



STEVEN C. HARTSELL
Florida Bar Board Certified Attorney in
Condominium and Planned Development Law
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1833 Hendry Street, Fort Myers, Florida 33901 | P.O. Box 1507, Fort Myers, Florida 33902 | (239) 334-2195 | Fax (239) 332-2243

July 21, 2022

Mr. Dirk Danley, Jr., AICP
Principal Planner, Dept of Community Development
1500 Monroe Street
Fort Myers, FL 33901

Via Email: ddanley2@leegov.com

RE: DRI2018-10002 Insufficiency
Our Client File #94311.001

EFILED

7/21/2022

SCANNED TO CP & E-MAILED

up 7/21/2022
Chick-A-L-A

Dear Dirk:

Please let these comments and the attached documents respond to your Insufficiency Letter dated July 13, 2022.

Zoning Review:

Staff note – the scanned documents that were submitted are mainly illegible. In future submittals, please use alternate means to scan documents.

[An alternate method to scan the documents will be used.]

Natural Resources:

1. The applicant's response to the drainage/water quality B1, the applicant believes that the condition was met prior to adoption. Please provide supporting documents to substantiate this belief.
2. For DRI conditions b2-4, the applicant believes that the condition is addressed by the Lakes Park Watershed requirements in LDC 10-531-10-541 but please explain how the existing LDC requirement meets the requirements outline in the DRI.
3. [SEE BELOW FOR RESPONSE TO COMMENT #3]
4. Provide staff with the design standards and Best Management Practices implemented as required in Condition B.3.
5. Condition B.3 states the drainage system shall implement the design standards and "best management practices" as outlined in the ADA and in all supplementary material.

DRI Conditions B.1 -B.3:

1. *The drainage system for the proposed project must be redesigned to provide greater upland (dry) retention/detention of runoff prior to discharge into the on-site lake system. Areas of natural vegetation as described in condition "E" below may be used where feasible.*
2. *The discharge structure must include a baffle, skimmer, or other mechanism suitable for preventing oil and grease from discharging from retention/detention areas.*

Mr. Dirk Danley, Jr.
July 21, 2022
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3. *The drainage system must implement the design standards and "best management practices" outlined in the ADA and in all supplementary material.*

[The system was already designed and constructed. That design was approved by Lee County and SFWMD (including design standards based on the ADA and BMP's from that time, as noted below). These conditions (B.1 – B.3) were imposed prior to submittal of the local development order for construction of the drainage infrastructure for this site. Before that local development order could be approved, this drainage system must have been "redesigned to provide greater upland (dry) retention/detention of runoff." Otherwise, the DO would not have been approved, constructed, and certified to the SFWMD and to Lee County as being in compliance with those approved plans. See attached certification.

Also note, Special Condition #10 of the permit requires that Drainage plans for individual tracts shall be submitted to the District for approval and must be accompanied by calculations showing that ½" of dry pre-treatment has been provided prior to discharge into the backbone management system. That increased dry retention would be in response to BMP and design requirements in Conditions B.1 and B.3.

[See the attached Schedule of documents for the back up information referenced above]

3. What measures has the applicant taken to meet all of the regulations enacted for the protection of the Lakes Park Watershed water quality as required in Condition B.7.? Explain how the applicant has met, and continues to meet, the requirements of Condition B.7.

DRI Condition B.7:

7. The project is subject to all regulations of Lee County for the protection of the Lakes Regional Park Watershed and Lakes Regional Park water quality.

[The condition is not a requirement but an informational statement that the Lakes Park Watershed regulations and standards apply. We acknowledge that. The LDC gives the County the ability to enforce those standards and the permit (as noted in the SFWMD Staff Report) clearly anticipated that there would be County monitoring through that program. If those standards are not being met by this project, then remedial measures may be required under the LDC/Lakes Park regulations.

6. Provide the required monitoring plan for staff review, as approved by the required agencies. The plan must include sample location points, a list of constituents monitored for and dates taken, as stated in condition B.4. Also include a plan to maintain this program in perpetuity. Please provide laboratory test results of water quality monitoring program conducted thus far. Please be advised that storm water leaving the Cypress Lake Center must meet state water quality standards.

7. Condition B.4. states the developer and or his successors (s), shall implement an on-going maintenance and monitoring program that regularly inspects, maintains and samples the stormwater drainage system. The program shall be designed in consultation with the staffs of the Southwest Florida

Mr. Dirk Danley, Jr.
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Page 3

Regional Planning Council, the South Florida Water Management District, and Lee County. Final approval of the program rest with Lee County. The program shall be redesigned, if necessary to incorporate any county ordinances and/ or policies relating to the Lakes Park drainage basin. If the quality of surface water runoff does not meet any present or future standards, then the developer shall take remedial measures to improve the system to meet these standards, entirely at the developer's expense. The developer shall be responsible for any remedial measures required by the county, including all costs.

DRI Condition B.4

4. The developer and/or his successor(s), must implement an on-going maintenance and monitoring program that regularly inspects, maintains, and samples the stormwater drainage system. The program must be designed in consultation with the staffs of the Southwest Florida Regional Planning Council, the South Florida Water Management District, and Lee County. Final approval of the program rests with Lee County. The program must be redesigned, if necessary, to incorporate any County ordinances and/or policies relating to the Lakes Park drainage basin. If the quality of surface water runoff does not meet any present or future standards, then the developer must take remedial measures to improve the system to meet these standards, entirely at the developer's expense. The developer is responsible for any remedial measures required by the County, including all costs.

[As noted above, the Staff Report for the SFWMD permit reflects that the intention was that monitoring would be addressed by the Lakes Park Watershed requirements in LDC §10-531 to 10-541. The Lakes Park Watershed standards call for LDC §10-540:

(a) SFWMD Permit [See Permit #36-00759-S];

(b) Connection to a central sewer system [Done];

(c) Prohibits underground stormwater management [The applicant is not aware of any at the Cypress Lake Center DRI];

(d) Onsite drainage retention/detention meeting 3 standards [which the 1986 designed/approved drainage system must have met, since those standards were in effect at the time, in order to have received the County's Letter of Substantial Compliance];

(e) A maximum single-point discharge [which the plans show and the Letter of Substantial Compliance also acknowledged]; and

(f) Calls for monitoring and testing for a period of 1 year beginning with the first discharge. [That "ongoing monitoring or testing" would have been applied monthly for twelve months in 1986-1987 in accordance with the newly adopted Lakes Park Watershed Regulations, as referenced in the staff report comments, and would have ended by 1988 at the latest. There is no indication that monitoring and testing was required after that first year.]

Mr. Dirk Danley, Jr.
July 21, 2022
Page 4

ATTACHED SCHEDULE OF DOCUMENTS:

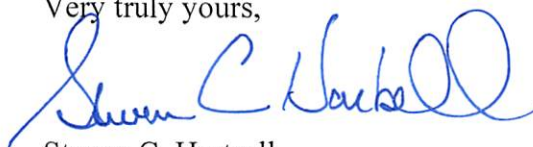
As backup, see the following documents:

1. ***The SFWMD Staff Report and Permit #36-00759-S showing the Water Quality BMP of dry pre-treatment of ½" of runoff from lots will be provided prior to discharge into the Lake, and Special Condition #10 implementing that BMP. Also note Page 2 of the Staff Report, Additional Comments reflecting that:***

"... Water Quality Monitoring requirements for this project will be handled through the Lee County Lake Park Drainage District Water Quality Monitoring program."
2. ***For approved Drainage plans, please see the attached Approved FDO and Drainage Plan from a set of documents we pulled from County files in 2019. That sheet shows the approved single outfall drainage plan approved in 1987.***
3. ***The Engineer's Surface Water Management System Certification letter from Seiler Keller, is dated October 2, 1987, to the SFWMD confirming that it was built to conform with the plans that the County and SFWMD approved.***
4. ***The County Letter of Substantial Compliance includes changes made to the stormwater system per SFWMD [including reducing from two outfalls to a single point discharge, which is consistent with Lakes Park requirements in §10-540(e) which were already in effect and part of the review in 1986] and changes to the lake/berm per Ray Judah when he was Staff.***
5. ***Also included is the Storm Sewer Tabulation Form from which NR may be able to glean some of the info they seek.***
6. ***1987 Annual Status Report showing the status of infrastructure improvements as of December 26, 1986***

Please feel free to contact me when you are available to discuss this matter. Thank you for your continued assistance.

Very truly yours,



Steven C. Hartsell

SCH/llp

✓ Enclosures: as stated

✓ cc: Client via email
atmts: as stated

✓ cc: Becky Sweigert w/encl. via email

SFWMD Staff Report and Permit #36-00759-S

Staff Report
 Permit
 #36-00759-S

GENERAL PERMIT DUE BY:
 April 6, 1987

SURFACE WATER MANAGEMENT STAFF REVIEW SUMMARY

APPLICATION NO.: 04156-J

PROJECT NAME: Cypress Lake Center

LOCATION: Lee COUNTY, S23/T45S/R24E

APPLICANTS NAME AND ADDRESS: Vector Land Group
 2121 Ponce De Leon Blvd., Suite 900
 Coral Gables, FL 33134

OWNER: Same

DEVELOPER: Same

ENGINEER: Seiler, Keller & Associates

REVIEWER RATING OF PROJECT DESIGN

1. Suitability of land for proposed use	(GOOD)	FAIR	POOR	NOT APPLICABLE
2. Water quantity impacts	(GOOD)	FAIR	POOR	NOT APPLICABLE
3. Water quality impacts	(GOOD)	FAIR	POOR	NOT APPLICABLE
4. Environmental impacts	GOOD	FAIR	POOR	(NOT SIGNIFICANT)
5. Water conservation	(GOOD)	FAIR	POOR	NOT APPLICABLE
6. Flood protection	(GOOD)	FAIR	POOR	NOT APPLICABLE
7. Relief from rainstorm inconvenience	(GOOD)	FAIR	POOR	NOT APPLICABLE
8. System maintainability	(GOOD)	FAIR	POOR	NOT

WATER QUALITY

- A. ADVERSE IMPACTS EXPECTED: NO
- B. BEST MANAGEMENT PRACTICES UTILIZED: Dry pre-treatment of the first 1/2 of runoff from the lots will be provided prior to discharge into the lake system.

ENVIRONMENTAL

- A. SIGNIFICANT ADVERSE IMPACTS EXPECTED: NO
- B. COMMENTS: The project site is primarily vegetated with pines, saw palmettos and Melaleuca quinquenervia. There are no viable wetlands contained within the project boundaries. The project as proposed shall have an insignificant environmental impact.

LAND USE

PRESENT ZONING Office Park, Business and Hotel, ALLOWED DENSITY N/A DU/A

PROPOSED USE COMMERCIAL, HOTEL, PROPOSED DENSITY N/A DU/A

COMPATIBLE: YES

POTABLE WATER: Florida Cities Water Company

PERMITTED ALLOCATION	<u>9.1729</u>	MGD
PRESENT WITHDRAWAL	<u>4.3052</u>	MGD
PROJECTED DEMAND	<u>N/A</u>	MGD

WASTEWATER TREATMENT: Florida Cities Water Company

ADDITIONAL COMMENTS: This parcel was originally part of the 68.66 acre Cypress Lake Center Development of Regional Impact which was previously reviewed by District staff and for which an Impact Assessment Report was approved by the Governing Board on 2-14-85 for transmittal to the Southwest Florida Regional Planning Council. Since it was part of the DRI, the original D.O. conditions were binding on the proposed project, two of which dealt with water management related concerns which were identified in the District's Impact Assessment Report. On May 2, 1986 the District issued General Permit No. 36-00667-S for the northern 31.09 acres of the original DRI to Cypress Lake Associates, Inc. Water Quality monitoring requirements for this project will be handled through the Lee County Lake Park Drainage District Water Quality Monitoring Program.

APPLICATION REVIEWER:

SUPERVISOR/CHECKER:

TECHNICAL: M. Daron

E. Yaun

WATER QUALITY: M. Daron

S. Anderson

ENVIRONMENTAL: R. Boylan

C. Padera

APPROVED:

DIVISION DIRECTOR:

Charles W. Pemble
Charles W. Pemble, P.E.
Water Management Division
Resource Control Department

DATE: 3-25-87

Subject to the following 12 Standard Limiting and 10 Special Conditions (for conceptual approvals only, these conditions as a minimum will apply to subsequent construction permitting).

SPECIAL CONDITIONS

1. MINIMUM BUILDING FLOOR ELEVATION 11.0 FEET NGVD.
2. MINIMUM ROAD CROWN ELEVATION 9.2 FEET NGVD.
3. DISCHARGE FACILITIES:

DESCRIPTION: 1-7.6" DIAMETER CIRCULAR ORIFICE WITH AN INVERT AT ELEVATION 6.8' NGVD, AND 40 LF OF 60" DIAMETER RCP CULVERT INTO A FORMER IDD CANAL.

RECEIVING WATER: A FORMER IDD CANAL.

CONTROL ELEVATION: 6.8 FEET NGVD

4. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY EROSION OR SHOALING PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM.
5. MEASURES SHALL BE TAKEN DURING CONSTRUCTION TO INSURE THAT SEDIMENTATION AND/OR TURBIDITY PROBLEMS ARE NOT CREATED IN THE RECEIVING WATER.
6. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY WATER QUALITY PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM.
7. THE DISTRICT RESERVES THE RIGHT TO REQUIRE THAT WATER QUALITY TREATMENT METHODS BE INCORPORATED INTO THE DRAINAGE SYSTEM IF SUCH MEASURES ARE SHOWN TO BE NECESSARY.
8. OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM SHALL BE THE RESPONSIBILITY OF A PROPERTY OWNERS ASSOCIATION.
9. LAKE SIDE SLOPES SHALL BE 6:1 (HORIZONTAL:VERTICAL) TO A DEPTH OF TWO FEET BELOW THE CONTROL ELEVATION. SIDE SLOPES SHALL BE NURTURED OR PLANTED FROM 2 FEET BELOW TO 1 FOOT ABOVE CONTROL ELEVATION TO INSURE VEGETATIVE GROWTH.
10. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION OF THE INDIVIDUAL TRACTS, PAVING, GRADING, AND DRAINAGE PLANS SHALL BE SUBMITTED TO THE DISTRICT FOR REVIEW AND APPROVAL. SUBMITTED PLANS SHALL BE ACCOMPANIED BY CALCULATIONS FOR EACH TRACT WHICH SHOW THAT 1/2" OF DRY-PRETREATMENT HAS BEEN PROVIDED PRIOR TO DISCHARGE TO THE BACKBONE SYSTEM.

STAFF REPORT DISTRIBUTION LIST

PROJECT Cypress Lake Center

APPLICATION NUMBER 04156-J

INTERNAL DISTRIBUTION

X Reviewer: M. Daron
X S. Coughanour
X F. Davis
X C. Pemble
X S. Lamb
C. de Rojas
J. Nichols
X E. Yaun
Kissimmee Office
X Fort Myers Office
X Inspection
X C. Padera
X J. Hall
X Legal
J. Wodraska
W. Brannen
X A. Hall
X J. Schweigart

EXTERNAL DISTRIBUTION

DEPARTMENT OF ENVIRONMENTAL
REGULATION

W.P.B.
X Ft. Myers
Orlando
Tallahassee
Port St. Lucie

GOVERNING BOARD MEMBERS

Ms. Nancy Roen
Mr. J. Neil Gallagher
Mr. William E. Sadowski
Mr. Timer E. Powers
Mr. Nathaniel P. Reed
Mr. John F. Flanigan
Dr. Kathleen Abrams
X Mr. Stanley W. Hole
X Mr. Oscar Corbin
X Applicant
Vector Land Group
X Applicant's Consultant:
Seiler Kellen & Associates

EXTERNAL DISTRIBUTION CONTINUED

Engineer, City of
Local Drainage District

BUILDING AND ZONING

Boca Raton
Boynton Beach
Royal Palm Beach
Tequesta
West Palm Beach

COUNTY

Broward-Dir. Water Mgmt Division
Collier-Agricultural Agent
Dade-DERM
X Lee-Long Range Planning
X -Mosquito Control
X -E.P.S.
Martin-Planning and Zoning
Palm Beach-Building Department
-Area Planning Board
-School Brd, Plant Planning
Polk-Water Resources Department
Fred Vidzes, Big Cypress Basin
Kissimmee River Coordinating Council
X Other: Lee Co: Ag. Agent
X John R. Musser, P.E.
Duane Hall Associates, Ltd.
6313 Corporate Court, Suite E
Ft. Myers, FL 33907
X David Burr
SWFRCP
2121 West First Street
Ft. Myers, FL 33901



South Florida Water Management District

Post Office Box 24680 3301 Gun Club Road
West Palm Beach, Florida 33416-4680
Telephone (305) 686-8800
Florida WATS Line 1-800-432-2045

John R. Wodraska, Executive Director
Tilford C. Creel, Deputy Executive Director

IN REPLY REFER TO:

CERTIFIED MAIL NO. P 686 741 281
Resource Control Department
Application No.: 04156-J

March 26, 1987

Vector Land Group
2121 Ponce De Leon Blvd., Suite 900
Coral Gables, FL 33134

Dear Sir or Madam:

Subject: General Permit No.: 36-00759-S
Permittee: Vector Land Group
Project : Cypress Lake Center
Location : Lee County, S23/T45S/R24E

ADDL/REVISED SUBMITTAL

AUG 26 1992

FT. MYERS

This letter is to acknowledge receipt of your Intent to Construct Works pursuant to Rule 40E-40, Florida Administrative Code.

Based on the information provided, District rules have been adhered to and a General Permit is in effect for this project subject to the 12 Standard Limiting Conditions and 10 Special Conditions of the attached staff report.

Should you object to these Conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. Please contact this office if you have any questions concerning this matter. If we do not hear from you prior to the date specified in the "Notice of Rights," we will assume that you concur with the District's recommendation.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a "Notice of Rights" has been mailed to the addressee (and the persons listed in the attached distribution list) not later than 5:00 p.m. this 26th day of March, 1987, in accordance with Section 120.60(3), Florida Statutes.

Sincerely,

Charles W. Pemble

Charles W. Pemble, P.E., Director
Water Management Division

CWP/ks
Enclosures

William E. Sadowski
Chairman - Miami

John F. Flanigan
Vice Chairman - North Palm Beach

Stanley W. Hole

J. Neil Gallagher

Nathaniel P. Reed

Kathleen Shea Abrams

Timothy E. Powers

Nancy H. Roen

Oscar M. Corbin, Jr.



FORM #0300
1/87

South Florida Water Management District NOTICE OF RIGHTS

This Notice of Rights is intended to inform the recipient of the administrative and judicial review which may be available as mandated by section 120.60(3), Florida Statutes. Be advised that although this notice is intended to be comprehensive, the review procedures set forth herein have been the subject of judicial construction and interpretation which may affect the administrative or judicial review available. Recipients are therefore advised to become familiar with Chapters 120 and 373, Florida Statutes, and the judicial interpretation of the provisions of these chapters.

1. If a substantially affected person objects to the staff's recommendation, that person has the right to request an administrative hearing on the proposed agency action. The substantially affected person may request either a formal or an informal hearing as set forth below. Failure to comply with the prescribed time periods shall constitute a waiver of the right to a hearing.
2. If the substantially affected person believes that a genuine issue of material fact is in dispute, that person may request a formal hearing pursuant to section 120.57(1), Florida Statutes, by filing a petition for hearing not later than April 9 1987. The request for a 120.57(1) formal hearing must comply with the requirements of rule 40E-1.521 Florida Administrative Code, a copy of which is attached. Petitions are deemed filed upon receipt by the District. Failure to substantially comply with the provisions of rule 40E-1.521 Florida Administrative Code shall constitute a waiver of the right to a 120.57(1) hearing.
3. If a substantially affected person believes that no issues of material fact are in dispute, that person may request an informal hearing pursuant to section 120.57(2), Florida Statutes, by filing a petition for hearing not later than April 9 1987. A request for informal hearing shall be considered as a waiver of the right to request a formal section 120.57(1) hearing. A request for a section 120.57(1) formal hearing not in substantial compliance with the provisions of rule 40E-1.521 Florida Administrative Code, may be considered by the District as a request for informal hearing.
4. Pursuant to section 373.114, Florida Statutes, a party to the proceeding below may seek review of a Final Order rendered on the permit application before the Land and Water Adjudicatory Commission, as provided therein. Review under this section is initiated by filing a request for review with the Land and Water Adjudicatory Commission and serving a copy on the Department of Environmental Regulation and any person named in the Order within 20 days after rendering of the District's Order. However, when the order to be reviewed has statewide or regional significance, as determined by the Land and Water Adjudicatory Commission within 60 days after receipt of a request for review, the commission may accept a request for review from any affected person within 30 days after the rendering of the order. Review under section 373.114, Florida Statutes is limited solely to a determination of consistency with the provisions and purposes of Chapter 373, Florida Statutes. This review is appellate in nature and limited to the record below.
5. A party who is adversely affected by final agency action on the permit application is entitled to judicial review in the District Court of Appeal pursuant to section 120.68, Florida Statutes, as provided therein. Review under section 120.68, Florida Statutes in the District Court of Appeal is initiated by filing a petition in the appropriate District Court of Appeal in accordance with Florida rule of appellate procedure 9.110. The Notice of Appeal must be filed within 30 days of the final agency action.
6. Section 373.617(2), Florida Statutes, provides:
Any person substantially affected by a final action of any agency with respect to a permit may seek review within 90 days of the rendering of such decision and request monetary damages and other relief in the circuit court in the judicial circuit in which the affected property is located; however, circuit court review shall be confined solely to determining whether final agency action is an unreasonable exercise of the state's police power constituting a taking without just compensation. Review of final agency action for the purpose of determining whether the action is in accordance with existing statutes or rules and based on component substantial evidence shall proceed in accordance with Chapter 120.
7. Please be advised that exhaustion of administrative remedies is generally a prerequisite to appeal to the District Court of Appeal or the seeking of Circuit Court review of final agency action by the District on the permit application. There are, however, exceptions to the exhaustion requirement. The applicant is advised to consult the case law as to the requirements for exhaustion exceptions.

GENERAL PERMIT DUE BY:
April 6, 1987

SURFACE WATER MANAGEMENT STAFF REVIEW SUMMARY

APPLICATION NO.: 04156-J

PROJECT NAME: Cypress Lake Center

LOCATION: Lee COUNTY, S23/T45S/R24E

APPLICANTS NAME AND ADDRESS: Vector Land Group
2121 Ponce De Leon Blvd., Suite 900
Coral Gables, FL 33134

OWNER: Same

DEVELOPER: Same

ENGINEER: Seiler, Keller & Associates

REVIEWER RATING OF PROJECT DESIGN

1. Suitability of land for proposed use	GOOD	FAIR	POOR	NOT APPLICABLE
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6. Flood protection	GOOD	FAIR	POOR	NOT APPLICABLE
7. Relief from rainstorm inconvenience	GOOD	FAIR	POOR	NOT APPLICABLE
8. System maintainability	GOOD	FAIR	POOR	NOT APPLICABLE
9. Overall use of land with respect to water resource	GOOD	FAIR	POOR	NOT APPLICABLE
10. Water management system with respect to feasible alternatives	GOOD	FAIR	POOR	NOT APPLICABLE

WATER QUALITY

A. ADVERSE IMPACTS EXPECTED: NO

B. BEST MANAGEMENT PRACTICES UTILIZED: Dry pre-treatment of the first 1/2 inch runoff from the lots will be provided prior to discharge into the lake system.

ENVIRONMENTAL

A. SIGNIFICANT ADVERSE IMPACTS EXPECTED: NO

B. COMMENTS: The project site is primarily vegetated with pines, saw palmetto and Melaleuca quinquenervia. There are no viable wetlands contained within the project boundaries. The project as proposed shall have an insignificant environmental impact.

LAND USE

PRESENT ZONING Office Park, Business and Hotel, ALLOWED DENSITY N/A

PROPOSED USE COMMERCIAL, HOTEL, PROPOSED DENSITY N/A

COMPATIBLE: YES

POTABLE WATER: Florida Cities Water Company

PERMITTED ALLOCATION	<u>9.1729</u>	MGD
PRESENT WITHDRAWAL	<u>4.3052</u>	MGD
PROJECTED DEMAND	<u>N/A</u>	MGD

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ENVIRONMENTAL: R. Boylan

C. Padera

APPROVED:

DIVISION DIRECTOR:

Charles W. Pemble
Charles W. Pemble, P.E.
Water Management Division
Resource Control Department

DATE: 3-25-87

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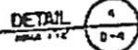
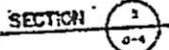
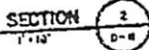
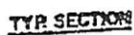
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3. DISCHARGE FACILITIES:

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RECEIVING WATER: A FORMER IDD CANAL.

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[illegible]

STAFF REPORT DISTRIBUTION LIST

PROJECT Cypress Lake Center

APPLICATION NUMBER 04156-J

INTERNAL DISTRIBUTION

X Reviewer: M. Daron
X S. Coughanour

X F. Davis
X C. Pemble
X S. Lamb
C. de Rojas
J. Nichols
X E. Yaun
Kissimmee Office
X Fort Myers Office
X Inspection
X C. Padera
X J. Hall
X Legal

J. Wodraska
W. Brannen

X A. Hall
X J. Schweigart

EXTERNAL DISTRIBUTION

DEPARTMENT OF ENVIRONMENTAL
REGULATION

W.P.B.
X Ft. Myers
Orlando
Tallahassee
Port St. Lucie

GOVERNING BOARD MEMBERS

Ms. Nancy Roen
Mr. J. Neil Gallagher
Mr. William E. Sadowski
Mr. Timer E. Powers
Mr. Nathaniel P. Reed
Mr. John F. Flanigan
Dr. Kathleen Abrams
X Mr. Stanley W. Hole
X Mr. Oscar Corbin

X Applicant
Vector Land Group
X Applicant's Consultant:
Seller Keller & Associates
Applicant's Agent:

X Engineer, County of
Lee

EXTERNAL DISTRIBUTION CONTINUED

Engineer, City of
Local Drainage District

BUILDING AND ZONING

Boca Raton
Boynton Beach
Royal Palm Beach
Tequesta
West Palm Beach

COUNTY

Broward-Dir. Water Mgmt Division
Collier-Agricultural Agent
Dade-DEEM
X Lee-Long Range Planning
X -Mosquito Control
X -E.P.S.
Martin-Planning and Zoning
Palm Beach-Building Department
-Area Planning Board
-School Bld, Plant Planning
Polk-Water Resources Department

Fred Vidzes, Big Cypress Basin
Kissimmee River Coordinating Council

X Other: Lee Co. Ag. Agent

X John R. Musser, P.E.
Duane Hall Associates, Ltd.
6313 Corporate Court, Suite E
Ft. Myers, FL 33907

X David Burr
SWFRC
2121 West First Street
Ft. Myers, FL 33901

X Mary Gibbs
Lee County Zoning and
Development Review Div.
P.O. Box 398
Ft. Myers, FL 33902



South Florida Water Management District

P.O. Box 24680 • 3301 Gun Club Road • West Palm Beach, FL 33416-4680 • (407) 686-8800 • FL WATS 1-800

CON 24-06

District Permit No. 36-00759-S
Regulation Department

May 28, 1991

Gerald E. Freed, President
Cypress Lake Center Association, Ltd.
2121 Ponce de Leon Boulevard, Suite 900
Coral Gables, Florida 33134

Dear Mr. Freed:

Subject: Notice of Permit Transfer from Construction Phase to Operation Phase,
Cypress Lake Center, Lee County
Section 23, Township 45 South, Range 24 East

Pursuant to your request of December 11, 1990 for transfer of the surface water management permit from Construction Phase to Operation Phase, you are hereby officially notified that Permit No. 36-00759-S has been transferred from Vector Land Group, Inc. Cypress Lake Center Association, Ltd. A copy of the permit, including conditions, enclosed.

If we can be of further assistance, please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Anne Roth".

Anne Roth, Director
Regulatory Administration Division

AR:si
Enclosure

c: Vector Land Group, Inc.
DER
Lee County Engineer

bc: Office of Counsel
Area Engineer
Field Representative
Enforcement
Permit File/Pat Bomgardner
Day Copy
Karen Wallace
John Krupilis



South Florida Water Management District

Post Office Box 24680 3301 Gun Club Road
West Palm Beach, Florida 33416-4680
Telephone (305) 686-8300
Florida WATS Line 1-800-432-2045

file
John R. Wodarski, Executive Director
Telford C. Greel, Deputy Executive Director

Q1A015
ITEM 124
P1220

IN REPLY REFER TO

CERTIFIED MAIL NO. P 686 741 281
Resource Control Department
Application No.: 04156-J

March 26, 1987

Cypress Lake Center Association, Ltd.
2121 Ponce de Leon Boulevard, Suite 900
Coral Gables, Florida 33134

Dear Sir or Madam:

Subject: General Permit No.: 36-00759-S

Permittee: Cypress Lake Center Association, Ltd.

Project: Cypress Lake Center

Location: Lee County, S23/T45S/R24E

This letter is to acknowledge receipt of your Intent to Construct Works pursuant to Rule 40E-10, Florida Administrative Code.

Based on the information provided, District rules have been adhered to and a General Permit is in effect for this project subject to the 12 Standard Limiting Conditions and 10 Special Conditions of the attached staff report.

Should you object to these Conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed, if you desire a public hearing or other review of the proposed agency action. Please contact this office if you have any questions concerning this matter. If we do not hear from you prior to the date specified in the "Notice of Rights," we will assume that you concur with the District's recommendation.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a "Notice of Rights" has been mailed to the addressee (and the persons listed in the attached distribution list) not later than 5:00 p.m. this 26th day of March, 1987, in accordance with Section 120.60(3), Florida Statutes.

Sincerely,

Charles W. Pemble

Charles W. Pemble, P.E., Director
Water Management Division

CWP/ES
Enclosures

LIMITING CONDITIONS

1. THE PERMITTEE SHALL PROSECUTE THE WORK AUTHORIZED IN A MANNER SO AS TO MINIMIZE ANY ADVERSE IMPACT OF THE WORKS ON FISH, WILDLIFE, NATURAL ENVIRONMENTAL VALUES, AND WATER QUALITY. THE PERMITTEE SHALL INSTITUTE NECESSARY MEASURES DURING THE CONSTRUCTION PERIOD, INCLUDING FULL COMPACTION OF ANY FILL MATERIAL PLACED AROUND NEWLY INSTALLED STRUCTURES, TO REDUCE EROSION, TURBIDITY, NUTRIENT LOADING AND SEDIMENTATION IN THE RECEIVING WATERS.
2. WATER QUALITY DATA FOR THE WATER DISCHARGED FROM THE PERMITTEE'S PROPERTY OR INTO SURFACE WATERS OF THE STATE SHALL BE SUBMITTED TO THE DISTRICT AS REQUIRED. PARAMETERS TO BE MONITORED MAY INCLUDE THOSE LISTED IN CHAPTER 17-3. IF WATER QUALITY DATA IS REQUIRED, THE PERMITTEE SHALL PROVIDE DATA AS REQUIRED, ON VOLUMES OF WATER DISCHARGED, INCLUDING TOTAL VOLUME DISCHARGED DURING THE DAYS OF SAMPLING AND TOTAL MONTHLY DISCHARGES FROM THE PROPERTY OR INTO SURFACE WATERS OF THE STATE.
3. THE PERMITTEE SHALL COMPLY WITH ALL APPLICABLE LOCAL SUBDIVISION REGULATIONS AND OTHER LOCAL REQUIREMENTS. IN ADDITION THE PERMITTEE SHALL OBTAIN ALL NECESSARY FEDERAL, STATE, LOCAL AND SPECIAL DISTRICT AUTHORIZATIONS PRIOR TO THE START OF ANY CONSTRUCTION OR ALTERATION OF WORKS AUTHORIZED BY THIS PERMIT.
4. THE OPERATION PHASE OF THIS PERMIT SHALL NOT BECOME EFFECTIVE UNTIL A FLORIDA REGISTERED PROFESSIONAL ENGINEER CERTIFIES THAT ALL FACILITIES HAVE BEEN CONSTRUCTED IN ACCORDANCE WITH THE DESIGN APPROVED BY THE DISTRICT. WITHIN 30 DAYS AFTER COMPLETION OF CONSTRUCTION OF THE SURFACE WATER MANAGEMENT SYSTEM, THE PERMITTEE SHALL SUBMIT THE CERTIFICATION AND NOTIFY THE DISTRICT THAT THE FACILITIES ARE READY FOR INSPECTION AND APPROVAL. UPON APPROVAL OF THE COMPLETED SURFACE WATER MANAGEMENT SYSTEM, THE PERMITTEE SHALL REQUEST TRANSFER OF THE PERMIT TO THE RESPONSIBLE ENTITY APPROVED BY THE DISTRICT.
5. ALL ROADS SHALL BE SET AT OR ABOVE ELEVATIONS REQUIRED BY THE APPLICABLE LOCAL GOVERNMENT FLOOD CRITERIA.
6. ALL BUILDING FLOORS SHALL BE SET AT OR ABOVE ELEVATIONS ACCEPTABLE TO THE APPLICABLE LOCAL GOVERNMENT.
7. OFF-SITE DISCHARGES DURING CONSTRUCTION AND DEVELOPMENT SHALL BE MADE ONLY THROUGH THE FACILITIES AUTHORIZED BY THIS PERMIT. NO ROADWAY OR BUILDING CONSTRUCTION SHALL COMMENCE ON-SITE UNTIL COMPLETION OF THE PERMITTED DISCHARGE STRUCTURE AND DETENTION AREAS. WATER DISCHARGED FROM THE PROJECT SHALL BE THROUGH STRUCTURES HAVING A MECHANISM SUITABLE FOR REGULATING UPSTREAM WATER STAGES. STAGES MAY BE SUBJECT TO OPERATING SCHEDULES SATISFACTORY TO THE DISTRICT.
8. NO CONSTRUCTION AUTHORIZED HEREIN SHALL COMMENCE UNTIL A RESPONSIBLE ENTITY ACCEPTABLE TO THE DISTRICT HAS BEEN ESTABLISHED AND HAS AGREED TO OPERATE AND MAINTAIN THE SYSTEM. THE ENTITY MUST BE PROVIDED WITH SUFFICIENT OWNERSHIP SO THAT IT HAS CONTROL OVER ALL WATER MANAGEMENT FACILITIES AUTHORIZED HEREIN. UPON RECEIPT OF WRITTEN EVIDENCE OF THE SATISFACTION OF THIS CONDITION, THE DISTRICT WILL ISSUE AN AUTHORIZATION TO COMMENCE CONSTRUCTION.
9. THE PERMIT DOES NOT CONVEY TO THE PERMITTEE ANY PROPERTY RIGHT NOR ANY RIGHTS OR PRIVILEGES OTHER THAN THOSE SPECIFIED IN THE PERMIT AND CHAPTER 10E-4, FAC.
10. THE PERMITTEE SHALL HOLD AND SAVE THE DISTRICT HARMLESS FROM ANY AND ALL DAMAGES, CLAIMS, OR LIABILITIES WHICH MAY ARISE BY REASON OF THE CONSTRUCTION, OPERATION, MAINTENANCE OR USE OF ANY FACILITY AUTHORIZED BY THE PERMIT.
11. THIS PERMIT IS ISSUED BASED ON THE APPLICANT'S SUBMITTED INFORMATION WHICH REASONABLY DEMONSTRATES THAT ADVERSE OFF-SITE WATER RESOURCE RELATED IMPACTS WILL NOT BE CAUSED BY THE COMPLETED PERMIT ACTIVITY. IT IS ALSO THE RESPONSIBILITY OF THE PERMITTEE TO INSURE THAT ADVERSE OFF-SITE WATER RESOURCE RELATED IMPACTS DO NOT OCCUR DURING CONSTRUCTION.
12. PRIOR TO DEWATERING, PLANS SHALL BE SUBMITTED TO THE DISTRICT FOR APPROVAL. INFORMATION SHALL INCLUDE AS A MINIMUM: PUMP SIZES, LOCATIONS AND HOURS OF OPERATION FOR EACH PUMP. IF OFF-SITE DISCHARGE IS PROPOSED, OR OFF-SITE ADVERSE IMPACTS ARE EVIDENT, AN INDIVIDUAL WATER USE PERMIT MAY BE REQUIRED. THE PERMITTEE IS CAUTIONED THAT SEVERAL MONTHS MAY BE REQUIRED FOR CONSIDERATION OF THE WATER USE PERMIT APPLICATION.

SPECIAL CONDITIONS

1. MINIMUM BUILDING FLOOR ELEVATION 11.0 FEET NGVD.
2. MINIMUM ROAD CROWN ELEVATION 9.2 FEET NGVD.
3. DISCHARGE FACILITIES:

DESCRIPTION: 1-7.6" DIAMETER CIRCULAR ORIFICE WITH AN INVERT AT ELEVATION 6.8' NGVD, AND 40 LF OF 60" DIAMETER RCP CULVERT INTO A FORMER IDD CANAL.

RECEIVING WATER: A FORMER IDD CANAL.

CONTROL ELEVATION: 6.8 FEET NGVD.

4. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY EROSION OR SHOALING PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM.
5. MEASURES SHALL BE TAKEN DURING CONSTRUCTION TO INSURE THAT SEDIMENTATION AND/OR TURBIDITY PROBLEMS ARE NOT CREATED IN THE RECEIVING WATER.
6. THE PERMITTEE SHALL BE RESPONSIBLE FOR THE CORRECTION OF ANY WATER QUALITY PROBLEMS THAT RESULT FROM THE CONSTRUCTION OR OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM.
7. THE DISTRICT RESERVES THE RIGHT TO REQUIRE THAT WATER QUALITY TREATMENT METHODS BE INCORPORATED INTO THE DRAINAGE SYSTEM IF SUCH MEASURES ARE SHOWN TO BE NECESSARY.
8. OPERATION OF THE SURFACE WATER MANAGEMENT SYSTEM SHALL BE THE RESPONSIBILITY OF A Cypress Lake Center Association, Ltd.
9. LAKE SIDE SLOPES SHALL BE 6:1 (HORIZONTAL:VERTICAL) TO A DEPTH OF TWO FEET BELOW THE CONTROL ELEVATION. SIDE SLOPES SHALL BE NURTURED OR PLANTED FROM 2 FEET BELOW TO 1 FOOT ABOVE CONTROL ELEVATION TO INSURE VEGETATIVE GROWTH.
10. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION OF THE INDIVIDUAL TRACTS, PAVING, GRADING, AND DRAINAGE PLANS SHALL BE SUBMITTED TO THE DISTRICT FOR REVIEW AND APPROVAL. SUBMITTED PLANS SHALL BE ACCOMPANIED BY CALCULATIONS FOR EACH TRACT WHICH SHOW THAT 1/2" OF DRY-PRETREATMENT HAS BEEN PROVIDED PRIOR TO DISCHARGE TO THE BACKBONE SYSTEM.

REQUEST FOR TRANSFER OF SURFACE WATER MANAGEMENT
CONSTRUCTION PHASE TO OPERATION PHASE
(TO BE COMPLETED AND SUBMITTED BY THE OPERATING ENTITY)

RECEIVED

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
Post Office Box 24680
West Palm Beach, Florida 33416-4680

DEC 14 1990

Date: 11 December 1990


REGULATION DEPT. 402
FT. MYERS OFFICE

Gentlemen:

It is requested that District Permit No. 36-00759-S authorizing the construction of a surface water management system for the below mentioned project be transferred from the construction phase to the operation phase. In addition that it be transferred

PROJECT: CYPRESS LAKE CENTER
FROM: Name Vector Land Group, Inc
Address 2121 Ponce de Leon, Suite 900
City Coral Gables State FL Zip 33134
TO: Name Cypress Lake Center Association, Ltd.
Address 2121 Ponce de Leon Blvd., Suite 900
City Coral Gables State FL Zip 33134

The surface water management facilities are hereby accepted for operation and maintenance in accordance with the engineers certification and as outlined in the restrictive covenants, articles of incorporation for the operating entity. It is agreed that all terms and conditions of the permit and subsequent modifications, if any, are understood and accepted. Any proposed modifications shall be authorized by SFWMD prior to such modification. Enclosed is a copy of the document transferring title to the common areas on which the surface water management system is located to the operating entity. The documents for the operating entity were approved by your office on . (If the operating entity has not been approved, the applicant should contact the Regulation Department staff for filing for a permit transfer.)

Cypress Lake Center Association, Ltd.
Operating Entity
By 
Name Gerald E. Freed
Its President
Title

PLEASE TX HL

Enclosure:

- () Copy of transfer of title to surface water management system
- (x) Copy of plat(s)
- () Copy of recorded restrictive covenants, articles of incorporation, certification

FORM 0543
10/87

Request for Final Inspection

Field Engineering Division

Date 12-21-90Final Inspection Requested By: Engineer of recordCounty: Lee Section(s) 23 Twp. 45 Rge. 24Project Name: Cypress Lake CenterPermit No.: 36-00759-SProject Engineer: Seiler, Keller & Assoc., Consulting Eng.Certification Letter Received? Yes ☒ No ☐"As-Built" Drawings Received? Yes ☒ No ☐Area Engineer: P. Comeau Field Representative M. WhiteDate of Final Inspection: 12-21-90

Final Inspection Report

This inspection revealed construction to be complete, all surface water management facilities were found to be constructed in general compliance with permitted special conditions with the attached Engineering Certification and sealed plans this project is complete.

The Cypress Lake Center Project, Permit No 36-00759-S has been constructed in substantial compliance with the terms and conditions of the permit.

12/27/90 P. Comeau

c. Marinho / Consultant / Seiler / Assoc. / Permit File / Inspection

EILER



ELLER

& ASSOCIATES, CONSULTING ENGINEERS

October 2, 1987

RECEIVED

DEC 14 1990

REGULATION DEPT. 402
FT. MYERS OFFICE

R.M. Edenfield
Field Engineering Division
South Florida Water Management District
2269 Bay Street
Fort Myers, FL 33901

SUBJECT: Permit No. 36-00759-5
Project Name: Cypress Lake Center
Location: County - Lee S-23 T-45 R-24

Dear Mr. Edenfield:

This is to certify that I have conducted a field examination of the referenced project. In my professional opinion, the surface water management system is constructed substantially in accordance with the South Florida Water Management District permit and the project will function as it is designed.

I further certify that the outfall structure is as follows:

	<u>Existing</u>	<u>Permitted</u>
Weir:	Size 4' 6" Elev. 8.09	Size 4' 6" Elev. 8.00
Bleeder:	Size 7.6" Elev. 6.92	Size 7.6" Elev. 6.80
Top of		
Box:	Size 4.8' N&S Elev. 8.09 7.3' E&W	

	<u>Existing</u>	<u>Permitted</u>
Retention/Detention/Lake:	Size: 2 acres	Size 2 acres
(if applicable)		
	Side	Side
	Slopes 6/1	Slopes 6/1

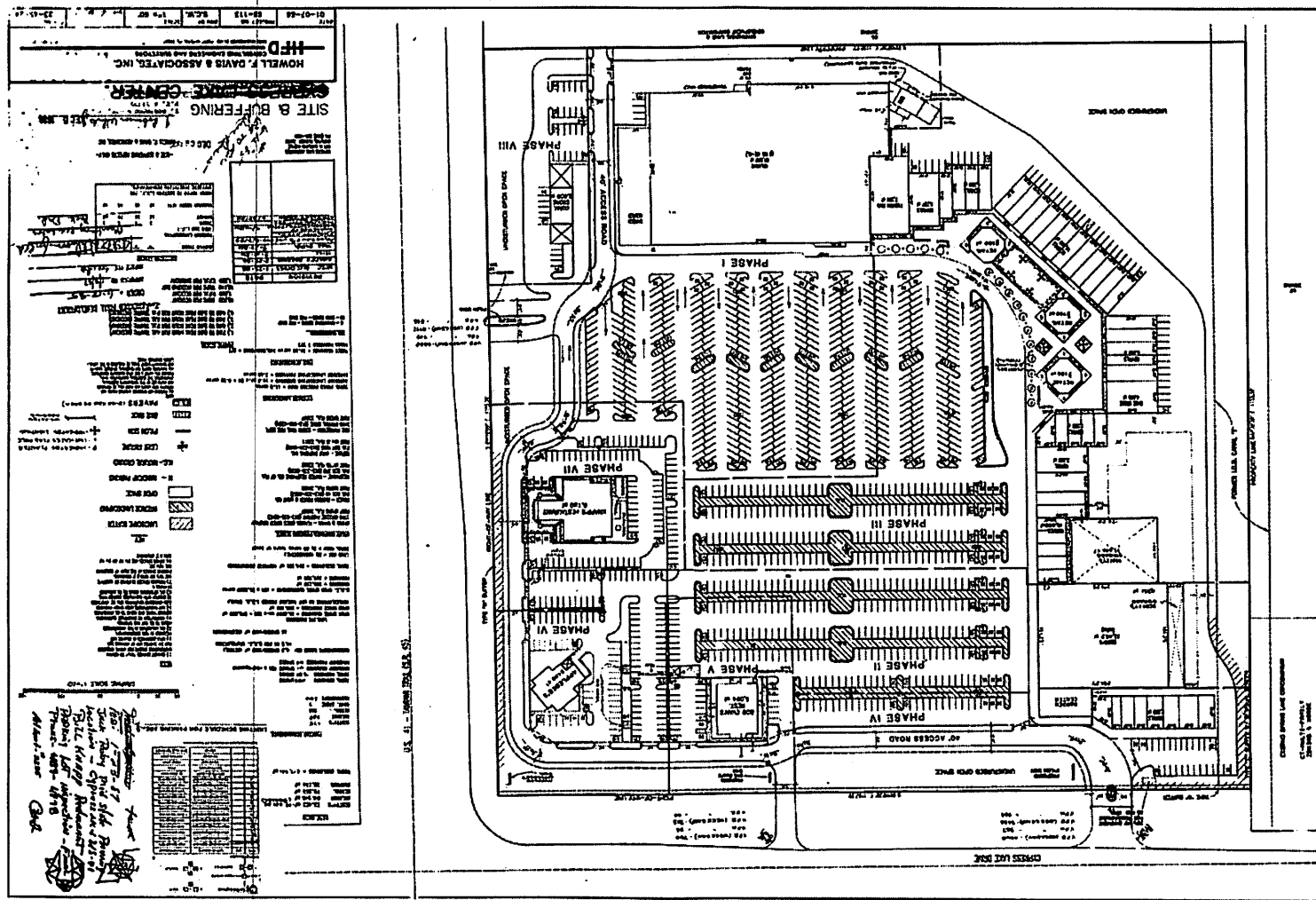
Also, I certify that the items set forth in this permit's Limiting Conditions and Special Conditions have been complied with.

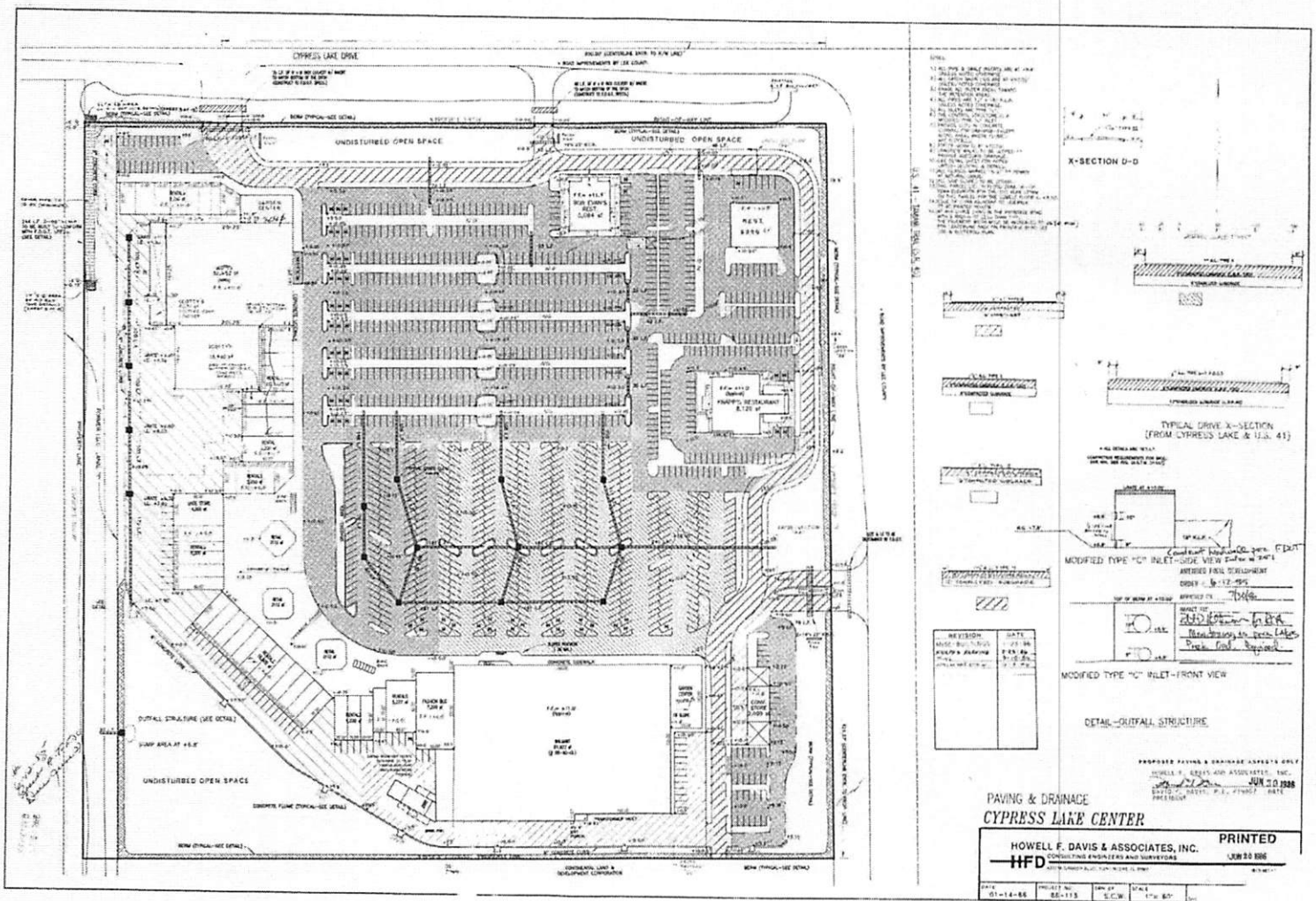
The Bench Mark used on this project is identified as follows:*

Top 60° nail in N. face 14" Australian Pine 100.0' S. & 33.5' E. of weir in the vicinity of the S.W. corner. Labeled Elev. = 17.00

[Signature] 12-10-90
Engineer's Signature and Seal
original previously sent 10-2-87

Approved FDO and Drainage Plan





Engineer's Surface Water Management System Certification Letter October 2, 1987



October 2, 1987

R.M. Edenfield
Field Engineering Division
South Florida Water Management District
2269 Bay Street
Fort Myers, FL 33901

SUBJECT: Permit No. 36-00759-5
Project Name: Cypress Lake Center
Location: County - Lee S-23 T-45 R-24

Dear Mr. Edenfield:

This is to certify that I have conducted a field examination of the referenced project. In my professional opinion, the surface water management system is constructed substantially in accordance with the South Florida Water Management District permit and the project will function as it is designed.

I further certify that the outfall structure is as follows:

<u>Existing</u>	<u>Permitted</u>
Weir: Size 4' 6" Elev. 8.09	Size 4' 6" Elev. 8.00
Bleeder: Size 7.6" Elev. 6.92	Size 7.6" Elev. 6.80
Top of Box: Size 4.8' N&S Elev. 8.09	
7.3' E&W	

<u>Existing</u>	<u>Permitted</u>
Retention/Detention/Lake: Size: 2 acres	Size 2 acres
(if applicable)	
Side Slopes 6/1	Side Slopes 6/1

Also, I certify that the items set forth in this permit's Limiting Conditions and Special Conditions have been complied with.

The Bench Mark used on this project is identified as follows:*

Top 60° nail in N. face 14" Australian Pine 100.0' S. & 33.5' E. of weir in the vicinity of the S.W. corner. Labeled Elev. = 12.00



Engineer's Signature and Seal

*A minimum of one bench mark in a well defined form must be provided near or on the outfall structure so that it facilitates inspection. The elevation should be based on NGVD datum.

Lee County's Letter of Substantial Compliance

VECTOR LAND GROUP

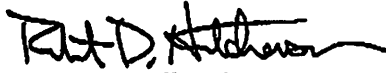
TEL No.

OCT 20 07 11:31 P.02/02

CERTIFICATE OF COMPLIANCE

PROJECT NAME: Cypress Lake Center Phase II
D.O. NUMBER: 6-12-85

This Certificate of Compliance certifies that the above mentioned development, as determined by an on-site inspection performed by Lee County on October 7, 1987 is completed to the specifications of the approved development order plans and is hereby declared to be in substantial compliance with the Final Development Order.



Robert D. Hutcherson
Acting Development Review Coordinator
Zoning & Development Review Division

RDH/csm

00101

APPENDIX B-4

LETTER OF SUBSTANTIAL COMPLIANCE

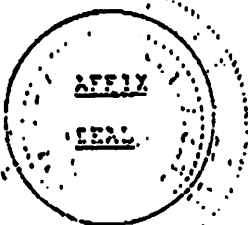
PROJECT NAME: CYPRESS LAKE CENTERD.O. NUMBER: 85-3-1 DRI

This Letter of Substantial Compliance to the Lee County Board of County Commissioners certifies that the above development, as determined by an on-site inspection performed by the development's Engineer or his designated representative on (date) October 2, 1987, is completed to the specifications of the approved Development Order plans and is hereby declared to be in substantial compliance with the Final Development Order.

A list of deviations from the approved Development Order plans, which are minor changes to the approved Development standards Ordinance (Division B.2.g) and revised highlighted site plans, if any, are attached hereto, signed and sealed by the development's Engineer for approval by the Development Review Coordinator prior to inspection.

Executed by the above development's Engineer on (date) 10-9-87 by:


(Engineer)



RECEIVED OCT 1987

APPENDIX B-4

LETTER OF SUBSTANTIAL COMPLIANCE

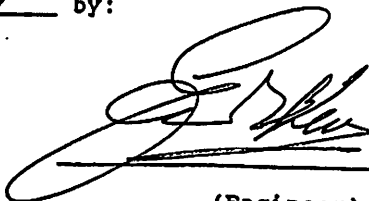
PROJECT NAME: CYPRESS LAKE CENTERD.O. NUMBER: 85-3-1 DRI

D.O. 9-15-86

This Letter of Substantial Compliance to the Lee County Board of County Commissioners certifies that the above development, as determined by an on-site inspection performed by the development's Engineer or his designated representative on (date) October 2, 1987, is completed to the specifications of the approved Development Order plans and is hereby declared to be in substantial compliance with the Final Development Order.

A list of deviations from the approved Development Order plans, which are minor changes as per the Development Standards Ordinance (Division B-2.4) and revised highlighted site plans, if any, are attached hereto, signed and sealed by the development's Engineer for approval by the Development Review Coordinator prior to inspection.

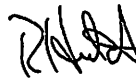
Executed by the above development's Engineer on (date) 10-5-1987 by:



(Engineer)

AFFIX

SEAL

**D.S.O.
Approved**
Plans submitted
10/6/87

Florida P.E. Number

33162

LETTER OF SUBSTANTIAL COMPLIANCE MUST BE FILLED OUT COMPLETELY AND SIGNED BY PROJECT ENGINEER:

D.O. NUMBER 85-3-1 DRI

BUILDING PERMIT NUMBER _____

IF THERE ARE MINOR CHANGES OR DEVIATIONS FROM THE APPROVED DEVELOPMENT ORDER PLANS,
PLEASE SUBMIT, IN ADDITION TO THE ABOVE:

A) 5 SITE PLANS, HIGHLIGHTING THE CHANGES, ARE ATTACHED.

B) A LIST OF CHANGES ARE AS FOLLOWS:

1. Change elevation and grade on south entrance to tie into existing pavement.
2. Move median crossing on south entrance and 50 ft. east to accommodate entrance for future development.
3. Install 150 ft. of low back curb with 6 in. reinforced sidewalk for future driveway.
4. Sidewalks expanded at fire hydrants to provide extra walking area.
5. Changed miter end section to sand bag riprap headwalls with guardrails per attached F.D.O.T. standards.
6. Installed one control structure for outfall in lieu of two, per South Florida Water Management approvals.
7. Changed the weephole from elevation 4.25 to elevation 6.8 per South Florida Water Management approvals.
8. Changed invert of the 60 inch drain into lake from 3.0 to - 1.5 per South Florida Water Management approvals.
9. Changed to shaded Phase line to show everything but Phase IV.
10. Changed the configuration of the lake per Ray Judah, Senior Planner, Lee County Department of Community Development.
11. Show the berm and elevation around lake per field revisions by Lee County staff.
12. Add conduit to plans.
13. Moved structure S-13 10 in. west in order to get it out of roadway.
14. Fire hydrants in sidewalk to be located around F.H. (see detail).
15. Sod to be placed in median as soon as irrigation system is complete.
16. Bike path sidewalk on U.S. 41 to be installed later, per letter of approval with Lee County D.O.T. bike path coordinator.

RECEIVED NOV 0 6 1987

CERTIFICATE OF COMPLIANCE

PROJECT NAME: Cypress Lake Center Phase II
D.O. NUMBER: 9-15-86

This Certificate of Compliance certifies that the above mentioned development, as determined by an on-site inspection performed by Lee County on October 7, 1987 is completed to the specifications of the approved development order plans and is hereby declared to be in substantial compliance with the Final Development Order.



Robert D. Hutcherson
Acting Development Review Coordinator
Zoning & Development Review Division

RDH/csm

11-9-87



P.O. BOX 398 FORT MYERS, FLORIDA 33902-0398 (813) 334-2166

JAMES G. LaRUE
COUNTY ADMINISTRATORJAMES G. YAEGER
ATTORNEYWriter's Direct
Dial Number
(813) 335-2221

October 27, 1987

Consolidated Bank, N.A.
G.P.O. Box 014301
Miami, Florida 33101

RE: Irrevocable Letter of Credit #1096

Dear Sirs:

This letter is written on behalf of the Board of County Commissioners of Lee County, Florida, certifying that the Vector Land Group, Inc. has completed the paving and drainage, and water and sewer line improvements for Cypress Lake Center, Phase II, D.S.O. #9-15-86. Please let this letter serve as notice that the Irrevocable Letter of Credit #1096 dated May 12, 1987, and as amended May 19, 1987 in the total amount of \$704,000.00, is hereby released and the County hereby releases Vector Land Group, Inc. and Consolidated Bank, N.A. of all obligations under said Letter of Credit. The original of the Letter of Credit has been lost, otherwise it would be returned to you at this time. This letter is intended to serve as a full and complete release in the absence of the original credit instrument.

Very truly yours,

Russ Blackburn
Assistant County Administrator

RB:js

APPROVED AS TO FORM

By:

CHARLES BASINAIT, Assistant
County Attorney

BOARD OF COUNTY COMMISSIONERS

PORTER J. GOSS
DISTRICT ONECHARLES L. BIGELOW, JR.
DISTRICT TWOMARY ANN WALLACE
DISTRICT THREEBILL FUSSELL
DISTRICT FOURDONALD D. SLISHER
DISTRICT FIVE

**FLORIDA CITIES
WATER COMPANY**

October 13, 1987

LEE COUNTY UTILITIES
P. O. Drawer 2737
Ft. Myers, Florida 33902

ATTN: Thom Osterhout

RE: CYPRESS LAKE CENTER

Dear Thom:

Dan Dickey with Johnson Engineering, requested that I provide the following information to you.

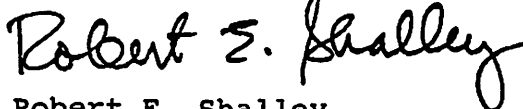
Cypress Lake Center is within Florida Cities Water Company Sewer and Water Franchise Areas. Florida Cities did review all plans and specs, witness construction and testing and authorized the water and waste-water systems to be used. The Engineer did provide his certification and Department of Environmental Regulation clearances for these systems.

We are currently working with the Owner and his Engineer to process the necessary paperwork in order to formally accept portions of the utility systems including the master manhole and waterlines. Upon proper execution of these documents, it is our intention to accept these facilities.

Should you have any questions, please advise.

Yours very truly,

FLORIDA CITIES WATER COMPANY



Robert E. Shalley
ASSISTANT DIVISION MANAGER

RES/cs

PAVESE, GARNER, HAVERFIELD, DALTON, HARRISON & JENSEN

ATTORNEYS AT LAW

1833 HENDRY STREET

POST OFFICE DRAWER 1807

FORT MYERS, FLORIDA 33902

TELEPHONE (813) 334-2195

FRANK A. PAVESE, SR.
JAMES F. GARNER
WILLIAM T. HAVERFIELD
STEPHEN E. DALTON
G. GORDON HARRISON
DIANE L. JENSEN
HARVEY ROLLINGS
MICHAEL A. GENNARO
PETER J. GRAVINA
GREGORY E. WHITE
ROBERT L. DONALD
ANDRE J. PATRONE
WILLIAM C. MERCHANT
JULIE OSTERHOUT
PETER D. DORAGH
CHRISTOPHER J. SHIELDS
MICHAEL F. KAYUSA
ANN POE MITCHELL
STEVEN C. HARTSELL
NEALE E. MONTGOMERY
FRANK A. PAVESE, JR.
MARY F. VLASAK

OF COUNSEL
J. FRANKLIN GARNER
WALTER O. SHEPPARD

4635 SOUTH DEL PRADO BLVD.
POST OFFICE BOX 88
CAPE CORAL, FLORIDA 33910
(813) 342-3148

420 LEE BOULEVARD
POST OFFICE BOX 1217
LEHIGH ACRES, FLORIDA 33970
(813) 369-5871

PLEASE REPLY TO:
FORT MYERS OFFICE

November 10, 1987

Mr. Mike Morris, Asst. Director
LEE COUNTY DEPARTMENT OF TRANSPORTATION
P. O. Box 398
Fort Myers, Florida 33902

HAND DELIVERY

Re: Cypress Lake Center - Phase II Fee Refund

Dear Mike:

On November 9, 1987, the Board of County Commissioners considered a request from Vector Land Group, Inc. to refund the monies which are remaining in the construction account for the road improvements associated with the Cypress Lake Center DRI. Based upon a summary of the construction account balance, a copy of which is enclosed for your reference, I explained that the balance stood at \$49,537.00.

Based upon that representation, and with the understanding that all of the road improvements had been completed as had been previously represented to the Board at the last hearing, the Board approved the refund stating that:

"The refund in this case is not to exceed \$49,537.00 and that it is to be refunded only after Staff has determined that all transportation commitments made in the Development Order have been met."

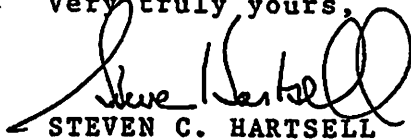
I think that we have agreed that all of the DRI Development Order commitments have been met. You may recall that we also agreed to hold up on the payment of the fee-in-lieu of construction for the bike path required through the platting process so that it could be paid from the construction account refunds.

If you will write Arthur Moses a short letter authorizing him to draw \$49,537.00 from the construction account for a refund to Vector Land Group, Inc. and notify my office, I will see that he gets the letter by overnight mail. As soon as he receives the refund he will forward to Lee County the fee-in-lieu of construction of the bike path. Thank

Mr. Mike Morris
page two of letter
November 10, 1987

you very much for all of your time and efforts in helping to accomplish this refund. We appreciate it.

Very truly yours,



STEVEN C. HARTSELL
SCH/tk
Enclosure

cc: Maureen English, DOT (w/encl.)
Arthur Moses (w/encl.)



RECEIVED NOV 13 1987

P.O. BOX 398 FORT MYERS, FLORIDA 33902-0398 (813) 334-2166

JAMES G. LaRUE
COUNTY ADMINISTRATORJAMES G. YAEGER
ATTORNEYNovember 13, 1987
L-1427-87Writer's Direct
Dial Number

335-2923

Mr. Steven Hartsell, Attorney
1833 Hendry Street
Fort Myers, Fl 33901

RE: Cypress Lake Center D.R.I.

Dear Steve:

As you are aware, the Board of County Commissioners authorized release of the remaining balance of the escrow account for the above referenced project at the meeting of November 10, 1987, subject to our confirmation that all requested facilities have been completed.

Please allow this letter to serve as our confirmation of completion and authorization to release the account balance.

If you require anything further in this regard, please let me know.

Very Truly Yours,

DEPARTMENT OF TRANSPORTATION
AND ENGINEERINGMichael W. Morris, P.E.
Assistant Director

MWM/mmp

cc: H. Glaze
Russ Blackburn
Don DeBerry

1516M

COPY TO CLIENT 11-13-87
DATE

BOARD OF COUNTY COMMISSIONERS

PORTER J. GOSS
DISTRICT ONECHARLES L. BIGELOW, JR.
DISTRICT TWOMARY ANN WALLACE
DISTRICT THREEBILL FUSSELL
DISTRICT FOURDONALD D. SLISHER
DISTRICT FIVE

Storm Sewer Tabulation Form

DATE 2-28-86 PROJECT NO. 85-068-09 STORM SEWER TABULATION FORM 1 COUNTY LEE BY B.A.C. SHEET NO. 1 of 2

STRUCTURE NO.	TYPE OF STRUCTURE	TYPE OF LINE	LENGTH (FT.)	DRAINAGE AREA (ACRES)			TIME OF CONCENTRATION (MIN.)	TIME OF FLOW IN SECTION (MIN.)	INTENSITY	TOTAL (CA)	TOTAL RUNOFF (CFS)	INLET ELEVATION (FEET)	ELEV. OF H.G.			DIAMETER (IN)	SLOPE (%)	VELOCITY (FPS)	CAPACITY (CFS)	REMARKS
				CROWN ELEV.									FLOWLINE ELEV.							
				INCREMENT	SUB TOTAL	SUB-TOTAL (CA)							UPPER END	LOWER END	FALL (IN FEET)					
5-1	INLET	R.C.P.	65	1.12	0.90	1.01	15	2.8	1.11	3.11	9.30	8.25	8.12	0.13	15	0.2	2.6			
				0.34	0.30	0.10						6.80	6.67							
5-2			140	0.42	0.90	0.38			0.41	1.15	9.30	8.15	7.87	0.28	15		3.5			
				0.11	0.30	0.03				4.26		6.67	6.39							
5-3			20	0.35	0.90	0.32			0.36	1.09	9.0	8.0	7.96	0.04	15		0.9			
				0.12	0.30	0.04						6.50	6.46							
5-4			130	0.65	0.90	0.59			0.66	1.85	9.0	7.95	7.69	0.26	15		2.4			
				0.23	0.30	0.07				2.97		6.46	6.20							
5-5			170	0.65	0.90	0.59			0.65	1.82	9.54	5.25	5.25	0.0	24	0.0	2.85			
				0.21	0.30	0.06				4.26		3.0	3.0							
5-6			65	0.91	0.90	0.82			0.90	2.52	9.04	4.80	4.80	0.0	30	0.0	2.4			
				0.25	0.30	0.08				11.54		2.0	2.0							
5-7			260	1.26	0.90	1.13			1.24	3.47	9.04	4.80	4.80	0.0	30		2.95			
				0.37	0.30	0.11				15.01		2.0	2.0							
FUTURE 5-21			65	1.49	0.90	1.34			1.48	4.14	9.07	8.0	7.87	0.13	15	0.2	3.5			
				0.46	0.30	0.14						6.50	6.37							
FUTURE 5-22			175	1.40	0.90	1.26			1.37	3.84	9.07	8.0	7.65	0.35	24		2.6			
				0.35	0.30	0.11				7.98		5.75	5.40							
5-8	MANHOLE		205							7.98	9.40	5.0	5.0	0.0	42	0.0	2.4			
										15.01		1.0	1.0							
5-19	INLET		65	1.26	0.90	1.13			1.24	3.47	9.18	8.18	8.05	0.13	15	0.2	2.9			
				0.36	0.30	0.11						6.68	6.55							
5-18			255	1.82	0.90	1.64			1.80	5.04	9.18	4.49	4.49	0.51	24	0.0	2.7			
				0.52	0.30	0.16				8.51		2.24	2.24							

3-21-86

1987 Annual Status Report (as of December 26, 1986)



December 26, 1986

Southwest Florida Regional Planning Council
2121 West First Street
Fort Myers, FL 33901

Attn: Mr. Wayne Daltry,
Executive Director

Re: CYPRESS LAKE CENTER
ADA/DRI #7-8384-47
ANNUAL STATUS REPORT

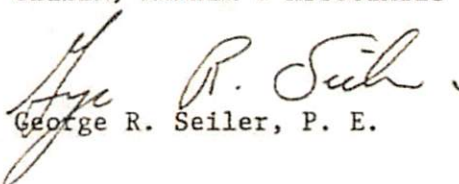
Dear Mr. Daltry:

Enclosed herewith is the 1986 Annual Status Report for the referenced project, as required by Subsection 380.06(18), Florida Statutes, along with accompanying exhibits, and an incremental Site Plan. Copies are being forwarded to all the affected permitting agencies, and the Division of Resource Planning and Management, Bureau of Land and Water Management as denoted in the Report.

If we can be of any further assistance in this matter, please advise.

Very truly yours,

SEILER, KELLER & ASSOCIATES


George R. Seiler, P. E.

GRS/dt

Enclosures

cc: Mr. Arthur L. Moses
State of Florida Department of Transportation
State of Florida Department of Environmental Regulation
South Florida Water Management District
Lee County Board of County Commissioners
Lee County Health Department
Lee County Transportation and Public Works Division
Division of Resource Planning and Management
Department of Community Affairs

Sally Hochbart
W.P.B.
78 I
Ron B
RECEIVED
DEC 31 1986
S. F. W. M. D. FT. MYERS

Heidi
Schloss
F.Y.I.
Sally

36-00759

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ANNUAL STATUS REPORT

Reporting Period: May 11, 1986 to December 31, 1986Development: CYPRESS LAKE CENTER
Name of DRILocation: _____, Lee
City CountyDeveloper: Name: Vector Land Group
Company NameAddress: 2121 Ponce De Leon Blvd. Suite 900
Street LocationCoral Gables, FL 33134
City, State, Zip Code

1) Describe any changes made in the proposed plan of development, phasing, or in the representations contained in the Application for Development Approval since the Development of Regional Impact received approval. Please note any actions (substantial determinations) taken by local government to address these changes.

Answer: There have been no changes.

Note: If a response is to be more than one sentence, attach as Exhibit "A" a detailed description of each change and copies of the modified site plan drawings. Exhibit "A" should also address the following additional items if applicable:

- a) Describe changes in the plan of development or phasing for the reporting year and for the subsequent years;

Answer: N.A.

- b) State any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;

Answer: N.A.

- c) Attach a copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Subsection 380.06(14) (d), F.S.

Answer: N.A.

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2) Has there been a change in local government jurisdiction for any portion of the development since the development order was issued? If so, has the annexing local government adopted a new Development of Regional Impact development order for the project? Please provide a copy of the order adopted by the annexing local government.

Answer: None

3) Provide copies of any revised master plans, incremental site plans, etc., not previously submitted.

Answer: See Incremental Site Plan which has been submitted to Lee County for approval.

Note: If a response is to be more than one or two sentences, attach as Exhibit "B."

4) Provide a summary comparison of development activity proposed and actually conducted for the reporting year.

Answer: A 237,000 S.F. shopping center is scheduled for completion in January, 1987.

Example: Number of dwelling units constructed, site improvements, lots sold, acres mined, gross floor area constructed, barrels of storage capacity completed, permits obtained, etc.

Note: If a response if to be more than one sentence, attach as Exhibit "C."

5) Have any undeveloped tracts of land in the development (other than individual single-family lots) been sold to a separate entity or developer? If so, identify tract, its size, and the buyer. Please provide maps which show the tracts involved.

None		
Tract	_____	Buyer

Note: If a response is to be more than one sentence, attach as Exhibit "D."

6) Describe any lands purchased or optioned adjacent to the original Development of Regional Impact site subsequent to issuance of the development order. Identify such land, its size, and intended use on a site plan and map.

Answer: none

Note: If a response if to be more than one sentence, attach as Exhibit "E."

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7) List any substantial local, state, and federal permits which have been obtained, applied for, or denied, during this reporting period. Specify the agency, type of permit, and duty for each.

Answer: See attached exhibit "F" - U.S. 41 improvements; Phase II Development order submittals.

Note: If a response is to be more than one sentence, attach as Exhibit "F."

8) Assess the development's and local government's continuing compliance with any conditions of approval contained in the DRI development order, and assess the developer's commitments, as contained in the application for development approval, which have been identified by the local government, the Regional Planning Council or the Department of Community Affairs as being significant.

Answer: See Exhibit "G". The developer has complied with Transportation requirements by paying \$1,300,000 to Lee County in June, 1986 and by providing six lanes on U.S. 41 and improving the Cypress Lake Drive/U.S. 41 intersection.

Note: Attach as Exhibit "G."

9) Provide any information that is specifically required by the Development Order to be included in the annual report.

Answer: No certificates of occupancy have been obtained to date and no additional information is required at this time.

10) Provide a statement certifying that all persons have been sent copies of the annual report in conformance with Subsections 380.06(15 and (18), F.S.

Person completing the questionnaire: _____

Title: George R. Seiler, P.E.

Representing: SEILER, KELLER & ASSOCIATES

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EXHIBIT "F"
ANNUAL STATUS REPORT

A Lee County development order has been obtained for the shopping center site and permits have been obtained from these agencies:

STATE:

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
P. O. Box 1249
Bartow, FL 33830
Driveway Access and Road Improvement

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION
2269 Bay Street
Fort Myers, FL 33901
Application for Installation of Sewage
Collection/Transmission System

REGIONAL:

SOUTH FLORIDA WATER MANAGEMENT DISTRICT:
2269 Bay Street
Fort Myers, FL 33901
Water Management Plan Approval
Water Use Permit?

LOCAL

LEE COUNTY BOARD OF COUNTY COMMISSIONERS:
P. O. Box 398
Fort Myers, FL 33902
Shopping Center Site
Zoning and Development Order

LEE COUNTY HEALTH DEPARTMENT
3920 Michigan Avenue
Fort Myers, FL 33901
Potable Water System Approval

LEE COUNTY TRANSPORTATION AND PUBLIC WORKS DIVISION:
P. O. Box 398
Fort Myers, FL 33901
Signalization and County Road
Improvement Approval

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EXHIBIT "F"
(Continued)

U.S. 41 IMPROVEMENTS

A separate set of approvals have been obtained from the Florida Department of Transportation for the widening of U.S. 41 in accordance with the development order. A Lee County Development order, and a South Florida water management permit has been requested for the roads, water, sewer and storm drainage system for Phase II of the project which consists of the south 37.6 areas of the site. These applications have been requested and are being processed at this time.

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