

281	N67	KELLER, GEORGE		Dec-98	36	7.75	279.00	295.74
282	N68	LARSEN, LARRY	SALES		30	7.50	225.00	238.50
283	N69	LARSEN, LARRY 22		Nov-99	30	7.75	232.50	246.45
284	N70	FMY				7.75	0.00	0.00
285	N71	CLELAND, GLENN E.	SALES		42	7.75	325.50	345.03
286	N72	HANMER, LEE		Dec-00	30	7.75	232.50	246.45
287	N73	OLONITIES, STEVE		Jul-00	47	7.75	364.25	386.11
288	N74	WROBEL, LAWRENCE J.	SALES		30	7.50	225.00	238.50
289	N75	HOLM, JAMES & CARLA		Jan-00	34	7.75	263.50	279.31
290	N76	ECKHOFF	SALES		30	7.00	210.00	222.60
291	N77	ECKHOFF, BILL		Jun-00	30	7.75	232.50	246.45
292	N78	ECKHOFF	SALES		30	7.00	210.00	222.60
293	N79	BRASFIELD	SALES		30	7.50	225.00	238.50
294	N80	MC CLELLAND, MELVIN 27		Dec-98	30	7.75	232.50	246.45
295	N81	KOSIERACKI, HARRY		May-98	30	7.75	232.50	246.45
296	N82	ALEXANDER, JOHN 27		Dec-98	30	7.75	232.50	246.45
297	N83	ANGELO	HAVE 550			7.75	0.00	0.00
298	N84	GEARY, DAVID L.		Nov-00	34	7.75	263.50	279.31
299	N85	FMY				7.75	0.00	0.00
300	N86	DELISIO, MICHAEL		Dec-00	32	7.75	248.00	262.88
301	N87	BERTOLAMI, DAVID B. 26		Dec-99	30	7.75	232.50	246.45
302	N88	KALDAHL, LARRY		Dec-00	30	9.25	277.50	294.15
303	N89	SIMONETTI, VINCENT		Oct-99	32	7.75	248.00	262.88
304	N90	LARSON, FRED		Jul-99	30	7.75	232.50	246.45
305	N91		EMPTY		0	7.75	0.00	0.00
306	N92	DEVINE, K.D.		Jun-00	38	8.75	332.50	352.45
307	N93	BREWSTER, WILLIAM		Jun-00	35	7.75	271.25	287.53
308	N94	POTTINGER	HAVE 550		0	7.75	0.00	0.00
309	N95	DE PAZ, OSCAR		Dec-99	38	7.75	294.50	312.17
310	N96	DAVIDSON, DAVID		Dec-98	35	7.75	271.25	287.53
311	N97	SEAMAN, FRED		Jul-00	35	7.75	271.25	287.53
312	N98	WILSON, JOHN 27		Nov-90	30	7.75	232.50	246.45
313	O01	BOMENGEN, HERBERT		Oct-00	30	7.75	232.50	246.45
314	O02	ANDREWS, JAMES		Nov-00	30	7.75	232.50	246.45
315	O03	FAIR, KENNETH		Dec-99	37	7.75	286.75	303.96
316	O04	MAC DONALD, JOHN		Oct-00	34	7.75	263.50	279.31
317	O05	ROMAINE, GREG		Oct-00	30	7.75	232.50	246.45
318	O06	MC CREA, JOHN		Apr-00	30	7.75	232.50	246.45
319	O07	BAGGETTE			0	7.75	0.00	0.00
320	O08	BROOKE, JOHN A.		Nov-00	40	7.75	310.00	328.60
321	O09	SCHILSKY, PETER		Nov-00	34	7.75	263.50	279.31
322	O10	QUEST, JACK		Dec-00	37	7.75	286.75	303.96
323	O11	HABR, VLADIMIR		Jul-98	30	7.75	232.50	246.45
324	O12	MYERS, HERB		May-97	25	7.75	193.75	205.38
325	O13	HABELOW, CHARLES R.		Jun-00	30	7.75	232.50	246.45
326	O14	MILLSON, WILLIAM A.		Dec-99	33	7.75	255.75	271.10
327	O15	JACKSON, DOUG		Oct-00	30	7.75	232.50	246.45
328	O16	THOMPSON, RODNEY		Jan-00	33	7.75	255.75	271.10
329	O17	BAILEY, STEPHEN		Dec-99	41	7.75	317.75	336.82
330	O18	MARTINI, RICHARD		Mar-96	37	7.75	286.75	303.96
331	O19	CARROLL, DONALD		Nov-90	40	7.75	310.00	328.60
332	O20	BOWICK	HAVE 550			0.00	0.00	0.00
333	O21	MANNING	HAVE 550			0.00	0.00	0.00
334	O22	HOLT, LARRY	HAVE 550			0.00	0.00	0.00
335	O23		DOUBLE SLIP			0.00	0.00	0.00
336	O24					0.00	0.00	0.00
337	O25		DOUBLE SLIP			0.00	0.00	0.00
338	O26				0	12.00	0.00	0.00
339	O27		DOUBLE SLIP			7.75	0.00	0.00
340	O28		CAT SLIP			7.75	0.00	0.00
341	O29		DOUBLE SLIP			7.75	0.00	0.00
342	O30	THORNE, FRANK			5	10.00	50.00	53.00
343	P01	SMITH, PATRICK 26		Oct-00	30	7.75	232.50	246.45
344	P02	PALMER, DENNIS 25		May-00	30	7.75	232.50	246.45
345	P03	KLING, JOHN & NANCY		Jun-00	31	7.75	240.25	254.67
346	P04	DICKEY, DOUGLAS T.		Apr-00	42	7.75	325.50	345.03
347	P05	MC TIGHE, DONALD A		Nov-99	32	7.75	248.00	262.88
348	P06	EWERS, IVAN		Feb-00	33	7.75	255.75	271.10
349	P07	KRUMNOW, JURGEN		Sep-00	36	7.75	279.00	295.74
350	P08	FOWLER, IAN G.		Mar-00	30	7.75	232.50	246.45
351	P09	GOLOMB, GERALD		Nov-00	43	7.75	333.25	353.25
352	P10	BYLE		Nov-00	34	7.75	263.50	279.31
353	P11	MITCHELL, HAROLD A.		Jul-00	42	7.75	325.50	345.03
354	P12	MATSELL, BRIAN & MARILYN		Feb-00	35	7.75	271.25	287.53

355	P13	O'CONNOR, JOHN		Jun-98	64	7.75	496.00	525.76
356	P14	O'CONNOR, JOHN	P13 & P14 ONE BOAT			0.00	0.00	0.00
357	P15	AHLBRAND, BRUCE		Jan-00	41	7.75	317.75	336.82
358	P16	CHILDRESS, TOM 26		Sep-00	30	7.75	232.50	246.45
359	P17	FREVERT, BRAD		Jun-98	37	7.75	286.75	303.96
360	P18	KLAMNER, SAMUEL		Nov-97	38	7.75	294.50	312.17
361	P19	KUCKLICK, FREDERICK		Oct-00	32	7.75	248.00	262.88
362	P20	CLOUD, PATRICK		May-00	42	7.75	325.50	345.03
363	P21	SCHNEEKLOTH, ULRICH		Apr-00	31	7.75	240.25	254.67
364	P22	JACKSON, RICK&CYNTHIA		Apr-00	36	7.75	279.00	295.74
365	P23	SHANE, HUGH		Sep-97	30	7.75	232.50	246.45
366	P24	HOWE, CHAS & KATHERINE		Feb-99	30	7.75	232.50	246.45
367	P25	KURCHINSKI, FRANK 27		May-94	25	7.75	193.75	205.38
368	P26	SCHNULLE, DAVID	SALES		32	7.75	248.00	262.88
369	Q01	MOWRY, DAVID		Nov-00	30	7.75	232.50	246.45
370	Q02	TEAGUE, FRANK		Mar-00	33	7.75	255.75	271.10
371	Q03	PITARD, ALDEN		Sep-94	31	7.75	240.25	254.67
372	Q04	KAHN, SIGMUND		May-96	37	7.75	286.75	303.96
373	Q05	RUE	HAVE 550		0	7.75	0.00	0.00
374	Q06	HUSEBY, LOIS		Feb-00	31	7.75	240.25	254.67
375	Q07	LANGE, BRUCE		Dec-00	42	7.75	325.50	345.03
376	Q08	WILKINS		Oct-00	30	7.75	232.50	246.45
377	Q09	HAVENS, RANDALL		May-00	36	7.75	279.00	295.74
378	Q10	BOUCH, RAY & KATHY		Jun-00	42	7.75	325.50	345.03
379	Q11	JOHNSON	HAVE 550		42	7.75	325.50	345.03
380	Q12	BARBER, CHUCK		Nov-97	40	7.75	310.00	328.60
381	Q13	YOUNG, F.S.		Sep-96	52	7.75	403.00	427.18
382	Q14	YOUNG, F.S.	Q13 & Q14 ONE BOAT			0.00	0.00	0.00
383	Q15	WHITLER, CHARLES		Feb-00	50	7.75	387.50	410.75
384	Q16	ELSAESSER, PETE		May-00	34	7.75	263.50	279.31
385	Q17	JOHNSON, TOM 27		Jun-94	30	7.75	232.50	246.45
386	Q18	DANCE, STUART		Feb-00	35	7.75	271.25	287.53
387	Q19	LIGIBEL, T. CRAIG		Dec-99	43	7.75	333.25	353.25
388	Q20	MILLER, BARRY		Dec-00	37	7.75	286.75	303.96
389	Q21	WHITEMORE, ROBERT		Nov-99	34	7.75	263.50	279.31
390	Q22	OSTEYEE, GEORGE		Mar-97	43	7.75	333.25	353.25
391	Q23	BROWN, WALTER		Nov-00	42	7.75	325.50	345.03
392	Q24	LUTZ, DONALD&ESTELLE		Oct-00	31	7.75	240.25	254.67
393	Q25	ROBINSON,MARGUERITE		May-99	32	7.75	248.00	262.88
394	Q26	MITCHELL, MICHAEL		Nov-00	37	7.75	286.75	303.96
395	R01	BARNES, NANCY 23		Jun-97	30	7.75	232.50	246.45
396	R02	DOUGHTY, FRANK		Jul-98	30	7.75	232.50	246.45
397	R03	KNOLL, C.R.		Jan-97	34	7.75	263.50	279.31
398	R04	BERKOWITZ, RONALD P.		Dec-98	34	7.75	263.50	279.31
399	R05	BELL, WILLIAM		Dec-94	37	7.75	286.75	303.96
400	R06	TIGHE, PETER&ALICE		Feb-98	30	7.75	232.50	246.45
401	R07	MORTON, GEORGE		Nov-90	30	7.75	232.50	246.45
402	R08	CUSHWA, CHARLES		Jul-99	42	7.75	325.50	345.03
403	R09	SADLER,		Jul-98	37	7.75	286.75	303.96
404	R10	CARRILLO, LOUIE		Jul-00	38	7.75	294.50	312.17
405	R11	KIRCH, LARRY		Jul-99	30	7.75	232.50	246.45
406	R12	OSTRANDER		Oct-00	43	7.75	333.25	353.25
407	R13	LORANGER	HAVE 550		0	7.75	0.00	0.00
408	R14	KING, CLARK		Jun-99	46	7.75	356.50	377.89
409	R15	KING, CLARK	R14 & R15 ONE BOAT			0.00	0.00	0.00
410	R16	BRAZEAU, ROBERT D.		Mar-00	40	7.75	310.00	328.60
411	R17	CUPP, CECIL		Aug-97	43	7.75	333.25	353.25
412	R18	SMITH, VICTOR & CAROL		Oct-00	35	7.75	271.25	287.53
413	R19	WEERSING, CLARK 27		Apr-96	30	7.75	232.50	246.45
414	R20	WEBER, MARK S.		Sep-97	42	7.75	325.50	345.03
415	R21	KIRALY, JOHN W. DR.		Nov-97	38	7.75	294.50	312.17
416	R22	FREIERMUTH, BOB		Nov-00	47	7.75	364.25	386.11
417	R23	SMITH, STUART & HELEN		May-00	46	7.75	356.50	377.89
418	R24	HALLMAN, ED & JOAN		Sep-99	48	7.75	372.00	394.32
419	R25	ERDMAN, DAVID 27		May-98	30	7.75	232.50	246.45
420	R26	ANDREWS, ROBERT		Oct-00	37	7.75	286.75	303.96
421	R27	MCGEE, RONALD 28		May-98	30	7.75	232.50	246.45
422	R28		NO ELECTRIC		0	7.75	0.00	0.00
423	S01	SCHINDLER, ROBERT 14		Nov-96	20	10.00	200.00	212.00
424	S02	MCKINNON, MALCOLM 24		Apr-94	30	7.75	232.50	246.45
425	S03	NELKIN, FRANK		May-98	33	7.75	255.75	271.10
426	S04	PRINCE, ROBB		Feb-96	35	7.75	271.25	287.53
427	S05	SPECK, WILLIAM		Dec-93	30	7.75	232.50	246.45
428	S06	FIELDS, JACK		Oct-00	34	7.75	263.50	279.31

429	S07	JOHNSON, JIM & JUDY		Feb-99	34	7.75	263.50	279.31
430	S08	BABB, J. GLENN		Jan-98	30	7.75	232.50	246.45
431	S09	ROHN, JIM 23		Nov-93	30	7.75	232.50	246.45
432	S10	MARTIN, RACHEL		Apr-99	31	7.75	240.25	254.67
433	S11	HILL, DAVE 27		May-94	30	7.75	232.50	246.45
434	S12	WENRICH, ROBERT 24		Dec-94	30	7.75	232.50	246.45
435	S13	MC CAY, DONALD		Sep-99	30	7.75	232.50	246.45
436	S14	TURNER, RICHARD		Dec-97	31	7.75	240.25	254.67
437	S15	BARTON, MIKE A.		Jun-00	35	7.75	271.25	287.53
438	S16	COLDIRON, HAYWARD 24		Dec-96	30	10.00	300.00	318.00
439	S17	LEONARD, BETTY		Jan-99	32	7.75	248.00	262.88
440	S18	TEETOR, TOM		Jan-00	15	10.00	150.00	159.00
441	S19	MAC NEIL, ROBERT		Mar-99	30	7.75	232.50	246.45
442	S20	BENTLEY		Nov-00	30	7.75	232.50	246.45
443	S21	KELLY, THOMAS		Dec-00	30	7.75	232.50	246.45
444	S22	MITCHELL, GARY		Apr-98	38	7.75	294.50	312.17
445	S23	BROOKES	HAVE 550			7.75	0.00	0.00
446	S24	BAILEY, GEORGE		Dec-99	20	9.25	185.00	196.10
447	S25	SIMPSON, GARY T. 24		May-00	30	7.75	232.50	246.45
448	S26	GOODSON, WILLIAM		Nov-00	30	7.75	232.50	246.45
449	S27	GALLAGHER, THOMAS		Dec-98	30	7.75	232.50	246.45
450	S28	SMITH, BARRIE		Apr-98	34	7.75	263.50	279.31
451	S29	FORCEY, CHARLES 22		Jan-00	30	7.75	232.50	246.45
452	S30		NOT ENOUGH WATER			7.75	0.00	0.00
453	U01	WILLIS	HAVE 550			7.75	0.00	0.00
454	U02	ADGATE, LOREN		Oct-00	30	7.75	232.50	246.45
455	U03	SINGH, BOB		Aug-94	34	7.75	263.50	279.31
456	U04	MAHAN, JOHN J.		Dec-99	34	7.75	263.50	279.31
457	U05	PODNAR, JOE		Apr-98	31	7.75	240.25	254.67
458	U06	MENNELLA	HAVE 550		0	8.75	0.00	0.00
459	U07	FLEMING, THOMAS R.		Jul-00	34	7.75	263.50	279.31
460	U08	YANCO	HAVE 550			7.75	0.00	0.00
461	U09	SULLIVAN, PAUL		Mar-00	32	8.75	280.00	296.80
462	U10	BARRAGO	HAVE 550		0	7.75	0.00	0.00
463	U11	WILD DREAMS	TRANSIENT		43	12.00	516.00	546.96
464	U12		CAT BOAT			7.75	0.00	0.00
465	U13	CUTTER, MATTHEW		Dec-99	36	7.75	279.00	295.74
466	U14	MCMAHON, JAMES		Dec-96	37	7.75	286.75	303.96
467	U15	VRIESINGA, BILL 28		Mar-94	30	7.75	232.50	246.45
468	U16	SCHNEEBERGER, HOWARD		Dec-99	30	7.75	232.50	246.45
469	U17	SHANNON, TOMMY		Jul-95	30	7.75	232.50	246.45
470	U18	BLASCO	HAVE 550		0	7.75	0.00	0.00
471	U19	SEATTER	HAVE 550		0	7.75	0.00	0.00
472	U20	WALTERS, ELMER		Nov-99	35	7.75	271.25	287.53
473	U21	BROCK	HOLDING		0	7.75	0.00	0.00
474	U22	CHAPMAN, ADRIAN 21		Oct-00	30	7.75	232.50	246.45
	DP 1	DR. & MRS. ALEX BYRNE	99 YR LEASE			0.00	0.00	0.00
	DP 2	WILLIAM & BETTY SHIVELY	99 YR LEASE			0.00	0.00	0.00
	DP 3	STEPHEN & DELORES MCGREEVY	99 YR LEASE			0.00	0.00	0.00
	DP 4	JACK & JAYNE SHIPMAN	99 YR LEASE			0.00	0.00	0.00
	DP 5	MORTON AND RHEA FLEISHMAN	99 YR LEASE			0.00	0.00	0.00
	DP 6	MR. & MRS. RICHARD SMITH	99 YR LEASE			0.00	0.00	0.00
	DP 7	HOWARD AND RUTH BERREY	99 YR LEASE			0.00	0.00	0.00
	DP 8	GUENTHER ANDREWS AND GUENTHER P.L.L.	99 YR LEASE			0.00	0.00	0.00
	DP 9	JIM & PAT WEST	99 YR LEASE			0.00	0.00	0.00
			99 YR LEASE			0.00	0.00	0.00
							\$ 106,069.25	\$ 112,321.81

COMMERCIAL LEASES						
	Name	Location	Term			
	SUSAN E. McDONALD	Ship's Store & Fuel Dock	9/1/03			
	FORT MYERS YACHT	Boat Yard/Office	5/1/09			
	YACHTING VACATIONS	Office	Month to Month			
	PLATINUM POINT YACHT CLUB	Three Slips	5/1/01			
	MARINA YACHT BROKERS INC.	Eight Slips, Boat House	2,024			

The above leases, with the exception of specific leases described below, are for an initial term of no more than one(1) year. After the initial one year term, the subsequent term of each lease is month to month.

As an exception to the above, the above leases listed as "Sales" are for a term of no more than five (5) years, and the leases listed as "99 year leases" are for a term of 99 years and the leases listed as commercial leases are for the term listed on the rent roll.

None of the above leases contain any right or option to purchase or acquire any interest in the "Property".

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AUG 13 2008

2007-00054

20.50
8400.12

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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AUG 13 2008

COMMUNITY DEVELOPMENT

2007-00054

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

Witnesses:

WCI COMMUNITIES, INC., a Delaware corporation

[Signature]
Name: Stephen J. Szabo, III

By: [Signature]
Print Name: ALBERT F. MOSCATO, JR.
Vice President

[Signature]
Name: GREGG S. TRUXTON

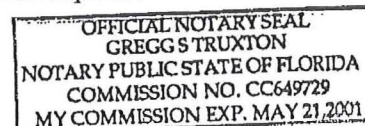
Address: 24301 Walden Center Drive
Suite 300
Bonita Springs, FL 34134

STATE OF FLORIDA
COUNTY OF ~~HILLSBOROUGH~~ LEE

The foregoing instrument was acknowledged before me this 28 day of December, 2000, by Albert F. Moscatto, 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.

[Signature]
NOTARY PUBLIC
Name: _____
Serial #: _____
My Commission Expires: _____

#758052 v3 - 2303-449



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AUG 13 2008

COMMUNITY DEVELOPMENT

CPA 2007-00054

DE 00344 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

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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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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.,

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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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SKETCH & DESCRIPTION OF BURNT STORE MARINA

SECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST
LEE COUNTY, FLORIDA

PARCEL DESCRIPTION:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST, LEE COUNTY, FLORIDA; THENCE RUN N00°33'37"E ALONG THE EAST LINE OF SAID SECTION 1 A DISTANCE OF 830.00 FEET TO THE SOUTHEAST CORNER OF TRACT I AS RECORDED IN OFFICIAL RECORD BOOK 2285 PAGE 3073 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N00°33'37"E ALONG THE EAST LINE OF SAID SECTION 1 A DISTANCE OF 50.00 FEET TO THE **POINT OF BEGINNING**.

FROM SAID **POINT OF BEGINNING**, RUN N89°35'58"W FOR 1207.71 FEET TO THE SOUTHEAST CORNER OF TRACT H PARCEL 5 AS RECORDED IN OFFICIAL RECORD BOOK 2285 PAGE 3073 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN ALONG THE EAST LINE OF SAID PARCEL N00°24'02"E FOR 57.00 FEET TO THE SOUTHEAST CORNER OF TRACT H PARCEL 7 AS RECORDED IN OFFICIAL RECORD BOOK 2285 PAGE 3073 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN ALONG THE EAST LINE OF SAID PARCEL N00°24'02"E FOR 121.80 FEET TO A POINT ON THE SOUTH LINE OF TRACT "C" OF THE PLAT OF PUNTA GORDA ISLES SECTION TWENTY TWO AS RECORDED ON PLAT BOOK 28, PAGES 118 THROUGH 138 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE ALONG THE EAST LINE OF SAID TRACT H PARCEL 7 N00°24'02"E FOR 143.74 FEET TO THE NORTHEAST CORNER OF SAID PARCEL; THENCE RUN N00°24'02"E FOR 134.26 FEET TO THE INTERSECTION OF THE NORTH LINE OF THE SOUTHEAST ONE QUARTER OF THE SOUTHEAST ONE QUARTER OF SAID SECTION 1 TOWNSHIP 43 SOUTH RANGE 22 EAST; THENCE LEAVING SAID LINE RUN N00°24'02"E FOR 54.50 FEET TO A POINT NEAR THE AN EXISTING SEAWALL; THENCE RUN N23°54'46"E FOR 2.00 FEET TO AN APPROXIMATE POINT ON A ONE-FOOT OFFSET LINE FROM AN EXISTING WATERWAY SEAWALL AND THE BEGINNING OF A NON-TANGENT 827.84 FEET RADIUS CURVE CONCAVE TO THE NORTH; THENCE ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 19°48'35", A CHORD BEARING AND CHORD OF S75°51'25"E AND 284.80 FEET, RUN ALONG THE ARC OF SAID CURVE FOR 286.22 FEET TO A POINT; THENCE RUN S89°40'23"E FOR 125.36 FEET TO AN INTERSECTION WITH A NON-TANGENT 455.22 FEET RADIUS CURVE CONCAVE TO THE NORTHWEST, HAVING A CENTRAL ANGLE OF 24°20'15", A CHORD BEARING AND CHORD OF N75°00'42"E AND 191.91 FEET, RUN ALONG THE ARC OF SAID CURVE FOR 193.36 FEET TO A POINT; THENCE RUN N60°35'17"E FOR 590.68 FEET TO A POINT ON THE EAST LINE OF AN EXISTING MARINA; THENCE LEAVING THE APPROXIMATE ONE-FOOT OFFSET LINE FROM AN EXISTING WATERWAY SEAWALL, RUN ALONG THE EAST LINE OF SAID MARINA N15°22'46"E FOR 43.85 FEET; THENCE N29°37'14"W FOR 429.00 FEET TO A POINT LYING ONE-FOOT, MORE OR LESS, NORTHERLY OF AN EXISTING SEAWALL; THENCE DEPARTING SAID SEAWALL, RUN N59°00'18"E FOR 269.83 FEET TO A POINT ON THE WESTERLY LINE OF LOT 2, BLOCK 1001, PUNTA GORDA ISLES SECTION 22, AS RECORDED ON PLAT BOOK 28, PAGES 118-138, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE LEAVING SAID LINE, RUN N83°44'57"E FOR 171.76 FEET TO AN INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF MATECUMBE KEY ROAD (60 FEET RIGHT-OF-WAY); THENCE RUN ALONG SAID WEST RIGHT-OF-WAY LINE ALONG THE ARC OF A 1340.00 FEET RADIUS CURVE CONCAVE TO THE NORTHEAST, SAID CURVE HAVING A CENTRAL ANGLE OF 12°13'04", A CHORD AND CHORD BEARING OF S12°21'35"E FOR 285.20 FEET, RUN ALONG THE ARC OF SAID CURVE FOR 285.74 FEET TO THE POINT OF A 50.00 FEET RADIUS REVERSE CURVE CONCAVE TO THE NORTHWEST, SAID CURVE HAVING A CENTRAL ANGLE OF 80°49'54", A CHORD AND CHORD BEARING OF S21°56'50"W FOR 64.83 FEET, RUN ALONG THE ARC OF SAID CURVE FOR 70.54 FEET TO THE POINT OF A 840.00 FEET RADIUS REVERSE CURVE CONCAVE TO THE SOUTHEAST, SAID CURVE HAVING A CENTRAL ANGLE OF 08°48'45", A CHORD AND CHORD BEARING OF S57°57'25"W FOR 129.07 FEET, RUN ALONG THE ARC OF SAID CURVE FOR 129.20 FEET TO THE SOUTHWEST CORNER OF LOT 1, BLOCK 1001, OF THE PLAT OF 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 RUN S36°26' 58"E FOR 10.01 FEET; THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE OF MATECUMBE KEY ROAD RUN S36°26' 58"E FOR 60.00 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF MATECUMBE KEY ROAD (60 FEET RIGHT-OF-WAY); THENCE RUN S36°26' 58"E FOR 9.99 FEET; THENCE RUN S36°26'58"E FOR 83.56 FEET TO A POINT ON THE EAST LINE OF TRACT "C"; CONTINUING ALONG SAID LINE RUN S01°37'58"E FOR 40.00 FEET; THENCE S88°22'02"W FOR 118.83 FEET; THENCE S00°33'37"W FOR 324.92 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST ONE QUARTER OF THE SOUTHEAST ONE QUARTER OF SECTION 1 TOWNSHIP 43 SOUTH RANGE 22 EAST; THENCE LEAVING SAID LINE CONTINUE ALONG SAID EAST LINE OF TRACT "C" S00°33'37"W FOR 278.00 FEET TO THE SOUTHEAST CORNER OF TRACT "C" AS RECORDED IN SAID PLAT; THENCE RUN S00°16'05"W FOR 178.80 FEET TO THE **POINT OF BEGINNING**.

LESS AND EXEMPT THE FOLLOWING DESCRIBED PARCEL AS RECORDED ON CONDOMINIUM BOOK 8, PAGES 245 THROUGH 252 OF LEE COUNTY PUBLIC RECORDS, FLORIDA.

DESCRIPTION OF KEEL CLUB CONDOMINIUM SITE

A TRACT OF LAND LYING IN SECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST, LEE COUNTY, FLORIDA. SAID TRACT ALSO LYING WITHIN TRACT "C" OF THE PLAT OF PUNTA GORDA ISLES SECTION TWENTY TWO AS RECORDED IN PLAT BOOK 28, PAGES 118 THROUGH 138 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. BEING MORE PARTICULAR DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 1; THENCE RUN N00°33'37"E, ALONG THE EASTERLY LINE OF SECTION 1, A DISTANCE OF 830.00 FEET TO A POINT; THENCE RUN N89°35'58"W, A DISTANCE OF 947.57 FEET TO A POINT; THENCE RUN N00°24'02"E, A DISTANCE OF 228.14 FEET TO A POINT LYING ON THE ABOVE SAID TRACT "C"

SKETCH & DESCRIPTION OF BURNT STORE MARINA		STOUTEN & ASSOCIATES, INC. SURVEYING & MAPPING CERTIFICATE OF AUTHORIZATION NUMBER LB3377 324 Nicholas Parkway West, Suite E, Cape Coral, FL 33991 Phone: (239)542-7499 Fax: (239) 945-0244 www.stoutenandassociates.com	I hereby certify that, to the best of my knowledge and belief, the survey represented hereon, made under my direction on 8-21-07 is in accordance with Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors & Mappers, Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes. JEFFREY D. STOUTEN FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6594 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
JOB #61-6081	PREPARED FOR: AVALON ENGINEERING SECTION 1, TOWNSHIP 43S, RANGE 22E		

(SAID POINT LYING N89°35'58"E OF AND 948.19 FEET FROM THE SOUTHEAST CORNER OF THE NORTH 278 FEET OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ SAID SECTION 1); THENCE CONTINUE N00°24'02"E, A DISTANCE OF 10.39 FEET TO THE **POINT OF BEGINNING**, SAID POINT ALSO BEING THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 191.85 FEET, A CENTRAL ANGLE OF 18°07'32" AND A CHORD BEARING OF N09°27'48"E; THENCE RUN ALONG SAID CURVE A DISTANCE OF 60.69 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 133.42 FEET, AND A CENTRAL ANGLE OF 17°03'03"; THENCE RUN ALONG SAID CURVE A DISTANCE OF 39.70 FEET TO THE POINT OF TANGENCY THEREOF; THENCE RUN N01°28'31"E, A DISTANCE OF 36.63 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 16.48 FEET AND A CENTRAL ANGLE OF 84°36'37"; THENCE RUN ALONG SAID CURVE A DISTANCE OF 24.34 FEET TO THE POINT OF TANGENCY THEREOF; THENCE RUN N86°05'08"E, A DISTANCE OF 52.67 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 23.62 FEET AND A CENTRAL ANGLE OF 80°31'28"; THENCE RUN ALONG SAID CURVE A DISTANCE OF 33.19 FEET TO THE POINT OF TANGENCY THEREOF; THENCE RUN N05°33'40"E, A DISTANCE OF 25.23 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 15.95 FEET AND A CENTRAL ANGLE OF 86°29'24"; THENCE RUN ALONG SAID CURVE A DISTANCE OF 24.07 FEET TO THE POINT OF TANGENCY THEREOF; THENCE RUN S87°56'56"E, A DISTANCE OF 16.07 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 350.09 FEET AND A CENTRAL ANGLE OF 21°02'11"; THENCE RUN ALONG SAID CURVE A DISTANCE OF 128.54 FEET TO THE POINT OF TANGENCY THEREOF; THENCE RUN N71°00'53"E, A DISTANCE OF 18.18 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 17.71 FEET AND A CENTRAL ANGLE OF 109°23'09"; THENCE RUN ALONG SAID CURVE A DISTANCE OF 33.80 FEET TO THE POINT OF TANGENCY THEREOF; THENCE RUN S00°24'02"W, A DISTANCE OF 225.02 FEET; THENCE RUN N89°35'58"W A DISTANCE OF 308.00 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 795,082 SQUARE FEET, 18.25 ACRES, MORE OR LESS.
BEARINGS DERIVED FROM THE PLAT OF PUNTA GORDA ISLES SECTION 22.

SKETCH & DESCRIPTION OF BURNT STORE MARINA		<div>STOUTEN & ASSOCIATES, INC. SURVEYING & MAPPING</div> <div>CERTIFICATE OF AUTHORIZATION NUMBER LB3377</div> <div>324 Nicholas Parkway West, Suite E, Cape Coral, FL 33991</div> <div>Phone: (239)542-7499 Fax: (239) 945-0244</div> <div>www.stoutenandassociates.com</div>	SEE SHEET 1 OF 5 FOR SIGN AND SEAL
JOB #61-6081	PREPARED FOR: AVALON ENGINEERING		
SECTION 1, TOWNSHIP 43S, RANGE 22E			



SCALE
1"=200'

SHEET 4

NORTH PORTION OF LOT 2 BLOCK 1001
PUNTA GORDA ISLES SECTION 22

LOT 2, BLOCK 1001 PUNTA GORDA
ISLES SECTION 22
P.B. 28, PGS. 118-138

LOT 1, BLOCK 1001
PUNTA GORDA ISLES
SECTION 22
P.B. 28, PGS. 118-138

EXISTING MARINA
PART OF TRACT "C"
PUNTA GORDA ISLES
SECTION 22
P.B. 28, PG. 118-138

EXISTING MARINA
PART OF TRACT "C"
PUNTA GORDA ISLES
SECTION 22
P.B. 28, PG. 118-138

BURNT STORE MARINA
795,082 SQ. FT.
18.25 +/- ACRES

MATECUMBE KEY ROAD
(60 FEET RIGHT-OF-WAY)

MATECUMBE KEY ROAD
(60 FEET RIGHT-OF-WAY)

MATECUMBE KEY ROAD
(60 FEET RIGHT-OF-WAY)

SHEET 3

N. LINE SE 1/4, SE 1/4
SECTION 1-43-22

SOUTHEAST CORNER OF THE NORTH
278 FEET OF THE SOUTHEAST ONE
QUARTER OF THE SOUTHEAST ONE
QUARTER OF SECTION 1

BURNT STORE MARINA
795,082 SQ. FT.
18.25 +/- ACRES

EXISTING CONDO EXCLUDED
FROM RE-DEVELOPMENT AREA
59,903 SQ. FT. 1.38 +/- ACRES

PART OF
TRACT "C"
PUNTA GORDA ISLES
SECTION 22
P.B. 28, PG. 118-138

P.O.B.
O.R. 1690 PG. 2613
C.B. 8 PG. 245

PART OF
TRACT "T"
O.R. 2285, PG. 3073

TRACT "H"
PARCEL 5
O.R. 2285, PG. 3073

SOUTH LINE TRACT "C"
PUNTA GORDA ISLES SECTION 22
P.B. 28, PGS. 118-138

SOUTH LINE TRACT "T"
O.R. 2285, PG. 3073

SECTION 1
RANGE 22E

SECTION 4
RANGE 22E

SKETCH TO ACCOMPANY DESCRIPTION OF BURNT STORE MARINA SECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST LEE COUNTY, FLORIDA

KEY MAP

THIS IS NOT A SURVEY

DRAWN BY:	REVISION:	DATE
E.P.		
CHECKED BY:		
J.D.S.		
708741:		
61-6081		

STOUTEN & ASSOCIATES, INC.
SURVEYING & MAPPING
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Phone: (239) 942-7499 Fax: (239) 945-0244
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SHEET 3 OF 5
SEE SHEET 1
OF 5 FOR SIGN
AND SEAL

SKETCH TO ACCOMPANY DESCRIPTION OF
BURNT STORE MARINASECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST
LEE COUNTY, FLORIDASCALE
1"=100'L=286.22'
R=827.84'
DA=19°48'35"
CH=284.80'
CHB=S75°51'25"EAPPROXIMATE NORTH PROPERTY LINE
FOLLOWS ONE-FOOT OFFSET LINE OF
THE WATERWAY SEAWALLL=193.36'
R=455.22'
DA=24°20'15"
CH=191.91'
CHB=N75°00'42"E

SOUTH MARINA BASIN

N. LINE SE 1/4, SE 1/4
SECTION 1-43-22SOUTHEAST CORNER OF THE NORTH
278 FEET OF THE SOUTHEAST ONE
QUARTER OF THE SOUTHEAST ONE
QUARTER OF SECTION 1BURNT STORE MARINA
795,082 SQ. FT.
18.25 +/- ACRESEXISTING CONDO EXCLUDED
FROM RE-DEVELOPMENT AREA
59,903 SQ. FT. 1.38 +/- ACRESP.O.B.
O.R. 1690 PG. 2613
C.B. 8 PG. 245PART OF
TRACT "C"
PUNTA GORDA ISLES
SECTION 22
P.B. 28, PG. 118-138PART OF
TRACT "I"
O.R. 2285, PG. 3073TRACT H
PARCEL 7
O.R. 2285, PG. 3073TRACT H
PARCEL 5
O.R. 2285, PG.
3073

LINE TABLE		
LINE	LENGTH	BEARING
L1	2.00	N23°54'46"E
L5	50.00	N00°33'37"E
L6	830.00	N00°33'37"E
L7	10.39	N00°24'02"E
L8	36.63	N01°28'31"E
L9	52.67	N86°05'08"E
L10	25.23	N05°33'40"E
L11	16.07	S87°56'56"E
L12	18.18	N71°00'53"E
L13	225.02	S00°24'02"W
L14	308.00	N89°35'58"W

SOUTH LINE TRACT "C"
PUNTA GORDA ISLES SECTION 22
P.B. 28, PGS. 118-138P.O.B.
BURNT STORE MARINA
P.O.C.
SOUTHEAST CORNER OF SECTION 1,
TOWNSHIP 43 SOUTH, RANGE 22 EASTSOUTH LINE TRACT "I"
O.R. 2285, PG. 3073

CURVE TABLE						
CURVE	LENGTH	RADIUS	CH. BEARING	CHORD	DELTA	
C4	60.69'	191.85'	S09°27'48"W	60.44'	18°07'33"	
C5	39.70'	133.42'	N10°00'03"E	39.56'	17°03'03"	
C6	24.34'	16.48'	S43°46'49"W	22.18'	84°36'37"	
C7	33.20'	23.62'	N45°49'24"E	30.53'	80°31'28"	
C8	24.08'	15.95'	S48°48'22"W	21.86'	86°29'24"	
C9	128.54'	350.09'	N81°31'59"E	127.82'	21°02'11"	
C10	33.81'	17.71'	N54°17'32"W	28.91'	109°23'09"	

N89°35'58"W 1207.71'

THIS IS NOT A SURVEY

DRAWN BY	REVISION	DATE
E.P.		
J.D.S.		
DATE		
61-6081		

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Phone: (239) 842-7499 Fax: (239) 945-0244
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SEE SHEET 1
OF 5 FOR SIGN
AND SEAL



SCALE
1"=100'

SKETCH TO ACCOMPANY DESCRIPTION OF BURNT STORE MARINA

SECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST
LEE COUNTY, FLORIDA

APPROXIMATE PROPERTY CORNER FALLS
ONE-FOOT NORTHERLY OF EXISTING SEAWALL

LINE TABLE		
LINE	LENGTH	BEARING
L4	40.00	S01°37'58"E

CURVE TABLE					
CURVE	LENGTH	RADIUS	CH. BEARING	CHORD	DELTA
C1	285.74'	1340.00'	S12°21'35"E	285.20'	12°13'04"
C2	70.54'	50.00'	S21°56'50"W	64.83'	80°49'54"
C3	129.20'	840.00'	S57°57'25"W	129.07'	8°48'45"

APPROXIMATE NORTH PROPERTY LINE
FOLLOWS ONE-FOOT OFFSET LINE OF
THE WATERWAY SEAWALL

MATCH LINE SHEET 3

NORTH PORTION OF LOT 2, BLOCK 1001
PUNTA GORDA ISLES SECTION 22

N59°00'18"E 269.83'

N83°44'57"E 171.76'

LOT 2, BLOCK 1001 PUNTA GORDA
ISLES SECTION 22,
P.B. 28, PGS. 118-138

N80°53'20"E 163.18'

S14°10'38"E 400.71'

LOT 1, BLOCK 1001
PUNTA GORDA ISLES
SECTION 22,
P.B. 28, PGS. 118-138

EXISTING MARINA
PART OF TRACT "C"
PUNTA GORDA ISLES
SECTION 22
P.B. 28, PG. 118-138

N29°37'14"W 429.00'

SOUTHWEST CORNER
LOT 1, BLOCK 1001

MATECUMBE KEY ROAD
(60 FEET RIGHT-OF-WAY)

S36°26'58"E 10.01'

S36°26'58"E 9.99'

MATECUMBE KEY ROAD
(60 FEET RIGHT-OF-WAY)

EXISTING MARINA
PART OF TRACT "C"
PUNTA GORDA ISLES
SECTION 22
P.B. 28, PG. 118-138

S88°22'02"W 118.83'

N15°22'46"E
43.85'

N60°35'17"E 590.68'

BURNT STORE MARINA
795,082 SQ. FT.
18.25 +/- ACRES

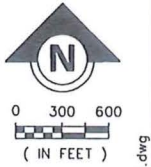
S00°33'37"W 324.92'

THIS IS NOT A SURVEY

DRAWN BY:	REVISION:	DATE
E.P.		
J.D.S.		
708161		
61-6081		

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Phone: (239) 942-7499 Fax: (239) 945-0244
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SHEET 5 OF 5
SEE SHEET 1
OF 5 FOR SIGN
AND SEAL



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

DATE	BY	REVISION DESCRIPTION
07/07/08	MP	STATUS SET

AVOLON ENGINEERING, INC.
2503 DEL PRADO BLVD. #200
CAPE CORAL, FLORIDA 33904
FBPE#3128 (339) 573-2077



BURNT STORE MARINA

RE-DEVELOPMENT
MAP A-3.1

PUNTA GORDA ISLES

SECTION TWENTY TWO

A PORTION OF SECTION 1, T43S, R22E &
A PORTION OF SECTION 6, T43S, R23E

LEE COUNTY, FLORIDA

A PUNTA GORDA ISLES, INC. SUBDIVISION

CONNELL ASSOCIATES

CONSULTING ENGINEERS

MIAMI - FLORIDA

SEPTEMBER, 1972

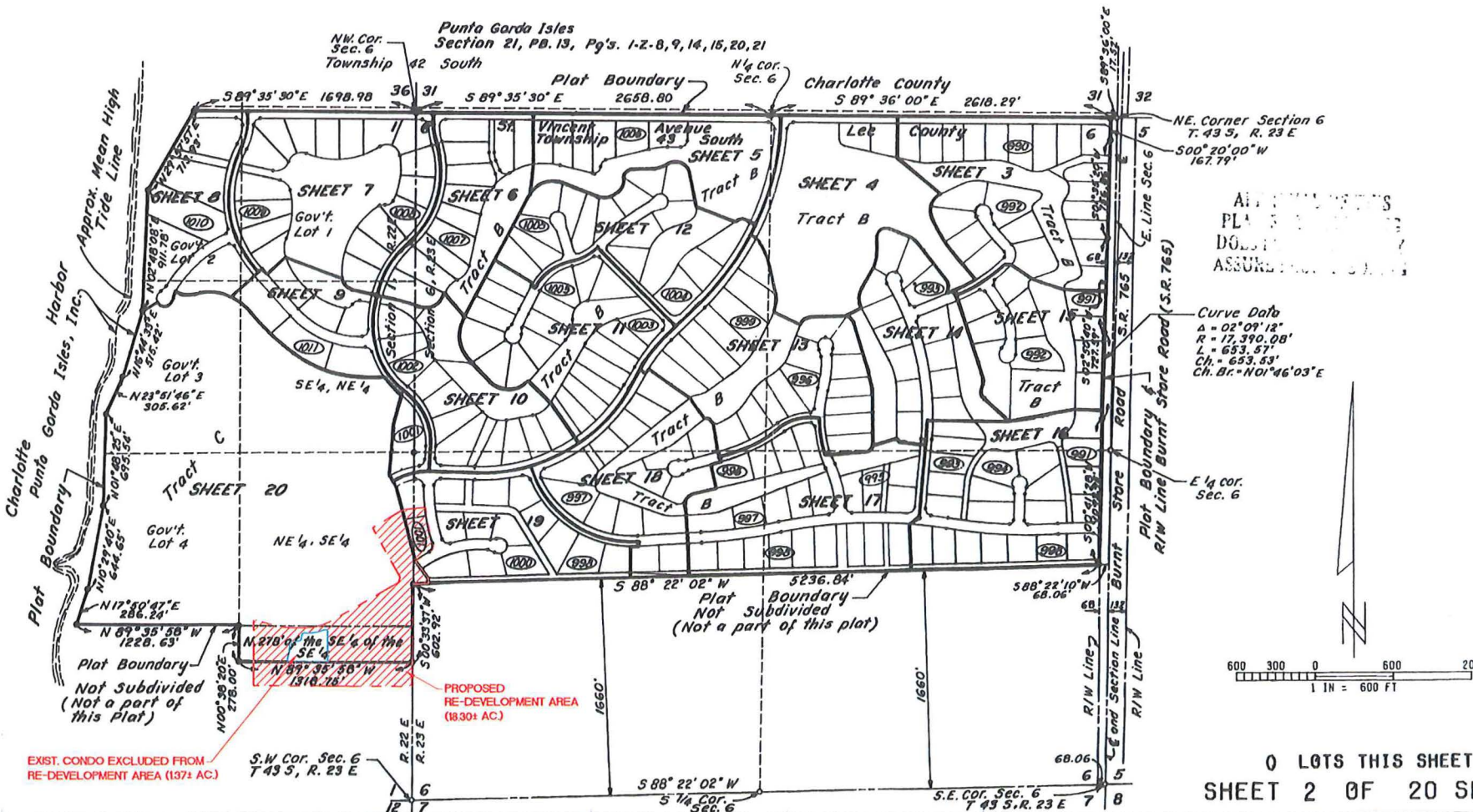
DESCRIPTION:

A parcel of land being all of GOVERNMENT LOT 1 and a portion of GOVERNMENT LOT 2, 3, and 4, and the Southeast 1/4 of the Southeast 1/4, and the Northeast 1/4 of the Southeast 1/4, and the North 200 feet of the Southeast 1/4 of the Southeast 1/4 of Section 1, Township 43 South, Range 22 East, and all of Section 6, Township 43 South, Range 23 East less the South 1000 feet thereof and less the Right of Way for STATE ROAD 705, (State Road No. 705) Lee County, Florida, being more particularly described as follows:

Beginning at the Northwest corner of Section 6, Township 43 South, Range 23 East; thence run N 69° 35' 30" W along the South boundary line of Charlotte County and the North boundary line of Lee County a distance of 17.02 feet to the Point of Beginning of the Parcel of land hereafter described; said boundary line also being the South line of Punta Gorda Isles, Section 21, Sheet 10, Plat Book 13, Page 1-2-8, of the Public Records of Charlotte County, Florida; thence run S 89° 35' 30" E along the Westerly Right of Way line of State Road No. 705 (Burnt Store Road) a distance of 167.70 feet to a point; thence run S 81° 35' 30" W along the said Westerly R/W line of State Road No. 705 a distance of 705.00 feet to a point; thence run S 89° 35' 30" W along the said Westerly R/W line of State Road No. 705 a distance of 727.00 feet to the Point of Curvature of a circular curve to the left, having a radius of 17,000.00 feet; said curve being the Westerly R/W line of State Road No. 705; thence run Southwesterly along the arc of said curve, an arc distance of 600.07 feet through a central angle of 69° 35' 30" to the Point of Tangency; thence run S 89° 35' 30" W along the said Westerly R/W line of State Road No. 705 a distance of 1000.05 feet to a point of intersection with a line that is 1000 feet North of and parallel to the South line of said Section 6; thence run S 89° 35' 30" E along said line that is 1000 feet North of and parallel to the South line of said Section 6, a distance of 600.05 feet to a point of intersection with the East line of the NE 1/4, SE 1/4 of Section 1, Township 43 South, Range 22 East; thence run S 89° 35' 30" W along the East line of the NE 1/4, SE 1/4 of said Section 1 a distance of 600.05 feet to a point of intersection with a line that is 200 feet North of and parallel to the North line of the NE 1/4 of said Section 1; thence run N 69° 35' 30" W along said line that is 200 feet

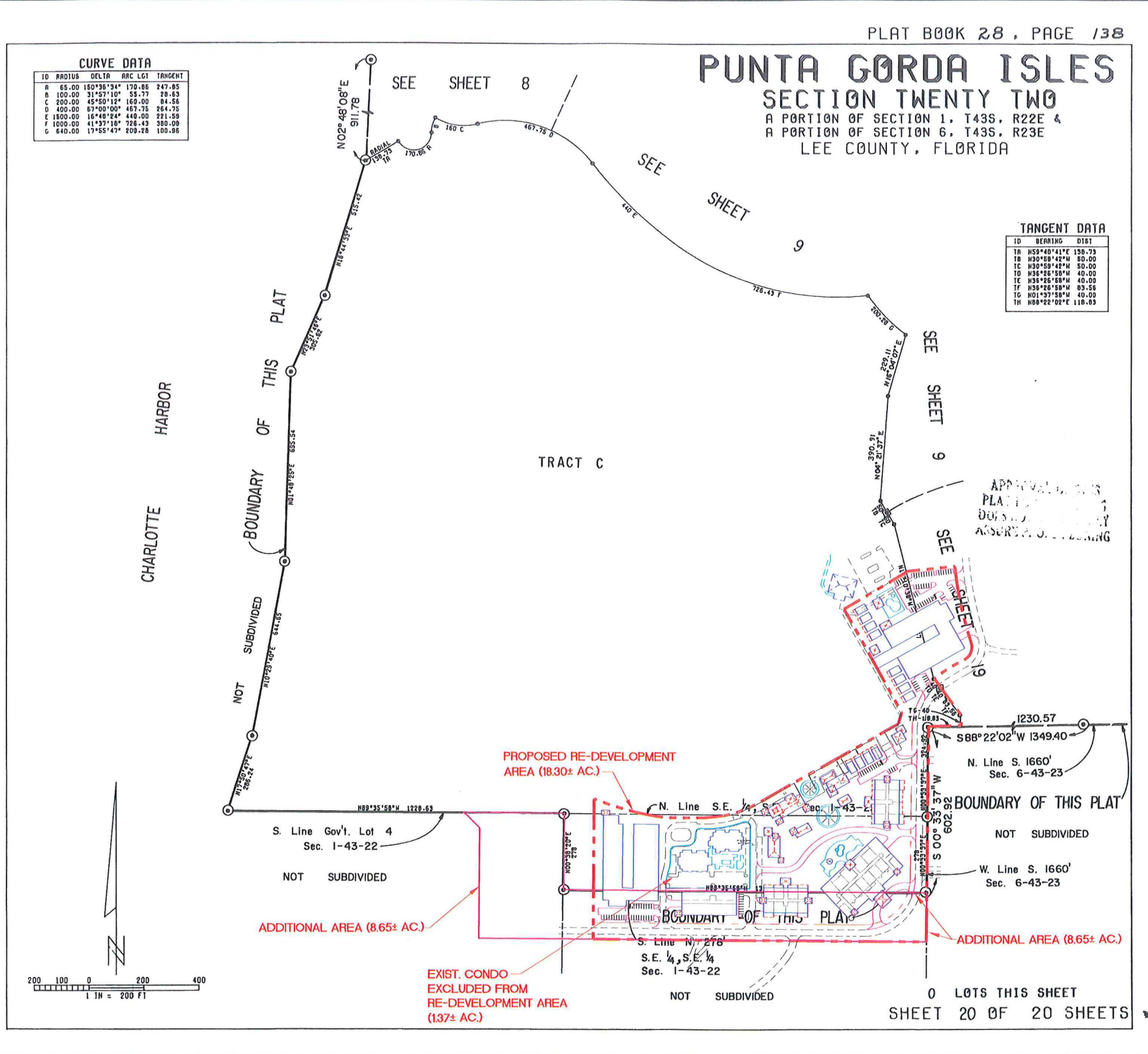
North of and parallel to the North line of the said NE 1/4, SE 1/4 of Section 1 a distance of 1000.70 feet to a point at the East line of the North 200 feet of the said NE 1/4, SE 1/4 of Section 1; thence run N 69° 35' 30" E along the said West line a distance of 500 feet to the Northwest corner of the said NE 1/4, SE 1/4; said point also being the Southwest corner of Government Lot 4 in said Section 1; thence run N 69° 35' 30" W along the South line of said Government Lot 4 a distance of 1200.00 feet to a point; thence run the following bearings and distances in Government Lot's 2, 3 and 4 in said Section 1: N 17° 00' 47" E 200.20 feet; N 10° 20' 40" E 694.05 feet; N 61° 40' 15" E 605.04 feet; N 20° 51' 40" E 205.62 feet; N 16° 44' 30" E 615.42 feet; N 62° 40' 00" E 641.70 feet; thence N 20° 57' 57" E a distance of 710.00 feet to a point of intersection with the North line of said Government Lot 2; said point also being on the South line of Section 20, Township 43 South, Range 22 East, Charlotte County; thence run S 89° 35' 30" E along the North line of Government Lot's 1 and 2 in said Section 1; the South line of said Section 20; and the South line of Punta Gorda Isles Subdivision, Section 21, as recorded in Plat Book 13 at Pages 1-2-8, 9, 14, 15, 20 and 21 of the Public Records of Charlotte County, Florida a distance of 1000.00 feet to the Northwest corner of said Section 1; thence run S 89° 35' 30" E along the North line of the NE 1/4 of said Section 6, the North line of Section 21, Township 43 South, Range 23 East, Charlotte County and the South line of the said Punta Gorda Isles Subdivision, Section 21, a distance of 2000.00 feet to the NE 1/4 corner of said Section 6; thence run S 89° 35' 30" E along the North line of the NE 1/4 of said Section 6; the South line of said Section 21, and the South line of said Punta Gorda Isles Subdivision, Section 21, a distance of 2000.00 feet to the Point of Beginning, said point being N 69° 35' 30" W a distance of 17.02 feet from the Northwest corner of said Section 6.

GOVERNMENT 600.00 acres more or less.



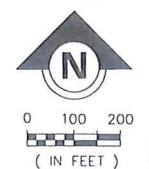
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AUG 13 2008
COMMUNITY DEVELOPMENT

2007-0005



RECEIVED
AUG 13 2008
COMMUNITY DEVELOPMENT

2007-0005

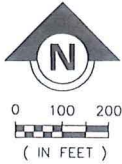




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AUG 13 2008

COMMUNITY DEVELOPMENT

2007-00054



A-3.2.dwg

RE-DEVELOPMENT MAP A-3.3	BURNT STORE MARINA		Realmark Development, LLC	AVALON ENGINEERING, INC. 2503 DEL PRADO BLVD., #200 CAPE CORAL, FLORIDA 33904 FAPF#3128 (239) 573-2077	DATE	BY	REVISION DESCRIPTION	DATE	BY	REVISION DESCRIPTION
	#07-431	3 OF 3			07/07/08	MP	STATUS SET			

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



BURNT STORE MARINA

PROPOSED MARINA VILLAGE REDEVELOPMENT PLAN

ARTISTIC ILLUSTRATION BY: STEVEN BRADFORD TURNER
BRADFORD & COMPANY DESIGN GROUP, INC.

PROPOSED MARINA VILLAGE
RESTAURANTS, CAFE'S, RETAIL AND OFFICE
FACILITIES.
(APPROX. 23,000 SQ.FT. RESTAURANTS
RETAIL : APPROX. 32,000 SQ.FT.
OFFICE : 15,000 SQ.FT.)

PROPOSED HI-LIFT BOAT STORAGE
DRY STORAGE BUILDING WITH
2-STORY DOCKMASTERS FACILITY
(APPROX. 240 BOATS)

PROPOSED
" FUNKY FISH HOUSE "
WATERSIDE & POOL SIDE
VILLAGE
25 - UNITS
APPROX. 1,250 A/C
SQUARE FEET EACH)

PROPOSED
MULTI-FAMILY
MARINA CONDOMINIUM
BUILDINGS (A & B)
TOTAL 80 UNITS PER BUILDING
(8-UNITS PER FLOOR
@ 1,275 A/C SQ.FT. EACH)
(TOTAL: 160 UNITS
BUILDINGS A & B)
(10 LEVELS MULTI-FAMILY
OVER (4) LEVELS PARKING

PROPOSED MARINA /VILLAGE
HOTEL - RESORT
12-UNITS PER FLOOR
@ 10 LEVELS OF UNITS:
(TOTAL 120 UNITS)
4-LEVELS OF PARKING
LEVEL 5-TO BE RESTAURANT
HOTEL SERVICES, LOBBY
AND MANAGEMENT OFFICES

PROPOSED-HI-LIFT BOAT
STORAGE -DRY STORAGE
BUILDING WITH 2-STORY
DOCKMASTERS AND SHIPS
STORE FACILITY
(APPROX. DOMENSIONS:
200' WIDE X 330' IN LENGTH)
APPROX. 450 BOATS

PROPOSED BOAT-DRY STORAGE
BUILDING / APPROX. 110 BOATS

MARINA VILLAGE REDEVELOPMENT PLAN

FULL SIZE PLAN : 1" = 60'-0"

RECEIVED
AUG 13 2008

COMMUNITY DEVELOPMENT

Cpt 2007-00054



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS*"Dedicated to making Florida a better place to call home"*CHARLIE CRIST
GovernorTHOMAS G. PELHAM
Secretary

July 31, 2008

RECEIVED
AUG 13 2008Ms. Karen A. Brodeen
Fowler White Boggs Banker PA
Post Office Box 11240
Tallahassee, Florida 32302**COMMUNITY DEVELOPMENT**~~2007-00054~~

RE: Binding Letter of Modification to a Development with Vested Rights and Binding Letter of Determination of Development of Regional Impact Status for Punta Gorda Isles Section 22 (also known as Burnt Store Marina)
File Nos. BLIM-09-2007-016 and BLID-09-2007-015
Final Order No. DCA 08-BL-204

The Department has evaluated your application for a Binding Letter of Modification to the vested rights of the Burnt Store Marina development, Tract C of Punta Gorda Isles Section 22 (DCA identification numbers LIVR No. 574-029 and BLIVR No. 974-029), which was received May 12, 2008, as well as supplemental information received on May 30, 2008. Based on the information contained in the application and other information obtained during review of the proposal, the Department enters the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. The applicant is Ms. Karen A. Brodeen, of Fowler White Boggs Banker P.A., authorized representative for Realmark Development Corporation, LLC the property owner. The applicant has proposed the redevelopment of 13.3 acres of Tract C and the addition of an adjacent 8.65 acre parcel located to the south of the tract to accommodate a portion of the redevelopment plan. The proposed redevelopment area will include 145 hotel rooms, 160 dwelling units, 60,000 square feet of retail, and 15,000 square feet of office space (See attached map).

2. The proposed modification involves 13.3 acres of the Punta Gorda Isles Section 22 development and 4.95 acres of the additional 8.65 acres, which is located in Section 01, Township 43 south, Range 22 east and Section 06, Township 43 south, range 23 east, in Lee County, for a total redevelopment area of approximately 18.4 acres. The parcel is located north of the city limit line for the City of Cape Coral and the north property line of the parcel is the Charlotte/Lee County line.

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-2100
850-488-8466 (p) • 850-921-0781 (f) • Website: www.dca.state.fl.us

• COMMUNITY PLANNING 850-488-2358 (p) 850-488-3309 (f) •
• HOUSING AND COMMUNITY DEVELOPMENT 850-488-7955 (p) 850-922-5823 (f) •

Ms. Karen A. Brodeen
July 31, 2008
Page 2 of 8

3. A brief history of Punta Gorda Isles Section 22 is as follows:

The Department issued LIVR 574-029 on October 26, 1973, and determined that the proposed development for Section 22 was not vested. The Department issued a binding letter BLIVR 974-029 on July 5, 1974, which reconsidered the vesting for the site and concluded that the proposed development for Punta Gorda Isles-Section 22 was vested for residential development, a golf course, and a marina complex.

The Department entered into a 380.032 Agreement on May 20, 1986, which resolved a dispute as to the total number of residential units for which the Department recognized vested rights in its letter dated July 5, 1974, which recognized that the Section 22 development was vested for 2,514 residential units. The Department entered into a second 380.032 Agreement on January 30, 1987, which stipulated that a maximum of 323 wet spaces or 525 wet slips, and 456 dry spaces in the Punta Gorda Isles-Section 22 project had vested rights from DRI review. The Department entered into an addendum to the second 380.032 agreement on May 30, 2008, which recognized that due to statutory changes, the project would not be required to undergo DRI review as a result of any wet spaces, wet slips, or dry spaces.

4. Based on the BLIVR issued July 5, 1974, the 380.032 agreements executed on May 20, 1986 and January 30, 1987, and the agreement addendum executed on May 30, 2008, the Punta Gorda Isles-Section 22 development is vested for 2,514 dwelling units, golf course, 323 wet spaces or 525 wet slips, and 456 dry spaces on 626.26 acres. Tract C also includes 15,000 square feet of existing office and 18,000 square feet of retail that have not been demonstrated to be vested.

5. The proposed plan of redevelopment, as compared with the currently vested plan of development for Punta Gorda Isles Section 22, provides for:

- a. Removal of 18,000 square feet of retail, 15,000 square feet of office and the existing dry boat storage building which currently has space for approximately 110 boats.
- b. The proposed modified vested plan of development for the entire 626.26 acre Punta Gorda Isles Section 22 is for 2,594 residential units, a golf course (with traditional ancillary uses), 323 wet spaces or 525 wet slips, 456 dry storage spaces, 55,000 square feet of Retail with 300 retail parking spaces, 15,000 square feet of office.
- c. The modified vested plan for Tract C of Punta Gorda Isles Section 22 will result in an increase in development of 80 dwelling units, 55,000 square feet of Retail with 300 parking spaces, 15,000 square feet of Office and 25 hotel rooms.
- d. The redevelopment will occur on 13.3 acres of the existing development and 4.95 acres of the additional 8.65 acres, for a total redevelopment area of 18.3 acres. The redevelopment plan that includes Tract C of Punta Gorda Isles Section 22 and the entire additional 8.65 acre parcel includes 957 residential units, 15,000 square feet of office, 60,000 square feet

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of retail with 530 retail parking spaces, 145 hotel rooms (with traditional ancillary uses) and 800 dry storage spaces (with traditional ancillary uses).

- c. The applicant has requested a Binding Letter of Determination of Development of Regional Impact Status for the following portion of the redevelopment. The portions of the redevelopment that includes buildings that will occur in part or in whole on the 4.95 acres of the additional 8.65 acre parcel, totaling 560 dry storage spaces, 80 residential units, 120 hotel rooms, and 5,000 square feet of retail with 230 parking spaces.

6. Pursuant to Section 380.06(4)(c), Florida Statutes (F.S.), in determining whether a proposed substantial change to a development of regional impact concerning which rights had previously vested pursuant to subsection (20), would divest such rights, the state land planning agency shall review the proposed change within the context of:

- (1) The criteria specified in paragraph 380.06(19)(b), F.S.;
- (2) Its conformance with any adopted state comprehensive plan and any rules of the state land planning agency;
- (3) All rights and obligations arising out of the vested status of such development;
- (4) Permit conditions or requirements imposed by the Department of Environmental Protection or any water management district created by Section 373.069 or any of their successor agencies or by any appropriate federal regulatory agency; and
- (5) Any regional impacts arising from the proposed change.

7. The Department has consulted with local, regional, and state agencies and finds that the only regional issue likely to be impacted is transportation.

8. In determining whether the proposed changes to Punta Gorda Isles Section 22 will constitute a substantial deviation, the Department applied the applicable criteria of § 380.06(19)(b), F.S.:

- a. Section 380.06(19)(b)5., F.S. An increase in land area for office development by 10 percent or an increase of gross floor area of office development by 10 percent or 66,000 gross square feet, whichever is greater.
- b. Section 380.06(19)(b)6., F.S. An increase in residential units by 10 percent or 55 units, whichever is greater.
- c. Section 380.06(19)(b)8., F.S. An increase in retail development by 55,000 square feet of gross floor area or of parking spaces provided for customers for 330 cars or a 10 percent increase of either of them, whichever is greater.

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- d. Section 380.06(19)(b)9, F.S. An increase in hotel or motel rooms by 10 percent or 83 rooms, whichever is greater.
 - e. Section 380.06(19)(b)13, F.S. A 15-percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.
9. In applying the criteria of Section 380.06(19)(b)5, 6., 8., and 13., F.S., to the proposed changes to Punta Gorda Isles Section 22, the Department finds that:
- a. The redevelopment plan adds 15,000 square feet of office, a use not previously vested for DRI purposes. The proposed addition of office square footage does not exceed the substantial deviation criteria of Section 280.06(19)(b)5., F.S. of 66,000 gross square feet.
 - b. The redevelopment plan adds 80 residential units, an increase of 3.2 percent. The proposed increase in residential development does not exceed the substantial deviation criteria of Section 380.06(19)(b)6., F.S.
 - c. The redevelopment plan adds 55,000 square feet of retail with 300 parking spaces, a use not previously vested for DRI purposes. The proposed increase does not exceed the retail substantial deviation criteria of Section 380.06(19)(b)8., F.S.
 - d. The redevelopment plan adds 25 hotel rooms, a use not previously vested for DRI purposes. The proposed increase does not exceed the hotel substantial deviation criteria of Section 380.05(19)(b)9., F.S.
 - e. The number of PM peak hour trips from the Punta Gorda Isles Section 22 redevelopment will increase from 1,225 to 1,630 trips as a result of the proposed modification, which amounts to an increase of 405 trips or a 33 percent increase. This exceeds the substantial deviation criterion of 15 percent. Thus the proposed modification exceeds the external vehicle trips substantial deviation criterion in Section 380.06(19)(b)13., F.S.
10. The proposed modification exceeds the criteria of Section 380.06(19)(b)13., F.S. Based on a traffic impact analysis submitted by the applicant, the Department finds that these additional peak hour vehicle trips will not have a substantial impact on any regional roadway. The Department finds that the proposed modification will not create additional regional impacts to regional resources and facilities. Pursuant to Section 380.06(4)(e)5., F.S., the Department concludes that the proposed modification does not constitute a development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county.

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11. The proposed development on the adjacent 8.65 acres parcel which is not vested for DRI purposes includes repaving of the existing access way and 230 retail parking spaces and portions or all of buildings containing 560 dry storage spaces, 80 residential units, 120 hotel rooms, and 5,000 square feet of retail.

12. Section 380.06(2)(c), F.S., states that the Department shall apply the guidelines and standards that were in effect when the developer received authorization to commence development from the local government of jurisdiction. The applicant has not yet received final authorization from the local government to commence development of the proposed redevelopment project. Therefore, the applicable guidelines and standards for determining whether this project shall undergo DRI review are Sections 380.0651(3)(e), (f), and (h), and Rule 28.24.023, F.A.C.,

- a. Section 380.0651(3)(e), F.S., Retail and Service Development--Any proposed retail, service, or wholesale business establishment or group of establishments which deals primarily with the general public onsite, operated under one common property ownership, development plan, or management that: 1. Encompasses more than 400,000 square feet of gross area; or 2. Provides parking spaces for more than 2,500 cars. The proposed development of 5,000 square feet of retail with 300 parking spaces is 1.25 percent of the retail square footage threshold and 12 percent of the retail parking space threshold; therefore, the project is not required to undergo DRI review based solely on the retail threshold.
- b. Section 380.0651(3)(f), F.S., Hotel or motel development--Any proposed hotel or motel development that is planned to create or accommodate 350 or more units; or Any proposed hotel or motel development that is planned to create or accommodate 750 or more units, in a county with a population greater than 500,000. The population estimate for April 1, 2007, from the Bureau of Economic and Business Research, University of Florida for Lee County is 615,741. The development of 145 hotel units is 19.3 percent of the hotel threshold; therefore, the project is not required to undergo DRI review based solely on the hotel threshold.
- c. Rule 28-24.023, F.A.C., Residential Developments, provides, in part, any residential development twenty five percent of which is located within two miles or less of a county line shall be treated as if it were located in the less populous county. The proposed development project is entirely located within two miles of Charlotte County which has a lower population than Lee County. Thus, the Charlotte County population would apply to the project. Rule 28- 24.023, F.A.C., further provides that the DRI threshold for counties with a population between 100,001 and 250,000 is 1,000 dwelling units. The development of 80 units is 8 percent of the residential threshold; therefore, the project is not required to undergo DRI review based solely on the residential dwelling threshold.

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- d. Section 380.0651(3)(h), F.S., Multiuse development, provides, in part, that any proposed development with two or more land uses where the sum of the percentages of the appropriate thresholds identified in chapter 28-24, F.A.C., or this section for each land use in the development is equal to or greater than 145 percent. The sum of the percentages of the thresholds above in items a through c, is 39.3, which is 27 percent of the multi-use threshold; therefore, the project is not required to undergo DRI review based solely on the multi-use threshold.
13. None of the thresholds exceeds 100 percent. Thus, pursuant to Section 380.06(2)(d)1.a., F.S., the proposed development is not required to undergo DRI review
14. All commitments made by the applicant, all materials submitted by the applicant with the application, and all other relevant written materials are incorporated herein by reference and made a part hereof.
15. On May 30, 2008, notice for this request for a Binding Letter of Interpretation was published in the Florida Administrative Weekly. In addition, the Southwest Florida Regional Planning Council and Lee County have been notified.
16. Pursuant to the criterion in Section 380.06(4)(e)2., F.S., to determine whether the proposed changes are in conformance with the State Comprehensive Plan, the Department reviewed and applied the goals and policies of the State Comprehensive Plan as a whole to the proposed modification to the Punta Gorda Isles Section 22 redevelopment. When reasonably applied, the Department finds the proposed modification is consistent with the goals and policies of the State Comprehensive Plan.

CONCLUSIONS OF LAW

1. Even though the additional development as demonstrated in paragraphs 9 and 10 exceeds the substantial deviation criteria in Sections 380.06(19)(b)13., F.S., the Department finds that there are no regional impacts arising from the proposed changes that have not been previously reviewed. Therefore, the currently proposed plan of development for the Punta Gorda Isles Section 22 project does not divest any rights the developer has acquired under Section 380.06(20), F.S., to complete the development of the aforementioned Punta Gorda Isles Section 22 DRI.
2. The proposed development on the adjacent 8.65 acre parcel and portions of Tract C as demonstrated in paragraphs 11, 12, and 13 is below 100 percent of the applicable DRI thresholds as provided in Section 380.0651(2)(d)1.a., F.S. Therefore, the proposed on the adjacent 8.65 acres and portions of Tract C would not be required to undergo DRI review.

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3. The plan of development on the adjacent 8.5 acre parcel and portions of Tract C is currently inconsistent with the Lee County Comprehensive Plan. No development may proceed until the amendment is made to the Lee County Comprehensive Plan that would allow for the planned development. The comprehensive plan amendment must also be consistent with Chapter 163, F.S., the State Comprehensive Plan, and Chapter 9J-5, Florida Administrative Code

ORDER

1. The modifications to the vested Punta Gorda Isles Section 22 DRI, as described above, will not be required to comply with the review requirements of Section 380.06, F.S.
2. The proposed modifications to the vested plan will not divest the vested rights to develop. If the changes described in the application for this binding letter are approved by the local government of jurisdiction and incorporated in a new development order, they will constitute the vested plan of development and must be followed by you and your successors. If any further changes are proposed for your project, they should be submitted by the applicant or successor(s) to the Department for comparison together with the impacts of the plan now vested in this letter. Should any of the above representations made by the applicant be substantially changed, further binding letter review of the project may be required.
3. The proposed development on the adjacent 8.65 acre parcel, which is not vested for DRI purposes and portions of Tract C, as described in paragraph 11, is not required to comply with the review requirements of Section 380.06, F.S.
4. The development on the adjacent 8.65 acre parcel, which is not vested for DRI purposes and portions of Tract C, will be considered cumulatively with any future additional development in terms of the guidelines and standards contained in Chapter 28-24, Florida Administrative Code and Section 380.0651, F.S., and its related impacts. Should any of the above representations made by the applicant be substantially changed, further review of the project may be required.
5. The binding letter as it applies to the unvested development on the adjacent 8.65 acre parcel and portions of Tract C will expire and become void as of July 25, 2011, unless the plan of development has been substantially commenced by this date. This date may be extended by mutual agreement of the Department, the local government of jurisdiction and the developer.
6. This determination does not obviate the need to comply with all other applicable federal, state, or local government permitting procedures.
7. You have the right to request a formal administrative hearing if you dispute any issue of material fact in this binding letter. If a formal administrative proceeding is not requested, this binding letter constitutes final agency action and is subject to judicial review pursuant to

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NOTICE OF RIGHTS

You have the opportunity for a formal administrative proceeding regarding this binding letter pursuant to Sections 120.569 & 120.57(1), Florida Statutes. If you dispute any issue of material fact stated in the binding letter, then you may file a petition requesting a formal administrative hearing before an Administrative Law Judge of the Division of Administrative Hearings pursuant to Sections 120.569 & 120.57(1), Florida Statutes, and Chapter 28-106, Parts I and II, Florida Administrative Code. At a formal administrative hearing, you may be represented by counsel or other qualified representative, and you will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any recommended order.

If you desire a formal administrative hearing, you must file with the Agency Clerk of the Department of Community Affairs a written pleading entitled "Petition for Administrative Proceedings" within 30 days of receipt of this notice. A petition is filed when it is received by the Agency Clerk in the Department's Office of General Counsel, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

The petition must meet the filing requirements in Rule 28-106.104(2), Florida Administrative Code, and must be submitted in accordance with Rule 28-106.201(2), Florida Administrative Code. The petition must include the signature of someone authorized to act on your behalf. A petition must specifically request an administrative proceeding, it must admit or deny each material fact contained in the binding letter, and it must state any defenses upon which you rely. **You waive the right to an administrative proceeding if you do not file a petition with the Agency Clerk within the time frames described above.**

You may also decide that no formal administrative proceeding or reconsideration is required for this binding letter. If you do not request a formal administrative proceeding or reconsideration, this binding letter constitutes final agency action and is subject to judicial review as set forth below. Any party to this binding letter has the right to seek judicial review of the binding letter pursuant to Section 120.68, Florida Statutes, and Florida Rules of Appellate Procedure 9.030(b)(1)(c) and 9.110.

To initiate an appeal of this binding letter, a notice of appeal must be filed with the Department's Agency Clerk, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and with the appropriate District Court of Appeal within 30 days of the day this binding letter is filed with the Agency Clerk. The notice of appeal filed with the District Court of Appeal must be accompanied by the filing fee specified in Section 35.22(3), Florida Statutes, and must be substantially in the form prescribed by Florida Rule of Appellate Procedure 9.900(a).

You waive your right to judicial review if the notice of appeal is not timely filed with the agency clerk and the appropriate district court of appeal.

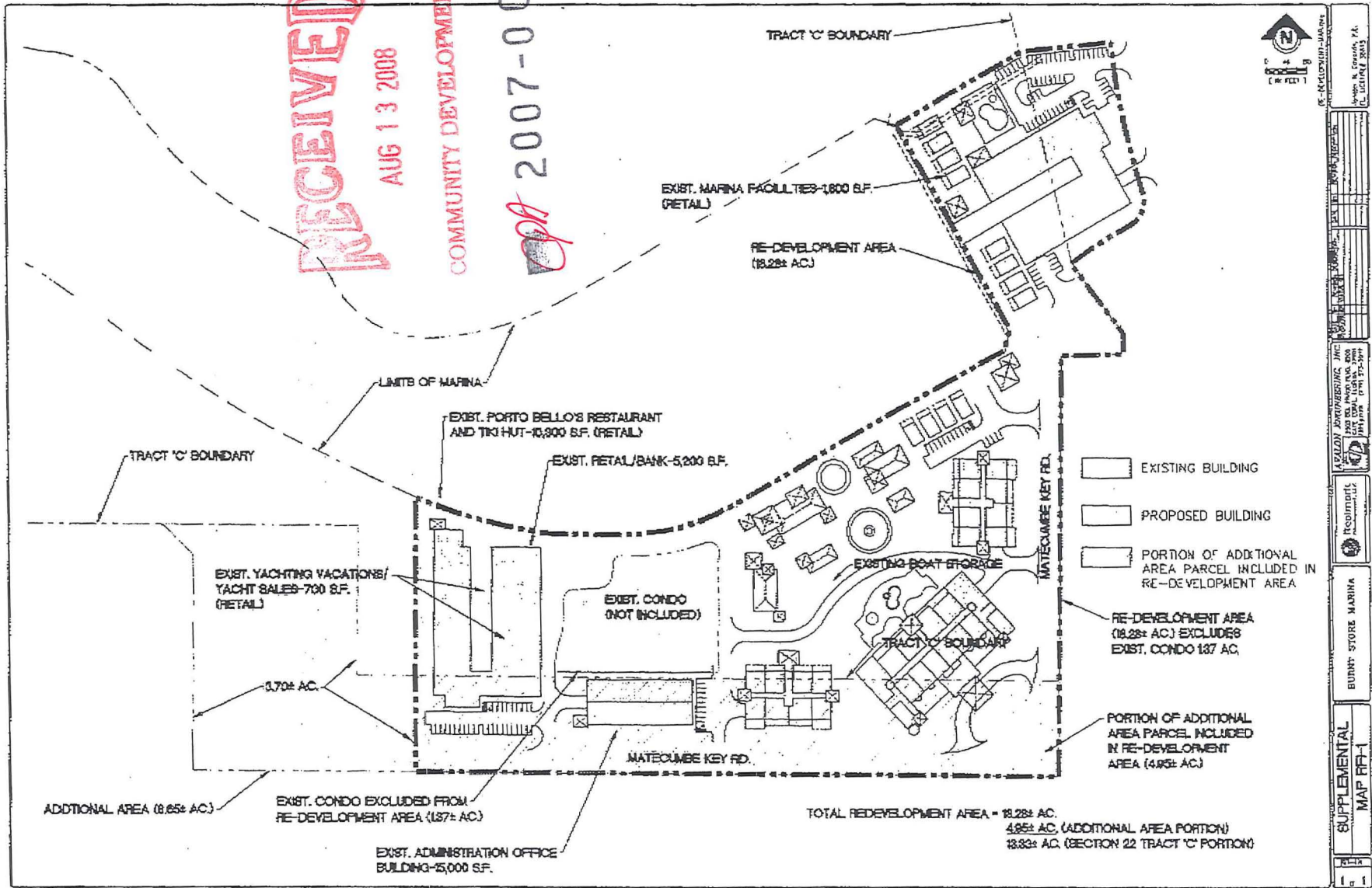
Mediation under Section 120.573, Florida Statutes, is available with respect to the issues resolved by this binding letter.

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PC:CA/2007/07-431EXHIBIT#2-DEVELOPMENTAL-7-4465/REQ. Layoff#, 7/20/2008 10:27:23 AM, Amazon Employee/req no.



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July 31, 2008
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Section 120.68, F.S. (see Notice of Rights attached). Any questions regarding this determination may be directed to Brenda Winningham, Regional Planning Administrator, in the Division of Community Planning, at (850) 922-1800.

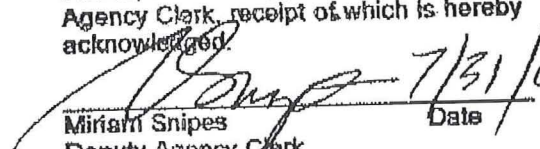
Sincerely,



Mike McDaniel
Chief of Comprehensive Planning

cc: Ms. Mary Gibbs, Director, Department of Community Development, Lee County
Mr. Dan Trescott, Southwest Florida Regional Planning Council

FILING AND ACKNOWLEDGEMENT
FILED, on this date, with the designated
Agency Clerk, receipt of which is hereby
acknowledged.


Miriam Snipes
Deputy Agency Clerk

7/31/08
Date

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FOWLER WHITE BOGGS BANKER

ATTORNEYS AT LAW

ESTABLISHED 1943

Karen A. Brodeen
Direct Dial: 850-681-4225
kbrodeen@fowlerwhite.com

May 9, 2008

Charles Gauthier
Director, Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399

Via hand-delivery

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Re: Realmark Development Corp., LLC Application for BLIM and Request for
Clearance Letter (and alternatively, BLIM/BLID application)

Dear Mr. Gauthier:

On behalf of Realmark Development Corp., LLC ("Realmark") we respectfully request a binding letter finding that proposed changes to a project with vested rights from DRI review would not divest those rights. Additionally, Realmark seeks a finding that the proposed project, which includes vested and non-vested development, is not required to undergo DRI review.

Please note that Table A-1 shows that nonvested development is below the DRI threshold for each individual land use and below the 160 percent multi-use threshold. In the event DCA declines to issue a clearance letter, we ask that the attached BLIM application also be processed for a binding letter of DRI status (BLID.) The attached, completed BLIM application includes all of the information in the DCA BLID form that is relevant to a BLID for the modified project.

This property also is the subject of a proposed Addendum to 380.032 Agreement which we submitted on behalf of Realmark and currently is under DCA consideration. The Agreement addresses wet and dry marina slips, which no longer are subject to DRI guidelines and standards.

Enclosed with this package you will find three copies of Realmark's application. We also are mailing copies of the application and this letter to Lee County and to the Southwest Florida Regional Planning Council.

FOWLER WHITE BOGGS BANKER P.A.

TAMPA • ST. PETERSBURG • FORT MYERS • TALLAHASSEE • ORLANDO • JACKSONVILLE • FORT LAUDERDALE

101 N. MONROE STREET, SUITE 1090 • TALLAHASSEE, FL 32301 • P.O. BOX 11240 • TALLAHASSEE, FL 32302
TELEPHONE (850) 681-0411 • FAX (850) 681-6036 • www.fowlerwhite.com

May 9, 2008

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If you need any additional information, have any questions, or care to discuss our request, please call me at 681-4225. My schedule is flexible to meet with DCA staff.

Sincerely,

FOWLER WHITE BOGGS BANKER P.A.



Karen A. Brodeen

cc: Brenda Winningham
Mary Gibbs, Director, DCD, Lee County
Dan Trescott, SWFRPC

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STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF COMMUNITY PLANNING
BUREAU OF LOCAL PLANNING

APPLICATION FOR A BINDING LETTER OF MODIFICATION

and

CLEARANCE LETTER REQUEST

for

BURNT STORE MARINA
Lee County, Florida

Prepared for:



Realmark
Development, LLC

5789 Cape Harbour Drive, Ste. 201
Cape Coral, Florida 33914
Phone: 239-541-1372

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Prepared by:

CPA 2007-00054



**FOWLER WHITE
BOGGS BANKER**
ATTORNEYS AT LAW

101 North Monroe Street, Ste. 1090
Tallahassee, Florida 32301
Phone: 850-681-4225



AVALON ENGINEERING, INC.

2503 Del Prado Boulevard South, Ste. 200
Cape Coral, Florida 33904
Phone: 239-573-2077

APPLICATION RESPONSES

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STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF COMMUNITY PLANNING
BUREAU OF LOCAL PLANNING
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399
(850) 488-4925

APPLICATION FOR A BINDING LETTER OF
MODIFICATION TO A DEVELOPMENT OF REGIONAL
IMPACT WITH VESTED RIGHTS UNDER SECTIONS 380.06
and 120.57, FLORIDA STATUTES

- I. Issuance of a binding letter is final agency action and subject to judicial review pursuant to Section 120.68, Florida Statutes. The record on appeal will consist of exhibits, documents or other materials prepared by the applicant and submitted to the Division of Community Planning pursuant to this application plus other information or materials the Division of Community Planning may develop and make part of the record. The Division of Community Planning may provide for a hearing if appropriate under Rule 9J-2.016(16), Florida Administrative Code. If necessary for the preparation of a complete record, the applicant should request a hearing. The hearing shall be conducted pursuant to provisions of Section 120.27, Florida Statutes, which are appropriate to the issues to be decided. Where the Division determines that information submitted is inadequate for a determination, the binding letter may state that determination.

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- II. I, Karen A. Brodeen, the undersigned owner or authorized representative of Realmark Development Corp., LLC hereby request a binding letter of interpretation for modification in accordance with Sections 120.57 and 380.06, Florida Statutes. I hereby certify that all information submitted with and pursuant to this application is true and correct to the best of my knowledge and belief and that on this date a copy of the application has been submitted to the appropriate regional planning agency and local government as required in Subsection 9J-2.016(4), Florida Administrative Code.

5/9/08
Date

Karen A. Brodeen
Karen A. Brodeen

Fowler White Boggs Banker P.A.
101 North Mornoe Street, Suite 1090
Tallahassee, FL 32301
(850) 681-4225

A. Basic Project Information

1. Provide a complete description of the proposed modification, including name, type, size, ownership status, and location (city, county, section, township and range). Describe the proposed modification in terms compatible with the criteria presented in Chapter 28-24, Florida Administrative Code. ATTACH AS EXHIBIT A-1.

See Statement A.1, Map A-1.1, and Table A-1.

2. Describe the exact nature of the proposed modification in terms of the attached "Worksheet for Substantial Modification and Impact Determination." Provide a written description of the changes, the resultant impacts from the changes, and the rationale for the conclusions that there are/are not changes in impacts. ATTACH AS EXHIBIT A-2.

See Statement A.2, Table A-2, and Supplemental Tables 1 through 5.

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3. Provide a copy of the original vested plan of development and a copy of the proposed modified plan of development at the same scale. The modified plan should clearly delineate where changes are to occur. ATTACH AS EXHIBIT A-3.

See Statement A.3 and Maps A-1.1, A-3.1, A-3.2, A-3.3, and A-3.4.

B. Status of Permits (The developer should compare all proposed modifications with the requirements of federal, state and local laws and regulations.)

1. What federal, state or local requirements if any, have resulted in the need for this modification? ATTACH AS EXHIBIT B-1.

See Statement B.1.

2. To what extent have the permit requirements above actually resulted in modifications in the planning, design and layout of the subject project? ATTACH AS EXHIBIT B-2.

See Statement B.2

3. What federal, state or local permits will be required because of the proposed modification? ATTACH AS EXHIBIT B-3.

See Statement B.3.

C. Right and Obligations

1. List all previous correspondence, binding letters and action between the Division and the developer with respect to this project. ATTACH AS EXHIBIT C-1.

See Statement C.1 and Exhibits C-1.

2. Document any rights or obligations claimed subsequent to July 1, 1973. ATTACH AS EXHIBIT C-2.

See Statement C.2 and Exhibits C-1.

- D. Are there any other materials, unique features or relevant data on your proposed modification which you wish to bring to the attention of the Division of Community Planning which will aid in making this determination? ATTACH AS EXHIBIT D.**

See Statement D and Table D.

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WORKSHEET FOR SUBSTANTIAL MODIFICATION AND IMPACT DETERMINATION

Due to the nature of judging a modification of a vested project in which the Division has very little information about the previous planning approach, the Division must insist that all the application questions be answered as completely as possible. In addition, the Division retains the right to request additional information from the developer or his agent to aid in making this determination.

Based on the particular factual circumstances, the Division may waive the requirements that the applicant complete the following form as to some or all of the information required herein.

In the following chart, the applicant should address each modification concern, unless determined by the Division to be unnecessary or inapplicable, by answering how the subject change will result in an increase (+), no change (0), or a decrease (-) in impacts from that previously planned.

See Table A-2 and Supplemental Tables 1 through 5.

MODIFICATION CONCERNS	SUBJECT OF THE CHANGE	AMOUNT OF CHANGE	IN (+)	NC (0)	DE (-)	PREVIOUS AMOUNT	NOTES
Man-Made Alteration	Dwelling Units						
		# of Units					
	Open space & recreation						
		Acres					
	Non-residential floor area						
		Sq. Feet					
	Parking						
		# of spaces					
Resulting Natural Alterations	Air pollutants						
		amt/type					
	Cleared area						
		Acres					
	Impervious surfaces						
		Sq. Ft. or Acres					
	Surface Water						

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MODIFICATION CONCERNS	SUBJECT OF THE CHANGE	AMOUNT OF CHANGE	IN (+)	NC (0)	DE (-)	PREVIOUS AMOUNT	NOTES
		Acres					
	Water pollutants						
		Amt/Type					
	Surface drainage						
		Acres/Feet					
	Wetlands						
		Acres					
	100 year flood prone areas						
		Acres					
	Natural vegetation						
		Acres					
	Endangered plant & animal species protected						
		Number					
Historic	Historic or archeological sites						
		Number					
Economic	Employment opportunities						
		Number					
	Tax yield						
		Dollars					
Resulting Public Expenditures	Sewage flow						
		g.p.d.					
	Water consumption demand						
		g.p.d					
	Solid waste generated						
	Energy demand						
		Amt/Type					

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MODIFICATION CONCERNS	SUBJECT OF THE CHANGE	AMOUNT OF CHANGE	IN (+)	NC (0)	DE (-)	PREVIOUS AMOUNT	NOTES
	Average daily trips						
		Number					
	Peak hour trips						
		Number					
	Public transportation per person per day						
		Trip/Miles					
	Public roadways						
		Miles					

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STATEMENT A.1

Location:

The parcel is located in Unincorporated Lee County, Florida, in Section 01, Township 43S, Range 22E and Section 06, Township 43S, Range 23 E. The parcel lies north of the city limit line for the City of Cape Coral and the north property line of this parcel is the Charlotte/Lee County line - adjacent to unincorporated Charlotte County (See attached Existing Conditions Map A-1.1). The total land area considered is 634.91 Acres and encompasses all of "Punta Gorda Isles Section Twenty Two" and 8.65 acres of land area to the south of "Section Twenty Two - Tract "C".

Ownership & Development (Refer to Existing Conditions Map A-1.1 and Map A-1.2):

The developer Punta Gorda Isles, Inc originally recorded the plat of "Punta Gorda Isles Section Twenty Two" in 1973. The total land area of the plat (626.26 acres) included the "Platted Lots, Tract "B" and Tract "C" (Marina Village). A subsequent re-plat occurred in 1982 that created Tract "A" conservation area. After 1973, ownership of the platted lots and a large portion of the Tract "C" area was developed and ownership changed hands to various third parties. The WCI Corporation purchased portions of the property, including the re-development area in question in the early 1990's, which was subsequently purchased by Realmark in early 2000's.

Realmark's ownership within the limits of this application includes the re-development area within Tract "C" and one previously platted lot and a portion of another platted lot directly adjacent to the east of the marina basin within Tract "C".

The majority of the platted lots adjacent to Tract B and a large portion of Tract "C" are currently developed and privately owned and maintained by others rather than Realmark. Tract A (28.90 Acres) was previously re-platted as a conservation tract in 1982, which eliminated nine (9) platted lots from the original plat. Others previously constructed the marina basin within Tract "C" with boat docks and other marine-related facilities that Realmark purchased in 2000. The remaining portion of Tract "C" that is proposed to be re-developed (Burnt Store Marina Village) contains approximately 18.3 acres within two (2) parcels owned by Realmark Burnt Store Marina, LLC: Strap Numbers 01-43-22-00-00004.0000, 01-43-22-00-0000C.010; and two (2) parcels and a portion of another owned by Burnt Store Amenities, LLC: Strap Numbers 06-43-23-07-00000A.0000, 01-43-22-01-0000C.0000 and a portion of 01-43-22-00-00004.0010. These parcels were developed prior to Realmark Burnt Store Marina, LLC and Burnt Store Amenities, LLC purchasing the property from WCI Communities in 2000 and currently contain retail, office, restaurants, dry boat storage and other marine-related facilities.

Redevelopment:

The proposed re-development (Burnt Store Marina Village) will NOT exceed 160% of the thresholds allowed for a multi-use development within Charlotte County, Florida under Section 28-24 (Please refer to the attached DRI Threshold Table A-1 for a description of the proposed modifications, as expressed in DRI land use criteria terms). The re-development area includes

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approximately 8.65 acres of land area to the south that was previously built upon as part of the original Marina Village development (see attached legal description and sketch).

STATEMENT A.2

The applicant is proposing to redevelop Tract C within Burnt Store Marina. Tract C consists of 132.04 acres and currently contains 797 condominium units, 440 restaurant seats, and 15,000 square feet of office space. A large portion of the Tract will remain as previously developed.

The redevelopment plan includes approximately 18.3 acres located in the southeastern corner of the Tract and an 8.65 additional acres to its south. The re-developed area and the 8.65 acres will provide at build-out: 145-resort hotel rooms, 160 dwelling additional dwelling units, 60,000 square feet of restaurant and retail space and 15,000 square feet of office space. As provided on the worksheet for substantial modification and impact determination, the redevelopment of this portion of Tract C, which as stated previously, is currently developed, will create no additional impact within the following reviewed categories: open space and recreation areas, cleared property, impervious surfaces, public roadways and access drives, natural vegetation, endangered plant and animal species. The proposed redevelopment will increase slightly the amount of surface drainage, utilities demand, solid waste generated and energy required.

Please refer to attached Table A-2 for an analysis of various impacts of the proposed modifications.

STATEMENT A.3

Please refer to attached Maps A-1.1, A-3.1, A-3.2, and A-3.3.

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STATEMENT B.1

None. The proposed modifications are occasioned by a revised development plan of a subsequent purchaser of property within the platted Punta Gorda Isles-Section 22 area and fluctuations in the real estate market.

STATEMENT B.2

The proposed modifications are occasioned by a revised development plan of a subsequent purchaser of property within the platted Punta Gorda Isles-Section 22 area and fluctuations in the real estate market.

It is noted that 9 vested homesites in Tract A are no longer developable. When Tract A was platted in 1982, 9 of the 14 homesites that had been platted in June 1973 were "unplatted" and placed in conservation use. In 1983, Lee County zoned all of Tract A, except for 5 homesites, "PR" (Preservation) based on the presence of mangroves and other wetland species.

STATEMENT B.3

The proposed modified project may require the following Lee County approvals: comprehensive plan amendment, rezoning approval, development order (site plan), building permits. At the state/regional level, the project may also require approval of an Environmental Resource Permit (for the dry storage facilities) and storm water management facility by either DEP or the SFWMD. The marina facility may require approval by the US Army Corps.

At this time, the only application that has been filed is for a comprehensive plan amendment, which may be modified before its transmittal hearing.

No approvals from any governmental entity have been obtained yet.

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STATEMENT C.1

Attached as Exhibits C-1 are two binding letters interpreting vested rights, two 380.032 Agreements, and a recent proposed Addendum to the second 380.032 Agreement.

The first binding letter, dated October 26, 1973, found that proposed development for Section 22 is not vested from DRI review. That finding was reconsidered and reversed in a second binding letter. DCA binding letter dated July 5, 1974, supersedes the Oct. 26, 1973, letter and concludes that the proposed development for Punta Gorda Isles-Section 22 is vested from DRI review.

The 380.032 Agreement executed on May 20, 1986, stipulates that a total of 2,514 residential units within the Punta Gorda Isles-Section 22 plat is vested from DRI review. The 1986 Agreement resolves a dispute as to whether the 239 platted home sites for which DCA recognized vested rights in its Oct 26, 1973 binding letter were sites for multi-family buildings or for single family units.

The second 380.032 agreement was executed on January 30, 1987, and stipulates that a maximum of 323 wet spaces or 525 wet slips, and 456 dry spaces in the Punta Gorda Isles-Section 22 project has vested rights from DRI review. An addendum to this Agreement, reflecting the recently enacted marina exemption in Section 380.06(24) and the related deletion of marinas from DRI guidelines and standards, has been prepared by Realmark and is pending before DCA for review and approval.

STATEMENT C.2

Same as described above and attached as Exhibits C-1.

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STATEMENT D

The proposed development plan does not involve changes to existing vested rights for homesites. Homesites with DRI vested rights either have been built, are being built, will retain their vested rights, or, as in the case of nine homesites in Tract A, have had their vested rights abandoned. Accordingly, the divesting provisions in Sections 380.06(4)(e) and (f), Florida Statutes do not apply.

The original Punta Isles-Section 22 project included 239 multi-family homesites on platted lots and two larger tract areas referred to as Tract B and Tract C. (Tract A was not created until 1982, however the land that later became known as Tract A was shown on the 1973 plat and includes platted 14 homesites. The 1986 DCA Agreement includes vested rights for 14 sites in what later became known as Tract A.) The June 20, 1973, plat shows 239 platted homesites around and adjacent to Tract B. Tract C was not platted into homesites in 1973. Vesting of the homesites for the platted areas around and adjacent to Tract B were recognized in the DCA binding letter dated October 26, 1973, and later readdressed in the 1986 Section 380.032 Agreement.

Tracts B and C were not platted for homesites in 1973. Tract A of Punta Gorda Isles-Section 22 was platted in 1982 by PGI, the original developer in the area, mainly as a conservation area. When Tract A was platted in 1982, 9 of the 14 homesites that had been platted in June 1973 were "unplatted" and placed in conservation use; five homesites remained platted and retain their vested rights status based on the 1973 plat. A copy of the 1982 Tract A plat is attached as Exhibit D.

Construction of development pursuant to the Punta Gorda Isles-Section 22 final plat has been continuous and in good faith since that final plat was approved on June 20, 1973. The entire project area has been cleared and paved, and already is in use. Accordingly, the nature of proposed project is redevelopment.

The 1986 Agreement also refers to the Burnt Store Marina South DRI. Development of the DRI never commenced and will never be constructed. An Application for Development Approval for that DRI was filed and approved by Cape Coral Ordinance No. 84-83. The DRI later was abandoned at the request of the State of Florida after an option agreement to purchase land for conservation and preservation purposes within the DRI boundaries was signed by the State of Florida. Before taking title to the property, the State sought the DRI's abandonment because it considered the DRI an encumbrance on the title. In 1998, the developer and DCA entered into a 380.032 Agreement requiring the abandonment of the DRI. The agreement also recognizes the developer's right on land that it would continue to own, on which the developer could develop up to 100 hotel units without undergoing DRI review. The Cape Coral abandonment order reflects the 1998 agreement. A copy of the agreement, the Notice of Abandonment, and City of Cape Coral Ordinance No. 18-98., which recognizes the DRI abandonment, are attached.

Chapter 2006-220, Laws of Florida, removes marina facilities from DRI review by deleting waterports and marinas from DRI guidelines and standards in Section 380.0651 and by adding waterports and marinas to the list of DRI exemptions in Section 380.06(24)(k). The 1987 Section 380.032 Agreement, attached in Exhibit C-1, is in the process of being amended to

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reflect those legislative changes. An addendum to the Agreement was submitted to DCA in March 2008 and is awaiting DCA review and signature.

The basin where the existing and future wet slips are located is wholly privately owned by Realmark. The submerged lands are not owned by the State of Florida and use of that land will not require approval of the State of Florida Board of Trustees of the Internal Improvement Trust Fund.

Existing zoning: RM-2 (multi-family); RM-10 (multi-family); CM (marina); AG-2 with special exception for a golf course (Tract B); EC (preserve area)

Proposed zoning: Rezone some RM-2 and CM property to MPD (mixed-use planned development). The remaining property will not be rezoned.

Current FLUM category: Rural

Proposed amendment: Change a portion of Tract C to a new land use category, "Burnt Store Marina Village" which permits a mix of uses, including residential, marina, office, hotel, and retail use.

The property lies wholly within unincorporated Lee County, but the lower DRI residential threshold for Charlotte County applies because a portion of the project's boundaries lies adjacent to Charlotte County.

Application Worksheet

Please refer to Tables A-2 and Supplemental Tables 1-5.

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TABLES

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TABLE A-1



Realmark
Development, LLC

**REALMARK BURNT STORE MARINA, LLC
BURNT STORE MARINA REDEVELOPMENT
DRI THRESHOLD FOR A MULTI-USE DEVELOPMENT**



Prepared by: AVALON ENGINEERING, INC.

Dated: April 30, 2008

DESCRIPTION OF USE	NUMBER OF UNITS OR AMOUNT OF SF PROPOSED	SECTION	Threshold for Catagories by Units or Square Feet	Threshold Percent of Proposed Uses
Residential		28-24.023, F.A.C		
Dwelling Units	957		1,000	95.70%
Office		28-24.020, F.A. C.		
Square feet	15,000		300,000	5.00%
Acres	1.5		30	5.00%
Retail		28-24.025, F.A.C		
Square feet	60,000		400,000	15.00%
Acres	3.0		40	7.50%
Parking Spaces	300		2,500	12.00%
Hotel Rooms	145	28-24.026, F.A.C	350	41.43%
Allowable Mixed Use Threshold Percentage 160%				157.13%

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TABLE A-2

Worksheet for Substantial Modification and Impact Determination



Realmark
Development, LLC

**REALMARK BURNT STORE MARINA, LLC.
BURNT STORE MARINA REDEVELOPMENT**



Prepared by: Avalon Engineering, Inc.

Dated: April 30, 2008

Amount of Change and Previous Amounts based on original 380.032 Agreements							
Modification Concerns	Subject of the Change	Amount of Change	IN	NC	DE	Previous Amount	Notes
Man-Made Alternations	Dwelling Units	0 957 # of Units	957	0		*2514 N/A	Located on Platted lots (around and adjacent to Tract "B") 797 of the 957 already constructed by others (Tract C) See Map A-1.1 & Map A-1.2
	Open Space & Recreation	0 Acres		0		Not determined by 380.032	Not addressed in 380.032 Agreement No net increase or Decrease in Open Space/Rec
	Non-residential Floor Area	75,000 Sq.Ft.	75,000			N/A	Not addressed in 380.032 Agreement Prop. Re-development 60K Retail - 15K Office (Tract B/C) <i>Net SF Increase from Existing: approx. 42K Retail & 0 SF Office</i>
	Hotel Rooms	145 # of rooms	145			N/A	Not addressed in 380.032 Agreement Proposed Re-development 145 Hotel Rooms (Tract C)
	Parking	300 # of Spaces	300			N/A	Parking spaces for Retail (Only) in Tract B and C Parking Threshold for Retail ONLY <i>Net Space Increase from Existing: approx. 200 Spaces</i>
<i>*Note: The 2514 vested DU were vested based on the platted lots of the recorded Plat for "Punta Gorda Isles Section Twenty Two" pursuant to the 380.032 agreement - The amount of change is proposed for the Re-development of the Marina Complex (Tract "C") ONLY and includes 160 new residential DU above Existing.</i>							

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TABLE A-2

Worksheet for Substantial Modification and Impact Determination


Realmark
Development, LLC

REALMARK BURNT STORE MARINA, LLC.
BURNT STORE MARINA REDEVELOPMENT


Prepared by: Avalon Engineering, Inc.

Dated: April 30, 2008

Amount of Change and Previous Amounts based on original 380.032 Agreements

Modification Concerns	Subject of the Change	Amount of Change	IN	NC	DE	Previous Amount	Notes
Resulting Natural Alterations	Air Pollutants	N/A Amt/Type				Not determined by 380.032	Not previously required to be analyzed by DCA
	Cleared Area	8.65 Acres		8.65		626.26	Total Land area previously developed 634.91 acres Includes additional 8.65 Acres to south of Tract "C" - See Maps
	Impervious Surfaces	0 Sq.Ft or Acres		0		Not determined by 380.032	Redevelopment of existing developed areas
	Water Pollutants	0 Amount /Type				Not determined by 380.032	Not previously required to be analyzed by DCA Will be permitted by ACOE, DEP, SFWMD As required
	Surface Drainage	0 Acres/Feet				Not determined by 380.032	Not previously required to be analyzed by DCA Will be permitted by ACOE, DEP, SFWMD As required
	Wetlands	N/A Acres				Not determined by 380.032	Section 22 replat created Tract "A" Conservation Area Wetland area not determined

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TABLE A-2

Worksheet for Substantial Modification and Impact Determination

Realmark
Development, LLCREALMARK BURNT STORE MARINA, LLC.
BURNT STORE MARINA REDEVELOPMENT

Prepared by: Avalon Engineering, Inc.

Dated: April 30, 2008

Amount of Change and Previous Amounts based on original 380.032 Agreements

Modification Concerns	Subject of the Change	Amount of Change	IN	NC	DE	Previous Amount	Notes
Resulting Natural Alterations (cont.)	100 Year Flood Prone Acres	Acres 0				Not determined by 380.032	No change in 100 year Flood prone Area Project is re-development of previously developed lands
	Natural Vegetation	Acres 28.9	28.9			Not determined by 380.032	Replated a portion of Section Twenty Two to Tract "A" Conservation Area (net loss 9 platted lots)
	Endangered Plant & Animal Species Protection	Number N/A		0		Not determined by 380.032	No change in environmental sensitive lands Project is re-development of previously developed lands
Historic	Historic or Archeological Sites	Number N/A		0		Not determined by 380.032	No change in Historic or Archeological sites Project is re-development of previously developed lands
Economic	Employment Opportunities	Number 200	200			Not determined by 380.032	Not previously required to be analyzed by DCA Estimated number of new employment opportunities
	Tax Yield	Dollars N/A				Not determined by 380.032	Not previously required to be analyzed by DCA Estimated
Resulting Public Expenditures	Sewage Flow	GPD 65,700	65,700			Not determined by 380.032	Not previously required to be analyzed by DCA See Supplemental Table 1

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Realmark
Development, LLC

REALMARK BURNT STORE MARINA, LLC.
BURNT STORE MARINA REDEVELOPMENT



Prepared by: Avalon Engineering, Inc.

Dated: April 30, 2008

Amount of Change and Previous Amounts based on original 380.032 Agreements

Modification Concerns	Subject of the Change	Amount of Change	IN	NC	DE	Previous Amount	Notes
Resulting Public Expenditures (cont.)	Water Consumption Demand	65,700 GPD	65,700			Not determined by 380.032	Not previously required to be analyzed by DCA See Supplemental Table 1
	Solid Waste Generated	48,844 lbs per week	48,844			Not determined by 380.032	Not previously required to be analyzed by DCA See Supplemental Table 2
	Energy Demand	5,390,500 Kilowatt / year	5,390,500			Not determined by 380.032	Not previously required to be analyzed by DCA See Supplemental Table 3
	Average Daily Trips	3,625 Number	3,625			Not determined by 380.032	Not previously required to be analyzed by DCA See Supplemental Table 4
	Peak Hour Trips	407 Number	407			Not determined by 380.032	Not previously required to be analyzed by DCA See Supplemental Table 5
	Public Transportation Per Person Per Day	0 Trip/Miles		0		Not determined by 380.032	Not previously required to be analyzed by DCA However, there are no public transportation routes in area
	Public Roadways	0 Miles		0		0	Existing roads are private

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SUPPLEMENTAL TABLE 1


Realmark
Development, LLC

REALMARK BURNT STORE MARINA, LLC
BURNT STORE MARINA REDEVELOPMENT

Estimated Flows: Water & Sewer

(Pursuant to Lee County Utilities LOS Standards)



Prepared by: AVALON ENGINEERING, INC

Dated: April 30, 2008

DESIGNATION	DESCRIPTION OF USE	UNIT	Existing QUANTITY	ADDITIONAL (Proposed) QUANTITY	ESTIMATED FLOW per UNIT (GPD)	ESTIMATED WATER/SEWER FLOW (GPD)
Tract A	Conservation Area (Natural Area)	Acres	28.9 (see note 1)	0	0	0
Tract B & Platted Lots	Residential - Multifamily	DU	2,240 (see note 2)	0	200	0
	Commercial Retail Space - Restaurant	Seats	165 (see note 3)	0	40	0
	Commercial Retail Space - General	SF	0	0	0.2	0
Tract C & Additional Developed Area to South	Residential - Multifamily	DU	797 (see note 4)	160	200	32000
	Hotel/Inn	Rooms	0	145	100	14500
	Commercial Retail Space - Restaurant	Seats	440 (see note 5)	295	40	11800
	Commercial Retail Space - General	SF	7,700 (see note 6)	37000	0.2	7400
	Office Space	SF	15,000 (see note 7)	0	0.15	0
Estimated Water & Sewer Flows Increase After Re-Development (Gallons per Day) - GPD						65700

- Notes: 1. Tract A Conservation tract created with Section Twenty-Two Replat (year - 1982); eliminated 9 platted lots from original plat (233 lots)
2. 2514 DU Vested under 380.03 Agreement; Actual potential units on Platted lots per Lee County: Estimated at 2240 DU (10 DU/lot x 224 lots - after replat)
3. Existing Golf Course Clubhouse to remain - 6200 SF with a 165 seat Restaurant (approximately 5000 SF)
4. Tract C currently has 797 multi-family DU in several Condominium projects including amenities; these units will remain under the Proposed Re-development plan - 160 DU proposed
5. Existing Porto Bello's Restaurant & Tiki Hut will be re-developed under the proposed plan - approximately 10,300 SF - 440 seat Restaurant
6. Existing Retail to be re-developed under the proposed plan - Total PROPOSED Retail is 60,000 SF including Restaurant SF; Total PROPOSED Restaurant seats (900 seats)
7. Existing Office to be re-developed under the proposed plan - Total PROPOSED Office is 15,000 SF

SUPPLEMENTAL TABLE 2



Realmark
Development, LLC

REALMARK BURNT STORE MARINA, LLC BURNT STORE MARINA REDEVELOPMENT Estimated Solid Waste Produced



Prepared by: AVALON ENGINEERING, INC.

Dated: April 30, 2008

DESIGNATION	DESCRIPTION OF USE	UNIT		Units/Sq Ft Existing	Existing Solid Waste Produced	Total Units/Sq Ft Proposed at Build-out	Total Solid Waste After Re-Development
Tract A	Conservation Area (Natural Area)	Acres (See Note 1)	0	28.9	0	0	0
Tract B & Platted Lots	Residential - Multifamily	DU (See Note 2)	50 lbs/week/unit	2240	112,000	2,240	112,000
	Commercial Retail Space - Restaurant	SF (See Note 3)	90 lbs/week/seat	165	14,850	165	14,850
	Commercial Retail Space - General	SF	28 lbs/week/100SF	0	0	0	0
Tract C & Additional Developed Area to South	Residential - Multifamily	DU (See Note 4)	50 lbs/week/unit	797	39,850	957	47,850
	Hotel/Inn	Rooms	42 lbs/week/unit	0	0	145	6,090
	Commercial Retail Space - Restaurant	SF (See Note 5)	90 lbs/week/seat	440	39,600	735	66,150
	Commercial Retail Space - General	SF (See Note 6)	28 lbs/week/100SF	7,700	2,156	37,000	10,360
	Office Space	SF (See Note 7)	7 lbs/week/100SF	15,000	1,050	15,000	1,050
					209,506		258,350

Solid Waste Increase After Re-Development (pounds per week)

48,844

Notes:

1. Tract A Conservation tract created with Section Twenty-Two Replat (year - 1982); eliminated 9 platted lots from original plat (233 lots)
2. 2514 DU Vested under 380.03 Agreement; Actual potential units on Platted lots per Lee County: Estimated at 2240 DU (10 DU/lot x 224 lots - after replat)
3. Existing Golf Course Clubhouse to remain - 6200 SF with a 165 seat Restaurant (approximately 5000 SF)
4. Tract C currently has 797 multi-family DU in several Condominium projects including amenities; these units will remain under the proposed Re-development plan - 160 DU proposed
5. Existing Porto Bellos Restaurant & Tiki Hut will be re-developed under the proposed plan - approximately 10,300 SF - 440 seat Restaurant
6. Existing Retail to be re-developed under the proposed plan - Total PROPOSED Retail is 60,000 SF including Restaurant SF; Total PROPOSED Restaurant seats (900 seats)
7. Existing Office to be re-developed under the proposed plan - Total PROPOSED Office is 15,000 SF

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SUPPLEMENTAL TABLE 3


Realmark
Development, LLC

REALMARK BURNT STORE MARINA, LLC
BURNT STORE MARINA REDEVELOPMENT
Estimated Energy Usage


Prepared by: AVALON ENGINEERING, INC.

Dated: April 30, 2008

DESIGNATION	DESCRIPTION OF USE	UNIT	Kilowatt usage per Year	Units/Sq Ft Existing	Existing Energy Usage	Total Units/Sq Ft Proposed	Total Energy Usage After Re-Development
Tract A	Conservation Area (Natural Area)	Acres (See Note 1)	0	28.9	0	0	0
Tract B & Platted Lots	Residential - Multifamily	DU (See Note 2)	22,500 per unit	2240	50,400,000	2,240	50,400,000
	Commercial Retail Space - Restaurant	SF (See Note 3)	19 per sq ft	5,000	95,000	5,000	95,000
	Commercial Retail Space - General	SF	19 per sq ft	0	0	0	0
Tract C & Additional Developed Area to South	Residential - Multifamily	DU (See Note 4)	22,500 per unit	797	17,932,500	957	21,532,500
	Hotel/Inn	Rooms	7,500 per room	0	0	145	1,087,500
	Commercial Retail Space - Restaurant	SF (See Note 5)	19 per sq ft	10,300	195,700	18,000	342,000
	Commercial Retail Space - General	SF (See Note 6)	19 per sq ft	7,700	146,300	37,000	703,000
	Office Space	SF (See Note 7)	18 per sq ft	15,000	270,000	15,000	270,000
					69,039,500		74,430,000
Estimated Energy Increase after Re-Development (kilowatt usage per year)							5,390,500

Notes:

1. Tract A Conservation tract created with Section Twenty-Two Replat (year - 1982); eliminated 9 platted lots from original plat (233 lots)
2. 2514 DU Vested under 380.03 Agreement; Actual potential units on Platted lots per Lee County: Estimated at 2240 DU (10 DU/lot x 224 lots - after replat)
3. Existing Golf Course Clubhouse to remain - 6200 SF with a 165 seat Restaurant (approximately 5000 SF)
4. Tract C currently has 797 multi-family DU in several Condominium projects including amenities; these units will remain under the proposed Re-development plan - 160 DU proposed
5. Existing Porto Bellos Restaurant & Tiki Hut will be re-developed under the proposed plan - approximately 10,300 SF - 440 seat Restaurant
6. Existing Retail to be re-developed under the proposed plan - Total PROPOSED Retail is 60,000 SF including Restaurant SF; Total PROPOSED Restaurant seats (900 seats)
7. Existing Office to be re-developed under the proposed plan - Total PROPOSED Office is 15,000 SF

SUPPLEMENTAL TABLE 4



Realmark
Development, LLC

REALMARK BURNT STORE MARINA, LLC BURNT STORE MARINA REDEVELOPMENT

Estimated Average Daily Trips

(Pursuant to ITE Trip Generation Manual 7th Edition)



Prepared by: AVALON ENGINEERING, INC.

Dated: April 30, 2008

DESIGNATION	DESCRIPTION OF USE	UNIT	Average Rate	Units/Sq Ft Existing	Daily Trips Existing	Units/Sq Ft proposed	Average Daily Trips After Re-Development
Tract A	Conservation Area (Natural Area)	Acres (See Note 1)	0	28.9	0	0	0
Tract B & Platted Lots	Residential - Multifamily	DU (See Note 2)	5.86 per du	2240	9,844.80	2,240	9,844.80
	Commercial Retail Space - Restaurant	SF (See Note 3)	89.95 per 1000	5,000	382.28	5,000	382.28
	Commercial Retail Space - General	SF	44.32 per 1,000	0	0	0	0.00
Tract C & Additional Developed Area to South	Residential - Multifamily	DU (See Note 4)	5.86 per du	797	3,502.81	957	4,206.01
	Hotel/Inn	Rooms	8.92 per Occupied Room	0	0	116 of the 145	1,034.74
	Commercial Retail Space - Restaurant	SF (See Note 5)	89.95 per 1000	10,300	787.50	18,000	1,376.23
	Commercial Retail Space - General	SF (See Note 6)	44.32 per 1,000	7,700	341.26	37,000	1,639.84
	Office Space	SF (See Note 7)	11.01 per 1,000	15,000	165.15	15,000	165.15
					15,024		18,649
Additional Daily Trips after Re-Development (Assumes Internal Capture of 25% for Multi-family and 15% for Retail and Restaurant uses)							3,625

Notes:

1. Tract A Conservation tract created with Section Twenty-Two Replat (year - 1982); eliminated 9 platted lots from original plat (233 lots)
2. 2514 DU Vested under 380.03 Agreement; Actual potential units on Platted lots per Lee County: Estimated at 2240 DU (10 DU/lot x 224 lots - after replat)
3. Existing Golf Course Clubhouse to remain - 6200 SF with a 165 seat Restaurant (approximately 5000 SF)
4. Tract C currently has 797 multi-family DU in several Condominium projects including amenities; these units will remain under the proposed Re-development plan - 160 DU proposed
5. Existing Porto Bellos Restaurant & Tiki Hut will be re-developed under the proposed plan - approximately 10,300 SF - 440 seat Restaurant
6. Existing Retail to be re-developed under the proposed plan - Total PROPOSED Retail is 60,000 SF including Restaurant SF; Total PROPOSED Restaurant seats (900 seats)
7. Existing Office to be re-developed under the proposed plan - Total PROPOSED Office is 15,000 SF

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SUPPLEMENTAL TABLE 5



Realmark
Development, LLC

**REALMARK BURNT STORE MARINA, LLC
BURNT STORE MARINA REDEVELOPMENT**

Estimated Peak Hour Trips

(Pursuant to ITE Trip Generation Manual 7th Edition)



Prepared by: AVALON ENGINEERING, INC.

Dated: April 30, 2008

DESIGNATION	DESCRIPTION OF USE	UNIT	Average Rate	Units/Sq Ft Existing	Peak Hour Trips Existing	Units/Sq Ft proposed	Peak Hour Trips After Re-Development
Tract A	Conservation Area (Natural Area)	Acres (See Note 1)	0	28.9	0	0	0
Tract B & Platted Lots	Residential - Multifamily	DU (See Note 2)	0.52 per dw unit	2240	873.60	2,240	873.60
	Commercial Retail Space - Restaurant	SF (See Note 3)	9.02 per 1000 sf	5,000	38.33	5,000	38.33
	Commercial Retail Space - General	SF	6.84 per 1000 sf	0	0	0	0.00
Tract C & Additional Developed Area to South	Residential - Multifamily	DU (See Note 4)	0.52 per dw unit	797	310.83	957	373.20
	Hotel/Inn	Rooms	0.59 per room	0	0	145	85.55
	Commercial Retail Space - Restaurant	SF (See Note 5)	9.02 per 1000 sf	10,300	78.97	18,000	138.06
	Commercial Retail Space - General	SF (See Note 6)	6.84 per 1000 sf	7,700	52.67	37,000	253.08
	Office Space	SF (See Note 7)	1.55 per 1000 sf	15,000	23.25	15,000	23.25
					1,378		1,785

Additional Peak Hour Trips after Re-Development

(Assumes Internal Capture of 25% for Multi-family and 15 % for Retail and Restaurant uses)

407

Notes:

1. Tract A Conservation tract created with Section Twenty-Two Replat (year - 1982); eliminated 9 platted lots from original plat (233 lots)
2. 2514 DU Vested under 380.03 Agreement; Actual potential units on Platted lots per Lee County: Estimated at 2240 DU (10 DU/lot x 224 lots - after replat)
3. Existing Golf Course Clubhouse to remain - 6200 SF with a 165 seat Restaurant (approximately 5000 SF)
4. Tract C currently has 797 multi-family DU in several Condominium projects including amenities; these units will remain under the proposed Re-development plan - 160 DU proposed
5. Existing Porto Bellos Restaurant & Tiki Hut will be re-developed under the proposed plan - approximately 10,300 SF - 440 seat Restaurant
6. Existing Retail to be re-developed under the proposed plan - Total PROPOSED Retail is 60,000 SF including Restaurant SF; Total PROPOSED Restaurant seats (900 seats)
7. Existing Office to be re-developed under the proposed plan - Total PROPOSED Office is 15,000 SF

TABLE D



**REALMARK BURNT STORE MARINA, LLC
BURNT STORE MARINA REDEVELOPMENT
ADDITIONAL REALMARK PROPERTIES**



Prepared by: AVALON ENGINEERING, INC.

Dated: May 8, 2008

Parcel Identification	Parcel Location	Distance From Project Boundary	Distance From Redevelopment Area	Current Zoning	Current Land Use	Allowable Density or Intensity	Current and Proposed Uses
01-43-22-00-00004.0010	This 8.65 acre parcel has been added within the project boundary.	Included	Included	R-M 2	Rural	1 DU/Acre	Right-of-Way & Parking / See Redevelopment Plan
06-43-23-00-00004.011A	This 3.49 acre parcel lies south of the project site between the parcel on Burnt Store Road and the maintenance facility.	Abutting	4,022 Linear Feet	AG-2	Rural	1 DU/Acre	Vacant / Vacant
06-43-23-00-00004.0140	This 4.9 acre site lies south of Marlin Run Condo Association which is located in the southeastern corner of the project boundary.	Abutting	3,440 Linear Feet	AG-2	Rural	1 DU/Acre	Maintenance Facility / Maintenance Facility
06-43-23-00-00004.0040	This 6.33 acre parcel is adjacent to Burnt Store Road and is located in the southeastern corner of the project site.	Abutting	Approx. a Mile	AG-2	Rural	1 DU/Acre	Retention Lake/ Retention Lake Not Associated with BSM

2007-00054

COMMUNITY DEVELOPMENT

AUG 13 2008

RECEIVED

MAPS

RECEIVED

AUG 13 2008

COMMUNITY DEVELOPMENT

CPA 2007-0 0054

MAP A-1.2



EXISTING RESIDENTIAL: 797 (D.U.)

LEGEND

Tract 13 Diamond Cove 9 Single Family Residential Homes 48 Units	Prosperity Point (A) Grande Isle Towers I and II 112 Units
Tract 34 Marina North Shore Condos 140 Units	(B) Grande Isle Towers III and IV 104 Units
Tracts 21 and 22 Harbour Towers 33 Units	(C) 22 Single Family Residential Homes
Tract 24 Tides at Marina Towers 123 Units	(D) Topaz Cove Condos 68 Total Units (7 Bldgs./4 Units Each)
Tract 41 Marina South Shore Condos 47 Units	(E) 25 Single Family Residential Homes
Tract 25 Keel Club Condos 66 Total Units (22 Bldgs./3 Units Each)	(F) Emerald Cove 66 Total Units (22 Bldgs./3 Units Each)

EXISTING COMMERCIAL: (18,000 S.F.)

EXISTING OFFICE: (15,000 S.F.)

LEGEND

(C1) Porto Bello's Restaurant and Tiki Hut 10,300 s.f.
(C2) Retail/Bank 5,200 s.f.
(C3) Yachting Vacations/Yacht Sales 700 s.f.
(C4) Marina Facilities 1,800 s.f.
(O1) Administration Office Building 15,000 s.f.



P:\CAD\2007\07-431\PIOTRES-MAPS.dwg, Layout2, 4/28/2008 11:18:56 AM, Avalon Engineering Inc.

PROJ. 07-431	DATE: 4/1/08
CADD TECH. M.P./J.D.	
PROJ. MGR. Joseph Edwards, P.E.	
FL. LICENSE # 38615	

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

REALMARK BURNT STORE LLC.
--

MARINA VILLAGE AT BURNT STORE MARINA
LEE COUNTY, FLORIDA

SECTION 22 - TRACT 'C'
EXISTING CONDITIONS

SHEET
2 of 2

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. SCRICCA, 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

ATTACHMENT 14

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.

C7c
8-15-06

"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.

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.

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 .

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.

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:

By: Lisa J. Perie
Deputy Clerk

LEE COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

By: W. Hall
Chairman

APPROVED AS TO FORM:

By: Andrew B. Fraser
County Attorney's Office

ATTEST:

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

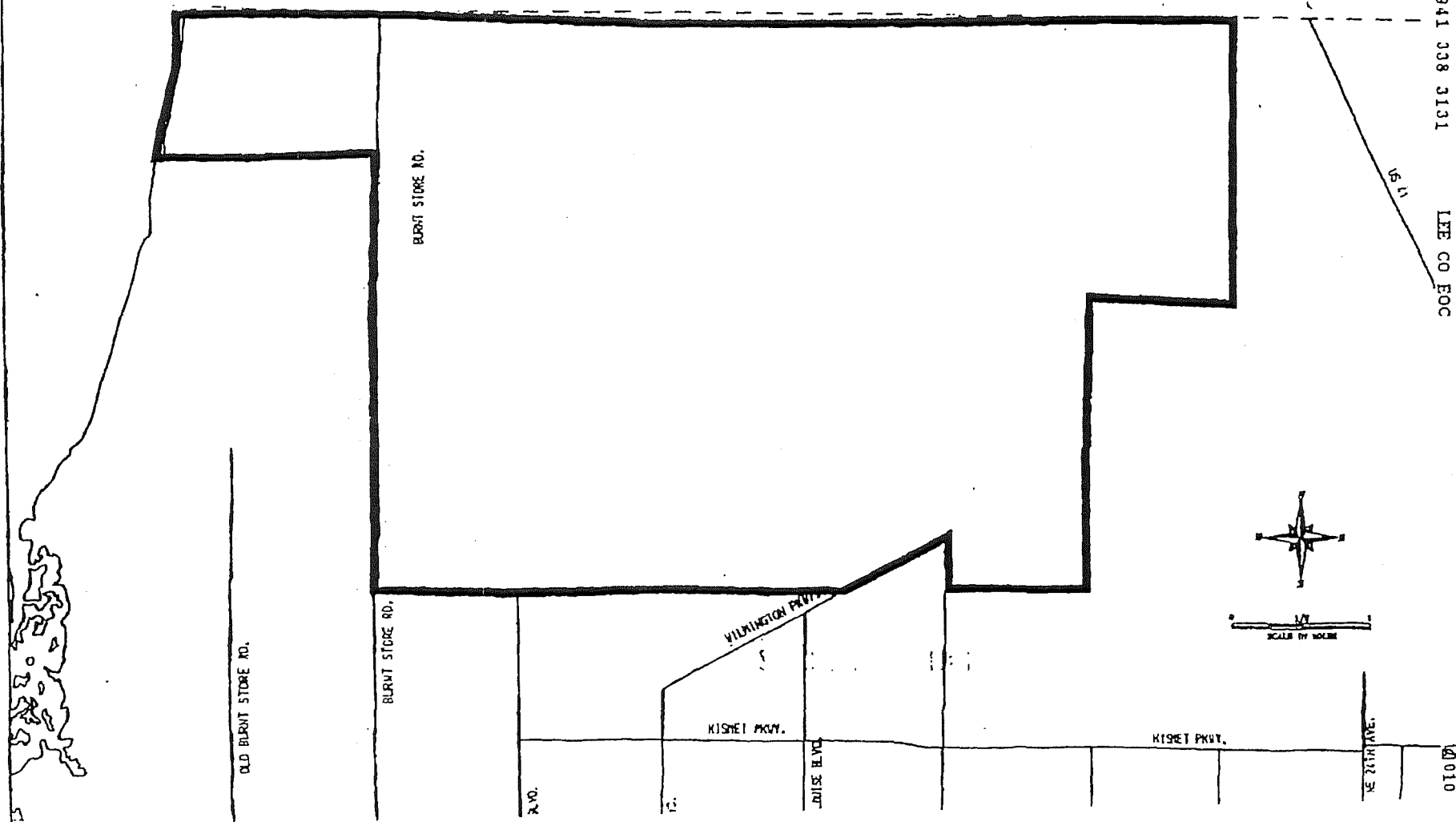
CITY OF CAPE CORAL

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

APPROVED AS TO FORM:

Marilyn W. Miller
MARILYN W. MILLER
Assistant City Attorney

BURNT STORE FIRE DISTRICT



MSTU Formula

# of calls in Sta. 7	224
# of Calls in MSTU	167
Total calls for Sta. 7	391
% of Calls in MSTU	42.71%

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.



Lee County Southwest Florida

Statement of Initial Review

Lee County Emergency Medical Services (LCEMS) has performed a preliminary review of the project referenced herein. Based upon the limited amount of information provided, LCEMS has concerns with the ability to provide service to this project.

The Comprehensive Plan Amendment for CPA2007-00054 Realmark Burnt Store Marina Plan Amendment, changing from Rural to "Burnt Store Marina Village" provides for 150,000 sf of retail; 30,000 sf of office; 336 hotel units and 1,300 boat slips.

This current location is served by LCEMS Station 28, located at 707 SW 1st Street, Cape Coral, FL, which is approximately 12.50 miles away. Our response time to this location is 15+ minutes, which does not meet our core service level response standards of 8:59 minutes or less in 90% of the total emergency responses as required by Lee County Ordinance #02-19.

In the event that Station 28 is busy on a response, the next closest station is LCEMS Station 22, located at 152 SE 13th St, Cape Coral, FL is approximately 14.50 miles away.

This statement does not indicate that any plans have been received, it just identifies that Lee County EMS has concerns with the ability to provide service to this area. Current resources prohibit establishing and staffing an EMS station closer to this development.

(Signature)

EMS Operations Chief

(Title)

Kim Dickerson

(Printed Name)

April 17, 2008

(Date)



Kim Dickerson, EMT-P, RN, MBA
EMS Operations Chief
Lee County Emergency Medical Services
14752 Ben Pratt/Six Mile Cypress Parkway
Fort Myers, FL 33912
Phone: 239-335-1661
Fax: 239-335-1671
Email: kdickerson@leegov.com
Website: www.lee-ems.com



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

ATTACHMENT 17



Charlotte County Government

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

www.CharlotteCountyFL.com

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:

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

ATTACHMENT 18

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

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:

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Sincerely,

Alex Cegerenko
Engineering Project Manager

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

RECEIVED

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: 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:

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Sincerely,

Alex Cegerenko
Engineering Project Manager

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

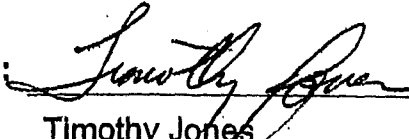
MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY

RECEIVED
NOV 29 2006

COMMUNITY DEVELOPMENT

DATE: November 28, 2006

TO: Mary Gibbs
Director, DCD

FROM: 
Timothy Jones
Chief Assistant County Attorney

RE: **Burnt Store Marina**
LU-06-02-1201.G.1.

In accordance with your request, our office has reviewed the documents furnished by County staff and Mr. Uhle as well as the information contained in the Land Use files regarding the history of the Burnt Store Marina Development in order to provide assistance with respect to issuing a response to zoning verification letter application ZVL2006-00212.

The Burnt Store Marina development under Lee County jurisdiction is located in the extreme northwest portion of the County. It is bounded by Charlotte County to the north, Burnt Store Road to the east, Cape Coral to the south and Charlotte Harbor to the west. The project encompasses a total of 626 acres originally platted in 1973 as Punta Gorda Isles, Section 22 at Plat Book 28, Page 118.

Since 1973 the Department of Community Affairs reviewed the property three times with respect to its Development of Regional Impact status. In 1986 an agreement was executed to establish with certainty that the development is vested against compliance with the DRI requirements for a total density on the 626 acres of 2,514 residential units. A second Agreement in 1987 established that the development is entitled to a maximum of 323 wet spaces (i.e. up to 525 watercraft) and 456 dry spaces. Neither of these Agreements, or any previous determinations by DCA, excuse the project from compliance with Lee County development regulations as currently articulated in the Lee Plan and the Land Development Code.

For ease of discussion, the project is divided into two parts:

The Marina Village comprised of Tract C, Block 1011, Lot 1 and Block 1001, Lots 2 and 3, as recorded in Plat Book 28, Page 118; and

The Golf Course Subdivision comprised of all of Punta Gorda Isles, Section 22 as recorded in Plat Book 28, Page 118 and replatted at Plat Book 34, Page 92, except the Marina Village parcel identified above.

ATTACHMENT 19

Re: Burnt Store Marina
LU-06-02-1201.G.1.

Golf Course Subdivision

In 1974, an application covering the entire Golf Course Subdivision was considered by the Board. This action [Z-74-298] officially served to rezone only the 233 platted lots (including Lot 1, Block 1011 and Lots 2 and 3, Block 1001) created via the 1973 plat from IU to RU-3 with a density of 4.8 units per acre. However, the minutes of the Board action reflect that Board received testimony regarding the entire 626 acre project including assurances that the 125 acre recreation area, now encompassed by the golf course, would not be used for residential purposes. (See CCMB BK 117, Page 2711).

To address the confusion surrounding the 1974 decision, resolution ZAB 83-445 was adopted. This resolution serves to establish four distinct zoning categories within the Golf Course Subdivision (see attached Exhibit 1): PR, AG Greenways (access to golf course), Ag with unusual use for a golf course, and RM-10. The 1983 action established the property owner's right to density of up to a maximum of 10 units per platted lot. The property as replatted and presented to the Board in 1983 encompassed a total of 221¹ platted lots. This equates to a maximum density within the Golf Course Subdivision of 2,210 dwelling units, if each lot is capable of being developed in accordance with County regulations with the maximum number of dwelling units. By limiting the density on a per lot basis the Board effectively established that the density can not be clustered (i.e. use of two lots to support 20 units on a single lot). Each individual lot may be developed or redeveloped with a maximum of 10 units per lot. The number of units on each lot (up to 10) will be determined by the type of development (single family or multi family) and applicable property development regulations.

In 1985, the County issued an Administrative Interpretation of Vested Rights (VR 85-06-53), which served to vest only the density established on the property against compliance with the Lee Plan Land Use category limitations. This density vesting Interpretation allows development of the 221 platted lots with a maximum of 10 units per lot. The interpretation does not affect the property owner's obligation to comply with all other LDC requirements in effect at the time the approval to construct units is obtained. Therefore, the property owner must comply with the current height, setback, open space, buffering, vegetation etc., requirements set forth in the LDC.

Under the 1983 resolution and the 1985 County Vested Rights Interpretation, the golf course area (i.e. AG with an unusual use for a golf course) can not be used for the construction of residential units. It is the open space area for the overall project. In order to change the use and

¹As originally platted in 1973, Punta Gorda Isles Section 22 consisted of 233 lots. The 1982 replat served to eliminate 12 lots. $233 - 12 = 221$ lots

Re: Burnt Store Marina
LU-06-02-1201.G.1.

achieve residential density rights in the golf course area, the property owner must first seek Lee Plan amendment approval followed by rezoning. Note that this action *may* result in the project being subject to Development of Regional Impact Review.

Marina Village

In 1977, the 153 acre Village Marina parcel was rezoned (Z-77-63) from IU to RU-3 (RM-2 as converted) "with special uses using PUD concept, and with the donation of 15 acres for the school site". The PUD plan is not attached to the zoning resolution. However, it appears that the controlling plan documents are the 153 acre Schematic Plan labeled S-1 prepared by Allen Hixon Associations and another document labeled "Section 22 Burnt Store Marina Land Use Plan" dated Dec. 76 drawing No. A-71.

The Marina Village Land Use Plan (identified above) can be deemed consistent with the Lee Plan in accord with Chapter XIII, Section a.D. An area specific Lee Plan vesting determination was not issued for the Marina Village.

Under the Marina Village Land Use Plan the project is vested for a total of 734 dwelling units (4.8 units per acre x 153 acres=734 units). Based upon the documents provided as updated by the information available on the Property Appraiser website, it appears that a total of 794 dwellings units currently exist within the Marina Village parcel. Therefore, no additional dwelling units may be constructed.

The Marina Village Land Use Plan specifically designates four special use areas within the Marina Village parcel. These include: Area A) 4.2 acres of commercial; Area B) 5.1 acres of Apartment Motel; Area C) 8.3 acres of Resort-Inn; and Area D) 14.1 acres of Marine Industrial/storage and repair. Review of the existing development in the Marina Village parcel indicates that Areas A, B and C are currently developed as residential condominium units. Area D is currently developed with the 47 hotel units (Keel Club) 16,759 sf commercial office (south of Keel Club), Salty's (restaurant/ships store), dry boat storage, and marine fueling facilities.

In 1991, the County approved Resolution Z 91-101, which served to rezone a 9 acre portion of Area D from RM-2 to Commercial Marine (CM).

The property owner has a right to develop the special use areas identified on the Marina Village Land Use Plan in accord with this 1977 Land Use Plan to the extent the specific areas have not been developed with residential uses. To the extent the property owner attempts to develop uses in a location other than depicted on the Land Use Plan, any vested rights under the Lee Plan will be lost. In order to pursue development or redevelopment in a manner different than as

Re: Burnt Store Marina
LU-06-02-1201.G.1.

depicted on the 1977 Land Use Plan, the property owner will need to seek Lee Plan amendment approval followed by rezoning.

If you would like to discuss the above or if you require additional assistance please do not hesitate to contact me.

DPL:tlb

Attachment: Colored Map

cc w/o attachment: Pam Houck, Director, Zoning Division
Bryan Kelner, Principal Planner, DCD
Matt Noble, Principal Planner, DCD

**PUBLIC
COMMUNICATION
SUPPORT**

Hines, Lisa

From: Noble, Matthew A.
Sent: Wednesday, September 10, 2008 7:08 AM
To: Hines, Lisa; Hock, Donna
Subject: FW: Realmark...Burnt Store Marina proposed changes

for the file...

From: Tom Kuhn [mailto:tomkuhn@indy.rr.com]
Sent: Tuesday, September 09, 2008 7:58 PM
To: Noble, Matthew A.
Subject: Realmark...Burnt Store Marina proposed changes

I have owned a condominium in the Burnt Store Marina Complex for several years now and am delighted to see Realmark's plans to improve the marina area with new facilities. Although I am not familiar with the entire project, I understand that it will include upgrades to the marina, docks, more retail shops, restaurants, etc.

I am not too keen on adding additional large condo's, but I'm infavor of seeing the marina area itself spruced up.

Tom Kuhn
3020 Matecumbe Key Road
Unit 106

9/10/2008

Hines, Lisa

From: Block, Alvin H.
Sent: Thursday, September 18, 2008 4:10 PM
To: Hines, Lisa
Subject: FW: Land use amendment for Burnt Store Marina for Sept 22, 2008

See below. A positive comment.

Chip

Alvin Block, AICP

Principal Planner
Lee County Department of Community Development
Zoning Division
(239) 533-8371
blockah@leegov.com

Please note: Florida has a very broad public records law. Most written communications to or from County personnel regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

From: Dist3, Judah
Sent: Thursday, September 18, 2008 2:36 PM
To: Block, Alvin H.
Subject: FW: Land use amendment for Burnt Store Marina for Sept 22, 2008

Again,
Unauthorized communication?
Thank you for your patience as I learn -

Molly Schweers, Executive Assistant
Commissioner Ray Judah, Chairman
Lee County Board of County Commissioners
(239) 533-2223 Phone
(239) 485-2021 Fax
Email: dist3@leegov.com
Website: www.lee-county.com

From: Jim Getz [<mailto:jrgetz1@comcast.net>]
Sent: Thursday, September 18, 2008 1:32 PM
To: nadress@comcast.net; ringe@landsolutions.net; carleton819@aol.com; Lessgov@LesCochran.com;
DawnMGo@leeschools.net; Lmt7979@hotmail.com; rawessel@sccf.org; rippemj@embarqmail.com; Dist1, Janes; Dist3, Judah;
Dist2, Bigelow; Dist5, Mann
Subject: Land use amendment for Burnt Store Marina for Sept 22, 2008

To: Local Planning Agency Members of Lee County
Lee County Commissioners

From: Jim and Cathy Getz
1006 Matecumbe Key Rd
Punta Gorda, Fl. (Burnt Store Marina)

We are contacting you regarding the up coming meeting on Monday, September 22 on the planning changes that Realmark is requesting for our area. We Support Realmark's plan to redevelop the Burnt Store Marine area in its entirety and request you change the current land use designation to allow for this redevelopment. Our Community is in need of serious upgrading and

9/18/2008

Realmark has shown the willingness to spend the dollars to improve our area and consequently the tax base for Lee County.

We have a minority group that is very active in holding our community back, but as previous votes have shown, they are far outnumbered by our property owners that desire to up grading our aged Marina. We hope that you will approve the changes proposed by Realmark.

Sincerely

Jim and Cathy Getz

From: Dist1, Janes
Sent: Wednesday, September 10, 2008 1:26 PM
To: John McConomy
Cc: O Connor, Paul S.; Dist1, Janes
Subject: RE: CPA2007-00054, Burnt Store Marina Village submitted by Realmark Burnt Store Marina, LLC

Dear Mr. McConomy,

Thank you for taking time to write to me to share your comments and concerns over the proposed Comprehensive Plan Amendment 2007-00054 regarding Burnt Store Marina Village. Please accept this response as acknowledgment that your message has been received and reviewed.

This item is scheduled to go before the Lee County Planning Agency for review and recommendation on September 22, before it comes to the Lee County Board of County Commissioners. Let me assure you that I will be happy to keep your comments in mind at that time it comes to the BoCC for a vote. However, in the meantime, I am taking the liberty of forwarding your comments to Paul O'Connor, Planning Director, to share with the members of the Lee County Local Planning Agency.

If I may be of any further assistance to you, please feel free to contact me.

Commissioner Bob Janes, District #1
Lee County Board of County Commissioners
Post Office Box 398
Fort Myers, FL 33902-0398
239.533.2224 (Office Number)
239.485.2155 (Fax Number)
Dist1@leegov.com

From: John McConomy [<mailto:jwmccconomy@yahoo.com>]
Sent: Tuesday, September 09, 2008 3:49 PM
To: Dist1, Janes; Dist2, Bigelow; Dist3, Judah; Dist4, Hall; Dist5, Mann; nandress@comcast.net; ringe@landsolutions.net; rippemj@embarqmail.com; carleton819@aol.com; rawessel@sccf.org; Lmt7979@hotmail.com; Lessgov@LesCochran.com
Subject: CPA2007-00054, Burnt Store Marina Village submitted by Realmark Burnt Store Marina, LLC

Members of the County Commission and Lee Planning Agency:
Please find attached my letter in support of Realmark's application for the Burnt Store Marina Village. Thank you for your consideration. Many thanks.

Regards,
John McConomy

John McConomy
3333 Sunset Key Circle #102
Burnt Store Marina
Punta Gorda, FL 33955

9/15/2008

John W. McConomy
3333 Sunset Key Circle #102
Punta Gorda, FL 33955

September 9, 2008

NOEL ANDRESS

P.O. Box 420, Pineland, FL
33945
7101 Capri Lane, Pineland,
FL 33945

RONALD INGE

Development Solutions,
LLC
4571 Colonial Boulevard,
#102
Fort Myers, Florida 33966

JACQUE RIPPE

13140 Bird Road
Fort Myers, FL 33905

CARLETON RYFFEL

100 Estero Boulevard, #434
Fort Myers Beach, FL 33931

RAE ANN WESSEL

P.O. Box 713, Fort Myers,
FL 33902
17880 Sawmill Lane, North
Fort Myers, FL 33917

LELAND M. TAYLOR

2619 NE 1st Avenue
Cape Coral, FL 33909

LES COCHRAN

18961 Knoll Landing Drive
San Carlos Park, FL 33908

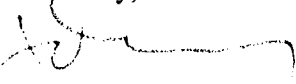
VIA U. S. Mail and email

Re: CPA2007-00054, Burnt Store Marina Village submitted by Realmark Burnt Store Marina, LLC

Dear Members of the Lee County LPA,

I understand that you, as members of the Local Planning Agency of Lee County, will consider the referenced application at your next meeting on September 22, 2008. As a full time resident and owner in Grande Isle Tower IV located within the Burnt Store Marina I am writing to urge you **to SUPPORT the application as submitted and recommend approval to the County Commission.** The proposed improvements will not only enhance Burnt Store Marina, but will also add value to our properties and bring much needed tourist dollars to our County. Realmark has a demonstrated track record of quality development (e.g. Cape Harbour) and has operated the Burnt Store Marina facilities in a first class manner since its acquisition. Thank you for your consideration.

Sincerely,



John W. McConomy

CC: Lee County Commissioners

Hines, Lisa

From: O Connor, Paul S.
Sent: Monday, September 15, 2008 4:10 PM
To: Noble, Matthew A.; Miller, Janet M.; Hines, Lisa
Subject: FW: CPA2007-00054, Burnt Store Marina Village submitted by Realmark Burnt Store Marina, LLC

FYI

From: Dist1, Janes
Sent: Wednesday, September 10, 2008 1:26 PM
To: John McConomy
Cc: O Connor, Paul S.; Dist1, Janes
Subject: RE: CPA2007-00054, Burnt Store Marina Village submitted by Realmark Burnt Store Marina, LLC

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If I may be of any further assistance to you, please feel free to contact me.

Commissioner Bob Janes, District #1
Lee County Board of County Commissioners
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Subject: CPA2007-00054, Burnt Store Marina Village submitted by Realmark Burnt Store Marina, LLC

Members of the County Commission and Lee Planning Agency:
Please find attached my letter in support of Realmark's application for the Burnt Store Marina Village. Thank you for your consideration. Many thanks.

Regards,
John McConomy

John McConomy
3333 Sunset Key Circle #102
Burnt Store Marina
Punta Gorda, FL 33955

9/15/2008

From: Jacky Hill [mailto:jackyhill@earthlink.net]
Sent: Thursday, September 18, 2008 7:09 AM
To: Noble, Matthew A.
Cc: Gibbs, Mary ; Kelner, Bryan J.
Subject: FW: Realmark Needs Your Help - Upcoming Public Hearings

I'm not sure who is the right person to send these questions to...

This email below was sent yesterday. I have highlighted sections in yellow.

Are the statements in those sections true? That is, once the amendment is accepted, will there then be time for community discussion about the development? If the FLUM is approved for 220 feet (or Staff's suggestion of 135 feet), would there be a later time when the actual order might be limited to, say 80 feet? When would that be, and what would be the considerations at that time for keeping heights lower?

I realize that this is a "what if" scenario – but mostly I'm interested in the development process that will follow once an amendment such as this is passed, and what part the community can plan in that process.

Thank you for your information.

Jacky Hill

From: Pete McGough [mailto:PMcGough@realmarkgroup.com]
Sent: Wednesday, September 17, 2008 5:24 PM
Subject: Realmark Needs Your Help - Upcoming Public Hearings

First, I am sending this note to addressees for whom we had contact information on file - if you are not interested in the redevelopment plans for the area around the marina, please accept my apology and disregard this message. If you are interested, Realmark Needs Your Help!!!

Realmark is asking for your support in connection with the upcoming Hearing(s) regarding the Future Land Use Amendment for Burnt Store Marina which is presently under consideration by the County. This request and the associated Hearings are not intended to address details or specifics with regard to redevelopment plans, but rather, to approve a change in the County's designation of the area around the marina to accommodate the redevelopment. The details and specifics of any proposed development will be addressed in a year or so working with design professionals, County Staff and community input, when Realmark seeks a Development Order. But in order to get to the point where specifics can even be considered, the Future Land Use designation must be changed because existing zoning and land use designations do not allow for any meaningful redevelopment.

The first Hearing is this coming Monday in front of the Lee County Local Planning Agency. About a month later the issue goes to the Board of County Commissioners for consideration. At that point, if approved by the Commissioners, the request for the Future Land Use Amendment will be forwarded to the State for approval. That process will take nine months or so, and only after that will the design details of any proposed development be up for consideration. That planning and hearing process

9/18/2008

provides for significant input from the community, and several public hearings – that is the stage at which the specifics of proposed development plans will be shaped, not at this stage.

We are seeking the support of the community to move this along through this preliminary stage so we then have a chance to work with the residents to fashion a planned development that helps revitalize and rejuvenate the community. As many of you know, there is a very vocal minority of residents opposed to any development, though they profess otherwise. It is the voice of these opponents that is being heard by the powers that be thus far.

We would like to have your support to demonstrate that the Realmark opponents do not speak for the entire community. Below, I have included contact information for members of the Local Planning Agency. It would very helpful if you, and others to whom you may forward this message (and we encourage that), would contact the LPA members to let them know you support this Future Land Use Amendment and Realmark's efforts to redevelop the area around the marina – again, there will be lots of opportunities to deal with the details during the Development Order process after this initial request is approved by the Local Planning Agency, the Board of County Commissioners and the State.

It is important to provide for some residential units – we're asking for 160 units – because it is the residential development that pays for everything else. Shops, office and open space do not generate adequate revenue to support the redevelopment on their own. It is also very important that we be granted flexibility regarding height because this is a very 'tight' site and the only way to preserve open space for community use is to incorporate structured parking under the buildings rather than spreading surface parking all over the site – we need to build 'up' rather than 'out' as with a low-rise design, so we can maximize the utility of the site.

We thank you for your support. We look forward to working with the residents to fashion a development plan that works for the benefit of the entire community.

An email or phone call would be good, a letter would be better, a personal appearance Monday (plus letter or email) would be best. The Hearing is set for next Monday, September 22, 8:30 a.m., Board Chambers at Old Lee County Courthouse, 2120 Main St, Fort Myers.

Lee County Local Planning Agency Members



**2008 MEMBERSHIP ROSTER
LEE COUNTY LOCAL PLANNING AGENCY (LPA)**

NOEL ANDRESS P.O. Box 420, Pineland, FL 33945 7101 Capri Lane, Pineland, FL 33945 283-5653 (Phone) 283-0173 (Fax) nandress@comcast.net	JACQUE RIPPE 13140 Bird Road Fort Myers, FL 33905 694-0451 (Phone) rippemj@embarqmail.com
RONALD INGE Development Solutions, LLC 4571 Colonial Boulevard, #102 Fort Myers, Florida 33966	CARLETON RYFFEL – Chair 100 Estero Boulevard, #434 Fort Myers Beach, FL 33931 463-3929 (Phone) carleton819@aol.com

Hines, Lisa

From: Noble, Matthew A.
Sent: Thursday, September 18, 2008 7:20 AM
To: Hines, Lisa
Subject: FW: Realmark Needs Your Help - Upcoming Public Hearings

Is there a provision in the descriptor policy for the proposed land use category that would required PD rezoning, I don't remember that, and is a hotel permitted in CM...

From: Jacky Hill [mailto:jackyhill@earthlink.net]
Sent: Thursday, September 18, 2008 7:09 AM
To: Noble, Matthew A.
Cc: Gibbs, Mary ; Kelner, Bryan J.
Subject: FW: Realmark Needs Your Help - Upcoming Public Hearings

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Jacky Hill

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9/18/2008

489-4066 (Phone) 481-8477 (Fax) ringe@landsolutions.net	
RAE ANN WESSEL P.O. Box 713, Fort Myers, FL 33902 17880 Sawmill Lane, North Fort Myers, FL 33917 731-7559 (Phone) 731-3779 (FAX) rawessel@sccf.org	LES COCHRAN – Vice Chair 18961 Knoll Landing Drive San Carlos Park, FL 33908 267-4755 (Phone) 267-4260 (Fax) Lessgov@LesCochran.com
LELAND M. TAYLOR 2619 NE 1st Avenue Cape Coral, FL 33909 (239) 233-3262 (Phone) (239) (Fax) (850) 491-2548 (Cell) Lmt7979@hotmail.com	DAWN GORDON (Non-Voting Member) Lee County School District 3308 Canal Street Fort Myers, FL 33916 479-5661 (Phone) 479-5667 (Fax) DawnMGo@leeschools.net

I hope to see you there. Again, thank you for your support. I will not let you down...

Will Stout

Realmark Development, LLC
5789 Cape Harbour Drive
Suite 201
Cape Coral, FL 33914
Phone: (239) 541-1372
Fax: (239) 541-1377

From: Jim Getz [mailto:jrgetz1@comcast.net]

Sent: Thursday, September 18, 2008 1:32 PM

To: nandress@comcast.net; ringe@landsolutions.net; carleton819@aol.com; Lessgov@LesCochran.com; DawnMGo@leeschools.net; Lmt7979@hotmail.com; rawessel@sccf.org; rippemj@embarqmail.com; Dist1, Janes; Dist3, Judah; Dist2, Bigelow; Dist5, Mann

Subject: Land use amendment for Burnt Store Marina for Sept 22, 2008

To: Local Planning Agency Members of Lee County
Lee County Commissioners

From: Jim and Cathy Getz
1006 Matecumbe Key Rd
Punta Gorda, Fl. (Burnt Store Marina)

We are contacting you regarding the up coming meeting on Monday, September 22 on the planning changes that Realmark is requesting for our area. We Support Realmark's plan to redevelop the Burnt Store Marine area in its entirety and request you change the current land use designation to allow for this redevelopment. Our Community is in need of serious upgrading and

Realmark has shown the willingness to spend the dollars to improve our area and consequently the tax base for Lee County.

We have a minority group that is very active in holding our community back, but as previous votes have shown, they are far outnumbered by our property owners that desire to up grading our aged Marina. We hope that you will approve the changes proposed by Realmark.

Sincerely

Jim and Cathy Getz

From: jimmymerz@aol.com [mailto:jimmymerz@aol.com]
Sent: Wednesday, September 17, 2008 6:14 PM
To: Noble, Matthew A.
Subject: Cae Number CPA2007-0054

Mr. Noble,

I am out of the BSM area at this time as are so many other owners and residents and will not be able to attend the hearing in person. I have included a copy of the letter I mailed to you today in this EMail.

Regards,

JR Merz

To: Lee County Southwest Florida
Board of County Commissioners
Department of Community Plan Review
Mr. Matt Noble
; PO Box 398
Fort Myers, Florida 33902-0398

From: Mr. James R. Merz

Re: Case Number CPA2007-0054
Burnt Store Marina

Dear Mr. Noble,

As a resident of Burnt Store Marina, I am very concerned that the input you are receiving concerning the review of Case Number CPA2007-0054 is slanted to the negative. I have seen letters to you and to Planning Agency Members that state that the development of the marina would be detrimental to our community. I am a member of two association Homeowners Boards within the marina and have contact with many of the owners. I have talked to no one who is against the Realmark proposal and, in fact, have found that most endorse it enthusiastically.

The area around the marina in the proposed redevelopment is comprised today of old, antiquated, ugly, termite infested buildings that in a few years will be not fit to be used for any purpose other than firewood. The old Admin building located on Matecumbe Key Road has been closed for over 5 years because of mold and termite infestation and becomes more of an eyesore each day. The restaurant building located on the water is in dire need up upgrading. If it were not located on our beautiful marina it would surely be closed.

At Cape Harbour in SW Cape Coral, Realmark has shown their ability to develop areas like Burnt Store. That community, since its completion, is a wonderful place to visit with friends, have a good meal and listen to quality entertainment. It is also a development that the entire City of Cape Coral can be proud of.....I would like to feel the same way about Burnt Store Marina.

9/18/2008

If you, the City Planners, do take into consideration the views of the residents and owners of a community like Burnt Store then I would suggest postponing your scheduled hearing until February or March, 2009. September is the time of the year when our community is the most vacant. You would get a much more balanced set of opinions during the later timeframe than you=2 owill today because, quite frankly, there is always organized opposition to these types of projects and, if held on September 22, opposition is probably all you will get. We have a community of over 1900 residents and owners.....again, I can assure you that the overwhelming majority is for Realmark's proposal.

Progress in a community like Burnt Store affects everyone and, usually, inconveniences everyone for, at least a while. But if the progress leaves us with a marina area that we could be proud of, the inconvenience would be more than tolerable.

Thank you for your consideration,

James R. Merz
The Resort at Burnt Store
Cobia Estates at Burnt Store

Looking for spoilers and reviews on the new TV season? [Get AOL's ultimate guide to fall TV.](#)

Hines, Lisa

From: Noble, Matthew A.
Sent: Friday, September 19, 2008 7:08 AM
To: Hines, Lisa; Hock, Donna
Subject: FW: CPA2007-0054 Realmark development at Burnt Store

From: captcrow@comcast.net [mailto:captcrow@comcast.net]
Sent: Thursday, September 18, 2008 9:37 PM
To: Noble, Matthew A.
Subject: CPA2007-0054 Realmark development at Burnt Store

Hello - -

I would like to add my voice to those residents of Burnt Store Marina who are in favor of letting Realmark go forward with their development plans. Our community definately needs to be improved and, given what Realmark has done with their Cape Harbor development, I think their plans would offer a significant asset to this community both from a beautification and a real estate appreciation perspective.

As a twelve year resident of the Marina I have come to know many people, the vast majority of whom are in favor of Realmark's plan. My only concern is ,given the timing of the hearing, that vast majority won't be in the area to voice their opinions. There would be a much more accurate cross section of resident's wishes if the hearing were to be held sometime during the winter months.

Sincerely,

Tom Crow

9/19/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Friday, September 19, 2008 7:22 AM
To: Hines, Lisa; Hock, Donna
Subject: FW: Case #CPA2007-0054

-----Original Message-----

From: John Rudibaugh [mailto:jrudibaugh@advancedrail.com]
Sent: Thursday, September 18, 2008 10:36 PM
To: Noble, Matthew A.
Subject: Case #CPA2007-0054

Dear Sir.....

Writing my 100% approval for Realmark's request for the redevelopment.....Please grant their request....case # CPA2007-0054

John and Doris Rudibaugh
Condo 306
Grand Isle I
Burnt Store Marina

Robert W. Akers

3313 Sunset Key Circle, Unit 501
Burntstore Marina, FL 33955



Telephone (941) 637-7171

Fax (941) 637-7172

E-Mail: bobakers@comcast.net

September 18, 2008

Mr. Matt Noble

Lee County Southwest Florida Board of Commissioners
Department of Community Plan Review
Fort Myers, FL 33902

SUBJECT: Support for Burnt Store Marina-Case #CPA2007-0054

Dear Mr. Noble,

My wife and I have been boaters in Burnt Store Marina since 1986, owners of multiple residential properties, including one on Matecumbe Key Road, since 2000 and full time residents in BSM since 2004,. We recognize the marina as a highly regarded safe haven for boaters because of its location, protected from direct Gulf of Mexico storm surges, yet with access to the whole world.

Of the over nineteen hundred property owners in the marina, I can assure you that a great majority of owners are in strong support of Realmark's proposal! It is unfortunate that the Department of Community Plan Review of the Realmark proposal has been scheduled so early in the fall when so many of our residents are still up north and unable to attend the meeting to show support for Realmark. When Realmark first purchased the marina a couple of years ago it was met with a broad base of enthusiastic owners and that strong base of support is still felt for Realmark's marina re-development. Unfortunately, a relatively small group of owners formed an organization called "BSMCUO" which makes a disproportionate level of opposition noise. They simply don't appreciate the community's life style improvement, the enhanced property values and increased Lee County tax base that the improvements would generate.

The BSMCUO's major objection seems to be the proposed height of several of the buildings in Realmarks plan. The land to be redeveloped is very valuable and its redevelopment needs to optimize the area. There are two ways to do that, one is to go high, placing parking areas inside the first few levels of the tall buildings with living

areas above. The second way would be to develop every possible square inch of land with lower rise dwelling units which would result in cutting off the entire community's view of the beautiful marina and forcing us all to look at a sea of parked cars instead.

Will Stout and his people at Realmark have earned great respect for their creative developmental work at Cape Harbor and for their concern and respect for the temporary inconveniences that such re-development causes the local citizenry. I strongly support their proposed project and their judgment in any possible modifications that might be proposed and agreed to.

Respectfully yours,

Robert W. Akers

Hines, Lisa

From: Noble, Matthew A.
Sent: Friday, September 19, 2008 4:01 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: Burnt Store Marina

-----Original Message-----

From: carl schoenbachler [mailto:candcschoen@earthlink.net]
Sent: Friday, September 19, 2008 11:11 AM
To: Noble, Matthew A.
Subject: Fw: Burnt Store Marina

-----Forwarded Message-----

>From: carl schoenbachler <candcschoen@earthlink.net>
>Sent: Sep 18, 2008 7:11 AM
>To: nandress@comcast.com, rippemj@embarqmail.com,
>ringe@landsolutions.net, carleton819@aol.com, rewessel@sccg.org,
>Lessgov@LesCochan.com, Lmt7979@hotmail.com, DawnMGo@leeschools.net
>Subject: Burnt Store Marina

>

>Ladies and Gentlemen:

>

>First let me apologize for the lateness of this communication. I only this morning became aware of the Realmark/Burnt Store Marina hearing next Monday. That also explains the email versus a "real" letter.

>

>I am a resident of BSM and have been since 2005. I am 61 and my wife 51 so we are among the younger end of the population here. I followed very closely as a strong supporter the previous failed attempt by Realmark to redevelop the marina. I attended, along with the vast majority of all BSM residents, the first presentation made by Realmark concerning redeveloping BSM. I heard first hand the overwhelming support for the project. And sadly, I saw the project undermined by a very small minority of residents.

>

>I am writing today to do my part to ensure that situation does not repeat itself. BSM is a hidden jewel for Lee County. It has enormous potential if redeveloped and modernized. On the other hand it is becoming dated and if not revitalized will lose its luster.

>

>All of you know this property and its potential. Please don't let a few very vocal opposers who will no doubt attend the hearing ruin this opportunity for the vast majority that favor the redevelopment.

>

>Thank you for your consideration, time and most importantly, your service to our community.

>

>Carl Schoenbachler
>3313 Sunset Cir. #701
>Punta Gorda, FL 33955
>(502) 552-1255 (cell)

Allan and Kathy Orrison
Grande Isle Towers III - #601
Prosperity Point
Burnt Store Marina
3329 Sunset Key Circle
Punta Gorda, FL 33955

September 26, 2008

Mr. Matt Noble, County Planner
Lee County Local Planning Agency

RE: Realmark Development within Burnt Store Marina
F. CPA2007-54—Realmark Burnt Store Marina LLC

Dear Mr. Noble,

We are writing to express our support for the Future Land Use Amendment for Realmark's efforts to redevelop the areas around Burnt Store Marina. We are both excited about Realmark's plans to revitalize and rejuvenate this community that we call our home. Virtually everyone we have spoken with in the community shares our enthusiasm.

There is a small but very vocal minority of residents who do oppose this development. I feel that it is important that you recognize that they do not represent the community as a whole.

Again, we offer our enthusiastic support for Realmark's plans.

Allan and Kathy Orrison

Hines, Lisa

From: Noble, Matthew A.
Sent: Monday, September 29, 2008 7:19 AM
To: Hines, Lisa; Hock, Donna
Subject: FW: Realmark Burnt Store Marina Letter of Support
Attachments: Realmark LPA.doc

From: Allan & Kathy Orrison [mailto:arorrison@comcast.net]
Sent: Saturday, September 27, 2008 4:01 PM
To: Noble, Matthew A.
Subject: Realmark Burnt Store Marina Letter of Support

Dear Mr. Noble,

Attached is our letter of support for F.CPA2007-54--Realmark Burnt Store Marina, LLC.

Allan R. Orrison
Kathy S. Orrison

9/29/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Thursday, September 25, 2008 8:36 AM
To: Hines, Lisa; Hock, Donna
Subject: FW: Future Land Use Assesment for Burnt Store Marina

FYI, for the file...

From: JAMES LEDUC [mailto:jamesleduc@msn.com]
Sent: Thursday, September 25, 2008 8:22 AM
To: Noble, Matthew A.
Subject: Future Land Use Assesment for Burnt Store Marina

Planning Agency Members,

We are confident that any future plans Realmark and Will Stout have for the development in Burnt Store Marina will be an asset to the community and will be in the best interest of Burnt Store Marina Homeowners. We purchased our home in the Courtside Landings section of the community about 9 years ago, and have enjoyed the improvements brought about by Will Stout in the Marina and throughout the community. We look forward to the future of the community revitalization and we feel will best be brought about by Will Stout and Realmark.

Thank you for the opportunity to be heard on this matter.

James and Linda LeDuc
17832 Courtside Landings
Punta Gorda, FL 33955

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9/25/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Tuesday, September 23, 2008 11:16 AM
To: Hines, Lisa; Hock, Donna
Subject: FW: case #CPA 2007-0054

From: Daniel Green [mailto:dfamilydental@rrohio.com]
Sent: Tuesday, September 23, 2008 11:16 AM
To: Noble, Matthew A.
Subject: case #CPA 2007-0054

Dear Sir(s)

I'm writing in reference to case #CPA 2007-0054, about Realmark's request to rezone part of Burnt Store Marina. I have a condo and a sailboat there, and I understand that there is a group of people trying to stop this as they did around the golf course.

I personally support Realmark's proposals and think it would do a lot to revitalize BSM and beautify even more. Please don't let a few vocal people speak for the rest of us

Dan Green

9/23/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Tuesday, September 23, 2008 6:58 AM
To: Hines, Lisa; Hock, Donna
Subject: FW: F.CPA 2007-54 Realmark Burnt Store Marina, LLC

From: LOREN ADGATE [mailto:ladgate@prodigy.net]
Sent: Monday, September 22, 2008 4:50 PM
To: Noble, Matthew A.
Subject: F.CPA 2007-54 Realmark Burnt Store Marina, LLC

I'm writing in support of the Realmark plans to change the Zoning at Burnt Store Marina. It would be a great improvement in the use of the land and when completed would enhance the value of mine and the association's property.

signed: Mr. Loren C. Adgate, 3245 Sugarloaf Key Rd., #24A, Punta Gorda, FL 33955

Hines, Lisa

From: Noble, Matthew A.
Sent: Monday, September 22, 2008 3:12 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: (no subject)

From: Jimmailguy@aol.com [mailto:Jimmailguy@aol.com]
Sent: Monday, September 22, 2008 12:43 PM
To: Noble, Matthew A.
Subject: (no subject)

To who it may concern,

We have been associated with Burnt Store Marina since the mid 80's. We recently bought a home in Egret Point. We are very happy with our community! We support the plans that Real Mark is proposing for the redo and or improvements to the development. Please include Sharon and I with the majority of property owners and grant Real Mark the latitude they need to continue with their plans!

Sincerely, Jim & Sharon Cook
1613 Islamorada Blvd.
512-266-2153

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9/22/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Monday, September 22, 2008 3:00 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: RealMark Development

From: TOASTERjr@aol.com [mailto:TOASTERjr@aol.com]
Sent: Monday, September 22, 2008 9:41 AM
To: Noble, Matthew A.
Subject: RealMark Development

Please accept this e-mail as support for real Mark development project in Burnt Store Marina.

Realmark does an exceptional job of building, case in point is Gulf Harbor Development.

I feel we need to re-vitalize the area or BSM
will fall to the wayside such as Tern Bay and the many other projects along the BURNT STORE RD.

RE-VITALIZATION WILL HELP IMPROVE THE TAX BASE, SUPPORT REWORKING OF BURNT STORE RD THAT IS IN
TOUGH SHAPE AMND HELP THE HOUSING VALUES GROW.

AS WELL AS PUT BSM BACK ON THE MAP FOR VACATIONERS.

The same individuals that are against the RealMark Development seem to be the same ones that wanted the Golf Course to fail
and hence become privatized rather thsn community driven.

A vote of roughly 1400 vs 400 was tallied to have the support of the golf course, however a judge rules to support the minority
vote. Hence today, to save the golf course, those 1400 pay for the operating costs yet it is in the community.

Please allow the RealMark project to go forward.

Thank you,

Tom Oaster
4051 Cobia Cay Estates Dr
Punta Gorda, FI 33955
239 313 3358

Toasterjr@aol.com

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9/22/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Monday, September 22, 2008 2:54 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: Realmark Development within Burant Store Marina

-----Original Message-----

From: Barry Shiflett [mailto:shifletb@fiu.edu]
Sent: Monday, September 22, 2008 8:43 AM
To: Noble, Matthew A.
Cc: rippemj@embarqmail.com; ringe@landsolutions.net; carleton819@aol.com; Lessgov@LesCochran.com; Lmt7979@hotmail.com; info@bensonsinc.com; Ruth
Subject: Realmark Development within Burant Store Marina

I would like to voice my support for the Realmark Development for Burnt Store Marina. I have owned a villa there for 2 years at 302 Islamorada Blvd. We purchased our place because of the Marina as we enjoy boating, fishing and the overall layout of Burnt Store. We have seen our property slide in value as many others have done within the past two years. I concur with Will Stout that Burnt Store Marina is in need of being revitalized and rejuvenated and by doing so it will add new residents and will increase the overall value of all property owners.

I understand that construction can cause some inconvenience but once completed we all win. Burnt Store Marina then will be able to take its place as a premiere location for guests and new residents.

Regards,

Barry

--

Barry Shiflett
Director, Bank of America Career Management Services College of Business Administration Florida International University 1050 SW 112 Avenue, CBC 121 Miami, Florida 33199
Phone: 305/348-7395
FAX: 305/348-1572
Email: bShiflett@fiu.edu

Hines, Lisa

From: Noble, Matthew A.
Sent: Monday, September 22, 2008 8:15 AM
To: Hines, Lisa; Hock, Donna
Subject: FW: Burnt Store Marina Village

From: Janet/Bob Wood [mailto:bjwood5113@yahoo.com]
Sent: Monday, September 22, 2008 7:41 AM
To: Noble, Matthew A.
Subject: Burnt Store Marina Village

Although we are not able to be in attendance at the meeting this morning regarding the RealMark Development Plan, I wanted to lend my support to the project as an owner of two units in this community. We believe that Mr. Stout will work in the best interests of the community and make improvements that are in conjunction with overall plan for the development of the community. I would also like to note that the group that is not in favor of the proposed development, represents themselves as speaking for the majority of the homeowners inside the marina, I do not believe that to be correct; rather a small group. Thank you very much - if you have any questions, please feel free to contact me at any time.

Janet Wood
(941) 575-2290
1200 Romano Key Circle
Punta Gorda, FL 33955

9/22/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Monday, September 22, 2008 7:03 AM
To: Hines, Lisa; Hock, Donna
Subject: FW: Realmark Development in Burnt Store Marina

From: REB916@aol.com [mailto:REB916@aol.com]
Sent: Sunday, September 21, 2008 11:19 AM
To: Noble, Matthew A.
Subject: Realmark Development in Burnt Store Marina

We are owner's of three properties in Burnt Store Marina.

We are in favor of any development plans by Realmark Development in Burnt Store Marina.

**Howard & Ruth Berrey
3329 Sunset Key Cir., Unit 201
Punta Gorda, Florida 33955**

We can be reached now at 614 793 1248 or 614 795 1248.

Thank you.

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Hines, Lisa

From: Kathryn Weicker [kaweicker13@hotmail.com]
Sent: Sunday, September 21, 2008 11:11 AM
To: nobelma@leegov.com
Subject: CPA2007-54 Realmark

To Whom It May Concern,

I would like support the zoning changes requested by Realmark. I am a full-time resident of Burnt Store Marina and approve of the changes that are proposed. I am sure that there will be neighbors who oppose these changes. Frankly...change comes hard for some people, but life is about change and I hope that you will not allow their fears to influence what is best for this community!

Thank you.

*Kathryn A Weicker
3225 Sunset Key Circle
Punta Gorda, FL 33955
941-575-6962*

9/22/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Saturday, September 20, 2008 3:39 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: RealMark Burnt Store Marina

From: tomweekes [mailto:tomweekes@earthlink.net]
Sent: Friday, September 19, 2008 4:20 PM
To: Noble, Matthew A.
Subject: RealMark Burnt Store Marina

Hi,
I am the owner of Towers II Unit 2705 in the Marina. I understand that there is a hearing coming up on RealMark's proposed development. I have seen the plans and unless the development is strikingly outside of the land use guidelines, I see no reason to shoot it down. I have sat on P and Z boards in the past and I understand the pressures you face. We have faced the tyranny of the minority in the past in the Marina which has cost us all. RealMark has done some very nice things in the past and I support what they plan in the Marina. The current buildings on the land they will be using is pretty bad.... Not usable and poor quality construction. They own the property, they are pretty smart real estate people, smart enough to venture their own money so again, unless they are way outside the reservation, I support their plans.

*Sincerely,
Tom and Gay Weekes
(c)941-855-0147*

9/22/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Saturday, September 20, 2008 3:33 PM
To: Douglas W. Beattie
Cc: Hines, Lisa; Hock, Donna
Subject: RE: F.CPA2007-54 -- Realmark Burnt Store Marina, LLC

From: Douglas W. Beattie [mailto:dwcbjt@netzero.net]
Sent: Saturday, September 20, 2008 1:04 PM
To: Noble, Matthew A.
Cc: nandress@comcast.net; rippemj@embarqmail.com; ringe@landsolutions.net; carleton819@aol.com; rawessel@sccf.org; Lessgov@LesCochran.com; Lmt7979@hotmail.com; DawnMGo@leeschools.net
Subject: F.CPA2007-54 -- Realmark Burnt Store Marina, LLC

Dear Mr. Matt Noble:

I am emailing you regarding the above subject agenda item schedule for review at your meeting on Monday, September 22, 2008 at 8:30 AM. Unfortunately, the property management company for Punta Gorda Isles, Section 22 HOA, was asleep at the switch and only notified us at 2:02 PM on Friday, September 18, 2008 of the meeting. I suspect that the delay in reaching the absent property owners of Burnt Store Marina, regarding this subject, was calculated to prevent our opinions from being registered with you and the LPA members. That said, I hope that you or some of the LPA membership read emails on the weekend.

The area in question at Burnt Store Marina has not changed in over 30 years. It is old, antiquated and no longer attracts boaters and future property owners to the Burnt Store Marina complex. We have the very best deep water harbor along the Southwest Florida Gulf Coast and should be allowed to take full advantage of this most valuable assets. Please give Realmark a chance to work with the community to come up with a plan that the majority of property owners and Lee County can approve. Historically, a small hand full of the 1900 + residents have adversely influenced the process of change. Without change, our community will not meet the needs of the 21st century. I for one do not want to see Burnt Store Marina become the next Matlacha of Lee County.

Thanks for taking the time to read this email,

Douglas W. Beattie

1205 Islamorada Blvd.

Punta Gorda, FL 33955

President, Courtyard Landings Condominium Association, Burnt Store Marina

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9/22/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Saturday, September 20, 2008 3:31 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: Burnt Store Marine/Realmark Corporation

From: Harvey Hallberg [mailto:hhallfind@hotmail.com]
Sent: Saturday, September 20, 2008 11:19 AM
To: Noble, Matthew A.
Subject: FW: Burnt Store Marine/Realmark Corporation

Dear comissioner, This is a copy of a e-mail that was sent to Lee County local planing agency. Harvey Hallberg

From: hhallfind@hotmail.com
To: nandress@comcast.net; rippemj@embarqmail.com; ringe@landsolutions.net; carleton819@aol.com; rawessel@sccf.org; lessgov@lescochran.com; lmt7979@hotmail.com; dawnmgo@leeschools.net
Subject: Burnt Store Marine/Realmark Corporation
Date: Sat, 20 Sep 2008 14:28:41 +0000

My wife and I first came to Burnt Store Marina in the early 1990's and became full time residents in late 1996. It has been fun to watch the community grow, develop and recover from a small but fierce hurricane. I would guess Burnt Store Marina has grown about 100% in the time we have lived here. I think the community has done a good job, the area looks great, but in is major need of updating.

The case that you are going to decide on is issue CPA2007-0054 which concerns the Realmark Corporation and the commercial area of this community. The commercial area has not been improved or upgraded in about 30 years. This includes a recreation center that is full of mold and termites, a dry boat storage building that was damaged in a hurricane long before Charley, and was never repaired, plus, numerous temporary mobile home type buildings that have been on the property for years. It is a disgusting dirty mess and detracts from the community.

I want the board to know that my wife and I STRONGLY SUPPORT REALMARK CORPORATION and the improvements and changes that they are trying to make. I think the board should also know that the community has had a chance to vote on supporting Realmark Corporation and the golf course issues 3 times. Once for supporting Realmark Development Plans and twice to keep the golf course open. These votes were about 80% in favor of Realmark Corporation and their plan for development of the community. There is a group in our community calling themselves the Burnt Store Marina Concerned Unit Owners. This group has appeared before this board before and tried to leave the impression that they represent the entire community. THEY DO NOT!! In fact, they represent somewhere between 4-10 % of the community. It is hard to be exact, as they try to remain annayanmous. They for darn sure do not represent most of us.

In summary, our marina area needs upgrading, modernizing and cleaning up and I am looking forward to seeing the development begin. I am sure the community and the developer can work together so that we will have a community that we can all be proud of. Thank you for your consideration and we thank Realmark Corporation for taking on this project.

Sincerely,

Harvey D. Hallberg

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See how Windows connects the people, information, and fun that are part of your life. [See Now](#)

9/22/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Saturday, September 20, 2008 3:30 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: Burnt Store Marina

From: Whitleymr@aol.com [mailto:Whitleymr@aol.com]
Sent: Saturday, September 20, 2008 11:18 AM
To: Noble, Matthew A.
Cc: hinchj999@comcast.net
Subject: Burnt Store Marina

Unfortunately we are unable to attend the hearing regarding Will Stout's plan to develop the Marina area in our community of Burnt Store Marina, we are still in our summer residence. We completely support Will Stout and his future plans to make the Marina an exciting place for visitors to shop, dine and enjoy the beautiful sunsets we have. If the Burnt Store Marina can be as successful as Cape Harbor it will certainly be a benefit to ALL residents in Burnt Store Marina.

Respectfully yours,

Marilyn & Richard Whitley
223 Big Pine Ln.
Punta Gorda, FL 33955

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9/22/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Saturday, September 20, 2008 3:30 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: Burnt Store Marina/ Realmark Plan

-----Original Message-----

From: Robert Bucci [mailto:bobord36@yahoo.com]
Sent: Saturday, September 20, 2008 11:12 AM
To: Noble, Matthew A.
Cc: Bob Bucci
Subject: Burnt Store Marina/ Realmark Plan

As a resident of Burnt Store Marina, I believe it would be prudent to allow Realmark Marina Redevelopment Project to go forward.

A small minority of individuals calling themselves the BSMCUO and claiming to represent the residents of BSM and are opposed to any change in the existing structure of our community. The group is made up of less than 10% of the 1900+ unit holders.

There are a number of justification for allowing the project to go forward.

First, at a time when all governmental units are seeing reduced revenue, this project will expand the taxable base for Lee County.

Secondly, The addition of a quality project will enhance the value of all properties here in the marina. The enhanced value will be reflected in home values that will increase the assessed value and the level of taxes paid by the community.

Finally, change occurs whether we want it or not. When a community resist change, a slow but certain deterioration takes place which adversely affects the entire community.

Thank you.

Robert C. Bucci
24086 Redfish Cove Drive
Punta Gorda, FL
Lee County

E-mail...bobord36@yahoo.com

Hines, Lisa

From: Noble, Matthew A.
Sent: Saturday, September 20, 2008 3:29 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: Burnt Store Development Review CPA2007-00054

From: Dean Wiley [mailto:wileyde@comcast.net]
Sent: Saturday, September 20, 2008 10:56 AM
To: Noble, Matthew A.
Cc: nandress@comcast.net; rippemj@embarqmail.com; ringe@landsolutions.net; carleton819@aol.com; rawessel@sccf.org; Lessgov@LesCochran.com; lmt7979@hotmail.com; dawMGo@leeschools.net
Subject: Burnt Store Development Review CPA2007-00054

Dear Mr. Noble,

We are owners of a condominium at 3368 Unit B Sunset Key Circle in Burnt Store Marina.

After a review of the plans of Realmark for re-development of the marina area of Burnt Store, we would like to voice our approval of this plan. We have confidence in Realmark and the leadership of Will Stout. Re-development and enlargement of the commercial and retail base of Burnt Store would be a boon to the community.

We would be grateful for a positive ruling of the Lee County Local Planning Agency on this matter.

Thank you,

Dean and Marjorie Wiley

9/22/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Saturday, September 20, 2008 3:28 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: Case Number CPA2007-0054-Burnt Store Marina

From: Beverly David [mailto:bev@beverlydavid.com]
Sent: Saturday, September 20, 2008 9:45 AM
To: Noble, Matthew A.
Subject: Case Number CPA2007-0054-Burnt Store Marina

To: Lee County Southwest Florida
Board of County Commissioners
Department of Community Plan Review
Mr. Matt Noble
PO Box 398
Fort Myers, Florida 33902-0398

From: Beverly & Jim David

Re: Case Number CPA2007-0054
Burnt Store Marina

Dear Mr. Noble,

As a resident of Burnt Store Marina, We support the redevelopment of Burnt Store Marina around the waterfront. We do not support any rezoning of the golf course for development. This marina could be a destination the same as Cape Harbour in SW Cape Coral. That community, since its completion, is a wonderful place to visit with friends, have a good meal and listen to quality entertainment. It is also a development that the entire City of Cape Coral can be proud of.....I would like to feel the same way about Burnt Store Marina, however the marina and golf course are a package and bring more to the table than a marina only.

Progress in a community like Burnt Store affects everyone and, usually, inconveniences everyone for, at least a while. But if the progress leaves us with a marina area that we could be proud of, the inconvenience would be more than tolerable.

Thank you for your consideration,

Beverly

Beverly David, Broker Associate
Keller Williams World Class Realty
Burnt Store Marina Resident

9/22/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Saturday, September 20, 2008 3:27 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: Case Number CPA2007-0054

From: Michael P Koughan [mailto:mpk21pe@comcast.net]
Sent: Saturday, September 20, 2008 9:42 AM
To: Noble, Matthew A.
Subject: Case Number CPA2007-0054

Mr. Matt Noble
Board of County Commissioners
Department of Community Plan Review
Lee County Southwest Florida

Re: Case Number CPA2007-0054
Burnt Store Marina

Dear Mr. Noble,

I would respectfully request that you obtain a representative number of opinions concerning this case before you make any decision opposing this case. Most residents are not present at Burnt Store Marina during the "off season". It is my belief that most residents would be in favor of the Realmark proposal. I am a Florida resident and live full-time in the marina. I recognize the benefit the whole marina could receive from future development from the responsible developer, Realmark.

I am in favor of this proposal and would hope your review committee would honor the wishes of a majority of marina owners. Before your decision against this proposal, please poll the community and see what response you receive!

Sincerely,

Michael P Koughan

9/22/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Saturday, September 20, 2008 3:26 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: Burnt Store Village

From: Vicki Cox [mailto:7773vgc@comcast.net]
Sent: Friday, September 19, 2008 5:43 PM
To: Noble, Matthew A.; carleton819@aol.com
Cc: nandress@comcast.net; rippemj@embarqmail.com; ringe@landsolutions.net; rawessel@sccf.org; Lessgov@LesCochran.com; Lmt7979@hotmail.com; DawnMGo@leeschools.net
Subject: Burnt Store Village

Dear Mr. Ryffel and Mr. Noble and members of the Board:

My wife and I moved to Burnt Store Marina and Country Club in June of 1999. It was a bee hive of activity as the developer, WCI, was constructing condominiums, individual homes and towers along the waterfront of our community. Of course it was distracting to have construction vehicles moving in and out but eventually WCI finished what it was doing and moved on. It left a bright new community behind to mingle with the older style condominiums and cottages that were originally here. WCI sold the Marina to Realmark and eventually Realmark purchased the golf course, the irrigation system and the undeveloped land left behind by WCI. The undeveloped land provided the incentive for Realmark to pay for the amenities left behind by WCI.

Realmark set about immediately rehabilitating the marina, cleaned up the grounds and the restaurant, constructed new security gates and in general set out to make our community a first class place to live and to visit. The value of the homes increased and life was good. I invite you and your fellow members to come and visit our community and see for yourself the things Realmark has done to improve it.

Nevertheless, there has been an ongoing attempt by a small but vocal number of our neighbors to oppose every effort by Realmark to recoup its investment and make this a first class place to live and play. I know many of them and hope that most of them are sincere. However, it is my view that they do not represent the vast majority of owners of property here who do want to maintain their property value and have a safe, clean and modern place to live and play. We do not oppose the proposed change in land use to accommodate Realmark's development plans.

I have lived in and watched as other 25-30 year old developments decayed, lost their value, closed their golf courses and health clubs for lack of new blood and energy or incentive for anyone to operate and maintain the facilities. However, if the economy turns around and redevelopment becomes a viable economic option, the proposed land use by Realmark will stem this decay and insure that the community thrives and prospers. Furthermore, if I understand the economic model Realmark is proposing, the result will be an ongoing Village with revenue coming from boat storage, the marina and commercial leases. All of this gives Realmark or a successor owner the economic incentive to maintain and keep our community modern and attractive. This is the philosophy of downtown Fort Myers revitalization and that of many communities throughout the land who are bringing prosperity back downtown.

I urge the Lee Planning Agency to work with Realmark to allow it to create a beautiful new Burnt Store Village, one that the entire county, perhaps even the state of Florida, can take pride in having located in the Northwest corner of the county.

Very respectfully submitted,

Walter Cox
17773 Courtside Landings Circle
Punta Gorda, FL 33955

9/22/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Saturday, September 20, 2008 3:25 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: We Support Will Stout!!

-----Original Message-----

From: Ed Snage [mailto:ESnage@comcast.net]
Sent: Friday, September 19, 2008 4:52 PM
To: Noble, Matthew A.
Subject: We Support Will Stout!!

We own a condo at Burnt Store Marina and we fully support Will Stout in his plans for new development.

Ed and Fabia Snage
33113 Sunset Key Circle, unit # 203
Punta Gorda, FL 33955

Hines, Lisa

From: Noble, Matthew A.
Sent: Saturday, September 20, 2008 3:19 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: CPA2007-0054

From: Ejcriscuoli@cs.com [mailto:Ejcriscuoli@cs.com]
Sent: Friday, September 19, 2008 4:32 PM
To: Noble, Matthew A.
Subject: CPA2007-0054

Dear Sir: Reference is made to case CPA2007-0054
Our property at 3181 Matecumbe Key, Unit #35 at Burnt Store Marina looks out on the property to be developed by Realmark. We are very much in FAVOR of this project. The current appearance of the area to be developed is in need of much improvement. The development being proposed will if allowed to be constructed will in our opinion improve the value of our property.

Thank You,

Ernest & Barbara Criscuoli.

9/22/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Friday, September 19, 2008 4:22 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: RealMark Burnt Store Marina

From: tomweekes [mailto:tomweekes@earthlink.net]
Sent: Friday, September 19, 2008 4:20 PM
To: Noble, Matthew A.
Subject: RealMark Burnt Store Marina

Hi,
I am the owner of Towers II Unit 2705 in the Marina. I understand that there is a hearing coming up on RealMark's proposed development. I have seen the plans and unless the development is strikingly outside of the land use guidelines, I see no reason to shoot it down. I have sat on P and Z boards in the past and I understand the pressures you face. We have faced the tyranny of the minority in the past in the Marina which has cost us all. RealMark has done some very nice things in the past and I support what they plan in the Marina. The current buildings on the land they will be using is pretty bad.... Not usable and poor quality construction. They own the property, they are pretty smart real estate people, smart enough to venture their own money so again, unless they are way outside the reservation, I support their plans.

*Sincerely,
Tom and Gay Weekes
(c)941-855-0147*

Hines, Lisa

From: Noble, Matthew A.
Sent: Friday, September 19, 2008 4:19 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: CPA2007-00054, Burnt Store Marina Village, scheduled for review 09/22/08 at 8:30 AM
Importance: High

From: Louie Hemphill [mailto:llhemphill@comcast.net]
Sent: Friday, September 19, 2008 4:17 PM
To: nandress@comcast.net; rippemj@embarqmail.com; ringe@landsolutions.net; carleton819@aol.com; rawessel@sccf.org; Lessgov@LesCochran.com; Lmt7979@hotmail.com; DawnMGo@leeschools.net; Noble, Matthew A.
Subject: CPA2007-00054, Burnt Store Marina Village, scheduled for review 09/22/08 at 8:30 AM
Importance: High

Mr. Noble,

Most of the residences within Burnt Store Marina have repeatedly shared our understanding and support for the Realmark development within the community, specifically in the marina area. The voting record from our yearly meeting is on file and shows the overwhelming approval given to their general proposals and plans... but....

We have a very small minority of "old timers" that think the community should never change and be as it was when they first moved here.. but back then it was something like.....

- . Milk was \$1.19 per gallon...
- . Gasoline was \$.98 per gallon...
- . Average home was \$37,000.00...
- . Community had less than 250 residences...

We've seen the benefits of a similar development by Realmark at the Cape Harbour facility and what it can do to enhance the community. We realize this is just the first step in a series of approvals that will take several years, but it is up to our Local Planning Agency to provide the initial review and approval to allow that process to continue.

We will attempt to be at the LPA meeting, but PLEASE.... Listen to the community as a whole and not just a few, out spoken, noisy members that like to get attention and hear themselves talk.

Thank you,

Louie and Marilyn Hemphill
1307 Islamorada Blvd.
(Burnt Store Marina)

9/19/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Friday, September 19, 2008 4:17 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: Realmark Development in Burnt Store Marina

From: Dale Wentzel [mailto:dalewentzel@earthlink.net]
Sent: Friday, September 19, 2008 3:58 PM
To: Noble, Matthew A.
Subject: Realmark Development in Burnt Store Marina

Mr. Noble

I am currently a full time resident living in Burt Store Marina, at 5001 Marianne Key Road, Punta Gorda, FL 33955.
I would like to express my support for Realmark LLC and the changes and new development they are requesting approval for in the Burnt Store Marina community.

Dale Wentzel
dalewentzel@earthlink.net
EarthLink Revolves Around You.

9/19/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Friday, September 19, 2008 4:15 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: Realmark Plan

From: Richard J Walrath [mailto:rjw@duramill.com]
Sent: Friday, September 19, 2008 2:30 PM
To: Noble, Matthew A.
Cc: 'Bob Akers'
Subject: Realmark Plan

As a resident of Burnt Store Marina residing in Grand Isle II, will you kindly accept my comment with regard to the proposed redevelopment plan proposed by Realmark.

I and my wife, Sandra are both in favor of the Plan and it is our hope that this proposal achieves full acceptance by the Planning Agencies.

Thank you,
Richard J. Walrath

9/19/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Friday, September 19, 2008 4:12 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: Case Number CPA2007-0054 Burnt Store Marina

-----Original Message-----

From: John Farnham [mailto:djfarnham@mac.com]
Sent: Friday, September 19, 2008 1:18 PM
To: Noble, Matthew A.
Subject: Case Number CPA2007-0054 Burnt Store Marina

Mr. Noble,

We have owned our Burnt Store Marina home for over eight years and are currently homesteaded there.

We wish you to know that we fully support the Realmark Burnt Store zoning request.

Unfortunately we have been unable to attend the recent hearings. We believe that those who have attended the meetings expressing opposition to Realmark's plans do not represent the majority opinion of the general ownership.

John & Dorothy Farnham
2060 Matecumbe Key Road
Unit 2506
Punta Gorda, FL 33955

JOHNSON

September 19, 2008

Mr. Matt Noble
LEE COUNTY BOARD OF COUNTY COMMISSIONERS
Department of Community Plan Review
PO Box 398
Fort Myers FLorida 33902

Re: Case Number CPA2007-0054, Burnt Store Marina

Dear Mr. Noble:

My wife and I are full-time residents of Burnt Store Marina and are concerned that you receive a complete picture of how most of us feel regarding Case Number CPA2007-0054, the re-zoning of portions of Burnt Store Marina.

We have called the Marina home for four years and plan to do so for many years to come. We are proud of the way that continued maintenance and recent development have maintained a contemporary look and feel in our community in spite of its age. The glaring exception to this is the collection of buildings currently surrounding the marina itself. The permanent structures are old, in terrible shape physically as well as aesthetically and – with the unwelcome help of Hurricane Charley – are well beyond their useful life span. In addition, the use of portable structures to house a real estate office and bank branch does little to create an appealing area.

In contrast, Realmark's plan to revitalize our "downtown" will not only bring solid, attractive buildings to the area but much needed energy and life as well. We are not in downtown Cape Coral and therefore cannot expect the level of activity now seen at Realmark's Cape Harbour development, but I believe that community is a good example of the caliber and appeal of the project we can look forward to.

I am a realtor working mainly in downtown Punta Gorda, an area with both a great deal of development and tremendous vitality. I think that community is one all of us should look to as a shining example that change is not always bad. Today Punta Gorda is a vibrant community not in spite of, but *because of* its responsible development.

Some in our community believe that the buildings in the re-zoning area are "quaint, funky, or old Florida." The truth is they are simply old. They are examples of early-eighty's slam-bam construction, stick built with T-111 siding and they will not stand the test of time no matter how many people like them.

I urge you to take the view that we cannot stop change; all we can do is attempt to control its direction. Realmark's plans represent a very positive direction for this area. They will help us remain an attractive community for many years to come, and that in turn will help us to make increasing contributions to the tax rolls of Lee County.

Thank you for your consideration.

Alan Johnson

Hines, Lisa

From: Noble, Matthew A.
Sent: Monday, September 22, 2008 7:09 AM
To: Hines, Lisa; Hock, Donna
Subject: FW: Realmark development at Burnt Store Marina

From: Theo Fletcher [mailto:theof@us.ibm.com]
Sent: Sunday, September 21, 2008 10:10 PM
To: Noble, Matthew A.
Cc: nandress@comcast.net; rippemj@embarqmail.com; ringe@landsolutions.net; carleton819@aol.com; rawessel@sccf.org; Lessgov@LesCochran.com; Lmt7979@hotmail.com; DawnMGo@leeschools.net
Subject: Realmark development at Burnt Store Marina

Mr. Noble - I am a part time resident of Burnt Store Marina and unfortunately just received this notice, but I hope it is not too late to comment.

I strongly support a change in the zoning use of the Burnt Store Marina area to allow for the development proposed by Will Stout and Realmark...we have an excellent community which can be revitalized and enhanced by the type of development that is being proposed...I have visited Realmark's community in Cape Coral numerous times...the quality of the construction, the shops, and the restaurants provide a real feeling of community...this type of development can rejuvenate our community, and add to the appearance, appeal and value of our property.

If I can answer any questions, or provide additional support, please do not hesitate to contact me.

Thank you

Theo Fletcher
Grande Isle II - Unit 408
(914) 548-5209

9/22/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Monday, September 22, 2008 7:08 AM
To: Hines, Lisa; Hock, Donna
Subject: FW: Burnt Store Marina Village hearing
Attachments: will Stout.doc

From: cfnoll@comcast.net [mailto:cfnoll@comcast.net]
Sent: Sunday, September 21, 2008 8:18 PM
To: Noble, Matthew A.
Subject: Burnt Store Marina Village hearing

I am unable to attend this hearing in the morning so I have attached a letter of support.

Thanks for your time and consideration of this letter
Sincerely
Craig Noll

- 3) We support Will Stout. Unlike most developers, Will is visible and accessible. He has lived in Burnt Store Marina and now has a residence in Cape Harbour. He has a stake in these communities. Over the years he has sponsored many community events, often at his expense, and has encouraged using this community as a base for charitable events. Will and his team are also active in the wider Cape Coral and Ft Myers area supporting underprivileged children and local school groups. Finally on a very personal note, when tragedy struck my family 2 ½ years ago, Will Stout, the neighbor, was there for us. He has a big heart, he is a good honest man, and he is a first rate developer.

In conclusion, we believe from experience that given the opportunity to work with the residents of Burnt Store Marina, Will and the Realmark Team can create and build a planned development that puts the final touch on a Gem.

Sincerely,

Craig Noll
2014 El Dorado Pkwy W.
Cape Coral, Fl. 33914

cfnoll@comcast.net

Hines, Lisa

From: Noble, Matthew A.
Sent: Monday, September 22, 2008 7:05 AM
To: Hines, Lisa; Hock, Donna
Subject: FW: Realmark at Burnt Store Marina

-----Original Message-----

From: a yee [mailto:annmyee@yahoo.com]
Sent: Sunday, September 21, 2008 5:39 PM
To: Noble, Matthew A.
Subject: Fw: Realmark at Burnt Store Marina

Please note that as a resident here I am in support of the recent proposal for development by Will Stout at Realmark.
Thank you for your time and consideration. Sincerely, Ann-Marie Yee 3321 Sunset Key Circle # 208 Punta Gorda FL 33955

Hines, Lisa

From: Noble, Matthew A.
Sent: Monday, September 22, 2008 7:05 AM
To: Hines, Lisa; Hock, Donna
Subject: FW: Realmark at BSM

From: tmulligan [mailto:gailmulligan@comcast.net]
Sent: Sunday, September 21, 2008 4:12 PM
To: nandress@comcast.net; rippemj@embarqmail.com; ringe@landsolutions.net; carleton819@aol.com; rawessel@sccf.org; Lessgov@LesCochran.com; Lmt7979@hotmail.com; DawnMGo@leesschools.net
Cc: Noble, Matthew A.
Subject: Realmark at BSM

To Members of the Lee County Planning Board, et al.

We reside at 3329 Sunset Key Circle, Punta Gorda Fl. As owners and residents of the Burnt Store Marina Community, we would like to express our support of Realmark's Development plans for the Burnt Store Marina.

We have seen the positive effects that Realmark already has on the community and we would like to see them successful with their future plans.

Please accept this as a strong vote of support.

Respectfully,

Tom and Gail Mulligan

9/22/2008

PUBLIC COMMUNICATION OPPOSITION

Hines, Lisa

From: Block, Alvin H.
Sent: Wednesday, September 10, 2008 12:54 PM
To: Hines, Lisa
Subject: FW: CPA2007-00054, Burnt Store Marina Village

FYI, see below.

Chip

Alvin Block, AICP

Principal Planner
Lee County Department of Community Development
Zoning Division
(239) 533-8371
blockah@leegov.com

Please note: Florida has a very broad public records law. Most written communications to or from County personnel regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

From: Dist1, Janes
Sent: Wednesday, September 10, 2008 12:52 PM
To: Block, Alvin H.; Gibbs, Mary ; O Connor, Paul S.
Subject: FW: CPA2007-00054, Burnt Store Marina Village

fyi

Nan Summerall Gonzalez, Executive Assistant
Commissioner Bob Janes, District #1
Lee County Board of County Commissioners
Post Office Box 398
Fort Myers, FL 33902-0398
239.533.2224 (Office Number)
239.485.2155 (Fax Number)
Dist1@leegov.com

From: Bob & Lesley Ward [<mailto:sv.grainne@gmail.com>]
Sent: Wednesday, September 10, 2008 12:15 PM
To: Dist1, Janes
Subject: CPA2007-00054, Burnt Store Marina Village

Bobby J Ward Jr., Lesley A Ward
1133 Bal Harbor Blvd
#1139 PMB215
Punta Gorda, FL 33950

(Residing 17924 Courtside Landings Circle, Punta Gorda, FL 33955)

10 September 2008

To: Lee County Local Planning Agency
ber
Reference: CPA2007-00054, Burnt Store Marina Village

9/10/2008

When I purchased my home in the Burnt Store Marina (BSM) Community, I was drawn to the rural setting, beautiful golf course, and quiet neighborhood charm of the gated community. From all appearances, other than some condo construction along Vincent Road, development of the community was complete. It now seems that there is going to be substantial on-going development that does not, in my opinion, keep with the community environment.

The marina is convenient for those who enjoy boating and fishing and I think that a large number of BSM residents chose this location because of the marina facilities. Burnt Store Marina is rather isolated, but I consider the distance that I drive for shopping and services a price I am willing to pay for the tranquility I enjoy. I never planned to reside in a resort type community and did not think that this was even possible given the current zoning and approved development density.

I think that on the surface, the Proposed Marina Village Redevelopment Plan looks very good. The plan will bring the dry storage aspect of the marina to state-of-the-art and increase power boat capacity, while also offering what appears to be a nice mix of retail and dining facilities. However, I strongly object to the addition of a hotel and am a bit concerned with the potential height of the dry boat storage buildings. I do not feel that a hotel is in keeping with the community aesthetic that I have come to enjoy. Given the size of the structure, the proposed occupancy level, and the associated highly transient population, the hotel just does not fit in with this community. I am also concerned by the proposed heights of the new condo units, especially when considering their placement right on Matecumbe Key Road with such a small set back.

We bought here for the quiet, off-the-beaten-path lifestyle that our community now has and strongly urge you to help us keep it that way. Buildings higher than those that already exist and anything that would increase the "transient" use of our community are emphatically opposed.

Sincerely,

Bobby J Ward Jr., Lesley A. Ward

Hines, Lisa

From: Noble, Matthew A.
Sent: Tuesday, September 09, 2008 12:27 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: Burnt Store Marina and Lee County Local Planning Agency Meeting

this is for the file...

From: betels38182@mypacks.net [mailto:betels38182@mypacks.net]
Sent: Tuesday, September 09, 2008 11:26 AM
To: Jacky Hill
Cc: Noble, Matthew A.; nandress@comcast.net; ringe@landsolutions.net; rippemj@embarqmail.com; carleton819@aol.com; rawessel@scsf.org; Lmt7979@hotmail.com; Lessgov@LesCochran.com; DawnMGo@leeschools.net
Subject: Re: Burnt Store Marina and Lee County Local Planning Agency Meeting

Jackie: Since you had so many problems with Realmark's attitude that eventually lost your boat slip that you have had for 12 years, I am sending this reply through an untracable email address. Keep up the good work! The issues that I have with the new planned proposal are as follows:

- 1). The number of additional units including the large amount of daily, weekly and monthly rentals expected by Realmark.
- 2). I do not have a problem with potentially having new neighbors that are considered full-time or seasonal owners as long as the size and scope of the buildings are in line with what we currently have in place. I believe the highest units are now 8 levels including the parking areas. Hotel type units are not acceptable to me. I do believe residents similar to the ones that live here now are what we need to continue to support. Development of Burnt Store Marina has taken probably 30 years to date. A large project in the current economic environment will not be advantageous to current owners. Hotel units will in all probability lower property values even further.
- 3). What about the manatees? We almost always see them when we either walk the marina walkway or boat. The last time we went out of Burnt Store Marina by boat, which was during the hottest month of August we saw five or six of them coming into the marina. As you probably know, during the winter it is not unusual to see a dozen or more of them exactly where Realmark would like to place the new boat storage facility. How can that happen? I would think the boating in and out of that area and the increase in the number of boaters would really disrupt the manatee population. I have not contacted "Save the Manatees". Tried, but my email was returned.
- 4). Proposed plans including the additional boat storage building located where condos were originally planned (next to the Platinum Point Yacht Club) will be an eyesore to the community. Imagine driving to the four-way stop prior to entering Prosperity Point, looking to your left and seeing a 50-60 foot high boat storage facility with the noise of boats, lifts, traffic, etc. That intersection is at the heart of BSM and nothing exceeding 4-6 level condos should be allowed in that area. That area is not and was never zoned as a commercial marina and should not be allowed to be changed.

Don't get me wrong. I am in favor of development, but only if it makes sense. I believe this community would welcome Realmark with a sensible plan, good for the residents and good for a business trying to make a

9/9/2008

profit. But the current wants by Realmark are like a child wanting way too much. Hopefully, the Local Planning Agency will force Realmark to be realistic in their wants, like a parent would tone down a child's wants.

Signed,

A Concerned Full-time Resident

-----Original Message-----

From: Jacky Hill

Sent: Sep 8, 2008 10:12 AM

To: Jacky Hill

Subject: Burnt Store Marina and Lee County Local Planning Agency Meeting

Dear Burnt Store Marina Resident,

On September 22 at 8:30 am, the Local Planning Agency (LPA) for Lee County will review "CPA2007-00054, Burnt Store Marina Village." This comprehensive plan amendment (CPA), submitted by Realmark Group, LLC, requests a new land use designation for the center of Burnt Store Marina that will support, at a minimum, Realmark's plan for a 110-unit, sixteen-story hotel, two 80-unit fourteen-story condominium buildings, 800 total dry storage boat slips in three buildings, 35 units of "funky fish houses," as well as retail and office space.

Those of you whose property borders the marina will be receiving a notice, soon, from Lee County, and I'm told that signs are being put up on the property affected by the plan change on September 8, to alert you of the hearing.

The LPA hearing is open to the public, and **anyone interested in the proceedings should plan to attend.** Those familiar with the process say that attendance at the meeting is better than writing a letter to voice one's opinion. Unlike zoning hearings, the CPA process allows the public to correspond with the planning agency and the commissioners outside of the sanctioned meetings.

The current Lee Plan states that Burnt Store Marina **"is primarily residential with a high percentage of seasonal residents."** It is very unfortunate that hearings, designed to gain input from the "neighborhood," are being held at a time/date when the fewest number of BSM residents are on premises.

If the LPA supports the CPA, they will send the paperwork on to the Board of County Commissioners (BOCC). The BOCC will review it at their Oct22-23 meeting. If approved by the BOCC, it will go to the Florida State Department of Community Affairs (DCA). Sept. 22 is the last date for the LPA to review comprehensive plan amendments for the current "cycle." Lee County "transmits" CPAs only once per year to DCA.

Details of the plan can be found at <http://www.lee-county.com/dcd/ComprehensivePlanning/PlanAmendments/RA2006-2008.htm> by reading the **Application** and the **Response to Insufficiency Letter # 1** (located toward bottom of page by clicking on CPA2007-00054 **Burnt Store Marina Village**). Both of the documents mentioned are large pdf files, so they will take some time to download. The Response to Insufficiency Letter #1 contains a layout of the proposed development, on which the structures mentioned above are shown. If you have not yet seen this, I'll be happy to forward you a copy of the layout.

Many people have varied opinions about the proposed development. **If you would like to express your opinion**, the names and addresses of the Local Planning Agency members are listed below. The County Planner in charge of this project is Mr. Matt Noble. His email address is: NOBLEMA@leegov.com. All comments sent will become part of the public record.

9/9/2008

Relevant "On the Record" comments from Admiralty Village and Commodore Club residents regarding the rezoning of the sales site to commercial parking can be found at http://permits.leegov.com/tm_bin/tmw_cmd.pl?tmw_cmd=StatusViewCase&shl_caseno=REZ2007-00020 (at bottom of page click on "Finalized Version of HEX Recommendation" – this is a 2MB file – comments from residents are on pages 17-25).

I've attached a couple of letters that some residents have already sent to the County. Feel free to use any of the words, in whole or in part, if you're so inclined.

Jacky Hill

Local Planning Agency Members

NOEL ANDRESS

P.O. Box 420, Pineland, FL 33945
7101 Capri Lane, Pineland, FL 33945
283-5653 (Phone)
283-0173 (Fax)
nandress@comcast.net

RONALD INGE

Development Solutions, LLC
4571 Colonial Boulevard, #102
Fort Myers, Florida 33966
489-4066 (Phone)
481-8477 (Fax)
ringe@landsolutions.net

JACQUE RIPPE

13140 Bird Road
Fort Myers, FL 33905
694-0451 (Phone)
rippemj@embarqmail.com

CARLETON RYFFEL – Chair

100 Estero Boulevard, #434
Fort Myers Beach, FL 33931
463-3929 (Phone)
carleton819@aol.com

RAE ANN WESSEL

P.O. Box 713, Fort Myers, FL 33902
17880 Sawmill Lane, North Fort Myers, FL 33917
731-7559 (Phone)
731-3779 (FAX)
rawessel@sccf.org

LELAND M. TAYLOR

2619 NE 1st Avenue
Cape Coral, FL 33909

9/9/2008

(239) 233-3262 (Phone)

(239) (Fax)

(850) 491-2548 (Cell)

Lmt7979@hotmail.com

LES COCHRAN – Vice Chair

18961 Knoll Landing Drive

San Carlos Park, FL 33908

267-4755 (Phone)

267-4260 (Fax)

Lessgov@LesCochran.com

DAWN GORDON (Non-Voting Member)

Lee County School District

3308 Canal Street

Fort Myers, FL 33916

479-5661 (Phone)

479-5667 (Fax)

DawnMGo@leeschools.net

Mr. Matt Noble

September 8, 2008

Lee County Planner

Re. CPA2007-00054 Burnt Store Marina Village

Dear Mr. Noble,

As a resident of Burnt Store Marina, I am very concerned regarding the upcoming review of CPA2007-00054, Burnt Store Marina Village. The requested changes will forever change the complexion of the community that I chose to live since 1999. My decision to buy and permanently live here was based on the quiet, rural and quaint look of the community. Now we are faced with a developer wishing to completely change the look and feel of my community. The community is comprised of an eclectic mix of single family homes, attached condominiums and an assortment of low rise multi family units. The proposed development of two fourteen story condominium buildings, a sixteen story hotel and two proposed state of the art boat storage buildings of indeterminate height will forever change the complexion of our rural community.

It should be noted that the proximity of the proposed development to existing homeowners will have a deleterious affect on their environment, views and quality of life. I wish to point out that the City of Cape Coral turned down the San Souci planned development on Old Burnt Store Road, citing traffic, skyline, high density and environmental concerns. I would hope that Lee County has the same concerns. The proposed development will also stress the limited roads within the community and also put unusual stress on the two manned gatehouses which provide access to the "gated" community.

I can foresee traffic being backed up on Burnt Store Road as the line of cars seeking entry spills over passed the access entrance. It should be remembered that the proposed development is not just adding more residential units and hotel units, but it is contemplating a large commercial use which will also add to the traffic problems.

Something that I see has not been addressed in any of the papers I have read is the Bridge that passes over the waterway on Matecumbe Key Road. I am not an engineer, but I would question the ability of this structure to support sustained traffic from extremely heavy construction vehicles and equipment. I would request that an engineering study be conducted on this structure, as its potential damage would seriously impact the timely arrival of emergency vehicles, including fire, police and emergency medical care.

I understand that development is going to take place, but it should be done responsibly. There should be some thought as to the impact on the current residents and the impact it will have on the overall look and feel of the community it will impact. For this reason, I urge you to deny the current application as presented and recommend a scaled down plan that more closely resembles the community profile.

Sincerely,

James Rosenblum

17825 Hibiscus Cove Ct, Punta Gorda Fl 33955

September 7, 2008

To: Lee County Local Planning Agency

Re: CPA2007-0054

I have just learned that on September 22, 2008, the Lee County Local Planning Agency is scheduled to hold a public hearing to discuss CPA2007-0054, Burnt Store Marina Village.

I respectfully request that this hearing be postponed until the winter months of 2009 so that the public that will be affected by the Comprehensive Plan Amendment has the opportunity to review the documents, digest their contents, and most importantly attend the hearing. The current Lee Plan notes, with respect to Burnt Store Marina: **"This development is primarily residential with a high percentage of seasonal residents."**

Burnt Store Marina is an unincorporated area of Lee County and therefore has no town council. The Homeowners Association which loosely governs the premises has barred itself from participating in any public hearings that involve Realmark development plans (see attached MOU.doc file, Item #4). Indeed, in the past year, Lee County Judge McHugh has formally indicated that the Homeowners Association has little authority to do anything for its residents except that which was explicitly specified in 30-year old documents (see attached Final Judgment.pdf, Items 14 and 17).

While I have not done a scientific survey, September is probably the month when the fewest number of residents are actually on premises. It is certainly true for my building – Marina Towers. We have scheduled a three-week project that will take our elevator out of service for modernization to begin September 15 to take advantage of the fact that our full-time residents (6 of 33 units) frequently take their vacations in September.

Unlike other communities, Burnt Store Marina has few school age children in residence. So, while a late September hearing date for neighborhoods within Fort Myers or Bonita could be expected to be well-attended, this is not the case for Burnt Store Marina.

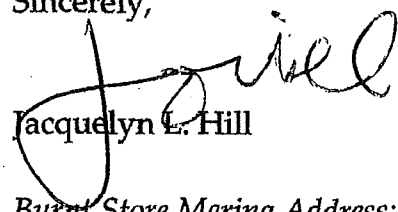
There are 1,913 homes within Burnt Store Marina. The development being proposed by Realmark via the Comprehensive Plan Amendment CPA2007-0054 will have a huge affect on those already-existing 1,913 homes. The development takes place in the center of the complex. All homes that are on the main thoroughfares will be directly affected by the construction traffic and the increased through-traffic once development is completed.

This letter is not attempting to present a point of view about the development itself – just the timing of the hearing.

Postponing the hearing until February 2009 will ensure that all points of view can be voiced in a fair and open manner. It will affirm the right of all taxpayers, both full-time and seasonal residents, to be heard by those who will make important decisions about development within our neighborhood.

Thank you for considering this request.

Sincerely,



Jacquelyn L. Hill

Burnt Store Marina Address:
3020-602 Matecumbe Key Rd
Punta Gorda, FL 33955

Northern Address:
111 E Shore N
Grand Isle, VT 05458

jackyhill@earthlink.net
802-238-5075 (cell)

September 7, 2008

Attention: Local Planning Agency Members

When the Burnt Store Marina Community was originally platted and later amended there were specific concerns about density. The Concept was for a residential community of 2000 to 2500 units with some limited commercial facilities and with roads designed to accommodate the expected traffic. The concept was in effect a predecessor of what is now known as a Planned Unit Development. When the residents bought their units that is what they expected to have as their community.

Now once again a developer is attempting to change what he bought to something else. We call upon you as our protectors to **not** recommend approval of the proposed change in our community and way of life. The residents here went to costly lengths to legally confirm that what they were told was a "gated community" was in fact so designated. While it is understood since a commercial marina with in-water boat slips, dry boat storage and a restaurant existed, access to the users of these public/private facilities had to be permitted. Since the Community is responsible for the cost of maintenance and upkeep of the roads it is concerned that the traffic therein be limited to the volume expected from the existing facilities and residential population.

We knowingly bought our homes in a relatively remote location (10 miles to shopping of any sort) and with only one restaurant. If we had wanted a "village" of hotels, stores and restaurants we would have bought near them. We bought here for the quiet, off the beaten path, lifestyle that our community now has and strongly urge you to help us keep it that way. Buildings higher than those that already exist and anything that would increase the "transient" use of our community are emphatically opposed.

Victor A. Smith
3901 Cape Cole Blvd.
Punta Gorda, Fl 33955
941 5050-1558

P.S. Our recently elected Lee County Commissioners ran on platforms of protecting the citizens of Lee County from rapacious developers. We expect no less than their and your full support.

Hines, Lisa

From: Noble, Matthew A.
Sent: Monday, September 08, 2008 3:44 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: CPA2007-00054, Burnt Store Marina Village

From: John Unison [mailto:jdunison@sbcglobal.net]
Sent: Monday, September 08, 2008 3:42 PM
To: Noble, Matthew A.
Cc: akshell@peoplepc.com
Subject: Fw: CPA2007-00054, Burnt Store Marina Village

--- On Mon, 9/8/08, John Unison <jdunison@sbcglobal.net> wrote:

From: John Unison <jdunison@sbcglobal.net>
Subject: CPA2007-00054, Burnt Store Marina Village
To: nandress@comcast.net, ringe@landsolutions.net, rippemj@embarqmail.com, carleton819@aol.com, rawessel@sccf.org, Lmt7979@hotmail.com, Lessgov@LesCochran.com, DawnMGo@leeschools.net
Cc: akshell@peoplepc.com
Date: Monday, September 8, 2008, 3:37 PM

To Local Planning Agency Members:

I am writing as an original owner (1979) and condominium occupant in Commodore Club, the first condominium development in Burnt Store Marina whose property values and quality of life are directly impacted by the proposed development in Burnt Store Marina Village.

Realmark is the last in a long string of developers who have attempted to or successfully managed to persuade Lee County to change zoning for ever higher and higher buildings to encircle the waterfront to the visual detriment of many of the original residents. The original developer, PGI said we'd never have building over 3 stories. How laughable the developer's words now seem.

I realize the clock cannot be turned back, but **you** can have a positive effect by tabling this application until zoning is in place limiting the maximum building heights to those now located in the marina, and perhaps even a lower height for those adjacent to, or in close proximity to existing private residences and condominiums. We are also concerned with the traffic impact of such huge buildings being proposed. If we can maintain a practical livable environment we can also accomodate many of the developer's plans as we all have a goal to make this a very first rate community. There needs to be a middle ground.

After all, we did not move here to live in concrete canyons, never to see a sunset.

Thank you for considering the concerns of many of us in Commodore Club Condominium.

John Unison
1600 Islamorada Blvd 73B
Punta Gorda Fl 33955

9/8/2008

September 17, 2008

To: Lee County Local Planning Agency

Re: CPA2007-00054, *Burnt Store Marina Village*

I write to you, today, to ask the Lee County Local Planning Agency to limit the maximum building height requested in the Comprehensive Plan Amendment CPA2007-00054, *Burnt Store Marina Village*, to a maximum no greater than eighty (80) feet rather than the 220 foot maximum requested by Realmark, and rather than the 135 foot maximum suggested by Staff. **With a height limitation of eighty feet, I would support Realmark's effort to redevelop an attractive, mixed-use area around the marina.**

CPA2007-00054 asks to create a new FLUM area named *Burnt Store Marina Village*. In this FLUM, Realmark requests that the Lee County height limit of 45 feet be set aside in favor of a 220 foot maximum. Realmark's design plan, submitted with their Response to Insufficiency Letter #1, contains one sixteen-story hotel building, two fourteen-story condominium buildings, and three boat storage buildings of unspecified height, but capable of storing 800 boats out of the water, in addition to retail and commercial space.

Lee County should limit this height to be no more than that which already exists at *Burnt Store Marina* today — eight stories, and then proportionally decrease the total allowed number of hotel/residential/dry storage units.

Background

Burnt Store Marina has had a strange development and zoning history. To date, every developer of record has failed at bringing it to completion. BSM was first designed to be a collection of **three-story** condominium complexes. After building several neighborhoods in the three-story style, the first developer, PGI, sold the property to the FD Rich Company. Rich then built the first of what were to be **three six-story** buildings. *Marina Towers* was completed in 1990. Rich apparently went broke before starting the second building. Indeed, the first building did not sell out for several years — and the bank was ultimately the seller.

Then Florida Design Communities purchased the marina, golf course, and remaining lands and began developing single family home complexes. They *assured* residents that they were in the **single-family** home business and their intention was to complete the build-out of the marina with single-family homes. That didn't last long. Florida Design became WCI, and the first of seven, **eight-story** buildings was started. WCI rode the wave of speculation in the Florida real estate market. Yet, even so, none of their first three high-rises (two *Harbor Towers* and *Vista del Sol*) sold out quickly.

With a great marketing plan, the privilege of making a down payment on units in the first two of the *Grande Isle* eight-story towers was managed by lottery. Many units were sold several times before construction was completed. The investors in the third and fourth buildings didn't fare so well — the frenzy of flipping had slowed and investors had to come up with the cash when the buildings were ready for occupancy.

Today, four years later, there are still units in the *Grande Isle* buildings that have never been furnished or occupied. This fact has been detrimental to all *Burnt Store Marina* owners.

When WCI finished the Grande Isles, it was expected, and advertised, that they would construct **one more, ten-unit, five-story** building on their sales site – right on the marina. This was to be their final project – Burnt Store Marina would be built out.

Then came Charley. The Florida home market crashed soon after.

Realmark, which had already purchased the actual marina in 2000, purchased the remaining properties from WCI in December 2005. At that time, Realmark wanted to construct 330 condo units on the golf course and 400 or so hotel units in three sixteen-story buildings around the marina proper. As the record will show, the County reviewed the documentation for the marina area and golf course and concluded in April 2007 that Realmark could not proceed with either project without a Lee Plan change and a rezoning.

Back to the Present

Realmark has submitted their request for a Lee Plan change and with it their design for 145 hotel rooms, 160 residential condominiums, 500 or so additional dry storage slips for a total of 800, and associated retail and commercial space. All of the 160 condos and 110 hotel rooms are to be in three **towering buildings – buildings over twice as tall** as anything already existing here.

This is a big change for a residential development that is off the beaten path – the nearest grocery store is over ten miles away. Burnt Store Marina is, theoretically, a limited-access gated community. We are **OPEN TO THE PUBLIC** as Realmark's signs proclaim, but to date, we have not had commercial enterprises that drew many people inside.

Neighborhood Traffic

We've always had public access through the gate, but in order for the proposed commercial development to be a success, **substantial** traffic will have to flow through our gate, and right through our residential areas. Unlike Realmark's Cape Harbour in Cape Coral, our commercial area is centrally located. You cannot get to the marina or the restaurant without driving through our neighborhoods. It is an important distinction – both during construction and after.

All of the construction traffic will pass through the construction gate off Vincent Road and onto Matecumbe Key Road, directly through or by the BSM neighborhoods of "The Soundings," "Harbor Towers," "Marina Towers," "Admiralty Village," "Marlin Run," "Redfish Cove," "Hibiscus Cove," "Commodore Club," "Courtside Landings," "Keel Club", and "The Resort." The neighborhood of Sunset Key I will be exposed to all of the development activity, as will Keel Club, South Shore, Admiralty Village, Grande Isle I, and more.

At Burnt Store Marina, you'll see people out throughout the day walking with their friends, their grandkids, their pets. Our main road from the gate (Islamorada) has a nice bike/walking path. The construction gate (Matecumbe Key Rd) and golf course gate (Cape Cole) routes each have only a narrow walking/bike path on one side of the road. Safety on these roads depends on the fact that there is only minimal traffic.

Noise or a Ghost Town?

People have bought or rented at Burnt Store Marina for the boating, the golfing, and/or the laid-back lifestyle. We have no beach. We have little "night life." Never the less, residents in

neighborhoods around the marina are already unhappy with the loudness of music from Karaoke and the bands that play a couple of nights per week at the local Portobello's Restaurant.

People live at Burnt Store Marina. How will 145 hotel rooms impact that living? Will the hotel need to provide live entertainment 7 nights a week to attract guests? How will that affect property values of existing homes?

Then again, what if Realmark builds it, and "they" don't come? I'd prefer see an empty lot rather than half-empty fourteen-story buildings! And vacant store fronts. Fewer units constructed in lower buildings will give the new development a better chance of success and will thus benefit existing owners.

Are these valid concerns when reviewing comprehensive plan changes?

Burnt Store Road Capability

Burnt Store Road is already a dangerous two-lane highway. Surely, before contemplating new development, the road should be upgraded to four lanes. How many concrete trucks will have to drive up and down Burnt Store Road each day to complete the redevelopment of the marina?

The difference in construction requirements for sixteen versus eight stories is huge. I know that you consider what is best for all parties concerned in rendering a decision on this comprehensive plan change. I hope that you will agree that "less is more" in this case.

Manatees

One of the proposed state-of-the-art boat storage structures will be sited directly in front of one of the areas in the marina heavily used by manatees, and will almost certainly interfere with their ability to feed, breed, nurse, and play. This area, at the corner of A dock and the Sunset Key I development currently has very little boat traffic.

City or Village?

Realmark's application states that Burnt Store Marina is already an urban area. I hope that you will visit the premises before attaching that label. There are seven mid-rise (eight-story) buildings and one six-story building. The rest of the condo complexes are three-stories. We are a bubble of development in an otherwise highly rural area. Our premises are not rural – no argument there. But we're not a city, either – and the proposed FLUM with 220 foot maximum height, is certainly not in keeping with the label of Village.

For me, the whole issue can be resolved with the right height limitation. An eighty foot maximum would serve to self-limit the number of hotel rooms, the number of residential units, and the number of dry storage units to a level that is much more compatible with the surrounding area. I would, then, look forward to, and welcome Realmark's redevelopment project.

Sincerely,



Jacquelyn L. Hill

Burnt Store Marina Address:
3020-602 Matecumbe Key Rd
Punta Gorda, FL 33955

Northern Address:
111 E Shore N
Grand Isle, VT 05458

jackyhill@earthlink.net
802-238-5075 (cell)

September 16, 2008

To: Lee County Local Planning Agency

Comments related to: CPA2007-00054 Burnt Store Marina Village application

As seasonal residents of Burnt Store Marina, otherwise living in Europe, we are unable to attend the September 22, 2008 hearing pertaining to Realmark's application for a Comprehensive Plan Amendment (CPA). We ask you take our comments into consideration.

Postponement of the hearing

It is unfortunate that the hearing is scheduled for a date when only a small fraction of owners are at the Marina and could attend the hearing. A CPA would substantially and unequivocally change the ambiance, atmosphere and life-style of the Burnt Store Marina (BSM), so in our opinion it is crucial that the BSM home owners do have the opportunity of presenting their thoughts and opinions at a hearing. The majority of owners are present in January through March, so it is requested that you consider postponing the hearing for a few months.

Density and Ecological Impact to the Environment

At a time when everyone is being made aware of the growing ecological negative impact that additional construction (higher density) can have on our environment, our planners should be particularly careful when allowing additional density. Additional density brings with it more fertilizers, more household and garden chemicals, more trash, more traffic and exhaust fumes, more frequent road repairs, more air and water pollution, more construction noise and dust, more water use, more waste water.....More environmental stress to the limited size and existing resources of the BSM.

Is it fair on the present home owners to have to accept these "mores" and can the Marina's existing facilities cope with these additional environmental burdens?

The Gated Community and Security

When we purchased from Florida Lifestyle, we understood that we were buying into a "gated community" with the security that such a community provides its residents.

A 16-storey hotel, retail and office space, commercial shops and restaurants would de-facto do away with the Marina's "gated" nature and the present resident's level of security would easily be compromised.

Character of the Burnt Store Marina

The majority of home owners were aware of the particular laid-back, quiet, off-the-beaten-track nature of the Marina when they bought their homes. Had they wanted a busy and bustling life-style, they would have bought a home elsewhere. The special character of the BSM would definitely be changed significantly if Realmark were given permission to develop as requested in their application.

Thank you for taking these comments into consideration.

Robert and Jarmila Taud (BSM home owners)

Zum Tennenbach 15
91080 Uttenreuth
Germany

Tomas A. and Catherine M. Loreda

**3 Pirates Lane, #31A
Punta Gorda, FL 33955**

September 18, 2008

Lee County Local Planning Agency

Mr. Matt Noble

CPA2007-00054, Realmark Burnt Store Marina Village, LLC

We purchased our Commodore Club condominium in July 2003 because we wanted to retire and live in a gated rural community away from the rush of stores and crowded places. We decided on Burnt Store Marina because of private roads, 10 miles from the nearest shopping center, but with a nice restaurant, ship store, marina and a golf course. A nice retirement community!

We oppose the proposed Realmark Burnt Store Marina Village concept because of the following:

- We believe that the construction of hotels, offices, large retail complex and more boat storage, around the marina will be detrimental to our Burnt Store community, which was not planned for such a high density and does not have the road capacity to handle high-volume traffic. Unlike Realmark's development at Cape Harbor, there is no separation at Burnt Store between the residential and the commercial areas: residents take walks, several times a day on the same single, curving streets that the increased number of cars, bicycles and golf carts use. This indeed will increase the potential for serious accidents.
- Another factor is that noise reverberates around the marina: music now at the small restaurant ends at a reasonable hour and only occurs two or three nights a week. The larger groups and events which might be attracted to the condo hotels would ruin the living experience for hundreds of residents around the marina.
- In addition to the more traffic and noise, the increased use of our private funded roads and unlimited access to anyone thru our gates will destroy the "gated community" concept we now have.
- The proposed computerized; "state of the art" high rise boat storage facility will be more costly. Boat owners just want a place to store a boat they probably use once or twice a month at a reasonable price. Realmark has already lost many customers (including myself) by increasing dock and dry storage prices to the point that there are in

excess of 100 slips empty, and even the dry storage has immediate storage space available where 3 years there was a long waiting list. We the local Lee County residents want to keep our costs down as long as possible and Realmark proposal will increase prices.

- The increase in boat traffic will almost certainly be the end of the manatee population that now uses the South Basin as home. Daily you can now see manatees in the area where the second boat house is planned to be built. We strongly disagree with the Lee County Division of Natural Resources finding since all they did was review the applicant's paperwork. We live here and I can see a direct collision path between manatees and boats leaving and returning from the new dry storage building.

We ask that this proposed amendment be denied. It is our sincere hope that the Lee County Local Planning Agency will understand our issues and concerns about keeping our nice quite community just like it is. Burnt Store Marina is now some 30 years old (Commodore Club was built in 1978-1979) More than 1900 families bought our properties with the faith of the basic character of the community and the lifestyle this fosters would be preserved.

Realmark has a right to build his concept of a "Downtown" with tall buildings, shops, malls etc, if he wants elsewhere, but he does not have the right to come to our well established residential community and force his concept on our 1900 families, many of which vote in Lee County, and which are perfectly happy with what we have.

Thank you very much.



Tomas A. Lored

Hines, Lisa

From: Noble, Matthew A.
Sent: Friday, September 19, 2008 7:21 AM
To: Hines, Lisa; Hock, Donna
Subject: FW: CPA2007-00054, Burnt Store Marina Village

From: Dale Hitchcock [mailto:hitchdale@yahoo.com]
Sent: Thursday, September 18, 2008 9:39 PM
To: Noble, Matthew A.
Subject: CPA2007-00054, Burnt Store Marina Village

On September 22 at 8:30 am, the Local Planning Agency (LPA) for Lee County will review "CPA2007-00054, Burnt Store Marina Village ." It is our understanding that this comprehensive plan amendment (CPA), submitted by Realmark Group, LLC, requests a new land use designation for the center of Burnt Store Marina that will support, at a minimum, Realmark's plan for a 110-unit, sixteen-story hotel, two 80-unit fourteen-story condominium buildings, 800 total dry storage boat slips in three buildings, 35 units of "funky fish houses," as well as retail and office space. As property owners in Courtside Landings Circle, which is directly adjacent to the area for these proposals, we would like to express our **opposition** to these plans. These high-density plans will radically change and severely impact our community and challenge it's fragile ecosystem. The excessively high hotel and condo buildings will cast a large shadow over our neighborhood.

Our community is already burdened with a high inventory of unsold condos and houses. The addition of this large volume of units will make it impossible for the reasonable sale of properties by people wishing to relocate should these plans be approved. We will indeed be stuck with these radical changes.

Please note that a similar project proposed for New Bern, NC fell apart last November due to lack of support at all levels.

The current Lee Plan states that Burnt Store Marina "is primarily residential with a high percentage of seasonal residents." It is very unfortunate that hearings, designed to gain input from the "neighborhood," are being held at a time/date when the fewest number of BSM residents are on premises. In our absence we respectfully request that you accept our opposition in the records and acknowledge same.

Yours Truly,

Dale and Mary Hitchcock

17755 Courtside Landings Circle

9/19/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Monday, September 15, 2008 7:18 AM
To: Hines, Lisa; Hock, Donna
Subject: FW: Realmark's proposed development of Burnt Store Marina

From: BELIZE46@aol.com [mailto:BELIZE46@aol.com]
Sent: Sunday, September 14, 2008 1:35 PM
To: Noble, Matthew A.
Subject: Re: Realmark's proposed development of Burnt Store Marina

Dear Sir,

To: Lee County Local Planning Agency
Re: CPA2007-00054, Burnt Store Marina Village

I believe that I join many other residents of Burnt Store Marina in opposition to several aspects of the development plans announced by Realmark. In general it is my opinion that Realmark's plans introduce a population density inappropriate to the Burnt Store setting which will result in the over taxing of our community's sewer, drinking water and irrigation water utilities. I am particularly opposed to the excessively large condo-hotels that Realmark wants to build in close proximity to the marina itself. The water quality of the marina is already poor and the construction of a large number of residential units so close to the water will only lead to additional pollution. Also the building of large hotel type buildings in the midst of a large commercial marina operation will result in crowded unsafe conditions for both marina users and residents.

From a life style viewpoint, the excessive development of environmentally sensitive property at Burnt Store Marina will destroy forever the unique residential community we were told would exist when we bought our homes. The full implementation of Realmark's plans will turn the marina area itself into something similar to the less desirable areas of Fort Lauderdale. It is not my purpose to stop Realmark from building any additional units in our community. However it is not unreasonable to ask Realmark to scale back its plans to buildings and total density more appropriate to an established community. For example Realmark should be allowed to build only to the eight story level currently existing here.

In the past you and our elected representatives have protected Lee County residents from the excesses of real estate developers. I ask for your support and assistance in protecting my community from this inappropriate and excessive plan now being sought by Realmark.

Sincerely,
Janet E. Laine
554 Islamorada Blvd.
Punta Gorda, FLA 33955
belize46@aol.com

Psssst...Have you heard the news? [There's a new fashion blog, plus the latest fall trends and hair styles at StyleList.com.](#)

9/15/2008

September 15, 2008

RECEIVED
SEP 18 2008

COMMUNITY DEVELOPMENT

Lee County Board of County Commissioners
PO Box 398
Fort Myers, Florida 33902-0398

RE: Case Number CPA2007-00054, Burnt Store Marina

Dear Lee County Commissioners:

Bob Janes, District One, A. 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

I own two properties in Burnt Store Marina, but I live in Michigan. Upon receiving notice of the hearing to take place on September 22, 2008, I would ask that the Board of Commissioners consider rescheduling this hearing until the winter months when the majority of residents of Burnt Store Marina which would be impacted by this potential change are in Florida.

Although the notice did not mention what party is requesting this change, I would guess it is a developer that is driven by their own business outcome and do not represent the view or desires of those of us that invested in Burnt Store Marina.

My concern is the impact of density with the infrastructures that we at Burnt Store maintain and the environmental impact of land that is connected to Charlotte Harbor, which is the winter home of many manatees in the winter months, not to mention the eagles and turtles and other wild life that are seen in this community.

Burnt Store is unique in that it is away from the everyday flow of traffic and commerce, which is why many of us invested here. We also know that there is land for sale up and down Burnt Store Rd, primed for development, so the question is why change a community that exists? The community that made the choice of being remote, enjoying the quiet it offers and chose the option of remote versus convenience that other developments more centrally located enjoy. If a developer wants to invest, then do it as a start-up, with land that is wide open. Don't let the profit driven impose their view of what a community wants and needs on those that already chose a different live style.

At the very least, please consider a change in date, when many of those in Burnt Store Marina move south from their residents in the north to enjoy the warmth and quiet of our community.

Sincerely;



Gary J. TenHarmse
1372 Innisbrook Ct, Holland, Michigan 49423

CC: Lee County Planners, Matt Noble and Lisa Hines
Property Owners Representative, Matthew D. Uhle, Esq.

Subj: CPA2007-00054, Burnt Store Marina Village

Dear Mr. Malone,

On September 22 at 8:30 am, the Local Planning Agency (LPA) for Lee County will review "CPA2007-00054, Burnt Store Marina Village ." This comprehensive plan amendment (CPA), submitted by Realmark Group, LLC, requests a new land use designation for the center of Burnt Store Marina that will support, at a minimum, Realmark's plan for a 110-unit, sixteen-story hotel, two 80-unit fourteen-story condominium buildings, 800 total dry storage boat slips in three buildings, 35 units of "funky fish houses," as well as retail and office space.

As property owners in Courtside Landings Circle, which is adjacent to the area for these proposals, we would like to express our **opposition** to these plans. These high-density plans will radically change and severely impact our community and challenge it's fragile ecosystem. The excessively high hotel and condo buildings will cast a large shadow over our neighborhood.

Our community is already burdened with a high inventory of unsold condos and houses. The addition of this large volume of units will make it impossible for the reasonable sale of properties by people wishing to relocate should these plans be approved. We will indeed be stuck with these radical changes.

Please note that a similar project proposed for New Bern, NC fell apart last November due to lack of support at all levels.

The current Lee Plan states that Burnt Store Marina "is primarily residential with a high percentage of seasonal residents." It is very unfortunate that hearings, designed to gain input from the "neighborhood," are being held at a time/date when the fewest number of BSM residents are on premises. In our absence we respectfully request that you accept our opposition in the records and acknowledge same.

Yours Truly,

Dale and Mary Hitchcock

17755 Courtside Landings Circle

Hines, Lisa

From: Noble, Matthew A.
Sent: Wednesday, September 24, 2008 7:57 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: CPA2007-00054, Burnt Store Marina Village
Attachments: burnt store realmark opposition.doc

FYI, and for the file...shoot me now!

From: Dale Hitchcock [mailto:hitchdale@yahoo.com]
Sent: Wednesday, September 24, 2008 7:56 PM
To: CARLETON RYFFEL – Chair; LES COCHRAN – Vice Chair; NOEL ANDRESS; DAWN GORDON; RONALD INGE; Noble, Matthew A.; JACQUE RIPPE; LELAND M TAYLOR; RAE ANN WESSEL
Subject: CPA2007-00054, Burnt Store Marina Village

Attached find our 9/18 statement opposed to the changes proposed in the above listed docket. Hopefully, it was included in the record for consideration at this week's meeting, and that you will continue to consider it at the next meeting on September 29.

Can you imagine a number of 220 foot tall buildings in your back yard, and all of the traffic and congestion that will be involved in the building process and after occupancy?

Radical changes like this should not be allowed in existing communities. This project is more suited for a new undertaking so that people's lives are not turned upside down..

Dale and Mary Hitchcock

17755 Courtside Landings Circle

9/25/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Tuesday, September 23, 2008 5:51 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: CPA2007-00054 Burnt Store Marina Village

FYI, and for the file...

From: jrosenblum [mailto:jrosenblum07@comcast.net]
Sent: Tuesday, September 23, 2008 3:25 PM
To: Dist1, Janes; carleton819@aol.com; Noble, Matthew A.
Subject: CPA2007-00054 Burnt Store Marina Village

Gentleman,

AI apologize for the format of this E mail. This is a posting I maid on the Burnt Store Marina Community Forum. It expresses my opposition to the contemplated plans by Realmark and the effect it would have on the quality of life in the community that I have chosen to live. Please share this with your fellow Agency members and fellow commissioners.

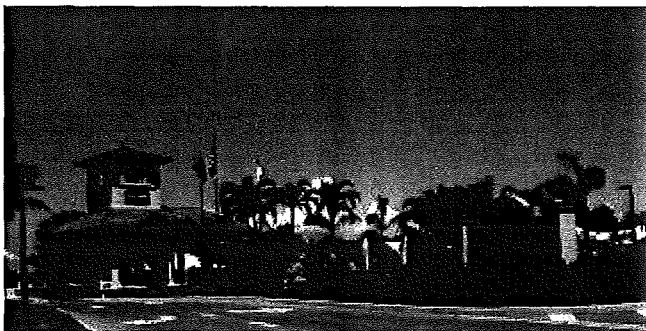
I appreciate your indulgence. Thank You

James Rosenblum
17825 Hibiscus Cove Ct
Punta Gorda, Fl 33955

----- Original Message -----

From: jrosenblum
To: Rosenblum, Jim & Linda
Sent: Tuesday, September 23, 2008 3:13 PM
Subject: Emailing: viewtopic

Burnt Store Marina Forum



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Burnt Store Marina Village (proposed)

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Author**Message****Jimmy**

Posted: Tue Sep 23, 2008 9:26 am Post subject: Burnt Store Marina Village (proposed)

Joined: 23 Sep 2008
Posts: 1**YOU SHOULD FEEL THREATENED**

At a meeting yesterday of the Local Planning Agency, Realmark laid out its plans for our community. There were comments heard from the public on both sides of the question. The hearing will continue next Monday and then go to the County Commissioners and then various other agencies on its long road to either approval, disapproval or modification.

In the interim, let your voices be heard.

As a full time resident of BSM, I am opposed to the plan as presented.

Mr. Stout made it clear that there is little room for compromise regarding amount of residential units, building height restrictions. He claims to need these as presented to make this a financially viable project. I cannot comment on this since it is not within my expertise.

However I can comment on various points that were disclosed at the meeting

This project will not spring up overnight. In fact, the year 3030 was mentioned as a final completion date. Mr. Stout said that this project was for our Grandchildren to enjoy.. Maybe so, but my grandchildren when visiting enjoy taking a walk or bike ride along Matecumbe. Are you going to feel secure with a parade of heavy trucks and construction workers in their pickups driving down the same road. You have seen these same trucks passing you on BS Road. This is to continue for 22 years??

I think you and I are fully capable of providing for our grandchildren as WE see fit. Not some developers vision of what WE want.

Quite frankly, I am concerned with the present, my retirement, my life style, my amenities. My children and grandchildren will decide for themselves what they want. Besides they don't listen to my advice anyway.

Sure there is a need for a facelift to the downtown area, but at what price??? Are we to endure 22 years of traffic, noise, dust, safety issues, cyclone fences, security and the multitude of inconveniences that come with a project of this scope. By Mr. Stout's own admission, the commercial enterprises, restaurants, shops, ice cream stores etc are not financially self sustaining. What happens when the subsidies run out. Are we going to have a lot of closed stores where we can take a nightly stroll. Probably!!!

This project as presented, DOES NOT BELONG right in the middle of an established community of single family homes, condos and low rise buildings.

This project belongs right where it is, Cape Harbor. The commercial area is separated from the residential area and its construction had minimal impact on its residents.

I implore you to consider the impact this project if approved will have on your lives here, why you bought here. Are you prepared to give up your security, safety and quality of life so your grandchildren will in all probability not choose this as their retirement or second home??

Let the officials at Lee County and the State know that you oppose this plan as presented. Their names and addresses are available on other sites.

Tell them that you would accept a scaled down version of the plan, with less density, less height and less grandiose plans for getting your boat in the water. Do we need two 110 ft tall dry storage buildings, that would definitely cost you substantially more to store your boat there. There are just too many negatives to this project to give up our lives here.

WHAT PRICE PROGRESS????

Jimmy R

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All times are GMT - 4 Hours

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Jump to: General Discussion Go

Hines, Lisa

From: Noble, Matthew A.
Sent: Tuesday, September 23, 2008 6:59 AM
To: Hines, Lisa; Hock, Donna
Subject: FW: Burnt Store:Village"

FYI...

From: Carol and Victor Smith [mailto:vasmith1@yahoo.com]
Sent: Monday, September 22, 2008 5:00 PM
To: Noble, Matthew A.
Subject: Burnt Store:Village"

Matt, For the LPA record I would appreciate your forwarding this e-mail for inclusion prior to their vote.

"At no time did the Burnt Store Section 22 Community vote on Realmark's proposal." The claim of a meeting of 1400 people is just not true - no more than approx. 800 people were there.(this was not **units** because of the overwhelming number of couples present as well as numerous real estate people who led the applause)-An estimate of units represented would be, at best, 500 of 1850 and it was over two years ago. At that time without any review, and the audience having not been permitted to critique the presentation, there did appear to be support for the proposal. Since that time the Community is greatly divided on the issue. At this time no one can claim the Community as a whole is either for or against the proposal. But if anything, the current stance tends towards wanting serious modification as to height, density and need for a Hotel.

Thank you for the opportunity to correct the record.

Victor A. Smith, past PGI Sect.22 Board Vice President

9/23/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Monday, September 22, 2008 7:08 AM
To: Hines, Lisa; Hock, Donna
Subject: FW: re Realmark's planning application

From: VriesSunshine@aol.com [mailto:VriesSunshine@aol.com]
Sent: Sunday, September 21, 2008 5:49 PM
To: Noble, Matthew A.
Subject: re Realmark's planning application

Lee County Local Planning Agency
attention: Mr. Matt Noble,
NOBLEMA@leegov.com
re. Realmark's planning application of September 22, 2008

We wish to express our dismay at seeing the planning to transform our beautiful, peaceful neighborhood into a busy, commercial area with lots of traffic and open to all.

After all this is a very quiet gated community. That is what we bought into and we would very much like to keep it that way. What are all those hundreds of people who populate the hotel going to be doing. All that is available to them is a the golf course and a marina. We don't even have a beach or anything else that will keep them occupied. It will kill the friendly cozy atmosphere and overpopulate a rather small area with people who have nothing to do. Our security will be non existent with that may people going in and out.

Bill and Henriet Vriesinga
4080 Key Largo Lane
Burnt Store Marina

9/22/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Monday, September 22, 2008 7:05 AM
To: Hines, Lisa; Hock, Donna
Subject: FW: Burnt Store Marina

From: brolph72@aol.com [mailto:brolph72@aol.com]
Sent: Sunday, September 21, 2008 3:48 PM
To: Noble, Matthew A.
Subject: Burnt Store Marina

Sir,

I can not speak for other residents, either permanent or seasonal. In my opinion, we should not be rezoning and expanding for commercial developement and access.

I am sure you have heard many reasons. I have found that urban sprawl can be vertical as well as horizontal. The beauty of the marina is in its neighborly friendliness, open spaces, access to views, breezes and sunshine. The number of people that walk and bike [whether for health or environmental reasons] is incredible.

I don't think that Mr Stout represents the interests of residents. Perhaps he is seeking zoning to make the property more attractive for resale. There are still empty living units from the previous managers need to expand. I understand that Mr Stout's property in Cape Coral was designed to draw people to the waterside for commercial reasons, supposedly making a heart or center for the residents. I am not sure, but don't believe he has been sucessful there.

The beauty is in the rural feel of the current community. You leave Burnt Store Road [which is rapidly developing] and enter an oasis. I would hate to see the Lee County coast start to look like Naples.

Thank you. Five year seasonal resident, Barbara Rolph

Barbara K Rolph
8939 Boxthorn Ct
Wichita, KS 67226
316-634-0133

Find phone numbers fast with the [New AOL Yellow Pages!](#)

9/22/2008

Hines, Lisa

From: Noble, Matthew A.
Sent: Saturday, September 20, 2008 3:27 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: Opposed to CPA2007-00054, Burnt Store Marina Village

file..

From: Jim Briles [mailto:jbriles@comcast.net]
Sent: Friday, September 19, 2008 9:30 PM
To: Noble, Matthew A.
Cc: ringe@landsolutions.net; rippemj@embarqmail.com; carleton819@aol.com; rawessel@sccf.org; Lessgov@LesCochran.com; DawnMGo@leeschools.net
Subject: Opposed to CPA2007-00054, Burnt Store Marina Village

Opposed to CPA2007-00054, Burnt Store Marina Village

September 19, 2008

Dear Mr. Noel:

Your consideration of my opposition to Realmark Burnt Store Marina, LLC's request for a zoning variance permitting the construction of a hotel, among other intrusive commercial structures in our nearly pristine laidback community, is greatly appreciated. Some days ago I sent an email to your address regarding this subject. Since I didn't receive acknowledgement (or I overlooked it), I have attached a copy to the bottom of this one hoping that, if not read, it will be and, thus, further serve to reinforce my opposition.

Previously, Mr. Stout said publicly that we are not a community, because we lack a downtown area. There are few, if any, that would agree with such an arrogant declaration. Burnt Store Marina is as much a community as the area in which Mr. Stout resides. In a mansion, by the way, that has an unencumbered view of a beautiful slice of Florida. A view once enjoyed by many of lesser means. Many of whom reside adjacent to Mr. Stout's Cape Harbour development and, consequently, no longer enjoy sunsets while sitting on their lanais. Nor has that troubled development enhanced their property values or resale prospects.

As you no doubt know, Realmark earlier asked for a zoning variance so they could construct condominiums on what was and remains a golf course bordering many of our backyards. Fortunately, in mass, property owners opposed that request appealing to the county for consideration and proving beyond doubt that we are a community bound by common interests.

Thankfully, that request was denied. The community prevailed or so it seemed.

Shortly thereafter Mr. Stout slapped our hands and tapped our pocketbooks by in essence declaring that we could all go to hell for standing in his way. He vowed to let the golf course go to weeds unless we leased and paid Realmark for its maintenance, which, ultimately, we did. We had little choice. I for one would have adjusted to the weeds but chose instead to join in support of my neighbors' preference not to risk further erosion of property values.

Mr. Stout wrote this day, 9/19/2008, "...We are seeking the support of the community to move this along through this preliminary stage so we then have a chance to work with the residents to fashion a planned development that helps revitalize and rejuvenate the community. **As many of you know, there is a very vocal minority of residents opposed to any development, though they profess otherwise. It is the voice of these opponents that is being heard by the powers that be thus far.**" *

9/22/2008

As is evident in national as well as local politics, the silent majority often leaves it to a trusted minority to represent their interests. I'm such a representative voice. And the issue for the community of Burnt Store Marina is about conservation and preservation of a country lifestyle enriched by nature's beauty. Further, it is about managing our resources and infrastructure to serve our interests and not those of outsiders bent on raping the land for money above and beyond conscience.

We already have enough tall buildings, traffic, and infrastructure concerns without seeing our privately owned streets pulverized by truck traffic, our homes covered with dust, our security concerns heightened, and all the many other negatives that accompany forced urbanization.

In summary, we aren't opposed to development. **We are opposed to over development.** For us this is paradise...quiet, serene, beautiful starry nights, wonderfully sunlit mornings, great sunsets, and friendly laid-back people enjoying the promise Florida held out when we chose to move to this quite community. And there exists already plenty of houses for sale should others want to join our community. How about you?

Jim Briles

Resident Burnt Store Marina

1150 Romano Key Circle

33955

*emphasis added by this writer

NOTE: Previous email reference above shown below:

September 8, 2008

Dear Mr. Noel:

Please don't permit the commercial development of our laid-back, relatively crime-free community with local color its primary draw and asset. We moved here after 30-years of working in downtown Chicago to reconnect with nature and to be among similarly minded people, many of whom earned their way to this peaceful place by surviving the turmoil and hassle of urban and corporate life.

I'm far from being alone when saying that the kind of changes Realmark proposes are not going to improve our lives, our property values or our cost of living. We want to continue to live peacefully without the noise, crime and costs that will surely accompany a hotel and expanded marina in our backyards.

The growth we cherish is the making of new relationships, the nurturing of long subordinated interests i.e. reading, painting, boating, golf and more, ***not*** the rise of towers, traffic, crime, and the resulting financial drain surely to occur as a result of the infrastructure development forced upon us to enhance the riches of primarily one person, a non-resident.

We want to remain the dominant voice shaping and protecting our very unique and rewarding community lifestyle. Don't deprive us and those to follow of our great American dream.

For the record, I am a retired capitalist. I founded a business and created jobs for nearly 30-years. I'm a realist, not a romantic. I understand the tax needs and promise of increased revenue for the county through commercial development, but of all places one might consider Burnt Store Marina should, if ever,

9/22/2008

be among the last soiled by over-development. We are a slice of rural Florida that should remain symbolic of the good life promised and fulfilled by this great state.

PLEASE deny Realmark's request to force their concept of community upon we who chose this piece of heaven-on-earth over all other choices. Collectively, we are heavily invested in this community and stars are the "night lights" we most want to preserve. That and our beautiful sunsets unmarred by bright lights and tall buildings.

Your consideration is greatly appreciated.

Sincerely,

Jim & Donna Briles
Burnt Store Marina and Country Club
1150 Romano Key Circle
Punta Gorda, FL 33955 (Lee County)

Hines, Lisa

From: Noble, Matthew A.
Sent: Saturday, September 20, 2008 3:26 PM
To: Hines, Lisa; Hock, Donna
Subject: FW: CPA2007-00054, Burnt Store Marina Village

file...

From: Jack Orr [mailto:jackorrcc@comcast.net]
Sent: Friday, September 19, 2008 8:07 PM
To: Noble, Matthew A.
Subject: CPA2007-00054, Burnt Store Marina Village

Will Sout is a silver tongued devil. He has little or no interest in the best interests of Burnt Store Marina as evidenced by his repeated attempts to tear apart and redevelop our golf course and club house. I was thrown out of work by this man when he closed the restaurant two years ago. His only intent is to make as much money as he can with little or no concern for the community.

The only concept he has of a wonderful community is one with very high density so that he can maximize his profit. I implore you to non concur with his plans for high rise buildings and high density housing in a community which should currently be considered to be built out.

John C. Orr
3941 Cape Cole Blvd
Burnt Store Marina
Punta Gorda, FL 33955

9/22/2008

**FLORIDA DEPARTMENT of STATE****CHARLIE CRIST**
Governor**KURT S. BROWNING**
Secretary of State

September 28, 2007

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

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

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 Bielanski
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
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

TOTAL P.02

EXHIBIT D

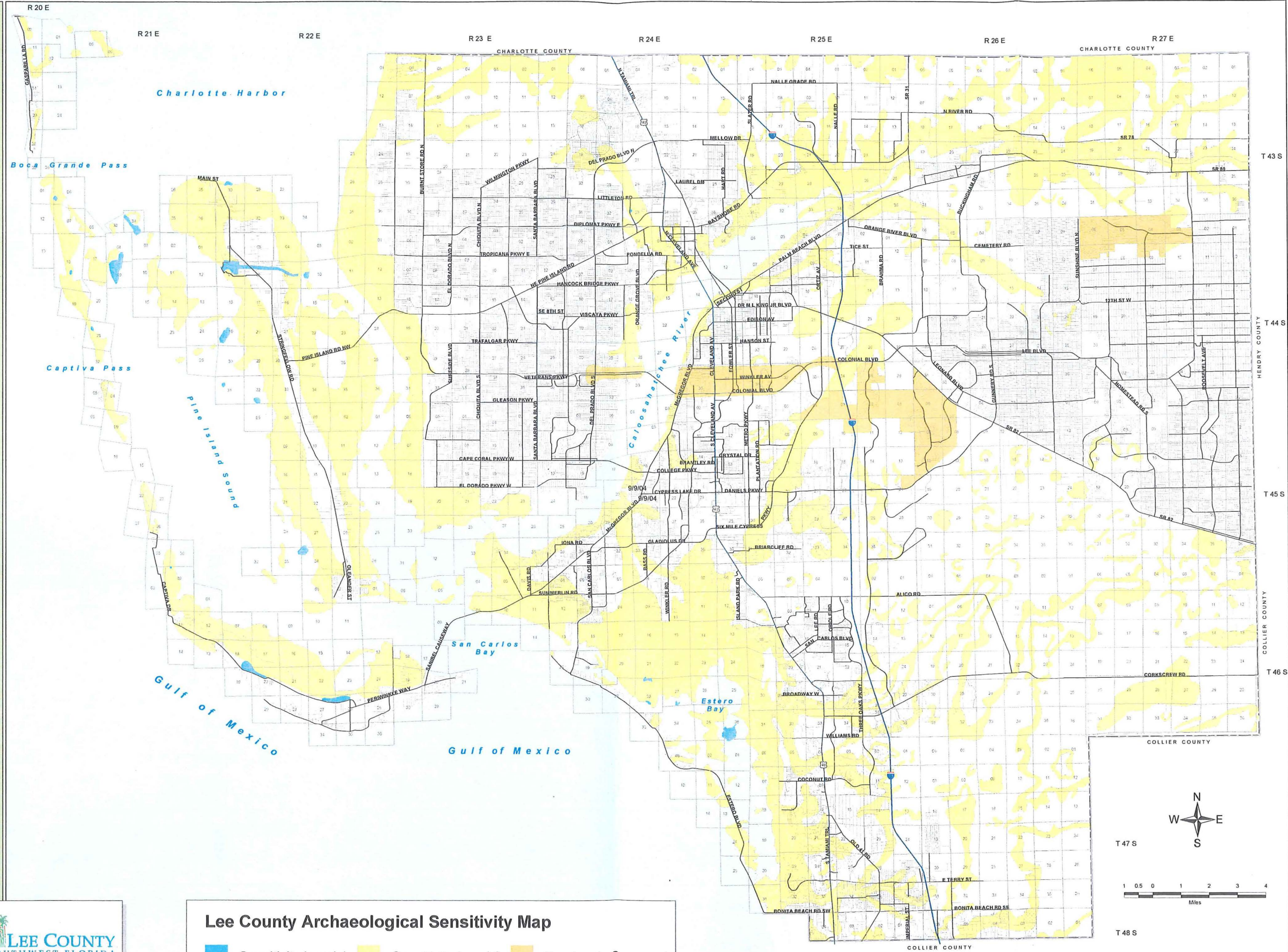
ATTACHMENT 13

ARCHAEOLOGICAL SENSITIVITY MAP



Lee County Archaeological Sensitivity Map

- Sensitivity Level 1
- Sensitivity Level 2
- Previously Surveyed



Map Generated January 2007
Land Development Code Chapter 22-106

**STAFF REPORT
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES**

Date: September 4, 2008

To: Lisa Hines, Senior Planner

From: Doug Griffith, Environmental Planner *AMS for DRG*
Phone: 239-533-8323
E-mail: dgriffith@leegov.com

Project: Burnt Store Marina

Case: CPA2007-00054

Strap: 06-43-23-07-0000A.0000, 01-43-22-01-0000C.0000,
01-43-22-00-00004.0000, 01-43-22-00-0000C.0010

The Division of Environmental Sciences (ES) staff has reviewed the proposed Burnt Store Marina Comprehensive Plan Amendment and offer the following analysis:

PROJECT SITE:

The existing land uses on the property consist of wet boat slips and dry storage building, office space, restaurant and recreational uses. The surrounding uses are predominately multi-family residential structures. The proposed amendment would allow for the replacement and redevelopment of the existing dry storage building with a larger, more aesthetically pleasing state-of-the-art dry storage building, along with an increased amount of support retail, office, and hotel space.

Originally, the application request was for the entire marina consisting of approximately 62.38 acres, including approximately 6.8 acres of mangroves and wetland hardwoods. The last resubmittal has reduced the project footprint from 62.38 acres to 18.25 acres removing the northern portion of the marina including the wetland mangrove and hardwoods area.

ENVIRONMENTAL ASSESSMENT:

A Florida Land Use, Cover and Classification System (FLUCCS) map was submitted by the applicant. The map depicts 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 mangrove swamp (FLUCCS 612) and tropical hardwoods (FLUCCS 426) have the potential to be utilized by listed wading birds for foraging or nesting. The proposed land use change is not anticipated to affect these species as no development activity would occur within the mangrove and tropical hardwood communities.

Due to limited scope of the request for Comprehensive Plan amendment, the project does not include environmentally sensitive areas. ES staff does not object the revision to the future land use category.



8
This instrument prepared by and
After recording return to:

John D. Humphreville, Esq.
Quarles & Brady LLP
4501 Tamiami Trail North, Suite 300
Naples, Florida 34103

INSTR # 6285414
OR BK 04307 Pgs 1374 - 1381; (8pgs)
RECORDED 05/22/2004 11:32:54 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY, FLORIDA
RECORDING FEE 37.50
DEPUTY CLERK K Cartwright

ACCESS EASEMENT

THIS EASEMENT, is made and entered into this 18th day of ^{August}~~July~~, 2003, by and between **PUNTA GORDA ISLES, SECTION 22 HOMEOWNERS ASSOCIATION, INC.**, a Florida not-for-profit corporation, Grantor, and **REALMARK BURNT STORE MARINA, L.L.C.**, a Florida limited liability company, the owner of the property described in Exhibit "A" attached hereto, Grantee. (Whenever used herein, the terms "Grantor" and "Grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, whenever the context so admits or requires.)

WHEREAS, the roads described herein provide the exclusive manner of ingress and egress to Grantee to the property described in Exhibit "A" from public roads and highways into and across the property known as Punta Gorda Isles, Section 22, as recorded in Plat Book 28, at page 118, of the public records of Lee County, Florida, and replatted in Plat Book 34, at page 92, of the public records of Lee County, Florida ("Punta Gorda Isles Section 22"), and any amendments and supplements thereto;

WHEREAS, Grantor intends to privatize the roads described below; and

WHEREAS, if the roads described below are privatized, Grantor and Grantee desire that Grantee and its lessees, and their contractors, customers, employees, guests, invitees and licensees, have perpetual, non-exclusive access over and across said roads for ingress and egress, in a manner consistent with the access that would be afforded to such persons over and across a public road.

WITNESSETH:

Grantor, for and in consideration of the premises described herein and other valuable considerations to it in hand paid by the said Grantee, the receipt of which is hereby acknowledged, does hereby grant and convey unto the Grantee and its successors and assigns, and its lessees, their contractors, customers, employees, guests, invitees and licensees, a perpetual, non-exclusive easement for ingress and egress only over and across the roads lying and being in the County of Lee, State of Florida, and more particularly described as follows:

Big Pine Lane, Cape Cole Boulevard, Matecumbe Key Road, Sugarloaf Key Road, Marathon Way, Key Largo Lane, Key Largo Circle, Sable Key Circle, Marianne Key Road, Romano Key Circle, Big Pass Lane, Big Bend Circle, Islamorada Road a/k/a Islamorada Boulevard and Little Pine Circle, according to the Plat

of Punta Gorda Isles, Section 22, recorded in Plat Book 28, at page 118, of the public records of Lee County, Florida, and replatted in Plat Book 34, at page 92, of the public records of Lee County, Florida, and any amendments and supplements thereto.

THIS EASEMENT IS RESTRICTED BY AND SUBJECT TO THE RULES AND REGULATIONS OF THE PUNTA GORDA ISLES, SECTION 22 HOMEOWNERS ASSOCIATION, INC., THAT MAY BE ADOPTED AND AMENDED FROM TIME TO TIME, PROVIDED, HOWEVER THAT SUCH RULES AND REGULATIONS SHALL NOT INTERFERE WITH, HINDER OR IMPEDE IN ANY WAY GRANTEE'S RIGHTS AS SET FORTH HEREIN. THIS EASEMENT MAY NOT BE AMENDED OR TERMINATED WITHOUT THE WRITTEN JOINDER AND CONSENT OF THE GRANTEE, ITS SUCCESSORS AND ASSIGNS.

With regards to this Easement, the parties hereby agree as follows:

1. The rights and privileges afforded hereunder are intended to allow Grantee to fully and successfully promote and continue its residential and commercial activities and real estate development within Punta Gorda Isles, Section 22.

2. Grantee, and its lessees, contractors, customers, employees, guests, invitees and licensees shall abide by and comply with all Rules and Regulations of the Grantor that may be adopted from time to time in the exercise of rights under this Access Easement, provided, however, that such Rules and Regulations shall not interfere with, hinder or impede in any way Grantee's rights as set forth herein.

3. Grantor shall not interfere with the access of members of the public to and from the residential and commercial activities and real estate development of Grantee, including but not limited to its store, marina and restaurant.

4. Grantor shall provide Grantee and its lessees, and their contractors, customers, potential customers, employees, guests, invitees and licensees with at least one point of access, at the primary entrance to Punta Gorda Isles fronting Burnt Store Road, at all times.

5. Grantee shall hold Grantor harmless and indemnify Grantor against all claims, losses and damage as a result of the willful or negligent acts of Grantee, its employees or agents, with respect to the Easement Property.

TO HAVE AND TO HOLD, the same unto said Grantee for the purposes and duration aforesaid.

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

(Corporate Seal)
PUNTA GORDA ISLES, SECTION 22
HOMEOWNERS ASSOCIATION, INC.
a Florida not-for-profit corporation

By: Carl R. Winger
Carl R. Winger, as President

Kent E. Benson
Witness #1
KENT E. BENSON

Print Name
Dianne M. Racine
Witness #2
DIANNE M. RACINE
Print Name

REALMARK BURNT STORE MARINA,
L.L.C., a Florida limited liability company

By: William J. Stout, Jr.
William J. Stout, Jr., as Manager

Charlotte B. Ford
Witness #1
Charlotte B. Ford
Print Name

Craig A. DeArden
Witness #2
Craig A. DeArden
Print Name

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 18 day of ~~April~~ ^{August}, 2003, by Carl R. Winger, as President of PUNTA GORDA ISLES, SECTION 22 HOMEOWNERS ASSOCIATION, INC., a Florida not-for-profit corporation, who ~~(X)~~ is personally known to me or who () produced _____ as identification.

(SEAL)

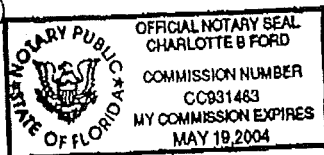


Dianne M. Racine
Signature of Notary Public
Print Name: DIANNE M. RACINE
My commission expires: 7-2-05

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 22nd day of ~~April~~ ^{July}, 2003, by William J. Stout, Jr., as Manager of REALMARK BURNT STORE MARINA, L.L.C., a Florida limited liability company, who (☒) is personally known to me or who () produced _____ as identification.

(SEAL)



Charlotte B. Ford
Signature of Notary Public
Print Name: Charlotte B Ford
My commission expires: 5/19/04

L:\Realmark Group (828)\Burnt Store Marina (09)\PGI Sec 22 Access Easement Final 5-20-03.doc

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

EXHIBIT "A"

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 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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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.,

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CONTINUED FROM PAGE 3

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.

TOGETHER WITH THAT SIXTY (60') FOOT WIDE EASEMENT FOR INGRESS AND EGRESS AS RECORDED IN OFFICIAL RECORD BOOK 1554, AT PAGE 942, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PAGE 4 OF 4

THIS INSTRUMENT PREPARED BY:

Lee County Attorney's Office
P.O. Box 398
Fort Myers, Florida 33902-0398

INSTR # 6260603

OR BK 04287 Pgs 1800 - 1804; (5pgs)

RECORDED 05/10/2004 11:14:02 AM

CHARLIE GREEN, CLERK OF COURT

LEE COUNTY, FLORIDA

RECORDING FEE 24.00

DEED DOC 0.70

DEPUTY CLERK S Jensen

01-43-23-00-00000.0000

STRAP#: 06-43-23-00-00000.0000

(This space for recording)

PERPETUAL PUBLIC UTILITY EASEMENT GRANT

THIS INDENTURE is made and entered into this 8TH day of JANUARY, 2004, by and between **Punta Gorda Isles, Section 22 Homeowners Association, Inc.**, a Florida not for profit corporation under Florida Statutes Chapter 617, whose address is c/o Benson's Inc., 12650 Whitehall Drive, Fort Myers, Florida 33907, hereinafter referred to as GRANTOR(S), and **LEE COUNTY**, a political subdivision of the State of Florida, whose address is P.O. Box 398, Fort Myers, Florida 33902, hereinafter referred to as GRANTEE.

WITNESSETH:

1. For and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged and accepted, GRANTOR hereby grants, bargains, sells and transfers to the GRANTEE, its successors and assigns, a perpetual public utility easement over the roads and rights-of-way in Lee County, Florida, identified in the recorded subdivision plats for Punta Gorda Isles Section Twenty-Two and Punta Gorda Isles Section Twenty Two Replat, recorded in Plat Book 28, Page 118 and Plat Book 34, Page 92, respectively, both in the Public Records of Lee County, Florida, which roads and rights-of-way are more particularly described in attached Exhibit "A", which is made a part hereof.

2. GRANTEE, its successors, appointees and assigns, are granted the right, privilege, and authority to construct, replace, renew, extend and maintain a wastewater collection and/or water distribution system, together with, but not limited to, all necessary service connections, manholes, valves, fire hydrants, lift stations and appurtenances, to be located on, under, across and through the easement which is located on the property described in attached Exhibit "A", with the additional right, privilege and authority to remove, replace, repair and enlarge said system, and to trim and remove roots, trees, shrubs, bushes and plants, and remove fences or other improvements which may affect the operation of lines, mains and/or utility facilities.

3. The public utility easement shall not be limited to any particular diameter size or type and/or number of connections to other water/sewer mains for providing water/sewer

service to this and any adjacent properties. The total area of his public utility easement is reserved for utility lines, mains, or appurtenant facilities and for any landscaping (excluding trees), walkways, roadways, drainage ways, or similar uses. Houses, fences, buildings, carports, garages, storage sheds, overhangs, or any other structures or portions of structures may not be constructed on or placed within this easement at anytime, present or future, by GRANTOR, or its heirs, successors or assigns.

4. Title to all utilities constructed and/or placed hereunder by GRANTEE or its agents shall remain in the GRANTEE, GRANTEE's successors, appointees, and/or assigns.

5. Subject to any pre-existing easements for public highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and cable television lines covering the land herein described, GRANTOR covenant that they are lawfully seized and possessed of the described real property in attached Exhibit "A", have good and lawful right and power to sell and convey it, and that the said property is free of any and all liens and encumbrances, except as herein stated, and accordingly, GRANTOR will forever defend the title and terms of this said easement and the quiet possession thereof by GRANTEE against all claims and demands of all other entities.

6. GRANTEE shall have reasonable right of access across GRANTOR's property for the purposes of reaching the described easements in attached Exhibit "A" on either paved or unpaved surfaces.

7. By acceptance of this easement, the GRANTEE assumes no responsibility for ownership or maintenance of roads. The easement is strictly for utility purposes.


8. This easement shall be binding upon the parties hereto, their successors and assigns.

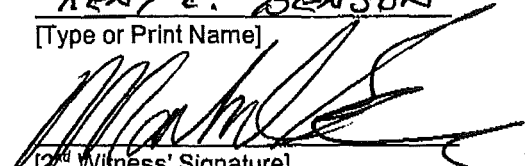
[End of provisions.]

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first written above.

Signed, sealed and delivered
in the presence of:

Punta Gorda Isles,
Section 22 Homeowners Association, Inc.


[1st Witness' Signature]
KENT E. BENSON
[Type or Print Name]


[2nd Witness' Signature]
MARK BENSON
[Type or Print Name]

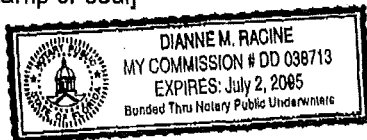
BY: Carl R. Winger
[Signature]
CARL R. WINGER
[Type or Print Name]
PRESIDENT
[Corporate Office or Title]

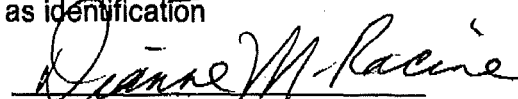
COUNTY OF LEE :
STATE OF FL :

The foregoing instrument was acknowledged before me this 8th day of JAN,
2004, by CARL R. WINGER, the PRESIDENT of
[Name] [Corporate Office or Title]

Punta Gorda Isles, Section 22 Homeowners Association, Inc., a Florida not for profit
corporation, on behalf of the corporation. He/she is personally known to me, or has
produced _____ as identification

[stamp or seal]




[Signature of Notary]
DIANNE M. RACINE
[Typed or printed name]
NOTARY PUBLIC
[Title]
DD 038713
[Serial number, if any]

Approved and accepted for and on behalf of Lee County, Florida, this 13th day of
April, 2004.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Cindy Morrison
Deputy Clerk
CINDY MORRISON
[Type or Print Name]

BY: [Signature]
Chairman



Approved as to form by:

[Signature]
County Attorney's Office
John J. Fredyma
Assistant County Attorney

Exhibit "A"

Legal Description

All road rights-of-way as shown on the Plat of Punta Gorda Isles, Section Twenty Two, a portion of Section 1, T43S, R22E & a portion of Section 6, T43S, R23E, as recorded in Plat Book 28, at Page 118 of the Public Records of Lee County, Florida, AND the Plat of Punta Gorda Isles, Section Twenty Two Replat, a portion of Section 1, Township 43 South, Range 22 East, being a Replat of Plat of Punta Gorda Isles, Section Twenty Two as recorded in Plat Book 28, Page 118, said replat being recorded in Pat Book 34, at Page 92 of the Public Records of Lee County, Florida, and any amendments and supplements thereto, inclusive of cul-de-sac endings, irregular or curved rights of way lines at intersecting streets and the points of terminus and curves establishing said points of those streets intersecting the boundary of Section 22 as described below:

Big Pine Lane,
Cape Cole Boulevard,
Matecumbe Key Road,
Marathon Way,
Key Largo Lane,
Key Largo Circle,
Sugarloaf Key Road,
Sable Key Circle,
Marianne Key Road,
Romano Key Circle,
Big Pass Lane,
Big Bend Circle,
Islamorada Road, a/k/a Islamorada Boulevard,
Little Pine Circle, and
Pirates Lane.

S:\LUJJFJFPTV's\Exhibit A Legal VAC2003-00072 - legal.wpd [022304/1430]

Lee County Board of County Commissioners
Agenda Item Summary

Blue Sheet No. 20040216

1. REQUESTED MOTION:

ACTION REQUESTED: Accept a Petition to vacate and convey fifteen County road rights-of-way to the homeowners' association for the subdivision located in Punta Gorda Isles, Section 22, and adopt a resolution setting a public hearing for 5:00 PM on the 13th day of April, 2004 (Case No. VAC2003-00072), and to authorize the Chairman to accept the donation of a replacement Perpetual Public Utility Easement Grant.

WHY ACTION IS NECESSARY: To vacate and convey the roads to the homeowners' association to allow the subdivision to be gated and maintained by the homeowners' association. **The vacation and conveyance of the roads will not alter traffic conditions and the roads are not necessary to accommodate any future traffic requirement.** With respect to the replacement public utility easement, the Board must accept all real estate conveyances.

WHAT ACTION ACCOMPLISHES: Sets the time and date of the public hearing and provides a necessary public utility easement to facilitate the requested vacation

2. DEPARTMENTAL CATEGORY: 04
COMMISSION DISTRICT #1

C4E

3. MEETING DATE:

03-09-2004

4. AGENDA:

X CONSENT

ADMINISTRATIVE

APPEALS

PUBLIC

WALK ON

Time Required: 10Min.

5. REQUIREMENT/PURPOSE:
(Specify)

X STATUTE

F.S. Ch. 336
(PTV) & 125
(PUE)

ORDINANCE

X ADMIN. CODE 13-8 (PTV)

OTHER

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER

B. DEPARTMENT

Community Development

C. DIVISION

Development Services

BY:

[Signature] 2-24-04
Peter J. Eckenrode, Director

7. BACKGROUND: Punta Gorda Isles, Section 22 Homeowners Association, Inc., a Florida not for profit corporation under F.S. Chapter 617, has submitted a Petition to vacate the public's interest in the roads, rights-of-ways and drainage facilities of fifteen roads located in the subdivision known as Punta Gorda Isles, Section 22. The vacation request is submitted pursuant to §316.00825, F.S., (adopted in 2002) in conjunction with the existing vacation procedure found in F.S. Chapter 336 (and Lee County Administrative Code Section 13-8).

(Continued on next page.)

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i>	OA	OM	RISK	GC	<i>[Signature]</i>
					<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	

10. COMMISSION ACTION:

APPROVED

DENIED

DEFERRED

OTHER

CO. ATTY
FORWARDED
TO CO. ADMIN.

2/24/04
5 PM
ADMIN
2/25/04 8:50 AM

RECEIVED BY
COUNTY ADMIN:
2/25/04
9:15 AM
COUNTY ADMIN
FORWARDED TO:
2/26/04
10:01

The vacation, if granted, will result in the simultaneous conveyance of the roads to the homeowners association (HOA) and a shifting of the maintenance responsibility from the County to the HOA. The HOA seeks to gate the community, but can only do so if the County grants the requested vacation.

The following is a list of the roads within the Plat of Punta Gorda Isles Section 22 (located in Sections 1 and 6, Township 43 South, Ranges 22 and 23 East, respectively) as recorded in Plat Book 28, Page 118, and replatted in Plat Book 34, Page 92 of the Public Records of Lee County, Florida:

- | | | | |
|---------------------|------------------------|---|----------------------|
| 1) Big Pine Lane | 2) Cape Cole Boulevard | 3) Matecumbe Key Road | 4) Sugarloaf Key Rd. |
| 5) Marathon Way | 6) Key Largo Lane | 7) Key Largo Circle | 8) Sable Key Circle |
| 9) Marianne Key Rd. | 10) Romano Key Circle | 11) Big Pass Lane | 12) Big Bend Circle |
| 13) Pirates Lane | 14) Little Pine Circle | 15) Islmorada Road, a/k/a Islmorada Boulevard | |

A summary of the requirements of §316.00825, F.S., created and adopted by the Legislature in 2002, is as follows:

1. The petitioning homeowners' association has requested the abandonment and conveyance for the purpose of converting the subdivision to a gated neighborhood with restricted public access; and
2. No fewer than four-fifths of the owners of record of property located in the subdivision have consented in writing to the abandonment and simultaneous conveyance to the petitioning homeowners' association; and
3. The petitioning homeowners' association is a "homeowners' association" as defined under Section 720.301(7), F.S., with the power to levy and collect assessments for routine and periodic major maintenance and operation of street lighting, drainage, sidewalks and pavement in the subdivision; and
4. The petitioning homeowners' association has adequate funds, reserve funds and funding sources for the ongoing operation, maintenance and repair and the periodic reconstruction or replacement of the roads, drainage, street lighting and sidewalks in the subdivision after the abandonment by the County.

Additionally, the petitioning HOA must represent that it will:

1. Install, operate, maintain, repair and replace all signs, signals, markings, striping, guardrails and other traffic control devices necessary or useful for the roads conveyed herein; and
2. Hold the roads and rights-of-way in trust for the benefit of the owners of the property in the subdivision, and will operate, maintain, repair and, from time to time, replace and reconstruct the roads, street lighting, sidewalks and drainage facilities as necessary to ensure their use and enjoyment by the property owners, tenants and residents of the subdivision and their guests and invitees.

A replacement public utility easement has been prepared and executed. This easement will benefit the utility companies providing service to the subdivision, such as FP&L, SPRINT and Florida Water Services. The easement is to guarantee continued access to the providers' respective facilities located within the bounds of the platted subdivision. The replacement easement is being held in trust by the County pending the outcome of the public hearing on the request to vacate and privatize the roads. (A copy of the replacement easement is included in the attached documentation.)

The request was presented to the Waterway Advisory Committee (W.A.C.) on April 10, 2003. The W.A.C. voted unanimously to not object to the request since there was no public access to water within the boundaries of the plat and the roads sought to be vacated.

Documentation pertaining to this Petition to Vacate is available for viewing at the Office of Lee Cares.

There are no objections to this Petition to Vacate. Staff recommends the scheduling of the Public Hearing and the acceptance of the replacement public utility easement (subject to the subsequent approval of the requested vacation of roads)..

Attachments to this Blue Sheet: Petition to Vacate, Resolution to Set Public Hearing, Notice of Public Hearing, Replacement Perpetual Public Utility Easement and exhibits.

NOTE: Because of the proximity of the subdivision (and the roads sought to be privatized) in relation to the Lee - Charlotte County line, a copy of this Blue Sheet has been sent to Charlotte County as a courtesy.

Memo

To: Paul O'Connor, Planning Director

From: David Loveland, Manager, Transportation Planning *DL*

Date: September 5, 2008

Subject: **CPA 2007-54 (Burnt Store Marina)**

The Department of Transportation has reviewed the above-referenced plan amendment, to create a new Burnt Store Marina Village land use category on approximately 62.38 acres within the Burnt Store Marina development. According to the application, the maximum allowable development under the new land use category would be 150,000 square feet of Retail uses, 30,000 square feet of Office uses, 336 hotel units, and 1,300 wet/dry marina slips. Based on those parameters, we reran the 2030 FSUTMS model, and determined that this land use change will not alter the future road network plans in this area.

Please let me know if you need any additional information.

cc: Lisa Hines, Senior Planner

ATTACHMENT 10



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

CONTENTS

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

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.

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.

**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.

**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.

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

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

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.

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 100th 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.



STATE OF FLORIDA

LEE COUNTY
RECEIVED

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

July 31, 2008

Ms. Karen A. Brodeen
Fowler White Boggs Banker PA
Post Office Box 11240
Tallahassee, Florida 32302

RE: Binding Letter of Modification to a Development with Vested Rights and Binding Letter of Determination of Development of Regional Impact Status for Punta Gorda Isles Section 22 (also known as Burnt Store Marina)
File Nos. BLIM-09-2007-016 and BLID-09-2007-015
Final Order No. DCA 08-BL-204

The Department has evaluated your application for a Binding Letter of Modification to the vested rights of the Burnt Store Marina development, Tract C of Punta Gorda Isles Section 22 (DCA identification numbers LIVR No. 574-029 and BLIVR No. 974-029), which was received May 12, 2008, as well as supplemental information received on May 30, 2008. Based on the information contained in the application and other information obtained during review of the proposal, the Department enters the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. The applicant is Ms. Karen A. Brodeen, of Fowler White Boggs Banker P.A., authorized representative for Realmark Development Corporation, LLC the property owner. The applicant has proposed the redevelopment of 13.3 acres of Tract C and the addition of an adjacent 8.65 acre parcel located to the south of the tract to accommodate a portion of the redevelopment plan. The proposed redevelopment area will include 145 hotel rooms, 160 dwelling units, 60,000 square feet of retail, and 15,000 square feet of office space (See attached map).

2. The proposed modification involves 13.3 acres of the Punta Gorda Isles Section 22 development and 4.95 acres of the additional 8.65 acres, which is located in Section 01, Township 43 south, Range 22 east and Section 06, Township 43 south, range 23 east, in Lee County, for a total redevelopment area of approximately 18.4 acres. The parcel is located north of the city limit line for the City of Cape Coral and the north property line of the parcel is the Charlotte/Lee County line.

2555 SHUMARD OAK BLVD.
850-488-8466 (p) ♦ 8

ATTACHMENT 7

- 2100
U.S.

of retail with 530 retail parking spaces, 145 hotel rooms (with traditional ancillary uses) and 800 dry storage spaces (with traditional ancillary uses).

- e. The applicant has requested a Binding Letter of Determination of Development of Regional Impact Status for the following portion of the redevelopment. The portions of the redevelopment that includes buildings that will occur in part or in whole on the 4.95 acres of the additional 8.65 acre parcel, totaling 560 dry storage spaces, 80 residential units, 120 hotel rooms, and 5,000 square feet of retail with 230 parking spaces.

6. Pursuant to Section 380.06(4)(e), Florida Statutes (F.S.), in determining whether a proposed substantial change to a development of regional impact concerning which rights had previously vested pursuant to subsection (20), would divest such rights, the state land planning agency shall review the proposed change within the context of:

- (1) The criteria specified in paragraph 380.06(19)(b), F.S.;
- (2) Its conformance with any adopted state comprehensive plan and any rules of the state land planning agency;
- (3) All rights and obligations arising out of the vested status of such development;
- (4) Permit conditions or requirements imposed by the Department of Environmental Protection or any water management district created by Section 373.069 or any of their successor agencies or by any appropriate federal regulatory agency; and
- (5) Any regional impacts arising from the proposed change.

7. The Department has consulted with local, regional, and state agencies and finds that the only regional issue likely to be impacted is transportation.

8. In determining whether the proposed changes to Punta Gorda Isles Section 22 will constitute a substantial deviation, the Department applied the applicable criteria of § 380.06(19)(b), F.S.:

- a. Section 380.06(19)(b)5., F.S. An increase in land area for office development by 10 percent or an increase of gross floor area of office development by 10 percent or 66,000 gross square feet, whichever is greater.
- b. Section 380.06(19)(b)6., F.S. An increase in residential units by 10 percent or 55 units, whichever is greater.
- c. Section 380.06(19)(b)8., F.S. An increase in retail development by 55,000 square feet of gross floor area or of parking spaces provided for customers for 330 cars or a 10 percent increase of either of them, whichever is greater.

- d. Section 380.06(19)(b)9, F.S. An increase in hotel or motel rooms by 10 percent or 83 rooms, whichever is greater.
- e. Section 380.06(19)(b)13, F.S. A 15-percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.

9. In applying the criteria of Section 380.06(19)(b)5, 6., 8., and 13., F.S., to the proposed changes to Punta Gorda Isles Section 22, the Department finds that:

- a. The redevelopment plan adds 15,000 square feet of office, a use not previously vested for DRI purposes. The proposed addition of office square footage does not exceed the substantial deviation criteria of Section 280.06(19)(b)5., F.S. of 66,000 gross square feet.
- b. The redevelopment plan adds 80 residential units, an increase of 3.2 percent. The proposed increase in residential development does not exceed the substantial deviation criteria of Section 380.06(19)(b)6., F.S.
- c. The redevelopment plan adds 55,000 square feet of retail with 300 parking spaces, a use not previously vested for DRI purposes. The proposed increase does not exceed the retail substantial deviation criteria of Section 380.06(19)(b)8., F.S.
- d. The redevelopment plan adds 25 hotel rooms, a use not previously vested for DRI purposes. The proposed increase does not exceed the hotel substantial deviation criteria of Section 380.05(19)(b)9., F.S.
- e. The number of PM peak hour trips from the Punta Gorda Isles Section 22 redevelopment will increase from 1,225 to 1,630 trips as a result of the proposed modification, which amounts to an increase of 405 trips or a 33 percent increase. This exceeds the substantial deviation criterion of 15 percent. Thus the proposed modification exceeds the external vehicle trips substantial deviation criterion in Section 380.06(19)(b)13., F.S.

10. The proposed modification exceeds the criteria of Section 380.06(19)(b)13., F.S. Based on a traffic impact analysis submitted by the applicant, the Department finds that these additional peak hour vehicle trips will not have a substantial impact on any regional roadway. The Department finds that the proposed modification will not create additional regional impacts to regional resources and facilities. Pursuant to Section 380.06(4)(e)5., F.S., the Department concludes that the proposed modification does not constitute a development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county.

11. The proposed development on the adjacent 8.65 acres parcel which is not vested for DRI purposes includes repaving of the existing access way and 230 retail parking spaces and portions or all of buildings containing 560 dry storage spaces, 80 residential units, 120 hotel rooms, and 5,000 square feet of retail.

12. Section 380.06(2)(c), F.S., states that the Department shall apply the guidelines and standards that were in effect when the developer received authorization to commence development from the local government of jurisdiction. The applicant has not yet received final authorization from the local government to commence development of the proposed redevelopment project. Therefore, the applicable guidelines and standards for determining whether this project shall undergo DRI review are Sections 380.0651(3)(e), (f), and (h), and Rule 28.24.023, F.A.C.,

- a. Section 380.0651(3)(e), F.S., Retail and Service Development--Any proposed retail, service, or wholesale business establishment or group of establishments which deals primarily with the general public onsite, operated under one common property ownership, development plan, or management that: 1. Encompasses more than 400,000 square feet of gross area; or 2. Provides parking spaces for more than 2,500 cars. The proposed development of 5,000 square feet of retail with 300 parking spaces is 1.25 percent of the retail square footage threshold and 12 percent of the retail parking space threshold; therefore, the project is not required to undergo DRI review based solely on the retail threshold.
- b. Section 380.0651(3)(f), F.S., Hotel or motel development--Any proposed hotel or motel development that is planned to create or accommodate 350 or more units; or Any proposed hotel or motel development that is planned to create or accommodate 750 or more units, in a county with a population greater than 500,000. The population estimate for April 1, 2007, from the Bureau of Economic and Business Research, University of Florida for Lee County is 615,741. The development of 145 hotel units is 19.3 percent of the hotel threshold; therefore, the project is not required to undergo DRI review based solely on the hotel threshold.
- c. Rule 28-24.023, F.A.C., Residential Developments, provides, in part, any residential development twenty five percent of which is located within two miles or less of a county line shall be treated as if it were located in the less populous county. The proposed development project is entirely located within two miles of Charlotte County which has a lower population than Lee County. Thus, the Charlotte County population would apply to the project. Rule 28-24.023, F.A.C., further provides that the DRI threshold for counties with a population between 100,001 and 250,000 is 1,000 dwelling units. The development of 80 units is 8 percent of the residential threshold; therefore, the project is not required to undergo DRI review based solely on the residential dwelling threshold.

- d. Section 380.0651(3)(h), F.S., Multiuse development, provides, in part, that any proposed development with two or more land uses where the sum of the percentages of the appropriate thresholds identified in chapter 28-24, F.A.C., or this section for each land use in the development is equal to or greater than 145 percent. The sum of the percentages of the thresholds above in items a through c, is 39.3, which is 27 percent of the multi-use threshold; therefore, the project is not required to undergo DRI review based solely on the multi-use threshold.
13. None of the thresholds exceeds 100 percent. Thus, pursuant to Section 380.06(2)(d)1.a., F.S., the proposed development is not required to undergo DRI review
14. All commitments made by the applicant, all materials submitted by the applicant with the application, and all other relevant written materials are incorporated herein by reference and made a part hereof.
15. On May 30, 2008, notice for this request for a Binding Letter of Interpretation was published in the Florida Administrative Weekly. In addition, the Southwest Florida Regional Planning Council and Lee County have been notified.
16. Pursuant to the criterion in Section 380.06(4)(e)2., F.S., to determine whether the proposed changes are in conformance with the State Comprehensive Plan, the Department reviewed and applied the goals and policies of the State Comprehensive Plan as a whole to the proposed modification to the Punta Gorda Isles Section 22 redevelopment. When reasonably applied, the Department finds the proposed modification is consistent with the goals and policies of the State Comprehensive Plan.

CONCLUSIONS OF LAW

1. Even though the additional development as demonstrated in paragraphs 9 and 10 exceeds the substantial deviation criteria in Sections 380.06(19)(b)13., F.S., the Department finds that there are no regional impacts arising from the proposed changes that have not been previously reviewed. Therefore, the currently proposed plan of development for the Punta Gorda Isles Section 22 project does not divest any rights the developer has acquired under Section 380.06(20), F.S., to complete the development of the aforementioned Punta Gorda Isles Section 22 DRI.
2. The proposed development on the adjacent 8.65 acre parcel and portions of Tract C as demonstrated in paragraphs 11, 12, and 13 is below 100 percent of the applicable DRI thresholds as provided in Section 380.0651(2)(d)1.a., F.S. Therefore, the proposed on the adjacent 8.65 acres and portions of Tract C would not be required to undergo DRI review.

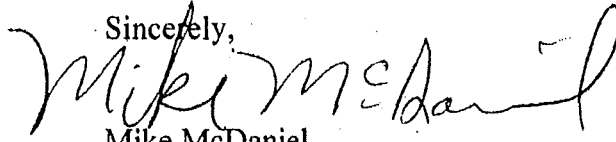
3. The plan of development on the adjacent 8.5 acre parcel and portions of Tract C is currently inconsistent with the Lee County Comprehensive Plan. No development may proceed until the amendment is made to the Lee County Comprehensive Plan that would allow for the planned development. The comprehensive plan amendment must also be consistent with Chapter 163, F.S., the State Comprehensive Plan, and Chapter 9J-5, Florida Administrative Code

ORDER

1. The modifications to the vested Punta Gorda Isles Section 22 DRI, as described above, will not be required to comply with the review requirements of Section 380.06, F.S.
2. The proposed modifications to the vested plan will not divest the vested rights to develop. If the changes described in the application for this binding letter are approved by the local government of jurisdiction and incorporated in a new development order, they will constitute the vested plan of development and must be followed by you and your successors. If any further changes are proposed for your project, they should be submitted by the applicant or successor(s) to the Department for comparison together with the impacts of the plan now vested in this letter. Should any of the above representations made by the applicant be substantially changed, further binding letter review of the project may be required.
3. The proposed development on the adjacent 8.65 acre parcel, which is not vested for DRI purposes and portions of Tract C, as described in paragraph 11, is not required to comply with the review requirements of Section 380.06, F.S.
4. The development on the adjacent 8.65 acre parcel, which is not vested for DRI purposes and portions of Tract C, will be considered cumulatively with any future additional development in terms of the guidelines and standards contained in Chapter 28-24, Florida Administrative Code and Section 380.0651, F.S., and its related impacts. Should any of the above representations made by the applicant be substantially changed, further review of the project may be required.
5. The binding letter as it applies to the unvested development on the adjacent 8.65 acre parcel and portions of Tract C will expire and become void as of July 25, 2011, unless the plan of development has been substantially commenced by this date. This date may be extended by mutual agreement of the Department, the local government of jurisdiction and the developer.
6. This determination does not obviate the need to comply with all other applicable federal, state, or local government permitting procedures.
7. You have the right to request a formal administrative hearing if you dispute any issue of material fact in this binding letter. If a formal administrative proceeding is not requested, this binding letter constitutes final agency action and is subject to judicial review pursuant to

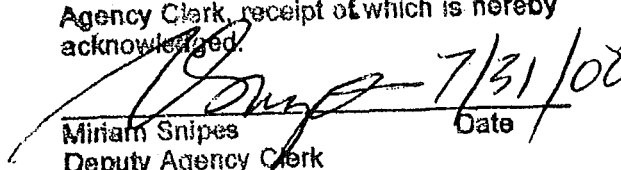
Ms. Karen A. Brodeen
July 31, 2008
Page 8 of 8

Section 120.68, F.S. (see Notice of Rights attached). Any questions regarding this determination may be directed to Brenda Winningham, Regional Planning Administrator, in the Division of Community Planning, at (850) 922-1800.

Sincerely,

Mike McDaniel
Chief of Comprehensive Planning

cc: Ms. Mary Gibbs, Director, Department of Community Development, Lee County
Mr. Dan Trescott, Southwest Florida Regional Planning Council

FILING AND ACKNOWLEDGEMENT
FILED, on this date, with the designated
Agency Clerk, receipt of which is hereby
acknowledged.


Miriam Snipes
Deputy Agency Clerk

7/31/08
Date

NOTICE OF RIGHTS

You have the opportunity for a formal administrative proceeding regarding this binding letter pursuant to Sections 120.569 & 120.57(1), Florida Statutes. If you dispute any issue of material fact stated in the binding letter, then you may file a petition requesting a formal administrative hearing before an Administrative Law Judge of the Division of Administrative Hearings pursuant to Sections 120.569 & 120.57(1), Florida Statutes, and Chapter 28-106, Parts I and II, Florida Administrative Code. At a formal administrative hearing, you may be represented by counsel or other qualified representative, and you will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any recommended order.

If you desire a formal administrative hearing, you must file with the Agency Clerk of the Department of Community Affairs a written pleading entitled "Petition for Administrative Proceedings" within 30 days of receipt of this notice. A petition is filed when it is received by the Agency Clerk in the Department's Office of General Counsel, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

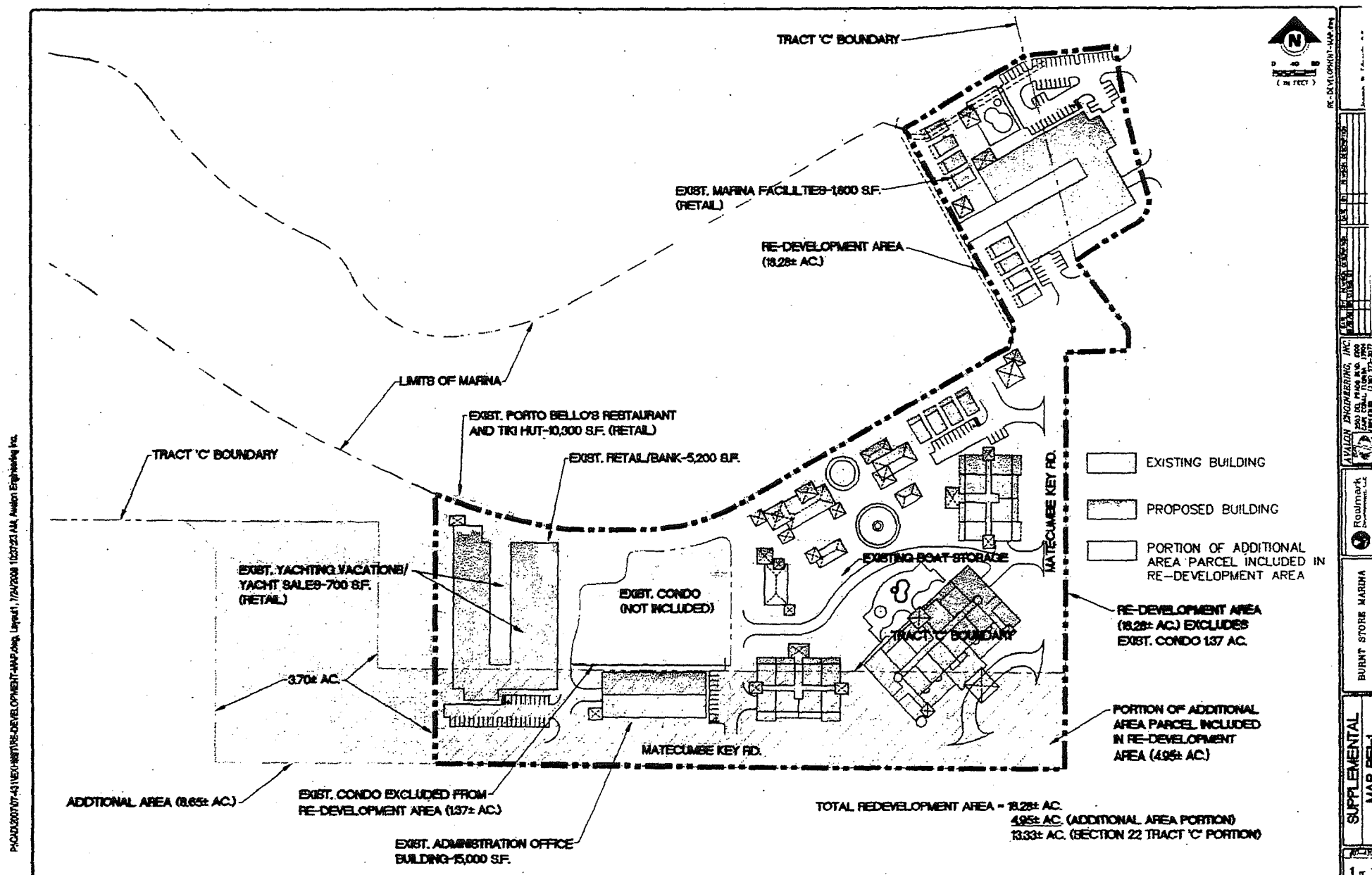
The petition must meet the filing requirements in Rule 28-106.104(2), Florida Administrative Code, and must be submitted in accordance with Rule 28-106.201(2), Florida Administrative Code. The petition must include the signature of someone authorized to act on your behalf. A petition must specifically request an administrative proceeding, it must admit or deny each material fact contained in the binding letter, and it must state any defenses upon which you rely. **You waive the right to an administrative proceeding if you do not file a petition with the Agency Clerk within the time frames described above.**

You may also decide that no formal administrative proceeding or reconsideration is required for this binding letter. If you do not request a formal administrative proceeding or reconsideration, this binding letter constitutes final agency action and is subject to judicial review as set forth below. Any party to this binding letter has the right to seek judicial review of the binding letter pursuant to Section 120.68, Florida Statutes, and Florida Rules of Appellate Procedure 9.030(b)(1)(c) and 9.110.

To initiate an appeal of this binding letter, a notice of appeal must be filed with the Department's Agency Clerk, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and with the appropriate District Court of Appeal within 30 days of the day this binding letter is filed with the Agency Clerk. The notice of appeal filed with the District Court of Appeal must be accompanied by the filing fee specified in Section 35.22(3), Florida Statutes, and must be substantially in the form prescribed by Florida Rule of Appellate Procedure 9.900(a).

You waive your right to judicial review if the notice of appeal is not timely filed with the agency clerk and the appropriate district court of appeal.

Mediation under Section 120.573, Florida Statutes, is available with respect to the issues resolved by this binding letter.





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. SCRICCA, 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

ATTACHMENT 14