



Engineers, Planners & Development Consultants

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May 17, 2023

Mr. Chahram Badamtchian, Planner, Senior
Lee County Division of Community Development
1500 Monroe Street
Fort Myers, Florida 33901

RE: **Oriole Alico West, MPD**
DCI2022-00061 – Major PD

Dear Mr. Badamtchian,

Please find attached a set of revised plans for the above-mentioned project per your comments dated April 19, 2023. Below are written responses to the comments.

Development Services Review:

1. The MCP does not depict the fire department access on the west side of the fire department parcel to the existing road. Please show that access on the MCP. Additionally, please request a deviation for the access that lines up with the fire department access on the south side of the site. Staff did not locate an approved deviation for the existing fire department access that is less than 125'. This deviation will complete the record and allow the proposed access to tract "B".

Response: The fire department access has been added to the MCP.

2. Staff recommends the applicant combine deviation #6 into a single deviation for tracts 1-6. Staff agrees with the applicant's narrative that the proposed roadway will provide the required interconnect for Lots C1 through C6. Staff recommends: "Deviation from LDC 10-610(e) and 34-2015(2)(f) which requires adjacent commercial uses to provide parking lot interconnections for automobile, bicycle and pedestrian traffic to allow the proposed local roadway as shown on the Master Concept Plan to serve as the required interconnection for Lots C-1 through C-6."

Response: Please see the revised deviation request.

3. Deviation #7 needs to be rewritten to remove the lot numbers from the request. Staff supports the deviation to allow a 60' connection separation as shown on the MCP for Lots C-5, C-6 and Tract "A" but not for all lots in the proposed subdivision.

Response: Please see the revised deviation request.

Legal Description Review:

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

(6) 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). The legal description on the boundary survey does not match the legal description on the title opinion. The size of the property as described is different. Please correct either the boundary survey and legal description or the title opinion to accurately reflect the property being subject to this zoning action.

Response: Please see revised survey

Environmental Review:

The applicant has requested deviation 3A in terms of open space. Please provide an open space chart depicting the open space calculations for both the preserve and the tracts.

Additional comments may follow.

Response: Please see open space chart.

The applicant is demonstrating a 20-foot Type D buffer along Alico Road. However, the planting area is only being depicted as 7.5 feet. Section 10-421(a)(2) states that trees and shrubs used in buffers must be planted in a minimum width area equal to one-half the required width of the buffer. Please provide a planting area half of the minimum width of the buffer.

Response: Please see revised MCP

Deviation 3C request no planted littoral shelf, however deviation 3D request to allow a 100% native trees. Please note that littoral shelves are used to promote water quality per Lee Plan Policy 60.4.1 and Objective 60.4. Please provide further information for the request. Additional comments may follow.

Response: Please see revised deviation request

Please add Lee County approved methodology to the environmental assessment per ordinance 89-34.

Response: Please see attached updated species report.

Natural Resources Review:

Please revise the Surface Water Management Plan to comply with LDC 34-373(b)(1).

Response: Please see revised surface water management plan

There are inconsistencies regarding the buffer distance proposed around LE-093. The MCP depicts a 200' buffer and the USFWS permit requires a 200' buffer, but the BEMP proposes a 196' buffer. Which buffer is proposed? Please revise accordingly.

Response: The BEMP has been revised

The "Line-Of-Sight-Elevation" only depicts a buffer of 186'. This distance is inconsistent with the required buffer per USFWS permit and the buffer on the MCP. Please revise or clarify.

Response: Line of Sight elevation has been revised, see attached BEMP.

The "Proposed Conservation Measures Within 660 feet" section of the BEMP references a "Figure 2" but the figures within the BEMP are not labeled. Please revise.

Response: Please see revised BEMP for proposed conservation measures.

The "Proposed Conservation Measures Within 660 feet" section of the BEMP states that "the proposed buildings present no restraint on the birds flight path". The flight path to and from the nest was not provided, as required by LDC 14-119(4)(c), to support this claim. Please provide a flight path map and identify the nearest known foraging area per LDC 14-119(4)(c).

Response: Please see flight path included in the BEMP.

The "Proposed Activities Between the 330'-660' Buffer of LE-093" section of the BEMP is not proposing monitoring consistent with the USFWS bald eagle monitoring guidelines.

Furthermore, under the "Monitoring and Reporting Requirements" section the BEMP outlines a monitoring schedule which only includes 6 monitoring events. Please revise the proposed monitoring to be consistent with the USFWS bald eagle monitoring guidelines.

Response: Please see the updated BEMP report that includes the contents of the monitoring reports.

Staff encourages the applicant to provide a native vegetation buffer as opposed to the 25'-30' bamboo. Staff believes it will be difficult to source 25'-30' bamboo to plant as the bamboo buffer is not existing. Please look at some of the previously approved BEMPs in the area for examples of buffer plantings. In addition, ETAC historically has not included a non-native vegetation buffer in their recommendation.

Response: Please see the updated BEMP discussion of relevant merits of available plant materials of a suitable height that are planted on top of a berm.

A revised Schedule of Uses was not provided with the resubmittal. Please identify which uses are contemplated on Tract A, Tract C-6, C-5, and C-4. The Site Plan in the BEMP depicts a loading/unloading area on the back side of Tract A building. How will the site design of these Tracts minimize potential adverse impacts that may result in abandonment of the nest?

Response: Please see revised BEMP MCP taking out the loading/unloading area.

If you have any questions regarding the above responses or any of the attachments, please contact our office at (239) 936-5222.

Sincerely,

Quattrone & Associates, Inc.

Sharon Hrabak

Permitting Manager

Email: Sharon@gainc.net

Attachments:

Revised Deviation Request

Revised MCP

Revised Survey

Open Space Chart

Revised Surface Water Management

Title

Species Report

Revised BEMP

**LIST OF DEVIATIONS AND JUSTIFICATION**

ALICO ORIOLE WEST
MPD REZONING
±30.7 ACRES
STRAPS#: 04-46-25-13-0003.0020
Fort Myers, FL 33912

Surface Water Management**DEVIATION 2A**

Relief from LDC §10-329(d)(1) a.2 Setbacks for Water Retention or Detention Excavations. Deviation from the requirement that no excavation will be allowed within 50 feet of any existing or proposed right-of-way line or easement for a collector or arterial street; to allow a 25-foot setback.

JUSTIFICATION: The adjacent properties are part of a master water management system under SFWMD permit # 36-05268-P which provide existing drainage easements that extend beyond the north and south property line (See "Surface Water Management System"). The request enhances the planned development and promotes the general intent of the LDC to protect the public health, safety and welfare. The developer will provide for the protection of wayward vehicles through the use of guardrails, berms, swales, vegetation or other suitable methods as determined by the Director.

DEVIATION 2B

Relief from LDC §10-329(d)(1) a.3 Setbacks for Water Retention or Detention Excavations. Deviation from the requirement that no excavation will be allowed within 50 feet of any private property line under separate ownership; to allow a 25-foot setback and/or to allow a zero-foot setback when the lake is combined with an adjacent property lake.

JUSTIFICATION: All adjacent properties are or are anticipated to be developed as commercial and/or industrial and as such, the additional setback is not necessary. The adjacent properties north and south are part of a master water management system under SFWMD permit # 36-05268-P which system provides an existing drainage easement which extends beyond the property line (See "Surface Water Management System"). The request also includes the existing lakes located along the west property line which are directly adjacent to the Formosa Industrial Parks lakes. The request enhances the planned development and promotes the general intent of the LDC to protect the public health, safety and welfare.

DEVIATION 2C

Relief from LDC §10-329(d)(4) Bank Slopes. Deviation from the requirement that the banks of excavations permitted under this section must be sloped at a ratio not greater than six horizontals to one vertical from the top of bank to a water depth of two feet below the dry season water; to allow the existing lake to be sloped at a ratio of four horizontal to one vertical.



JUSTIFICATION: The existing lake was constructed in 2009 when the code allowed for lakes to be sloped at a ratio of four horizontal to one vertical. The lake banks already have established vegetation to prevent erosion, as such, the existing conditions meet the intent of the LDC and will not impact public health, safety and welfare. Furthermore, the 4:1 lake bank slope is necessary to comply with FAA requirements for lakes located within 10,000 feet of airport operations.

DEVIATION 2D

Relief from LDC §10-329(d)(6) Fencing. A four-foot fence may be required, at the discretion of the Director, to be placed around excavations for water retention when located less than 100 feet from any property under separate ownership; to not require fencing around any existing or proposed lakes.

JUSTIFICATION: The lakes are existing and, in some cases, straddle the property lines (north and south perimeter lakes). In addition, the project is surrounded by other industrial properties that are either part of the same master drainage system (north and south) or is adjacent to the drainage system of another industrial park (west side), as such, the deviation will not impact public health, safety and welfare.

Landscape Standards & Open Space

DEVIATION 3A

Relief from LDC §10-415(a) Open Space. Deviation from the requirement that all Large Industrial Developments must provide a minimum of 20% open space and all Large Commercial Developments must provide a minimum of 30% open space to allow the $\pm$ 5 acres Conservation Easement and Lake Tract parcels to be credit toward the open space as a whole and reduce the requirement to 20% for commercial uses and 10% industrial uses on individual parcels.

JUSTIFICATION: The Conservation Easement and Lake Tract are privately owned, not eminent domain. The overall parcel is $\pm$ 30.65 acres and the Conservation Easement and Lake Tract account for $\pm$ 5 acres which is 16.3% of the overall parcel.

DEVIATION 3B

Relief from LDC §10-416(d)(4) Buffer Types. Deviation from the requirement that Type D Right-of-Way buffers must be a minimum of 15' wide to allow the Type D buffer on Oriole Road to be 10' wide for Tracts B and C-1.

JUSTIFICATION: Lee County required the developer to dedicate 80 feet Right-of-Way as approved in the original development order for Oriole Rd. Per LDC §34-3206, which in part states that "parcels that have been rendered unable to comply with current regulations as to required landscape buffers, because of a voluntary donation of land to a governmental authority may request relief." The applicant will provide a 10-foot-wide Type D buffer with a minimum planting area of 7.5 feet which will provide the same effective planting area as a 15' Type D buffer, as such, the deviation will not adversely impact the intent of the code.

**DEVIATION 3C (Proposed Lakes Only)**

Relief from LDC 10-418(2)(a), LDC 10-418(2)(d)3 Planted Littoral Shelf, which requires all surface water management systems to provide a planted littoral shelf that mimics the function of a natural marsh, to allow 4:1 littoral shelf. In addition, deviate from subsection 10-418(2)(d)3. which allows native wetland trees to be substituted for up to 25% of the total number of herbaceous plants required, to allow native wetland trees to be substituted for 100% of the total number of herbaceous plants required.

JUSTIFICATION: This deviation is requested to meet FAA regulations, as the project is located within the FAA circular Wildlife Hazardous Area. Creation of littoral zones may provide habitat for species that could be hazardous to aircraft. This deviation is requested to meet FAA regulations that promote steep sided retention bank slopes to facilitate control of hazardous wildlife. In general, the goal of this deviation is to eliminate design and landscape features and materials that attract flocks of birds and pose an elevated risk to aviation.

Street Design & Construction Standards**DEVIATION 4A**

Relief from LDC §10-296(e)(2) d. Tree and Palm Spacing in Roadway Planting Areas (Street Trees). Deviate from the requirement that Street Trees must be planted on both sides of the road, that palm trees may only be substituted for a maximum of 50 percent of the required small trees, and that the trees must be spaced evenly along the frontage and not clustered, to allow the trees required per this section of the code to be planted on one side of the road, to allow 100 percent of the trees to be palm trees, and to allow the palm trees to be clustered. As an enhancement to the code, the palms must be staggered in height from 10' to 14'.

JUSTIFICATION: The proposed deviation will prevent and/or minimize conflicts between the Street Trees and water mains. Most roadways have a parallel water main located on one side of the road that is typically placed midway between the curb and the right-of-way line. Both the Lee County Land Development Code and the Lee County Utilities Design Manual (Section 2.2E.5.d) require a separation of 10 feet for canopy trees and 5 feet for palm trees from all utility lines. The purpose of planting the trees on only one side of the road is to allow the trees to be placed on the side of the road that does not have the watermain. The purpose of allowing only palm trees is to further avoid conflicts with utility lines that may be present in the adjacent PUE and/or minimize conflicts when there are other utility lines installed in the right-of-way (i.e. force mains). The purpose of allowing the palm trees to be clustered is avoid potential line-of-sight conflicts that may occur if the trees are evenly spaced.

DEVIATION 4B

Relief from LDC §10-296(k)(1) Cul-de-Sacs. Deviation from the requirement that requires dead-end streets to be closed at one end by a circular turnaround for vehicles; to allow the internal roads and/or accessways to be constructed without cul-de-sacs.

JUSTIFICATION: The dead-end roads and/or accessway or any phased road or accessway will be designed to allow vehicles and emergency vehicles to turn around using a hammer head road configuration which are typically approved by fire departments and have been previously approved for the Florida Gulf Coast Business Center in the nearby vicinity of this project. The request enhances



the planned development and promotes the general intent of the LDC to protect the public health, safety and welfare.

Developer Signs

DEVIATION 5A and 5B

Relief from LDC §30-153(2) a. and §30-153(2) a.I.ii. Nonresidential Identification Signs. Deviate from the requirement that the development is permitted to have one identification sign equal to one square foot of sign area per face for everyone linear foot of frontage.

To allow one additional sign on the project's road frontage, Oriole Road for a total of two ground-mounted developer signs on Oriole Road (§30-153(2) a.); and

To allow two signs on Oriole Road with 200 square feet per sign area per face. This is a deviation of an additional 100 square feet of sign area on Oriole Road.

JUSTIFICATION: The developer, or common area frontage, on roads is determined by adding the widths of the entrance roads that intersect with main roads. The developer has ± 840 linear feet of frontage on Oriole Road for identification of the overall development. The deviation allows an additional 100 square feet of total sign area and one additional ground-mounted developer signs to serve the portion of Oriole Road. The supporting rationale for the additional sign and sign area is:

- The diversity and the large size of the development requires additional signage to bring clarity, order, and support to the office, retail, and industrial centers, some of which will be internal to the project and otherwise difficult to find.
- The developer signs bring order to the development. The developer signs are neutral to the development as a whole seeking to properly inform the travelling public by directing traffic to a destination, thereby avoiding confusion and lessening dangerous traffic conditions and shortening trip lengths.
- Developer area signs add beauty. The sign areas are generally well-landscaped, designed with consistent architecture, and maintained by the developer; therefore, not dependent on a particular lease, business or lot owner.
- The faster speeds on Oriole Road require additional square footage of signage to properly size the lettering to be readable at the speeds expected on collector road.
- Given the amount of frontage on each of the abutting roads (approximately ± 840 LF), there are significant distances between entrances to the development, on average over 330 feet, which allows for adequate spacing between signs.

NOTE: The signs discussed in these deviations are developer signs. They do not preclude the individual lots and buildings on Oriole Road from having building and ground-mounted signs as permitted in LDC 30-153(3).

Proposed conditions to approval:



- The developer must submit a detailed, final sign package covering the proposed signs along Oriole Road, for review and approval by the Department of Community Development in conjunction with the first local development order for the property.
- 100-foot minimum separations between common area signs.
- Limit height to 20 feet maximum.
- The signs will be placed and constructed in accordance with LDC 30-93, visibility triangle safe sight distance requirements.

Site Design Standards

DEVIATION 6-

Relief from LDC §10-610(e) and §34-2015(2)(f). Guidelines for Commercial Buildings and Developments. Deviate from the requirement that projects must provide parking lot interconnections for automobile, bicycle and pedestrian traffic to allow the proposed local roadway as shown on the Master Concept Plan to serve as the requires interconnection for Lots Of C-1 through C-6

JUSTIFICATION: The definition of a “Local Road” means a route providing service which is of relatively low average traffic volume, short average trip length or minimal through-traffic movements, and high land access for abutting property. The proposed parcels will have access to a private association maintained local road that serves as a reverse frontage road with a posted speed limit of 25 mph which is sufficient for safe access to these parcels. With low-speed, limits vehicles will be able to enter and exit the commercial development safely. The requirement for connection between out-parcels creates legal and safety concerns for drive thru circulation and private property security issues.

Connection Separation

Deviation 7 LDC §10-285(a) Connection Separation. From the requirement that motor vehicle connection(s) to a road from privately maintained streets, access roads or accessways onto local roads in future suburban areas must be separated a minimum of 125 feet apart; to allow a connection separation of 60 feet on proposed access roads from anticipated entrances on Tracts “A”, C-5, C-6” (proposed commercial”) in accordance with the attached Master Concept Plan. To allow 102 feet on “Sweeney Way” from anticipated entrances on Tracts “B”, (proposed commercial”) in accordance with the attached Master Concept Plan

JUSTIFICATION: The proposed road will act more as an urban access road or access way with its types of uses and lower speeds (at or less than 25 mph) and as such, the reduced separation will not create a detriment to the traveling public and will allow for adequate internal circulation of each parcel. It is anticipated that all other driveways will comply with the LDC requirement of a minimum separation of 125 feet from major intersections, unless otherwise approved through another ADD.

ALICO ORIOLE WEST, MPD
DCI2022-00061 -Major PD

Bald Eagle Management Plan
Eagle Nest LE093
11 May 2023

Owner
Horowitz Sanford I TRFOR Land Trust
d.b.a. Three Oaks Horowitz LLC
Alan Freeman
Suite 5
28120 Hunters Ridge Blvd
Bonita Springs, FL 34135

Preparer
Synecological Analysts® Inc.
2159 Morning Sun Ln
Naples, FL 34119

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Attachments

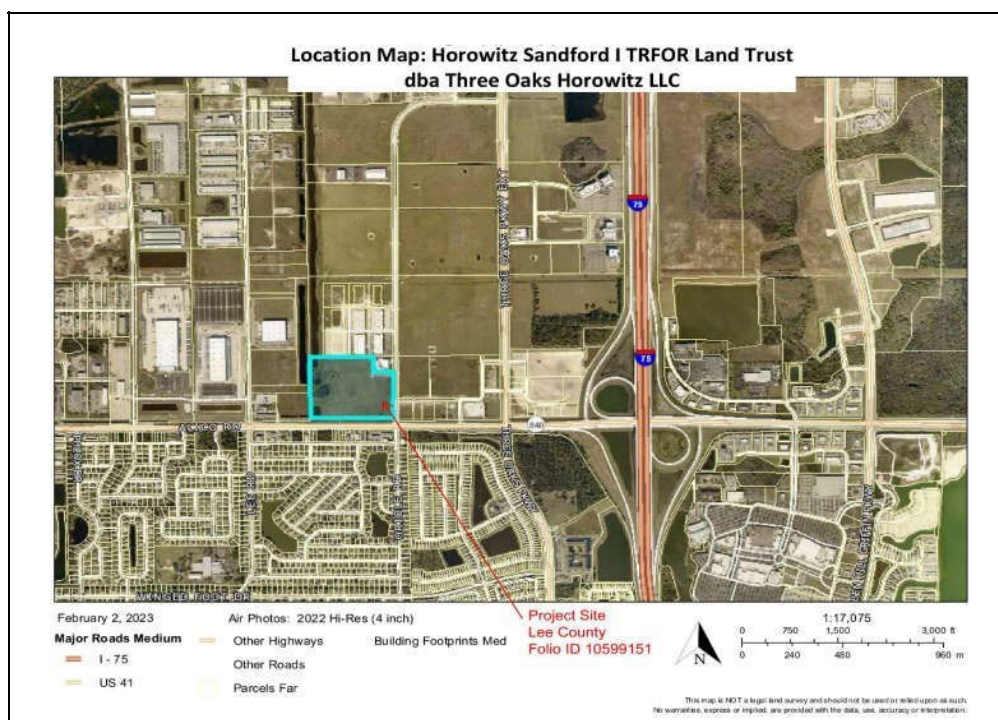
1	Bamboo Screening Example
2	Line of Site Screening Exhibit
3	Short-Term Eagle Incidental Take Permit No. MBPER0019112
4	LE093 Nesting History
5	Eagle Flight Pattern Exhibits

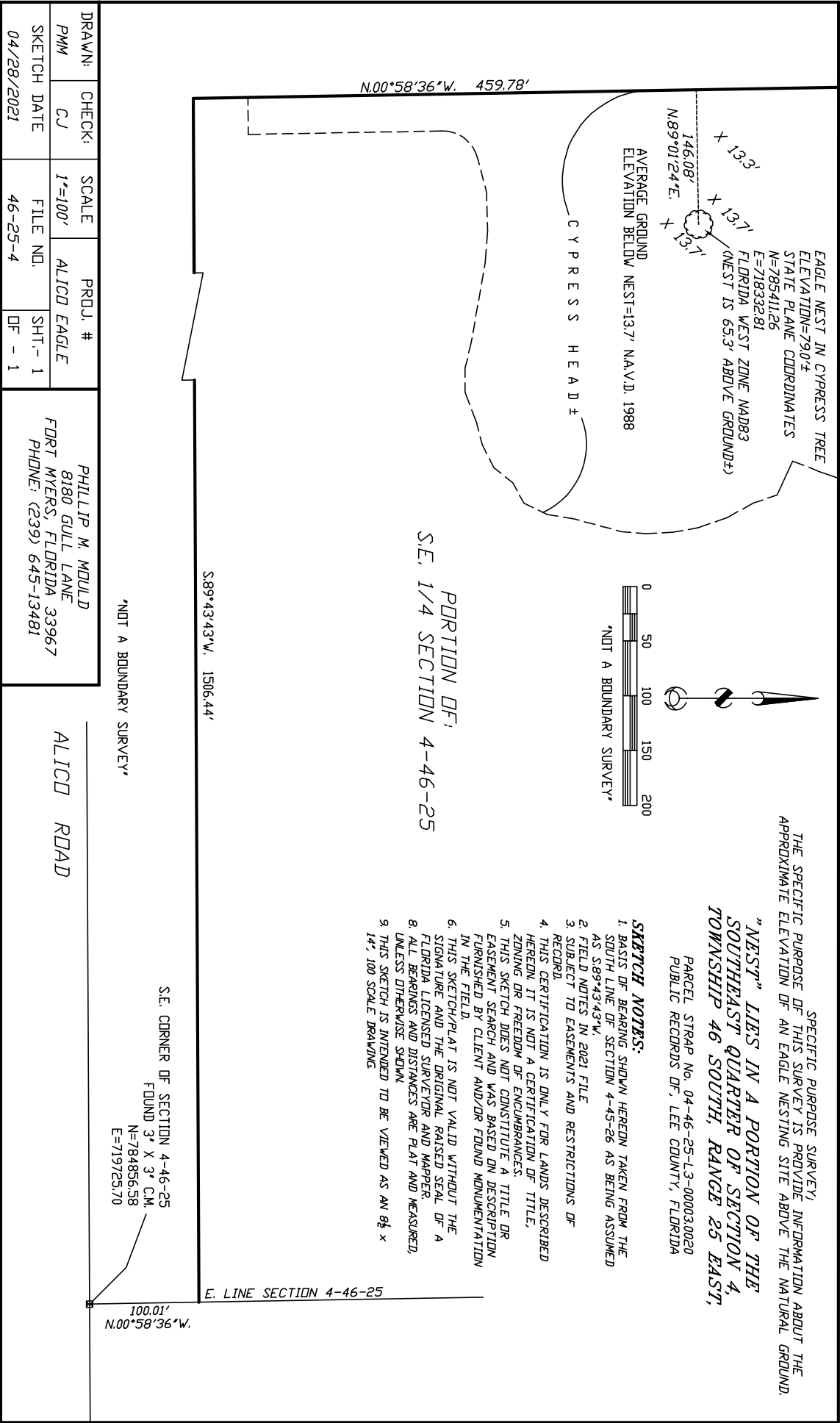
Background and Introduction

Three Oaks Horowitz LLC is seeking approval to develop the Alico Oriole West MPD project on this approximately 29.16 ac parcel (STRAP 04-46-25-L3-00003.0020). This parcel is bordered by a fire station, industrial park and vacant land to the north, Oriole Rd to the east, Alico Rd to the south, and water management areas and vacant land to the west. This site has both State (SFMWD Permit No. 36-0568-P) and Federal (No Permit Required SAJ-2006888) wetland approvals. All wetland impacts have been mitigated consistent with these approvals.

Nest LE-093 has been active since the 2012-13 nesting season. This nest occurs in a conservation easement that was created by the previously referenced SFMWD ERP permit. The nest is located in a large cypress tree at elevation 79'+-, State Plane Coordinates N= 785411.26 E= 718332.81. The nest is located 65.3' above ground. The nest has been destroyed by storms and rebuilt multiple times over the years. Most recently, Hurricane Ian damaged but did not destroy this nest. The nesting pair repaired the damage soon thereafter and the nest is observed to be active.

This Eagle Management Plan is intended to facilitate both the long term habitat quality for this pair of nesting eagles and responsible development of the parcel as proposed. The applicant has been granted a Short Term Eagle Take Permit No. MBPER00119112. This permit allows for development of this project within portions of the buffer zones, consistent with Permit Conditions/guidelines and minimization protocols. The conditions of this permit will be discussed in more detail in subsequent sections.





Existing Conditions

Synecological Analysts® (SAI) conducted an Environmental Assessment on this site. SAI evaluated this property to determine distribution, extent, and character of vegetational communities. Habitat types, jurisdictional wetland status, potential or presence of listed species, and suitability of the on-site habitat for listed species habitat were also evaluated. Soil types, distribution and extent were determined to assist in other evaluations.

All native communities except the Cypress head (FLUCCS 621) have been disturbed over an extended period of time as a result of agricultural activities and creation of drainage/road networks. This disturbance influenced the majority of this site and occurred in progressive fashion.

The Alico Oriole West site is not a pristine area that approximates the pre-development character of this general area. Plant communities and habitat have been severely impacted over time by ongoing AG activity. Most of the non-Cypress canopy and much of the Saw palmetto upland shrub strata are largely absent. Regional and area drainage has been massively disrupted by construction of I-75 and the Airport canal. Cycles of fire and renewal have been absent from this site for decades.

Plant communities and land uses were identified according to the Florida Department of Transportation (FDOT1999) Florida Land Use, Cover, and Forms Classification system (FLUCCS) protocol.

FLUCCS 211 - Improved Pasture

This upland habitat type is found in both the primary and secondary buffers of the bald eagle nest tree and contains several shallow ditches/swales that were part of the historic agricultural use. The canopy is mostly open with scattered live oak (*Quercus virginiana*), laurel oak (*Quercus laurifolia*), and slash pine along the edges. The subcanopy is mostly open with scattered Brazilian pepper (*Schinus terebinthifolius*) and cabbage palm (*Sabal palmetto*). The groundcover is dominated by Bahia grass (*Paspalum notatum*), with scattered Spanish needles (*Bidens alba*), false buttonweed (*Spermacoce verticillata*), ragweed (*Ambrosia artemisiifolia*), broomsedge (*Andropogon virginicus*), caesarweed (*Urena lobata*), dog fennel (*Eupatorium capillifolium*), smutgrass (*Sporobolus* spp.), and other various opportunistic weedy species. Commonly observed vines include greenbriar (*Smilax* spp.), and grapevine (*Vitis rotundifolia*).

FLUCCS 616 - Inland Ponds and Sloughs

This area is a human constructed conservation area and water management system and mimics closely these Inland Ponds and Sloughs systems occurring naturally. The dominant shrubs are Wax myrtle and Willow. Herbaceous components include Maiden cane, Sawgrass, and a wide variety of sedges and rushes. This area is excluded from cattle grazing.

FLUCCS 621 - Cypress

This community occurs as isolated heads in the central portion of the western conservation area site.

FlucCs	Description	Area (ac)
211	Improved Pastures	23.75
621	Cypress	1.32
742	Borrow Areas	0.09
616	Inland Ponds and Sloughs	4.00



ENVIRONMENTAL EVALUATION AND ADVOCACY

2159 Morning Sun Lane
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PROJECT: West Oriole Marketplace - FlucCs Map

DATE: March 29, 2022

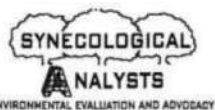
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FlucCs	Description	Area (ac)
211	Improved Pastures	23.75
621	Cypress	1.32
742	Borrow Areas	0.09
616	Inland Ponds and Sloughs	4.00

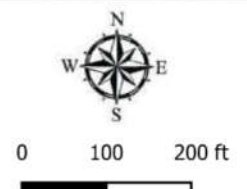


2159 Morning Sun Lane
NAPLES, FLORIDA 34119
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www.synecol.com

PROJECT: West Oriole Marketplace - FlucCs Map

DATE: March 29, 2022

DRAWN BY: NW



Along the southeast and northeast boundary of the 621 area, larger areas occur. Bald Cypress (*Taxodium distichum*) and Pond Cypress dominate the canopy. Scattered Slash pine occur within this cypress matrix. Swamp bay and Dahoon characterize the shrub stratum along the margins. Representative herbaceous components include Swamp Fern and Laurel greenbrier. The canopy in this community is mature Pond Cypress varying between 65' to 75' in height. There are two primary perch trees at the north and south sides of this head. These perch trees are 68' and 75' tall, respectively. Their location is shown on the following pages. There are 5-8 trees in this head that could be considered as adequate as nest trees. If this pair relocates the nest there are several trees that would be adequate for this use.

The shrub canopy is largely Cabbage palm, with considerable composition of Dahoon holly, Pond apple, Buttonbush and Willow. These trees are on the order of 10-20' in height. Because this area is a preserve, exotic control has been ongoing and the exotic component limited. The herbaceous strata includes Maidencane, *Spartina Bakerii*, Bushybeard bluestem and swamp fern.

FLUCCS 742 - Borrow Area

Borrow areas for cattle watering cover approximately 0.1 acres of this site and are essentially devoid of emergent vegetation.

Management Plan

Regulatory basis of activities have resulted in the issuance of an Incidental Take Permit for bald eagles through the USFWS Eagle Permit (Eagle Permit) process under 50 C.F.R. 22.26. The 2007 FWS National Bald Eagle Management Guidelines ("Guidelines") provide guidance regarding options to minimize disturbance (impacts) to bald eagles. The Bald and Golden Eagle Protection Act discourages eagle disturbance. The Federal Take Permit and County Eagle Management Plan provide guidance to minimize such disturbance. On April 20, 2017, the Florida FWC approved revisions to the state's bald eagle rule (68A16.002, F.A.C.). That became effective on June 22, 2017. The result of this revision is that only a Federal permit is required for activities with the potential to take or disturb bald eagles or their nests. This Bald Eagle Management Plan reflects necessary minimization and Special Conditions set forth in the Short-Term Eagle Incidental Take Permit obtained for the project. Two zones have been created, 330' and 660' feet from nest LE093, each of which has differing levels of restrictions as to the proposed development and timing of constructions.

Proposed Conservation Measures Within 660'

What conservation measures are proposed within 660' during nesting season?

1. If exterior construction work or project activities outlined in Condition D of the USFWS Take Permit are conducted when the nest is in use:

- a. Initiate a noise abatement program for construction personnel within 660' of the eagle nest to include:

aa. No excessive and/or sudden loud noise including engine braking, tailgate banging, loud radios, shouting/singing, etc.

ab. All motorized equipment, including saws or other handheld power tools, must be moved indoors if possible or placed to minimize noise at and reflect noise away from the direction of the eagle nest, i.e. behind a temporary structure that reflects noise away from the direction of the eagle nesting area.

ac. Minimize the need for reverse indicator horns and utilize ground flag crews or guides to the degree practicable to avoid using reverse indicator horns.

ad. Provide signage in English and Spanish indicating the need for quiet to the extent practicable.

1. A proposed vegetational visual screen (See Line of Sight Figure) will be installed when the nest is not in use.
2. The previously described landscape/visual buffer.
3. The nesting tree is located in a conservation area, behind a large berm. Based on many hours of nest observation over multiple nesting seasons, these birds are most sensitive to line of sight human activity. Planes, buildings, people in association with buildings or equipment do not typically focus the birds attention. Based on this extensive period of observation, it seems likely proposed buildings present no consequential restraint on the birds normal activity and flight patterns so long as the proposed vegetational visual buffer is installed/maintained. Please refer to the wind row base figures showing primary flight sectors to and from this nest.
4. No active external construction within 330' of the nest when the nest is active, nesting season (historically 1 Oct through 15 May).
5. On site signage regarding the urgency of being quiet during the nesting season.

Proposed Activities Between the 330' - 660' Buffer of LE093

The onsite development and associated utilities needed to support the onsite development, located between 330' and 660' of the eagle nest, are presented below.

If any exterior construction or project activities within this zone need to occur when the nest is in-use, (October 1 — May 15), the following restrictions/management practices will be utilized: 1. A traffic/noise abatement program will be initiated for construction personnel, which includes:

- a. no excessive and/or sudden loud noise, including engine braking, tailgate

banging, loud radios, shouting, singing, etc.

- b. All motorized equipment, including saws or other hand held power tools must be moved indoors if possible or placed to minimize noise at and reflect noise away from the direction of the eagle nest tree
- c. Minimize the need for "reverse" indicator horns and utilize ground flag crews to the degree practicable to avoid using reverse indicator horns.
- d. Provide signage in English and Spanish emphasizing the need for quiet to the extent practicable.
- e. A staging area for equipment and parking/ car pool location for construction or project personnel will be established outside of 330' of the eagle nest tree.

2. This nest will be censused twice weekly as nesting season approaches to document arrival of the nesting pair. Once an eagle is observed, monitoring will be conducted up to three times a week for a minimum of 90 minutes each to document nest status and eagles reactions to any ongoing work. Monitoring will occur on days that construction is ongoing and in process to the extent possible. Monitoring may be reduced to one day per week five weeks post hatching, with concurrence from County staff.

Activities Between the 200' - 330' Buffer of LE093

Exterior construction, heavy landscaping, and associated activities are prohibited within 330' of the nest tree when the nest is in-use. The developers will comply with this restriction, resulting in the need for the proposed outdoor work between 200' - 330' of the nest tree to occur only when the nest is not in-use.

Between the 0' - 200' (No Development) Buffer of LE093

No development is proposed on the Alico Oriole West site within 200' of LE093. Attachment Two shows ±1.3 acres of undeveloped land to remain around the nest tree within the Alico Oriole West site. Per Lee County Development Code requirements, invasive vegetation will be removed within the entire development area, including this buffer zone. This exotic control is also mandated by the existing SFWMD permit for this site. Such invasive removal will only occur outside of the bald eagle nesting season and when the nest is not in-use.

Minimization Measures to Limit Incidental Take

In accordance with Eagle Incidental Take Permit MBPER0019112, the following measures will be implemented by the developer to help minimize disturbance to eagle nest LE093:

1. Prior to construction of the proposed work within 660' of the eagle nest tree, educational materials that outline how to minimize disturbance to eagles, along with contact information for the local eagle rehabilitator, will be prepared and provided to project personnel, tenants occupying any building located within 660'

of the nest tree, and maintenance personnel responsible for the post-project maintenance of the project area within 660' of the nest tree.

2. All project related exterior or temporary construction lighting, if used, will be shielded/directional in nature so that lights do not shine directly onto the eagle nest.
3. If using pesticides, herbicides, or other chemicals onsite, State and federal BMP's, laws and label instructions will be followed at all times.
4. Overhead utility lines will be coordinated to be in compliance with the Avian Power Line Interaction Committee (APLIC) Guidelines found at www.aplic.org to reduce the potential for any electrocution, collision, and/or nesting of avian species.
5. The proposed visual buffer between the wetland area where the eagle nest is located and the proposed development extends over 630 linear feet along the existing berm (Attachment 2). The applicant proposes to install fifty three (53) 25' to 30' OA Bamboo (*Bambusa textilis gracillis*) on 12' centers with the goal to create a visual buffer between LE093 and the proposed development. These plants will have an irrigation system installed to support their vigor and growth. The location and extent of this buffer is shown in Attachment 2. The line of sight drawn extends due east from the nest. The purpose of the bamboo plantings is to shield human activity from both the perch trees and nest. Based on our observations of this nesting pair they are not influenced by equipment, traffic or noise. Human presence/activity focuses their attention. Plant materials selection for this visual screen/buffer was based on several factors. These included canopy density and extent, evergreen/deciduous comparisons, growth form of mature trees, sustainability with regard to extreme weather events and the location on the top of an existing berm. We ranked opacity and sustainability as the most important factors because the functionality of this screen to human activity based on our actual observations. It is worth noting that our observations included periods when the cypress trees surrounding the nest tree had foliage as well as periods when the leaves had dropped. We also have experience with eagle nests in areas dominated by slash pine. Based on the available plant materials of a size needed for the buffer, along canopy density and sustainability.

We considered a short list of cypress, oak (both laurel and live oak), slash pine and bamboo. Our selection of bamboo was based on the following factors:

- a. The lack of canopy density during a good part of the nesting season,
- b. Severe weather event survivability
- c. Lack of an extensive root systems to support the trees, particularly in severe weather events
- d. Canopy size and upward movement of the canopy as the trees grow will effect the viewscapes where the screen had been initially. What works now may be diminished in value with time.

- e. Lack of optimal opacity with one row of plantings based on the width of the existing berm.

We selected the bamboo because they have a stable canopy density that only improves over time, good sustainability through extreme weather events, a compact and dense root system, and excellent opacity with a single row of plants. We understand the unusual nature of doing an exotic environmental planting. We also understand the sole purpose of this planting effort is to improve the quality of life for this nesting pair of eagles or others that might occupy this nest over time. This is not a landscape requirement and is being installed on top of a berm. We think the benefit to occupants of LE 093 makes bamboo the optimal solution to creating a dense, sustainable visual screen/buffer that maintains or improves quality of life for these eagles and allows responsible development of the nearby parcel at the NW corner of Alico Rd. and Oriole Rd.

The photos on the Attachment 1 show a recently installed bamboo buffer along Logan Blvd near its intersection with Immokalee Rd in Collier County. The visual screen photo was take approximately 200' from the vegetation. This house is approximately 45' in height.

Monitoring and Reporting Requirements

The Federal Take Permit relative to this nest requires a qualified biologist to monitor eagle use of the nesting territory defined as up to a 1.5-mile radius of eagle nest LE093, onsite that is legally accessible by the developer and where the activities occur. The monitor will be experienced in recognizing specific patterns and changes of eagle behavior and employed by or contracted by the permittee, landowner, company, or entity responsible for having the activity monitored. The monitor will be as inconspicuous as possible, so not to cause a disturbance with his/her presence, and when applicable, a wildlife blind or viewing location out of direct sight of the eagle will be utilized.

Monitoring will be conducted at a distance that allows for observation without an interruption in the eagle's normal breeding behavior. If the eagles do not return to the known nest location (LE093), the site will be monitored to assess whether or not the eagles nest, roost, and/or forage at a new location.

If a new eagle nest is built on the site or within the nesting territory, the monitor will report the new eagle nest location within 10 days to the FWS Southeast Region Eagle Biologist and ETAC through the assigned Lee County personnel.

Monitoring will be conducted in the methodology previously described under the monitoring requirements for work within the 330'-660' buffer zone of the eagle nest, with the monitor using the FWS Bald Eagle Monitoring Data Report to record ongoing construction activities and eagle behaviors observed during each monitoring event. This information will be compiled onto the Eagle Take Annual Report Form (found online at www.fws.gov/forms/3,202-15.pdf) and submitted annually to the FWS (submitted electronically to FW4eaglemonitoring@fws.gov and mailed to the migratory bird permit issuing office) and ETAC through the designated Lee County personnel.

The FWS Eagle Incidental Take Permit remains valid through September 30, 2025. However, if full construction on the subject site is complete prior to expiration of the federal permit, the FWS may be notified to have the permit closed accordingly. Lee County will be copied on all related Federal correspondence. Monitoring and reporting will continue in accordance with this Bald Eagle Management Plan and the referenced federal permit through completion of construction within 660' of the nest tree and close-out of the federal permit. The applicant understands that these compliance commitments at both the Federal, State and Local levels will transfer to any and all owners and users going forward. Regarding requirements of the approved eagle management plan and the state and federal eagle protection laws.

The Federal Take permit mandates the following monitoring schedule.

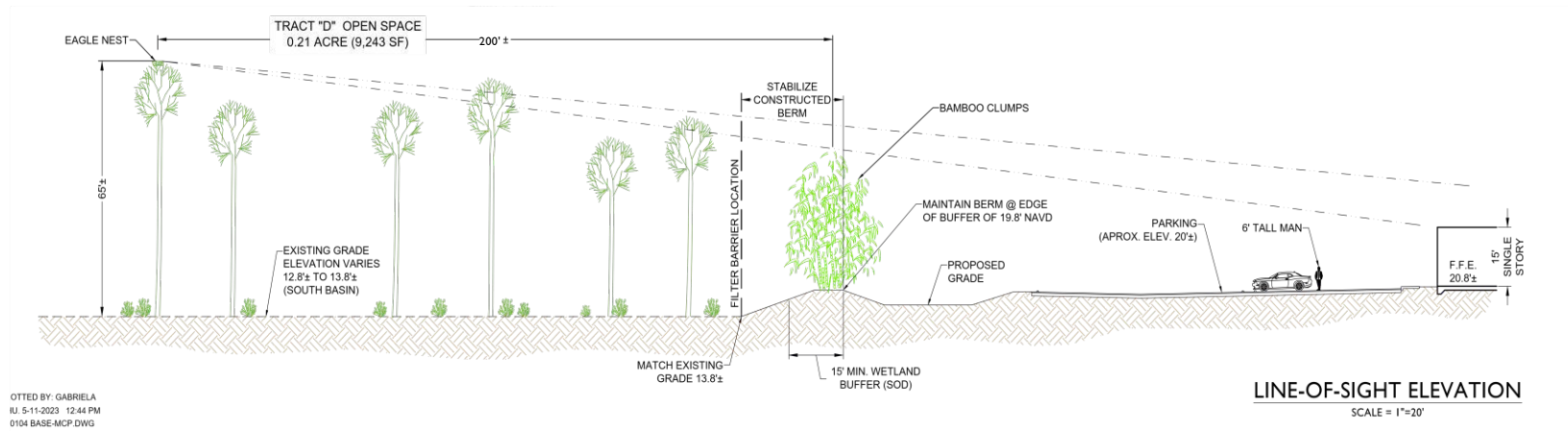
Frequency	Eagle Monitoring Schedule	Duration	Timing
Once	November	60-90 minutes	Begin ½ hr before sunrise/set
Once	Between 15 Dec. and 15 Jan.	60-90 minutes	Begin ½ hr before sunrise/set
Once	Between 15 Feb. and 15 March	60-90 minutes	Begin ½ hr before sunrise/set
Once	April	60-90 minutes	Begin ½ hr before sunrise/set
Once	May	60-90 minutes	Begin ½ hr before sunrise/set
Once	Monthly thereafter until fledging or nest failure documented	60-90 minutes	Begin ½ hr before sunrise/set

ATTACHMENTS

Attachment 1- Bamboo Screening Example



Attachment 2
Line of Sight Screening Exhibit





SHORT-TERM EAGLE INCIDENTAL TAKE

Permit Number: MBPER0019112**Version Number:** 0**Effective:** 2021-11-23 **Expires:** 2025-09-30**Issuing Office:****Department of the Interior****U.S. FISH AND WILDLIFE SERVICE**

MB Atlanta Permit Office

1875 Century Boulevard, NE

Atlanta, Georgia 30345

permitsR4MB@fws.gov

Tel: 404-679-7070

Fax: 404-679-4180

**Carmen
Simonton****Digitally signed by**

Carmen Simonton

2021-11-23 12:53:56

Chief, Migratory Bird Permit
Office, Atlanta, Georgia**Permittee:**

Horowitz Sanford I TRFOR Land Trust

dba Three Oaks Horowitz LLC

Alan Freeman

28120 Hunters Ridge Boulevard Suite 5

Bonita Springs, Florida 34135

Authority: Statutes and Regulations: 16 U.S.C. 668-668(d), 16 U.S.C 703-712 50 CFR Part 13, 50 CFR 22.26

Location where authorized activity may be conducted:

See Condition D.

Reporting requirements:

Monitoring requirements are outlined in Condition I Monitoring Requirements.

Reporting requirements are outlined in Condition D, E, F, I. and in Condition J Reporting Requirements.

Condition J Reporting Requirements outlines the required schedule of monitoring reports (Condition I3) and the content of the annual summary monitoring report.

Authorizations and Conditions:**Southeast Region Eagle Biologist** Ulgonde Kirkpatrick, Ulgonde_Kirkpatrick@fws.gov, (352) 406-6780**Southeast Region Eagle Permit Coordinator** Resee Collins, Resee_Collins@fws.gov, (404) 679-4163



SHORT-TERM EAGLE INCIDENTAL TAKE

Permit Number: MBPER0019112**Version Number:** 0**Effective:** 2021-11-23 **Expires:** 2025-09-30

Link to federal permit regulations: <https://www.fws.gov/birds/policies-and-regulations/permits/permit-policies-and-regulations.php>

Eagle nest means any assemblage of materials built, maintained, or used by Bald Eagles or Golden Eagles for the purpose of reproduction.

In-use nest means a bald or golden eagle nest characterized by the presence of one or more eggs, dependent young, or adult eagles on the nest in the past 10 consecutive days during the breeding season.

Alternate nest means one of potentially several nests within a nesting territory that is not an in-use nest at the current time. When there is no in-use nest, all nests in the territory are alternate nests.

Disturb/disturbance means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.

A. General conditions set out in Subpart B of 50 CFR 13, and specific conditions contained in Federal regulations cited above, are hereby made a part of this permit. All activities authorized herein must be carried out in accordance with and for the purposes described in the application submitted. Continued validity, or renewal of this permit is subject to complete and timely compliance with all applicable conditions, including the filing of all required information and reports.

B. You are responsible for ensuring that the permitted activity is in compliance with all federal, tribal, state, and local laws and regulations applicable to eagles.

C. Valid for use by permittee named and any subpermittees (See Condition H).

D. Due to all construction activities associated with the development of West Oriole Market Place located north of Alico Road and west of Oriole Road in Fort Myers, Lee County, Florida, you are authorized to:

Take by means of disturbance incidental to your activities (1) pair of nesting Bald Eagles including the loss of productivity of eggs or young due to potential abandonment of the Bald Eagle nest identified as LE093

Eagle Nest LE093 location: 26.494333N, -81.809833W, Fort Myers, Lee County, Florida

Reporting Required: Annual Summary by June 30 of 2022, 2023, 2024, 2025, 2026

Construction activities will be phased over a multi-year period and will include adding fill dirt to property; building a foundation, multiple warehouse and commercial buildings, and associated infrastructure.

The project impacts are occurring within the 660-foot buffer zone around eagle nest LE093. The closest construction is occurring no closer than 200 feet from the eagle nest tree at any time of the year.

The authorizations granted by this permit apply only to take that results from activities conducted in accordance with the description contained in the permit application and the terms of the permit. If the permitted activity changes, you must immediately contact the Eagle Biologist to determine whether a permit amendment is required in order to retain take authorization.

E. This permit does not authorize intentional take or injury of any live eagles, excluding take of eggs or young by nest abandonment as described in Condition D, nor does it authorize take of any eagle nest.



SHORT-TERM EAGLE INCIDENTAL TAKE

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You must immediately notify the Southeast Region Eagle Permit Coordinator by phone and email upon discovery of any unanticipated take or regarding any apparent injury or death occurring to any eagle, including viable eggs or young, for any reason during project activities. You must immediately contact the Conservancy of Southwest Florida von Arx Wildlife Hospital, 1495 Smith Preserve Way, Naples, Florida. 34102, (239) 262-0304, to coordinate transportation of any injured eagle.

F. You are authorized to salvage eagle feathers found on the ground in the vicinity of the Bald Eagle nest located in Condition D. Any salvaged items found at the site must be shipped within 30 days to the National Eagle Repository, Contact: U.S. Fish and Wildlife Service, National Eagle and Wildlife Repository, RMA, Bldg. 128, 6550 Gateway Road, Commerce City, Colorado, 80022, (303) 287-2110.

You must immediately notify the Southeast Region Eagle Permit Coordinator by phone and email upon discovery of any eagle carcass(es) at the location listed in Condition D.

G. You must comply with the following avoidance or minimization measures prescribed by this permit for take of eagle(s) identified in Condition D. **All minimization measures, unless noted otherwise, are applicable when any eagles are present at the nest site and the nest meets the definition of an in-use nest during the Bald Eagle nesting season (October 1 – May 15); or when the nest is in-use before October 1 or after May 15:**

1. Eagle Nest Buffer. You will erect a temporary protective barrier to delineate the 200-foot buffer around the eagle nest tree to prevent construction personnel and heavy equipment from entering into this buffer while any construction or associated project activities outlined in Condition D are occurring. All exterior development and heavy equipment access is strictly prohibited in this area. Exclude human access by foot or vehicle within 200 feet of the eagle nest tree when the nest is in-use.

2. FOR ACTIVITIES WITHIN 660 FEET OF THE EAGLE NEST TREE:

a. If exterior construction work or project activities outlined in Condition D are conducted when the nest is in-use:

(1) Initiate a noise abatement program for construction personnel within 660 feet of an eagle nest, to include:

- (a) No excessive and/or sudden loud noise, including engine braking, tailgate banging, loud radios, shouting, singing, etc.;
- (b) All motorized equipment, including saws or other handheld power tools, must be moved indoors if possible or placed to minimize noise at and reflect noise away from the direction of the eagle nest, i.e. behind a temporary structure that reflects noise away from the direction of the eagle nesting area;
- (c) Minimize the need for "reverse" indicator horns and utilize ground flag crews to the degree practicable to avoid using reverse indicator horns; and
- (d) Provide signage in English and Spanish (if applicable) indicating the need for quiet to the extent practicable; and

3. FOR ACTIVITIES BETWEEN 660 AND 330 FEET OF THE EAGLE NEST TREE:

a. If any construction work or project activities outlined in Condition D are conducted when the nest is in-use, you must initiate a traffic abatement program which includes that you establish equipment staging and offsite parking/carpool locations for construction personnel outside of 330 feet from the eagle nest tree.



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4. To the extent practicable, construction or associated project activities farthest from an eagle nest should occur prior to construction or associated project activities closest to the nest.
5. Prior to conducting or while activities in Condition D are occurring, in the event any eagle is injured or is found on the ground, you must provide educational materials that outline how to minimize disturbance to eagles, along with contact information for an eagle rehabilitator to the following:
 - a. All project personnel; and
 - b. Maintenance personnel responsible for the post-project maintenance of the project area described in Condition D.
6. Preserve the largest native pines and hardwoods outside of the project footprint for use as potential eagle roost or nest sites.
7. Maintain and/or create, enhance or expand the visual vegetation buffer between construction activities and the eagle nest tree by planting **native** pines and/or hardwoods.
8. Down-shield all new permanent exterior lighting so that lights do not shine directly onto the eagle nest.
9. Follow state and federal guidelines, laws and label instructions at all times if using pesticides, herbicides, or other chemicals on property identified in Condition D.
10. If applicable, coordinate the design and construction or retrofitting of new and existing utility lines to be in compliance with the Avian PowerLine Interaction Committee (APLIC) Guidelines found at www.aplic.org to reduce the potential for any electrocution, collision and/or nesting of avian species.

H. Subpermittees.

1. Any person who is employed by or under contract to you for the activities specified in this permit, or otherwise designated a subpermittee by you in writing, may exercise the authority of this permit.
2. A subpermittee is an individual to whom you have provided written authorization to conduct some or all of the permitted activities in your absence. Subpermittees must be at least 18 years of age.
3. Any subpermittee who has been delegated this authority may not re-delegate to another individual/business.
4. You are responsible for ensuring that your subpermittees are qualified to perform the work and adhere to the terms of your permit. You are also responsible for maintaining current records of designated subpermittees. As the permittee, you are ultimately legally responsible for compliance with the terms and conditions of this permit and that responsibility may not be delegated.
5. You and any subpermittees must carry a legible copy of this permit and display it upon request whenever exercising its authority.

I. Monitoring Requirements.



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Permit Number: MBPER0019112**Version Number:** 0**Effective:** 2021-11-23 **Expires:** 2025-09-30

1. A qualified monitor is required to monitor eagle use of the nesting territory, which is defined as up to a 1.5 mile radius of the eagle nest identified in Condition D, on property that is legally accessible by you and where the activities outlined in Condition D. occur. The monitor must be experienced in recognizing specific patterns and changes of eagle behavior, and employed by or contracted by the permittee, landowner, company or entity responsible for having the activity monitored. The monitor must also be as inconspicuous as possible, so not to cause a disturbance with their presence, and when applicable, a wildlife blind or viewing location out of direct sight of the eagles is recommended.

Monitoring must be conducted at a distance that allows for observation without an interruption in the eagle's normal breeding behavior. If eagles do not return to the nest at the location described in Condition D, you are required to monitor on adjacent property that is accessible by you to assess whether or not eagles nest, roost and/or forage at a new location.

If a new eagle nest is built on the property described in Condition D. or within the nesting territory, you must report that new eagle nest location within 10 days to the Southeast Region Eagle Biologist. Additional monitoring and authorization may be required based on the new eagle nest location in relation to activities described in Condition D.

2. Monitoring must occur at a time of day when eagles are most likely to be in the area, (early morning, beginning ½ hour before sunrise, or late afternoon, beginning ½ hour before sunset). You must assess whether or not eagles return to the nesting territory as identified in Monitoring Requirements No.1 and continue to nest, roost and/or forage there, and/or if the eagles attempt to build or occupy another nest. Monitoring must be conducted for a minimum of 60-90 minutes.

3. Once project activities have begun, including if construction activities have begun but are not occurring, monitoring is required annually to determine eagle nesting activity and/or nest failure. During each nesting season, no additional monitoring is required once eaglets have fledged from the nest or nest failure is documented.

The required monitoring period is:

- During each eagle nesting season, defined as October 1 through May 15, or when eagles are present at the nest and
- For an additional (1) nesting season after project has been completed.

Monitoring must be conducted according to the following Eagle Monitoring Schedule:

Frequency	Eagle Monitoring Schedule	Time	Time of Day
Once	November	60 – 90 minutes	Begin ½ hour before sunrise or before sunset
Once	Between December 15 and January 15	60 – 90 minutes	Begin ½ hour before sunrise or before sunset
Once	Between February 15 and March 15	60 – 90 minutes	Begin ½ hour before sunrise or before sunset
Once	April	60 – 90 minutes	Begin ½ hour before sunrise or before sunset
Once	May	60 - 90 minutes	Begin ½ hour before sunrise or before sunset
Once	Every month after until fledging or nest failure is documented	60 – 90 minutes	Begin ½ hour before sunrise or before sunset

4. Monitoring reports must include the following information:



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- a. Date and length of time Bald Eagles were observed;
- b. Time of day;
- c. Number and age of Bald Eagles observed (i.e. juvenile, immature, subadult, adult); if age is not known provide description;
- d. Observed behavior (e.g. perching, feeding, sitting on or attending nest, in flight);
- e. If a new eagle nest is built on or adjacent to your property, the new location and whether the eagles produced young at that site;
- f. If any eagle nesting attempt was successful, failed or the eagles abandoned the area; and
- g. A description of any human activity at the time eagles are observed during each month of the monitoring period (e.g. construction, road building, use of machinery, etc.).

J. Reporting Requirements.

1. You may use Form 3-202-15 (Eagle Take Annual Report) found online at www.fws.gov/forms/3-202-15.pdf to report monthly and annual Bald Eagle monitoring activities. Use of this form is not mandatory, but the same information must be submitted.
2. You must annually submit your monitoring reports, including your summary Eagle Take Annual Report (Form 3-202-15), by June 30 of each calendar year a report is required as follows:
 - a. Electronically to FW4eaglemonitoring@fws.gov. The email subject line for each report submitted must reference the permit number, project title or name, and month/year of report, and
 - b. Mailed to the migratory bird permit issuing office at U.S. Fish and Wildlife Service, 1875 Century Boulevard, Atlanta, Georgia 30345.

If no eagle activity is observed, a report indicating "no activity observed" is required.

If project activities were delayed or not conducted, an annual report indicating "no activities occurred" is required.

50 CFR 22.26 STANDARD CONDITIONS EAGLE TAKE (DISTURBANCE) PERMIT

All of the provisions and conditions of the governing regulations at 50 CFR part 13 and 50 CFR part 22.26 are conditions of your permit. Failure to comply with the conditions of your permit could be cause for suspension of the permit and/or citation. The standard conditions below are a continuation of your permit conditions. If you have questions regarding these conditions, refer to the regulations and forms, or to obtain contact information for your issuing office, visit:

<https://www.fws.gov/birds/policies-and-regulations/permits.php>

1. This permit does not authorize you to conduct activities on federal, state, tribal or other public or private property without additional prior written permits or permission from the agency/landowner.
2. You remain responsible for all outstanding monitoring requirements and mitigation measures required under the terms of the permit for take that occurs prior to cancellation, expiration, suspension, or revocation of the permit. Provisions for discontinuance of permit activity are outlined in 50 CFR 13.26.



SHORT-TERM EAGLE INCIDENTAL TAKE

Permit Number: MBPER0019112**Version Number:** 0**Effective:** 2021-11-23 **Expires:** 2025-09-30

3. You must maintain records as required in 50 CFR 13.46. Your records must also include the data gathered for monitoring and reporting purposes. All records relating to the permitted activities must be kept at the location indicated in writing by you to the migratory bird permit issuing office.

4. Acceptance of this permit authorizes the U.S. Fish and Wildlife Service to inspect and audit or copy any permits, books or records required to be kept by the permit and governing regulations (50 CFR 13.47).

5. You must allow Service personnel or other qualified persons designated by the Service, access to the areas where eagles are likely to be affected by your project activities, at any reasonable hour, and with reasonable notice from the Service, for purposes of monitoring eagles at the site(s) while the permit is valid and for up to 3 years after it expires.

6. The Service may amend, suspend, or revoke a permit issued under this section if new information indicates that revised permit conditions are necessary, or that suspension or revocation is necessary, to safeguard local or regional eagle populations. This provision is in addition to the general criteria for amendment, suspensions and revocation of Federal permits set forth in 50 CFR 13.23, 13.27, and 13.28 of this chapter.

7. To renew this permit if the activities described in Condition D have not been completed by the expiration date of this permit, permittee must meet issuance criteria at the time of renewal and must also have been in compliance with permit conditions, including all monitoring and reporting requirements of the original permit.

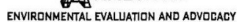
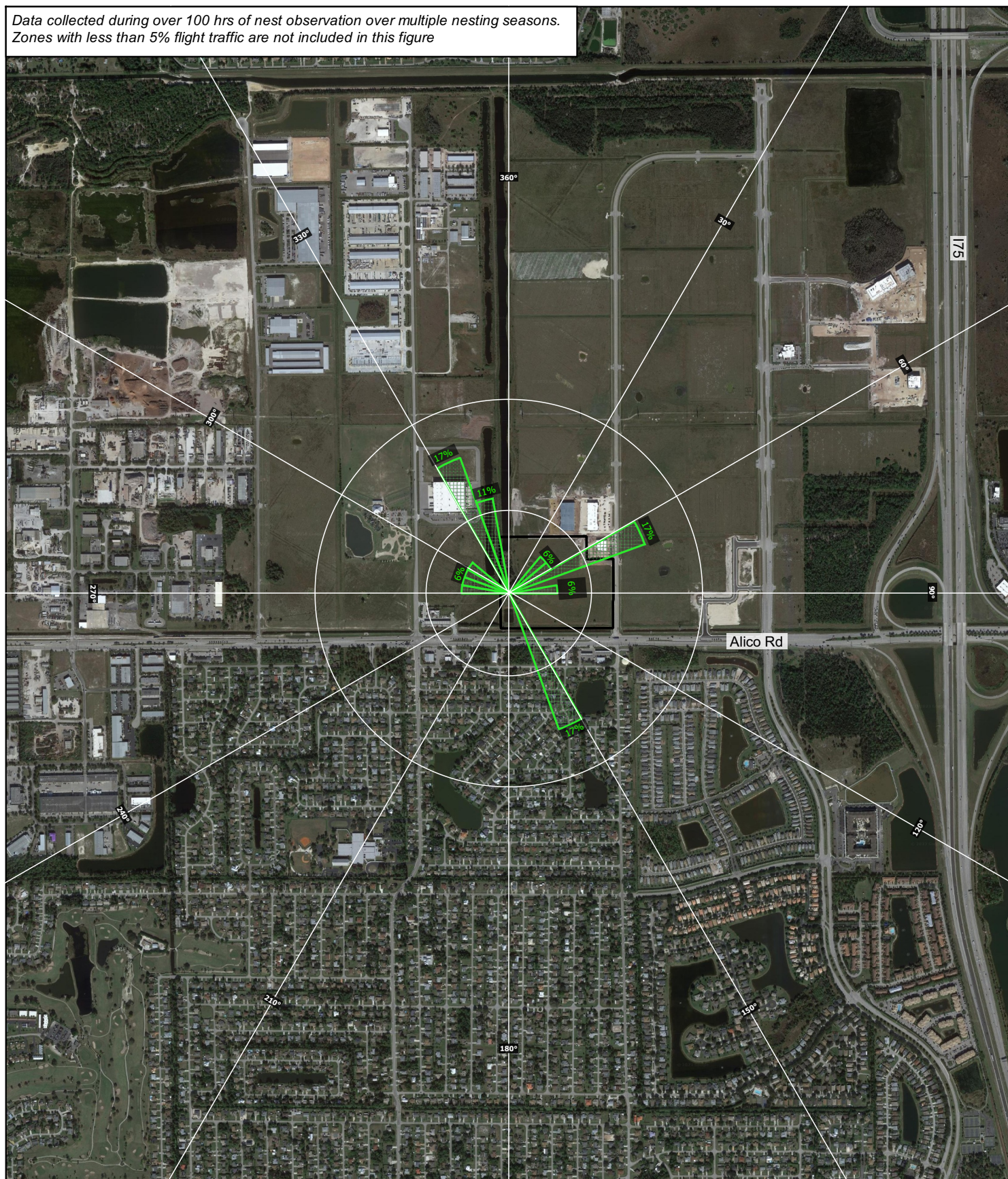
8. You may request amendment to your permit. The Service will charge a fee for substantive amendments made to permits within the time period that the permit is still valid. The fee is \$500 for commercial permittees and \$150 for non-commercial permittees (50 CFR 13.11(d)(4)). Substantive amendments are those that pertain to the purpose and conditions of the permits and are not purely administrative. Administrative changes, such as updating name and address information, are required under 13.23(c), and the Service will not charge a fee for such amendments. Requests for substantive amendment must be submitted via Form 3-200-71.

LE-93: Alico Road**Strap Number: 04-46-25-00-00003.0020**

Year	History
2012-2013	Active, 1 Fledgling. Nest in Cypress Tree
2013-2014	Active, Nest Failed. Great Horned owl in nest.
2014-2015	Inactive, Eagles observed in the area but no activity at the nest
2015-2016	Active, 1 Fledgling. Nest was down at the end of the season.
2016-2017	Active, adults constructed nest but no incubation observed.
2017-2018	Active, nest failed. Incubation observed Dec 2017 and adult appeared to be feeding young in Jan 2018. No activity was observed after Jan 2018.
2018-2019	Active, 2 Fledglings confirmed
2019-2020	Active, 1 Fledgling confirmed
2020-2021	Active, 2 Fledglings confirmed

2021 - 2022 **Active, fledglings****2022 - 2023** **Active, fledglings not observed, but feeding behavior exhibited**

Data collected during over 100 hrs of nest observation over multiple nesting seasons. Zones with less than 5% flight traffic are not included in this figure



**2159 Morning Sun Lane
NAPLES, FLORIDA 34119
PHONE: (239) 514-3998
www.synecol.com**

PROJECT: Oriole Alico West Eagle Foraging Area
- Flights To Nest

DATE: May 9, 2023

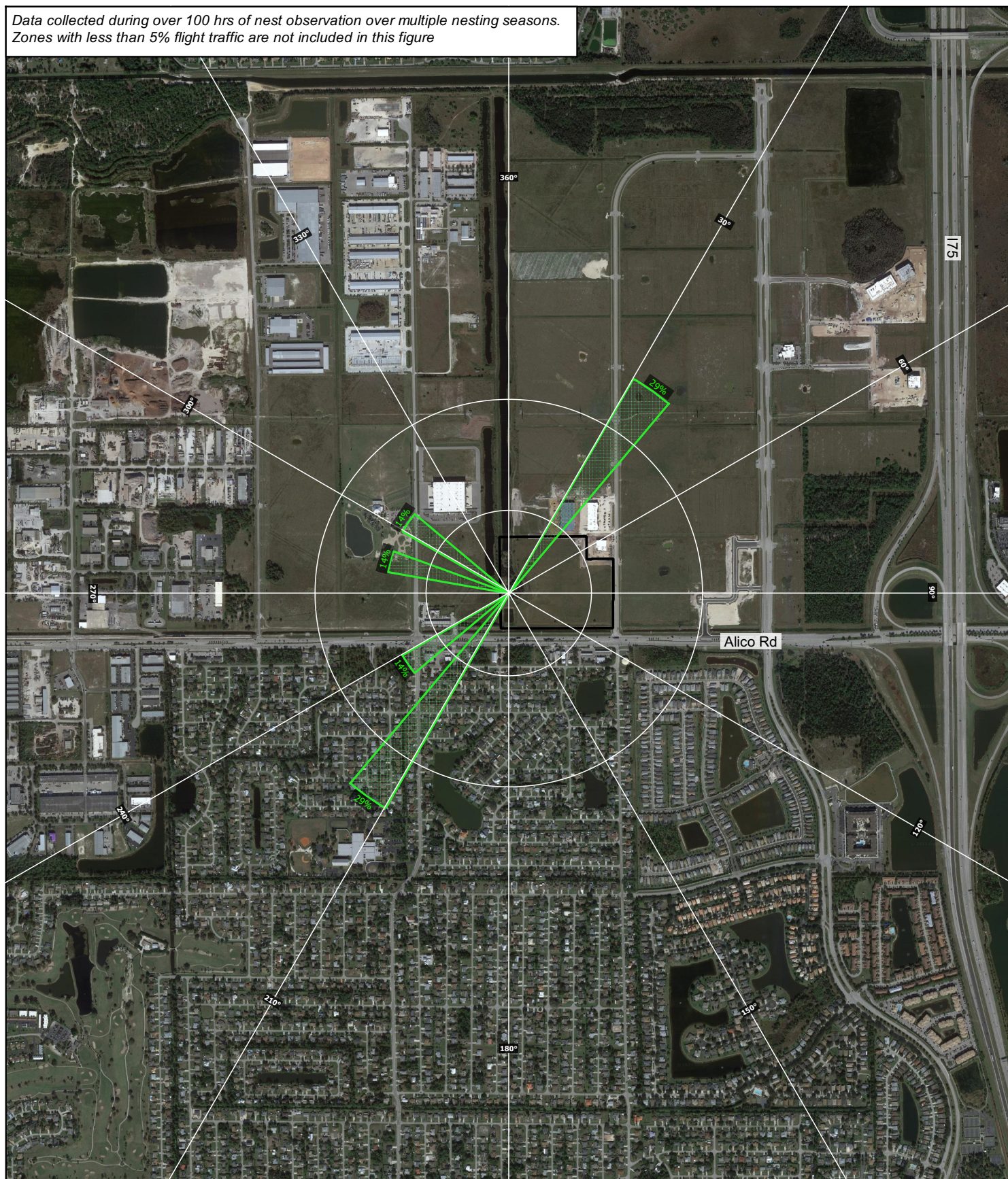
DRAWN BY: NW



0 400 800 1,200 ft



Data collected during over 100 hrs of nest observation over multiple nesting seasons.
Zones with less than 5% flight traffic are not included in this figure



ENVIRONMENTAL EVALUATION AND ADVOCACY

2159 Morning Sun Lane
NAPLES, FLORIDA 34119
PHONE: (239) 514-3998
www.synecol.com

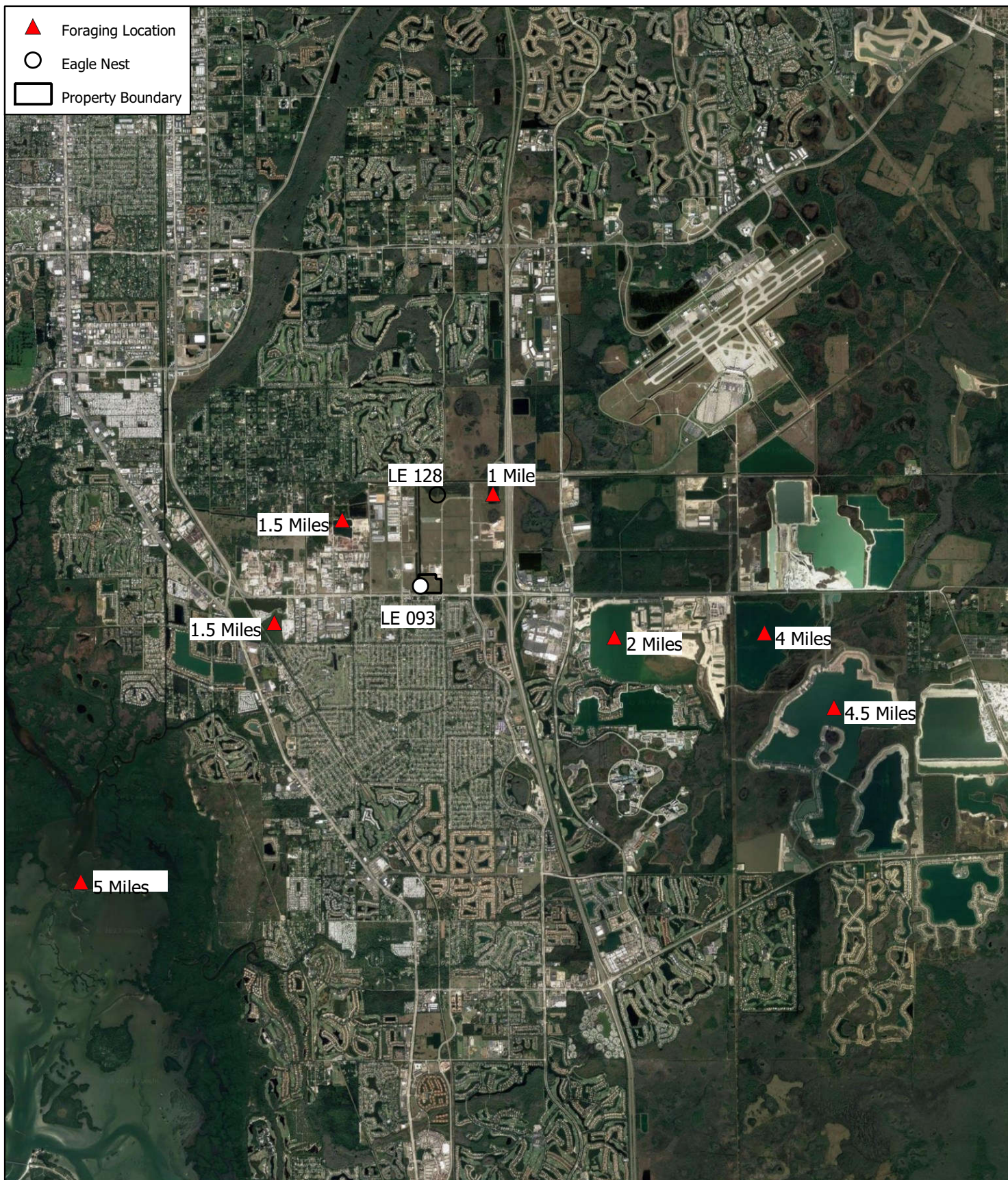
PROJECT: Oriole Alico West Eagle Foraging Area
- Flights From Nest

DATE: May 9, 2023

DRAWN BY: NW



0 400 800 1,200 ft



ENVIRONMENTAL EVALUATION AND ADVOCACY

2159 Morning Sun Lane
NAPLES, FLORIDA 34119
PHONE: (239) 514-3998
www.synecol.com

PROJECT: LE 093 Nest Foraging Area Figure

DATE: May 9, 2023

DRAWN BY: NW



0 0.5 1 1.5 mi



Protected Species Survey
West Oriole Marketplace
Ft Myers, Lee County, FL

Prepared for

Horowitz Sandford I TR
For Land Trust
Suite 5
28120 Hunters Ridge Blvd
Bonita Springs, FL 34135

Synecological Analysts® Inc.
2159 Morning Sun Ln
Naples, FL 34119

17 May 2023

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1.0 INTRODUCTION

A protected species survey was conducted on the referenced property on 10 and 11 March, 2022. This site is located in Section 4, Township 46 S, Range 25 E in Lee County, FL and is in the NW quadrant of the Alico Rd. - Oriole Rd intersection. The summary property data sheet for this parcel is included in the Appendix of this report. The West Oriole Marketplace site is bounded by a fire station, industrial park and vacant land on the north. Oriole Rd. borders this project site to the east. Alico Road ROW is the southern border of this site. The latitude/longitude information for the center of this site is 26 degrees, 29', 44.18" N and 81 degrees 48', 25.01" W. The purpose of this survey was to inspect the property for potential listed species that could inhabit the site. These listed species are regulated by the US Fish & Wildlife Service (FWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC). The most likely to occur on this site are burrowing owl (*Athene cunicularia*) burrows and gopher tortoise (*Gopherus polyphemus*). Both of these species burrow and particular attention was paid toward locating any burrows, especially along the slope areas adjacent to Oriole Rd and Alico Rd .

The developer of this project is:

Horowitz Sanford I TR
For Land Trust
Suite 5
28120 Hunters Ridge Blvd
Bonita Springs, FL 34135

The project engineer is:

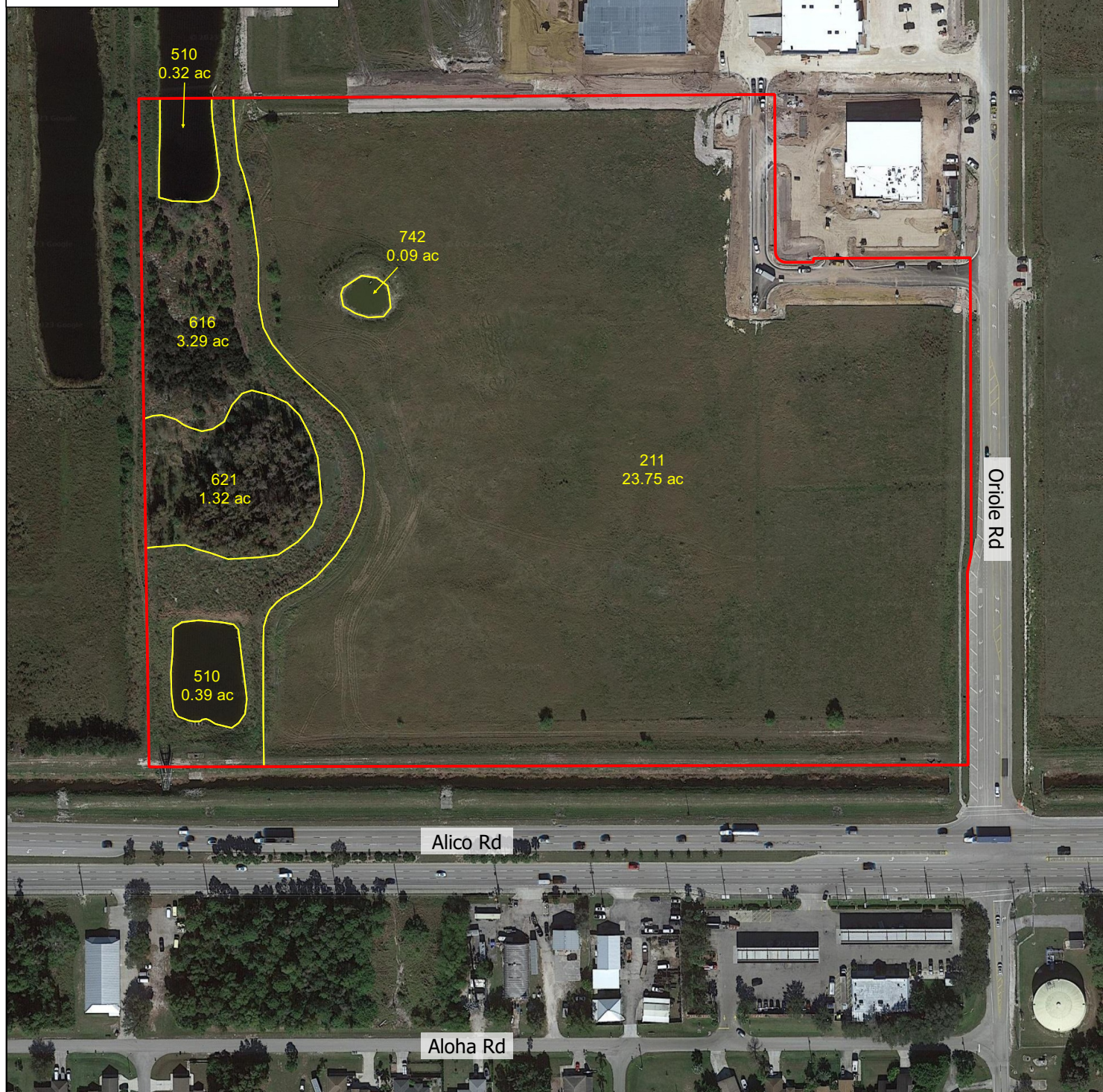
Quattrone & Associates, Inc.
Attn: Al Quattrone, P.E.
4301 Veronica Shoemaker Blvd
Ft Myers, FL 33916

This survey and report are conducted and submitted to support development of this project as proposed.

The project environmental consultant is:

Brown Collins
Synecological Analysts® Inc.
2159 Morning Sun Ln
Naples, FL 34119
brown@synecol.com

Flucss	Description	Area (ac)
211	Improved Pastures	23.75
510	Streams and waterways	0.71
616	Inland Ponds and Sloughs	3.29
621	Cypress	1.32
742	Borrow Areas	0.09
Total		29.16



ENVIRONMENTAL EVALUATION AND ADVOCACY

2159 Morning Sun Lane
NAPLES, FLORIDA 34119
PHONE: (239) 514-3998
www.synecol.com

PROJECT: West Oriole Marketplace - Flucss Map

DATE: May 17, 2023

DRAWN BY: NW



0 100 200 ft



Synecological Analysts® (SAI) conducted an Environmental Protected Species Survey on this site. This document responds to the Lee County requirement of a protected species survey. SAI evaluated this property to determine distribution, extent and character of vegetational communities. Habitat types, jurisdictional wetland status, potential or presence of listed species and suitability of the on site habitat for listed species habitat were also evaluated. Soil types, distribution and extent were determined to assist in the other evaluations. Findings and conclusions are presented in subsequent portions of this document.

2.0 EXISTING SITE CONDITIONS

The proposed development consists of one 29.16 ac. parcel. This parcel summary data sheet is included in the Appendix to this report. All native communities except the Cypress head (FLUCCS 621) have been disturbed over an extended of time as a result of AG management practices and drainage/road networks. This disturbance influenced the considerable majority of this site and occurred in progressive fashion. The West Oriole Marketplace site is a is not a pristine area that approximates the pre-development character of this general area. Plant communities and habitat have been severely impacted over time by ongoing AG activity. Most of the non-Cypress canopy and much of the Saw palmetto upland shrub strata are largely absent. Regional and area drainage has been massively disrupted. Cycles of fire and renewal have been absent from this site for decades. Plant communities and land uses were identified according to the Florida Department of Transportation (FDOT¹⁹⁹¹) Florida Land Use, cover and Forms Classification system (FLUCCS) protocol. The Exhibit on the following page identifies and delineates extant communities and land use. These are presented as Habitat Types and a description of their character on this site is presented in the following sections.

This site has been permitted through the State and Federal Wetlands Program. It is covered by SFWMD Permit 36-05268-P and U.S. Army Corps of Engineers No Permit Required Verification SAJ-2006-888. All wetland areas have been previously identified and mitigated as part of these permit processes.

2.1 Soils

This site is not edaphically complex. The Pompano fine sand, 0 - 2% slopes and Copeland loamy sand, depressional phase combine to cover approximately 90% of the site. Originally these soils occurred on drainage ways on marine terraces in dip landform position on hydric or mesic lowlands. Rock is usually found within 36" of the surface. The combination of regional drainage impacts, road drainage both east and west and drainage plans for the nearby developments alter the original hydrologic nature of these soils to make an in depth discussion moot. These soils are not unique or critical soils. They are compatible with the proposed uses for this site.

3.0 VEGETATION AND HABITAT POTENTIAL

3.1 Uplands

Vegetation and land uses are generally classified in accordance with the *Florida Land Use, Cover and Forms Classification System* (FLUCFCS) (FDOT 1999). There are three upland land use types identified on this site. They are shown on the FLUCCS map that follows this page. They will be discussed in numerical order.

3.1 Uplands

There is only one upland land use type identified on this site outside the conservation area.

211 - Improved/Tame Pasture - The entire upland portion of this site is monodominant Bahiagrass. This pasture was planted years ago and is managed to optimize forage production.

3.2 Wetlands

This site has been permitted through the State and Federal Wetlands Program. It is covered by SFWMD Permit 36-05268-P and U.S. Army Corps of Engineers No Permit Required Verification SAJ-2006-888. All wetland areas have been previously identified and mitigated as part of these permit processes.

The only wetland areas on this site are within a Conservation and Water Management area.

FLUCCS 510 - Streams and Waterways - Complements the 616 FLUCCS by providing open water favored as foraging habitat for the resident eagles.

FLUCCS 616 - Inland Ponds and Sloughs - This area is a human constructed conservation area and water management system and mimics closely these Inland Ponds and Sloughs systems occurring naturally. The dominant shrubs are Waxmyrtle and Willow. Herbaceous components include Maidencane, Sawgrass and a wide variety of sedges and rushes. This area is excluded from cattle grazing.

621 - Cypress -This community occurs as isolated heads in the central portion of the site. Along the southeast and northeast site boundary, larger areas occur. Bald Cypress (*Taxodium distichum*) and Pond Cypress dominate the canopy. Scattered Slash pine occur within this cypress matrix. Swamp bay and Dahoon characterize the shrub stratum along the margins. The shrub component Representative herbaceous components include Swamp Fern and Laurel greenbrier.

742 - Borrow Area - Borrow areas cover approximately 0.1 acres of this site and are essentially devoid of emergent vegetation.

3.3 Habitat Potential

The large majority of this site has significantly degraded habitat potential as a result of long term AG impacts. The less disturbed Cypress head and associated Pond and Slough areas are not proposed for any significant impacts by the proposed development. The impact areas we propose have an essentially absent canopy, sparse and parsimonious shrub strata and herbaceous vegetation that is to a large degree forage grasses.

4.0 PROTECTED/LISTED SPECIES

SAI conducted a species surveys on this parcel on 12 Jan, 14 Feb, 10 March, 9 April and 15 May 2023. The Jan, March and May surveys were from 7:00 AM to 11:00 AM. The Feb and April surveys were from 4:00 PM until dark. The entire site was field surveyed for protected species in compliance with Lee County Endangered Species Ordinance No. 89-34 using the Southern Biomes wandering transect method. The table of FLUCCS +Species/Classification is in the Appendix. There is a documented American Eagle nest (LE-93) in the conservation area of this site. Beyond a nesting pair of eagles and their fledgling, and possibly because of them no other listed species were observed on this site.

Results

3.1 Wildlife

No sign, calls, tracks or other indication of other listed animal species beyond the previously discussed eagles were encountered on this site. Protected wildlife species lists by FLUCCS list are included in the Appendix for reference.

3.2 Vegetation - No listed vegetation or suitable habitat for them was observed on this site.

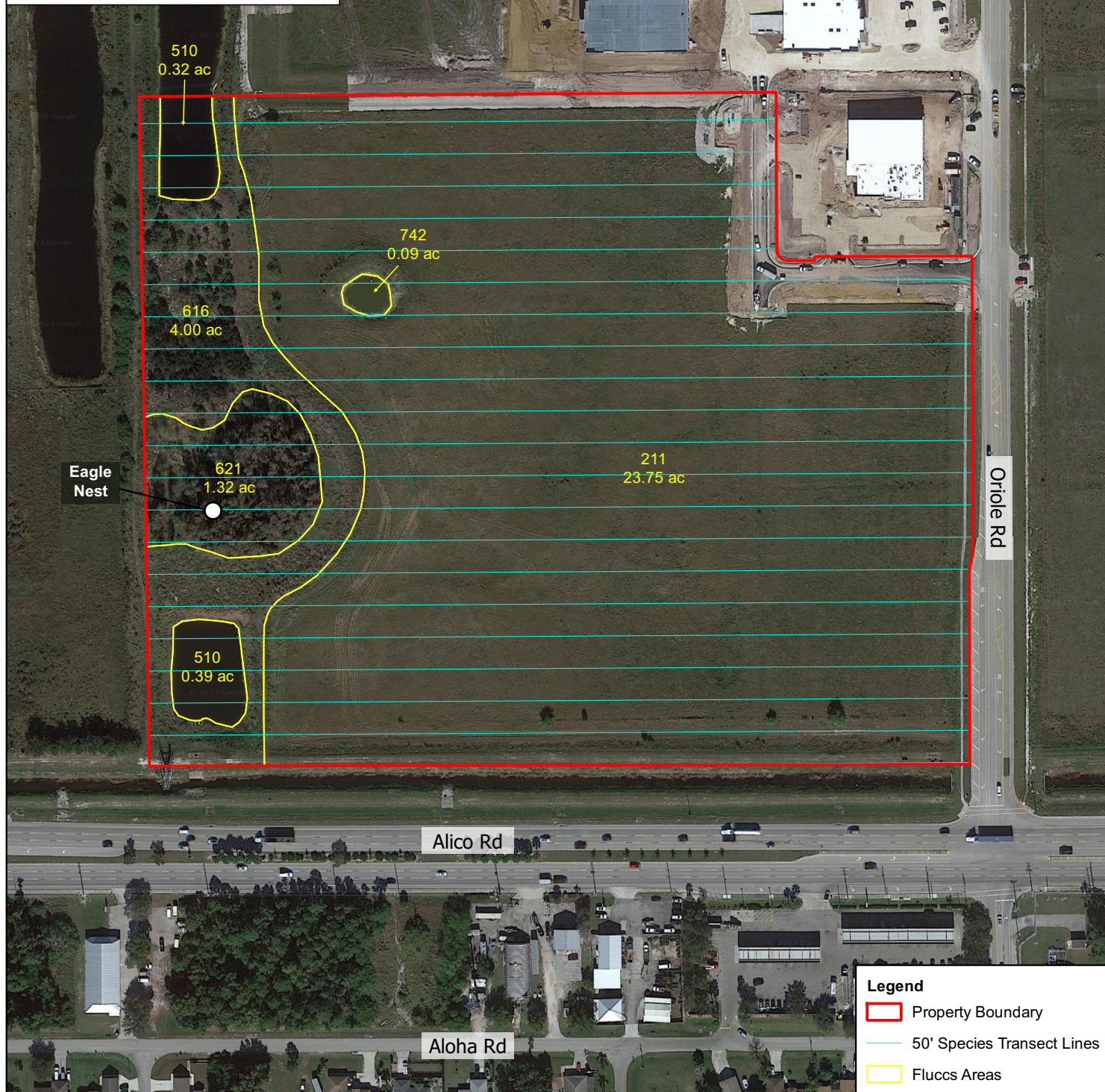
4.0 NATIVE VEGETATION PRESERVATION

There is no native vegetation in more than one strata found on site. This parcel is a small part of a larger area previously permitted. The mitigation and conservation area creation were covered in and implemented subsequent to issues of approvals for the larger overall area.

5.0 SUMMARY

There is one documented American eagle nest located in a conservation area near the SW corner of this parcel. Beyond the eagles, no other listed species or their sign were observed calls heard during our survey.

Fluccs	Description	Area (ac)
211	Improved Pastures	23.75
510	Streams and waterways	0.71
616	Inland Ponds and Sloughs	3.29
621	Cypress	1.32
742	Borrow Areas	0.09
Total		29.16



ENVIRONMENTAL EVALUATION AND ADVOCACY

2159 Morning Sun Lane
NAPLES, FLORIDA 34119
PHONE: (239) 514-3998
www.synecol.com

PROJECT: West Oriole Marketplace - Species Transect

DATE: May 17, 2023

DRAWN BY: NW



0 100 200 ft

APPENDIX

WEST ORIOLE MARKETPLACE
LISTED SPECIES

FLUCCS	Common Name	Scientific Name	Status	Observed
211 - Tame Pasture	Florida panther	<i>Felis concolor coryi</i>	FE, SE	N
	Sandhill crane	<i>Grus canadensis</i>	FE	N
510 - Streams + Waterways	American alligator	<i>Alligator mississippiensis</i>	FE (S)	N
	American alligator	<i>Alligator mississippiensis</i>	FE (S)	N
	Everglades mink	<i>Mustela vison evergladensis</i>	fe	N
	Little blue heron	<i>Egretta caerulea</i>	SSC	N
	Snowy egret	<i>Egretta Thula</i>	SSC	N
	Tricolored heron	<i>Egretta tricolor</i>	SSC	N
	Reddish egret	<i>Egretta rufescens</i>	SSC	N
	Limpkin	<i>Aramus guarauna</i>	SSC	N
	Roseate	<i>Ajaia ajaja</i>	FT	N
621 - Cypress	American alligator	<i>Alligator mississippiensis</i>	FE (S)	N
	Limpkin	<i>Aramus guarauna</i>	SSC	N
	Florida panther	<i>Felis concolor</i>	FE	N
	Little blue heron	<i>Egretta caerulea</i>	SSC	N
	Reddish egret	<i>Egretta rufescens</i>	SSC	N
	Snowy egret	<i>Egretta thula</i>	SSC	N
	Tricolored heron	<i>Egretta tricolor</i>	SSC	N

	American crocodile	<i>Crocodylus acutus</i>		N
	Roseate	<i>Akaka akaka</i>	FT	N
	Wood Stork	<i>Mycteria americana</i>	FE	N
	Florida bonneted bat	<i>Eumops floridanus</i>	FE	N
624 - Cypress-Pine Cabbage Palm	Limpkin	<i>Aramus guarauna</i>	SSC	N
	Florida panther	<i>Felis concolor</i>	FE	N
	Little blue heron	<i>Egretta caerulea</i>	SSC	N
	Snowy egret	<i>Egretta thula</i>	SSC	N
	Tricolored heron	<i>Egretta tricolor</i>	SSC	N
	American crocodile	<i>Crocodylus acutus</i>	FE	N
	Roseate	<i>Akaka akaka</i>	FT	N
	Wood Stork	<i>Mycteria americana</i>	FE	N
	Florida bonneted bat	<i>Eumops floridanus</i>	FE	N
	Little blue heron	<i>Egretta caerulea</i>	SSC	N
	Snowy egret	<i>Egretta thula</i>	SSC	N
	Tricolored heron	<i>Egretta tricolor</i>	SSC	N
742 - Borrow area	N/A	N/A	N/A	N



Lee County Property Appraiser

Tax Year **2020**[Previous Parcel Number](#) [Next Parcel Number](#) [Tax Estimator](#) [Tax Bills](#) [Print](#)**Property Data**

STRAP: 04-46-25-L3-00003.0020 Folio ID: 10599151

Owner Of Record - Sole Owner[\[Change Address\]](#)

HOROWITZ SANDFORD I TR
FOR LAND TRUST
28120 HUNTERS RIDGE BLVD #5
BONITA SPRINGS FL 34135

Site AddressSite Address maintained by [E911 Program Addressing](#)

ACCESS UNDETERMINED
FORT MYERS FL 33912

ALTERNATE ADDRESS INFORMATION:

16902 HRABAK DR

Property Description

Do not use for legal documents!



PARL IN SE 1/4 AS DESC OR 2025 PG 3772 LESS S 100 FT
AS DESC IN 2909/2305 LESS PORTION DESC IN INST
2018000241402 LESS ROW TAKING DEC IN 2020000118220

[\[Tax Map Viewer \]](#) [\[View Comparables \]](#)[\[Pictometry Aerial Viewer \]](#)**Current Working Values****Just**

3,036,357

Attributes

Land Units Of Measure	AC
Units	29.16
Total Number of Buildings	0
Total Bedrooms / Bathrooms	0
Total Living Area	0
Gross Building Area	0
1st Year Building on Tax Roll	N/A
Historic Designation	No

Image of Structure**Exemptions****Values (2020 Tax Roll)**

TRIM (proposed tax) Notices are available for the following tax years

ALICO ORIOLE WEST MCP AREA			
DESCRIPTION	AREA (AC)	INDUSTRIAL (AC) 10% OPEN SPACE REQUIRED	COMMERCIAL (AC) 20% OPEN SPACE REQUIRED
TRACT A	11.91	1.19	2.38
TRACT B	2.82	0.28	0.56
TRACT C-1	1.20	0.12	0.24
TRACT C-2	1.23	0.12	0.25
TRACT C-3	1.24	0.12	0.25
TRACT C-4	1.19	0.12	0.24
TRACT C-5	1.42	0.14	0.28
TRACT C-6	1.50	0.15	0.30
ROW TRACT	2.78	0	0
CONSERVATION EASEMENT & LAKE TRACT OPEN SPACE	4.46	4.46	4.46
LAKE MAINTENANCE EASEMENT OPEN SPACE	0.68	0.68	0.68
TRACT D OPEN SPACE	0.21	0.21	0.21
TOTAL ACERAGE	30.64	7.60	9.85
PERCENTAGE PROVIDED		24.81%	32.15%
Large Project Open Space Required		20% = 6.13 AC	30% = 9.19AC



SURFACE WATER MANAGEMENT SYSTEM

ALICO ORIOLE WEST
MPD REZONING
±30.65 ACRES
STRAP#: 04-46-25-L3-00003.0020
Fort Myers, FL 33912

The Alico Oriole West is part of the Three Oaks Parkway / Oriole Road drainage system as permitted by SFWMD under permit #36-05268-P. This permit made accommodations for a backbone conveyance system that allows water to drain to the west into a north-south drainage ditch that is controlled by a master outfall structure before discharging into the Alico Road drainage ditch and is maintained by the North Alico Property Owners Association, Inc.

The drainage system of the Alico Oriole West project will consist of dry pretreatment / attenuation areas that will discharge into backbone east-west conveyance system that straddles the north property line.

Peak allowable discharge rates and stages are set in the master permit.

The site is not subject to offsite floodway concerns, is not in the floodplain and does not have any external flows running through the site.

PAUL H. FREEMAN**Attorney At Law***2455 East Sunrise Boulevard**Suite 200**Ft. Lauderdale, Florida 33304**Telephone: 954-380-8784*

February 8, 2023

Board of County Commissioners
Lee County Florida
2115 Second Street
Fort Myers, FL 33901

Re: Project Alico-Oriole West per attached Legal Description ("Exhibit A")

Certified To: Lee County Board of County Commissioners

In connection with the zoning application for the property known as Alico-Oriole West , I have reviewed all matters affecting the title to the real property particularly described on Exhibit "A," attached hereto and made a part of this Opinion (the "Property"). This title opinion covers the Property. I certify that I have examined a title search through the 27th day of January, 2023, at 5:00 P.M. Pursuant to the requirements of the Lee County Board of County Commissioners Administrative Code 13-19 (the "Code"), the owners of the Property have the unrestricted right to develop the Property.

Based on the foregoing, I am of the opinion that: Title to the property, as of the Effective Date of the Opinion of Title set forth above, is vested in:

SANFORD I. HOROWITZ and ALAN C. FREEMAN, as Co-Trustees, under an unrecorded Florida Land Trust Agreement according to Florida Statute Sections 689.071 and 689.073.

The following are all of those persons or entities holding a mortgage secured by the property:

NONE

GENERAL EXCEPTIONS

Taxes for the year 2023 and subsequent years, not yet due. Taxes for 2022 have been paid.

SPECIAL EXCEPTIONS

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

1. Declaration of Covenants and Restrictions of the North Alico Property Owners' Association (the "Association") as recorded on October 11, 2005 in Official Records Instrument 2005000065896 of the Public Records of Lee County, Florida and as amended and supplemented by Supplemental Declaration recorded April 30, 2007 in Official Records Instrument No. 2007000139305; Supplemental Declaration recorded August 8, 2008 in Official Records Instrument No. 2008000213922; Supplemental Declaration recorded August 8, 2008 in Official Records Instrument No. 2008000213924; Supplemental Declaration recorded September 3, 2008 in Official Records Instrument No. 2008000234500; Supplemental Declaration recorded January 6, 2009 in Official Records Instrument No. 2009000002723; Amendment to Declaration of Covenants and Restrictions of the North Alico Property Owners' Association recorded January 9, 2020 in Official Records Instrument No. 20200000007170; Supplemental Declaration recorded May 12, 2020 in Official Records Instrument No. 2020000110195 all in the Public Records of Lee County, Florida.

2. Easements and reservations contained in deed recorded in Official Records Book 1234, Pages 998 of the Public Records of Lee County, FL. which relates a fifty (50') foot easement for canal right of way along the North boundary of Alico Road (the right of way is recorded at Official Records Book 1234, page 1001).

3. Grant of Public Utility Easement and Right to Convey Utility and Service Provider Easements to Lee County and North Alico Property Owners Association, Inc. recorded February 17, 2020 at Official Records Instrument No. 2020000041131 of the Public Records of Lee County, Florida, depicted on the Plat.

4. Easement Agreement in favor of Lee Land Holdings, LLC, for a twenty (20') foot utility easement for construction of a sewer line recorded in Official Records Book 4408, Page 3118 of the Public Records of Lee County, Florida, assigned to Lee County and consented to in that Acknowledgement of Assignment of Easement recorded July 27, 2007 in Official Records Instrument No. 2007000235021 of the Public Records of Lee County, Florida.

5. Permanent Lake, Lake Maintenance, and Stormwater Drainage Easement Agreement in favor of North Alico Property Owners Association, Inc., recorded November 30, 2018 in Official Records Instrument No. 2018000281084 of the Public Records of Lee County, Florida.

6. Surface Water Management System Easement Agreement in favor of CLE FL RE Investment I, LLC, an Ohio limited liability company recorded January 25, 2019 in Official Records Instrument No. 2019000018365 of the Public Records of Lee County, Florida and which is located within the area described in the Permanent Lake, Lake Maintenance, and Stormwater

Drainage Easement Agreement recorded in Official Records Instrument No. 2018000281084 of the Public Records of Lee County, Florida and described in item 8 above and which is depicted on the Plat.

7. Temporary Access and Roadway Easement to San Carlos Fire Protection and Rescue Service District dated March 3, 2021 recorded March 8, 2021 at Official Records Instrument No. 2021000070467 of the Public Records of Lee County, Florida.

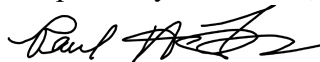
8. Grant of Perpetual Public Utility Easement to Lee County dated March 29, 2021 and recorded April 1, 2021 at Official Records Instrument No. 2021000102671 of the Public Records of Lee County, Florida.

9. Deed of Conservation Easement recorded in Instrument No. 2007000123329, Assignment of Rights recorded in Instrument No. 2011000192265; Consent to Assignment of Rights recorded in Instrument No. 2012000221535; and Partial Release recorded in Instrument No. 2016000164936; all in the Public Records of Lee County, Florida.

This Opinion of Title is provided pursuant to the requirements of Florida Statute 177.041 and Lee County Administrative Code AC-13-19 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. This Opinion is limited to the matters expressly stated herein and no opinions are to be inferred or implied beyond the opinions expressly stated herein.

I, the undersigned, further certify that I am an attorney at law, duly admitted to practice in the State of Florida, and a member in good standing of the Florida Bar.

Respectfully Submitted,



Paul H. Freeman
Fla. Bar No. 161840

EXHIBIT "A"
LEGAL DESCRIPTION

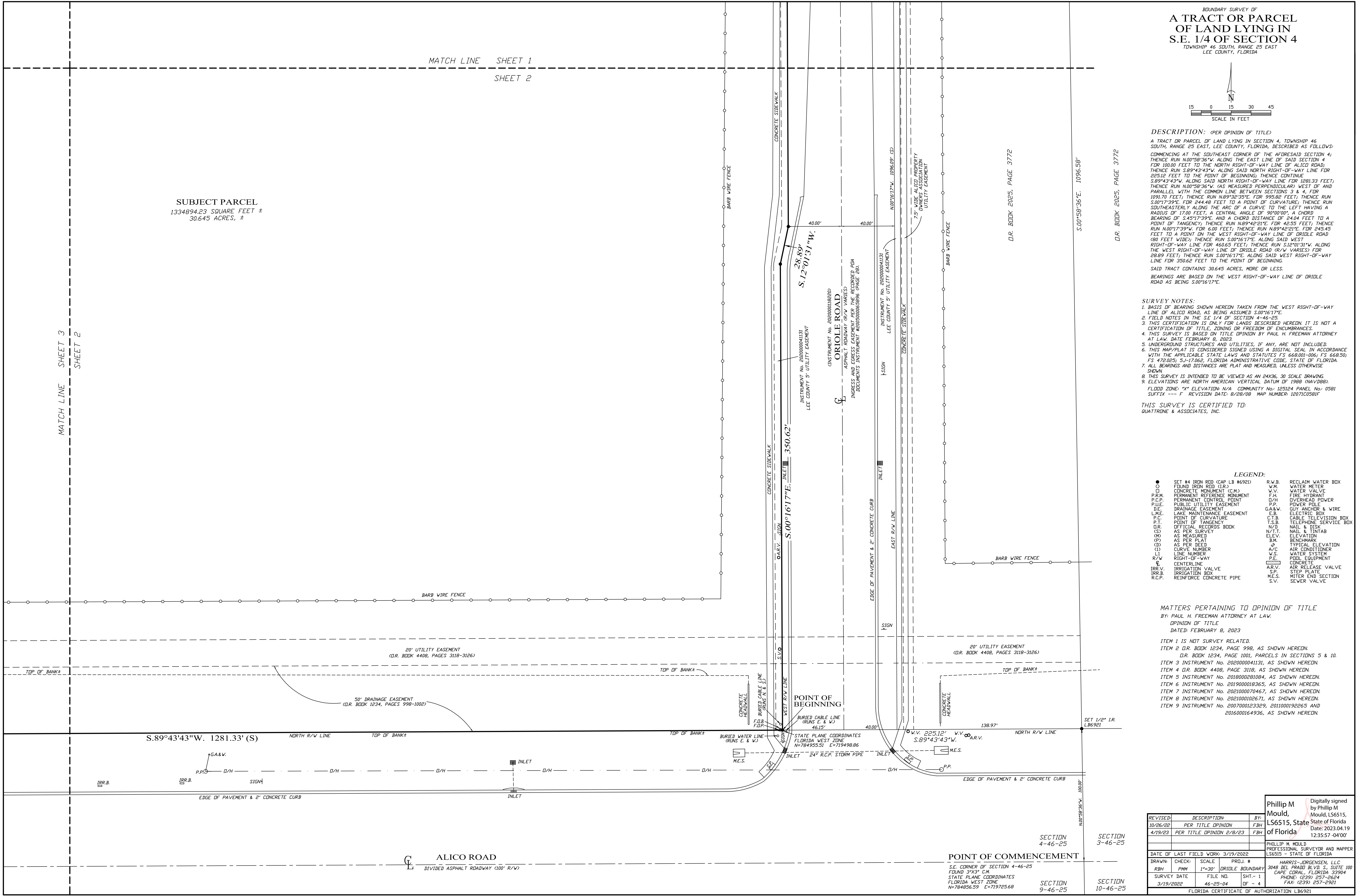
DESCRIPTION:

A TRACT OR PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

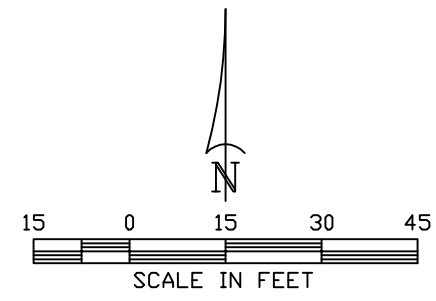
COMMENCING AT THE SOUTHEAST CORNER OF THE AFORESAID SECTION 4; THENCE RUN N.00°58'36"W. ALONG THE EAST LINE OF SAID SECTION 4 FOR 100.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF ALICO ROAD; THENCE RUN S.89°43'43"W. ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 225.12 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.89°43'43"W. ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 1281.33 FEET; THENCE RUN N.00°58'36"W. (AS MEASURED PERPENDICULAR) WEST OF AND PARALLEL WITH THE COMMON LINE BETWEEN SECTIONS 3 & 4, FOR 1091.70 FEET; THENCE RUN N.89°32'35"E. FOR 995.82 FEET; THENCE RUN S.00°17'39"E. FOR 244.48 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 17.00 FEET, A CENTRAL ANGLE OF 90°00'00", A CHORD BEARING OF S.45°17'39"E. AND A CHORD DISTANCE OF 24.04 FEET TO A POINT OF TANGENCY; THENCE RUN N.89°42'21"E. FOR 42.55 FEET; THENCE RUN N.00°17'39"W. FOR 6.00 FEET; THENCE RUN N.89°42'21"E. FOR 245.45 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF ORIOLE ROAD (80 FEET WIDE); THENCE RUN S.00°16'17"E. ALONG SAID WEST RIGHT-OF-WAY LINE FOR 460.65 FEET; THENCE RUN S.12°01'31"W. ALONG THE WEST RIGHT-OF-WAY LINE OF ORIOLE ROAD (R/W VARIES) FOR 28.89 FEET; THENCE RUN S.00°16'17"E. ALONG SAID WEST RIGHT-OF-WAY LINE FOR 350.62 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 30.645 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST RIGHT-OF-WAY LINE OF ORIOLE ROAD AS BEING S.00°16'17"E.



BOUNDARY SURVEY OF
A TRACT OR PARCEL
OF LAND LYING IN
S.E. 1/4 OF SECTION 14
TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA



CONSERVATION EASEMENT
(INSTRUMENT No. 2007000123329)
RELEASE PARCEL
(INSTRUMENT No. 2011000192265)
CONSERVATION EASEMENT / RELEASE PARCEL
(INSTRUMENT No. 2016000164936)

SUBJECT PARCEL
1334894.23 SQUARE FEET ±
30.645 ACRES, ±

LOT 2, RACETRAC AT ALICO
INSTRUMENT No. 2014000155036

N 00°58'36"W. 1091.70'

20' DRAINAGE EASEMENT
(D.R. BOOK 1234, PAGES 998-1002)
INSTRUMENT No. 2009000157633

INSTRUMENT No. 2018000281084
20' LAKE MAINTENANCE EASEMENT

INSTRUMENT No. 2018000281084
20' LAKE MAINTENANCE EASEMENT

MATCH LINE SHEET 3
SHEET 2

LEGEND:	
● SET #4 IRON ROD (CAP LB #6921)	R.W.B. RECLAIM WATER BOX
○ FOUND IRON ROD (I.R.)	W.M. WATER METER
□ CONCRETE MONUMENT (C.M.)	W.V. WATER VALVE
P.R.M. PERMANENT REFERENCE MONUMENT	F.H. FIRE HYDRANT
P.C.P. PERMANENT CONTROL POINT	D/H. OVERHEAD POWER
P.U.E. PUBLIC UTILITY EASEMENT	P.P. POWER POLE
D.E. DRAINAGE EASEMENT	G.A.S.V. GUY ANCHOR & WIRE
L.M.E. LAKE MAINTENANCE EASEMENT	E.B. ELECTRIC BOX
P.C. POINT OF CURVATURE	C.T.B. CABLE TELEVISION BOX
P.T. POINT OF TANGENCY	T.S.B. TELEPHONE SERVICE BOX
D.R. OFFICIAL RECORDS BOOK	N/D. NAIL & DISK
(S) AS PER SURVEY	N/T.T. NAIL & TINTAB
(M) AS MEASURED	ELEV. ELEVATION
(P) AS PER PLAT	B.M. BENCHMARK
(D) AS PER DEED	⊕ TYPICAL ELEVATION
(C) CURVE NUMBER	A/C. AIR CONDITIONER
L1. LINE NUMBER	W.S. WATER SYSTEM
R/W. RIGHT-OF-WAY	P.E. POOL EQUIPMENT
CL. CENTERLINE	CONCRETE CONCRETE
IRR.V. IRRIGATION VALVE	A.R.V. AIR RELEASE VALVE
IRR.B. IRRIGATION BOX	S.P. STOP PLATE
R.C.P. REINFORCE CONCRETE PIPE	M.E.S. METER END SECTION
	S.V. SEWER VALVE

LAKE TRACT
INSTRUMENT 2018000281084

M.E.S.
TOP OF BANK±
STORM PIPE
(TYPICAL)

INLET
CONCRETE INLET BOX

M.E.S.
SIGN

LAKE MAINTENANCE EASEMENT
INSTRUMENT No. 2018000281084

20' UTILITY EASEMENT
(D.R. BOOK 4408, PAGES 3118-3126)
50' DRAINAGE EASEMENT
(D.R. BOOK 1234, PAGES 998-1002)

S.89°43'43"W. 1281.33' (S)
W.V.○ ○V.V.

CONCRETE WEIR

NORTH R/W LINE

EDGE OF PAVEMENT & 2' CONCRETE CURB

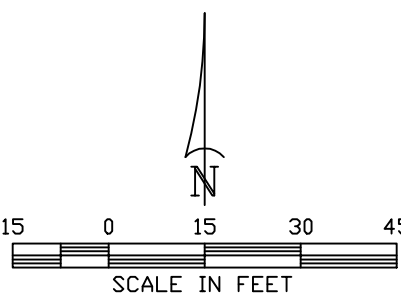
INLET

REVISED	DESCRIPTION	BY
10/26/22	PER TITLE OPINION	FBH
4/19/23	PER TITLE OPINION 2/8/23	FBH

DRAWN	CHECK	SCALE	PROJ. #	HARRIS-JORGENSEN, LLC
RBH	PM	1"=30'	ORIDLE BOUNDARY	3048 DEL PRADO BLVD. S. SUITE 100
SURVEY DATE	FILE NO.	SHT.- 2	CAPE CORAL, FLORIDA 33904	PHONE: (239) 257-2624
3/19/2022	46-25-04	DF - 4		FAX: (239) 257-2921

ALICO ROAD
DIVIDED ASPHALT ROADWAY (100' R/W)

BOUNDARY SURVEY OF
A TRACT OR PARCEL
OF LAND LYING IN
S.E. 1/4 OF SECTION 4
TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA



FOUND 1/2" I.R. LB6921
STATE PLANE COORDINATES
FLORIDA WEST ZONE
N=786040.99
E=718198.95

30" R.C.P. STORM PIPE
(TYPICAL)
M.E.S.

CONCRETE INLET BOX
M.E.S.

D.R. BOOK 1758, PAGE 4702

N.89°32'35"E. 995.82'

INSTRUMENT No. 201900019365
20' DRAINAGE EASEMENT

INSTRUMENT No. 2018000281084
20' DRAINAGE EASEMENT

L A K E
LAKE TRACT
INSTRUMENT No. 2018000281084

EASEMENT LINE
TOP OF BANK ±

INSTRUMENT No. 2018000281084
20' LAKE MAINTENANCE EASEMENT

P O N D

TOP OF BANK +/-

SUBJECT PARCEL
1334894.23 SQUARE FEET ±
30.645 ACRES, ±

MATCH LINE SHEET 4
SHEET 1

LEGEND:

- | | | | |
|--------|--------------------------------|---------|-----------------------|
| ● | SET #4 IRON ROD (CAP LB #6921) | R.W.B. | RECLAIM WATER BOX |
| ○ | FOUND IRON ROD (I.R.) | W.M. | WATER METER |
| □ | CONCRETE MONUMENT (C.M.) | W.V. | WATER VALVE |
| P.R.M. | PERMANENT REFERENCE MONUMENT | F.H. | FIRE HYDRANT |
| P.C.P. | PERMANENT CONTROL POINT | D/H | OVERHEAD POWER |
| P.U.E. | PUBLIC UTILITY EASEMENT | P.P. | POWER POLE |
| D.E. | DRAINAGE EASEMENT | G.A.&W. | GUY ANCHOR & WIRE |
| L.M.E. | LAKE MAINTENANCE EASEMENT | E.B. | ELECTRIC BOX |
| P.C. | POINT OF CURVATURE | C.T.B. | CABLE TELEVISION BOX |
| P.T. | POINT OF TANGENCY | T.S.B. | TELEPHONE SERVICE BOX |
| D.R. | OFFICIAL RECORDS BOOK | N/D | NAIL & DISK |
| (S) | AS PER SURVEY | N/T.T. | NAIL & TINTAB |
| (M) | AS MEASURED | ELEV. | ELEVATION |
| (P) | AS PER PLAT | B.M. | BENCHMARK |
| (D) | AS PER DEED | TYP. | TYPICAL ELEVATION |
| (C) | CURVE NUMBER | A/C | AIR CONDITIONER |
| L.I. | LINE NUMBER | W.S. | WATER SYSTEM |
| R/W | RIGHT-OF-WAY | P.E. | POOL EQUIPMENT |
| ● | CENTERLINE | CONC. | CONCRETE |
| IRR.V. | IRRIGATION VALVE | A.R.V. | AIR RELEASE VALVE |
| IRR.B. | IRRIGATION BOX | S.P. | STEP PLATE |
| R.C.P. | REINFORCE CONCRETE PIPE | M.E.S. | MITER END SECTION |
| | | S.V. | SEWER VALVE |

CONSERVATION EASEMENT
(INSTRUMENT No. 2007000123329)

RELEASE PARCEL

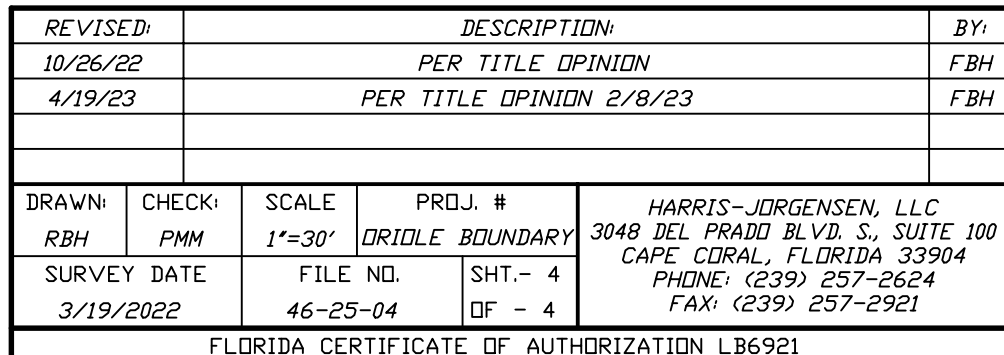
(INSTRUMENT No. 2011000192265)

CONSERVATION EASEMENT / RELEASE PARCEL

(INSTRUMENT No. 2016000164936)

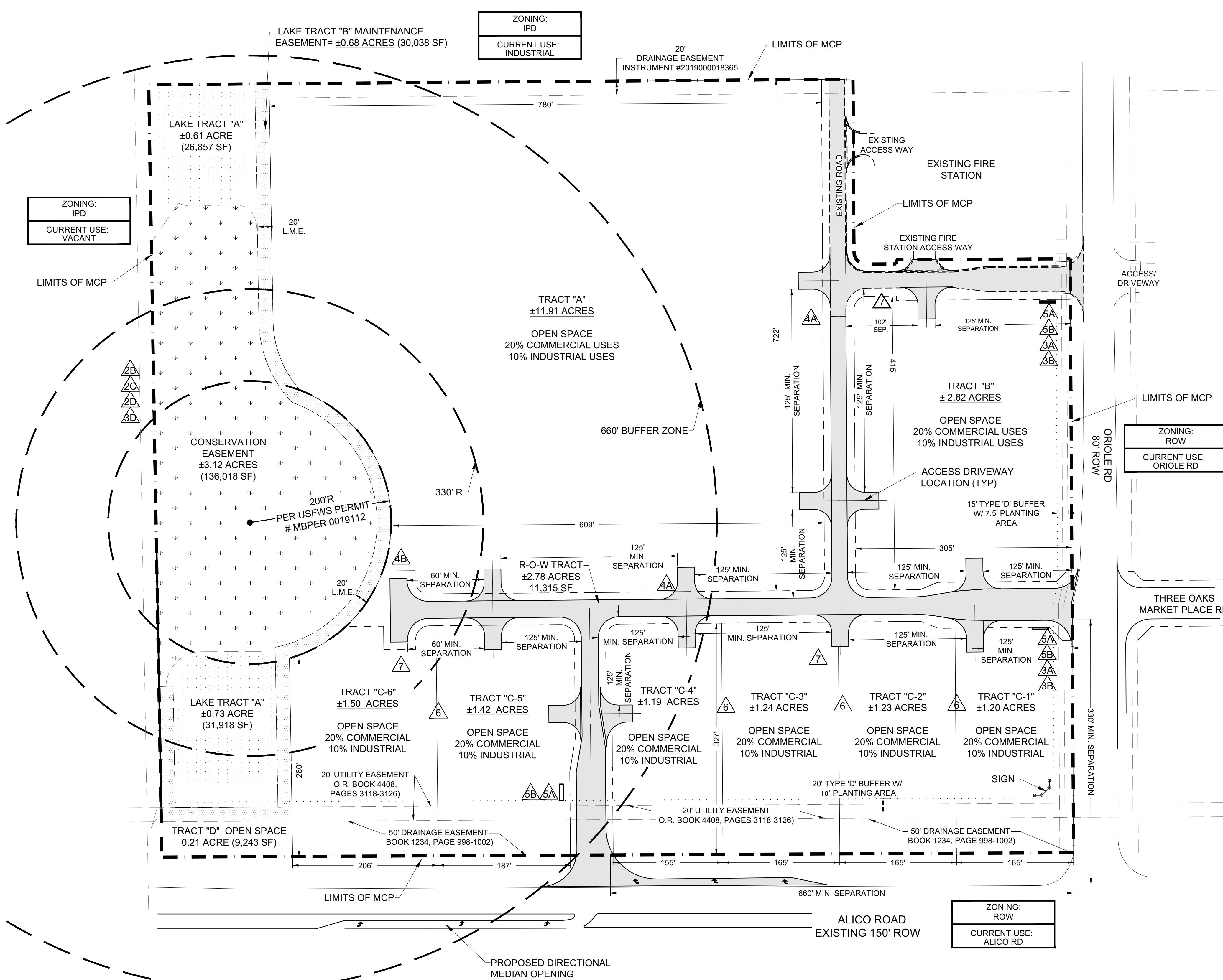
REVISED		DESCRIPTION		BY
10/26/22		PER TITLE OPINION		FBH
4/19/23		PER TITLE OPINION 2/8/23		FBH
DRAWN	CHECK	SCALE	PROJ. #	HARRIS-JORGENSEN, LLC
RBH	PM	1"=30'	ORACLE BOUNDARY	3048 DEL PRADO BLVD. S. SUITE 100 CAPE CORAL, FLORIDA 33904
SURVEY DATE		FILE NO.	SHT. -	PHONE: (239) 257-2624
3/19/2022		46-25-04	DF - 4	FAX: (239) 257-2921
FLORIDA CERTIFICATE OF AUTHORIZATION LB #6921				

MATCH LINE SHEET 4
SHEET 3

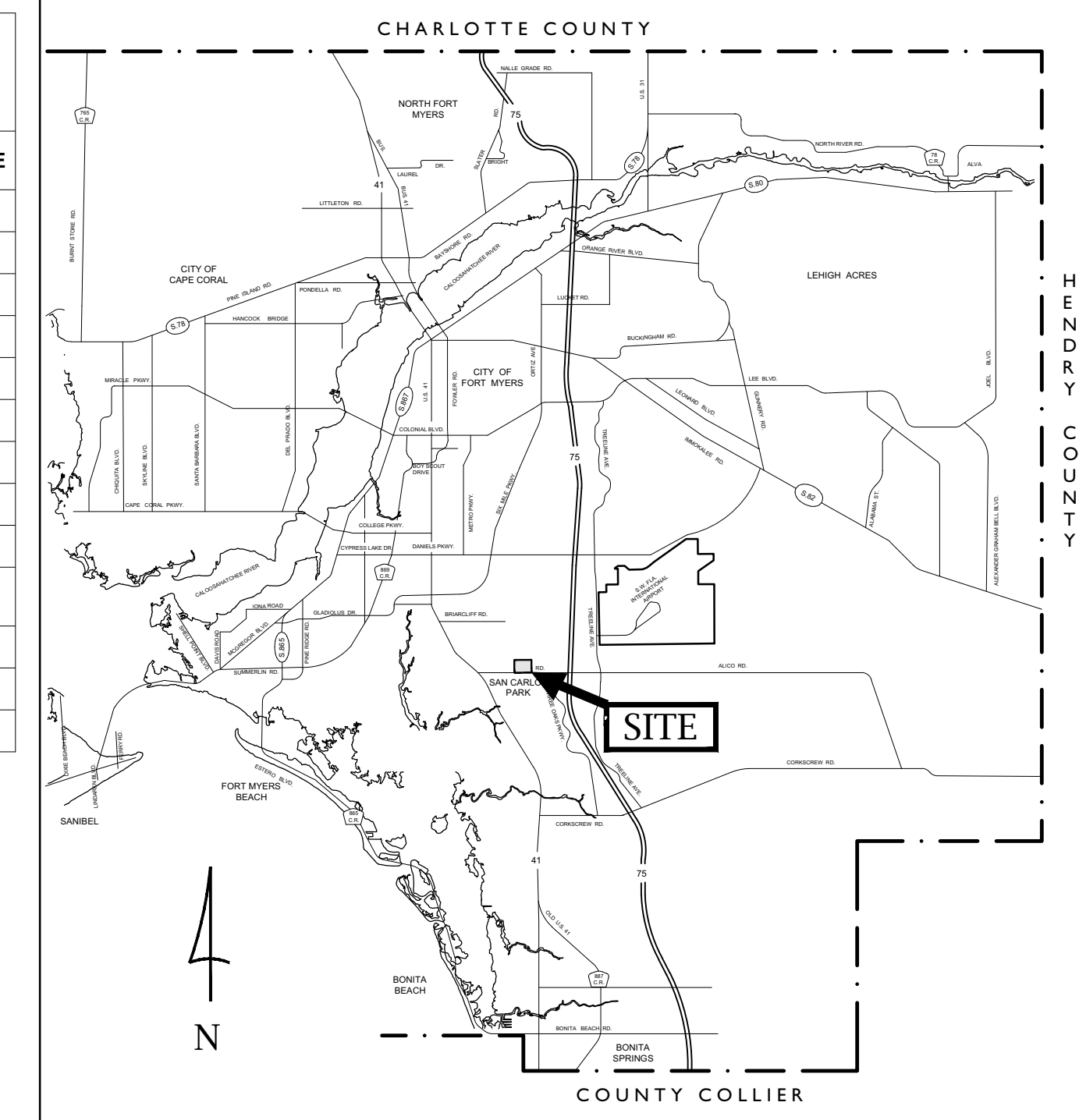


ALICO ORIOLE WEST

LOCATED IN SECTION 04, TOWNSHIP 46-S, RANGE 25 -E, LEE COUNTY, FLORIDA



ALICO ORIOLE WEST MCP AREAS	
DESCRIPTION	ACREAGE
TRACT A	11.91
TRACT B	2.82
TRACT C-1	1.20
TRACT C-2	1.23
TRACT C-3	1.24
TRACT C-4	1.19
TRACT C-5	1.42
TRACT C-6	1.50
ROW TRACT	2.78
CONSERVATION EASEMENT & LAKE TRACT	4.46
LAKE MAINTENANCE EASEMENT	0.68
TRACT D OPEN SPACE	0.21
TOTAL ACREAGE	30.64

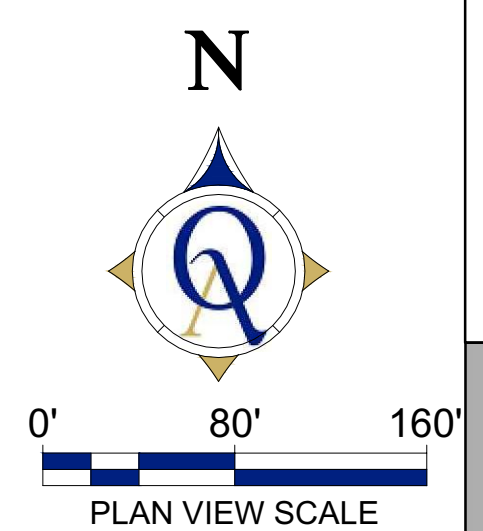
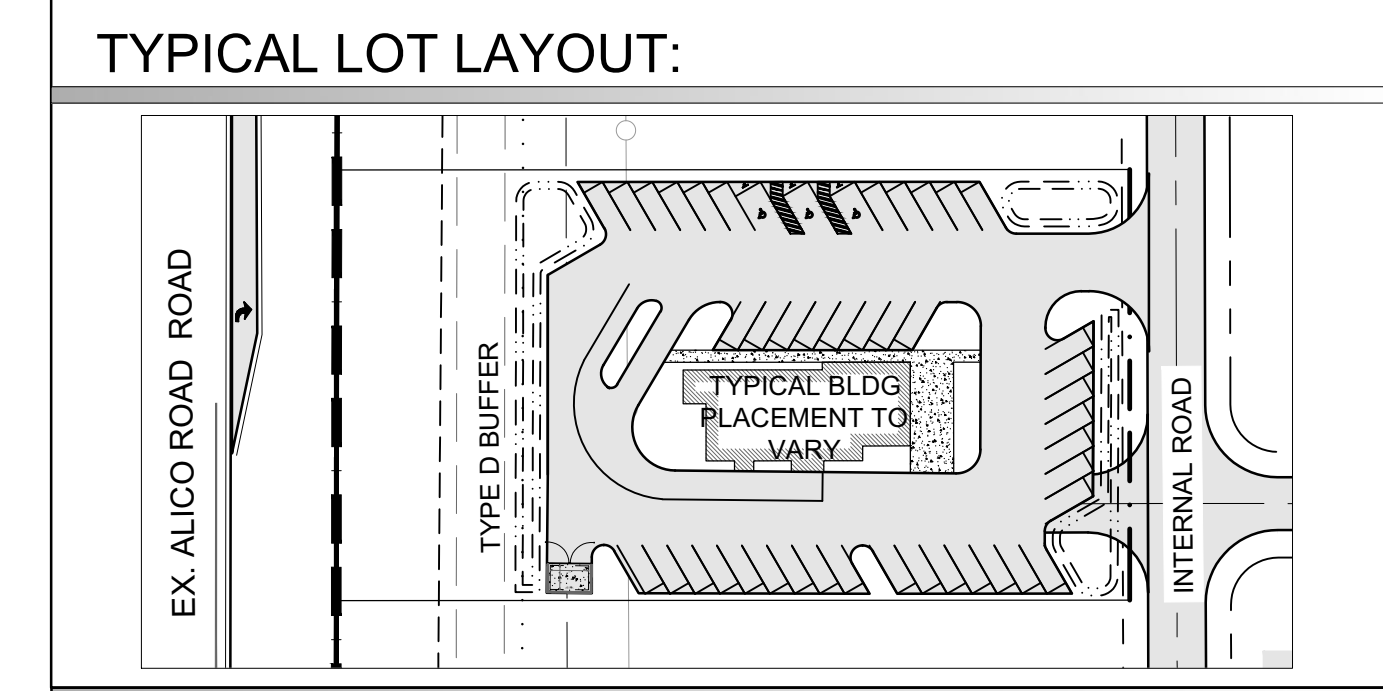


LOCATION MAP (NOT TO SCALE)

PROJECT SUMMARY:

ZONING AG-2 to MPD	STRAP #'s 04-46-25-L3-00003-0020
PROJECT ACREAGE 30.64 ACRES (1,334,896 SF)	
PROJECT INTENSITY MAX BUILDING FLOOR AREA = 350,000 SF MINIMUM 30,000 SF COMMERCIAL MINIMUM 30,000 SF INDUSTRIAL	
OPEN SPACE COMMERCIAL USES: 20% INDUSTRIAL USES: 10%	
CONSERVATION AN LAKE AREA 4.46 ACRES	
DEVIATIONS XX	

TYPICAL LOT LAYOUT:



P:\2022 Projects\220104 ALICO ORIOLE WEST\1-CADD FILES\00-04 CADD - CONCEPTS\23-04-17 REV MCP\220104 BASE-MCP

PLOTTED BY: GABRIELA
MON, 4-17-2023 8:49 AM
220104 BASE-MCP.DWG