



July 7, 2022

Earl R. Hahn, AICP
Principal Planner
Lee County Community Development
1500 Monroe Street
Fort Myers, FL 33901

**Re: RaceTrac at Bayshore CPD
DCI2021-00053 Sufficiency Response #2**

To Whom It May Concern:

Attached please find the following items as they relate to the above referenced project:

1. Revised Application;
2. Affidavits of Authorization;
3. Schedule of Deviations;
4. Certification of Title;
5. FGUA Letter of Service Availability;
6. Property Development Regulations Table;
7. Surface Water Management Plan;
8. Environmental Assessment;
9. Open Space & FLUCFCS Exhibit;
10. Legal Description and Sketch;
11. Boundary Survey;
12. Revised Master Concept Plan.

In regards to the formal comment letter dated March 28, 2022, please find the following responses to Staff comments in order as received:

ZONING REVIEW

Comment A

Land Development Code (LDC) Section 34-373(a)(1) requires a general application form for public hearing in accordance with the requirements set forth in sections 34-201, 34-202, and 34-203 be filed.

- 1) A revised application form was not submitted and the original application lists three (3) STRAP numbers. The revised Master Concept Plan (MCP), sketch and legal description, and revised boundary survey display four (4) STRAP numbers, and the Deeds.pdf originally submitted with*



the application displays six (6) STRAP numbers. Please reconcile among the documents the applicable STRAP numbers.

- 2) *Application form Part 3.1 notes the subject property is located in the North Fort Myers Planning Community. LDC Section 33-1532 requires for planned development zoning actions one publicly advertised information session within the North Fort Myers Planning Community prior to obtaining approval or finding of sufficiency and LDC Section 33-1533 addresses the meeting requirements. The revised application notes they are in the process of scheduling the meeting but a finding of sufficiency cannot occur until after receipt of the required documents. Please amend the application accordingly.*

Response A

- 1) **See revised application which has been updated to include the applicable STRAP #'s.**
- 2) **Acknowledged. The project will be presented to the NFMPC at their August meeting.**

Comment B

LDC Section 34-202(a)(3) requires the applicant to sign a statement, under oath, that he is the owner or the authorized representative of the owner of the property and that he has full authority to secure the approval requested and to impose covenants and restrictions on the referenced property as a result of the action approved by the County in accordance with this Code. This must also include a statement that the property owner will not transfer, convey, sell or subdivide the subject parcel unencumbered by the covenants and restrictions imposed by the approved action. The submitted Affidavit of Authorization does not contain the above-referenced language and the practice has been to require applicants to execute the County's approved form (attached). In addition, the submitted affidavit for Mr. John Salko only displays his signature when printed. Please file the County approved Affidavit of Authorization.

Response B

See enclosed Affidavits of Authorization executed by Bayshore-Copping, LLC and D'Alessandro properties which have been executed on the County form.

Comment C

LDC Section 34-202(a)(6) requires a boundary survey of the subject property 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 boundary survey must identify and depict all easements affecting the subject property, whether recorded or unrecorded, and all other physical encumbrances readily identified by a field inspection. Although easements are displayed, those easements are not based on a title certification. Please amend the boundary survey accordingly.

Response C

See revised Boundary Survey.

**Comment D**

LDC Section 34-202(a)(7) requires certification of title and encumbrances be submitted but a title commitment was filed instead. Please provide a certification of title and encumbrances consistent with the requirements in LDC Section 34-202(a)(7).

Response D

See enclosed Title Opinion. A Title Opinion is an approved form per LDC 34-202(a)(7)a.i.

Comment E

Courtesy comment: LDC Section 34-202(a)(9) requires a complete list, map, and one set of mailing labels, of property owners, and their mailing addresses, for all properties within 500 feet of the perimeter of the property, or the portion thereof, that is the subject of the request be submitted. In those instances where fewer than ten owners of property would be notified, the distance must be expanded to include all owners of property within 750 feet (1,250 feet for wireless communication facilities). Names and addresses of property owners must be those appearing on the current Lee County tax rolls. When the application is found sufficient, the applicant is required to submit a new list and mailing labels.

Response E

Acknowledged. A new list will be provided at time of sufficiency.

Comment F

LDC Section 34-202(a)(10) requires a letter from the appropriate utility provider verifying their ability to provide service to the proposed development be submitted. If service is not available, the applicant must indicate how the potable water and sanitary sewer needs for the project will be met. A utility provider letter verifying service potable water availability was submitted but a letter verifying sanitary sewer availability was not. Please amend the application accordingly.

Response F

Sewer will be provided by the FGUA. See enclosed FGUA Letter of Availability.

Comment G

LDC Section 34-373(a)(6) addresses the requirement for a Master Concept Plan (MCP). LDC Section 34-373(a)(6)a requires that the location and explanation of all existing easements be shown on the MCP, regardless of whether those easements are recorded. If an easement is based upon a recorded document, the official records book reference must be stated. Since a certificate of title and encumbrances as is required by LDC Section 34-202(a)(7) was not provided, staff cannot confirm the MCP displays the location of all easements. Please revise the MCP consistent with LDC Section 34-202(a)(7), if applicable.

Response G

The MCP reflects easements identified in the Title Opinion.

**Comment H**

LDC Section 34-373(a)(10) provides for submittal of a property development regulations table but the minimum lot area, lot width/street frontage, lot depth and rear setback are inconsistent with LDC Sections 34-1353(c) and (d). Please amend the table consistent with LDC Sections 34-1353(c) and (d) or seek a deviation consistent with LDC Section 34-373(a)(9). Please note if a deviation is sought then the MCP will need to be revised accordingly.

Response H

The enclosed Property Development Regulations Table is consistent with LDC 34-1353 and notes which parameters are per that section.

Comment I

Courtesy comment: LDC Section 33-1566(c) provides the commercial corridor land development provisions apply to properties with frontage on, or contiguous to and developed in conjunction with properties with frontage on Pine Island/Bayshore Drive. Since the subject property is located on Bayshore Drive, those requirements will apply. If relief from any of these requirements is necessary, filing a deviation from those requirements would be appropriate at this time.

Response I

No deviations from Ch. 33 are proposed.

LEGAL REVIEW**Comment A**

LDC Section 34-202(a)(5) requires a legal description and sketch in accordance with the requirements of Lee County LDC §34-202(a)(5). The sketch and legal description is not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper. Please amend the document accordingly.

Response A

See enclosed electronically signed and sealed legal description and sketch.

Comment B

LDC Section 34-202(a)(6) requires provide a boundary survey in accordance with the requirements of Lee County LDC §34-202(a)(6).

- 1) 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.*
- 2) The survey must be based upon the title certification submitted in accord with section 34-201(a)(7)*

Response B

See revised boundary survey. The survey is based on the enclosed title opinion and has been updated to comply with the ties to state plan requirement.

**Comment C**

LDC Section 34-202(a)(7) requires a title certification in accordance with the requirements of Lee County LDC §34-202(a)(7). The document submitted needs to be one of the forms listed in LDC §34-202(a)(7)(a) with required content included. A title commitment is not acceptable.

Response C

See enclosed Title Opinion.

DEVELOPMENT SERVICES REVIEW**Comment A**

The loading zone as shown will restrict the aisle width around the diesel pump canopy. Can two traffic be accommodated with the minimum aisle width?

Response A

Besides fuel delivery, most deliveries to RaceTrac are made with smaller vehicles which can be accommodated without a designated loading space per LDC 34-1986. A loading space is no longer designated on the MCP.

Comment B

Will the 10' access easement shown on the MCP be vacated or an alternative access easement be required?

Response B

The 10' Access Easement is intended to be vacated.

Comment C

Records indicate a viewers road easement (CCMB 8/131) that is not shown on the MCP. Please show the easement on the MCP and provide information on how the viewers road easement will be addressed.

Response C

The referenced viewers road easement is not identified in the attached Title Opinion.

UTILITY REVIEW**Comment 1**

Please include letter's of availability for water from FGUA.

Response 1

See enclosed Letter of Availability from FGUA.



ENVIRONMENTAL SERVICES REVIEW

Comment A

On the Master Concept Plan, although open space calculations changed from 1.06 acres to 1.58 acres, the proposed map has not changed. Please provide an open space exhibit in accordance with 34-373(6)(g). Please label and provide acreages for the open space areas to ensure the open space meets the minimum dimensions per Land Development Code Section 10-415(c).

Response A

See attached MCP Open Space & FLUCFCS Exhibit. The open space areas provided are shaded.

Comment B

Please overlay the Master Concept plan on the FLUCCs map.

Response B

FLUCFCS lines are included on the attached Open Spaces & FLUCFCS exhibit.

Comment C

The applicant is requesting a deviation from LDC Section 10-415(b). The subject parcels are located within the corridor Overlay District per LDC Appendix I, map II. Per Lee Plan policy 30.2.5, deviations from landscaping, buffering, signage or architectural requirements may not be granted, unless the request meets the approval criteria for variances set forth in the Land Development Code.

Response C

See revised Schedule of Deviations. The Justification for the Deviation from 10-415(b) has been expanded to include the variance criteria.

Comment D

LDC Section 33-1582 of the North Fort Myers Community Plan states, "all projects with existing native trees must be preserved regardless of project size". The site has existing native trees. Demonstrate how the proposed design meets Land Development Code Section 33-1582.

Response D

LDC 33-1582(a)(2) further states"It is recognized that site design requirements (e.g. fill) may limit the ability to retain some individual trees, and in that case the County will allow the removal of those trees."

The location of the access point to Bayshore Road has been specified based on coordination with FDOT to provide adequate separation from I-75 and align with future access to the properties on the north side of SR 78. The proposed access is further designed to provide cross access to adjacent properties to the west and south.

The stormwater management design of the project will require 2 to 3 feet of fill to be placed on the site, which would cause mortality in the existing vegetation. The existing plant community is not



hydric and extended periods of standing water would likely cause death or harm to the indigenous community.

Comment E

Please note that a utility easement is in the north buffer area. LDC Section 10-421(a)(2) states, "Trees and shrubs used in buffers must be planted in a minimum width area equal to one-half the required width of the buffer. However, in no case may the planting area be less than five feet in width." Furthermore, LDC Section 10-421(a)(5) states, "Utility or drainage easements may overlap required buffers; however, no code required trees or shrubs may be located in any utility or drainage easement unless a written statement, from the entity holding the beneficial interest in the easement, is submitted specifically stating that the entity has no objection to the landscaping and, that the proposed landscaping will not interfere with the long term maintenance of the infrastructure within easement area." Please demonstrate how buffer plantings within the LCEC utility easements are being met.

Response E

The referenced easement is 12' in width. The buffer along Bayshore Road, is 25' in width, which leaves 13' of planting area, well in excess of the 5' minimum. No plantings would be proposed within the easement area.

SOLID WASTE REVIEW

Comment A

The MCP does not display the proposed dumpster enclosure dimensions as required in Solid Waste Ordinance 11-27

Response A

Dumpster enclosure dimensions are not necessary to be depicted on the Zoning Master Concept Plan. The enclosure is reviewed at time of Development Order for compliance with Ord. 11-27 and LDC 10-416. A reference to LDC 10-416 has been added to the dumpster enclosure label on the MCP.

NATURAL RESOURCES REVIEW

Comment A

Please clarify the limits of the rezoning. The Boundary Survey and the Surface Water Management Plan appear to depict different project limits.

Response A

The boundary survey, MCP and exhibits depict the same 5.29 acre project boundary.

**Comment B**

The MCP depicts a "connection to adjacent property" in the southwest corner. This proposed access appears to directly impact Bayshore Creek. Please clarify if this is the case and how the proposed access is consistent with LDC10-416(d)(9).a.

Response B

The property to the south is not part of this rezone application. The drainage ditch referred to as "Bayshore Creek" is nearly 200 feet south of the subject rezone as shown on the Existing Drainage Patterns exhibit. Any impacts resulting from future development on the adjacent property would be part of any applicable permit/approvals of that property.

If you should require any additional information, please contact our office.

Sincerely,

DeLisi Fitzgerald, Inc.

A handwritten signature in blue ink, appearing to read "John Wojdak", is written over a light blue horizontal line.

John Wojdak, P.E.
Vice President

Project No.: 21555



APPLICATION FOR PLANNED DEVELOPMENT PUBLIC HEARING UNINCORPORATED AREAS ONLY

Project Name: RaceTrac Bayshore Rd

Request: Rezone from: CC, CPD, AG-2 To: CPD

Type: ☐ Major PD ☐ Minor PD ☐ DRI w/Rezoning ☐ PRFPD
☐ Major PD Amendment ☒ Minor PD Amendment

Bonus Density included? ☒ NO ☐ YES¹ for: _____ Bonus Units

¹ If **YES**, submit additional fee required by LDC 2-147(A)(3)

Summary of Project:

Rezone from CPD, CC and AG-2 to CPD to allow for development of a Convenience Food and Beverage use with self service fuel pumps.

PART 1 APPLICANT/AGENT INFORMATION

A. Name of Applicant: RaceTrac Petroleum, Inc.

Address: 200 Galleria Parkway SE, Suite 900

City, State, Zip: Atlanta, GA 30339

Phone Number: (770) 431-7600

E-mail Address: sjones@racetrac.com

B. Relationship of Applicant to owner (check one) and provide Affidavit of Authorization form:

☐ Applicant is the sole owner of the property. [34-201(a)(1)a.1.]

☒ Applicant has been authorized by the owner(s) to represent them for this action. [34-202(b)(1)b. & c.]

☐ Application is County initiated. Attach BOCC authorization.

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

1. Company Name: DeLisi Fitzgerald, Inc.

Contact Person: John Wojdak, P.E.

Address: 1605 Hendry Street

City, State, Zip: Fort Myers, FL 33901

Phone Number: (239) 418-0691

Email: john@delisifitzgerald.com

2. **Additional Agent(s):** Provide the names of other agents that the County may contact concerning this application. [34-202(b)(1)c.]

LEE COUNTY COMMUNITY DEVELOPMENT
PO BOX 398 (1500 MONROE STREET), FORT MYERS, FL 33902
PHONE (239) 533-8585

PART 2 PROPERTY OWNERSHIP

A. Property owner(s): If multiple owners (corporation, partnership, trust, association), provide a list with owner interest. [34-201; 34-204]

Name: See Attached

Address: _____

City, State, Zip: _____

Phone Number: _____

Email: _____

B. Disclosure of Interest [34-201; 34-204]:

☒ Attach Disclosure of Interest Form. [34-201; 34-204]

C. Multiple parcels:

☒ Property owners list. [34-202(a)(5)]

☐ Property owners map. [34-202(a)(5)]

D. Certification of Title and Encumbrances [34-202(a)(3)]

1. Title certification document, no greater than 90 days old. [34-202(a)(3)]

2. Date property was acquired by present owner(s): See Attached

PART 3 PROPERTY INFORMATION

A. STRAP Number(s): [Attach extra sheets if additional space is needed.]

21-43-25-00-00007.002A; 21-43-25-00-00007.0030

21-43-25-00-00008.0000; 21-43-25-00007.0100

B. Street Address of Property: 8640 Bayshore Rd, North Fort Myers, FL 33917

C. Legal Description (must submit) [34-202(a)(1)]:

☒ Legal description (metes and bounds) (8½"x11") and sealed sketch of the legal description.

OR

☐ Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. ([Click here](#) to see an example of a legal description with no metes and bounds.)

AND

Boundary Survey [34-202(a)(2); 34-373(a)(4)a.]:

☒ A Boundary survey, tied to the state plane coordinate system.

OR

☐ Not required if the property is located within a subdivision platted per F.S. Chapter 177.

D. Surrounding property owners (within 500 feet of the perimeter of the subject parcel or portion thereof that is subject of the request):

1. ☒ List of surrounding property owners. [34-202(a)(6)]

2. ☒ Map of surrounding property owners. [34-202(a)(7)]

3. ☒ One set of mailing labels. [34-202(a)(6)]

Note: When the case is found complete/ sufficient, a new list and mailing labels must be submitted.

E. Current Zoning of Property: CC, CPD, AG-2

☒ Provide a list of all Zoning Resolutions and Zoning Approvals applicable to the subject property. [34-202(a)(8)]

F. Use(s) of Property [34-202(a)(8)]:

1. Current uses of property are: Previous Convenience Food and Beverage w/ Fuel Pumps; Vacant

2. Intended uses of property are: Convenience Food and Beverage w/ 22 Fuel Pumps

G. Future Land Use Classification (Lee Plan) [34-202(a)(8)]:

General Interchange	5.29	Acres	<u>100</u>	% of Total
		Acres		% of Total
		Acres		% of Total

H. Property Dimensions [34-202(a)(8)]:

1. Width (average if irregular parcel):	667 +/-	Feet		
2. Depth (average if irregular parcel):	530 +/-	Feet		
3. Total area:	6.32 ac.	Acres or square feet		
4. Frontage on road or street:	548 +/-	Feet on	Bayshore Road	Street
2 nd Frontage on road or street:	326 +/-	Feet on	Park 78 Drive	Street

I. Planning Communities/Community Plan Area Requirements: If located in one of the following planning communities/community plan areas, provide a meeting summary document of the required public informational session. [34-202(a)(10)]

- ☐ Not Applicable
☐ Captiva Planning Community (Captiva Island). [33-1612(a)&(b); Lee Plan Policy 13.1.7]
☐ North (Upper) Captiva Community Plan area. [33-1711]
☐ Boca Grande Planning Community. [Lee Plan Policy 22.1.5]
☐ Caloosahatchee Shores Community Plan area. [33-1482(a)&(b); Lee Plan Policy 21.6.3]
☐ Page Park Community Plan area. [33-1203(a) & (b); Lee Plan Policy 27.11.2]
☐ Palm Beach Boulevard Community Plan area. [Lee Plan Policy 23.5.2]
☐ Buckingham Planning Community. [Lee Plan Policy 17.7.2]
☐ Pine Island Planning Community. [33-1004(a) & (b); Lee Plan Policy 14.7.1]
☐ Lehigh Acres Planning Community. [33-1401(a)&(b); Lee Plan Policy 32.12.2]
☒ North Fort Myers Planning Community. [33-1532(a)&(b)]
☐ North Olga Community Plan area. [33-1663(a)&(b)]

J. Waivers from Application Submission Requirements: Attach waivers, if any, approved by the Director of Zoning. [34-202(a)]

PART 4 TYPES OF LAND AREA ON PROPERTY

A. Gross Acres (total area within described parcel)		5.29	Acres
1. Submerged land subject to tidal influence	<u>0</u>	Acres	
2. a. Preserved freshwater wetlands		Acres	
b. Impacted wetlands		Acres	
c. Preserved saltwater wetlands		Acres	
d. Total wetlands (A.2.a. plus A.2.b. plus A.2.c.)	<u>0</u>	Acres	
3. R-O-W providing access to non-residential uses	<u>0</u>	Acres	
4. Non-residential use areas ^{(1) (2)}	<u>5.29</u>	Acres	
B. Total area not eligible as gross residential acreage (Items A.1. + A.3. + A.4.).		5.29	Acres
C. Gross residential acres. (A minus B) ⁽³⁾		0	Acres
D. Gross residential acres (by Land Use Category)			
1. a. Intensive Development – upland		Acres	
b. Intensive Development – preserved freshwater wetlands		Acres	
c. Intensive Development – impacted wetlands		Acres	
2. a. Central Urban – upland		Acres	
b. Central Urban – preserved freshwater wetlands		Acres	
c. Central Urban – impacted wetlands		Acres	
3. a. Urban Community or Suburban – upland		Acres	
b. Urban Community or Suburban – preserved freshwater wetlands		Acres	
c. Urban Community or Suburban – impacted wetlands		Acres	

4.	a.	Suburban – upland	_____	Acres
	b.	Suburban – preserved freshwater wetlands	_____	Acres
	c.	Suburban – impacted wetlands	_____	Acres
5.	a.	Outlying Suburban – upland	_____	Acres
	b.	Outlying Suburban – preserved freshwater wetlands	_____	Acres
	c.	Outlying Suburban – impacted wetlands	_____	Acres
6.	a.	Sub-Outlying Suburban – upland	_____	Acres
	b.	Sub-Outlying Suburban – preserved freshwater wetlands	_____	Acres
	c.	Sub-Outlying Suburban – impacted wetlands	_____	Acres
7.	a.	Rural, Outer Island, Rural Community Preserve – upland	_____	Acres
	b.	Rural, Outer Island, Rural Community Preserve – wetlands	_____	Acres
8.	a.	Open Lands – upland	_____	Acres
	b.	Open Lands – wetlands	_____	Acres
9.	a.	Resource – upland	_____	Acres
	b.	Resource – wetlands	_____	Acres
10.	a.	Wetlands	_____	Acres
11.	a.	New Community – upland	_____	Acres
	b.	New Community – wetlands	_____	Acres
12.	a.	University Community – upland	_____	Acres
	b.	University Community – wetlands	_____	Acres
13.	a.	Coastal Rural – upland	_____	Acres
	b.	Coastal Rural – wetlands	_____	Acres

TOTAL (should equal "C" above)

_____ **Acres**

Notes:

- (1) Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included except within the Mixed Use Overlay {see Note (2) below}.
- (2) Within the Mixed Use Overlay, lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses may be included in density calculations {see Lee Plan Objective 4.3}.
- (3) Lands to be used for residential uses including land within the development proposed to be used for streets & street rights of way, utility rights-of-way, public & private parks, recreation & open space, schools, community centers, & facilities such as police, fire & emergency services, sewage & water, drainage, and existing man-made waterbodies.

PART 5 RESIDENTIAL DEVELOPMENT - PRELIMINARY DENSITY CALCULATIONS

- i. Complete only if living units are proposed in a Future Land Use Category.
- ii. If more than one classification, calculations for each classification must be submitted. Attach extra sheets as necessary.
- iii. If wetlands are located on the property, density calculations are considered preliminary pending a wetlands jurisdictional determination.

A. Future Land Use Category: General Interchange

		Lee Plan Table 1(a)		
		Max. standard density		Units
1.	Standard Units			
	a. Total upland acres (from Part 4, D.)	_____ x _____	equals	_____
	b. Total preserved freshwater wetlands acres (from Part 4, D.)	_____ x _____	equals	_____
	c. Total impacted wetlands acres (from Part 4, D.)	_____ x _____	equals	_____
	d. Total Allowed Standard Units ⁽¹⁾			_____
2.	Bonus Units [2-143]			
	a. Site-built Affordable Housing			_____
	b. Transferrable Dwelling Units			_____
	c. Sub-total			_____
3.	Total Permitted Units ⁽¹⁾			_____

Note:

- (1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.

**PART 6
COMMERCIAL, INDUSTRIAL, MINING, ASSISTED LIVING FACILITIES, HOTELS & MOTELS
PRELIMINARY INTENSITY CALCUATIONS**

A.	Commercial	Height	Total Floor Area (Square Feet)
	1. Medical		
	2. General Office		
	3. Retail	35'	6,000
	4. Other: <u>22 Fueling Pumps</u>		
	5. TOTAL FLOOR AREA		6,000
B.	Industrial	Height	Total Floor Area (Square Feet)
	1. Under Roof		
	2. Not Under Roof		
	3. TOTAL FLOOR AREA		
C.	Mining	Depth	Total Acres
	1. Area to be excavated		
D.	Assisted Living Facilities	Height	Total Beds/Units
	1. Dependent Living Units		
	2. Independent Living Units		
	3. TOTAL BEDS/UNITS		
E.	Hotels/Motels (Room Size)	Height	Total Rental Units
	1. < 425 sq. ft.		
	2. 426-725 sq. ft.		
	3. 725 < sq. ft.		
	4. TOTAL UNITS		

**PART 7
ACTION REQUESTED**

- A. Request Statement:** Provide a single narrative explaining the nature of the request and how the property qualifies for the rezoning to a planned development. This narrative should include how the proposed development complies with the Lee Plan, the Land Development Code, and the applicable findings/review criteria set forth in LDC section 34-145(d)(4). This narrative may be utilized by the Board of County Commissioners, Hearing Examiner and staff in establishing a factual basis for the granting or denial of the rezoning. **[34-373(a)(5)]**
- B. Traffic Impact Statement.** A traffic impact statement in a format and to the degree of detail required by the County and in conformance with the adopted Lee County Administrative Code. TIS is not required for an existing development. **[34-373(a)(7)]**
- C. Master Concept Plan:**
- 1. Master Concept Plan, Non-PRFPD:** A graphic illustration (Master Concept Plan) of the proposed development, showing and identifying the information required by LCLDC Section 34-373(a)(6)a. Copies of the Master Concept Plan must be provided in two sizes, 24"x36" and 11"x17", and must be clearly legible and drawn at a scale sufficient to adequately show and identify the required information. In addition to the Master Concept Plan, an open space design plan delineating the indigenous preserves and/or native tree preservation areas as required by LDC Section 10-415(b) must be submitted. **[34-373(a)(6)]**
 - 2. Schedule of Uses:** A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property including the information required by LCLDC Section 34-373(a)(8)]. **[34-373(a)(8)]**

3. **Schedule of Deviations and Written Justification:** A schedule of deviations and a written justification for each deviation requested as part of the Master Concept Plan accompanied by documentation including sample detail drawings illustrating how each deviation would enhance the achievement of the objectives of the planned development and will not cause a detriment to public interests. The location of each requested deviation must be located/shown on the Master Concept Plan. **[34-373(a)(9)]**

D. Bonus Density: [34-202(b)(5)]

- ☒ Not Applicable
☐ Bonus Density will be used. Provide the number of Bonus Density units being requested and a narrative of how the request meets the requirements of LDC Section 2-146.

PART 8 ENVIRONMENTAL REQUIREMENTS

- A. Topography:** Describe the range of surface elevations of the property. Attach a county topographic map (if available) or a USGS quadrangle map showing the subject property. **[34-373(a)(4)d.iv.]**
 6.8 – 8.2 feet (see survey)
-
- B. Sensitive Lands:** Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the LEE Plan Section XII), flowways, creek beds, sand dunes, other unique land forms [see LEE Plan Policy 77.1.1 (2)] or listed species occupied habitat [see LCLDC Section 10-473].
 N/A
-
- C. Preservation/Conservation of Natural Features:** Describe how the lands listed in PART 6.B. above will be protected by the completed project:
 N/A
-
- D. Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:
 N/A
-
- E. Soils Map:** Attach maps drawn at the same scale as the Master Concept Plan marked or overprinted to show the soils classified in accordance with the USDA/SCS System. **[34-373(a)(4)b.i.]**
- F. FLUCCS Map:** A Florida Land Use, Cover and Classification System (FLUCCS) map, at the same scale as the Master Concept Plan, prepared by an environmental consultant. The FLUCCS map must clearly delineate any Federal and State jurisdictional wetlands and other surface waters, including the total acreage of Federal and State wetlands. **[34-373(a)(4)c.]**
- G. Rare & Unique Upland Habitat Map:** Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show significant areas of rare and unique upland habitat as defined in the LEE Plan Section XII. **[34-373(a)(4)b.iii.]**
- H. Existing and Historic Flow-Ways Map:** Map(s) drawn at the same scale as the master concept plan marked or overprinted to show existing and historic flow-ways. **[34-373(a)(4)b.v.]**

PART 9 SANITARY SEWER & POTABLE WATER FACILITIES

- A. Special Effluent:** If the discharge of any special effluent is anticipated, please specify what it is and what strategies will be used to deal with its' special characteristics:
 N/A
-
- B. Private On-Site Facilities:** If a private on-site wastewater treatment and disposal facility is proposed, please provide a detailed description of the system including:
1. Method and degree of treatment:
 N/A
 2. Quality of the effluent:
 N/A

3. Expected life of the facility:
N/A

4. Who will operate and maintain the internal collection and treatment facilities:
N/A

5. Receiving bodies or other means of effluent disposal:
N/A

C. Spray Irrigation: If spray irrigation will be used, specify:

1. The location and approximate area of the spray fields:
N/A

2. Current water table conditions:
N/A

3. Proposed rate of application:
N/A

4. Back-up system capacity:
N/A

PART 10 ADDITIONAL REQUIREMENTS

A. Major Planned Developments:

1. **Surface Water Management Plan.** A written description of the surface water management plan as required by LCLDC Section 34-373(b)(1). **[34-373(b)(1)]**
2. **Phasing Program.** If the development is to be constructed in phases or if the Traffic Impact Statement utilized phasing, then a description of the phasing program must be submitted. **[34-373(b)(3)]**
3. **Protected Species Survey.** A protected species survey is required for large developments (as defined in LCLDC Section 10-1) as specified in LCLDC Section 10-473. **[34-373(b)(2)]**

B. Amendments to Built Planned Developments: The consent of the owners of the remainder of the original planned development is not required, but these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property. Attach proof of notice to other property. **[34-373(c)]**

C. Development of Regional Impact: Binding letter of interpretation from DCA or a complete and sufficient ADA. (See also Application for Public Hearing for DRI Form.) **[34-373(d)(2)]**

D. Private Recreational Facility Planned Developments (PRFPDs):

1. **Master Concept Plan, PRFPD.** Master Concept Plan showing and identifying information required by LDC Section 34-941(g)(1). Copies of the Master Concept Plan must be provided in two sizes, 24"x36" and 11"x17", and must be clearly legible and drawn at a scale sufficient to adequately show and identify the required information. **[34-941(g)]**
2. **Conceptual Surface Water Management Plan.** A Conceptual Surface Water Management Plan must be submitted. The plan must be viable and take into consideration any natural flowway corridors, cypress heads, natural lakes, and the restoration of impacted natural flowway corridors. **[34-941(d)(3)b.i.1)]**
3. **Well Drawdown Information.** If within an area identified as an anticipated drawdown area for existing or future well development, demonstration of compliance with LCLDC Section 34-941(d)(3)d.i & ii. must be provided. **[34-941(d)(3)d.]**
4. **Preliminary Indigenous Restoration Plan.** A Preliminary Indigenous Restoration Plan must be provided if on-site indigenous restoration is being used to meet the indigenous native plant community preservation requirement. **[34-941(e)(5)f.iii.]**

5. **Environmental Assessment.** An Environmental Assessment must be provided which includes, at a minimum, an analysis of the environment, historical and natural resources. **[34-941(g)(2)]**
6. **Demonstration of Compatibility.** Written statements concerning how the applicant will assure the compatibility of the proposed development with nearby land uses (by addressing such things as noise, odor, lighting and visual impacts), and the adequate provision of drainage, fire and safety, transportation, sewage disposal and solid waste disposal must be provided. **[34-941(g)(4)]**
- E. **Potable Water & Central Sewer.** Will the project be connected to potable water and central sewer as part of any development of the property?
- ☒ **YES** (Provide a letter from the appropriate Utility to which the connection(s) are proposed confirming availability of service.) **[34-202(b)(8)]**
- ☐ **NO** (Provide a narrative explaining why the connection is not planned and how the water and sewer needs of the project will be met.) **[34-202(b)(8)]**
- F. **Existing Agricultural Use:** If the property owner intends to continue an existing agricultural use on the property subsequent to the zoning approval, an Existing Agricultural Use Affidavit must be provided. Entitle as "Existing Agricultural Uses at Time of Zoning Application." **[34-202(b)(7)]**
- G. **Flood Hazard: [34-202(a)(8)]**
- ☒ Not applicable
- ☒ The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s. *Site Partially in AE-EL9, predominantly in Zone X*
- ☐ The minimum elevation required for the first habitable floor is _____ NAVD (MSL)
- H. **Excavations/Blasting: [34-202(b)(6)]**
- ☒ No blasting will be used in the excavation of lakes or other site elements.
- ☐ If blasting is proposed, provide Information Regarding Proposed Blasting (including soil borings, a map indicating the location of the proposed blasting, and other required information).
- I. **Hazardous Materials Emergency Plan for Port Facilities: [34-202(b)(4)]**
- ☒ Not Applicable
- ☐ Provide a Hazardous materials emergency plan.
- J. **Mobile Home Park: [34-203(d)]**
- ☒ Not Applicable
- ☐ Request includes rezoning of a Mobile Home Park. Provide facts related to the relocation of dislocated owners that meets the requirements of F.S. § 723.083 (1995).
- K. **Airport Zones & Lee County Port Authority (LCPA) Requirements:**
- ☒ Not Applicable
- ☐ Property is located within _____ Airport Noise Zone: **[34-1004]**
- ☐ Property is located within Airport Protection Zone. Indicate which Zone below. **[34-1005]**
- ☐ Property is located within Airport Runway Clear Zone: **[34-1006]**
- ☐ Property is located within Airport School Protection Zone: **[34-1007]**
- ☐ Property is located within Airport Residential Protection Zone: **[34-1009]**
- ☐ Property is located in an Airport Obstruction Notification Zone and subject to LCPA regulations. **[34-1009]**
- ☐ A Tall Structures Permit is required. **[34-1010]**

PART 5 SUBMITTAL REQUIREMENT CHECKLIST		
<i>Clearly label your attachments as noted in bold below</i>		
Copies Required		SUBMITTAL ITEMS
3	☒	Completed application for Public Hearing [34-201(b)]
1	☒	Filing Fee - [34-202(a)(9)]
1	☐	Bonus Density Filing Fee - [2-147(A)3]] (if applicable)
3	☒	Notarized Affidavit of Authorization Form [34-202(b)(1)c]
3	☐	Additional Agents [34-202(b)(1)c.]
3	☒	Multiple Owners List (if applicable) [34-201; 34-204]
3	☒	Disclosure of Interest Form (multiple owners) [34-201(b)(2)a]
3	☒	Legal description (must submit) [34-202(a)(1)]
		91 Legal description (metes and bounds) and sealed sketch of legal description
		OR
	☐	Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.)
3	☒	Boundary Survey – not required if platted lot (2 originals required) [34-202(a)(2); 34-373(a)(4)a.]
3	☒	Property Owners list (if applicable) [34-202(a)(5)]
3	☐	Property Owners map (if applicable) [34-202(a)(5)]
3	☒	Confirmation of Ownership/Title Certification [34-202(a)(3)]
3	☐	STRAP Numbers (if additional sheet is required) [34-202(a)(1)]
1	☒	List of Surrounding Property Owners [34-202(a)(6)]
1	☒	Map of Surrounding Property Owners [34-202(a)(7)]
1	☒	Mailing labels [34-202(a)(6)]
3	☒	List of Zoning Resolutions and Approvals [34-202(a)8]]
3	☐	Summary of Public Informational Session (if applicable) [34-202(a)(10)]
3	☐	Waivers from Application Submission Requirements (if applicable)
3	☐	Preliminary Density Calculations (if applicable)
3	☒	Request Statement
3	☒	Traffic Impact Statement (TIS) (not required for existing development) [34-341(b)(2)d.1.]
3	☒	Master Concept Plan (MCP), Non-PRFPD [34-373(a)(6)]
3	☒	Schedule of Uses [34-373(a)(8)]
3	☒	Schedule of Deviations and Written Justification [34-373(a)(9)]
3	☐	Topography (if available) [34-373(a)(4)d.iv.]
3	☒	Soils Map [34-373(a)(4)b.v.]
3	☒	FLUCCS Map [34-373(a)(4)c.]
3	☐	Rare & Unique Upland Habitat Map [34-373(a)(4)b.iii.]
3	☐	Existing and Historic Flow-Ways Map [34-373(a)(4)b.v.]
3	☐	Surface Water Management Plan (if applicable) [34-373(b)(1)]
3	☐	Phasing Program (if applicable) [34-373(b)(3)]
3	☒	Protected Species Survey (if applicable) [34-373(b)(2)]
3	☐	Proof of Notice (if applicable) [34-373(c)]
3	☐	Binding Letter from DCA (if applicable) [34-373(d)(2)]

3	☐	Master Concept Plan (MCP), PRFPD (if applicable) [34-941(g)]
3	☐	Conceptual Surface Water Management Plan (if applicable) [34-941(d)(3)b.i.1]]
3	☐	Well Drawdown Information (if applicable) [34-941(d)(3)d.]
3	☐	Preliminary Indigenous Restoration Plan (if applicable) [34-941(e)(5)f.iii.]
3	☐	Environmental Assessment (if applicable) [34-941(g)(2)]
3	☐	Demonstration of Compatibility (if applicable) [34-941(g)(4)]
3	☐	Potable Water & Sanitary Sewer . Letter from the appropriate utility entity indicating the utility entity or explanation of how water and sewer needs will be met if connection will not be made. [34-202(b)(8)]
3	☐	Existing Agricultural Use Affidavit (if applicable) [34-202(b)(7)]
3	☐	Information Regarding Proposed Blasting (if applicable). [34-202(b)(6)]
3	☐	Hazardous Materials Emergency Plan (if applicable) [34-202(b)(4)]
3	☐	Mobile Home Park Dislocated Owners Information (if applicable) [34-203(d)]
3	☐	Tall Structures Permit (if applicable) [34-1001]

AFFIDAVIT OF AUTHORIZATION

FOR USE WHERE AN APPLICATION IS SIGNED BY OWNER OR BY INDIVIDUAL AS AN APPLICANT ON BEHALF OF THE PROPERTY OWNER

I, John Skalko (Print Name), either individually, or as the Managing Partner (Title) of Owner Property (Owner Property, Consultant or Well Company),

making a permit application, swear or affirm under oath, that I am the authorized representative on behalf of or as property owner for the following property owner(s): Bayshore-Copping, LLC., of the property located at: 8600 Bayshore Road

(site\street address), in Lee County, Florida, also identified as STRAP Number: 21-43-25-00-00007.0030 and, and that:

21-43-25-00-00007.0100

1. I hereby state that the information contained herein is accurate, and that I am aware of my responsibilities under Chapter 373, Florida Statutes, to maintain or property abandon any well installed on the property, and that I have informed the owner of the property of their responsibilities as stated above and herein. Further, on behalf of myself and the owner of property, I affirm that I have the full authority to secure the approval(s) being requested under my signature and agree to be bound by any regulations imposed on the above-referenced property as a result of any action by Lee County in accordance with all applicable regulations, including the Lee County Well Code; and
2. All answers to questions contained in any resulting permit application, including all sketches, data or other supplementary information submitted in conjunction therewith, are honest and true; and
3. I have authorized the staff of Lee County Natural Resources, or any delegated authority, to enter upon the property during normal working hours for the purpose of inspecting and investigating the construction, repair, modification or abandonment of any well authorized by this permit application; and
4. The property will **not be developed, transferred, conveyed, sold or subdivided unencumbered** by the conditions and restrictions imposed by any resulting permit approval or related action.
 - ☐ **Check here** and initial if the work being performed is solely for geotechnical test borings and temporary monitoring wells. Signatory's Initials: _____ (A Notice of Comment will not be required for this activity only.)
 - ☐ **Check here** if the Contract Price is not in excess of \$2,500.00. Initials: _____ (NOC not required.)

Notes:

- If the applicant is a corporation, then it is usually executed by the corp., pres., or v. pres.
- If the application is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the Company's "Manager" or "Managing Member" must sign the documents.
- If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
- If the applicant is a limited partnership, then the General Partner must sign and be identified as the "General Partner" of the named partnership.
- If the applicant is a trustee, then they must include their title of "Trustee."
- If each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format/title for that ownership representative.

Verification Pursuant to §923.525, Florida Statutes.

Under the penalties of perjury, I declare that I have read the foregoing and that the facts stated in it are true.

John J. Skalko
Signature

Date:

2/4/22

AFFIDAVIT OF AUTHORIZATION

FOR USE WHERE AN APPLICATION IS SIGNED BY OWNER OR BY INDIVIDUAL AS AN APPLICANT ON BEHALF OF THE PROPERTY OWNER

I, JAN BAILLARGEON-SIEGEL (Print Name), either individually, or as the PERSONAL REPRESENTATIVE (Title) of ESTATE OF FRANK D'ALESSANDRO (Owner Property, Consultant or Well Company),

making a permit application, swear or affirm under oath, that I am the authorized representative on behalf of or as property owner for the following property owner(s): Jan Baillargeon-Siegel, of the property located at: 8590 Bayshore Road, North Fort Myers, Florida 33917

(site\street address), in Lee County, Florida, also identified as STRAP Number: 21-43-25-00-00008.0000, and that:

1. I hereby state that the information contained herein is accurate, and that I am aware of my responsibilities under Chapter 373, Florida Statutes, to maintain or property abandon any well installed on the property, and that I have informed the owner of the property of their responsibilities as stated above and herein. Further, on behalf of myself and the owner of property, I affirm that I have the full authority to secure the approval(s) being requested under my signature and agree to be bound by any regulations imposed on the above-referenced property as a result of any action by Lee County in accordance with all applicable regulations, including the Lee County Well Code; and
2. All answers to questions contained in any resulting permit application, including all sketches, data or other supplementary information submitted in conjunction therewith, are honest and true; and
3. I have authorized the staff of Lee County Natural Resources, or any delegated authority, to enter upon the property during normal working hours for the purpose of inspecting and investigating the construction, repair, modification or abandonment of any well authorized by this permit application; and
4. The property will **not be developed, transferred, conveyed, sold or subdivided unencumbered** by the conditions and restrictions imposed by any resulting permit approval or related action.
 - ☐ **Check here** and initial if the work being performed is solely for geotechnical test borings and temporary monitoring wells. Signatory's Initials: _____ (A Notice of Comment will not be required for this activity only.)
 - ☐ **Check here** if the Contract Price is not in excess of \$2,500.00. Initials: _____ (NOC not required.)

Notes:

- If the applicant is a corporation, then it is usually executed by the corp., pres., or v. pres.
- If the application is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the Company's "Manager" or "Managing Member" must sign the documents.
- If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
- If the applicant is a limited partnership, then the General Partner must sign and be identified as the "General Partner" of the named partnership.
- If the applicant is a trustee, then they must include their title of "Trustee."
- If each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format/title for that ownership representative.

Verification Pursuant to §923.525, Florida Statutes.

Under the penalties of perjury, I declare that I have read the foregoing and that the facts stated in it are true.

Jan Baillargeon Siegel
Signature
PERSONAL REPRESENTATIVE
ESTATE OF FRANK D'ALESSANDRO

Date: 2/17/2022

Schedule of Deviations

1. Deviation 1 requests relief from LDC Section 10-415(b) which requires that large developments with existing indigenous native vegetation communities must provide 50 percent of their open space percentage requirement through the onsite preservation of existing native vegetation communities to allow for no requirement for on-site preservation.

Justification: The only area on the site that consists of indigenous vegetation is small, isolated area of 0.31 acres on the western property line. This area is located where the road along the western property boundary is designed to interconnect with the adjacent properties. Since this is the only area of indigenous vegetation on site, design accommodations are not available to accommodate an indigenous preserve in a different location. Preserving this small, isolated area would conflict with the goal of providing an interconnect with the adjacent properties and provides little environmental value. The area is predominantly surrounded by pasture or disturbed lands. The requested deviation enhances the site plan and does not negatively impact the health, safety or welfare of the general public nor reduce the total amount of required open space.

In accordance with Lee Plan Policy 30.2.5, the proposed deviation meets the variance criteria as follows:

a. The property has inherent exceptional conditions that cause the application of the regulation to create a hardship (as defined in section 34-2) on the property owner.

Section 34-2 defines "hardship" as "an unreasonable burden that is unique to a parcel of property, such as peculiar physical characteristics." In this case, a requirement to preserve what amounts to a sliver of isolated indigenous area along a property that impedes the connection to the adjacent property to the west, in accordance with LDC Section 33-1573, which requires interconnects between properties, amounts to a hardship. If preservation of this isolate strip were to be required, the connection to the adjacent property (which has already been located on the adjacent property) could not be made. In addition, the property's access to Bayshore, is constrained by existing conditions and FDOT requirements on the signal location and setback from the interchange. Therefore, the access point to Bayshore must be located on the western most point of the property to meet required distanced. Preservation of this small, isolated area will make it impossible to meet other County and State regulations without providing any significant public benefit.

b. The exceptional conditions are not the result of actions of the property owner taken subsequent to the adoption of the ordinance.

The site conditions do not exist because of any action that the property owner has taken. The limited indigenous area was not located on the property by the applicant. The external connection, the North Fort Myers Community Plan regulation to make that connection and the FDOT criteria for road access are not of the property owners making.

c. The variance granted is the minimum variance that will relieve the unreasonable burden caused by the application of the regulation to the property.

The existing indigenous area is less than a 1/3 of an acre in area. The variance itself is very minimal in scale. The requested deviation is the minimum needed in order to comply with competing regulations and provide adequate and safe vehicular circulation on and through the site.

d. The granting of the variance will not be injurious to the neighborhood or detrimental to the public welfare.

Granting of the variance will not be injurious to the neighborhood or detrimental to the public welfare. In fact, granting of the deviation will have the opposite effect and benefit the public welfare by providing safer on-site circulation and will benefit the neighborhood by providing an interconnect to the property on the west in accordance with the North Fort Myers Community Plan.

e. The variance is consistent with the Lee Plan.

The subject property is located in the General Interchange land use category, an intense urban area on the Future Land Use Map and one of the only land use categories that specifically calls for the development of "service stations" and uses to serve the travelling public. In order to create a safe condition for these uses and the general public, adequate site circulation is essential. The interconnections with adjacent uses to the east and west are not simply to comply with the LDC and North Fort Myers Community Plan, but to provide a safer circulation for the general public. The access separation on Bayshore Road from the interchange, is required to protect the public's safety. There are not many areas in the Lee Plan that are designated General Interchange and limited interchanges in Lee County. Developing this property in accordance with the Lee Plan with safe on-site circulation benefits the neighborhood and promotes the protection of the public welfare.

PEPPLER LAW, PA*Attorney*

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Telephone (407) 792-2773
Facsimile (407) 792-2775

March 22, 2022

VIA UPS OVERNIGHT MAIL

John T. Wojdak, P.E.
Delisi Fitzgerald, Inc.
1605 Hendry Street
Fort Meyers, FL 33901-2909

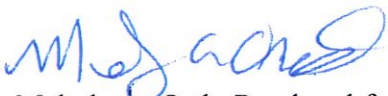
Re: Title Opinion for Lee County Zoning Application

Dear Mr. Wojdak:

Under the instructions of Erin Bikoff, Real Estate Paralegal for RaceTrac Petroleum, enclosed is the original Title Opinion prepared by Mr. Peppler.

If you have any questions, please contact us.

Sincerely:



Melody A. Orth, Paralegal for
Thomas R. Peppler, Esq.

Enclosure: Original Title Opinion

cc: Marie Abney, Manager of Legal Operations and
Erin Bikoff, Real Estate Paralegal
RaceTrac Petroleum | racetrac.com (via email)

PEPPLER LAW, PA

Attorney

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Oviedo, Florida 32765
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Facsimile (407) 792-2775

OPINION OF TITLE

To: Lee County Board of County Commissioners

With the understanding that this Opinion of Title is furnished to the Lee County Board of County Commissioners as inducement for acceptance of a proposed zoning application covering the real property, hereinafter described, it is hereby certified that I have examined a Title Insurance Commitment issued by First American Title Insurance Company File Number 2037-5911435, dated March 4, 2022 at 8:00 AM, covering the following described real property:

A PARCEL OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, A PORTION OF SECTION 21, TOWNSHIP 43 SOUTH, RANGE 25 EAST, BEING A COMBINATION OF PARCEL 21-43-25-00-00007.0100, DESCRIBED AS INSTRUMENT# 2015000002141; PARCEL 21-43-25-00-00008.0000, DESCRIBED AS INSTRUMENT# 2016000172378; PARCEL 21-43-25-00-00007.002A, AS DESCRIBED IN OFFICIAL RECORDS BOOK 2006 AT PAGE 4053; AND A PORTION OF 21-43-25-00-00007.0030, DESCRIBED AS INSTRUMENT# 2013000116935, ALL OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST HALF OF SECTION 21, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA; THENCE S.00°05'34"W., A DISTANCE OF 101.51 FEET TO A POINT ON THE SOUTH LINE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY SECTION 12060-2535, THE NORTHWEST CORNER OF PARCEL DESCRIBED AS INSTRUMENT# 2015000002141, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE S.89°43'08"E., ALONG SAID RIGHT OF WAY LINE, FOR A DISTANCE OF 424.51 FEET; THENCE N.00°04'49"E., ALONG SAID RIGHT OF WAY LINE, FOR A DISTANCE OF 17.06 FEET; THENCE S.86°21'45"E., ALONG SAID RIGHT OF WAY LINE, FOR A DISTANCE OF 122.32 FEET; THENCE S.00°12'51"W. FOR A DISTANCE OF 60.00 FEET TO A POINT ON THE SOUTH LINE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY SECTION 12075-2406 AND A POINT ON A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 40.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 64°09'20", A CHORD BEARING OF S.57°42'29"E., A CHORD LENGTH OF 42.49 FEET AND AN ARC LENGTH OF 44.79 FEET; THENCE S.25°37'49"E. FOR A DISTANCE OF 142.90 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 234.79 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 19°20'37", A CHORD BEARING OF S.15°57'30"E., A CHORD LENGTH OF 78.89 FEET AND AN ARC LENGTH OF 79.27 FEET; THENCE S.89°54'14"W. FOR A DISTANCE OF 233.25 FEET; THENCE

S.00°05'34"W. FOR A DISTANCE OF 136.09 FEET; THENCE N.89°43'08"W. FOR A DISTANCE OF 433.00 FEET; THENCE N.00°05'34"E. FOR A DISTANCE OF 414.53 FEET TO THE POINT OF BEGINNING.

I am of the opinion that on the last-mentioned date, the fee simple title to the above-described real property was vested in: RaceTrac, Inc., a Georgia corporation f/k/a RaceTrac Petroleum, Inc., a Georgia corporation, by virtue of Book 2006, Page 4053 and Instrument No. 2021000427700; Bayshore - Copping, LLC, a Florida limited liability company, by virtue of Instrument No. 2013000096700; Instrument No. 2013000116935 and Instrument No. 2015000002141; Clarence L. Darter and Arretta Darter, husband and wife, by virtue of Book 177, Page 337; Janie Broadbent, f/k/a Janie B. Hooker, as to an undivided 1/3 interest, by virtue of Book 2571, Page 3410, Instrument No. 2016000172378, and Instrument No. 2016000176891; and Jan Baillargeon-Siegel, a/k/a Jan Baillargeon, as Personal Representative of The Estate of Frank R. D'Alessandro, as to an undivided 2/3 interest, by virtue of Book 2571, Page 3410, Instrument No. 2007000297415, Instrument No. 2007000310979, Instrument No. 2008000139039, Instrument No. 2008000222524, and Instrument No. 2014000258568.

NOTE: For Limited Liability Company(ies), Limited Partnership(s) or Joint Venture(s), indicate comprising entity(ies) of the Limited Liability Company(ies), Limited Partnership(s) or Joint Venture(s) and identify who is authorized to execute on their behalf.

Subject to the following encumbrances, liens and other exceptions:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the Date of this opinion.
2. Any rights, interests, or claims of parties in possession of the land not shown by the public records.
3. Any encroachment, encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the land.
4. Any lien, for services, labor, or materials in connection with improvements, repairs or renovations provided before, on, or after the Date of this opinion, not shown by the public records.
5. Any dispute as to the boundaries caused by a change in the location of any water body within or adjacent to the land prior to Date of this opinion, and any adverse claim to all or part of the land that is, at Date of opinion, or was previously under water.
6. Taxes or special assessments not shown as liens in the public records or in the records of the local tax collecting authority, at Date of this opinion.
7. Any minerals or mineral rights leased, granted or retained by current or prior owners.
8. Taxes and assessments for the year 2022 and subsequent years, which are not yet due and payable.
9. Easement contained in that certain Warranty Deed executed by Clarence L. Darter and wife, Arretta Darter in favor of Carroll G. Copping and Barbara E. Copping, husband and wife, recorded October 25, 1963 in Book 217, Page 280.
10. Right-of-Way Easement in favor of Lee County Electric Co-Operative, Inc., recorded May 11, 1976 in Book 1138, Page 1922.
11. Right-of-Way Easement in favor of Lee County Electric Cooperative, Inc., recorded November 17, 1975 in Book 1113, Page 2113, as affected by Subordination of Utility Interests recorded August 3, 2007 in Instrument No. 2007000242640.
12. Easement in favor of Lee County Electric Cooperative, Inc. a Florida corporation recorded November 6, 1990 in Book 2185, Page 1471.

13. Lee County Ordinance No. 86-14 relating to garbage and solid waste collection within Lee County recorded November 30, 1990 in Book 2189, Page 3281 as amended by Ordinance No. 86-38 recorded November 30, 1990 in Book 2189, Page 3334.
14. Easement in favor of Lee County Electric Cooperative, Inc., a Florida non-profit corporation recorded February 9, 2007 in Instrument No. 2007000044709.
15. Terms and conditions of any existing unrecorded lease(s), and all rights of lessee(s) and any parties claiming through the lessee(s) under the lease(s).

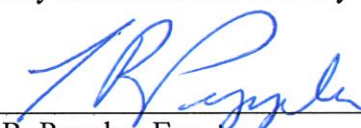
The following is a description of the aforementioned Title Insurance Commitment:

Title Insurance Commitment issued by First American Title Insurance Company File Number 2037-5911435, dated March 4, 2022 at 8:00 AM,

I HEREBY CERTIFY that the legal description contained in this Opinion of Title coincides with, and is the same as, the legal description in the reviewed Title commitment.

Respectfully submitted this 22d day of March 2022:

By: _____


Thomas R. Peppler, Esq.
Florida Bar No. 271275
Peppler Law, PA
3208 WSR 426, Ste 1040
Oviedo, FL 32765

**STATE OF FLORIDA
COUNTY OF SEMINOLE**

The foregoing instrument was acknowledged before me this 22day of March 2022, by Thomas R. Peppler, who is personally known to me.



Notary Public



 First American Commitment	ALTA Commitment for Title Insurance ISSUED BY First American Title Insurance Company File No: 2037-5911435
--	--

AMERICAN LAND TITLE ASSOCIATION COMMITMENT FOR TITLE INSURANCE

Issued By
First American Title Insurance Company

NOTICE

IMPORTANT-READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and the Commitment Conditions, ***First American Title Insurance Company***, a Nebraska Corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I-Requirements have not been met within 6 months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

Issued through:
 Racetrac Petroleum, Inc.

First American Title Insurance Company



Dennis J. Gilmore, President



Greg L. Smith, Secretary

If this jacket was created electronically, it constitutes an original document.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; and Schedule B, Part II-Exceptions.

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COMMITMENT CONDITIONS**1. DEFINITIONS**

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I—Requirements;
- (f) Schedule B, Part II—Exceptions; and
- (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - (i) comply with the Schedule B, Part I—Requirements;
 - (ii) eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
 - (iii) acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; and Schedule B, Part II-Exceptions.

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6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; and Schedule B, Part II-Exceptions.

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First American

Schedule A

ALTA Commitment for Title Insurance

ISSUED BY

First American Title Insurance Company

File No: 2037-5911435

Transaction Identification Data for reference only:

Issuing Agent: Racetrac Petroleum, Inc.

Issuing Office's ALTA® Registry ID:

Commitment Number:

Property Address: TBD, TBD, FL

Issuing Office:

Loan ID Number:

Issuing Office File Number: 2410541

Revision Number:

SCHEDULE A

1. Commitment Date: March 04, 2022 @ 8:00 AM
2. Policy to be issued:
 - (a) ☒ 2006 ALTA® Owner's Policy
 Proposed Insured: RaceTrac, Inc., a Georgia corporation
 Proposed Policy Amount: \$1,000.00
 - (b) ☐ 2006 ALTA® Loan Policy
 Proposed Insured:
 Proposed Policy Amount: \$ 0.00
 - (c) ☐ ALTA ® Policy
 Proposed Insured:
 Proposed Policy Amount: \$
3. The estate or interest in the Land described or referred to in this Commitment is Fee Simple
4. The Title is, at the Commitment Date, vested in: RaceTrac, Inc., a Georgia corporation f/k/a RaceTrac Petroleum, Inc., a Georgia corporation, by virtue of Book 2006, Page 4053 and Instrument No. 2021000427700; Bayshore - Copping, LLC, a Florida limited liability company, by virtue of Instrument No. 2013000096700; Instrument No. 2013000116935 and Instrument No. 2015000002141; Clarence L. Darter and Arretta Darter, husband and wife, by virtue of Book 177, Page 337; Janie Broadbent, f/k/a Janie B. Hooker, as to an undivided 1/3 interest, by virtue of Book 2571, Page 3410, Instrument No. 2016000172378, and Instrument No. 2016000176891; and Jan Baillargeon-Siegel, a/k/a Jan Baillargeon, as Personal Representative of The Estate of Frank R. D'Alessandro, as to an undivided 2/3 interest, by virtue of Book 2571, Page 3410, Instrument No. 2007000297415, Instrument No. 2007000310979, Instrument No. 2008000139039, Instrument No. 2008000222524, and Instrument No. 2014000258568.
5. The Land is described as follows:
See Exhibit "A" attached hereto and made a part hereof

First American Title Insurance Company

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By:

as Vice President of First American Title Insurance Company

(This Schedule A valid only when Schedule B is attached)

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 Schedule BI	ALTA Commitment for Title Insurance ISSUED BY First American Title Insurance Company File No: 2037-5911435
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Issuing Office File Number: 2410541

SCHEDULE B-I

Requirements

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
 - a. Warranty Deed conveying the land from Bayshore - Copping, LLC, a Florida limited liability company, to RaceTrac, Inc., a Georgia corporation. In connection with said deed, we will further require: 1) Certified copy of a Board of Directors resolution setting forth the terms, conditions and consideration for which the corporation is authorized to convey its property. The resolution must further identify the officers authorized to execute the deed and other closing documents on behalf of the corporation; 2) Certified incumbency certificate showing the identity of the officers authorized to execute the conveyance on behalf of the corporation; 3) The corporation must have been formed prior to, the date the corporation acquired title to the land; 4) Certificate from the Secretary of State of the state of origin of said corporation's current good standing; 5) If the property constitutes all or substantially all of the corporation's assets and the sale is not in the usual and regular course of the corporation's business, the Company shall further require shareholder approval for the transaction obtained in compliance with the State's statutory requirements; and 6) The Company reserves the right to amend the commitment, including but limited to, the addition of further requirements and/or exceptions as it deems necessary based upon a review of any of the documentation required above.
 - b. Warranty Deed from Clarence L. Darter and Arretta Darter, husband and wife, if living and if deceased, a Warranty Deed from the heirs and devisees of the last survivor of Clarence L. Darter and Arretta Darter, husband and wife to RaceTrac, Inc., a Georgia corporation conveying the land described under Schedule "A". The Company reserves the right to make additional requirements as deemed necessary based on information provided.
 - c. Warranty Deed from Janie Broadbent, f/k/a Janie B. Hooker, as to an undivided 1/3 interest, as a single person or persons, and joined by spouse (or their respective spouses), if married,

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Form 5030012 (5-16-17)	Page 6 of 13	ALTA Commitment for Title Insurance (8-1-16) with Florida Modifications Florida
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to RaceTrac, Inc., a Georgia corporation, conveying the property described in Schedule "A". In the event that the property being conveyed is not the homestead of the grantor(s), the following statement should be set forth on said deed in lieu of a spouse's signature:

The land described herein is not the homestead of the grantor(s), and neither the grantor(s) nor the grantor(s) spouse, nor anyone for whose support the grantor(s) is responsible, resides on or adjacent to said land.

- d. Execution, delivery and recording of a proper deed from Jan Baillargeon-Siegel, a/k/a Jan Baillargeon, Personal Representative of the Estate of Frank R. D'Alessandro, deceased, pursuant to Order Authorizing Sale of Decedent's Interest in Commercial real Property recorded December 17, 2020 in Instrument No. 2020000316641, Public Records of Lee County, Florida, conveying title to the land to RaceTrac, Inc., a Georgia corporation. The Company reserves the right to amend the commitment, including but not limited to, the addition of further requirements and/or exceptions as it deems necessary based upon a review of the deed and the probate proceedings.
5. The actual value of the estate or interest to be insured must be disclosed to the Company and, subject to approval by the Company, entered as the amount of the Policy to be issued. Until the amount of the Policy to be issued shall be determined and entered as aforesaid, it is agreed by and between the Company, the applicant for this Commitment, and every person relying on this Commitment, that the Company cannot be required to approve any such evaluation in excess of \$1,000.00, and the total liability of the Company on account of this Commitment shall not exceed said amount.
6. As to the following lease(s) or memorandum(s) thereof, the Company requires recordation of an affidavit from the landlord/landowner that the renewal option was not exercised, that the tenant is no longer in possession of the land, and that the lease is no longer in effect: Memorandum of Lease Agreement by and between Frank D'Alessandro and Janie B. Hooker (Lessors) and The Lamar Companies (Lessee) recorded December 2, 2004 in Book 4508, Page 4412.
7. Completion of the quiet title suit under the Circuit Court of the Twentieth Judicial Circuit in and for Lee County, Florida under Case No. 22-CA-000848 as evidenced by that certain Notice of Lis Pendens recorded February 28, 2022 in Instrument No. 2022000066100.
8. Satisfactory verification from appropriate governmental authorities that any and all unrecorded Special Taxing District Liens, City and County Special Assessment Liens, MSBU Assessment Liens, Impact Fees, and Water, Sewer and Trash Removal Charges, have been paid.
9. Execution at time of closing of the Seller/Owner's Affidavit by owners herein disclosing all facts relative to mechanics', laborers' and materialmens' liens and all facts relevant to parties in possession of the premises to be insured at time of closing. The Company reserves the right to make additional requirements in relation thereto.
10. Proof of payment of taxes and assessments for the year 2021, and prior years, plus any penalties and interest.

Note: The following is for informational purposes only and is given without assurance or guarantee: 2021 taxes show **PAID**. The gross amount is \$1,348.54 for Tax Identification No. 21-43-25-00-00007.002A.

Note: The following is for informational purposes only and is given without assurance or guarantee: 2021 taxes show **PAID**. The gross amount is \$15.71 for Tax Identification No. 21-43-25-00-00007.0030.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; and Schedule B, Part II-Exceptions.

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Note: The following is for informational purposes only and is given without assurance or guarantee: 2021 taxes show **PAID**. The gross amount is \$903.62 for Tax Identification No. 21-43-25-00-00008.0000.

Note: The following is for informational purposes only and is given without assurance or guarantee: 2021 taxes show **PAID**. The gross amount is \$.50 for Tax Identification No. 21-43-25-00-00007.0100.

NOTE: Because the land appears of record to be unencumbered, the Company requires that the affirmative declarations of the title affidavit, which includes a representation that there are no mortgages or other liens against the land whether recorded or not recorded, be properly emphasized before execution. Just as in all transactions, every seller/borrower must be encouraged to disclose any off record encumbrance, lien, or other matter that may affect title before the Company is willing to rely upon the representations contained within the title affidavit.

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First American

Schedule BII

ALTA Commitment for Title Insurance

ISSUED BY

First American Title Insurance Company

File No: 2037-5911435

SCHEDULE B-II

Exceptions

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the Effective Date but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
2. Any rights, interests, or claims of parties in possession of the land not shown by the public records.
3. Any encroachment, encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the land.
4. Any lien, for services, labor, or materials in connection with improvements, repairs or renovations provided before, on, or after Date of Policy, not shown by the public records.
5. Any dispute as to the boundaries caused by a change in the location of any water body within or adjacent to the land prior to Date of Policy, and any adverse claim to all or part of the land that is, at Date of Policy, or was previously under water.
6. Taxes or special assessments not shown as liens in the public records or in the records of the local tax collecting authority, at Date of Policy.
7. Any minerals or mineral rights leased, granted or retained by current or prior owners.
8. Taxes and assessments for the year 2022 and subsequent years, which are not yet due and payable.

NOTES FOR STANDARD EXCEPTIONS: Standard Exceptions for parties in possession, for mechanics liens, and for taxes or special assessments not shown as liens in the public records shall be deleted upon receipt of an acceptable Non-Lien and Possession Affidavit establishing who is in possession of the lands, that there are no liens or encumbrances upon the lands other than as set forth in the Commitment, that no improvements to the lands have been made within the past 90 days or are

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contemplated to be made before closing that will not be paid in full, and that there are no unrecorded taxes or assessments that are not shown as existing liens in the public records. Any Policies issued hereunder may be subject to a Special Exception for matters disclosed by said affidavit.

Standard Exception(s) for questions of survey may be deleted upon receipt and review of a properly certified Survey meeting the Florida Minimum Technical Standards for all land surveys dated no more than 90 days prior to closing or such other proof as may be acceptable to the Company. Any Policies issued hereunder may be subject to a Special Exception for matters disclosed by said survey or proof.

The Standard Exception for any minerals or mineral rights leased, granted or retained by current or prior owners is hereby deleted.

9. Easement contained in that certain Warranty Deed executed by Clarence L. Darter and wife, Arretta Darter in favor of Carroll G. Copping and Barbara E. Copping, husband and wife, recorded October 25, 1963 in Book 217, Page 280.
10. Right-of-Way Easement in favor of Lee County Electric Co-Operative, Inc., recorded May 11, 1976 in Book 1138, Page 1922.
11. Right-of-Way Easement in favor of Lee County Electric Cooperative, Inc., recorded November 17, 1975 in Book 1113, Page 2113, as affected by Subordination of Utility Interests recorded August 3, 2007 in Instrument No. 2007000242640.
12. Easement in favor of Lee County Electric Cooperative, Inc. a Florida corporation recorded November 6, 1990 in Book 2185, Page 1471.
13. Lee County Ordinance No. 86-14 relating to garbage and solid waste collection within Lee County recorded November 30, 1990 in Book 2189, Page 3281 as amended by Ordinance No. 86-38 recorded November 30, 1990 in Book 2189, Page 3334.
14. Easement in favor of Lee County Electric Cooperative, Inc., a Florida non-profit corporation recorded February 9, 2007 in Instrument No. 2007000044709.
15. Terms and conditions of any existing unrecorded lease(s), and all rights of lessee(s) and any parties claiming through the lessee(s) under the lease(s).

Note: All of the recording information contained herein refers to the Public Records of LEE County, Florida, unless otherwise indicated. Any reference herein to a Book and Page or Instrument Number is a reference to the Official Record Books of said county, unless indicated to the contrary.

Searched by: Gregory Isbell/ - - GIsbell@firstam.com

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**First American****Notices - Where Sent**

All notices required to be given the Company and any statement in writing required to be furnished the Company shall include the number of this policy and shall be addressed to the Company, Attention: Claims Department, 1 First American Way, Santa Ana, CA 92707 (claims.nic@firstam.com).

Service, Quality and Availability

First American Title Insurance Company cares about its customers and their ability to obtain information and service on a convenient, timely and accurate basis. A qualified staff of service representatives is dedicated to serving you. A toll-free number is available for your convenience in obtaining information about coverage and to provide assistance in resolving complaints at 1-800-854-3643. Office hours are from 8:30 a.m. through 5:30 p.m. PST Monday through Friday.

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**First American**

First American Title Insurance Company
2301 Maitland Center Parkway
Maitland, FL 32751
Phn - (407)691-5200
Fax - (407)691-5300

03/09/2022

Re: File #2037-5911435
Property Address: TBD, TBD, FL

REISSUE CREDIT NOTICE

Issued by

First American Title Insurance Company

YOU MAY BE ENTITLED TO A REDUCED PREMIUM FOR TITLE INSURANCE IF THIS OFFICE IS PROVIDED WITH A PRIOR OWNER'S POLICY INSURING THE SELLER OR MORTGAGOR IN THE CURRENT TRANSACTION.

The purpose of this letter is to provide you with important information regarding the title insurance premium that has been or will be charged in connection with this transaction.

Eligibility for a discounted title insurance premium will depend on:

REFINANCE TRANSACTIONS:

To qualify for a reduced premium for title insurance you must provide our office with a copy of your prior owner's policy of title insurance insuring your title to the above-referenced property.

SALES TRANSACTIONS:

To qualify for a reduced premium for title insurance you must provide our office with a copy of your (or your seller's) prior owner's policy of title insurance insuring your title to the above referenced property. The effective date of the prior owner's policy must be less than three years old or the property insured by the policy must be unimproved (except roads, bridges, drainage facilities and utilities are not considered improvements for this purpose).

To qualify for the reduced rate, you or your representative may hand deliver, mail or fax a copy of the prior owner's policy of title insurance to your First American issuing agent conducting your settlement prior to closing, although we will accept the prior policy up to 5 working days after the closing date of your transaction.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; and Schedule B, Part II-Exceptions.

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First American
Exhibit A

ISSUED BY

First American Title Insurance Company

File No: 2037-5911435

Issuing Office File Number: 2410541

The land referred to herein below is situated in the County of LEE, State of Florida, and described as follows:

A PARCEL OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, A PORTION OF SECTION 21, TOWNSHIP 43 SOUTH, RANGE 25 EAST, BEING A COMBINATION OF PARCEL 21-43-25-00-00007.0100, DESCRIBED AS INSTRUMENT# 2015000002141; PARCEL 21-43-25-00-00008.0000, DESCRIBED AS INSTRUMENT# 2016000172378; PARCEL 21-43-25-00-00007.002A, AS DESCRIBED IN OFFICIAL RECORDS BOOK 2006 AT PAGE 4053; AND A PORTION OF 21-43-25-00-00007.0030, DESCRIBED AS INSTRUMENT# 2013000116935, ALL OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST HALF OF SECTION 21, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA; THENCE S.00°05'34"W., A DISTANCE OF 101.51 FEET TO A POINT ON THE SOUTH LINE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY SECTION 12060-2535, THE NORTHWEST CORNER OF PARCEL DESCRIBED AS INSTRUMENT# 2015000002141, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE S.89°43'08"E., ALONG SAID RIGHT OF WAY LINE, FOR A DISTANCE OF 424.51 FEET; THENCE N.00°04'49"E., ALONG SAID RIGHT OF WAY LINE, FOR A DISTANCE OF 17.06 FEET; THENCE S.86°21'45"E., ALONG SAID RIGHT OF WAY LINE, FOR A DISTANCE OF 122.32 FEET; THENCE S.00°12'51"W. FOR A DISTANCE OF 60.00 FEET TO A POINT ON THE SOUTH LINE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY SECTION 12075-2406 AND A POINT ON A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 40.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 64°09'20", A CHORD BEARING OF S.57°42'29"E., A CHORD LENGTH OF 42.49 FEET AND AN ARC LENGTH OF 44.79 FEET; THENCE S.25°37'49"E. FOR A DISTANCE OF 142.90 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 234.79 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 19°20'37", A CHORD BEARING OF S.15°57'30"E., A CHORD LENGTH OF 78.89 FEET AND AN ARC LENGTH OF 79.27 FEET; THENCE S.89°54'14"W. FOR A DISTANCE OF 233.25 FEET; THENCE S.00°05'34"W. FOR A DISTANCE OF 136.09 FEET; THENCE N.89°43'08"W. FOR A DISTANCE OF 433.00 FEET; THENCE N.00°05'34"E. FOR A DISTANCE OF 414.53 FEET TO THE POINT OF BEGINNING.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; and Schedule B, Part II-Exceptions.

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**FGUA Operations Office**

Government Services Group, Inc.
280 Wekiva Springs Rd., Ste 2070
Longwood, FL 32779-6026

(877) 552-3482 Toll Free
(407) 629-6900 Tel
(407) 629-6963 Fax

March 4, 2022

Ms. Lisa Giordano P.E.
DeLisi Fitzgerald, Inc.
1605 Hendry St.
Fort Myers, FL 33901
Lisa@delisifitzgerald.com

RE: Water, Wastewater, and/or Reclaim Water Availability – LOA ID#: 22-051 NFMD

Parcel ID No.: 21-43-25-00-00007.002A, 21-43-25-00-00007.0030, 21-43-25-00-00008.0000, 21-43-25-00-00007.0100

8640 Bayshore Rd, North Fort Myers, FL 33917

RaceTrac Bayshore

Dear Ms. Lisa Giordano :

Pursuant to the submitted Application for Service Availability, please be advised that wastewater lines are in operation in the vicinity of the address mentioned above, and a site map showing the approximate location of the utilities is included for your reference. However, in order to provide service to the subject parcel(s), developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of a 6,000 SF convenience food store and gas station with an estimated wastewater flow demand of 1,300 GPD. FGUA presently has sufficient treatment capacity to accommodate these flows. Please note that during design, the FGUA Utilities Operations Manual requires the project engineer to perform hydraulic computations to determine what impact, if any, this project will have on our existing water and wastewater systems.

This letter should not be construed as a commitment to serve, but only as a statement of the availability of service and is effective for twelve (12) months from the date hereof. The FGUA will commit to serve only upon final acceptance of the utility infrastructure constructed by the developer, receipt of all appropriate capacity (impact) and project fees, an executed Utility Infrastructure Conveyance and Service Agreement (CSA), the approval of all state and local regulatory agencies and proper project closeout. Further, this Letter of Availability is to be utilized for development review for this project only.

FGUA Board of Directors

KEN CHEEK, P.E. Chair, Citrus County / PAM KEYES, P.E. Vice Chair, Lee County / SHANE PARKER, P.E., Hendry County / TAMARA RICHARDSON, P.E., Polk County / MICHAEL CARBALLA, P.E., BCEE, Pasco County / JODY KIRKMAN, P.E., Marion County/ ROBERT COMPANION, P.E., Nassau County/ HEIDI PETITO, Flagler County

Letter of Availability
Page 2 of 3

When you are ready to move forward with your project, please contact Shaddai Spencer, Development Services Technician at 407-629-6900 ext. 103 or via email at SSpencer@govmserv.com to receive the pre-development meeting document that is required to be completed.

Sincerely,

FLORIDA GOVERNMENTAL UTILITY AUTHORITY

Douglas W Black Digitally signed by Douglas W Black
Date: 2022.03.07 17:04:19 -05'00'

Douglas W. Black, PSM, PLS
Property & Development Manager

CC: Mike Currier, South Region Area Manager

Encl.

1. Pre-Development Meeting Information
2. Utility Locates
3. Fee Statement/Receipt



Development Services Division

Pre-Development Meeting Information

Purpose:

The pre-development meeting is designed to be an informative discussion, specifically geared toward assisting the applicant (owner/developer/engineer) understand the FGUA's policies and development process. The pre-development meeting document is required prior to the formal submission and review of any utility construction plans by the Development Division.

It is our goal to assist you through the FGUA development process as smoothly as possible, and for your development to be a success. This mandatory pre-development meeting document will provide you with the details you need to make this a successful and stress-free process.

What to Expect:

If the meeting is requested, you will be provided with a variety of both general and specific information regarding the FGUA's development process. This will include, but not be limited to staff contact information, plan review guidelines, current fees, conveyance, and closeout procedures.

Who Should Attend:

It is encouraged that a representative from the property owner, developer and engineer, at a minimum, attend this meeting. Representatives of the FGUA's Development Division, including the project coordinator, real property coordinator and utility system service area manager will also be in attendance as required.

In an effort to accommodate the potential long-distance commute between the FGUA's Operations Office in Longwood, Florida and the FGUA system areas, these meetings may take place at the local office and/or via video conference call or Microsoft Teams.

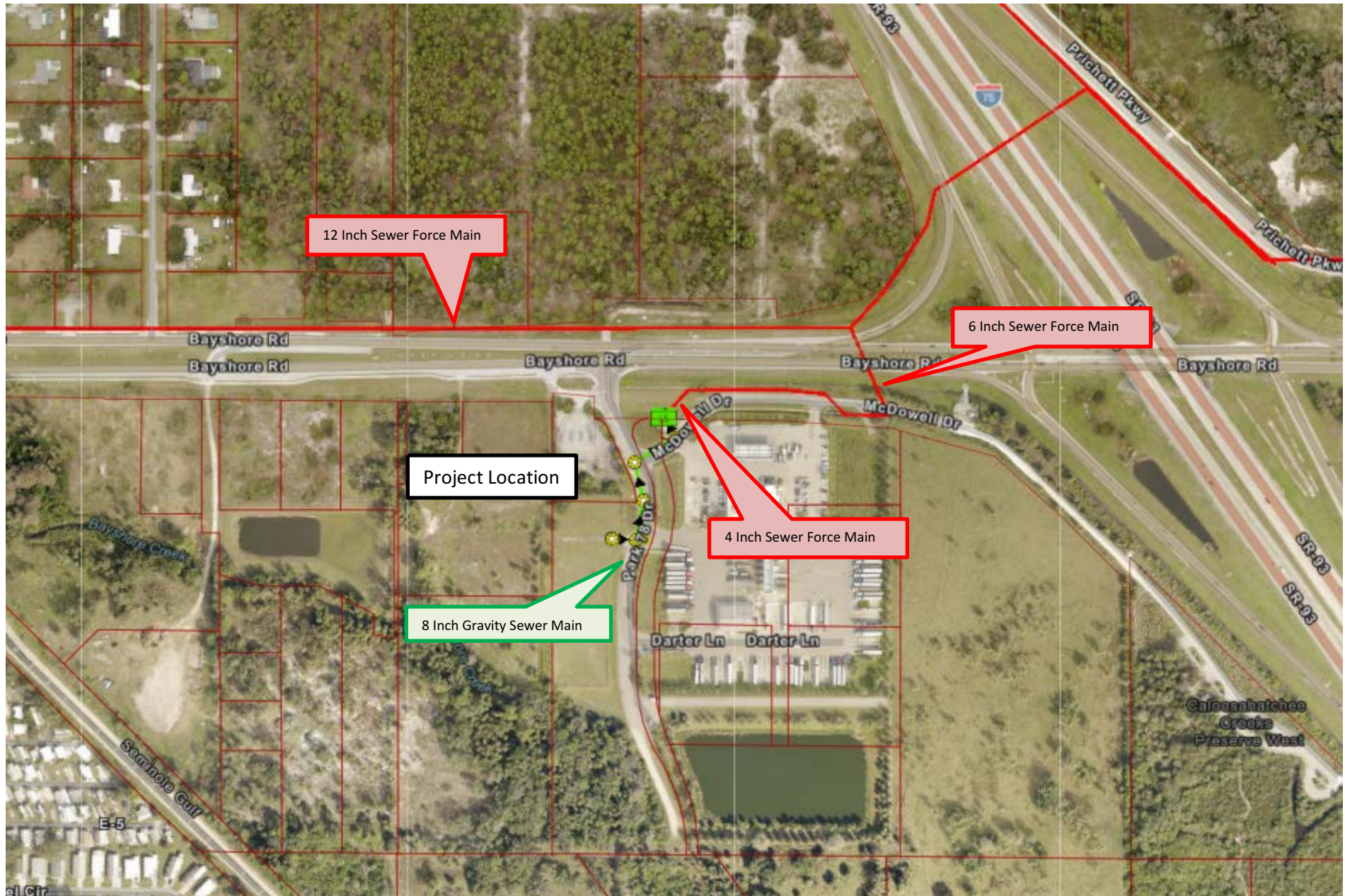
Meeting Requests:

Please call or e-mail Paul Arnett, Development Services Coordinator to request a meeting at PArnett@govmserv.com, office: (407) 629-6900, or cell: (407) 885-1756.

Please have your FGUA Letter of Availability (LOA) Number (included on the first page of your previously issued Letter of Availability) ready when you call or email to schedule this meeting.

You will also be requested to provide a preliminary site utility plan for staff review.

Prior to submitting utility construction plans for approval, you MUST complete the pre-development meeting document. Plans submitted to the FGUA without this completed document will not be reviewed until this meeting takes place.



ALL UTILITY LOCATIONS SHOWN HERE ARE APPROXIMATE. THE DEVELOPER IS SOLELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS VIA POTHOLING OR OTHER ACCEPTABLE MEANS.



FGUA Fee Statement

Letter of Availability and/or Locate Request

Property Address or PID: 10238429, 10238431, 10238438, 10566721System: North Fort Myers 416Development/Project Name: RaceTrac BayshoreDate: February 21, 2022County: LeeLOA ID: 22-051 NFMD

All fee amounts are based on the rates in effect as of the date of this statement and are subject to change.

Fees based on:

0 Letter of Utility Location Availability and Locate Map	\$	100.00
1 Utility Availability Map (Map Only)	\$	75.00
2 Letter of Utility Location Availability (Letter Only)	\$	25.00

<i>FGUA</i>	G/L Code	Fees	Total fees	Amt Previously Paid	Balance Due
LOA Request	202098	\$ 100.00	\$ 100.00	\$ 100.00	\$ -

Fees Due: \$ -

<i>Payment History</i>	Date	Check Date	Check #	Payer Name	Amount
0 Letter and Locate Map	2/21/2022	2/3/2022	2486	Del Lago Ventures, Inc.	\$ 100.00
1 Map Only					
2 Letter Only					

Property Development Regulations

Minimum Lot or Parcel Area (SF)	25,000	*
Minimum Frontage on a vehicular right-of-way (Ft)	150	*
Minimum Lot Depth (Ft)	150	*
Minimum Street Setback for arterials and collectors - Bayshore Rd. (Ft)	50	*
Minimum Street Setback for private local roads (Ft)	20	
Minimum Side Yard Setback (Ft)	15	*
Minimum Rear Yard Setback (Ft)	20	*
Maximum Building Height (Ft)	35	
Maximum Lot Coverage	50%	

* Per Lee County LDC Section 34-1353



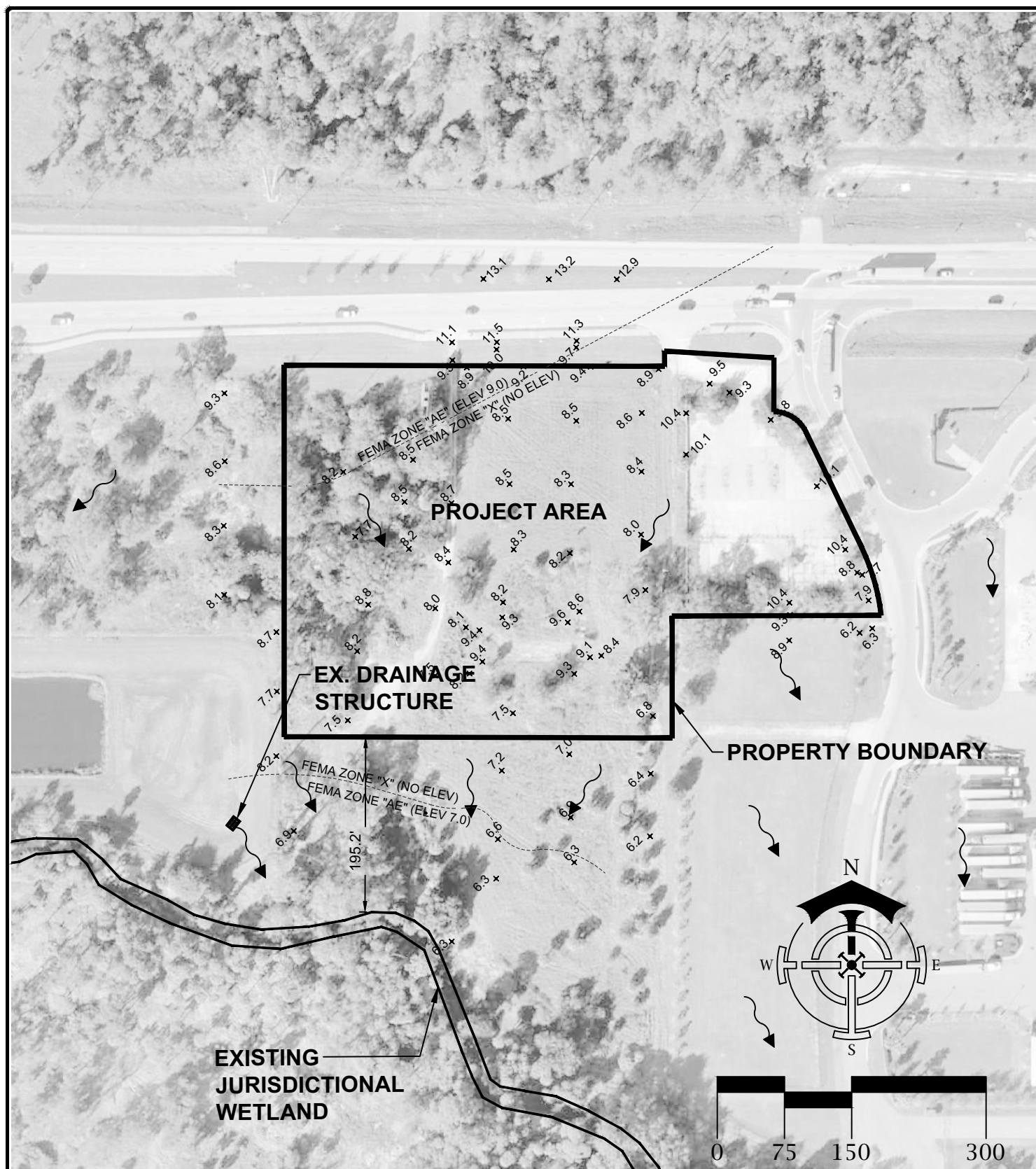
SURFACE WATER MANAGEMENT PLAN

RaceTrac Bayshore Commercial Planned Development

The subject project is comprised of 5.29 ± acres located on the south side of Bayshore Road approximately 0.25 miles west of Interstate 75. The project will consist of a convenience food and beverage store with self-serve fuel pumps. The project is located within the Bayshore Creek Watershed. In its existing condition, the property includes a concrete pad and parking area in the northeast corner of the site, which are remnants of a prior gas station use a portion of the property. The remainder of the site is mostly pasture with some areas of vegetation. According to the topography of the site, it generally slopes from the north to the south. Reference the Existing Drainage Patterns Exhibit.

The drainage needs for the subject site will be accommodated through the use of dry detention area and underground storage which will be utilized to provide the required water quality treatment and design event storm attenuation. Berms will surround the perimeter of the site to keep site runoff from draining offsite. A control structure will restrict discharge to the prescribed rate and will outfall south to mimic historic drainage patterns. Reference the Proposed Drainage Exhibit.

According to FIRM Map 12071C0279F dated August 28, 2008, there is currently an AE FEMA flood zone (9ft) in the northwest corner of the property. The remainder of the site is Zone X.



DeLisi Fitzgerald, Inc.

Planning - Engineering - Project Management



1605 Hendry Street
Fort Myers, FL 33901
(239) 418-0691
(239) 418-0692 fax

Florida Certificate
of Authorization
Engineering LB #26978

OWNER / DEVELOPER:

RACETRAC PETROLEUM, INC.

200 GALLERIA PARKWAY SE, SUITE 900
ATLANTA, GA 30339
(770) 431-7600

PROJECT:



BAYSHORE

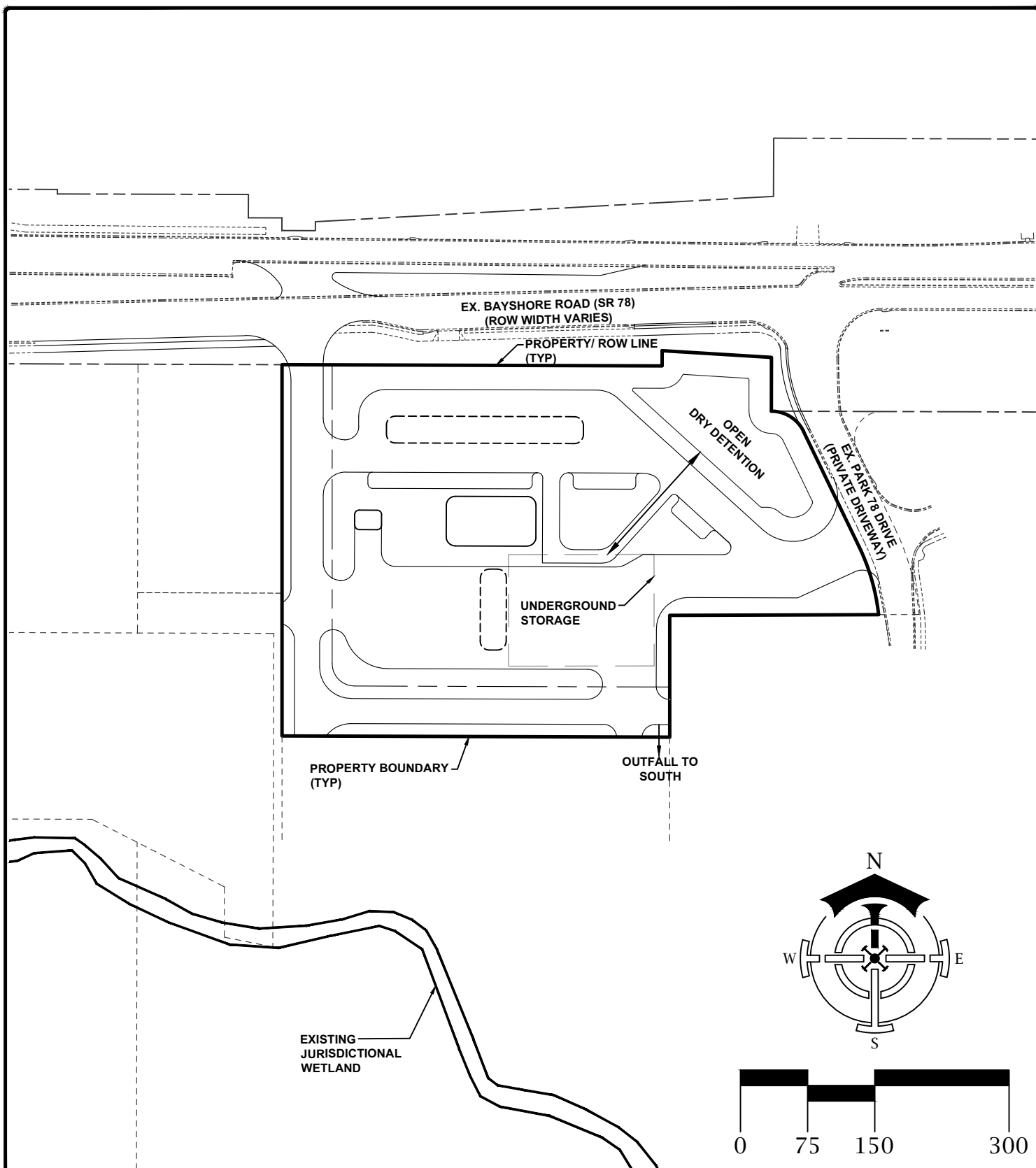
(EPN #1353 - STORE #XXXX)

EXISTING DRAINAGE PATTERNS EXHIBIT

Project Number:	21555
Part of Section(s):	21
Township:	43 S Range: 25 E
County, State:	LEE COUNTY, FL

Sheet Number:

1



DE LISI FITZGERALD, INC.



Planning - Engineering - Project Management

1605 Hendry Street
Fort Myers, FL 33901
(239) 418-0691
(239) 418-0692 fax

Florida Certificate
of Authorization
Engineering LB #26978

OWNER / DEVELOPER:

RACETRAC PETROLEUM, INC.

200 GALLERIA PARKWAY SE, SUITE 900
ATLANTA, GA 30339
(770) 431-7600

PROJECT:



BAYSHORE
(EPN #1353 - STORE #XXXX)

PROPOSED DRAINAGE EXHIBIT

Project Number:	21555
Part of Section(s):	21
Township:	43 S
Range:	25 E
County, State:	LEE COUNTY, FL

Sheet Number:

1

RACETRAC @ BAYSHORE & I-75
**ENVIRONMENTAL ASSESSMENT &
PROTECTED SPECIES SURVEY REPORT**

*(Lee County STRAP #'s: 21-43-25-00-00007.002A, 21-43-25-00-00007.0030, 21-43-25-00-00007.0100,
& 21-43-25-00-00008.0000)*

*December 2021
Updated February 2022*

Prepared For:

RaceTrac Petroleum Inc.
c/o: Samee Ali – Engineering Project Manager
200 Galleria Parkway SE. Suite 900
Atlanta, GA 30339
Phone: (404) 903-4556
Email: sali@racetrac.com

Prepared By:



1599 Covington Circle East Fort Myers Florida 33919
Phone: (239) 340-0678
Email: BearPaws.Env.Consulting@GMail.com

Introduction

An environmental assessment and protected species survey was conducted on the RaceTrac @ Bayshore & I-75 project site on December 1, 2021. The 5.29± acre site is located in Section 21, Township 43S, and Range 25E, of Lee County, Florida. More specifically, the site is located immediately south and east of Bayshore Road and west of Park 78 Drive, in North Fort Myers, Florida. Please see the attached Project Location Map (Exhibit A).

The purpose of this assessment was to identify the potential for either U.S. Army Corps of Engineers (ACOE) Department of Environmental Protection (DEP), and/or South Florida Water Management District (SFWMD) jurisdictional wetlands. The site was also assessed to determine the potential of listed (endangered, threatened, etc.) species inhabiting the site that are regulated by the U.S. Fish & Wildlife Service (FWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

Specific attention was paid toward that of locating any gopher tortoise (*Gopherus polyphemus*) and/or burrowing owl (*Athene cunicularia floridana*) burrows, as well as locating any potential fox squirrel (*Sciurus niger*) nests, Florida bonneted bat (*Eumops floridanus*) cavity trees, and any bald eagle (*Haliaeetus leucocephalus*) nests.

The project's surrounding land uses are a mixture of residential homes, commercial and industrial developments, undeveloped vacant land, and forested land. The survey was conducted in the early-morning; the temperature was in the mid-upper 70's, with a light breeze, and mostly sunny skies.

Methodology

The species survey was conducted utilizing combined methodologies from Lee County's Land Development Code (LDC, Chapter 10, Article III, Division 8 - Protection of Habitat) and also encompassed the Lee County Endangered Species Ordinance No. 89-34. Surveys for Lee County protected species are based on the presence of specific vegetation associations and habitat types noted on-site, as outlined in the LDC. The frequency of transects performed in these habitats, unless otherwise discussed, were designed to meet the minimum updated coverage requirement. Following the Lee County Endangered Species Ordinance No. 89-34, the specific methodology included pedestrian surveys of parallel transects. The survey was conducted according to the previously approved Lee County methodology, submitted by Kevin L. Erwin Consulting Ecologist, Inc.

These methods are comprised of a several step process. The vegetation communities or land-uses on the study area are delineated on an aerial photograph using the Florida Land Use, Cover and Forms Classification System (FLUCFCS). Next, these FLUCFCS codes are cross-referenced with the Lee County Protected Species List. With a list of the potential listed plants and animals, each FLUCFCS community is searched in the field for these species. An intensive pedestrian survey is conducted using parallel belt transects as a means of searching for protected plants and animals; signs or sightings of these species are then recorded.

Existing Site Conditions

Boundary – The project boundary was updated and obtained from Delisi Fitzgerald; it is assumed to be approximately 5.29± acres.

Soils - The soils on the property have been mapped by the National Resource Conservation Service (NRCS, formerly the Soil Conservation Service). These mappings are general in nature, but can provide a certain level of information about the site as to the possible extent of wetland area. The agencies commonly use these mappings as justification for certain wetland/upland determinations. According to these mappings, the entire parcel is underlain by Oldsmar sand (NRCS #33; non-hydric). Oldsmar sand is considered non-hydric on both the local and national levels. Please see the attached NRCS Soils Map (Exhibit D).

Vegetation Descriptions – Vegetation is one parameter used in determining the presence of uplands or wetlands; these community mappings will generally reflect what a specific area could be considered by the regulatory agencies. We did not identify and wetland or “other surface water” communities on-site during the site assessment. While on-site, generalized community delineations are hand-drawn on an aerial defining the different vegetation associations on-site. These general delineations were based on the nomenclature of the Florida Land Use, Cover and Forms Classification System (FLUCFCS), Level III and IV (FDOT 1999). Please see the attached FLUCFCS Map with Aerial (Exhibit B) and FLUCFCS Map without Aerial (Exhibit C). Listed below are the vegetation communities and land-uses identified on the site.

FLUCFCS Codes & Community Descriptions

Uplands

The following community areas have been designated as upland habitats. Uplands are any area that does not qualify as a wetland because the associated hydrologic regime is not sufficiently wet enough to elicit development of vegetation, soils, and/or hydrologic characteristics associated with wetlands.

FLUCFCS 140 Commercial (Previously Cleared – Concrete Pad & Parking) – 1.19± Acres

This former commercial property has been cleared commercial and is comprised of a concrete pad with parking. This community occupies approximately 1.19± acres of the site. This community would be considered uplands by regulatory agencies.

FLUCFCS 211 Improved Pasture (Mowed and Maintained) – 2.98± Acres

This upland habitat type occupies the approximately 2.98± acres of the property. Canopy is mostly open with widely scattered live oak (*Quercus virginiana*) and slash pine (*Pinus elliottii*). The sub-canopy includes cabbage palm (*Sabal palmetto*). Ground cover is dominated by bahia grass (*Paspalum notatum*), with scattered common reed (*Phragmites australis*), dog fennel (*Eupatorium capillifolium*), ragweed (*Ambrosia trifida*), caesar weed (*Urena lobata*), hairy beggar-ticks (*Bidens alba*), smutgrass (*Sporobolus sp.*), false buttonweed (*Spermacoce verticillata*), three-awn grass (*Aristida purpurea*), broom sedge (*Andropogon virginicus*), cogon grass (*Imperata cylindrica*), and other various opportunistic weedy species. Commonly observed vines include greenbriar (*Smilax sp.*), grapevine (*Vitis rotundifolia*), Virginia creeper (*Parthenocissus quinquefolia*), peppervine (*Ampelopsis arborea*), and poison ivy (*Toxicodendron radicans*). This community would be considered uplands by the regulatory agencies.

FLUCFCS 420 E1 Mixed Upland Forest (Exotics 1-25%) – 0.31± Acres

This upland habitat type occupies the approximately 0.31± acres of the property. The canopy consists of live oak (*Quercus virginiana*), slash pine (*Pinus elliottii*), and cabbage palm (*Sabal palmetto*). The sub-canopy contains cabbage palm (*Sabal palmetto*) and beauty-berry (*Callicarpa americana*). Ground cover caesar weed (*Urena lobata*), hairy beggar-ticks (*Bidens alba*), smutgrass (*Sporobolus sp.*), false buttonweed (*Spermacoce verticillata*), three-awn grass (*Aristida purpurea*), broom sedge (*Andropogon virginicus*), bahia grass (*Paspalum notatum*), and other various opportunistic weedy species. Commonly observed vines include greenbriar (*Smilax sp.*), grapevine (*Vitis rotundifolia*), Virginia creeper (*Parthenocissus quinquefolia*), and poison ivy (*Toxicodendron radicans*). This community would be considered uplands by the regulatory agencies.

FLUCFCS 420 E4 Mixed Upland Hardwoods (Exotics > 75%) – 0.81± Acres

This upland community type occupies approximately 0.81± acres of the property. The canopy consists of slash pine (*Pinus elliottii*), live oak (*Quercus virginiana*), earleaf acacia (*Acacia auriculiformis*), and java plum (*Syzygium cumini*). The sub-canopy is dominated by Brazilian pepper (*Schinus terebinthifolius*) with scattered cabbage palm (*Sabal palmetto*). The ground cover includes caesar weed (*Urena lobata*), hairy beggar-ticks (*Bidens alba*), royal fern (*Osmunda regalis*), creeping ox-eye (*Sphagneticola trilobata*), broom sedge (*Andropogon virginicus*), cogon grass (*Imperata cylindrica*), bahia grass (*Paspalum notatum*), and other various opportunistic weedy species. Commonly observed vines include grapevine (*Vitis rotundifolia*), greenbriar (*Smilax sp.*), Virginia creeper (*Parthenocissus quinquefolia*), and poison ivy (*Toxicodendron radicans*). This community would be considered uplands by the regulatory agencies.

Table 1. FLUCFCS Community Table

FLUCFCS Code	Community Description	Classification	Acres
150	Commercial (Previously Cleared – Concrete Pad & Parking)	Upland	1.19± Ac.
211	Improved Pasture (Mowed & Maintained)	Upland	2.98± Ac.
420 E1	Mixed Upland Hardwoods (Exotics 1-25%)	Upland	0.31± Ac.
420 E4	Mixed Upland Hardwoods (Exotics > 75%)	Upland	0.81± Ac.
Total			5.29± Ac.

Protected Species Results

There were no protected species or signs thereof observed on-site during the protected species survey. There were no nest-like structures or tree cavities noted, and there were no gopher tortoise (*Gopherus polyphemus*) and/or burrowing owl (*Athene cunicularia floridana*), burrows identified. We observed burrows belonging to armadillos (*Dasypus novemcinctus*), which were not marked in the field; there was no evidence that these burrows were being used by gopher tortoises or burrowing owls. We also did not observe any cavity trees that could potentially be utilized by the Florida bonneted bat (*Eumops floridanus*).

There were several other non-listed species identified while conducting the protected species survey, among those were several grey squirrels (*Sciurus carolinensis*), an eastern cottontail rabbit (*Sylvilagus floridanus*), and mourning doves (*Zenaidura macroura*). The various listed species that may occur in the FLUCFCS communities on-site have been tabulated on the attached table below.

Discussion

Due to the disturbed nature of the site, surrounding land uses, and the busy roads/highways, it is unlikely that this site supports or would provide habitat for any other protected species. Generalized community locations were estimated and hand-drawn on a non-rectified aerial with approximate habitat boundaries, hence their location and aerial extent is approximate.

The determination of ecological system classifications, functions, values, and boundaries, is not an exact science; therefore, different individuals and/or agencies may reach different conclusions. It is not possible for BearPaws Environmental Consultants to guarantee the outcome of such determinations. Therefore, the conclusions of this report are based upon our profession expertise and opinions and would require a full review by the appropriate regulatory agencies.

Table 2: Listed Species by Habitat with Current Status

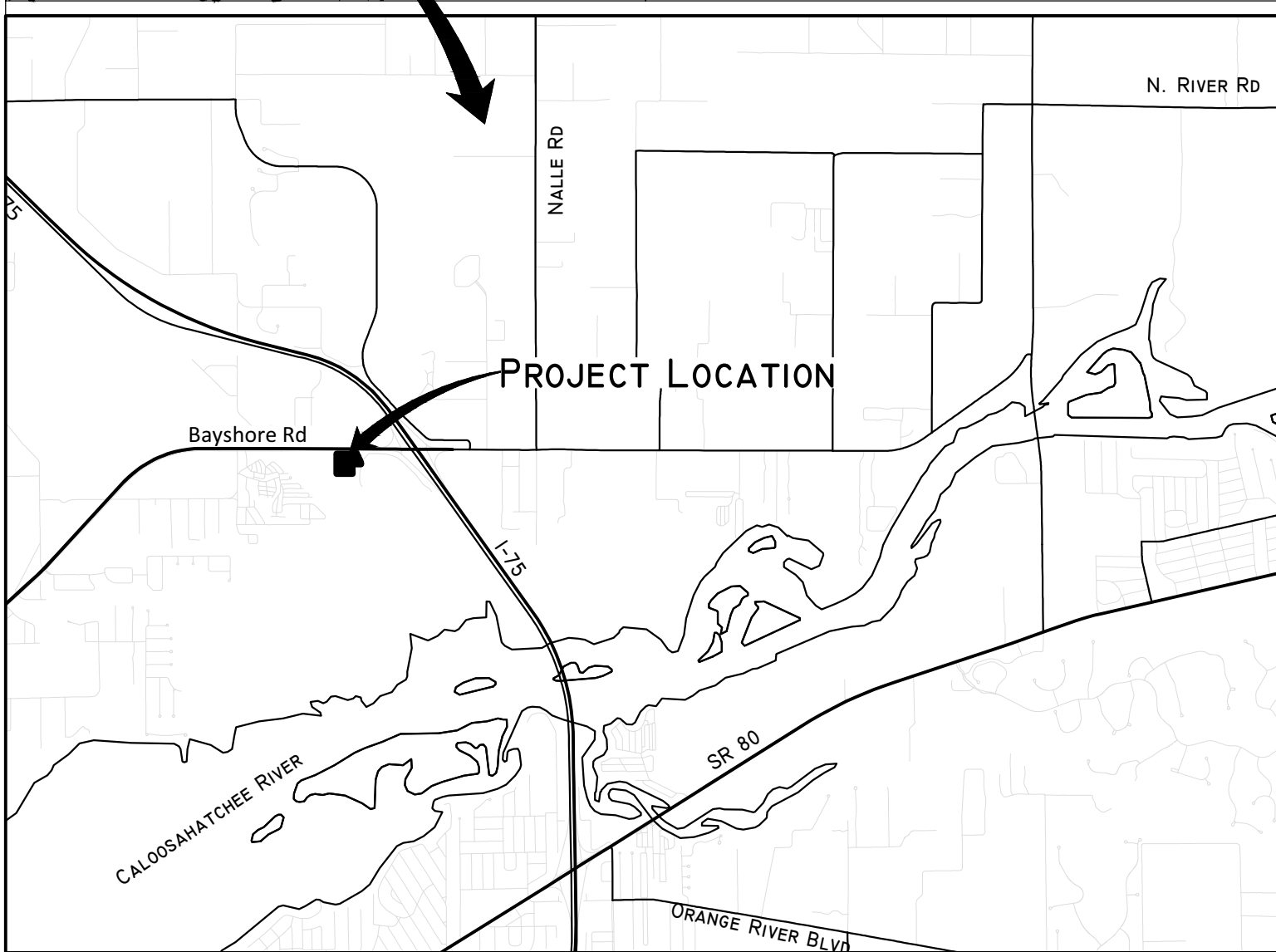
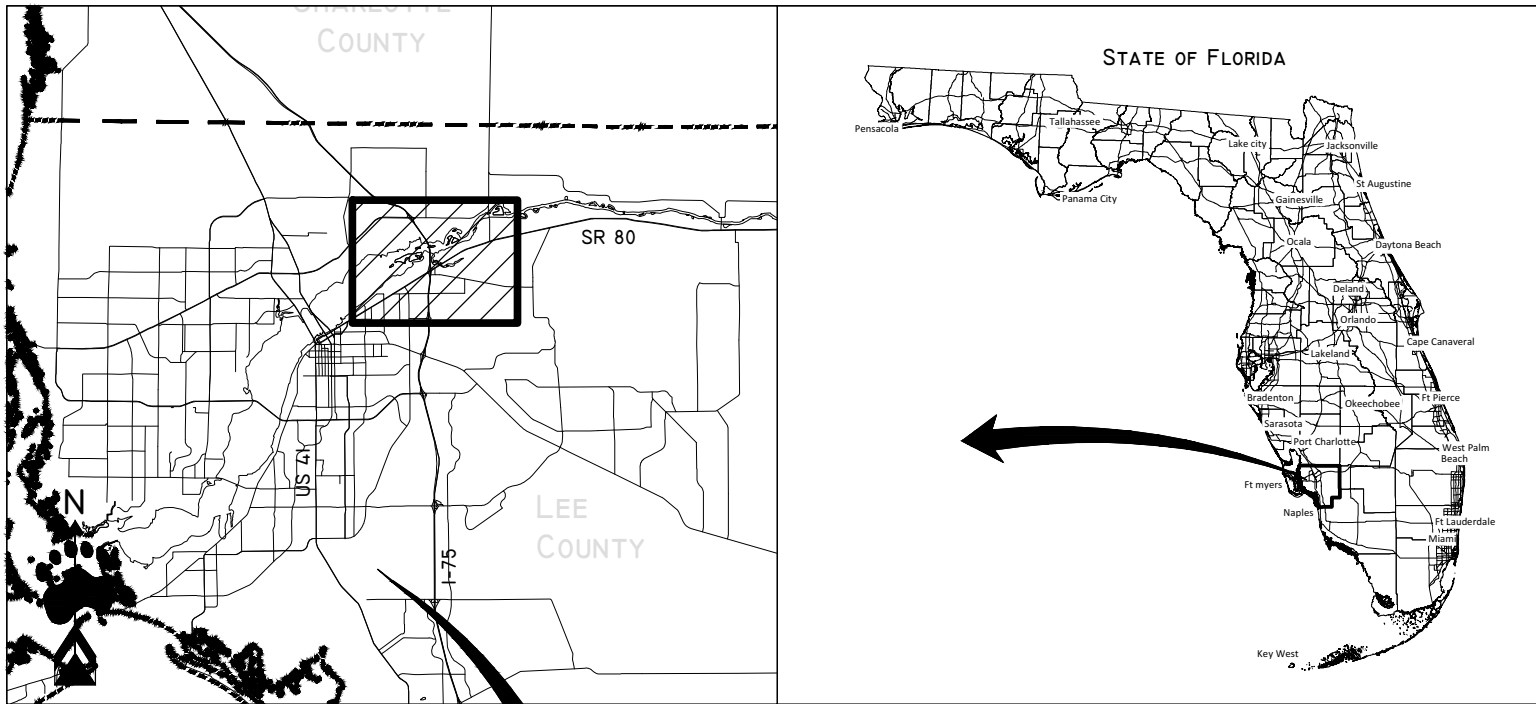
FLUCFCS Code	FLUCFCS Description	Common Name	Scientific Name	Percent Coverage	Observed	USDA	FDA&CS	FWS	FWC
150	Commercial	N/A	N/A	90	--	--	--	--	--
211	Improved Pasture	Gopher tortoise	<i>Gopherus polyphemus</i>	90	--	--	--	T	T
		Florida sandhill crane	<i>Grus canadensis pratensis</i>	90	--	--	--	--	T
		Burrowing owl	<i>Athene cunicularia floridana</i>	90	--	--	--	--	SSC
420	Mixed Upland Hardwoods	Eastern indigo snake	<i>Drymarchon corais couperi</i>	90	--	--	--	--	T
		Florida scrub jay	<i>Aphelocoma coerulescens coerulescens</i>	90	--	--	--	T	T
		Florida coontie	<i>Zamia floridana</i>	90	--	--	C	--	--
		Gopher frog	<i>Rana areolata</i>	90	--	--	--	--	SSC
		Gopher tortoise	<i>Gopherus polyphemus</i>	90	--	--	--	T	T

C = Commercially Exploited, SAT = Similarity of Appearance Threatened, SSC = Species of Special Concern, T = Threatened, E = Endangered

Table designates listed species with potential to occur in each FLUCFCS community.

EXHIBIT A

Project Location Map



DRAWN BY:	DATE:	CATEGORY
BWS	12/4/21	LOCATION
JOB NUMBER		SCALE:
		NTS
S/T/R		COUNTY
21/43S/25E		LEE

RaceTrac @ Bayshore & I-75

Location Map

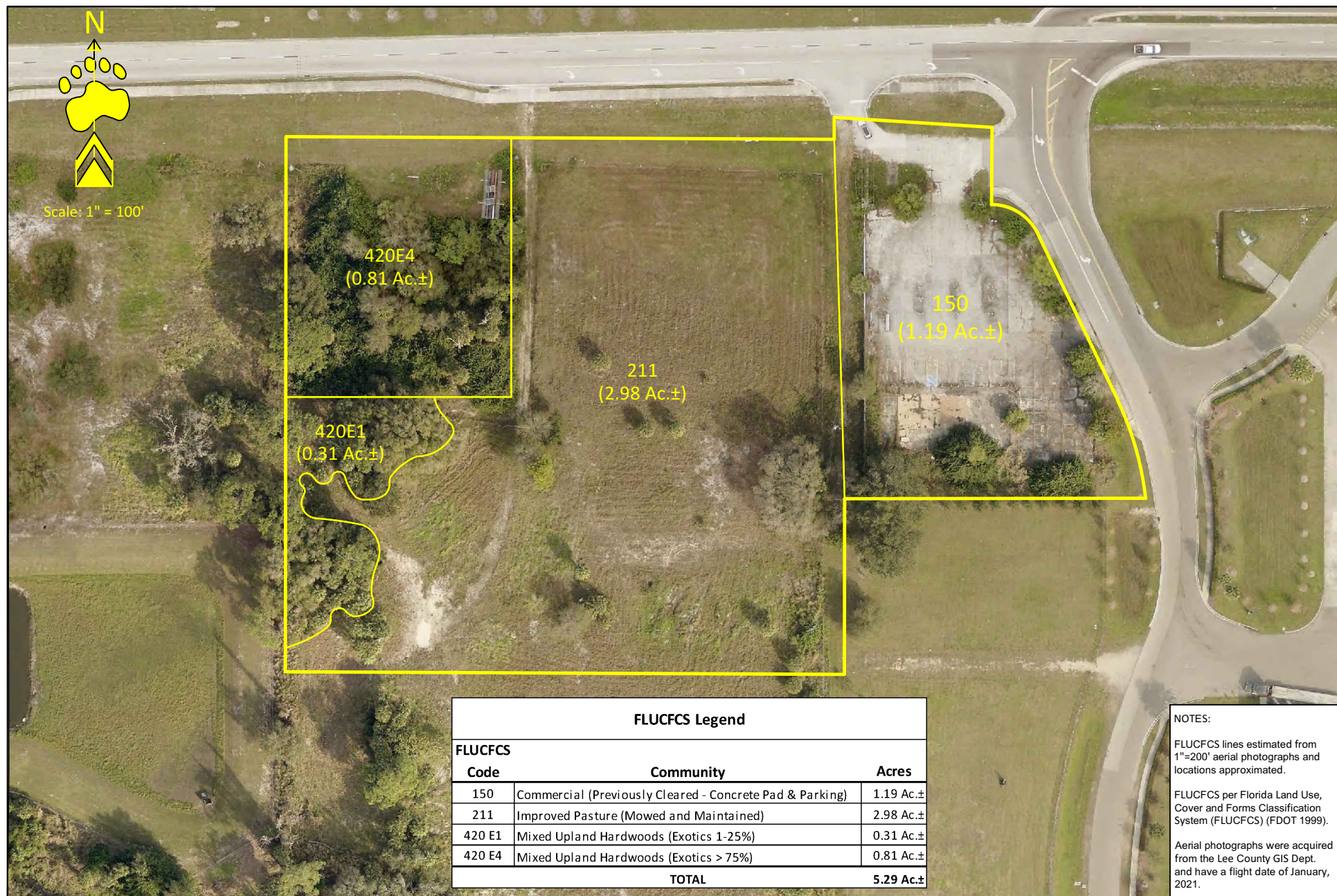


PAGE

EXHIBIT

EXHIBIT B

FLUCFCS Map with Aerial



Revisions	Date:	Drawn By:	Date:
		BWS	1/31/22
		Job Number	
		S/T/R	
		21/43S/25E	

RaceTrac @ Bayshore & I-75

Aerial FLUCFCS Map

Category
FLUCFCS
Scale:
1" = 100'
County
Lee



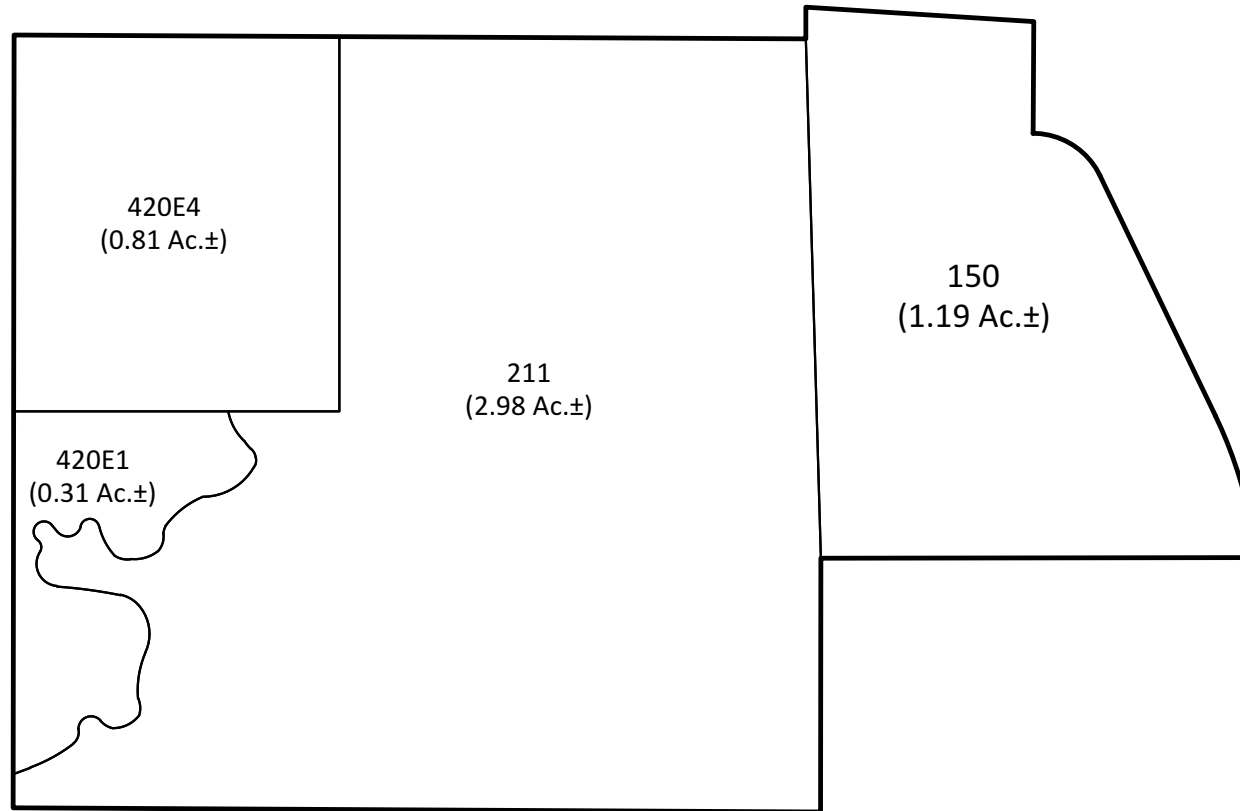
Page
-
Exhibit
-

EXHIBIT C

FLUCFCS Map



Scale: 1" = 100'



FLUCFCS Legend

FLUCFCS

Code	Community	Acres
150	Commercial (Previously Cleared - Concrete Pad & Parking)	1.19 Ac.±
211	Improved Pasture (Mowed and Maintained)	2.98 Ac.±
420 E1	Mixed Upland Hardwoods (Exotics 1-25%)	0.31 Ac.±
420 E4	Mixed Upland Hardwoods (Exotics > 75%)	0.81 Ac.±
TOTAL		5.29 Ac.±

NOTES:

FLUCFCS lines estimated from 1"=200' aerial photographs and locations approximated.

FLUCFCS per Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT 1999).

Revisions	Date:	Drawn By:	Date:
		BWS	1/31/22
		Job Number	
		S/T/R	
		21/43S/25E	

RaceTrac @ Bayshore & I-75

FLUCFCS Map

Category
FLUCFCSScale:
1" = 100'County
Lee

Page

-

Exhibit

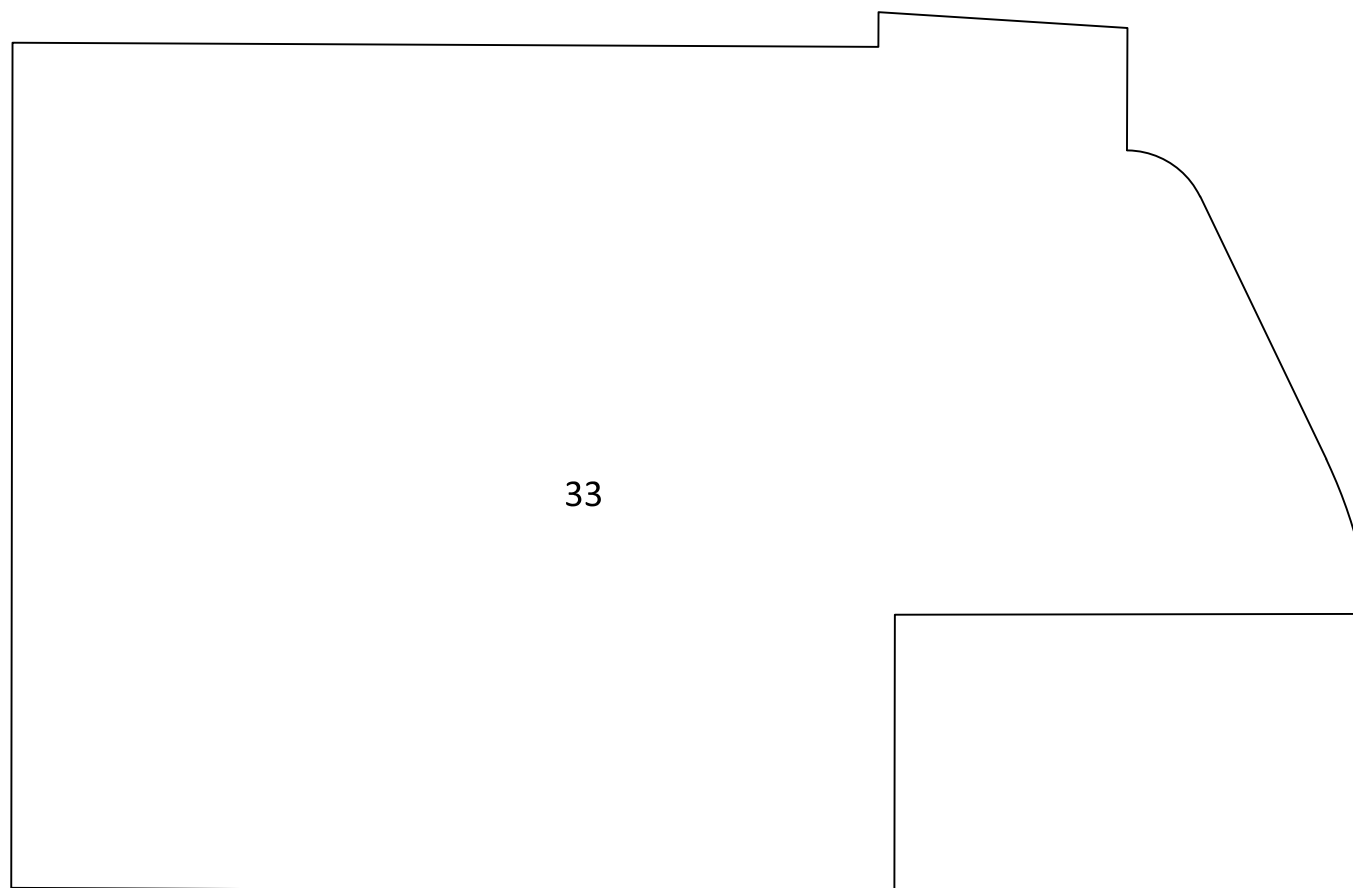
-

EXHIBIT D

NRCS Soils Map



Scale: 1" = 100'



33

NRCS Soils Legend

Soil No	Description	Status
33	Oldsmar Sand	Non-Hydric

NOTES

Soils were acquired from LABINS
and are from the NRCS.

Revisions	Date:	Drawn By:	Date:
		BWS	1/31/22
		Job Number	
		S/T/R	
		21/43S/25E	

RaceTrac @ Bayshore & I-75

Soils Map

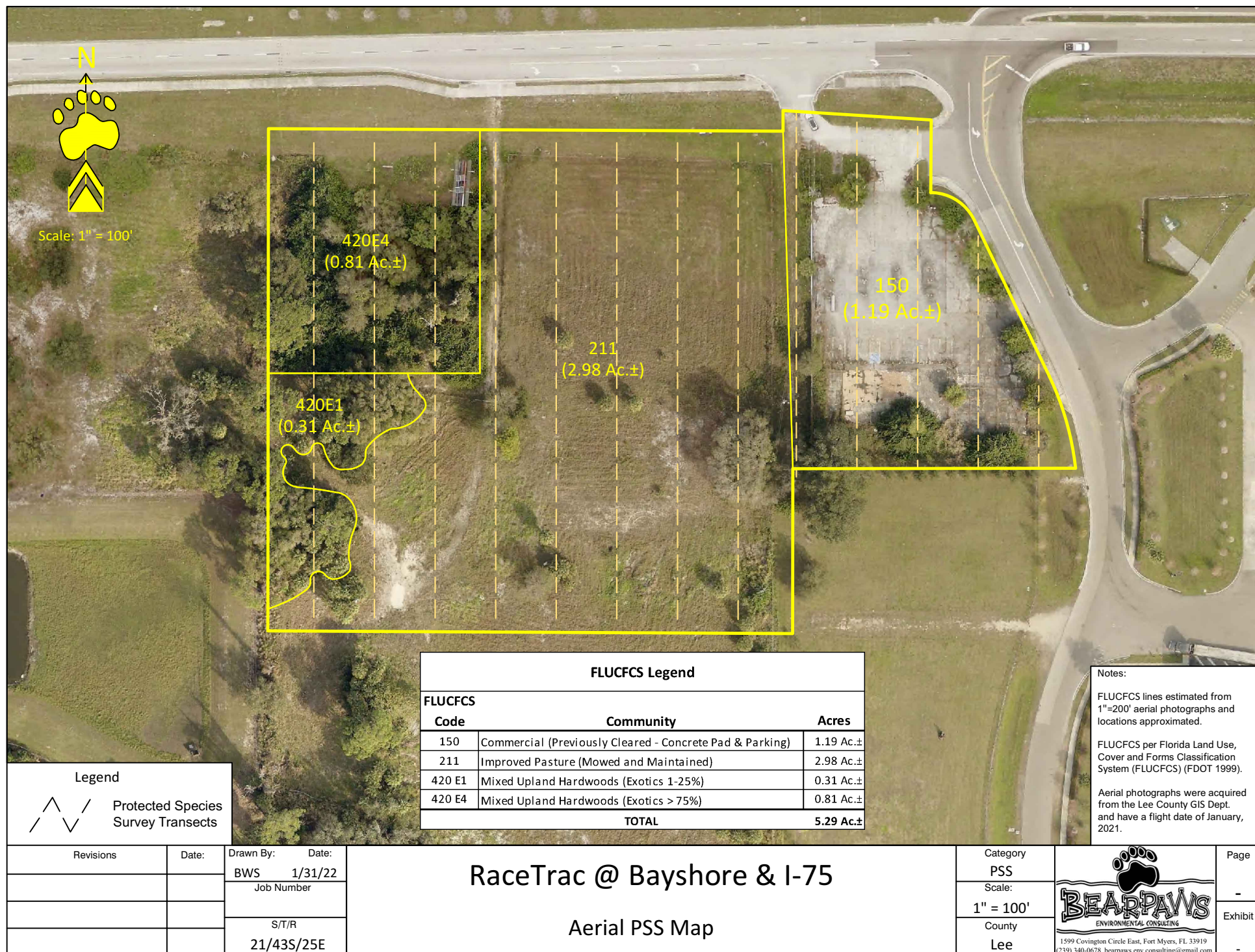
Category
Soils
Scale:
1" = 100'
County
Lee

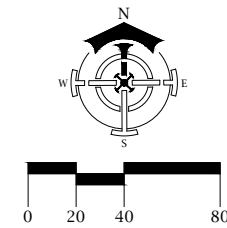
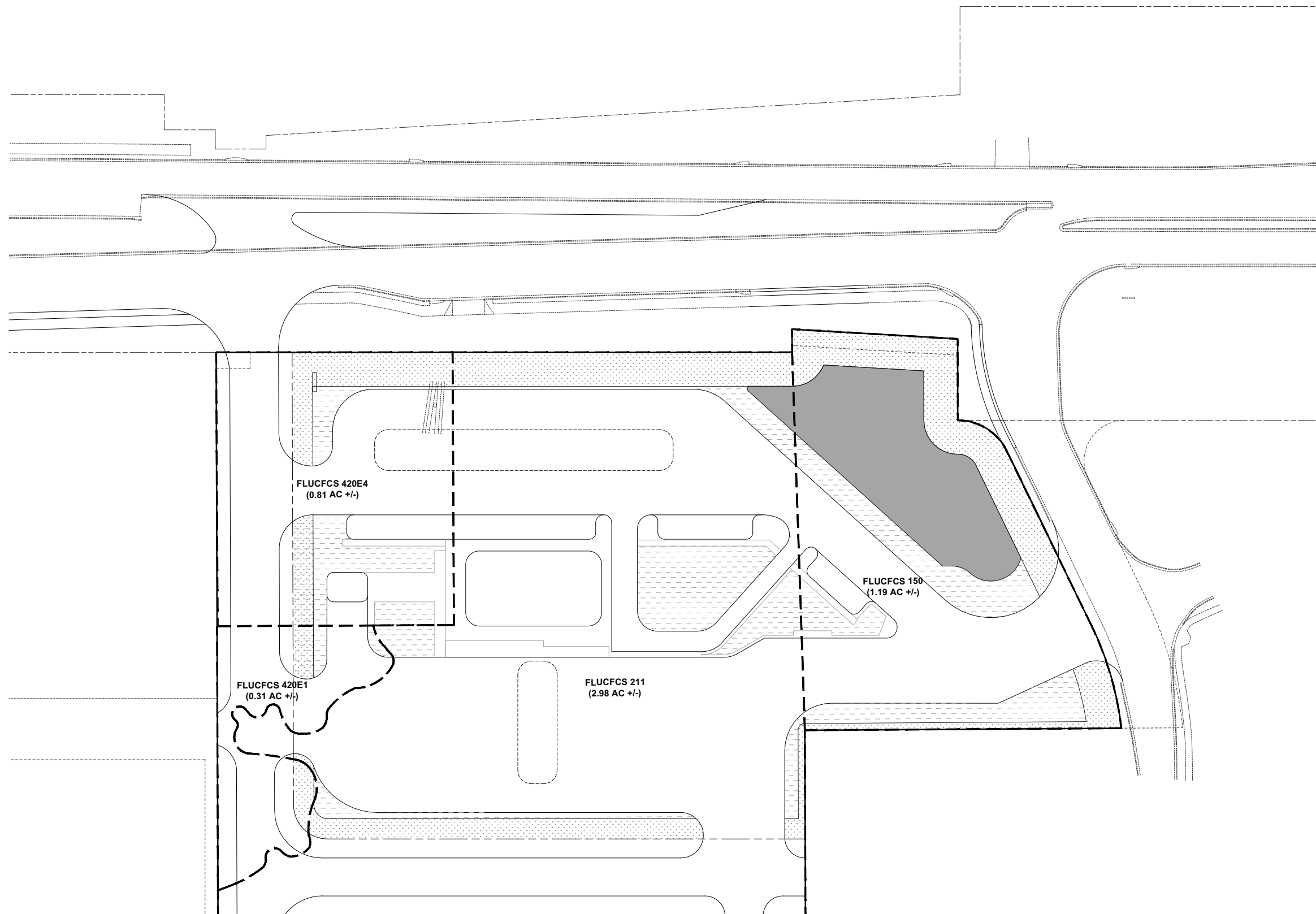


Page
-
Exhibit
-

EXHIBIT E

Protected Species Survey Map





LEGEND

 BUFFER

 DRY DETENTION

 OPEN SPACE

 FLUCFCS BOUNDARY

OPEN SPACE TABLE	
<u>REQUIRED:</u>	ACREAGE
5.29 AC. x 30%	1.58
<u>PROVIDED:</u>	ACREAGE
BUFFERS	0.64
DRY DETENTION	0.32
MISC. OPEN SPACE	0.62
TOTAL	1.58



DELSI FITZGERALD, INC.
Planning - Engineering - Project Management

1605 Hendry Street
Fort Myers, FL 33901
(239) 418-0691
(239) 418-0692 fax

OWNER / DEVELOPER:
RACETRAC PETROLEUM, INC.
200 GALLERIA PARKWAY SE, SUITE 900
ATLANTA, GA. 30339
(770) 431-7600



BAYSHORE
(EPN #1353 - STORE #XXXX)

[illegible]MCP OPEN SPACE
EXHIBIT

Project Manager:	JTV
Drawn By:	CA
Checked By:	JTV
Project Number:	2155
Located in Section(s):	2
Township: 43 S	Range: 25
County, State:	LEE COUNTY, FL

Status:
FOR CONSTRUCTION
SUBJECT TO ALL PERMIT APPROVALS

Sheet Number:	1
---------------	---

SKETCH AND DESCRIPTION

OF A PARCEL LYING IN SECTION 21, TOWNSHIP 43 SOUTH RANGE 25 EAST, LEE COUNTY, FLORIDA

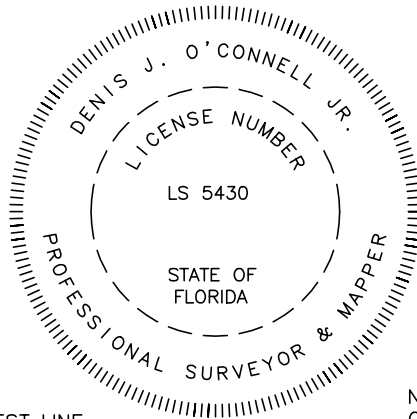
LEGAL DESCRIPTION:

AS PREPARED BY THIS OFFICE

A PARCEL OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, A PORTION OF SECTION 21, TOWNSHIP 43 SOUTH, RANGE 25 EAST, BEING A COMBINATION OF PARCEL 21-43-25-00-00007.0100, DESCRIBED AS INSTRUMENT# 2015000002141; PARCEL 21-43-25-00-00008.0000, DESCRIBED AS INSTRUMENT# 2016000172378; PARCEL 21-43-25-00-00007.002A, AS DESCRIBED IN OFFICIAL RECORDS BOOK 2006 AT PAGE 4053; AND A PORTION OF 21-43-25-00-00007.0030, DESCRIBED AS INSTRUMENT# 2013000116935, ALL OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST HALF OF SECTION 21, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA; THENCE S.00°05'34"W., A DISTANCE OF 101.51 FEET TO A POINT ON THE SOUTH LINE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY SECTION 12060-2535, THE NORTHWEST CORNER OF PARCEL DESCRIBED AS INSTRUMENT# 2015000002141, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE S.89°43'08"E., ALONG SAID RIGHT OF WAY LINE, FOR A DISTANCE OF 424.51 FEET; THENCE N.00°04'49"E., ALONG SAID RIGHT OF WAY LINE, FOR A DISTANCE OF 17.06 FEET; THENCE S.86°21'45"E., ALONG SAID RIGHT OF WAY LINE, FOR A DISTANCE OF 122.32 FEET; THENCE S.00°12'51"W. FOR A DISTANCE OF 60.00 FEET TO A POINT ON THE SOUTH LINE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY SECTION 12075-2406 AND A POINT ON A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 40.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 64°09'20", A CHORD BEARING OF S.57°42'29"E., A CHORD LENGTH OF 42.49 FEET AND AN ARC LENGTH OF 44.79 FEET; THENCE S.25°37'49"E. FOR A DISTANCE OF 142.90 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 234.79 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 19°20'37", A CHORD BEARING OF S.15°57'30"E., A CHORD LENGTH OF 78.89 FEET AND AN ARC LENGTH OF 79.27 FEET; THENCE S.89°54'14"W. FOR A DISTANCE OF 233.25 FEET; THENCE S.00°05'34"W. FOR A DISTANCE OF 136.09 FEET; THENCE N.89°43'08"W. FOR A DISTANCE OF 433.00 FEET; THENCE N.00°05'34"E. FOR A DISTANCE OF 414.53 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 230,348 SQUARE FEET, OR 5.288 ACRES, MORE OR LESS



Denis
O'Connell
ell

Digitally signed
by Denis
O'Connell
Date:
2022.05.06
09:57:40 -04'00'

BY: DENIS J. O'CONNELL, Jr.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS# 5430

NOTES:

1. BEARINGS ARE BASED ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 43 SOUTH RANGE 25 EAST LEE COUNTY, FLORIDA, AS BEARING N 00°05'34" E
2. DISTANCES ARE IN FEET AND DECIMALS THEREOF.
3. SUBJECT TO EASEMENTS, RESERVATIONS AND RIGHTS OF WAY (RECORDED, WRITTEN AND UNWRITTEN)
4. RECORDING INFORMATION IS FROM THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

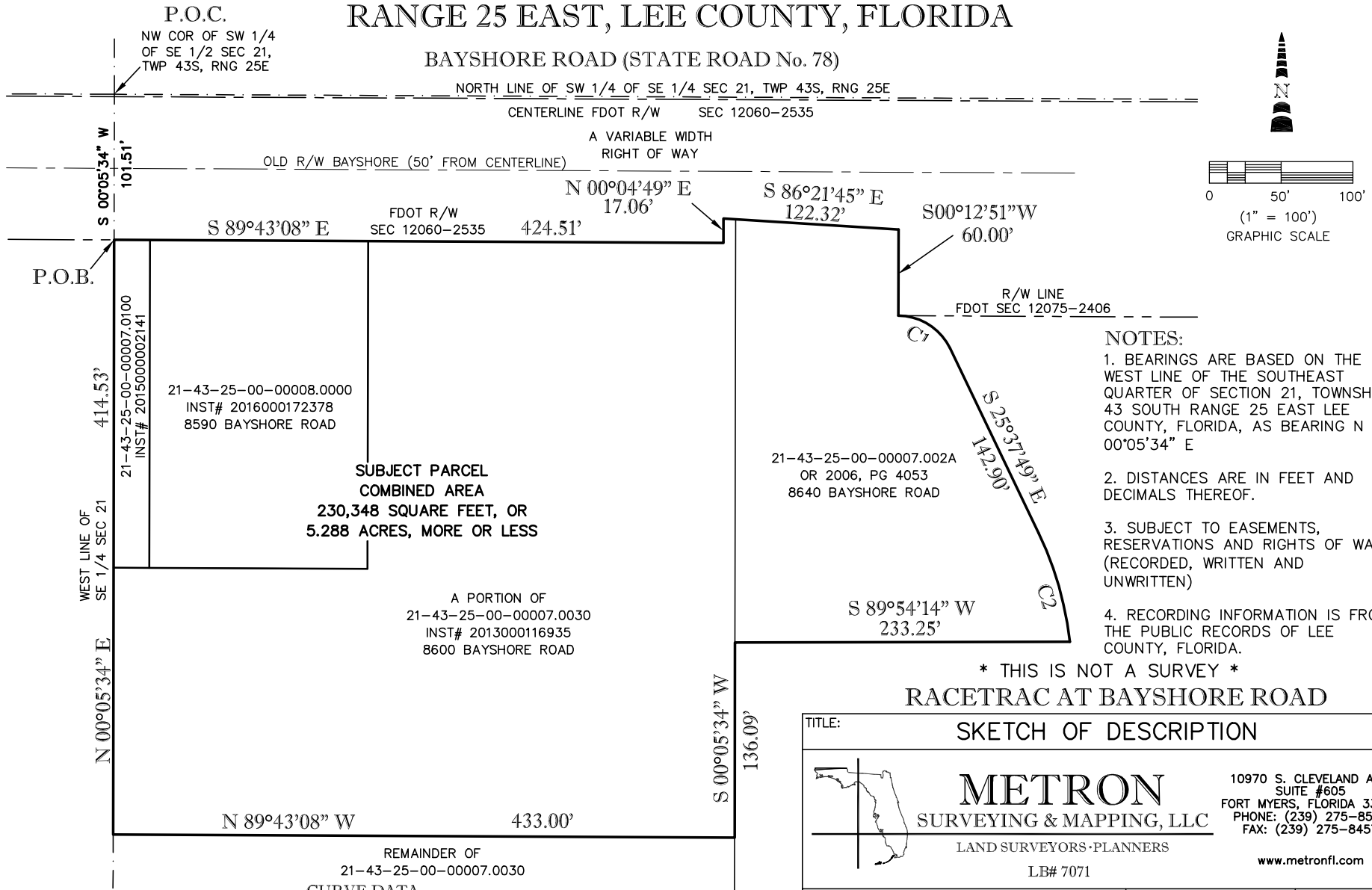
RACETRAC AT BAYSHORE ROAD

TITLE: LEGAL DESCRIPTION			
		METRON SURVEYING & MAPPING, LLC LAND SURVEYORS-PLANNERS LB# 7071	
10970 S. CLEVELAND AVE. SUITE #605 FORT MYERS, FLORIDA 33907 PHONE: (239) 275-8575 FAX: (239) 275-8457 www.metronfl.com			
FILE NAME:	15106SK ZONING.DWG	PROJECT NO.:	15106
DATE:	5/06/2022	DRAWN BY:	BUD
SCALE:	N/A	CHECKED BY:	DJO
		FILE NO. (S-T-R)	21-43-25

* THIS IS NOT A SURVEY *

SKETCH AND DESCRIPTION

OF A PARCEL LYING IN SECTION 21, TOWNSHIP 43 SOUTH RANGE 25 EAST, LEE COUNTY, FLORIDA

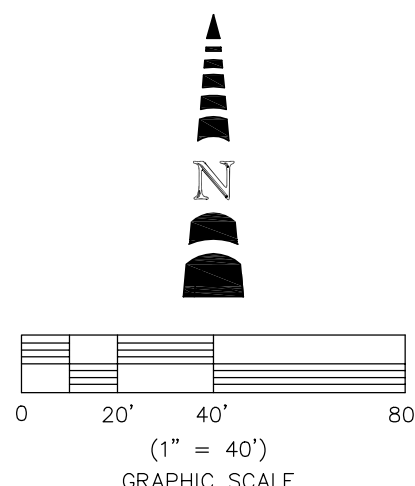
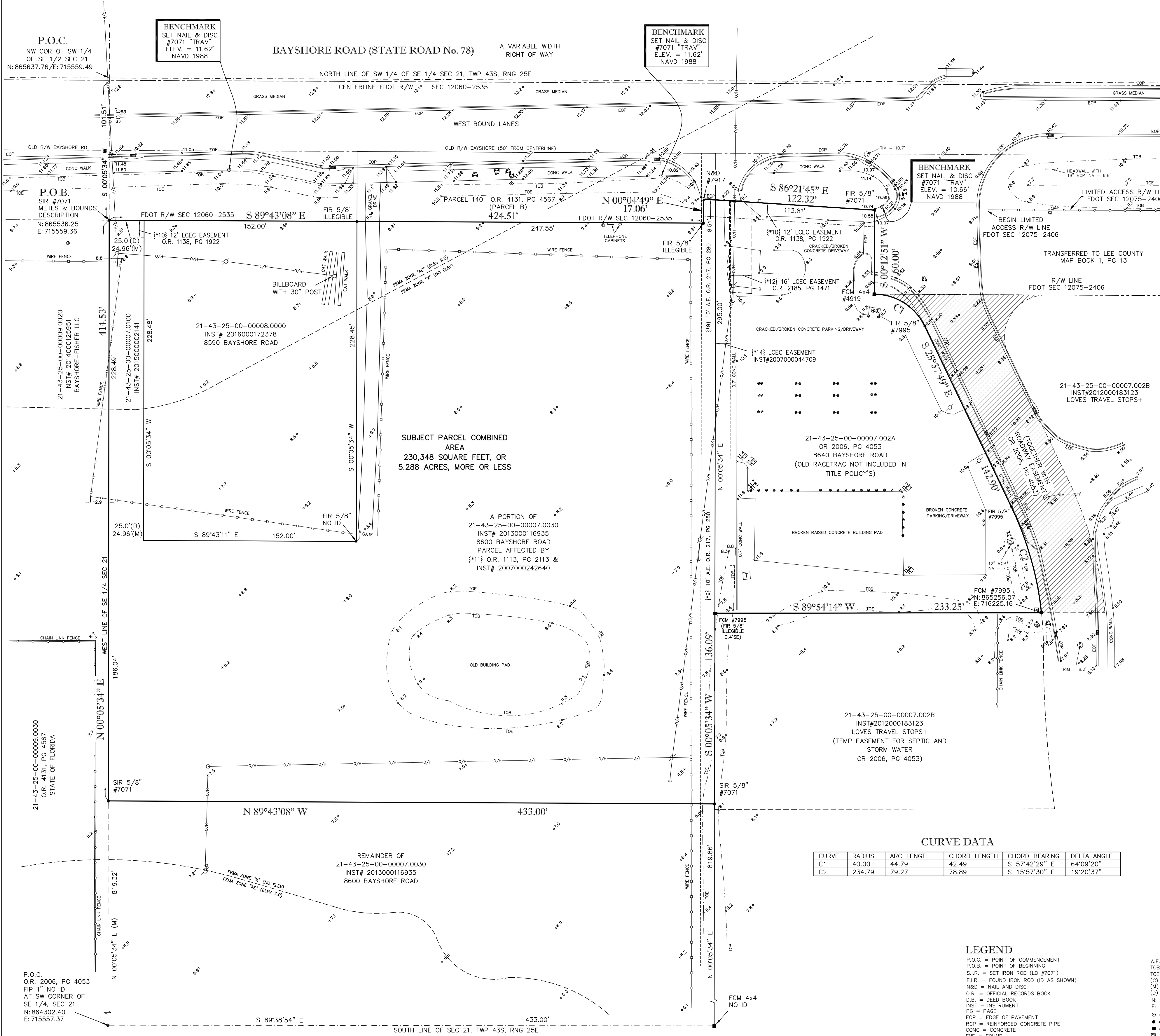
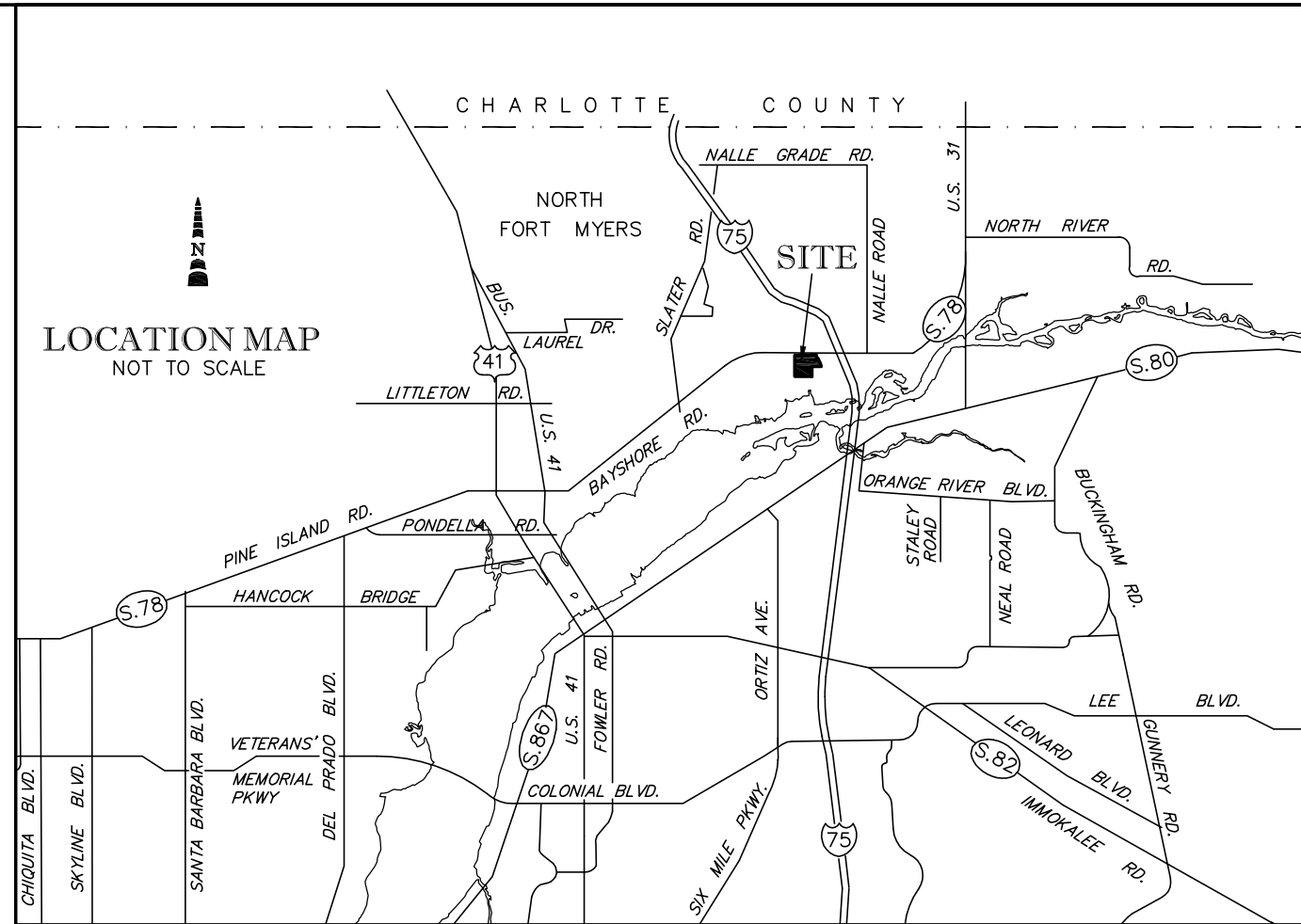


CURVE DATA

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	40.00	44.79	42.49	S 57°42'29" E	64°09'20"
C2	234.79	79.27	78.89	S 15°57'30" E	19°20'37"

TITLE: SKETCH OF DESCRIPTION			
		METRON SURVEYING & MAPPING, LLC	
LAND SURVEYORS • PLANNERS		10970 S. CLEVELAND AVE. SUITE #605 FORT MYERS, FLORIDA 33907 PHONE: (239) 275-8575 FAX: (239) 275-8457 www.metronfl.com	
LB# 7071			
FILE NAME: 15106SK ZONING.DWG	PROJECT NO.: 15106	SHEET: 2 OF 2	
DATE: 5/06/2022	DRAWN BY: BUD	SCALE: 1" = 100'	CHECKED BY: DJO
		FILE NO. (S-T-R) 21-43-25	

SURVEY PLAT
OF A PARCEL LYING IN SECTION 21, TOWNSHIP 43 SOUTH
RANGE 25 EAST, LEE COUNTY, FLORIDA



NOTES:
SURVEY BASED THE LEGAL DESCRIPTION AS SHOWN, A TITLE REPORT BY FIRST AMERICAN TITLE INSURANCE COMPANY, FILE NO. 2037-5911435 HAVING A COMMITMENT DATE OF MARCH 04, 2022, FLORIDA DEPARTMENT OF TRANSPORTATION STATE HIGHWAY RIGHT OF WAY MAP, PROJECT NO. 12060-2535 DATED 11/15/01, OFFICIAL RECORDS ON FILE IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND EXISTING MONUMENTATION.
BEARINGS ARE BASED ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 43 SOUTH RANGE 25 EAST LEE COUNTY, FLORIDA, AS BEARING N 0°05'34" E
PARCEL LIES WITHIN FLOOD ZONE "A", HAVING A BASE FLOOD ELEVATION OF 7.0 NAVD 88 AND 9.0 MAF 88, AND ZONE "X", HAVING NO BASE FLOOD ELEVATION, AS DIGITIZED HEREON AND PER FLOOD INSURANCE RATE MAP (FIRM) 125124 0279 F, HAVING AN EFFECTIVE DATE OF AUGUST 28, 2008 AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) WEBSITE.
THE F.E.M.A. FLOOD ZONE INFORMATION INDICATED HEREON IS BASED ON MAPS SUPPLIED BY THE FEDERAL GOVERNMENT. THIS FLOOD INFORMATION MUST BE VERIFIED WITH ALL PERMITTING REGULATORY ENTITIES PRIOR TO COMMENCING ANY WORK OR APPLICATION DEPENDENT ON SAID FLOOD INFORMATION.
ELEVATIONS SHOWN HEREON ARE NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.V.D. 88) AS IT RELATES TO LEE COUNTY SURVEY BENCHMARK A 128 (ELEVATION 11.78 FEET).
COORDINATES SHOWN HEREON ARE STATE PLANE, FLORIDA WEST ZONE, NORTH AMERICAN DATUM OF 1983-1990 ADJUSTMENT (N.A.D. 83/90).
IRON RODS "SET" ARE 5/8" X 18" REBAR WITH ORANGE CAP BEARING CORPORATION NO. 7071.
SITE ADDRESS IS LISTED AS 8590, 8600 & 8640 BAYSHORE ROAD, NORTH FORT MYERS, FL 33917, PER LEE COUNTY PROPERTY APPRAISERS WEBSITE.
POSTED SPEED LIMIT 50 MILES PER HOUR.
ADJOINING OWNER INFORMATION WERE TAKEN FROM THE LEE COUNTY PROPERTY APPRAISERS WEBSITE.
UNDERGROUND IMPROVEMENTS, UTILITIES AND/OR FOUNDATIONS WERE NOT LOCATED UNLESS OTHERWISE NOTED.
WETLANDS, IF ANY, WERE NOT LOCATED.
THIS PLAT PREPARED AS A BOUNDARY AND TOPOGRAPHIC SURVEY, TO SHOW THE ABOVE GROUND VISIBLE IMPROVEMENTS LOCATED ON THE PROPERTY AS DESCRIBED HEREON AND IS NOT INTENDED TO DELINEATE THE JURISDICTION OR JURISDICTIONAL AREAS OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER ENTITY.
PARCEL CONTAINS 230,348 SQUARE FEET, OR 5.288 ACRES, MORE OR LESS
DATE OF LAST FIELD WORK: 2-16-2021

LEGAL DESCRIPTION:
PER EXHIBIT "A" OF A TITLE REPORT BY FIRST AMERICAN TITLE INSURANCE COMPANY, FILE NO. 2037-5911435 HAVING A COMMITMENT DATE OF MARCH 04, 2022.
A PARCEL OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, A PORTION OF SECTION 21, TOWNSHIP 43 SOUTH, RANGE 25 EAST, BEING A COMBINATION OF PARCEL 21-43-25-00-00007.0100, DESCRIBED AS INSTRUMENT# 201500002141; PARCEL 21-43-25-00-00008.0000, DESCRIBED AS INSTRUMENT# 2016000172378; PARCEL 21-43-25-00-00007.0024, AS DESCRIBED IN OFFICIAL RECORDS BOOK 2006 AT PAGE 4053; AND A PORTION OF 21-43-25-00-00007.0030, DESCRIBED AS INSTRUMENT# 2013000116935, ALL OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST HALF OF SECTION 21, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA; THENCE S.00°05'34"W., A DISTANCE OF 101.51 FEET TO A POINT ON THE SOUTH LINE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY SECTION 12060-2535, THE NORTHWEST CORNER OF PARCEL PARCEL DESCRIBED AS INSTRUMENT# 201500002141, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE S.89°43'08"E., ALONG SAID RIGHT OF WAY LINE, FOR A DISTANCE OF 424.51 FEET; THENCE N.00°04'49"E., ALONG SAID RIGHT OF WAY LINE, FOR A DISTANCE OF 17.06 FEET; THENCE S.89°21'45"E., ALONG SAID RIGHT OF WAY LINE, FOR A DISTANCE OF 122.32 FEET; THENCE S.00°12'51"W. FOR A DISTANCE OF 60.00 FEET TO A POINT ON THE SOUTH LINE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY SECTION 12075-2406 AND A POINT ON A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 40.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 64°09'20", A CHORD BEARING OF S.57°42'29"E., A CHORD LENGTH OF 42.49 FEET AND AN ARC LENGTH OF 44.79 FEET; THENCE S.25°37'49"E. FOR A DISTANCE OF 142.90 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 234.79 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 19°20'37", A CHORD BEARING OF S.15°57'30"E., A CHORD LENGTH OF 78.89 FEET AND AN ARC LENGTH OF 79.27 FEET; THENCE S.89°54'14"W. FOR A DISTANCE OF 233.25 FEET; THENCE S.00°05'34"W. FOR A DISTANCE OF 136.09 FEET; THENCE N.89°43'08"W. FOR A DISTANCE OF 433.00 FEET; THENCE N.00°05'34"E. FOR A DISTANCE OF 414.53 FEET TO THE POINT OF BEGINNING.

TITLE EXCEPTIONS:
PER SCHEDULE B-II OF A TITLE REPORT BY FIRST AMERICAN TITLE INSURANCE COMPANY, FILE NO. 2037-5911435 HAVING A COMMITMENT DATE OF MARCH 04, 2022, THE PROPERTY SHOWN HEREON IS SUBJECT TO THE FOLLOWING MATTERS OF RECORD:
[1-#] INDICATES EXCEPTION NUMBER FROM TITLE REPORT
[1-9] EASEMENT CONTAINED IN THAT CERTAIN WARRANTY DEED EXECUTED BY CLARENCE L. DARTER AND WIFE, ARRETTA DARTER IN FAVOR OF CARROL G. COPPING AND BARBARA E. COPPING, HUSBAND AND WIFE, RECORDED OCTOBER 25, 1963 IN BOOK 217, PAGE 280. (AFFECTS PROPERTY AS SHOWN HEREON, LOCATED ALONG THE EAST LINE OF PARCEL 21-43-25-00-00007.0030)
[1-10] RIGHT-OF-WAY EASEMENT IN FAVOR OF LEE COUNTY ELECTRIC CO-OPERATIVE, INC., RECORDED NOVEMBER 17, 1975 IN BOOK 1113, PAGE 2113, AS AFFECTED BY SUBORDINATION OF UTILITY EASEMENT RECORDED AUGUST 3, 2007 IN INSTRUMENT NO. 2007000242640. (AFFECTS STRAP# 21-43-25-00-00007.0030), BLANKET IN NATURE UNABLE TO PLOT)
[1-11] RIGHT-OF-WAY EASEMENT IN FAVOR OF LEE COUNTY ELECTRIC COOPERATIVE, INC., RECORDED NOVEMBER 17, 1975 IN BOOK 1113, PAGE 2113, AS AFFECTED BY SUBORDINATION OF UTILITY EASEMENT RECORDED AUGUST 3, 2007 IN INSTRUMENT NO. 2007000242640. (AFFECTS STRAP# 21-43-25-00-00007.0030), BLANKET IN NATURE UNABLE TO PLOT)
[1-12] EASEMENT IN FAVOR OF LEE COUNTY ELECTRIC COOPERATIVE, INC. A FLORIDA CORPORATION, RECORDED NOVEMBER 6, 1990 IN BOOK 2185, PAGE 1471. (AFFECTS PROPERTY AS SHOWN HEREON, LOCATED ALONG NORTH LINE, EAST PARCEL)
[1-13] LEE COUNTY ORDINANCE NO. 86-14 RELATING TO GARBAGE AND SOLID WASTE COLLECTION WITHIN LEE COUNTY RECORDED NOVEMBER 30, 1990 IN BOOK 2185, PAGE 3281 AS AMENDED BY ORDINANCE NO. 86-38 RECORDED NOVEMBER 30, 1990 IN BOOK 2189, PAGE 3334. (AFFECTS PROPERTY, BLANKET IN NATURE)
[1-14] EASEMENT IN FAVOR OF LEE COUNTY ELECTRIC COOPERATIVE, INC., A FLORIDA NON PROFIT CORPORATION RECORDED FEBRUARY 9, 2007 IN INSTRUMENT NO. 2007000044709. (AFFECTS PROPERTY AS SHOWN HEREON, LOCATED ALONG WEST LINE OF EAST PARCEL)

CURVE DATA

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	40.00	44.79	42.49	S 57°42'29" E	64°09'20"
C2	234.79	79.27	78.89	S 15°57'30" E	19°20'37"

- LEGEND**
P.O.B. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
S.I.R. = SET IRON ROD (LB #7071)
F.I.R. = FOUND IRON ROD (D AS SHOWN)
N&D = NAIL AND DISC
O.R. = OFFICIAL RECORDS BOOK
O.B. = DEED BOOK
INST. = INSTRUMENT
PG. = PAGE
EOP = EDGE OF PAVEMENT
RCP = REINFORCED CONCRETE PIPE
CONC. = CONCRETE
FND = FOUND
TYP = TYPICAL
INV. = INVERT
MES = MITRED END SECTION
NAVD 88 = NORTH AMERICAN VERTICAL DATUM 1988
R/W. = RIGHT-OF-WAY
N/W. = WITH
FEMA = FEDERAL EMERGENCY MANAGEMENT AGENCY
FCM = FOUND CONCRETE MONUMENT
FDOT = FLORIDA DEPARTMENT OF TRANSPORTATION
LCEC = LEE COUNTY ELECTRIC COOPERATIVE
- A.E. = ACCESS EASEMENT
TOB = TOP OF BANK
TOE = BOTTOM OF BANK/TOE OF SLOPE
(C) = PER CALCULATIONS
(M) = MEASURED
(D) = PER DEED
N. = NORTHINGS
E. = EASTINGS
= NAIL & DISC (D AS SHOWN)
= IRON ROD (D AS SHOWN)
= CONCRETE MONUMENT
= CABLE TELEVISION BOX
= TELEPHONE SERVICE BOX
= FIBER OPTIC CABLE MARKER
= WATER METER
= SANITARY MANHOLE
= MITRED END SECTION
= WOODEN POLE WITH LIGHT
- ☼ = LIGHT POLE
⊕ = WATER VALVE
⊕ = AIR RELEASE VALVE
⊕ = BOLLARD
⊕ = UTILITY POLE
⊕ = BURIED VAULT
⊕ = TRANSFORMER
⊕ = PAY PHONE
⊕ = FIRE DEPT CONNECTION
⊕ = CLEAN OUT
⊕ = GUY WIRE ANCHOR
⊕ = FIRE HYDRANT
⊕ = EXISTING SPOT ELEVATION

FOR THE FIRM:

Denis O'Connell
Digitally signed by Denis O'Connell
Date: 2022.05.06 13:07:49 -04'00'

BY: DENIS J. O'CONNELL, JR.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS# 5430

DATE SIGNED: _____

REVISED TITLE 5/06/2022

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

THIS SURVEY IS ONLY FOR THE LANDS AS DESCRIBED.

THIS SURVEY WAS PREPARED WITH BENEFIT OF A TITLE REPORT. ALL MATTERS OF TITLE SHOULD BE REFERRED TO AN ATTORNEY AT LAW.

BAYSHORE ROAD, LEE COUNTY

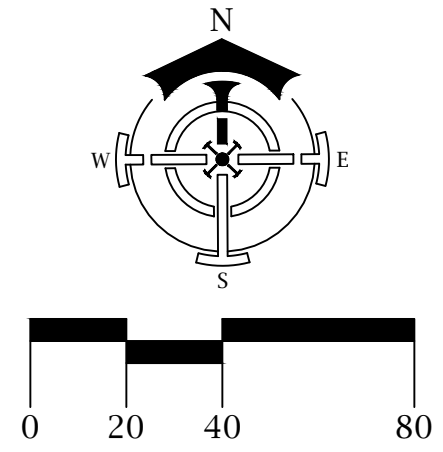
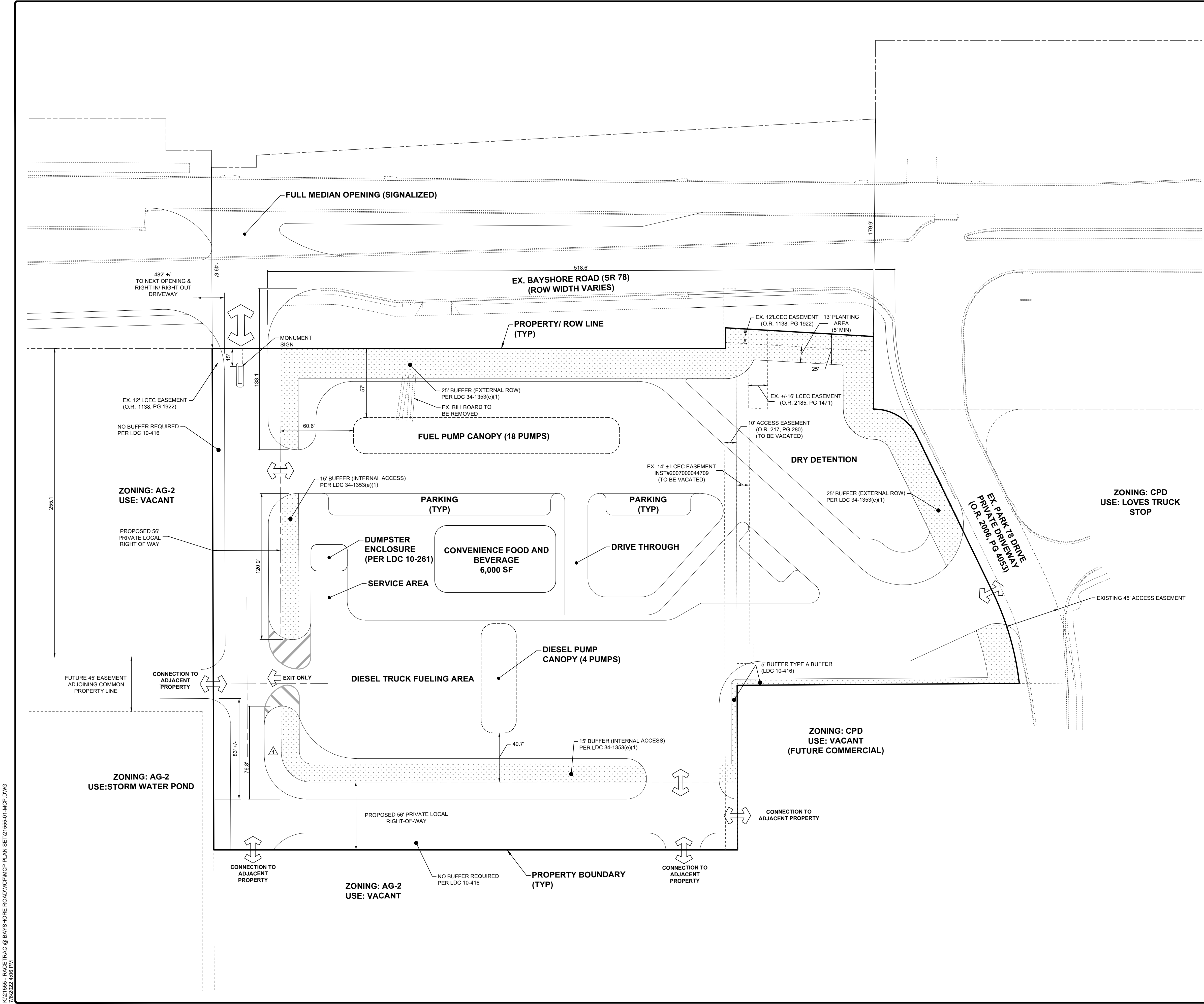
TITLE: BOUNDARY AND TOPOGRAPHIC SURVEY

METRON
SURVEYING & MAPPING, LLC
LAND SURVEYORS PLANNERS
LB# 7071

10970 S. CLEVELAND AVENUE, SUITE #605
FORT MYERS, FLORIDA 33907
PHONE: (239) 275-8575
FAX: (239) 275-8457
www.metronfl.com

FILE NAME: 15106SR ZONING.DWG	FIELD BOOK/PAGE: 682/36-44	PROJECT NO.: 14441	SHEET: 1 OF 1
SURVEY DATE: 11/09/2021	DRAWN BY: BUD	SCALE: 1"= 40'	CHECKED BY: DJO
		(S-T-R)	21-43-25

Additional info dated 07-07-2022



LEGEND

- BUFFER
- POINT OF INGRESS / EGRESS
- DEVIATION REQUEST LOCATION

PROPERTY DATA TABLE	
STRAP NUMBERS	21-43-25-00-00007.002A 21-43-25-00-00008.0000 21-43-25-00-00007.0030 21-43-25-00-00007.0100
PROPERTY AREA	5.29 AC.
CURRENT ZONING	CC, CPD, AG-2

DEVELOPMENT PROGRAM	
ALLOWABLE USES:	
CONVENIENCE FOOD & BEVERAGE (6,000 SF MAX.)	
SELF SERVICE FUEL PUMPS (22 MPDS MAX.)	

OPEN SPACE TABLE	
REQUIRED:	ACREAGE
5.29 AC. x 30%	1.58
PROVIDED:	ACREAGE
BUFFERS	0.64
DRY DETENTION	0.32
MISC. OPEN SPACE	0.62
TOTAL	1.58

NOTE:

1. THE SITE WILL UTILIZE A CLOSED DRAINAGE SYSTEM.

DEVIATIONS:

1. DEVIATION 1 REQUESTS RELIEF FROM LDC SECTION 10-415(B) WHICH REQUIRES THAT LARGE DEVELOPMENTS WITH EXISTING INDIGENOUS NATIVE VEGETATION COMMUNITIES MUST PROVIDE 50 PERCENT OF THEIR OPEN SPACE PERCENTAGE REQUIREMENT THROUGH THE ON-SITE PRESERVATION OF EXISTING NATIVE VEGETATION COMMUNITIES TO ALLOW FOR NO REQUIREMENT FOR ON-SITE PRESERVATION.

DELISI FITZGERALD, INC.
Planning - Engineering - Project Management

Florida Certificate of Authorization
Engineering LB #26978

1605 Hendry Street
Fort Myers, FL 33901
(239) 418-0691
(239) 418-0692 fax

RaceTrac
BAYSHORE
(EPN #1353 - STORE #XXXX)

OWNER / DEVELOPER:
RACETRAC PETROLEUM, INC.
200 GALLERIA PARKWAY SE, SUITE 900
ATLANTA, GA 30339
(770) 431-7600

MASTER CONCEPT PLAN

Project Manager: JTW
Drawn By: CAS
Checked By: JTW
Project Number: 21555
Located in Section(s): 21
Township: 43 S | Range: 25 E
County, State: LEE COUNTY, FL

Status:
FOR CONSTRUCTION
SUBJECT TO ALL PERMIT APPROVALS

Sheet Number: 1