



APPLICATION FOR SPECIAL EXCEPTION PUBLIC HEARING UNINCORPORATED AREAS ONLY

Project Name: Bermuda Lakes RV Resort RVPD

Special Exception for:

- ☐ Use (LCLDC section number and description): _____
- ☐ Solar or Wind energy modifications [34-202(b)(5)(d)1.]
- ☒ On-premise consumption of alcoholic beverages [34-202(b)(5)(d)2.]
- ☐ Private aircraft landing facilities [34-202(b)(5)(d)3.]
- ☐ Wireless Communication Facilities [34-1441]
- ☐ Model Homes [34-1954]
- ☐ Permitted Uses for Model Home on arterial street in RS-1 zoning district in Lehigh Acres [33-1431]

PART 1 APPLICANT/AGENT INFORMATION

- A. Name of Applicant:** Exit 24, LLC
Address: 5270 Orange River Blvd.
City, State, Zip: Fort Myers, FL 33905
Phone Number: c/o 239-770-2527/239-939-5490 **E-mail:** c/o shewitt@bankseng.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:** Banks Engineering
Contact Person: Stacy Ellis Hewitt, AICP
Address: 10511 Six Mile Cypress Parkway
City, State, Zip: Fort Myers, FL 33966
Phone Number: 239-770-2527/239-939-5490 **Email:** shewitt@bankseng.com
2. **[Additional Agent\(s\)](#):** Provide the names of other agents that the County may contact concerning this application. [34-202(a)(4)]

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: Same as applicant
Address: _____
City, State, Zip: _____
Phone Number: _____ **Email:** _____
- B. Disclosure of Interest [34-202(a)(2)]**
- ☒ Attach [Disclosure of Interest](#) Form.

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

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): 8/2012

PART 3
PROPERTY INFORMATION

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

03-44-25-00-00013.0000, 03-44-25-00-00016.0000,
 03-44-25-00-00010.0030, 03-44-25-00-00015.0000, &
 04-44-25-00-00018.0000

B. Street Address of Property: Lexington Avenue, Access Undetermined, 422 Miramar Rd & 5181 & 5201 Tice Street**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: Bermuda Lakes RV Resort RVPD (Z-14-031)

- ☐ 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: RV Park
2. Intended uses of property are: RV Park

G. Future Land Use Classification (Lee Plan):

Suburban	<u>31.17±</u>	Acres	<u>64</u>	% of Total
Intensive Development	<u>5.98±</u>	Acres	<u>12.2</u>	% of Total
Central Urban	<u>2.97±</u>	Acres	<u>6</u>	% of Total
Wetlands	<u>8.66±</u>	Acres	<u>17.8</u>	% of Total

H. Property Dimensions:

1. Width (average if irregular parcel): 1,744± Feet
2. Depth (average if irregular parcel): 2,098± Feet
3. Total area: 48.78± Acres or square feet
4. Frontage on road or street: 120± Feet on Lexington Avenue Street
- 2nd Frontage on road or street: 491± Feet on Tice Street 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
 - ☐ Estero Planning Community. [33-54(a)&(b); Lee Plan Policy 19.5.3]
 - ☐ Captiva Planning Community (Captiva Island). [33-1612(a)&(b); Lee Plan Policy 13.1.7]
 - ☐ North (Upper) Captiva Community Plan area. [33-1711; Lee Plan Policy 25.1.1]
 - ☐ 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 27.10.1]
 - ☐ 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 ACTION REQUESTED

- A. Request Statement:** Explain the nature of the request and how the property qualifies for the special exception based on the findings/review criteria set forth in 34-145(c)(3) and listed below. [34-202(b)(5)(a)]
1. The request is consistent with the goals, objectives, policies, and intent of the Lee Plan.
 2. The request will protect, conserve, or preserve environmentally critical and sensitive areas and natural resources, where applicable.
 3. The request will be compatible with existing and planned uses.
 4. The request will not be injurious to the neighborhood or detrimental to the public welfare.
 5. The request will be in compliance with zoning regulations pertaining to the use and other applicable regulations..
 6. In the case of new antenna supporting structure wireless communication facilities, meets the additional criteria of 34-145(c)(3)b.
- B. Traffic Impact Statement (TIS):** Attach a traffic impact analysis of projected trip generation for the use. A TIS is not required for special exceptions for consumption on premises or for solar or wind modifications. [34-202(b)(5)(b)]
- C. Site Plan:** Attach a site plan showing: [34-202(b)(5)(c)]
1. The location and current use of all existing structures on the site.
 2. All proposed structures and uses to be developed on the site.
 3. Any existing public streets, easements or land reservations within the site, and the proposed means of vehicular access to and from the site.
 4. Other information specific to the type of application or which may be required by the Director.
- D. Additional Information:** Any other reasonable information which may be required by the Director which is commensurate with the intent and purpose of the Land Development Code [34-202(b)(5)(d)]

PART 5 ADDITIONAL REQUIREMENTS

- A. Potable Water:** Will the project be connected to potable water and central sewer as part of any development of the property?
- ☒ **YES** (Provide 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)]

B. 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)

C. 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).

D. 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)]****E. Airport Zones & Lee County Port Authority (LCPA) Requirements:**

- ☒ Not Applicable
- ☐ Property is located within _____ Airport Noise Zone: **[34-1004]**
- ☐ 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]**

F. Solar Or Wind Energy Modifications: [34-202(b)(5)(d)1.]

1. Evidence that the proposed modifications are the minimum necessary to provide for the solar or wind energy proposal.
2. Evidence that the proposed modifications will not adversely affect adjacent properties. (See LCLDC Section 34-2196.)
3. Evidence that the modifications do not decrease total lot area.
4. Evidence that the principal use, absent the solar or wind aspects, is a permitted use in the zoning district for which it is located.

G. On-Premises Consumption Of Alcoholic Beverages: [34-202(b)(5)(d)2.]

1. A written statement describing the type of state liquor license to be acquired, e.g., 2 COP, SRX, 11C, etc., and the anticipated hours of operation for the business.
2. The site plan must include a detailed parking plan.

H. Private Aircraft Landing Facilities: [34-202(b)(5)(d)3.]

1. Indicate the type of facility, as set forth in Florida Administrative Code chapter 14-60.
2. A certified list of all airports and municipalities within 15 miles of the proposed site and all property owners within 1,000 feet of the property or within the minimum required approach zone, whichever is greater.
3. The site plan must indicate the proposed location and length of the effective landing facility, as well as the area included in the approach zone.

I. Wireless Communication Facilities: [34-1441 et. seq.]

1. Documentation of authority/acceptance of responsibility for compliance with these regulations, executed by property owner, applicant, and provider who will be placing antennas on the proposed or existing wireless communications facility. **[34-1446 (a) (1)]**
2. Name, address, and telephone contact information for the owners(s) of all proposed or existing antenna-supporting structures and wireless communication facilities with an affidavit that such contact information will be updated annually or upon a change of ownership after the application is approved. **[34-1446(a)(2)]**
3. A copy of license issued by FCC. A broadcast structure must submit a construction permit. **[34-1446(a)(3)]**
4. New antenna-supporting structures must demonstrate there are no existing suitable structures available or higher priority zoning districts in the geographic search area. As part of that demonstration, the application must include a graphical representation of the geographic search area. **[34-1446(a)(4)]**
5. A statement confirming the overall height of the facility and all other facilities on the subject property, in terms of grad and sea-level. **[34-1446(a)(5)]**
6. A letter demonstrating consent from the Executive Director of Lee County Port Authority if the wireless communications facility is to be located within the County airspace notification limits of LCLDC Section 34-1008. **[34-1446(a)(6)a.]**
7. For any wireless communications facility exceeding 35 feet, a letter confirming review and recommendation from the Lee County Mosquito Control District, Sheriff's Department, and Director of Public Safety. **[34-1446(a)(6)b.]**
8. A letter demonstrating evidence of compliance with applicable Federal Aviation Administration requirements under 14 C.F.R. s. 77, as amended, and evidence of proper Federal Communications Commission licensure, or other evidence of Federal Communications Commission authorized spectrum use. **[34-1446(a)(6)c.]**
9. The Boundary Survey, completed by a registered land surveyor, must show all existing conditions. **[34-1446(a)(7)]**
10. Photo-simulated post-construction renderings of the proposed wireless communications facility, equipment enclosures, and ancillary appurtenances as they would look after construction from areas where the proposed wireless communications facility will be visible according to the balloon test and sight lines. **[34-1446(a)(8)]**
11. Shared use plan or copy of an executed shared use plan must be provided for the existing facility (see Supplement A). **[34-1446(a)(9)]**
12. For all new antenna support structures, a list and map identifying all existing wireless communications facilities to which the proposed facility will be a handoff candidate, including latitude, longitude, and power levels of each. **[34-1446(a)(10)]**
13. Floor plans, elevations, and cross sections on 24" X 36" size paper at a scale no smaller than 1/4" = 1' (1:48) of any proposed accessory structures. **[34-1446(a)(11)]**
14. To scale elevation drawings, indicating the roof, facades, doors, and other exterior appearance and materials of the proposed wireless communication facility (signed and sealed by Professional Engineer). **[34-1446(a)(12)]**
15. If the property owner is not a provider, a copy of an executed lease agreement or memorandum of lease between the application or property owner and provider. If no lease agreement has been executed, an affidavit signed by provider attesting to provider's intent to make an application for development order approval to place antennas on the wireless communications facility if the zoning application is approved. **[34-1446(b)(1)]**
16. For antenna supporting structures, the graphic results of the balloon test conducted by the applicant pursuant to the requirements of LCLDC Section 34-1446(d). **[34-1446(b)(2)]**

J. Model Homes: Narrative and plans that demonstrate compliance with provisions of LCLDC Chapter 34, Division 24. **[34-1954(a)(2)]**

PART 6
SUBMITTAL REQUIREMENT CHECKLIST

Two copies required for submittal
Clearly label your attachments as noted in bold below

☒	Completed application for Public Hearing [34-202(a)(1)]
☒	Filing Fee - [34-201(d)]
☐	Bonus Density Filing Fee - (if applicable) [34-202(a)(11)]
☒	Affidavit of Authorization (notarized) Form [34-202(a)(3)]
☐	Additional Agents [34-202(a)(4)]
☐	Multiple Owners List (if applicable) [34-202(a)(2)]
☒	Disclosure of Interest Form (multiple owners) [34-202(a)(2)]
☒	Legal description (must submit one) [34-202(a)(1)]
☒	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.)
☒	Boundary Survey (not required if platted lot) [34-202(a)(2); [34-373(a)(4)a.]
☐	Property Owners list (if applicable) [34-202(a)(5)]
☐	Property Owners map (if applicable) [34-202(a)(5)]
☒	Confirmation of Ownership/Title Certification [34-202(a)(3)]
☐	STRAP Numbers (if additional sheet is required) [34-202(a)(1)]
☒	List of Surrounding Property Owners [34-202(a)(6)]
☒	Map of Surrounding Property Owners [34-202(a)(7)]
☒	Mailing labels [34-202(a)(9)]
☐	List of Zoning Resolutions and Approvals
☐	Summary of Public Informational Session (if applicable)
☒	Waivers from Application Submission Requirements [34-201(c)]
☒	Request Statement [34-202(b)(5)(a)]
☐	Traffic Impact Statement (TIS) [34-202(b)(5)(b)]
☒	Site Plan [34-202(b)(5)(c)]
☐	Additional Information (if applicable) [34-202(b)(5)(d)]
☐	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)]
☐	Existing Agricultural Use Affidavit (if applicable) [34-202(a)(12)]
☐	Excavations/Blasting (if applicable)
☐	Tall Structures Permit (if applicable) [34-1108]
☐	Solar or Wind Energy Modifications (if applicable) [34-202(b)(5)(d)1.]
☒	Consumption on Premises (COP) (if applicable) [34-202(b)(5)(d)2.]
☐	Private Aircraft Landing Facilities (if applicable) [34-202(b)(5)(d)3.]
☐	Wireless Communication Facilities (if applicable) [34-1441 et. seq.]
☐	Model Homes (if applicable) [34-1954(a)(2) & (b)]

DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME this day appeared Alan Erp, as Manager of Exit 24, LLC, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at STRAP Nos. 03-44-25-00-00013.0000, 03-44-25-00-00016.0000, 03-44-25-00-00010.0030, 04-44-25-00-00018.0000, and 03-44-25-00-00015.0000 and is the subject of an Application for zoning action (hereinafter the "Property").

2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

[OPTIONAL PROVISION IF APPLICANT IS CONTRACT PURCHASER: In addition, I am familiar with the individuals that have an ownership interest in the legal entity that is under contract to purchase the Property.]

3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.

4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.

5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.

6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

Name and Address	Percentage of Ownership

Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.



Property Owner

Alan Erp, Manager of Exit 24, LLC
Print Name

*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, on 12/09/22 (date) by Alan Erp (name of person providing oath or affirmation), who is personally known to me or who has produced Known to ME (type of identification) as identification.

STAMP/SEAL




Signature of Notary Public

AFFIDAVIT OF AUTHORIZATION**APPLICATION IS SIGNED BY INDIVIDUAL OWNER, APPLICANT, CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE**

I, Alan Erp (name), as Manager (owner/title) of Exit 24, LLC (company/property), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

***Notes:**

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

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

Signature

12/9/22
Date

*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

**STATE OF FLORIDA
COUNTY OF LEE**

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☐ physical presence or ☒ online notarization, this 9 day of December, 2022, by Alan Erp (name of person providing oath or affirmation), who is personally known to me or WARRANTY produced known to ME (type of identification) as identification.

STAMP/SEAL

Signature of Notary Public



REQUEST FOR SUBMITTAL REQUIREMENT WAIVER FOR UNINCORPORATED AREAS ONLY

Upon written request, the Director may modify the submittal requirements for Public Hearings, Development Orders, Limited Review Development Orders and other Administrative Action Applications where it can be clearly demonstrated that the submission will have no bearing on the review and processing of the application. The request and the Director's written response must accompany the application submitted and will become a part of the permanent file.

APPLICATION FOR WAIVER OF REQUIRED SUBMITTAL ITEMS (indicate the appropriate application type)

- ☒ Public Hearing - General Requirements **(34-202)**
- ☐ Public Hearing - Mining Excavation Planned Development **(12-110)**
- ☐ Public Hearing - Additional Requirements for:
- ☐ Development of Regional Impact **(34-202(b)(1))**
 - ☐ Planned Developments **(34-202(b)(2))**
 - ☐ Planned Development Amendment **(34-202(b)(2))**
 - ☐ Rezoning other than Planned Developments **(34-202(b)(3))**
 - ☐ Special Exceptions **(34-202(b)(5))**
 - ☐ Variances **(34-202(b)(6))**
 - ☐ Limited Amendment to Existing Mine Zoning Approval **[12-121(j)]**
 - ☐ Private Recreational Facilities Planned Development **(34-941(g))**
- ☐ Development Order - Submittal Requirements **(10-152)**
- ☐ Application Form and Contents **(10-153)**
 - ☐ Additional Required Submittals **(10-154)**
- ☐ Limited Review Development Order – Submittal Requirements **(10-152)**
- ☐ Required Submittals **(10-175)**
- ☐ Administrative Action Application Requirements **[34-203]**
- State the Type of Administrative Application: _____

PLEASE PRINT OR TYPE:

STRAP Number: 03-44-25-00-00013.0000, 03-44-25-00-00016.0000, 03-44-25-00-00010.0030, 04-44-25-00-00018.0000, & 03-44-25-00-00015.0000

Name of Project: Bermuda Lakes RV Resort RVPD

Name of Agent: Banks Engineering, Stacy Ellis Hewitt, AICP

Street Address: 10511 Six Mile Cypress Pkwy, Suite 101

City, State, Zip: Fort Myers, FL 33966

Phone Number: 239-770-2527/239-939-5490 Email Address: shewitt@bankseng.com

Name of Applicant*: Exit 24, LLC

Street Address: 5270 Orange River Blvd.

City, State, Zip: Fort Myers, FL 33905

Phone Number: c/o 239-770-2527/239-939-5490 Email Address: c/o shewitt@bankseng.com

***If applicant is not the owner, a letter of authorization from the owner must be submitted.**

**LEE COUNTY COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET), FORT MYERS, FLORIDA 33902
PHONE (239) 533-8585**

A. SPECIFIC SECTION(S) AND REQUIREMENT(S) FOR WHICH A WAIVER IS SOUGHT:

	Section Number	Requirement
#1	34-202(a)(6)	Boundary Survey
#2	34-202(a)(7)	Certification of Title and Encumbrances
#3		
#4		
#5		
#6		
#7		
#8		
#9		

B. SCOPE OF PROJECT AND REASON(s) FOR REQUEST:

Please provide an explanation of the scope of the project and the reason(s) why you think the request for submittal waiver(s) should be approved. Use additional sheets if necessary and attach to this application form. (Please print or type)

The applicant is in the process of preparing an application for Special Exception public hearing pursuant to condition 4 of zoning resolution number Z-14-031 to request indoor and outdoor consumption on premises located within 500 feet of Orange River Elementary School's property line. The subject property received zoning approval under case number DCI2014-00010 and development order approval under DOS2014-00091 and is currently being developed. The property ownership has not changed, and title and survey documents are on file with these case numbers. The applicant proposes to submit a copy of the legal description and sketch and survey already on file with Lee County. The submittal of any of the requested items would have no bearing on the review and processing of the application.

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

Signature of Applicant

September 26, 2022

Date

.....
FOR STAFF USE ONLY

DIRECTOR'S DECISION:



Request Denied #2



Request Approved



Request Approved Per Attached Comments #1

Electronically signed on 10/26/2022 by
 Anthony R. Rodriguez, AICP, CPM, Zoning Manager
 Lee County Department of Community Development

Director Signature

Date

GEN2022-00421

COMMENTS

Legal (HS, 10/25/22)

An updated title certification is still required due to the requirements in LDC §34-202(a)(7)(i). A boundary survey is only required if the title certification identifies additional easements on the property that were not identified on the boundary survey from DCI2014-00010. The legal description from said boundary survey must also match the updated title certification.



Professional Engineers, Planners & Land Surveyors

Bermuda Lakes RV Resort RVPD

Special Exception for COP

Request Statement

Bermuda Lakes RV Resort Recreational Vehicle Planned Development (RVPD) is 48.73± acres located in the northwest quadrant of Tice Street and Lexington Avenue. The property received RVPD zoning approval via zoning resolution number Z-14-031 on February 18, 2015 which allows a transient RV park with up to 200 lots and related accessory uses which includes the indoor/outdoor recreation area. The overall project lies within the Suburban, Intensive Development, Central Urban and Wetlands future land use categories, the Fort Myers Shores Planning District and the Tice Community Planning Area. The RV park is currently under construction of 155 sites as approved by development order DOS2014-00091. A concurrent development order amendment is under review to add the indoor and outdoor recreation area.

The following condition was included in the resolution regarding regulation of the approved consumption on premises for the project:

4. Consumption on Premises: Consumption on premises is limited to the Indoor and Outdoor Recreation Area shown on the MCP and must be primarily for the people staying at the recreational vehicle development. An application for administrative approval of consumption on premises is required prior to issuance of an alcoholic beverage license. The application must provide a detailed site plan of the Indoor and Outdoor Recreation Area that demonstrates that the location for the sale or service of alcoholic beverages for consumption on the premises, when measured in a straight line to the property line of Orange River Elementary School, is not closer than 500 feet. If the location for the sale or service of alcoholic beverages for consumption on the premises is located within 500 feet of Orange River Elementary School's property line, a special exception approval must be received.

The applicant is requesting a Special Exception public hearing pursuant to condition 4 to request approval for alcoholic beverage consumption on premises (COP) at the private on-site recreational facilities to allow indoor and outdoor COP with the Limited Food and Beverage Service in the areas identified on the Special Exception Site Plan. Portions of the COP area are located within 500 feet of Orange River Elementary School's property line. It should be noted that these uses are allowed administratively if not closer than 500 feet. The request will allow indoor and outdoor consumption on premises within approximately 310 feet of the school property line. The request is necessary to allow the recreation center to be located along the edge of the existing lake. The request would be allowed administratively if it was shifted 190 feet south, however it would not be able to provide the waterfront experience due to the existing lake and preserve configuration.

S:\Jobs\20xx\2062NT\Documents\Zoning\Special Exception for COP\Written Narrative.doc

The type of state liquor license will be a 4COP-SFS license. The hours of operation for indoor consumption on premises are from 7:00 a.m. to 2:00 a.m. seven days a week. Hours of operation for outdoor consumption on premises are from 8:00 a.m. to 10:00 p.m. seven days a week. The attached Special Exception Site Plan shows the indoor and outdoor service areas and detailed parking pursuant to approved deviation 3 which allowed parking at 3.5 spaces per 1,000 square feet of clubhouse.

The property qualifies for the special exception based on the findings/review criteria set forth in 34-145(c)(3) as listed below:

a.1. The request is consistent with the goals, objectives, policies, and intent of the Lee Plan.

The existing zoning and development approvals demonstrate the proposed development's consistency with the Lee Plan, including the Suburban future land use category in which the indoor and outdoor private recreation facility is located. The request to allow indoor and outdoor seating consumption on premises within 500 feet does not change the fact that the project is consistent with the Lee Plan.

a.2. The request will protect, conserve, or preserve environmentally critical and sensitive areas and natural resources, where applicable.

The RVPD zoning approval and Master Concept Plan included conditions that were found to protect, conserve, or preserve environmentally critical and sensitive areas and natural resources, including the on-site preserves which are not impacted by the subject request. The development order also approved the onsite preservation areas which are not impacted by the subject request.

a.3. The request will be compatible with existing and planned uses.

The indoor and outdoor recreation area with consumption on premises was included on the RVPD MCP and was already found compatible with existing and planned uses. The request remains compatible.

a.4. The request will not be injurious to the neighborhood or detrimental to the public welfare.

The request will not be injurious to the neighborhood or detrimental to the public welfare. The indoor and outdoor recreation area with consumption on premises was included on the RVPD MCP and was already found compatible with existing and planned uses. The request allows the recreation area to be located along the existing lake and remains compatible.

Please see excerpt from the landscape plans submitted with the concurrent DO amendment on following page. The recreation area will be more than adequately screened

PUBLIC FACILITIES
AG-2
(ORANGE RIVER ELEMENTARY SCHOOL)

CONDITION #12
TION B

PER Z-14-031 CONDITION #11
SEE SECTION A

555' l.f., 8' Ht. Privacy Wall,
20' off P/LTM
Buffer Detail 'A'.

EX. STORMPIPE

EX. JB

50' DRAINAGE EASEMENT

ALLOW FPL ACCESS THRU GATE

8' DECORATIVE WALL

PROPOSED DECORATIVE FENCE-4' MAX HT. W/ MAINTENANCE OPENINGS

EXISTING LAKE
9.28 AC±
(W.S.W.T.=13.4')

MATCHLINE

OFFSITE PRESERVE

MATCHLINE

8' Fence
1' off P/L,
778' l.f.

NO BUFFER REQUIRED PER
Z-14-031 DEVIATION 1(e)

CENTRAL URBAN
C-2
PRESERVE AREA
AS PER
OS2012-00026)

PROPOSED 4' HT. DECORATIVE POOL FENCE WITH SELF CLOSING GATES

POOL

CLUBHOUSE

REC AREA

CONSERVATION AREA (PRESERVE #3)
2.76 AC

PROPOSED CHAINLINK FENCE-6' MAX HT. W/ MAINTENANCE GATES

UPLAND BUFFER

ALLIGATOR SIGN (FYT)

The indoor/outdoor COP area is approximately 1,375 linear feet driving or walking distance to the school property line as demonstrated on the Special Exception Site Plan, but the access is protected by a security gate further preventing access.

The site plan also demonstrates that the Gazebo and some of the outdoor recreation area are outside of 500' from the school property line so they would currently be allowed consumption on premises without Special Exception approval.



a.5. *The request will be in compliance with zoning regulations pertaining to the use and other applicable regulations.*

Approval of this special exception request will bring the proposed use into compliance with the zoning regulations contained within the zoning resolution pertaining to the use. With approval of the subject request, the project will be consistent with the Lee County Land Development Code.

The additional criteria of 34-145(c)(3)b., pertaining to new antenna supporting structure wireless communication facilities, is not applicable to this special exception request.

It should be noted that a TIS is not required for special exceptions for consumption on premises. Attached you will also find a written statement describing the type of state liquor license to be acquired and the anticipated hours of operation. As demonstrated above, the request is consistent with the goals, objectives, policies, and intent of the Lee Plan; will protect, conserve, or preserve environmentally critical and sensitive areas and natural resources; will be compatible with existing and planned uses; will not be injurious to the neighborhood or detrimental to the public welfare; and will be in compliance with zoning regulations pertaining to the use and other applicable regulations.



Professional Engineers, Planners & Land Surveyors

Bermuda Lakes RV Resort RVPD
Special Exception for COP
Written Statement Pertaining to
On-Premises Consumption of Alcoholic Beverages

The applicant is requesting a Special Exception public hearing, pursuant to condition 4 of Bermuda Lakes RV Resort RVPD zoning resolution number Z-14-031, to request approval for alcoholic beverage consumption on premises (COP) at the private on-site recreational facilities to allow indoor and outdoor COP with the Limited Food and Beverage Service in the areas identified on the Special Exception Site Plan. Portions of the COP area are located within 500 feet of Orange River Elementary School's property line. The type of state liquor license will be a 4COP-SFS license. The hours of operation for indoor consumption on premises are from 7:00 a.m. to 2:00 a.m. seven days a week. Hours of operation for outdoor consumption on premises are from 8:00 a.m. to 10:00 p.m. seven days a week.

Banks Engineering

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ SARASOTA ♦ PORT CHARLOTTE

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 3 AND SECTION 4, TOWNSHIP 44 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 3 AND SECTION 4, TOWNSHIP 44 SOUTH, RANGE 25 EAST, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

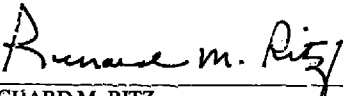
COMMENCING AT THE SOUTHERLY CORNER COMMON TO SAID SECTION 3 AND 4; THENCE N.89°22'11"E. ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3 FOR 1089.94 FEET; THENCE N.00°58'12"W. PARALLEL WITH THE WEST LINE OF SAID FRACTION FOR 30.00 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF TICE STREET (WIDTH VARIES) AND THE POINT OF BEGINNING; THENCE CONTINUE N.00°58'12"W. ALONG SAID PARALLEL LINE AND THE BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3601, AT PAGE 1183 OF THE PUBLIC RECORDS OF SAID LEE COUNTY FOR 630.46 FEET; THENCE S.89°22'11"W. ALONG SAID BOUNDARY PARALLEL WITH THE SOUTH LINE OF SAID FRACTION FOR 989.95 FEET; THENCE N.00°58'12"W. ALONG SAID BOUNDARY FOR 362.53 FEET TO THE SOUTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4856, AT PAGE 1115 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE S.89°10'12"W. ALONG THE SOUTH LINE OF SAID LANDS FOR 99.99 FEET TO THE SOUTHWEST CORNER OF SAID LANDS AND A INTERSECTION WITH THE EAST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE S.00°58'12"E. ALONG THE EAST LINE OF SAID FRACTION FOR 362.00 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE S.88°53'17"W. ALONG THE SOUTH LINE OF SAID FRACTION FOR 331.09 FEET TO THE SOUTHWEST CORNER OF SAID FRACTION; THENCE N.00°57'46"W. ALONG THE WEST LINE OF SAID FRACTION FOR 661.52 FEET TO THE NORTHWEST CORNER OF SAID FRACTION; THENCE N.89°02'25"E. ALONG THE NORTH LINE OF SAID FRACTION FOR 331.01 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 3 AND THE WEST LINE OF LANDS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 4856, AT PAGE 1115; THENCE N.00°58'12"W. ALONG SAID WEST LINE FOR 456.32 FEET TO THE NORTHWEST CORNER OF SAID LANDS; THENCE N.89°10'12"E. ALONG THE NORTH LINE OF SAID LANDS FOR 99.99 FEET TO THE NORTHEAST CORNER OF SAID LANDS AND A INTERSECTION WITH THE BOUNDARY LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3601, AT PAGE 1183 THENCE ALONG THE BOUNDARY OF SAID LANDS THE FOLLOWING DESCRIBED COURSES N.89°10'12"E. FOR 601.79 FEET; THENCE S.00°58'12"E. FOR 8.00 FEET; THENCE N.89°10'12"E. FOR 730.58 FEET TO AN INTERSECTION WITH THE WEST LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3615, AT PAGE 154 OF SAID PUBLIC RECORDS; THENCE ALONG THE BOUNDARY OF SAID LANDS THE FOLLOWING DESCRIBED COURSES S.00°19'44"E. FOR 682.22 FEET; THENCE N.89°22'11"E. FOR 335.15 FEET TO AN INTERSECTION WITH THE WEST RIGHT-OF WAY LINE OF LEXINGTON AVENUE; THENCE S.00°58'12"E. ALONG SAID WEST LINE FOR 119.99 FEET TO THE NORTHEAST CORNER OF LOT 1, LEXINGTON COMMERCE CENTER AS RECORDED IN PLAT BOOK 63, AT PAGE 98 AND 99 OF PUBLIC RECORDS OF SAID LEE COUNTY; THENCE S.89°22'11"W. ALONG THE NORTH LINE OF SAID LOT FOR 336.49 FEET TO THE NORTHWEST CORNER OF SAID LOT; THENCE S.00°19'44"E. ALONG THE WEST LINE OF LOTS 1 AND 2 OF SAID LEXINGTON COMMERCE CENTER FOR 311.91 FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1903, AT PAGE 4558 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE N.89°22'11"E. ALONG THE NORTH LINE OF SAID LANDS FOR 164.93 FEET TO THE NORTHEAST CORNER OF SAID LANDS; THENCE S.00°38'35"E. ALONG THE EAST LINE OF SAID LANDS FOR 630.45 FEET TO THE SOUTHEAST CORNER OF SAID LANDS AND AN INTERSECTION WITH SAID NORTH RIGHT-OF-WAY LINE OF TICE STREET; THENCE S.89°22'11"W. ALONG SAID NORTH LINE FOR 491.32 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAIN 48.78 ACRES, MORE OR LESS

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

BEARINGS, DISTANCES AND COORDINATES ARE BASED ON THE "STATE PLANE COORDINATES SYSTEM" FLORIDA WEST ZONE 1983/90 ADJUSTMENT WHEREIN THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA BEARS N.89° 22' 25"E. THE AVERAGE SCALE FACTOR IS 0.999946104.

DESCRIPTION PREPARED 09-15-05
DESCRIPTION REVISED 04-01-14


RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009
DATE SIGNED 6-19-14

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SHEET 1 OF 2

Banks Engineering, Inc.

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6690
10611 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912
(239) 939-5490

SKETCH OF DESCRIPTION

OF
A TRACT OR PARCEL OF LAND LYING IN
SECTION 3 AND 4, TOWNSHIP 44 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA



1" = 300'

LEGEND:

PG. INDICATES PAGE
PGS. INDICATES PAGES
P.B. INDICATES PLAT BOOK
P.I. INDICATES POINT OF INTERSECTION
O.R. INDICATES OFFICIAL RECORDS BOOK

SUBJECT PARCEL
CONTAINS
48.78 ACRES
MORE OR LESS

NOTES:

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) BEARING, DISTANCES AND COORDINATES ARE BASED ON THE "STATE PLANE COORDINATES SYSTEM" FLORIDA WEST ZONE 1983/90 ADJUSTMENT WHEREIN THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA BEARS N 89°22'25" E

S: \Jobs\20x\2062\SURVEYING\DESCRIPTIONS\2062_BOUNDARY\SKT_REV_4-1-2014.uoc
S: \Jobs\20x\2062\SURVEYING\DESCRIPTIONS\2062_BOUNDARY\SKT_REV_4-1-2014.dwg

PREPARED 09-15-05
REVISED 04-01-14
SHEET 2 OF 2

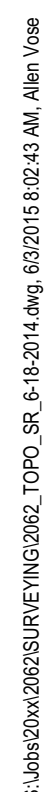
SEE SHEET 1 FOR COMPLETE
METES AND BOUNDS DESCRIPTION.

**THIS SKETCH OF DESCRIPTION
IS NOT A BOUNDARY SURVEY**

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

- DATE SIGNED: 06-19-14
- THIS SKETCH OF DESCRIPTION IS NOT VALID
WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



**Madden Law Firm LLC**

December 15, 2022

Lee County Department of Community Development
1500 Monroe Street
Fort Myers, FL 33901

RE: Title Certification
Applicant: Exit 24, LLC
Project: Bermuda Lakes

Dear Department of Community Development:

Please be advised that our firm represents Exit 24, LLC, a Florida limited liability company.

This letter is in response to a request for title certification in support of a Development Order submittal for property located in Lee County, Florida, and more particularly described on Exhibit "A" attached hereto and incorporated herein. This opinion of title is based upon Old Republic National Title Insurance Company Ownership & Encumbrance Property Information Report issued December 12, 2022 relative to the subject property.

The author of this title opinion, Joseph M. Madden Jr., is a licensed Florida attorney, bearing Bar No. 848557, and is authorized to issue this opinion. And now, therefore:

1. The name of the owner of the fee title is Exit 24, LLC under Warranty Deed dated August 3, 2012 and Special Warranty Deed dated December 28, 2012 bearing Official Record Book Instrument Number 2012000173585 and 2013000005394 respectively, in the Public Records of Lee County, Florida.
2. There is the following mortgage(s) secured by this property that the author is aware of:
 - a. NONE
3. There is the following encumbrance(s) on the property:
 - a. NONE
4. A copy of the Old Republic National Title Insurance Title Certification Report is attached hereto together with copies of any applicable mortgage(s) and encumbrance(s) identified above as Exhibit "B".
5. The title documentation provided herein is certified unequivocally.

Upon receipt, should you have any questions or comments, please advise. Thank you.

Sincerely,

Madden Law Firm LLC

Joseph M. Madden, Jr.
Manager

JMM:sh

EXHIBIT "A"

LEGAL DESCRIPTION:

LEGAL DESCRIPTION REFERENCED IN EXHIBIT "A" OF OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY TITLE CERTIFICATION, FILE NO. 14040371 (UPDATED & REVISED), CERTIFIED UP TO: MAY 31, 2014 AT 11:00 P.M.

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 3 AND SECTION 4, TOWNSHIP 44 SOUTH, RANGE 25 EAST, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHERLY CORNER COMMON TO SAID SECTION 3 AND 4; THENCE N.89°22'11"E. ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3 FOR 1089.94 FEET; THENCE N.00°58'12"W. PARALLEL WITH THE WEST LINE OF SAID FRACTION FOR 30.00 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF TICE STREET (WIDTH VARIES) AND THE POINT OF BEGINNING; THENCE CONTINUE N.00°58'12"W. ALONG SAID PARALLEL LINE AND THE BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3601, AT PAGE 1183 OF THE PUBLIC RECORDS OF SAID LEE COUNTY FOR 630.46 FEET; THENCE S.89°22'11"W. ALONG SAID BOUNDARY PARALLEL WITH THE SOUTH LINE OF SAID FRACTION FOR 989.95 FEET; THENCE N.00°58'12"W. ALONG SAID BOUNDARY FOR 362.53 FEET TO THE SOUTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4856, AT PAGE 1115 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE S.89°10'12"W. ALONG THE SOUTH LINE OF SAID LANDS FOR 99.99 FEET TO THE SOUTHWEST CORNER OF SAID LANDS AND A INTERSECTION WITH THE EAST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE S.00°58'12"E. ALONG THE EAST LINE OF SAID FRACTION FOR 362.00 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE S.88°53'17"W. ALONG THE SOUTH LINE OF SAID FRACTION FOR 331.09 FEET TO THE SOUTHWEST CORNER OF SAID FRACTION; THENCE N.00°57'46"W. ALONG THE WEST LINE OF SAID FRACTION FOR 661.52 FEET TO THE NORTHWEST CORNER OF SAID FRACTION; THENCE N.89°02'25"E. ALONG THE NORTH LINE OF SAID FRACTION FOR 331.01 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 3 AND THE WEST LINE OF LANDS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 4856, AT PAGE 1115; THENCE N.00°58'12"W. ALONG SAID WEST LINE FOR 456.32 FEET TO THE NORTHWEST CORNER OF SAID LANDS; THENCE N.89°10'12"E. ALONG THE NORTH LINE OF SAID LANDS FOR 99.99 FEET TO THE NORTHEAST CORNER OF SAID LANDS AND A INTERSECTION WITH THE BOUNDARY LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3601, AT PAGE 1183 THENCE ALONG THE BOUNDARY OF SAID LANDS THE FOLLOWING DESCRIBED COURSES N.89°10'12"E. FOR 601.79 FEET; THENCE S.00°58'12"E. FOR 8.00 FEET; THENCE N.89°10'12"E. FOR 730.58 FEET TO AN INTERSECTION WITH THE WEST LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3615, AT PAGE 154 OF SAID PUBLIC RECORDS; THENCE ALONG THE BOUNDARY OF SAID LANDS THE FOLLOWING DESCRIBED COURSES S.00°19'44"E. FOR 682.22 FEET; THENCE N.89°22'11"E. FOR 335.15 FEET TO AN INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF LEXINGTON AVENUE; THENCE S.00°58'12"E. ALONG SAID WEST LINE FOR 119.99 FEET TO THE NORTHEAST CORNER OF LOT 1, LEXINGTON COMMERCE CENTER AS RECORDED IN PLAT BOOK 63, AT PAGE 98 AND 99 OF PUBLIC RECORDS OF SAID LEE COUNTY; THENCE S.89°22'11"W. ALONG THE NORTH LINE OF SAID LOT FOR 336.49 FEET TO THE NORTHWEST CORNER OF SAID LOT; THENCE S.00°19'44"E. ALONG THE WEST LINE OF LOTS 1 AND 2 OF SAID LEXINGTON COMMERCE CENTER FOR 311.91 FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1903, AT PAGE 4558 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE N.89°22'11"E. ALONG THE NORTH LINE OF SAID LANDS FOR 164.93 FEET TO THE NORTHEAST CORNER OF SAID LANDS; THENCE S.00°38'35"E. ALONG THE EAST LINE OF SAID LANDS FOR 630.45 FEET TO THE SOUTHEAST CORNER OF SAID LANDS AND AN INTERSECTION WITH SAID NORTH RIGHT-OF-WAY LINE OF TICE STREET; THENCE S.89°22'11"W. ALONG SAID NORTH LINE FOR 491.32 FEET TO THE POINT OF BEGINNING.

Exhibit B

**OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**

12751 New Brittany Blvd, Suite 500

Ft. Myers, FL 33907

Phone: 239-590-9001

Fax: 866-616-3365

OWNER & ENCUMBRANCE PROPERTY INFORMATION REPORT

Agent File No.: 5394.000

File No: 22148001KJ

Madden Law Firm, LLC

2277 Main Street

Fort Myers, FL 33901

Phone: 239-332-2100

ATTN: Haley

THIS TITLE SEARCH IS AN OWNERSHIP AND ENCUMBRANCE SEARCH ONLY AND DOES NOT REFLECT TITLE DEFECTS OR OTHER MATTERS THAT WOULD BE SHOWN BY TITLE INSURANCE.

Legal Description:

See Attached Legal Description

Last Record Title Holder:

Exit 24, LLC, a Florida limited liability company

Documents of Record (copies attached):

Warranty Deed recorded in Official Records Instrument #2012000173585

Notice of Development Order Approval recorded in Official Records Instrument #2015000197670

Period Searched:

From August 8, 2012 to November 25, 2022 @ 11:00 PM.

Tax Information:

Tax ID 03-44-25-00-00010.0030

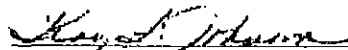
Number:

2022 Taxes are Due
Back Taxes: none

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY has not searched for, nor do we assume any liability as to any, restrictions, easements, reservations, conditions, or limitations of record, further this report does not cover any improvement or special assessments by any county or municipal governmental agency.

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

Date: December 12, 2022


Authorized Signatory

OLD REPUBLIC

National Title Insurance Company

4315 Metro Parkway, Suite 500

Fort Myers, FL. 33916

(239) 590-9001

(239) 590-9014 FAX

TITLE CERTIFICATION

Showing information required by F.S. 177.041 prior to platting lands:

File No. 14040371 (updated & revised)

Provided for: Board of County Commissioners of Lee County, Florida
P.O. Box 398
Fort Myers, Florida 33902

Certified up to: May 31, 2014 at 11:00 P.M.

Description of Real Property situated in Lee County, Florida:

SEE EXHIBIT "A" ATTACHED HERETO

We hereby certify Record Title to the above described real property is vested in:

Exit 24, LLC, a Florida limited liability company

The following mortgages are all the mortgages of record that have not been satisfied or released of record or otherwise terminated by law:

None

The property is subject to the following easements and rights-of-way of record:

1. Drainage Easement recorded in Official Records Book 2048, Page 478.
2. Perpetual Easement recorded in Official Records Instrument # 2009000074398.
3. Right-of-Way for Tice Street recorded in Official Records Instrument # 2009000108508.

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

NOTE: We do not certify to ownership of any oil, gas and mineral rights or interests.

This certification is provided pursuant to the requirements of Florida Statute 177.041 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. The Company's liability hereunder shall not exceed the maximum of \$1,000.00 pursuant to Florida Statute 627.7843.

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

By: Kay Johnson 6/19/2014
Authorized Officer or Agent

Exhibit "A"

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 3 AND SECTION 4, TOWNSHIP 44 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 3 AND SECTION 4, TOWNSHIP 44 SOUTH, RANGE 25 EAST, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHERLY CORNER COMMON TO SAID SECTION 3 AND 4; THENCE N.89°22'11"E. ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3 FOR 1089.94 FEET; THENCE N.00°58'12"W. PARALLEL WITH THE WEST LINE OF SAID FRACTION FOR 30.00 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF TICE STREET (WIDTH VARIES) AND THE POINT OF BEGINNING; THENCE CONTINUE N.00°58'12"W. ALONG SAID PARALLEL LINE AND THE BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3601, AT PAGE 1183 OF THE PUBLIC RECORDS OF SAID LEE COUNTY FOR 630.46 FEET; THENCE S.89°22'11"W. ALONG SAID BOUNDARY PARALLEL WITH THE SOUTH LINE OF SAID FRACTION FOR 989.95 FEET; THENCE N.00°58'12"W. ALONG SAID BOUNDARY FOR 362.53 FEET TO THE SOUTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4856, AT PAGE 1115 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE S.89°10'12"W. ALONG THE SOUTH LINE OF SAID LANDS FOR 99.99 FEET TO THE SOUTHWEST CORNER OF SAID LANDS AND A INTERSECTION WITH THE EAST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE S.00°58'12"E. ALONG THE EAST LINE OF SAID FRACTION FOR 362.00 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE S.88°53'17"W. ALONG THE SOUTH LINE OF SAID FRACTION FOR 331.09 FEET TO THE SOUTHWEST CORNER OF SAID FRACTION; THENCE N.00°57'46"W. ALONG THE WEST LINE OF SAID FRACTION FOR 661.52 FEET TO THE NORTHWEST CORNER OF SAID FRACTION; THENCE N.89°02'25"E. ALONG THE NORTH LINE OF SAID FRACTION FOR 331.01 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 3 AND THE WEST LINE OF LANDS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 4856, AT PAGE 1115; THENCE N.00°58'12"W. ALONG SAID WEST LINE FOR 456.32 FEET TO THE NORTHWEST CORNER OF SAID LANDS; THENCE N.89°10'12"E. ALONG THE NORTH LINE OF SAID LANDS FOR 99.99 FEET TO THE NORTHEAST CORNER OF SAID LANDS AND A INTERSECTION WITH THE BOUNDARY LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3601, AT PAGE 1183 THENCE ALONG THE BOUNDARY OF SAID LANDS THE FOLLOWING DESCRIBED COURSES N.89°10'12"E. FOR 601.79 FEET; THENCE S.00°58'12"E. FOR 8.00 FEET; THENCE N.89°10'12"E. FOR 730.58 FEET TO AN INTERSECTION WITH THE WEST LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3615, AT PAGE 154 OF SAID PUBLIC RECORDS; THENCE ALONG THE BOUNDARY OF SAID LANDS THE FOLLOWING DESCRIBED COURSES S.00°19'44"E. FOR 682.22 FEET; THENCE N.89°22'11"E. FOR 335.15 FEET TO AN INTERSECTION WITH THE WEST RIGHT-OF WAY LINE OF LEXINGTON AVENUE; THENCE S.00°58'12"E. ALONG SAID WEST LINE FOR 119.99 FEET TO THE NORTHEAST CORNER OF LOT 1, LEXINGTON COMMERCE CENTER AS RECORDED IN PLAT BOOK 63, AT PAGE 98 AND 99 OF PUBLIC RECORDS OF SAID LEE COUNTY; THENCE S.89°22'11"W. ALONG THE NORTH LINE OF SAID LOT FOR 336.49 FEET TO THE NORTHWEST CORNER OF SAID LOT; THENCE S.00°19'44"E. ALONG THE WEST LINE OF LOTS 1 AND 2 OF SAID LEXINGTON COMMERCE CENTER FOR 311.91 FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1903, AT PAGE 4558 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE N.89°22'11"E. ALONG THE NORTH LINE OF SAID LANDS FOR 164.93 FEET TO THE NORTHEAST CORNER OF SAID LANDS; THENCE S.00°38'35"E. ALONG THE EAST LINE OF SAID LANDS FOR 630.45 FEET TO THE SOUTHEAST CORNER OF SAID LANDS AND AN INTERSECTION WITH SAID NORTH RIGHT-OF-WAY LINE OF TICE STREET; THENCE S.89°22'11"W. ALONG SAID NORTH LINE FOR 491.32 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAIN 48.78 ACRES, MORE OR LESS

File no. 14040371



Writer's Direct Dial Number: (239) 533-8532

John E. Manning
District One

March 27, 2014

Cecil L. Pendergrass
District Two

Larry Kiker
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
Hearing Examiner

Greg Stuart
Stuart and Associates
11860 Island Ave
Matlacha, FL 33993

**RE: Potable Water and Wastewater Availability
Bermuda Lakes RV Resort, Lexington Ave
STRAP # 03-44-25-00-00013.0000 & 03-44-25-00-00016.0000**

Dear Mr. Stuart:

The subject properties are located within Lee County Utilities Future Service Area as depicted on Maps 6 and/or 7 of the Lee County Comprehensive Land Use Plan. Potable water and sanitary sewer lines are in operation adjacent to the property mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of a 200 unit recreation vehicle park with an estimated flow demand of approximately 20,000 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our Olga Water Treatment Plant.

Sanitary sewer service will be provided by the City of Fort Myers North Wastewater Plant. The Lee County Utilities' Design Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

This is only a letter of availability of service and not a commitment to serve. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

Further, this letter of availability of Water and Wastewater service is for re-zoning for this project only. Individual letters of availability will be required for obtaining building permits.

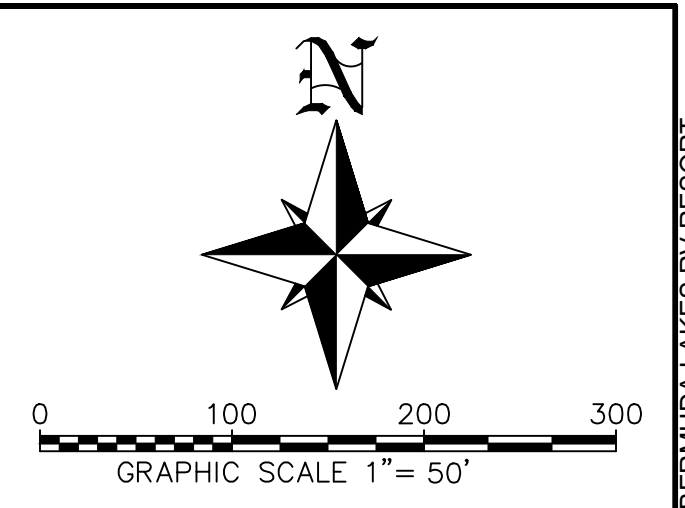
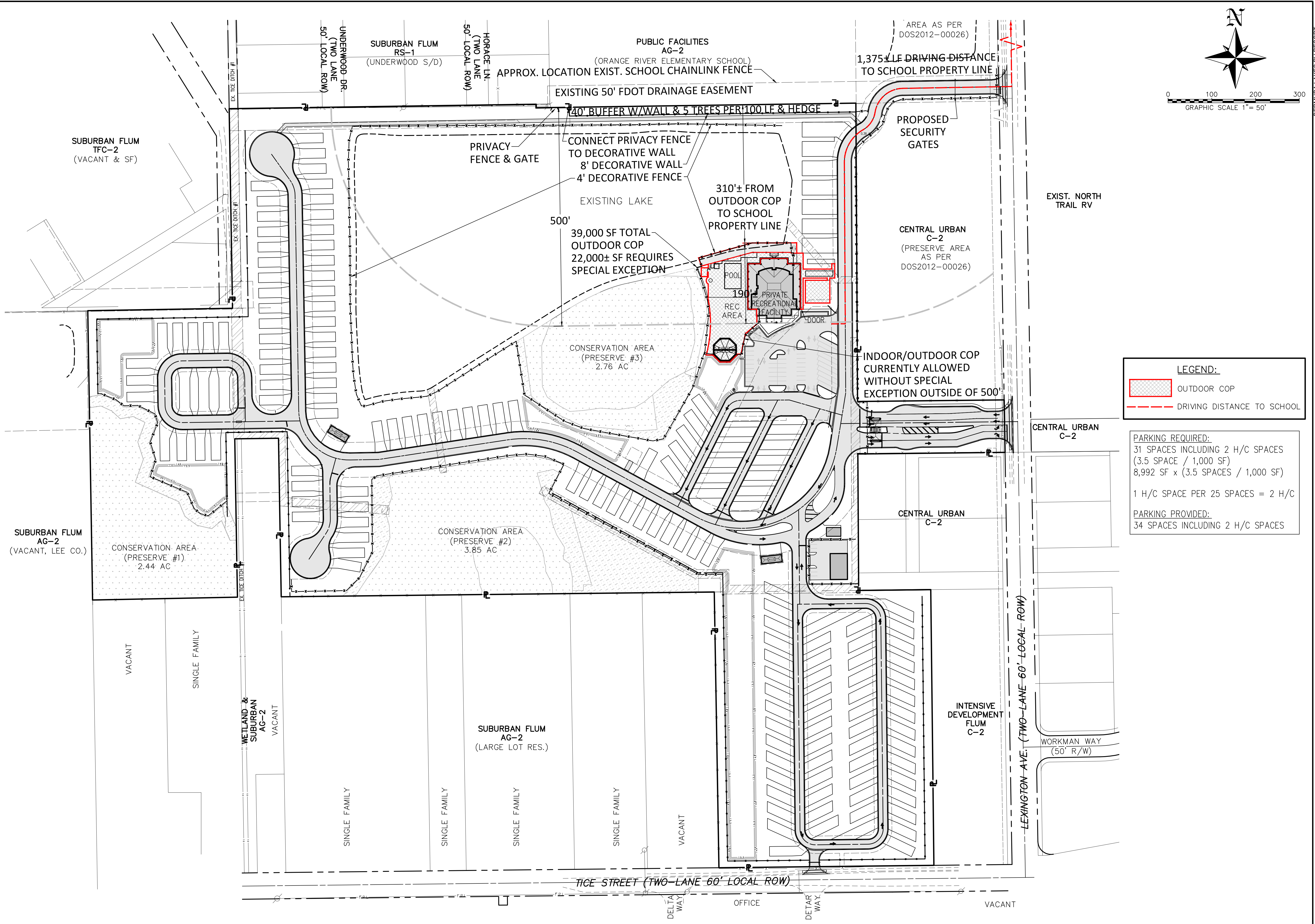
Sincerely,

LEE COUNTY UTILITIES

A handwritten signature in cursive script, reading "Mary McCormic".

Mary McCormic
Technician Senior
UTILITIES ENGINEERING

VIA EMAIL



LEGEND:

- OUTDOOR COP
- DRIVING DISTANCE TO SCHOOL

PARKING REQUIRED:
31 SPACES INCLUDING 2 H/C SPACES
(3.5 SPACE / 1,000 SF)
8,992 SF x (3.5 SPACES / 1,000 SF)
1 H/C SPACE PER 25 SPACES = 2 H/C

PARKING PROVIDED:
34 SPACES INCLUDING 2 H/C SPACES

S:\V\2022\2022-00017\2022-00017.dwg 11/26/2023 8:51 AM BPC: HONCHENKO

PREPARED FOR:
EXIT 24, LLC
5270 ORANGE RIVER BLVD.
FT. MYERS, FL 33905
PHONE: (239) 533-8317
FAX: (239) 693-0141

NO.	DATE	REVISION DESCRIPTION	BY

BANKS ENGINEERING
Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida
10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

SAMUEL W. MARSHALL, P.E.
#48881

SPECIAL EXCEPTION FOR COP SITE PLAN BERMUDA LAKES RV RESORT LEE COUNTY, FLORIDA							
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
11/26/2014	2062NT	_MSP	SWM	EMH	SWM	1" = 100'	03