LEE COUNTY
SOUTHWEST FLORIDA

Lee County Board of County Commissioners
Department of Community Development
Division of Planning
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: (239) 533-8585
FAX: (239) 485-8319

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D _____ REC'D BY: _____

APPLICATION FEE _____ TIDEMARK NO: _____

THE FOLLOWING VERIFIED:
Zoning ☐ Commissioner District ☐

Designation on FLUM ☐

(To be completed by Planning Staff)

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

Request No: _____

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

Submit **6** copies of the complete application and amendment support documentation, including maps, to the Lee County Division of Planning. Additional copies may be required for Local Planning Agency, Board of County Commissioners hearings and the Department of Community Affairs' packages.

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

9/28/07 Matthew J. White

DATE SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

RECEIVED
SEP 28 2007
COMMUNITY DEVELOPMENT

CPA 2007-00054

I. APPLICANT/AGENT/OWNER INFORMATION

Realmark Burnt Store Marina, LLC		
APPLICANT		
5789 Cape Harbour Drive #201		
ADDRESS		
Cape Coral	FL	33914
CITY	STATE	ZIP
541-1372		541-1377
TELEPHONE NUMBER		FAX NUMBER

Matthew D. Uhle, Esq.		
AGENT*		
1625 Hendry Street, Suite 301		
ADDRESS		
Fort Myers	FL	33901
CITY	STATE	ZIP
334-2722		334-1446
TELEPHONE NUMBER		FAX NUMBER

Realmark Burnt Store Marina, LLC		
OWNER(s) OF RECORD		
5789 Cape Harbour Drive #201		
ADDRESS		
Cape Coral	FL	33914
CITY	STATE	ZIP
541-1372		541-1377
TELEPHONE NUMBER		FAX NUMBER

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

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

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

A. TYPE: (Check appropriate type)

x Text Amendment

x Future Land Use Map Series Amendment (Maps 1 thru 21)
List Number(s) of Map(s) to be amended

B. SUMMARY OF REQUEST (Brief explanation):

Creation of new Burnt Store Marina Village FLUM category; application of the new category to the subject parcel.

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

A. Property Location:

1. Site Address: 3150, 3090, & 3140-3200 Matecumbe Key Rd., Punta Gorda
2. STRAP(s): 06-43-23-07-0000A.0000 01-43-22-00-00004.0000
   01-43-22-01-0000C.0000 01-43-22-00-0000C.0010

B. Property Information

Total Acreage of Property: 62.38 +/- acres

Total Acreage included in Request: 62.38 +/- acres

Area of each Existing Future Land Use Category: all in Rural

Total Uplands: 21.29 +/- acres

Total Wetlands: 41.09 +/- acres

Current Zoning: CM, RM-2 and RM-10

Current Future Land Use Designation: Rural

Existing Land Use: Marina; Hotel; Restaurant

C. State if the subject property is located in one of the following areas and if so how does the proposed change effect the area:
Lehigh Acres Commercial Overlay: NA

Airport Noise Zone 2 or 3: NA

Acquisition Area: NA

Joint Planning Agreement Area (adjoining other jurisdictional lands): NA

Community Redevelopment Area: NA

D. Proposed change for the Subject Property:

To new Burnt Store Marina Village category.

E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density	21.29 +/- acres / 1 density unit per 2 acres
Commercial intensity	30,000 sf retail; no specific limit for office or marina; +/- 22,000 sf of existing office; 981 wet/dry slips permitted; 336 hotel units.
Industrial intensity	None

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density	None
Commercial intensity	150,000 sf of retail; 30,000 sf of office; 336 hotel units; 1,300 slips.
Industrial intensity	None

IV. AMENDMENT SUPPORT DOCUMENTATION

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

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

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

1. Provide any proposed text changes. **ATTACHED**

2. Provide a Future Land Use Map showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources. **ATTACHED**

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

4. Map and describe existing zoning of the subject property and surrounding properties. **ATTACHED**

5. The legal description(s) for the property subject to the requested change. **ATTACHED**

6. A copy of the deed(s) for the property subject to the requested change. **ATTACHED**

7. An aerial map showing the subject property and surrounding properties. **ATTACHED**

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

B. Public Facilities Impacts **ATTACHED**
NOTE: The applicant must calculate public facilities impacts based on a maximum development scenario (see Part II.H.).

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

Long Range – 20-year Horizon:

a. Working with Planning Division staff, identify the traffic analysis zone (TAZ) or zones that the subject property is in and the socio-economic data forecasts for that zone or zones;

b. Determine whether the requested change requires a modification to the socio-economic data forecasts for the host zone or zones. The land uses for the proposed change should be expressed in the same format as the socio-economic forecasts (number of units by type/number of employees by type/etc.);

c. If no modification of the forecasts is required, then no further analysis for the long range horizon is necessary. If modification is required, make the change and provide to Planning Division staff, for forwarding to DOT staff. DOT staff will rerun the FSUTMS model on the current adopted Financially Feasible Plan network and determine whether network modifications are necessary, based on a review of projected roadway conditions within a 3-mile radius of the site;
d. If no modifications to the network are required, then no further analysis for the long range horizon is necessary. If modifications are necessary, DOT staff will determine the scope and cost of those modifications and the effect on the financial feasibility of the plan;
e. An inability to accommodate the necessary modifications within the financially feasible limits of the plan will be a basis for denial of the requested land use change;
f. If the proposal is based on a specific development plan, then the site plan should indicate how facilities from the current adopted Financially Feasible Plan and/or the Official Trafficways Map will be accommodated.

Short Range – 5-year CIP horizon:

a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediated development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);
b. Identify the major road improvements within the 3-mile study area funded through the construction phase in adopted CIP's (County or Cities) and the State's adopted Five-Year Work Program;

Projected 2020 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);

c. For the five-year horizon, identify the projected roadway conditions (volumes and levels of service) on the roads within the 3-mile study area with the programmed improvements in place, with and without the proposed development project. A methodology meeting with DOT staff prior to submittal is required to reach agreement on the projection methodology;
d. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.

2. Provide an existing and future conditions analysis for: **ATTACHED**
   a. Sanitary Sewer
   b. Potable Water
   c. Surface Water/Drainage Basins
   d. Parks, Recreation, and Open Space.

   Analysis should include (but is not limited to) the following:
   - Franchise Area, Basin, or District in which the property is located;
   - Current LOS, and LOS standard of facilities serving the site;
   - Projected 2020 LOS under existing designation;
   - Projected 2020 LOS under proposed designation;
   - Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and
   - Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).

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

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

C. Environmental Impacts **ATTACHED**

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

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

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

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

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

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

D. Impacts on Historic Resources **ATTACHED**

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

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

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

E. Internal Consistency with the Lee Plan **ATTACHED**

1. Discuss how the proposal affects established Lee County population projections, Table 1(b) (Planning Community Year 2020 Allocations), and the total population capacity of the Lee Plan Future Land Use Map.

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

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

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

F. Additional Requirements for Specific Future Land Use Amendments

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

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

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

   a. Demonstrate why the proposed change does not constitute Urban Sprawl. Indicators of sprawl may include, but are not limited to: low-intensity, low-

density, or single-use development; 'leap-frog' type development; radial, strip, isolated or ribbon pattern type development; a failure to protect or conserve natural resources or agricultural land; limited accessibility; the loss of large amounts of functional open space; and the installation of costly and duplicative infrastructure when opportunities for infill and redevelopment exist.

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

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

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

Item 1: Fee Schedule

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

Sanitary Sewer/Potable Water
EXHIBITS B.2.a and B.2.b

The additional uses proposed under the new land use category will generate approximately 86,800 GPD.

The breakdown for water and sewer usage is as follows:

Water and Sewer Usage		Gallons Per Day (GPD)
New Hotel Units = 336 Rooms x 100 GPD/Room	=	33,600
New Office Space = 8,000 SF X 0.15 GPD/SF	=	1,200
New Retail Space =100,000 SF x 0.20 GPD/SF	=	20,000
New Restaurant Space = 800 Seats x 40 GPD/Seat (20,000 SF - 800 Seats)	=	32,000
Total Proposed Usage	=	**86,800**

Surface Water / Drainage Basins
EXHIBIT B.2.c

The project will be developed in accordance with the Department of Environmental Protection (DEP) and/or the South Florida Water Management District (SFWMD) regulations. No Amendments to the Lee Plan are necessary.

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

No residential uses are permitted within the Burnt Store Marina Village category. As a result, there will be a de minimis decrease in the demand for regional and community park acreage.

Service Letters
EXHIBIT B.3

The service letters were sent to the appropriate agencies on 09/27/2007. No responses have been received, but the letters that were sent are attached to this submittal package.

Knott, Consoer, Ebelini
Hart & Swett, P.A.
ATTORNEYS - AT - LAW

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George L. Consoer, Jr.**
Mark A. Ebelini
Thomas B. Hart
H. Andrew Swett

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** Board Certified Real Estate Lawyer
+ Board Certified Business Litigation Lawyer

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Aaron A. Haak
Derrick S. Eihausen
Natly Torres-Alvarado
David A. Burt

Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

September 27, 2007

Ms. Susan Teston, Long Range Planner
The School District of Lee County
3800 Canal Street
Fort Myers, FL 33916

Re: Lee Plan Amendment for Burnt Store Marina Village

Dear Ms. Teston:

We represent the owner of the commercial portion of Burnt Store Marina located west of Burnt Store Road on Matecumbe Key Road. The parcel currently contains a wet and dry slip marina, a restaurant, offices, and other commercial uses. It is our intention to apply for a Lee Plan Amendment to permit the following uses: 525 wet slips; 775 dry spaces; 150,000 square feet of retail uses; 30,000 square feet of office uses; and 336 hotel units.

A copy of a map showing the boundaries of the project is attached. We are required, as part of the application package, to submit letters from specified service providers, including your agency, addressing your ability to serve the property in the event the amendment is approved. We would appreciate it if you would supply such a letter as soon as possible so that we can get this project underway.

Sincerely,

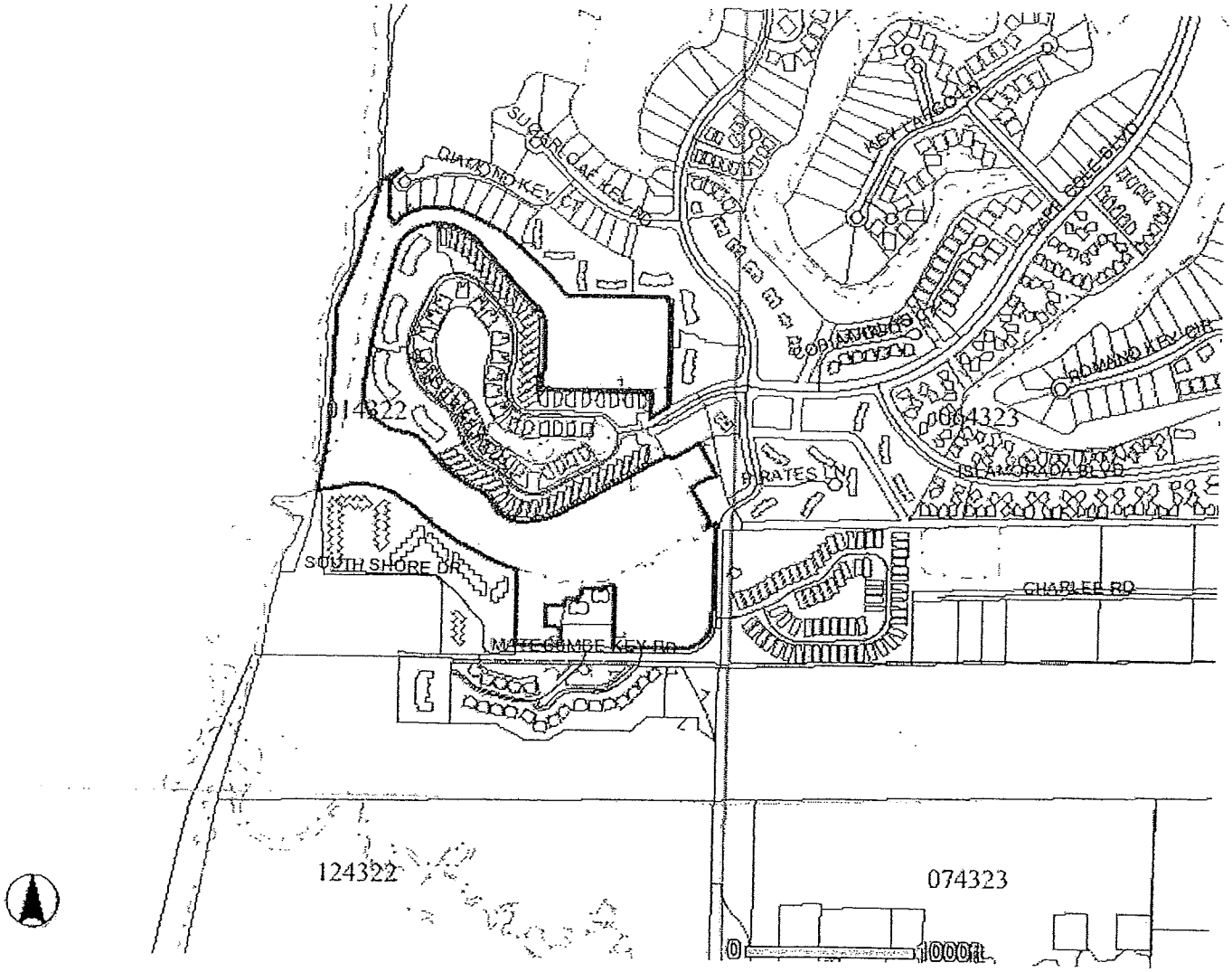
KNOTT, CONSOER, EBELINI,
HART & SWETT, P.A.

Alison M. Stowe

Alison M. Stowe, Paralegal
Zoning and Land Use Planning

Enclosure

Area Location Map



Knott, Consoer, Ebelini
Hart & Swett, P.A.
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Director of
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Michael E. Roeder, AICP

September 27, 2007

Mr. William T. Newman, Operations Manager
Solid Waste Division
10550 Buckingham Road
Fort Myers, FL 33905

Re: Lee Plan Amendment for Burnt Store Marina Village

Dear Mr. Newman:

We represent the owner of the commercial portion of Burnt Store Marina located west of Burnt Store Road on Matecumbe Key Road. The parcel currently contains a wet and dry slip marina, a restaurant, offices, and other commercial uses. It is our intention to apply for a Lee Plan Amendment to permit the following uses: 525 wet slips; 775 dry spaces; 150,000 square feet of retail uses; 30,000 square feet of office uses; and 336 hotel units.

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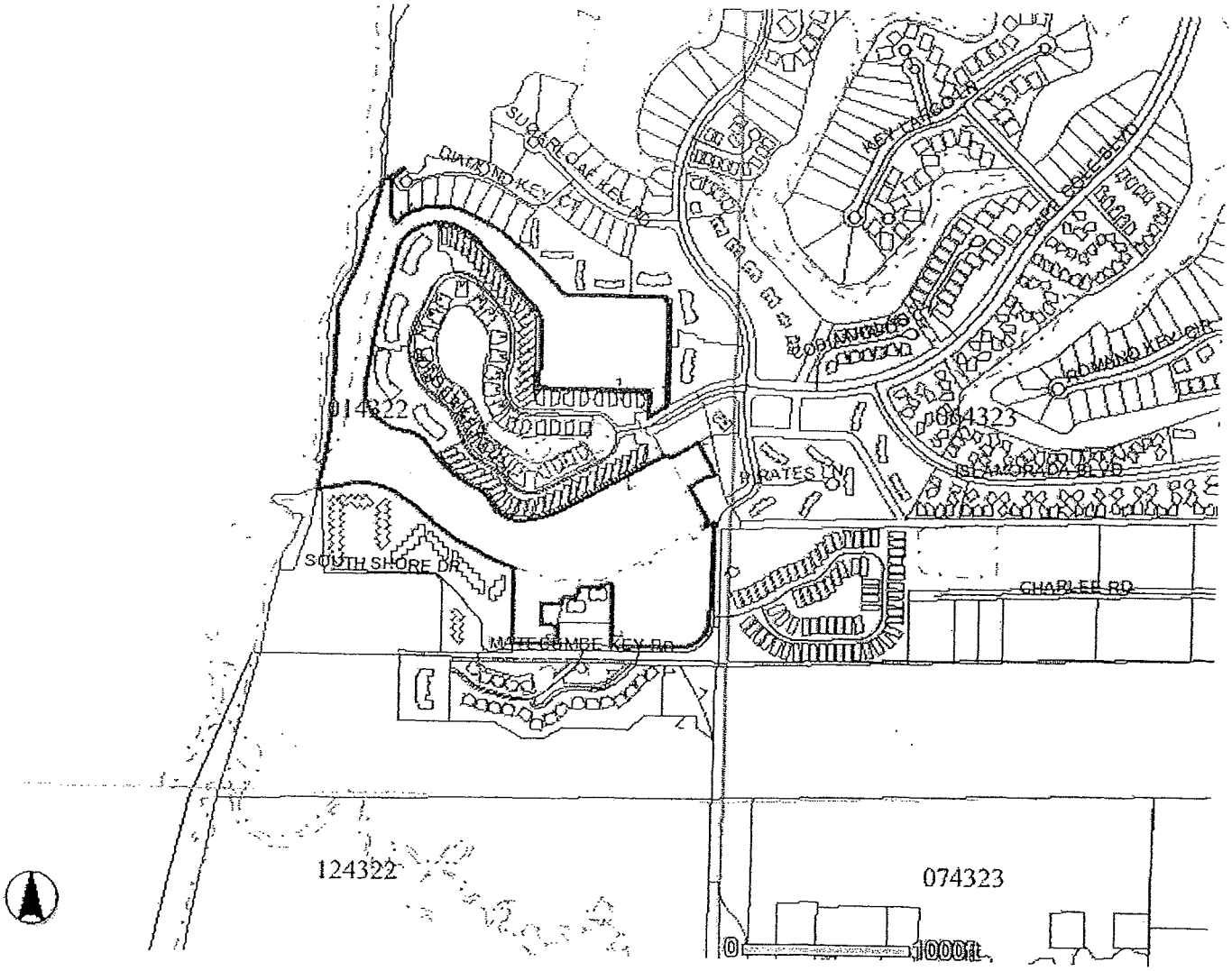
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Michael E. Roeder, AICP

September 27, 2007

Lieutenant Carter
Lee County Fire Protection and Emergency Medical Services
P.O. Box 150027
Cape Coral, FL 33915

Re: Lee Plan Amendment for Burnt Store Marina Village

Dear Lieutenant Carter:

We represent the owner of the commercial portion of Burnt Store Marina located west of Burnt Store Road on Matecumbe Key Road. The parcel currently contains a wet and dry slip marina, a restaurant, offices, and other commercial uses. It is our intention to apply for a Lee Plan Amendment to permit the following uses: 525 wet slips; 775 dry spaces; 150,000 square feet of retail uses; 30,000 square feet of office uses; and 336 hotel units.

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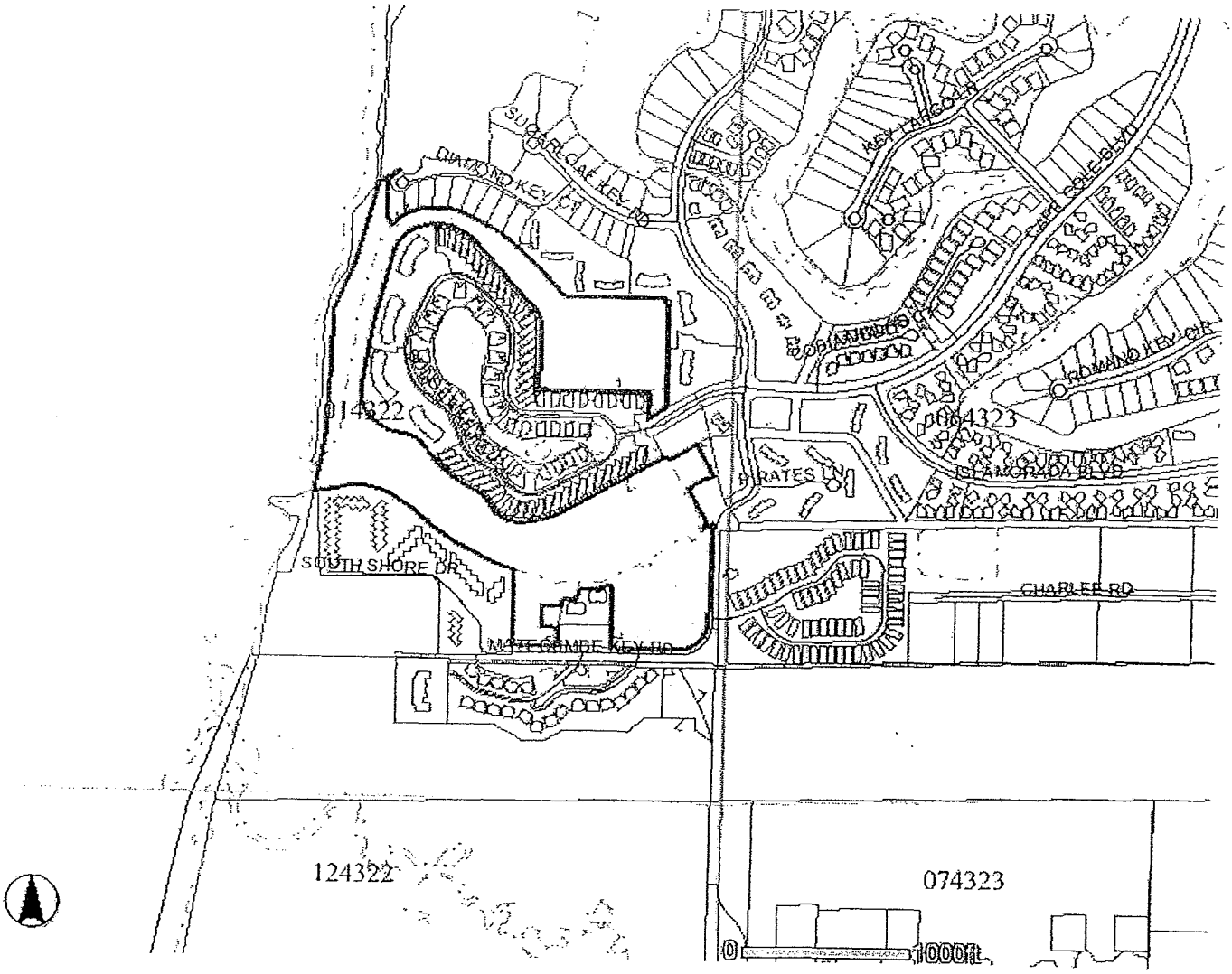
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Zoning and Land
Use Planning
Michael E. Roeder, AICP

September 27, 2007

Captain Nygaard
Lee County Sheriff's Department
14750 Six Mile Cypress Pkwy.
Fort Myers, FL 33912

Re: Lee Plan Amendment for Burnt Store Marina Village

Dear Captain Nygaard :

We represent the owner of the commercial portion of Burnt Store Marina located west of Burnt Store Road on Matecumbe Key Road. The parcel currently contains a wet and dry slip marina, a restaurant, offices, and other commercial uses. It is our intention to apply for a Lee Plan Amendment to permit the following uses: 525 wet slips; 775 dry spaces; 150,000 square feet of retail uses; 30,000 square feet of office uses; and 336 hotel units.

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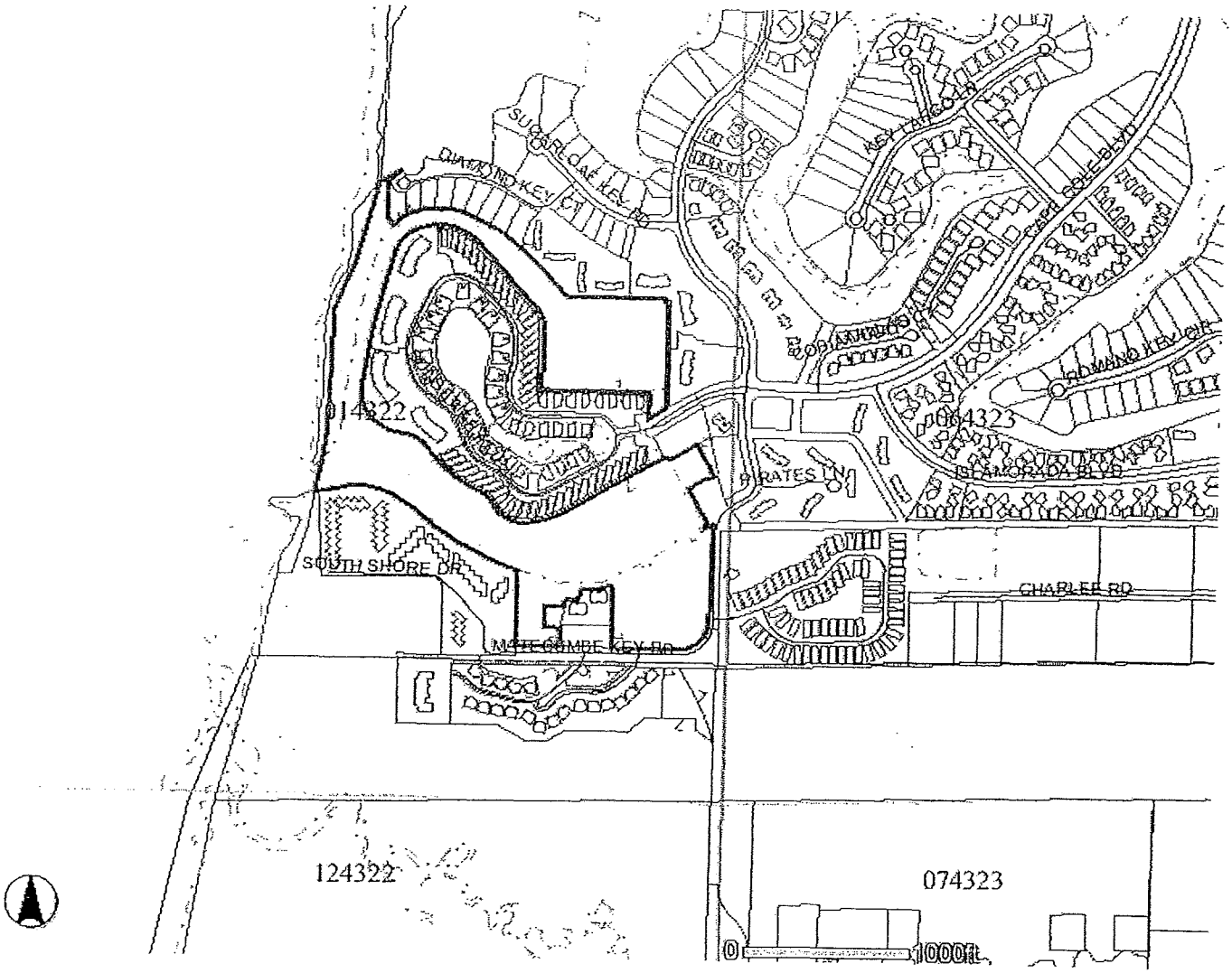
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Area Location Map



Environmental Impacts
EXHIBIT C

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

EXHIBIT C

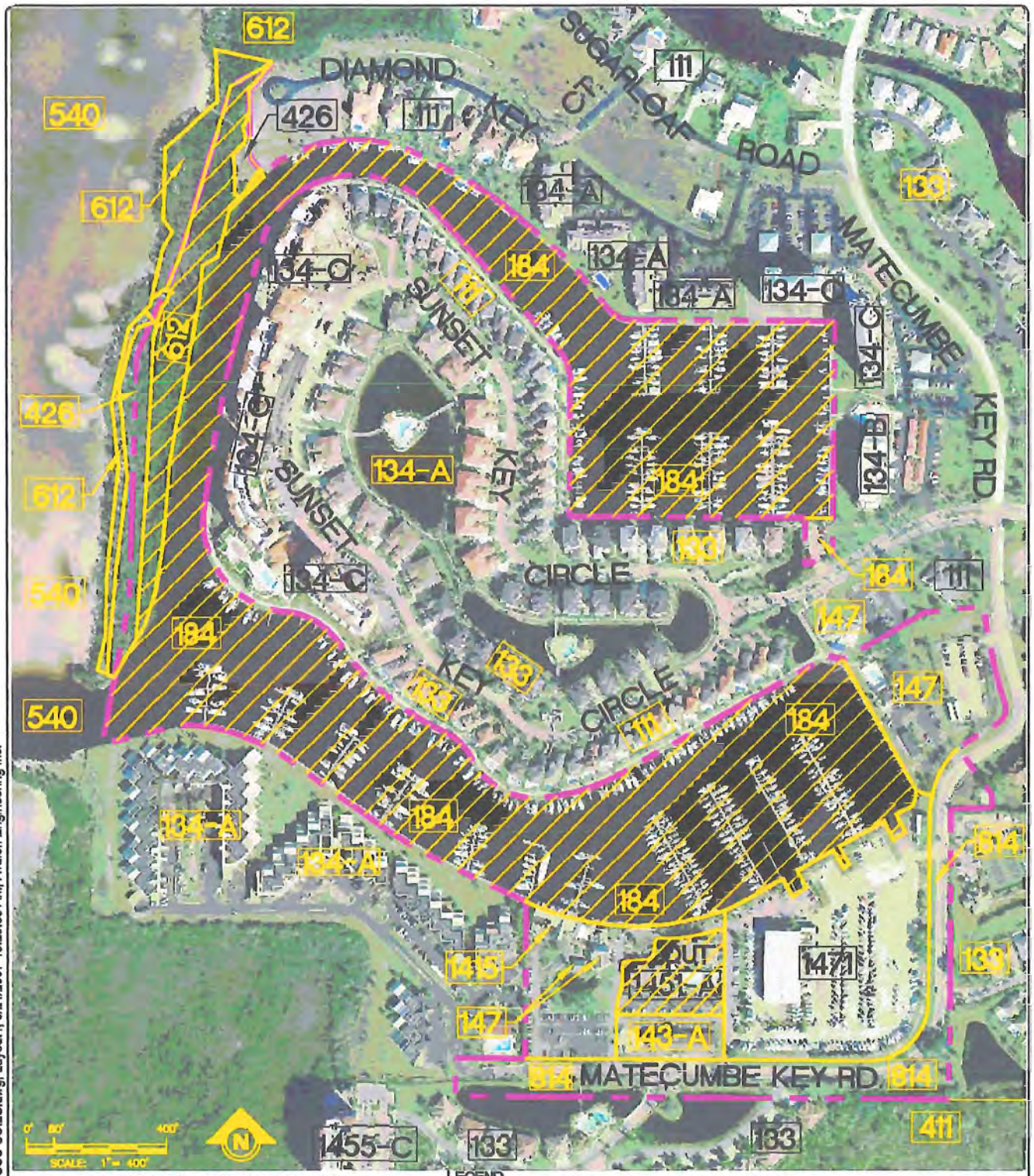

612
DIAMOND KEY CT
SUGARLOAF ROAD
111
540
426
612
134-A
134-C
184
SUNSET KEY CIRCLE
133
MATECUMBE KEY RD
134-B
147
540
612
426
612
540
134-A
134-A
184
184
184

EXHIBIT C



LEGEND

SUBJECT PROPERTY (62.38± AC.)

(11) MYAKKA FINE SAND
(15) ESTERO MUCK
(16) PECKISH MUCKY FINE SAND
(28) IMMOKALEE SAND
(43) SMYRNA SAND
(69) MATLACHA GRAVELLY FINE SAND

P:\CAD\2007\07-431\PLOT\FLUCCS-SOILS.dwg, Layout5, 9/24/2007 10:29:59 AM, Avalon Engineering Inc.

PROJ. 07-431	DATE: 4/30/07
CADD TECH.	M.P./J.D.
PROJ. MGR.	Bill Edwards, P.E.
FL. LICENSE #	38615

AVALON ENGINEERING, INC.
2503 DEL PRADO BLVD. #200
CAPE CORAL, FLORIDA 33904
FBPE#3126 (239) 573-2077

PROPOSED MARINA VILLAGE
BURNT STORE MARINA
LEE COUNTY, FLORIDA

BURNT STORE MARINA VILLAGE
SOILS MAP

SHEET 5 OF 5

FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

KURT S. BROWNING
Secretary of State

September 28, 2007

Alison Stowe
Knott, Consoer, Ebelini, 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/msf/*

LEE PLAN NARRATIVE
EXHIBITS E.1 & 2

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

1. Policy 1.4.1: The property is not consistent with the description of the Rural category in that it already contains a high-intensity commercial use and has a high level of public services.

2. Policy 1.7.5: The proposed redesignation will permit the renovation and expansion of the existing marina on the site.

3. Policy 1.7.6: No additional commercial acres will be needed for the project, as the property is already being used for commercial purposes.

4. Objective 2.1: The creation and application of the new FLUM category will not encourage urban sprawl. This subject is addressed in more detail in the urban sprawl analysis exhibit.

5. Objective 2.2: The project will be served by public facilities with adequate capacity (see the various infrastructure analyses contained in the application).

6. Objective 2.4: The applicant is seeking to amend the Lee Plan in light of a number of changed conditions that have occurred since the property was designated Rural in 1989, including: the increased demand for dockage space throughout Lee County; the ongoing development of Burnt Store Marina at high levels of density and intensity; the deterioration and increasing obsolescence of the existing structures on the site, most notably the dry storage building; recent amendments to the LDC prohibiting buildings of the height proposed by the applicant; and the County's recent interest in promoting attractive mixed-use developments.

7. Policy 2.4.4: As noted in #3 above, no additional commercial acreage will be required for the project, as the applicant is seeking to better utilize an existing commercial development footprint.

8. Policy 5.1.5: The amendment will facilitate the redevelopment of the existing commercial site into an attractive multi-use project that will be more compatible with the surrounding residential uses than the existing use.

9. Policy 6.1.2: The amendment will create an exception to the commercial site location standards similar to the one inherent in the County's new Commercial FLUM category. This exception is justified in light of the amount of development that exists and is vested for Burnt Store Marina as a whole, and the existence of commercial development at the location proposed for the new category.

10. Policy 6.1.4: As noted above, the project will be compatible with the neighborhood and will be served by adequate public facilities.

11. Policy 6.1.7: The applicant is proposing to redevelop an existing commercial site.

12. Policy 6.1.8: Any proposed development on the site will be consistent with the new FLUM category.

13. Goal 8: The applicant is attempting to increase the size of the existing water-dependent use.

14. Standards 11.1 and 11.2: As noted above, the project will be served by public water and sewer facilities with available capacity.

15. Objective 125.2: The larger marina will increase the public's access to the waterfront.

16. Policy 128.1.3: One of the key components of the development is a new, larger, state-of-the-art dry storage facility. The number of wet slips will not be increased.

17. Policy 128.4.2: Most of the shoreline will be used by water-dependent uses.

18. Policy 128.5.4: The expanded marina is consistent with the County's marina siting criteria. It involves the redevelopment of an existing upland site with one or more dry storage buildings.

19. Policy 128.5.8: The marina is in an area with adequate water depth.

20. Policy 128.5.9: The new category will facilitate a redevelopment project on previously-disturbed uplands.

21. Policy 128.5.11: Adequate uplands exist on the site for marina support facilities.

22. Policy 128.6.16: As noted above, the increase in slips is solely attributable to the construction of one or more larger, state-of-the-art dry storage buildings.

IMPACTS TO NEARBY LOCAL GOVERNMENTS

EXHIBIT E.3

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

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

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

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

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

STATE AND REGIONAL PLAN CONSISTENCY
EXHIBIT E.4

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

STATE PLAN

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

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

REGIONAL PLAN

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

URBAN SPRAWL ANALYSIS
EXHIBIT F.2

The applicant responds to the urban sprawl indicators as follows:

1. The proposed category does not authorize low-intensity, low-density, or single-use development; it contemplates an intense multi-use development to complement the existing intense residential development within Burnt Store Marina.

2. The new category will permit the redevelopment of an existing commercial site, which is not "leapfrog-type development."

3. The redevelopment of a commercial node within Burnt Store Marina will not result in "radial, strip, isolated or ribbon pattern type development."

4. The site has already been developed for commercial purposes. There will be no loss of natural resources or agricultural land as a result of the proposed redevelopment.

5. The project will have access through the existing Burnt Store Marina road system and by boat.

6. The redevelopment of the property will not reduce functional open space and, in fact, will actually promote public access to the water.

7. This is an infill/redevelopment project.

Planning Justification

EXHIBIT G

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

1. The current level of development and public services on the site is completely inconsistent with the Rural FLUM category.

2. The amendment is necessary to permit the subject parcel to be redeveloped for a more attractive and functional mix of uses, including large state-of-the-art dry storage buildings and retail uses in excess of the minor commercial center permitted by the Rural FLUM category, particularly since the LDC and the Lee Plan currently limit building heights in Burnt Store Marina to 45 feet, with no possibility of obtaining deviations.

3. The amendment will not promote urban sprawl, as noted in the Urban Sprawl Analysis.

4. The proposed project will be served by adequate public facilities, as noted in the various infrastructure analyses.

5. The parcel abuts a highly urbanized parcel designated Mixed Use to the south.

6. The redevelopment of the marina parcel will facilitate public access to the waterfront.

7. No changes will be required to the Planning Communities Acreage Table to permit the redevelopment of the existing commercial parcel.

8. There are no existing FLUM categories which adequately address the mix of uses and the building heights that are being requested for this project. The new Commercial category, which comes closest, appears to be designed for use for parcels which abut arterial roads.

Knott, Consoer, Ebelini Hart & Swett, P.A.

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Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

August 10, 2007

Ms. Mary Gibbs, Director
Lee County Dept. of Community Development
P.O. Box 398
Fort Myers, FL 33902

2007 AUG 13 AM 8:08
RECEIVED BY
LEE CO. ATTORNEY

Re: Burnt Store Marina Comprehensive Plan Amendment

Dear Mary:

As you know, our firm represents Burnt Store Amenities LLC, the owner of several parcels within Burnt Store Marina (BSM). BSM is a large mixed use development consisting of a large residential component, a marina, a hotel, a golf course, a restaurant, and other commercial uses. It was zoned initially in two different resolutions during the 1970's; the area including the golf course and the abutting residential uses was subsequently rezoned to a number of different conventional zoning districts in an effort to resolve some ongoing litigation in 1983. The property as a whole is vested against the DRI process for 2,514 dwelling units and a large marina by virtue of two settlement agreements with DCA. Notwithstanding the obvious urban character of the property, it was designated Rural on the Future Land Use Map in 1989, and remains so today.

My client has encountered a number of serious regulatory problems in its efforts to redevelop the property, including the following:

1. While the County's GIS system shows that the golf course is zoned RM-10, the zoning resolution actually indicates that it is zoned AG-2.
Subsequent decisions by the staff and the Hearing Examiner have had the legal effect of denying my client even the uses that are normally permitted in the AG-2 district; in effect, the County has stated that the property is zoned open space for a PUD, even though the public records do not show it as a PUD. The only way to remedy this situation, according to a ZVL issued by County staff, is through a comprehensive plan amendment and a rezoning.
2. The resolution for the Marina Village portion of BSM indicates that the property has conventional zoning; however, it has a very vague site plan attached to it, which creates potential legal problems. In addition, the development on the site has not been completely consistent with this plan.
3. The property is heavily urbanized and is in no way consistent with the definition of the Rural category in the Lee Plan.

August 10, 2007

My client intends to redevelop the Marina Village site in a manner consistent with the Cape Harbour development in Cape Coral: i.e., as a mixed use project with an attractive mix of retail shops, residential uses, a possible hotel, and large, state of the art boathouse structures in a public marina. It also wants to retain the right it reasonably believed it had to construct residential uses on the golf course property prior to the recent ZVL and Hearing Examiner decision in the event the golf course cannot be operated successfully by the residents.

In order to accomplish my client's objectives, we will need a comprehensive plan amendment, a DRI approval, and a rezoning for the entirety of BSM. We envision that the comprehensive plan amendment would consist of a text amendment creating a new land use category permitting an appropriate mix of uses for the site, regulating the density, intensity, and height of each use within each individual development area of BSM, and protecting the vested rights of the other owners within the project, as well as a map amendment applying the new category to BSM. We cannot, however, file an application of this nature without the assistance of the County, because we do not have authorization to request land use changes on parcels that belong to other parties.

We would appreciate it if the County would take action to initiate the above-described amendment as soon as possible. My client understands that it will be responsible for preparing the application and paying the filing fee, and that the County would retain all of its usual rights to reasonably modify or reject the amendment as it sees fit.

Sincerely,

KNOTT, CONSOER, EBELINI,
HART & SWETT, P.A.

Matthew D. Uhle, Esq.

MDU/ams

cc: Will Stout
Craig Dearden
Dawn Lehnert, Esq.
Pam Houck
Matt Noble
Bryan Kelner

To Matt Uhle

Knott, Consoer, Ebelini Hart & Swett, P.A.

ATTORNEYS - AT - LAW

LEE COUNTY
RECEIVED

07 SEP -7 PM 4:31

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

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Director of
Zoning and Land
Use Planning
Michael E. Roeder, AICP

September 7, 2007

Ms. Mary Gibbs, Director
Lee County Dept. of Community
Development
P.O. Box 398
Fort Myers, FL 33902

Re: Burnt Store Marina

Dear Mary:

Enclosed please find 10 copies of a 2-page map of Burnt Store Marina. The parcels that are shown in yellow and which are identified as belonging to Burnt Store Amenities LLC and Realmark Burnt Store Marina LLC are the ones that belong to my client. The area that we propose to include the amendment consists of the property within the boundaries of the Section 22 plat (zoned in Resolution ZAB-83-445), plus the area subject to Resolution Z-77-63, less the wetland areas zoned PR in Resolution ZAB-83-445 (located in the northwest corner of the platted area) and wetlands owned by Burnt Store Amenities LLC and Realmark Burnt Store Marina LLC located in the southwest and western areas of the property covered by Z-77-63.

If you have any questions, please let me know.

Sincerely,

KNOTT, CONSOER, EBELINI,
HART & SWETT, P.A.

Matt Uhle

Matthew D. Uhle
MDU/zw
Enclosures

cc: Will Stout
Craig Dearden
Bill Edwards

AFFIDAVIT

I, Craig A. Dearden as Vice President of Realmark Burnt Store Marina, LLC, a Florida Limited Liability Company, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.

Signature of owner or owner-authorized agent

9/26/07
Date

Craig A. Dearden
Typed or printed name

STATE OF FLORIDA)

COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 26 day of September 2007, by Craig A. Dearden as Vice-President of Realmark Burnt Store Marina, LLC, a Florida Limited Liability Company, who is personally known to me or who has produced _____ as identification.

(SEAL)

Notary Public State of Florida
Lynn Gantz
My Commission DD706797
Expires 08/20/2011

Signature of notary public

Lynn Gantz
Printed name of notary public

Text Amendment
EXHIBIT

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; and a maximum of 336 hotel units. The maximum height permitted in this category is 220 feet.

IMPACTS TO PLANNING COMMUNITIES ACREAGE TABLE

The subject property consists solely of land that has been previously developed for commercial purposes. No residential uses will be permitted within the Burnt Store Marina Village FLUM category. As a result, there will be a de minimis decrease in the capacity of the FLUM, and it will not be necessary to add acreage to the commercial category for the Burnt Store Planning Community.

FLUM CATEGORY
EXHIBIT A.2

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; and a maximum of 336 hotel units. The maximum height permitted in this category is 220 feet.



SUBJECT PROPERTY (62.38± AC.)

RURAL LEE COUNTY FUTURE LAND USE CLASSIFICATION

0' 80' 400'

SCALE: 1"= 400'

N

P:\CAD\2007\07-431\PLOT\MV-MAPS.dwg, Layout1, 9/13/2007 9:46:21 AM, Avalon Engineering Inc.

PROJ. 07-431	DATE: 4/30/07
CADD TECH.	M.P./J.D.
PROJ. MGR.	Bill Edwards, P.E.
FL. LICENSE #	38615

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

PROPOSED MARINA VILLAGE
BURNT STORE MARINA
LEE COUNTY, FLORIDA

BURNT STORE MARINA VILLAGE
FUTURE LAND USE

SHEET 1 OF 3

EXISTING LAND USES
EXHIBIT A.3

The existing land uses on the property consist of wet boat slips, a dry storage building, office space, a restaurant, and recreational uses. The surrounding uses are predominantly multi-family residential structures. The proposed amendment, if approved, would permit the applicant to replace the existing obsolete dry storage building with one or more larger and vastly more attractive state-of-the-art buildings, along with an increased amount of support retail, office, and hotel space. These uses will be compatible with the intense residential uses that exist or are permitted in the County's RM-2 and RM-10 zoning categories.



LEGEND

SUBJECT PROPERTY (62.38± AC.)

MULTI-FAMILY EXISTING LAND USE CONDITIONS

1 HOTEL
2 OFFICE
3 OFFICE/RETAIL
4 YACHT CLUB
5 MARINA FACILITY
6 MARINA REPAIR

0' 80' 400'
SCALE: 1"= 400'

N

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PROJ. 07-431	DATE: 4/30/07
CADD TECH.	M.P./J.D.
PROJ. MGR.	Bill Edwards, P.E.
FL. LICENSE #	38615

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

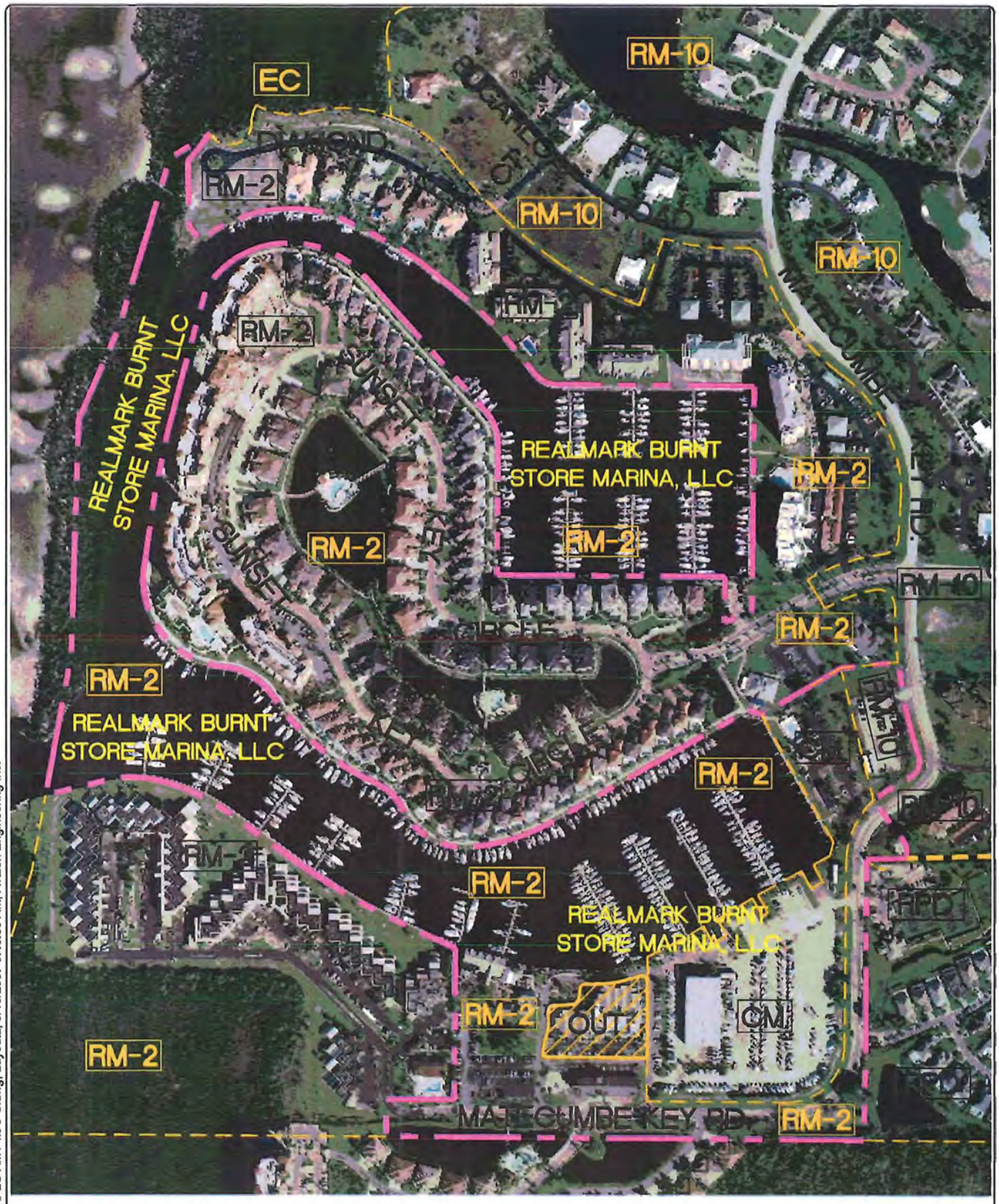
PROPOSED MARINA VILLAGE
BURNT STORE MARINA
LEE COUNTY, FLORIDA

BURNT STORE MARINA VILLAGE
EXISTING LAND USE

SHEET 3 OF 3

EXISTING ZONING
EXHIBIT A.4

The subject property is zoned CM and RM-2. The surrounding parcels are zoned RM-2, RM-10, and RPD.



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PROJ. 07-431	DATE: 4/30/07
CADD TECH.	M.P./J.D.
PROJ. MGR.	Bill Edwards, P.E.
FL. LICENSE #	38615

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FBPE#3128 (239) 573-2077

PROPOSED MARINA VILLAGE
BURNT STORE MARINA
LEE COUNTY, FLORIDA

BURNT STORE MARINA VILLAGE

ZONING

EXHIBIT B.I

TRANSPORTATION CONSULTANTS, INC.

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

TRANSPORTATION CONSULTANTS, INC.

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.

TRACT 1 (REVISED GOLF COURSE LEGAL):

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

TOGETHER WITH:

ADDITIONAL PARCEL #1:

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

ADDITIONAL PARCEL #2:

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

ADDITIONAL PARCEL #3:

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

LESS AND EXCEPT THE FOLLOWING PARCEL:

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

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

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

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

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

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

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

TRACT 4 (MATECUMBE KEY ROAD):

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

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

TRACT 5 (MAINTENANCE PARCEL):

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

TRACT 6 (SALES CENTER PARCEL):

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

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

TRACT 7 (REVISED MARINA PARCEL):

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

REVISED MARINA PARCEL # 1

COMMENCING AT THE SOUTHWEST CORNER OF LOT 3, BLOCK 1001, PUNTA GORDA ISLES SECTION TWENTY TWO AS RECORDED IN PLAT BOOK 28, PAGES 118 THROUGH 138 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.59° 00'17"W. FOR 195.14 FEET; THENCE S.00° 22'56"W. FOR 117.13 FEET; THENCE S.59° 00'17"W. FOR 92.56 FEET; THENCE S.29° 36'42"E. FOR 142.83 FEET; THENCE S.60° 23'18"W. FOR 118.45 FEET TO THE POINT OF BEGINNING; THENCE S.60° 23'18"W. FOR 551.55 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 567.29 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 25° 47'39" FOR 255.39 FEET TO A POINT OF COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 201.66 FEET AND A CENTRAL ANGLE OF 68° 15'43"; THENCE NORTHWESTERLY ALONG THE ARC FOR 240.26 FEET TO A POINT OF REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 151.31 FEET AND A CENTRAL ANGLE OF 40° 27'29"; THENCE NORTHWESTERLY ALONG THE ARC FOR106.84 FEET TO A POINT OF

REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 706.07 FEET AND A CENTRAL ANGLE OF 27° 49'50"; THENCE NORTHWESTERLY ALONG THE ARC FOR342.96 FEET; THENCE N.66° 38'04"E. FOR 25.89 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N.51° 15'35"E., A RADIAL DISTANCE OF 681.07 FEET; THENCE SOUTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 27° 16'25" FOR 324.20 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 176.31 FEET AND A CENTRAL ANGLE OF 40° 27'29"; THENCE SOUTHEASTERLY ALONG THE ARC FOR124.50 FEET TO A POINT OF REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 176.66 FEET AND A CENTRAL ANGLE OF 68° 15'43"; THENCE SOUTHEASTERLY ALONG THE ARC FOR210.47 FEET TO A POINT OF COMPOUND CURVE TO THE LEFT HAVING A RADIUS OF 542.29 FEET AND A CENTRAL ANGLE OF 25° 47'39"; THENCE EASTERLY ALONG THE ARC FOR244.14 FEET; THENCE N.60° 23'18"E. FOR 551.55 FEET; THENCE S.29° 36'42"E. FOR 25.00 FEET TO THE POINT OF BEGINNING.

AND

REVISED MARINA PARCEL # 2

COMMENCING AT THE SOUTHWEST CORNER OF LOT 3, BLOCK 1001, PUNTA GORDA ISLES SECTION TWENTY TWO AS RECORDED IN PLAT BOOK 28, PAGES 118 THROUGH 138 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.59° 00'17"W. FOR 195.14 FEET; THENCE N.00° 22'56"E. FOR 104.90 FEET; THENCE N.89° 37'04"W. FOR 119.34 FEET TO THE POINT OF BEGINNING; THENCE S.00° 22'56"W. FOR 18.51 FEET; THENCE N.89° 22'30"W. FOR 656.66 FEET; THENCE N.00° 24'52"E. FOR 406.62 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 102.40 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 42° 15'18" FOR 75.52 FEET; THENCE N.41° 50'26"W. FOR 531.75 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S.48° 09'35"W., A RADIAL DISTANCE OF 301.37 FEET; THENCE NORTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 21° 21'02" FOR112.30 FEET TO A POINT OF COMPOUND CURVE TO THE LEFT HAVING A RADIUS OF 265.10 FEET AND A CENTRAL ANGLE OF 27° 00'22"; THENCE WESTERLY ALONG THE ARC FOR124.95 FEET; THENCE N.02° 10'05"E. FOR 25.02 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.00° 00'25"W., A RADIAL DISTANCE OF 290.10 FEET; THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 26° 48'08" FOR135.71 FEET TO A POINT OF COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 326.37 FEET AND A CENTRAL ANGLE OF 21° 21'02"; THENCE SOUTHEASTERLY ALONG THE ARC FOR121.62 FEET; THENCE S.41° 50'26"E. FOR 531.75 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 127.40 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 42° 15'18" FOR 93.96 FEET; THENCE S.00° 24'52"W. FOR 390.87 FEET; THENCE S.89° 37'04"E. FOR 631.65 FEET TO THE POINT OF BEGINNING.

TRACT 8 (SOUTH SHORE PARCEL):

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

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST, LEE COUNTY, FLORIDA, THENCE N.00° 33'58"E., ALONG THE EAST LINE OF SAID SECTION 1 FOR 880.00 FEET; THENCE N.89° 35'44"W., FOR 1,625.91 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE N.89° 35'44"W. FOR 260.23 FEET; THENCE S.00° 24'58"E. FOR 50.01 FEET TO THE NORTHWEST CORNER OF VISTA DEL SOL AT BURNT STORE MARINA, A CONDOMINIUM AS RECORDED IN CONDOMINIUM PLAT BOOK 33 AT PAGE 38 OF THE PIBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N.89° 35'44"W. FOR 703 FEET, MORE OR LESS, TO THE WATERS OF CHARLOTTE HARBOR; THENCE NORTHERLY ALONG THE MEAN HIGH WATER LINE OF SAID CHARLOTTE HARBOR RUN 1,020 FEET, MORE OR LESS, TO A POINT LYING APPROXIMATELY 1 FOOT SOUTHERLY OF AN EXISTING CONCRETE SEAWALL; THENCE N.76° 24'19"E., ALONG A LINE PARALLEL TO AND LYING 1 FOOT, MORE OR LESS SOUTHERLY OF SAID CONCRETE SEAWALL FOR 28.62 FEET TO THE NORTHWEST CORNER OF PARCEL 8, TRACT "H", AS RECORDED IN OFFICIAL RECORDS BOOK 2285, PAGE 3073, OF SAID PUBLIC RECORDS; THENCE S.00° 24'02"W., ALONG THE WESTERLY LINE OF SAID PARCEL 8 FOR 491.56 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 8; THENCE S.89° 35'58"E., ALONG THE SOUTH LINE OF SAID PARCEL 8 AND THE SOUTH LINE OF PARCEL 7 OF SAID TRACT "H" FOR 670.43 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 7 AND A POINT ON THE WESTERLY LINE OF PARCEL 6 OF SAID TRACT H TO ALSO BEING A POINT ON A CURVE TO THE RIGHT, HAVING: A RADIUS OF 90.00 FEET, A CENTRAL ANGLE OF 38° 59'58", A CHORD BEARING OF S.64³ 05'57"E. AND A CHORD LENGTH OF 60.08 FEET; THENCE ALONG THE WESTERLY LINE OF SAID PARCEL 6 AND THE ARC OF SAID CURVE, AN ARC LENGTH OF 61.26 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.44° 35'58"E., ALONG SAID WESTERLY LINE RUN 59.23 FEET; THENCE S.00° 24'02"W., ALONG SAID WESTERLY LINE AND THE WESTERLY LINE OF PARCEL 5 OF SAID TRACT "H" RUN 399.45 FEET TO THE POINT OF BEGINNING.

TRACT 9 (ATHLETIC CLUB PARCEL):

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

EXHIBIT "A"
LEGAL DESCRIPTION

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

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

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

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

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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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 137.28FEET 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.,

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.

22.50
84000.

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

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

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.

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

Witnesses:

Name: Stephen J. Szoko, III

Name: GREGG S. TRUXTON

WCI COMMUNITIES, INC., a Delaware corporation

By:

Print Name: ALBERT F. MOSCATO JR.

Vice President

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

STATE OF FLORIDA
COUNTY OF ~~HILLSBOROUGH~~ LEE

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

NOTARY PUBLIC
Name:
Serial #:
My Commission Expires:

OFFICIAL NOTARY SEAL
GREGG S TRUXTON
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC649729
MY COMMISSION EXP. MAY 21,2001

#758052 v3 - 2303-449

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°1732"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

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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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 137.28FEET 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.

INSTR # 2006000011132, Doc Type D, Pages 9, Recorded 01/10/2006 at 10:26 AM, Charlie Green, Lee County Clerk of Circuit Court, Deed Doc. D $24500.00 Rec. Fee $78.00 Deputy Clerk KCARTWRIGHT

78.00
24,500.00

PREPARED BY & RETURN TO:

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

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

SPECIAL WARRANTY DEED

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

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

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

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

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

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

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

1. Taxes and assessments for 2006 and subsequent years;

2. Zoning and other regulatory laws and ordinances affecting the Property; and

3. Covenants, conditions, limitations, restrictions, reservations and easements of record.

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

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

Signed, Sealed and Delivered
in the Presence of:

Print Name: MICHELLE ALLEN

Print Name: Andrew M. Hjortaas

WCI COMMUNITIES, INC., a Delaware corporation

By: _____
David L. Fry,
Senior Vice President

STATE OF FLORIDA

COUNTY OF LEE

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

My Commission Expires:

Notary Public, State of Florida

MICHELLE ALLEN

S:\MYFILES\DATA\WCI\BURNTSTORE\SALE\CLOSING\CLOSING DOCUMENTS\SPECIAL WARRANTY DEED.4CLEAN.DOC

MICHELLE C. ALLEN
MY COMMISSION # DD 391499
EXPIRES: March 9, 2009
Bonded Thru Notary Public Underwriters

TRACT 1 (REVISED GOLF COURSE LEGAL):

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

TOGETHER WITH:

ADDITIONAL PARCEL #1:

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

ADDITIONAL PARCEL #2:

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

ADDITIONAL PARCEL #3:

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

LESS AND EXCEPT THE FOLLOWING PARCEL:

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

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

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

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

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

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

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

TRACT 4 (MATECUMBE KEY ROAD):

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

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

TRACT 5 (MAINTENANCE PARCEL):

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

TRACT 6 (SALES CENTER PARCEL):

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

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

TRACT 7 (REVISED MARINA PARCEL):

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

REVISED MARINA PARCEL # 1

COMMENCING AT THE SOUTHWEST CORNER OF LOT 3, BLOCK 1001, PUNTA GORDA ISLES SECTION TWENTY TWO AS RECORDED IN PLAT BOOK 28, PAGES 118 THROUGH 138 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.59° 00'17"W. FOR 195.14 FEET; THENCE S.00° 22'56"W. FOR 117.13 FEET; THENCE S.59° 00'17"W. FOR 92.56 FEET; THENCE S.29° 36'42"E. FOR 142.83 FEET; THENCE S.60° 23'18"W. FOR 118.45 FEET TO THE POINT OF BEGINNING; THENCE S.60° 23'18"W. FOR 551.55 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 567.29 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 25° 47'39" FOR 255.39 FEET TO A POINT OF COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 201.66 FEET AND A CENTRAL ANGLE OF 68° 15'43"; THENCE NORTHWESTERLY ALONG THE ARC FOR 240.26 FEET TO A POINT OF REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 151.31 FEET AND A CENTRAL ANGLE OF 40° 27'29"; THENCE NORTHWESTERLY ALONG THE ARC FOR106.84 FEET TO A POINT OF

REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 706.07 FEET AND A CENTRAL ANGLE OF 27° 49'50"; THENCE NORTHWESTERLY ALONG THE ARC FOR342.96 FEET; THENCE N.66° 38'04"E. FOR 25.89 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N.51° 15'35"E., A RADIAL DISTANCE OF 681.07 FEET; THENCE SOUTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 27° 16'25" FOR 324.20 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 176.31 FEET AND A CENTRAL ANGLE OF 40° 27'29"; THENCE SOUTHEASTERLY ALONG THE ARC FOR124.50 FEET TO A POINT OF REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 176.66 FEET AND A CENTRAL ANGLE OF 68° 15'43"; THENCE SOUTHEASTERLY ALONG THE ARC FOR210.47 FEET TO A POINT OF COMPOUND CURVE TO THE LEFT HAVING A RADIUS OF 542.29 FEET AND A CENTRAL ANGLE OF 25° 47'39"; THENCE EASTERLY ALONG THE ARC FOR244.14 FEET; THENCE N.60° 23'18"E. FOR 551.55 FEET; THENCE S.29° 36'42"E. FOR 25.00 FEET TO THE POINT OF BEGINNING.

AND

REVISED MARINA PARCEL # 2

COMMENCING AT THE SOUTHWEST CORNER OF LOT 3, BLOCK 1001, PUNTA GORDA ISLES SECTION TWENTY TWO AS RECORDED IN PLAT BOOK 28, PAGES 118 THROUGH 138 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.59° 00'17"W. FOR 195.14 FEET; THENCE N.00° 22'56"E. FOR 104.90 FEET; THENCE N.89° 37'04"W. FOR 119.34 FEET TO THE POINT OF BEGINNING; THENCE S.00° 22'56"W. FOR 18.51 FEET; THENCE N.89° 22'30"W. FOR 656.66 FEET; THENCE N.00° 24'52"E. FOR 406.62 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 102.40 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 42° 15'18" FOR 75.52 FEET; THENCE N.41° 50'26"W. FOR 531.75 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S.48° 09'35"W., A RADIAL DISTANCE OF 301.37 FEET; THENCE NORTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 21° 21'02" FOR112.30 FEET TO A POINT OF COMPOUND CURVE TO THE LEFT HAVING A RADIUS OF 265.10 FEET AND A CENTRAL ANGLE OF 27° 00'22"; THENCE WESTERLY ALONG THE ARC FOR124.95 FEET; THENCE N.02° 10'05"E. FOR 25.02 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.00° 00'25"W., A RADIAL DISTANCE OF 290.10 FEET; THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 26° 48'08" FOR135.71 FEET TO A POINT OF COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 326.37 FEET AND A CENTRAL ANGLE OF 21° 21'02"; THENCE SOUTHEASTERLY ALONG THE ARC FOR121.62 FEET; THENCE S.41° 50'26"E. FOR 531.75 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 127.40 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 42° 15'18" FOR 93.96 FEET; THENCE S.00° 24'52"W. FOR 390.87 FEET; THENCE S.89° 37'04"E. FOR 631.65 FEET TO THE POINT OF BEGINNING.

TRACT 8 (SOUTH SHORE PARCEL):

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

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST, LEE COUNTY, FLORIDA, THENCE N.00° 33'58"E., ALONG THE EAST LINE OF SAID SECTION 1 FOR 880.00 FEET; THENCE N.89° 35'44"W., FOR 1,625.91 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE N.89° 35'44"W. FOR 260.23 FEET; THENCE S.00° 24'58"E. FOR 50.01 FEET TO THE NORTHWEST CORNER OF VISTA DEL SOL AT BURNT STORE MARINA, A CONDOMINIUM AS RECORDED IN CONDOMINIUM PLAT BOOK 33 AT PAGE 38 OF THE PIBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N.89° 35'44"W. FOR 703 FEET, MORE OR LESS, TO THE WATERS OF CHARLOTTE HARBOR; THENCE NORTHERLY ALONG THE MEAN HIGH WATER LINE OF SAID CHARLOTTE HARBOR RUN 1,020 FEET, MORE OR LESS, TO A POINT LYING APPROXIMATELY 1 FOOT SOUTHERLY OF AN EXISTING CONCRETE SEAWALL; THENCE N.76° 24'19"E., ALONG A LINE PARALLEL TO AND LYING 1 FOOT, MORE OR LESS SOUTHERLY OF SAID CONCRETE SEAWALL FOR 28.62 FEET TO THE NORTHWEST CORNER OF PARCEL 8, TRACT "H", AS RECORDED IN OFFICIAL RECORDS BOOK 2285, PAGE 3073, OF SAID PUBLIC RECORDS; THENCE S.00° 24'02"W., ALONG THE WESTERLY LINE OF SAID PARCEL 8 FOR 491.56 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 8; THENCE S.89° 35'58"E., ALONG THE SOUTH LINE OF SAID PARCEL 8 AND THE SOUTH LINE OF PARCEL 7 OF SAID TRACT "H" FOR 670.43 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 7 AND A POINT ON THE WESTERLY LINE OF PARCEL 6 OF SAID TRACT H TO ALSO BEING A POINT ON A CURVE TO THE RIGHT, HAVING: A RADIUS OF 90.00 FEET, A CENTRAL ANGLE OF 38° 59'58", A CHORD BEARING OF S.64³ 05'57"E. AND A CHORD LENGTH OF 60.08 FEET; THENCE ALONG THE WESTERLY LINE OF SAID PARCEL 6 AND THE ARC OF SAID CURVE, AN ARC LENGTH OF 61.26 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.44° 35'58"E., ALONG SAID WESTERLY LINE RUN 59.23 FEET; THENCE S.00° 24'02"W., ALONG SAID WESTERLY LINE AND THE WESTERLY LINE OF PARCEL 5 OF SAID TRACT "H" RUN 399.45 FEET TO THE POINT OF BEGINNING.

TRACT 9 (ATHLETIC CLUB PARCEL):

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

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

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

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

SPECIAL WARRANTY DEED

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

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

WITNESSETH:

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

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

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

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

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

1. General taxes and assessments for 2005 and subsequent years;

2. Zoning and other regulatory laws and ordinances affecting the Property; and

3. Covenants, conditions, limitations, restrictions, reservations and easements of record and described in Exhibit "B" attached hereto made a part hereof.

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

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

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

Signed, Sealed and Delivered
in the presence of:

Print Name: Dianna M. Lutz

Print Name: SANDRA L. CARPENTER

WCI COMMUNITIES, INC., a Delaware corporation

By: _____
Stefan O. Johansson
Its: Vice President

STATE OF FLORIDA
COUNTY OF LEE

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

(AFFIX NOTARY SEAL)

SANDRA L. CARPENTER
Comm# DD0277639
Expires 1/19/2008
Bonded thru (800)432-4254
Florida Notary Assn., Inc

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

EXHIBIT "A"
LEGAL DESCRIPTION

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

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

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

EXHIBIT "B"
PERMITTED EXCEPTIONS

1. Terms, covenants, conditions, restrictions, easements, assessments and possible liens created by and set forth in the Declaration recorded in Official Records Book 1233, Page 975 and Amendments recorded in Official Records Book 1333, Page 115; Official Records Book 1644, Page 1159 and Official Records Book 1809, Page 2339 and Assignment of Developers Rights recorded in Official Records Book 2259, Page 1641 and Official Records Book 2285, Page 3137, of the Public Records of Lee County, Florida.

2. Terms, covenants, conditions, restrictions, easements, assessments and possible liens created by and set forth in the Declaration recorded in Official Records Book 1432, Page 249 and Amendments recorded in Official Records Book 1683, Page 206; Official Records Book 1665, Page 4512; Official Records Book 2902, Page 2682 and Official Records Book 3192, Page 3468 and Assignment of Developers Rights recorded in Official Records Book 2259, Page 1641, of the Public Records of Lee County, Florida.

3. Assignment of Developers Rights recorded in Official Records Book 2237, Page 1828, Public Records of Lee County, Florida.

4. Agreement Regarding Developers Rights recorded in Official Records Book 2285, Page 3118, Public Records of Lee County, Florida.

5. Agreement between the State of Florida Department of Community Affairs and Punta Gorda Isles, Inc., recorded in Official Records Book 1849, Page 582, Public Records of Lee County, Florida.

6. Agreement between The State of Florida, Department of Community Affairs and Burnt Store Improvement Co., Inc., recorded in Official Records Book 1897, Page 3644, Public Records of Lee County, Florida.

7. Oil, gas and mineral rights reserved to previous owner of the fee simple title to lands insured herein, as evidenced by that certain Deed as recorded in Deed Book 197, Page 289, Public Records of Lee County, Florida.

8. Oil, gas and mineral rights reserved to previous owner of the fee simple title to lands insured herein, as evidenced by that certain Deed as recorded in Official Records Book 696, Page 416, Public Records of Lee County, Florida.

9. Reservation of Easement by Burnt Store Marina, Inc. more particularly set forth in Official Records Book 1537, Page 226, and Amendments recorded in Official Records Book 1683, Page 204, Official Records Book 2285, Page 3118, and Official Records Book 3344, Page 2887, Public Records of Lee County, Florida.

10. Non-exclusive ingress and egress easement granted to Marina South Shore Condominium recorded in Official Records Book 1554, Page 942, Public Records of Lee County, Florida.

11. Non-exclusive ingress and egress easement granted to Keel Club Condominium recorded in Official Records Book 1690, Page 2654, Public Records of Lee County, Florida.

12. Easement granted to Lee County Electric Cooperative by instrument recorded in Official Records Book 2008, Page 2591, Public Records of Lee County, Florida.

13. Easement granted to Lee County Electric Cooperative by instrument recorded in Official Records Book 2014, Page 3418, Public Records of Lee County, Florida.

14. Easement granted to United Telephone by instrument recorded in Official Records Book 2049, Page 3147, Public Records of Lee County, Florida.

15. Easement Agreement between Sun City Center Corp. and Marina Towers Company, Inc. and Marina Towers Condominium Association, Inc., recorded in Official Records Book 2355, Page 3777 and Amendments recorded in Official Records Book 2971, Page 346 and Official Records Book 2984, Page 1765, Public Records of Lee County, Florida.

16. Declaration and Grant of Easements recorded in Official Records Book 2772, Page 2889 and Amendments recorded in Official Records Book 3231, Page 1682, Public Records of Lee County, Florida.

17. Declaration of Covenants, Conditions and Restrictions for Prosperity Point recorded in Official Records Book 2772, Page 2934, and Amendments recorded in Official Records Book 3383, Page 1797, Official Records Book 3392, Page 1315 and Official Records Book 3650, Page 2507, Public Records of Lee County, Florida.

18. Water and Sewer Service Agreement between Southern States Utilities, Inc. and Florida Design Communities recorded in Official Records Book 2781, Page 2098, Public Records of Lee County, Florida.

19. Agreement to Grant and Convey Perpetual Easement recorded in Official Records Book 3030, Page 4071, Public Records of Lee County, Florida.

20. Notice of Development Order Approval recorded in Official Records Book 2508, Page 2603, Public Records of Lee County, Florida.

21. Declaration of Grant of Easements and Declaration of Restrictions recorded in Official Records Book 3020, Page 2791, Public Records of Lee County, Florida.

22. Declaration of Covenants and Restrictions recorded in Official Records Book 3023, Page 220, Public Records of Lee County, Florida.

23. Matecumbe Key Access Easement Agreement recorded in Official Records Book 3344, Page 2874, Public Records of Lee County, Florida.

24. Rights of tenants, lessees and other parties in possession not shown by the public records.

25. 20 foot Access and Utility Easement recorded in Official Records Book 3344, Page 2817, Public Records of Lee County, Florida.

26. Parking and Access Agreement recorded in Official Records Book 3344, Page 2827, Public Records of Lee County, Florida.

27. Access Easement Agreement recorded in Official Records Book 3344, Page 2851, Public Records of Lee County, Florida.

28. Resolution No. 04-04-23 recorded in Official Records Book 4287, Page 1793, Public Records of Lee County, Florida.

29. Easement recorded in Official Records Book 4287, Page 1800, Public Records of Lee County, Florida.

30. Second Amendment recorded in Official Records Book 4291, Page 4773, Public Records of Lee County, Florida.

31. Second Amendment recorded in Official Records Book 4291, Page 4778, Public Records of Lee County, Florida.

32. Access Easement recorded in Official Records Book 4307, Page 1374, Public Records of Lee County, Florida.

33. Assignment and Assumption of Grantor's Rights recorded in Official Records Book 4345, Page 3251, Public Records of Lee County, Florida.

34. Conveyance of roads and other areas by Quit Claim Deed recorded in Official Records Book 4345, Page 3266, Public Records of Lee County, Florida.

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF 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

June 3, 2008

Mr. Matthew D. Uhle
c/o Knott, Consoer, Ebelini, Hart and Swett, PA
1625 Hendry Street
Fort Myers, FL 33901

RE: CPA2007-00054, Lee Plan Future Land Use Amendment
Burnt Store Marina

Dear Mr. Uhle:

Planning staff finds the above-referenced submittal insufficient and requires further information to complete the evaluation of the request. To better assist staff in the review process, please provide the following information and/or documentation as required in the application. Some of the requested information may appear to be outside of the scope of the request; however, will ultimately provide staff with a better understanding of the totality of the development. Staff has prepared additional comments relating to specific sections of the application as well as additional information required to continue this review outlined below:

Section IV.

A. General Information and Maps

A.2. Please provide an updated (most current date) aerial outlining the subject property. The submitted aerial is dated January 2005.

A.3 and 4. Please provide detailed information regarding existing land uses and zoning of the subject property and surrounding properties.

B. Public Facility Impacts

B.1. The application indicates that the proposed, new uses will be allowed public access; however, Burnt Store Marina is a private, "gated community". Please address the manner in which the public use, daily access and commercial traffic will be accommodated (i.e. easements, etc.).

B.2. Please provide an existing and future conditions analysis for:

a. Sanitary Sewer
b. Potable Water
c. Surface Water/Drainage Basin
d. Parks, Recreation and Open Space

B.3. Please include detail regarding existing and proposed infrastructure, including the following:

a. Current provider of water and sanitary sewer services - please provide a letter of availability and capacity from the appropriate agency. The applicant has not submitted data and analysis regarding the availability of utilities from the respective services provider. There is insufficient data and analysis regarding the level of service for sanitary sewer required by, or available to, the subject property. The data should include current and projected future water and sanitary sewer plant capacity.

b. Please determine the availability of water supply to support the desired level of development within the franchise area using the current water use allocation (Consumptive Use Permit) based on the annual average daily withdrawal rate. Include the current demand and the projected demand under the existing designation and the projected demand under the proposed designation. Include the availability of treatment facilities and transmission lines for reclaimed water for irrigation. Include any other water conservation measures that will be applied to the site (see Lee Plan Goal 54).

c. Fire protection - please provide a letter of coverage including adequate or required facilities.

d. Ownership and maintenance detail of internal roads within the development

e. The applicant indicates that service letters were sent to the appropriate agencies on 09/27/2007. Please provide a copy of responses from the

following agencies, specifically concerning the impact that could result from the proposed amendment:

a. Fire protection with adequate response times;
b. Emergency medical service (EMS) provisions;
c. Law enforcement;
d. Solid Waste;
e. Mass Transit; and
f. Schools

IV. C. Environmental Impacts*

1. Please provide documentation regarding ownership and maintenance of the existing and proposed docks. How many docks currently exist?

2. Please provide copies of submerged land leases for use of the individual docks and multi-slip docks.

C. 3.

Please provide a topographic map with property boundaries and 100-year flood prone areas indicated (as identified by FEMA)

*Please note that additional environmental comments may be forthcoming under separate cover.

E. Internal consistency with the Lee Plan

1. Please provide how the proposal effects established Lee County population projections, Table 1(b) (Planning Community Year 2030 Allocations).

2. Please provide detailed narrative of all goals and objectives of the Lee Plan that are affected by the proposed amendment.

3. The applicant has not supplied sufficient data or analysis regarding the effect of the proposed amendment on adjacent local governments (i.e. City of Cape Coral) and their comprehensive plan.

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

1.. Please provide narrative regarding consistency with the following specific Smart Growth Principles and why the change does not constitute Urban Sprawl:

1. Mix land uses
2. Take advantage of compact building design
3. Create a range of housing opportunities and choices
4. Create walkable neighborhoods
5. Foster distinctive, attractive communities with a strong sense of place
6. Preserve open space, farmland, natural beauty and critical environmental areas
7. Strengthen and direct development towards existing communities. Is it or is it not infill development or is it sprawl?
8. Provide a variety of transportation choices
9. Make development decisions predictable, fair and cost effective
10. Encourage community and stakeholder collaboration in development decisions

Miscellaneous Information/Comments

1. Please provide an update regarding the status of the golf course (ownership, Homeowner's Association's involvement, etc.) if applicable.

2. Please provide a copy of DCA's letter dated May 27, 2008, requesting additional information, as referenced in the response letter dated May 30, 2008.

3. Please provide a legal description and sketch, prepared by a Florida Licensed Surveyor and Mapper, of the subject property as outlined on the provided aerial. The legal description must be accompanied by a sealed sketch.

4. Please provide a boundary survey of the subject property as outlined on the provided aerial. The boundary survey must identify and depict all easements affecting the subject property and all other physical encumbrances readily identified by a field inspection. The boundary survey must be tied to the state plane coordinate system.

Staff is still reviewing the submitted application and related materials as well as obtaining comments from affected agencies; thus, a follow-up sufficiency letter will be forwarded. Staff desires to work in a collaborative manner to achieve this amendment. If you have any questions or require further information, please contact Staff at 239-533-8548.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT

Lisa Hines
Senior Planner

cc. *Planning file: CPA2007-00054*
Dawn Lehnert, Assistant County Attorney
Matt Noble, Principle Planner, Division of Planning

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

August 11, 2008

Mr. Matthew D. Uhle
c/o Knott, Consoer, Ebelini, Hart and Swett, PA
1625 Hendry Street
Fort Myers, FL 33901

RE: CPA2007-00054, Lee Plan Future Land Use Amendment
Burnt Store Marina

Dear Mr. Uhle:

The above-referenced Comprehensive Plan Amendment was received on September 27, 2007. The last insufficiency letter was forwarded from Lee County Staff on June 3, 2008. In order to qualify for the current cycle of Plan amendments, a complete resubmittal is required no later than 4:30 p.m. on Friday, August 15, 2008. Staff desires to work in a collaborative manner to achieve this amendment; however, deadlines are quickly approaching that will not permit adequate time for review and preparation by Staff.

Staff will continue working on the requested Plan amendment, which will be considered during the next round. If you have any questions or require further information, please contact Staff at 239-533-8548.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT

Lisa Hines
Senior Planner

cc. *Planning file: CPA2007-00054*
Dawn Lehnert, Assistant County Attorney
Matt Noble, Principle Planner, Division of Planning

LEE COUNTY
SOUTHWEST FLORIDA

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County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

March 24, 2008

Mr. Matthew D. Uhle
c/o Knott, Consoer, Ebelini, Hart and Swett PA
1625 Hendry Street
Fort Myers, FL 33901

RE: CPA2007-00054
Burnt Store Marina
Lee Plan Future Land Use Amendment

Dear Mr. Uhle:

In accord with previous meetings, County staff continues to believe that a Binding Letter from the Department of Community Affairs (DCA) remains necessary to effectively review the Lee Plan Amendment request submitted for Burnt Store Marina (CPA2007-00054). It is County staff's understanding that the applicant has initiated a request for this Binding Letter from DCA. Accordingly, Lee County Planning Staff requests copies of the following documentation:

1. A copy of the Binding Letter Application and any other relevant correspondence submitted to the Florida Department of Community Affairs;

2. A copy of the Binding Letter (approval) received from the Florida Department of Community Affairs.

Staff is reviewing the submitted information and materials . A follow up letter regarding additional items necessary to reach sufficiency will be sent under separate cover. However, it is imperative that Staff receives this additional information in order to proceed with processing Case Number CPA2007-00054.

Staff wishes to work collaboratively with all interested parties to arrive at a mutual agreement satisfactory to your client as well as Lee County. Further, Staff would also like to participate in meetings, discussions and site visits conducted with the Florida DCA.

If we may be of further assistance or if you have any questions, please do not hesitate to contact Staff at 239-485-8319.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF PLANNING

Paul O'Connor, Director

cc: Planning File: CPA2007-00054

THE SCHOOL DISTRICT OF LEE COUNTY

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

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

RECEIVED
FEB 13 2009
COMMUNITY DEVELOPMENT

February 4, 2009

Ms. Lisa Hines, Senior Planner
Lee County Development Services Division
P.O. Box 398
Fort Myers, FL 33902-0398

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

Dear Ms. Hines:

This letter is in response to your request dated January 21, 2009 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. The school district has sufficient seats available to serve this need. . **Please be advised that this is not a concurrency determination and such a determination will be required later in the development process.**

The School District is not currently building any new schools as the enrollment for the 2008/2009 school year has slightly decreased over the previous year's enrollment. However, there is sufficient capacity planned within the five year planning window to accommodate students that will be generated by this development.

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

Sincerely,

Dawn Gordon, Community Development Planner
Planning Department

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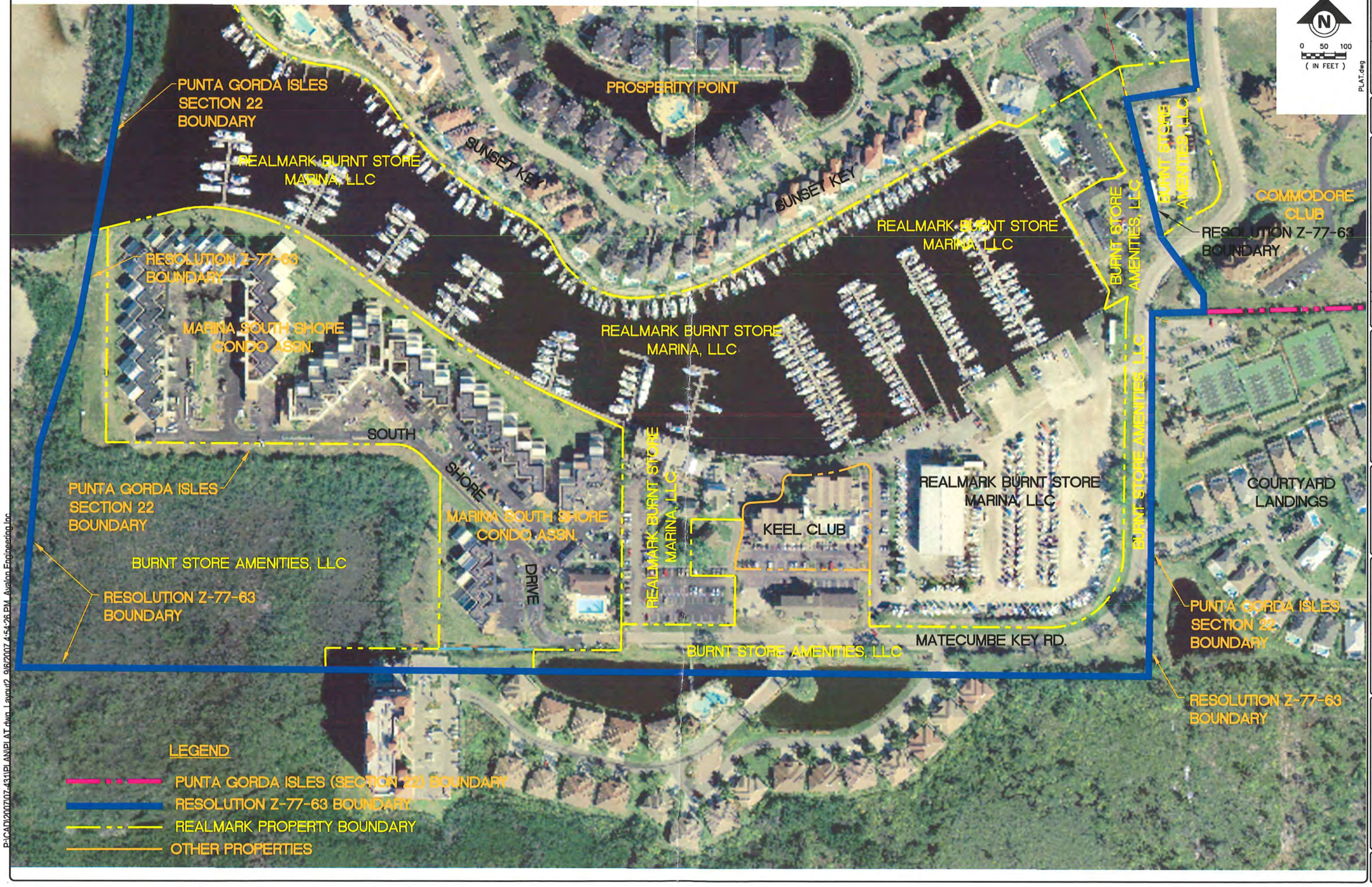


RECEIVED
SEP - 7 2007
COMMUNITY DEVELOPMENT

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SHEET 1 OF 2	PUNTA GORDA ISLES-SECTION 22	PROPOSED MARINA VILLAGE BURNT STORE MARINA LEE COUNTY, FLORIDA		AVALON ENGINEERING, INC. 2503 DEL PRADO BLVD. #200 CAPE CORAL, FLORIDA 33904 FBPE#3128 (239) 573-2077	DATE / BY / REVISION DESCRIPTION	PROJ. 07-431	DATE: 4/30/07
						CADD TECH.	M.P.
						PROJ. MGR.	Bill Edwards, P.E.
						FL. LICENSE #	38615



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PROJ. 07-431 | DATE: 4/30/07
CADD TECH. | M.P.
PROJ. MGR. | Bill Edwards, P.E.
FL. LICENSE # | 38615

DATE	BY	REVISION DESCRIPTION

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

PROPOSED MARINA VILLAGE
BURNT STORE MARINA
LEE COUNTY, FLORIDA

BURNT STORE MARINA

SHEET 2 OF 2

CPA2007-54
BURNT STORE MARINA
PRIVATE INITIATED
AMENDMENT
TO THE

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Public Hearing Document
for the
February 25th, 2009 Adoption Hearing

Lee County Planning Division
1500 Monroe Street
P. O. Box 398
(239) 533-8585

January 16, 2009

LEE COUNTY
DIVISION OF PLANNING
REVISED STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2007-00054

✓	Text Amendment	✓	Map Amendment

This Document Contains the Following Reviews:

✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Transmittal
✓	Staff Response to the DCA Objections, Recommendations and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

Staff Report Preparation Date: October 15, 2008
Hearing Date: October 23, 2008
Staff Report Preparation Date: October 24, 2008
Staff Report Preparation Date: February 11, 2009
Hearing Date: February 25, 2009

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE

Realmark Burnt Store Marina, LLC, Applicant
Matthew D. Uhle, Esq., Knott, Consoer, Ebelini, Hart and Swett PA, Authorized Representative

2. REQUEST

Amend the Lee Plan Future Land Use Map Series, Map 1, for 18.25± acres from the "Rural" Future Land Use category to the proposed "Burnt Store Marina Village" Future Land Use category. Amend Table 1(a) to add the "Burnt Store Marina Village" Future Land use category. Amend 1(b) to reallocate seven acres of

commercial, six acres of industrial, four acres of residential and one acre of public land uses to accommodate the proposed development. The site is generally located on the west side of Burnt Store Road within the Burnt Store Marina community.

B. BOARD OF COUNTY COMMISSIONERS FINDINGS OF FACT AND ACTION

The Board of County Commissioners voted unanimously to transmit the proposed amendment, as modified by staff and amended by the LPA. The Board further recommends that the Future land use Map 1 be amended by adding a new category to be known as Burnt Store Marina Village and the amendment of Table 1(b) to reallocate 7 acres of commercial, 6 acres of industrial, 4 acres of residential and 1 acre of public land use within the Year 2030 Allocations for the Burnt Store Marina Planning Community. The following language was approved for transmittal by the Board of County Commissioners.

> **POLICY 1.2.10:** The Burnt Store Marina Village area provides for the redevelopment that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and limited industrial uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center. The following uses are permitted within the Burnt Store Marina Village category; a maximum of 55,000 square feet of retail uses; a maximum of 1,325 wet and dry spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units.
>
> **GOAL: BURNT STORE MARINA VILLAGE.** To promote redevelopment that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and limited industrial uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center.
>
> **OBJECTIVE 25.1:** The Burnt Store Marina Village is intended to encourage and facilitate redevelopment of the existing marina and commercial area located internal to the Burnt Store Marina project with an attractive mix of residential, marine, retail, hotel and office uses designed to enhance and protect the public use of, and access to, the waterfront and marina. Development of commercial retail, hotels, general office and marina related uses will predominate in the Burnt Store Marina Village. Limited residential and light industrial marine uses are also permitted to facilitate the proper

development mix to allow integration of the Burnt Store Marina Village into the overall Burnt Store Marina project.

POLICY 25.1.1: The following uses are permitted within the Burnt Store Marina Village category; a maximum of 55,000 square feet of retail uses; a maximum of 525 wet slips; a maximum of 800 dry storage spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units. The maximum height permitted in this category is 220 feet.

POLICY 25.1.2: Redevelopment of any uses within the Burnt Store Marina Village must be accomplished through the Planned Development rezoning process in order to properly accommodate existing conditions, the proposed redevelopment plan, prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans. Development in this future land use category is not required to comply with the site location criteria provided in Goal 6 if appropriate site development regulations are adopted into the planned development. New development in this category must connect to a potable water and sanitary sewer system.

POLICY 25.1.3: Lee County will cooperate with private developer efforts to create an identity for the Burnt Store Marina Village through unified architectural quality and creative site design that enhances the waterfront community and consists of scenic views, buildings with varying roof lines, open space, a pedestrian and neighborhood oriented activity center and enhanced buffering requirements.

POLICY 25.1.4: Lee County will work in conjunction with private developers to reserve existing marina facilities with on or off-site public parking spaces for vehicles and trailers and access for the benefit of the public.

POLICY 25.1.5: The residential and hotel development portions of this redevelopment project must be located outside of the Tropical Storm Surge Zone as depicted in the 1991 Hurricane Storm Tide Atlas for Lee County.

C. STAFF ORIGINAL RECOMMENDATION AND FINDINGS OF FACT SUMMARY: (NOTE: Staff's final recommendation is included in PART V of this Staff Report.

1. **RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners transmit the proposed amendment, as modified by staff. Planning

staff recommends that the Future land use Map 1 be amended by adding a new category to be known as Burnt Store Marina Village. Staff further recommends that Table 1(b) be amended so that four acres of the allocated residential acreage from the Rural be allocated to the new Marina Village Planning Community.

Staff recommends the Lee Plan be amended to create a new descriptor policy with an accompanying new Goal, Objective and Policies as follows:

POLICY 1.2.10: The Burnt Store Marina Village area provides for the redevelopment that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and limited industrial uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center. The following uses are permitted within the Burnt Store Marina Village category; a maximum of 55,000 square feet of retail uses; a maximum of 525 wet slips; a maximum of 800 dry storage spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units.

GOAL: BURNT STORE MARINA VILLAGE. To promote redevelopment that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and limited industrial uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center.

OBJECTIVE 25.1: The Burnt Store Marina Village is intended to encourage and facilitate redevelopment of the existing marina and commercial area located internal to the Burnt Store Marina project with an attractive mix of residential, marine, retail, hotel and office uses designed to enhance and protect the public use of, and access to, the waterfront and marina. Development of commercial retail, hotels, general office and marina related uses will predominate in the Burnt Store Marina Village. Limited residential and light industrial marine uses are also permitted to facilitate the proper development mix to allow integration of the Burnt Store Marina Village into the overall Burnt Store Marina project.

POLICY 25.1.1: The following uses are permitted within the Burnt Store Marina Village category; a maximum of 55,000 square feet of retail uses; a maximum of 525 wet slips; a maximum of 800 dry storage spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel

units; and a maximum of 160 residential units. The maximum height permitted in this category is 135 feet if the parking is not integrated into the structure. If multiple layers of enclosed parking are placed under the multi-family or hotel use, the height may be increased by an additional 50 feet for a maximum height of 185 feet.

POLICY 25.1.2: Redevelopment of any uses within the Burnt Store Marina Village must be accomplished through the Planned Development rezoning process in order to properly accommodate existing conditions, the proposed redevelopment plan, prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans. Development in this future land use category is not required to comply with the site location criteria provided in Goal 6 if appropriate site development regulations are adopted into the planned development. New development in this category must connect to a potable water and sanitary sewer system.

POLICY 25.1.3: Lee County will cooperate with private developer efforts to create an identity for the Burnt Store Marina Village through unified architectural quality and creative site design that enhances the waterfront community and consists of scenic views, buildings with varying roof lines, open space, a pedestrian and neighborhood oriented activity center and enhanced buffering requirements.

POLICY 25.1.4: Lee County will work in conjunction with private developers to reserve existing marina facilities with on or off-site public parking spaces for vehicles and trailers and access for the benefit of the public.

POLICY 25.1.5: The residential and hotel development portions of this redevelopment project must be located outside of the Tropical Storm Surge Zone as depicted in the 1991 Hurricane Storm Tide Atlas for Lee County.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The subject property and existing uses are not consistent with the description and definition of the Rural future land use category. The existing development of Burnt Store Marina consists of high intensity residential and commercial uses with a provision of urban services such as Fire and Police protection and utilities.

- Since 1983 the Department of Community Affairs has reviewed Burnt Store Marina, an existing development consisting of 626 acres, with respect to its Development of Regional Impact (DRI) status. Each time, the Department of Community Affairs has

determined that Burnt Store Marina is vested from DRI review.

- On July 31, 2008, the Department of Community Affairs issued a Binding Letter of Modification (BLIM) to a Development with Vested Rights and a Binding Letter of Determination of Development of Regional Impact Status (BLID) for Punta Gorda Isles Section 22 (also known as Burnt Store Marina). Thus, finding that the proposed development in Section 22 and Tract C is below 100 percent of the applicable DRI thresholds as provided in Section 380.0651(2)(d)1.a., F.S. Therefore, the project would not be required to undergo DRI review. However, this determination does not preclude the compliance with all other applicable federal, state or local government procedures such as zoning and development regulations.

- The proposed land use category will permit the redevelopment and expansion of the existing marina and related services. The project will be compatible with the surrounding community and will be served by adequate public facilities.

- No additional commercial acreage is being requested for the project, as the property is currently being utilized for commercial purposes. The applicant is seeking to improve an existing commercial development including water-dependent recreational uses.

- The creation and application of the land use category does not encourage urban sprawl, rather, the amendment represents redevelopment of an already urbanized portion of the Burnt Store Marina development. The proposed category contemplates multi-use development to complement the existing high density residential development within Burnt Store Marina.

- The amendment will create an exception to the commercial site location standards similar to those inherent to the County's new "Commercial" future land use category. The exception is justified in light of the amount of development that currently exists and is vested for Burnt Store Marina.

- The Hurricane Storm Tide Atlas depicts the location of the subject property within the Tropical Storm and Category 2 Storm Surge Zones. The applicant is requesting an additional 160 dwelling units. These new dwelling units will be restricted from location in the Tropical Storm Surge Zone.

D. BACKGROUND INFORMATION

1. EXISTING CONDITIONS:

SIZE OF PROPERTY: 18.25± acres; Total Uplands: 18.25± acres; Total Wetlands; None (See Attachment 2)

PROPERTY LOCATION: The Burnt Store development 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. Burnt Store Marina encompasses a total of 626 acres originally platted in 1973 as Punta Gorda Isles, Section 22 in Plat Book 28, Page 118.

The subject property, consisting of 18.25± acres is generally located on the west side of Burnt Store Road, specifically within the Burnt Store Marina development at 3150, 3090 and 3140-3200 Matecumbe Key Road, Punta Gorda.

EXISTING USE OF LAND: Marina, Hotel, Restaurant, Residential, Wet and Dry boat slips and vacant. (See Attachment 3)

CURRENT ZONING: The property is currently zoned Marine Commercial (CM), Residential Multiple-Family (RM-2) and RM-10.

There was a recent zoning case (Z-08-037; REZ2007-00020) to permit the rezoning of 1.33 acres of the subject property from RM-2 and RM-10 to Commercial Parking (CP). This case was heard before the Board of County Commissioners on Monday, September 15, 2008. The Board voted to deny the application without prejudice.

The RM-10 zoned parcel is currently vested for a maximum of 10 dwelling units per acre. Approval of the requested rezoning would limit future residential development of the subject property to a maximum of one dwelling unit per acre (Rural land use category). Approval fo the requested Lee Plan Amendment will supercede this vesting and the proposed policy will set forth maximum land use regulations.

CURRENT FUTURE LAND USE CATEGORY: The subject property is designated Rural (See Attachment 4)

2. **REQUEST:**

The applicant is requesting a change in the subject property's future land use category from Rural to a new category entitled "Burnt Store Marina Village" future land use category. This category is proposed to permit redevelopment of existing uses on the subject property. The Rural future land use category currently permits a maximum of one dwelling unit per acre and minimal non-residential land uses that are needed to serve the rural community. There is not a specific limit for office and marine related uses.

The application encompasses four parcels, two of which are developed with the existing marina, wet and dry boat slips and ancillary uses.(see Attachment 5)

The application proposes a new land use category entitled (Burnt Store Marina

Village" as follows:

> *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 55,000 square feet; wet slips, up to a maximum of 525; dry storage spaces, up to a maximum of 800; office space, up to a maximum of 15,000 square feet; a maximum of 145 hotel units; and a maximum of 160 residential units. The maximum height permitted in this category is 220 feet.*

The applicant further proposes to amend the 2030 Planning Communities Acreage Table as follows:

1. Add a new line for "Burnt Store Marina Village" in the table;
2. Revise the acreage table as follows:
   a. Commercial - 7 acres;
   b. Industrial - 6 acres;
   c. Residential - 4 acres;
   d. Public - 1 acre

The applicant proposes to redevelop approximately 18.25± acres of Burnt Store Marina which currently houses wet boat slips, a dry storage building, office space, a restaurant and recreational uses. The surrounding uses are predominantly multiple-family residential structures with some single-family residential. The proposed amendment, if approved, will permit the applicant to add 15,000 square feet of office space; 160 residential units; 55,000 square feet of retail use with 300 parking spaces (garage); 145 hotel rooms, 525 wet slips (existing) and 800 dry boat storage spaces. The proposed dry storage buildings are depicted as industrial uses in accordance with the 2030 Planning Communities Acreage.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

INTRODUCTION

The proposed amendment is the result of a desire by a new owner to redevelop and expand the existing uses of the property from a limited mix of marine, residential, commercial-retail, hotel and office uses by creating a new future land use category specific to Burnt Store

Marina. The new future land use category would facilitate the redevelopment of the existing uses that enhance the waterfront as well as permit continued public use of the boat ramp.

Burnt Store Marina is a unique community, consisting of 626± acres. The development is divided into two distinct sections, Marina Village located within Tract C and the Golf Course Subdivision located within Punta Gorda Isles, Section 22. The proposed amendment encompasses 13.3 acres of Tract C and the addition of an adjacent 4.95 acres included within the Punta Gorda Isles, Section 22.

The Lee Plan, in the Vision for 2030, identifies the Burnt Store Planning Community as follows:

> *This community is located in the northwest corner of the mainland of unincorporated Lee County. The property east of Burnt Store Road is designated Open Lands and the land west of Burnt Store Road is designated as Rural (also known as Burnt Store Marina) with the exception of 10 acres designated as Outlying Suburban. Most of the Burnt Store Marina development was approved prior to the adoption of the 1984 Lee Plan and is "vested" for densities higher than allowed by the current plan. The development is primarily residential with a high percentage of seasonal residents. There are some commercial and marine oriented amenities within the Burnt Store Marina development primarily serving residents of that development. This area is expected to substantially grow through the year 2030. Today, most of the community's commercial needs are served outside of the community in Cape Coral, North Fort Myers and Fort Myers, or in Charlotte County. This development pattern is expected to remain through 2020. (Added by Ordinance No. 99-15, Amended by Ordinance No. 07-12)*

The subject property currently houses some existing commercial land uses. The applicant is proposing to redevelop the subject property including enhancements to an existing marina and ancillary uses. The commercial uses will provide services to the surrounding residential land uses as well as provide the foundation for a mixed use community.

Two of the subject parcels are located in a designated "Water-Dependent Overlay Zone" depicted in Lee Plan Map 12 (page 9 of 12) (See Attachment 6). The Water-Dependent Overlay Zone is defined in Policy 1.7.5 of the Lee Plan as follows:

> *The Water-Dependent overlay zone designates shoreline areas where priority will be granted to water-dependent land uses. Specific requirements are detailed for such zones on San Carlos Island under Goal 12, in the Great Pine Island area under Goal 14 and other areas in Lee County in the Conservation and Coastal Management Element. (Amended by Ordinance No. 94-30, 00-22).*

The Lee Plan further addresses water access in Goal 125 which encourages development and implementation of a public water access program.

> ***Objective 125.2: Water Access in Private Developments.*** *The county will encourage private landowners to provide some form of water access to the public. (Amended by Ordinance No. 00-22)*
>
> ***Objective 125.3:*** *Develop techniques to encourage development and expansion of water-dependent recreational uses in Lee County waterways and discourage any conversion of water-dependent uses to non-water dependent uses. (Added by Ordinance No. 07-09)*

The Lee Plan, Objective 128.6, establishes policies utilized to evaluate marina design criteria (new or expansion at existing marinas) in order to minimize negative impacts and to complement the county's development regulations.

> ***Policy 128.6.6:*** *Marinas and multi-slip docking facilities must prepare hurricane plans with the assistance of the county which describe measures to be taken to minimize damage to marina sites, neighboring properties and the environment; this hurricane plan is subject to county approval. (Amended by Ordinance No. 00-22)*
>
> ***Policy 128.6.13:*** *Dry storage of small boats should be encouraged, with dry storage structures located inland as far as possible.*
>
> ***Policy 128.6.16:*** *Expansion of dry storage capabilities will be strongly encouraged to reduce dredging. (Amended by Ordinance No. 00-22)*

The Burnt Store Marina community is non-conforming in relation to the Rural future land use category. This development is more consistent with an urban or mixed use land use category.

Staff supports the applicant's request to provide for a land use category permitting the expansion of the existing water-dependent recreational facilities such as the dry storage building as set forth in the above-referenced policies. Staff further supports the proposed office space, retail uses, residential and hotel rooms which will support and complement the existing and proposed uses.

COMPREHENSIVE PLAN BACKGROUND

In 1984, upon adoption of the Lee Plan, the subject property was designated as part of the "Fringe" land use category described in the 1984 Lee Plan as follows:

These areas border designated Urban Service Areas yet are not a part of the Urban Service Area. The Plan recognizes these fringe areas as potentially appropriate for development at Urban Community densities, although their overall lack of requisite infrastructure may delay such development unless private sectory provision of services and facilities occurs. The Lee Plan does not target these areas for public expenditures. Therefore, development approvals will be wholly based upon a satisfactory demonstration of necessary infrastructure including potential fiscal mitigation for services such as EMS, police and fire protection, educational facilities, as well as all appropriate Plan Goals, Objectives, Policies and Standards. Developments that have lower levels of infrastructure, environmentally sensitive areas or potential negative impacts on potable water resources should be considered for the lower end of the density range and lower levels of intensity compatible with adjacent land uses.

In 1989, the Board of County Commissioners amended the Lee Plan at which time the "Fringe" land use category was eliminated and the Burnt Store Marina development was included within the "Rural" future land use category. The 1989 Lee Plan described the "Rural" future land use category as follows:

Policy 1.4.1: *The Rural areas are to remain predominantly rural - that is, low density residential, agricultural uses and minimal non-residential land uses that are needed to serve the rural community. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre), except as may be permitted under the Planned Development District Option.*

The current Lee Plan includes the "Rural" future land use category in Objective 1.4: Non-Urban Areas, which are designated on the Future Land Use Map as categories for those areas not anticipated for urban development at this time as follows:

Policy 1.4.1: *The Rural areas are to remain predominantly rural - that is, low density residential, agricultural and minimal non-residential land uses that are needed to serve the rural community. These areas are not to be programmed to receive urban-type capital improvements and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre). (Added by Ordinance No. 97-17, Amended by Ordinance No. 98-90, 00-22, 07-12)*

The applicant's request is to create a new land use category, "Burnt Store Marina Village"

area located within a portion of the property in Burnt Store Marina that is zoned for a mixture of commercial and residential uses. The proposed category would facilitate the redevelopment of the existing marina and commercial area of Burnt Store Marina. 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 18.25 acres. The plan includes 15,000 square feet of office space, an addition of 160 residential units, 55,000 square feet of retail with 300 parking spaces (garage), 145 hotel rooms and a maximum of 1,325 wet and dry spaces.

HISTORY

On May 9, 2008, the applicant submitted a letter to the Department of Community Affairs requesting a Binding Letter of Modification (BLIM) to a Development of Regional Impact with Vested Rights Under Section 380.06 and 120.57, Florida Statutes with attachments the following chronological history:

- 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 October 26, 1973 letter and concluded that the proposed development for Punta Gorda Isles-Section 22 is vested from DRI review.

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

- The second 380.032 agreement was executed on January 30, 1987 and 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.

On May 28, 2008, the Department of Community Affairs responded to the applicant's letter requesting a BLIM/BLID for the Burnt Store Marina project requesting additional information. The applicant responded to the Department of Community Affairs on May 30, 2008 and provided the requested, additional information.

In response to the applicant's request, on July 31, 2008, the Department of Community Affairs issued Final Order No. DCA08-BL-204, including a Binding Letter of Modification to a Development with Vested rights (BLIM-09-2007-016) and a Binding Letter of Determination of Development of Regional Impact Status (BLID-09-2007-015) (see Attachment 7) for Punta Gorda Isles, Section 22 (also known as Burnt Store Marina) with the following conclusions:

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)(D1)1.a., F.S. Therefore, the proposed development 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. Thus, the following order was issued by the Department of Community Affairs.

4. The modification 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.

5. 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 would be submitted by the applicant or successor(s) of 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.

6. 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.

7. 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.

8. The binding letter as it applied 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.

9. This determination does not obviate the need to comply with all other applicable federal, state or local government permitting procedures.

10. 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.

SURROUNDING ZONING, LAND USES AND FUTURE LAND USE DESIGNATION

North: Residential Multiple-Family (RM-2, RM-10)
Rural future land use category
Sunset Key Condominiums and
Prosperity Pointe Condominiums

South: Matecumbe Key Road, then
City of Cape Coral; Pedestrian Commercial District (C-1)
Mixed Land Use future land use category
Resort at Burnt Store Marina amenities

East: Matecumbe Key Road, then
Residential Multiple-Family (RM-10)
Commodore Condominiums; and
Courtside Landings Residential Planned Development (RPD)
A/k/a Harbour Villas
Outlying Suburban future land use category

West: Residential Multiple-Family (RM-2)
Rural future land use category
Marina South Shore Condominiums

The Keel Club Condominiums, consisting of 47 units, is also located adjacent to the subject property in the area between the proposed dry storage buildings and the proposed Marina Village commercial uses.

MAP 16 - PLANNING COMMUNITIES AND TABLE 1(b)

The subject property is located within the Planning Community of Burnt Store. In this community there are 700 acres allocated to residential uses in the Rural land use category. Recent Planning Division data indicates that 600 acres within this community are currently developed with residential uses, leaving a surplus of 100 acres that could be developed with residential uses in the Rural land use category before the year 2030. (see Attachment 8)

There are 50 acres allocated to commercial uses, with 19 acres indicated as currently developed, leaving a surplus of 31 acres that could be developed with commercial uses. There are five acres allocated to industrial uses. Four of these acres have been developed with industrial uses leaving a surplus of 31 acres that could be developed with commercial uses. There are five acres allocated to industrial uses. Four of these acres have been developed with industrial uses, including some allocations to Burnt Store Marina, leaving one acre available for new industrial development.

COASTAL

The Hurricane Storm Tide Atlas depicts the location of the subject property within the Tropical Storm and Category 2 Storm Surge Zones.

> ***Policy 5.1.2:*** *Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not included to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.*
>
> ***Policy 105.1.4:*** *Through the Lee Plan amendment process, future land use designations of undeveloped areas within coastal high hazard areas will be considered for reduced density categories in order to limit the future population exposed to coastal flooding.*

Mitigation measures are currently established in the Land Development Code (LDC), Chapter 2, Article XI, Hurricane Preparedness. Adoption of the Lee Plan proposed amendment will result in requirement amendments to the LDC to further clarify and enforce that mitigation requirements will be based on a Category 5 storm event consistent with the changes made to Chapter 163.3178, F.S.

The Southwest Florida Regional Planning Council reviewed the subject property in regards to the 1991 Hurricane Storm Tide Atlas for Lee County. The subject property is located on Plates 1 and 4 of the Atlas. The attached maps indicate the current Coastal High Hazard Area along with three plates from the 1991 Hurricane Storm Tide Atlas. Since the parcel runs from

Charlotte Harbor to Burnt Store Road, the property is located in Tropical Storm Surge Zone to Category 3 Surge Zone. The specific surge heights for this site are as follows:

The subject property is located within Time-History Point 48. Based on an elevation of 5 feet, the site would be dry in a tropical storm; have 3 feet over it in a Category 1; 4.3 feet over it during a category 2; 8.5 feet over it during a category 3 and 15.3 feet over it during a category 4/5.

In accordance with the Lee Plan, Map 5, the subject property is not currently located within the designated Coastal High Hazard Area. The applicant is requesting an additional 160 dwelling units within the existing development and a maximum height of 220 feet. The applicant has provided information regarding the location of the proposed development within the Coastal High Hazard Area as depicted on the 1991 Hurricane Storm Tide Atlas for Lee County. This analysis shows the residential development area to be within the Category 2 Storm Surge area, and therefore outside of the Coastal High Hazard Area. (See Attachment 9) Thus, Staff proposes the following language to assure the residential development is not located within the Coastal High Hazard Area:

> ***POLICY 25.1.5:*** *The residential and hotel development portions of this redevelopment project must be located outside of the Tropical Storm Zone as depicted in the 1991 Hurricane Storm Tide Atlas for Lee County.*

TRANSPORTATION/TRAFFIC CIRCULATION IMPACTS

The Lee County Department of Transportation (LCDOT) reviewed the request and has provided Planning staff written comments dated September 5, 2008 (see Attachment 10). This review was based on the initial submittal provided by the applicant. LCDOT concluded that based on the parameters (of the proposed development), utilizing the 2030 FSUTMS model, LCDOT staff determined that this land use change will not alter the future road network plans in this area. The applicant's subsequent resubmittal proposes a reduction in the amount of square footage originally presented, creating less impact to the road network.

The roads located within Burnt Store Marina are private in accordance with Case Number VAC2003-00072 adopted by the Board of County Commissioners on April 13, 2004 and recorded as Instrument Number 6260603 in the official records of Lee County). An access easement (see Attachment 11) has been entered into the official records of Lee County in Instrument Number 6285414 between the Punta Gorda Isles, Section 22 Homeowners Association, Inc. and Realmark Burnt Store Marina, LLC, (the applicant) providing an exclusive manner of ingress and egress to the subject property. This easement grants and conveys the Grantee (the applicant) 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 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.

POPULATION ACCOMMODATION

The subject property consists of land that has previously been developed for commercial purposes. Two acres of the parcel are proposed to be redeveloped for 160 residential units. This will result in an a proposed increase of 334 persons (160 x 2.09 PPH) accommodated by the future land use map.

If the requested amendment is approved, it will be necessary to create a new row in the Planning Communities Acreage Table for the Burnt Store Marina Village Planning Community. The revised table should depict four acres of residential uses, seven acres of commercial, 1 acre of public and six acres of industrial uses (to accommodate the marina uses). The industrial and commercial allocations in the table do not need to be amended, there is ample allocation existing. The subject property is currently accommodated in the Rural future land use; thus, will require redistribution of four acres of the allocated residential acreage from the Rural to the proposed Burnt Store Marina Village Planning Community.

ENVIRONMENTAL CONSIDERATIONS

The Division of Environmental Sciences (ES) staff has reviewed the proposed Burnt Store Marina Comprehensive Plan Amendment and offered an analysis included as Attachment 12. Due to the limited scope of the request for Comprehensive Plan amendment, the project does not include environmentally sensitive areas. ES staff does not object to the proposed future land use category.

SOILS

A map of the soils located on the subject property consisting of 18.25± acres is included in the application. The type of indicated soils include Mayakka Fine Sand, Estero Muck,

Peckish Mucky Fine Sand, Immokalee Sand, Smyrna Sand, Myakka Find Sand, depressional and Matlacha Gravely Fine Sand.

SURFACE WATER MANAGEMENT

Burnt Store Marina utilizes multiple drainage basins comprised of existing surface water management systems which include dry detention areas for pretreatment of water runoff and wet detention lakes for rain storage during large flood events. The proposed 18.25 acre redevelopment area is part of an existing Department of Environmental Protection (DEP) permit and South Florida Water Management District Permit (SFWMD), which will require modification and review by Lee County Natural Resources prior to development order approval. The surface water management systems within the redevelopment area are not expected to increase in size due to the fact that the existing site area has about the same impervious area to pervious area ratio.

MANATEE PROTECTION

The Lee County division of Natural Resources reviewed the application relative to manatee protection. The site rates as *preferred* under the Manatee Protection Plan and the number of slips proposed are consistent with that finding. The applicant will be required to comply with all applicable standard construction conditions for manatee protection including development of an education program for marina users.

HISTORIC RESOURCES

The application includes a letter dated September 28, 2007 from the Division of Historical Resources, Florida Department of State (See attachment 13). This letter provides the following information:

> *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.*

Lee County staff notes that there are areas on the subject property designated on the Lee County Archaeological Sensitivity Map as Sensitivity Level 2. Chapter 22 of the Lee County Land Development Code (LDC) defines the Sensitivity Level 2 as follows:

> *"Those areas containing known archaeological sites that have not been assessed for significant but are likely to conform to the criteria for local designation, or areas where there is a high likelihood that unrecorded sites of potential significance are present."*

Staff is not aware of any historic or archaeological resources occurring on this site; however, the applicant will be required to obtain a "Certificate to dig" permit from Lee County prior to or in conjunction with the issuance of a final development order for activity within areas designated as being within the "Sensitivity Level 2" areas. "Activity" in this context means new construction, filling, digging, removal of trees or any other activity that may alter or reveal an interred archaeological site.

SCHOOL IMPACTS

Lee County School district staff reviewed the proposal and provided written comments dated June 25, 2008 (see Attachment 14). The School District staff reviewed the project on the assumption that the proposal would add a marina, restaurant and other commercial uses as well as 160 new multi-family residential units. The review letter provides that 160 new multi-family dwelling units would generate 20 additional school-aged children and is calculated at .125 per unit. The commercial use would have no impact. Any development of the subject property will be assessed the applicable school impact fees.

PARKS, RECREATION AND OPEN SPACE

The applicant provided an analysis regarding Parks, Recreation and Open Space. The subject property is located within the North Fort Myers Community Park district. The proposed increase of 160 residential units will create a demand for .27 acres of community park acreage in the North Fort Myers district. According to the 2007 Concurrency Inventory, the projected minimum level of service in the North Fort Myers District in 2010 is approximately 50 acres, while 166 acres of developed parks currently exist. The additional residential units contemplated by the amendment application will not adversely impact parks, recreation and open space.

POLICE

The subject property is located within the service area of the Lee County Sheriff's Department. The developer will be required to coordinate with the Office of the Sheriff throughout the development process at which time a Crime Prevention through Environmental Design study will be required for review and approval. This study will be required for implementation into the Planned Development process.

FIRE AND EMERGENCY MEDICAL SERVICES (EMS)

The subject property is located within the Burnt Store Fire District. The applicant has provided a copy of an Interlocal Agreement between the City of Cape Coral and the Burnt Store Area Fire Service Municipal Taxing Unit (MSTU) (see Attachment 15) to provide fire protection to the residents of Burnt Store Marina. This Agreement, which is reviewed and renewed on an annual basis, will consider the addition of new construction, including but not limited to, buildings and marina facilities during the renewal process.

The Interlocal Agreement establishes fire protection and prevention services, such as work, materials and all related professional, technical, administrative, fire suppression and related services, basic first response rescue, fire company level prevention services, fire inspection services and safety activities that are necessary to perform fire protection and prevention services to the Burnt Store Marina community.

Lee County Emergency Medical Services (LCEMS) staff reviewed the request and provided written comments dated April 17, 2008 (see Attachment 16). This letter provides the following comments:

> *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 , 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 close to this department.*

Burnt Store Marina is served by the City of Cape Coral Fire Department, Station 7, located at 3942 Burnt Store Road, approximately two miles from the main entrance gate to the development. This station is equipped with first response equipment including an Advanced Life Support (ALS) vehicle. The Cape Coral Fire Department does not provide ambulatory service for transport; however, is responsible for emergency medical services until such time EMS arrives on site. The City of Cape Coral Fire Department offered no objection to the requested height of 220 feet noting that current building, fire and development codes address life safety regulations and they are equipped to provide service to structures built to this height.

SOLID WASTE

The Lee County Solid Waste Division staff has reviewed the request and provided written comments dated June 26, 2008 (see Attachment 17). This letter states that the Lee County Solid Waste Division is capable of providing solid waste collection services 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.

Further, the Solid Waste Ordinance, as amended, and LDC, Chapter 10, Section 10-261 have requirements for providing on-site space for placement and servicing of commercial solid waste containers.

MASS TRANSIT

The applicant indicates that there is no existing or proposed mass transit in conjunction with this request. However, Lee County Transit states that the Lee County Long Range Plan indicates the need for a Park and Ride lot in the vicinity of this project where commuter bus service would begin, providing transportation needs through North Cape Coral and terminating in downtown Fort Myers.

UTILITIES

The subject property is located in the Charlotte County Utilities service area for the provision of potable water and sanitary sewer services. The applicant has provided letters from Charlotte County Government dated June 25, 2008 confirming the availability and capacity of potable water, reclaimed water and sanitary sewer services to the subject property (see Attachment 18).

Potable water services are provided by the Burnt Store Reverse Osmosis Treatment Plant. Sanitary sewer and reclamation water services are provided by the Burnt Store Water Reclamation Facility. Utility services will be made available to the subject property upon extension of the water distribution and wastewater collection system and execution of an agreement with the owner/developer and Charlotte County Utilities.

The applicant states that the existing water and sanitary sewer usage equates to an estimated 21,390 gallons per day (GPD). This entails 7,700 square feet of retail space; 10,300 square feet of restaurant space and 15,000 square feet of office space.

The new proposed uses including 145 new hotel units, additional retail space, additional restaurant space and 160 new multiple family residential units will generate approximately 63,160 GPD. Thus, the existing and proposed uses will generate approximately 84,550 GPD of water and sanitary sewer usage.

STATE AND REGIONAL PLAN CONSISTENCY

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

State Plan

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

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

Regional Plan

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

B. CONCLUSION

Most of the urban services required to support the proposed change of land use and redevelopment are in place or can be made available. The applicant is proposing redevelopment of 18.25± acres to accommodate new development of 145 hotel rooms, 160 dwelling units, a maximum of 55,000 square feet of retail with 300 parking spaces (garage), a maximum of 15,000 square feet of office space and a maximum of 525 wet slips (existing) and 800 dry storage spaces.

The proposed amendment does not promote urban sprawl, as the subject property is located within an existing and approved residential and commercial urban development as well as commercial marina uses. The existing uses are not restricted to the residents of Burnt Store Marina and are currently utilized by the public. The existing development is not consistent with the rural future land use category.

The LDC, Article 19, Section 34-1802(4), paragraphs b and d regulates density requirements for hotels and motels. For developments within conventional zoning districts located within Lee Plan future land use map categories that have maximum standard density limits, rental unit density is based on a ratio of the number of units and total floor area. Hotels/motels approved as planned developments are not subject to rental unit size or density requirements provided all other aspects of the development (i.e. height, traffic, intensity of use, etc.) are found to be compatible with the surrounding area and otherwise consistent with the Lee Plan. The applicant will be required to rezone the subject property to a planned development.

REDEVELOPMENT

Redevelopment of an aging or antiquated land uses is an important part of maintaining a healthy and vibrant community. While there has been some redevelopment in Lee County in the past, we are entering a phase where

redevelopment will be needed more and more. How we plan, oversee, regulate and promote this redevelopment is an emerging issue that needs policy direction from the Board of County Commissioners.

The proposed redevelopment plans for both Burnt Store Marina and Old San Carlos Island offer some important challenges and opportunities that need to be addressed. The single biggest issue for these proposals is the challenge of the changing of the existing urban form. Urban form includes density, intensity and building mass.

Redevelopment will be very limited if it is restricted to the demolition of existing uses that can only be rebuilt to their current density and intensity. This is why redevelopment proposals will almost always include an increase in density, more commercial intensity or increases in building mass, or any combination of the three. These increases form the incentives that make the redevelopment project economically viable.

The Burnt Store Marina redevelopment proposal is asking for increased entitlements and also increased building height. Staff has evaluated the proposal and is recommending the full intensity and density request for the Burnt Store Marina Redevelopment Plan. Staff is recommending an increase in the maximum allowable height. The recommendation restricts the increase in height to 135 feet if the parking is not integrated into the structure. If multiple layers of enclosed parking are placed under the multiple-family or hotel use, staff is recommending increasing the height by an additional 50 feet for a maximum height of 185 feet.

This recommendation is based on attaining the desired urban form that will allow the redevelopment to create an at grade pedestrian friendly space where the retail, the water and the people can interact.

BUILDING HEIGHT

Building Height has become a critical component of the Burnt Store Redevelopment proposal. The mixed use pedestrian friendly objective requires an urban form unlike the single use or separated use development patterns typically found in Lee County. Mid-rise multiple-family or hotel development of 9 or 10 stores requires a large amount of surface parking which makes the site very pedestrian unfriendly. Allowing up to four or five levels of enclosed parking structure under the residential or hotel units results in site area to be utilized as a mixed use pedestrian friendly urban space. Locating the parking under the residential or hotel use allows the development to create an at grade atmosphere where the retail, the water and the people can intermingle. This type of site development also allows for additional green areas and enhanced landscaping.

In response to this, staff is recommending restricting the height to 135 feet if the parking is not integrated into the structure. If multiple layers of enclosed parking are placed under the multi family or hotel use, staff is recommending increasing the height by an additional 50 feet for a maximum height of 185 feet.

C. STAFF RECOMMENDATION:

Planning staff recommends that the Board of County Commissioners transmit the proposed amendment, as modified by Staff as follows:

POLICY 1.2.10: The Burnt Store Marina Village area provides for the redevelopment that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and limited industrial uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center. The following uses are permitted within the Burnt Store Marina Village category; a maximum of 55,000 square feet of retail uses; a maximum of 525 wet slips; a maximum of 800 dry storage spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units.

GOAL 25: BURNT STORE MARINA VILLAGE. To promote redevelopment that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and limited industrial uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center.

OBJECTIVE 25.1: The Burnt Store Marina Village is intended to encourage and facilitate redevelopment of the existing marina and commercial area located internal to the Burnt Store Marina project with an attractive mix of residential, marine, retail, hotel and office uses designed to enhance and protect the public use of, and access to, the waterfront and marina. Development of commercial retail, hotels, general office and marina related uses will predominate in the Burnt Store Marina Village. Limited residential and light industrial marine uses are also permitted to facilitate the proper development mix to allow integration of the Burnt Store Marina Village into the overall Burnt Store Marina project.

POLICY 25.1.1: The following uses are permitted within the Burnt Store Marina Village category; a maximum of 55,000 square feet of retail uses; a maximum of 525 wet slips; a maximum of 800 dry storage spaces; a

maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units. The maximum height permitted in this category is 135 feet if the parking is not integrated into the structure. If multiple layers of enclosed parking are placed under the multi-family or hotel use, the height may be increased by an additional 50 feet for a maximum height of 185 feet.

POLICY 25.1.2: Redevelopment of any uses within the Burnt Store Marina Village must be accomplished through the Planned Development rezoning process in order to properly accommodate existing conditions, the proposed redevelopment plan, prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans. Development in this future land use category is not required to comply with the site location criteria provided in Goal 6 if appropriate site development regulations are adopted into the planned development. New development in this category must connect to a potable water and sanitary sewer system.

POLICY 25.1.3: Lee County will cooperate with private developer efforts to create an identity for the Burnt Store Marina Village through unified architectural quality and creative site design that enhances the waterfront community and consists of scenic views, buildings with varying roof lines, open space, a pedestrian and neighborhood oriented activity center and enhanced buffering requirements.

POLICY 25.1.4: Lee County will work in conjunction with private developers to reserve existing marina facilities with on or off-site public parking spaces for vehicles and trailers and access for the benefit of the public.

POLICY 25.1.5: The residential and hotel development portions of this redevelopment project must be located outside of the Tropical Storm Surge Zone as depicted in the 1991 Hurricane Storm Tide Atlas for Lee County.

Planning staff further recommends that the Future Land Use Map 1 be amended by adding a new category to be known as Burnt Store Marina Village.

ATTACHMENTS:

1. Copy of CPA2007-00054 application
2. Aerial/outline of Subject Property
3. Adjacent land uses/Future Land Use Map (2 pages)
4. Existing Land Uses Map (2 pages)
5. Map of Proposed 2030 Use Allocation provided by Applicant
6. Lee Plan Map 12 - Water Dependent Overlay Zones
7. Department of Community Affairs Letter dated July 31, 2008
8. Lee Plan Map 16
9. Lee Plan Coastal High Hazard Area (CHHA)
10. Memorandum from Lee County Department of Transportation (LCDOT) dated September 5, 2008 and applicant's Traffic Circulation Analysis
11. Copy of Access Easement
12. Memorandum from Lee County Environmental Sciences
13. Letter from Division of Historical Resources dated September 28, 2007
14. Letter from The School District of Lee County dated June 25, 2008
15. Interlocal Agreement between City of Cape Coral and the Burnt Store Area Fire Service Municipal Taxing Unit
16. Letter from Lee County Emergency Management Services dated April 17, 2008
17. Letter from Lee County Solid Waste Division dated June 26, 2008
18. Letters from Charlotte County Utilities dated June 25, 2008
19. Memorandum from the Office of County Attorney dated November 28, 2006
20. Communications received from the public
21. Revised letter from The School District of Lee County dated February 2, 2009
22. Proposed amended Table 1(b) Year 2030 Allocations

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

PUBLIC HEARING DATES: **SEPTEMBER 22, 2008**
SEPTEMBER 29, 2008

A. LOCAL PLANNING AGENCY REVIEW - SEPTEMBER 22, 2008

The first public hearing before the LPA was held on Monday, September 22, 2008. Staff introduced the request and requested a continuance for the staff presentation based on continued discussions with the applicant regarding the requested density, height, continued public access to the boat ramp, provision of truck and trailer parking and additional information regarding coastal high hazard analysis and location of proposed uses. The applicant made a presentation and public comment was accepted.

During the applicant's presentation, it was noted that the Burnt Store Marina is the largest marina on the west coast of Florida. The amendment will permit a mixed use redevelopment plan encompassing the marina. The applicant stressed that the location of the proposed residential and hotel units is outside of the designated Coastal High Hazard Area. The request includes a maximum height of 220 feet to include four to five levels of parking under 10 to 12 stories of residential and hotel uses.

Fifteen Burnt Store Marina residents spoke at the hearing. Six spoke in support and nine spoke in opposition. Those that spoke in support addressed the need to update and improve the existing facilities, provide landscaping and construction of new facilities that meet current building standards. They spoke to the provision of commercial uses for the community and plans for future growth. Residents who reside on Matecumbe Key Road, which is in proximity to the gate utilized for construction and service vehicles, did not oppose the proposed amendment, stressing the need for improvement and progress within the development.

Concern was expressed regarding the absence of many part-time residents of Burnt Store Marina who would not have an opportunity to address the Board.

Those in opposition expressed concern regarding an increase in traffic, density, safety, height, noise and congestion. Specifically, improvements to the marina and the addition of commercial and hotel uses would increase the traffic traveling through a primarily residential community. However, some residents that spoke in opposition did support improvements to the marina for continued operations. Some of the residents questioned if Burnt Store Marina is a vacation destination requiring a hotel and ancillary commercial uses.

LOCAL PLANNING AGENCY REVIEW - SEPTEMBER 29, 2008

Staff presented the requested Plan amendment noting support of the redevelopment and revitalization plan for the Burnt Store Marina Village. The Burnt Store Marina, a development of 626 acres, has been in existence in Lee County since the early 1970s and although is located in the Rural future land use, the property is not consistent with the definition or description of a rural use. The existing development of Burnt Store Marina consists of high-intensity residential and commercial uses.

Staff recommended the full intensity and density request for the plan consisting of retail, wet slips, dry storage spaces, office space, hotel and residential units. However, staff's recommendation differs from the applicant's request regarding the proposed height. Staff recommends a maximum height of 135 feet if parking is not integrated into the structure. If multiple layers of parking are proposed under multiple family or hotel uses, the height may be increased by an additional 50 feet for a maximum height of 185 feet. Staff recommended that the LPA transmit the request, as amended, for the proposed land use category, Burnt Store Marina Village, in support of the defining statement, Policy 1.2.10, with supporting language in Goal 25, Objective 25.1 and Policies 25.1.1 through 25.1.5 to the Board of County Commissioners.

The LPA questioned Staff regarding the proposed density, coastal high hazard, manatee protection plan and the combination of or separation of the maximum number of wet and dry boat slips and storage.

Staff had initially expressed concern regarding a Memo issued by the Office of County Attorney (see Attachment 20) regarding the density of the existing Marina Village Land Use Plan, which encompasses the subject property. This area is currently vested for a total of 734 dwelling units. In 2006, it appeared that there were 794 dwellings existing in the Marina Village parcel; therefore, a determination was made that no additional dwelling units could be constructed under the current Rural land use category. However, Staff determined that the proposed Burnt Store Marina Village land use category would supercede this determination permitting the request of the applicant for the 160 additional dwelling units.

Staff also addressed additional information regarding the location of the proposed residential and hotel units. The applicant has demonstrated that the proposed dwelling and hotel units are located outside of the designated Coastal High Hazard Area. A Policy is recommended to ensure that these uses will not be permitted within a designated Coastal High Hazard Area.

Staff recommended language whereby separating the number of proposed wet and dry boat slips and storage based on language in the Department of Community Affairs binding letter. The number of slips varies based on the definition and determination of the use. Marina uses are no longer subject to State Statute regulations and review regarding Developments of Regional Impact (DRI); therefore, staff does not object to the recommendation of the LPA to combine the maximum permitted number of wet and dry spaces. It was noted that

redevelopment of marina uses will be subject to provisions of the Manatee Protection Plan.

There was no additional public comment regarding the proposed maximum height of the buildings and the additional dwelling units.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA agreed with the applicant regarding the combination of the number of permitted slips and the economics involved with this type of development. This is a function reviewed and permitted by local and state agencies based on the available space. It was further noted that current regulations contained in the Lee Plan do not govern the number of permitted boat slips in a land use category and a cumulative number of 1,325 wet and dry spaces is appropriate.

   By a vote of 3 to 1, the LPA voted that the request is consistent with the Lee Plan and recommended that the Board of County Commissioners transmit the amendment as proposed by staff, with the following changes provided in strike-through and double-underline format:

   The following uses are permitted within the Burnt Store Marina Village category; a maximum of 55,000 square feet of retail uses; ~~a maximum of 525 wet slips; a maximum of 800 dry storage spaces~~ 1,325 wet and dry spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units. The maximum height permitted in this category is 220 feet ~~135 feet if the parking is not integrated into the structure. If multiple layers of enclosed parking are placed under the multi-family or hotel use, the height may be increased by an additional 50 feet for a maximum height of 185 feet.~~

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** As contained in the Staff Report with proposed amendments to permit a combination of wet and dry slips and storage spaces for a total of 1,325 wet and dry spaces and a maximum height of 220 feet.

C. NO VOTE WAS TAKEN ON SEPTEMBER 22, 2008

VOTE: **SEPTEMBER 29, 2008**

CARLETON RYFFEL (Chair)	**ABSENT**
LES COCHRAN (Vice-Chair)	**AYE**

NOEL ANDRESS	**AYE**
RONALD INGE	**AYE**
RAE ANN WESSEL	**NAY**
LELAND M. TAYLOR	**ABSENT**
JACQUE RIPPE	**ABSENT**

PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT

DATE OF TRANSMITTAL HEARING: October 23, 2008

A. **BOARD REVIEW:** Staff provided a brief overview of the privately initiated comprehensive plan amendment including a description of the applicant's request, the subject property and the existing Burnt Store Marina development. Staff noted that the current rural future land use category is not consistent with the existing development. Staff reviewed the differences between staff's recommendation and the LPA recommendation. The applicant requested a maximum height of 220 feet, which was supported by the LPA. However, staff's recommendation is a maximum of 135 feet if the parking is not integrated into the structure and surface parking is utilized and 185 feet in height if multiple layers of enclosed parking are placed under the proposed multiple-family or hotel uses.

Staff clarified the recommended language regarding the wet and dry boat storage spaces. Staff recommended a distinction between 525 wet slips and 800 dry storage spaces based on the binding letter and communication with the Department of Community Affairs. The LPA recommended language to combine the uses into a total of 1,325 wet and dry spaces. Staff does not object to this modification. Staff addressed issues related to coastal high hazard designation and the proposed location of the 160 dwelling units and hotel, density, hurricane preparedness and evacuation criteria. Staff stressed that the amendment would provide guidelines for maximum development criteria. The proposed policies require that any development or redevelopment of the subject property requires rezoning through the planned development process which provides staff the opportunity to work with the public and the applicant to develop conditions to address compatibility with the existing land uses.

The applicant provided a comprehensive review of the request and redevelopment plans. This presentation included a conceptual redevelopment plan including proposed location of buildings and architectural renderings. It was noted that the redevelopment plan is to establish guidelines and is not creating specific entitlements.

Seven residents of Burnt Store Marina spoke in opposition to the comprehensive plan amendment. Their comments focused on the proposed density and height, potential increase in traffic, noise, interruption of water views, utilities, Manatee protection and related development issues. At the request of the Board, one additional letter of opposition was read into the record by staff.

At the request of the Board of County Commissioners, the staff and applicant provided the history of the Burnt Store Marina Development noting that the current vesting plan includes development of multiple-family dwellings, marina and hotel uses.

Some members of the Board expressed concern regarding the proposed intensity of the redevelopment plan. There were no traffic concerns relayed by the Lee County Department of Transportation. The Board noted that the comprehensive plan amendment proposes maximum allowable development and redevelopment criteria. Specific regulations will be implemented at the time of zoning to permit revitalization and enhancement of the existing Burnt Store Marina Village. The Board further reiterated that the transmittal hearing provides for the Department of Community Affairs' review of the proposed plan amendment and does not approve the proposed redevelopment project as represented.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. **BOARD ACTION:** The Board voted unanimously to **transmit** the amendment as recommended by staff with the amendments recommended by the LPA.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the finding as advanced by staff and amended by the LPA. The Board proposed transmittal is referenced in Part 1. B. on pages 3 and 4 of this staff report.

C. VOTE:

A. BRIAN BIGELOW	**AYE**
TAMMARA HALL	**AYE**
BOB JANES	**AYE**
RAY JUDAH	**AYE**
FRANKLIN B. MANN	**AYE**

PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS, RECOMMENDATIONS, AND COMMENTS (ORC) REPORT

DATE OF ORC REPORT: **January 16, 2009**

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

The Florida Department of Community Affairs (DCA) Objections, Recommendations and Comments Report (ORC) contained the following concerning this proposed amendment:

O. *Amendment 2007-54: A proposed amendment to the Future Land Use Element to:*

(1) *Establish a new future land use category titled "Burnt Store Marina Village" by adding new Policy 1.2.10, Goal, Objective 25.1, and Policies 25.1.1, 25.1.2, 25.1.3, 25.1.4, and 25.1.5;*

(2) *Amend Table 1(a) and 1(b) to add the new category "Burnt Store Marina Village" and to reallocate commercial (7 acres), industrial (6 acres), residential (4 acres), and public (1 acre) for the Burnt Store Marina Planning Community; and*

(3) *Amend the FLUM to change 18.25 acres from Rural (1 DU per acre) to "Burnt Store Marina Village" located to the west of Burnt Store Road and just south of the Charlotte County line.*

The Department raises the following objections and comment to proposed Amendment 2007-54:

1) *Objection: The proposed Amendment would allow an additional 160 residential dwelling units on the subject 18.25 acre parcel. A portion of the 18.25 acres is located within the Coastal High Hazard Area (as defined by proposed Amendment 2007-59) and proposed Policy 25.1.5 is intended to locate the additional residential uses outside of the Coastal High Hazard Area. However, the proposed Policy 25.1.5 requires the residential use to be located outside of the Tropical Storm Surge Zone and not outside of the Coastal High Hazard Area. Therefore, the proposed Amendment 2007-54 does not direct population concentrations away from the Coastal High Hazard Area. The Amendment 2007-54 is not appropriately supported by data and analysis demonstrating that the amendment 2007-54 is consistent with the Rule 9J-5.012, F.A.C., requirements to: (1) direct population concentrations away from the Coastal High Hazard Area; (2) maintain or reduce hurricane evacuation clearance times; and (3) utilize general hazard mitigation for land use to reduce the exposure of human life and private property to natural hazards. Similarly, the proposed amendment is not appropriately supported by data and analysis demonstrating that the Amendment 2007-54 is consistent with the*

requirements of Section 163.3178(9), F.S.
Rules 9J-5.005(5); 9J-5.006(3); 9J-5.012(3), F.A.C.; and Sections 163.3177(2); 163.3177(6)(a); and 163.3178, F.S.

Recommendation: Revise Policy 25.1.5 to require the residential uses to be located outside of the Coastal High Hazard Area.

2) *Objection (School Facilities): The proposed Amendment 2007-54 increases the potential number of residential dwelling units and the potential number of school students. Lee County has adopted its Public School Facilities element; therefore, the County is required to assess the facility impacts on its public school facilities. The amendment is not supported by data and analysis demonstrating that the adopted level of service standards for schools will be met over the five-year short-term planning time frame. Absent this data and analysis and any related changes, the proposed amendment has not been demonstrated to be consistent with the Public School Facilities Element and Capital Improvements Element.*
Rules 9J-5.005(2 and 5); 9J-5.006(1 and 2); and 9J-5.025(2), F.A.C.; and Sections 163.3177(2, 3, 8, 10, and 12); 163.3177(6)(a); and 163.3180(13), F.S.

Recommendation: Support the FLUM amendment with data and analysis for the five-year planning time frame addressing: (1) identification of the cumulative impact of the amendments transmitted in Amendment 09-01 on the projected enrollment of students (elementary, middle and high school students) for the applicable school concurrency service area; (2) the impact of additional students on the level of service standards for the school concurrency service area; (3) the need for any school facility capacity improvements (scope, cost and timing) that are needed to achieve and maintain the adopted level of service standards; and (4) coordination of any needed school facility improvements with the Public School Facilities Element and Capital Improvements Element. If there are any identified school facility deficiencies in the first five years and there are no planned school facilities to address these deficiencies, then the school facility improvements needed to maintain and achieve the adopted level of service standards must be included in the Five-Year Schedule of Capital Improvements. Revise the amendment to be supported by and consistent with the data and analysis.

3) *Comment (Land Use Category Policy Guidelines): There is an internal inconsistency among the proposed text amendments regarding the type of industrial use. The proposed Goal and Policy 1.2.10 allows "limited industrial" and the proposed Objective 25.1 allows "light industrial marine uses." Therefore, the Goal, Policy 1.2.10, and Objective 25.1 do not establish meaningful and predictable guidelines describing the type of industrial use that is allowed. In addition, the amendment support material states that there is a proposed amendment to Future Land Use Element Table 1(a) and 1(b) to add the new category "Burnt Store Marina Village"*

and to reallocate commercial (7 acres), industrial (6 acres), residential (4 acres) and public (1 acre) for the Burnt Store Marina Planning Community; however, the proposed amendment does not include a proposed Future Land Use Element Table 1(a) and 1(b) showing the proposed amendments. Revise the Goal, Policy 1.2.10 and Objective 25.1 to resolve the internal inconsistency regarding the terminology of "limited industrial" and "light industrial" with meaningful and predictable guidelines. Revise the amendment to include the Future Land Use Element Table 1(b) and 1(b) to add the new category "Burnt Store Marina Village" and to reallocate commercial (7 acres), industrial (6 acres), residential (4 acres), and public (1 acre) for the Burnt Store Marina Planning Community.

B. STAFF RESPONSE

The applicant provided a response to the comments and recommendations provided by the DCA. The responses, received via e-mail, on January 21, January 23 and January 27 were as follows:

1. The applicant agrees to amend proposed Policy 25.1.5 to require the residential uses to be located outside of the designated Coastal High Hazard Area. Therefore, Staff recommends the following amendment to Policy 25.1.5 in a strike-through, underline format:

   POLICY 25.1.5: The residential and hotel development portions of this redevelopment project must be located outside of the ~~Tropical Storm Surge Zone as depicted in the 1991 Hurricane Storm Tide Atlas for Lee County~~ designated Coastal High Hazard Area in accordance with Lee Plan Map 5.

2. The applicant agrees to revise the Future Land Use Element Tables 1(a) and 1(b), as follows: Commercial (7 acres); Industrial (6 acres); Residential (4 acres); and Public (1 acre) for the Burnt Store Marina Village future land use category.

3. The applicant agrees to revise the proposed Burnt Store Marina Village Goal, Objective and Policies to revise "limited light industrial" and "light industrial marine uses" to "commercial marina uses" for compatibility and consistency. Staff recommends the following amendment in a strike-through, underline format:

   POLICY 1.2.10: The Burnt Store Marina Village area provides for development that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and ~~limited industrial uses~~ commercial marina uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center. The following uses are permitted within the Burnt Store Marina

Village category; a maximum of 55,000 square feet of retail uses; a maximum of 1,325 wet and dry spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units.

GOAL: BURNT STORE MARINA VILLAGE. To promote redevelopment that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and ~~limited industrial uses~~ commercial marina uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center.

4. The applicant provided information regarding the School District of Lee County. The subject property is located in the West Zone. The 2009 Concurrency Inventory indicates that there is available capacity in that zone, as follows: 2,322 elementary school seats; 669 middle school seats; and 762 high school seats. The impact of the project on the system was projected to be 20 students; therefore, within the 2009 concurrency requirements.

Coastal High Hazard Area

In accordance with the Lee Plan, Map 5, the subject property is not currently located within the designated Coastal High Hazard Area. The applicant further provided documentation depicting the location of the proposed hotel and residential dwelling units outside of the designated Coastal High Hazard Area. It is Staff's intent to prohibit the additional residential dwelling units and hotel from locating within a Coastal High Hazard Area. Therefore, Staff is recommending an amendment to the language in proposed Policy 25.1.5.

Staff is proposing to amend Future Land Use Element Tables 1(a) and 1(b) of the Lee Plan to incorporate the "Burnt Store Marina Village" Future Land Use category with a maximum of 160 dwelling units and to reallocate commercial (7 acres); industrial (6 acres); residential (4 acres); and public (1 acre). The Table amendment will include a footnote that the maximum number of residential dwelling units within the Burnt Store Marina Village is 160 and that all residential and hotel uses must be located outside of the Coastal High Hazard Area (CHHA) in accordance with Lee Plan, Map 5.

Commercial Marina Uses

Staff further proposes to amend the proposed Goal, Policy 1.2.10 an Objective 25.1 to resolve the inconsistency regarding the terminology of "limited light industrial" and "light industrial marine uses" by replacing the language with "commercial marina uses". The intent of this recommendation is to permit continuation of and to promote the redevelopment of the existing marina land uses within the Burnt Store Marina Village. Commercial marina uses

are defined as uses of land limited to waterfront dependent uses required for the support of recreational boating and fishing and other uses incidental to such facilities.

Commercial marina uses encompass such uses as a bait and tackle shop, boat parts store, boat ramps, boat rental, boat repair and service (minor boat repair only), boat storage, docking or mooring facilities, gift and souvenir shops, restaurants, sale of fuel, open storage and other uses associated with a marina.

It is not the intent of Staff to permit all light industrial uses on the subject property due to the close proximity to existing single and multiple-family residential dwellings. The Light Industrial zoning district (IL) permits uses that are outside of the scope of the proposed redevelopment plan. The Light Industrial District (IL) permits uses such as automobile repair and service, machine shop, manufacturing (repair or wholesale sales of boats, food and kindred products, leather products, machinery, paper and allied products, rubber and plastic products, stone, clay, glass or concrete products, textile mill products) processing and warehousing and vehicle and equipment dealers. These intense uses are not compatible with the existing development located within Burnt Store Marina nor do they meet the intent of the proposed Burnt Store Marina Village. Thus, Staff finds that "commercial marina uses" are more applicable for the subject property and the proposed Plan amendment.

Staff is further recommending, in Policy 25.1.2, that the subject property be rezoned to a planned development to properly accommodate existing conditions, the proposed redevelopment plan, prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans.

Staff recommends that Policy 25.1.1 be amended to permit a maximum height of 135 feet if parking is not integrated into the structure and a maximum height of 185 feet if multiple layers of parking are incorporated into the structures.

School Concurrency

In response to a request for review and comment, the School District of Lee County provided a letter dated February 4, 2009. Please refer to Attachment 21. The subject property is located in the West Zone, Sub Zone W2.

The commercial use would have no impact; however, the 160 multi-family residential dwelling units would generate 20 additional school-aged children and is calculated at .125 per unit. The school district has sufficient seats available to serve this need. This letter further notes that this information is not a concurrency determination and such a determination will be required later in the development process.

The School District is not currently building any new schools as the enrollment for the 2008/2009 school year has slightly decreased over the previous year's enrollment. However,

there is sufficient capacity within the five-year planning window to accommodate students that will be generated by this development.

There was no indication of adverse impact to the projected enrollment of students for applicable school concurrency; level of service standards for the school concurrency service area; need for any school facility capacity improvements to achieve and maintain the adopted level of service standards; nor of any needed school facility improvements within the Public School Facilities Element and Capital Improvements Element.

The 2009 Concurrency Inventory indicates that there is available capacity in that zone, as follows: 2,322 elementary school seats; 669 middle school seats; and 762 high school seats. The impact of the project on the system was projected to be 20 students; therefore, well within the 2009 concurrency requirements.

> ***GOAL 66: EDUCATION.*** *To assist the Lee County School Board and other providers of education (where appropriate) with the planning, development and siting of new schools. (Amended by Ordinance No. 94-30)*
>
> ***OBJECTIVE 66.1: SCHOOL LOCATION PLANNING.*** *Cooperate with Lee County District Board of Education and representatives of private and parochial school associations, and other interested institutions, for the location and development of educational systems consistent with Chapter 235, F.S., and the policies of this plan. (Amended by Ordinance No. 94-30, 00-22)*

Staff finds that the provided analysis and information regarding the Public School Facilities Element is consistent with Goal 66 and Objective 66.1 of the Lee Plan.

C. STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners adopt this amendment, incorporating the recommended revisions by the DCA and Staff's amended language, as proposed below:

> **POLICY 1.2.10:** The Burnt Store Marina Village area provides for development that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and commercial marina uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center. The following uses are permitted within the Burnt Store Marina Village category; a maximum of 55,000 square feet of retail uses; a maximum of 1,325 wet and dry spaces; a

maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units.

25

GOAL: BURNT STORE MARINA VILLAGE. To promote redevelopment that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and commercial marina uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center.

OBJECTIVE 25.1: The Burnt Store Marina Village is intended to encourage and facilitate redevelopment of the existing marina and commercial area located internal to the Burnt Store Marina project with an attractive mix of residential, marine, retail, hotel and office uses designed to enhance and protect the public use of, and access to, the waterfront and marina. Development of commercial retail, hotels, general office and marina related uses will predominate in the Burnt Store Marina Village. Limited residential and light industrial marine uses are also permitted to facilitate the proper development mix to allow integration of the Burnt Store Marina Village into the overall Burnt Store Marina project. commercial marina uses

POLICY 25.1.1: The following uses are permitted within the Burnt Store Marina Village category; a maximum of 55,000 square feet of retail uses; a maximum of 525 wet slips; a maximum of 800 dry storage spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units. The maximum permitted height in this category is 135 feet if parking is not integrated into the structure. A maximum height of 185 feet is permitted if multiple layers of parking are incorporated into the structures.

POLICY 25.1.2: Redevelopment of any uses within the Burnt Store Marina Village must be accomplished through the Planned Development rezoning process in order to properly accommodate existing conditions, the proposed redevelopment plan, prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans. Development in this future land use category is not required to comply with the site location criteria provided in Goal 6 if appropriate site development regulations are adopted into the planned development. New development in this category must connect to a potable water and sanitary sewer system.

POLICY 25.1.3: Lee County will cooperate with private developer efforts to create an identity for the Burnt Store Marina Village through unified architectural quality and creative site design that enhances the waterfront community and consists of scenic views, buildings with varying roof lines, open space, a pedestrian and neighborhood oriented activity center and enhanced buffering requirements.

POLICY 25.1.4: Lee County will work in conjunction with private developers to reserve existing marina facilities with on or off-site public parking spaces for vehicles and trailers and access for the benefit of the public.

POLICY 25.1.5: The residential and hotel development portions of this redevelopment project must be located outside of the designated Coastal High Hazard Area in accordance with Lee Plan, Map 5.

Staff recommends to Amend Table 1(a) Summary of Residential Densities as follows:

FUTURE LAND USE CATEGORY	STANDARD OR BASE DENSITY RANGE		BONUS DENSITY
	MINIMUM (Dwelling Units per Gross Acre)	MAXIMUM (Dwelling Units per Gross Acre)	MAXIMUM TOTAL DENSITY (Dwelling Units per Gross Acre)
Burnt Store Marina Village[11]	No Minimum	160 Dwelling Units 145 Hotel Units	No Bonus

[11] The residential dwelling units and hotel development portions of this redevelopment project must be located outside of the designated Coastal High Hazard Area in accordance with Lee Plan, Map 5.

Staff further recommends to amend Table 1(b) Year 2030 Allocations to reallocate from the existing Rural future land use category and to create a new land use category, Burnt Store Marina Village. Please refer to Attachment 22..

PART VI - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT

DATE OF ADOPTION HEARING:

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

A. BRIAN BIGELOW	
TAMMARA HALL	
BOB JANES	
RAY JUDAH	
FRANKLIN B. MANN	

CPA2007-54
BURNT STORE MARINA
PRIVATE INITIATED
AMENDMENT
TO THE

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

Privately Initiated Application
and Lee County Staff Analysis

DCA Transmittal Document

Lee County Planning Division
1500 Monroe Street
P. O. Box 398
(239) 533-8585

October 23, 2008

LEE COUNTY
DIVISION OF PLANNING
REVISED STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2007-00054

✓	Text Amendment	✓	Map Amendment

This Document Contains the Following Reviews:

✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Transmittal
	Staff Response to the DCA Objections, Recommendations and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

Staff Report Preparation Date: October 15, 2008
Hearing Date: October 23, 2008
Staff Report Preparation Date: October 24, 2008

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. **APPLICANT/REPRESENTATIVE**
Realmark Burnt Store Marina, LLC, Applicant
Matthew D. Uhle, Esq., Knott, Consoer, Ebelini, Hart and Swett PA, Authorized Representative

2. **REQUEST:** Amend the Lee Plan's Future Land Use Map series, Map 1, for 18.25± acres in Section 1, Township 43, South, Range 22 East and Section 6, Township 43 South, Range 23 East, Lee County, Florida from Rural to Burnt Store Marina Village Future Land Use Category. Amend Table 1(b) to reallocate seven acres of commercial, six acres of industrial, four acres of residential and one acre of public land uses acres to accommodate the proposed development. (See Attachment 1 - application)

B. BOARD OF COUNTY COMMISSIONERS FINDINGS OF FACT AND ACTION

The Board of County Commissioners voted unanimously to transmit the proposed amendment, as modified by staff and amended by the LPA. The Board further recommends that the Future land use Map 1 be amended by adding a new category to be known as Burnt Store Marina Village and the amendment of Table 1(b) to reallocate 7 acres of commercial, 6 acres of industrial, 4 acres of residential and 1 acre of public land use within the Year 2030 Allocations for the Burnt Store Marina Planning Community. The following language was approved for transmittal by the Board of County Commissioners.

POLICY 1.2.10: The Burnt Store Marina Village area provides for the redevelopment that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and limited industrial uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center. The following uses are permitted within the Burnt Store Marina Village category; a maximum of 55,000 square feet of retail uses; a maximum of 1,325 wet and dry spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units.

GOAL: BURNT STORE MARINA VILLAGE. To promote redevelopment that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and limited industrial uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center.

OBJECTIVE 25.1: The Burnt Store Marina Village is intended to encourage and facilitate redevelopment of the existing marina and commercial area located internal to the Burnt Store Marina project with an attractive mix of residential, marine, retail, hotel and office uses designed to enhance and protect the public use of, and access to, the waterfront and marina. Development of commercial retail, hotels, general office and marina related uses will predominate in the Burnt Store Marina Village. Limited residential and light industrial marine uses are also permitted to facilitate the proper development mix to allow integration of the Burnt Store Marina Village into the overall Burnt Store Marina project.

POLICY 25.1.1: The following uses are permitted within the Burnt Store Marina Village category; a maximum of 55,000 square feet of retail uses; a

maximum of 525 wet slips; a maximum of 800 dry storage spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units. The maximum height permitted in this category is 220 feet.

POLICY 25.1.2: Redevelopment of any uses within the Burnt Store Marina Village must be accomplished through the Planned Development rezoning process in order to properly accommodate existing conditions, the proposed redevelopment plan, prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans. Development in this future land use category is not required to comply with the site location criteria provided in Goal 6 if appropriate site development regulations are adopted into the planned development. New development in this category must connect to a potable water and sanitary sewer system.

POLICY 25.1.3: Lee County will cooperate with private developer efforts to create an identity for the Burnt Store Marina Village through unified architectural quality and creative site design that enhances the waterfront community and consists of scenic views, buildings with varying roof lines, open space, a pedestrian and neighborhood oriented activity center and enhanced buffering requirements.

POLICY 25.1.4: Lee County will work in conjunction with private developers to reserve existing marina facilities with on or off-site public parking spaces for vehicles and trailers and access for the benefit of the public.

POLICY 25.1.5: The residential and hotel development portions of this redevelopment project must be located outside of the Tropical Storm Surge Zone as depicted in the 1991 Hurricane Storm Tide Atlas for Lee County.

C. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners transmit the proposed amendment, as modified by staff. Planning staff recommends that the Future land use Map 1 be amended by adding a new category to be known as Burnt Store Marina Village. Staff further recommends that Table 1(b) be amended so that four acres of the allocated residential acreage from the Rural be allocated to the new Marina Village Planning Community.

   Staff recommends the Lee Plan be amended to create a new descriptor policy with an accompanying new Goal, Objective and Policies as follows:

POLICY 1.2.10: The Burnt Store Marina Village area provides for the redevelopment that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and limited industrial uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center. The following uses are permitted within the Burnt Store Marina Village category; a maximum of 55,000 square feet of retail uses; a maximum of 525 wet slips; a maximum of 800 dry storage spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units.

GOAL: BURNT STORE MARINA VILLAGE. To promote redevelopment that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and limited industrial uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center.

OBJECTIVE 25.1: The Burnt Store Marina Village is intended to encourage and facilitate redevelopment of the existing marina and commercial area located internal to the Burnt Store Marina project with an attractive mix of residential, marine, retail, hotel and office uses designed to enhance and protect the public use of, and access to, the waterfront and marina. Development of commercial retail, hotels, general office and marina related uses will predominate in the Burnt Store Marina Village. Limited residential and light industrial marine uses are also permitted to facilitate the proper development mix to allow integration of the Burnt Store Marina Village into the overall Burnt Store Marina project.

POLICY 25.1.1: The following uses are permitted within the Burnt Store Marina Village category; a maximum of 55,000 square feet of retail uses; a maximum of 525 wet slips; a maximum of 800 dry storage spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units. The maximum height permitted in this category is 135 feet if the parking is not integrated into the structure. If multiple layers of enclosed parking are placed under the multi-family or hotel use, the height may be increased by an additional 50 feet for a maximum height of 185 feet.

POLICY 25.1.2: Redevelopment of any uses within the Burnt Store Marina

Village must be accomplished through the Planned Development rezoning process in order to properly accommodate existing conditions, the proposed redevelopment plan, prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans. Development in this future land use category is not required to comply with the site location criteria provided in Goal 6 if appropriate site development regulations are adopted into the planned development. New development in this category must connect to a potable water and sanitary sewer system.

POLICY 25.1.3: Lee County will cooperate with private developer efforts to create an identity for the Burnt Store Marina Village through unified architectural quality and creative site design that enhances the waterfront community and consists of scenic views, buildings with varying roof lines, open space, a pedestrian and neighborhood oriented activity center and enhanced buffering requirements.

POLICY 25.1.4: Lee County will work in conjunction with private developers to reserve existing marina facilities with on or off-site public parking spaces for vehicles and trailers and access for the benefit of the public.

POLICY 25.1.5: The residential and hotel development portions of this redevelopment project must be located outside of the Tropical Storm Surge Zone as depicted in the 1991 Hurricane Storm Tide Atlas for Lee County.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The subject property and existing uses are not consistent with the description and definition of the Rural future land use category. The existing development of Burnt Store Marina consists of high intensity residential and commercial uses with a provision of urban services such as Fire and Police protection and utilities.

- Since 1983 the Department of Community Affairs has reviewed Burnt Store Marina, an existing development consisting of 626 acres, with respect to its Development of Regional Impact (DRI) status. Each time, the Department of Community Affairs has determined that Burnt Store Marina is vested from DRI review.

- On July 31, 2008, the Department of Community Affairs issued a Binding Letter of Modification (BLIM) to a Development with Vested Rights and a Binding Letter of Determination of Development of Regional Impact Status (BLID) for Punta Gorda Isles Section 22 (also known as Burnt Store Marina). Thus, finding that the proposed development in Section 22 and Tract C is below 100 percent of the applicable DRI

thresholds as provided in Section 380.0651(2)(d)1.a., F.S. Therefore, the project would not be required to undergo DRI review. However, this determination does not preclude the compliance with all other applicable federal, state or local government procedures such as zoning and development regulations.

- The proposed land use category will permit the redevelopment and expansion of the existing marina and related services. The project will be compatible with the surrounding community and will be served by adequate public facilities.

- No additional commercial acreage is being requested for the project, as the property is currently being utilized for commercial purposes. The applicant is seeking to improve an existing commercial development including water-dependent recreational uses.

- The creation and application of the land use category does not encourage urban sprawl, rather, the amendment represents redevelopment of an already urbanized portion of the Burnt Store Marina development. The proposed category contemplates multi-use development to complement the existing high density residential development within Burnt Store Marina.

- The amendment will create an exception to the commercial site location standards similar to those inherent to the County's new "Commercial" future land use category. The exception is justified in light of the amount of development that currently exists and is vested for Burnt Store Marina.

- The Hurricane Storm Tide Atlas depicts the location of the subject property within the Tropical Storm and Category 2 Storm Surge Zones. The applicant is requesting an additional 160 dwelling units. These new dwelling units will be restricted from location in the Tropical Storm Surge Zone.

D. BACKGROUND INFORMATION

1. EXISTING CONDITIONS:

SIZE OF PROPERTY: 18.25± acres; Total Uplands: 18.25± acres; Total Wetlands; None (See Attachment 2)

PROPERTY LOCATION: The Burnt Store development 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. Burnt Store Marina encompasses a total of 626 acres originally platted in 1973 as Punta Gorda Isles, Section 22 in Plat Book 28, Page 118.

The subject property, consisting of 18.25± acres is generally located on the west side of Burnt Store Road, specifically within the Burnt Store Marina development at 3150, 3090 and 3140-3200 Matecumbe Key Road, Punta Gorda.

EXISTING USE OF LAND: Marina, Hotel, Restaurant, Residential, Wet and Dry boat slips and vacant. (See Attachment 3)

CURRENT ZONING: The property is currently zoned Marine Commercial (CM), Residential Multiple-Family (RM-2) and RM-10.

There was a recent zoning case (Z-08-037; REZ2007-00020) to permit the rezoning of 1.33 acres of the subject property from RM-2 and RM-10 to Commercial Parking (CP). This case was heard before the Board of County Commissioners on Monday, September 15, 2008. The Board voted to deny the application without prejudice.

The RM-10 zoned parcel is currently vested for a maximum of 10 dwelling units per acre. Approval of the requested rezoning would limit future residential development of the subject property to a maximum of one dwelling unit per acre (Rural land use category). Approval fo the requested Lee Plan Amendment will supercede this vesting and the proposed policy will set forth maximum land use regulations.

CURRENT FUTURE LAND USE CATEGORY: The subject property is designated Rural (See Attachment 4)

2. **REQUEST:**

The applicant is requesting a change in the subject property's future land use category from Rural to a new category entitled "Burnt Store Marina Village" future land use category. This category is proposed to permit redevelopment of existing uses on the subject property. The Rural future land use category currently permits a maximum of one dwelling unit per acre and minimal non-residential land uses that are needed to serve the rural community. There is not a specific limit for office and marine related uses.

The application encompasses four parcels, two of which are developed with the existing marina, wet and dry boat slips and ancillary uses.(see Attachment 5)

The application proposes a new land use category entitled (Burnt Store Marina Village" as follows:

> *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 55,000 square feet; wet slips, up to a maximum of 525; dry storage spaces, up to a maximum of 800; office space, up to a maximum of 15,000 square feet; a maximum of 145 hotel units; and a maximum of 160 residential units. The maximum height permitted in this category is 220 feet.

The applicant further proposes to amend the 2030 Planning Communities Acreage Table as follows:

1. Add a new line for "Burnt Store Marina Village" in the table;
2. Revise the acreage table as follows:
   a. Commercial - 7 acres;
   b. Industrial - 6 acres;
   c. Residential - 4 acres;
   d. Public - 1 acre

The applicant proposes to redevelop approximately 18.25± acres of Burnt Store Marina which currently houses wet boat slips, a dry storage building, office space, a restaurant and recreational uses. The surrounding uses are predominantly multiple-family residential structures with some single-family residential. The proposed amendment, if approved, will permit the applicant to add 15,000 square feet of office space; 160 residential units; 55,000 square feet of retail use with 300 parking spaces (garage); 145 hotel rooms, 525 wet slips (existing) and 800 dry boat storage spaces. The proposed dry storage buildings are depicted as industrial uses in accordance with the 2030 Planning Communities Acreage.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

INTRODUCTION

The proposed amendment is the result of a desire by a new owner to redevelop and expand the existing uses of the property from a limited mix of marine, residential, commercial-retail, hotel and office uses by creating a new future land use category specific to Burnt Store Marina. The new future land use category would facilitate the redevelopment of the existing uses that enhance the waterfront as well as permit continued public use of the boat ramp.

Burnt Store Marina is a unique community, consisting of 626± acres. The development is divided into two distinct sections, Marina Village located within Tract C and the Golf Course Subdivision located within Punta Gorda Isles, Section 22. The proposed amendment

encompasses 13.3 acres of Tract C and the addition of an adjacent 4.95 acres included within the Punta Gorda Isles, Section 22.

The Lee Plan, in the Vision for 2030, identifies the Burnt Store Planning Community as follows:

> *This community is located in the northwest corner of the mainland of unincorporated Lee County. The property east of Burnt Store Road is designated Open Lands and the land west of Burnt Store Road is designated as Rural (also known as Burnt Store Marina) with the exception of 10 acres designated as Outlying Suburban. Most of the Burnt Store Marina development was approved prior to the adoption of the 1984 Lee Plan and is "vested" for densities higher than allowed by the current plan. The development is primarily residential with a high percentage of seasonal residents. There are some commercial and marine oriented amenities within the Burnt Store Marina development primarily serving residents of that development. This area is expected to substantially grow through the year 2030. Today, most of the community's commercial needs are served outside of the community in Cape Coral, North Fort Myers and Fort Myers, or in Charlotte County. This development pattern is expected to remain through 2020. (Added by Ordinance No. 99-15, Amended by Ordinance No. 07-12)*

The subject property currently houses some existing commercial land uses. The applicant is proposing to redevelop the subject property including enhancements to an existing marina and ancillary uses. The commercial uses will provide services to the surrounding residential land uses as well as provide the foundation for a mixed use community.

Two of the subject parcels are located in a designated "Water-Dependent Overlay Zone" depicted in Lee Plan Map 12 (page 9 of 12) (See Attachment 6). The Water-Dependent Overlay Zone is defined in Policy 1.7.5 of the Lee Plan as follows:

> *The Water-Dependent overlay zone designates shoreline areas where priority will be granted to water-dependent land uses. Specific requirements are detailed for such zones on San Carlos Island under Goal 12, in the Great Pine Island area under Goal 14 and other areas in Lee County in the Conservation and Coastal Management Element. (Amended by Ordinance No. 94-30, 00-22).*

The Lee Plan further addresses water access in Goal 125 which encourages development and implementation of a public water access program.

Objective 125.2: Water Access in Private Developments. *The county will encourage private landowners to provide some form of water access to the public. (Amended by Ordinance No. 00-22)*

Objective 125.3: *Develop techniques to encourage development and expansion of water-dependent recreational uses in Lee County waterways and discourage any conversion of water-dependent uses to non-water dependent uses. (Added by Ordinance No. 07-09)*

The Lee Plan, Objective 128.6, establishes policies utilized to evaluate marina design criteria (new or expansion at existing marinas) in order to minimize negative impacts and to complement the county's development regulations.

Policy 128.6.6: *Marinas and multi-slip docking facilities must prepare hurricane plans with the assistance of the county which describe measures to be taken to minimize damage to marina sites, neighboring properties and the environment; this hurricane plan is subject to county approval. (Amended by Ordinance No. 00-22)*

Policy 128.6.13: *Dry storage of small boats should be encouraged, with dry storage structures located inland as far as possible.*

Policy 128.6.16: *Expansion of dry storage capabilities will be strongly encouraged to reduce dredging. (Amended by Ordinance No. 00-22)*

The Burnt Store Marina community is non-conforming in relation to the Rural future land use category. This development is more consistent with an urban or mixed use land use category.

Staff supports the applicant's request to provide for a land use category permitting the expansion of the existing water-dependent recreational facilities such as the dry storage building as set forth in the above-referenced policies. Staff further supports the proposed office space, retail uses, residential and hotel rooms which will support and complement the existing and proposed uses.

COMPREHENSIVE PLAN BACKGROUND

In 1984, upon adoption of the Lee Plan, the subject property was designated as part of the "Fringe" land use category described in the 1984 Lee Plan as follows:

These areas border designated Urban Service Areas yet are not a part of the Urban Service Area. The Plan recognizes these fringe areas as potentially

appropriate for development at Urban Community densities, although their overall lack of requisite infrastructure may delay such development unless private sectory provision of services and facilities occurs. The Lee Plan does not target these areas for public expenditures. Therefore, development approvals will be wholly based upon a satisfactory demonstration of necessary infrastructure including potential fiscal mitigation for services such as EMS, police and fire protection, educational facilities, as well as all appropriate Plan Goals, Objectives, Policies and Standards. Developments that have lower levels of infrastructure, environmentally sensitive areas or potential negative impacts on potable water resources should be considered for the lower end of the density range and lower levels of intensity compatible with adjacent land uses.

In 1989, the Board of County Commissioners amended the Lee Plan at which time the "Fringe" land use category was eliminated and the Burnt Store Marina development was included within the "Rural" future land use category. The 1989 Lee Plan described the "Rural" future land use category as follows:

> ***Policy 1.4.1:*** *The Rural areas are to remain predominantly rural - that is, low density residential, agricultural uses and minimal non-residential land uses that are needed to serve the rural community. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre), except as may be permitted under the Planned Development District Option.*

The current Lee Plan includes the "Rural" future land use category in Objective 1.4: Non-Urban Areas, which are designated on the Future Land Use Map as categories for those areas not anticipated for urban development at this time as follows:

> ***Policy 1.4.1:*** *The Rural areas are to remain predominantly rural - that is, low density residential, agricultural and minimal non-residential land uses that are needed to serve the rural community. These areas are not to be programmed to receive urban-type capital improvements and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre). (Added by Ordinance No. 97-17, Amended by Ordinance No. 98-90, 00-22, 07-12)*

The applicant's request is to create a new land use category, "Burnt Store Marina Village" area located within a portion of the property in Burnt Store Marina that is zoned for a mixture of commercial and residential uses. The proposed category would facilitate the redevelopment of the existing marina and commercial area of Burnt Store Marina. 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 18.25 acres. The plan includes 15,000 square feet of office space, an addition of 160 residential units, 55,000 square feet of retail with 300 parking spaces (garage), 145 hotel rooms and a maximum of 1,325 wet and dry spaces.

HISTORY

On May 9, 2008, the applicant submitted a letter to the Department of Community Affairs requesting a Binding Letter of Modification (BLIM) to a Development of Regional Impact with Vested Rights Under Section 380.06 and 120.57, Florida Statutes with attachments the following chronological history:

- 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 October 26, 1973 letter and concluded that the proposed development for Punta Gorda Isles-Section 22 is vested from DRI review.

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

- The second 380.032 agreement was executed on January 30, 1987 and 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.

On May 28, 2008, the Department of Community Affairs responded to the applicant's letter requesting a BLIM/BLID for the Burnt Store Marina project requesting additional information. The applicant responded to the Department of Community Affairs on May 30, 2008 and provided the requested, additional information.

In response to the applicant's request, on July 31, 2008, the Department of Community Affairs issued Final Order No. DCA08-BL-204, including a Binding Letter of Modification to a Development with Vested rights (BLIM-09-2007-016) and a Binding Letter of Determination of Development of Regional Impact Status (BLID-09-2007-015) (see Attachment 7) for Punta Gorda Isles, Section 22 (also known as Burnt Store Marina) with the following conclusions:

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)(D1)1.a., F.S. Therefore, the proposed development 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. Thus, the following order was issued by the Department of Community Affairs.

4. The modification 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.

5. 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 would be submitted by the applicant or successor(s) of 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.

6. 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.

7. 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.

8. The binding letter as it applied 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.

9. This determination does not obviate the need to comply with all other applicable federal, state or local government permitting procedures.

10. 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.

SURROUNDING ZONING, LAND USES AND FUTURE LAND USE DESIGNATION

North: Residential Multiple-Family (RM-2, RM-10)
Rural future land use category
Sunset Key Condominiums and
Prosperity Pointe Condominiums

South: Matecumbe Key Road, then
City of Cape Coral; Pedestrian Commercial District (C-1)
Mixed Land Use future land use category
Resort at Burnt Store Marina amenities

East: Matecumbe Key Road, then
Residential Multiple-Family (RM-10)
Commodore Condominiums; and
Courtside Landings Residential Planned Development (RPD)
A/k/a Harbour Villas
Outlying Suburban future land use category

West: Residential Multiple-Family (RM-2)
Rural future land use category
Marina South Shore Condominiums

The Keel Club Condominiums, consisting of 47 units, is also located adjacent to the subject property in the area between the proposed dry storage buildings and the proposed Marina Village commercial uses.

MAP 16 - PLANNING COMMUNITIES AND TABLE 1(b)

The subject property is located within the Planning Community of Burnt Store. In this community there are 700 acres allocated to residential uses in the Rural land use category. Recent Planning Division data indicates that 600 acres within this community are currently developed with residential uses, leaving a surplus of 100 acres that could be developed with residential uses in the Rural land use category before the year 2030. (see Attachment 8)

There are 50 acres allocated to commercial uses, with 19 acres indicated as currently developed, leaving a surplus of 31 acres that could be developed with commercial uses. There are five acres allocated to industrial uses. Four of these acres have been developed with industrial uses leaving a surplus of 31 acres that could be developed with commercial uses. There are five acres allocated to industrial uses. Four of these acres have been developed with industrial uses, including some allocations to Burnt Store Marina, leaving one acre available for new industrial development.

COASTAL

The Hurricane Storm Tide Atlas depicts the location of the subject property within the Tropical Storm and Category 2 Storm Surge Zones.

> ***Policy 5.1.2:*** *Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not included to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.*
>
> ***Policy 105.1.4:*** *Through the Lee Plan amendment process, future land use designations of undeveloped areas within coastal high hazard areas will be considered for reduced density categories in order to limit the future population exposed to coastal flooding.*

Mitigation measures are currently established in the Land Development Code (LDC), Chapter 2, Article XI, Hurricane Preparedness. Adoption of the Lee Plan proposed amendment will result in requirement amendments to the LDC to further clarify and enforce that mitigation requirements will be based on a Category 5 storm event consistent with the changes made to Chapter 163.3178, F.S.

The Southwest Florida Regional Planning Council reviewed the subject property in regards to the 1991 Hurricane Storm Tide Atlas for Lee County. The subject property is located on Plates 1 and 4 of the Atlas. The attached maps indicate the current Coastal High Hazard Area along with three plates from the 1991 Hurricane Storm Tide Atlas. Since the parcel runs from

Charlotte Harbor to Burnt Store Road, the property is located in Tropical Storm Surge Zone to Category 3 Surge Zone. The specific surge heights for this site are as follows:

The subject property is located within Time-History Point 48. Based on an elevation of 5 feet, the site would be dry in a tropical storm; have 3 feet over it in a Category 1; 4.3 feet over it during a category 2; 8.5 feet over it during a category 3 and 15.3 feet over it during a category 4/5.

In accordance with the Lee Plan, Map 5, the subject property is not currently located within the designated Coastal High Hazard Area. The applicant is requesting an additional 160 dwelling units within the existing development and a maximum height of 220 feet. The applicant has provided information regarding the location of the proposed development within the Coastal High Hazard Area as depicted on the 1991 Hurricane Storm Tide Atlas for Lee County. This analysis shows the residential development area to be within the Category 2 Storm Surge area, and therefore outside of the Coastal High Hazard Area. (See Attachment 9) Thus, Staff proposes the following language to assure the residential development is not located within the Coastal High Hazard Area:

> ***POLICY 25.1.5:*** *The residential and hotel development portions of this redevelopment project must be located outside of the Tropical Storm Zone as depicted in the 1991 Hurricane Storm Tide Atlas for Lee County.*

TRANSPORTATION/TRAFFIC CIRCULATION IMPACTS

The Lee County Department of Transportation (LCDOT) reviewed the request and has provided Planning staff written comments dated September 5, 2008 (see Attachment 10). This review was based on the initial submittal provided by the applicant. LCDOT concluded that based on the parameters (of the proposed development), utilizing the 2030 FSUTMS model, LCDOT staff determined that this land use change will not alter the future road network plans in this area. The applicant's subsequent resubmittal proposes a reduction in the amount of square footage originally presented, creating less impact to the road network.

The roads located within Burnt Store Marina are private in accordance with Case Number VAC2003-00072 adopted by the Board of County Commissioners on April 13, 2004 and recorded as Instrument Number 6260603 in the official records of Lee County). An access easement (see Attachment 11) has been entered into the official records of Lee County in Instrument Number 6285414 between the Punta Gorda Isles, Section 22 Homeowners Association, Inc. and Realmark Burnt Store Marina, LLC, (the applicant) providing an exclusive manner of ingress and egress to the subject property. This easement grants and conveys the Grantee (the applicant) 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 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.

POPULATION ACCOMMODATION

The subject property consists of land that has previously been developed for commercial purposes. Two acres of the parcel are proposed to be redeveloped for 160 residential units. This will result in an a proposed increase of 334 persons (160 x 2.09 PPH) accommodated by the future land use map.

If the requested amendment is approved, it will be necessary to create a new row in the Planning Communities Acreage Table for the Burnt Store Marina Village Planning Community. The revised table should depict four acres of residential uses, seven acres of commercial, 1 acre of public and six acres of industrial uses (to accommodate the marina uses). The industrial and commercial allocations in the table do not need to be amended, there is ample allocation existing. The subject property is currently accommodated in the Rural future land use; thus, will require redistribution of four acres of the allocated residential acreage from the Rural to the proposed Burnt Store Marina Village Planning Community.

ENVIRONMENTAL CONSIDERATIONS

The Division of Environmental Sciences (ES) staff has reviewed the proposed Burnt Store Marina Comprehensive Plan Amendment and offered an analysis included as Attachment 12. Due to the limited scope of the request for Comprehensive Plan amendment, the project does not include environmentally sensitive areas. ES staff does not object to the proposed future land use category.

SOILS

A map of the soils located on the subject property consisting of 18.25± acres is included in the application. The type of indicated soils include Mayakka Fine Sand, Estero Muck,

Peckish Mucky Fine Sand, Immokalee Sand, Smyrna Sand, Myakka Find Sand, depressional and Matlacha Gravely Fine Sand.

SURFACE WATER MANAGEMENT

Burnt Store Marina utilizes multiple drainage basins comprised of existing surface water management systems which include dry detention areas for pretreatment of water runoff and wet detention lakes for rain storage during large flood events. The proposed 18.25 acre redevelopment area is part of an existing Department of Environmental Protection (DEP) permit and South Florida Water Management District Permit (SFWMD), which will require modification and review by Lee County Natural Resources prior to development order approval. The surface water management systems within the redevelopment area are not expected to increase in size due to the fact that the existing site area has about the same impervious area to pervious area ratio.

MANATEE PROTECTION

The Lee County division of Natural Resources reviewed the application relative to manatee protection. The site rates as *preferred* under the Manatee Protection Plan and the number of slips proposed are consistent with that finding. The applicant will be required to comply with all applicable standard construction conditions for manatee protection including development of an education program for marina users.

HISTORIC RESOURCES

The application includes a letter dated September 28, 2007 from the Division of Historical Resources, Florida Department of State (See attachment 13). This letter provides the following information:

> *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.*

Lee County staff notes that there are areas on the subject property designated on the Lee County Archaeological Sensitivity Map as Sensitivity Level 2. Chapter 22 of the Lee County Land Development Code (LDC) defines the Sensitivity Level 2 as follows:

> *"Those areas containing known archaeological sites that have not been assessed for significant but are likely to conform to the criteria for local designation, or areas where there is a high likelihood that unrecorded sites of potential significance are present."*

Staff is not aware of any historic or archaeological resources occurring on this site; however, the applicant will be required to obtain a "Certificate to dig" permit from Lee County prior to or in conjunction with the issuance of a final development order for activity within areas designated as being within the "Sensitivity Level 2" areas. "Activity" in this context means new construction, filling, digging, removal of trees or any other activity that may alter or reveal an interred archaeological site.

SCHOOL IMPACTS

Lee County School district staff reviewed the proposal and provided written comments dated June 25, 2008 (see Attachment 14). The School District staff reviewed the project on the assumption that the proposal would add a marina, restaurant and other commercial uses as well as 160 new multi-family residential units. The review letter provides that 160 new multi-family dwelling units would generate 20 additional school-aged children and is calculated at .125 per unit. The commercial use would have no impact. Any development of the subject property will be assessed the applicable school impact fees.

PARKS, RECREATION AND OPEN SPACE

The applicant provided an analysis regarding Parks, Recreation and Open Space. The subject property is located within the North Fort Myers Community Park district. The proposed increase of 160 residential units will create a demand for .27 acres of community park acreage in the North Fort Myers district. According to the 2007 Concurrency Inventory, the projected minimum level of service in the North Fort Myers District in 2010 is approximately 50 acres, while 166 acres of developed parks currently exist. The additional residential units contemplated by the amendment application will not adversely impact parks, recreation and open space.

POLICE

The subject property is located within the service area of the Lee County Sheriff's Department. The developer will be required to coordinate with the Office of the Sheriff throughout the development process at which time a Crime Prevention through Environmental Design study will be required for review and approval. This study will be required for implementation into the Planned Development process.

FIRE AND EMERGENCY MEDICAL SERVICES (EMS)

The subject property is located within the Burnt Store Fire District. The applicant has provided a copy of an Interlocal Agreement between the City of Cape Coral and the Burnt Store Area Fire Service Municipal Taxing Unit (MSTU) (see Attachment 15) to provide fire protection to the residents of Burnt Store Marina. This Agreement, which is reviewed and renewed on an annual basis, will consider the addition of new construction, including but not limited to, buildings and marina facilities during the renewal process.

The Interlocal Agreement establishes fire protection and prevention services, such as work, materials and all related professional, technical, administrative, fire suppression and related services, basic first response rescue, fire company level prevention services, fire inspection services and safety activities that are necessary to perform fire protection and prevention services to the Burnt Store Marina community.

Lee County Emergency Medical Services (LCEMS) staff reviewed the request and provided written comments dated April 17, 2008 (see Attachment 16). This letter provides the following comments:

> *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 , 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 close to this department.*

Burnt Store Marina is served by the City of Cape Coral Fire Department, Station 7, located at 3942 Burnt Store Road, approximately two miles from the main entrance gate to the development. This station is equipped with first response equipment including an Advanced Life Support (ALS) vehicle. The Cape Coral Fire Department does not provide ambulatory service for transport; however, is responsible for emergency medical services until such time EMS arrives on site. The City of Cape Coral Fire Department offered no objection to the requested height of 220 feet noting that current building, fire and development codes address life safety regulations and they are equipped to provide service to structures built to this height.

SOLID WASTE

The Lee County Solid Waste Division staff has reviewed the request and provided written comments dated June 26, 2008 (see Attachment 17). This letter states that the Lee County Solid Waste Division is capable of providing solid waste collection services 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.

Further, the Solid Waste Ordinance, as amended, and LDC, Chapter 10, Section 10-261 have requirements for providing on-site space for placement and servicing of commercial solid waste containers.

MASS TRANSIT

The applicant indicates that there is no existing or proposed mass transit in conjunction with this request. However, Lee County Transit states that the Lee County Long Range Plan indicates the need for a Park and Ride lot in the vicinity of this project where commuter bus service would begin, providing transportation needs through North Cape Coral and terminating in downtown Fort Myers.

UTILITIES

The subject property is located in the Charlotte County Utilities service area for the provision of potable water and sanitary sewer services. The applicant has provided letters from Charlotte County Government dated June 25, 2008 confirming the availability and capacity of potable water, reclaimed water and sanitary sewer services to the subject property (see Attachment 18).

Potable water services are provided by the Burnt Store Reverse Osmosis Treatment Plant. Sanitary sewer and reclamation water services are provided by the Burnt Store Water Reclamation Facility. Utility services will be made available to the subject property upon extension of the water distribution and wastewater collection system and execution of an agreement with the owner/developer and Charlotte County Utilities.

The applicant states that the existing water and sanitary sewer usage equates to an estimated 21,390 gallons per day (GPD). This entails 7,700 square feet of retail space; 10,300 square feet of restaurant space and 15,000 square feet of office space.

The new proposed uses including 145 new hotel units, additional retail space, additional restaurant space and 160 new multiple family residential units will generate approximately 63,160 GPD. Thus, the existing and proposed uses will generate approximately 84,550 GPD of water and sanitary sewer usage.

STATE AND REGIONAL PLAN CONSISTENCY

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

State Plan

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

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

Regional Plan

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

B. CONCLUSION

Most of the urban services required to support the proposed change of land use and redevelopment are in place or can be made available. The applicant is proposing redevelopment of 18.25± acres to accommodate new development of 145 hotel rooms, 160 dwelling units, a maximum of 55,000 square feet of retail with 300 parking spaces (garage), a maximum of 15,000 square feet of office space and a maximum of 525 wet slips (existing) and 800 dry storage spaces.

The proposed amendment does not promote urban sprawl, as the subject property is located within an existing and approved residential and commercial urban development as well as commercial marina uses. The existing uses are not restricted to the residents of Burnt Store Marina and are currently utilized by the public. The existing development is not consistent with the rural future land use category.

The LDC, Article 19, Section 34-1802(4), paragraphs b and d regulates density requirements for hotels and motels. For developments within conventional zoning districts located within Lee Plan future land use map categories that have maximum standard density limits, rental unit density is based on a ratio of the number of units and total floor area. Hotels/motels approved as planned developments are not subject to rental unit size or density requirements provided all other aspects of the development (i.e. height, traffic, intensity of use, etc.) are found to be compatible with the surrounding area and otherwise consistent with the Lee Plan. The applicant will be required to rezone the subject property to a planned development.

REDEVELOPMENT

Redevelopment of an aging or antiquated land uses is an important part of maintaining a healthy and vibrant community. While there has been some redevelopment in Lee County in the past, we are entering a phase where

redevelopment will be needed more and more. How we plan, oversee, regulate and promote this redevelopment is an emerging issue that needs policy direction from the Board of County Commissioners.

The proposed redevelopment plans for both Burnt Store Marina and Old San Carlos Island offer some important challenges and opportunities that need to be addressed. The single biggest issue for these proposals is the challenge of the changing of the existing urban form. Urban form includes density, intensity and building mass.

Redevelopment will be very limited if it is restricted to the demolition of existing uses that can only be rebuilt to their current density and intensity. This is why redevelopment proposals will almost always include an increase in density, more commercial intensity or increases in building mass, or any combination of the three. These increases form the incentives that make the redevelopment project economically viable.

The Burnt Store Marina redevelopment proposal is asking for increased entitlements and also increased building height. Staff has evaluated the proposal and is recommending the full intensity and density request for the Burnt Store Marina Redevelopment Plan. Staff is recommending an increase in the maximum allowable height. The recommendation restricts the increase in height to 135 feet if the parking is not integrated into the structure. If multiple layers of enclosed parking are placed under the multiple-family or hotel use, staff is recommending increasing the height by an additional 50 feet for a maximum height of 185 feet.

This recommendation is based on attaining the desired urban form that will allow the redevelopment to create an at grade pedestrian friendly space where the retail, the water and the people can interact.

BUILDING HEIGHT

Building Height has become a critical component of the Burnt Store Redevelopment proposal. The mixed use pedestrian friendly objective requires an urban form unlike the single use or separated use development patterns typically found in Lee County. Mid-rise multiple-family or hotel development of 9 or 10 stores requires a large amount of surface parking which makes the site very pedestrian unfriendly. Allowing up to four or five levels of enclosed parking structure under the residential or hotel units results in site area to be utilized as a mixed use pedestrian friendly urban space. Locating the parking under the residential or hotel use allows the development to create an at grade atmosphere where the retail, the water and the people can intermingle. This type of site development also allows for additional green areas and enhanced landscaping.

In response to this, staff is recommending restricting the height to 135 feet if the parking is not integrated into the structure. If multiple layers of enclosed parking are placed under the multi family or hotel use, staff is recommending increasing the height by an additional 50 feet for a maximum height of 185 feet.

C. STAFF RECOMMENDATION:

Planning staff recommends that the Board of County Commissioners transmit the proposed amendment, as modified by Staff as follows:

POLICY 1.2.10: The Burnt Store Marina Village area provides for the redevelopment that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and limited industrial uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center. The following uses are permitted within the Burnt Store Marina Village category; a maximum of 55,000 square feet of retail uses; a maximum of 525 wet slips; a maximum of 800 dry storage spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units.

GOAL: BURNT STORE MARINA VILLAGE. To promote redevelopment that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and limited industrial uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center.

OBJECTIVE 25.1: The Burnt Store Marina Village is intended to encourage and facilitate redevelopment of the existing marina and commercial area located internal to the Burnt Store Marina project with an attractive mix of residential, marine, retail, hotel and office uses designed to enhance and protect the public use of, and access to, the waterfront and marina. Development of commercial retail, hotels, general office and marina related uses will predominate in the Burnt Store Marina Village. Limited residential and light industrial marine uses are also permitted to facilitate the proper development mix to allow integration of the Burnt Store Marina Village into the overall Burnt Store Marina project.

POLICY 25.1.1: The following uses are permitted within the Burnt Store Marina Village category; a maximum of 55,000 square feet of retail uses; a maximum of 525 wet slips; a maximum of 800 dry storage spaces; a

maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units. The maximum height permitted in this category is 135 feet if the parking is not integrated into the structure. If multiple layers of enclosed parking are placed under the multi-family or hotel use, the height may be increased by an additional 50 feet for a maximum height of 185 feet.

POLICY 25.1.2: Redevelopment of any uses within the Burnt Store Marina Village must be accomplished through the Planned Development rezoning process in order to properly accommodate existing conditions, the proposed redevelopment plan, prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans. Development in this future land use category is not required to comply with the site location criteria provided in Goal 6 if appropriate site development regulations are adopted into the planned development. New development in this category must connect to a potable water and sanitary sewer system.

POLICY 25.1.3: Lee County will cooperate with private developer efforts to create an identity for the Burnt Store Marina Village through unified architectural quality and creative site design that enhances the waterfront community and consists of scenic views, buildings with varying roof lines, open space, a pedestrian and neighborhood oriented activity center and enhanced buffering requirements.

POLICY 25.1.4: Lee County will work in conjunction with private developers to reserve existing marina facilities with on or off-site public parking spaces for vehicles and trailers and access for the benefit of the public.

POLICY 25.1.5: The residential and hotel development portions of this redevelopment project must be located outside of the Tropical Storm Surge Zone as depicted in the 1991 Hurricane Storm Tide Atlas for Lee County.

Planning staff further recommends that the Future Land Use Map 1 be amended by adding a new category to be known as Burnt Store Marina Village.

ATTACHMENTS:

1. Copy of CPA2007-00054 application
2. Aerial/outline of Subject Property
3. Adjacent land uses/Future Land Use Map (2 pages)
4. Existing Land Uses Map (2 pages)
5. Map of Proposed 2030 Use Allocation provided by Applicant
6. Lee Plan Map 12 - Water Dependent Overlay Zones
7. Department of Community Affairs Letter dated July 31, 2008
8. Lee Plan Map 16
9. Lee Plan Coastal High Hazard Area (CHHA)
10. Memorandum from Lee County Department of Transportation (LCDOT) dated September 5, 2008 and applicant's Traffic Circulation Analysis
11. Copy of Access Easement
12. Memorandum from Lee County Environmental Sciences
13. Letter from Division of Historical Resources dated September 28, 2007
14. Letter from The School District of Lee County dated June 25, 2008
15. Interlocal Agreement between City of Cape Coral and the Burnt Store Area Fire Service Municipal Taxing Unit
16. Letter from Lee County Emergency Management Services dated April 17, 2008
17. Letter from Lee County Solid Waste Division dated June 26, 2008
18. Letters from Charlotte County Utilities dated June 25, 2008
19. Memorandum from the Office of County Attorney dated November 28, 2006
20. Communications received from the public

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

PUBLIC HEARING DATES: **SEPTEMBER 22, 2008**
SEPTEMBER 29, 2008

A. LOCAL PLANNING AGENCY REVIEW - SEPTEMBER 22, 2008

The first public hearing before the LPA was held on Monday, September 22, 2008. Staff introduced the request and requested a continuance for the staff presentation based on continued discussions with the applicant regarding the requested density, height, continued public access to the boat ramp, provision of truck and trailer parking and additional information regarding coastal high hazard analysis and location of proposed uses. The applicant made a presentation and public comment was accepted.

During the applicant's presentation, it was noted that the Burnt Store Marina is the largest marina on the west coast of Florida. The amendment will permit a mixed use redevelopment plan encompassing the marina. The applicant stressed that the location of the proposed residential and hotel units is outside of the designated Coastal High Hazard Area. The request includes a maximum height of 220 feet to include four to five levels of parking under 10 to 12 stories of residential and hotel uses.

Fifteen Burnt Store Marina residents spoke at the hearing. Six spoke in support and nine spoke in opposition. Those that spoke in support addressed the need to update and improve the existing facilities, provide landscaping and construction of new facilities that meet current building standards. They spoke to the provision of commercial uses for the community and plans for future growth. Residents who reside on Matecumbe Key Road, which is in proximity to the gate utilized for construction and service vehicles, did not oppose the proposed amendment, stressing the need for improvement and progress within the development.

Concern was expressed regarding the absence of many part-time residents of Burnt Store Marina who would not have an opportunity to address the Board.

Those in opposition expressed concern regarding an increase in traffic, density, safety, height, noise and congestion. Specifically, improvements to the marina and the addition of commercial and hotel uses would increase the traffic traveling through a primarily residential community. However, some residents that spoke in opposition did support improvements to the marina for continued operations. Some of the residents questioned if Burnt Store Marina is a vacation destination requiring a hotel and ancillary commercial uses.

LOCAL PLANNING AGENCY REVIEW - SEPTEMBER 29, 2008

Staff presented the requested Plan amendment noting support of the redevelopment and

revitalization plan for the Burnt Store Marina Village. The Burnt Store Marina, a development of 626 acres, has been in existence in Lee County since the early 1970s and although is located in the Rural future land use, the property is not consistent with the definition or description of a rural use. The existing development of Burnt Store Marina consists of high-intensity residential and commercial uses.

Staff recommended the full intensity and density request for the plan consisting of retail, wet slips, dry storage spaces, office space, hotel and residential units. However, staff's recommendation differs from the applicant's request regarding the proposed height. Staff recommends a maximum height of 135 feet if parking is not integrated into the structure. If multiple layers of parking are proposed under multiple family or hotel uses, the height may be increased by an additional 50 feet for a maximum height of 185 feet. Staff recommended that the LPA transmit the request, as amended, for the proposed land use category, Burnt Store Marina Village, in support of the defining statement, Policy 1.2.10, with supporting language in Goal 25, Objective 25.1 and Policies 25.1.1 through 25.1.5 to the Board of County Commissioners.

The LPA questioned Staff regarding the proposed density, coastal high hazard, manatee protection plan and the combination of or separation of the maximum number of wet and dry boat slips and storage.

Staff had initially expressed concern regarding a Memo issued by the Office of County Attorney (see Attachment 20) regarding the density of the existing Marina Village Land Use Plan, which encompasses the subject property. This area is currently vested for a total of 734 dwelling units. In 2006, it appeared that there were 794 dwellings existing in the Marina Village parcel; therefore, a determination was made that no additional dwelling units could be constructed under the current Rural land use category. However, Staff determined that the proposed Burnt Store Marina Village land use category would supercede this determination permitting the request of the applicant for the 160 additional dwelling units.

Staff also addressed additional information regarding the location of the proposed residential and hotel units. The applicant has demonstrated that the proposed dwelling and hotel units are located outside of the designated Coastal High Hazard Area. A Policy is recommended to ensure that these uses will not be permitted within a designated Coastal High Hazard Area.

Staff recommended language whereby separating the number of proposed wet and dry boat slips and storage based on language in the Department of Community Affairs binding letter. The number of slips varies based on the definition and determination of the use. Marina uses are no longer subject to State Statute regulations and review regarding Developments of Regional Impact (DRI); therefore, staff does not object to the recommendation of the LPA to combine the maximum permitted number of wet and dry spaces. It was noted that redevelopment of marina uses will be subject to provisions of the Manatee Protection Plan.

There was no additional public comment regarding the proposed maximum height of the buildings and the additional dwelling units.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA agreed with the applicant regarding the combination of the number of permitted slips and the economics involved with this type of development. This is a function reviewed and permitted by local and state agencies based on the available space. It was further noted that current regulations contained in the Lee Plan do not govern the number of permitted boat slips in a land use category and a cumulative number of 1,325 wet and dry spaces is appropriate.

   By a vote of 3 to 1, the LPA voted that the request is consistent with the Lee Plan and recommended that the Board of County Commissioners transmit the amendment as proposed by staff, with the following changes provided in strike-through and double-underline format:

   The following uses are permitted within the Burnt Store Marina Village category; a maximum of 55,000 square feet of retail uses; ~~a maximum of 525 wet slips; a maximum of 800 dry storage spaces~~ 1,325 wet and dry spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units. The maximum height permitted in this category is 220 feet ~~135 feet if the parking is not integrated into the structure. If multiple layers of enclosed parking are placed under the multi-family or hotel use, the height may be increased by an additional 50 feet for a maximum height of 185 feet.~~

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** As contained in the Staff Report with proposed amendments to permit a combination of wet and dry slips and storage spaces for a total of 1,325 wet and dry spaces and a maximum height of 220 feet.

C. NO VOTE WAS TAKEN ON SEPTEMBER 22, 2008

VOTE: **SEPTEMBER 29, 2008**

CARLETON RYFFEL (Chair)	**ABSENT**
LES COCHRAN (Vice-Chair)	**AYE**
NOEL ANDRESS	**AYE**

PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT

DATE OF TRANSMITTAL HEARING: October 23, 2008

A. **BOARD REVIEW:** Staff provided a brief overview of the privately initiated comprehensive plan amendment including a description of the applicant's request, the subject property and the existing Burnt Store Marina development. Staff noted that the current rural future land use category is not consistent with the existing development. Staff reviewed the differences between staff's recommendation and the LPA recommendation. The applicant requested a maximum height of 220 feet, which was supported by the LPA. However, staff's recommendation is a maximum of 135 feet if the parking is not integrated into the structure and surface parking is utilized and 185 feet in height if multiple layers of enclosed parking are placed under the proposed multiple-family or hotel uses.

Staff clarified the recommended language regarding the wet and dry boat storage spaces. Staff recommended a distinction between 525 wet slips and 800 dry storage spaces based on the binding letter and communication with the Department of Community Affairs. The LPA recommended language to combine the uses into a total of 1,325 wet and dry spaces. Staff does not object to this modification. Staff addressed issues related to coastal high hazard designation and the proposed location of the 160 dwelling units and hotel, density, hurricane preparedness and evacuation criteria. Staff stressed that the amendment would provide guidelines for maximum development criteria. The proposed policies require that any development or redevelopment of the subject property requires rezoning through the planned development process which provides staff the opportunity to work with the public and the applicant to develop conditions to address compatibility with the existing land uses.

The applicant provided a comprehensive review of the request and redevelopment plans. This presentation included a conceptual redevelopment plan including proposed location of buildings and architectural renderings. It was noted that the redevelopment plan is to establish guidelines and is not creating specific entitlements.

Seven residents of Burnt Store Marina spoke in opposition to the comprehensive plan amendment. Their comments focused on the proposed density and height, potential increase in traffic, noise, interruption of water views, utilities, Manatee protection and related development issues. At the request of the Board, one additional letter of opposition was read into the record by staff.

At the request of the Board of County Commissioners, the staff and applicant provided the history of the Burnt Store Marina Development noting that the current vesting plan includes development of multiple-family dwellings, marina and hotel uses.

Some members of the Board expressed concern regarding the proposed intensity of the redevelopment plan. There were no traffic concerns relayed by the Lee County Department of Transportation. The Board noted that the comprehensive plan amendment proposes maximum allowable development and redevelopment criteria. Specific regulations will be implemented at the time of zoning to permit revitalization and enhancement of the existing Burnt Store Marina Village. The Board further reiterated that the transmittal hearing provides for the Department of Community Affairs' review of the proposed plan amendment and does not approve the proposed redevelopment project as represented.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. **BOARD ACTION:** The Board voted unanimously to **transmit** the amendment as recommended by staff with the amendments recommended by the LPA.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the finding as advanced by staff and amended by the LPA. The Board proposed transmittal is referenced in Part 1. B. on pages 3 and 4 of this staff report.

C. VOTE:

A. BRIAN BIGELOW	**AYE**
TAMMARA HALL	**AYE**
BOB JANES	**AYE**
RAY JUDAH	**AYE**
FRANKLIN B. MANN	**AYE**

PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS, RECOMMENDATIONS, AND COMMENTS (ORC) REPORT

DATE OF ORC REPORT:

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

B. STAFF RESPONSE

C. STAFF RECOMMENDATION

PART VI - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT

DATE OF ADOPTION HEARING:

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

A. BRIAN BIGELOW	
TAMMARA HALL	
BOB JANES	
RAY JUDAH	
FRANKLIN B. MANN	

CPA2007-54
BURNT STORE MARINA
PRIVATE INITIATED
AMENDMENT
TO THE

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

Privately Initiated Application
and Lee County Staff Analysis

BoCC Public Hearing Document
for the
October 22, Public Hearing

Lee County Planning Division
1500 Monroe Street
P. O. Box 398
(239) 533-8585

October 8, 2008

LEE COUNTY
DIVISION OF PLANNING
REVISED STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2007-00054

✓	Text Amendment	✓	Map Amendment

This Document Contains the Following Reviews:

✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Transmittal
	Staff Response to the DCA Objections, Recommendations and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: October 25, 2008

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. **APPLICANT/REPRESENTATIVE**
Realmark Burnt Store Marina, LLC, Applicant
Matthew D. Uhle, Esq., Knott, Consoer, Ebelini, Hart and Swett PA, Authorized Representative

2. **REQUEST:** Amend the Lee Plan's Future Land Use Map series, Map 1, for 18.25± acres in Section 1, Township 43, South, Range 22 East and Section 6, Township 43 South, Range 23 East, Lee County, Florida from Rural to Burnt Store Marina Village Future Land Use Category. Amend Table 1(b) to reallocate seven acres of commercial, six acres of industrial, four acres of residential and one acre of public land uses acres to accommodate the proposed development. (See Attachment 1 - application)

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners transmit the proposed amendment, as modified by staff. Planning staff recommends that the Future land use Map 1 be amended by adding a new category to be known as Burnt Store Marina Village. Staff further recommends that Table 1(b) be amended so that four acres of the allocated residential acreage from the Rural be allocated to the new Marina Village Planning Community.

   Staff recommends the Lee Plan be amended to create a new descriptor policy with an accompanying new Goal, Objective and Policies as follows:

   POLICY 1.2.10: The Burnt Store Marina Village area provides for the redevelopment that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and limited industrial uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center. The following uses are permitted within the Burnt Store Marina Village category; a maximum of 55,000 square feet of retail uses; a maximum of 525 wet slips; a maximum of 800 dry storage spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units.

   GOAL: BURNT STORE MARINA VILLAGE. To promote redevelopment that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and limited industrial uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center.

   OBJECTIVE 25.1: The Burnt Store Marina Village is intended to encourage and facilitate redevelopment of the existing marina and commercial area located internal to the Burnt Store Marina project with an attractive mix of residential, marine, retail, hotel and office uses designed to enhance and protect the public use of, and access to, the waterfront and marina. Development of commercial retail, hotels, general office and marina related uses will predominate in the Burnt Store Marina Village. Limited residential and light industrial marine uses are also permitted to facilitate the proper development mix to allow integration of the Burnt Store Marina Village into the overall Burnt Store Marina project.

POLICY 25.1.1: The following uses are permitted within the Burnt Store Marina Village category; a maximum of 55,000 square feet of retail uses; a maximum of 525 wet slips; a maximum of 800 dry storage spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units. The maximum height permitted in this category is 135 feet if the parking is not integrated into the structure. If multiple layers of enclosed parking are placed under the multi-family or hotel use, the height may be increased by an additional 50 feet for a maximum height of 185 feet.

POLICY 25.1.2: Redevelopment of any uses within the Burnt Store Marina Village must be accomplished through the Planned Development rezoning process in order to properly accommodate existing conditions, the proposed redevelopment plan, prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans. Development in this future land use category is not required to comply with the site location criteria provided in Goal 6 if appropriate site development regulations are adopted into the planned development. New development in this category must connect to a potable water and sanitary sewer system.

POLICY 25.1.3: Lee County will cooperate with private developer efforts to create an identity for the Burnt Store Marina Village through unified architectural quality and creative site design that enhances the waterfront community and consists of scenic views, buildings with varying roof lines, open space, a pedestrian and neighborhood oriented activity center and enhanced buffering requirements.

POLICY 25.1.4: Lee County will work in conjunction with private developers to reserve existing marina facilities with on or off-site public parking spaces for vehicles and trailers and access for the benefit of the public.

POLICY 25.1.5: The residential and hotel development portions of this redevelopment project must be located outside of the Tropical Storm Surge Zone as depicted in the 1991 Hurricane Storm Tide Atlas for Lee County.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The subject property and existing uses are not consistent with the description and definition of the Rural future land use category. The existing development of Burnt Store Marina consists of high intensity residential and commercial uses with a provision of urban services such as Fire and Police protection and utilities.

- Since 1983 the Department of Community Affairs has reviewed Burnt Store Marina, an existing development consisting of 626 acres, with respect to its Development of Regional Impact (DRI) status. Each time, the Department of Community Affairs has determined that Burnt Store Marina is vested from DRI review.

- On July 31, 2008, the Department of Community Affairs issued a Binding Letter of Modification (BLIM) to a Development with Vested Rights and a Binding Letter of Determination of Development of Regional Impact Status (BLID) for Punta Gorda Isles Section 22 (also known as Burnt Store Marina). Thus, finding that the proposed development in Section 22 and Tract C is below 100 percent of the applicable DRI thresholds as provided in Section 380.0651(2)(d)1.a., F.S. Therefore, the project would not be required to undergo DRI review. However, this determination does not preclude the compliance with all other applicable federal, state or local government procedures such as zoning and development regulations.

- The proposed land use category will permit the redevelopment and expansion of the existing marina and related services. The project will be compatible with the surrounding community and will be served by adequate public facilities.

- No additional commercial acreage is being requested for the project, as the property is currently being utilized for commercial purposes. The applicant is seeking to improve an existing commercial development including water-dependent recreational uses.

- The creation and application of the land use category does not encourage urban sprawl, rather, the amendment represents redevelopment of an already urbanized portion of the Burnt Store Marina development. The proposed category contemplates multi-use development to complement the existing high density residential development within Burnt Store Marina.

- The amendment will create an exception to the commercial site location standards similar to those inherent to the County's new "Commercial" future land use category. The exception is justified in light of the amount of development that currently exists and is vested for Burnt Store Marina.

- The Hurricane Storm Tide Atlas depicts the location of the subject property within the Tropical Storm and Category 2 Storm Surge Zones. The applicant is requesting an additional 160 dwelling units. These new dwelling units will be restricted from location in the Tropical Storm Surge Zone.

C. BACKGROUND INFORMATION

1. **EXISTING CONDITIONS:**

SIZE OF PROPERTY: 18.25± acres; Total Uplands: 18.25± acres; Total Wetlands; None (See Attachment 2)

PROPERTY LOCATION: The Burnt Store development 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. Burnt Store Marina encompasses a total of 626 acres originally platted in 1973 as Punta Gorda Isles, Section 22 in Plat Book 28, Page 118.

The subject property, consisting of 18.25± acres is generally located on the west side of Burnt Store Road, specifically within the Burnt Store Marina development at 3150, 3090 and 3140-3200 Matecumbe Key Road, Punta Gorda.

EXISTING USE OF LAND: Marina, Hotel, Restaurant, Residential, Wet and Dry boat slips and vacant. (See Attachment 3)

CURRENT ZONING: The property is currently zoned Marine Commercial (CM), Residential Multiple-Family (RM-2) and RM-10.

There was a recent zoning case (Z-08-037; REZ2007-00020) to permit the rezoning of 1.33 acres of the subject property from RM-2 and RM-10 to Commercial Parking (CP). This case was heard before the Board of County Commissioners on Monday, September 15, 2008. The Board voted to deny the application without prejudice.

The RM-10 zoned parcel is currently vested for a maximum of 10 dwelling units per acre. Approval of the requested rezoning would limit future residential development of the subject property to a maximum of one dwelling unit per acre (Rural land use category). Approval fo the requested Lee Plan Amendment will supercede this vesting and the proposed policy will set forth maximum land use regulations.

CURRENT FUTURE LAND USE CATEGORY: The subject property is designated Rural (See Attachment 4)

2. **REQUEST:**

The applicant is requesting a change in the subject property's future land use category from Rural to a new category entitled "Burnt Store Marina Village" future land use category. This category is proposed to permit redevelopment of existing uses on the subject property. The Rural future land use category currently permits a maximum of one dwelling unit per acre and minimal non-residential land uses that are needed to serve the rural community. There is not a specific limit for office and marine related uses.

The application encompasses four parcels, two of which are developed with the existing marina, wet and dry boat slips and ancillary uses.(see Attachment 5)

The application proposes a new land use category entitled (Burnt Store Marina Village" as follows:

> *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 55,000 square feet; wet slips, up to a maximum of 525; dry storage spaces, up to a maximum of 800; office space, up to a maximum of 15,000 square feet; a maximum of 145 hotel units; and a maximum of 160 residential units. The maximum height permitted in this category is 220 feet.*

The applicant further proposes to amend the 2030 Planning Communities Acreage Table as follows:

1. Add a new line for "Burnt Store Marina Village" in the table;
2. Revise the acreage table as follows:
    a. Commercial - 7 acres;
    b. Industrial - 6 acres;
    c. Residential - 4 acres;
    d. Public - 1 acre

The applicant proposes to redevelop approximately 18.25± acres of Burnt Store Marina which currently houses wet boat slips, a dry storage building, office space, a restaurant and recreational uses. The surrounding uses are predominantly multiple-family residential structures with some single-family residential. The proposed amendment, if approved, will permit the applicant to add 15,000 square feet of office space; 160 residential units; 55,000 square feet of retail use with 300 parking spaces (garage); 145 hotel rooms, 525 wet slips (existing) and 800 dry boat storage spaces. The proposed dry storage buildings are depicted as industrial uses in accordance with the 2030 Planning Communities Acreage.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

INTRODUCTION

The proposed amendment is the result of a desire by a new owner to redevelop and expand the existing uses of the property from a limited mix of marine, residential, commercial-retail, hotel and office uses by creating a new future land use category specific to Burnt Store Marina. The new future land use category would facilitate the redevelopment of the existing uses that enhance the waterfront as well as permit continued public use of the boat ramp.

Burnt Store Marina is a unique community, consisting of 626± acres. The development is divided into two distinct sections, Marina Village located within Tract C and the Golf Course Subdivision located within Punta Gorda Isles, Section 22. The proposed amendment encompasses 13.3 acres of Tract C and the addition of an adjacent 4.95 acres included within the Punta Gorda Isles, Section 22.

The Lee Plan, in the Vision for 2030, identifies the Burnt Store Planning Community as follows:

> *This community is located in the northwest corner of the mainland of unincorporated Lee County. The property east of Burnt Store Road is designated Open Lands and the land west of Burnt Store Road is designated as Rural (also known as Burnt Store Marina) with the exception of 10 acres designated as Outlying Suburban. Most of the Burnt Store Marina development was approved prior to the adoption of the 1984 Lee Plan and is "vested" for densities higher than allowed by the current plan. The development is primarily residential with a high percentage of seasonal residents. There are some commercial and marine oriented amenities within the Burnt Store Marina development primarily serving residents of that development. This area is expected to substantially grow through the year 2030. Today, most of the community's commercial needs are served outside of the community in Cape Coral, North Fort Myers and Fort Myers, or in Charlotte County. This development pattern is expected to remain through 2020. (Added by Ordinance No. 99-15, Amended by Ordinance No. 07-12)*

The subject property currently houses some existing commercial land uses. The applicant is proposing to redevelop the subject property including enhancements to an existing marina and ancillary uses. The commercial uses will provide services to the surrounding residential land uses as well as provide the foundation for a mixed use community.

Two of the subject parcels are located in a designated "Water-Dependent Overlay Zone"

depicted in Lee Plan Map 12 (page 9 of 12) (See Attachment 6). The Water-Dependent Overlay Zone is defined in Policy 1.7.5 of the Lee Plan as follows:

> *The Water-Dependent overlay zone designates shoreline areas where priority will be granted to water-dependent land uses. Specific requirements are detailed for such zones on San Carlos Island under Goal 12, in the Great Pine Island area under Goal 14 and other areas in Lee County in the Conservation and Coastal Management Element. (Amended by Ordinance No. 94-30, 00-22).*

The Lee Plan further addresses water access in Goal 125 which encourages development and implementation of a public water access program.

> ***Objective 125.2: Water Access in Private Developments.*** *The county will encourage private landowners to provide some form of water access to the public. (Amended by Ordinance No. 00-22)*
>
> ***Objective 125.3:*** *Develop techniques to encourage development and expansion of water-dependent recreational uses in Lee County waterways and discourage any conversion of water-dependent uses to non-water dependent uses. (Added by Ordinance No. 07-09)*

The Lee Plan, Objective 128.6, establishes policies utilized to evaluate marina design criteria (new or expansion at existing marinas) in order to minimize negative impacts and to complement the county's development regulations.

> ***Policy 128.6.6:*** *Marinas and multi-slip docking facilities must prepare hurricane plans with the assistance of the county which describe measures to be taken to minimize damage to marina sites, neighboring properties and the environment; this hurricane plan is subject to county approval. (Amended by Ordinance No. 00-22)*
>
> ***Policy 128.6.13:*** *Dry storage of small boats should be encouraged, with dry storage structures located inland as far as possible.*
>
> ***Policy 128.6.16:*** *Expansion of dry storage capabilities will be strongly encouraged to reduce dredging. (Amended by Ordinance No. 00-22)*

The Burnt Store Marina community is non-conforming in relation to the Rural future land use category. This development is more consistent with an urban or mixed use land use category.

Staff supports the applicant's request to provide for a land use category permitting the

expansion of the existing water-dependent recreational facilities such as the dry storage building as set forth in the above-referenced policies. Staff further supports the proposed office space, retail uses, residential and hotel rooms which will support and complement the existing and proposed uses.

COMPREHENSIVE PLAN BACKGROUND

In 1984, upon adoption of the Lee Plan, the subject property was designated as part of the "Fringe" land use category described in the 1984 Lee Plan as follows:

> *These areas border designated Urban Service Areas yet are not a part of the Urban Service Area. The Plan recognizes these fringe areas as potentially appropriate for development at Urban Community densities, although their overall lack of requisite infrastructure may delay such development unless private sectory provision of services and facilities occurs. The Lee Plan does not target these areas for public expenditures. Therefore, development approvals will be wholly based upon a satisfactory demonstration of necessary infrastructure including potential fiscal mitigation for services such as EMS, police and fire protection, educational facilities, as well as all appropriate Plan Goals, Objectives, Policies and Standards. Developments that have lower levels of infrastructure, environmentally sensitive areas or potential negative impacts on potable water resources should be considered for the lower end of the density range and lower levels of intensity compatible with adjacent land uses.*

In 1989, the Board of County Commissioners amended the Lee Plan at which time the "Fringe" land use category was eliminated and the Burnt Store Marina development was included within the "Rural" future land use category. The 1989 Lee Plan described the "Rural" future land use category as follows:

> ***Policy 1.4.1:*** *The Rural areas are to remain predominantly rural - that is, low density residential, agricultural uses and minimal non-residential land uses that are needed to serve the rural community. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre), except as may be permitted under the Planned Development District Option.*

The current Lee Plan includes the "Rural" future land use category in Objective 1.4: Non-Urban Areas, which are designated on the Future Land Use Map as categories for those areas not anticipated for urban development at this time as follows:

> ***Policy 1.4.1:*** *The Rural areas are to remain predominantly rural - that is,*

low density residential, agricultural and minimal non-residential land uses that are needed to serve the rural community. These areas are not to be programmed to receive urban-type capital improvements and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre). (Added by Ordinance No. 97-17, Amended by Ordinance No. 98-90, 00-22, 07-12)

The applicant's request is to create a new land use category, "Burnt Store Marina Village" area located within a portion of the property in Burnt Store Marina that is zoned for a mixture of commercial and residential uses. The proposed category would facilitate the redevelopment of the existing marina and commercial area of Burnt Store Marina. 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 18.25 acres. The plan includes 15,000 square feet of office space, an addition of 160 residential units, 55,000 square feet of retail with 300 parking spaces (garage), 145 hotel rooms and a maximum of 1,325 wet and dry spaces.

HISTORY

On May 9, 2008, the applicant submitted a letter to the Department of Community Affairs requesting a Binding Letter of Modification (BLIM) to a Development of Regional Impact with Vested Rights Under Section 380.06 and 120.57, Florida Statutes with attachments the following chronological history:

- 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 October 26, 1973 letter and concluded that the proposed development for Punta Gorda Isles-Section 22 is vested from DRI review.

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

- The second 380.032 agreement was executed on January 30, 1987 and 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.

On May 28, 2008, the Department of Community Affairs responded to the applicant's letter requesting a BLIM/BLID for the Burnt Store Marina project requesting additional

information. The applicant responded to the Department of Community Affairs on May 30, 2008 and provided the requested, additional information.

In response to the applicant's request, on July 31, 2008, the Department of Community Affairs issued Final Order No. DCA08-BL-204, including a Binding Letter of Modification to a Development with Vested rights (BLIM-09-2007-016) and a Binding Letter of Determination of Development of Regional Impact Status (BLID-09-2007-015) (see Attachment 7) for Punta Gorda Isles, Section 22 (also known as Burnt Store Marina) with the following conclusions:

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)(D1)1.a., F.S. Therefore, the proposed development 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. Thus, the following order was issued by the Department of Community Affairs.

4. The modification 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.

5. 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 would be submitted by the applicant or successor(s) of 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.

6. 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.

7. 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.

8. The binding letter as it applied 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.

9. This determination does not obviate the need to comply with all other applicable federal, state or local government permitting procedures.

10. 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.

SURROUNDING ZONING, LAND USES AND FUTURE LAND USE DESIGNATION

North: Residential Multiple-Family (RM-2, RM-10)
Rural future land use category
Sunset Key Condominiums and
Prosperity Pointe Condominiums

South: Matecumbe Key Road, then
City of Cape Coral; Pedestrian Commercial District (C-1)
Mixed Land Use future land use category
Resort at Burnt Store Marina amenities

East: Matecumbe Key Road, then
Residential Multiple-Family (RM-10)
Commodore Condominiums; and
Courtside Landings Residential Planned Development (RPD)

A/k/a Harbour Villas
Outlying Suburban future land use category

West: Residential Multiple-Family (RM-2)
Rural future land use category
Marina South Shore Condominiums

The Keel Club Condominiums, consisting of 47 units, is also located adjacent to the subject property in the area between the proposed dry storage buildings and the proposed Marina Village commercial uses.

MAP 16 - PLANNING COMMUNITIES AND TABLE 1(b)

The subject property is located within the Planning Community of Burnt Store. In this community there are 700 acres allocated to residential uses in the Rural land use category. Recent Planning Division data indicates that 600 acres within this community are currently developed with residential uses, leaving a surplus of 100 acres that could be developed with residential uses in the Rural land use category before the year 2030. (see Attachment 8)

There are 50 acres allocated to commercial uses, with 19 acres indicated as currently developed, leaving a surplus of 31 acres that could be developed with commercial uses. There are five acres allocated to industrial uses. Four of these acres have been developed with industrial uses leaving a surplus of 31 acres that could be developed with commercial uses. There are five acres allocated to industrial uses. Four of these acres have been developed with industrial uses, including some allocations to Burnt Store Marina, leaving one acre available for new industrial development.

COASTAL

The Hurricane Storm Tide Atlas depicts the location of the subject property within the Tropical Storm and Category 2 Storm Surge Zones.

> ***Policy 5.1.2:*** *Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not included to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.*
>
> ***Policy 105.1.4:*** *Through the Lee Plan amendment process, future land use designations of undeveloped areas within coastal high hazard areas will be considered for reduced density categories in order to limit the future population exposed to coastal flooding.*

Mitigation measures are currently established in the Land Development Code (LDC),

Chapter 2, Article XI, Hurricane Preparedness. Adoption of the Lee Plan proposed amendment will result in requirement amendments to the LDC to further clarify and enforce that mitigation requirements will be based on a Category 5 storm event consistent with the changes made to Chapter 163.3178, F.S.

The Southwest Florida Regional Planning Council reviewed the subject property in regards to the 1991 Hurricane Storm Tide Atlas for Lee County. The subject property is located on Plates 1 and 4 of the Atlas. The attached maps indicate the current Coastal High Hazard Area along with three plates from the 1991 Hurricane Storm Tide Atlas. Since the parcel runs from Charlotte Harbor to Burnt Store Road, the property is located in Tropical Storm Surge Zone to Category 3 Surge Zone. The specific surge heights for this site are as follows:

The subject property is located within Time-History Point 48. Based on an elevation of 5 feet, the site would be dry in a tropical storm; have 3 feet over it in a Category 1; 4.3 feet over it during a category 2; 8.5 feet over it during a category 3 and 15.3 feet over it during a category 4/5.

In accordance with the Lee Plan, Map 5, the subject property is not currently located within the designated Coastal High Hazard Area. The applicant is requesting an additional 160 dwelling units within the existing development and a maximum height of 220 feet. The applicant has provided information regarding the location of the proposed development within the Coastal High Hazard Area as depicted on the 1991 Hurricane Storm Tide Atlas for Lee County. This analysis shows the residential development area to be within the Category 2 Storm Surge area, and therefore outside of the Coastal High Hazard Area. (See Attachment 9) Thus, Staff proposes the following language to assure the residential development is not located within the Coastal High Hazard Area:

> ***POLICY 25.1.5:*** *The residential and hotel development portions of this redevelopment project must be located outside of the Tropical Storm Zone as depicted in the 1991 Hurricane Storm Tide Atlas for Lee County.*

TRANSPORTATION/TRAFFIC CIRCULATION IMPACTS

The Lee County Department of Transportation (LCDOT) reviewed the request and has provided Planning staff written comments dated September 5, 2008 (see Attachment 10). This review was based on the initial submittal provided by the applicant. LCDOT concluded that based on the parameters (of the proposed development), utilizing the 2030 FSUTMS model, LCDOT staff determined that this land use change will not alter the future road network plans in this area. The applicant's subsequent resubmittal proposes a reduction in the amount of square footage originally presented, creating less impact to the road network.

The roads located within Burnt Store Marina are private in accordance with Case Number VAC2003-00072 adopted by the Board of County Commissioners on April 13, 2004 and

recorded as Instrument Number 6260603 in the official records of Lee County). An access easement (see Attachment 11) has been entered into the official records of Lee County in Instrument Number 6285414 between the Punta Gorda Isles, Section 22 Homeowners Association, Inc. and Realmark Burnt Store Marina, LLC, (the applicant) providing an exclusive manner of ingress and egress to the subject property. This easement grants and conveys the Grantee (the applicant) 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 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.*

POPULATION ACCOMMODATION

The subject property consists of land that has previously been developed for commercial purposes. Two acres of the parcel are proposed to be redeveloped for 160 residential units. This will result in an a proposed increase of 334 persons (160 x 2.09 PPH) accommodated by the future land use map.

If the requested amendment is approved, it will be necessary to create a new row in the Planning Communities Acreage Table for the Burnt Store Marina Village Planning Community. The revised table should depict four acres of residential uses, seven acres of commercial, 1 acre of public and six acres of industrial uses (to accommodate the marina uses). The industrial and commercial allocations in the table do not need to be amended, there is ample allocation existing. The subject property is currently accommodated in the Rural future land use; thus, will require redistribution of four acres of the allocated residential acreage from the Rural to the proposed Burnt Store Marina Village Planning Community.

ENVIRONMENTAL CONSIDERATIONS

The Division of Environmental Sciences (ES) staff has reviewed the proposed Burnt Store Marina Comprehensive Plan Amendment and offered an analysis included as Attachment 12. Due to the limited scope of the request for Comprehensive Plan amendment, the project does not include environmentally sensitive areas. ES staff does not object to the proposed future land use category.

SOILS

A map of the soils located on the subject property consisting of 18.25± acres is included in the application. The type of indicated soils include Mayakka Fine Sand, Estero Muck, Peckish Mucky Fine Sand, Immokalee Sand, Smyrna Sand, Myakka Find Sand, depressional and Matlacha Gravely Fine Sand.

SURFACE WATER MANAGEMENT

Burnt Store Marina utilizes multiple drainage basins comprised of existing surface water management systems which include dry detention areas for pretreatment of water runoff and wet detention lakes for rain storage during large flood events. The proposed 18.25 acre redevelopment area is part of an existing Department of Environmental Protection (DEP) permit and South Florida Water Management District Permit (SFWMD), which will require modification and review by Lee County Natural Resources prior to development order approval. The surface water management systems within the redevelopment area are not expected to increase in size due to the fact that the existing site area has about the same impervious area to pervious area ratio.

MANATEE PROTECTION

The Lee County division of Natural Resources reviewed the application relative to manatee protection. The site rates as *preferred* under the Manatee Protection Plan and the number of slips proposed are consistent with that finding. The applicant will be required to comply with all applicable standard construction conditions for manatee protection including development of an education program for marina users.

HISTORIC RESOURCES

The application includes a letter dated September 28, 2007 from the Division of Historical Resources, Florida Department of State (See attachment 13). This letter provides the following information:

> *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.*

Lee County staff notes that there are areas on the subject property designated on the Lee County Archaeological Sensitivity Map as Sensitivity Level 2. Chapter 22 of the Lee County Land Development Code (LDC) defines the Sensitivity Level 2 as follows:

> *"Those areas containing known archaeological sites that have not been assessed for significant but are likely to conform to the criteria for local designation, or areas where there is a high likelihood that unrecorded sites of potential significance are present."*

Staff is not aware of any historic or archaeological resources occurring on this site; however, the applicant will be required to obtain a "Certificate to dig" permit from Lee County prior to or in conjunction with the issuance of a final development order for activity within areas designated as being within the "Sensitivity Level 2" areas. "Activity" in this context means new construction, filling, digging, removal of trees or any other activity that may alter or reveal an interred archaeological site.

SCHOOL IMPACTS

Lee County School district staff reviewed the proposal and provided written comments dated June 25, 2008 (see Attachment 14). The School District staff reviewed the project on the assumption that the proposal would add a marina, restaurant and other commercial uses as well as 160 new multi-family residential units. The review letter provides that 160 new multi-family dwelling units would generate 20 additional school-aged children and is calculated at .125 per unit. The commercial use would have no impact. Any development of the subject property will be assessed the applicable school impact fees.

PARKS, RECREATION AND OPEN SPACE

The applicant provided an analysis regarding Parks, Recreation and Open Space. The subject property is located within the North Fort Myers Community Park district. The proposed increase of 160 residential units will create a demand for .27 acres of community park acreage in the North Fort Myers district. According to the 2007

Concurrency Inventory, the projected minimum level of service in the North Fort Myers District in 2010 is approximately 50 acres, while 166 acres of developed parks currently exist. The additional residential units contemplated by the amendment application will not adversely impact parks, recreation and open space.

POLICE

The subject property is located within the service area of the Lee County Sheriff's Department. The developer will be required to coordinate with the Office of the Sheriff throughout the development process at which time a Crime Prevention through Environmental Design study will be required for review and approval. This study will be required for implementation into the Planned Development process.

FIRE AND EMERGENCY MEDICAL SERVICES (EMS)

The subject property is located within the Burnt Store Fire District. The applicant has provided a copy of an Interlocal Agreement between the City of Cape Coral and the Burnt Store Area Fire Service Municipal Taxing Unit (MSTU) (see Attachment 15) to provide fire protection to the residents of Burnt Store Marina. This Agreement, which is reviewed and renewed on an annual basis, will consider the addition of new construction, including but not limited to, buildings and marina facilities during the renewal process.

The Interlocal Agreement establishes fire protection and prevention services, such as work, materials and all related professional, technical, administrative, fire suppression and related services, basic first response rescue, fire company level prevention services, fire inspection services and safety activities that are necessary to perform fire protection and prevention services to the Burnt Store Marina community.

Lee County Emergency Medical Services (LCEMS) staff reviewed the request and provided written comments dated April 17, 2008 (see Attachment 16). This letter provides the following comments:

> *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 , 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 close to this department.

Burnt Store Marina is served by the City of Cape Coral Fire Department, Station 7, located at 3942 Burnt Store Road, approximately two miles from the main entrance gate to the development. This station is equipped with first response equipment including an Advanced Life Support (ALS) vehicle. The Cape Coral Fire Department does not provide ambulatory service for transport; however, is responsible for emergency medical services until such time EMS arrives on site. The City of Cape Coral Fire Department offered no objection to the requested height of 220 feet noting that current building, fire and development codes address life safety regulations and they are equipped to provide service to structures built to this height.

SOLID WASTE

The Lee County Solid Waste Division staff has reviewed the request and provided written comments dated June 26, 2008 (see Attachment 17). This letter states that the Lee County Solid Waste Division is capable of providing solid waste collection services 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.

Further, the Solid Waste Ordinance, as amended, and LDC, Chapter 10, Section 10-261 have requirements for providing on-site space for placement and servicing of commercial solid waste containers.

MASS TRANSIT

The applicant indicates that there is no existing or proposed mass transit in conjunction with this request. However, Lee County Transit states that the Lee County Long Range Plan indicates the need for a Park and Ride lot in the vicinity of this project where commuter bus service would begin, providing transportation needs through North Cape Coral and terminating in downtown Fort Myers.

UTILITIES

The subject property is located in the Charlotte County Utilities service area for the provision of potable water and sanitary sewer services. The applicant has provided letters from Charlotte County Government dated June 25, 2008 confirming the availability and capacity of potable water, reclaimed water and sanitary sewer services to the subject property (see Attachment 18).

Potable water services are provided by the Burnt Store Reverse Osmosis Treatment Plant. Sanitary sewer and reclamation water services are provided by the Burnt Store Water Reclamation Facility. Utility services will be made available to the subject

property upon extension of the water distribution and wastewater collection system and execution of an agreement with the owner/developer and Charlotte County Utilities.

The applicant states that the existing water and sanitary sewer usage equates to an estimated 21,390 gallons per day (GPD). This entails 7,700 square feet of retail space; 10,300 square feet of restaurant space and 15,000 square feet of office space.

The new proposed uses including 145 new hotel units, additional retail space, additional restaurant space and 160 new multiple family residential units will generate approximately 63,160 GPD. Thus, the existing and proposed uses will generate approximately 84,550 GPD of water and sanitary sewer usage.

STATE AND REGIONAL PLAN CONSISTENCY

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

State Plan

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

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

Regional Plan

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

B. CONCLUSION

Most of the urban services required to support the proposed change of land use and redevelopment are in place or can be made available. The applicant is proposing redevelopment of 18.25± acres to accommodate new development of 145 hotel rooms, 160 dwelling units, a maximum of 55,000 square feet of retail with 300 parking spaces (garage), a maximum of 15,000 square feet of office space and a maximum of 525 wet slips (existing) and 800 dry storage spaces.

The proposed amendment does not promote urban sprawl, as the subject property is located within an existing and approved residential and commercial urban development as well as commercial marina uses. The existing uses are not restricted to the residents of Burnt Store Marina and are currently utilized by the public. The existing development is not consistent with the rural future land use category.

The LDC, Article 19, Section 34-1802(4), paragraphs b and d regulates density

requirements for hotels and motels. For developments within conventional zoning districts located within Lee Plan future land use map categories that have maximum standard density limits, rental unit density is based on a ratio of the number of units and total floor area. Hotels/motels approved as planned developments are not subject to rental unit size or density requirements provided all other aspects of the development (i.e. height, traffic, intensity of use, etc.) are found to be compatible with the surrounding area and otherwise consistent with the Lee Plan. The applicant will be required to rezone the subject property to a planned development.

REDEVELOPMENT

Redevelopment of an aging or antiquated land uses is an important part of maintaining a healthy and vibrant community. While there has been some redevelopment in Lee County in the past, we are entering a phase where redevelopment will be needed more and more. How we plan, oversee, regulate and promote this redevelopment is an emerging issue that needs policy direction from the Board of County Commissioners.

The proposed redevelopment plans for both Burnt Store Marina and Old San Carlos Island offer some important challenges and opportunities that need to be addressed. The single biggest issue for these proposals is the challenge of the changing of the existing urban form. Urban form includes density, intensity and building mass.

Redevelopment will be very limited if it is restricted to the demolition of existing uses that can only be rebuilt to their current density and intensity. This is why redevelopment proposals will almost always include an increase in density, more commercial intensity or increases in building mass, or any combination of the three. These increases form the incentives that make the redevelopment project economically viable.

The Burnt Store Marina redevelopment proposal is asking for increased entitlements and also increased building height. Staff has evaluated the proposal and is recommending the full intensity and density request for the Burnt Store Marina Redevelopment Plan. Staff is recommending an increase in the maximum allowable height. The recommendation restricts the increase in height to 135 feet if the parking is not integrated into the structure. If multiple layers of enclosed parking are placed under the multiple-family or hotel use, staff is recommending increasing the height by an additional 50 feet for a maximum height of 185 feet.

This recommendation is based on attaining the desired urban form that will allow the redevelopment to create an at grade pedestrian friendly space where the retail, the water and the people can interact.

BUILDING HEIGHT

Building Height has become a critical component of the Burnt Store Redevelopment proposal. The mixed use pedestrian friendly objective requires an urban form unlike the single use or separated use development patterns typically found in Lee County. Mid-rise multiple-family or hotel development of 9 or 10 stores requires a large amount of surface parking which makes the site very pedestrian unfriendly. Allowing up to four or five levels of enclosed parking structure under the residential or hotel units results in site area to be utilized as a mixed use pedestrian friendly urban space. Locating the parking under the residential or hotel use allows the development to create an at grade atmosphere where the retail, the water and the people can intermingle. This type of site development also allows for additional green areas and enhanced landscaping.

In response to this, staff is recommending restricting the height to 135 feet if the parking is not integrated into the structure. If multiple layers of enclosed parking are placed under the multi family or hotel use, staff is recommending increasing the height by an additional 50 feet for a maximum height of 185 feet.

C. STAFF RECOMMENDATION:

Planning staff recommends that the Board of County Commissioners transmit the proposed amendment, as modified by Staff as follows:

POLICY 1.2.10: The Burnt Store Marina Village area provides for the redevelopment that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and limited industrial uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center. The following uses are permitted within the Burnt Store Marina Village category; a maximum of 55,000 square feet of retail uses; a maximum of 525 wet slips; a maximum of 800 dry storage spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units.

GOAL: BURNT STORE MARINA VILLAGE. To promote redevelopment that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and limited industrial uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center.

OBJECTIVE 25.1: The Burnt Store Marina Village is intended to encourage and facilitate redevelopment of the existing marina and commercial area located internal

to the Burnt Store Marina project with an attractive mix of residential, marine, retail, hotel and office uses designed to enhance and protect the public use of, and access to, the waterfront and marina. Development of commercial retail, hotels, general office and marina related uses will predominate in the Burnt Store Marina Village. Limited residential and light industrial marine uses are also permitted to facilitate the proper development mix to allow integration of the Burnt Store Marina Village into the overall Burnt Store Marina project.

POLICY 25.1.1: The following uses are permitted within the Burnt Store Marina Village category; a maximum of 55,000 square feet of retail uses; a maximum of 525 wet slips; a maximum of 800 dry storage spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units. The maximum height permitted in this category is 135 feet if the parking is not integrated into the structure. If multiple layers of enclosed parking are placed under the multi-family or hotel use, the height may be increased by an additional 50 feet for a maximum height of 185 feet.

POLICY 25.1.2: Redevelopment of any uses within the Burnt Store Marina Village must be accomplished through the Planned Development rezoning process in order to properly accommodate existing conditions, the proposed redevelopment plan, prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans. Development in this future land use category is not required to comply with the site location criteria provided in Goal 6 if appropriate site development regulations are adopted into the planned development. New development in this category must connect to a potable water and sanitary sewer system.

POLICY 25.1.3: Lee County will cooperate with private developer efforts to create an identity for the Burnt Store Marina Village through unified architectural quality and creative site design that enhances the waterfront community and consists of scenic views, buildings with varying roof lines, open space, a pedestrian and neighborhood oriented activity center and enhanced buffering requirements.

POLICY 25.1.4: Lee County will work in conjunction with private developers to reserve existing marina facilities with on or off-site public parking spaces for vehicles and trailers and access for the benefit of the public.

POLICY 25.1.5: The residential and hotel development portions of this redevelopment project must be located outside of the Tropical Storm Surge Zone as depicted in the 1991 Hurricane Storm Tide Atlas for Lee County.

Planning staff further recommends that the Future Land Use Map 1 be amended by adding a new category to be known as Burnt Store Marina Village.

ATTACHMENTS:

1. Copy of CPA2007-00054 application
2. Aerial/outline of Subject Property
3. Adjacent land uses/Future Land Use Map (2 pages)
4. Existing Land Uses Map (2 pages)
5. Map of Proposed 2030 Use Allocation provided by Applicant
6. Lee Plan Map 12 - Water Dependent Overlay Zones
7. Department of Community Affairs Letter dated July 31, 2008
8. Lee Plan Map 16
9. Lee Plan Coastal High Hazard Area (CHHA)
10. Memorandum from Lee County Department of Transportation (LCDOT) dated September 5, 2008 and applicant's Traffic Circulation Analysis
11. Copy of Access Easement
12. Memorandum from Lee County Environmental Sciences
13. Letter from Division of Historical Resources dated September 28, 2007
14. Letter from The School District of Lee County dated June 25, 2008
15. Interlocal Agreement between City of Cape Coral and the Burnt Store Area Fire Service Municipal Taxing Unit
16. Letter from Lee County Emergency Management Services dated April 17, 2008
17. Letter from Lee County Solid Waste Division dated June 26, 2008
18. Letters from Charlotte County Utilities dated June 25, 2008
19. Memorandum from the Office of County Attorney dated November 28, 2006
20. Communications received from the public

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

PUBLIC HEARING DATES: **SEPTEMBER 22, 2008**
SEPTEMBER 29, 2008

A. LOCAL PLANNING AGENCY REVIEW - SEPTEMBER 22, 2008

The first public hearing before the LPA was held on Monday, September 22, 2008. Staff introduced the request and requested a continuance for the staff presentation based on continued discussions with the applicant regarding the requested density, height, continued public access to the boat ramp, provision of truck and trailer parking and additional information regarding coastal high hazard analysis and location of proposed uses. The applicant made a presentation and public comment was accepted.

During the applicant's presentation, it was noted that the Burnt Store Marina is the largest marina on the west coast of Florida. The amendment will permit a mixed use redevelopment plan encompassing the marina. The applicant stressed that the location of the proposed residential and hotel units is outside of the designated Coastal High Hazard Area. The request includes a maximum height of 220 feet to include four to five levels of parking under 10 to 12 stories of residential and hotel uses.

Fifteen Burnt Store Marina residents spoke at the hearing. Six spoke in support and nine spoke in opposition. Those that spoke in support addressed the need to update and improve the existing facilities, provide landscaping and construction of new facilities that meet current building standards. They spoke to the provision of commercial uses for the community and plans for future growth. Residents who reside on Matecumbe Key Road, which is in proximity to the gate utilized for construction and service vehicles, did not oppose the proposed amendment, stressing the need for improvement and progress within the development.

Concern was expressed regarding the absence of many part-time residents of Burnt Store Marina who would not have an opportunity to address the Board.

Those in opposition expressed concern regarding an increase in traffic, density, safety, height, noise and congestion. Specifically, improvements to the marina and the addition of commercial and hotel uses would increase the traffic traveling through a primarily residential community. However, some residents that spoke in opposition did support improvements to the marina for continued operations. Some of the residents questioned if Burnt Store Marina is a vacation destination requiring a hotel and ancillary commercial uses.

LOCAL PLANNING AGENCY REVIEW - SEPTEMBER 29, 2008

Staff presented the requested Plan amendment noting support of the redevelopment and

revitalization plan for the Burnt Store Marina Village. The Burnt Store Marina, a development of 626 acres, has been in existence in Lee County since the early 1970s and although is located in the Rural future land use, the property is not consistent with the definition or description of a rural use. The existing development of Burnt Store Marina consists of high-intensity residential and commercial uses.

Staff recommended the full intensity and density request for the plan consisting of retail, wet slips, dry storage spaces, office space, hotel and residential units. However, staff's recommendation differs from the applicant's request regarding the proposed height. Staff recommends a maximum height of 135 feet if parking is not integrated into the structure. If multiple layers of parking are proposed under multiple family or hotel uses, the height may be increased by an additional 50 feet for a maximum height of 185 feet. Staff recommended that the LPA transmit the request, as amended, for the proposed land use category, Burnt Store Marina Village, in support of the defining statement, Policy 1.2.10, with supporting language in Goal 25, Objective 25.1 and Policies 25.1.1 through 25.1.5 to the Board of County Commissioners.

The LPA questioned Staff regarding the proposed density, coastal high hazard, manatee protection plan and the combination of or separation of the maximum number of wet and dry boat slips and storage.

Staff had initially expressed concern regarding a Memo issued by the Office of County Attorney (see Attachment 20) regarding the density of the existing Marina Village Land Use Plan, which encompasses the subject property. This area is currently vested for a total of 734 dwelling units. In 2006, it appeared that there were 794 dwellings existing in the Marina Village parcel; therefore, a determination was made that no additional dwelling units could be constructed under the current Rural land use category. However, Staff determined that the proposed Burnt Store Marina Village land use category would supercede this determination permitting the request of the applicant for the 160 additional dwelling units.

Staff also addressed additional information regarding the location of the proposed residential and hotel units. The applicant has demonstrated that the proposed dwelling and hotel units are located outside of the designated Coastal High Hazard Area. A Policy is recommended to ensure that these uses will not be permitted within a designated Coastal High Hazard Area.

Staff recommended language whereby separating the number of proposed wet and dry boat slips and storage based on language in the Department of Community Affairs binding letter. The number of slips varies based on the definition and determination of the use. Marina uses are no longer subject to State Statute regulations and review regarding Developments of Regional Impact (DRI); therefore, staff does not object to the recommendation of the LPA to combine the maximum permitted number of wet and dry spaces. It was noted that redevelopment of marina uses will be subject to provisions of the Manatee Protection Plan.

There was no additional public comment regarding the proposed maximum height of the buildings and the additional dwelling units.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA agreed with the applicant regarding the combination of the number of permitted slips and the economics involved with this type of development. This is a function reviewed and permitted by local and state agencies based on the available space. It was further noted that current regulations contained in the Lee Plan do not govern the number of permitted boat slips in a land use category and a cumulative number of 1,325 wet and dry spaces is appropriate.

   By a vote of 3 to 1, the LPA voted that the request is consistent with the Lee Plan and recommended that the Board of County Commissioners transmit the amendment as proposed by staff, with the following changes provided in strike-through and double-underline format:

   The following uses are permitted within the Burnt Store Marina Village category; a maximum of 55,000 square feet of retail uses; ~~a maximum of 525 wet slips; a maximum of 800 dry storage spaces~~ 1,325 wet and dry spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units. The maximum height permitted in this category is 220 feet ~~135 feet if the parking is not integrated into the structure. If multiple layers of enclosed parking are placed under the multi-family or hotel use, the height may be increased by an additional 50 feet for a maximum height of 185 feet.~~

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** As contained in the Staff Report with proposed amendments to permit a combination of wet and dry slips and storage spaces for a total of 1,325 wet and dry spaces and a maximum height of 220 feet.

C. NO VOTE WAS TAKEN ON SEPTEMBER 22, 2008

VOTE: **SEPTEMBER 29, 2008**

CARLETON RYFFEL (Chair)	**ABSENT**
LES COCHRAN (Vice-Chair)	**AYE**
NOEL ANDRESS	**AYE**

RONALD INGE	**AYE**
RAE ANN WESSEL	**NAY**
LELAND M. TAYLOR	**ABSENT**
JACQUE RIPPE	**ABSENT**

PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT

DATE OF TRANSMITTAL HEARING:

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT;

C. VOTE:

PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS, RECOMMENDATIONS, AND COMMENTS (ORC) REPORT

DATE OF ORC REPORT:

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

B. STAFF RESPONSE

C. STAFF RECOMMENDATION

CPA2007-54
BURNT STORE MARINA
PRIVATE INITIATED
AMENDMENT
TO THE

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

Privately Initiated Application
and Lee County Staff Analysis

LPA Public Hearing Document
for the
September 22, Public Hearing

Lee County Planning Division
1500 Monroe Street
P. O. Box 398
(239) 533-8585

September 22, 2008

LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2007-00054

✓	Text Amendment	✓	Map Amendment

This Document Contains the Following Reviews:

✓	Staff Review
	Local Planning Agency Review and Recommendation
	Board of County Commissioners Hearing for Transmittal
	Staff Response to the DCA Objections, Recommendations and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: September 12, 2008

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE

Realmark Burnt Store Marina, LLC, Applicant
Matthew D. Uhle, Esq., Knott, Consoer, Ebelini, Hart and Swett PA, Authorized Representative

2. REQUEST: Amend the Lee Plan's Future Land Use Map series, Map 1, for 18.25± acres in Section 1, Township 43, South, Range 22 East and Section 6, Township 43 South, Range 23 East, Lee County, Florida from Rural to Burnt Store Marina Village Future Land Use Category. Amend Table 1(b) to reallocate two acres of residential and one acre of industrial acreage to accommodate the proposed development. (see Attachment 1)

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION: Planning staff recommends that the Board of County Commissioners transmit the proposed amendment, as modified by Staff. Planning staff further recommends that the Future Land Use Map 1 be amended by adding a new category to be known as Burnt Store Marina Village.

Staff recommends the Lee Plan be amended to create a new Policy as follows:

Policy 1.4.8. *The Burnt Store Marina Village 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 will enhance the public use of the waterfront. The following uses are permitted within this category: a maximum of 55,000 square feet of retail uses; a maximum of 525 wet slips (existing); a maximum of 800 dry storage spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel units; ~~and a maximum of 160 residential units~~. The maximum height permitted in this category is ~~220~~ 135 feet.*

Commercial retail development, marina related uses, hotels and motels and general office development will predominate in the Burnt Store Marina Village. Limited light industrial uses are also permitted to facilitate the proper development of marinas and other uses incidental to such facilities. The planned development rezoning process must be used to accommodate existing conditions, prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans. Development in this future land use category overlay is not required to comply with the site location criteria provided in Goal 6 when appropriate site development regulations are incorporated into the planned development. New development in this category must connect to a potable water and sanitary sewer system.

ALTERNATIVE RECOMMENDATION:
Should the Board of County Commissioners be desirous of including the proposed, additional 160 residential dwelling units, Staff recommends the following language be included in the proposed Policy 1.4.8:

An on-site shelter must be constructed to accommodate residents and hotel guests to withstand Category 5 hurricane force winds and storm surge. The owner/developer must submit a post storm recovery plan including post storm evacuation plan for review and approval by Lee County Emergency Management. This plan must include annual training of on-site shelter managers provided by the Red Cross and approved by Lee County Emergency Management.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The subject property and existing uses are not consistent with the description and definition of the Rural future land use category. The existing development of Burnt Store Marina consists of high-intensity residential and commercial uses with a provision of urban services such as Fire and Police protection and utilities.

- Since 1973 the Department of Community Affairs has reviewed Burnt Store Marina, an existing development consisting of 626 acres ,with respect to its Development of Regional Impact (DRI) status. Each time, the Department of Community Affairs has determined that Burnt Store Marina is vested from DRI review.

- On July 31, 2008, the Department of Community Affairs issued a Binding Letter of Modification (BLIM) to a Development with Vested Rights and a Binding Letter of Determination of Development of Regional Impact Status (BLID) for Punta Gorda Isles Section 22 (also known as

Burnt Store Marina). Thus, finding that the proposed development in Section 22 and Tract C is below 100 percent of the applicable DRI thresholds as provided in Section 380.0651(2)(d)1.a., F.S. Therefore, the project would not be required to undergo DRI review. However, this determination does not preclude the compliance with all other applicable federal, state or local government procedures such as zoning and development regulations.

- The proposed land use category will permit the redevelopment and expansion of the existing marina and related services. The project will be compatible with the surrounding community and will be served by adequate public facilities.

- No additional commercial acreage is being requested for the project, as the property is currently being utilized for commercial purposes. The applicant is seeking to improve an existing commercial development including water-dependent recreational uses.

- The creation and application of the land use category does not encourage urban sprawl, rather, the amendment represents redevelopment of an already urbanized portion of the Burnt Store Marina development. The proposed category contemplates multi-use development to complement the existing high density residential development within Burnt Store Marina.

- The amendment will create an exception to the commercial site location standards similar to those inherent to the County's new "Commercial" future land use category. The exception is justified in light of the amount of development that currently exists and is vested for Burnt Store Marina.

- The Hurricane Storm Tide Atlas depicts the location of the subject property within the Tropical Storm and Category 1 Storm Surge categories. The Lee Plan, Policy 5.1.2 prohibits residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not included to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.

- Lee Plan Policy 105.1.4 further states that through the Lee Plan amendment process, future land use designations of undeveloped areas within coastal high hazard areas will be considered for reduced density categories in order to limit the future population exposed to coastal flooding. There is an existing tract adjacent to the subject property currently developed with multiple-family residential known as Keel Club Condominium.

- The applicant is requesting an additional 160 dwelling units within the existing development and a maximum height of 220 feet. There is a pending Lee Plan amendment, CPA2007-59, currently under review to amend the Glossary definition of the Coastal High Hazard Area to change the defined Coastal High Hazard Area from the category 1 evacuation zone to the category 1 storm surge line. The changes made to Chapter 163.3178, F.S. define the coastal high hazard area as the area below the elevation of the category 1 storm surge line as established by a Sea, Lake and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. This change will require an amendment to Lee Plan Map 5, Coastal High Hazard Area of the future land use map

series reflecting the updated definition of the Coastal High Hazard Area. As a result of this amendment, required to comply with State statutes, the subject property will be designated within an area that will be reclassified on Lee Plan Map 5.

The portion of the subject property that is proposed for 160 units of residential dwelling units is located within Tract C. A Memorandum from the Office of County Attorney was issued on November 28, 2006 regarding Burnt Store Marina. This Memorandum states the following:

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 dwelling units currently exist within the Marina Village parcel. Therefore, no additional dwelling units may be constructed. (see Attachment 2)

Thus, Staff is unable to recommend approval of an additional 160 residential dwelling units within Tract C.

C. BACKGROUND INFORMATION

1. EXISTING CONDITIONS:

SIZE OF PROPERTY: 18.25± acres; Total Uplands: 18.25± acres; Total Wetlands: None (See Attachment 3)

PROPERTY LOCATION: The Burnt Store development 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 north. Burnt Store Marina encompasses a total of 626 acres originally platted in 1973 as Punta Gorda Isles, Section 22 in Plat Book 28, Page 118.

The subject property, consisting of 18.25 ± acres is generally located on the west side of Burnt Store Road, specifically within the Burnt Store Marina development at 3150, 3090 and 3140-3200 Matecumbe Key Road, Punta Gorda

EXISTING USE OF LAND: Marina, Hotel, Restaurant, Residential, Wet and Dry boat slips and vacant. (See Attachment 4)

CURRENT ZONING: The property is currently zoned Marine Commercial (CM), Residential Multiple-Family (RM-2) and RM-10.

There is a pending zoning case (Z-08-037; REZ2007-00020) to permit the rezoning of 1.33 acres of the subject property from RM-2 and RM-10 to Commercial Parking (CP). This case is scheduled before the Board of County Commissioners on Monday, September 15, 2008. The RM-10 zoned parcel is located within Section 22 of Burnt Store Marina. Approval of this rezoning will permit additional parking to complement the redevelopment of the existing marina.

The RM-10 zoned parcel is currently vested for a maximum of 10 dwelling units per acre. Approval of the requested rezoning would limit future residential development of the subject property to a maximum of one dwelling unit per acre (Rural land use category). Approval of the requested Lee Plan amendment will supercede this vesting and the proposed policy will set forth maximum land use regulations.

CURRENT FUTURE LAND USE CATEGORY: The subject property is designated Rural (See Attachment 5)

2. REQUEST:

The applicant is requesting a change in the subject property's future land use category from Rural to a new category entitled "Burnt Store Marina Village" future land use category. This category is proposed to permit redevelopment of existing uses on the subject property. The Rural future land use category currently permits a maximum of one dwelling unit per acre and minimal non-residential land uses that are needed to serve the rural community. There is not a specific limit for office or marine related uses.

The application encompasses four parcels, two of which are developed with the existing marina, wet (existing) and dry boat slips and ancillary uses.

The application proposes a new land use category entitled "Burnt Store Marina Village" as follows:

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 55,000 square feet ; wet slips, up to a maximum of 525 (vested/existing); dry storage spaces, up to a maximum of 800; office space, up to a maximum of 15,000 square feet; a maximum of 145 hotel units; and a maximum of 160 residential units. The maximum height permitted in this category is 220 feet.

The applicant further proposes to amend the 2030 Planning Communities Acreage Table (See Attachment 6)as follows:

1. Add a new line for "Burnt Store Marina Village" in the table;
2. Allocate two acres of residential to the new category;
3. Move one acre from the existing Burnt Store commercial allocation to the Industrial category.

The applicant proposes to redevelop approximately 18.25 acres of Burnt Store Marina which currently houses wet boat slips, a dry storage building, office space, a restaurant and recreational uses. The surrounding uses are predominantly multiple-family residential structures. The proposed amendment, if approved, will permit the applicant to add 15,000 square feet of office space; 160 residential units; 55,000 square feet of retail uses with 300 parking spaces; 145 hotel rooms and 560 dry boat storage spaces. The proposed dry storage buildings are depicted as industrial uses in accordance with the 2030 Planning Communities Acreage.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

INTRODUCTION

The proposed amendment is the result of a desire by a new owner to redevelop and expand the existing uses of the property from a limited mix of marine, residential, commercial-retail, hotel and office uses by creating a new future land use category specific to Burnt Store Marina. The new future land use category would facilitate the redevelopment of the existing uses that enhance the waterfront and public uses.

Burnt Store Marina, consisting of 626± acres, is divided into two distinct sections, Marina Village located within Tract C and the Golf Course Subdivision located within Punta Gorda Isles, Section 22. The proposed amendment encompasses13.3 acres of Tract C and the addition of an adjacent 4.95 acres included within the Punta Gorda Isles, Section 22.

The Lee Plan, in the Vision for 2030, identifies the Burnt Store Planning Community as follows:

This community is located in the northwest corner of the mainland of unincorporated Lee County. The property east of Burnt Store Road is designated Open Lands and the land west of Burnt Store Road is designated as Rural (also known as Burnt Store Marina) with the exception of 10 acres designated as Outlying Suburban. Most of the Burnt Store Marina development was approved prior to the adoption of the 1984 Lee Plan and is "vested" for densities higher than allowed by the current plan. This development is primarily residential with a high percentage of seasonal residents. There are some commercial and marine oriented amenities within the Burnt Store Marina development primarily serving residents of that development. This area is expected to substantially grow through the year 2030. Today, most of the community's commercial needs are served outside of the community in Cape Coral, North Fort Myers and Fort Myers, or in Charlotte County. This development pattern is expected to remain through 2020. (Added by Ordinance No. 99-15, Amended by Ordinance No. 07-12)

Policy 6.1.7: *Prohibit commercial developments from locating in such a way as to open new areas to premature, scattered, or strip development; but permit commercial development to infill on small parcels in areas where existing commercial development will make a residential use clearly unreasonable.*

Policy 6.1.8: *Commercial development may take place, when properly zoned and when meeting the standards in Policy 6.1.2, within the Future Urban Areas. Minor or rural commercial uses which serve rural residents of marine traffic, neighborhood commercial uses which serve major non-commercial public attractions, (e.g. Lee County Civic Center), limited agricultural - commercial uses which serve rural areas and agriculturally related needs and limited commercial marinas (non including heavy marine commercial, such as extensive storage and hull, engine and electronic repairs) may be permitted in non-urban areas.*

The subject property currently houses some existing commercial land uses. The applicant is proposing to redevelop the subject property including enhancements to an existing marina and ancillary uses. The

commercial uses will provide services to the surrounding residential land uses as well as provide the foundation for a mixed use community.

Two of the subject parcels are located in a designated "Water-Dependent Overlay Zone" depicted in Lee Plan Map 12 (page 9 of 12) (See Attachment 7). The Water-Dependent overlay zone is defined in Policy 1.7.5 of the Lee Plan as follows:

The Water-Dependent overlay zone designates shoreline areas where priority will be granted to water-dependent land uses. Specific requirements are detailed for such zones on San Carlos Island under Goal 12, in the Great Pine Island area under Goal 14 and for other areas in Lee County in the Conservation and Coastal Management Element. (Amended by Ordinance No. 94-30, 00-22).

The Lee Plan further addresses water access in Goal 125 which encourages development and implementation of a public water access program.

***Objective 125.2: Water Access in Private Developments**. The county will encourage private landowners to provide some form of water access to the public. (Amended by Ordinance No. 00-22)*

***Objective 125.3:** Develop techniques to encourage development and expansion of water-dependent recreational uses in Lee County waterways and discourage any conversion of water-dependent uses to non-water dependent uses. (Added by Ordinance No. 07-09)*

The Lee Plan, Objective 128.6, establishes policies utilized to evaluate marina design criteria (new or expansion at existing marinas) in order to minimize negative impacts and to complement the county's development regulations.

***Policy 128.6.6:** Marinas and multi-slip docking facilities must prepare hurricane plans with the assistance of the county which describe measures to be taken to minimize damage to marina sites, neighboring properties and the* environment; this hurricane plan is subject to county approval. (Amended by *Ordinance No. 00-22)*

***Policy 128.6.13:** Dry storage of small boats should be encouraged, with dry storage structures located inland as far as feasible.*

***Policy 128.6.16:** Expansion of dry storage capabilities will be strongly encouraged to reduce dredging. (Amended by Ordinance No. 00-22)*

The Burnt Store Marina community is non-conforming in relation to the Rural future land use category. This development is more consistent with the culture of an urban or mixed use land use category.

Staff supports the applicant's request to provide for a land use category permitting the expansion of the existing water-dependent recreational facilities such as the dry storage building as set forth in the above-referenced policies. Staff further supports office space, retail uses and hotel rooms which will

complement the existing and proposed uses. However, Staff cannot recommend approval of 160 additional residential uses within Tract C based on the opinion of the Office of the County Attorney.

COMPREHENSIVE PLAN BACKGROUND

In 1984, upon adoption of the Lee Plan, the subject property was designated as part of the "Fringe" land use category described in the 1984 Lee Plan as follows:

These areas border designated Urban Service Areas yet are not a part of the Urban Service Area. The Plan recognizes these fringe areas as potentially appropriate for development at Urban Community densities, although their overall lack of requisite infrastructure may delay such development unless private sectory provision of services and facilities occurs. The Lee Plan does not target these areas for public expenditures. Therefore, development approvals will be wholly based upon a satisfactory demonstration of necessary infrastructure including potential fiscal mitigation for services such as EMS, police and fire protection, educational facilities, as well as all appropriate Plan Goals, Objectives, Policies and Standards. Developments that have lower levels of infrastructure, environmentally sensitive areas or potential negative impacts on potable water resources should be considered for the lower end of the density range and lower levels of intensity compatible with adjacent land uses.

In 1989, the Board of County Commissioners amended the Lee Plan at which time the "Fringe" land use category was eliminated and the Burnt Store Marina development was included within the "Rural" future land use category. The 1989 Lee Plan described the "Rural" future land use category as follows:

***Policy 1.4.1**: The Rural areas are to remain predominantly rural - that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre), except as may be permitted under the Planned Development District Option.*

The current Lee Plan includes the "Rural" future land use category in Objective 1.4: Non-Urban Areas, which are designated on the Future Land Use Map as categories for those areas not anticipated for urban development at this time as follows:

***Policy 1.4.1**: The Rural areas are to remain predominantly rural - that is, low density residential, agricultural uses and minimal non-residential land uses that are needed to serve the rural community. These areas are not to be programmed to receive urban-type capital improvements and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre). (Added by Ordinance No. 97-17, Amended by Ordinance No. 98-09, 00-22, 07-12)*

The applicant's request is to create a new land use category, "Burnt Store Marina Village" area located within a portion of the property in Burnt Store Marina that is zoned for a mixture of commercial and residential uses. The proposed category would facilitate the redevelopment of the existing marina and commercial area of Burnt Store Marina. 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 18.25 acres. The plan includes 15,000 square feet of office, an addition of 160 residential units, 55,000 square feet of retail with 300 parking spaces, 145 hotel rooms, a maximum of 525 wet slips and a maximum of 800 dry storage spaces.

HISTORY

On May 9, 2008, the applicant submitted a letter to the Department of Community Affairs requesting a Binding Letter of Modification (BLIM) to a Development of Regional Impact with Vested Rights Under Sections 380.06 and 120.57, Florida Statutes with attachments (See Attachment 8) and the following chronological history:

- 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 October 26, 1973 letter and concluded that the proposed development for Punta Gorda Isles-Section 22 is vested from DRI review.

- The 380.032 Agreement executed on May 20, 1986, stipulated that a total of 2,514 residential units within the Punta Gorda Isles-Section 22 plat is vested from DRI review. The 1986 Agreement between the owner and the County resolved a dispute as to whether the 239 platted home sites for which DCA recognized vested rights in its October 26, 1973 binding letter were sites for multiple-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 had vested rights from DRI review.

On May 27, 2008, the Department of Community Affairs responded to the applicant's letter requesting a BLIM/BLID for the Burnt Store Marina project requesting additional information. The applicant responded to the Department of Community Affairs on May 30, 2008 and provided the requested, additional information.

In response to the applicant's request, on July 31, 2008, the Department of Community Affairs issued Final Order No. DCA08-BL-204, including a Binding letter of Modification to a Development with Vested Rights (BLIM-09-2007-016) and a Binding Letter of Determination of Development of Regional Impact Status (BLID-09-2007-015) for Punta Gorda Isles, Section 22 (also known as Burnt Store Marina) with the following conclusions:

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 development 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. Thus, the following order was issued by the Department of Community Affairs:

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 applied 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.

SURROUNDING ZONING, LAND USES AND FUTURE LAND USE DESIGNATION

North: Residential Multiple-Family (RM-2, RM-10)
Rural future land use category
Sunset Key Condominiums and
Prosperity Pointe Condominiums

South: Matecumbe Key Road, then
City of Cape Coral; Pedestrian Commercial District (C-1)
Mixed Land Use future land use category
Resort at Burnt Store Marina and amenities

East: Matecumbe Key Road, then
Residential Multiple-Family (RM-10)
Commodore Condominiums; and
Courtside Landings Residential Planned Development (RPD)
a/k/a Harbour Villas
Outlying Suburban future land use category

West: Residential Multiple-Family (RM-2)
Rural future land use category
Marina South Shore Condominiums

The Keel Club Condominium, consisting of 47 units, is also located adjacent to the subject property in the area between the proposed dry storage buildings and the proposed Marina Village commercial uses.

MAP 16 - PLANNING COMMUNITIES AND TABLE 1(b)

The subject property is located within the Planning Community of Burnt Store. In this community there are 700 acres allocated to residential uses in the Rural land use category. Recent Planning Division data indicates that 600 acres within this community are currently developed with residential uses, leaving a surplus of 100 acres that could be developed with residential uses in the Rural land use category before the year 2030. (see Attachment 9)

There are 50 acres allocated to commercial uses, with 19 acres indicated as currently developed, leaving a surplus of 31 acres that could be developed with commercial uses. There are five acres allocated to industrial uses. Four of these acres have been developed with industrial uses leaving one acre available for industrial development.

COASTAL

The Hurricane Storm Tide Atlas depicts the location of the subject property within the Tropical Storm and Category 1 Storm Surge categories.

Policy 5.1.2. *Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not included to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.*

Policy 105.1.4. *Through the Lee Plan amendment process, future land use designations of undeveloped areas within coastal high hazard areas will be considered for reduced density categories in order to limit the future population exposed to coastal flooding. Although a portion of the subject property is currently developed with multiple-family residential uses, the applicant is proposing 160 additional (new) dwelling units.*

The applicant is requesting an additional 160 dwelling units within the existing development and a maximum height of 220 feet. There is a pending Lee Plan amendment, CPA2007-59, currently under review to amend the Glossary definition of the Coastal High Hazard Area to change the defined Coastal High Hazard Area from the category 1 evacuation zone to the category 1 storm surge line. The changes made to Chapter 163.3178, F.S. define the coastal high hazard area as the area below the elevation of the category 1 storm surge line as established by a Sea, Lake and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. This change will require an amendment to the Lee Plan, Map 5, Coastal High Hazard Area of the future land use map series reflecting the updated definition of the Coastal High Hazard Area. The subject property is proposed to be located within this newly defined area of the Lee Plan, Map 5.

The changes made to Chapter 163.3178, F.S. also require identification of mitigation measures that will satisfy the requirements for a category 5 storm event evacuation time to shelter and out of county evacuation. The current Lee Plan Policy 109.1.1 addresses mitigation requirements for impacts to the hurricane evacuation network and hurricane evacuation times. The policy states that impacts will require mitigation through structural provisions or non-structural methods or techniques. Staff is proposing additional language to Policy 109.1.1 to clarify that mitigation measures must be consistent with a category 5 storm event.

Mitigation measures are currently established in the Land Development Code, Chapter 2, Article XI, Hurricane Preparedness. Adoption of the Lee Plan amendments will result in required amendments to the LDC to further clarify and enforce that mitigation requirements will be based on a Category 5 storm event consistent with the changes made to Chapter 163.3178, F.S.

The Southwest Florida Regional Planning Council reviewed the subject property in regards to the 1991 Hurricane Storm Tide Atlas for Lee County. The subject property is located on Plates 1 and 4 of the Atlas. Since the parcel runs from Charlotte Harbor to Burnt Store Road, the property is located in Tropical Storm Surge Zone to Category 3 Surge Zone. The specific surge heights for this site are as follows:

The subject property is located within Time-History Point 48. Based on an elevation of 5 feet, the site would be dry in a tropical storm; have 3 feet over it in a Category 1; 4.3 feet over it during a category 2; 8.5 feet over it during a category 3 and 15.3 feet over it during a category 4/5.

In accordance with the Lee Plan, Map 5, the subject property is not currently located within the designated Coastal High Hazard Area. The proposed Lee Plan Amendment, CPA2007-59 proposes an amendment to the Conservation and Coastal Management Element of the Lee Plan to establish a Category 5 hurricane evacuation standard, a shelter time standard and mitigation measures. Subsequently, this amendment will impact Map 5, Coastal High Hazard Area, and redefine this area reflecting the updated definition of the Coastal High Hazard Area. The subject property will be included within the Coastal High Hazard Area.

This further reiterates Staff's review and analysis of the requested Lee Plan amendment. In conjunction with the opinion of the County Attorney's Office regarding the number of existing residential units within Tract C and the above-referenced Lee Plan policies, staff is unable to support the applicant's request to permit an additional 160 dwelling units.

TRANSPORTATION/TRAFFIC CIRCULATION IMPACTS

The Lee County Department of Transportation (LCDOT) reviewed the request and has provided Planning staff written comments dated September 5, 2008 (see Attachment 10). This review was based on the initial submittal provided by the applicant. LCDOT concluded that based on the parameters (of the proposed development), utilizing the 2030 FSUTMS model, LCDOT staff determined that this land use change will not alter the future road network plans in this area. The applicant's subsequent resubmittal proposes a reduction in the amount of square footage originally presented; thus, creating less impact to the road network.

The roads located within Burnt Store Marina are private. An access easement (See Attachment 10) has been entered into the Official Records of Lee County in Instrument Number 6285414 in Book 4307, Page 1374 between the Punta Gorda Isles, Section 22 Homeowners Association, Inc. And Realmark Burnt Store Marina, LLC. (the applicant) providing an exclusive manner of ingress and egress to the subject property. This easement grants and conveys the Grantee (the applicant) 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 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.

POPULATION ACCOMMODATION

The subject property consists of land that has previously been developed for commercial purposes. Two acres of the parcel are proposed to be redeveloped for 160 residential units. This will result in a proposed increase of 334 persons (160 x 2.09 PPH) accommodated by the future land use map.

If the requested amendment is approved, it will be necessary to create a new row in the Planning Communities Acreage Table for the Burnt Store Marina Village Planning Community. The revised table should depict two acres of residential uses, six acres of "industrial" uses (to accommodate the dry storage buildings), seven acres of commercial uses and three acres of public uses to accommodate the project The subject property is currently accommodated in the commercial category for the Rural future land use; thus, will require redistribution of the allocated residential, commercial and industrial uses to the proposed Burnt Store Marina Village Planning Community.

ENVIRONMENTAL CONSIDERATIONS

The Division of Environmental Sciences (ES) staff has reviewed the proposed Burnt Store Marina Comprehensive Plan Amendment and offered an analysis included as Attachment 11. Due to the limited scope of the request for Comprehensive Plan amendment, the project does not include environmentally sensitive areas. ES staff does not object to the proposed future land use category.

SOILS

A map of the soils located on the subject property consisting of 18.25± acres is included in the application. The type of indicated soils include Mayakka Fine Sand, Estero Muck, Peckish Mucky Fine Sand, Immokalee Sand, Smyrna Sand, Myakka Fine Sand, depressional and Matlacha Gravely Find Sand.

SURFACE WATER MANAGEMENT

Burnt Store Marina utilizes multiple drainage basins comprised of existing surface water management systems which include dry detention areas for pretreatment or water runoff and wet detention lakes for rain stage storage during large flood events. The proposed 18.25 acre redevelopment area is part of an existing Department of Environmental Protection (DEP) permit and South Florida Water Management District Permit (SFWMD), which will require modification and review by Lee County Natural Resources prior to development order approval. The surface water management systems within the redevelopment area are not expected to increase in size due to the fact that the existing site area has about the same impervious area to pervious area ratio.

MANATEE PROTECTION

The Lee County Division of Natural Resources reviewed the application relative to manatee protection. The site rates as *preferred* under the Manatee Protection Plan and the number of slips proposed are consistent with that finding. The applicant will be required to comply with all applicable standard construction conditions for manatee protection including development of an education program for marina users.

HISTORIC RESOURCES

The application includes a letter dated September 28, 2007 from the Division of Historical Resources, Florida Department of State (See Attachment 12). This letter provides the following information:

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.*

Lee County staff notes that there are areas on the subject property designated on the Lee County Archaeological Sensitivity Map as Sensitivity Level 2. Chapter 22 of the Lee County Land Development Code (LDC) defines the Sensitivity Level 2 as follows:

"Those areas containing known archaeological sites that have not been assessed for significance but are likely to conform to the criteria for local designation, or areas where there is a high likelihood that unrecorded sites of potential significance are present."

Staff is not aware of any historic or archaeological resources occurring on this site; however, the applicant will be required to obtain a "Certificate to dig" permit from Lee County prior to or in conjunction with the issuance of a final development order for activity within areas designated as being within the "Sensitivity Level 2" areas. "Activity" in this context means new construction, filling, digging, removal of trees or any other activity that may alter or reveal an interred archaeological site.

SCHOOL IMPACTS

Lee County School district staff reviewed the proposal and provided written comments dated June 25, 2008 (See Attachment 14). The School District staff reviewed the project on the assumption that the proposal would add a marina, restaurant and other commercial uses as well as160 new multi-family residential units. The review letter provides that 160 new multi-family dwelling units would generate 20 additional school-aged children and is calculated at .125 per unit. The commercial use would have no impact. Any development of the subject property will be assessed the applicable school impact fees.

PARKS, RECREATION AND OPEN SPACE

The applicant provided an analysis regarding Parks, Recreation and Open Space. The subject property is located within the North Fort Myers Community Park district. The proposed increase of 160 residential units will create a demand for .27 acres of community park acreage in the North Fort Myers district. According to the 2007 Concurrency Inventory, the projected minimum level of service in the North Fort Myers District in 2010 is approximately 50 acres, while 166 acres of developed parks currently exist. The additional residential units contemplated by the amendment application will not adversely impact parks, recreation and open space.

POLICE
The subject property is located within the service area of the Lee County Sheriff's Department.

FIRE AND EMERGENCY MEDICAL SERVICES (EMS)
The subject property is located within the Burnt Store Fire District. The applicant has provided a copy of an Interlocal Agreement between the City of Cape Coral and the Burnt Store Area Fire Service Municipal Taxing Unit (MSTU) (See Attachment 15) to provide fire protection to the residents of Burnt Store Marina. This Agreement, which is reviewed and renewed on an annual basis, will consider the addition of new construction, including but not limited to, buildings and marina facilities during the renewal process.

The Interlocal Agreement establishes fire protection and prevention services, such as work, materials and all related professional, technical, administrative, fire suppression and related services, basic first response rescue, fire company level prevention services, fire inspection services and safety activities that are necessary to perform fire protection and prevention services to the Burnt Store Marina community.

Lee County Emergency Medical Services (LCEMS) staff reviewed the request and provided written comments dated April 17, 2008 (See Attachment 16). This letter provides the following comments:

> *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, 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 close to this development.*

Burnt Store Marina is served by the City of Cape Coral Fire Department, Station 7, located at 3942 Burnt Store Road. This station is equipped with first response equipment including an Advanced Life Support (ALS) vehicle. The Cape Coral Fire Department does not provide ambulatory service for transport; however, is responsible for emergency medical services until such time EMS arrived on site. The City of Cape Coral Fire Department offered no objection to the requested height of 220 feet or staff's recommended height of 135 feet noting that current building, fire and development codes address life safety regulations and they are equipped to provide service structures built to this height.

LEE COUNTY EMERGENCY MANAGEMENT
Lee County Public Safety expressed concern regarding a proposed increase in residential density in an area proposed for designation as Coastal High Hazard. However, if the requested amendment is approved for transmittal including the requested 160 additional dwelling units, the following language was provided to be included in the proposed Policy as follows:

An on-site shelter must be constructed to accommodate residents and hotel guests to withstand Category 5 hurricane force winds and storm surge. The owner/developer must submit a post storm recovery plan including post storm evacuation plan for review and approval by Lee County Emergency Management. This plan must include annual training of on-site shelter managers provided by the Red Cross and approved by Lee County Emergency Management.

SOLID WASTE

The Lee County Solid Waste Division staff has reviewed the request and provided written comments dated June 26, 2008 (See Attachment 17). This letter states that 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.

Further, the Solid Waste Ordinance and the LDC, Chapter 10, Section 10-261 have requirements for providing on-site space for placement and servicing of commercial solid waste containers.

MASS TRANSIT

The applicant indicates that there is no existing or proposed mass transit in conjunction with this request. However, Lee County Transit states that the Lee County Long Range Plan indicates the need for a Park and Ride lot in the vicinity of this project where commuter bus service would begin, providing transportation needs through North Cape Coral and terminating in downtown Fort Myers.

UTILITIES

The subject property is located in the Charlotte County Utilities service area for the provision of potable water and sanitary sewer services. The applicant has provided letters from Charlotte County Government dated June 25, 2008 confirming the availability and capacity of potable water, reclaimed water and sanitary sewer services to the subject property (See Attachment 18).

Potable water services are provided by the Burnt Store Reverse Osmosis Treatment Plant. Sanitary sewer and reclamation water services are provided by the Burnt Store Water Reclamation Facility. Utility services will be made available to the subject property upon extension of the water distribution and wastewater collection system and execution of an agreement with the owner/developer and Charlotte County Utilities.

The applicant states that the existing water and sanitary sewer usage equates to an estimated 21,390 gallons per day (GPD). This entails 7,700 sf of retail space; 10,300 sf of restaurant space and 15,000 sf of office space.

The new proposed uses including 145 new hotel units, additional retail space, additional restaurant space and 160 new multiple-family residential units will generate approximately 63,160 GPD. Thus, the existing and proposed uses will generate approximately 84,550 GPD of water and sanitary sewer usage.

STATE AND REGIONAL PLAN CONSISTENCY

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

State Plan

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

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

Regional Plan

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

B. CONCLUSION

Most of the urban services required to support the proposed change of land use and redevelopment are in place or can be made available. The applicant is proposing redevelopment of 18.25 acres to accommodate new development of 145 hotel rooms; 160 dwelling units; a maximum of 60,000 square feet of retail (an increase of 55,000 square feet) with 300 parking spaces; a maximum of 15,000 square feet of office space; a maximum of 525 wet slips (currently existing vested) and a maximum of 800 dry storage spaces.

The proposed amendment does not promote urban sprawl, as the subject property is located within an existing and approved residential and commercial urban development as well as commercial marina uses. The existing uses are not restricted to the residents of Burnt Store Marina and are currently utilized by the public. The existing development is not consistent with the Rural future land use category.

However, as provided in preceding discussion and analysis, Staff is unable to recommend approval of an additional 160 residential dwelling units within Tract C subsequent to an opinion from the Office of County Attorney and the proposed amendment to Lee Plan Map 5.

Therefore, Staff is recommending denial of the 160 additional dwelling units and a reduction in the requested maximum height of 220 feet to a maximum height of 135 feet.

The Land Development Code (LDC), Article 19, Section 34-1802 (4), paragraphs b and d regulates density requirements for hotels and motels. For developments within conventional zoning districts located within Lee Plan future land use map categories that have maximum standard density limits, rental unit density is based on a ratio of the number of units and total floor area. Hotels/motels approved as planned developments are not subject to rental unit size or density requirements provided all other aspects of the development (i.e. height, traffic, intensity of use, etc.) are found to be compatible with the surrounding area and otherwise consistent with the Lee Plan. The applicant will be required to rezone the subject property to a planned development.

Staff recommends the following language:

Policy 1.4.8. *The Burnt Store Marina Village 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 will enhance the public use of the waterfront. The following uses are permitted within this category: a maximum of 55,000 square feet of retail uses; a maximum of 525 wet slips; a maximum of 800 dry storage spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel units; ~~and a maximum of 160 residential units~~. The maximum height permitted in this category is ~~220~~ 135 feet.*

Commercial retail development, marina related uses, hotels and motels and general office development will predominate in the Burnt Store Marina Village. Limited light industrial uses are also permitted to facilitate the proper development of marinas and other uses incidental to such facilities. The planned development rezoning process must be used to accommodate existing conditions, prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans. Development in this future land use category overlay is not required to comply with the site location criteria provided in Goal 6 when appropriate site development regulations are incorporated into the planned development. New development in this category must connect to a potable water and sanitary sewer system.

C. STAFF RECOMMENDATION

Planning staff recommends that the Board of County Commissioners transmit the proposed amendment, as modified by Staff. Planning staff further recommends that the Future Land Use Map 1 be amended by adding a new category to be known as Burnt Store Marina Village.

ALTERNATIVE RECOMMENDATION:

Should the Board of County Commissioners be desirous of including the proposed, additional 160 residential dwelling units, Staff recommends the following language be included in the proposed Policy 1.4.8:

On-site shelters must be constructed to accommodate residents and hotel guests to withstand Category 5 hurricane force winds and storm surge. The owner/developer must submit a post storm recovery plan including post storm evacuation plan for review and approval by Lee County Emergency Management. This plan must include annual training of on-site shelter managers provided by the Red Cross and approved by Lee County Emergency Management.

ATTACHMENTS:

1. Copy of CPA2007-00054 application
2. Memorandum from the Office of County Attorney dated November 28, 2006
3. Aerial/outline of Subject Property
4. Adjacent land uses/Future Land Use Map
5. Existing Land Uses Map
6. Map of Proposed 2030 Use Allocation provided by Applicant
7. Lee Plan Map 12 - Water Dependent Overlay Zones
8. Department of Community Affairs Package including letters and related correspondence dated May 9, 2008, May 30, 2008 and July 31, 2008
9. Map 16, Table 1(b) (3 pages)
10. Memorandum from Lee County Department of Transportation (LCDOT) dated September 5, 2008 and applicant's Traffic Circulation Analysis
11. Copy of Access Easement
12. Memorandum from Lee County Environmental Sciences dated - **PENDING**
13. Letter from Division of Historical Resources dated September 28, 2007
14. Letter from The School District of Lee County dated June 25, 2008
15. Interlocal Agreement between City of Cape Coral and the Burnt Store Area Fire Service Municipal Taxing Unit
16. Letter from Lee County Emergency Management Services dated April 17, 2008
17. Letter from Lee County Solid Waste Division dated June 26, 2008
18. Letters from Charlotte County Utilities dated June 25, 2008
19. Communications received from the public

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: September 22, 2008

A. LOCAL PLANNING AGENCY REVIEW

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

NOEL ANDRESS	_____
LES COCHRAN	_____
RONALD INGE	_____
JACQUE RIPPE	_____
CARLETON RYFFEL	_____
LELAND TAYLOR	_____
RAE ANN WESSEL	_____

PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT

DATE TRANSMITTAL HEARING: October 22, 2008

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

A. BRIAN BIGELOW	_____
TAMMARA HALL	_____
ROBERT P. JANES	_____
RAY JUDAH	_____
FRANKLIN B. MANN	_____

PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS, RECOMMENDATIONS, AND COMMENTS (ORC) REPORT

DATE OF ORC REPORT: _____

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

B. STAFF RECOMMENDATION

PART VI - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT

DATE OF ADOPTION HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

	_____
A. BRIAN BIGELOW	_____
TAMMARA HALL	_____
ROBERT P. JANES	_____
RAY JUDAH	_____
FRANKLIN B. MANN	_____

Knott, Consoer, Ebelini
Hart & Swett, P.A.
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Director of Zoning
and Land Use Planning
Michael E. Roeder, AICP

August 13, 2008

RECEIVED
SEP 12 2008
COMMUNITY DEVELOPMENT

Ms. Lisa Hines
Lee County Dept. of Community Development
P.O. Box 298
Fort Myers, FL 33902

Re: CPA2007-00054, Lee Plan Future Land Use Amendment
Burnt Store Marina

Dear Lisa:

As we discussed during our meeting on June 30th, we are revising the proposed parameters of development in the Burnt Store Marina Village FLUM category to be consistent with the BLIM/BLID application that was filed with DCA on May 9th. Copies of the BLIM/BLID request and DCD's response are included in this package.

Our responses to the remaining items are as follows:

Section IV

A. General Information and Maps

A.2: An 11 x 17 2007 aerial is included in this package as Exhibit A.7.

A.3 and 4: Detailed information regarding existing zoning and land uses was provided previously.

B. Public Facility Impacts

B.1: The resubmittal package includes a copy of an easement over the roads in BSM to Realmark and Burnt Store Marina, LLC and "its lessees, their contractors, customers, employees, guests, invitees and licencees...."

B.2: This package includes the requested existing and future conditions analyses.

B.3: The items requested in a. - c. and four of the items under e. are included in the resubmittal package. Items b. and c. under your B.3.e. will be provided by separate cover. The Section 22 Homeowners Association is responsible for road maintenance.

IV.C. Environmental Impacts

C.1: The existing wet and dry slips are owned by the Applicant and rented to the general public. The property contains approximately 525 wet slips and 456 dry spaces. The submerged lands are owned by the Applicant, as evidenced by the deed and title insurance policy which are included in the resubmittal package.

C.2: See response to C.1 above.

C.3: Please refer to the 100 Year Flood Map enclosed with this submittal as Exhibit C.3.

E. Internal Consistency with the Lee Plan

E.1: A revised analysis of the impacts to the 2030 acreage allocations is included in the resubmittal package.

E.2: The previous Lee Plan narrative was sufficiently detailed. In light of the revised development parameters, which include residential uses, please be advised that the request is also consistent with Policy 5.1.2 (the property is not located in the CHHA, and is already surrounded by large multi-family buildings) and Policy 5.1.6 (the redevelopment plan improves the appearance of the area, which currently has little or no open space other than water, significantly).

E.3: The Applicant believes the adjacent local government analysis that was done previously was adequate.

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

F.2.1: An analysis of the Smart Growth principles is attached.

Ms. Lisa Hines
Lee County Dept. of Community Development
August 13, 2008

Miscellaneous Information/Comments

1. The golf course is not included in the request. A voluntary organization is currently leasing it for a minimal sum of money from the Applicant.

2. As noted above, copies of the BLIM/BLID Application and approval are included in the resubmittal package.

3. and 4. A survey, legal description, and sketch are also included in the package.

Sincerely,

KNOTT, CONSOER, EBELINI,
HART & SWETT, P.A.

Matthew D. Uhle

MDU/zw

Enclosures

cc: Craig Dearden
Bill Edwards
Brendan Sloan

CPA2007-54
BURNT STORE MARINA
PRIVATELY INITIATED
AMENDMENT
TO THE

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

Privately Sponsored Application
and Lee County Staff Analysis

LPA Public Hearing Document
for the
September 29, Public Hearing

Lee County Planning Division
1500 Monroe Street
P. O. Box 398
(239) 533-8585

September 25, 2008

LEE COUNTY
DIVISION OF PLANNING
REVISED STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2007-00054

✓	Text Amendment	✓	Map Amendment

This Document Contains the Following Reviews:

✓	Staff Review
	Local Planning Agency Review and Recommendation
	Board of County Commissioners Hearing for Transmittal
	Staff Response to the DCA Objections, Recommendations and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: September 12, 2008
Revised: September 25, 2008

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE

Realmark Burnt Store Marina, LLC, Applicant
Matthew D. Uhle, Esq., Knott, Consoer, Ebelini, Hart and Swett PA, Authorized Representative

2. REQUEST: Amend the Lee Plan's Future Land Use Map series, Map 1, for 18.25± acres in Section 1, Township 43, South, Range 22 East and Section 6, Township 43 South, Range 23 East, Lee County, Florida from Rural to Burnt Store Marina Village Future Land Use Category. Amend Table 1(b) to reallocate two acres of residential and one acre of industrial acreage to accommodate the proposed development. (see Attachment 1)

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners transmit the proposed amendment, as modified by Staff. Planning staff recommends that the Future Land Use Map 1 be amended by adding a new category to be known as Burnt Store Marina Village. Staff further recommends that Table 1(b) be amended so that four acres the allocated residential acreage from the Rural be reallocated to the new Marina Village Planning Community.

   Staff recommends the Lee Plan be amended to create a new descriptor policy and a new Goal, Objective, and policies as follows:

   POLICY 1.2.10: The Burnt Store Marina Village area provides for the redevelopment that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and limited industrial uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center. The following uses are permitted within the Burnt Store Marina Village category: a maximum of 55,000 square feet of retail uses; a maximum of 525 wet slips; a maximum of 800 dry storage spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units.

   GOAL 25: BURNT STORE MARINA VILLAGE. To promote redevelopment that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and limited industrial uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center.

   OBJECTIVE 25.1: The Burnt Store Marina Village is intended to encourage and facilitate redevelopment of the existing marina and commercial area located internal to the Burnt Store Marina project with an attractive mix of residential, marine, retail, hotel, and office uses designed to enhance and protect the public use of, and access to, the waterfront and marina. Development of commercial retail, hotels, general office and marina related uses will predominate in the Burnt Store Marina Village. Limited residential and light industrial marine uses are also permitted to facilitate the proper development mix to allow integration of the Burnt Store Marina Village into the overall Burnt Store Marina project.

POLICY 25.1.1: The following uses are permitted within the Burnt Store Marina Village category: a maximum of 55,000 square feet of retail uses; a maximum of 525 wet slips; a maximum of 800 dry storage spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units. The maximum height permitted in this category is 135 feet if the parking is not integrated into the structure. If multiple layers of enclosed parking are placed under the multifamily or hotel use, the height may be increased by an additional 50 feet for a maximum height of 185 feet.

POLICY 25.1.2: Redevelopment of any uses within the Burnt Store Marina Village must be accomplished through the Planned Development rezoning process in order to properly accommodate existing conditions, the proposed redevelopment plan, prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans. Development in this future land use category is not required to comply with the site location criteria provided in Goal 6 if appropriate site development regulations are adopted into the planned development. New development in this category must connect to a potable water and sanitary sewer system.

POLICY 25.1.3: Lee County will cooperate with private developer efforts to create an identity for the Burnt Store Marina Village through unified architectural quality and creative site design that enhances the waterfront community and consists of scenic views, buildings with varying roof lines, open space, a pedestrian and neighborhood oriented activity center and enhanced buffering requirements.

POLICY 25.1.4: Lee County will work in conjunction with private developers to preserve existing marina facilities with on or off-site public parking spaces for vehicles and trailers and access for the benefit of the public.

POLICY 25.1.5: The residential and hotel development portions of this redevelopment project must be located outside of the Tropical Storm Surge Zone as depicted in the 1991 Hurricane Storm Tide Atlas for Lee County.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The subject property and existing uses are not consistent with the description and definition of the Rural future land use category. The existing

development of Burnt Store Marina consists of high-intensity residential and commercial uses with a provision of urban services such as Fire and Police protection and utilities.

- Since 1973 the Department of Community Affairs has reviewed Burnt Store Marina, an existing development consisting of 626 acres ,with respect to its Development of Regional Impact (DRI) status. Each time, the Department of Community Affairs has determined that Burnt Store Marina is vested from DRI review.

- On July 31, 2008, the Department of Community Affairs issued a Binding Letter of Modification (BLIM) to a Development with Vested Rights and a Binding Letter of Determination of Development of Regional Impact Status (BLID) for Punta Gorda Isles Section 22 (also known as Burnt Store Marina). Thus, finding that the proposed development in Section 22 and Tract C is below 100 percent of the applicable DRI thresholds as provided in Section 380.0651(2)(d)1.a., F.S. Therefore, the project would not be required to undergo DRI review. However, this determination does not preclude the compliance with all other applicable federal, state or local government procedures such as zoning and development regulations.

- The proposed land use category will permit the redevelopment and expansion of the existing marina and related services. The project will be compatible with the surrounding community and will be served by adequate public facilities.

- No additional commercial acreage is being requested for the project, as the property is currently being utilized for commercial purposes. The applicant is seeking to improve an existing commercial development including water-dependent recreational uses.

- The creation and application of the land use category does not encourage urban sprawl, rather, the amendment represents redevelopment of an already urbanized portion of the Burnt Store Marina development. The proposed category contemplates multi-use development to complement the existing high density residential development within Burnt Store Marina.

- The amendment will create an exception to the commercial site location standards similar to those inherent to the County's new "Commercial" future land use category. The exception is justified in light of the amount of development that currently exists and is vested for Burnt Store Marina.

- The Hurricane Storm Tide Atlas depicts the location of the subject property within the Tropical Storm and Category 2 Storm Surge Zones. The applicant is requesting an additional 160 dwelling units. These new dwelling units will be restricted from locating in the Tropical Storm Surge Zone.

C. BACKGROUND INFORMATION

1. EXISTING CONDITIONS:

SIZE OF PROPERTY: 18.25± acres; Total Uplands: 18.25± acres; Total Wetlands: None (See Attachment 3)

PROPERTY LOCATION: The Burnt Store development 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 north. Burnt Store Marina encompasses a total of 626 acres originally platted in 1973 as Punta Gorda Isles, Section 22 in Plat Book 28, Page 118.

The subject property, consisting of 18.25 ± acres is generally located on the west side of Burnt Store Road, specifically within the Burnt Store Marina development at 3150, 3090 and 3140-3200 Matecumbe Key Road, Punta Gorda

EXISTING USE OF LAND: Marina, Hotel, Restaurant, Residential, Wet and Dry boat slips and vacant. (See Attachment 4)

CURRENT ZONING: The property is currently zoned Marine Commercial (CM), Residential Multiple-Family (RM-2) and RM-10.

There was a pending zoning case (Z-08-037; REZ2007-00020) to permit the rezoning of 1.33 acres of the subject property from RM-2 and RM-10 to Commercial Parking (CP). This case was scheduled before the Board of County Commissioners on Monday, September 15, 2008. The Board voted to deny the application without prejudice.

The RM-10 zoned parcel is currently vested for a maximum of 10 dwelling units per acre. Approval of the requested rezoning would limit future residential development of the subject property to a maximum of one dwelling unit per acre (Rural land use category). Approval of the requested Lee Plan amendment will supercede this vesting and the proposed policy will set forth maximum land use regulations.

CURRENT FUTURE LAND USE CATEGORY: The subject property is designated Rural (See Attachment 5)

2. REQUEST:

The applicant is requesting a change in the subject property's future land use category from Rural to a new category entitled "Burnt Store Marina Village" future land use category. This category is proposed to permit redevelopment of existing uses on the subject property. The Rural future land use category currently permits a maximum of one dwelling unit per acre and minimal non-residential land uses that are needed to serve the rural community. There is not a specific limit for office or marine related uses.

The application encompasses four parcels, two of which are developed with the existing marina, wet (existing) and dry boat slips and ancillary uses.

The application proposes a new land use category entitled "Burnt Store Marina Village" as follows:

> *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 55,000 square feet; wet slips, up to a maximum of 525 (vested/existing); dry storage spaces, up to a maximum of 800; office space, up to a maximum of 15,000 square feet; a maximum of 145 hotel units; and a maximum of 160 residential units. The maximum height permitted in this category is 220 feet.*

The applicant further proposes to amend the 2030 Planning Communities Acreage Table (See Attachment 6)as follows:

1. Add a new line for "Burnt Store Marina Village" in the table;
2. Allocate two acres of residential to the new category;
3. Move one acre from the existing Burnt Store commercial allocation to the Industrial category.

The applicant proposes to redevelop approximately 18.25 acres of Burnt Store Marina which currently houses wet boat slips, a dry storage building, office space, a restaurant and recreational uses. The surrounding uses are predominantly multiple-family residential structures with some single-family residential. The proposed amendment, if approved, will permit the applicant to add 15,000 square feet of office space; 160 residential units; 55,000 square feet of retail uses with 300 parking spaces (garage); 145 hotel rooms, 525 wet slips (existing) and 800 dry boat storage spaces.

The proposed dry storage buildings are depicted as industrial uses in accordance with the 2030 Planning Communities Acreage.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

INTRODUCTION

The proposed amendment is the result of a desire by a new owner to redevelop and expand the existing uses of the property from a limited mix of marine, residential, commercial-retail, hotel and office uses by creating a new future land use category specific to Burnt Store Marina. The new future land use category would facilitate the redevelopment of the existing uses that enhance the waterfront as well as permit continued public use of the boat ramp.

Burnt Store Marina is a unique community, consisting of 626± acres. The development is divided into two distinct sections, Marina Village located within Tract C and the Golf Course Subdivision located within Punta Gorda Isles, Section 22. The proposed amendment encompasses13.3 acres of Tract C and the addition of an adjacent 4.95 acres included within the Punta Gorda Isles, Section 22.

The Lee Plan, in the Vision for 2030, identifies the Burnt Store Planning Community as follows:

> *This community is located in the northwest corner of the mainland of unincorporated Lee County. The property east of Burnt Store Road is designated Open Lands and the land west of Burnt Store Road is designated as Rural (also known as Burnt Store Marina) with the exception of 10 acres designated as Outlying Suburban. Most of the Burnt Store Marina development was approved prior to the adoption of the 1984 Lee Plan and is "vested" for densities higher than allowed by the current plan. This development is primarily residential with a high percentage of seasonal residents. There are some commercial and marine oriented amenities within the Burnt Store Marina development primarily serving residents of that development. This area is expected to substantially grow through the year 2030. Today, most of the community's commercial needs are served outside of the community in Cape Coral, North Fort Myers and Fort Myers, or in Charlotte County. This development pattern is expected to remain through 2020. (Added by Ordinance No. 99-15, Amended by Ordinance No. 07-12)*

The subject property currently houses some existing commercial land uses. The applicant is proposing to redevelop the subject property including enhancements to an existing marina

and ancillary uses. The commercial uses will provide services to the surrounding residential land uses as well as provide the foundation for a mixed use community.

Two of the subject parcels are located in a designated "Water-Dependent Overlay Zone" depicted in Lee Plan Map 12 (page 9 of 12) (See Attachment 7). The Water-Dependent overlay zone is defined in Policy 1.7.5 of the Lee Plan as follows:

> *The Water-Dependent overlay zone designates shoreline areas where priority will be granted to water-dependent land uses. Specific requirements are detailed for such zones on San Carlos Island under Goal 12, in the Great Pine Island area under Goal 14 and for other areas in Lee County in the Conservation and Coastal Management Element. (Amended by Ordinance No. 94-30, 00-22).*

The Lee Plan further addresses water access in Goal 125 which encourages development and implementation of a public water access program.

> ***Objective 125.2: Water Access in Private Developments.*** *The county will encourage private landowners to provide some form of water access to the public. (Amended by Ordinance No. 00-22)*
>
> ***Objective 125.3:*** *Develop techniques to encourage development and expansion of water-dependent recreational uses in Lee County waterways and discourage any conversion of water-dependent uses to non-water dependent uses. (Added by Ordinance No. 07-09)*

The Lee Plan, Objective 128.6, establishes policies utilized to evaluate marina design criteria (new or expansion at existing marinas) in order to minimize negative impacts and to complement the county's development regulations.

> ***Policy 128.6.6:*** *Marinas and multi-slip docking facilities must prepare hurricane plans with the assistance of the county which describe measures to be taken to minimize damage to marina sites, neighboring properties and the* environment; *this hurricane plan is subject to county approval.* (Amended by *Ordinance No. 00-22)*
>
> ***Policy 128.6.13:*** *Dry storage of small boats should be encouraged, with dry storage structures located inland as far as feasible.*
>
> ***Policy 128.6.16:*** *Expansion of dry storage capabilities will be strongly encouraged to reduce dredging. (Amended by Ordinance No. 00-22)*

The Burnt Store Marina community is non-conforming in relation to the Rural future land use category. This development is more consistent with an urban or mixed use land use category.

Staff supports the applicant's request to provide for a land use category permitting the expansion of the existing water-dependent recreational facilities such as the dry storage building as set forth in the above-referenced policies. **Staff further supports the proposed office space, retail uses, residential and hotel rooms which will support and complement the existing and proposed uses.**

COMPREHENSIVE PLAN BACKGROUND

In 1984, upon adoption of the Lee Plan, the subject property was designated as part of the "Fringe" land use category described in the 1984 Lee Plan as follows:

> *These areas border designated Urban Service Areas yet are not a part of the Urban Service Area. The Plan recognizes these fringe areas as potentially appropriate for development at Urban Community densities, although their overall lack of requisite infrastructure may delay such development unless private sectory provision of services and facilities occurs. The Lee Plan does not target these areas for public expenditures. Therefore, development approvals will be wholly based upon a satisfactory demonstration of necessary infrastructure including potential fiscal mitigation for services such as EMS, police and fire protection, educational facilities, as well as all appropriate Plan Goals, Objectives, Policies and Standards. Developments that have lower levels of infrastructure, environmentally sensitive areas or potential negative impacts on potable water resources should be considered for the lower end of the density range and lower levels of intensity compatible with adjacent land uses.*

In 1989, the Board of County Commissioners amended the Lee Plan at which time the "Fringe" land use category was eliminated and the Burnt Store Marina development was included within the "Rural" future land use category. The 1989 Lee Plan described the "Rural" future land use category as follows:

> ***Policy 1.4.1**: The Rural areas are to remain predominantly rural - that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre), except as may be permitted under the Planned Development District Option.*

The current Lee Plan includes the "Rural" future land use category in Objective 1.4: Non-Urban Areas, which are designated on the Future Land Use Map as categories for those areas not anticipated for urban development at this time as follows:

> ***Policy 1.4.1****: The Rural areas are to remain predominantly rural - that is, low density residential, agricultural uses and minimal non-residential land uses that are needed to serve the rural community. These areas are not to be programmed to receive urban-type capital improvements and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre). (Added by Ordinance No. 97-17, Amended by Ordinance No. 98-09, 00-22, 07-12)*

The applicant's request is to create a new land use category, "Burnt Store Marina Village" area located within a portion of the property in Burnt Store Marina that is zoned for a mixture of commercial and residential uses. The proposed category would facilitate the redevelopment of the existing marina and commercial area of Burnt Store Marina. 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 18.25 acres. The plan includes 15,000 square feet of office, an addition of 160 residential units, 55,000 square feet of retail with 300 parking spaces, 145 hotel rooms, a maximum of 525 wet slips (existing) and a maximum of 800 dry storage spaces.

HISTORY

On May 9, 2008, the applicant submitted a letter to the Department of Community Affairs requesting a Binding Letter of Modification (BLIM) to a Development of Regional Impact with Vested Rights Under Sections 380.06 and 120.57, Florida Statutes with attachments (See Attachment 8) and the following chronological history:

- 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 October 26, 1973 letter and concluded that the proposed development for Punta Gorda Isles-Section 22 is vested from DRI review.

- The 380.032 Agreement executed on May 20, 1986, stipulated that a total of 2,514 residential units within the Punta Gorda Isles-Section 22 plat is vested from DRI review. The 1986 Agreement between the owner and the County resolved a dispute as to whether the 239 platted home sites for which DCA recognized vested rights in its October 26, 1973 binding letter were sites for multiple-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 had vested rights from DRI review.

On May 27, 2008, the Department of Community Affairs responded to the applicant's letter requesting a BLIM/BLID for the Burnt Store Marina project requesting additional information. The applicant responded to the Department of Community Affairs on May 30, 2008 and provided the requested, additional information.

In response to the applicant's request, on July 31, 2008, the Department of Community Affairs issued Final Order No. DCA08-BL-204, including a Binding letter of Modification to a Development with Vested Rights (BLIM-09-2007-016) and a Binding Letter of Determination of Development of Regional Impact Status (BLID-09-2007-015) for Punta Gorda Isles, Section 22 (also known as Burnt Store Marina) with the following conclusions:

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 development 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. Thus, the following order was issued by the Department of Community Affairs:

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 applied 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.

SURROUNDING ZONING, LAND USES AND FUTURE LAND USE DESIGNATION

North: Residential Multiple-Family (RM-2, RM-10)
Rural future land use category
Sunset Key Condominiums and
Prosperity Pointe Condominiums

South: Matecumbe Key Road, then
City of Cape Coral; Pedestrian Commercial District (C-1)
Mixed Land Use future land use category

Resort at Burnt Store Marina and amenities

East: Matecumbe Key Road, then
Residential Multiple-Family (RM-10)
Commodore Condominiums; and
Courtside Landings Residential Planned Development (RPD)
a/k/a Harbour Villas
Outlying Suburban future land use category

West: Residential Multiple-Family (RM-2)
Rural future land use category
Marina South Shore Condominiums

The Keel Club Condominium, consisting of 47 units, is also located adjacent to the subject property in the area between the proposed dry storage buildings and the proposed Marina Village commercial uses.

MAP 16 - PLANNING COMMUNITIES AND TABLE 1(b)
The subject property is located within the Planning Community of Burnt Store. In this community there are 700 acres allocated to residential uses in the Rural land use category. Recent Planning Division data indicates that 600 acres within this community are currently developed with residential uses, leaving a surplus of 100 acres that could be developed with residential uses in the Rural land use category before the year 2030. (see Attachment 9)

There are 50 acres allocated to commercial uses, with 19 acres indicated as currently developed, leaving a surplus of 31 acres that could be developed with commercial uses. There are five acres allocated to industrial uses. Four of these acres have been developed with industrial uses leaving one acre available for industrial development.

COASTAL
The Hurricane Storm Tide Atlas depicts the location of the subject property within the Tropical Storm and Category 2 Storm Surge Zones.

> ***Policy 5.1.2.*** *Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not included to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.*
>
> ***Policy 105.1.4.*** *Through the Lee Plan amendment process, future land use designations of undeveloped areas within coastal high hazard areas will be*

considered for reduced density categories in order to limit the future population exposed to coastal flooding..

Mitigation measures are currently established in the Land Development Code, Chapter 2, Article XI, Hurricane Preparedness. Adoption of the Lee Plan amendments will result in required amendments to the LDC to further clarify and enforce that mitigation requirements will be based on a Category 5 storm event consistent with the changes made to Chapter 163.3178, F.S.

The Southwest Florida Regional Planning Council reviewed the subject property in regards to the 1991 Hurricane Storm Tide Atlas for Lee County. The subject property is located on Plates 1 and 4 of the Atlas. The attached maps indicate the current Coastal High Hazard Area along with three plates from the 1991 Hurricane Storm Tide Atlas. Since the parcel runs from Charlotte Harbor to Burnt Store Road, the property is located in Tropical Storm Surge Zone to Category 3 Surge Zone. The specific surge heights for this site are as follows:

The subject property is located within Time-History Point 48. Based on an elevation of 5 feet, the site would be dry in a tropical storm; have 3 feet over it in a Category 1; 4.3 feet over it during a category 2; 8.5 feet over it during a category 3 and 15.3 feet over it during a category 4/5.

In accordance with the Lee Plan, Map 5, the subject property is not currently located within the designated Coastal High Hazard Area. The applicant is requesting an additional 160 dwelling units within the existing development and a maximum height of 220 feet. The applicant has provided information regarding the location of the proposed development within the Coastal High Hazard Area as depicted on the 1991 Hurricane Storm Tide Atlas for Lee County. This analysis shows the residential development area to be within the Category 2 Storm Surge area, and therefore outside of the Coastal High Hazzard Area. Staff proposes the following policy language to assure the residential development is not located in the Coastal High Hazzard Area.

POLICY 25.1.5: The residential and hotel development portions of this redevelopment project must be located outside of the Tropical Storm Surge Zone as depicted in the 1991 Hurricane Storm Tide Atlas for Lee County.

TRANSPORTATION/TRAFFIC CIRCULATION IMPACTS

The Lee County Department of Transportation (LCDOT) reviewed the request and has provided Planning staff written comments dated September 5, 2008 (see Attachment 10). This review was based on the initial submittal provided by the applicant. LCDOT concluded that based on the parameters (of the proposed development), utilizing the 2030 FSUTMS model, LCDOT staff determined that this land use change will not alter the future road network plans in this area. The applicant's subsequent resubmittal proposes a reduction in

the amount of square footage originally presented; thus, creating less impact to the road network.

The roads located within Burnt Store Marina are private. An access easement (See Attachment 10) has been entered into the Official Records of Lee County in Instrument Number 6285414 in Book 4307, Page 1374 between the Punta Gorda Isles, Section 22 Homeowners Association, Inc. And Realmark Burnt Store Marina, LLC. (the applicant) providing an exclusive manner of ingress and egress to the subject property. This easement grants and conveys the Grantee (the applicant) 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 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.*

POPULATION ACCOMMODATION

The subject property consists of land that has previously been developed for commercial purposes. Two acres of the parcel are proposed to be redeveloped for 160 residential units. This will result in a proposed increase of 334 persons (160 x 2.09 PPH) accommodated by the future land use map.

If the requested amendment is approved, it will be necessary to create a new row in the Planning Communities Acreage Table for the Burnt Store Marina Village Planning Community. The revised table should depict two acres of residential uses, six acres of "industrial" uses (to accommodate the dry storage buildings), seven acres of commercial uses and three acres of public uses to accommodate the project. The industrial and commercial allocations in the table do not need to be amended, there is ample allocation existing. The subject property is currently accommodated in the Rural future land use; thus, will require

redistribution of four acres the allocated residential acreage from the Rural to the proposed Burnt Store Marina Village Planning Community.

ENVIRONMENTAL CONSIDERATIONS

The Division of Environmental Sciences (ES) staff has reviewed the proposed Burnt Store Marina Comprehensive Plan Amendment and offered an analysis included as Attachment 11. Due to the limited scope of the request for Comprehensive Plan amendment, the project does not include environmentally sensitive areas. ES staff does not object to the proposed future land use category.

SOILS

A map of the soils located on the subject property consisting of 18.25± acres is included in the application. The type of indicated soils include Mayakka Fine Sand, Estero Muck, Peckish Mucky Fine Sand, Immokalee Sand, Smyrna Sand, Myakka Fine Sand, depressional and Matlacha Gravely Find Sand.

SURFACE WATER MANAGEMENT

Burnt Store Marina utilizes multiple drainage basins comprised of existing surface water management systems which include dry detention areas for pretreatment or water runoff and wet detention lakes for rain stage storage during large flood events. The proposed 18.25 acre redevelopment area is part of an existing Department of Environmental Protection (DEP) permit and South Florida Water Management District Permit (SFWMD), which will require modification and review by Lee County Natural Resources prior to development order approval. The surface water management systems within the redevelopment area are not expected to increase in size due to the fact that the existing site area has about the same impervious area to pervious area ratio.

MANATEE PROTECTION

The Lee County Division of Natural Resources reviewed the application relative to manatee protection. The site rates as *preferred* under the Manatee Protection Plan and the number of slips proposed are consistent with that finding. The applicant will be required to comply with all applicable standard construction conditions for manatee protection including development of an education program for marina users.

HISTORIC RESOURCES

The application includes a letter dated September 28, 2007 from the Division of Historical Resources, Florida Department of State (See Attachment 12). This letter provides the following information:

> *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.*

Lee County staff notes that there are areas on the subject property designated on the Lee County Archaeological Sensitivity Map as Sensitivity Level 2. Chapter 22 of the Lee County Land Development Code (LDC) defines the Sensitivity Level 2 as follows:

> *"Those areas containing known archaeological sites that have not been assessed for significance but are likely to conform to the criteria for local designation, or areas where there is a high likelihood that unrecorded sites of potential significance are present."*

Staff is not aware of any historic or archaeological resources occurring on this site; however, the applicant will be required to obtain a "Certificate to dig" permit from Lee County prior to or in conjunction with the issuance of a final development order for activity within areas designated as being within the "Sensitivity Level 2" areas. "Activity" in this context means new construction, filling, digging, removal of trees or any other activity that may alter or reveal an interred archaeological site.

SCHOOL IMPACTS

Lee County School district staff reviewed the proposal and provided written comments dated June 25, 2008 (See Attachment 14). The School District staff reviewed the project on the assumption that the proposal would add a marina, restaurant and other commercial uses as well as 160 new multi-family residential units. The review letter provides that 160 new multi-family dwelling units would generate 20 additional school-aged children and is calculated at .125 per unit. The commercial use would have no impact. Any development of the subject property will be assessed the applicable school impact fees.

PARKS, RECREATION AND OPEN SPACE

The applicant provided an analysis regarding Parks, Recreation and Open Space. The subject property is located within the North Fort Myers Community Park district. The proposed increase of 160 residential units will create a demand for .27 acres of community park

acreage in the North Fort Myers district. According to the 2007 Concurrency Inventory, the projected minimum level of service in the North Fort Myers District in 2010 is approximately 50 acres, while 166 acres of developed parks currently exist. The additional residential units contemplated by the amendment application will not adversely impact parks, recreation and open space.

POLICE

The subject property is located within the service area of the Lee County Sheriff's Department.

FIRE AND EMERGENCY MEDICAL SERVICES (EMS)

The subject property is located within the Burnt Store Fire District. The applicant has provided a copy of an Interlocal Agreement between the City of Cape Coral and the Burnt Store Area Fire Service Municipal Taxing Unit (MSTU) (See Attachment 15) to provide fire protection to the residents of Burnt Store Marina. This Agreement, which is reviewed and renewed on an annual basis, will consider the addition of new construction, including but not limited to, buildings and marina facilities during the renewal process.

The Interlocal Agreement establishes fire protection and prevention services, such as work, materials and all related professional, technical, administrative, fire suppression and related services, basic first response rescue, fire company level prevention services, fire inspection services and safety activities that are necessary to perform fire protection and prevention services to the Burnt Store Marina community.

Lee County Emergency Medical Services (LCEMS) staff reviewed the request and provided written comments dated April 17, 2008 (See Attachment 16). This letter provides the following comments:

> *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, 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 close to this development.*

Burnt Store Marina is served by the City of Cape Coral Fire Department, Station 7, located at 3942 Burnt Store Road. This station is equipped with first response equipment including an Advanced Life Support (ALS) vehicle. The Cape Coral Fire Department does not provide

ambulatory service for transport; however, is responsible for emergency medical services until such time EMS arrived on site. The City of Cape Coral Fire Department offered no objection to the requested height of 220 feet or staff's recommended height of 135 feet noting that current building, fire and development codes address life safety regulations and they are equipped to provide service structures built to this height. **The City of Cape Coral Fire Department, Station 7 is located approximately two miles from the main entrance gate to Burnt Store Marina.**

SOLID WASTE

The Lee County Solid Waste Division staff has reviewed the request and provided written comments dated June 26, 2008 (See Attachment 17). This letter states that 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.

Further, the Solid Waste Ordinance and the LDC, Chapter 10, Section 10-261 have requirements for providing on-site space for placement and servicing of commercial solid waste containers.

MASS TRANSIT

The applicant indicates that there is no existing or proposed mass transit in conjunction with this request. However, Lee County Transit states that the Lee County Long Range Plan indicates the need for a Park and Ride lot in the vicinity of this project where commuter bus service would begin, providing transportation needs through North Cape Coral and terminating in downtown Fort Myers.

UTILITIES

The subject property is located in the Charlotte County Utilities service area for the provision of potable water and sanitary sewer services. The applicant has provided letters from Charlotte County Government dated June 25, 2008 confirming the availability and capacity of potable water, reclaimed water and sanitary sewer services to the subject property (See Attachment 18).

Potable water services are provided by the Burnt Store Reverse Osmosis Treatment Plant. Sanitary sewer and reclamation water services are provided by the Burnt Store Water Reclamation Facility. Utility services will be made available to the subject property upon extension of the water distribution and wastewater collection system and execution of an agreement with the owner/developer and Charlotte County Utilities.

The applicant states that the existing water and sanitary sewer usage equates to an estimated 21,390 gallons per day (GPD). This entails 7,700 sf of retail space; 10,300 sf of restaurant space and 15,000 sf of office space.

The new proposed uses including 145 new hotel units, additional retail space, additional restaurant space and 160 new multiple-family residential units will generate approximately 63,160 GPD. Thus, the existing and proposed uses will generate approximately 84,550 GPD of water and sanitary sewer usage.

STATE AND REGIONAL PLAN CONSISTENCY

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

State Plan

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

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

Regional Plan

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

B. CONCLUSION

Most of the urban services required to support the proposed change of land use and redevelopment are in place or can be made available. The applicant is proposing redevelopment of 18.25 acres to accommodate new development of 145 hotel rooms; 160 dwelling units; a maximum of 60,000 square feet of retail (an increase of 55,000 square feet) with 300 parking spaces; a maximum of 15,000 square feet of office space; a maximum of 525 wet slips (currently existing vested) and a maximum of 800 dry storage spaces.

The proposed amendment does not promote urban sprawl, as the subject property is located within an existing and approved residential and commercial urban development as well as commercial marina uses. The existing uses are not restricted to the residents of Burnt Store Marina and are currently utilized by the public. The existing development is not consistent with the Rural future land use category.

The Land Development Code (LDC), Article 19, Section 34-1802 (4), paragraphs b and d regulates density requirements for hotels and motels. For developments within conventional zoning districts located within Lee Plan future land use map categories that have maximum standard density limits, rental unit density is based on a ratio of the number of units and total floor area. Hotels/motels approved as planned developments are not subject to rental unit size

or density requirements provided all other aspects of the development (i.e. height, traffic, intensity of use, etc.) are found to be compatible with the surrounding area and otherwise consistent with the Lee Plan. The applicant will be required to rezone the subject property to a planned development.

REDEVELOPMENT

Redevelopment of an aging or antiquated land use is an important part of maintaining a healthy and vibrant community. While there has been some redevelopment in Lee County in the past, we are entering a phase where redevelopment will be needed more and more. How we plan, oversee, regulate and promote this redevelopment is an emerging issue that needs policy direction from the Board of County Commissioners.

The proposed redevelopment plans for both Burnt Store Marina and Old San Carlos Island offer some important challenges and opportunities that need to be addressed. The single biggest issue for these proposals if the challenge of the changing of the existing urban form. Urban form includes density, intensity and building mass.

Redevelopment will be very limited if it is restricted to the demolition of existing uses that can only be rebuilt to their current density and intensity. This is why redevelopment proposals will almost always include an increase in density, more commercial intensity or increases in building mass, or any combination of the three. These increases form the incentives that make the redevelopment project economically viable.

The Burnt Store Marina redevelopment proposal is asking for increased entitlements and also increased building height. Staff has evaluated the proposal and is recommending the full intensity and density request for the Burnt Store Marina Redevelopment Plan. Staff is recommending an increase in the maximum allowable height. The recommendation restricts the increase in height to 135 feet if the parking is not integrated into the structure. If multiple layers of enclosed parking are placed under the multiple-family or hotel use, staff is recommending increasing the height by an additional 50 feet for a maximum height of 185 feet.

This recommendation is based on attaining the desired urban form that will allow the redevelopment to create an at grade pedestrian friendly space where the retail, the water and the people can interact.

BUILDING HEIGHT

Building height has become a critical component of the Burnt Store Redevelopment proposal. The mixed use pedestrian friendly objective requires an urban form unlike the single use or separated use development patterns typically found in Lee County. Mid-rise multiple-family or hotel development of 9 or 10 stories requires a large amount of surface parking which makes the site very pedestrian unfriendly. Allowing up to four or five levels of enclosed parking structure under the residential or hotel units results in site area to be

utilized as a mixed use pedestrian friendly urban space. Locating the parking under the residential or hotel use allows the development to create an at grade atmosphere where the retail, the water and the people can intermingle. This type of site development also allows for additional green areas and enhanced landscaping.

In response to this, staff is recommending restricting the height to 135 feet if the parking is not integrated into the structure. If multiple layers of enclosed parking are placed under the multifamily or hotel use, staff is recommending increasing the height by an additional 50 feet for a maximum height of 185 feet.

C. STAFF RECOMMENDATION

Planning staff recommends that the Board of County Commissioners transmit the proposed amendment, as modified by Staff, as follows:

POLICY 1.2.10: The Burnt Store Marina Village area provides for the redevelopment that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and limited industrial uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center. The following uses are permitted within the Burnt Store Marina Village category: a maximum of 55,000 square feet of retail uses; a maximum of 525 wet slips; a maximum of 800 dry storage spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units.

GOAL 25: BURNT STORE MARINA VILLAGE. To promote redevelopment that enhances the existing character of the Burnt Store Marina project, protects natural resources, and provides continuing public access to the water via boat ramps and docks while managing the location and intensity of future commercial, residential and limited industrial uses by establishing realistic aesthetic requirements designed to allow Burnt Store Marina Village the ability to develop as a community center. This Goal and subsequent objectives and policies apply to the Burnt Store Marina Village as depicted on Map 1(b).

OBJECTIVE 25.1: The Burnt Store Marina Village is intended to encourage and facilitate redevelopment of the existing marina and commercial area located internal to the Burnt Store Marina project with an attractive mix of residential, marine, retail, hotel, and office uses designed to enhance and protect the public use of, and access to, the waterfront and marina. Development of commercial retail, hotels, general office and marina related uses will predominate in the Burnt Store Marina Village. Limited residential and light industrial marine uses are also permitted to facilitate the proper development mix to allow integration of the Burnt Store Marina Village into the overall Burnt Store Marina project.

POLICY 25.1.1: The following uses are permitted within the Burnt Store Marina Village category: a maximum of 55,000 square feet of retail uses; a maximum of 525 wet slips; a maximum of 800 dry storage spaces; a maximum of 15,000 square feet of office space; a maximum of 145 hotel units; and a maximum of 160 residential units. The maximum height permitted in this category is 135 feet if the parking is not integrated into the structure. If multiple layers of enclosed parking are placed under the multifamily or hotel use, the height may be increased by an additional 50 feet for a maximum height of 185 feet. is 185 feet.

POLICY 25.1.2: Redevelopment of any uses within the Burnt Store Marina Village must be accomplished through the Planned Development rezoning process in order to properly accommodate existing conditions, the proposed redevelopment plan, prevent adverse impacts to the surrounding areas and to ensure that appropriate site development regulations are incorporated into the development plans. Development in this future land use category is not required to comply with the site location criteria provided in Goal 6 if appropriate site development regulations are adopted into the planned development. New development in this category must connect to a potable water and sanitary sewer system.

POLICY 25.1.3: Lee County will cooperate with private developer efforts to create an identity for the Burnt Store Marina Village through unified architectural quality and creative site design that enhances the waterfront community and consists of scenic views, buildings with varying roof lines, open space, a pedestrian and neighborhood oriented activity center and enhanced buffering requirements.

POLICY 25.1.4: Lee County will work in conjunction with private developers to preserve existing marina facilities with on or off-site public parking spaces for vehicles and trailers and access for the benefit of the public.

POLICY 25.1.5: The residential and hotel development portions of this redevelopment must be located outside of the Tropical Storm Surge Zone as depicted in the 1991 Hurricane Storm Tide Atlas for Lee County.

Planning staff further recommends that the Future Land Use Map 1 be amended by adding a new category to be known as Burnt Store Marina Village

ATTACHMENTS:

1. Copy of CPA2007-00054 application
2. Memorandum from the Office of County Attorney dated November 28, 2006
3. Aerial/outline of Subject Property
4. Adjacent land uses/Future Land Use Map
5. Existing Land Uses Map
6. Map of Proposed 2030 Use Allocation provided by Applicant
7. Lee Plan Map 12 - Water Dependent Overlay Zones
8. Department of Community Affairs Package including letters and related correspondence dated May 9, 2008, May 30, 2008 and July 31, 2008
9. Map 16, Table 1(b) (3 pages)
10. Memorandum from Lee County Department of Transportation (LCDOT) dated September 5, 2008 and applicant's Traffic Circulation Analysis
11. Copy of Access Easement
12. Memorandum from Lee County Environmental Sciences
13. Letter from Division of Historical Resources dated September 28, 2007
14. Letter from The School District of Lee County dated June 25, 2008
15. Interlocal Agreement between City of Cape Coral and the Burnt Store Area Fire Service Municipal Taxing Unit
16. Letter from Lee County Emergency Management Services dated April 17, 2008
17. Letter from Lee County Solid Waste Division dated June 26, 2008
18. Letters from Charlotte County Utilities dated June 25, 2008
19. Communications received from the public
20. Coastal High Hazard information provided by applicant

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

PUBLIC HEARING DATE: SEPTEMBER 29, 2008

A. LOCAL PLANNING AGENCY REVIEW

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

CARLETON RYFFEL (Chair)	_____
LES COCHRAN (Vice-Chair)	_____
NOEL ANDRESS	_____
RONALD INGE	_____
RAE ANN WESSEL	_____
LELAND M. TAYLOR	_____
JACQUE RIPPE	_____

Knott, Consoer, Ebelini
Hart & Swett, P.A.
ATTORNEYS-AT-LAW

George H. Knott *+
George L. Consoer, Jr.**
Mark A. Ebelini
Thomas B. Hart
H. Andrew Swett

* Board Certified Civil Trial Lawyer
** Board Certified Real Estate Lawyer
+ Board Certified Business Litigation Lawyer

1625 Hendry Street • Third Floor (33901)
P.O. Box 2449
Fort Myers, Florida 33902-2449

Telephone (239) 334-2722
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Matthew D. Uhle
Aaron A. Haak
Derrick S. Eihausen
Natly Torres-Alvarado
David A. Burt
Madeline Ebelini

Director of Zoning
and Land Use Planning
Michael E. Roeder, AICP

August 13, 2008

2007-00054

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OCT 03 2008
COMMUNITY DEVELOPMENT

Ms. Lisa Hines
Lee County Dept. of Community Development
P.O. Box 298
Fort Myers, FL 33902

Re: CPA2007-00054, Lee Plan Future Land Use Amendment
Burnt Store Marina

Dear Lisa:

As we discussed during our meeting on June 30th, we are revising the proposed parameters of development in the Burnt Store Marina Village FLUM category to be consistent with the BLIM/BLID application that was filed with DCA on May 9th. Copies of the BLIM/BLID request and DCD's response are included in this package.

Our responses to the remaining items are as follows:

Section IV

A. General Information and Maps

A.2: An 11 x 17 2007 aerial is included in this package as Exhibit A.7.

A.3 and 4: Detailed information regarding existing zoning and land uses was provided previously.

B. Public Facility Impacts

B.1: The resubmittal package includes a copy of an easement over the roads in BSM to Realmark and Burnt Store Marina, LLC and "its lessees, their contractors, customers, employees, guests, invitees and licencees...."

B.2: This package includes the requested existing and future conditions analyses.

B.3: The items requested in a. - c. and four of the items under e. are included in the resubmittal package. Items b. and c. under your B.3.e. will be provided by separate cover. The Section 22 Homeowners Association is responsible for road maintenance.

IV.C. Environmental Impacts

C.1: The existing wet and dry slips are owned by the Applicant and rented to the general public. The property contains approximately 525 wet slips and 456 dry spaces. The submerged lands are owned by the Applicant, as evidenced by the deed and title insurance policy which are included in the resubmittal package.

C.2: See response to C.1 above.

C.3: Please refer to the 100 Year Flood Map enclosed with this submittal as Exhibit C.3.

E. Internal Consistency with the Lee Plan

E.1: A revised analysis of the impacts to the 2030 acreage allocations is included in the resubmittal package.

E.2: The previous Lee Plan narrative was sufficiently detailed. In light of the revised development parameters, which include residential uses, please be advised that the request is also consistent with Policy 5.1.2 (the property is not located in the CHHA, and is already surrounded by large multi-family buildings) and Policy 5.1.6 (the redevelopment plan improves the appearance of the area, which currently has little or no open space other than water, significantly).

E.3: The Applicant believes the adjacent local government analysis that was done previously was adequate.

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

F.2.1: An analysis of the Smart Growth principles is attached.

Miscellaneous Information/Comments

1. The golf course is not included in the request. A voluntary organization is currently leasing it for a minimal sum of money from the Applicant.

2. As noted above, copies of the BLIM/BLID Application and approval are included in the resubmittal package.

3. and 4. A survey, legal description, and sketch are also included in the package.

Sincerely,

KNOTT, CONSOER, EBELINI,
HART & SWETT, P.A.

Matthew D. Uhle

MDU/zw

Enclosures

cc: Craig Dearden
Bill Edwards
Brendan Sloan

LEE COUNTY
SOUTHWEST FLORIDA

Lee County Board of County Commissioners
Department of Community Development
Division of Planning
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: (239) 533-8585
FAX: (239) 485-8319

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT

(To be completed at time of intake)

DATE REC'D _____ REC'D BY: _____

APPLICATION FEE _____ TIDEMARK NO: _____

THE FOLLOWING VERIFIED:
Zoning ☐ Commissioner District ☐

Designation on FLUM ☐

(To be completed by Planning Staff)

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

Request No: _____

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

Submit **6** copies of the complete application and amendment support documentation, including maps, to the Lee County Division of Planning. Additional copies may be required for Local Planning Agency, Board of County Commissioners hearings and the Department of Community Affairs' packages.

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

8/13/08 Matthew E. Uhle
DATE SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

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CPA 2007-00054

I. APPLICANT/AGENT/OWNER INFORMATION

Realmark Burnt Store Marina, LLC		
APPLICANT		
5789 Cape Harbour Drive #201		
ADDRESS		
Cape Coral	FL	33914
CITY	STATE	ZIP
541-1372		541-1377
TELEPHONE NUMBER		FAX NUMBER

Matthew D. Uhle, Esq.		
AGENT*		
1625 Hendry Street, Suite 301		
ADDRESS		
Fort Myers	FL	33901
CITY	STATE	ZIP
334-2722		334-1446
TELEPHONE NUMBER		FAX NUMBER

Realmark Burnt Store Marina, LLC		
OWNER(s) OF RECORD		
5789 Cape Harbour Drive #201		
ADDRESS		
Cape Coral	FL	33914
CITY	STATE	ZIP
541-1372		541-1377
TELEPHONE NUMBER		FAX NUMBER

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

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

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

A. TYPE: (Check appropriate type)

x Text Amendment

x Future Land Use Map Series Amendment (Maps 1 thru 21)
List Number(s) of Map(s) to be amended

_____

B. SUMMARY OF REQUEST (Brief explanation):

Creation of new Burnt Store Marina Village FLUM category; Application of the new category to the subject parcel; Amendment to 2030 Planning Community Acreage Table

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

A. Property Location:

1. Site Address: 3150, 3090, & 3140-3200 Matecumbe Key Rd., Punta Gorda
2. STRAP(s): 06-43-23-07-0000A.0000 01-43-22-00-00004.0000
   01-43-22-01-0000C.0000 01-43-22-00-0000C.0010

B. Property Information

Total Acreage of Property: 18.25 +/- acres

Total Acreage included in Request: 18.25 +/- acres

Area of each Existing Future Land Use Category: all in Rural

Total Uplands: 18.25 +/- acres

Total Wetlands: None

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Current Zoning: CM, RM-2 and RM-10

Current Future Land Use Designation: Rural

Existing Land Use: Marina; Hotel; Restaurant

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C. State if the subject property is located in one of the following areas and if so how does the proposed change effect the area:
Lehigh Acres Commercial Overlay: NA

Airport Noise Zone 2 or 3: NA

Acquisition Area: NA

Joint Planning Agreement Area (adjoining other jurisdictional lands): NA

Community Redevelopment Area: NA

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D. Proposed change for the Subject Property:

To new Burnt Store Marina Village category.

E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density	18.25 +/- acres / 1 unit per acre
Commercial intensity	30,000 sf retail; no specific limit for office or marina; +/- 22,000 sf of existing office; 981 wet/dry slips permitted
Industrial intensity	None

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density	160 units
Commercial intensity	55,000 sf of retail; 15,000 sf of office; 145 hotel units; 1,325 slips
Industrial intensity	None (Note: Dry storage buildings are shown as "Industrial" in 2030 acreage calculations per staff's direction)

IV. AMENDMENT SUPPORT DOCUMENTATION

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

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and analysis electronically. (Please contact the Division of Planning for currently accepted formats)

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

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

1. Provide any proposed text changes. **ATTACHED**

2. Provide a Future Land Use Map showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources. **ATTACHED**

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

4. Map and describe existing zoning of the subject property and surrounding properties. **ATTACHED**

5. The legal description(s) for the property subject to the requested change. **ATTACHED**

6. A copy of the deed(s) for the property subject to the requested change. **ATTACHED**

7. An aerial map showing the subject property and surrounding properties. **ATTACHED**

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

B. Public Facilities Impacts **ATTACHED**
NOTE: The applicant must calculate public facilities impacts based on a maximum development scenario (see Part II.H.).

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

Long Range – 20-year Horizon:

a. Working with Planning Division staff, identify the traffic analysis zone

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(TAZ) or zones that the subject property is in and the socio-economic data forecasts for that zone or zones;

b. Determine whether the requested change requires a modification to the socio-economic data forecasts for the host zone or zones. The land uses for the proposed change should be expressed in the same format as the socio-economic forecasts (number of units by type/number of employees by type/etc.);

c. If no modification of the forecasts is required, then no further analysis for the long range horizon is necessary. If modification is required, make the change and provide to Planning Division staff, for forwarding to DOT staff. DOT staff will rerun the FSUTMS model on the current adopted Financially Feasible Plan network and determine whether network modifications are necessary, based on a review of projected roadway conditions within a 3-mile radius of the site;

d. If no modifications to the network are required, then no further analysis for the long range horizon is necessary. If modifications are necessary, DOT staff will determine the scope and cost of those modifications and the effect on the financial feasibility of the plan;

e. An inability to accommodate the necessary modifications within the financially feasible limits of the plan will be a basis for denial of the requested land use change;

f. If the proposal is based on a specific development plan, then the site plan should indicate how facilities from the current adopted Financially Feasible Plan and/or the Official Trafficways Map will be accommodated.

Short Range – 5-year CIP horizon:

a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediated development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);

b. Identify the major road improvements within the 3-mile study area funded through the construction phase in adopted CIP's (County or Cities) and the State's adopted Five-Year Work Program;

Projected 2020 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);

c. For the five-year horizon, identify the projected roadway conditions (volumes and levels of service) on the roads within the 3-mile study area with the programmed improvements in place, with and without the proposed development project. A methodology meeting with DOT staff prior to submittal is required to reach agreement on the projection methodology;

d. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.

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2. Provide an existing and future conditions analysis for: **ATTACHED**
   a. Sanitary Sewer
   b. Potable Water
   c. Surface Water/Drainage Basins
   d. Parks, Recreation, and Open Space.

   Analysis should include (but is not limited to) the following:
   - Franchise Area, Basin, or District in which the property is located;
   - Current LOS, and LOS standard of facilities serving the site;
   - Projected 2020 LOS under existing designation;
   - Projected 2020 LOS under proposed designation;
   - Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and
   - Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).

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

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

C. Environmental Impacts **ATTACHED**

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

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

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

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

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

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

D. Impacts on Historic Resources **ATTACHED**

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

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

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

E. Internal Consistency with the Lee Plan **ATTACHED**

1. Discuss how the proposal affects established Lee County population projections, Table 1(b) (Planning Community Year 2020 Allocations), and the total population capacity of the Lee Plan Future Land Use Map.

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

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

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

F. Additional Requirements for Specific Future Land Use Amendments

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

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

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

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

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

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

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

Item 1: Fee Schedule

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

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CPA 2007-00054

AFFIDAVIT

I, Craig A. Dearden as Vice President of Realmark Burnt Store Marina, LLC, a Florida Limited Liability Company, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.

Signature of owner or owner-authorized agent — Date: 8/5/08

Craig A. Dearden
Typed or printed name

STATE OF FLORIDA)

COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 5 day of August 2008, by Craig A. Dearden as Vice-President of Realmark Burnt Store Marina, LLC, a Florida Limited Liability Company, who is personally known to me or who has produced _____ as identification.

(SEAL)
Notary Public State of Florida
Lynn Gantz
My Commission DD706797
Expires 08/20/2011

Signature of notary public

Lynn Gantz
Printed name of notary public

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Text Amendment
EXHIBIT A.1.

Burnt Store Marina Village Category Description

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 55,000 square feet; wet slips, up to a maximum of 525; dry storage spaces, up to a maximum of 800; office space, up to a maximum of 15,000 square feet; a maximum of 145 hotel units; and a maximum of 160 residential units. The maximum height permitted in this category is 220 feet.

2030 Planning Communities Acreage Table Amendments

(1) Add a new line for "Burnt Store Marina Village" in the table.

(2) Allocate 2 acres of residential to the new category.

(3) Move 1 acre from the existing Burnt Store commercial allocation to the industrial category.

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0 100 200
(IN FEET)

MV-MAPS-11x17.dwg

LEE COUNTY ZONING DESIGNATIONS

RM-2	RESIDENTIAL MULTI-FAMILY
RM-10	RESIDENTIAL MULTI-FAMILY
RPD	RESIDENTIAL PLANNED DEVELOPMENT
CM	COMMERCIAL MARINE
EC	ENVIRONMENTALLY CRITICAL

CITY OF CAPE CORAL ZONING DESIGNATIONS

C-1	PEDESTRIAN COMMERICAL DISTRICT
R-1A	RESIDENTIAL SINGLE FAMILY DISTRICT
R-3	RESIDENTIAL MULTI-FAMILY DISTRICT

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BY 2007-00054

SUBJECT PROPERTY (18.25± AC.)
LEE COUNTY ZONING LIMTS

EXHIBIT A.4.2.

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

DATE	BY	REVISION DESCRIPTION
08/06/08	SS	PER LEE COUNTY COMMENTS DATED (06/13/08)

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

Realmark Development, LLC

BURNT STORE MARINA VILLAGE

EXISTING ZONING MAP

07-431

1 OF 1

P:\CAD\2007\07-431\PLOT\LEE-COMV-MAPS-11X17.dwg, Layout3, 8/7/2008 10:47:18 AM, Avalon Engineering Inc.



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DCPA 2007-00054

LEGEND

SUBJECT PROPERTY (18.25± AC.)

MULTI-FAMILY EXISTING LAND USE CONDITIONS

1 HOTEL/CONDO	4 YACHT CLUB
2 OFFICE	5 MARINA FACILITY
3 OFFICE/RETAIL	6 MARINA REPAIR

EXHIBIT A.3.2.

N

0 100 200
(IN FEET)

MV-MAPS-11x17.dwg

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

DATE	BY	REVISION DESCRIPTION
08/28/08	RE	PER LEE COUNTY COMMENTS DATED 08/13/08)

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

Realmark Development, LLC

BURNT STORE MARINA VILLAGE

EXISTING USES MAP

#07-431

1 of 1

P:\CAD\2007\07-431\PLOT\LEE-COM\V-MAPS-11X17.dwg, Layout1, 8/7/2008 10:41:34 AM, Avalon Engineering Inc.

EXISTING LAND USES
EXHIBIT A.3.

The existing land uses on the property consist of wet boat slips, a dry storage building, office space, a restaurant, and recreational uses. The surrounding uses are predominantly multi-family residential structures. The proposed amendment, if approved, would permit the applicant to replace the existing obsolete dry storage building with one or more larger and vastly more attractive state-of-the-art buildings, along with an increased amount of support retail, office, and hotel space. These uses will be compatible with the intense residential uses that exist or are permitted in the County's RM-2 and RM-10 zoning categories.

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EXISTING ZONING
EXHIBIT A.4

The subject property is zoned CM and RM-2. The surrounding parcels are zoned RM-2, RM-10, and RPD.

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EXHIBIT A.4.1.

CITY OF CAPE CORAL SURROUNDING PROPERTIES ZONING DESIGNATION

Single-Family Residential Districts (R-1A and R-1B)

These districts are established to:

Encourage and protect single-family development at a variety of densities with varying dimensional requirements; Permit other uses generally compatible with such residential uses; and otherwise implement this ordinance.

R-3 Multi-Family Residential District

This district is established to:

Permit multi-family residential development; Permit other uses generally compatible with such residential uses; and otherwise implement this ordinance.

C-1 Pedestrian Commercial District

These districts are established to: Permit areas designed to encourage and facilitate commercial activities intended to serve a large trade area, including major shopping facilities oriented to pedestrian shoppers; Permit other uses generally compatible with such commercial uses; and otherwise implement this ordinance.

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TRACT 1 (REVISED GOLF COURSE LEGAL):

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

TOGETHER WITH:

2007-00054

ADDITIONAL PARCEL #1:

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

ADDITIONAL PARCEL #2:

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

ADDITIONAL PARCEL #3:

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

LESS AND EXCEPT THE FOLLOWING PARCEL:

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

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

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

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

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

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

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

TRACT 4 (MATECUMBE KEY ROAD):

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

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

TRACT 5 (MAINTENANCE PARCEL):

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

TRACT 6 (SALES CENTER PARCEL):

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

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

TRACT 7 (REVISED MARINA PARCEL):

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

REVISED MARINA PARCEL # 1

COMMENCING AT THE SOUTHWEST CORNER OF LOT 3, BLOCK 1001, PUNTA GORDA ISLES SECTION TWENTY TWO AS RECORDED IN PLAT BOOK 28, PAGES 118 THROUGH 138 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.59° 00'17"W. FOR 195.14 FEET; THENCE S.00° 22'56"W. FOR 117.13 FEET; THENCE S.59° 00'17"W. FOR 92.56 FEET; THENCE S.29° 36'42"E. FOR 142.83 FEET; THENCE S.60° 23'18"W. FOR 118.45 FEET TO THE POINT OF BEGINNING; THENCE S.60° 23'18"W. FOR 551.55 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 567.29 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 25° 47'39" FOR 255.39 FEET TO A POINT OF COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 201.66 FEET AND A CENTRAL ANGLE OF 68° 15'43"; THENCE NORTHWESTERLY ALONG THE ARC FOR 240.26 FEET TO A POINT OF REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 151.31 FEET AND A CENTRAL ANGLE OF 40° 27'29"; THENCE NORTHWESTERLY ALONG THE ARC FOR106.84 FEET TO A POINT OF

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REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 706.07 FEET AND A CENTRAL ANGLE OF 27° 49'50"; THENCE NORTHWESTERLY ALONG THE ARC FOR342.96 FEET; THENCE N.66° 38'04"E. FOR 25.89 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N.51° 15'35"E., A RADIAL DISTANCE OF 681.07 FEET; THENCE SOUTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 27° 16'25" FOR 324.20 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 176.31 FEET AND A CENTRAL ANGLE OF 40° 27'29"; THENCE SOUTHEASTERLY ALONG THE ARC FOR124.50 FEET TO A POINT OF REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 176.66 FEET AND A CENTRAL ANGLE OF 68° 15'43"; THENCE SOUTHEASTERLY ALONG THE ARC FOR210.47 FEET TO A POINT OF COMPOUND CURVE TO THE LEFT HAVING A RADIUS OF 542.29 FEET AND A CENTRAL ANGLE OF 25° 47'39"; THENCE EASTERLY ALONG THE ARC FOR244.14 FEET; THENCE N.60° 23'18"E. FOR 551.55 FEET; THENCE S.29° 36'42"E. FOR 25.00 FEET TO THE POINT OF BEGINNING.

AND

REVISED MARINA PARCEL # 2

COMMENCING AT THE SOUTHWEST CORNER OF LOT 3, BLOCK 1001, PUNTA GORDA ISLES SECTION TWENTY TWO AS RECORDED IN PLAT BOOK 28, PAGES 118 THROUGH 138 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.59° 00'17"W. FOR 195.14 FEET; THENCE N.00° 22'56"E. FOR 104.90 FEET; THENCE N.89° 37'04"W. FOR 119.34 FEET TO THE POINT OF BEGINNING; THENCE S.00° 22'56"W. FOR 18.51 FEET; THENCE N.89° 22'30"W. FOR 656.66 FEET; THENCE N.00° 24'52"E. FOR 406.62 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 102.40 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 42° 15'18" FOR 75.52 FEET; THENCE N.41° 50'26"W. FOR 531.75 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S.48° 09'35"W., A RADIAL DISTANCE OF 301.37 FEET; THENCE NORTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 21° 21'02" FOR112.30 FEET TO A POINT OF COMPOUND CURVE TO THE LEFT HAVING A RADIUS OF 265.10 FEET AND A CENTRAL ANGLE OF 27° 00'22"; THENCE WESTERLY ALONG THE ARC FOR124.95 FEET; THENCE N.02° 10'05"E. FOR 25.02 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.00° 00'25"W., A RADIAL DISTANCE OF 290.10 FEET; THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 26° 48'08" FOR135.71 FEET TO A POINT OF COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 326.37 FEET AND A CENTRAL ANGLE OF 21° 21'02"; THENCE SOUTHEASTERLY ALONG THE ARC FOR121.62 FEET; THENCE S.41° 50'26"E. FOR 531.75 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 127.40 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 42° 15'18" FOR 93.96 FEET; THENCE S.00° 24'52"W. FOR 390.87 FEET; THENCE S.89° 37'04"E. FOR 631.65 FEET TO THE POINT OF BEGINNING.

TRACT 8 (SOUTH SHORE PARCEL):

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

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

TRACT 9 (ATHLETIC CLUB PARCEL):

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

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

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

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

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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 137.28FEET 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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EXHIBIT "A"
LEGAL DESCRIPTION

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

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

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

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EXHIBIT A.6.

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INSTR # 2006000011132, Doc Type D, Pages 9, Recorded 01/10/2006 at 10:26 AM, Charlie Green, Lee County Clerk of Circuit Court, Deed Doc. D $24500.00 Rec. Fee $78.00 Deputy Clerk KCARTWRIGHT

78.00
24,500.00

PREPARED BY & RETURN TO:

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

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

SPECIAL WARRANTY DEED

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

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

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

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

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

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

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

1. Taxes and assessments for 2006 and subsequent years;

2. Zoning and other regulatory laws and ordinances affecting the Property; and

3. Covenants, conditions, limitations, restrictions, reservations and easements of record.

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

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

Signed, Sealed and Delivered
in the Presence of:

Print Name: MICHELLE ALLEN

Print Name: Andrew M. Hortacs

WCI COMMUNITIES, INC., a Delaware corporation

By: _____
David L. Fry,
Senior Vice President

STATE OF FLORIDA

COUNTY OF LEE

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

My Commission Expires:

Notary Public, State of Florida
MICHELLE ALLEN

S:\MYFILES\DATA\WCI\BURNTSTORE\SALE\CLOSING\CLOSING DOCUMENTS\SPECIAL WARRANTY DEED.4CLEAN.DOC

MICHELLE C. ALLEN
MY COMMISSION # DD 391499
EXPIRES: March 9, 2009
Bonded Thru Notary Public Underwriters

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TRACT 1 (REVISED GOLF COURSE LEGAL):

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

TOGETHER WITH:

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ADDITIONAL PARCEL #1:

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

ADDITIONAL PARCEL #2:

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

ADDITIONAL PARCEL #3:

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

LESS AND EXCEPT THE FOLLOWING PARCEL:

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

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

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

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

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

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

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

TRACT 4 (MATECUMBE KEY ROAD):

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

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

TRACT 5 (MAINTENANCE PARCEL):

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

TRACT 6 (SALES CENTER PARCEL):

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

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

TRACT 7 (REVISED MARINA PARCEL):

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

REVISED MARINA PARCEL # 1

COMMENCING AT THE SOUTHWEST CORNER OF LOT 3, BLOCK 1001, PUNTA GORDA ISLES SECTION TWENTY TWO AS RECORDED IN PLAT BOOK 28, PAGES 118 THROUGH 138 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.59° 00'17"W. FOR 195.14 FEET; THENCE S.00° 22'56"W. FOR 117.13 FEET; THENCE S.59° 00'17"W. FOR 92.56 FEET; THENCE S.29° 36'42"E. FOR 142.83 FEET; THENCE S.60° 23'18"W. FOR 118.45 FEET TO THE POINT OF BEGINNING; THENCE S.60° 23'18"W. FOR 551.55 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 567.29 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 25° 47'39" FOR 255.39 FEET TO A POINT OF COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 201.66 FEET AND A CENTRAL ANGLE OF 68° 15'43"; THENCE NORTHWESTERLY ALONG THE ARC FOR 240.26 FEET TO A POINT OF REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 151.31 FEET AND A CENTRAL ANGLE OF 40° 27'29"; THENCE NORTHWESTERLY ALONG THE ARC FOR106.84 FEET TO A POINT OF

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REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 706.07 FEET AND A CENTRAL ANGLE OF 27° 49'50"; THENCE NORTHWESTERLY ALONG THE ARC FOR342.96 FEET; THENCE N.66° 38'04"E. FOR 25.89 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N.51° 15'35"E., A RADIAL DISTANCE OF 681.07 FEET; THENCE SOUTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 27° 16'25" FOR 324.20 FEET TO A POINT OF REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 176.31 FEET AND A CENTRAL ANGLE OF 40° 27'29"; THENCE SOUTHEASTERLY ALONG THE ARC FOR124.50 FEET TO A POINT OF REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 176.66 FEET AND A CENTRAL ANGLE OF 68° 15'43"; THENCE SOUTHEASTERLY ALONG THE ARC FOR210.47 FEET TO A POINT OF COMPOUND CURVE TO THE LEFT HAVING A RADIUS OF 542.29 FEET AND A CENTRAL ANGLE OF 25° 47'39"; THENCE EASTERLY ALONG THE ARC FOR244.14 FEET; THENCE N.60° 23'18"E. FOR 551.55 FEET; THENCE S.29° 36'42"E. FOR 25.00 FEET TO THE POINT OF BEGINNING.

AND

REVISED MARINA PARCEL # 2

COMMENCING AT THE SOUTHWEST CORNER OF LOT 3, BLOCK 1001, PUNTA GORDA ISLES SECTION TWENTY TWO AS RECORDED IN PLAT BOOK 28, PAGES 118 THROUGH 138 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.59° 00'17"W. FOR 195.14 FEET; THENCE N.00³ 22'56"E. FOR 104.90 FEET; THENCE N.89° 37'04"W. FOR 119.34 FEET TO THE POINT OF BEGINNING; THENCE S.00° 22'56"W. FOR 18.51 FEET; THENCE N.89° 22'30"W. FOR 656.66 FEET; THENCE N.00° 24'52"E. FOR 406.62 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 102.40 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 42° 15'18" FOR 75.52 FEET; THENCE N.41° 50'26"W. FOR 531.75 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S.48° 09'35"W., A RADIAL DISTANCE OF 301.37 FEET; THENCE NORTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 21° 21'02" FOR112.30 FEET TO A POINT OF COMPOUND CURVE TO THE LEFT HAVING A RADIUS OF 265.10 FEET AND A CENTRAL ANGLE OF 27° 00'22"; THENCE WESTERLY ALONG THE ARC FOR124.95 FEET; THENCE N.02° 10'05"E. FOR 25.02 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.00° 00'25"W., A RADIAL DISTANCE OF 290.10 FEET; THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 26° 48'08" FOR135.71 FEET TO A POINT OF COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 326.37 FEET AND A CENTRAL ANGLE OF 21° 21'02"; THENCE SOUTHEASTERLY ALONG THE ARC FOR121.62 FEET; THENCE S.41° 50'26"E. FOR 531.75 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 127.40 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 42° 15'18" FOR 93.96 FEET; THENCE S.00° 24'52"W. FOR 390.87 FEET; THENCE S.89° 37'04"E. FOR 631.65 FEET TO THE POINT OF BEGINNING.

TRACT 8 (SOUTH SHORE PARCEL):

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COMMUNITY DEVELOPMENT

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

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST, LEE COUNTY, FLORIDA, THENCE N.00° 33'58"E., ALONG THE EAST LINE OF SAID SECTION 1 FOR 880.00 FEET; THENCE N.89° 35'44"W., FOR 1,625.91 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE N.89° 35'44"W. FOR 260.23 FEET; THENCE S.00° 24'58"E. FOR 50.01 FEET TO THE NORTHWEST CORNER OF VISTA DEL SOL AT BURNT STORE MARINA, A CONDOMINIUM AS RECORDED IN CONDOMINIUM PLAT BOOK 33 AT PAGE 38 OF THE PIBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N.89° 35'44"W. FOR 703 FEET, MORE OR LESS, TO THE WATERS OF CHARLOTTE HARBOR; THENCE NORTHERLY ALONG THE MEAN HIGH WATER LINE OF SAID CHARLOTTE HARBOR RUN 1,020 FEET, MORE OR LESS, TO A POINT LYING APPROXIMATELY 1 FOOT SOUTHERLY OF AN EXISTING CONCRETE SEAWALL; THENCE N.76° 24'19"E., ALONG A LINE PARALLEL TO AND LYING 1 FOOT, MORE OR LESS SOUTHERLY OF SAID CONCRETE SEAWALL FOR 28.62 FEET TO THE NORTHWEST CORNER OF PARCEL 8, TRACT "H", AS RECORDED IN OFFICIAL RECORDS BOOK 2285, PAGE 3073, OF SAID PUBLIC RECORDS; THENCE S.00° 24'02"W., ALONG THE WESTERLY LINE OF SAID PARCEL 8 FOR 491.56 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 8; THENCE S.89° 35'58"E., ALONG THE SOUTH LINE OF SAID PARCEL 8 AND THE SOUTH LINE OF PARCEL 7 OF SAID TRACT "H" FOR 670.43 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 7 AND A POINT ON THE WESTERLY LINE OF PARCEL 6 OF SAID TRACT H TO ALSO BEING A POINT ON A CURVE TO THE RIGHT, HAVING: A RADIUS OF 90.00 FEET, A CENTRAL ANGLE OF 38° 59'58", A CHORD BEARING OF S.64³ 05'57"E. AND A CHORD LENGTH OF 60.08 FEET; THENCE ALONG THE WESTERLY LINE OF SAID PARCEL 6 AND THE ARC OF SAID CURVE, AN ARC LENGTH OF 61.26 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.44° 35'58"E., ALONG SAID WESTERLY LINE RUN 59.23 FEET; THENCE S.00° 24'02"W., ALONG SAID WESTERLY LINE AND THE WESTERLY LINE OF PARCEL 5 OF SAID TRACT "H" RUN 399.45 FEET TO THE POINT OF BEGINNING.

TRACT 9 (ATHLETIC CLUB PARCEL):

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

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CPA 2007-00054

28.50
84000.00

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

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

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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SPA 2007-00054

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

Witnesses:

Name: Stephen J. Szoko, III

Name: GREGG S. TRUXTON

WCI COMMUNITIES, INC., a Delaware corporation

By:

Print Name: ALBERT F. MOSCATO JR.

Vice President

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

STATE OF FLORIDA
COUNTY OF ~~HILLSBOROUGH~~ LEE

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

NOTARY PUBLIC
Name:
Serial #:
My Commission Expires:

OFFICIAL NOTARY SEAL
GREGG S TRUXTON
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC649729
MY COMMISSION EXP. MAY 21,2001

#758052 v3 - 2303-449

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COMMUNITY DEVELOPMENT

CDA 2007-00054

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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EXHIBIT "A" CPA 2007-00054

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

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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 137.28FEET 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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COMMUNITY DEVELOPMENT

CPA 2007-00054

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

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

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

SPECIAL WARRANTY DEED

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

(5)

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

WITNESSETH:

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

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

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

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

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

1. General taxes and assessments for 2005 and subsequent years;

2. Zoning and other regulatory laws and ordinances affecting the Property; and

3. Covenants, conditions, limitations, restrictions, reservations and easements of record and described in Exhibit "B" attached hereto made a part hereof.

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

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

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

Signed, Sealed and Delivered
in the presence of:

Print Name: Dianna M. Lutz

Print Name: SANDRA L. CARPENTER

WCI COMMUNITIES, INC., a Delaware corporation

By: _____
Stefan O. Johansson
Its: Vice President

STATE OF FLORIDA
COUNTY OF LEE

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

(AFFIX NOTARY SEAL)

SANDRA L. CARPENTER
Comm# DD0277639
Expires 1/19/2008
Bonded thru (800)432-4254
Florida Notary Assn., Inc

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

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EXHIBIT "A"
LEGAL DESCRIPTION

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

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

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

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EXHIBIT "B"
PERMITTED EXCEPTIONS

1. Terms, covenants, conditions, restrictions, easements, assessments and possible liens created by and set forth in the Declaration recorded in Official Records Book 1233, Page 975 and Amendments recorded in Official Records Book 1333, Page 115; Official Records Book 1644, Page 1159 and Official Records Book 1809, Page 2339 and Assignment of Developers Rights recorded in Official Records Book 2259, Page 1641 and Official Records Book 2285, Page 3137, of the Public Records of Lee County, Florida.

2. Terms, covenants, conditions, restrictions, easements, assessments and possible liens created by and set forth in the Declaration recorded in Official Records Book 1432, Page 249 and Amendments recorded in Official Records Book 1683, Page 206; Official Records Book 1665, Page 4512; Official Records Book 2902, Page 2682 and Official Records Book 3192, Page 3468 and Assignment of Developers Rights recorded in Official Records Book 2259, Page 1641, of the Public Records of Lee County, Florida.

3. Assignment of Developers Rights recorded in Official Records Book 2237, Page 1828, Public Records of Lee County, Florida.

4. Agreement Regarding Developers Rights recorded in Official Records Book 2285, Page 3118, Public Records of Lee County, Florida.

5. Agreement between the State of Florida Department of Community Affairs and Punta Gorda Isles, Inc., recorded in Official Records Book 1849, Page 582, Public Records of Lee County, Florida.

6. Agreement between The State of Florida, Department of Community Affairs and Burnt Store Improvement Co., Inc., recorded in Official Records Book 1897, Page 3644, Public Records of Lee County, Florida.

7. Oil, gas and mineral rights reserved to previous owner of the fee simple title to lands insured herein, as evidenced by that certain Deed as recorded in Deed Book 197, Page 289, Public Records of Lee County, Florida.

8. Oil, gas and mineral rights reserved to previous owner of the fee simple title to lands insured herein, as evidenced by that certain Deed as recorded in Official Records Book 696, Page 416, Public Records of Lee County, Florida.

9. Reservation of Easement by Burnt Store Marina, Inc. more particularly set forth in Official Records Book 1537, Page 226, and Amendments recorded in Official Records Book 1683, Page 204, Official Records Book 2285, Page 3118, and Official Records Book 3344, Page 2887, Public Records of Lee County, Florida.

10. Non-exclusive ingress and egress easement granted to Marina South Shore Condominium recorded in Official Records Book 1554, Page 942, Public Records of Lee County, Florida.

11. Non-exclusive ingress and egress easement granted to Keel Club Condominium recorded in Official Records Book 1690, Page 2654, Public Records of Lee County, Florida.

12. Easement granted to Lee County Electric Cooperative by instrument recorded in Official Records Book 2008, Page 2591, Public Records of Lee County, Florida.

13. Easement granted to Lee County Electric Cooperative by instrument recorded in Official Records Book 2014, Page 3418, Public Records of Lee County, Florida.

14. Easement granted to United Telephone by instrument recorded in Official Records Book 2049, Page 3147, Public Records of Lee County, Florida.

15. Easement Agreement between Sun City Center Corp. and Marina Towers Company, Inc. and Marina Towers Condominium Association, Inc., recorded in Official Records Book 2355, Page 3777 and Amendments recorded in Official Records Book 2971, Page 346 and Official Records Book 2984, Page 1765, Public Records of Lee County, Florida.

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16. Declaration and Grant of Easements recorded in Official Records Book 2772, Page 2889 and Amendments recorded in Official Records Book 3231, Page 1682, Public Records of Lee County, Florida.

17. Declaration of Covenants, Conditions and Restrictions for Prosperity Point recorded in Official Records Book 2772, Page 2934, and Amendments recorded in Official Records Book 3383, Page 1797, Official Records Book 3392, Page 1315 and Official Records Book 3650, Page 2507, Public Records of Lee County, Florida.

18. Water and Sewer Service Agreement between Southern States Utilities, Inc. and Florida Design Communities recorded in Official Records Book 2781, Page 2098, Public Records of Lee County, Florida.

19. Agreement to Grant and Convey Perpetual Easement recorded in Official Records Book 3030, Page 4071, Public Records of Lee County, Florida.

20. Notice of Development Order Approval recorded in Official Records Book 2508, Page 2603, Public Records of Lee County, Florida.

21. Declaration of Grant of Easements and Declaration of Restrictions recorded in Official Records Book 3020, Page 2791, Public Records of Lee County, Florida.

22. Declaration of Covenants and Restrictions recorded in Official Records Book 3023, Page 220, Public Records of Lee County, Florida.

23. Matecumbe Key Access Easement Agreement recorded in Official Records Book 3344, Page 2874, Public Records of Lee County, Florida.

24. Rights of tenants, lessees and other parties in possession not shown by the public records.

25. 20 foot Access and Utility Easement recorded in Official Records Book 3344, Page 2817, Public Records of Lee County, Florida.

26. Parking and Access Agreement recorded in Official Records Book 3344, Page 2827, Public Records of Lee County, Florida.

27. Access Easement Agreement recorded in Official Records Book 3344, Page 2851, Public Records of Lee County, Florida.

28. Resolution No. 04-04-23 recorded in Official Records Book 4287, Page 1793, Public Records of Lee County, Florida.

29. Easement recorded in Official Records Book 4287, Page 1800, Public Records of Lee County, Florida.

30. Second Amendment recorded in Official Records Book 4291, Page 4773, Public Records of Lee County, Florida.

31. Second Amendment recorded in Official Records Book 4291, Page 4778, Public Records of Lee County, Florida.

32. Access Easement recorded in Official Records Book 4307, Page 1374, Public Records of Lee County, Florida.

33. Assignment and Assumption of Grantor's Rights recorded in Official Records Book 4345, Page 3251, Public Records of Lee County, Florida.

34. Conveyance of roads and other areas by Quit Claim Deed recorded in Official Records Book 4345, Page 3266, Public Records of Lee County, Florida.

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EXHIBIT B.I

TR TRANSPORTATION CONSULTANTS, INC.

TRAFFIC CIRCULATION ANALYSIS

PREPARED FOR A

COMPREHENSIVE PLAN AMENDMENT

FOR

BURNT STORE MARINA

PROJECT NO. F0709.18

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

September 27, 2007

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TRANSPORTATION CONSULTANTS, INC.

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I. INTRODUCTION

II. EXISTING CONDITIONS

III. PROPOSED PLAN AMENDMENT

IV. IMPACTS OF PROPOSED PLAN AMENDMENT

V. CONCLUSION

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TR TRANSPORTATION CONSULTANTS, INC.

I. INTRODUCTION

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

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

II. EXISTING CONDITIONS

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

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

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III. PROPOSED PLAN AMENDMENT

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

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

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

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Table 1
Burnt Store Marina Village
Land Uses

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

IV. IMPACTS OF PROPOSED PLAN AMENDMENT

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

Long Range Impacts (20-year horizon)

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

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Table 3
TAZ 827
Land Uses in Existing 2030 Travel Model

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

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

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

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

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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.

2007-00054

Short Range Impacts (5-year horizon)

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

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

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EXHIBIT B.2.a.

EXISTING AND FUTURE CONDITIONS ANALYSIS FOR SANITARY SEWER

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

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

Residential Use

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

Commercial Use

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

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

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EXHIBIT B.2b.

EXISTING AND FUTURE CONDITIONS ANALYSIS FOR POTABLE WATER

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

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

Residential Use

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

Commercial Use

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

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

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TABLE 1

EXISTING SANITARY SEWER/POTABLE WATER USAGE TABLE

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

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

COMBINED SANITARY SEWER/POTABLE WATER USAGE TABLE

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

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

ADDITIONAL SANITARY SEWER/POTABLE WATER USAGE TABLE

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

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

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June 25, 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

apf 2007-00054

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,

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UTILITIES

Alex Cegerenko
Engineering Project Manager

cc: File / CHRONO

June 25, 2008

2007-0005 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: 3150 Matecumbe Key Road
01-43-22-00-00004.0000

Dear Mr. Edwards:

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

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

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

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

Sincerely,

Alex Cegerenko
Engineering Project Manager

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cc: File / CHRONO

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June 25, 2008

CPA 2007-00054 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:

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.

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Sincerely,

Alex Cegerenko
Engineering Project Manager

cc: File / CHRONO

UTILITIES

EXHIBIT B.2.c.

SURFACE WATER / DRAINAGE BASINS

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

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

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

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

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EXHIBIT B.3.a

INTERLOCAL AGREEMENT

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

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

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

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

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

SECTION 1. SCOPE OF SERVICES

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

SECTION 2. DEFINITIONS

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

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

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

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

SECTION 3. OBLIGATIONS OF CITY

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

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

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

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

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

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

SECTION 4. METHOD OF PAYMENT

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

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

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

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

SECTION 5. EQUIPMENT AND FACILITIES

1. EQUIPMENT. All equipment used or purchased shall be owned by the CITY.

2. FACILITIES. CITY shall construct and maintain such facilities necessary to providing appropriate levels of service to the UNIT. CITY shall be responsible for all permits, engineering. design, site preparation and construction of any facilities.

3. NOTIFICATION OF CITY (911 EMERGENCY CALLS). The UNIT shall ensure that all 911 fire and rescue emergency calls originating within the UNIT are properly routed to the CITY.

SECTION 6. ASSIGNMENT AND SUB-CONTRACTS

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

SECTION 7. INSURANCE

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

SECTION 8. APPLICABLE LAW

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

SECTION 9. TERM AND TERMINATION

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

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

SECTION 10. AMENDMENTS OR MODIFICATIONS

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

SECTION 11. DUTIES AND OBLIGATIONS

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

SECTION 12. HEADINGS

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

SECTION 13. ACCEPTANCE

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

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SECTION 15. FILING

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

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

ATTEST:

By: _____
Deputy Clerk

LEE COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
County Attorney's Office

ATTEST:

By: _____
Bonnie J. Vent, City Clerk

CITY OF CAPE CORAL

By: _____
Eric P. Feichthaler, Mayor

APPROVED AS TO FORM:

_____
MARILYN W. MILLER
Assistant City Attorney

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CPA

BURNT STORE FIRE DISTRICT

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EXHIBIT B

MSTU Formula

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

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

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LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

EXHIBIT B.3.d.

Bob Janes
District One

Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing Examiner

June 26, 2008

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

SUBJECT: Lee Plan Amendment for Burnt Store Marina Village

Dear Ms. Stowe:

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

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

Sincerely,

William T. Newman
Operations Manager
Solid Waste Division

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EXHIBIT B.3.e.

MASS TRANSIT

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

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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

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Environmental Impacts
EXHIBIT C

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

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EXHIBIT C.4.

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

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FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

KURT S. BROWNING
Secretary of State

September 28, 2007

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

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Ms. Stowe:

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

T43S, R22E, Section 1

CPA 2007-00054

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

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

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

Sincerely,

Kayla 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/msf/*

EXHIBIT D

IMPACTS TO PLANNING COMMUNITIES
ACREAGE TABLE

EXHIBIT E.1.

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

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

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LEE PLAN NARRATIVE
EXHIBIT E.2

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

1. Policy 1.4.1: The property is not consistent with the description of the Rural category in that it already contains a high-intensity commercial use and has a high level of public services.

2. Policy 1.7.5: The proposed redesignation will permit the renovation and expansion of the existing marina on the site.

3. Policy 1.7.6: No additional commercial acres will be needed for the project, as the property is already being used for commercial purposes.

4. Objective 2.1: The creation and application of the new FLUM category will not encourage urban sprawl. This subject is addressed in more detail in the urban sprawl analysis exhibit.

5. Objective 2.2: The project will be served by public facilities with adequate capacity (see the various infrastructure analyses contained in the application).

6. Objective 2.4: The applicant is seeking to amend the Lee Plan in light of a number of changed conditions that have occurred since the property was designated Rural in 1989, including: the increased demand for dockage space throughout Lee County; the ongoing development of Burnt Store Marina at high levels of density and intensity; the deterioration and increasing obsolescence of the existing structures on the site, most notably the dry storage building; recent amendments to the LDC prohibiting buildings of the height proposed by the applicant; and the County's recent interest in promoting attractive mixed-use developments.

7. Policy 2.4.4: As noted in #3 above, no additional commercial acreage will be required for the project, as the applicant is seeking to better utilize an existing commercial development footprint.

8. Policy 5.1.5: The amendment will facilitate the redevelopment of the existing commercial site into an attractive multi-use project that will be more compatible with the surrounding residential uses than the existing use.

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9. Policy 6.1.2: The amendment will create an exception to the commercial site location standards similar to the one inherent in the County's new Commercial FLUM category. This exception is justified in light of the amount of development that exists and is vested for Burnt Store Marina as a whole, and the existence of commercial development at the location proposed for the new category.

10. Policy 6.1.4: As noted above, the project will be compatible with the neighborhood and will be served by adequate public facilities.

11. Policy 6.1.7: The applicant is proposing to redevelop an existing commercial site.

12. Policy 6.1.8: Any proposed development on the site will be consistent with the new FLUM category.

13. Goal 8: The applicant is attempting to increase the size of the existing water-dependent use.

14. Standards 11.1 and 11.2: As noted above, the project will be served by public water and sewer facilities with available capacity.

15. Objective 125.2: The larger marina will increase the public's access to the waterfront.

16. Policy 128.1.3: One of the key components of the development is a new, larger, state-of-the-art dry storage facility. The number of wet slips will not be increased.

17. Policy 128.4.2: Most of the shoreline will be used by water-dependent uses.

18. Policy 128.5.4: The expanded marina is consistent with the County's marina siting criteria. It involves the redevelopment of an existing upland site with one or more dry storage buildings.

19. Policy 128.5.8: The marina is in an area with adequate water depth.

20. Policy 128.5.9: The new category will facilitate a redevelopment project on previously-disturbed uplands.

21. Policy 128.5.11: Adequate uplands exist on the site for marina support facilities.

22. Policy 128.6.16: As noted above, the increase in slips is solely attributable to the construction of one or more larger, state-of-the-art dry storage buildings.

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IMPACTS TO NEARBY LOCAL GOVERNMENTS
EXHIBIT E.3

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

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

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

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

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

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STATE AND REGIONAL PLAN CONSISTENCY
EXHIBIT E.4

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

STATE PLAN

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

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

REGIONAL PLAN

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

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URBAN SPRAWL ANALYSIS
EXHIBIT F.2

The applicant responds to the urban sprawl indicators as follows:

1. The proposed category does not authorize low-intensity, low-density, or single-use development; it contemplates an intense multi-use development to complement the existing intense residential development within Burnt Store Marina.

2. The new category will permit the redevelopment of an existing commercial site, which is not "leapfrog-type development."

3. The redevelopment of a commercial node within Burnt Store Marina will not result in "radial, strip, isolated or ribbon pattern type development."

4. The site has already been developed for commercial purposes. There will be no loss of natural resources or agricultural land as a result of the proposed redevelopment.

5. The project will have access through the existing Burnt Store Marina road system and by boat.

6. The redevelopment of the property will not reduce functional open space and, in fact, will actually promote public access to the water.

7. This is an infill/redevelopment project.

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SMART GROWTH ANALYSIS
EXHIBIT F.2.1.

1. The proposed category contains a mix of land uses.

2. Compactness of building design is a criterion that is best addressed at the rezoning stage.

3. Burnt Store Marina already contains both single-family and multi-family areas. The proposed units will be multi-family.

4. The category contemplated that the occupants of the residences within the Burnt Store Marina Village and many of the current residents of other areas within Burnt Store Marina will walk to the proposed commercial uses.

5. The redevelopment of the subject property with a mix of uses, including state-of-the-art dry storage facilities, will significantly improve the appearance of Burnt Store Marina.

6. The proposed category will permit the redevelopment of an area with no remaining natural features.

7. The Applicant intends to redevelop an existing developed area within the Burnt Store Marina community. As such, this is an infill project.

8. The project will be accessible by boat and by automobile.

9. This standard is purely in the hands of the County.

10. The Applicant has conducted well-attended community meetings to discuss the proposal.

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Planning Justification

EXHIBIT G

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

1. The current level of development and public services on the site is completely inconsistent with the Rural FLUM category.

2. The amendment is necessary to permit the subject parcel to be redeveloped for a more attractive and functional mix of uses, including large state-of-the-art dry storage buildings and retail uses in excess of the minor commercial center permitted by the Rural FLUM category, particularly since the LDC and the Lee Plan currently limit building heights in Burnt Store Marina to 45 feet, with no possibility of obtaining deviations.

3. The amendment will not promote urban sprawl, as noted in the Urban Sprawl Analysis.

4. The proposed project will be served by adequate public facilities, as noted in the various infrastructure analyses.

5. The parcel abuts a highly urbanized parcel designated Mixed Use to the south.

6. The redevelopment of the marina parcel will facilitate public access to the waterfront.

7. No changes will be required to the Planning Communities Acreage Table to permit the redevelopment of the existing commercial parcel.

8. There are no existing FLUM categories which adequately address the mix of uses and the building heights that are being requested for this project. The new Commercial category, which comes closest, appears to be designed for use for parcels which abut arterial roads.

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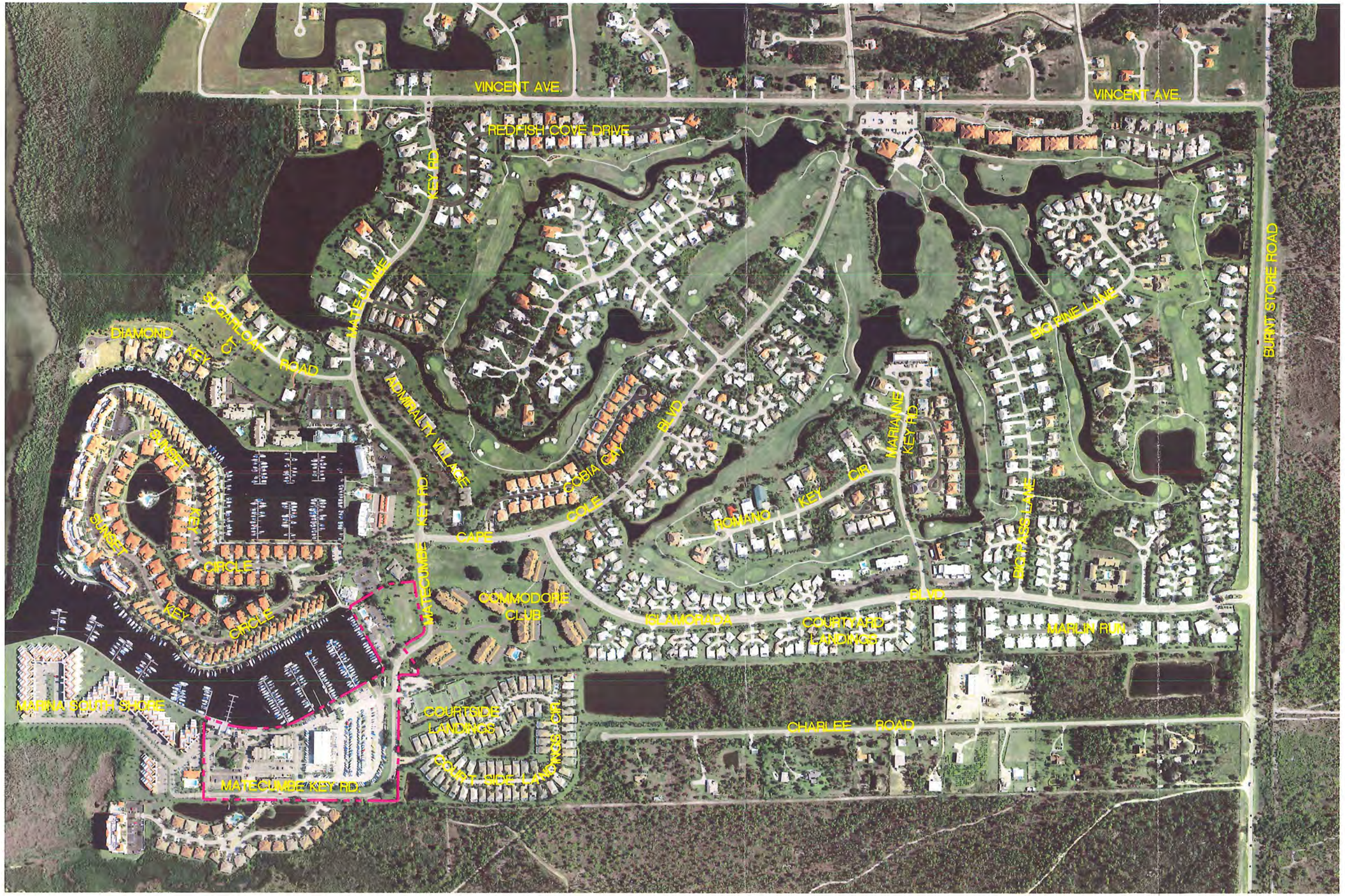


EXHIBIT A.7.

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

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

AVALON ENGINEERING, INC.
2503 DEL PRADO BLVD. #200
CAPE CORAL, FLORIDA 33904
FBPE#5128 (239) 573-2077

Realmark Development, LLC

BURNT STORE MARINA VILLAGE

AERIAL OUTLINING SUBJECT PROPERTY

#07-431

1 OF 1



LEGEND

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

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2007-00054

EXHIBIT C.1.
EXHIBIT C.5.

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

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DATE	BY	REVISION DESCRIPTION
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2503 DEL PRADO BLVD. #200
CAPE CORAL, FLORIDA 33904
FBPE#30128 (239) 573-2077

Realmark Development, LLC

BURNT STORE MARINA VILLAGE

FLUCCS MAP

#07-431

1 OF 1

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LEGEND

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

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EXHIBIT C.2.

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CAPE CORAL, FLORIDA 33904
FBPE#-0128 (239) 573-2077

Realmark Development, LLC

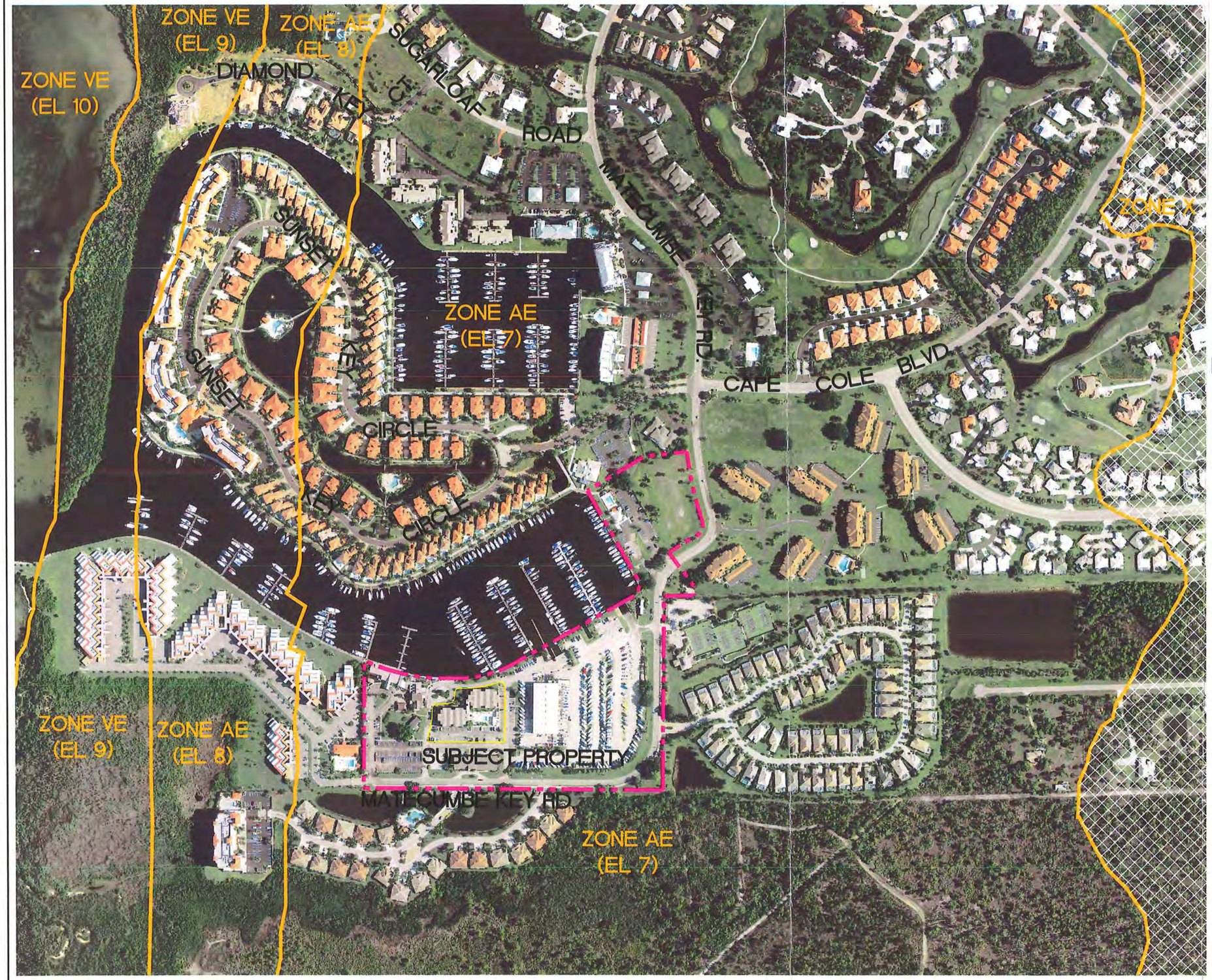
BURNT STORE MARINA VILLAGE

SOILS MAP

#07-431

1 OF 1

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LEGEND

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

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

ZONE A	No Base Flood Elevations determined.
ZONE AE	Base Flood Elevations determined.
ZONE AH	Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
ZONE AO	Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
ZONE AR	Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance of greater flood.
ZONE A99	Area to be protected from 1% chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
ZONE V	Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
ZONE VE	Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

OTHER FLOOD AREAS

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

SUBJECT PROPERTY (18.25± AC.)

LEE COUNTY ZONING LIMTS

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EXHIBIT C.3.

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DATE	BY	REVISION DESCRIPTION
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2503 DEL PRADO BLVD. #200
CAPE CORAL, FLORIDA 33904
FBPE#3128 (239) 573-2077

Realmark Development, LLC

BURNT STORE MARINA VILLAGE

100 YEAR FLOOD MAP
ADOPTED AUG 28, 2008

#07-431

1 OF 1

ARCHAEOLOGICAL SENSITIVITY MAP

R 20 E | R 21 E | R 22 E | R 23 E | R 24 E | R 25 E | R 26 E | R 27 E

T 43 S | T 44 S | T 45 S | T 46 S | T 47 S | T 48 S

CHARLOTTE COUNTY | HENDRY COUNTY | COLLIER COUNTY

Charlotte Harbor | Boca Grande Pass | Captiva Pass | Pine Island Sound | San Carlos Bay | Gulf of Mexico | Estero Bay | Caloosahatchee River

MAIN ST | PINE ISLAND RD NW | STRINGFELLOW RD | BURNT STORE RD N | CHIQUITA BLVD N | DEL PRADO BLVD N | SANTA BARBARA BLVD | WELLINGTON PKWY | DIPLOMAT PKWY E | TROPICANA PKWY E | PONDELLA RD | NE PINE ISLAND RD | HANCOCK BRIDGE PKWY | SE 8TH ST | VISCAYA PKWY | TRAFALGAR PKWY | VETERANS PKWY | GLEASON PKWY | CAPE CORAL PKWY W | EL DORADO PKWY W | CHIQUITA BLVD S | DEL PRADO BLVD S | ORANGE GROVE BLVD | MCGREGOR BLVD | JACKSON BLVD W | LITTLETON RD | BAYSHORE RD | N TAMIAMI TR | NALLE GRADE RD | MELLOW DR | LAUREL DR | HART RD | SR 31 | NALLE RD | N RIVER RD | SR 78 | BUCKINGHAM RD | ORANGE RIVER BLVD | TICE ST | PALM BEACH BLVD | BRAMA RD | CEMETERY RD | SR 80 | EDISON AV | MLK JR BLVD | HANSON ST | WINKLER AV | COLONIAL BLVD | LEE BLVD | LEONARD BLVD | GUNNERY RD S | HOMESTEAD RD S | SR 82 | 12TH ST W | CLEVELAND AV | TOWLES ST | METRO PKWY | PLANTATION RD | BRYSTAL DR | BRANTLEY RD | COLLEGE PKWY | CYPRESS LAKE DR | DANIELS PKWY | SIX MILE CYPRESS PKWY | IONA RD | GLADIOLUS DR | BRIARCLIFF RD | BASS RD | DAVIS RD | SUMMERLIN RD | SAN CARLOS BLVD | WINKLER RD | CLAIRE PARK RD | ALICO RD | LEE RD | CRYSTAL DR | SAN CARLOS BLVD | CORKSCREW RD | CORKSCREW RD W | BROADWAY W | THREE OAKS PKWY | WILLIAMS RD | COCONUT RD | ESTERO BLVD | OLEANDER ST | CASTILLA DR | SANIBEL CAUSEWAY | PERIWINKLE WAY | TAMIAMI TRL | OLD 41 RD | E TERRY ST | IMPERIAL ST | BONITA BEACH RD SW | BONITA BEACH RD SE

9/9/04 | 9/9/04

Lee County Archaeological Sensitivity Map

- Sensitivity Level 1
- Sensitivity Level 2
- Previously Surveyed

LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

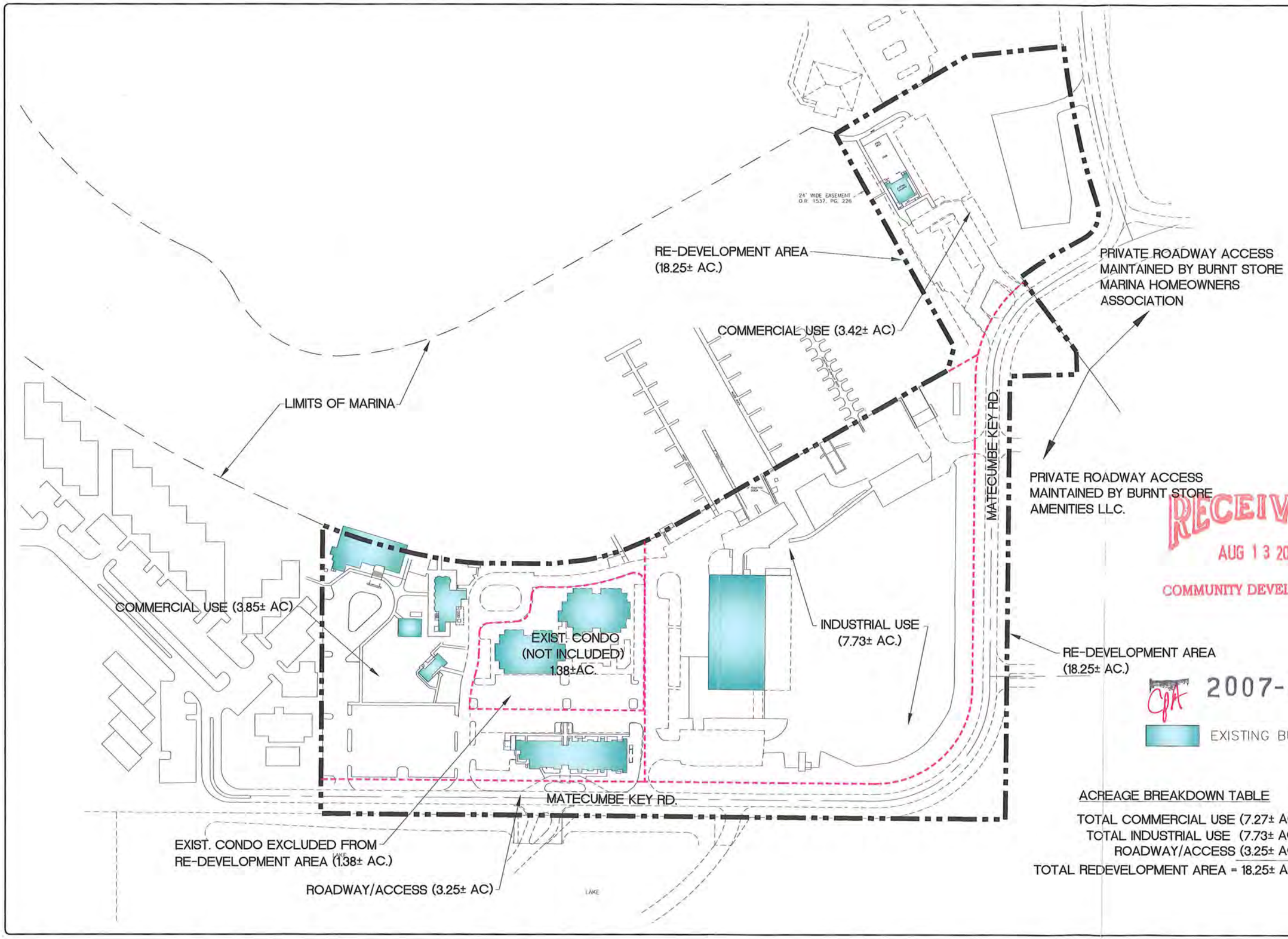
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Map Generated January 2007
Land Development Code Chapter 22-106



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FL. LICENSE# 38615

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

Realmark Development, LLC

BURNT STORE MARINA VILLAGE

EXISTING USE ALLOCATIONS

#07-431

1 OF 2

PROPOSED-USE-ALLOCATION

N

0 40 80
(IN FEET)

INDUSTRIAL USE (2.11± AC.)

RE-DEVELOPMENT AREA
(18.25± AC.)

COMMERCIAL USE (7.34± AC)

PRIVATE ROADWAY ACCESS
MAINTAINED BY BURNT STORE
MARINA HOMEOWNERS
ASSOCIATION

LIMITS OF MARINA

MATECUMBE KEY RD.

PRIVATE ROADWAY ACCESS
MAINTAINED BY BURNT STORE
AMENITIES LLC.

RESIDENTIAL USE (1.02± AC)

COMMERCIAL USE (7.34± AC)

RE-DEVELOPMENT AREA
(18.25± AC.)

INDUSTRIAL USE (3.42± AC.)

EXIST. CONDO
(NOT INCLUDED)
1.38±AC.

CPA 2007-00054

PROPOSED BUILDING

MATECUMBE KEY RD.

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EXIST. CONDO EXCLUDED FROM
RE-DEVELOPMENT AREA (1.38± AC.)

RESIDENTIAL USE (1.11± AC)

ROADWAY/ACCESS (3.25± AC)

ACREAGE BREAKDOWN TABLE

TOTAL COMMERCIAL USE	(7.34± AC)
TOTAL INDUSTRIAL USE	(5.53± AC.)
TOTAL RESIDENTIAL USE	(2.13± AC)
ROADWAY/ACCESS	(3.25± AC)
TOTAL REDEVELOPMENT AREA =	18.25± AC.

EXHIBIT E.1.2.

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

DATE	BY	REVISION DESCRIPTION

DATE	BY	REVISION DESCRIPTION
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AVALON ENGINEERING, INC.
2503 DEL PRADO BLVD. #200
CAPE CORAL, FLORIDA 33904
TBPE#3128 (239) 573-2077

Realmark Development, LLC

BURNT STORE MARINA VILLAGE

PROPOSED 2030 USE ALLOCATIONS

#07-4.31

2 OF 2

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SUBJECT PROPERTY (18.25± AC.)

RURAL — FUTURE LAND USE CLASSIFICATION

EXHIBIT A.2.

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CPA 2007-00054

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

DATE	BY	REVISION DESCRIPTION

DATE	BY	REVISION DESCRIPTION
08/05/08	RE	PER LEE COUNTY COMMENTS DATED 06/13/08

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

Realmark Development, LLC

BURNT STORE MARINA VILLAGE

FUTURE LAND USE MAP

#07-431

1 OF 1

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MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
ZONING DIVISION

DATE: October 16, 2007

TO: Susie Derheimer
Don Blackburn
John Fredyma
Matt Noble

FROM:

Bryan Kelner BJK
Principal Planner

RE: Burnt Store Marina
REZ2007-00020

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

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

Attachment:

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

cc:

Dawn Lehnert

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BJK

LEE COUNTY
SOUTHWEST FLORIDA

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COMMUNITY DEVELOPMENT

APPLICATION FOR PUBLIC HEARING FOR ZONING ACTION UNINCORPORATED AREAS ONLY

REZ 2007-00020

Applicant's Name: Burnt Store Amenities, LLC

Project Name: Burnt Store Marina

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

TYPE OF APPLICATION

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

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

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

****

STAFF USE ONLY

Case Number: REZ2007-00020 Commission District: 1

Current Zoning: RM-10 Fee Amount: $2500.00

Land Use Classification: RURAL Intake by: JMS

Planning Community: BURNT STORE

****

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

PART 1
APPLICANT\AGENT INFORMATION

A. Name of applicant: Burnt Store Amenities, LLC

Address: Street : 5789 Cape Harbour Drive, Suite 201

City: Cape Coral State: FL Zip: 33914

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

Fax: Area Code: 239 Number: 541-1377

E-mail address:

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

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

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

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

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

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

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

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

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

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

Contact Person: Matthew D. Uhle, Esq.

Address: Street : 1625 Hendry Street, Suite 301

City: Fort Myers State: FL Zip: 33901

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

Fax: Area Code: 239 Number: 334-1446

E-mail address: muhle@knott-law.com

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

PART 2
PROPERTY OWNERSHIP

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

A.1. Name: NA

Mailing Address: Street: _____

City: _____ State: _____ Zip: _____

Phone: Area Code: _____ Number: _____ Ext: _____

Fax: Area Code: _____ Number: _____

E-mail: _____

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

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

C. Multiple parcels

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

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

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

PART 3
PROPERTY INFORMATION

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

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

C. Legal Description

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

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

D. Boundary Survey

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

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

E. Planning Community: Burnt Store

F. General Location of Property:

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

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

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

G. Surrounding property owners:

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

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

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

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

I. Current use of property:

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

Vacant Residential

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

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

J. Land Use Classification:

Rural	**2.61**	Acres **100**	% of total
		Acres	% of total
		Acres	% of total
		Acres	% of total

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

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

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

L. Deed Restrictions [34-202(b)(2)]

L.1. ✓ There are no deed restrictions or other covenants on this property that affect this request. [34-202(b)(2)]

L.2. NA Deed restrictions\ covenants that may affect this request are attached as **Exhibit PH-3.L .2.** [34-202(b)(2)]

L.3. NA A narrative explanation as to how the deed restrictions or covenants may affect this request. is attached as **Exhibit PH-3.L.3** [34-202(b)(2)]

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

1.	Width (average if irregular parcel):	**irregular parcel**	Feet
2.	Depth (average if irregular parcel):	**irregular parcel**	Feet
3.	Total area:	**2.61**	Acres or ~~square feet~~
4.	Frontage on road or street:		Feet on _____ Street
	2nd Frontage on road or street:		Feet on _____ Street

PART 4
ACTION REQUESTED

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

___ Special Exception for _____ **Attached is Supplement A**

___ Variance for _____ **Attached is Supplement B**

✓ Conventional Rezoning from: **RM-10** to CM **Attached is Supplement C**

___ Planned Development Rezoning from _____ to

_____ DCI - Major: **Attached is Supplement D**

_____ DCI - Minor: **Attached is Supplement D**

_____ Request is for PRFPD zoning in the Private Recreational Facilities Overlay Area. **Attached is Supplement D**

___ **Planned Development Amendment. Attached is Supplement D**

B. Excavations:

✓ No blasting will be used in the excavation of lakes or other site elements.

NA If blasting is proposed, Information Regarding Proposed Blasting (including soil borings, a map indicating the general location of the proposed blasting, and other required information) is attached as **Exhibit PH-4.B** [34-202(b)(6)]

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

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

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

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

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

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

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

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

NA A tall structures permit will be required.

NA Property is located within Noise zone:

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

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

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

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

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

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

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

Section Number	Name of item
NA	

K. **Potable Water & Central Sewer.** Will the project be connected to potable water and central sewer as part of any development of the property? _____YES. _____NO.

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

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

PART 6
SUBMITTAL REQUIREMENTS

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

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

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

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

Number of Copies*				Exhibit Number	SUBMITTAL ITEMS
Var.	Conv. Rez. or Spe. Exc.		PDs		
1	✓	1	3	PH-3.G.1	List of Surrounding Property Owners [34-202(a)(6)]
1	✓	1	3	PH-3.G.2	Map of Surrounding Property Owners [34-202(a)(7)]
2	✓	2	2	PH-3.G.3	Mailing labels [34-202(a)(6)]
1	✓	1	3	PH-3.I.2.	Affidavit Regarding Proposed Use (if applicable) [34-202(b)(3)]
1	NA	1	3	PH-3.I.3.	Affidavit entitled "Agricultural Uses at Time of Zoning Application" (if applicable) [34-202(b)(7)]
1	NA	1	3	PH-3.L.2	Deed Restrictions\Covenants (if applicable) [34-202(b)(2)]
1	NA	1	3	PH-3.L.3	Narrative addressing effect of Deed Restrictions (if applicable) [34-202(b)(2)]
1	✓	1	15		Completed Supplement Form appropriate to the action requested (see Supplemental Forms above)
1	NA	1	15	PH-4.B	Information Regarding Proposed Blasting (if applicable). [34-202(b)(6)]
0		0	4	PH-4.C	Bonus Density units (if applicable) [34-202(b)(5)]
1	NA	1	4	PH-4.D	Hazardous materials emergency plan (if applicable) [34-202(b)(4)]
0	NA	1	4	PH-4.E	Mobile Home Park Information (if applicable) [34-203(d)]
1	NA	1	4	PH-4.F	Aviation Hazard (if applicable) [34-1001 et seq.]
0		0	4	PH-4.G	Summary of Public Informational Session for Planned Development Applications located within Estero Planning Community [34-373-(a)(10; Lee Plan Policy 19.5.3]
1	NA	1	4	PH-4.H	Summary of Public Informational Session for rezoning, special exception and variance applications located within Captiva Planning Community [Lee Plan Policy 13.1.7)
0		0	4	PH-4.I	Summary of Public Informational Session for Planned Development Applications located within Caloosahatchee Shores Planning Community [Lee Plan Policy 21.6.3]
1	NA	1	15	PH-4.J	Approved Waivers.(if applicable) [34-202(a)]
0		0	4	PH-4.K	Potable Water & Central Sewer. If the answer to Item 6.D was NO, an explanation must be attached providing the reason(s) why connection to potable water and central sewer system is not proposed as part of any development of the parcel subject to the rezoning request. [BOCC POLICY]

* At least one copy must be an original.

EXHIBIT PH-1.C.2
ADDITIONAL AGENTS

Company Name: Avalon Engineering

Contact Person: Brendan Sloan

Address: Street : 2503 Del Prado Blvd., South, Suite 200

City: Cape Coral State: FL Zip: 33904

Phone: Area Code: 239 Number: 573-2077 Ext:

Fax: Area Code: 239 Number: 573-2076

E-mail address: brendan@avaloneng.com

Company Name:

Contact Person:

Address: Street :

City: State: Zip:

Phone: Area Code: Number: Ext:

Fax: Area Code: Number:

E-mail address:

Company Name:

Contact Person:

Address: Street :

City: State: Zip:

Phone: Area Code: Number: Ext:

Fax: Area Code: Number:

E-mail address:

Company Name:

Contact Person:

Address: Street :

City: State: Zip:

Phone: Area Code: Number: Ext:

Fax: Area Code: Number:

E-mail address:

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Spatial District Query Report

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STRAP Number: 06-43-23-07-0000A.0000

District Name	District Value		Pct of Parcel in District (if fractional)	Notes
Airport Noise Zone			NOT FOUND	
Airspace Notification			NOT FOUND	
Census Tract	Tract ID	101.01	100.02%	
Coastal Building Zone			NOT FOUND	
Coastal High Hazard Area	Coastal High Hazard Zone	High hazard		
Fire District	Fire District Taxing Authority	Burnt Store 011		
Flood Insurance Zone	Flood Zone	A10-EL9		
FIRM Floodway			NOT FOUND	
Flood Insurance Panel	Community Panel Version Date	125124 0045 B 092001		
DNR Flood Zones			NOT FOUND	
Flood Insurance Coastal Barrier			NOT FOUND	
Lighting District			NOT FOUND	
Planning Community	ID Plan Community	5 Burnt Store		
Planning Land Use 2010	Landuse	Rural		
Sanibel/County Agreement			NOT FOUND	
School Board District	District School Board Member	1 Robert Chilmonik		
School Choice Zone	Choice Zones Choice Zones	West Zone 2 West Zone		
Solid Waste District	District Area	Area 5		
Storm Surge	Category	T S		
Subdivisions	Subdivision No. Subdivision Name Book Page 1 Book Page 2 Book Page 3	06432307 VILLAGE AT BURNT STORE CONDO 1002		
Traffic Analysis Zone				
Archaeological Sensitivity	Sensitivity Level	2		
Sea Turtle Lighting Zone			NOT FOUND	
Watersheds	Shed ID	Northwest Cape Coral		
FLUCCS1999				
Vegetation Permit Required			NOT FOUND	
Soil	Map Symbol Soil Name	69 MATLACHA GRAVELLY FINE SAND	99.65%	

	Map Symbol Soil Name	43 SMYRNA FINE SAND	0.35%	1
Panther Habitat			NOT FOUND	
Eagle Nesting Site Buffer			NOT FOUND	
Commissioner District	District Commissioner	1 Robert Janes		
Unincorporated Lee County Zoning	Zoning Designation	RM-10	99.56%	Zoning Notes
	Zoning Designation	RM-2	0.43%	1
Development Orders	Development Order Status Wet Season Water Table	86-09-011-00D		
	Development Order Status Wet Season Water Table	85-12-010-00D		
	Development Order Status Wet Season Water Table	LDO2003-00013	8.96%	
Road Impact Fee Districts	District Tidemark ID Name	2 52 NORTH		
Water Franchise			NOT FOUND	
Water Treatment Plant Service Area			NOT FOUND	
Wastewater Franchise	Franchise Name	Burnt Store Utilities Inc.		
Wastewater Treatment Plant Service Area			NOT FOUND	
Res. Garbage Collection Day	Hauling Day	Friday		
Res. Recycling Collection Day	Hauling Day	Friday		
Res. Horticulture Collection Day	Hauling Day	Thursday		
Microwave Radio Relay Path			NOT FOUND	

[Modify Report Settings]

Note	Details
1	Small percentages can result from slight variations in the way lines are drawn or imported into our system. Such values may not accurately reflect an overlap with the subject parcel.

Our goal is to provide the most accurate data available, however no warranties, expressed or implied, are provided with this data, its use, or interpretation.
All information subject to change without notice.

AFFIDAVIT

STATE OF FLORIDA)
)
COUNTY OF LEE)

Before me this day appeared Craig A. Dearden, who, being first duly sworn, deposes and says:

1. He is the Vice-President of Burnt Store Amenities, LLC, the owner of the subject property.

2. There are no existing structures located on the subject parcel.

FURTHER, AFFIANT SAYETH NAUGHT.

Done and executed this 24 day of July, 2007.

Craig A. Dearden

The foregoing instrument was acknowledged before me this 24 day of July, 2007, by Craig A. Dearden as Vice-President of Burnt Store Amenities, LLC, a Florida Limited Liability Company, on behalf of the company, who is personally known to me [X], or has produced _____ as identification [__], and did/did not take an oath.

My Commission Expires:

Notary Public State of Florida
Julie Peterson
My Commission DD568817
Expires 06/27/2010

Notary Public

Julie Peterson
Printed Name

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PART 1 AFFIDAVIT A2
(EXHIBIT PH-1.B.2)

AFFIDAVIT FOR PUBLIC HEARING
APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, * Craig A. Dearden as Vice-President of Burnt Store Amenities, LLC, a Florida Limited Liability Company, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I am hereby authorizing the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Burnt Store Amenities, LLC
*Name of Entity (corporation, partnership, LLP, LC, etc)

Signature

Craig A. Dearden
(Type or printed name)

Vice-President
(title of signatory)

STATE OF FL
COUNTY OF Lee

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 24 day of July 20 07 by Craig A. Dearden as Vice-President of Burnt Store Amenities, LLC, a Florida Limited Liability Company (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

Signature of person taking oath or affirmation

Julie Peterson
Name typed, printed or stamped

Notary Public, State of FL
Title or rank

Notary Public State of Florida
Julie Peterson
My Commission DD568817
Expires 06/27/2010

Serial number, if any

Notes:

- *If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.*
- *If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.)., then the documents should typically be signed by the Company's "Managing Member."*
- *If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.*
- *If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.*
- *If the applicant is a trustee, then the they must include their title of "trustee."*
- *In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.*

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EXHIBIT PH-2.B.1
DISCLOSURE OF INTEREST FORM FOR:

STRAP NO. 06-43-23-07-0000A.0000 **CASE NO.** _____

1. If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address	Percentage of Ownership

2. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name and Address	Percentage of Stock

3. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address	Percentage of Interest

LIMITED LIABILITY COMPANY

4. If the property is in the name of a ~~GENERAL PARTNERSHIP~~ OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address	Percentage of Ownership
Burnt Store Amenities, LLC	100%
5789 Cape Harbour Drive, Suite 201	
Cape Coral, FL 33914	

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5. If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name and Address	Percentage of Stock

Date of Contract: _____

6. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name and Address	

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Signature: _____
(Applicant)

Craig A. Dearden
(Printed or typed name of applicant)

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STATE OF FL
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 24 day of July 2007

by Craig A. Dearden as Vice-President of Burnt Store Amenities, LLC, a Florida Limited Liability Company who is personally known to me or who has produced _____ as identification.

Notary Public State of Florida
Julie Peterson
My Commission DD568817
Expires 06/27/2010

Signature of Notary Public

Julie Peterson
Printed Name of Notary Public

LEE COUNTY
SOUTHWEST FLORIDA

PUBLIC HEARING SUPPLEMENT C

ADDITIONAL REQUIRED INFORMATION FOR A CONVENTIONAL REZONING APPLICATION UNINCORPORATED LEE COUNTY

Case Number: _____

Project Name: Burnt Store Marina

Applicant's Name: Burnt Store Amenities, LLC

STRAP Number(s): 06-43-23-07-0000A.0000

✓ Rezoning from RM-10 to CM

NA Variances included?(check one) ✓ NO ___ YES* for _____

NA Special Exception included? (check one) ✓ NO ___ YES** for _____

*** If YES,** Supplement B must also be submitted.

**** If YES,** Supplement A must also be submitted.

****

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

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PART 1. SPECIFIC SUBMITTAL INFORMATION REQUIRED

A. REASON(S) FOR REQUEST. Requests for rezonings, other than Planned Developments and those determined to be Development of Regional Impact, must include a statement of the basis or reason for the rezoning. The statement must be directed to the guidelines for decision-making embodied in Lee County Land Development Code Sections 34-145(c)(2)a.,e., i., and j.; 34-145(d)(2) a. and b.; and 34-145(d)(3). This statement may be utilized by the Board of County Commissioners, Hearing Examiner and County Staff in establishing a factual basis for the granting or denial of the rezoning (use additional paper if needed, label as **Exhibit C-1.A.**). **[34-203(c)]**

The principal reason for the request is to provide additional parking for the existing marina facility during the period in which applications to redevelop the site to create a more state-of-the art facility are pending. It is also possible, however, that dry storage racks similar to those already in use at BSM may be located within the subject property during this interim period.

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Petition to Vacate
Petition No:VAC2003-00072
Description:All roads & rights of way
Date of Approval:04-13-2004
Resolution No:04-04-23
CCMB:2004R Page:256
Recorded on:05/10/04 OR Book:04287
Pages:1793-1799

PUNTA GORDA ISLES
SECTION TWENTY TWO
A PORTION OF SECTION 1, T43S, R22E &
A PORTION OF SECTION 6, T43S, R23E
LEE COUNTY, FLORIDA

CERTIFICATE OF DEDICATION:

STATE OF FLORIDA - COUNTY OF CHARLOTTE

PUNTA GORDA ISLES, INC., a corporation existing under the laws of the State of Florida, the owners of the lands herein platted, as dedicators, DOES HEREBY dedicate to the public and the purchasers of any lands shown in this plat, all streets and other public places shown in this plat and hereby request that this plat be recorded in the Public Records of Lee County, Florida. Tract B is not to be dedicated to the public.

IN WITNESS WHEREOF, the said PUNTA GORDA ISLES, INC. has caused its name and the corporate seal to be affixed hereto by its President, and attested by its duly authorized by its Board of Directors on this 5th day of June, 1973.

PUNTA GORDA ISLES, INC.
By W. Brian Winshaw
Vice-President
Attest By William B. Winshaw
Secretary

(Corporate Seal)

1st. Witness
Evelyn L. Williams
2nd. Witness

STATE OF FLORIDA
COUNTY OF CHARLOTTE

BEFORE ME, the undersigned, an office duly authorized and acting, personally appeared WM. WAINSCLEMAN and W.B. WINSHAW to me known to be the individuals who executed the foregoing Dedication as the ____ Vice-President and ____ Secretary of PUNTA GORDA ISLES INC. a corporation under the laws of the STATE of FLORIDA and being duly sworn, acknowledged then and there before me that they executed the same as such officers of such corporation, heretofore duly authorized by the Board of Directors of such corporation, as the act and deed of such corporation.

WITNESS my hand and official seal this 5th day of June, 1973, in the County and State last aforesaid.

Notary Public - State of Florida
(Affix Seal)

My Commission Expires:
May 10, 1975

EASEMENT RESERVATION

There are hereby expressly reserved easements of 10 feet along the front and rear lot lines and a 12 feet (6.0 feet each side of and parallel to each lot line) for drainage and utilities not limited if more than one lot is intended as a single building site, in which case the outside boundaries of said site shall carry said easements. All other easements shown on this plat are hereby reserved in perpetuity for the purposes noted. All streets R/W's are 60 feet unless otherwise shown.

Common areas designated (A) are reserved for the Perpetual use of all property owners, Each property owner shall have an undivided interest in said areas. Portions of the said areas shall also be utilized for drainage purposes and may be publicly maintained as such. A strip of land a minimum of 25 feet in width parallel with and adjacent to the rear lot line of residential lots abutting any common area having lakes therein is reserved for drainage purposes only and said minimum 25 feet strip within a common area shall be used to preserve the natural ecology between lake areas and residential lots.

JOINDER AND CONSENT TO DEDICATION

The undersigned hereby certifies that they are the holders of a mortgage upon a portion of the above described property, and that the undersigned hereby joins in and consents to the dedication of the public places described in this plat by the owner thereof, and agrees that their mortgage which is recorded in Official Record Book 625, Page 247 of the Public Records of Lee County, Florida, shall be subordinated to the above dedication.

Signed, Sealed & Delivered
in the presence of:

James A. Kell
JAMES A. KELL
Shirley H. Kell
SHIRLEY H. KELL

1st Witness
Patricia A. Moore
2nd Witness

STATE OF FLORIDA
COUNTY OF Lee

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgements JAMES A. KELL and SHIRLEY H. KELL, his wife, to me well known to be the persons described in and who executed the foregoing instrument and they acknowledged before me that they executed the same for the purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Fort Myers Beach, said County and State, this 6th day of June, 1973.

Notary Public-State of Florida
(Affix Seal)

My Commission Expires:
September 15, 1973

JOINDER AND CONSENT TO DEDICATION

The undersigned hereby certifies that they are the holders of a mortgage upon a portion of the above described property, and that the undersigned hereby joins in and consents to the dedication of the public places described in this plat by the owner thereof, and agrees that their mortgage which is recorded in Official Record Book 900, Page 362 of the Public Records of Lee County, Florida, shall be subordinated to the above dedication.

Signed, Sealed and Delivered
in the presence of:

Richard N. McConnell
RICHARD N. McCONNELL
Norterse C. McConnell
NORTERSE C. McCONNELL

1st Witness
Patricia A. Moore
2nd Witness

STATE OF FLORIDA
COUNTY OF Lee

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgements, RICHARD N. McCONNELL and NORTERSE C. McCONNELL, his wife, to me well known to be the persons described in and who executed the foregoing instrument and they acknowledged before me that they executed the same for the purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Fort Myers, said County and State, this 6th day of June, 1973.

Notary Public-State of Florida
(Affix Seal)

My Commission Expires:
September 15, 1973

JOINDER AND CONSENT TO DEDICATION

The undersigned hereby certifies that it is the holder of a mortgage upon a portion of the above described property, and that the undersigned hereby joins in and consents to the dedication of the public places described in this plat by the owner thereof, and agrees that its mortgage which is recorded in Official Record Book 735, Page 269 of the Public Records of Lee County, Florida, subsequently assigned to the undersigned as found in Assignment recorded in Official Record Book 975, Page 1751 of the Public Records of Lee County, Florida, shall be subordinated to the above dedication.

Betty A. Forster
1st Witness
Elena L. Wyatt
2nd Witness

THE LEE COUNTY BANK
By Lee A. Owen
Vice-President
(Corporate Seal)
Attest By C. C. Coghill Jr.
Vice-President

STATE OF FLORIDA
COUNTY OF LEE

This is to certify that on June 6, 1973, before me, an officer duly authorized to take acknowledgements in the State and County aforesaid, personally appeared Lee A. Owen and C. C. Coghill Jr. and known to me to be the Senior Vice President and Vice President of THE LEE COUNTY BANK and the individuals who executed the foregoing instrument and acknowledgement before me that they executed the same for, on behalf of, and as the act and deed of said corporation for the uses and purposes therein expressed, and they further acknowledge that the corporate seal affixed to said instrument is the common seal of the corporation and was affixed by due corporate authority.

IN WITNESS WHEREOF, I have hereunto set my and official seal at said County and State, the date and year last aforesaid.

NOTARY PUBLIC-STATE OF FLORIDA
(Affix Seal)

My Commission Expires:
September 15, 1973

JOINDER AND CONSENT TO DEDICATION

The undersigned hereby certifies that it is the holder of a mortgage upon the above described property and that the undersigned hereby joins in and consents to the dedication of the public places described in this plat by the owner thereof, and agrees that its mortgage which is recorded in Official Record Book 670, Page 288 of the Public Records of Marion County, Florida, subsequently assigned to the undersigned as found in Assignment recorded in Official Record Book 807, Page 870 of the Public Records of Lee County, Florida, shall be subordinated to the above dedication.

THE FIRST NATIONAL BANK OF TAMPA
By John H. Boyett
Senior Vice President
(Corporate Seal)
Attest By J. S. McMullen
Asst. Cashier

1st Witness
Sarah Jane Taylor
2nd Witness
Mary Ellen Jones

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

This is to certify that on June 8, 1973, before me, an officer duly authorized to take acknowledgements in the State and County aforesaid, personally appeared John H. Boyett and J. S. McMullen and known to me to be the Senior Vice-President and Asst. Cashier of THE FIRST NATIONAL BANK OF TAMPA and the individuals who executed the foregoing instrument and acknowledged before me that they executed the same for, on behalf of, and as the act and deed of said corporation for the uses and purposes therein expressed; and they further acknowledged that the corporate seal affixed to said instrument is the common seal of the corporation and was affixed by due corporate authority.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at Tampa, said County and State, the date and year last aforesaid.

Notary Public-State of Florida
(Affix Seal)

My Commission Expires:
June 23, 1974

734167

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EXHIBIT PH-3.D.2

PUNTA GORDA ISLES

SECTION TWENTY TWO

A PORTION OF SECTION 1, T43S, R22E &
A PORTION OF SECTION 6, T43S, R23E
LEE COUNTY, FLORIDA

RESOLUTION

WHEREAS, this Plat was on the 27TH day of JUNE, 1973, submitted to the BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA for approval for record and has been approved by said commission;

NOW, THEREFORE, BE IT RESOLVED by the BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA that the said Plat is hereby approved and shall be recorded in the Public Records of this County.

BOARD OF COUNTY COMMISSIONERS,
LEE COUNTY, FLORIDA
By Geo. O. Hollingsworth
Chairman

ATTEST: Sal Gerace
Clerk

734167

SURVEYOR'S NOTES:

◉ Denotes Permanent Reference Monuments on Section Lines and Boundary.

⊡ Denotes Permanent Control Points to be set after Construction.

All distances shown without decimals have been computed as even feet to the nearest one hundredth of a foot.

All bearings shown as even degrees have been computed to the nearest one-second of a degree.

Bearings shown are based on an assumed meridian.

CURVILINEAR LOTS:

1. Side boundary lines of all curvilinear lots designated as "RADIAL" have been computed on "RADIAL" lines with the bearing and distance shown.

2. Side lot lines which are "NOT RADIAL" have been designated by the Bearing and distance of the line.

CERTIFICATE OF APPROVAL BY COUNTY ATTORNEY

EXAMINED AND APPROVED:

Frank K. Parrow
COUNTY ATTORNEY

DATE: JUNE 27, 1973

STATE OF FLORIDA
COUNTY OF LEE

Sworn to and submitted before me this_____day of 1973.

NOTARY PUBLIC
STATE OF FLORIDA

My commission expires:_____

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY: That the boundry of this plat PUNTA GORDA ISLES SECTION 22 is true and correct according to a recent survey made under my direction.

Lester L. Bulson
LESTER L. BULSON
Registered Land Surveyor
Number 1963
STATE OF FLORIDA

CLERK'S CERTIFICATE

I, Sal Gerace, Clerk of the Circuit Court of Lee County, Florida, hereby certify that I have examined this Plat, that it complies in form with all the provisions of Chapter 71-339, Florida Statutes, that it was filed and recorded on the 28TH day of JUNE, 1973, file no. 734167, and recorded in Plat Book 28, Pages 118 through 138 AT 4:28 P.M.

Sal Gerace
Clerk of the Circuit Court, Lee County, Florida

CERTIFICATE OF APPROVAL BY COUNTY ENGINEER

EXAMINED AND APPROVED:

Gordon D. Mains
County Engineer

DATED: 6/20/73

I HEREBY CERTIFY: That the attached plat entitled "Punta Gorda Isles, Section 22" is a true and correct representation of the land as recently platted under our direction.

CONNELL ASSOCIATES, INC.

by: David N. Malvie
David N. Malvie
Registered Land Surveyor No. 1578
STATE OF FLORIDA

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. SUBDIVISON

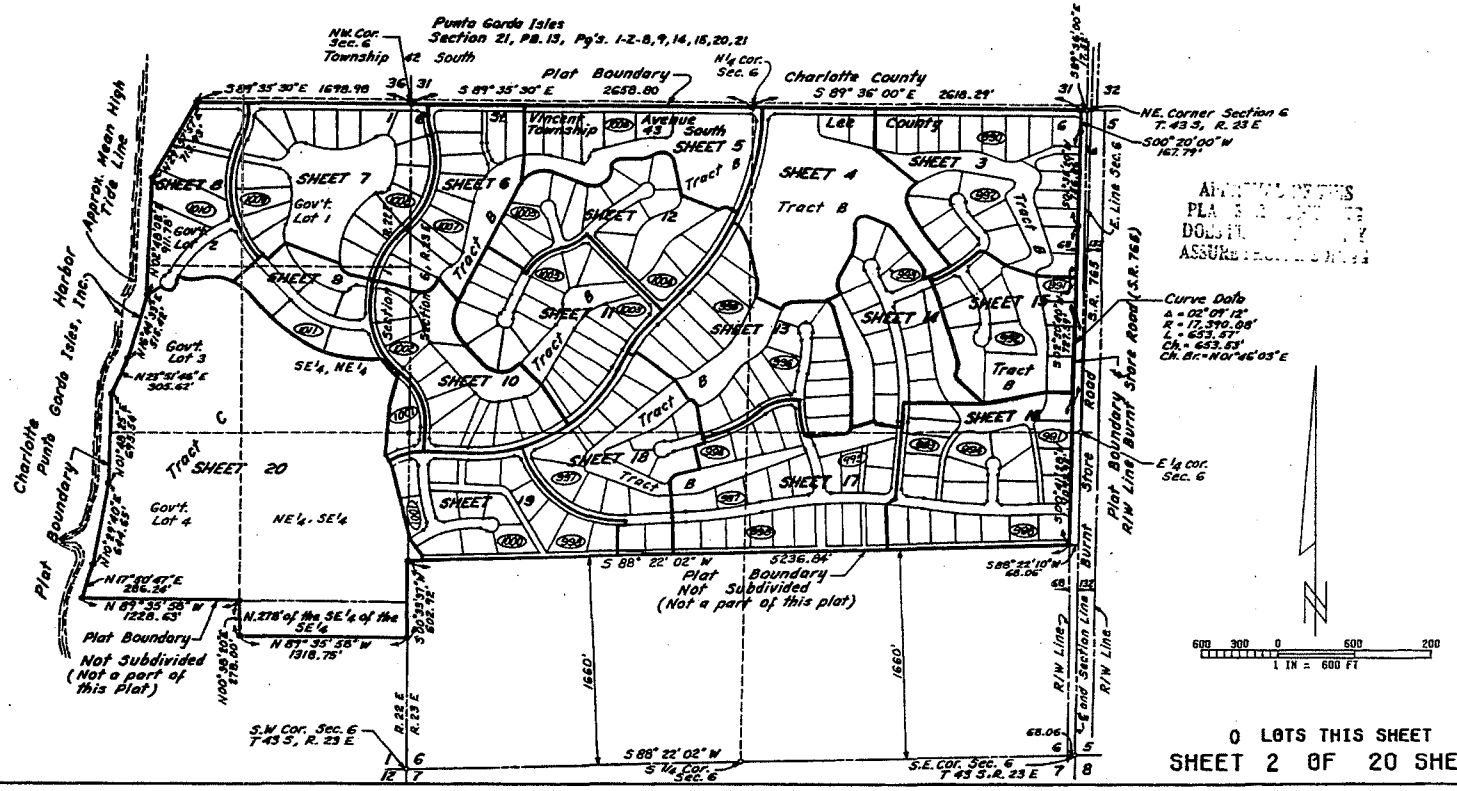
CONNELL ASSOCIATES
CONSULTING ENGINEERS
MIAMI. - FLORIDA
SEPTEMBER, 1972

DESCRIPTION:

A parcel of land being all of GOVERNMENT LOT 1 and a portion of GOVERNMENT LOTS 2, 3, and 4, and the Southeast 1/4 of the Northeast 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 lying the South 1600 feet thereof and lying the Right of Way for BURNT STORE ROAD, (State Road No. 765) 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 S 89° 35' 00" 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 hereinafter described; said boundary line also being the South line of Punta Gorda Isles, Section 21, Plat No. 13, Page 1-2-8, of the Public Records of Charlotte County, Florida; thence run S89° 35' 00" W along the Westerly Right of Way line of State Road No. 765 (Burnt Store Road) a distance of 167.79 feet to a point; thence run S 00° 20' 00" W along the said Westerly R/W line of State Road No.765 a distance of 765.00 feet to a point; thence run S 02° 07' 12" W along the said Westerly R/W line of State Road No. 765 a distance of 727.00 feet to the Point of Curvature of a circular curve to the left having a radius of 17,390.00 feet; said curve being the Westerly R/W line of State Road No. 765; thence run Southeasterly along the arc of said curve, an arc distance of 623.67 feet through a central angle of 02° 09' 12" to the Point of Tangency; thence run S 00° 01' 32" W along the said Westerly R/W line of State Road No. 765 a distance of 1055.05 feet to a point of intersection with a line that is 1600 feet North of and parallel to the South line of said Section 6; thence run S 89° 22' 02" W along said line that is 1600 feet North of and parallel to the South line of said Section 6, a distance of 5236.84 feet to a point of intersection with the East line of the South 1600 feet of said Section 6; said line also being the East line of the NE 1/4, SE 1/4 of Section 1, Township 43 South, Range 22 East; thence run S 00° 32' 37" W along the East line of the South 1600 feet of said Section 6 and the East line of the NE 1/4 of the SE 1/4 of the said Section 1 a distance of 1600.00 feet to a point of intersection with a line that is 278 feet south of and parallel to the North line of SE 1/4 of the SE 1/4 of said Section 1; thence run S 89° 35' 58" W along said line that is 278 feet south of and parallel to North line of the said SE 1/4, SE 1/4 of Section 1 a distance of 1318.75 feet to a point on the west line of the North 278 feet of the said SE 1/4, SE 1/4; said point also being the Northeast corner of Government Lot 4 in said Section 1; thence run S 00° 33' 37" W along the East line of said Government Lot 4 a distance of 1282.68 feet to a point; thence run the following bearings and distances in Government Lot's 2, 3 and 4 in said Section 1; S 17° 59' 17" E 286.24 feet; S 10° 29' 00" E 694.65 feet; S 01° 00' 20" E 695.84 feet; S 20° 54' 10" E 286.62 feet; S 14° 00' 20" E 545.62 feet; S 02° 00' 00" E 941.70 feet; thence S 20° 57' 57" E a distance of 715.99 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 36, Township 42 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 36; 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 1698.98 feet to the Northeast corner of said Section 1; thence run S 89° 35' 30" E along the North line of the NW 1/4 of said Section 6, the south line of Section 31, Township 42 South, Range 23 East, Charlotte County and the South line of the said Punta Gorda Isles Subdivision, Section 21, a distance of 2658.80 feet to the N 1/4 corner of said Section 6; thence run S 89° 36' 00" E along the North line of the NE 1/4 of said Section 6; the South line of said Section 31, and the South line of said Punta Gorda Isles Subdivision, Section 21, a distance of 2618.29 feet to the Point of Beginning, said point going N 89° 36' 00" W a distance of 17.02 feet from the Northeast corner of said Section 6.

CONTAINING 459.33 acres more or less.



0 LOTS THIS SHEET

SHEET 2 OF 20 SHEETS

PUNTA GORDA ISLES
SECTION TWENTY TWO
A PORTION OF SECTION 1. T43S. R22E &
A PORTION OF SECTION 6. T43S. R23E
LEE COUNTY, FLORIDA

Punta Gorda Isles Subdivision
Section 21, P.B. 13, Pg's 1-Z-8, 9, 14, 15, 20, 21.

CURVE DATA

ID	RADIUS	DELTA	ARC LGT	TANGENT
A	1540.00	5°01'47"	135.19	67.64
B	30.00	90°12'21"	47.23	30.11
C	1160.00	13°28'05"	273.01	137.14
D	1540.00	6°42'19"	180.23	90.22
E	850.00	7°24'55"	110.00	55.08
F	1540.00	1°44'58"	23.11	14.55
G	850.00	3°53'33"	58.73	29.38
H	140.00	42°38'15"	105.00	55.11
I	65.00	38°06'22"	44.25	23.02
J	65.00	92°53'17"	105.38	68.36
K	140.00	89°44'34"	222.36	65.40
L	250.00	35°53'14"	156.59	80.86
M	65.00	91°34'34"	103.88	66.81
N	30.00	131°37'01"	68.91	66.78
O	40.00	75°28'47"	55.38	33.18
P	1480.00	1°44'35"	45.06	24.53
Q	100.00	48°15'28"	84.23	44.78

CURVE DATA

ID	RADIUS	DELTA	ARC LGT	TANGENT
R	1460.00	6°07'17"	155.96	78.05
S	110.00	90°12'21"	173.18	110.40
T	50.00	37°10'01"	64.78	33.68
U	100.00	11°41'48"	20.41	10.24
V	50.00	118°40'05"	103.56	84.32
W	130.00	13°13'20"	30.00	15.07
X	100.00	77°06'48"	134.58	78.70
Y	150.00	47°08'32"	107.00	56.74
Z	50.00	81°25'13"	71.11	43.07
AA	50.00	68°36'52"	77.33	43.81
AB	590.00	5°43'48"	50.00	25.02
AC	520.00	9°37'59"	84.06	42.13
AD	400.00	19°08'37"	132.85	67.09
AE	200.00	11°27'20"	40.00	20.07
AF	400.00	5°43'48"	40.00	20.02
AG	280.00	33°33'34"	117.14	60.31
AH	50.00	88°56'00"	78.48	49.84

CURVE DATA

ID	RADIUS	DELTA	ARC LGT	TANGENT
A1	70.00	90°12'21"	110.21	70.35
A2	1500.00	13°49'05"	335.57	168.49
A3	1460.00	8°01'48"	204.62	102.48
A4	1540.00	13°49'05"	344.52	172.98
A5	500.00	15°21'45"	134.06	67.44
A6	400.00	24°46'23"	172.95	87.85
A7	200.00	45°01'07"	157.14	82.69
A8	100.00	90°49'30"	155.60	97.94
A9	130.00	60°22'51"	137.00	75.63
A10	140.00	83°02'50"	227.36	147.65
A11	850.00	11°22'26"	168.73	84.64
A12	1160.00	9°37'54"	185.00	92.73
A13	1160.00	23°06'58"	468.01	237.23
A14	1200.00	11°25'08"	239.15	119.87
A15	1200.00	11°41'52"	245.00	122.93

TANGENT DATA

ID	BEARING	DIST
TA	N53°58'37"E	68.24
TB	N53°27'32"E	73.37
TC	N67°08'32"E	18.51
TD	N57°27'23"E	20.00
TE	N43°08'21"W	80.00
TF	N01°35'20"E	58.78
TG	N88°24'40"W	60.00
TH	N45°08'21"W	40.00
TI	N22°02'22"W	40.00

N 1/4 Cor. Sec. 6-43-23 — S 89°36'00"E 1303.62 — N. Line Section 6-43-23 — S 89°36'00"E 1314.67 — BOUNDARY OF THIS PLAT — CHARLOTTE COUNTY — LEE COUNTY — N.E. Cor. Sec. 6-43-23 — S 89°36'00"E 17.52

ST. VINCENT AVENUE

TRACT B — TRACT B

BIG PINE LANE — BIG PINE LANE

BURNT STORE ROAD (S.R. No. 765)

E. Line Sec. 6-43-23 — S.R. 765 — E. R/W Line — W. R/W Line (S.R. 765) — E. R/W Line

S 01°35'20"W 756.86 BOUNDARY OF THIS PLAT

S 02°50'40"W 727.59

S 02°50'40"W 328.22

APPROVAL OF THIS PLAT

SEE SHEET 4 — SEE SHEET 4 — SEE SHEET 14 — SEE SHEET 15

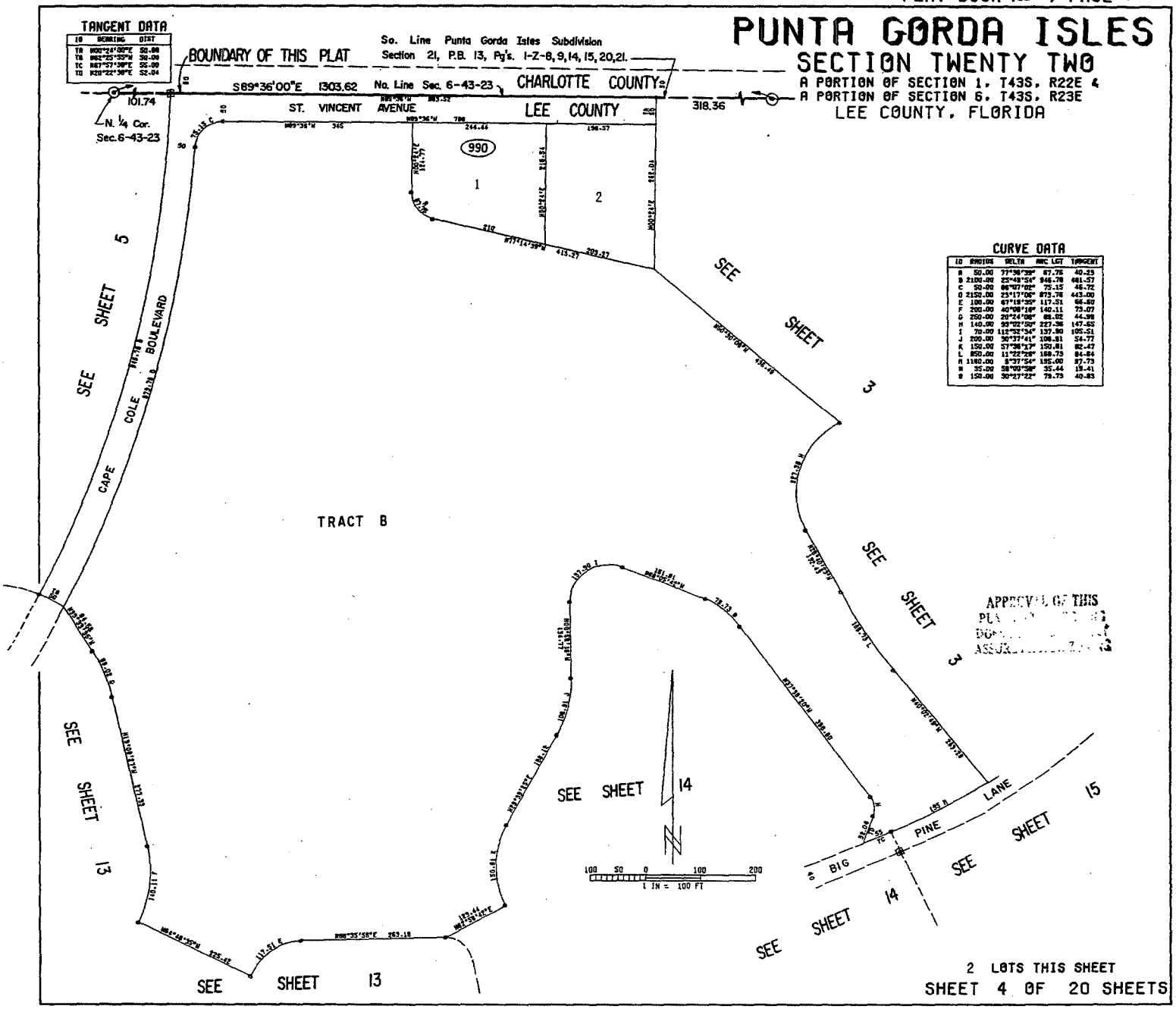
22 LOTS THIS SHEET

SHEET 3 OF 20 SHEETS

100 50 0 100 200
1 IN = 100 FT

PUNTA GORDA ISLES
SECTION TWENTY TWO

A PORTION OF SECTION 1, T43S, R22E &
A PORTION OF SECTION 6, T43S, R23E
LEE COUNTY, FLORIDA



2 LOTS THIS SHEET

SHEET 4 OF 20 SHEETS

PUNTA GORDA ISLES

SECTION TWENTY TWO

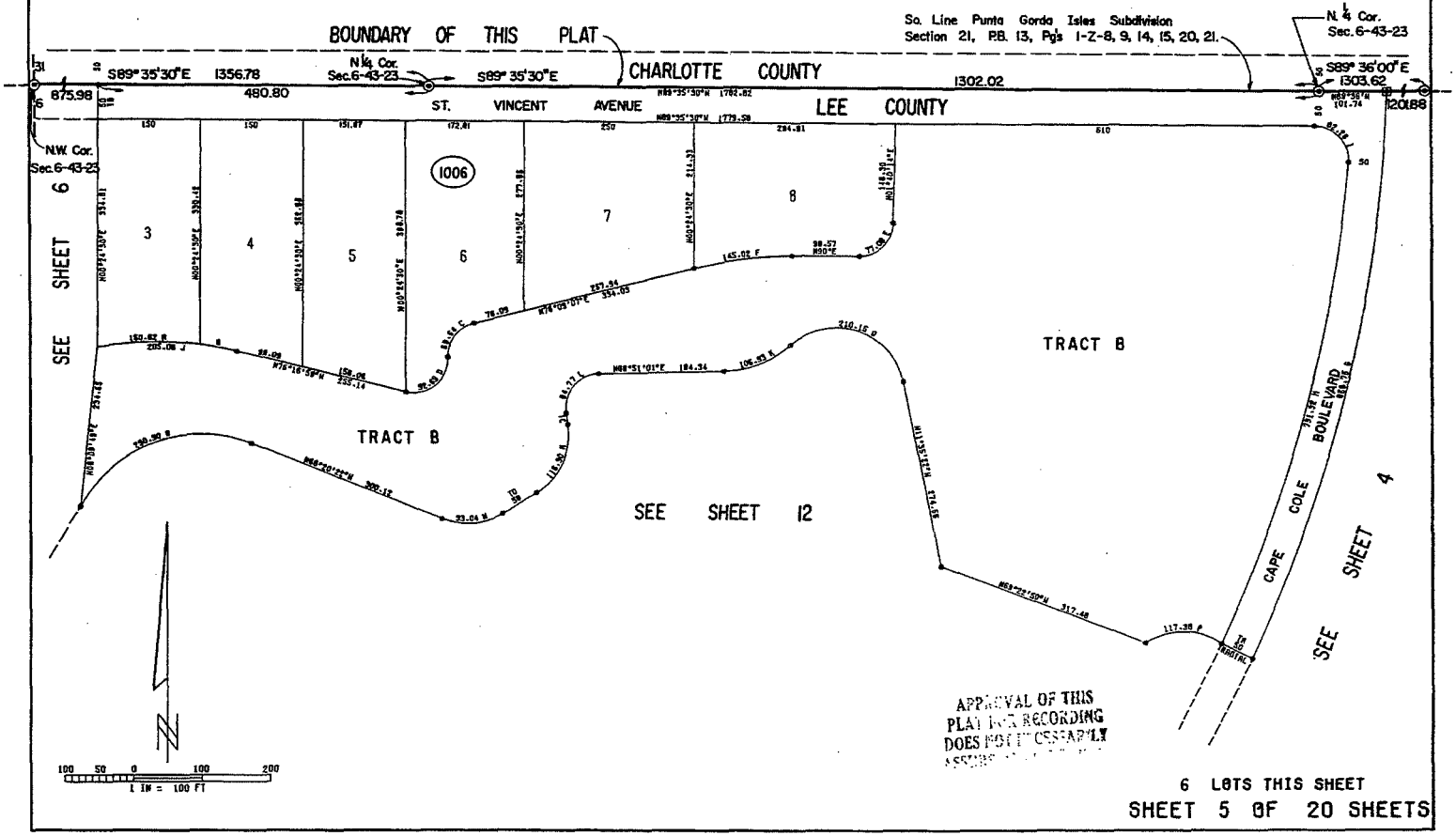
A PORTION OF SECTION 1, T43S, R22E &
A PORTION OF SECTION 6, T43S, R23E
LEE COUNTY, FLORIDA

CURVE DATA

ID	RADIUS	DELTA	ARC LGT	TANGENT
A	300.00	17°18'27"	150.82	75.89
B	300.00	4°14'09"	24.46	12.23
C	50.00	78°38'19"	68.64	40.36
D	50.00	104°13'12"	92.69	65.62
E	50.00	88°19'46"	77.08	48.98
F	500.00	13°20'33"	145.02	72.86
G	2100.00	23°22'31"	856.75	434.42
H	2050.00	20°28'24"	731.32	369.58
I	50.00	94°15'48"	82.26	53.87
J	300.00	23°36'02"	285.08	144.00
K	150.00	42°30'42"	106.93	55.88
L	50.00	97°08'02"	84.77	58.60
M	100.00	86°38'09"	116.30	65.73
N	100.00	53°18'23"	93.04	50.18
O	200.00	83°20'09"	290.90	177.98
P	100.00	67°15'11"	117.36	68.51
Q	100.00	120°24'19"	210.15	174.65

TANGENT DATA

ID	BEARING	DIST
TA	N64°53'10"W	50.00
TB	N90°00'00"E	30.00
TC	N06°17'50"W	17.02
TD	N58°21'00"E	58.09



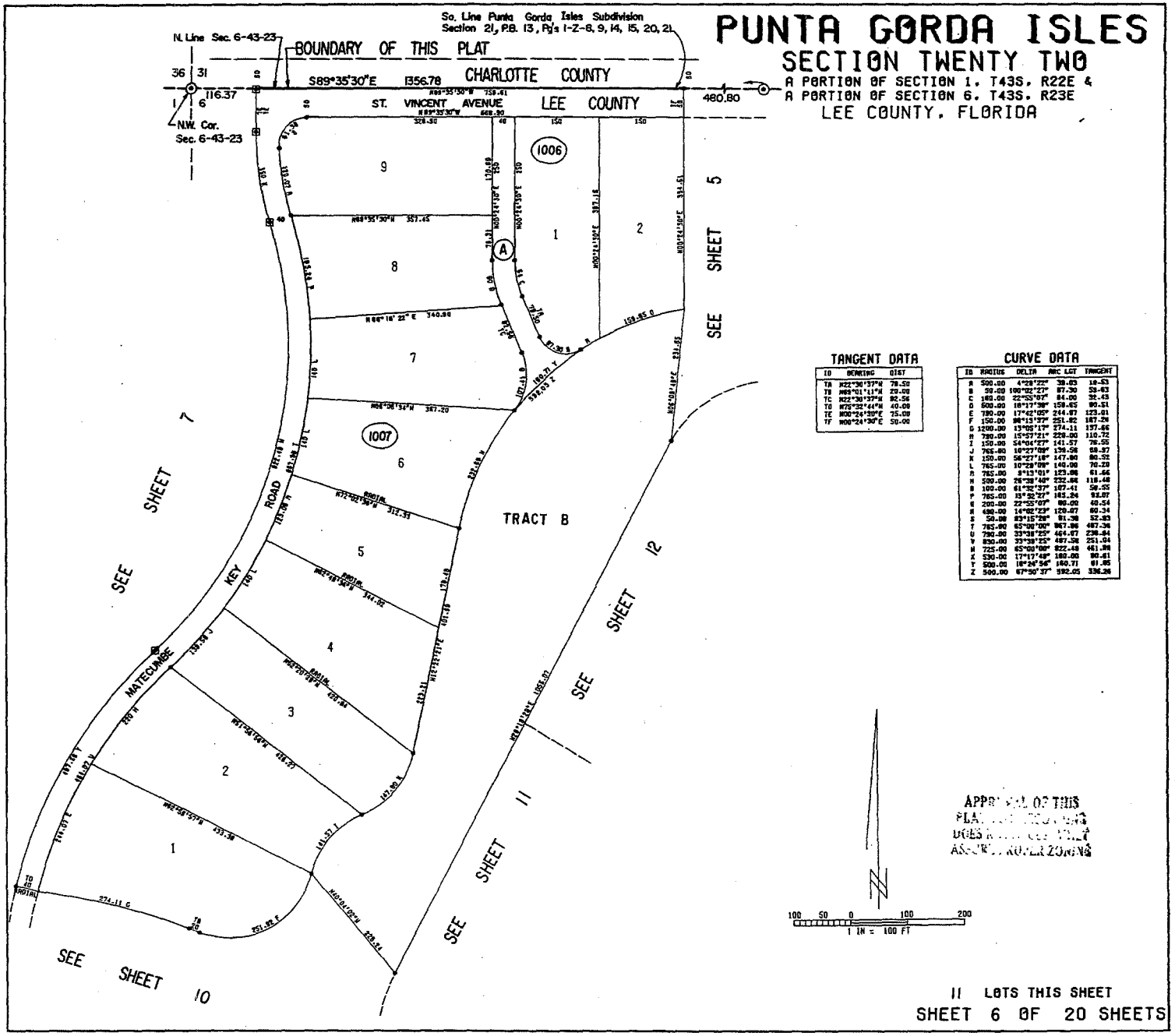
APPROVAL OF THIS PLAT IS FOR RECORDING PURPOSES ONLY AND DOES NOT NECESSARILY ASSUME [illegible]

6 LOTS THIS SHEET

SHEET 5 OF 20 SHEETS

PUNTA GORDA ISLES
SECTION TWENTY TWO

A PORTION OF SECTION 1, T43S, R22E &
A PORTION OF SECTION 6, T43S, R23E
LEE COUNTY, FLORIDA



TANGENT DATA

ID	BEARING	DIST
TA	N22°36'57"W	79.50
TB	N83°01'11"W	20.00
TC	N22°36'57"W	82.56
TD	N75°23'44"W	40.00
TE	N00°24'30"E	75.00
TF	N00°24'30"E	50.00

CURVE DATA

ID	RADIUS	DELTA	ARC LGT	TANGENT
A	500.00	4°28'22"	39.03	19.53
B	50.00	100°02'23"	87.30	59.63
C	160.00	22°55'07"	64.00	32.43
D	600.00	18°17'38"	159.65	80.51
E	780.00	17°42'05"	244.97	123.91
F	150.00	96°13'37"	251.82	167.26
G	1200.00	13°05'17"	274.11	137.66
H	780.00	15°37'21"	228.80	115.72
I	150.00	54°04'27"	141.57	76.55
J	765.00	10°27'09"	139.58	69.97
K	150.00	56°27'19"	147.80	80.52
L	765.00	10°28'09"	140.00	70.20
M	765.00	9°13'01"	123.08	61.66
N	500.00	26°32'49"	232.66	118.48
O	100.00	61°02'37"	107.41	59.55
P	765.00	13°52'57"	185.24	93.07
Q	200.00	22°52'07"	80.00	40.54
R	490.00	14°02'23"	120.07	60.34
S	50.00	83°15'28"	81.38	52.83
T	765.00	65°00'00"	867.86	487.34
U	780.00	33°38'25"	458.07	236.64
V	830.00	33°38'25"	487.58	251.94
W	725.00	65°00'00"	822.48	461.98
X	530.00	17°17'48"	160.00	80.61
Y	500.00	18°26'56"	160.71	81.05
Z	500.00	67°50'37"	592.05	336.26

APPROVAL OF THIS PLAT [illegible] DOES [illegible] ASSESSMENT ROLL ZONING

11 LOTS THIS SHEET

SHEET 6 OF 20 SHEETS

PUNTA GORDA ISLES
SECTION TWENTY TWO
A PORTION OF SECTION 1, T43S, R22E &
A PORTION OF SECTION 6, T43S, R23E
LEE COUNTY, FLORIDA

CURVE DATA

ID	RADIUS	DELTA	ARC LGT	TANGENT
A	870.00	13°18'17"	200.00	100.44
B	100.00	71°38'07"	125.06	72.19
C	600.00	18°27'19"	283.73	142.98
D	870.00	9°52'43"	150.00	75.19
E	600.00	19°02'16"	200.00	100.19
F	870.00	10°36'25"	161.06	80.76
G	600.00	22°57'31"	240.48	121.88
H	685.00	23°10'45"	277.11	140.47
I	50.00	50°29'34"	44.06	23.58
J	50.00	83°20'27"	72.73	44.50
K	600.00	3°25'11"	35.78	17.90
L	685.00	20°54'38"	250.00	126.41
M	600.00	14°33'23"	152.43	76.63
N	600.00	14°17'31"	149.66	75.22
O	570.00	14°58'09"	149.00	74.87
P	100.00	58°58'43"	102.94	56.53
Q	50.00	87°41'21"	76.52	48.02
R	100.00	55°29'59"	96.86	52.61
S	600.00	13°41'16"	143.34	72.01
T	600.00	17°35'42"	184.17	92.81
U	600.00	17°21'49"	181.81	91.63
V	600.00	7°42'54"	73.81	36.95
W	100.00	42°27'28"	74.10	38.84
X	100.00	52°55'07"	92.36	49.77
Y	50.00	87°11'25"	76.09	47.61
Z	460.00	24°11'23"	194.21	98.57
AA	100.00	85°22'41"	149.19	92.40
AB	810.00	8°26'19"	119.28	59.75
AC	810.00	16°21'19"	231.20	116.39
AD	100.00	64°12'01"	112.05	62.73
AE	600.00	6°52'52"	72.06	36.07
AF	810.00	15°33'43"	220.00	110.66
AG	600.00	10°06'03"	105.78	53.03
AH	810.00	14°38'38"	200.88	100.51
AI	600.00	12°14'47"	128.24	64.37
AJ	810.00	10°36'37"	150.00	75.22
AK	600.00	6°48'21"	69.87	34.98
AL	200.00	42°48'00"	149.34	78.12
AM	850.00	22°10'58"	329.09	166.65
AN	850.00	47°11'00"	700.00	371.22
AO	420.00	27°00'00"	197.92	100.83
AP	810.00	69°22'04"	980.88	580.53
AQ	530.00	17°17'49"	160.00	80.61
AR	725.00	63°00'00"	822.48	461.98
AS	850.00	33°38'53"	447.56	231.04
AT	870.00	33°38'53"	511.06	263.14
AU	685.00	65°00'00"	777.11	436.58
AV	810.00	4°15'59"	60.18	30.10
AW	100.00	95°22'27"	166.48	109.85
AX	600.00	33°41'00"	393.12	216.91
AY	100.00	114°28'33"	199.98	169.40
AZ	600.00	34°18'00"	358.85	184.87
BA	600.00	62°17'23"	652.30	362.58
BB	600.00	35°54'02"	375.95	194.36

TANGENT DATA

ID	BEARING	DIST
TA	N41°57'34"W	93.55
TB	N48°02'26"E	49.00
TC	N00°24'30"E	75.00
TD	N00°24'30"E	75.00
TE	N75°32'44"W	49.00

BOUNDARY OF THIS PLAT — So. Line Punta Gorda Isles Subdivision Section 21, P.B. 13, Pg's. 1-2-8, 9, 14, 15, 20, 21 — N.E. Cor. Sec. 1-43-22

No. Line Sec. 1-43-22 — S89°35'30"E 1698.98 — CHARLOTTE COUNTY — S89°35'30"E 1356.78 — 1240.41

405.35 — ST. VINCENT AVENUE — LEE COUNTY — 116.37

Petition to Vacate
Petition No:98-08-101.01R
Description:Easement; See CCMB
Date of Approval:11/10/98
Resolution No:98-11-24
CCMB:1998R Page:657
Recorded on:11/25/98 OR Book:3041 Page:3161-3164

SUGARLOAF KEY ROAD — MATECUMBE KEY ROAD

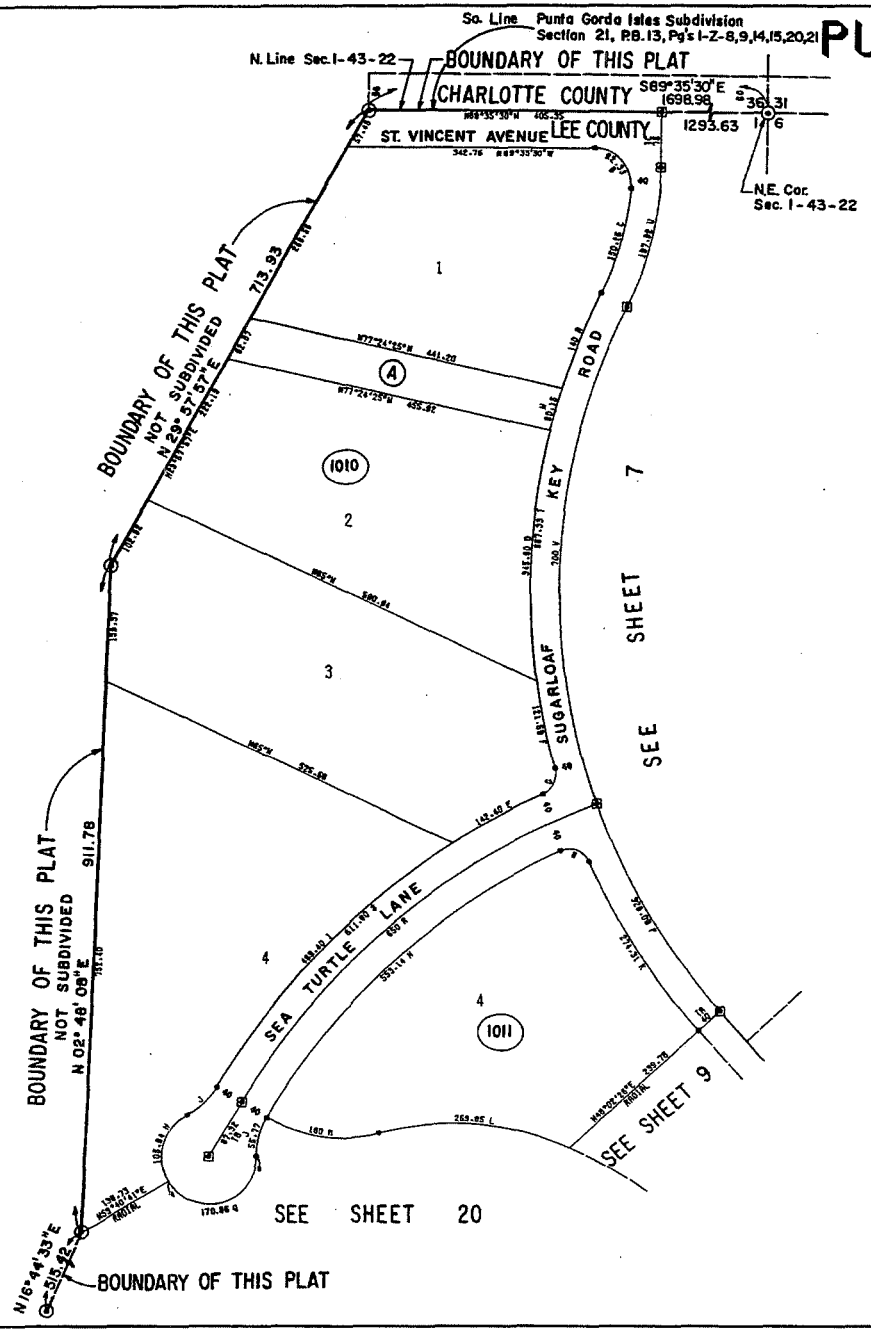
SEE SHEET 8 — SEE SHEET 9 — SEE SHEET 6

100 50 0 100 200
1 IN = 100 FT

17 LOTS THIS SHEET
SHEET 7 OF 20 SHEETS

PUNTA GORDA ISLES
SECTION TWENTY TWO

A PORTION OF SECTION 1, T43S, R22E &
A PORTION OF SECTION 6, T43S, R23E
LEE COUNTY, FLORIDA

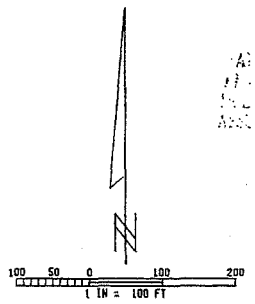


TANGENT DATA

ID	BEARING	DIST
TA	N48°02'26"E	49.00
TB	N31°01'16"E	87.32
TC	N00°24'30"E	75.00

CURVE DATA

ID	RADIUS	DELTA	ARC LGT	TANGENT
A	680.00	5°00'46"	140.00	70.14
B	50.00	94°20'41"	82.33	53.84
C	380.00	22°38'19"	150.26	76.12
D	850.00	22°14'58"	345.60	175.01
E	550.00	8°14'28"	142.40	71.32
F	850.00	7°45'36"	121.58	60.88
G	30.00	81°58'03"	42.93	25.07
H	65.00	93°17'46"	105.84	68.65
I	580.00	27°08'39"	488.40	238.20
J	100.00	31°57'15"	55.77	28.63
K	850.00	17°39'33"	274.31	138.25
L	400.00	38°38'13"	268.85	140.28
M	200.00	45°50'13"	160.00	84.56
N	310.00	34°48'38"	353.14	185.41
O	30.00	88°51'05"	47.05	29.82
P	650.00	22°10'33"	328.88	166.65
Q	65.00	150°36'35"	170.86	247.65
R	850.00	38°12'09"	850.00	338.30
S	980.00	35°24'28"	611.80	316.62
T	980.00	49°17'29"	867.33	350.23
U	420.00	27°00'00"	197.92	100.83
V	850.00	47°11'05"	700.00	371.22
W	980.00	3°52'20"	66.15	33.08



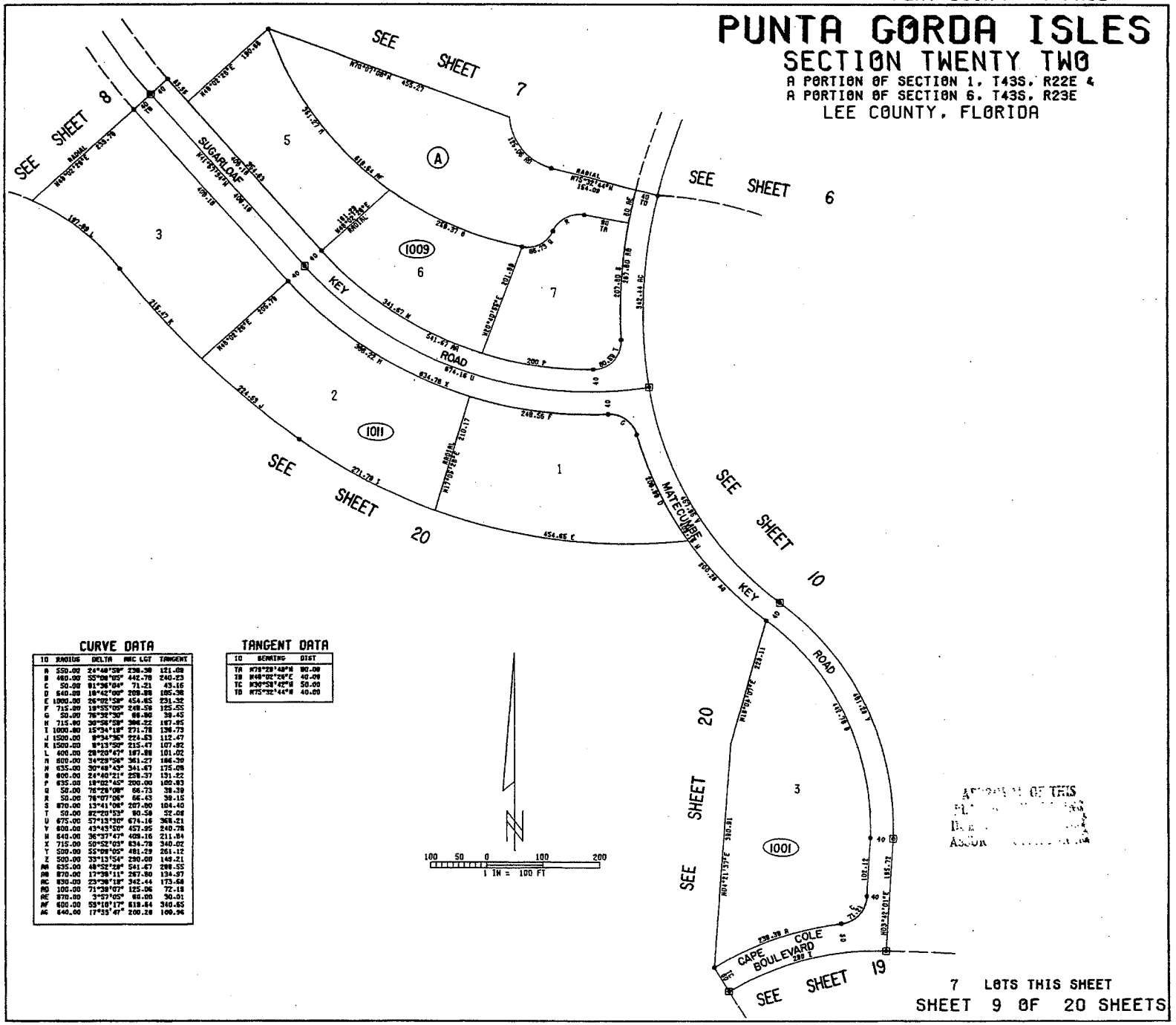
5 LOTS THIS SHEET

SHEET 8 OF 20 SHEETS

PUNTA GORDA ISLES

SECTION TWENTY TWO

A PORTION OF SECTION 1, T43S, R22E &
A PORTION OF SECTION 6, T43S, R23E
LEE COUNTY, FLORIDA



CURVE DATA

ID	RADIUS	DELTA	ARC LGT	TANGENT
A	550.00	24°48'58"	238.30	121.09
B	460.00	55°08'03"	442.78	240.23
C	50.00	81°36'04"	71.21	43.16
D	640.00	18°42'00"	208.88	105.38
E	1000.00	26°02'58"	454.65	231.32
F	715.00	19°55'03"	248.58	125.55
G	50.00	76°24'34"	66.66	39.45
H	715.00	30°36'58"	306.82	157.95
I	1000.00	15°34'18"	271.78	136.73
J	1500.00	8°34'36"	224.53	112.47
K	1500.00	8°13'50"	215.47	107.92
L	400.00	28°28'47"	197.98	101.02
M	600.00	34°28'58"	361.27	186.30
N	635.00	30°48'45"	341.67	175.08
O	600.00	24°40'21"	258.37	131.22
P	635.00	18°02'45"	200.00	100.83
Q	50.00	76°28'08"	66.73	39.58
R	50.00	76°27'06"	66.63	39.15
S	870.00	13°41'06"	207.80	104.40
T	50.00	82°20'53"	80.58	52.08
U	675.00	57°13'30"	674.16	368.21
V	600.00	43°43'50"	457.95	240.78
W	640.00	36°37'47"	409.16	211.84
X	715.00	50°52'03"	634.78	340.02
Y	500.00	55°09'05"	481.29	261.12
Z	500.00	33°13'54"	290.00	148.21
AA	635.00	49°52'28"	541.67	288.55
AB	870.00	17°38'11"	267.80	134.97
AC	850.00	23°28'18"	342.44	173.68
AD	100.00	71°38'07"	125.06	72.18
AE	870.00	3°57'05"	60.00	30.01
AF	600.00	59°18'17"	619.84	340.65
AG	640.00	17°55'47"	200.28	100.96

TANGENT DATA

ID	BEARING	DIST
TA	N78°29'48"W	90.00
TB	N48°02'26"E	40.00
TC	N30°58'42"W	50.00
TD	N75°32'44"W	40.00

7 LOTS THIS SHEET

PUNTA GORDA ISLES
SECTION TWENTY TWO

A PORTION OF SECTION 1. T43S. R22E &
A PORTION OF SECTION 6. T43S. R23E
LEE COUNTY. FLORIDA

CURVE DATA

ID	RADIUS	DELTA	ARC LGT	TANGENT
A	200.00	14°19'28"	50.00	25.13
B	30.00	81°27'08"	79.82	51.98
C	540.00	22°16'54"	210.00	106.34
D	540.00	15°54'58"	150.00	75.48
E	540.00	16°53'13"	159.79	80.46
F	560.00	23°16'04"	227.42	115.20
G	200.00	31°36'03"	110.31	56.60
H	580.00	20°27'48"	200.00	101.08
I	400.00	17°00'51"	118.71	60.01
J	780.00	19°41'14"	271.45	137.08
K	400.00	51°31'51"	358.75	193.07
L	1250.00	8°08'15"	197.15	98.79
M	200.00	43°51'13"	153.08	80.51
N	1250.00	7°42'23"	168.13	84.16
O	200.00	5°43'48"	20.00	10.01
P	1250.00	11°00'03"	240.00	120.37
Q	1250.00	9°10'06"	200.00	100.21
R	200.00	20°03'15"	70.00	35.38
S	580.00	69°09'09"	491.29	281.12
T	600.00	43°43'50"	457.95	240.78
U	830.00	23°38'19"	342.44	173.69
V	780.00	23°38'19"	321.81	163.32
W	350.00	43°43'50"	267.42	224.73
X	540.00	55°08'05"	519.79	282.81
Y	1250.00	38°54'41"	805.28	417.17
Z	1300.00	17°54'29"	406.32	204.83
AA	1300.00	19°08'15"	434.17	219.52
AB	400.00	29°08'31"	203.44	103.98
AC	790.00	3°57'09"	54.48	27.25
AD	1200.00	13°05'17"	274.11	137.88
AE	150.00	98°13'37"	251.82	167.26
AF	900.00	23°19'29"	365.83	223.31
AG	200.00	82°48'23"	323.89	210.04
AH	200.00	49°36'01"	173.06	92.36
AI	400.00	39°32'11"	276.02	143.78
AJ	200.00	82°48'23"	82.52	41.96
AK	280.00	58°04'04"	282.52	118.98

TANGENT DATA

ID	BEARING	DIST
TA	N79°25'40"W	53.29
TB	N15°36'44"W	40.00
TC	N34°40'30"W	50.00
TD	N69°01'11"W	20.00

SEE SHEET 6

SEE SHEET 9

SEE SHEET 20

SEE SHEET 9

SEE SHEET 19

SEE SHEET 11

SEE SHEET 11

TRACT B

TRACT B

MATECUMBE KEY ROAD

CAPE COLE BOULEVARD

1002

1003

A

APPROVAL OF THIS PLAT [illegible]

11 LOTS THIS SHEET

SHEET 10 OF 20 SHEETS

PUNTA GORDA ISLES

SECTION TWENTY TWO

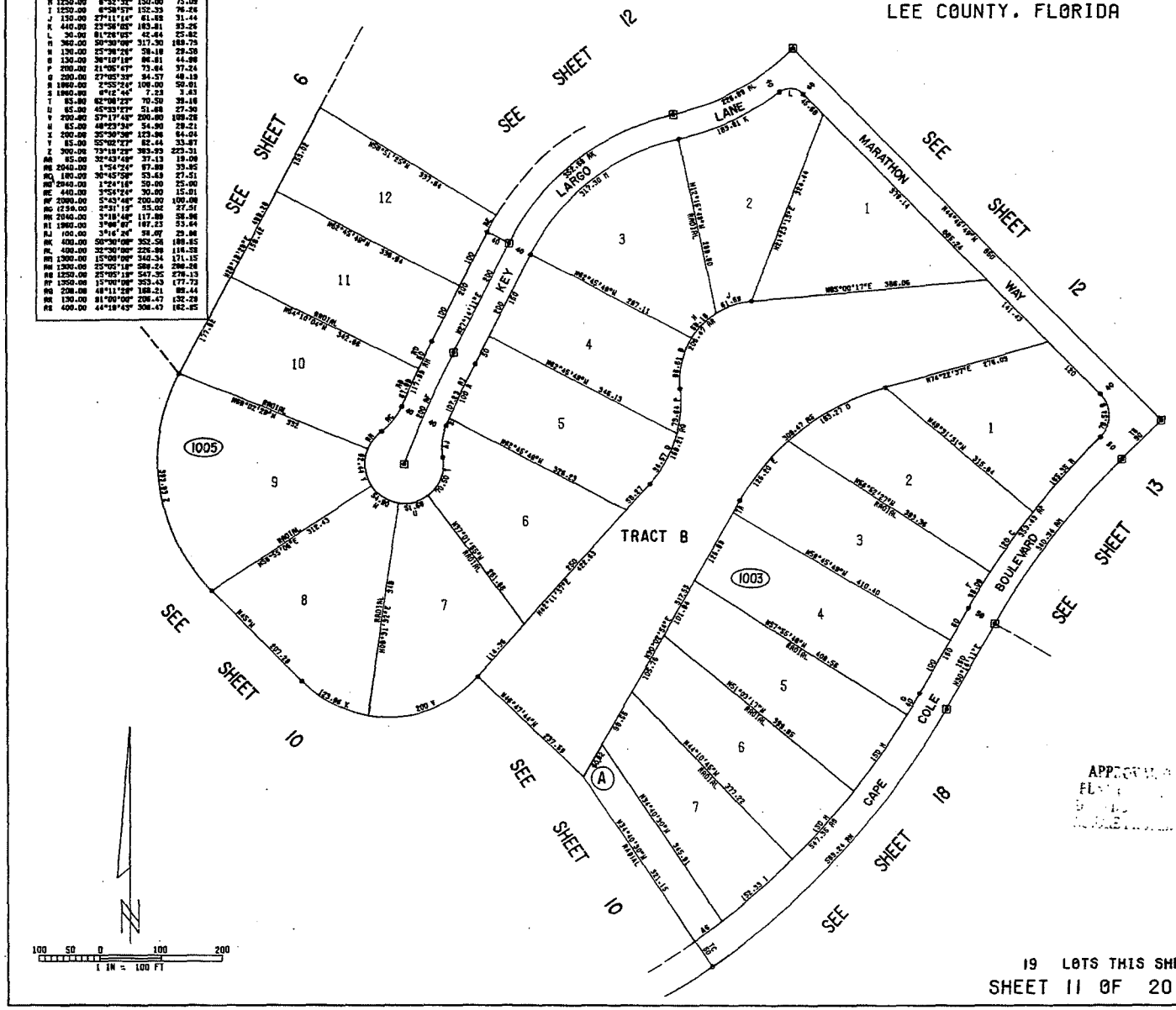
A PORTION OF SECTION 1, T43S, R22E &
A PORTION OF SECTION 6, T43S, R23E
LEE COUNTY, FLORIDA

CURVE DATA

ID	RADIUS	DELTA	ARC LGT	TANGENT
A	1350.00	7°01'04"	165.36	82.78
B	50.00	90°00'00"	78.54	50.00
C	1350.00	5°05'35"	120.00	60.04
D	400.00	28°15'04"	197.27	83.27
E	400.00	18°04'38"	126.20	63.63
F	1350.00	2°53'22"	68.08	34.05
G	1250.00	1°50'09"	40.00	20.00
H	1250.00	6°32'38"	150.00	75.09
I	1250.00	6°58'57"	152.35	76.26
J	130.00	27°11'11"	61.69	31.44
K	440.00	23°58'05"	183.81	93.26
L	30.00	81°26'05"	42.64	25.62
M	360.00	30°30'00"	317.30	189.75
N	130.00	25°36'26"	58.10	29.58
O	130.00	38°10'15"	86.61	44.98
P	200.00	21°05'47"	73.64	37.24
Q	200.00	27°05'39"	94.57	48.19
R	1960.00	2°55'26"	100.00	50.01
S	1960.00	0°12'45"	7.28	3.63
T	65.00	62°08'23"	70.50	39.18
U	65.00	45°33'57"	51.68	27.36
V	200.00	57°17'46"	200.00	109.28
W	65.00	48°23'30"	54.90	28.21
X	200.00	35°30'38"	123.96	64.04
Y	65.00	55°08'27"	62.44	33.97
Z	300.00	73°18'28"	383.59	223.31
AA	65.00	32°43'48"	37.13	19.00
AB	2940.00	1°54'24"	97.88	39.95
AC	180.00	30°45'58"	57.68	27.51
AD	2940.00	1°24'18"	50.00	25.00
AE	440.00	3°54'24"	30.00	15.01
AF	2080.00	5°45'46"	200.00	100.08
AG	1250.00	2°31'13"	55.02	27.51
AH	2940.00	3°18'46"	117.89	58.96
AI	1960.00	3°06'07"	107.23	53.64
AJ	100.00	3°16'24"	59.87	29.98
AK	400.00	50°30'00"	352.56	188.85
AL	400.00	32°30'00"	226.98	116.58
AM	1300.00	15°00'00"	340.34	171.15
AN	1300.00	25°05'18"	569.24	290.28
AO	1250.00	25°05'18"	547.35	278.13
AP	1350.00	15°00'00"	353.43	177.72
AQ	208.00	48°11'28"	188.21	99.44
AR	130.00	81°00'00"	208.47	132.29
AS	400.00	44°18'45"	308.47	162.85

TANGENT DATA

ID	BEARING	DIST
TA	N39°02'54"E	23.68
TB	S45°14'11"E	90.00
TC	N34°40'30"W	50.00



APPROVALS THIS PLAT [illegible]

19 LOTS THIS SHEET

SHEET 11 OF 20 SHEETS

PUNTA GORDA ISLES

SECTION TWENTY TWO

A PORTION OF SECTION 1, T43S, R22E &
A PORTION OF SECTION 6, T43S, R23E
LEE COUNTY, FLORIDA

CURVE DATA

ID	RADIUS	DELTA	ARC LGT	TANGENT
A	2050.00	1°57'28"	70.06	35.03
B	50.00	90°00'00"	78.54	50.00
C	300.00	27°58'00"	243.78	124.36
D	2050.00	6°58'14"	250.00	125.16
E	300.00	28°33'22"	149.52	76.35
F	2050.00	11°10'47"	400.00	200.64
G	100.00	67°15'11"	117.36	66.51
H	440.00	15°37'34"	120.00	60.27
I	440.00	22°18'07"	171.01	86.40
J	30.00	83°13'16"	43.57	26.64
K	1960.00	5°31'16"	188.87	94.51
L	60.00	57°37'17"	60.34	33.00
M	100.00	29°37'36"	52.68	26.81
N	60.00	88°58'03"	94.21	59.87
O	200.00	83°20'08"	290.89	177.99
P	60.00	90°16'58"	94.54	60.30
Q	2040.00	3°20'18"	118.78	59.41
R	100.00	27°54'02"	48.70	24.86
S	2040.00	2°07'17"	75.53	37.77
T	360.00	20°30'59"	129.88	65.13
U	30.00	98°51'13"	52.28	35.88
V	2040.00	8°06'18"	324.10	162.38
W	100.00	53°18'29"	93.04	50.18
X	2040.00	5°58'26"	211.51	105.85
Y	100.00	68°58'08"	118.58	65.73
Z	60.00	68°26'08"	71.84	40.83
AA	50.00	97°08'02"	84.77	56.65
AB	150.00	40°50'42"	106.93	55.85
AC	60.00	76°51'24"	80.48	47.80
AD	100.00	120°24'18"	210.15	174.63
AE	60.00	82°24'45"	86.77	52.58
AF	100.00	82°46'38"	144.47	88.12
AG	300.00	16°18'42"	85.41	42.99
AH	1960.00	0°27'17"	15.55	7.78
AI	1960.00	9°35'09"	327.47	164.32
AJ	300.00	32°00'32"	167.60	86.05
AK	1960.00	2°48'11"	96.75	47.38
AL	30.00	82°34'49"	48.21	31.11
AM	2050.00	20°07'29"	720.05	363.77

CURVE DATA

ID	RADIUS	DELTA	ARC LGT	TANGENT
AN	2100.00	20°07'29"	737.61	372.64
AO	440.00	41°48'05"	321.01	168.09
AP	2000.00	9°44'25"	340.00	170.41
AQ	400.00	50°30'00"	352.58	188.65
AR	2040.00	5°27'27"	194.32	97.23
AS	2040.00	15°02'36"	535.61	269.36
AT	2000.00	17°11'19"	600.00	302.27
AU	400.00	32°30'00"	226.89	116.58
AV	1960.00	12°48'32"	438.18	220.00
AW	300.00	48°19'14"	253.01	134.58
AX	440.00	3°54'24"	30.00	15.01

TANGENT DATA

ID	BEARING	DIST
TA	N28°25'54"E	70.00
TB	N34°38'16"E	44.16
TC	N58°21'09"E	58.00
TD	N09°17'09"W	17.02
TE	N64°53'19"W	50.00
TF	N62°45'48"W	40.00

SEE SHEET 5

SEE SHEET 6

SEE SHEET 5

SEE SHEET 11

SEE SHEET 11

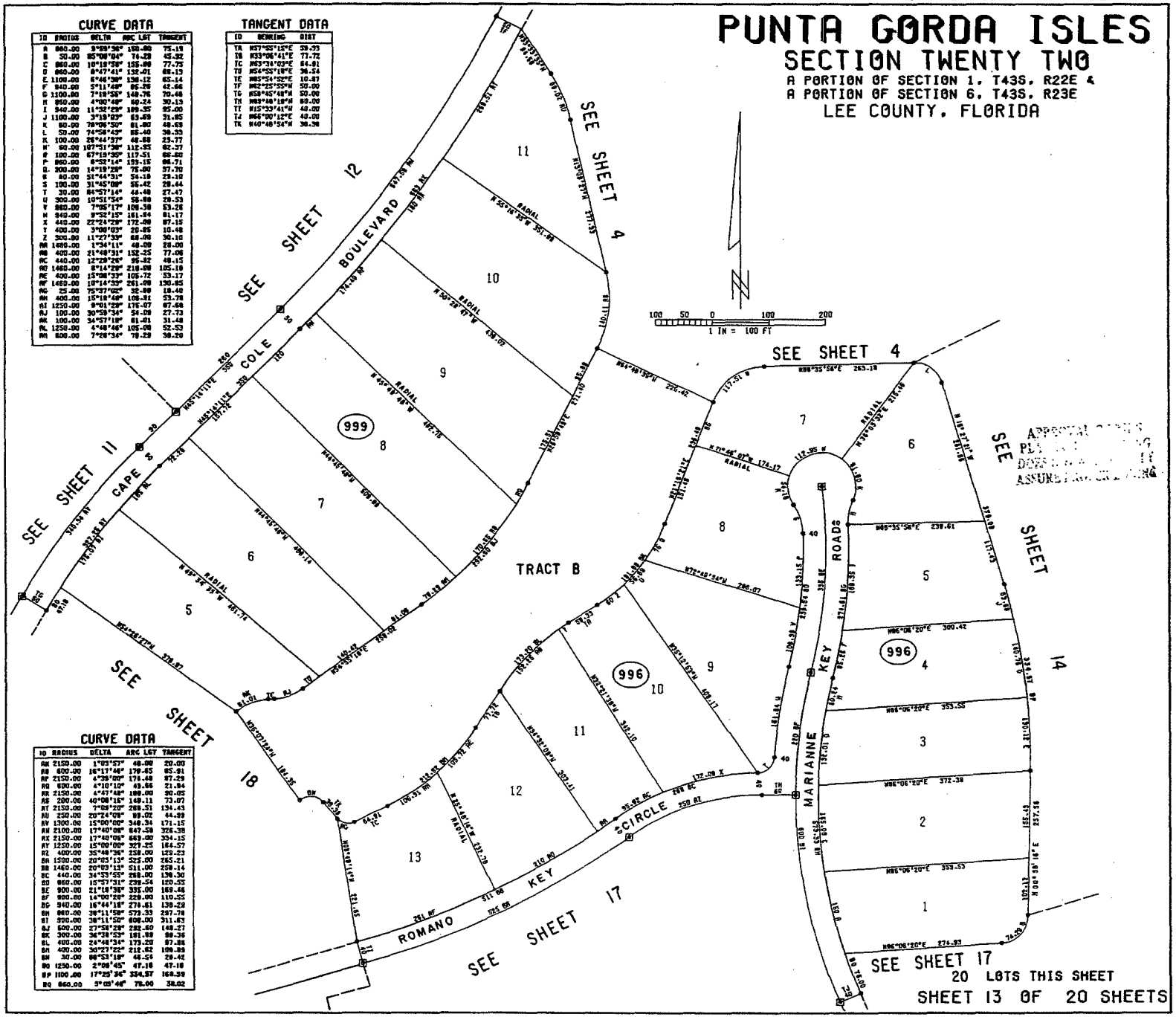
SEE SHEET 11

SEE SHEET 13

16 LOTS THIS SHEET

SHEET 12 OF 20 SHEETS

PUNTA GORDA ISLES
SECTION TWENTY TWO
A PORTION OF SECTION 1, T43S, R22E &
A PORTION OF SECTION 6, T43S, R23E
LEE COUNTY, FLORIDA



CURVE DATA

ID	RADIUS	DELTA	ARC LGT	TANGENT
A	960.00	9°09'39"	153.40	76.19
B	50.00	85°08'04"	74.28	45.92
C	960.00	10°19'38"	155.08	77.75
D	960.00	8°47'41"	132.01	66.13
E	1100.00	6°46'38"	130.12	65.14
F	940.00	5°11'46"	85.26	42.66
G	1100.00	7°19'50"	140.76	70.48
H	960.00	4°00'48"	60.24	30.13
I	940.00	11°32'29"	189.35	95.00
J	1100.00	3°19'03"	63.69	31.85
K	50.00	78°08'30"	81.82	48.69
L	50.00	74°56'45"	65.40	38.33
R	100.00	26°44'37"	46.68	23.77
N	50.00	107°51'36"	112.95	82.37
O	100.00	67°18'30"	117.51	66.80
P	960.00	6°52'14"	139.15	86.71
Q	300.00	14°18'28"	74.90	37.70
R	60.00	51°44'31"	54.18	29.19
S	100.00	31°45'08"	55.42	28.44
T	30.00	84°57'14"	44.48	27.47
U	300.00	10°51'54"	56.88	28.53
V	960.00	7°05'17"	106.38	53.26
W	940.00	9°52'15"	161.84	81.17
X	440.00	22°24'28"	172.08	87.15
Y	400.00	3°08'02"	20.85	10.48
Z	300.00	11°27'39"	60.00	30.10
AA	1460.00	1°34'11"	40.00	20.00
AB	400.00	21°40'31"	152.35	77.08
AC	440.00	12°28'28"	95.82	48.15
AD	1460.00	8°14'28"	210.08	105.18
AE	400.00	15°08'33"	105.72	53.17
AF	1460.00	10°14'33"	261.08	130.85
AG	25.00	75°37'02"	32.99	18.40
AH	400.00	15°18'48"	106.91	53.78
AI	1250.00	8°01'29"	175.07	87.68
AJ	100.00	30°58'34"	54.08	27.73
AK	100.00	34°57'19"	61.01	31.48
AL	1250.00	4°48'46"	105.08	52.53
AM	600.00	7°28'36"	78.29	39.20

TANGENT DATA

ID	BEARING	DIST
TA	N57°55'15"E	59.55
TB	N33°06'41"E	77.72
TC	N63°34'03"E	64.91
TD	N54°55'19"E	36.54
TE	N85°54'52"E	10.87
TF	N62°25'55"W	50.00
TG	N58°45'48"W	50.00
TH	N88°48'19"W	80.00
TI	N15°33'41"W	40.00
TJ	N66°00'12"E	40.00
TK	N40°48'54"W	38.38

CURVE DATA

ID	RADIUS	DELTA	ARC LGT	TANGENT
AK	2150.00	1°03'57"	40.00	20.00
AS	600.00	16°17'48"	170.65	85.91
AT	2150.00	4°35'00"	171.48	85.75
AQ	600.00	4°10'10"	43.66	21.84
AR	2150.00	4°47'48"	180.00	90.05
AS	200.00	40°08'15"	140.11	73.07
AT	2150.00	7°08'20"	268.51	134.43
AU	250.00	20°24'08"	89.02	44.99
AV	1300.00	15°00'00"	340.34	171.15
AW	2100.00	17°40'08"	647.58	326.38
AX	2150.00	17°40'08"	663.00	334.15
AY	1250.00	15°00'00"	327.25	164.57
AZ	400.00	35°48'36"	250.00	129.23
BA	1500.00	20°03'13"	525.00	265.21
BB	1460.00	20°03'13"	511.00	258.14
BC	460.00	34°53'55"	280.00	145.38
BD	960.00	15°37'31"	238.54	120.55
BE	900.00	21°19'38"	335.00	169.46
BF	900.00	14°00'20"	220.00	110.55
BG	940.00	16°44'18"	274.61	138.28
BH	960.00	38°11'58"	573.33	297.78
BI	900.00	38°11'58"	600.00	311.63
BJ	500.00	27°58'28"	282.80	148.21
BK	300.00	36°38'33"	191.88	99.36
BL	400.00	24°48'34"	173.28	87.88
BM	400.00	30°27'22"	212.62	108.88
BN	30.00	88°53'18"	46.54	29.42
BO	1250.00	2°08'45"	47.18	47.18
BP	1100.00	17°25'36"	334.57	168.39
BQ	860.00	5°01'46"	75.00	38.02

APPROVAL OF THIS PLAT DOES NOT ASSURE [illegible]

PUNTA GORDA ISLES

SECTION TWENTY TWO

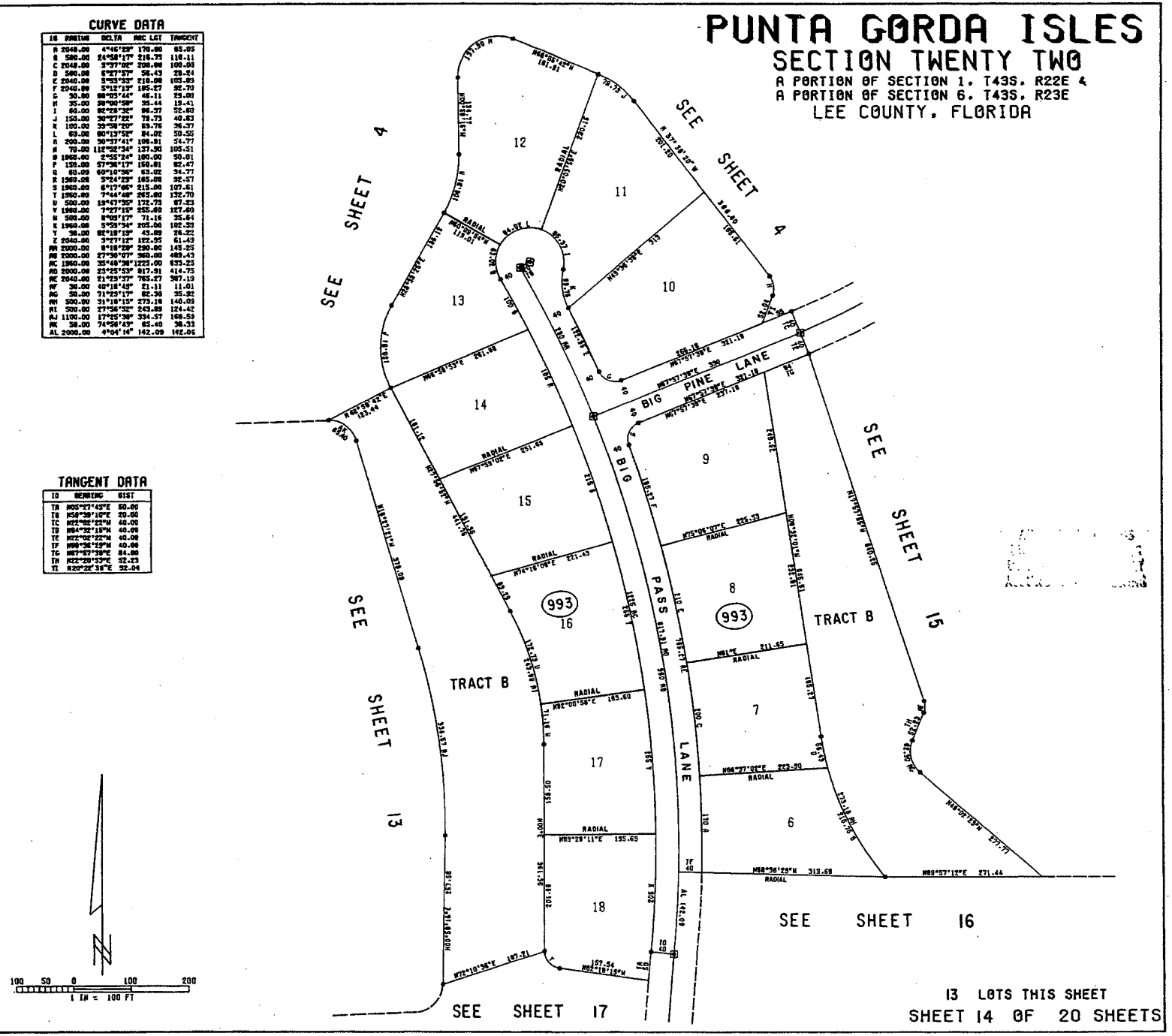
A PORTION OF SECTION 1, T43S, R22E &
A PORTION OF SECTION 6, T43S, R23E
LEE COUNTY, FLORIDA

CURVE DATA

ID	RADIUS	DELTA	ARC LGT	TANGENT
A	2040.00	4°46'29"	170.00	85.05
B	580.00	24°58'17"	216.75	110.11
C	2040.00	5°37'02"	200.00	100.00
D	580.00	9°27'37"	95.43	28.24
E	2040.00	5°33'33"	198.00	99.03
F	2040.00	5°12'13"	185.27	92.70
G	30.00	88°03'44"	46.11	29.08
H	35.00	30°00'39"	36.44	18.41
I	60.00	82°28'36"	86.37	52.80
J	150.00	30°27'22"	79.73	40.80
K	100.00	30°38'39"	53.76	26.37
L	60.00	80°13'52"	84.02	50.55
M	200.00	30°37'41"	106.91	54.77
N	70.00	112°02'34"	137.00	105.51
O	1960.00	2°55'24"	100.00	50.01
P	130.00	57°36'17"	150.01	82.47
Q	60.00	60°10'36"	63.02	34.77
R	1960.00	5°24'23"	185.00	92.57
S	1960.00	6°17'08"	215.00	107.61
T	1950.00	7°44'48"	265.00	132.70
U	500.00	19°47'35"	172.73	87.23
V	1960.00	7°27'15"	255.00	127.60
W	500.00	8°09'17"	71.16	35.64
X	1960.00	5°59'34"	205.06	102.53
Y	50.00	82°18'19"	43.06	26.22
Z	2040.00	3°27'11"	122.95	61.49
AA	2000.00	8°18'28"	290.00	145.25
AB	2000.00	27°36'07"	360.00	489.43
AC	1960.00	35°48'36"	1225.00	633.25
AD	2000.00	23°25'53"	817.91	414.75
AE	2040.00	21°29'37"	765.27	387.19
AF	30.00	40°18'46"	21.11	11.01
AG	60.00	71°23'17"	82.36	35.82
AH	500.00	31°18'15"	273.18	140.03
AI	500.00	27°56'32"	243.88	124.42
AJ	1190.00	17°25'38"	334.57	168.59
AK	30.00	74°58'43"	85.40	36.33
AL	2000.00	4°04'16"	142.09	142.06

TANGENT DATA

ID	BEARING	DIST
TA	N05°27'45"E	50.00
TB	N58°58'10"E	20.00
TC	N22°02'22"W	40.00
TD	N84°32'15"W	40.00
TE	N22°02'22"W	40.00
TF	N68°36'29"W	40.00
TG	N67°57'38"E	84.00
TH	N22°28'33"E	52.13
TI	N20°22'38"E	52.04



13 LOTS THIS SHEET

SHEET 14 OF 20 SHEETS

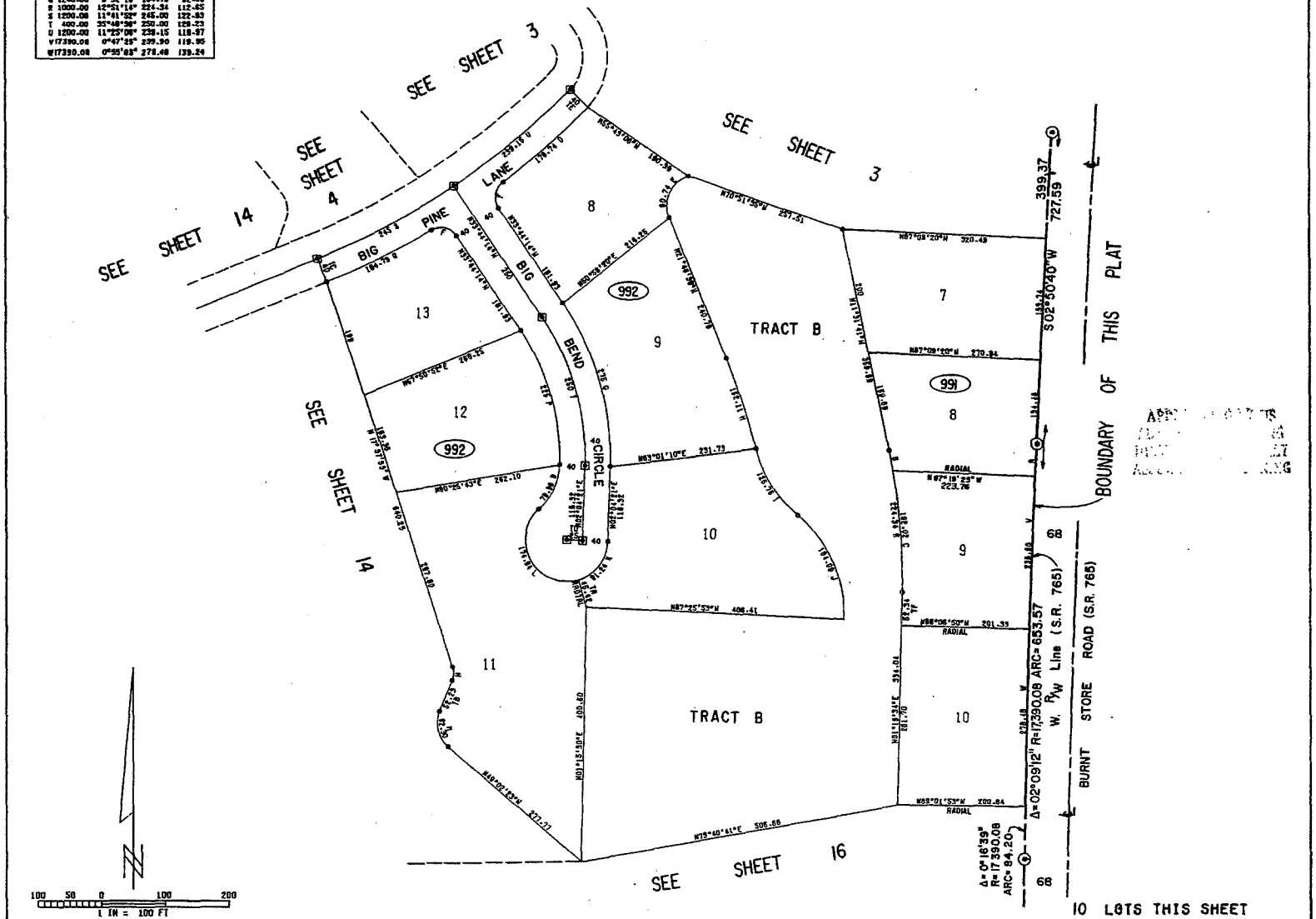
PUNTA GORDA ISLES
SECTION TWENTY TWO
A PORTION OF SECTION 1. T43S. R22E &
A PORTION OF SECTION 6. T43S. R23E
LEE COUNTY. FLORIDA

CURVE DATA

ID	RADIUS	DELTA	ARC LGT	TANGENT
A	17390.08	0°19'06"	59.36	29.43
B	1060.00	1°51'09"	32.33	16.17
C	1060.00	11°00'08"	182.02	91.30
D	1240.00	8°15'32"	178.74	89.52
E	50.00	82°31'29"	80.74	52.25
F	30.00	86°30'13"	45.47	28.28
G	440.00	35°48'36"	275.00	142.16
H	1100.00	7°55'22"	152.11	76.17
I	200.00	36°18'58"	126.76	65.59
J	200.00	52°44'19"	184.09	99.14
K	65.00	71°36'51"	81.24	46.89
L	65.00	154°12'08"	174.94	263.82
R	50.00	71°23'17"	62.30	35.82
N	30.00	40°18'48"	21.11	11.01
S	100.00	45°48'58"	79.96	42.26
P	360.00	35°48'36"	225.00	116.31
Q	1240.00	8°32'19"	184.79	92.56
M	1000.00	12°51'14"	224.34	112.65
S	1200.00	11°41'32"	245.00	122.83
T	400.00	35°48'36"	250.00	129.33
U	1200.00	11°25'08"	239.15	119.97
V	17390.08	0°47'25"	239.90	119.95
W	17390.08	0°55'03"	278.48	139.24

TANGENT DATA

ID	BEARING	DIST
TA	N16°18'48"W	46.42
TB	N22°20'15"E	52.53
TC	N22°12'22"W	40.08
TD	N87°58'39"W	25.08
TE	N45°09'21"W	40.00
TF	N01°19'34"E	52.34



10 LOTS THIS SHEET

SHEET 15 OF 20 SHEETS

PUNTA GORDA ISLES

SECTION TWENTY TWO

A PORTION OF SECTION 1. T43S. R22E &
A PORTION OF SECTION 6. T43S. R23E
LEE COUNTY. FLORIDA

CURVE DATA

ID	RADIUS	DELTA	ARC LGT	TANGENT
A	100.00	25°32'18"	46.80	23.78
B	200.00	48°47'13"	183.32	96.52
C	3000.00	3°02'58"	159.67	79.85
D	100.00	34°22'30"	60.00	30.92
E	3000.00	4°06'22"	215.00	107.53
F	50.00	89°28'39"	78.05	49.52
G	4840.00	1°54'43"	161.51	80.76
H	3000.00	4°12'08"	220.00	110.05
I	3960.00	1°24'52"	97.76	48.88
J	3540.00	2°09'54"	133.76	66.89
K	50.00	88°33'46"	77.28	48.75
L	440.00	9°45'39"	75.00	37.53
M	440.00	20°52'00"	160.24	81.02
N	2040.00	0°50'52"	30.17	15.09
O	100.00	43°59'19"	76.80	39.94
P	2040.00	3°13'14"	114.78	57.40
Q	100.00	42°43'40"	74.57	38.12
R	2960.00	3°17'28"	170.00	85.02
S	4840.00	0°51'14"	72.80	36.30
T	3960.00	3°16'36"	226.46	113.26
U	30.00	81°01'16"	47.66	30.54
V	100.00	28°57'18"	50.54	25.82
W	2960.00	5°33'13"	286.30	143.58
X	60.00	123°27'16"	129.26	111.56
Y	50.00	89°03'34"	78.58	50.05
Z	2960.00	2°30'38"	130.00	65.01
AA	80.00	114°27'20"	119.88	83.20
AB	400.00	29°38'23"	207.04	105.88
AC	100.00	72°03'00"	125.75	72.72
AD	100.00	41°08'23"	71.74	37.48
AE	400.00	10°44'36"	75.00	37.61
AF	3960.00	4°51'31"	336.16	168.18
AG	4780.00	2°53'30"	204.70	102.37
AH	50.00	90°36'44"	79.04	50.51
AI	4780.00	0°45'36"	63.11	31.56
AJ	4840.00	2°22'02"	166.51	83.27
AK	4040.00	3°11'40"	225.24	112.65
AL	4040.00	2°55'18"	205.98	103.01
AM	4040.00	2°47'44"	197.13	98.58
AN	4040.00	0°53'48"	63.24	31.62
AO	3460.00	1°53'41"	114.41	57.21
AP	3460.00	2°50'28"	171.43	85.73
AQ	2040.00	4°02'15"	144.00	72.00
AR	2960.00	4°34'27"	473.96	237.26
AS	4000.00	7°52'41"	550.00	275.43
AT	3500.00	3°36'09"	220.00	110.04
AU	2200.00	4°04'16"	142.09	71.07
AV	4000.00	4°17'58"	300.00	150.07
AW	4800.00	3°49'53"	320.97	160.55
AX	4780.00	3°13'37"	287.81	143.94
AY	4840.00	12°01'31"	858.50	430.47
AZ	3460.00	4°44'08"	285.84	143.00
BA	4840.00	3°14'42"	274.11	137.09
BB	100.00	61°14'59"	106.90	58.80
BC	3000.00	11°21'26"	594.67	298.31
BD	4840.00	0°28'23"	40.00	20.00
BE	2960.00	17°21'36"	906.80	284.48
BF	400.00	40°23'37"	282.04	147.17
BG	3560.00	0°54'45"	40.02	20.01
BH	440.00	40°23'37"	310.26	161.89
BI	100.00	83°01'36"	145.57	92.76
BJ	17390.00	0°16'38"	84.20	42.10

TANGENT DATA

ID	BEARING	DIST
TA	N 01°18'34"E	33.30
TB	N 81°29'01"W	40.00
TC	N 29°50'16"W	91.57
TD	N 85°11'09"E	47.06
TE	N 85°11'09"E	62.09
TF	N 44°38'23"W	80.80
TG	N 00°48'24"E	90.24
TH	N 84°42'23"E	78.54
TI	N 00°48'24"E	89.77
TJ	N 00°48'24"E	40.02
TK	N 79°35'34"E	40.86
TM	N 44°08'16"W	40.08

SEE SHEET 15

TRACT B

SEE SHEET 17

BIG PASS LANE

LITTLE PINE CIRCLE

ISLAMORADA ROAD

BURNT STORE ROAD (S.R. No. 765)

W. R/W Line S.R. No. 765

E. Line Sec. 6-43-23

BOUNDAR OF THIS PLAT

993 994 998 991

1 2 3 4 5 6 7 8 9 10 11 12 13 14

1041.96 S88°22'02"W 1365.20

S 88° 22'02"W 1122.24

S 88° 22'02"W 1661.38

1660

S88°22'02"W

SO. Line Sec. 6-43-23

BOUNDARY OF THIS PLAT

NOT SUBDIVIDED

S 88° 22'02"W 1660

SO. Line Sec. 6-43-23

S00° 41'28"W 1093.95

100 50 0 100 200
1 IN = 100 FT

22 LOTS THIS SHEET

SHEET 16 OF 20 SHEETS

PUNTA GORDA ISLES
SECTION TWENTY TWO
A PORTION OF SECTION 1, T43S, R22E &
A PORTION OF SECTION 6, T43S, R23E
LEE COUNTY, FLORIDA

CURVE DATA

ID	RADIUS	DELTA	ARC LGT	TANGENT
A	3540.00	2°45'55"	170.79	85.41
B	120.00	86°39'48"	77.29	48.76
C	3540.00	2°04'16"	128.00	64.01
D	340.00	13°38'24"	223.78	112.42
E	3540.00	1°21'53"	84.96	42.48
F	1540.00	8°02'11"	216.00	108.19
G	1540.00	7°22'00"	198.00	99.14
H	360.00	9°32'57"	60.00	30.07
I	1540.00	4°39'08"	125.00	62.53
J	340.00	17°43'55"	290.91	146.63
K	360.00	24°57'52"	156.86	79.69
L	30.00	87°58'10"	45.83	28.55
M	3540.00	1°57'30"	121.00	60.51
N	860.00	18°00'11"	270.22	136.23
O	3540.00	2°41'45"	166.63	83.33
P	3960.00	1°48'46"	100.80	50.00
Q	3540.00	1°37'07"	100.00	50.00
R	3960.00	3°28'52"	240.58	120.35
S	200.00	18°51'55"	38.87	19.65
T	3960.00	3°13'49"	200.00	100.05
U	3460.00	2°39'30"	160.53	80.28
V	3460.00	2°26'07"	147.06	73.54
W	3460.00	2°32'15"	153.05	66.52
X	3460.00	2°58'05"	171.18	85.61
Y	3460.00	2°58'25"	171.52	85.78
Z	3460.00	1°24'29"	81.01	40.51
AA	4040.00	1°26'24"	101.56	50.78
AB	4040.00	2°43'57"	191.88	95.96
AC	4040.00	2°50'46"	200.72	100.36
AD	4040.00	1°41'05"	118.74	59.38
AE	4000.00	8°41'22"	606.86	303.91
AF	3500.00	7°42'37"	471.00	235.86
AG	3500.00	3°43'26"	594.00	297.71
AH	3460.00	16°18'08"	984.47	495.58
AI	4040.00	8°41'22"	612.73	306.55

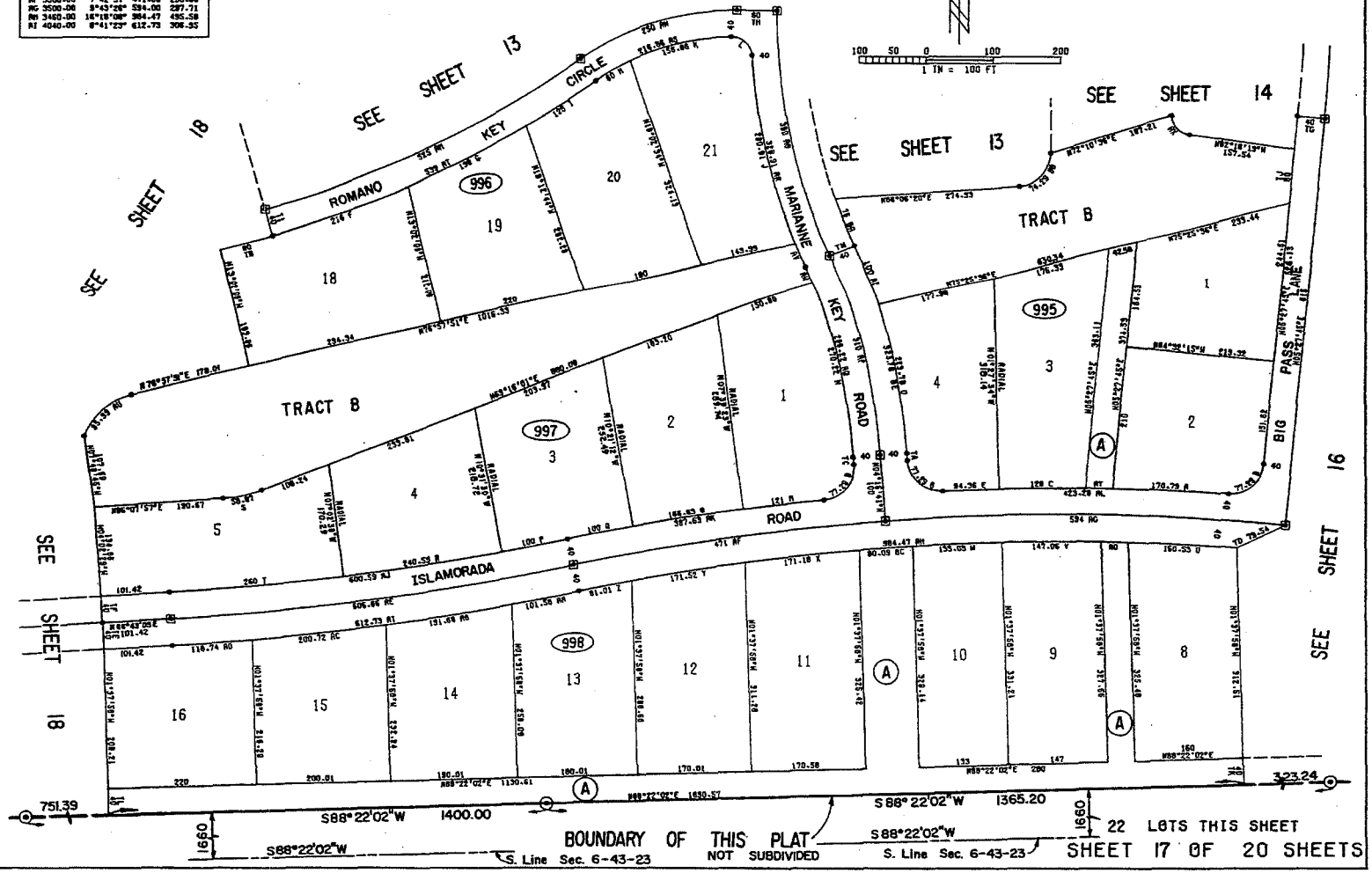
CURVE DATA

ID	RADIUS	DELTA	ARC LGT	TANGENT
AJ	3960.00	8°41'22"	600.39	300.87
AK	3540.00	6°18'26"	387.63	194.01
AL	3540.00	6°51'09"	423.28	211.88
AM	1500.00	20°03'13"	525.00	265.21
AN	400.00	35°46'56"	250.00	129.23
AO	300.00	24°11'30"	380.00	192.47
AP	900.00	19°44'07"	310.00	156.55
AQ	860.00	19°44'07"	296.22	149.59
AR	940.00	29°05'49"	329.51	166.16
AS	360.00	34°30'49"	216.86	111.65
AT	1540.00	20°03'13"	539.00	272.29
AU	100.00	53°00'00"	35.93	32.06
AV	940.00	2°18'58"	38.00	19.00
AW	860.00	1°43'56"	26.00	13.00
AX	30.00	82°18'19"	43.09	26.22
AY	3540.00	0°36'58"	40.13	20.06
AZ	940.00	6°05'49"	100.00	50.05
BA	860.00	5°03'48"	76.00	38.02
BB	50.00	85°08'04"	74.28	45.92
BC	3460.00	1°13'34"	80.09	40.05
BD	3460.00	0°35'46"	40.05	20.03
BE	940.00	19°44'07"	323.78	163.51

TANGENT DATA

ID	BEARING	DIST
TA	N04°15'41"W	11.13
TB	N74°26'19"E	80.00
TC	N04°15'41"W	11.13
TD	N64°42'25"E	79.54
TE	N03°16'53"W	40.00
TF	N03°16'53"W	40.00
TG	N64°32'15"W	40.00
TH	N68°48'18"W	60.00
TI	N15°39'41"W	40.00
TJ	N05°27'45"E	60.00
TK	N01°29'07"W	40.00
TL	N01°52'06"W	40.00
TM	N66°05'12"W	40.00

APPROVAL OF THIS PLAT [illegible]



22 LOTS THIS SHEET

SHEET 17 OF 20 SHEETS

PUNTA GORDA ISLES

SECTION TWENTY TWO

A PORTION OF SECTION 1. T43S. R22E &
A PORTION OF SECTION 6. T43S. R23E
LEE COUNTY, FLORIDA

CURVE DATA

ID	RADIUS	DELTA	ARC LGT	TANGENT
A	200.00	23°12'15"	81.00	41.06
B	760.00	14°20'48"	190.26	95.66
C	760.00	18°05'38"	240.00	121.01
D	760.00	36°15'01"	480.84	248.77
E	50.00	74°46'43"	65.26	38.21
F	1350.00	14°06'46"	332.54	167.12
G	50.00	46°50'40"	40.88	21.66
H	50.00	93°52'04"	81.92	53.48
I	840.00	4°11'46"	61.52	30.77
J	1350.00	8°22'28"	197.31	98.83
K	1350.00	7°51'06"	185.00	92.65
L	1350.00	6°21'58"	150.00	75.08
M	1250.00	2°09'41"	47.17	23.59
N	30.00	88°53'18"	46.54	29.42
O	65.00	108°56'58"	123.60	81.04
P	300.00	16°28'22"	85.56	43.07
Q	100.00	31°57'10"	55.77	28.63
R	65.00	82°07'45"	70.48	38.18
S	35.00	131°18'24"	80.22	77.96
T	100.00	55°09'09"	96.00	52.06
U	40.00	83°28'54"	65.17	42.41
V	65.00	72°48'36"	82.62	47.95
W	800.00	76°30'54"	1068.56	636.84
X	760.00	68°41'25"	911.14	518.31
Y	1300.00	42°58'48"	975.56	512.04
Z	1350.00	39°02'22"	918.85	478.58
AA	1350.00	2°20'03"	55.00	27.50

TANGENT DATA

ID	BEARING	DIST
TA	N04°08'54"E	78.49
TB	N40°48'54"W	38.38
TC	N23°21'48"W	82.67
TD	N03°16'55"W	40.00
TE	N03°16'55"W	40.00
TF	N83°16'55"W	40.00
TG	N53°45'48"W	50.00
TH	N15°33'41"W	40.00
TI	N15°33'41"W	40.00
TJ	N01°32'06"W	40.00
TK	N01°37'50"W	40.00

APPROVAL OF THIS PLAT [illegible]
DULY [illegible]
ASSURE [illegible]

SEE SHEET 11 — SEE SHEET 13 — SEE SHEET 10 — SEE SHEET 17 — SEE SHEET 19 — SEE SHEET 19 — SEE SHEET 17

BOULEVARD — COLE — CAPE — TRACT B — ROMANO KEY CIRCLE — ISLAMORADA — ROAD

999 — 998 — 997 — 996

1 2 3 4 6 7 8 9 10 14 15 16 17 18

100 50 0 100 200
1 IN = 100 FT

306.34 S88°22'02"W — 1400.00 BOUNDARY OF THIS PLAT — 648.61

NOT SUBDIVIDED — S. Line Sec. 6-43-23 — S88°22'02"W — S. Line Sec. 6-43-23

15 LOTS THIS SHEET

SHEET 18 OF 20 SHEETS

PUNTA GORDA ISLES
SECTION TWENTY TWO
A PORTION OF SECTION 1, T43S, R22E &
A PORTION OF SECTION 6, T43S, R23E
LEE COUNTY, FLORIDA

CURVE DATA

ID	RADIUS	DELTA	ARC LGT	TANGENT
A	840.00	12°53'34"	188.62	94.81
B	840.00	14°37'26"	214.40	107.78
C	840.00	12°43'45"	186.62	93.72
D	840.00	13°18'39"	194.93	97.76
E	840.00	12°30'38"	183.42	92.08
F	100.00	58°24'28"	88.45	53.63
G	1350.00	4°28'22"	105.35	52.15
H	50.00	89°14'33"	78.03	49.14
I	1300.00	11°11'51"	253.84	127.34
J	1260.00	6°10'08"	136.97	68.55
K	50.00	91°11'02"	79.57	51.04
L	1260.00	8°38'28"	218.62	109.59
M	840.00	8°47'28"	128.88	64.57
N	50.00	88°02'11"	76.83	48.32
O	840.00	12°18'19"	180.42	90.66
P	100.00	28°29'54"	49.72	25.55
Q	50.00	56°24'28"	49.22	26.81
R	60.00	109°48'43"	114.96	80.34
S	60.00	77°56'32"	81.62	48.64
T	60.00	49°36'35"	51.94	27.84
U	780.00	12°48'24"	161.99	81.22
V	150.00	32°08'28"	96.12	49.82
W	760.00	28°25'25"	377.05	192.48
X	840.00	8°48'45"	129.20	64.73
Y	1540.00	8°21'28"	215.66	108.00
Z	50.00	89°48'38"	78.54	49.98
AA	1540.00	8°53'54"	231.48	116.04
AB	450.00	20°17'38"	159.39	80.54
AC	50.00	101°28'18"	88.57	61.19
AD	800.00	14°28'49"	201.99	101.50
AE	800.00	32°13'46"	450.00	231.13
AF	760.00	40°33'49"	538.06	280.86
AG	1240.00	19°15'29"	450.38	227.32
AH	820.00	33°15'54"	280.00	143.21
AI	1300.00	24°14'28"	550.00	278.18
AJ	1260.00	19°01'29"	418.32	211.10
AK	840.00	21°08'41"	309.51	156.63
AL	1300.00	19°00'15"	431.18	217.58
AM	800.00	76°30'54"	1068.35	630.84

CURVE DATA

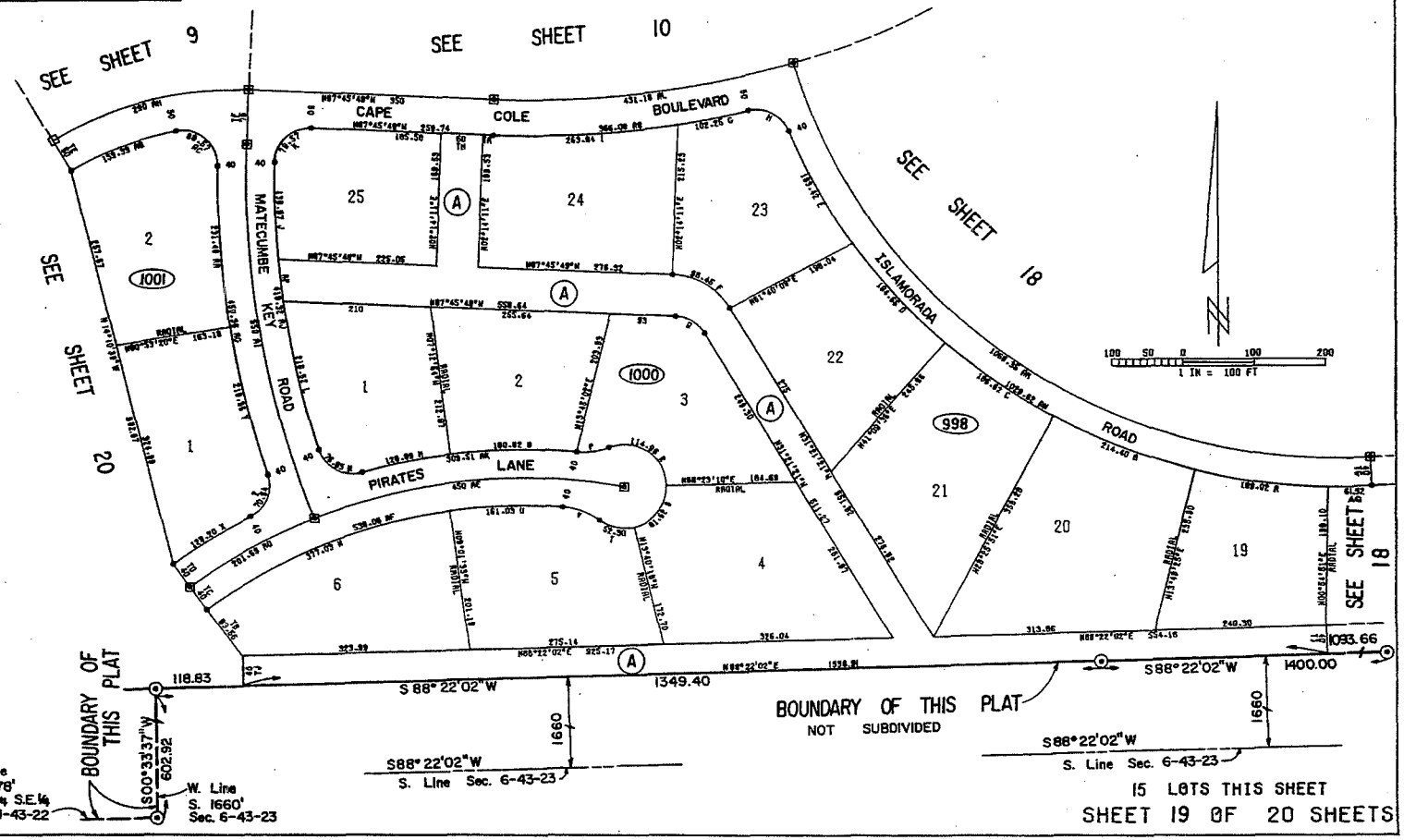
ID	RADIUS	DELTA	ARC LGT	TANGENT
AN	840.00	70°13'48"	1029.82	590.66
AO	1350.00	15°32'13"	366.08	184.17
AP	1260.00	2°45'42"	60.73	30.37
AQ	840.00	4°11'46"	61.52	30.77

TANGENT DATA

ID	BEARING	DIST
TA	N87°45'48"W	14.16
TB	N36°28'58"W	63.96
TC	N58°28'58"W	40.00
TD	N36°28'58"W	40.00
TE	N30°59'45"W	50.00
TF	N02°14'11"E	75.00
TG	N05°16'58"W	40.00
TH	N87°45'48"W	60.00
TI	N01°37'58"W	40.00
TJ	N01°37'58"W	40.00

Petition to Vacate
Petition No:78-12
Description:Vacation of portion of Pirates Ln
Date of Approval:78-12
CCMB:83 Page:68

APPROVED
PLAT
DOES
ASSURE



15 LOTS THIS SHEET

SHEET 19 OF 20 SHEETS

PUNTA GORDA ISLES

SECTION TWENTY TWO

A PORTION OF SECTION 1. T43S. R22E &
A PORTION OF SECTION 6. T43S. R23E
LEE COUNTY. FLORIDA

CURVE DATA

ID	RADIUS	DELTA	ARC LGT	TANGENT
A	65.00	158°36'34"	179.88	247.85
B	100.00	31°37'18"	55.17	28.43
C	200.00	45°50'15"	160.00	84.58
D	400.00	67°00'00"	467.75	264.73
E	1500.00	16°48'24"	440.00	221.53
F	1000.00	41°27'18"	722.43	380.00
G	640.00	17°53'47"	200.00	100.96

TANGENT DATA

ID	BEARING	DIST
T8	N59°48'41"E	130.73
T9	N30°48'41"E	80.00
T10	N59°48'41"E	80.00
T11	N34°19'19"E	40.00
T12	N30°48'41"E	40.00
T13	N34°19'19"E	40.00
T14	N34°19'19"E	85.58
T15	N01°37'19"E	40.00
T16	N88°22'02"E	116.83

SEE SHEET 8

N02°48'08"E 911.78

BASIS OF BEARINGS

180 C

467.75 T

SEE SHEET 9

728.43 T

200.28 C

SEE SHEET 9

390.91 N04°21'37"E

SEE SHEET 19

CHARLOTTE HARBOR

BOUNDARY OF THIS PLAT

NOT SUBDIVIDED

TRACT C

APPROVAL OF THIS PLAT FOR RECORDING DOES NOT IN ANY WAY ASSURE PROPER ZONING

T6-40 TH-N88.83

1230.57

S88°22'02"W 1349.40

N. Line S. 1660' Sec. 6-43-23

BOUNDARY OF THIS PLAT

NOT SUBDIVIDED

S00°33'37"W 602.92

W. Line S. 1660' Sec. 6-43-23

N88°35'58"W 1228.83

S. Line Gov't. Lot 4 Sec. 1-43-22

NOT SUBDIVIDED

N. Line S.E. ¼, S.E. ¼ Sec. 1-43-22

N88°35'58"W 1318.75

BOUNDARY OF THIS PLAT

S. Line N. 278' S.E. ¼, S.E. ¼ Sec. 1-43-22

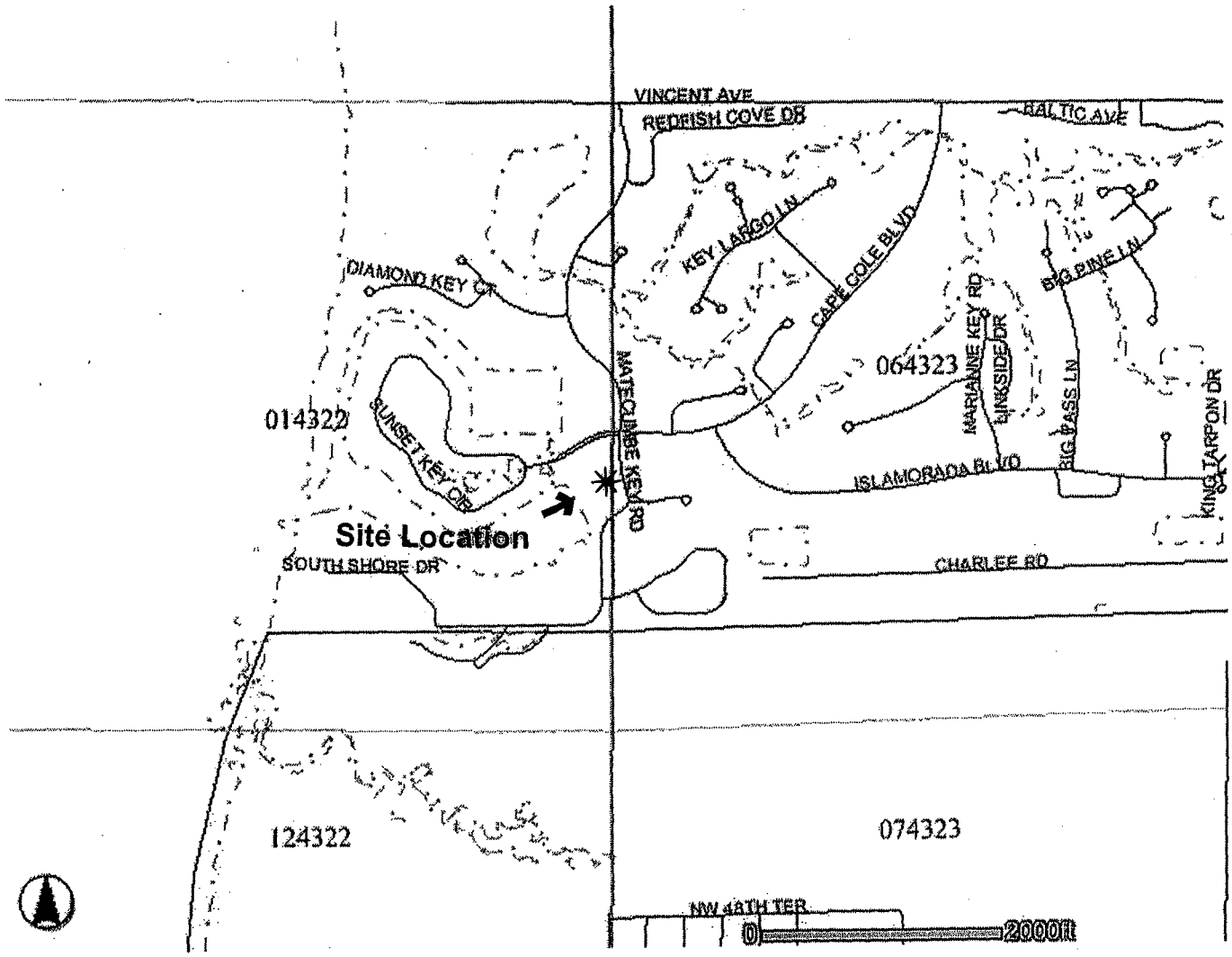
NOT SUBDIVIDED

200 100 0 200 400
1 IN = 200 FT

0 LOTS THIS SHEET

SHEET 20 OF 20 SHEETS

Area Location Map
EXHIBIT PH-3.F



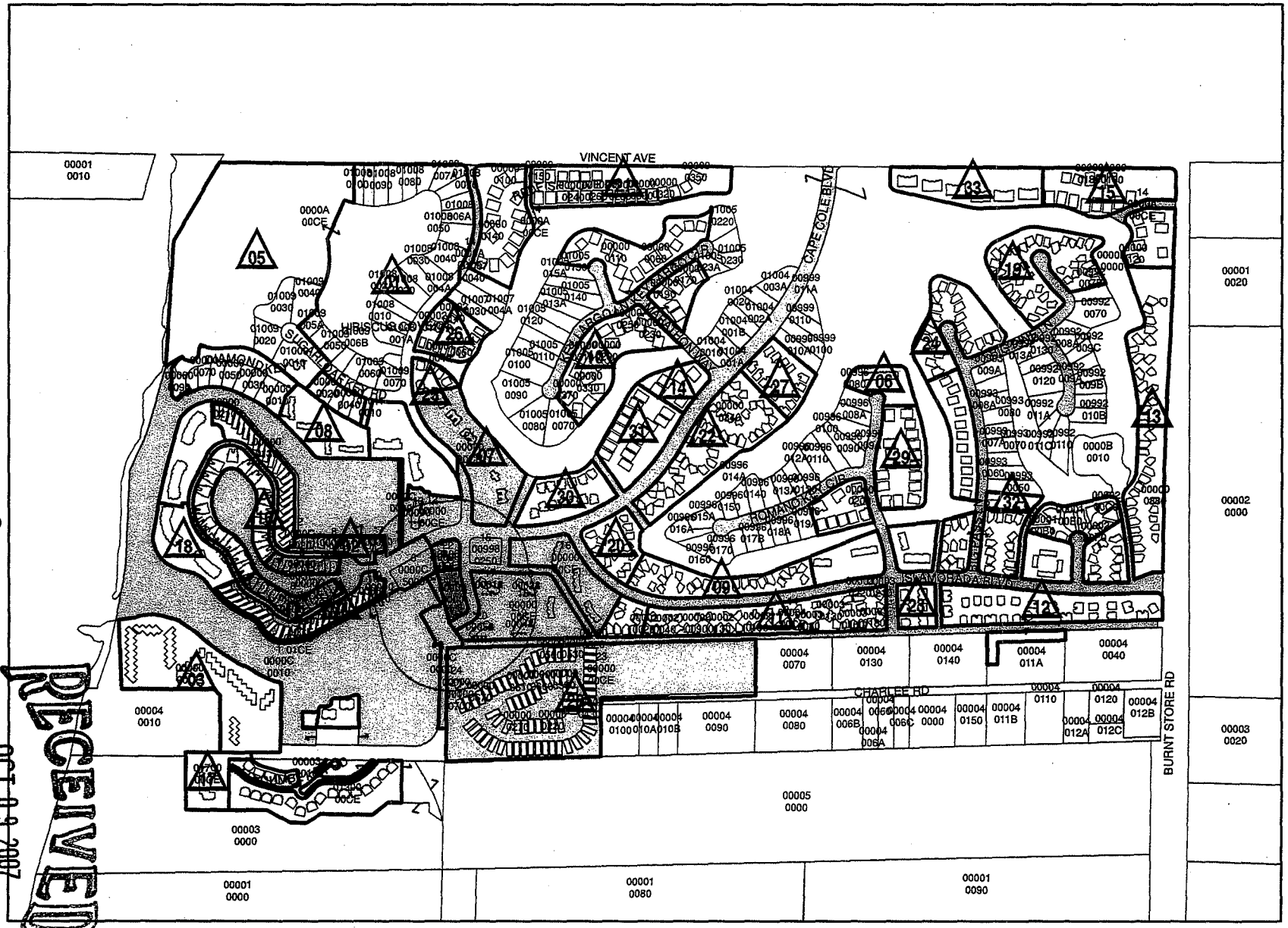
RECEIVED
OCT 09 2007
COMMUNITY DEVELOPMENT
REZ 2007-00020

EXHIBIT PH-3.G.2

VARIANCE REPORT

8/31/2007

Subject Parcels : 1 Affected Parcels : 105 Buffer Distance : 500 ft

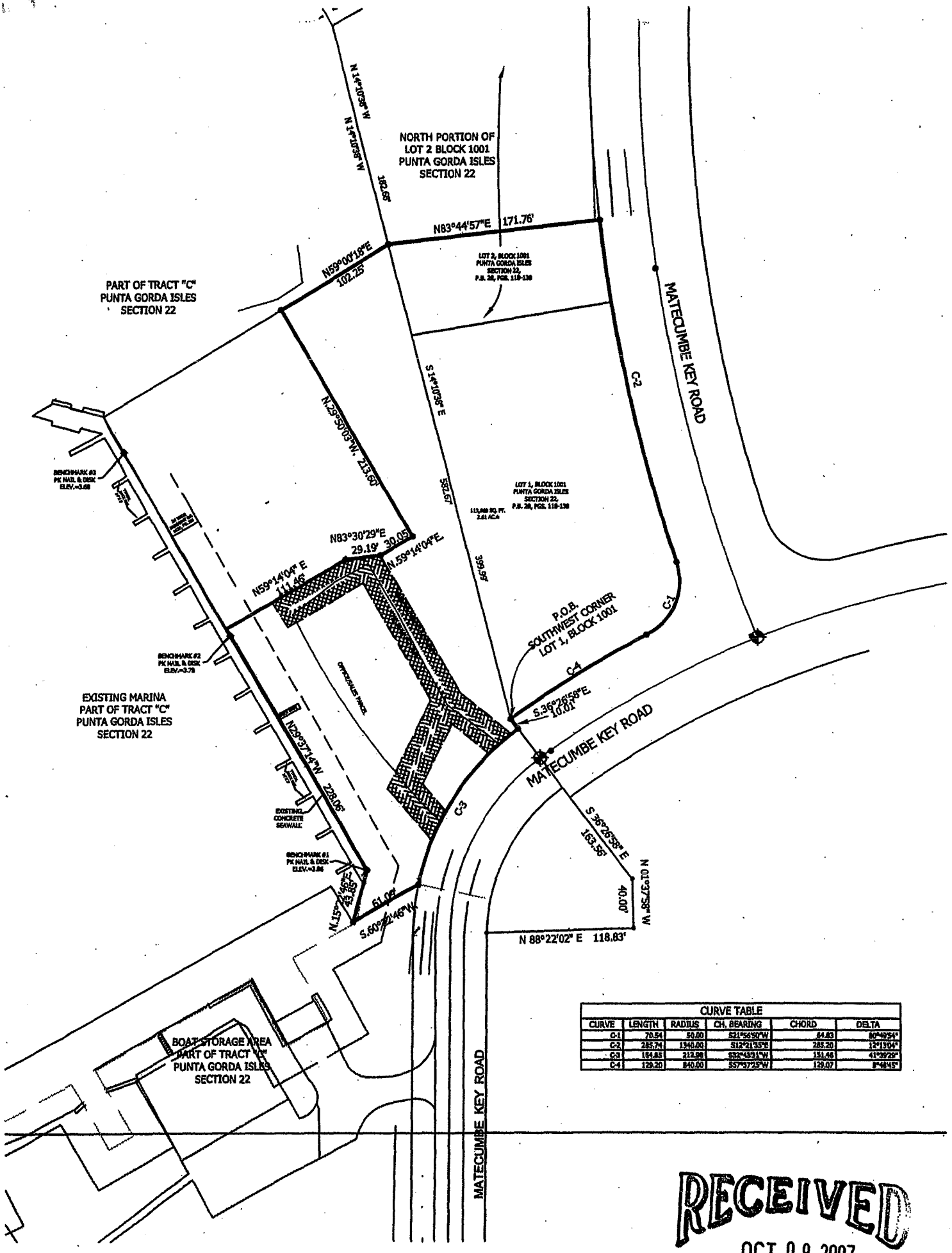


REZ 2007-00020

RECEIVED
OCT 05 2007
COMMUNITY DEVELOPMENT

06-43-23-07-0000A.0000

1,100 550 0 1,100 Feet



CURVE TABLE					
CURVE	LENGTH	RADIUS	CH. BEARING	CHORD	DELTA
C-1	78.54	50.00	S21°56'50"W	64.83	90°00'54"
C-2	285.74	1340.00	S12°21'35"E	285.20	12°13'04"
C-3	184.85	212.98	S32°43'31"W	151.46	41°39'29"
C-4	129.20	840.00	S57°57'25"W	129.07	8°48'45"

RECEIVED
OCT 09 2007

Applicant's Legal Checked

DESCRIPTION

BURNT STORE MARINA DEVELOPMENT PARCEL BEING LOT 1, BLOCK 1001, PART OF LOT 2, BLOCK 1001, PUNTA GORDA ISLES SECTION 22, PLAT BOOK 28, PAGE 118 THROUGH 138 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND A PORTION OF TRACT "C", PUNTA GORDA ISLES SECTION 22, PLAT BOOK 28 PAGES 118 THROUGH 138 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THAT PORTION BEING THE REMAINDER OF OFFICIAL RECORDS BOOK 2285 PAGES 3073 THROUGH 3087 AND LESS OFFICIAL RECORDS BOOK 4575 PAGE 3016.

BURNT STORE MARINA DEVELOPMENT PARCEL BEING LOT 1, BLOCK 1001, PART OF LOT 2, BLOCK 1001, PUNTA GORDA ISLES SECTION 22, PLAT BOOK 28, PAGE 118 THROUGH 138 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND A PORTION OF TRACT "C", PUNTA GORDA ISLES SECTION 22, PLAT BOOK 28 PAGES 118 THROUGH 138 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THAT PORTION BEING THE REMAINDER OF OFFICIAL RECORDS BOOK 2285 PAGES 3073 THROUGH 3087 AND LESS OFFICIAL RECORDS BOOK 4575 PAGE 3016, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST (SW) CORNER OF LOT 1, BLOCK 1001 PUNTA GORDA ISLES, PLAT BOOK 28 PAGES 118 THROUGH 138, SAID POINT LYING ON THE NORTH RIGHT-OF-WAY LINE MATECUMBE KEY ROAD; THENCE RUN S36°26'58"E FOR 10.01 FEET; THENCE RUN ALONG THE ARC OF A 212.98 FOOT RADIUS CURVE TO THE SOUTHWEST, SAID CURVE BEING THE NORTHWESTERLY RIGHT-OF-WAY LINE OF MATECUMBE KEY ROAD, SAID CURVE HAVING A CENTRAL ANGLE OF 41°39'29", A CHORD AND CHORD BEARING OF S32°43'31"W FOR 151.46 FEET, RUN ALONG THE ARC OF SAID CURVE FOR 154.85 FEET;THENCE LEAVING SAID RIGHT-OF-WAY LINE RUN S60°22'46"W FOR A DISTANCE OF 61.09 FEET; THENCE RUN ALONG THE EAST LINE OF EXISTING MARINA N15°22'46"E FOR 43.85 FEET; THENCE N29°37'14"W FOR 228.06 FEET; THENCE RUN N59°14'04"E FOR 111.46 FEET; THENCE N83°30'29"E FOR 29.19 FEET; THENCE N59°14'04"E FOR 30.05 FEET; THENCE N29°50'03"W FOR 213.60 FEET; THENCE N59°00'18"E FOR 102.25 FEET; THENCE N83°44'57"E FOR 171.76 FEET TO AN INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF MATECUMBE KEY ROAD; THENCE RUN ALONG SAID WEST RIGHT-OF-WAY LINE ALONG THE ARC OF A 1340.00 FOOT RADIUS CURVE TO THE SOUTHEAST (SE), 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 FOOT RADIUS REVERSE CURVE TO THE SOUTHWEST, 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 FOOT RADIUS REVERSE CURVE 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 POINT OF BEGINNING.

PARCEL CONTAINS 113,869 SQ. FT, 2.61 ACRES, MORE OR LESS

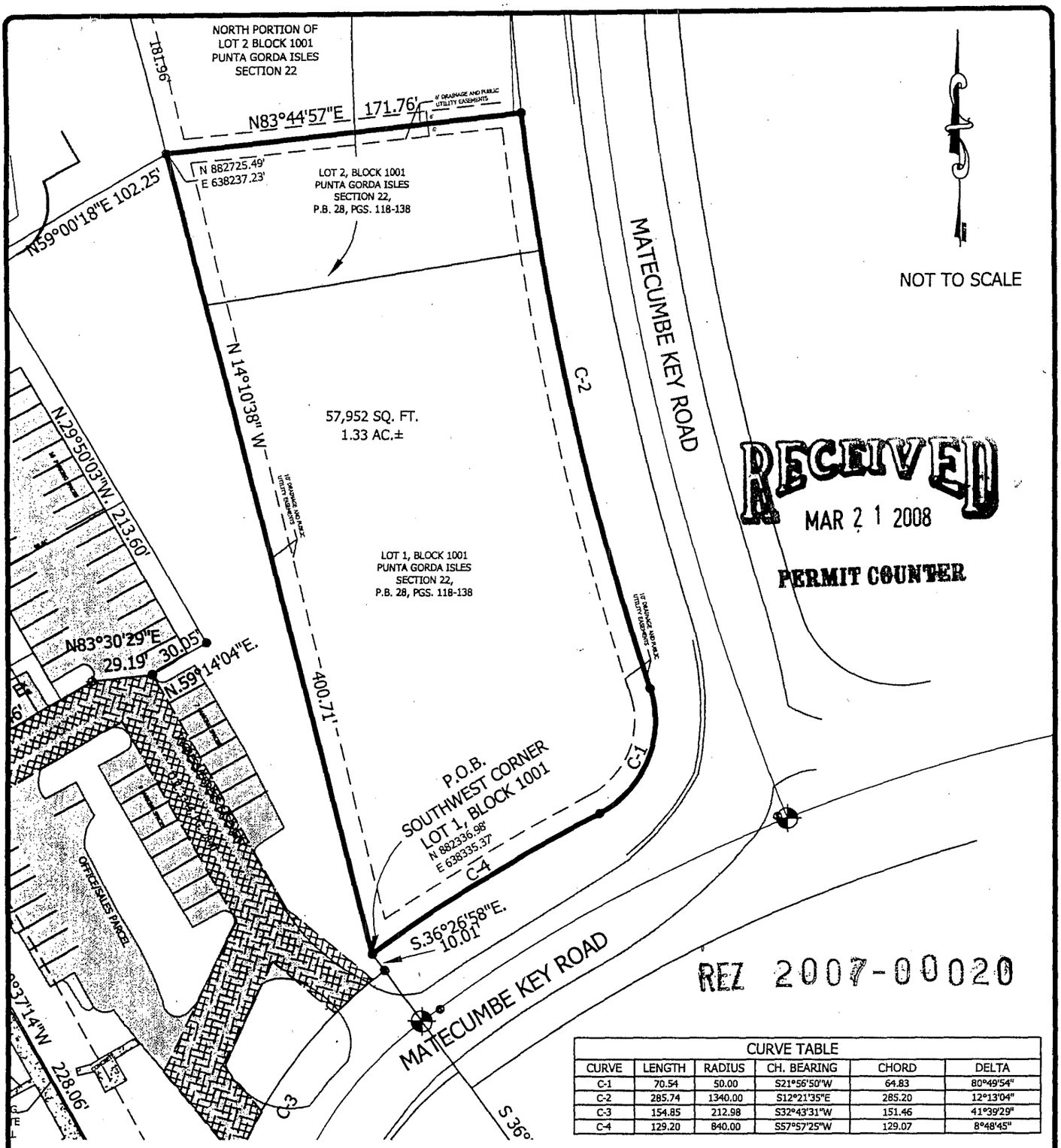
BEARINGS DERIVED FROM THE PLAT OF PUNTA GORDA ISLES SECTION 22.

REZ 2007-00020

RECEIVED

OCT 0 9 2007

Applicant's Legal Checked by MSH 10-11-2007



CURVE TABLE					
CURVE	LENGTH	RADIUS	CH. BEARING	CHORD	DELTA
C-1	70.54	50.00	S21°56'50"W	64.83	80°49'54"
C-2	285.74	1340.00	S12°21'35"E	285.20	12°13'04"
C-3	154.85	212.98	S32°43'31"W	151.46	41°39'29"
C-4	129.20	840.00	S57°57'25"W	129.07	8°48'45"

DESCRIPTION:

LOT 1, BLOCK 1001 AND A PART OF LOT 2, BLOCK 1001, PUNTA GORDA ISLES SECTION 22, PLAT BOOK 28, PAGE 118 THROUGH 138 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST (SW) CORNER OF LOT 1, BLOCK 1001 PUNTA GORDA ISLES, PLAT BOOK 28 PAGES 118 THROUGH 138, SAID POINT LYING ON THE NORTH RIGHT-OF-WAY LINE OF MATECUMBE KEY ROAD; RUN N14°10'38"W FOR 400.71 FEET; THENCE RUN N83°44'57"E FOR 171.76 FEET TO AN INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF MATECUMBE KEY ROAD; THENCE RUN ALONG SAID WEST RIGHT-OF-WAY LINE ALONG THE ARC OF A 1340.00 FOOT RADIUS CURVE TO THE SOUTHEAST (SE), SAID CURVE HAVING A CENTRAL ANGLE OF 12°13'04", A CHORD AND CHORD BEARING OF S12°21'35"E AND 285.20 FEET, RUN ALONG THE ARC OF SAID CURVE FOR 285.74 FEET TO THE POINT OF CURVATURE OF A 50.00 FOOT RADIUS REVERSE CURVE TO THE SOUTHWEST, SAID CURVE HAVING A CENTRAL ANGLE OF 80°49'54", A CHORD AND CHORD BEARING OF S21°56'50"W AND 64.83 FEET, RUN ALONG THE ARC OF SAID CURVE FOR 70.54 FEET TO THE POINT OF CURVATURE OF A 840.00 FOOT RADIUS REVERSE CURVE TO THE SOUTHEAST, SAID CURVE HAVING A CENTRAL ANGLE OF 08°48'45", A CHORD AND CHORD BEARING OF S57°57'25"W AND 129.07 FEET, RUN ALONG THE ARC OF SAID CURVE FOR 129.20 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 57,952 SQ. FT OR 1.33 ACRES, MORE OR LESS.

SKETCH OF
LOT 1 AND A PORTION OF LOT 2, BLOCK 1001, PUNTA GORDA ISLES SECTION 22,
ACCORDING TO PLAT BOOK 28, PAGES 118 THROUGH 138 OF THE PUBLIC
RECORDS OF LEE COUNTY, FLORIDA.

NOTE:
1. BEARINGS DERIVED FROM STATE PLANE COORDINATE FLORIDA WEST, REFERENCE BEARING BEING THE WEST LINE OF LOT 1 BLOCK 1001 AS N14°10'38"W.

2. THIS CERTIFICATION IS ONLY FOR LAND DESCRIBED HEREON.

JOB # | PREPARED FOR: AVALON ENGINEERING

SECTION 1, TOWNSHIP 43S, RANGE 22E

STOUTEN SURVEYING & ASSOCIATES, INC. 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 legal description represented hereon, made under my direction on March 4, 2008 is in accordance with Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

DONALD D. STOUTEN
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO.3639
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

K:\Land\BURNT STORE MARINA\dwg\LOT 1 & POR LOT 2 BLK1001.dwg Tab: B X 14v Mar 04, 2008 - 10:50am Plotted by: jstouten

INSTRUCTIONS

(Section A.2.b, Lee County Administrative Code AC 13.7)

A Planning Division notification sign must be posted on a parcel(s) subject to any comprehensive plan map amendment application for a minimum of 15 calendar days in advance of the Local Planning Agency's Hearing and maintained through the Board of County Commissioner Hearing, if any. This sign will be provided by the Planning Division in the following manner:

a. Sign for case number **CPA2007-00054 Burnt Store Marina** must be posted by **September 8, 2008.**
b. The sign must be erected in full view of the public, not more than five feet from the nearest street right-of-way or easement.
c. The sign must be securely affixed by nails, staples or other means to a wood frame or to a wood panel and then fastened securely to a post, or other structure. The sign may not be affixed to a tree or other foliage.
d. The applicant must make a good faith effort to maintain the sign in place, and in a readable condition until the requested action has been heard and a final decision rendered.
e. If the sign is destroyed, lost or rendered unreadable, the applicant must report the condition to the Planning Division, and obtain duplicate copies of the sign from the Planning Division.

The Division may require the applicant to erect additional signs where large parcels are involved with street frontages extending over considerable distances. If required, such additional signs must be placed not more than three hundred feet apart.

When a parcel abuts more than one street, the applicant must post signs along each street.

When a subject parcel does not front a public road, the applicant must post the sign at a point on a public road which leads to the property and the sign must include a notation which generally indicates the distance and direction to the parcel boundaries and the dimensions of the parcel.

NOTE; AFTER THE SIGN HAS BEEN POSTED, THE AFFIDAVIT OF POSTING NOTICE, BELOW, SHOULD BE RETURNED NO LATER THAN THREE WORKING DAYS BEFORE THE HEARING DATE TO LEE COUNTY PLANNING DIVISION, 1500 Monroe Street, Fort Myers, FL 33901.

(Return the completed Affidavit below to the Planning Division as indicated in previous paragraph)

AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA
COUNTY OF LEE
BEFORE THE UNDERSIGNED AUTHORITY PERSONALLY APPEARED Mike Nation WHO ON OATH SAYS THAT HE/SHE HAS POSTED PROPER NOTICE AS REQUIRED BY SECTION 34-236(b) OF THE LEE COUNTY LAND DEVELOPMENT CODE ON THE PARCEL COVERED IN THE ZONING APPLICATION REFERENCED BELOW:

RECEIVED
SEP 10 2008
COMMUNITY DEVELOPMENT

Mike Nation 9/4/08
Signature of Applicant or Agent

Mike Nation Signs In One Day of Cape Coral
Name (Typed or Printed)

4408 Del Prado Blvd.
Street or P. O. Box

Cape Coral, FL 33904
City, State & Zip

CPA2007-00054 (Return to Janet Miller)

STATE OF FLORIDA
COUNTY OF LEE
The foregoing instrument was sworn to and subscribed before me this 4th day of Sept., 2008, by Mike Nation personally known to me or who produced _____ as identification and who did/did not take an oath.

Alison M. Stowe
Signature of Notary Public

Alison M. Stowe
Printed Name of Notary Public

My Commission Expires:
(Stamp with serial number)

ALISON M. STOWE
MY COMMISSION # DD 406447
EXPIRES: March 13, 2009
Bonded Thru Notary Public Underwriters

File CPA 2007-54 To: Bryan Paul Pam Mo H

LEE COUNTY
RECEIVED
08 JUN 16 PM 1:05
COMM. DEV.
OB. WRKS. CNTR.
SECOND FLOOR

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

June 13, 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 Burnt Store Marina File Nos. BLIM-09-2007-016 and BLID-09-2007-015

Dear Ms. Brodeen:

On May 12, 2008, the Department received your application for a Binding Letter of Interpretation and Modification for the proposed Burnt Store Marina development, Tract C of Punta Gorda Isles-Section 22 in Lee County. On May 27, 2008 the Department notified you that the application was insufficient to issue a binding letter and requested additional information. The additional information was received on May 30, 2008 and the Department has determined the information in your application is sufficient and we will issue a binding letter on or before July 18, 2008

If you have any questions, regarding the matter, please contact Brenda Winningham, Regional Planning Administrator, at (850) 922-1800.

Sincerely,

Mike McDaniel
Chief, Office of Comprehensive Planning

MDM/bp

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

2555 SHUMARD OAK BOULEVARD ♦ TALLAHASSEE, FL 32399-2100
850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: www.dca.state.fl.us
♦ COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) ♦
♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) ♦

William L and Elaine M Kimber
17731 Courtside Landings Circle
Punta Gorda, FL. 33955

November 16, 2008

Department of Community Affairs
Division of Community Planning
ATTN: Ray Eubanks, Plan Review Administrator
2555 Shumard Oak Blvd
Tallahassee, FL 32399-2100

Reference: CPA2007-54, Lee Plan Future Land Use Amendment,
Burnt Store Marina Village

Dear Mr. Eubanks:

The initiative referenced above was submitted by Realmark Burnt Store Marina, LLC, to the Lee County Division of Planning in early August, presented to the Local Planning Agency (LPA) on 22 September, recommended for transmittal during the September 29 meeting of the LPA, and subsequently approved for transmittal by the Board of County Commissioners (BOCC) during their 23 October Comprehensive Plan Amendment Transmittal Hearing.

As residents of Burnt Store Marina (Courtside Landings Condominium Association), I/we feel that the redevelopment of the marina area is overdue. However, we strongly oppose two portions of the proposed redevelopment plan: the maximum building height of 220 feet, and the construction of a large hotel.

a. The height of the "towers" was initially capped at 135 feet by the LPA in accordance with the Lee County Comprehensive Plan, but was then revised to match Realmark's requested height of 220 feet. Structures 220 feet high will not "fit" the height and architecture that currently exist in the Burnt Store Marina community. I/we feel that a more reasonable height limit, similar to existing building heights in Burnt Store Marina, should be applied to these and any future buildings in coastal Lee County.

b. The construction of a hotel in the middle of a largely residential community will introduce a large transient population that is not in keeping with the overall look and feel of a well-established residential community.

c. Boating in through Boca Grande Pass is a beautiful sight to see until one notices the tall buildings of Burnt Store Marina off in the distance. Nothing else sticks out in beautiful Charlotte Harbor / Pine Island Sound. The addition of one or more buildings 220 feet high (85 feet or 8 stories higher than the current tall buildings) will be a real eye sore.

d. I wish that I was informed about the new structures before the County Commissioners voted for the Realmark redevelopment of the Marina area. We moved into the community 5/1/2008. I also feel that many or most of my neighbors were not aware of the plan design. One day we did notice some rezoning or ?? notices on fence posts but the next days rain and wind destroyed them. We never got a chance to read them.

While Realmark is justifiably proud of Cape Harbour, one of their developments in Cape Coral, replicating Cape Harbour in Burnt Store Marina presents several problems for the existing residents. The larger buildings in the Cape Harbour development are just off an arterial road; a person wishing to enjoy the restaurant and retail offerings there doesn't drive through a residential area, and the residents are not affected by the transient traffic.

Before moving here, we searched for – and were happily surprised to find in southwest Florida – a place where life isn't as hectic, traffic is reasonable, and time moves a little slower; things that are hard to find in other parts of Florida. If I/we had wanted the "Cape Harbour lifestyle" we would have bypassed Burnt Store Marina and purchased a home in Cape Harbour. I/we feel the same way about Realmark attempting to bring Cape Harbour here; thanks but no.

We need your support in keeping the beautiful community that is Burnt Store Marina. Please help us protect and preserve our residential communities by disapproving the hotel and enforcing the building heights and densities as they currently exist in the Lee County Comprehensive Plan.

Sincerely,

Bill and Elaine Kimber

cc Lee County Florida - Commissioners

Knott, Consoer, Ebelini Hart & Swett, P.A.

ATTORNEYS - AT - LAW

George H. Knott *+
George L. Consoer, Jr.**
Mark A. Ebelini
Thomas B. Hart
H. Andrew Swett

* Board Certified Civil Trial Lawyer
** Board Certified Real Estate Lawyer
+ Board Certified Business Litigation Lawyer

1625 Hendry Street • Third Floor (33901)
P.O. Box 2449
Fort Myers, Florida 33902-2449

Telephone (239) 334-2722
Telecopier (239) 334-1446

MUhle@knott-law.com

Matthew D. Uhle
Aaron A. Haak
Derrick S. Eihausen
Natly Torres-Alvarado
David A. Burt
Madeline Ebelini

Director of Zoning
and Land Use Planning
Michael E. Roeder, AICP

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MAR 21 2008 1:50pm
PERMIT COUNTER

March 21, 2008

Mr. Bryan Kelner, Principal Planner
Department of Community Development
P.O. Box 398
Fort Myers, FL 33902

Re: Burnt Store Marina / REZ2007-00020

Dear Bryan:

We are in receipt of your letter dated February 6, 2008 and would offer the following comments and additional information:

The applicant is changing the request from CM (Marine Commercial) to CP (Commercial Parking) and reducing the size of the subject parcel to 1.33 acres.

****

LC Zoning Action Legal Requirements Checklist

10c) The survey must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment) with two coordinates, one coordinate being the point of beginning (POB) and the other an opposing corner.

When mapping the supplied legal with the state plane coordinates on the boundary survey stamped received on Jan. 18, 2008, the point of beginning is approximately 100 feet to the west of where it should be. Please make sure the state plane coordinate system is to the Florida West Zone (North American Datum of 1983/1990 Adjustments). Please correct and resubmit.

RESPONSE: The boundary survey has been revised to reflect your comment and is included in this resubmittal package.

****

March 21, 2008
Burnt Store Marina / REZ2007-00020

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MAR 21 2008
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Staff Comments:

1. Page 6 of 12 of the application, Item K, does not answer the question in the affirmative or negative with regard to potable water and central sewer. Please clarify, if you will or will not be providing potable water and central sewer.

RESPONSE: Page 6 of the application has been revised to reflect your comment and is included in this resubmittal package.

2. Staff has a concern with the rezoning to Commercial Marine (CM) for temporary parking and providing temporary dry storage racks while the dry storage building(s) is being constructed, given the nature of the site and compatibility issues.

RESPONSE: After considering staff's concerns, the applicant has decided to change the request for rezoning to CP (Commercial Parking). The application and supplement documents have been revised accordingly; these documents are included in this resubmittal package, along with a justification for the request.

****

Comments from County Attorney's Office

1. The stated reason for this rezoning is to provide additional parking for the existing marina and potential "temporary use" for dry boat storage.

This creates a problem, in that the applicant is referring to property not included in the rezoning request, which is owned by another entity, but apparently controlled by the same individuals. [The ownership of the property is in RealMark Burnt Store Marina, LLC. A company with a different name apparently comprised/managed by the same individuals.]

The fact that the rezoning is being requested to support a more intense use, leaves me to believe that this request should be considered a DCI under 34-34©. This is based upon the fact that the more intense use that this proposed rezoning will support may create unreviewed/unmitigated compatibility issues with the neighboring uses; (2) may impact traffic in a manner that will otherwise avoid appropriate review and (3) may potentially impact environmentally critical areas (waterways, etc.).

RESPONSE: The applicant is changing the request to CP and reducing the size of the subject parcel.

2. A portion of this subject parcel is included in the Marina Village part of the Burnt Store Marina development and the balance is included in the "Golf Course subdivision" (Lot 1 and

a portion of Lot 2, Block 1001, PG 1) part of the development. The Marina Village development was approved under Resolution Z-77-63 as RU-3 with special uses in specifically designated tracts, using the PUD concept. The special uses allowed are specifically designated on the plan/map that is part of the 1977 zoning file and include 4.2 acres of commercial, 5.1 acres of motel, 8.3 acres of resort - inn and 14.1 acres of marine industrial. The subject property was not included within any of these designated special use areas.

RESPONSE: That is true, but irrelevant. There is no legal obstacle to rezoning the property, as was done when the County initiated the rezoning on the CM parcel.

A portion of the Marina Village parcel was rezoned to CM under a County initiated action resulting in Resolution SP-87-019. As a basis for approval, the Board and County staff understood that the total number of wet and dry slips that could be constructed within the overall Marina Village parcel would be limited to 525 slips. Given the applicant's statements regarding use of the subject parcel for dry storage purposes, there is some question whether there will be DRI implications [based upon the DCA settlement/vested rights determination, the effect of the additional dry storage slip with respect to the manatee protection provisions, etc.].

RESPONSE: The request has been changed to CP. No additional dry slips will be constructed or installed on the subject property.

Sincerely,

KNOTT, CONSOER, EBELINI,
HART & SWETT, P.A.

Matt Uhle

Matthew D. Uhle, Esq.

MDU/ams
Attachments

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MAR 21 2008
PERMIT COUNTER

LEE COUNTY
SOUTHWEST FLORIDA

APPLICATION FOR PUBLIC HEARING FOR ZONING ACTION UNINCORPORATED AREAS ONLY

Applicant's Name: Burnt Store Amenities, LLC

Project Name: Burnt Store Marina

STRAP Number(s): 06-43-23-07-0000A.0000

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TYPE OF APPLICATION

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

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

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

****

STAFF USE ONLY

Case Number: _____ Commission District: _____

Current Zoning: _____ Fee Amount: _____

Land Use Classification: _____ Intake by: _____

Planning Community: _____

****

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

PART 1
APPLICANT\AGENT INFORMATION

A. Name of applicant: Burnt Store Amenities, LLC

Address: Street : 5789 Cape Harbour Drive, Suite 201

City: Cape Coral State: FL Zip: 33914

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

Fax: Area Code: 239 Number: 541-1377

E-mail address:

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MAR 21 2008
PERMIT COUNTER

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

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

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

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

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

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

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

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

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

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

Contact Person: Matthew D. Uhle, Esq.

Address: Street : 1625 Hendry Street, Suite 301

City: Fort Myers State: FL Zip: 33901

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

Fax: Area Code: 239 Number: 334-1446

E-mail address: muhle@knott-law.com

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

REZ 2007-00020

PART 2
PROPERTY OWNERSHIP

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

A.1. **Name:** NA

Mailing Address: Street: _____

City: _____ State: _____ Zip: _____

Phone: Area Code: _____ Number: _____ Ext: _____

Fax: Area Code: _____ Number: _____

E-mail: _____

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

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

C. **Multiple parcels**

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

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

RECEIVED
MAR 21 2008
PERMIT COUNTER

D. **Date property was acquired by present owner(s):** 12/30/2005

PART 3
PROPERTY INFORMATION

A. **STRAP Number(s):** 06-43-23-07-0000A.0000

B. **Street Address of Property:** Reserved area Punta Gorda, FL 33955

C. **Legal Description**

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

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

D. **Boundary Survey**

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

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

E. **Planning Community:** Burnt Store

REF 2007-00020

F. **General Location of Property:**

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

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

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

G. **Surrounding property owners:**

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

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

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

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

I. **Current use of property:**

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

Vacant Residential

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

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

J. **Land Use Classification:**

Rural	1.33	Acres 100	% of total
		Acres	% of total
		Acres	% of total
		Acres	% of total

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

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

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

L. Deed Restrictions [34-202(b)(2)]

L.1. ✓ There are no deed restrictions or other covenants on this property that affect this request. [34-202(b)(2)]

L.2. NA Deed restrictions\ covenants that may affect this request are attached as **Exhibit PH-3.L .2.** [34-202(b)(2)]

L.3. NA A narrative explanation as to how the deed restrictions or covenants may affect this request. is attached as **Exhibit PH-3.L.3** [34-202(b)(2)]

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

1.	Width (average if irregular parcel):	**approx. 168**	Feet
2.	Depth (average if irregular parcel):	**approx. 360.50**	Feet
3.	Total area:	**1.33**	Acres or ~~square feet~~
4.	Frontage on road or street:		Feet on _____ Street
	2nd Frontage on road or street:		Feet on _____ Street

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PART 4
ACTION REQUESTED

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

____ Special Exception for _____ **Attached is Supplement A**

____ Variance for _____ **Attached is Supplement B**

✓ Conventional Rezoning from: **RM-10** to CP **Attached is Supplement C**

____ Planned Development Rezoning from _____ to

_____ DCI - Major: **Attached is Supplement D**

_____ DCI - Minor: **Attached is Supplement D**

_____ Request is for PRFPD zoning in the Private Recreational Facilities Overlay Area. **Attached is Supplement D**

____ **Planned Development Amendment. Attached is Supplement D**

B. Excavations:

✓ No blasting will be used in the excavation of lakes or other site elements.

NA If blasting is proposed, Information Regarding Proposed Blasting (including soil borings, a map indicating the general location of the proposed blasting, and other required information) is attached as **Exhibit PH-4.B** [34-202(b)(6)]

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

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

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

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

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

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

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

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

NA A tall structures permit will be required.

NA Property is located within Noise zone:

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

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

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

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

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

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

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

Section Number	Name of item
NA	

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

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

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

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PART 6
SUBMITTAL REQUIREMENTS

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

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

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

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

Number of Copies*				Exhibit Number	SUBMITTAL ITEMS
Var.	*Conv. Rez.* or Spe. Exc.		PDs		
1	✓	1	3	PH-3.G.1	List of Surrounding Property Owners [34-202(a)(6)]
1	✓	1	3	PH-3.G.2	Map of Surrounding Property Owners [34-202(a)(7)]
2	✓	2	2	PH-3.G.3	Mailing labels [34-202(a)(6)]
1	✓	1	3	PH-3.I.2.	Affidavit Regarding Proposed Use (if applicable) [34-202(b)(3)]
1	NA	1	3	PH-3.I.3.	Affidavit entitled "Agricultural Uses at Time of Zoning Application" (if applicable) [34-202(b)(7)]
1	NA	1	3	PH-3.L.2	Deed Restrictions\Covenants (if applicable) [34-202(b)(2)]
1	NA	1	3	PH-3.L.3	Narrative addressing effect of Deed Restrictions (if applicable) [34-202(b)(2)]
1	✓	1	15		Completed Supplement Form appropriate to the action requested (see Supplemental Forms above)
1	NA	1	15	PH-4.B	Information Regarding Proposed Blasting (if applicable). [34-202(b)(6)]
0		0	4	PH-4.C	Bonus Density units (if applicable) [34-202(b)(5)]
1	NA	1	4	PH-4.D	Hazardous materials emergency plan (if applicable) [34-202(b)(4)]
0	NA	1	4	PH-4.E	Mobile Home Park Information (if applicable) [34-203(d)]
1	NA	1	4	PH-4.F	Aviation Hazard (if applicable) [34-1001 et seq.]
0		0	4	PH-4.G	Summary of Public Informational Session for Planned Development Applications located within Estero Planning Community [34-373-(a)(10; Lee Plan Policy 19.5.3]
1	NA	1	4	PH-4.H	Summary of Public Informational Session for rezoning, special exception and variance applications located within Captiva Planning Community [Lee Plan Policy 13.1.7)
0		0	4	PH-4.I	Summary of Public Informational Session for Planned Development Applications located within Caloosahatchee Shores Planning Community [Lee Plan Policy 21.6.3]
1	NA	1	15	PH-4.J	Approved Waivers.(if applicable) [34-202(a)]
0		0	4	PH-4.K	Potable Water & Central Sewer. If the answer to Item 6.D was NO, an explanation must be attached providing the reason(s) why connection to potable water and central sewer system is not proposed as part of any development of the parcel subject to the rezoning request. [BOCC POLICY]

* At least one copy must be an original.

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EXHIBIT PH-1.C.2
ADDITIONAL AGENTS

Company Name: Avalon Engineering

Contact Person: Brendan Sloan

Address: Street : 2503 Del Prado Blvd., South, Suite 200

City: Cape Coral State: FL Zip: 33904

Phone: Area Code: 239 Number: 573-2077 Ext:

Fax: Area Code: 239 Number: 573-2076

E-mail address: brendan@avaloneng.com

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Company Name:

Contact Person:

Address: Street :

City: State: Zip:

Phone: Area Code: Number: Ext:

Fax: Area Code: Number:

E-mail address:

Company Name:

Contact Person:

Address: Street :

City: State: Zip:

Phone: Area Code: Number: Ext:

Fax: Area Code: Number:

E-mail address:

Company Name:

Contact Person:

Address: Street :

City: State: Zip:

Phone: Area Code: Number: Ext:

Fax: Area Code: Number:

E-mail address:

REZ 2007-

LEE COUNTY
SOUTHWEST FLORIDA

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PUBLIC HEARING SUPPLEMENT C

ADDITIONAL REQUIRED INFORMATION FOR A CONVENTIONAL REZONING APPLICATION UNINCORPORATED LEE COUNTY

Case Number: _____

Project Name: Burnt Store Marina

Applicant's Name: Burnt Store Amenities, LLC

STRAP Number(s): 06-43-23-07-0000A.0000

✓ Rezoning from RM-10 to CP

NA Variances included?(check one) ✓ NO ____ YES* for _____

NA Special Exception included? (check one) ✓ NO ____ YES** for _____

* **If YES,** Supplement B must also be submitted.

** **If YES**, Supplement A must also be submitted.

****

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

PART 1. SPECIFIC SUBMITTAL INFORMATION REQUIRED

A. REASON(S) FOR REQUEST. Requests for rezonings, other than Planned Developments and those determined to be Development of Regional Impact, must include a statement of the basis or reason for the rezoning. The statement must be directed to the guidelines for decision-making embodied in Lee County Land Development Code Sections 34-145(c)(2)a.,e., i., and j.; 34-145(d)(2) a. and b.; and 34-145(d)(3). This statement may be utilized by the Board of County Commissioners, Hearing Examiner and County Staff in establishing a factual basis for the granting or denial of the rezoning (use additional paper if needed, label as **Exhibit C-1.A.**). [34-203(c)]

The purpose of the request is to provide additional parking for an existing marina. The justification for the request is included with the application package.

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LEE PLAN NARRATIVE/JUSTIFICATION FOR REZONING

The requested rezoning to CP is consistent with the Lee Plan in general and the following objectives and policies in particular:

1. Policy 1.4.1: The applicant is seeking to provide additional parking for a marina use that is consistent with both the Rural land use category and the Water-Dependent Overlay. The parking use is consequently permitted in the Rural category.

2. Objective 2.1: The subject property is currently zoned for multi-family uses and abuts a parcel that is zoned CM. The request does not, therefore, constitute urban sprawl.

3. Objective 2.2: The parking lot will not generate any demands for urban services.

4. Policy 5.1.5: The proposed parking lot will be separated from the nearest residential use by a local street and the buffer required by the LDC.

5. Policy 6.1.2: Neither the parking lot nor the marina that it will service must comply with the commercial site location standards.

6. Policy 6.1.4: The parking lot will be compatible with the uses in the neighborhood and will not create any demands for public services.

7. Policy 6.1.7: The parking lot will abut and serve an existing marina use.

The applicant further states the following in accordance with LDC sections 34-145 and 34-203:

1. The rezoning is consistent with the Lee Plan, as noted above.

2. The request will comply in all respects with the requirements in the LDC.

3. The request is compatible with the neighborhood, as noted above.

4. The parking lot use will not create any demands for public services.

5. There are no environmentally sensitive lands on the site.

EXHIBIT C-1

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2007-00054

TWO BINDING LETTERS OF INTERPRETATION OF
VESTED RIGHTS FOR SECTION 22

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2007-00054

LIVR 574-029

ISSUE: Have the rights of Punta Gorda Isles, Inc. (PGI) vested sufficiently under Section 380.06 (12), Florida Statutes, to the extent that their Section 22 project in Lee County is exempt from the DRI process?

FACTS: 1) PGI's Section 22 project is a predominantly residential development located in 626 acres in Lee County, with 239 homesites. The project also involves a marina complex, with mooring slips for approximately 108 boats and dry storage facilities for over 1,500 boats. The marina plan also indicates a multi family area for 200 units, a fact not further elaborated on in PGI's application.

2) The development is located within 2 miles of Charlotte County, making the dwelling unit threshold 500 d.u.'s.

3) Final plat approval was granted by the Board of County Commissioners for Lee County on June 20, 1973, and recorded by the Clerk of the Circuit Court on June 28.

4) The land is currently zoned industrial. The applicant maintains that a rezoning petition has not been accepted by Lee County due to a moratorium imposed on March 1, 1973, which extends to August 31, 1973.

5) Total expenditures on the Section 22 project as of July 1, are as follows:

Surveys	$4,058
Planning	3,894
Plat preparation	12,667
Plat recordation	305
	$20,924

DISCUSSION: The Section 22 project involves two types of DRI's: residential and a port facility (marina). For the purposes of vested rights, however, this project may be treated together.

Although plat recordation was accomplished prior to July 1 (on June 28), no reliance or change of position was demonstrated based on this recordation. Thus, the vested rights issue depends on the zoning status of the development. Although the applicant implies that the only reason for not having obtained rezoning prior to July 1 is the moratorium, we cannot assume that without the moratorium the zoning would automatically have been granted.

RECOMMENDATIONS: That the rights of PGI have not vested for their Section 22 project.

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CPA 2007-00054

STATE OF FLORIDA

Department of Administration

Division of State Planning

725 SOUTH BRONOUGH

TALLAHASSEE

32304

(904) 488-2401

Reubin O'D. Askew
GOVERNOR

L. K. Ireland, Jr.
SECRETARY OF ADMINISTRATION

Earl M. Starnes
STATE PLANNING DIRECTOR

October 26, 1973

Mr. Scott G. Stepp
Vice President
Punta Gorda Isles, Inc.
1625 West Marion Avenue
Punta Gorda, Florida 33950

Dear Mr. Stepp:

Based on the information you have provided and the specific factual circumstances regarding your proposed Section 22 residential development in Lee County, the Division of State Planning has evaluated your request for a determination of status dated August 31, 1973, and has determined that your rights have not vested under Section 380.06 (12), Florida Statutes. The Section 22 project will therefore be subject to the provisions of Section 380.06, Florida Statutes, and Chapter 22F-2, Florida Administrative Code, pertaining to this type of development.

You are further advised that if the total number of residential dwelling units in a common scheme of development exceeds the guidelines and standards of Chapter 22F-2.10, F.A.C., any application for development approval submitted under Section 380.06, Florida Statutes, must be completed for the total development area, and not for sections or portions thereof.

This determination does not obviate the need to comply with other applicable state or local permitting procedures.

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2007-00054

I hope this determination will be of assistance to you.

Sincerely,

Earl M. Starnes, FAIA
Director
Division of State Planning

EMS/JMbh

cc: Mr. Wade Hopping
Mr. Barry Peterson
Mr. Robert Lulofs
Mr. Joel Kuperburg
Mr. Bruce Johnson
Mr. Don Molloy
Mr. William Carlton
Mr. Al Baker

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BLIVR-974-029
PGI-Section 22
(RECONSIDERATION)

ISSUE:

Is a subdivision plat approved on June 20, 1973 by a formal vote of a local government pursuant to local subdivision plat law, sufficient to vest this development under Section 380.06(12), F.S.?

FACTS:

1. May 4, 1973 - preliminary plat approval

2. June 20, 1973 - final plat approval by the Board of Co. Comm. for Lee Co.

3. June 28, 1973 - final plat was recorded by the clerk of the circuit court of Lee Co.

PRECEDENT:

BLIVR-974-028 - PGI Section 19 - replat

DISCUSSION:

Since the subdivision plat for this development was approved by a formal vote of a county or municipal governmental body after August 1, 1967, and prior to July 1, 1973, pursuant to local subdivision plat law, this project should be exempted from the DRI review.

RECOMMENDATIONS:

Consider the rights of PGI-Section 22 vested under Section 380.06(12), F.S.

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James
LIVE-D

STATE OF FLORIDA

Department of Administration

Division of State Planning

680 Apalachee Parkway - IBM Building

TALLAHASSEE

32304

(904) 488-4925

Reubin O'D. Askew
GOVERNOR

L. K. Ireland, Jr.
SECRETARY OF ADMINISTRATION

Earl M. Starnes
STATE PLANNING DIRECTOR

July 5, 1974

Mr. Scott G. Stepp, Vice President
Punta Gorda Isles, Incorporated
1625 West Marion Avenue
Punta Gorda, Florida 33950

Dear Mr. Stepp:

Based on the information you have provided and the specific factual circumstances regarding your development, the Division of State Planning has reevaluated your request for a determination of status dated August 31, 1973, and has found that the proposed Punta Gorda Isles - Section 22 residential development in Lee County (Section 1, T43S, R22E and Section 6, T43S, R22E) is a Development of Regional Impact as legally defined in Chapter 22F-2.10, Florida Administrative Code. Furthermore, it has been determined that your rights have vested pursuant to Section 380.06(12), Florida Statutes. You, therefore, will not be required to comply with the provisions of Section 380.06, Florida Statutes, and Chapter 22F, Florida Administrative Code, pertaining to this type of development.

This determination does not obviate the need to comply with other applicable state or local permitting procedures. Any questions regarding this determination may be directed to Mr. Leo Florez, Associate Planner, Bureau of Land and Water Management.

I hope this determination will be of assistance to you.

Sincerely,

Earl M. Starnes
Director
Division of State Planning

EMS/FLlr
cc: Mr. Don Malloy
Mr. Barry Peterson
Mr. Robert Lulofs
Mr. Joel Kuperberg
Mr. Bruce Johnson
Mr. William Carlton
Mr. Al Baker
Mr. Wade Hopping

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2007-00054

Burnt S[illegible]mprovement Co., Inc.
1 Matecu[illegible] / Road
Punta Gorda, FL 33955

2225830 AGREEMENT

33 pp
DCA Signed
Back

THIS AGREEMENT is made and entered into this 30th day of January, 1987 by and between the State of Florida Department of Community Affairs, 2571 Executive Center Circle, East, Tallahassee, Florida 32301, (hereinafter "DCA") and Burnt Store Improvement Company, Inc., 1 Matecumbe Key Road, Punta Gorda, Florida 33955, (hereinafter "BSIC"), concerning a parcel of land in Lee County, Florida, more particularly described in Attachment A hereto which constitutes Punta Gorda Isles Section 22, including Tract C as recorded in Plat Book 28, Pages 118 through 138, Public Records of Lee County, Florida (hereinafter "Section 22").

This agreement is intended to resolve a dispute, as to the facts and applicable law, that has arisen between DCA and BSIC concerning the scope of vested rights claimed by BSIC under Chapter 380, Florida Statutes, to develop Punta Gorda Isles (hereinafter "PGI") Section 22, which dispute would necessitate lengthy and costly litigation between the parties unless the parties reach a satisfactory agreement.

WHEREAS, Punta Gorda Isles, Inc., then sole owner of Section 22, sought and received final plat approval for Section 22 on June 20, 1973, from the Board of County Commissioners, Lee County; and

WHEREAS, the Final Plat of Section 22 was recorded in Lee County Public Records on June 28, 1973, Plat Book 28, Pages 118 through 138; and

WHEREAS, in reliance on the 1973 Section 22 Plat, PGI filed in August 1973 an Application for a Binding Letter of Interpretation of Vested Rights (BLIVR) under Florida Statutes 380.06 with the Bureau of Land Planning, Division of State Planning; and

WHEREAS, the application recited that the development contained a marina complex and golf course associated with 239 homesites; and

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RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: J. TURNER, D.C.

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COMMUNITY DEVELOPMENT

Prepared by:
MICHAEL J. CONIGLIO
526 E PARK AVENUE, SUITE 200
TALLAHASSEE, FLA 32301

EXHIBIT tabbies "A"

CPA 2007-00054

determined that your rights have vested pursuant to Section 380.06(12) Florida Statutes." Moreover, the letter stated that PGI would not be required to submit a Development of Regional Impact review of the vested plan for the Section 22 development; and

WHEREAS, a dispute has arisen between the DCA and PGI concerning the number of vested Marina Spaces for boats which dispute would require lengthy and costly litigation to resolve; and

WHEREAS, on January 3, 1975, the U.S. Army Corps of Engineers granted Permit 72-1176 for the marina complex, referencing the Department of Pollution Control Certification Approval 7-22, and containing 323 wet spaces, 2,000 spaces for dry storage, a boatel, boat repair facilities and other related improvements; and;

WHEREAS, on July 18, 1985, Lee County, Florida, granted building permits for the construction of 204 docks in the marina complex; and

WHEREAS, on May 20, 1986, DCA and PGI entered into an Agreement concerning the number of residential units vested in the Section 22 development, in which DCA contended that the marina complex was vested for 108 wet slips and dry storage for over 1,500 boats, which contention was not material to the substance of the Agreement nor agreed to by PGI; and

WHEREAS, on July 18, 1986, PGI sold the Section 22 development to BSIC with all attendant rights, privileges and liabilities; and

WHEREAS, BSIC maintains that PGI represented to BSIC as consideration for the purchase and sale of the Section 22 development that all local, state and federal permits and authorizations were approved and in hand to complete the marina complex with 204 docks for approximately 570 boat slips, upon which representations BSIC materially and in good faith relied; and

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WHEREAS, the application recited that the marina complex would encompass a 125 acre site and would contain dry storage facilities for over 1,500 boats, multi-family dwellings, boat slips handling boats up to 35 feet in length, covered wet slips, a boatel, facilities to space boats in excess of 50 feet in length, and fuel electronic, engine repair and marine facilities; and

WHEREAS, the application contained a conceptual sketch of the marina plan; and

WHEREAS, the application recited that the marina complex required a permit from the Trustees of the Internal Improvement Trust Fund, the State of Florida Department of Pollution Control, and the U.S. Army Corps of Engineers, as well as building permits from Lee County, Florida; and

WHEREAS, the application recited that permit applications were filed for the marina complex on October 10, 1972 with the Trustees of the Internal Improvement Trust Fund, on September 21, 1972 with the State of Florida Department of Pollution Control, and on October 6, 1972 with the U.S. Army Corps of Engineers; and

WHEREAS, the application recited that the State of Florida Department of Pollution Control granted Permit 7-22 and certification to the U.S. Army Corps of Engineers by Permit Agreement dated June 19, 1973 for the marina complex; and

WHEREAS, on October 2, 1973, the Trustees of the Internal Improvement Trust Fund granted a permit for the marina complex in accordance with and pursuant to the commitments made in the June 19, 1973 PGI/DPC Permit Agreement; and

WHEREAS, on June 5, 1974, Earl M. Starnes, Director, Division of State Planning issued a BLIVR to PGI concerning the Section 22 development, stating therein the following: "the proposed Punta Gorda Isles Section 22 residential development in Lee County (Section 1, T43S, R22E and Section 6, T43S, R22E) is a Development of Regional Impact as legally defined in Chapter 22F-2.10, Florida Administrative Code. Furthermore, it has been

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WHEREAS, BSIC maintains that the marina is vested for 323 wet spaces and over 1,500 dry spaces, and that DCA was apprised of this exact number of spaces through receipt of permit applications, diagrams and issued permits and authorization's both prior to, and for the 12 years subsequent to, issuance of the BLIVR for the Section 22 development; and

WHEREAS, there has been much apparent confusion over use of the terms "slips" versus " wet spaces" in relation to the vested status of the marina complex in the Section 22 development; and

WHEREAS, BSIC maintains that in the marina industry the term "wet space" connotes an area in which two boats may be slipped, thus eliminating any inconsistency in the project as depicted in the approved BLIVR application and as planned by BSIC; and

WHEREAS, BSIC has nevertheless agreed to modify the marina complex to meet certain concerns of DCA and to reduce regional impacts associated with the Section 22 development; and

WHEREAS, the parties to this agreement intend to resolve all differences between them as to the exact nature of the marina complex and other improvements vested as part of the Section 22 development.

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

1. All of the preceding WHEREAS paragraphs are true and correct and are incorporated herein by reference.

2. DCA hereby recognizes, confirms and agrees that the BSIC Section 22 development in Lee County is a Development of Regional Impact and that BSIC may construct wet slips for 525 water craft in the marina and that this alone will not require BSIC to comply with any applicable provisions of Section 380.06, Florida Statutes, and Chapter 27F, F.A.C. BSIC is hereby authorized to construct the 323 wet spaces or 525 wet slips for water craft without further DCA review, if built and constructed within the area of PGI Section 22 as shown on Attachment B.

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3. BSIC hereby waives and abandons its right to construct 1,044 of the dry spaces authorized in the PGI Section 22 development, and further agrees to waive its right to construct any of the 500 dry spaces authorized in excess of the original 1,500 space amount, up to 2,000 thereby allowing BSIC to develop a maximum of 456 dry spaces in this DRI, and thereby waiving its right to construct the balance of 1,044 dry spaces originally proposed and authorized in the PGI Section 22 Development.

4. This Agreement inures to the benefit of and is binding on the parties and their successors and assigns including all prior and subsequent purchasers of Section 22 and Burnt Store Marina South real property regardless of the DRI status of the real property as more particularly described in Attachment A; it shall bind the DCA as to the DRI status of PGI Section 22 under Chapter 380.06, Florida Statutes.

5. This Agreement constitutes the entire agreement between the parties and no modification or change to this Agreement shall be valid or binding upon the parties unless it is in writing and executed by the parties to be bound thereby.

6. This Agreement shall be recorded by PGI in the Public Records of Lee County, Florida, in the chain of title for Section 22.

In Witness whereof the parties have caused this Agreement to be executed hereto the day and year as indicated below:

Signed, Sealed and Delivered in the presence of:

Patricia C. Crosby
First Witness

Jan Rayborn
Second Witness

STATE OF FLORIDA, DEPARTMENT OF COMMUNITY AFFAIRS, "DCA"

By: _____

DATED: January 29 1987

(SEAL)

BURNT STORE IMPROVEMENT, INC.

Shirley Hinkle
First Witness

Sherry M. Green
Second Witness

BY: _____
Michael V. Coniglio, Agent

DATED: 1-30-87

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STATE OF FLORIDA:
COUNTY OF LEON:

I HEREBY CERTIFY that on this 30th day of January, 1987, personally appeared Tom Lewis Jr., as Secretary, State of Florida, Department of Community Affairs, to me known to be the person described in and who executed the foregoing Agreement as such officer and acknowledged before me that he executed the same for the purposes therein expressed as the act and deed of said Department of Community Affairs.

WITNESS my hand and official seal this 30th day of January, 1987, in the State and County last aforesaid.

My Commission Expires:

Notary Public - State of Florida

(SEAL)

STATE OF FLORIDA
COUNTY OF LEON:

I HEREBY CERTIFY that on this 30th day of January, 1987, personally appeared Michael J. Coniglio as Agent to Punta Gorda Isles, Inc., Burnt Store Improvement, Inc., and Gulf Coast Credit Corp., to me known to be the person described in and who executed the foregoing Agreement as such officer and acknowledged before me that he executed the same for the purposes therein expressed as the act and deed of said corporation.

WITNESS my hand and official seal this 30th day of January, 1987, in the State and County last aforesaid.

My Commission Expires:

Notary Public, State of Florida
My Commission Expires Dec. 15, 1987

Sherry M. Green
Notary Public
State of Florida

(SEAL)

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DEC 18 89 PG 3644

OFF REC 1897PG3650

OFF REC 1894PG0589

ATTACHMENT "A"

A parcel of land being all of GOVERNMENT LOT 1 and a portion of GOVERNMENT LOT'S 2, 3, and 4, and the Southeast 1/4 of the Northeast 1/4, and the Northeast 1/4 of the Southeast 1/4, and the North 278 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 1660 feet thereof and less the Right of Way for BURNT STORE ROAD, (State Road No. 765) Lee County, Florida, being more particularly described as follows:

COMMENCE at the Northeast corner of Section 6, Township 43 South, Range 23 East; thence run N 89°36'00" W along the South boundary line of Charlotte County and the North boundary line of Lee County a distance of 17.52 feet to the Point of Beginning of the Parcel of Land hereinafter described; said boundary line also being the South line of Punta Gorda Isles, Section 21, Sheet 46, Plat Book 13, Page 1-Z-21, of the Public Records of Charlotte County, Florida; thence run S 00°20'00"W along the Westerly Right of Way line of State Road No. 765 (Burnt Store Road) a distance of 167.79 feet to a point; thence run S 01°35'20"W along the said Westerly R/W line of State Road No. 765 a distance of 756.86 feet to a point; thence run S 02°50'40"W along the said Westerly R/W line of State Road No. 765 a distance of 727.59 feet to the Point of Curvature of a circular curve to the left having a radius of 17,390.08 feet; said curve being the Westerly R/W line of State Road No. 765; thence run Southwesterly along the arc of said curve, an arc distance of 653.57 feet through a central angle of 02°09'12" to the Point of Tangency; thence run S 00°41'23" W along the said Westerly R/W line of State Road No. 765 a distance of 1093.95 feet to a point of intersection with a line that is 1660 feet North of and parallel to the South line of said Section 6; thence run S 88°22'02"W along said line that is 1660 feet North of and parallel to the South line of said Section 6, a distance of 5236.84 feet to a point of intersection with the West line of the South 1660 feet of said Section 6; said line also being the East line of the NE 1/4, SE 1/4 of Section 1, Township 43 South, Range 22 East; thence run S00°33'37" W along the West line of the South 1660 feet of said Section 6 and the East line of the NE 1/4 of the SE 1/4 of the said Section 1 a distance of 602.92 feet to a point of intersection with a line that is 278 feet South of and parallel to the North line of SE 1/4 of the SE 1/4 of said Section 1; thence run N 89°35'58"W along said line that is 278 feet South of and parallel to North line of the said SE 1/4, SE 1/4 of Section 1 a distance of 1318.75 feet to a point on the West line of the North 278 feet of the said SE 1/4, S.E. 1/4 of Section 1; thence run N 00°38'20"E along the said West line a distance of 278 feet to the Northwest corner of the said SE 1/4, SE 1/4; said point also being the Southeast corner of Government Lot 4 in said Section 1; thence run N 89°35'58" W along the South line of said Government Lot 4 a distance of 1228.63 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°50'47" E 286.24 feet; N 10°29'40"E 644.65 feet; N 01°48'25" E 695.54 feet; N 23°51'46" E 305.62 feet; N 16°44'33"E 515.42 feet; N 02°48'08" E 911.78 feet; thence N 29°57'57" E a distance of 713.93 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 36, Township 42 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 36; and the South line of Punta Gorda Isles Subdivision, Section 21, as recorded in Plat Book 13 at Pages 1-Z-8, 9, 14, 15, 20 and 21 of the Public Records of Charlotte County, Florida a distance of 1698.98 feet to the Northeast corner of said Section 1; thence run S 89°35'30" E along the North line of the NW 1/4 of said Section 6, the South line of Section 31, Township 42 South, Range 23 East, Charlotte County and the South line of the said Punta Gorda Isles Subdivision, Section 21, a distance of 2658.80 feet to the N 1/4 corner of said Section 6; thence run S 89°36'00"E along the North line of the NE 1/4 of said Section 6, the South line of said Section 31, and the South line of said Punta Gorda Isles Subdivision, Section 21, a distance of 2618.29 feet to the Point of Beginning, said point being N 89°36'00" W a distance of 17.52 feet from the Northeast corner of said Section 6.

CONTAINING 626.26 acres more or less.

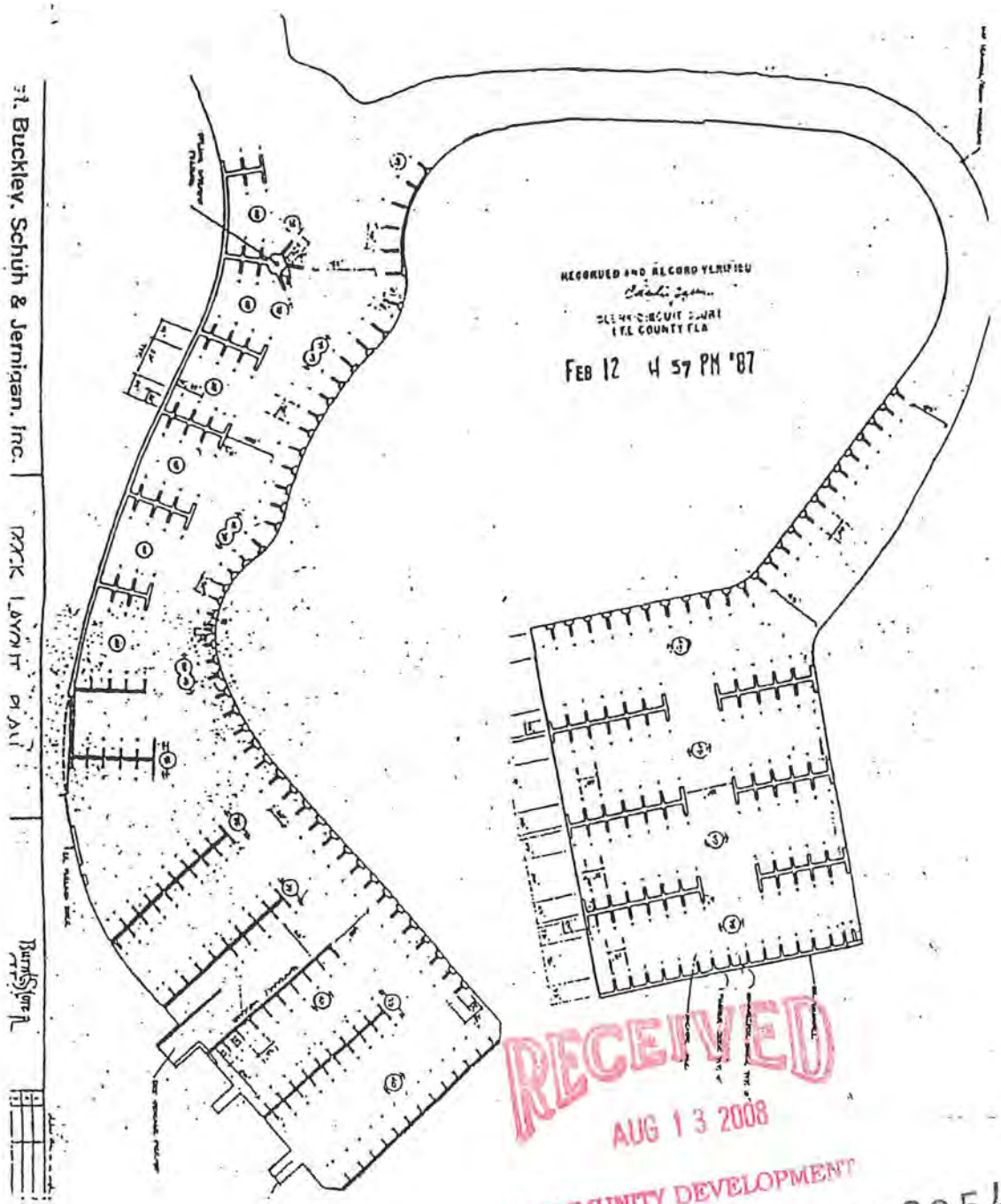
LAW OFFICES
FARR, FARR, MAYMANS, MOSELEY, EMERICH AND SIFRIT, P.A.
ATTORNEYS AT LAW
2510 HARBOR STREET
P.O. BOX 2150
PORT CHARLOTTE, FL
33948

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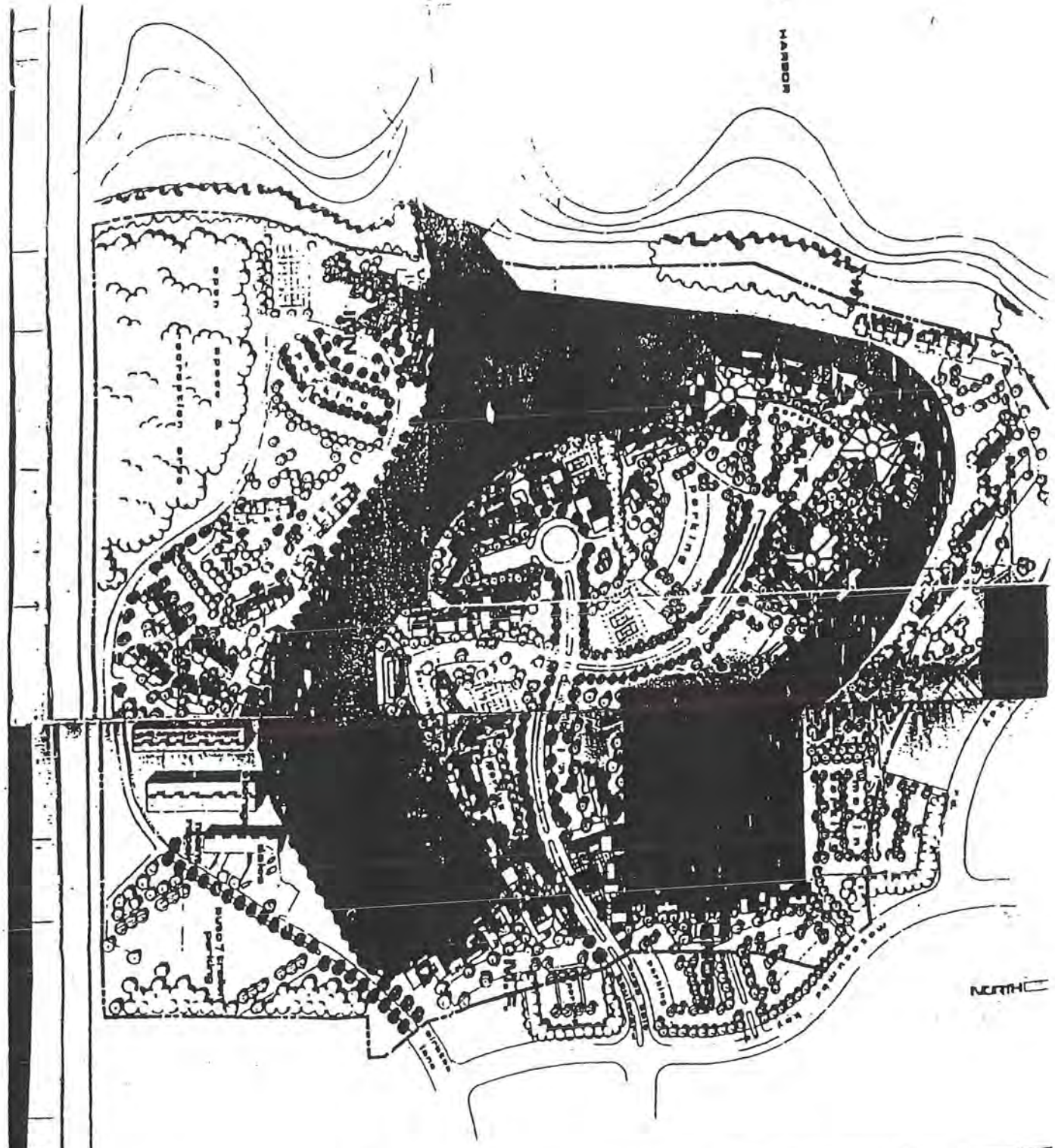
JAN 1989

ATTACHMENT B



RECORDED AND RECORD VERIFIED
CLERK CIRCUIT COURT
LEE COUNTY FLA
FEB 12 4 57 PM '87

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PUNTA GORDA ISLES, Inc.
1695 West Marion Ave.
Punta Gorda, Fla.

allen hixon associates

SCHEMATIC PLAN

BURNT STORE LANDING
CHARLOTTE HARBOR, FLORIDA

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DCA AGREEMENTS DATED MAY 20, 1986 AND JANUARY 30, 1987
AND PROPOSED ADDENDUM TO 1987 AGREEMENT

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AGREEMENT

THIS AGREEMENT is made and entered into this 20th day of May, 1986 by and between State of Florida, Department of Community Affairs, 2571 Executive Center Circle, East, Tallahassee, Florida 32301, (hereinafter "DCA") and Punta Gorda Isles, Inc., a Florida corporation, 1625 W. Marion Avenue, Punta Gorda, Florida 33950, Burnt Store Marina, Inc., a Florida corporation, 1625 W. Marion Avenue, Punta Gorda, Florida 33950, and Gulf Coast Credit Corp., a Florida corporation, 1625 W. Marion Avenue, Punta Gorda, Florida 33950 (hereinafter collectively "PGI"), concerning a parcel of land in Lee County, Florida more particularly described in Attachment A hereto which constitutes Punta Gorda Isles Section 22 including "Tract C," as recorded in Plat Book 28, Pages 118 through 138, Public Records of Lee County, Florida (hereinafter "Section 22").

This agreement is intended to resolve a dispute, as to the facts and applicable law, that has arisen between the DCA and PGI concerning the scope of vested rights under Chapter 380, Florida Statutes, to develop PGI Section 22, which dispute would necessitate lengthy and costly litigation between the parties unless the parties reach a satisfactory agreement.

This agreement also involves and affects additional property located in the City of Cape Coral, Lee County, Florida, owned and developed by PGI known as Burnt Store Marina South, DRI #5-8081-17, more particularly described in Attachment B, which property is included herein for the purposes of this settlement agreement, as those purposes are more fully described below.

WHEREAS, PGI, then the sole owner of Section 22, sought and received final plat approval for Section 22 on June 20, 1973 from the Board of County Commissioners, Lee County; and

WHEREAS, the Final Plat of Section 22 was recorded in Lee County Public Records on June 28, 1973, Plat Book 28, Pages 118 through 138; and

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WHEREAS, at the time of platting the zoning for Section 22 was Industrial; and

WHEREAS, at the time of platting there was a rezoning moratorium in effect in Lee County for all but rezoning to Single Family Residential; and

WHEREAS, it is PGI's position that at the time of platting PGI communicated to the Board of County Commissioners of Lee County that the master plan of development for Section 22 was Multi-Family Residential with an associated golf course and marina complex; and

WHEREAS, in reliance on the 1973 Section 22 Plat, PGI filed in August, 1973 an Application for a Binding Letter of Interpretation of Vested Rights (BLIVR) under Florida Statutes 380.06 with the Bureau of Land Planning, Division of State Planning; and

WHEREAS, the application recited the fact that the Lee County moratorium prevented a rezoning at the time of platting, recited the moratorium exception for rezoning to single family residential, and explained PGI's intention to rezone to the appropriate land use classification upon the lifting of the moratorium; and

WHEREAS, the application recited that the development contained 239 homesites, but did not define homesites as being either multi-family homesites or single family homesites; and

WHEREAS, on October 26, 1973, Earl M. Starnes, Director, Division of State Planning, issued a letter to PGI concerning Section 22, stating therein that the proposed PGI Section 22 residential development in Lee County was a Development of Regional Impact but that PGI was not vested under 380.06(12); and

WHEREAS, suit was filed in the Circuit Court of the Second Judicial Circuit of Florida in and for Leon County styled Punta Gorda Isles, Inc., a Florida corporation vs. Department of Administration and its Division of State

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Planning, Case No. 74-224, which sought relief concerning the denial of vested rights for PGI Section 22; and

WHEREAS, it is PGI's position that during the discovery proceedings of the said suit, including the deposition of then PGI Vice President, Scott Stepp, the State of Florida was placed on notice of PGI's intent that the 239 homesites in Section 22 were to be a multi-family residential development; and

WHEREAS, as the result of Session Law Chapter 74-326, which clarified Section 380.06(12), Florida Statutes, by providing that activities in reliance on plats recorded after August 1, 1967 and prior to July 1, 1973 are not a condition precedent to vesting under Section 380.06(12), Florida Statutes, the said suit was settled; and

WHEREAS, on June 5, 1974, Earl M. Starnes, Director, Division of State Planning issued a BLIVR to PGI concerning Section 22, stating therein the following: "the proposed Punta Gorda Isles Section 22 residential development in Lee County (Section 1, T43S, R22E and Section 6, T43S, R22E) is a Development of Regional Impact as legally defined in Chapter 22F-2.10, Florida Administrative Code. Furthermore, it has been determined that your rights have vested pursuant to Section 380.06(12) Florida Statutes." Moreover, the letter stated that PGI would not be required to submit to a Development of Regional Impact review of the vested plan for the Section 22 development; and

WHEREAS, a dispute has arisen between the DCA and PGI concerning the number of vested units and the consistency of PGI's development plans in reference to what is or is not actually vested under the said BLIVR, which dispute would require lengthy and costly litigation to resolve; and

WHEREAS, since the dispute has arisen, the DCA's position has been that a multi-family zoning classification did not exist for Section 22 parcels until after July 1, 1973.

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Therefore, according to the DCA, no vested right to develop multi-family dwelling units could have arisen. Furthermore, when requested to advise the DCA as to the number of dwelling units in Section 22 platted parcels, it is DCA's position that the developer's agents responded that there would be 239 homesites, never mentioning or claiming that the claim of vested rights was actually for a maximum of 2,390 dwelling units. The DCA's position also has been that the multi-family residential development proximate to the marina complex was vested for no more than 200 units and that the marina was vested for 108 wet slips and dry storage for over 1,500 boats.

WHEREAS, PGI and DCA desire to finally and forever settle the question that has arisen concerning the number of residential units vested and to avoid litigation concerning the vested rights of PGI for the development of Section 22; and

WHEREAS, PGI has obtained Development of Regional Impact approval for adjoining property to the south of Section 22 which is known as Burnt Store Marina South, DRI #5-8081-17 for a total of 5,095 dwelling units; and

WHEREAS, Burnt Store Marina South, DRI #5-8081-17 was approved for development by the City of Cape Coral by Ordinance No. 84-83 in February 1984; and

WHEREAS, PGI, in consideration for resolving the dispute between the DCA and PGI, is willing to abandon and waive its right to develop certain of the 5,095 Burnt Store Marina South DRI #5-8081-17 residential units without a corresponding reduction of its DRI conditions and obligations, including financial obligations; and

WHEREAS, DCA has the power and authority to enter into Agreement with PGI pursuant to Section 380.032(3), Florida Statutes; and

WHEREAS, this Agreement bears a reasonable relation to the practicalities of the situation and is necessary to effectuate the provisions and purposes of the Florida Environmental Land and Water Management Act;

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

1. All of the preceding WHEREAS paragraphs are true and correct and are incorporated herein by reference.

2. DCA hereby recognizes, confirms and agrees that the PGI Section 22 residential and marina development in Lee County is a Development of Regional Impact and that PGI is vested for the development of Section 22 for a maximum of 2,514 residential units. DCA further recognizes, confirms and agrees that so long as the number of residential units remains fewer than or equal to the maximum residential units set forth in the Agreement, that this change in the number of residential units alone will not require PGI to comply with any applicable provisions of Section 380.06, Florida Statutes, and Chapter 27F, Florida Administrative Code. The DCA retains its authority to review any other further changes in the vested plat for PGI Section 22 under Section 380.06(4), Florida Statutes (1985). However, PGI is hereby authorized to construct the 2,514 residential units without further DCA review, if built and constructed within the vested platted area of PGI Section 22 in accordance with the vested plat.

3. PGI recognizes, confirms and agrees that the said 2,514 residential units include units already built in Section 22 and also include units to be built on homesites, lots or parcels previously sold by PGI to third parties.

4. PGI hereby waives and abandons its right to construct 1,245 of the 5,095 units authorized in Burnt Store Marina South, DRI #5-8081-17, thereby allowing PGI to develop a maximum of 3,850 units in this DRI.

5. PGI recognizes, confirms and agrees that its obligations, including financial obligations, under Burnt Store Marina South, DRI #5-8081-17 are in no way reduced or limited as a result of the said waiver and abandonment and that those obligations shall continue to be based upon development of 5,095 dwelling units within the Burnt Store Marina South DRI.

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6. PGI recognizes, confirms and agrees that it must prepare a hurricane evacuation plan for Section 22 at a cost to PGI not to exceed $2,500 and develop the plan in coordination with the DCA within one year of the date of execution of this Agreement.

7. This Agreement inures to the benefit of and is binding on the parties and their successors and assigns including all prior and subsequent purchasers of Section 22 and Burnt Store Marina South real property regardless of the DRI status of the real property as more particularly described in Attachments A and B; it shall bind the DCA as to the vested rights of PGI Section 22 under Chapter 380.06, Florida Statutes.

8. This Agreement constitutes the entire agreement between the parties and no modification or change to this Agreement shall be valid or binding upon the parties unless it is in writing and executed by the parties to be bound thereby.

9. This Agreement shall be recorded by PGI in the Public Records of Lee County, Florida, in the chain of title for both Section 22 and the Burnt Store Marina South DRI #5-8081-17, more particularly described in Attachments A and B.

In Witness whereof the parties have caused this Agreement to be executed hereto the day and year as indicated below:

Signed, Sealed and Delivered in the presence of:

Diana Saavedra-Cruz
First Witness

James N. Butler
Second Witness

STATE OF FLORIDA, DEPARTMENT OF COMMUNITY AFFAIRS, "DCA"

BY: James Mulley

DATED: 5/20/86

(SEAL)

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PUNTA GORDA ISLES, INC.
BURNT STORE MARINA, INC.
GULF COAST CREDIT CORP.

First Witness

BY: _____
Wade L. Hopping, Agent

Second Witness

DATED: 5/20/86

(CORPORATE SEAL)

STATE OF FLORIDA:
COUNTY OF LEON:

I HEREBY CERTIFY that on this 28 day of May, 1986, personally appeared Jane Hurley, as Division Director, State of Florida, Department of Community Affairs, to me known to be the person described in and who executed the foregoing Agreement as such officer and acknowledged before me that he executed the same for the purposes therein expressed as the act and deed of said Department of Community Affairs.

WITNESS my hand and official seal this 28 day of May, 1986 in the State and County last aforesaid.

Notary Public - State of Florida.

My Commission Expires:
Notary Public, State of Florida
My Commission Expires Oct. 31, 1988
Bonded thru Fred Insurance, Inc.

(AFFIX SEAL)

STATE OF FLORIDA:
COUNTY OF LEON:

I HEREBY CERTIFY that on this 20th day of May, 1986, personally appeared Wade L. Hopping as Agent to Punta Gorda Isles, Inc., Burnt Store Marina, Inc., and Gulf Coast Credit Corp., to me known to be the person described in and who executed the foregoing Agreement as such officer and acknowledged before me that he executed the same for the purposes therein expressed as the act and deed of said corporation.

WITNESS my hand and official seal this 20th day of May, 1986 in the State and County last aforesaid.

Notary Public - State of Florida

My Commission Expires:
Notary Public, State Of Florida At Large
My Commission Expires April 5, 1987
Bonded By SAFECO Insurance Company of America

(AFFIX SEAL)

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ATTACHMENT "A"

A parcel of land being all of GOVERNMENT LOT 1 and a portion of GOVERNMENT LOT'S 2, 3, and 4, and the Southeast 1/4 of the Northeast 1/4, and the Northeast 1/4 of the Southeast 1/4, and the North 278 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 1660 feet thereof and less the Right of Way for BURNT STORE ROAD, (State Road No. 765) Lee County, Florida, being more particularly described as follows:

COMMENCE at the Northeast corner of Section 6, Township 43 South, Range 23 East; thence run N 89°36'00" W along the South boundary line of Charlotte County and the North boundary line of Lee County a distance of 17.52 feet to the Point of Beginning of the Parcel of Land hereinafter described; said boundary line also being the South line of Punta Gorda Isles, Section 21, Sheet 46, Plat Book 13, Page 1-2-21, of the Public Records of Charlotte County, Florida; thence run S 00°20'00"W along the Westerly Right of Way line of State Road No. 765 (Burnt Store Road) a distance of 167.79 feet to a point; thence run S 01°35'20"W along the said Westerly R/W line of State Road No. 765 a distance of 756.86 feet to a point; thence run S 02°50'40"W along the said Westerly R/W line of State Road No. 765 a distance of 727.59 feet to the Point of Curvature of a circular curve to the left having a radius of 17,390.08 feet; said curve being the Westerly R/W line of State Road No. 765; thence run Southwesterly along the arc of said curve, an arc distance of 653.57 feet through a central angle of 02°09'12" to the Point of Tangency; thence run S 00°41'23" W along the said Westerly R/W line of State Road No. 765 a distance of 1093.95 feet to a point of intersection with a line that is 1660 feet North of and parallel to the South line of said Section 6; thence run S 88°22'02"W along said line that is 1660 feet North of and parallel to the South line of said Section 6, a distance of 5236.84 feet to a point of intersection with the West line of the South 1660 feet of said Section 6; said line also being the East line of the NE 1/4, SE 1/4 of Section 1, Township 43 South, Range 22 East; thence run S00°33'37" W along the West line of the South 1660 feet of said Section 6 and the East line of the NE 1/4 of the SE 1/4 of the said Section 1 a distance of 602.92 feet to a point of intersection with a line that is 278 feet South of and parallel to the North line of SE 1/4 of the SE 1/4 of said Section 1; thence run N 89°35'58"W along said line that is 278 feet South of and parallel to North line of the said SE 1/4, SE 1/4 of Section 1 a distance of 1318.75 feet to a point on the West line of the North 278 feet of the said SE 1/4, S.E. 1/4 of Section 1; thence run N 00°38'20"E along the said West line a distance of 278 feet to the Northwest corner of the said SE 1/4, SE 1/4; said point also being the Southeast corner of Government Lot 4 in said Section 1; thence run N 89°35'58" W along the South line of said Government Lot 4 a distance of 1228.63 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°50'47" E 286.24 feet; N 10°29'40"E 644.65 feet; N 01°48'25" E 695.54 feet; N 23°51'46" E 305.62 feet; N 16°44'33"E 515.42 feet; N 02°48'08" E 911.78 feet; thence N 29°57'57" E a distance of 713.93 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 36, Township 42 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 36; 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 1698.98 feet to the Northeast corner of said Section 1; thence run S 89°35'30" E along the North line of the NW 1/4 of said Section 6, the South line of Section 31, Township 42 South, Range 23 East, Charlotte County and the South line of the said Punta Gorda Isles Subdivision, Section 21, a distance of 2658.80 feet to the N 1/4 corner of said Section 6; thence run S 89°36'00"E along the North line of the NE 1/4 of said Section 6; the South line of said Section 31, and the South line of said Punta Gorda Isles Subdivision, Section 21, a distance of 2618.29 feet to the Point of Beginning, said point being N 89°36'00" W a distance of 17.52 feet from the Northeast corner of said Section 6.

CONTAINING 626.26 acres more or less.

LAW OFFICES
FARR, FARR,
YMANS, HOSELEY,
EMERICH
AND SIFRIT, P.A.
ATTORNEYS AT LAW
[illegible]
P.O. BOX [illegible]
PORT CHARLOTTE, FL
33948

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MAY 1996 0<4

[redacted] Attachment B [redacted]

SCHEDULE A

All of Section 12, Township 43 South, Range 22 East extending to the shore of Charlotte Harbor, City of Cape Coral, Lee County, Florida

AND

the West Half (W 1/2) of Section 13, Township 43 South, Range 22 East extending to the shore of Charlotte Harbor, City of Cape Coral Lee County, Florida

AND

the West Half (W 1/2) of the Northwest Quarter (N.W. 1/4) of the Northeast Quarter (N.E. 1/4) of Section 13, Township 43 South, Rang 22 East, City of Cape Coral, Lee County, Florida

AND

the Northeast Quarter (N.E. 1/4) of the Northwest Quarter (N.W. 1/4 of the Northeast Quarter (N.E. 1/4) of Section 13, Township 43 South, Range 22 East, City of Cape Coral, Lee County, Florida

AND

that part of the West 250 feet of the North one-half (N 1/2) of the Northwest Quarter (N.W. 1/4) of Section 7, Township 43 South, Range 23 East, City of Cape Coral, Lee County, Florida lying north of Yucca Pen Creek.

AND

That part of the following described tract lying south of Yucca Pen Creek:

A tract of land lying in the Northwest Quarter (N.W. 1/4) of the Northwest Quarter (N.W. 1/4) of Section 7, Township 43 South, Range 23 East, City of Cape Coral, Lee County, Florida, being more particularly described as follows:

Beginning at the southwest corner of the Northwest Quarter (N.W 1/4) of the Northwest Quarter (N.W. 1/4) of said Section 7; thence run N. 88°57'29" E. along the south line of the Northwes Quarter (N.W. 1/4) of the Northwest Quarter (N.W. 1/4) of said Section 7 for 60.03 feet; thence run Northeasterly for 195.78 feet along the arc of a curve concave southeasterly with a radius of 240.00 feet (chord bearing N. 24°16'01" E., chord distance of 190.49 feet) to a point of reverse corvature; thence run northeasterly, northerly and northwesterly for 588.31 feet along the arc of a curve to the left with a radius of 360.0 feet (chord bearing N. 0°49'11"E., chord distance of 525.00 feet) to a point of reverse curvature; thence run northwesterly for 196.43 feet along the arc of a curve to the right with a radius of 240.00 feet (chord bearing N. 22°32'59"W. chord distance of 190.99 feet); thence run S. 88°57'29" W. for 60.03 feet to the west line of the Northwest Quarter (N.W. 1/4) of said Section 7; thence run S. 0°49'11"W. along said west line for 875.00 feet to the point of beginning.

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AND

The south 830 feet of Section 1, Township 43 south, Range 22 east, being more particularly described as follows:

Beginning at the southeast corner of said Section 1, run N 89° 23' 23"W, 2950 Feet more or less to the mean high water line of Charlotte Harbor; thence northeasterly along the meanderings of said mean high water line, 860 feet more or less; thence leaving said mean high water line, run S 89° 35' 23"E along the north line of the hereinbefore metioned south 830 feet, 2734 feet more or less to the east line of said Section 1; thence S 00° 33'.58"W, along said east line, 830.01 feet to the point of beginning.

The south 830 feet of Section 6, Township 43 south, Range 23 east, being more particularly described as follows:

Beginning at the southwest corner of said Section 6, run N 00° 33' 50"E, along the west line thereof, 830.61 feet; thence N 88° 22' 20"E, 5302.12 feet to the East line of said Section 6; thence S 00° 41' 35"W along said east line 830.69 feet to the southeast corner of said Section 6; thence S 88° 22' 20"W, 5368.34 feet to the point of beginning.

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Burnt S[illegible]provement Co., Inc.
1 Matecu[illegible] / Road
Punta Gorda, FL 33955

2225830 AGREEMENT

33 pp
DCA sign
Book

THIS AGREEMENT is made and entered into this 30th day of January, 1987 by and between the State of Florida Department of Community Affairs, 2571 Executive Center Circle, East, Tallahassee, Florida 32301, (hereinafter "DCA") and Burnt Store Improvement Company, Inc., 1 Matecumbe Key Road, Punta Gorda, Florida 33955, (hereinafter "BSIC"), concerning a parcel of land in Lee County, Florida, more particularly described in Attachment A hereto which constitutes Punta Gorda Isles Section 22, including Tract C as recorded in Plat Book 28, Pages 118 through 138, Public Records of Lee County, Florida (hereinafter "Section 22").

This agreement is intended to resolve a dispute, as to the facts and applicable law, that has arisen between DCA and BSIC concerning the scope of vested rights claimed by BSIC under Chapter 380, Florida Statutes, to develop Punta Gorda Isles (hereinafter "PGI") Section 22, which dispute would necessitate lengthy and costly litigation between the parties unless the parties reach a satisfactory agreement.

WHEREAS, Punta Gorda Isles, Inc., then sole owner of Section 22, sought and received final plat approval for Section 22 on June 20, 1973, from the Board of County Commissioners, Lee County; and

WHEREAS, the Final Plat of Section 22 was recorded in Lee County Public Records on June 28, 1973, Plat Book 28, Pages 118 through 138; and

WHEREAS, in reliance on the 1973 Section 22 Plat, PGI filed in August 1973 an Application for a Binding Letter of Interpretation of Vested Rights (BLIVR) under Florida Statutes 380.06 with the Bureau of Land Planning, Division of State Planning; and

WHEREAS, the application recited that the development contained a marina complex and golf course associated with 239 homesites; and

OFF REC 8 9 PG 3 6 4

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY J. TURNER, D.C.

Prepared by:
MICHAEL J. CONIGLIO
526 E PARK AVENUE, SUITE 200
TALLAHASSEE, FLA 32301

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determined that your rights have vested pursuant to Section 380.06(12) Florida Statutes." Moreover, the letter stated that PGI would not be required to submit a Development of Regional Impact review of the vested plan for the Section 22 development; and

WHEREAS, a dispute has arisen between the DCA and PGI concerning the number of vested Marina Spaces for boats which dispute would require lengthy and costly litigation to resolve; and

WHEREAS, on January 3, 1975, the U.S. Army Corps of Engineers granted Permit 72-1176 for the marina complex, referencing the Department of Pollution Control Certification Approval 7-22, and containing 323 wet spaces, 2,000 spaces for dry storage, a boatel, boat repair facilities and other related improvements; and;

WHEREAS, on July 18, 1985, Lee County, Florida, granted building permits for the construction of 204 docks in the marina complex; and

WHEREAS, on May 20, 1986, DCA and PGI entered into an Agreement concerning the number of residential units vested in the Section 22 development, in which DCA contended that the marina complex was vested for 108 wet slips and dry storage for over 1,500 boats, which contention was not material to the substance of the Agreement nor agreed to by PGI; and

WHEREAS, on July 18, 1986, PGI sold the Section 22 development to BSIC with all attendant rights, privileges and liabilities; and

WHEREAS, BSIC maintains that PGI represented to BSIC as consideration for the purchase and sale of the Section 22 development that all local, state and federal permits and authorizations were approved and in hand to complete the marina complex with 204 docks for approximately 570 boat slips, upon which representations BSIC materially and in good faith relied; and

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WHEREAS, the application recited that the marina complex would encompass a 125 acre site and would contain dry storage facilities for over 1,500 boats, multi-family dwellings, boat slips handling boats up to 35 feet in length, covered wet slips, a boatel, facilities to space boats in excess of 50 feet in length, and fuel electronic, engine repair and marine facilities; and

WHEREAS, the application contained a conceptual sketch of the marina plan; and

WHEREAS, the application recited that the marina complex required a permit from the Trustees of the Internal Improvement Trust Fund, the State of Florida Department of Pollution Control, and the U.S. Army Corps of Engineers, as well as building permits from Lee County, Florida; and

WHEREAS, the application recited that permit applications were filed for the marina complex on October 10, 1972 with the Trustees of the Internal Improvement Trust Fund, on September 21, 1972 with the State of Florida Department of Pollution Control, and on October 6, 1972 with the U.S. Army Corps of Engineers; and

WHEREAS, the application recited that the State of Florida Department of Pollution Control granted Permit 7-22 and certification to the U.S. Army Corps of Engineers by Permit Agreement dated June 19, 1973 for the marina complex; and

WHEREAS, on October 2, 1973, the Trustees of the Internal Improvement Trust Fund granted a permit for the marina complex in accordance with and pursuant to the commitments made in the June 19, 1973 PGI/DPC Permit Agreement; and

WHEREAS, on June 5, 1974, Earl M. Starnes, Director, Division of State Planning issued a BLIVR to PGI concerning the Section 22 development, stating therein the following: "the proposed Punta Gorda Isles Section 22 residential development in Lee County (Section 1, T43S, R22E and Section 6, T43S, R22E) is a Development of Regional Impact as legally defined in Chapter 22F-2.10, Florida Administrative Code. Furthermore, it has been

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WHEREAS, BSIC maintains that the marina is vested for 323 wet spaces and over 1,500 dry spaces, and that DCA was apprised of this exact number of spaces through receipt of permit applications, diagrams and issued permits and authorization's both prior to, and for the 12 years subsequent to, issuance of the BLIVR for the Section 22 development; and

WHEREAS, there has been much apparent confusion over use of the terms "slips" versus " wet spaces" in relation to the vested status of the marina complex in the Section 22 development; and

WHEREAS, BSIC maintains that in the marina industry the term "wet space" connotes an area in which two boats may be slipped, thus eliminating any inconsistency in the project as depicted in the approved BLIVR application and as planned by BSIC; and

WHEREAS, BSIC has nevertheless agreed to modify the marina complex to meet certain concerns of DCA and to reduce regional impacts associated with the Section 22 development; and

WHEREAS, the parties to this agreement intend to resolve all differences between them as to the exact nature of the marina complex and other improvements vested as part of the Section 22 development.

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

1. All of the preceding WHEREAS paragraphs are true and correct and are incorporated herein by reference.

2. DCA hereby recognizes, confirms and agrees that the BSIC Section 22 development in Lee County is a Development of Regional Impact and that BSIC may construct wet slips for 525 water craft in the marina and that this alone will not require BSIC to comply with any applicable provisions of Section 380.06, Florida Statutes, and Chapter 27F, F.A.C. BSIC is hereby authorized to construct the 323 wet spaces or 525 wet slips for water craft without further DCA review, if built and constructed within the area of PGI Section 22 as shown on Attachment B.

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3. BSIC hereby waives and abandons its right to construct 1,044 of the dry spaces authorized in the PGI Section 22 development, and further agrees to waive its right to construct any of the 500 dry spaces authorized in excess of the original 1,500 space amount, up to 2,000 thereby allowing BSIC to develop a maximum of 456 dry spaces in this DRI, and thereby waiving its right to construct the balance of 1,044 dry spaces originally proposed and authorized in the PGI Section 22 Development.

4. This Agreement inures to the benefit of and is binding on the parties and their successors and assigns including all prior and subsequent purchasers of Section 22 and Burnt Store Marina South real property regardless of the DRI status of the real property as more particularly described in Attachment A; it shall bind the DCA as to the DRI status of PGI Section 22 under Chapter 380.06, Florida Statutes.

5. This Agreement constitutes the entire agreement between the parties and no modification or change to this Agreement shall be valid or binding upon the parties unless it is in writing and executed by the parties to be bound thereby.

6. This Agreement shall be recorded by PGI in the Public Records of Lee County, Florida, in the chain of title for Section 22.

In Witness whereof the parties have caused this Agreement to be executed hereto the day and year as indicated below:

Signed, Sealed and Delivered in the presence of:

Patricia C. Crosby
First Witness

Jan Rayborn
Second Witness

STATE OF FLORIDA, DEPARTMENT OF COMMUNITY AFFAIRS, "DCA"

By: [signature]

DATED: January 30, 1987

(SEAL)

BURNT STORE IMPROVEMENT, INC.

Shirley Hinkle
First Witness

Sherry M. Green
Second Witness

BY: [signature]
Michael V. Coniglio,
Agent

DATED: 1-30-87

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REC 1 8 9 PG 3 6 4 8

OFF REC 1894 PG 3614

STATE OF FLORIDA:
COUNTY OF LEON:

I HEREBY CERTIFY that on this 30th day of January, 1987, personally appeared Tom Lewis Jr., as Secretary, State of Florida, Department of Community Affairs, to me known to be the person described in and who executed the foregoing Agreement as such officer and acknowledged before me that he executed the same for the purposes therein expressed as the act and deed of said Department of Community Affairs.

WITNESS my hand and official seal this 30th day of January, 1987, in the State and County last aforesaid.

My Commission Expires:

Jan Rayburn
Notary Public - State of Florida

(SEAL)

STATE OF FLORIDA
COUNTY OF LEON:

I HEREBY CERTIFY that on this 30th day of January, 1987, personally appeared Michael J. Coniglio as Agent to Punta Gorda Isles, Inc., Burnt Store Improvement, Inc., and Gulf Coast Credit Corp., to me known to be the person described in and who executed the foregoing Agreement as such officer and acknowledged before me that he executed the same for the purposes therein expressed as the act and deed of said corporation.

WITNESS my hand and official seal this 30th day of January, 1987, in the State and County last aforesaid.

My Commission Expires:

Notary Public, State of Florida
My Commission Expires Dec. 15, 1987

Sherry M. Green
Notary Public
State of Florida

(SEAL)

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ATTACHMENT "A"

A parcel of land being all of GOVERNMENT LOT 1 and a portion of GOVERNMENT LOT'S 2, 3, and 4, and the Southeast 1/4 of the Northeast 1/4, and the Northeast 1/4 of the Southeast 1/4, and the North 278 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 1660 feet thereof and less the Right of Way for BURNT STORE ROAD, (State Road No. 765) Lee County, Florida, being more particularly described as follows:

COMMENCE at the Northeast corner of Section 6, Township 43 South, Range 23 East; thence run N 89°36'00" W along the South boundary line of Charlotte County and the North boundary line of Lee County a distance of 17.52 feet to the Point of Beginning of the Parcel of Land hereinafter described; said boundary line also being the South line of Punta Gorda Isles, Section 21, Sheet 46, Plat Book 13, Page 1-Z-21, of the Public Records of Charlotte County, Florida; thence run S 00°20'00"W along the Westerly Right of Way line of State Road No. 765 (Burnt Store Road) a distance of 167.79 feet to a point; thence run S 01°35'20"W along the said Westerly R/W line of State Road No. 765 a distance of 756.86 feet to a point; thence run S 02°50'40"W along the said Westerly R/W line of State Road No. 765 a distance of 727.59 feet to the Point of Curvature of a circular curve to the left having a radius of 17,390.08 feet; said curve being the Westerly R/W line of State Road No. 765; thence run Southwesterly along the arc of said curve, an arc distance of 653.57 feet through a central angle of 02°09'12" to the Point of Tangency; thence run S 00°41'23" W along the said Westerly R/W line of State Road No. 765 a distance of 1093.95 feet to a point of intersection with a line that is 1660 feet North of and parallel to the South line of said Section 6; thence run S 88°22'02"W along said line that is 1660 feet North of and parallel to the South line of said Section 6, a distance of 5236.84 feet to a point of intersection with the West line of the South 1660 feet of said Section 6; said line also being the East line of the NE 1/4, SE 1/4 of Section 1, Township 43 South, Range 22 East; thence run S00°33'37" W along the West line of the South 1660 feet of said Section 6 and the East line of the NE 1/4 of the SE 1/4 of the said Section 1 a distance of 602.92 feet to a point of intersection with a line that is 278 feet South of and parallel to the North line of SE 1/4 of the SE 1/4 of said Section 1; thence run N 89°35'58"W along said line that is 278 feet South of and parallel to North line of the said SE 1/4, SE 1/4 of Section 1 a distance of 1318.75 feet to a point on the West line of the North 278 feet of the said SE 1/4, S.E. 1/4 of Section 1; thence run N 00°38'20"E along the said West line a distance of 278 feet to the Northwest corner of the said SE 1/4, SE 1/4; said point also being the Southeast corner of Government Lot 4 in said Section 1; thence run N 89°35'58" W along the South line of said Government Lot 4 a distance of 1228.63 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°50'47" E 286.24 feet; N 10°29'40"E 644.65 feet; N 01°48'25" E 695.54 feet; N 23°51'46" E 305.62 feet; N 16°44'33"E 515.42 feet; N 02°48'08" E 911.78 feet; thence N 29°57'57" E a distance of 713.93 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 36, Township 42 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 36; and the South line of Punta Gorda Isles Subdivision, Section 21, as recorded in Plat Book 13 at Pages 1-Z-8, 9, 14, 15, 20 and 21 of the Public Records of Charlotte County, Florida a distance of 1698.98 feet to the Northeast corner of said Section 1; thence run S 89°35'30" E along the North line of the NW 1/4 of said Section 6, the South line of Section 31, Township 42 South, Range 23 East, Charlotte County and the South line of the said Punta Gorda Isles Subdivision, Section 21, a distance of 2658.80 feet to the N 1/4 corner of said Section 6; thence run S 89°36'00"E along the North line of the NE 1/4 of said Section 6, the South line of said Section 31, and the South line of said Punta Gorda Isles Subdivision, Section 21, a distance of 2618.29 feet to the Point of Beginning, said point being N 89°36'00" W a distance of 17.52 feet from the Northeast corner of said Section 6.

CONTAINING 626.26 acres more or less.

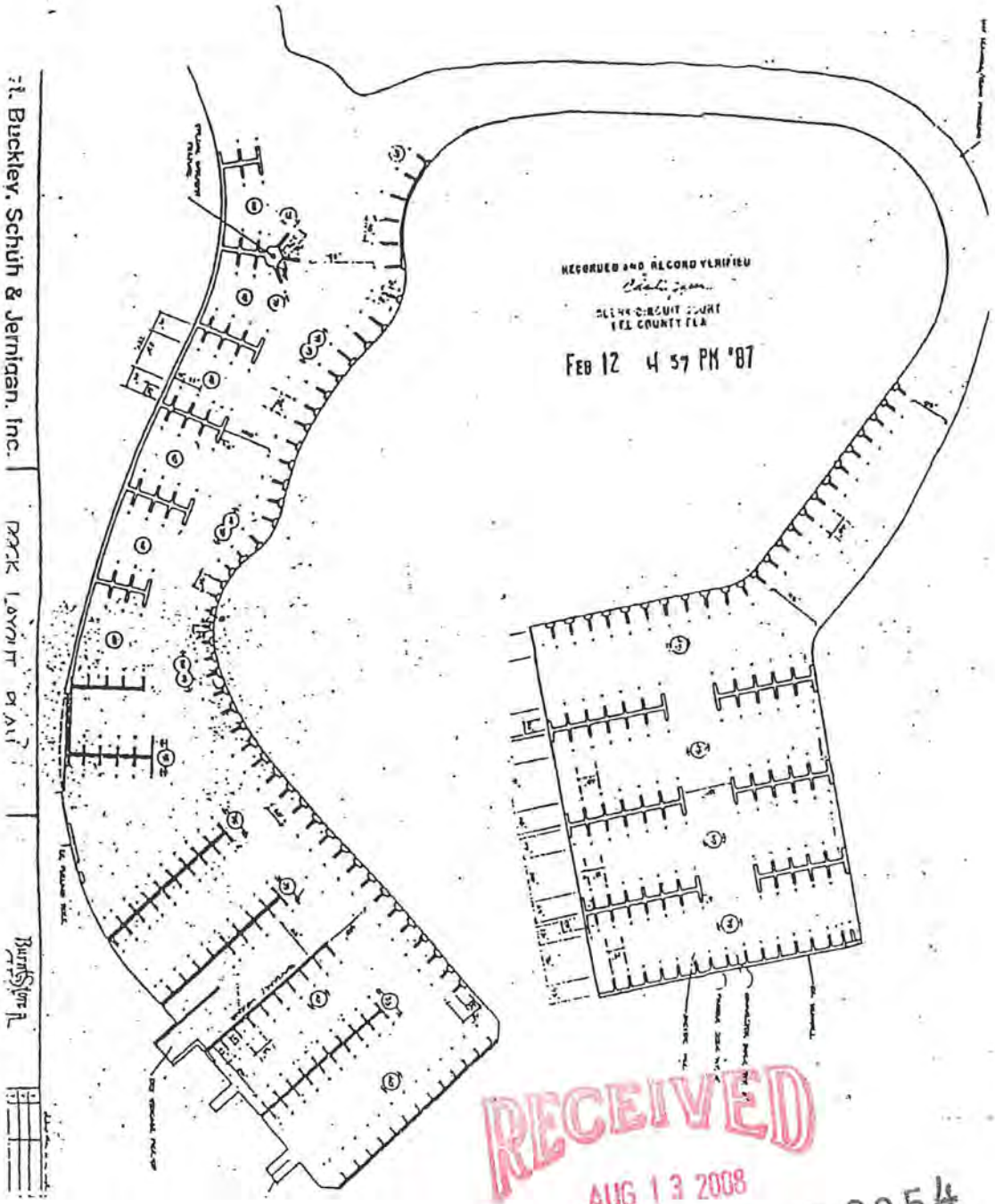
LAW OFFICES
FARR, FARR, HAYMANS, MOSELEY, EMERICH AND SIFRIT, P.A.
ATTORNEYS AT LAW
2819 HARBOR STREET
P.O. BOX 2158
PORT CHARLOTTE, FL
33952

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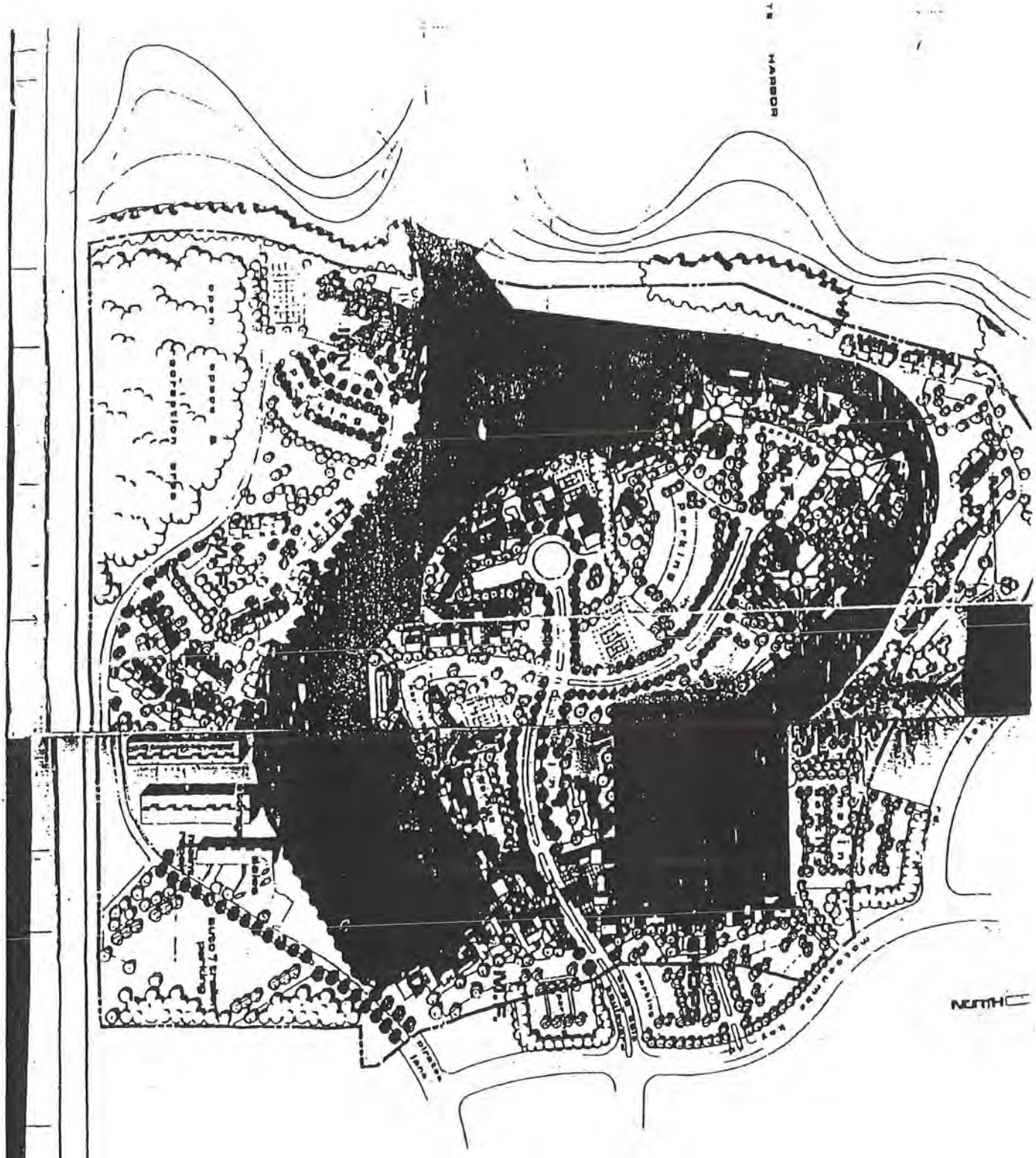
ADD 1.89 MAP

ATTACHMENT B



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PUNTA GORDA ISLES, Inc.
1926 West Marion Ave.
Punta Gorda, Fla.

allen hixon associates

S-1

SCHEMATIC PLAN

BURNT STORE LANDING
CHARLOTTE HARBOR, FLORIDA

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ADDENDUM TO AGREEMENT

THIS ADDENDUM TO AGREEMENT (hereinafter "Addendum") is made and entered into this _____ day of _____, 2008 by and between the State of Florida Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399, (hereinafter "DCA") and Realmark Development, LLC (hereinafter "Realmark") to amend a 380.032 agreement executed in 1987 concerning wet and dry boat storage for a parcel of land in Lee County, Florida, which constitutes Punta Gorda Isles-Section 22, including Tract C, as recorded in Plat Book 28, Pages 118 through 138, Public Records of Lee County, Florida.

WHEREAS DCA is authorized under Section 380.032, Florida Statutes, to enter into agreements with any land owner or developer as necessary to effectuate the provisions and purposes of the Florida Environmental Land and Water Management Act of 1972.

WHEREAS DCA issued to Punta Gorda Isles, Inc. (hereinafter "PGI") a binding letter dated July 5, 1974, in which DCA finds that the proposed Punta Gorda Isles-Section 22 project is a development of regional impact (hereinafter "DRI"), but is vested from DRI review requirements pursuant to Section 380.06, Florida Statutes.

WHEREAS the Punta Gorda Isles-Section 22 project continues to develop.

WHEREAS on May 20, 1986, DCA and PGI entered into an agreement pursuant to Section 380.032, Florida Statutes, in which the parties agreed that PGI's proposed Punta Gorda Isles-Section 22 development is vested for a total of 2,514 residential units.

WHEREAS on or about July 18, 1986, PGI sold its Punta Gorda Isles-Section 22 property and all attendant rights, privileges, and liabilities to Burnt Store Improvement Company, Inc. (hereinafter "BSIC").

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WHEREAS on January 30, 1987, DCA and BSIC entered into a second agreement (hereinafter "the 1987 Agreement") pursuant to Section 380.032, Florida Statutes, in order to resolve a dispute as to the number of marina spaces for the Punta Gorda Isles-Section 22 property which have DRI vested rights. A copy of the 1987 Agreement is attached as Exhibit "A" and includes a legal description of the Punta Gorda Isles-Section 22 property.

WHEREAS in the 1987 Agreement the parties stipulated that the Punta Gorda Isles-Section 22 project has vested rights from DRI review for a maximum of 323 wet spaces or 525 wet slips, and 456 dry spaces.

WHEREAS Realmark is a successor in interest of property located in the Punta Gorda Isles-Section 22 project which previously was owned by BSIC.

WHEREAS in 2006 the Florida Legislature, through Chapter 2006-220, Laws of Florida, expressly removed waterport and marina facilities, including wet boat storage, mooring, and dry boat storage, from DRI review guidelines and standards, and provided a DRI exemption for waterport and marina development.

WHEREAS Realmark owns the private basin and adjacent land on which the wet spaces, wet slips and dry spaces that are vested under the 1987 Agreement could be located, and now wishes to construct additional wet and dry boat storage.

WHEREAS Realmark would be subject to a market disadvantage if it were limited to the amount of wet and dry boat storage it could develop without triggering the need to undergo the expensive and lengthy DRI review process while DRI-sized, but DRI-exempt, competitors are not subject to boat storage DRI guidelines and standards under Sections 380.06 and 380.0651, Florida Statutes.

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WHEREAS the purpose of the 1987 Agreement to determine the number of vested wet and dry marine spaces is now moot because of 2006 legislative changes to Sections 380.06 and 380.0651, Florida Statutes.

WHEREAS the parties intend to clarify Realmark's rights to develop marina spaces and boat storage in light of Chapter 2006-220, Laws of Florida.

NOW, THEREFORE, in consideration of Legislative intent to no longer subject marinas to the requirements of the DRI process, the parties agree as follows:

1. The parties agree that this is an Addendum to the 1987 Agreement and this Addendum is hereby approved.

2. DCA recognizes, confirms and agrees that Realmark may construct wet slips, wet spaces, and dry boat storage facilities without regard to the requirements of Sections 380.06 and 380.0651, Florida Statutes, as to which developments must undergo the DRI review process.

3. DCA recognizes, confirms and agrees that Realmark may construct wet slips, wet spaces, and dry boat storage facilities without regard to the thresholds for those development activities stipulated in the 1987 Agreement. The wet slip, wet space, and dry storage limitations in the 1987 Agreement no longer are in legal effect for purposes of determining whether development activities located in Punta Gorda Isles-Section 22 must undergo DRI review.

4. This Addendum is binding on the parties and their successors and assigns, including all prior and subsequent purchasers of property located within the boundaries of the Punta Gorda Isles-Section 22 project.

5. This Addendum and the 1987 Agreement constitute the entire agreement between the parties with respect to marina development.

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6. In accordance with Section 380.06(24), Florida Statutes, if marina development will be part of a larger project that is subject to review as a DRI, the impact of marina development in excess of 323 wet spaces or 525 wet slips, and 456 dry spaces must be included in the review of the DRI project. The impacts of up to 323 wet spaces or 525 wet slips, and 456 dry spaces retain their vested rights with respect to the requirements of Section 380.06(24), Florida Statutes.

7. DCA agrees that under Chapter Law 2006-220 all water ports and marinas, including wet spaces, wet slips, and dry boat storage, do not count in calculations for multi-use DRI thresholds. In the event that some or all of the Punta Gorda Isles-Section 22 property is redeveloped, the wet spaces, wet slips and dry storage stipulated in the 1987 Agreement shall not count towards the calculation of any multi-use DRI threshold.

8. This Addendum effectuates the provisions and purposes of Chapter 2006-220, Laws of Florida and is entered into pursuant to Section 380.032, Florida Statutes.

9. Realmark shall record this Addendum in the public records of Lee County, Florida , in the chain of title for Section 22.

In witness whereof, the parties have caused this Addendum to be executed as indicated below:

Signed, Sealed and Delivered
in the presence of:

_____
First Witness

_____
Second Witness

STATE OF FLORIDA, DEPARTMENT OF COMMUNITY AFFAIRS

BY:_____

DATED:_____

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2007-00054

STATE OF FLORIDA:
COUNTY OF LEON:

I HEREBY CERTIFY that on this _____ day of _____, 2008, personally appeared _____, as _____, State of Florida, Department of Community Affairs, to me known to be the person described in and who executed the foregoing Addendum and acknowledged before me that he executed the same for purposes therein expressed as the act and deed of said Department of Community Affairs.

WITNESS my hand and official seal this _____ day of _____, 2008 in the State and County last aforesaid.

_____
Notary Public - State of Florida

My Commission Expires:

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REALMARK DEVELOPMENT, LLC

_____ By:_____
First Witness

_____ DATED:_____
Second Witness (CORPORATE SEAL)

STATE OF FLORIDA:
COUNTY OF LEE:

I HEREBY CERTIFY that on this _____ day of _____, 2008, personally appeared _____, to me known to be the person described in and who executed the foregoing Addendum and acknowledged before me that he executed the same for purposes therein expressed as the act and deed of said Realmark Development, LLC.

WITNESS my hand and official seal this _____ day of _____, 2008 in the State and County last aforesaid.

_____
Notary Public - State of Florida

My Commission Expires:

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EXHIBIT D

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[redacted] 2007-00054

PLAT BOOK 34 PAGE 92

Punta Gorda Isles
SECTION TWENTY TWO REPLAT

A Portion of Section 1, Township 43 South, Range 22 East
Being
A Replat of a part of PUNTA GORDA ISLES SECTION TWENTY TWO as recorded in Plat Book 28 at Page 118 of the Public Records of Lee County, Florida.

DESCRIPTION

A parcel of land lying in section 1, township 43 south, range 22 east, Lee County, Florida, being lots 11, 12 and 13 of block 1008; lots 1 thru 4 inclusive of block 1009; all of block 1010; lots 3 and 4 of block 1011 and a portion of an area designated "A" as shown on the plat of PUNTA GORDA ISLES SECTION TWENTY TWO as recorded in plat book 28 at page 118 of the public records of Lee County, Florida: the east line of said area designated "A" is more particularly described as follows: COMMENCING at the southeast corner of lot 11 of block 1008 run NORTH 71°02'26" WEST, 73.76 feet to a point of reverse curvature on the south line of said lot 11 and the POINT OF BEGINNING: thence SOUTH 23°36'59" WEST, 304.85 feet to a point of compound curvature on the east line of lot 1 of block 1009 and the point of termination.

TOGETHER WITH the rights of way of Sea Turtle Lane and that part of Sugarloaf Key Road lying immediately adjacent to the abovementioned lots and blocks, CONTAINING 33.45 acres more or less.

APPROVALS

Whereas, this plat was on the 17th day of February 1982 submitted to the Board of County Commissioners of Lee County Florida, for approval for record and has been approved by said commission:

Now, therefore be it resolved by the county commissioners of Lee County Florida, that the said plat is hereby approved and shall be recorded in the public records of this county.

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY FLORIDA

By: Ernest Carroll
Chairman of the Board

By: Michael Carroll
County Engineer

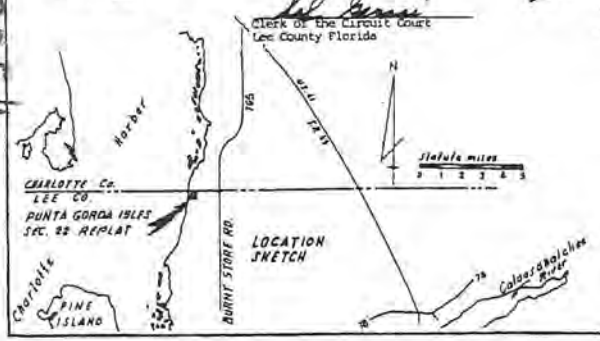
Attest: Sal Gonzalez
Clerk of Court

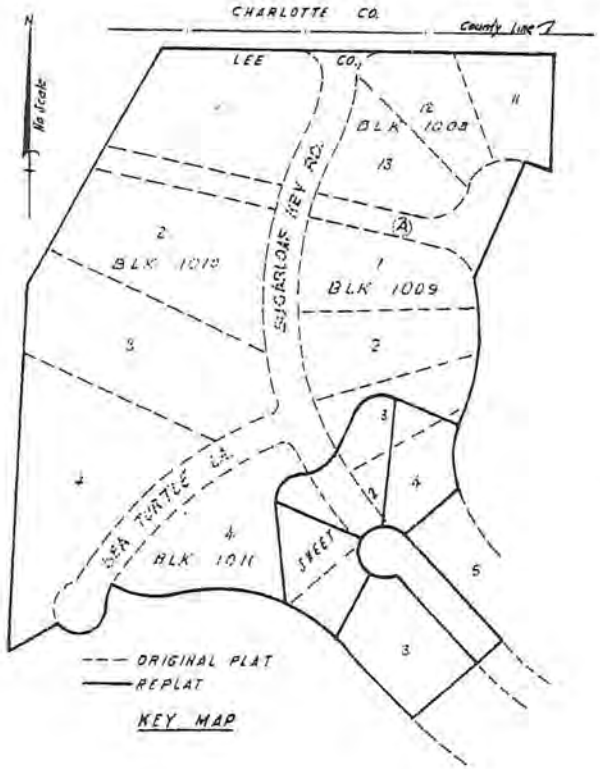
By: Donald Doggett
County Attorney

CLERK'S CERTIFICATE 1525019

I, Sal Gonzalez, Clerk of the Circuit Court of Lee County Florida, hereby certify that I have examined this plat, that it complies in form with all the provisions of Chapter 177 Florida Statutes, that it was filed and recorded on the 3rd day of March 1982 recorded in Plat Book 34 Pages 92 through 93

Sal Gonzalez
Clerk of the Circuit Court
Lee County Florida





DEDICATION

STATE OF FLORIDA
COUNTY OF CHARLOTTE

PUNTA GORDA ISLES, INC. a corporation existing under the laws of the State of Florida, the owners of the lands herein platted, as dedicators, does hereby dedicate to the public, all streets, rights-of-way, and easements shown herein. The express purpose of this plat is to close, revoke, vacate and abrogate that portion of PUNTA GORDA ISLES SECTION TWENTY TWO as recorded in plat book 28 at page 118 of the public records of Lee County, Florida, as described herein and to replat same into lots, blocks, tracts, rights-of-way, and streets as shown herein. Unless otherwise shown by dashed line, a strip of land 10 feet in width along the front and rear lot lines and 6 feet each side of a parallel with each side lot line is reserved for the construction and maintenance of utility and drainage facilities. Where more than one lot is intended for a building site, said side lot line easement shall be along the outside lines of said site.

IN WITNESS WHEREOF, the said PUNTA GORDA ISLES, INC. has caused its name and the corporate seal to be affixed hereto by its President, heretofore duly authorized by its Board of Directors on this 4th day of JAN., 1982.

PUNTA GORDA ISLES, INC.

CORPORATE SEAL

By: Charles B. Moffett

Attest By: Paula F. McQueen

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF CHARLOTTE

Before me, the undersigned, an officer duly authorized and acting personally appeared Charles B. Moffett and Paula F. McQueen to me known to be the individuals who executed the foregoing dedication as the President and Secretary of Punta Gorda Isles, Inc., a corporation under the laws of the State of Florida and being duly sworn, acknowledged then and there before me that they executed the same as such officers of such corporation heretofore duly authorized by the Board of Directors of such corporation as the act and deed of such corporation.
Witness my hand and official seal this 4th day of JAN. 1982 in the county and state last aforesaid.

Notary Public State of Florida

My Commission Expires: May 10, 1983

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY that this plat of PUNTA GORDA ISLES SECTION TWENTY TWO REPLAT is a true and correct representation of the hereindescribed land according to a recent survey made and platted under my direction and supervision and that the survey complies with the requirements of Chapter 177 of the Florida Statutes.

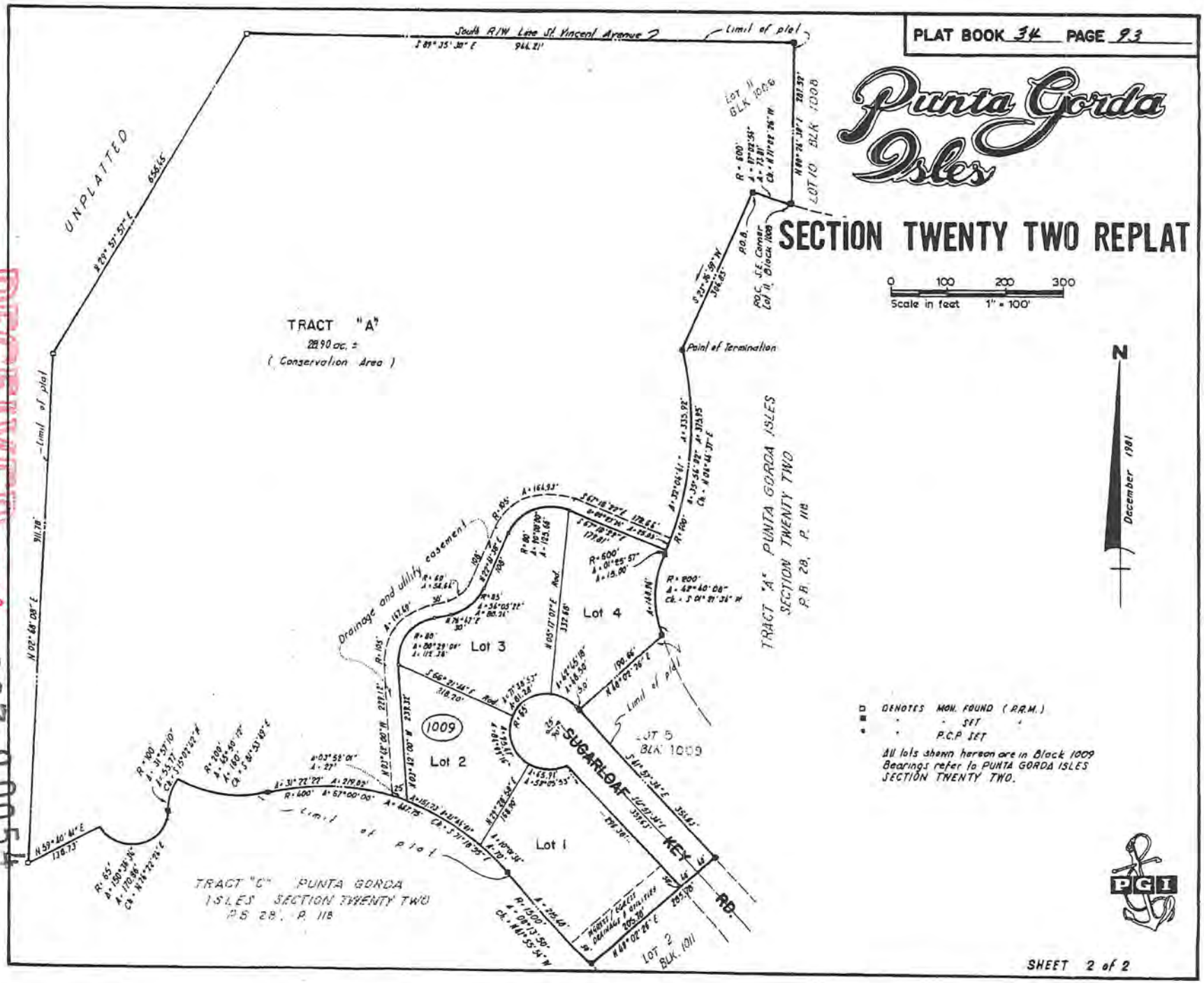
Dec. 14, 1981
Ernest C. Trott, P.L.S.
Florida Certificate No. 2257

PGI

Punta Gorda Isles, Inc. 1625 W. Marion Ave. Punta Gorda, Fl.

SHEET 1 of 2

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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 18 day of ~~July~~ August, 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 contest 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

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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 onto said Grantee for the purposes and duration aforesaid.

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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, as President

_____
Witness #1
KENT E. BENSON
Print Name

_____
Witness #2
DIANNE M. RACINE
Print Name

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

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

_____
Witness #1
Charlotte B. Ford
Print Name

_____
Witness #2
Craig A. Dearden
Print Name

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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
MY COMMISSION # DD 038713
EXPIRES: July 2, 2005
Bonded Thru Notary Public Underwriters

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 (X) is personally known to me or who ( ) produced _____ as identification.

(SEAL)

OFFICIAL NOTARY SEAL
CHARLOTTE B FORD
COMMISSION NUMBER
CC931463
MY COMMISSION EXPIRES
MAY 19,2004

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

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

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

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

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EXHIBIT "A"

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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 137.28FEET 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.

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.

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AMERICAN LAND TITLE ASSOCIATION
OWNER'S POLICY (10-17-92)
(WITH FLORIDA MODIFICATIONS)

10 2252 106 00001195

CHICAGO TITLE INSURANCE COMPANY

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, CHICAGO TITLE INSURANCE COMPANY, a Missouri corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

In Witness Whereof, CHICAGO TITLE INSURANCE COMPANY has caused this policy to be signed and sealed as of the Date of Policy shown in Schedule A, the policy to become valid when countersigned by an authorized signatory.

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CHICAGO TITLE INSURANCE COMPANY
By:

John Rau
President

By:

Thomas J Edams
Secretary

Issued by:
FIRST FIDELITY TITLE, INC.
24201 WALDEN CENTER DRIVE
SUITE 204
BONITA SPRINGS, FL 34134
(941) 498-8400

CHICAGO TITLE INSURANCE COMPANY CORPORATE SEAL

OWNERS

SCHEDULE A

OFFICE FILE NUMBER	POLICY NUMBER	DATE OF POLICY	AMOUNT OF INSURANCE
1 00-1333	2 10 2252 106 00001195	3 December 29, 2000 12:09:00 PM	4 $ 12,000,000.00

1. Name of Insured:
   REALMARK BURNT STORE MARINA, LLC,, a Florida limited liability company

2. The estate or interest in the land which is covered by this Policy is:

   Fee Simple

3. Title to the estate or interest in the land is vested in the Insured.

4. The land herein described is encumbered by the following mortgage or trust deed, and assignments:

   Mortgage, Security Agreement, and Assignment of Rents executed by REALMARK BURNT STORE MARINA, LLC,, a Florida limited liability company to AMSOUTH BANK, an Alabama banking corporation, dated December 28, 2000, and recorded December 29, 2000 in Official Record Book 3344, Page 2891, Public Records of Lee County, Florida, given to secure the principal sum of $8,500,000.00.

   and the mortgages or trust deeds, if any, shown in Schedule B hereof.

5. The land referred to in this Policy is described as follows:

   See Attached Owners Schedule A Continuation

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This Policy valid only if Schedule B is attached.

ADDED PAGE

(Schedule A continued)

Policy Number 10 2252 106 00001195
Owners

Policy Number
Loan

Parcel One:

See Exhibit "A" attached

Parcel Two:

A non-exclusive easment for the benefit of the property described in Exhibit "A" created by grant of easement dated December 28, 2000 and recorded in Official Records Book 3344, Page 2874, for ingress and egress over, across and through the property described in Exhibit "B". V Matacumbe Rd. Access #12

Parcel Three:

A non-exclusive easement for the benefit of the property described in Exhibit "A" created by grant of easement dated December 28, 2000 and recorded in Official Records Book 3344, Page 2840, for ingress and egress over, across and through the property described in Exhibit "C". @E end of S Marina Basin

Parcel Four:

A non-exclusive easement for the benefit of the property described in Exhibit "A" created by grant of easement dated December 28, 2000 and recorded in Official Records Book 3344, Page 2863, for ingress and egress over, across and through the property described in Exhibit "D". Cape Cole Blvd access

Parcel Five:

A non-exclusive easement for the benefit of the property described in Exhibit "A" created by Access Easement Agreement dated December 28, 2000 and recorded in Official Records Book 3344, Page 2851, for ingress and egress over, across and through the property described in Exhibit "E". Joined access from Matacumbe Rd to W side of property #10

Parcel Six:

A non-exclusive easement for the benfit of the property described in Exhibit "A" over a twenty four foot (24 foot) strip

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POLICY INSERT
Added Page
Recorder Form No.3237 (Rev. 2/89)

ADDED PAGE

(Schedule A continued)

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Owners

Policy Number _____
Loan

of property lying adjacent and contiguous to all of the seawall located on TRACT C OF PUNTA GORDA ISLES SECTION TWENTY TWO, according to the plat thereof recorded in Plat Book 28, pages 118 through 138 inclusive, public records of Lee County, Florida, as contained in Official Records Book 1537, page 226, as amended by Official Records Book 1683, page 204 and Partial Assignment of Easement Rights as recorded in Official Records Book 3344, page 2887 and in Declaration of Restrictions recorded in Official Records Book 1432, page 249, as amended by Official Records Book 1683, page 206, of the public records of Lee County, Florida. Seawall edge of Marina

Parcel Seven:

A non-exclusive easement for the benefit of the property described in Exhibit "A" created by Declaration and Grant of Easements dated May 21, 1998 and recorded in Official Records Book 2964, page 1811 and Partial Assignment of Easement Rights as recorded in Official Records Book 3344, Page 2884, public records of Lee County, Florida, for ingress and egress over, across and through the property described in Exhibit "F". North Basin Access

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POLICY INSERT
Added Page
Recorder Form No.3237 (Rev. 2/89)

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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EXHIBIT "A"

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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 137.28FEET 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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2007-0 0054

DESCRIPTION OF
A TRACT OR PARCEL OF LAND
LYING IN
SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST, AND
SECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST,
LEE COUNTY, FLORIDA

THE FOLLOWING DESCRIBED STRIP OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST AND SECTION 1, TOWNSHIP 43 SOUTH, RANGE 22 EAST BEING A PORTION OF 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 SAID LEE COUNTY, AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

A 60.00 FOOT WIDE STRIP OF LAND LYING 30.00 FEET TO EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTH 1660 FEET OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST (AS SHOWN ON THE ABOVE SAID PLAT OF PUNTA GORDA ISLES SECTION TWENTY TWO); THENCE RUN N. 88°22"02"E. ALONG THE NORTHERLY LINE OF SAID SOUTH 1660 FEET OF SECTION 6, A DISTANCE OF 118.83 FEET TO A POINT; THENCE RUN N.01°37'58"W., A DISTANCE OF 40.00 FEET TO A POINT; THENCE RUN N.36°26'58"W., A DISTANCE OF 123.56 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED CENTERLINE, SAID POINT LYING ON THE BOUNDARY OF SAID TRACT "C" AND ON THE CENTERLINE OF A DEDICATED PUBLIC RIGHT OF WAY KNOWN AS MATECUMBE KEY ROAD (FORMERLY PIRATES LANE) AS SHOWN ON SAID PLAT OF PUNTA GORDA ISLES SECTION TWENTY TWO, SAID POINT OF BEGINNING ALSO BEING THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 182.98 FEET, A CENTRAL ANGLE OF 52°59'25" AND A CHORD BEARING OF S.27°03'20"W.; THENCE RUN ALONG THE ARC OF SAID CURVE A DISTANCE OF 169.23 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°33'37"W., 30.00 FEET WESTERLY OF AND PARALLEL TO THE WEST LINE OF SAID SOUTH 1660 FEET OF SECTION 6, A DISTANCE OF 548.76 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 89°50'25", AND A CHORD BEARING OF S.45°28'49"W.; THENCE RUN ALONG THE ARC OF SAID CURVE A DISTANCE OF 313.60 FEET TO THE POINT OF TANGENCY THEREOF; THENCE RUN N.89°35'58"W., A DISTANCE OF 978.35 FEET TO A POINT LYING ON THE EASTERLY BOUNDARY OF THE TRACT KNOWN AS MARINA SOUTH SHORE CONDOMINIUMS PHASE I, SAID POINT BEING THE POINT OF TERMINUS OF THE DESCRIBED CENTERLINE.

BEARINGS ARE BASED ON THE WESTERLY LINE OF THE SOUTH 1660 FEET OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST, AS RECORDED ON THE PLAT OF PUNTA GORDA ISLES SECTION TWENTY TWO, HAVING AN ASSUMED BEARING OF N.00°33'37"E.

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2007-00054

EXHIBIT "B"

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

AN EASEMENT OVER AND ACROSS 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 TRACTS "H" AS RECORDED IN OFFICIAL RECORDS BOOK 2285, PAGE 3075 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, 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 EASTERLY LINE OF SAID SECTION 1 FOR 880.00 FEET TO THE SOUTHEAST CORNER OF TRACT "I", AS RECORDED IN OFFICIAL RECORDS BOOK 2285, PAGE 3075, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N.00°33'26"E., ALONG SAID EASTERLY LINE FOR 880.80 FEET; THENCE N.88°09'42"E., FOR 118.89 FEET; THENCE N.01°37'58"W., FOR 40.00 FEET; THENCE N.36°26'58"W., FOR 153.75 FEET TO A POINT ON A CURVE TO THE LEFT, HAVING: A RADIUS OF 219.98 FEET, A CENTRAL ANGLE OF 02°06'36", A CHORD BEARING OF S.51°56'32"W. AND A CHORD LENGTH OF 8.10 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 8.10 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE N.50°27'45"W., A DISTANCE OF 51.68 FEET; THENCE N.29°48'32"W., A DISTANCE OF 131.95 FEET; THENCE S.83°30'29"W., A DISTANCE OF 29.19 FEET; THENCE S.59°14'04"W., A DISTANCE OF 68.70 FEET; THENCE S.30°45'56"E., A DISTANCE OF 24.00 FEET; THENCE N.59°14'04"E., A DISTANCE OF 71.11 FEET; THENCE S.29°48'32"E., A DISTANCE OF 110.89 FEET; THENCE S.25°52'01"W., A DISTANCE OF 80.92 FEET; THENCE S.39°45'08"E., A DISTANCE OF 55.64 FEET TO A POINT ON A CURVE TO THE RIGHT, HAVING: A RADIUS OF 219.98 FEET, A CENTRAL ANGLE OF 06°52'22", A CHORD BEARING OF N.25°45'58"E. AND A CHORD LENGTH OF 26.37 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 26.39 FEET; THENCE N.39°45'08"W., A DISTANCE OF 29.24 FEET; THENCE N.25°52'01"E., A DISTANCE OF 54.88 FEET; THENCE S.50°27'45"E., A DISTANCE OF 38.98 FEET TO A POINT ON A CURVE TO THE RIGHT, HAVING: A RADIUS OF 219.98 FEET, A CENTRAL ANGLE OF 06°19'07", A CHORD BEARING OF N.47°43'40"E. AND A CHORD LENGTH OF 24.25 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 24.26 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EASTERLY LINE OF SAID SECTION 1 AS PER THE RECORD PLAT OF PUNTA GORDA ISLES SECTION 22, RECORDED IN PLAT BOOK 28, PAGES 118 THROUGH 138, HAVING AN ASSUMED BEARING N. 00°33'37"E.

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EXHIBIT "C"

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

AN INGRESS, EGRESS AND ACCESS EASEMENT OVER AND ACROSS 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, ALSO BEING A PORTION OF THE ROADWAY EASEMENT AREA (AKA SUNSET KEY CIRCLE) AS DESCRIBED IN EXHIBIT "B" OF OFFICIAL RECORDS BOOK 2772, PAGE 2889 ALL OF THE PUBLIC RECORDS OF SAID LEE COUNTY, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 3, BLOCK 1001, OF SAID PUNTA GORDA ISLES SECTION 22; THENCE S.59°00'18"W. ALONG THE SOUTHERLY LINE OF THE "TIDES CONDOMINIUM" AS RECORDED IN OFFICIAL RECORDS BOOK 2163, PAGE 170 OF SAID PUBLIC RECORDS AND THE NORTHERLY LINE OF SAID ROADWAY EASEMENT, FOR 289.59 FEET TO A POINT ON THE EASTERLY LINE OF "PROSPERITY POINT" AS RECORDED IN OFFICIAL RECORDS BOOK 2285, PAGE 3154, OF SAID PUBLIC RECORDS; THENCE S.30°59'42"E., ALONG SAID EASTERLY LINE, FOR 100.00 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID ROADWAY EASEMENT; THENCE N.59°00'18"E. ALONG SAID SOUTHERLY LINE FOR 289.33 FEET TO A POINT ON THE EASTERLY LINE OF SAID TRACT "C" ALSO BEING THE WESTERLY LINE OF CAPE COLE BOULEVARD AS RECORDED IN SAID PLAT OF PUNTA GORDA ISLES, SECTION 22; THENCE N.30°59'42"W. ALONG SAID EASTERLY AND WESTERLY LINES, FOR 100.00 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE SOUTHERLY LINE OF THE "TIDES CONDOMINIUM", AS RECORDED IN OFFICIAL RECORDS BOOK 2163, PAGE 170, LEE COUNTY PUBLIC RECORDS AS HAVING AN ASSUMED BEARING OF S.59°00'18"W.

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EXHIBIT "P"

All of that portion of ingress and egress easement area described in that certain Non-Exclusive Ingress and Egress Easement recorded in Official Records Book 1690, Page 2654, Public Records of Lee County, Florida located within the following property:

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 TRACTS "H" AND "I" AS RECORDED IN OFFICIAL RECORDS BOOK 2285, PAGE 3075 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, 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 EASTERLY LINE OF SAID SECTION 1 FOR 880.00 FEET TO THE SOUTHEAST CORNER OF TRACT "I", AS RECORDED IN OFFICIAL RECORDS BOOK 2285, PAGE 3075, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N.89°35'58"W. ALONG THE SOUTH LINE OF SAID TRACT "I", FOR 947.57 FEET; THENCE N.00°24'02"E., FOR 222.34 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; 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 THE KEEL CLUB CONDOMINIUM AS RECORDED IN OFFICIAL RECORDS BOOK 1690, PAGE 2613 OF SAID PUBLIC RECORDS; THENCE , ALONG SAID WESTERLY LINE THE FOLLOWING THREE COURSES, S.01°28'31"W., FOR 14.10 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 133.42 FEET, A CENTRAL ANGLE OF 17°03'03", A CHORD BEARING OF S.10°00'02"W. AND A CHORD LENGTH OF 39.56 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 39.70 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 191.85 FEET, A CENTRAL ANGLE OF 18°07'32", A CHORD BEARING OF S.09°27'48"W. AND A CHORD LENGTH OF 60.44 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 60.69 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S.00°24'02"W., FOR 16.13 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EASTERLY LINE OF SAID SECTION 1 AS PER THE RECORD PLAT OF PUNTA GORDA ISLES SECTION 22, RECORDED IN PLAT BOOK 28, PAGES 118 THROUGH 138, HAVING AN ASSUMED BEARING N. 00°33'37"E.

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EXHIBIT "E" 2007-00054

Marina Parking Easement Area

AN EASEMENT SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 01, TOWNSHIP 43 SOUTH, RANGE 22 EAST AND SECTION 06, TOWNSHIP 43 SOUTH, RANGE 23 EAST, BEING A PART OF LOT 1, BLOCK 1011 AND A PART OF TRACT "C", PUNTA GORDA ISLES, SECTION TWENTY TWO, AS RECORDED IN PLAT BOOK 28, PAGES 118-138, AND BEING A PART OF THE PROPERTY AS DESCRIBED IN OFFICIAL RECORD BOOK 2285, PAGE 3101 LEE COUNTY PUBLIC RECORDS, AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1, BLOCK 1011; ON THE SOUTHERLY RIGHT OF WAY LINE OF SUGARLOAF KEY ROAD (80' WIDE) AS SHOWN ON SAID RECORD PLAT OF PUNTA GORDA ISLES, SECTION TWENTY TWO, BEING A CURVE CONCAVE TO THE NORTH, HAVING: A RADIUS OF 715.00 FEET, A CENTRAL ANGLE OF 04°00'36", A CHORD BEARING OF S.74°54'50"E. AND A CHORD LENGTH OF 50.03 FEET; THENCE ALONG THE ARC OF SAID CURVE AND SAID SOUTHERLY RIGHT OF WAY LINE, AN ARC LENGTH OF 50.04 FEET TO THE EASTERLY LINE OF A 50 FOOT WIDE NON-EXCLUSIVE EASEMENT AS RECORDED IN OFFICIAL RECORD BOOK 1808, PAGE 1431 SAID LEE COUNTY PUBLIC RECORDS; THENCE S.17°05'28"W. ALONG SAID EASTERLY LINE, FOR 72.36 FEET TO THE POINT OF BEGINNING; THENCE S.72°54'32"E., FOR 44.63 FEET; THENCE S.17°05'28"W., FOR 5.63 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 176.00 FEET, A CENTRAL ANGLE OF 16°41'05", A CHORD BEARING OF S.08°44'55"W. AND A CHORD LENGTH OF 51.07 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 51.25 FEET TO THE END OF SAID CURVE; THENCE S.00°29'39"W., FOR 104.46 FEET; THENCE S.28°58'17"W., FOR 26.53 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 30°07'02", A CHORD BEARING OF S.13°54'46"W. AND A CHORD LENGTH OF 12.99 FEET; THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 13.14 FEET TO THE END OF SAID CURVE; THENCE S.01°08'45"E., FOR 149.00 FEET; THENCE N.89°30'21"W., FOR 30.02 FEET TO THE EAST LINE OF AMENDED MARINA NORTH SHORE CONDOMINIUM AS RECORDED IN OFFICIAL RECORD BOOK 1774, PAGE 2027 SAID LEE COUNTY PUBLIC RECORDS; THENCE N.01°08'45"W., ALONG SAID EAST LINE, FOR 215.89 FEET TO AN INTERSECTION WITH THE SOUTHERLY LOT LINE OF SAID LOT 1, BLOCK 1011, BEING A CURVE CONCAVE TO THE NORTH, HAVING: A RADIUS OF 1000.00 FEET, A CENTRAL ANGLE OF 01°34'19", A CHORD BEARING OF N.73°50'47"W. AND A CHORD LENGTH OF 27.44 FEET; THENCE ALONG THE ARC OF SAID CURVE AND SAID SOUTHERLY LOT LINE, AN ARC LENGTH OF 27.44 FEET TO THE EASTERLY LINE OF A 50 FOOT WIDE NON-EXCLUSIVE EASEMENT AS RECORDED IN OFFICIAL RECORD BOOK 1808, PAGE 1431 SAID LEE COUNTY PUBLIC RECORDS; THENCE N.17°05'28"E., ALONG SAID EASTERLY LINE, PARALLEL WITH AND 50.00 FEET EAST OF (AS MEASURED ON A PERPENDICULAR) THE WEST LINE OF SAID LOT 1, BLOCK 1011, FOR 149.68 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 43 SOUTH, RANGE 23 EAST AS BEARING S.89°38'00"E. AS PER SAID RECORD PLAT OF PUNTA GORDA ISLES, SECTION TWENTY TWO.

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EXHIBIT A 2007-00054

POLICY FORM

SCHEDULE B

File Number: 00-1333

Policy Number: 10 2252 106 00001195

This policy does not insure against loss or damage (and the Company willnot pay costs, attorneys' fees or expenses) which arise by reason of

General Exceptions:

(1) Rights or claims of parties in possession not shown by the public records.
(2) Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises.
(3) Easements or claims of easements not shown by the public records.
(4) Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
(5) Taxes or special assessments which are not shown as existing liens by the public records.

Special Exceptions: The mortgage, if any, referred to in Item 4 of Schedule A., if this schedule is attached to an Owner's Policy.

(6) Any claim that any portion of said lands are sovereignty lands of the State of Florida, including submerged, filled or artificially exposed lands and lands accreted to such lands.

(7) Taxes and assessments for the year **2001** and subsequent years.

NOTE: Taxes for the year 2001 became a lien on January 1, 2001, however they are not due and payable until November 1, 2001. Taxes for the year 2000 are paid.

Note: Exceptions 1 through 5 are hereby deleted.
Note: Special Exception 6 is hereby deleted.

8. **Terms, covenants, conditions, restrictions, easements, assessments and possible liens created by and set forth in the Declaration recorded in Official Records Book 1233, Page 975 and Amendments recorded in Official Records Book 1333, Page 115; Official Records Book 1644, Page 1159 and Official Records Book 1809, Page 2339 and Assignment of Developers Rights recorded in Official Records Book 2259, Page 1641 and Official Records Book 2285, Page 3137, of the Public Records of Lee County, Florida. (pertains to Parcel Seven)**

See Attached Owners Schedule B Continuation

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Countersigned

Authorized Signature

Note: If this schedule is attached to a Loan Policy, junior and subordinate matters, if any, are not reflected herein.

Note: This Policy consists of insert pages labeled Schedules A and B. This Policy is of no force and effect unless both pages are included along with any added pages incorporated by reference.

ADDED PAGE

(Schedule B continued)

Policy Number 10 2252 106 00001195
Owners

Policy Number _____
Loan

9. Terms, covenants, conditions, restrictions, easements, assessments and possible liens created by and set forth in the Declaration recorded in Official Records Book 1432, Page 249 and Amendments recorded in Official Records Book 1683, Page 206; Official Records Book 1665, Page 4512; Official Records Book 2902, Page 2682 and Official Records Book 3192, Page 3468 and Assignment of Developers Rights recorded in Official Records Book 2259, Page 1641, of the Public Records of Lee County, Florida.

10. Assignment of Developers Rights recorded in Official Records Book 2237, Page 1828, Public Records of Lee County, Florida.

11. Agreement Regarding Developers Rights recorded in Official Records Book 2285, Page 3118, Public Records of Lee County, Florida.

12. Agreement between the State of Florida Department of Communtiy Affairs and Punta Gorda Isles, Inc., recorded in Official Records Book 1849, Page 582, Public Records of Lee County, Florida.

13. Agreement between The State of Florida, Department of Community Affairs and Burnt Store Improvement Co., Inc., recorded in Official Records Book 1897, Page 3644, Public Records of Lee County, Florida.

14. Oil, gas and mineral rights reserved to previous owner of the fee simple title to lands insured herein, as evidenced by that certain Deed as recorded in Official Records Book 696, Page 416, and Notice filed December 30, 1976 in Official Records Book 1175, page 692, of the Public Records of Lee County, Florida. (as to that portion of subject property lying South of the South line of the North 278.0 feet of the Southeast Quarter, Southeast Quarter Section 1, Township 43 South, Range 22 East)

15. Reservation of Easement by Burnt Store Marina, Inc. more particularly set forth in Official Records Book 1537, Page 226, Amendment recorded in Official Records Book 1683, Page 204 and Amendment recorded in official Records Book 2285, Page 3113, Public Records of Lee County, Florida.

16. Non-exclusive ingress and egress easement granted to Marina South Shore Condominium recorded in Official Records Book 1554, Page 942, Public Records of lee County, Florida. (as to Parcel Two only)

17. Non-exclusive ingress and egress easement granted to Keel Club Condominium recorded in Official Records Book 1690, Page 2654, Public Records of Lee County, Florida.

See Attached Owners Schedule B Continuation

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(Schedule B continued)

Policy Number 10 2252 106 00001195
Owners

Policy Number
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18. Easement granted to Lee County Electric Cooperative by instrument recorded in Official Records Book 2008, Page 2591, Public Records of Lee County, Florida.

19. Easement granted to Lee County Electric Cooperative by instrument recorded in Official Records Book 2014, Page 3418, Public Records of Lee County, Florida.

20. Easement granted to United Telephone by instrument recorded in Official Records Book 2049, Page 3147, Public Records of Lee County, Florida.

21. Easement Agreement between Sun City Center Corp. and Marina Towers Company, Inc. and Marina Towers Condominium Association, Inc. recorded in Official Records Book 2355, Pag 3777 and Amendements recorded in Official Records Book 2971, Page 346 and Official Records Book 2984, Page 1765, Public Records of Lee County, Florida. (as to that portion of Parcels 1, 6 & 7 that are contiguous and adjacent to Parcel 10 and the Tides Condominium as shown on that certain survey prepared by BCI, under Job No. 8365, dated 12/28/00)

22. Declaration and Grant of Easements recorded in Official Records Book 2772, Page 2889 and Amendments recorded in Official Records Book 3231, Page 1682, Public Records of Lee County, Florida. (pertains to Parcels 4 and 6 only)

23. Declaration of Covenants, Conditions and Restrictions for Prosperity Point recorded in Official Records Book 2772, Page 2934, Public Records of Lee County, Florida.

24. Water and Sewer Service Agreement between Southern States Utilities, Inc. and Florida Design Communities recorded in Official Records Book 2781, Page 2098, Public Records of Lee County, Florida.

25. Declaration and Grant of Easements recorded in Official Records Book 2964, Page 1811, Public Records of Lee County, Florida.

26. Easement granted to Florida Water Services Corp., recorded in Official Records Book 3018, Page 3552, Public Records of Lee County, Florida.

27. Agreement to Grant and Convey Perpetual Easement recorded in Official Records 3030, Page 4071, Public Records of Lee County, Florida.

28. Right of tenants, lessees and other parties in possession.

29. This Policy does not insure the nature or extent of riparian or littoral rights.

See Attached Owners Schedule B Continuation

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(Schedule B continued)

Policy Number 10 2252 106 00001195
Owners

Policy Number _____
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30. Rights of the State of Florida and/or The United States of America, to regulate the use of navigable waters.

31. Rights and easements for commerce, navigation, recreation and fisheries in and to any portion of subject land lying below the mean high water mark line of the marinas, canals or other bodies of water thereon.

32. Terms and conditions contained in that certain 24 Foot Access Easement Agreement recorded in Official Records Book 3344, Page 2840, of the public records of Lee County, Florida.

33. Terms and conditions contained in that certain Cape Cole Boulevard Access Easement Agreement recorded in Official Records Book 3344, Page 2863, of the public recorded of Lee County, Florida.

34. Matecumbe Key Access Easement Agreement recorded in Official Records 3344, Page 2874, of the public records of Lee County, Florida (Pertains to Exhibit "B")

35. Terms and conditions contained in that certain Twenty Foot (20') Access and Utility Easement Agreement recorded December 29, 2000 in Official Records Book 3344, Page 2817, of the public records of Lee County, Florida.

36. Terms, covenants, conditions, restrictions and easements as set forth in that certain Declaration of Covenants and Standards recorded December 29, 2000 in Official Records Books 3344, Page 2804, of the public records of Lee County, Florida.

37. Terms and conditions contained in that certain Access Easement Agreement recorded December 29, 2000 in Official Records Book 3344, Page 2851, public records of Lee County, Florida.

38. Right of First Offer recorded in Official Records Book 3344, Page 2793, public records of Lee County, Florida.

39. Memorandum of Agreement between WCI Communities, Inc. and Thomas W. Tiedemann and Carol Tiedemann, Husband and Wife recorded in Official Records Book 3320, page 3329, of the public records of Lee County, Florida.

40. Terms and conditions of Easement recorded in Official Records Book 1432, Page 249, which was amended by Official Records Book 1683, page 206 and Official Records Book 1665, page 4512 and Assignment of Developers Rights thereunder recorded in Official Records Book 2259, page 1641, of the public records of Lee County, Florida. (pertain to Parcel Six)

See Attached Owners Schedule B Continuation

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ADDED PAGE

(Schedule B continued)

Policy Number 10 2252 106 00001195
Owners

Policy Number
Loan

41. Terms and conditions of Easement recorded in Official Records Book 1537, page 226, amended by Official Records Book 1683, page 204 and Assignment of Interest therein recorded in Official Records Book 2285, page 3068 and Official Records Book 2285, page 3113, of the public records of Lee County, Florida. (pertains to Parcel Six)

42. Drainage and Utility Easement along the South line of Lot 1, Block 1011 as shown at plat of Punta Gorda Isles, Section Twenty Two in Plat Book 28, pages 118 through 138, inclusive, of the public records of Lee County, Florida. (pertains to Parcel Seven)

43. Easement recorded in Official Records Book 2034, page 1966, of the public records of Lee County, Florida (pertains to Parcel Seven)

44. Easement recorded in Official Records Book 2014, page 3422, of the public records of Lee County, Florida (pertains to Parcel Seven)

45. Easement recorded in Official Records Book 2034, Page 1960, of the public records of Lee County, Florida (pertains to Parcel Seven)

46. Liability under this policy is presently limited to the value of the land, but will increase to include the actual cost of improvements erected thereon and fully paid for, but liability under this policy shall never exceed the face amount of this policy.

47. Terms and conditions of Partial Assignment of Easement Rights recorded in Official Records Book 3344, page 2884, public records of Lee County, Florida.

48. Terms and conditions of Partial Assignment of Easement Rights recorded in Official Records Book 3344, page 2887, public records of Lee County, Florida.

49. Survey prepared by BCI, RLS #5626, under Job No. 8365, dated December 28, 2000, reflects the following:
a. Encroachment of asphalt pavement into the Keel Club Condominium along the northerly and northwesterly boundaries of the condominium.
b. Encroachment of asphalt pavement over the Utility Easement recorded in Official Records Book 2049, page 3148, public records of Lee County, Florida.
c. Surface, subsurface and aerial improvements, unless depicted hereon have not been located.
d. Encroachment of wood fence, wood walkway & concrete walkway into South Shore Condominiums as shown on sheet 5 of the survey.

See Attached Owners Schedule B Continuation

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(Schedule B continued)

Policy Number 10 2252 106 00001195
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50. Parking and Access Easement Agreement between WCI COMMUNITIES, INC. and REALMARK BURNT STORE MARINA, LLC, dated December 28, 2000 and recorded December 29, 2000 in Official Records Book 3344, Page 2827, Public Records of Lee County, Florida.

51. Dock Access and Use Lease Agreements recorded in Official Records Book 3320, Page 817, Official Records Book 3328, Page 227, Official Records Book 3328, Page 230, Official Records Book 3314, Page 1477, Official Records Book 3328, Page 233, Official Records Book 3328, Page 236, Official Records Book 3328, Page 239, Official Records Book 3255, Page 668 and Official Records Book 3072, Page 1300, public records of Lee County, Florida.

52. Encroachments, boundary line disputes or adverse matters which would be disclosed by an accurate survey and inspection of the premises. (as to Parcels 3 through 7)

53. Rights or claims of parties in possession as shown on the Rent Roll attached as Exhibit "R".

54. Assignment of Rents, Leases, Profits and Contracts, executed by REALMARK BURNT STORE MARINA, L.L.C., a Florida limited liability company to AMSOUTH BANK, dated December 28, 2000 and recorded December 29, 2000 in Official Records Book 3344, Page 2917, public records of Lee County, Florida.

55. UCC-1 Financing Statement, executed by REALMARK BURNT STORE MARINA, L.L.C., a Florida limited liability company to AMSOUTH BANK, dated December 28, 2000 and recorded December 29, 2000 in Official Records Book 3344, Page 2937, public records of Lee County, Florida.

NOTE: Notice of Development Order Approval recorded in Official Records Book 2508, Page 2603, Public Records of Lee County, Florida.

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EXHIBIT "R" BSM - Slip Lease Summary.xls

Burnt Store
Dry Storage Summary
As of 12/27/00

111	Dry Storage Slips					
	- Storage areas x1 & x55 & x56		$32,932.50	Total Monthly Revenue		
75	Outdoor Wooden Craddles		$34,908.45	Total Monthly Revenue w/ Tax		
18	Outdoor Metal Racks					
Legend						
X	INSIDE BUILDING					
Y	OUTSIDE WOOD					
M	OUTSIDE MEDAL					

No. of Slips	Slip #	Name	Annual Contract	Length of Boat	Rate	Monthly Revenue	Tax Included
1	X02	KOMAREK, ARTHUR	Dec-96	20	7.50	150.00	159.00
2	X03	STOUT, TED	May-00	21	7.50	157.50	166.95
3	X04	WRIGHT, DR. BALLARD		21	7.50	157.50	166.95
4	X05	TROUTMAN, MARCIE	May-98	21	7.50	157.50	166.95
5	X06	SMITH, RICHARD	May-00	21	7.50	157.50	166.95
6	X07	YURKANIN, JOE	Dec-00	23	7.50	172.50	182.85
7	X08	SNYDER, ERNIE	Jan-99	20	7.50	150.00	159.00
8	X09	YOUMATZO, PAUL		22	7.00	154.00	163.24
9	X10	HILL, JACK	Nov-99	22	7.50	165.00	174.90
10	X11	GREENWAY, CHUCK	Feb-97	22	7.50	165.00	174.90
11	X12	HALL, KENNETH	Nov-93	22	7.50	165.00	174.90
12	X13	MULINOS, STEPHEN	Dec-99	22	7.00	154.00	163.24
13	X14	VANDENBROECK, FRED	Oct-96	20	7.50	150.00	159.00
14	X15	ANDERSON, VINCE	Dec-00	20	7.50	150.00	159.00
15	X16	THORSEN, MATTHEW	May-97	20	7.50	150.00	159.00
16	X17	WENZLAFF, EDWARD	Nov-97	20	7.50	150.00	159.00
17	X18	FOLIO, GEORGE	Jan-96	20	7.50	150.00	159.00
18	X19	ALSOBROOK,ROBERT	Aug-92	21	7.50	157.50	166.95
19	X20	ZEEMAN, LARRYnon-res	May-00	27	7.50	202.50	214.65
20	X21	SIMPSON, TOM	Mar-94	25	7.50	187.50	198.75
21	X22	STEITZ, WILLIAM	Nov-92	25	7.50	187.50	198.75
22	X23	LLAMOSI, VINCENT	Dec-00	20	7.50	150.00	159.00
23	X24	ANDRESEN, DICK	Nov-90	24	7.50	180.00	190.80
24	X25	MERRICK,RICHARD	Dec-97	20	7.50	150.00	159.00
25	X26	SOUTO, JOSEPH	Nov-95	21	7.50	157.50	166.95
26	X27	GRANGER, CAROL V.	Feb-99	24	7.50	180.00	190.80
27	X28	SZCZEPANIAK, KAZ	Oct-99	20	7.50	150.00	159.00
28	X29	NASH, HENRY	Nov-90	20	7.50	150.00	159.00
29	X30	MARSHALL, HOWARD	Aug-92	22	7.50	165.00	174.90
30	X31	SKLAR, HERB & SHEILA	Jul-99	20	7.50	150.00	159.00
31	X32	BUCCI, ROBERT C.	May-00	20	7.50	150.00	159.00
32	X33	POTWIN, JOHN&LOUISE	Mar-00	23	7.50	172.50	182.85
33	X34	CLAUSEN, ROGER H.	Dec-98	22	7.50	165.00	174.90
34	X35	KING, CLARK	Jun-97	21	7.50	157.50	166.95
35	X36	HEENEKE, RICHARD	Oct-96	20	7.50	150.00	159.00
36	X37	PEQUES,TOM non-res	Jun-94	24	7.50	180.00	190.80
37	X38	COLDIRON, HAYWARD	Nov-99	24	7.50	180.00	190.80
38	X39	WEIDEMOYER, GENE	Dec-00	22	7.50	165.00	174.90
39	X40	PAPORELLO, RONALD	Nov-00	23	7.50	172.50	182.85
40	X41	SCHEUREN, JOHN	Nov-90	22	7.50	165.00	174.90
41	X42	RODGERS, BERT	Apr-99	22	7.50	165.00	174.90
42	X43	MCFADDEN, BRAD	Oct-00	24	7.50	180.00	190.80
43	X44	PFAU, GORDEN	Feb-92	24	7.50	180.00	190.80
44	X45	LEMON, MICHAEL		22	7.50	165.00	174.90
45	X46	HOST, RON		22	7.50	165.00	174.90

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46	X47	SANSONE, PETER	Nov-89	25	7.50	187.50	198.75
47	X48	LANGE, PAUL R.	Oct-90	25	7.50	187.50	198.75
48	X49	BARBER, CHUCK	Nov-94	21	7.50	157.50	166.95
49	X50	BRENK, VICTOR	Nov-90	23	7.50	172.50	182.85
50	X51	MCCARTHY, JACK	Jan-93	23	7.50	172.50	182.85
51	X52	THAMS, RICHARD	Apr-98	21	7.50	157.50	166.95
52	X53	ROHN, JAMES	Jan-97	22	7.50	165.00	174.90
53	X54	JARDEN, CARROLL	Aug-91	25	7.50	187.50	198.75
54	X57	SHAW, ROBERT	Jan-98	20	7.50	150.00	159.00
55	X58	MATTAS, TODD	May-99	20	7.50	150.00	159.00
56	X59	KLEIN, BOB	May-98	20	7.50	150.00	159.00
57	X60	AXEL, MARTIN S.	Dec-99	20	7.50	150.00	159.00
58	X61	STIDHAM, JOE	Jan-00	20	7.50	150.00	159.00
59	X62	HANSEN, BRIAN	Oct-96	20	7.50	150.00	159.00
60	X63	KENYON, EDWARD	May-92	20	7.50	150.00	159.00
61	X64	LOPEZ, JOSE non-res	Apr-97	20	7.50	150.00	159.00
62	X65	WHELEN, BILL	Aug-94	20	7.50	150.00	159.00
63	X66	MacINTOSH, DAVID & SUE	Nov-98	20	7.50	150.00	159.00
64	X67	BOSS, ERNEST	May-00	20	7.50	150.00	159.00
65	X68	ROY, PAUL	Nov-98	20	7.50	150.00	159.00
66	X69	PARR, KEN	Jun-99	20	7.50	150.00	159.00
67	X70	OAK,TIM	free	0	7.50	0.00	0.00
68	X71	GODINA, JOHN	Jan-99	20	7.50	150.00	159.00
69	X72	THOMPSON, ROBERT	Dec-00	20	7.50	150.00	159.00
70	X73	EMPTY UNTIL 01		0	7.50	0.00	0.00
71	X74	GAUT, GREG	Jan-99	20	7.50	150.00	159.00
72	X75	CUNNINGHAM, RICHARD	May-00	20	7.50	150.00	159.00
73	X76	PATTON, DONALD B.	May-98	20	7.50	150.00	159.00
74	X77	PFEFFERKORN, GORDON	Jan-99	20	7.50	150.00	159.00
75	X78	MILES, FRANK	Jan-92	23	7.50	172.50	182.85
76	X79	PECK, CARSON JR	Mar-93	21	7.50	157.50	166.95
77	X80	SWIENTON, ANDREW	May-94	20	7.50	150.00	159.00
78	X81	WALKER, RAY	Nov-93	20	7.50	150.00	159.00
79	X82	KRENMULLER, FRANK		20	7.50	150.00	159.00
80	X83	LIMBACH, THOMAS	Sep-99	20	7.50	150.00	159.00
81	X84	BERGER, DENNIS		22	7.50	165.00	174.90
82	X85	HOOD, THOMAS	Dec-96	21	7.50	157.50	166.95
83	X86	NIEMELA, DON	Mar-99	20	7.50	150.00	159.00
84	X87	HENDERSON, LLOYD	Sep-96	20	7.50	150.00	159.00
85	X88	LEONARD, BARBARA	Jul-97	20	7.50	150.00	159.00
86	X89	MC CARTAN, MIKE	Oct-98	20	7.50	150.00	159.00
87	X90	HERING, ALAN	Nov-90	20	7.50	150.00	159.00
88	X91	TELGENHOF, MIKE	Apr-97	20	7.50	150.00	159.00
89	X92	EVANS, RICHARD	Dec-92	20	7.50	150.00	159.00
90	X93	CARROLL, DONALD	Nov-90	20	7.50	150.00	159.00
91	X94	ANDERSON, JEFFnon-res	Jun-95	20	7.50	150.00	159.00
92	X95	FITCH, DAVID	Nov-90	22	7.50	165.00	174.90
93	X96	ANDERSON, ALLAN DR.		21	7.50	157.50	166.95
94	X97	ZIMBICKI,ANTHONY	Sep-99	20	7.50	150.00	159.00
95	X98	SHEA, ROBERT	Oct-94	25	7.50	187.50	198.75
96	X99	TOLLEY, EARL	Oct-97	23	7.50	172.50	182.85
97	X100	ALLTON, PAULA & VANCE		22	7.50	165.00	174.90
98	X101	DOMMERMUTH, BILL	Nov-90	22	7.50	165.00	174.90
99	X102	BUNDOCK, JOHN	May-98	21	7.50	157.50	166.95
100	X103	FIELD, JOHN	Nov-00	20	7.50	150.00	159.00
101	X104	MAEDER, JEROME	Jan-99	20	7.50	150.00	159.00
102	X105	KILEY, ROBERT		22	7.50	165.00	174.90
103	X106	FRENCH, BAYARD	Oct-96	22	7.50	165.00	174.90
104	X107	KJELLQVIST, MATS	Oct-98	21	7.50	157.50	166.95

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105	X108	SEXTON, BILL	Jul-98	21	7.50	157.50	166.95
106	X109	SHERMAN, JOHN	Feb-99	21	7.50	157.50	166.95
107	X110	BARNES, KAREN	Jul-96	21	7.50	157.50	166.95
108	X111	ROLLINS, BILL	Sep-96	21	7.50	157.50	166.95
109	X112	CLARK, RON	Jan-99	25	7.50	187.50	198.75
110	X113	CARLSON, KEN	Oct-90	20	7.50	150.00	159.00
111	X114	BECKWORTH, HANCEL	Jun-99	20	7.50	150.00	159.00
						$17,400.50	$18,444.53
	ROLL	THOMPSON, DON	free	0	7.50	0.00	0.00
1	Y04	WESHLER, MIKE(SALES)	SALES	24	7.00	168.00	178.08
2	Y05	KURGAN, FRANK	Mar-95	27	7.00	189.00	200.34
3	Y06	WHITE, WALTER	Mar-00	25	7.00	175.00	185.50
4	Y07	STEWART, GREG	May-93	29	7.00	203.00	215.18
5	Y08	DUREI, THOMAS	Dec-98	27	7.00	189.00	200.34
6	Y09	EDER, ALOIS	Mar-96	24	7.00	168.00	178.08
7	Y10	STONE, GEORGE	Sep-95	29	7.00	203.00	215.18
8	Y11	STEFFKE, JAMES	Mar-97	31	7.00	217.00	230.02
9	Y12	DRUMMOND, CHARLES	Jan-97	22	7.00	154.00	163.24
10	Y13	THOMPSON, J ROBERT	Dec-99	27	7.00	189.00	200.34
11	Y14	HINCH, JIM & CAROL	Nov-00	30	7.00	210.00	222.60
12	Y15	WALKLEY, JOHN&CAROL	Apr-00	28	7.00	196.00	207.76
13	Y16	LAMBIRTH, RONDAL	Aug-99	26	7.00	182.00	192.92
14	Y17	HEMPHILL, LOUIE	Aug-97	24	7.00	168.00	178.08
15	Y18	DAVENPORT, FRED	Dec-00	23	7.00	161.00	170.66
16	Y19	WIEK, DONALD	Nov-98	25	7.00	175.00	185.50
17	Y20	HAHN, JERRY	Apr-99	27	7.00	189.00	200.34
18	Y21	McGREAL, PATRICK	Sep-94	27	7.00	189.00	200.34
19	Y22	SHANNON, GERALD	Dec-96	26	7.00	182.00	192.92
20	Y23	LIPSCOMB,JOHN	Dec-99	27	7.00	189.00	200.34
21	Y24	GRAVES, RON	Feb-97	26	7.00	182.00	192.92
22	Y25	GEAR MAN INC.(JIM WEST)	Mar-94	29	7.00	203.00	215.18
23	Y26	TOPORSKI, BILL & JAN	Jan-99	21	7.00	147.00	155.82
24	Y27	METZ, JERALD	Nov-00	24	7.00	168.00	178.08
25	Y28	JOHNSON, JERRY	Oct-94	20	7.00	140.00	148.40
26	Y29	COMITE, CARMAN	Nov-99	26	7.00	182.00	192.92
27	Y30	MADISON, JAMES	Apr-95	25	7.00	175.00	185.50
28	Y31	SPEAKS, HOWARD	Apr-97	25	7.00	175.00	185.50
29	Y32	BEYERLE, JOEL	May-98	25	7.00	175.00	185.50
30	Y33	WOOD, CHUCK	Dec-97	30	7.00	210.00	222.60
31	Y34	MC CABE, PETE	Jan-00	26	7.00	182.00	192.92
32	Y35	CASEY, RICHARD	Sep-99	23	7.00	161.00	170.66
33	Y36	KLUG, JACK	Sep-96	26	7.00	182.00	192.92
34	Y37	YERKES, JOHN		21	7.00	147.00	155.82
35	Y38	SHANNON, TOMMY	May-97	23	7.00	161.00	170.66
36	Y39	GONZALEZ, JUAN	Jan-98	26	7.00	182.00	192.92
37	Y40	TILLY, EDWARD		20	7.75	155.00	164.30
38	Y41	MCGRAW, JOHN	May-97	26	7.00	182.00	192.92
39	Y42	HAPNER, HAROLD	Feb-00	20	7.00	140.00	148.40
40	Y43	KUSEK, THOMAS&CAROL	May-99	25	7.00	175.00	185.50
41	Y44	EMPTY UNTIL 01		0	7.00	0.00	0.00
42	Y45	CLAYTON, GENE	May-99	21	7.00	147.00	155.82
43	Y46	NELSON, RICHARD	Oct-97	26	7.00	182.00	192.92
44	Y47	WHITE, BARRIE	Aug-99	25	7.00	175.00	185.50
45	Y48	LINDBERG, JOHN F.	Jun-98	24	7.00	168.00	178.08
46	Y49	TRAUTSCHOLD, WILLIAM	Sep-00	21	7.00	147.00	155.82
47	Y50	REYNOLDS, DAVID	Jan-99	23	7.00	161.00	170.66

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48	Y51	FLACK, BILL		26	7.00	182.00	192.92
49	Y52	KOEPPER, DAVID	Jun-00	24	7.00	168.00	178.08
50	Y53	BARRON, BOB	Sep-99	27	7.00	189.00	200.34
51	Y54	ROSENBLUM, JAMES	Nov-99	24	7.00	168.00	178.08
52	Y55	RAMSEY, RICHARD L.	Nov-98	23	7.00	161.00	170.66
53	Y56	CASTEEL, ED	Aug-00	20	7.00	140.00	148.40
54	Y57	MC LEAN, JAMES	Apr-00	27	7.00	189.00	200.34
55	Y58	TEETER, TOM	Apr-97	30	7.00	210.00	222.60
56	Y59	BONDAR, ROLAND	Nov-00	28	7.00	196.00	207.76
57	Y60	ENDRES, PHILLIP	Nov-00	21	7.00	147.00	155.82
58	Y61	WALSH, FRANK	Feb-00	27	7.00	189.00	200.34
59	Y62	KUTIL, JOHN J.	Feb-97	24	7.00	168.00	178.08
60	Y63	GOLDMAN, BRUCE	Jun-00	24	7.00	168.00	178.08
61	Y64	COYKENDALL, WM	Feb-98	27	7.00	189.00	200.34
62	Y65	NELSON, RICHARD	Oct-97	25	7.00	175.00	185.50
63	Y66	WALTON, TIMOTHY	Oct-97	28	7.00	196.00	207.76
64	Y67	PETERKIN, PETE	Jan-00	21	7.00	147.00	155.82
65	Y68	FLEISCHER, ED	Jan-00	21	7.00	147.00	155.82
66	Y69	KUTOK,DAVEnon-res	Nov-97	24	7.00	168.00	178.08
67	Y70	ROBINSON, BILL	Nov-00	25	7.00	175.00	185.50
68	Y71	MCCORMACK, JOHN	May-00	23	7.00	161.00	170.66
69	Y72	BARRATT, DONALD	Nov-00	20	7.00	140.00	148.40
70	Y73	GOLOMB, GERALD	Feb-99	26	7.00	182.00	192.92
71	Y74	MYERS, DAVID	Dec-00	20	7.00	140.00	148.40
72	Y75	OWENS, BRUCE	Feb-00	24	7.00	168.00	178.08
73	Y76	TRAWEEK, JACK	Nov-99	26	7.00	182.00	192.92
74	Y77	WEISNER, BUD	trailer	1	75.00	75.00	79.50
75	Y78	BLOOM, MARVIN	Jul-00	21	7.00	147.00	155.82
						$12,767.00	$13,533.02
1	M-1	OWEN, WILLIAM	Jul-97	22	7.00	154.00	163.24
2	M-2	GRAHAM, CHARLES E.	Nov-98	23	7.00	161.00	170.66
3	M-3	IAQUINTA, SAM	Oct-98	24	7.00	168.00	178.08
4	M-4	REECE, MICHAEL	Mar-99	24	7.00	168.00	178.08
5	M-5	HENEKEE & NUCKOLS		20	7.00	140.00	148.40
6	M-6	LOVE, RAY	Dec-00	20	7.00	140.00	148.40
7	M-7	JULIAN, ROBERT	Feb-99	22	7.00	154.00	163.24
8	M-8	LEVENSON, MYRON	Nov-00	23	7.00	161.00	170.66
9	M-9	FESKORN, ROBERT	Aug-99	24	7.00	168.00	178.08
10	M-10	HAVLOCK&BEAUREGARD	May-98	22	7.00	154.00	163.24
11	M-11	HYATT, TERRY	Jun-98	21	7.00	147.00	155.82
12	M-12	SWERT, ROBERT	Nov-99	22	7.00	154.00	163.24
13	M-13	BILLECI, ANDRE	Jan-97	20	7.00	140.00	148.40
14	M-14	BARR, RON	Jan-00	26	7.00	182.00	192.92
15	M-15	KARROL, JOSEPH	Oct-99	21	7.00	147.00	155.82
16	M-16	SMITH, JIM & NANCY	May-00	21	7.00	147.00	155.82
17	M-17	JAEGER, LAURENCE	Apr-99	20	7.00	140.00	148.40
18	M-18	DUETEMEYER, PAUL	Jul-99	20	7.00	140.00	148.40
						$12,765.00	$12,930.90

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COMMUNITY DEVELOPMENT

2007-00054

Burnt Store
Wet Slip Summary
As of 12/27/00

402	Contracted Slips			
21	Reserved Slips	$ 106,069.25	Total Monthly Revenue	
9	Promotion slips	$ 112,321.81	Total Monthly Revenue w/ Tax	
4	Slips for dry storage hauling			
6	Marina Yacht Brokers			
3	Platinum Point Yacht Club			
1	Empty slip			
22	F Dock - Transient slips			
6	Empty catamaran slip			
474	Total Number of Wet Slips			

No. of Slips	Slip #	Name	Annual Contract	Length of Boat	Rate	Monthly Revenue	Tax Included
1	A1	INGWERSON, DEL	Feb-97	52	7.75	403.00	427.18
2	A2	LOLLIS, EDWARD	Mar-97	39	7.75	302.25	320.39
3	A3	KIRKPATRICK, DARWIN	Nov-97	36	7.75	279.00	295.74
4	A4	STEFFKE, JAMES	Nov-98	31	7.75	240.25	254.67
5	A5	GORDON, JEREMIAH	Sep-00	30	7.75	232.50	246.45
6	A6	KILDUFF, JAMES	Dec-96	32	7.75	248.00	262.88
7	A7	SIMSTAD, DAVE	Jul-00	30	7.75	232.50	246.45
8	A8	NUTILE	Oct-00	37	7.75	286.75	303.96
9	A9	GALPIN, RAY	Apr-97	42	7.75	325.50	345.03
10	A10	BOTTEL	HAVE 550	0	7.75	0.00	0.00
11	A11	CLAGGETT, JIM	Apr-99	45	7.75	348.75	369.68
12	A12	CRAVENS, JOHN	Sep-00	40	7.75	310.00	328.60
13	A13	IAFRATE, ALLESIO	Nov-90	45	7.75	348.75	369.68
14	A14	BLAIR, JERRY	Feb-98	40	7.75	310.00	328.60
15	A15	MELLEN, ROBERT	Dec-98	30	7.75	232.50	246.45
16	A16	RAWLS, RICHARD	Oct-97	32	7.75	248.00	262.88
17	A17	HARPER, JOHN	Nov-99	32	7.75	248.00	262.88
18	A18	ESPICH, JAMES	Nov-00	38	7.75	294.50	312.17
19	A19	STRANDBERG	Oct-99	36	7.75	279.00	295.74
20	A20	STUCK, RAY	Apr-00	40	7.75	310.00	328.60
21	A21	ABBOTT, WILLIAM	Dec-99	36	7.75	279.00	295.74
22	A22	ENGLE, MORTON	Sep-98	40	7.75	310.00	328.60
23	A23	MCGEE, RICHARD	Jun-99	34	7.75	263.50	279.31
24	A24	YACHT CLUB	PER LEASE		0.00	0.00	0.00
25	A25	YACHT CLUB	" "		0.00	0.00	0.00
26	A26	YACHT CLUB	" "		0.00	0.00	0.00
27	B1	BUCHBINDER, DALE	Oct-99	21	7.00	147.00	155.82
28	B2	MEZQUITA, RICHARD	Feb-00	30	7.75	232.50	246.45
29	B3	SCHWALM, ROBERT	Jul-95	36	7.75	279.00	295.74
30	B4	RAYMOND, RICHARD	Oct-99	32	7.75	248.00	262.88
31	B5	PHILLIPS, JOHN	Apr-95	30	7.75	232.50	246.45
32	B6	FRENCH, HUGH	Jun-98	30	7.75	232.50	246.45
33	B7	HILT, DONALD	Jan-98	30	7.75	232.50	246.45
34	B8	MANN, GERALD	Dec-98	33	7.75	255.75	271.10
35	B9	FRY, DENNIS	Jul-99	34	7.75	263.50	279.31
36	B10	MISENER, GERALD	Jun-00	34	7.75	263.50	279.31
37	B11	KUSHNER, LOUIS	Jan-96	35	7.75	271.25	287.53
38	B12	POOLE, RICHARD	Nov-90	45	7.75	348.75	369.68
39	B13	MAHONEY, DON	Jan-99	41	7.75	317.75	336.82
40	B14	KALLWEIT, GUENTER	Mar-99	38	7.75	294.50	312.17
41	B15	HALPERN, JOHN	Dec-98	30	7.75	232.50	246.45
42	B16	HILL, JACK	Dec-95	31	7.75	240.25	254.67
43	B17	CANTRELL, WC	Nov-90	36	7.75	279.00	295.74
44	B18	VANDERSLICE, JOHN	Oct-99	34	7.75	263.50	279.31
45	B19	WALTERS, LEWIS	Apr-00	30	7.75	232.50	246.45
46	B20	BROCK, JIM	Mar-00	37	7.75	286.75	303.96
47	B21	BROCK, JIM	B20 & B21 ONE BOAT		0.00	0.00	0.00
48	B22	DAVIS, ROBERT	Jul-97	30	7.75	232.50	246.45
49	B23	ULRICH, DONALD	Jul-97	42	7.75	325.50	345.03
50	B24	ZIMMERMAN, JOHN	Dec-99	39	7.75	302.25	320.39
51	B25	TADD, BRUCE	Sep-93	32	7.75	248.00	262.88
52	B26	SMITH, JACK	Jul-99	20	7.75	155.00	164.30
53	B27	HARTKOPT, DIETER	Aug-97	35	7.75	271.25	287.53
54	B28	BRENAN, MIKE	Apr-98	34	7.75	263.50	279.31
55	B29	SWERT, LLOYD	Apr-96	32	7.75	248.00	262.88
56	B30	MARINA SHIP & GROC	Jul-93	36	7.75	279.00	295.74
57	B31	DEUTSCH, GEORGE	Sep-98	31	7.75	240.25	254.67
58	B32	RENTSCH, HANS	Feb-95	32	7.75	248.00	262.88

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59	B33	FLOSS, WALTER	May-99	30	7.75	232.50	246.45
60	B34	MOORE, TOM	Aug-99	30	7.75	232.50	246.45
61	B35	CARBERRY, DON	Apr-97	30	7.75	232.50	246.45
62	B36	MORELLO, RONALD	Jul-99	30	7.75	232.50	246.45
63	B37	DORKEN, RICHARD	Jun-97	32	7.75	248.00	262.88
64	B38	HOXTELL, EUGENE	Aug-99	33	7.75	255.75	271.10
65	B39	MYB	PER LEASE		0.00	0.00	0.00
66	B40	MYB			0.00	0.00	0.00
67	C01	MYB	PER LEASE		0.00	0.00	0.00
68	C02	MYB		40	0.00	0.00	0.00
69	C03	MAC INTOSH, DAVID	Dec-99	30	7.75	232.50	246.45
70	C04	MUSSELMAN, JAMES	Nov-99	31	7.75	240.25	254.67
71	C05	HODSOLL, LEROY	Dec-98	32	7.75	248.00	262.88
72	C06	BECK, ROBERT	Dec-98	36	7.75	279.00	295.74
73	C07	WALKER, JOE	Nov-00	33	7.75	255.75	271.10
74	C08	REYNOLDS, DAVID	May-96	30	7.75	232.50	246.45
75	C09	GRAY,ANTHONY	Feb-00	34	7.75	263.50	279.31
76	C10	MERGLER, JERRY	Mar-00	30	7.75	232.50	246.45
77	C11	MOSSMAN, DAVID	Mar-99	37	7.75	286.75	303.96
78	C12	VLEER, FREDERICK	Dec-00	42	7.75	325.50	345.03
79	C13	WILLHOITE, JIM	Jun-98	30	7.75	232.50	246.45
80	C14	KENNY, DON & ANNE	Jan-00	36	7.75	279.00	295.74
81	C15	NELSON, CLAYTON	Jun-92	25	7.75	193.75	205.38
82	C16	MACNEIL, DONALD	Apr-00	37	7.75	286.75	303.96
83	C17	GUZAL, RICHARD	Mar-00	36	7.75	279.00	295.74
84	C18	COLLINS, BARBARA	May-97	32	7.75	248.00	262.88
85	C19	DIETRICH, CANDICE	Jan-99	45	7.75	348.75	369.68
86	C20	BEUTLER, BRUCE	May-00	54	7.75	418.50	443.61
87	C21	BEUTLER, BRUCE	C20 & C21 ONE BOAT		7.75	0.00	0.00
88	C22		C22 &C23 ONE BOAT		7.75	0.00	0.00
89	C23	WASKEY, WILLIAM J.	May-00	55	7.75	426.25	451.83
90	C24	HARRELL, DAVID	Jul-00	40	7.75	310.00	328.60
91	C25		C24 &C25 ONE BOAT		7.75	0.00	0.00
92	C26		TO CLOSE TO DRY		7.75	0.00	0.00
93	C27		STORAGE		7.75	0.00	0.00
94	D01	DRY STORAGE	DRY STORAGE SPACE		0.00	0.00	0.00
95	D02		" "		0.00	0.00	0.00
96	D03	NANCE, IVAN	Nov-99	38	7.75	294.50	312.17
97	D04	HENDRIE, JIM & SEON	Oct-00	32	7.75	248.00	262.88
98	D05	SMITH, MARVIN	Nov-90	38	7.75	294.50	312.17
99	D06	VLACK, VERNE	Nov-95	38	7.75	294.50	312.17
100	D07	MOSIOR, JOHN&DOROTHY	Aug-99	38	7.75	294.50	312.17
101	D08	ABBOTT, PETER	Aug-00	25	7.75	193.75	205.38
102	D09	BYRON, CHRISTOPHER	Aug-97	34	7.75	263.50	279.31
103	D10	DANIELS, ROLAND	Aug-00	35	7.75	271.25	287.53
104	D11	SPITZER, SAM	Jul-91	34	7.75	263.50	279.31
105	D12	GRESCH, JAMES T.	May-00	46	7.75	356.50	377.89
106	D13	PURYEAR, GUS	Dec-98	53	7.75	410.75	435.40
107	D14	PURYEAR, GUS	D13 & D14 ONE BOAT		0.00	0.00	0.00
108	D15	BLANTON, NEIL	Jun-99	45	7.75	348.75	369.68
109	D16	KENNY, DON	May-00	46	7.75	356.50	377.89
110	D17	GALLAGHER,RICHARD	Oct-97	38	7.75	294.50	312.17
111	D18	TATUM, DAVID	Oct-00	46	7.75	356.50	377.89
112	D19	CHAMBERLAIN, MARY	Dec-95	32	6.75	216.00	228.96
113	D20	RYBAK	Sep-00	30	7.75	232.50	246.45
114	D21	FLANARY, JOHN	Nov-90	43	7.75	333.25	353.25
115	D22	COX, WALTER	Dec-99	41	7.75	317.75	336.82
116	D23	FENIMORE, RALPH	Mar-00	34	7.75	263.50	279.31
117	D24	VALE, RICHARD	May-00	30	7.75	232.50	246.45
118	D25	ROGIERS, CHRIS	Dec-98	36	7.75	279.00	295.74
119	D26	BASINGER,DAVID&SUE 27	Dec-97	30	7.75	232.50	246.45
120	D27	HEDGE, CLAYTON 29	Jan-00	30	7.75	232.50	246.45
121	D28	BRESEE, MARC	Nov-98	36	7.75	279.00	295.74
122	D29	FORDON	Sep-00	32	7.75	248.00	262.88
123	D30	MC KEE, RICHARD	Nov-99	33	7.75	255.75	271.10
124	D31	GASSNER, STUART 26	Mar-00	30	7.75	232.50	246.45
125	D32	JONES, HOWARD	Nov-94	0	7.75	0.00	0.00
126	E01	DOUGLAS, PETER A.	Jan-00	36	7.75	279.00	295.74
127	E02	WRIGHT,HOLLIS c/oWestwind	Feb-00	30	7.75	232.50	246.45
128	E03	ORR, JOHN	Jan-98	30	7.75	232.50	246.45
129	E04	McKINNEY, JIM & MAGGIE	Jul-99	32	7.75	248.00	262.88
130	E05	TINLEY, S. HERBERT	Oct-99	38	7.75	294.50	312.17
131	E06	BELK, JIM & JULIA	Apr-98	32	7.75	248.00	262.88
132	E07	MARSTERS, A	Jul-98	32	7.75	248.00	262.88

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133	E08	BORTNEM, JAMES&SHARON	Dec-98	35	7.75	271.25	287.53
134	E09	CARNICK, PAUL BREEZE	Dec-99	34	7.75	263.50	279.31
135	E10	CROW, THOMAS	Aug-99	38	7.75	294.50	312.17
136	E11	CHURCHILL, JERRY	Mar-99	44	7.75	341.00	361.46
137	E12	SCHERSCHLIGT, DENIS	Oct-98	35	7.75	271.25	287.53
138	E13	SHERBROOKE, BILL	Feb-97	30	7.75	232.50	246.45
139	E14	MCKELLEY, JIM	Oct-00	35	7.75	271.25	287.53
140	E15	HARTMAN, DENNIS	Dec-99	38	7.75	294.50	312.17
141	E16	POQUETTE, GERALD&KAREN	Nov-99	39	7.75	302.25	320.39
142	E17	DUETEMEYER, PAUL	Jul-97	40	7.75	310.00	328.60
143	E18	COOK, JIM	May-00	63	7.75	488.25	517.55
144	E19	COOK, JIM	E18 &E19 ONE BOAT		7.75	0.00	0.00
145	E20	LINDBLOM, EUGENE	Feb-00	37	7.75	286.75	303.96
146	E21	MURPHY, JIM	Nov-92	37	7.75	286.75	303.96
147	E22	BARBEE, TOM	Aug-00	35	7.75	271.25	287.53
148	E23	CROWELL, CARL	Sep-95	35	7.75	271.25	287.53
149	E24	MASON, TOM	Nov-99	42	7.75	325.50	345.03
150	E25	DAVIS, M. PAUL JR.	May-00	38	7.75	294.50	312.17
151	E26	KING, RON & VANESSA	Apr-00	42	7.75	325.50	345.03
152	E27	HORWITZ, FRED	Mar-97	35	7.75	271.25	287.53
153	E28	KRONBERG C. JOHN	Apr-99	42	7.75	325.50	345.03
154	E29	TAYLOR, RICHARD	May-94	35	7.75	271.25	287.53
155	E30	SKARRA, LESLIE	Mar-97	32	7.75	248.00	262.88
156	E31	STEARNS,WAYNE&PRISCILLA	Feb-00	34	7.75	263.50	279.31
157	E32	STEWART,CHRISTOPHER	Jun-98	36	7.75	279.00	295.74
158	E33	ORTMAYER, DAVID	Nov-90	37	7.75	286.75	303.96
159	E34	MCGREAL, PATRICK	Aug-96	38	7.75	294.50	312.17
160	E35	GROTON, RICHARD 27	Mar-93	30	7.75	232.50	246.45
161	E36	WHITE, CHESTER	May-00	36	7.75	279.00	295.74
162	F01				0.00		
163	F02	BARNOSKY, JOHN 26	Jul-98	30	7.75	232.50	246.45
164	F03				0.00	0.00	0.00
165	F04		TRANSIENT		0.00	0.00	0.00
166	F05		DOCK		0.00	0.00	0.00
167	F06		FOR		0.00	0.00	0.00
168	F07		DAILY'S		0.00	0.00	0.00
169	F08				0.00	0.00	0.00
170	F09	HERBERT, FRANK	Dec-00	47	9.25	434.75	460.84
171	F10				0.00	0.00	0.00
172	F11		F11 & F12 ONE BOAT		0.00	0.00	0.00
173	F12	ORMISTON, MIKE	Oct-00	65	7.75	503.75	533.98
174	F13		TRANSIENT		0.00	0.00	0.00
175	F14		DOCK		0.00	0.00	0.00
176	F15		FOR		0.00	0.00	0.00
177	F16		DAILY'S		0.00	0.00	0.00
178	F17				0.00	0.00	0.00
179	F18		TRANSIENT		0.00	0.00	0.00
180	F19		DOCK		0.00	0.00	0.00
181	F20		FOR		0.00	0.00	0.00
182	F21		DAILY'S		0.00	0.00	0.00
183	F22				0.00	0.00	0.00
184	G01		IN FRONT OF SALTY'S		0.00	0.00	0.00
185	G02		TO SMALL FOR BOAT		0.00	0.00	0.00
186	G03				0.00	0.00	0.00
187	G04	JAMES, RICHARD	Apr-00	102	7.75	790.50	837.93
188	G05	JAMES, RICHARD	G4 - G7 ONE BOAT		0.00	0.00	0.00
189	G06	JAMES, RICHARD			0.00	0.00	0.00
190	G07	JAMES, RICHARD			0.00	0.00	0.00
191	G08	DESSERICH, DENNIS	Jan-99	54	7.75	418.50	443.61
192	G09	DESSERICH, DENNIS	G8 & G9 ONE BOAT		0.00	0.00	0.00
193	G10	MCGREEVY, STEPHEN	Nov-90	43	7.75	333.25	353.25
194	G11	KARRER, ENOCH	Apr-97	45	7.75	348.75	369.68
195	G12	BINZENHOEFER, ALFRED	Jun-98	38	7.75	294.50	312.17
196	G13	CARTER, PAT & DEBBIE	Nov-98	44	7.75	341.00	361.46
197	G14	BISHOP, JILL + LYNN	Dec-99	42	7.75	325.50	345.03
198	G15	PRESTON, CRAIG	Nov-96	42	7.75	325.50	345.03
199	G16	STEWART, RICK	Aug-98	42	10.00	420.00	445.20
200	G17	STEWART, RICK	G16 & G17 ONE BOAT		0.00	0.00	0.00
201	H01	BARNES, RALPH	Nov-96	34	7.75	263.50	279.31
202	H02	AARTS, JOOP	Jan-98	35	7.75	271.25	287.53
203	H03	LEVENDOFSKY,LISA 28	Aug-97	30	7.75	232.50	246.45
204	H04	HALLBERG, HARVEY	Apr-97	45	7.75	348.75	369.68
205	H05	ASCHENBRENNER,BURT	Sep-98	36	7.75	279.00	295.74
206	H06	MACARTNEY, FRANK	May-98	38	7.75	294.50	312.17

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207	H07	PARKER, FRANK	Nov-93	49	7.75	379.75	402.54
208	H08	PARKER, FRANK	H7 & H8 ONE BOAT		0.00	0.00	0.00
209	H09	RISER, CHARLES	Jun-95	34	7.75	263.50	279.31
210	H10	OTTENS, RICHARD	Sep-94	39	7.75	302.25	320.39
211	H11	NICHOLAS, BILL	Oct-99	39	7.75	302.25	320.39
212	H12	LEDFORD, KEN	Jun-99	35	7.75	271.25	287.53
213	H13	REILLY, GERALD & DONNA	Jun-00	49	7.75	379.75	402.54
214	H14	REILLY, GERALD & DONNA	H13 & H14 ONE BOAT		0.00	0.00	0.00
215	N01	KAPOLNEK, PAUL 24	Jul-99	30	7.75	232.50	246.45
216	N02	S.W. FLA. YACHTS	PER LEASE	1	232.50	232.50	232.50
217	N03	S.W. FLA. YACHTS		1	232.50	232.50	232.50
218	N04	S.W. FLA. YACHTS		1	232.50	232.50	232.50
219	N05	S.W. FLA. YACHTS		1	232.50	232.50	232.50
220	N06	S.W. FLA. YACHTS		1	232.50	232.50	232.50
221	N07	S.W. FLA. YACHTS		1	232.50	232.50	232.50
222	N08	GIPSTEIN, BARRY	Jan-00	34	7.75	263.50	279.31
223	N09	S.W. FLA YACHTS	PER LEASE	1	232.50	232.50	232.50
224	N10	S.W. FLA. YACHTS		1	232.50	232.50	232.50
225	N11	NEWING, ANTHONY	Dec-98	40	7.75	310.00	328.60
226	N12	FABER, ALAN	Sep-99	37	7.75	286.75	303.96
227	N13	PETERSON	HOLDING	0	7.75	0.00	0.00
228	N14	PETTY, ROBERT	Dec-98	34	7.75	263.50	279.31
229	N15	GATES, THOMAS 28	Oct-99	30	7.75	232.50	246.45
230	N16	GARRETT, PAUL 26	Dec-98	30	7.75	232.50	246.45
231	N17	SCHAEFER, MERLIN	Feb-98	48	8.75	420.00	445.20
232	N18	COX, JOSEPH C.	Dec-98	40	7.75	310.00	328.60
233	N19	MOON, ROBERT	Aug-98	20	7.75	155.00	164.30
234	N20	KNOX, KEITH	Nov-00	30	7.75	232.50	246.45
235	N21	KOSIEWICZ, EDWARD 26	Dec-98	30	7.75	232.50	246.45
236	N22	MAHLER, FRANK	Apr-00	30	7.75	232.50	246.45
237	N23	WADDELL, JAMES ALLEN	Dec-98	34	7.75	263.50	279.31
238	N24	GODINA, JOHN & NANCY	Apr-99	30	7.75	232.50	246.45
239	N25	SAULNIER, R.J.	Jun-99	36	7.75	279.00	295.74
240	N26	FURTON, DENNIS	Jan-00	36	7.75	279.00	295.74
241	N27	GRAFF, DONALD	Feb-00	33	7.75	255.75	271.10
242	N28	AVERY, ROBIN & LYNDA	Nov-00	40	7.75	310.00	328.60
243	N29	BAZEMORE, JIM 28	Dec-98	30	6.75	202.50	214.65
244	N30	SMITH, RICHARD	SALES	42	7.75	325.50	345.03
245	N31	GRIMM, PAUL	Nov-99	33	7.75	255.75	271.10
246	N32	HENDRICKSON,TOM&LINDA	May-00	33	7.75	255.75	271.10
247	N33	CURRY	HOLDING	0	7.75	0.00	0.00
248	N34	YOUENS, H. TOM	Dec-99	35	7.75	271.25	287.53
249	N35	CLARK, TOM	Oct-00	40	7.75	310.00	328.60
250	N36	MASTERS, RUSSELL	Mar-00	33	7.75	255.75	271.10
251	N37	NIXON, JERROLD	Dec-98	30	7.75	232.50	246.45
252	N38	WATERBURY, WILLIAM	Nov-99	33	7.75	255.75	271.10
253	N39	NIXON,JERROLD 20	Dec-99	24	7.75	186.00	197.16
254	N40	FRAIZIER	HOLDING / SALES	0	7.75	0.00	0.00
255	N41	HIGLEY, HUGH C. JR.	Nov-00	30	7.75	232.50	246.45
256	N42	MAC LEAN, BILL	Nov-00	30	7.75	232.50	246.45
257	N43	CALLAHAN, JON M. 19	Mar-00	30	7.75	232.50	246.45
258	N44	DEUTSCH, G.J.	Dec-98	33	7.75	255.75	271.10
259	N45	WRIGHT, BALLARD M.D.	Jul-00	30	7.75	232.50	246.45
260	N46	CHRISTENSEN, PALLE	Aug-00	35	7.75	271.25	287.53
261	N47	FENDERBOSCH, ERIC	Oct-00	30	7.75	232.50	246.45
262	N48	BUSSE, SHELDON	Mar-00	34	7.75	263.50	279.31
263	N49	ELLIOT, JANET & TOM 26	Oct-00	30	7.75	232.50	246.45
264	N50	READ, PETER	Nov-00	36	7.75	279.00	295.74
265	N51	FORTUNATO, DONALD	Nov-00	30	7.75	232.50	246.45
266	N52	LEVENSON, DR MYRON	Jan-00	30	7.75	232.50	246.45
267	N53	NITZ, KENNETH 27	Nov-00	30	7.75	232.50	246.45
268	N54	DISSER, THOMAS	Sep-00	30	7.75	232.50	246.45
269	N55	ROBERTS	HOLDING	0	7.75	0.00	0.00
270	N56	PRICE, DUDLEY	Jul-00	32	7.75	248.00	262.88
271	N57	BUZARD, RODGER R.	Jun-00	30	7.75	232.50	246.45
272	N58	SILVER LINING CORP.	Dec-98	40	7.75	310.00	328.60
273	N59	GARSIDE, ART	Nov-00	32	7.75	248.00	262.88
274	N60	KOSMALSKI	HAVE 550	0	7.75	0.00	0.00
275	N61	SHOEMAKER, DANIEL	Nov-00	35	7.75	271.25	287.53
276	N62	PETERSON, WILLIAM M.	Nov-99	30	7.75	232.50	246.45
277	N63	RUHBERG, DEAN	Nov-00	34	7.75	263.50	279.31
278	N64	MARELLA, MICHAEL 28	Jan-00	37	7.75	286.75	303.96
279	N65	EDWARDS, WALT	Dec-00	31	7.75	240.25	254.67
280	N66	DHEIN, JERE	SALES	33	7.75	255.75	271.10

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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	SOLONITIES, 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-96	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

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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	WHITTEMORE, 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

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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-98	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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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

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

SPECIAL WARRANTY DEED

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

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

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

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

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

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

Witnesses:

Name: Stephen J. Schoettle

Name: GREGG S. TRUXTON

WCI COMMUNITIES, INC., a Delaware corporation

By:

Print Name: ALBERT F. MOSCATO JR.

Vice President

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

STATE OF FLORIDA
COUNTY OF ~~HILLSBOROUGH~~ LEE

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

NOTARY PUBLIC
Name:
Serial #:
My Commission Expires:

OFFICIAL NOTARY SEAL
GREGG S TRUXTON
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC649729
MY COMMISSION EXP. MAY 21,2001

#758052 v3 - 2303-449

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

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

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

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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 137.28FEET 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

JOB #61-6081 | PREPARED FOR: AVALON ENGINEERING
SECTION 1, TOWNSHIP 43S, RANGE 22E

STOUTEN SURVEYING & ASSOCIATES, INC. 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 in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

JEFFREY D. STOUTEN
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO.6584
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

(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

JOB #61-6081 | PREPARED FOR: AVALON ENGINEERING

SECTION 1, TOWNSHIP 43S, RANGE 22E

STOUTEN SURVEYING & ASSOCIATES, INC. MAPPING
CERTIFICATE OF AUTHORIZATION NUMBER LB3377
324 Nicholas Parkway West, Suite E, Cape Coral, FL 33991
Phone: (239)542-7499 Fax: (239) 945-0244
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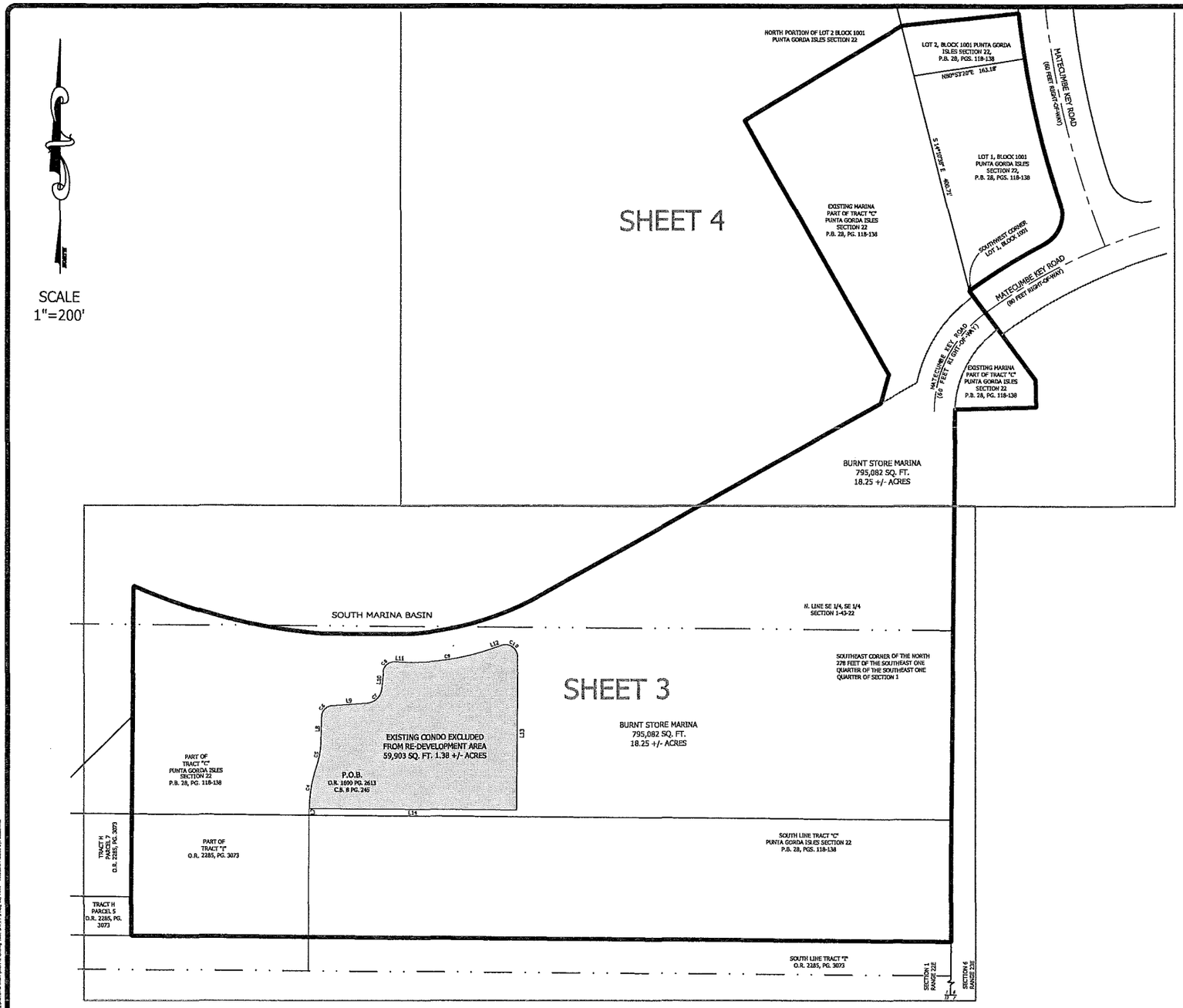
SEE SHEET 1 OF 5
FOR SIGN AND SEAL

K:\Land\BURNT STORE MARINA\dwg\sketch & description BMS.dwg Tab: Description 2 Aug 08, 2008 - 10:22am Plotted by: sossowicz

SKETCH TO ACCOMPANY DESCRIPTION OF BURNT STORE MARINA

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

SCALE
1"=200'



KEY MAP

THIS IS NOT A SURVEY

DRAWN BY:	REVISIONS	DATE
E.P.		
CHECKED BY:		
J.D.S.		
JOB No:		
61-6081		

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SURVEYING & MAPPING
324 Nicholas Parkway West, Suite E, Cape Coral, FL 33991
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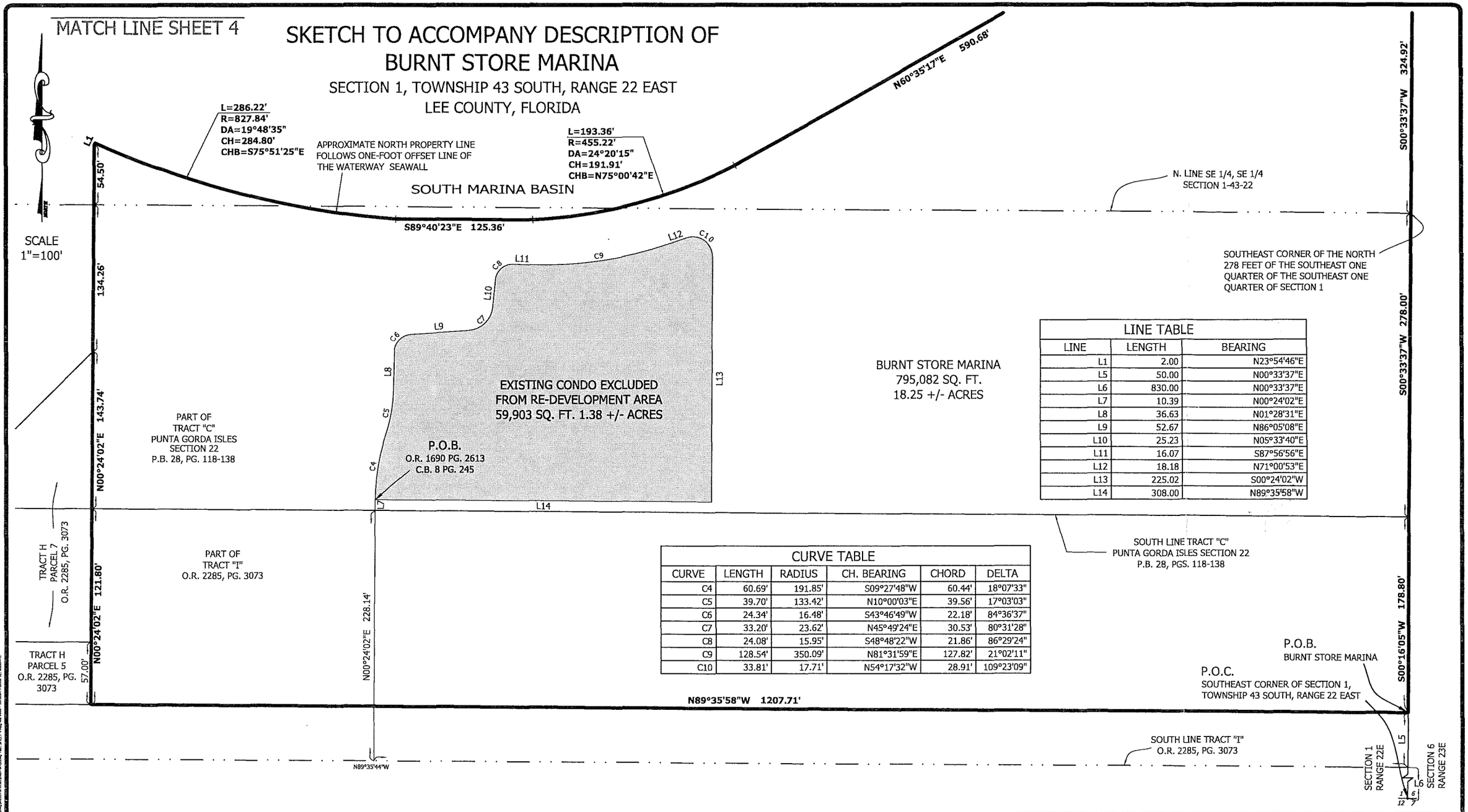
SHEET 3 OF 5

SEE SHEET 1 OF 5 FOR SIGN AND SEAL

MATCH LINE SHEET 4

SKETCH TO ACCOMPANY DESCRIPTION OF BURNT STORE MARINA

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



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

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"

THIS IS NOT A SURVEY

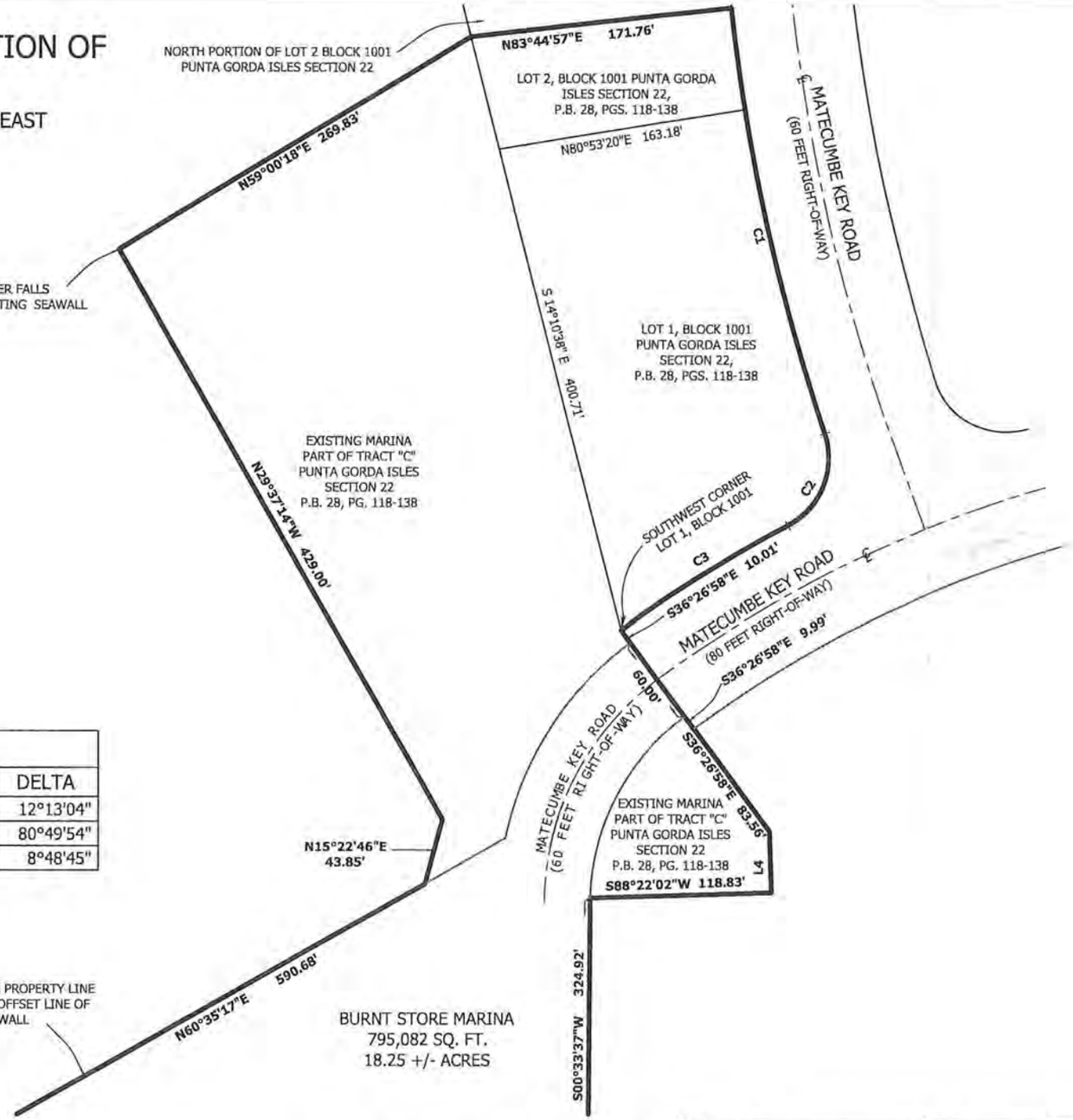
DRAWN BY:	REVISIONS	DATE
E.P.		
CHECKED BY:		
J.D.S.		
JOB No:		
61-6081		

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SKETCH TO ACCOMPANY DESCRIPTION OF BURNT STORE MARINA

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

SCALE
1"=100'



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"

MATCH LINE SHEET 3

THIS IS NOT A SURVEY

DRAWN BY: E.P.	REVISIONS:	DATE
CHECKED BY: J.D.S.		
JOB NO: 61-6081		

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SHEET 5 OF 5

SEE SHEET 1 OF 5 FOR SIGN AND SEAL

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Cpt 2007-00054

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1 OF 2	07-431	EXIST. CONDITIONS MAP A-1.1	BURNT STORE MARINA	Realmark Development, LLC	AVALON ENGINEERING, INC. 2503 DEL PRADO BLVD. #200 CAPE CORAL, FLORIDA 33904 FBPE#3128 (239) 573-2077	DATE	BY	REVISION DESCRIPTION	DATE	BY	REVISION DESCRIPTION	Joseph W. Edwards, P.E. FL. LICENSE# 38615

PLAT BOOK 28 . PAGE 120

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. SUBDIVISON

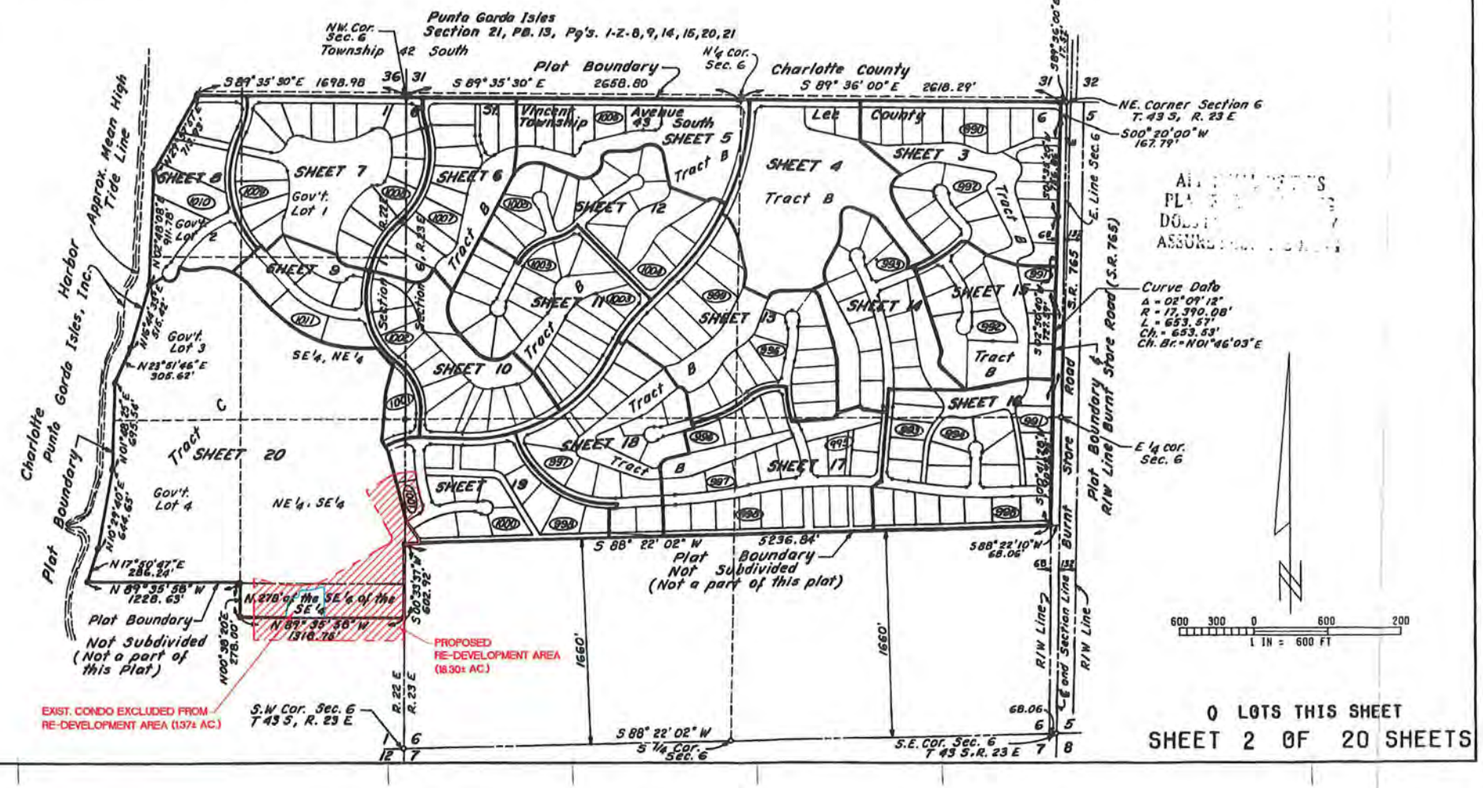
CONNELL ASSOCIATES
CONSULTING ENGINEERS
MIAMI. - FLORIDA
SEPTEMBER, 1972

DESCRIPTION:

A parcel of land being all of GOVERNMENT LOT 1 and a portion of GOVERNMENT LOT'S 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 330 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 lying the South 1400 feet thereof and lying the Right of Way for BURNT STORE ROAD, (State Road No. 765) 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 S 89° 35' 30" W along the South boundary line of Charlotte County and the North boundary line of Lee County a distance of 17.32 feet to the Point of Beginning of the Parcel of Land hereinafter described; said boundary line also being the South line of Punta Gorda Isles, Section 20, Plat Book 13, Page 1-2-8, of the Public Records of Charlotte County, Florida; thence run S89° 35' 30"W along the Westerly Right of Way line of State Road No. 765 (Burnt Store Road) a distance of 167.79 feet to a point; thence run S 01° 51' 32" W along the said Westerly R/W line of State Road No.765 a distance of 705.83 feet to a point; thence run S 02° 51' 10" W along the said Westerly R/W line of State Road No. 765 a distance of 727.69 feet to the Point of Curvature of a circular curve to the left having a radius of 17,390.08 feet; said curve being the Westerly R/W line of State Road No. 765; thence run Southwesterly along the arc of said curve, an arc distance of 653.57 feet through a central angle of 02° 09' 12" to the Point of Tangency; thence run S 01° 01' 22" W along the said Westerly R/W line of State Road No. 765 a distance of 1288.65 feet to a point of intersection with a line that is 1400 feet North of and parallel to the South line of said Section 6; thence run S 89° 22' 02" W along said line that is 1400 feet North of and parallel to the South Line of said Section 6, a distance of 5236.84 feet to a point of intersection with the line that line of the South 1600 feet of said Section 6; said line also being the East line of the NE 1/4, SE 1/4 of Section 1, Township 43 South, Range 22 East; thence run S 00° 22' 57" W along the East line of the South 1400 feet of said Section 6 and the East line of the NE 1/4 of the SE 1/4 of the said Section 1 a distance of 660.62 feet to a point of intersection with a line that is 740 feet south of and parallel to the North line of NE 1/4 of the NE 1/4 of said Section 1; thence run N 89° 32' 05" W along said line that is 740 feet south of and parallel to North line of the said NE 1/4, NE 1/4 of Section 1 a distance of 1298.76 feet to a point on the west line of the North 330 feet of the said NE 1/4, N.E. 1/4 of Section 1; thence run N 00° 00' 30"E along the said West line a distance of 330 feet to the Northwest corner of the said NE 1/4, NE 1/4; said point also being the Southwest corner of Government Lot 4 in said Section 1; thence run N 89° 35' 30" W along the South line of said Government Lot 4 a distance of 1329.69 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° 09' 47" E 286.24 feet; N 10° 39' 10" E 644.63 feet; N 01° 49' 35" E 693.84 feet; N 23° 51' 46" E 305.62 feet; N 10° 09' 28" E 915.78 feet; N 02° 49' 09" E 941.78 feet; thence N 89° 57' 57" E a distance of 718.99 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 36, Township 42 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 36; 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 1698.98 feet to the Northwest corner of said Section 1; thence run S 89° 35' 30" E along the North line of the NW 1/4 of said Section 6, the south line of Section 31, Township 42 South, Range 23 East, Charlotte County and the South line of the said Punta Gorda Isles Subdivision, Section 21, a distance of 2658.60 feet to the N 1/4 corner of said Section 6; thence run S 89° 36' 00" E along the North line of the NE 1/4 of said Section 6; the South line of said Section 31, and the South line of said Punta Gorda Isles Subdivision, Section 21, a distance of 2618.29 feet to the Point of Beginning, said point being N 89° 36' 00" W a distance of 17.32 feet from the Northeast corner of said Section 6.

CONTAINING 428.85 acres more or less.



0 LOTS THIS SHEET

SHEET 2 OF 20 SHEETS

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N

0 300 600
(IN FEET)

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

DATE	BY	REVISION DESCRIPTION

DATE	BY	REVISION DESCRIPTION
07/01/08	MP	STATUS SET

AVALON ENGINEERING, INC.
2503 DEL PRADO BLVD. #300
CAPE CORAL, FLORIDA 33904
FBPE#3128 (239) 573-2077

Realmark Developments, LLC

BURNT STORE MARINA

RE-DEVELOPMENT
MAP A-3.1

#07-431

1 OF 3

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PLAT BOOK 28, PAGE 138

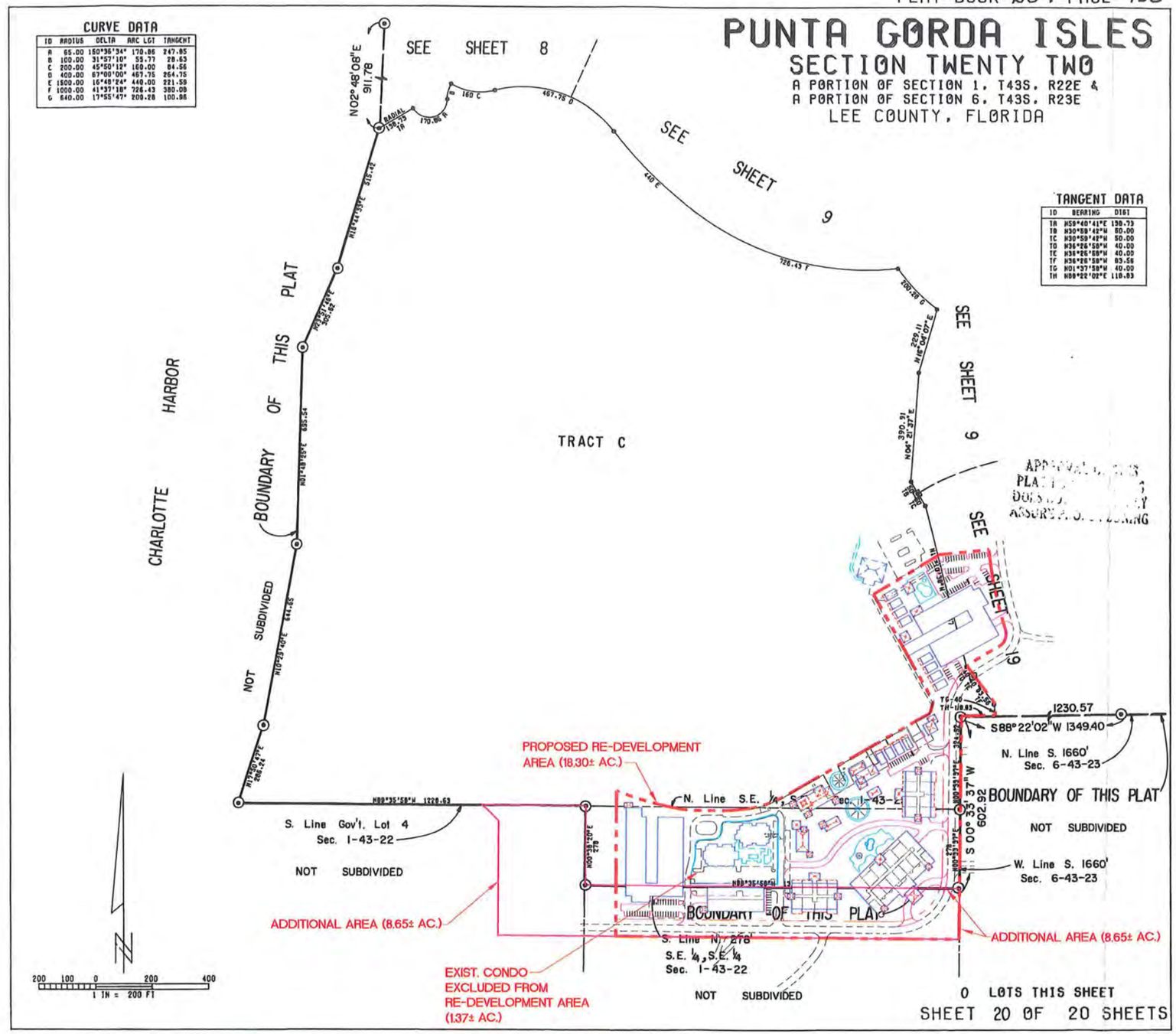
PUNTA GORDA ISLES
SECTION TWENTY TWO
A PORTION OF SECTION 1, T43S, R22E &
A PORTION OF SECTION 6, T43S, R23E
LEE COUNTY, FLORIDA

CURVE DATA

ID	RADIUS	DELTA	ARC LGT	TANGENT
A	65.00	150°36'34"	170.86	247.95
B	100.00	31°57'10"	55.77	28.63
C	200.00	45°50'12"	160.00	84.56
D	400.00	67°00'00"	467.75	264.75
E	1600.00	16°48'24"	448.00	221.59
F	1000.00	41°37'18"	726.43	380.08
G	640.00	17°55'47"	209.28	100.86

TANGENT DATA

ID	BEARING	DIST
TA	N59°40'41"E	130.73
TB	N30°59'42"W	80.00
TC	N30°59'42"W	50.00
TD	N36°26'58"W	40.00
TE	N36°26'58"W	40.00
TF	N36°26'58"W	83.56
TG	N01°37'58"W	40.00
TH	N88°22'02"E	110.83



0 LOTS THIS SHEET

SHEET 20 OF 20 SHEETS

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AUG 13 2008
COMMUNITY DEVELOPMENT
2007-0005

N
0 100 200
(IN FEET)

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

DATE	BY	REVISION DESCRIPTION

DATE	BY	REVISION DESCRIPTION
07/01/08	MP	STATUS SET

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

Realmark Developments, LLC

BURNT STORE MARINA

RE-DEVELOPMENT
MAP A-3.2

#07-431

2 OF 3

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COMMUNITY DEVELOPMENT

2007-00054

0 100 200 (IN FEET)

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3 of 3	07-431	RE-DEVELOPMENT MAP A-3.3	BURNT STORE MARINA	Realmark Development, LLC	AVALON ENGINEERING, INC. 2503 DEL PRADO BLVD. #200 CAPE CORAL, FLORIDA 33904 FBPE#3128 (239) 573-2077	DATE	BY	REVISION DESCRIPTION	Joseph W. Edwards, P.E. FL. LICENSE# 38615
						01/01/08	MP	STATUS SET	

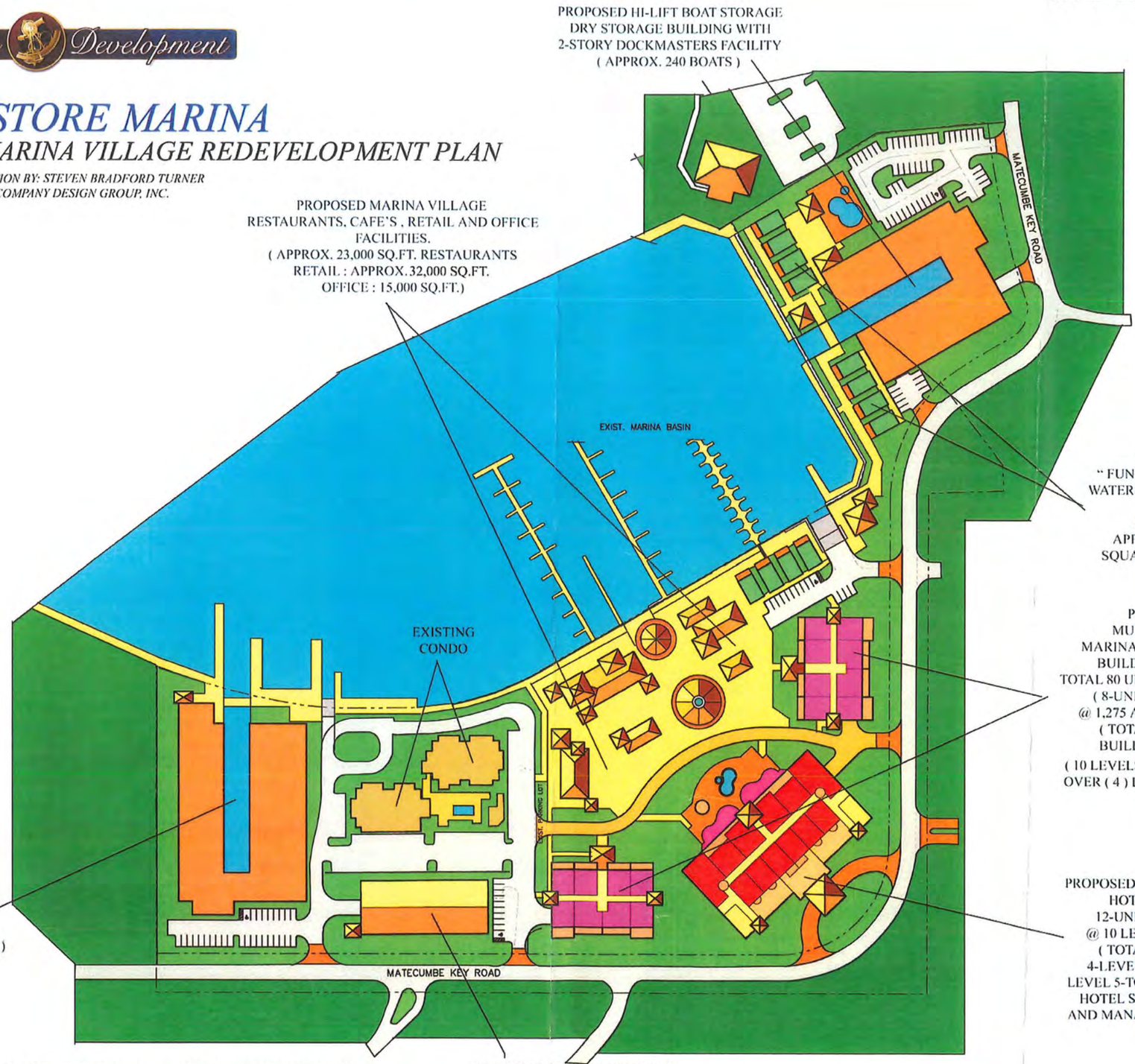
MAP A-3.4

Realmark Development

BURNT STORE MARINA

PROPOSED MARINA VILLAGE REDEVELOPMENT PLAN

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



MARINA VILLAGE REDEVELOPMENT PLAN

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

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STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

July 31, 2008

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Ms. Karen A. Brodeen
Fowler White Boggs Banker PA
Post Office Box 11240
Tallahassee, Florida 32302

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.

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)(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.

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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)(c), (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.

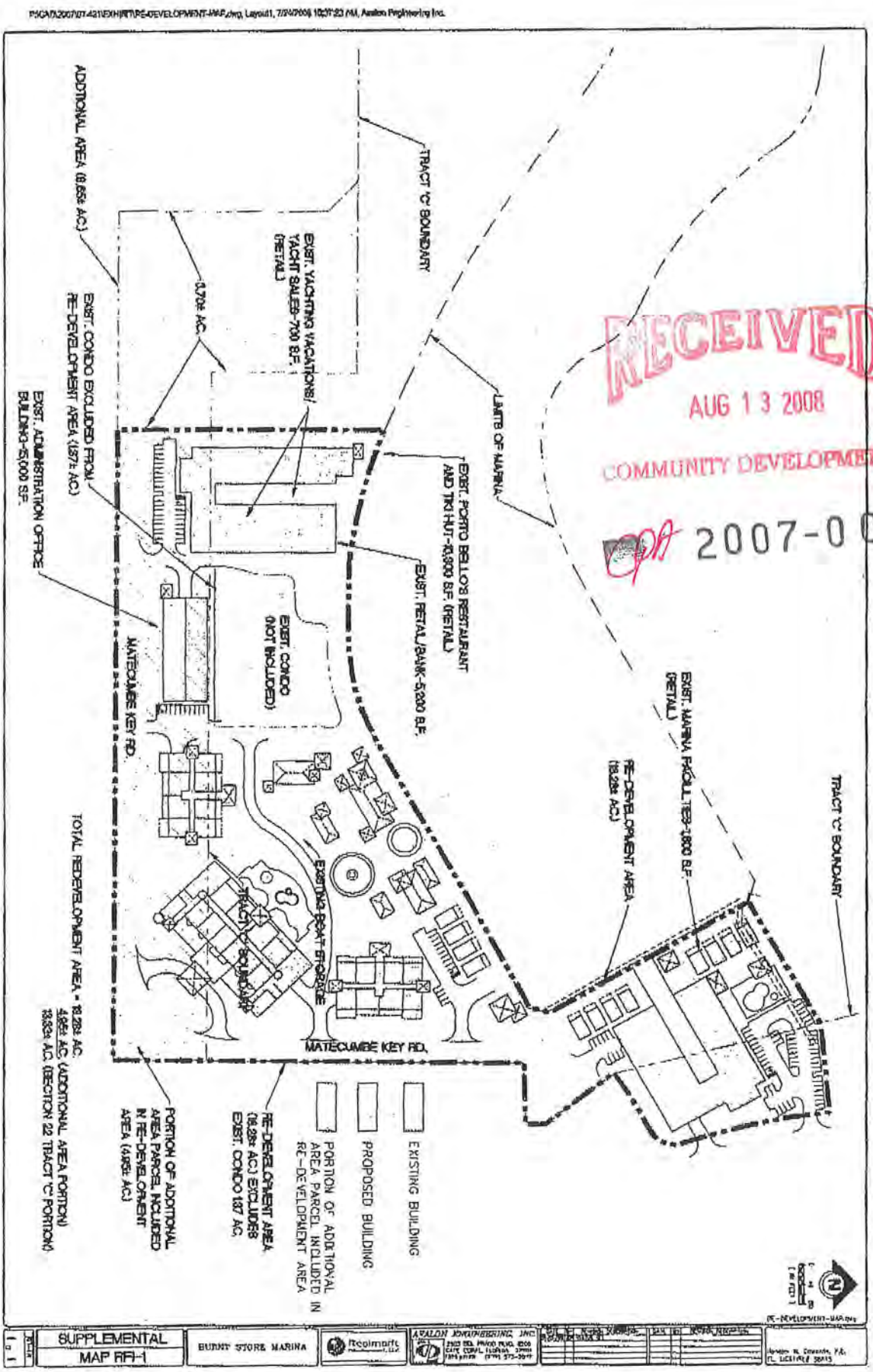
To initiate an appeal of this binding letter, a notice of appeal must be filed with the Department's Agency Clerk, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and with the appropriate District Court of Appeal within 30 days of the day this binding letter is filed with the Agency Clerk. 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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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.

7/31/08
Miriam Snipes Date
Deputy Agency Clerk

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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

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

Via hand-delivery

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.

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:

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Realmark
Development, LLC

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

Prepared by:

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

Fowler White Boggs Banker P.A.
101 North Monroe 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					
storic	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 (f0, 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

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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) *Net SF Increase from Existing: approx. 42K Retail & 0 SF Office*
	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 *Net Space Increase from Existing: approx. 200 Spaces*

**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.*

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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

2007-00054

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 Polluntants	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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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 (cont.)	100 Year Flood Prone Acres	0 Acres				Not determined by 380.032	No change in 100 year Flood prone Area Project is re-development of previously developed lands
	Natural Vegetation	28.9 Acres	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	N/A Number		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	N/A Number		0		Not determined by 380.032	No change in Historic or Archeolgical sites Project is re-development of previously developed lands
Economic	Employment Opportunites	200 Number	200			Not determined by 380.032	Not previously required to be analyzed by DCA Estimated number of new employment opportunites
	Tax Yield	N/A Dollars				Not determined by 380.032	Not previously required to be analyzed by DCA Estimated
Resulting Public Expenditures	Sewage Flow	65,700 GPD	65,700			Not determined by 380.032	Not previously required to be analyzed by DCA **See Supplemental Table 1**

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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

2007-00054

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 Transporation 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 transpotation 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

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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 Useage

Prepared by: AVALON ENGINEERING, INC.

Dated: April 30, 2008

DESIGNATION	DESCRIPTION OF USE	UNIT	Kilowatt usage per Year	Units/Sq Ft Existing	Existing Energy Useage	Total Units/Sq Ft Proposed	Total Energy Useage 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

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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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AUG 13 2008
COMMUNITY DEVELOPMENT

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

DCA 2007-00054

TABLE D

Realmark Development, LLC

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

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MAPS

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AUG 13 2008
COMMUNITY DEVELOPMENT

2007-00054

MAP A-1.2



EXISTING RESIDENTIAL: 797 (D.U.)

LEGEND

- Tract (13) Diamond Cove — 9 Single Family Residential Homes
- Tract (34) Marina North Shore Condos — 48 Units
- Tracts (21) and (22) Harbour Towers — 140 Units
- Tract (24) Tides at Marina Towers — 33 Units
- Tract (41) Marina South Shore Condos — 123 Units
- Tract (25) Keel Club Condos — 47 Units

Prosperity Point

- (A) Grande Isle Towers I and II — 112 Units
- (B) Grande Isle Towers III and IV — 104 Units
- (C) 22 Single Family Residential Homes
- (D) Topaz Cove Condos — 68 Total Units (7 Bldgs./4 Units Each)
- (E) 25 Single Family Residential Homes
- (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.

RECEIVED
AUG 13 2008
COMMUNITY DEVELOPMENT

N

0' 80' 400'

SCALE: 1" = 400'

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

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

CPA 2007-00054

THE SCHOOL DISTRICT OF LEE COUNTY

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

EXHIBIT B.3.f.

JEANNE S. DOZIER
CHAIRMAN, DISTRICT 2

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

ROBERT D. CHILMONIK
DISTRICT 1

STEVEN K. TEUBER, J.D.
DISTRICT 4

ELINOR C. 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 by 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: _____
Deputy Clerk

LEE COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
County Attorney's Office

ATTEST:

By: _____
Bonnie J. Vent, City Clerk

CITY OF CAPE CORAL

By: _____
Eric P. Feichthaler, Mayor

APPROVED AS TO FORM:

_____
MARILYN W. MILLER
Assistant City Attorney

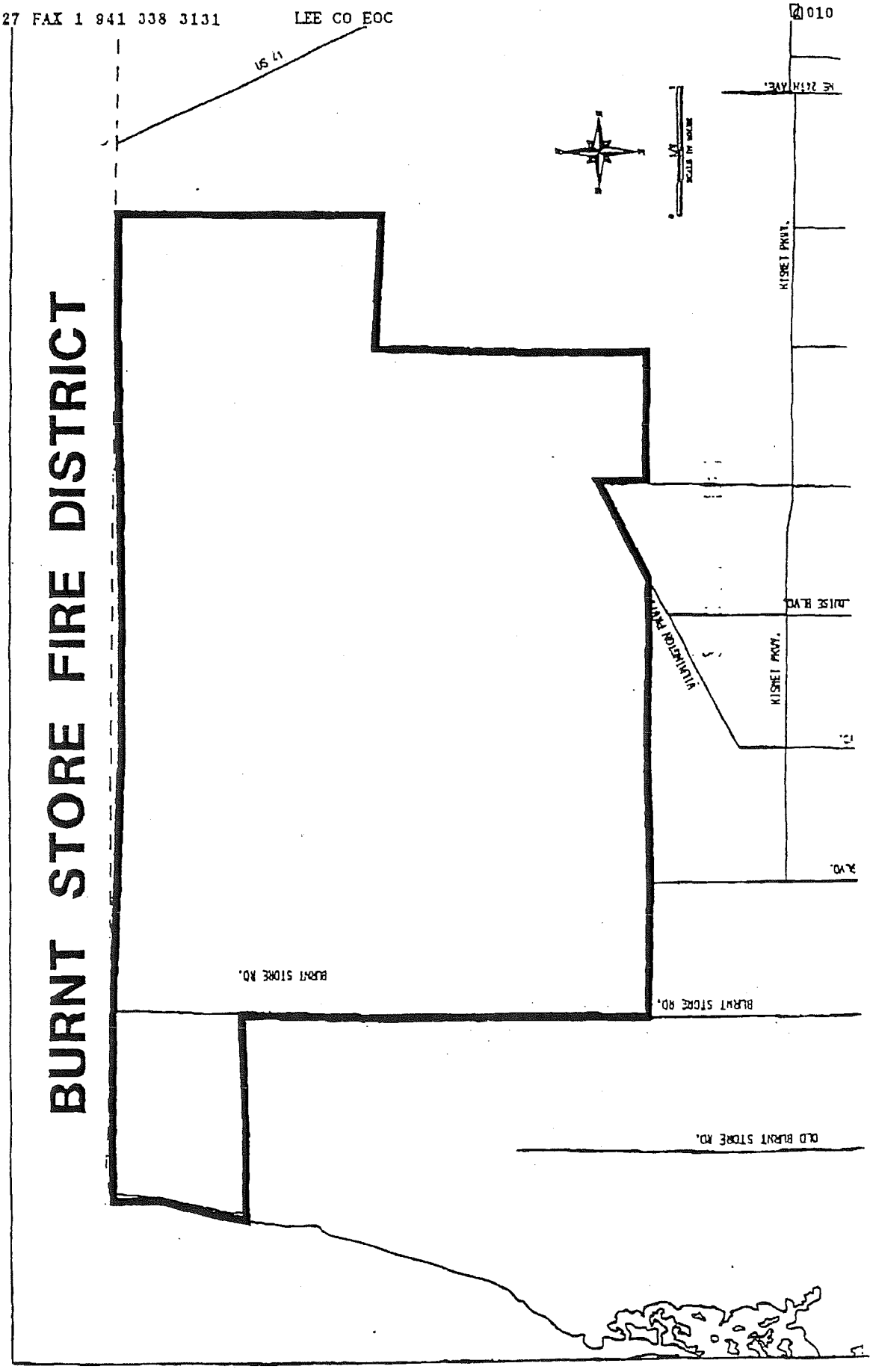

BURNT STORE FIRE DISTRICT
BURNT STORE RD.
BURNT STORE RD.
OLD BURNT STORE RD.
KISHEI PKWY.
KISHEI PKWY.
VILLAMILLION PKWY.
NE 21ST AVE.
DUISE BLVD.
BLVD.

EXHIBIT B

MSTU Formula

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

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

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)

LEE COUNTY EMERGENCY MEDICAL SERVICES

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

ATTACHMENT 16

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

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: 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,

ATTACHMENT 18

Alex Cegerenko
Engineering Project Manager

cc: File / CHRONO

June 25, 2008

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

JUN 2 7 2008

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

Dear Mr. Edwards:

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

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

1. Owner/Developer shall be solely responsible for the design, funding, construction and installation of all required on-site and off-site water and sewer facilities necessary to provide service to Owner/Developer's site location, which may include up-grading existing water and sewer facilities in the area.
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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

cc: File / CHRONO

RECEIVED
JUN 27 2008

June 25, 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:

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

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 the125 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 221[1] 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

[1]As 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

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 condominum in the Burnt Store Marina Complex for serveral 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

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: 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: 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:jwmcconomy@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 Commision 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

Dear Mr. McConomy,

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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
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Post Office Box 398
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Dist1@leegov.com

From: John McConomy [mailto:jwmcconomy@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 Commision 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

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

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 Plannng 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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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

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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

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

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 thoughout the community.
We look forward to the future of the community revitilization 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

Get more out of the Web. Learn 10 hidden secrets of Windows Live. Learn Now

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

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 to continue with their plans!

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

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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, Fl 33955
239 313 3358

Toasterjr@aol.com

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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 or 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 inconvenient 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 developement 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

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

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

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:dwcjbt@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 Burn 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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Fashion Design Education - Click Here!

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

See how Windows Mobile brings your life together—at home, work, or on the go. See Now

See how Windows connects the people, information, and fun that are part of your life. See Now

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

Looking for simple solutions to your real-life financial challenges? Check out WalletPop for the latest news and information, tips and calculators.

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 revenu, 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 occures whether we want it or not. When a community resist change, a slow be certain deteration thats place which adverselt effects 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

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

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

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

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.

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)

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.

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

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

Alan & Maureen Johnson · 24117 Redfish Cove Drive · Punta Gorda FL 33955

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

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 person 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 suppport 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

PUBLIC COMMUNICATION

OPPOSITION

ATTACHMENT 20

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

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@sccf.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 a 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

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.

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

(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

Lee County Planner

Re. CPA2007-00054 Burnt Store Marina Village

September 8, 2008

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 successfuly 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

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. Loredo

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 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. Loredo

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

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

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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

Pssst...Have you heard the news? There's a new fashion blog, plus the latest fall trends and hair styles at StyleList.com.

RECEIVED
SEP 18 2008
COMMUNITY DEVELOPMENT

September 15, 2008

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. TenHarmsel
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.

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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

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...

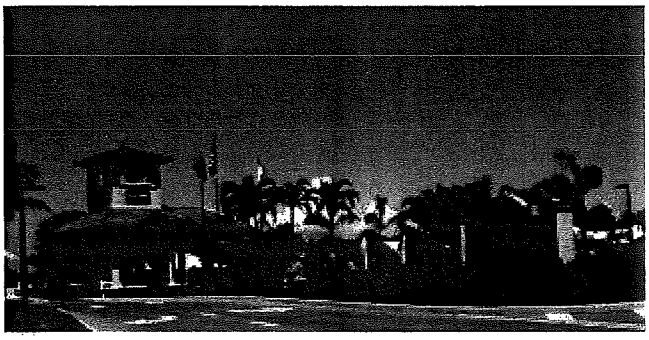
From: jrosenblum [mailto:jrosenblum07@comcast.net]
Sent: Tuesday, September 23, 2008 3:25 PM
To: Dist1, Janes; carleton819@aol.com; Noble, Matthew A.
Subject: CPA2007-00054 Burnt Store Marina Village

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



FAQ Search Memberlist Usergroups Register
Profile Log in to check your private messages Log in

Burnt Store Marina Village (proposed)

newtopic postreply **BSM22.ORG Forum Index -> General Discussion**

Author	Message

Jimmy

Joined: 23 Sep 2008
Posts: 1

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

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, dissapproval 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 dont 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 Stouts 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 seperated 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 grandious 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

Back to top profile pm

Display posts from previous: All Posts Oldest First 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 ove 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

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

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!

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."*** *

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,

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 tounged 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

FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

KURT S. BROWNING
Secretary of State

September 28, 2007

Alison Stowe
Knott, Consoer, Ebelini, 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/dlir/msf/*

EXHIBIT D

ATTACHMENT 13

ARCHAEOLOGICAL SENSITIVITY MAP

R 20 E | R 21 E | R 22 E | R 23 E | R 24 E | R 25 E | R 26 E | R 27 E

CHARLOTTE COUNTY

T 43 S | T 44 S | T 45 S | T 46 S | T 47 S | T 48 S

HENDRY COUNTY

COLLIER COUNTY

Charlotte Harbor

Boca Grande Pass

Captiva Pass

Pine Island Sound

San Carlos Bay

Gulf of Mexico

Estero Bay

Caloosahatchee River

MAIN ST | GASPARILLA RD | BURNT STORE RD N | WELLINGTON PKWY | DIPLOMAT PKWY E | TROPICANA PKWY E | PINE ISLAND RD NW | VETERANS PKWY | GLEASON PKWY | CAPE CORAL PKWY W | EL DORADO PKWY W | CHIQUITA BLVD N | CHIQUITA BLVD S | EL DORADO BLVD N | SANTA BARBARA BLVD | DEL PRADO BLVD N | DEL PRADO BLVD S | ORANGE GROVE BLVD | SE 8TH ST | VISCAYA PKWY | HANCOCK BRIDGE PKWY | NE PINE ISLAND RD | STRINGFELLOW RD | CAPTIVA DR | OLEANDER ST | SANIBEL CAUSEWAY | FERNANDEZ WAY

MELLOW DR | DEL PRADO BLVD N | LAUREL DR | LITTLETON RD | BAYSHORE RD | PONDELLA RD | MCGREGOR BLVD | SLATER RD | NALLE RD | HART RD | NALLE GRADE RD | N RIVER RD | SR 78 | SR 31 | SR 80 | BUCKINGHAM RD | ORANGE RIVER BLVD | TICE ST | CEMETERY RD | PALM BEACH BLVD | SR 82 | DR M L KING JR BLVD | EDISON AV | HANSON ST | CLEVELAND AV | FOWLER ST | COLONIAL BLVD | WINKLER AV | LEE BLVD | LEONARD BLVD | GUNNERY RD S | HOMESTEAD RD S | ROOSEVELT AVE | 127TH ST W | SUNSHINE BLVD N | SR 31 | SR 82

METRO PKWY | CRYSTAL DR | PLANTATION RD | BRANTLEY RD | COLLEGE PKWY | DANIELS PKWY | CYPRESS LAKE DR | SIX MILE CYPRESS PKWY | MCGREGOR BLVD | IONA RD | GLADIOLUS DR | BRIARCLIFF RD | BASS RD | DAVIS RD | SUMMERLIN RD | SAN CARLOS BLVD | WINKLER RD | ISLAND PARK RD | ALICO RD | DURR RD | EAST CARLOS BLVD | CORKSCREW RD | BROADWAY W | WILLIAMS RD | THREE OAKS PKWY | COCONUT RD | ESTERO BLVD | OLD 41 RD | SAN MIGUEL TRL | E TERRY ST | BONITA BEACH RD SW | BONITA BEACH RD SE | IMPERIAL ST

9/9/04

N | W | E | S

1 0.5 0 1 2 3 4 Miles

LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

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** PLS 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.

ATTACHMENT 12

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 18 day of ~~July~~ August, 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 contest 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 onto 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, as President

_____
Witness #1
KENT E. BENSON
Print Name

_____
Witness #2
DIANNE M. RACINE
Print Name

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

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

_____
Witness #1
Charlotte B. Ford
Print Name

_____
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
MY COMMISSION # DD 038713
EXPIRES: July 2, 2005
Bonded Thru Notary Public Underwriters

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)

NOTARY PUBLIC STATE OF FLORIDA
OFFICIAL NOTARY SEAL
CHARLOTTE B FORD
COMMISSION NUMBER
CC931483
MY COMMISSION EXPIRES
MAY 19,2004

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

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

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 137.28FEET 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.

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.

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]

BY: Carl R. Winger
[Signature]
CARL R. WINGER
[Type or Print Name]
PRESIDENT
[Corporate Office or Title]

[2nd Witness' Signature]
MARK BENSON
[Type or Pint Name]

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]

DIANNE M. RACINE
MY COMMISSION # DD 038713
EXPIRES: July 2, 2005
Bonded Thru Notary Public Underwriters

Dianne M. Racine
[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

BY: Cindy Morrison
Deputy Clerk
CINDY MORRISON
[Type or Print Name]

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY, FLORIDA

Approved as to form by:

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:\LU\JJF\JJFPTV's\Exhibit A Legal VAC2003-00072 - legal.wpd [022304/1430]

Lee Coun **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's 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:	5. REQUIREMENT/PURPOSE: (Specify)	6. REQUESTOR OF INFORMATION:
X CONSENT	X STATUTE F.S. Ch. 336 (PTV) & 125 (PUE)	A. COMMISSIONER
ADMINISTRATIVE	ORDINANCE	B. DEPARTMENT Community Development
APPEALS	X ADMIN. CODE 13-8 (PTV)	C. DIVISION Development Services
PUBLIC	OTHER	BY: 2-24-04
WALK ON		Peter J. Eckenrode, Director
Time Required: 10Min.		

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
					OA	OM	RISK	GC	
Mary Gibbs	N/A	N/A	N/A	John Pledger 2-24-04	1pm 2/25/04	2/25/04	2/25/04	2/25/04	

10. COMMISSION ACTION:

APPROVED
DENIED
DEFERRED
OTHER

CO. ATTY FORWARDED TO CO. ADMIN.

2/24/04 3:00 PM
FORWARDED TO: ADMIN 2/25/04 8:30am

RECEIVED BY COUNTY ADMIN: 02/25/04 9:15am sc TO
COUNTY ADMIN FORWARDED TO: 2/26/04 mm

S:\WRITERS\KeithR\PUNTA GORDA ISLES\Blue Sheet - PTV VAC2003-00072 - Consent.wpd [022304/1400]

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 Islamorada 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.

LEE COUNTY
SOUTHWEST FLORIDA

DEPARTMENT OF TRANSPORTATION

Memo

To: Paul O'Connor, Planning Director

From: David Loveland, Manager, Transportation Planning

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

EXHIBIT B.I

TR TRANSPORTATION CONSULTANTS, INC.

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

TRANSPORTATION CONSULTANTS, INC.

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
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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.

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 terns 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

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.

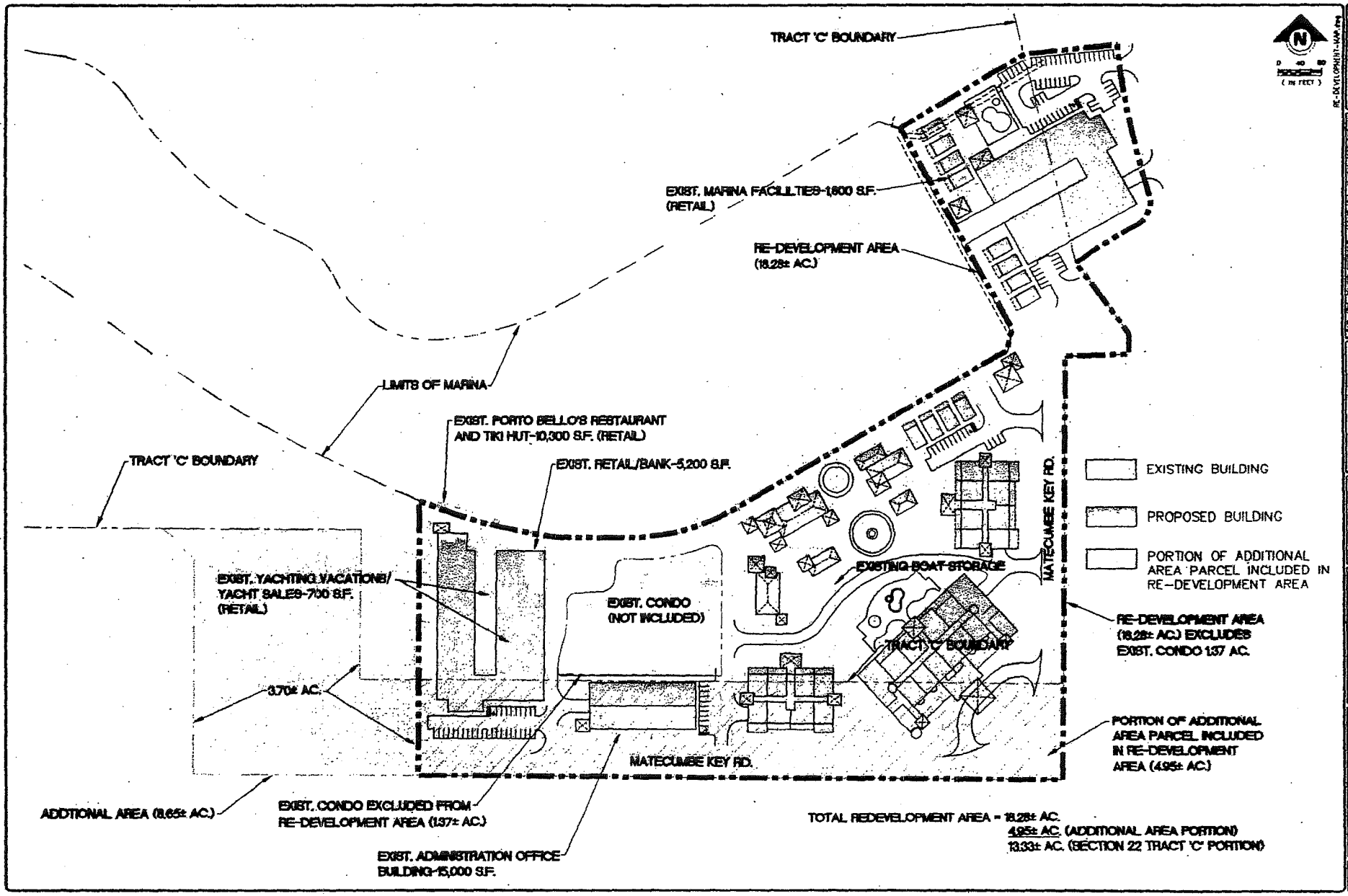
The petition must meet the filing requirements in Rule 28-106.104(2), Florida Administrative Code, and must be submitted in accordance with Rule 28-106.201(2), Florida Administrative Code. The petition must include the signature of someone authorized to act on your behalf. A petition must specifically 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.



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RE-DEVELOPMENT-MAP.dwg

AVALON ENGINEERING, INC.

Raulmark

BURNT STORE MARINA

SUPPLEMENTAL

THE SCHOOL DISTRICT OF LEE COUNTY

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

JEANNE S. DOZIER
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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

EXHIBIT B.3.f.

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