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Naples, FL 34108
PH: (239) 597-3111
www.ABBINC.com

October 26, 2022

Lee County Development Services
1500 Monroe Street
Fort Myers, FL 33902

Via: e-permitting

RE: **The Nest SWFL (formerly known as Eagle's Nest) - DCI2022-00004
Planned Development Application RPD/CPD - Submittal 4
(ABB PN: 20-0017)**

Dear Intake Coordinator,

This letter is in response to the County's comments dated September 6, 2022, to the Planned Development application for the above-referenced project. Responses to each comment are provided below in ***bold italics***.

The following documents are being submitted for your review:

1. Revise - Application
 - Application revised to correct the calculation of residential units in the RPD. The upland acres of which the base units are calculated is 10.26 acres not 12 acres. This results in 62 base units. The applicant is requesting 34 additional units pursuant LDC Section 2-146, Affordable Housing Bonus density. The total number of multi-family units requested remains at 96.
2. Revised Schedule of Deviations
 - Deviation #6 was added to seek relief from LDC Section 10-416(d)(9) requiring a 50ft.buffer for Development abutting a natural waterway to allow no buffer along the south and west property lines to instead allow the existing onsite and offsite preserve areas to fulfill the buffer requirement.
3. Revised - Master Concept Plan
 - The CPD tract on the Master Concept Plan was revised to avoid impacts to an oak hammock located between the entrance drive and US41. This revision required the commercial building along US41 to be shifted to the north and its dumpster area and loading are to be moved to the west. The .10 wetland preserve buffer area at the NE corner of the property will now have a retention wall to protect the wetland and the pedestrian connection to US41 within the 25ft. buffer area. Per staff's

recommendation the development regulations tables have been removed and are only found on the development regulations document.

4. Revised - Development Regulations

- The Development Regulations table and pertinent information have been revised to reflect the deviations and revised layout.

5. Revised - Surface Water Quality Monitoring Plan & Exhibit

6. Updated Title Certification

- The Title Certificate has been revised. Easement described in O.R. Book 189, Page 33, has been extinguished based on a merger doctrine where the applicant is the owner of said easement and property. Easement described as a Perpetual Easement in favor of the State of Florida Department of Transportation recorded in O.R. Book 4210, Page 2532 has been removed because it applies to a different property on SR80. These revisions are reflected in the updated Survey, Legal Description and Sketch & Descriptions of the RPD and CPD.

7. Revised - Boundary Survey and Legal Description

8. Revised - Sketch and Description RPD

9. Revised - Sketch and Description CPD

10. Mullock Creek Waterfront Landscape plan

- There is no buffer required along Mullock Creek, however the applicant is proposing a landscape plan that would include native vegetation and clustering to allow for view sheds. This will benefit both the project and the properties located on the other side of Mullock Creek.

11. Cross Section Exhibits: These illustrative cross sections depict the view sheds and landscaping and/or preserves onsite and offsite. Variations may occur during the local development order and or SFWMD permitting.

Zoning Review:

For a CPD/RPD zoning The Code (LDC Section 34-373(a)3 requires separate legal descriptions and sketches for RPD and CPD sections, as well as one overall legal description and sketch for the entire development. Please provide legal description and sketch for RPD and CPD with your legal description and sketch for the entire site.

Response: Please find attached the boundary survey of the overall project as well as the sketch and descriptions of the RPD and CPD areas of the project.

Please contact Chahram Badamtchian at CBADAMTCHIAN@leegov.com or by calling 239-533-8372 with any questions regarding the above review comments.

Planning Review:

Your previous response states that "Density is only being calculated using uplands and not pulling from any of the wetlands." However, the master concept plan provides the RPD portion of the rezoning consists of 12 acres total and some of this area appears to be wetlands.

Additionally, the density calculations in the application indicates there are 12 acres of uplands that

the density calculations are based on. Please clarify the amount of wetlands within the RPD portion and reflect these in the density calculations if necessary.

Response: The proposed 96 unit density is calculated based on the 10.26 ac uplands for 62 base units plus 34 Bonus Density Affordable Housing Units. The wetlands have not been included in the density calculations.

Please contact Brandon D Dunn at BDunn@leegov.com or by calling 239-533-8809 with any questions regarding the above review comments.

Development Services Review:

1. Please clarify the parking provided for the proposed multi-family development. The MCP shows that 212 spaces are required for the proposed 96 units. The MCP does not appear to provide enough parking in the RPD zoned area to provide 212 spaces. Please review LDC 34-2015(1) which requires all parking spaces provided to be on the same premises and within the same zoning district as the use they serve or within a zoning district that permits the same use.

Response: Parking will be located under the building as well as the parking areas depicted on the MCP.

2. The comment response letter indicated that the multi-family development will be gated as shown on the MCP. Staff could not locate the referenced gate. Please note that any gate will be required to meet LDC 34-1748(1-5) at time of development order including the requirement to provide a turn around on the ingress side of the gate sufficient to accommodate a single unit truck.

Response: Please see the MCP for the location of the gate.

3. Please note: A time of development order the entrance road will need to meet the requirements of LDC 10-296.

Response: Acknowledged

Please contact Brian Roberts at BRoberts@leegov.com or by calling 239-533-8890 with any questions regarding the above review comments.

Legal Description Review:

Sec. 34-202(a). Submittal requirements for applications requiring public hearing.

Please provide a legal description and sketch in accordance with the requirements of Lee County LDC §34-202(a)(5). If the subject property is one contiguous parcel, the legal description must specifically describe the entire continuous perimeter boundary of the property subject to the zoning action with accurate bearings and distances for every line.

Response: Please find attached the revised boundary survey of the overall project as well as the

revised sketch and descriptions of the RPD and CPD areas of the project.

Please provide a boundary survey in accordance with the requirements of Lee County LDC §34-202(a)(6). The survey must be based upon the title certification submitted in accord with section 34-201(a)(7).

Response: Please find attached the revised Title certificate and boundary survey of the overall project as well as the sketch and descriptions of the RPD and CPD areas of the project.

Please contact Hunter Searson at HSeanson@leegov.com or by calling 239-533-8585 with any questions regarding the above review comments.

Environmental Review:

When environmental staff conducted a site visit on 4/7/2022, a gopher tortoise was near/located onsite where a proposed road is being presented. Please provide an analysis and mitigation details for the gopher tortoise(s) per Lee Plan policy 123.8.1.

Response: A gopher tortoise survey will be conducted prior to construction. If any potentially occupied gopher tortoise burrows are observed within 25' of development activities an FWC Gopher Tortoise Permit will be obtained. If the gopher tortoises can be kept onsite, they will be relocated to the upland preserve. The attached Indigenous Habitat Management Plan details the management of this potential habitat.

As previously stated, please label a 50 foot natural waterway buffer on the MCP.

Response: The MCP delineates the approximate location of a 50ft. buffer area as measured from the surveyed top of bank of the tidal area located along the south and west side of the property. The exact extent of the 50ft. area will be ground truth at time of the local development order. The applicant is requesting a deviation from the required plantings to allow the native preserve areas to fulfill that requirement.

Upland preserves that contain pine flatwoods must provide a 30 foot setback for fire safety per 10-415(b)(1)(c). Please demonstrate the setbacks on the MCP.

Response: A 30 foot setback has been noted on the revised MCP.

Along the South buffer the environmental consultant has labeled the area as freshwater preserve. Please revise FLUCCS due to the presence of mangroves (black and red) and the presence of muck. The SFWMD states that they did not complete a review for the following area. Staff will be contacting the environmental consultant for an onsite inspection.

Response: The MCP has been revised accordingly.

Please contact Camryn Siverson at CSiverson@leegov.com or by calling 239-533-8313 with any questions regarding the above review comments.

Natural Resources Review:

The bald eagle management plan (BEMP) that was provided lacked specificity regarding the proposed conservation measures. Please revise the BEMP to ensure that the proposed conservation measures are consistent with LDC 14-119(4)(e) and Lee Policy 123.6.1.

For example:

Please expand on the protection measures that will be implemented within the 330'-660' buffer zone. Is exterior construction proposed during nesting season?

Response: Exterior construction within 660' is proposed during the nesting season only if an incidental take permit is acquired by the applicant. Nest monitoring will continue at monthly intervals during nesting season to monitor the status of the nest. Thrice weekly monitoring will occur during construction as required by USFWS.

Please expand on the protection measures that will be implemented within 330' of the nest. Is exterior construction proposed during nesting season? If so, this action has the potential to adversely impact the nesting eagles and may result in abandonment of the nest. Staff recommends reviewing the construction timing conservation measures outlined in LDC 14-119(4)(e).

Response: Exterior construction is proposed within 660' of the nest during nesting season only if an incidental take permit is acquired by the applicant. The main access roadway for the project comes within 189' of the eagle's nest. Impacts between 189 and 660 will be done during nesting season after an incidental take permit is acquired. Impacts closer than 189' will not occur during nesting season. Note the nearest existing man made structure closest to the nest is at 132' from the eagle's nest and the nearest roadway is at 227' from the eagle's nest. Nest monitoring will continue at monthly intervals during nesting season to monitor the status of the nest. Thrice weekly monitoring will occur during construction as required by USFWS.

Please clarify what plant material will be installed in the "Landscape Blind". The plan does not specify timing, height, number, or species proposed.

Response: The landscape blind will consist of many 25-gallon native canopy trees. The goal of the planting will be to space the trees accordingly so they may grow into a continuous canopy. The plants will be a minimum of 10' tall at planting.

Planting of the landscape blind will be concurrent or immediately following the exotic removal and supplemental planting. The exotic removal and supplemental planting will occur outside of nesting season to avoid disturbance to the nest from felling trees and individuals walking around the nest.

Species of canopy trees in the landscape blind will be dependent on what is available from local nurseries at the time of planting. The species will determine the required spacing and size of plants. These factors will be determined at a later date and is infeasible to determine it prior to a development order.

Please clarify what uses are proposed within the 330' and 660' buffers. Are building height limits proposed? How will these proposed uses be compatible with nearby eagle nest? Will the uses proposed within 330' of the nest be limited?

Response: No planned development is proposed within 76' of the eagle's nest. Between 76' and 189' all commercial uses are proposed but will not be built during nesting season. All commercial uses are proposed between 189' and 660' and will occur during nesting season with an incidental take permit. No development will occur within 660' during nesting season without an incidental take permit. Building heights will be a maximum of 35' and may be either one or two-story.

Staff recommends removing the "Indigenous Management Plan" attachment from the bald eagle management plan (BEMP). If the BEMP is approved with the attached Indigenous Management Plan, any future changes to the Indigenous Management Plan will trigger a requirement to amend the BEMP and Board of County Commissioner approval is required to amend the BEMP.

Response: Completed.

Please clarify the proposed exotic removal within the 660' of the bald eagle nest. Will the proposed work occur during or outside of nesting season? The Indigenous Management Plan attachment proposes both mechanical and chemical treatments.

Response: Exotic removal and the supplemental planting within 660' will occur outside of nesting season.

Please clarify the timing and location of the proposed "Supplemental Planting" referenced within the Indigenous Management Plan. Will these plantings occur during or outside of nesting season? If these plantings are intended to act as a conservation measure, additional details need to be provided in the bald eagle management plan.

Response: The entirety of the 3.01 upland acre preserve will be supplementally planted after exotic removal. This will be done outside of bald eagle nesting season.

Category A:

Building construction, 1 or 2 story, with project footprint of ½ acre or less.
 Construction of roads, trails, canals, power lines, and other linear utilities.
 Agriculture and aquaculture – new or expanded operations.
 Alteration of shorelines or wetlands.
 Installation of docks or moorings.
 Water impoundment.

Category B:

Building construction, 3 or more stories.
 Building construction, 1 or 2 story, with project footprint of more than ½ acre.
 Installation or expansion of marinas with a capacity of 6 or more boats.
 Mining and associated activities.
 Oil and natural gas drilling and refining and associated activities.

	<i>If there is no similar activity within 1 mile of the nest</i>	<i>If there is similar activity closer than 1 mile from the nest</i>
<i>If the activity will be visible from the nest</i>	660 feet. Landscape buffers are recommended.	660 feet, or as close as existing tolerated activity of similar scope. Landscape buffers are recommended.
<i>If the activity will not be visible from the nest</i>	Category A: 330 feet. Clearing, external construction, and landscaping between 330 feet and 660 feet should be done outside breeding season. Category B: 660 feet.	330 feet, or as close as existing tolerated activity of similar scope. Clearing, external construction and landscaping within 660 feet should be done outside breeding season.

The numerical distances shown in the table are the closest the activity should be conducted relative to the nest.

Please revise the water quality monitoring plan to include a date that each annual monitoring report will be provided to the Division of Natural Resources. Please include the following language in the plan "Monitoring reports must include plots of parameters, analysis of the data with a comparison of State water quality standards, recommendations, and the results must be reported as an Electronic Data Deliverable (EDD), in a format approved by the Division of Natural Resources."

Response: Please see the attached Narrative on the water quality monitoring plan.

Please revise the proposed water quality monitoring plan to include a sampling location map at each proposed outfall.

Response: Please see attached Surface Water Quality Monitoring Program Exhibit.

The Schedule of Uses includes "Kayak launch and existing dock". Please clarify where the existing dock is located.

Response: The existing wood dock has been noted on the revised MCP.

Please contact Nicholas DeFilippo at NDeFilippo@leegov.com or by calling 239-533-8983 with any questions regarding the above review comments.

If you have any questions, you may reach me by telephone or email (Emblidge@abbinc.com).

Sincerely,
AGNOLI, BARBER & BRUNDAGE, INC.

Margaret Emblidge

Margaret Emblidge, AICP

Enclosures



7400 Trail Blvd., Suite 200
Naples, FL 34108
PH: (239) 597-3111
www.ABBINC.com

The Nest SWFL DCI2022-00004

1. Revised Application



APPLICATION FOR PLANNED DEVELOPMENT PUBLIC HEARING UNINCORPORATED AREAS ONLY

REVISED October 2022

Project Name: The Nest SWFL

Request: Rezone from: AG-2

To: RPD/CPD

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

Bonus Density included? ☐ NO ☒ YES¹ for: 34 Bonus Units

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

Summary of Project:

The project will be separated into a residential planned development and commercial planned development.

The RPD will consist of 96 multifamily residential units.

The CPD will consist of a 10,000-sf commercial uses.

PART 1 APPLICANT/AGENT INFORMATION

A. Name of Applicant: Matthew Slaughter, Manager

Address: 181 Carica Road

City, State, Zip: Naples, FL, 34108

Phone Number: 239-877-2040

E-mail Address: mjcslaughter@gmail.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(a)(3)]

☐ 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(a)(4)]

1. Company Name: Agnoli, Barber & Brundage, Inc.

Contact Person: Margaret Emblidge, AICP

Address: 7400 Trail Blvd, Suite 200

City, State, Zip: Naples, FL, 34108

Phone Number: 239-597-3111

Email: Emblidge@abbinc.com

2. **[Additional Agent\(s\)](#):** Provide the names of other agents that the County may contact concerning this application. [34-202(a)(4)]

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. [34-202(a)(2)]

Name: STA FUND LLC

Address: 181 Carica Road

City, State, Zip: Naples FL 34108

Phone Number: _____ Email: _____

B. Disclosure of Interest [34-202(a)(2)]:

☒ Attach [Disclosure of Interest](#) Form.

C. Multiple parcels:

☒ Property owners list. [34-202(a)(8)]

☒ Property owners map. [34-202(a)(8)]

D. Certification of Title and Encumbrances [34-202(a)(7)]

1. Title certification document, no greater than 90 days old.

2. Date property was acquired by present owner(s): 01/31/2020

PART 3 PROPERTY INFORMATION

A. STRAP Number(s): [Attach extra sheets if additional space is needed.] [34-203(a)(5)]

17-46-25-00-01001.0040

18-46-25-00-00037.0010

18-46-25-00-00037.0030

18-46-25-00-00035.0000

B. Street Address of Property: 18200 S Tamiami Trail Fort Myers FL 33967

C. Legal Description (must submit) [34-202(a)(5)]:

☒ 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)(6):

☒ 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)(9)]

2. ☒ Map of surrounding property owners. [34-202(a)(9)]

3. ☒ One set of mailing labels. [34-202(a)(9)]

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

E. Current Zoning of Property: AG-2

☐ Provide a list of all Zoning Resolutions and Zoning Approvals applicable to the subject property.

F. Use(s) of Property:

1. Current uses of property are: Cattle Grazing

2. Intended uses of property are: RPD / CPD

G. Future Land Use Classification (Lee Plan):

Urban Community	<u>15.75</u>	Acres	<u>100</u>	% of Total
		Acres		% of Total
		Acres		% of Total

H. Property Dimensions:

1. Width (average if irregular parcel):	<u>380.7</u>	Feet		
2. Depth (average if irregular parcel):	<u>2087.6</u>	Feet		
3. Total area:	<u>685,663</u>	Square feet		
4. Frontage on road or street:	<u>325</u>	Feet on	<u>U.S. 41</u>	Street
2 nd Frontage on road or street:		Feet on		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.

- ☒ 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. [34-201(c)]

PART 4
TYPES OF LAND AREA ON PROPERTY

A. Gross Acres (total area within described parcel)		<u>15.75</u>	Acres
1. Submerged land subject to tidal influence		<u>Acres</u>	
2. a. Preserved freshwater wetlands	<u>0.10</u>	Acres	
b. Impacted wetlands	<u>0.00</u>	Acres	
c. Preserved saltwater wetlands	<u>1.74</u>	Acres	
d. Total wetlands (A.2.a. plus A.2.b. plus A.2.c.)		<u>1.84</u>	Acres
3. R-O-W providing access to non-residential uses		<u>Acres</u>	
4. Non-residential use areas ^{(1) (2)}		<u>3.65</u>	Acres
B. Total area not eligible as gross residential acreage (Items A.1. + A.3. + A.4.).		<u>3.65</u>	Acres
C. Gross residential acres. (A minus B) ⁽³⁾		<u>12</u>	Acres
D. Gross residential acres (by Land Use Category)			
1. a. Intensive Development – upland		<u>Acres</u>	
b. Intensive Development – preserved freshwater wetlands		<u>Acres</u>	
c. Intensive Development – impacted wetlands		<u>Acres</u>	
2. a. Central Urban – upland		<u>Acres</u>	
b. Central Urban – preserved freshwater wetlands		<u>Acres</u>	
c. Central Urban – impacted wetlands		<u>Acres</u>	
3. a. Urban Community or Suburban – upland		<u>10.26</u>	Acres
b. Urban Community or Suburban – preserved saltwater wetlands		<u>1.74</u>	Acres
c. Urban Community or Suburban – impacted wetlands		<u>0.00</u>	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)

12 **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: Urban Community

		Lee Plan Table 1(a)		
		Max. standard density		Units
1.	Standard Units			
a.	Total upland acres (from Part 4, D.)	<u>10.26</u>	x <u>6</u> equals	<u>62</u>
b.	Total preserved saltwater wetlands acres (from Part 4, D.)	<u>1.74</u>	x <u>1/20</u> equals	<u>0</u>
c.	Total impacted wetlands acres (from Part 4, D.)	_____	x _____ equals	_____
d.	Total Allowed Standard Units ⁽¹⁾			<u>62</u>
2.	Bonus Units [2-143]			
a.	Site-built Affordable Housing			<u>34</u>
b.	Transferrable Dwelling Units			<u>0</u>
c.	Sub-total			<u>34</u>
3.	Total Permitted Units ⁽¹⁾			<u>96</u>

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	35	
3.	Retail	35	
4.	Other: <u>Restaurant</u>	35	
5.	TOTAL FLOOR AREA		10,000
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(a)(11)]

☐ 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)b.iv.]**
-
- 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(f)].
-
- C. Preservation/Conservation of Natural Features:** Describe how the lands listed in PART 6.B. above will be protected by the completed project:
-
- D. Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:
-
- 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:
-
- 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:

 2. Quality of the effluent:

3. Expected life of the facility:
-

4. Who will operate and maintain the internal collection and treatment facilities:
-

5. Receiving bodies or other means of effluent disposal:
-

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

1. The location and approximate area of the spray fields:
-

2. Current water table conditions:
-

3. Proposed rate of application:
-

4. Back-up system capacity:
-

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)(9)]**

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)(1)]**
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 flow way corridors, cypress heads, natural lakes, and the restoration of impacted natural flow way 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(a)(10)]**
- ☐ **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(a)(10)]**
- 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(a)(12)]**
- G. **Flood Hazard:**
- ☐ Not applicable
- ☐ The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s.
- ☐ The minimum elevation required for the first habitable floor is _____ NAVD (MSL)
- H. **Excavations/Blasting:**
- ☐ 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: [12-110(a)(16)]**
- ☒ Not Applicable
- ☐ Provide a Hazardous materials emergency plan.
- J. **Mobile Home Park: [34-174(h)]**
- ☒ 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: **[34-1104]**
- ☐ Property is located within Airport Runway Protection Zone. Indicate which Zone below. **[34-1105]**
- ☐ Property is located within Airport Residential and Educational Protection Zone: **[34-1106]**
- ☐ Property is located in an Airport Obstruction Notification Zone and subject to LCPA regulations. **[34-1107]**
- ☐ A Tall Structures Permit is required. **[34-1108]**

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 [34-202(a)(1)]
1	☒	Filing Fee - [34-201(d)]
1	☐	Bonus Density Filing Fee - (if applicable) [34-202(a)(11)]
3	☒	Affidavit of Authorization (notarized) Form [34-202(a)(3)]
3	☐	Additional Agents [34-202(a)(4)]
3	☐	Multiple Owners List (if applicable) [34-202(a)(2)]
3	☒	Disclosure of Interest Form (multiple owners) [34-202(a)(2)]
3	☒	Legal description (must submit) [34-202(a)(5)]
	☐	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)(6)]
3	☐	Property Owners list (if applicable) [34-202(a)(8)]
3	☐	Property Owners map (if applicable) [34-202(a)(8)]
3	☒	Confirmation of Ownership/Title Certification [34-202(a)(7)]
3	☒	STRAP Numbers (if additional sheet is required) [34-202(a)(5)]
1	☒	List of Surrounding Property Owners [34-202(a)(9)]
1	☒	Map of Surrounding Property Owners [34-202(a)(9)]
1	☒	Mailing labels [34-202(a)(9)]
3	☐	List of Zoning Resolutions and Approvals
3	☐	Summary of Public Informational Session (if applicable)
3	☐	Waivers from Application Submission Requirements (if applicable) [34-201(c)]
3	☒	Preliminary Density Calculations (if applicable)
3	☒	Request Statement [34-373(a)(5)]
3	☒	Traffic Impact Statement (TIS) (not required for existing development) [34-373(a)(7)]
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)b.iv.]
3	☒	Soils Map [34-373(a)(4)b.9.]
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)(9)]
3	☒	Master Concept Plan (MCP), PRFPD (if applicable) [34-941(g)(1)]
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(a)(10)]
3	☐	Existing Agricultural Use Affidavit (if applicable) [34-202(a)(12)]
3	☐	Information Regarding Proposed Blasting (if applicable).
3	☐	Hazardous Materials Emergency Plan (if applicable)
3	☐	Mobile Home Park Dislocated Owners Information (if applicable) [34-202(b)(4)]
3	☐	Tall Structures Permit (if applicable) [34-1108]



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2. Revised Schedule of Deviations

REQUESTED DEVIATIONS

Deviation #1

Deviation #1 requests relief from LDC Section 34-2194 that requires buildings and structures may not be placed closer than 25ft. to a canal or to a bay or other water body or the distance required by the provisions of [chapter 6](#), article IV, pertaining to flood hazard reduction, whichever is greater to allow a zero ft. setback for the kayak launch and existing dock.

Justification:

This will be the only location accessing Mullock Creek which could otherwise have multiple single family docks.

Deviation #2

Deviation #2 seeks relief from LDC Section 10-291(3) that requires any residential development of more than five acres or any commercial or industrial development of more than 10 acres must provide, where practical, two or more means of ingress or egress for the development, to allow one entrance as depicted on the MCP.

Justification:

The boundary of the subject properties is unorthodox. The site is largest to the west, bound by preserve and waterways, and gets narrower to the east at U.S. 41. The frontage along U.S. 41 is about 323 linear feet. The frontage is not wide enough to provide two or more means of ingress or egress.

The proposed access shown may have a right turn in lane from U.S. 41 going southbound and a left turn in going northbound. This is dependent on the final FDOT Access Permits.

A shared access with the properties to the south is planned for the future following the development of the vacant parcel to the south. Once this property is developed, The Nest SWFL will connect the development through this parcel and fulfill the requirements of 10-291(3).

The applicant received three letters of no objection with conditions from the Lee County Sheriff's Office, Lee County Public Safety, and the San Carlos Park Fire Protection and Rescue Service District. See Attached.

Deviation #3

Deviation #3 seeks relief from section 10-415(b)(1)(4), developments greater than 5 acres in size that abut an arterial or collector road and have existing native trees within 50-feet of the right-of-way must be designed to provide a 50-foot right-of-way buffer for tree preservation to allow a 25-foot right-of-way setback with a 15-foot Type D buffer that clusters the plantings to allow for necessary view sheds for the commercial building along U.S. 41. The existing native trees shall be credited to the required landscape buffer.

Justification:

Many of the existing native trees are in poor health and would not be appropriate to preserve. The applicant will incorporate the existing healthy indigenous trees to the extent possible.

Deviation #4

Deviation #4 requests relief from LDC Section 10-416(d) that requires a C or F type buffer between multiple family residential and commercial development to allow no buffer at the common property line of the project RPD and CPD.

Justification:

There will be a minimum separation between the residential buildings and the property line of the CPD of 500ft. providing an ample distance between the uses.

Deviation #5

Deviation #5 requests relief from LDC Section 10-416(d) that requires a C or F type buffer between multiple family residential and commercial development to allow no buffer along the south property line of the CPD tract.

Justification:

The Eagles nest preserve area and plantings per the eagle management plan will replace the code requirement. This alternative will more than meet the intent of the code.

Deviation #6

Deviation #6 seeks relief from LDC Section 10-416(d)(9) requiring a 50ft.buffer for *Development abutting a natural waterway to allow no buffer along the south and west property lines to instead allow the existing preserve areas to fulfill the buffer requirement.*

Justification:

The current placement of the preserves along the south and west property line provides a natural vegetative buffer and will shield the natural waterways and mangrove forests from runoff or disturbance from the planned development by acting as a physical barrier and nutrient uptake filter. The buffer provided includes vegetation communities including mangrove wetlands, tidal wetland hardwood forests, and pine flatwoods which includes a dense stratum of native trees and shrubs. Please see the Listed Species Survey for detailed descriptions of the vegetation species in these communities. The preserves are adjacent to submerged state lands and will create a larger contiguous preserved area when accounting for the submerged land and the neighboring preserve established by the neighborhood to the south.



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3. Revised Master Concept Plan



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4. Revised Development Regulations

The Nest

RPD / CPD Development Regulations

		CPD Tract A		RPD Tract B	
		Principal Uses	Accessory Uses	Principal Uses	Accessory Uses
Minimum Lot Area:		10,000 sq ft	-	12,000 sq ft	-
Minimum Lot Depth:		100 ft	-	100 ft	-
Minimum Lot Width:		100 ft	-	120 ft	-
Minimum Setbacks:	ROW	25 ft	25 ft	25 ft	25 ft
	North	25 ft - edge of water	*25 ft – edge of water	25 ft - edge of water	25 ft - edge of water
	South	25 ft	25 ft	25 ft	10 ft
	East	25 ft	25 ft	25 ft	10 ft
	West	25 ft	25 ft	50 ft	25 ft
	Upland Preserve	30 ft	30 ft	25 ft	25 ft
	Wetland Preserve	25 ft	25 ft	50 ft	25 ft
Minimum Distance: between Structures:		20 ft	-	20 ft	-
Maximum Height:		35 ft	25 ft	95 ft	25 ft
Open Space:		Required 20%	Provided 20%	Required 40%	Provided 40%
Parking		**Required: Restaurant 12.5/1,000 Commercial 250/1,000		**Required: Multi-Family: 2.2/Unit	

* Except as permitted per Deviation # 1

** Provided number to be determined at time of local development order.

Eagle Nest Setbacks:

Buildings: 104'

Parking areas: 106'



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5. Revised Surface Water Quality Monitoring Plan & Exhibit

Water Quality Monitoring Plan

1: Background

The Nest is located within the Urban Community Land Use Category of the Lee Plan and is currently zoned as Agricultural (AG-2). It is in the process of a rezone to a 96 unit RPD combined with 10,000 SF of commercial in a CPD. The property is currently used as an agriculture pasture, and it is unimproved. The proposed drainage system will have two points of discharge to Mullock Creek.

The project is a total of 15.75 acres with only a portion of that within the controlled water management system boundary. The drainage system boundary incorporates a total of 11.4 +/- acres, of which 0.38 acres is offsite in an Access Easement and Drainage Easement that covers a shared entry with the property to our south. The drainage system will be designed, permitted, and developed in compliance with SFWMD, FDEP, and Lee County rules and regulations. The system will be divided into two separate basins that can be developed individually. The eastern system (Basin 1) will treat and attenuate the rainfall runoff from the eastern part of the commercial development and the shared entry access drive and any compensating treatment that may be required for any offsite turn lane improvements. The second system will treat and attenuate the runoff from the residential component and the western commercial component of the development. Basin 1 will discharge to Mullock Creek at the west end of the basin limits and basin 2 will discharge to Mullock Creek at the west end of the site as depicted on the Conceptual Drainage Plan. Mullock Creek is a manmade canal where it abuts our site and is a natural flow way to the west of our site. Mullock Creek at this location accepts the runoff from San Carlos Park and flows westerly to intersect with 10 Mile Canal before the combined flow goes southwest to Estero Bay.

2: Project Goals

This development will follow all of the required criteria of the SFWMD, including a pre vs post water quality analysis, a 25 year 3 day storm site storage design and 1" over the entire site for water quality. This project will result in no water quality degradation of the contiguous Mullock Creek waterbody.

3: Implementation

Testing will be conducted three times annually (June, August, October) to test for the following parameters:

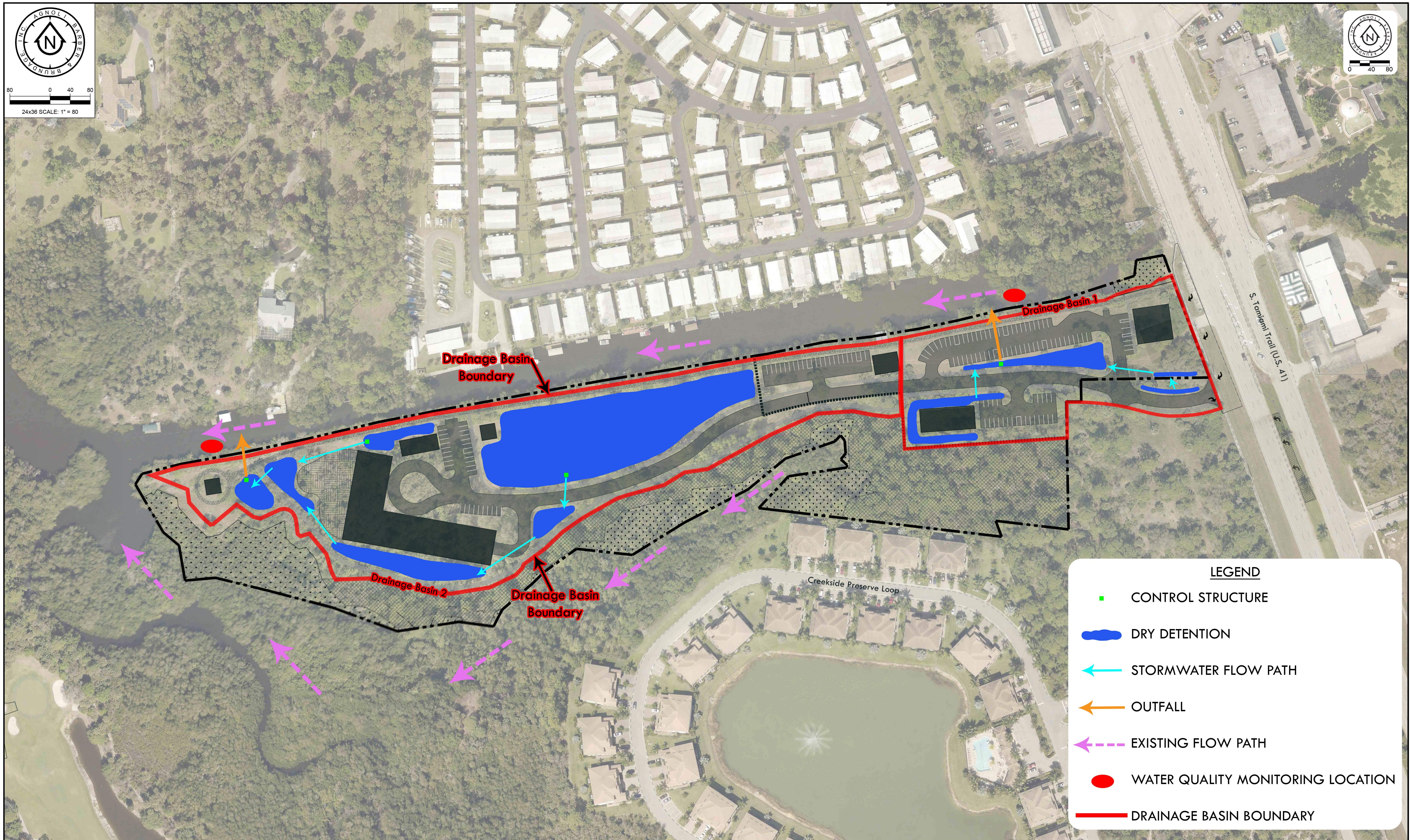
- Water Temperature
- Total Kjeldahl Nitrogen (TKN)
- Total Nitrogen
- Chlorophyll A
- Nitrite
- Nitrate
- Phosphorus
- Turbidity
- Stage
- Dissolved Oxygen (DO), (mg/L)
- DO, (%)

- pH
- Salinity
- Specific Conductance
- Enterococci
- Iron

Background sampling will occur immediately upstream of the eastern control structure discharge location to determine the existing conditions. Water quality testing for the above parameters will also be collected immediately downstream of the western control structure to determine if any of the parameters have been materially altered by the discharge from the project. If the downstream samples exceed the upstream background values two times in any one year, additional Best Management Practices (BMP's) will be incorporated to address the parameters that exceed background values. The specific BMP to be utilized will be determined by the parameter that is exceeded and the best available technology at the time. Some examples of BMP's include drop in baskets to collect sediments and/or hydrocarbons, baffle boxes to collect sediments, customized fertilizer plans to reduce nitrogen and phosphorous, and harvesting of grass clippings in the dry retention areas to collect the organic matter.

Monitoring reports must include plots of parameters, analysis of the data with a comparison of State water quality standards, recommendations, and the results must be reported as an Electronic Data Deliverable (EDD), in a format approved by the Division of Natural Resources.

Annual monitoring reports will be submitted annually on the anniversary of the first certificate of occupancy.





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6. Updated Title Certification



MICHAEL P. LEHNERT

Partner

Direct dial: (239) 336-6281

Email: MichaelLehnert@PaveseLaw.com

1833 Hendry Street, Fort Myers, Florida 33901 | P.O. Box 1507, Fort Myers, Florida 33902 | (239) 334-2195 | Fax (239) 332-2243

October 25, 2022

TITLE CERTIFICATION
STA FUND, LLC

Pavese Law Firm (as Agent/Title Company)

Plat Number: TBD

Development Order Number: TBD

Effective Date of Title Certification: October 14, 2022

Certified To: Lee County Board of County Commissioners

I have searched the Public Records of Lee County, Florida and have examined the title to the real property more particularly described in the metes and bounds description attached hereto as Exhibit "A." I have made a careful examination of the Public Records of Lee County, Florida, with respect to the real property described in attached Exhibit "A." Based on the foregoing, we hereby certify Record Title to the above described real property, as of the Effective Date of the Title Certification set forth above, is vested in:

Title to the property is vested in:

STA Fund, LLC, a Florida limited liability company by Special Warranty Deed recorded February 3, 2020 in Official Records Instrument No. 2020000029637, Public Records of Lee County, Florida.

There are no persons or entities holding a mortgage secured by the property.

Property Taxes due and owing have been paid in full as of the date of this certification.

The following are all easements and rights of way affecting the property to be platted, whether recorded or unrecorded:

1. Easement recorded in O.R. Book 257, Page 188, Public Records of Lee County, Florida.
2. Memorandum of Agreement recorded in O.R. Book 3506, Page 640, Public Records of Lee County, Florida.

3. Subject to automatic phosphate, metals, minerals and petroleum reservations by virtue of Sec. 270.11(1), F.S., under deed recorded in O.R. Book 3555, Page 1277, Public Records of Lee County, Florida. The right of entry and exploration reservation has been released pursuant to Sec. 270.11, F.S.
4. Easement in favor of Mulloch Drainage District, a special taxing district created under the laws of the State of Florida recorded in O.R. Book 3555, Page 1279, Public Records of Lee County, Florida.
5. Temporary Non Exclusive Access and Construction Easement Agreement recorded in Instrument Number 2021-136725, Public Records of Lee County, Florida.

All Recording references are to the public records of Lee County, Florida.

Note, this is not a certification of ownership of any oil, gas, and mineral rights or interests.

This certification is provided pursuant to the requirements of § 177.041, Florida Statute, for the uses and purposes specifically stated therein and is not to be used as the basis for the issuance of a title insurance commitment or policy. Pursuant to s. 627.7843, Florida Statutes, the maximum liability of the issuer of this property information report for errors or omissions in this property information report is limited to the amount paid for this property information report, and is further limited to the person(s) expressly identified by name in the property information report as the recipient(s) of the property information report.

By: _____

Michael P. Lehnert

TITLE CERTIFICATION

EXHIBIT A
[Attached]

A TRACT OR PARCEL OF LAND LYING IN SECTION 17 AND 18, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 18, THENCE NORTH 88°56'30" EAST, A DISTANCE OF 137.52 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF TAMiami TRAIL (US 41 - STATE ROAD 45) 200' RIGHT OF WAY; THENCE SOUTH 20°35'30" EAST, ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 93.18 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 20°34'05" EAST, ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 260.80 FEET TO THE NORTH LINE OF THOSE CERTAIN LANDS DESCRIBED IN INSTRUMENT NUMBER 2019000161688; THENCE SOUTH 89°04'13" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 256.11 FEET; THENCE SOUTH 01°02'12" EAST, A DISTANCE OF 43.78 FEET TO A POINT ON A NON TANGENT CURVE CONCAVE SOUTHERLY; THENCE WESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 500.00 FEET, A CENTRAL ANGLE OF 03°26'20", THE CHORD FOR WHICH BEARS SOUTH 89°58'19" WEST, A CHORD DISTANCE OF 30.00 FEET, AN ARC DISTANCE OF 30.01 FEET TO THE END OF SAID CURVE; THENCE SOUTH 01°02'12" EAST ALONG THE WEST LINE OF THOSE CERTAIN LANDS DESCRIBED IN INSTRUMENT NUMBER 2021000136724 A DISTANCE OF 255.05 FEET; THENCE NORTH 83°17'33" WEST, A DISTANCE OF 146.36 FEET; THENCE SOUTH 20°35'30" EAST, A DISTANCE OF 33.76 FEET TO THE NORTHERLY LINE OF CREEKSIDE PRESERVE CONDOMINIUM RECORDED IN INSTRUMENT NUMBER 2016000033801; THENCE NORTH 83°17'33" WEST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 487.75 FEET TO THE MEAN HIGH WATER LINE OF MULLOCK CREEK; THENCE ALONG THE MEAN HIGH WATER LINE OF MULLOCK CREEK THE FOLLOWING 45 COURSES:

1. THENCE NORTH 43°03'46" EAST, A DISTANCE OF 86.93 FEET;
2. THENCE NORTH 81°26'49" EAST, A DISTANCE OF 117.53 FEET;
3. THENCE NORTH 07°10'47" EAST, A DISTANCE OF 5.11 FEET;
4. THENCE NORTH 47°45'45" WEST, A DISTANCE OF 16.71 FEET;
5. THENCE NORTH 39°11'06" EAST, A DISTANCE OF 15.16 FEET;
6. THENCE NORTH 04°20'02" WEST, A DISTANCE OF 25.71 FEET;
7. THENCE NORTH 37°45'27" WEST, A DISTANCE OF 13.27 FEET;
8. THENCE SOUTH 43°20'51" WEST, A DISTANCE OF 16.77 FEET;
9. THENCE SOUTH 70°53'40" WEST, A DISTANCE OF 104.27 FEET;
10. THENCE SOUTH 50°26'57" WEST, A DISTANCE OF 96.63 FEET;
11. THENCE SOUTH 62°29'46" WEST, A DISTANCE OF 143.45 FEET;
12. THENCE SOUTH 58°06'47" WEST, A DISTANCE OF 121.77 FEET;
13. THENCE NORTH 83°48'17" WEST, A DISTANCE OF 112.04 FEET;
14. THENCE SOUTH 54°33'59" WEST, A DISTANCE OF 77.73 FEET;
15. THENCE SOUTH 45°39'28" WEST, A DISTANCE OF 33.35 FEET;
16. THENCE SOUTH 49°05'18" WEST, A DISTANCE OF 81.01 FEET;
17. THENCE SOUTH 26°54'03" WEST, A DISTANCE OF 36.85 FEET;
18. THENCE NORTH 82°30'07" WEST, A DISTANCE OF 69.73 FEET;
19. THENCE SOUTH 81°21'56" WEST, A DISTANCE OF 123.58 FEET;
20. THENCE NORTH 70°11'51" WEST, A DISTANCE OF 137.43 FEET;
21. THENCE NORTH 75°23'21" WEST, A DISTANCE OF 134.98 FEET;
22. THENCE NORTH 76°15'11" WEST, A DISTANCE OF 106.69 FEET;
23. THENCE SOUTH 84°51'43" WEST, A DISTANCE OF 61.23 FEET;
24. THENCE NORTH 09°42'24" WEST, A DISTANCE OF 71.13 FEET;
25. THENCE NORTH 50°12'06" WEST, A DISTANCE OF 40.60 FEET;
26. THENCE NORTH 30°14'13" WEST, A DISTANCE OF 92.47 FEET;
27. THENCE NORTH 30°04'27" WEST, A DISTANCE OF 18.32 FEET;

TITLE CERTIFICATION

28. THENCE NORTH $32^{\circ}14'09''$ EAST, A DISTANCE OF 24.98 FEET;
29. THENCE NORTH $75^{\circ}55'32''$ EAST, A DISTANCE OF 78.88 FEET;
30. THENCE NORTH $79^{\circ}28'47''$ EAST, A DISTANCE OF 122.14 FEET;
31. THENCE NORTH $78^{\circ}05'50''$ EAST, A DISTANCE OF 127.07 FEET;
32. THENCE NORTH $76^{\circ}48'02''$ EAST, A DISTANCE OF 155.39 FEET;
33. THENCE NORTH $78^{\circ}55'19''$ EAST, A DISTANCE OF 123.27 FEET;
34. THENCE NORTH $79^{\circ}43'07''$ EAST, A DISTANCE OF 329.12 FEET;
35. THENCE NORTH $80^{\circ}46'03''$ EAST, A DISTANCE OF 138.38 FEET;
36. THENCE NORTH $80^{\circ}36'42''$ EAST, A DISTANCE OF 92.10 FEET;
37. THENCE NORTH $81^{\circ}02'12''$ EAST, A DISTANCE OF 101.38 FEET;
38. THENCE NORTH $78^{\circ}16'57''$ EAST, A DISTANCE OF 115.98 FEET;
39. THENCE NORTH $83^{\circ}22'16''$ EAST, A DISTANCE OF 96.08 FEET;
40. THENCE NORTH $80^{\circ}32'09''$ EAST, A DISTANCE OF 99.43 FEET;
41. THENCE NORTH $77^{\circ}44'38''$ EAST, A DISTANCE OF 77.53 FEET;
42. THENCE NORTH $76^{\circ}26'02''$ EAST, A DISTANCE OF 97.27 FEET;
43. THENCE NORTH $80^{\circ}53'10''$ EAST, A DISTANCE OF 110.16 FEET;
44. THENCE NORTH $71^{\circ}53'11''$ EAST, A DISTANCE OF 155.66 FEET;
45. THENCE NORTH $06^{\circ}36'25''$ EAST, A DISTANCE OF 31.73 FEET;
THENCE NORTH $79^{\circ}41'20''$ EAST, A DISTANCE OF 55.23 FEET TO THE POINT OF BEGINNING;
CONTAINING 685,663 SQUARE FEET OR 15.741 ACRES, MORE OR LESS.

TITLE CERTIFICATION



7400 Trail Blvd., Suite 200
Naples, FL 34108
PH: (239) 597-3111
www.ABBINC.com

The Nest SWFL DCI2022-00004

7. Revised Boundary Survey and Legal Description

MAP OF BOUNDARY SURVEY OF A TRACT OR PARCEL OF LAND LYING IN SECTION 17 AND 18, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA

LINE	BEARING (M)	DISTANCE (M)
L1	N88°56'30"E	137.52'
L2	S20°58'30"E	93.18'
L3	N79°41'20"E	55.23'
L4	N06°36'25"E	31.73'
L5	N71°53'11"E	155.66'
L6	N80°53'00"E	110.16'
L7	N76°26'02"E	97.27'
L8	N77°44'38"E	77.53'
L9	N80°32'09"E	99.43'
L10	N82°22'16"E	96.08'
L11	N78°16'52"E	115.98'
L12	N81°02'12"E	101.38'
L13	N80°36'42"E	92.10'
L14	N80°46'03"E	138.38'
L15	N79°43'07"E	329.12'
L16	N78°55'19"E	123.27'
L17	N78°48'02"E	155.39'
L18	N78°05'50"E	122.07'
L19	N79°28'47"E	122.14'
L20	N75°55'32"E	78.88'
L21	N30°14'13"W	24.98'
L22	N30°14'22"W	18.92'
L23	N30°14'13"W	92.47'
L24	N50°12'06"W	40.60'
L25	N69°42'24"W	71.13'
L26	S84°51'43"W	61.63'
L27	N76°15'11"W	106.69'
L28	N75°23'21"W	134.98'
L29	N70°11'51"W	137.43'
L30	S81°21'56"W	123.58'
L31	N82°30'07"W	69.73'
L32	S26°54'03"W	36.85'
L33	S40°05'16"W	81.01'
L34	S45°39'28"W	33.35'
L35	S54°33'59"W	77.73'
L36	N83°48'17"W	112.04'
L37	S58°06'47"W	121.77'
L38	S62°29'46"W	143.45'
L39	S50°26'57"W	96.63'
L40	S70°53'40"W	104.27'
L41	S47°20'51"W	16.77'
L42	N37°45'27"W	13.27'
L43	N04°20'02"W	25.71'
L44	N39°11'06"E	15.16'
L45	N47°45'45"W	16.71'
L46	N07°10'47"E	5.11'
L47	N81°26'49"E	117.53'
L48	N47°03'46"E	86.93'
L49	N83°18'11"W	63.42'

LEGEND

- = BENCHMARK, SET PK NAIL AND DISK - "LB 6896"
- = FOUND 5/8" REBAR - NO IDENTIFICATION
- = SET 5/8" REBAR AND CAP - "D&M LB 6896"
- = FOUND 5/8" REBAR AND CAP - "LB LB1772"
- = FOUND 4" x 4" CONCRETE MONUMENT WITH 1/4" REBAR
- (M) = FIELD MEASURED DATA
- (C) = CALCULATED DATA
- (P) = RECORD PLAT DATA
- O/A = OVERALL
- O.R. = OFFICIAL RECORDS
- PG. = PAGE
- = WOOD UTILITY POLE
- = CONCRETE UTILITY POLE
- = CATCH BASIN WITH GRATE INLET
- = ELECTRIC BOX OR METER
- = APPARENT EAGLE NEST LOCATION
- = TELEPHONE SERVICE
- = WATER METER
- = WATER VALVE
- = BACKFLOW PREVENTER
- = FIRE HYDRANT
- = LIGHT POLE
- = AIR RELEASE VALVE
- = SEWER VALVE
- = SANITARY SEWER CLEAN-OUT
- = SANITARY SEWER MANHOLE
- = STREET SIGN

LEGAL DESCRIPTION

A TRACT OR PARCEL OF LAND LYING IN SECTION 17 AND 18, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 18; THENCE NORTH 88°56'30" EAST, A DISTANCE OF 137.52 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF TAMAMI TRAIL (US 41 - STATE ROAD 45) 200' RIGHT OF WAY; THENCE SOUTH 20°58'30" EAST, ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 93.18 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 20°34'05" EAST, ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 260.80 FEET TO THE NORTH LINE OF THOSE CERTAIN LANDS DESCRIBED IN INSTRUMENT NUMBER 2019000161688; THENCE SOUTH 89°04'13" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 256.11 FEET; THENCE SOUTH 01°02'12" EAST, A DISTANCE OF 43.78 FEET TO A POINT ON A NON TANGENT CURVE CONCAVE SOUTHERLY; THENCE WESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 500.00 FEET, A CENTRAL ANGLE OF 03°07'11", TO THE POINT OF BEGINNING; THENCE SOUTH 89°04'13" WEST, A CHORD DISTANCE OF 30.00 FEET, AN ARC DISTANCE OF 30.01 FEET TO THE END OF SAID CURVE; THENCE SOUTH 01°02'12" EAST ALONG THE WEST LINE OF THOSE CERTAIN LANDS DESCRIBED IN INSTRUMENT NUMBER 2021000136725, A DISTANCE OF 255.05 FEET; THENCE NORTH 83°17'33" WEST, A DISTANCE OF 146.36 FEET; THENCE SOUTH 20°35'30" EAST, A DISTANCE OF 33.76 FEET TO THE NORTHERLY LINE OF CREEKSIDE PRESERVE CONDOMINIUM RECORDED IN INSTRUMENT NUMBER 2016000033801; THENCE NORTH 83°17'33" WEST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 487.75 FEET TO THE MEAN HIGH WATER LINE OF MULLOCK CREEK; THENCE ALONG THE MEAN HIGH WATER LINE OF MULLOCK CREEK THE FOLLOWING 45 COURSES:

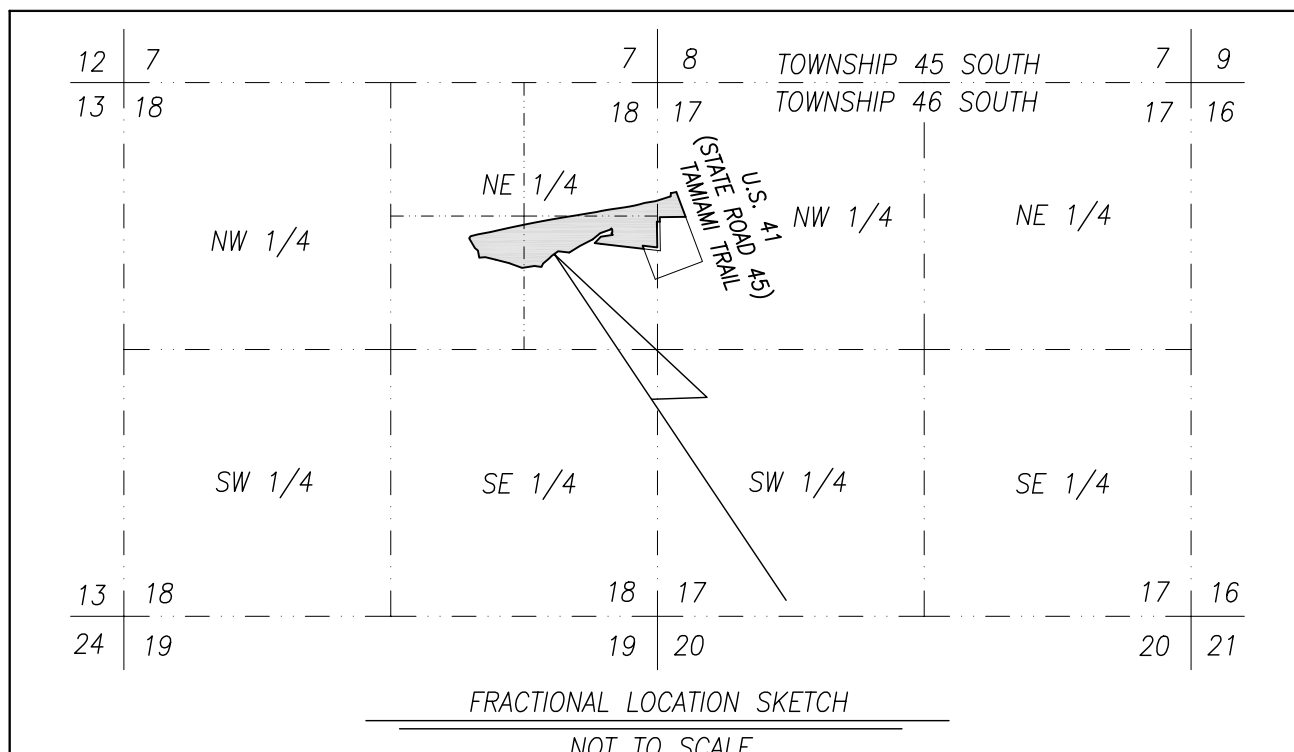
1. THENCE NORTH 43°03'46" EAST, A DISTANCE OF 86.93 FEET;
2. THENCE NORTH 81°26'49" EAST, A DISTANCE OF 117.53 FEET;
3. THENCE NORTH 07°10'47" EAST, A DISTANCE OF 5.11 FEET;
4. THENCE NORTH 47°45'45" WEST, A DISTANCE OF 16.71 FEET;
5. THENCE NORTH 39°11'06" EAST, A DISTANCE OF 15.16 FEET;
6. THENCE NORTH 04°20'02" WEST, A DISTANCE OF 25.71 FEET;
7. THENCE NORTH 37°45'27" WEST, A DISTANCE OF 13.27 FEET;
8. THENCE SOUTH 43°20'51" WEST, A DISTANCE OF 16.77 FEET;
9. THENCE SOUTH 70°53'40" WEST, A DISTANCE OF 104.27 FEET;
10. THENCE SOUTH 50°26'57" WEST, A DISTANCE OF 96.63 FEET;
11. THENCE SOUTH 62°29'46" WEST, A DISTANCE OF 143.45 FEET;
12. THENCE SOUTH 58°06'47" WEST, A DISTANCE OF 121.77 FEET;
13. THENCE NORTH 83°48'17" WEST, A DISTANCE OF 112.04 FEET;
14. THENCE SOUTH 54°33'59" WEST, A DISTANCE OF 77.73 FEET;
15. THENCE NORTH 45°39'28" WEST, A DISTANCE OF 33.35 FEET;
16. THENCE SOUTH 49°05'16" WEST, A DISTANCE OF 81.01 FEET;
17. THENCE SOUTH 26°54'03" WEST, A DISTANCE OF 36.85 FEET;
18. THENCE NORTH 82°30'07" WEST, A DISTANCE OF 69.73 FEET;
19. THENCE NORTH 81°21'56" WEST, A DISTANCE OF 123.58 FEET;
20. THENCE NORTH 70°11'51" WEST, A DISTANCE OF 137.43 FEET;
21. THENCE NORTH 72°53'21" WEST, A DISTANCE OF 134.98 FEET;
22. THENCE NORTH 76°15'11" WEST, A DISTANCE OF 106.69 FEET;
23. THENCE SOUTH 84°51'43" WEST, A DISTANCE OF 61.63 FEET;
24. THENCE NORTH 08°42'24" WEST, A DISTANCE OF 71.13 FEET;
25. THENCE NORTH 50°12'06" WEST, A DISTANCE OF 40.60 FEET;
26. THENCE NORTH 30°14'13" WEST, A DISTANCE OF 92.47 FEET;
27. THENCE NORTH 30°14'22" WEST, A DISTANCE OF 18.92 FEET;
28. THENCE NORTH 32°14'09" EAST, A DISTANCE OF 24.98 FEET;
29. THENCE NORTH 75°55'32" EAST, A DISTANCE OF 78.88 FEET;
30. THENCE NORTH 79°28'47" EAST, A DISTANCE OF 122.14 FEET;
31. THENCE NORTH 78°05'50" EAST, A DISTANCE OF 122.07 FEET;
32. THENCE NORTH 76°48'02" EAST, A DISTANCE OF 155.39 FEET;
33. THENCE NORTH 78°55'19" EAST, A DISTANCE OF 123.27 FEET;
34. THENCE NORTH 79°43'07" EAST, A DISTANCE OF 329.12 FEET;
35. THENCE NORTH 80°36'42" EAST, A DISTANCE OF 92.10 FEET;
36. THENCE NORTH 80°36'42" EAST, A DISTANCE OF 92.10 FEET;
37. THENCE NORTH 81°02'12" EAST, A DISTANCE OF 101.38 FEET;
38. THENCE NORTH 78°16'52" EAST, A DISTANCE OF 115.98 FEET;
39. THENCE NORTH 82°22'16" EAST, A DISTANCE OF 96.08 FEET;
40. THENCE NORTH 80°32'09" EAST, A DISTANCE OF 99.43 FEET;
41. THENCE NORTH 77°44'38" EAST, A DISTANCE OF 77.53 FEET;
42. THENCE NORTH 76°26'02" EAST, A DISTANCE OF 97.27 FEET;
43. THENCE NORTH 80°53'10" EAST, A DISTANCE OF 110.16 FEET;
44. THENCE NORTH 71°53'11" EAST, A DISTANCE OF 155.66 FEET;
45. THENCE NORTH 06°36'25" EAST, A DISTANCE OF 31.73 FEET;

THENCE NORTH 79°41'20" EAST, A DISTANCE OF 55.23 FEET TO THE POINT OF BEGINNING; CONTAINING 685,663 SQUARE FEET OR 15.741 ACRES, MORE OR LESS.

SURVEYOR'S NOTES

1. BEARINGS AND COORDINATES SHOWN HEREON ARE GRID BASED UPON THE NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT (NAD83/NSRS 2011) FLORIDA WEST ZONE. DISTANCES SHOWN ARE GROUND DISTANCES MEASURED IN FEET.
2. NO UNDERGROUND IMPROVEMENTS OR FOUNDATIONS WERE LOCATED UNLESS OTHERWISE NOTED.
3. THIS PARCEL LIES IN FLOOD ZONES AS SHOWN, ZONES ARE BASED ON FEMA FLOOD INSURANCE RATE MAP 12071005770, DATED DECEMBER 27, 2018. FLOOD ZONE LINES SHOWN HEREON WERE IMPORTED FROM FEMA SHAPE FILES. ALL BASE FLOOD ELEVATION AND CROSS SECTION ELEVATION ARE BASED UPON NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 1988).
4. BOUNDARY INFORMATION SHOWN HEREON IS BASED UPON A TITLE CERTIFICATION PREPARED BY PAVESSE LAW FIRM, AND SIGNED BY MICHAEL P. LEHNERT ESQ, DATED OCTOBER 13, 2022 WITH AN EFFECTIVE DATE OF SEPTEMBER 26, 2022.
- A. SUBJECT TO AN EASEMENT RECORDED IN O.R. BOOK 257, PAGE 188, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (SHOWN HEREON)
- B. SUBJECT TO A MEMORANDUM OF AGREEMENT RECORDED IN O.R. BOOK 3506, PAGE 640, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (NOT SHOWN HEREON)
- C. SUBJECT TO AUTOMATIC PHOSPHATE, METALS, MINERALS AND PETROLEUM RESERVATIONS BY VITUE OF SEC. 270.11(1), F.S., UNDER DEED RECORDED IN O.R. BOOK 3555, PAGE 1277, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THE RIGHT OF ENTRY AND EXPLORATION RESERVATION HAS BEEN RELEASED PURSUANT TO SEC. 270.11, F.S. (NOT A SURVEYING MATTER, NOT SHOWN)
- D. SUBJECT TO AN EASEMENT IN FAVOR OF MULLOCK DRAINAGE DISTRICT, A SPECIAL TAXING DISTRICT CREATED UNDER THE LAWS OF THE STATE OF FLORIDA RECORDED IN O.R. BOOK 3555, PAGE 1279, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (SHOWN HEREON)
- E. SUBJECT TO A TEMPORARY NON EXCLUSIVE ACCESS AND CONSTRUCTION EASEMENT AGREEMENT RECORDED IN INSTRUMENT NUMBER 2021000136725, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. (SHOWN HEREON)
5. THE STREET ADDRESS IS:
TO BE DETERMINED SOUTH TAMAMI TRAIL
FORT MYERS, FLORIDA 33908
6. THE MEAN HIGH WATER (MHW) LINE DEPICTED HEREON IS BASED UPON VALUES TAKEN FROM POINT IDENTIFICATION No. 824, LEE COUNTY, USGS QUAD MAP "ESTERO", TOTAL EPOCH 1983 - 2001, DATUM NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 1988). THE MEAN HIGH WATER ELEVATION OF 0.29 FEET NAVD 1988 WAS PROVIDED BY STEVE KELLOGG, PLS OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION ON JANUARY 19, 2020.
7. WETLANDS OR JURISDICTIONAL WETLANDS HAVE NOT BEEN SHOWN FOR THIS SURVEY.

CURVE	DELTA (M)	RADIUS (M)	ARC (M)	CHORD BEARING (M)	CHORD (M)
C1	3°26'20"	500.00'	30.01'	S89°58'19"W	30.00'
CURVE	DELTA (D)	RADIUS (D)	ARC (D)	CHORD BEARING (D)	CHORD (D)
C1	3°26'20"	500.00'	30.01'	S89°58'19"W	30.00'



TOWNSHIP 45 SOUTH
TOWNSHIP 46 SOUTH

GRAPHIC SCALE
0 50 100
(IN FEET)
1 INCH = 100 FEET

CERTIFIED TO:
STA. FUND, LLC

DRAWN BY:
NH

CHECKED BY:
EDK

FIELD BOOK:
137/146

DAGOSTINO GEOSPATIAL, INC.
Professional Surveying & Mapping
10881 Bonita Beach Road SE Bonita Springs, FL 34135
Phone: (239) 552-6085 Website: www.daggo.com



DRAWING SCALE:
1"=100'

REVISION DATE:
FA

REVISION DATE:
10/21/2022

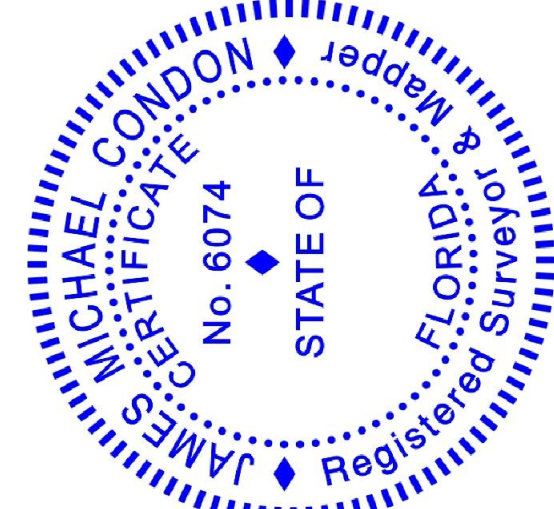
COUNTER FILE:
2018 08/16/22

SURVEY DATE:
11/17/2021

SIGNATURE DATE:
10/21/2022

James M. Condon, PSM
Professional Surveyor & Mapper
Florida License No. 6074

This map prepared by:
James M. Condon, PSM
Certificate of Authorization No. LB 6896
NOT VALID WITHOUT THE SIGNATURE
AND SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER



SURVEYORS CERTIFICATE

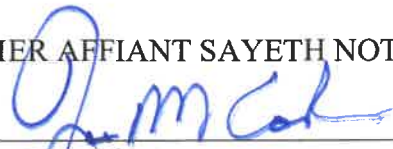
STATE OF FLORIDA

COUNTY OF LEE

Before me the undersigned authority, personally appeared James M. Condon (the "Affiant"), who, being first duly sworn, deposes under oath and says as follows:

1. Affiant is a surveyor who is licensed in the State of Florida being P.S.M. No. 6074.
2. Affiant certifies that I have performed a Boundary Survey of the STA Fund, LLC property described by Special Warranty Deed recorded February 3, 2020 in Official Records Instrument No. 2020000029637, Public Records of Lee County, Florida. Said legal description is attached and referenced as Exhibit "A".
3. I further certify that I created the metes and bounds Legal Description shown as Exhibit "B".
4. After review of the above I hereby certify that the lands contained within the Legal Description for Exhibit "B" attached lie completely within and are equivalent to those lands described as the STA Fund, LLC property described by Special Warranty Deed recorded February 3, 2020 in Official Records Instrument No. 2020000029637, Public Records of Lee County, Florida and attached and described as Exhibit "A".

FURTHER AFFIANT SAYETH NOT.


James M. Condon, P.S.M. No. 6074

SWORN TO AND SUBSCRIBED before me this 12 day of September, 2022 by James M. Condon, who is personally known to me or who produced _____ as identification and who did take an oath.


Notary Public – signatureTerry J Alcorn
Notary Public – printed name

My Commission expires: 4/8/2023
(Notary Seal)

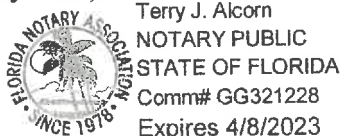


EXHIBIT "A"

A TRACT OR PARCEL OF LAND LYING IN SECTIONS 17 AND 18, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PART OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 17; AND THAT PART OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 18; AND THAT PART OF THE NORTH 1/2 OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 18; ALL LYING SOUTHERLY OF THE FOLLOWING DESCRIBED LINE COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 18; THENCE RUN NORTH 88 DEGREES 56' 30" EAST FOR 137.40' TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF TAMiami TRAIL (200' WIDE); THENCE RUN SOUTH 20 DEGREES 35' 30" EAST ALONG SAID RIGHT OF WAY LINE FOR 93.18' TO THE POINT OF BEGINNING OF SAID LINE; THENCE RUN SOUTH 79 DEGREES 41' 20" WEST ALONG THE CENTER LINE OF A 100' WIDE CANAL EASEMENT AS DESCRIBED IN OFFICIAL RECORD BOOK 189, PAGE 34, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA. AND IT'S EXTENSION THEREOF FOR 1537.94 TO IT'S INTERSECTION WITH THE WEST LINE OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 18 AND THE POINT OF TERMINATION OF SAID LINE.

AND

THAT PART OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 AND THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 18, LYING NORTH OF THE NORTH BRANCH OF MULLOCK CREEK.

AND

THAT PART OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 18, LYING SOUTHERLY OF A CANAL (MULLOCK EXTENSION) AND EASTERLY AND NORTHERLY OF MULLOCK CREEK AND THE NORTH BRANCH OF MULLOCK CREEK.

LESS AND EXCEPT:

A TRACT OR PARCEL OF LAND LYING IN SECTION 18, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 18; THENCE NORTH 88°56'30" EAST FOR 137.56 FEET TO THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 45 / U.S. 41 / SOUTH TAMiami TRAIL (200' WIDE); THENCE SOUTH 20°34'05" EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 353.97 FEET TO THE SOUTH LINE OF THE LANDS DESCRIBED IN INSTRUMENT NUMBER 2020000029637; THENCE SOUTH 89°04'13" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 256.11 FEET TO THE EAST LINE OF THOSE LANDS DESCRIBED IN INSTRUMENT NUMBER 2020000029637; THENCE SOUTH 01°02'12" EAST, ALONG SAID EAST LINE, A DISTANCE OF 43.78 FEET TO THE POINT OF BEGINNING.

THENCE CONTINUE SOUTH 01°02'12" EAST, ALONG SAID EAST LINE, A DISTANCE OF 288.88 FEET TO THE NORTH LINE OF THOSE LANDS DESCRIBED IN INSTRUMENT

NUMBER 2019000161688; THENCE NORTH $83^{\circ}17'33''$ WEST, ALONG SAID NORTH LINE, A DISTANCE OF 165.23 FEET; THENCE NORTH $20^{\circ}35'30''$ WEST, ALONG A NORTHERLY PROLONGATION OF THE WESTERLY LINE OF THOSE LANDS DESCRIBED IN INSTRUMENT NUMBER 2019000161688, A DISTANCE OF 33.76 FEET; THENCE SOUTH $85^{\circ}17'33''$ EAST, A DISTANCE OF 146.36 FEET; THENCE NORTH $01^{\circ}02'12''$ WEST, A DISTANCE OF 255.05 FEET TO THE POINT OF CURVATURE OF A NON TANGENT CURVE CONCAVE TO THE SOUTH; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 500.00 FEET; A DELTA ANGLE OF $03^{\circ}26'20''$, A CHORD BEARING OF NORTH $89^{\circ}58'19''$ EAST, A CHORD DISTANCE OF 30.00 FEET, AN ARC DISTANCE OF 30.01 TO THE END OF SAID CURVE AND THE POINT OF BEGINNING.

EXHIBIT "B"

A TRACT OR PARCEL OF LAND LYING IN SECTION 17 AND 18, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 18, THENCE NORTH 88°56'30" EAST, A DISTANCE OF 137.52 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF TAMiami TRAIL (US 41 - STATE ROAD 45) 200' RIGHT OF WAY; THENCE SOUTH 20°35'30" EAST, ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 93.18 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 20°34'05" EAST, ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 260.80 FEET TO THE NORTH LINE OF THOSE CERTAIN LANDS DESCRIBED IN INSTRUMENT NUMBER 2019000161688; THENCE SOUTH 89°04'13" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 256.11 FEET; THENCE SOUTH 01°02'12" EAST, A DISTANCE OF 43.78 FEET TO A POINT ON A NON TANGENT CURVE CONCAVE SOUTHERLY; THENCE WESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 500.00 FEET, A CENTRAL ANGLE OF 03°26'20", THE CHORD FOR WHICH BEARS SOUTH 89°58'19" WEST, A CHORD DISTANCE OF 30.00 FEET, AN ARC DISTANCE OF 30.01 FEET TO THE END OF SAID CURVE; THENCE SOUTH 01°02'12" EAST ALONG THE WEST LINE OF THOSE CERTAIN LANDS DESCRIBED IN INSTRUMENT NUMBER 2021000136724 A DISTANCE OF 255.05 FEET; THENCE NORTH 83°17'33" WEST, A DISTANCE OF 146.36 FEET; THENCE SOUTH 20°35'30" EAST, A DISTANCE OF 33.76 FEET TO THE NORTHERLY LINE OF CREEKSIDE PRESERVE CONDOMINIUM RECORDED IN INSTRUMENT NUMBER 2016000033801; THENCE NORTH 83°17'33" WEST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 487.75 FEET TO THE MEAN HIGH WATER LINE OF MULLOCK CREEK; THENCE ALONG THE MEAN HIGH WATER LINE OF MULLOCK CREEK THE FOLLOWING 45 COURSES:

1. THENCE NORTH 43°03'46" EAST, A DISTANCE OF 86.93 FEET;
2. THENCE NORTH 81°26'49" EAST, A DISTANCE OF 117.53 FEET;
3. THENCE NORTH 07°10'47" EAST, A DISTANCE OF 5.11 FEET;
4. THENCE NORTH 47°45'45" WEST, A DISTANCE OF 16.71 FEET;
5. THENCE NORTH 39°11'06" EAST, A DISTANCE OF 15.16 FEET;
6. THENCE NORTH 04°20'02" WEST, A DISTANCE OF 25.71 FEET;
7. THENCE NORTH 37°45'27" WEST, A DISTANCE OF 13.27 FEET;
8. THENCE SOUTH 43°20'51" WEST, A DISTANCE OF 16.77 FEET;
9. THENCE SOUTH 70°53'40" WEST, A DISTANCE OF 104.27 FEET;
10. THENCE SOUTH 50°26'57" WEST, A DISTANCE OF 96.63 FEET;
11. THENCE SOUTH 62°29'46" WEST, A DISTANCE OF 143.45 FEET;
12. THENCE SOUTH 58°06'47" WEST, A DISTANCE OF 121.77 FEET;
13. THENCE NORTH 83°48'17" WEST, A DISTANCE OF 112.04 FEET;
14. THENCE SOUTH 54°33'59" WEST, A DISTANCE OF 77.73 FEET;
15. THENCE SOUTH 45°39'28" WEST, A DISTANCE OF 33.35 FEET;
16. THENCE SOUTH 49°05'18" WEST, A DISTANCE OF 81.01 FEET;
17. THENCE SOUTH 26°54'03" WEST, A DISTANCE OF 36.85 FEET;
18. THENCE NORTH 82°30'07" WEST, A DISTANCE OF 69.73 FEET;
19. THENCE SOUTH 81°21'56" WEST, A DISTANCE OF 123.58 FEET;
20. THENCE NORTH 70°11'51" WEST, A DISTANCE OF 137.43 FEET;
21. THENCE NORTH 75°23'21" WEST, A DISTANCE OF 134.98 FEET;
22. THENCE NORTH 76°15'11" WEST, A DISTANCE OF 106.69 FEET;
23. THENCE SOUTH 84°51'43" WEST, A DISTANCE OF 61.23 FEET;
24. THENCE NORTH 09°42'24" WEST, A DISTANCE OF 71.13 FEET;
25. THENCE NORTH 50°12'06" WEST, A DISTANCE OF 40.60 FEET;
26. THENCE NORTH 30°14'13" WEST, A DISTANCE OF 92.47 FEET;
27. THENCE NORTH 30°04'27" WEST, A DISTANCE OF 18.32 FEET;

28. THENCE NORTH 32°14'09" EAST, A DISTANCE OF 24.98 FEET;
29. THENCE NORTH 75°55'32" EAST, A DISTANCE OF 78.88 FEET;
30. THENCE NORTH 79°28'47" EAST, A DISTANCE OF 122.14 FEET;
31. THENCE NORTH 78°05'50" EAST, A DISTANCE OF 127.07 FEET;
32. THENCE NORTH 76°48'02" EAST, A DISTANCE OF 155.39 FEET;
33. THENCE NORTH 78°55'19" EAST, A DISTANCE OF 123.27 FEET;
34. THENCE NORTH 79°43'07" EAST, A DISTANCE OF 329.12 FEET;
35. THENCE NORTH 80°46'03" EAST, A DISTANCE OF 138.38 FEET;
36. THENCE NORTH 80°36'42" EAST, A DISTANCE OF 92.10 FEET;
37. THENCE NORTH 81°02'12" EAST, A DISTANCE OF 101.38 FEET;
38. THENCE NORTH 78°16'57" EAST, A DISTANCE OF 115.98 FEET;
39. THENCE NORTH 83°22'16" EAST, A DISTANCE OF 96.08 FEET;
40. THENCE NORTH 80°32'09" EAST, A DISTANCE OF 99.43 FEET;
41. THENCE NORTH 77°44'38" EAST, A DISTANCE OF 77.53 FEET;
42. THENCE NORTH 76°26'02" EAST, A DISTANCE OF 97.27 FEET;
43. THENCE NORTH 80°53'10" EAST, A DISTANCE OF 110.16 FEET;
44. THENCE NORTH 71°53'11" EAST, A DISTANCE OF 155.66 FEET;
45. THENCE NORTH 06°36'25" EAST, A DISTANCE OF 31.73 FEET;
THENCE NORTH 79°41'20" EAST, A DISTANCE OF 55.23 FEET TO THE POINT OF BEGINNING;

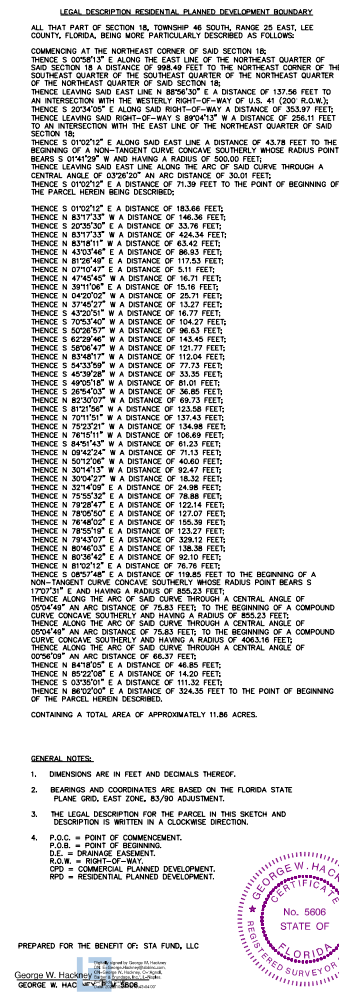
CONTAINING 685,663 SQUARE FEET OR 15.741 ACRES, MORE OR LESS.



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8. Revised Sketch and Description RPD

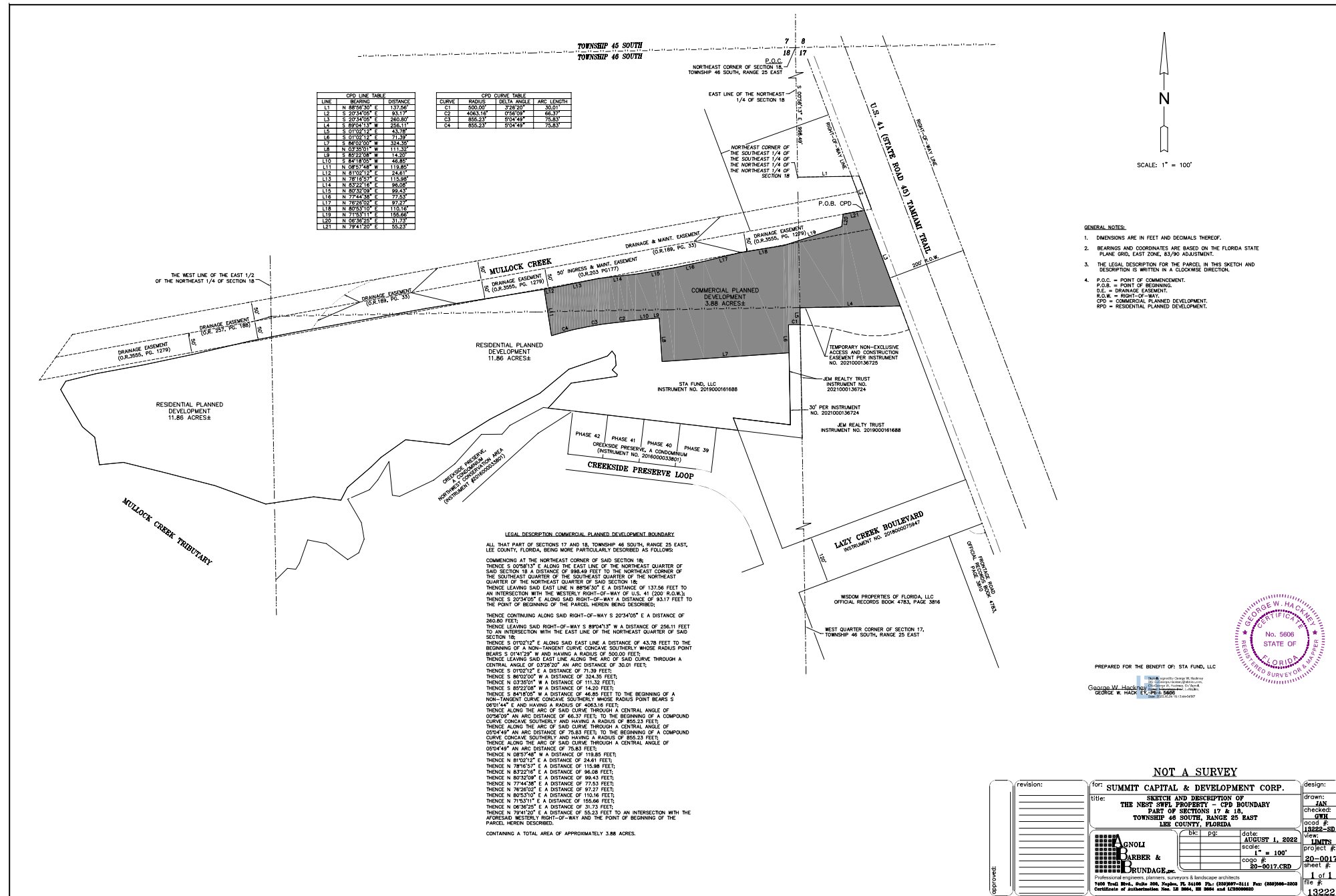




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9. Revised Sketch and Description CPD



- GENERAL NOTES:
- DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
 - BEARINGS AND COORDINATES ARE BASED ON THE FLORIDA STATE PLANE GRID, EAST ZONE, 83/NO ADJUSTMENT.
 - THE LEGAL DESCRIPTION FOR THE PARCEL IN THIS SKETCH AND DESCRIPTION IS WRITTEN IN A CLOCKWISE DIRECTION.
 - P.O.B. = POINT OF BEGINNING.
P.O.C. = POINT OF COMMENCEMENT.
D.E. = DRAINAGE EASEMENT.
C.D. = RIGHT-OF-WAY.
CPD = COMMERCIAL PLANNED DEVELOPMENT.
RPD = RESIDENTIAL PLANNED DEVELOPMENT.

PREPARED FOR THE BENEFIT OF: STA FUND, LLC

George W. Hackley, P.E., 5606
13222-0017

NOT A SURVEY

for: SUMMIT CAPITAL & DEVELOPMENT CORP.

title: SKETCH AND DESCRIPTION OF THE WEST SW/4 PROPERTY - CPD BOUNDARY PART OF SECTIONS 17 & 18, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA

bk: pg: date: AUGUST 1, 2022

scale: 1" = 100'

code #: 20-0017.CRD

view: LIMITS

project #: 20-0017

sheet #: 1 of 1

13222

APPROVED: [Signature]

revision: [Table]

drawn: JAN

checked: JWL

record #: 13222-0017

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10. Mullock Creek Waterfront Landscape plan

MULLOCK CREEK LANDSCAPE PLAN

The applicant is proposing a landscape plan and pedestrian pathway along the waterfront. The landscaping along the CPD waterfront will have a minimum of 4 four native canopy trees and 25 native shrubs per 100 linear ft. The landscaping along the RPD waterfront will have a minimum of 3 three native canopy trees and 25 native shrubs per 100 linear ft. The waterfront will also have a 7ft. +/- pathway that connects the RPD and CPD. The landscape material may be met through credits from the existing native vegetation within the waterfront area at a 1:1 credit ratio. The landscape trees shall be a minimum of 12ft in height at planting and the shrubs shall be a minimum of 3gal. at planting. The trees may be clustered to create a hammock type look with appropriate spacing. The shrubs may be clustered to create understory for the canopy trees.

Please note that the parking areas will be required to have a mid-height hedge to block headlights.

See Cross section exhibits of the waterfront landscaping and pathway, and adjacent properties' view sheds.



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11. Cross Section Exhibits

