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COMMUNITY DEVELOPMENT

TRACT 1 (REVISED GOLF COURSE LEGAL):

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST AND SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST, BEING ALL OF TRACT "B", PUNTA GORDA ISLES, SECTION TWENTY TWO ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 28, PAGES 118 THROUGH 138, PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA.

TOGETHER WITH:

ADDITIONAL PARCEL #1:

THAT PARCEL RECORDED IN OFFICIAL RECORD BOOK 3320, PAGE 3328 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

ADDITIONAL PARCEL #2:

THAT PARCEL RECORDED IN OFFICIAL RECORD BOOK 2285, PAGE 3070 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

ADDITIONAL PARCEL #3:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 7, BLOCK 1006, SECTION 22, OF SAID PUNTA GORDA ISLES SUBDIVISION; THENCE S.88° 14'39"W. FOR 912.69 FEET TO THE WESTERLY LINE OF LOT 1 OF SAID BLOCK 1006; THENCE S.22° 30'37"E. ALONG THE WEST LINE OF SAID LOT FOR 78.50 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTH AND HAVING A RADIUS OF 50.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 100° 02'27" FOR 87.30 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 500.00 FEET; THENCE EASTERLY ALONG SAID CURVE AND ALONG THE SOUTH LINE OF SAID BLOCK 1006 THROUGH A CENTRAL ANGLE OF 46° 16'04" FOR 403.76 FEET; THENCE S.76° 17'00"E. ALONG THE SOUTH LINE OF SAID BLOCK FOR 255.14 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 50.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE AND ALONG THE SOUTH LINE OF SAID BLOCK THROUGH A CENTRAL ANGLE OF 106° 13'12" FOR 92.69 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 50.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE AND ALONG THE SOUTH LINE OF SAID BLOCK THROUGH A CENTRAL ANGLE OF 78° 39'19" FOR 68.64 FEET; THENCE N.76° 09'07"E. ALONG THE SOUTH LINE OF SAID BLOCK FOR 76.09 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING PARCEL:

BEGINNING AT THE NORTHERLY CORNER OF LOT 3, BLOCK 994 OF SAID PUNTA GORDA ISLES SECTION 22, SAID POINT BEING THE POINT OF BEGINNING; THENCE S.76° 48'18"W. FOR 48.00 FEET; THENCE N.39° 53'12"E. FOR 53.68 FEET; THENCE N.88° 09'13"E. FOR 8.29 FEET; THENCE S.64° 55'39"E. FOR

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2007-00054

13.87 FEET; THENCE N.69° 05'06"E. FOR 9.73 FEET; THENCE N.13° 25'43"E. FOR 24.17 FEET; THENCE N.17° 50'12"W. FOR 34.56 FEET; THENCE S.84° 43'56"W. FOR 7.71 FEET; THENCE N.63° 22'54"W. FOR 29.81 FEET; THENCE N.46° 05'01"W. FOR 81.43 FEET; THENCE N.71° 04'55"W. FOR 7.43 FEET; THENCE S.84° 11'40"W. FOR 11.13 FEET; THENCE S.72° 11'46"W. FOR 5.76 FEET; THENCE S.89° 12'56"W. FOR 3.58 FEET; THENCE N.72° 23'00"W. FOR 8.34 FEET; THENCE N.62° 28'07"W. FOR 7.23 FEET; THENCE S.81° 40'01"W. FOR 17.63 FEET; THENCE S.85° 24'38"W. FOR 29.42 FEET; THENCE N.89° 08'52"W. FOR 36.88 FEET; THENCE N.83° 22'49"W. FOR 24.40 FEET; THENCE N.61° 19'35"W. FOR 13.87 FEET; THENCE N.38° 44'39"W. FOR 19.64 FEET; THENCE N.18° 59'57"W. FOR 24.04 FEET; THENCE N.04° 20'38"W. FOR 145.31 FEET; THENCE N.06° 05'35"E. FOR 47.67 FEET; THENCE N.19° 20'06"E. FOR 33.38 FEET; THENCE N.55° 45'10"E. FOR 41.05 FEET; THENCE N.85° 13'15"E. FOR 38.03 FEET; THENCE S.72° 19'11"E. FOR 33.09 FEET; THENCE S.51° 55'12"E. FOR 14.42 FEET; THENCE S.77° 26'18"E. FOR 21.70 FEET; THENCE N.75° 48'31"E. FOR 52.27 FEET; THENCE N.79° 43'07"E. FOR 119.39 FEET; THENCE S.62° 49'58"E. FOR 29.98 FEET; THENCE S.41° 58'50"E. FOR 29.79 FEET; THENCE S.12° 32'22"E. FOR 14.56 FEET; THENCE S.04° 09'53"E. FOR 57.03 FEET; THENCE S.05° 04'46"W. FOR 24.06 FEET; THENCE S.10° 07'56"W. FOR 43.56 FEET; THENCE S.04° 14'03"E. FOR 38.30 FEET; THENCE S.37° 21'15"E. FOR 50.83 FEET; THENCE S.60° 30'39"E. FOR 15.44 FEET; THENCE S.28° 58'48"E. FOR 31.26 FEET; THENCE S.17° 45'35"W. FOR 85.96 FEET; THENCE S.05° 35'08"E. FOR 24.64 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S.41° 53'13"E., A RADIAL DISTANCE OF 100.00 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 61° 14'55" FOR 106.90 FEET; THENCE S.76°51'56"W. FOR 40.00 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S.76° 51'52"W., A RADIAL DISTANCE OF 50.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 90° 03'34" FOR 78.59 FEET TO THE POINT OF BEGINNING.

TRACT 2 (VACANT LAND 4A - PARCEL EAST OF MAINTENANCE PARCEL):

FROM THE SOUTHEAST CORNER OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, RUN N.00° 41'43"E., ALONG THE EAST LINE OF SAID SECTION 6 AND THE CENTERLINE OF STATE ROAD 765 (BURNT STORE ROAD), 1246.02 FEET; THENCE S.88° 22'02"W., 774.91 FEET; THENCE N.00° 33'37"E., 30.02 FEET TO THE POINT OF BEGINNING. THENCE CONTINUE N.00° 33'37"E., FOR 310.23 FEET; THENCE S.88° 22'02"W., 491.07 FEET; THENCE S.00° 33'37"W., 159.95 FEET; THENCE S.88° 22'02"W., 75.05 FEET; THENCE S.00° 33'37"W., 150.28 FEET; THENCE N.88° 22'02"E., 566.12 FEET TO THE POINT OF BEGINNING, LESS AND EXCEPT THE SOUTH 30 FEET FOR ROADWAY PURPOSES.

TRACT 3 (VACANT LAND 4B- TRACT A-7 - POND PARCEL):

FROM THE SOUTHEAST CORNER OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, RUN N.00° 41'43"E., ALONG THE EAST LINE OF SAID SECTION 6 AND THE CENTERLINE OF STATE ROAD 765 (BURNT STORE

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AUG 13 2008

2007-00054

COMMUNITY DEVELOPMENT



ROAD), 1246.02 FEET; THENCE S.88° 22'18"W., 68.06 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BURNT STORE ROAD AND THE POINT OF BEGINNING; THENCE S.88°22'18"W., 706.62 FEET; THENCE N.00° 42'25"E., 415.34 FEET; THENCE N.88° 22'18"E., 706.53 FEET; THENCE S.00° 41'43"W., 415.34 FEET TO THE POINT OF BEGINNING, LESS AND EXCEPT THE SOUTH 30 FEET FOR ROADWAY PURPOSES.

TRACT 4 (MATECUMBE KEY ROAD):

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTH 1660.00 FEET OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST, ACCORDING TO THE PLAT OF PUNTA GORDA ISLES SECTION TWENTY TWO; THENCE S.00° 33'37"W., A DISTANCE OF 830.73 FEET; THENCE N.89° 35'44"W., A DISTANCE OF 235.01 FEET; THENCE S.30° 56'51"E., A DISTANCE OF 191.35 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 1,248.12 FEET AND A CENTRAL ANGLE OF 13° 44'14"; THENCE SOUTHEASTERLY ALONG THE ARC A DISTANCE OF 299.25 FEET; THENCE N.54° 48'33"W., A DISTANCE OF 112.36 FEET; THENCE N.00° 33'37"E., A DISTANCE OF 66.04 FEET; THENCE N.89° 35'44"W., A DISTANCE OF 205.29 FEET; THENCE N.00° 17'44"E., A DISTANCE OF 304.96 FEET; THENCE N.89° 35'44"W., A DISTANCE OF 232.98 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N.83° 51'44"W., A RADIAL DISTANCE OF 20.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 33° 56'40", A DISTANCE OF 11.85 FEET TO A POINT OF COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 468.00 FEET AND A CENTRAL ANGLE OF 17° 15'47"; THENCE SOUTHWESTERLY ALONG THE ARC, A DISTANCE OF 141.01 FEET TO A POINT OF COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 118.00 FEET AND A CENTRAL ANGLE OF 32° 39'17"; THENCE WESTERLY ALONG THE ARC, A DISTANCE OF 67.25 FEET; THENCE WEST, A DISTANCE OF 162.18 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 136° 15'32"; THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 47.56 FEET; THENCE N.46° 15'32"E., A DISTANCE OF 67.67 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 90° 00'00"; THENCE EASTERLY ALONG THE ARC A DISTANCE OF 31.42 FEET; THENCE S.43° 44'28"E., A DISTANCE OF 9.67 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 180° 00'00"; THENCE NORTHEASTERLY ALONG THE ARC A DISTANCE OF 78.54 FEET; THENCE N.43° 44'28"W., A DISTANCE OF 4.98 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 38° 24'46"; THENCE NORTHWESTERLY ALONG THE ARC A DISTANCE OF 13.41 FEET; THENCE N.89° 35'44"W., A DISTANCE OF 89.21 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N.79° 24'42"W., A RADIAL DISTANCE OF 18.00 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 20° 33'05", A DISTANCE OF 6.46 FEET TO A POINT OF COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 90.00 FEET AND A CENTRAL ANGLE OF 15° 07'10"; THENCE SOUTHWESTERLY ALONG THE ARC, A DISTANCE OF 23.75 FEET; THENCE S.46° 15'32"W., A DISTANCE OF 48.81 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET AND A CENTRAL

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AUG 13 2008

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2007-00054

COMMUNITY DEVELOPMENT

ANGLE OF  $63^{\circ} 23' 18''$ ; THENCE WESTERLY ALONG THE ARC A DISTANCE OF 22.13 FEET; THENCE  $S.00^{\circ} 24' 16'' W.$  A DISTANCE OF 28.63 FEET; THENCE  $S.46^{\circ} 15' 32'' W.$  A DISTANCE OF 63.05 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 249.50 FEET AND A CENTRAL ANGLE OF  $18^{\circ} 48' 45''$ ; THENCE SOUTHWESTERLY ALONG THE ARC A DISTANCE OF 81.92 FEET; THENCE  $N.24^{\circ} 55' 43'' W.$ , A DISTANCE OF 8.75 FEET; THENCE  $N.14^{\circ} 38' 24'' W.$ , A DISTANCE OF 102.73 FEET; THENCE  $S.75^{\circ} 21' 36'' W.$ , A DISTANCE OF 63.46 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF  $29^{\circ} 40' 54''$ ; THENCE WESTERLY ALONG THE ARC A DISTANCE OF 25.90 FEET; THENCE  $N.74^{\circ} 57' 31'' W.$ , A DISTANCE OF 157.51 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 150.00 FEET AND A CENTRAL ANGLE OF  $26^{\circ} 30' 57''$ ; THENCE NORTHWESTERLY ALONG THE ARC A DISTANCE OF 69.42 FEET; THENCE  $N.48^{\circ} 26' 34'' W.$ , A DISTANCE OF 28.36 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF  $03^{\circ} 54' 04''$ ; THENCE NORTHWESTERLY ALONG THE ARC A DISTANCE OF 1.36 FEET; THENCE  $N.00^{\circ} 24' 02'' E.$ , A DISTANCE OF 49.99 FEET; THENCE  $S.89^{\circ} 35' 58'' E.$ , A DISTANCE OF 199.85 FEET; THENCE  $N.00^{\circ} 24' 02'' E.$ , A DISTANCE OF 60.00 FEET; THENCE  $S.89^{\circ} 35' 58'' E.$ , A DISTANCE OF 260.82 FEET; THENCE CONTINUE EASTERLY ALONG SAID LINE, A DISTANCE OF 308.01 FEET; THENCE CONTINUE EASTERLY ALONG SAID LINE, A DISTANCE OF 410.34 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 170.00 FEET AND A CENTRAL ANGLE OF  $89^{\circ} 50' 25''$ ; THENCE NORTHEASTERLY ALONG THE ARC A DISTANCE OF 266.56 FEET; THENCE  $N.00^{\circ} 33' 37'' E.$ , A DISTANCE OF 544.63 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES  $N.89^{\circ} 33' 31'' E.$ , A RADIAL DISTANCE OF 214.23 FEET; THENCE NORTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF  $53^{\circ} 47' 49''$ , A DISTANCE OF 201.15 FEET; THENCE  $S.36^{\circ} 26' 58'' E.$ , A DISTANCE OF 60.17 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES  $S.36^{\circ} 26' 57'' E.$ , A RADIAL DISTANCE OF 153.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF  $52^{\circ} 03' 09''$ , A DISTANCE OF 139.00 FEET TO THE POINT OF BEGINNING.

TRACT 5 (MAINTENANCE PARCEL):

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST LEE COUNTY, FLORIDA; THENCE  $N.00^{\circ} 33' 37'' E.$  ALONG THE WEST LINE OF SAID SECTION 6 FOR 1,661.22 FEET TO THE SOUTH LINE OF PUNTA GORDA ISLES SUBDIVISION, AS RECORDED IN PLAT BOOK 28, PAGES 118 THROUGH 138 PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE  $N.88^{\circ} 22' 02'' E.$  ALONG SAID SOUTH LINE FOR 3,395.27 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE EASTERLY ALONG SAID LINE FOR 565.52 FEET; THENCE  $S.00^{\circ} 32' 14'' W.$  FOR 414.70 FEET; THENCE  $S.88^{\circ} 20' 05'' W.$  FOR 565.54 FEET; THENCE  $N.00^{\circ} 32' 15'' E.$  FOR 415.02 FEET TO THE POINT OF BEGINNING; LESS AND EXCEPT THE SOUTH 30 FEET FOR ROADWAY PURPOSES.

TRACT 6 (SALES CENTER PARCEL):

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AUG 13 2008

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2007-00054



A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST, AND SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST, BEING A PART OF LOTS 1 & 2 BLOCK 1001 & TRACT "C", PUNTA GORDA ISLES SECTION TWENTY TWO AS RECORDED IN PLAT BOOK 28, PAGES 118-138, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE S. 36° 26'58" E. FOR 10.01 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S. 36° 26'44" E., A RADIAL DISTANCE OF 212.98 FEET; THENCE SOUTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 41° 39'29" FOR 154.85 FEET; THENCE S. 60° 22'46" W. FOR 61.09 FEET; THENCE N. 15° 22'46" E. FOR 43.85 FEET; THENCE N. 29° 37'14" W. FOR 228.06 FEET; THENCE N. 59° 14'04" E. FOR 111.46 FEET; THENCE N. 83° 30'29" E. FOR 29.19 FEET; THENCE N. 59° 14'04" E. FOR 30.05 FEET; THENCE N. 29° 50'03" W. FOR 213.60 FEET; THENCE N. 59° 00'18" E. FOR 102.25 FEET; THENCE N. 83° 44'57" E. FOR 171.76 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N. 83° 44'57" E., A RADIAL DISTANCE OF 1,340.00 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 12° 13'04" FOR 285.74 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 80° 49'54"; THENCE SOUTHERLY ALONG THE ARC FOR 70.54 FEET TO A POINT OF REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 840.00 FEET AND A CENTRAL ANGLE OF 08° 48'45"; THENCE SOUTHWESTERLY ALONG THE ARC FOR 129.20 FEET TO THE POINT OF BEGINNING.

TRACT 7 (REVISED MARINA PARCEL):

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 01, TOWNSHIP 43 SOUTH, RANGE 22 EAST, BEING FURTHER DESCRIBED AS FOLLOWS:

REVISED MARINA PARCEL # 1

COMMENCING AT THE SOUTHWEST CORNER OF LOT 3, BLOCK 1001, PUNTA GORDA ISLES SECTION TWENTY TWO AS RECORDED IN PLAT BOOK 28, PAGES 118 THROUGH 138 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.59° 00'17"W. FOR 195.14 FEET; THENCE S.00° 22'56"W. FOR 117.13 FEET; THENCE S.59° 00'17"W. FOR 92.56 FEET; THENCE S.29° 36'42"E. FOR 142.83 FEET; THENCE S.60° 23'18"W. FOR 118.45 FEET TO THE POINT OF BEGINNING; THENCE S.60° 23'18"W. FOR 551.55 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 567.29 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 25° 47'39" FOR 255.39 FEET TO A POINT OF COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 201.66 FEET AND A CENTRAL ANGLE OF 68° 15'43"; THENCE NORTHWESTERLY ALONG THE ARC FOR 240.26 FEET TO A POINT OF REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 151.31 FEET AND A CENTRAL ANGLE OF 40° 27'29"; THENCE NORTHWESTERLY ALONG THE ARC FOR 106.84 FEET TO A POINT OF

RECEIVED  
AUG 13 2008

COMMUNITY DEVELOPMENT

CFA

2007-00054

REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 706.07 FEET AND A CENTRAL ANGLE OF  $27^{\circ} 49' 50''$ ; THENCE NORTHWESTERLY ALONG THE ARC FOR 342.96 FEET; THENCE  $N.66^{\circ} 38' 04'' E.$  FOR 25.89 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES  $N.51^{\circ} 15' 35'' E.$ , A RADIAL DISTANCE OF 681.07 FEET; THENCE SOUTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF  $27^{\circ} 16' 25''$  FOR 324.20 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 176.31 FEET AND A CENTRAL ANGLE OF  $40^{\circ} 27' 29''$ ; THENCE SOUTHEASTERLY ALONG THE ARC FOR 124.50 FEET TO A POINT OF REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 176.66 FEET AND A CENTRAL ANGLE OF  $68^{\circ} 15' 43''$ ; THENCE SOUTHEASTERLY ALONG THE ARC FOR 210.47 FEET TO A POINT OF COMPOUND CURVE TO THE LEFT HAVING A RADIUS OF 542.29 FEET AND A CENTRAL ANGLE OF  $25^{\circ} 47' 39''$ ; THENCE EASTERLY ALONG THE ARC FOR 244.14 FEET; THENCE  $N.60^{\circ} 23' 18'' E.$  FOR 551.55 FEET; THENCE  $S.29^{\circ} 36' 42'' E.$  FOR 25.00 FEET TO THE POINT OF BEGINNING.

AND

REVISED MARINA PARCEL # 2

COMMENCING AT THE SOUTHWEST CORNER OF LOT 3, BLOCK 1001, PUNTA GORDA ISLES SECTION TWENTY TWO AS RECORDED IN PLAT BOOK 28, PAGES 118 THROUGH 138 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE  $S.59^{\circ} 00' 17'' W.$  FOR 195.14 FEET; THENCE  $N.00^{\circ} 22' 56'' E.$  FOR 104.90 FEET; THENCE  $N.89^{\circ} 37' 04'' W.$  FOR 119.34 FEET TO THE POINT OF BEGINNING; THENCE  $S.00^{\circ} 22' 56'' W.$  FOR 18.51 FEET; THENCE  $N.89^{\circ} 22' 30'' W.$  FOR 656.66 FEET; THENCE  $N.00^{\circ} 24' 52'' E.$  FOR 406.62 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 102.40 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF  $42^{\circ} 15' 18''$  FOR 75.52 FEET; THENCE  $N.41^{\circ} 50' 26'' W.$  FOR 531.75 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES  $S.48^{\circ} 09' 35'' W.$ , A RADIAL DISTANCE OF 301.37 FEET; THENCE NORTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF  $21^{\circ} 21' 02''$  FOR 112.30 FEET TO A POINT OF COMPOUND CURVE TO THE LEFT HAVING A RADIUS OF 265.10 FEET AND A CENTRAL ANGLE OF  $27^{\circ} 00' 22''$ ; THENCE WESTERLY ALONG THE ARC FOR 124.95 FEET; THENCE  $N.02^{\circ} 10' 05'' E.$  FOR 25.02 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES  $S.00^{\circ} 00' 25'' W.$ , A RADIAL DISTANCE OF 290.10 FEET; THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF  $26^{\circ} 48' 08''$  FOR 135.71 FEET TO A POINT OF COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 326.37 FEET AND A CENTRAL ANGLE OF  $21^{\circ} 21' 02''$ ; THENCE SOUTHEASTERLY ALONG THE ARC FOR 121.62 FEET; THENCE  $S.41^{\circ} 50' 26'' E.$  FOR 531.75 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 127.40 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF  $42^{\circ} 15' 18''$  FOR 93.96 FEET; THENCE  $S.00^{\circ} 24' 52'' W.$  FOR 390.87 FEET; THENCE  $S.89^{\circ} 37' 04'' E.$  FOR 631.65 FEET TO THE POINT OF BEGINNING.

TRACT 8 (SOUTH SHORE PARCEL):

CPA  
2007-00054

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AUG 13 2008

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A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 1, TOWNSHP 43 SOUTH, RANGE 22 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST, LEE COUNTY, FLORIDA, THENCE N.00° 33'58"E., ALONG THE EAST LINE OF SAID SECTION 1 FOR 880.00 FEET; THENCE N.89° 35'44"W., FOR 1,625.91 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE N.89° 35'44"W. FOR 260.23 FEET; THENCE S.00° 24'58"E. FOR 50.01 FEET TO THE NORTHWEST CORNER OF VISTA DEL SOL AT BURNT STORE MARINA, A CONDOMINIUM AS RECORDED IN CONDOMINIUM PLAT BOOK 33 AT PAGE 38 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N.89° 35'44"W. FOR 703 FEET, MORE OR LESS, TO THE WATERS OF CHARLOTTE HARBOR; THENCE NORTHERLY ALONG THE MEAN HIGH WATER LINE OF SAID CHARLOTTE HARBOR RUN 1,020 FEET, MORE OR LESS, TO A POINT LYING APPROXIMATELY 1 FOOT SOUTHERLY OF AN EXISTING CONCRETE SEAWALL; THENCE N.76° 24'19"E., ALONG A LINE PARALLEL TO AND LYING 1 FOOT, MORE OR LESS SOUTHERLY OF SAID CONCRETE SEAWALL FOR 28.62 FEET TO THE NORTHWEST CORNER OF PARCEL 8, TRACT "H", AS RECORDED IN OFFICIAL RECORDS BOOK 2285, PAGE 3073, OF SAID PUBLIC RECORDS; THENCE S.00° 24'02"W., ALONG THE WESTERLY LINE OF SAID PARCEL 8 FOR 491.56 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 8; THENCE S.89° 35'58"E., ALONG THE SOUTH LINE OF SAID PARCEL 8 AND THE SOUTH LINE OF PARCEL 7 OF SAID TRACT "H" FOR 670.43 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 7 AND A POINT ON THE WESTERLY LINE OF PARCEL 6 OF SAID TRACT H TO ALSO BEING A POINT ON A CURVE TO THE RIGHT, HAVING: A RADIUS OF 90.00 FEET, A CENTRAL ANGLE OF 38° 59'58", A CHORD BEARING OF S.64° 05'57"E. AND A CHORD LENGTH OF 60.08 FEET; THENCE ALONG THE WESTERLY LINE OF SAID PARCEL 6 AND THE ARC OF SAID CURVE, AN ARC LENGTH OF 61.26 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.44° 35'58"E., ALONG SAID WESTERLY LINE RUN 59.23 FEET; THENCE S.00° 24'02"W., ALONG SAID WESTERLY LINE AND THE WESTERLY LINE OF PARCEL 5 OF SAID TRACT "H" RUN 399.45 FEET TO THE POINT OF BEGINNING.

TRACT 9 (ATHLETIC CLUB PARCEL):

CONDOMINIUM PARCEL: UNIT NO. 71, COURTSIDE LANDINGS CONDOMINIUM, being further described in that certain Declaration of Condominium recorded in Official Records Book 3093, Page 3733, and subsequent amendments thereto, and according to the plat recorded in Condominium Plat Book 26, Pages 57 and 58, Public Records of Lee County, Florida.

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DESCRIPTION OF A PARCEL  
LYING IN SECTION 1, T-43-S, R-22-E,  
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST, BEING A PORTION OF TRACT "C", PUNTA GORDA ISLES, SECTION TWENTY TWO ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 28, PAGES 118 THROUGH 138, AND ALSO BEING A PORTION OF TRACT "H" AS RECORDED IN OFFICIAL RECORDS BOOK 2285, PAGE 3073 ALL OF THE PUBLIC RECORDS OF SAID LEE COUNTY, AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST; LEE COUNTY, FLORIDA, THENCE N.00°33'37"E. ALONG THE EAST LINE OF SAID SECTION 1 FOR 880.00 FEET TO THE SOUTHEAST CORNER OF TRACT "I", RECORDED IN OFFICIAL RECORDS BOOK 2285, PAGE 3073, PUBLIC RECORDS OF SAID LEE COUNTY; THENCE N.89°35'44"W., ALONG THE SOUTH LINE OF SAID TRACT "I" FOR 1208.39 FEET; THENCE N.00°24'02"E., FOR 110.08 FEET TO THE NORTHWEST CORNER OF THE EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 1554, PAGE 942, OF SAID PUBLIC RECORDS AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE S.89°35'58"E., ALONG THE NORTH LINE OF SAID EASEMENT, FOR 260.82 FEET; THENCE N.00°24'02"E., FOR 112.24 FEET; THENCE N.89°33'59"W., FOR 101.51 FEET; THENCE N.00°26'01"E., FOR 128.93 FEET; THENCE S.89°33'59"E., FOR 117.82 FEET TO A POINT ON THE WESTERLY LINE OF "KEEL CLUB CONDOMINIUM" AS RECORDED IN OFFICIAL RECORDS BOOK 1690, PAGE 2613, OF SAID PUBLIC RECORDS; THENCE, ALONG THE WESTERLY AND NORTHERLY LINES OF SAID CONDOMINIUM, THE FOLLOWING COURSES, N.01°28'31"E., FOR 22.53 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 16.48 FEET, A CENTRAL ANGLE OF 84°36'37", A CHORD BEARING OF N.43°46'50"E. AND A CHORD LENGTH OF 22.18 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 24.34 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.86°05'08"E., FOR 52.67 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 23.62 FEET, A CENTRAL ANGLE OF 80°31'28", A CHORD BEARING OF N.45°49'24"E. AND A CHORD LENGTH OF 30.53 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 33.20 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.05°33'40"E., FOR 25.23 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 15.95 FEET, A CENTRAL ANGLE OF 86°29'24", A CHORD BEARING OF N.48°48'22"E. AND A CHORD LENGTH OF 21.86 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 24.08 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.87°56'56"E., FOR 16.07 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 350.09 FEET, A CENTRAL ANGLE OF 21°02'11", A CHORD BEARING OF N.81°31'58"E. AND A CHORD LENGTH OF 127.82 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 128.54 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.71°00'53"E., FOR 18.18 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 17.71 FEET, A CENTRAL ANGLE OF 109°23'09", A CHORD BEARING OF S.54°17'32"E. AND A CHORD LENGTH OF 28.91 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 33.81 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE, ALONG THE EAST LINE OF SAID CONDOMINIUM, S.00°24'02"W. FOR 225.02 FEET TO THE SOUTHEAST CORNER OF SAID CONDOMINIUM; THENCE, DEPARTING FROM SAID CONDOMINIUM, S.00°24'02"W., FOR 128.38 FEET TO A POINT ON THE NORTH LINE OF SAID EASEMENT; THENCE, ALONG THE NORTH AND WEST LINE OF SAID EASEMENT, THE FOLLOWING COURSES, S.89°35'58"E. FOR 410.34 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 170.00 FEET, A CENTRAL ANGLE OF 89°50'25", A CHORD BEARING OF N.45°28'50"E. AND A CHORD LENGTH OF 240.08 FEET; THENCE ALONG THE ARC OF

PAGE 1 OF 4

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2007-00054

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SAID CURVE, AN ARC LENGTH OF 266.56 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.00°33'26"E., FOR 548.77 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 212.98 FEET, A CENTRAL ANGLE OF 11°07'09", A CHORD BEARING OF N.06°07'07"E. AND A CHORD LENGTH OF 41.27 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 41.33 FEET TO THE END OF SAID CURVE; THENCE, DEPARTING FROM SAID EASEMENT, S.60°41'17"W. FOR 61.47 FEET TO A POINT LYING 1 FOOT, MORE OR LESS, EASTERLY OF AN EXISTING SEAWALL; THENCE ALONG A LINE PARALLEL TO AND LYING 1 FOOT, MORE OR LESS, EASTERLY OF SAID SEAWALL THE FOLLOWING COURSES, N.15°22'46"E. FOR 43.85 FEET; THENCE N.29°37'14"W., FOR 228.06 FEET; THENCE, DEPARTING FROM SAID SEAWALL, N.59°14'04"E., FOR 111.46 FEET; THENCE N.83°30'29"E., FOR 29.19 FEET; THENCE N.59°14'04"E., FOR 30.05 FEET; THENCE N.29°50'03"W., FOR 213.65 FEET TO A POINT ON THE SOUTHERLY LINE OF "PLATINUM POINT YACHT CLUB" RECORDED IN OFFICIAL RECORDS BOOK 2530, PAGE 4055; THENCE S.59°01'27"W., ALONG SAID SOUTHERLY LINE FOR 167.63 FEET TO A POINT LYING 1 FOOT, MORE OR LESS, NORTHERLY OF AN EXISTING SEAWALL; THENCE ALONG A LINE PARALLEL TO AND LYING 1 FOOT, MORE OR LESS, NORTHERLY, EASTERLY, SOUTHERLY, WESTERLY AND SOUTHERLY OF SAID SEAWALL AND ALONG THE SOUTHERLY, WESTERLY, NORTHERLY AND EASTERLY LINES OF "PLATINUM POINT" RECORDED IN OFFICIAL RECORDS BOOK 2285, PAGE 3073, OF SAID PUBLIC RECORDS THE FOLLOWING COURSES, N.74°24'52"W., FOR 43.06 FEET; THENCE S.60°23'18"W., FOR 670.00 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 567.29 FEET, A CENTRAL ANGLE OF 25°47'39", A CHORD BEARING OF S.73°17'07"W. AND A CHORD LENGTH OF 253.24 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 255.39 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 201.66 FEET, A CENTRAL ANGLE OF 68°15'43", A CHORD BEARING OF N.59°41'11"W. AND A CHORD LENGTH OF 226.30 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 240.26 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 150.88 FEET, A CENTRAL ANGLE OF 40°34'00", A CHORD BEARING OF N.45°50'20"W. AND A CHORD LENGTH OF 104.61 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 106.82 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 705.31 FEET, A CENTRAL ANGLE OF 32°47'52", A CHORD BEARING OF N.49°43'24"W. AND A CHORD LENGTH OF 398.25 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 403.74 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 193.85 FEET, A CENTRAL ANGLE OF 51°50'51", A CHORD BEARING OF N.59°14'53"W. AND A CHORD LENGTH OF 169.49 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 175.41 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 261.77 FEET, A CENTRAL ANGLE OF 91°27'30", A CHORD BEARING OF N.39°26'34"W. AND A CHORD LENGTH OF 374.87 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 417.84 FEET TO THE END OF SAID CURVE; THENCE N.08°31'27"E., FOR 218.67 FEET; THENCE N.11°26'16"E., FOR 180.68 FEET; THENCE N.15°16'05"E., FOR 415.80 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 169.21 FEET, A CENTRAL ANGLE OF 26°39'01", A CHORD BEARING OF N.28°35'36"E. AND A CHORD LENGTH OF 78.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 78.71 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 290.79 FEET, A CENTRAL ANGLE OF 74°47'26", A CHORD BEARING OF N.79°18'50"E. AND A CHORD LENGTH OF 353.20 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 379.59 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 321.96 FEET, A CENTRAL ANGLE OF 21°28'47", A CHORD BEARING OF S.52°33'04"E. AND A CHORD LENGTH OF 120.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 120.70

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PAGE 2 OF 4

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FEET TO THE END OF SAID CURVE; THENCE S.41°49'58"E., FOR 531.66 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 130.24 FEET, A CENTRAL ANGLE OF 41°39'39", A CHORD BEARING OF S.21°00'09"E. AND A CHORD LENGTH OF 92.63 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 94.70 FEET TO THE END OF SAID CURVE; THENCE S.00°25'38"W., FOR 390.84 FEET; THENCE S.89°37'03"E., FOR 671.06 FEET; THENCE, DEPARTING FROM SAID SEAWALL AND SAID "PLATINUM POINT", S.00°22'56"W., FOR 153.40 FEET; THENCE N.59°00'18"E., FOR 93.70 FEET; THENCE N.00°22'56"E., FOR 104.61 FEET TO A POINT ON THE WESTERLY LINE OF "THE TIDES CONDOMINIUM" AS RECORDED IN OFFICIAL RECORDS BOOK 2163, PAGE 170, OF SAID PUBLIC RECORDS AND A POINT LYING 1 FOOT MORE OR LESS, EASTERLY OF AN EXISTING SEAWALL; THENCE ALONG THE WEST LINE OF SAID CONDOMINIUM AND THE WEST LINE OF "MARINA TOWERS CONDOMINIUM" AS RECORDED IN OFFICIAL RECORDS BOOK 1948, PAGE 145 OF SAID PUBLIC RECORDS AND ALONG A LINE PARALLEL TO AND LYING 1 FOOT EASTERLY AND NORTHERLY OF SAID SEAWALL THE FOLLOWING COURSES, N.00°37'38"E., FOR 561.62 FEET; THENCE N.89°35'57"W., ALONG THE SOUTH LINE OF SAID "MARINA TOWERS CONDOMINIUM" AND THE SOUTH LINE OF "MARINA NORTH SHORE CONDOMINIUM" AS RECORDED IN CONDOMINIUM BOOK 8, PAGE 257 OF SAID PUBLIC RECORDS FOR 578.17 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 88.76 FEET, A CENTRAL ANGLE OF 50°52'35", A CHORD BEARING OF N.64°09'40"W. AND A CHORD LENGTH OF 76.25 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 78.81 FEET TO THE END OF SAID CURVE; THENCE N.38°52'47"W., FOR 112.30 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 872.33 FEET, A CENTRAL ANGLE OF 11°48'00", A CHORD BEARING OF N.44°46'47"W. AND A CHORD LENGTH OF 179.34 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 179.65 FEET TO THE END OF SAID CURVE; THENCE N.50°56'21"W., ALONG THE SOUTHERLY LINE OF "DIAMOND PARK" AS RECORDED IN PLAT BOOK 54, PAGES 80 AND 81 OF SAID PUBLIC RECORDS THE FOLLOWING COURSES FOR 135.77 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 835.62 FEET, A CENTRAL ANGLE OF 12°19'51", A CHORD BEARING OF N.57°06'16"W. AND A CHORD LENGTH OF 179.49 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 179.84 FEET TO THE END OF SAID CURVE; THENCE N.63°21'27"W., FOR 102.89 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 388.19 FEET, A CENTRAL ANGLE OF 50°54'54", A CHORD BEARING OF N.88°48'54"W. AND A CHORD LENGTH OF 333.72 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 344.96 FEET TO THE END OF SAID CURVE; THENCE S.66°15'19"W., ALONG THE SOUTH LINE OF THE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2957 PAGE 2746, SAID PUBLIC RECORDS FOR 33.62 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL AND THE SOUTHEAST CORNER OF THE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 3245, PAGE 3175 OF SAID PUBLIC RECORDS AND BEING A POINT ON A CURVE TO THE LEFT, HAVING: A RADIUS OF 387.54 FEET, A CENTRAL ANGLE OF 04°08'10", A CHORD BEARING OF S.58°28'57"W. AND A CHORD LENGTH OF 27.97 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 27.98 FEET TO THE END OF SAID CURVE; THENCE S.49°03'29"W., FOR 58.31 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE DEPARTING FROM SAID SEAWALL N.41°50'54"W., FOR 17.65 FEET TO THE NORTHWEST CORNER OF SAID PARCEL AND THE SOUTHWEST CORNER OF LOT 9 OF SAID "DIAMOND PARK"; THENCE ALONG THE WESTERLY LINE OF SAID LOT 9, THE FOLLOWING COURSES, N.39°21'06"W., FOR 38.60 FEET; THENCE N.01°20'27"W., FOR 193.86 FEET; THENCE N.37°47'30"E., FOR 110.00 FEET; THENCE DEPARTING FROM SAID LOT 9 S.59°53'43"W., FOR 137.28 FEET TO A POINT ON THE WESTERLY LINE OF SAID TRACT "C"; THENCE ALONG SAID WESTERLY LINE THE FOLLOWING COURSES S.16°44'33"W., FOR 515.42 FEET; THENCE S.23°51'46"W., FOR 305.62 FEET; THENCE S.01°48'25"W., FOR 695.54 FEET; THENCE S.10°29'40"W.,

PAGE 3 OF 4

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FOR 418.58 FEET TO A POINT LYING 1 FOOT, MORE OR LESS, SOUTHERLY OF AN EXISTING SEAWALL; THENCE DEPARTING FROM SAID WESTERLY LINE AND ALONG THE NORTHERLY LINE OF "MARINA SOUTH SHORE CONDOMINIUM" RECORDED IN OFFICIAL RECORDS BOOK 1432 PAGE 0278 AND THE WESTERLY EXTENSION THEREOF, AND ALONG A LINE LYING 1 FOOT, MORE OR LESS, SOUTHERLY OF AND PARALLEL TO AN EXISTING SEAWALL, THE FOLLOWING COURSES N.76°24'19"E., FOR 201.49 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 253.73 FEET, A CENTRAL ANGLE OF 16°47'37", A CHORD BEARING OF N.84°48'08"E. AND A CHORD LENGTH OF 74.10 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 74.37 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 453.03 FEET, A CENTRAL ANGLE OF 11°02'37", A CHORD BEARING OF S.81°16'45"E. AND A CHORD LENGTH OF 87.19 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 87.32 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 570.11 FEET, A CENTRAL ANGLE OF 20°59'54", A CHORD BEARING OF S.65°15'29"E. AND A CHORD LENGTH OF 207.77 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 208.94 FEET TO THE END OF SAID CURVE; THENCE S.53°54'52"E., FOR 271.10 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 1927.30 FEET, A CENTRAL ANGLE OF 09°54'41", A CHORD BEARING OF S.58°52'12"E. AND A CHORD LENGTH OF 332.98 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 333.39 FEET TO THE POINT OF COMPOUND CURVE OF A CURVE TO THE LEFT HAVING A RADIUS OF 2250.36 FEET, A CENTRAL ANGLE OF 01°39'50", A CHORD BEARING OF S.64°39'28"E., AND A CHORD LENGTH OF 65.35 FEET, THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 65.35 FEET TO THE END OF SAID CURVE; THENCE S.65°42'09"E., FOR 105.15 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 134.05 FEET, A CENTRAL ANGLE OF 02°25'45", A CHORD BEARING OF S.64°29'17"E. AND A CHORD LENGTH OF 5.68 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 5.68 FEET TO THE END OF SAID CURVE AND THE NORTHEAST CORNER OF SAID CONDOMINIUM; THENCE S.00°24'02"W., ALONG THE EAST LINE OF SAID CONDOMINIUM FOR 448.64 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST, AS RECORDED ON THE PLAT OF PUNTA GORDA ISLES, SECTION 22, HAVING AN ASSUMED BEARING OF N.00°33'26"E.

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PAGE 4 OF 4

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EXHIBIT "A"  
LEGAL DESCRIPTION

A tract or parcel of land situated in the State of Florida, County of Lee, lying in Section 1, Township 43 South, Range 22 East, being a part of Tract "C", Punta Gorda Isles, Section Twenty-Two, Plat Book 28, Page 118, Lee County Public Records, and being further bounded and described as follows:

Commencing at the Southeast corner of said Section 1; thence N 00°33'37" E, along the East line of said Section 1, for 830.00 feet to the Southeast corner of Tract "I", as described in Official Records Book 2285, Page 3073, said Public Records; thence N 89°35'44" W, along the South line of said Tract "I", for 1208.39 feet; thence N 00°24'02" E, for 110.08 feet; thence S 89°35'58" E, along the North line of an ingress-egress easement as described in Official Records Book 1554, Page 942, said Public Records, for 260.82 feet to the Point of Beginning; thence N 00°24'02" E, for 112.24 feet; thence N 89°33'59" W, for 101.51 feet; thence N 00°26'01" E, for 128.93 feet; thence S 89°33'59" E for 117.82 feet; thence S 01°28'31" W, for 14.10 feet to the beginning of a curve to the right; having a radius of 133.42 feet, a central angle of 17°03'03", a chord bearing and distance of S 10°00'02" W, 39.56 feet; thence along the arc of said curve, an arc length of 39.70 feet to a point of reverse curvature; having a radius of 191.85 feet, a central angle of 18°07'32", a chord bearing and distance of S 09°27'48" W, 60.44 feet; thence along the arc of said curve, an arc length of 60.69 feet; thence leaving said curve S 89°36'07" E, for 308.01 feet; thence S 00°24'02" W, for 128.39 feet; thence N 89°35'58" W, along said North line of an ingress-egress easement as described in Official Records Book 1554, Page 942, for 308.01 feet to the Point of Beginning.

Bearings are based on the East line of Section 1 as bearing N 00° 33'37" E.

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**EXHIBIT A.6.**

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2007-00054



175.00  
24,500.00

**PREPARED BY & RETURN TO:**

Richard G. Cherry, Esq.  
Cherry & Edgar, P.A.  
8409 N. Military Trail, Suite 123  
Palm Beach Gardens, Florida 33410

Property Control No.: 06-43-23-02-0000B.0000  
06-43-23-02-00992.010A  
06-43-23-02-01006.0010  
06-43-23-00-00004.011A  
06-43-23-00-00004.0040  
01-43-22-C3-00003.0010  
06-43-23-00-00004.0140  
01-43-22-00-00004.0010  
01-43-22-01-0000C.0000  
01-43-22-01-0000C.30CE

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**SPECIAL WARRANTY DEED**

**THIS SPECIAL WARRANTY DEED**, made as of 29th day of December, 2005, by and between **WCI COMMUNITIES, INC.**, a Delaware corporation (the "Grantor"), whose mailing address is 24301 Walden Center Drive, Bonita Springs, Florida 34134, and **BURNT STORE AMENITIES, L.L.C.**, a Florida limited liability company (the "Grantee"), whose mailing address is 5789 Cape Harbour Drive, Suite 201, Cape Coral, Florida 33914.

(wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns, assigns of individuals, and the successors and assigns of corporation).

That Grantor, for an in consideration of the sum of Ten and No/100 U.S. Dollars (\$10.00) to it in hand paid by Grantee, the receipt whereof is hereby acknowledged, hereby grants, bargains, conveys and sells to Grantee the following described land (the "Property"), situate, lying and being in the County of Lee, State of Florida, to wit:

The Property described on Exhibit "A" attached hereto and made a part hereof.

Together with all easements, tenements, hereditaments, and appurtenances pertaining thereto.

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**TO HAVE AND TO HOLD** the same in fee simple forever.

This conveyance is made subject to, and by acceptance of this Deed, Grantee accepts this conveyance subject to the following:


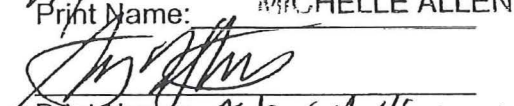
1. Taxes and assessments for 2006 and subsequent years;
2. Zoning and other regulatory laws and ordinances affecting the Property;  
and
3. Covenants, conditions, limitations, restrictions, reservations and easements of record.

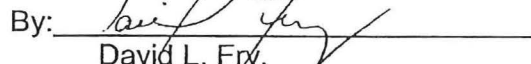
**AND** Grantor does hereby specially warrant the title to the Property, and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but none other.

**IN WITNESS WHEREOF**, Grantor has caused these presents to be signed in its name and on the day and year first above written.

Signed, Sealed and Delivered  
in the Presence of:

**WCI COMMUNITIES, INC.**, a Delaware  
corporation

  
Print Name: MICHELLE ALLEN  
  
Print Name: Andrew M. Fortunes

By:   
David L. Fry,  
Senior Vice President

STATE OF FLORIDA

COUNTY OF LEE

The foregoing Special Warranty Deed was acknowledged before me this \_\_\_ day of December, 2005, by David L. Fry, Senior Vice President of WCI Communities, Inc., a Delaware corporation; on behalf of the corporation; and who is personally know to me, or has produced a \_\_\_\_\_ as identification.

My Commission Expires:

  
Notary Public, State of Florida

S:\MYFILES\DATA\WCIBURNTSTORE\SALE\CLOSING\DOCUMENTS\SPECIAL WARRANTY DEED.4CLEAN.DOC MICHELLE ALLEN



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TRACT 1 (REVISED GOLF COURSE LEGAL):

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST AND SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST, BEING ALL OF TRACT "B", PUNTA GORDA ISLES, SECTION TWENTY TWO ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 28, PAGES 118 THROUGH 138, PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA.

TOGETHER WITH:

 2007-00054

ADDITIONAL PARCEL #1:

THAT PARCEL RECORDED IN OFFICIAL RECORD BOOK 3320, PAGE 3328 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

ADDITIONAL PARCEL #2:

THAT PARCEL RECORDED IN OFFICIAL RECORD BOOK 2285, PAGE 3070 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA

ADDITIONAL PARCEL #3:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 7, BLOCK 1006, SECTION 22, OF SAID PUNTA GORDA ISLES SUBDIVISION; THENCE S.88° 14'39"W. FOR 912.69 FEET TO THE WESTERLY LINE OF LOT 1 OF SAID BLOCK 1006; THENCE S.22° 30'37"E. ALONG THE WEST LINE OF SAID LOT FOR 78.50 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTH AND HAVING A RADIUS OF 50.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 100° 02'27" FOR 87.30 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 500.00 FEET; THENCE EASTERLY ALONG SAID CURVE AND ALONG THE SOUTH LINE OF SAID BLOCK 1006 THROUGH A CENTRAL ANGLE OF 46° 16'04" FOR 403.76 FEET; THENCE S.76° 17'00"E. ALONG THE SOUTH LINE OF SAID BLOCK FOR 255.14 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 50.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE AND ALONG THE SOUTH LINE OF SAID BLOCK THROUGH A CENTRAL ANGLE OF 106° 13'12" FOR 92.69 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 50.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE AND ALONG THE SOUTH LINE OF SAID BLOCK THROUGH A CENTRAL ANGLE OF 78° 39'19" FOR 68.64 FEET; THENCE N.76° 09'07"E. ALONG THE SOUTH LINE OF SAID BLOCK FOR 76.09 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING PARCEL:

BEGINNING AT THE NORTHERLY CORNER OF LOT 3, BLOCK 994 OF SAID PUNTA GORDA ISLES SECTION 22, SAID POINT BEING THE POINT OF BEGINNING; THENCE S.76° 48'18"W. FOR 48.00 FEET; THENCE N.39° 53'12"E. FOR 53.68 FEET; THENCE N.88° 09'13"E. FOR 8.29 FEET; THENCE S.64° 55'39"E. FOR

13.87 FEET; THENCE N.69° 05'06"E. FOR 9.73 FEET; THENCE N.13° 25'43"E. FOR 24.17 FEET; THENCE N.17° 50'12"W. FOR 34.56 FEET; THENCE S.84° 43'56"W. FOR 7.71 FEET; THENCE N.63° 22'54"W. FOR 29.81 FEET; THENCE N.46° 05'01"W. FOR 81.43 FEET; THENCE N.71° 04'55"W. FOR 7.43 FEET; THENCE S.84° 11'40"W. FOR 11.13 FEET; THENCE S.72° 11'46"W. FOR 5.76 FEET; THENCE S.89° 12'56"W. FOR 3.58 FEET; THENCE N.72° 23'00"W. FOR 8.34 FEET; THENCE N.62° 28'07"W. FOR 7.23 FEET; THENCE S.81° 40'01"W. FOR 17.63 FEET; THENCE S.85° 24'38"W. FOR 29.42 FEET; THENCE N.89° 08'52"W. FOR 36.88 FEET; THENCE N.83° 22'49"W. FOR 24.40 FEET; THENCE N.61° 19'35"W. FOR 13.87 FEET; THENCE N.38° 44'39"W. FOR 19.64 FEET; THENCE N.18° 59'57"W. FOR 24.04 FEET; THENCE N.04° 20'38"W. FOR 145.31 FEET; THENCE N.06° 05'35"E. FOR 47.67 FEET; THENCE N.19° 20'06"E. FOR 33.38 FEET; THENCE N.55° 45'10"E. FOR 41.05 FEET; THENCE N.85° 13'15"E. FOR 38.03 FEET; THENCE S.72° 19'11"E. FOR 33.09 FEET; THENCE S.51° 55'12"E. FOR 14.42 FEET; THENCE S.77° 26'18"E. FOR 21.70 FEET; THENCE N.75° 48'31"E. FOR 52.27 FEET; THENCE N.79° 43'07"E. FOR 119.39 FEET; THENCE S.62° 49'58"E. FOR 29.98 FEET; THENCE S.41° 58'50"E. FOR 29.79 FEET; THENCE S.12° 32'22"E. FOR 14.56 FEET; THENCE S.04° 09'53"E. FOR 57.03 FEET; THENCE S.05° 04'46"W. FOR 24.06 FEET; THENCE S.10° 07'56"W. FOR 43.56 FEET; THENCE S.04° 14'03"E. FOR 38.30 FEET; THENCE S.37° 21'15"E. FOR 50.83 FEET; THENCE S.60° 30'39"E. FOR 15.44 FEET; THENCE S.28° 58'48"E. FOR 31.26 FEET; THENCE S.17° 45'35"W. FOR 85.96 FEET; THENCE S.05° 35'08"E. FOR 24.64 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S.41° 53'13"E., A RADIAL DISTANCE OF 100.00 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 61° 14'55" FOR 106.90 FEET; THENCE S.76°51'56"W. FOR 40.00 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S.76° 51'52"W., A RADIAL DISTANCE OF 50.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 90° 03'34" FOR 78.59 FEET TO THE POINT OF BEGINNING.

TRACT 2 (VACANT LAND 4A - PARCEL EAST OF MAINTENANCE PARCEL):

FROM THE SOUTHEAST CORNER OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, RUN N.00° 41'43"E., ALONG THE EAST LINE OF SAID SECTION 6 AND THE CENTERLINE OF STATE ROAD 765 (BURNT STORE ROAD), 1246.02 FEET; THENCE S.88° 22'02"W., 774.91 FEET; THENCE N.00° 33'37"E., 30.02 FEET TO THE POINT OF BEGINNING. THENCE CONTINUE N.00° 33'37"E., FOR 310.23 FEET; THENCE S.88° 22'02"W., 491.07 FEET; THENCE S.00° 33'37"W., 159.95 FEET; THENCE S.88° 22'02"W., 75.05 FEET; THENCE S.00° 33'37"W., 150.28 FEET; THENCE N.88° 22'02"E., 566.12 FEET TO THE POINT OF BEGINNING, LESS AND EXCEPT THE SOUTH 30 FEET FOR ROADWAY PURPOSES.

TRACT 3 (VACANT LAND 4B- TRACT A-7 - POND PARCEL):

FROM THE SOUTHEAST CORNER OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, RUN N.00° 41'43"E., ALONG THE EAST LINE OF SAID SECTION 6 AND THE CENTERLINE OF STATE ROAD 765 (BURNT STORE

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ROAD), 1246.02 FEET; THENCE S.88° 22'18"W., 68.06 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BURNT STORE ROAD AND THE POINT OF BEGINNING; THENCE S.88°22'18"W., 706.62 FEET; THENCE N.00° 42'25"E., 415.34 FEET; THENCE N.88° 22'18"E., 706.53 FEET; THENCE S.00° 41'43"W., 415.34 FEET TO THE POINT OF BEGINNING, LESS AND EXCEPT THE SOUTH 30 FEET FOR ROADWAY PURPOSES.

TRACT 4 (MATECUMBE KEY ROAD):

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTH 1660.00 FEET OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST, ACCORDING TO THE PLAT OF PUNTA GORDA ISLES SECTION TWENTY TWO; THENCE S.00° 33'37"W., A DISTANCE OF 830.73 FEET; THENCE N.89° 35'44"W., A DISTANCE OF 235.01 FEET; THENCE S.30° 56'51"E., A DISTANCE OF 191.35 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 1,248.12 FEET AND A CENTRAL ANGLE OF 13° 44'14"; THENCE SOUTHEASTERLY ALONG THE ARC A DISTANCE OF 299.25 FEET; THENCE N.54° 48'33"W., A DISTANCE OF 112.36 FEET; THENCE N.00° 33'37"E., A DISTANCE OF 66.04 FEET; THENCE N.89° 35'44"W., A DISTANCE OF 205.29 FEET; THENCE N.00° 17'44"E., A DISTANCE OF 304.96 FEET; THENCE N.89° 35'44"W., A DISTANCE OF 232.98 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N.83° 51'44"W., A RADIAL DISTANCE OF 20.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 33° 56'40", A DISTANCE OF 11.85 FEET TO A POINT OF COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 468.00 FEET AND A CENTRAL ANGLE OF 17° 15'47"; THENCE SOUTHWESTERLY ALONG THE ARC, A DISTANCE OF 141.01 FEET TO A POINT OF COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 118.00 FEET AND A CENTRAL ANGLE OF 32° 39'17"; THENCE WESTERLY ALONG THE ARC, A DISTANCE OF 67.25 FEET; THENCE WEST, A DISTANCE OF 162.18 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 136° 15'32"; THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 47.56 FEET; THENCE N.46° 15'32"E., A DISTANCE OF 67.67 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 90° 00'00"; THENCE EASTERLY ALONG THE ARC A DISTANCE OF 31.42 FEET; THENCE S.43° 44'28"E., A DISTANCE OF 9.67 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 180° 00'00"; THENCE NORTHEASTERLY ALONG THE ARC A DISTANCE OF 78.54 FEET; THENCE N.43° 44'28"W., A DISTANCE OF 4.98 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 38° 24'46"; THENCE NORTHWESTERLY ALONG THE ARC A DISTANCE OF 13.41 FEET; THENCE N.89° 35'44"W., A DISTANCE OF 89.21 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES N.79° 24'42"W., A RADIAL DISTANCE OF 18.00 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 20° 33'05", A DISTANCE OF 6.46 FEET TO A POINT OF COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 90.00 FEET AND A CENTRAL ANGLE OF 15° 07'10"; THENCE SOUTHWESTERLY ALONG THE ARC, A DISTANCE OF 23.75 FEET; THENCE S.46° 15'32"W., A DISTANCE OF 48.81 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET AND A CENTRAL

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ANGLE OF  $63^{\circ} 23' 18''$ ; THENCE WESTERLY ALONG THE ARC A DISTANCE OF 22.13 FEET; THENCE  $S.00^{\circ} 24' 16'' W.$  A DISTANCE OF 28.63 FEET; THENCE  $S.46^{\circ} 15' 32'' W.$  A DISTANCE OF 63.05 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 249.50 FEET AND A CENTRAL ANGLE OF  $18^{\circ} 48' 45''$ ; THENCE SOUTHWESTERLY ALONG THE ARC A DISTANCE OF 81.92 FEET; THENCE  $N.24^{\circ} 55' 43'' W.$ , A DISTANCE OF 8.75 FEET; THENCE  $N.14^{\circ} 38' 24'' W.$ , A DISTANCE OF 102.73 FEET; THENCE  $S.75^{\circ} 21' 36'' W.$ , A DISTANCE OF 63.46 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF  $29^{\circ} 40' 54''$ ; THENCE WESTERLY ALONG THE ARC A DISTANCE OF 25.90 FEET; THENCE  $N.74^{\circ} 57' 31'' W.$ , A DISTANCE OF 157.51 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 150.00 FEET AND A CENTRAL ANGLE OF  $26^{\circ} 30' 57''$ ; THENCE NORTHWESTERLY ALONG THE ARC A DISTANCE OF 69.42 FEET; THENCE  $N.48^{\circ} 26' 34'' W.$ , A DISTANCE OF 28.36 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF  $03^{\circ} 54' 04''$ ; THENCE NORTHWESTERLY ALONG THE ARC A DISTANCE OF 1.36 FEET; THENCE  $N.00^{\circ} 24' 02'' E.$ , A DISTANCE OF 49.99 FEET; THENCE  $S.89^{\circ} 35' 58'' E.$ , A DISTANCE OF 199.85 FEET; THENCE  $N.00^{\circ} 24' 02'' E.$ , A DISTANCE OF 60.00 FEET; THENCE  $S.89^{\circ} 35' 58'' E.$ , A DISTANCE OF 260.82 FEET; THENCE CONTINUE EASTERLY ALONG SAID LINE, A DISTANCE OF 308.01 FEET; THENCE CONTINUE EASTERLY ALONG SAID LINE, A DISTANCE OF 410.34 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 170.00 FEET AND A CENTRAL ANGLE OF  $89^{\circ} 50' 25''$ ; THENCE NORTHEASTERLY ALONG THE ARC A DISTANCE OF 266.56 FEET; THENCE  $N.00^{\circ} 33' 37'' E.$ , A DISTANCE OF 544.63 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES  $N.89^{\circ} 33' 31'' E.$ , A RADIAL DISTANCE OF 214.23 FEET; THENCE NORTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF  $53^{\circ} 47' 49''$ , A DISTANCE OF 201.15 FEET; THENCE  $S.36^{\circ} 26' 58'' E.$ , A DISTANCE OF 60.17 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES  $S.36^{\circ} 26' 57'' E.$ , A RADIAL DISTANCE OF 153.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF  $52^{\circ} 03' 09''$ , A DISTANCE OF 139.00 FEET TO THE POINT OF BEGINNING.

TRACT 5 (MAINTENANCE PARCEL):

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST LEE COUNTY, FLORIDA; THENCE  $N.00^{\circ} 33' 37'' E.$  ALONG THE WEST LINE OF SAID SECTION 6 FOR 1,661.22 FEET TO THE SOUTH LINE OF PUNTA GORDA ISLES SUBDIVISION, AS RECORDED IN PLAT BOOK 28, PAGES 118 THROUGH 138 PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE  $N.88^{\circ} 22' 02'' E.$  ALONG SAID SOUTH LINE FOR 3,395.27 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE EASTERLY ALONG SAID LINE FOR 565.52 FEET; THENCE  $S.00^{\circ} 32' 14'' W.$  FOR 414.70 FEET; THENCE  $S.88^{\circ} 20' 05'' W.$  FOR 565.54 FEET; THENCE  $N.00^{\circ} 32' 15'' E.$  FOR 415.02 FEET TO THE POINT OF BEGINNING; LESS AND EXCEPT THE SOUTH 30 FEET FOR ROADWAY PURPOSES.

TRACT 6 (SALES CENTER PARCEL):

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A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST, AND SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST, BEING A PART OF LOTS 1 & 2 BLOCK 1001 & TRACT "C", PUNTA GORDA ISLES SECTION TWENTY TWO AS RECORDED IN PLAT BOOK 28, PAGES 118-138, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE S.  $36^{\circ} 26' 58''$  E. FOR 10.01 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S.  $36^{\circ} 26' 44''$  E., A RADIAL DISTANCE OF 212.98 FEET; THENCE SOUTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF  $41^{\circ} 39' 29''$  FOR 154.85 FEET; THENCE S.  $60^{\circ} 22' 46''$  W. FOR 61.09 FEET; THENCE N.  $15^{\circ} 22' 46''$  E. FOR 43.85 FEET; THENCE N.  $29^{\circ} 37' 14''$  W. FOR 228.06 FEET; THENCE N.  $59^{\circ} 14' 04''$  E. FOR 111.46 FEET; THENCE N.  $83^{\circ} 30' 29''$  E. FOR 29.19 FEET; THENCE N.  $59^{\circ} 14' 04''$  E. FOR 30.05 FEET; THENCE N.  $29^{\circ} 50' 03''$  W. FOR 213.60 FEET; THENCE N.  $59^{\circ} 00' 18''$  E. FOR 102.25 FEET; THENCE N.  $83^{\circ} 44' 57''$  E. FOR 171.76 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N.  $83^{\circ} 44' 57''$  E., A RADIAL DISTANCE OF 1,340.00 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF  $12^{\circ} 13' 04''$  FOR 285.74 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF  $80^{\circ} 49' 54''$ ; THENCE SOUTHERLY ALONG THE ARC FOR 70.54 FEET TO A POINT OF REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 840.00 FEET AND A CENTRAL ANGLE OF  $08^{\circ} 48' 45''$ ; THENCE SOUTHWESTERLY ALONG THE ARC FOR 129.20 FEET TO THE POINT OF BEGINNING.

TRACT 7 (REVISED MARINA PARCEL):

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 01, TOWNSHIP 43 SOUTH, RANGE 22 EAST, BEING FURTHER DESCRIBED AS FOLLOWS:

REVISED MARINA PARCEL # 1

COMMENCING AT THE SOUTHWEST CORNER OF LOT 3, BLOCK 1001, PUNTA GORDA ISLES SECTION TWENTY TWO AS RECORDED IN PLAT BOOK 28, PAGES 118 THROUGH 138 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.  $59^{\circ} 00' 17''$  W. FOR 195.14 FEET; THENCE S.  $00^{\circ} 22' 56''$  W. FOR 117.13 FEET; THENCE S.  $59^{\circ} 00' 17''$  W. FOR 92.56 FEET; THENCE S.  $29^{\circ} 36' 42''$  E. FOR 142.83 FEET; THENCE S.  $60^{\circ} 23' 18''$  W. FOR 118.45 FEET TO THE POINT OF BEGINNING; THENCE S.  $60^{\circ} 23' 18''$  W. FOR 551.55 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 567.29 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF  $25^{\circ} 47' 39''$  FOR 255.39 FEET TO A POINT OF COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 201.66 FEET AND A CENTRAL ANGLE OF  $68^{\circ} 15' 43''$ ; THENCE NORTHWESTERLY ALONG THE ARC FOR 240.26 FEET TO A POINT OF REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 151.31 FEET AND A CENTRAL ANGLE OF  $40^{\circ} 27' 29''$ ; THENCE NORTHWESTERLY ALONG THE ARC FOR 106.84 FEET TO A POINT OF

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REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 706.07 FEET AND A CENTRAL ANGLE OF 27° 49'50"; THENCE NORTHWESTERLY ALONG THE ARC FOR 342.96 FEET; THENCE N.66° 38'04"E. FOR 25.89 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N.51° 15'35"E., A RADIAL DISTANCE OF 681.07 FEET; THENCE SOUTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 27° 16'25" FOR 324.20 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 176.31 FEET AND A CENTRAL ANGLE OF 40° 27'29"; THENCE SOUTHEASTERLY ALONG THE ARC FOR 124.50 FEET TO A POINT OF REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 176.66 FEET AND A CENTRAL ANGLE OF 68° 15'43"; THENCE SOUTHEASTERLY ALONG THE ARC FOR 210.47 FEET TO A POINT OF COMPOUND CURVE TO THE LEFT HAVING A RADIUS OF 542.29 FEET AND A CENTRAL ANGLE OF 25° 47'39"; THENCE EASTERLY ALONG THE ARC FOR 244.14 FEET; THENCE N.60° 23'18"E. FOR 551.55 FEET; THENCE S.29° 36'42"E. FOR 25.00 FEET TO THE POINT OF BEGINNING.

AND

REVISED MARINA PARCEL # 2

COMMENCING AT THE SOUTHWEST CORNER OF LOT 3, BLOCK 1001, PUNTA GORDA ISLES SECTION TWENTY TWO AS RECORDED IN PLAT BOOK 28, PAGES 118 THROUGH 138 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.59° 00'17"W. FOR 195.14 FEET; THENCE N.00° 22'56"E. FOR 104.90 FEET; THENCE N.89° 37'04"W. FOR 119.34 FEET TO THE POINT OF BEGINNING; THENCE S.00° 22'56"W. FOR 18.51 FEET; THENCE N.89° 22'30"W. FOR 656.66 FEET; THENCE N.00° 24'52"E. FOR 406.62 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 102.40 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 42° 15'18" FOR 75.52 FEET; THENCE N.41° 50'26"W. FOR 531.75 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S.48° 09'35"W., A RADIAL DISTANCE OF 301.37 FEET; THENCE NORTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 21° 21'02" FOR 112.30 FEET TO A POINT OF COMPOUND CURVE TO THE LEFT HAVING A RADIUS OF 265.10 FEET AND A CENTRAL ANGLE OF 27° 00'22"; THENCE WESTERLY ALONG THE ARC FOR 124.95 FEET; THENCE N.02° 10'05"E. FOR 25.02 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.00° 00'25"W., A RADIAL DISTANCE OF 290.10 FEET; THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 26° 48'08" FOR 135.71 FEET TO A POINT OF COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 326.37 FEET AND A CENTRAL ANGLE OF 21° 21'02"; THENCE SOUTHEASTERLY ALONG THE ARC FOR 121.62 FEET; THENCE S.41° 50'26"E. FOR 531.75 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 127.40 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 42° 15'18" FOR 93.96 FEET; THENCE S.00° 24'52"W. FOR 390.87 FEET; THENCE S.89° 37'04"E. FOR 631.65 FEET TO THE POINT OF BEGINNING.

TRACT 8 (SOUTH SHORE PARCEL):

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COMMUNITY DEVELOPMENT



A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 1, TOWNSHP 43 SOUTH, RANGE 22 EAST, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST, LEE COUNTY, FLORIDA, THENCE N.00° 33'58"E., ALONG THE EAST LINE OF SAID SECTION 1 FOR 880.00 FEET; THENCE N.89° 35'44"W., FOR 1,625.91 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE N.89° 35'44"W. FOR 260.23 FEET; THENCE S.00° 24'58"E. FOR 50.01 FEET TO THE NORTHWEST CORNER OF VISTA DEL SOL AT BURNT STORE MARINA, A CONDOMINIUM AS RECORDED IN CONDOMINIUM PLAT BOOK 33 AT PAGE 38 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N.89° 35'44"W. FOR 703 FEET, MORE OR LESS, TO THE WATERS OF CHARLOTTE HARBOR; THENCE NORTHERLY ALONG THE MEAN HIGH WATER LINE OF SAID CHARLOTTE HARBOR RUN 1,020 FEET, MORE OR LESS, TO A POINT LYING APPROXIMATELY 1 FOOT SOUTHERLY OF AN EXISTING CONCRETE SEAWALL; THENCE N.76° 24'19"E., ALONG A LINE PARALLEL TO AND LYING 1 FOOT, MORE OR LESS SOUTHERLY OF SAID CONCRETE SEAWALL FOR 28.62 FEET TO THE NORTHWEST CORNER OF PARCEL 8, TRACT "H", AS RECORDED IN OFFICIAL RECORDS BOOK 2285, PAGE 3073, OF SAID PUBLIC RECORDS; THENCE S.00° 24'02"W., ALONG THE WESTERLY LINE OF SAID PARCEL 8 FOR 491.56 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 8; THENCE S.89° 35'58"E., ALONG THE SOUTH LINE OF SAID PARCEL 8 AND THE SOUTH LINE OF PARCEL 7 OF SAID TRACT "H" FOR 670.43 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 7 AND A POINT ON THE WESTERLY LINE OF PARCEL 6 OF SAID TRACT H TO ALSO BEING A POINT ON A CURVE TO THE RIGHT, HAVING: A RADIUS OF 90.00 FEET, A CENTRAL ANGLE OF 38° 59'58", A CHORD BEARING OF S.64° 05'57"E. AND A CHORD LENGTH OF 60.08 FEET; THENCE ALONG THE WESTERLY LINE OF SAID PARCEL 6 AND THE ARC OF SAID CURVE, AN ARC LENGTH OF 61.26 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.44° 35'58"E., ALONG SAID WESTERLY LINE RUN 59.23 FEET; THENCE S.00° 24'02"W., ALONG SAID WESTERLY LINE AND THE WESTERLY LINE OF PARCEL 5 OF SAID TRACT "H" RUN 399.45 FEET TO THE POINT OF BEGINNING.

TRACT 9 (ATHLETIC CLUB PARCEL):

CONDOMINIUM PARCEL: UNIT NO. 71, COURTSIDE LANDINGS CONDOMINIUM, being further described in that certain Declaration of Condominium recorded in Official Records Book 3093, Page 3733, and subsequent amendments thereto, and according to the plat recorded in Condominium Plat Book 26, Pages 57 and 58, Public Records of Lee County, Florida.

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AUG 13 2008

COMMUNITY DEVELOPMENT

EPA

2007-00054

20.50  
8400.  
THIS INSTRUMENT PREPARED BY  
AND RETURN TO:

*Stephen J. Szabo, III, Esquire*  
Annis, Mitchell, Cockey,  
Edwards & Roehn, P.A.  
Post Office Box 3433  
Tampa, Florida 33601

INSTR # 5032499

OR BK 03344 PG 2787

RECORDED 12/29/00 12:09 PM  
CHARLIE GREEN CLERK OF COURT  
LEE COUNTY  
RECORDING FEE 28.50  
DOC TAX PD(F.S.201.02) 84,000.00  
DEPUTY CLERK K Cartwright

**SPECIAL WARRANTY DEED**

THIS SPECIAL WARRANTY DEED made this 28th day of December, 2000, by WCI COMMUNITIES, INC., a Delaware corporation, ("Grantor"), to REALMARK BURNT STORE MARINA, L.L.C. a Florida limited liability company, whose address is 1900 Lagoon Lane, Cape Coral, Florida 33914 ("Grantee").

WITNESSETH: That Grantor for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, conveys and confirms unto Grantee all that certain land situate in Lee County, Florida, more particularly described on Exhibit A attached hereto (the "Land").

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 Grantor hereby covenants with Grantee that Grantor is lawfully seized of the Land in fee simple; that Grantor has good right and lawful authority to sell and convey the Land; that Grantor hereby fully warrants the title to the Land and will defend the same against the lawful claims of all persons claiming by, through or under Grantor; and that the Land is free of all encumbrances, except taxes accruing subsequent to December 31, 2000, and all declarations, easements and restrictions of record.

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IN WITNESS WHEREOF, Grantor has executed these presents the day and year first above written.

Witnesses:

WCI COMMUNITIES, INC., a Delaware corporation

Stephen J. Szabo  
Name: Stephen J. Szabo, Jr.

Gregg Struxton  
Name: GREGG S. TRUXTON

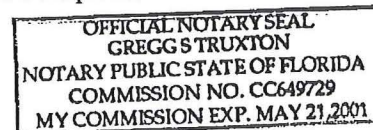
By: Albert F. Moscato Jr.  
Print Name: ALBERT F. MOSCATO JR.  
Vice President  
Address: 24301 Walden Center Drive  
Suite 300  
Bonita Springs, FL 34134

STATE OF FLORIDA  
COUNTY OF ~~HILLSBOROUGH~~ LEE

The foregoing instrument was acknowledged before me this 28 day of December, 2000, by Albert F. Moscato, Jr., as Vice President of WCI COMMUNITIES, INC., a Delaware corporation, on behalf of the corporation. He/She is personally known to me or produced N/A as identification.

Gregg Struxton  
NOTARY PUBLIC  
Name: \_\_\_\_\_  
Serial #: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

#758052 v3 - 2303-449



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COMMUNITY DEVELOPMENT

CPA 2007-00054

DB BK 03344 PG 2789

DESCRIPTION OF A PARCEL  
LYING IN SECTION 1, T-43-S, R-22-E,  
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST, BEING A PORTION OF TRACT "C", PUNTA GORDA ISLES, SECTION TWENTY TWO ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 28, PAGES 118 THROUGH 138, AND ALSO BEING A PORTION OF TRACT "H" AS RECORDED IN OFFICIAL RECORDS BOOK 2285, PAGE 3073 ALL OF THE PUBLIC RECORDS OF SAID LEE COUNTY, AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST, LEE COUNTY, FLORIDA, THENCE N.00°33'37"E. ALONG THE EAST LINE OF SAID SECTION 1 FOR 880.00 FEET TO THE SOUTHEAST CORNER OF TRACT "I", RECORDED IN OFFICIAL RECORDS BOOK 2285, PAGE 3073, PUBLIC RECORDS OF SAID LEE COUNTY; THENCE N.89°35'44"W., ALONG THE SOUTH LINE OF SAID TRACT "I" FOR 1208.39 FEET; THENCE N.00°24'02"E., FOR 110.08 FEET TO THE NORTHWEST CORNER OF THE EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 1554, PAGE 942, OF SAID PUBLIC RECORDS AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE S.89°35'58"E., ALONG THE NORTH LINE OF SAID EASEMENT, FOR 260.82 FEET; THENCE N.00°24'02"E., FOR 112.24 FEET; THENCE N.89°33'59"W., FOR 101.51 FEET; THENCE N.00°26'01"E., FOR 128.93 FEET; THENCE S.89°33'59"E., FOR 117.82 FEET TO A POINT ON THE WESTERLY LINE OF "KEEL CLUB CONDOMINIUM" AS RECORDED IN OFFICIAL RECORDS BOOK 1690, PAGE 2613, OF SAID PUBLIC RECORDS; THENCE, ALONG THE WESTERLY AND NORTHERLY LINES OF SAID CONDOMINIUM, THE FOLLOWING COURSES, N.01°28'31"E., FOR 22.53 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 16.48 FEET, A CENTRAL ANGLE OF 84°36'37", A CHORD BEARING OF N.43°46'50"E. AND A CHORD LENGTH OF 22.18 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 24.34 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.86°05'08"E., FOR 52.67 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 23.62 FEET, A CENTRAL ANGLE OF 80°31'28", A CHORD BEARING OF N.45°49'24"E. AND A CHORD LENGTH OF 30.53 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 33.20 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.05°33'40"E., FOR 25.23 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 15.95 FEET, A CENTRAL ANGLE OF 86°29'24", A CHORD BEARING OF N.48°48'22"E. AND A CHORD LENGTH OF 21.86 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 24.08 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.87°56'56"E., FOR 16.07 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 350.09 FEET, A CENTRAL ANGLE OF 21°02'11", A CHORD BEARING OF N.81°31'58"E. AND A CHORD LENGTH OF 127.82 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 128.54 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.71°00'53"E., FOR 18.18 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 17.71 FEET, A CENTRAL ANGLE OF 109°23'09", A CHORD BEARING OF S.54°17'32"E. AND A CHORD LENGTH OF 28.91 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 33.81 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE, ALONG THE EAST LINE OF SAID CONDOMINIUM, S.00°24'02"W. FOR 225.02 FEET TO THE SOUTHEAST CORNER OF SAID CONDOMINIUM; THENCE, DEPARTING FROM SAID CONDOMINIUM, S.00°24'02"W., FOR 128.38 FEET TO A POINT ON THE NORTH LINE OF SAID EASEMENT; THENCE, ALONG THE NORTH AND WEST LINE OF SAID EASEMENT, THE FOLLOWING COURSES, S.89°35'58"E. FOR 410.34 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 170.00 FEET, A CENTRAL ANGLE OF 89°50'25", A CHORD BEARING OF N.45°28'50"E. AND A CHORD LENGTH OF 240.08 FEET; THENCE ALONG THE ARC OF

PAGE 1 OF 4

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EXHIBIT A

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CONTINUED FROM PAGE 1

SAID CURVE, AN ARC LENGTH OF 266.56 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.00°33'26"E., FOR 548.77 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 212.98 FEET, A CENTRAL ANGLE OF 11°07'09", A CHORD BEARING OF N.06°07'07"E. AND A CHORD LENGTH OF 41.27 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 41.33 FEET TO THE END OF SAID CURVE; THENCE, DEPARTING FROM SAID EASEMENT, S.60°41'17"W. FOR 61.47 FEET TO A POINT LYING 1 FOOT, MORE OR LESS, EASTERLY OF AN EXISTING SEAWALL; THENCE ALONG A LINE PARALLEL TO AND LYING 1 FOOT, MORE OR LESS, EASTERLY OF SAID SEAWALL THE FOLLOWING COURSES, N.15°22'46"E. FOR 43.85 FEET; THENCE N.29°37'14"W., FOR 228.06 FEET; THENCE, DEPARTING FROM SAID SEAWALL, N.59°14'04"E., FOR 111.46 FEET; THENCE N.83°30'29"E., FOR 29.19 FEET; THENCE N.59°14'04"E., FOR 30.05 FEET; THENCE N.29°50'03"W., FOR 213.65 FEET TO A POINT ON THE SOUTHERLY LINE OF "PLATINUM POINT YACHT CLUB" RECORDED IN OFFICIAL RECORDS BOOK 2530, PAGE 4055; THENCE S.59°01'27"W., ALONG SAID SOUTHERLY LINE FOR 167.63 FEET TO A POINT LYING 1 FOOT, MORE OR LESS, NORTHERLY OF AN EXISTING SEAWALL; THENCE ALONG A LINE PARALLEL TO AND LYING 1 FOOT, MORE OR LESS, NORTHERLY, EASTERLY, SOUTHERLY, WESTERLY AND SOUTHERLY OF SAID SEAWALL AND ALONG THE SOUTHERLY, WESTERLY, NORTHERLY AND EASTERLY LINES OF "PLATINUM POINT" RECORDED IN OFFICIAL RECORDS BOOK 2285, PAGE 3073, OF SAID PUBLIC RECORDS THE FOLLOWING COURSES, N.74°24'52"W., FOR 43.06 FEET; THENCE S.60°23'18"W., FOR 670.00 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 367.29 FEET, A CENTRAL ANGLE OF 25°47'39", A CHORD BEARING OF S.73°17'07"W. AND A CHORD LENGTH OF 253.24 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 255.39 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 201.66 FEET, A CENTRAL ANGLE OF 68°15'43", A CHORD BEARING OF N.59°41'11"W. AND A CHORD LENGTH OF 226.30 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 240.26 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 150.88 FEET, A CENTRAL ANGLE OF 40°34'00", A CHORD BEARING OF N.45°50'20"W. AND A CHORD LENGTH OF 104.61 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 106.82 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 705.31 FEET, A CENTRAL ANGLE OF 32°47'52", A CHORD BEARING OF N.49°43'24"W. AND A CHORD LENGTH OF 398.25 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 403.74 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 193.85 FEET, A CENTRAL ANGLE OF 51°50'51", A CHORD BEARING OF N.59°14'53"W. AND A CHORD LENGTH OF 169.49 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 175.41 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 261.77 FEET, A CENTRAL ANGLE OF 91°27'30", A CHORD BEARING OF N.39°26'34"W. AND A CHORD LENGTH OF 374.87 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 417.84 FEET TO THE END OF SAID CURVE; THENCE N.08°31'27"E., FOR 218.67 FEET; THENCE N.11°26'16"E., FOR 180.68 FEET; THENCE N.15°16'05"E., FOR 415.80 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 169.21 FEET, A CENTRAL ANGLE OF 26°39'01", A CHORD BEARING OF N.28°35'36"E. AND A CHORD LENGTH OF 78.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 78.71 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 290.79 FEET, A CENTRAL ANGLE OF 74°47'26", A CHORD BEARING OF N.79°18'50"E. AND A CHORD LENGTH OF 353.20 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 379.59 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 321.96 FEET, A CENTRAL ANGLE OF 21°23'47", A CHORD BEARING OF S.52°33'04"E. AND A CHORD LENGTH OF 120.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 120.70

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PAGE 2 OF 4

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COMMUNITY DEVELOPMENT



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## CONTINUED FROM PAGE 3

FEET TO THE END OF SAID CURVE; THENCE S.41°49'58"E., FOR 531.66 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 130.24 FEET, A CENTRAL ANGLE OF 41°39'39", A CHORD BEARING OF S.21°00'09"E. AND A CHORD LENGTH OF 92.63 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 94.70 FEET TO THE END OF SAID CURVE; THENCE S.00°25'38"W., FOR 390.84 FEET; THENCE S.89°37'03"E., FOR 671.06 FEET; THENCE, DEPARTING FROM SAID SEAWALL AND SAID "PLATINUM POINT", S.00°22'56"W., FOR 153.40 FEET; THENCE N.59°00'18"E., FOR 93.70 FEET; THENCE N.00°22'56"E., FOR 104.61 FEET TO A POINT ON THE WESTERLY LINE OF "THE TIDES CONDOMINIUM" AS RECORDED IN OFFICIAL RECORDS BOOK 2163, PAGE 170, OF SAID PUBLIC RECORDS AND A POINT LYING 1 FOOT MORE OR LESS, EASTERLY OF AN EXISTING SEAWALL; THENCE ALONG THE WEST LINE OF SAID CONDOMINIUM AND THE WEST LINE OF "MARINA TOWERS CONDOMINIUM" AS RECORDED IN OFFICIAL RECORDS BOOK 1948, PAGE 145 OF SAID PUBLIC RECORDS AND ALONG A LINE PARALLEL TO AND LYING 1 FOOT EASTERLY AND NORTHERLY OF SAID SEAWALL THE FOLLOWING COURSES, N.00°37'38"E., FOR 561.62 FEET; THENCE N.89°35'57"W., ALONG THE SOUTH LINE OF SAID "MARINA TOWERS CONDOMINIUM" AND THE SOUTH LINE OF "MARINA NORTH SHORE CONDOMINIUM" AS RECORDED IN CONDOMINIUM BOOK 8, PAGE 257 OF SAID PUBLIC RECORDS FOR 578.17 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 88.76 FEET, A CENTRAL ANGLE OF 50°52'35", A CHORD BEARING OF N.64°09'40"W. AND A CHORD LENGTH OF 76.25 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 78.81 FEET TO THE END OF SAID CURVE; THENCE N.38°52'47"W., FOR 112.30 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 872.33 FEET, A CENTRAL ANGLE OF 11°48'00", A CHORD BEARING OF N.44°46'47"W. AND A CHORD LENGTH OF 179.34 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 179.65 FEET TO THE END OF SAID CURVE; THENCE N.50°56'21"W., ALONG THE SOUTHERLY LINE OF "DIAMOND PARK" AS RECORDED IN PLAT BOOK 54, PAGES 80 AND 81 OF SAID PUBLIC RECORDS THE FOLLOWING COURSES FOR 135.77 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 835.62 FEET, A CENTRAL ANGLE OF 12°19'51", A CHORD BEARING OF N.57°06'16"W. AND A CHORD LENGTH OF 179.49 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 179.84 FEET TO THE END OF SAID CURVE; THENCE N.63°21'27"W., FOR 102.89 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 388.19 FEET, A CENTRAL ANGLE OF 50°54'54", A CHORD BEARING OF N.88°48'54"W. AND A CHORD LENGTH OF 333.72 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 344.96 FEET TO THE END OF SAID CURVE; THENCE S.66°15'19"W., ALONG THE SOUTH LINE OF THE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2957 PAGE 2746, SAID PUBLIC RECORDS FOR 33.62 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL AND THE SOUTHEAST CORNER OF THE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 3245, PAGE 3175 OF SAID PUBLIC RECORDS AND BEING A POINT ON A CURVE TO THE LEFT, HAVING: A RADIUS OF 387.54 FEET, A CENTRAL ANGLE OF 04°08'10", A CHORD BEARING OF S.58°28'57"W. AND A CHORD LENGTH OF 27.97 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 27.98 FEET TO THE END OF SAID CURVE; THENCE S.49°03'29"W., FOR 58.31 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE DEPARTING FROM SAID SEAWALL N.41°50'54"W., FOR 17.65 FEET TO THE NORTHWEST CORNER OF SAID PARCEL AND THE SOUTHWEST CORNER OF LOT 9 OF SAID "DIAMOND PARK"; THENCE ALONG THE WESTERLY LINE OF SAID LOT 9, THE FOLLOWING COURSES, N.39°21'06"W., FOR 38.60 FEET; THENCE N.01°20'27"W., FOR 193.86 FEET; THENCE N.37°47'30"E., FOR 110.00 FEET; THENCE DEPARTING FROM SAID LOT 9 S.59°53'43"W., FOR 137.28 FEET TO A POINT ON THE WESTERLY LINE OF SAID TRACT "C"; THENCE ALONG SAID WESTERLY LINE THE FOLLOWING COURSES S.16°44'33"W., FOR 515.42 FEET; THENCE S.23°51'46"W., FOR 305.62 FEET; THENCE S.01°48'25"W., FOR 695.54 FEET; THENCE S.10°29'40"W.,

PAGE 3 OF 4

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COMMUNITY DEVELOPMENT



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FOR 418.58 FEET TO A POINT LYING 1 FOOT, MORE OR LESS, SOUTHERLY OF AN EXISTING SEAWALL; THENCE DEPARTING FROM SAID WESTERLY LINE AND ALONG THE NORTHERLY LINE OF "MARINA SOUTH SHORE CONDOMINIUM" RECORDED IN OFFICIAL RECORDS BOOK 1432 PAGE 0278 AND THE WESTERLY EXTENSION THEREOF, AND ALONG A LINE LYING 1 FOOT, MORE OR LESS, SOUTHERLY OF AND PARALLEL TO AN EXISTING SEAWALL, THE FOLLOWING COURSES N.76°24'19"E., FOR 201.49 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 253.73 FEET, A CENTRAL ANGLE OF 16°47'37", A CHORD BEARING OF N.84°48'08"E. AND A CHORD LENGTH OF 74.10 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 74.37 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 453.03 FEET, A CENTRAL ANGLE OF 11°02'37", A CHORD BEARING OF S.81°16'45"E. AND A CHORD LENGTH OF 87.19 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 87.32 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 570.11 FEET, A CENTRAL ANGLE OF 20°59'54", A CHORD BEARING OF S.65°15'29"E. AND A CHORD LENGTH OF 207.77 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 208.94 FEET TO THE END OF SAID CURVE; THENCE S.53°54'52"E., FOR 271.10 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 1927.30 FEET, A CENTRAL ANGLE OF 09°54'41", A CHORD BEARING OF S.58°52'12"E. AND A CHORD LENGTH OF 332.98 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 333.39 FEET TO THE POINT OF COMPOUND CURVE OF A CURVE TO THE LEFT HAVING A RADIUS OF 2250.36 FEET, A CENTRAL ANGLE OF 01°39'50", A CHORD BEARING OF S.64°39'28"E., AND A CHORD LENGTH OF 65.35 FEET, THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 65.35 FEET TO THE END OF SAID CURVE; THENCE S.65°42'09"E., FOR 105.15 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 134.05 FEET, A CENTRAL ANGLE OF 02°25'45", A CHORD BEARING OF S.64°29'17"E. AND A CHORD LENGTH OF 5.68 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 5.68 FEET TO THE END OF SAID CURVE AND THE NORTHEAST CORNER OF SAID CONDOMINIUM; THENCE S.00°24'02"W., ALONG THE EAST LINE OF SAID CONDOMINIUM FOR 448.64 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST, AS RECORDED ON THE PLAT OF PUNTA GORDA ISLES, SECTION 22, HAVING AN ASSUMED BEARING OF N.00°33'26"E.

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AUG 13 2003

COMMUNITY DEVELOPMENT

CDA 2007-00054

This instrument prepared by  
and should be returned to:  
Kenneth Y. Gordon, Esquire  
WCI Communities, Inc.  
24301 Walden Center Drive  
Bonita Springs, FL 34134

Parcel I.D. No.(s): 01-43-22-00-00004.0000  
01-43-22-01-0000C.0000

INSTR # 6626724  
OR BK 04575 Pgs 3316 - 3320; (5pgs)  
RECORDED 02/01/2005 12:51:04 PM  
CHARLIE GREEN, CLERK OF COURT  
LEE COUNTY, FLORIDA  
RECORDING FEE 44.00  
DEED DOC 2,275.00  
DEPUTY CLERK C Keller

### SPECIAL WARRANTY DEED

(5) THIS SPECIAL WARRANTY DEED, made as of this 27<sup>th</sup> day of January, 2005, by and between WCI COMMUNITIES, INC., a Delaware corporation, successor by merger of BSM Marina, Inc., a Florida corporation (the "Grantor"), whose mailing address is 24301 Walden Center Drive, Bonita Springs, Florida 34134 and REALMARK BURNT STORE MARINA, LLC, a Florida limited liability company, whose mailing address is 1900 Lagoon Lane, Cape Coral, Florida 33914 (the "Grantee").

(wherever used herein the terms "Grantors" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns, assigns of individuals, and the successors and assigns of corporation).

#### WITNESSETH:

That Grantor, for and in consideration of the sum of Ten and No/100 U.S. Dollars (\$10.00) to it in hand paid by Grantee, the receipt whereof is hereby acknowledged, hereby grants, bargain, conveys and sells to Grantee the following described land (the "Property"), situate, lying and being in the County of Lee, State of Florida, to wit:

A tract or parcel of land located in Section 1, Township 43 South, Range 22 East, being a part of Tract "C", Punta Gorda Isles, Section 22, Plat Book 28, Page 118, Lee County Public Records, and being more particularly described on Exhibit "A" attached hereto and made a part hereof.

Together with all easements, tenements, hereditaments, and appurtenances pertaining thereto.

TO HAVE AND TO HOLD the same in fee simple forever.

This conveyance is made subject to, and by acceptance of this Deed, Grantee accepts this conveyance subject to the following:

1. General taxes and assessments for 2005 and subsequent years;
2. Zoning and other regulatory laws and ordinances affecting the Property; and
3. Covenants, conditions, limitations, restrictions, reservations and easements of record and described in Exhibit "B" attached hereto made a part hereof.

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4. The restriction hereby imposed on the Property that no portion of the Property shall be used for residential purposes from the date hereof continuing to and ending on January 1, 2010 and the Property shall be used for commercial use and commercial purposes only from the date hereof continuing to and ending on January 1, 2010. As restricted hereby, the Property shall be limited to commercial use only and for no other purposes for the period commencing the date hereof and ending on January 1, 2010.

AND Grantor does hereby specially warrant the title to the Property, and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but none other.

IN WITNESS WHEREOF, Grantor has caused these presents to be signed in its name and on the day and year first above written.


Signed, Sealed and Delivered  
in the presence of:

  
Print Name: Dianna M. Lutz

  
Print Name: SANDRA L. CARPENTER

WCI COMMUNITIES, INC., a Delaware corporation

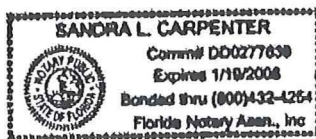
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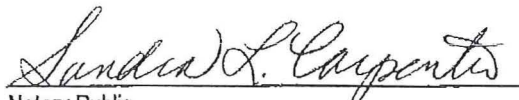
  
Stefan O. Johansson  
Its: Vice President

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing Special Warranty Deed was acknowledged before me this 27<sup>th</sup> day of January 2005, by Stefan O. Johansson, as Vice President of WCI Communities, Inc., a Delaware corporation, on behalf of the corporation. He is personally known to me or has produced his \_\_\_\_\_, as identification.

(AFFIX NOTARY SEAL)



  
Notary Public  
Print Name: SANDRA L. CARPENTER  
My Commission Expires: 1/19/2008

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EXHIBIT "A"  
LEGAL DESCRIPTION

A tract or parcel of land situated in the State of Florida, County of Lee, lying in Section 1, Township 43 South, Range 22 East, being a part of Tract "C", Punta Gorda Isles, Section Twenty-Two, Plat Book 28, Page 118, Lee County Public Records, and being further bounded and described as follows:

Commencing at the Southeast corner of said Section 1; thence N 00°33'37" E, along the East line of said Section 1, for 830.00 feet to the Southeast corner of Tract "I", as described in Official Records Book 2285, Page 3073, said Public Records; thence N 89°35'44" W, along the South line of said Tract "I", for 1208.39 feet; thence N 00°24'02" E, for 110.08 feet; thence S 89°35'58" E, along the North line of an ingress-egress easement as described in Official Records Book 1554, Page 942, said Public Records, for 260.82 feet to the Point of Beginning; thence N 00°24'02" E, for 112.24 feet; thence N 89°33'59" W, for 101.51 feet; thence N 00°26'01" E, for 128.93 feet; thence S 89°33'59" E for 117.82 feet; thence S 01°28'31" W, for 14.10 feet to the beginning of a curve to the right; having a radius of 133.42 feet, a central angle of 17°03'03", a chord bearing and distance of S 10°00'02" W, 39.56 feet; thence along the arc of said curve, an arc length of 39.70 feet to a point of reverse curvature; having a radius of 191.85 feet, a central angle of 18°07'32", a chord bearing and distance of S 09°27'48" W, 60.44 feet; thence along the arc of said curve, an arc length of 60.69 feet; thence leaving said curve S 89°36'07" E, for 308.01 feet; thence S 00°24'02" W, for 128.39 feet; thence N 89°35'58" W, along said North line of an ingress-egress easement as described in Official Records Book 1554, Page 942, for 308.01 feet to the Point of Beginning.

Bearings are based on the East line of Section 1 as bearing N 00° 33'37" E.

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EXHIBIT "B"  
PERMITTED EXCEPTIONS

1. Terms, covenants, conditions, restrictions, easements, assessments and possible liens created by and set forth in the Declaration recorded in Official Records Book 1233, Page 975 and Amendments recorded in Official Records Book 1333, Page 115; Official Records Book 1644, Page 1159 and Official Records Book 1809, Page 2339 and Assignment of Developers Rights recorded in Official Records Book 2259, Page 1641 and Official Records Book 2285, Page 3137, of the Public Records of Lee County, Florida.
2. Terms, covenants, conditions, restrictions, easements, assessments and possible liens created by and set forth in the Declaration recorded in Official Records Book 1432, Page 249 and Amendments recorded in Official Records Book 1683, Page 206; Official Records Book 1665, Page 4512; Official Records Book 2902, Page 2682 and Official Records Book 3192, Page 3468 and Assignment of Developers Rights recorded in Official Records Book 2259, Page 1641, of the Public Records of Lee County, Florida.
3. Assignment of Developers Rights recorded in Official Records Book 2237, Page 1828, Public Records of Lee County, Florida.
4. Agreement Regarding Developers Rights recorded in Official Records Book 2285, Page 3118, Public Records of Lee County, Florida.
5. Agreement between the State of Florida Department of Community Affairs and Punta Gorda Isles, Inc., recorded in Official Records Book 1849, Page 582, Public Records of Lee County, Florida.
6. Agreement between The State of Florida, Department of Community Affairs and Burnt Store Improvement Co., Inc., recorded in Official Records Book 1897, Page 3644, Public Records of Lee County, Florida.
7. Oil, gas and mineral rights reserved to previous owner of the fee simple title to lands insured herein, as evidenced by that certain Deed as recorded in Deed Book 197, Page 289, Public Records of Lee County, Florida.
8. Oil, gas and mineral rights reserved to previous owner of the fee simple title to lands insured herein, as evidenced by that certain Deed as recorded in Official Records Book 696, Page 416, Public Records of Lee County, Florida.
9. Reservation of Easement by Burnt Store Marina, Inc. more particularly set forth in Official Records Book 1537, Page 226, and Amendments recorded in Official Records Book 1683, Page 204, Official Records Book 2285, Page 3118, and Official Records Book 3344, Page 2887, Public Records of Lee County, Florida.
10. Non-exclusive ingress and egress easement granted to Marina South Shore Condominium recorded in Official Records Book 1554, Page 942, Public Records of Lee County, Florida.
11. Non-exclusive ingress and egress easement granted to Keel Club Condominium recorded in Official Records Book 1690, Page 2654, Public Records of Lee County, Florida.
12. Easement granted to Lee County Electric Cooperative by instrument recorded in Official Records Book 2008, Page 2591, Public Records of Lee County, Florida.
13. Easement granted to Lee County Electric Cooperative by instrument recorded in Official Records Book 2014, Page 3418, Public Records of Lee County, Florida.
14. Easement granted to United Telephone by instrument recorded in Official Records Book 2049, Page 3147, Public Records of Lee County, Florida.
15. Easement Agreement between Sun City Center Corp. and Marina Towers Company, Inc. and Marina Towers Condominium Association, Inc., recorded in Official Records Book 2355, Page 3777 and Amendments recorded in Official Records Book 2971, Page 346 and Official Records Book 2984, Page 1765, Public Records of Lee County, Florida.

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16. Declaration and Grant of Easements recorded in Official Records Book 2772, Page 2889 and Amendments recorded in Official Records Book 3231, Page 1682, Public Records of Lee County, Florida.
17. Declaration of Covenants, Conditions and Restrictions for Prosperity Point recorded in Official Records Book 2772, Page 2934, and Amendments recorded in Official Records Book 3383, Page 1797, Official Records Book 3392, Page 1315 and Official Records Book 3650, Page 2507, Public Records of Lee County, Florida.
18. Water and Sewer Service Agreement between Southern States Utilities, Inc. and Florida Design Communities recorded in Official Records Book 2781, Page 2098, Public Records of Lee County, Florida.
19. Agreement to Grant and Convey Perpetual Easement recorded in Official Records Book 3030, Page 4071, Public Records of Lee County, Florida.
20. Notice of Development Order Approval recorded in Official Records Book 2508, Page 2603, Public Records of Lee County, Florida.
21. Declaration of Grant of Easements and Declaration of Restrictions recorded in Official Records Book 3020, Page 2791, Public Records of Lee County, Florida.
22. Declaration of Covenants and Restrictions recorded in Official Records Book 3023, Page 220, Public Records of Lee County, Florida.
23. Matecumbe Key Access Easement Agreement recorded in Official Records Book 3344, Page 2874, Public Records of Lee County, Florida.
24. Rights of tenants, lessees and other parties in possession not shown by the public records.
25. 20 foot Access and Utility Easement recorded in Official Records Book 3344, Page 2817, Public Records of Lee County, Florida.
26. Parking and Access Agreement recorded in Official Records Book 3344, Page 2827, Public Records of Lee County, Florida.
27. Access Easement Agreement recorded in Official Records Book 3344, Page 2851, Public Records of Lee County, Florida.
28. Resolution No. 04-04-23 recorded in Official Records Book 4287, Page 1793, Public Records of Lee County, Florida.
29. Easement recorded in Official Records Book 4287, Page 1800, Public Records of Lee County, Florida.
30. Second Amendment recorded in Official Records Book 4291, Page 4773, Public Records of Lee County, Florida.
31. Second Amendment recorded in Official Records Book 4291, Page 4778, Public Records of Lee County, Florida.
32. Access Easement recorded in Official Records Book 4307, Page 1374, Public Records of Lee County, Florida.
33. Assignment and Assumption of Grantor's Rights recorded in Official Records Book 4345, Page 3251, Public Records of Lee County, Florida.
34. Conveyance of roads and other areas by Quit Claim Deed recorded in Official Records Book 4345, Page 3266, Public Records of Lee County, Florida.

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**TRAFFIC CIRCULATION ANALYSIS**  
**PREPARED FOR A**  
**COMPREHENSIVE PLAN AMENDMENT**  
**FOR**  
**BURNT STORE MARINA**

**PROJECT NO. F0709.18**

**PREPARED BY:**  
**TR Transportation Consultants, Inc.**  
13881 Plantation Road, Suite 11  
Fort Myers, Florida 33912-4339  
(239) 278-3090

September 27, 2007

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**QJA**  
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## CONTENTS

- I. INTRODUCTION
- II. EXISTING CONDITIONS
- III. PROPOSED PLAN AMENDMENT
- IV. IMPACTS OF PROPOSED PLAN AMENDMENT
- V. CONCLUSION

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## I. INTRODUCTION

TR Transportation Consultants, Inc. has conducted a traffic circulation analysis pursuant to the requirements outlined in the application document for Comprehensive Plan Amendment requests. The analysis will examine the impact of the requested land use change from Rural to a site specific land use designation to be titled 'Burnt Store Marina Village'. The subject site is located within the Burnt Store Marina development located along the west side of Burnt Store Road at the Lee County/Charlotte County line in Lee County, Florida.

The following report will examine the impacts of changing the future land use category from the existing land use (Rural) to a new site specific land use designation to be titled 'Burnt Store Marina Village'.

## II. EXISTING CONDITIONS

The subject site currently contains the Burnt Store Marina mixed use development. The subject site is bordered by the Charlotte County line on the north, Burnt Store Road on the east, the Gulf of Mexico on the west and residential and open lands to the south.

**Burnt Store Road** is a two-lane undivided roadway that extend from within Charlotte County south to Pine Island Road, where it becomes Veterans Parkway. Burnt Store Road has a posted speed limit of 55 mph and is under the jurisdiction of the Lee County Department of Transportation. The 2030 Financially Feasible Highway Plan indicates this roadway to be a four lane facility in the future.

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### III. PROPOSED PLAN AMENDMENT

The proposed Comprehensive Plan Amendment would change the future land use designation on the subject site from the existing Suburban, Industrial Development, Urban Community, and Wetlands to a site specific land use designation to be titled 'Burnt Store Marina Village'. The Burnt Store Marina Village area is located within a portion of the property in Burnt Store Marina that was zoned for a mixture of commercial and residential uses in Lee County Resolution Z-77-63. The category is intended to facilitate the redevelopment of the existing marina and commercial area of Burnt Store Marina for an attractive mix of marine, retail, hotel, and office uses that enhances the public use of the waterfront. The following uses are permitted within this category:

- Retail uses, up to a maximum of 150,000 square feet;
- Wet slips, up to a maximum of 525;
- Dry storage spaces, up to a maximum of 775;
- Office space, up to a maximum of 30,000 square feet;
- a maximum of 336 hotel units.

Based on the permitted uses within the approved zoning, the proposed land use designation change would result in an increase in the number of allowable multi-family residential units and hotel units but a decrease in the allowable marina uses. Table 1 highlights the intensity of uses that could be constructed under the existing land use designation and the intensity of uses under the proposed land use designation.

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**Table 1  
Burnt Store Marina Village  
Land Uses**

Existing/Proposed	Land Use Category	Intensity
Existing	Rural	30,000 s.f. Retail
		22,000 s.f. Office (existing)
		981 Boat Slips (Wet & Dry)
		0 Hotel Rooms
Proposed	Burnt Store Marina Village	150,000 s.f. Retail
		30,000 s.f. Office
		1,200 Boat Slips (Wet & Dry)
		336 Hotel Rooms

#### IV. IMPACTS OF PROPOSED PLAN AMENDMENT

The transportation related impacts of the proposed comprehensive plan amendment were evaluated pursuant to the criteria in the application document. This included an evaluation of the long range impact (20-year horizon) and short range (5-year horizon) impact the proposed amendment would have on the existing and future roadway infrastructure.

##### Long Range Impacts (20-year horizon)

The Lee County Metropolitan Planning Organization's (MPO) recently updated 2030 long range transportation travel model was reviewed to determine the impacts the amendment would have on the surrounding area. The subject site lies within Traffic Analysis Zone (TAZ) 827. Table 3 identifies the land uses currently contained in the long range travel model utilized by the MPO and Lee County for the Long Range Transportation Analysis.

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**Table 3  
TAZ 827**

**Land Uses in Existing 2030 Travel Model**

Land Use Category	Intensity
Single Family Homes	148 residential units
Multi-Family Homes	395 residential units
Hotel Units	37 rooms

TAZ 827 generally includes the area within Burnt Store Marina on the west side of the property. The TAZ boundaries basically follows the coastline on the west, the Burnt Store Marina property line on the south, then northward along Matecumbe Key Road, then east and north along Cape Cole Boulevard to the northern boundary of Burnt Store Marina then back west to the Gulf Coast. This TAZ represents less than ½ the land area included in the overall Burnt Store Marina development. The uses within the TAZ currently consist of single family homes, multi-family homes, the marina and the supporting retail uses and restaurants. The property subject to the Comprehensive Plan Amendment is included in TAZ 827 but only a portion of that land area. The application documents indicate which property within the Burnt Store Marina is subject to this Map Amendment.

Based on the comparison of the existing uses on the property and the uses proposed in the Map Amendment, there will not be a substantial increase in trip generation with the proposed change. The retail uses will primarily include restaurants and shops that will support the boating industry and the marina uses. These uses are located approximately one (1) mile from Burnt Store Road and are located within the gated community of Burnt Store Marina. The uses will be open to the public but are not along a major thoroughfare such as similar retail and restaurant establishments in Lee County.

The proposed Comprehensive Plan Amendment is anticipated to add 336 hotel units, 120,000 square feet of commercial uses, 219 additional boat slips and 8,000 square feet of additional office space. **Table 4** indicates the ITE trip generation for these additional uses.

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Page 4

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**Table 4  
ITE Trip Generation for Additional Uses within TAZ 827**

<b>Land Use</b>	<b>Weekday P.M. Peak Hour Trips</b>
Retail	310
Boat Slips	42
Hotel Units	228
Office	12
<b>Total Additional Trips</b>	<b>592</b>

As previously noted, the majority of these trips will be internal to the project. With the added trips to the roadway network in 2030 will not create a significant impact to the roadway network. The 2030 traffic volumes in the Financially Feasible Highway Plan are shown to be approximately 39,848 Peak Season Weekday Daily Traffic (PSWDT). This converts into an Annual Average Daily Traffic (AADT) of approximately 33,960 vehicles. Based on the appropriate K-100 and D factors for this area (Permanent Count Station #12), the peak season, peak hour, peak direction volume on this segment of Burnt Store Road is approximately 1,760. Assuming an internal capture of approximately forty percent (40%) of the trips shown in Table 4 and converting the "new" trips to directional trips, the projected peak hour, peak direction volume on Burnt Store Road would be approximately 1,970 vehicles. This is less than the Generalized Service Volume for Controlled Access Facilities, which is 2,030 vehicles. It is anticipated, based on recent studies conducted by Lee County, that the Burnt Store Road corridor will be developed as a limited access facility and have a similar "Controlled Access" designation as does Veterans Parkway does south of S.R. 78.

**Short Range Impacts (5-year horizon)**

The Lee County Capital Improvement Program (CIP) for Fiscal Year 2007 to 2012 was reviewed, as well as the FDOT Work Program for Fiscal Year 2007/2008 to 2011/2012 in order to determine the short term impacts the proposed land use change would have on the surrounding roadways.

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The only improvement in the vicinity of the subject site included in either the Lee County CIP or FDOT Work Program is the funding for Right-of-Way acquisition for the Burnt Store widening project from Van Buren Street south to S.R. 78. No construction funding is identified at this time for this improvement. The most recent Lee County Concurrency Management Report indicates that Burnt Store Road, in the vicinity of Burnt Store Marina, has a current capacity of 1,010 vehicles in the peak hour, peak direction. The current volume (2006 100<sup>th</sup> Highest Hour) was 316 trips, operating at a Level of Service "C".

#### **Recommendations to the Long Range Transportation Plan**

Based on this analysis, none of the roadway segments analyzed are shown to operate within the adopted Level of Service standard in the year 2030. Therefore no changes to the Lee County MPO Long Range Transportation Plan will be warranted as a result of this analysis.

#### **V. CONCLUSION**

The proposed Comprehensive Plan Amendment is to modify the future land use designation on the subject site from the existing Rural designation to a site specific land use designation to be titled 'Burnt Store Marina Village'. The subject site is located along Burnt Store Road just south of the County line. An analysis of the 2030 Recommended Long Range Transportation Plan indicates that none of the roadway segments analyzed are anticipated to operate below the adopted Level of Service standard. Therefore no changes to the Lee County MPO Long Range Transportation Plan will be warranted as a result of this analysis.

K:\2007\09\18 Burnt Store Marina Comp Plan\report.9.27.07.doc

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## EXHIBIT B.2.a.

### EXISTING AND FUTURE CONDITIONS ANALYSIS FOR SANITARY SEWER

Charlotte County Utilities maintains service for this area provided by the Burnt Store Water Reclamation Facility. This plant has a maximum capacity of 0.5 MGD, and produces maximum daily flow of 0.268 MGD. The plant does not currently have any plans for expansion. A gravity sewer line exists along Cape Cole Boulevard, which connects to a gravity sewer line along Matecumbe Key Road, adjacent to the proposed project site.

The uses permitted by the existing FLUM (Rural Category) would generate approximately 21,390 GPD (please see attached Existing Sanitary Sewer Usage Table). The breakdown of the proposed uses permitted under the requested FLUM (Burnt Store Marina Village) would generate approximately the following (also please see attached Additional Sanitary Sewer Usage Table):

#### Residential Use

The maximum number of additional residential units (160) permitted by the proposed amendment will adequately be served by the existing potable water facility in accordance with Section 2-46 of the Lee County Land Development Code and Chapter 64E-6 of the Florida Statutes. Utilizing 200 GPD per unit, the total additional residential demand would be 32,000 GPD.

#### Commercial Use

The maximum proposed commercial unit breakdown is as follows: a 295 Seat (12,700 SF) Restaurant utilizing 40 GPD/Seat, 30,000 SF of Retail Space utilizing 0.20 GPD/SF, and 145 Hotel Rooms utilizing 100 GPD/Room. The proposed amendment will adequately be served by the existing potable water facility in accordance with Section 2-46 of the Lee County Land Development Code and Chapters 64E-6 of the Florida Statutes. Using the breakdown above, the total additional commercial demand would be 32,300 GPD.

The addition of the proposed residential and commercial uses in the requested FLUM (Burnt Store Marina Village) would generate approximately a total of 64,300 GPD and will be adequately served by the existing plant capacity.

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## EXHIBIT B.2b.

### EXISTING AND FUTURE CONDITIONS ANALYSIS FOR POTABLE WATER

Charlotte County Utilities maintains service for this area provided by the Burnt Store Reverse Osmosis Treatment Plant. This plant has a maximum capacity of 1.127 MGD, and produces maximum daily flow of 0.688 MGD. The plant is currently planned for an expansion, which will be completed in the next 12 months and triple its size. A 10" water main exists along Cape Cole Boulevard, which reduces to an 8" water main along Matecumbe Key Road, adjacent to the proposed project site.

The uses permitted by the existing FLUM (Rural Category) would generate approximately 21,390 GPD (please see attached Existing Potable Water Usage Table). The breakdown of the proposed uses permitted under the requested FLUM (Burnt Store Marina Village) would generate approximately the following (also please see attached Additional Potable Water Usage Table):

#### Residential Use

The maximum number of additional residential units (160) permitted by the proposed amendment will adequately be served by the existing potable water facility in accordance with Section 2-46 of the Lee County Land Development Code and Chapter 64E-6 of the Florida Statutes. Utilizing 200 GPD per unit, the total additional residential demand would be 32,000 GPD.

#### Commercial Use

The maximum proposed commercial unit breakdown is as follows: a 295 Seat (12,700 SF) Restaurant utilizing 40 GPD/Seat, 30,000 SF of Retail Space utilizing 0.20 GPD/SF, and 145 Hotel Rooms utilizing 100 GPD/Room. The proposed amendment will adequately be served by the existing potable water facility in accordance with Section 2-46 of the Lee County Land Development Code and Chapters 64E-6 of the Florida Statutes. Using the breakdown above, the total additional commercial demand would be 32,300 GPD.

The addition of the proposed residential and commercial uses in the requested FLUM (Burnt Store Marina Village) would generate approximately a total of 64,300 GPD and will be adequately served by the existing plant capacity.

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TABLE 1

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**EXISTING SANITARY SEWER/POTABLE WATER USAGE TABLE** COMMUNITY DEVELOPMENT

The existing uses under the current land use category will generate approximately 21,390 GPD. The breakdown for existing water and sewer usage is as follows:

Water and Sewer Usage		Gallons Per Day (GPD)
Existing Retail Space = 7,700 SF x 0.20 GPD/SF	=	1,540
Existing Restaurant Space = 440 Seats x 40 GPD/Seat (10,300 SF – 440 Seats)	=	17,600
Existing Office Space = 15,000 SF x 0.15 GPD/SF	=	2,250
<b>Total Existing Usage</b>	=	<b>21,390</b>

**COMBINED SANITARY SEWER/POTABLE WATER USAGE TABLE**

The combination of the existing and additional usages under the new land use category will generate approximately 84,550 GPD. The breakdown for combined water and sewer usages is as follows:

Water and Sewer Usage		Gallons Per Day (GPD)
New Hotel Units = 145 Rooms x 100 GPD/Room	=	14,500
Total Retail Space = 32,000 SF x 0.20 GPD/SF	=	6,400
Total Restaurant Space = 735 Seats x 40 GPD/Seat (23,000SF – 735 Seats)	=	29,400
New Multi-Family Residential Units = 160 Units x 200 GPD/Unit	=	32,000
Existing Office Space = 15,000 SF x 0.15 GPD/SF	=	2,250
<b>Total Combined Usage</b>	=	<b>84,550</b>

**ADDITIONAL SANITARY SEWER/POTABLE WATER USAGE TABLE**

The additional uses proposed under the new land use category will generate approximately 63,160 GPD. The breakdown for additional water and sewer usage is as follows:

Water and Sewer Usage		Gallons Per Day (GPD)
New Hotel Units = 145 Rooms x 100 GPD/Room	=	14,500
New Retail Space = 23,000 SF x 0.20 GPD/SF	=	4,860
New Restaurant Space = 295 Seats x 40 GPD/Seat (12,700 SF – 295 Seats)	=	11,800
New Multi-Family Residential Units = 160 Units x 200 GPD/Unit	=	32,000
<b>Total Additional Usage</b>	=	<b>63,160</b>

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# Charlotte County Government

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June 25, 2008

JUN 27 2008

Bill Edwards, P.E.  
Avalon Engineering, Inc.  
2503 Del Prado Blvd. South, Suite 200  
Cape Coral, FL 33904

Re: Water and Sewer Availability to: 3140-3200 Matecumbe Key Road  
01-43-22-00-0000C.0010

Dear Mr. Edwards:

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2007-00054

This letter is to confirm our understanding relative to the availability of water and sewer to the above referenced site locations.

Potable Water, Sewer and Reclaimed Water may be made available to this site upon Extension of the Water Distribution and Wastewater Collection System and Execution of an Agreement with the Owner/Developer and Charlotte County Utilities as per the Uniform Extension Policy and upon fulfillment of each of the following conditions:

1. Owner/Developer shall be solely responsible for the design, funding, construction and installation of all required on-site and off-site water and sewer facilities necessary to provide service to Owner/Developer's site location, which may include up-grading existing water and sewer facilities in the area.
2. Owner/Developer shall secure all necessary regulatory approvals.
3. All Utility plans must be reviewed and approved by Charlotte County Utilities.
4. A Utility Agreement is fully executed by both parties and all appropriate capacity/connection fees are paid prior to the commencement of construction of any water and sewer facilities.
5. Sufficient water and sewer plant capacity exists at the time of connection.

No commitment expressed or implied shall be construed by this letter, nor shall one exist until appropriate utility agreements has been fully executed by both parties and all fees paid, and necessary approvals by all of the required regulatory bodies have been obtained. This letter of confirmation is valid for 6 months from the date of this letter.

Sincerely,

Alex Cegerenko  
Engineering Project Manager

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COMMUNITY DEVELOPMENT cc: File / CHRONO

Administration | Business Services | Community Relations  
Engineering Services | Finance | Operations  
25550 Harbor View Road, Suite 1 | Port Charlotte, FL 33980-2503  
Phone: 941.764.4300 | Fax: 941.764.4319





# Charlotte County Government

"To exceed expectations in the delivery of public services."

www.CharlotteCountyFL.com

June 25, 2008

Bill Edwards, P.E.  
Avalon Engineering, Inc.  
2503 Del Prado Blvd. South, Suite 200  
Cape Coral, FL 33904



2007-00054 JUN 27 2008

Re: Water and Sewer Availability to: 3150 Matecumbe Key Road  
01-43-22-00-00004.0000

Dear Mr. Edwards:

This letter is to confirm our understanding relative to the availability of water and sewer to the above referenced site locations.

Potable Water, Sewer and Reclaimed Water may be made available to this site upon Extension of the Water Distribution and Wastewater Collection System and Execution of an Agreement with the Owner/Developer and Charlotte County Utilities as per the Uniform Extension Policy and upon fulfillment of each of the following conditions:

1. Owner/Developer shall be solely responsible for the design, funding, construction and installation of all required on-site and off-site water and sewer facilities necessary to provide service to Owner/Developer's site location, which may include up-grading existing water and sewer facilities in the area.
2. Owner/Developer shall secure all necessary regulatory approvals.
3. All Utility plans must be reviewed and approved by Charlotte County Utilities.
4. A Utility Agreement is fully executed by both parties and all appropriate capacity/connection fees are paid prior to the commencement of construction of any water and sewer facilities.
5. Sufficient water and sewer plant capacity exists at the time of connection.

No commitment expressed or implied shall be construed by this letter, nor shall one exist until appropriate utility agreements has been fully executed by both parties and all fees paid, and necessary approvals by all of the required regulatory bodies have been obtained. This letter of confirmation is valid for 6 months from the date of this letter.

Sincerely,

Alex Cegerenko  
Engineering Project Manager

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AUG 13 2008

COMMUNITY DEVELOPMENT cc: File / CHRONO

UTILITIES

Administration | Business Services | Community Relations  
Engineering Services | Finance | Operations  
25550 Harbor View Road, Suite 1 | Port Charlotte, FL 33980-2503  
Phone: 941.764.4300 | Fax: 941.764.4319



# Charlotte County Government

"To exceed expectations in the delivery of public services."

www.CharlotteCountyFL.com

June 25, 2008

Bill Edwards, P.E.  
Avalon Engineering, Inc.  
2503 Del Prado Blvd. South, Suite 200  
Cape Coral, FL 33904



2007-00054 JUN 27 2008

Re: Water and Sewer Availability to: Matecumbe Key Road  
06-43-23-07-0000A.0000

Dear Mr. Edwards:

This letter is to confirm our understanding relative to the availability of water and sewer to the above referenced site locations.

Potable Water, Sewer and Reclaimed Water may be made available to this site upon Extension of the Water Distribution and Wastewater Collection System and Execution of an Agreement with the Owner/Developer and Charlotte County Utilities as per the Uniform Extension Policy and upon fulfillment of each of the following conditions:

1. Owner/Developer shall be solely responsible for the design, funding, construction and installation of all required on-site and off-site water and sewer facilities necessary to provide service to Owner/Developer's site location, which may include up-grading existing water and sewer facilities in the area.
2. Owner/Developer shall secure all necessary regulatory approvals.
3. All Utility plans must be reviewed and approved by Charlotte County Utilities.
4. A Utility Agreement is fully executed by both parties and all appropriate capacity/connection fees are paid prior to the commencement of construction of any water and sewer facilities.
5. Sufficient water and sewer plant capacity exists at the time of connection.

No commitment expressed or implied shall be construed by this letter, nor shall one exist until appropriate utility agreements has been fully executed by both parties and all fees paid, and necessary approvals by all of the required regulatory bodies have been obtained. This letter of confirmation is valid for 6 months from the date of this letter.

Sincerely,

Alex Cegerenko  
Engineering Project Manager

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cc: File / CHRONO



**EXHIBIT B.2.c.**

**SURFACE WATER / DRAINAGE BASINS**

Burnt Store Marina utilizes multiple drainage basins comprised of existing surface water management systems which include dry detention areas for pretreatment of water runoff and wet detention lakes for rain stage storage during large flood events. The proposed 18.25 acre redevelopment area is part of existing Department of Environmental Protection (DEP) Permits and South Florida Water Management District Permits (SFWMD), which will be required to be modified before Development Order approval. The surface water management systems within the redevelopment area are not expected to increase in size due to the fact that the existing site area has about the same impervious area to pervious area ratio. No Amendments to the Lee Plan will be necessary to redevelop the proposed 18.25 acres.

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**PARKS, RECREATION, AND OPEN SPACE**  
**EXHIBIT B.2.d**

The subject parcel is located within the North Fort Myers Community Park District. The proposed increase of 160 residential units will create a demand for .27 acres of community park acreage in the North Fort Myers District. According to the 2007 Concurrency Inventory, the protected minimum level of service in the North Fort Myers District in 2010 (the latest date shown in the inventory) is approximately 50 acres, while 166 acres of developed parks currently exist. The additional residential units contemplated by the amendment application will not, therefore, create a level of service problem.

The Concurrency Inventory further shows that the County has 6,758 developed acres of regional parks, with a projected future total of 7,351 acres through 2010. The minimum required LOS through 2010 is approximately 4,000 acres. The amendment will create a demand for 2 residential acres (160 units x 2.09 PPH x 6 acres/1000 population) in 2030. Based on the data in the Concurrency Inventory, the amendment will not create an LOS problem.

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## EXHIBIT B.3.a

### INTERLOCAL AGREEMENT

This Interlocal Agreement made and entered into this 15th day of August, 2006, by and between the CITY OF CAPE CORAL, FLORIDA, a municipal corporation, hereinafter "CITY", and the BURNT STORE AREA FIRE SERVICE MUNICIPAL SERVICE TAXING UNIT, an M.S.T.U. established by Lee County pursuant to the authority of Section 125.01, Florida Statutes, hereinafter "UNIT".

WHEREAS, the UNIT was established by Lee County to provide fire protection to the residents of Burnt Store Marina Resort and other unincorporated areas of Lee County; and

WHEREAS, local units of government are authorized, pursuant to the Florida Constitution, Chapters 125, 166, and 163, Part I, Florida Statutes, to enter into interlocal agreements in order to make the most efficient use of their powers by cooperating with each other on a basis of mutual advantage and thereby provide services and facilities in a manner that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities; and

WHEREAS, the CITY is authorized and willing to provide fire protection service to the UNIT.

NOW, THEREFORE in consideration of the mutual covenants and promises contained herein, the parties agree as follows:

#### SECTION 1. SCOPE OF SERVICES

CITY agrees to provide fire protection and prevention services, to the extent that it is physically and feasible to do so, within the area of the UNIT which is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

#### SECTION 2. DEFINITIONS

UNIT shall mean the Burnt Store Area Fire M.S.T.U., a political subdivision of the State of Florida, its officials and employees.

CITY shall mean the City of Cape Coral, Florida, a municipal corporation, its officers and employees.

SERVICES shall mean all services, work, materials, and all related professional, technical, administrative and safety activities that are necessary to perform and complete the tasks required pursuant to the terms and provisions of this Agreement.

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"Services" to be performed by the CITY pursuant to this agreement shall include fire suppression and related services, basic first response rescue, normal fire company level prevention services as assigned and fire inspection services.

### SECTION 3. OBLIGATIONS OF CITY

The obligations of the CITY with respect to all services authorized pursuant to this agreement are as follows:

1. The CITY hereby warrants that the personnel who will perform services for the UNIT pursuant to this agreement are properly certified and qualified to perform said services. CITY further agrees that all services performed pursuant to this agreement will be in accordance with generally accepted standards of professional practice and in accordance with the laws, statutes, ordinances, codes, rules, regulations and requirements of all governmental agencies, which regulate or have jurisdiction over the services to be provided.

2. **LIABILITY.** CITY agrees to indemnify, defend and hold the UNIT harmless from any and all claims, suits, judgments or damages, losses and expenses including court costs, expert witness and professional consultation services, and attorneys' fees arising out of the CITY's errors, omissions, and/or negligence for services related to this agreement. CITY shall not be liable to, nor be required to indemnify the UNIT for any damages arising out of any error, omission, and/or negligence of the UNIT, its employees, agents or representatives. This Section shall not be interpreted to be a waiver of sovereign immunity.

3. **ADDITIONAL SERVICES.** Should the UNIT request the CITY to provide and perform professional services pursuant to this agreement which are not included in the definition of "Services" as provided herein, the CITY agrees to consider providing and performing such ADDITIONAL SERVICES as may be agreed to in writing by both parties to this Agreement.

Such ADDITIONAL SERVICES shall constitute a continuation of the professional services covered under this Agreement and shall be provided and performed in accordance with the covenants, terms and provisions set forth in this Agreement and any amendments thereto.

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ADDITIONAL SERVICES shall be accomplished by one or more amendments to this Agreement. The CITY shall not provide or perform, nor shall the UNIT incur or accept any obligation to compensate the CITY for any ADDITIONAL SERVICES, unless a written Amendment is executed by the parties.

#### **SECTION 4. METHOD OF PAYMENT**

1. This Agreement shall supersede the previous Interlocal Agreement between the parties dated September 27, 1995.

2. ANNUAL FEE. For each year of time during which this agreement is in effect, a millage rate will be levied in the UNIT to pay the CITY for services rendered pursuant to this Agreement. The following formula shall be used to calculate the Annual Fee due to CITY from UNIT for services provided under this Agreement. The Annual Fee shall be based, in part, on the percentage of calls for service from CITY Fire Station Number 7 to property located within the MSTU as compared to the total number of calls for service for CITY Fire Station Number 7 for the preceding calendar year. The Annual Fee shall be based on the annual operating budget for Fire Stations Number 5 and 7. UNIT shall pay its proportionate share of said budget, with the exception of the cost for Fire Inspectors and a Clerk, which shall be paid by UNIT at Fifty percent (50%). For the fiscal year 2006, the total annual fee due to CITY from UNIT shall be Six Hundred Five Thousand Two Hundred Seventy-Seven Dollars and Fifty-Seven Cents (\$605,277.57). A detail showing the calculation of the annual fee for 2006 is attached hereto as Exhibit "B." All costs or fees for the Property Appraiser, the Tax Collector, and the County shall be paid by the UNIT in addition to the agreed upon amount. Payment shall be made each fiscal year on a quarterly basis. The annual fee for each subsequent year of this Agreement shall be adjusted based upon the budget approved by City Council for such year.

3. PAYMENT UPON TERMINATION OF AGREEMENT OR SUSPENSION OF SERVICES. In the event this agreement is terminated by UNIT prior to the expiration of the term hereof, or in the event the UNIT suspends the services being provided by CITY hereunder, UNIT shall compensate CITY through the date of any services rendered, including any termination notice period.

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COMMUNITY DEVELOPMENT

CPA 2007-00054

In the event this agreement is terminated by CITY prior to the expiration of the term hereof, or in the event the CITY suspends the services being provided, payment by UNIT will be made through the end of the month plus a prorated value of any refurbished apparatus based on the IRS discount depreciation schedule.

## **SECTION 5. EQUIPMENT AND FACILITIES**

1. **EQUIPMENT.** All equipment used or purchased shall be owned by the CITY.
2. **FACILITIES.** CITY shall construct and maintain such facilities necessary to providing appropriate levels of service to the UNIT. CITY shall be responsible for all permits, engineering, design, site preparation and construction of any facilities.
3. **NOTIFICATION OF CITY (911 EMERGENCY CALLS).** The UNIT shall ensure that all 911 fire and rescue emergency calls originating within the UNIT are properly routed to the CITY.

## **SECTION 6. ASSIGNMENT AND SUB-CONTRACTS**

CITY shall not assign or transfer any of its rights, benefits or obligations hereunder without the prior written consent of the UNIT. CITY shall not sub-contract any of its service obligations hereunder to third parties without prior written consent of the UNIT. CITY may, subject to the UNIT's prior written approval, employ other persons and/or firms to serve as sub-contractors to CITY in connection with the CITY performing services and work pursuant to the requirements of this Agreement.

## **SECTION 7. INSURANCE**

CITY shall maintain insurance or shall be self-insured to protect itself and UNIT from claims for damages for personal injury, property damage, workers compensation claims, and other claims for damages which may arise out of the performance of this agreement by CITY. This agreement shall not be construed to constitute a waiver of sovereign immunity.

## **SECTION 8. APPLICABLE LAW**

This Agreement shall be governed by the laws, rules and regulations of the State of Florida.

## **SECTION 9. TERM AND TERMINATION**

This Interlocal Agreement shall be for a term of three (3) years, commencing on October 1, 2005 and terminating on September 30, 2008 .

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This Interlocal Agreement shall automatically renew on a yearly basis thereafter. Either Party may, upon written notice, terminate this Interlocal Agreement. Notice of termination must be given not less than three hundred sixty-five (365) days prior to the expiration of any term of this Interlocal Agreement. If this Interlocal Agreement is terminated, the UNIT'S financial obligations will cease from the date of termination.

#### **SECTION 10. AMENDMENTS OR MODIFICATIONS**

The terms and provisions contained in this Agreement may be amended or modified, in writing, by the agreement of both parties. In the event of any conflicts between the requirements, provisions and/or terms of the Agreement and any written amendments(s) or modifications(s), the requirements, provisions and/or terms of the latest executed amendment(s) or modification(s) shall take precedence.

#### **SECTION 11. DUTIES AND OBLIGATIONS**

The duties and obligations imposed upon the CITY by this Agreement and the rights and remedies available hereunder shall be in addition to, and not a limitation of, any otherwise imposed or available by law or statute.

#### **SECTION 12. HEADINGS**

The headings of the Articles, Sections, Exhibits, and Attachments as contained in this Agreement are for the purpose of convenience only and shall not be deemed to expand, limit or change the provisions contained in such Articles, Section, Exhibits and Attachments.

#### **SECTION 13. ACCEPTANCE**

Acceptance of this Agreement shall be indicated by the signature of the duly authorized representatives of the parties in the space provided.

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SECTION 15. FILING

This Agreement shall be filed with the Lee County Clerk of Court by the COUNTY.

IN WITNESS WHEREOF, the parties have executed this Interlocal Agreement effective the day and year first written above.

ATTEST:

LEE COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS

By: Lisa J. Peric  
Deputy Clerk

By: W. Hall  
Chairman

APPROVED AS TO FORM:

By: Andrew H. Fraser  
County Attorney's Office

ATTEST:

CITY OF CAPE CORAL

By: Bonnie J. Vent  
Bonnie J. Vent, City Clerk

By: Eric P. Feichthaler  
Eric P. Feichthaler, Mayor

APPROVED AS TO FORM:

Marilyn W. Miller  
MARILYN W. MILLER  
Assistant City Attorney

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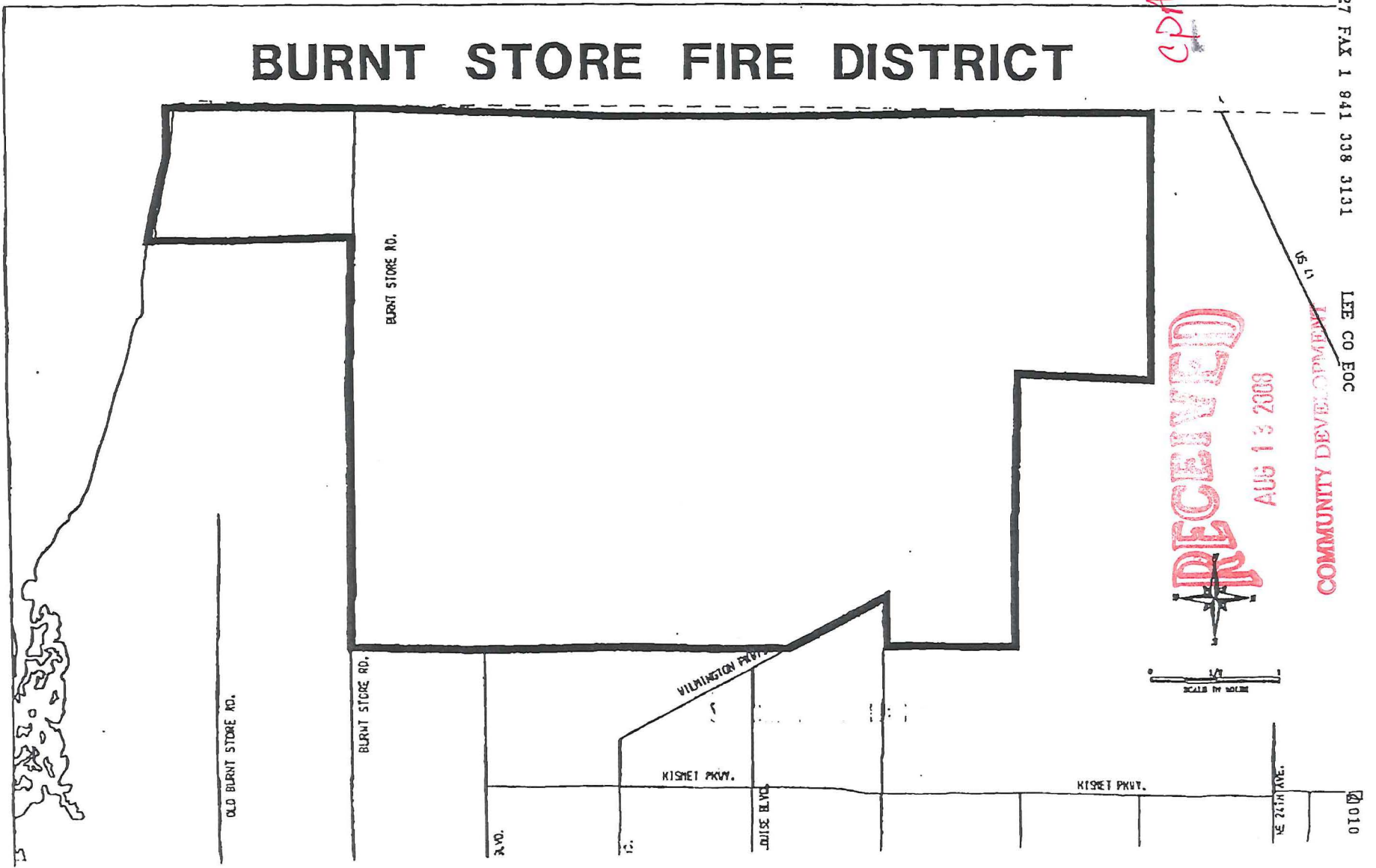
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SCALE IN FEET  
0 1/2 1



# BURNT STORE FIRE DISTRICT



# EXHIBIT B

## MSTU Formula

DATA							
# of calls in Sta. 7	224						
# of Calls in MSTU	167						
Total calls for Sta. 7	391						
% of Calls in MSTU	42.71%						
CAPITAL							
Station 7	\$507,147.00	+	20	Cost	\$25,357.35	42.71% MSTU Portion	\$10,830.38
Truck 7	\$594,149.00	+	10	Cost	\$59,414.90	42.71% MSTU Portion	\$25,376.70
Rescue Boat 7	\$150,000.00	+	10	Cost	\$15,000.00	100.00% MSTU Portion	\$15,000.00
Brush 7	\$80,000.00	+	10	Cost	\$8,000.00	42.71% MSTU Portion	\$3,416.80
						Total Capital Costs	\$54,623.87
PERSONNEL							
Lt's at Sta. 7	\$65,020.80	# of	3	Cost	\$195,062.40	42.71% MSTU Portion	\$83,313.10
Eng's at Sta. 7	\$58,506.24	# of	3	Cost	\$175,518.72	42.71% MSTU Portion	\$74,965.80
FF's at Sta. 7	\$52,515.84	# of	6	Cost	\$315,095.04	42.71% MSTU Portion	\$134,580.23
Insp's at Sta. 7	\$61,089.60	# of	1	Cost	\$61,089.60	50.00% MSTU Portion	\$30,544.80
Clerk	\$30,513.60	# of	1	Cost	\$30,513.60	50.00% MSTU Portion	\$15,256.80
PM Incentive	\$5,980.00	# of	3	Cost	\$17,940.00	42.71% MSTU Portion	\$7,662.35
Total Benefit Costs							\$204,330.62
						Total Personnel Costs	\$550,653.70
Total MSTU Cost With Rescue Boat	\$54,623.87	+	\$550,653.70	=	\$605,277.57		

The annual cost shall be adjusted annually in May utilizing the April report of the Department of Labor, South Region, All Urban Consumers (CPI-U) non-seasonal index based on the published results for March.

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**LEE COUNTY**  
**SOUTHWEST FLORIDA**  
**BOARD OF COUNTY COMMISSIONERS**

EXHIBIT B.3.d.

Bob Janes  
District One

Brian Bigelow  
District Two

Ray Judah  
District Three

Tammy Hall  
District Four

Frank Mann  
District Five

Donald D. Stilwell  
County Manager

David M. Owen  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

June 26, 2008

Ms. Alison M. Stowe  
Knott, Consoer, Ebelini  
Hart & Swett, P.A.  
1625 Hendry Street  
P.O. Box 2449  
Fort Myers, FL 33902-2449

**SUBJECT: Lee Plan Amendment for Burnt Store Marina Village**

Dear Ms. Stowe:

The Lee County Solid Waste Division is capable of providing solid waste collection service for the proposed additional uses requested for the expansion of the Burnt Store Marina Village located on Matecumbe Key Road through our franchised hauling contractors. Disposal of the solid waste from this project will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

The Solid Waste Ordinance (05-13, Section 21) and the Lee County Land Development Code, Chapter 10, Section 10-261 have requirements for providing on-site space for placement and servicing of commercial solid waste containers. Please review these requirements when planning the project. If you have any questions, please call me at (239)533-8000.

Sincerely,

William T. Newman  
Operations Manager  
Solid Waste Division

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**EXHIBIT B.3.e.**

**MASS TRANSIT**

There is no existing or proposed mass transit for the project.

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CPA. 2007-00054





# THE SCHOOL DISTRICT OF LEE COUNTY

2855 COLONIAL BLVD. ♦ FORT MYERS, FLORIDA 33966-1012 ♦ (239) 334-1102 ♦ WWW.LEESCHOOLS.NET

## EXHIBIT B.3.f.

JEANNE S. DOZIER  
CHAIRMAN, DISTRICT 2

JANE E. KUCKEL, PH.D.  
VICE CHAIRMAN, DISTRICT 3

ROBERT D. CHILMONIK  
DISTRICT 1

STEVEN K. TEUBER, J.D.  
DISTRICT 4

ELINOR C. SCRIGGA, PH.D.  
DISTRICT 5

JAMES W. BROWDER, Ed.D.  
SUPERINTENDENT

KEITH B. MARTIN, ESQ.  
BOARD ATTORNEY

June 25, 2008

Ms. Alison Stowe  
Knott, Consoer, Ebelini, Hart & Swett, P.A.  
P.O. Box 2449  
Fort Myers, FL 33902-2449

RE: Realmark Burnt Store Marina Plan Amendment  
Case #: CPA2007-00054

Dear Ms. Stowe:

This letter is in response to your request dated June 23, 2008 for the proposed Realmark Burnt Store Marina Plan Amendment project for the comments with regard to educational impacts. This project is located in the West Zone, Sub Zone W2.

The Developers request states the proposed site will consist of a marina, restaurant and other commercial uses as well as 160 multi-family residential units. The commercial use would have no impact; however the 160 multi-family units would generate 20 additional school-aged children and is calculated at .125 per unit.

Thank you for your attention to this issue. If I may be of further assistance, please call me at (239) 479-5661.

Sincerely,

Dawn Gordon, Community Development Planner  
Planning Department

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CPA 2007-00054

**Environmental Impacts**  
**EXHIBIT C**

The proposed marina village parcel includes three communities that could potentially be utilized by listed species. The marina water body (FLUCCS 184) could potentially be utilized by the West Indian Manatee. The mangroves swamp (FLUCCS 612) and tropical hardwoods (FLUCCS 426) have the potential to be utilized by listed wading birds for foraging and/or nesting. The proposed land use change is not anticipated to affect these species as no development activities would occur within the mangrove and tropical hardwoods communities. The proposed additional dry slips and minor marina basin modifications are not anticipated to negatively affect manatees as the marina is sited in a location designated by the Lee County Manatee Protection Plan as a preferred location for marina facilities. Standard manatee construction conditions and a manatee educational program would be provided as part of the proposed project.

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**EXHIBIT C.4.**

There are no wetlands, aquifer recharge areas, or rare and unique uplands.

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2007-00054



# FLORIDA DEPARTMENT OF STATE

CHARLIE CRIST  
Governor

KURT S. BROWNING  
Secretary of State

September 28, 2007

Alison Stowe  
KNOH, Consoer, Ebelini, Hart & Swett, P.A.  
1625 Hendry St. P.O. Box 2449  
Fort Myers, FL 33902  
FAX: 239-334-1446

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Ms. Stowe:

In response to your inquiry of September 27, 2007, the Florida Master Site File lists no previously recorded cultural resources in the following parcels:

T43S, R22E, Section 1

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2007-00054

In interpreting the results of our search, please remember the following points:

- Areas which have not been completely surveyed, such as yours, may contain unrecorded archaeological sites, unrecorded historically important structures, or both.
- As you may know, state and federal laws require formal environmental review for some projects. Record searches by the staff of the Florida Master Site File do not constitute such a review of cultural resources. If your project falls under these laws, you should contact the Compliance Review Section of the Bureau of Historic Preservation at 850-245-6333 or at this address.

If you have any further questions concerning the Florida Master Site File, please contact us as below.

Sincerely,

Kayla Bielinski  
Archaeological Data Analyst, Florida Master Site File  
Division of Historical Resources  
R. A. Gray Building  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

Phone 850-245-6440, Fax: 850-245-6439  
State SunCom: 205-6440  
Email: [fmsfile@dos.state.fl.us](mailto:fmsfile@dos.state.fl.us)  
Web: <http://www.dos.state.fl.us/dhr/fmsf/>

R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399 0250  
Telephone: (850) 245-6500 • Facsimile: (850) 245-6125  
[www.dos.state.fl.us](http://www.dos.state.fl.us)

TOTAL P.02

EXHIBIT D



**IMPACTS TO PLANNING COMMUNITIES  
ACREAGE TABLE**

**EXHIBIT E.1.**

The subject property consists completely of land that has been previously developed for commercial purposes. Two (2) acres of the parcel will be redeveloped for 160 residential units. This will result in an increase of 334 persons ( $160 \times 2.09$  PPH) accommodated by the FLUM, which is de minimis.

If the requested amendment is approved, it will be necessary to create a new ROW in the Planning Communities Acreage Table for the Burnt Store Planning Community. The revised table should show 2 acres of residential uses, 6 acres of "industrial" uses (the dry storage buildings), 7 acres of commercial uses, and 3 acres of public uses to accommodate the project. Since the parcel has already been developed, these acres can be moved from the commercial category.

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**LEE PLAN NARRATIVE  
EXHIBIT E.2**

The proposed redesignation of the subject property from Rural to the proposed Burnt Store Marina Village category is consistent with the Lee Plan in general, and the following goals, objectives, and policies in particular:

1. Policy 1.4.1: The property is not consistent with the description of the Rural category in that it already contains a high-intensity commercial use and has a high level of public services.
2. Policy 1.7.5: The proposed redesignation will permit the renovation and expansion of the existing marina on the site.
3. Policy 1.7.6: No additional commercial acres will be needed for the project, as the property is already being used for commercial purposes.
4. Objective 2.1: The creation and application of the new FLUM category will not encourage urban sprawl. This subject is addressed in more detail in the urban sprawl analysis exhibit.
5. Objective 2.2: The project will be served by public facilities with adequate capacity (see the various infrastructure analyses contained in the application).
6. Objective 2.4: The applicant is seeking to amend the Lee Plan in light of a number of changed conditions that have occurred since the property was designated Rural in 1989, including: the increased demand for dockage space throughout Lee County; the ongoing development of Burnt Store Marina at high levels of density and intensity; the deterioration and increasing obsolescence of the existing structures on the site, most notably the dry storage building; recent amendments to the LDC prohibiting buildings of the height proposed by the applicant; and the County's recent interest in promoting attractive mixed-use developments.
7. Policy 2.4.4: As noted in #3 above, no additional commercial acreage will be required for the project, as the applicant is seeking to better utilize an existing commercial development footprint.
8. Policy 5.1.5: The amendment will facilitate the redevelopment of the existing commercial site into an attractive multi-use project that will be more compatible with the surrounding residential uses than the existing use.

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Page 1 of 2

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2007-00054



9. Policy 6.1.2: The amendment will create an exception to the commercial site location standards similar to the one inherent in the County's new Commercial FLUM category. This exception is justified in light of the amount of development that exists and is vested for Burnt Store Marina as a whole, and the existence of commercial development at the location proposed for the new category.
10. Policy 6.1.4: As noted above, the project will be compatible with the neighborhood and will be served by adequate public facilities.
11. Policy 6.1.7: The applicant is proposing to redevelop an existing commercial site.
12. Policy 6.1.8: Any proposed development on the site will be consistent with the new FLUM category.
13. Goal 8: The applicant is attempting to increase the size of the existing water-dependent use.
14. Standards 11.1 and 11.2: As noted above, the project will be served by public water and sewer facilities with available capacity.
15. Objective 125.2: The larger marina will increase the public's access to the waterfront.
16. Policy 128.1.3: One of the key components of the development is a new, larger, state-of-the-art dry storage facility. The number of wet slips will not be increased.
17. Policy 128.4.2: Most of the shoreline will be used by water-dependent uses.
18. Policy 128.5.4: The expanded marina is consistent with the County's marina siting criteria. It involves the redevelopment of an existing upland site with one or more dry storage buildings.
19. Policy 128.5.8: The marina is in an area with adequate water depth.
20. Policy 128.5.9: The new category will facilitate a redevelopment project on previously-disturbed uplands.
21. Policy 128.5.11: Adequate uplands exist on the site for marina support facilities.
22. Policy 128.6.16: As noted above, the increase in slips is solely attributable to the construction of one or more larger, state-of-the-art dry storage buildings.

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Page 2 of 2

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2007-00054

**IMPACTS TO NEARBY LOCAL GOVERNMENTS**  
**EXHIBIT E.3**

The southern boundary of the subject parcel is the City of Cape Coral. The FLUM designation of the property immediately to the south is Mixed Use. This parcel is used for multi-family residential purposes. The redevelopment of the subject parcel will not be incompatible with that very urban use.

Portions of the traffic generated by the redevelopment on the subject parcel will use Burnt Store Road through Cape Coral. Burnt Store Road is a County, not a City, facility. It currently operates at LOS D south of the subject property; according to the 2007 Concurrency Inventory, approximately 400 trips are still available on this road segment before it reaches LOS F.

The redevelopment of the subject parcel will provide residents of the rapidly-growing northern portion of Cape Coral with commercial and marine-related opportunities which do not currently exist in that area, thereby reducing the number of lengthy vehicular trips south of Burnt Store Road to the SR 78 commercial corridor.

While the subject parcel does not immediately abut Charlotte County, other areas of Burnt Store Marina do. The Charlotte County property north of Burnt Store Marina is designated Low Density Residential on the County's FLUM and this Low Density category permits between one unit per five acres and one unit per acre.

Burnt Store Road at the County line is currently operating at LOS C, according to the Concurrency Inventory. Several policies in the Charlotte County Comprehensive Plan direct the County to create financing mechanisms to expedite the widening of the road to 2008. The demand for water and sewer service from the existing Charlotte County facilities is addressed in the water and sewer analysis.

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COMMUNITY DEVELOPMENT

CPA

2007-00054



**STATE AND REGIONAL PLAN CONSISTENCY  
EXHIBIT E.4**

The proposed amendment is consistent with the following State and Regional Plan provisions:

STATE PLAN

**Policy 8(b)10:** The new category permits expanded water-dependent facilities along the shoreline.

**Policy 15(b)3:** The new category will also encourage a more attractive and functional mix of uses on the site.

REGIONAL PLAN

**Goal 2, Strategy 1, Action 4:** The applicant is proposing to redevelop an existing commercial site to create an attractive and functional mixed use community.

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**URBAN SPRAWL ANALYSIS  
EXHIBIT F.2**

The applicant responds to the urban sprawl indicators as follows:

1. The proposed category does not authorize low-intensity, low-density, or single-use development; it contemplates an intense multi-use development to complement the existing intense residential development within Burnt Store Marina.
2. The new category will permit the redevelopment of an existing commercial site, which is not "leapfrog-type development."
3. The redevelopment of a commercial node within Burnt Store Marina will not result in "radial, strip, isolated or ribbon pattern type development."
4. The site has already been developed for commercial purposes. There will be no loss of natural resources or agricultural land as a result of the proposed redevelopment.
5. The project will have access through the existing Burnt Store Marina road system and by boat.
6. The redevelopment of the property will not reduce functional open space and, in fact, will actually promote public access to the water.
7. This is an infill/redevelopment project.

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CPT 2007-00054



**SMART GROWTH ANALYSIS**  
**EXHIBIT F.2.1.**

1. The proposed category contains a mix of land uses.
2. Compactness of building design is a criterion that is best addressed at the rezoning stage.
3. Burnt Store Marina already contains both single-family and multi-family areas. The proposed units will be multi-family.
4. The category contemplated that the occupants of the residences within the Burnt Store Marina Village and many of the current residents of other areas within Burnt Store Marina will walk to the proposed commercial uses.
5. The redevelopment of the subject property with a mix of uses, including state-of-the-art dry storage facilities, will significantly improve the appearance of Burnt Store Marina.
6. The proposed category will permit the redevelopment of an area with no remaining natural features.
7. The Applicant intends to redevelop an existing developed area within the Burnt Store Marina community. As such, this is an infill project.
8. The project will be accessible by boat and by automobile.
9. This standard is purely in the hands of the County.
10. The Applicant has conducted well-attended community meetings to discuss the proposal.

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*OPA* 2007-00054

**Planning Justification**  
**EXHIBIT G**

The requested map and text amendments should be approved, for the following reasons:

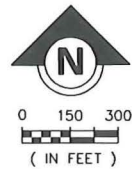
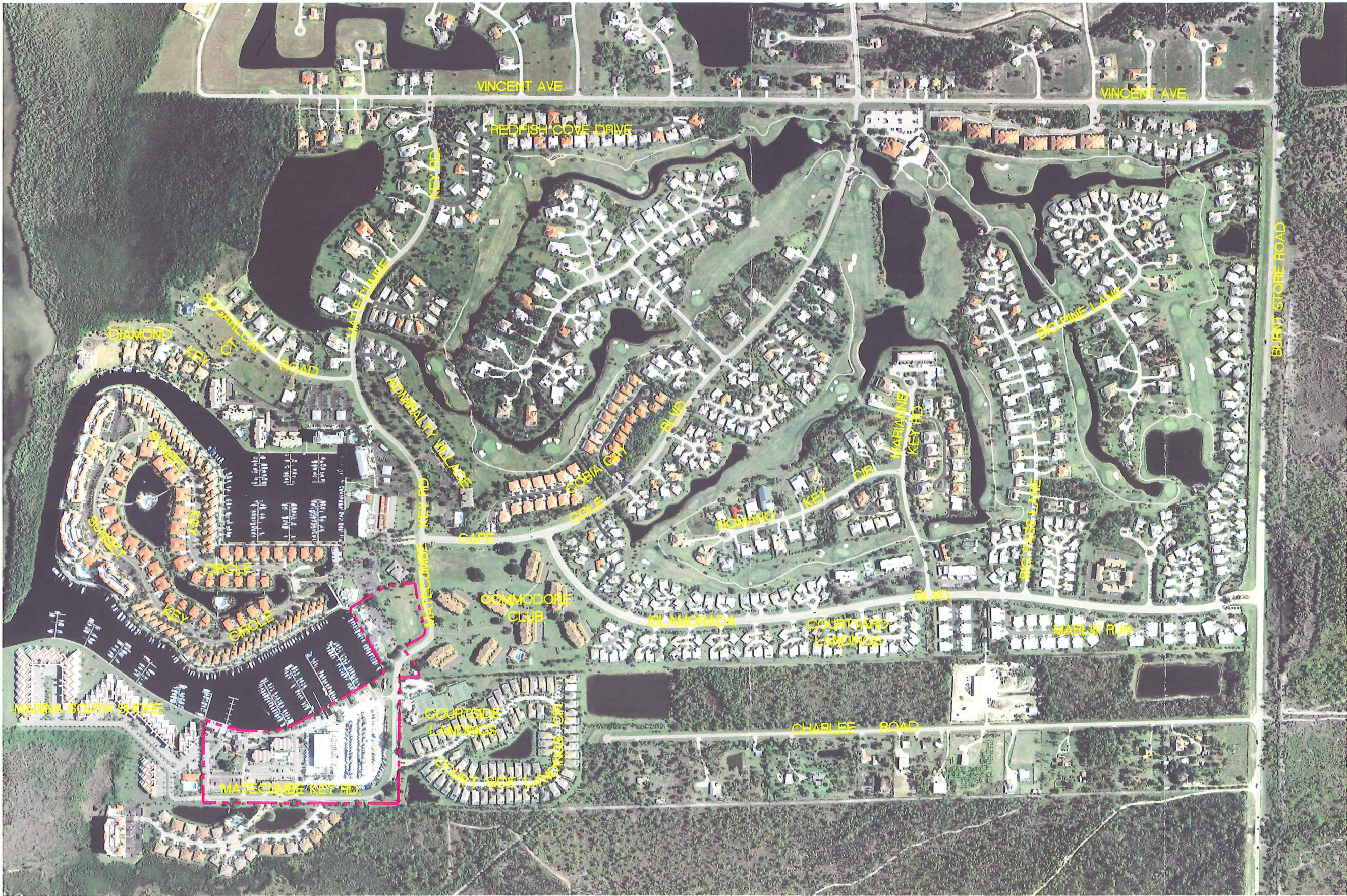
1. The current level of development and public services on the site is completely inconsistent with the Rural FLUM category.
2. The amendment is necessary to permit the subject parcel to be redeveloped for a more attractive and functional mix of uses, including large state-of-the-art dry storage buildings and retail uses in excess of the minor commercial center permitted by the Rural FLUM category, particularly since the LDC and the Lee Plan currently limit building heights in Burnt Store Marina to 45 feet, with no possibility of obtaining deviations.
3. The amendment will not promote urban sprawl, as noted in the Urban Sprawl Analysis.
4. The proposed project will be served by adequate public facilities, as noted in the various infrastructure analyses.
5. The parcel abuts a highly urbanized parcel designated Mixed Use to the south.
6. The redevelopment of the marina parcel will facilitate public access to the waterfront.
7. No changes will be required to the Planning Communities Acreage Table to permit the redevelopment of the existing commercial parcel.
8. There are no existing FLUM categories which adequately address the mix of uses and the building heights that are being requested for this project. The new Commercial category, which comes closest, appears to be designed for use for parcels which abut arterial roads.

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CpA 2007-00054





07-433-LOC-MAP.dwg  
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FL LICENSE# 38615

DATE	BY	REVISION DESCRIPTION	DATE	BY	REVISION DESCRIPTION
08/08/08	BE	PER LEE COUNTY COMMENTS DATED 08/13/08			

AVOLON ENGINEERING, INC.  
2503 DEL PRADO BLVD. #200  
CAPE CORAL, FL 33904  
FBOEJ3128 (238) 573-2077



BURNT STORE  
MARINA VILLAGE

AERIAL OUTLINING  
SUBJECT PROPERTY

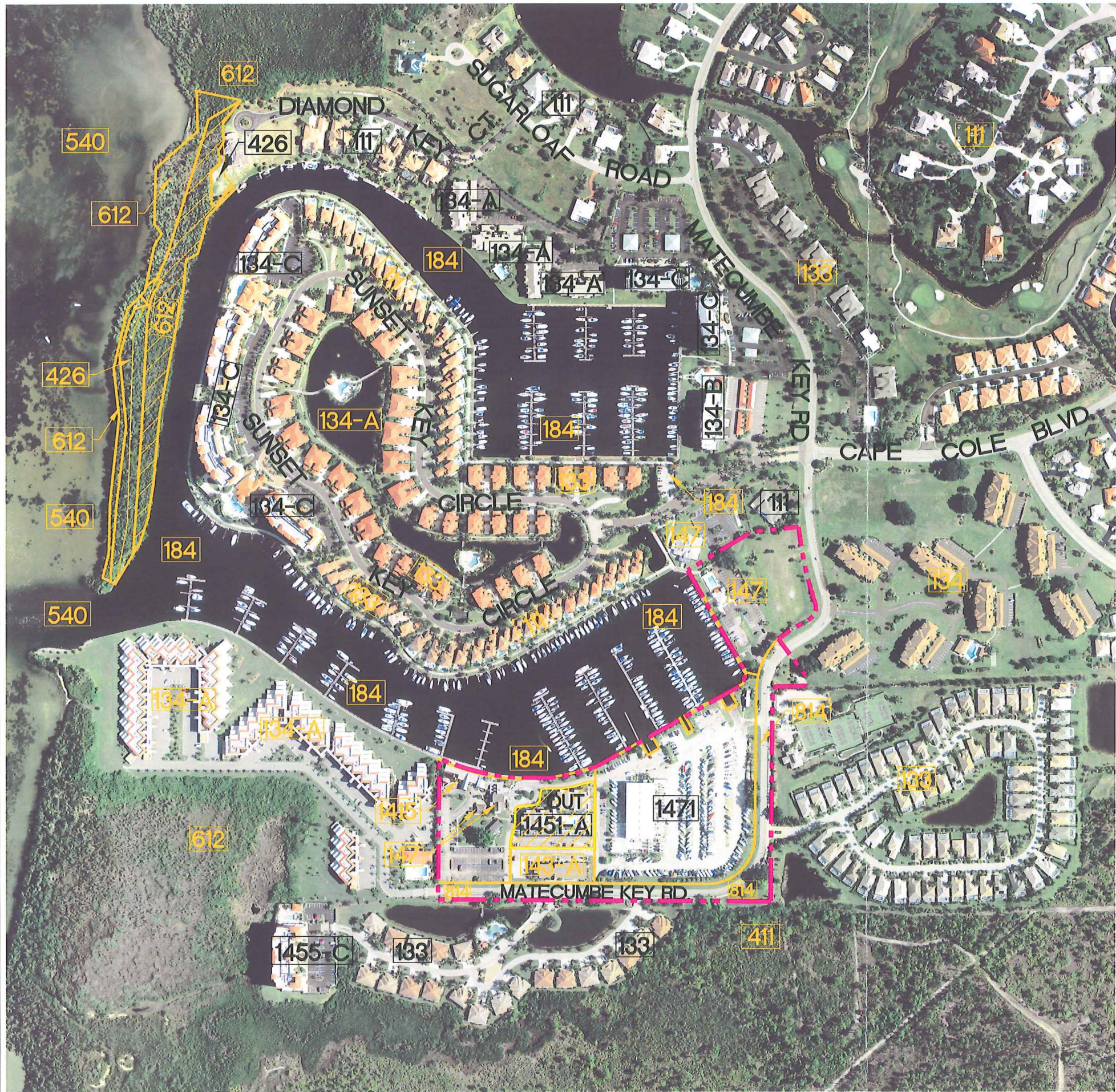
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AUG 13 2008

COMMUNITY DEVELOPMENT

----- SUBJECT PROPERTY (18.25 AC.) 2007-00054

EXHIBIT A.7.





LEGEND

- SUBJECT PROPERTY (18.25± AC.)
- |        |   |     |                    |
|--------|---|-----|--------------------|
| 111    | SINGLE FAMILY   | 184 | MARINA             |
| 133    | MULTI-DWELLING UNITS, LOW RISE 2 STORY  | 411 | PINE FLATWOODS     |
| 134    | MULTI-DWELLING UNITS, HIGH RISE<br>-A THREE (3) STORY<br>-B SIX (6) STORY<br>-C EIGHT (8) STORY | 426 | TROPICAL HARDWOODS |
| 143    | PROFESSIONAL SERVICES<br>-A THREE (3) STORY   | 540 | BAY & ESTUARIES    |
| 1451-A | HOTEL - THREE (3) STORY   | 612 | MANGROVE SWAMP     |
| 1455-C | HOTEL/CONDOMINIUM (8 STORY)   | 814 | ROAD               |
| 147    | MIXED COMMERCIAL & SERVICES   |     |                    |
| 1415   | RESTAURANT  |     |                    |
| 1471   | BOAT STORAGE  |     |                    |

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COMMUNITY DEVELOPMENT

2007-0 0054

EXHIBIT C.1.  
EXHIBIT C.5.



FLUCC-SOILS-11x17.dwg  
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FL LICENSE# 38615

DATE	BY	REVISION DESCRIPTION
08/08/08	BE	PER LEE COUNTY COMMENTS DATED 06/13/08

AVALON ENGINEERING, INC.  
2503 DEL PRADO BLVD. #200  
CAPE CORAL, FLORIDA 33904  
FBPE#3128 (239) 573-2077



BURNT STORE  
MARINA VILLAGE

FLUCCS  
MAP





LEGEND

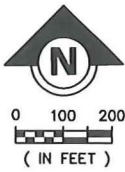
- SUBJECT PROPERTY (18.25± AC.)
- ⑪ MYAKKA FINE SAND
  - ⑮ ESTERO MUCK
  - ⑰ PECKISH MUCKY FINE SAND
  - ⑳ IMMOKALEE SAND
  - ④③ SMYRNA SAND
  - ⑤③ MYAKKA FINE SAND, DEPRESSIONAL
  - ⑥⑨ MATLACHA GRAVELLY FINE SAND

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COMMUNITY DEVELOPMENT

CPA 2007-0 0054

EXHIBIT C.2.



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Joseph W. Edwards, P.E.  
FL LICENSE# 38615

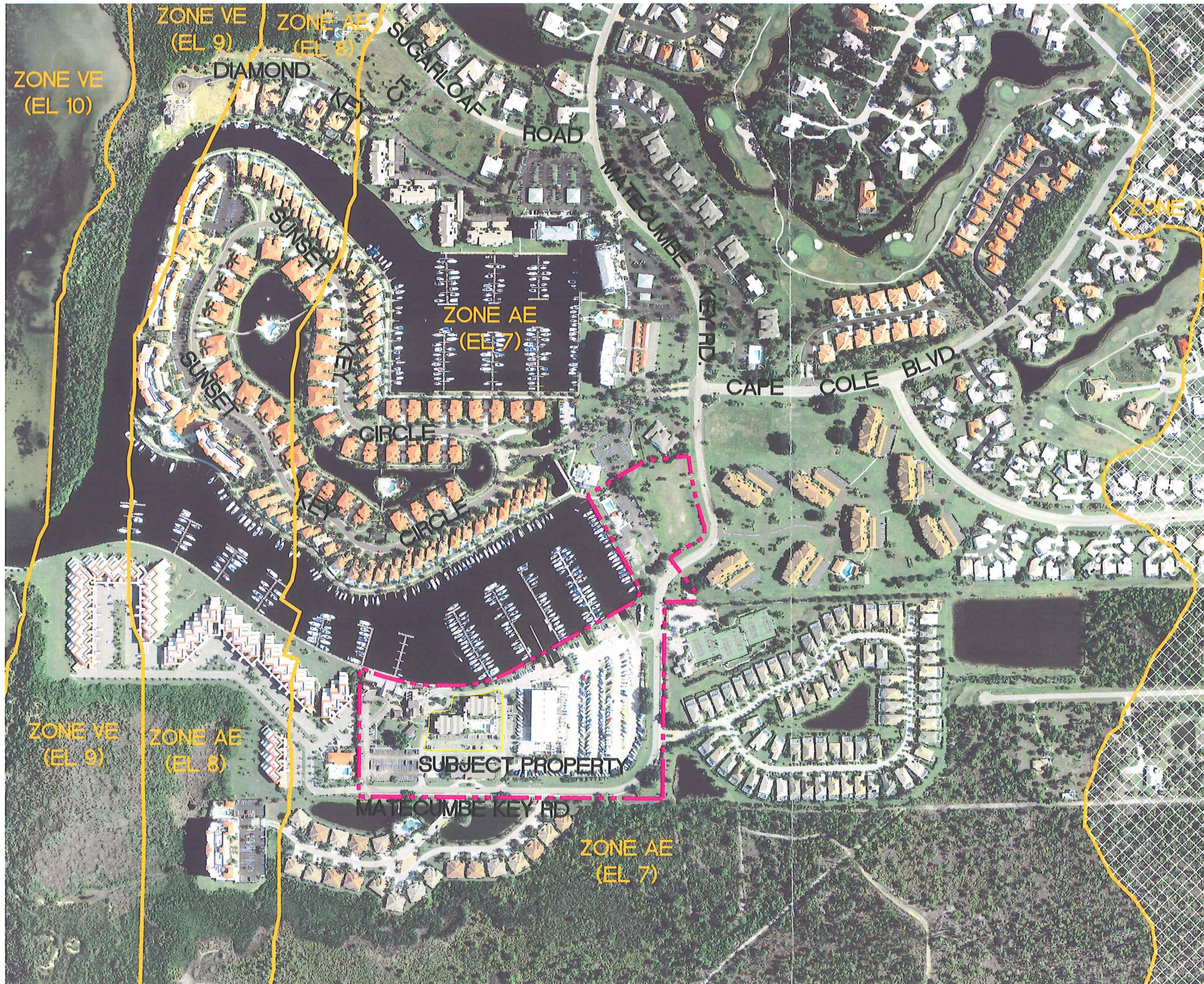
DATE	BY	REVISION DESCRIPTION
08/08/08	BE	PER SITE COMMENTS DATE: 08/07/08

AVOLON ENGINEERING, INC.  
2503 DEL PRADO BLVD., #200  
CAPE CORAL, FLORIDA 33904  
FBPE#3128 (239) 573-2077



BURNT STORE  
MARINA VILLAGE





**LEGEND**

SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

ZONE A No Base Flood Elevations determined.

ZONE AE Base Flood Elevations determined.

ZONE AH Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.

ZONE AO Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.

ZONE AR Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance of greater flood.

ZONE A99 Area to be protected from 1% chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.

ZONE V Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.

ZONE VE Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

OTHER FLOOD AREAS

ZONE X Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage area less than 1 square mile; and areas protected by levees from 1% annual chance flood.

----- SUBJECT PROPERTY (18.25± AC.)

----- LEE COUNTY ZONING LIMITS

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CDA 2007-00054

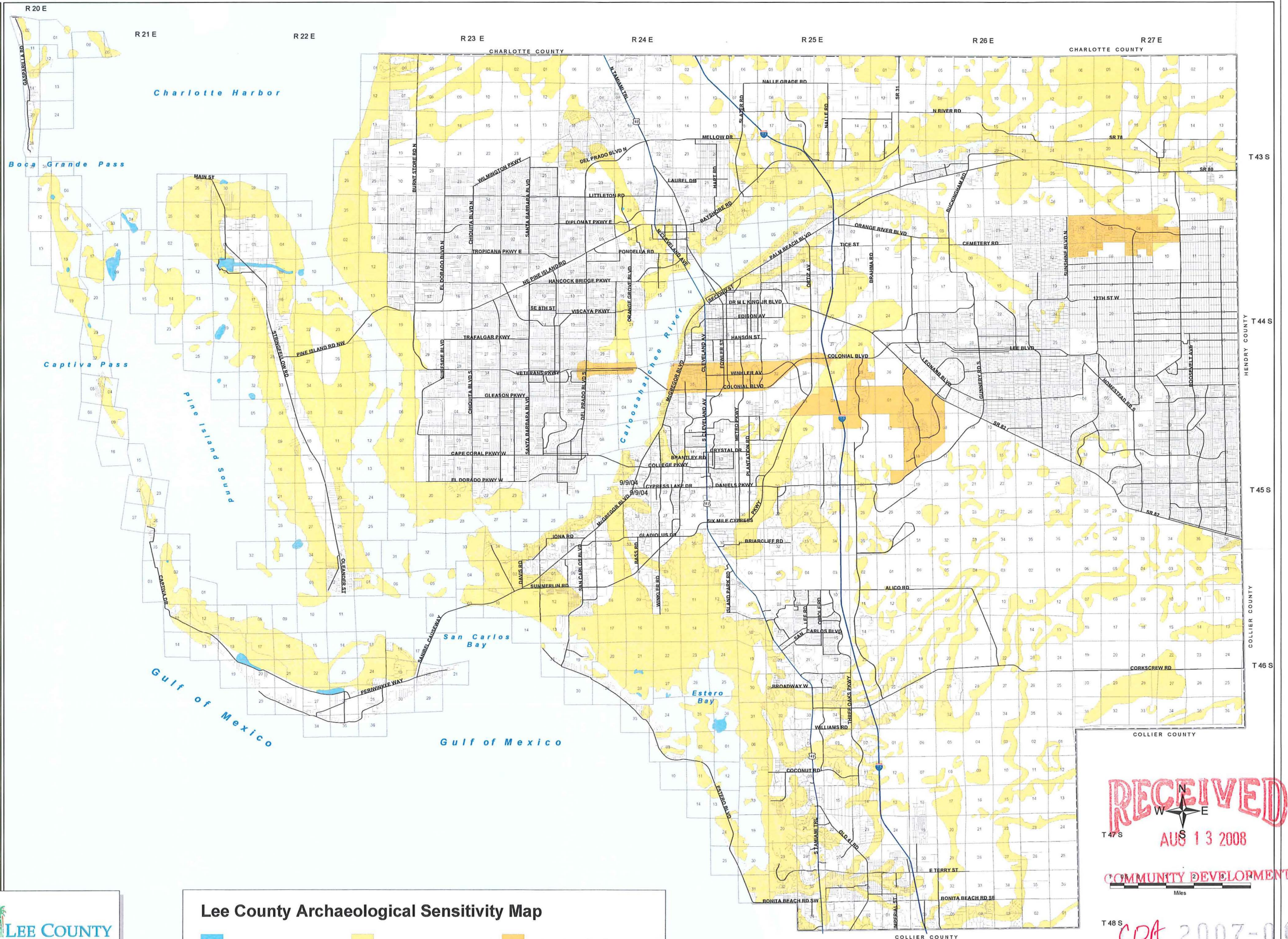


# ARCHAEOLOGICAL SENSITIVITY MAP



## Lee County Archaeological Sensitivity Map

Sensitivity Level 1
  Sensitivity Level 2
  Previously Surveyed



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 AUG 13 2008

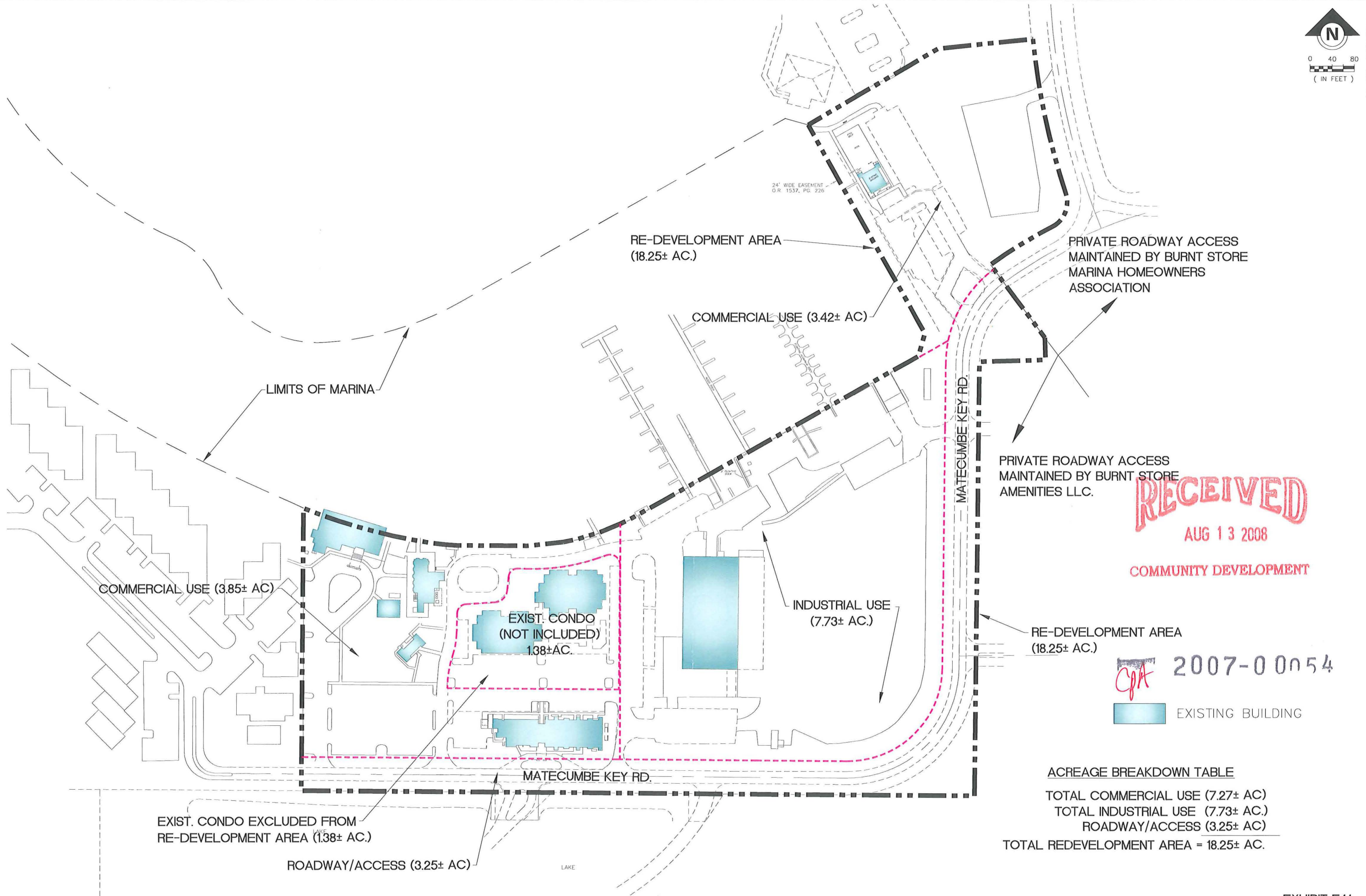
COMMUNITY DEVELOPMENT

Miles

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CPA 2007-00054  
 Map Generated January 2007  
 Land Development Code Chapter 22-106



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EXIST-USE-ALLOCATION.dwg

Joseph W. Edwards, P.E.  
FL. LICENSE # 38615

DATE	BY	REVISION DESCRIPTION
08/09/08	BE	PER LEE COUNTY COMMENTS DATED 06/13/08

AVOLON ENGINEERING, INC.  
2503 DEL PRADO BLVD., #200  
DADE COUNTY, FL. 33133  
TEL: (305) 573-2077  
FAX: (305) 573-2077



BURNT STORE  
MARINA VILLAGE

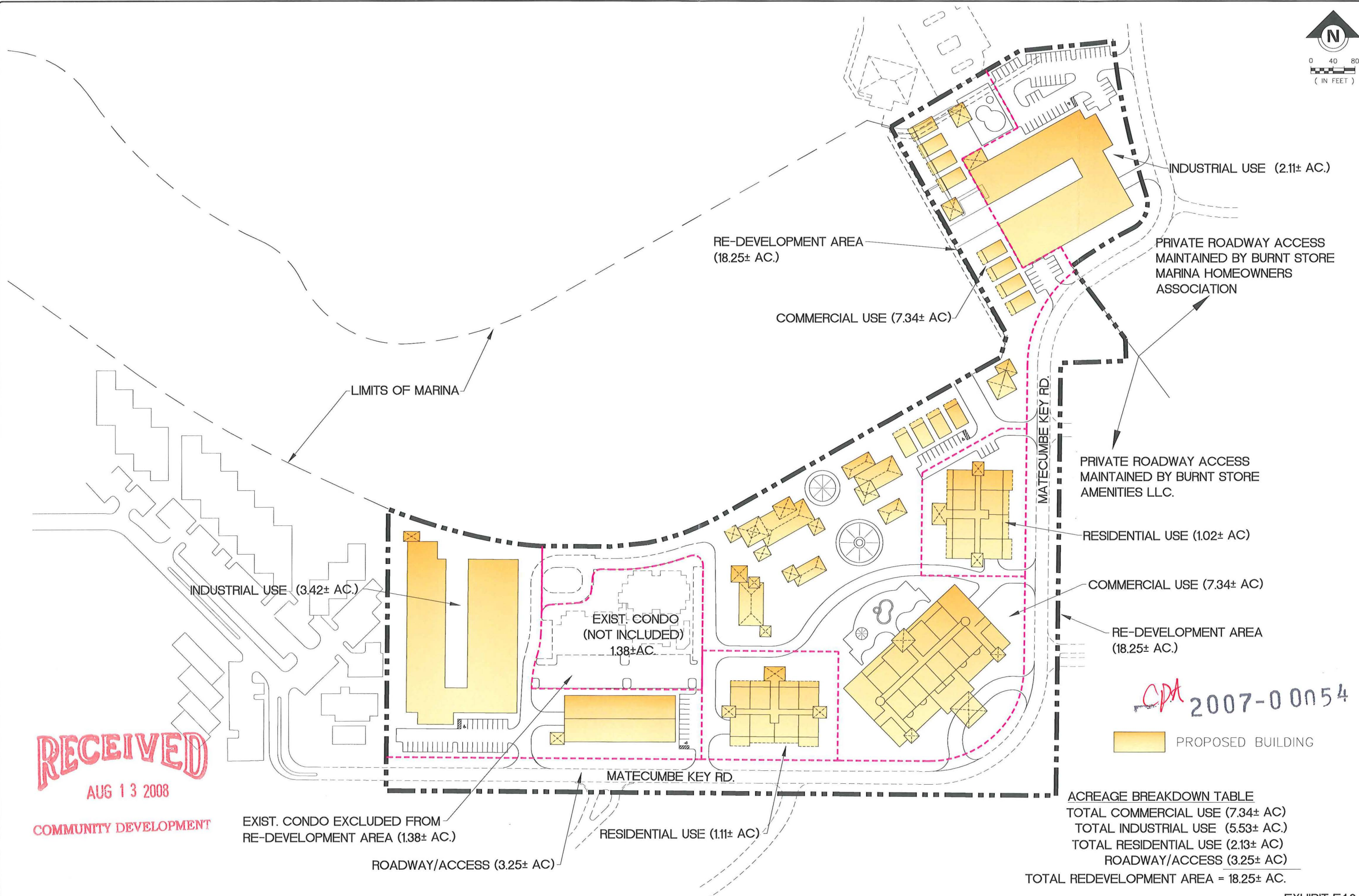
EXISTING  
USE ALLOCATIONS



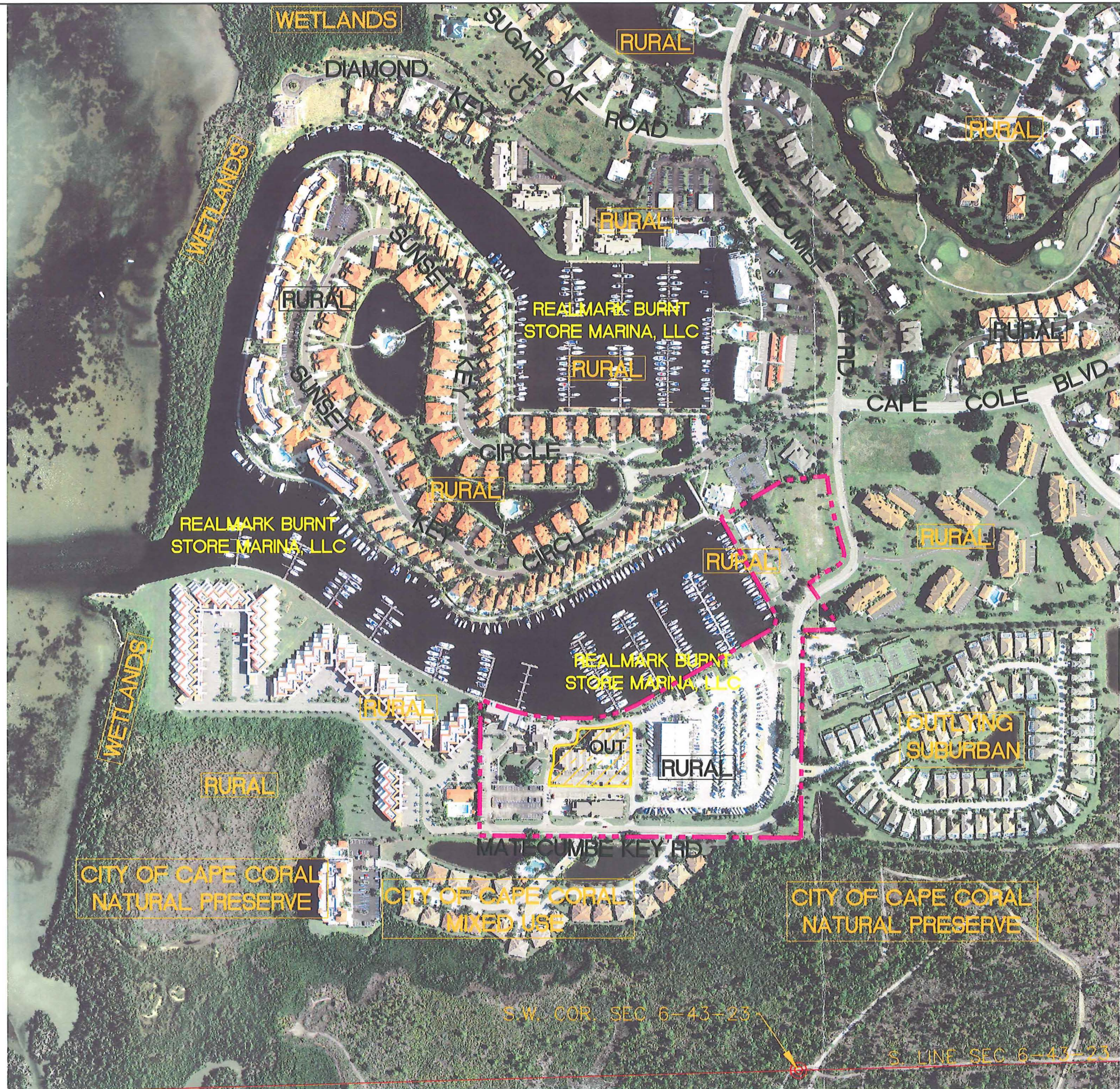
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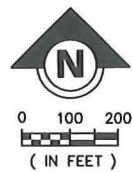






----- SUBJECT PROPERTY (18.25± AC.)  
RURAL FUTURE LAND USE CLASSIFICATION

EXHIBIT A.2.



MV-MAPS-11x17.dwg

Joseph W. Edwards, P.E.  
FL LICENSE# 58615

DATE	BY	REVISION DESCRIPTION
08/08/08	JS	COMMENTS DATED (08/01/08)

AVALON ENGINEERING, INC.  
2503 DEL PRADO BLVD. #200  
CAPE CORAL, FLORIDA 33904  
FBPE#3128 (239) 573-2077



BURNT STORE  
MARINA VILLAGE

FUTURE LAND  
USE MAP



**MEMORANDUM**  
**FROM THE**  
**DEPARTMENT OF**  
**COMMUNITY DEVELOPMENT**  
**ZONING DIVISION**

**DATE:** October 16, 2007

**To:** Susie Derheimer  
Don Blackburn ✓  
John Fredyma  
Matt Noble ✓

**FROM:**

Bryan Kelner *BJK*  
Principal Planner

**RE:** Burnt Store Marina  
REZ2007-00020

An application has been submitted to rezone 2.61± acres of land, in Burnt Store Marina, from multiple-family residential (RM-10) to commercial marina (CM).

Your comments on the proposed rezoning application are appreciated on or before October 26, 2007.

**Attachment:**

1. Application to rezone 2.61± acres of land to commercial marine (CM)
2. Legal description

**cc:**

Dawn Lehnert



LEE COUNTY  
SOUTHWEST FLORIDA

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APPLICATION FOR PUBLIC HEARING  
FOR ZONING ACTION  
UNINCORPORATED AREAS ONLY

Applicant's Name: Burnt Store Amenities, LLC

REZ 2007-00020

Project Name: Burnt Store Marina

STRAP Number(s): 06-43-23-07-0000A.0000 & 01-43-22-01-0000C.0000

TYPE OF APPLICATION

- ☐ Special Exception (attach Supplement A)  
☐ Variance (attach Supplement B)  
☒ Conventional Zoning (attach Supplement C)  
☐ Planned Development (not PRFPD) (attach Supplement D)  
☐ Amendment to built Planned Development (Supplement D may be required)  
☐ Private Recreational Facilities Planned Development (attach Supplement D)  
☐ Extension of a Master Concept Plan (attach Supplement E)  
☐ Reinstatement of a Master Concept Plan (attach Supplement F)  
☐ DRI - with rezoning (submit completed DRI Application Form {do not use this form} and Supplement D)  
☒ N/A DRI - without rezoning (submit completed DRI Application Form {do not use this form})

Is this project located in the Estero Planning Community, or the Captiva Planning Community, or in the Caloosahatchee Shores Planning Community?

☐ YES\* ☒ NO \*If YES, please note PARTS 4G, 4.H, and 4.I below for meeting summary document requirements.

STAFF USE ONLY

Case Number: REZ2007-00020 Commission District: 7  
 Current Zoning: RM-10 Fee Amount: \$2500.00  
 Land Use Classification: RURAL Intake by: JMS  
 Planning Community: BURNT STORE

LEE COUNTY  
COMMUNITY DEVELOPMENT  
P.O. BOX 398 (1500 MONROE STREET)  
FORT MYERS, FLORIDA 33902  
PHONE (239) 479-8585



**PART 1**  
**APPLICANT/AGENT INFORMATION**

**A. Name of applicant:** Burnt Store Amenities, LLC

Address: Street : 5789 Cape Harbour Drive, Suite 201

City: Cape Coral State: FL Zip: 33914

Phone: Area Code: 239 Number: 541-1372 Ext:

Fax: Area Code: 239 Number: 541-1377

E-mail address:

**B. Relationship of Applicant to owner (check one):**

NA Applicant (including an individual or husband & wife) is the sole owner of the property.  
[34-201(a)(1)a.1.]

**Notarized Affidavit of Authorization form is attached as Exhibit PH-1.B.2.**  
(See Part 1 Exhibit Form A1 attached hereto for suggested Affidavit Form for an individual.) [34-202(b)(1)c.]

✓ Applicant has been authorized by the owner(s) to represent them for this action.

✓ **Notarized Affidavit of Authorization form is attached as Exhibit PH-1.B.2.**  
(Please select the appropriate Affidavit Form from the suggested forms in Part 1 Exhibits attached hereto.) [34-202(b)(1)c.]

NA Applicant is a contract purchaser/vendee. [34-202(b)(1)d.]

**Notarized Affidavit of Authorization form is attached as Exhibit PH-1.B.2.**  
[34-202(b)(1)c.] (Please select the appropriate Affidavit Form from the suggested forms in Part 1 Exhibits attached hereto.)

NA Application is County initiated. BOCC authorization is attached as Exhibit PH-1.B.3

**C. Authorized Agent: Name of the person who is to receive all County-initiated correspondence regarding this application.** [34-202(b)(1)c.]

**C.1. Company Name:** Knott, Consoer, Ebelini, hart & Swett, P.A.

**Contact Person:** Matthew D. Uhle, Esq.

Address: Street : 1625 Hendry Street, Suite 301

City: Fort Myers State: FL Zip: 33901

Phone: Area Code: 239 Number: 334-2722 Ext:

Fax: Area Code: 239 Number: 334-1446

E-mail address: [muhle@knott-law.com](mailto:muhle@knott-law.com)

**C.2. ✓ Additional Agent(s): The names of other agents that the County may contact concerning this application are attached as Exhibit PH-1.C.2.** [34-202(b)(1)c.]

**PART 2  
PROPERTY OWNERSHIP**

**A. Property Ownership: Single owner (individual or husband & wife only) [34-201(a)(1)a.1.]**

**A.1. Name: NA**

Mailing Address: Street: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: Area Code: \_\_\_\_\_ Number: \_\_\_\_\_ Ext: \_\_\_\_\_  
Fax: Area Code: \_\_\_\_\_ Number: \_\_\_\_\_  
E-mail: \_\_\_\_\_

**B. Property Ownership: Multiple owners (Corporation, partnership, trust, association) [34-201(a)(1)].**

**B.1. ☒ Disclosure of (Ownership) Interests Form is attached as Exhibit PH-2.B.1. [34-201(b)2]**

**C. Multiple parcels**

**C.1. NA Property owners list is attached as Exhibit PH-2.C.1. [34-202(a)(5)]**

**C.2. NA Property owners map is attached as Exhibit PH-2.C.2. [34-202(a)(5)]**

**D. Date property was acquired by present owner(s): 09/01/1994**

**PART 3  
PROPERTY INFORMATION**

**A. STRAP Number(s): 06-43-23-07-0000A.0000 01-43-22-01-0000C.0000**  
\_\_\_\_\_  
\_\_\_\_\_

**B. Street Address of Property: 3090 Matecumbe Key Road and Reserved area Punta Gorda, FL  
33955**

**C. Legal Description**

☒ Legal description (on 8 1/2" by 11" paper) is attached as Exhibit PH-3.C.1. [34-202(a)(1)]

☒ Sealed sketch of the legal description is attached as Exhibit PH-3.C.2. [34-202(a)(1)]

**D. Boundary Survey**

☒ A Boundary survey, tied to the state plane coordinate system, is attached as Exhibit PH-3.D.1. [34-202(a)(2)]

☒ The property consists of one or more undivided platted lots in a subdivision recorded in the Official County Plat Books. A copy of the applicable plat book page is attached as Exhibit PH-3.D.2. [34-202(a)(2)]

**E. Planning Community: Burnt Store**



**F. General Location of Property:**

F.1. ☒ Area location map (for all applications other than Planned Developments) is attached as **Exhibit PH-3.F.** [34-202(a)(4)] {NOTE: For Planned Development Applications see Supplement D [34-373(a)(4)b.]}

F.2. **Directions to property:** From downtown Fort Myers:

Take US 41 north over the Caloosahatchee Bridge. Go approximately 3.9 miles and turn left onto Diplomat Pkwy. E. Take Diplomat approximately 8.8 miles and turn right onto Burnt Store Rd.  
After approximately 6.4 miles, turn left onto Vincent Avenue. Then, turn left onto Matecumbe Key Road. End at the subject property.

**G. Surrounding property owners:**

G.1. ☒ List of surrounding property owners is attached as **Exhibit PH-3.G.1.** [34-202(a)(6)]

G.2. ☒ Map of surrounding property owners is attached as **Exhibit PH-3.G.2.** [34-202(a)(7)]

G.3. ☒ 2 sets of mailing labels are attached as **Exhibit PH-3.G.3.** [34-202(a)(6)]

H. **Current Zoning of Property:** RM-10

I. **Current use of property:**

I.1. ☒ Current use(s) of the property are:

Vacant Residential

I.2. ☒ If buildings or structures exist on the property, an affidavit is required stating that buildings & structures will be removed or that the proposed use of buildings, structures and land is or will be in compliance with all requirements of the LCLDC. **Attach as Exhibit PH-3.I.2. and entitle "Affidavit Regarding Proposed Use".** [34-202(b)(3)]

I.3. **NA** If the property owner intends to continue an existing agricultural use on the property subsequent to the zoning approval an Existing Agricultural Use Affidavit is attached as **Exhibit PH-3.I.3. and entitled "Agricultural Uses at Time of Zoning Application".** [34-202(b)(7)]

**J. Land Use Classification:**

<u>Rural</u>	<u>2.61</u>	Acres	<u>100</u>	% of total
		Acres		% of total
		Acres		% of total
		Acres		% of total

K. **Flood Hazard (write NA if not applicable)** [34-202(a)(8)]

☒ The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s.

**A-10** The minimum elevation required for the first habitable floor is EL-9 NGVD (MSL)

- L.1. ✓** There are no deed restrictions or other covenants on this property that affect this request. [34-202(b)(2)]
- L.2. NA** Deed restrictions\ covenants that may affect this request are attached as **Exhibit PH-3.L .2.** [34-202(b)(2)]
- L.3. NA** A narrative explanation as to how the deed restrictions or covenants may affect this request, is attached as **Exhibit PH-3.L.3** [34-202(b)(2)]

**M. Property Dimensions [34-202(a)(8)]**

- |    |   |                             |                      |
|----|---|-----------------------------|----------------------|
| 1. | Width (average if irregular parcel):        | <u>irregular parcel</u>     | Feet                 |
| 2. | Depth (average if irregular parcel):        | <u>irregular parcel</u>     | Feet                 |
| 3. | Total area:                                 | <u>2.61</u>                 | Acres or square feet |
| 4. | Frontage on road or street:                 | <u>                    </u> | Feet on _____ Street |
|    | 2 <sup>nd</sup> Frontage on road or street: | <u>                    </u> | Feet on _____ Street |

**PART 4**  
**ACTION REQUESTED**

**A. Action Requested:** [check applicable action(s)]

- |  |  |                                 |
|--|--|---------------------------------|
| _____  | Special Exception for _____  | <b>Attached is Supplement A</b> |
| _____  | Variance for _____   | <b>Attached is Supplement B</b> |
| <b>✓</b>   | Conventional Rezoning from: <u>RM-10</u> to <u>CM</u>  | <b>Attached is Supplement C</b> |
| _____  | Planned Development Rezoning from _____ to _____   |                                 |
| _____  | DCI - Major: <b>Attached is Supplement D</b>   |                                 |
| _____  | DCI - Minor: <b>Attached is Supplement D</b>   |                                 |
| _____  | Request is for PRFPD zoning in the Private Recreational Facilities Overlay Area. <b>Attached is Supplement D</b> |                                 |
| <b>Planned Development Amendment. Attached is Supplement D</b> |  |                                 |

### B. Excavations:

- |                                     |   |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | No blasting will be used in the excavation of lakes or other site elements.   |
| <input type="checkbox"/>            | If blasting is proposed, Information Regarding Proposed Blasting (including soil borings, a map indicating the general location of the proposed blasting, and other required information) is attached as <b>Exhibit PH-4.B</b> [34-202(b)(6)] |

**C. Bonus Density:** (put NA if not applicable)

- NA Bonus density will be used. Attached is **Exhibit PH-4.C** showing calculations. [34-202(b)(5)]

**D. Hazardous materials:** (put NA if not applicable)

- NA A Hazardous materials emergency plan is attached as **Exhibit PH-4.D** [34-202(b)(4)]

**E. Mobile Home Park:** (put NA if not applicable)

- NA Request includes rezoning of a Mobile Home Park. **Attached is Exhibit PH-4.E** [34-203(d)]



**F. Aviation Hazard:** (put NA if not applicable)

NA Property is subject to Airport Hazard District regulations. Attached is **Exhibit PH-4.F** [34-1001 et seq]

NA A tall structures permit will be required.

NA Property is located within Noise zone:

**G. Estero Planning Community** (put NA if not applicable)

NA A summary of public informational session. Attached is **Exhibit PH-4.G** [34-373(a)(10); Lee Plan Policy 19.5.3]

**H. Captiva Planning Community** (put NA if not applicable)

NA A summary of public informational session. Attached is **Exhibit PH-4.H** [Lee Plan Policy 13.1.7]

**I. Caloosahatchee Shores Community Plan** (put NA if not applicable)

NA A summary of public informational session. Attached is **Exhibit PH-4.I** [Lee Plan Policy 21.6.3]

**J. Waivers from Application Submission Requirements:** The following waivers, approved by the Director of Zoning Services, are attached as **Exhibit PH-4.J** [Section 34-202(a)]

Section Number	Name of item
NA	

**K. Potable Water & Central Sewer.** Will the project be connected to potable water and central sewer as part of any development of the property? \_\_\_\_\_ YES. \_\_\_\_\_ NO.

NA If the answer is NO, please explain why the connection to potable water and/or central sewer is not planned. Label explanation as **Exhibit PH 4-K**.

NA If the answer is YES, please indicate the name of the Utility to which the connection(s) are proposed.  
Burnt Store Utilities, Inc. [BOCC POLICY]

**PART 6**  
**SUBMITTAL REQUIREMENTS**

THE NUMBER OF COPIES REQUIRED FOR EACH EXHIBIT IS BASED ON THE ACTION REQUESTED AS INDICATED BELOW. TO BE SUBMITTED FOR EACH OF THE FOLLOWING EXHIBITS IS AS FOLLOWS:

Number of Copies*			Exhibit Number	SUBMITTAL ITEMS
Var.	Conv. Rez. or Spe. Exc.	PDs		
1	✓ 1	15		Completed application for Public Hearing [34-201(b)]
1	✓ 1	1		Filing Fee - [34-202(a)(9)]

Var.	Conv. Rez. or Spe. Exc.	PDs	SUP	SUPPLEMENTAL FORMS (select applicable request/form)
0	NA 1	0	SUP A	Special Exception request
1	0	0	SUP B	Variance request
0	✓ 1	0	SUP C	Conventional Rezoning request
0	0	15	SUP D	Planned Development Rezoning request
0	0	15	SUP D	Planned Development Amendment request
0	0	15	SUP D	PRFPD in in Overlay Area Rezoning request
0	0	8	SUP E	Master Concept Plan Extension request
0	0	8	SUP F	Master Concept Plan Reinstatement request

Var.	Conv. Rez. or Spe. Exc.	PDs	Exhibit Number	SUBMITTAL ITEMS
1	✓ 1	3	PH-1.B.2	Notarized Affidavit of Authorization Form [34-202(b)(1)c]
1	NA 1	1	PH-1.B.3	BOCC authorization (if applicable)
1	✓ 1	15	PH-1.C.2	Additional Agents [34-202(b)(1)c.]
1	✓ 1	3	PH-2.B.1	Disclosure of Interest Form [34-201(b)(2)a]
1	NA 1	3	PH-2.C.1	Subject property owners list (if applicable) [34-202(a)(5)]
1	NA 1	3	PH-2.C.2	Subject Property Owners map (if applicable) [34-202(a)(5)]
1	NA 1	15	PH-3.A.1	List of STRAP Numbers (if additional sheet is required) [34-202(a)(1)]
2	✓ 2	5	PH-3.C.1	Legal Description ( <b>2 originals required</b> ) [34-202(a)(1)]
2	✓ 2	5	PH-3.C.2	Sealed Sketch of the Legal Description ( <b>2 originals required</b> ) [34-202(a)(1)]
1	✓ 1	5	PH-3.D.1	Boundary Survey (tied to State Plane Coordinate System) ( <b>2 originals required</b> ) [34-202(a)(2)] {NOTE: This is a required submittal for all Planned Development Applications (see Supplement D for that requirement)} [34-373(a)(4)a.}]
1	✓ 1	N/A	PH-3.D.2	Copy of Plat Book Page (if applicable) [34-202(a)(1)]
1	✓ 1	0	PH-3.F	Area Location Map on 8 by 11 paper pursuant to LCLDC Section 34-202(a)(4). (Non Planned Developments)
0	0	15		Area Location Map for Planned Developments - see Supplement D [34-373(a)(4)b.]