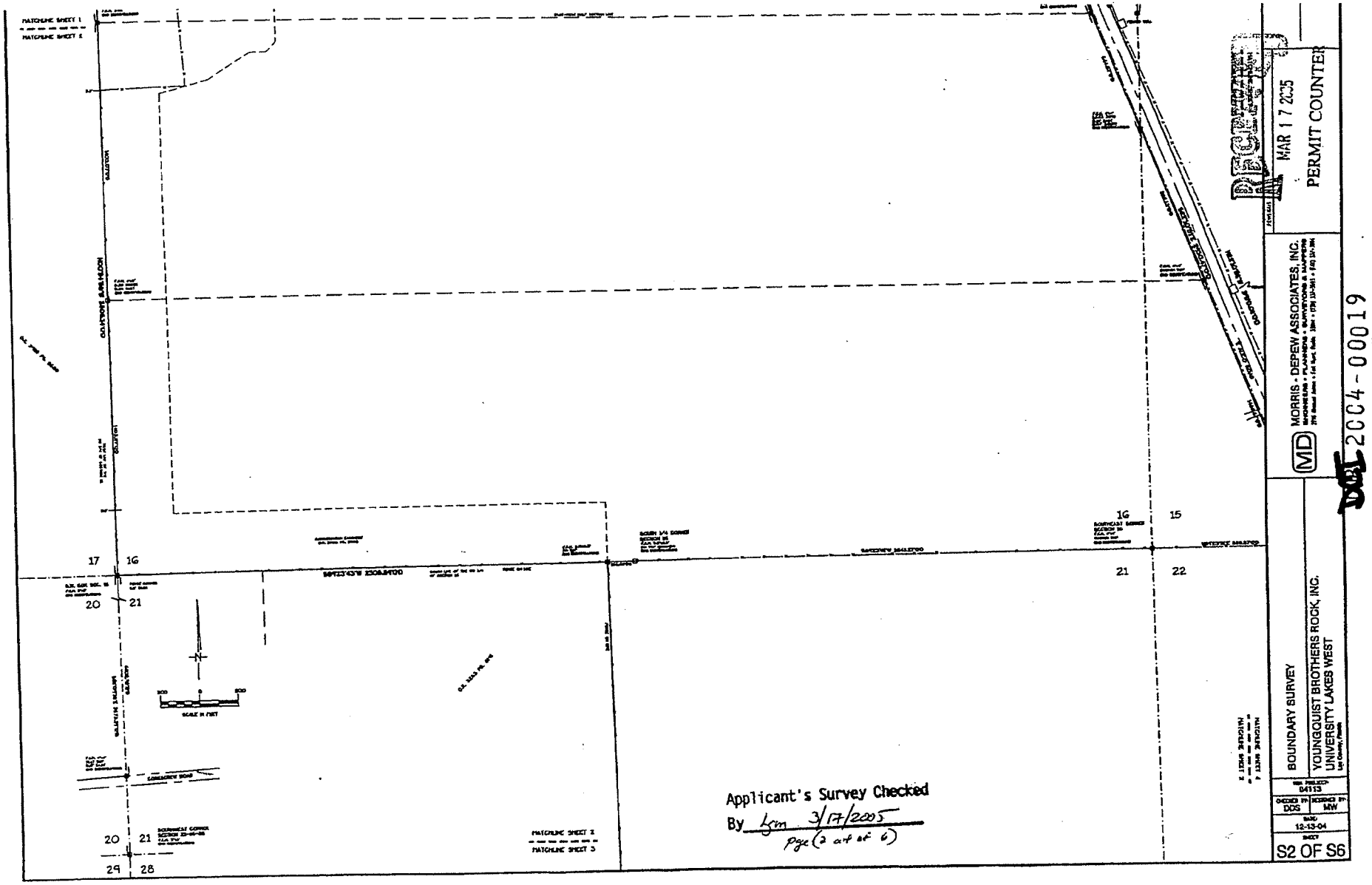

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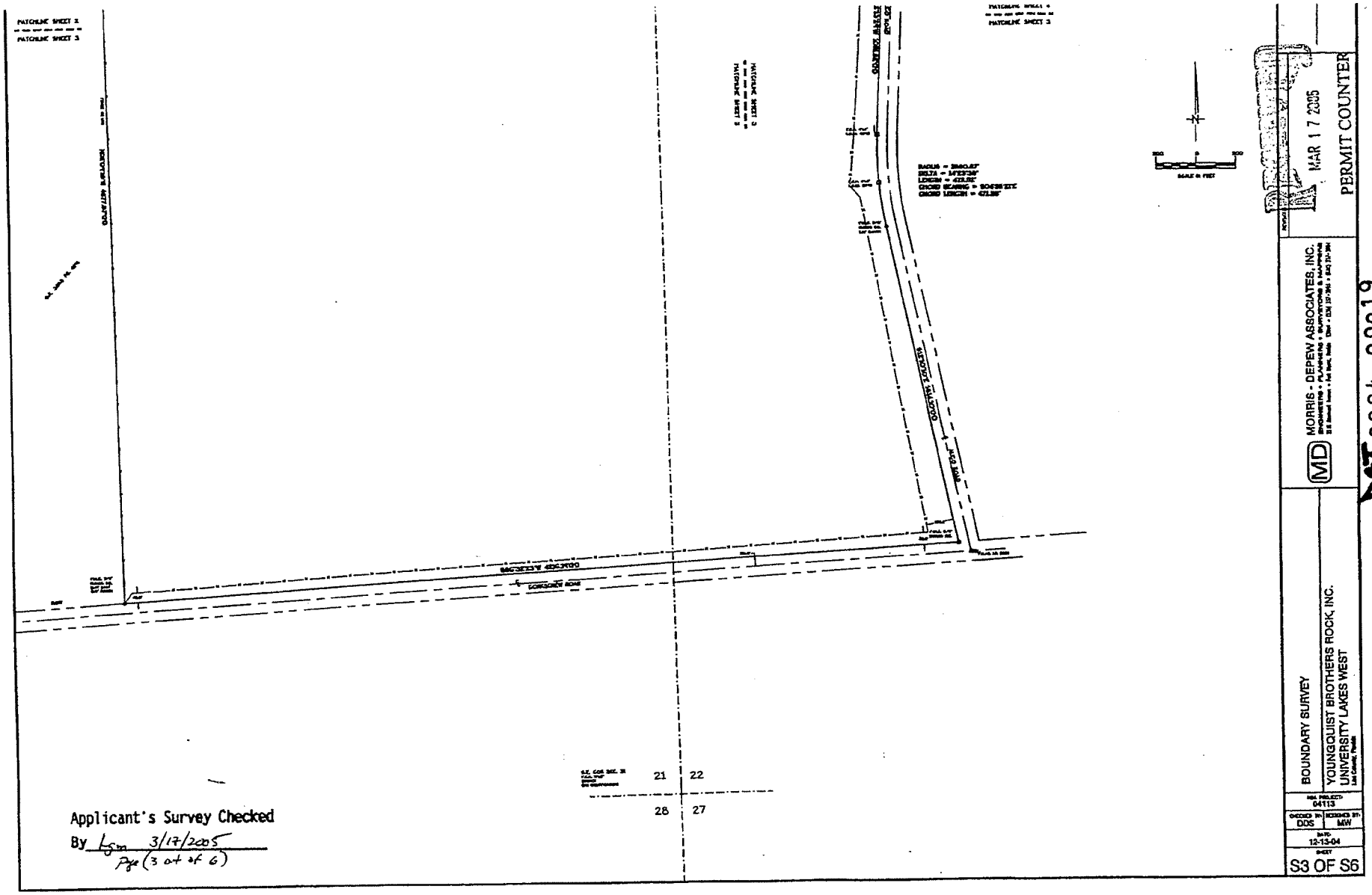

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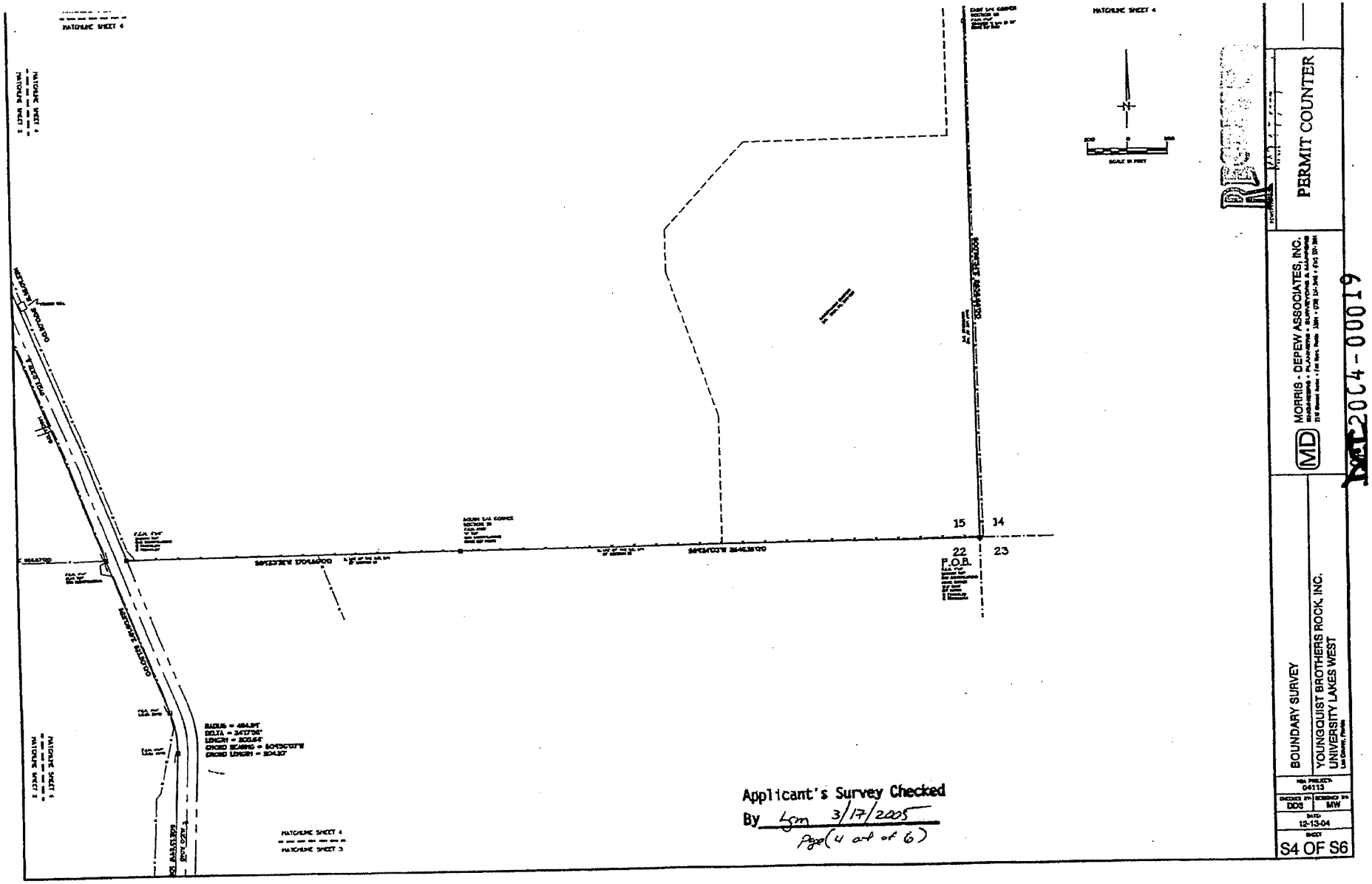

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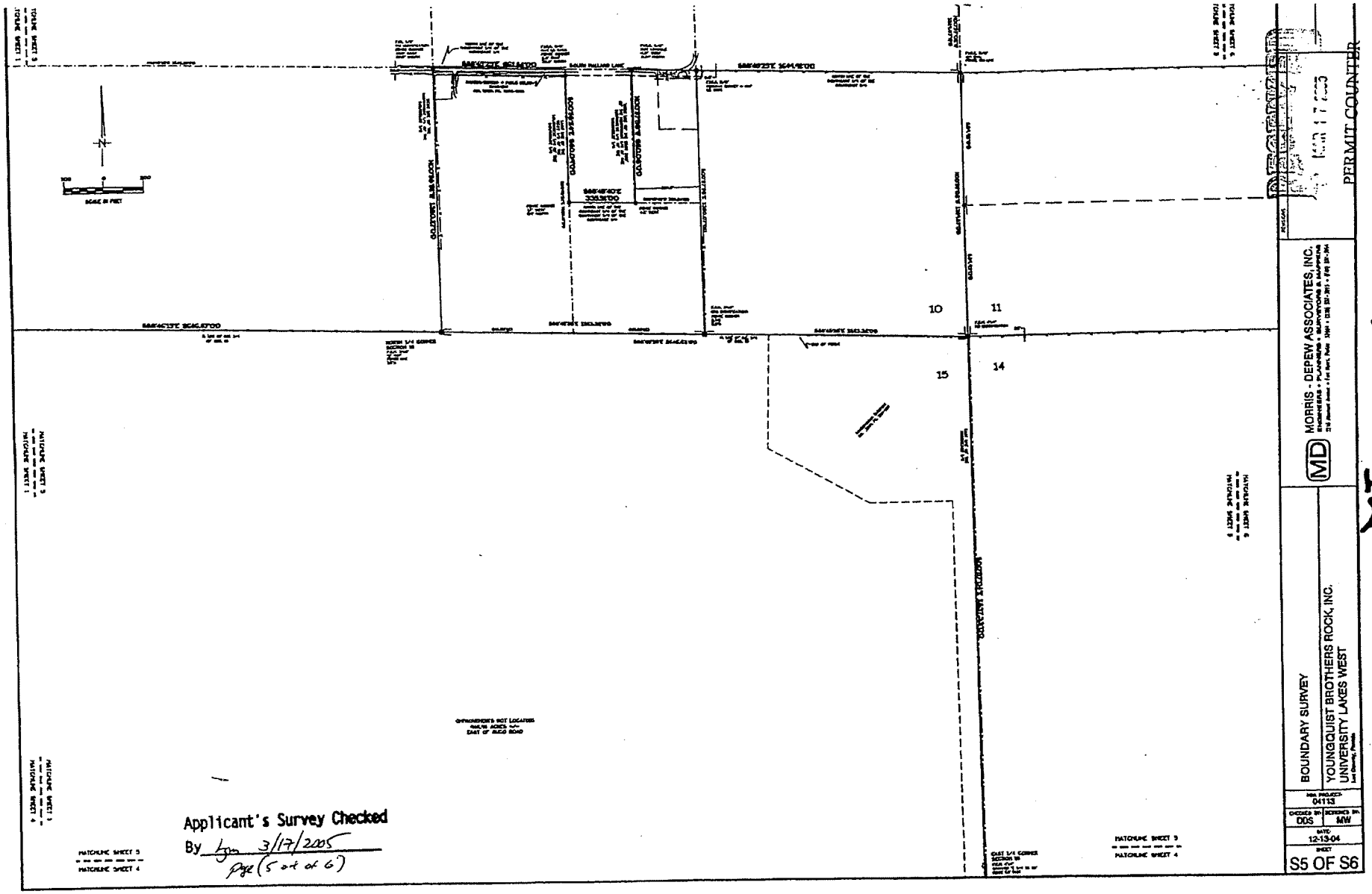
(Page 6 of 8)



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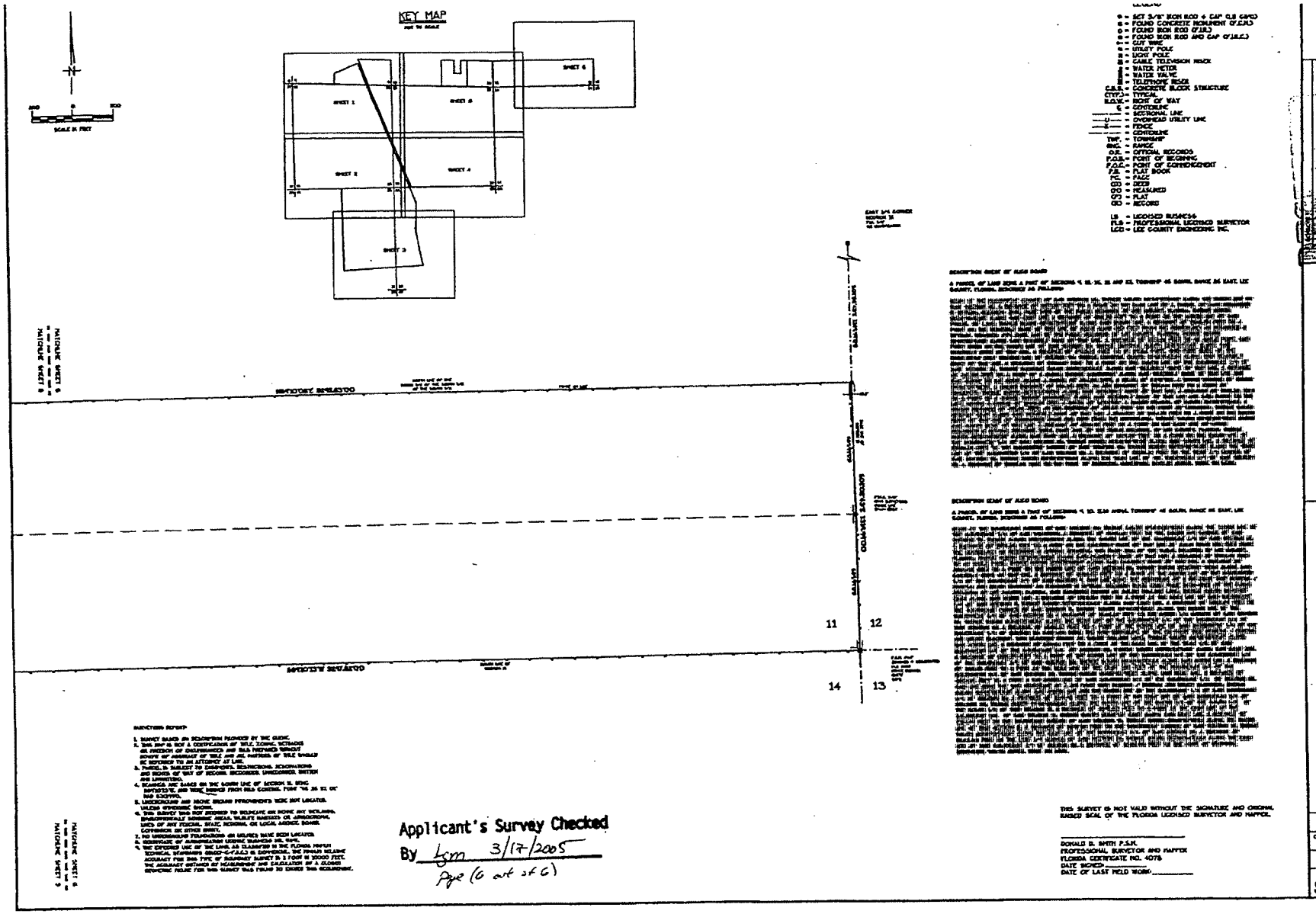

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ZONING MAP

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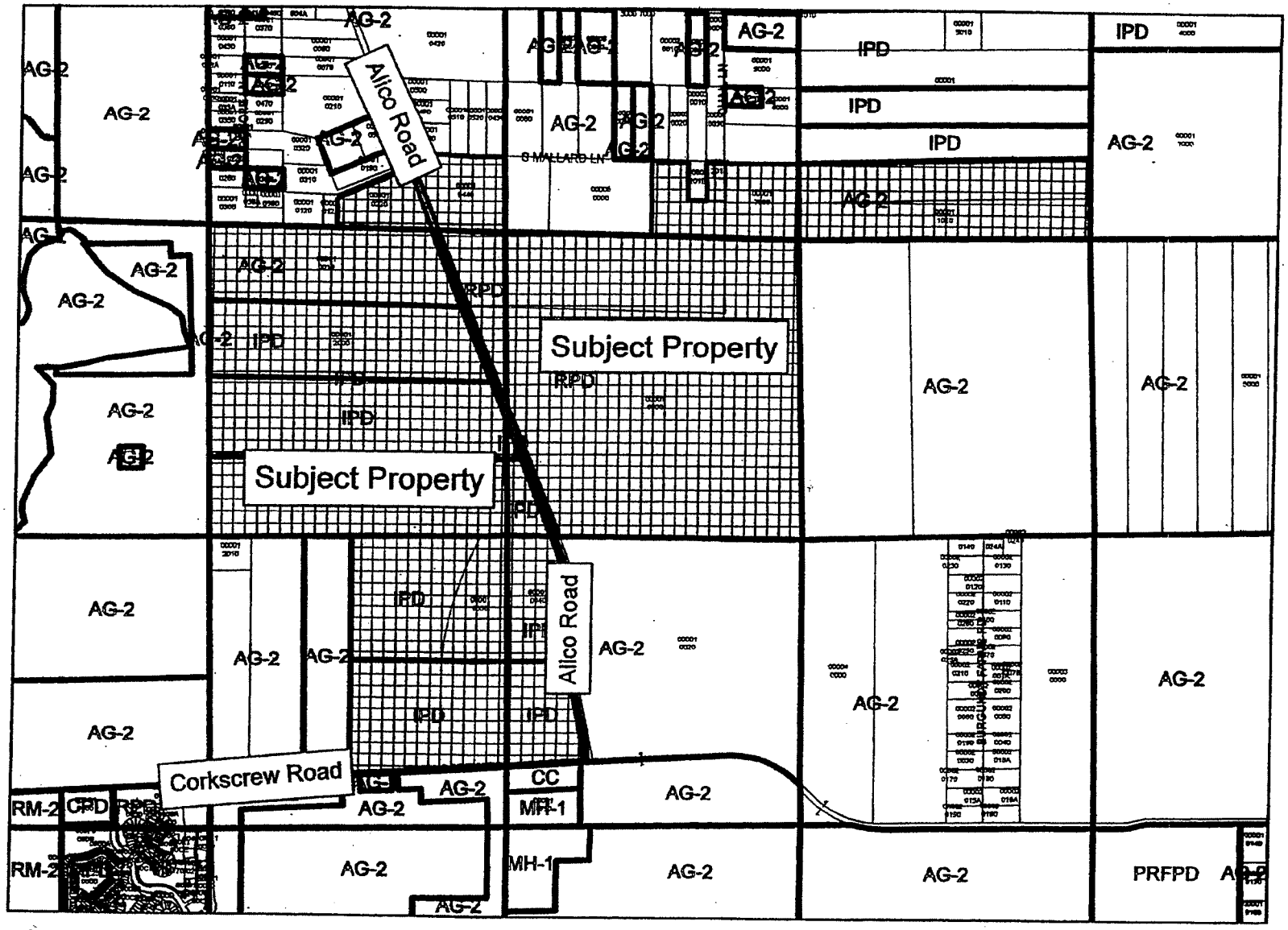

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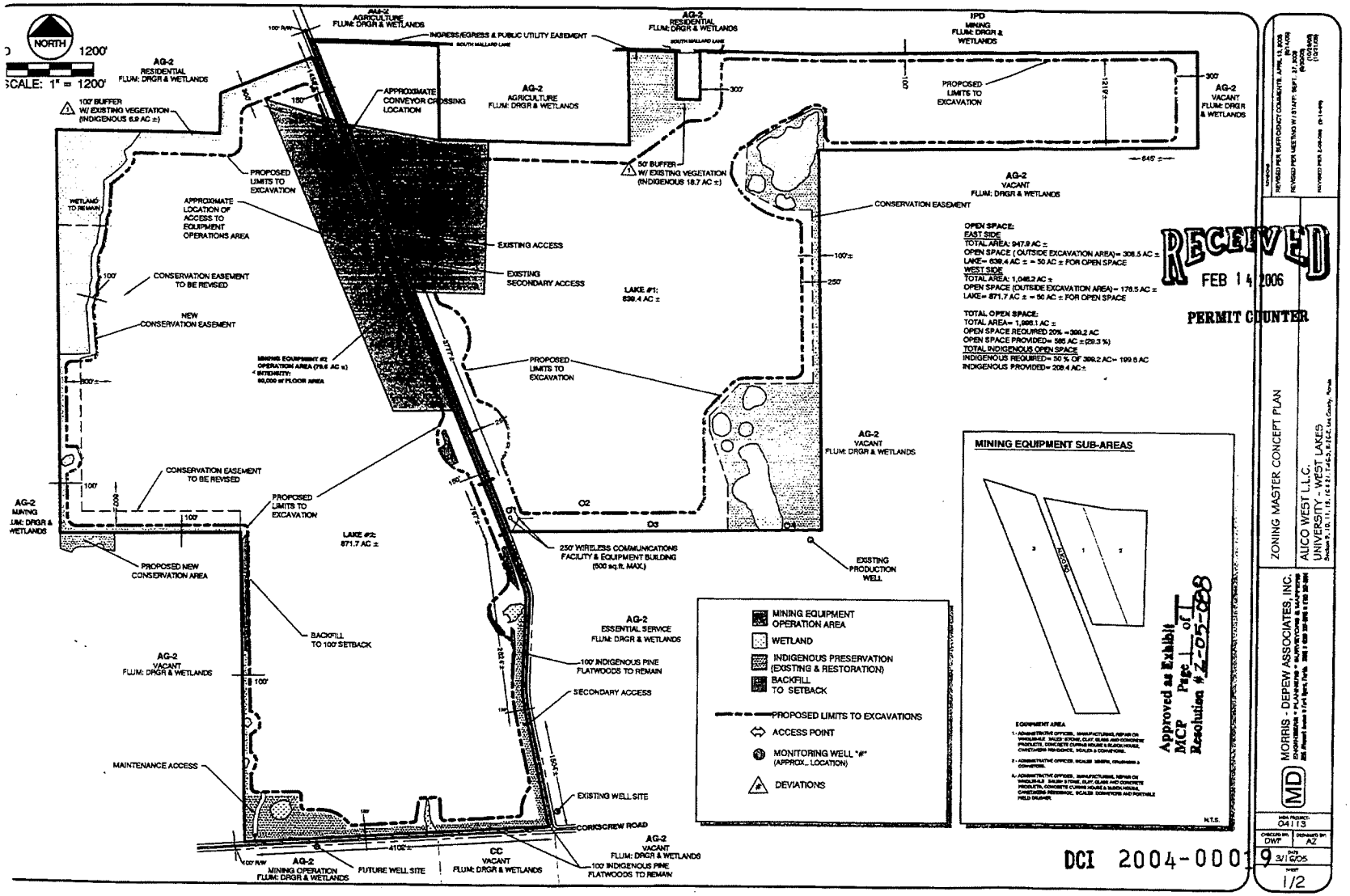
EXHIBIT "B"



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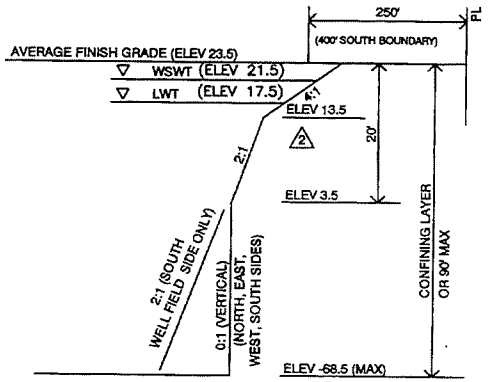

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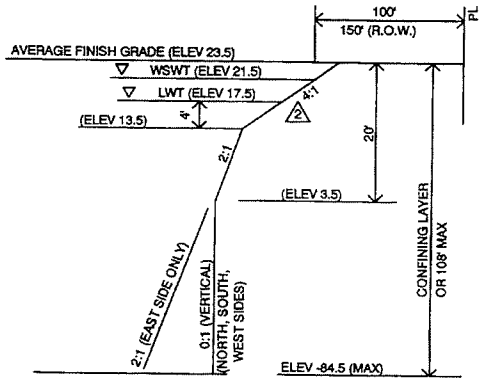
TYPICAL LAKE SECTION
NOT TO SCALE



2 WEST LAKE
TYPICAL LAKE SECTION
NOT TO SCALE

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COMMUNITY DEVELOPMENT

Approved as Exhibit
MCP Page 2 of 2
Resolution # Z-05-088

REVISIONS
REVISED FOR SUFFICIENCY COMMENTS: APRIL 13, 2006 (M 14.05)
REVISED PER MEETING W/ STAFF: SEPT. 23, 2005 (M 09.05)
REVISED PER 2-24-05 (2-1-05)
REVISED PER COUNTY ATTORNEYS REQUEST (10-18-04)

ZONING MASTER CONCEPT PLAN -NOTES -

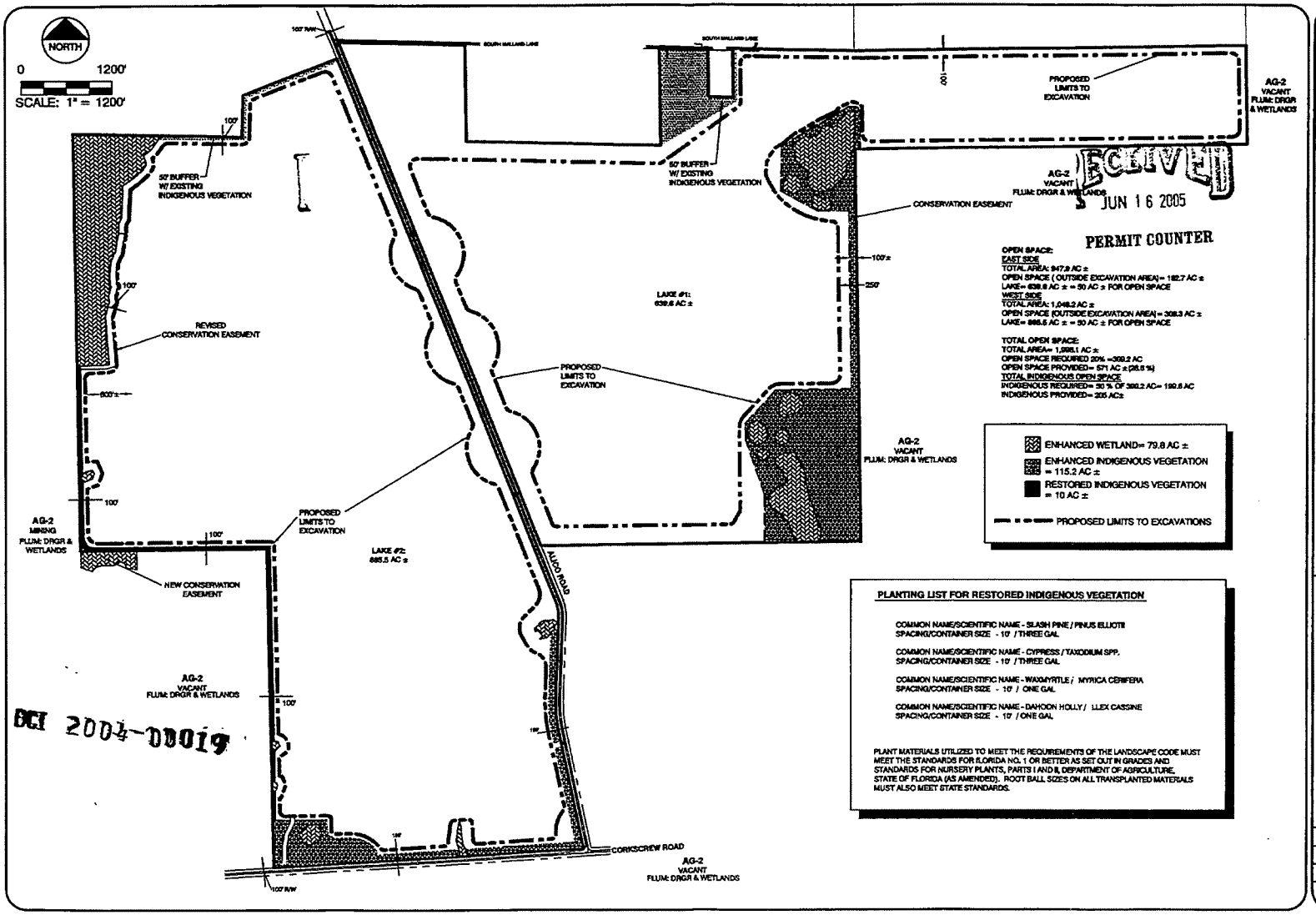
ALICO WEST L.L.C.
UNIVERSITY - WEST LAKES
Section 2, 10, 11, 15, 16 T 51 S R 25 E, Lee County, Florida

MORRIS - DEPEW ASSOCIATES, INC.
ENGINEERS • PLANNERS • SURVEYORS & MAPPERS
2618 Cleveland Avenue • Fort Myers, Florida 33901 • (239) 332-2594 • FAX (239) 332-2654

JOB PROJECT: 041113
DRAWN BY: DWP
DESIGNED BY: AZ
DATE: 3/1/05
SHEET: 2/2

EXHIBIT "C"
(Page 2 of 2)

DCI 2004-00019



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JUN 16 2005
PERMIT COUNTER

OPEN SPACE:
EAST SIDE
TOTAL AREA: 947.9 AC ±
OPEN SPACE (OUTSIDE EXCAVATION AREA)= 182.7 AC ±
LAKE= 639.6 AC ± = 50 AC ± FOR OPEN SPACE
WEST SIDE
TOTAL AREA: 1,048.2 AC ±
OPEN SPACE (OUTSIDE EXCAVATION AREA) = 308.3 AC ±
LAKE= 665.5 AC ± = 50 AC ± FOR OPEN SPACE

TOTAL OPEN SPACE:
TOTAL AREA= 1,996.1 AC ±
OPEN SPACE REQUIRED 20% =399.2 AC
OPEN SPACE PROVIDED= 571 AC ± (28.6 %)
TOTAL INDIGENOUS OPEN SPACE
INDIGENOUS REQUIRED= 50 % OF 399.2 AC= 199.6 AC
INDIGENOUS PROVIDED= 205 AC±

- ENHANCED WETLAND= 79.8 AC ±
- ENHANCED INDIGENOUS VEGETATION = 115.2 AC ±
- RESTORED INDIGENOUS VEGETATION = 10 AC ±
- PROPOSED LIMITS TO EXCAVATIONS

PLANTING LIST FOR RESTORED INDIGENOUS VEGETATION

COMMON NAME/SCIENTIFIC NAME - SLASH PINE / PINUS ELLIOTII
SPACING/CONTAINER SIZE - 10' / THREE GAL

COMMON NAME/SCIENTIFIC NAME - CYPRESS / TAXODIUM SPP.
SPACING/CONTAINER SIZE - 10' / THREE GAL

COMMON NAME/SCIENTIFIC NAME - WAX/MYRTLE / MYRICA CERIFERA
SPACING/CONTAINER SIZE - 10' / ONE GAL

COMMON NAME/SCIENTIFIC NAME - DAHOON HOLLY / ILEX CASSINE
SPACING/CONTAINER SIZE - 10' / ONE GAL

PLANT MATERIALS UTILIZED TO MEET THE REQUIREMENTS OF THE LANDSCAPE CODE MUST MEET THE STANDARDS FOR FLORIDA NO. 1 OR BETTER AS SET OUT IN GRADES AND STANDARDS FOR NURSERY PLANTS, PARTS I AND II, DEPARTMENT OF AGRICULTURE, STATE OF FLORIDA (AS AMENDED). ROOT BALL SIZES ON ALL TRANSPLANTED MATERIALS MUST ALSO MEET STATE STANDARDS.

DCI 2004-00019

REVISED PER SUPPORTING COMMENTS: APRIL 13, 2005

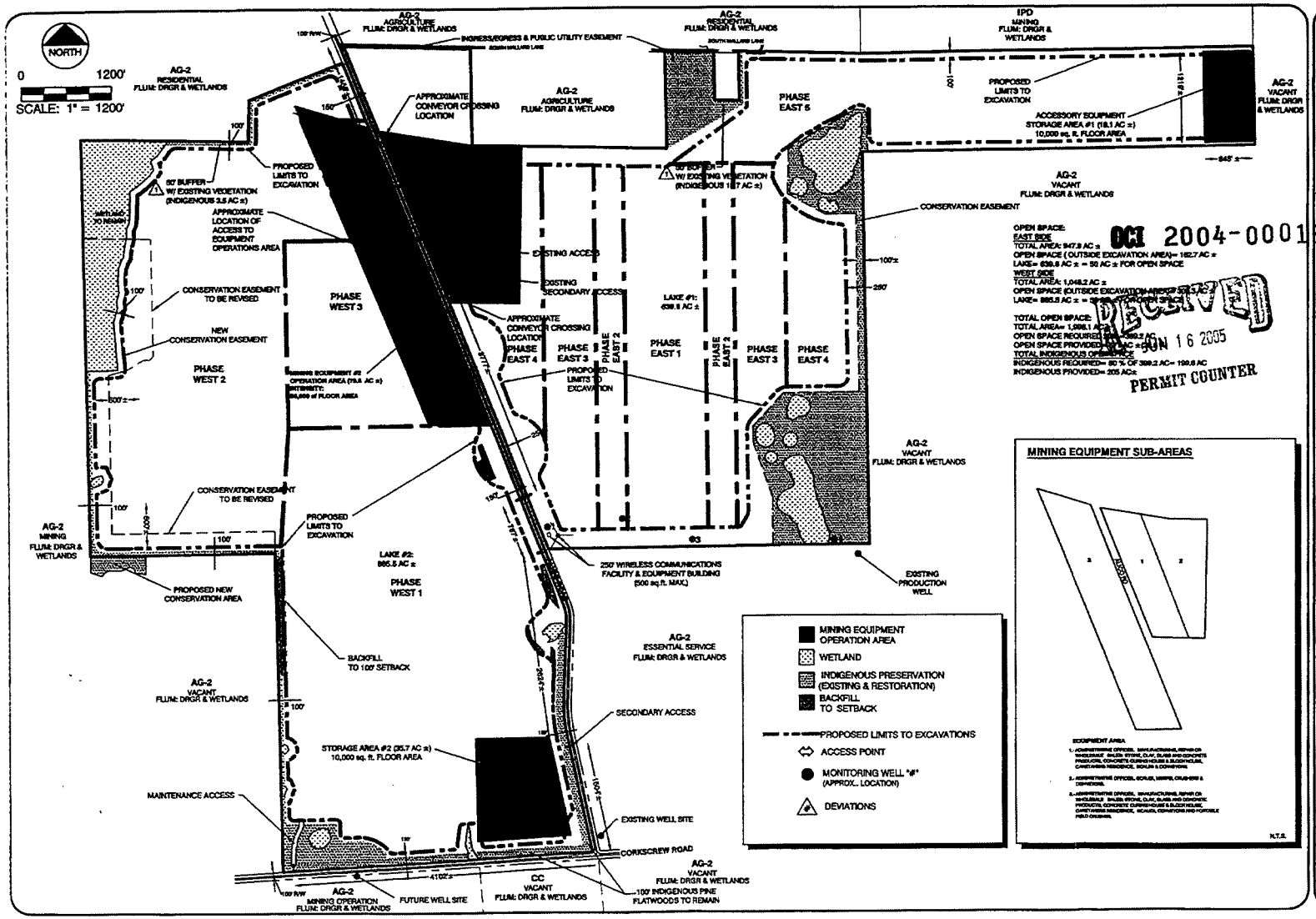
PRESERVE ENHANCEMENT PLAN

ALICO WEST L.L.C.
UNIVERSITY - WEST LAKES
Section 5, 6, 7, 8, 17, 18 & 19 - T46S - R26E, Lee County, Florida

MORRIS - DEPEW ASSOCIATES, INC.
ENGINEERS • PLANNERS • SURVEYORS & MAPPERS
2891 Ortiz Avenue • Fort Myers, Florida 33905 • (239) 275-9700 • Fax (239) 275-2544

MDA PROJECT 04113
CHECKED BY DWP
DRAWN BY AZ
DATE 6/9/05
SHEET 1

EXHIBIT "D"
Preserve Enhancement Plan



DCI 2004-00019

RECEIVED
JUN 16 2005
PERMIT COUNTER

ZONING MASTER CONCEPT PLAN - PHASES -

AUCO WEST L.L.C.
UNIVERSITY - WEST LAKES

MORRIS - DEPEW ASSOCIATES, INC.
ENGINEERING • PLANNING • SURVEYORS & MAPPERS
836 Airport Road • Fort Myers, Florida 33907 • (239) 275-7600 • FAX (239) 275-2191

MDA PROJECT: 04113
CHECKED BY: DWF
DRAWN BY: AZ
DATE: 2/24/05
SHEET: 1

EXHIBIT "E"
Zoning Master Concept Plan
- Phases

CDM

Youngquist Brothers, Inc.

Hydrogeology and Public Water Supply Impact Analysis of the West Lakes Mine Site

June 2004

Technical Memorandum

EXHIBIT "F"
Hydrogeology & Public Water Supply Impact Analysis of the West Lakes Mine Site

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JUL 01 2004
PERMIT COUNTER

Youngquist Brothers, Inc.

Hydrogeology and Public Water Supply Impact Analysis of the West Lakes Mine Site

June 2004

DCI2004-00019

Frank P. Winslow
Hydrogeologist/Project Manager

W. Kirk Martin, P.G.
Florida Professional Geologist No. 079

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Fort Myers, Florida 33919
239/432-9494

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Section 1
Introduction

CDM Missimer was retained by Youngquist Brothers, Inc. to evaluate the potential for hydrogeological impacts that may be associated with proposed mining activities at the West Lakes Mine. Specific objectives of this Technical Memorandum (TM) include an assessment of depth to regional confining beds that would constitute the lower vertical limits of the proposed excavation and assessment of potential impacts to existing public supply wellfields near the mine site.

The West Lakes Mine is located west of Alico Road and north of Corkscrew Road in Sections 15, 16, 21, and 22, Township 46S, Range 26E, Lee County, Florida. A site location map is provided in **Figure 1**. The proposed excavation area is depicted on **Figure 1** along with existing lake areas, wetland areas, and current lake areas to be backfilled to proposed mine setbacks. An existing rock mining operation, University Lakes Mine, is located east of and across Alico Road from the proposed mine site.

Lee County has a well field that consists of public water supply pumping wells located to the east, southeast, and south of the proposed mine site. Potential impacts to the Lee County well field from proposed mining activities are of particular concern and are a focus of evaluations in this TM.

The scope of work of this evaluation included a review of existing geologic and hydrologic data. The existing data reviewed included previous investigation reports prepared by CDM Missimer, regulatory agencies, technical publications, and CDM Missimer's extensive in-house hydrogeologic database.

CDM Missimer conducted previous investigations at three proposed mine sites; the West Lakes Mine, Southwest Florida Rock Mine, and University Lakes Mine. The former West Lakes Mine and former Southwest Florida Rock Mine areas are depicted on **Figure 2**. No rock mining has occurred at these two sites and they are now wholly encompassed by the proposed mine site. Areas within the proposed mine site that were not within these previous areas include the following:

- The area between the West Lakes Mine and Southwest Florida Rock Mine that is currently largely covered by a lake, and
- The area north of the West Lakes Mine area that is currently used for agricultural purposes.

Technical memoranda were prepared by CDM Missimer for the West Lakes Mine (October 2000 and March 2001), Southwest Florida Rock Mine (March 2002), and the University Lakes Mine (November 1999). Results of supplemental test boring programs were reported in letter reports for the Southwest Florida Rock Mine (June 2002) and the University Lakes Mine (October 2000).

Existing water well and pumping data were obtained from the South Florida Water Management District (SFWMD) database. Proposed pumping rates of the Lee County well field were obtained from the Lee County Utilities Department. This technical memorandum summarizes the data from previous investigations, SFWMD, and Lee County Utilities Department.

The following sections of this TM present a summary of the regional and local hydrogeology (Sections 2 and 3), an analysis of potential impacts to the Lee County public water supply wells (Section 4), conclusions (Section 5), and recommendations (Section 6).

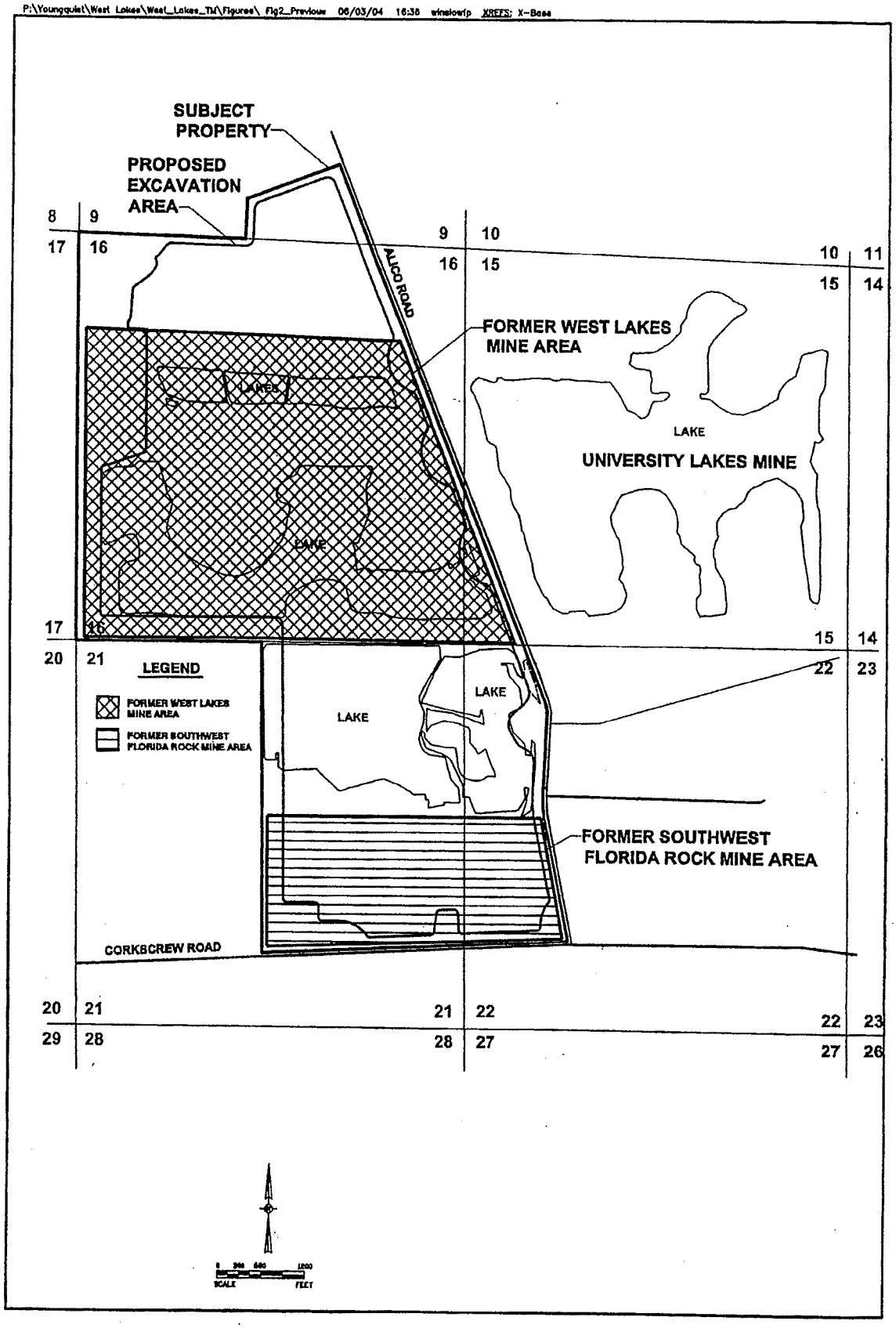

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Figure 2
YBI West Lakes Mine
Locations of Previous Investigations

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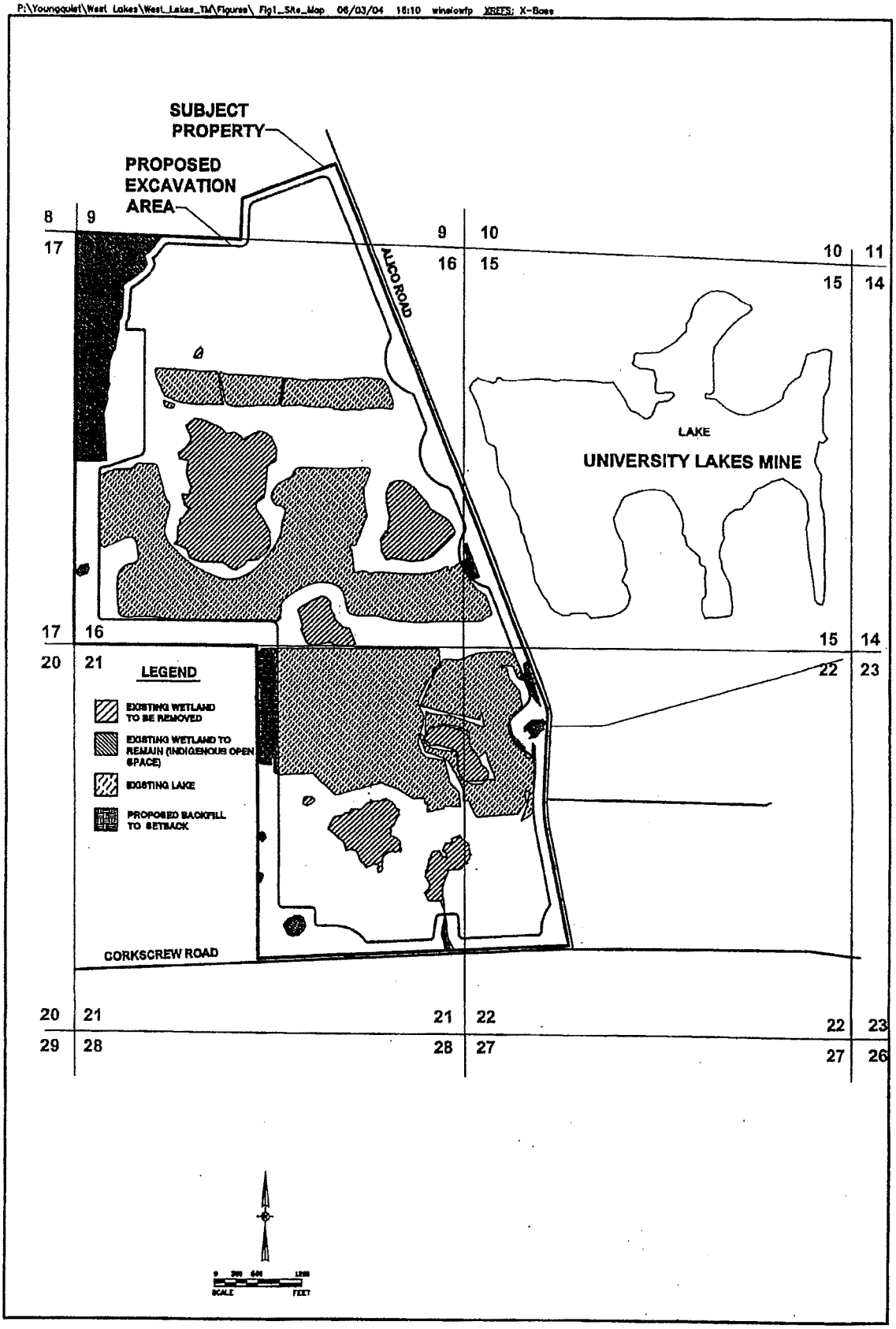

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Figure 1
YBI West Lakes Mine
Site Map

Section 2
Regional Hydrogeology of the West Lakes Mine Area

The uppermost 100 to 200 feet of strata in the West Lakes Mine vicinity contains six main lithologic units. They are, in descending order, the Pamlico Sand, the undifferentiated Ft. Thompson/Caloosahatchee Formation, Ochopee and Buckingham Members of the Tamiami Formation, and the Cape Coral Clay and Lehigh Acres Sandstone Members of the Peace River Formation (Hawthorn Group). A general hydrogeologic column of the West Lakes Mine vicinity is provided in **Figure 3**. A geologic log for well LM-926, which is located approximately 1200 feet southeast of the project site, is attached in **Appendix A**. Well LM-926 was drilled to a depth of 195 feet, extending below the Lehigh Acres Sandstone Member of the Peace River Formation. Geologic logs for test borings advanced at the West Lakes Mine site and on adjoining properties are also attached in **Appendix A**. These test borings were typically advanced into the top of the Cape Coral Clay member of the Peace River Formation.

The Pamlico Sand occurs from land surface to approximately 15 feet below land and consists of unconsolidated fine- to medium-grained quartz sand. Accessory constituents include minor and variable quantities of organic matter, silt, and cemented sandstone. The Pamlico Sand is moderately permeable and forms the uppermost section of the water-table or surficial aquifer. The undifferentiated Ft. Thompson/Caloosahatchee Formation underlies the Pamlico Sand to a total depth of 16 to 34 feet below land surface (bls). This unit is lithologically variable and consists of interbedded sand, shell, and minor limestone beds. The undifferentiated Ft. Thompson/Caloosahatchee Formation is also moderately permeable and forms the intermediate unit of the water-table aquifer.

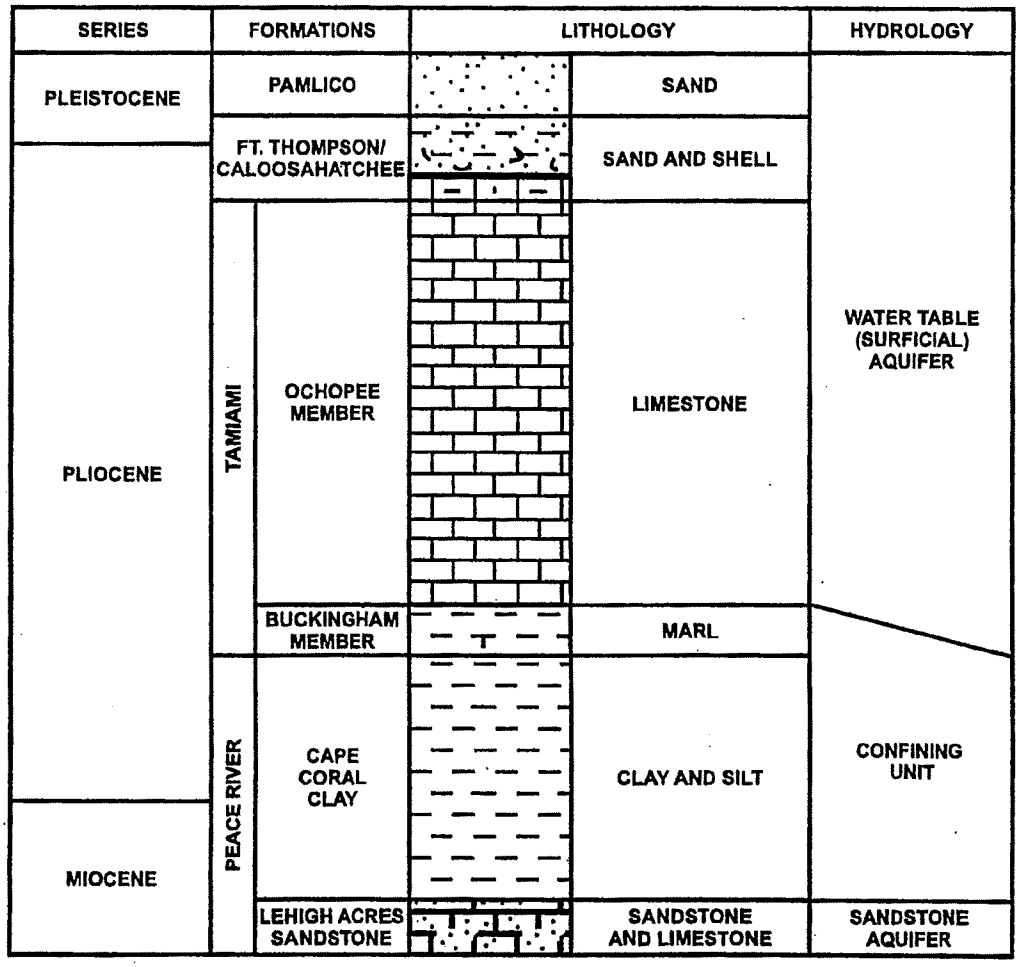
The lowermost section of the water-table aquifer is the Ochopee Member of the Tamiami Formation. The Ochopee Member consists of approximately 50 feet or more of moderately hard, highly porous and permeable fossiliferous limestone. The Ochopee Member is the primary production interval of water-table (surficial) aquifer wells in the Lee County wellfield. It is also an excellent source of aggregate rock, as indicated by the number of rock mines in the surrounding area.

The Ochopee Member of the Tamiami Formation is underlain by the Buckingham Member of the Tamiami Formation. The thickness of the Buckingham Member is variable ranging from 0 to approximately 25 feet. The Buckingham Member is also lithologically variable and may locally consist of light-colored marl and/or relatively soft, fossiliferous limestone. Where the Buckingham Member has a low permeability, it forms part of the confining unit between the water-table and sandstone aquifers.

The primary confinement between the water-table and sandstone aquifers is provided by the Cape Coral Clay Member of the Peace River Formation. The Cape Coral Clay is approximately 40 to 60 feet thick in the project site area and consists of distinctive dark greenish gray stiff clay. The Cape Coral Clay has no economic value and is therefore not mined. The Lehigh Acres Sandstone Member of the Peace River Formation underlies the Cape Coral Clay and constitutes the sandstone aquifer. The Lehigh Acres Sandstone is composed of sands, calcareous sandstones and sandy limestone of variable thickness.

A regional contour map of the thickness of the water-table aquifer in the West Lakes Mine region is provided in **Figure 4**. The map is from the Water Resources Management Project for Lee County report (prepared by James M. Montgomery Consulting Engineers, Inc. 1988). The thicknesses contoured in **Figure 4** are also approximately equal to the depth to the top of the confining unit between the water-table aquifer and the sandstone aquifer, since the top of the water-table aquifer is located close to land surface.

Figure 4 indicates that there is a depositional basin in the West Lakes Mine vicinity that is centered about 1 mile southeast of the project site. The depth to the top of the confining unit beneath the West Lakes Mine property is shown in **Figure 4** to range from about 55 to 105 feet. The isopach lines on this map indicate that the greatest depth to the top of the confining unit occurs at the southeast corner of the proposed mine site property.

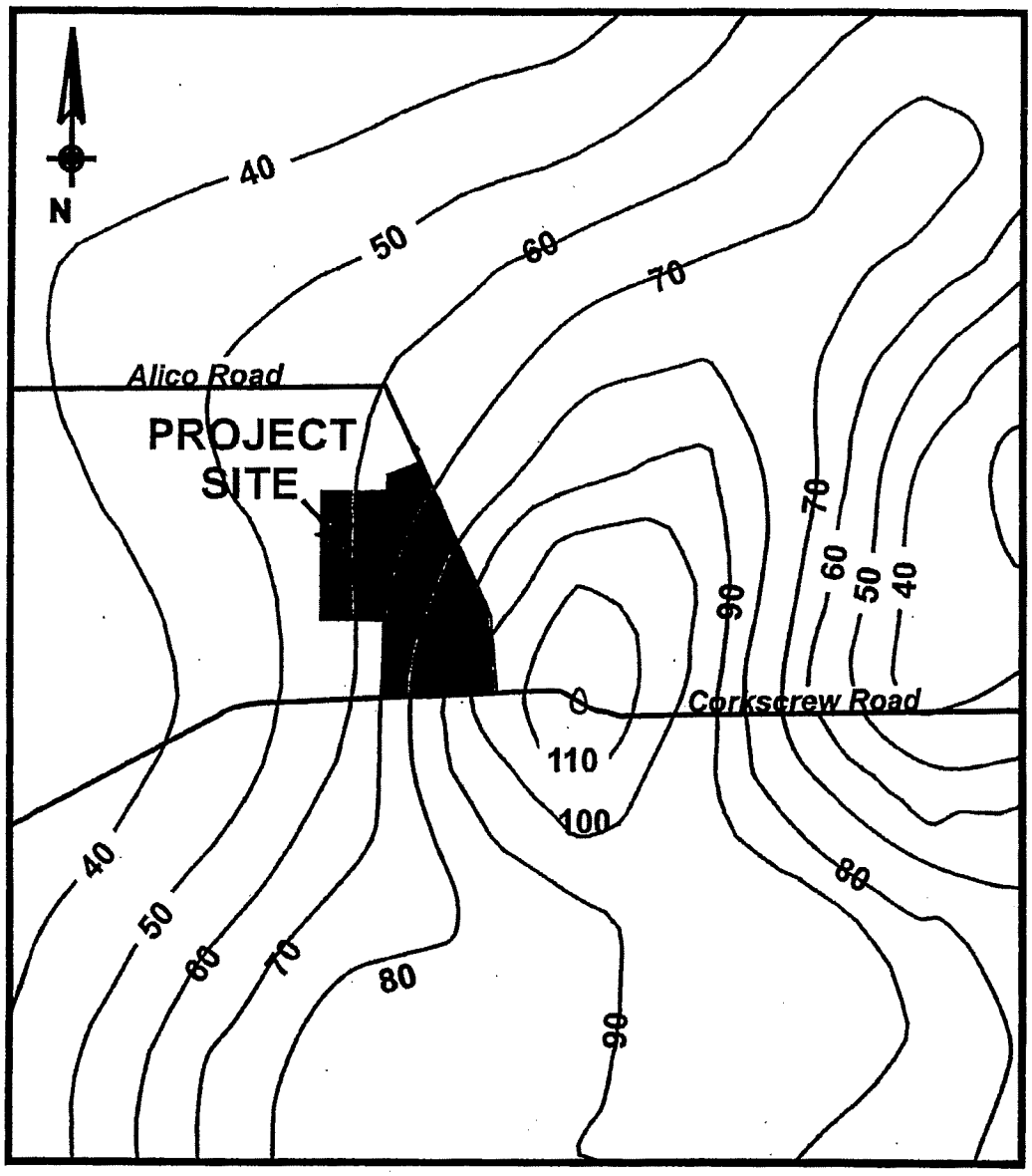


CDM Missimer

Pr. Name:YBI - WEST LAKES MINE	Dwn.By:
Pr. No.: FH00-1135 DWG No:	Date: 06/03/04

Groundwater and Environmental Services

FIGURE 3. GENERALIZED HYDROGEOLOGY AT THE WEST LAKES MINE SITE.



Source: Water Resources Management Project for Lee County (1988) Note: Not to exact scale.

CDM Missimer

Pr. Name: YBI - WEST LAKES MINE	Dwn.By:
Pr. No.: FH00-1135 DWG No:	Date: 06/03/04

Groundwater and Environmental Services

FIGURE 4. CONTOUR MAP SHOWING THICKNESS OF THE WATER TABLE AQUIFER IN WEST LAKES MINE AREA.

Section 3
West Lakes Mine Test Borings

The data used to create **Figure 4** is regional in nature and therefore may not be accurate on a local scale. Site-specific data were collected as part of investigations for the West Lakes Mine, Southwest Florida Rock Mine, and the University Lakes Mine. Boring logs from these investigations are attached in **Appendix A**. Locations of test borings and depths to the top of the regional confining bed are depicted on **Figure 5**.

The objective of the test borings was to obtain site specific data on the depth to the top of the confining unit at the project site. Such data would determine the depths to which the mines could be safely deepened without breaching the confining zone. Test borings were advanced via mud rotary drilling at four locations at the West Lakes Mine site, at eight locations at the Southwest Florida Rock Mine Site, and at nine locations at the University Lakes Mine Site.

The proposed mine site is underlain by fine-grained quartz sand from land surface to approximately 19 to 34 feet bls. The sands are part of the Pamlico Sand and the undifferentiated Ft. Thompson/Caloosahatchee Formation. The sands are underlain by a very porous and permeable fossiliferous limestone of the Ochopee Limestone. During boring activities, mud circulation was usually difficult to maintain in the limestone at depths between 35 and 50 feet bls, which often prevented the collection of drill cuttings below that depth, however, the top of the Cape Coral Clay is readily identified by a change in drilling behavior. The change from the relatively hard limestones of Ochopee Limestone to the soft Buckingham Marl or Cape Coral Clay can be identified by an increase in drilling rate and the absence of drill rig chatter. The presence of the Cape Coral Clay was also confirmed by removing the drill string after the drilling break was encountered and examining the bit for adhering dark greenish gray clay.

The depth to the top of the confining unit ranges from approximately 70 feet bls in the northern part of the proposed mine site to 109 feet bls in the southern part of the proposed mine site. These data generally confirm the regional trends noted earlier (increasing depth to confining unit in the southern part of the proposed mine site). One site located in the east-central part of the mine site indicated a top of confining bed depth of 57 feet bls.

No laterally continuous beds of clay, marl, or other low permeability sediments or rock were encountered between land surface and the top of the Cape Coral Clay that would hydraulically separate aquifers or aquifer zones. Mining could occur to depths as great as 109 feet bls without penetrating into the principal confining unit between the water-table aquifer and sandstone aquifer. Because the sediments underlying the Ochopee Limestone have no economic value, no excavation will occur beneath the top of the confining bed.

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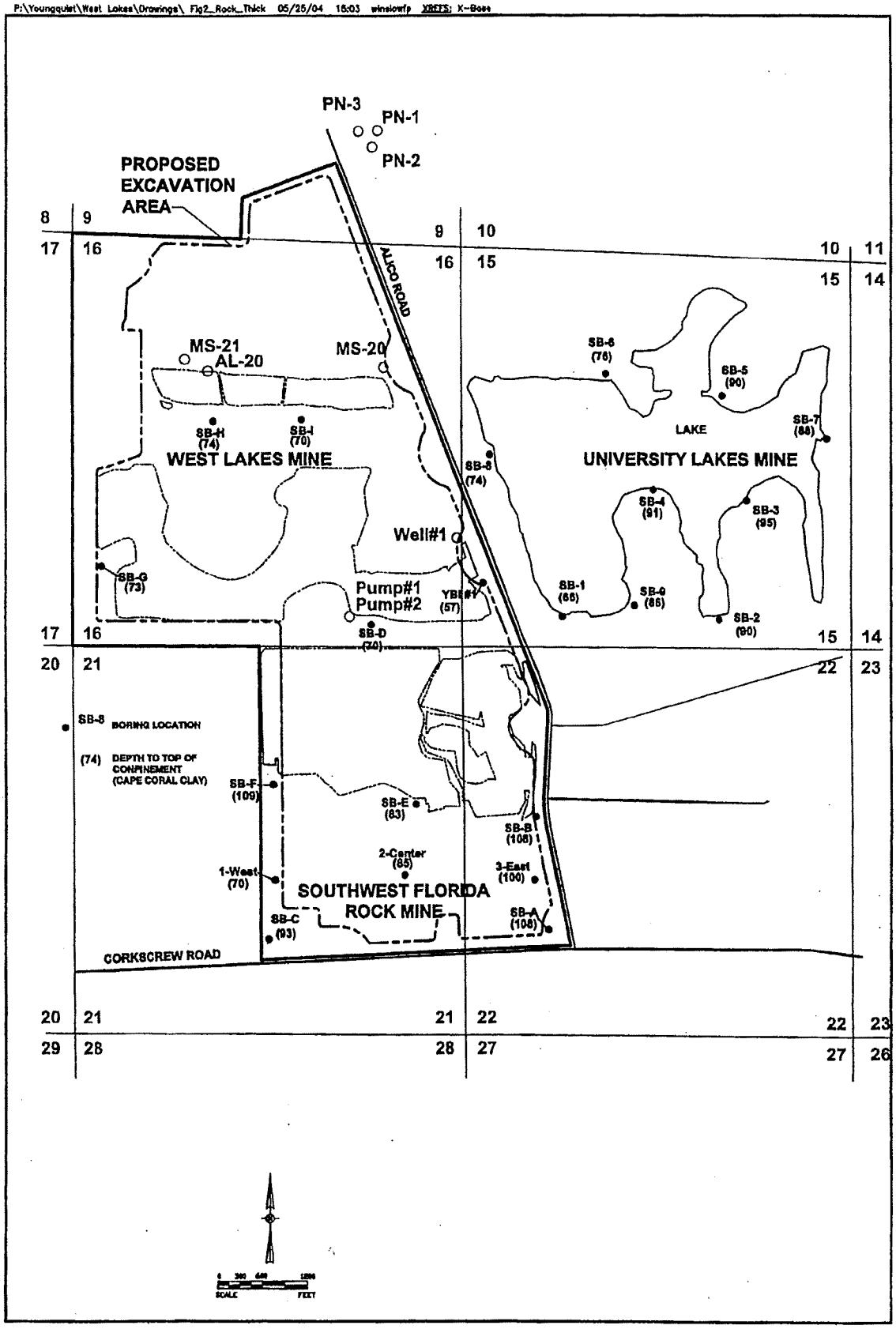

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Figure 5
YBI West Lakes Mine
Depth to Top of Confinement

Section 4
Public Water Supply Impact Analysis

A discussion of the public water supply wells, applicable regulations, and an analysis of potential impacts to the public water supply wells are presented below. Public water supply wells in the vicinity of the proposed mine site are depicted on **Figure 6**. Detailed information for these water wells, including depths and permitted pumping rates are listed in **Table 1**.

As discussed in Section 2, the Cape Coral Clay is a significant confining unit in the vicinity of the West Lakes Mine. The mining activities above the confining unit do not pose any risk to the wells completed in the aquifers beneath the confining unit (the Sandstone, Mid-Hawthorn, and Lower Hawthorn aquifers). Therefore the evaluation of potential impacts to public water supply wells focuses on the wells that are completed above the Cape Coral Clay (surficial or water-table aquifer wells in **Table 1**).

4.1 Review of Applicable Regulations and Setback Requirements

The following regulations potentially impact mining operations in the vicinity of a public water supply wellfield.

Lee County Wellfield Protection Ordinance (95-01)

The southwest part of the West Lakes Mine property occurs in wellfield protection zones 3 and 4, as indicated by the most recent potable wellfield cones of influence map distributed by Lee County. The ordinance specifies a number of prohibitions and regulations concerning the storage and handling of chemicals and fuels within protection zones. However, section 14-209 (b) (7) states that "earth mining within any protection zone will be exempt from the provisions of this article provided that all contractors, subcontractors, laborers, material men and their employees using, handling, storing or producing regulated substances in any protection zone use the applicable best management practices provided in section 14-217."

Florida Wellhead Protection Rule (F.A.C. 62-521)

Wellhead protection areas are defined as an area designated by the Department of Environmental Protection consisting of a 500-foot radial setback distance around a potable water well where groundwater is provided the most stringent protection. Chapter 62-521 does not specifically prohibit mining activities within the 500-foot radius but does prohibit the installation of new aboveground and underground storage tanks and discharges to groundwater within the 500-foot setback. The proposed mine excavation limits include a 500-foot setback from both current and planned water wells as shown on **Figure 6**.

Permitting & Construction of Public Water Systems (F.A.C. 62-555)

Chapter 62-555 deals with restrictions on the installation of public water supply wells rather than restrictions on activities near existing wells. Section 62.555.312 (4) states that public drinking water supply wells shall be located no closer than 100 feet from other sanitary hazards as defined in Rule 62-550.200, which includes any conditions that might impact a drinking water system and creates an imminent or potentially serious risk to the health of any person who consumes water from the system.

Lee County Blasting Ordinance (99-07)

The Lee County Blasting Ordinance does not contain any specific setback distances. The blasting ordinance specifies that blasting procedures shall not create a resultant peak velocity in excess of 0.50 inches per second when measured on the ground at the nearest building. The blasting ordinance includes notification, inspection, and monitoring requirements. A list of recommended blasting conditions is attached.

4.2 Review of Current PWS Well Construction Details as Related to Proposed Mine Depths

A total of 24 Lee County Public Water Supply (PWS) wells in the vicinity of the proposed mine site are completed in the surficial aquifer (see **Table 1**). These PWS wells include wells 7 through 16, 18 through 24, 25S, 26S, and 29S through 33S. Of these 24 wells, 22 have a use status of primary, and 2 (wells 9 and 20) have a use status of secondary. All wells have a permitted pump capacity of 500 gpm except for wells 29S through 33S, which have a permitted, pump capacity of 250 gpm. These PWS wells have 12 inch casing extending to depths between 36 and 60 feet, and total depths between 105 and 150 feet. According to the Lee County Utilities Department, the surficial aquifer wells are allocated 6.0 mgd over 32 wells (approximately 130 gpm for each well).

Test borings in the West Lakes Mine area indicate that economically mineable rock is present to depths as great as 109 feet bls at the proposed mine site. The proposed mining activities will thus extend into the production intervals of the water-table aquifer production wells.

4.3 Groundwater Flow Modeling

Groundwater flow in the West Lakes Mine, Southwest Florida Rock Mine, and University Lakes Mine site areas was simulated during previous investigations using MODFLOW, a three-dimensional finite differences groundwater flow model developed by the U.S. Geological Survey. The purpose of the modeling was to determine the travel times from the proposed mine sites to the PWS wells.

A steady state simulation was performed in which the maximum permitted withdrawal rate of 6 MGD for the part of the Corkscrew wellfield in Section 22 was allocated equally between the 17 water-table aquifer production wells. The flow paths and travel times from the West Lakes Mine were determined using the

MODPATH program. A flow path and travel time map are provided in **Appendix B.** Modeling showed that the groundwater velocity ranges from 0.4 feet per day (ft/day) at a distance from the PWS wells to 3.3 ft/day for mining in closer proximity to the PWS wells. Using a groundwater velocity of 3.3 ft/day, a set back distance of 500 feet results in a travel time of 152 days between the excavation and the closest PWS wells.

4.4 Under Direct Influence of Surface Water Issues

The excavation of the West Lakes Mine to the production interval of the Corkscrew wellfield water-table aquifer public supply wells raises the concern that the wells would come under the direct influence (UDI) of surface waters. Direct influence of surface waters means that water quickly migrates from surface waters to water supply wells with minimal natural filtration of particulate matter including bacteria and viruses. Groundwaters determined to be directly influenced by surface waters are required to meet additional treatment. Determination of a public water system as UDI could necessitate changes to the treatment process.

Microscopic particulate analysis (MPA) is currently being used by Florida Department of Environmental Protection to identify groundwater supplies under direct influence of surface water. The MPA test involves pumping well water (typically from 500 to over 1,000 gallons) through a filter and examining the collected particulate matter for surface water indicators.

According to Dr. Lillian Starke of the Florida Department of Health, surface water bacteria and algae have been shown to survive a relatively short time within an aquifer, typically on the order of hours or days. Viruses have been shown to survive for days or weeks. All other factors being equal, the greater the travel time, the less likely a well will be found under direct surface water influence. However, the size of organisms relative to the diameter of pore throats within the aquifer more strongly controls whether or not organisms will pass through an aquifer zone and enter a well. It has been shown at other wellfields in southwest Florida that lakes located at much shorter travel times than 152 days from production wells did not result in wells becoming UDI.

In addition, recent laboratory studies have shown a relatively rapid removal of bacteria (removal by an order of magnitude on the order of days) and viruses (removal by an order of magnitude on the order of a week) in non sterile (natural) groundwater systems (Toze 2002). This removal rate was reduced substantially in sterile groundwater, indicating that native microbes play a significant role in this removal process. Destruction of bacteria in viruses from water injected into groundwater was further demonstrated in recent aquifer storage and recovery (ASR) feasibility testing in Bolivar, Australia. This study also indicated that native microbes play a significant role in this destruction process. The destruction of pathogens and other microbes as demonstrated by these studies indicates that microbes within water migrating from surface water bodies into groundwater would face the same destructive mechanisms. Therefore, it appears unlikely that the PWS wells located

500 feet and greater from the proposed excavation will be adversely impacted by the mining activities.

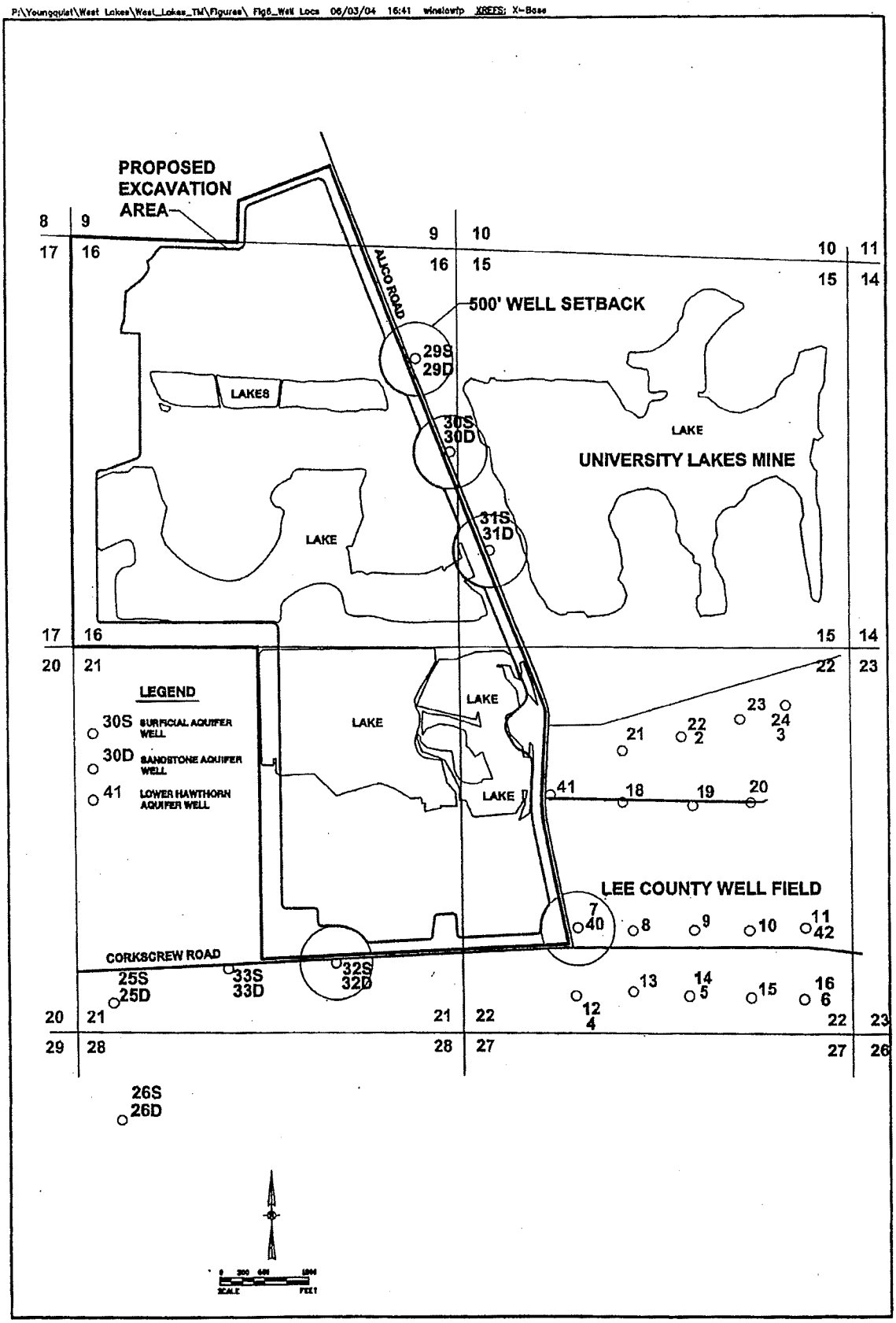

Figure 6
YBI West Lakes Mine
Public Water Supply Well Locations

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Table 1
Public Water Supply Wells in the Vicinity of the West Lakes Mine

Project Name	LU Code	Area Served (Acres)	Facility ID	Facility Type	Facility Name	Pump Type	Diameter (Inches)	Pump Depth (Feet)	Pump Capacity (GPM)	Well Depth (Feet)	Casing Depth (Feet)	Use Status	Water Source	Water Use
LEE COUNTY UTILITIES	PWS	34000.00	128759	WELL	MH ASR#1	TUR	12	0	450	397	328	PRM	Mid-Hawthorn Aquifer	ASR
LEE COUNTY UTILITIES	PWS	34000.00	128760	WELL	MH ASR#2	TUR	12	0	450	397	337	PRM	Mid-Hawthorn Aquifer	ASR
LEE COUNTY UTILITIES	PWS	34000.00	128761	WELL	MH ASR#3	TUR	12	0	450	347	285	PRM	Mid-Hawthorn Aquifer	ASR
LEE COUNTY UTILITIES	PWS	34000.00	128762	WELL	MH ASR#4	TUR	12	0	450	368	310	PRM	Mid-Hawthorn Aquifer	ASR
LEE COUNTY UTILITIES	PWS	34000.00	128763	WELL	MH ASR#5	TUR	12	0	450	291	253	PRM	Mid-Hawthorn Aquifer	ASR
LEE COUNTY UTILITIES	PWS	34000.00	131175	WELL	2	TUR	12	100	350	250	160	PRM	Sandstone Aquifer	PWS
LEE COUNTY UTILITIES	PWS	34000.00	131176	WELL	3	TUR	12	100	350	270	180	PRM	Sandstone Aquifer	PWS
LEE COUNTY UTILITIES	PWS	34000.00	131177	WELL	4	TUR	12	100	350	295	185	PRM	Sandstone Aquifer	PWS
LEE COUNTY UTILITIES	PWS	34000.00	131178	WELL	5	TUR	12	100	350	295	205	PRM	Sandstone Aquifer	PWS
LEE COUNTY UTILITIES	PWS	34000.00	131179	WELL	6	TUR	12	100	350	300	210	PRM	Sandstone Aquifer	PWS
LEE COUNTY UTILITIES	PWS	34000.00	25547	WELL	7	TUR	12	40	500	135	45	PRM	Surficial Aquifer System	PWS
LEE COUNTY UTILITIES	PWS	34000.00	25548	WELL	8	TUR	12	40	500	140	50	PRM	Surficial Aquifer System	PWS
LEE COUNTY UTILITIES	PWS	34000.00	25549	WELL	9	TUR	12	45	500	140	55	STD	Surficial Aquifer System	PWS
LEE COUNTY UTILITIES	PWS	34000.00	25550	WELL	10	TUR	12	45	500	150	60	PRM	Surficial Aquifer System	PWS
LEE COUNTY UTILITIES	PWS	34000.00	25551	WELL	11	TUR	12	45	500	145	55	PRM	Surficial Aquifer System	PWS
LEE COUNTY UTILITIES	PWS	34000.00	25552	WELL	12	TUR	12	45	500	140	50	PRM	Surficial Aquifer System	PWS
LEE COUNTY UTILITIES	PWS	34000.00	25553	WELL	13	TUR	12	45	500	140	50	PRM	Surficial Aquifer System	PWS
LEE COUNTY UTILITIES	PWS	34000.00	25554	WELL	14	TUR	12	45	500	150	45	PRM	Surficial Aquifer System	PWS
LEE COUNTY UTILITIES	PWS	34000.00	25532	WELL	15	TUR	12	45	500	145	55	PRM	Surficial Aquifer System	PWS
LEE COUNTY UTILITIES	PWS	34000.00	25533	WELL	16	TUR	12	45	500	150	60	PRM	Surficial Aquifer System	PWS
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LEE COUNTY UTILITIES	PWS	34000.00	25534	WELL	19	TUR	12	45	500	120	50	PRM	Surficial Aquifer System	PWS
LEE COUNTY UTILITIES	PWS	34000.00	25535	WELL	20	TUR	12	45	500	120	50	STD	Surficial Aquifer System	PWS
LEE COUNTY UTILITIES	PWS	34000.00	25536	WELL	21	TUR	12	30	500	105	35	PRM	Surficial Aquifer System	PWS
LEE COUNTY UTILITIES	PWS	34000.00	25537	WELL	22	TUR	12	35	500	110	40	PRM	Surficial Aquifer System	PWS
LEE COUNTY UTILITIES	PWS	34000.00	25538	WELL	23	TUR	12	40	500	115	45	PRM	Surficial Aquifer System	PWS
LEE COUNTY UTILITIES	PWS	34000.00	25539	WELL	24	TUR	12	45	500	120	50	PRM	Surficial Aquifer System	PWS
LEE COUNTY UTILITIES	PWS	34000.00	131208	WELL	40	TUR	12	0	800	800	500	PRM	Lower Hawthorn Aquifer	PWS
LEE COUNTY UTILITIES	PWS	34000.00	131213	WELL	41	TUR	12	0	800	800	500	PRM	Lower Hawthorn Aquifer	PWS
LEE COUNTY UTILITIES	PWS	34000.00	131214	WELL	42	TUR	12	0	800	800	500	PRM	Lower Hawthorn Aquifer	PWS
LEE COUNTY UTILITIES	PWS	34000.00	26534	WELL	25D	TUR	12	100	350	300	190	PRM	Sandstone Aquifer	PWS
LEE COUNTY UTILITIES	PWS	34000.00	25545	WELL	25S	TUR	12	45	500	140	50	PRM	Surficial Aquifer System	PWS
LEE COUNTY UTILITIES	PWS	34000.00	26835	WELL	26D	TUR	12	100	350	300	190	PRM	Sandstone Aquifer	PWS
LEE COUNTY UTILITIES	PWS	34000.00	25546	WELL	26S	TUR	12	45	500	140	50	PRM	Surficial Aquifer System	PWS
LEE COUNTY UTILITIES	PWS	34000.00	128364	WELL	29D	TUR	12	0	500	270	180	PRM	Sandstone Aquifer	PWS
LEE COUNTY UTILITIES	PWS	34000.00	128363	WELL	29S	TUR	12	0	250	130	40	PRM	Surficial Aquifer System	PWS
LEE COUNTY UTILITIES	PWS	34000.00	128366	WELL	30D	TUR	12	0	500	270	180	PRM	Sandstone Aquifer	PWS
LEE COUNTY UTILITIES	PWS	34000.00	128365	WELL	30S	TUR	12	0	250	130	40	PRM	Surficial Aquifer System	PWS
LEE COUNTY UTILITIES	PWS	34000.00	128740	WELL	31D	TUR	12	0	500	270	180	PRM	Sandstone Aquifer	PWS
LEE COUNTY UTILITIES	PWS	34000.00	128367	WELL	31S	TUR	12	0	250	130	40	PRM	Surficial Aquifer System	PWS
LEE COUNTY UTILITIES	PWS	34000.00	128742	WELL	32D	TUR	12	0	500	270	180	PRM	Sandstone Aquifer	PWS
LEE COUNTY UTILITIES	PWS	34000.00	128741	WELL	32S	TUR	12	0	250	130	40	PRM	Surficial Aquifer System	PWS
LEE COUNTY UTILITIES	PWS	34000.00	128756	WELL	33D	TUR	12	0	500	270	180	PRM	Sandstone Aquifer	PWS
LEE COUNTY UTILITIES	PWS	34000.00	128755	WELL	33S	TUR	12	0	250	130	40	PRM	Surficial Aquifer System	PWS

LU (Land Use) Codes
PWS = Public water supply

Pump Type
TUR = Vertical turbine pump

Use Status
PRM = Primary
STD = Secondary

Water Use
ASR = Aquifer storage and recovery
PWS = Public water supply

Section 5
Conclusions

The results of this hydrogeological investigation of the proposed mine site indicate that the top of the principal confining unit underlying the water-table aquifer occurs at depths ranging from 70 to 109 feet bls. The appropriate limit on mining at the West Lakes Mine site, in terms of protecting groundwater resources therefore is 109 feet or the top of the confining unit, whichever is shallower. Since the clay unit underlying the mineable limestone is not of economic value, excavation below the top of the confining unit will not occur.

Analysis of travel time strongly suggests that the Lee County wellfield production wells would not come under direct influence of surface water as a result of excavation of the mine because of the travel time (>152 days) from the mine to the wellfield. A surface water and groundwater monitoring program would provide adequate early warning in the unlikely event mining operations adversely impacted water quality in the wellfield production zone. In the unlikely circumstance that monitoring data indicate that the PWS well are at risk of becoming UDI, then mitigating measures could be employed in order to protect the PWS wells.

Section 6
Recommendations

The following are recommendations for the proposed West Lakes Mine Site:

- Current regulations require that a 500-foot setback be maintained from the Corkscrew wellfield production well. The proposed excavation would not violate the 500-foot setback. Fuel and chemical storage areas and any maintenance facilities should be located at the north end of the site, away from the wellfield. Chemicals and fuels should be located within covered secondary containment structures.

- Surface water and groundwater monitoring should be conducted. A monitoring plan has been prepared and is attached in **Appendix C**.

- At the locations of the excavation that form the 500-foot set back from the proposed and existing PWS wells, the slope of the excavation should not exceed 3:1. This slope will allow the application of a bentonite slurry to the excavation surface that would prevent surface water infiltration, should the monitoring wells indicate that the PWS wells are at risk of becoming UDI.

- The Lee County blasting procedures should be followed.

Appendix A
Boring Logs

Table A-4 Geologist's Log L-M-926.

Depth (ft.)	Description
0-4	Sand, quartz, dark brown, organic, iron-stained, very fine, slightly clayey.
4-7	Sand, quartz, brown, same generally as above with less clay, some weathered rock fragments.
7-10	Sandstone, lt. gray, medium hard, very fine quartz sand +80% cemented by carbonate.
10-15	Sand, quartz, lt. brown to tan, very fine, clean.
15-24	Sandstone, lt. brown, shelly, shells appear weathered, overall sequence medium hard, very permeable.
24-26	Shell, thin bed, unconsolidated shell, mostly *Chione cancellata*.
26-30	Sandstone and shell, interbedded, sandstone is medium hard to hard, shell sequence is Pleistocene, high permeability.
30-34	Limestone, lt. gray, sandy, medium hard to hard, some shell.
34-39	Sandstone, lt. gray, hard, tightly cemented, some shell and molds and casts.
39-44	Limestone, lt. gray, very hard, trace of very fine quartz sand, medium porosity.
44-50	Limestone, gray, clean with some shell, higher porosity than above.
50-64	Limestone, lt. tan to dark gray, very hard light color limestone - very permeable, darker limestone very hard - medium porosity.
64-74	Limestone, lt. gray, medium hard, trace of shell, high porosity.

(Con't.)

Table A-4 (Con't.). Geologist's Log L-M- 926.

Depth (ft.)	Description
74-79	Limestone, gray, hard to medium hard, same as above.
79-84	Limestone, gray, very hard, shelly, probably interbedded, high porosity.
84-87	Marl, gray, mixture of gray carbonate mud and rock fragments.
87-94	Clay, green, carbonate, silty, abundant micro-fossils, fat.
94-104	Clay, green, slightly silty, fairly clean, abundant micro-fossils.
104-114	Clay, green, light color than above, carbonate, less silt than above.
114-124	Clay, green, same as above with some shell fragments.
124-126	Clay, green, some weathered rock and shell fragments, phosphorite nodules.
126-134	Limestone, fray-tan, slightly phosphatic, some shell, medium hard, medium porosity.
134-144	Limestone, gray-tan, slightly sandy, trace of shell, medium hard, medium porosity.
144-146	Limestone, gray-tan to tan, sandy, same as above.
146-155	Sandstone, tan, very fine quartz sand and very fine micro-phosphorite nodules.
155-164	Sandstone, tan, more than 60% shell fragments nearly unconsolidated, soft, very porous.
164-174	Sandstone, tan-lt. gray, very shelly, lithified better than above, very porous.
174-184	Sandstone, gray, medium hard, less shell, medium porosity.

(Con't.)

Table A-4 (Con't.). Geologist's Log L-M-926.

De th (ft.)	Description
184-188	Marl, gray, mixture of gray carbonate mud and rock-fragments, slightly phosphatic.
188-195	Clay, green, very silty, phosphatic, same quartz sand.

LITHOLOGIC LOGS
WEST LAKES MINE TEST BORINGS

Depth (feet)	Lithology
Test boring SB-A	
0 - 1	SAND, light olive brown (5Y 5/6), quartz, fine-grained, well-sorted.
1 - 3	LIMESTONE (CAP ROCK), pale greenish yellow (10Y 8/2), fossil wackestone, hard, low macroporosity.
3 - 34	SAND, light olive brown (5Y 5/6), quartz, fine-grained, well-sorted.
34 - 73	LIMESTONE, light olive gray (5Y 6/1) fossil wackestone, hard, very high macroporosity (moldic), mollusks.
73 - 87	LIMESTONE, no returns, drills like soft silt limestone. Lost circulation
87 - 95	No returns, drills like clay/marl.
95 - 108	LIMESTONE, no returns
108 - 115	CLAY, no returns.
Test boring SB-B	
0 - 16	SAND, light olive brown (5Y 5/6), quartz, fine-grained, well-sorted.
16 - 30	SAND, similar to above except very shelly.
30 - 89	LIMESTONE, lost circulation, no returns. Drills like rock.
89 - 108	LIMESTONE, no returns. Drills like soft silty limestone. Silty and sandy clay with limestone fragments were recovered from drill bit.
108 - 110	CLAY, dark greenish gray (5GY 4/1), stiff.

LITHOLOGIC LOGS (Continued)
WEST LAKES MINE TEST BORINGS

Depth (feet)	Lithology
Test boring SB-C	
0 - 1	SAND, light olive brown (5Y 5/6), quartz, fine-grained, well-sorted.
1 - 3	LIMESTONE (CAP ROCK), pale greenish yellow (10Y 8/2), fossil wackestone, hard, low macroporosity.
3 - 19	SAND, light olive brown (5Y 5/6), quartz, fine-grained, well-sorted.
19 - 70	LIMESTONE, light olive gray (5Y 6/1) fossil wackestone, hard, very high macroporosity (moldic), mollusks.
70 - 93	LIMESTONE, no returns, drills like soft silty limestone.
93 - 98	CLAY, dark greenish gray (5GY 4/1), stiff (recovered from bit)
Test boring SB-D	
0 -16	SAND, light olive brown (5Y 5/6), quartz, fine-grained, well-sorted
16 - 35	LIMESTONE, light olive gray (5Y 6/1) fossil wackestone, hard, very high macroporosity (moldic), mollusks.
35 - 50	LIMESTONE, lost circulation, no returns. Drills like rock.
50 - 70	LIMESTONE, drills soft like silty oyster shell rock. SILT, pale olive (10 Y 6/2), sandy and clayey with limestone fragments recovered from drill bit at approximately 60 ft.
70 -78	CLAY, dark greenish gray (5GY 4/1), stiff (recovered from drill bit).

LITHOLOGIC LOGS (Continued)
WEST LAKES MINE TEST BORINGS

Depth (feet)	Lithology
Test boring SB-E	
0 - 28	SAND, light olive brown (5Y 5/6), quartz, fine-grained, well-sorted.
28 - 83	LIMESTONE, light olive (5Y 6/1), fossil wackestone, hard, very high macroporosity (moldic). Lost circulation at 35 ft. No returns below 40 ft.
83 - 90	CLAY, dark greenish gray (5GY 4/1), stiff.
Test boring SB-F	
0 - 1	SAND, light olive brown (5Y 5/6), quartz, fine-grained, well-sorted, mollusks.
1 - 2	LIMESTONE (CAP ROCK), pale greenish yellow (10Y 8/2), fossil wackestone, low macroporosity, hard.
2 - 20	SAND, light olive brown (5Y 5/6), quartz, fine-grained, well-sorted, mollusks.
20 - 80	LIMESTONE, light olive (5Y 6/1) fossil wackestone, hard, very high macroporosity (moldic and vuggy), mollusks. Lost circulation and no returns below 40 ft.
80 - 109	LIMESTONE, drills like soft rock.
109 - 116	CLAY, dark greenish gray (5GY 4/1), stiff.
Test boring SB-G	
0 - 16	SAND, light olive brown (5Y 5/6), quartz, fine-grained, well-sorted, mollusks.
16 - 73	LIMESTONE, light olive (5Y 6/1), fossil wackestone, hard, very high macroporosity (moldic and vuggy), bivalves, mollusks. Lost circulation and no returns below 35 ft.
73 - 76	CLAY, dark greenish gray (5GY 4/1), stiff.

LITHOLOGIC LOGS (Continued)
WEST LAKES MINE TEST BORINGS

Depth (feet)	Lithology
Test boring SB-H	
0 - 1/2	SAND, light olive brown (5Y 5/6), quartz, fine-grained, well-sorted, mollusks.
1/2 - 3	LIMESTONE (CAP ROCK), pale greenish yellow (10Y 8/2), fossil wackestone, low macroporosity, hard.
3 - 25	SAND, light olive brown (5Y 5/6), quartz, fine-grained, well-sorted, mollusks.
25 - 29	LIMESTONE, no returns, drills like rock.
29 - 35	MARL, yellowish gray (5Y 8/1), soft, sandy (50%) and CLAY, grayish olive green (5GY 3/2), sandy, stiff.
35 - 74	LIMESTONE, yellowish gray (5Y 8/1), fossil wackestone to grainstone, moderate hardness, moderate to high macroporosity, mollusks.
74 - 76	CLAY, dark greenish gray (5GY 4/1), stiff.
Test boring SB-I	
0 - 15	SAND, light olive brown (5Y 5/6), quartz, fine-grained, well-sorted. Clayey between about 14 and 15 feet.
15 - 70	LIMESTONE, light olive (5Y 6/1), fossil wackestone, hard, very high macroporosity, mollusks. Lost circulation at 35 ft. No returns below 35 ft.
70 - 74	CLAY, dark greenish gray (5GY 4/1), stiff.

GEOLOGIST'S LOG
Well 1 West Side

Depth (feet)	Lithology
0 – 5	SANDSTONE, light brown (5YR 6/4) to yellowish gray (5Y 7/2), moderately soft.
5 – 7	SILT (60%), dark yellowish orange (10YR 6/6), fine-grained, very sandy, soft to cohesive. SANDSTONE (40%), pale yellowish brown (10YR 6/2), moderately hard to hard.
7 – 15	SILT (60%), dark yellowish orange (10YR 6/6) to yellowish gray (5Y 7/2), very sandy, soft to cohesive. SANDSTONE (40%), dark yellowish orange (10YR 6/6) to light brown (5YR 6/4), moderately hard to hard.
15 – 20	SANDSTONE (50%), yellowish gray (5Y 8/1) to medium light gray (N6), hard. FOSSILS (50%), very pale orange (10YR 8/2), mollusks.
20 – 25	SANDSTONE (75%), very pale orange (10YR 8/2) to yellowish gray (5Y 7/2), moderately soft to moderately hard. FOSSILS (25%), very pale orange (10YR 8/2), mollusks.
25 – 30	SANDSTONE (60%), pale yellowish brown (10YR 6/2), hard. FOSSILS (40%), very pale orange (10YR 8/2), mollusks.
30 – 35	LIMESTONE (60%), yellowish gray (5Y 8/1), hard. FOSSILS (30%), very pale orange (10YR 8/2), mollusks. SANDSTONE (10%), yellowish gray (5Y 8/1), hard.
35 – 40	LIMESTONE (60%), yellowish gray (5Y 8/1), moderately soft to hard. FOSSILS (30%), very pale orange (10YR 8/2), mollusks. SANDSTONE (10%), yellowish gray (5Y 8/1), moderately hard. MARL (trace), white (N9), soft.
40 – 45	LIMESTONE (70%), yellowish gray (5Y 8/1), hard. FOSSILS (30%), yellowish gray (5Y 8/1), mollusks, corals.
45 – 50	LIMESTONE (60%), yellowish gray (5Y 8/1), hard. FOSSILS (40%), yellowish gray (5Y 8/1), mollusks, corals.
50 – 55	LIMESTONE (60%), yellowish gray (5Y 7/2) to medium light gray (N6), hard. FOSSILS (40%), very pale orange (10YR 8/2), mollusks.
55 – 60	LIMESTONE (50%), yellowish gray (5Y 7/2) to medium light gray (N6), hard.

GEOLOGIST'S LOG
Well 1 West Side

Depth (feet)	Lithology
	FOSSILS (50%), very pale orange (10YR 8/2), mollusks.
60 – 65	LIMESTONE (60%), yellowish gray (5Y 7/2), hard. FOSSILS (40%), very pale orange (10YR 8/2) to yellowish gray (5Y 7/2), mollusks, corals.
65 – 70	LIMESTONE (70%), yellowish gray (5Y 8/1) to yellowish gray (5Y 7/2), moderately soft to hard. FOSSILS (30%), very pale orange (10YR 8/2), mollusks, echinoids.
70 – 75	CLAY (60%), grayish yellow green (5GY 7/2), cohesive. SANDSTONE (20%), yellowish gray (5Y 7/2), hard. FOSSILS (20%), very pale orange (10YR 8/2), mollusks, barnacles.
75 – 80	CLAY, greenish gray (5GY 6/1), cohesive.
80 – 120	CLAY, dusky yellowish green (5GY 5/2), soft, cohesive.

GEOLOGIST'S LOG
Well 2 Middle

Depth (feet)	Lithology
0 – 5	SAND, moderate yellow green (5GY 7/4), silty.
5 – 10	SILT (50%), moderate greenish yellow (10Y 7/4), sandy, soft. SANDSTONE (50%), yellowish gray (5Y 8/1) to dark yellowish orange (10YR 6/6), hard.
10 – 15	SANDSTONE (70%), very pale orange (10YR 8/2) to yellowish gray (5Y 8/1) to medium light gray (N6), hard. FOSSILS (30%), very pale orange (10YR 8/2), mollusks.
15 – 20	FOSSILS (95%), very pale orange (10YR 8/2), mollusks. SANDSTONE (5%), very pale orange (10YR 8/2), moderately hard.
20 – 25	FOSSILS (70%), very pale orange (10YR 8/2), mollusks. SANDSTONE (20%), very pale orange (10YR 8/2), hard. SILT (10%), light brownish gray (5YR 6/1).
25 – 30	FOSSILS (80%), very pale orange (10YR 8/2), mollusks. SILT (10%), light brownish gray (5YR 6/1). SANDSTONE (10%), yellowish gray (5Y 8/1), moderately hard.
30 – 35	SANDSTONE (50%), light gray (N7), moderately soft. FOSSILS (50%), very pale orange (10YR 8/2), mollusks.
35 – 40	SANDSTONE (50%), yellowish gray (5Y 7/2), moderately hard. FOSSILS (50%), very pale orange (10YR 8/2), mollusks.
40 – 45	FOSSILS (50%), very pale orange (10YR 8/2), mollusks. SANDSTONE (25%), yellowish gray (5Y 8/1), hard. LIMESTONE (25%), yellowish gray (5Y 8/1), hard.
45 - 50	SANDSTONE (35%), yellowish gray (5Y 8/1), hard. LIMESTONE (35%), yellowish gray (5Y 8/1), hard. FOSSILS (30%), very pale orange (10YR 8/2), mollusks.
50 – 55	LIMESTONE (60%), yellowish gray (5Y 7/2) to medium dark gray (N4), hard. FOSSILS (40%), very pale orange (10YR 8/2), mollusks, corals.
55 – 60	LIMESTONE (60%), yellowish gray (5Y 7/2) to medium gray (N5), hard. FOSSILS (40%), very pale orange (10YR 8/2), mollusks.
60 – 65	LIMESTONE (70%), yellowish gray (5Y 7/2), hard. FOSSILS (30%), very pale orange (10YR 8/2), mollusks, corals.

GEOLOGIST'S LOG
Well 2 Middle

Depth (feet)	Lithology
65 – 70	LIMESTONE (70%), yellowish gray (5Y 7/2), hard. FOSSILS (30%), very pale orange (10YR 8/2), mollusks.
70 – 75	LIMESTONE (85%), yellowish gray (5Y 7/2) to medium light gray (N6), moderately soft to hard. FOSSILS (15%), very pale orange (10YR 8/2), mollusks.
75 – 80	LIMESTONE (85%), yellowish gray (5Y 7/2) to medium light gray (N6), moderately hard. FOSSILS (15%), very pale orange (10YR 8/2), mollusks.
80 – 85	CLAY (60%), grayish yellow green (5GY 7/2), sandy, soft to cohesive. FOSSILS (30%), very pale orange (10YR 8/2), mollusks, barnacles. SANDSTONE (10%), yellowish gray (5Y 7/2), hard.
85 – 90	CLAY (45%), grayish yellow green (5GY 7/2), sandy, soft to cohesive. FOSSILS (45%), very pale orange (10YR 8/2), mollusks, barnacles. SANDSTONE (10%), yellowish gray (5Y 7/2), hard.
90 – 120	CLAY, grayish green (10GY 5/2), cohesive.

GEOLOGIST'S LOG
Well 3 East Side

Depth (feet)	Lithology
0 – 5	SAND, dark yellowish orange (10YR 6/6), silty, soft.
5 – 10	SAND (80%), dark greenish yellow (10Y 6/6), silty, soft. SANDSTONE (20%), dark yellowish brown (10YR 4/2), moderately hard.
10 – 15	SANDSTONE (85%), yellowish gray (5Y 8/1) to light brown (5YR 6/4), moderately hard. SAND (15%), yellowish gray (5Y 8/1) to dark yellowish orange (10YR 6/6), silty, soft.
15 – 20	SANDSTONE (60%), yellowish gray (5Y 7/2), hard. FOSSILS (40%), very pale orange (10YR 8/2), mollusks.
20 – 25	SANDSTONE (75%), very pale orange (10YR 8/2) to yellowish gray (5Y 7/2), hard. FOSSILS (25%), very pale orange (10YR 8/2), mollusks.
25 – 30	SANDSTONE (85%), yellowish gray (5Y 7/2), hard. FOSSILS (15%), very pale orange (10YR 8/2), mollusks.
30 – 35	SANDSTONE (50%), yellowish gray (5Y 7/2), hard. FOSSILS (50%), very pale orange (10YR 8/2), mollusks.
35 – 40	FOSSILS (60%), very pale orange (10YR 8/2), mollusks. SANDSTONE (40%), very pale orange (10YR 8/2) to medium light gray (N6), hard.
40 – 50	SANDSTONE (50%), light brownish gray (5YR 6/1), hard. FOSSILS (50%), very pale orange (10YR 8/2), mollusks.
50 – 55	SANDSTONE (40%), yellowish gray (5Y 7/2), moderately soft. LIMESTONE (35%), yellowish gray (5Y 8/1) to medium dark gray (N4), moderately soft. FOSSILS (25%), very pale orange (10YR 8/2), mollusks.
55 - 60	LIMESTONE (80%), light brownish gray (5YR 6/1), hard. FOSSILS (20%), very pale orange (10YR 8/2) to yellowish gray (5Y 7/2) to medium gray (N5), mollusks, corals.
60 – 65	LIMESTONE (80%), medium gray (N5) to yellowish gray (5Y 7/2), hard. FOSSILS (20%), yellowish gray (5Y 7/2), mollusks.
65 – 70	LIMESTONE (45%), medium gray (N5) to yellowish gray (5Y 7/2), hard.

GEOLOGIST'S LOG
Well 3 East Side

Depth (feet)	Lithology
	FOSSILS (45%), yellowish gray (5Y 7/2), mollusks, corals, crabs. CLAY (10%), light greenish gray (5GY 8/1), soft.
70 – 75	LIMESTONE/SANDSTONE (40%), medium gray (N5) to yellowish gray (5Y 7/2), hard. FOSSILS (40%), yellowish gray (5Y 7/2), mollusks. CLAY (20%), light greenish gray (5GY 8/1), soft.
75 – 80	LIMESTONE/SANDSTONE (60%), medium gray (N5) to yellowish gray (5Y 7/2) to yellowish gray (5Y 8/1), hard. FOSSILS (40%), very pale orange (10YR 8/2), mollusks.
80 – 85	LIMESTONE/SANDSTONE (80%), medium gray (N5) to yellowish gray (5Y 7/2), hard. FOSSILS (20%), very pale orange (10YR 8/2), mollusks. CLAY (trace), light greenish gray (5GY 8/1), soft.
85 – 90	LIMESTONE/SANDSTONE (80%), medium gray (N5) to yellowish gray (5Y 7/2), hard. FOSSILS (20%), very pale orange (10YR 8/2), mollusks.
90 – 100	LIMESTONE (60%), yellowish gray (5Y 7/2), hard. CLAY (25%), grayish yellow green (5GY 7/2), soft. FOSSILS (15%), yellowish gray, mollusks.
100 – 105	CLAY (50%), grayish yellow green (5GY 7/2), soft. FOSSILS (30%), yellowish gray (5Y 7/2), mollusks. LIMESTONE (20%), yellowish gray (5Y 7/2), hard.
105 – 110	CLAY, grayish yellow green (5GY 7/2), cohesive.
110 – 120	CLAY, grayish green (10GY 5/2), cohesive.

LITHOLOGIC LOGS
UNIVERSITY LAKES MINES TEST BORINGS

Depth (feet)	Lithology
Test boring SB-1	
0 - 22	SAND, light olive brown (5Y 5/6), quartz, fine-grained, well-sorted, silty, organic material in upper 5 feet.
22 - 66	LIMESTONE, yellowish gray (5Y 8/1), fossil wackestone, hard, very high macroporosity, slightly sandy. Loss of circulation below 33 feet, no returns below 35 ft.
66 - 74	CLAY, dark greenish gray (5GY 4/1), stiff. Change in lithology was marked by a drilling break. No returns but clay was adhering to drill bit.
Test boring SB-2	
0 - 18	SAND, light olive brown (5Y 5/6), quartz, fine-grained, well-sorted, silty, organic material in upper 5 feet. Clayey near the base.
18 - 90	LIMESTONE, light olive gray (5Y 6/1), fossil grainstone, moderately hard, very high macroporosity. Lost circulation at 40'. No returns below 40 feet. Limestone became softer below 72 feet.
90 - 97	CLAY, dark greenish gray (5GY 4/1), stiff. Change in lithology was marked by a drilling break. No returns but clay was adhering to drill bit.
Test boring SB-3	
0 - 25	SAND, light olive brown (5Y 5/6), quartz, fine-grained, well sorted, minor silt and shell. Organic material in upper 1 ft.
25 - 93	LIMESTONE, lost circulation, no returns. Drills like rock (chatter).
93 - 95	CLAY, light greenish gray (5GY 8/1), stiff, sandy, very fine to fine-grained quartz sand, bivalve fragments, trace of phosphate. Change in lithology was marked by a drilling break.
95 - 96	CLAY, dark greenish gray (5GY 4/1), stiff

LITHOLOGIC LOGS (Continued)
UNIVERSITY LAKES MINES TEST BORINGS

Depth (feet)	Lithology
Test boring SB-4	
0 - 22	SAND, light olive brown (5Y 5/6), quartz, fine-grained, well-sorted, silty.
23 - 40	LIMESTONE, light olive gray (5 Y 6/1), fossil grainstone, moderately hard, very high macroporosity, mollusks shells. Lost circulation at 35 ft, no returns below 40 ft.
40 - 91	LIMESTONE, no cuttings.
91 - 92	CLAY, dark greenish gray (5GY 4/1), stiff, sandy. Change in lithology was marked by a drilling break. No returns but lithology determined was determined from clay was adhering to drill bit.
Test boring SB-5	
0 - 20	SAND, light olive brown (5Y 5/6), quartz, fine-grained, well-sorted, minor silt and shell.
20 - 70	LIMESTONE, lost circulation, no returns. Drills like rock (chatter).
70 - 90	CLAY, light greenish gray (5GY 8/1), stiff, sandy, very fine to fine-grained quartz sand, bivalve fragments, trace of phosphate. Change in lithology was marked by a drilling break.
90 - 91	CLAY, dark greenish gray (5GY 4/1), stiff.
Test boring SB-6	
0.-19	SAND, light olive brown (5Y 5/6), quartz, fine-grained, well-sorted, minor silt and shell.
19-21	LIMESTONE, light olive (5Y 6/1), fossil grainstone, moderately hard, very high macroporosity (moldic and vuggy), bivalves, sandy.
21 - 76	LIMESTONE, no returns, loss of circulation. Drills lake rock. Limestone lithology confirmed in second boring at site (SB-6B)
76 - 78	CLAY, dark greenish gray (5GY 4/1), stiff.

LITHOLOGIC LOGS (Continued)
UNIVERSITY LAKES MINES TEST BORINGS

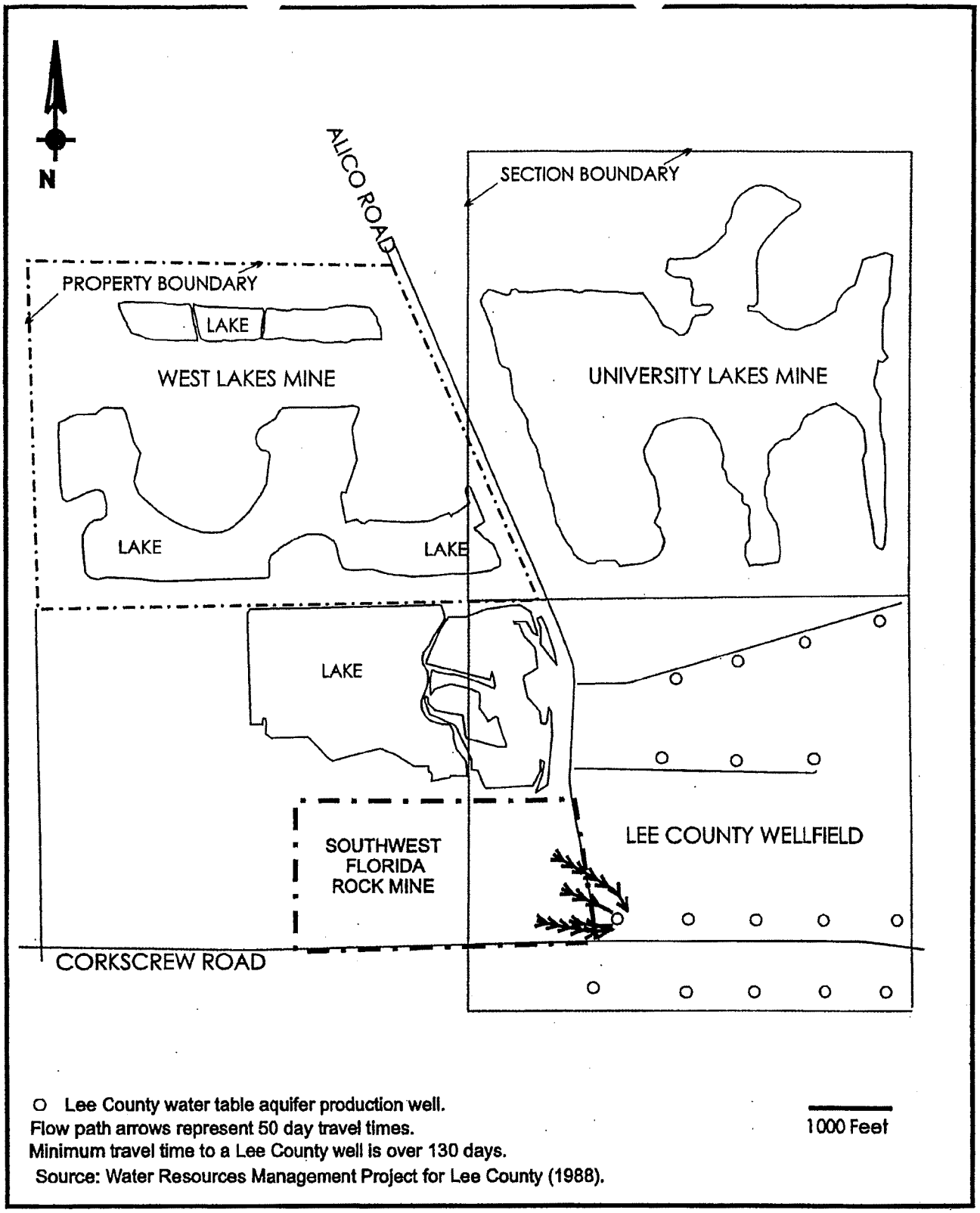
Depth (feet)	Lithology
Test boring SB-7	
0 - 29	SAND, light olive brown (5Y 5/6), quartz, fine-grained, well-sorted, minor silt and shell.
29 - 78	LIMESTONE, no returns, loss of circulation. Drills like rock. Test boring SB-7 has the worse loss of circulation conditions of any of the borings.
78 - 88	LIMESTONE/CLAY, soft, no returns.
88 - 97	CLAY, drills like stiff clay.
Test boring SB-8 (and immediately adjoining SB-8B)	
0 - 23	SAND, light olive brown (5Y 5/6), quartz, fine-grained, well-sorted, minor silt and shell.
23 - 65	LIMESTONE, light olive (5 Y 6/1) fossil wackestone, moderately hard to hard, very high macroporosity (moldic, vuggy, and intergranular), mollusks (bivalves and gastropods).
65 - 72/74	LIMESTONE, pale olive (10Y 6/2), grainstone, soft to hard, very high intergranular macroporosity, sandy, very silty, oyster shells.
72/74 - 77	CLAY, dark greenish gray (5GY 4/1), stiff.

LITHOLOGIC LOGS (Continued)
UNIVERSITY LAKES MINES TEST BORINGS

Depth (feet)	Lithology
Test boring SB-9	
0 - 20	SAND, light olive brown (5Y 5/6), quartz, fine-grained, well-sorted, bivalves.
20 - 30	LIMESTONE, yellowish gray (5 Y 8/1), fossil wackestone, hard, very high macroporosity (moldic and vuggy), mollusks.
30 -72	LIMESTONE, no returns, drills like rock.
72 - 75	SILT, pale olive (10Y 6/2), soft, sand and clay.
75 - 86	SILT?, No returns, drill like silt.
86 - 92	CLAY, dark greenish gray (5GY 4/1), stiff

Appendix B

Modeled Travel Times from Previous Investigations



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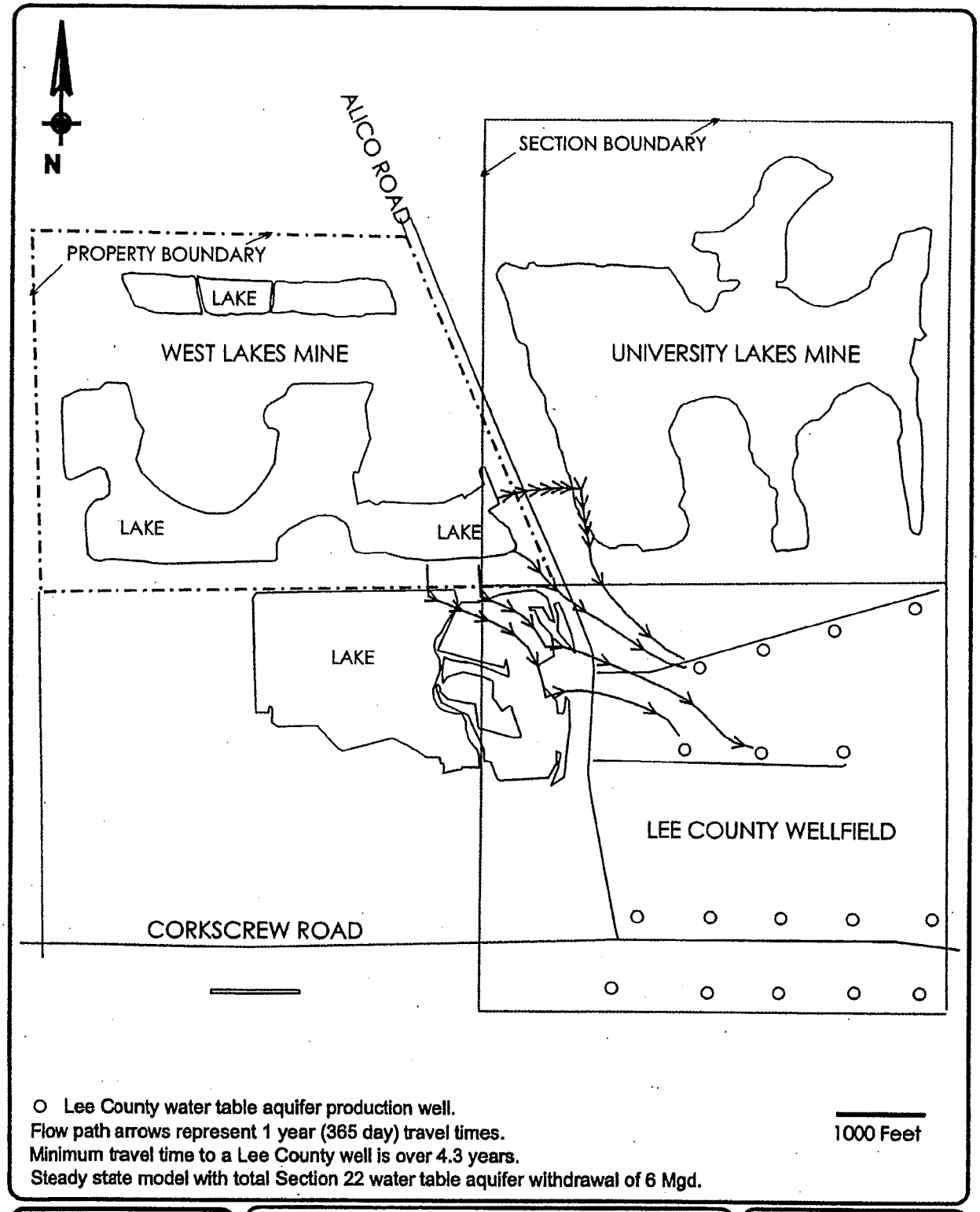
CDM Missimer

Figure 5
Southwest Florida Rock
Modpath Flow path and travel time diagram



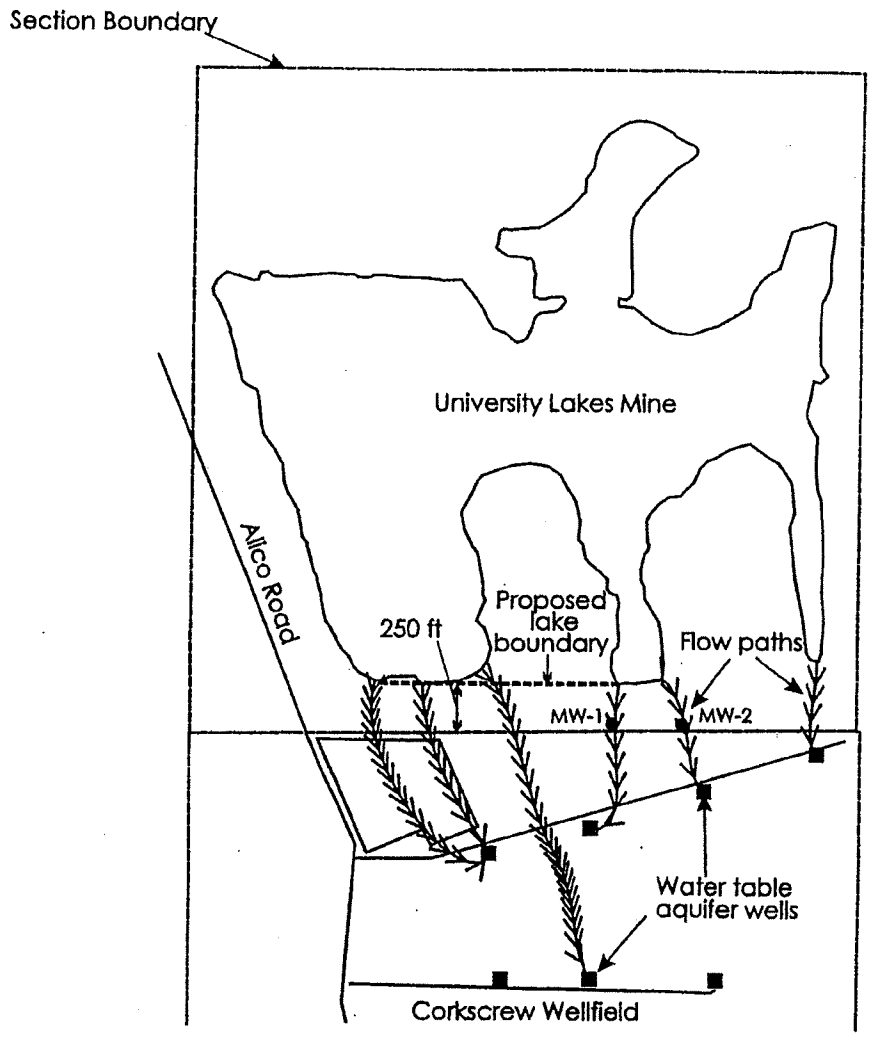
MISSIMER INTERNATIONAL, INC.

Pr. Name: YBI - WEST LAKES MINE Dwn.By:

Pr. No.: FH00-1135 DWG No: Date: 3/01/01

Groundwater and Environmental Services

FIGURE 5. MODPATH FLOW PATH AND TRAVEL TIME DIAGRAM.



- Proposed monitor well for MPA analysis

Flow path arrows represent 50 day travel times.

Approx. scale: 1000 ft

MISSIMER INTERNATIONAL, INC.

Pr. Name: YBI - UNIVERSITY LAKES MINE Dwn.By:

Pr. No.: FH9-965 DWG No: Date: 3/13/01

Groundwater and Environmental Services

FIGURE 1. MODPATH FLOW AND TRAVEL TIME MAP WITH PROPOSED MONITOR WELL LOCATIONS

Appendix C
Proposed Monitoring Plan

Appendix C
Proposed Monitoring Program

A monitoring program has been developed to address concerns that the proposed excavation of the West Lakes Mine site could cause the Lee County Public Water Supply (PWS) wells to become under the direct influence (UDI) of surface water. The proposed monitoring program includes both surface water and groundwater sampling programs:

Surface Water Sampling Program

Prior to the start of mining, the lake water should be tested for primary and secondary drinking water standards as part of a baseline sampling event. Subsequent testing should be for chemicals used at the site (fuels, lubricants, etc.), which would be included in the Florida waste oil group parameters (EPA methods 624, and 625, FL-PRO). Subsequent to the startup of mining, lake sampling should be conducted on a semi-annual basis. Semi-annual surface water should be collected from the side of the lake nearest to operating PWS wells and should be analyzed for waste oil group parameters and any constituents which had primary or secondary standard exceedances during the baseline sampling event. Because of the 152 day travel time from the mine to the nearest production well, semi-annual testing of water quality in the mine lake is adequate to provide early warning in the unlikely event of changes in water quality that might impact the wellfield and to allow for mitigating actions.

Groundwater Sampling Program

The objective of the groundwater monitoring program is to provide advance warning in the unlikely event that UDI groundwater is migrating from the excavated mine toward the Lee County wellfield. The proposed monitoring program will consist of the installation of 5 groundwater monitor wells located between the mine and the nearest production wells. The proposed monitoring well locations are depicted on **Figure C-1** along with existing PWS wells and existing monitor wells located in the vicinity of the West Lakes Mine. Existing monitoring well completion details are summarized in **Table C-1.**

The proposed monitor wells will be constructed of 4-inch diameter PVC and will be completed with an open hole interval that penetrates the entire thickness of the limestone water production zone.

According to Ms. Marian Fugitt, lead person on UDI at the FDEP, microscopic particle analysis (MPA) is currently the preferred method of the FDEP for evaluating whether or not a well has become UDI. The MPA tests will be performed quarterly on monitor wells that are located between mining operations and PWS wells. In addition to MPA tests, water samples will be analyzed for chloride and field parameters (pH, temperature, conductivity, and dissolved oxygen). All 5 monitoring wells should be

sampled prior to commencement of mining activities to characterize baseline conditions.

Figure C-1 also shows the proposed mining phase areas, starting with Phase 1 to the south, and ending with Phase 9 to the north. Monitoring wells MW-4 and MW-5 should be sampled quarterly, beginning with initiation of mining in the Phase 1 area. The remaining monitoring well should be sampled on the frequencies proposed below:

Monitoring Well	Sampling Frequency	Beginning Monitoring with Initiation of Excavation at:
MW-4 and MW-5	Quarterly	Phase 1
MW-3	Annually	Phase 3
MW-3	Semi-annually	Phase 4
MW-3	Quarterly	Phase 5
MW-2	Annually	Phase 5
MW-2	Quarterly	Phase 6
MW-1	Annually	Phase 6
MW-1	Semi-annually	Phase 7
MW-1	Quarterly	Phase 8

The testing program shall continue indefinitely. The mine operator may at some time in the future request a modification or termination of the monitoring based on testing results and changes in wellfield water treatment facilities, such as an upgrade of the plant to handle surface water.

The MPA analyses shall be conducted in accordance with the USEPA "Consensus method for determining groundwater under direct influence of surface water using microscopic particle analysis (MPA)." Each monitor well will be purged of three well volumes of water prior to sample collection. The MPA sampling unit shall be allowed to run for a period of 8-24 hours, with the volume sampled ranging from a minimum of 500 gallons to over 1000 gallons. The samples shall be sent for analysis to a laboratory that has a comprehensive QA/QC plan for MPA analysis that has been approved by the state of Florida. Samples will be shipped immediately upon collection so as to not exceed maximum holding times. According to Ms. Fugitt equipment blanks are not normally taken for MPA analyses. Blanks will therefore not be taken as part of the proposed monitoring program. Samples shall be submitted to the laboratory in a "blind" manner.

P:\Youngquist\West Lakes\West_Lakes_TM\Figures\ FigC-1_Mon_Well Locs 06/03/04 15:47 winslowfp XREFS: X-Base

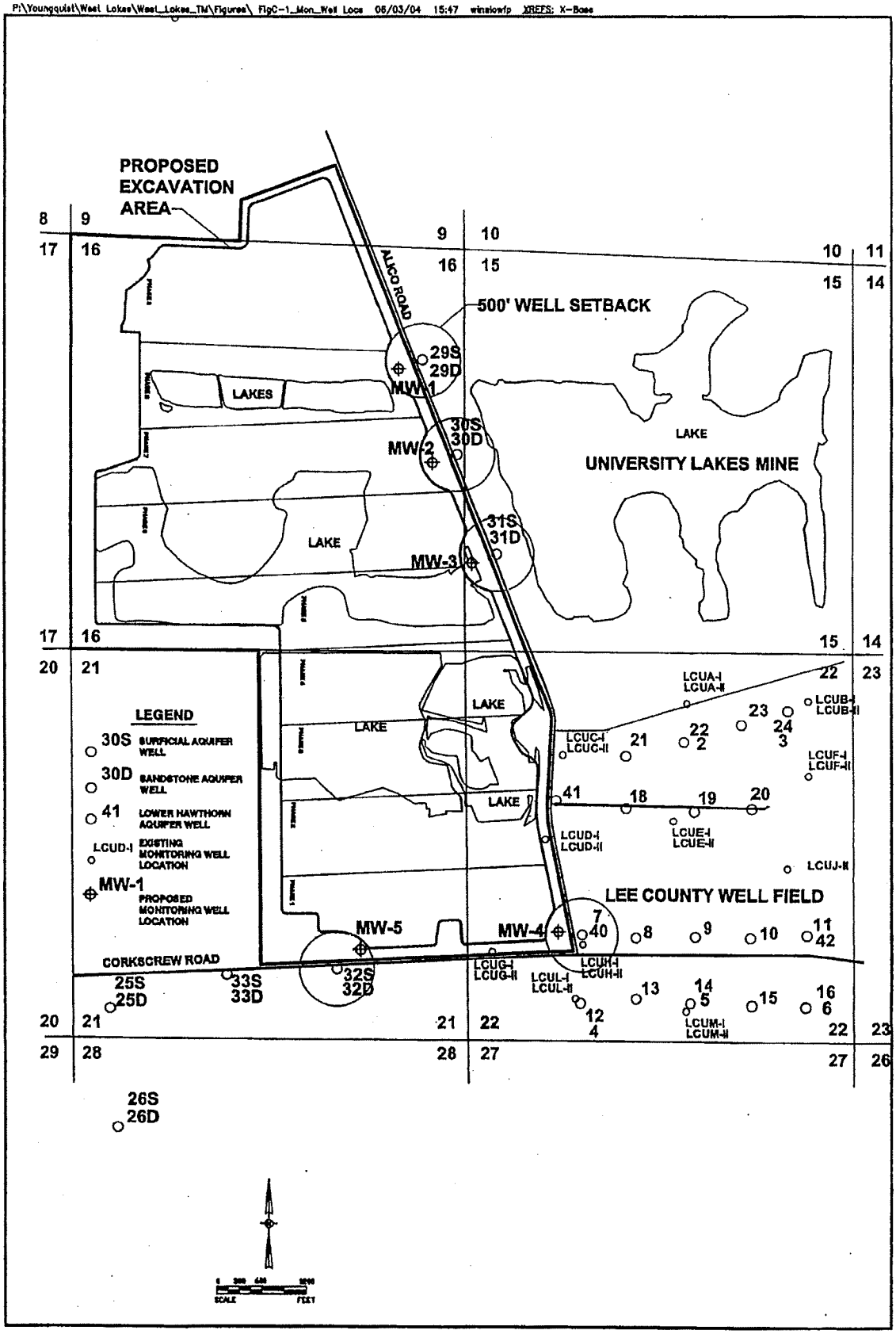


Figure C-1
YBI West Lakes Mine
Proposed Monitoring Locations

CDM

Table C-1
Monitoring Wells in the Vicinity of the West Lakes Mine Site

Project Name	LU Code	Area Served (Acres)	Facility ID	Facility Type	Facility Name	Pump Type	Diameter (Inches)	Pump Depth (Feet)	Pump Capacity (GPM)	Well Depth (Feet)	Casing Depth (Feet)	Use Status	Water Source	Water Use
LEE COUNTY UTILITIES	PWS	34000.00	131175	WELL	2	TUR	12	100	350	250	180	PRM	Sandstone Aquifer	MON
LEE COUNTY UTILITIES	PWS	34000.00	131176	WELL	3	TUR	12	100	350	270	180	PRM	Sandstone Aquifer	MON
LEE COUNTY UTILITIES	PWS	34000.00	131177	WELL	4	TUR	12	100	350	295	185	PRM	Sandstone Aquifer	MON
LEE COUNTY UTILITIES	PWS	34000.00	131178	WELL	5	TUR	12	100	350	295	205	PRM	Sandstone Aquifer	MON
LEE COUNTY UTILITIES	PWS	34000.00	131179	WELL	6	TUR	12	100	350	300	210	PRM	Sandstone Aquifer	MON
LEE COUNTY UTILITIES	PWS	34000.00	25547	WELL	7	TUR	12	40	500	135	45	PRM	Surficial Aquifer System	MON
LEE COUNTY UTILITIES	PWS	34000.00	25548	WELL	8	TUR	12	40	500	140	50	PRM	Surficial Aquifer System	MON
LEE COUNTY UTILITIES	PWS	34000.00	25549	WELL	9	TUR	12	45	500	140	55	STD	Surficial Aquifer System	MON
LEE COUNTY UTILITIES	PWS	34000.00	25550	WELL	10	TUR	12	45	500	150	60	PRM	Surficial Aquifer System	MON
LEE COUNTY UTILITIES	PWS	34000.00	25551	WELL	11	TUR	12	45	500	145	55	PRM	Surficial Aquifer System	MON
LEE COUNTY UTILITIES	PWS	34000.00	25552	WELL	12	TUR	12	45	500	140	50	PRM	Surficial Aquifer System	MON
LEE COUNTY UTILITIES	PWS	34000.00	25553	WELL	13	TUR	12	45	500	140	50	PRM	Surficial Aquifer System	MON
LEE COUNTY UTILITIES	PWS	34000.00	25554	WELL	14	TUR	12	45	500	150	45	PRM	Surficial Aquifer System	MON
LEE COUNTY UTILITIES	PWS	34000.00	25532	WELL	15	TUR	12	45	500	145	55	PRM	Surficial Aquifer System	MON
LEE COUNTY UTILITIES	PWS	34000.00	25533	WELL	16	TUR	12	45	500	150	60	PRM	Surficial Aquifer System	MON
LEE COUNTY UTILITIES	PWS	34000.00	25540	WELL	18	TUR	12	40	500	115	45	PRM	Surficial Aquifer System	MON
LEE COUNTY UTILITIES	PWS	34000.00	25534	WELL	19	TUR	12	45	500	120	50	PRM	Surficial Aquifer System	MON
LEE COUNTY UTILITIES	PWS	34000.00	25535	WELL	20	TUR	12	45	500	120	50	STD	Surficial Aquifer System	MON
LEE COUNTY UTILITIES	PWS	34000.00	25536	WELL	21	TUR	12	30	500	105	35	PRM	Surficial Aquifer System	MON
LEE COUNTY UTILITIES	PWS	34000.00	25537	WELL	22	TUR	12	35	500	110	40	PRM	Surficial Aquifer System	MON
LEE COUNTY UTILITIES	PWS	34000.00	25538	WELL	23	TUR	12	40	500	115	45	PRM	Surficial Aquifer System	MON
LEE COUNTY UTILITIES	PWS	34000.00	25539	WELL	24	TUR	12	45	500	120	50	PRM	Surficial Aquifer System	MON
LEE COUNTY UTILITIES	PWS	34000.00	26834	WELL	25D	TUR	12	100	350	300	190	PRM	Sandstone Aquifer	MON
LEE COUNTY UTILITIES	PWS	34000.00	25545	WELL	25S	TUR	12	45	500	140	50	PRM	Surficial Aquifer System	MON
LEE COUNTY UTILITIES	PWS	34000.00	25835	WELL	26D	TUR	12	100	350	300	190	PRM	Sandstone Aquifer	MON
LEE COUNTY UTILITIES	PWS	34000.00	25546	WELL	26S	TUR	12	45	500	140	50	PRM	Surficial Aquifer System	MON
LEE COUNTY UTILITIES	PWS	34000.00	135788	WELL	LCUA-I Corkscrew Obs	N/A	0	0	0	50	30	MON	Surficial Aquifer System	MON
LEE COUNTY UTILITIES	PWS	34000.00	136892	WELL	LCUA-II Corkscrew Ob	N/A	0	0	0	210	160	MON	Sandstone Aquifer	MON
LEE COUNTY UTILITIES	PWS	34000.00	136893	WELL	LCUB-I Corkscrew Obs	N/A	0	0	0	36	30	MON	Surficial Aquifer System	MON
LEE COUNTY UTILITIES	PWS	34000.00	136898	WELL	LCUB-II Corkscrew Ob	N/A	0	0	0	284	195	MON	Sandstone Aquifer	MON
LEE COUNTY UTILITIES	PWS	34000.00	136900	WELL	LCUC-I Corkscrew Obs	N/A	0	0	0	50	30	MON	Surficial Aquifer System	MON
LEE COUNTY UTILITIES	PWS	34000.00	136902	WELL	LCUC-II Corkscrew Ob	N/A	0	0	0	195	155	MON	Sandstone Aquifer	MON
LEE COUNTY UTILITIES	PWS	34000.00	136905	WELL	LCUD-I Corkscrew Obs	N/A	0	0	0	50	35	MON	Surficial Aquifer System	MON
LEE COUNTY UTILITIES	PWS	34000.00	136909	WELL	LCUD-II Corkscrew Ob	N/A	0	0	0	230	180	MON	Sandstone Aquifer	MON
LEE COUNTY UTILITIES	PWS	34000.00	136911	WELL	LCUE-I Corkscrew Obs	N/A	0	0	0	50	30	MON	Surficial Aquifer System	MON
LEE COUNTY UTILITIES	PWS	34000.00	136915	WELL	LCUE-II Corkscrew Ob	N/A	0	0	0	200	170	MON	Sandstone Aquifer	MON
LEE COUNTY UTILITIES	PWS	34000.00	136918	WELL	LCUF-I Corkscrew Obs	N/A	0	0	0	50	35	MON	Surficial Aquifer System	MON
LEE COUNTY UTILITIES	PWS	34000.00	136943	WELL	LCUF-II Corkscrew Ob	N/A	0	0	0	250	220	MON	Sandstone Aquifer	MON
LEE COUNTY UTILITIES	PWS	34000.00	136944	WELL	LCUG-I Corkscrew Obs	N/A	0	0	0	50	30	MON	Surficial Aquifer System	MON
LEE COUNTY UTILITIES	PWS	34000.00	136945	WELL	LCUG-II Corkscrew Ob	N/A	0	0	0	260	200	MON	Sandstone Aquifer	MON
LEE COUNTY UTILITIES	PWS	34000.00	136948	WELL	LCUH-I Corkscrew Obs	N/A	0	0	0	40	20	MON	Surficial Aquifer System	MON
LEE COUNTY UTILITIES	PWS	34000.00	136947	WELL	LCUH-II Corkscrew Ob	N/A	0	0	0	284	200	MON	Sandstone Aquifer	MON
LEE COUNTY UTILITIES	PWS	34000.00	136948	WELL	LCUJ-II Corkscrew Ob	N/A	0	0	0	290	225	MON	Sandstone Aquifer	MON
LEE COUNTY UTILITIES	PWS	34000.00	136950	WELL	LCUL-I Corkscrew Obs	N/A	0	0	0	45	32	MON	Surficial Aquifer System	MON
LEE COUNTY UTILITIES	PWS	34000.00	136951	WELL	LCUL-II Corkscrew Ob	N/A	0	0	0	285	195	MON	Sandstone Aquifer	MON
LEE COUNTY UTILITIES	PWS	34000.00	136952	WELL	LCUM-I Corkscrew Obs	N/A	0	0	0	40	32	MON	Surficial Aquifer System	MON
LEE COUNTY UTILITIES	PWS	34000.00	136953	WELL	LCUM-II Corkscrew Ob	N/A	0	0	0	284	220	MON	Sandstone Aquifer	MON

LU (Land Use) Codes
PWS = Public water supply

Pump Type
TUR = Vertical turbine pump
N/A = Not applicable

Use Status
PRM = Primary
STD = Secondary
MON = Monitoring

Water Use
MON = Monitoring

Lee County
SOUTHWEST FLORIDA

INTEROFFICE MEMORANDUM
FROM
PUBLIC WORKS
NATURAL RESOURCES MANAGEMENT

Date: August 26, 2005

TO: Chip Block

From: Rand Edelstein

SUBJECT: DCI2004-00019 West Lakes Mine – Revised Monitoring Plan

The West Lakes Mine – Revised Monitoring Plan dated August 8, 2005, document attached should be included as a condition to the project zoning approval. Please contact me if you have any questions or require additional information.

C:\RAND\PLANNED DEVELOPMENT REVIEW\04-00019 WEST LAKES\ZONING COND MEMO.DOC

CDM
9311 College Parkway, Suite 1
Fort Myers, Florida 33919
tel: 239 432-9494
fax: 239 432-9453

August 8, 2005

Mr. Rand Edelstein
Lee County Division of Natural Resources
1500 Monroe Street,
Fort Myers, FL 33901

Subject: West Lakes Mine Site – Revised Monitoring Plan

Dear Mr. Edelstein:

Attached please find the revised monitoring plan for the West Lakes Mine Site. The monitoring plan was originally presented within the technical memorandum titled: *Hydrogeology and Public Water Supply Impact Analysis of the West Lakes Mine Site* dated June 2004. This monitoring plan has been revised based on your April 13, 2005 sufficiency comments to Ryan Shute of Morris-Depew and Associates, your e-mail dated June 6, 2005, our meeting with you on July 14, 2005, and your e-mail dated August 5, 2005. We hope that the revised monitoring plan satisfactorily addresses your concerns.

Please let me know if you have any questions.

Very truly yours,

Frank P. Winslow
Project Hydrogeologist
Camp Dresser & McKee, Inc.

Enclosure

DCI 2004-00019

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EXHIBIT F
(Page 52 of 61)

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Appendix C
Proposed Monitoring Program

A monitoring program has been developed to address concerns that the proposed excavation of the West Lakes Mine site could cause the Lee County Public Water Supply (PWS) wells to become under the direct influence (UDI) of surface water. The proposed monitoring program includes both surface water and groundwater sampling programs:

Surface Water Sampling Program

Prior to the start of mining, the lake water should be tested for primary and secondary drinking water standards as part of a baseline sampling event. Subsequent testing should be for chemicals used at the site (fuels, lubricants, etc.), which would be included in the Florida waste oil group parameters (EPA methods 624, and 625, FL-PRO). Subsequent to the startup of mining, lake sampling should be conducted on a semi-annual basis. Semi-annual surface water should be collected from the side of the lake nearest to operating PWS wells and should be analyzed for waste oil group parameters and any constituents which had primary or secondary standard exceedances during the baseline sampling event. Because of the 152 day travel time from the mine to the nearest production well, semi-annual testing of water quality in the mine lake is adequate to provide early warning in the unlikely event of changes in water quality that might impact the wellfield and to allow for mitigating actions.

Groundwater Sampling Program

The objective of the groundwater monitoring program is to provide advance warning in the unlikely event that UDI groundwater is migrating from the excavated mine toward the Lee County wellfield. The proposed monitoring program will consist of the installation of 10 groundwater monitor wells located between the mine and the nearest production wells. The proposed monitoring well locations are depicted on **Figure C-1** along with existing PWS wells and existing monitor wells located in the vicinity of the West Lakes Mine. Existing monitoring well completion details are summarized in **Table C-1**. The monitoring network will include eight surficial aquifer system (SAS) monitor wells, one of which currently exists (well LCUD-I), and four sandstone aquifer monitor wells, one of which currently exists (well LCUD-II). If the custody of existing wells LCUD-I & II cannot be transferred from Lee County, then a new monitor well cluster (MW-8 & 8S) will be constructed adjacent to well cluster LCUD-I&II.

The proposed monitor wells will be constructed of 4-inch diameter PVC and will be completed with an open hole interval that penetrates the entire thickness of the limestone water production zone. Dedicated pumps will be installed by a licensed well driller after the wells are disinfected and closed with a sanitary seal.

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A piezometer (water level measurement well) will be installed approximately 20 feet from each of the 12 monitor wells. The piezometer will be constructed with 1-inch to 2-inch PVC and will be constructed with the same casing depth and total depth as the adjacent monitor well. The measuring point of the sounding tube will be surveyed to NGVD elevation.

Monitoring Schedule

The water levels will be measured in piezometers on a quarterly basis. Care will be taken to disinfect water level measurement equipment prior to entry within the piezometer casing. The monitor wells will be sampled for the parameters and frequencies listed in **Table C-2**. During the baseline sampling event, the monitor wells will be sampled for primary and secondary drinking water standards, volatile organic compounds by EPA Method 624, semi-volatile organic compounds by EPA Method 625, chloride, field parameters (pH, temperature, conductivity, dissolved oxygen, and turbidity), total coliform, fecal coliform, and enterococci.

During subsequent sampling events, the monitor wells will be sampled for the constituents that were detected at concentrations in excess of drinking water standards during the baseline sampling event, chloride, field parameters (pH, temperature, conductivity, dissolved oxygen, and turbidity), total coliform, fecal coliform, and enterococci. Monitor wells MW-4, MW-5, MW-6, and MW-7 will also be sampled quarterly for volatile organic compounds by EPA Method 624, and semi-volatile organic compounds by EPA Method 625.

Microscopic particle analysis (MPA) will be performed as a confirmatory analytical method when biological analyses or physical field parameters indicate the potential for groundwater being UDI. According to Ms. Marian Fugitt, lead person on UDI at the Florida Department of Environmental Protection (FDEP), microscopic particle analysis (MPA) is currently the preferred method of the FDEP for evaluating whether or not a well has become UDI. Primary indicators for potential UDI conditions are total coliform, fecal coliform, enterococci, temperature, turbidity, dissolved oxygen, conductivity, and pH. Results potentially indicative of UDI conditions will initially result in re-sampling for the parameter(s) in question. If the re-sampling results are indicative of potential UDI conditions, then MPA will be performed.

The monitor well sampling will be performed quarterly on monitor wells that are located between mining operations and PWS wells. The mining phases that indicate the beginning of sampling at each monitor well are also listed on Table C-2. These mining phase areas are depicted on **Figure C-1**, starting with Phase 1 to the south, and ending with Phase 9 to the north. The monitoring well sampling frequencies are summarized below:

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Monitoring Well	Aquifer	Sampling Frequency	Beginning Monitoring with Initiation of Excavation at:
MW-1	Surficial Aquifer System (SAS)	Annually	Phase 6
		Semi-annually	Phase 7
		Quarterly	Phase 8
MW-2	SAS	Annually	Phase 5
		Quarterly	Phase 6
MW-3	SAS	Annually	Phase 3
		Semi-annually	Phase 4
		Quarterly	Phase 5
MW-4	SAS	Quarterly	Phase 1
MW-4S	Sandstone	Annually	Phase 1
MW-5	SAS	Quarterly	Phase 1
LCUD-I (MW-8)	SAS	Quarterly	Phase 1
LCUD-II (MW-8S)	Sandstone	Annually	Phase 1
MW-6	SAS	Quarterly	Phase 1
MW-6S	Sandstone	Annually	Phase 1
MW-7	SAS	Annually	Phase 1
		Quarterly	Phase 2
MW-7S	Sandstone	Annually	Phase 1

The testing program shall continue indefinitely. The mine operator may at some time in the future request a modification or termination of the monitoring based on testing results and changes in wellfield water treatment facilities, such as an upgrade of the plant to handle surface water.

Sampling and Analysis Methods

Each monitor well will be purged a minimum of three well volumes of water prior to sample collection. Samples will be shipped immediately upon collection so as to not exceed maximum holding times. Sampling will be from the a tap installed at the well head, and the dedicated pump will be run using a portable electrical generator. The generator will be located a minimum of 20 feet from the well head in a downwind direction. All analyses other than chloride and field parameters will be done by a laboratory certified by the state of Florida. Chloride will be analyzed using the silver nitrate titration method.

The MPA analyses shall be conducted in accordance with the USEPA "Consensus method for determining groundwater under direct influence of surface water using microscopic particle analysis (MPA)." The MPA sampling unit shall be allowed to run for a period of 8-24 hours, with the volume sampled ranging from a minimum of 500 gallons to over 1000 gallons. The samples shall be sent for analysis to a laboratory that has a comprehensive QA/QC plan for MPA analysis that has been approved by the state of Florida. According to Ms. Fugitt, equipment blanks are not normally taken for MPA analyses. Trip blanks will be submitted to the laboratory only when volatile organic compounds are analyzed. Quality control samples shall be submitted to the laboratory in a "blind" manner.

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Reporting

Sampling and water level monitoring results will be submitted to Lee County on a quarterly basis. The quarterly monitoring report will include the laboratory analytical data reports, a data table summarizing detected constituents, and discussion of the sampling results. Water level elevations will also be presented on a site map.

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DCI 2004-00019

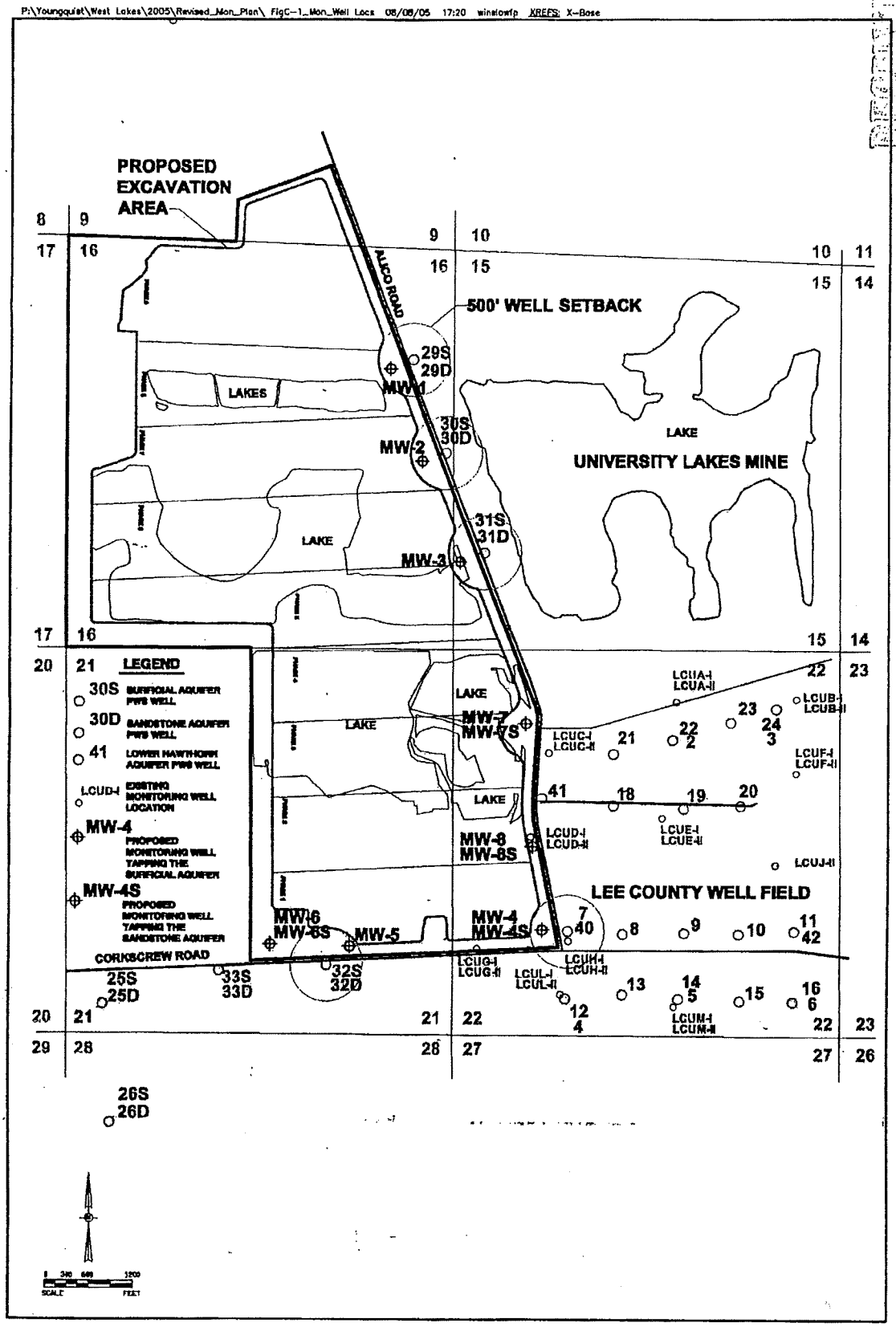

Figure C-1
YBI West Lakes Mine
Proposed Monitoring Locations

CDM

Table C-1
Existing Monitoring Wells in the Vicinity of the West Lakes Mine Site

Well Owner	Well ID	Well Depth (Feet)	Casing Depth (Feet)	Aquifer Tapped
LEE COUNTY UTILITIES	LCUA-I Corkscrew Obs	50	30	Surficial Aquifer System
LEE COUNTY UTILITIES	LCUA-II Corkscrew Ob	210	160	Sandstone Aquifer
LEE COUNTY UTILITIES	LCUB-I Corkscrew Obs	36	30	Surficial Aquifer System
LEE COUNTY UTILITIES	LCUB-II Corkscrew Ob	284	195	Sandstone Aquifer
LEE COUNTY UTILITIES	LCUC-I Corkscrew Obs	50	30	Surficial Aquifer System
LEE COUNTY UTILITIES	LCUC-II Corkscrew Ob	195	155	Sandstone Aquifer
LEE COUNTY UTILITIES	LCUD-I Corkscrew Obs	50	35	Surficial Aquifer System
LEE COUNTY UTILITIES	LCUD-II Corkscrew Ob	230	180	Sandstone Aquifer
LEE COUNTY UTILITIES	LCUE-I Corkscrew Obs	50	30	Surficial Aquifer System
LEE COUNTY UTILITIES	LCUE-II Corkscrew Ob	200	170	Sandstone Aquifer
LEE COUNTY UTILITIES	LCUF-I Corkscrew Obs	50	35	Surficial Aquifer System
LEE COUNTY UTILITIES	LCUF-II Corkscrew Ob	250	220	Sandstone Aquifer
LEE COUNTY UTILITIES	LCUG-I Corkscrew Obs	50	30	Surficial Aquifer System
LEE COUNTY UTILITIES	LCUG-II Corkscrew Ob	260	200	Sandstone Aquifer
LEE COUNTY UTILITIES	LCUH-I Corkscrew Obs	40	20	Surficial Aquifer System
LEE COUNTY UTILITIES	LCUH-II Corkscrew Ob	264	200	Sandstone Aquifer
LEE COUNTY UTILITIES	LCUJ-II Corkscrew Ob	290	225	Sandstone Aquifer
LEE COUNTY UTILITIES	LCUL-I Corkscrew Obs	45	32	Surficial Aquifer System
LEE COUNTY UTILITIES	LCUL-II Corkscrew Ob	285	195	Sandstone Aquifer
LEE COUNTY UTILITIES	LCUM-I Corkscrew Obs	40	32	Surficial Aquifer System
LEE COUNTY UTILITIES	LCUM-II Corkscrew Ob	284	220	Sandstone Aquifer

OCT 2004-000019 CIRCUIT COURT

Table C-2
West Lakes Mine Site
Proposed Surface Water and Groundwater Monitoring

Analysis	SW-1	MW-1	MW-2	MW-3	MW-4	MW-4S	MW-5	LCUD-I (MW-8)*	LCUD-II (MW-8S)*	MW-6	MW-6S	MW-7	MW-7S
Primary Drinking Water Standards	Baseline	Baseline	Baseline	Baseline	Baseline	Baseline	Baseline	Baseline	Baseline	Baseline	Baseline	Baseline	Baseline
Secondary Drinking Water Standards	Baseline	Baseline	Baseline	Baseline	Baseline	Baseline	Baseline	Baseline	Baseline	Baseline	Baseline	Baseline	Baseline
EPA Method 624 (volatile org)	semi-annual	Baseline	Baseline	Baseline	Baseline, Quarterly	Baseline	Baseline, Quarterly	Baseline	Baseline	Baseline, Quarterly	Baseline	Baseline, Quarterly	Baseline
EPA Method 625 (semi-volatile org)	semi-annual	Baseline	Baseline	Baseline	Baseline, Quarterly	Baseline	Baseline, Quarterly	Baseline	Baseline	Baseline, Quarterly	Baseline	Baseline, Quarterly	Baseline
Primary & Secondary Drinking Water analyte exceedances detected in baseline sampling	semi-annual	Baseline, Phase 6 Annually, Phase 7 Semi-annually, Phase 8	Baseline, Phase 5 Annually, Phase 6 Quaterly	Baseline, Phase 3 Annually, Phase 4 Semi-annually, Phase 5	Baseline, Phase I Quaterly	Baseline, Phase I Annually	Baseline, Phase I Quaterly	Baseline, Phase I Quaterly	Baseline, Phase I Annually	Baseline, Phase I Quaterly	Baseline, Phase I Annually	Baseline, Phase I Annually, Phase 2 Quaterly	Baseline, Phase I Annually
Microscopic Particulate analysis		Beginning of Phase 6, Confirmatory Analysis Only Thereafter	Beginning of Phase 5, Confirmatory Analysis Only Thereafter	Beginning of Phase 3, Confirmatory Analysis Only Thereafter	Baseline, Confirmatory Analysis Only Thereafter	Baseline, Confirmatory Analysis Only Thereafter	Baseline, Confirmatory Analysis Only Thereafter	Baseline, Confirmatory Analysis Only Thereafter	Baseline, Confirmatory Analysis Only Thereafter	Baseline, Confirmatory Analysis Only Thereafter	Baseline, Confirmatory Analysis Only Thereafter	Baseline, Confirmatory Analysis Only Thereafter	Baseline, Confirmatory Analysis Only Thereafter
Chloride		Baseline, Phase 6 Annually, Phase 7 Semi-annually, Phase 8	Baseline, Phase 5 Annually, Phase 6 Quaterly	Baseline, Phase 3 Annually, Phase 4 Semi-annually, Phase 5	Baseline, Phase I Quaterly	Baseline, Phase I Annually	Baseline, Phase I Quaterly	Baseline, Phase I Quaterly	Baseline, Phase I Annually	Baseline, Phase I Quaterly	Baseline, Phase I Annually	Baseline, Phase I Annually, Phase 2 Quaterly	Baseline, Phase I Annually
pH		Baseline, Phase 6 Annually, Phase 7 Semi-annually, Phase 8	Baseline, Phase 5 Annually, Phase 6 Quaterly	Baseline, Phase 3 Annually, Phase 4 Semi-annually, Phase 5	Baseline, Phase I Quaterly	Baseline, Phase I Annually	Baseline, Phase I Quaterly	Baseline, Phase I Quaterly	Baseline, Phase I Annually	Baseline, Phase I Quaterly	Baseline, Phase I Annually	Baseline, Phase I Annually, Phase 2 Quaterly	Baseline, Phase I Annually
Temperature		Baseline, Phase 6 Annually, Phase 7 Semi-annually, Phase 8	Baseline, Phase 5 Annually, Phase 6 Quaterly	Baseline, Phase 3 Annually, Phase 4 Semi-annually, Phase 5	Baseline, Phase I Quaterly	Baseline, Phase I Annually	Baseline, Phase I Quaterly	Baseline, Phase I Quaterly	Baseline, Phase I Annually	Baseline, Phase I Quaterly	Baseline, Phase I Annually	Baseline, Phase I Annually, Phase 2 Quaterly	Baseline, Phase I Annually

OCT 2004-000019

Table C-2
West Lakes Mine Site
Proposed Surface Water and Groundwater Monitoring

Analysis	SW-1	MW-1	MW-2	MW-3	MW-4	MW-4S	MW-5	LCUD-I (MW-8)*	LCUD-II (MW-8S)*	MW-6	MW-6S	MW-7	MW-7S
Conductivity		Baseline, Phase 6 Annually, Phase 7 Semi-annually, Phase 8	Baseline, Phase 5 Annually, Phase 6 Quaterly	Baseline, Phase 3 Annually, Phase 4 Semi-annually, Phase 5	Baseline, Phase I Quaterly	Baseline, Phase I Annually	Baseline, Phase I Quaterly	Baseline, Phase I Quaterly	Baseline, Phase I Annually	Baseline, Phase I Quaterly	Baseline, Phase I Annually	Baseline, Phase I Annually, Phase 2 Quaterly	Baseline, Phase I Annually
Dissolved Oxygen		Baseline, Phase 6 Annually, Phase 7 Semi-annually, Phase 8	Baseline, Phase 5 Annually, Phase 6 Quaterly	Baseline, Phase 3 Annually, Phase 4 Semi-annually, Phase 5	Baseline, Phase I Quaterly	Baseline, Phase I Annually	Baseline, Phase I Quaterly	Baseline, Phase I Quaterly	Baseline, Phase I Annually	Baseline, Phase I Quaterly	Baseline, Phase I Annually	Baseline, Phase I Annually, Phase 2 Quaterly	Baseline, Phase I Annually
Turbidity		Baseline, Phase 6 Annually, Phase 7 Semi-annually, Phase 8	Baseline, Phase 5 Annually, Phase 6 Quaterly	Baseline, Phase 3 Annually, Phase 4 Semi-annually, Phase 5	Baseline, Phase I Quaterly	Baseline, Phase I Annually	Baseline, Phase I Quaterly	Baseline, Phase I Quaterly	Baseline, Phase I Annually	Baseline, Phase I Quaterly	Baseline, Phase I Annually	Baseline, Phase I Annually, Phase 2 Quaterly	Baseline, Phase I Annually
Water Level		Quarterly	Quarterly	Quarterly	Quarterly	Quarterly	Quarterly	Quarterly	Quarterly	Quarterly	Quarterly	Quarterly	Quarterly
Total Coliform	semi-annual	Baseline, Phase 6 Annually, Phase 7 Semi-annually, Phase 8 Quaterly	Baseline, Phase 5 Annually, Phase 6 Quaterly	Baseline, Phase 3 Annually, Phase 4 Semi-annually, Phase 5 Quaterly	Baseline, Phase I Quaterly	Baseline, Phase I Annually	Baseline, Phase I Quaterly	Baseline, Phase I Quaterly	Baseline, Phase I Annually	Baseline, Phase I Quaterly	Baseline, Phase I Annually	Baseline, Phase I Annually, Phase 2 Quaterly	Baseline, Phase I Annually
Fecal Coliform	semi-annual	Baseline, Phase 6 Annually, Phase 7 Semi-annually, Phase 8 Quaterly	Baseline, Phase 5 Annually, Phase 6 Quaterly	Baseline, Phase 3 Annually, Phase 4 Semi-annually, Phase 5 Quarterly	Baseline, Phase I Quaterly	Baseline, Phase I Annually	Baseline, Phase I Quaterly	Baseline, Phase I Quaterly	Baseline, Phase I Annually	Baseline, Phase I Quaterly	Baseline, Phase I Annually	Baseline, Phase I Annually, Phase 2 Quaterly	Baseline, Phase I Annually

EXHIBIT F
(Page 60 of 61)
2004-00019
AUG 1 1 2005
EXHIBIT COURTESY

Table C-2
West Lakes Mine Site
Proposed Surface Water and Groundwater Monitoring

Analysis	SW-1	MW-1	MW-2	MW-3	MW-4	MW-4S	MW-5	LCUD-I (MW-8)*	LCUD-II (MW-8S)*	MW-6	MW-6S	MW-7	MW-7S
Enterococci	semi-annual	Baseline, Phase 6 Annually, Phase 7 Semi-annually, Phase 8 Quaterly	Baseline, Phase 5 Annually, Phase 6 Quaterly	Baseline, Phase 3 Annually, Phase 4 Semi-annually, Phase 5 Quarterly	Baseline, Phase I Quaterly	Baseline, Phase I Annually	Baseline, Phase I Quaterly	Baseline, Phase I Quaterly	Baseline, Phase I Annually	Baseline, Phase I Quaterly	Baseline, Phase I Annually	Baseline, Phase I Annually, Phase 2 Quaterly	Baseline, Phase I Annually

* Note: existing well cluster LCUD-I & II will be sampled if well integrity/custody can be maintained. If not, then a new well cluster (MW-8 & 8S) will be constructed and sampled nearby.

EXHIBIT F
(Page 61 of 61)

OCT 2004
FILED
AUG 11 2003
FILE COUNTER

AFFIDAVIT

STATE OF FLORIDA

COUNTY OF LEE

BEFORE ME, the undersigned notary public, on this 9th day of November, 2005, personally appeared Richard Friday, as Chief Financial Officer of Alico West LLC, who is personally known to me and who, after first being duly sworn, deposes and says:

1. That he is an authorized representative of the corporate entity that owns the property described and shown in Exhibit A attached hereto.

2. That the property shown on Exhibit A has been utilized for bona fide agricultural purposes and currently agricultural uses (cattle grazing, calving and raising) are taking place.

3. The specific agricultural activities occurring on the property include:

A. Cattle grazing, which has occurred on the property since at least 2000.

B. The herd of cattle raised on the property has increased from 30 to 40 animals during this period.

C. The herd consists entirely of "Beef Master" certified animals.

D. A "calving" operation has been in effect for several years. Calves are born a couple of times each year and raised on site until taken to market.

E. The herd grazes off both natural grasses and feed supplements.

F. Expenses are incurred to maintain the herd's number and health, including but not limited to (1) building fences, gates and pens, (2) Dispensing medical care and vaccines to the cattle on both a regular care and "as needed" basis, and (3) supervision on a daily basis by a trained and paid cattleman.

FURTHER AFFIANT SAYETH NAUGHT.

Richard O. Friday

EXHIBIT "G"
Agricultural Use Affidavit & Sketch

The foregoing instrument was sworn to and subscribed before me this 9 day of November, 2005, by Richard O. Friday, who is personally known to me or produced Personally Known as identification.

Christine M. Wyatt
Notary Public

my commission expires

CHRISTINE M. WYATT
MY COMMISSION # DD 333211
EXPIRES: September 16, 2008
Bonded Thru Notary Public Underwriters

EXHIBIT "G"
Agricultural Use Affidavit & Sketch
(Page 2 of 3)

MD MORRIS-DEPEW ASSOCIATES, INC.
ENGINEERS · PLANNERS · SURVEYORS & MAPPERS
2216 Altamont Avenue Fort Myers, Florida 33901 · (239)337-3993 · FAX (239)337-3994

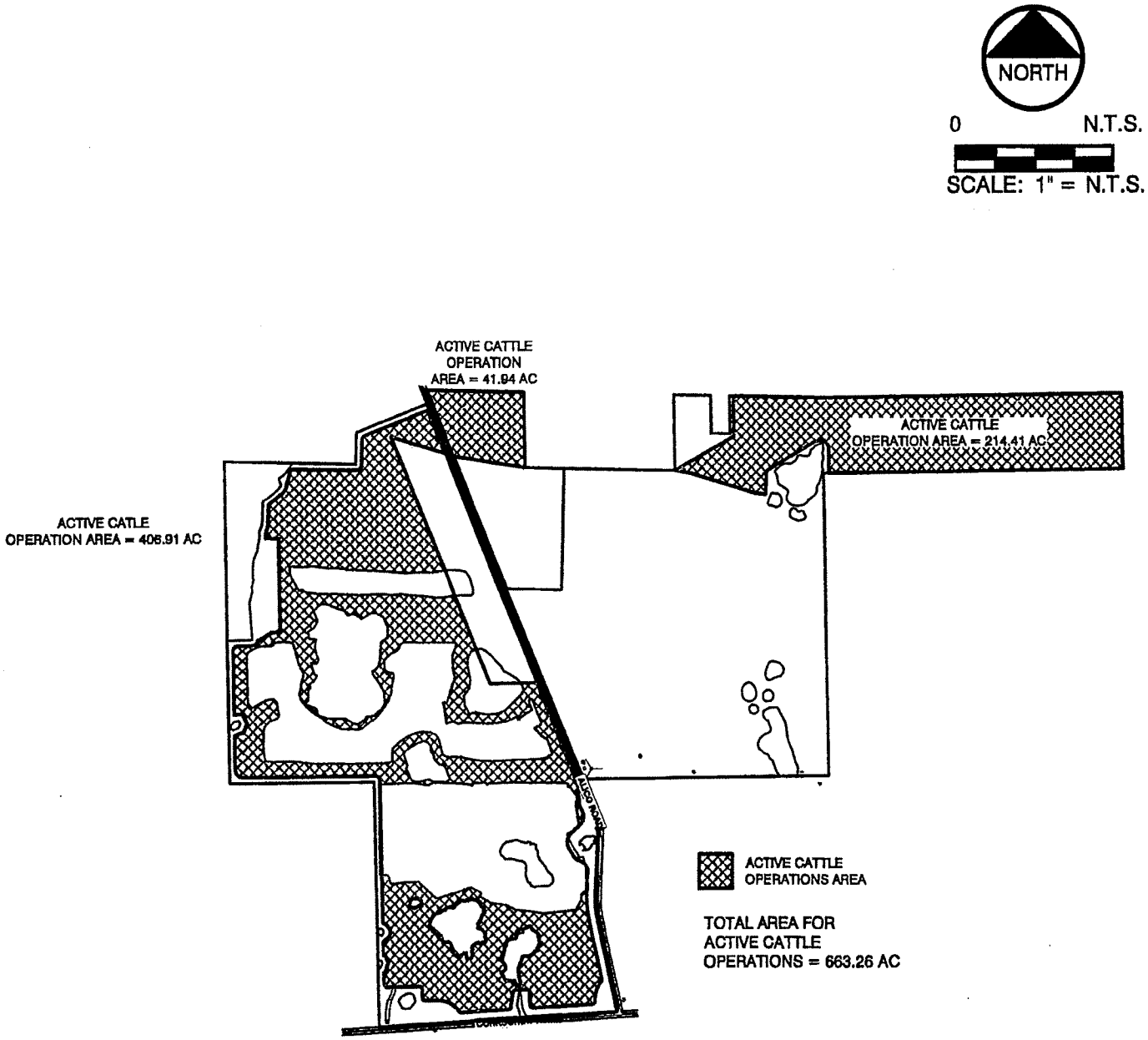

EXHIBIT "G"
Agricultural Use Affidavit & Sketch
(Page 3 of 3)

ACTIVE CATTLE OPERATIONS

RESOLUTION NUMBER Z-01-043

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

WHEREAS, an application was filed by the property owner, Alico West LLC, to rezone 513± total acres of land from the Agricultural (AG-2) zoning district with a Special Exception for Excavation and Mining, and from the Industrial Planned Development (IPD) district, to IPD, in reference to West Lakes Excavation; and,

WHEREAS, a public hearing was advertised to be held on October 24, 2001, and then continued to and held on November 21, 2001, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2000-00079; and

WHEREAS, a second public hearing was advertised and held on January 7, 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 rezone 513± total acres of land from AG-2 and IPD, to IPD to permit a Mining operation with accessory mining activities (such as scales, mixers, and rock crushing equipment) and the manufacturing of stone, clay and concrete products with an estimated maximum length of the operation of 20 years. The property is located in the Density Reduction/Groundwater Resources and Wetlands Land Use Category and legally described in attached Exhibit A. The request is APPROVED for a twenty (20) year period only, and further 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. a. The development of this project must be consistent with the two-page Master Concept Plan (MCP) entitled "West Lakes Excavation," stamped "Received Jan. 23, 2002," except as modified by the conditions below. 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 MCP are subsequently pursued, appropriate approvals will be necessary.

b. The maximum length of this mining operation may not exceed 20 years from the date of the planned development approval. Any request to extend this length of time must go through the public hearing process.

c. Hours of Operation: The operation may be open for business transactions only between the hours of 6:00 a.m. and 6:00 p.m., Monday through Friday, and 7:00 a.m. and 12:00 noon on Saturday. No business transactions shall be conducted on Sunday. Trucks may enter and leave the site with excavated materials only during these business hours. The excavation operation (i.e., dragline operations) and rock crushing operations may operate 24 hours per day, provided, however, that all rock crushing operations must be conducted within a metal or solid enclosure. Blasting may only occur between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

d. Schedule of Uses

Mining and Typical Accessory Uses [LDC § 34-1680(3)(b)],
50,000 square feet maximum:
- Scales
- Mixers
- Bins
- Crushers
- Conveyors
- Concrete Curing House
- Block House
- Administrative Office

Stone, Clay, Glass, and Concrete Products Manufacturing, Groups II & III only
Caretaker's Residence (1)
Entrance Gate(s)

e. Property Development Regulations

Excavation Setbacks:	
Existing Right-of-way:	150 feet
Private Property Line:	100 feet
Excavation Depth/Slope:	
Maximum Excavation Depth:	70 feet or to the confining layer, Whichever occurs first (per FDEP permit).
Excavation Bank Slopes:	4:1 to a depth of four feet below Dry Season Water Table (DSWT), 2:1 from four feet DSWT to 20 feet below DSWT, then vertical to the maximum depth.

Structure Setbacks:

Existing Right-of-way:	250 feet
Private Property Line:	250 feet
Maximum Height of Structures:	85 feet

2. Prior to beginning any mining operation, new excavation/mining operations permit must be applied for and obtained. The length of this permit must be in accordance with the requirements of the LDC and conditions of this zoning approval. If any additional or new regulations related to water resources are enacted, these will be applicable to this project and must be complied with as part of any approval of a new or renewal of the Excavation/Mining Operations Permit. No dewatering of the site is permitted.

3. Prior to beginning any excavation operations to remove materials from this site, the applicant must re-shape the existing lakes found on the site to correspond with the proposed lake boundaries. This language is intended to have the Applicant fill in the lake areas existing outside the boundaries of the proposed excavation as shown on the MCP prior to removing material from the site.

   Material to be used to fill in these existing lake areas located closer to the perimeter boundary or filled as proposed on the MCP must be from the subject property. No material may be trucked into the subject property from off-site.

4. The mining operation must comply with all requirements of LDC § 14-201 *et seq.* relating to use of properties adjoining existing potable water supply wellfields.

5. Prior to any blasting activities associated to this mining operation, the owner of the operation must advise Lee County Utilities no less than one week in advance of the planned date and time of the blasting activity.

   All blasting operations must be consistent with any regulations adopted by Lee County as well as Florida Statutes and Florida Administrative Code 4A-2.024 concerning Construction Materials Mining Activities. Additionally, blasting may only occur between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

6. If any producing wellhead or equipment is contaminated or damaged by the operations in this excavation, then the owner of the excavation will be responsible for replacement of the well or the equipment to the satisfaction of Environmental Services Department: Utilities Division. A surety or other security acceptable to the Department of Community Development, in the amount of $100,000, must be provided prior to approval of the new Excavation/Mining Operations Permit. This provision does not limit the liability of the owner of the excavation as expressed in the first sentence of this Condition, it merely establishes the initial surety or security required for the issuance of the new Excavation/Mining Operations Permit.

7. Any damage directly attributable to this mining operation to the improved or unimproved roadways must be repaired by the holder of the excavation/mining operation permit.

8. The Applicant will be subject to any duly adopted roads impact or mitigation fees for mining/excavation uses, provided such fees are adopted and applicable within the duration of the excavation/mining operation.

9. Until such time as the proposed road improvements on Corkscrew Road are completed, trucks entering or leaving the mine shall be instructed not to use Corkscrew Road, west of Alico Road, for access to or from I-75 or U.S. 41 and must instead be instructed to use Alico Road. The owner and/or operator of the mine and/or their successors must instruct all trucks using the mine to observe this rule and cooperate with the other regulatory agencies in its enforcement. "Instruction" includes signs posted and clearly visible at the scale house, the office, and the egress point onto Corkscrew Road.

10. As part of the local development order process, the Applicant must provide a paved apron and truck/tire wash area on the subject property prior to the trucks leaving the site and traveling on Alico Road.

11. Prior to local development order approval, a minimum of 102.6 acres of open space must be provided on-site.

12. Withdrawn at hearing - incorporated into the conditions for Deviation 1.

13. Excavated material must not be placed within 50 feet of any preserve area.

14. Withdrawn at hearing - incorporated into the conditions for Deviation 1.

15. Prior to local development order approval, a Florida black bear management plan must be submitted to Environmental Sciences Staff for review and approval. Environmental Sciences Staff will confer with the Florida Fish and Wildlife Conservation Commission (FWC) when reviewing the management plan.

16. The development order plans must include details of the rehabilitation and reclamation plan in accordance with § 34-1677(b)(7) of the LDC for the lake shoreline not included in the wetland restoration area. The plan must be submitted for review and approval by the Division of Environmental Sciences staff.

17. The "Mining Equipment, Processing and Manufacturing Area" shown on the MCP may only be used by the commonly accepted accessory mining uses and activities. These uses must cease operation when the on-site mining operation also ceases to operate. These are considered accessory uses and activities and must be subordinate and incidental to the principal use of the site.

18. The use of a communications tower has not been approved as part of this planned development. In order to be allowed to have this use, this planned development must be amended through the public hearing process.

19. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.

20. 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).

21. The mining operation must follow the recommendations outlined in the technical memorandum entitled "Hydrogeology and Public Water Supply Impact Analysis of the West Lakes Mine Site," as prepared by CDM, dated March 2001, for Youngquist Brothers, Inc. A copy of this report must be submitted when applying for the Mining Operations Permit.

22. In the event, that the results of the annual water quality testing in the mine lake, as required in the recommendations in Condition 21 above, reveals a problem in the quality of the water, then the owner must take all necessary measures to correct the problems.

23. No dewatering of the site is permitted.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §10-415(b)(1) requirement to provide that 50 percent of the required open space consist of indigenous vegetation; to allow 18 percent. This deviation is APPROVED SUBJECT TO the following conditions:

    1. Prior to local development order approval, the development order plans must include a surface water management system that provides an appropriate hydroperiod to the wetland preserve areas and must delineate the 18.9 acres of preserved wetlands and 52.6 acres of restored wetlands as shown on the MCP.

    2. Prior to local development order approval, a finalized restoration plan must be submitted that includes the following:

        a. Details of the planting strategies including the species, sizes and numbers for the cypress/flatwoods/marsh areas in the west and southwest portions of property; and

        b. Restoration areas must be planted based on 1-gallon plants installed 3-foot-on-center. Larger size containers will be credited proportionately (e.g., one 3-gallon container size plant is equivalent to three 1-gallon container size plants); and

        c. Organic soils (muck) must be excavated from the impacted wetlands and spread in the wetland creation areas; and

        d. The wetland preservation/creation area must be fenced from the mining area to reduce incidental impacts; and

        e. Proposed elevations and final grading plan; and

        f. The restoration plan will be phased into three phases. Restoration Phase A must begin with the issuance of a Vegetation Removal Permit for Mining Phase I, and must be completed within six months one year from the date

the Vegetation Removal Permit is issued. Restoration Phase B must begin with the issuance of the Vegetation Removal Permit for Mining Phase 2, and must be completed within one year from the date the Vegetation Removal Permit is issued. Restoration Phase C must begin with the issuance of the Vegetation Removal Permit for Mining Phase 3, and must be completed within one year from the date the Vegetation Removal Permit is issued; and

g. Management of the wetland preservation/creation area including invasive exotic removal; and

h. A baseline monitoring report must be submitted with the local development order; and

i. The wetland creation areas must be monitored for five years from the date the Vegetation Removal Permit is issued; and

j. Success criteria for each area must be included; and

k. None of these conditions are intended to conflict with wetland permitting requirements of the South Florida Water Management District (SFWMD). If differences exist, adjustments necessary to resolve the conflict are acceptable.

3. Prior to issuance of a Vegetation Removal Permit, the approximately 71.5 acres of wetland preservation/creation must be recorded as a Conservation Easement dedicated to Lee County. The Conservation Easement may be co-dedicated to the SFWMD. A copy of the recorded Conservation Easement (with the official records book and page numbers) must be submitted.

2. Deviation (2) seeks relief from the LDC §34-1682(7)(a) requirement to provide that the banks of the excavation be sloped at a ratio of 6:1; to allow the banks to be sloped at 4:1 in accordance with this same LDC Section. This deviation is APPROVED.

SECTION D. EXHIBITS:

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

Exhibit A: The legal description and STRAP number of the property.
Exhibit B: Zoning Map (subject parcel identified with shading)
Exhibit C: The Master Concept Plan

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.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner John E. Albion, seconded by Commissioner Ray Judah 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 7th day of January, 2002.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

Approved as to form by:

_____
County Attorney's Office

SEAL
BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

RECEIVED
FEB 12 2002
MINUTES OFFICE

EXHIBIT "A"

LEGAL DESCRIPTION

Property located in Lee County, Florida

DESCRIPTION:

PARCEL 1

DCI 2000-00079

A PARCEL OF LAND IN SECTIONS 16 AND 15, TOWNSHIP 46 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND 3"x3" CONCRETE MONUMENT MARKING THE SOUTHWEST CORNER OF SECTION 16, TOWNSHIP 46 SOUTH, RANGE 26 EAST; THENCE NORTH 00°00'42" WEST FOR A DISTANCE OF 2806.14 FEET ALONG THE WEST LINE OF SAID SECTION 16 TO A 3"x3" CONRETE MONUMENT MARKING THE WEST 1/4 CORNER OF SAID SECTION 16; THENCE CONTINUING ALONG THE WEST LINE OF SAID SECTION 16 NORTH 00°01'18" EAST FOR A DISTANCE OF 1485.64 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 1320 FEET OF SAID SECTION 16; THENCE SOUTH 87°51'55" EAST FOR A DISTANCE OF 4503.89 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY OF ALICO ROAD; THENCE SOUTH 21°16'58" EAST FOR A DISTANCE OF 1529.66 FEET ALONG THE SAID SOUTHWEST RIGHT-OF-WAY OF ALICO ROAD (100 FOOT RIGHT-OF-WAY) TO A 4"x4" CONCRETE MONUMENT ; THENCE SOUTH 21°16'34" EAST FOR A DISTANCE OF 644.67 FEET ALONG THE SAID SOUTHWEST RIGHT-OF-WAY OF ALICO ROAD TO A 4"x4" CONCRETE MONUMENT ON THE EAST LINE OF SAID SECTION 16; THENCE CONTINUING SOUTH 21°16'34" EAST FOR A DISTANCE OF 825.13 FEET ALONG SAID SOUTHWEST RIGHT-OF-WAY OF ALICO ROAD TO A 4"x4" CONCRETE MONUMENT; THENCE CONTINUING SOUTH 21°16'34" EAST FOR A DISTANCE OF 1460.67 FEET ALONG THE SAID SOUTHWESTERLY RIGHT-OF-WAY OF ALICO ROAD TO A 4"x4" CONCRETE MONUMENT MARKING THE INTERSECTION OF THE SAID SOUTHWESTERLY RIGHT-OF-WAY OF ALICO ROAD AND THE SOUTH LINE OF SAID SECTION 15; THENCE NORTH 89°41'48" WEST FOR A DISTANCE OF 828.87 FEET ALONG THE SOUTH LINE OF SAID SECTION 15 TO A 4"x4" CONCRETE MONUMENT MARKING THE SOUTHEAST CORNER OF SAID SECTION 21; THENCE NORTH 89°42'01" WEST ALONG THE SOUTH LINE OF SAID SECTION 16 FOR A DISTANCE OF 2645.27 TO A 3.5"x3.5" CONCRETE MONUMENT MARKING THE SOUTH 1/4 CORNER OF SAID SECTION 16; THENCE CONTINUING NORTH 89°42'01" WEST FOR A DISTANCE OF 136.40 FEET ALONG THE SOUTH LINE OF SAID SECTION 16 TO A 3.5"x3.5" CONCRETE MONUMENT; THENCE NORTH 89°42'01" WEST FOR A DISTANCE OF 2508.89 FEET ALONG THE SAID SOUTH LINE OF SECTION 16 TO THE POINT OF BEGINNING.

CONTAINING 513 ACRES MORE OR LESS.

LEE COUNTY RECEIVED
01 NOV 21 AM 9:29
COMM. DEV./ PUB. WRKS. CNTR SECOND FLOOR

Applicant's Legal Checked by Gjm 11/21/01

The applicant has indicated that the STRAP numbers for the subject property are: 15-46-26-00-00001.0010, 15-46-26-00-00001.0020, 16-46-26-00-00001.0000 & 16-46-26-00-00001.1020

ZONING MAP

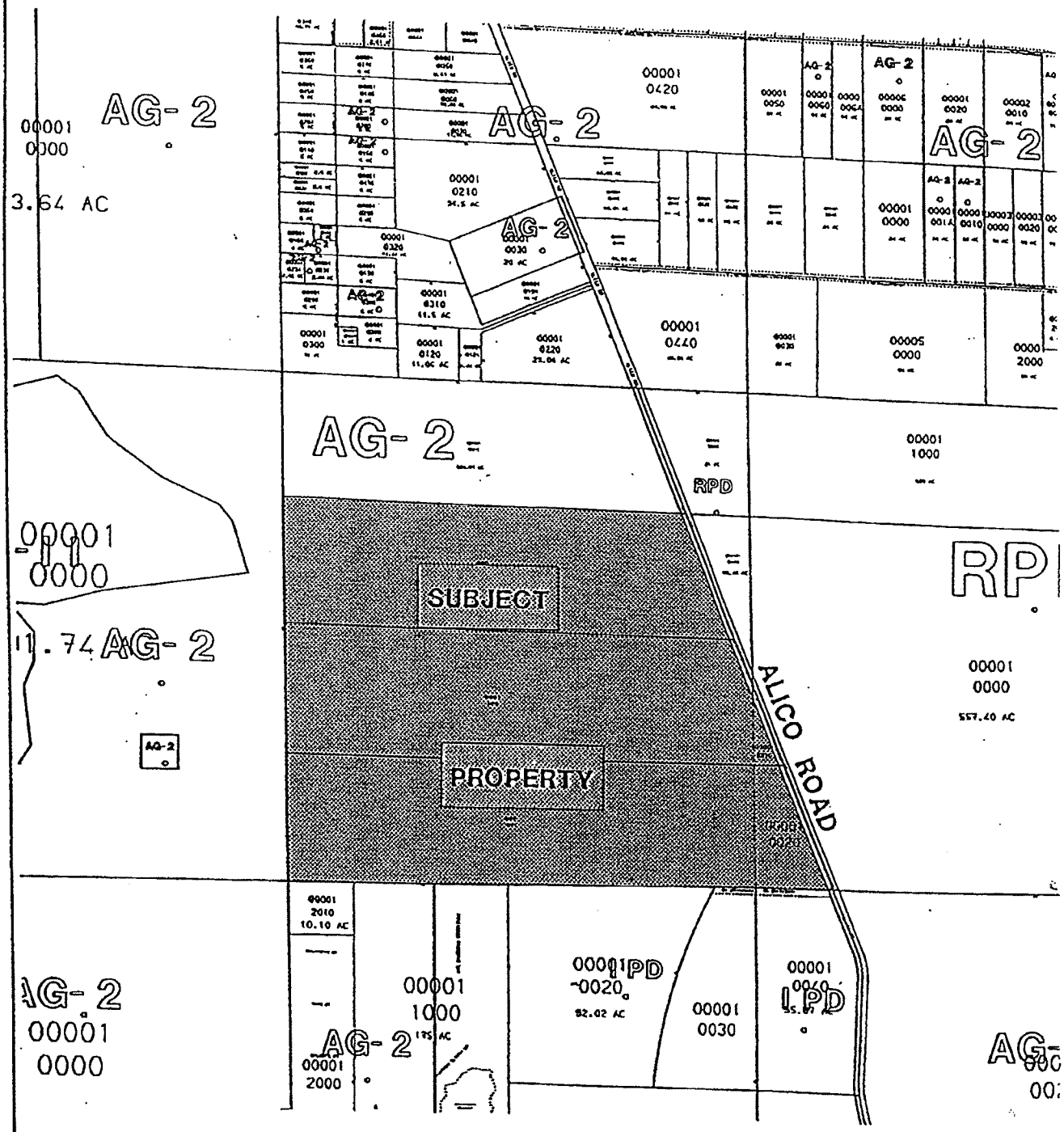

EXHIBIT "B"

EXHIBIT "H"
Lee Cty Zoning Resolution Z-01-043
(Page 10 of 12)

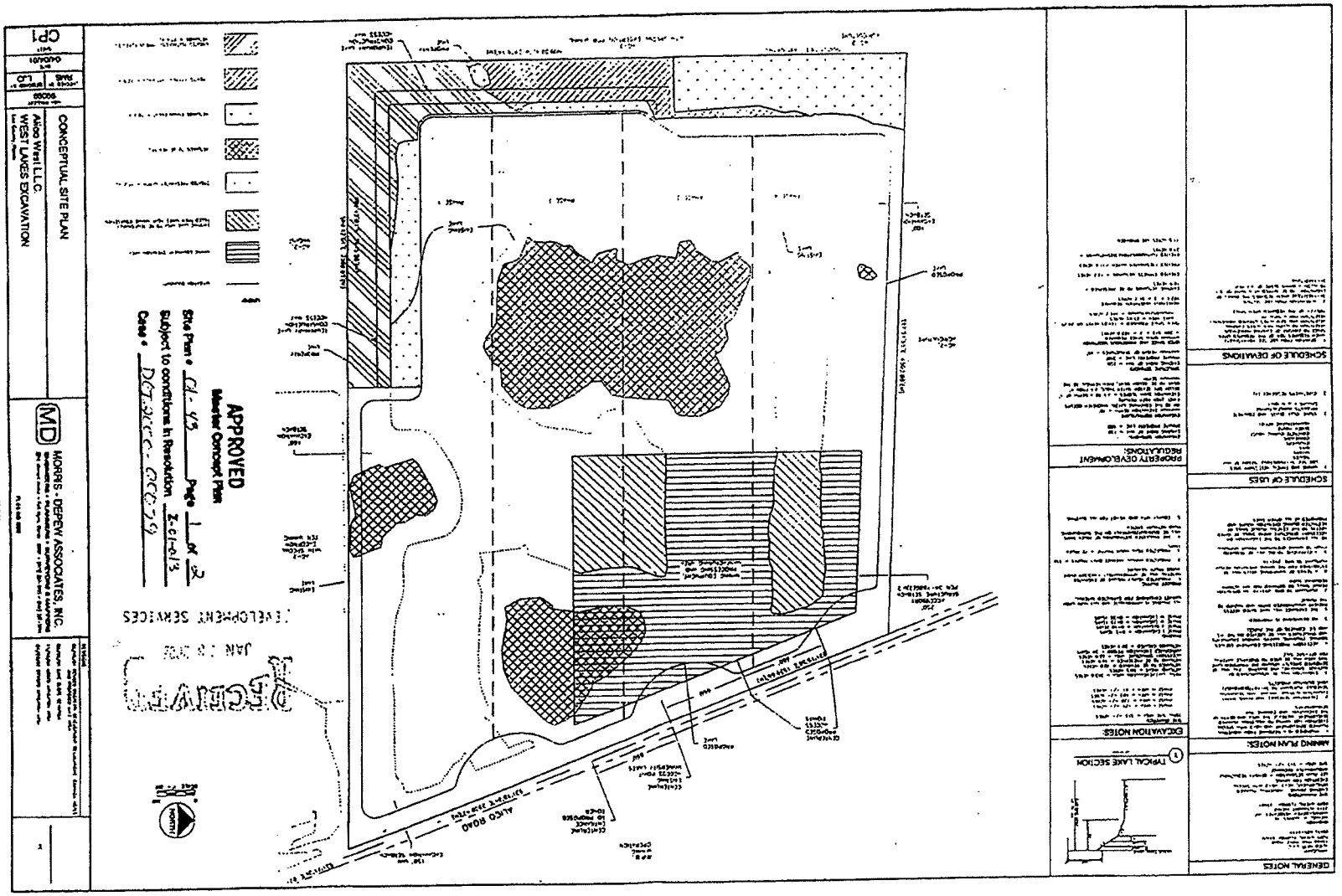

EXHIBIT "C"
(Page 1 of 2)

EXHIBIT "H"
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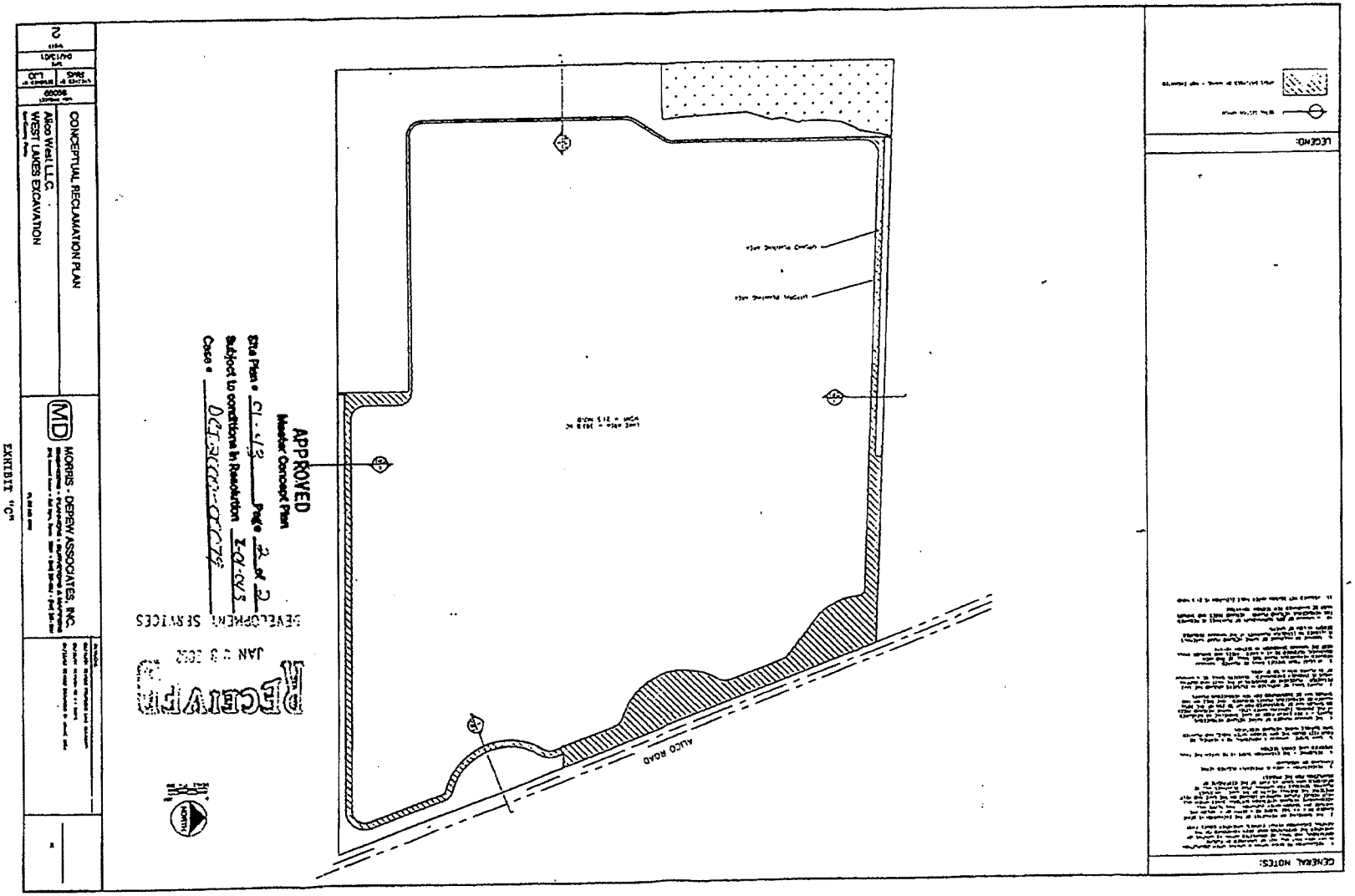

EXHIBIT "H"
(Page 2 of 2)

EXHIBIT "H"
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RESOLUTION NUMBER Z-00-039

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

WHEREAS, an application was filed by the property owners, Harvey Youngquist and Tim Youngquist, to amend the University Lakes Residential Planned Development (RPD); and

WHEREAS, a public hearing was advertised and held on August 15, 2000 before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI963718, fka 95-01-037.03Z 02.01; and

WHEREAS, a second public hearing was advertised and held on October 16, 2000 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 amend a 667± acre parcel to:

a) Increase the maximum lake area from 275± acres to 531.49± acres;
b) Increase the maximum lake depth from 25 feet to 75 feet, with the ability to ask for 90 feet through the Administrative Amendment process;
c) Add the use of Communications Tower with a maximum height of 250 feet; and
d) Increase the number of single-family dwelling units from 61 to 64.

The property is located in the Density Reduction/Ground Water Resources and Wetlands Land Use Categories 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. All conditions and deviations of Resolution Z-95-036 remain in full force and effect, unless amended by actions herein.

2. Condition A of Resolution Z-95-036 is hereby replaced with the following:

The development of this project must be consistent with the one-page Master Concept Plan

(MCP) entitled "Proposed Mining Plan," stamped received August 15, 2000, last revised 08/14/00, except as modified by the conditions below. 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 MCP are subsequently pursued, appropriate approvals will be necessary.

The total number of dwelling units permitted within this project is the lesser of 64 dwelling units or the number of units permitted by the Lee Plan Future Land Use category.

3. Condition C is amended by adding the use of COMMUNICATION TOWERS: More than 100 feet in height (LDC § 34-1441 *et seq.*). The specific height of this communication tower cannot exceed 250 feet in height, and is further limited by the following conditions:

   a. The approval is limited to one, 250-foot-tall, self-supporting communication tower and associated equipment buildings.

   b. The tower must be self-supported with no guy wires and a maximum height of 250 feet Above Grade Level.

   c. Prior to approval of a development order, the Applicant must provide an approved Tall Structures Permit from Lee County Port Authority and an approval letter from the Lee County Mosquito Control, and an approval form from the FAA.

   d. The approval for the communication tower will be for a maximum period of two years from the approval date unless a tower is constructed.

   e. The zoning approval for the communication tower expires six months from the date that the tower ceases to be used for communication purposes. Once expired, the tower must be dismantled and removed by the owner at no cost to Lee County within 60 days.

   f. Prior to issuance of a development order for the tower, the applicant must provide written notice to the Department of Community Development concerning the applicant's attempts to co-locate the facilities on an alternate tower in the area.

   g. The property owner must provide notice to all subsequent purchasers, of any portion of the subject property, that erection of a communication tower (up to 250 feet high) is a permitted use within the boundaries of the subject property and may be constructed without further public hearing.

4. Condition G is replaced and will now read: "Blasting is permitted provided it is in compliance with all requirements of the then current Lee County regulations concerning blasting operations."

5. Condition I is amended to allow the maximum depth of the operation may not exceed 75

feet or the confining layer, whichever occurs first. This depth may be extended to a maximum of 90 feet through the Administrative Amendment process subject to proper documentation that the added depth will not penetrate the confining clay layer.

6. Prior to beginning any mining operation that exceeds the 1995 approval, new excavation/mining operations permit must be applied for and obtained. The length of this permit must be in accordance with the requirements of the LDC and conditions of this zoning approval. If any additional or new regulations related to water resources are enacted, these will be applicable to this project and must be complied with as part of any approval of a new or renewal of the Excavation/Mining Operations Permit.

7. Prior to the approval of a new excavation/mining operations permit, as described in Condition 6, more detailed test borings accurately locating the depth of the clay layer in the requested mining phase of the excavation operation must be provided.

8. The mining operation must comply with all requirements of LDC § 14-201 *et seq.* relating to use of properties adjoining existing potable water supply wellfields.

9. All commitments and conditions of the mining operations recommended in the Missimer International - Public Water Supply Impact Analysis dated July 1999 must be complied with as part of this mining operation.

10. Prior to local development order approval, the development order plans must meet the conditions of the reclamation plan approved by Zoning Resolution Z-95-036 and depicted on the MCP stamped "Received May 2 1995."

11. Prior to local development order approval, a Big Cypress fox squirrel management plan must be submitted for Division of Planning / Environmental Sciences Staff review and approval.

12. Prior to local development order approval, the development order plans must delineate the Conservation Area as shown on the MCP including 25.59 acres of preserved wetlands, 49.16 acres of restored wetlands, and 5.58 acres of uplands.

13. Prior to local development order approval, a finalized restoration plan must be submitted that follows the "Proposed Conceptual Planting Plan for University Lakes" stamped "Received Jun 27 2000," (attached as Exhibit D) and includes the following:

    a. Details of the planting strategies including the species, sizes and numbers for the cypress/flatwoods/marsh areas in the northeast and southeast corners of the property, as well as, the 100-foot-wide upland area along the east property line; and

b. The 5.58-acre upland Conservation Area will serve as a connection between the wetland Conservation Areas in the southeast and northeast portions of the site. Trees planted in this area must provide cover and food for the Big Cypress fox squirrels such as live oak, laurel oak, and South Florida slash pines; and

c. The "small" slash pine and cypress referred to in the plan must be a minimum 3-gallon container size; and

d. Organic soils (muck) must be excavated from the impacted wetlands and spread in the wetland enhancement areas; and

e. The Conservation Area must be fenced from the mining area to reduce incidental impacts and prohibit cattle grazing; and

f. Proposed elevations and final grading plan; and

g. Stock piling of excavated material must be located a minimum of 100 feet from the western edge of the Conservation Area; and

h. The restoration must begin with the issuance of a Vegetation Removal Permit for Phase I, and must be completed within six months from the date the permit is issued; and

i. Management of the Conservation Area including invasive exotic removal; and

j. A baseline monitoring report must be submitted with the local development order; and

k. The Conservation Area must be monitored for five years from the date the Vegetation Removal Permit is issued; and

l. Success criteria for each area must be included; and

m. The section referring to "the marsh/cypress area in the NW portion of the project area" should be deleted as it is no longer applicable; and

n. None of these conditions are intended to conflict with wetland permitting requirements of the South Florida Water Management District. If differences exist, adjustments necessary to resolve the conflict are acceptable.

14. Prior to issuance of a Vegetation Removal Permit, the approximately 80.33-acre Conservation Area must be recorded as a Conservation Easement dedicated to Lee County. The Conservation Easement may be co-dedicated to the South Florida Water Management District. A copy of the recorded Conservation Easement with the O.R. book and page numbers must be submitted.

15. Any damage to the improved or unimproved roadways must be repaired by the holder of the Excavation/Mining Operation Permit.

16. If any producing wellhead or equipment is contaminated or damaged by the operations in this excavation, then the owner of the excavation will be responsible for replacement of the well or the equipment to the satisfaction of Environmental Services Department: Utilities Division. A surety or other security acceptable to the Department of Community Development, in the amount of $100,000, must be provided prior to approval of the new Excavation/Mining Operations Permit. This provision does not limit the liability of the owner of the excavation as expressed in the first sentence of this Condition (16), it merely establishes the initial surety or security required for the issuance of the new Excavation/Mining Operations Permit.

17. Prior to beginning the mining operations granted in this approval, the cost of mitigating road impacts if applicable, must be paid. The fee will be determined utilizing the procedures applicable to the independent fee calculation process set forth in the LDC, with adjustments made for the temporary nature of the mining operation.

18. Trucks entering or leaving the mine must be instructed not to use Corkscrew Road, west of Alico, for access to or from I-75 or U.S. 41. Instead, trucks must be instructed to use Alico Road. The owner and/or operator of the mine and/or their successors must instruct all trucks using the mine to observe this rule and cooperate with the other regulatory agencies in its enforcement. "Instruction" includes signs posted and clearly visible at the scale house, the office, and the egress point onto Corkscrew Road.

19. Approval of this amendment 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).

SECTION C. EXHIBITS:

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

Exhibit A: The legal description and STRAP number of the property.
Exhibit B: Zoning Map (subject parcel identified with shading)
Exhibit C: The Master Concept Plan
Exhibit D: Proposed Conceptual Planting Plan for University Lakes

SECTION D. FINDINGS AND CONCLUSIONS:

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

2. The amendment, 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 amendment 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 John E. Manning, seconded by Commissioner Andrew W. Coy and, upon being put to a vote, the result was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Nay
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 16th day of October, 2000.

ATTEST:
CHARLIE GREEN, CLERK
BY: Michele B. Leisner
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA
BY: John E. Albion
Chairman

Approved as to form by:
Dawn E. Perry-Lehnert
County Attorney's Office

A PARCEL OF LAND IN SECTIONS 15 AND 16, TOWNSHIP 46 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 15, THENCE;

1. NORTH 89°42'11" WEST, 2646.08 FEET, ALONG THE SOUTH LINE OF SAID SECTION 15, TO A POINT MARKING THE SOUTH QUARTER (1/4) CORNER OF SAID SECTION 15, THENCE;

2. CONTINUE NORTH 89°42'11" WEST, 1709.93 FEET, ALONG THE SOUTH LINE OF SAID SECTION 15, TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF ALICO ROAD (100' WIDE), THENCE;

3. NORTH 21°16'07" WEST, 2582.30 FEET, ALONG SAID EASTERLY RIGHT OF WAY LINE TO A POINT ON THE EAST LINE OF SAID SECTION 16, THENCE;

4. CONTINUE NORTH 21°6'07" WEST, 3312.08 FEET, ALONG SAID EASTERLY RIGHT OF WAY LINE, TO A POINT ON THE NORTH LINE OF SAID SECTION 16, THENCE;

5. SOUTH 87°52'07" EAST, 1201.52 FEET, ALONG SAID NORTH LINE TO A POINT MARKING THE NORTHWEST CORNER OF SAID SECTION 15, THENCE;

6. SOUTH 87°52'06" EAST, 2646.52 FEET, ALONG THE NORTH LINE OF SAID SECTION 15, TO A POINT MARKING THE NORTH QUARTER (1/4) CORNER OF SAID SECTION 15, THENCE;

7. SOUTH 87°51'51" EAST, 1323.77 FEET, ALONG SAID NORTH LINE, THENCE;

8. SOUTH 87°51'14" EAST, 1322.58 FEET, ALONG SAID NORTH LINE TO A POINT MARKING THE NORTHEAST CORNER OF SAID SECTION 15, THENCE;

9. SOUTH 00°02'44" EAST, 2636.75 FEET, ALONG THE EAST LINE OF SAID SECTION 15, TO A POINT MARKING THE EAST QUARTER (1/4) CORNER OF SAID SECTION 15, THENCE;

10. CONTINUE SOUTH 00°02'44" EAST, 2636.75 FEET, ALONG SAID EAST LINE TO A POINT MARKING THE SOUTHEAST CORNER OF SAID SECTION 15, ALSO BEING THE TRUE POINT OF BEGINNING.

CONTAINING A COMPUTED AREA OF 666.942 ACRES OF LAND, MORE OR LESS.

Applicant's Legal Checked
by gm 5/14/2K

The applicant has indicated that the STRAP number for the subject property is: 15-46-26-00-00001.0000, 15-46-26-00-00001.1000, 16-46-26-00-00001.0000, and 16-46-26-00-00001.3000

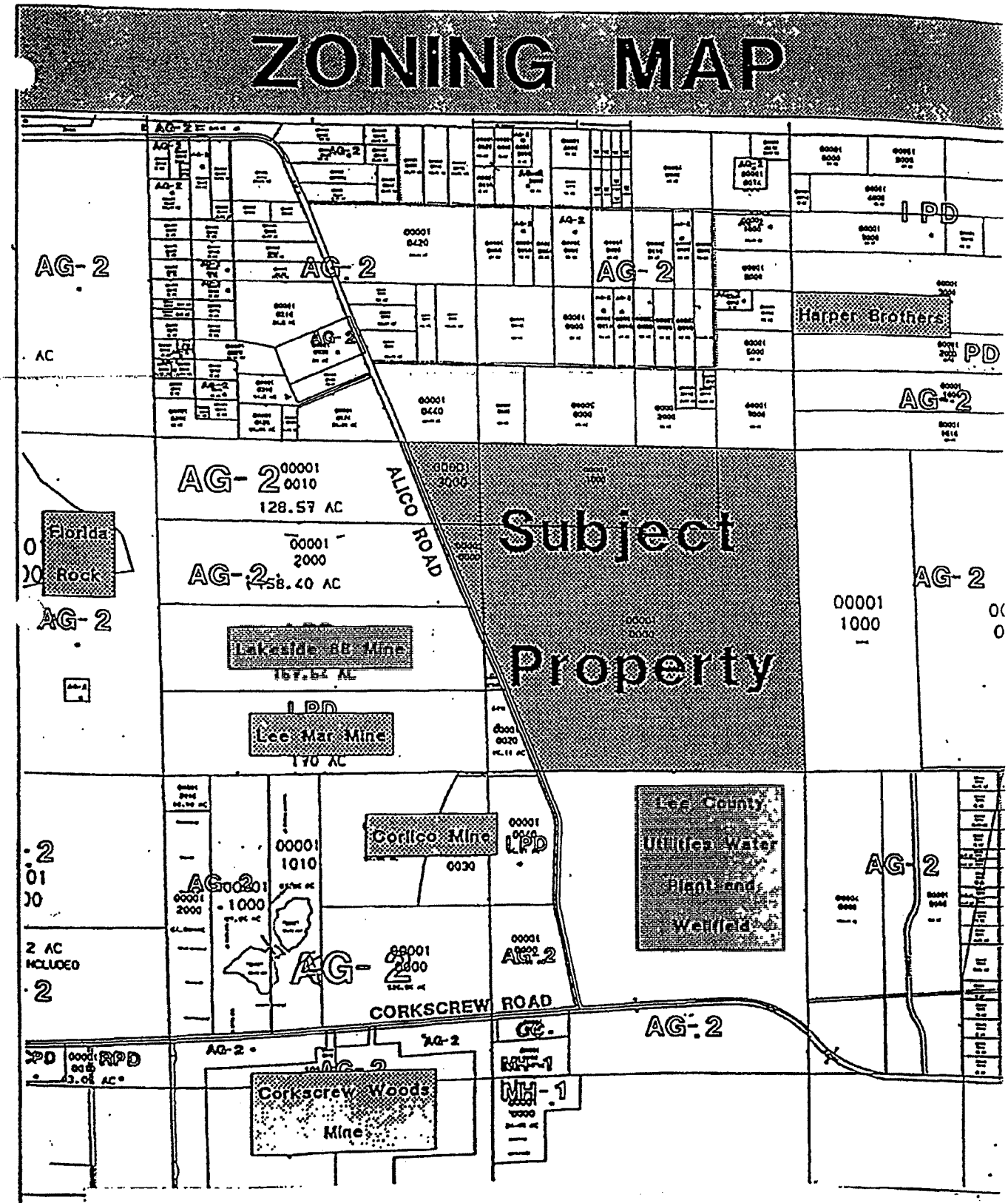


EXHIBIT B

EXHIBIT "I"
Lee Cty Zoning Resolution Z-01-043
(Page 8 of 10)

APPROVED

Site Plan # 2-0-039 Page 1

Subject to conditions in Resolution 2-0-039

Zoning Case # DCI 2002-00038

PAA 95-01-257-03.01.00

RECEIVED AUG 1 5 2003 DEVELOPMENT SERVICES

GENERAL NOTES:

PROPERTY OWNER:
BN YOUNGQUIST & NANCY YOUNGQUIST
14008 CONCORDIA ROAD
CUTLER, FLORIDA 33938
(941) 466-4888

APPLICANT:
THE YOUNGQUIST & NANCY YOUNGQUIST
14008 CONCORDIA ROAD
CUTLER, FLORIDA 33938
(941) 466-4888

ENGINEER:
MICHAEL R. MORRIS, PE
MORRIS-DEPEW ASSOCIATES, INC.
2715 KIMMER AVENUE
FORT MYERS, FLORIDA 33901

SITE PARAMETERS:
ZONING: RESIDENTIAL PLANNED DEVELOPMENT
LEE PLAN DESIGNATION = DOWNTOWN REDUCTION/ GROUNDWATER RECHARGE
SITE AREA = 667+/- ACRES

MINING PLAN NOTES:

1. PROPOSED IS AN INCREMENT TO AN EXISTING MINING OPERATION AS THE RESIDENTIAL PLANNED DEVELOPMENT ZONING DISTRICT. THIS INCREMENT WILL ADD THE USE OF COMMUNICATION TOWER AND INCREASE THE AREA AND DEPTH OF THE EXCAVATION.

2. EXCAVATION SCHEDULE AND PLANS SHOWS EXCAVATION ACREAGE, VOLUME AND SEQUENCING SCHEDULE PURSUANT TO 34-1117(B)(3)(A)(B)(C). LAKE BURROW PROJECT.

3. EXCAVATION WILL BE ACCOMPLISHED BY SHOVELS, DRAGLINE AND BLASTING. FILL WILL BE DEPOSITED DIRECTLY AROUND THE PROPOSED LAKE. THIS AREA WILL BE USED TO SECONDARY MATERIAL FOR OFF-SITE SALE.

4. ACCESSORY PROCESSING EQUIPMENT (SCALES, SCREENS, CRUSHERS, MIXERS, VARIOUS EQUIPMENT) AND STRUCTURES (MAXIMUM HEIGHT OF 70'-0'), FLOOR AREA IN EACH OPERATIONAL AREA, WILL BE LOCATED ON THE N.W. AND S.W. CORNERS OF THE PARCEL.

5. NO BLASTING IS PROPOSED.

6. THE ENTRANCE WILL HAVE GATED ACCESS PREVENT UNAUTHORIZED ENTRY AND HAZARD TO THE PUBLIC.

7. PURSUANT TO ORD. 93-11, AN OPERATION PERMIT SHALL BE OBTAINED FOR ANY ACTIVITY REQUIRING S.D.P.

8. A SERIES OF MONITORING WELLS WILL BE ESTABLISHED PER THE MINING OPERATION PERMIT, PURSUANT TO ORD. 93-11.

9. A CERTIFICATE TO DIG WILL BE REQUIRED PRIOR TO MINING OPERATIONS PERMIT APPROVAL.

10. ALL ENTRANCES TO THE EXCAVATION OR ACCESSORY STRUCTURE AREAS SHALL BE GATED. ACCESS TO THE GENERAL PUBLIC SHALL BE RESTRICTED DURING OPERATION HOURS AND PROHIBITED AT ALL OTHER TIMES.

LEGEND:

- EQUIPMENT AREA
- EXISTING WETLANDS (10.40 ACRES)
- EXISTING WETLANDS TO BE REDUCED
- PROPOSED WETLAND ENHANCEMENT AREA (44.15 AC)

BUFFERS:

PROPERTY ZONED RESIDENTIAL PLANNED DEVELOPMENT WITH SPECIAL EXCEPTION FOR MINING

NORTH = ZONED AC-2, VACANT
NO BUFFER REQUIRED

SOUTH = ZONED AC-2, LEE COUNTY UTILITIES
NO BUFFER REQUIRED

EAST = ZONED AC-2, VACANT
NO BUFFER REQUIRED

WEST = ALICO ROAD R.O.W.

TOWER NOTES:

1. TOWER AREA SHALL BE FENCED (6') AND ACCESS TO TOWER SHALL BE VIA A LOCKING GATE.

2. ONE PARKING SPACE SHALL BE PROVIDED.

3. ALL SCREENING, BUFFERING AND LANDSCAPING REQUIREMENTS SHALL BE PROVIDED PER LDC SECTION 34-1445(a).

4. ANY TOWER NOT ENGINEERED TO WITHSTAND A CATEGORY 3 HURRICANE SHALL BE ENGINEERED SO THAT, IN THE EVENT OF A COLLAPSE, ALL PARTS OF THE TOWER WILL FALL WITHIN THE TOWER PARCEL.

5. 48 HOURS BEFORE COMMENCING CONSTRUCTION OF THE TOWER, AND WITHIN 48 HOURS OF REACHING THE MAXIMUM HEIGHT, NOTICE SHALL BE GIVEN TO THE LEE COUNTY "AIRPORT OFFICE" (PORT ALMONTE, E.A.A., AND MARCO ISLAND).

6. ALL OTHER APPLICABLE STANDARDS CONTAINED IN LDC CHAPTER 34 WILL BE COMPLIED WITH.

TYPICAL LAKE SECTION

EXCAVATION NOTES:

SITE STATISTICS:
TOTAL SITE AREA = 667 +/- ACRES
PHASE I AREA = 63 +/- ACRES
PHASE II AREA = 59 +/- ACRES
PHASE III AREA = 75 +/- ACRES
PHASE IV AREA = 388 +/- ACRES
TOTAL LAKE/EXCAVATION AREA = 471.3 ACRES
WETLAND AREAS = 44.15 ACRES
WETLANDS TO BE REDUCED = 43.66 ACRES
WETLAND TO BE PRESERVED = 23.50 ACRES
ACCESSORY STRUCTURE AREA = 66.34 ACRES
APPROXIMATE EXCAVATION PERIOD = 20 YEARS

PHASING:
PHASE I EXCAVATION = 6-8 YEARS
PHASE II EXCAVATION = 8-10 YEARS
PHASE III EXCAVATION = 8-13 YEARS
PHASE IV EXCAVATION = 8-20 YEARS
PHASE 3 RESIDENTIAL = 9-15 YEARS

ALL PHASING IS APPROXIMATE AND MAY VARY UPON MARKET CONDITIONS FOR EXTRACTED MATERIAL.

SCHEDULE OF USES:
1. EXCAVATION/MINING OPERATION, ASSOCIATED ACCESSORY USES AND PROCESSING OF MATERIALS.
2. COMMUNICATIONS TOWER, 250 FEET
3. CARETAKER RESIDENCE
4. 84 SINGLE FAMILY DWELLING UNITS
5. NONCOMMERCIAL ACCESSORY USES

PROJECT TRAFFIC:
1. PROJECTED YEARLY VOLUME OF EXCAVATED MATERIAL WILL BE APPROXIMATELY 2,250,000 CUBIC YARDS TRUCK MEASURE.
2. PROJECTED ANNUAL AVERAGE DAILY TRUCKS = 464.
3. PROJECTED PEAK HOUR TRAFFIC = 87 TRUCK TRIPS.
4. THE PROJECTED DISTRIBUTION OF TRUCK TRIPS WILL BE DISTRIBUTED EVENLY ON THE SURROUNDING ROAD NETWORK SYSTEM.
5. COMPLY WITH ORD 93-67 FOR ALL BLASTING.

PROPERTY DEVELOPMENT REGULATIONS:

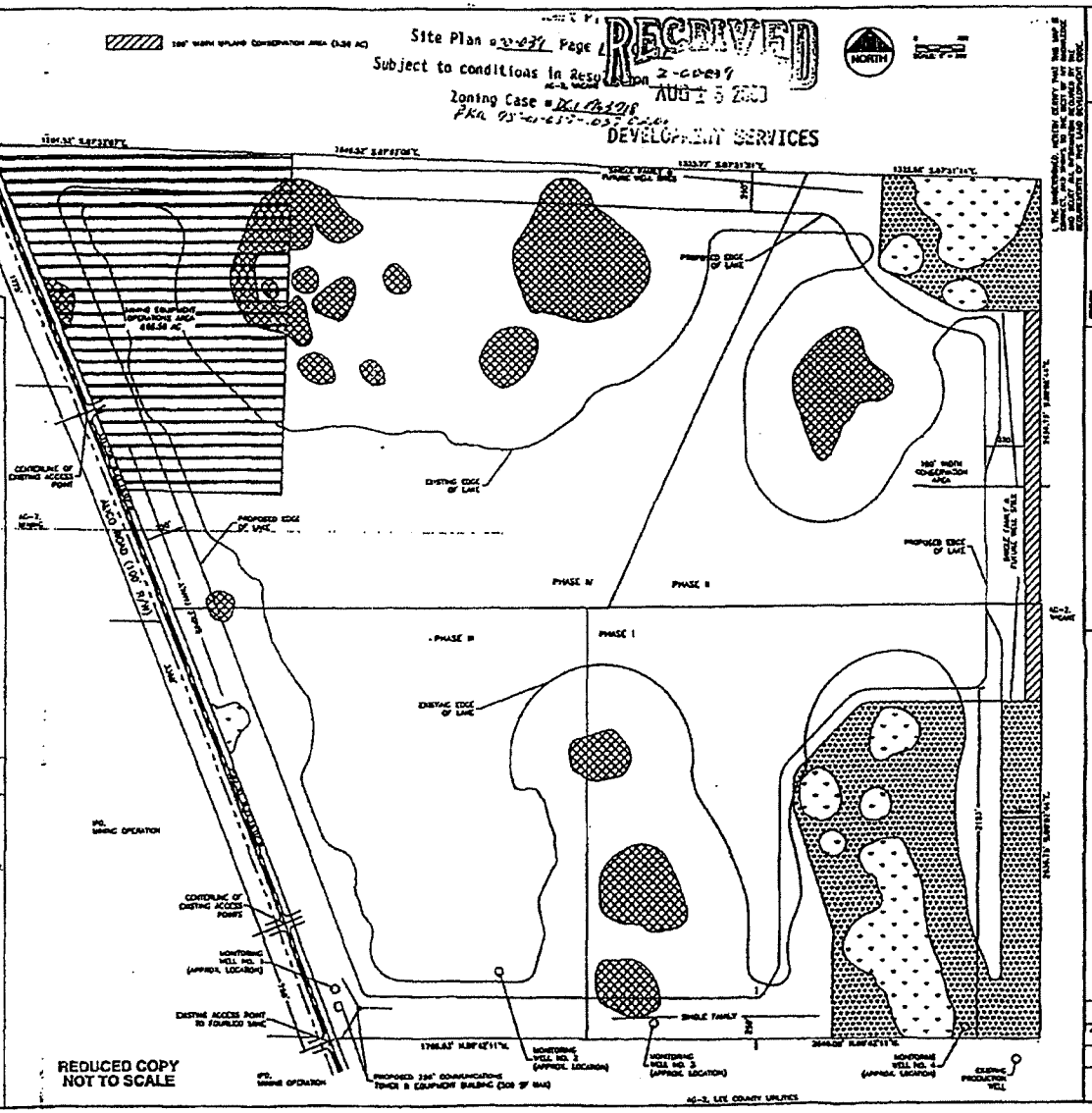
EXCAVATION SETBACKS:
EXISTING RIGHT OF WAY = 250'
PRIVATE PROPERTY LINE = 250'
ACCESSORY MINING EQUIPMENT = 250'

EXCAVATION DEPTH/SLOPE:
MAXIMUM EXCAVATION DEPTH = 120'
OR TO THE CONTROLLING LAYER, WHICHEVER OCCURS FIRST (PER MINING PERMIT)
EXCAVATION SIDE SLOPES = 4:1 TO A DEPTH OF 6' BELOW DRY SEASON WATER TABLE, 3:1 FROM 6' BELOW TO 30' BELOW SAME, THEN VERTICAL TO THE MAXIMUM DEPTH.

ACCESSORY STRUCTURE SETBACKS:
EXISTING RIGHT OF WAY = 25'
PRIVATE PROPERTY LINE = 30'
MAXIMUM HEIGHT OF ACCESSORY STRUCTURES = 65'

RESIDENTIAL DEVELOPMENT
BASE 84 SINGLE FAMILY UNITS
LOT AREA = 20,000 SQ. FT.
LOT WIDTH = 100'
LOT DEPTH = 200'
LOT COVERAGE = NONE

PRINCIPLE STRUCTURE SETBACKS
STREET SETBACK = 25'
SIDE SETBACK = 10'
REAR SETBACK = 30'
WATERBODY SETBACK = 25'
MAXIMUM HEIGHT = 45', 3 STORIES



MORRIS - DEPEW ASSOCIATES, INC.

PROPOSED MINING PLAN

Youngquist Brothers Rock, Inc.
UNIVERSITY LAKES

DATE 11/16/00

1

EXHIBIT "I"
Lee Cty Zoning Resolution Z-01-043
(Page 9 of 10)

PROPOSED CONCEPTUAL PLANTING PLAN FOR UNIVERSITY LAKES

The marsh/cypress area in the NW portion of the project area.

1. Incorporate this area in site design to make sure adequate hydroperiod in average years to insure successful establishment, succession and temporal stability.

1. Scrape muck from similar areas that will be impacted, but only where appropriate species exist. Spread this muck on the area to be enhanced at the advent of the rainy season. Monitor community composition 60 days after spreading.

2. If suitable marsh species are present with distribution and extent suitable to assure a successful planting, continue to monitor at yearly intervals. If some or all of the planted area does not have adequate plant materials stock to successionaly evolve to the desired marsh community, these areas should be seeded with alternating pickerelweed and maidencane on 36" centers.

3. Scattered cypress should be installed. These trees should be on 100' centers, but not ain a linear pattern.

4. Monitor the enhanced area annually to assure success criteria are met. Appropriate success criteria would be 75% foliar coverage during the rainy season. If foliar coverage of target species does not exceed 25% two years following planting, replanting should occur in areas failing to meet this criteria. No more than five percent weedy species should be present. When the five percent threshold is exceeded, chemical control of weedy species should be required.

The cypress/flatwood/marsh area in the SE corner of the project area.

1. Incorporate this area in site design to make sure adequate hydroperiod in average years to insure successful establishment, succession and temporal stability.

2. The middle 1/3 of the area from the existing cypress/flatwood area to the property boundary should be prepared for and planted with marsh species as described above.

3. The remainder of the area should be planted with a mixture of small slash pine, small cypress and 5 gal cypress. Sixty percent of the area should be planted with small cypress on 15' centers. Twenty-five percent of the area should be planted with small slash pine on 10" centers and the remaining ten percent of the area should be planted with larger 5 gallon cypress on 15' centers.

4. The same monitoring, replanting and maintenance criteria applied to the previously discussed area should apply here.

RECEIVED
JUN 27 2000
ZONING COUNTER

DCI 963718

EXHIBIT D

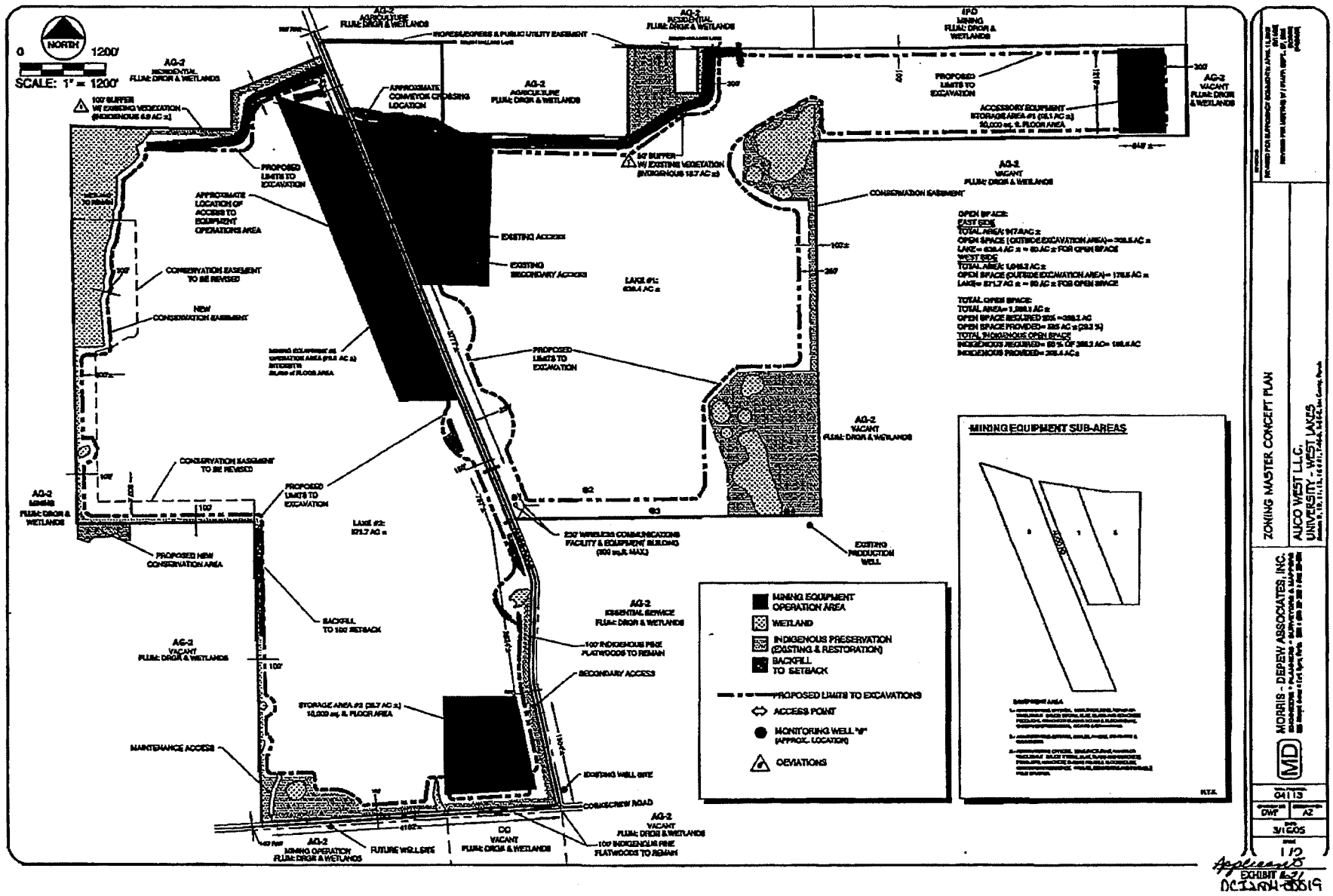


EXHIBIT "J"

Applicant's HEX Exhibit 21

- berm location

[Page 2 of Staff Exhibit #1 Presented at Hearing Examiner Hearing.]

West Lakes 12-Foot Berm

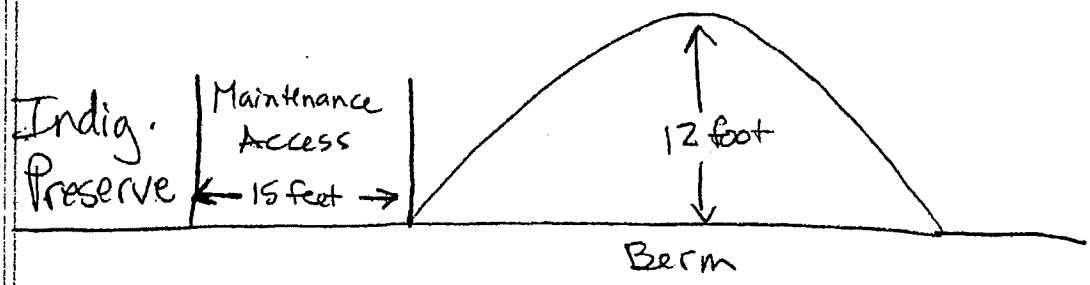


EXHIBIT "K"

21. AGRICULTURAL USES: Existing bona fide agricultural uses on this site are allowed only in strict compliance with the following:

(a) Bona fide agricultural uses as shown on Exhibit "E" attached hereto, may continue until approval of a local development order for the area of the project containing those uses.

(b) Additional clearing of trees or other vegetation in agricultural areas is prohibited. Existing areas of bona fide agricultural use may be maintained, i.e., mowed, but not cleared or expanded. This prohibition is not intended to preclude County approved requests for the removal of invasive exotic vegetation.

(c) The property owner must terminate the agricultural tax exemption for any portion of the property that receives a local development order. The agricultural use must cease by December 31st of the calendar year in which the local development order is issued. The exemption termination must be filed with the Property Appraiser's Office by December 31st of the calendar year in which the local development order is issued. A copy of the exemption termination must be provided to the Office of the County Attorney.

22. The Applicant must provide as part of the first phase of this mining operation:

a. A buffer along Corkscrew Road consisting of a 12-foot-high berm with landscaping. The landscaping on the berm must consist of 5 trees and a hedge (per LDC §10-416). This berm and buffer must be established prior to the removal of any material from this site and located entirely outside of the indigenous pine flatwoods preserve.

b. However, if the Applicant is able to fill in (to the satisfaction of the County's Environmental Sciences Staff) any gaps that exist in the pine flatwoods that serve as an additional buffer along Corkscrew Road, it may reduce the vegetative berm to eight-feet in height. Moreover, to qualify for the reduction to eight feet, any exotics that have to be removed from the pine flatwoods preserve must be replaced by vegetation that is consistent with the remaining non-exotic vegetation. The landscaping required for the reduced eight-foot berm must be consistent with that as required in Condition 22 (a).

23. The use of Stone, Clay, Glass, and Concrete Products Manufacturing, Group III (concrete block and brick) must be conducted within a building. No doors or entryways may be permitted in the south and west facing walls of the building supporting this use.

SECTION C. DEVIATIONS:

1. Deviation 1 seeks relief from the LDC §10-415(b)(1) requirement for 50% of the required open space to consist of indigenous vegetation; to allow 43-percent. This deviation is APPROVED, SUBJECT TO Conditions 10 through12 above.

2. Deviation 2 seeks relief from the LDC §34-1682(7)(a) requirement that the banks of the excavation be sloped at a ratio of 6:1; to allow the banks to be sloped at 4:1 in accordance with this same LDC §34-1682(7)(b). This deviation is APPROVED.

SECTION D. EXHIBITS AND STRAP NUMBER: