

**Exhibit  
E**

RESOLUTION NUMBER Z-23-018

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA**

WHEREAS, the property owner, Miromar Lakes, LLC, filed an application to amend the zoning and Miromar Lakes DRI Development Order and Mixed Use Planned Development (MPD); and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Donna Marie Collins, was advertised and held on April 13, 2023. At the conclusion of the hearing, the Hearing Examiner issued a memo to the Applicant and Staff requesting written supplement to the record be submitted to her Office on or before April 20, 2023; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DRI2022-00004 and DCI2022-00052, and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on June 7, 2023 before the Lee County Board of Commissioners; and,

WHEREAS, the Lee County Board of Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

**SECTION A. REQUEST**

The applicant filed a request to amend the zoning and DRI development order approvals to convert a portion of commercial intensity to residential density. The amendment calls for reducing approved floor area of retail uses by 125,000 square feet, office uses by 315,000 square feet, research and development uses by 40,000 square feet and hotel by 300 rooms. The request increases residential land uses by 466 single family units.

The property is located in the University Community and Wetlands Future Land Use Categories and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

**SECTION B. CONDITIONS**

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

Condition 1 of Resolution Z-13-020, as amended is revised as follows:

1.a. Development of this project must comply with the following:

- i. Master Concept Plan (MCP). Development must be consistent with the Master Concept Plan entitled "Miromar Lakes DRI Mixed Planned Development" prepared by DeLisi Fitzgerald, Inc., dated on April 14, 2023 attached as Exhibit C, except as modified by the conditions below.

*The remainder of Condition 1a. is not changed.*

1.b. Approved Development Parameters.

|                          |                |
|--------------------------|----------------|
| Dwelling units           | 3,066 units    |
| Retail commercial        | 125,000 sq. ft |
| Office commercial        | 25,000 sq. ft  |
| Research and development | zero           |
| Hotel                    | 150 rooms      |

Residential uses will consist of 1,592 single family and 1,474 multifamily dwelling units.

The remainder of Condition 1. is not changed.

SECTION C. DEVIATIONS

There are no changes to the deviations approved in Resolution Z-13-020, as amended.

SECTION D. EXHIBITS

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan
- Exhibit D: Ninth Amendment to Miromar Lakes DRI development order including Map H (Map H dated April 14, 2023)

SECTION E. FINDINGS AND CONCLUSIONS

Based upon its review, the Board of County Commissioners adopts the recommendation of the Hearing Examiner, including the following findings and conclusions:

- 1. The requested amendment to the Miromar Lakes MPD is consistent with the Lee Plan. Lee Plan Goals 2, 4, 5, 15, 77, 95, 135, 158; Objectives 2.1, 2.2, 4.1, 5.1, 77.1, 77.3, 126.2, 135.1, and Policies 1.6.5, 2.2.1, 5.1.1, 5.1.5, 5.1.7, 5.1.10,

15.1.2, 15.1.7, 15.1.11, 15.1.16, 135.1.9, 135.9.5, 135.9.6, 158.1.7; Lee Plan Maps 1-A, 3-D, 4-A, 4-B, and Table 1(a).

2. As conditioned, the amendments to the MPD zoning approvals:
  - a. Are consistent with the LDC or qualifies for deviations. LDC Chapters 2, 10, and 34.
  - b. Are compatible with existing or planned uses in the surrounding area. Lee Plan Objectives 2.1, 158.1, and Policies 5.1.2, 5.1.3, 5.1.5, 135.1.9, 135.9.5, 135.9.6, 158.1.7; LDC §§ 34-411, 34-413, and
  - c. Provides sufficient road access to support proposed development intensity.
  - d. Expected impacts on transportation facilities will be addressed by County regulations and conditions of approval. Lee Plan Objective 39.1, Policies 38.1.1, 38.1.5, 39.1.1; LDC §§ 2-261 *et seq.*, 34-411(d) and (e).
  - e. Will not adversely affect environmentally sensitive areas or natural resources. Lee Plan Goals 60, 61, 77, 123, 125, and Standard 4.1.4.
  - f. Public services and infrastructure will be available to serve the development. Goals 2, 4, 95, Objectives 2.1, 2.2, 4.1, Policies 2.2.1, 95.1.3.
2. The proposed uses are appropriate at the subject location. Lee Plan Goals 2, 5, 15; Objectives 2.1, 2.2, Policies 2.1.1, 2.1.2, 5.1.2, 5.1.5, 5.2.4, 15.1.7, 135.9.5, 135.9.6
3. The County regulations and recommended conditions provide sufficient safeguards to protect the public interest and relate to impacts expected from the proposed development. Lee Plan Policies 5.1.2, 5.1.5, 61.3.8, 135.9.6, 158.1.7; LDC §§ 34-377(a)(3), 34-411 and 34-932(c).
4. Deviations recommended for approval enhance the planned development and preserve public health, safety, and welfare. LDC §§ 34-373(a)(9), 34-377(a)(4).
5. The requested change to the DRI development order is consistent with the Lee Plan and LDC.

## SECTION F. SCRIVENER'S ERRORS

The Board intends that this resolution can be renumbered or relettered and typographical errors that do not affect the intent and are consistent with the Board's action can be corrected with the authorization of the County Manager or his designee, without the need for a public hearing.

Commissioner Greenwell made a motion to adopt the foregoing resolution, seconded by Commissioner Ruane. The vote was as follows:

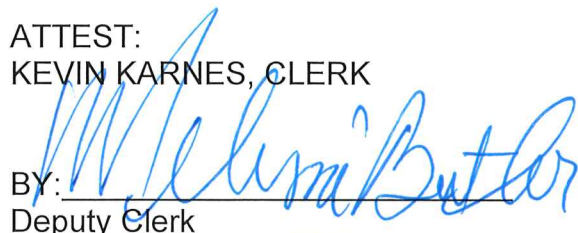
Adopted by unanimous consent.

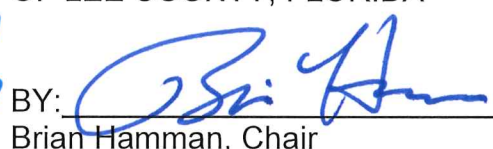
|                     |     |
|---------------------|-----|
| Kevin Ruane         | Aye |
| Cecil L Pendergrass | Aye |
| Raymond Sandelli    | Aye |
| Brian Hamman        | Aye |
| Mike Greenwell      | Aye |

DULY PASSED AND ADOPTED this 7<sup>th</sup> day of June 2023.

ATTEST:  
KEVIN KARNES, CLERK

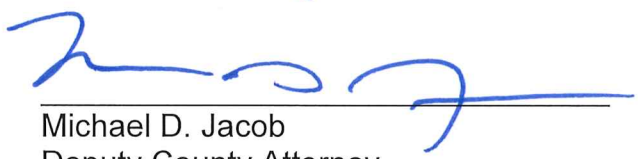
BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY:   
Deputy Clerk

BY:   
Brian Hamman, Chair



APPROVED AS TO FORM FOR THE  
RELiance OF LEE COUNTY ONLY

  
Michael D. Jacob  
Deputy County Attorney  
County Attorney's Office

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950 Encore Way • P.O. Box 111629 • Naples, Florida 34108 • Phone: 239.254.2000 • Fax: 239.254.2098

HM PROJECT #2000106X  
7/25/2011  
REF. DWG. #A-1583-1  
PAGE 2 OF 2

#### LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTIONS 10, 11, 14, 15 AND 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.89°44'39"W., ALONG THE SOUTH LINE OF SAID SECTION 23, FOR A DISTANCE OF 651.54 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BEN HILL GRIFFIN PARKWAY (A.K.A. TREELINE DRIVE), A 150.00 FOOT WIDE RIGHT-OF-WAY, RECORDED IN O.R. BOOK 2745, PAGES 1550 THROUGH 1554 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N.89°44'39"W. ALONG THE SOUTH LINE OF SAID SECTION 23, FOR A DISTANCE OF 2,921.79 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75; THENCE RUN N.18°17'51"W. ALONG THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75, FOR A DISTANCE OF 955.62 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75 AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 17,026.80 FEET, THROUGH A CENTRAL ANGLE OF 04°04'42", SUBTENDED BY A CHORD OF 1,211.72 FEET AT A BEARING OF N.16°15'30"W., FOR A DISTANCE OF 1,211.97 FEET TO THE END OF SAID CURVE; THENCE RUN N.14°13'09"W. ALONG THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75, FOR A DISTANCE OF 9,126.68 FEET; THENCE RUN N.76°08'54"E., FOR A DISTANCE OF 527.61 FEET; THENCE RUN N.79°14'37"E., FOR A DISTANCE OF 501.77 FEET; THENCE RUN N.84°36'26"E., FOR A DISTANCE OF 384.54 FEET; THENCE RUN S.85°27'53"E., FOR A DISTANCE OF 381.51 FEET; THENCE RUN S.74°31'06"E., FOR A DISTANCE OF 209.92 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS S.69°47'11"E., A DISTANCE OF 3,075.00 FEET THEREFROM; THENCE RUN SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,075.00 FEET, THROUGH A CENTRAL ANGLE OF 23°44'14", SUBTENDED BY A CHORD OF 1,264.85 FEET AT A BEARING OF S.08°20'42"W., FOR A DISTANCE OF 1,273.94 FEET TO THE END OF SAID CURVE; THENCE RUN S.03°31'24"E. ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY, FOR A DISTANCE OF 3,887.79 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,000.00 FEET, THROUGH A CENTRAL ANGLE OF 20°33'03", SUBTENDED BY A CHORD OF 713.52 FEET AT A BEARING OF S.13°47'56"E., FOR A DISTANCE OF 717.36 FEET TO THE END OF SAID CURVE; THENCE RUN S.24°04'27"E. ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY, FOR A DISTANCE OF 1,593.09 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHEASTERLY; THENCE RUN SOUTHEASTERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,875.00 FEET, THROUGH A CENTRAL ANGLE OF 31°16'49", SUBTENDED BY A CHORD OF 1,550.16 FEET AT A BEARING OF S.39°42'52"E., FOR A DISTANCE OF 1,569.58 FEET TO THE END OF SAID CURVE; THENCE RUN S.55°21'16"E. ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY, FOR A DISTANCE OF

#### EXHIBIT A

HM PROJECT #2000106X  
7/25/2011  
REF. DWG. #A-1583-1  
PAGE 2 OF 2

1,684.71 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN SOUTHEASTERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,325.00 FEET, THROUGH A CENTRAL ANGLE OF  $54^{\circ}31'33''$ , SUBTENDED BY A CHORD OF 1,213.90 FEET AT A BEARING OF  $S.28^{\circ}05'29''E.$ , FOR A DISTANCE OF 1,260.94 FEET TO THE END OF SAID CURVE; THENCE RUN  $S.00^{\circ}49'43''E.$  ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY, FOR A DISTANCE OF 600.19 FEET TO THE POINT OF BEGINNING; CONTAINING 396.652 ACRES, MORE OR LESS.

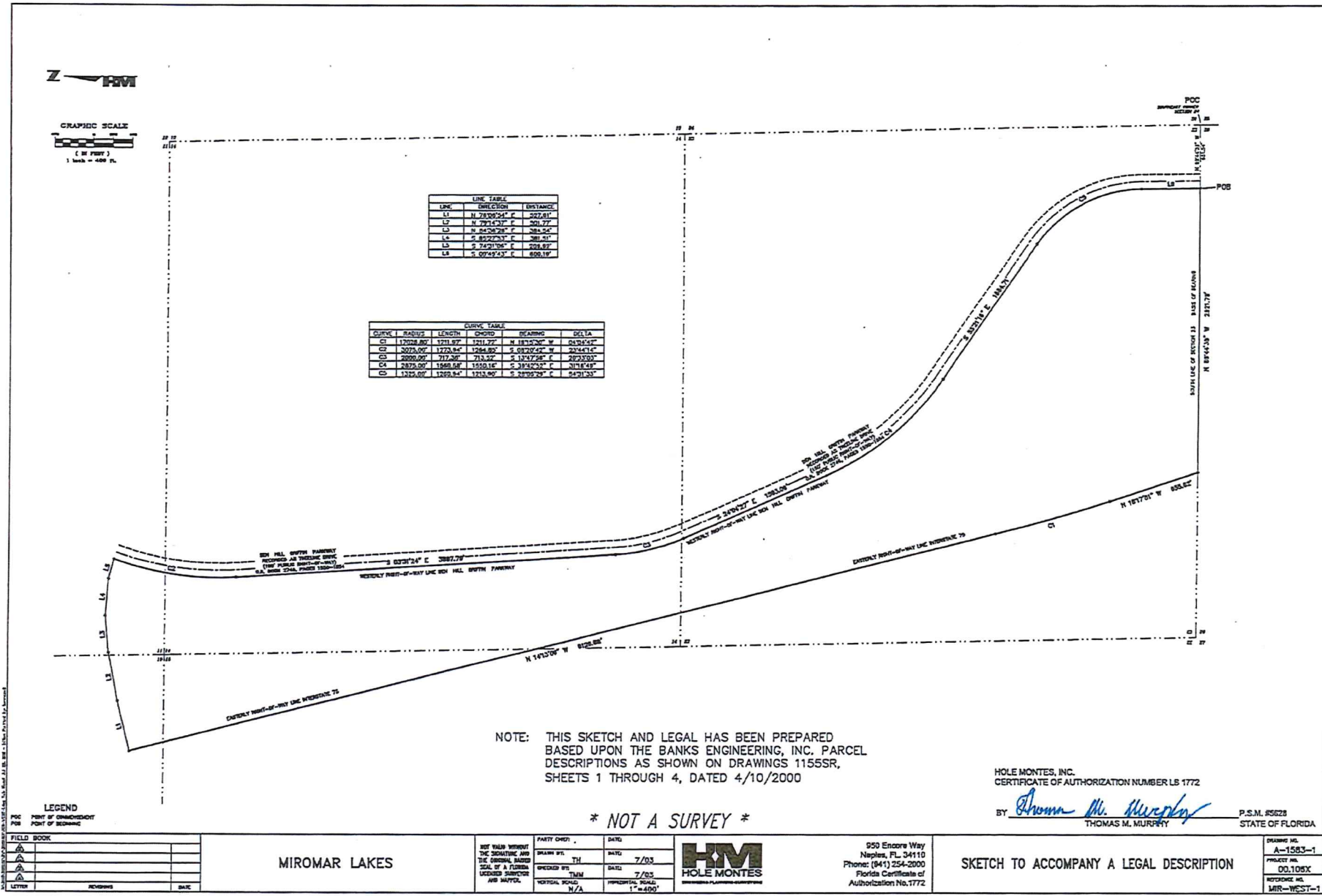
BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, OF LEE COUNTY, FLORIDA AS BEING  $N.89^{\circ}44'39''W.$

THIS SKETCH AND LEGAL HAS BEEN PREPARED BASED UPON THE BANKS ENGINEERING, INC. PARCEL DESCRIPTIONS AS SHOWN ON DRAWINGS 1155SR, SHEETS 1 THROUGH 4, DATED 4/10/2000

HOLE MONTES, INC.  
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY Thomas M. Murphy P.S.M. #5628  
THOMAS M. MURPHY STATE OF FLORIDA







950 Encore Way • Naples, Florida 34110 • Phone 239.254-2000 • Fax: 239.985.2099

HM PROJECT # 2000106X

2/09/2023

REF. DWG. A-1582-2

PAGE 1 OF 4

**LEGAL DESCRIPTION:**

A PARCEL OF LAND LOCATED IN A PORTION OF SECTIONS 11, 12, 13, 14, 23, AND 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST, AND SECTION 18, TOWNSHIP 46 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.89°44'39"W. ALONG THE SOUTH LINE OF SAID SECTION 23, FOR A DISTANCE OF 501.52 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF BEN HILL GRIFFIN PARKWAY (A.K.A. TREELINE DRIVE), A 150 FOOT WIDE RIGHT-OF-WAY, RECORDED IN O.R. BOOK 2745, PAGES 1550 THROUGH 1554 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.00°49'43"W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 603.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN NORTHWESTERLY ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,475.00 FEET, THROUGH A CENTRAL ANGLE OF 54°31'33", SUBTENDED BY A CHORD OF 1,351.32 FEET AT A BEARING OF N.28°05'29"W., FOR A DISTANCE OF 1,403.69 FEET TO THE END OF SAID CURVE; THENCE RUN N.55°21'16"W. ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 423.96 FEET; THENCE RUN N.38°37'17"E., FOR A DISTANCE OF 180.44 FEET; THENCE RUN N.40°45'20"W., FOR A DISTANCE OF 1,287.06 FEET; THENCE RUN N.51°22'43"W., FOR A DISTANCE OF 275.00 FEET; THENCE RUN N.20°50'23"W., FOR A DISTANCE OF 170.61 FEET; THENCE RUN N.03°26'59"W., FOR A DISTANCE OF 196.02 FEET; THENCE RUN N.49°19'44"E., FOR A DISTANCE OF 344.71 FEET; THENCE RUN S.54°09'13"E., FOR A DISTANCE OF 1,057.59 FEET; THENCE RUN S.05°08'14"W., FOR A DISTANCE OF 497.67 FEET; THENCE RUN S.87°48'55"E., FOR A DISTANCE OF 1,464.61 FEET; THENCE RUN N.88°17'13"E., FOR A DISTANCE OF 233.73 FEET; THENCE RUN S.31°47'37"E., FOR A DISTANCE OF 631.21 FEET; THENCE RUN N.62°11'53"E., FOR A DISTANCE OF 2,704.05 FEET; THENCE RUN N.21°20'50"E., FOR A DISTANCE OF 1,025.79 FEET; THENCE RUN N.02°13'31"W., FOR A DISTANCE OF 339.05 FEET; THENCE RUN N.73°40'08"E., FOR A DISTANCE OF 497.73 FEET; THENCE RUN N.84°27'10"E., FOR A DISTANCE OF 648.96 FEET; THENCE RUN N.20°19'20"W., FOR A DISTANCE OF 155.37 FEET; THENCE RUN N.04°47'10"W., FOR A DISTANCE OF 137.24 FEET; THENCE RUN N.10°20'25"E., FOR A DISTANCE OF 89.58 FEET; THENCE RUN N.88°40'48"W., FOR A DISTANCE OF 108.51 FEET; THENCE RUN N.35°22'24"E., FOR A DISTANCE OF 61.49 FEET; THENCE RUN N.24°10'35"E., FOR A DISTANCE OF 16.58 FEET; THENCE RUN N.16°58'33"E., FOR A DISTANCE OF 22.30 FEET; THENCE RUN N.01°25'10"W., FOR A DISTANCE OF 17.20 FEET; THENCE RUN N.02°00'52"E., FOR A DISTANCE OF 22.73 FEET; THENCE RUN N.10°34'22"E., FOR A DISTANCE OF 27.69 FEET; THENCE RUN N.08°31'29"E., FOR A DISTANCE OF 27.56 FEET; THENCE RUN N.04°17'29"W., FOR A DISTANCE OF 27.54 FEET; THENCE RUN N.03°50'00"E., FOR A DISTANCE OF 32.88 FEET; THENCE RUN N.05°16'54"E., FOR A DISTANCE OF 34.74 FEET; THENCE RUN N.14°36'53"W., FOR A DISTANCE OF 12.71 FEET; THENCE RUN N.49°59'45"W., FOR A DISTANCE OF 15.95 FEET; THENCE RUN N.67°08'11"W., FOR A DISTANCE OF 67.75 FEET; THENCE RUN N.67°33'34"E., FOR A DISTANCE OF 68.16 FEET; THENCE RUN N.57°34'58"E., FOR A DISTANCE OF 15.64 FEET; THENCE RUN

HM PROJECT # 2000106X

2/09/2023

REF. DWG. A-1582-2

PAGE 2 OF 4

N.53°45'20"E., FOR A DISTANCE OF 13.61 FEET; THENCE RUN N.58°32'02"E., FOR A DISTANCE OF 11.22 FEET; THENCE RUN N.54°40'50"E., FOR A DISTANCE OF 13.85 FEET; THENCE RUN N.49°36'55"E., FOR A DISTANCE OF 19.09 FEET; THENCE RUN N.37°17'03"E., FOR A DISTANCE OF 14.40 FEET; THENCE RUN N.25°04'13"E., FOR A DISTANCE OF 22.74 FEET; THENCE RUN N.30°25'33"E., FOR A DISTANCE OF 40.77 FEET; THENCE RUN S.70°47'07"E., FOR A DISTANCE OF 50.50 FEET; THENCE RUN N.19°32'42"E., FOR A DISTANCE OF 63.26 FEET; THENCE RUN N.62°41'55"E., FOR A DISTANCE OF 33.33 FEET; THENCE RUN N.60°03'38"E., FOR A DISTANCE OF 27.79 FEET; THENCE RUN N.68°56'32"E., FOR A DISTANCE OF 33.67 FEET; THENCE RUN N.69°27'09"E., FOR A DISTANCE OF 39.32 FEET; THENCE RUN N.76°09'54"E., FOR A DISTANCE OF 38.69 FEET; THENCE RUN N.84°37'56"E., FOR A DISTANCE OF 35.30 FEET; THENCE RUN N.71°01'39"E., FOR A DISTANCE OF 36.05 FEET; THENCE RUN N.56°16'09"E., FOR A DISTANCE OF 22.32 FEET; THENCE RUN N.54°45'23"E., FOR A DISTANCE OF 72.52 FEET; THENCE RUN N.43°40'48"E., FOR A DISTANCE OF 14.33 FEET; THENCE RUN N.36°37'28"E., FOR A DISTANCE OF 31.97 FEET; THENCE RUN N.16°15'53"E., FOR A DISTANCE OF 27.07 FEET; THENCE RUN N.00°14'32"W., FOR A DISTANCE OF 18.58 FEET; THENCE RUN N.01°01'18"W., FOR A DISTANCE OF 22.80 FEET; THENCE RUN N.11°30'29"E., FOR A DISTANCE OF 41.66 FEET; THENCE RUN N.25°25'32"E., FOR A DISTANCE OF 18.52 FEET; THENCE RUN N.29°13'14"E., FOR A DISTANCE OF 12.77 FEET; THENCE RUN N.09°42'26"E., FOR A DISTANCE OF 13.86 FEET; THENCE RUN N.10°10'17"W., FOR A DISTANCE OF 8.24 FEET; THENCE RUN N.25°29'33"W., FOR A DISTANCE OF 11.70 FEET; THENCE RUN N.71°45'42"W., FOR A DISTANCE OF 21.85 FEET; THENCE RUN N.59°03'27"W., FOR A DISTANCE OF 13.21 FEET; THENCE RUN N.37°04'03"W., FOR A DISTANCE OF 27.24 FEET; THENCE RUN N.00°38'43"W., FOR A DISTANCE OF 28.85 FEET; THENCE RUN N.10°12'59"E., FOR A DISTANCE OF 35.02 FEET; THENCE RUN N.01°52'01"E., FOR A DISTANCE OF 31.20 FEET; THENCE RUN N.05°34'22"E., FOR A DISTANCE OF 13.39 FEET; THENCE RUN N.01°01'36"W., FOR A DISTANCE OF 30.61 FEET; THENCE RUN N.15°40'00"W., FOR A DISTANCE OF 27.26 FEET; THENCE RUN N.22°54'25"W., FOR A DISTANCE OF 20.46 FEET; THENCE RUN N.20°19'15"W., FOR A DISTANCE OF 21.36 FEET; THENCE RUN N.17°17'45"W., FOR A DISTANCE OF 18.27 FEET; THENCE RUN N.25°34'23"W., FOR A DISTANCE OF 16.79 FEET; THENCE RUN N.15°41'23"W., FOR A DISTANCE OF 49.27 FEET; THENCE RUN N.00°29'10"W., FOR A DISTANCE OF 19.63 FEET; THENCE RUN S.65°22'51"W., FOR A DISTANCE OF 893.03 FEET; THENCE RUN S.62°02'33"W., FOR A DISTANCE OF 548.61 FEET; THENCE RUN N.84°00'27"W., FOR A DISTANCE OF 113.75 FEET; THENCE RUN S.73°01'40"W., FOR A DISTANCE OF 332.94 FEET; THENCE RUN S.88°47'09"W., FOR A DISTANCE OF 386.35 FEET; THENCE RUN N.01°12'51"W., FOR A DISTANCE OF 733.65 FEET; THENCE RUN N.75°24'23"E., FOR A DISTANCE OF 644.66 FEET; THENCE RUN N.02°55'16"W., FOR A DISTANCE OF 211.27 FEET; THENCE RUN N.19°49'36"E., FOR A DISTANCE OF 960.80 FEET; THENCE CONTINUE N.19°49'36"E., FOR A DISTANCE OF 21.27 FEET; THENCE RUN S.88°44'00"W., FOR A DISTANCE OF 3,706.01 FEET; THENCE RUN N.00°58'18"W., FOR A DISTANCE OF 320.16 FEET; THENCE RUN S.89°01'42"W., FOR A DISTANCE OF 450.42 FEET; THENCE RUN S.03°10'23"E., FOR A DISTANCE OF 430.66 FEET; THENCE RUN S.88°17'12"W., FOR A DISTANCE OF 1,027.71 FEET; THENCE RUN S.01°42'48"E., FOR A DISTANCE OF 306.15 FEET; THENCE RUN S.47°45'12"W., FOR A DISTANCE OF 1,504.06 FEET; THENCE RUN S.88°27'56"W., FOR A DISTANCE OF 1,780.04 FEET TO A POINT ON THE SAID EASTERLY RIGHT-OF-WAY LINE; THENCE RUN N.03°31'24"W. ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 34.30 FEET; THENCE RUN N81°31'53"E FOR A DISTANCE OF 59.36 FEET; THENCE RUN N86°42'41"E FOR A DISTANCE OF 91.78 FEET; THENCE RUN N50°02'46"E FOR A DISTANCE OF 136.19 FEET; THENCE RUN N58°59'16"E FOR A DISTANCE OF 150.29 FEET; THENCE RUN



HM PROJECT # 2000106X

2/09/2023

REF. DWG. A-1582-2

PAGE 3 OF 4

N03°34'13"E FOR A DISTANCE OF 280.42 FEET; THENCE RUN N44°21'15"E FOR A DISTANCE OF 65.32 FEET; THENCE RUN N85°08'17"E FOR A DISTANCE OF 193.00 FEET; THENCE RUN N53°18'11"E FOR A DISTANCE OF 221.46 FEET; THENCE RUN N85°09'35"E FOR A DISTANCE OF 62.26 FEET; THENCE RUN S40°09'41"E FOR A DISTANCE OF 165.57 FEET; THENCE RUN N70°32'55"E FOR A DISTANCE OF 188.24 FEET, TO THE BEGINNING OF A NON-TANGENTIAL CIRCULAR CURVE TO THE RIGHT; HAVING A RADIUS OF 850.00 FEET, THROUGH A CENTRAL ANGLE OF 21°55'50" AND BEING SUBTENDED BY A CHORD OF 323.36 FEET AT A BEARING OF N68°42'47"W, FOR AN ARC LENGTH OF 325.34 FEET; THENCE RUN N57°44'54"W FOR A DISTANCE OF 288.84 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE TO THE LEFT; HAVING A RADIUS OF 650.00 FEET, THROUGH A CENTRAL ANGLE OF 35°46'31" AND BEING SUBTENDED BY A CHORD OF 399.30 FEET AT A BEARING OF N75°38'09"W, FOR AN ARC LENGTH OF 405.86 FEET; THENCE RUN S86°28'35"W FOR A DISTANCE OF 239.42 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE TO THE LEFT; HAVING A RADIUS OF 50.00 FEET, THROUGH A CENTRAL ANGLE OF 90°00'00" AND BEING SUBTENDED BY A CHORD OF 70.71 FEET AT A BEARING OF S41°28'35"W, FOR AN ARC LENGTH OF 78.54 FEET TO A POINT ON THE SAID EASTERLY RIGHT-OF-WAY LINE; THENCE RUN N.03°31'24"W. ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2370.30 FEET; TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 2,925.00 FEET, THROUGH A CENTRAL ANGLE OF 23°44'13", SUBTENDED BY A CHORD OF 1,203.14 FEET AT A BEARING OF N.08°20'42"E., FOR A DISTANCE OF 1,211.79 FEET TO THE END OF SAID CURVE; THENCE RUN N.20°12'49"E. ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 473.55 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 10,075.00 FEET, THROUGH A CENTRAL ANGLE OF 19°11'28", SUBTENDED BY A CHORD OF 3,358.85 FEET AT A BEARING OF N.10°37'06"E., FOR A DISTANCE OF 3,374.60 FEET TO THE END OF SAID CURVE; THENCE RUN N.01°01'21"E. ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 909.75 FEET; THENCE RUN S.89°42'24"E., FOR A DISTANCE OF 1,049.81 FEET; THENCE RUN S.01°00'21"E., FOR A DISTANCE OF 847.76 FEET; THENCE RUN S.04°19'45"W., FOR A DISTANCE OF 1,091.78 FEET; THENCE RUN S.00°39'26"E., FOR A DISTANCE OF 1,432.24 FEET; THENCE RUN S.00°16'17"E., FOR A DISTANCE OF 606.52 FEET; THENCE RUN N.88°47'46"E., FOR A DISTANCE OF 376.79 FEET; THENCE RUN S.40°48'12"E., FOR A DISTANCE OF 322.81 FEET; THENCE RUN S.19°01'17"E., FOR A DISTANCE OF 249.77 FEET; THENCE RUN S.88°53'28"E., FOR A DISTANCE OF 216.94 FEET; THENCE RUN S.24°26'51"E., FOR A DISTANCE OF 150.17 FEET; THENCE RUN S.77°09'26"E., FOR A DISTANCE OF 573.01 FEET; THENCE RUN S.88°10'13"E., FOR A DISTANCE OF 1,363.08 FEET; THENCE RUN S.19°42'28"E., FOR A DISTANCE OF 157.73 FEET; THENCE RUN S.87°09'14"E., FOR A DISTANCE OF 469.81 FEET; THENCE RUN N.88°02'24"E., FOR A DISTANCE OF 612.22 FEET; THENCE RUN S.21°30'12"E., FOR A DISTANCE OF 81.17 FEET; THENCE RUN N.88°10'32"E., FOR A DISTANCE OF 846.89 FEET; THENCE RUN N.88°10'32"E., FOR A DISTANCE OF 1,137.62 FEET; THENCE RUN S.20°09'57"E., FOR A DISTANCE OF 344.08 FEET; THENCE RUN S.89°48'06"E., FOR A DISTANCE OF 80.00 FEET; THENCE RUN S.20°09'57"E., FOR A DISTANCE OF 807.57 FEET; THENCE RUN S.15°43'44"E., FOR A DISTANCE OF 978.45 FEET; THENCE RUN S.89°46'43"E., FOR A DISTANCE OF 516.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF 88°55'56", SUBTENDED BY A CHORD OF 700.49



HM PROJECT # 2000106X

2/09/2023

REF. DWG. A-1582-2

PAGE 4 OF 4

FEET AT A BEARING OF S.45°18'45"E., FOR A DISTANCE OF 776.08 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°50'47"E., FOR A DISTANCE OF 1,447.68 FEET; THENCE RUN S.09°57'20"W., FOR A DISTANCE OF 533.57 FEET TO A POINT ON THE EAST LINE OF SECTION 13, TOWNSHIP 46 SOUTH, RANGE 25 EAST; THENCE RUN S.00°50'47"E. ALONG THE EAST LINE OF SAID SECTION 13, FOR A DISTANCE OF 957.10 FEET TO THE NORTHWEST CORNER OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST; THENCE RUN S.00°50'13"E. ALONG THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SADI SECTION 24, FOR A DISTANCE OF 2,639.78 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 24; THENCE RUN S.00°48'26"E. ALONG THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 24, FOR A DISTANCE OF 2,643.97 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 24; THENCE RUN S.89°28'32"W. ALONG THE SOUTH LINE OF SAID SECTION 24, FOR A DISTANCE OF 5,249.70 FEET TO THE POINT OF BEGINNING; CONTAINING 1,396.66 ACRES, MORE OR LESS.

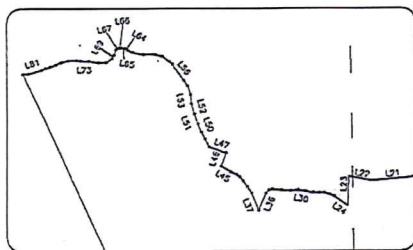
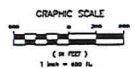
BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S.89°28'32"W.

THIS SKETCH AND LEGAL HAS BEEN PREPARED BASED UPON THE BANKS ENGINEERING, INC. PARCEL DESCRIPTIONS AS SHOWN ON DRAWINGS 1155SR, SHEETS 1 THROUGH 4, DATED 4/10/2000 AND DRAWINGS 1418SR, SHEETS 1 AND 2, DATED 7/13/2000.

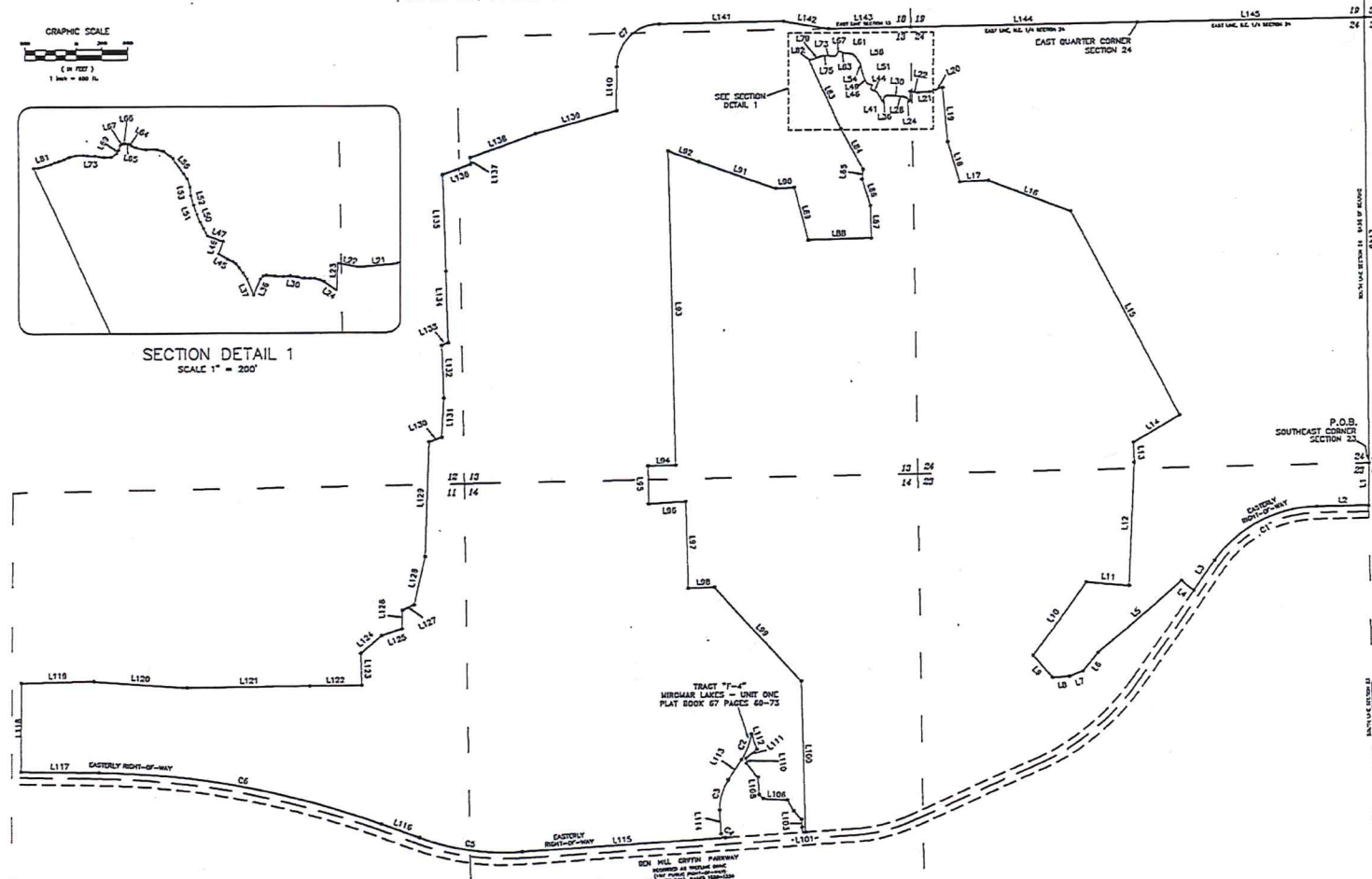
HOLE MONTES, INC.

CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY \_\_\_\_\_ P.S.M. #5628  
THOMAS M. MURPHY STATE OF FLORIDA



SECTION DETAIL 1  
SCALE 1" = 200'



\* NOT A SURVEY \*

| LINE | WAVELENGTH   | DISTANCE |
|------|--------------|----------|
| 11   | 807.10 $\mu$ | 581.25   |
| 12   | 807.10 $\mu$ | 581.25   |
| 13   | 807.10 $\mu$ | 581.25   |
| 14   | 807.17 $\mu$ | 150.44   |
| 15   | 807.17 $\mu$ | 150.44   |
| 16   | 807.17 $\mu$ | 150.44   |
| 17   | 807.20 $\mu$ | 725.00   |
| 18   | 807.20 $\mu$ | 725.00   |
| 19   | 807.20 $\mu$ | 725.00   |
| 20   | 807.20 $\mu$ | 725.00   |
| 21   | 807.20 $\mu$ | 725.00   |
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| 109  | 807.20 $\mu$ | 725.00   |
| 110  | 807.20 $\mu$ | 725.00   |
| 111  | 807.20 $\mu$ | 725.00   |

| LINE | PLACING    | DO-SAMCH |
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| L264 | 60 234 307 | 12,207   |
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| L364 | 60 234 307 | 12,207   |
| L365 | 60 234 307 | 12,207   |
| L366 | 60 234 307 | 12,207   |
| L367 | 60 234 307 | 12,207   |

| CUTTING | RADIUS   | DELTA ANGLE | CHORD LENGTH | CHORD BEAVING  | ARC LENGTH |
|---------|----------|-------------|--------------|----------------|------------|
| C1      | 1475.00  | 54.31 33    | 1351.32      | N 28°02' 29" W | 4023.68    |
| C2      | 930.00   | 21.55 30    | 352.36       | N 84°42' 00" W | 3253.54    |
| C3      | 930.00   | 39.46 31    | 298.30       | N 75°25' 00" W | 4020.60    |
| C4      | 50.00    | 29.00 51    | 86.31        | S 45°00' 00" E | 4911.28    |
| C5      | 2725.00  | 23.44 28    | 1703.14      | N 65°00' 00" E | 1191.27    |
| C6      | 16025.00 | 17.71 27    | 3332.62      | N 67°30' 00" E | 3374.50    |
| C7      | 16025.00 | 17.71 27    | 3332.62      | S 48°30' 00" E | 2776.08    |

**LEGEND**

|     |                       |
|-----|-----------------------|
| PBC | POINT OF COMMENCEMENT |
| PDB | POINT OF BEGINNING    |

SKETCH & LEGAL

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

|                  |                   |
|------------------|-------------------|
| PARTY CHIEF:     | DATE:             |
| DRAWN BY:<br>JNH | DATE:<br>2/3/2023 |
| SHEET<br>1       | OF SHEET<br>5     |
| SLC-TM-RCI       |                   |

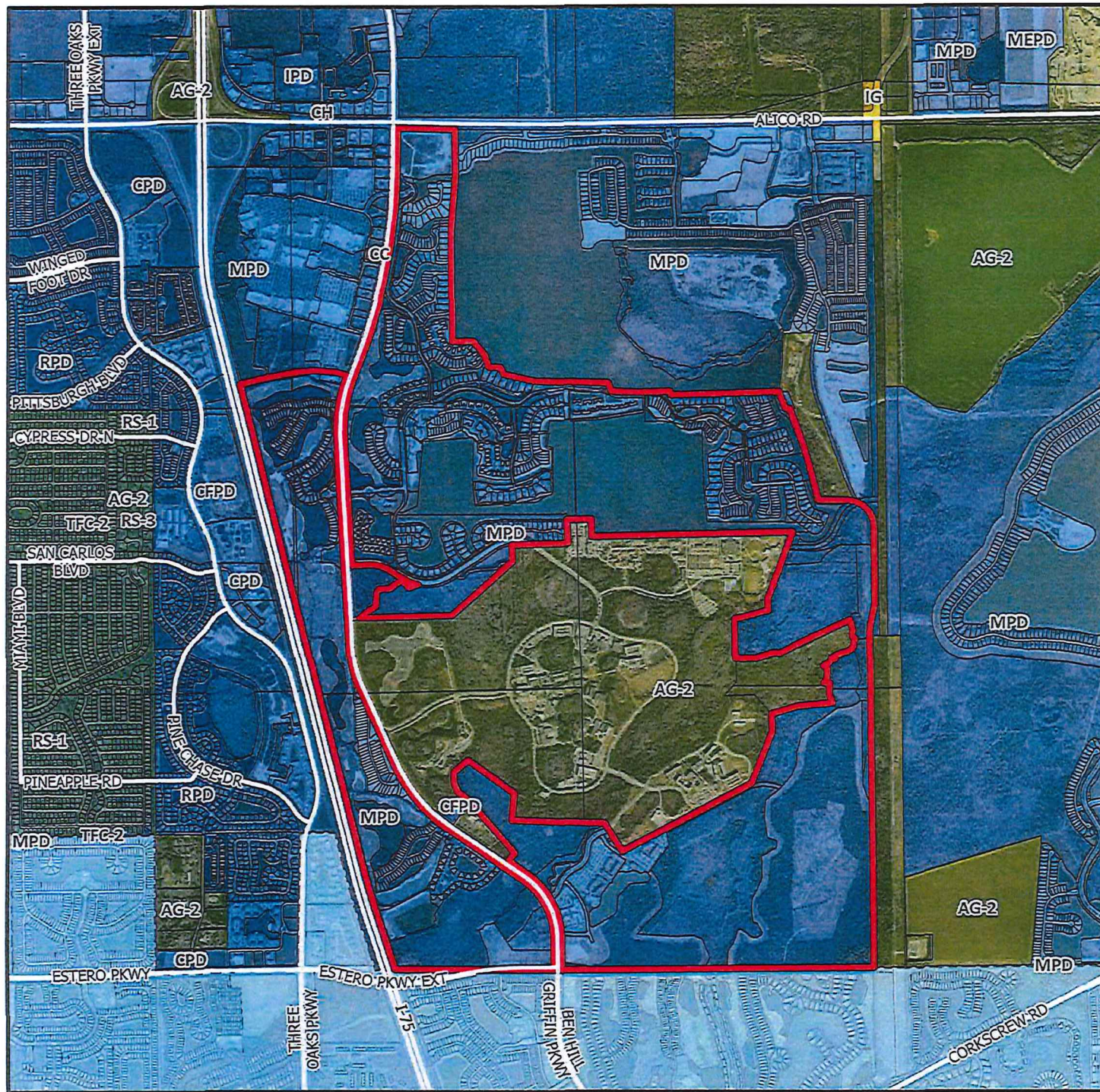


5200 Whiskey Creek Dr.  
 Ft. Myers, FL 33919  
 Phone: (239) 985-1200  
 Florida Certificate of  
 Authorization No.1772

MIROMAR LAKES  
SKETCH FOR LEGAL DESCRIPTION

|             |                |
|-------------|----------------|
| DRAWING NO. | A-1582-2       |
| PROJECT NO. | 2023.517       |
| FILE NAME:  | 2023517 2A.dwg |





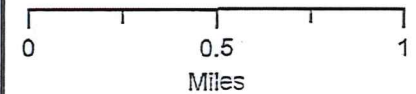
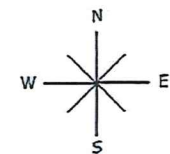
DCI2022-00052

Zoning

EXHIBIT B

 Subject Property

 City Limits





### LEGEND

- |                                                                                   |                                                                                               |
|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| C1                                                                                | COMMERCIAL 1                                                                                  |
| CS                                                                                | COMMERCIAL SOUTH                                                                              |
| MU                                                                                | MIXED USE                                                                                     |
| R                                                                                 | RESIDENTIAL                                                                                   |
| GC                                                                                | GOLF COURSE  |
| R 2                                                                               | RESIDENTIAL 2                                                                                 |
| L                                                                                 | CONCEPTUAL LAKE LOCATION                                                                      |
| CO                                                                                | CONSERVATION AREA                                                                             |
| #                                                                                 | DEVIATION                                                                                     |
|  | CONCEPTUAL CLUB LOCATIONS                                                                     |
| *COP                                                                              | CONSUMPTION ON PREMISES                                                                       |
| —                                                                                 | CONCEPTUAL GOLF TRAIL OR BOARDWALK                                                            |
|  | BHG PKWY ACCESS                                                                               |

## LAND USE SUMMARY

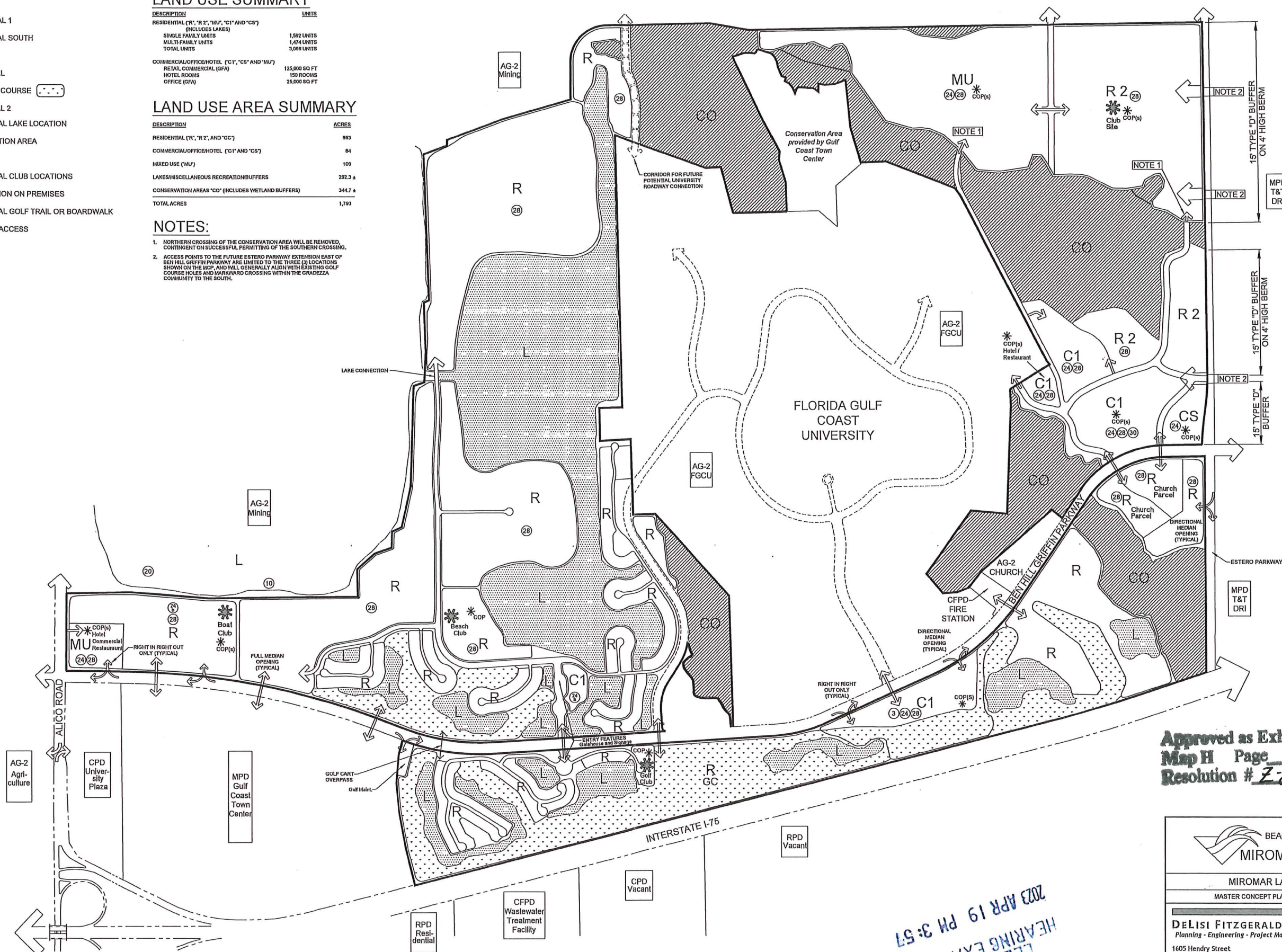
| DESCRIPTION                                                       | UNITS         |
|-------------------------------------------------------------------|---------------|
| RESIDENTIAL ("R", "R 2", "MU", "C1" AND "C5")<br>(INCLUDES LAKES) |               |
| SINGLE FAMILY UNITS                                               | 1,592 UNITS   |
| MULTI-FAMILY UNITS                                                | 1,474 UNITS   |
| TOTAL UNITS                                                       | 3,066 UNITS   |
| COMMERCIAL/OFFICE/HOTEL ("C1", "C5" AND "MU")                     |               |
| RETAIL COMMERCIAL (GFA)                                           | 125,000 SQ FT |
| HOTEL ROOMS                                                       | 150 ROOMS     |
| OFFICE (GFA)                                                      | 25,000 SQ FT  |

## LAND USE AREA SUMMARY

| <u>DESCRIPTION</u>                                 | <u>ACRES</u> |
|----------------------------------------------------|--------------|
| RESIDENTIAL ('R', 'R 2', AND 'GC')                 | 963          |
| COMMERCIAL/OFFICE/HOTEL ('C1' AND 'CS')            | 84           |
| MIXED USE ('MU')                                   | 109          |
| LAKES/IMMISCELLANEOUS RECREATION/BUFFERS           | 292.3 ±      |
| CONSERVATION AREAS 'CO' (INCLUDES WETLAND BUFFERS) | 344.7 ±      |
| <b>TOTAL ACRES</b>                                 | <b>1,793</b> |

NOTES:

1. NORTHERN CROSSING OF THE CONSERVATION AREA WILL BE REMOVED, CONTINGENT ON SUCCESSFUL PERMITTING OF THE SOUTHERN CROSSING.
2. ACCESS POINTS TO THE FUTURE ESTERO PARKWAY EXTENSION EAST OF BELL GRUFF PARKWAY ARE LIMITED TO THE AREAS SHOWN ON THE MAP, AND WILL GENERALLY ALIGN WITH EXISTING GOLF COURSE HOLES AND MARKWARD CROSSING WITHIN THE GRADEZZA COMMUNITY TO THE SOUTH.



Approved as Exhibit C  
Map H Page 1 of 1  
Resolution # Z-23-018

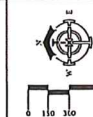


MIROMAR LAKES DRI

MASTER CONCEPT PLAN - APRIL 14, 2023

**DELSI FITZGERALD, INC.**  
Planning - Engineering - Project Management

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



2023 APR 19 PM 3:57  
LEE COUNTY  
HEARING EXAMINER



NINTH DEVELOPMENT ORDER<sup>1</sup>  
AMENDMENT FOR MIROMAR LAKES  
(CODIFIED)  
A DEVELOPMENT OF REGIONAL IMPACT  
STATE DRI #11-9798-142

LET IT BE KNOWN THAT, PURSUANT TO SECTION 380.06 OF THE FLORIDA STATUTES, THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA ADOPTED THE APPLICATION FOR DEVELOPMENT APPROVAL ORIGINALLY SUBMITTED AS THE ALICO AMDA, BUT THEREAFTER REDUCED TO AN ADA AND RENAMED AS THE MIROMAR LAKES DRI (HEREINAFTER REFERRED TO AS MIROMAR LAKES) BY ALICO, INC., AS THE OWNER/APPLICANT, FOR MIROMAR LAKES, L.L.C., AS THE DEVELOPER.

WHEREAS, on November 29, 1999 the Lee County Board of County Commissioners (Board), adopted the Development of Regional Impact (DRI) Application for Development Approval for the project known as Miromar Lakes, subject to conditions, restrictions and limitations; and

WHEREAS, the Miromar Lakes DRI Development Order was subsequently amended on December 10, 2002 to revise the adjustment rate applicable to the unpaid balance of the proportionate share assessment; and

WHEREAS, the Miromar Lakes DRI Development Order was amended a second time on December 15, 2003, to add approximately 534 +/- acres of property to the project (total project to be 1805 +/- acres). This change included a proposal to increase the number of golf holes by 18, add a clubhouse, and golf maintenance facility on the property; and

WHEREAS, in 2001, the Board approved a request to amend the Lee Plan to change the future land use designation of 19.85 +/- acres from "Density Reduction Groundwater Resource" to "University Community" and also to re-designate 170.92± acres from "University Community and Wetlands" to "Conservation Lands-Uplands" and "Conservation Lands – Wetlands"; and

WHEREAS, the project build out date was extended pursuant to HB7203 to December 31, 2011 by the third amendment of the Miromar Lakes DRI Development Order (Resolution 07-09-18), adopted August 21, 2007; and

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<sup>1</sup> This is a codification and a restatement of all DRI Development Orders rendered with respect to Miromar Lakes within Lee County, including actions taken on November 29, 1999, December 10, 2002, December 15, 2003, August 21, 2007, January 26, 2010, and September 20, 2010, April 16, 2012, ~~and~~ June 18, 2014, and June 7, 2023.

WHEREAS, on January 26, 2010, the DRI Development Order was amended a fourth time to extend the build out date from December 31, 2011 to December 31, 2013, pursuant to SB360; and

WHEREAS, on September 20, 2010, the DRI Development Order was amended a fifth time to change the buildout from December 31, 2013 to December 31, 2020, the termination date from December 31, 2018 to December 31, 2026, change from annual to biennial reporting for transportation monitoring reports, and to eliminate Conditions II.A.2. and 3. relating to the re-analysis of affordable housing needs; and

WHEREAS, the DRI Development Order was amended a sixth time on October 11, 2011 to amend the compliance dates as follows: Buildout from December 31, 2020 to December 31, 2024 and the termination date from December 31, 2026 to December 31, 2030; and

WHEREAS, the DRI DO was amended a seventh time on April 16, 2012 to remove 12± acres from the project pursuant to a transfer of property to the Florida Gulf Coast University; and

WHEREAS, the DRI DO was amended an eighth time on June 18, 2014 to reflect the effect of SB 2156 and several Emergency Orders on the compliance dates and concurrency status.

WHEREAS, Miromar Lakes LLC filed the current application to amend the zoning and DRI development order approvals to convert a portion of commercial intensity to residential density. The amendment calls for reducing approved floor area of retail uses by 125,000 square feet, office uses by 315,000 square feet, research and development uses by 40,000 square feet and hotel by 300 rooms. The request increases residential land uses by 466 single family units.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Lee County, Florida, that the Development Order for Miromar Lakes DRI is hereby further amended as follows:

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW.

- A. Miromar Lakes is a master planned community located in unincorporated south Lee County, east of I-75, north of Corkscrew Road, south of Alico Road, on either side of Ben Hill Griffin Parkway. The site is 1,793.646 +/- acres. Miromar is a mixed use development that will consist of: ~~2,600~~3,066 residential units, ~~250,000~~125,000 square feet of retail, ~~450~~150 hotel rooms, ~~340,000~~25,000 square feet of office, 250 wet slips, 400 dry slips, ~~40,000 square feet of research and development~~, and all accessory uses to these uses. In addition, there will be 312 acres of lakes/buffers and recreation, and a minimum of 338 of conservation lands. The recreational uses will include golf, tennis, clubhouses, and active and passive recreation. The legal description of the project is set forth in Exhibit A.



The assessment was based on a phasing schedule that includes two five-year phases described in Exhibit B. Site preparation commenced upon completion of all necessary permitting. The project buildout date is ~~April 3, 2028~~September 4, 2050. The termination date is ~~April 3, 2033~~September 2, 2055.

Water supply and wastewater treatment will be provided by Lee County Utilities.

- B. The factual findings, conclusions of law, conditions and other terms of this Development Order apply to the property legally described in Exhibit A and known as the Miromar Lakes DRI.
- C. The original 1,271.12± acres was zoned AG-2, and coincident with the 1999 approval of the Development Order the property was rezoned to a Mixed Use Planned Development (MPD). In the recent past, portions of the property have been utilized for mining and related activity. The mining, and related activity, will cease on any portion of the property under active development. The 534 +/- acre addition was initially zoned AG-2, but was rezoned to MPD coincident with the Second DRI Development Order Amendment. The 12+/- acres were located in the original 1,271.12+/- acres. With the sale of the 12+/- acres the original parcel will total 1,259.12+/- acres.
- D. The AMDA went through sufficiency and a report and recommendation were issued. The application was put on hold, then reduced to an Application for Development Approval (ADA). The ADA for Miromar Lakes is consistent with the requirements of Section 380.06, Florida Statutes. The project went through two sufficiency rounds and the Developer exercised its right to refuse participation in further rounds.
- E. The development is not located in an area designated as an Area of Critical State Concern under the provision of Section 380.05, Florida Statutes.
- F. The development does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan. The development is consistent with the State Comprehensive Plan if it is developed in accordance with the development parameters and conditions of approval set forth in this development order.
- G. The development has been reviewed by the Southwest Florida Regional Planning Council (SWFRPC) and is the subject of reports and recommendations adopted by that body on December 17, 1998 and June 21, 2001. The SWFRPC report and recommendations were subsequently forwarded to Lee County pursuant to Section 380.06, Florida Statutes. The development, as proposed in the ADA and modified by this Development Order, is consistent with the reports and recommendations of the SWFRPC pursuant to Section 380.06(11), Florida Statutes.

- H. The development, as conditioned, is located in, and is consistent with, the University Community, "Conservation Lands - Uplands", and "Conservation Lands- Wetlands" future land use categories.
- I. The conditions set forth below meet the criteria found in Section 380.06(15)(d), Florida Statutes.
- J. The Phase II and build out dates were extended by three years to 2012 and 2017 respectively pursuant to House Bill 7203, which amended Florida Statutes, Section 380.06(19)(c).
- K. Senate Bill 360 (SB360), as signed into law by the Governor of the State of Florida on June 1, 2009 (codified as a note to F.S. §§373.414 and 380.06) provided a statutory two-year extension to build out dates expiring between September 1, 2008 through January 1, 2012. The Board of County Commissioners recognized the statutory extension in Lee County Resolution 09-06-22, adopted on June 23, 2009,

In accord with SB 360, Miromar Lakes DRI qualified for a two-year extension of its build out date from December 31, 2011 to December 31, 2013. Under Lee County Resolution 09-06-22, concurrency is also extended to December 31, 2013, consistent with the build out extension. Under SB 360, the two-year extension does not constitute a substantial deviation of the original development order approvals warranting further DRI review.

- L. House Bill 7207 (HB7207), as signed into law by the Governor of the State of Florida on June 2, 2011 (as codified in Chapter 2011-139, Laws of Florida) authorized a four year extension for all valid DRI Development Orders. At the option of the developer, all commencement, phase, buildout and expiration dates for valid Developments of Regional Impacts may be extended by four years regardless of previous extensions issued in the past.

In accord with HB 7207, Miromar Lakes DRI qualified for the four-year extension of its build out date from December 31, 2020 to December 31, 2024. Under Lee County Resolution concurrency is also extended to December 31, 2024, consistent with the build out extension. Under HB 7207, the extension of the DRI's compliance dates does not constitute a substantial deviation and cannot be considered in the future in determining whether there has been a substantial deviation of the original development order approvals warranting further DRI review.

In accordance with SB2156, and Emergency Orders 12-140, 120192, 120217, 120199, Miromar Lakes DRI qualified for the extension of its build out date from December 31, 2024 to April 3, 2028. Under Lee County Resolution concurrency is also extended to April 3, 2028, consistent with the build out extension. The extension of the DRI's compliance date does not constitute a substantial deviation



and cannot be considered in the future in determining whether there has been a substantial deviation of the original development order approvals warranting further DRI review. [Miromar Lakes DRI qualified for additional extensions placing the buildout date and Termination Dates as September 4, 2050 and September 2, 20255 respectively.](#)

## II. ACTION ON THE REQUEST AND CONDITIONS OF APPROVAL.

NOW THEREFORE, be it resolved by the Board of County Commissioners of Lee County, Florida, in a public meeting duly advertised, constituted and assembled ~~June 18, 2014~~[June 7, 2023](#), the ~~Eighth~~[Ninth](#) Amendment to the Miromar Lakes Development of Regional Impact is hereby approved subject to the conditions, restrictions and limitations that follow. For the purpose of this Development Order, the term "Developer" refers to Miromar Lakes, L.L.C., and includes all of its successors or assigns, and all references to County Ordinances or other regulations including future amendments.

### A. AFFORDABLE HOUSING.

The Applicant conducted a survey in accordance with an approved methodology to determine whether a sufficient number of affordable housing units are available to meet the demands of the projected, non-construction, permanent employees of Phase I of the Project. The survey results demonstrated there was no unmet demand through build out of Phase I.

### B. ENERGY.

The Developer will utilize the energy conservation measures outlined in the ADA.

### C. STORM WATER MANAGEMENT.

1. The Developer has obtained an Environmental Resource Permit (ERP) from South Florida Water Management District (SFWMD) - Permit No. 951122-7 Miromar Lakes. Prior to construction, the Developer must provide Lee County Development Services with a copy of the ERP, and any early work permit. The Developer must provide Lee County Development Services Division with a copy of all amendments to the ERP that include property that was not a part of the original application.

2. The Developer, Property Owner's Association, Uniform Community Development District (UCDD), or other entity with operational responsibility for the surface water management system must comply with Class III water quality standards for all water discharged into the lakes generally referred to as the north and south mining lakes.

3. The Developer must incorporate best management practices (BMPs) into the surface water management plans submitted to SFWMD. The Developer must also

utilize BMPs during construction for control of erosion and sediment. These practices will be identified on the aforementioned plans submitted to SFWMD, and other agencies with jurisdiction.

4. The first habitable floor of all structures must be at or above the 100-year flood elevations. The 25-year/three-day storm event must be used in computing off-site discharge rates, taking into account the backwater elevations along on-site flowways.

5. The Developer must obtain a SFWMD permit for dewatering activities as required by Sections 2.5 and 5.2.2 Dewatering, Basis of Review (water use).

6. Upon completion of construction and stabilization of side slopes, the Developer must remove all silt barriers, hay bales, anchor soil, and accumulated silt.

7. The Developer must establish a legal operating entity in accordance with the SFWMD Basis of Review and Lee County Land Development Code (LDC), to maintain all internal storm water management lakes, ditches, and wetlands. The same condition applies to that portion of the north and south mining lakes under the ownership and control of the Developer. Easements, common areas or other legal mechanisms may be utilized to ensure sufficient access to the storm water management areas.

8. Where applicable, the storm water management plan submitted to SFWMD must consider measures to reduce runoff rates and volumes, including, but not limited to, fixed control structures, perforated pipes, and grass swale conveyances. The Developer must use swales rather than closed systems whenever practical.

9. The Developer must create littoral zones along the shoreline banks of the storm water management system consistent with the requirements of SFWMD and Lee County. The littoral zones must consist of native emergent or submergent aquatic vegetation. The Developer must ensure, by supplemental replanting if necessary, at least 80 percent cover by native aquatic vegetation within the required littoral zones.

10. The surface water management system design must incorporate natural flowway corridors and restore impacted natural flow way corridors.

(a) Storm water run-off must be pre-treated consistent with the South Florida Water Management District permit prior to discharging the run-off into existing lake or wetland (any aquatic) systems.

(b) The development must maintain the function and integrity of the Stewart Slough, the natural flowway being restored through the South Florida Water Management District's ERP, contained within the boundaries of this DRI.



Flowways are precluded from being primary surface water treatment areas.

11. The Developer, or the legal operating entity, must perform annual inspections of the project's on-site storm water management system to ensure that the system is maintained in accordance with the final approved design.
12. The Developer must meet all Army Corps. of Engineers, Department of Environmental Protection, South Florida Water Management District, and Lee County requirements regarding the impact of the proposed storm water management system on state or federally listed plants or animal species occurring on-site. When required by federal, state, or local permits, the Developer will provide mitigation for those impacts.
13. The Developer must vacuum sweep all commercial streets and parking areas within the development on a regularly scheduled basis.
14. When required by SFWMD in accordance with Section 5.2.2, Basis of Review (E.R.P.), the Developer must provide at least one-half inch of dry pre-treatment (retention or detention), or an equivalent alternative, for commercial and industrial uses.
15. The Developer must participate in any Countywide storm water management system adopted by Lee County that directly benefits the development, under the same fiscal terms and conditions applicable to other benefitted properties.
16. As part of the routine maintenance of the project, the Developer must:
  - (a) mow grassed storm water management areas;
  - (b) remove accumulated debris within treatment areas;
  - (c) replace all identifiable erosion to banks; and
  - (d) remove noxious exotic vegetation that may potentially interfere with the proper function of the treatment areas.
17. The Developer must inspect, clean and repair all under-drain systems and grease baffles on a regular basis. The period between inspections may not exceed eighteen months.
18. The storm water management system must be designed to ensure that the quality and quantity of the water entering the wetlands is adequate to ensure the wetland survivability. The impact of the storm water management system on the wetland mitigation areas will be evaluated by the SFWMD during the ERP process.

19. All individual tenants or residents must comply with applicable laws and regulations regarding the management and use of hazardous materials.
20. Golf Course:
  - (a) Prior to development order approval for the first 18-hole golf course, the developer must conduct a pre-development groundwater and surface water analysis and submit the analysis to the County. This analysis is intended to establish baseline data for groundwater and surface water monitoring for the project area. The analysis must be designed to identify those nutrients and chemicals that are anticipated to be associated with the project. Prior to commencing this baseline study, the developer must submit the methodology for review, comment, and approval by the County.
  - (b) The developer must submit an annual monitoring report of surface water quality on the first 18-hole golf course for a period of five years from the issuance of the certificate of completion for the golf course, or the last violation, if any, of Chapter 62-302, F.A.C. water quality standards. The monitoring program will include: testing to assess whether there are any herbicide, pesticide or fertilizer pollution of the water at the project's outfall locations, which are the south mining lake, the Stewart Cypress Slough, and the north headwaters of Estero River. The developer will submit the test results with the monitoring report. The monitoring program will be established and operated at the expense of the developer, or other comparable legal entity charged with the legal responsibility of managing the golf course. This plan will be evaluated in accordance with the directives of Chapter 62-302, F.A.C., water quality standards.
21. If groundwater or surface water pollution occurs, as that term is defined by the rules or regulations in effect at the time, and if the pollution is caused by the application of fertilizers, herbicides or pesticides to the golf course, the application of the pollutant must cease until there is a revised management plan for the application of the pollutant. A determination that the application of fertilizers, herbicides or pesticides to the golf course are the cause and source of the pollution must be based on competent and substantial evidence. If mitigation is necessary to address the pollution, a mitigation plan approved by Lee County and other appropriate agencies will be implemented by the developer.



## D. TRANSPORTATION

### 1. Significant Impacts

#### (a) Assessment Parameters

The traffic impact assessment for the project assumes the following development parameters:

|                                                                                                | Phase I (2004)                | Buildout (2028)                |
|------------------------------------------------------------------------------------------------|-------------------------------|--------------------------------|
| Residential                                                                                    |                               |                                |
| Single Family (ITE LUC 210)                                                                    | 314 D.U.                      | <del>700</del> 1,592 D.U.      |
| Multi-Family                                                                                   | 1,100 D.U. Total              | <del>1,900</del> 1,474 D.U.    |
| Total Apartments (LUC 220)                                                                     | 200 D.U.                      | 200 D.U.                       |
| Residential Condominiums (LUC 230)                                                             | 900 D.U.                      | <del>1,700</del> 1,274 D.U.    |
| Non-Residential                                                                                |                               |                                |
| --Service/Office (LUC 710)                                                                     | <del>400</del> 25,000 sq. ft. | <del>340</del> 25,000 sq. ft.  |
| --General Retail (LUC 820)                                                                     | 160,000 sq. ft.               | <del>250</del> 125,000 sq. ft. |
| --Hotel (LUC 310)                                                                              | 350 rooms                     | <del>450</del> 150 rooms       |
| <del>--Industrial/R &amp; D (LUC 760)</del>                                                    | <del>-0 sq. ft.</del>         | <del>40,000 sq. ft.</del>      |
| --Golf Course (LUC 430)                                                                        | <del>36</del> 18 holes        | <del>36</del> 18 holes         |
| <br>--Community Use (LUC 495)<br>(Golf Clubhouse)                                              | <br>20,000 sq. ft.            | <br>20,000 sq. ft.             |
| --Beach Park (LUC 415)<br>(Including a Beach Clubhouse for use of residents and their guests.) | <br>10 acres                  | <br>10 acres                   |

The above parameters form the basis for the project impacts and mitigation requirements contained herein. The assumed land uses associated with the general parameters are identified by the Land Use Code (LUC) from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 6th Edition. While approved zoning categories may allow a wider range of uses, from a DRI standpoint, the project impacts are based on the above parameters and assumed uses. Any significant change in the assumed uses or mix of uses will require a re-evaluation of the DRI transportation impacts. A significant change is one that would increase the external project traffic by five (5) percent or more **or** that would significantly change the projected distribution and assignment of project traffic, so as to result in additional significantly and adversely impacted roadway links. The overall traffic at the project entrances based on the above parameters is estimated to be 3,931 p.m. peak hour trips.

#### (b) Phase I Impacts

The assessment indicates that the significantly impacted roadways and intersections described below were anticipated to be operating below acceptable levels of service at the end of Phase I (2004):

| <u>Roadways</u>                                                                                             | <u>Needed Improvement</u>                                                     |
|-------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| Alico Road                                                                                                  |                                                                               |
| --U.S. 41 to Seminole Gulf Railway                                                                          | Widen to six (6) lanes*                                                       |
| --I-75 to Ben Hill Griffin Parkway                                                                          | Widen to six (6) lanes                                                        |
| <i>* or realignment/interchange as part of Metro Parkway extension (6 lanes), US 41 to Six Mile Parkway</i> |                                                                               |
| <u>Intersections</u>                                                                                        |                                                                               |
| Alico Road/Three Oaks Parkway                                                                               | Add 2 <sup>nd</sup> NB left, 2 <sup>nd</sup> WB left, 2 <sup>nd</sup> SB left |
| Alico Road/Project Entrance                                                                                 | Intersection Improvements                                                     |
| Ben Hill Griffin Parkway/Alico Road                                                                         | Add 2 <sup>nd</sup> NB left                                                   |
| Ben Hill Griffin Parkway/Project Entrances                                                                  | Intersection Improvements                                                     |
| Ben Hill Griffin Parkway/Corkscrew Road                                                                     | Signalization, add 2 <sup>nd</sup> EB left, 2 <sup>nd</sup> SB left           |
| US 41/Alico Road                                                                                            | Add 2 <sup>nd</sup> WB right, 3 <sup>rd</sup> SB left                         |

The intersection improvements include geometric improvements, such as turn lanes and signalization when warranted. The Developer will be fully responsible for improvements needed at the project entrances that are deemed site-related (See Paragraph D.4). The intersections are addressed in the overall proportionate share calculation. As noted above, however, site-related needs at the project entrances are not addressed in the proportionate share calculation.

(c) Buildout Impacts

The assessment indicated that the significantly impacted roadways and intersections described below were anticipated to be operating below acceptable levels of service at the end of buildout (2009<sup>2</sup>):

| <u>Roadways</u>                    | <u>Needed Improvement</u> |
|------------------------------------|---------------------------|
| Alico Road                         |                           |
| --U.S. 41 to Seminole Gulf Railway | Widen to six (6) lanes    |
| --Lee Road to I-75                 | Widen to eight (8) lanes  |
| --I-75 to Ben Hill Griffin Parkway | Widen to six (6) lanes    |

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<sup>2</sup> The build out date of the Miromar DRI was extended to 2020. However, the transportation analysis was conducted assuming a build out date of December 31, 2009. For this reason, the reference to 2009 was not amended in this paragraph.

|                                                                    |                            |
|--------------------------------------------------------------------|----------------------------|
| Ben Hill Griffin Parkway<br>--T&T Entrance to Alico Road           | Widen to six (6) lanes     |
| Corkscrew Road<br>--Three Oaks Parkway to Ben Hill Griffin Parkway | Widen to six (6) lanes     |
| Daniels Parkway<br>-- Metro Parkway to Six Mile Cypress Parkway    | Widen to eight (8) lanes   |
| --Six Mile Cypress Parkway to Fiddlesticks Boulevard               | Widen to ten (10) lanes    |
| --Fiddlesticks Boulevard to I-75                                   | Widen to eight (8) lanes   |
| U.S. 41<br>-- Coconut Road to Williams Road                        | Widen to six (6) lanes     |
| --Alico Road to Six Mile Cypress Parkway                           | Alternate facility needed* |

*\*Metro Parkway extension (six (6) lanes), US 41 to Six Mile Parkway*

#### Intersections

|                                            |                                                                                                                    |
|--------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| Alico Road/Oriole Road                     | Add 2 <sup>nd</sup> WB left, signalization                                                                         |
| Alico Road/Three Oaks Parkway              | Add 3 <sup>rd</sup> EB left, 3 <sup>rd</sup> NB through<br>3 <sup>rd</sup> SB through                              |
| Alico Road/I-75 East Ramp                  | Add 2 <sup>nd</sup> WB left, 2 <sup>nd</sup> NB left                                                               |
| Alico Road/Project Entrance                | Intersection Improvements                                                                                          |
| Ben Hill Griffin Parkway/Alico Road        | Add 3 <sup>rd</sup> NB left, 3 <sup>rd</sup> SB<br>through, 3 <sup>rd</sup> WB through, 2 <sup>nd</sup><br>EB left |
| Ben Hill Griffin Parkway/Project Entrances | Intersection Improvements                                                                                          |
| Ben Hill Griffin Parkway/Corkscrew Road    | Add 2 <sup>nd</sup> EB left, 2 <sup>nd</sup> NB left,<br>2 <sup>nd</sup> SB left                                   |
| Corkscrew Road/Three Oaks Parkway          | Add 2 <sup>nd</sup> EB left                                                                                        |
| US 41/Alico Road                           | Add 3 <sup>rd</sup> SB left                                                                                        |

The intersection improvements include geometric improvements, such as turn lanes and signalization when warranted. The Developer will be fully responsible for improvements needed at the project entrances that are deemed site-related (see Paragraph D.4). The intersections are addressed in the overall proportionate share calculation. As noted above, however, site-related needs at the project entrances are not addressed in the proportionate share calculation.

The amended traffic assessment conducted for the Fifth Amendment to the development order indicated that the significantly impacted roadways described below will be operating below acceptable levels of service at the end of buildout in 2028.



| <u>Roadways</u>                                                             | <u>Needed Improvement</u> |
|-----------------------------------------------------------------------------|---------------------------|
| Ben Hill Griffin Parkway<br>-- Miromar Lakes Entrance to College Club Drive | Widen to six (6) lanes    |

2. Mitigation

(a) Phase I Proportionate Share

The total proportionate share obligation to mitigate the Phase I transportation impacts on the non site-related roads and intersections set forth in Paragraph D.1.b. above is estimated to be \$1,270,796 in 1999 dollars. The Phase I road impact fees anticipated to be generated by the project based on the development parameters set forth in Paragraph D.1.a and under the current County road impact fee schedules are \$3,171,928, or \$1,901,132 more than the Phase I proportionate share obligation.

(b) Buildout Proportionate Share

The total proportionate share obligation to mitigate the build out transportation impacts on the non-site related roads and intersections set forth in Paragraph D.1.c. above is estimated to be \$10,914,866 in 1999 dollars. The total road impact fees anticipated to be generated by the project through buildout based on the development parameters set forth in Paragraph D.1.a. and under the current County road impact fee schedules are \$5,686,010. The proportionate share obligation is approximately \$5,228,856 more than impact fees in 1999 dollars.

(c) Traffic Mitigation

The Developer must mitigate its overall project traffic impacts through the payment of the entire project proportionate share obligation of \$10,914,866 for project buildout. The details of this payment must be established in a Local Government Development Agreement executed pursuant to Section 163.3220, Florida Statutes, and Chapter 2, Article III of the Lee County Land Development Code. The Developer must submit to Lee County a Development Agreement within 90 days of the effective date of this DRI Development Order.

Generally, the payment is to be accomplished in the following manner:

Within 120 days of the effective date of this DRI Development Order, the Developer must deliver as Maker a promissory note, payable to Lee County, in the original principal amount of \$10,914,866.00, representing the entire proportionate share obligation. The note will provide for payment of the

entire amount to be paid the County before December 30, 2005. Additionally, the note must provide for interest to be paid at a rate of 7.4 percent on the unpaid balance of the proportionate share assessment.

The promissory note will provide for payments of principal as follows:

The first principal installment will be in the amount of the Phase I impact fee obligation, \$3,171,928.00, and will be due and payable on or before the earlier of one year from the date of final DRI Development Order approval or the date of the issuance of the first building permit for vertical construction. However, some development such as the golf course, golf clubhouse, information/sales center/model center, and beach club may proceed prior to the first payment. That development will be required to pay road impact fees at the time permits are received. Impact fee payments will be deducted from the first principal payment;

The second principal installment in the amount of \$6,000,000.00, will be due and payable on December 30, 2002;

The final payment of principal in the amount of \$1,742,938.00, will be due and payable December 30, 2005.

Interest will be payable on December 30<sup>th</sup> of each year beginning December 30, 2000 and continuing until the promissory note is paid in full. Upon payment of the six million dollar principal payment prior to December 30, 2002, the 2002 interest payment will be based on the remaining principal balance of \$1,742,938.00. Each payment will be in the amount of all accrued and unpaid interest to the date thereof. Except for the year 2002, the amount of interest accrued will be based on the daily principal balance outstanding during the preceding year. The applicable interest rate will be equal to 7.4 percent. Interest payments are due and owing on December 30<sup>th</sup> of each calendar year. All prepayments of principal shall be credited to the next installment(s) due. All interest payments will be deposited in the District 3 impact fee account.

The Developer may choose to provide certain improvements such as the right-of-way for Koreshan Boulevard Extension along the south property line for Miromar Lakes or the six-laning of Ben Hill Griffin Parkway in exchange for credits against the overall payment obligation. These improvements are subject to concurrence by Lee County DOT on their scope and timing, and the contributions will be treated as prepayments of principal. Dedication of the Koreshan Boulevard Extension right-of-way will be valued consistent with the provisions of the Lee County Land Development Code, based on the date prior to DRI Development Order approval.

The portion of the payment in lieu of impact fees, estimated at \$5,686,010.00, will be treated as impact fees as outlined in the Lee County Land Development Code and deposited in the District 3 impact fee account. Cash payments above and beyond those in lieu of impact fees will be applied by Lee County toward the following improvements and in the following priority:

The list of significantly and adversely impacted roads and intersections from Paragraphs D.1.b and D.1.c.

Other non-site related roadway improvements benefitting Miromar Lakes.

(d) Concurrency

1. If the development agreement and promissory note specified in Paragraph D.2.c. above are provided as described and in the time frames noted, the Miromar Lakes DRI will be granted a concurrency certificate for buildout of the project, that is, the certificate will be valid until the project completes the buildout development parameters specified in Paragraph D.1.a. or December 31, 2028, whichever is sooner. Thereafter, further development of the project will be subject to the Concurrency Management System, unless the concurrency certificate is extended as provided in Condition D.2.d.2 below. Under the payment schedules identified above, the Developer will not be required to pay road impact fees at the building permit stage, except as previously noted for that limited development that may occur prior to the first payment. If the payments are not made as described, then no further building permits will be issued until the Developer makes the payment. Concurrency vesting is contingent on the payment schedule and amounts set forth in Paragraph D.2.c. The proportionate share required herein was paid in full and the project will not lose its vested status and will not be subject to the County's Concurrency Management System for all future development as long as the development is constructed within the adopted development parameters. The Developer will have a 15 day grace period following the due date for each payment within which to make the required payment without affecting the concurrency vesting.
2. In 2010, the developer filed a Notice of Proposed Change that resulted in a fifth amendment to the DRI development, which permitted an extension of the project buildout to December 31, 2020, extended the concurrency certificate in Condition II.D.2.d.1. above to December 31, 2020, and provided a detailed traffic assessment to the Lee County Department of Transportation for review and approval.



If the developer files a Notice of Proposed Change that results in an extension of project build out beyond December 31, 2024 and the developer desires to extend the concurrency certificate in Condition D.2.d.1. above beyond 2024, the developer must provide a detailed traffic assessment to Lee County DOT for review and approval. The assessment must include, but not limited to, identifying the adjusted phasing, level of development anticipated for the revised phasing, estimated traffic impacts, needed improvements, and the project's proportionate share of those improvements.

The assessment will be a cumulative analysis of the project's traffic impacts. The County will provide credit against the recalculated proportionate share for all mitigation paid through the date of the new traffic assessment. The proportionate share payments previously made by the Developer will be adjusted to then current year dollars. This will be accomplished by increasing the principal amount paid by an amount equal to the increase as determined in the State Highway Bid Index for the State of Florida, published in the Engineering News Record. This increase will be expressed as a percentage and will be measured from the index published for the second quarter of 1999 to the index published in the then latest available edition. In no event may the adjustment result in a refund of money paid to the County. The assessment must identify mitigation for those roadway segments that are significantly and adversely impacted by cumulative project traffic at the extended build-out year in accordance with the Transportation Uniform Standard Rule in the Florida Administrative Code. Prior to conducting a reassessment analysis, the developer must attend a transportation methodology meeting with the County, and other review agencies as necessary, to establish the appropriate methodology.

The traffic assessment will be prepared by the developer following generally acceptable transportation planning procedures consistent with the standards in effect at the time. Additional mitigation, if any, resulting from the traffic assessment must be paid in a manner generally consistent with that of the original mitigation. For example, the development order and any corresponding development agreement must be amended to reflect the revised phasing and additional mitigation.

3. Amendments to Phasing Schedule

If the project phasing is expanded in the future, the phases must be limited to not more than five-year intervals and a new analysis will be required at the start of each phase.

4. Access and Site-Related Improvements

The Developer is fully responsible for its share of the following site-related roadway and intersection improvements: all intersection improvements, including signalization, turn lanes, deceleration lanes, and other improvements deemed necessary by the County Engineer and consistent with the Lee County Land Development Code for the project's access points onto Alico Road and Ben Hill Griffin Parkway. Site-related improvements are not eligible for credit against impact fees and are also ineligible for offset against the project's proportionate share obligation.

5. Biennial Transportation Monitoring Report

(a) Design of Monitoring Program

The transportation monitoring program will be designed in cooperation with the Lee County Department of Transportation, the Florida Department of Transportation (FDOT), the Southwest Florida Regional Planning Council (SWFRPC), and the Florida Department of Economic Opportunity (FDEO) prior to submittal of the first report. The methodology of the biennial transportation monitoring report may be revised if agreed upon by all parties.

(b) Submittal of Monitoring Report

The Developer must submit a biennial transportation monitoring report to the following entities for review and approval: Lee County Department of Transportation, FDOT, FDEO, and SWFRPC. Additionally, the Developer must provide a copy of the report to Florida Gulf Coast University (FGCU). The first monitoring report will be submitted one year after the effective date of the DRI Development Order. The Developer must provide written notice to the above review agencies if he concludes that a traffic monitoring report is not required because no traffic impacts have been created. Once an biennial transportation monitoring report has been submitted, a report must be submitted biennially thereafter until project buildout, whether actual or declared.

(c) Minimum Requirements for Report Contents

At a minimum, the monitoring report will measure the project's actual external roadway impacts and the level of service

conditions on the impacted roads and intersections, and determine the timing for needed improvements. The biennial traffic monitoring report must also contain the following information:

- 1) P.M. peak hour traffic counts with turning movements at the project's access points onto Alico Road and Ben Hill Griffin Parkway, and on the external road segments and intersections identified in Paragraph D.1.c.
- 2) A comparison of field measured project traffic volumes to the project trip generation assumed in the DRI analysis. The Developer will need to specify in the methodology how the internal interaction will be measured.
- 3) Estimated existing levels of service and needed improvements for the roads and intersections specified in Paragraph D.1.c. above.
- 4) Estimated future levels of service and needed improvements for the roads and intersections specified in Paragraph D.1.c. above, based on a one-year projection of future volumes.
- 5) A summary of the status of road improvements assumed to be committed by Lee County and FDOT as set forth below:

| <u>Roadways</u>                            | <u>Improvement</u> | <u>Construction Schedule</u> |
|--------------------------------------------|--------------------|------------------------------|
| Alico Road                                 |                    |                              |
| --US 41 to Seminole Gulf Railway           | four (4) lanes     | FY 98/99                     |
| --Seminole Gulf Railway to I-75 West Ramps | six (6) lanes      | FY 98/99                     |
| Corkscrew Road                             |                    |                              |
| --Sandy Lane to I-75                       | four (4) lanes     | FY 98/99                     |
| Three Oaks Parkway                         |                    |                              |
| --Alico Road to Daniels Parkway            | four (4) lanes     | FY 00/01                     |
| Treeline Avenue                            |                    |                              |
| --Alico Road to Daniels Parkway            | four (4) lanes     | FY 01/02                     |



|                                 |                    |                              |
|---------------------------------|--------------------|------------------------------|
| US 41                           |                    |                              |
| --Alico Road to Daniels Parkway | four (4) lanes     | FY 98/99                     |
| <u>Intersections</u>            | <u>Improvement</u> | <u>Construction Schedule</u> |
| I-75 Ramps/Alico Road           | Signalization      | FY 98/99                     |

(d) Implications

- 1) If the biennial transportation monitoring report reveals that the project trip generation exceeds the thresholds identified in 380.06(19)(b)15, Florida Statutes, then the statutory provisions regarding substantial deviations will govern. If the project is deemed to be a substantial deviation, the Developer must then undergo additional DRI review. This review must reanalyze the project impacts on the County road network in general, and specifically evaluate the potential project impacts on the roadway segments identified in Paragraph D.3 above.
- 2) Changes to development parameters or phasing may trigger the need to rebut the statutory presumption of substantial deviation. In some instances, the evidence necessary to rebut the presumption may involve the need for a comparison of project trip distribution and assignment.

6. Other

(a) Access to FGCU

The Developer has accommodated a second access to FGCU that connects to Ben Hill Griffin Parkway at STA 916+43.75, as contemplated in the FGCU Master Plan.

In addition, the Developer has accommodated two additional accesses to the FGCU campus from: 1) the southern project entrance off Ben Hill Griffin Parkway; and 2) the east boundary of the project as reflected on the DRI Master Plan (Map H) dated 02-14-2014.

(b) Access Locations and Movements

The transportation assessment was based on the access locations and movements identified in the DRI Master Plan (Map H) dated 12/23/09, printed by Miromar Development Corporation. Additional accesses may require further analysis by the Lee County Department of Transportation for the DRI.

(c) Pedestrian/Bicycle and Transit Facilities

The Developer will provide for pedestrian and bicycle facilities and bus stop locations in accordance with the attached Exhibit D.

(d) Access to Future 951

Future access to County Road 951 will be subject to the recommendations set forth in the PD&E for the roadway.

7. Land Use Conversion

The approved parameters, as specified in this Development Order, may be modified by the Developer without further amendment to this Development Order, subject to the conditions of Paragraph D.1.a. and as set forth below.

- (a) Single Family units can be converted to multi-family units, and multi-family units can be converted to single-family units and any type of multi-family unit and other unit types permitted under the zoning can be constructed as long as the conversion of residential unit types does not result in a significant change as that term is defined in paragraph D.1.a. The current ITE manual will be used to determine whether or not there is 5% or less increase in net new external p.m. trips. This conversion may occur without further DRI or substantial deviation review.
- (b) Office use may be converted to Research and Development (R&D) at a ratio of 1,000 square feet of Office to 1,100 square feet of Research and Development, unless the current ITE manual would require an adjustment to the conversion rate set forth herein. There is no limitation on the conversion of Office use to Research and Development (R&D) at the above ratio.
- (c) The amount of conversion must be reported as part of the subsequent biennial monitoring reports to the Southwest Florida Regional Planning Council, and the Department of Economic Opportunity.
- (d) Any other conversion must occur through the DRI amendment process.

8. Golf Cart Crossing

- (a) Any golf cart crossing of Ben Hill Griffin Parkway by the Miromar Lakes DRI must be grade-separated. At-grade golf cart crossings of Ben Hill Griffin Parkway are prohibited. The golf cart crossing must be elevated over Ben Hill Griffin Parkway.

- (b) The elevated golf cart crossing of Ben Hill Griffin Parkway was reviewed and approved by Lee County DOT. The review included issues such as structural requirements and adequate sight distances for Ben Hill Griffin Parkway. The Developer obtained a right-of-way permit from Lee County DOT and agreed to adequately maintain the structure within the right-of-way.

E. VEGETATION AND WILDLIFE/WETLANDS.

1. Where feasible and appropriate for bird usage, storm water management lakes must include draw-down pool features in littoral shelf slopes. These features will be reviewed as part of the ERP permit and will be considered because they favor use by wood storks and wading birds.
2. Identifiable impacts to the Florida panther habitat will be addressed through the Army Corps. of Engineers (ACOE) permitting process. The ACOE is consulting with U.S. Fish and Wildlife (USFWS) Service as part of the Section 7 consultation under the Endangered Species Act. The ACOE will evaluate, through the permitting process, the impacts to the Florida panther. The impact must be assessed in accordance with Section 404 Federal Register and Section 7 of the Endangered Species Act.

The panther mitigation for buildout of the development, as depicted on Map H, has been identified in the ACOE Permit #199507483 (IP-MN) and SAJ1995-07483 (IP-MN) Addition and South Florida Water Management District (SFWMD) Environmental Resource Permit (ERP) No. 36-03568-P, as modified. The 12.65 Panther Island Mitigation credits have been transferred and 548.0 acres (194.0 and 353.0 acre parcels) of off-site land for panther mitigation has been acquired by the applicant. The 353-acre parcel must be accepted by appropriate agencies and conservation easements as per ACOE and SFWMD permit condition requirements must be recorded over the 194.0 and 353.0 acre parcels.

3. The Big Cypress Fox Squirrel Management Plan, dated July 2, 1998, must be amended to:
  - (a) address the quantity and quality of the Big Cypress Fox Squirrel habitat to be protected, and
  - (b) to identify the entity that will be responsible for the perpetual maintenance of the habitat.

The afore-stated amendments to the Big Cypress Fox Squirrel Management Plan are subject to review and approval by Lee County, FDEO, and SWFRPC. Once approved, the management plan must be incorporated into this DRI Development Order. (9J-2.041 FAC)



4. The Developer must obtain an off-site relocation permit from the Florida Fish and Wildlife Conservation Commission (FWC) for gopher tortoises.
5. Where appropriate, the Developer must design internal roads that cross the Stewart Cypress and other strand areas to accommodate wildlife crossings of appropriate size for use by Florida panther and Florida black bear. Such size and design must correspond to the size and design set out in Condition 18 to the MPD.
6. Seventy-five (75) percent of the total number of required trees used in buffers and landscaping must be indigenous native varieties. Fifty percent (50%) of the total number of required shrubs used in buffers and landscaping must be indigenous native varieties. Where practicable, ecologically viable existing native vegetation should be incorporated into the landscape design. Xeriscaped landscape areas should not be irrigated after the initial start-up period, unless weather conditions and the survival of the areas require otherwise. Category 1 invasive exotic vegetation listed by the Florida Pest Plant Council may not be used for landscaping south of the main branch of the Stewart Cypress Slough (see Exhibit F attached hereto), except that *Ficus benjaminia* trees are permitted only along Ben Hill Griffin Parkway to screen the residential community and to carry forward the existing landscaping theme of the northern and western portions of the DRI.
7. The following management guidelines must be implemented to further reduce the potential for ground and surface water impacts from the golf course:
  - (a) The course must be planted with a turf grass cultivated variety having drought and pest resistant qualities and requiring relatively low fertilizer use;
  - (b) The irrigation system should operate on an "as needed" basis by the utilization of weather forecasting and ongoing assessment of the moisture content of the soil. It is not the intent of this provision to require the purchase or installation of high technology weather forecasting or rain monitoring equipment.
  - (c) Fertilizers with a low leaching potential (slow release) must be used whenever possible. Fertilizers may not be applied after active growth of the turf grass has ceased. Application rates must be kept to the lowest reasonable levels;
  - (d) To reduce sources of pollutants, especially nutrients and pesticides associated with the golf course, the golf course manager must implement a chemicals management plan which includes an integrated pest management (IPM) program and a nutrient

management program so that nutrients and pesticides are used only when absolutely necessary and only in the most conservative manner through minimal species-specific applications. The nutrient management program must include the use of soil tests to determine needed applications of nutrients. Only EPA-approved chemicals are permitted. Turf managed areas (including fairways, tees, and greens) are prohibited within 35 feet of the Conservation Areas (CO) shown on the Master Concept Plan for Miromar Lakes.

- (e) The golf course manager will coordinate the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients.
- (f) The Developer must employ a golf course manager licensed by the state to use restricted pesticides and experienced in the principles of IPM. The golf course manager will be responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer runoff into the surface water and the leaching of those same fertilizers into the groundwater.
- (g) The storage, mixing, and loading of fertilizer and pesticides will be designed to prevent/minimize the pollution of the natural environment. The golf course must comply with the publication "Best Management Practices for Golf Course Maintenance Departments, May 1995" published by the Florida Department of Environmental Protection.

#### 8. Golf Cart Crossing

- (a) Golf course crossing of the Stewart Cypress Slough must be grade-separated. At grade golf cart crossings of this Slough are prohibited.
- (b) At the time of final plan approval, all proposed elevated golf cart crossings of the Slough must be reviewed and approved by the Lee County Division of Environmental Sciences. The review will include, but is not limited to, the structural requirements of the crossing and function of the Slough.

- 9. The wetland mitigation for buildout of the development, as depicted on Map H, has been identified in the ACOE Permit #199507483 (IP-MN) and SAJ1995-07483 (IP-MN), and SFWMD ERP No. 36-03568-P, as modified. In addition to mitigation as discussed in Condition II.E.2., requirements include a minimum of 354.0 acres of on-site wetland and upland preservation, restoration and enhancement in substantial compliance with the areas delineated as conservation areas (CO) on Map H. If modifications to

Map H are proposed to include additional land and/or impacts to required conservation areas, then jurisdictional agency review is required. Should additional land be added to the DRI, the impacts to wetlands on the additional lands will be reviewed in accordance with the laws in effect at that time. The inclusion of additional land will not subject the wetland mitigation identified in ACOE Permit #199507483 (IP-MN) and SAJ1995-07483 (IP-MN) to additional review or changes unless the applicant proposes changes to the wetland impacts and/or the required wetland mitigation.

F. WASTEWATER MANAGEMENT/WATER SUPPLY.

1. The project must incorporate water conserving devices or methods, including low volume water use plumbing fixtures, self-closing or metered water faucets. The water conserving devices must meet the criteria outlined in the water conservation plan of the public water supply permit issued to Gulf Environmental Services (GES) by SFWMD.
2. The Developer must obtain Water Use Permits for water withdrawals for landscape irrigation. Permits may only be issued for applications that meet the SFWMD criteria in effect at the time of permitting. Permits must be received prior to construction of the irrigation system.
3. Prior to the commencement of construction, plans and specifications for the water and wastewater collection system must be reviewed by Gulf Environmental Services, in accordance with their adopted rules and regulations.
4. The Developer must design potable water facilities in accordance with the Lee County Land Development Code (LDC). The LDC will also govern the applicable design for domestic and fire flow.
5. The Developer must comply with the LDC provisions that require the availability of adequate water and wastewater at the time of local final Development Order approval. Potable water, wastewater collection and treatment, and eventually non potable water must be obtained from Gulf Environmental Services. If GES is unable to provide the service, the Developer must construct interim potable water and wastewater treatment facilities, or postpone development until GES has sufficient capacity. Interim facilities must be constructed to LDC standards, and must be dismantled at the Developer's expense upon connection to GES facilities.
6. If the Developer utilizes treated effluent for irrigation, the Developer must buffer the on-site lakes, preserved wetlands, and storm water management system from possible effluent contamination in accordance with applicable SFWMD regulations.



7. Temporary septic systems may be used in conjunction with the construction office, sales offices, and model homes. Temporary septic systems must be properly abandoned and removed by a licensed septic system firm when permanent or interim wastewater treatment facilities are operational. Permanent septic systems are permitted for golf course restrooms. All other septic systems are prohibited.
8. The Developer must use the lowest quality of water available and acceptable for all non-potable water uses. Potable water may not be utilized for non-potable uses if adequate and acceptable non-potable water is readily available.

G. COMPREHENSIVE PLAN CONSISTENCY.

1. Lee County may not issue a local Development Order unless the Development Order is consistent with the County's Comprehensive Plan, Land Development Code, University Window Overlay, Ben Hill Griffin Parkway Access Management Plan, and Concurrency Management System.
2. The proposed commercial development is limited to no more than ~~1,140,000~~ 150,000 square feet of commercial retail, and office, ~~hotel, and research and development~~ uses, and 150 hotel rooms. This includes commercial located within property designated as C1, C-S, and MU on Map H. All commercial ancillary uses are included in this limitation; no residential or recreational ancillary uses or parking structures serving commercial or residential development are included in this amount. If multiple local development orders are requested, it is the developer's responsibility to provide a cumulative total of square footage from previous development order approvals prior to the issuance of the requested local development order.

H. FIRE.

1. The Developer must address its fire and emergency services impacts through the payment of impact fees in accordance with the schedule set forth in the Lee County Land Development Code.
2. When required by Superfund Amendments Reauthorization Act (SARA) Title III, and the Florida Hazardous Materials Emergency Response and Community Right to Know Act of 1988, the Developer must file hazardous materials reports and updates.

III. LEGAL EFFECT AND LIMITATIONS OF THIS DEVELOPMENT ORDER AND ADMINISTRATIVE REQUIREMENTS.

- A. Resolution. This Development Order constitutes a resolution of Lee County adopted by the Board of County Commissioners in response to the DRI ADA filed for Miromar Lakes DRI.
- B. Additional Developer Commitments. All commitments and impact mitigating actions volunteered by the Developer in the ADA and supplementary documents that are not in conflict with conditions or stipulations specifically enumerated above are incorporated by reference into this Development Order. These documents include, *but are not limited to the following:*
1. The Alico AMDA filed September 13, 1990, as amended by The Miromar Lakes Development of Regional Impact ADA sufficiency response filed November 10, 1997.
  2. The Miromar Lakes DRI sufficiency responses, stamped received on:
    - January 16, 1991
    - April 2, 1991
    - July 10, 1991
    - November 17, 1997
    - March 27, 1998
    - July 6, 1998
  3. The Miromar Lakes Notice of Proposed Change as amended by subsequent submittals.
- C. Master Plan of Development. Map H, dated ~~February 14, 2014~~ April 14, 2023, is attached hereto as Exhibit C, and is incorporated by reference. The Developer may modify the boundaries of development areas and the location of internal roadways to accommodate topography, vegetation, market conditions, traffic circulation, or other site related conditions as long as the modification meets local development regulations. However, this provision may not be used to reduce the size of wetland preserve areas. Precise wetland boundaries will be determined by the South Florida Water Management District, as delegated by the Department of Environmental Protection and the Army Corps. of Engineers.
- D. Binding Effect. This Development Order is binding upon the Developer(s), and its assignees or successors in interest. Where the Development Order refers to lot owners, business owners or other specific references, those provisions are binding on the entities or individuals referenced. Those portions of this Development Order that clearly apply only to the project Developer are binding upon any builder/Developer who acquires a tract or parcel of land within the DRI. The

Developer may impose or pass on the requirements of this DRI DO to ultimate purchasers through covenants that run with the land.

- E. Reliance. The terms and conditions and phasing schedule set out in this Development Order constitute a basis upon which the Developer and the County may rely in future actions necessary to fully implement the final development contemplated by this Development Order. The development parameters and phasing schedule upon which this Development Order approval is based is set forth in Exhibit B. Changes to the development mix or phasing schedule may require a reanalysis of project impacts in order to rebut a presumption of substantial deviation.
- F. Enforcement. All conditions, restrictions, stipulations and safeguards contained in this Development Order may be enforced by either party by action at law or equity. The cost of those proceedings, including reasonable attorney's fees, will be paid by the defaulting party.
- G. Successor Agencies. References to governmental agencies will be construed to mean future instrumentalities that may be created and designated as successors in interest to, or which otherwise possess the powers and duties of the referenced governmental agencies in existence on the effective date of this Development Order.
- H. Severability. If any portion or section of this Development Order is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, that decision will not affect the remaining portions or sections of the Development Order, which will remain in full force and effect.
- I. Applicability of Regulations. This Development Order does not negate the Developer's responsibility to comply with federal, state, regional and local regulations.
- J. Further Review. Subsequent requests for local development permits do not require further DRI review pursuant to Section 380.06, Florida Statutes. However, upon a finding by the Board that any of the following conditions exist, the Board must order a termination of all development activity in that portion of the development affected by the substantial deviation until a DRI Application for Development Approval, Notice of Substantial Deviation or Notice of Proposed Change has been submitted, reviewed and approved in accordance with Section 380.06, Florida Statutes.
  - 1. There is a substantial deviation from the terms or conditions of this Development Order or other changes to the approved development plans that create a reasonable likelihood of adverse regional impacts or other regional impacts that have not been evaluated in the review by the Regional Planning Council; or



2. Expiration of the period of effectiveness of the Development Order. Any request to extend the effectiveness of this Development Order will be evaluated based on the criteria for the extension of the buildout date set forth in Section 380.06(19), Florida Statutes.
  3. Conditions in the development order that specify circumstances in which the development will be required to undergo additional DRI review. See 9J-2.025(10).
- K. Commencement of Physical Development. Substantial physical development of the project occurred no later than December 31, 2000. Further development must occur in accordance with the development parameters and phasing schedule set forth in Exhibit B.
- L. Buildout and Termination Dates. The project has a buildout date of ~~April 3, 2028~~September 4, 2050, and a termination date of ~~April 3, 2033~~September 2, 2055. No permits for development will be issued by the County subsequent to the termination date or expiration date unless the conditions set forth in Section 380.06(15)(g) are applicable.
- M. Assurance of Compliance. The administrative director of the Lee County Department of Community Development, or their designee, will be the local official responsible for assuring compliance with this Development Order. Lee County is primarily responsible for monitoring the development and enforcing the provisions of the development order. No permits or approvals will be issued if the developer fails to act in substantial compliance with the development order.
- N. Credits Against Local Impact Fees. Pursuant to Chapter 380.06(16), the Developer may be eligible for credits for contributions, construction, expansion, or acquisition of public facilities, if the Developer is also subject by local ordinances to impact fees or exactions to meet the same needs. However, no credit will be provided for internal on-site facilities required by County regulations or to any off-site facilities to the extent those facilities are necessary to provide safe and adequate services to the development.
- O. Protection of Development Rights. Assuming the project can comply with the County's Concurrency Management Program at the time development permits are requested, the project will not be subject to down-zoning, unit density reduction, intensity reduction or prohibition of development until December 30, 2030. If the County demonstrates at a public hearing that substantial changes have occurred in the conditions underlying the approval of this Development Order, or finds that the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by Lee County to be essential to public health, safety and welfare, then down-zoning

unit density reduction or prohibition of development may occur. [See 9J-2.025(3)(b)13]

- P. Biennial Reports. The Developer must submit a report biennially to the Lee County Department of Community Development, the SWFRPC and Florida DEO on Form RPM-BSP-Annual Report-1. The content of the biennial report must include the information set forth in Exhibit E, and must also be consistent with the rules of the FDCA. The first monitoring report must be submitted to the DRI coordinator for SWFRPC, FDEO, and Lee County not later than one year after the effective date of this Development Order. Further reporting must be submitted not later than two years from the previously submitted report, until buildout, whether actual or declared. Failure to comply with this biennial reporting procedure is governed by Section 380.06(18), Florida Statutes, which provides for the temporary suspension of the DRI Development Order.

The Developer must file the biennial monitoring reports until actual or declared buildout of the project. Miromar Lakes, L.L.C., is the party responsible for filing the biennial monitoring reports until one or more successor entities are named in the development order. The Developer must inform successors in title to the undeveloped portion of the real property covered by this Development Order of the biennial reporting requirement. Tenants or owners of individual lots or units have no obligation to comply with this reporting condition.

The Developer must also submit a transportation biennial report in accordance with the provisions set forth in Section II.D. of this development order.

- Q. Community Development District. The Developer elected to petition for the formation of a Uniform Community Development District to serve all or a portion of the project pursuant to Florida Statutes Chapter 190, as it may be in effect from time to time. Lee County hereby gives its approval that any such district may undertake the construction and/or funding of all or any of the mitigation and public infrastructure projects for which the Developer is responsible under the terms of this development order, whether within or without the boundaries of the district, and including the payment of mitigation amounts provided for in this development order, as a co-obligor hereunder. This provision shall not be construed to require the approval of any petition to form such a district, and in no event shall the Developer be released from its obligations under this Development Order.

- R. Transmittal and Effective Date. The County will forward certified copies of this Development Order to the SWFRPC, the Developer, and appropriate state agencies. This Development Order is rendered as of the date of that transmittal. In accordance with the requirements of Section 380.06(15)(f), Florida Statutes, once this development order is effective, the Developer must record notice of its adoption in the office of the Clerk of the Circuit Court of Lee County. The FDEO

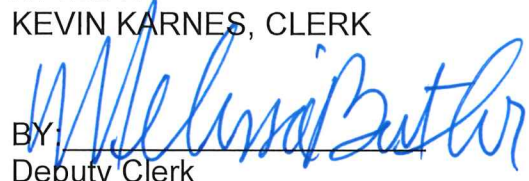
and the SWFRPC offered no objections within 45 days after the application was submitted, and therefore have no ability to appeal the amended DRI DO.

Commissioner Greenwell made a motion to adopt the Eighth Development Order Amendment, seconded by Commissioner Ruane. The vote was as follows:

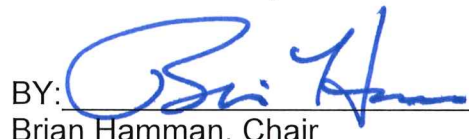
|                     |     |
|---------------------|-----|
| Kevin Ruane         | Aye |
| Cecil L Pendergrass | Aye |
| Raymond Sandelli    | Aye |
| Brian Hamman        | Aye |
| Mike Greenwell      | Aye |

DULY PASSED AND ADOPTED this 7<sup>th</sup> day of June 2023.

ATTEST:  
KEVIN KARNES, CLERK

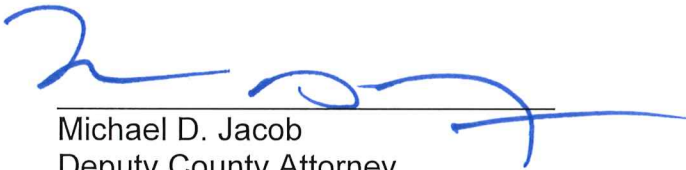
BY:   
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY:   
Brian Hamman, Chair



APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY

  
Michael D. Jacob  
Deputy County Attorney  
County Attorney's Office

Exhibits:

- A. Legal Description
- B. Development Parameters and Phasing Schedule
- C. Map H dated April 14, 2023
- D. Pedestrian and Bicycle Facilities and Bus Stop Locations
- E. Biennial Monitoring Report Requirements
- F. Invasive exotic vegetation listed by Florida Pest Plant Council





950 Encore Way • P.O. Box 111629 • Naples, Florida 34108 • Phone: 239.254.2000 • Fax: 239.254.2098

HM PROJECT #2000106X  
7/25/2011  
REF. DWG. #A-1583-1  
PAGE 2 OF 2

#### LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTIONS 10, 11, 14, 15 AND 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.89°44'39"W., ALONG THE SOUTH LINE OF SAID SECTION 23, FOR A DISTANCE OF 651.54 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BEN HILL GRIFFIN PARKWAY (A.K.A. TREELINE DRIVE), A 150.00 FOOT WIDE RIGHT-OF-WAY, RECORDED IN O.R. BOOK 2745, PAGES 1550 THROUGH 1554 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N.89°44'39"W. ALONG THE SOUTH LINE OF SAID SECTION 23, FOR A DISTANCE OF 2,921.79 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75; THENCE RUN N.18°17'51"W. ALONG THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75, FOR A DISTANCE OF 955.62 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75 AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 17,026.80 FEET, THROUGH A CENTRAL ANGLE OF 04°04'42", SUBTENDED BY A CHORD OF 1,211.72 FEET AT A BEARING OF N.16°15'30"W., FOR A DISTANCE OF 1,211.97 FEET TO THE END OF SAID CURVE; THENCE RUN N.14°13'09"W. ALONG THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75, FOR A DISTANCE OF 9,126.68 FEET; THENCE RUN N.76°08'54"E., FOR A DISTANCE OF 527.61 FEET; THENCE RUN N.79°14'37"E., FOR A DISTANCE OF 501.77 FEET; THENCE RUN N.84°36'26"E., FOR A DISTANCE OF 384.54 FEET; THENCE RUN S.85°27'53"E., FOR A DISTANCE OF 381.51 FEET; THENCE RUN S.74°31'06"E., FOR A DISTANCE OF 209.92 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS S.69°47'11"E., A DISTANCE OF 3,075.00 FEET THEREFROM; THENCE RUN SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,075.00 FEET, THROUGH A CENTRAL ANGLE OF 23°44'14", SUBTENDED BY A CHORD OF 1,264.85 FEET AT A BEARING OF S.08°20'42"W., FOR A DISTANCE OF 1,273.94 FEET TO THE END OF SAID CURVE; THENCE RUN S.03°31'24"E. ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY, FOR A DISTANCE OF 3,887.79 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,000.00 FEET, THROUGH A CENTRAL ANGLE OF 20°33'03", SUBTENDED BY A CHORD OF 713.52 FEET AT A BEARING OF S.13°47'56"E., FOR A DISTANCE OF 717.36 FEET TO THE END OF SAID CURVE; THENCE RUN S.24°04'27"E. ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY, FOR A DISTANCE OF 1,593.09 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHEASTERLY; THENCE RUN SOUTHEASTERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,875.00 FEET, THROUGH A CENTRAL ANGLE OF 31°16'49", SUBTENDED BY A CHORD OF 1,550.16 FEET AT A BEARING OF S.39°42'52"E., FOR A DISTANCE OF 1,569.58 FEET TO THE END OF SAID CURVE; THENCE RUN S.55°21'16"E. ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY, FOR A DISTANCE OF

#### EXHIBIT A

HM PROJECT #2000106X  
7/25/2011  
REF. DWG. #A-1583-1  
PAGE 2 OF 2

1,684.71 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN SOUTHEASTERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,325.00 FEET, THROUGH A CENTRAL ANGLE OF  $54^{\circ}31'33''$ , SUBTENDED BY A CHORD OF 1,213.90 FEET AT A BEARING OF  $S.28^{\circ}05'29''E.$ , FOR A DISTANCE OF 1,260.94 FEET TO THE END OF SAID CURVE; THENCE RUN  $S.00^{\circ}49'43''E.$  ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY, FOR A DISTANCE OF 600.19 FEET TO THE POINT OF BEGINNING; CONTAINING 396.652 ACRES, MORE OR LESS.

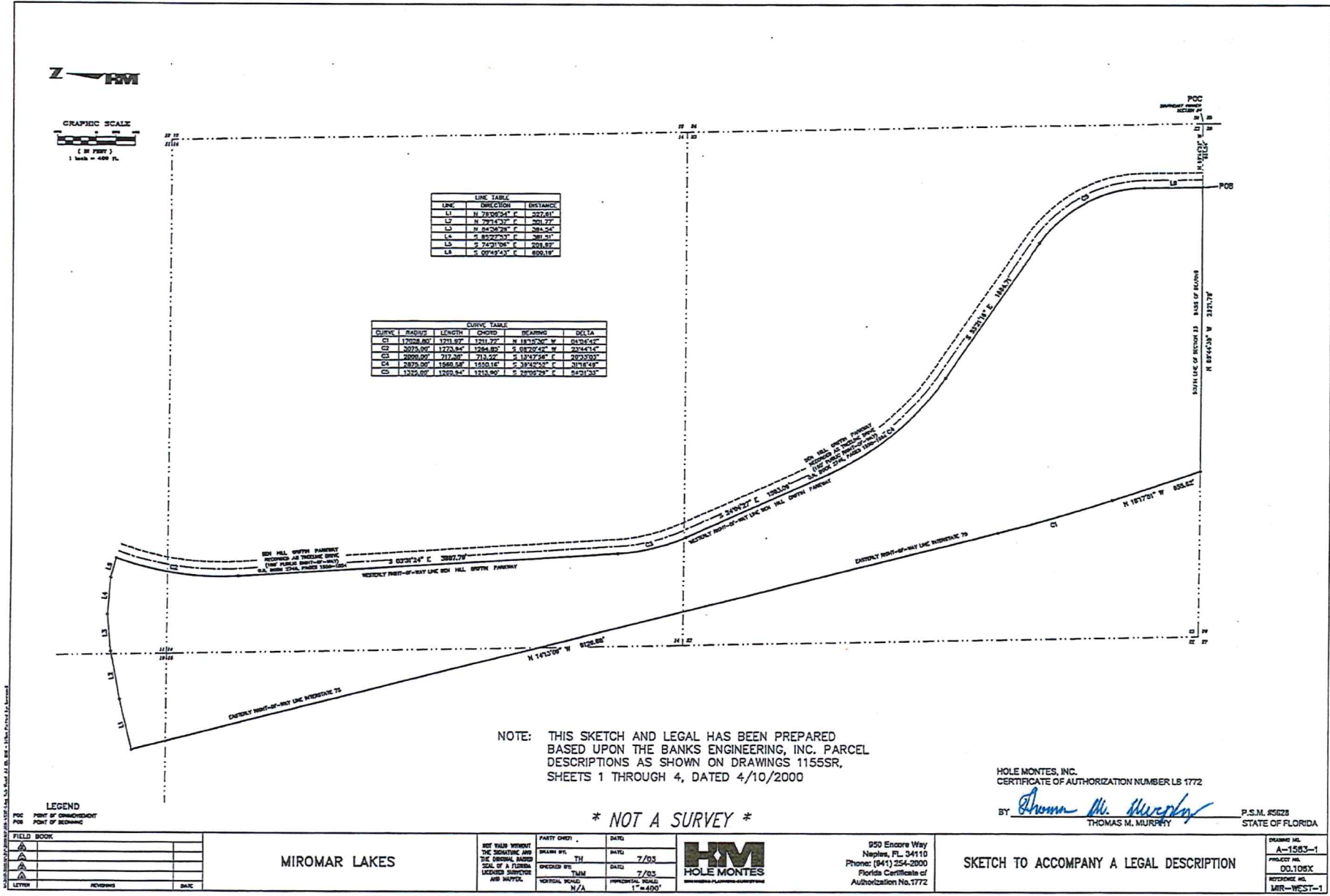
BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, OF LEE COUNTY, FLORIDA AS BEING  $N.89^{\circ}44'39''W.$

THIS SKETCH AND LEGAL HAS BEEN PREPARED BASED UPON THE BANKS ENGINEERING, INC. PARCEL DESCRIPTIONS AS SHOWN ON DRAWINGS 1155SR, SHEETS 1 THROUGH 4, DATED 4/10/2000

HOLE MONTES, INC.  
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY Thomas M. Murphy P.S.M. #5628  
THOMAS M. MURPHY STATE OF FLORIDA









950 Encore Way • Naples, Florida 34110 • Phone 239.254-2000 • Fax: 239.985.2099

HM PROJECT # 2000106X

2/09/2023

REF. DWG. A-1582-2

PAGE 1 OF 4

**LEGAL DESCRIPTION:**

A PARCEL OF LAND LOCATED IN A PORTION OF SECTIONS 11, 12, 13, 14, 23, AND 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST, AND SECTION 18, TOWNSHIP 46 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.89°44'39"W. ALONG THE SOUTH LINE OF SAID SECTION 23, FOR A DISTANCE OF 501.52 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF BEN HILL GRIFFIN PARKWAY (A.K.A. TREELINE DRIVE), A 150 FOOT WIDE RIGHT-OF-WAY, RECORDED IN O.R. BOOK 2745, PAGES 1550 THROUGH 1554 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.00°49'43"W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 603.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN NORTHWESTERLY ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,475.00 FEET, THROUGH A CENTRAL ANGLE OF 54°31'33", SUBTENDED BY A CHORD OF 1,351.32 FEET AT A BEARING OF N.28°05'29"W., FOR A DISTANCE OF 1,403.69 FEET TO THE END OF SAID CURVE; THENCE RUN N.55°21'16"W. ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 423.96 FEET; THENCE RUN N.38°37'17"E., FOR A DISTANCE OF 180.44 FEET; THENCE RUN N.40°45'20"W., FOR A DISTANCE OF 1,287.06 FEET; THENCE RUN N.51°22'43"W., FOR A DISTANCE OF 275.00 FEET; THENCE RUN N.20°50'23"W., FOR A DISTANCE OF 170.61 FEET; THENCE RUN N.03°26'59"W., FOR A DISTANCE OF 196.02 FEET; THENCE RUN N.49°19'44"E., FOR A DISTANCE OF 344.71 FEET; THENCE RUN S.54°09'13"E., FOR A DISTANCE OF 1,057.59 FEET; THENCE RUN S.05°08'14"W., FOR A DISTANCE OF 497.67 FEET; THENCE RUN S.87°48'55"E., FOR A DISTANCE OF 1,464.61 FEET; THENCE RUN N.88°17'13"E., FOR A DISTANCE OF 233.73 FEET; THENCE RUN S.31°47'37"E., FOR A DISTANCE OF 631.21 FEET; THENCE RUN N.62°11'53"E., FOR A DISTANCE OF 2,704.05 FEET; THENCE RUN N.21°20'50"E., FOR A DISTANCE OF 1,025.79 FEET; THENCE RUN N.02°13'31"W., FOR A DISTANCE OF 339.05 FEET; THENCE RUN N.73°40'08"E., FOR A DISTANCE OF 497.73 FEET; THENCE RUN N.84°27'10"E., FOR A DISTANCE OF 648.96 FEET; THENCE RUN N.20°19'20"W., FOR A DISTANCE OF 155.37 FEET; THENCE RUN N.04°47'10"W., FOR A DISTANCE OF 137.24 FEET; THENCE RUN N.10°20'25"E., FOR A DISTANCE OF 89.58 FEET; THENCE RUN N.88°40'48"W., FOR A DISTANCE OF 108.51 FEET; THENCE RUN N.35°22'24"E., FOR A DISTANCE OF 61.49 FEET; THENCE RUN N.24°10'35"E., FOR A DISTANCE OF 16.58 FEET; THENCE RUN N.16°58'33"E., FOR A DISTANCE OF 22.30 FEET; THENCE RUN N.01°25'10"W., FOR A DISTANCE OF 17.20 FEET; THENCE RUN N.02°00'52"E., FOR A DISTANCE OF 22.73 FEET; THENCE RUN N.10°34'22"E., FOR A DISTANCE OF 27.69 FEET; THENCE RUN N.08°31'29"E., FOR A DISTANCE OF 27.56 FEET; THENCE RUN N.04°17'29"W., FOR A DISTANCE OF 27.54 FEET; THENCE RUN N.03°50'00"E., FOR A DISTANCE OF 32.88 FEET; THENCE RUN N.05°16'54"E., FOR A DISTANCE OF 34.74 FEET; THENCE RUN N.14°36'53"W., FOR A DISTANCE OF 12.71 FEET; THENCE RUN N.49°59'45"W., FOR A DISTANCE OF 15.95 FEET; THENCE RUN N.67°08'11"W., FOR A DISTANCE OF 67.75 FEET; THENCE RUN N.67°33'34"E., FOR A DISTANCE OF 68.16 FEET; THENCE RUN N.57°34'58"E., FOR A DISTANCE OF 15.64 FEET; THENCE RUN

HM PROJECT # 2000106X

2/09/2023

REF. DWG. A-1582-2

PAGE 2 OF 4

N.53°45'20"E., FOR A DISTANCE OF 13.61 FEET; THENCE RUN N.58°32'02"E., FOR A DISTANCE OF 11.22 FEET; THENCE RUN N.54°40'50"E., FOR A DISTANCE OF 13.85 FEET; THENCE RUN N.49°36'55"E., FOR A DISTANCE OF 19.09 FEET; THENCE RUN N.37°17'03"E., FOR A DISTANCE OF 14.40 FEET; THENCE RUN N.25°04'13"E., FOR A DISTANCE OF 22.74 FEET; THENCE RUN N.30°25'33"E., FOR A DISTANCE OF 40.77 FEET; THENCE RUN S.70°47'07"E., FOR A DISTANCE OF 50.50 FEET; THENCE RUN N.19°32'42"E., FOR A DISTANCE OF 63.26 FEET; THENCE RUN N.62°41'55"E., FOR A DISTANCE OF 33.33 FEET; THENCE RUN N.60°03'38"E., FOR A DISTANCE OF 27.79 FEET; THENCE RUN N.68°56'32"E., FOR A DISTANCE OF 33.67 FEET; THENCE RUN N.69°27'09"E., FOR A DISTANCE OF 39.32 FEET; THENCE RUN N.76°09'54"E., FOR A DISTANCE OF 38.69 FEET; THENCE RUN N.84°37'56"E., FOR A DISTANCE OF 35.30 FEET; THENCE RUN N.71°01'39"E., FOR A DISTANCE OF 36.05 FEET; THENCE RUN N.56°16'09"E., FOR A DISTANCE OF 22.32 FEET; THENCE RUN N.54°45'23"E., FOR A DISTANCE OF 72.52 FEET; THENCE RUN N.43°40'48"E., FOR A DISTANCE OF 14.33 FEET; THENCE RUN N.36°37'28"E., FOR A DISTANCE OF 31.97 FEET; THENCE RUN N.16°15'53"E., FOR A DISTANCE OF 27.07 FEET; THENCE RUN N.00°14'32"W., FOR A DISTANCE OF 18.58 FEET; THENCE RUN N.01°01'18"W., FOR A DISTANCE OF 22.80 FEET; THENCE RUN N.11°30'29"E., FOR A DISTANCE OF 41.66 FEET; THENCE RUN N.25°25'32"E., FOR A DISTANCE OF 18.52 FEET; THENCE RUN N.29°13'14"E., FOR A DISTANCE OF 12.77 FEET; THENCE RUN N.09°42'26"E., FOR A DISTANCE OF 13.86 FEET; THENCE RUN N.10°10'17"W., FOR A DISTANCE OF 8.24 FEET; THENCE RUN N.25°29'33"W., FOR A DISTANCE OF 11.70 FEET; THENCE RUN N.71°45'42"W., FOR A DISTANCE OF 21.85 FEET; THENCE RUN N.59°03'27"W., FOR A DISTANCE OF 13.21 FEET; THENCE RUN N.37°04'03"W., FOR A DISTANCE OF 27.24 FEET; THENCE RUN N.00°38'43"W., FOR A DISTANCE OF 28.85 FEET; THENCE RUN N.10°12'59"E., FOR A DISTANCE OF 35.02 FEET; THENCE RUN N.01°52'01"E., FOR A DISTANCE OF 31.20 FEET; THENCE RUN N.05°34'22"E., FOR A DISTANCE OF 13.39 FEET; THENCE RUN N.01°01'36"W., FOR A DISTANCE OF 30.61 FEET; THENCE RUN N.15°40'00"W., FOR A DISTANCE OF 27.26 FEET; THENCE RUN N.22°54'25"W., FOR A DISTANCE OF 20.46 FEET; THENCE RUN N.20°19'15"W., FOR A DISTANCE OF 21.36 FEET; THENCE RUN N.17°17'45"W., FOR A DISTANCE OF 18.27 FEET; THENCE RUN N.25°34'23"W., FOR A DISTANCE OF 16.79 FEET; THENCE RUN N.15°41'23"W., FOR A DISTANCE OF 49.27 FEET; THENCE RUN N.00°29'10"W., FOR A DISTANCE OF 19.63 FEET; THENCE RUN S.65°22'51"W., FOR A DISTANCE OF 893.03 FEET; THENCE RUN S.62°02'33"W., FOR A DISTANCE OF 548.61 FEET; THENCE RUN N.84°00'27"W., FOR A DISTANCE OF 113.75 FEET; THENCE RUN S.73°01'40"W., FOR A DISTANCE OF 332.94 FEET; THENCE RUN S.88°47'09"W., FOR A DISTANCE OF 386.35 FEET; THENCE RUN N.01°12'51"W., FOR A DISTANCE OF 733.65 FEET; THENCE RUN N.75°24'23"E., FOR A DISTANCE OF 644.66 FEET; THENCE RUN N.02°55'16"W., FOR A DISTANCE OF 211.27 FEET; THENCE RUN N.19°49'36"E., FOR A DISTANCE OF 960.80 FEET; THENCE CONTINUE N.19°49'36"E., FOR A DISTANCE OF 21.27 FEET; THENCE RUN S.88°44'00"W., FOR A DISTANCE OF 3,706.01 FEET; THENCE RUN N.00°58'18"W., FOR A DISTANCE OF 320.16 FEET; THENCE RUN S.89°01'42"W., FOR A DISTANCE OF 450.42 FEET; THENCE RUN S.03°10'23"E., FOR A DISTANCE OF 430.66 FEET; THENCE RUN S.88°17'12"W., FOR A DISTANCE OF 1,027.71 FEET; THENCE RUN S.01°42'48"E., FOR A DISTANCE OF 306.15 FEET; THENCE RUN S.47°45'12"W., FOR A DISTANCE OF 1,504.06 FEET; THENCE RUN S.88°27'56"W., FOR A DISTANCE OF 1,780.04 FEET TO A POINT ON THE SAID EASTERLY RIGHT-OF-WAY LINE; THENCE RUN N.03°31'24"W. ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 34.30 FEET; THENCE RUN N81°31'53"E FOR A DISTANCE OF 59.36 FEET; THENCE RUN N86°42'41"E FOR A DISTANCE OF 91.78 FEET; THENCE RUN N50°02'46"E FOR A DISTANCE OF 136.19 FEET; THENCE RUN N58°59'16"E FOR A DISTANCE OF 150.29 FEET; THENCE RUN



HM PROJECT # 2000106X

2/09/2023

REF. DWG. A-1582-2

PAGE 3 OF 4

N03°34'13"E FOR A DISTANCE OF 280.42 FEET; THENCE RUN N44°21'15"E FOR A DISTANCE OF 65.32 FEET; THENCE RUN N85°08'17"E FOR A DISTANCE OF 193.00 FEET; THENCE RUN N53°18'11"E FOR A DISTANCE OF 221.46 FEET; THENCE RUN N85°09'35"E FOR A DISTANCE OF 62.26 FEET; THENCE RUN S40°09'41"E FOR A DISTANCE OF 165.57 FEET; THENCE RUN N70°32'55"E FOR A DISTANCE OF 188.24 FEET, TO THE BEGINNING OF A NON-TANGENTIAL CIRCULAR CURVE TO THE RIGHT; HAVING A RADIUS OF 850.00 FEET, THROUGH A CENTRAL ANGLE OF 21°55'50" AND BEING SUBTENDED BY A CHORD OF 323.36 FEET AT A BEARING OF N68°42'47"W, FOR AN ARC LENGTH OF 325.34 FEET; THENCE RUN N57°44'54"W FOR A DISTANCE OF 288.84 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE TO THE LEFT; HAVING A RADIUS OF 650.00 FEET, THROUGH A CENTRAL ANGLE OF 35°46'31" AND BEING SUBTENDED BY A CHORD OF 399.30 FEET AT A BEARING OF N75°38'09"W, FOR AN ARC LENGTH OF 405.86 FEET; THENCE RUN S86°28'35"W FOR A DISTANCE OF 239.42 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE TO THE LEFT; HAVING A RADIUS OF 50.00 FEET, THROUGH A CENTRAL ANGLE OF 90°00'00" AND BEING SUBTENDED BY A CHORD OF 70.71 FEET AT A BEARING OF S41°28'35"W, FOR AN ARC LENGTH OF 78.54 FEET TO A POINT ON THE SAID EASTERLY RIGHT-OF-WAY LINE; THENCE RUN N.03°31'24"W. ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2370.30 FEET; TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 2,925.00 FEET, THROUGH A CENTRAL ANGLE OF 23°44'13", SUBTENDED BY A CHORD OF 1,203.14 FEET AT A BEARING OF N.08°20'42"E., FOR A DISTANCE OF 1,211.79 FEET TO THE END OF SAID CURVE; THENCE RUN N.20°12'49"E. ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 473.55 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 10,075.00 FEET, THROUGH A CENTRAL ANGLE OF 19°11'28", SUBTENDED BY A CHORD OF 3,358.85 FEET AT A BEARING OF N.10°37'06"E., FOR A DISTANCE OF 3,374.60 FEET TO THE END OF SAID CURVE; THENCE RUN N.01°01'21"E. ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 909.75 FEET; THENCE RUN S.89°42'24"E., FOR A DISTANCE OF 1,049.81 FEET; THENCE RUN S.01°00'21"E., FOR A DISTANCE OF 847.76 FEET; THENCE RUN S.04°19'45"W., FOR A DISTANCE OF 1,091.78 FEET; THENCE RUN S.00°39'26"E., FOR A DISTANCE OF 1,432.24 FEET; THENCE RUN S.00°16'17"E., FOR A DISTANCE OF 606.52 FEET; THENCE RUN N.88°47'46"E., FOR A DISTANCE OF 376.79 FEET; THENCE RUN S.40°48'12"E., FOR A DISTANCE OF 322.81 FEET; THENCE RUN S.19°01'17"E., FOR A DISTANCE OF 249.77 FEET; THENCE RUN S.88°53'28"E., FOR A DISTANCE OF 216.94 FEET; THENCE RUN S.24°26'51"E., FOR A DISTANCE OF 150.17 FEET; THENCE RUN S.77°09'26"E., FOR A DISTANCE OF 573.01 FEET; THENCE RUN S.88°10'13"E., FOR A DISTANCE OF 1,363.08 FEET; THENCE RUN S.19°42'28"E., FOR A DISTANCE OF 157.73 FEET; THENCE RUN S.87°09'14"E., FOR A DISTANCE OF 469.81 FEET; THENCE RUN N.88°02'24"E., FOR A DISTANCE OF 612.22 FEET; THENCE RUN S.21°30'12"E., FOR A DISTANCE OF 81.17 FEET; THENCE RUN N.88°10'32"E., FOR A DISTANCE OF 846.89 FEET; THENCE RUN N.88°10'32"E., FOR A DISTANCE OF 1,137.62 FEET; THENCE RUN S.20°09'57"E., FOR A DISTANCE OF 344.08 FEET; THENCE RUN S.89°48'06"E., FOR A DISTANCE OF 80.00 FEET; THENCE RUN S.20°09'57"E., FOR A DISTANCE OF 807.57 FEET; THENCE RUN S.15°43'44"E., FOR A DISTANCE OF 978.45 FEET; THENCE RUN S.89°46'43"E., FOR A DISTANCE OF 516.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF 88°55'56", SUBTENDED BY A CHORD OF 700.49



HM PROJECT # 2000106X

2/09/2023

REF. DWG. A-1582-2

PAGE 4 OF 4

FEET AT A BEARING OF S.45°18'45"E., FOR A DISTANCE OF 776.08 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°50'47"E., FOR A DISTANCE OF 1,447.68 FEET; THENCE RUN S.09°57'20"W., FOR A DISTANCE OF 533.57 FEET TO A POINT ON THE EAST LINE OF SECTION 13, TOWNSHIP 46 SOUTH, RANGE 25 EAST; THENCE RUN S.00°50'47"E. ALONG THE EAST LINE OF SAID SECTION 13, FOR A DISTANCE OF 957.10 FEET TO THE NORTHWEST CORNER OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST; THENCE RUN S.00°50'13"E. ALONG THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SADI SECTION 24, FOR A DISTANCE OF 2,639.78 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 24; THENCE RUN S.00°48'26"E. ALONG THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 24, FOR A DISTANCE OF 2,643.97 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 24; THENCE RUN S.89°28'32"W. ALONG THE SOUTH LINE OF SAID SECTION 24, FOR A DISTANCE OF 5,249.70 FEET TO THE POINT OF BEGINNING; CONTAINING 1,396.66 ACRES, MORE OR LESS.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S.89°28'32"W.

THIS SKETCH AND LEGAL HAS BEEN PREPARED BASED UPON THE BANKS ENGINEERING, INC. PARCEL DESCRIPTIONS AS SHOWN ON DRAWINGS 1155SR, SHEETS 1 THROUGH 4, DATED 4/10/2000 AND DRAWINGS 1418SR, SHEETS 1 AND 2, DATED 7/13/2000.

HOLE MONTES, INC.

CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY \_\_\_\_\_ P.S.M. #5628  
THOMAS M. MURPHY STATE OF FLORIDA

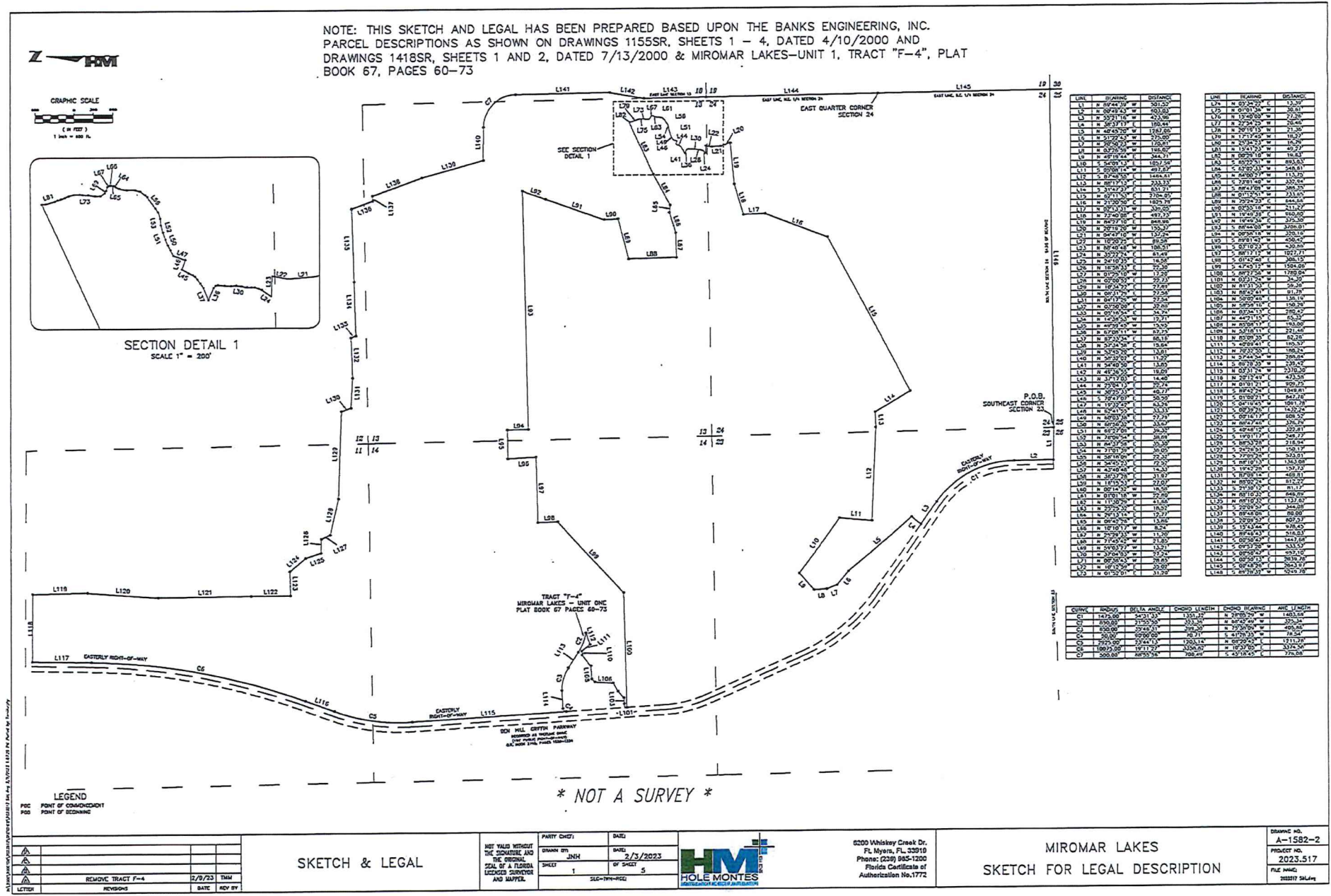


EXHIBIT B  
Page 1 of 2

DEVELOPMENT PARAMETERS AND PHASING SCHEDULE – 2027

| LAND USE                                  | ACRES |
|-------------------------------------------|-------|
| Residential                               | 963   |
| Commercial/Office/Hotel                   | 84    |
| Mixed Use                                 | 109   |
| Lakes/Miscellaneous<br>Recreation/Buffers | 312   |
| Conservation Areas                        | 338   |

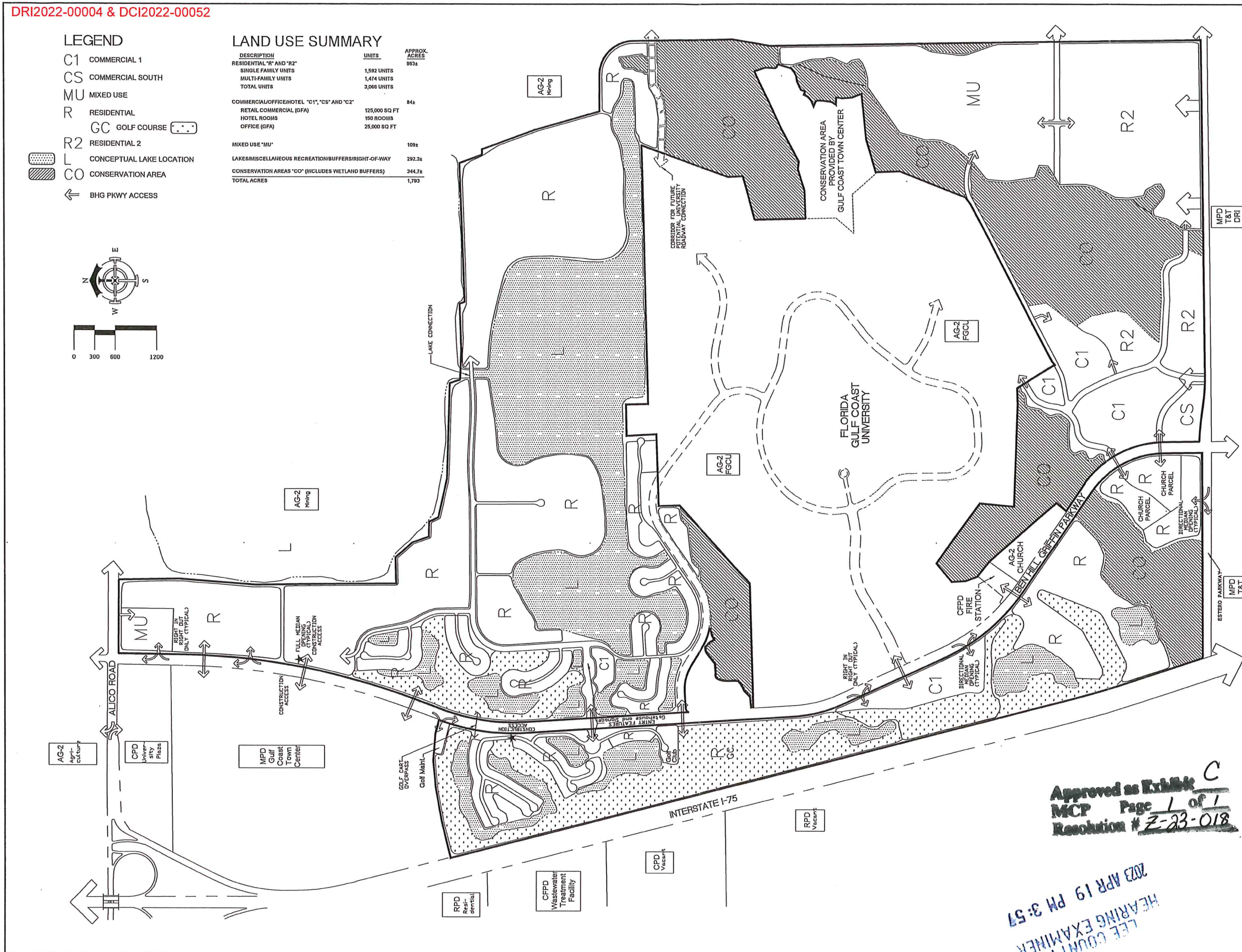
| LAND USE                                    | PHASE ONE       | PHASE TWO      | TOTAL           |
|---------------------------------------------|-----------------|----------------|-----------------|
| <b>RESIDENTIAL</b>                          | <b>1,414</b>    | <b>1,186</b>   | <b>2,600</b>    |
| Single Family                               | 314             | 386            | 700             |
| Multiple Family                             | 1,100           | 800            | 1,900           |
| <b>RETAIL COMMERCIAL<br/>(gfa)</b>          | <b>160,000</b>  | <b>90,000</b>  | <b>250,000</b>  |
| <b>HOTEL ROOMS</b>                          | <b>350</b>      | <b>100</b>     | <b>450</b>      |
| <b>OFFICE (gfa)*</b>                        | <b>100,000</b>  | <b>240,000</b> | <b>340,000</b>  |
| <b>RESEARCH &amp;<br/>DEVELOPMENT (gfa)</b> | <b>-</b>        | <b>40,000</b>  | <b>40,000</b>   |
| <b>CLUBHOUSE</b>                            | <b>20,000</b>   | <b>20,000</b>  | <b>40,000</b>   |
| <b>GOLF COURSE</b>                          | <b>18 Holes</b> |                | <b>18 Holes</b> |
| <b>BEACH PARK</b>                           | <b>10 Acres</b> | <b>-</b>       | <b>10 Acres</b> |



EXHIBIT B  
Page 2 of 2

|                        | ANCILLARY BOATING FACILITIES   |           |           |           |           |   |
|------------------------|--------------------------------|-----------|-----------|-----------|-----------|---|
|                        | PHASE ONE                      |           |           | PHASE TWO |           |   |
|                        | Slips                          | Day Slips | Boat Ramp | Slips     | Day Slips |   |
| Multiple-Family Parcel | 25                             |           |           | 25        |           |   |
| Beach Club             | 10                             | 40        | √         |           |           |   |
| Town Center            | 25                             | 25        | √         | 25        | 25        |   |
| Single Family Homes    | Individual Docks as Applicable |           |           |           |           |   |
| Boat Club              |                                |           |           | 10        | 40        | √ |

1. A maximum of 250 ancillary wet boat slips may be located in the "R", "R2", "C2", the Beach Club and the Boat Club tracts in addition to a dock for each single-family lakefront lot as of 11/29/1999.
2. Single-family docks may be converted to multiple-family slips on a 1:1 basis.
3. Up to 250 wet slips may be converted to dry storage associated with the Boat Club on a 1:1 basis.



Approved as Exhibit C  
MCP Page 1 of 1  
Resolution # Z-23-018

LEE COUNTY  
HEARING EXAMINER  
2023 APR 19 PM 3:57

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DRI  
EXHIBIT E  
BIENNIAL MONITORING REPORT REQUIREMENTS

The Biennial Monitoring Report that must be submitted by the Developer in accordance with Subsections 380.06(15) and 380.06(18), Florida Statutes, and 9J-2.025(7), Florida Administrative Code, must include the following:

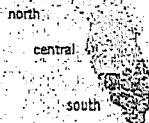
- A. Any changes in the plan of development or in the representations contained in the application for development approval, or in the phasing for the reporting year and for the next year;
- B. A summary comparison of development activity proposed and actually conducted for the year;
- C. Identification of undeveloped tracts of land, other than individual single family lots, that have been sold to separate entities or developers.
- D. Identification and intended use of lands purchased, leased, or optioned by the developer adjacent to the original DRI site since the development order was issued;
- E. A specific assessment of the developer's and the local government's compliance with each individual condition of approval contained in the DRI Development Order and the commitments which are contained in the application for development approval and which have been identified by the local government, the RPC, or the DCA as being significant;
- F. Any requests for substantial deviation determination that were filed in the reporting year and to be filed during the following year;
- G. An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;
- H. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose of each;
- I. A statement that all persons have been sent copies of the biennial report in conformance with Subsections 380.06(15) and (18), Florida Statutes;
- J. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Paragraph 380.06(15)(f), Florida Statutes.

NOTE: The Florida Administrative Code specifically requires that the development order specify the requirements for the biennial report. The Administrative Code requires that the biennial report will be submitted to DCA, the RPC, and the local government on Form RPM-BSP-Annual Report-1.

## EXHIBIT F

**FLEPPC List Definitions:** Exotic – a species introduced to Florida, purposefully or accidentally, from a natural range outside of Florida. Native – a species whose natural range includes Florida. Naturalized exotic – an exotic that sustains itself outside cultivation (it is still exotic; it has not “become” native). Invasive exotic – an exotic that not only has naturalized, but is expanding on its own in Florida native plant communities.

**Abbreviations:** Government List (Gov. List): P = Prohibited aquatic plant by the Florida Department of Agriculture and Consumer Services; N = Noxious weed listed by Florida Department of Agriculture & Consumer Services; U = Noxious weed listed by U.S. Department of Agriculture. Regional Distribution (Reg. Dist.): N = north, C = central, S = south, referring to each species' current distribution in general regions of Florida (not its potential range in the state). Please refer to the adjacent map.



## Citation example:

FLEPPC. 2011. List of Invasive Plant Species. Florida Exotic Pest Plant Council. Internet: <http://www.fleppc.org/list/11list.htm> or *Wildland Woods* Vol. 14(3-4):11-14. Summer/Fall 2011.

The 2011 list was prepared by the FLEPPC Plant List Committee:

Keith A. Bradley – Chair (2006-present), The Institute for Regional Conservation, 22601 SW 152<sup>nd</sup> Ave., Miami, FL 33170, (305) 247-6547, [bradley@regionalconservation.org](mailto:bradley@regionalconservation.org)

Janice A. Duquesnel, Florida Park Service, Florida Department of Environmental Protection, P.O. Box 1052, Islamorada, FL 33036, (305) 664-8455, [Janice.Duquesnel@dep.state.fl.us](mailto:Janice.Duquesnel@dep.state.fl.us)

David W. Hall, Private Consulting Botanist, 3666 NW 13<sup>th</sup> Place, Gainesville, FL 32605, (352) 375-1370

Roger L. Hammer, Retired Naturalist and Author, 17360 Avocado Drive, Homestead, FL 33030, [kskazi44@comcast.net](mailto:kskazi44@comcast.net)

Patricia L. Howell, Broward County Parks, Environmental Section, 950 NW 38<sup>th</sup> St., Oakland Park, FL 33309, (954) 357-8137, [phowell@broward.org](mailto:phowell@broward.org)

Collette C. Jacono, USDA/APHIS/PPQ, 1911 SW 34<sup>th</sup> Street, Gainesville, FL 32608, (352) 256-4458, [Collette.C.Jacono@aphis.usda.gov](mailto:Collette.C.Jacono@aphis.usda.gov)

Kenneth A. Langeland, University of Florida-IFAS, Center for Aquatic and Invasive Plants, 7922 NW 71<sup>st</sup> St., Gainesville, FL 32653, (352) 392-9614, [gnor8@ufl.edu](mailto:gnor8@ufl.edu)

Chris Lockhart, Habitat Specialists, Inc., c/o P.O. Box 243116, Boynton Beach, FL 33424-3116, (561) 738-1179, [chris@lockhartis.org](mailto:chris@lockhartis.org)

Gil Nelson, Gil Nelson Associates, 157 Leonard's Dr., Thomasville, GA 31792, [gil@gilnelson.com](mailto:gil@gilnelson.com)

Robert W. Pemberton, Research Associate, Florida Museum of Natural History and Fairchild Tropical Botanic Garden, 2121 SW 28<sup>th</sup> Terrace, Fort Lauderdale, FL 33312, [rpemberton5@gmail.com](mailto:rpemberton5@gmail.com)

Jim L. Sadle, Everglades National Park, 40001 State Road 9336, Homestead, FL 33034, (305) 242-7806, [JimL.Sadle@nps.gov](mailto:JimL.Sadle@nps.gov)

Robert W. Simons, 1122 SW 11<sup>th</sup> Ave., Gainesville, FL 32601-7816

Daniel B. Ward, Department of Botany, University of Florida, 220 Bartram Hall, Gainesville, FL 32611

Richard E. Wunderlin, Institute for Systematic Botany, Dept. of Biological Sciences, University of South Florida, Tampa, FL 33620, (813) 974-2359, [rwunder@usf.edu](mailto:rwunder@usf.edu)

For more information on invasive exotic plants, including links to related web pages, visit the Florida EPPC web site: <http://www.fleppc.org>

## Application for Membership in the Florida Exotic Pest Plant Council

### Annual Membership Levels (circle one)

| Individual |        | Institutional |                  |
|------------|--------|---------------|------------------|
| Student    | \$10   | Library       | \$100            |
| General    | \$30   | General       | \$100            |
| Donor      | \$75 + | Contributor   | \$501 – \$10,000 |
|            |        | Patron        | \$10,001 +       |

FLEPPC is a 501 (c) (3) nonprofit organization.

NAME \_\_\_\_\_

ORGANIZATION \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

CITY, STATE, ZIP \_\_\_\_\_

TELEPHONE \_\_\_\_\_

FAX \_\_\_\_\_

E-MAIL \_\_\_\_\_

Mail application & dues, payable to FLEPPC, to:

Florida EPPC, Treasurer

PO Box 23426

Fort Lauderdale, FL 33307

(Or join online at [www.fleppc.org](http://www.fleppc.org))

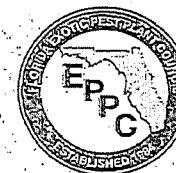
## Florida Exotic Pest Plant Council's 2011 List of Invasive Plant Species

*The mission of the Florida Exotic Pest Plant Council is to support the management of invasive exotic plants in Florida's natural areas by providing a forum for the exchange of scientific, educational and technical information.*

### Purpose of the List:

To focus attention on —

- ▶ the adverse effects exotic pest plants have on Florida's biodiversity and native plant communities.
- ▶ the habitat losses in natural areas from exotic pest plant infestations.
- ▶ the impacts on endangered species via habitat loss and alteration.
- ▶ the need for pest-plant management.
- ▶ the socio-economic impacts of these plants (e.g., increased wildfires or flooding in certain areas).
- ▶ changes in the severity of different pest plant infestations over time.
- ▶ providing information to help managers set priorities for research and control programs.



[www.fleppc.org](http://www.fleppc.org)

## CATEGORY I

Invasive exotics that are altering native plant communities by displacing native species, changing community structures or ecological functions, or hybridizing with natives. This definition does not rely on the economic severity or geographic range of the problem, but on the documented ecological damage caused.

| Scientific Name                                                          | Common Name                    | Gov. List | Reg. Dis. |
|--------------------------------------------------------------------------|--------------------------------|-----------|-----------|
| <i>Abies procumbens</i>                                                  | rosary pea                     | N         | C, S      |
| <i>Acacia auriculiformis</i>                                             | carle's acacia                 |           | C, S      |
| <i>Albizia julibrissin</i>                                               | silken tree                    | N, C      |           |
| <i>Albizia lebbekii</i>                                                  | woman's tongue                 | C, S      |           |
| <i>Ardisia crenata</i>                                                   | coral ardisia                  | N, C, S   |           |
| <i>(A. crenata misapplied)</i>                                           |                                |           |           |
| <i>Ardisia elliptica</i>                                                 | shoebutton ardisia             | N         | C, S      |
| <i>(A. humilis misapplied)</i>                                           |                                |           |           |
| <i>Asparagus acutipicus</i>                                              | asparagus-fern                 |           | N, C, S   |
| <i>(= A. sprengeri; A. densiflorus misapplied)</i>                       |                                |           |           |
| <i>Bauhinia variegata</i>                                                | orchid tree                    |           | C, S      |
| <i>Bischofia javanica</i>                                                | bishopwood                     |           | C, S      |
| <i>Calophyllum antillarum</i>                                            | santol tree, mast wood         |           | S         |
| <i>(C. caniba and C. inophyllum misapplied)</i>                          | Alexandrian laurel             |           |           |
| <i>Casuarina equisetifolia</i>                                           | Australian-pine, beach sheoak  | P, N      | N, C, S   |
| <i>Casuarina glauca</i>                                                  | suckering Australian-pine      | P, N      | C, S      |
| <i>Casuarina glauca</i>                                                  | gray sheoak                    |           |           |
| <i>Cinnamomum camphora</i>                                               | camphor tree                   |           | N, C, S   |
| <i>Cinchona puberula</i>                                                 | wild laro                      |           | N, C, S   |
| <i>Coburnia usatica</i>                                                  | lather leaf                    | N         | S         |
| <i>Cupressus anacardioides</i>                                           | carrowood                      | N         | C, S      |
| <i>Deparia pterocarpa</i>                                                | Japanese false spleenwort      | I         | N, C      |
| <i>Dioscorea alata</i>                                                   | winged yam                     | N         | N, C, S   |
| <i>Dioscorea bulbifera</i>                                               | air-potato                     | N         | N, C, S   |
| <i>Eichhornia crassipes</i>                                              | water-hyacinth                 | P         | N, C, S   |
| <i>Eugenia uniflora</i>                                                  | Surinam cherry                 |           | C, S      |
| <i>Ficus microcarpa</i> (F. vitiata and F. retusa var. munda misapplied) | lateral fig                    |           | C, S      |
| <i>Hydrilla verticillata</i>                                             | hydrilla                       | P, U      | N, C, S   |
| <i>Hygonellia polyserma</i>                                              | green hygro                    | P, U      | N, C, S   |
| <i>Hymenocallis amplexicaulis</i>                                        | West Indian marsh grass        |           | N, C, S   |
| <i>Imperata cylindrica</i>                                               | cogon grass                    | N, U      | N, C, S   |
| <i>(I. brasiliensis misapplied)</i>                                      |                                |           |           |
| <i>Ipomoea aquatica</i>                                                  | water-spinach                  | P, U      | C         |
| <i>Jasminum dichotomum</i>                                               | Gold Coast jasmine             |           | C, S      |
| <i>Jasminum fluminense</i>                                               | Brazilian jasmine              |           | C, S      |
| <i>Lantana camara</i>                                                    | lantana, shrub verbena         |           | N, C, S   |
| <i>(= L. strigocamara)</i>                                               |                                |           |           |
| <i>Ligustrum lucidum</i>                                                 | glossy privet                  |           | N, C      |
| <i>Ligustrum sinense</i>                                                 | Chinese privet, hedge pelvet   |           | N, C, S   |
| <i>Lonicera japonica</i>                                                 | Japanese honeysuckle           |           | N, C, S   |
| <i>Luchelia peruviana</i>                                                | Peruvian primrosewillow        |           | N, C, S   |
| <i>Lumnitzera racemosa</i>                                               | krina; white-flowered mangrove |           | S         |
|                                                                          | black mangrove                 |           |           |
| <i>Luzula subintegra</i>                                                 | Tropical American water grass  |           | S         |
| <i>Lygodium japonicum</i>                                                | Japanese climbing fern         | N         | N, C, S   |
| <i>Lygodium microphyllum</i>                                             | Old World climbing fern        | N, U      | C, S      |

| Scientific Name                                            | Common Name                       | Gov. List | Reg. Dis. |
|------------------------------------------------------------|-----------------------------------|-----------|-----------|
| <i>Macfadyena unguis-cat</i>                               | cat's-claw vine                   |           | N, C, S   |
| <i>Manihara zapota</i>                                     | symplocia                         |           | S         |
| <i>Melaleuca quinquenervia</i>                             | melaleuca, paper bark             | P, N, U   | C, S      |
| <i>Melinis repens</i>                                      | Natal grass                       |           | N, C, S   |
| <i>(= Rhyssolophyllum repens)</i>                          |                                   |           |           |
| <i>Mimosa nigra</i>                                        | cactus mimosa                     | P, N, U   | C, S      |
| <i>Nandina domestica</i>                                   | nandina, heavenly bamboo          |           | N, C      |
| <i>Nephrolepis brownii</i>                                 | Asian sword fern                  |           | C, S      |
| <i>(= N. multiflora)</i>                                   |                                   |           |           |
| <i>Nephrolepis cordifolia</i>                              | sword fern                        |           | N, C, S   |
| <i>Neyraudia roynaudiana</i>                               | Burma reed, cane grass            | N         | S         |
| <i>Nymphoides cristata</i>                                 | snowflake                         |           | C, S      |
| <i>Paeclia crassifolia</i>                                 | sewer vine, onion vine            |           | N, C, S   |
| <i>Paeclia lictoria</i>                                    | skunk vine                        | N         | N, C, S   |
| <i>Panicum repens</i>                                      | weeping grass                     |           | N, C, S   |
| <i>Paspalum purpureum</i>                                  | Napier grass                      |           | N, C, S   |
| <i>Phymatosorus scolopendria</i>                           | serpentine fern, wart fern        |           | S         |
| <i>Pilea scolopendria</i>                                  | water-lettuce                     | P         | N, C, S   |
| <i>Psidium cattleianum</i>                                 | strawberry guava                  |           | C, S      |
| <i>(= P. littorale)</i>                                    |                                   |           |           |
| <i>Psidium guajava</i>                                     | guava                             |           | C, S      |
| <i>Pueraria montana</i> var. <i>lobata</i>                 | loquid                            | N         | N, C, S   |
| <i>(= P. lobata)</i>                                       |                                   |           |           |
| <i>Rhodomyrtus tomentosa</i>                               | downy rose-myrtle                 | N         | C, S      |
| <i>Rhyssolophyllum repens</i> (See <i>Melinis repens</i> ) |                                   |           |           |
| <i>Ruellia simplex</i>                                     | Mexican penstemon                 |           | N, C, S   |
| <i>Salvinia minima</i>                                     | water spangles                    |           | N, C, S   |
| <i>Salvinia minima</i>                                     | water spangles                    |           | N, C, S   |
| <i>Sapientia schifera</i>                                  | papaya tree                       | N         | N, C, S   |
| <i>(= Triadica sebifera)</i>                               | Chinese tallow tree               |           |           |
| <i>Scaveola taccada</i>                                    | scaveola, ball-flower             | N         | C, S      |
| <i>(= Scaveola stricta; S. frutescens)</i>                 | beach papaya                      |           |           |
| <i>Schefflera actinophylla</i>                             | schefflera, Queen's hand          |           | C, S      |
| <i>(= Brassia actinophylla)</i>                            | umbrella tree                     |           |           |
| <i>Schinus molle</i>                                       | Brazilian pepper                  | P, N      | N, C, S   |
| <i>Scleria lacustris</i>                                   | Wright's nutrush                  |           | C, S      |
| <i>Senna pendula</i> var. <i>glabra</i>                    | climbing cassia                   |           | C, S      |
| <i>(= Cassia columbiana)</i>                               | Christmas cassia, Christmas senna |           |           |
| <i>Solanum elaeagnifolium</i>                              | wetland nightshade                | N, U      | C, S      |
| <i>(= S. huastecum)</i>                                    | aquatic soda apple                |           |           |
| <i>Solanum elaeagnifolium</i>                              | tropical soda apple               | N, U      | N, C, S   |
| <i>Synedrella nodiflora</i>                                | arrowhead vine                    |           | N, C, S   |
| <i>Syzygium cumini</i>                                     | jambolan-plum, Java-plum          |           | C, S      |
| <i>Tectaria lucida</i>                                     | intense halberd fern              |           | S         |
| <i>Thespesia populnea</i>                                  | scotch mahoe                      |           | C, S      |
| <i>Triadocetus fluminensis</i>                             | small-leaf spiderwort             |           | N, C      |
| <i>Urena lobata</i>                                        | Cassia's weed                     |           | N, C, S   |
| <i>Utricularia maculata</i>                                | Fair grass                        |           | C, S      |
| <i>(= Brachyotum maculata)</i>                             |                                   |           |           |

## CATEGORY II

Invasive exotics that have increased in abundance or frequency but have not yet altered Florida plant communities to the extent shown by Category I species. These species may become ranked Category I if ecological damage is demonstrated.

| Scientific Name                                                                  | Common Name                   | Gov. List | Reg. Dis. |
|----------------------------------------------------------------------------------|-------------------------------|-----------|-----------|
| <i>Adiantum pinnatifidum</i>                                                     | red sandalwood                |           | S         |
| <i>Agave sisalana</i>                                                            | sisal hemp                    |           | C, S      |
| <i>Albizia julibrissin</i> (= <i>Veronica julibrissin</i> )                      | tung oil tree                 | N, C      |           |
| <i>Alstonia macrophylla</i>                                                      | devil tree                    |           | S         |
| <i>Alternanthera philoxeroides</i>                                               | alligator weed                | P         | N, C, S   |
| <i>Antigonon leptopus</i>                                                        | coral vine                    |           | N, C, S   |
| <i>Ardisia japonica</i>                                                          | Japanese ardisia              |           | N         |
| <i>Artocarpus litoralis</i>                                                      | calian flower                 | N, C, S   |           |
| <i>Asystasia gangetica</i>                                                       | Ganges primrose               |           | C, S      |
| <i>Begonia cucullata</i>                                                         | wax begonia                   |           | N, C, S   |
| <i>Blechnum pyramidalatum</i> (see <i>Ruellia blechnum</i> )                     |                               |           |           |
| <i>Broussonetia papyrifera</i>                                                   | papier mulberry               | N, C, S   |           |
| <i>Bryconia gymnorhiza</i>                                                       | large-leaved mangrove         |           | C, S      |
| <i>Callitriche fragrans</i>                                                      | inch plant, spironema         |           | C, S      |
| <i>Callistemon viminalis</i>                                                     | weeping bottlebrush           |           | C, S      |
| <i>(= Melaleuca viminalis)</i>                                                   |                               |           |           |
| <i>Casuarina cunninghamiana</i>                                                  | river sheoak, Australian-pine | P         | C, S      |
| <i>Cecropia palmata</i>                                                          | trumpet tree                  |           | S         |
| <i>Cestrum diurnum</i>                                                           | day jessamine                 |           | C, S      |
| <i>Chamaecrista nictitans</i>                                                    | bamboo palm                   |           | S         |
| <i>Clematis integrifolia</i>                                                     | Japanese clematis             |           | N, C      |
| <i>Cocos nucifera</i>                                                            | coconut palm                  |           | S         |
| <i>Cryptanthus madagascariensis</i>                                              | rubber vine                   |           | C, S      |
| <i>Cyperus involutus</i>                                                         | umbrella plant                |           | C, S      |
| <i>(C. alternifolius misapplied)</i>                                             |                               |           |           |
| <i>Cyperus proflifer</i>                                                         | dwarf papyrus                 |           | C, S      |
| <i>Dactyloctenium aegyptium</i>                                                  | Durban crowfootgrass          | N, C, S   |           |
| <i>Dalbergia sissoo</i>                                                          | Indian rosewood, sissoo       |           | C, S      |
| <i>Elaeagnus pungens</i>                                                         | silverthorn, thorny olive     | N, C      |           |
| <i>Elaeagnus umbellata</i>                                                       | silverberry, autumn olive     | N         |           |
| <i>Epipremnum pinnatum</i>                                                       | pothos                        |           | C, S      |
| <i>(= Araceum)</i>                                                               |                               |           |           |
| <i>Ficus alissima</i>                                                            | false banyan, council tree    |           | S         |
| <i>Flacourdia indica</i>                                                         | governor's plum               |           | S         |
| <i>Henriarthia alissima</i>                                                      | lappa grass                   |           | C, S      |
| <i>(Hibiscus illicatus (See Tallipiretia illicatus))</i>                         |                               |           |           |
| <i>Hyparrhenia rufa</i>                                                          | jambaja                       |           | N, C, S   |
| <i>Ipomoea carnea</i> ssp. <i>ficulosa</i>                                       | shrub morning-glory           | P         | C, S      |
| <i>(= I. ficulosa)</i>                                                           |                               |           |           |
| <i>Kalanchoe pinnatifida</i>                                                     | lily plant                    |           | C, S      |
| <i>(= Bryophyllum pinnatum)</i>                                                  |                               |           |           |
| <i>Kocotaria elegans</i>                                                         | flamegold tree                |           | C, S      |
| ssp. <i>formosana</i> (= <i>K. formosana</i> ; <i>K. penicillata</i> misapplied) |                               |           |           |
| <i>Limnolobus punctata</i>                                                       | spotted duckweed              |           | N, C, S   |
| <i>(= Spiridula punctata)</i>                                                    |                               |           |           |
| <i>Leucaena leucocarpa</i>                                                       | leucaena                      | N         | N, C, S   |
| <i>Limnolobus punctata</i>                                                       | Asian marshweed               | P, U      | N, C, S   |

| Scientific Name                                                   | Common Name                | Gov. List | Reg. Dis. |
|-------------------------------------------------------------------|----------------------------|-----------|-----------|
| <i>Livistona chinensis</i>                                        | Chinese fan palm           |           | C, S      |
| <i>Melia azadirachta</i>                                          | Chinaberry                 |           | N, C, S   |
| <i>Melinis minutiflora</i>                                        | Melassgrass                |           | C, S      |
| <i>Merrillia tuberosa</i>                                         | wood-rose                  |           | C, S      |
| <i>Mikania micrantha</i>                                          | mile-a-minute vine         | N, U      | S         |
| <i>Murraya paniculata</i>                                         | orange-jessamine           |           | S         |
| <i>Myriophyllum spicatum</i>                                      | Eurasian water-milfoil     | P         | N, C, S   |
| <i>Panicum maximum</i>                                            | Guinea grass               |           | N, C, S   |
| <i>(= Urechis maxima, Megathyrsus maximus)</i>                    |                            |           |           |
| <i>Paspalum biflorum</i>                                          | two-flowered passion vine  |           | S         |
| <i>Pennisetum setaceum</i>                                        | green fountain grass       |           | S         |
| <i>Phoenix reclinata</i>                                          | Senegal date palm          |           | C, S      |
| <i>Phyllostachys aurea</i>                                        | golden bamboo              |           | N, C      |
| <i>Pitcairnia spicata</i>                                         | Philippine pitcairnia      |           | S         |
| <i>Pteris vittata</i>                                             | Chinese brake fern         | N, C, S   |           |
| <i>Ptychosperma elegans</i>                                       | solitaire palm             |           | S         |
| <i>Rhacopilum spathaceum</i> (see <i>Indocalamus spathaceum</i> ) |                            |           |           |
| <i>Ricinus communis</i>                                           | castor bean                |           | N, C, S   |
| <i>Rotala rotundifolia</i>                                        | roundleaf toothcup         |           | S         |
| <i>Rotala rotundifolia</i>                                        | dwarf Rotala, redweed      |           |           |
| <i>Ruellia blechnum</i>                                           | green shrimp plant         |           | N, C, S   |
|                                                                   | Brownish blechnum          |           |           |
| <i>Sansiveria hyacinthoides</i>                                   | bowstring hemp             |           | C, S      |
| <i>Scabiosa punicea</i>                                           | purple scabiosa, rattlebox |           | N, C, S   |
| <i>Solanum elaeagnifolium</i>                                     | two-leaf nightshade        |           | N, C, S   |
| <i>Solanum torquatum</i>                                          | susumber, turkey berry     | N, U      | N, C, S   |
| <i>Sphagneticola trilobata</i>                                    | wedelia                    |           | N, C, S   |
| <i>(= Wedelia trilobata)</i>                                      |                            |           |           |
| <i>Stachytarpheta jamaicensis</i>                                 | nettle-leaf porterweed     |           | S         |
| <i>(= S. urticifolia)</i>                                         |                            |           |           |
| <i>Syngonium podophyllum</i>                                      | queen palm                 |           | C, S      |
| <i>(= Araceum ruminatum (flanum))</i>                             |                            |           |           |
| <i>Syzygium jambos</i>                                            | Malabar plum, rose-apple   |           | N, C, S   |
| <i>Tallipiretia illicata</i>                                      | mahoe, sea hibiscus        |           | C, S      |
| <i>(= Hibiscus illicatus)</i>                                     |                            |           |           |
| <i>Terminalia catappa</i>                                         | tropical almond            |           | C, S      |
| <i>Terminalia muelleri</i>                                        | Australian almond          |           | C, S      |
| <i>Tradescantia spathulata</i>                                    | oyster plant               |           | S         |
| <i>(= Rhoeo spathulata, Rhoeo discolor)</i>                       |                            |           |           |
| <i>Trinellia discolor</i>                                         | puncture vine, burr-mut    |           | N, C, S   |
| <i>Vitex trifolia</i>                                             | simple-leaf chaste tree    |           | C, S      |
| <i>Washingtonia robusta</i>                                       | Washington fan palm        |           | C, S      |
| <i>Wedelia</i> (see <i>Sphagneticola</i> above)                   |                            |           |           |
| <i>Wisteria sinensis</i>                                          | Chinese wisteria           |           | N, C      |
| <i>Xanthoxylum sagittatum</i>                                     | malanga, elephant ear      |           | N, C, S   |

\*Docuina include *Poa monstrosa* subsp. *formosa*, which is sold as "Green Island Pine" \*\*Many names are applied to this species in Florida because of a complicated taxonomic and nomenclature history. Plants collected in Florida, all representing the same invasive species, have in the past been referred to as *Ruellia brittaniana*, *R. rotundifolia*, *R. rotundifolia*, and *R. simplex*.