



Professional Engineers, Planners & Land Surveyors

March 15, 2022

Mr. Dirk A. Danley, Jr., AICP, Senior Planner
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, Florida 33901

**REFERENCE: OWL CREEK RESERVE MINOR RPD
DCI2021-00011
3rd Sufficiency Response**

Dear Dirk:

This letter is written in response to the review comments dated November 24, 2021.

With this letter we are submitting the following additional information requested for the project:

1. Summary of 2nd North Olga Planning Community Public Information Meeting
2. Summary of 2nd Alva Planning Community Public Information Meeting
3. Revised Protected Species Assessment
4. 2010 and 2020 Aerial showing off-site mangroves
5. Revised FLUCCS/Vegetation Map
6. Revised Wetland Map
7. Revised Indigenous Habitat Management Plan
8. Revised Enhancement and Preservation Map
9. Revised Master Concept Plan (24"x36" & 11"x17")
10. Revised Schedule of Deviations and Justifications
11. Revised Legal & Sketch
12. Revised Title Certification
13. Revised Boundary Survey
14. Submerged Aquatic Vegetation Survey
15. Bathymetric Survey
16. Revised Private Multi-Slip Docking Facility and Tidal Lagoon Plans and Details
17. Revised Canoe-Kayak Launch Details
18. Revised Narrative of Request
19. Revised Preliminary Density Calculations
20. Revised Proposed Conditions of Approval

Presented below are responses to each review comment:

ZONING

Comment 1: Subsequent to rescheduling public information meetings, please provide evidence of compliance with LDC Section 33-1663 and Lee Plan Policy 27.1.8.

Response: Please see attached summaries of public information meetings in compliance with LDC Section 33-1663 and Lee Plan Policy 27.1.8.

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Comment 2: Staff Note: This review may be subject to additional comments as the review of CPA2020-00004 and CPA2020-00005 continues.

Response: *Acknowledged.*

ENVIRONMENTAL SCIENCES

Comment 1: Species Survey

1a. Revise transect map to depict the five snags that were found onsite.

Response: *Please see the revised Protected Species Assessment which shows the five snags observed onsite as well as the revised acreages per vegetative community due to the minor changes in the wetlands during the SFWMD wetland determination.*

1b. Revise the FLUCCS map to depict the mangrove fringe along the shorelines per staff site visit on November 17, 2021.

Response: *There are 3 clumps of mangroves located just south of the south property line of the subject parcel that can be observed on the attached 2010 and 2021 aerial photographs. Because these areas are not on the subject parcel, they are not shown on the Vegetation Map. The attached revised FLUCCS/Vegetation map and revised Wetland map demonstrate the revised acreages per vegetative community due to the minor changes in the wetlands during the SFWMD wetland determination.*

1c. Revise the Rare and Unique areas on the FLUCCS map to only recognize those areas that are not infested with exotics. The Enhancement and Preservation Map have Rare and Unique (shaded yellow) are within areas that have a FLUCCS of E4 (75% or more exotic) and do not meet the definition of Rare and Unique per the Lee Plan. Revise the Enhancement and Preservation Map to depict areas with E1 to E2. This may affect the density per the comprehensive plan currently under review.

Response: *All areas that are proposed to be within the conservation easement that have exotic vegetation coverage of more than 75% will be restored by treatment and/or removal of exotic vegetation and planting with appropriate native species. Please see the attached revised Indigenous Habitat Management Plan (IHMP).*

Comment 2: Indigenous Habitat Management Plan (IHMP)

2a. The IHMP states that the "preserved and enhanced indigenous and non-indigenous habitat areas are located throughout the site". The preservation areas include areas that are non-indigenous and 100% Brazilian pepper with no native seed sources within the understory (staff site visit 11/17/21). Please revise the wetland and upland preservation sections of the IHMP to include a restoration plan for all areas that have a FLUCCS of E4 and used to increase density per CPA.

Response: *All areas that are proposed to be within the conservation easement that have exotic vegetation coverage of more than 75% will be restored by treatment and/or removal of exotic vegetation and planting with appropriate native species. Please see the attached revised Indigenous Habitat Management Plan (IHMP).*

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- 2b. Revise the IHMP to state the Rare and Unique definition from the Lee Plan and describe how each Rare and Unique area is being restored or preserved and enhanced to meet this definition. The documents state that these areas will be restored or preserved and enhanced to a FLUCCS 427 and 428 but does not tie-in the Rare and Unique definition from the Lee Plan. Indicate if the existing soils will support the Rare and Unique FLUCCS chosen or if areas will need soil enhancements.

Response: *A section has been added to the IHMP that includes the Rare and Unique definition per the Lee Plan. The IHMP also includes details regarding the planting plan and soil treatment of the restoration areas.*

- 2c. Revise the Littoral Marsh Restoration section of the IHMP to state what the "appropriate slope" will be for the excavated area to demonstrate how the "preservation will become part of a contiguous wetland and upland corridor and flowy along Trout and Owl Creek" (see page 1, paragraph 3 pertaining to wildlife corridor). How is the flushing basin being tied into these areas with the "appropriate slope". If the slope varies creating pooling in some areas, provide the plant material and depict the planting zones to create habitat and littoral marsh. Demonstrate how this is being designed to provide stabilization, habitat zones for various species, and water filtration.

Response: *Please see the revised IHMP which includes a cross section and description of the littoral marsh restoration area and flushing basin. The plantings will be installed in the 18'-20' wide littoral marsh restoration (vegetation shelf) area shown in the cross-section in the IHMP. The slope of the littoral shelf will be 6:1 except where it will be 3:1 in the proposed riprap. The littoral marsh and flushing basin have been designed to improve water quality of Trout Creek and will connect the wetland restoration areas to the south to the wetland preservation and restoration areas of Trout Creek. The littoral shelves will uptake nutrients and will help to reduce water turnover time in the area where the boat facility is proposed. There will only be one habitat zone as shown in the cross section. The littoral shelf will provide habitat for macroinvertebrates and fish which are prey species for listed wading birds.*

- 2d. Provide a preserve management map depicting the areas where the exotics will be removed by hand out of the flowway, the areas that will be treated in place, and the areas that will be removed and stacked (log cabin or tee-pee style). If mechanical clearing is proposed, please depict those areas as well.

Response: *Please see the revised IHMP which includes Figure 5. Exotic Vegetation Treatment Map. No mechanical treatment is proposed.*

- 2e. The Schedule section of the IHMP (page 8) states that the Rare and Unique Upland Preservation and Restoration will be completed or bonded before recording of a plat containing the 323rd dwelling unit. The preservation and restoration cannot be tied to a Certificate of Occupancy. The conservation easement must be recorded prior to development order approval and the work must be completed as part of the Certificate of Compliance for the infrastructure. Provide a phasing plan to demonstrate how the site will be developed depicting the infrastructure as the first phase. This may need to be discussed with staff further to avoid issues later.

Response: *No phasing of the preservation or restoration activities is proposed. The preservation and restoration activities will be completed prior to the Certificate of Compliance for the infrastructure.*

- 2f. Ecological Performance Standards section states that monitoring will be for five years from the final Certificate of Compliance. This may need to be lengthened due to the amount of restoration/enhancement areas being proposed in order to prevent the future homeowner's association from taking over and the restoration/enhancement areas are struggling. Provide a phasing plan for the restoration/enhancement that includes language regarding areas that are failing during monitoring to be replanted or planting schedule revised for replanting. The timeline for monitoring would start again until there was 80% survivability through five years of monitoring. Staff has concerns about areas failing after the five-year monitoring is complete.

Response: *The exotic vegetation removal and planting will occur in under one year of commencement and during the construction of the project infrastructure. The IHMP includes an Ecological Performance Standards that addresses survival and replanting.*

- 2g. The Maintenance section (page 10, 3rd and 5th paragraph) and Wildlife Habitat Area Corridors (page 15, paragraph 6) cite Chapter 12 mining code or refer to "MOP". Please revise as this is not a mine.

Response: *Please see the revised IHMP which has had these references removed.*

- 2h. Protected Species Management Plan (page 12, 4th paragraph) states that 179.99 total acres will be preservation and recorded as a conservation easement (CE) but page 9, paragraph one states 186.94 acres will be recorded in a CE. Please revise.

Response: *All sections of the IHMP now state that 186.10± acres will be placed under a conservation easement.*

- 2i. Human – Wildlife Coexistence Plan section states the American Alligator twice with the residential portion of the report.

Response: *The IHMP has been revised to correct the American Alligator sections.*

- 2j. Indicate if the marina and canoe/kayak launch will have Manatee education kiosks or any other information. The environmental reports are silent to the manatee.

Response: *The IHMP includes information on Manatee education kiosks in the Human-Wildlife Coexistence Plan.*

- 2k. Revise IHMP page 6, paragraph one to state LDC Section 33-1673 for the North River Road planting requirements.

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Response: *The IHMP has been revised to include the recommended language.*

Comment 3: Master Concept Plan

- a. Please revise the master concept plan to note the 25-foot-wide required buffer abutting North River Road per LDC Section 33-1673.

Response: *Section A-A on Sheet 2 of the MCP showed the required buffer and the buffer is now referenced on Sheet 1 also.*

- b. Please depict all upland buffer areas required for surface water management of the site. Please ensure that the upland buffers do not impact preserve or rare and unique preserve/restoration areas. These areas must remain at natural grade to be considered preservation/restoration areas to calculate density. Please revise all corresponding maps if these areas change.

Response: *The MCP depicts the wetlands and uplands by hatch patterns and legend. The upland buffers do not impact preserve or rare and unique preserve/restoration areas. The areas considered for preservation/restoration remain at natural grade.*

Comment 4: Deviation #3

- a. The request is from the proposed bridges/access as well as the planted littoral marsh. Revise the deviation call-outs on the MCP to remove the bridge/access points and kayak modifications as they do not require a deviation since they are access areas to residential tracts and passive recreation. This deviation will need to be revised to include detailed information that states the plant specifications and content that is being proposed within the 50-foot natural waterway buffer area that will not meet the buffer plant specifications described in LDC Section 10-416(d)(9), including any proposed riprap revetment within the 50-foot natural waterway buffer (see page 5 of 10 of the Private Multi-Slip Docking Facility and Tidal Lagoon plans).

Response: *Please see attached revised Schedule of Deviations and Justifications and revised MCP.*

Comment 5: Private Multi-slip Docking and Tidal Lagoon

- a. Revise the IHMP to provide proposed plantings for the littoral marsh areas. The Private Multi-slip Docking Facility and Tidal Lagoon plans indicate a 20-foot wide shelf at a 6:1 slope planted with native species like Leather Fern. Revise the IHMP to state the specific measurements and provide a list of native plants in addition to Leather Fern.

Response: *Please see the revised IHMP which includes a cross section and description of the littoral marsh restoration area and flushing basin. The plantings will be installed in the 18'-20' wide littoral marsh restoration (vegetation shelf) area shown in the cross-section in the IHMP. The slope of the littoral shelf will be 6:1 except where it will be 3:1 in the proposed riprap. A list of the planting species, sizes, and spacing is included.*

LEGAL DESCRIPTION

Comment 1: LDC Sec. 34-202.(a)(5) legal description and sketch

A metes and bounds legal description along with a sketch of the legal description, prepared by a Florida Licensed Surveyor and Mapper, must be submitted. If the subject property is one contiguous parcel, the legal description must specifically describe the entire continuous perimeter boundary of the property subject to the zoning action with accurate bearings and distances for every line.

Legal description needs to have chord bearing for any curves.

Sheets 10-12 of Legal Description and Sketch depict Owl Creek as "Trout Creek". Please remain consistent with naming of geographic features on legal sketch.

Response: *Please see attached revised legal description and sketch.*

Comment 2: Sec.34-202. (a)(6) Boundary survey

A boundary survey of the subject property must be submitted. The survey must be based upon the title certification submitted in accord with section 34-201(a)(7) and certified to the present owner as reflected in the title documentation submitted in accordance with section 34-201(a)(7). The survey must be tied to the state plane coordinate system for the Florida West Zone (the most current adjustment is required) with two coordinates, one coordinate being the point of beginning (POB) and the other an opposing corner.

Boundary survey must provide state plane coordinates and must be based on the title certification.

Response: *Please see attached revised title certification and revised survey.*

NATURAL RESOURCES

Comment 1: Please provide a detail drawing or cross section of the proposed at grade roadway crossing of the Owl Creek tributary to support the deviation request.

Response: *This information has been added to sheet 3 of the MCP.*

Comment 2: Please clarify if the Indigenous Habitat Management Plan (IHMP) is proposing kill in place exotic treatment and spreading of scattered vegetation within the FEMA Regulatory Floodway. The complete removal of vegetation debris from the FEMA Regulatory Floodways as part of the initial exotic treatment and future maintenance is required. Please revise the IHMP accordingly.

Response: *As stated in the IHMP, no cut debris will be placed within the FEMA floodways of Owl or Trout Creek as shown on the Exotic Vegetation Treatment Map (Figure 5). Exotic vegetation in the floodways will either be cut and removed or treated in-place as described in the IHMP.*

Comment 3: As proposed, this facility does not meet the water depth requirements and has not sufficiently demonstrated that seagrasses are not present within the project area. Lee Plan policy 128.5.6 requires that proposed boat access facilities and expansion of existing facilities be evaluated in accordance with Section 8, Marine Facility Siting Requirements, of the Lee County Manatee Protection Plan (MPP). Per Section 8 of the

MPP, a facility must first meet success criteria for both seagrass and water depth to qualify for boat slips. Please provide a submerged aquatic vegetation survey of the project area using a scientifically acceptable method as previously requested.

Response: *Please see the attached Submerged Aquatic Vegetation (SAV) survey dated 10-7-21 and completed 9-24-21 during seagrass growing season.*

Comment 4: Without a SAV survey, staff is unable to determine consistency with Lee Plan Policy 128.5.7. Furthermore, wetlands appear to be impacted by the proposed flushing cut which is inconsistent with Lee Plan policy 128.5.7. Policy 128.5.7 states "Boat access facilities, including multi-slip docking facilities and boat ramps which would disturb or destroy wetlands or grassbeds must demonstrate a pressing need for the proposed facility and must provide for continued use by the general public".

Response: *The proposed flushing cut, approximately 110' wide, extends through a shoreline that is classified at Brazilian Pepper - Hydric. There are no impacts to seagrasses. Please see the attached Submerged Aquatic Vegetation (SAV) survey dated 10-7-21 and completed 9-24-21 during seagrass growing season. There are no seagrass beds within the proposed marina basin, the dredging footprint, or associated with either flushing cuts. The interior tidal lagoon/surface water restoration impacts 5.82± acres of uplands, and 7.64± acres of wetlands. The wetlands that are proposed to be impacted are less than ideal. They are inundated improved pastures, a man-made ditch, and primarily hydric Brazilian pepper. The creation of the flushing channels, almost 12± acres of tidal lagoons, and almost 3 acres of quality tidal wetlands/littoral shelf will improve the wetland functions and the ecosystem. It will create habitat for wading birds and a breeding ground for fisheries. There will be minor wetland impacts needed to create a major wetland habitat and tidal lagoon area, which is clearly in the public interest and addresses a pressing need to create more wetlands.*

Comment 5: Additionally, Lee Plan policy 128.5.11 states "proposed boat access facilities must demonstrate that the site has adequate uplands to provide support facilities for all activities proposed on site without damaging or removing wetlands or rare and unique upland systems".

Response: *There are 212.24 acres of uplands within the site. No rare and unique upland systems are proposed to be impacted as part of the private multi-slip docking facility or its support facilities. The wetlands that are proposed to be impacted are less than ideal. They are inundated improved pastures, a man-made ditch, and primarily hydric Brazilian pepper. The creation of the flushing channels, almost 12 acres of tidal lagoons/surface water restoration, and almost 3 acres of quality tidal wetlands/littoral shelf will improve the wetland functions and the ecosystem. It will create habitat for wading birds and a breeding ground for fisheries. There will be minor wetland impacts needed to create a major wetland habitat and tidal lagoon area, which is clearly in the public interest and addresses a pressing need to create more wetlands. The request will result in the restoration of 41.28± acres of rare and unique upland habitat and 82.80± acres of wetland restoration in addition to the littoral shelf.*

Comment 6: Has the applicant considered an alternative design that would allow boat access and avoid new dredging?

Response: *In a review of the project site the only available water frontage is in Trout Creek and the*

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basin immediately interior of the Caloosahatchee River (refer to the Overall Site Bathymetry, page 3 - 21). Trout Creek is fairly narrow and a floodway that should not be constricted. Depths in the interior basin are generally between -3' and -4' Mean Low Water and would qualify for single family docks. However, this is for a multi-family development. There is a marked navigation channel close by on the west side of the interior basin with controlling depths between -5' and -6' Mean Low Water. The marina design does not provide for one slip per residential unit and instead provides slips for approximately 25% of the residents in the development desiring boat access, the minimal amount. The dredging is needed to minimize turbidity with operating in the marina and to accommodate the proposed vessels. The interior tidal lagoons create significant wetland and wildlife habitat, are an enhancement to tidal flushing of the marina basin, and also reduce potential flooding of the headwaters of Trout Creek by increasing the available floodway width. Dredging is preferred to have adequate water depths for the size vessels commensurate with the development. It also provides sufficient water depth for the long-term use of the marina, reducing maintenance dredging frequency and providing better clearance for manatees.

If you have any questions or I may be of further assistance, please do not hesitate to contact me at (239) 770-2527 or shewitt@bankseng.com.

Sincerely,

BANKS ENGINEERING



Stacy Ellis Hewitt, AICP
Director of Planning

Attachments

SEH:jms



Professional Engineers, Planners & Land Surveyors

Owl Creek Reserve Minor RPD

Narrative of Request

DCI2021-00011

Revised March 2022

Introduction

The Owl Creek property is 342.68± acres located on the south side of N. River Road approximately ½ mile east of its intersection with SR 31 within the North Olga area of the Northeast Lee County Planning Community. The property is zoned Agricultural (AG-2) and is used for agricultural/grazing purposes. Lee Plan Map 1, Page 1 of 7 identifies the property as Rural and Wetlands Future Land Use Categories (FLU). There are concurrent Comprehensive Plan Map and Text amendments under review (CPA2020-00004 & CPA2020-00005) associated with this application.

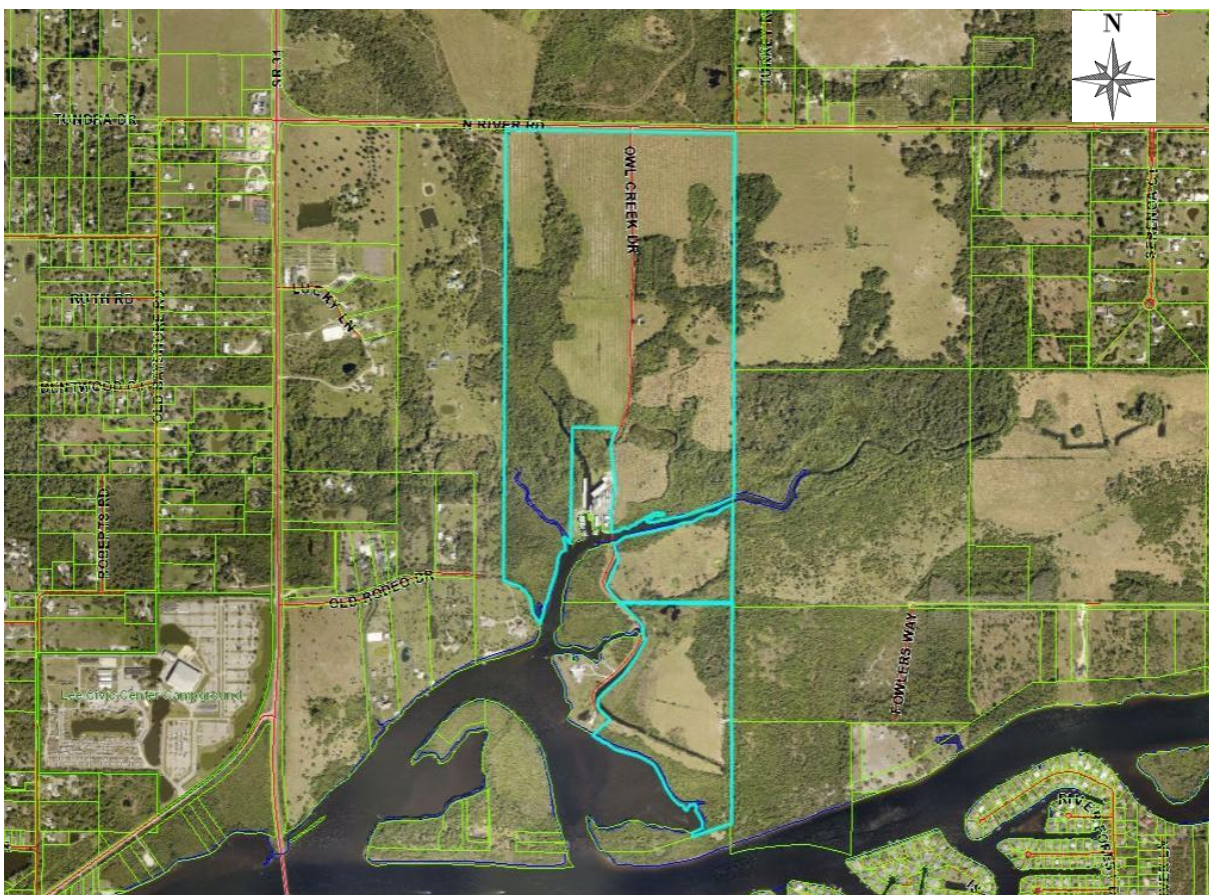


Figure 1. Location of Subject Property

• SERVING THE STATE OF FLORIDA •

10511 Six Mile Cypress Parkway • Suite 101 • Fort Myers, Florida 33966
Phone 239-939-5490 • www.bankseng.com • Fax 239-939-2523
Engineering License No. EB 6469 • Surveying License No. LB 6690

Request

The applicant requests to rezone 342.6±8 acres from Agricultural (AG-2) to minor Residential Planned Development (RPD) to allow development of a clustered residential community containing up to 380 dwelling units consisting of single-family and two-family attached with associated amenities while providing for significant environmental, historical, storm water and water quality enhancements. Maximum building height is 35 feet.

The concurrent Comprehensive Plan Amendments include the following requests:

- Amendment to Future Water Service Areas, Lee County Utilities (Lee Plan Map 4-A) to place the property within the Lee County Utilities Future Water Service Area to allow for privately funded expansion of water service.
 - Note: Wastewater will be provided by Florida Governmental Utility Authority (FGUA) with privately funded expansion of sewer service.
- Associated Text Amendment to following:
 - Policy 124.1.1 – The applicant initially proposed language to allow preserved wetlands adjacent to Rural areas within North Olga Planning Community to be transferred to developable adjacent uplands and Lee County staff has proposed revised language to apply to all Rural areas.
 - Table 1(a) – Amend footnote 8 for wetlands adjacent to Rural areas consistent with above
 - North Olga Community Plan – As amended with Lee County staff, add new Policy 29.2.4: As an incentive to preserve, enhance, and restore indigenous Rare and Unique upland habitats on land within the Rural future land use category, one (1) additional dwelling unit may be created for each one (1) acre of created, preserved and/or restored indigenous Rare and Unique upland habitats if approved and developed as a unified planned development that meets all the following criteria:
 1. Development is clustered so as to maintain large, contiguous tracts of open space and protect environmentally sensitive areas. To comply with this criteria, a minimum of 60% open space is required, of which 50% must be indigenous preserve. The indigenous preserve may consist of preserved existing indigenous wetlands and/or uplands and/or created or restored wetlands, flowways, or Rare and Unique upland habitats. Management and monitoring of the indigenous preserve must be in compliance with the indigenous management plan required by the LDC. Monitoring timelines will be extended as needed to assure success criteria established in the indigenous management plan is achieved for at least five consecutive years.
 2. Creation, preservation, and/or restoration of indigenous Rare and Unique upland habitats, as defined, must meet the following:
 - a. The area of the Rare and Unique upland habitats must comply with the minimum dimensions required for indigenous open space areas set forth in the LDC.
 - b. The land where creation and/or restoration of indigenous Rare and Unique upland habitats will occur must contain the soil(s) needed to support the establishment and success of the indigenous Rare and Unique upland habitats.
 - c. Habitats impacted by logging, drainage, and/or exotic infestation may not count towards the density incentive unless restored to standards established in an approved site specific ecological

restoration plan. The ecological restoration plan must include, at a minimum, a replanting plan, habitat restoration plan, success criteria, and long-term monitoring and maintenance criteria.

- d. A Conservation Easement, to be dedicated to the appropriate maintenance entity that provides Lee County or some other public agency, acceptable to Lee County, with third party enforcement rights must be recorded for areas used towards the density incentive. All Conservation Easements required as part of the planned development must be recorded within 5 years from first development order approval.
- o Policy 1.4.1 – Add language to Rural: See Policy 29.2.4 for potential density adjustments resulting from preservation and restoration of Rare and Unique Upland Habitat.
- o Table 1(a) – Add footnote 20 for Rural: See Policy 29.2.4 for potential density adjustments.

The following summarizes benefits that will be accomplished by approval of this application:

1. Provide a connection between Babcock Ranch property to the north and Caloosahatchee River to the south that will continue the environmental preservation and enhanced drainage ways that will be improved by reduced runoff rate and reduced nutrient runoff
2. Amendment will result in clustered development as encouraged in this area as demonstrated by the proposed Master Concept Plan
3. Provide Wetland Protection and Enhancements including exotic removal and maintenance and restoration areas
4. Historical Resource preservation of the 3 recommended sites
5. Minimum 186.10± acres (54% of property) placed into conservation easement including the convergence of two natural waterways on the Great Calusa Blueway (Owl Creek and Trout Creek) where they connect to the Caloosahatchee River
6. Wildlife/recreation connection from portion of Trout Creek located on potential Conservation 20/20 lands to Caloosahatchee River (139.64± acre onsite wildlife corridor)
7. Connection to adjacent SFWMD owned lands to the east and south
8. Public canoe/kayak launch area to Trout Creek
9. Wildlife management and co-existence plans
10. Enhanced lake management plan
11. Florida Friendly Landscaping with the low irrigation requirements in common areas
12. 60% open space (205.6± acres)
13. Preserve minimum 88% (106.36± acres) of wetlands
14. Water Quality enhancements and monitoring
15. Remove potential for up to 223 septic tanks and wells
16. Removal of cattle grazing will significantly reduce onsite nutrient generation
17. Additional 50% water quality treatment
18. Reduced rate of run-off and associated nutrient loads
19. Stormwater enhancements
20. Green infrastructure
21. Privately funded expansion of water and sewer to the area (as encouraged/anticipated by existing Lee Plan policies)
22. Minimum 50' perimeter setback
23. Minimum 100' setback from Owl Creek Boat Works property line to single-family lots
24. Provide area for multi-use path along North River Road
25. Protect existing groundwater levels and improve existing wetland hydroperiods in onsite

preserve areas

26. Provide Rare and Unique Upland habitat preservation (15.16± acres) and restoration (41.28± acres)
27. Preservation of historic flow-ways associated with Owl and Trout Creeks and associated wetlands

Background

Subject Property

The Owl Creek property is situated in an area of rapid change with fairly intensive existing and historic uses such as the Lee Civic Center to industrial marine uses such as Owl Creek Boat Works and Storage where individuals come from all over the region for yacht refinishing and Sweetwater Landing Marina. The property is located on the edge of the urban area. The rapid changes include the continuing development of the new Babcock Ranch community to the north and commercial development and redevelopment along the SR 31 corridor including the 31 Produce Market, café and attraction; Sweetwater Landing Marina's redevelopment in 2018 resulting in a 275-slip marina, boater lounge and restaurant and bar; a gas station and market development in 2017 at the northwest corner of SR 31 and North River Road and veterinary clinic in 2018 just west of this gas station; and a convenience store and gas station development in 2020 at the southwest corner of North River Road and SR 31.

The Owl Creek property consists of existing grazing lands and natural areas, including portions of Owl Creek and Trout Creek. The site has been partially cleared for agricultural activity since prior to 1953 and has historically been used for a variety of agricultural and farming uses such as citrus groves, row cropping, and cattle grazing. The submitted environmental analysis identifies the potential jurisdictional wetlands and rare/unique uplands that exist on site. The submitted historic analysis demonstrates four historic sites identified on the subject property, three of which are considered potentially eligible for listing on the National Register of Historic Places (NRHP).

West

The property immediately adjacent to the west is within the Rural and Wetlands FLU categories and zoned Agricultural (AG-2). Owl Creek crosses this property from N. River Road and continues onto the subject property. There is a conservation easement on the property but a partial release recorded in Instrument Number 2006000412915 (attached) has resulted in only a small portion being covered by this easement along the eastern property line. The site contains 3 single-family residences and agricultural grazing lands. Two houses are generally located in the center of the property: one setback ±515 feet and the other ±620 feet. The third house is located at the southern tip.

Further west there are existing agricultural and large single-family lots ±1.39 acres and larger. There is a commercial node within ¼ mile of SR 31 between North River Road and the Caloosahatchee River described in Lee Plan Policy 6.1.2 that connects the New Community area at SR 31 and North River Road to the Lee Civic Center, Sweetwater Landing Marina and the Sub-Outlying Suburban area to the south. This area contains several non-residential uses such as the gas stations and convenience stores developed in 2017 and 2020, veterinarian office developed in 2018, feed store, church, SR 31 Produce market, u-pick and café developed around 2010 with continuing improvements. The Bayshore Community Planning area is west of SR 31 and contains large lot residential development as well as ¼-acre lot subdivisions west of the commercial node. Sub-Outlying Suburban FLU category is a little over ½ mile to the west of the Owl Creek property

at the southwest corner of the intersection of Bayshore Road and SR 31 which allows a maximum density of 2 dwelling units per acre.

North

To the north is North River Road, a 2-lane county maintained arterial roadway then property within the New Community FLU category. This property is the southern portion of the Babcock Mixed Use Planned Development (MPD), approved by zoning resolution number Z-17-026/case number DCI2016-00022 which allows 1 dwelling unit per 2.5 gross acres up to 1,630 dwelling units, 600 hotel rooms and 1,170,000 square feet of commercial office and retail uses. There is an emergency only access planned across the street from the Owl Creek property. The entrance to the mixed-use areas of Babcock Ranch MPD is $\pm\frac{1}{2}$ mile north of SR 31 and North River Road across from Shirley Lane. To the northeast is within the Density Reduction/Groundwater Resource (DR/GR) FLU and is within the Private Recreational Facilities Overlay, zoned AG-2 and Mobile Home residential MH-1 and developed with single-family lots ± 2.12 acres and larger and agricultural uses.

East

The properties adjacent to the east are within the Rural and Wetlands FLU categories, zoned AG-2 and consist of existing agricultural grazing lands, a vacant parcel owned by South Florida Water Management District, then a vacant privately owned parcel along the Caloosahatchee River. A portion of the adjacent agricultural grazing lands that contain a portion of Trout Creek is currently under negotiation with Conservation 20/20 (nomination number 597). Further East are properties zoned AG-2 and developed with large agricultural tracts then some single-family lots ± 4.45 acres and larger and agricultural uses.

South

Properties to the south are within the Rural and Wetlands FLU. Adjacent to the south and surrounded by the property is the existing Owl Creek Boat Works and Storage industrial marina and yacht refinishing which is within the Water Dependent Overlay and zoned Marine Industrial (IM). This industrial marine use was established in 1953 and is Southwest Florida's premiere yacht service center offering full service and specializing in yacht refinishing, repowering, customization and maintenance. They also offer in-water covered, uncovered and dry storage for yachts up to 100'. South across Trout Creek from Owl Creek Boat Works and Storage is a vacant parcel zoned AG-2 then a ± 12.19 -acre parcel developed with two single-family residences. South of the subject property is another SFWMD owned parcel that extends into the Caloosahatchee River. Fort Myers Shores within the Caloosahatchee Shores Community Plan area is located south across the Caloosahatchee River which is within the Suburban FLU category which allows a maximum density of 6 dwelling units per acre. Sweetwater Landing Marina is located at the Caloosahatchee River and SR 31 and offers boat storage, service, rental and sales and was redeveloped in 2018 resulting in a 275-slip marina, boater lounge and restaurant and bar.

Comprehensive Plan Consistency Analysis

VISION STATEMENT

The requested rezoning and Master Concept Plan will comply with the proposed conditions of approval to ensure compliance with environmental stewardship, enhancement of the area's historic heritage and rural character, and proactively and appropriately plan for future growth

FUTURE LAND USE

NEW COMMUNITY
1 DU/2.5 AC

RURAL
1 DU/AC

SUB-OUTLYING SUBURBAN: 2 DU/AC

SUBURBAN 6 DU/AC

POLICY 6.1.2:
NEIGHBORHOOD COMMERCIAL
WITHIN 1/4 MILE
OF SR 31
BETWEEN N. RIVER ROAD
AND CALOOSAHATCHEE RIVER

SUBJECT PROPERTY

OWL CREEK BOAT WORKS
WATER DEPENDENT OVERLAY

DR/GR & PRIVATE RECREATIONAL FACILITIES OVERLAY

Map Labels:
TUNDRA DR
RUTH RD
BENTWOOD CT
OLD BAYSHORE RD
ROBERTS RD
DUNK RD
DWARD RD
SR 31
N RIVER RD
OWL CREEK DR
OLD LODGE DR
FOWLER WAY
Lee Civic Center Campground
UNION DR
RIVER RD
ISLAND RD

The property adjacent to the west and properties adjacent to the east are within the Rural and Wetlands FLU categories. The property to the north across North River Road is within the New Community FLU category (Babcock Mixed Use Planned Development) which allows 1 dwelling unit per 2.5 gross acres up to 1,630 dwelling units, 600 hotel rooms and 1,170,000 square feet of commercial office and retail uses. To the northeast is within the Density Reduction/Groundwater

Resource (DR/GR) FLU and is within the Private Recreational Facilities Overlay. Adjacent to the south and surrounded by the property is the existing Owl Creek Boat Works and Storage marina and yacht refinishing which is within the Water Dependent Overlay. This industrial marine use was established in 1953 and is Southwest Florida's premiere yacht service center offering full service and specializing in yacht refinishing, repowering, customization and maintenance. They also offer in-water covered, uncovered and dry storage for yachts up to 100'. Individuals come from all over the region for yacht refinishing at this location. South across the Caloosahatchee River is within the Suburban FLU category which allows a maximum density of 6 dwelling units per acre. Sub-Outlying Suburban FLU category is a little over ½ mile to the west of the property at the southwest corner of the intersection of Bayshore Road and SR 31 which allows a maximum density of 2 dwelling units per acre. There is a commercial node within ¼ mile of SR 31 between North River Road and the Caloosahatchee River described in Policy 6.1.2 that connects the New Community area at SR 31 and North River Road to the Lee Civic Center and the Sub-Outlying Suburban area. This area contains several non-residential uses such as a gas station, veterinarian office, feed store, church, SR 31 Produce market, u-pick and café.

The Owl Creek property's proximity to the New Community FLU category to the north (Babcock Mixed Use Planned Development) and the commercial node to the west and the adjacent industrial marine facility furthers the appropriateness of the request which will accommodate clustered development with ample view of wooded areas, open spaces, and river fronts and will allow for the protection of environmentally sensitive lands and historic heritage. The proposed clustered project will provide a connection between the Babcock Ranch MPD to the north and the Caloosahatchee River to the south, expanding the significant environmental, historical, storm water, water quality and infrastructure enhancements required in the North Olga Community Plan New Community area.

The proposed rezoning will remain consistent with the Rural future land use category Policy 1.4.1 and the Wetlands future land use category Policy 1.5.1 upon adoption of the proposed text amendments. The proposed conditions of approval ensure that the subject property is developed at a low residential density in the North Olga Community Plan area where there is a desire to retain a low-density community character.

The preliminary density calculations associated with the request are provided below and included on the proposed Master Concept Plan:

Uplands (212.24± AC) & Manmade ditches/lake (4.39± AC)=216.63 AT 1 DU/AC:	216.63 DU
Preserved Wetlands 106.36± AC transferred to adjacent uplands at 1 DU/AC:	106.36 DU
Impacted Wetlands 13.95± AC at 1 DU/20 AC:	0.70 DU
5.74± AC Natural Open Water not eligible for density	
Additional 1 DU/AC Preserved Rare and Unique Upland Habitat 15.16± AC:	15.16 DU
Additional 1 DU/AC for Restored Rare and Unique Upland Habitat 41.28± AC:	<u>41.28 DU</u>
Total Maximum Density:	380 DU

Lee Plan Policy 1.7.6 establishes the Planning Communities Map and Acreage Allocation Table 1(b). The Rural FLU has 1,948 acres allocated for residential development within the Northeast Lee County Planning Community with 1,312 acres existing. There are 636 acres remaining to be developed as residential which accommodates the subject request. The requested rezoning is consistent with Policy 1.7.6.

GROWTH MANAGEMENT

The request is consistent with Development Location Objective 2.1, Policies 2.1.1 and 2.1.2. The Owl Creek property is located in a transitioning area as evidenced by recent changes to the Lee Plan for New Community FLU in the North Olga Community Plan area and the commercial node along S.R. 31 encouraging privately funded utility expansion to the area. Approval of the request will result in the privately funded expansion of water and sewer to the property, minimizing the public cost of services. The proposed project promotes contiguous and compact growth pattern by providing a connection between the approved Babcock Ranch MPD to the north and the Caloosahatchee River to the south, extending the conservation of land and natural resources required in the North Olga Community Plan. The proposed project does not constitute urban sprawl which is defined in the Lee Plan Glossary as *"The uncontrolled, premature, or untimely expansion and spreading out of urban levels of density or intensity into outlying non-urban areas."* The proposed conditions of approval will ensure compliance with the North Olga Community Plan and compliance with the goals, objectives policies, and standards of the Lee Plan.

The request is consistent with Development Timing Objective 2.2, Policy 2.2.1. The Owl Creek development will have or assure access to all required public facilities. Letters of Determination of the Adequacy/Provision of Existing/Proposed Support Facilities from Fire Protection, Emergency Medical Service, Law Enforcement, Solid Waste, Mass Transit and Schools are attached. These exhibits demonstrate that there is adequate capacity to accommodate the proposed 380 dwelling units. The proposed privately funded expansion of utilities to the area is already encouraged and anticipated by existing Lee Plan policies.

The project will comply with Historic Resources Objective 2.7. Please see attached separate Historic Resources Impact Analysis. There are three archaeological sites in good to excellent condition (8LL2397, 8LL2398 and 8LL2399) that are eligible for listing in the National Register of Historic Places (NRHP) and should and will be avoided by future development by preserving within a minimum 25 foot buffer. These sites are demonstrated on the submitted Master Concept Plan and preservation is outlined in the submitted Indigenous Habitat Management Plan. A fourth site (8LL2825) that, based on the level of intense disturbance and lack of significant cultural materials or context, is not regarded as eligible for listing on the NRHP and will not be preserved.

GENERAL DEVELOPMENT STANDARDS

The request is consistent with Standard 4.1.1: Water as well as Policies 53.1.2 and 95.1.3. The Owl Creek property's existing and proposed density does not meet those required for connection and is not located within a franchised service area. The property could be developed today with up to 223 private well systems. A concurrent amendment to Lee Plan Map 4-A is proposed to place the property within the Lee County Utilities Future Water Service Area to allow for privately funded expansion of water service. A letter of availability from Lee County Utilities is attached demonstrating sufficient capacity exists and that the site will be serviced by North Lee County Water Treatment Plant.

The request is consistent with Standard 4.1.2: Sewer. The Owl Creek property's existing and proposed density does not meet those required for connection and the site is not located within a franchised service area. The property could be developed today with up to 223 private septic systems. The project proposes wastewater to be provided by Florida Governmental Utility

Authority (FGUA) with privately funded expansion of sewer service. A letter of availability is attached with the application. Lee County Utilities has issued a letter of no objection to FGUA providing sanitary sewer service to the site.

The request is consistent with Standard 4.1.4: Environmental Factors. The Master Concept Plan demonstrates that only 13.95± acres of exotic infested wetlands of the existing 120.31± acres of jurisdictional wetlands will be impacted for public facilities such as transportation or storm water management areas. To mitigate these impacts, 186.10± acres of wetlands, uplands and surface waters will be enhanced by removal of exotic vegetation or restored and preserved by the placement of a conservation easement re-establishing functional wetland and upland ecosystems. The submitted Indigenous Habitat Management Plan demonstrates the preservation of the highest quality indigenous habitat onsite, the enhancement and restoration of indigenous habitats onsite, the restoration and connection of Owl Creek and Trout Creek Wildlife Corridors and flow-ways and the reconnection of public conservation lands through the subject property. Although the property development regulations require lot sizes that do not typically require open space pursuant to the Land Development Code, the proposed Text Amendment will require 60% open space of which 50% must be indigenous which is exceeded by the proposed development plan. A minimum of 54% of the site will be placed into conservation easement. The Master Concept Plan and proposed conditions of approval will ensure that the clustered development is well integrated, properly oriented and functionally related to the natural features of the site.

RESIDENTIAL LAND USES

The northern 51± acres of the Owl Creek property are outside of the Coastal High Hazard Area and the southern 292± acres are within. The site design provides for clustered density with environmental, historical, water quality and infrastructure enhancements. Letters of Determination have been submitted demonstrating provision of support facilities and a hurricane evacuation analysis is attached. The project's residential uses will be clustered inside the property with enhanced setbacks to adjacent uses and properties. The project's open spaces and preservation areas complement and enhance adjacent existing and pending public and private preserve areas. The site proposes to place a minimum of 54% of the site into conservation easements and provide a minimum perimeter setback of 50 feet consisting of either conservation areas or planted detention areas and perimeter berm to ensure compatibility with adjacent agricultural, single-family, preservation and marina uses. The request is consistent with Policies 5.1.2 and 5.1.5.

The request is consistent with Policies 5.1.6 and 5.1.7 even though it is single-family and two-family attached development. The proposed Master Concept Plan and property development regulations for the clustered development provide open space, preservation areas and recreation areas. These areas are appropriate for the density and design and are functionally related to all dwelling units. No multi-family residential is proposed for the site.

GOAL 27: NORTHEAST LEE COUNTY COMMUNITY PLAN

The Owl Creek property is located in Northeast Lee County. Goal 27 of the Lee Plan is specific to this area of Lee County and represents Lee County's goal to maintain, enhance, and support the heritage and rural character and natural resources. Alva and North Olga work cooperatively toward this goal through the objectives and policies of Goal 27 and through their individual community plans.

The Owl Creek property proposes to preserve large open space areas and will retain the rural character by proposing clustered development with ample views of wooded areas, open spaces and river fronts, while balancing the removal of agricultural grazing lands and the enhancement and protection of environmentally sensitive lands, historic resources water quality and connectivity. The provided Water Resources Report demonstrates the subject property's strategic location proximate to the Caloosahatchee Estuary watershed and its ability to implement and further the County's long-term goals of protecting groundwater and improving surface water management in northern Lee County. These enhancements are included in the proposed conditions of approval for this rezoning request, consistent with Objective 27.1 and Policies 27.1.1, 27.1.5 and 27.1.6.

The Owl Creek property is located within the Northeast Lee County community plan area and has held multiple public information meetings within both the Alva and North Olga community plan area boundaries. Meeting summary documents have been submitted containing the date, time and location of each meeting, a list of attendees, a summary of any concerns raised and the applicant's response. The applicant has complied with Policies 17.3.3, 17.3.4 and Policy 27.1.8.

Objective 27.2 and its attendant polices direct Lee County to work with Alva and North Olga to develop and use a rural planning toolbox of incentives, programs and regulations that enhance and maintain the sense of place and provide for long-term preservation of contiguous natural resource and open space areas. The Owl Creek property proposes to provide long-term preservation areas by placing a minimum of 54% of the site into a conservation easement. Approval of the proposed rezoning will result in the preservation of natural assets such as facilitating the restoration and connection of Owl Creek and Trout Creek Wildlife Corridors and flow-ways.

The Owl Creek property is situated at the convergence of two waterways: Owl Creek and Trout Creek where they join the Caloosahatchee River. Although there are existing agricultural uses of cattle grazing on site, the rezoning proposes to preserve large open space areas by proposing clustered development with ample views of wooded areas, open spaces and river fronts, while balancing the removal of agricultural grazing lands and the enhancement and protection of environmentally sensitive lands, flow-ways, historic resources, water quality and connectivity. The request is consistent with Objective 27.3 and Policies 27.3.2 by balancing efforts to protect and enhance the community's water quality and will not preclude potential uses listed in Policy 27.3.3 from the preservation areas on site. A public kayak/canoe launch area is proposed as part of development of the subject property. The proposed conditions provide preservation and restoration of existing habitats along with creation of additional native vegetation in the form of rare and unique upland habitat creation and long-term conservation. The project also includes restoring 11.83± acres of surface waters and 2.88± acres of littoral marsh wetlands/littoral shelf to create a flushing channel that will increase the conveyance and water quality of Trout Creek.

The rezoning proposes conditions of approval that include stringent development criteria that accommodate the location of a multipurpose path along North River Road, consistent with Objective 27.4, Policies 27.4.1 and 27.4.4. The two creeks on the subject property are included on the Blueways map and proposed conditions require a public kayak/canoe launch and will not preclude potential access as part of the preservation, consistent with Policy 27.4.2.

GOAL 29: NORTH OLGA COMMUNITY PLAN

The requested rezoning proposes protection and enhancement of natural resources including wetlands, flow-ways and rare and unique upland habitat. The request protects and enhances the rural character and aesthetic qualities of the area, preserves natural and historic resources and promotes clustered development areas that preserves large, contiguous tracts of open space and preservation areas, consistent with Objective 29.1 and Policy 29.1.1. The Owl Creek property is situated at the convergence of two natural waterways and flow-ways: Owl Creek and Trout Creek where they join the Caloosahatchee River. Although there are existing agricultural uses of cattle grazing on site, the Owl Creek property proposes to preserve large open space areas by proposing clustered development, balancing efforts to protect and enhance the community's water quality.

The Owl Creek rezoning will accommodate clustered development with ample views of wooded areas, open spaces and river fronts, offsite agricultural uses and will allow for the protection of environmentally sensitive lands including flow-ways, wetlands, rare and unique upland habitat and historic heritage. The proposed clustered project will provide a connection between the Babcock Ranch Mixed Use Planned Development to the north and the Caloosahatchee River to the south, expanding the significant environmental, historical, water quality and infrastructure enhancements required for this area. The proposed conditions of approval ensure compliance with stringent development criteria to ensure compliance with the North Olga Community Plan. There will be a minimum 50-foot perimeter setback providing separation to adjacent uses. Community gardens are included in the schedule of uses. The request is consistent with Objective 29.2 and Policies 29.2.1, 29.2.2 and 29.2.3 as well as Policies 29.5.1 and 29.5.2.

The Greenways Master Plan depicts a multipurpose path along North River Road and depicts Owl Creek and Trout Creek on the Great Calusa Blueway. The request proposes conditions of approval that accommodate the location of a multipurpose path along North River Road and a public kayak/canoe launch area, consistent with Objective 29.6, Policies 29.6.1, 29.6.2, 29.6.3, 29.6.4 and 29.6.6.

Through the stringent requirements associated with the proposed conditions of approval, the Owl Creek project will preserve a minimum of 88% of the onsite wetlands providing protection and enhancements through exotic removal, and maintenance and upland buffers. A minimum of 54 percent of the property (186.10± acres) will be placed into a conservation easement including the convergence of two natural waterways on the Great Calusa Blueway (Owl Creek and Trout Creek) where they connect to the Caloosahatchee River. The request results in preservation and restoration of wetlands, flow-ways and wildlife corridors, and rare and unique upland habitat and provide long-term conservation. The conservation area will include preservation of 3 recommended historical sites and the project will provide a public canoe/kayak launch area to Trout Creek. The request is consistent with Objective 29.7 and Policies 29.7.1 and 29.7.2.

The request is consistent with Objective 29.8 and the Water Dependent Overlay as the project proposes a minimum 100-foot setback from Owl Creek Boat Works property line to single-family lots within the development.

The concurrent Text Amendments associated with this request, as amended with Lee County staff, provide a new Policy 29.2.4: As an incentive to preserve, enhance, and restore indigenous Rare and Unique upland habitats on land within the Rural future land use category, one (1) additional dwelling unit may be created for each one (1) acre of created, preserved and/or restored

indigenous Rare and Unique upland habitats if approved and developed as a unified planned development that meets all the following criteria:

1. Development is clustered so as to maintain large, contiguous tracts of open space and protect environmentally sensitive areas. To comply with this criteria, a minimum of 60% open space is required, of which 50% must be indigenous preserve. The indigenous preserve may consist of preserved existing indigenous wetlands and/or uplands and/or created or restored wetlands, flowways, or Rare and Unique upland habitats. Management and monitoring of the indigenous preserve must be in compliance with the indigenous management plan required by the LDC. Monitoring timelines will be extended as needed to assure success criteria established in the indigenous management plan is achieved for at least five consecutive years.
2. Creation, preservation, and/or restoration of indigenous Rare and Unique upland habitats, as defined, must meet the following:
 - a. The area of the Rare and Unique upland habitats must comply with the minimum dimensions required for indigenous open space areas set forth in the LDC.
 - b. The land where creation and/or restoration of indigenous Rare and Unique upland habitats will occur must contain the soil(s) needed to support the establishment and success of the indigenous Rare and Unique upland habitats.
 - c. Habitats impacted by logging, drainage, and/or exotic infestation may not count towards the density incentive unless restored to standards established in an approved site specific ecological restoration plan. The ecological restoration plan must include, at a minimum, a replanting plan, habitat restoration plan, success criteria, and long-term monitoring and maintenance criteria.
 - d. A Conservation Easement, to be dedicated to the appropriate maintenance entity that provides Lee County or some other public agency, acceptable to Lee County, with third party enforcement rights must be recorded for areas used towards the density incentive. All Conservation Easements required as part of the planned development must be recorded within 5 years from first development order approval.

The request is consistent with this proposed language as demonstrated in the submitted Indigenous Habitat Management Plan, Master Concept Plan and proposed conditions of approval.

TRANSPORTATION AND WATERWAYS

A Traffic Impact Statement prepared by TR Transportation Consultants, Inc. is attached to the request. This analysis demonstrates that the roadway links analyzed will not be adversely impacted as a result of the rezoning request. All roadway segments analyzed will maintain the minimum recommended Level of Service. Therefore, roadway capacity improvements will not be warranted as a result of the additional traffic generated by the request.

Map 3D-Lee County Walkways & Bikeways shows an on-road bikeway and a multi-use path along North River Road. The request includes providing an area for a multi-use path along North River Road as shown on Maps 3D and 22 which will accommodate pedestrian and bicycle usage consistent with Objective 39.2 and Policy 39.2.3 as well as Objective 39.6 and Policies 39.6.1, 39.6.2 and 39.6.3.

Map 22-Lee County Greenways Master Plan shows a shared use path along North River Road and Owl Creek and Trout Creek are shown on the Great Calusa Blueway. Proposed conditions of approval accommodate an area for a multi-use path and a public canoe/kayak launch area to

Trout Creek which connects to the Caloosahatchee River, furthering Goal 80, Objective 80.1, Policies 80.1.1 and 80.1.2.

SURFACE WATER MANAGEMENT

The Owl Creek project furthers Lee County's efforts in coordinating land use on a watershed basis contained in Goal 60, Objective 60.1 and implementing Policies. The proposed clustered development provides for preservation of natural waterways and associated wetland habitats, existing and historic flow-ways and associated wetland habitats. Owl Creek and Trout Creek and their adjacent wetland systems will be maintained as regional flow-ways and enhanced by exotic removal in furtherance of Policy 60.1.2, 60.1.3 and 60.4.3. The natural wetlands and the offsite flows are being preserved with only minimal impacts where unavoidable. The requirements contained in the proposed conditions will protect existing groundwater levels and improve existing wetland hydroperiods in onsite preserve areas, provide an additional 50% water quality treatment, water quality monitoring, reduced rate of runoff, remove nutrient producing grazing lands adjacent to waterways, preserve a minimum of 88% of on-site wetlands, and replacing the potential 223 private well and septic systems with privately funded extensions and connection to public water and sewer. Consistent with Policy 60.1.1, the stormwater management system will be designed to meet or exceed water quality and water level management requirements of the South Florida Water Management District (SFWMD), The Florida Department of Environmental Protection, and Lee County. Please see submitted Water Resources Report and Stormwater Planning Report.

GREEN INFRASTRUCTURE

The Lee Plan includes an objective and policies that encourage development to incorporate green infrastructure in the surface water management systems. The Owl Creek project will incorporate green infrastructure by utilizing vegetated swales and treatment areas, Florida Friendly Landscaping with the low irrigation requirements in common areas, retention/detention lakes, and preserved and enhanced natural waterways and associated wetlands as flow-ways. The natural wetlands and the offsite flows are being preserved with only minimal impacts where unavoidable. The wetland preserves will not be part of the controlled surface water management system. This will allow the offsite flows to pass through the site without being affected by the project. The storm water management system has been designed to mimic the natural sheet flow pattern. The discharge from the storm water management system basins from the developed site will be controlled and will be limited to predevelopment discharge rates and directed to mimic natural flows. The discharge from the storm water system will help to hydrate the wetland systems and improve water levels. These wetland systems can provide additional polishing of runoff prior to entering the natural waterways functioning as a filter marsh. The preservation areas will have exotics removed and maintained keeping the flow-ways as unobstructed as possible. These enhancements will be required as conditions of approval. The request is consistent with Objective 60.4, Policies 60.4.1 and 60.4.2, as well as Policies 61.3.1, 61.3.3 and 61.3.6. Reuse water is not currently available. Consistent with Policy 61.1.6, the use of reclaimed water will be pursued to meet a portion or all of the irrigation needs as soon as it is available. The proposed irrigation system will consist of stormwater harvesting from the stormwater management lakes that are hydraulically connected to the Water Table Aquifer. Consistent with Policy 60.1.1, the stormwater management system will be designed to meet or exceed water quality and water level management requirements of the South Florida Water Management District (SFWMD), The Florida Department of Environmental Protection, and Lee County. Lake system irrigation

withdrawals will be re-supplied by groundwater from the fresh to mildly brackish Sandstone Aquifer. Actual percentages of lake and groundwater withdrawals will be determined during the water use permitting process with the SFWMD and will ensure that its use will not result in adverse impacts to the water resource. The combination of any use of mildly brackish groundwater and fresh stormwater will maintain a chloride level of less than 200 mg/l in compliance with SFWMD policy. Policy 60.4.5 states, in part, that the county will assist in the development of incentives for implementation of surface water management systems that address water quality/environmental enhancement such as those proposed with the proposed conditions of approval.

CONSERVATION AND COASTAL MANAGEMENT ELEMENT

The northern 51± acres of the Owl Creek property are outside of the Coastal High Hazard Area and the southern 292± acres are within. The proposed conditions of approval ensure the adjusted site design and clustered density development with environmental, historical, water quality and infrastructure enhancements. The request is consistent with Policy 101.3.2. The proposed development plan restricts development in the Coastal High Hazard Area to uplands except as needed for the provision of public facilities such as stormwater management or transportation. Minor wetland impacts for the provision of these public facilities is limited to a maximum of 12%.

Please refer to attached Hurricane Evacuation Analysis and Marina Emergency Preparedness Plan for further compliance with the following Goals, Objectives and Policies: Goals 73, 95, 101, Objectives 73.1, 101.1 and 101.3 and Policies 5.1.2, 72.2.2, 73.2.2, 101.1.1, 101.3.2, 101.3.4, 101.3.5 and 128.6.6.

RESOURCE PROTECTION, WETLANDS AND WATER QUALITY

The Owl Creek project will further Goal 123, which seeks to manage Lee County's wetland and upland ecosystems to protect habitats, floral and faunal species, water quality and natural surface water characteristics. As previously stated, through the stringent proposed conditions of approval with this request, the Owl Creek project will preserve a minimum of 88% of the onsite wetlands providing protection and enhancements and will result in the protection and integration of 56.44± acres of preserved/restored rare and unique upland habitat, consistent with Policy 123.1.1. A minimum of 54 percent of the property (186.10± acres) will be placed into a conservation easement including the convergence of two natural waterways/existing flow-ways on the Great Calusa Blueway (Owl Creek and Trout Creek) where they connect to the Caloosahatchee River. The request will provide a connection between the Babcock Ranch Mixed Use Planned Development to the north and the Caloosahatchee River to the south, consistent with Policies 123.1.5 and 123.1.7. It will also provide a connection from the adjacent SFWMD owned lands to the east and south as well as the potential Conservation 20/20 lands to the east that contain a portion of Trout Creek which will provide a connection through the subject property to the Caloosahatchee River.

The Lee Plan also seeks to preserve native plant communities in the County. The request will be consistent with Lee Plan Objective 123.2 and Policy 123.2.2. The submitted Indigenous Habitat Management Plan and proposed conditions of approval with this request will protect, enhance and preserve environmentally sensitive lands and plant communities and will result in a compatible clustered development.

The Owl Creek project will preserve high-quality natural plant communities in the conservation and open space area outside of the development footprint. Please see attached Indigenous Habitat Management Plan. The project will provide enhancement of natural systems of the property and a conservation easement will be placed over a minimum of 54% of the property. The pasture areas and most heavily altered nonnative plant communities are targeted for the clustered development. Although single-family developments with lots a minimum of 6,500 square feet in size do not normally require open space nor the 50% indigenous open space, the proposed conservation areas include preserved and restored wetland and rare and unique upland habitats. The proposed text amendment as amended by staff will require 60% open space with 50% indigenous which is met as demonstrated on the Master Concept Plan. The project is consistent with Policies 123.2.4, 123.2.5, 123.2.7 and 123.2.8. Long-term management (e.g., exotic vegetation removal, trash/refuse removal, signage, etc.) of the preservation areas will be in accordance with Lee County-approved plans and the conservation easement. Long-term management of the conservation areas will occur in perpetuity. Invasive exotic plants will be removed from the property, prohibited from being planted and controlled in perpetuity, consistent with Policies 123.2.9 and 123.2.11. The proposed rezoning results in preserving and restoring rare and unique upland habitats limiting impacts to the maximum extent possible, consistent with Policies 123.2.15.

The proposed rezoning provides the potential to have a vital significance to wildlife, as it is located at the southern extent of the Owl and Trout Creek Wildlife Corridors. The preservation areas will become part of a contiguous wetland and upland corridor and flow-way along Trout and Owl Creeks. The Trout Creek Wildlife Corridor connects the subject parcel to Babcock and Lee County (Telegraph Creek Preserve) Conservation Lands. Unfortunately, the current land use practices within the property and exotic vegetation infestation significantly diminish wildlife utilization. Approval of this request will result in the enhancement and preservation of this important piece of land. The resultant development will provide habitat diversity and promote wildlife conservation consistent with Objective 123.3 and Policy 123.3.1. The resultant development will protect wildlife through the creation and implementation of a human-wildlife coexistence plan consistent with Policy 123.3.3.

The Owl Creek project will minimize impacts to on-site wetlands by clustering development and limiting impacts to 12% or less and will protect, enhance and preserve the remaining 88% by exotic vegetation removal and placement within a conservation easement. The project will be permitted though the South Florida Water Management District and is consistent with Goal 124, Objective 124.1 and Policies 124.1.1 and 124.1.2.

The proposed project is consistent with Goal 125, Objective 125.1, and Policies 125.1.1 and 125.1.2. The stringent requirements in the proposed conditions of approval provide an additional 50% water quality treatment, water quality monitoring, reduced rate of runoff, remove nutrient producing grazing lands adjacent to waterways, preserve a minimum of 88% of on-site wetlands, and replacing the potential 223 private well and septic systems with privately funded extensions and connection to public water and sewer. A Surface Water and Groundwater Monitoring Plan will be initiated consistent with Lee Plan Policy 125.1.4 to establish baseline conditions for the site and to quantify any potential adverse impacts of the proposed residential development. Please see attached Water Resources Report.

MARINE FACILITIES SITING CRITERIA

In accordance with the Marine Facilities Sighting Requirements contained in Lee Plan Objective 128.4, HWA is applying for all permits in relation to Federal, State, and Local regulations. The site is less than 3 miles away from the Florida Power and Light powerplant. The warm water discharge is located along the Orange River, nearly 6 miles away. In the area of the subject site abundance and mortality of manatees are low, and would not be of concern. There is no seagrass or submerged aquatic vegetation near or around the subject site and should not be considered a limiting aspect of the project. A bathymetric survey has been submitted and dredging is proposed to -5 MLW once the necessary permits are approved. Going through the Marina Facilities Sighting Criteria, it is anticipated that the subject area will fall into the Conditional category. The subject property is located east of State Road 31 Bridge and not located within the Caloosahatchee River Area of Special Concern.

Consistent with Policy 128.4.7, the proposed flushing cut, approximately 110' wide, extends through a shoreline that is classified at Brazilian Pepper - Hydric. There are no impacts to seagrasses. There are no seagrass beds within the proposed marina basin, the dredging footprint, or associated with either flushing cuts. The interior tidal lagoon/surface water restoration impacts 5.82± acres of uplands, and 7.64± acres of wetlands. The wetlands that are proposed to be impacted are less than ideal. They are inundated improved pastures, a man-made ditch, and primarily hydric Brazilian pepper. The creation of the flushing channels, almost 12± acres of tidal lagoons, and almost 3 acres of quality tidal wetlands/littoral shelf will improve the wetland functions and the ecosystem. It will create habitat for wading birds and a breeding ground for fisheries. There will be minor wetland impacts needed to create a major wetland habitat and tidal lagoon area, which is clearly in the public interest and addresses a pressing need to create more wetlands.

According to the Lee Plan policy 128.4.8 "Boat access facilities should be located in areas of maximum physical advantage. Adequate existing water depths between the proposed facility and any navigational channel, inlet, or deep water, are preferred, as new dredging is discouraged." The existing channel on the west side of the subject property, that runs north and south from the Caloosahatchee, towards Trout Creek, does have enough adequate water depth that can support the boats that are present on the Caloosahatchee. Once leaving the navigational channel, the water depths are no longer adequate in the proposed work area. Dredging is proposed to avoid unnecessary and harmful prop dredging and bottom scaring. Dredging needs to be completed to support the proposed docks and vessels, and to meet the minimum requirements of -4 MLW according to the Manatee Protection Plan of Lee County. The proposed work area is in a location of maximum advantage area due to the fact there is no presence of seagrass. Due to the low light penetration (<1-2 ft), and the mucky/silty bottom soils, seagrass growth in this area would lean towards unlikely. The soils are too soft to be able to support seagrass roots, and the tannic colored water does not allow light penetration to allow seagrasses to photosynthesis.

With all considered the proposed boat facility is located in an area of maximum advantage. It's location along the Caloosahatchee will be of public interest, and not effect any navigational channels, nor will it impact or effect any natural resources.

Consistent with Policy 128.4.11, there are 212.24± acres of uplands within the site. No rare and unique upland systems are proposed to be impacted. The wetlands that are proposed to be impacted are less than ideal. They are inundated improved pastures, a man-made ditch, and

primarily hydric Brazilian pepper. The creation of the flushing channels, almost 12 acres of tidal lagoons/surface water restoration, and almost 3 acres of quality tidal wetlands/littoral shelf will improve the wetland functions and the ecosystem. It will create habitat for wading birds and a breeding ground for fisheries. There will be minor wetland impacts needed to create a major wetland habitat and tidal lagoon area, which is clearly in the public interest and addresses a pressing need to create more wetlands. The request will result in the restoration of 41.28 ± acres of rare and unique upland habitat and 82.8± acres of wetland restoration in addition to the littoral shelf.

HOUSING

Goal 135 addresses meeting housing needs of the present and future residents of the county. Objective 135.1 provides that Lee County will work with private and public housing providers to ensure that there is an adequate supply of housing in the future in a variety of types, costs, and locations to meet the needs of the Lee County population. The Objective provides that Lee County will need 114,927 additional dwelling units, 39,637 of these units will be needed in unincorporated Lee County. The proposed rezoning helps, in part, to fulfill this identified housing need. The proposed clustered development is utilizing the planned development process. The proposed rezoning is consistent with and furthers Goal 135, Objective 135.1 and Policy 135.1.9.

HISTORIC PRESERVATION

Goal 143 provides local preservation techniques for historic resources in Lee County. Policy 143.2.2 encourages the preservation of archaeological sites. Please see attached separate Historic Resources Impact Analysis. There are three archaeological sites in good to excellent condition (8LL2397, 8LL2398 and 8LL2399) that are eligible for listing in the National Register of Historic Places (NRHP) and should and will be avoided by future development by preserving within a minimum 25 foot buffer. These sites are demonstrated on the submitted Master Concept Plan. A fourth site (8LL2825) that, based on the level of intense disturbance and lack of significant cultural materials or context, is not regarded as eligible for listing on the NRHP and will not be preserved. The Indigenous Habitat Management Plan includes language to protect these areas.

CONCLUSIONS

The rezoning request is consistent with and in furtherance of the intent of the Lee Plan as discussed in this analysis. The Owl Creek project represents an opportunity to incentivize the preservation of significant on-site natural resources such as natural waterways and adjacent wetlands, flow-ways, rare and unique upland habitat and historical resources on the property by providing a clustered development that incorporates public access to the Caloosahatchee River via access to Trout Creek.

Land Development Code Analysis

The proposed amendment complies with the findings provided in the Land Development Code Section 34-145(d)(4)a.1 as follows:

- a. Complies with the Lee Plan;*

The request complies with the Lee Plan as demonstrated in the above analysis.

b. Meets this Code and other applicable County regulations or qualifies for deviations;

The proposed minor RPD is in compliance with the Lee Plan, the Land Development Code and any other applicable County regulations or qualifies for deviations.

c. Is compatible with existing and planned uses in the surrounding area;

The proposed rezoning is compatible with existing and planned uses in the surrounding area. The project's residential uses will be clustered inside the property with enhanced setbacks to adjacent uses and properties. The project's open spaces and preservation areas complement and enhance adjacent existing and pending public and private preserve areas. The site proposes to place a minimum of 54% of the site into conservation easements and provide a minimum perimeter setback of 50 feet consisting of either conservation areas or planted detention areas and perimeter berm to ensure compatibility with adjacent agricultural, single-family, preservation and marina uses. The project also proposes a minimum 100-foot setback from Owl Creek Boat Works property line to single-family lots within the development.

d. Will provide access sufficient to support the proposed development intensity;

Please see Traffic Impact Statement submitted with the application. This analysis demonstrates that the roadway links analyzed will not be adversely impacted as a result of the rezoning request. All roadway segments analyzed will maintain the minimum recommended Level of Service. Therefore, roadway capacity improvements will not be warranted as a result of the additional traffic generated by the request.

e. The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;

Please see Traffic Impact Statement provided with the application. The expected impacts will be addressed by existing County regulations by payment of impact fees.

f. Will not adversely affect environmentally critical or sensitive areas and natural resources; and

The proposed rezoning will not adversely affect environmentally critical or sensitive areas and will provide further enhancements. The Master Concept Plan demonstrates that only a maximum of 13.95± acres of exotic infested wetlands of the existing 120.31± acres of jurisdictional wetlands will be impacted for public facilities such as transportation or storm water management areas. To mitigate these impacts, 186.10± acres of wetlands, uplands including rare and unique uplands and surface waters will be enhanced by removal of exotic vegetation or restored and preserved by the placement of a conservation easement re-establishing functional wetland and upland ecosystems. The submitted Indigenous Habitat Management Plan demonstrates the preservation of the highest quality indigenous habitat onsite, the enhancement and restoration of indigenous

habitats onsite, the restoration and connection of Owl Creek and Trout Creek Wildlife Corridors and flow-ways and the reconnection of public conservation lands through the subject property. Although single-family developments with lots a minimum of 6,500 square feet in size do not normally require open space nor the 50% indigenous open space, the proposed conservation areas include preserved and restored wetland and rare and unique upland habitats. The proposed text amendment as amended by staff will require 60% open space with 50% indigenous which is met as demonstrated on the Master Concept Plan. A minimum of 54% of the site will be placed into conservation easement. Conditions of approval will ensure that the clustered development is well integrated, properly oriented and functionally related to the natural features of the site.

g. Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category.

Although the subject property is not located within a Future Urban area, it will be served by adequate urban services. Review letters submitted with the application were based upon a maximum density of 440 dwelling units which has since been reduced to a maximum of 380 dwelling units. Bayshore Fire Rescue is located ± 4.8 miles from the site and has reviewed the request and provided a letter dated August 11, 2020. This letter provides that Bayshore Fire Rescue will be able to adequately serve the development as proposed and that the District will require residential sprinklers within homes if the area is not serviced by an adequate pressurized fire hydrant system. Privately funded potable water will be extended to the site to provide adequate pressurized fire hydrant system. The Lee County Division of Emergency Medical Services reviewed the request and provided a review letter dated August 19, 2020 indicating that the service availability for the proposed development of this property is adequate at this time. Lee County Emergency Medical Services is the primary EMS transport agency responsible for coverage and has a sufficient response data sample. The primary ambulance for this location is Medic 11, located 5.1 miles southwest; there is a second EMS station within six miles of the proposed location. These locations are projected to be able to meet existing service standards, as required in County Ordinance 08-16, and no additional impacts are anticipated at this time. The Lee County Sheriff's Office has reviewed the request and has provided a review letter dated August 4, 2020 that provides that the proposed development does not affect their ability to provide core services and that they have no objection to the requested increase in density. The Sheriff's Office letter states that law enforcement services will be provided from their North District substation in North Fort Myers. This letter also provides that the applicant provide a Crime Prevention Through Environmental Design (CPTED) report at the time of application for a development order. River Hall Elementary is ± 7.5 miles from the property and Riverdale High School is ± 6.2 miles from the property.

2. Planned Development Rezonings. The Hearing Examiner must also find:

a) The proposed use or mix of uses is appropriate at the proposed location;

b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development.

c) If the application includes deviations pursuant to section 34-373(a)(9), that each requested deviation:

- 1) Enhances the achievement of the objectives of the planned development; and*
- 2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.*

The proposed mix of uses is appropriate at the subject location. The proposed single-family and two-family attached uses are appropriate for the area located between the Babcock Ranch MPD and the Owl Creek Boat Works and the Caloosahatchee River. The proposed conditions of approval include several stringent requirements that provide sufficient safeguards to the public interest and are reasonable related to any potential impacts on the public's interest expected from the proposed development and result in a high-quality development providing for significant environmental, historical, storm water, water quality and infrastructure enhancements as part of development of the clustered residential development. The requested deviations enhance the achievement of the objectives of the planned development and preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

In conclusion, the requested rezoning from Agricultural (AG-2) to the Owl Creek Reserve Minor RPD is in compliance with the Lee Plan, the Land Development Code with approval of the requested deviations, and other applicable codes and regulations; is compatible with existing and planned uses in the surrounding area; will provide access sufficient to support the proposed development intensity; the expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval; will not adversely affect environmentally critical or sensitive areas and natural resources; efficiently uses and will be served by existing urban services, defined in the Lee Plan. The proposed use or mix of uses is appropriate at the proposed location; proposed conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development. The requested deviations enhance the achievement of the objectives of the planned development and preserve and promote the general intent of the LDC to protect the public health, safety and welfare. For these reasons, the applicant respectfully submits that the requested rezoning to RPD should be approved.



Professional Engineers, Planners & Land Surveyors

Owl Creek Reserve RPD

DCI2021-00011

Summary of Alva Planning Community Second Public Information Meeting

In compliance with Lee County Comprehensive Plan Policy 27.1.8 and Lee County Land Development Code Section 33-1663 and pursuant to staff's request, two follow up Public Information Meetings were held to update the public regarding the zoning application. The applicant also provided an update regarding revisions to the comprehensive plan amendment applications and the pending development order application. Please see separate Summary of North Olga Planning Community Public Information Meetings.

The Second Public Information Meeting within the Alva Planning Community was held on Thursday, December 9, 2021 at 6:00 pm at the Alva Community Center, 21471 North River Road, Alva, FL 33920. Due to the COVID-19 pandemic, special accommodations were made to allow attendance in person or remotely by streaming online via Microsoft Teams. The updated development proposal was described in detail including but not limited to the existing conditions, revisions to the proposed comprehensive plan amendments to remove request for future land use map change and instead propose incentives to encourage wetland preservation and rare and unique upland habitat preservation/restoration, proposed RPD rezoning including uses, intensity (± 380 dwelling units), deviations and master concept plan, and the pending proposed development order plan was presented. There were members of the public present in person for the meeting and no online public attendees.

Attached please find the following items for reference:

- Sign-in Sheet
- Affidavit of Notice
- Summary of Public Information Meeting October 6, 2020

The following meeting minutes summarize comments received by those in attendance about the development proposal, and applicant's responses.

Question: What exactly is a turn around?

- Response: A turn around is a cul-de-sac, circular turnaround for if someone couldn't get in the gate, they have a place to turn around to leave. The main entrance would provide the turnaround to accommodate trucks like a UPS truck, but the deviation would allow the secondary resident only access without the full turnaround. It will provide a place where a passenger car or pickup truck could turn around.

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Question: How would you public access that if it's a gated community?

- Response: They would be granted access at the gate house.

Question: You'd have a guard there? Would they recognize public access to the public ramp?

- Response: There could be a guard or the gate could be open daytime hours for example 7 am to 7 pm and public access to the canoe/kayak launch would be provided.

Question: You were going to have 400 plus houses, now you're going down to 380, what were those lots that were being used what are those going to be used for now?

- Response: Made some of the lots bigger so that reduced the lot count.

Question: On the retention ponds where are they going to discharge?

- Response: They generally will discharge into the wetlands that are onsite and that connect to either Owl Creek or Trout Creek. The ones that are south of Trout Creek will ultimately discharge to the Caloosahatchee.

Question: Traffic from this development and another one being planned just off US 31 being built by Pulte Homes and another development that is south over the bridge that's on 31, that's supposed to be completing construction later this year. That's over 1,000 new homes altogether so traffic situation here is only affected by your development but some discussion at North Olga about the red light on 31 after multiple accidents and deaths there. Do you know of anything else that's being planned for that kind of increase in the next 3 years traffic wise?

- Response: SR 31 is being widened to 4 lanes as part of Babcock Ranch development.

Question: Do you have any idea what the plan for the bridge are? Imagine no draw bridge and it would be higher and longer entries.

- Response: Plans are still being worked on.

Question: The prehistoric area, in the research to discover them was any human remains found?

- Response: No.

Question: Where is the upland preserve area on the plan?

- Response: The various preservation areas are demonstrated by different hatch patterns on the plan depicted in the legend.

Question: Are the dotted lines trails?

- Response: The lines are creeks and other tributaries, natural waterways and the black lines show where the natural waterway buffers are provided.

Question: Will people have access to the area?

- Response: These areas will be placed in a conservation easement to Lee County or another agency that is acceptable to Lee County.

Question: You mentioned something about grass, how big are the lots? There's so much pollution going into the river already and now all this - are there measures in place?

- Response: The project has submitted a water quality monitoring program with safety measurements in place. There are existing cattle grazing on site which will be removed as part of the request which significantly reduces pollutants from that use.

Question: Who does the monitoring and what happens?

- Response: It will be monitored by Lee County. The association will have to prepare the collected data, collected samples, get it tested and then provide the results to Lee County. So, there will be a mechanism for the water quality treatment, so if it does not improve or if it exceeds the thresholds for what the loading rates are for various pollutants, there will be measure that will need to be implemented through the County that will correct it.

Question: Is it unique to have a heavy industrial use in the middle of an upscale community? Is it an upscale community? They build and repair boats, how will that be kept safe for children in our development?

- Response: We like to think of it as an upscale community. Proposed is a minimum 6-foot to 8-foot wall and berm separating Owl Creek Boat Works. .

Question: Have you gone as far as to design the houses?

- Response: The homes are the same homes we build throughout the whole tri county area. Lee, Charlotte, Sarasota County and Collier County. Similar to Hickeys Creek.

Question: So, these are single family and two family attached? What is that exactly? Is that like a duplex?

- Response: A duplex is two units on one lot, a two-family attached has each unit on its own lot.

Question: Another project representative and their engineers thought that their homes would be selling somewhere between 300K and 600K, I know you don't want to put a number out there but is that probably what we're looking at hear?

- Response: If it were starting today maybe, we can't predict the real estate prices.

Question: Are these exhibits available online

- Response: The comprehensive plan amendments and the zoning are online with Lee County, but the development order has not yet been submitted.

Question: Where exactly is the canoe launch area?

- Response: It's right down by Trout Creek.

Question: Are the docks on the Caloosahatchee?

- Response: It is not on the main portion of the Caloosahatchee. It is in a separate basin off of the main river where the historical line followed before the current river configuration.

Question: Can we look up online and check on it?

- Response: Yes – the application numbers were provided in the advertisement.

PROJECT NAME:	Owl Creek Reserve RPD-Alva Community Meeting	MEETING DATE:	December 9, 2021	JOB NUMBER:	8504
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PRINT NAME	PHONE	COMPANY (IF APPLICABLE)	EMAIL
Connie Dennis	239-738-2472	Alva Inc	ahkeell28@gmail.com
Kenneth DeWalt	610 223 8630	On the River	kendewalt1@gmail.com
Roxanne Gause	239-247-0193	Alva Inc	Gause_RL@smarter.yahoo.com
Russell Schroger	239-344-1280	Hendrum Tractor	russell.schroger@hendrum.com
Yury Bykan	239-692-0589	Tr Transportation	yury@trtrans.net
Jennifer Sheppard	239-939-5490	Banks Eng.	jshppard@bankseng.com
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P. FURBAY	340-8610	ALVA INC.	P. FURBAY@NETZERO.NET
C FERNANDES	239 340 8610	ALVA INC.	" " "

The News-Press media group

news-press.com A GANNETT COMPANY

Attn:
BANKS ENGINEERING
10511 BEN C PRATT/6 MILE
FORT MYERS, FL 33966

STATE OF FLORIDA COUNTY OF LEE:

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

PUBLIC INFORMATION MEETING Alva Planning Communi
The public is invited to attend a Public Information Meeting held
by Banks Engineering, on: Thursday, Decembe

In the Twentieth Judicial Circuit Court was published in said
newspaper editions dated in the issues of:

11/27/2021

Affiant further says that the said News-Press is a paper of
general circulation daily in Lee County and published at Fort
Myers, in said Lee County, Florida, and that the said newspaper
has heretofore been continuously published in said Lee County,
Florida each day and has been entered as periodicals matter at
the post office in Fort Myers, in said Lee County, Florida, for a
period of one year next preceding the first publication of the
attached copy of advertisement; and affiant further says that
he or she has never paid nor promised any person, firm or
corporation any discount, rebate, commission or refund for the
purpose of securing this advertisement for publication in said
newspaper editions dated:

Sworn to and Subscribed before me this 27th of November
2021, by legal clerk who is personally known to me.

Affiant

Notary State of Wisconsin, County of Brown

My commission expires

PUBLIC INFORMATION MEETING

Alva Planning Community
The public is invited to attend a Public
Information Meeting held by Banks En-
gineering, on:
Thursday, December 9, 2021 at 6:00 pm
at the Alva Community Center,
21471 N. River Road Alva, FL 33920

The 342.68 acre± subject property is lo-
cated at 12850 N. River Road, 18420 &
17900 Owl Creek Drive on the south
side of N. River Road approximately ½
mile east of S.R. 31. (Babcock Ranch
Road) within the North Olga Communi-
ty Plan Area.

Owl Creek Reserve proposes a Compre-
hensive Plan Text amendment (Case
No. CPA2020-00005) to allow incentives
for wetland preservation and rare and
unique upland habitat preservation or
restoration for clustered developments
utilizing the planned development
process within the North Olga Planning
Community and a Map amendment
(Case No. CPA2020-00004) to include in
Lee County Future Water Service Area.
The applicant is also proposing to
rezone the property from Agricultural
(AG-2) to minor Residential Planned
Development (RPD) (Case No. DCI2021-
00011) to allow a clustered residential
community containing up to 380 dwell-
ing units (reduced from original 440
units) consisting of single-family and t-
wo-family attached with associated
amenities and a maximum height of 35
feet. There is also a pending Develop-
ment Order Application for the 380-
unit residential community with ameni-
ties and associated infrastructure. This
is an update from the prior meeting
held on October 6, 2020.

All are welcome to attend the presen-
tation to discuss these project applica-
tions with the applicant's representa-
tives. Due to the COVID-19 pandemic,
special accommodations will be made
to allow you to attend in person or re-
motely. The meeting will allow social
distancing and will also be streamed
online via Microsoft Teams. Should
you like to attend and participate in
the Microsoft Teams meeting, please
notify us by December 7th via email at
shewitt@bankseng.com to register and
to allow us to send you login instruc-
tions. Should you be unable to attend
this meeting, but have questions or
comments, they can be directed by
mail, phone, or e-mail to: 10511 Six
Mile Cypress Pkwy, Fort Myers, FL
33966, (239) 770-2527, shewitt@bankse-
ng.com.
AD# 5018078 11/27/2021

SHELLY HORA
Notary Public
State of Wisconsin

of Affidavits 1

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Professional Engineers, Planners & Land Surveyors

**Owl Creek
Comprehensive Plan Amendment
Case Nos. CPA2020-00004 & CPA2020-00005
Exhibit "M20" and
Summary of Alva Planning Community Public Information Meeting**

In compliance with Lee County Comprehensive Plan Policies 17.3.2, 17.3.3, 17.3.4 and 27.1.8, two Public Information Meetings have been held to provide a general overview of the map and text amendment and effect thereof as well as the proposed planned development rezoning application (in compliance with Lee County Land Development Code Section 33-1663). The Public Information Meeting within the Alva Planning Community was held on Tuesday, October 6, 2020 at 5:30 pm at the First Baptist Church of Alva, 2790 Joel Boulevard, Alva, FL 33920. Due to the COVID-19 pandemic, special accommodations were made to allow attendance in person or remotely by streaming online via Microsoft Teams. The development proposal was described in detail including but not limited to the existing conditions, proposed map amendment and proposed text amendment with proposed uses, intensity and preliminary master concept plan. There were members of the public present for the meeting in person and online and a copy of the sign-in sheet and online attendance documentation is attached for the record.

Attached please find the following items for reference:

- Sign-in Sheet
- Affidavit of Notice
- Public Notice mailed on September 25, 2020
- List of property owners within 500 feet of the property that were mailed the notice and interested parties on file with Lee County for notice of applications filed within Northeast Lee County Planning Community
- Exhibits and Handouts at the meeting

The following meeting minutes summarize comments received by those in attendance about the development proposal, and applicant's responses.

Question: How long will development permits take?

- Responded with 9-12 months to complete Comprehensive Plan Amendment and Rezoning. Development permits would be approximately 6 months.

Question: Have studies been done for the historic drainage through area, sheet flow across land? Creeks flood with excessive rain events.

- Responded that part of permitting through South Florida Water Management District will be looking at historic drainage patterns and accommodate any offsite flows and review creeks which are tidal.

Question: What is the elevation of property?

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- Responded that elevation varies significantly across the property and ranges up near N. River Road approximately elevation ± 8 and drops down to elevation ± 2 by the river.

Question: Who is Developer? Do they own the property yet?

- Responded that DR Horton, Inc. is the applicant and the property is under contract to purchase pending entitlements.

Question: Aren't there concerns about increasing density in Coastal High Hazard flood areas with hurricanes? In other areas around gulf coast think they have regretted all the development in low lying areas. Keep making same mistakes.

- Responded that an analysis and review of increase and have received letters of support and review and recommendation demonstrating adequate public facilities exist. Increased changes and development patterns in the area make the request appropriate.

Question: Will product be 2-story

- Responded with maximum height is 35', which could accommodate 2-story.

Question: Owl Creek very polluted, have waters been cleaned up?

- Responded that request will be removing existing cattle grazing and remove potential for future septic tanks since utilities brought to area and the onsite wetlands will have exotics removed which will result in improved water quality discharge from the site than what exists today.

Question: Are we open to more meetings with Alva community? Would like more time to go over information on project.

- Responded Yes. Contact information has been provided and would like to keep communication open. Have tried to reach out to Alva contacts and would like better communication line.

Question: What effect on Owl Creek boat works?

- Responded that not proposing any impacts to Owl Creek Boat Works. Minimum 100' separation between any proposed single-family lots and Owl Creek Boat works. Access will be semi-public and may or may not have a gate house but being that it is public facilities access will not be prevented for individuals traveling to Owl Creek Boat Works within reasonable hours such as 9 to 6 or so.

Question: What are the historical locations onsite?

- Responded primarily places where previous populations had stopped to eat there were oyster shells and small pieces of bone. Prehistoric sites and 3 will be preserved within 25 foot buffer.

Question: What is happening with 7% of wetland impacts? What is acreage being impacted? How will mitigation be handled? What are total wetlands on site?

- Responded that 7% will be impacted as part of the development of the site. Primarily existing wetlands being preserved will be enhanced and mitigated as negotiated through SFWMD and ACOE by removing exotic vegetation and placing in conservation easement. Impacts are limited to exotic infested low quality wetlands. Total wetlands on site are 101.7 $\pm$ acres.

Question: Questions on wetlands category on FLUM. Usually from Rural and Wetlands to Sub-Outlying Suburban and Wetlands

- Responded that the request will provide Sub-Outlying Suburban and Wetlands Future Land Use Categories once jurisdictional lines and conservation easement lines are defined through development permitting process.

Question: Will this be multi-family/condos? Price point yet?

- Responded no – limited to single-family and two-family attached. No townhomes. Price has not yet been determined.

Question: Water & Sewer improvements - who is paying? Where will it connect to?

- Responded that developer will be paying for utility extensions then turn them over to public utilities. We are exploring all options possibly from Lee Civic Center area up SR 31 and N River Road, possibly Old Rodeo Drive boring under wetlands – still looking at design.

Question: 29.10.1 - Written specific for this property, but does not mention it? Will the 440 units be for all other future developments?

- Responded the Policy is within North Olga Community Plan. The 2 dwelling units per upland acre or 1.28 per gross acre and 440 unit limitation is specifically for Sub-Outlying Suburban within North Olga Community Plan. The 440 accommodates this property and an amendment would be required if another property desired to add dwelling units in Sub-Outlying Suburban in North Olga.

Question: Where will stormwater retention areas be located?

- Responded that the preliminary site plan/MCP demonstrates the proposed lakes.

Question: Where will stormwater discharge go to?

- Responded that each development pod will discharge where it discharges today – maintain water that is currently naturally draining to each area to keep wetlands and creeks functioning per permitting requirements.

Question: How many outfalls will the development have?

- Responded there will be 1 or 2 or more per 5 or 6 development pods, approximately 10-12 discharge points.

Question: Will retention ponds be manmade?

- Responded there are no existing lakes all will be manmade lakes and also pre-treatment measures such as dry detention to further treat the runoff before the lakes.

Question: Asked for case numbers for amendment

- Responded CPA2020-00004 – map amendment, CPA2020-00005-text amendment.

Question: Regarding the minimum perimeter setback - what will it be constructed of? Asked not to be too high - no building a large berm and planting on top of it. Desire natural rural view for public driving past.

- Responded that some areas are within conservation and remaining may have required SFWMD perimeter berm, but do not anticipate a large berm.

Comment: Desire view to stay rural view setting. Do not want Cape Coral.

- Responded that we appreciate feedback and understand desire.

Question: Who is the reviewer at Lee County.

- Responded that we did not have this information readily available.

Question: Can unpaved area within roadways be counted as part of 60% open space.

- Responded that yes areas that meet the definition of open space will count towards the requirement. Typical residential developments require 40% open space so we are proposing 150% of the typical requirement.

Public Information Meeting: October 6, 2020 @ 5:30 PM

Please Sign In

Thank you for coming! Please leave your name and contact information.

[illegible]

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Attn:

**BANKS ENGINEERING
10511 BEN C PRATT/6 MILE
FORT MYERS, FL 33966**

STATE OF FLORIDA COUNTY OF LEE:

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

PUBLIC INFORMATION MEETING Alva Planning Communi
The public is invited to attend a Public Information Meeting held by Banks Engineering, on: Tuesday, October

In the Twentieth Judicial Circuit Court was published in said newspaper in the issues of:

09/26/2020

Affiant further says that the said News-Press is a paper of general circulation daily in Lee County and published at Fort Myers, in said Lee County, Florida, and that the said newspaper has heretofore been continuously published in said Lee County, Florida each day and has been entered as periodicals matter at the post office in Fort Myers, in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 26th of September 2020, by legal clerk who is personally known to me.

Affiant

Notary State of Wisconsin, County of Brown

My commission expires

PUBLIC INFORMATION MEETING Alva Planning Community

The public is invited to attend a Public Information Meeting held by Banks Engineering, on: Tuesday, October 6, 2020 at 5:30 pm at the First Baptist Church of Alva, 2790 Joel Boulevard, Alva, FL 33920

The 342.68 acre± subject property is located at 12850 N. River Road, 18420 & 17900 Owl Creek Drive on the south side of N. River Road approximately ½ mile east of S.R. 31. (Babcock Ranch Road) within the North Olga Community Plan Area.

Owl Creek is a proposed Future Land Use Map amendment from Rural/Wetlands to Sub-Outlying Suburban with associated text amendment to accommodate up to 440 residential dwelling units (increase of 219 dwelling units), include in Lee County Future Water Service Area, and a concurrent Planned Development Zoning application.

WE VALUE YOUR INPUT

Business and property owners, residents and visitors are welcome to attend the presentation and discuss the project with the owner's representatives. Due to the COVID-19 pandemic, special accommodations will be made to allow you to attend in person or remotely. The meeting will allow social distancing and will also be streamed online via Microsoft Teams. Should you like to attend and participate in the Microsoft Teams meeting, please notify us by October 2nd via email at shewitt@bankseng.com to register and to allow us to send you login instructions. Should you be unable to attend this meeting, but have questions or comments, they can be directed by mail, phone, or e-mail to: 10511 Six Mile Cypress Pkwy, Fort Myers, FL 33966, (239) 770-2527, shewitt@bankseng.com.

AD#4390123 9/26/2020

of Affidavits 1

This is not an invoice

NANCY HEYRMAN
Notary Public
State of Wisconsin

**PUBLIC INFORMATION MEETING
Alva Planning Community**

You are invited to attend a Public Information Meeting held by Banks Engineering, on:

Tuesday, October 6, 2020 at 5:30 pm at the First Baptist Church of Alva,
2790 Joel Boulevard, Alva, FL 33920

The 342.68 acre± subject property is located at 12850 N. River Road, 18420 & 17900 Owl Creek Drive on the south side of N. River Road approximately ½ mile east of S.R. 31. (Babcock Ranch Road) within the North Olga Community Plan Area.

Owl Creek is a proposed Future Land Use Map amendment from Rural/Wetlands to Sub-Outlying Suburban with associated text amendment to accommodate up to 440 residential dwelling units (increase of 219 dwelling units), include in Lee County Future Water Service Area, and a concurrent Planned Development Zoning application.

WE VALUE YOUR INPUT

Business and property owners, residents and visitors are welcome to attend the presentation and discuss the project with the owner's representatives. Due to the COVID-19 pandemic, special accommodations will be made to allow you to attend in person or remotely. The meeting will allow social distancing and will also be streamed online via Microsoft Teams. Should you like to attend and participate in the Microsoft Teams meeting, please notify us by October 2nd via email at shewitt@bankseng.com to register and to allow us to send you login instructions. Should you be unable to attend this meeting, but have questions or comments, they can be directed by mail, phone, or e-mail to: 10511 Six Mile Cypress Pkwy, Fort Myers, FL 33966, (239) 770-2527, shewitt@bankseng.com.

The following summarizes benefits that will be accomplished by approval of this request through compliance with the proposed text amendment (see attached):

1. Provide a connection between the existing New Community FLU to the north and Caloosahatchee River to the south that will continue the environmental preservation and enhanced drainage ways that will be improved by reduced runoff rate and reduced nutrient runoff.
2. Amendment will result in clustered development as encouraged in area as demonstrated by the Preliminary Development Footprint exhibit attached.
3. Provide Wetland Protection and Enhancements including exotic removal and maintenance.
4. Historical Resource preservation of the 3 recommended sites.
5. ±165.6 acres (48% of property) placed into conservation easement including the convergence of two natural waterways on the Great Calusa Blueway (Owl Creek and Trout Creek) where they connect to the Caloosahatchee River.
6. Wildlife/recreation connection from portion of Trout Creek located on potential Conservation 20/20 lands to Caloosahatchee River.
7. Connection to adjacent SFWMD owned lands to the east and south.
8. Potential public canoe/kayak launch area to Trout Creek.
9. Wildlife management and co-existence plans.
10. Enhanced lake management plan.
11. Florida Friendly Landscaping with the low irrigation requirements in common areas.
12. 60% open space.
13. Preserve 93% of wetlands.
14. Water Quality enhancements and monitoring.
15. Remove potential for up to 221 potential septic tanks and wells.

16. Removal of cattle grazing will significantly reduce onsite nutrient generation.
17. Additional 50% water quality treatment.
18. Reduced rate of run-off and associated nutrient loads.
19. Stormwater enhancements.
20. Remove potential for additional single-family driveways along Owl Creek.
21. Green infrastructure.
22. Privately funded expansion of water and sewer to the area (as encouraged/anticipated by existing Lee Plan policies).
23. Minimum 50' perimeter setback/buffer.
24. Minimum 100' setback from Owl Creek Boat Works property line to single-family lots.
25. Provide area for multi-use path along North River Road.
26. Protect existing groundwater levels and improve existing wetland hydroperiods in onsite preserve areas.



Professional Engineers, Planners & Land Surveyors

MEMO TO FILE

Owl Creek - Comprehensive Plan Amendment

Notice of Meeting for the Alva Community were sent out 9/25/20 via USPS to the following persons:

ONEILL MICHAEL
13033 N RIVER RD
ALVA FL 33920

BABCOCK PROPERTY HOLDINGS LLC
KITSON AND PARTNERS
4500 PGA BLVD STE 400
PALM BEACH GARDENS FL 33418

Debbie Jackow
Concerned Citizens of Bayshore Community
19450 Meredith Drive
N. Fort Myers, FL 33917

CARY + DUKE PROPERTIES LLC
PO BOX 718
FORT MYERS FL 33902

PIPKINS DAVID S &
19100 TURKEY RUN LN
ALVA FL 33920

Mitch Hutchcraft
Consolidated Citrus/King Ranch, Inc.
3602 Colonial Court
Fort Myers, FL 33913

WINTER RYAN G +
12251 OLD RODEO DR
ALVA FL 33920

NORTH RIVER COMMUNITIES LLC
9990 COCONUT RD STE 200
BONITA SPRINGS FL 34135

Ruby Daniels, President
Alva, Inc.
P.O. Box 2022
Alva, FL 33920

VERSPEETEN RONALD
20 STUBBS CR
TILLSONBURG ON N4G 4P5
CANADA

OWL CREEK BOAT WORKS +
18251 OWL CREEK DR
ALVA FL 33920

Steven Brodtkin
Concerned Citizens of Bayshore Community
17720 Durrance Road
N. Fort Myers, FL 33917

SOUTH FLA WATER MGMT DIST
LAND MANAGEMENT
PO BOX 24680
WEST PALM BEACH FL 33416

DIORETO THOMAS N & DIANA L
12290 OLD RODEO DR
ALVA FL 33920

Emily Smith, Treasurer
Alva, Inc.
P.O. Box 2022
Alva, FL 33920

VERSPEETEN RONALD
20 STUBBS CR
TILLSONBURG ON N4G 4P5
CANADA

VERSPEETEN RONALD
20 STUBBS CR
TILLSONBURG ON N4G 4P5
CANADA

Ron Inge
Inge & Associates, Inc.
5571 Halifax Avenue
Fort Myers, FL 33912

SOUTH FLA WATER MGMT DIST
LAND MANAGEMENT
PO BOX 24680
WEST PALM BEACH FL 33416

CLARE LAND LLC
PO BOX 131391
HOUSTON TX 77219

Karen Kamener
Concerned Citizens of Bayshore Community
20777 Bradley Road
N. Fort Myers, FL 33917

S:\Jobs\85XX\8504\Documents\Comp Plan Amendment\8504_Memo-NIM Mailings.docx

• SERVING THE STATE OF FLORIDA •

10511 Six Mile Cypress Parkway • Suite 101 • Fort Myers, Florida 33966
Phone 239-939-5490 • www.bankseng.com • Fax 239-939-2523
Engineering License No. EB 6469 • Surveying License No. LB 6690



Professional Engineers, Planners & Land Surveyors

Owl Creek Reserve RPD
DCI2021-00011
Summary of North Olga Planning Community
Second Public Information Meeting

In compliance with Lee County Comprehensive Plan Policy 27.1.8 and Lee County Land Development Code Section 33-1663 and pursuant to staff's request, two follow up Public Information Meetings were held to update the public regarding zoning application. The applicant also provided an update regarding revisions to the comprehensive plan amendment applications and the pending development order application. Please see separate Summary of Alva Planning Community Public Information Meetings.

The Second Public Information Meeting within the North Olga Planning Community was held on Wednesday, December 1, 2021 at 6:00 pm at a special North Olga Planning Panel meeting held at the Bayshore Fire Station, 17350 Nalle Rd., Fort Myers, FL 33917. Due to the COVID-19 pandemic, special accommodations were made to allow attendance in person or remotely by streaming online via Microsoft Teams. The updated development proposal was described in detail including but not limited to the existing conditions, revisions to the proposed comprehensive plan amendments to remove request for future land use map change and instead propose incentives to encourage wetland preservation and rare and unique upland habitat preservation/restoration, proposed RPD rezoning including uses, intensity (± 380 dwelling units), deviations and master concept plan, and the pending proposed development order plan was presented. There were members of the public present online and in person for the meeting.

Attached please find the following items for reference:

- Sign-in Sheet
- Affidavit of Notice
- Summary of Public Information Meeting October 15, 2020

The following meeting minutes summarize comments received by those in attendance about the development proposal, and applicant's responses.

Question: Okay, so you have 342 acres, and 100 acres is going to be revived and 139 acres is going to be for wildlife preservation? Is that 139 part of the 186 preservation?

- Response: Yes.

Question: Are those areas all together rather than broken up? Because wildlife doesn't survive well when things are all broken up.

- Response: There are two separate wildlife corridors within the 139 acres. One associated with Owl Creek and one associated with Trout Creek.

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Question: So, if the 60% is open space, that's 205 acres out of the 342 acres is going to be open space. So, what is the density? I mean I know how many units you're going to be building in there but are they all 100 by 100 lots or half acre lots?

- Response: Density is approximately 1.1/1/11 units per acre. Lot sizes vary; with minimum of 6,500 square feet for single-family and minimum 3,750 square feet for two-family attached.

Question: Is that like a duplex? Is that you're talking about the two-family attached? Like townhouses?

- Response: It is similar to a duplex except ownership is different, the duplex is normally located on one lot and the two family attached each unit is on its own lot.

Question: Single or double story?

- Response: There is no limitation on the stories, but proposing same height allowed under today's existing zoning of maximum height 35 feet

Question: And what are the prehistoric preserves?

- Response: Their survey is on file with the application – they are prehistoric sites and three sites determined worthy of preservation are incorporated within the preservation area.

Question: You said there were two access points, one of them on North River Road and I didn't catch where the other one is located.

- Response: Two gated access points are proposed on North River Road, with the eastern access resident only.

Question: Have you done any water testing on Trout Creek since you've been involved with this property?

- Response: Not that we are aware of. There is a water monitoring and quality monitoring plan proposed to be incorporated as part of the project.

Question: Has it been implemented yet?

- Response: No, it would be implemented as part of the project approval.

Question: You're making no improvements to the intersection at North River Road and SR. 31? Is that because of the traffic problem now or is it because the future road plans?

- Response: That is an off-site intersection. The application will pay road impact fees that cover any off-site improvements for the project. We did an analysis with traffic counts of that intersection as part of the traffic study and it is shown as an appropriate level of service with our project.

Comment: At 7 am it takes about four lights just to get through that intersection, there's already a traffic problem there so adding 400 will obviously add to that. Obviously, I'm aware of that they're going to widen the road and correct that but obviously what may happen with that. I think we'll have some issues out there, I think a lot of the residents are going to have some issues, but it is openly being corrected.

- Response: Acknowledged.

Question: The privately funded utilities now that's the water and sewer, correct? So, these houses are not going to have well water and septic tanks?

- Response: Although they could have well and septic today under the existing zoning, we are proposing as part of the project to extend water and sewer lines to the project.

Question: So where is the water coming from if it is not coming from that property per say? Are you going to have your own well there that's going to supply the water for everyone cause Duke County already has a water problem out there.

- Response: We will connect to Lee County Utilities existing water located near Bayshore/Old Bayshore.

Question: For the North River Road widening, what will it look like after the process? Like one more lane, turning lanes? No lights here, just the stop signs?

- Response: North River Road is not proposed to be widened. No lights proposed. Potentially at least a right turn line at the main entrance.

Question: Do you have a start/beginning date? I mean I know you are still going through the process. But what's is you anticipated start date?

- Response: We hope to have entitlements including State which is longest lead time by October next year to hopefully get started by next fall.

Question: Will you be like just selling individual lots in there or will y'all be building and developing houses and selling the houses after you develop them? Or bringing in builders and building them?

- Response: D.R. Horton will be the developer and home builder.

Question: Do you have an estimated minimum price to high price at this time?

- Response: It's too early to tell as it is still a year and a half away.

Question: Is that a marina will that be part of it?

- Response: Yes, this is private slip amenity for the facility as part of the request and not truly a marina. There is also a private amenity site.

Question: What's happening with the Owl Creek boat works there?

- Response: They are staying and are not part of the project.

Question: What kind of setback would you say from North River Road before you are going to have houses there?

- Response: There is a minimum 50-foot perimeter setback per code.

Question: What is that called on North River Road, the 25-foot-wide enhancement and what will that look like?

- Response: There is a 25' buffer with 14' tall trees and preservation areas along the road.

Question: So, it won't be a berm?

- Response: There will not be much of a stormwater berm along North River Road because the grade up there is higher.

Online Question: Can you share where you intend to run the utility expansion and confirm whether it will run up 31 and then turn East down N River Rd?

- Response: That is the proposal.

North Ocala Community Planning Panel

Dec. 1, 2021
Sign-in

#	Name	Address	E-mail	Phone #
	Stacy Hewitt	Banks Eng. 10511 Six Mile Cypress Pkwy	shewitt@bankseng.com	239-776-2527
	Nelma VanRunkel	18321 N Ocala	DVROVM1@AOL.COM	239-691-9394
	Mary Povea	5991 Buckingham Rd.		
	Adelle Smiel	18140 Riverchase Ct	fiesty68@live.com	305 799 4651
	Suzanne Armeda	19040 Armeda Rd. 33920	nsarmeda@aol.com	(239) 543-3084
	Ken Dellalt	7 Jute St. Alva 33920	ken.dellalt1@gmail.com	610-223-8630
	Alexis Crespo	28100 Bonita Grande	alexisc@walshop-engineering.com	405 1777
	Jeremy Arnold	"	"	"
	Josay Medina	"	"	"
	Math McLean	"	"	"
	Russell Schropp	POB 280 Ft. Myer 33902	russell.schropp@henlaw.com	344-1280
	Wayne Everett	10541 6 Mile Cypress 33966	jweverett@drhorton.com	239 225 2631

The News-Press media group

news-press.com A GANNETT COMPANY

Attn:

BANKS ENGINEERING
10511 BEN C PRATT/6 MILE
FORT MYERS, FL 33966

STATE OF FLORIDA COUNTY OF LEE:

Before the undersigned authority personally appeared

Nicole Jacobs, who on oath says that
 he or she is a Legal Assistant of the News-Press, a daily
 newspaper published at Fort Myers in Lee County, Florida; that
 the attached copy of advertisement, being a Legal Ad in the
 matter of

Notice Public Hearing

In the Twentieth Judicial Circuit Court was published in said
 newspaper editions dated or by publication on the newspaper's
 website, if authorized, on:

11/19/2021

Affiant further says that the said News-Press is a paper of
 general circulation daily in Lee County and published at Fort
 Myers, in said Lee County, Florida, and that the said newspaper
 has heretofore been continuously published in said Lee County,
 Florida each day and has been entered as periodicals matter at
 the post office in Fort Myers, in said Lee County, Florida, for a
 period of one year next preceding the first publication of the
 attached copy of advertisement; and affiant further says that
 he or she has never paid nor promised any person, firm or
 corporation any discount, rebate, commission or refund for the
 purpose of securing this advertisement for publication in the
 said newspaper.

Sworn to and Subscribed before me this 2nd of February 2022,
 by legal clerk who is personally known to me.

Nicole Jacobs
 Affiant

Amy Kokott
 Notary State of Wisconsin, County of Brown

6/30/2025
 My commission expires

AMY KOKOTT
 Notary Public
 State of Wisconsin

of Affidavits: 1

This is not an invoice

PUBLIC INFORMATION MEETING North Olga Planning Community

The public is invited to attend a Public
 Information Meeting presentation to
 the North Olga Planning Panel by
 Banks Engineering, at a special meet-
 ing held on:

Wednesday, December 1st at 6:00 pm
 at the Bayshore Fire Station,
 17350 Nalle Rd, Fort Myers, FL 33917

The 342.68 acre± subject property is lo-
 cated at 12850 N. River Road, 18420 &
 17900 Owl Creek Drive on the south
 side of N. River Road approximately ½
 mile east of S.R. 31, (Babcock Ranch
 Road) within the North Olga Communi-
 ty Plan Area.

Owl Creek Reserve proposes a Com-
 prehensive Plan Text amendment (Case
 No. CPA2020-00005) to allow incentives
 for wetland preservation and rare and
 unique upland habitat preservation or
 restoration for clustered developments
 utilizing the planned development
 process within the North Olga Planning
 Community and a Map amendment
 (Case No. CPA2020-00004) to include in
 Lee County Future Water Service Area.
 The applicant is also proposing to
 rezone the property from Agricultural
 (AG-2) to minor Residential Planned
 Development (RPD) (Case No. DCI2021-
 00011) to allow a clustered residential
 community containing up to 380 dwell-
 ing units (reduced from original 440
 units) consisting of single-family and t-
 wo-family attached with associated
 amenities and a maximum height of 35
 feet. There is also a pending Develop-
 ment Order Application for the 380-
 unit residential community with ameni-
 ties and associated infrastructure. This
 is an update from the prior meeting
 held on October 15, 2020.

All are welcome to attend the presen-
 tation to discuss these project applica-
 tions with the applicant's representa-
 tives. Due to the COVID-19 pandemic,
 special accommodations will be made
 to allow you to attend in person or re-
 motely. The meeting will allow social
 distancing and will also be streamed
 online via Microsoft Teams. Should
 you like to attend and participate in
 the Microsoft Teams meeting, please
 notify us by November 29th via email
 at shewitt@bankseng.com to register
 and to allow us to send you login in-
 structions. Should you be unable to at-
 tend this meeting, but have questions
 or comments, they can be directed by
 mail, phone, or e-mail to: 10511 Six
 Mile Cypress Pkwy, Fort Myers, FL
 33966, (239) 770-2527, shewitt@banks-
 eng.com.

AD# 5009162 11/19/2021



Professional Engineers, Planners & Land Surveyors

**Owl Creek
Comprehensive Plan Amendment
Case Nos. CPA2020-00004 & CPA2020-00005
Exhibit "M20" and
Summary of North Olga Planning Community Public Information
Meeting**

In compliance with Lee County Comprehensive Plan Policies 17.3.2, 17.3.3, 17.3.4 and 27.1.8, two Public Information Meetings have been held to provide a general overview of the map and text amendment and effect thereof as well as the proposed planned development rezoning application (in compliance with Lee County Land Development Code Section 33-1663). The Public Information Meeting within the North Olga Planning Community was held on Thursday, October 15, 2020 at 6:00 pm at the North Olga Planning Panel meeting held at the Bayshore Fire Station, 17350 Nalle Rd., Fort Myers, FL 33917. The development proposal was described in detail including but not limited to the existing conditions, proposed map amendment and proposed text amendment with proposed uses, intensity and preliminary master concept plan. There were members of the public present for the meeting.

Attached please find the following items for reference:

- Sign-in Sheet
- Affidavit of Notice
- Exhibits and Handouts at the meeting

The following meeting minutes summarize comments received by those in attendance about the development proposal, and applicant's responses.

Question: What happens to Owl Creek? Does it stay Owl Creek?

- Response: Yes it stays Owl Creek.

Question: What are the historic sites?

- Response: Prehistoric sites where prior civilizations had eaten and pieces of bone and shell were found showing activity in these areas.

Question: So, you are going through this process and you're really only increasing the density from 1-unit acre to 1.28 acre, so you really aren't asking for 2 units?

- Response: That is correct. The request is limited to 2 du per upland acre or 1.28 du per gross acre.

Comment: Looking at this for the first time, they basically took Babcock high criteria and applying to a much smaller property and surprised able to do all of it.

Question: No commercial in here?

- Response: No commercial with the request. Adjacent Owl Creek Boat Works will remain.

• SERVING THE STATE OF FLORIDA •

Question: How many units in the Intensive Development future land use.

- Response: Not within the Intensive Development future land use designation – the handout of Table 1(a) was only to demonstrate the proposed limitation language in red.

Question: They are all single-family homes?

- Response: Single-family and two-family attached.

Question: And it's 440?

- Response: 440 is the maximum dwelling units for request.

Question: Did you go to Alva?

- Response: Yes, we held a meeting in Alva and mailed notices to the surrounding properties within 500 feet and interested parties listed with Lee County.

Question: How did it go?

- Response: We received a lot of good feedback from the community and desire to maintain communication.

Question: Does it say in here how many dwellings will be in there?

- Response: Yes, the maximum is 440 dwelling units.

Question: Is the 440 dwelling units based on the proposed amendment or original limit?

- Response: Yes, the amendment is for 440 dwelling units as there can be 221 today under current designation

Question: Is that specific to this piece of land?

- Response: Yes the request is for just this property.

Question: This is not a gated community, correct?

- Response: It could be, but it would have to be semi-public since there are public facilities possibly 9am to 6 in evening and a guard would let you in.

Question: Is the Owl Creek Boat Works part of this or are they separate?

- Response: They are existing and separate.

Question: You will have public access to the river?

- Response: We are proposing a potential canoe/kayak launch on Trout Creek.

Question: So everybody in there would be using North River Road to get to 31 with no other access?

- Response: Correct, there is no other access to SR 31.

Question: Do you have turning lanes?

- Response: Something that we will look at during the Development Order stage when we know exact number of units

Comment: Could mean we get that stop light.

Question: Where are you at in the process?

- Response: We have filed the comprehensive plan amendment and awaiting comments and will file planned development zoning when we respond.

Comment: So by time it goes to the Board of County Commissioners, the zoning will be filed so everyone can see the development plan.

- Response: That is correct, the applications will run concurrently.

North Olga Community Planning Panel

Sign-in October 15, 2020

#	Name	Address	E-mail	Phone #
	Dean Mont	17160 WaterEdge Cir ³³⁹¹⁷	Gdeanwiant@ ^{AD.com}	239-565-3091
	Wayne Everett	10541 6 mile Cypress Pkwy	jweverett@drhutton.com	239-225-2631
	Stacy Hewitt	10511 SIX MILE CYPRESS PKWY, Fort Myers, FL 33906	shewitt@bankseng.com	239-770-2527
	Megan Bishop	10511 Six mile Cypress Pkwy ³³⁹⁰⁶ Fort Myers, FL	mbishop@bankseng.com	239-939-5490
	Suzanne Armeda			
	Yury Bykov		yury@trtrans.net	
	Clark Cary			
	Russell Schropp	PO Box 280 Ft. Myers 33902	russell.schropp@henlaw.com	339-344-1100
	Dennis VanRackel			
	Walter VanRackel			
	Justin Thibaut		jthibaut@lsicompanies.com	239-489-4066

Also noted present per email but not signed in: Mary Povia, Adele Smith, John Brodrick, Deana Armeda

The News-Press media group

news-press.com A GANNETT COMPANY

Attn:

**BANKS ENGINEERING
10511 BEN C PRATT/6 MILE
FORT MYERS, FL 33966**

STATE OF FLORIDA COUNTY OF LEE:

Before the undersigned authority personally appeared

Nicholas Penstrom, who on oath says that he or she is a Legal Assistant of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of

PUBLIC INFORMATION MEETING North Olga Planning Community The public is invited to attend a Public Information Meeting presentation to the North Olga Planning P

In the Twentieth Judicial Circuit Court was published in said newspaper in the issues of:

10/05/2020

Affiant further says that the said News-Press is a paper of general circulation daily in Lee County and published at Fort Myers, in said Lee County, Florida, and that the said newspaper has heretofore been continuously published in said Lee County, Florida each day and has been entered as periodicals matter at the post office in Fort Myers, in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 5th of October 2020, by legal clerk who is personally known to me.

Affiant

Nancy Heyrman
Notary State of Wisconsin, County of Brown

10.15.23
My commission expires

of Affidavits 1

This is not an invoice

NANCY HEYRMAN
Notary Public
State of Wisconsin

PUBLIC INFORMATION MEETING North Olga Planning Community

The public is invited to attend a Public Information Meeting presentation to the North Olga Planning Panel by Banks Engineering, at their meeting held on:

Thursday, October 15, 2020 at 6:00 pm at the Bayshore Fire Station, 17350 Nalle Rd, Fort Myers, FL 33917

The 342.68 acre± subject property is located at 12850 N. River Road, 18420 & 17900 Owl Creek Drive on the south side of N. River Road approximately ½ mile east of S.R. 31. (Babcock Ranch Road) within the North Olga Community Plan Area.

Owl Creek is a proposed Future Land Use Map amendment from Rural/Wetlands to Sub-Outlying Suburban with associated text amendment to accommodate up to 440 residential dwelling units (increase of 219 dwelling units), include in Lee County Future Water Service Area, and a concurrent Planned Development Zoning application.

During the meeting, the agent will provide a general overview of the project for any interested citizens. Should you have questions or comments, they can be directed by mail, phone, or e-mail to: Stacy Ellis Hewitt, Banks Engineering, 10511 Six Mile Cypress Pkwy, Fort Myers, FL 33966, (239) 770-2527, shewitt@bankseng.com. AD# 4400357 10/5/2020



Professional Engineers, Planners & Land Surveyors

Owl Creek Reserve Minor RPD

DCI2021-00011

Revised March 2022

Property Development Regulations

Development Perimeter Setback: 50 feet

Minimum Open Space: Per Policy 29.2.4: Minimum 60% of which 50% must be indigenous

Single Family

Minimum lot size: 6,500 square feet

Minimum lot width: 40 feet*

Minimum lot depth: 100 feet*

*Minimum width or depth may be utilized, but lots must meet minimum lot size of 6,500 SF

Minimum Setbacks:

Private Street: 20 feet (15 feet for side-loading garage)

Public Street: 20 feet

Side: 5 feet

Rear: 20 feet (5 feet for accessory structure)

Waterbody: 25 feet

Preserve: 20 feet (10 feet for accessory structure), 30 feet for communities subject to fire

Maximum building height: 35 feet

Maximum lot coverage: 55 percent

Setback for lot line from Owl Creek Boat Works: 100 feet to internal residential lot lines

Two-Family Attached

Minimum lot size: 3,750 square feet

Minimum lot width: 32 feet**

Minimum lot depth: 100 feet**

**Minimum width or depth may be utilized, but lots must meet minimum lot size of 3,750 SF

Minimum Setbacks:

Private Street: 20 feet (15 feet for side-loading garage)

Public Street: 20 feet

Side: 5 feet (0 feet for common wall unit)

Rear: 20 feet (5 feet for accessory structure)

Waterbody: 25 feet

Preserve: 20 feet (10 feet for accessory structure), 30 feet for communities subject to fire

Maximum building height: 35 feet

Maximum lot coverage: 55 percent

Setback for property line from Owl Creek Boat Works: 100 feet to internal residential lot lines

Recreation Area

Minimum lot size: N/A

Minimum lot width: N/A

Minimum lot depth: N/A

Minimum Setbacks:

Private Street: 20 feet

Public Street: 20 feet

Side: 5 feet

Rear: 20 feet (5 feet for accessory structure)

Waterbody: 25 feet

Preserve: 20 feet (10 feet for accessory structure), 30 feet for communities subject to fire

Maximum building height: 35 feet

Maximum lot coverage: 55 percent

Parking for Private Multi-Slip Docking Facility: 1 parking space for every 3.5 slips



Professional Engineers, Planners & Land Surveyors

OWL CREEK RESERVE MINOR RPD

DCI2020-00011

Revised March 2022

Proposed Conditions of Approval

The Owl Creek application proposes the following conditions of approval:

1. Development Order plans must demonstrate the following environmental enhancements:
 - a. A minimum of 60% open space must be provided, of which 50% must be indigenous preserve. inclusive of onsite preserve and restoration, to accommodate the following:
 - i. Water quality enhancement areas, including but not limited to natural systems-based stormwater management facilities, filter marshes or planted detention areas, and wetland buffers to reduce the rate of run-off and associated nutrient loads;
 - ii. Preservation of existing regional flow-ways to the maximum extent possible;
 - iii. Preservation of a minimum of 88% of the onsite wetlands with exotic vegetation removal and maintenance;
 - iv. Critical wildlife connection(s) through on-site preserve areas where adjacent to conservation areas
 - v. Minimum 50-foot perimeter setbacks which may consist of preserves; and
 - vi. Passive recreational areas that comply with the definition of open space, as set forth in the Land Development Code.
 - b. Open space areas must be platted in separate tracts, outside of privately owned lots, and dedicated to an appropriate maintenance entity. A Community Development District (CDD), Independent Special District (ISD), or a master property owners association must be created to accept responsibility for perpetually maintaining the open space areas identified in the planned development.
 - c. A conservation easement for a minimum *(54% of property)* ± 186.10 acres of the development area to be recorded benefiting a public agency acceptable to Lee County, or Lee County itself, and dedicated to an appropriate maintenance entity. Land subject to conservation easement(s) can be used for on-site mitigation and will be recorded as development orders are issued. The timing of conservation easement(s) and restoration may be phased so long as the area dedicated to conservation easement is equal to or greater than the area of land approved for development on a cumulative basis and must be in compliance with the Schedule provided in the Indigenous Habitat Management Plan.
 - d. Provide a protected species management plan to address human wildlife coexistence, including educational programs and development standards.
 - e. Not preclude recreational connections to adjacent public and private conservation and preserve land, subject to approval by the appropriate agencies,
 - f. Incorporate Florida Friendly Landscaping with the low irrigation requirements in common areas.
 - g. Incorporate energy efficiency or other low impact development (LID) performance standards within the development.
 - h. Minimize impacts to natural areas and native habitat by clustering development primarily in areas previously impacted by agricultural uses and other development activities.
2. Development Order plans must demonstrate the following water quality & hydrological

enhancements:

- a. The stormwater management system must demonstrate through design or other means that water leaving the development meets current state and federal water quality standards. Outfall monitoring will be required on a quarterly basis for a minimum of 5 years from the date of acceptance of construction of the water management system by the South Florida Water Management District. Monitoring may be eliminated after 5 years if the water quality standards are met.
 - b. Demonstrate an additional 50% water quality treatment beyond the treatment required by the SFWMD for the on-site stormwater management basins.
 - c. Protect existing groundwater levels and improve existing wetland hydroperiods in onsite preserve areas, as applicable by SFWMD permits.
 - d. Provide a lake management plan that requires best management practices for the following:
 - i. fertilizers and pesticides;
 - ii. erosion control and bank stabilization; and
 - iii. lake maintenance requirements and deep lake management for lakes exceeding 12 feet below lake surface (BLS).
 - iv. Native plantings and aeration
 - e. Provide a site-specific ecological and hydrological plan, which includes at a minimum the following: preliminary excavation and grading plans, exotic removal and maintenance plan, supplemental planting plan, and success criteria for meeting established goals and must be in compliance with the Ecological Performance Standards provided in the Indigenous Habitat Management Plan.
 - f. Provide site-specific mitigation and enhancements to reduce discharge rates.
 - g. Utilize reuse and surface water generated by the development to meet the irrigation demands of the recreation and development areas, to the extent such reuse is available.
 - h. Demonstrate that the proposed development will not result in significant detrimental impacts on present or future water resources.
3. Development Order plans must demonstrate the following infrastructure enhancements:
- a. Development must connect to centralized water and sewer services, with the exception of interim facilities used on a temporary basis during construction, and for unmanned essential services on a temporary basis until water and sewer service is extended to the development.
 - b. Written verification as to adequate public services for the development from the sheriff, EMS, fire district, and Lee County School District, or via interlocal agreements with adjacent jurisdictions and/or special districts.
 - c. Civic space or recreational area such as a canoe/kayak launch, boardwalk, jogging path, fishing platform, or waterside park for use by the general public, to be maintained by the property owners' association or similar entity.
 - d. Provide a minimum 8-foot wide easement to accommodate an 8-foot wide multi-purpose pathway along North River Road/CR 78.
4. Development Order plans must demonstrate the following community character enhancements:
- a. Provide minimum 50 foot perimeter setback area to internal residential lot lines
 - b. Enhanced buffers and setbacks along external roadways to preserve rural vistas and viewsheds that are at least 50% wider than the Land Development Code requirements.
 - c. Locate access points onto adjacent arterial roadways to minimize impact to the surrounding rural community.
 - d. Preservation of archaeological sites in good to excellent condition that are regarded as eligible for listing on the National Register of Historic Places within a minimum 25-foot buffer. An archaeological monitor should confirm the location of the buffer/temporary silt fencing placed around each site and confirm that the sites are avoided during construction activities.
 - e. Provide a minimum 100' setback from Water Dependent Overlay to proposed internal residential lot lines.
5. As part of the local development order approval, the developer shall provide signage stating that the eastern secondary access on North River Road is limited for use by residents only and direct all other traffic to please use the main entrance located to the west.

6. As part of the local development order approval, the developer shall demonstrate no objection to Deviations 1 and 2 from the Bayshore Fire Protection and Rescue Service District.
7. A drainage easement must be granted at the time of the first plat for the project to allow the County to access the flow-way for the right but not the obligation to maintain the flow-way.
8. Western project entrance gate on North River Road will allow public access during the day. After dark the gate will close for security. Access will remain available for Owl Creek Boatworks and the existing single-family residence.
9. If the FEMA Regulatory floodways are still in place at the time of Development Order permitting, a FEMA No Rise analysis will be provided, or the site plan revised to avoid the floodway.



Professional Engineers, Planners & Land Surveyors

Owl Creek Reserve Minor RPD

Schedule of Deviations and Justifications

DCI2021-00011 – Revised March 2022

Deviation (1): Deviation 1 seeks relief from Lee County Land Development Code (LDC) Section 34-1748(5) requirement that a paved turn-around, having a turning radius sufficient to accommodate a U-turn for a single unit truck (SU) vehicle as specified in the AASHTO Green Book current addition, must be provided on the ingress side of the gate or gatehouse; to allow no turnaround at the eastern resident only entrance gate on North River Road.

Justification: This deviation is requested to accommodate the secondary nature and minimum traffic associated with the resident only eastern access point on North River Road. The primary access point for the project is located at the western access point with the gatehouse where guests, trucks, and most residents will enter the project. The western main entrance is designed to comply with the required truck turn-around. The secondary eastern access will be restricted to residents only with minimal use and will have 20-foot wide entrance and exit lanes. The applicant proposes a condition that, as part of the local development order approval, the developer shall provide signage stating that this secondary access is limited for use by residents only and direct all other traffic to please use the main entrance located to the west and must demonstrate no objection from the Bayshore Fire Protection and Rescue Service District. All other requirements under LDC Section 34-1748 will be met. The gate will be located on an internal private street and will be setback a minimum of 100 feet from North River Road right-of-way. Access for emergency vehicles will be accommodated. The requested deviation enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety and welfare.

Deviation (2): Deviation 2 seeks relief from LDC Section 10-296(k)(1), which requires dead-end streets to provide a circular turnaround, to allow a dead-end street with a t-intersection in Tract 1 as shown on the MCP.

Justification: The requested deviation is included in LDC Section 10-104(a)(9) list of provisions where the Development Services Director is authorized to grant administrative deviations. This deviation is requested to allow a t-turnaround in Tract 1 as shown on the MCP. The t-turnaround in Tract 1 is $\pm 135'$ in length in lieu of a cul-de-sac to access approximately 4 lots in the northeastern portion of the development. Access to these few lots do not require a turn-around per NFPA standards. This short street only serves 4 units. The t-turnaround provides adequate access to the units and for emergency vehicles. Attached please find an email providing no objection from the Bayshore Fire Protection and Rescue Service District. The requested deviation is internal to the site and enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety and welfare. The alternative proposed is based on sound engineering practices and is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested. The granting of

the deviation is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision.

Deviation (3): Deviation 3 seeks relief from LDC Section 10-416(d)(9), which requires a 50-foot wide vegetative buffer landward of nonseawalled natural waterways; to allow the following encroachments as shown on the Master Concept Plan:

- 3A – Tributary to Owl Creek: Tract 3 access road crossing and any necessary improvements on N River Road
- 3B – Trout Creek: Tract 7 access bridge crossing and existing bridge
- 3C – Natural basin of Caloosahatchee River: Flushing connection
- 3D – Trout Creek: Flushing connection

Justification:

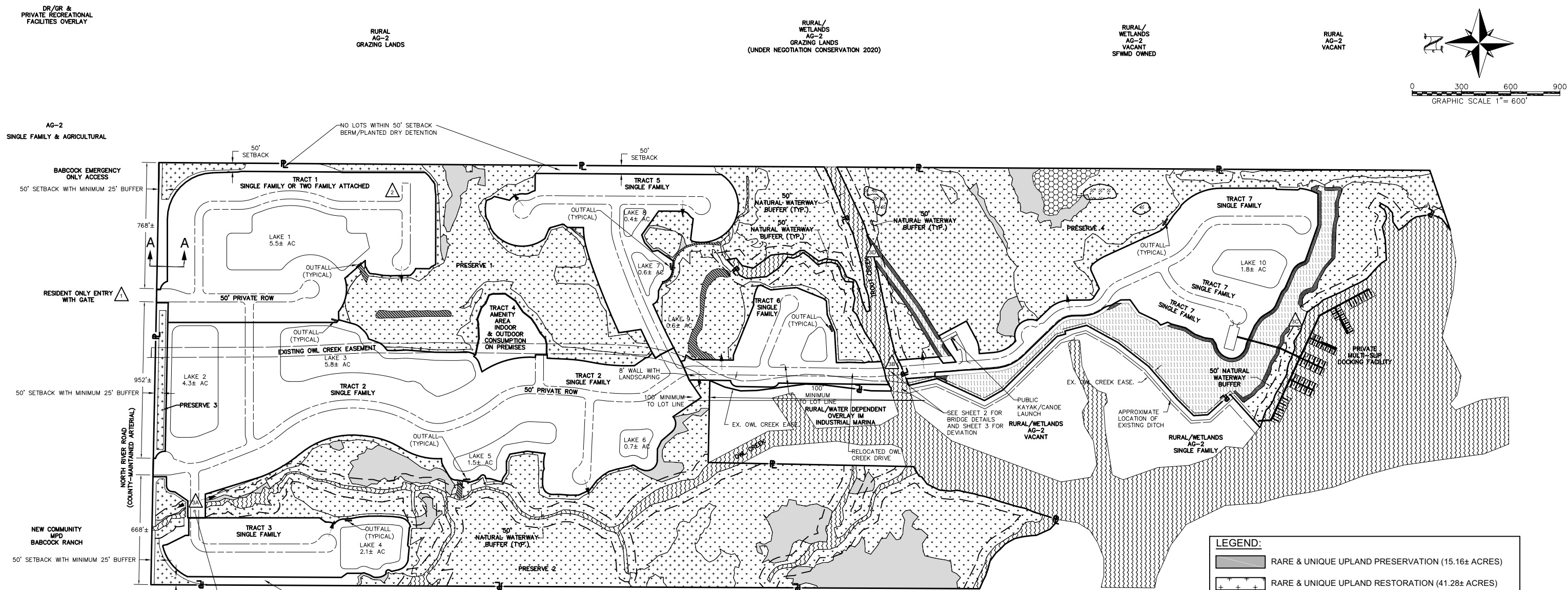
3A – Tributary to Owl Creek: Tract 3 access road crossing and any necessary improvements on N River Road: The site design minimally impacts ± 0.13 acre of the tributary to Owl Creek for filling for a road crossing required to provide access to Tract 3. $140' \pm$ of the natural waterway buffer on the east and $145' \pm$ on the west of the tributary to Owl Creek will be impacted to allow detail A and cross sections B-B and C-C on sheet 3 of the Master Concept Plan in this location. The crossing is necessary due to the location of the existing natural surface waters on the site and the impact has been minimized to the maximum extent possible. The crossing will maintain the existing flow by providing twin 48" culverts which matches the upstream culvert sizing provided for the North River Road crossing of this same tributary. There is also $25' \pm$ of the natural waterway buffer on the east and $25' \pm$ on the west of this tributary along North River Road to allow for potential compensating right-of-way and/or berms and swales associated with any turn lane and multi-use path easement. See Section A-A on sheet 2 and Detail A on sheet 3 of the Master Concept Plan. The natural waterway buffer will be provided for the remaining areas of this tributary. The proposed site design allows the development to enhance or restore and preserve $186.10 \pm$ acres of wetlands, uplands, and surface waters to re-establish functional wetland and upland ecosystems. The requested deviation enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety and welfare.

3B – Trout Creek: Tract 7 access bridge crossing and existing bridge: The site design minimally impacts the natural waterway buffer area on a portion of Trout Creek to provide for a new bridge crossing to provide access to Tract 7 and for the existing bridge to remain. $190' \pm$ of the natural waterway buffer on the north and $170' \pm$ on the south of Trout Creek will be impacted to allow detail B and cross section D-D on sheet 3 and the proposed bridge cross section view on sheet 2 of the Master Concept Plan in this location. The crossing is necessary to provide safer access for emergency vehicles and to accommodate pedestrian access which increases safety. The new bridge is proposed to provide larger spans and more vertical clearance compared to the existing bridge. The natural waterway buffer will be provided for the remaining areas of this tributary. The proposed site design allows the development to enhance or restore and preserve $186.10 \pm$ acres of wetlands, uplands, and surface waters to re-establish functional wetland and upland ecosystems. The requested deviation enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety and welfare.

3C – Natural basin of Caloosahatchee River: Flushing connection: The site design minimally impacts the natural waterway buffer area along the natural basin connected to the Caloosahatchee River to connect the interior wetlands and tidal lagoon/surface water restoration area. 108'± of the natural waterway buffer will be impacted to allow cross section B3-B3 on Hans Wilson & Associates sheet 14-21 as shown on detail B on sheet 6-21. The impacted area is existing hydric Brazilian Pepper or hydric pasture. The interior tidal lagoons create significant wetland and wildlife habitat, are an enhancement to tidal flushing of the marina basin, and also reduce potential flooding of the headwaters of Trout Creek by increasing the available floodway width. The creation of the flushing channels, almost 12± acres of tidal lagoons, and almost 3 acres of quality tidal wetlands/littoral shelf will improve the wetland functions and the ecosystem. It will create habitat for wading birds and a breeding ground for fisheries. The natural waterway buffers will be provided for the remaining areas along natural surface waters within and abutting the site. The enhancements to the site by exotic removal and restoration areas associated with the proposed development plan will result in a public benefit by improving the quality of existing natural flowways and wildlife corridors and providing public access to Trout Creek and the River. The littoral marsh and flushing basin have been designed to improve water quality of Trout Creek and will connect the wetland restoration areas to the south to the wetland preservation and restoration areas of Trout Creek. The proposed site design allows the development to enhance or restore and preserve 186.10± acres of wetlands, uplands, and surface waters to re-establish functional wetland and upland ecosystems. The requested deviation enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety and welfare.

3D – Trout Creek: Flushing connection:

The site design minimally impacts the south natural waterway buffer area on a portion of Trout Creek to provide for a flushing cut from Trout Creek including surface water/littoral marsh wetland restoration. 300'± of the natural waterway buffer will be impacted to allow cross section B2-B2 on Hans Wilson & Associates sheet 14-21 as shown on detail B on sheet 6-21 and sheet 3 of 3 of the Master Concept Plan. The impacted area is existing pasture land or hydric Brazilian Pepper. The flushing cut provides access to the recreational area for the proposed canoe launch with sandy beach area to allow public access to the Caloosahatchee River. The creation of the flushing channels, almost 12± acres of tidal lagoons, and almost 3 acres of quality tidal wetlands/littoral shelf will improve the wetland functions and the ecosystem. It will create habitat for wading birds and a breeding ground for fisheries. The natural waterway buffers will be provided for the remaining areas along natural surface waters within and abutting the site. The enhancements to the site by exotic removal and restoration areas associated with the proposed development plan will result in a public benefit by improving the quality of existing natural flowways and wildlife corridors and providing public access to Trout Creek and the River. The littoral marsh and flushing basin have been designed to improve water quality of Trout Creek and will connect the wetland restoration areas to the south to the wetland preservation and restoration areas of Trout Creek. 186.10± acres of wetlands, uplands, and surface waters to re-establish functional wetland and upland ecosystems. The requested deviation enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety and welfare.



NOTES:

SITE AREA: 342.68± ACRES
REQUIRED OPEN SPACE PER POLICY 29.2.4.1: 60% OF WHICH 50% MUST BE INDIGENOUS
OPEN SPACE PROVIDED: MINIMUM 60% 342.68 X 0.6= 205.6± ACRES
MINIMUM 50% INDIGENOUS REQUIRED: ±205.6 X 0.5 = 102.8± ACRES
INDIGENOUS PROVIDED:
WETLANDS: (23.56± AC PRESERVED & 82.80± AC RESTORED) = 106.36± AC
RARE & UNIQUE UPLAND HABITAT: (15.16± AC PRESERVED & 41.28± AC RESTORED) = 56.44± AC
PRESERVED SURFACE WATER/FLOWWAY: 5.61± AC
TOTAL INDIGENOUS PROVIDED: 168.41± AC
MAXIMUM 25% OR 51.4 AC OF OPEN SPACE AREAS PROVIDED BY LAKE: 23.3± ACRES
MINIMUM 54% (186.10± AC) CONSERVATION EASEMENT (SEE LEGEND)

OPEN SPACE PROVIDED: 209.4± ACRES

DENSITY PER PENDING CPA2020-00004 & CPA2020-00005 TRANSFERRING PRESERVED WETLAND DENSITY & ADDING 1

DU/ACRE FOR PRESERVED OR RESTORED RARE & UNIQUE UPLANDS:

UPLANDS (212.24± AC) & MANMADE DITCHES/LAKE (4.39± AC)=216.63 AT 1 DU/AC: 216.63 DU

**PRESERVED WETLANDS 106.36± AC TRANSFERRED TO ADJACENT UPLANDS AT 1 DU/AC: 106.36 DU

**IMPACTED WETLANDS 13.95± AC AT 1 DU/20 AC: 0.70 DU

5.74± AC NATURAL OPEN WATER NOT ELIGIBLE FOR DENSITY

**ADDITIONAL 1 DU/AC PRESERVED RARE AND UNIQUE UPLAND HABITAT 15.16± AC: 15.16 DU

**ADDITIONAL 1 DU/AC FOR RESTORED RARE AND UNIQUE UPLAND HABITAT 41.28± AC: 41.28 DU

(**SEE DENSITY EXHIBIT ON PAGE 2)

TOTAL MAXIMUM DENSITY: 380 DWELLING UNITS

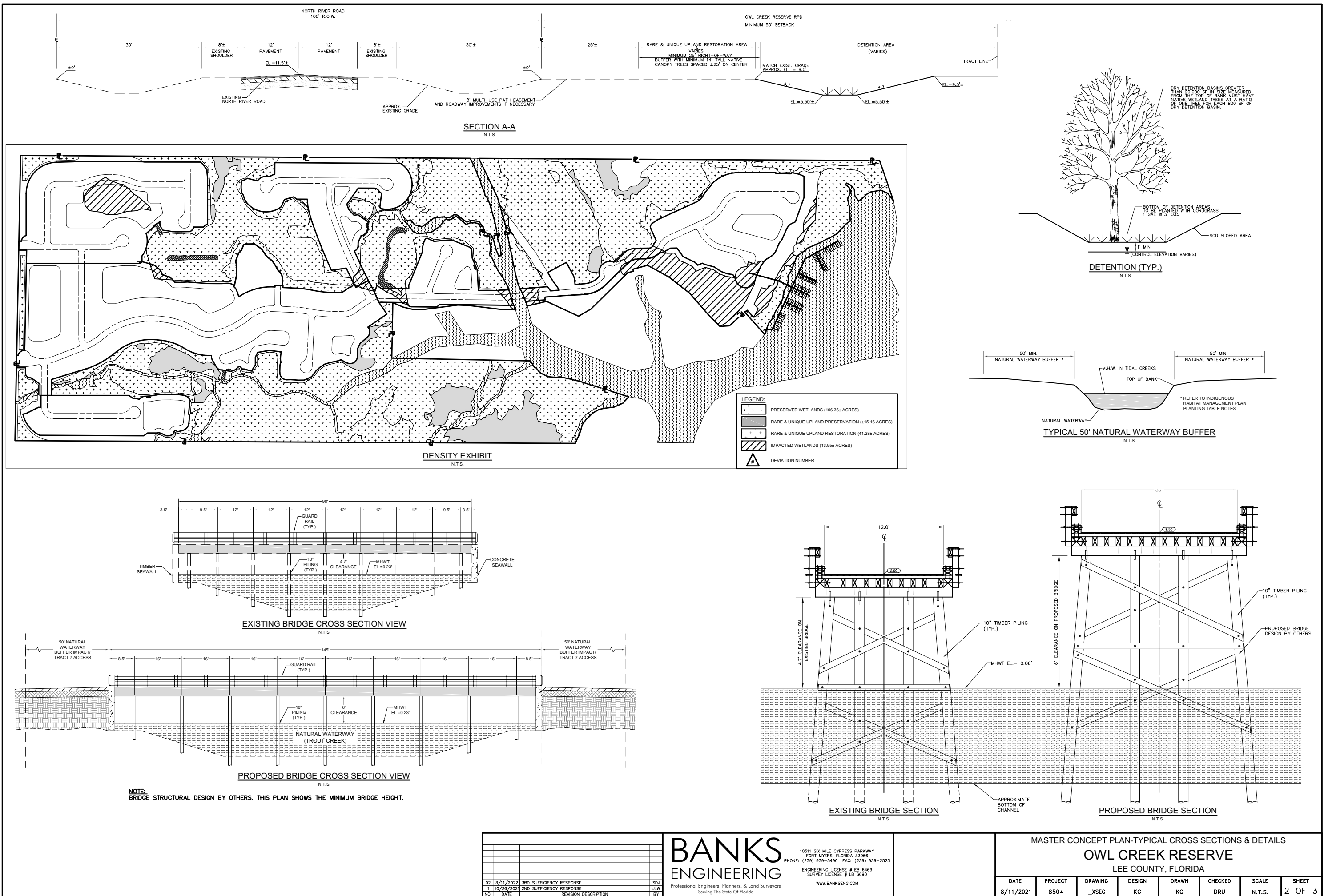
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02	10/26/2021	2ND SUFFICIENCY RESPONSE	JLW
01	8/11/2021	1ST SUFFICIENCY RESPONSE	KG

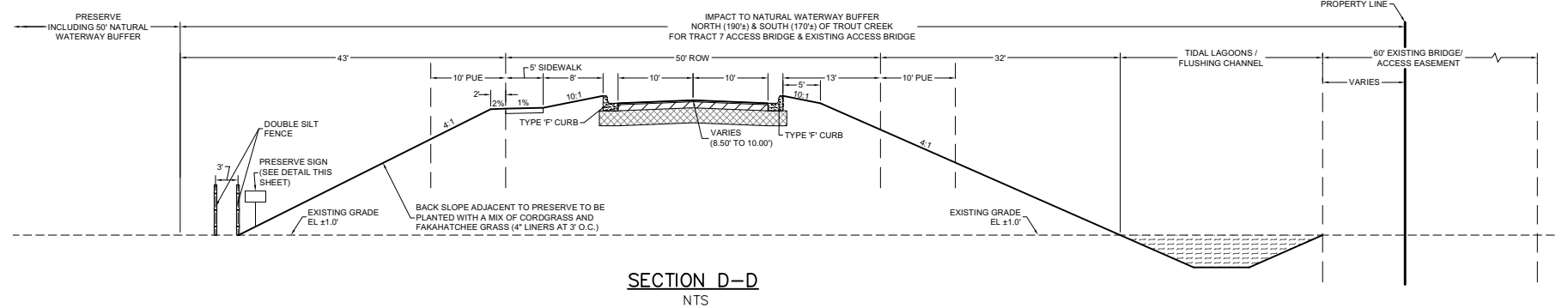
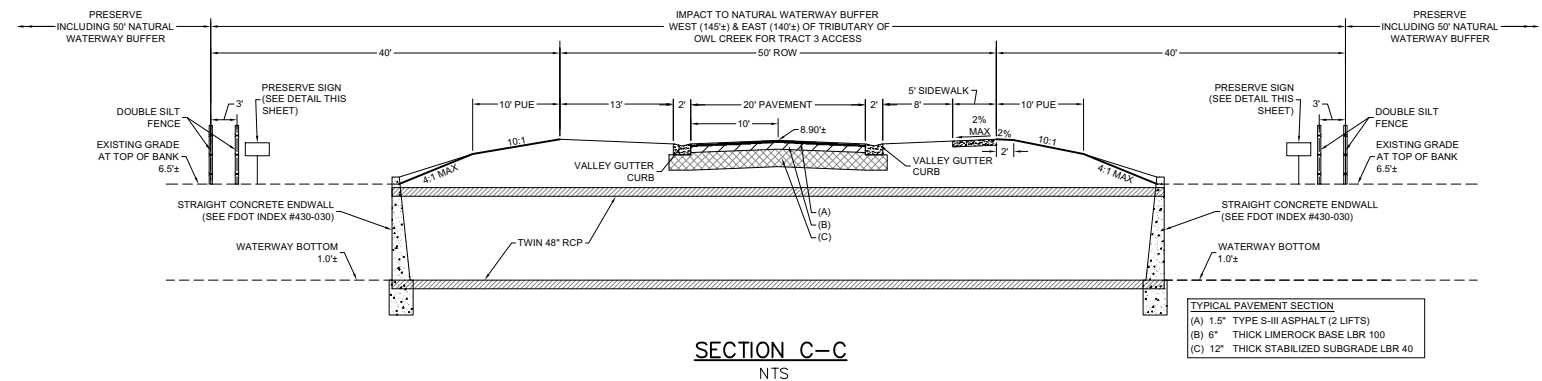
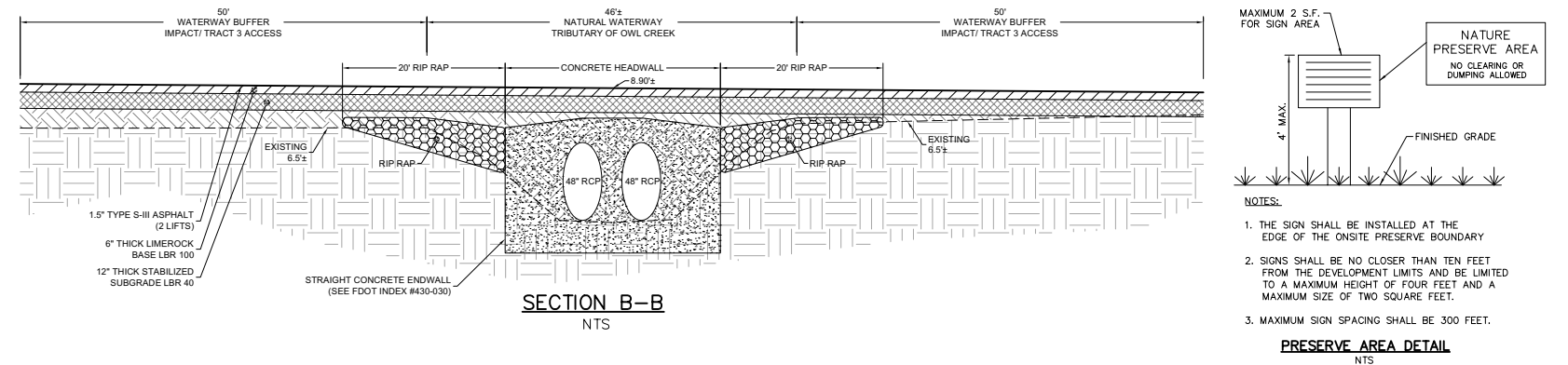
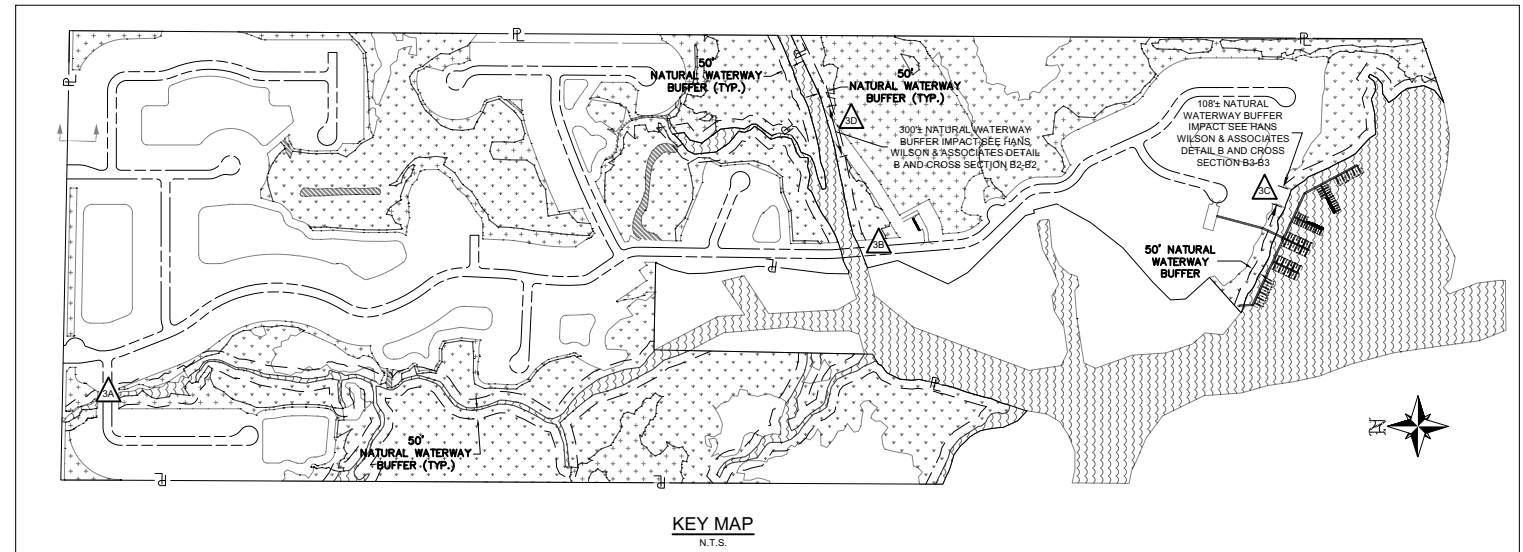
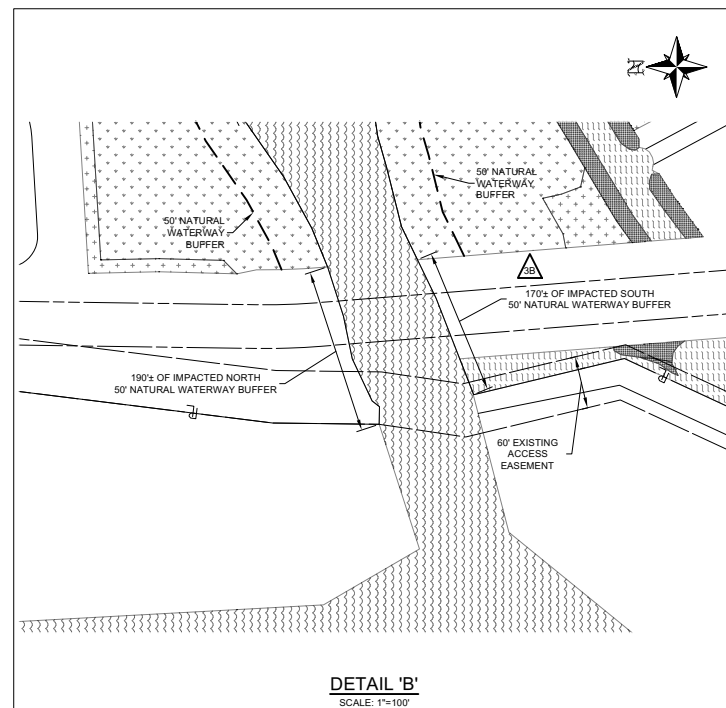
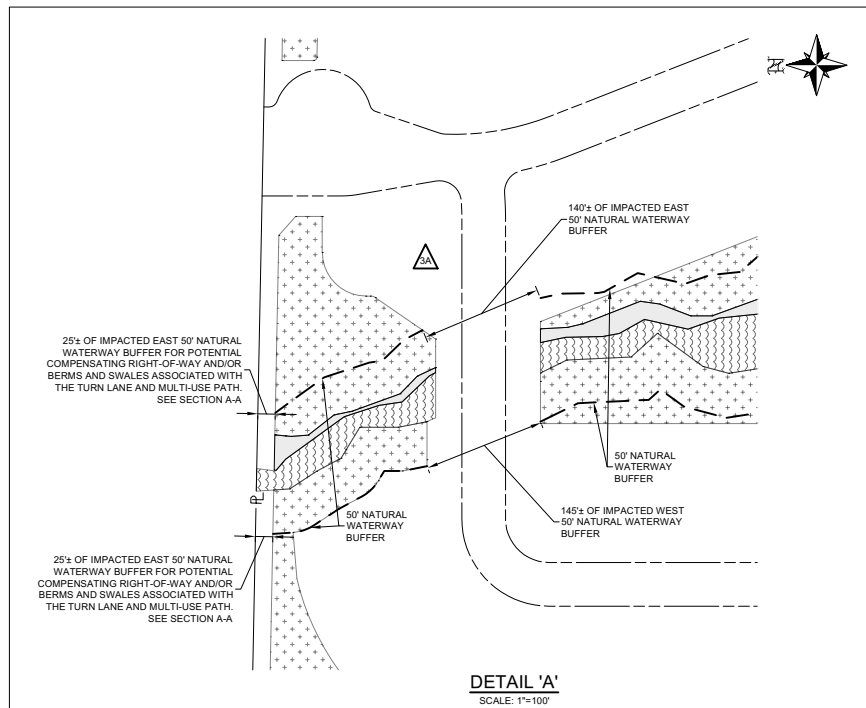
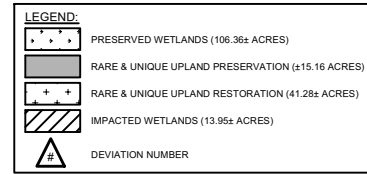
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SURVEY LICENSE # LB 6690
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MASTER CONCEPT PLAN
OWL CREEK RESERVE MINOR RPD
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
07/12/2021	8504	_MCP	KG	KG	DRU	AS SHOWN	1 OF 3





NO.	DATE	REVISION DESCRIPTION	BY
02	3/11/2022	3RD SUFFICIENCY RESPONSE	SDJ
01	10/26/2021	2ND SUFFICIENCY RESPONSE	JLW

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PHONE: (239) 938-5400 FAX: (239) 938-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
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MASTER CONCEPT PLAN-TYPICAL CROSS SECTIONS & DETAILS

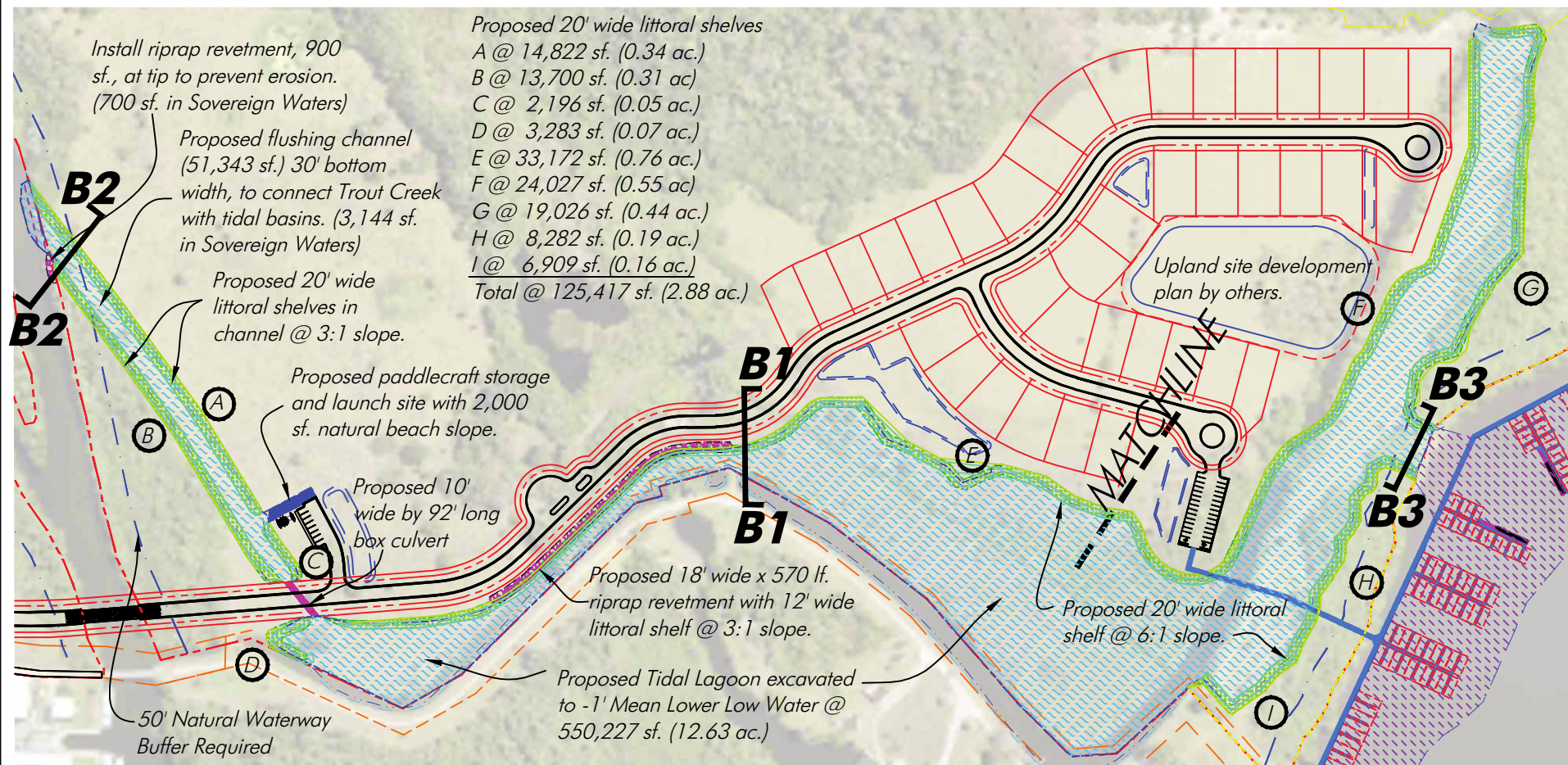
OWL CREEK RESERVE
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
8/11/2021	8504	_XSEC	KG	KG	DRU	N.T.S.	3 OF 3

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial

0' 150' 300'
SCALE FEET



Notes: Depths reference MLW based on DEP Tide Station 872-5520.

MHW @ 0.06' NAVD.

MLW -0.89' NAVD

MLLW @ -1.04' NAVD.

Note: Property lines per Lee County Property Appraiser

PERMIT PLANS, NOT FOR CONSTRUCTION

Detail B - Tidal Lagoon/Tidal Channel

SCALE: 1" = 300'

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HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: March 14, 2022 4:18:08 p.m.
Drawing: HORTON3MASTER.DWG



1938 Hill Avenue, Fort Myers, Florida 33901
Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

3-14-22

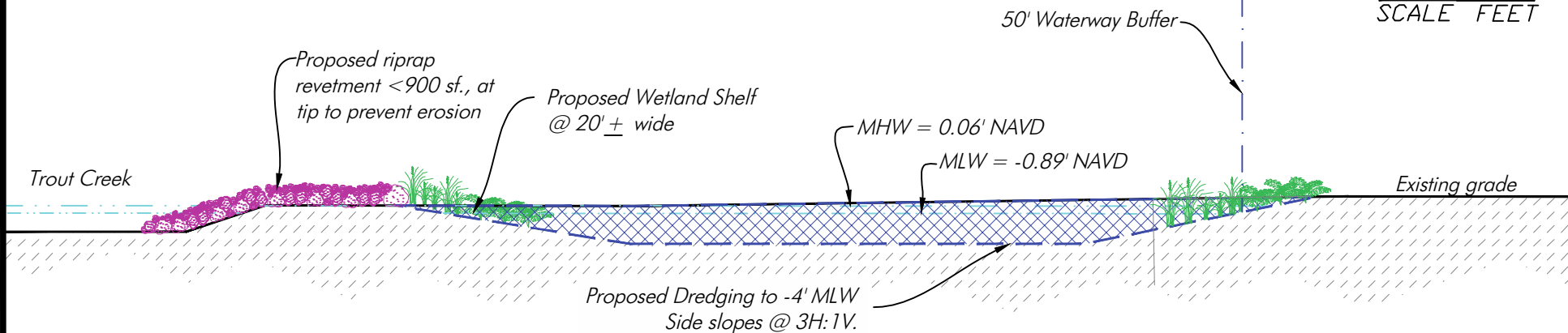
JWA

D R Horton

SHEET
6-21

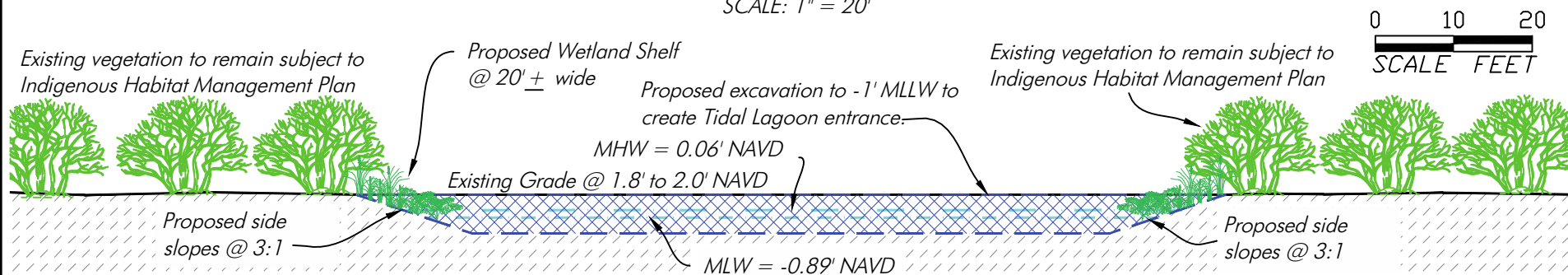
SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

0 10 20
SCALE FEET



Cross Section B2-B2

SCALE: 1" = 20'



0 10 20
SCALE FEET

Cross Section B3-B3

SCALE: 1" = 20'

Notes: Depths reference MLW based on DEP Tide Station 872-5520.
MHW @ 0.06' NAVD.
MLW -0.89' NAVD
MLLW @ -1.04' NAVD.

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HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: March 14, 2022 4:18:08 p.m.
Drawing: HORTON3MASTER.DWG

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Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

3-14-22

JWA

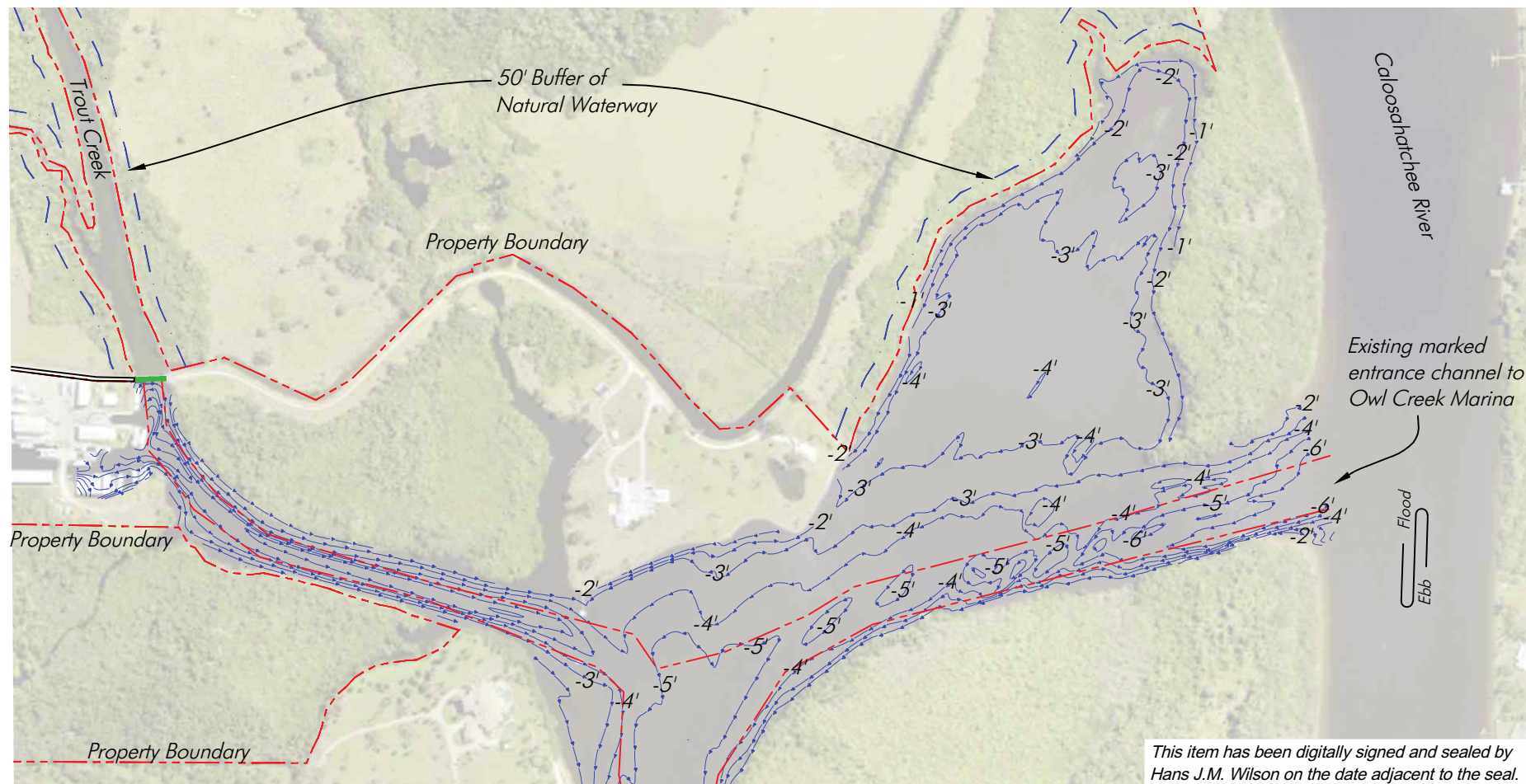
D R Horton

SHEET
14-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial

0' 250' 500'
SCALE FEET



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Overall Site Bathymetry

SCALE: 1" = 500'

Site Bathymetry references Mean Low Water datum.
Note: Property lines per Banks Engineering.

PERMIT PLANS, NOT FOR CONSTRUCTION

HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: March 14, 2022 4:18:08 p.m.
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MARINE and ENVIRONMENTAL CONSULTANTS

3-14-22

JWA

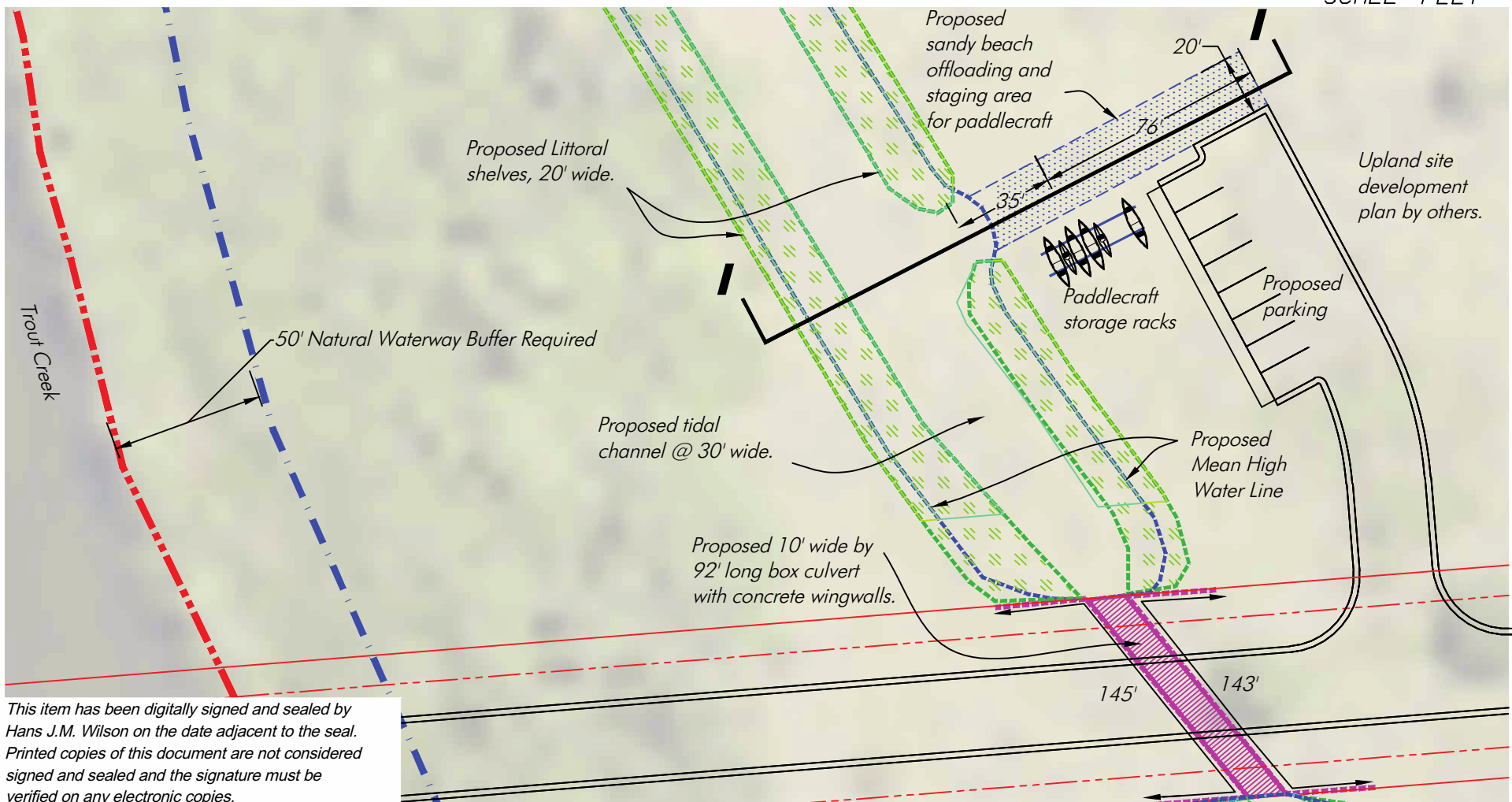
D R Horton

SHEET
3-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2019 Lee County Aerial

0' 25' 50'
SCALE FEET



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Detail F - Proposed Paddlecraft Ramp

SCALE: 1" = 50'

Note: Property lines per Lee County Property Appraiser

PERMIT PLANS, NOT FOR CONSTRUCTION

HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: March 14, 2022 4:18:08 p.m.
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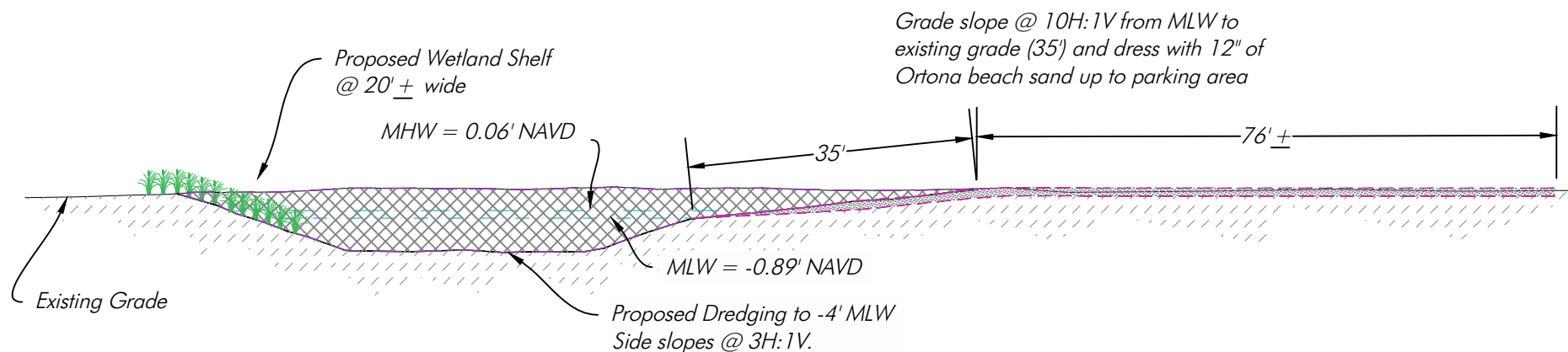
JWA

D R Horton

SHEET
12-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

0 10 20
SCALE FEET



Cross Section I-I

SCALE: 1" = 20'

Notes: Depths reference MLW based
on DEP Tide Station 872-5520.

MHW @ 0.06' NAVD.

MLW -0.89' NAVD

MLLW @ -1.04' NAVD.

PERMIT PLANS, NOT FOR CONSTRUCTION

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verified on any electronic copies.

HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: March 14, 2022 4:18:08 p.m.
Drawing: HORTON3MASTER.DWG



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MARINE and ENVIRONMENTAL CONSULTANTS

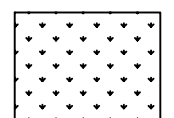
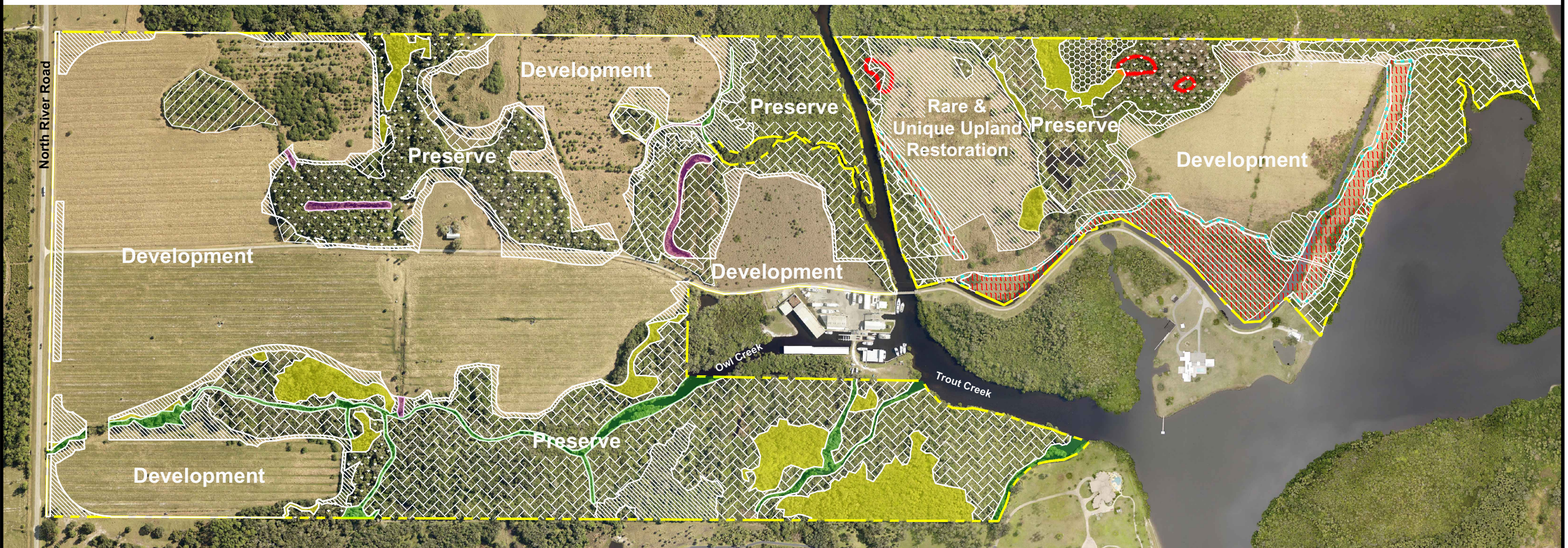
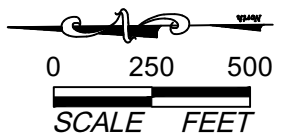
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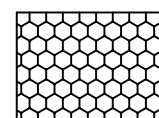
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SHEET
18-21

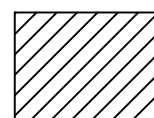
SECTIONS: 18 & 19
TOWNSHIP: 43 S
RANGE: 26 E



Wetland Preservation
(23.56 ac.)



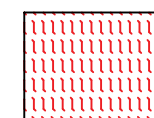
Upland Restoration (1.62 ac.)



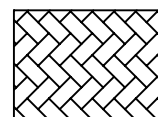
Wetland Impact (13.95 ac.)



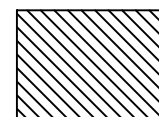
Preserved Other Surface
Water (1.36 ac.)



Flushing Basin (11.83 ac.)*



Wetland Restoration (82.80 ac.)



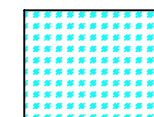
Rare & Unique Upland
Restoration (41.28 ac.)



Rare & Unique Upland
Preservation (15.16 ac.)



Preserved Surface Water
(5.61 ac.)



Littoral Marsh Restoration
(2.88 ac.)*



Archeological Historic
Preservation Areas (0.78 ac.)

* Does not include areas outside of property or conservation easement boundaries. Does not include areas of overlap between flushing basin and littoral marsh.

Notes:
1. Property boundary and development footprint obtained from Banks Engineering.
2. Limits of wetlands were approved by SFWMD via a Formal Determination dated November 12, 2021.

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March 11, 2022 11:18:16 a.m.
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Figure 2. Enhancement & Preservation Map

Owl Creek Parcel

Owl Creek Reserve

Sections 18 & 19, Township 43 South, Range 26 East
Lee County, Florida

Indigenous Habitat Management Plan

August 2021
revised October 2021
revised March 2022

Prepared for:

D.R. Horton Homes
10541 Six Mile Cypress Pkwy., Suite 100
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Prepared by:

DexBender
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Introduction

The applicant proposes to construct a residential community at this location. This will include home sites, an amenity center, roads, a surface water management system, and a 186.10± acre wetland/upland preservation and upland/wetland restoration, and surface water areas. The preserved and enhanced indigenous and non-indigenous habitat areas are located throughout the site.

The goal of the wetland mitigation plan is to enhance or restore and preserve 186.10± acres of wetlands, uplands, and surface waters to meet Lee County Land Development Code Chapter 10-415 and to mitigate for impacts to wetlands and wildlife habitat. Exotics (as defined by the Florida Exotic Pest Plant Council's List of Invasive Species, Categories 1 and 2), which are present within the proposed preserves, will be removed to re-establish functional wetland and upland ecosystems.

The Owl Creek property has the potential to have a vital significance to wildlife, as it is located at the southern extent of the Owl and Trout Creek Wildlife Corridors. The preservation areas will become part of a contiguous wetland and upland corridor and flowway along Trout and Owl Creeks (Figure 1). The Trout Creek Wildlife Corridor connects the subject parcel to Babcock and Lee County (Telegraph Creek Preserve) Conservation Lands. Unfortunately, the current land use practices within the property and exotic vegetation infestation significantly diminish wildlife utilization. The indigenous habitat management plan (IHMP) provides an avenue for the enhancement and preservation of this important piece of land.

The wetland preservation and restoration areas consist of willow and forested habitats that contain moderate to high densities of exotics, primarily Brazilian pepper. The site development plan was designed to preserve the almost all of the wetlands throughout the site which are adjacent to Owl and Trout Creeks. The proposed activities in the wetland mitigation area which include the elimination of the exotic species seed source and supplemental planting will result in a net improvement for the wetland plant communities onsite.

The upland restoration, rare and unique upland preservation, and rare and unique upland restoration areas consist of pasture and forested habitats that contain moderate to high densities of exotics, primarily Brazilian pepper. The site development plan was designed to preserve almost all of the forested uplands throughout the site which are adjacent to Owl and Trout Creeks. The proposed activities in the upland areas which include the elimination of the exotic species seed source and supplemental planting as appropriate will result in a net improvement for the upland plant communities onsite.

Rare and unique upland habitats are defined per the Lee Plan as follows:

RARE AND UNIQUE UPLAND HABITATS (RU) High-quality native upland habitats categorized as "mature" due to the absence of severe impacts caused by logging, drainage, and exotic infestation. These habitat types include those classified as sand

scrub (320); coastal scrub (322); those pine flatwoods (411) which can be categorized as "mature" due to the absence of severe impacts caused by logging, drainage, and exotic infestation; slash pine/midstory oak (412); tropical hardwood (426); live oak hammock (427); and, cabbage palm hammock (428). The numbered references are to the Florida Land Use Cover and Forms Classification System (FLUCFCS) Level III (Florida Department of Transportation, 1985).

The Lee County Coastal Study (1988) includes definitions of oak hammocks and cabbage palm hammocks as follows:

Oak hammocks occupy 86 acres or 0.4% of the study area's lands. Oak hammocks are usually small in size and were once scattered throughout the study area. Usually located on a topographic rise, they are often associated with archeological features as are tropical hardwoods. This community is usually dominated by large live oak (*Quercus virginiana*), laurel oak (*Quercus laurifolia*), water oak (*Quercus nigra*), cabbage palm (*Sabal palmetto*), blue beech (*Carpinus caroliniana*), dahoon (*Ilex cassine*), myrsine (*Myrsine quianensis*), marlberry (*Ardisia escallonioides*), wild coffee (*Psychotria nervosa sulzneri*), and a number of ferns and epiphytes. Listed species found in these areas include the gopher tortoise (*Gopherus polyphemus* -SSC) and the eastern indigo snake (*Drymarchon corais couperi* -T). Listed flora found in oak hammocks include golden polypody fern (*Phlebodium aureum* - T), hand or adder's tongue fern (*Ophioglossum palmatum* - E), *Tillandsia valenzuela* (T), *setacea* (T), *paucifolia* (T), *flexuosa* (T), shoestring fern (*Vittaria lineata* - T), and butterfly orchid (*Encyclia tampensis*- T).

Cabbage palm hammocks occupy 1,000 acres or 5.1 % of the study area's lands. This upland to mesic habitat is often difficult to distinguish from the oak hammock where oaks are the dominant canopy. Cabbage palms, oaks (*Quercus* spp.) and slash pine are usually equally dominant in the well developed canopy of the cabbage palm hammock. The hammock floor may be wet or dry but always open and vegetated by ferns and grasses. Listed fauna of this habitat include the eastern indigo snake (*Drymarchon corais couperi* - T). Listed flora include goldenpolypody fern (*Phlebodium aureum* - T) and hand or adder's fern (*Ophioglossum palmatum* - E). This habitat is found most extensively on Cayo Costa and North Captive Island, the Deep Lagoon watershed and the area between the Coconut and Imperial River watersheds.

Preservation and Restoration Area Plans

Wetland Preservation

Approximately 23.56 acres of wetlands will be preserved as shown on the Enhancement and Preservation Map and Indigenous Habitat Management Monitoring Plan Map (Figures 2 and 3). Exotic vegetation will be treated and/or removed per the Initial Exotic Vegetation Treatment section below.

Wetland Restoration

A total of 82.80 acres of wetlands infested with exotic vegetation will be restored as shown on the Enhancement and Preservation Map, Indigenous Habitat Management Monitoring

Plan Map, Exotic Treatment Map, and Restoration Area Planting Map (Figures 2 - 5). Exotic vegetation will be treated and/or removed per the Initial Exotic Vegetation Treatment section below. The restoration areas will then be planted with native ground cover, shrubs, and trees, as listed in the Wetland Restoration Planting Table (Table 1). The final species list will be based upon site specific conditions and on plant material availability at the time of planting. A total of 11,121 trees, 11,121 shrubs, and 56,301 herbaceous plants will be planted in the restoration area shown on the attached Restoration Planting Plan Map (Figure 4).

Table 1. *Wetland Restoration Planting Table

Botanical Name	Common Name	Minimum Size/Container	Maximum Spacing	Quantity
Trees				
<i>Persea palustris</i>	Swamp Bay	6' tall/BR	18 Feet Centers	3,707
<i>Quercus laurifolia</i>	Laurel Oak	6' tall/BR	18 Feet Centers	3,707
<i>Fraxinus caroliniana</i>	Pop Ash	6' tall/BR	18 Feet Centers	3,707
Shrubs				
<i>Rapanea punctata</i>	Myrsine	1 Gallon	18 Feet Centers	2,780
<i>Myrica cerifera</i>	Wax Myrtle	1 Gallon	18 Feet Centers	2,780
<i>Psychotria nervosa</i>	Wild Coffee	1 Gallon	18 Feet Centers	2,780
<i>Cornus foemina</i>	Swamp Dogwood	1 Gallon	18 Feet Centers	2,780
Ground Cover				
<i>Blechnum serrulatum</i>	Swamp Fern	Liner	8 Feet Centers	14,075
<i>Osmunda regalis</i>	Royal Fern	Liner	8 Feet Centers	14,075
<i>Acrostichum sp.</i>	Leather Fern	Liner	8 Feet Centers	14,075
<i>Sagittaria sp.</i>	Arrowhead	Liner	8 Feet Centers	14,075

*Additional plant species may be included in the planting table prior to development order approval

At the time of development order, areas within the 50' or provided natural waterway buffer must demonstrate if the existing native vegetation to be retained meets the requirement of six native canopy trees and 50 native shrubs per 100 linear feet at a 1:1 credit ratio. If supplemental trees or shrubs are required to meet the required buffer plantings, trees must comply with LDC Section 10-420 and be a minimum 10' in height and shrubs must

be a minimum 24" in height at time of planting. At the time of development order, the area along North River Road must contain native canopy trees a minimum of 14' in height spaced approximately 25 feet on center per LDC Section 33-1673.

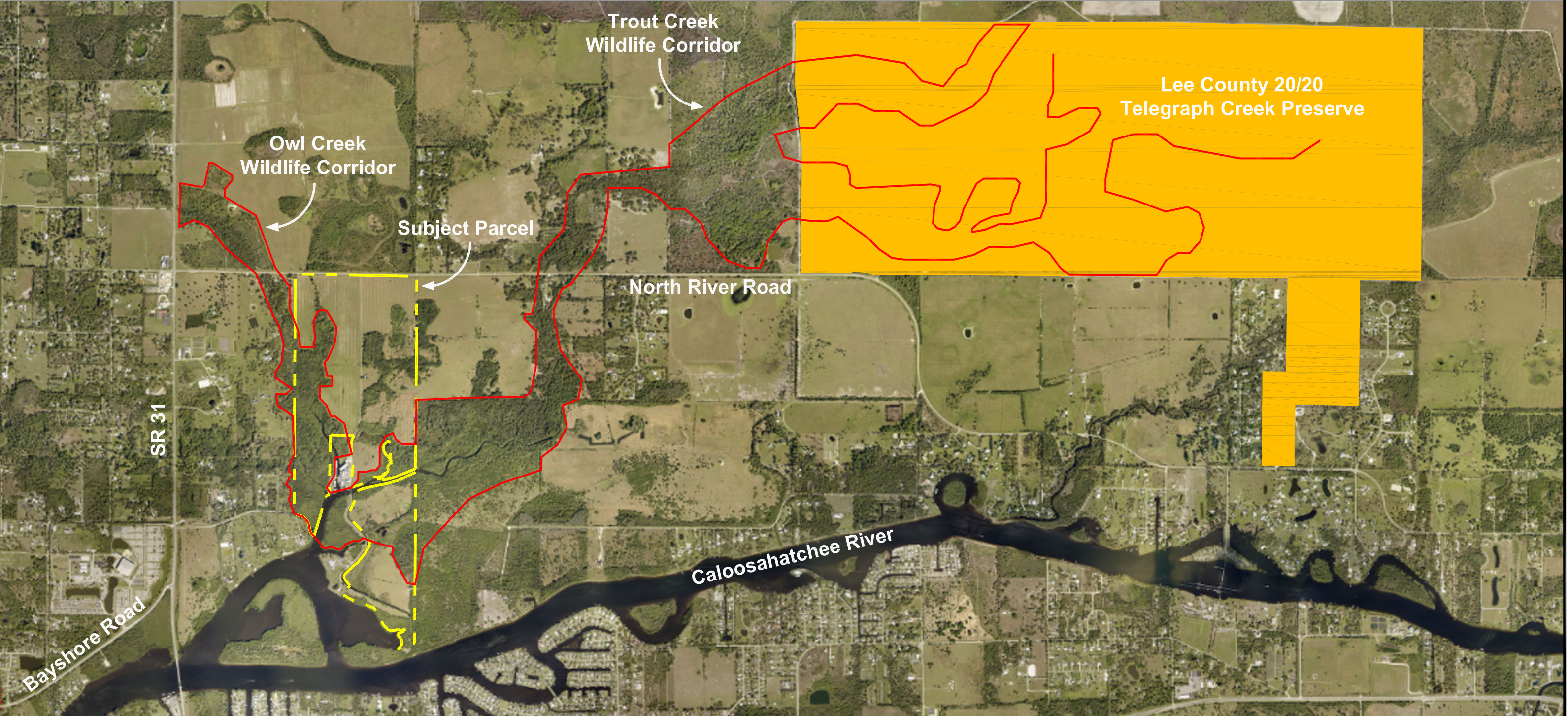
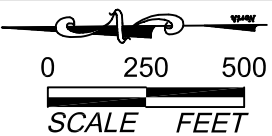
Upland Restoration

Approximately 1.62 acres of Hardwood-Coniferous Mixed, Disturbed, Invaded by Exotics (76-90%) (FLUCCS 434DE4) uplands will be restored as shown on the Enhancement and Preservation Map, Indigenous Habitat Management Monitoring Plan Map, Exotic Treatment Map, and Restoration Area Planting Map (Figures 2 - 5). Exotic vegetation will be treated and/or removed per the Initial Exotic Vegetation Treatment section below. The upland restoration area will then be planted with native ground cover, shrubs, and trees, as listed in the Upland Restoration Planting Table (Table 2). The final species list will be based upon site specific conditions and on plant material availability at the time of planting. A total of 220 trees, 220 shrubs, and 1,109 herbaceous plants will be planted in the restoration area shown on the attached Restoration Area Planting Map (Figures 4). Cabbage palms from the development footprint may be relocated and used for the restoration planting plan below.

Table 2. *Upland Restoration Planting Table

Botanical Name	Common Name	Minimum Size/Container	Maximum Spacing	Quantity
Trees				
<i>Quercus virginiana</i>	Live Oak	6' tall/BR	18 Feet Centers	55
<i>Quercus laurifolia</i>	Laurel Oak	6' tall/BR	18 Feet Centers	55
<i>Sabal palmetto</i>	Cabbage Palm	6' tall/FG	18 Feet Centers	55
<i>Pinus elliottii</i>	Slash Pine	6' tall/FG	18 Feet Centers	55
Shrubs				
<i>Rapanea punctata</i>	Myrsine	1 Gallon	18 Feet Centers	44
<i>Myrica cerifera</i>	Wax Myrtle	1 Gallon	18 Feet Centers	44
<i>Psychotria nervosa</i>	Wild Coffee	1 Gallon	18 Feet Centers	44
<i>Eugenia foetida</i>	Spanish Stopper	1 Gallon	18 Feet Centers	44
<i>Callicarpa americana</i>	Beauty Berry	1 Gallon	18 Feet Centers	44
Ground Cover				
<i>Serenoa repens</i>	Saw Palmetto	Liner	8 Feet Centers	222

SECTIONS: 18 & 19
TOWNSHIP: 43 S
RANGE: 26 E



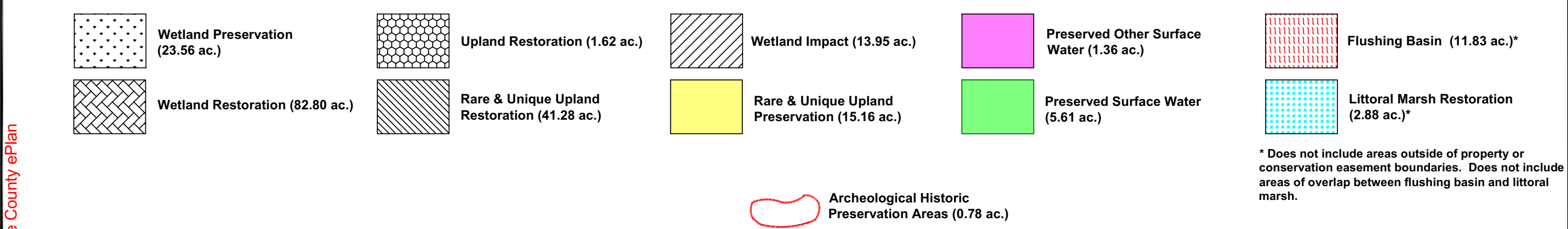
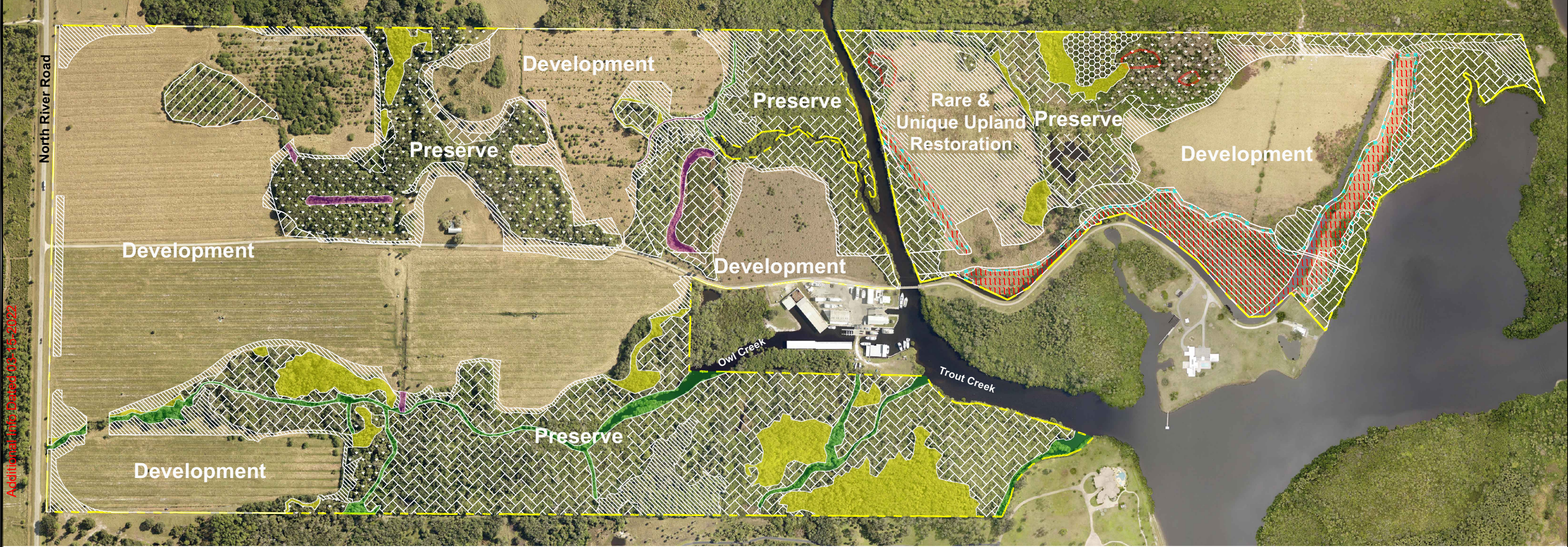
- Notes:
1. Owl Creek development property boundary was obtained from Banks Engineering.
 2. Telegraph Creek Preserve property boundary is approximate and was obtained from the Lee County Property Appraisers website.
 3. Mapping based on photointerpretation of 2019 aerial photography and ground truthing in February 2020.

PERMIT USE ONLY, NOT FOR CONSTRUCTION July 09, 2021 2:22:50 p.m.
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Figure 1. Owl Creek Wildlife Corridor Map

Owl Creek Parcel

DEXBENDER
ENVIRONMENTAL CONSULTING
FORT MYERS 239-334-3680



A horizontal scale bar with a decorative flourish at the left end. Below the bar are markings for 0, 250, and 500. The text "SCALE FEET" is centered below the bar.



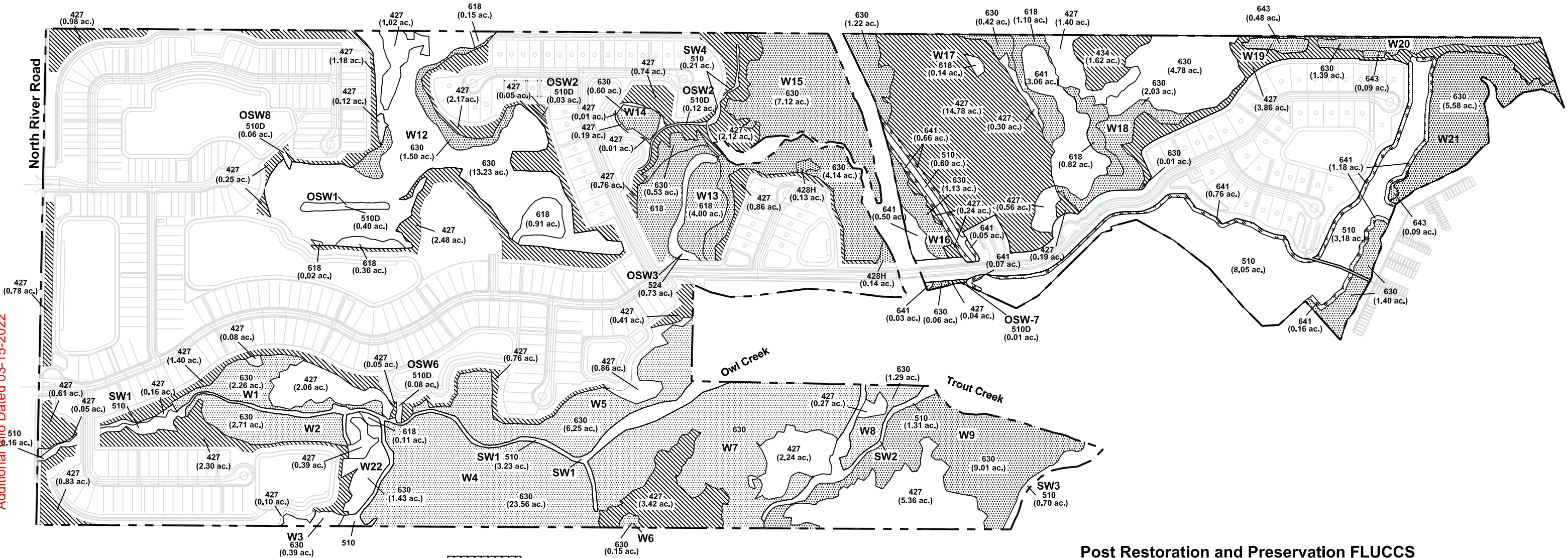
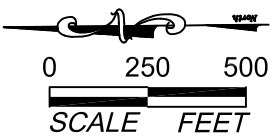
<u>FLUCCS</u>	<u>Description</u>	<u>Acreage</u>
427	Live Oak	56.44 ac.
428H	Hydric Cabbage Palm	0.27 ac.
434	Hardwood- Coniferous Mixed	1.62 ac.
510	Streams and Waterways	17.44 ac.
510D	Ditches	0.70 ac.
524	Lakes less than 10 acres which are dominant features	0.66 ac.
618	Willow	7.61 ac.
630	Wetland Forested Mixed	94.23 ac.
641	Freshwater Marsh	6.47 ac.
643	Wet Prairies	0.66 ac.
		<u>186.10 ac.</u>

* Does not include areas outside of property or conservation easement boundaries. Does not include areas of overlap between flushing basin and littoral marsh.

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Owl Creek Parcel

SECTIONS: 18 & 19
TOWNSHIP: 43 S
RANGE: 26 E



Post Restoration and Preservation FLUCCS

FLUCCS	Description	Acreage
427	Live Oak	56.44 ac.
428H	Hydric Cabbage Palm	0.27 ac.
434	Hardwood- Coniferous Mixed	1.62 ac.
510	Streams and Waterways	17.44 ac.
510D	Ditches	0.70 ac.
524	Lakes less than 10 acres which are dominant features	0.66 ac.
618	Willow	7.61 ac.
630	Wetland Forested Mixed	94.23 ac.
641	Freshwater Marsh	6.47 ac.
643	Wet Prairies	0.66 ac.
		186.10 ac.

- Notes:
1. Property boundary and site plan were obtained from Banks Engineering.
 2. Mapping based on photointerpretation of 2019 aerial photography and ground truthing in February 2020.
 3. Limits of wetlands were approved by SFWMD via a Formal Determination dated November 12, 2021.
 4. FLUCCS table includes preserved wetlands, surface waters, other surface waters, and uplands.

*See the Indigenous Habitat Management Plan for the proposed planting details including species and spacing. Plantings will be installed following initial exotic vegetation treatment.

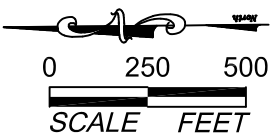
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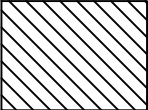
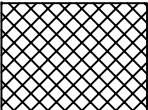
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Figure 4. Restoration Areas Planting Plan Map

Owl Creek Parcel

SECTIONS: 18 & 19
TOWNSHIP: 43 S
RANGE: 26 E



-  Floodway - Treat-in-Place or Remove Exotic Vegetation
-  Non-Floodway - Treat-in-Place, Remove Exotic Vegetation, or Leave Debris (as described in Indigenous Habitat Management Plan)

- Notes:
- 1. Property boundary, site plan, and floodway boundary were obtained from Banks Engineering.
 - 2. Limits of wetlands were approved by SFWMD via a Formal Determination dated November 12, 2021.
 - 3. Access for the initial exotic vegetation treatment to the indigenous vegetation preserves will be via the existing farm fields.

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Figure 5. Exotic Vegetation Treatment Map

Owl Creek Parcel

<i>Muhlenbergia</i> sp.	Muhley Grass	Liner	8 Feet Centers	222
<i>Andropogon virginicus</i>	Broom Sedge	Liner	8 Feet Centers	222
<i>Aristida beyrichiana</i>	Wiregrass	Liner	8 Feet Centers	222
<i>Spartina bakeri</i>	Cordgrass	Liner	8 Feet Centers	222

*Additional plant species may be included in the planting table prior to development order approval

Rare and Unique Upland Preservation

Approximately 15.16 acres of rare and unique uplands will be preserved as shown on the Enhancement and Preservation Map and Indigenous Habitat Management Plan Map (Figures 2 and 3). Exotic vegetation will be treated and/or removed per the Initial Exotic Vegetation Treatment section below.

Rare and Unique Upland Restoration

Approximately 41.28 acres of existing upland pastures and disturbed exotic vegetation infested uplands will be restored to live oak hammocks (FLUCCS 427) which are Rare and Unique Uplands per the definition in the Lee Plan as shown on the Enhancement and Preservation Map, Indigenous Habitat Management Monitoring Plan Map, Exotic Treatment Map, and Restoration Area Planting Map (Figures 2 - 5). The upland pastures that are proposed to be restored to rare and unique uplands currently have very few native plants which would be considered typical of the live oak hammock community. The disturbed exotic vegetation infested uplands include live oak hammocks and hydric Brazilian pepper and have approximately 10-25% coverage by native plant species typical of the live oak hammock community. The non-native herbaceous plants will be treated in place and the non-native shrubs and trees will be removed prior to planting.

The only fill that will be placed in these areas will be at North River Road buffer and some minor grading may be necessary in the other areas onsite. The existing soils should support the restoration to live oak hammocks as these communities were present in these locations historically. If any of the planting areas have compacted soils, the soil area around each planting will be loosened. This may be accomplished by hand or mechanical means. Exotic vegetation will be treated and/or removed per the Initial Exotic Vegetation Treatment section below. The restoration area will then be planted with native ground cover and trees, as listed in the Rare and Unique Upland Restoration Planting Table (Table 3). The final species list will be based upon site specific conditions and on plant material availability at the time of planting. A total of 5,539 trees, 5,539 shrubs, and 28,042 herbaceous plants will be planted in the restoration area shown on the attached Restoration Area Planting Plan Map (Figure 4). Cabbage palms from the development footprint may be relocated and used for the restoration planting plan below.

Table 3. *Rare and Unique Upland Restoration Planting Table

Botanical Name	Common Name	Minimum Size/Container	Maximum Spacing	Quantity
Trees				
<i>Quercus virginiana</i>	Live Oak	6' tall/BR	18 Feet Centers	2,770
<i>Quercus laurifolia</i>	Laurel Oak	6' tall/BR	18 Feet Centers	1,385
<i>Sabal palmetto</i>	Cabbage Palm	6' tall/FG	18 Feet Centers	1,385
Shrubs				
<i>Rapanea punctata</i>	Myrsine	1 Gallon	18 Feet Centers	1,108
<i>Myrica cerifera</i>	Wax Myrtle	1 Gallon	18 Feet Centers	1,108
<i>Psychotria nervosa</i>	Wild Coffee	1 Gallon	18 Feet Centers	1,108
<i>Eugenia foetida</i>	Spanish Stopper	1 Gallon	18 Feet Centers	1,108
<i>Callicarpa americana</i>	Beauty Berry	1 Gallon	18 Feet Centers	1,108
Ground Cover				
<i>Serenoa repens</i>	Saw Palmetto	Liner	8 Feet Centers	5,608
<i>Muhlenbergia</i> sp.	Muhley Grass	Liner	8 Feet Centers	5,608
<i>Andropogon virginicus</i>	Broom Sedge	Liner	8 Feet Centers	5,608
<i>Aristida beyrichiana</i>	Wiregrass	Liner	8 Feet Centers	5,608
<i>Spartina bakeri</i>	Cordgrass	Liner	8 Feet Centers	5,608

*Additional plant species may be included in the planting table prior to development order approval

At the time of development order, areas within the 50' or provided natural waterway buffer must demonstrate if the existing native vegetation to be retained meets the requirement of six native canopy trees and 50 native shrubs per 100 linear feet at a 1:1 credit ratio. If supplemental trees or shrubs are required to meet the required buffer plantings, trees must comply with LDC Section 10-420 and be a minimum 10' in height and shrubs must be a minimum 24" in height at time of planting. At the time of development order, the area along North River Road must contain native canopy trees a minimum of 14' in height spaced approximately 25 feet on center per LDC Section 33-1673.

Littoral Marsh Restoration

Approximately 2.88 acres of hydric and upland pasture will be restored to littoral marsh wetlands as shown on the Enhancement and Preservation Map, Indigenous Habitat Management Monitoring Plan Map, Exotic Treatment Map, and Restoration Area Planting Map (Figures 2 - 5). Approximately 1.86 acres of the littoral marsh are included in the flushing basin. The existing pasture will be excavated and sloped appropriately to transition from the uplands to the created flushing basin. Spoil material will be removed and used in development areas of the site. The restoration area will then be planted with native ground cover and trees, as listed in the Wetland Restoration Planting Table (Table 4). The final species list will be based upon site specific conditions and on plant material availability at the time of planting. A total of 1,961 herbaceous plants will be planted in the restoration area shown on the attached Restoration Area Planting Plan Map (Figure 4). The plantings will be installed in the 18'-20' wide littoral marsh restoration (vegetation shelf) area shown in the cross-section below. The slope of the littoral shelf will be 6:1 except where it will be 3:1 in the proposed riprap.

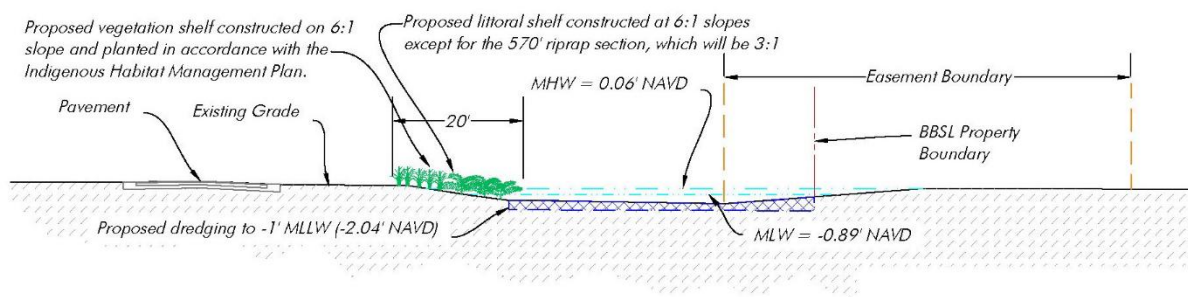


Table 4. *Wetland Restoration Planting Table

Botanical Name	Common Name	Minimum Size/Container	Maximum Spacing	Quantity
Ground Cover				
<i>Acrostichum</i> sp.	Leather Fern	Liner	8 Feet Centers	245
<i>Juncus roemerianus</i>	Black Needle Rush	Liner	8 Feet Centers	245
<i>Thalia geniculata</i>	Fire Flag	Liner	8 Feet Centers	245
<i>Osmunda regalis</i>	Royal Fern	Liner	8 Feet Centers	245
<i>Nuphar luteum</i>	Spatardock	Liner	8 Feet Centers	245
<i>Spartina bakeri</i>	Sand Cordgrass	Liner	8 Feet Center	245
<i>Pontederia cordata</i>	Pickerelweed	Liner	8 Feet Centers	245
<i>Sagittaria</i> sp.	Arrowhead	Liner	8 Feet Centers	245

*Additional plant species may be included in the planting table prior to development order approval

At the time of development order, areas within the 50' or provided natural waterway buffer must demonstrate if the existing native vegetation to be retained meets the requirement of six native canopy trees and 50 native shrubs per 100 linear feet at a 1:1 credit ratio. If supplemental trees or shrubs are required to meet the required buffer plantings, trees must comply with LDC Section 10-420 and be a minimum 10' in height and shrubs must be a minimum 24" in height at time of planting.

Flushing Basin

Additionally, 11.83 acres of hydric pasture, upland pasture, and exotic vegetation dominated wetlands will be restored to surface water habitat as part of the flushing basin associated with the proposed docking facility. Approximately 1.86 acres of the littoral shelf are within the flushing basin. This flushing basin will act as a tidal pump and will connect to Trout Creek east of the proposed access bridge and to the interface of Trout Creek and the Caloosahatchee River at the proposed docking facility in the south of the site, improving the water quality in the vicinity of the docking facility. These areas will be excavated to appropriate grades and will transition into the wetland restoration area. Spoil material will be removed and used in development areas of the site. Please see Figure 3. Please see the cross section of the proposed flushing basin and littoral marsh restoration area above.

Surface Water and Other Surface Water Preservation

Approximately 5.61 acres of surface waters and 1.36 acres of other surface waters will be preserved as shown on the Enhancement and Preservation Map and Indigenous Habitat Management Plan Map (Figures 2 and 3).

Initial Exotic Vegetation Treatment

All exotic and nuisance species (defined per LDC Sec. 10-420(f) and Category I and II species on the Florida Exotic Pest Plant Council's List of Invasive Species) within the upland and wetland preservation areas will be treated as shown on the Exotic Vegetation Treatment Map (Figure 5). A vegetation removal permit associated with the development order is required for the initial exotic vegetation treatment.

Non-native trees and shrubs will be cut by chainsaw or machete just above natural grade and the stump treated with an appropriate herbicide suitable for aquatic application. Treatment will occur immediately following cutting to ensure maximal uptake of the herbicide. All preserved areas will have the resulting vegetative material from the Conservation Easement and disposed of in accordance with local regulations. If non-woody exotics, such as cattail, are present within the preserve they will be treated by a foliar application of an appropriate herbicide suitable for aquatic application. Herbicides will be used in strict accordance with label directions by trained applicators. Care will be taken to reduce damage to non-target native species to the maximum extent practical. The owner or his designee shall conduct vegetation control through the management of exotic, invasive and nuisance vegetation. Treatment efforts of the forested and herbaceous areas will include removal, monitoring and maintenance of invasive vegetation. The primary species to be eradicated include melaleuca, Brazilian pepper,

and torpedo grass.

Exotic control of melaleuca and Brazilian pepper in the areas outside of the FEMA floodways will be accomplished by chainsaw or machete as shown on the Exotic Vegetation Treatment Map (Figure 5) and Exhibit A. Large trees (greater than four-inch diameter at breast height (DBH)) may be girdled and killed in place with a stump specific herbicide suitable for aquatic application. The four inch DBH and smaller trees and shrubs will be cut just above natural grade and the stump treated with an appropriate herbicide suitable for aquatic application. The resulting vegetative material will be disposed of by one or more of the following methods: 1) cut into four to six feet sections and stacked on the ground with alternating layers of trees at right angles to each other (log cabin) with the stacks no higher than $5\pm$ feet and spaced a minimum of $100\pm$ feet apart, 2) cut and placed into piles (tee-pee) with piles spaced a minimum of $100\pm$ feet apart, 3) where exotic density is less than 25 percent the exotics may be cut into two to four foot sections and scattered on the ground, and 4) woody exotic vegetation may be removed from the preserves.

No cut debris will be placed within the FEMA floodways of Owl or Trout Creek as shown on the Exotic Vegetation Treatment Map (Figure 5) and Exhibit A. Exotic vegetation in the floodways will either be cut and removed or treated in-place as described above.

Herbicides will be used in strict accordance with label directions by trained applicators. Care will be taken to reduce damage to non-target native species to the maximum extent practical. Access for the initial exotic vegetation treatment to the indigenous vegetation preserves will be via the existing farm fields.

Coverage by exotic vegetation within these areas will be maintained below five percent aerial cover. A marker dye will be added to the spray solution to help visualize where the solution is being applied. An appropriately licensed herbicide applicator will supervise the crew. Herbicides will be used carefully in accordance with the label provided.

Barricading

Prior to commencement of construction activities, the mitigation areas will be staked in the field and the required erosion control barriers installed. These barriers will be inspected by County staff prior to commencement of construction activities. The operation of construction equipment, storage of equipment, and stockpiling of fill and construction material will be prohibited within the preservation areas. The staking identifying the limits of the preservation area will be maintained for the duration of adjacent construction activities.

Schedule

The wetland preservation must be within a recorded conservation easement and the rare and unique upland preservation and restoration areas must be completed prior to the Certificate of Compliance for the infrastructure.

Conservation Easement

A Conservation Easement will be recorded and placed over the upland, wetland, and surface waters preservation areas totaling 186.10± acres. Approximately 1.86 acres of the littoral shelf are within the flushing basin. Signs demarking the preservation areas will be posted at 100 feet intervals along the outer edge of all preservation areas.

Ecological Performance Standards

To meet the objective of this plan, the following performance standards will apply to the onsite wetland and upland preservation and restoration areas:

1. At least 80 percent cover by appropriate wetland species (i.e. facultative wet or obligate) within the wetlands and the restored littoral marsh and 80 percent coverage by appropriate upland species in the upland preservation and restoration areas.
2. The conservation easement areas are free of exotics immediately following maintenance treatment events. All exotic and nuisance species (defined as Category I and II species on the Florida Exotic Pest Plant Council's List of Invasive Species) within these wetlands will be treated. The nuisance species dog fennel (*Eupatorium capillifolium*), Caesar weed (*Urena lobata*), primrose willow (*Ludwigia peruviana*), grape vine (*Vitis* sp.), and cattail (*Typha* spp.) as well as exotic species shall total less than five percent combined between maintenance events.
3. Monitoring of the preserve areas shall be conducted for a minimum of 5 years with annual reports submitted to the County. After the initial restoration plantings described above, if native wetland, transitional, and upland species (do not achieve 80% coverage within the initial two years of the monitoring program (obligate and facultative wet species exceed facultative species in wetland areas), native species shall be planted in accordance with the maintenance program. At the end of the monitoring program the entire mitigation area shall contain an 80% survival rate of planted vegetation and an 80% coverage of desirable obligate and facultative wetland species.
4. The preserve areas shall be maintained in perpetuity to ensure coverage by native desirable vegetation and the target habitat types and success criteria are maintained as specified in the permit.
5. The preserve areas shall be managed such that exotic/nuisance vegetation species do not dominate any one section of areas within the preserves.

These performance standards will be achieved by the end of the five year monitoring period.

Long Term Management

The applicant and/or the homeowners association will be responsible for the long term maintenance of the onsite preservation areas. Vegetation removal permits are required for ongoing management activities associated with this approved Indigenous Habitat Management Plan that is preserve area specific for the type of management that is being requested.

Adaptive Management

If during monitoring of the onsite preservation area, areas do not appear to be trending toward meeting the above ecological performance standards, the methods for treating exotic vegetation will be re-evaluated.

Maintenance

A routine maintenance program will be initiated upon the completion of the initial exotic treatment and native plant installation. A vegetation removal permit will be required for preserve maintenance. For the first two years following the initial treatment, the preservation areas will be inspected twice a year (late spring and fall) and all exotic and/or nuisance species will be treated. During these inspections the preservation areas will be qualitatively evaluated, potential problems (if any) identified, and corrective actions recommended. After the second year, inspections and treatments will be conducted annually during the dry season. The property owner will be responsible for long term management of the preserves.

Pruning and trimming activities will not be performed in the preserve however invasive exotic vegetation may have to be treated within planting areas. The frequency of maintenance will be based on how successful the new plantings are and the extent to which nuisance pest species enter into the newly planted area. Semi-annual monitoring will be conducted in each newly planted area for one year to carefully evaluate these parameters. Herbicide maintenance will be conducted semi-annually during the first year following implementation of the pest control program and at least annually thereafter, in accordance with LDC 10-420(h).

If monitoring events reveal severe deer grazing or other disturbance from wild hogs, the affected planting area will be temporarily isolated with a fence to keep out larger animals until the plantings are well established. Once success criteria are achieved, all temporary fencing will be removed from the preserve.

Newly planted areas will be included in the invasive pest control program. The herbicide maintenance areas shall expand to control exotic and nuisance species as necessary where native vegetation is being established. Periodic management of the planting areas is required to ensure that the plants will survive and thrive. This will guarantee success and allow desirable indigenous species an opportunity to recruit into the planting areas. As part of ongoing management of the site, the owner or his designee shall treat and/or remove exotic species (per LDC Sec. 10-420(h) and nuisance species as necessary at least semiannually for one year and annually thereafter. Nuisance species shall mean those species of flora whose noxious characteristics or presence in sufficient number, biomass, or areal extent may reasonably be expected to prevent, or unreasonably interfere with, the designated use of the waters under consideration, as defined in rules 62-312.310(8) and 62-302.200(14), F.A.C.. Invasive exotic species include at a minimum the species listed in LDC Sec. 10-420(h).

Protected Species

The November 2020 Protected Species Assessment resulted in no observations of listed species.

While no nesting areas for any listed wading birds have been observed onsite during any site visits, the following species recognized as Species of Special Concern (SSC) by the State may forage on the subject property. Little blue herons (*Egretta caerulea*), roseate spoonbills (*Ajaia ajaja*), snowy egrets (*Egretta thula*), and tricolored herons (*Egretta tricolor*), may foraging in wetland areas and ditches throughout the property.

Given the habitat types present there is also a potential for Big Cypress fox squirrels (*Sciurus niger avicennia*) to utilize the property. These squirrels, listed as threatened by the FWC, are typically found nesting in melaleuca trees in areas with sparse or open ground cover.

The Florida sandhill crane is listed as threatened by the FWC and potentially may forage in the pasture areas. While suitable habitat occurs throughout the property and within the designated County buffer, no sandhill crane nesting activity was observed.

The wood stork (*Mycteria americana*), is listed as threatened by the FWC and the FWS. Although no wood storks were observed they may forage in the wetlands and ditches. Nesting has not been documented onsite, nor do wood storks appear there in the most recent FWC listed species occurrence database. Wood stork colony locations provided by FWC show two colonies within a 25-mile radius of the property. The closest colony location is approximately three miles to the west of the subject parcel.

The American alligator was not observed, however, the ditches provide potential habitat. According to the FWC list of Florida's Endangered Species, Threatened Species and Species of Special Concern published in November 2007, the American alligator has a SSC status because it is vulnerable to environmental impacts and loss of habitat.

Audubon's crested caracara is a raptor that typically nests in solitary or small groups of cabbage palms within larger areas of open grasslands. This species is listed as threatened by both the FWC and FWS. Although the quality of the potential habitat on-site is poor, Audubon's crested caracara were observed foraging along North River Road during the nesting survey for this species in winter 2021. The closest known caracara nest is located approximately 1 mile to the east of the subject parcel.

The property is not located within the primary and secondary zones of the 2007 Florida Panther Focus Area or in the 2003 Panther Consultation Area identified by the FWS. The Florida panther (*Felis concolor coryi*) is listed as endangered by both the FWS and FWC. There is one FWC telemetry points located approximately 3 miles south of the subject property, with none onsite. This telemetry point occurs south of the Caloosahatchee River.

A review of the FWC listed species occurrence database (updated in June 2020) indicated that a Florida black bear (*Ursus americanus floridanus*) had been recorded approximately 1 mile to the north of the property. The Florida black bear delisted in 2012, is still protected by the Florida Black Bear Management Plan and is not listed by the FWS.

The project is located within the National Marine Fishery Service's (NMFS) defined critical habitat area for the smalltooth sawfish. NMFS issued their Jacksonville Biological Opinion (JAXBO) on November 20, 2017. The JAXBO analyzes the effects from 10 categories of minor in-water activities occurring in Florida and the U.S. Caribbean on sea turtles, smalltooth sawfish, Nassau grouper, scalloped hammerhead shark, Johnson's seagrass, sturgeon, corals, whales, and their designated critical habitat.

Protected Species Management Plans

Several measures have been taken to reduce potential impact to wildlife. Adverse impacts to wildlife including listed wildlife are not anticipated as a result of the proposed residential project. All agricultural activities will cease in the Preserve Areas once construction commences, with human disturbance in those areas limited to activities consistent with the conservation easement.

The habitat improvements and preservation resulting from implementation of this plan are expected to encourage transient wildlife species to utilize the Preserve Lands onsite as shown on the Enhancement and Preservation Map (Figure 2). The applicant has committed to placing the preservation areas under a conservation easement prior to construction of the residential units, consistent with state law, as a condition of the zoning approval, which means 38.72 acres of native upland and wetland habitats, 1.36 acres of other surface waters, and 5.61 acres of surface waters of this area will be permanently protected (preservation) for wildlife usage. A total of 41.28 acres of farm fields and exotic infested uplands will be restored to rare and unique uplands by the removal of the exotic species and planting with native species. Also, 1.62 acres of exotic infested uplands will be restored by the removal of exotic species and planting. A total of 82.8 acres of exotic infested wetlands will be restored by the removal of exotic species and planting with native species. Additionally, 2.88 acres of hydric and upland pasture will be restored as littoral marsh wetlands and 11.83 acres of flushing basin will be created. This restoration and preservation of 186.10 acres will enhance the value of the Preserve Areas for wildlife and provide a permanent link between the surrounding wildlife corridor areas and a permanent refuge for wildlife if the project is approved as proposed. (See Figures 1 and 2).

If the zoning is approved as proposed, additional wildlife surveys will be conducted as required by state, federal, and county requirements when the plans are submitted for permitting/development approval.

Should the zoning be approved as proposed, both FWC and FWS will be consulted relative to any state or federally listed species potentially occurring on site and listed species guidelines implemented as applicable prior to any construction.

Wading Bird Management Plan

Wood storks were not found during wildlife surveys of the property and no nesting activities were observed. Suitable foraging habitat occurs throughout the property. Additionally, the property occurs within 18.6 miles of two known wood stork colonies. Based on the FWS "Effect Determination Key", dated November 9, 2007 (Service Consultation Code 41420-2007-I-0964), the proposed project may affect the wood stork. Formal consultation for the wood stork is anticipated to be required by the FWS. On behalf of the applicant, at the appropriate time, we will be coordinating with FWS to develop a wood stork mitigation plan which will effectively offset any potential impacts to foraging habitat of this federally listed species. Additionally, it is expected that existing foraging habitat for the wood stork will be enhanced by the removal and maintenance of invasive exotic plants and protected by implementation of the wetland enhancement and preservation plan and the reclamation plan. The proposed littoral marsh wetland restoration which includes 2.88 acres of littoral shelves described above will also benefit the wood stork by adding a significant amount of foraging area.

Existing wading bird foraging habitat will be enhanced through removal and maintenance of exotic invasive plants. The proposed site conditions will result in a total of over 106.36 of preserved and restored wetlands and 2.88 acres of restored littoral marsh habitat on the property. Implementation of the proposed wetland preservation plan would assure that any potential temporary impacts to these species would be offset. This plan would meet applicable requirements of South Florida Water Management District and Lee County as well as the FWS and FWC.

The enhancement of the property will ultimately provide increased acreage of higher quality habitat for wading birds in preservation and areas as well as within the littoral marsh restoration areas. Additionally, protection provided by the wetland preservation plan will provide long-term viability for wading birds.

Big Cypress Fox Squirrel Management Plan

Appropriate habitat for the Big Cypress fox squirrel (*Sciurus niger avicennia*) occurs in the forested portion the property. However, no fox squirrel nests were observed within the project boundaries. Prior to clearing the site, a qualified biologist will survey the construction limits for the presence of Big Cypress fox squirrels or their nests. Any potential nests will be monitored to determine if they are currently being utilized by Big Cypress fox squirrels. Nests found to be utilized by a Big Cypress fox squirrel will be temporarily protected from clearing by a 125 foot radius undisturbed buffer. These nests will be taken outside of the February 1st to May 30th nesting season once the absence of young fox squirrels within the nests is confirmed. The required authorization from the FWC will be obtained prior to removing the nest tree.

Forested habitat suitable for this species will be preserved and restored via treatment of invasive exotic plant species and planting with native species where appropriate and described above in 164.26 acres (FLUCCS 427, 428, 434, 618, and 630). The protection provided by implementation of the Indigenous Habitat Management Plan will provide long-term viability for the Big Cypress fox squirrel and would assure that any impacts to this

species are offset.

Florida Sandhill Crane Management Plan

Florida sandhill cranes or their nests were not observed during wildlife surveys of the property. Suitable habitat occurs throughout the property and within the designated County buffer. A total of 3.56 acres of existing foraging habitat (FLUCCS 641) for the sandhill crane will be restored through removal and maintenance of invasive exotic plants. Additionally, 2.88 acres of littoral marsh wetlands will be restored. Implementation of the proposed Indigenous Habitat Management Plan would assure that any impacts to the foraging pattern of this species are offset.

American Alligator Management Plan

Potential habitat for American alligators on-site consists of the open water area and surrounding marsh. The property includes numerous ditches and scattered wetlands which provide refuge for this species. The property was thoroughly inspected for gator nests, which are often conspicuous on the bank of waterways. No alligator nests were ever found on the property during protected species surveys. If the proposed project is approved, the wetland enhancement and restoration in the Indigenous Habitat Management Plan will ultimately provide increased acreage of higher quality habitat for the alligator. The proposed site conditions will result in a total of over 106.36 acres of preserved and restored wetlands (FLUCCS 618, 630, and 641), 2.88 acres of restored littoral marsh wetlands, 1.36 acres of preserved other surface waters, 5.61 acres of preserved surface waters, and 11.83 acres of created flushing basin habitat on the property.

Alligators will commonly move from water body to water body in response to factors such as season, disturbances, food supply, etc. In the event that an alligator is present within the limits of construction at the time of site clearing, work within the immediate vicinity of the alligator will be halted and the animal will be allowed to move out of harms way. Once the American alligator has moved work can be restarted. The protection provided by implementation of the Indigenous Habitat Management Plan will provide long-term viability for the American alligator onsite.

Audubon's Crested Caracara Management Plan

Although crested caracaras are known to forage in the vicinity of the subject property, no evidence of nesting of this species was found onsite. To minimize the potential of impacts to nesting habitat, the cabbage palms located in the proposed development areas will be relocated to the rare and unique upland restoration area and appropriate preservation areas prior to construction activity initiation, if feasible. The proposed Indigenous Habitat Management Plan includes the preservation of 15.16 acres of uplands (FLUCCS 427 and 428), the restoration of 1.62 acres of uplands, and the restoration of 41.28 acres of rare and unique uplands. The implementation of this Indigenous Habitat Management Plan will provide long-term viability for Audubon's crested caracara and will assure that any impacts to this species are offset.

Florida Panther and Florida Black Bear Management Plan

No Florida panthers or black bears or their signs were observed during wildlife surveys of the property. The project is not in any FWS Florida panther zones and the nearest FWC telemetry point is 3 miles to the south of the project and across the Caloosahatchee River. Black bears have been documented approximately 1 mile north of the property per the FWC listed species occurrence database. It is expected that existing forage and prey habitat for the Florida panther and black bear will be enhanced through removal and maintenance of invasive exotic plants and protected by implementation of this IHMP.

The preservation and restoration of 186.10± acres of uplands (FLUCCS 427, 428, and 434), wetlands (FLUCCS 618, 630, and 641), other surface waters (FLUCCS 510D), and surface waters (FLUCCS 510) will link the surrounding conservation lands, restoring a link that has been disrupted by the extensive exotic vegetation infestation in that area and will allow movement of wildlife across the Owl Creek property. Please see the Owl Creek Wildlife Corridor Map (Figure 1).

Smalltooth Sawfish Management Plan

The project is located within the National Marine Fishery Service's (NMFS) defined critical habitat area for the smalltooth sawfish. There will be minor impacts to the shallow euryhaline habitat along the shore to accommodate the flushing improvements for the proposed docking facility. The project includes the restoration of 11.83 acres of created flushing basin habitat on the property which potentially will function as smalltooth sawfish habitat.

The applicant will coordinate with NMFS during the federal permitting process for the project and will obtain the required permits. All required construction methods will be followed. Please see Exhibit B for NMFS's Sea Turtle and Smalltooth Sawfish Construction Conditions dated March 23, 2006.

Wildlife Habitat Area Corridors

Two Wildlife Corridors totaling 139.64+/- acres will be established as part of the proposed Indigenous Habitat Management Plan. Please see Figures 1 and 2. The Owl Creek and Trout Creek corridors currently consists of active pasture, Owl Creek, and exotic vegetation infested uplands and wetlands. These areas will be enhanced and preserved as described above. The Rare and Unique Upland restoration areas will be planted as described above and shown in the Restoration Area Planting Plan Map (Figure 2).

The Owl Creek and Trout Creek wildlife corridors average approximately 770' and 1,350' in width, respectively. Prior to the Certificate of Compliance for the infrastructure, 186.10 acres which includes the onsite wildlife corridors, will be placed under a Conservation Easement.

Human Coexistence with Wildlife Plan

The following Human Coexistence with Wildlife Plan will be incorporated into the project's Homeowners Association documents.

Residential Areas

American Alligator

Signs will be posted on the subject property adjacent to the water management lakes and bodies of water advising residents that feeding or harassing the American alligators is punishable by state law. An educational brochure, such as the attached "A Guide to Living with Alligators" prepared by the FWC (Exhibit C), will be provided to residents. Residents, commercial tenants, and property maintenance staff will be instructed to contact the FWC for assistance in the event a nuisance alligator is present within the lakes.

Florida Black Bear

An educational brochure, such as the attached "A Guide to Living in Bear County" (Exhibit C) prepared by the FWC, will be provided to residents and commercial tenants. Residents will be instructed to contact the FWC for assistance in the event a nuisance black bear is present on-site.

Florida Panther

An educational brochure, such as the attached "A Guide to Living with Florida Panthers" (Exhibit C) prepared by the FWC, will be provided to residents and commercial tenants. This brochure provides advise for residents on how to keep their family and pets safe and suggestions on how to handle encounters with panthers.

Multi-Slip Docking Facility

American Alligator

Signs will be posted on the subject property adjacent to the docking facility advising residents that feeding or harassing the American alligators is punishable by state law. An educational brochure, such as the attached "A Guide to Living with Alligators" prepared by the FWC (Exhibit C), will be provided to residents. Residents, commercial tenants, and property maintenance staff will be instructed to contact the FWC for assistance in the event a nuisance alligator is present within docking facility.

West Indian Manatee

At least two manatee educational signs or a kiosk will be placed at the docking facility.

Public Canoe Launch

American Alligator

Signs will be posted on the subject property adjacent to the public canoe launch advising the public that feeding or harassing the American alligators is punishable by state law. An educational brochure, such as the attached "A Guide to Living with Alligators"

prepared by the FWC (Exhibit C), will be provided to the public at the launch. Residents, commercial tenants, and property maintenance staff will be instructed to contact the FWC for assistance in the event a nuisance alligator is present at the canoe launch.

West Indian Manatee

At least one manatee educational sign or a kiosk will be placed at the canoe launch.

Monitoring Plan

The proposed monitoring of the preserved wetlands will consist of baseline monitoring, time-zero monitoring, and annual monitoring of vegetation. The baseline monitoring documents the pre-exotic removal conditions within the wetlands. The time-zero report will document the conditions immediately following wetland exotic removal and planting. The annual reports will document the extent of success of the project and, if needed, identify specific actions to be taken to improve conditions within the project area. Sampling stations and methodology of data collection will remain the same for all monitoring events.

The owner or his designee shall also monitor and record water elevations at staff gauges and monitoring wells within the undeveloped wetland areas to provide reasonable assurance to the agencies that no significant hydrological impacts to wetlands resulted from mining. Hydrologic monitoring shall occur monthly during the dry season (November through May) and biweekly during the wet season (June through October) in all of the preserved onsite wetlands. The staff gauges and monitoring wells shall be visually inspected. If the water level at any staff gauge is below the land surface for more than 60 days, the below-ground water level would be used for that location. Hydrologic monitoring shall begin within 12 months of mining commencing.

An important component of the monitoring reports will be the before and after pictures. All monitoring reports will include panoramic photographs from photo stations as shown on Figure 3.

The results of monitoring events within the preserve areas will be reported as stated in this plan. Specific maintenance requirements will be explained in the monitoring report(s). Monitoring reports will describe if/where herbicide treatment is necessary to control nuisance species. The report will also explain if/where plantings need to be replaced or if new plantings should be added to a specific area to improve diversity or percent coverage. Prior to any preserve maintenance, Lee County Division of Environmental Sciences will be notified in writing.

The proposed monitoring of the planted littoral zone and Rare and Unique Uplands will consist of baseline monitoring, time-zero monitoring, and annual monitoring of vegetation, wildlife, rainfall, and wetland water levels. Baseline monitoring will document the conditions as they exist prior to initiating the proposed planting/enhancement effort. The time-zero report will document the conditions immediately following completion of

planting/enhancement activities. In addition, a monitoring report will be submitted annually to the Lee County Division of Environmental Sciences for five consecutive years starting one year from the date of the Certificate of Compliance issued for the project's infrastructure. The annual reports will document the extent of success of the created wetlands and, if needed, identify specific actions to be taken to improve the conditions within the project area.

A baseline monitoring report is required for approval of the development order. Please see Exhibit D for baseline conditions photographs from the five photo points. The baseline monitoring report will include a description of each of the specific areas and a map depicting the location of each photo station. Copies of the baseline reports will be submitted to regulating agencies, including Lee County.

The time-zero monitoring report will be provided prior to certification of compliance. Vegetation removal permits are required for ongoing management activities associated with this approved Indigenous Habitat Management Plan that is preserve area specific for the type of management that is being requested. This report will include the date the planting activity was completed and color photographs to provide an accurate representation of the specific area. The photographs shall be taken from fixed reference points described in the baseline monitoring report and shown on a scaled plan view. A table depicting numbers, spacing, and sizes of each species planted will also be provided. The tree height will be used to measure the size of saplings until the tree is mature enough to enable the diameter-breast height (DBH) to be measured. Subsequent annual monitoring reports will be submitted to requesting agencies within thirty (30) days after each monitoring event. The monitoring reports will include a general qualitative and quantitative characterization of the areas. Any pertinent climatological conditions preceding the monitoring event will be described. Qualitative parameters may include estimates of % bare ground, % desirable species, % undesirable species (nuisance and exotic), notations regarding faunal presence and use, and an overall numerical ranking (1-lowest, 10-highest) of the conditions of the system. This numerical ranking is done annually, preferably by the same evaluators, and takes into consideration all parameters of the qualitative assessment. The monitoring will be completed by September of every year (toward the end of the growing season) and an annual report submitted to the reviewing agencies by the end of October. All data collected and analyzed will be included in the report.

Vegetation Monitoring

The vegetation within the uplands and wetlands will be monitored using the line intercept methodology. Six (6) 100 feet long transects will be established in representative portions of each upland and wetland area (Figure 3). A measuring tape will be stretched along the transect and the plants occurring directly below (ground cover) and above (midstory and canopy) the tape will be recorded at three feet intervals along the transect. Ground cover species include woody vegetation less than three feet in height and all non-woody plants. Midstory vegetation consists of all woody plants greater than three feet in height and less than four inches DBH. Canopy species consist of woody vegetation greater than four inches DBH. Bare ground and open sky will also be recorded in this manner. The

resulting data will be used to calculate percent cover of the three strata.

Wildlife Monitoring

Regular observations of fish and wildlife will be made during all monitoring events by qualified ecologists. This will consist of recording evidence and signs of wildlife (i.e., direct sighting, vocalization, nests, tracks, droppings, etc.).

Photographic Documentation

Permanent fixed-point photograph stations will be established in each of the monitored areas thereby providing physical documentation of the condition and appearance of an area, as well as any changes taking place. Panoramic photographs will accompany vegetation data in each report. Locations of photo stations will remain the same throughout the duration of the monitoring program.

Report

The methodology and results of each monitoring event will be documented in an annual monitoring report. Data will typically be collected towards the end of the growing season (September - October) and submitted to the agencies with 90± days of data collection.

Method and Frequency of Pruning and Trimming

No pruning or thinning of native vegetation within the indigenous vegetation preserves is proposed at this time. In the event that trimming becomes necessary to meet the ecological goals of this management plan, the trimming will be accomplished by hand using chainsaws or machetes and will be restricted to no more than 25 percent of an area during any particular one year interval. Cut vegetation will remain on-site.

The Lee County Division of Environmental Sciences will be notified prior to any preserve maintenance (other than routine annual exotic maintenance events).

Garbage Management

All garbage will be removed from the preserves prior to the issuance of the Certificate of Compliance for any part of the development. The preserves will be surveyed for garbage semi-annually.

Archeological Historic Preservation Areas

Please see Exhibit E for the archeologist recommended guidelines for the three archeological historic preservation areas. These three areas are also shown in Figure 2. They are located in preserved uplands and wetlands with a very small area within a rare and unique upland restoration area. These archeological historic preservation areas are all within areas that will be placed under a conservation easement. The exotic vegetation removal and planting outlined in this plan will adhere to the archeologist recommend guidelines for work in these areas.

Proposed Work Schedule

The invasive exotic and nuisance plant control program will commence after approval of this project's development order. The initial exotic treatment will be initiated during the first dry season following issuance of all required federal, state, and local authorizations. It is anticipated that the initial treatment will be completed in less than three months. The supplemental plantings will be initiated within approximately two months of the completion of the initial exotic removal, weather permitting.

Summary

The foregoing IHMP provides for preservation and enhancement of existing natural flowways that the County deems important for local or regional water resource management, restoration of Rare and Unique Uplands that the County deems important, preservation of indigenous areas that are occupied wildlife habitat to the maximum extent possible, and interconnection to off-site preserves and conservation lands via indigenous preservation, flowway preservation or restoration, and appropriate planted open space or buffer areas per Lee LDC 10-415. Additionally, this IHMP provides for preservation and restoration of natural resources, including but not limited to wetlands, natural existing and historic flowway corridors, sloughs, creeks, ponds and lakes, and native plant communities and native trees per Lee LDC 10-474

It exceeds the open space requirements and the Indigenous Preservation requirements of Lee LDC 10-415 by providing over 54% of the site as preservation, creation, and restoration areas.

It details and exceeds the Invasive Exotic Removal requirements including exotic removal and long term maintenance continuing in perpetuity in Lee LDC 10-420(h). This IHMP includes details of preservation, enhancement, and restoration within buffers per Lee LDC 10-415.

This IHMP provides for interconnectivity of wildlife habitat areas, including Florida black bear habitat and to allow this large mammal to move locally within their range, as this project has been designed to allow movement of Florida black bear through indigenous preserves or appropriately planted buffer and open space areas per Lee LDC 10-474

The wetland mitigation that is proposed for impacts associated with the project is outlined in detail above in this IHMP, consists of the preservation of the highest quality indigenous habitat onsite, the enhancement and restoration of indigenous habitats onsite, the restoration and connection of Owl Creek and Trout Creek Wildlife Corridors and flowways and the reconnection of public conservation lands through the subject property.

The proposed site plan impacts 13.95+/- acres of exotic infested wetlands, 3.01 acres of ditches, and 0.13 acres of surface waters which are proposed to be mitigated on-site as detailed in the IHMP. In summary, the IHMP includes:

- (i) Preservation of 45.69 acres of existing high quality habitat, existing native tree areas (none is required by LDC Section 10-415), other surface waters, and surface waters;
 - a. 23.56 acres of wetlands
 - b. 15.16 acres of rare and unique uplands
 - c. 5.61 acres of surface waters (Owl and Trout Creeks)
 - d. 1.36 acres of other surface waters
- (ii) Restoration of 42.90 acres of Uplands and Rare and Unique Uplands;
- (iii) Restoration of 82.80 acres of wetlands
- (iv) Restoration of 2.88 acres of littoral shelf wetlands;
- (v) Creation of 11.83 acres of flushing basin
- (vi) Preservation of historic flowways associated with Owl and Trout Creeks; and
- (vii) Connection of existing county conservation lands through the subject property (see Figure 1).

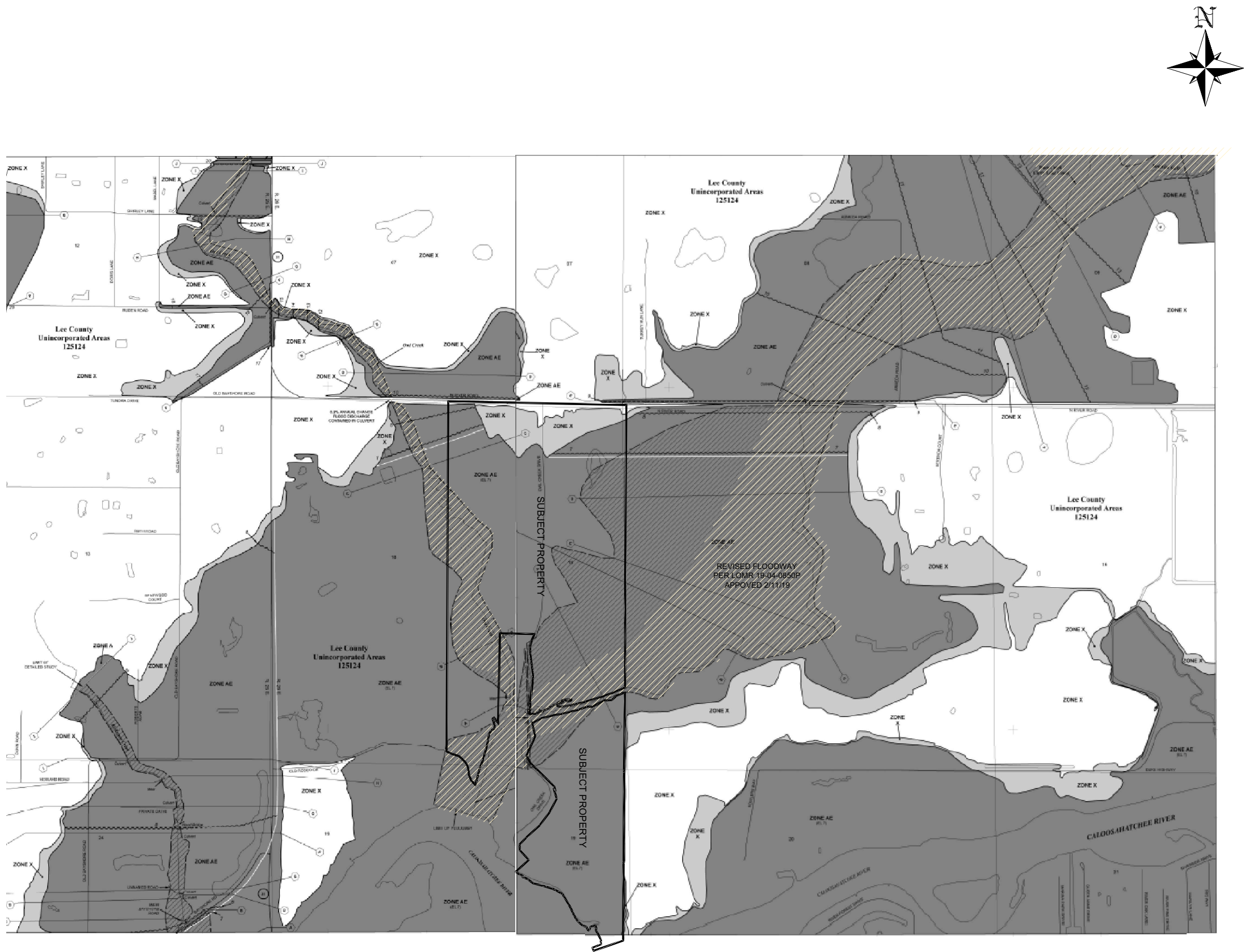
The overall effect of the proposed preservation and restoration described in items (i) through (v) above will be a total of 186.10± acres of uplands, wetlands, other surface waters, and surface waters on-site.

This IHMP was designed to consider the unique aspects of the proposed development, including but not limited to, restored wetlands, restored uplands, restored Rare and Unique Uplands, restored littoral zone wetlands, preservation areas, wildlife habitat and the interplay between proposed future uses, including associated impacts on the environment.

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Exhibit A
FEMA Floodway Map

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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 atypical 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 or greater flood.

ZONE A99 Area to be protected from 1% annual 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); on flow flood Elevations determined.

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

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

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 areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS

ZONE X Areas determined to be outside the 0.2% annual chance floodplain.

ZONE D Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

Floodplain boundary

Floodway boundary

Zone D boundary

CBRS and OPA boundary

Boundary dividing Special Flood Hazard Area zones and boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.

Base Flood Elevation line and value; elevation in feet*

Base Flood Elevation value where uniform within zone; elevation in feet*

* Referenced to the North American Vertical Datum of 1988

A Cross section line

11 Transsect line

87° 07' 45", 32° 22' 30" Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere

176° 00' 00" N 1983-1984 Universal Transverse Mercator grid values, zone 17

600000 FT 5000-foot grid ticks: Florida State Plane coordinate system, West zone (FIPS 5000 1983), Transverse Mercator projection

DX5510 x Bench mark (see explanation in Notes to Users section of this FIRM panel)

M1.5 1000 1983

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MAP DELINEATING MOST RECENT FLOOD INSURANCE EXHIBIT-M-12-4

OWL CREEK
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
08/24/2020	8504	_EXHIBIT	KG	KG	DRU	N.T.S.	01

Exhibit B

NMFS's Sea Turtle and Smalltooth Sawfish Construction Conditions dated March 23, 2006.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701

SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS

The permittee shall comply with the following protected species construction conditions:

- a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.
- c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
- e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.
- f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.
- g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.

Revised: March 23, 2006

O:\forms\Sea Turtle and Smalltooth Sawfish Construction Conditions.doc



Exhibit C

A Guide to Living with Alligators
A Guide to Living in Bear County
A Guide to Living with Florida Panthers

■ Never feed alligators – it's dangerous and illegal. When fed, alligators can overcome their natural wariness and learn to associate people with food. When this happens, some of these alligators have to be removed and killed.

■ Dispose of fish scraps in garbage cans at boat ramps and fish camps. Do not throw them into the water. Although you are not intentionally feeding alligators when you do this, the result can be the same.

■ Seek immediate medical attention if you are bitten by an alligator. Alligator bites can result in serious infections.

■ Observe and photograph alligators only from a distance. Remember, they're an important part of Florida's natural history as well as an integral component of aquatic ecosystems.



Janice Plain

To report nuisance alligators call
866-FWC-GATOR (866-392-4286).



MyFWC.com/Alligator



Tim Donovan, FWC

Call 866-FWC-GATOR (392-4286) to report nuisance alligators.

A Guide to Living with **Alligators**



Jamie Feddersen



Florida Fish and Wildlife
Conservation Commission
MyFWC.com



Lizabeth West, FWC

Do not swim outside of posted swimming areas or in waters that may be inhabited by alligators.

Living with Alligators

In Florida, the growing number of people living and recreating near water has led to a steady rise in the number of alligator-related complaints. The majority of these complaints relate to alligators being where they simply aren't wanted. Because of these complaints, the Florida Fish and Wildlife Conservation Commission's Statewide Nuisance Alligator Program permits the killing of approximately 7,000 nuisance alligators each year. Using this approach, and through increased public awareness, the rate of alligator bites on people has remained constant despite the increased potential for alligator-human interactions as Florida's human population has grown.

Alligators are an important part of Florida's landscape and play a valuable role in the ecology of our state's wetlands. Alligators are predators and help keep other aquatic animal populations in balance. A better understanding of the facts and information presented in this brochure will help ensure that people and alligators can continue to coexist.

Visit MyFWC.com/Gators for more information about alligators and the latest nuisance alligator program statistics.



Tim Donovan, FWC

Alligators and People

Alligators are a fundamental part of Florida's wetlands, swamps, rivers and lakes, and they are found in all 67 counties. Florida continues to experience human population growth. Many new residents seek waterfront homes, resulting in increased interactions between people and alligators.

Although most Floridians understand that we have alligators living in our state, the potential for conflict exists. Because of their predatory nature, alligators may target pets and livestock as prey. Unfortunately, people also are occasionally bitten. Since 1948, Florida has averaged about five unprovoked bites per year. During that period, a little more than 300 unprovoked bites to people have been documented in Florida, with 22 resulting in deaths.

In the past 10 years, the Florida Fish and Wildlife Conservation Commission has received an average of nearly 16,000 alligator-related complaints per year. Most of these complaints deal with alligators occurring in places such as backyard ponds, canals, ditches and streams, but other conflicts occur when alligators wander into garages, swimming pools and golf course ponds. Sometimes, alligators come out of the water to bask in the sun or move between wetlands. In many cases, if left alone, these alligators will eventually move on to areas away from people.

Safety Tips

■ Generally, alligators less than four feet in length are not large enough to be dangerous unless handled. However, if you encounter any alligator that you believe poses a threat to people, pets or property,

call the Nuisance Alligator Hotline at 866-FWC-GATOR (866-392-4286). Please be aware, nuisance alligators are killed, not relocated.

■ Be aware of the possibility of alligators when you are in or near fresh or brackish water. Bites may occur when people do not pay close enough attention to their surroundings when working or recreating near water.

■ Do not swim outside of posted swimming areas or in waters that might be inhabited by large alligators.

■ Alligators are most active between dusk and dawn. Therefore, avoid swimming at night.

■ Dogs and cats are similar in size to the natural prey of alligators. Don't allow pets to swim, exercise or drink in or near waters that may contain alligators. Dogs often attract an alligator's interest, so do not swim with your dog.

■ Leave alligators alone. State law prohibits killing, harassing or possessing alligators. Handling even small alligators can result in injury.



Tim Donovan, FWC

A young alligator wanders onto a porch in a residential neighborhood.



Milt Fox

Discouraging bears from visiting your home

Properly storing or securing residential garbage and other attractants is a proven method of discouraging bears and preventing bear conflicts around homes, farms and neighborhoods. The following items attract bears and should be protected by an electric fence, wildlife resistant container, or stored in a secure place, such as a garage or sturdy shed:

- Trash and recycling containers
- Bird and squirrel feeders
- Game feeders
- Pet foods and bowls
- Barbeque grills and smokers
- Pets and small livestock
- Livestock feed
- Compost piles
- Beehives
- Fruit and nut-bearing trees and shrubs

Funds from the “Conserve Wildlife” license plate help support efforts to reduce human-bear conflicts. Buy one today at your local tax collector’s office or online at BuyAPlate.com.

Secure common bear attractants

- Use electric fencing to protect gardens, compost piles, apiaries, fruit trees and livestock.
- Store garbage and recyclables in bear-resistant containers or in a secure area until the morning of pick up.
- Feed pets indoors or bring food dishes (even if empty) inside before dark.
- Store pet and livestock feed in bear-resistant containers or inside a secure area.
- Remove bird and wildlife feeders. Ensure the area is free of all seed, corn, or other wild animal feed.
- Keep gardens and fruiting trees and shrubs tidy. Remove rotten fruit and harvest ripe nuts, fruits and vegetables.
- Clean meat smokers and barbeque grills with a degreasing detergent. Properly dispose of food remnants after each use.

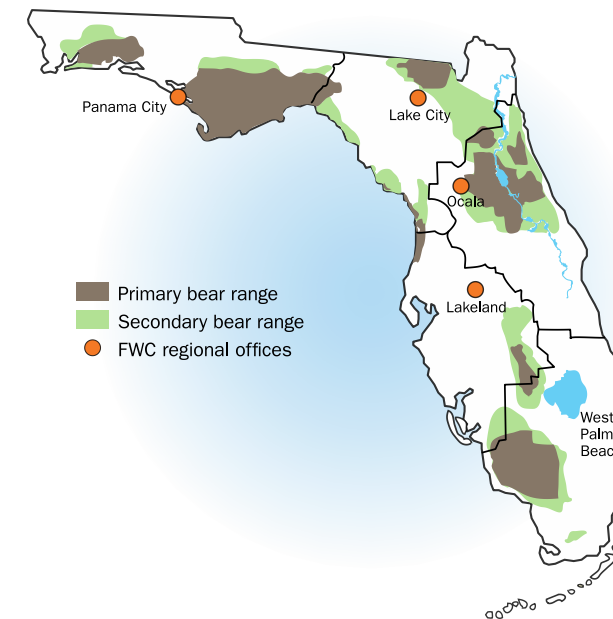
Learn more about black bears with the Florida Black Bear Curriculum Guide. The guide is designed to educate teachers and students in 3rd to 8th grade and offers a comprehensive series of lessons on Florida’s black bear.

To get tips on how to secure bear attractants, watch videos about bears or how to install electric fencing, and learn more about bear-resistant containers, visit MyFWC.com/Bear.



Rick Sinnott

Bear range in Florida



If you are experiencing bear problems, please contact the nearest FWC regional office.

North Central, Lake City	386-758-0525
Northeast, Ocala	352-732-1225
Northwest, Panama City	850-265-3676
South, West Palm Beach	561-625-5122
Southwest, Lakeland	863-648-3200

If you suspect illegal activity, call FWC’s Wildlife Alert Hotline at 1-888-404-3922.

Follow us on:



Cover photo by Ashley Hockenberry



Florida Fish and Wildlife
Conservation Commission
MyFWC.com

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A guide to living in bear country



Florida Fish and Wildlife
Conservation Commission
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Ashley Hockenberry

If you live in Florida, you should know

Florida black bear populations have been recovering from historically low numbers in most areas of the state. At the same time, the human population is rapidly expanding in and around bear range. As a result, bears and humans are encountering each other more than ever.

Calls to the Florida Fish and Wildlife Conservation Commission (FWC) about human-bear encounters have increased from 1,000 in 2001 to over 4,000 in 2010. The most common calls refer to bears in yards and getting into garbage.

The mere presence of a black bear does not represent a problem. In fact, living in bear country can provide unique and rewarding experiences for residents.

While feeding bears is illegal in Florida, bears are still often fed by humans, either intentionally or unintentionally. When black bears have access to pet food, garbage, birdseed, livestock feed or other human-provided items, they quickly learn to associate people with food. Bears that have become

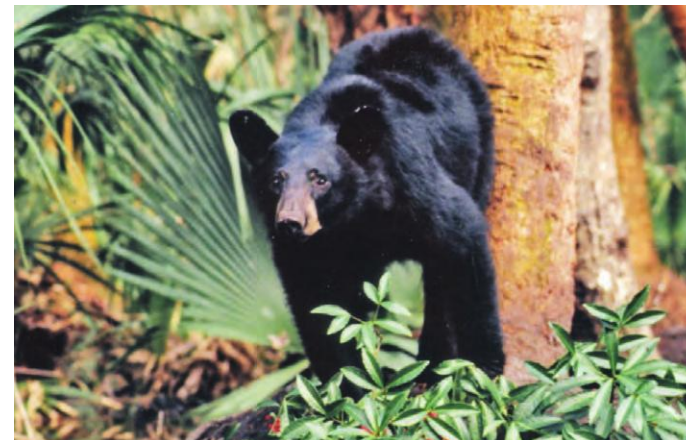
too comfortable around people are more likely to be killed, either by vehicle collisions, illegal shooting, or as a result of bear management actions.

People ask why problem bears can't simply be relocated to a "wild area where they won't bother anyone." Unfortunately, areas large and remote enough for bears to avoid people are rare in Florida. Also, most relocated bears typically leave the new area, either to return to their original home or to leave an area already occupied by other bears. Some bears will wander through unfamiliar areas and cross busy roads, creating a danger to the bear and to motorists. In addition, bears remaining in the relocation area often exhibit the same, unwanted behavior, thus shifting the problem to a new location. As a result, relocation is not a desirable or effective solution to bear conflicts. Wildlife biologists can provide technical advice to residents who live in bear country to help them take actions to discourage bears from becoming a problem. The FWC is committed to addressing the safety concerns of residents and visitors while ensuring the long-term well-being of black bears.

If a bear comes into your yard

If you encounter a black bear at close range, remain standing upright, back up slowly and speak to the bear in a calm, assertive voice.

- Do not intentionally feed or attract bears. If a bear is eating something on your property, take note of what it is and secure it after the bear has left the area.



Charles Towne



Ashley Hockenberry

- Never approach or surprise a bear. Keep as much distance between you and the bear as possible.
- Make sure you are in a secure area and the bear has a clear escape route to leave the area - then yell, bang pots and pans, or use an air horn to scare the bear away.
- Do not turn your back, play dead or run from a black bear. Back away slowly into a house, car or building.
- Report any bear threatening the safety of humans, pets or livestock, or causing property damage to the FWC (see back panel).
- Warning! It is illegal to injure or kill black bears under Florida state law. If you are found guilty, you could face fines and/or jail time.

Climbing trees is a bear's natural escape route. If the bear climbs a tree, keep people and pets away. The bear will come down the tree and leave when it feels safe, usually after dark.

Did you know?

Black bears are shy animals and generally not aggressive towards people. When a bear stands on its hind legs, it is merely trying to get a better view, rather than acting in a threatening way. Black bears may huff, snap their jaws, swat the ground or "bluff charge" when cornered, threatened or caught stealing food. Stand your ground and then slowly back away. Always respect bears – they are large and powerful wild animals and can act unpredictably. Bears used to getting food from humans may lose their natural fear of people and are more likely to damage property or become a safety threat.

The bear facts

Black bears are the only species of bear in Florida and once roamed the entire state.

- FWC biologists estimate there are 2,500-3,000 black bears in Florida.
- Florida bears are generally black with a brown muzzle and may have a white chest marking called a blaze.
- Adult black bears typically weigh between 150 to 400 pounds; males are usually larger than females.
- Female bears have their first litter at about 3½ years of age and generally have one to three cubs every other year.
- In Florida, the breeding season runs from June to August and cubs are born in late January or early February.
- Bears of all ages are excellent climbers and will climb trees when they are frightened or looking for food (e.g., acorns).
- About 80 percent of a black bear's diet comes from plants (e.g., fruits, nuts, berries), 15 percent from insects (e.g., termites, ants, yellow jackets) and 5 percent from meat (e.g., opossums, armadillos, carrion).

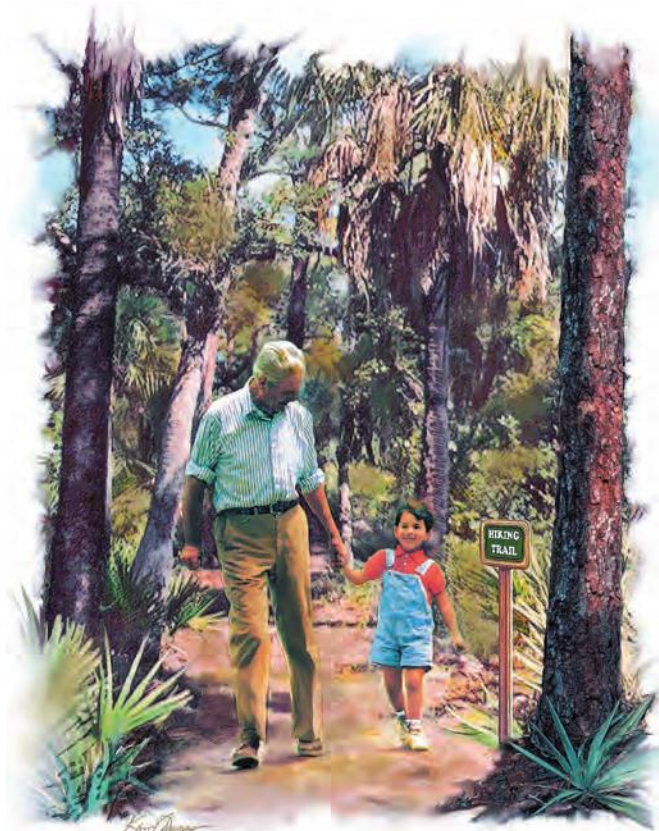
It is illegal to intentionally place food or garbage out that attracts bears and causes conflicts. Anything that attracts dogs, cats or raccoons also will attract bears!



You live in Florida panther country

Florida panthers are reclusive and rarely seen by people. They normally live in remote, undeveloped areas. However, as the number of people in southern Florida grows, there is an increased chance of an encounter with a Florida panther.

This brochure contains some guidelines to help you live safely in Florida panther country.



Keep children within sight and close to you, especially outdoors between dusk and dawn.

If you feel threatened by a panther, or have lost pets or livestock to a panther, please call the Florida Fish and Wildlife Conservation Commission's Wildlife Alert Hotline at 1-888-404-FWCC (3922).

If you see a Florida panther

The Florida panther moves primarily at night. The chances of seeing a panther are slim. But if you live in Florida panther country, you need to know what to do if you see one.

-  **Keep children within sight and close to you.** Pick up any small children so they don't panic and run. Try to do this without bending over or turning away from the Florida panther.
-  **Give them space.** Florida panthers typically will avoid a confrontation. Give them a way to escape.
-  **Do not run.** Running may stimulate a panther's instinct to chase. Stand and face the animal. Make eye contact to let the panther know you are aware of its presence.
-  **Avoid crouching or bending over.** Squatting or bending makes you look smaller, resembling a prey-sized animal.
-  **Appear larger.** Make gestures that indicate you are not prey and that you may be a danger to the panther. Raise your arms. Open your jacket. Throw stones, branches or whatever you can reach without crouching or turning your back. Wave your arms slowly and speak firmly in a loud voice.
-  **Fight back if attacked.** There has never been a reported panther attack in Florida. In western states, where attacks by cougars have occurred very rarely, potential victims have fought back successfully with rocks, sticks, caps, jackets, garden tools and their bare hands. Since large cats usually try to bite the head or neck, try to remain standing and face the animal.



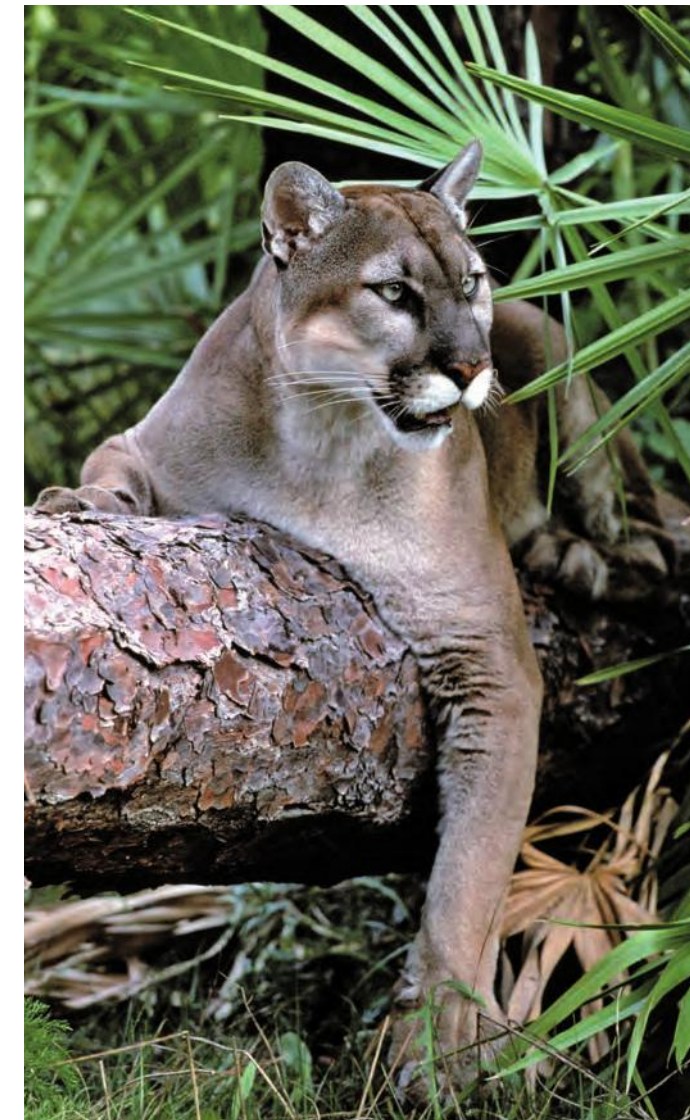
Mark Lotz

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Florida Fish and Wildlife
Conservation Commission
620 S. Meridian Street
Tallahassee, FL 32399-1600
MyFWC.com/Panther

A guide to living with Florida Panthers



© Lynn Stone

MyFWC.com/Panther

7 ways to live safely in Florida panther country

While these guidelines are meant to help you live safely in Florida panther habitat, they also apply to living with more commonly encountered wildlife, including raccoons, snakes, bears and alligators.

1. Be alert from dusk 'til dawn (and whenever deer are active)

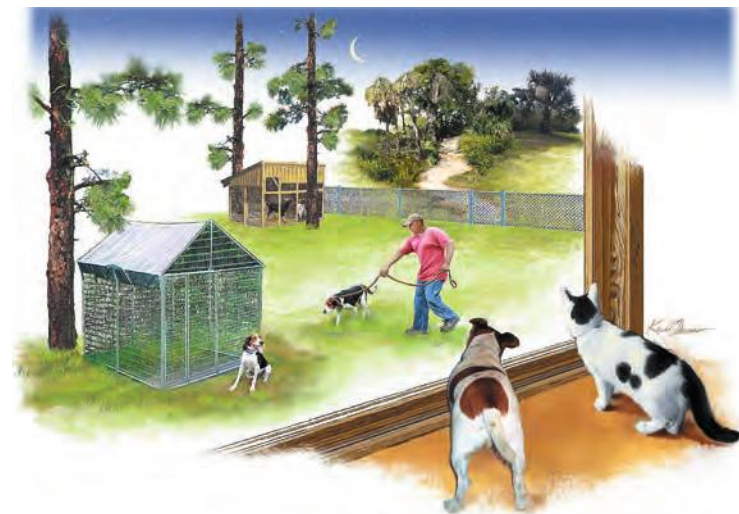
Florida panthers primarily are active at night. Exercise more caution at dawn, dusk or dark.

2. Keep panther prey away

Deer, raccoons, rabbits, armadillos and wild hogs are prey for the Florida panther. By feeding deer or other wildlife, people inadvertently may attract panthers. Do not leave potential wildlife food outside, such as unsecured garbage or pet food. Consider fencing vegetable gardens.

3. Keep pets secure

Free-roaming pets, or pets that are tethered and unfenced, are easy prey for predators, including panthers. Bring pets inside or keep them in a secure and covered kennel at night. Feeding pets outside also may attract raccoons and other panther prey; do not leave uneaten pet food available to wildlife.



Keep your pets safe and secure. Bring pets inside or keep them in a secure and covered kennel at night.



Keep livestock safe and secure.

4. Keep domestic livestock secure

Where practical, place chickens, goats, hogs or other livestock in enclosed structures at night. Electric fencing can be an effective predator deterrent.

5. Landscape for safety

Remove dense or low-lying vegetation that would provide hiding places for panthers and other predatory animals near your house.

- Remove plants that deer like to eat.
- Choose plants that do not attract deer or other panther prey species. For information on plants that deer do not like to eat, visit edis.ifas.ufl.edu/UW137.
- Appropriate fencing will make your yard or play area uninviting to prey animals such as deer.

6. Consider other deterrents

Outdoor lighting, motion sensors and electric fencing also may deter prey animals and panthers from entering your yard. Outdoor lighting also will make approaching prey and panthers more visible to you.

7. Hike or bike with a friend

When recreating outdoors, it's a good practice to let friends or family know your whereabouts and when you expect to return. Better yet, take a friend with you!

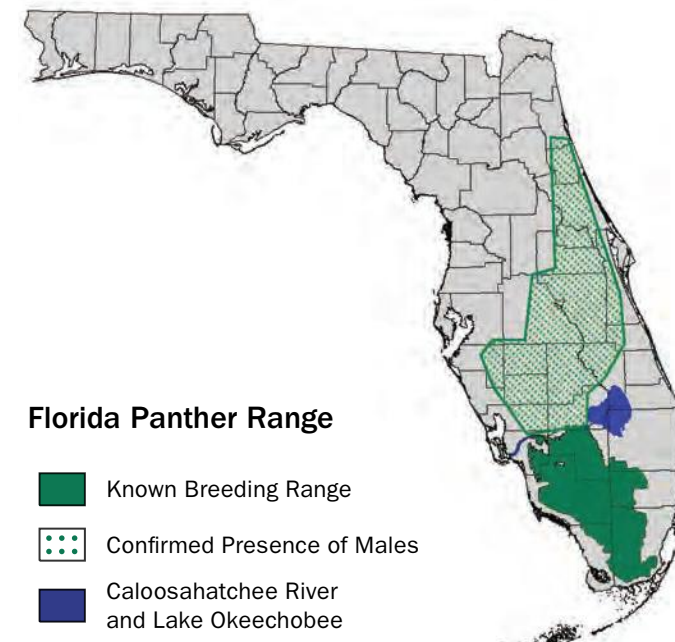
Florida panther facts

- 🐾 The Florida panther is a subspecies of puma, also known as a mountain lion or cougar. It is the last subspecies still surviving in the eastern United States.
- 🐾 Biologists estimate roughly 100-160 adult and subadult Florida panthers remain in the wild. Most panthers live in southwest Florida, south of the Caloosahatchee River, although some panthers have been documented traveling as far north as central Georgia.
- 🐾 The Florida panther's decline occurred prior to 1950, when it still was legal to hunt panthers. It was listed as endangered in 1967 and is protected under federal and state laws.
- 🐾 Florida panther numbers declined to roughly 30 cats by the early 1980s. Severe inbreeding resulted in many health and physical problems. A genetic restoration project in 1995 was successful in improving the genetic health and vigor of the panther population.
- 🐾 Florida panthers are found primarily in the Big Cypress/Everglades ecosystem in Collier, Lee, Hendry, Monroe and Miami-Dade counties.
- 🐾 Florida panthers' home range sizes vary by sex and by individual. Female home ranges are typically 60-75 square miles whereas males' are typically 160-200 square miles.



FWC panther team

- 🐾 There is no record of a Florida panther attacking a person. Florida panthers are rarely seen.
- 🐾 The biggest threat to the future of the Florida panther is habitat loss. A number of panthers also die each year due to vehicle strikes on roadways.
- 🐾 The Florida panther was chosen as the State Animal of Florida in 1982 by a vote of elementary school students throughout the state.



Florida Panther Range

- Known Breeding Range
- Confirmed Presence of Males
- Caloosahatchee River and Lake Okeechobee



This brochure was produced through a partnership of the Audubon Society of Florida, Conservancy of Southwest Florida, Defenders of Wildlife, Florida Fish and Wildlife Conservation Commission, Florida Wildlife Federation, Friends of the Florida Panther Refuge, Mountain Lion Foundation, National Park Service, National Wildlife Federation, Seminole Tribe of Florida, University of Florida and the U.S. Fish and Wildlife Service.

Funding provided by the Florida Fish and Wildlife Conservation Commission, Friends of the Florida Panther Refuge and the National Fish and Wildlife Foundation.

Exhibit D

Baseline Conditions Photographs from Photo Points

Owl Creek Reserve Baseline Conditions

Photo Station 1



Photo Station 1: Facing North



Photo Station 1: Facing East



Photo Station 1: Facing South



Photo Station 1: Facing West

Photo Station 2



Photo Station 2: Facing North



Photo Station 2: Facing East



Photo Station 2: Facing South



Photo Station 2: Facing West

Photo Station 3



Photo Station 3: Facing North



Photo Station 3: Facing East



Photo Station 3: Facing South



Photo Station 3: Facing West

Photo Station 4



Photo Station 4: Facing North



Photo Station 4: Facing East



Photo Station 4: Facing South



Photo Station 4: Facing West

Photo Station 5



Photo Station 5: Facing North



Photo Station 5: Facing East



Photo Station 5: Facing South



Photo Station 5: Facing West

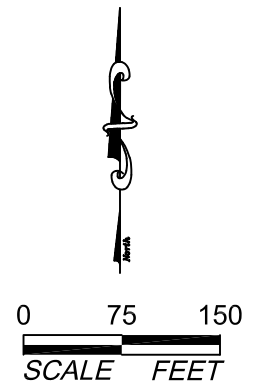
Exhibit E

Archeologist Recommended Guidelines

In October 2021, an AHC archaeologist visited three archaeological sites (8LL2397, 8LL2398, and 8LL2399) at the Owl Creek parcel. Each site was bounded with wooden stakes at a 25' buffer around the site. Staking was done to allow for a survey crew to accurately survey the sites.

In order to ensure the maintenance and preservation of 8LL2397, 8LL2398 and 8LL2399, the following guidelines are recommended:

1. If construction or ground disturbing activities are in proximity to the sites, the site boundaries should be marked by orange construction fencing prior to improvements or clearing to ensure that they are visible and avoid inadvertent impacts;
2. Any clearing of vegetation within the sites should be done by hand;
3. It is important to avoid machines running over the sites since the deposits are shallow and the movement of machines can create substantial disturbances;
4. Within the sites, vegetation should not be pulled from the ground, but should be cut above the ground surface;
5. No storage of equipment, fill, or other materials should occur within the sites;
6. New planting within the site boundaries should be small as possible, with planting holes not exceeding 1 foot depth.
7. Intermittent archaeological monitoring should be conducted for all ground disturbances within 25m of the marked sites;
8. If a significant cultural deposit or feature is discovered during monitoring, the consultant archaeologist should be contacted within 48 hours for consultation, and the work should cease at that location;
9. If human remains are identified then that discovery will be subject to the provisions of Florida Statute 872.05.



SECTION: 19
TOWNSHIP: 43 S
RANGE: 26 E

FLUCCS	Description	Acreage
612	Mangrove Swamps	0.17 ac.

- Notes:
1. Property boundary was obtained from Banks Engineering.
 2. Mapping based on photointerpretation of 2010 aerial photography.

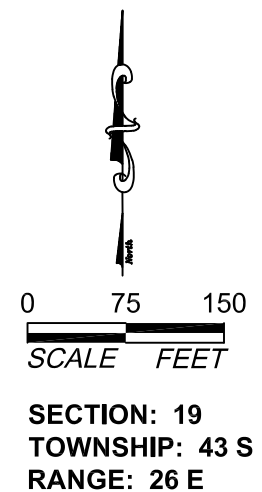
PERMIT USE ONLY, NOT FOR CONSTRUCTION

January 25, 2022 2:33:02 p.m.
Drawing: DRHOR455MANGROVES.DWG

Mangrove Areas - 2010

Owl Creek

BDEXBENDER
ENVIRONMENTAL CONSULTING
FORT MYERS 239-334-3680



<u>FLUCCS</u>	<u>Description</u>	<u>Acreage</u>
612	Mangrove Swamps	0.24 ac.

- Notes:
1. Property boundary was obtained from Banks Engineering.
 2. Mapping based on photointerpretation of 2021 aerial photography.

PERMIT USE ONLY, NOT FOR CONSTRUCTION

January 25, 2022 2:33:02 p.m.
Drawing: DRHOR455MANGROVES.DWG

Mangrove Areas - 2021

Owl Creek

BDEXBENDER
ENVIRONMENTAL CONSULTING
FORT MYERS 239-334-3680

BBL SURVEYORS, INC.
8860 TERRENE COURT,
BONITA SPRINGS, FLORIDA 34135
TELEPHONE: (239) 597-1315
FAX: (239) 597-5207

LEGAL DESCRIPTION

OWL CREEK

A PORTION OF SECTIONS 18 AND 19, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.00°16'39"W., ALONG THE WEST LINE OF SAID NORTHEAST QUARTER, FOR A DISTANCE OF 50.01 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF NORTH RIVER ROAD (STATE ROAD 78), A 100 FOOT WIDE RIGHT OF WAY, THE SAME BEING THE **POINT OF BEGINNING** OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN S.88°52'22"E., ALONG SAID SOUTHERLY RIGHT OF WAY LINE, FOR A DISTANCE OF 2,392.11 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT OF WAY LINE AND THE ARC OF SAID CURVE, HAVING A RADIUS OF 11,509.16 FEET THROUGH A CENTRAL ANGLE OF 00°53'50", SUBTENDED BY A CHORD OF 180.24 FEET, AT A BEARING OF S.89°19'16"E., FOR A DISTANCE OF 180.24 FEET TO THE END OF SAID CURVE, THE SAME BEING A POINT ON THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE RUN S.00°23'24"W., ALONG SAID EAST LINE, FOR A DISTANCE OF 2,608.43 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 18; THENCE RUN S.00°20'37"W., ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, FOR A DISTANCE OF 1,447.29 FEET TO A POINT HEREINAFTER REFERED TO AS **POINT "A"**, THE SAME BEING A POINT ON THE MEAN HIGH WATER LINE OF TROUT CREEK (ELEVATION 0.03 FEET-NORTH AMERICAN VERTICAL DATUM OF 1988); THENCE RUN S.63°09'11"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 68.12 FEET; THENCE RUN S.66°53'17"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 63.33 FEET; THENCE RUN S.70°27'15"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 39.63 FEET; THENCE RUN S.64°37'58"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 53.06 FEET; THENCE RUN S.77°10'24"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.94 FEET; THENCE RUN S.67°19'24"W., ALONG

SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 49.00 FEET; THENCE RUN S.66°42'36"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.31 FEET; THENCE RUN S.80°37'35"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 23.70 FEET; THENCE RUN S.49°00'39"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 25.62 FEET; THENCE RUN S.65°48'12"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 63.16 FEET; THENCE RUN S.74°36'11"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 79.06 FEET; THENCE RUN S.73°49'33"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 76.39 FEET; THENCE RUN S.77°28'30"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 81.85 FEET; THENCE RUN S.82°44'45"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 86.96 FEET; THENCE RUN S.69°49'00"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 63.53 FEET; THENCE RUN S.83°38'00"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 84.05 FEET; THENCE RUN N.64°43'19"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 10.65 FEET; THENCE RUN N.10°04'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 17.28 FEET; THENCE RUN N.67°36'56"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 63.76 FEET; THENCE RUN N.75°31'42"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 84.91 FEET; THENCE RUN N.67°43'57"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 42.46 FEET; THENCE RUN N.48°46'12"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 15.77 FEET; THENCE RUN N.22°03'58"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 53.88 FEET; THENCE RUN N.67°46'02"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 56.48 FEET; THENCE RUN N.53°42'12"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 56.78 FEET; THENCE RUN N.09°10'30"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 71.37 FEET; THENCE RUN N.18°38'24"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 45.27 FEET; THENCE RUN N.36°09'14"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 54.90 FEET; THENCE RUN N.35°53'09"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 55.09 FEET; THENCE RUN N.01°19'19"E. ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 23.41 FEET; THENCE RUN N.32°33'04"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 51.20 FEET; THENCE RUN N.07°39'06"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 57.91 FEET; THENCE RUN N.06°39'11"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 79.50 FEET; THENCE RUN N.36°15'06"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 133.80 FEET; THENCE RUN N.13°17'04"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 69.67 FEET; THENCE RUN N.51°38'20"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 56.94 FEET; THENCE RUN N.09°17'06"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 57.33 FEET; THENCE RUN S.47°33'50"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 52.48 FEET; THENCE RUN

S.52°35'15"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 71.39 FEET; THENCE RUN S.26°00'04"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 44.07 FEET; THENCE RUN S.05°32'36"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 123.25 FEET; THENCE RUN S.35°01'53"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 91.33 FEET; THENCE RUN S.50°35'34"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 85.61 FEET; THENCE RUN S.10°34'53"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 33.93 FEET; THENCE RUN S.21°26'11"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 36.72 FEET; THENCE RUN S.40°17'20"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 33.23 FEET; THENCE RUN S.35°18'25"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 42.17 FEET; THENCE RUN S.42°33'03"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 45.18 FEET; THENCE RUN S.41°13'28"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 30.71 FEET; THENCE RUN S.18°57'53"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 40.71 FEET; THENCE RUN S.02°39'27"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 43.57 FEET; THENCE RUN S.18°07'05"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 39.46 FEET; THENCE RUN S.67°10'19"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 48.51 FEET; THENCE RUN S.75°56'36"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 27.05 FEET; THENCE RUN S.56°00'26"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 40.96 FEET; THENCE RUN S.04°07'53"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 15.13 FEET; THENCE RUN S.02°20'53"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 30.76 FEET; THENCE RUN S.83°41'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 17.10 FEET; THENCE RUN N.81°54'26"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 32.46 FEET; THENCE RUN S.72°46'26"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 51.87 FEET; THENCE RUN N.79°37'03"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 77.30 FEET; THENCE RUN S.43°53'28"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 29.96 FEET; THENCE RUN S.64°51'44"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 33.22 FEET; THENCE RUN S.67°25'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 27.97 FEET; THENCE RUN S.63°29'01"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 21.10 FEET; THENCE RUN S.63°09'28"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 50.02 FEET; THENCE RUN S.55°16'21"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 81.31 FEET; THENCE RUN S.61°20'10"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 66.81 FEET; THENCE RUN S.67°49'59"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 48.47 FEET; THENCE RUN S.72°10'03"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 58.79 FEET; THENCE RUN S.78°14'00"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 49.72 FEET; THENCE

RUN S.64°42'00"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 53.28 FEET; THENCE RUN S.38°23'32"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 10.59 FEET; THENCE RUN N.89°16'27"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 20.26 FEET; THENCE LEAVING SAID MEAN HIGH WATER LINE, RUN N.00°43'09"E., FOR A DISTANCE OF 121.86 FEET; THENCE RUN N.07°03'43"E., FOR A DISTANCE OF 300.00 FEET; THENCE RUN N.02°16'53"E., FOR A DISTANCE OF 100.00 FEET; THENCE RUN N.07°27'32"W., FOR A DISTANCE OF 299.99 FEET; THENCE RUN N.01°23'52"W., FOR A DISTANCE OF 100.00 FEET; THENCE RUN N.13°23'08"E., FOR A DISTANCE OF 100.00 FEET; THENCE RUN N.23°42'08"E., FOR A DISTANCE OF 99.22 FEET; THENCE RUN N.88°52'07"W., FOR A DISTANCE OF 500.00 FEET; THENCE RUN S.01°07'53"W., FOR A DISTANCE OF 1,252.34 FEET TO SAID MEAN HIGH WATER LINE OF TROUT CREEK (ELEVATION 0.03 FEET-NORTH AMERICAN VERTICAL DATUM OF 1988); THENCE RUN S.59°33'49"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 66.58 FEET; THENCE RUN S.19°55'43"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 17.96 FEET; THENCE RUN S.53°18'36"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 53.47 FEET; THENCE RUN S.26°06'00"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 82.56 FEET; THENCE RUN S.05°34'19"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 68.70 FEET; THENCE RUN S.07°11'04"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 29.90 FEET; THENCE RUN S.07°54'16"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 11.85 FEET; THENCE RUN S.12°21'57"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 78.12 FEET; THENCE RUN S.10°40'48"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 33.89 FEET; THENCE RUN S.21°15'12"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 20.19 FEET; THENCE RUN S.10°05'07"W. ALONG SAID MEAN HIGH WATER LINE,, FOR A DISTANCE OF 34.32 FEET; THENCE RUN S.16°26'09"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 51.67 FEET; THENCE RUN S.20°15'30"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 28.82 FEET; THENCE RUN S.18°57'28"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 36.38 FEET; THENCE RUN S.15°47'44"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 34.13 FEET; THENCE RUN S.16°28'26"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 59.42 FEET; THENCE RUN S.12°32'34"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 53.60 FEET; THENCE RUN S.23°08'17"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 62.09 FEET; THENCE RUN S.15°16'02"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 33.53 FEET; THENCE RUN S.18°12'29"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 115.02 FEET; THENCE RUN S.03°19'16"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 4.78 FEET; THENCE LEAVING SAID MEAN HIGH WATER LINE, RUN N.47°23'44"W., FOR A DISTANCE OF 78.47 FEET; THENCE RUN N.24°12'11"W., FOR A DISTANCE OF 91.43 FEET; THENCE RUN

N.03°48'12"W., FOR A DISTANCE OF 29.62 FEET; THENCE RUN N.06°50'11"W., FOR A DISTANCE OF 34.61 FEET; THENCE RUN N.08°54'45"W., FOR A DISTANCE OF 28.95 FEET; THENCE RUN N.12°43'52"W., FOR A DISTANCE OF 39.18 FEET; THENCE RUN N.28°20'46"W., FOR A DISTANCE OF 39.90 FEET; THENCE RUN N.32°06'08"W., FOR A DISTANCE OF 30.67 FEET; THENCE RUN N.45°59'51"W., FOR A DISTANCE OF 43.84 FEET; THENCE RUN N.40°53'39"W., FOR A DISTANCE OF 33.01 FEET; THENCE RUN N.53°48'26"W., FOR A DISTANCE OF 60.20 FEET; THENCE RUN N.75°05'44"W., FOR A DISTANCE OF 54.64 FEET; THENCE RUN N.71°07'07"W., FOR A DISTANCE OF 40.46 FEET; THENCE RUN N.62°42'59"W., FOR A DISTANCE OF 34.22 FEET; THENCE RUN N.66°57'30"W., FOR A DISTANCE OF 51.84 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 18; THENCE RUN N.00°16'39"E., ALONG SAID WEST LINE, AND THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 18, FOR A DISTANCE OF 5,052.72 FEET TO THE **POINT OF BEGINNING**. CONTAINING 11,154,906 SQUARE FEET OR 256.083 ACRES, MORE OR LESS.

AND

COMMENCE AT THE AFOREMENTIONED **POINT "A"**; THENCE RUN S.00°20'37"W., ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 18, FOR A DISTANCE OF 77.70 FEET TO THE **POINT OF BEGINNING** OF THE PARCEL OF LAND HEREIN DESCRIBED, THE SAME BEING A POINT ON THE MEAN HIGH WATER LINE OF TROUT CREEK (ELEVATION 0.03 FEET-NORTH AMERICAN VERTICAL DATUM OF 1988); THENCE LEAVING SAID MEAN HIGH WATER LINE RUN S.00°20'37"W., FOR A DISTANCE OF 1,134.17 FEET TO THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 19; THENCE RUN S.00°18'34"W., ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 19, FOR A DISTANCE OF 2,480.58 FEET TO THE NORTHERLY LINE OF SOUTH FLORIDA WATER MANAGEMENT DISTRICT CANAL 43 RIGHT OF WAY (A 800.00 FOOT WIDE RIGHT OF WAY); THENCE RUN S.71°02'37"W., ALONG SAID NORTHERLY LINE, FOR A DISTANCE OF 384.61 FEET TO THE MEAN HIGH WATER LINE OF THE CALOOSAHOCHEE RIVER (ELEVATION 0.23 FEET-NORTH AMERICAN VERTICAL DATUM OF 1988); THENCE RUN N.52°44'09"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 86.87 FEET; THENCE RUN N.23°50'54"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 68.13 FEET; THENCE RUN N.10°38'48"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 52.58 FEET; THENCE RUN N.09°06'55"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 42.95 FEET; THENCE RUN N.32°14'07"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 39.88 FEET; THENCE RUN N.43°39'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 52.79 FEET; THENCE RUN N.34°08'38"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 41.08 FEET; THENCE RUN N.54°52'16"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 60.65 FEET;

THENCE RUN N.87°04'33"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 55.75 FEET; THENCE RUN N.49°55'04"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 45.69 FEET; THENCE RUN N.28°07'43"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 46.00 FEET; THENCE RUN N.56°19'58"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 17.93 FEET; THENCE RUN S.36°51'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 39.99 FEET; THENCE RUN S.71°55'20"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.45 FEET; THENCE RUN S.89°48'27"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 25.16 FEET; THENCE RUN N.63°29'40"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 53.19 FEET; THENCE RUN S.77°12'19"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 81.07 FEET; THENCE RUN S.87°13'04"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 71.51 FEET; THENCE RUN S.86°14'38"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 51.39 FEET; THENCE RUN N.32°39'35"W. ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 39.89 FEET; THENCE RUN N.46°07'12"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 55.49 FEET; THENCE RUN N.48°12'13"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 67.15 FEET; THENCE RUN N.30°38'49"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 52.85 FEET; THENCE RUN N.25°28'33"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 64.46 FEET; THENCE RUN N.28°26'17"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 48.85 FEET; THENCE RUN N.24°27'43"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 67.21 FEET; THENCE RUN N.23°43'59"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 68.49 FEET; THENCE RUN N.44°29'30"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 30.93 FEET; THENCE RUN N.32°47'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 39.03 FEET; THENCE RUN N.37°30'31"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 53.12 FEET; THENCE RUN N.72°02'02"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 37.99 FEET; THENCE RUN N.66°54'09"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 50.25 FEET; THENCE RUN N.76°40'16"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 23.57 FEET; THENCE RUN N.62°41'50"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 29.07 FEET; THENCE RUN N.57°22'45"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 52.85 FEET; THENCE RUN S.81°19'58"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 24.79 FEET; THENCE RUN S.86°10'29"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 20.72 FEET; THENCE RUN N.68°13'44"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 70.32 FEET; THENCE RUN N.62°52'25"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 25.24 FEET; THENCE RUN N.76°26'43"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 42.82 FEET; THENCE RUN N.86°37'33"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE

OF 23.07 FEET; THENCE RUN N.66°30'11"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 23.15 FEET; THENCE RUN N.59°53'05"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.24 FEET; THENCE RUN N.63°30'36"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 30.41 FEET; THENCE RUN N.56°41'32"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 40.31 FEET; THENCE RUN N.61°46'56"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 24.48 FEET; THENCE RUN N.71°57'11"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.15 FEET; THENCE RUN N.60°34'35"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 28.45 FEET; THENCE RUN N.52°43'10"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.94 FEET; THENCE RUN N.40°26'58"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 13.97 FEET; THENCE RUN N.69°12'09"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 50.97 FEET; THENCE RUN N.75°09'23"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 27.53 FEET; THENCE RUN N.71°05'34"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 29.39 FEET; THENCE RUN N.50°55'57"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 7.35 FEET; THENCE LEAVING SAID MEAN HIGH WATER LINE, RUN N.48°06'50"E., FOR A DISTANCE OF 270.43 FEET; THENCE RUN N.42°11'10"W., FOR A DISTANCE OF 184.68 FEET; THENCE RUN N.03°40'10"W., FOR A DISTANCE OF 86.00 FEET; THENCE RUN N.44°50'41"E., FOR A DISTANCE OF 140.43 FEET; THENCE RUN N.48°53'50"E., FOR A DISTANCE OF 266.81 FEET; THENCE RUN N.37°56'50"E., FOR A DISTANCE OF 235.27 FEET; THENCE RUN N.28°49'50"E., FOR A DISTANCE OF 219.46 FEET; THENCE RUN N.15°00'10"W., FOR A DISTANCE OF 137.17 FEET; THENCE RUN S.74°59'50"W., FOR A DISTANCE OF 18.55 FEET; THENCE RUN N.15°00'10"W., FOR A DISTANCE OF 53.03 FEET; THENCE RUN N.44°37'10"W., FOR A DISTANCE OF 466.55 FEET; THENCE RUN N.29°52'10"W., FOR A DISTANCE OF 128.59 FEET; THENCE RUN N.24°50'50"E., FOR A DISTANCE OF 318.05 FEET; THENCE RUN N.13°28'44"W., FOR A DISTANCE OF 177.41 FEET TO SAID MEAN HIGH WATER LINE OF TROUT CREEK (ELEVATION 0.03 FEET-NORTH AMERICAN VERTICAL DATUM OF 1988); THENCE RUN N.68°36'37"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 118.44 FEET; THENCE RUN N.64°26'22"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.89 FEET; THENCE RUN N.64°03'20"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 59.04 FEET; THENCE RUN N.75°59'50"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 70.51 FEET; THENCE RUN N.73°52'12"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 36.64 FEET; THENCE RUN N.81°37'22"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 38.71 FEET; THENCE RUN N.76°10'56"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 61.09 FEET; THENCE RUN N.81°10'49"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 43.63 FEET; THENCE RUN N.79°19'30"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 27.70 FEET; THENCE RUN N.76°16'15"E., ALONG SAID MEAN

HIGH WATER LINE, FOR A DISTANCE OF 54.20 FEET; THENCE RUN N.78°48'20"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 120.20 FEET; THENCE RUN N.79°41'31"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 52.54 FEET; THENCE RUN N.75°23'35"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 99.29 FEET; THENCE RUN N.71°46'47"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 45.73 FEET; THENCE RUN N.77°14'48"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 27.77 FEET; THENCE RUN N.73°38'17"E. ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 131.49 FEET; THENCE RUN N.64°38'32"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 113.85 FEET; THENCE RUN N.64°07'37"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 23.99 FEET; THENCE RUN N.64°53'28"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 84.52 FEET; THENCE RUN N.64°11'02"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 86.91 FEET; THENCE RUN N.64°11'54"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 80.97 FEET TO **THE POINT OF BEGINNING.**

CONTAINING 3,772,203 SQUARE FEET OR 86.598 ACRES, MORE OR LESS.

TOTAL AREA OR PROPERTY DESCRIBED HEREIN IS 14,927,109 SQUARE FEET OR 342.68 ACRES, MORE OR LESS.

BEARINGS REFER TO THE WEST LINE THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, HAVING A BEARING OF S.00°16'39"W.

THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

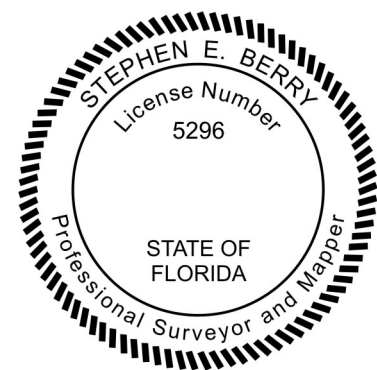
Stephen Berry

Digitally signed by Stephen Berry
DN: c=US, ou=LS 5296, o=BBLS
Surveyors, inc., cn=Stephen Berry,
email=sberry@bbbsinc.net
Date: 2021.11.16 15:31:52 -05'00'

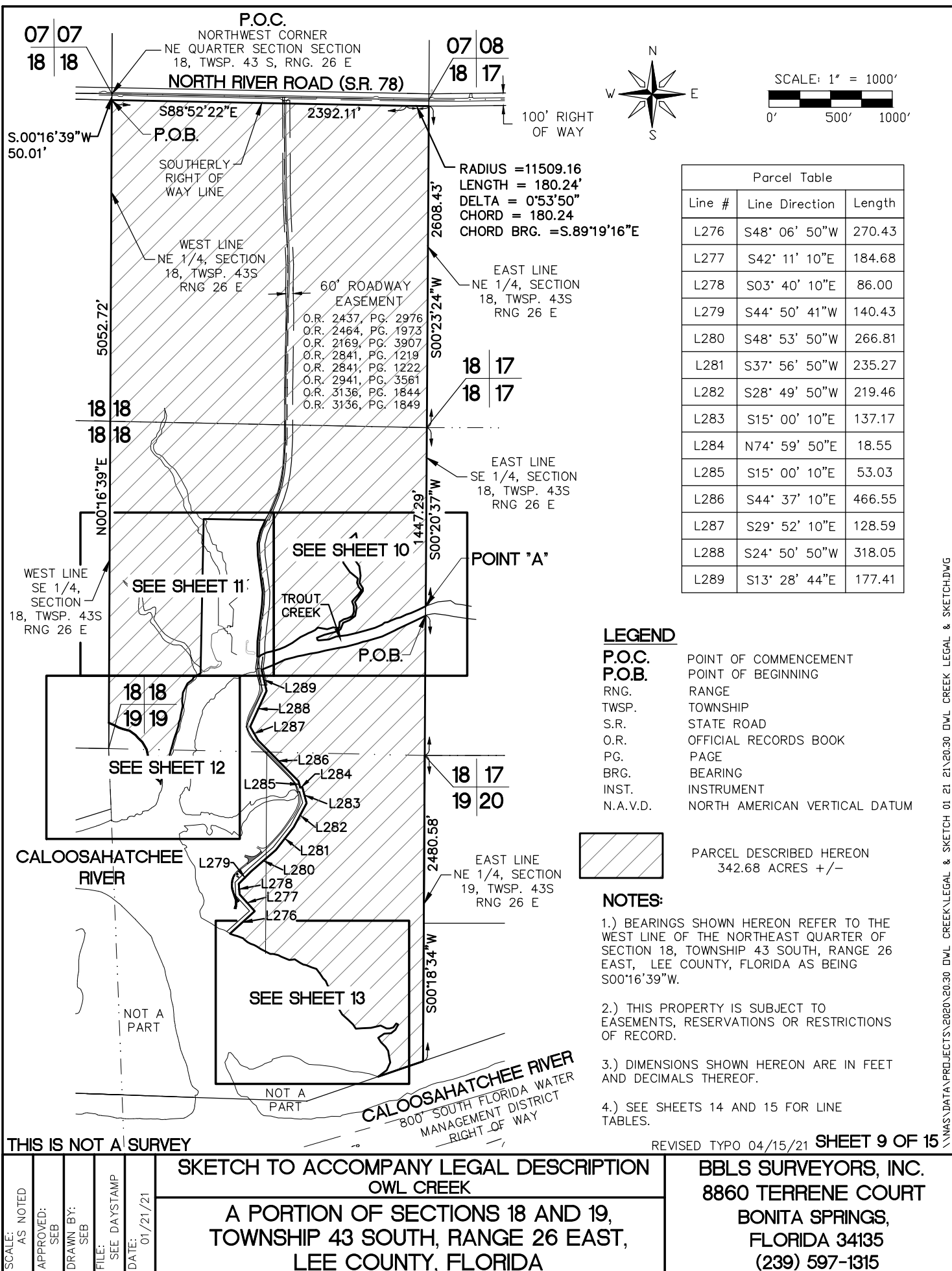
04/15/21

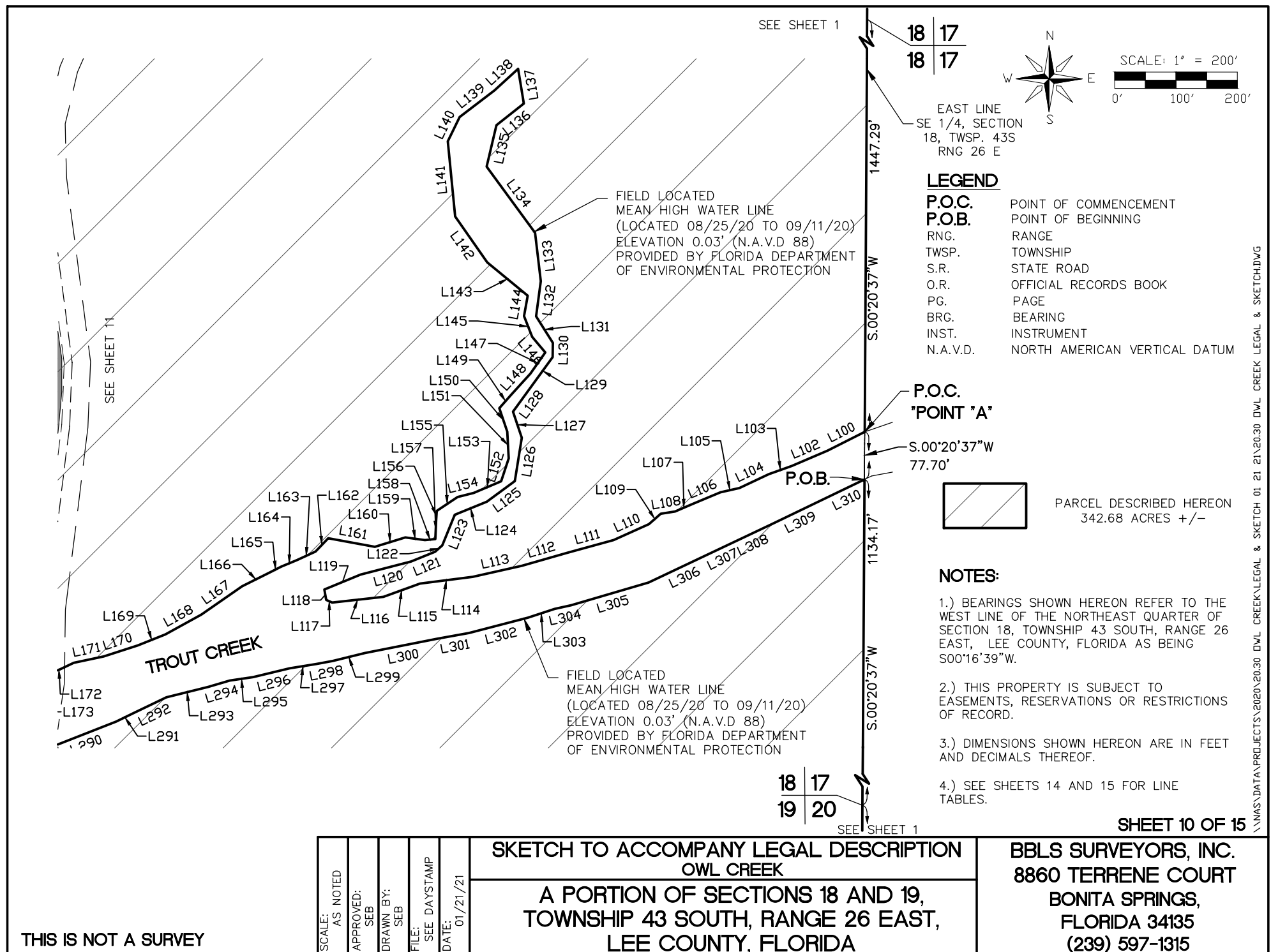
STEPHEN E. BERRY, STATE OF FLORIDA, (L.S. #5296)
BBLS SURVEYORS, INC., (L.B. #8033)

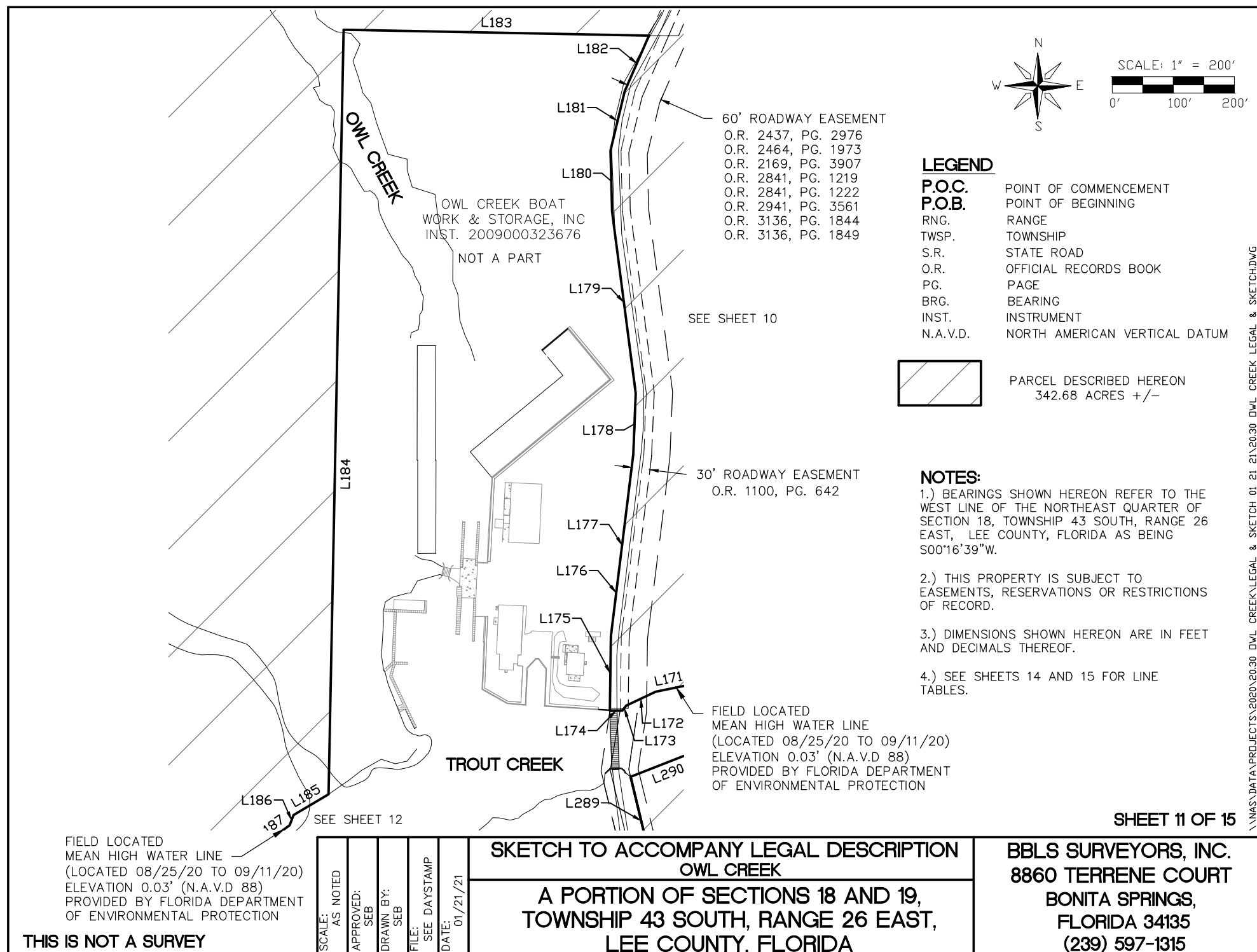
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REVISED TYPO 04 15 21
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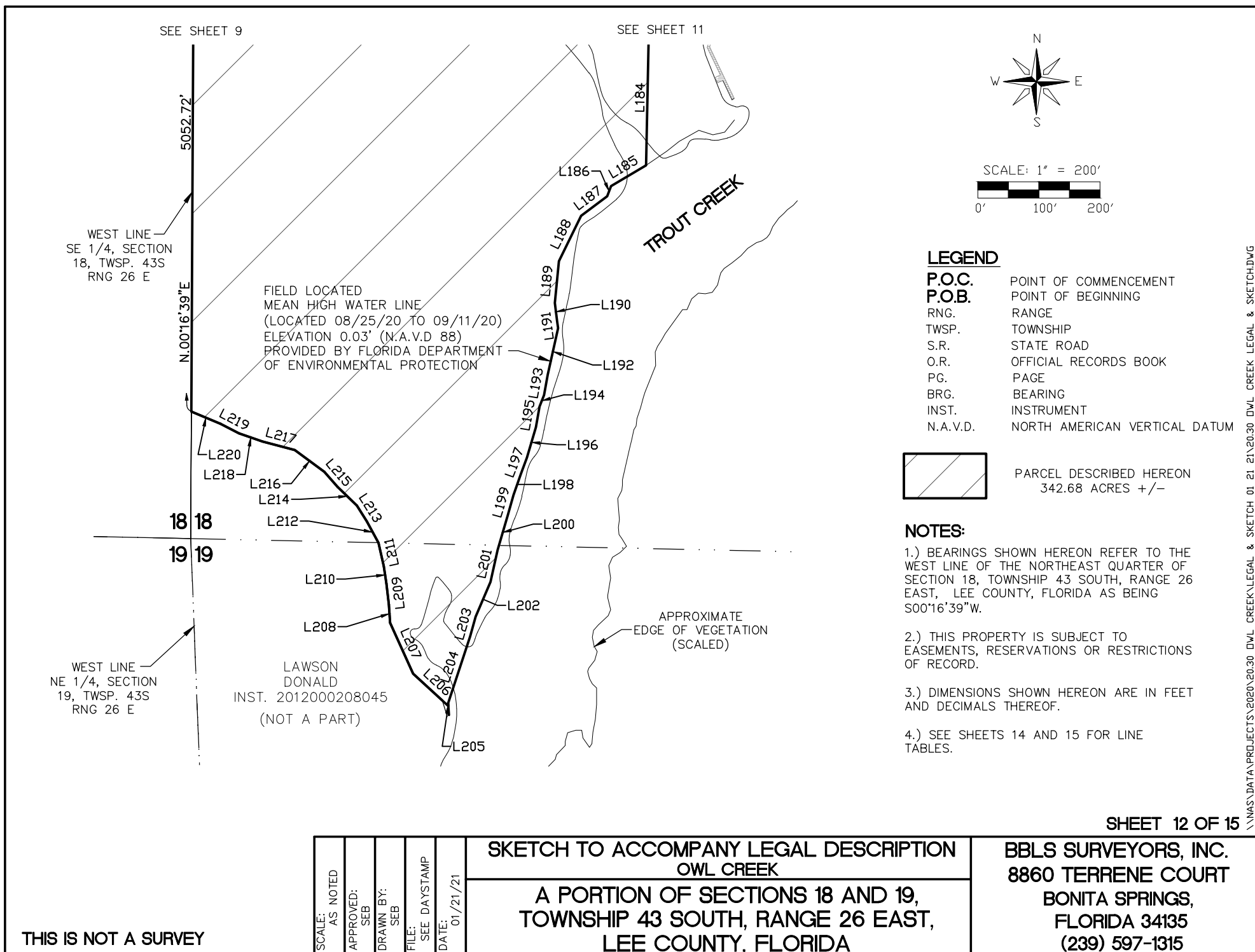


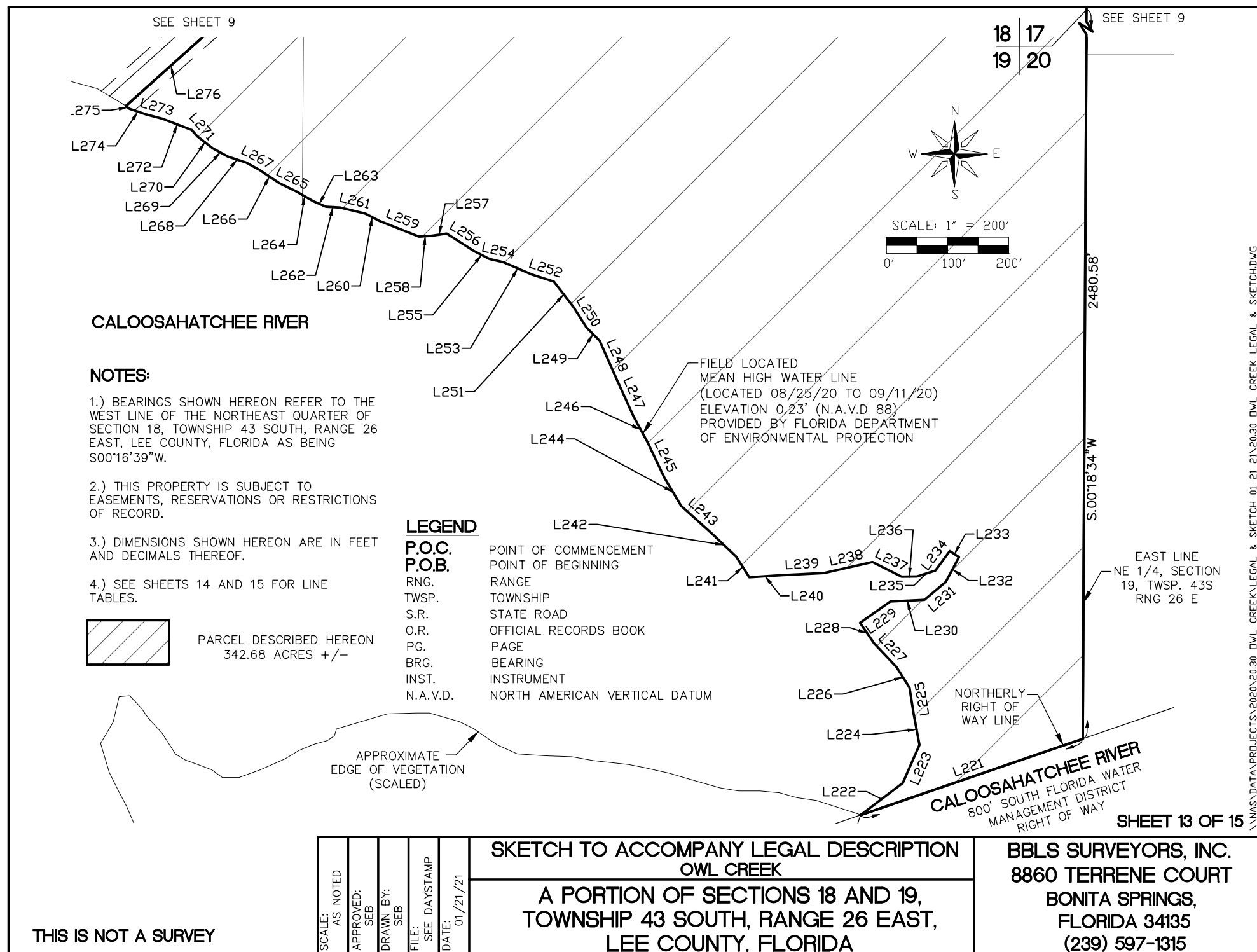
SEE ATTACHED SKETCH (SHEET 9 OF 15 THROUGH SHEET 15 OF 15)











Parcel Table		
Line #	Line Direction	Length
L100	S63° 09' 11"W	68.12
L102	S66° 53' 17"W	63.33
L103	S70° 27' 15"W	39.63
L104	S64° 37' 58"W	53.06
L105	S77° 10' 24"W	31.94
L106	S67° 19' 24"W	49.00
L107	S66° 42' 36"W	31.31
L108	S80° 37' 35"W	23.70
L109	S49° 00' 39"W	25.62
L110	S65° 48' 12"W	63.16
L111	S74° 36' 11"W	79.06
L112	S73° 49' 33"W	76.39
L113	S77° 28' 30"W	81.85
L114	S82° 44' 45"W	86.96
L115	S69° 49' 00"W	63.53
L116	S83° 38' 00"W	84.05
L117	N64° 43' 19"W	10.65
L118	N10° 04' 22"W	17.28
L119	N67° 36' 56"E	63.76
L120	N75° 31' 42"E	84.91

Parcel Table		
Line #	Line Direction	Length
L121	N67° 43' 57"E	42.46
L122	N48° 46' 12"E	15.77
L123	N22° 03' 58"E	53.88
L124	N67° 46' 02"E	56.48
L125	N53° 42' 12"E	56.78
L126	N09° 10' 30"E	71.37
L127	N18° 38' 24"W	45.27
L128	N36° 09' 14"E	54.90
L129	N35° 53' 09"E	55.09
L130	N01° 19' 19"E	23.41
L131	N32° 33' 04"W	51.20
L132	N07° 39' 06"E	57.91
L133	N06° 39' 11"W	79.50
L134	N36° 15' 06"W	133.80
L135	N13° 17' 04"E	69.67
L136	N51° 38' 20"E	56.94
L137	N09° 17' 06"W	57.33
L138	S47° 33' 50"W	52.48
L139	S52° 35' 15"W	71.39
L140	S26° 00' 04"W	44.07

Parcel Table		
Line #	Line Direction	Length
L141	S05° 32' 36"E	123.25
L142	S35° 01' 53"E	91.33
L143	S50° 35' 34"E	85.61
L144	S10° 34' 53"W	33.93
L145	S21° 26' 11"E	36.72
L146	S40° 17' 20"E	33.23
L147	S35° 18' 25"W	42.17
L148	S42° 33' 03"W	45.18
L149	S41° 13' 28"W	30.71
L150	S18° 57' 53"E	40.71
L151	S02° 39' 27"E	43.57
L152	S18° 07' 05"W	39.46
L153	S67° 10' 19"W	48.51
L154	S75° 56' 36"W	27.05
L155	S56° 00' 26"W	40.96
L156	S04° 07' 53"W	15.13
L157	S02° 20' 53"W	30.76
L158	S83° 41' 22"W	17.10
L159	N81° 54' 26"W	32.46
L160	S72° 46' 26"W	51.87

Parcel Table		
Line #	Line Direction	Length
L161	N79° 37' 03"W	77.30
L162	S43° 53' 28"W	29.96
L163	S64° 51' 44"W	33.22
L164	S67° 25' 22"E	27.97
L165	S63° 29' 01"W	21.10
L166	S63° 09' 28"W	50.02
L167	S55° 16' 21"W	81.31
L168	S61° 20' 10"W	66.81
L169	S67° 49' 59"W	48.47
L170	S72° 10' 03"W	58.79
L171	S78° 14' 00"W	49.72
L172	S64° 42' 00"W	53.28
L173	S38° 23' 32"W	10.59
L174	N89° 16' 27"W	20.26
L175	N00° 43' 09"E	121.86
L176	N07° 03' 43"E	300.00
L178	N02° 16' 53"E	100.00
L179	N07° 27' 32"W	299.99

Parcel Table		
Line #	Line Direction	Length
L180	N01° 23' 52"W	100.00
L181	N13° 23' 08"E	100.00
L182	N23° 42' 08"E	99.22
L183	N88° 52' 07"W	500.00
L184	S01° 07' 53"W	1252.34
L185	S59° 33' 49"W	66.58
L186	S19° 55' 43"W	17.96
L187	S53° 18' 36"W	53.47
L188	S26° 06' 00"W	82.56
L189	S05° 34' 19"W	68.70
L190	S07° 11' 04"E	29.90
L191	S07° 54' 16"E	11.85
L192	S12° 21' 57"W	78.12
L193	S10° 40' 48"W	33.89
L194	S21° 15' 12"W	20.19
L195	S10° 05' 07"W	34.32
L196	S16° 26' 09"W	51.67
L197	S20° 15' 30"W	28.82
L198	S18° 57' 28"W	36.38
L199	S15° 47' 44"W	34.13

NOTES:

1.) BEARINGS SHOWN HEREON REFER TO THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA AS BEING S00°16'39"W.

2.) THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

THIS IS NOT A SURVEY

SCALE: AS NOTED	APPROVED: SEB	DRAWN BY: SEB	FILE: SEE DAYSTAMP	DATE: 01/21/21
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**SKETCH TO ACCOMPANY LEGAL DESCRIPTION
OWL CREEK**

**A PORTION OF SECTIONS 18 AND 19,
TOWNSHIP 43 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA**

**BBLs SURVEYORS, INC.
8860 TERRENE COURT
BONITA SPRINGS,
FLORIDA 34135
(239) 597-1315**

SHEET 14 OF 15

\\NAS\DATA\PROJECTS\2020\20.30 OWL CREEK\LEGAL & SKETCH 01 21\20.30 OWL CREEK LEGAL & SKETCH.DWG

Parcel Table		
Line #	Line Direction	Length
L200	S16° 28' 26"W	59.42
L201	S12° 32' 34"W	53.60
L202	S23° 08' 17"W	62.09
L203	S15° 16' 02"W	33.53
L204	S18° 12' 29"W	115.02
L205	S03° 19' 16"E	4.78
L206	N47° 23' 44"W	78.47
L207	N24° 12' 11"W	91.43
L208	N03° 48' 12"W	29.62
L209	N06° 50' 11"W	34.61
L210	N08° 54' 45"W	28.95
L211	N12° 43' 52"W	39.18
L212	N28° 20' 46"W	39.90
L213	N32° 06' 08"W	30.67
L214	N45° 59' 51"W	43.84
L215	N40° 53' 39"W	33.01
L216	N53° 48' 26"W	60.20
L217	N75° 05' 44"W	54.64
L218	N71° 07' 07"W	40.46
L219	N62° 42' 59"W	34.22

Parcel Table		
Line #	Line Direction	Length
L220	N66° 57' 30"W	51.84
L221	S71° 02' 37"W	384.61
L222	N52° 44' 09"E	86.87
L223	N23° 50' 54"E	68.13
L224	N10° 38' 48"W	52.58
L225	N09° 06' 55"W	42.95
L226	N32° 14' 07"W	39.88
L227	N43° 39' 22"W	52.79
L228	N34° 08' 38"W	41.08
L229	N54° 52' 16"E	60.65
L230	N87° 04' 33"E	55.75
L231	N49° 55' 04"E	45.69
L232	N28° 07' 43"E	46.00
L233	N56° 19' 58"W	17.93
L234	S36° 51' 22"W	39.99
L235	S71° 55' 20"W	31.45
L236	S89° 48' 27"W	25.16
L237	N63° 29' 40"W	53.19
L238	S77° 12' 19"W	81.07
L239	S87° 13' 04"W	71.51

Parcel Table		
Line #	Line Direction	Length
L240	S86° 14' 38"W	51.39
L241	N32° 39' 35"W	39.89
L242	N46° 07' 12"W	55.49
L243	N48° 12' 13"W	67.15
L244	N30° 38' 49"W	52.85
L245	N25° 28' 33"W	64.46
L246	N28° 26' 17"W	48.85
L247	N24° 27' 43"W	67.21
L248	N23° 43' 59"W	68.49
L249	N44° 29' 30"W	30.93
L250	N32° 47' 22"W	39.03
L251	N37° 30' 31"W	53.12
L252	N72° 02' 02"W	37.99
L253	N66° 54' 09"W	50.25
L254	N76° 40' 16"W	23.57
L255	N62° 41' 50"W	29.07
L256	N57° 22' 45"W	52.85
L257	S81° 19' 58"W	24.79

Parcel Table		
Line #	Line Direction	Length
L258	S86° 10' 29"W	20.72
L259	N68° 13' 44"W	70.32
L260	N62° 52' 25"W	25.24
L261	N76° 26' 43"W	42.82
L262	N86° 37' 33"W	23.07
L263	N66° 30' 11"W	23.15
L264	N59° 53' 05"W	31.24
L265	N63° 30' 36"W	30.41
L266	N56° 41' 32"W	40.31
L267	N61° 46' 56"W	24.48
L268	N71° 57' 11"W	31.15
L269	N60° 34' 35"W	28.45
L270	N52° 43' 10"W	31.94
L271	N40° 26' 58"W	13.97
L272	N69° 12' 09"W	50.97
L273	N75° 09' 23"W	27.53
L274	N71° 05' 34"W	29.39
L275	N50° 55' 57"W	7.35
L276	N48° 06' 50"E	270.43
L277	N42° 11' 10"W	184.68

Parcel Table		
Line #	Line Direction	Length
L278	N03° 40' 10"W	86.00
L279	N44° 50' 41"E	140.43
L280	N48° 53' 50"E	266.81
L281	N37° 56' 50"E	235.27
L282	N28° 49' 50"E	219.46
L283	N15° 00' 10"W	137.17
L284	S74° 59' 50"W	18.55
L285	N15° 00' 10"W	53.03
L286	N44° 37' 10"W	466.55
L287	N29° 52' 10"W	128.59
L288	N24° 50' 50"E	318.05
L289	N13° 28' 44"W	177.41
L290	N68° 36' 37"E	118.44
L291	N64° 26' 22"E	31.89
L292	N64° 03' 20"E	59.04
L293	N75° 59' 50"E	70.51
L294	N73° 52' 12"E	36.64
L295	N81° 37' 22"E	38.71
L296	N76° 10' 56"E	61.09
L297	N81° 10' 49"E	43.63

Parcel Table		
Line #	Line Direction	Length
L298	N79° 19' 30"E	27.70
L299	N76° 16' 15"E	54.20
L300	N78° 48' 20"E	120.20
L301	N79° 41' 31"E	52.54
L302	N75° 23' 35"E	99.29
L303	N71° 46' 47"E	45.73
L304	N77° 14' 48"E	27.77
L305	N73° 38' 17"E	131.49
L306	N64° 38' 32"E	113.85

Parcel Table		
Line #	Line Direction	Length
L307	N64° 07' 37"E	23.99
L308	N64° 53' 28"E	84.52
L309	N64° 11' 02"E	86.91
L310	N64° 11' 54"E	80.97

THIS IS NOT A SURVEY

SCALE: AS NOTED	APPROVED: SEB	DRAWN BY: SEB	FILE: SEE DAYSTAMP	DATE: 01/21/21
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**SKETCH TO ACCOMPANY LEGAL DESCRIPTION
OWL CREEK**

**A PORTION OF SECTIONS 18 AND 19,
TOWNSHIP 43 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA**

NOTES:

1.) BEARINGS SHOWN HEREON REFER TO THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA AS BEING S00°16'39"W.

2.) THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

SHEET 15 OF 15

**BBL SURVEYORS, INC.
8860 TERRENE COURT
BONITA SPRINGS,
FLORIDA 34135
(239) 597-1315**



Order Number: 9224174
Customer Reference: 18621-47

December 6, 2021

Addressee: Lee County Board of County Commissioners

TITLE CERTIFICATION

Revised: 12/6/2021 TG

Proposed Plat of: Owl Creek

In accordance with Section 177.041, Florida Statutes this will certify that Chicago Title Insurance Company has made a search of the Public Records of Lee County, Florida, through November 24, 2021 at 8:00 AM on real property described and shown on the proposed plat which description reads as follows:

See Exhibit A attached hereto for Legal Description

As of the effective date of this report, the record title to the land described and shown on the proposed plat is in the name of Talon Ventures LLC, a Florida limited liability company by virtue of that Certificate of Title recorded in Instrument Number 2009000343334.

The search has revealed the following:

Said search discloses the following mortgages not satisfied or released of record nor otherwise terminated by law:

None

The following restrictions, easements and other encumbrances, with the exception of mortgages and liens, against the said real property recorded in the aforesaid Public Records have been found:

1. Easement for ingress and egress granted to Owl Creek Boat Works & Storage, Inc. by the Warranty Deed recorded in Official Records Book 1087, page 233, as corrected in Official Records Book 1100, page 642.
2. Right-of-Way Easement granted to Lee County Electric Co-Operative, Inc., recorded in Official Records Book 1928, page 2582.
3. Easements for ingress and egress granted by the Warranty Deed recorded in Official Records Book 2037, page 4776.
4. Easements for roadway, utilities and drainage purposes granted and/or reserved by the Deeds recorded in Official Records Book 2437, page 2976, Official Records Book 2464, page 1973, Official Records Book 2619, page 3907, Official Records Book 2841, page 1219, Official Records Book 2841, page 1222, Official Records Book 2941, page 3561, Official Records Book 3136, page 1844 and Official Records Book 3136, page 1849.
5. Unrecorded Right-of-Way Easement granted by Granville W. Keller to Lee County Electric Co-Operative, Inc. dated July 7, 1969.
6. Recorded Notice of Environmental Resource Permit, recorded in Official Records Instrument No. 2021000377045.



NOTE: All recording references in this form shall refer to the public records of Lee County, Florida, unless otherwise noted.

Public Records shall be defined herein as those records currently established under the Florida Statutes for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge.

This report shows only matters disclosed in the aforesaid Public Records, and it does not purport to insure or guarantee the validity or sufficiency of any documents noted herein; nor have the contents of any such documents been examined for references to other liens or encumbrances. This report is not to be construed as an opinion, warranty, or guarantee of title or other similar assurance, nor as a title insurance policy; and its effective date shall be the date above specified through which the Public Records were searched. This Report is being provided for the use and benefit of the above Addressee only, and it may not be used or relied upon by any other party. This Report may not be used for the purpose of issuing a title insurance commitment or policy.

This Report is not title insurance. Pursuant to s. 627.7843, Florida Statutes, the maximum liability of the issuer of this property information report for errors or omissions in this property information report is limited to the amount paid for this property information report, and is further limited to the person(s) expressly identified by name in the property information report as the recipient(s) of the property information report.

File No.: 9224174

By: _____

Authorized Signature



Exhibit "A"

A PORTION OF SECTIONS 18 AND 19, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA; THENCE RUN S.00°16'39"W., ALONG THE WEST LINE OF SAID NORTHEAST QUARTER, FOR A DISTANCE OF 50.01 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF NORTH RIVER ROAD (STATE ROAD 78), A 100 FOOT WIDE RIGHT OF WAY, THE SAME BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN S.88°52'22"E., ALONG SAID SOUTHERLY RIGHT OF WAY LINE, FOR A DISTANCE OF 2,392.11 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE RUN EASTERLY, ALONG SAID SOUTHERLY RIGHT OF WAY LINE AND THE ARC OF SAID CURVE, HAVING A RADIUS OF 11,509.16 FEET THROUGH A CENTRAL ANGLE OF 00°53'50", SUBTENDED BY A CHORD OF 180.24 FEET, AT A BEARING OF S.89°19'16"E., FOR A DISTANCE OF 180.24 FEET TO THE END OF SAID CURVE, THE SAME BEING A POINT ON THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE RUN S.00°23'24"W., ALONG SAID EAST LINE, FOR A DISTANCE OF 2,608.43 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 18; THENCE RUN S.00°20'37"W., ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, FOR A DISTANCE OF 1,447.29 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "A", THE SAME BEING A POINT ON THE MEAN HIGH WATER LINE OF TROUT CREEK (ELEVATION 0.03 FEET- NORTH AMERICAN VERTICAL DATUM OF 1988); THENCE RUN S.63°09'11"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 68.12 FEET; THENCE RUN S.66°53'17"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 63.33 FEET; THENCE RUN S.70°27'15"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 39.63 FEET; THENCE RUN S.64°37'58"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 53.06 FEET; THENCE RUN S.77°10'24"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.94 FEET; THENCE RUN S.67°19'24"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 49.00 FEET; THENCE RUN S.66°42'36"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.31 FEET; THENCE RUN S.80°37'35"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 23.70 FEET; THENCE RUN S.49°00'39"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 25.62 FEET; THENCE RUN S.65°48'12"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 63.16 FEET; THENCE RUN S.74°36'11"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 79.06 FEET; THENCE RUN S.73°49'33"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 76.39 FEET; THENCE RUN S.77°28'30"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 81.85 FEET; THENCE RUN S.82°44'45"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 86.96 FEET; THENCE RUN S.69°49'00"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 63.53 FEET; THENCE RUN S.83°38'00"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 84.05 FEET; THENCE RUN N.64°43'19"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 10.65 FEET; THENCE RUN N.10°04'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 17.28 FEET; THENCE RUN N.67°36'56"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 63.76 FEET; THENCE RUN N.75°31'42"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 84.91 FEET; THENCE RUN N.67°43'57"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 42.46 FEET; THENCE RUN N.48°46'12"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 15.77 FEET; THENCE RUN N.22°03'58"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 53.88 FEET; THENCE RUN N.67°46'02"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 56.48 FEET; THENCE RUN N.53°42'12"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 56.78 FEET; THENCE RUN N.09°10'30"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 71.37 FEET; THENCE RUN



N.18°38'24"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 45.27 FEET; THENCE RUN N.36°09'14"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 54.90 FEET; THENCE RUN N.35°53'09"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 55.09 FEET; THENCE RUN N.01°19'19"E. ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 23.41 FEET; THENCE RUN N.32°33'04"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 51.20 FEET; THENCE RUN N.07°39'06"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 57.91 FEET; THENCE RUN N.06°39'11"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 79.50 FEET; THENCE RUN N.36°15'06"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 133.80 FEET; THENCE RUN N.13°17'04"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 69.67 FEET; THENCE RUN N.51°38'20"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 56.94 FEET; THENCE RUN N.09°17'06"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 57.33 FEET; THENCE RUN S.47°33'50"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 52.48 FEET; THENCE RUN S.52°35'15"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 71.39 FEET; THENCE RUN S.26°00'04"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 44.07 FEET; THENCE RUN S.05°32'36"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 123.25 FEET; THENCE RUN S.35°01'53"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 91.33 FEET; THENCE RUN S.50°35'34"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 85.61 FEET; THENCE RUN S.10°34'53"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 33.93 FEET; THENCE RUN S.21°26'11"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 36.72 FEET; THENCE RUN S.40°17'20"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 33.23 FEET; THENCE RUN S.35°18'25"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 42.17 FEET; THENCE RUN S.42°33'03"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 45.18 FEET; THENCE RUN S.41°13'28"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 30.71 FEET; THENCE RUN S.18°57'53"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 40.71 FEET; THENCE RUN S.02°39'27"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 43.57 FEET; THENCE RUN S.18°07'05"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 39.46 FEET; THENCE RUN S.67°10'19"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 48.51 FEET; THENCE RUN S.75°56'36"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 27.05 FEET; THENCE RUN S.56°00'26"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 40.96 FEET; THENCE RUN S.04°07'53"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 15.13 FEET; THENCE RUN S.02°20'53"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 30.76 FEET; THENCE RUN S.83°41'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 17.10 FEET; THENCE RUN N.81°54'26"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 32.46 FEET; THENCE RUN S.72°46'26"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 51.87 FEET; THENCE RUN N.79°37'03"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 77.30 FEET; THENCE RUN S.43°53'28"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 29.96 FEET; THENCE RUN S.64°51'44"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 33.22 FEET; THENCE RUN S.67°25'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 27.97 FEET; THENCE RUN S.63°29'01"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 21.10 FEET; THENCE RUN S.63°09'28"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 50.02 FEET; THENCE RUN S.55°16'21"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 81.31 FEET; THENCE RUN S.61°20'10"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 66.81 FEET; THENCE RUN S.67°49'59"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 48.47 FEET; THENCE RUN S.72°10'03"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 58.79 FEET; THENCE RUN S.78°14'00"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 49.72 FEET; THENCE RUN S.64°42'00"W., ALONG SAID MEAN HIGH WATER



LINE, FOR A DISTANCE OF 53.28 FEET; THENCE RUN S.38°23'32"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 10.59 FEET; THENCE RUN N.89°16'27"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 20.26 FEET; THENCE LEAVING SAID MEAN HIGH WATER LINE, RUN N.00°43'09"E., FOR A DISTANCE OF 121.86 FEET; THENCE RUN N.07°03'43"E., FOR A DISTANCE OF 300.00 FEET; THENCE RUN N.02°16'53"E., FOR A DISTANCE OF 100.00 FEET; THENCE RUN N.07°27'32"W., FOR A DISTANCE OF 299.99 FEET; THENCE RUN N.01°23'52"W., FOR A DISTANCE OF 100.00 FEET; THENCE RUN N.13°23'08"E., FOR A DISTANCE OF 100.00 FEET; THENCE RUN N.23°42'08"E., FOR A DISTANCE OF 99.22 FEET; THENCE RUN N.88°52'07"W., FOR A DISTANCE OF 500.00 FEET; THENCE RUN S.01°07'53"W., FOR A DISTANCE OF 1,252.34 FEET TO SAID MEAN HIGH WATER LINE OF TROUT CREEK (ELEVATION 0.03 FEET-NORTH AMERICAN VERTICAL DATUM OF 1988); THENCE RUN S.59°33'49"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 66.58 FEET; THENCE RUN S.19°55'43"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 17.96 FEET; THENCE RUN S.53°18'36"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 53.47 FEET; THENCE RUN S.26°06'00"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 82.56 FEET; THENCE RUN S.05°34'19"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 68.70 FEET; THENCE RUN S.07°11'04"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 29.90 FEET; THENCE RUN S.07°54'16"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 11.85 FEET; THENCE RUN S.12°21'57"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 78.12 FEET; THENCE RUN S.10°40'48"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 33.89 FEET; THENCE RUN S.21°15'12"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 20.19 FEET; THENCE RUN S.10°05'07"W. ALONG SAID MEAN HIGH WATER LINE,, FOR A DISTANCE OF 34.32 FEET; THENCE RUN S.16°26'09"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 51.67 FEET; THENCE RUN S.20°15'30"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 28.82 FEET; THENCE RUN S.18°57'28"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 36.38 FEET; THENCE RUN S.15°47'44"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 34.13 FEET; THENCE RUN S.16°28'26"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 59.42 FEET; THENCE RUN S.12°32'34"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 53.60 FEET; THENCE RUN S.23°08'17"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 62.09 FEET; THENCE RUN S.15°16'02"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 33.53 FEET; THENCE RUN S.18°12'29"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 115.02 FEET; THENCE RUN S.03°19'16"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 4.78 FEET; THENCE LEAVING SAID MEAN HIGH WATER LINE, RUN N.47°23'44"W., FOR A DISTANCE OF 78.47 FEET; THENCE RUN N.24°12'11"W., FOR A DISTANCE OF 91.43 FEET; THENCE RUN N.03°48'12"W., FOR A DISTANCE OF 29.62 FEET; THENCE RUN N.06°50'11"W., FOR A DISTANCE OF 34.61 FEET; THENCE RUN N.08°54'45"W., FOR A DISTANCE OF 28.95 FEET; THENCE RUN N.12°43'52"W., FOR A DISTANCE OF 39.18 FEET; THENCE RUN N.28°20'46"W. ,FOR A DISTANCE OF 39.90 FEET; THENCE RUN N.32°06'08"W., FOR A DISTANCE OF 30.67 FEET; THENCE RUN N.45°59'51"W., FOR A DISTANCE OF 43.84 FEET; THENCE RUN N.40°53'39"W., FOR A DISTANCE OF 33.01 FEET; THENCE RUN N.53°48'26"W., FOR A DISTANCE OF 60.20 FEET; THENCE RUN N.75°05'44"W., FOR A DISTANCE OF 54.64 FEET; THENCE RUN N.71°07'07"W., FOR A DISTANCE OF 40.46 FEET; THENCE RUN N.62°42'59"W., FOR A DISTANCE OF 34.22 FEET; THENCE RUN N.66°57'30"W., FOR A DISTANCE OF 51.84 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 18; THENCE RUN N.00°16'39"E., ALONG SAID WEST LINE, AND THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 18, FOR A DISTANCE OF 5,052.72 FEET TO THE POINT OF BEGINNING.

AND



COMMENCE AT THE AFOREMENTIONED POINT "A"; THENCE RUN S.00°20'37"W., ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 18, FOR A DISTANCE OF 77.70 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED, THE SAME BEING A POINT ON THE MEAN HIGH WATER LINE OF TROUT CREEK (ELEVATION 0.03 FEET-NORTH AMERICAN VERTICAL DATUM OF 1988) ;THENCE LEAVING SAID MEAN HIGH WATER LINE RUN S.00°20'37"W., FOR A DISTANCE OF 1,134.17 FEET TO THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 19; THENCE RUN S.00°18'34"W., ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 19, FOR A DISTANCE OF 2,480.58 FEET TO THE NORTHERLY LINE OF SOUTH FLORIDA WATER MANAGEMENT DISTRICT CANAL 43 RIGHT OF WAY (A 800.00 FOOT WIDE RIGHT OF WAY); THENCE RUN S.71°02'37"W., ALONG SAID NORTHERLY LINE, FOR A DISTANCE OF 384.61 FEET TO THE MEAN HIGH WATER LINE OF THE CALOOSAHATCHEE RIVER (ELEVATION 0.23 FEET-NORTH AMERICAN VERTICAL DATUM OF 1988); THENCE RUN N.52°44'09"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 86.87 FEET; THENCE RUN N.23°50'54"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 68.13 FEET; THENCE RUN N.10°38'48"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 52.58 FEET; THENCE RUN N.09°06'55"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 42.95 FEET; THENCE RUN N.32°14'07"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 39.88 FEET; THENCE RUN N.43°39'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 52.79 FEET; THENCE RUN N.34°08'38"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 41.08 FEET; THENCE RUN N.54°52'16"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 60.65 FEET;THENCE RUN N.87°04'33"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 55.75 FEET; THENCE RUN N.49°55'04"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 45.69 FEET; THENCE RUN N.28°07'43"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 46.00 FEET; THENCE RUN N.56°19'58"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 17.93 FEET; THENCE RUN S.36°51'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 39.99 FEET; THENCE RUN S.71°55'20"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.45 FEET; THENCE RUN S.89°48'27"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 25.16 FEET; THENCE RUN N.63°29'40"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 53.19 FEET; THENCE RUN S.77°12'19"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 81.07 FEET; THENCE RUN S.87°13'04"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 71.51 FEET; THENCE RUN S.86°14'38"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 51.39 FEET; THENCE RUN N.32°39'35"W. ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 39.89 FEET; THENCE RUN N.46°07'12"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 55.49 FEET; THENCE RUN N.48°12'13"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 67.15 FEET; THENCE RUN N.30°38'49"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 52.85 FEET; THENCE RUN N.25°28'33"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 64.46 FEET; THENCE RUN N.28°26'17"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 48.85 FEET; THENCE RUN N.24°27'43"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 67.21 FEET; THENCE RUN N.23°43'59"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 68.49 FEET; THENCE RUN N.44°29'30"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 30.93 FEET; THENCE RUN N.32°47'22"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 39.03 FEET; THENCE RUN N.37°30'31"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 53.12 FEET; THENCE RUN N.72°02'02"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 37.99 FEET; THENCE RUN N.66°54'09"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 50.25 FEET; THENCE RUN N.76°40'16"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 23.57 FEET; THENCE RUN N.62°41'50"W., ALONG SAID MEAN HIGH WATER

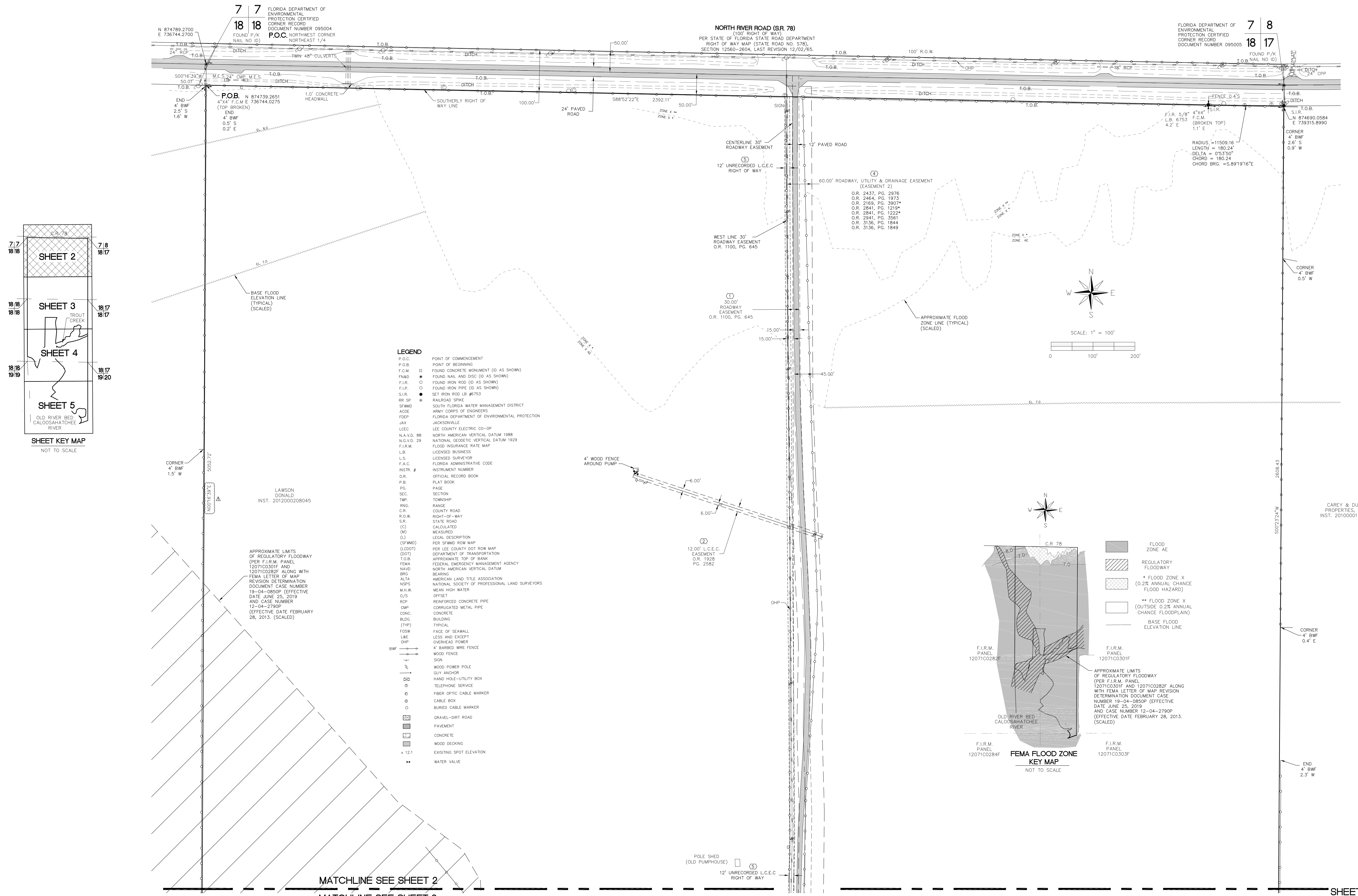


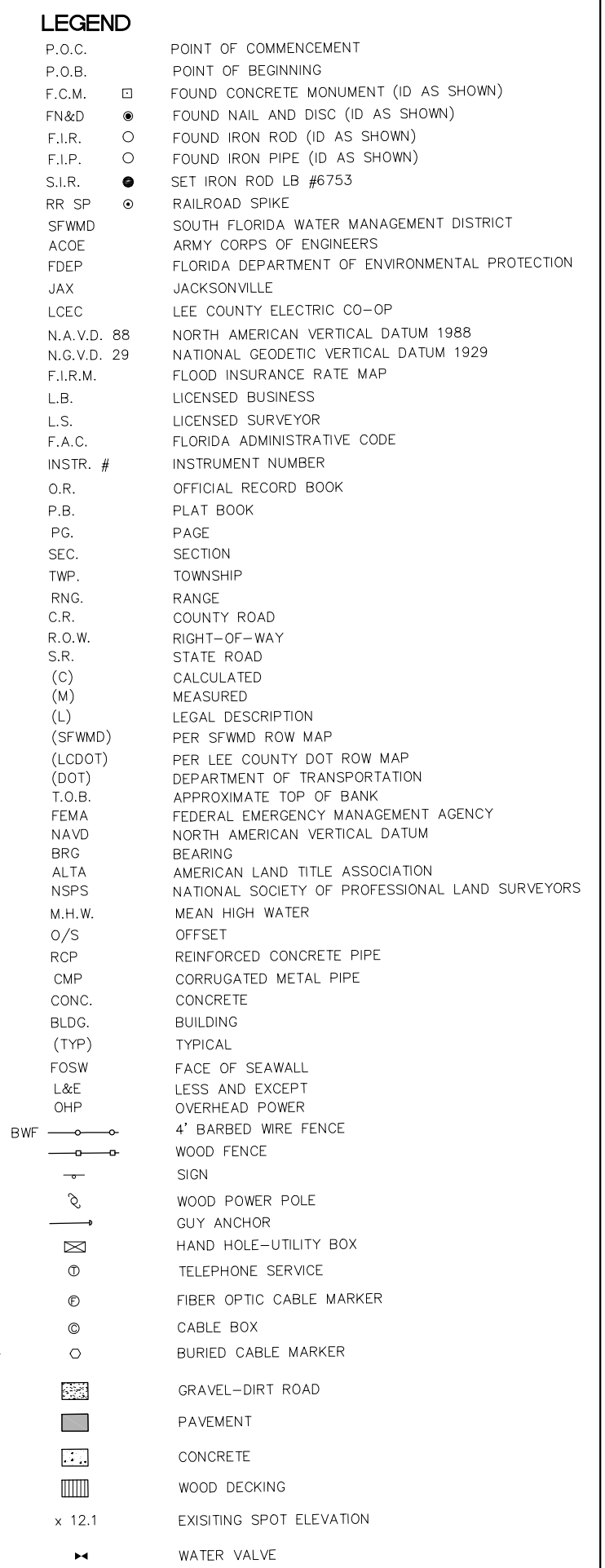
LINE, FOR A DISTANCE OF 29.07 FEET; THENCE RUN N.57°22'45"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 52.85 FEET; THENCE RUN S.81°19'58"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 24.79 FEET; THENCE RUN S.86°10'29"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 20.72 FEET; THENCE RUN N.68°13'44"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 70.32 FEET; THENCE RUN N.62°52'25"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 25.24 FEET; THENCE RUN N.76°26'43"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 42.82 FEET; THENCE RUN N.86°37'33"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 23.07 FEET; THENCE RUN N.66°30'11"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 23.15 FEET; THENCE RUN N.59°53'05"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.24 FEET; THENCE RUN N.63°30'36"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 30.41 FEET; THENCE RUN N.56°41'32"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 40.31 FEET; THENCE RUN N.61°46'56"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 24.48 FEET; THENCE RUN N.71°57'11"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.15 FEET; THENCE RUN N.60°34'35"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 28.45 FEET; THENCE RUN N.52°43'10"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.94 FEET; THENCE RUN N.40°26'58"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 13.97 FEET; THENCE RUN N.69°12'09"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 50.97 FEET; THENCE RUN N.75°09'23"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 27.53 FEET; THENCE RUN N.71°05'34"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 29.39 FEET; THENCE RUN N.50°55'57"W., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 7.35 FEET; THENCE LEAVING SAID MEAN HIGH WATER LINE, RUN N.48°06'50"E., FOR A DISTANCE OF 270.43 FEET; THENCE RUN N.42°11'10"W., FOR A DISTANCE OF 184.68 FEET; THENCE RUN N.03°40'10"W., FOR A DISTANCE OF 86.00 FEET; THENCE RUN N.44°50'41"E., FOR A DISTANCE OF 140.43 FEET; THENCE RUN N.48°53'50"E., FOR A DISTANCE OF 266.81 FEET; THENCE RUN N.37°56'50"E., FOR A DISTANCE OF 235.27 FEET; THENCE RUN N.28°49'50"E., FOR A DISTANCE OF 219.46 FEET; THENCE RUN N.15°00'10"W., FOR A DISTANCE OF 137.17 FEET; THENCE RUN S.74°59'50"W., FOR A DISTANCE OF 18.55 FEET; THENCE RUN N.15°00'10"W., FOR A DISTANCE OF 53.03 FEET; THENCE RUN N.44°37'10"W., FOR A DISTANCE OF 466.55 FEET; THENCE RUN N.29°52'10"W., FOR A DISTANCE OF 128.59 FEET; THENCE RUN N.24°50'50"E., FOR A DISTANCE OF 318.05 FEET; THENCE RUN N.13°28'44"W., FOR A DISTANCE OF 177.41 FEET TO SAID MEAN HIGH WATER LINE OF TROUT CREEK (ELEVATION 0.03 FEET-NORTH AMERICAN VERTICAL DATUM OF 1988); THENCE RUN N.68°36'37"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 118.44 FEET; THENCE RUN N.64°26'22"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 31.89 FEET; THENCE RUN N.64°03'20"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 59.04 FEET; THENCE RUN N.75°59'50"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 70.51 FEET; THENCE RUN N.73°52'12"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 36.64 FEET; THENCE RUN N.81°37'22"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 38.71 FEET; THENCE RUN N.76°10'56"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 61.09 FEET; THENCE RUN N.81°10'49"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 43.63 FEET; THENCE RUN N.79°19'30"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 27.70 FEET; THENCE RUN N.76°16'15"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 54.20 FEET; THENCE RUN N.78°48'20"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 120.20 FEET; THENCE RUN N.79°41'31"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 52.54 FEET; THENCE RUN N.75°23'35"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 99.29 FEET; THENCE RUN N.71°46'47"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 45.73 FEET; THENCE RUN N.77°14'48"E., ALONG SAID MEAN HIGH WATER



LINE, FOR A DISTANCE OF 27.77 FEET; THENCE RUN N.73°38'17"E. ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 131.49 FEET; THENCE RUN N.64°38'32"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 113.85 FEET; THENCE RUN N.64°07'37"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 23.99 FEET; THENCE RUN N.64°53'28"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 84.52 FEET; THENCE RUN N.64°11'02"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 86.91 FEET; THENCE RUN N.64°11'54"E., ALONG SAID MEAN HIGH WATER LINE, FOR A DISTANCE OF 80.97 FEET TO THE POINT OF BEGINNING.

BEARINGS REFER TO THE WEST LINE THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 43 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, HAVING A BEARING OF S.00°16'39"W.

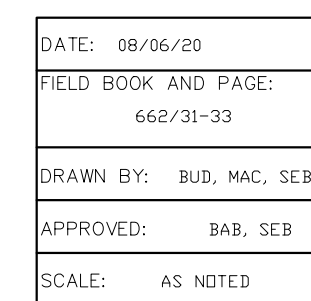




DATE:	08/06/20
FIELD BOOK AND PAGE:	662/31-33
DRAWN BY:	BUD, MAC, SEB
APPROVED:	BAB, SEB
SCALE:	AS NOTED

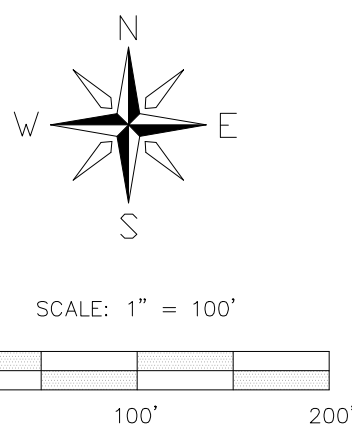
OWL CREEK
A PORTION OF SECTIONS 18 AND 19, TOWNSHIP 43
SOUTH, RANGE 26 EAST LEE COUNTY, FLORIDA

BBL SURVEYORS INC.
8860 TERRENE COURT,
BONITA SPRINGS,
FLORIDA 34135
(239) 597-1315



A PORTION OF SECTIONS 18 AND 19, TOWNSHIP 43
SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA

MATCHLINE SEE SHEET 4
MATCHLINE SEE SHEET 5



SOUTH FLORIDA WATER
MANAGEMENT DISTRICT
O.R. 484, PG. 487

- F.C.M. □ FOUND CONCRETE MONUMENT (ID AS SHOWN)
FN&D ● FOUND NAIL AND DISC (ID AS SHOWN)
F.I.R. ○ FOUND IRON ROD (ID AS SHOWN)
F.L.P. ○ FOUND IRON PIPE (ID AS SHOWN)
S.I.R. ● SET IRON ROD LB #8753
RR SP ⊗ RAILROAD SPIKE
SFMD SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ACOE ARMY CORPS OF ENGINEERS
FDEP FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
JAX JACKSONVILLE
LEEC LEE COUNTY ELECTRIC CO-OP
N.A.V.D. 88 NORTH AMERICAN VERTICAL DATUM 1988
N.G.V.D. 29 NATIONAL GEODETIC VERTICAL DATUM 1929
F.I.R.M. FLOOD INSURANCE RATE MAP
L.B. LICENSED BUSINESS
L.S. LICENSED SURVEYOR
F.A.C. FLORIDA ADMINISTRATIVE CODE
INSTR. # INSTRUMENT NUMBER
O.R. OFFICIAL RECORD BOOK
P.B. PLAT BOOK
PG. PAGE
SEC. SECTION
TWP. TOWNSHIP
RNG. RANGE
C.R. COUNTY ROAD
R.O.W. RIGHT-OF-WAY
S.R. STATE ROAD
(C) CALCULATED
(M) MEASURED
(L) LEGAL DESCRIPTION
(SFMD) PER SFMD ROW MAP
(LCDOT) PER LEE COUNTY DOT ROW MAP
(DOT) DEPARTMENT OF TRANSPORTATION
T.O.B. APPROXIMATE TOP OF BANK
FEMA FEDERAL EMERGENCY MANAGEMENT AGENCY
NAVD NORTH AMERICAN VERTICAL DATUM
BRO BEARING
ALTA AMERICAN LAND TITLE ASSOCIATION
NSPS NATIONAL SOCIETY OF PROFESSIONAL LAND SURVEYORS
M.H.W. MEAN HIGH WATER
O/S OFFSET
RCP REINFORCED CONCRETE PIPE
CMP CORRUGATED METAL PIPE
CONC. CONCRETE
BLDG. BUILDING
(TYP) TYPICAL
FOSW FACE OF SEAWALL
L&E LESS AND EXCEPT
OHP OVERHEAD POWER
4' BWP 4' BARBED WIRE FENCE
WOOD FENCE
SIGN
WOOD POWER POLE
GUY ANCHOR
HAND HOLE-UTILITY BOX
TELEPHONE SERVICE
FIBER OPTIC CABLE MARKER
CABLE BOX
BURIED CABLE MARKER
GRAVEL-DIRT ROAD
PAVEMENT
CONCRETE
WOOD DECKING
x 12.1 EXISTING SPOT ELEVATION
WATER VALVE

OLD RIVER BED OF
CALOOSAHATCHEE RIVER

Line Table		
Line #	Direction	Length
L500	N50°55'57"W	7.35'
L501	N71°05'34"W	29.39'
L502	N75°09'23"W	27.53'
L503	N69°12'09"W	50.97'
L504	N40°26'58"W	13.97'
L505	N052°43'10"W	31.94'
L506	N60°34'35"W	28.45'
L507	N71°57'11"W	31.15'
L508	N61°46'56"W	24.48'
L509	N56°41'32"W	40.31'
L510	N63°30'36"W	30.41'
L511	N59°53'05"W	31.24'
L512	N66°30'11"W	23.15'
L513	N86°37'33"W	23.07'
L514	N76°26'43"W	42.82'
L515	N62°52'25"W	25.24'
L516	N68°13'44"W	70.32'
L517	S86°10'29"W	20.72'
L518	S81°19'58"W	24.79'
L519	N57°22'45"W	52.85'
L520	N62°41'50"W	29.07'
L521	N76°40'16"W	23.57'
L522	N66°54'09"W	50.25'
L523	N72°02'02"W	37.99'
L524	N37°30'31"W	53.12'
L525	N32°47'22"W	39.03'
L526	N44°29'30"W	30.93'
L527	N23°43'59"W	68.49'

Line Table		
Line #	Direction	Length
L528	N24°27'43"W	67.21'
L529	N28°26'17"W	48.85'
L530	N25°28'33"W	64.46'
L531	N30°38'49"W	52.85'
L532	N48°12'13"W	67.15'
L533	N46°07'12"W	55.49'
L534	N32°39'35"W	39.89'
L535	S86°14'38"W	51.39'
L536	S87°13'04"W	71.51'
L537	S77°12'19"W	81.07'
L538	N63°29'40"W	53.19'
L539	S89°48'27"W	25.16'
L540	S71°55'20"W	31.45'
L541	S36°51'22"W	39.99'
L542	N56°19'58"W	17.93'
L543	N28°07'43"E	46.00'
L544	N49°55'04"E	45.69'
L545	N87°04'33"E	55.75'
L546	N54°52'16"E	60.65'
L547	N34°08'38"W	41.08'
L548	N43°39'22"W	52.79'
L549	N32°14'07"W	39.88'
L550	N10°38'48"W	52.58'
L551	N09°06'55"W	42.95'
L552	N23°50'54"E	68.13'
L553	N52°44'09"E	86.87'

FIELD LOCATED
MEAN HIGH WATER LINE
(LOCATED 08/25/20 TO 09/11/20)
ELEVATION 0.23' (N.A.V.D. 88)
PROVIDED BY FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

BOUNDARY IS SUBJECT TO CHANGE
DUE TO NATURAL CAUSES AND
MAY OR MAY NOT REPRESENT THE
ACTUAL LOCATION OF THE LIMIT OF
TITLE

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT
O.R. 39, PG. 30
O.R. 37, PG. 220

CLARE LAND LLC
INST. 2017000248872

N 866942.0391
E 739268.7425

CALOOSAHATCHEE RIVER

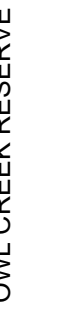
DATE: 08/06/20
FIELD BOOK AND PAGE:
6687/31-33
DRAWN BY: BUD, MAC, SEB
APPROVED: BAB, SEB
SCALE: AS NOTED

BOUNDARY SURVEY (ALTA/NSPS LAND TITLE SURVEY)

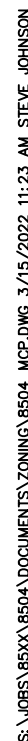
OWL CREEK

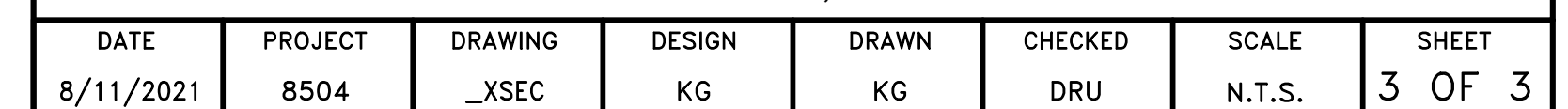
A PORTION OF SECTIONS 18 AND 19, TOWNSHIP 43
SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA

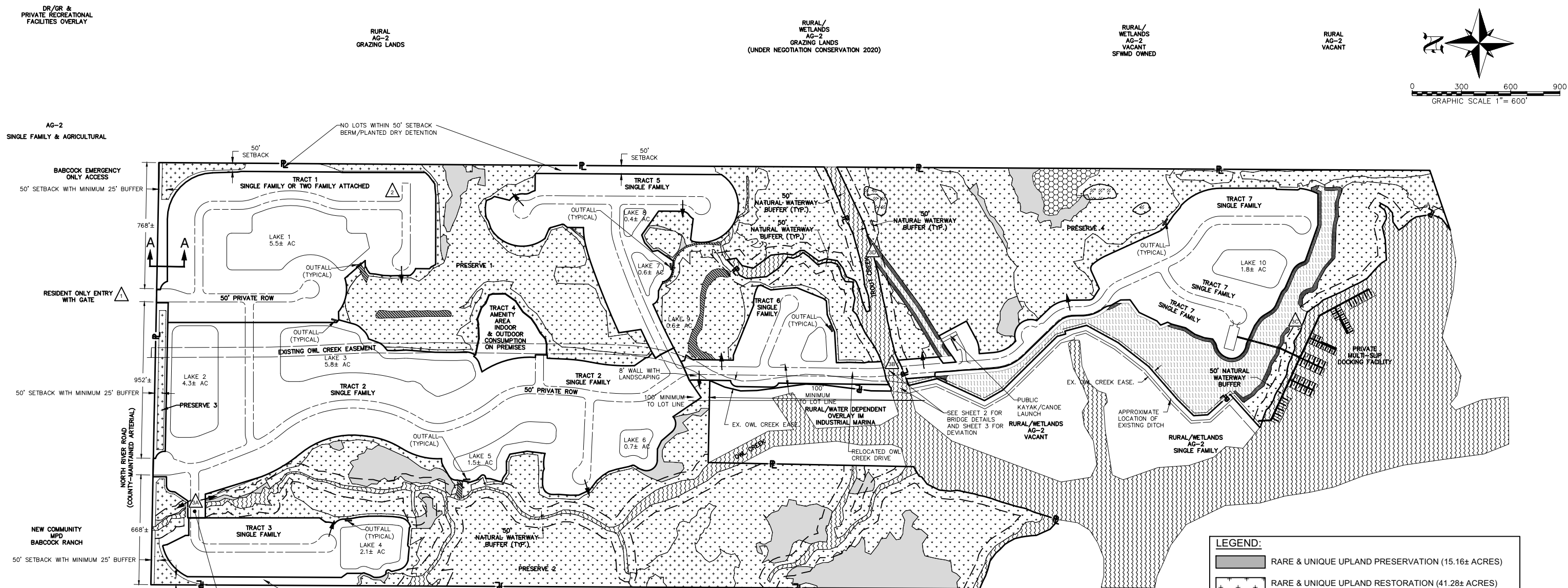
BBL SURVEYORS INC.
8860 TERRENE COURT,
BONITA SPRINGS,
FLORIDA 34135
(239) 597-1315



DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
07/12/2021	8504	_MCP	KG	KG	DRU	AS SHOWN	1 OF 3







NOTES:

SITE AREA: 342.68± ACRES
REQUIRED OPEN SPACE PER POLICY 29.2.4.1: 60% OF WHICH 50% MUST BE INDIGENOUS
OPEN SPACE PROVIDED: MINIMUM 60% 342.68 X 0.6= 205.6± ACRES
MINIMUM 50% INDIGENOUS REQUIRED: ±205.6 X 0.5 = 102.8± ACRES
INDIGENOUS PROVIDED:
WETLANDS: (23.56± AC PRESERVED & 82.80± AC RESTORED) = 106.36± AC
RARE & UNIQUE UPLAND HABITAT: (15.16± AC PRESERVED & 41.28± AC RESTORED) = 56.44± AC
PRESERVED SURFACE WATER/FLOWWAY: 5.61± AC
TOTAL INDIGENOUS PROVIDED: 168.41± AC
MAXIMUM 25% OR 51.4 AC OF OPEN SPACE AREAS PROVIDED BY LAKE: 23.3± ACRES
MINIMUM 54% (186.10± AC) CONSERVATION EASEMENT (SEE LEGEND)

OPEN SPACE PROVIDED: 209.4± ACRES

DENSITY PER PENDING CPA2020-00004 & CPA2020-00005 TRANSFERRING PRESERVED WETLAND DENSITY & ADDING 1 DU/ACRE FOR PRESERVED OR RESTORED RARE & UNIQUE UPLANDS:
UPLANDS (212.24± AC) & MANMADE DITCHES/LAKE (4.39± AC)=216.63 AT 1 DU/AC: 216.63 DU
**PRESERVED WETLANDS 106.36± AC TRANSFERRED TO ADJACENT UPLANDS AT 1 DU/AC: 106.36 DU
**IMPACTED WETLANDS 13.95± AC AT 1 DU/20 AC: 0.70 DU
5.74± AC NATURAL OPEN WATER NOT ELIGIBLE FOR DENSITY
**ADDITIONAL 1 DU/AC PRESERVED RARE AND UNIQUE UPLAND HABITAT 15.16± AC: 15.16 DU
**ADDITIONAL 1 DU/AC FOR RESTORED RARE AND UNIQUE UPLAND HABITAT 41.28± AC: 41.28 DU
(**SEE DENSITY EXHIBIT ON PAGE 2) TOTAL MAXIMUM DENSITY: 380 DWELLING UNITS

NO.	DATE	REVISION DESCRIPTION	BY
03	3/11/2022	3RD SUFFICIENCY RESPONSE	SDJ
02	10/26/2021	2ND SUFFICIENCY RESPONSE	JLW
01	8/11/2021	1ST SUFFICIENCY RESPONSE	KG

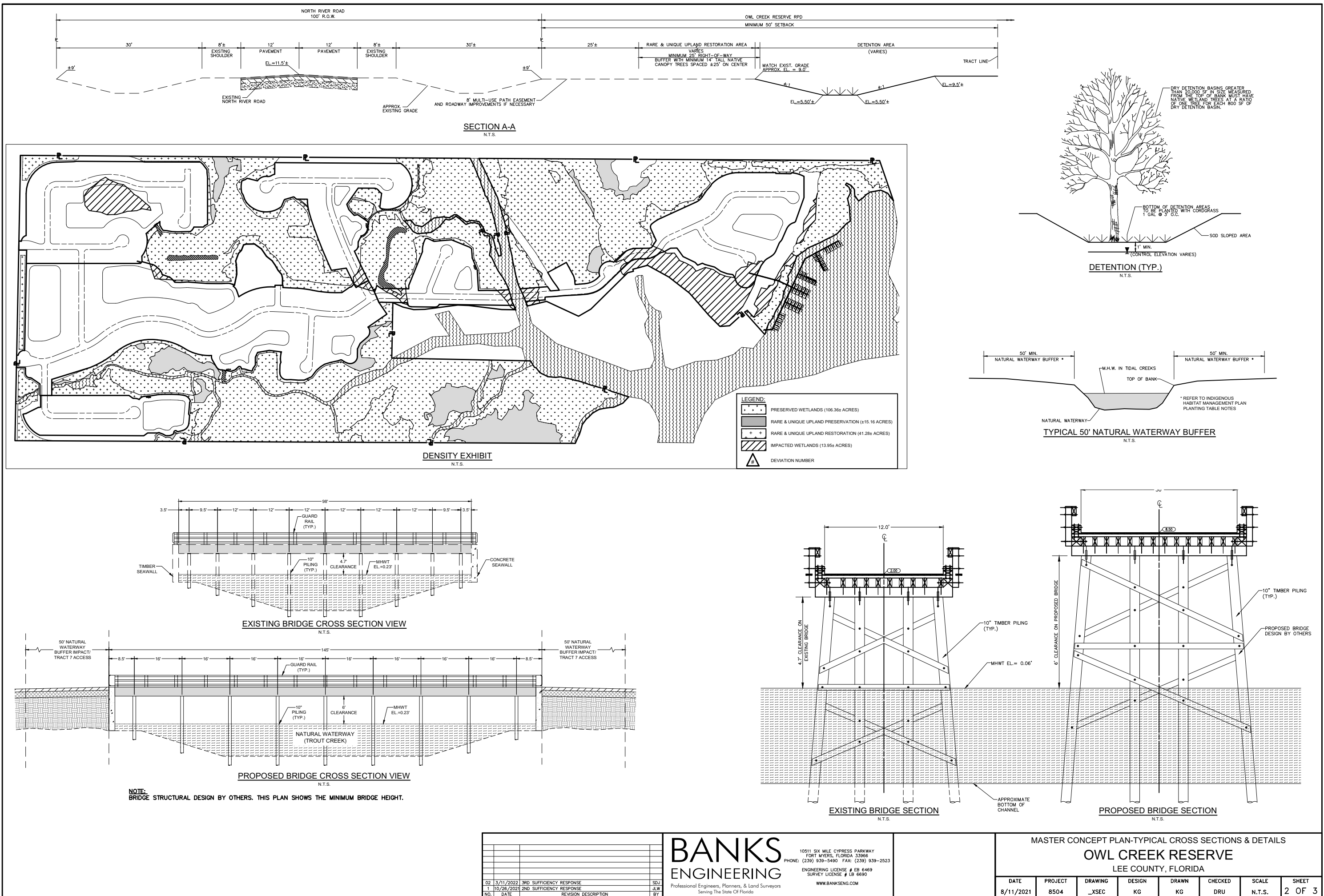
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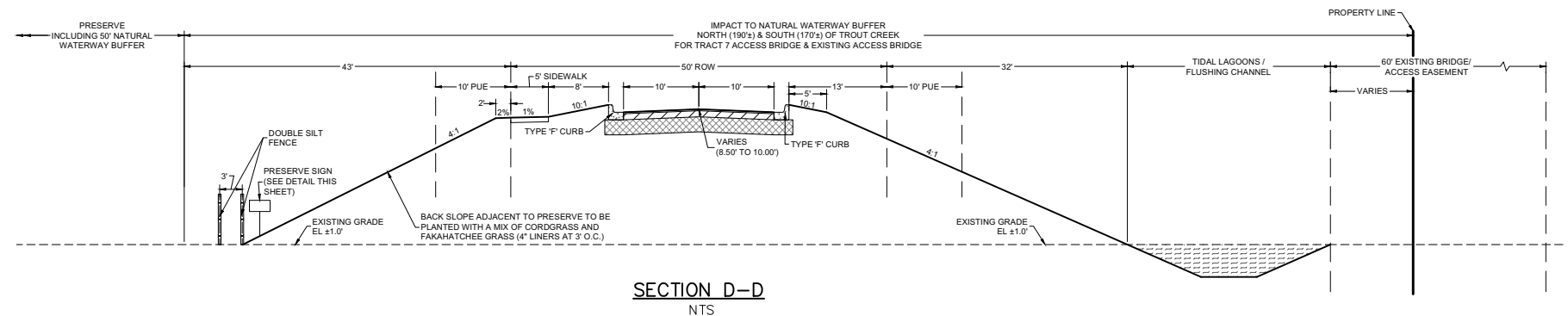
ENGINEERING

Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida

10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

MASTER CONCEPT PLAN OWL CREEK RESERVE MINOR RPD LEE COUNTY, FLORIDA									
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET		
07/12/2021	8504	_MCP	KG	KG	DRU	AS SHOWN	1	OF	3





DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
8/11/2021	8504	_XSEC	KG	KG	DRU	N.T.S.	3 OF 3



Professional Engineers, Planners & Land Surveyors

Owl Creek Reserve Minor RPD Preliminary Density Calculations

DCI2021-00011- Revised March 2022

The site is within the Rural Future Land Use Category and there are concurrent Lee Plan Map and Text Amendments pending under case numbers CPA2020-00004 & CPA2020-00005 to propose an amendment to Map 4-A to include ± 342.68 acres within the Lee County Utilities Future Water Service Area to allow for privately funded expansion of water service and associated Text Amendments to provide incentives to encourage wetland preservation and rare and unique upland habitat preservation or restoration in the Rural future land use category for clustered developments utilizing the planned development process within the North Olga Planning Community. The proposed Text Amendment language is attached and below are the preliminary density calculations upon approval of the proposed language:

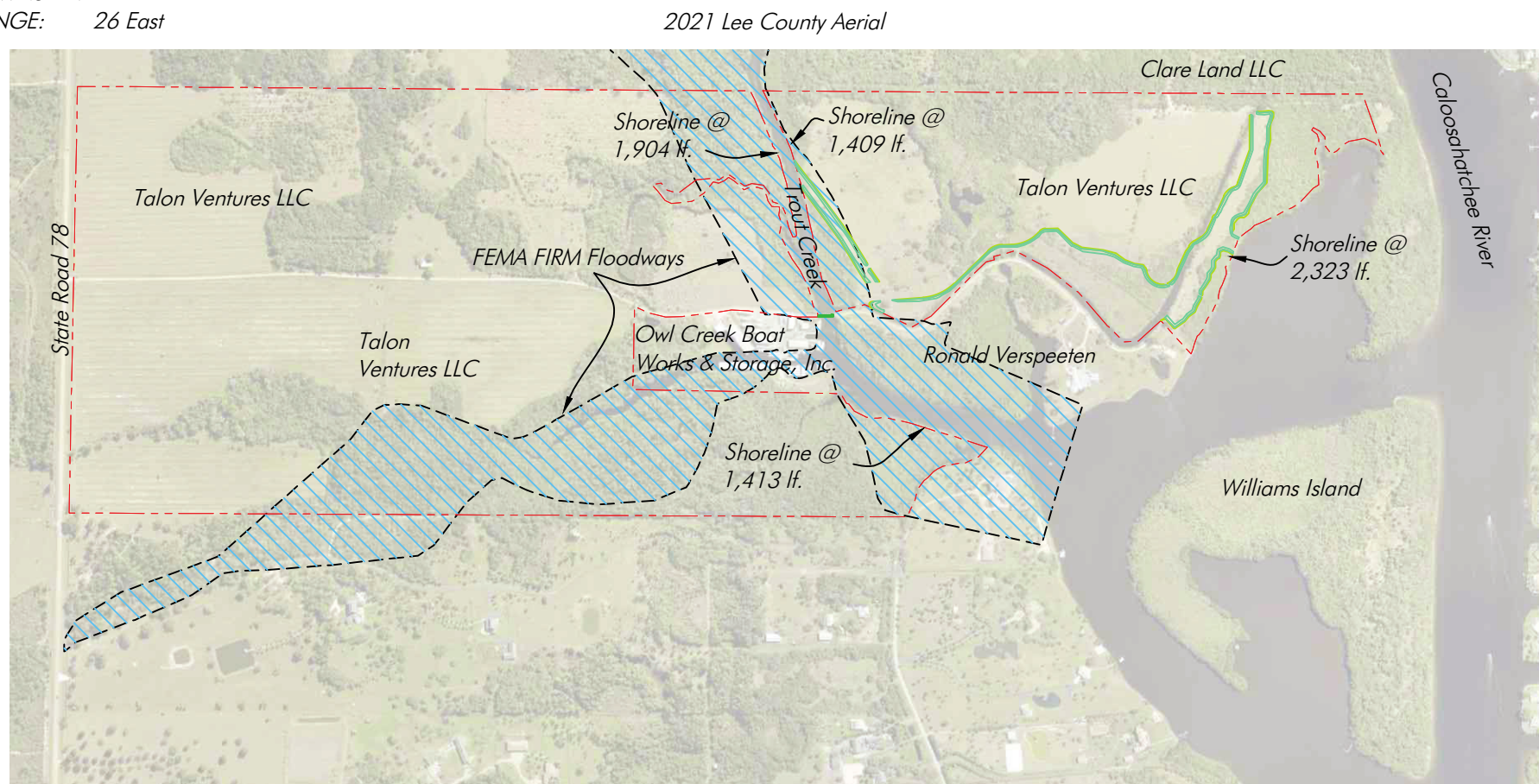
Please refer to the Master Concept Plan Notes and Density Exhibit:

Uplands ($212.24 \pm$ AC) & Manmade ditches/lake ($4.39 \pm$ AC)=	216.63 AT 1 DU/AC:	216.63 DU
Preserved Wetlands $106.36 \pm$ AC transferred to adjacent uplands at 1 DU/AC:		106.36 DU
Impacted Wetlands $13.95 \pm$ AC at 1 DU/20 AC:		0.70 DU
$5.74 \pm$ AC Natural Open Water not eligible for density		
Additional 1 DU/AC Preserved Rare and Unique Upland Habitat $15.16 \pm$ AC:		15.16 DU
Additional 1 DU/AC for Restored Rare and Unique Upland Habitat $41.28 \pm$ AC:		<u>41.28 DU</u>
Total Maximum Density:		380 DU

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East



0' 500' 1,000'
SCALE FEET



Overall Site Plan

SCALE: 1" = 1,000'

This item has been digitally signed and sealed by
Hans J.M. Wilson on the date adjacent to the seal.
Printed copies of this document are not considered
signed and sealed and the signature must be
verified on any electronic copies.

HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: March 14, 2022 4:18:08 p.m.
Drawing: HORTON3MASTER.DWG

Total project shoreline @ 7,049 lf.

Note: Property lines per Lee County Property Appraiser

PERMIT PLANS, NOT FOR CONSTRUCTION



1938 Hill Avenue, Fort Myers, Florida 33901
Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

3-14-22

JWA

D R Horton

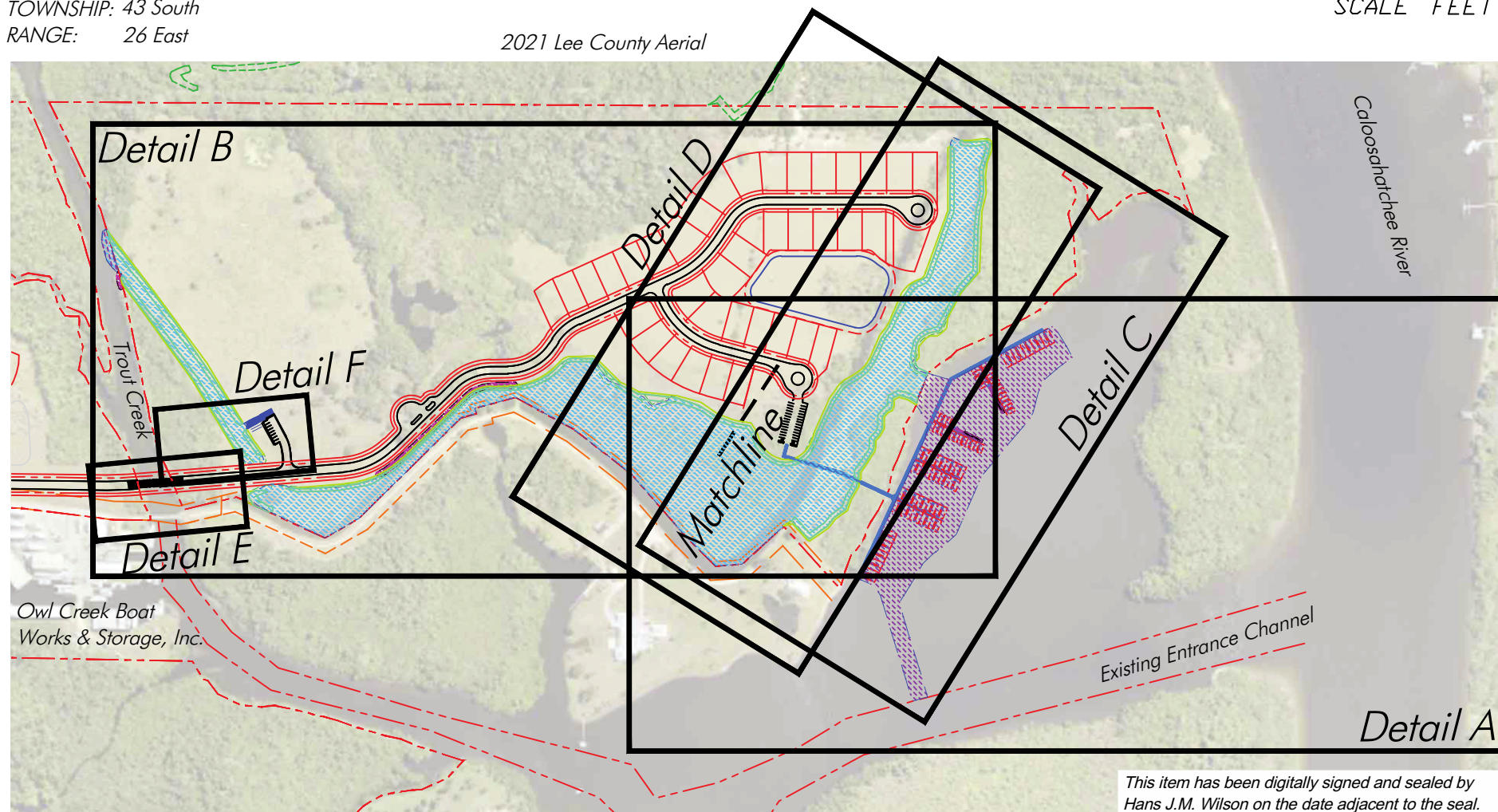
SHEET
2-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial



0' 250' 500'
SCALE FEET



Owl Creek Boat
Works & Storage, Inc.

Existing Entrance Channel

Proposed Site Plan

SCALE: 1" = 500'

Total project shoreline @ 7,049 lf.

Note: Property lines per Lee County Property Appraiser

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3-14-22

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D R Horton

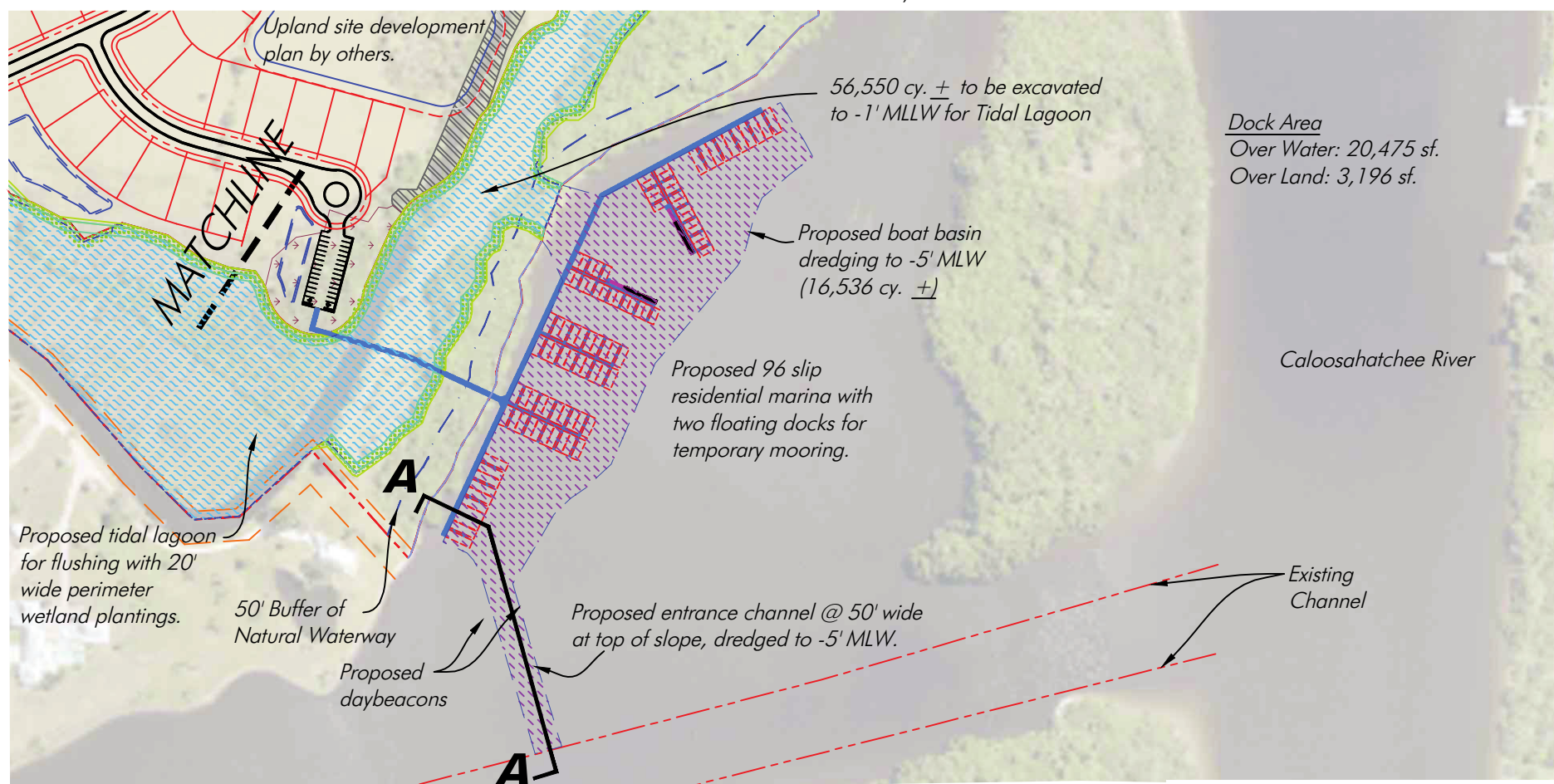
SHEET
4-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial



0' 150' 300'
SCALE FEET



Detail A - Proposed Dock Plan

SCALE: 1" = 300'

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HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: March 14, 2022 4:18:08 p.m.
Drawing: HORTON3MASTER.DWG

Note: Property lines per Lee County Property Appraiser

PERMIT PLANS, NOT FOR CONSTRUCTION



1938 Hill Avenue, Fort Myers, Florida 33901
Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

3-14-22

JWA

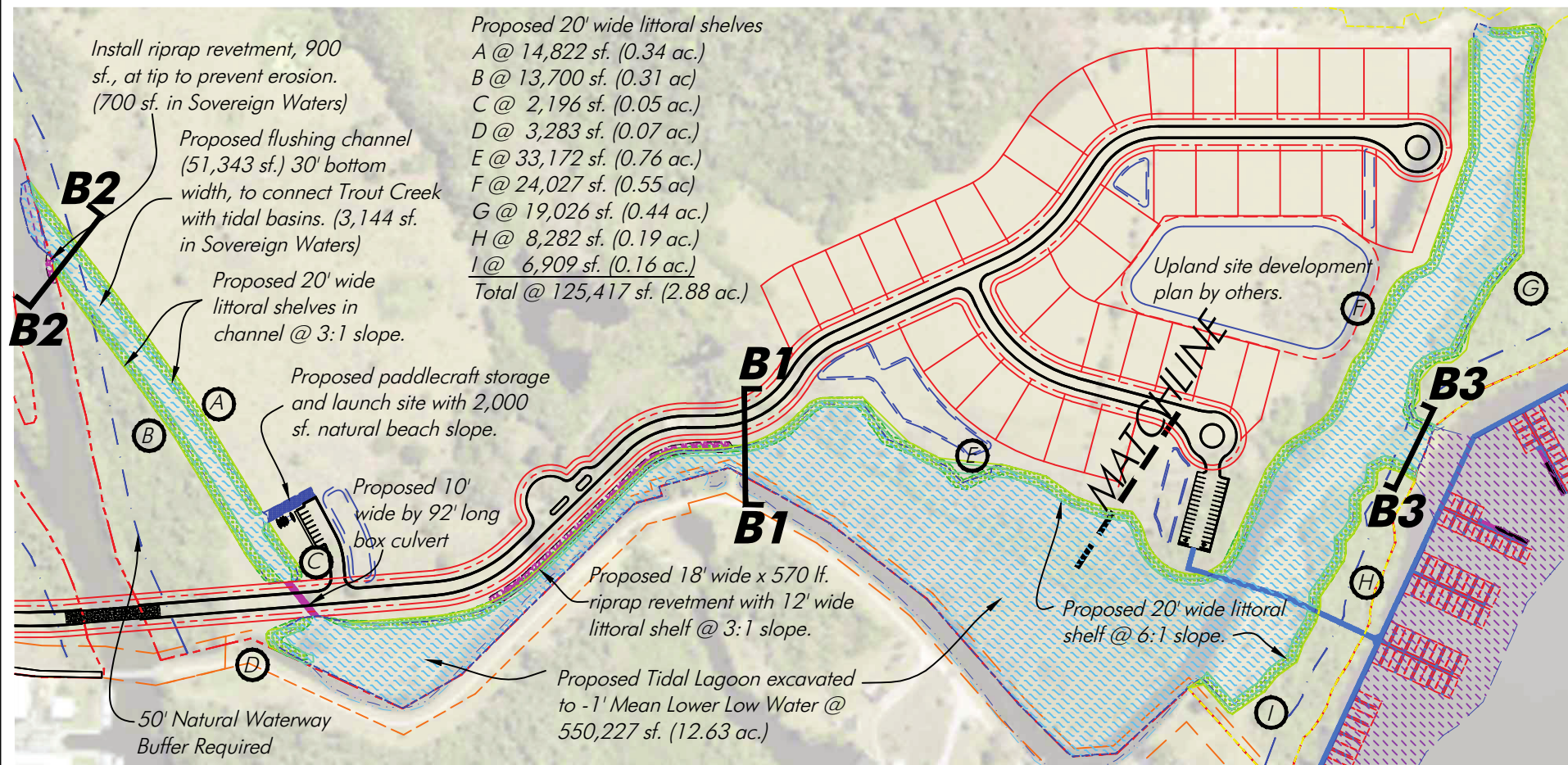
D R Horton

SHEET
5-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial

0' 150' 300'
SCALE FEET



Notes: Depths reference MLW based on DEP Tide Station 872-5520.

MHW @ 0.06' NAVD.

MLW -0.89' NAVD

MLLW @ -1.04' NAVD.

Note: Property lines per Lee County Property Appraiser

PERMIT PLANS, NOT FOR CONSTRUCTION

Detail B - Tidal Lagoon/Tidal Channel

SCALE: 1" = 300'

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HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: March 14, 2022 4:18:08 p.m.
Drawing: HORTON3MASTER.DWG



1938 Hill Avenue, Fort Myers, Florida 33901
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3-14-22

JWA

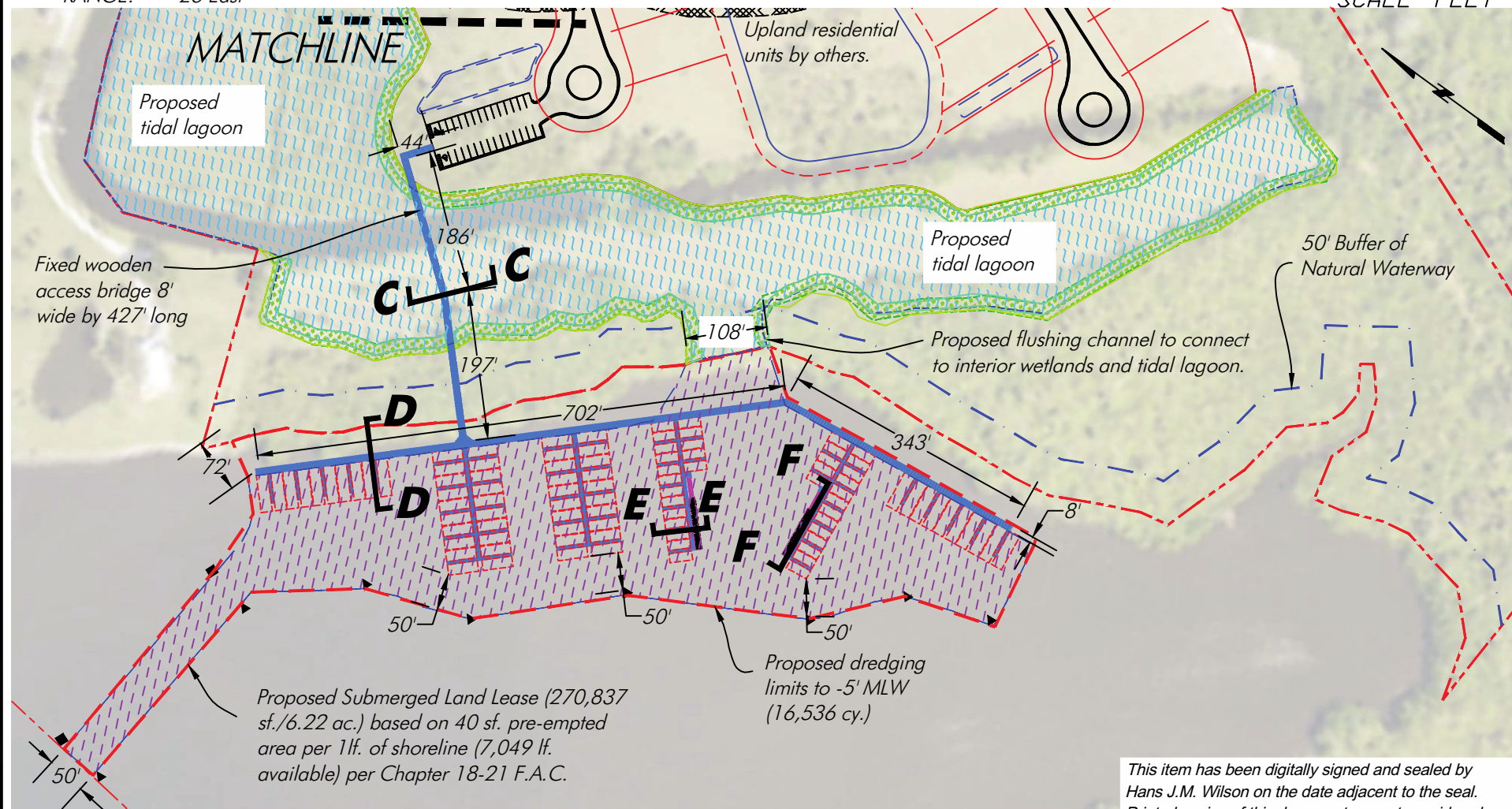
D R Horton

SHEET
6-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial

0 100 200
SCALE FEET



Detail C - Proposed Dredging Plan

SCALE: 1" = 200'

Note: Property lines per Lee County Property Appraiser
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HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: March 14, 2022 4:18:08 p.m.
Drawing: HORTON3MASTER.DWG



1938 Hill Avenue, Fort Myers, Florida 33901
Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

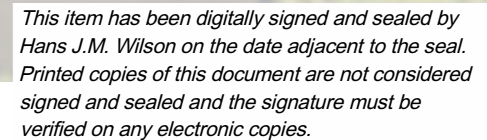
3-14-22

JWA

D R Horton

SHEET
8-21

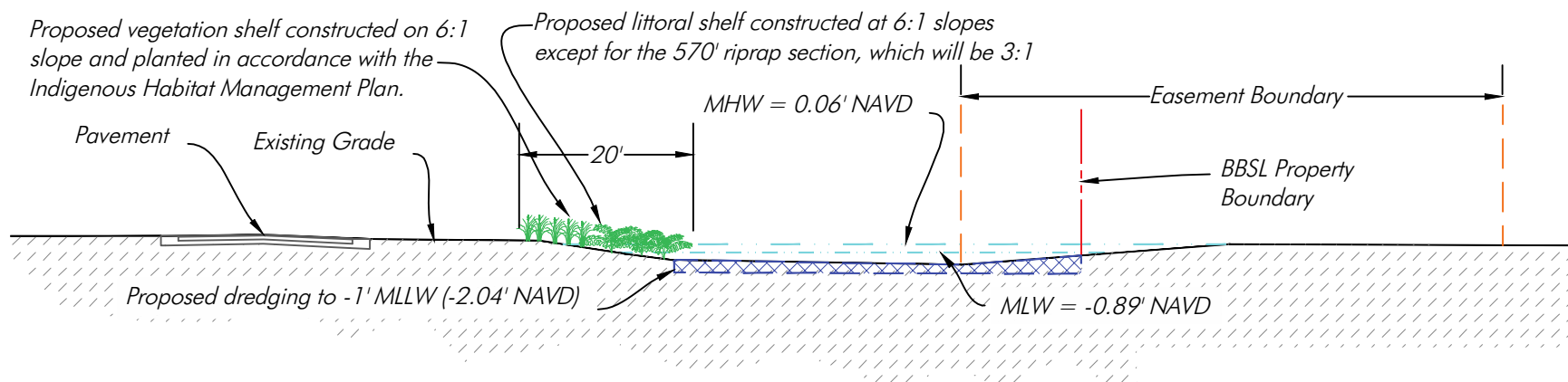
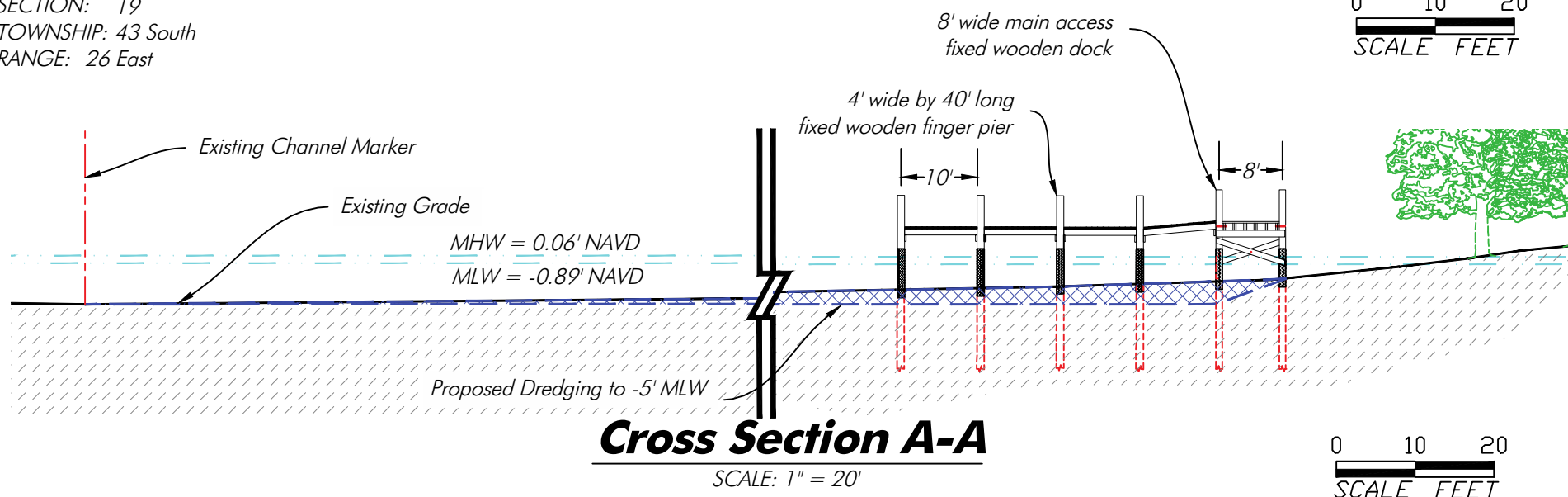
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SCALE FEET



SCALE: 1" = 200'

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DATE: March 14, 2022 4:18:08 p.m.
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SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East



Notes: Depths reference MLW based on DEP Tide Station 872-5520.
MHW @ 0.06' NAVD.
MLW -0.89' NAVD
MLLW @ -1.04' NAVD.

Note: Property lines per Lee County Property Appraiser

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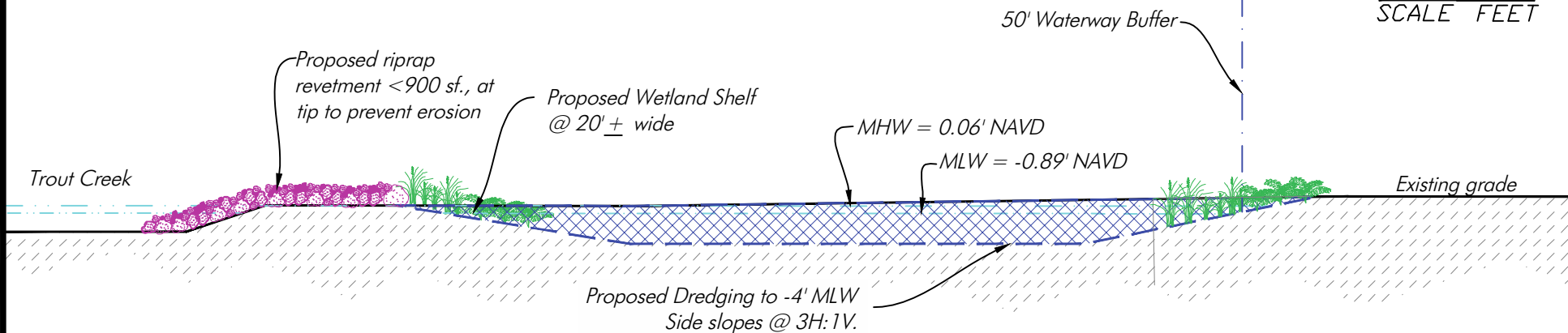
D R Horton

SHEET

13-21

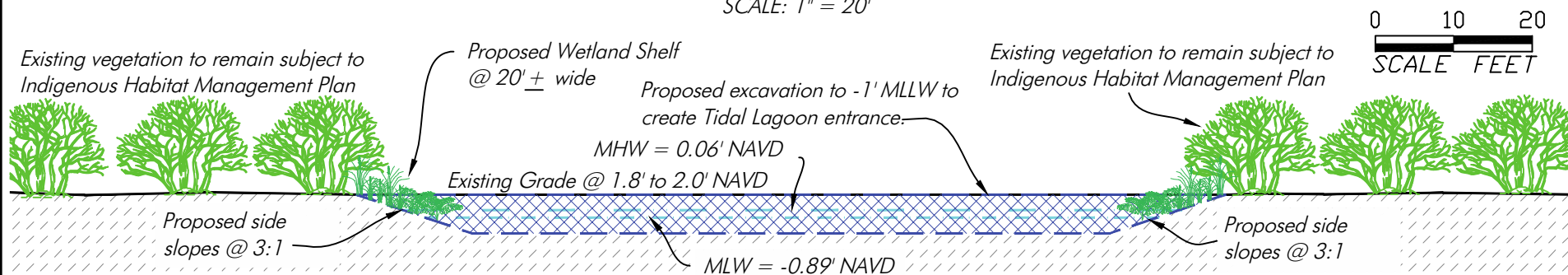
SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

0 10 20
SCALE FEET



Cross Section B2-B2

SCALE: 1" = 20'



0 10 20
SCALE FEET

Cross Section B3-B3

SCALE: 1" = 20'

Notes: Depths reference MLW based on DEP Tide Station 872-5520.
MHW @ 0.06' NAVD.
MLW -0.89' NAVD
MLLW @ -1.04' NAVD.

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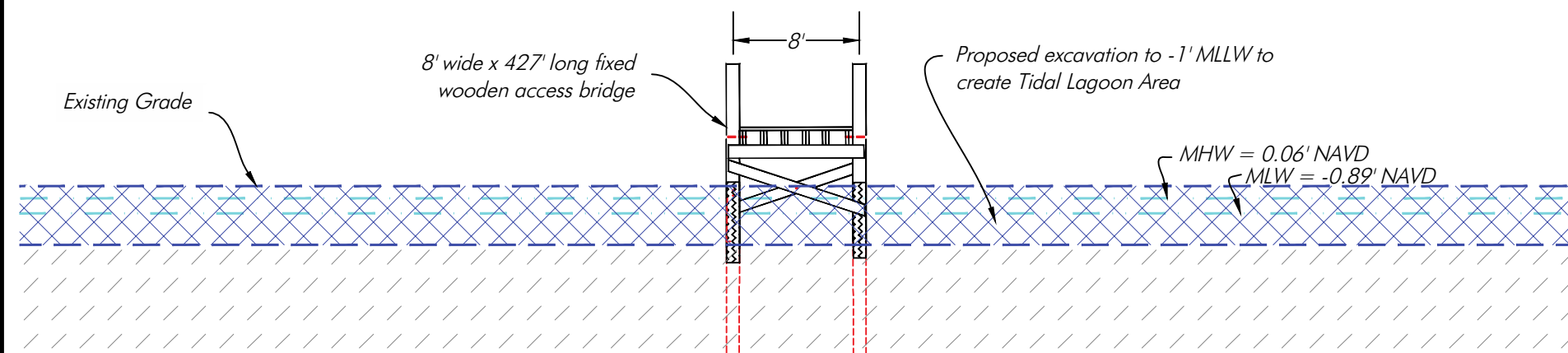
JWA

D R Horton

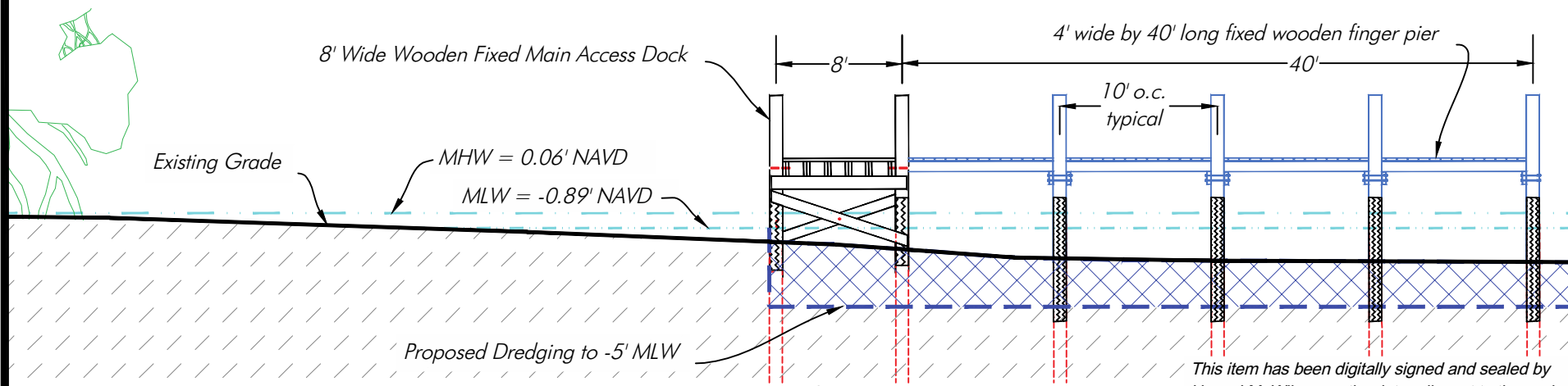
SHEET
14-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

0 5 10
SCALE FEET



0 5 10
SCALE FEET



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DATE: March 14, 2022 4:18:08 p.m.
Drawing: HORTON3MASTER.DWG

Notes: Depths reference MLW based on DEP Tide Station 872-5520.

MHW @ 0.06' NAVD.

MLW -0.89' NAVD

MLLW @ -1.04' NAVD.

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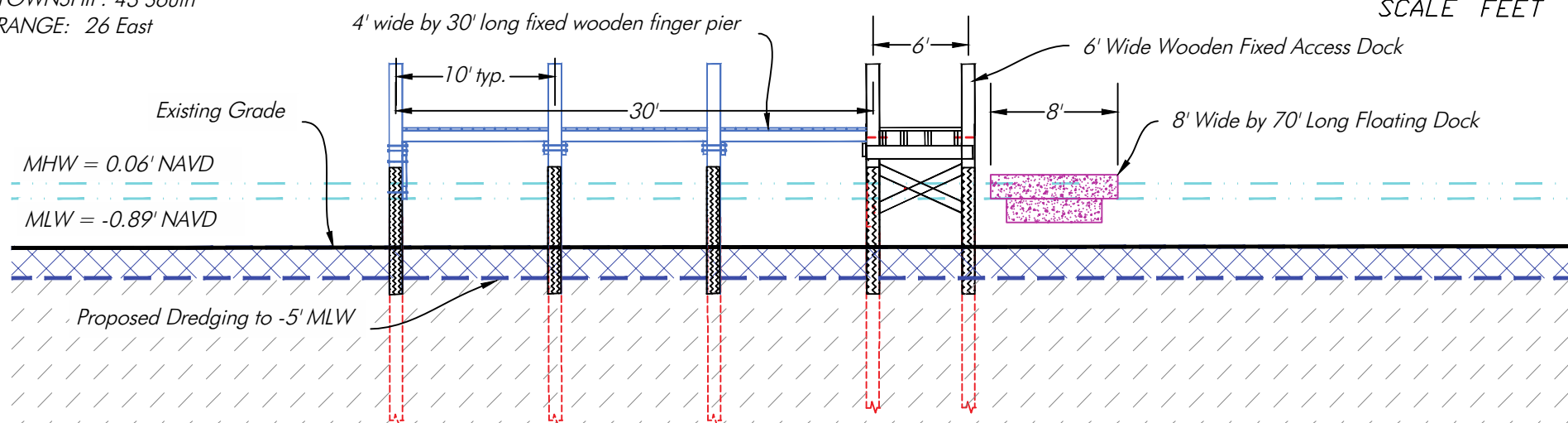
JWA

D R Horton

SHEET
15-21

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

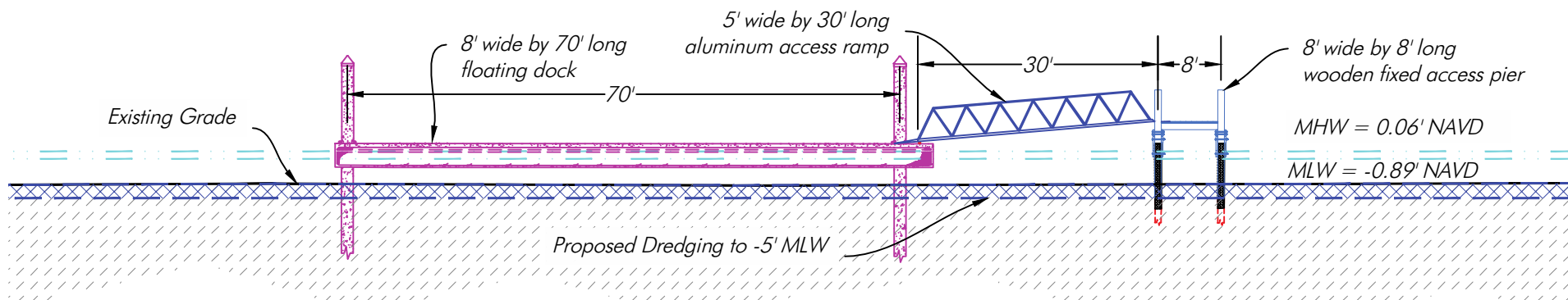
0 5 10
SCALE FEET



Cross Section E-E

SCALE: 1" = 10'

0 10 20
SCALE FEET



Cross Section F-F

SCALE: 1" = 20'

Notes: Depths reference MLW based
on DEP Tide Station 872-5520.
MHW @ 0.06' NAVD.
MLW -0.89' NAVD
MLLW @ -1.04' NAVD.

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Drawing: HORTON3MASTER.DWG



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D R Horton

SHEET

16-21

Exhibit C.2.2

Owl Creek Parcel

Sections 18 & 19, Township 43 South, Range 26 East
Lee County, Florida

**Protected Species Assessment & Florida Bonneted
Bat Roost Survey**

**November 2020
revised October 2021
revised January 2022**

Prepared for:

**D.R. Horton Homes
10541 Six Mile Cypress Pkwy., Suite 100
Fort Myers, FL 33966**

Prepared by:

***DexBender*
4470 Camino Real Way, Suite 101
Fort Myers, FL 33966
(239) 334-3680**

INTRODUCTION

The 342.68± acre Owl Creek property consists of Strap Numbers 18-43-26-00-00002.0020, 18-43-26-00-00002.0000, and 19-43-26-00-00002.1020. The parcel is located within a portion of Sections 18 & 19, Township 43 South, Range 26 East, Lee County, Florida (see Figure 1). The property is bisected by Trout Creek.

This project consists of three separate parcels. Based on a review of historic aerial photography, the property had been primarily used for row crop farming. By early 2014 farming operations had ceased. This area is currently being used as improved pasture for cattle.

SITE CONDITIONS

This project consists of three separate parcels. Based on a review of historic aerial photography, the property had been primarily used for row crop farming. By early 2014 farming operations had ceased. This area is currently being used as improved pasture by cattle. Many of the forested areas have been disturbed by cattle and primitive surface water management.

VEGETATIVE CLASSIFICATIONS

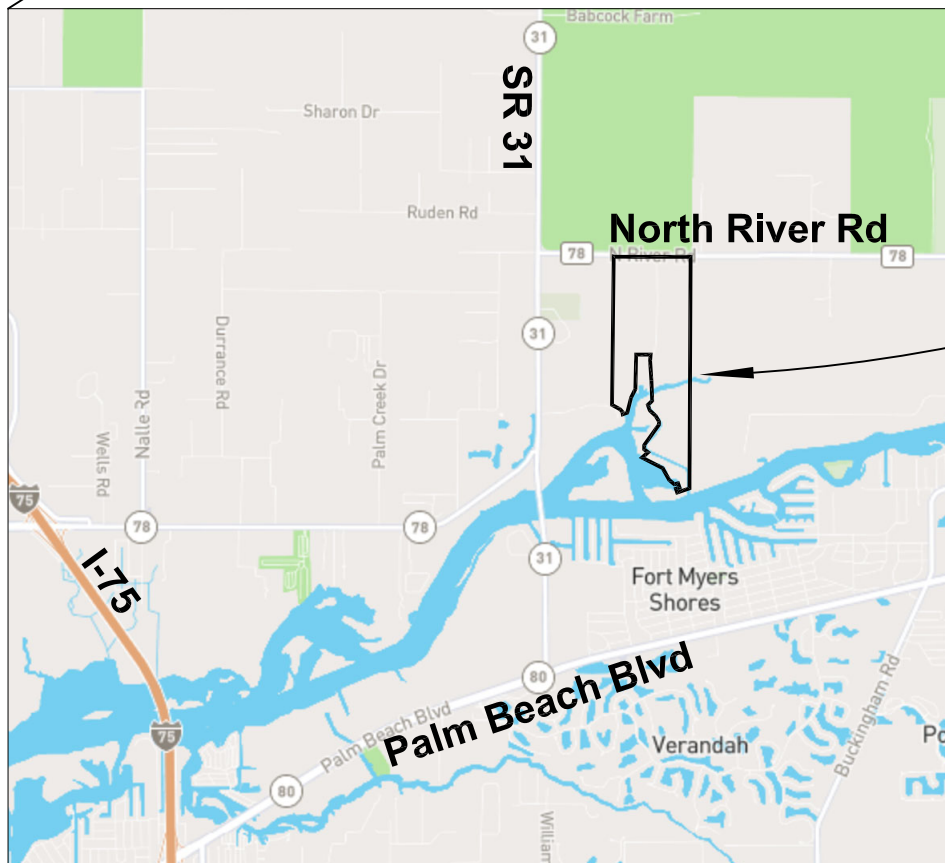
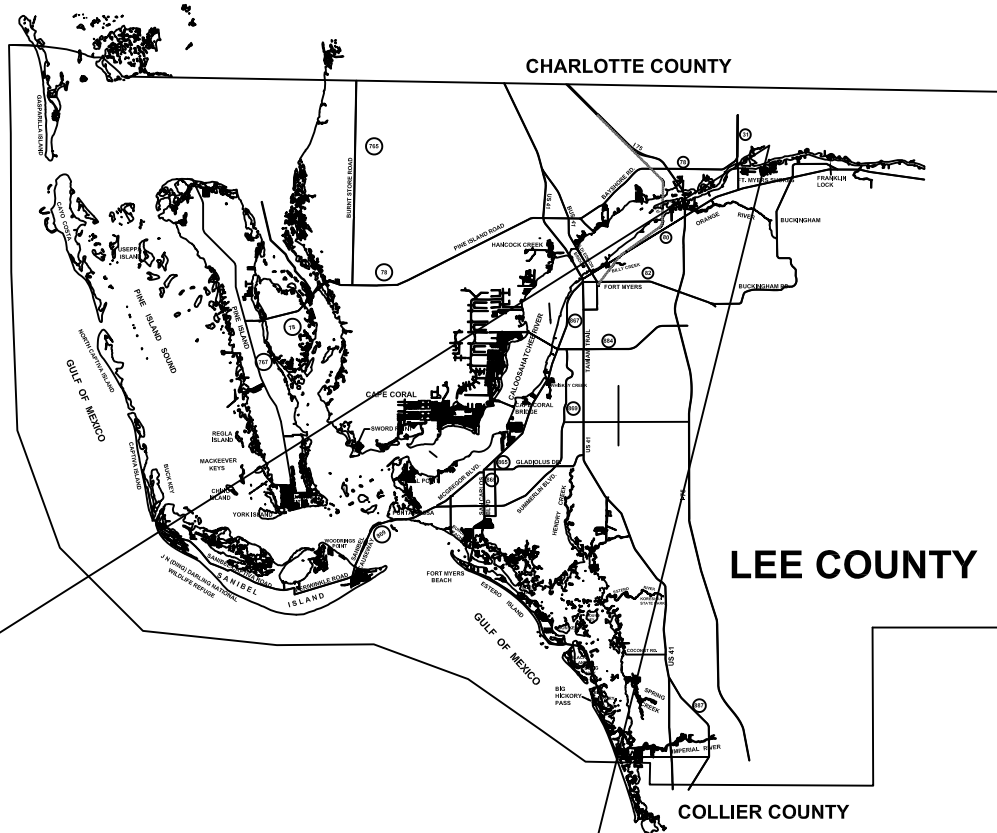
The predominant vegetation associations were mapped based on 2010 digital 1" = 120' scale aerial photography. In order to minimize redundancy only the base FLUCCS Codes are described (i.e. description provided for FLUCCS Code 427D but not for FLUCCS Codes 427DE1, 427DE2, 427DE3, and 427DE4). Twenty-six vegetation associations were identified using the Florida Land Use, Cover and Forms Classification System (FLUCCS). The attached map (see Figure 2) depicts the approximate location and configuration of these vegetation associations and the acreages are summarized by FLUCCS code in Table 1. A brief description of each FLUCCS code is also provided below.

Table 1. Acreage Summary by FLUCCS

FLUCCS CODE	DESCRIPTION	ACREAGE
211	Improved Pastures	178.11
***211H	Improved Pastures – hydric	7.36
422	Brazilian pepper	1.20
427DE1	Live Oak, Disturbed, Invaded by Exotics (10-25%)	3.03
427DE2	Live Oak, Disturbed, Invaded by Exotics (26-50%)	4.92
427DE3	Live Oak, Disturbed, Invaded by Exotics (51-75%)	7.97
427DE4	Live Oak, Disturbed, Invaded by Exotics (76-90%)	7.23
***428DE4	Cabbage Palm, Disturbed, Invaded by Exotics (76-90%)	0.50
***429HE	Wax Myrtle - hydric, Invaded by Exotics (5-9%)	1.86
434DE4	Hardwood – Coniferous Mixed, Disturbed, Invaded by Exotics (76-90%)	1.62
*510	Streams and Waterways	5.74
**510D	Ditches	3.66
**524	Lakes less than 10 acres which are dominant features	0.73

SECTION: 18 & 19
TOWNSHIP: 43 S
RANGE: 26 E

Owl Creek Parcel



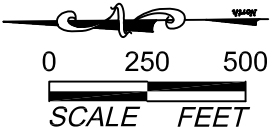
Project Location

*PERMIT USE ONLY,
NOT FOR CONSTRUCTION*

November 10, 2020 10:51:05 a.m.
 Drawing: DRHOR455LOCATION.DWG

Figure 1. Location Map

SECTIONS: 18 & 19
TOWNSHIP: 43 S
RANGE: 26 E



Tree with Cavity (5)

- Notes:
- 1. Property boundary was obtained from Banks Engineering.
 - 2. Mapping based on photointerpretation of 2019 aerial photography and ground truthing in February 2020. Map includes 2021 aerial photography.
 - 3. Limits of wetlands were approved by SFWMD via a Formal Determination dated November 12, 2021.
 - 4. Protected species assessment conducted on October 20, 27, and 29, 2020.

December 28, 2021 8:47:56 a.m.
Drawing: DRHOR455PLAN111521.DWG **PERMIT USE ONLY, NOT FOR CONSTRUCTION**

FLUCCS	Description	Acreage
211	Improved Pastures	178.11 ac.
211H	Improved Pastures - hydric	7.36 ac.
422	Brazilian Pepper	1.20 ac.
427DE1	Live Oak, Disturbed, Invaded by Exotics (10-25%)	3.03 ac.
427DE2	Live Oak, Disturbed, Invaded by Exotics (26-50%)	4.92 ac.
427DE3	Live Oak, Disturbed, Invaded by Exotics (51-75%)	7.97 ac.
427DE4	Live Oak, Disturbed, Invaded by Exotics (76-90%)	7.23 ac.
428HDE4	Disturbed Hydric Cabbage Palm Invaded by Exotics (76-90%)	0.50 ac.
429HE	Hydric Wax Myrtle Invaded by Exotics (5-9%)	1.86 ac.
434DE4	Hardwood- Coniferous Mixed, Disturbed, Invaded by Exotics (76-90%)	1.62 ac.
510	Streams and Waterways	5.74 ac.
510D	Ditches	3.66 ac.
524	Lakes less than 10 acres which are dominant features	0.73 ac.

FLUCCS	Description	Acreage
618DE1	Willow, Disturbed, Invaded by Exotics (10-25%)	1.29 ac.
618DE2	Willow, Disturbed, Invaded by Exotics (26-50%)	0.29 ac.
618DE3	Willow, Disturbed, Invaded by Exotics (51-75%)	0.11 ac.
618DE4	Willow, Disturbed, Invaded by Exotics (75-90%)	8.70 ac.
619BP	Hydric Brazilian Pepper	30.94 ac.
630DE2	Wetland Forested Mixed, Disturbed, Invaded by Exotics (26-50%)	2.30 ac.
630DE3	Wetland Forested Mixed, Disturbed, Invaded by Exotics (51-75%)	19.83 ac.
630DE4	Wetland Forested Mixed, Disturbed, Invaded by Exotics (76-90%)	43.30 ac.
641DE4	Freshwater Marsh, Disturbed, Invaded by Exotics (76-90%)	3.83 ac.
740	Disturbed Land	6.21 ac.
743	Spoil Area	0.82 ac.
814	Roads and Highways	1.13 ac.
Total		342.68 ac.

Figure 2. Protected Species Assessment Map

Owl Creek Parcel

***618DE1	Willow, Disturbed, Invaded by Exotics (10-25%)	1.29
***618DE2	Willow, Disturbed, Invaded by Exotics (26-50%)	0.29
***618DE3	Willow, Disturbed, Invaded by Exotics (51-75%)	0.11
***618DE4	Willow, Disturbed, Invaded by Exotics (76-90%)	8.70
***619BP	Hydric Brazilian Pepper	30.94
***630DE2	Wetland Forested Mixed, Disturbed, Invaded by Exotics (26-50%)	2.30
***630DE3	Wetland Forested Mixed, Disturbed, Invaded by Exotics (51-75%)	19.83
***630DE4	Wetland Forested Mixed, Disturbed, Invaded by Exotics (76-90%)	43.30
***641DE4	Freshwater Marsh, Disturbed, Invaded by Exotics (76-90%)	3.83
740	Disturbed Land+	6.21
743	Spoil Area	0.82
814	Roads and Highways	1.13
Upland Subtotal		212.24
Wetland Subtotal		120.31
Surface Waters		5.74
Other Surface Waters Subtotal		4.39
Total		342.68

FLUCCS Code 211, Improved Pastures

These upland areas are currently being utilized for cattle grazing. Based on a review of historical aerial photography, it appears that the majority of these areas were once used for row crop farming. Areas mapped as this FLUCCS Code contain a greater percentage of upland species as compared to areas mapped as FLUCCS Code 211H described below. Vegetation present in this association includes bahia grass (*Paspalum notatum*), broomsedge (*Andropogon* spp.), smutgrass (*Sporobolus indicus*), false buttonweed (*Spermacoce verticillata*), and scattered wiregrass (*Aristida* sp.).

FLUCCS Code 211H, Improved Pastures – hydric

Areas mapped as this association contain greater coverage of wetland species and more significant signs of hydrology as compared to areas mapped as FLUCCS Code 211 described above. Beakrush (*Rhynchospora* sp.), lovegrass (*Eragrostis* sp.), red ludwigia (*Ludwigia repens*), frog-fruit (*Phyla* sp.), coinwort (*Centella asiatica*), scattered torpedo grass (*Panicum repens*), fringe-rush (*Fimbristylis* sp.), water hyssop (*Bacopa* sp.), scattered slash pine (*Pinus elliotii*), false buttonweed, bahia grass, Brazilian pepper (*Schinus terebinthifolius*), wax myrtle (*Myrica cerifera*), and cabbage palm (*Sabal palmetto*) are present.

FLUCCS Code 422, Brazilian Pepper

This upland is dominated by the exotic, Brazilian pepper and contains scattered cabbage palm and wax myrtle.

FLUCCS Code 427D, Live Oak, Disturbed

The canopy of this upland area contains live oak (*Quercus virginiana*), laurel oak (*Quercus laurifolia*), pop ash (*Fraxinus caroliniana*), and cabbage palm. The shrub and ground cover strata consist of wax myrtle, saw palmetto (*Serenoa repens*), beauty berry

(*Callicarpa americana*), myrsine (*Rapanea punctata*), Spanish stopper (*Eugenia foetida*), Boston fern (*Nephrolepis* sp.), carpet grass (*Axonopus* sp.), wild coffee (*Psychotria nervosa*), swamp bay (*Persea palustris*), grape vine (*Vitis* sp.), green briar (*Smilax* sp.), pepper-vine (*Ampelopsis arborea*), poison ivy (*Toxicodendron radicans*), Brazilian pepper, bahia grass and caesar weed (*Urena lobata*).

FLUCCS Code 428D, Cabbage Palm

These mesic wetlands are dominated by cabbage palm, with scattered live oak, saw palmetto, beggar tick (*Bidens* sp.), wax myrtle, wild coffee, dog fennel (*Eupatorium capillifolium*), guineagrass (*Panicum maximum*), foxtail grass (*Setaria* sp.), broomsedge, and swamp fern (*Blechnum serrulatum*) and Brazilian pepper.

FLUCCS Code 429, Wax Myrtle

This shrub community is dominated by wax myrtle. Scattered cabbage palm, melaleuca, saltbush (*Baccharis halimifolia*), willow (*Salix caroliniana*), and Brazilian pepper are also present. The ground cover consists of swamp fern, marsh pennywort (*Hydrocotyle umbellata*), coinwort, and water hyssop.

FLUCCS Code 434D, Hardwood – Coniferous Mixed, Disturbed

The canopy of this upland consists of live oak, slash pine, and cabbage palm. The shrub stratum includes saw palmetto, wax myrtle, Brazilian pepper, saltbush, beauty berry, and cabbage palm. Ground cover includes bahia grass, broomsedge, smutgrass, marsh pennywort, caesar weed, green briar, and dayflower (*Commelina diffusa*).

FLUCCS Code 510, Streams and Waterways

Owl and Trout Creeks are located along the southern portion of the site.

FLUCCS Code 510D, Ditches

Several ditches are present on the site. These ditches contained standing water approximately three feet below grade at the time of our site inspection. Scattered clumps of red mangrove (*Rhizophora mangle*) are located along the banks of the ditches.

FLUCCS Code 524, Lakes less than 10 acres which are dominant features

This open water area is located on the east side of Owl Creek Drive, north of Trout Creek. The banks are lined with willow and Brazilian pepper.

FLUCCS Code 618D, Willow, Disturbed

Willow is the predominant species in these wetlands with cabbage palm, Brazilian pepper, and wax myrtle in the canopy and sub-canopy. Ground cover includes smartweed (*Polygonum* sp.), cattail (*Typha* spp.), dayflower, primrose willow (*Ludwigia peruviana*), and white-top sedge (*Rhynchospora colorata*).

FLUCCS Code 619BP, Hydric Brazilian Pepper

This area is dominated by Brazilian pepper. Cordgrass (*Spartina bakeri*), cabbage palm, pond apple (*Annona glabra*), melaleuca, marsh pennywort, leather fern (*Acrostichum* sp), climbing hemp weed (*Mikania scandens*), elephant ears (*Colocasia esculenta*), and wax myrtle are also present. There are a few small clumps of red mangroves along the shoreline. There are a few individual trees in these clumps. The clumps are one tree

wide at approximately 10-20' in width and almost all of each clump is in state sovereign lands which is not applicant owned.

FLUCCS Code 630D, Wetland Forested Mixed, Disturbed

Live oak, laurel oak, pop ash, cabbage palm, slash pine, willow, and swamp bay are found within the canopy of these areas. The sub-canopy includes Brazilian pepper, myrsine, saltbush, cabbage palm, wild coffee, primrose willow, swamp dogwood, swamp bay, and buckthorn (*Sideroxylon* sp.). The ground cover consists of beauty berry, swamp fern, royal fern (*Osmunda regalis*), shield fern (*Thelypteris* sp.), arrowhead (*Sagittaria* sp.), water hyssop, smartweed, caesar weed, torpedo grass, pepper-vine, grape vine, poison ivy, green briar, and cattail.

FLUCCS Code 641D, Freshwater Marsh, Disturbed

This wetland includes cattail, primrose willow, leather fern, wax myrtle, marsh pennywort, Brazilian pepper, saw-grass (*Cladium jamaicense*), and saltbush in the sub-canopy and herbaceous strata.

FLUCCS Code 740, Disturbed Land

These disturbed uplands include Brazilian pepper with scattered pop ash, live oak, buckthorn, swamp fern, grape vine, and green briar.

FLUCCS Code 743, Spoil Area

These upland areas consist of spoil material that was displaced during the creation of the adjacent ditches.

FLUCCS Code 814, Roads and Highways

Owl Creek Drive is centrally located in the northern parcel bisecting the property.

SURVEY METHOD

Lee County Protected Species Ordinance No. 89-34 lists several protected species of animals that could potentially occur on-site based on the general vegetative associations found on the subject parcel. Each habitat type was surveyed for the occurrence of these and any other listed species likely to occur in the specific habitat types. The survey was conducted using meandering linear pedestrian belt transects. This survey methodology is based on the Lee County administratively approved Meandering Transect Methodology and US Fish and Wildlife Service (FWS) guidance on Florida bonneted bat roost surveys. In order to provide at least 80 percent visual coverage of habitat types listed in Ordinance No. 89-34, the transects were spaced approximately 100 feet apart. The approximate location of all direct sighting or signs (such as tracks, nests, and droppings) of a listed species, were denoted on the aerial photography. The attached 1" = 500' scale aerial Protected Species Assessment Map depicts the approximate location of the survey transects and the results of the survey. The listed species survey was conducted during October 20, 27 and 29, 2020. During the survey the weather was mild and sunny.

Species listed as endangered, threatened, or species of special concern by the Florida Fish and Wildlife Conservation Commission (FWC) or the United States Fish and Wildlife Service (FWS) that could potentially occur on the subject parcel according to the Lee County Protected Species Ordinance are shown in Table 2. This list from the

Lee County Protected Species Ordinance is general in nature, does not necessarily reflect existing conditions within or adjacent to the property, and is provided for general informational purposes only.

Prior to conducting the protected species survey, a search of the FWC species database (updated in 2019) was conducted to determine the known occurrence of listed species in the project area. This search revealed no known protected species occurring on or immediately adjacent to the site.

Table 2. Listed Species That Could Potentially Occur On-site

FLUCCS CODE	Percent Survey Coverage	Species Name	Present	Absent
211& 211H	80	Florida Sandhill Crane (<i>Grus canadensis pratensis</i>) Florida Panther (<i>Felis concolor coryi</i>)		√ √
422	20	none		
427	80	Eastern Indigo Snake (<i>Drymarchon corais couperi</i>) Gopher Tortoise (<i>Gopherus polyphemus</i>) Florida Panther (<i>Felis concolor coryi</i>) Hand Adder's Tongue Fern (<i>Ophioglossum palmatum</i>) Simpson's Stopper (<i>Myrcianthes frangrans</i> var. <i>simpsonii</i>) Twisted Air Plant (<i>Tillandsia flexuosa</i>) Florida Bonneted Bat (<i>Eumops floridanus</i>)		√ √ √ √ √ √ √
428	80	Eastern Indigo Snake (<i>Drymarchon corais couperi</i>) Audubon's Crested Caracara (<i>Polyborus plancus audubonii</i>) Florida Panther (<i>Felis concolor coryi</i>) Simpson's Stopper (<i>Myrcianthes frangrans</i> var. <i>simpsonii</i>)		√ √ √ √
429H	80	None		
434	80	Florida Panther (<i>Felis concolor coryi</i>)		√
510, 510D, & 524	80	American Alligator (<i>Alligator mississippiensis</i>) Little Blue Heron (<i>Egretta caerulea</i>) Reddish Egret (<i>Egretta rufescens</i>) Roseate Spoonbill (<i>Ajaia ajaja</i>) Tricolored Heron (<i>Egretta tricolor</i>) Everglades Mink (<i>Mustela vison evergladensis</i>)		√ √ √ √ √ √

618	80	American Alligator (<i>Alligator mississippiensis</i>) Little Blue Heron (<i>Egretta caerulea</i>) Reddish Egret (<i>Egretta rufescens</i>) Tricolored Heron (<i>Egretta tricolor</i>) Wood Stork (<i>Mycteria americana</i>) Big Cypress Fox Squirrel (<i>Sciurus niger avicennia</i>) Everglades Mink (<i>Mustela vison evergladensis</i>)		√ √ √ √ √ √ √
619BP	20	None		
630	80	American Alligator (<i>Alligator mississippiensis</i>) Little Blue Heron (<i>Egretta caerulea</i>) Tricolored Heron (<i>Egretta tricolor</i>) Wood Stork (<i>Mycteria americana</i>) Everglades Mink (<i>Mustela vison evergladensis</i>) Florida Panther (<i>Felis concolor coryi</i>) Florida Bonneted Bat (<i>Eumops floridanus</i>)		√ √ √ √ √ √ √
641	80	American Alligator (<i>Alligator mississippiensis</i>) Florida Sandhill Crane (<i>Grus canadensis pratensis</i>) Little Blue Heron (<i>Egretta caerulea</i>) Reddish Egret (<i>Egretta rufescens</i>) Snail Kite (<i>Rostrhamus sociabilis</i>) Tricolored Heron (<i>Egretta tricolor</i>) Wood Stork (<i>Mycteria americana</i>) Everglades Mink (<i>Mustela vison evergladensis</i>)		√ √ √ √ √ √ √
740	80	None		
743	80	None		
747	80	None		
814	80	None		

SURVEY RESULTS

No species listed by either the FWS or the FWC were observed on the site during the protected species survey or during other site visits. There is the potential for periodic opportunistic foraging by both listed and non listed species of wading birds within the wetlands on-site. In addition to the site inspections, a search of the FWC species database (updated in 2019) revealed no additional known protected species within or immediately adjacent to the project limits.

A total of 5 snags were identified containing potential roost cavities. No cavities were found in living trees. The snags with potential roost cavities were all dead cabbage palms. All potential trees on the site within and adjacent to the impact areas were surveyed for the presence of cavities. No evidence of Florida bonneted bats or their guano was observed in or around the base of any of the potential roost cavity trees on-site.

Y:\DRHOR-455\PSA\PSA10-2020.doc



Marine Engineers and Environmental Consultants

October 7, 2021

D.R. Horton
10541 Ben C. Pratt Six Mile Cypress Parkway
Fort Myers, Florida 33966

Subject: Owl Creek Development – Seagrass Survey Report

During September 24, 2021, Hans Wilson & Associates (HWA) conducted an environmental assessment at Owl Creek Development. The site is located on the north side of the Caloosahatchee River at 17900 Owl Creek Drive, within Section 19, Township 43 South, Range 26 East, in Lee County, Florida. This environmental assessment includes the following elements:

- Determination of the seagrass presence at Owl Creek Development

Seagrass Survey Results

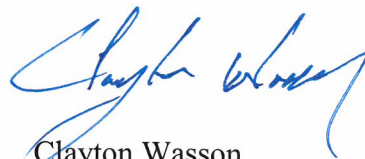
The US Army Corps of Engineers (ACOE) has revised their State Programmatic General Permit (SPGP), effective July 27th 2021. The key revision is that all seagrass surveys for future dock construction must be done during seagrass growing season, which falls between June 1st and September 30th. The ACOE is now including artificial waterways, like manmade canals, as areas of possible concern for seagrass growth. Whether constructing a dock in a manmade canal, or natural body of water, a survey must be done during the seagrass growing season. If a survey is not completed during the growing season, the ACOE will assume you DO have seagrasses at your project location and you will be required to construct to the standards set forth in “Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat” (USACE/NMFS 2017). This means a dock elevation at +5’ Mean High Water.

On September 24, 2021, HWA mobilized to the subject site to complete a benthic survey to identify any submerged aquatic vegetation or any other resources that could prohibit, restrict, or effect proposed dredging or dock construction. After surveying the entirety of the dredging footprint, it is our professional opinion that no seagrass is currently present. This should not restrict any future dredging or dock construction. The site did not have ideal conditions for seagrass growth, which include poor water visibility, mucky/silty bottom, along with a bottom covered in broken shells and rotting debris. The water has a visibility of practically zero, with light penetration only going less than 1-2 feet past the surface. The soils below the surface were too soft to support the growth and stabilization of seagrass roots.

*D.R Horton
Owl Creek Development, Lee County Florida (HWA File – Horton3)
Seagrass Report
Page 2 of 2*

Summary – After surveying the entirety of the dredging footprint, it is our professional opinion that no seagrass is currently present, and there should be no restrictions in dock construction or dredging plans. Seagrass is very unlikely to grow or survive in this area, due to the on-site conditions. The bottom substate soils are extremely mucky/silty, and because of this seagrass roots/rhizomes have a hard time taking root and staying in place. The water clarity is also extremely low, and with little to no light penetrating through the water, seagrass has a very low chance to photosynthesize and survive.

Regards,

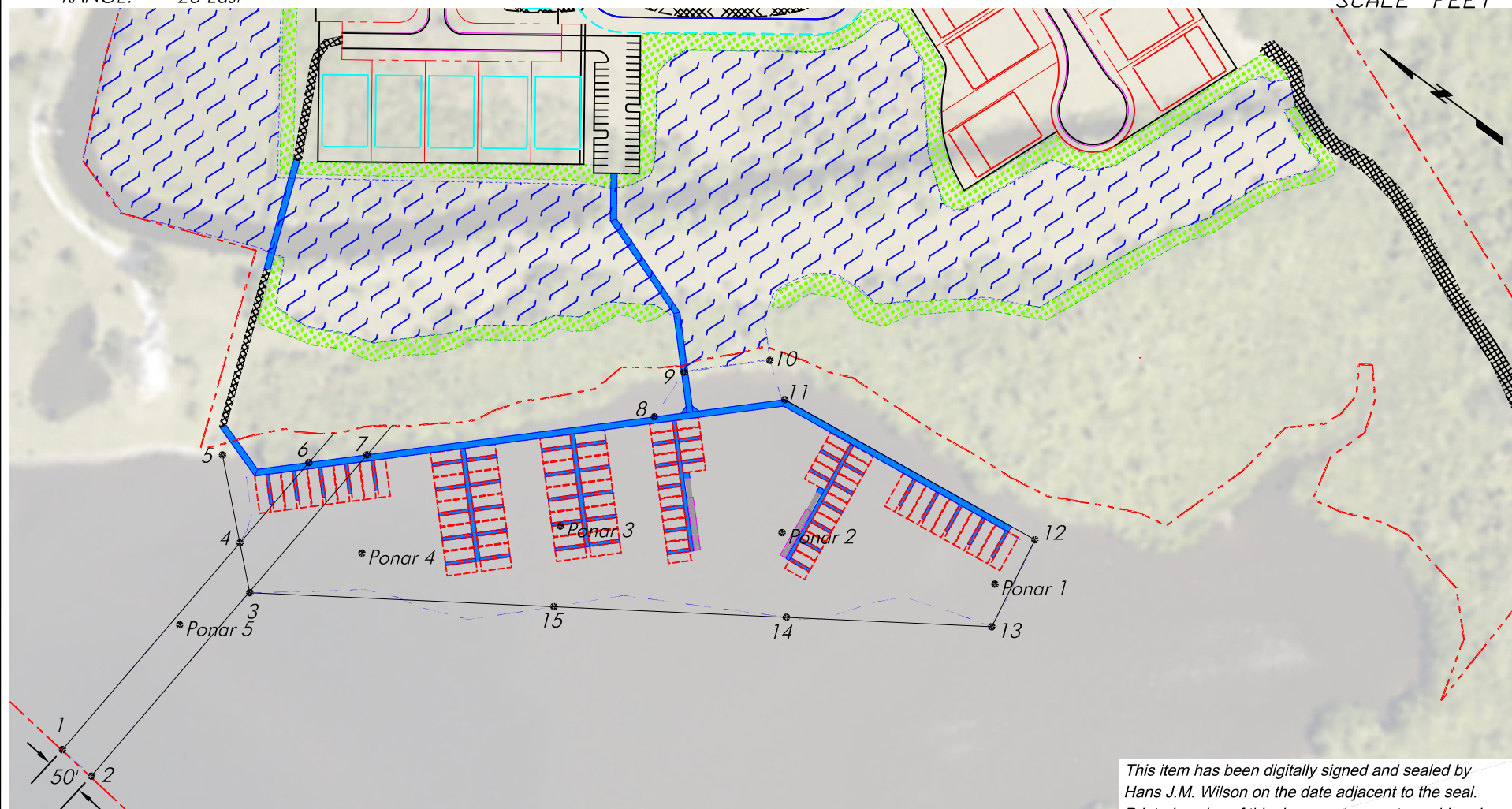


Clayton Wasson
Environmental Specialist

SECTION: 19
TOWNSHIP: 43 South
RANGE: 26 East

2021 Lee County Aerial

0 100 200
SCALE FEET



Seagrass Mapping Coordinates

SCALE: 1" = 200'

Note: Property lines per Lee County Property Appraiser

PERMIT PLANS, NOT FOR CONSTRUCTION

This item has been digitally signed and sealed by
Hans J.M. Wilson on the date adjacent to the seal.
Printed copies of this document are not considered
signed and sealed and the signature must be
verified on any electronic copies.

HANS J.M. WILSON
REGISTERED PROFESSIONAL ENGINEER
FLORIDA REGISTRATION NO. 39680
DATE: August 18, 2021 7:46:37 a.m.
Drawing: HORTON3MASTER.DWG



1938 Hill Avenue, Fort Myers, Florida 33901
Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

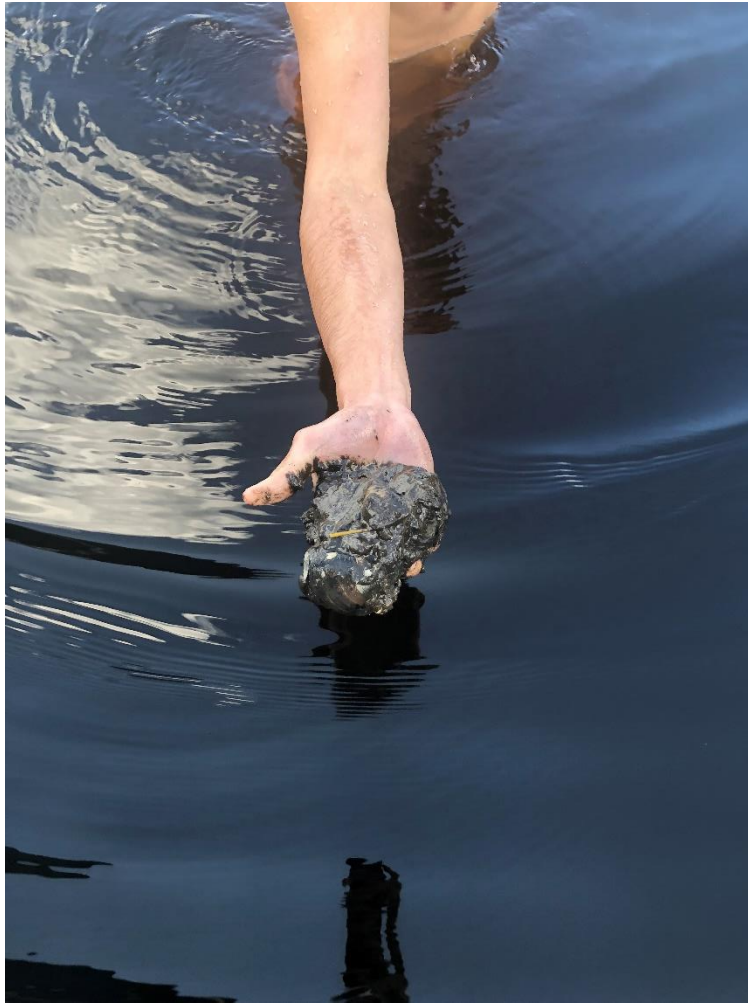
10.08.2021

hjmw

D R Horton

SHEET

BOTTOM MAKEUP



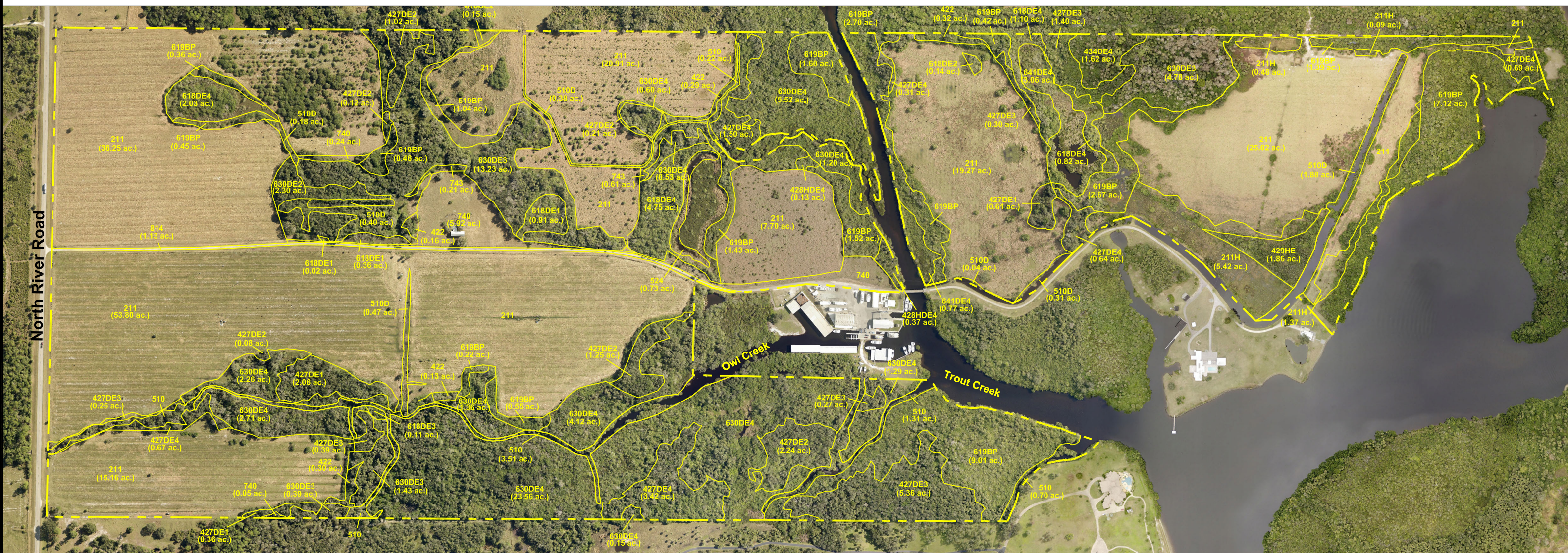
BOTTOM MAKEUP



BOTTOM MAKEUP



A horizontal scale bar with a decorative flourish at the left end. Below the bar are markings for 0, 250, and 500. The text "SCALE FEET" is written below the bar, with "SCALE" under the 0-250 segment and "FEET" under the 250-500 segment.



FLUCCS	Description	Acreage	FLUCCS	Description	Acreage
211	Improved Pastures	178.11 ac.	*** 618DE1	Willow, Disturbed, Invaded by Exotics (10-25%)	1.29 ac.
*** 211H	Improved Pastures - hydric	7.36 ac.	*** 618DE2	Willow, Disturbed, Invaded by Exotics (26-50%)	0.29 ac.
422	Brazilian Pepper	1.20 ac.	*** 618DE3	Willow, Disturbed, Invaded by Exotics (51-75%)	0.11 ac.
427DE1	Live Oak, Disturbed, Invaded by Exotics (10-25%)	3.03 ac.	*** 618DE4	Willow, Disturbed, Invaded by Exotics (75-90%)	8.70 ac.
427DE2	Live Oak, Disturbed, Invaded by Exotics (26-50%)	4.92 ac.	*** 619BP	Hydric Brazilian Pepper	30.94 ac.
427DE3	Live Oak, Disturbed, Invaded by Exotics (51-75%)	7.97 ac.	*** 630DE2	Wetland Forested Mixed, Disturbed, Invaded by Exotics (26-50%)	2.30 ac.
427DE4	Live Oak, Disturbed, Invaded by Exotics (76-90%)	7.23 ac.	*** 630DE3	Wetland Forested Mixed, Disturbed, Invaded by Exotics (51-75%)	19.83 ac.
*** 428HDE4	Disturbed Hydric Cabbage Palm Invaded by Exotics (76-90%)	0.50 ac.	*** 630DE4	Wetland Forested Mixed, Disturbed, Invaded by Exotics (76-90%)	43.30 ac.
*** 429HE	Hydric Wax Myrtle Invaded by Exotics (5-9%)	1.86 ac.	*** 641DE4	Freshwater Marsh, Disturbed, Invaded by Exotics (76-90%)	3.83 ac.
434DE4	Hardwood- Coniferous Mixed, Disturbed, Invaded by Exotics (76-90%)	1.62 ac.	740	Disturbed Land	6.21 ac.
* 510	Streams and Waterways	5.74 ac.	743	Spoil Area	0.82 ac.
** 510D	Ditches	3.66 ac.	814	Roads and Highways	1.13 ac.
** 524	Lakes less than 10 acres which are dominant features	0.73 ac.			
				Total	342.68 ac.

Notes:

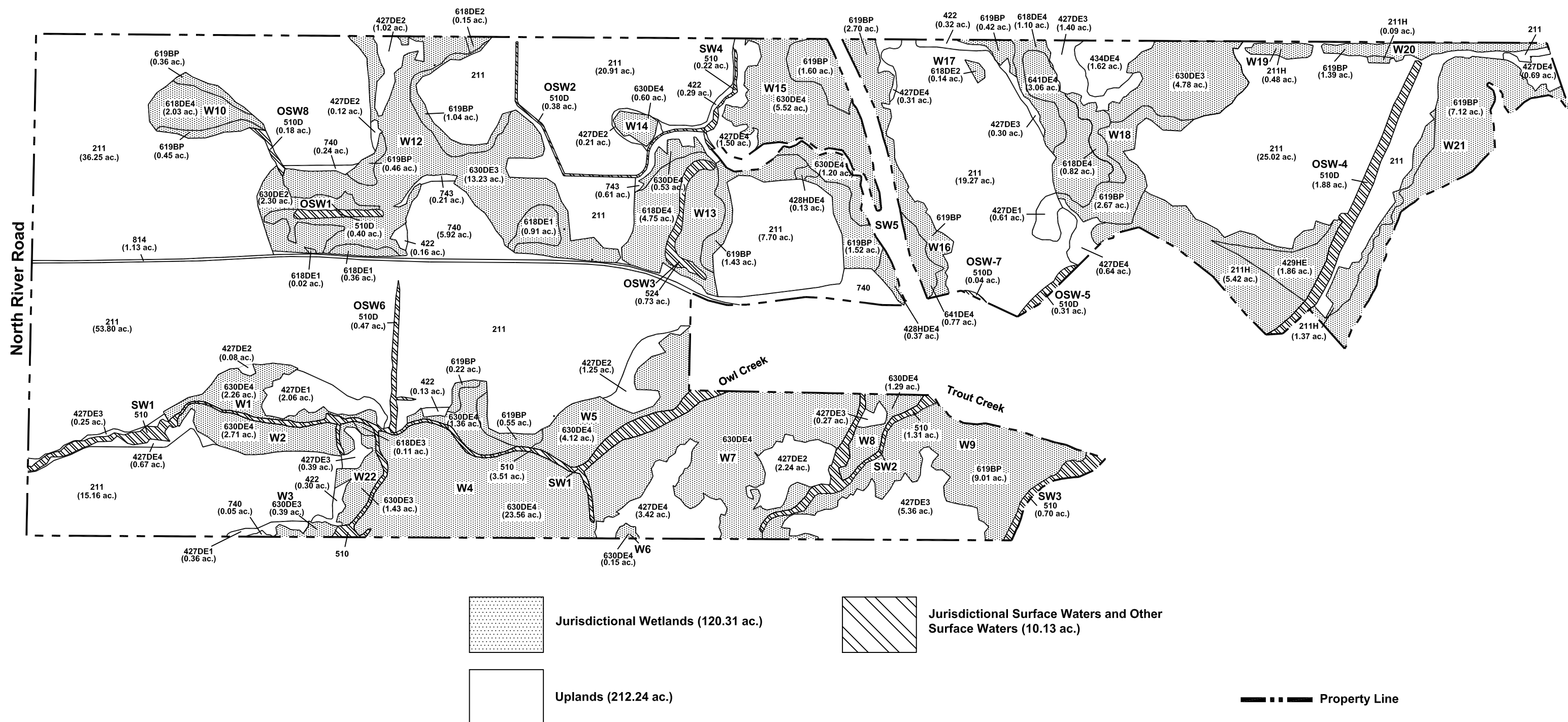
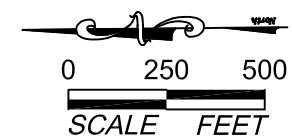
1. Property boundary was obtained from Banks Engineering.
2. Mapping based on photointerpretation of 2019 aerial photography and ground truthing in February 2020. Map includes 2021 aerial photography.
3. Limits of wetlands were approved by SFWMD via a Formal Determination dated November 12, 2021.

February 25, 2022 1:58:11 p.m.
Drawing: DRHOR455PLAN111521.DWG

Exhibit C.1.9 - Vegetation Map

Owl Creek Reserve

SECTIONS: 18 & 19
TOWNSHIP: 43 S
RANGE: 26 E



- Notes:
1. Property boundary was obtained from Banks Engineering.
 2. Mapping based on photointerpretation of 2019 aerial photography and ground truthing in February 2020. Map includes 2021 aerial photography.
 3. Limits of wetlands were approved by SFWMD via a Formal Determination dated November 12, 2021.

January 19, 2022 10:28:23 a.m.
Drawing: DRHOR455PLAN111521.DWG

PERMIT USE ONLY, NOT FOR CONSTRUCTION

Exhibit C.1.7 - Wetland, SW, and OSW Map

Owl Creek Parcel

DEXBENDER
ENVIRONMENTAL CONSULTING
FORT MYERS 239-334-3680