ADD2014-00127 Lee County ePlan

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
FORT MYERS REGULATORY OFFICE
1520 ROYAL PALM SQUARE BOULEVARD, SUITE 310
FORT MYERS, FLORIDA 33919

Regulatory Division
West Permits Section/South Permits Branch
Fort Myers Regulatory Office
SAJ-1999-4512 (IP-RMT)

MAY 18 2007

Hidden Harbor Development LLC
6525 Presidential Court, Suite 8
Fort Myers, FL 33919

Dear Sirs:

Enclosed is a Department of the Army (DA) permit for application number SAJ-1999-4512 (IP-RMT). The project involves the discharge 53 cubic yards of fill into the 0.44-acre tidal ditch and 56 cubic yards of fill into the 0.48-acre freshwater ditch. You also propose to construct 53 single-family "T" docks. Each dock will be 25-foot long by 4-foot wide and have a 30-foot long by 4-foot wide access pier for a total of 0.29 acre (12,508 sq. ft.) over the tidal borrow lake. The project site is located southwest of the intersection of US 41 and Alico Road abutting Ten Mile Canal, in Section 07, Township 46 South, Range 25 East, Lee County, Florida.

In order to determine compliance with the permit, U.S. Army Corps of Engineer personnel or a contractor may inspect the project site at any time. The placard should be prominently displayed and a copy of the enclosed permit and drawings must be available at the site of work at all times. Please be aware that failure to comply with the permit limits or the conditions may result in enforcement actions to include civil penalties.

If, in the future, you choose to modify your permitted work, this must be requested in writing. Drawings showing the proposed changes must also be submitted. Any request for a permit extension beyond the five-year time limit must also be requested in writing, at least one month prior to the expiration date of this permit.

Sincerely,

for! David Hobbie
Chief, Regulatory Division

Enclosures
Reading copy

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DEPARTMENT OF THE ARMY PERMIT

Permittee: Hidden Harbor Development LLC
6525 Presidential Court, Suite 8
Fort Myers, FL 33919

MAY 1 4 2007

Permit No: SAJ-1999-4512 (IP-RMT)

Issuing Office: US Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, mean the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the US Army Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: To discharge 53 cubic yards of fill into 0.44-acre of tidal ditch and 56 cubic yards of fill into 0.48-acre of freshwater ditch. You also propose to construct 53 single-family "T" docks. Each dock is not to exceed a platform 25-foot long by 4-foot wide and access pier 30-foot long by 4-foot wide. The 53 piers shall not exceed total of 0.29 acre (12,508 sq. ft.) over the tidal borrow lake. The work is to be completed in accordance with the attached site plans numbered SAJ-1999-4512 (IP-RMT) five (5) sheets. These drawings can be found in Attachment (A), which is attached to, and becomes part of, this permit.

Project Location: The project site is located southwest of the intersection of US 41 and Alico Road abutting Ten Mile Canal, in Section 07, Township 46 South, Range 25 East, Lee County, Florida

Latitude 26° 29' 24" N, Longitude 81° 51' 07" W

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General Conditions:

1. The time limit for completing the work authorized ends on **May 14, 2012.** If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature and mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached (Attachment B).

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

7. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

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Special Conditions:

1. **Reporting Address:** All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following address: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232. You shall reference this permit number, SAJ-1999-4512 (IP-RMT), on all submittals.

2. **Commencement Notification:** Within 10 days from the date of initiating the authorized work, you shall provide the Corps a written notification of the date of commencement of work authorized by this permit.

3. **Erosion Control:** Prior to the initiation of any work authorized by this permit, you shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas adjacent to wetlands shall be stabilized using sod, degradable mats, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work has been completed and the site has been stabilized.

4. **Mitigation Credit Purchase:** You shall provide compensatory mitigation off-site for unavoidable wetland impacts by purchasing 1.1 saltwater forested credits at Little Pine Island Mitigation Bank (LPIMB). Within thirty days of the issuance of the DA permit you shall provide documentation to the Corps of Engineers that those credits have been purchased from PIMB (Attachment C).

5. **Biological Opinion:** The US Fish & Wildlife Service (FWS) issued a biological opinion (BO) dated 12 March 2007 approving your project. The BO is attached to this permit document (Attachment E). The FWS believes so long as you follow the special conditions specified in their BO (pages 23-26) the proposed action to construct 53 single-family docks is not reasonably certain to result in the take of manatees in the form of additional deaths and injuries. Authorization under this Corps permit is conditional upon compliance by you with all of the mandatory terms and conditions associated with the attached BO which terms and conditions are incorporated by reference into this permit. Failure to comply with the terms and conditions associated with the BO would constitute non-compliance with the Corps permit. The FWS is the appropriate authority to determine compliance with the terms and conditions of the BO and with the ESA.

6. **As-Builts:** Within 60 days of completion of the work authorized, you shall provide the Corps of Engineers As-Built Drawings and a completed As-Built Certification Form.

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7. Deed Restriction: You shall have a legally sufficient deed restriction prepared to ensure that the only the lots, shown on the permit drawings as A-1 thru 52 (a total of 53 lots), will be authorized to construct a one-slip single-family dock. No other docks, boat ramps or any structures that would provide boating access are authorized along the remaining shoreline at the project site. The deed shall specify that the only future utilization of the remaining shoreline at the project site will be as a purely a natural area. The deed shall also specify that each individual dock is not to exceed a platform 4 feet wide by 25 feet long and access pier 4 feet wide by 30 feet long. The deed restriction shall cite the Corps permit number and include copies of the permit drawings (5 sheets) attached to this document (Attachment A). To show compliance with this condition you shall complete the following:

a. Within 30 days from the date of initiating the authorized work or 12 months from the effective date of this permit, whichever first occurs, submit to the Corps a draft deed restriction document with a legal description, survey, and scale drawings of the area in question. The following paragraph shall be incorporated in the deed restriction:

> "Rights of U.S. Army Corps of Engineers (Corps)- The Corps shall be a party to any modification, alteration, release, or revocation of the deed restriction, and shall review and approve as necessary any additional structures or activities that require approval."

b. Within 30 days of Corps' approval of the draft deed restriction, record the deed restriction in the public records of Lee County, Florida. A certified copy of the recorded document and plat shall be forwarded to the Corps within 60 days of Corps' approval of the draft deed restriction.

c. In the event this permit is transferred, proof of delivery of a copy of the recorded deed restriction to the subsequent Permittee or Permittees shall be submitted to the Corps together with the notification of permit transfer.

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1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, and local authorization required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

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4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces, which this office did not consider in reaching the original public interest, decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

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Hidden Harbor

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

(PERMITTEE) 5/15/07 (DATE)

Dean R. DeGross, Managing Member

(TYPE OR PRINT PERMITTEE NAME AND TITLE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

for: (DISTRICT ENGINEER) 18 May 2007 (DATE)
ROBERT M. CARPENTER
Colonel, U.S. Army

THIS PERMIT CONTAINS 5 ATTACHMENTS, TOTALING 52 PAGES

Attachment A – Permit Drawings (5 Pages)
Attachment B – WQC SFWMD Permit No. 36-03962-P on 14 June 2001 (6 pages)
Attachment C – Compensatory Mitigation (1 page)
Attachment D - As Built Conditions (3 pages)
Attachment E – US FWS BO for the manatee dated 12 March 2007 (37 pages)

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Hidden Harbor

Permit Transfer: When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit, including the liabilities associated with its terms and conditions please complete the following:

_____

(PERMITTEE – SIGNATURE AND TITLE) (DATE)

PERMIT NUMBER: SAJ-1999-4512 (IP-RMT)

ORIGINALLY ISSUED TO: Hidden Harbor Development LLC
6525 Presidential Court, Suite 8
Fort Myers, FL 33919

LOCATION: The project site is located southwest of the intersection of US 41 and Alico Road, abutting Ten Mile Canal, in Section 07, Township 46 South, Range 25 East, Lee County, Florida

Latitude 26° 29' 24" N, Longitude 81° 51' 07" W

AUTHORIZED WORK: To discharge 53 cubic yards of fill into 0.44-acre of tidal ditch and 56 cubic yards of fill into 0.48-acre of freshwater ditch. To construct 53 single-family "T" docks. Each dock is not to exceed a platform 25-foot long by 4-foot wide and an access pier 30-foot long by 4-foot wide. The 53 docks shall not exceed a total of 0.29 acre (12,508 sq. ft.) over the tidal borrow lake.

_____

SIGNATURE (TRANSFEREE OR COPORATION OFFICER) DATE

_____

COMPLETE NAME OF CORPORATION OR INDIVIDUAL - PRINTED/TYPED

_____

COMPLETE ADDRESS OF CORPORATION OR INDIVIDUAL - PRINTED/TYPED

_____

(TELEPHONE NUMBER)

The above transfer agreement should be completed and mailed to the local Corps of Engineers Regulatory Office or to:

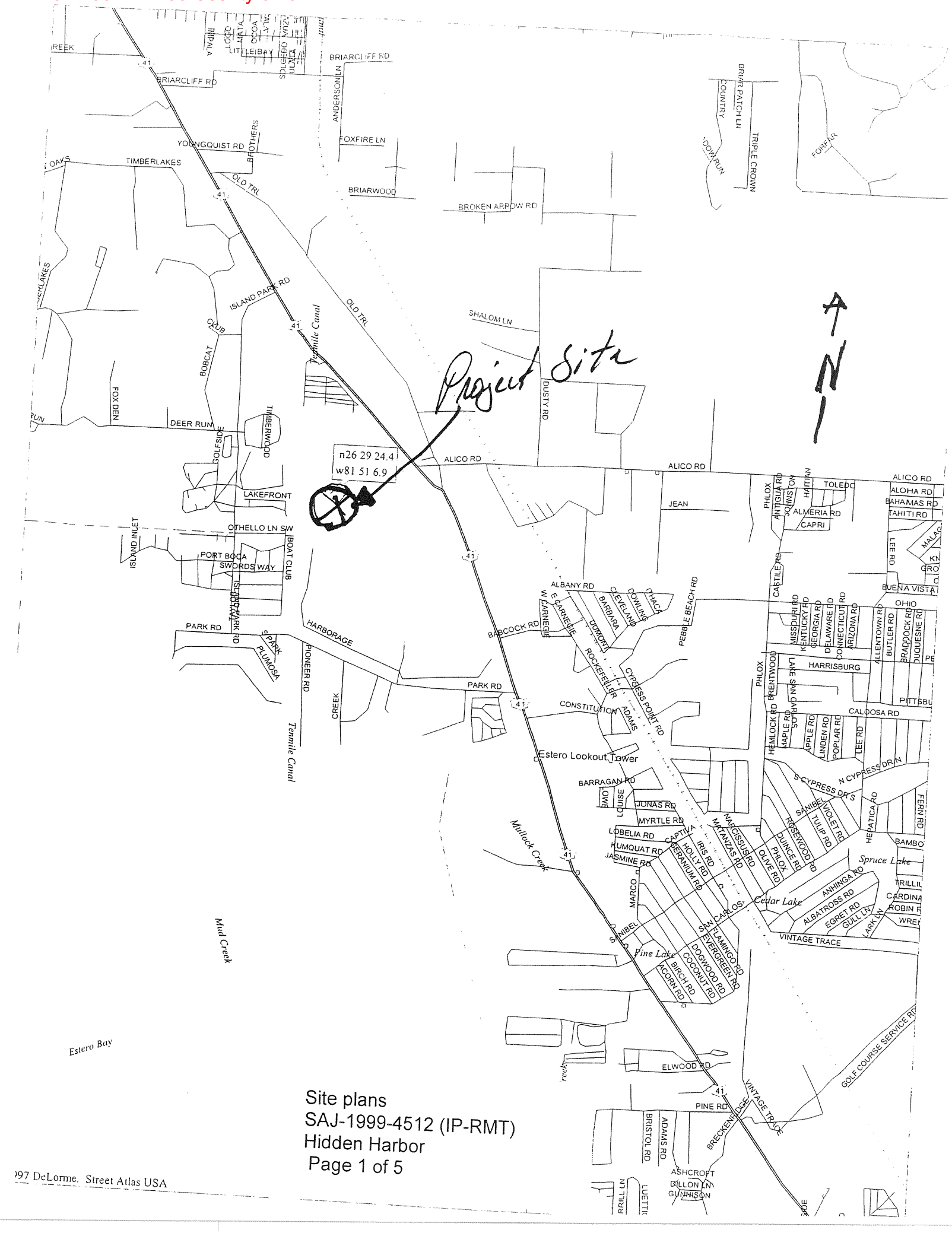
U.S. Army Corps of Engineers, Jacksonville District
ATTN: Regulatory Division, Enforcement Branch
P.O. Box 4970
Jacksonville, Florida 32232-0019

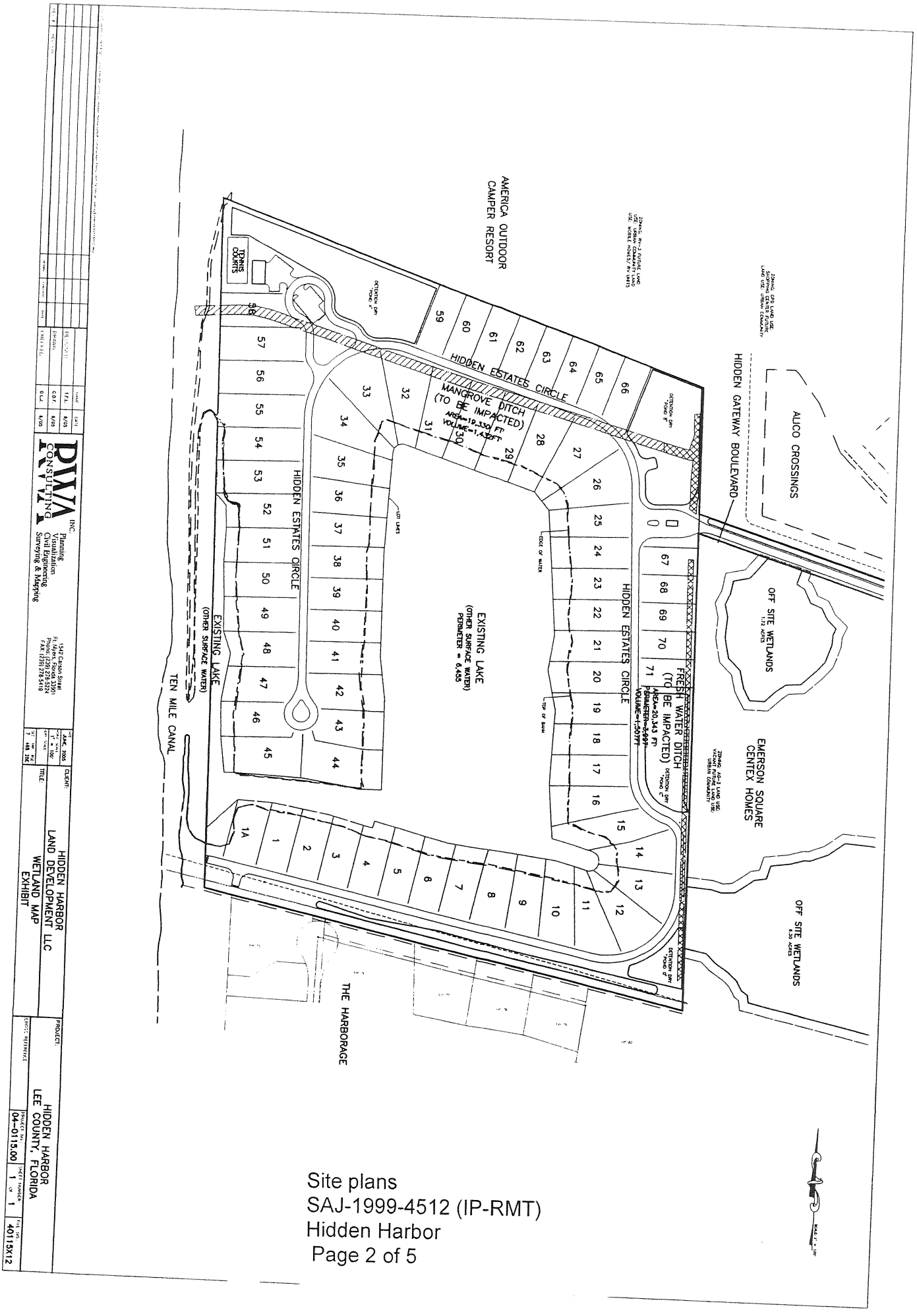
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Hidden Harbor

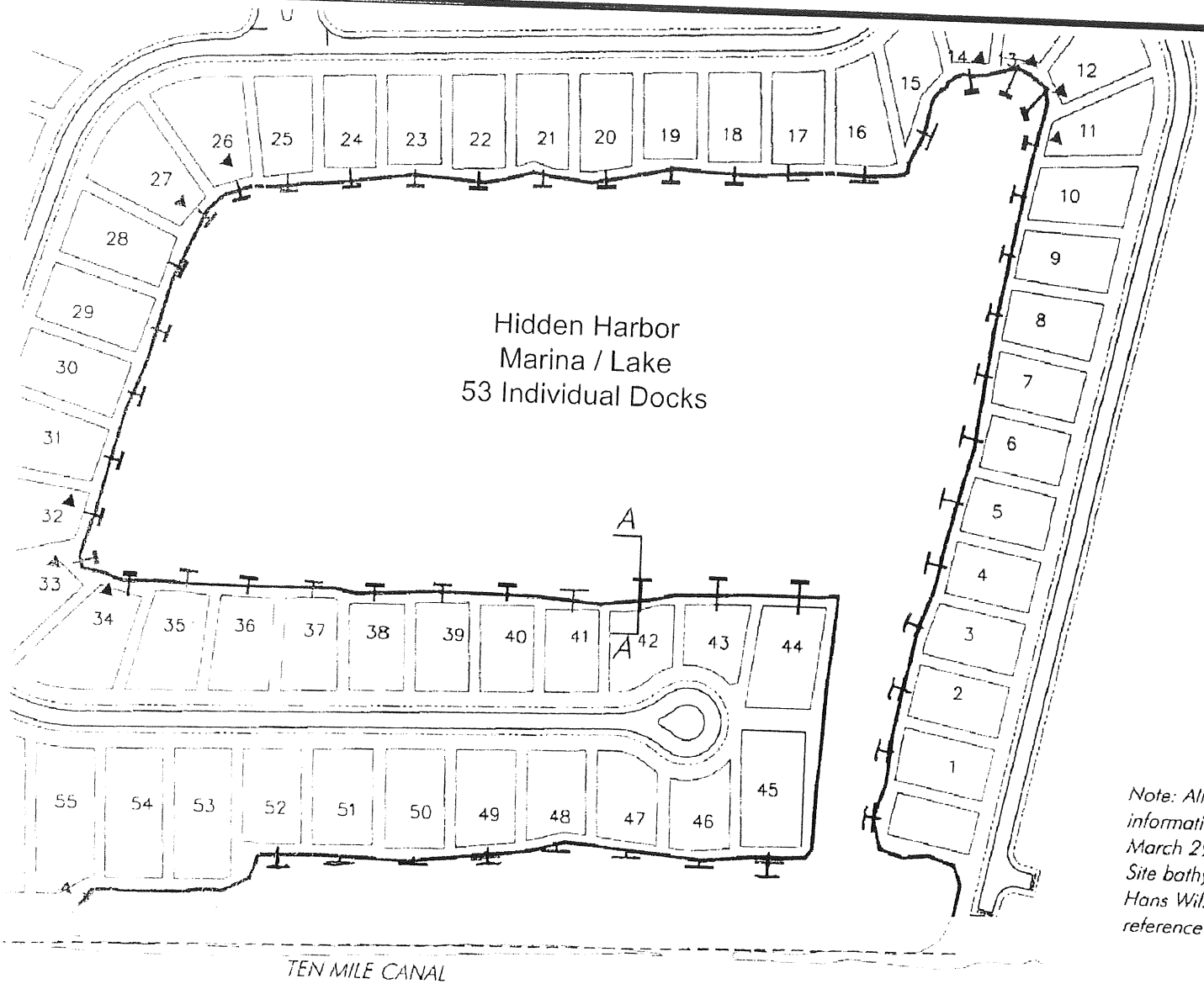
ATTACHMENT A:
PERMIT DRAWINGS

(5 pages)


Project Site
N
n26 29 24.4
w81 51 6.9
BRIARCLIFF RD
YOUNGQUIST RD
TIMBERLAKES
OLD TRL
BRIARWOOD
BROKEN ARROW RD
FOXFIRE LN
ANDERSON LN
SHALOM LN
ISLAND PARK RD
CLUB
BOBCAT
FOX DEN
DEER RUN
TIMBERWOOD
GOLFSIDE
LAKEFRONT
OTHELLO LN SW
PORT BOCA
SWORDS WAY
ISLAND INLET
BOAT CLUB
PARK RD
SPARK PLUMOSA
HARBORAGE
PIONEER RD
CREEK
Tennile Canal
DUSTY RD
ALICO RD
JEAN
ALBANY RD
BABCOCK RD
PEBBLE BEACH RD
CONSTITUTION
ADAMS
CYPRESS POINT RD
ROCKEFELLER
DUMONT
CLEVELAND
BARBARA
DOWLING
ITHACA
Estero Lookout Tower
BARRAGAN RD
JONAS RD
MYRTLE RD
LOBELIA RD
HUMQUAT RD
JASMINE RD
CAPTIVA
GERANIUM RD
HOLLY RD
IRIS RD
NARCISSUS RD
MATANZAS RD
OLIVE RD
PHLOX
QUINCE RD
ROSEWOOD RD
TULIP RD
VIOLET RD
SANIBEL
MARCO
SAN CARLOS
EVERGREEN RD
FLAMINGO RD
DOGWOOD RD
COCONUT RD
BIRCH RD
ACORN RD
Pine Lake
Cedar Lake
Spruce Lake
Mullock Creek
Mud Creek
Estero Bay
ANHINGA RD
ALBATROSS RD
EGRET RD
GULL LN
LARK LN
VINTAGE TRACE
ELWOOD RD
PINE RD
BRECKENRIDGE
VINTAGE TRACE
GOLF COURSE SERVICE RD
BRISTOL RD
ADAMS RD
ASHCROFT
DILLON LN
GUNNISON
TOLEDO
ALOHA RD
BAHAMAS RD
TAHITI RD
ALMERIA RD
CAPRI
CABTILE RD
BUENA VISTA
OHIO
MISSOURI RD
KENTUCKY RD
GEORGIA RD
DELAWARE RD
CONNECTICUT RD
ARIZONA RD
ALLENTOWN RD
BUTLER RD
BRADDOCK RD
DUQUESNE RD
HARRISBURG
LAKE SAN CARLOS
BRENTWOOD
HEMLOCK RD
MAPLE RD
APPLE RD
LINDEN RD
POPLAR RD
LEE RD
CALOOSA RD
PITTSBU
S CYPRESS DR
N CYPRESS DR
HEPATICA RD
FERN RD
BAMBO
TRILLI
CARDINA
ROBIN R
WREN
Site plans
SAJ-1999-4512 (IP-RMT)
Hidden Harbor
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Site plans
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Dock Accesses are all 4'w x 30'l. Terminal platforms are 4'w x 40'l or a combination of length and width that result in 160 sf. terminal area.

▲ Represents setback waiver requirements from a owners

Note: Doc subject to final lot ov application family doc and 40E-4

Note: All survey and site information as provided March 29, 2005.
Site bathymetry collected 6/25/99 by Hans Wilson, P.E. All elevations reference N.G.V.D.

Site plans
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Overall Marina Plan

PERMIT USE ONLY, NOT FOR CONSTRUCTION

SCALE: 1" = 200'

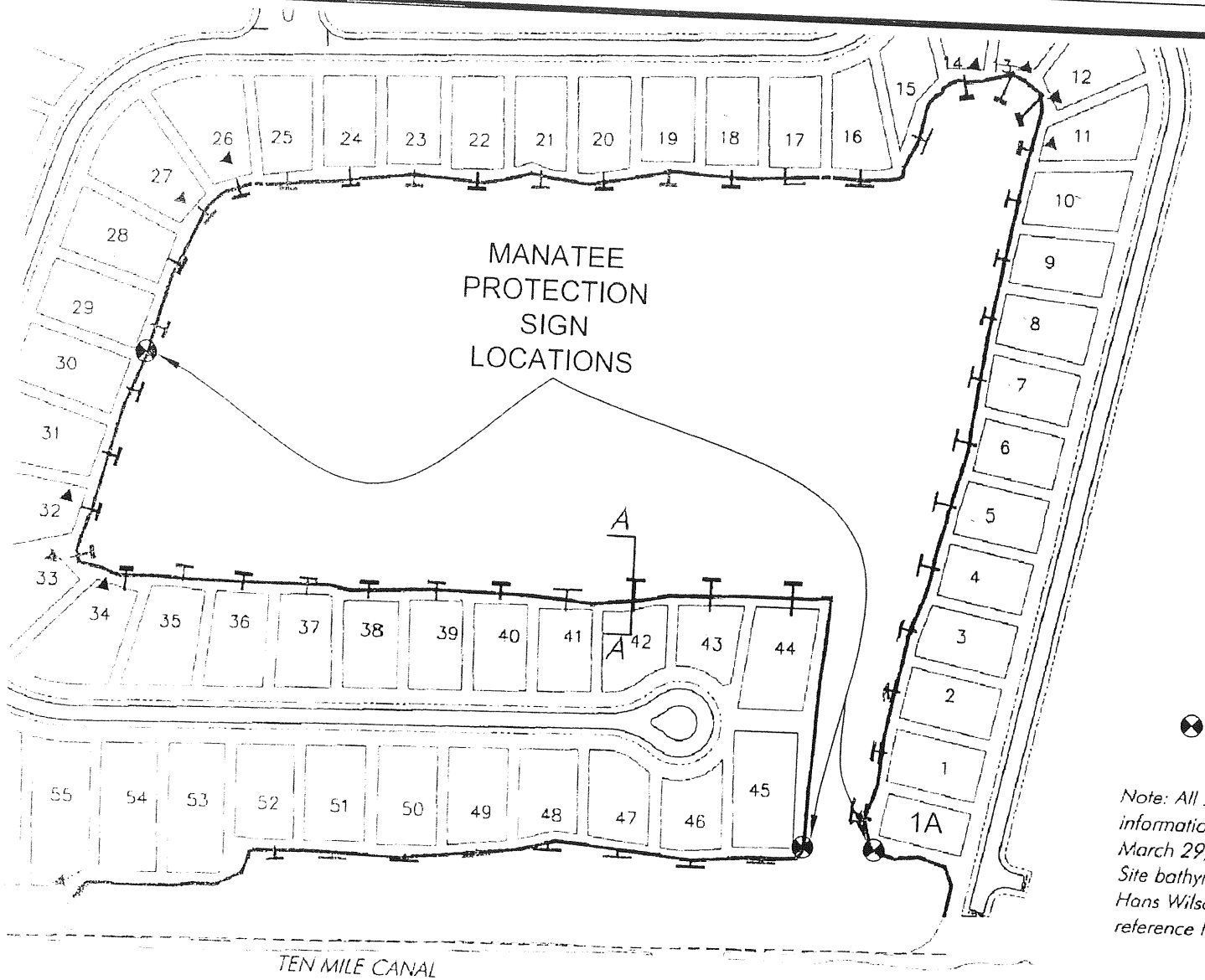
ARGOSY ADVISORS LLC
Real Estate Property Advisors

Argosy Advisors, LLC
6326 Presidential Court
Suite 2
Fort Myers, Fl, 33919

Hidden Harbor Development LLC

SHEET

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Site plans
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Overall Marina Plan

PERMIT USE ONLY, NOT FOR CONSTRUCTION

SCALE: 1" = 200'

ARGOSY ADVISORS LLC
Real Estate Property Advisors

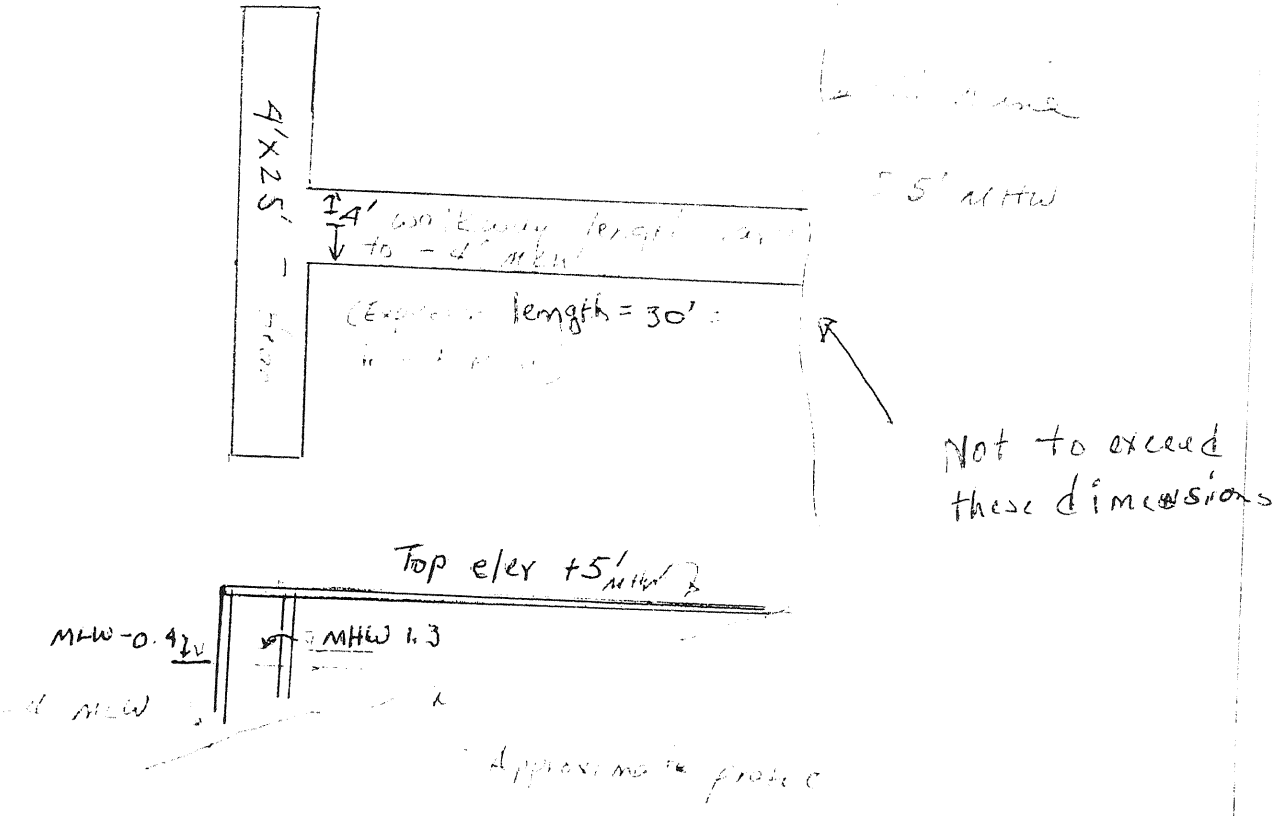
Argosy Advisors, LLC
6326 Presidential Court
Suite 2
Fort Myers, Fl, 33919

Hidden Harbor Development LLC

SHEET

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ADD2014-00127 Lee County ePlan



Typical Dock
Hidden Harbor

ADD2014-00127 Lee County ePlan

Little Pine Island
Wetland Restoration & Mitigation Bank

June 18, 2007

Marc Beshears
1032 Tamiami Trail
Unit 7
Port Charlotte, FL 33953

RE: Little Pine Island Wetland Mitigation Bank Credit Reservation for Hidden Harbor Development, LLC

Dear Marc:

This is to certify that 1.10 Forested Saltwater credits are available and have been purchased from the Little Pine Island Mitigation Bank for the Hidden Harbor Development project.

Please contact me if I can provide further assistance.

Sincerely,

Raymond A. Pavelka
President
Mariner Properties Development, Inc.

RAP/sjo

Cc Brown Collins