

SPEATH ENGINEERING

Civil Engineers

April 16, 2024

Brian Roberts, Planner
Lee County Department of Community Development
1500 Monroe St
Fort Myers, FL 33901

RE: Port Phoenix Water Way Marina – DCI2023-00054 – Major PD

Dear Mr. Roberts,

Please find below responses and commentary to the provided comments from staff in your February 12, 2024 letter regarding the Commercial Planned Development application for Port Phoenix Water Way Marina (DCI2021-00054).

ZONING:

1. *Please revise the Summary of Project on page 1 of the application to the proposed total maximum square footage of commercial development including a restaurant, offices, ship store, boat repair and maintenance and dry slips.*

Please see attached updated application for total maximum square footage of the 4 proposed structures on site.

2. *Part 2 B. please provide the required Disclosure of Interest.*

Please see attached Disclosure of Interest.

3. *Part 3 A. only lists two STRAP numbers. The proposed development appears to include three separate STRAP numbers please clarify.*

Information has been updated to reflect the three strap numbers.

4. *Part 3 C. the applicant has indicated that a (8 ½" x 11") legal description and sealed sketch of the legal description has been submitted. Staff could not locate the sealed sketch in the submittal. Please provide the required document with your resubmittal.*

Please see attached signed & sealed legal description.

5. *Part 3 C. the boundary survey provided was not tied to the state plane coordinate system. Please revise.*

Please see updated boundary survey, as requested.

6. *Part 3 E. Current zoning of the property is not complete on the application. Please revise.*

Please see the attached updated application.

7. *Part 3 I. the subject parcel is in the North Fort Myers Planning Community. A public meeting is required. Please provide the required documentation in accordance LDC 33-1532(b).*

Two public meetings have been conducted regarding the proposed project and rezone to date. Meeting #1 was held on June 8, 2023; and the second meeting was held on November 15, 2023. Additional information related to dates, times, advertisements, etc. are provided in the attached 'Public Meetings Details' document.

8. *Part 6 A. Commercial Square Feet – The applicant lists footprint and interior square feet on the MCP and has provided differing calculations. Additionally, the applicant is requesting a maximum height of 59 feet but does not indicate any multiple story buildings except a 2nd floor balcony on the maintenance and member building. Please clarify the request and remove all references to "interior square feet" from the application and the MCP. Please provide the total square footage of commercial development proposed.*

Please see the updated MCP and attachments which outline the total square footage of commercial development proposed.

9. *Part 7 A. provide a Request Statement that describes how the property qualifies for the rezoning, how the development complies with the Lee Plan, the Land Development Code, and the applicable finding/review criteria set forth in LDC 34-145(d)(4). In your narrative, please provide a description of onsite operations including but not limited to: public access to the site, operation and method of boat launching, public use of facilities, where maintenance/repair of boats will take place, ect. Please be as detailed as possible.*

See attached Public Access & Operations Document

10. *Please provide a property development regulations table that establishes at a minimum the minimum lot area and dimensions, minimum setbacks, maximum height, and maximum lot coverage within the planned development. Staff notes that a portion of this information is included on the MCP. This should be provided as a separate document.*

Please see attached Property Development Regulations Table exhibit.

11. *Given the location of the proposed development in proximity to existing residential development, staff recommends the applicant provide an emergency preparedness plan in accordance with LDC 10-154(21)(b) and AC 7-7 during the rezoning process.*

Please see attached 'SHM-Safety-Program-Port Phoenix' document, specifically section III, which addressed emergency preparedness.

12. *Staff recommends the applicant review zoning resolution Z-06-065 and provide an analysis of the conditions and provide any recommended conditions.*

Z-06-065 has been reviewed with respect to this proposed development and multiple items which were part of that development have been integrated into the new proposal. Additional time and effort has been placed in community outreach to get feedback and to integrate the additional property. Although Z-06-065 does mirror the proposed development in many ways, a fresh look at the newly combined property, including requesting community input, was instrumental in development of what is currently being proposed.

SCHEDULE OF USES:

1. *Staff recommends the applicant add "Accessory uses and structures."*

‘Accessory uses and structures’ has been added to the Schedule of Uses.

2. *Please add "EMS, fire or sheriff's station" to the Schedule of Uses.*

‘EMS, fire, or sheriff's station’ has been added to the Schedule of Uses.

3. *Staff recommends the applicant review the LDC 34-1 definition of Marina and Marina accessory uses and adjust the Schedule of Uses accordingly. Specifically, are the additional uses of Boat Parts Store, Boat Repair and Service, Rental Establishments, Group I, and Vehicle and Equipment Dealers, Group I uses necessary?*

Although potentially redundant with the Marina and Marina accessory uses, we would prefer to keep these uses intact and part of the

4. *Boat Repair and Service, Rental Establishment, Group I and Vehicle and Equipment Dealers Group III may be subject to the requirements of LDC 34-1352 and 34-3001. Please indicate the areas on the MCP where these uses will occur if these uses will remain.*

Areas for these uses have been indicated on the MCP.

5. *Docking and Mooring Facilities, Sales of Fuel and Lubricants, and Sanitary Facilities are not uses listed in the Land Development Code and are included under Marina, accessory uses. Please remove them from the proposed Schedule of Uses.*

We have removed the accessory uses from the Schedule of uses as requested. See attached forms for revisions.

6. *The Schedule of Uses includes Restaurant. Is it intended to be all groups (I – IV) or only specific groups listed in LDC 34-622(43). Please clarify what groups are intended on the Schedule of Uses.*

We have specified the group for the restaurant use in the Schedule of Uses as Group III.

7. *The Schedule of Uses includes Consumption on Premises. Please note that this use will be subject to the administrative or public hearing process in accordance with LDC 34-1264, unless specified in this application.*

The intent would be to include the Consumption on Premises within this application. Consumption on Premises has been added to the project narrative. Please advise if there is further information required to include this within the application.

DEVIATIONS:

1. *The Schedule of Deviations must include a written justification for each deviation request and must include documentation, including sample detail drawings illustrating how each deviation would enhance the achievement of the objectives of the planned development and not cause a detriment to public interest. Please provide a written justification for each deviation request with the required information.*

Please see attached Schedule of Deviations. We have revised this document to include the standard we are intending to deviate from, and additionally commentary explaining how.

2. *Please provide a written deviations request for each deviation in a "to provide" format. For example, " ...a deviation from Land Development Code Chapter 34-2017(a)(1-2), which requires all parking aisle and parking spaces in high turnover parking lots to a paved, dust free, all-weather surface to provide"*

Please see attached Schedule of Deviations. We have revised this document to include the standard we are intending to deviate from, and additionally commentary explaining how.

3. *Please revise your request for Deviation #3. It is requesting a deviation from all property development regulations in LDC Chapter 34-935, Property Development Regulations, and establishes only a maximum height of 59 feet. If the applicant intends to establish property development regulations that do not meet the requirements in LDC Chapter 34-935 please provide a deviation request and justification for each requirement that will not be met.*

Deviation #3 has been revised to specify the exact LDC number we area requesting a deviation from. Please see schedule of deviations for revision.

4. *Deviation #3 appears to only seek a deviation from LDC 34-935(f)(1)(e). Are all buildings proposed to exceed 45 feet above minimum flood elevation or more than three habitable stories? Please note that building height can exceed the district regulation provided every applicable setback is increased by one-half foot for every one foot the building exceeds the height limitation as described in LDC 34-2174. Is this request necessary?*

As previously stated, only one of the four structures for the site will exceed the height requirements set forth by the county.

- **The boat barn as designed is in a gabled roof configuration with the mid-point of the roof slope at 64.25' above ground level.**

- Ground slab elevation is 4.7' NAVD, and flood elevation at the building is 12' NAVD.
- Therefore the height of the boat barn structure as measured by code to the midpoint of the roof slope is 64.25' minus the difference between grade and flood elevation (7.3') with a resultant height by code of 56.95'.
- For the purposes of this request we are requesting a deviation for a height of 57' above flood elevation.

All other proposed structures are intended to meet (or be situated below) the standard 45' elevation above flood elevation.

5. *The location of any requested deviations, keyed to the schedule of deviations, must be shown on the MCP.*

Please refer to MCP where we have included callouts keyed to the deviations we are requesting relief from.

MASTER CONCEPT PLAN (MCP):

1. *LDC 34-373(6)(a) The location and explanation of all existing easements, whether or not those easements are recorded. If an easement is based upon a recorded document, the official records book reference must be stated. The survey and the MCP must show all existing easements on the site. If the easement has been vacated or released, please provide the associated documentation.*

The MCP has been updated to include all existing easements on the site.

2. *LDC 34-373(6)(e) The general location of service areas for delivery of goods or services must be shown for all developments that are not residential subdivisions. Although the MCP includes note #5 the delivery areas must be shown on the MCP. The applicant is encouraged to review LDC 34-1986 for off-street loading area requirements The description provided in note #5 (delivery of boats, boat parts, equipment ect.) indicate that deliveries may be made by semitrailer or full trailer trucks and the appropriate off-street loading area will be required. These areas must be reflected on the MCP.*

We have delineated three areas that will be utilized for loading and drop off purposes. For loading and drop offs relating to delivery of boats, boat parts, equipment etc. For restaurant service drop off and loading we have added an area designated to this on the western side of the proposed restaurant, see plan.

3. *Please remove all information not specifically required in LDC 34-373(6), such as deviations, notes, and site development regulations, from the MCP. The requested deviations and site development regulations should be provided as a separate attachment.*

All the unnecessary information stated above has been removed from the MCP and is included as an attachment for the submittal.

4. *Please show where the boats are being launched on the MCP.*

Boats that are stored in the dry-docking boat barn facility will be placed in the water by the PH2 Capria Crane. We have delineated the area where boats will be launched for the proposed development.

DEVELOPMENT SERVICES:

1. *LDC 34-373(b) Please provide the required surface water management plan than address the requirements in a.-e. of the reference section. The subject property is in VE-EL12 and AE-EL10 flood zones. Please address the finish floor requirements with regard to the existing site elevations and any compensating storage requirements that may be required given the existing elevations onsite. Staff is concerned that adequate area for stormwater management may not be reserved onsite.*

Stormwater management will be provided on site to meet South Florida Water Management District requirements for water quality and water quantity, including design storm requirements, as well as offsite discharge as limited by code for the size and location of the subject property. Stormwater system volumes on-site are provided to contain the 10-Year, 24-hour storm without flooding of the roadways/parking areas on-site. Significant additional dry-detention area is proposed on-site when compared to the approved and active SFWMD permit 36-01177-S. In addition to this, significant additional stormwater storage is proposed under the proposed boat barn within a crushed stone storage basin. The proposed project will be amending the existing SFWMD permit #36-01177-S and will address all additions/modifications to the stormwater system accordingly.

2. *NOTE: The MCP lists a total of 224 parking spaces. The MCP only shows 5 ADA accessible parking spaces. The minimum requirement is 7. Individual parking space striping is not required at time of rezoning however this will be required at time of development order.*

Please refer to MCP where we have addressed the need for 7 ADA spaces. The 7th space has been added to the northwest corner of the roundabout circle. The number of standard parking spaces has not been affected as a result of the addition.

3. *LDC 34-2015(2)e. Pedestrian System. In any parking lot with more than one tier of parking spaces is to be developed, walkways must be provided which will accommodate safe and convenient pedestrian movement from vehicles to buildings and other walking destinations. Although the MCP does include onsite sidewalks there are parking areas in the southwest that do not provide a safe and convenient pedestrian movement as required.*

The MCP has been revised to reflect safe passage from the southwest corner valet parking area to the site uses. Pedestrian traffic in the valet area traversing to the restaurant will be employee-only and will have pedestrian gated access where the public will not. We have added a pedestrian handrail along the perimeter of the lift well for safe passage. Additionally, the sidewalk on the southwestern side of the lift well area has been widened to 5 feet for safe passage.

4. *LDC 10-261 Refuse and solid waste disposal facilities are not shown on the MCP. These will be required at time of development order.*

Please refer to the MCP for the location of the proposed solid waste enclosure west of the proposed restaurant area.

5. *Note: LDC 34-2016(4) parking angle only allows different parking angles on a single site in certain circumstances as detailed in (a) and (b) of that paragraph. Unless a deviation is approved this will be required at time of development order.*

Please refer to Schedule of deviations, deviation #6 that requests relief from requirement set forth in LDC 34-2016(4).

TIS:

1. *The proposed retail, office/ship store's floor area in MCP exceeds the estimate used for trip generation in Table 1B. Could you explain this inconsistency and consider the worst-case scenario for trip generation?*

The floor areas used for trip generation have been revised to match those shown on the MCP. The trip generation has been recalculated with these floor areas.

2. *The Maintenance & Member Building, with a floor area of 9,907 SF (showed in MCP), was not considered in the trip generation estimates. Kindly explain this omission.*

The maintenance and member building is purely an ancillary use to the primary 'Marina' use designation, where trips are generated by number boat slips. Counting the square footage of these ancillary uses and calculating related trip generation would double count trips generated for these buildings/uses.

3. *As the projected trip volume exceeds 100, the TIS must provide intersection LOS analyses for site accesses and nearby intersections (within a quarter-mile radius) in existing and future conditions, using HCS or Synchro program.*

All intersections located within a quarter mile are intersections of local roads which lead to dead-ends and only provide access to the residences located along those roadways. An LOS

analysis has been provided for the nearest intersecting roadway, which is a collector road located approximately 0.5 miles from the project site. All project traffic is anticipated to utilize this intersection and collector roadway. Given this condition of only one roadway within half a mile and all traffic for the project utilizing this roadway, we believe that a HCS/Synchro analysis would not provide any additional information per the above requirement (essentially no intersections impacted within a quarter mile radius).

ENVIRONMENTAL:

1. *The applicant included open storage on the schedule of uses. Z-06-065 restricted outdoor storage of boats. Please clarify if the use is being proposed at this time. If so, please indicate how the applicant intends to meet 34-3005 of the LDC and identify the location of the outdoor storage on the MCP.*

The intent of the request to include open storage is to allow for boat operations during emergency events. The marina operator would like to maintain the ability to provide emergency boat triage services on-site within a 6-month period after a storm event to be able to provide these services in a similar fashion as has been performed on-site after Hurricane Ian. Imposed limitations to restrict the outdoor storage of boats to this specific use would be acceptable.

2. *LDC 33-1543 requires a 30-foot buffer when a high intensity development abut subdivided lots in a large residential development. please indicate how the applicant intends to screen the adjacent residential units per 6.1.6 of the Lee Plan.*

The only location where the proposed project abuts the single-family residential lots is at the entrance where the driveway to the project is located. At this location the driveway is situated on 50' wide strip of property, which essentially functions like a roadway right-of-way section. The intent would be to have this segment of driveway continue to function as an extension of inlet drive with residences situated along the drive accordingly.

3. *Resolution Z-06-065 required a 8-foot pre-casted wall as well as a 10-foot buffer along the northwest and a 5-foot buffer to the north. The applicant is requesting a deviation from 10-416(d)(6). However, the applicant does not explain what the proposed planting material is and how it is meeting 6.1.6 and 5.1.5 of the Lee Plan. Please provide a detailed justification for the buffer, as well as a cross-section of the deviation.*

During our community meetings, the topic of a buffer wall was discussed, and the community feedback was that they preferred to have a landscaped buffer in lieu of a solid wall. The proposed landscaping for the northwestern buffer area is intended to have a total of 258 shrubs and 20 trees. Please refer to the attached landscaping plan for specifications of plantings.

4. *The applicant did not provide a FLUCCS map per LDC 34-373 requirements. Please provide.*

Please see the FLUCCS map we have provided as a part of the comment response package.

5. *The environmental consultant stated they utilized Lee County approved methodology; however, they did not specify which methodology was used. Please provide a specific transect methodology.*

Per the environmental consultant: The PSA was done using the Modified Meandering Strip Census. It included 100% visual coverage of the property, exceeding the 80% minimum. Spacing on transects did not exceed 150'.

6. *The applicant is listing the required open space at 20%. The development is considered large per LDC 10-1. Therefore, 30% open space is required. Please revise the open space and provide an open space exhibit.*

Understood. We have revised the plans to reflect the required 30% of open space for a large PD. In addition to this please reference the Open Space Exhibit we have provided.

7. *The applicant requested a deviation from 10-416(d)(6) to the north; however, the applicant did not request a deviation from the south. The south parking isles are within a 125 feet of residential zoned property. Please indicate how the applicant will offset the impacts of headlights and meet Lee Plan Policies 5.1.5 and 6.1.6.*

Please see the updated schedule of deviations where we have included an additional request to deviate from the proposed landscape buffer requirements for the parking that is facing south. There are a total of 25 spaces facing south but only 13 will require additional buffering. The 12 spaces that are stationed to the east will be screened by the existing mangroves that are to remain. For the 13 spaces that require buffering from the south portion we have proposed an 8' landscape buffer to screen the parking from the adjacent residential properties.

8. *At the entrance of the development, the aerials depict an existing wall. Please indicate if the wall will be included as part of the development. If so, please indicate how the applicant will meet LDC 10-421(8).*

The aerial depiction of a wall is incorrect the site has a chain link fence where the wall is depicted. This chain-link fence will be removed upon development.

9. *Please provide a Lee Plan analysis and how the applicant intends to meet the LDC.*

Please see attached Lee Plan Analysis.

10. *Please provide more details within the narrative.*

Please see the attached updated narrative which details out more details on the proposed project.

NATURAL RESOURCES:

1. *Please number all wet and dry slips on the MCP. Please note trailer parking spaces need to be included in the dry slip count.*

Numbering for wet slips has been added to the MCP. We have added the total number of dry slips that will be contained inside of the proposed boat barn (239). There will be no trailer parking associated with this development.

2. *Please provide a Manatee Protection Plan evaluation from the Lee County Division of Natural Resources per Lee Plan policy 128.4.6.*

Please see the attached Manatee Plan Summary document prepared by Hans Wilson.

3. *Please provide a written description of the surface water management plan that complies with LDC 34-373(b)(1).*

Stormwater management will be provided on site to meet South Florida Water Management District requirements for water quality and water quantity, including design storm requirements, as well as offsite discharge as limited by code for the size and location of the subject property. Stormwater system volumes on-site are provided to contain the 10-Year, 24-hour storm without flooding of the roadways/parking areas on-site. Significant additional dry-detention area is proposed on-site when compared to the approved and active SFWMD permit 36-01177-S. In addition to this, significant additional stormwater storage is proposed under the proposed boat barn within a crushed stone storage basin. The proposed project will be amending the existing SFWMD permit #36-01177-S and will address all additions/modifications to the stormwater system accordingly.

4. *Please provide an analysis of Lee Plan Objectives 101.4, 128.4 and 128.5, as well as applicable polices within Goals 30, 60, 101, and 125.*

Please see attached Lee Plan Analysis.

5. *Please demonstrate how the proposed design will comply with LDC 26-71(b)(2), 26-71(f)(2), 26-75(a), and 26-76.*

LDC 26-71 (b)(2): The proposed watercraft mooring areas have been designed as to not exceed 25 percent of the navigable channel width on all sides of the proposed development.

26-71(f)(2): Approvals for existing wet slips are already in place at multiple levels including County, Water Management, and DEP. The current project will be modifying those permits but not changing the location or count of proposed wet slips.

26-75(a): All seawalls proposed with the project are either utilizing existing seawalls in-place, placing new seawalls in-line with seawalls as existing, or constructing new seawalls immediately waterward of the existing seawalls.

26-76: (a) Dredging is not proposed as part of this project at this time. Any future dredging will comply with Lee County, South Florida Water Management District, Florida Department of Environmental Protection, and Army Corps of Engineers regulations.

6. *The survey identifies a boat ramp. Is the boat ramp intended to remain as part of the proposal? Will the ramp be open to the general public? Where will trailers be parked?*

The terminology shown on the survey is incorrect. The location that was identified by the surveyor as a “boat ramp” is actually an existing boat lift well. This lift well will be maintained in its current configuration, however it will be used only for emergency purposes and/or post disaster situations. The boat lift well is not part of the day-to-day operations of the marina.

LEGAL:

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

1. *(5) Please provide a legal description and sketch in accordance with the requirements of Lee County LDC §34-202(a)(5).*

Legal description and sketch to accompany legal description. A metes and bounds legal description along with a sketch of the legal description, prepared by a Florida Licensed Surveyor and Mapper, must be submitted. If the subject property is one contiguous parcel, the legal description must specifically describe the entire continuous perimeter boundary of the property subject to the zoning action with accurate bearings and distances for every line.

- The legal description does not include a sketch and is not signed by a Florida Licensed Surveyor.

- The legal description for parcel 1 does not close.

- The subject property is one contiguous parcel which requires the legal description to describe the entire continuous perimeter boundary of the subject property.

Please see attached signed & sealed legal description.

2. *(6) Please provide a boundary survey of the subject property in accordance with the requirements of Lee County LDC §34-202(a)(6).*

44 WEST FLAGLER ST * SUITE 1850 * MIAMI * FLORIDA 33130
10491 SIX MILE CYPRESS PARKWAY * SUITE 280 * FORT MYERS * FLORIDA 33966
(305) 834-4213 * (239) 365-1005

Boundary survey. A boundary survey of the subject property must be submitted. The survey must be based upon the title certification submitted in accordance with Section 34-201(a)(7) and certified to the present owner as reflected in the title documentation submitted in accordance with Section 34-201(a)(7). The boundary survey must identify and depict all easements affecting the subject property, whether recorded or unrecorded, and all other physical encumbrances readily identified by a field inspection. All boundary surveys must meet the minimum technical standards for land surveying in the State, as set out in F.A.C. Ch. 5J-17. The survey must be tied to the State plane coordinate system for the Florida West Zone (the most current adjustment is required) with two coordinates, one coordinate being the point of beginning (POB) and the other an opposing corner. The perimeter boundary must be clearly marked with a heavy line and must include the entire area to be developed.

- *The boundary survey does not indicate a tie to an acceptable title certification and does not depict easements affecting the subject property.*
- *The boundary survey does not include state plan coordinates at the POB an opposing corner.*
- *The legal description for parcel 1 does not close.*
- *The legal description should describe the boundary perimeter of the subject property consistent with teh description provided with the legal description and sketch. If the legal description of the title certification is in a different format, both descriptions should be included on the boundary survey and should describe the same property.*

Please see attached updated signed & sealed survey and legal description.

3. *(7) Please provide a title certification for the property subject to zoning approval in accordance with the requirements of Lee County LDC §34-202(a)(7).*

Certification of title and encumbrances. Certification of title and encumbrances submitted for property subject to zoning approval must meet the following criteria:

- a. Form. The certification of title must be in one of the following forms: i. Title certificate or title opinion, no greater than 90 days old at the time of the initial development order submittal. Or, ii. Title insurance policy with appropriate schedules, no greater than five years old at the time of the initial zoning case submittal and an affidavit of no change covering the period of time between issuance of the policy and the application date.*
- b. Content. The certification of title must include, at a minimum, the following: i. The name of the owner of the fee title; ii. All mortgages secured by the property; iii. All easements encumbering the property; iv. The legal description of the property; and v. The certification of title documentation must be unequivocal.*

- *The title certification provided is a 2007 Title insurance policy which does not meet the requirements of the LDC. Please ensure that the new boundary survey is based on the new title certification provided.*
- *The submitted title insurance commitment is not an accepted form of certification of title and encumbrances.*

Please see attached title certification.

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PLANNING:

- 1. Provide an analysis of the project's consistency with the Lee Plan. The analysis should address all policies, objectives, or goals within the Lee Plan that apply to the project. Include the policy number, policy language, and a response describing how the project is consistent with the policy for each applicable policy.*

Please see attached Lee Plan Analysis

Please do not hesitate to contact me at 239-365-1005 or at mspeath@speathengineering.com if you require any further information or if there are any questions related to this submittal.

Sincerely,



Matthew S. Speath, P.E.



APPLICATION FOR PLANNED DEVELOPMENT PUBLIC HEARING UNINCORPORATED AREAS ONLY

Project Name: Port Phoenix Water Way Marina

Request: Rezone from: CPD, IL, & RS1 To: CPD

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

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

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

Summary of Project:

Proposed rezoning from CPD IL to CPD (Commercial Planned Development) to permit the development of a new commercial marina which includes site infrastructure and four new commercial building structures; Boat Barn: 49,000 sf, Maintenance & Member Building: 15,260 sf
 Restaurant building: 10,000 sf, Office & Ship's Store: 3,200 sf
 Development also consists of 45 wet slips, and 239 dry slips.

PART 1 APPLICANT/AGENT INFORMATION

A. Name of Applicant: Safe Harbor Marinas

Address: 14785 Preston Rd. Ste. 975

City, State, Zip: Dallas, TX 75254

Phone Number: 469-445-0755

E-mail Address: Pclark@shmarinas.com

B. Relationship of Applicant to owner (check one) and provide [Affidavit of Authorization](#) form:

☐ Applicant is the sole owner of the property. [34-201(a)(1)a.1.]

☒ Applicant has been authorized by the owner(s) to represent them for this action. [34-202(a)(3)]

☐ Application is County initiated. Attach BOCC authorization.

C. Authorized Agent: (If different than applicant) Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202(a)(4)]

1. Company Name: Speath Engineering

Contact Person: Matthew S. Speath, P.E.

Address: 44 West Flagler Street, Suite 1850

City, State, Zip: Miami, FL 33130

Phone Number: 305-834-4213 Email: mspeath@speathengineering.com

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

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

PART 2 PROPERTY OWNERSHIP

A. Property owner(s): If multiple owners (corporation, partnership, trust, association), provide a list with owner interest. [34-202(a)(2)]

Name: Lee County

Address: P.O. Box 398

City, State, Zip: Fort Myers, FL 33902

Phone Number: 239-533-2221 Email: dharner@leegov.com

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

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

C. Multiple parcels:

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

☐ Property owners map. [34-202(a)(8)]

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

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

2. Date property was acquired by present owner(s): 07/17/2007

PART 3 PROPERTY INFORMATION

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

16-44-24-03-0030A.0000, 16-44-24-03-0030B.0000, 16-44-24-03-0030B.00A0

B. Street Address of Property: 1687 Inlet Dr, Fort Myers, FL 33903

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

☒ Legal description (metes and bounds) (8½"x11") and sealed sketch of the legal description.

OR

☐ Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. ([Click here](#) to see an example of a legal description with no metes and bounds.)

AND

Boundary Survey [34-202(a)(6)]:

☒ A Boundary survey, tied to the state plane coordinate system.

OR

☐ Not required if the property is located within a subdivision platted per F.S. Chapter 177.

D. Surrounding property owners (within 500 feet of the perimeter of the subject parcel or portion thereof that is subject of the request):

1. ☒ List of surrounding property owners. [34-202(a)(9)]

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

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

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

E. Current Zoning of Property: The current Zoning is CPD, IL, & RS-1

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

F. Use(s) of Property:

1. Current uses of property are: Commercial Marina

2. Intended uses of property are: Commercial Marina

G. Future Land Use Classification (Lee Plan):

Suburban	<u>5.92</u>	Acres	<u>85.4</u>	% of Total
Public Facilities	<u>1.01</u>	Acres	<u>14.6</u>	% of Total
		Acres		% of Total

H. Property Dimensions:

1. Width (average if irregular parcel): Irregular Feet
2. Depth (average if irregular parcel): Irregular Feet
3. Total area: 6.93 Acres or square feet
4. Frontage on road or street: _____ Feet on Harbor Lane Street
- 2nd Frontage on road or street: _____ Feet on _____ Street

I. Planning Communities/Community Plan Area Requirements: If located in one of the following planning communities/community plan areas, provide a meeting summary document of the required public informational session.

- ☐ Not Applicable
- ☐ Captiva Planning Community (Captiva Island). [33-1612(a)&(b); Lee Plan Policy 13.1.7]
- ☐ North (Upper) Captiva Community Plan area. [33-1711]
- ☐ Boca Grande Planning Community. [Lee Plan Policy 22.1.5]
- ☐ Caloosahatchee Shores Community Plan area. [33-1482(a)&(b); Lee Plan Policy 21.6.3]
- ☐ Page Park Community Plan area. [33-1203(a) & (b); Lee Plan Policy 27.11.2]
- ☐ Palm Beach Boulevard Community Plan area. [Lee Plan Policy 23.5.2]
- ☐ Buckingham Planning Community. [Lee Plan Policy 17.7.2]
- ☐ Pine Island Planning Community. [33-1004(a) & (b); Lee Plan Policy 14.7.1]
- ☐ Lehigh Acres Planning Community. [33-1401(a)&(b); Lee Plan Policy 32.12.2]
- ☒ North Fort Myers Planning Community. [33-1532(a)&(b)]
- ☐ North Olga Community Plan area. [33-1663(a)&(b)]

J. Waivers from Application Submission Requirements: Attach waivers, if any, approved by the Director of Zoning. [34-201(c)]

PART 4 TYPES OF LAND AREA ON PROPERTY

- A. Gross Acres (total area within described parcel)** 6.93 **Acres**
1. Submerged land subject to tidal influence 0.66 Acres
 2.
 - a. Preserved freshwater wetlands _____ Acres
 - b. Impacted wetlands _____ Acres
 - c. Preserved saltwater wetlands _____ Acres
 - d. Total wetlands (A.2.a. plus A.2.b. plus A.2.c.) _____ Acres
 3. R-O-W providing access to non-residential uses _____ Acres
 4. Non-residential use areas ^{(1) (2)} 6.27 Acres
- B. Total area not eligible as gross residential acreage (Items A.1. + A.3. + A.4.).** N/A **Acres**
- C. Gross residential acres. (A minus B) ⁽³⁾** N/A **Acres**
- D. Gross residential acres (by Land Use Category)**
1.
 - a. Intensive Development – upland _____ Acres
 - b. Intensive Development – preserved freshwater wetlands _____ Acres
 - c. Intensive Development – impacted wetlands _____ Acres
 2.
 - a. Central Urban – upland _____ Acres
 - b. Central Urban – preserved freshwater wetlands _____ Acres
 - c. Central Urban – impacted wetlands _____ Acres
 3.
 - a. Urban Community or Suburban – upland _____ Acres
 - b. Urban Community or Suburban – preserved freshwater wetlands _____ Acres
 - c. Urban Community or Suburban – impacted wetlands _____ Acres

4.	a.	Suburban – upland	_____	Acres
	b.	Suburban – preserved freshwater wetlands	_____	Acres
	c.	Suburban – impacted wetlands	_____	Acres
5.	a.	Outlying Suburban – upland	_____	Acres
	b.	Outlying Suburban – preserved freshwater wetlands	_____	Acres
	c.	Outlying Suburban – impacted wetlands	_____	Acres
6.	a.	Sub-Outlying Suburban – upland	_____	Acres
	b.	Sub-Outlying Suburban – preserved freshwater wetlands	_____	Acres
	c.	Sub-Outlying Suburban – impacted wetlands	_____	Acres
7.	a.	Rural, Outer Island, Rural Community Preserve – upland	_____	Acres
	b.	Rural, Outer Island, Rural Community Preserve – wetlands	_____	Acres
8.	a.	Open Lands – upland	_____	Acres
	b.	Open Lands – wetlands	_____	Acres
9.	a.	Resource – upland	_____	Acres
	b.	Resource – wetlands	_____	Acres
10.	a.	Wetlands	_____	Acres
11.	a.	New Community – upland	_____	Acres
	b.	New Community – wetlands	_____	Acres
12.	a.	University Community – upland	_____	Acres
	b.	University Community – wetlands	_____	Acres
13.	a.	Coastal Rural – upland	_____	Acres
	b.	Coastal Rural – wetlands	_____	Acres

TOTAL (should equal "C" above)

_____ **Acres**

Notes:

- (1) Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included except within the Mixed Use Overlay {see Note (2) below}.
- (2) Within the Mixed Use Overlay, lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses may be included in density calculations {see Lee Plan Objective 4.3}.
- (3) Lands to be used for residential uses including land within the development proposed to be used for streets & street rights of way, utility rights-of-way, public & private parks, recreation & open space, schools, community centers, & facilities such as police, fire & emergency services, sewage & water, drainage, and existing man-made waterbodies.

PART 5 RESIDENTIAL DEVELOPMENT - PRELIMINARY DENSITY CALCULATIONS

- i. Complete only if living units are proposed in a Future Land Use Category.
- ii. If more than one classification, calculations for each classification must be submitted. Attach extra sheets as necessary.
- iii. If wetlands are located on the property, density calculations are considered preliminary pending a wetlands jurisdictional determination.

A. Future Land Use Category: N/A

		Lee Plan Table 1(a)		
		Max. standard density		Units
1.	Standard Units			
	a. Total upland acres (from Part 4, D.)	_____ x _____	equals	_____
	b. Total preserved freshwater wetlands acres (from Part 4, D.)	_____ x _____	equals	_____
	c. Total impacted wetlands acres (from Part 4, D.)	_____ x _____	equals	_____
	d. Total Allowed Standard Units ⁽¹⁾			_____
2.	Bonus Units [2-143]			
	a. Site-built Affordable Housing			_____
	b. Transferrable Dwelling Units			_____
	c. Sub-total			_____
3.	Total Permitted Units ⁽¹⁾			_____

Note:

- (1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.

PART 6
COMMERCIAL, INDUSTRIAL, MINING, ASSISTED LIVING FACILITIES, HOTELS & MOTELS
PRELIMINARY INTENSITY CALCUATIONS

		Height	Total Floor Area (Square Feet)
A. Commercial			
1.	Medical		0
2.	General Office		1,400
3.	Retail		2,500
4.	Other: (Restaurant, Club, Storage, Boat Service, & Marina)		73,560
			77,460
5. TOTAL FLOOR AREA			
		Height	Total Floor Area (Square Feet)
B. Industrial			
1.	Under Roof		0
2.	Not Under Roof		0
3.	TOTAL FLOOR AREA		0
		Depth	Total Acres
C. Mining			
1.	Area to be excavated		0
		Height	Total Beds/Units
D. Assisted Living Facilities			
1.	Dependent Living Units		0
2.	Independent Living Units		0
3.	TOTAL BEDS/UNITS		0
		Height	Total Rental Units
E. Hotels/Motels (Room Size)			
1.	< 425 sq. ft.		0
2.	426-725 sq. ft.		0
3.	725 < sq. ft.		0
4.	TOTAL UNITS		0

PART 7
ACTION REQUESTED

- A. Request Statement:** Provide a single narrative explaining the nature of the request and how the property qualifies for the rezoning to a planned development. This narrative should include how the proposed development complies with the Lee Plan, the Land Development Code, and the applicable findings/review criteria set forth in LDC section 34-145(d)(4). This narrative may be utilized by the Board of County Commissioners, Hearing Examiner and staff in establishing a factual basis for the granting or denial of the rezoning. **[34-373(a)(5)]**
- B. Traffic Impact Statement.** A traffic impact statement in a format and to the degree of detail required by the County and in conformance with the adopted Lee County Administrative Code. TIS is not required for an existing development. **[34-373(a)(7)]**
- C. Master Concept Plan:**
- Master Concept Plan, Non-PRFPD:** A graphic illustration (Master Concept Plan) of the proposed development, showing and identifying the information required by LCLDC Section 34-373(a)(6)a. Copies of the Master Concept Plan must be provided in two sizes, 24"x36" and 11"x17", and must be clearly legible and drawn at a scale sufficient to adequately show and identify the required information. In addition to the Master Concept Plan, an open space design plan delineating the indigenous preserves and/or native tree preservation areas as required by LDC Section 10-415(b) must be submitted. **[34-373(a)(6)]**
 - Schedule of Uses:** A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property including the information required by LCLDC Section 34-373(a)(8). **[34-373(a)(8)]**

3. **Schedule of Deviations and Written Justification:** A schedule of deviations and a written justification for each deviation requested as part of the Master Concept Plan accompanied by documentation including sample detail drawings illustrating how each deviation would enhance the achievement of the objectives of the planned development and will not cause a detriment to public interests. The location of each requested deviation must be located/shown on the Master Concept Plan. [34-373(a)(9)]

D. Bonus Density: [34-202(a)(11)]

- ☒ Not Applicable
☐ Bonus Density will be used. Provide the number of Bonus Density units being requested and a narrative of how the request meets the requirements of LDC Section 2-146.

PART 8 ENVIRONMENTAL REQUIREMENTS

- A. Topography:** Describe the range of surface elevations of the property. Attach a county topographic map (if available) or a USGS quadrangle map showing the subject property. [34-373(a)(4)b.iv.]
 Waterfront property ranging from sea level to approximately 5' NAVD
-
- B. Sensitive Lands:** Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the LEE Plan Section XII), flowways, creek beds, sand dunes, other unique land forms [see LEE Plan Policy 77.1.1 (2)] or listed species occupied habitat [see LCLDC Section 10-473(f)].
 Existing Mangrove areas along south property line will not be impacted as a part of PD
-
- C. Preservation/Conservation of Natural Features:** Describe how the lands listed in PART 6.B. above will be protected by the completed project:
 Existing Mangrove areas along south property line will not be impacted as a part of PD
-
- D. Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:
 Prevention plan measures will be taken during construction of upland improvements, as well as construction of new seawalls in select locations
-
- E. Soils Map:** Attach maps drawn at the same scale as the Master Concept Plan marked or overprinted to show the soils classified in accordance with the USDA/SCS System. [34-373(a)(4)b.i.]
- F. FLUCCS Map:** A Florida Land Use, Cover and Classification System (FLUCCS) map, at the same scale as the Master Concept Plan, prepared by an environmental consultant. The FLUCCS map must clearly delineate any Federal and State jurisdictional wetlands and other surface waters, including the total acreage of Federal and State wetlands. [34-373(a)(4)c.]
- G. Rare & Unique Upland Habitat Map:** Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show significant areas of rare and unique upland habitat as defined in the LEE Plan Section XII. [34-373(a)(4)b.iii.]
- H. Existing and Historic Flow-Ways Map:** Map(s) drawn at the same scale as the master concept plan marked or overprinted to show existing and historic flow-ways. [34-373(a)(4)b.v.]

PART 9 SANITARY SEWER & POTABLE WATER FACILITIES

- A. Special Effluent:** If the discharge of any special effluent is anticipated, please specify what it is and what strategies will be used to deal with its' special characteristics:
 No special effluent anticipated as part of the proposed project.
-
- B. Private On-Site Facilities:** If a private on-site wastewater treatment and disposal facility is proposed, please provide a detailed description of the system including:
1. Method and degree of treatment:
 N/A
 2. Quality of the effluent:
 N/A

3. Expected life of the facility:

N/A

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

N/A

5. Receiving bodies or other means of effluent disposal:

N/A

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

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

N/A

2. Current water table conditions:

N/A

3. Proposed rate of application:

N/A

4. Back-up system capacity:

N/A

PART 10 ADDITIONAL REQUIREMENTS

A. Major Planned Developments:

1. **Surface Water Management Plan.** A written description of the surface water management plan as required by LCLDC Section 34-373(b)(1). **[34-373(b)(1)]**
2. **Phasing Program.** If the development is to be constructed in phases or if the Traffic Impact Statement utilized phasing, then a description of the phasing program must be submitted. **[34-373(b)(3)]**
3. **Protected Species Survey.** A protected species survey is required for large developments (as defined in LCLDC Section 10-1) as specified in LCLDC Section 10-473. **[34-373(b)(2)]**

B. Amendments to Built Planned Developments: The consent of the owners of the remainder of the original planned development is not required, but these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property. Attach proof of notice to other property. **[34-373(c)]**

C. Development of Regional Impact: Binding letter of interpretation from DCA or a complete and sufficient ADA. (See also Application for Public Hearing for DRI Form.) **[34-373(d)(9)]**

D. Private Recreational Facility Planned Developments (PRFPDs):

1. **Master Concept Plan, PRFPD.** Master Concept Plan showing and identifying information required by LDC Section 34-941(g)(1). Copies of the Master Concept Plan must be provided in two sizes, 24"x36" and 11"x17", and must be clearly legible and drawn at a scale sufficient to adequately show and identify the required information. **[34-941(g)(1)]**
2. **Conceptual Surface Water Management Plan.** A Conceptual Surface Water Management Plan must be submitted. The plan must be viable and take into consideration any natural flowway corridors, cypress heads, natural lakes, and the restoration of impacted natural flowway corridors. **[34-941(d)(3)b.i.1]**
3. **Well Drawdown Information.** If within an area identified as an anticipated drawdown area for existing or future well development, demonstration of compliance with LCLDC Section 34-941(d)(3)d.i & ii. must be provided. **[34-941(d)(3)d.]**
4. **Preliminary Indigenous Restoration Plan.** A Preliminary Indigenous Restoration Plan must be provided if on-site indigenous restoration is being used to meet the indigenous native plant community preservation requirement. **[34-941(e)(5)f.iii.]**

5. **Environmental Assessment.** An Environmental Assessment must be provided which includes, at a minimum, an analysis of the environment, historical and natural resources. **[34-941(g)(2)]**
6. **Demonstration of Compatibility.** Written statements concerning how the applicant will assure the compatibility of the proposed development with nearby land uses (by addressing such things as noise, odor, lighting and visual impacts), and the adequate provision of drainage, fire and safety, transportation, sewage disposal and solid waste disposal must be provided. **[34-941(g)(4)]**
- E. **Potable Water & Central Sewer.** Will the project be connected to potable water and central sewer as part of any development of the property?
- ☒ **YES** (Provide a letter from the appropriate Utility to which the connection(s) are proposed confirming availability of service.) **[34-202(a)(10)]**
- ☐ **NO** (Provide a narrative explaining why the connection is not planned and how the water and sewer needs of the project will be met.) **[34-202(a)(10)]**
- F. **Existing Agricultural Use:** If the property owner intends to continue an existing agricultural use on the property subsequent to the zoning approval, an Existing Agricultural Use Affidavit must be provided. Entitle as "Existing Agricultural Uses at Time of Zoning Application." **[34-202(a)(12)]**
- G. **Flood Hazard:**
- ☐ Not applicable
- ☒ The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s.
- ☒ The minimum elevation required for the first habitable floor is 11.0' to 13.0' (Depending on Zone) NAVD (MSL)
- H. **Excavations/Blasting:**
- ☒ No blasting will be used in the excavation of lakes or other site elements.
- ☐ If blasting is proposed, provide Information Regarding Proposed Blasting (including soil borings, a map indicating the location of the proposed blasting, and other required information).
- I. **Hazardous Materials Emergency Plan for Port Facilities:** **[12-110(a)(16)]**
- ☒ Not Applicable
- ☐ Provide a Hazardous materials emergency plan.
- J. **Mobile Home Park:** **[34-174(h)]**
- ☒ Not Applicable
- ☐ Request includes rezoning of a Mobile Home Park. Provide facts related to the relocation of dislocated owners that meets the requirements of F.S. § 723.083 (1995).
- K. **Airport Zones & Lee County Port Authority (LCPA) Requirements:**
- ☒ Not Applicable
- ☐ Property is located within _____ Airport Noise Zone: **[34-1104]**
- ☐ Property is located within Airport Runway Protection Zone. Indicate which Zone below. **[34-1105]**
- ☐ Property is located within Airport Residential and Educational Protection Zone: **[34-1106]**
- ☐ Property is located in an Airport Obstruction Notification Zone and subject to LCPA regulations. **[34-1107]**
- ☐ A Tall Structures Permit is required. **[34-1108]**

PART 5 SUBMITTAL REQUIREMENT CHECKLIST		
<i>Clearly label your attachments as noted in bold below</i>		
Copies Required		SUBMITTAL ITEMS
3	☒	Completed application for Public Hearing [34-202(a)(1)]
1	☒	Filing Fee - [34-201(d)]
1	☐	Bonus Density Filing Fee - (if applicable) [34-202(a)(11)]
3	☒	Affidavit of Authorization (notarized) Form [34-202(a)(3)]
3	☒	Additional Agents [34-202(a)(4)]
3	☐	Multiple Owners List (if applicable) [34-202(a)(2)]
3	☐	Disclosure of Interest Form (multiple owners) [34-202(a)(2)]
3	☒	Legal description (must submit) [34-202(a)(5)]
	☒	Legal description (metes and bounds) and sealed sketch of legal description
		OR
	☐	Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.)
3	☒	Boundary Survey – not required if platted lot (2 originals required) [34-202(a)(6)]
3	☒	Property Owners list (if applicable) [34-202(a)(8)]
3	☒	Property Owners map (if applicable) [34-202(a)(8)]
3	☒	Confirmation of Ownership/Title Certification [34-202(a)(7)]
3	☒	STRAP Numbers (if additional sheet is required) [34-202(a)(5)]
1	☒	List of Surrounding Property Owners [34-202(a)(9)]
1	☒	Map of Surrounding Property Owners [34-202(a)(9)]
1	☒	Mailing labels [34-202(a)(9)]
3	☒	List of Zoning Resolutions and Approvals
3	☐	Summary of Public Informational Session (if applicable)
3	☐	Waivers from Application Submission Requirements (if applicable) [34-201(c)]
3	☐	Preliminary Density Calculations (if applicable)
3	☒	Request Statement [34-373(a)(5)]
3	☒	Traffic Impact Statement (TIS) (not required for existing development) [34-373(a)(7)]
3	☒	Master Concept Plan (MCP), Non-PRFPD [34-373(a)(6)]
3	☒	Schedule of Uses [34-373(a)(8)]
3	☒	Schedule of Deviations and Written Justification [34-373(a)(9)]
3	☒	Topography (if available) [34-373(a)(4)b.iv.]
3	☒	Soils Map [34-373(a)(4)b.9.]
3	☒	FLUCCS Map [34-373(a)(4)c.]
3	☒	Rare & Unique Upland Habitat Map [34-373(a)(4)b.iii.]
3	☐	Existing and Historic Flow-Ways Map [34-373(a)(4)b.v.]
3	☒	Surface Water Management Plan (if applicable) [34-373(b)(1)]
3	☐	Phasing Program (if applicable) [34-373(b)(3)]
3	☒	Protected Species Survey (if applicable) [34-373(b)(2)]
3	☐	Proof of Notice (if applicable) [34-373(c)]

3	☐	Binding Letter from DCA (if applicable) [34-373(d)(9)]
3	☒	Master Concept Plan (MCP), PRFPD (if applicable) [34-941(g)(1)]
3	☐	Conceptual Surface Water Management Plan (if applicable) [34-941(d)(3)b.i.1)]
3	☐	Well Drawdown Information (if applicable) [34-941(d)(3)d.]
3	☐	Preliminary Indigenous Restoration Plan (if applicable) [34-941(e)(5)f.iii.]
3	☐	Environmental Assessment (if applicable) [34-941(g)(2)]
3	☐	Demonstration of Compatibility (if applicable) [34-941(g)(4)]
3	☒	Potable Water & Sanitary Sewer. Letter from the appropriate utility entity indicating the utility entity or explanation of how water and sewer needs will be met if connection will not be made. [34-202(a)(10)]
3	☐	Existing Agricultural Use Affidavit (if applicable) [34-202(a)(12)]
3	☐	Information Regarding Proposed Blasting (if applicable).
3	☐	Hazardous Materials Emergency Plan (if applicable)
3	☐	Mobile Home Park Dislocated Owners Information (if applicable) [34-202(b)(4)]
3	☐	Tall Structures Permit (if applicable) [34-1108]

**DISCLOSURE OF INTEREST
AFFIDAVIT**

BEFORE ME this day appeared Matthew S. Speath, PE, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at 1687 Inlet Dr, North Fort Myers, FL 33903 and is the subject of an Application for zoning action (hereinafter the "Property").

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

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

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

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

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

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

Name and Address	Percentage of Ownership
Lee County, P.O. Box 398, Fort Myers, FL 33902	100%

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



Property Owner Authorized Representative

Matthew S. Speath

Print Name

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

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, on March 12, 2024 (date) by Matthew S. Speath (name of person providing oath or affirmation), who is personally known to me or who has produced Florida Driver License (type of identification) as identification.

STAMP/SEAL



Signature of Notary Public



DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME this day appeared Matthew S. Speath, PE, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at 1687 Inlet Dr, North Fort Myers, FL 33903 and is the subject of an Application for zoning action (hereinafter the "Property").

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

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

Property Owner Authorized Representative

Matthew S. Speath
Print Name

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

STATE OF FLORIDA
COUNTY OF LEE

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

STAMP/SEAL

Signature of Notary Public

SPEATH ENGINEERING

Civil Engineers

PROJECT NARRATIVE

Proposed is a rezoning from CPD Commercial Planned Development and IL Light Industrial to CPD (Commercial Planned Development) for the Safe Harbor Waterway Marina Property. The proposed rezoning will permit the construction of a new commercial marina with four new commercial building structures.

The site consists of surface parking, vehicular circulation, stormwater management, landscaping, and marine improvements. The four proposed structures include a retail/office/ships store structure, restaurant structure, 239 dry-slip boat barn, and a maintenance and member structure. In addition, 45 wet slips are proposed around the perimeter of the site.

The four structures proposed on the property include the following:

1. Marina Building, with 1,800 SF of Retail and 1,400 SF of Office Space. This building is intended as the main point of operations and service for the marina with administrative, sales, and leasing offices, bathrooms, and ship's store.
2. Restaurant Building, with up to 10,000 square foot restaurant.
3. Boat barn with 239 indoor dry-rack boat slips which are launched and racked using a rail-mounted crane system.
4. Maintenance and member building with a 4,525 SF private club for Safe Harbor members, 700 SF of office space, 4,635 SF of storage, and a Boat repair and service section comprising of 5,400 SF.

One of the focal points of the proposed development is the flagship restaurant situated at the southeast corner of the property directly on the point boating entry from the river. It is the intent of this application to include the allowance of consumption on premises on this site and to avoid an additional administrative hearing process.

SPEATH ENGINEERING

Civil Engineers

SCHEDULE OF USES

- Accessory uses and structures.
- Administrative offices.
- Bait and tackle shop.
- Bar or cocktail lounge.
- Boat parts store.
- Boat rental.
- Boat repair and service.
- Boat storage: Dry
- Clubs, private.
- Consumption on premises.
- EMS, fire, or sheriff's station.
- Essential services.
- Essential service facilities, Group I.
- Excavation: Water retention.
- Gift and souvenir shop.
- Marina.
- Parking lot: Accessory and Temporary.
- Recreation facilities: Personal and Private—On-site.
- Rental establishments, group I.
- Restaurant, Group III.
- Signs in accordance with chapter 30.
- Storage: indoor and open.
- Temporary uses.
- Transportation services, group I.
- Vehicle and equipment dealers, group III.

SPEATH ENGINEERING

Civil Engineers

SCHEDULE OF DEVIATIONS

- 1. Deviation from 34-2017(a) (1-2) all high turnover parking lot aisles must be provided with a paved, dustfree, all-weather surface.**

Commentary: This section states that any high turnover parking area must have a paved, dust free all-weather surface from the aisle to the parking lot curb. We are requesting relief from this requirement for a valet-only parking area situated in the southwest corner of the property. This area will not be open for public use.

- 2. Deviation from section 10-416 (d)(6) required combination berm and solid wall of no less than 8' in height for a commercial parking lot situated within 125 feet of a residential property.**

Commentary: We are intending to deviate from this requirement by providing a varying width landscaped buffer of 9 to 15 feet wide, with parking situated 118 feet away from the adjacent residential properties to the northwest. Additionally, we have provided an 8' landscape buffer for a portion of the parking that is stationed 110' from the adjacent properties stationed to the south. Given the distance to the edge of the residential properties is only slightly under the requirement of 125', we are requesting a reduction in the required buffer. For example, the parking that is situated 118' away would require no buffer at all if moved an additional 7'.

- 3. Deviation from section 34-935(f)(1)(e) buildings may be as tall as 45 feet above minimum flood elevation with no more than three habitable stories.**

Commentary: For the development of this property only one of the structures will not meet the height requirement set forth by code, which is the indoor dry-stack boat storage boat barn. The intent is to deviate from the requirement of a maximum 45' building height for the proposed dry slip Boat Barn to exceed this height requirement at a maximum height of 57 feet above base flood elevation. No other proposed structures for this site will exceed the height requirement.

SPEATH ENGINEERING

Civil Engineers

- 4. Deviation from section 34-2194(b) buildings and structures may not be placed closer than 25 feet to a canal or to a bay or other water body.**

Commentary: The intent is to request a deviation from the outlined requirement for the placement of 3 proposed structures on site. We are requesting that the restaurant building be placed with a 4' waterbody setback, the office and ships store building placement at a 15' setback, and the maintenance & member building be placed at a 12' setback.

- 5. Deviation from section 33-1453(a) Requiring Landscape buffers for high density or high intensity development abutting a subdivided lot in an existing large lot residential subdivision must utilize, at a minimum, a 30-foot buffer width.**

Commentary: The location where the property directly abuts single-family residences is limited to a small portion of property approximately 50' wide, that is situated between two single family residences. The portion of property in question currently functions the same as the 50' ROW for inlet drive, and will continue to function in this manner. The current configuration results in residential lots which act as though they are dual-frontage corner lots, although in practice it is a private piece of property between them instead of a right of way. It is our intent to continue to operate this portion of the property as the same as the Inlet Drive ROW to keep the integrity of the residential lots intact. In order to do so, a deviation from this section of the code is required.

- 6. Deviation from section 34-2016(4) Requiring that Parking must be developed throughout the site utilizing the same degree of angle.**

Commentary: The intent is to request a deviation from the outlined requirement for the use of varying angled parking spaces throughout the site. For the East, North and Southern parking lots we have provided parking at 90 degrees. We are seeking relief for the western parking lot as the spaces have been proposed at 45 degrees. The western parking lot is intended to be utilized by members-only, and is a completely separate portion of the site, therefore different angle configuration parking spaces do not in practice conflict with each other.

SPEATH ENGINEERING

Civil Engineers

- 7. Deviation from section 34-2020 Requiring that a total of 225 spaces must be provided on the site.**

Commentary: The intent is to request a deviation from the outlined requirement of 225 parking spaces to be provided for the overall site. The MCP delineates a total of 217 spaces with 158 standard and 56 non stacked valet spaces. We are requesting relief for the additional 11 spaces that are deficient with the current site design.

SPEATH ENGINEERING

Civil Engineers

PROPERTY DEVELOPMENT REGULATIONS TABLE

SITE INFO		REQUIRED	PROPOSED
MINIMUM LOT AREA & DIMENSIONS	-----	Lot Area: 20,000 SF Lot Width: 100 FT Lot Depth: 100 FT	6.39 AC Irregular Irregular
SETBACKS	-----	Side Yard: 20 FT Rear Yard: 20 FT Street: 25 FT Waterbody: 20 FT	4.0' min 12.0' min. N/A 4.0' min
MAX BUILDING HT.	-----	45	57 *
MAX LOT COVERAGE	-----	40 %	24.6%
PROPOSED STRUCTURES	Structures	Uses	SF Provided
	Boat Barn	Dry Storage	49,000 SF
	Maintenance & Member Building	Storage 1 st Fl	3,400 SF
		Storage 2 nd Fl	1,235 SF
		Private Club 2 nd Fl	4,525 SF
		Office 2 nd Fl	700 SF
		Boat Repair and Service	5,400 SF
	Restaurant Building	Restaurant	10,000 SF
	Office & Ships store	Retail Office	1,800 SF 1,400 SF
	TOTAL STRUCTURE SF=		<u>77,460 SF</u>
FUTURE LAND USE	Suburban & Public Facilities	-----	-----
STRAP NUMBERS	16-44-24-030030A.0000 16-44-24-030030B.0000 16-44-24-03-0030B.00A0	-----	-----
PLANNING COMM.	North Fort Myers	-----	-----
FOLIO NUMBERS	10162893 10162894 10162895	-----	-----
BOAT SLIPS	Dry	-----	239
BOAT SLIPS	Wet	-----	45
TOTAL OPEN SPACE	-----	2.07 AC (30% of Lot Area)	2.1 AC (30.3%)

44 W FLAGLER ST | SUITE 1850 | MIAMI, FLORIDA 33130
10491 SIX MILE CYPRESS PARKWAY | SUITE 280 | FORT MYERS, FLORIDA 33966
(305) 834-4213 • (239) 365-1005

SPEATH ENGINEERING

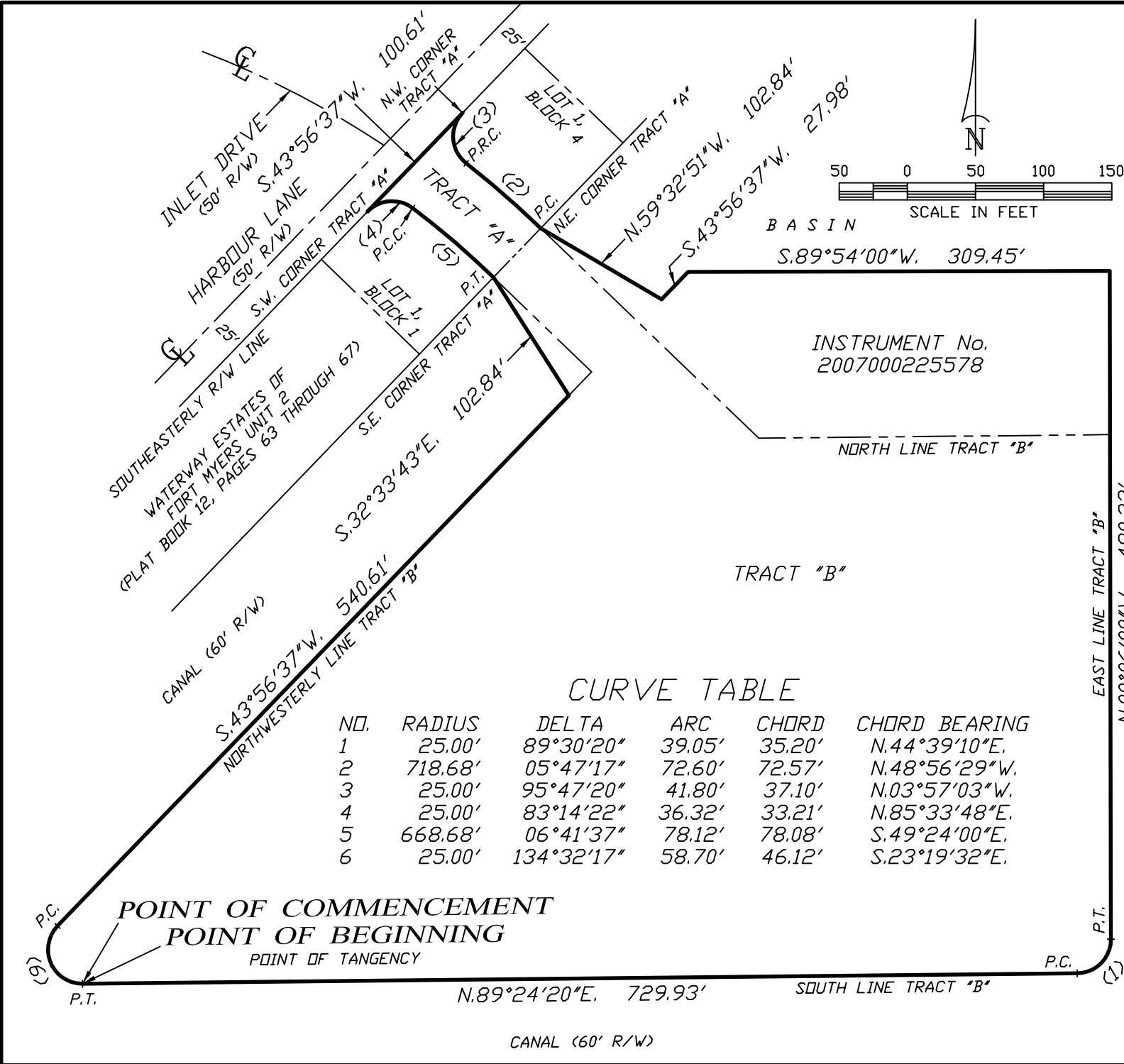
Civil Engineers

	Use	Rate	Provided
PARKING	Restaurant, 10,000 SF	14 / 1000 sf = 140 spaces	Standard = 158 Valet = 56
	Office, 2,100 SF	1/300 sf = 7 spaces	
	Retail (Ships Store), 1,800 SF	1/ 250 sf = 8 spaces	
	Private Club	Ancillary to Marina Use	
	Boat Repair & Service	Ancillary to Marina Use	
	Dry slips (239)	1 space/5 slips = 48 spaces	
	Wet slips (45)	1 space/2 slips = 22	
	Total Spaces Required = 225 spaces		Total = 214
SOLID WASTE	Commercial Business Bldg. SF	Min SF for Solid Waste	SF Provided
	Total SF of Industrial & Commercial Business Bldg. = 28,460 SF	216 SF up to 25,000 SF Plus 8 SF for each additional 1,000 SF	256 SF
		Required: 256 SF	

* - Boat Barn building only.

Additional info dated 04-19-2024

DCI2023-00054 Lee County ePlan



SKETCH TO ACCOMPANY DESCRIPTION:
**A PARCEL OF LAND
LYING IN TRACT "A" & "B",
WATERWAY ESTATES
OF FORT MYERS UNIT 2,**
(PLAT BOOK 12, PAGES 53-67)
SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA
**& A PARCEL OF LAND
LYING IN SECTION 16,**
TOWNSHIP 44 SOUTH, RANGE 24 EAST,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA

SEE EXHIBIT "A",
SHEET 2 OF 2 FOR DESCRIPTION

THIS IS NOT A BOUNDARY SURVEY

- SKETCH / DESCRIPTION NOTES:
1. BASIS OF BEARING SHOWN HEREDON TAKEN FROM THE SOUTH LINE OF TRACT "B", AS BEING N.89°24'20"E.
 2. FIELD NOTES IN WATERWAY ESTATES UNIT 2.
 3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
 4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREDON. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
 5. THIS MAP/PLAT IS CONSIDERED SIGNED USING A DIGITAL SEAL IN ACCORDANCE WITH THE APPLICABLE STATE LAWS AND STATUTES FS 668.001-006; FS 668.50; FS 472.025; 5J-17.062, FLORIDA ADMINISTRATIVE CODE, STATE OF FLORIDA.
 6. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2" x 14", 100 SCALE DRAWING.

- LEGEND:
- (1) CURVE NUMBER
 - P.C. POINT OF CURVATURE
 - P.C.C. POINT OF COMPOUND CURVATURE
 - P.R.C. POINT OF REVERSE CURVATURE
 - P.T. POINT OF TANGENCY
 - R/W RIGHT-OF-WAY
 - Centerline

SHEET
1 OF 2

HARRIS-JORGENSEN, LLC,
3048 DEL PRADO BLVD. S., SUITE 100
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

DRAWN: RBH	CHECK: PMM	SCALE 1"=100'	PROJ. # 1687 INLET DR
SKETCH DATE 3/14/24		FILE NO. 45-25-19	SHT.- 1 OF - 2
FLORIDA CERTIFICATE OF AUTHORIZATION LB6921			

DESCRIPTION TO ACCOMPANY SKETCH

EXHIBIT "A"**A PARCEL OF LAND LYING IN TRACT "A" & "B",
WATERWAY ESTATES OF FORT MYERS UNIT 2,**

(PLAT BOOK 12, PAGES 53-67)

SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA**& A PARCEL OF LAND LYING IN SECTION 16,**TOWNSHIP 44 SOUTH, RANGE 24 EAST,
PUBLIC RECORDS OF LEE COUNTY, FLORIDA**DESCRIPTION:**

A PLOT OR PARCEL OF LAND LYING IN TRACT "A" AND "B", WATERWAY ESTATES OF FORT MYERS UNIT 2, AS RECORDED IN PLAT BOOK 12, PAGES 53 THROUGH 67, PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND A PLOT OR PARCEL OF LAND LYING IN SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, SAID PLOT OR PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT OF TANGENCY ON THE SOUTH LINE OF THE AFORESAID TRACT "B", FOR THE POINT OF BEGINNING; THENCE RUN N.89°24'20"E. ALONG SAID SOUTH LINE TO A POINT OF CURVATURE FOR 729.93 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF A CURVE CONCAVE NORTHWESTERLY FOR 39.05 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 25.00 FEET, A CENTRAL DELTA ANGLE OF 89°30'20", A CHORD THAT BEARS N.44°39'10"E. AND A CHORD DISTANCE OF 35.20 FEET TO A POINT OF TANGENCY; THENCE RUN N.00°06'00"W. ALONG THE EAST LINE OF THE AFORESAID TRACT "B" FOR 490.23 FEET; THENCE RUN S.89°54'00"W. FOR 309.45 FEET; THENCE RUN S.43°56'37"W. FOR 27.98 FEET; THENCE RUN N.59°32'51"W. FOR 102.84 FEET TO THE NORTHEASTERLY CORNER OF THE AFORESAID TRACT "A", SAID POINT LYING ON A NON TANGENT CURVE; THENCE RUN NORTHWESTERLY ALONG THE ARC OF A CURVE CONCAVE SOUTHWESTERLY FOR 72.60 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 718.68 FEET, A CENTRAL DELTA ANGLE OF 05°47'17", A CHORD THAT BEARS N.48°56'29"W. AND A CHORD DISTANCE OF 72.57 FEET TO A POINT OF REVERSE CURVATURE; THENCE RUN NORTHWESTERLY ALONG THE ARC OF A CURVE CONCAVE NORTHEASTERLY FOR 41.80 FEET TO A POINT OF CUSP, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 25.00 FEET, A CENTRAL DELTA ANGLE OF 95°47'20", A CHORD THAT BEARS N.03°57'03"W. AND A CHORD DISTANCE OF 37.10 FEET TO THE NORTHWESTERLY CORNER OF THE AFORESAID TRACT "A" AND SAID POINT LYING ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF HARBOUR LANE (50 FEET WIDE); THENCE RUN S.43°56'37"W. ALONG SAID RIGHT OF WAY LINE TO THE SOUTHWESTERLY CORNER OF SAID TRACT "A" BEING A POINT OF CUSP AND POINT OF CURVATURE FOR 100.61 FEET; THENCE RUN NORTHEASTERLY ALONG THE ARC OF A CURVE CONCAVE SOUTHWESTERLY FOR 36.32 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 25.00 FEET, A CENTRAL DELTA ANGLE OF 83°14'22", A CHORD THAT BEARS N.85°33'48"E. AND A CHORD DISTANCE OF 33.21 FEET TO A POINT OF COMPOUND CURVATURE; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF A CURVE CONCAVE SOUTHWESTERLY FOR 78.12 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 668.68 FEET, A CENTRAL DELTA ANGLE OF 06°41'37", A CHORD THAT BEARS S.49°24'00"E. AND A CHORD DISTANCE OF 78.08 FEET TO THE SOUTHEASTERLY CORNER OF SAID TRACT "A" AND A POINT OF TANGENCY, NOT RADIAL TO THE PREVIOUSLY DESCRIBED LINE; THENCE RUN S.32°33'43"E. FOR 102.84 FEET TO A POINT ON THE NORTHWESTERLY LINE OF THE AFORESAID TRACT "B"; THENCE RUN S.43°56'37"W. ALONG SAID LINE TO A POINT OF CURVATURE FOR 540.61 FEET; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF A CURVE CONCAVE NORTHEASTERLY FOR 58.70 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 25.00 FEET, A CENTRAL DELTA ANGLE OF 134°32'17", A CHORD THAT BEARS S.23°19'32"E. AND A CHORD DISTANCE OF 46.12 FEET TO THE POINT OF BEGINNING.

CONTAINS 302,277 SQUARE FEET OR 6.94 ACRES MORE OR LESS.

BEARINGS ARE BASED ON THE SOUTH LINE OF THE AFORESAID TRACT "B", AS BEING N.89°24'20"E.



Phillip Mould

2024.03.19

06:08:35 -04'00'

PHILLIP M. MOULD
LS6515
MARCH 16, 2024

**Memorandum
from the
Department of County Lands**

Title Certification

**Strap Nos. 16-44-24-03-0030A.0000, 16-44-24-03-0030B.0000,
16-44-24-03-0030D.0000, and 16-44-24-03-0030B.00A0**

Certified to: Lee County Board of County Commissioners

Effective Date of Title Certification: March 8, 2024 at 5:00 pm

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

Lee County, a political subdivision of the State of Florida, by virtue of Special Warranty Deed from Florida Cities Water Company, a Florida corporation, dated April 7, 1999, recorded April 19, 1999, in Official Record Book 3105, Page 0576, Public Records of Lee County, Florida;

and

Lee County, a political subdivision of the State of Florida, by virtue of Warranty Deed from Caloosa Isle Yacht Club, Inc., a Florida Non-Profit corporation and Marine Holdings Group, Inc., a Florida corporation, dated July 17, 2007, recorded July 18, 2007, in Instrument Number 2007000225578, in the Public Records of Lee County, Florida.

The following are all of those persons or entities holding a mortgage secured by the property: None

The following are easements, rights of way and encumbrances affecting the property:

- 1) Restrictions, dedications, conditions, reservations, easements and other matters shown on the plat of Waterway Estates of Fort Myers Unit Two, recorded in Plat Book 12, Page(s) 63, Public Records of Lee County, Florida.
- 2) The terms, provisions and conditions contained in that certain Agreement, recorded in Official Record Book 456, Page 461, as affected by instrument recorded in Official Record Book 3105, Page 576 and by instrument recorded in Official Record Book 3105, Page 601, Public Records of Lee County, Florida.

- 3) The terms, provisions and conditions contained in that certain Resolution, recorded in Official Record Book 615, Page 158, Public Records of Lee County, Florida.
- 4) Easement granted to Lee County Electric Co-Operative, Inc., by instrument recorded in Official Record Book 1150, Page 887, Public Records of Lee County, Florida.
- 5) Easement granted to Lee County Electric Co-Operative, Inc., by instrument recorded in Official Record Book 1171, Page 873, Public Records of Lee County, Florida.
- 6) Easement granted to Lee County Electric Co-Operative, Inc., by instrument recorded in Official Record Book 1561, Page 1696, Public Records of Lee County, Florida.
- 7) Subject to that certain Conservation Easement recorded in Official Record Book 1575, Page 1478, Public Records of Lee County, Florida.
- 8) The terms, provisions and conditions contained in that certain Resolution, recorded in Official Record Book 2031, Page 662, Public Records of Lee County, Florida.
- 9) The terms, provisions and conditions contained in that certain Covenant of Unified Control, recorded in Official Record Book 2088, Page 4688, Public Records of Lee County, Florida.
- 10) Notice of Development Order recorded in Official Record Book 2104, Page 1746, Public Records of Lee County, Florida.
- 11) Lee County Ordinances relating to garbage and solid waste collection, recorded in Official Record Book 2189, Pages 3281, Public Records of Lee County, Florida.
- 12) Easement granted to Lee County Electric Co-Operative, Inc., by instrument recorded in Official Record Book 2269, Page 3746, Public Records of Lee County, Florida.
- 13) The terms, provisions and conditions contained in that certain Covenant of Unified Control, recorded in Official Record Book 3195, Page 3636, Public Records of Lee County, Florida.
- 14) Notice of Development Order Approval recorded in Official Record Book 3670, Page 3361, Public Records of Lee County, Florida.
- 15) Permanent Access Easement Grant by instrument recorded, in Instrument Number 2007000095841 and in Instrument Number 2007000146653, Public Records of Lee County, Florida. (**NOTE:** These access easements have merged into title upon Lee County Acquiring the property)

16)Environmental Resource Permit Notice recorded, in Instrument Number 2007000119023, Public Records of Lee County, Florida.

17)The terms, provisions, and conditions contained in that certain Deed of Conservation Easement, recorded in Instrument Number 2007000135460, Public Records of Lee County, Florida.

Tax Status:

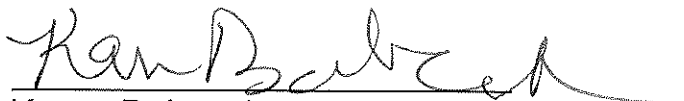
16-44-24-03-0030A.0000 – Subject property is assessed at \$200 for 2023 and is wholly exempt. There are no taxes due on this parcel.

16-44-24-03-0030B.0000 – Subject property is assessed at \$2,830,418 for 2023 and is wholly exempt. There are no taxes due on this parcel.

16-44-24-03-0030B.00A0 – Subject property is assessed at \$366,308 for 2022 and is wholly exempt. There are no taxes due on this parcel.

16-44-24-03-0030D.0000 – Subject property is assessed at \$17 for 2023 and is wholly exempt. There are no taxes due on this parcel.

This certification is provided pursuant to the requirements of the Lee County Land Development Code (LDC), Section 34-202 (a) (3).

By: 

Karen Babcock

Property Acquisition Agent/Lee County Department of County Lands

S:\County Lands\POOL\LEASES - BLDGS\570 - Waterway Estates\title\Title Certification.docx

PART OF WATERWAY ESTATES OF FORT MYERS UNIT 2 SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA.

A TRACT OR PARCEL OF LAND LYING IN WATERWAY ESTATES OF FORT MYERS UNIT 2 IN THE SOUTHEAST QUARTER (SE-1/4) OF THE SOUTHEAST QUARTER (SE-1/4) OF SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY FLORIDA, AS SHOWN ON SHEET 2 OF THE PLAT RECORDED IN PLAT BOOK 12 BEGINNING AT PAGE 63, LEE COUNTY RECORDS, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF CURVATURE ON CURVE "K" ON THE SOUTH LINE OF TRACT "B", AS SHOWN ON SAID PLAT OF WATERWAY ESTATES OF FORT MYERS UNIT 2, RUN N 89°24'20" E ALONG SAID SOUTH LINE FOR 201.00 FEET TO THE WEST LINE OF THE PARCEL DESCRIBED IN DEED RECORDED IN OFFICIAL RECORDS BOOK 145 AT PAGE 95, LEE COUNTY RECORDS; THENCE RUN N 00°35'40" W ALONG SAID WEST LINE FOR 165.94 FEET TO THE NORTHWESTERLY LINE OF SAID PARCEL; THENCE RUN N 43°56'37" E ALONG SAID NORTHWESTERLY LINE FOR 136.87 FEET TO AN INTERSECTION WITH THE NORTHERLY LINE OF SAID PARCEL; THENCE RUN N 89°24'20" E ALONG SAID NORTH LINE FOR 90.00 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID PARCEL; THENCE RUN S 00°35'40" E ALONG SAID EAST LINE FOR 263.50 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID TRACT "B"; THENCE RUN N 89°24'20" E ALONG SAID SOUTH LINE FOR 342.93 FEET TO A POINT OF CURVATURE; THENCE RUN EASTERLY, NORTHEASTERLY, AND NORTHERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 25.00 FEET (DELTA 89°30'20") (CHORD BEARING N 44°39'10" E) (CHORD 35.20 FEET) FOR 39.05 FEET TO A POINT OF TANGENCY ON THE EAST LINE OF SAID TRACT "B"; THENCE RUN N 00°06'00" W ALONG SAID EAST LINE AND A NORTHERLY PROLONGATION THEREOF ON THE EAST LINE OF THE FIRST PARCEL DESCRIBED IN RESOLUTION RECORDED IN OFFICIAL RECORDS BOOK 245 BEGINNING AT PAGE 753 OF SAID PUBLIC RECORDS FOR 490.23 FEET TO THE NORTH LINE OF SAID PARCEL; THENCE RUN S 89°54'00" W ALONG SAID NORTH LINE FOR 309.45 FEET TO AN INTERSECTION WITH THE NORTHWESTERLY LINE OF SAID PARCEL; THENCE RUN S 43°56'37" W ALONG SAID NORTHWESTERLY LINE FOR 27.98 FEET TO A NORTHEASTERLY LINE OF SAID PARCEL; THENCE RUN N 59°33'03" W ALONG SAID NORTHEASTERLY LINE FOR 102.84 FEET TO THE NORTHERLY MOST CORNER OF SAID TRACT "B"; THENCE RUN S 43°56'37" W ALONG THE SOUTHEASTERLY LINE OF TRACT "A" OF SAID WATERWAY ESTATES FOR 50.00 FEET TO THE SOUTHERLY MOST CORNER OF SAID TRACT "A"; THENCE RUN S 32°33'43" E ALONG THE SOUTHWESTERLY LINE OF THE SECOND PARCEL DESCRIBED IN SAID RESOLUTION RECORDED IN OFFICIAL RECORDS BOOK 245, AT PAGE 753, LEE COUNTY RECORDS, FOR 102.84 FEET TO AN INTERSECTION WITH THE NORTHWESTERLY LINE OF SAID TRACT "B"; THENCE RUN S 43°56'37" W ALONG SAID NORTHWESTERLY LINE FOR 540.61 FEET TO A POINT OF CURVATURE ON SAID CURVE "K"; THENCE RUN SOUTHWESTERLY, SOUTHERLY AND SOUTHEASTERLY ALONG AN ARC OF A CURVE TO THE LEFT OF RADIUS 25.00 FEET (DELTA 134°32'17") (CHORD BEARING S 23°19'32" E) (CHORD 46.12 FEET) FOR 58.70 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

CONTAINING 5.80 ACRES MORE OR LESS.

BEARINGS HEREINABOVE MENTIONED ARE BASED ON SAID PLAT OF WATERWAY ESTATES UNIT 2.

TOGETHER WITH ALL OF TRACT "A" OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2 AS PER SAID PLAT RECORDED IN PLAT BOOK 12 PAGE 64.

TOGETHER WITH ALL OF TRACT "D" LYING EASTERLY OF THE SOUTHERLY PROLONGATION OF BLOCK 1 OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2 AS PER SAID PLAT RECORDED IN PLAT BOOK 12 PAGE 64.

AND

Tract D of that certain subdivision known as WATERWAY ESTATES OF FORT MYERS UNIT TWO, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 12, Page 64.

and

Tract A of that certain subdivision known as WATERWAY ESTATES OF FORT MYERS UNIT 2, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 12, Page 63.

A tract or parcel of land lying in Tract "B" of WATERWAY ESTATES OF PORT MYERS, UNIT 2, according to the Map or Plat thereof, recorded in Plat Book 12, at Page 64, of the Public Records of Lee County, Florida, described as follows:

FROM a point of curvature on the South line of said Tract "B" which is designated as curve "K" on said Plat run N 89° 24' 20" E along said South line and along the North line of a canal for 201.00 feet to the P.O.B. of the lands herein described. From said POINT OF BEGINNING continue N 89° 24' 20" E along said South line for 186.00 feet; thence run N 0° 35' 40" W perpendicular to said South line for 263.50 feet; thence run S 89° 24' 20" W parallel with said South line for 90.00 feet; thence run S 43° 56' 40" W parallel with the Northwesterly line of said Tract "B" for 134.68 feet to an intersection with a line perpendicular to said South line of Tract "B" passing through the POINT OF BEGINNING; thence run S 0° 35' 40" E along said perpendicular line for 168.58 feet to the POINT OF BEGINNING.



Lee County Property Appraiser

Tax Year **2023**
[Previous Parcel Number](#) [Next Parcel Number](#) [Tax Estimator](#) [Tax Bills](#) [Print](#)
**Property Data**

STRAP: 16-44-24-03-0030A.0000 Folio ID: 10162893

[Hurricane Ian Tax Roll Value Letter](#) [Tax Refund Status](#)

Generated on 3/11/2024 2:49 PM

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

LEE COUNTY
PO BOX 398
FORT MYERS FL 33902

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

1687 INLET DR
NORTH FORT MYERS FL 33903

Property Description

Do not use for legal documents!

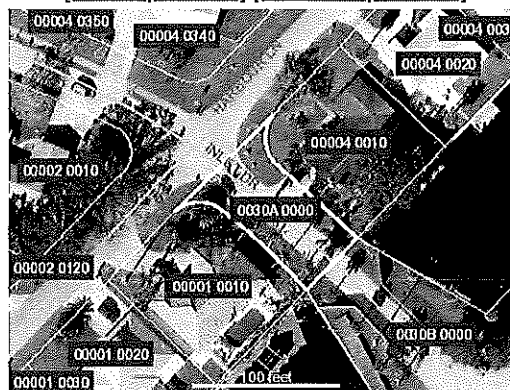
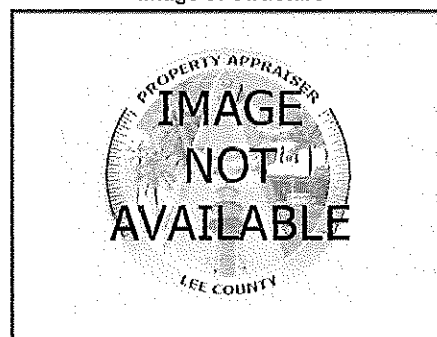
WATERWAY ESTATES UNIT 2 PB 12 PG 64 TRACT A

[View Recorded Plat at LeeClerk.org](#) - Use this link to do an Official Records search on the Lee County Clerk of Courts website, using 12 and 63 for the book and page numbers.

Attributes and Location Details

Total Bedrooms / Bathrooms	0
1st Year Building on Tax Roll	N/A
Historic Designation	No

Township	Range	Section	Block	Lot
44	24E	16	0030A	0000
Municipality	Latitude	Longitude		
Lee County Unincorporated - 0	26.63974	-81.90929		

[View Parcel on Google Maps](#)
[\[Tax Map Viewer\]](#) [\[View Comparables\]](#)
[\[Pictometry Aerial Viewer\]](#)**Image of Structure****Property Values / Exemptions / TRIM Notices**

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Property Details (Current Working Values)

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**Property Details (2023 Tax Roll)**

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Taxing Authorities

Generated on 3/11/2024 2:49 PM

Sales / Transactions

Generated on 3/11/2024 2:49 PM

Building / Construction Permit Data

Generated on 3/11/2024 2:49 PM

Parcel Numbering History ⓘ

Generated on 3/11/2024 2:49 PM

Solid Waste (Garbage) Roll Data

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Flood and Storm Information

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Lee County Property Appraiser

Tax Year **2023**
[Previous Parcel Number](#) [Next Parcel Number](#) [Tax Estimator](#) [Tax Bills](#) [Print](#)
**Property Data**

STRAP: 16-44-24-03-0030B.0000 Folio ID: 10162894

[Hurricane Ian Tax Roll Value Letter](#) [Tax Refund Status](#)

Generated on 3/11/2024 2:48 PM

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

LEE COUNTY
PO BOX 398
FORT MYERS FL 33902

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

1687 INLET DR
NORTH FORT MYERS FL 33903

Property Description

Do not use for legal documents!

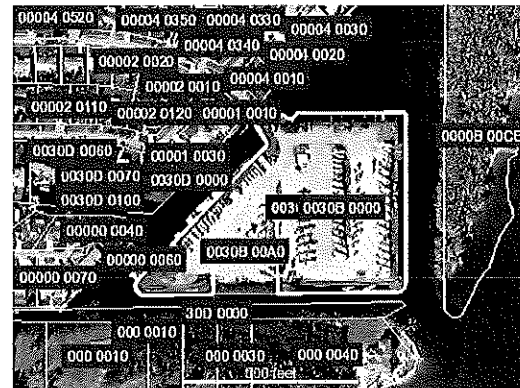
WATERWAY ESTATES UNIT 2 PB 12 PG 64 TRACT B + LAND
DESC IN OR 245/753

[View Recorded Plat at LeeClerk.org](#) - Use this link to do an Official Records search on the Lee County Clerk of Courts website, using 12 and 63 for the book and page numbers.

Attributes and Location Details

Total Bedrooms / Bathrooms 0
1st Year Building on Tax Roll ① N/A
Historic Designation No

Township	Range	Section	Block	Lot
44	24E	16	0030B	0000
Municipality	Latitude	Longitude		
Lee County Unincorporated - 0	26.63891	-81.90901		

[View Parcel on Google Maps](#)
[\[Tax Map Viewer\]](#) [\[View Comparables\]](#)
[\[Pictometry Aerial Viewer\]](#)**Image of Structure**
[◀ Photo Date February of 2019 ▶](#) [View other photos](#)

Last Inspection Date: 02/28/2019

Property Values / Exemptions / TRIM Notices

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Property Details (Current Working Values)

Generated on 3/11/2024 2:48 PM

**Property Details (2023 Tax Roll)**

Generated on 3/11/2024 2:48 PM

Taxing Authorities

Generated on 3/11/2024 2:48 PM

Sales / Transactions

Generated on 3/11/2024 2:48 PM

Building / Construction Permit Data

Generated on 3/11/2024 2:48 PM

Parcel Numbering History ⓘ

Generated on 3/11/2024 2:48 PM

Solid Waste (Garbage) Roll Data

Generated on 3/11/2024 2:48 PM

Flood and Storm Information

Generated on 3/11/2024 2:48 PM

Generated on 3/11/2024 2:48 PM

[Previous Parcel Number](#) [Next Parcel Number](#) [New Query](#) [Search Results](#) [Home](#)



Lee County Property Appraiser

Tax Year **2023**
[Previous Parcel Number](#) [Next Parcel Number](#) [Tax Estimator](#) [Tax Bills](#) [Print](#)
**Property Data****STRAP: 16-44-24-03-0030B.00A0 Folio ID: 10162895****[Hurricane Ian Tax Roll Value Letter](#) [Tax Refund Status](#)**

Generated on 3/11/2024 8:56 AM

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

LEE COUNTY
PO BOX 398
FORT MYERS FL 33902

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

1667 INLET DR
NORTH FORT MYERS FL 33903

Property Description

Do not use for legal documents!

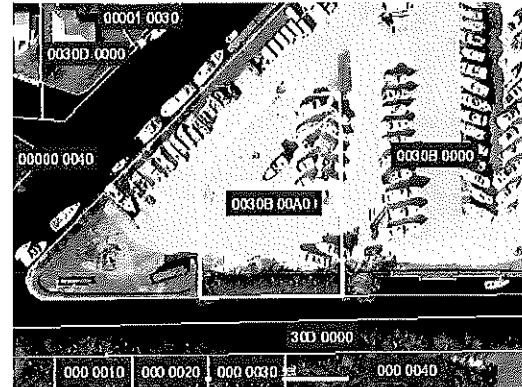
WATERWAY ESTATES UNIT 2 PB 12 PG 64 TRACT PT B

[View Recorded Plat at LeeClerk.org](#) - Use this link to do an Official Records search on the Lee County Clerk of Courts website, using 12 and 63 for the book and page numbers.

Attributes and Location Details

Total Bedrooms / Bathrooms	0
1st Year Building on Tax Roll	N/A
Historic Designation	No

Township	Range	Section	Block	Lot
44	24E	16	0030B	00A0
Municipality	Latitude	Longitude		
Lee County Unincorporated - 0	26.63852	-81.90923		

[View Parcel on Google Maps](#)[\[Tax Map Viewer\]](#) [\[View Comparables\]](#)[\[Pictometry Aerial Viewer\]](#)**Image of Structure**◀ Photo Date December of 2013 ▶ ☐ View other photos

Last Inspection Date: 05/23/2019

Property Values / Exemptions / TRIM Notices

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Property Details (Current Working Values)

Generated on 3/11/2024 8:56 AM

**Property Details (2023 Tax Roll)**

Generated on 3/11/2024 8:56 AM

Taxing Authorities

Generated on 3/11/2024 8:56 AM

Sales / Transactions

Generated on 3/11/2024 8:56 AM

Sale Price	Date	Clerk File Number	Type	Notes	Vacant/Improved
100.00	04/07/1999	3105/576	04		I
0.00	01/01/1900	307/853			

[View Recorded Plat at LeeClerk.org](#)

Use the above link to do a search on the Lee County Clerk of Courts website, using 12 and 64 for the book and page numbers and **Plats Book** for the book type.

Help safeguard your home against property fraud. Sign up for the Lee Clerk's free [Property Fraud Alert](#).

Building / Construction Permit Data

Generated on 3/11/2024 8:56 AM

Solid Waste (Garbage) Roll Data

Generated on 3/11/2024 8:56 AM

Flood and Storm Information

Generated on 3/11/2024 8:56 AM

Generated on 3/11/2024 8:56 AM

[Previous Parcel Number](#) [Next Parcel Number](#) [New Query](#) [Search Results](#) [Home](#)



Lee County Property Appraiser

Tax Year 2023

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

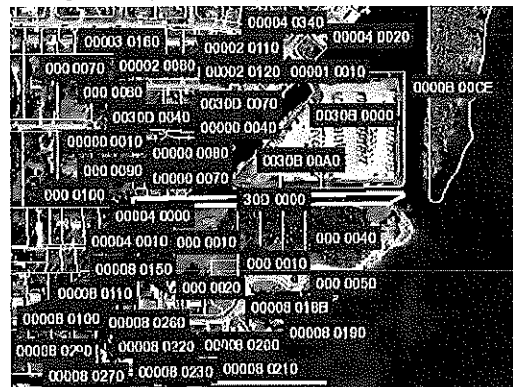
STRAP: 16-44-24-03-0030D.0000 Folio ID: 10162899

[Hurricane Ian Tax Roll Value Letter](#) [Tax Refund Status](#)

Generated on 3/11/2024 2:48 PM

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

LEE COUNTY
PO BOX 398
FORT MYERS FL 33902

[\[Tax Map Viewer \]](#) [\[View Comparables \]](#)
**Site Address**Site Address maintained by [E911 Program Addressing](#)

ACCESS UNDETERMINED
NORTH FORT MYERS FL

Property Description

Do not use for legal documents!



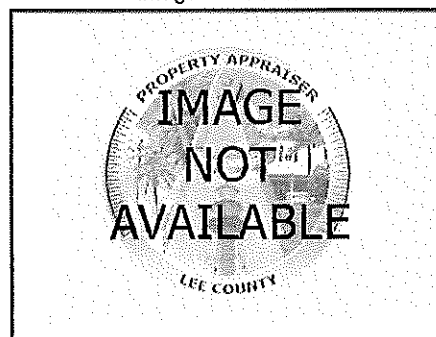
WATERWAY ESTATES UNIT 2 PB 12 PG 64 TRACT D

[View Recorded Plat at LeeClerk.org](#) - Use this link to do an Official Records search on the Lee County Clerk of Courts website, using 12 and 63 for the book and page numbers.

Attributes and Location Details

Total Bedrooms / Bathrooms	0
1st Year Building on Tax Roll	N/A
Historic Designation	No

Township	Range	Section	Block	Lot
44	24E	16	0030D	0000
Municipality	Latitude	Longitude		
Lee County Unincorporated - 0	26.63801	-81.90968		

[View Parcel on Google Maps](#)**Image of Structure****Property Values / Exemptions / TRIM Notices**

Generated on 3/11/2024 2:48 PM

Property Details (Current Working Values)

Generated on 3/11/2024 2:48 PM

**Property Details (2023 Tax Roll)**

Generated on 3/11/2024 2:48 PM

Taxing Authorities

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Sales / Transactions

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Solid Waste (Garbage) Roll Data

Generated on 3/11/2024 2:48 PM

Flood and Storm Information

Generated on 3/11/2024 2:48 PM

Generated on 3/11/2024 2:48 PM

[Previous Parcel Number](#) [Next Parcel Number](#) [New Query](#) [Search Results](#) [Home](#)

96-002
70 Doc

Prepared by and return to:
Laurie L. Gildan, Esq.
Greenberg Traurig, P.A.
777 South Flagler Drive, Suite 300 East
West Palm Beach, Florida 33401

4613502

Documentary Tax Pd. \$ 70
\$ 0 Intangible Tax Pd.
CHARLIE GREEN, CLERK, LEE COUNTY
By Susan Rostom Deputy Clerk

003105 PG0576

SPECIAL WARRANTY DEED
(Lee County)

RECORDED BY
SUSAN ROSTOM, D.C.

THIS SPECIAL WARRANTY DEED made and executed this 7th day of April, 1999 by FLORIDA CITIES WATER COMPANY, a Florida corporation, whose address is 4837 Swift Road, Suite 100, Sarasota, Florida 34321, hereinafter called the grantor, to LEE COUNTY, a political subdivision of the State of Florida, whose address is 2115 Second Street, Fort Myers, Florida 33901, hereinafter called the grantee;

WITNESSETH: That the grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, by these presents do grant, bargain, sell, alien, remise, release, convey and confirm unto the grantee, all that certain land situated in Lee County, Florida as shown and more particularly described on Exhibit A attached hereto and incorporated herein.

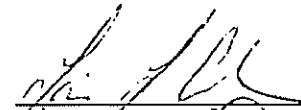
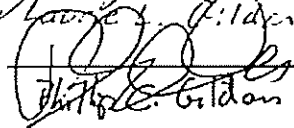
TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anyway appertaining, including but not limited to, all water and wastewater facilities of every kind and nature lying within said land and all appurtenant easement rights for the operation, installation and maintenance of said facilities.

TO HAVE AND TO HOLD, the same in fee simple forever.

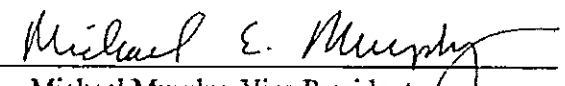
AND the grantor, for itself and its successors, hereby covenants with said grantee and the grantee's successors and assigns that grantor is lawfully seized of said land in fee simple; that grantor has good, right and lawful authority to sell and convey said land; that grantor hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the grantor, but against none others; and that said land is free of all encumbrances except as set forth in Exhibit B attached hereto and incorporated herein.

0R3105 P60577

IN WITNESS WHEREOF the grantors have caused this Special Warranty Deed in favor of Lee County to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers hereunto duly authorized, the day and year first above written.


 Laurie L. Gildon

 Michael E. Murphy

FLORIDA CITIES WATER COMPANY, a
 Florida corporation

By: 
 Michael Murphy, Vice President

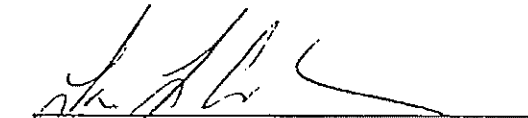
STATE OF FLORIDA

COUNTY OF Hillsborough

This instrument was acknowledged before me this 7th day of April, 1999, by Michael Murphy, as Vice President of Florida Cities Water Company, a Florida corporation, on behalf of said corporation.



Laurie L. Gildon
 MY COMMISSION # CC710825 EXPIRES
 April 28, 2002
 BONDED THROUGH TROY FARM INSURANCE, INC.


 Notary Public
 State of Florida

(Print, Type or Stamp Commissioned Name)

☒ Personally Known OR ☐ Produced Identification
 Type of Identification Produced _____

0R3105 P60578

EXHIBIT A
LAWYERS TITLE
INSURANCE CORPORATION
NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

Schedule "A" Lands

PARCEL 1a:

The East 22.78 feet of Lot 6, and all of Lot 7, Block 5, FIESTA VILLAGE FIRST ADDITION, a Subdivision, according to the Plat thereof, as recorded in Plat Book 12, Page 135; LESS right of way for San Souci Drive; all lying and being in Lee County, Florida.

Folio No. 21-45-24-02-00005.0070

PARCEL 1b:

The East 1/2 of the East 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 21, Township 45 South, Range 24 East, which includes:

The Southerly 22.46 feet of Lot 12, Block 1, FIESTA VILLAGE, a Subdivision, according to the Plat thereof, as recorded in Plat Book 10, Page 65.

Folio No. 21-45-24-00-00014-0010

PARCEL 2:

All of that piece or parcel of land lying in the Northeast quarter (NE 1/4) of Section 31, Township 45 South, Range 24 East, Lee County, Florida. The said parcel being described as follows:

FROM the Northeast corner of said Section 31, run Westerly along the North line of said Section N 89° 41' 24" W for 238.87 feet to the Southeasterly right-of-way line of McGregor Boulevard (80 feet wide); thence run Southwesterly along the Southeasterly right-of-way line of McGregor Boulevard S 50° 28" W for 942.18 feet to the Easterly side of a roadway easement (35 feet East of the centerline of said easement); thence run along the East side of said roadway easement S 0° 17' 04" E for 451.96 feet to POINT OR PLACE OF BEGINNING of the herein described parcel; from said POINT OF BEGINNING continue South along said East right-of-way line S 00° 17' 04" E 150.00 feet; thence run N 89° 42' 56" E 150.00 feet; thence run N 00° 17' 04" W 150.00 feet; thence run S 89° 42' 56" W for 150.00 feet to the POINT OF BEGINNING.

Folio No. 31-45-24-00-0007.4000

PARCEL 3:

APR. 6.1999 2:23PM LAWYERS TL

NO.134 P.3

LAWYERS TITLE
INSURANCE CORPORATIONNATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

0R3105 P60579

LEGAL DESCRIPTION CONTINUED

A tract or parcel of land lying in Tract "B" of WATERWAY ESTATES OF FORT MYERS, UNIT 2, according to the Map or Plat thereof, recorded in Plat Book 12, at Page 64, of the Public Records of Lee County, Florida, described as follows:

FROM a point of curvature on the South line of said Tract "B" which is designated as curve "K" on said Plat run N 89° 24' 20" E along said South line and along the North line of a canal for 201.00 feet to the P.O.B. of the lands herein described. From said POINT OF BEGINNING continue N 89° 24' 20" E along said South line for 186.00 feet; thence run N 0° 35' 40" W perpendicular to said South line for 263.50 feet; thence run S 89° 24' 20" W parallel with said South line for 90.00 feet; thence run S 43° 56' 40" W parallel with the Northwesterly line of said Tract "B" for 134.68 feet to an intersection with a line perpendicular to said South line of Tract "B" passing through the POINT OF BEGINNING; thence run S 0° 35' 40" E along said perpendicular line for 168.58 feet to the POINT OF BEGINNING.

Folio No. 16-44-24-03-0030B.00A0

PARCEL 4:

BEGIN at Northeast corner of Northwest One-Quarter of Section 16, Township 44 South, Range 24 East, Lee County, Florida; thence North 88° 55' 40" West a distance of 50.00 feet to the Westerly right-of-way of Orange Grove Boulevard; thence South 0° 13' 02" West along said Westerly right-of-way a distance of 905.11 feet; thence North 89° 46' 58" West a distance of 306.40 feet to the POINT OF BEGINNING; thence continue North 89° 46' 58" West a distance of 300.00 feet; thence South 0° 13' 02" West a distance of 300.00 feet; thence South 89° 46' 58" East a distance of 250.00 feet; thence South 0° 13' 02" West a distance of 100.00 feet; thence South 89° 46' 58" East a distance of 50.00 feet; thence North 00° 13' 02" East a distance of 400.00 feet to the POINT OF BEGINNING, being a part of a parcel in the Northwest One Quarter of Section 16, Township 44 South, Range 24 East, being a part of Tract G of WATERWAY ESTATES OF FORT MYERS, UNIT 2, as recorded in Plat Book No. 12, Page 67, Lee County, Florida.

APR. 6.1999 2:23PM LAWYERS TL

NO.134 P.4

003105 P60580

L A W Y E R S T I T L E
I N S U R A N C E C O R P O R A T I O N
N A T I O N A L H E A D Q U A R T E R S
R I C H M O N D , V I R G I N I A

LEGAL DESCRIPTION CONTINUED

TOGETHER WITH: The West 225 feet of Tract A, WATERWAY ESTATES, Block 3, Unit 1, according to the Plat thereof as recorded in Plat Book 28, Pages 87-89 inclusive of the Public Records of Lee County, Florida;

AND

The East 25 feet of Tract A, WATERWAY ESTATES, Block 3, Unit 1, according to the Plat thereof as recorded in Plat Book 28, Page 87-89 inclusive of the Public Records of Lee County, Florida.

Folio No. 16-44-24-03-0030G.00B0

PARCEL 5:

The North 110 feet of the South 185 feet of the West 50 feet of Tract "D" as recorded in the Office of the Clerk of the Circuit Court, Lee County, Florida, in Plat Book 12, at Page 63 and Replat of Block 1 and part of Block 2, as recorded in Plat Book 17, at Page 165.

Folio No. 16-44-24-05-0030D.0020

PARCEL 6:

Lots 1, 2, 3, 4, 5 and 6, Block 187, UNIT 16, SAN CARLOS PARK, a Subdivision, according to the Plat thereof, as recorded in Official Records Book 50, at Page 377, in the Public Records of Lee County, Florida.

Folio No. 09-46-25-05-00187.0010

PARCEL 7:

A parcel of land located in the Southwest corner of Section 33, Township 45 South, Range 26 East, Lee County, Florida, being more particularly described as the South 950.00 feet of the West 989.00 feet of Section 33, Township 45 South, Range 26 East, Lee County, Florida; the POINT OF BEGINNING.

Folio No. 33-45-26-00-00001.2000

APR. 6.1999 2:23PM LAWYERS TL

NO.134 P.5

LAWYERS TITLE
INSURANCE CORPORATION
NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

LEGAL DESCRIPTION CONTINUED

0R3105 P60581

PARCEL 9:

BEGIN at the SW corner of the SE 1/4 of Section 14, Township 45 South, Range 24 East; thence North 02° 11' 15" West along the Westerly line of said SE 1/4 for 616.65 feet; thence North 89° 08' 50" East for 125 feet to the POINT OF BEGINNING; thence continue North 89° 08' 50" E for 60.01 feet; thence North 02° 11' 15" West for 436.56 feet to Southerly right-of-way of proposed 100' wide College Parkway; thence South 89° 05' 55" West along said Southerly right-of-way for 60.01 feet; thence South 02° 11' 15" East for 436.51 feet to the POINT OF BEGINNING

AND

Begin at the SW corner of the SE 1/4 of Section 14, Township 45 South, Range 24 East for the point of beginning; thence North 89° 11' 35" East along southerly line of said Section 14 for 633.45; thence Northerly 01° 55' 08" West for 617.09 feet; thence South 89° 08' 50" West for 636.33 to the westerly line of said Southeast quarter; thence South 02° 11' 15" East along said westerly line of said Southeast quarter for 616.65 to the point of beginning.
Subject to Iona Drainage district right-of-way over the Southerly 50 feet.

Folio No. 14-45-24-00-0004.0110

APR. 6.1999 2:23PM LAWYERS TL

NO.134 P.6

LAWYERS TITLE
INSURANCE CORPORATIONNATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

LEGAL DESCRIPTION CONTINUED

PARCEL "G":

All of Block 2088, Unit 31, CAPE CORAL SUBDIVISION, according to the Plat thereof, recorded in Plat Book 14, Page 149, of the Public Records of Lee County, Florida.

Folio No. 06-44-24-C2-02088.0000

UK3105 Pb0582

AS TO ALL PARCELS:

EXHIBIT B - LEE COUNTY

Lee County Ordinance No. 86-14 recorded November 30, 1990 in Official Records Book 2189, Page 3281 and amended by Ordinance No. 86-38 recorded in Official Records Book 2189, Page 3334.

Easement Agreement recorded in O.R. Book 1413, Page 1892.

Easement Agreement recorded in O.R. Book 1193, Page 1277.

Agreement recorded in O.R. Book 1193, Page 1277.

AS TO PARCELS 1a and 1b:

Resolution No. ZB-84-121 recorded in Official Records Book 1757, Page 815.
(AS TO PARCELS 1a and 1b)

Matters as shown on the Plat of FIESTA VILLAGE, recorded in Plat Book 10, Page 65.
(AS TO PARCELS 1a and 1b)

Easement reservations, contained in those certain Restrictions, recorded in Official Records Book 35, Page 688, as re-recorded in Official Records Book 54, Page 675 and Official Records Book 35, Page 692 as re-recorded in Official Records Book 51, Page 111.
(AS TO PARCELS 1a and 1b)

Matters as shown on the Plat of FIESTA VILLAGE 1ST ADDITION, recorded in Plat Book 12, Page 135.
(AS TO PARCEL 1a)

Easement to Florida Power and Light Company recorded January 30, 1967 in Official Records Book 393, Page 145.
(AS TO PARCELS 1a and 1b)

Easement recorded in Official Records Book 1107, Page 1985.
(AS TO PARCELS 1a and 1b)

Easement recorded in Official Records Book 1612, Page 1712.
(AS TO PARCELS 1a and 1b)

Easement to Florida Power and Light Company recorded October 22, 1985 in Official Records Book 1810, Page 845.
(AS TO PARCELS 1a and 1b)

Easement to Florida Power and Light Company recorded October 22, 1985 in Official Records Book 1810, Page 846.
(AS TO PARCELS 1a and 1b)

AS TO PARCEL 2:

Easement to Florida Power and Light Company recorded in Official Records Book 24, Page 276.

083105 P60583

Grant of Easement to Mitchell Homes, an Alabama General Partnership, as recorded in Official Records Book 1445, Page 1402 and Official Records Book 1445, Page 1389.

Declaration of Covenants, Conditions and Restrictions recorded in Official Records Book 1479, Page 697 and amended in Official Records Book 1704, Page 523.

Easement to Florida and Light Company recorded in Official Records Book 1561, Page 1696.

Grant of Easement recorded in Official Records Book 1445, Page 1413.

Exclusive and perpetual water pipeline grant of easement.

AS TO PARCEL 3:

Matters as shown on the Plat of WATERWAY ESTATES, recorded in Plat Book 12, Page (AS TO PARCELS 3, 4 AND 5)

Agreement recorded in Official Records Book 456, Page 461.

Resolution known as Lee County Lot Mowing Act recorded in Official Records Book 615, Page 158.

Easement to Lee County Electric Co-Operative, Inc., recorded in Official Records Book 1150, Page 887.

Easement to Lee County Electric Co-Operative, Inc., recorded in Official Records Book 2269, Page 3746.

PARCEL 4:

Right-of-Way Easement to Lee County Electric Co-Operative, Inc., recorded in Official Records Book 1342, Page 204.

Resolution pertaining to Chapter 69.1241, Laws of Florida Known as Lee County Lot Mowing Act, recorded in Official Records Book 615, Page 158.

DR3105 PG0581

AS TO PARCEL 5:

Right-of-Way Easement to Lee County Electric Co-Op, as recorded in Official Records Book 1561, Page 1696.

Matters as shown on the Plat of WATERWAY ESTATES OF FORT MYERS, UNIT 2, recorded in Plat Book 17, Page 165.

Conservation Easement recorded in Official Records Book 1575, Page 1478.

Covenant of Unified Control recorded in Official Records Book 2088, Page 4688.

Resolution known as Lee County lot Mowing Act recorded in Official Records Book 615, Page 158.

AS TO PARCEL 6:

~~Only Gas and Mineral Rights are reserved by deed to the estate in fee.~~

The subject land lies within the boundaries of the East Mulloch Drainage District and is subject to all acts, restrictions and limitations of said District.

AS TO PARCEL 7:

Oil, Gas and Mineral Lease by and between Adrian R. Chapman, etal, and Tribal Oil Corporation, recorded January 21, 1975 in Official Records Book 1071, Page 521.

Covenants, Conditions, Reservations, Restrictions and Easements set forth in that certain Warranty Deed recorded August 2, 1965 in Official Records Book 311, Page 873.

OR3105 P60585

L A W Y E R S T I T L E
I N S U R A N C E C O R P O R A T I O N

N A T I O N A L H E A D Q U A R T E R S
R I C H M O N D , V I R G I N I A

DR3105 P60586

AS TO PARCEL "G":

Easements along each boundary of each homesite for drainage and public utilities, said easement not to exceed six feet (6') each side of said boundary as stated on recorded Plat of the Subdivision.

APR. 2.1999 2:30PM LAWYERS TL

NO.942 P.4/4

LAWYERS TITLE
INSURANCE CORPORATIONNATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

Resolutions filed by the City of Cape Coral as recorded in Official Records Book
1961, Page 2871, Official Records Book 2117, Page 4666, Official Records Book 2136,
Page 2629 and Official Records Book 2139, Page 4744.

0R3105 P60587

0R3105 PG0588

Prepared by and return to:
Laurie L. Gildan, Esq.
Greenberg Traurig, P.A.
777 South Flagler Drive, Suite 300 East
West Palm Beach, Florida 33401

BILL OF SALE
(Ft. Myers System - Lee County)

THIS BILL OF SALE evidencing the sale and conveyance of the Purchased Assets, as described in that certain Utility System Asset Acquisition Agreement dated the 15th day of April, 1999, is made and executed this 24th day of April, 1999, by **FLORIDA CITIES WATER COMPANY**, a Florida corporation, whose address is 4837 Swift Road, Suite 100, Sarasota, Florida 34321, hereinafter called the seller, to **LEE COUNTY**, a political subdivision of the State of Florida, whose address is 2115 Second Street, Ft. Myers, Florida 33901, hereinafter called the buyer;

WITNESSETH: That the seller, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the buyer, all those certain Purchased Assets as shown and more particularly described on **Exhibit A** attached hereto and incorporated herein.

SAID Purchased Assets also include all the tenements, hereditaments and appurtenances thereto belonging or in anyway appertaining, including but not limited to, all water and wastewater facilities of every kind and nature lying within the lands described on **Exhibit B** attached hereto and incorporated herein for the operation, installation and maintenance of said facilities.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the seller, for itself and its successors, hereby covenants with said buyer and the buyer's successors and assigns that it is the lawful owner of said Purchased Assets in fee simple; that it has good, right and lawful authority to sell and convey said Purchased Assets; that it hereby warrants the title to said Purchased Assets and will defend the same against the lawful claims of all persons claiming by, through or unto the seller, but against none other; and that said Purchased Assets are free of all encumbrances.

Provided, however that the seller shall not be deemed to, and does not, warrant any Easements (as the term is defined in the Utility System Asset Acquisition Agreement).

IN WITNESS WHEREOF the seller has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers hereunto duly authorized, the day and year first above written.

0R3105 P60589

[Signature]
 Laurie L. Gildan
[Signature]
 Laurie L. Gildan

FLORIDA CITIES WATER COMPANY, a
 Florida corporation

By: *[Signature]*
 Michael Murphy, Vice President

STATE OF FLORIDA

COUNTY OF Hillsborough

This instrument was acknowledged before me this 24th day of April, 1999, by Michael Murphy, as Vice President of Florida Cities Water Company, a Florida corporation, on behalf of said corporation.



Laurie L. Gildan
 MY COMMISSION # CC710625 EXPIRES
 April 28, 2002
 ECNDED THRU TROY FARM INSURANCE, INC.

[Signature]
 Notary Public
 State of Florida

(Print, Type or Stamp Commissioned Name)

☒ Personally Known OR ☐ Produced Identification
 Type of Identification Produced _____

0R3105 P60590

EXHIBIT "A" TO BILL OF SALE
(Lee County)

Those Purchased Assets with respect to the Ft. Myers System, as set forth in Section 3.02 of the Utility System Asset Acquisition Agreement, dated April __, 1999.

WPB GILDANL217825 4_2p01 DOC 4 05 99 25365 010100

**EXHIBIT "B" TO BILL OF SALE
(Lee County)**

All lands, service areas, easements, licenses, rights of way and real property of any kind or nature owned or used by Florida Cities Water Company in the operation of the water and/or wastewater system commonly referred to as the Ft. Myers System, which provides services to portions of Lee County, Florida, including, but not limited to the following:

0R3105 P60591

WPR GILDANL2179174_5901' DOC/4069925365 010100

*EXHIBIT B*L A W Y E R S T I T L E
I N S U R A N C E C O R P O R A T I O NN A T I O N A L H E A D Q U A R T E R S
R I C H M O N D , V I R G I N I A

Schedule "A" Lands

0R3105 P60592

PARCEL 1a:

The East 22.78 feet of Lot 6, and all of Lot 7, Block 5, FIESTA VILLAGE FIRST ADDITION, a Subdivision, according to the Plat thereof, as recorded in Plat Book 12, Page 135; LESS right of way for San Souci Drive; all lying and being in Lee County, Florida.

Folio No. 21-45-24-02-00005.0070

PARCEL 1b:

The East 1/2 of the East 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 21, Township 45 South, Range 24 East, which includes:

The Southerly 22.46 feet of Lot 12, Block 1, FIESTA VILLAGE, a Subdivision, according to the Plat thereof, as recorded in Plat Book 10, Page 65.

Folio No. 21-45-24-00-00014-0010

PARCEL 2:

All of that piece or parcel of land lying in the Northeast quarter (NE 1/4) of Section 31, Township 45 South, Range 24 East, Lee County, Florida. The said parcel being described as follows:

FROM the Northeast corner of said Section 31, run Westerly along the North line of said Section N 89° 41' 24" W for 238.87 feet to the Southeasterly right-of-way line of McGregor Boulevard (80 feet wide); thence run Southwesterly along the Southeasterly right-of-way line of McGregor Boulevard S 50° 28" W for 942.18 feet to the Easterly side of a roadway easement (35 feet East of the centerline of said easement); thence run along the East side of said roadway easement S 0° 17' 04" E for 451.96 feet to POINT OR PLACE OF BEGINNING of the herein described parcel; from said POINT OF BEGINNING continue South along said East right-of-way line S 00° 17' 04" E 150.00 feet; thence run N 89° 42' 56" E 150.00 feet; thence run N 00° 17' 04" W 150.00 feet; thence run S 89° 42' 56" W for 150.00 feet to the POINT OF BEGINNING.

Folio No. 31-45-24-00-0007.4000

PARCEL 3:

APR. 6.1999 2:23PM LAWYERS TL

NO.134 P.3

LAWYERS TITLE
INSTRANCE CORPORATIONNATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

LEGAL DESCRIPTION CONTINUED

A tract or parcel of land lying in Tract "B" of WATERWAY ESTATES OF FORT MYERS, UNIT 2, according to the Map or Plat thereof, recorded in Plat Book 12, at Page 64, of the Public Records of Lee County, Florida, described as follows:

FROM a point of curvature on the South line of said Tract "B" which is designated as curve "X" on said Plat run N 89° 24' 20" E along said South line and along the North line of a canal for 201.00 feet to the P.O.B. of the lands herein described. From said POINT OF BEGINNING continue N 89° 24' 20" E along said South line for 186.00 feet; thence run N 0° 35' 40" W perpendicular to said South line for 263.50 feet; thence run S 89° 24' 20" W parallel with said South line for 90.00 feet; thence run S 43° 55' 40" W parallel with the Northwesterly line of said Tract "B" for 134.68 feet to an intersection with a line perpendicular to said South line of Tract "B" passing through the POINT OF BEGINNING; thence run S 0° 35' 40" E along said perpendicular line for 168.58 feet to the POINT OF BEGINNING.

Folio No. 16-44-24-03-0030B.00A0

PARCEL 4:

BEGIN at Northeast corner of Northwest One-Quarter of Section 16, Township 44 South, Range 24 East, Lee County, Florida; thence North 88° 55' 40" West a distance of 50.00 feet to the Westerly right-of-way of Orange Grove Boulevard; thence South 0° 13' 02" West along said Westerly right-of-way a distance of 905.11 feet; thence North 89° 46' 58" West a distance of 306.40 feet to the POINT OF BEGINNING; thence continue North 89° 46' 58" West a distance of 300.00 feet; thence South 0° 13' 02" West a distance of 300.00 feet; thence South 89° 46' 58" East a distance of 250.00 feet; thence South 0° 13' 02" West a distance of 100.00 feet; thence South 89° 46' 58" East a distance of 50.00 feet; thence North 00° 13' 02" East a distance of 400.00 feet to the POINT OF BEGINNING, being a part of a parcel in the Northwest One Quarter of Section 16, Township 44 South, Range 24 East, being a part of Tract G of WATERWAY ESTATES OF FORT MYERS, UNIT 2, as recorded in Plat Book No. 12, Page 67, Lee County, Florida.

0R3105 P60593

APR. 6.1999 2:23PM LAWYERS TL

NO.134 P.4

LAWYERS TITLE
INSURANCE CORPORATIONNATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

LEGAL DESCRIPTION CONTINUED

TOGETHER WITH: The West 225 feet of Tract A, WATERWAY ESTATES, Block 3, Unit 1, according to the Plat thereof as recorded in Plat Book 28, Pages 87-89 inclusive of the Public Records of Lee County, Florida;

AND

The East 25 feet of Tract A, WATERWAY ESTATES, Block 3, Unit 1, according to the Plat thereof as recorded in Plat Book 28, Page 87-89 inclusive of the Public Records of Lee County, Florida.

Folio No. 16-44-24-03-0030G.00B0

PARCEL 5:

The North 110 feet of the South 185 feet of the West 50 feet of Tract "D" as recorded in the Office of the Clerk of the Circuit Court, Lee County, Florida, in Plat Book 12, at Page 63 and Replat of Block 1 and part of Block 2, as recorded in Plat Book 17, at Page 165.

Folio No. 16-44-24-05-0030D.0020

PARCEL 6:

Lots 1, 2, 3, 4, 5 and 6, Block 187, UNIT 16, SAN CARLOS PARK, a Subdivision, according to the Plat thereof, as recorded in Official Records Book 50, at Page 377, in the Public Records of Lee County, Florida.

Folio No. 09-46-25-05-00187.0010

PARCEL 7:

A parcel of land located in the Southwest corner of Section 33, Township 45 South, Range 26 East, Lee County, Florida, being more particularly described as the South 950.00 feet of the West 989.00 feet of Section 33, Township 45 South, Range 26 East, Lee County, Florida; the POINT OF BEGINNING.

Folio No. 33-45-26-00-00001.2000

0R3105 PG0591

APR. 6.1999 2:23PM LAWYERS TL

NO.134 P.5

LAWYERS TITLE
INSURANCE CORPORATION
NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

LEGAL DESCRIPTION CONTINUED

0R3105 P60595

PARCEL 9:

BEGIN at the SW corner of the SE 1/4 of Section 14, Township 45 South, Range 24 East; thence North 02° 11' 15" West along the Westerly line of said SE 1/4 for 616.65 feet; thence North 89° 08' 50" East for 125 feet to the POINT OF BEGINNING; thence continue North 89° 08' 50" E for 60.01 feet; thence North 02° 11' 15" West for 436.56 feet to Southerly right-of-way of proposed 100' wide College Parkway; thence South 89° 05' 55" West along said Southerly right-of-way for 60.01 feet; thence South 02° 11' 15" East for 436.51 feet to the POINT OF BEGINNING

AND

Begin at the SW corner of the SE 1/4 of Section 14, Township 45 South, Range 24 East for the point of beginning; thence North 89° 11' 35" East along southerly line of said Section 14 for 633.45; thence Northerly 01° 55' 08" West for 617.09 feet; thence South 89° 08' 50" West for 636.33 to the westerly line of said Southeast quarter; thence South 02° 11' 15" East along said westerly line of said Southeast quarter for 616.65 to the point of beginning.
Subject to Iona Drainage district right-of-way over the Southerly 50 feet.

Folio No. 14-45-24-00-0004.0110

APR. 6.1999 2:23PM LAWYERS TL

NO.134 P.D

LAWYERS TITLE
INSURANCE CORPORATION
NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

LEGAL DESCRIPTION CONTINUED

083105 P60596

CHARLE GREEN, CLERK
LEE COUNTY, FL
39 APR 19 AM 8:57

PARCEL "G":

All of Block 2088, Unit 31, CAPE CORAL SUBDIVISION, according to the Plat thereof, recorded in Plat Book 14, Page 149, of the Public Records of Lee County, Florida.

Folio No. 06-44-24-C2-02088.0000

INSTR # 2007000225578, Doc Type D, Pages 3, Recorded 07/18/2007 at 03:14 PM,
Charlie Green, Lee County Clerk of Circuit Court, Deed Doc. D \$96600.00 Rec.
Fee \$27.00 Deputy Clerk CFELTMAN

This Instrument Prepared By
Craig M. Dorne, Esq.
407 Lincoln Road - PH-SE
Miami Beach, FL 33139

Return to:
Duncan & Tardif, PA
1601 Jackson Street Suite 101 Fort Myers, FL 33901

PARCEL ID NOS. 16-44-24-03-0030A.0000, 16-44-24-03-0030B.0000 and 16-44-24-03-0030D.0000

WARRANTY DEED

THIS INDENTURE, made this 17 day of July, 2007, between Caloosa Isle Yacht Club, Inc., a Florida Non-Profit Corporation, and Marine Holdings Group, Inc., a Florida corporation, (hereinafter called the Grantor*), to Lee County, a Political Subdivision of the State of Florida whose post office address is P.O. Box 398, Fort Myers, FL 33902-0398 (hereinafter called the Grantee*).

WITNESSETH, that the Grantor, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, and Grantee's successors and assigns forever, the following described land, situate, lying and being in Miami-Dade County, Florida, to-wit:

As described in Exhibit "A" attached hereto and made a part hereof by reference.

SUBJECT TO: Taxes for the year 2007 and subsequent years; and reservations, covenants and conditions of record, dedications, restrictions, limitations, easements, rights of way of record, applicable zoning regulations and ordinances imposed by governmental authority and restrictions and matters appearing on the Plat or otherwise common to the subdivision, without intent of reimposing same.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

*"Grantor" and "Grantee" are used for singular or plural, as context requires.

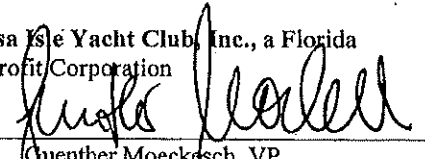
IN WITNESS WHEREOF, Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in our presence:


Print Name CORRIDOR COLLINS

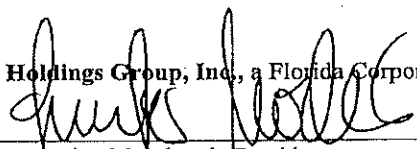
Caloosa Isle Yacht Club, Inc., a Florida
Non-Profit Corporation

By:


Quentner Moeckesch, VP

INSTR # 2007000225578 Page Number: 2 of 3

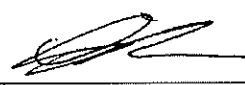

Print Name Guenther Moeckesch

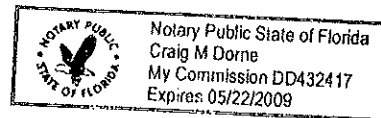
Marine Holdings Group, Inc., a Florida Corporation
By: 
Guenther Moeckesch, President
961 Iris Drive
Delray Beach, Florida 33483

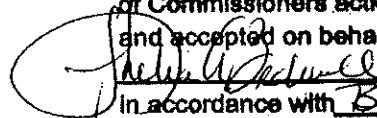
STATE OF FLORIDA)
COUNTY OF MIAMI-DADE) LEE

The foregoing instrument was acknowledged before me this 17th day of July, 2007, by Guenther Moeckesch, Vice President of Caloosa Isle Yacht Club, Inc., a Florida Non-Profit Corporation, and Guenther Moeckesch, President of Marine Holdings Group, Inc., a Florida Corporation on behalf of the corporations, who produced a Florida driver's license as identification.

Commission Expires:


NOTARY PUBLIC, STATE OF FLORIDA
[NOTARIAL SEAL]



Acquisition approved by the Lee County Board
of Commissioners action on 5/1/2007
and accepted on behalf of the board by  on 7/17/2007
In accordance with B/S 20070642

A6a

Exhibit "A"

LEGAL DESCRIPTION

PART OF WATERWAY ESTATES OF FORT MYERS UNIT 2 SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA.

A TRACT OR PARCEL OF LAND LYING IN WATERWAY ESTATES OF FORT MYERS UNIT 2 IN THE SOUTHEAST QUARTER (SE-1/4) OF THE SOUTHEAST QUARTER (SE-1/4) OF SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY FLORIDA, AS SHOWN ON SHEET 2 OF THE PLAT RECORDED IN PLAT BOOK 12 BEGINNING AT PAGE 63, LEE COUNTY RECORDS, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF CURVATURE ON CURVE "K" ON THE SOUTH LINE OF TRACT "B", AS SHOWN ON SAID PLAT OF WATERWAY ESTATES OF FORT MYERS UNIT 2, RUN N 89°24'20" E ALONG SAID SOUTH LINE FOR 201.00 FEET TO THE WEST LINE OF THE PARCEL DESCRIBED IN DEED RECORDED IN OFFICIAL RECORDS BOOK 145 AT PAGE 95, LEE COUNTY RECORDS; THENCE RUN N 00°35'40" W ALONG SAID WEST LINE FOR 165.94 FEET TO THE NORTHWESTERLY LINE OF SAID PARCEL; THENCE RUN N 43°56'37" E ALONG SAID NORTHWESTERLY LINE FOR 136.87 FEET TO AN INTERSECTION WITH THE NORTHERLY LINE OF SAID PARCEL; THENCE RUN N 89°24'20" E ALONG SAID NORTH LINE FOR 90.00 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID PARCEL; THENCE RUN S 00°35'40" E ALONG SAID EAST LINE FOR 263.50 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID TRACT "B"; THENCE RUN N 89°24'20" E ALONG SAID SOUTH LINE FOR 342.93 FEET TO A POINT OF CURVATURE; THENCE RUN EASTERLY, NORTHEASTERLY, AND NORTHERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 25.00 FEET (DELTA 89°30'20") (CHORD BEARING N 44°39'10" E) (CHORD 35.20 FEET) FOR 39.05 FEET TO A POINT OF TANGENCY ON THE EAST LINE OF SAID TRACT "B"; THENCE RUN N 00°06'00" W ALONG SAID EAST LINE AND A NORTHERLY PROLONGATION THEREOF ON THE EAST LINE OF THE FIRST PARCEL DESCRIBED IN RESOLUTION RECORDED IN OFFICIAL RECORDS BOOK 245 BEGINNING AT PAGE 753 OF SAID PUBLIC RECORDS FOR 490.23 FEET TO THE NORTH LINE OF SAID PARCEL; THENCE RUN S 89°54'00" W ALONG SAID NORTH LINE FOR 309.45 FEET TO AN INTERSECTION WITH THE NORTHWESTERLY LINE OF SAID PARCEL; THENCE RUN S 43°56'37" W ALONG SAID NORTHWESTERLY LINE FOR 27.98 FEET TO A NORTHEASTERLY LINE OF SAID PARCEL; THENCE RUN N 59°33'03" W ALONG SAID NORTHEASTERLY LINE FOR 102.84 FEET TO THE NORTHERLY MOST CORNER OF SAID TRACT "B"; THENCE RUN S 43°56'37" W ALONG THE SOUTHEASTERLY LINE OF TRACT "A" OF SAID WATERWAY ESTATES FOR 50.00 FEET TO THE SOUTHERLY MOST CORNER OF SAID TRACT "A"; THENCE RUN S 32°33'43" E ALONG THE SOUTHWESTERLY LINE OF THE SECOND PARCEL DESCRIBED IN SAID RESOLUTION RECORDED IN OFFICIAL RECORDS BOOK 245, AT PAGE 753, LEE COUNTY RECORDS, FOR 102.84 FEET TO AN INTERSECTION WITH THE NORTHWESTERLY LINE OF SAID TRACT "B"; THENCE RUN S 43°56'37" W ALONG SAID NORTHWESTERLY LINE FOR 540.61 FEET TO A POINT OF CURVATURE ON SAID CURVE "K"; THENCE RUN SOUTHWESTERLY, SOUTHERLY AND SOUTHEASTERLY ALONG AN ARC OF A CURVE TO THE LEFT OF RADIUS 25.00 FEET (DELTA 134°32'17") (CHORD BEARING S 23°19'32" E) (CHORD 46.12 FEET) FOR 58.70 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

CONTAINING 5.80 ACRES MORE OR LESS.

BEARINGS HEREINABOVE MENTIONED ARE BASED ON SAID PLAT OF WATERWAY ESTATES UNIT 2.

TOGETHER WITH ALL OF TRACT "A" OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2 AS PER SAID PLAT RECORDED IN PLAT BOOK 12 PAGE 64.

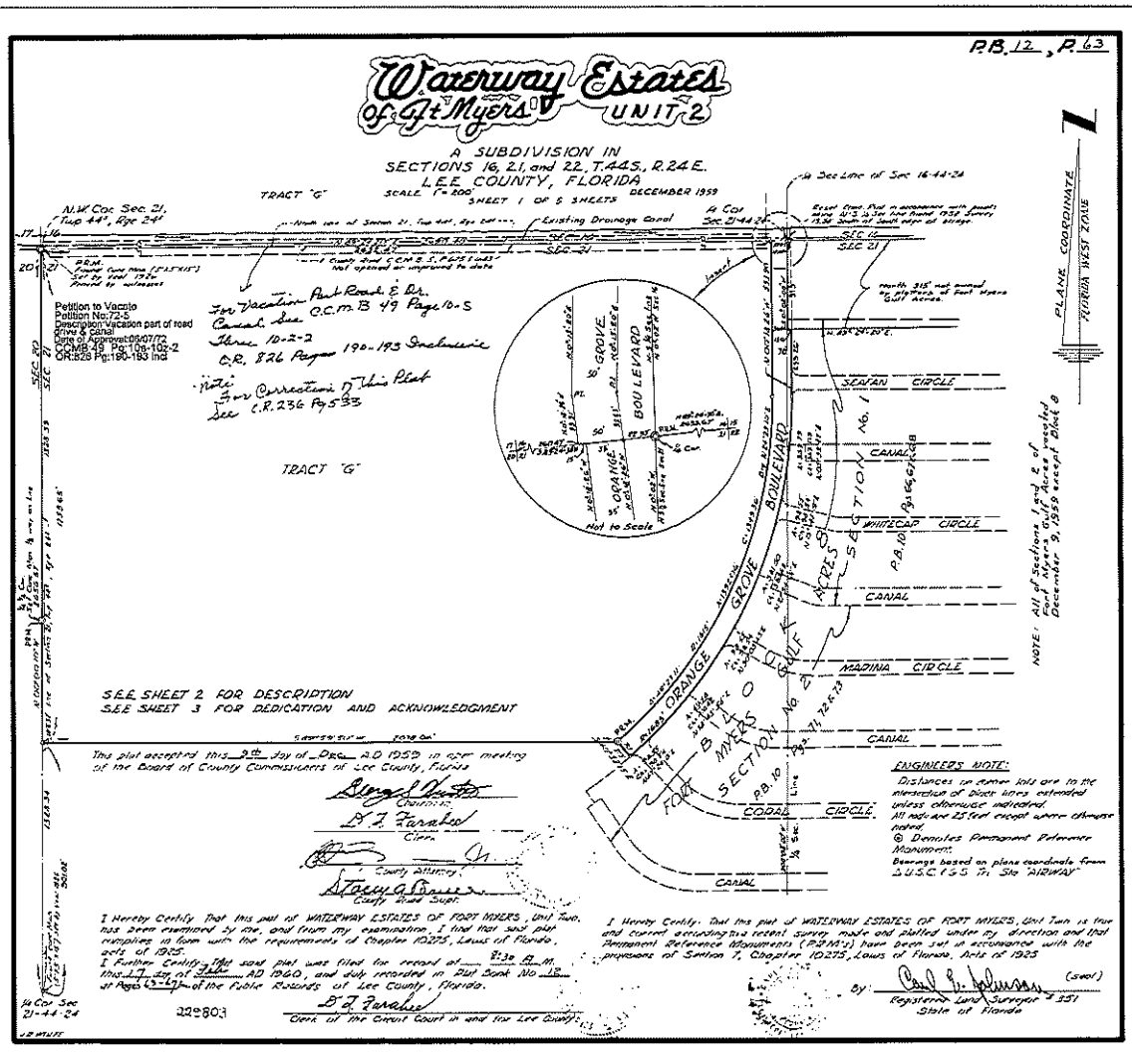
TOGETHER WITH ALL OF TRACT "D" LYING EASTERLY OF THE SOUTHERLY PROLONGATION OF BLOCK 1 OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2 AS PER SAID PLAT RECORDED IN PLAT BOOK 12 PAGE 64.

AND

Tract D of that certain subdivision known as WATERWAY ESTATES OF FORT MYERS UNIT TWO, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 12, Page 64.

and

Tract A of that certain subdivision known as WATERWAY ESTATES OF FORT MYERS UNIT 2, according to the map or plat thereof on file and recorded in the Office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 12, Page 63.



A SUBDIVISION IN
SECTIONS 16, 21 and 22, T.44S., R.24 E.
LEE COUNTY, FLORIDA
SCALE: 1"=100' DECEMBER 1959

Lands lying in Sections 16, 21 and 22, Township 24 South, Range 24 East

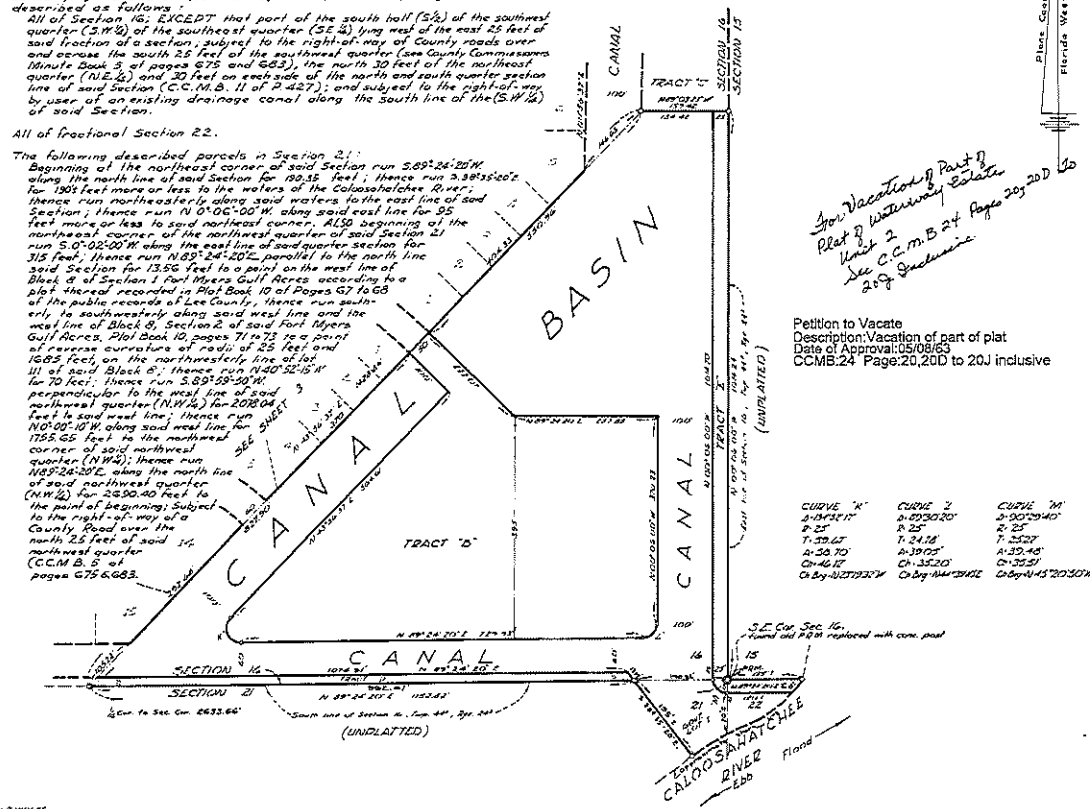
described as follows:

All of Section 16; EXCEPT that part of the south half ($\frac{1}{2}$) of the southwest quarter ($\frac{1}{4}$) of the southeast corner far ETS & J, lying west of the road 25 feet wide and across the north 25 feet of the right-of-way of County roads over and across the south 25 feet of the southeast quarter (see County Commissioners Minute Book 3, at pages 675 and 683), the north 30 feet of the northeast quarter (NE $\frac{1}{4}$), and 20 feet on each side of the north and south quarter section north of and between the railroad (R.R.) and said road 25 feet wide, to be used by user of an existing drainage canal along the south line of the (SW $\frac{1}{4}$) of said Section.

All of fractional Section 22.

The following described parcels in Section 21:

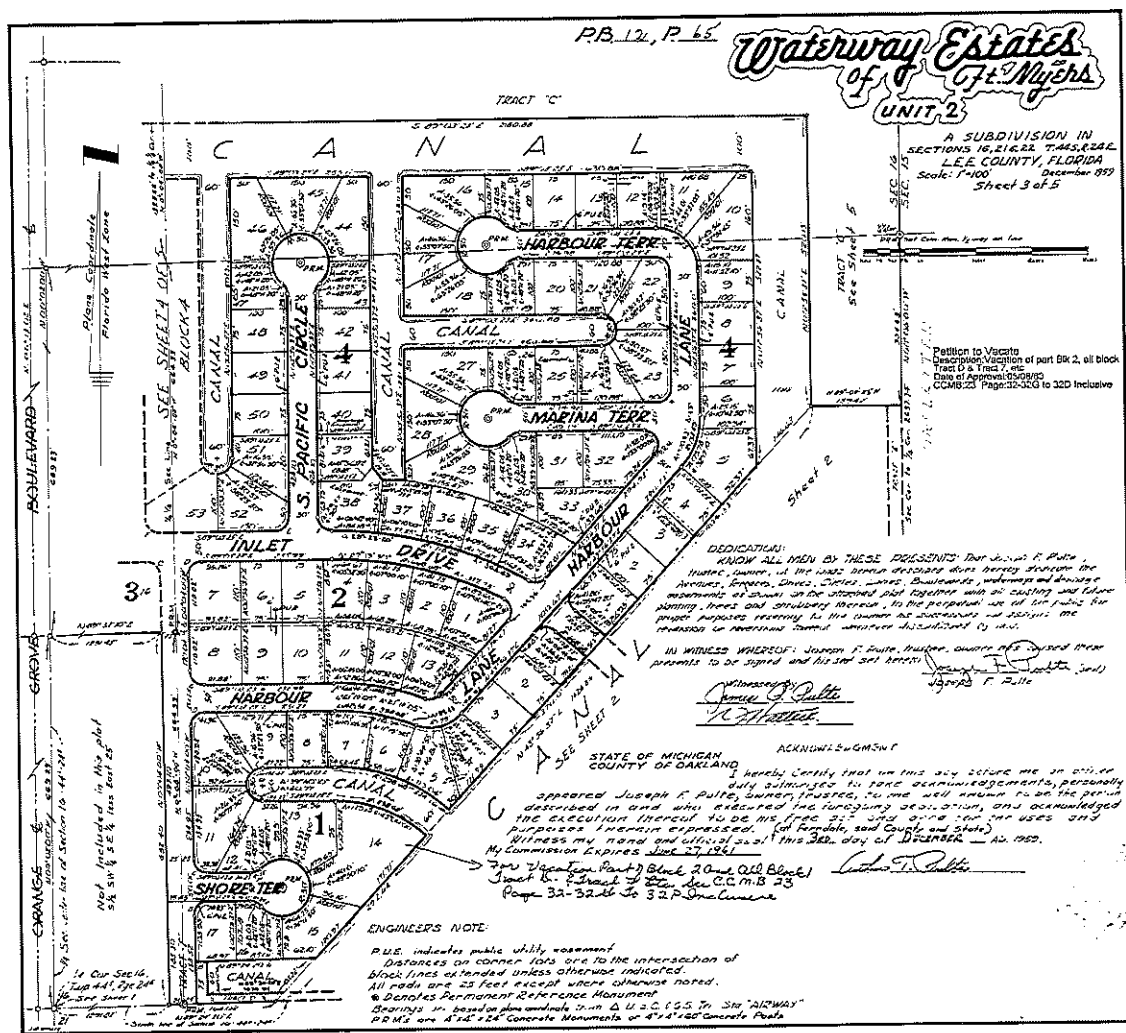
beginning at the northeast corner of said Section run S 89° 26' 20" W. along the north line of said Section for 130.15 feet; thence run S 89° 55' 00" W. for 190.5 feet more or less to the waters of the Subdivision; thence thence run northeasterly along said waters to the east line of said Section; thence run N 0° 06' 00" W. along said east line for 95 feet more or less to said northeasterly corner, ALSO beginning at the northeast corner of the northwest quarter of said Section 11 run S 0° 02' 00" W. along the east line of said quarter Section for 315 feet; thence run N 85° 24' 00" W. parallel to the north line for 250 feet; thence run 358.5 feet to a point on the west line of Block 8 of Section 1 Fort Myers Gulf Acres according to a plot thereon recorded in Plot Book 10 of Pages 67 to 68 of the public books of Lee County; thence thence run northeasterly to said westerly along said west line and the west line of Block 8, Section 2 of said Fort Myers Gulf Acres, Plot Book 10, pages 71 and 72 to a point of reverse curvature of road of 25 feet and 168.5 feet, on the northeasterly line of lot 11 of said Block 8; thence run N 40° 52' 15" W. for 70 feet; thence run S 89° 26' 20" W. for 130.15 feet perpendicular to the west line of said northwestern quarter (N.W. 1/4) for 208.04 feet to said west line of said northwestern quarter (N.W. 1/4) for 175.65 feet to the northwest corner said northwestern quarter (N.W. 1/4); thence run N 85° 26' 20" E. along the north line of said northwestern quarter (N.W. 1/4) for 250.00 feet to the point of beginning; Subject to the right-of-way of a County Road over the north 25 feet of said 1/4 section 668.3.

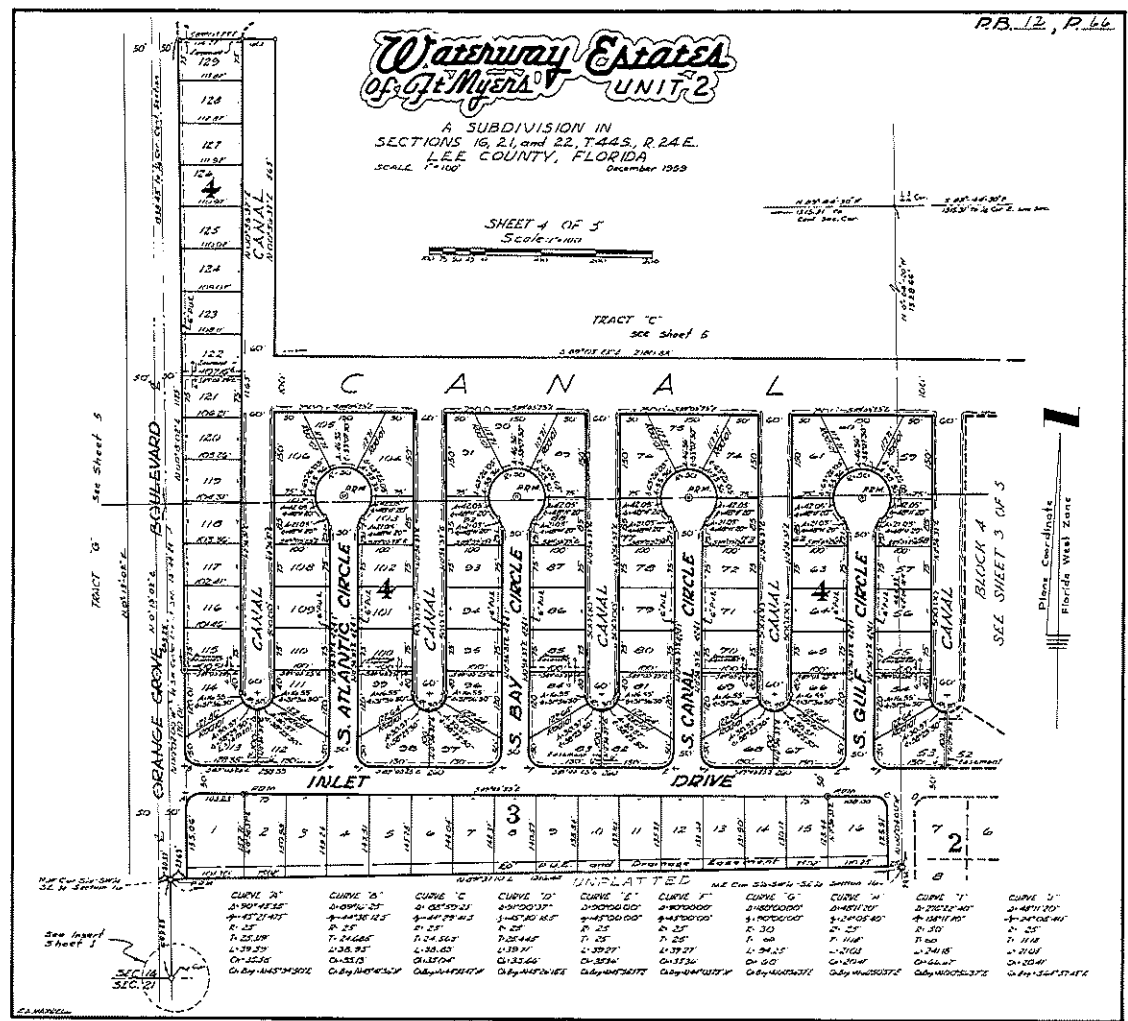


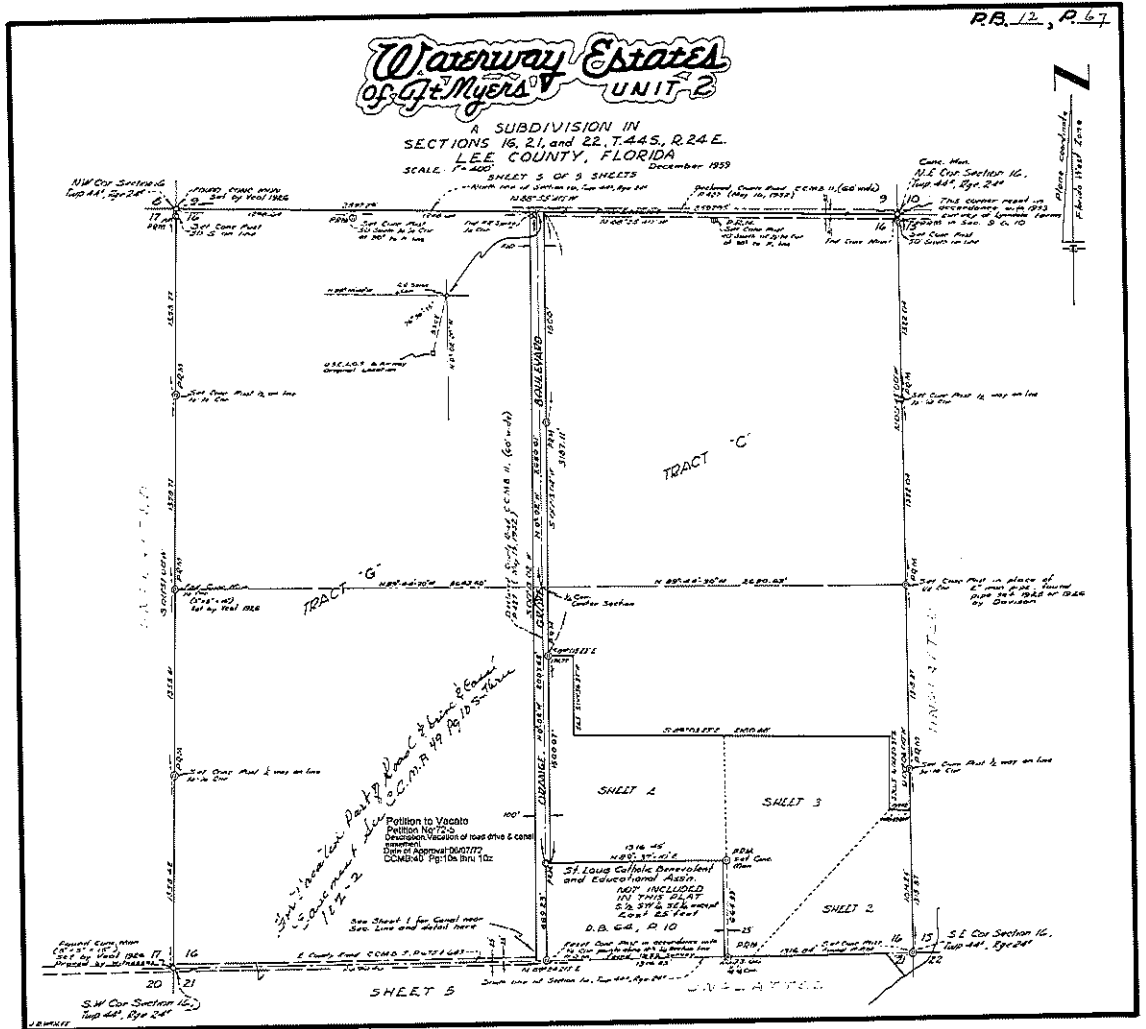
for Vacation of Part of
Plot of Waterway Estate
Unit 2
See C.C.M.B 24 Page 20, 20D 20

Petition to Vacate
Description: Vacation of part of plat
Date of Approval: 05/08/63
CCMB:24 Page:20,20D to 20J inclusive

CURVE "R"	CURVE "I"	CURVE "M"
A-1045417	A-593020	A-902940
R-25	R-25	R-25
T-39.67	T-24.18	T-25.27
A-58.70	A-39.05	A-39.46
C-46.12	C-35.20	C-35.51
Ch Brg-1027932W	Ch Brg-144294SE	Ch Brg-1452030W







463103

SEC. 456 PAGE 461

AGREEMENT

THIS AGREEMENT, made this 19th day of May, 1965,
by and between AQUA UTILITIES CORPORATION, a corporation organized and
existing under the laws of the State of Florida (hereinafter referred
to as "Aqua"), PULTE-STRANG OF FLORIDA, INC., a corporation organized
and existing under the laws of the State of Florida (hereinafter referred
to as "Pulte"), and FLORIDA CITIES WATER COMPANY, a corporation organized
and existing under the laws of the State of Florida (hereinafter called
"Florida Cities").

W I T N E S S E T H:

WHEREAS, Pulte is in the business of land development and
improvement, including the construction of water and sewer properties,
in the area herein referred to as the "Franchise Area", described as
follows:

All of Section 16, and the Northwest Quarter, the
West Half of the Southwest Quarter, the South 1005
feet of Government Lot 1, and all of Government
Lots 2, 3 and 4, in Section 21, Township 44 South,
Range 24 East, in Lee County, Florida; and

WHEREAS, Aqua, a wholly-owned subsidiary of Pulte, presently
has the franchise for the furnishing of water and sewer services to
the residents of the Franchise Area; and

WHEREAS, Florida Cities has or shortly will have the said
franchise by assignment from Aqua pursuant to an Agreement of even date
with this Agreement whereunder Aqua agrees among other things, to assign
said franchise to Florida Cities and Florida Cities agrees to purchase
the water and sanitary sewerage systems of Aqua, all subject to the
approval of the Lee County Board of County Commissioners; and

WHEREAS, Aqua and Pulte have constructed above-ground water and
sewerage plant in the Franchise Area having capacity in excess of that nec-
essary to serve the presently existing approximately 164 active combined water
and sewer customers now served by Aqua;

WHEREAS, future load growth of the system in the Franchise

Agreement per OR BR 541/623+667

REC. 456 PAGE 482

Area is subject to a number of uncertainties; and

WHEREAS, the extent of future development, and the period of time therefor, cannot be reliably predicted; and

WHEREAS, title to the entire presently existing system will be transferred to Florida Cities free and clear of encumbrances at the closing of the transaction under the Agreement referred to above; and

WHEREAS, in view of the relatively small number of customers in relation to the present capacity of the above-ground system, Florida Cities wishes to make payments therefor as new combined water and sewer customers become active; and

WHEREAS, it will be necessary to construct additional mains and services in the future as such customers become active,

NOW, THEREFORE, in consideration of the sum of \$10 and other valuable considerations paid by Florida Cities to Aqua, the receipt whereof is hereby acknowledged, and the covenants to be kept and performed by each party, hereto, it is agreed as follows:

1. Florida Cities shall pay One Thousand Three Hundred Dollars (\$1,300.00), as provided in paragraph 2 below, as each new combined water and sewer service becomes active in excess of the presently existing 164 such services within the area described in Exhibit 1 attached hereto as a part hereof, in consideration of the following:

- (a) The transfer of title to the water treatment plant and land, water wells No. 1 and No. 2, water pumps No. 1 and No. 2, sewerage treatment plant and land, and lift station No. 1, by Aqua to Florida Cities pursuant to the Agreement referred to above, and
- (b) The construction and installation of water and sewer services and related equipment (except services) to platted lot lines from presently existing mains within the area described in Exhibit 1, in excess of the presently existing 164 such combined services, and the transfer of title thereto to Florida Cities as provided herein.

2. Florida Cities agrees to make the payments set forth in paragraph 1 hereof to Aqua in cash in full based on connections completed during the preceding three months in the area described in Exhibit 1, beginning, June 30, 1965, until December 31 of the tenth year following the Closing Date hereunder, or until such payments have been made in the aggregate amount of Two Hundred Seventy Thousand, Five Hundred Fifty Dollars (\$270,550.00), whichever event occurs first.

3. Aqua or Pulte may elect to construct within the Franchise

(3) Agreements per DEB 542/138-165-196 For assignment of this mortgage Book 795 page 3622-625-628

REC. 456 PAGE 463

Area, contiguous additions to the existing water and sewer mains in the System, and Florida Cities agrees to pay to the builder a purchase price for each completed additional segment of water and sewer mains equal to the bona fide cost of labor and materials of such segment plus 35% thereof to cover overhead and profit. Florida Cities shall make such main construction payments each June 30 and December 31 until December 31st of the tenth year following the completion date of said improvements, in an amount equal to the pro-rata part of the purchase price of each such segment which the number of active combined water and sewer services connected to each such segment during the preceeding six months bears to the ultimate number of such combined services to be connected to the segment.

4. As to the property referred to in paragraphs 1, 2, and 3 above:

- (a) The said additions shall include, but not be limited to, such water transmission mains, water distribution mains, fire hydrants, sewer mains, valves, buffalo boxes, stubs, laterals, and extensions thereof and improvements thereto, (not including wells, meters, lift stations, production or treatment facilities or storage tanks, or other "above ground" equipment, except as may be otherwise agreed upon) as may be required from time to time in order that the facilities of Florida Cities may be adequate to render water service or sewer service to the dwellings or other buildings or structures which may be erected in the area served by Florida Cities.
- (b) Before proceeding with the construction of any such services, additions, extensions or improvements in or to the system the plans therefor shall be submitted by the builder to and be approved by Florida

OFF
REC. 456 PAGE 464

Cities and shall be in accordance with all applicable standards of governmental bodies as may have jurisdiction with respect thereto.

- (c) Upon the completion of each such service, addition, extension, or improvement, it shall forthwith be conveyed by the builder to Florida Cities by such deed, bill of sale, or other form of conveyance as may be acceptable to or approved by Florida Cities, free and clear of all liens and encumbrances, except ~~current~~ property taxes. The consideration for each such conveyance shall be the sum of \$1.00 and the obligations of Florida Cities under this Agreement.

At the time of each such conveyance to Florida Cities the grantor shall certify to Florida Cities as follows as to the property conveyed:

That no advances or contributions in aid of construction, refundable or non-refundable, have been made by sewer or water customers, or by the owner or owners, past or present, of any lots or by others, for the construction of any part of the property being presently conveyed, and that none of such persons, firms or corporations, has any interest in said property or any part thereof; that there are no past or existing agreements or understandings, oral or written, with any such persons, firms or corporations, which might adversely affect the operation of said property, or might result in claims that all or some part of the cost of said property had been contributed by any such person, firm or corporation and might be regarded as direct or indirect advances or contributions in aid of construction; and that said property is free and clear of all liens and encumbrances except current taxes.

Coincident with the delivery of each such conveyance to Florida Cities, there shall also be delivered to Florida Cities copies of all blueprints, plans, engineers' reports, surveys, plats, property records, original cost records, agreements and other information pertaining to the property so conveyed, so that in each instance the material so delivered to Florida Cities shall be such as will enable it to readily ascertain

OFF. REC. 456 PAGE 465

the actual constructed cost of such property or facilities.

- (d) Aqua or Pulte shall construct or cause to be constructed each service or addition when the need therefor arises, or when Florida Cities serves notice that such an addition is desired. If such addition is not completed within the time set forth in such notice, which shall not be less than a reasonable length of time, then Florida Cities may construct or cause to be constructed said addition with no liability to Aqua or Pulte in connection therewith, and all parties hereto will execute all instruments and take all steps necessary to grant or cause the grant of all necessary easements for such services or additions, all without cost to Florida Cities.

5. Florida Cities agrees that it will not charge any tap-in or similar connection fee for the connection of the sewer and water system to the main from the lot in the Franchise Area. The only fee or charge to be made by Florida Cities in the Franchise Area will be the normal security deposit required from the sewer and water customer.

6. Florida Cities agrees that it will provide related services including but not limited to additional lift stations, wells, production or treatment facilities, or storage tanks, or other "above ground" equipment as may be required from time to time in the event of additions being constructed by the builder pursuant to paragraph 3 hereof in order that the facilities of Florida Cities may be adequate to render sewer and water service to the dwellings or other buildings or structures which may be erected in the area set forth above.

7. All notices, demands, advices or requests pursuant to this Agreement shall be in writing and shall be deemed to be given when mailed by prepaid certified or registered mail, in the case of notices required to be given by Aqua to Florida Cities, to Florida Cities Water Company, Room 1116, 327 South LaSalle Street, Chicago, Illinois, 60604,

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and in the case of notices required to be given to Aqua, to Aqua Utilities Corporation, Orange Grove Blvd., North Fort Myers, Florida, or such other address as may hereafter be specified by notice given as specified above by either party to the other.

8. This agreement may be assigned or transferred by either of the parties hereto and the terms and provisions hereof shall inure to the benefit of, and be binding upon the parties hereto, their successors or assigns, as if in each case expressly so provided.

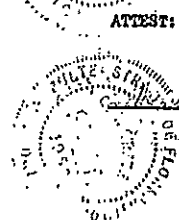
IN WITNESS WHEREOF, each of the parties hereto has caused this Agreement to be signed and delivered by its officers in their respective capacities set forth below, and has caused its corporate seal to be affixed hereto, pursuant to authority given under the articles, by-laws and resolutions of the corporation, as of the day and year first above written, for the uses and purposes therein stated.



Helmer Hansen
Secretary



W. T. Hayes
Secretary



W. T. Hayes
Secretary

FLORIDA CITIES WATER COMPANY

By K. D. Kurbel
Vice President

AQUA UTILITIES CORPORATION

By James F. Pulte
President

PULTE-STRANG OF FLORIDA, INC.

By James F. Pulte
President

STATE OF FLORIDA
COUNTY OF LEE

458 PAGE 467

I HEREBY CERTIFY that on the 24 day of May, 1965, before me, the undersigned authority, personally appeared R. N. Kaulbach and William Hansen, who are known to me to be respectively the Vice-President and Secretary of FLORIDA CITIES WATER COMPANY, a Corporation, and the persons who executed the foregoing instrument as such officers, and acknowledged to me that they executed the same as such officers as and for the act and deed of said corporation by authority duly vested in them for the uses and purposes therein expressed. And the said Secretary of said corporation further acknowledged that the seal affixed to said instrument is the genuine seal of said corporation and was thereunto affixed by him by due authority.

WITNESS my hand and official seal the date aforesaid.

My Commission Expires:

6-8-66

Smith Thompson
Notary Public
State of Florida at Large
Florida

STATE OF FLORIDA
COUNTY OF LEE

I HEREBY CERTIFY that on this 19th day of May, 1965, before me, the undersigned authority, personally appeared JOSEPH F. PULTE and WILLIS T. HAYES, who are known to me to be respectively the President and Secretary of AQUA UTILITIES CORPORATION, a corporation, and the persons who executed the foregoing instrument as such officers, and acknowledged to me that they executed the same as such officers as and for the act and deed of said corporation by authority duly vested in them for the uses and purposes therein expressed. And the said Secretary of said corporation further acknowledged that the seal affixed to said instrument is the genuine seal of said corporation and was thereunto affixed by him by due authority.

WITNESS my hand and official seal the date aforesaid.

My Commission Expires:

August 19, 1966

Rebecca J. W. [Signature]
Notary Public
State of Florida at Large

STATE OF FLORIDA
COUNTY OF LEE

I HEREBY CERTIFY that on this 19th day of May, 1965, before me, the undersigned authority, personally appeared JOSEPH F. PULTE and WILLIS T. HAYES, who are known to me to be respectively the President and Secretary of PULTE-STRANG OF FLORIDA, INC., a corporation, and the persons who executed the foregoing instrument as such officers, and acknowledged to me that they executed the same as such officers as and for the act and deed of said corporation by authority duly vested in them for the uses and purposes therein expressed. And the said Secretary of said corporation further acknowledged that the seal affixed to said instrument is the genuine seal of said corporation and was thereunto affixed by him by due authority.

WITNESS my hand and official seal the date aforesaid.

My Commission Expires:

August 19, 1966

Rebecca J. W. [Signature]
Notary Public
State of Florida at Large

APR 5 4 20 PM '68

D. T. FARABEE
CLERK, CIRCUIT COURT
BY [Signature] P. [Signature] S.C.

96-002
70 Doc

Prepared by and return to:
Laurie L. Gildan, Esq.
Greenberg Traurig, P.A.
777 South Flagler Drive, Suite 300 East
West Palm Beach, Florida 33401

4613602

Documentary Tax Pd. \$ -70
\$ -0- Intangible Tax Pd.
CHARLIE GREEN, CLERK, LEE COUNTY
By Susan Rostom Deputy Clerk

083105 PC0576

SPECIAL WARRANTY DEED (Lee County)

RECORDED BY
SUSAN ROSTOM, D.C.

THIS SPECIAL WARRANTY DEED made and executed this 2nd day of April, 1999 by **FLORIDA CITIES WATER COMPANY**, a Florida corporation, whose address is 4837 Swift Road, Suite 100, Sarasota, Florida 34321, hereinafter called the grantor, to **LEE COUNTY**, a political subdivision of the State of Florida, whose address is 2115 Second Street, Fort Myers, Florida 33901, hereinafter called the grantee;

WITNESSETH: That the grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, by these presents do grant, bargain, sell, alien, remise, release, convey and confirm unto the grantee, all that certain land situated in Lee County, Florida as shown and more particularly described on Exhibit A attached hereto and incorporated herein.

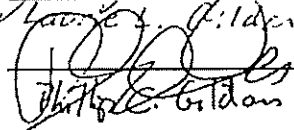
TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anyway appertaining, including but not limited to, all water and wastewater facilities of every kind and nature lying within said land and all appurtenant easement rights for the operation, installation and maintenance of said facilities.

TO HAVE AND TO HOLD, the same in fee simple forever.

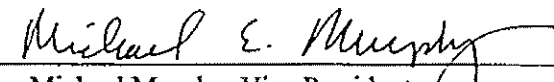
AND the grantor, for itself and its successors, hereby covenants with said grantee and the grantee's successors and assigns that grantor is lawfully seized of said land in fee simple; that grantor has good, right and lawful authority to sell and convey said land; that grantor hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the grantor, but against none others; and that said land is free of all encumbrances except as set forth in **Exhibit B** attached hereto and incorporated herein.

083105 P60577

IN WITNESS WHEREOF the grantors have caused this Special Warranty Deed in favor of Lee County to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers hereunto duly authorized, the day and year first above written.


 Laurie L. Gidon

 Michael E. Gidon

FLORIDA CITIES WATER COMPANY, a
 Florida corporation

By: 
 Michael Murphy, Vice President

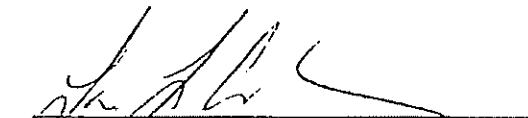
STATE OF FLORIDA

COUNTY OF Hillsborough

This instrument was acknowledged before me this 7th day of April, 1999, by Michael Murphy, as Vice President of Florida Cities Water Company, a Florida corporation, on behalf of said corporation.



Laurie L. Gidon
 MY COMMISSION # CC710325 EXPIRES
 April 28, 2002
 BONDED THROUGH FARM INSURANCE, INC.


 Notary Public
 State of Florida

(Print, Type or Stamp Commissioned Name)

☒ Personally Known OR ☐ Produced Identification
 Type of Identification Produced _____

0R3105 P60578

EXHIBIT A
LAWYERS TITLE
INSURANCE CORPORATION
NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

Schedule "A" Lands

PARCEL 1a:

The East 22.78 feet of Lot 6, and all of Lot 7, Block 5, FIESTA VILLAGE FIRST ADDITION, a Subdivision, according to the Plat thereof, as recorded in Plat Book 12, Page 135; LESS right of way for San Souci Drive; all lying and being in Lee County, Florida.

Folio No. 21-45-24-02-00005.0070

PARCEL 1b:

The East 1/2 of the East 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 21, Township 45 South, Range 24 East, which includes:

The Southerly 22.46 feet of Lot 12, Block 1, FIESTA VILLAGE, a Subdivision, according to the Plat thereof, as recorded in Plat Book 10, Page 65.

Folio No. 21-45-24-00-00014-0010

PARCEL 2:

All of that piece or parcel of land lying in the Northeast quarter (NE 1/4) of Section 31, Township 45 South, Range 24 East, Lee County, Florida. The said parcel being described as follows:

FROM the Northeast corner of said Section 31, run Westerly along the North line of said Section N 89° 41' 24" W for 238.87 feet to the Southeasterly right-of-way line of McGregor Boulevard (80 feet wide); thence run Southwesterly along the Southeasterly right-of-way line of McGregor Boulevard S 50° 28" W for 942.18 feet to the Easterly side of a roadway easement (35 feet East of the centerline of said easement); thence run along the East side of said roadway easement S 0° 17' 04" E for 451.96 feet to POINT OR PLACE OF BEGINNING of the herein described parcel; from said POINT OF BEGINNING continue South along said East right-of-way line S 00° 17' 04" E 150.00 feet; thence run N 89° 42' 56" E 150.00 feet; thence run N 00° 17' 04" W 150.00 feet; thence run S 89° 42' 56" W for 150.00 feet to the POINT OF BEGINNING.

Folio No. 31-45-24-00-0007.4000

PARCEL 3:

APR. 6.1999 2:23PM LAWYERS TL

NO.134 P.5

0R3105 P60579

LAWYERS TITLE
INSURANCE CORPORATIONNATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

LEGAL DESCRIPTION CONTINUED

A tract or parcel of land lying in Tract "B" of WATERWAY ESTATES OF FORT MYERS, UNIT 2, according to the Map or Plat thereof, recorded in Plat Book 12, at Page 64, of the Public Records of Lee County, Florida, described as follows:

FROM a point of curvature on the South line of said Tract "B" which is designated as curve "K" on said Plat run N 89° 24' 20" E along said South line and along the North line of a canal for 201.00 feet to the P.O.B. of the lands herein described. From said POINT OF BEGINNING continue N 89° 24' 20" E along said South line for 186.00 feet; thence run N 0° 35' 40" W perpendicular to said South line for 263.50 feet; thence run S 89° 24' 20" W parallel with said South line for 90.00 feet; thence run S 43° 56' 40" W parallel with the Northwesterly line of said Tract "B" for 134.68 feet to an intersection with a line perpendicular to said South line of Tract "B" passing through the POINT OF BEGINNING; thence run S 0° 35' 40" E along said perpendicular line for 168.58 feet to the POINT OF BEGINNING.

Folio No. 16-44-24-03-0030B.00A0

PARCEL 4:

BEGIN at Northeast corner of Northwest One-Quarter of Section 16, Township 44 South, Range 24 East, Lee County, Florida; thence North 88° 55' 40" West a distance of 50.00 feet to the Westerly right-of-way of Orange Grove Boulevard; thence South 0° 13' 02" West along said Westerly right-of-way a distance of 905.11 feet; thence North 89° 46' 58" West a distance of 306.40 feet to the POINT OF BEGINNING; thence continue North 89° 46' 58" West a distance of 300.00 feet; thence South 0° 13' 02" West a distance of 300.00 feet; thence South 89° 46' 58" East a distance of 250.00 feet; thence South 0° 13' 02" West a distance of 100.00 feet; thence South 89° 46' 58" East a distance of 50.00 feet; thence North 00° 13' 02" East a distance of 400.00 feet to the POINT OF BEGINNING, being a part of a parcel in the Northwest One Quarter of Section 16, Township 44 South, Range 24 East, being a part of Tract G of WATERWAY ESTATES OF FORT MYERS, UNIT 2, as recorded in Plat Book No. 12, Page 67, Lee County, Florida.

APR. 6.1999 2:23PM LAWYERS TL

NO.134 P.4

003105 P60580

L A W Y E R S T I T L E
I N S U R A N C E C O R P O R A T I O N

N A T I O N A L H E A D Q U A R T E R S
R I C H M O N D , V I R G I N I A

LEGAL DESCRIPTION CONTINUED

TOGETHER WITH: The West 225 feet of Tract A, WATERWAY ESTATES, Block 3, Unit 1, according to the Plat thereof as recorded in Plat Book 28, Pages 87-89 inclusive of the Public Records of Lee County, Florida;

AND

The East 25 feet of Tract A, WATERWAY ESTATES, Block 3, Unit 1, according to the Plat thereof as recorded in Plat Book 28, Page 87-89 inclusive of the Public Records of Lee County, Florida.

Folio No. 16-44-24-03-0030G.00B0

PARCEL 5:

The North 110 feet of the South 185 feet of the West 50 feet of Tract "D" as recorded in the Office of the Clerk of the Circuit Court, Lee County, Florida, in Plat Book 12, at Page 63 and Replat of Block 1 and part of Block 2, as recorded in Plat Book 17, at Page 165.

Folio No. 16-44-24-05-0030D.0020

PARCEL 6:

Lots 1, 2, 3, 4, 5 and 6, Block 187, UNIT 16, SAN CARLOS PARK, a Subdivision, according to the Plat thereof, as recorded in Official Records Book 50, at Page 377, in the Public Records of Lee County, Florida.

Folio No. 09-46-25-05-00187.0010

PARCEL 7:

A parcel of land located in the Southwest corner of Section 33, Township 45 South, Range 26 East, Lee County, Florida, being more particularly described as the South 950.00 feet of the West 989.00 feet of Section 33, Township 45 South, Range 26 East, Lee County, Florida; the POINT OF BEGINNING.

Folio No. 33-45-26-00-00001.2000

APR. 6.1999 2:23PM LAWYERS TL

NO.134 P.5

LAWYERS TITLE
INSURANCE CORPORATION
NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

LEGAL DESCRIPTION CONTINUED

0R3105 P60581

PARCEL 9:

BEGIN at the SW corner of the SE 1/4 of Section 14, Township 45 South, Range 24 East; thence North 02° 11' 15" West along the Westerly line of said SE 1/4 for 616.65 feet; thence North 89° 08' 50" East for 125 feet to the POINT OF BEGINNING; thence continue North 89° 08' 50" E for 60.01 feet; thence North 02° 11' 15" West for 436.56 feet to Southerly right-of-way of proposed 100' wide College Parkway; thence South 89° 05' 55" West along said Southerly right-of-way for 60.01 feet; thence South 02° 11' 15" East for 436.51 feet to the POINT OF BEGINNING

AND

Begin at the SW corner of the SE 1/4 of Section 14, Township 45 South, Range 24 East for the point of beginning; thence North 89° 11' 35" East along southerly line of said Section 14 for 633.45; thence Northerly 01° 55' 08" West for 617.09 feet; thence South 89° 08' 50" West for 636.33 to the westerly line of said Southeast quarter; thence South 02° 11' 15" East along said westerly line of said Southeast quarter for 616.65 to the point of beginning.
Subject to Iona Drainage district right-of-way over the Southerly 50 feet.

Folio No. 14-45-24-00-0004.0110

APR. 6.1999 2:23PM LAWYERS TL

NO.134 P.6

LAWYERS TITLE
INSURANCE CORPORATION
NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

LEGAL DESCRIPTION CONTINUED

PARCEL "G":

All of Block 2088, Unit 31, CAPE CORAL SUBDIVISION, according to the Plat thereof, recorded in Plat Book 14, Page 149, of the Public Records of Lee County, Florida.

Folio No. 06-44-24-C2-02088.0000

UR3105 Pb0582

AS TO ALL PARCELS:**EXHIBIT B - LEE COUNTY**

Lee County Ordinance No. 86-14 recorded November 30, 1990 in Official Records Book 2189, Page 3281 and amended by Ordinance No. 86-38 recorded in Official Records Book 2189, Page 3334.

Easement Agreement recorded in O.R. Book 1413, Page 1892.

Easement Agreement recorded in O.R. Book 1193, Page 1277.

Agreement recorded in O.R. Book 1193, Page 1277.

AS TO PARCELS 1a and 1b:

Resolution No. ZB-84-121 recorded in Official Records Book 1757, Page 815.
(AS TO PARCELS 1a and 1b)

Matters as shown on the Plat of FIESTA VILLAGE, recorded in Plat Book 10, Page 65.
(AS TO PARCELS 1a and 1b)

Easement reservations, contained in those certain Restrictions, recorded in Official Records Book 35, Page 688, as re-recorded in Official Records Book 54, Page 675 and Official Records Book 35, Page 692 as re-recorded in Official Records Book 51, Page 111.
(AS TO PARCELS 1a and 1b)

Matters as shown on the Plat of FIESTA VILLAGE 1ST ADDITION, recorded in Plat Book 12, Page 135.
(AS TO PARCEL 1a)

Easement to Florida Power and Light Company recorded January 30, 1967 in Official Records Book 393, Page 145.
(AS TO PARCELS 1a and 1b)

Easement recorded in Official Records Book 1107, Page 1985.
(AS TO PARCELS 1a and 1b)

Easement recorded in Official Records Book 1612, Page 1712.
(AS TO PARCELS 1a and 1b)

Easement to Florida Power and Light Company recorded October 22, 1985 in Official Records Book 1810, Page 845.
(AS TO PARCELS 1a and 1b)

Easement to Florida Power and Light Company recorded October 22, 1985 in Official Records Book 1810, Page 846.
(AS TO PARCELS 1a and 1b)

AS TO PARCEL 2:

Easement to Florida Power and Light Company recorded in Official Records Book 24, Page 276.

0R3105 P60583

Grant of Easement to Mitchell Homes, an Alabama General Partnership, as recorded in Official Records Book 1445, Page 1402 and Official Records Book 1445, Page 1389.

Declaration of Covenants, Conditions and Restrictions recorded in Official Records Book 1479, Page 697 and amended in Official Records Book 1704, Page 523.

Easement to Florida and Light Company recorded in Official Records Book 1561, Page 1696.

Grant of Easement recorded in Official Records Book 1445, Page 1413.

Exclusive and perpetual water pipeline grant of easement.

AS TO PARCEL 3:

Matters as shown on the Plat of WATERWAY ESTATES, recorded in Plat Book 12, Page (AS TO PARCELS 3, 4 AND 5)

Agreement recorded in Official Records Book 456, Page 461.

Resolution known as Lee County Lot Mowing Act recorded in Official Records Book 615, Page 158.

Easement to Lee County Electric Co-Operative, Inc., recorded in Official Records Book 1150, Page 887.

Easement to Lee County Electric Co-Operative, Inc., recorded in Official Records Book 2269, Page 3746.

PARCEL 4:

Right-of-Way Easement to Lee County Electric Co-Operative, Inc., recorded in Official Records Book 1342, Page 204.

Resolution pertaining to Chapter 69.1241, Laws of Florida Known as Lee County Lot Mowing Act, recorded in Official Records Book 615, Page 158.

003105 P60581

AS TO PARCEL 5:

Right-of-Way Easement to Lee County Electric Co-Op, as recorded in Official Records Book 1561, Page 1696.

Matters as shown on the Plat of WATERWAY ESTATES OF FORT MYERS, UNIT 2, recorded in Plat Book 17, Page 165.

Conservation Easement recorded in Official Records Book 1575, Page 1478.

Covenant of Unified Control recorded in Official Records Book 2088, Page 4688.

Resolution known as Lee County lot Mowing Act recorded in Official Records Book 615, Page 158.

AS TO PARCEL 6:

~~Oil, Gas and Mineral rights, as owned by predecessor in title~~

The subject land lies within the boundaries of the East Mulloch Drainage District and is subject to all acts, restrictions and limitations of said District.

AS TO PARCEL 7:

Oil, Gas and Mineral Lease by and between Adrian R. Chapman, etal, and Tribal Oil Corporation, recorded January 21, 1975 in Official Records Book 1071, Page 521.

Covenants, Conditions, Reservations, Restrictions and Easements set forth in that certain Warranty Deed recorded August 2, 1965 in Official Records Book 311, Page 873.

0R3105 PG0585

L A W Y E R S T I T L E
I N S U R A N C E C O R P O R A T I O N

N A T I O N A L H E A D Q U A R T E R S
R I C H M O N D , V I R G I N I A

0R3105 P60586

AS TO PARCEL "G":

Easements along each boundary of each homesite for drainage and public utilities, said easement not to exceed six feet (6') each side of said boundary as stated on recorded Plat of the Subdivision.

APR. 2.1999 2:30PM LAWYERS TL

NO.942 P.4/4

LAWYERS TITLE
INSURANCE CORPORATIONNATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

Resolutions filed by the City of Cape Coral as recorded in Official Records Book
1961, Page 2871, Official Records Book 2117, Page 4666, Official Records Book 2136,
Page 2629 and Official Records Book 2139, Page 4744.

0R3105 P60587

0R3105 PG0588

Prepared by and return to:
Laurie L. Gildan, Esq.
Greenberg Traurig, P.A.
777 South Flagler Drive, Suite 300 East
West Palm Beach, Florida 33401

BILL OF SALE
(Ft. Myers System - Lee County)

THIS BILL OF SALE evidencing the sale and conveyance of the Purchased Assets, as described in that certain Utility System Asset Acquisition Agreement dated the 13th day of April, 1999, is made and executed this 24th day of April, 1999, by **FLORIDA CITIES WATER COMPANY**, a Florida corporation, whose address is 4837 Swift Road, Suite 100, Sarasota, Florida 34321, hereinafter called the seller, to **LEE COUNTY**, a political subdivision of the State of Florida, whose address is 2115 Second Street, Ft. Myers, Florida 33901, hereinafter called the buyer;

WITNESSETH: That the seller, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the buyer, all those certain Purchased Assets as shown and more particularly described on **Exhibit A** attached hereto and incorporated herein.

SAID Purchased Assets also include all the tenements, hereditaments and appurtenances thereto belonging or in anyway appertaining, including but not limited to, all water and wastewater facilities of every kind and nature lying within the lands described on **Exhibit B** attached hereto and incorporated herein for the operation, installation and maintenance of said facilities.

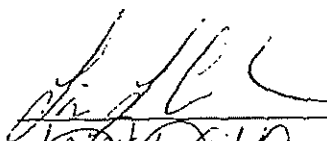
TO HAVE AND TO HOLD, the same in fee simple forever.

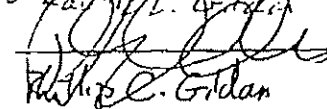
AND the seller, for itself and its successors, hereby covenants with said buyer and the buyer's successors and assigns that it is the lawful owner of said Purchased Assets in fee simple; that it has good, right and lawful authority to sell and convey said Purchased Assets; that it hereby warrants the title to said Purchased Assets and will defend the same against the lawful claims of all persons claiming by, through or unto the seller, but against none other; and that said Purchased Assets are free of all encumbrances.

Provided, however that the seller shall not be deemed to, and does not, warrant any Easements (as the term is defined in the Utility System Asset Acquisition Agreement).

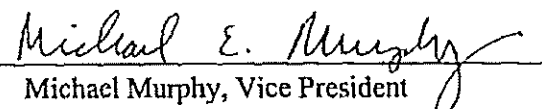
IN WITNESS WHEREOF the seller has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers hereunto duly authorized, the day and year first above written.

0R3105 P60589



Laurie L. Gildan

Laurie L. Gildan

FLORIDA CITIES WATER COMPANY, a
Florida corporation

By: 
Michael Murphy, Vice President

STATE OF FLORIDA

COUNTY OF Hillsborough

This instrument was acknowledged before me this 22 day of April, 1999, by Michael Murphy, as Vice President of Florida Cities Water Company, a Florida corporation, on behalf of said corporation.



Laurie L. Gildan
MY COMMISSION # CC710825 EXPIRES
April 28, 2002
BONDED THRU TROY FARM INSURANCE, INC.



Notary Public
State of Florida

(Print, Type or Stamp Commissioned Name)

☒ Personally Known OR ☐ Produced Identification

Type of Identification Produced _____

0R3105 P60590

EXHIBIT "A" TO BILL OF SALE
(Lee County)

Those Purchased Assets with respect to the Ft. Myers System, as set forth in Section 3.02 of the Utility System Asset Acquisition Agreement, dated April , 1999.

WPB GILDANL217825 4_2p01' DOC 4 05 99 25365 010100

**EXHIBIT "B" TO BILL OF SALE
(Lee County)**

All lands, service areas, easements, licenses, rights of way and real property of any kind or nature owned or used by Florida Cities Water Company in the operation of the water and/or wastewater system commonly referred to as the Ft. Myers System, which provides services to portions of Lee County, Florida, including, but not limited to the following:

0R3105 P60591

*Exhibit B*L A W Y E R S T I T L E
I N S U R A N C E C O R P O R A T I O NN A T I O N A L H E A D Q U A R T E R S
R I C H M O N D , V I R G I N I A

Schedule "A" Lands

0R3105 P60592

PARCEL 1a:

The East 22.78 feet of Lot 6, and all of Lot 7, Block 5, FIESTA VILLAGE FIRST ADDITION, a Subdivision, according to the Plat thereof, as recorded in Plat Book 12, Page 135; LESS right of way for San Souci Drive; all lying and being in Lee County, Florida.

Folio No. 21-45-24-02-00005.0070

PARCEL 1b:

The East 1/2 of the East 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 21, Township 45 South, Range 24 East, which includes:

The Southerly 22.46 feet of Lot 12, Block 1, FIESTA VILLAGE, a Subdivision, according to the Plat thereof, as recorded in Plat Book 10, Page 65.

Folio No. 21-45-24-20-00014-0010

PARCEL 2:

All of that piece or parcel of land lying in the Northeast quarter (NE 1/4) of Section 31, Township 45 South, Range 24 East, Lee County, Florida. The said parcel being described as follows:

FROM the Northeast corner of said Section 31, run Westerly along the North line of said Section N 89° 41' 24" W for 238.87 feet to the Southeasterly right-of-way line of McGregor Boulevard (80 feet wide); thence run Southwesterly along the Southeasterly right-of-way line of McGregor Boulevard S 50° 28" W for 942.18 feet to the Easterly side of a roadway easement (35 feet East of the centerline of said easement); thence run along the East side of said roadway easement S 0° 17' 04" E for 451.96 feet to POINT OR PLACE OF BEGINNING of the herein described parcel; from said POINT OF BEGINNING continue South along said East right-of-way line S 00° 17' 04" E 150.00 feet; thence run N 89° 42' 56" E 150.00 feet; thence run N 00° 17' 04" W 150.00 feet; thence run S 89° 42' 56" W for 150.00 feet to the POINT OF BEGINNING.

Folio No. 31-45-24-00-0007.4000

PARCEL 3:

APR. 6.1999 2:23PM LAWYERS TL

NO.134 P.3

LAWYERS TITLE
INSURANCE CORPORATIONNATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

LEGAL DESCRIPTION CONTINUED

A tract or parcel of land lying in Tract "B" of WATERWAY ESTATES OF PORT MYERS, UNIT 2, according to the Map or Plat thereof, recorded in Plat Book 12, at Page 64, of the Public Records of Lee County, Florida, described as follows:

FROM a point of curvature on the South line of said Tract "B" which is designated as curve "X" on said Plat run N 89° 24' 20" E along said South line and along the North line of a canal for 201.00 feet to the P.O.B. of the lands herein described. From said POINT OF BEGINNING continue N 89° 24' 20" E along said South line for 186.00 feet; thence run N 0° 35' 40" W perpendicular to said South line for 263.50 feet; thence run S 89° 24' 20" W parallel with said South line for 90.00 feet; thence run S 43° 56' 40" W parallel with the Northwesterly line of said Tract "B" for 134.68 feet to an intersection with a line perpendicular to said South line of Tract "B" passing through the POINT OF BEGINNING; thence run S 0° 35' 40" E along said perpendicular line for 168.58 feet to the POINT OF BEGINNING.

Polio No. 15-44-24-03-0030B.00A0

PARCEL 4:

BEGIN at Northeast corner of Northwest One-Quarter of Section 16, Township 44 South, Range 24 East, Lee County, Florida; thence North 88° 55' 40" West a distance of 50.00 feet to the Westerly right-of-way of Orange Grove Boulevard; thence South 0° 13' 02" West along said Westerly right-of-way a distance of 905.11 feet; thence North 89° 46' 58" West a distance of 306.40 feet to the POINT OF BEGINNING; thence continue North 89° 46' 58" West a distance of 300.00 feet; thence South 0° 13' 02" West a distance of 300.00 feet; thence South 89° 46' 58" East a distance of 250.00 feet; thence South 0° 13' 02" West a distance of 100.00 feet; thence South 89° 46' 58" East a distance of 50.00 feet; thence North 00° 13' 02" East a distance of 400.00 feet to the POINT OF BEGINNING, being a part of a parcel in the Northwest One Quarter of Section 16, Township 44 South, Range 24 East, being a part of Tract G of WATERWAY ESTATES OF PORT MYERS, UNIT 2, as recorded in Plat Book No. 12, Page 67, Lee County, Florida.

0R3105 P60593

APR. 6, 1999 2:23PM LAWYERS TL

NO. 134 P. 4

LAWYERS TITLE
INSURANCE CORPORATIONNATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

LEGAL DESCRIPTION CONTINUED

TOGETHER WITH: The West 225 feet of Tract A, WATERWAY ESTATES, Block 3, Unit 1, according to the Plat thereof as recorded in Plat Book 28, Pages 87-89 inclusive of the Public Records of Lee County, Florida;

AND

The East 25 feet of Tract A, WATERWAY ESTATES, Block 3, Unit 1, according to the Plat thereof as recorded in Plat Book 28, Page 87-89 inclusive of the Public Records of Lee County, Florida.

Folio No. 16-44-24-03-0030G.00B0

PARCEL 5:

The North 110 feet of the South 185 feet of the West 50 feet of Tract "D" as recorded in the Office of the Clerk of the Circuit Court, Lee County, Florida, in Plat Book 12, at Page 63 and Replat of Block 1 and part of Block 2, as recorded in Plat Book 17, at Page 165.

Folio No. 16-44-24-05-0030D.0020

PARCEL 6:

Lots 1, 2, 3, 4, 5 and 6, Block 187, UNIT 16, SAN CARLOS PARK, a Subdivision, according to the Plat thereof, as recorded in Official Records Book 50, at Page 377, in the Public Records of Lee County, Florida.

Folio No. 09-46-25-05-00187.0010

PARCEL 7:

A parcel of land located in the Southwest corner of Section 33, Township 45 South, Range 26 East, Lee County, Florida, being more particularly described as the South 950.00 feet of the West 989.00 feet of Section 33, Township 45 South, Range 26 East, Lee County, Florida; the POINT OF BEGINNING.

Folio No. 33-45-26-00-00001.2000

003105 PG0591

APR. 6.1999 2:23PM LAWYERS TL

NO.134 P.5

LAWYERS TITLE
INSURANCE CORPORATION
NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

LEGAL DESCRIPTION CONTINUED

0R3105 P60595

PARCEL 9:

BEGIN at the SW corner of the SE 1/4 of Section 14, Township 45 South, Range 24 East; thence North 02° 11' 15" West along the Westerly line of said SE 1/4 for 616.65 feet; thence North 89° 08' 50" East for 125 feet to the POINT OF BEGINNING; thence continue North 89° 08' 50" E for 60.01 feet; thence North 02° 11' 15" West for 436.56 feet to Southerly right-of-way of proposed 100' wide College Parkway; thence South 89° 05' 55" West along said Southerly right-of-way for 60.01 feet; thence South 02° 11' 15" East for 436.51 feet to the POINT OF BEGINNING

AND

Begin at the SW corner of the SE 1/4 of Section 14, Township 45 South, Range 24 East for the point of beginning; thence North 89° 11' 35" East along southerly line of said Section 14 for 633.45; thence Northerly 01° 55' 08" West for 617.09 feet; thence South 89° 08' 50" West for 636.33 to the westerly line of said Southeast quarter; thence South 02° 11' 15" East along said westerly line of said Southeast quarter for 616.65 to the point of beginning.
Subject to Iona Drainage district right-of-way over the Southerly 50 feet.

Folio No. 14-45-24-00-0004.0110

APR. 6.1999 2:23PM LAWYERS TL

NO.134 P.5

LAWYERS TITLE
INSURANCE CORPORATION
NATIONAL HEADQUARTERS
RICHMOND, VIRGINIA

LEGAL DESCRIPTION CONTINUED

CHARLE GREEN, CLERK
LEE COUNTY, FL
39 APR 19 AM 8:57

PARCEL "G":

All of Block 2088, Unit 31, CAPE CORAL SUBDIVISION, according to the Plat thereof, recorded in Plat Book 14, Page 149, of the Public Records of Lee County, Florida.

Folio No. 06-44-24-C2-02088.0000

083105 P60596

2400R

Prepared by and return to:
 Laurie L. Gildan, Esq.
 Greenberg Traurig, P.A.
 777 South Flagler Drive, Suite 300 East
 West Palm Beach, Florida 33401

4613804

0R3105 PG0601

TRANSFER, ASSIGNMENT AND ASSUMPTION AGREEMENT
 (Ft. Myers System - Lee County)

THIS AGREEMENT, is made and entered into this 7th day of April, 1999, by and between Lee County, Florida, a political subdivision of the State of Florida (the "County"), and Florida Cities Water Company ("FCWC").

WITNESSETH:

WHEREAS, Florida Cities Water Company and Poinciana Utilities, Inc. have as of this date conveyed to the County, pursuant to that certain Utility System Asset Acquisition Agreement (the "Purchase and Sale Agreement") between Florida Cities Water Company and Poinciana Utilities, Inc. and the GUA, and subsequent assignment thereof, all of the real and personal property, both tangible and intangible, which comprises the Purchased Assets relating to the Ft. Myers System as described therein.

NOW, THEREFORE, in consideration of the mutual promises, covenants, representations and agreements contained herein, together with \$10 and other good and valuable consideration exchanged between the parties, the parties do undertake, promise and agree for themselves, their permitted successors and assigns as follows:

SECTION 1. PURPOSES AND DEFINITIONS. This Agreement is intended to (A) supplementally transfer and assign FCWC's rights, remedies, powers, title and interest in the Purchased Assets, any permits or other authorizations relating to the Ft. Myers System, or arising by virtue of the County assuming the operation and control over the Ft. Myers System, (B) establish certain post closing relationships of the parties, (C) provide for the assumption by the County for the obligations and responsibility of operation of the Ft. Myers System, and (D) identify specific contractual obligations of FCWC that the County agrees to assume. This Agreement is supplemental to the Purchase and Sale Agreement. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Purchase and Sale Agreement.

SECTION 2. TRANSFER AND ASSIGNMENT. FCWC shall, and does hereby, transfer, assign, convey, and grant, bargain and sell unto the County (1) all rights, remedies, powers, title or interest in the Purchased Assets which comprise the Ft. Myers System, including any rights, remedies, powers, title or interest arising by virtue of any franchise or certificate of authorization granted to FCWC by any county in the state of Florida, or arising by virtue of the County assuming the ownership, operation and control of the Ft. Myers

RECORDED BY
 SUSAN ROSTOM, D.C.

0R3105 PG0602

System of the Utility System; (2) all rights, privileges, easements, licenses, prescriptive rights, rights of way, rights to use public and private roads, highways, streets, railroads, or other areas owned or used by FCWC in connection with the construction, reconstruction, installation, expansion, maintenance and operation of the Ft. Myers System or the Purchased Assets; which shall include, but not be limited to the easements in Appendix B to the Utility System Asset Acquisition Agreement; and (3) all fee simple real property interests owned by FCWC in Lee County, Florida, which are used or specifically available for use in the operation of the Ft. Myers System; such interests, however, shall not include any excluded property or assets described in Appendix N of the Utility System Asset Acquisition Agreement. The foregoing transfer and assignment is supplemental to all other instruments and actions necessary to close pursuant to the Purchase and Sale Agreement.

SECTION 3. ASSUMPTION. The County hereby accepts the transfer and assignment set forth in Section 2 above, and assumes the ownership, operation and control of the Ft. Myers System and the performance and satisfaction of those obligations, duties and liabilities (1) accruing thereto at Closing, (2) expressly assumed by the County in the Purchase and Sale Agreement, and (3) expressly assumed as follows:

- (a) the obligation to return customer deposits in due course;
- (b) the obligations and responsibilities of FCWC set forth in or arising out of Appendices A, B, E, H, I, J, K and L to the Purchase and Sale Agreement.

(B) Upon Closing pursuant to the Purchase and Sale agreement and the transfer of possession of the Purchased Assets to the County thereunder, FCWC's obligation or responsibility to act or serve as a provider of water or wastewater services as the owner of the Ft. Myers System of the Utility system shall cease and terminate. FCWC shall have no liability or obligation with respect to the Purchased Assets or the Utility System after Closing. Accordingly, in such an event, the County acknowledges and accepts the responsibility and obligation to provide water and wastewater services, as a governmentally owned and controlled service provider within the area previously served by FCWC.

SECTION 4. BINDING EFFECT. This Agreement shall inure to the benefit of and be binding upon FCWC and the County and their successors and assigns.

0R3105 P60603

IN WITNESS WHEREOF, FCWC and the County have caused this Agreement to be duly executed and entered into on the date first above written.

FLORIDA CITIES WATER COMPANY

By: Michael E. Murphy
Vice-President - MICHAEL E. MURPHY

ATTEST:

By: [Signature]
Secretary

LEE COUNTY, FLORIDA
a political subdivision of the State of Florida

BY: [Signature]
Vice-Chairman - JOHN E. ALBION

ATTEST: Charles Green, Clerk

By: [Signature]
Secretary Deputy Clerk

APPROVED AS TO FORM
By: [Signature]
OFFICE OF COUNTY ATTORNEY

0R3105 P606014

STATE OF FLORIDA
COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me this 24 day of April, 1999,
by Michael E. Murphy, as the Vice President of Florida Cities Water Company, a
Florida corporation, on behalf of said corporation and said partnerships. Such person is
personally known to me or has presented _____ as identification.

(NOTARY SEAL)



Laurie L. Gildan
MY COMMISSION # CC710825 EXPIRES
April 28, 2002
BONDED THRU TROY FARM INSURANCE, INC.

[Signature]
NOTARY PUBLIC - STATE OF FLORIDA

Printed Name: _____

My Commission No.: _____

My Commission Expires: _____

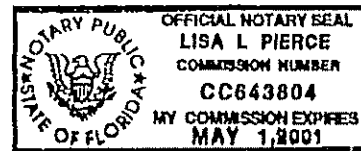
003105 P60605

STATE OF FLORIDA
COUNTY OF Lee

The foregoing instrument was acknowledged before me this 7th day of April, 1999,
by John E. Albion as the Chairman of the Board of County Commissioners of Lee
County, Florida, a political subdivision of the State of Florida, on behalf of said County.
Such person is personally known to me or has presented _____ as identification.

(NOTARY SEAL)

Lisa L. Pierce
NOTARY PUBLIC - STATE OF FLORIDA
Printed Name: _____
My Commission No.: _____
My Commission Expires: _____



CHARLIE GREEN, CLERK
LEE COUNTY, FL
09 APR 19 AM 8:58

555840

SEC: 615 1A:158

RESOLUTION PERTAINING TO
CHAPTER 69-1241 LAWS OF
FLORIDA KNOWN AS LEE
COUNTY LOT MOWING ACT

WHEREAS, Chapter 69-1241 Laws of Florida, authorizes Board of County Commissioners of Lee County, Florida to mow or clear, or to caused to be mowed or cleared, certain areas pursuant to said act in order to promote the health, safety and welfare of the community; and

WHEREAS, Sixty Percent (60%) of the Freeholders residing in the hereinafter named area petitioned the Board of County Commissioners requesting that the petitioners properties be subject to the provisions of said act. Description of said properties is as follows, to-wit:

All lots located in Waterway Estates, Block 1, Unit 1; Plat Book 21, Pages 2 & 3. Waterway Estates Unit 2, Section 3, Plat Book 21, Pages 44 & 45, Waterway Estates Unit 2, Section 2, Plat Book 17, Pages 132 and 133, Waterway Estates Unit 1, Block 2, Section 1, Plat Book 21, Page 41, Waterway Estates Unit 2, Plat Book 12 Pages 63 & 67, Waterway Estates Unit 2 Replat, Plat Book 17, Page 165, all being in Section 16, Township 44 South, Range 24 East and recorded in the Public Records in the Office of the Clerk of Circuit Court, Lee County, Florida.

WHEREAS, a public hearing was duly advertised and held according to said act to determine validity of the petition and either confirm or deny same:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS of Lee County, Florida as follows:

Sec. (1) - That the petition filed herein pertaining to the above described properties is hereby declared and confirmed as valid and said properties shall be subject to the provision of said act.

Sec. (2) - That the petition and this resolution shall be recorded in the public records of Lee County, Florida.

PASSED AND ADOPTED this 8th day of July, 1970.

PETITION

REC. 615 REC 159

 PETITION TO HAVE PROPERTY CLEARED OF WEEDS AND
 DEBRIS UNDER PROVISIONS OF HOUSE BILL 2757,
 CHAPTER 69-1241, SPECIAL LAWS OF FLORIDA (1969)

 Date JUNE 1-1970

We, the undersigned, being and constituting sixty (60%) percent of the freeholders residing in Libertyway
Estates Subdivision, or being and constituting sixty (60%) percent of the lot owners fronting on the com-
 mon street known as _____, being mindful of the provisions of
 House Bill 2757, Chapter 69-1241, Special Laws of Florida (1969), including those provisions which authorize the Board
 or County Commissioners of Lee County to make written demand upon subject property owners that subject property be
 cleared and upon the failure of the property owner to comply with the written demand then to clear subject property and
 to assess a lien on behalf of Lee County against the land for actual cost of the clearance, which lien shall be filed in the
 public records of Lee County, Florida, and collected by the tax collector;

DO HEREBY PETITION AND REQUEST the Board of County Commissioners of Lee County, Florida, to make petitioners'
 properties (more particularly described below), subject to House Bill 2757, Chapter 69-1241, Special Laws of Florida (1969);

Attach map and detailed description of real property to be included
 in this request. Identify description as Schedule "A" which will be-
 come a part hereof.

NAME OF FREEHOLDER	STREET ADDRESS	PARCEL NUMBER	1654
✓ Cecelia Prognathis	4501 Tennessee Dr	35	
✓ Kathleen Grindemanager	1913 Harbor Ct.	38	
✓ _____	1912 Harbor Ct.	39	
✓ Betty G. Grindemanager	1995 Longfellow Dr.	36	
✓ Ethel M. Spase	2720 Pope Ct.	35	
✓ Susan J. Grindemanager	1777 Longfellow Dr.	38	
✓ _____	2020 Pope Ct.	35	
✓ _____	2614 Beach	34	
✓ Patricia Marks	1862 Longfellow Dr.	38	
✓ William Lee Montgomery	3007 Dray Ct.	34	
✓ Lillian E. Wolford	2008 Holly Ln	34	
✓ _____	1988 Longfellow Dr.	36	
✓ _____	4569 Tennessee Dr.	37	
✓ _____	4591 Tennessee Dr.	30	
✓ _____	4580 Tennessee Dr.	30	
✓ _____	4587 Tennessee Dr.	29	
✓ _____	4570 Tennessee Dr.	30	
✓ _____	4571 Tennessee Dr.	30	
✓ _____	1945 Kay Ct. No Ft. Meyers	37	
✓ _____	4424 N. Gulf Circle	17	
✓ _____	1751 E. Lakewood Blvd.	22	
✓ _____	1728 Lakewood Blvd.	22	
✓ _____	1728 Lakewood Blvd.	18	
✓ _____	4473 N. Pacific Circle	18	
✓ _____	4475 N. Pacific Circle	18	
✓ _____	1731 WAREHOUSE TRAIL	30	
✓ _____	1710 Lakewood Terrace	17	
✓ _____	4476 N. Gulf Cir. 273.14	17	
✓ _____	1771 St. Clair Ave.	18	
✓ _____	1771 St. Clair Ave.	18	
✓ _____	1727 Lakewood Blvd. N. Ft. M.	18	
✓ _____	1686 Lakewood Blvd. N. Ft. M.	21	
✓ _____	4456 Lakewood Ave. N.	18	
✓ _____	1687 Lakewood Blvd.	18	
✓ _____	1693 Lakewood Blvd.	18	

NAME OF FREEHOLDER	STREET ADDRESS	OFF. REC.	615 141 161	9.0
James M. Donnell	4424 N. Bay Circle			16
Laura M. Donnell				1
Norma Jean Hobbs	1958 Sunset Drive			10
John M. Demaris	4325 So Canal Circle			10
John J. Hobbs	1800 Inlet Dr.			10
John J. Taylor	4322 S Bay			11
William Earl	4325 S Bay Circle NTH			11
Elmer Earl	4388 S Bay Circle			11
Walter M. Donnell	4311 S Bay Circle			11
Carl L. M. Donnell	4311 S Bay Circle			11
Mrs. Elizabeth A. Rathbun	1630 Inlet Dr.			11
Mrs. Robert J. Rathbun	4318 S. Atlantic Circle			12
Roy E. Rathbun	4324 S. Atlantic Circle			12
Caroline Rathbun	4332 S. Atlantic Circle			12
W. M. Rathbun	4334 S. Atlantic Circle			12
Mrs. J. B. Rathbun	4319 N. H.			9
Harold A. Rathbun	1722 Inlet Drive			9
Donna Rathbun	1722 Inlet Dr.			13
Glenn Rathbun	1844 Inlet Dr.			10
B. J. Rathbun	4312 S. Bay Circle			4
W. B. Rathbun	4340 Harbour Ln.			4
W. B. Rathbun	4334 Harbour Lane			4
Constance Rathbun	4358 Harbour Ln.			4
John A. Rathbun	4396 Harbour Ln.			7
Charles J. Rathbun	1714 Inlet Drive			7
Frank J. Rathbun	1720 Inlet Drive			7
Robert Rathbun	1720 Inlet Drive			3
John Smith	4306 Harbour Lane			4
John W. Bowman	1710 Harbour Lane			4
James M. Bowman	1710 Harbour Lane			6
James M. Bowman	1716 Harbour Lane			4
W. B. Rathbun	4316 Harbour Lane			4
Harold A. Rathbun	4316 Harbour Lane			4
Rosetta L. Rathbun	4316 Harbour Lane			4

NAME OF FREEHOLDER
C.F. 645 No. 162
STREET ADDRESS

NAME OF FREEHOLDER	STREET ADDRESS	TAX PARCEL NUMBER
✓ V. J. Lawrence	NW 4316 Harbour Lane	4-005
X J. H. Thompson	1706 Marine Terrace	4-024
X J. H. Thompson	4306 Harbour Lane	4-003
X J. H. Thompson	4307 Harbour Lane	4-002
X J. H. Thompson	4311 Harbour Lane	4-001
✓ V. Mary C. Hayward	1723 Inlet Dr.	4-003
✓ V. J. H. Thompson	4326 Harbour Lane	4-004
✓ V. J. H. Thompson	4331 S. Gulf Dr.	4-005
✓ V. J. H. Thompson	4353 S. Gulf Dr.	4-006
✓ V. J. H. Thompson	1720 Inlet Drive	4-037
X J. H. Thompson	1720 Inlet Drive	4-034
X J. H. Thompson	4309 Harbour Lane	4-033
✓ V. J. H. Thompson	1707 Marine Terr.	4-031
✓ V. J. H. Thompson	1715 Marine Terr.	4-030
✓ V. J. H. Thompson	1741 Inlet Drive	2-006
✓ V. J. H. Thompson	4340 S. Gulf Dr.	4-004
✓ V. J. H. Thompson	4340 S. Gulf Dr.	4-004
✓ V. J. H. Thompson	4340 S. Gulf Dr.	4-005
X J. H. Thompson	4334 S. Pacific Cir.	4-001
X J. H. Thompson	1735 Inlet Dr.	4-009
✓ V. J. H. Thompson	1728 Inlet Drive	4-008
✓ V. J. H. Thompson	4312 S. Pacific Cir.	4-007
✓ V. J. H. Thompson	1747 Inlet Dr.	2-007
✓ V. J. H. Thompson	1752 Inlet Dr.	4-007
✓ V. J. H. Thompson	1740 Inlet Dr.	4-005
✓ V. J. H. Thompson	1729 Inlet Dr.	2-004
✓ V. J. H. Thompson	1715 Inlet Dr.	2-002
✓ V. J. H. Thompson	1853 Inlet Dr.	3-002
✓ V. J. H. Thompson	1709 Inlet Dr.	2-001
✓ V. J. H. Thompson	1726 Harbour Lane	4-001
✓ V. J. H. Thompson	1714 Inlet Dr.	4-006
X J. H. Thompson	1727 Marine Terr.	4-008
✓ V. J. H. Thompson	1716 Marine Terr.	4-006
✓ V. J. H. Thompson	4307 Harbour Lane	4-007
✓ V. J. H. Thompson	4351 Harbour Lane	4-007
✓ V. J. H. Thompson	4336 Harbour Lane	4-007
✓ V. J. H. Thompson	4340 Harbour Lane	4-007
✓ V. J. H. Thompson	4334 Harbour Lane	4-008
X J. H. Thompson	4322 Harbour Lane	4-006

NAME OF FREEHOLDER	STREET ADDRESS	TAX PARCEL NUMBER
Wm. B. Skelton	1907 Longfellow Unit 1	0002
Vincent J. Rignetti	4501 Thompson Dr.	054
X Lawrence J. Vague	4513 Thompson Dr.	056
V. James C. Thompson	1913 Hale Ct.	057
X Mrs. C. Thompson	1934 Hale Ct.	060
X John D. Thompson	1924 Hale Ct.	061
V. Mrs. Wm. J. Davis	1912 Hale Ct.	062
V. Mrs. Wm. J. Davis	4562 Thompson Dr.	063
X Mrs. C. Thompson	4587 Thompson Dr.	065
V. Wm. J. Davis	4591 Thompson Dr.	066
V. James C. Davis	4580 Thompson Dr.	069
V. Wm. J. Davis	4581 Thompson Dr.	070
V. Wm. J. Davis	4562 Thompson Dr.	071
V. Wm. J. Davis	4550 Thompson Dr.	072
V. D. W. J. Davis	1913 Longfellow Dr.	004
V. D. W. J. Davis	1912 Longfellow Dr.	082
X Charles C. Thompson	4506 Hale Ct.	050
X Joseph E. Davis	4514 Hale Ct.	048
V. Wm. J. Davis	4509 Hale Ct.	047
X Wm. J. Davis	4501 Hale Ct.	046
V. Wm. J. Davis	1966 Longfellow Dr.	044
V. Wm. J. Davis	1966 Longfellow Dr.	044
V. Wm. J. Davis	1967 Longfellow Dr.	019
V. Wm. J. Davis	1966 Longfellow Dr.	034
V. Wm. J. Davis	1966 Longfellow Dr.	034
V. Wm. J. Davis	2019 Hale Ct.	020
V. Wm. J. Davis	2019 Hale Ct.	020
X V. Wm. J. Davis	2023 Hale Ct.	021
V. Wm. J. Davis	2024 Hale Ct.	022
V. Wm. J. Davis	2020 Hale Ct.	023
V. Wm. J. Davis	1971 Longfellow Dr.	024
X Wm. J. Davis	1971 Longfellow Dr.	024
V. Wm. J. Davis	1979 Hale Ct.	025
X Wm. J. Davis	1979 Hale Ct.	035
V. Wm. J. Davis	2018 Hale Ct.	026
V. Wm. J. Davis	2019 Hale Ct.	026
X Wm. J. Davis	2025 Hale Ct.	027
X Wm. J. Davis	2025 Hale Ct.	027
X Wm. J. Davis	2024 Hale Ct.	028
X Wm. J. Davis	2024 Hale Ct.	028
X Wm. J. Davis	1989 Longfellow Dr.	031
X Wm. J. Davis	1989 Longfellow Dr.	031
X Wm. J. Davis	1905 Longfellow Dr.	032
X Wm. J. Davis	1905 Longfellow Dr.	033
X Wm. J. Davis	1905 Longfellow Dr.	045
X Wm. J. Davis	1905 Longfellow Dr.	045
V. Wm. J. Davis	1905 Longfellow Dr.	043
V. Wm. J. Davis	1905 Longfellow Dr.	043
V. Wm. J. Davis	1905 Longfellow Dr.	042
V. Wm. J. Davis	1905 Longfellow Dr.	042

NAME OF FREEHOLDER	STREET ADDRESS	REC. 615	165	NUMBER
✓✓ Harley L. Sturtevant	4604 W. Canal Circle		65-	7.037
✓✓ Edward J. Stevens	1704 W. Canal Circle			7.040
✓✓ Emma Rigglesman	1714 W. Canal Circle			7.027
✓✓ Frederick Withering	4612 Orange Grove Blvd.			10.008
✓✓ Thomas Vignier	1701 St. Clair Ave.			7.074
✓✓ Frank J. Vignier	4618 Arrow Pointe			7.074
✓✓ Louis B. Vignier	4618 Arrow Pointe			7.074
✓✓ Louis B. Vignier	1771 St. Clair			7.016
✓✓ John Kenneth	4702 Orange Grove Blvd.			10.012
✓✓ John Kenneth	1858 Johnson Ave.			2.269
✓✓ John Kenneth	4826 Orange Grove Blvd.			10.013
✓✓ John Kenneth	4633 Gulf Ave.			7.079
✓✓ John Kenneth	1757 W. Canal Circle			7.023
✓✓ John Kenneth	4312 S. Canal Circle			4.069
✓✓ John Kenneth	4300 S. Canal Circle			4.072
✓✓ John Kenneth	4340 S. Canal Circle (Blk 4 Lot 73)			4.073
✓✓ John Kenneth	1775 S. Canal Circle			3.013
✓✓ John Kenneth	1763 S. Canal Circle			3.014
✓✓ John Kenneth	1806 S. Canal Circle			4.083
✓✓ John Kenneth	4334 S. Canal Circle			4.118
✓✓ John Kenneth	4312 S. Canal Circle			7.099
✓✓ John Kenneth	4332 S. Canal Circle			4.102
✓✓ John Kenneth	4349 S. Canal Circle			3.003
✓✓ John Kenneth	4349 S. Canal Circle			7.096
✓✓ John Kenneth	4312 S. Canal Circle			3.108
✓✓ John Kenneth	4347 S. Canal Circle			4.091
✓✓ John Kenneth	1772 S. Canal Circle			4.168
✓✓ John Kenneth	4333 S. Canal Circle			4.089
✓✓ John Kenneth	4348 S. Canal Circle			4.074
✓✓ John Kenneth	4318 S. Canal Circle			4.070
✓✓ John Kenneth	4335 S. Canal Circle			3.021
✓✓ John Kenneth	1767 INLET DRIVE			3.014
✓✓ John Kenneth	1781 INLET DRIVE			3.012
✓✓ John Kenneth	1791 Inlet Drive			3.011
✓✓ John Kenneth	4348 S. Canal Circle			3.007
✓✓ John Kenneth	1843 S. Canal Circle			3.004
✓✓ John Kenneth	4319 S. Canal Circle			4.115
✓✓ John Kenneth	4336 S. Canal Circle			4.116
✓✓ John Kenneth	4330 S. Canal Circle			4.117
✓✓ John Kenneth	4358 S. Canal Circle			4.121
✓✓ John Kenneth	1814 S. Canal Circle			4.112
✓✓ John Kenneth	4311 S. Atlantic Circle			4.111
✓✓ John Kenneth	4318 S. Atlantic Circle			4.110
✓✓ John Kenneth	4339 S. Atlantic Circle			4.107
✓✓ John Kenneth	4347 S. Atlantic Circle			4.106
✓✓ John Kenneth	4345 S. Atlantic Circle			4.104
✓✓ John Kenneth	4304 S. Atlantic Circle			4.101
✓✓ John Kenneth	4318 S. Atlantic Circle			4.100
✓✓ John Kenneth	1830 S. Atlantic Circle			4.098
✓✓ John Kenneth	1821 S. Atlantic Circle			3.006
✓✓ John Kenneth	1837 S. Atlantic Circle			3.005
✓✓ John Kenneth	4353 S. Bay Circle			4.097
✓✓ John Kenneth	4358 S. Bay Circle			4.088
✓✓ John Kenneth	1800 S. Atlantic Circle			4.082

941169

RIGHT-OF-WAY EASEMENT OFF REC 1150 PG 887

KNOW ALL MEN BY THESE PRESENTS that the undersigned FLORIDA CITIES WATER CO.

as Grantor, in consideration of the sum of One Dollar and other valuable considerations, the receipt of which is hereby acknowledged, grant and convey to Lee County Electric Co-Operative, Inc., its successors and assigns the right, privilege and easement to construct, operate and maintain at any time or times for such period of time as it may use the same or until the use thereof is abandoned, single poles and lines for the transmission and distribution of electricity and communications facilities, including other poles, guys, anchors, footings, ground connections, attachments, fixtures, equipment and accessories above or below ground as necessary or desirable in connection therewith

over, upon and across the following described land in LEE County, State of Florida, to-wit:

The East twelve (12) feet of the following described parcel of land located in Section 16, Township 44 South, Range 24 East, Lee County, Florida:

A tract or parcel of land lying in Tract "B" of Waterway Estates of Fort Myers, Unit 2, according to a map or plat thereof recorded in Plat Book 12 at Page 64 of the Public Records of Lee County, described as follows: FROM a point of curvature on the South line of said Tract "B" which is designated as curve "K" on said plat run North 89°24'20" East along said South line and along the North line of a canal for 201.00 feet to the Point of Beginning of the lands herein described. From said point of Beginning continue North 89°24'20" East along said South line for 186.00 feet; thence run North 0°35'40" West perpendicular to said South line for 263.50 feet; thence run South 89°24'20" West parallel with said South line for 90.00 feet; thence run South 43°56'40" West parallel with the Northwestern line of said Tract "B" for 134.68 feet to an intersection with a line perpendicular to said South line of Tract "B" passing through the Point of Beginning; thence run South 0°35'40" East along said perpendicular line for 168.58 feet to the Point of Beginning. Bearings hereinabove mentioned are from said recorded plat of Waterway Estates of Fort Myers, Unit 2.

together with the right of ingress and egress over remaining lands of Grantor to patrol, inspect, improve, repair, rebuild or remove such lines, equipment and accessories, including the right to increase or decrease the voltage and the number and size of wires, including the right to trim, spray, cut and keep clear such trees, limbs and undergrowth on and along said easement, including all trees adjacent thereto that may endanger the proper operation of Grantee's facilities.

Grantors hereby agree, that no trees other than citrus trees and no buildings or structures other than fences, will be located or constructed within the bounds of said right-of-way by the grantors herein, their heirs and assigns. The grantors, however, reserve the right to use said right-of-way for general farming, citrus grove, or pasture purposes.

The Grantors covenant that they have the right to convey the said easement and that the grantee, its successors and assigns shall have quiet and peaceful possession, use and enjoyment of said easement.

IN WITNESS WHEREOF, the grantors have hereunto affixed their hands and seals this 13th

day of July, A. D., 1976.

Signed, sealed and delivered in the presence of:

FLORIDA CITIES WATER CO.

WITNESSES:

William H. Blanton (SEAL) President
William H. Blanton (SEAL) Secretary
William H. Blanton (SEAL) Secretary

STATE OF FLORIDA

COUNTY OF Lee

I HEREBY CERTIFY that on this 13th day of July, A. D., 1976, before me the undersigned authority, personally appeared William H. Blanton and William H. Blanton to me known to be the persons described in and who executed the foregoing instrument and they acknowledged before me that they executed the same.

WITNESS my signature and official seal in said County and State, the day and year last aforesaid.

(NOTARIAL SEAL)

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
 My commission expires SEP. 21, 1978

PSA 2M HPC

RECORDED IN OFFICIAL RECORDS OF LEE COUNTY, FLORIDA JUL 22 9 13 AM '76

(NOTARY PUBLIC)

DISTRIBUTION - STANDARD

STATE OF FLORIDA
 DOCUMENTARY
 RECORDS
 JUL 22 1976
 LEE COUNTY

AIN000
 331
 8 4 2 0
 JUL 22 1976
 FLORIDA
 DOCUMENTARY
 SURTAX
 0 0 5 5

J. D. JOHNSON

THIS INSTRUMENT WAS PREPARED BY
 LEE COUNTY COOP., INC.
 P. O. BOX 3465, NO. FORT MYERS, FLA. 33903

967082

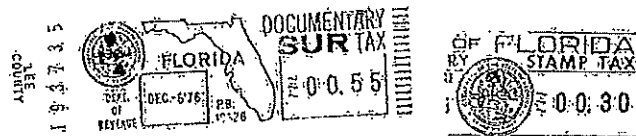
RIGHT-OF-WAY EASEMENT OFF REC 1171 PC 873

KNOW ALL MEN BY THESE PRESENTS that the undersigned Robert Holcomb

as Grantor, in consideration of the sum of One Dollar and other valuable considerations, the receipt of which is hereby acknowledged, grant and convey to Lee County Electric Co-Operative, Inc., its successors and assigns the right, privilege and easement to construct, operate and maintain at any time or times for such period of time as it may use the same or until the use thereof is abandoned, single poles and lines for the transmission and distribution of electricity and communications facilities, including other poles, guys, anchors, footings, ground connections, attachments, fixtures, equipment and accessories above or below ground as necessary or desirable in connection therewith

over, upon and across the following described land in LEE County, State of Florida, to-wit:

SEE ATTACHED EXHIBIT "A"



The above referred to easement shall be a strip of land twelve (12) feet in width, the center line of which shall be a line drawn between poles or along a buried cable, together with the right of ingress and egress over remaining lands of Grantor to patrol, inspect, improve, repair, rebuild or remove such lines, equipment and accessories, including the right to increase or decrease the voltage and the number and size of wires, including the right to trim, spray, cut and keep clear such trees, limbs and undergrowth on and along said easement, including all trees adjacent thereto that may endanger the proper operation of Grantee's facilities.

Grantors hereby agree, that no trees other than citrus trees and no buildings or structures other than fences, will be located or constructed within the bounds of said right-of-way by the grantors herein, their heirs and assigns. The grantors, however, reserve the right to use said right-of-way for general farming, citrus grove, or pasture purposes.

The Grantors covenant that they have the right to convey the said easement and that the grantee, its successors and assigns shall have quiet and peaceful possession, use and enjoyment of said easement.

IN WITNESS WHEREOF, the grantors have hereunto affixed their hands and seals this 16th

day of November A. D., 1976.

Signed, sealed and delivered in the presence of:

WITNESSES:

X Wanda M. West
X Gail Andrea Bates

X Robert Holcomb (SEAL)

(SEAL)

(SEAL)

STATE OF FLORIDA

COUNTY OF LEE

I HEREBY CERTIFY that on this 16th day of November A. D., 1976, before me

the undersigned authority, personally appeared Robert Holcomb

to me known to be the persons described in and who executed the foregoing instrument and he acknowledged

before me that he executed the same.

WITNESS my signature and official seal in said County and State, the day and year last aforesaid.

(NOTARIAL SEAL)

Notary Public, State of Florida at Large
My commission Expires August 23, 1978

Gail Andrea Bates
(NOTARY PUBLIC)

DISTRIBUTION - BLANKET

RECORD VERIFIED - SAL - LEAD CLIX 2
BY G. WORKINGER, D.C.

THIS INSTRUMENT WAS PREPARED BY J. B. JOHNSON
LEE COUNTY COPIES, INC.
P. O. BOX 345, MOBILE, ALA. 36688

EXHIBIT "A"OFF 1171 PG 874
REC

TRACT "B"

Being Tract "B" Waterway Estates, Unit 2, Section 16, Township 44 South, Range 24 East, Lee County, Florida, as recorded in Plat Book 12 at Page 64 of the Public Records of Lee County, Florida: LESS parcel recorded in Official Record Book 145 at Page 95 of said Records.

and

PARCEL #2 (O.R. Book 245 at Pages 752 - 754) .

Beginning at the Northeasterly corner of Tract "B", Waterway Estates of Fort Myers, Unit No. 2, according to a map or plat thereof recorded in Plat Book 12 at Page 64 of the Public Records of Lee County, Florida, run North 00°06'00" West, along a Northerly prolongation of the East line of said Tract "B" for 120 feet; thence run South 89°54'00" West for 318.44 feet; thence run South 43°56'37" West parallel with the Southeasterly line of Block 4 for 24.39 feet; thence run North 59°33'03" West for 102.84 feet to the corner common to said Tract "B" and Lot 1, said Block 4; thence run South 46°03'23" East along the Northeasterly line of said Tract "B" for 222.07 feet; thence run North 89°24'20" East along the North line of said Tract "B" for 257.85 feet to the Point of Beginning.

ALSO from the corner common to Block 1 of said Unit No. 2 and said Tract "B" run, South 32°33'43" East for 102.84 feet to the Northwesterly line of said Tract "B"; thence run North 43°56'37" East, along said Northwesterly line of said Tract "B" for 24 feet; thence run North 46°03'23" West, along said Tract "B" for 100 feet to the Point of Beginning.

Bearings hereinabove mentioned are said recorded plat of Waterway Estates of Fort Myers, Unit No. 2.

RECORDED IN PLAT BOOK 12 PAGE 64
LEE COUNTY FLORIDA
RECORD VERIFIED
DEC 5 1 50 PM '76
CLERK OF CIRCUIT COURT
LEE COUNTY
JL Hunter

OFF. REC. 1561 PC1696

RIGHT-OF-WAY EASEMENT

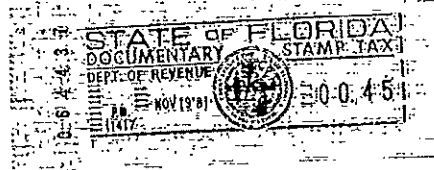
KNOW ALL MEN BY THESE PRESENTS that the undersigned _____
 _____ Island Club Marina, Ltd., an Illinois Limited Partnership

1491911

as Grantor _____, in consideration of the sum of One Dollar and other valuable considerations, the receipt of which is hereby acknowledged, grant and convey to Lee County Electric Co-Operative, Inc., its successors and assigns the right, privilege and easement to construct, operate and maintain at any time or times for such period of time as it may use the same or until the use thereof is abandoned, single poles and lines for the transmission and distribution of electricity and communications facilities, including other poles, guys, anchors, footings, ground connections, attachments, fixtures, equipment and accessories above or below ground as necessary

or desirable in connection therewith over, upon and across the following described land in _____ Lee _____ County, State of Florida, to-wit:

See Exhibit A attached hereto and made a part hereof



RECORD VERIFIED - SAT. GRACE CLERK
 BY E. PRICE DCI

THIS INSTRUMENT WAS RECORDED
 IN THE PUBLIC RECORDS OF
 LEE COUNTY CO. OF FLA.
 P.O. BOX 3455, NO. FORT MYERS, FL 33904

The above referred to easement shall be a strip of land twelve (12) feet in width, the center line of which shall be a line drawn between poles or along a buried cable, together with the right of ingress and egress over remaining lands of Grantor to patrol, inspect, improve, repair, rebuild or remove such lines, equipment and accessories, including the right to increase or decrease the voltage and the number and size of wires, including the right to trim, spray, cut and keep clear such trees, limbs and undergrowth on and along said easement, including all trees adjacent thereto that may endanger the proper operation of Grantee's facilities

Grantors hereby agree that no trees other than citrus trees and no buildings or structures other than fences, will be located or constructed within the bounds of said right-of-way by the grantors herein, their heirs and assigns. The grantors, however, reserve the right to use said right-of-way for general farming, citrus grove, or pasture purposes.

The Grantors covenant that they have the right to convey the said easement and that the grantee, its successors and assigns shall have quiet and peaceful possession, use and enjoyment of said easement.

IN WITNESS WHEREOF, the grantors have hereunto affixed their hands and seals this _____ 5th _____

day of _____ August _____ A.D., 19 _____ 81

Signed, sealed and delivered in the presence of

WITNESSES:

James D. Draper
Ad M. Yeather

Island Club Marina, Ltd., an Illinois
 Limited Partnership

Mark S. Friedman (SEAL)

By Mark S. Friedman
 A General Partner (SEAL)

(SEAL)

STATE OF FLORIDA, COUNTY OF _____ Lee _____

I HEREBY CERTIFY that on this _____ 5th _____ day of _____ August _____ A.D., 19 _____ 81, before me

the undersigned authority, personally appeared _____ Mark S. Friedman, a general partner of
 Island Club Marina, Ltd., an Illinois Limited Partnership

to me known to be the persons described in and who executed the foregoing instrument and, _____ he _____ acknowledged before me that _____ he _____ executed the same

WITNESS my signature and official seal in said County and State, the day and year last aforesaid.

(NOTARIAL SEAL)

My commission expires: *Sept. 23, 1984*

FD-266-0881-a Lee County Electric Cooperative, Inc. Rev. 1/79

Stephanie Johnston
 (Notary Public)

DISTRIBUTION - BLANKET - INDIVIDUAL

PARCEL I

OFF: 1561 PC1697
REC:

All of Tract B and Tract D, of that certain subdivision known as WATERWAY ESTATES OF FORT MYERS UNIT TWO, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 12, at page 64, LESS that certain parcel in Tract B, described in Official Record Book 145, at page 95, Public Records of Lee County, Florida.

PARCEL II

Beginning at the Northeasterly corner of Tract B, WATERWAY ESTATES OF FORT MYERS UNIT TWO, according to the map or plat thereof recorded in Plat Book 12 at page 64 of the public records of Lee County, run North $00^{\circ} 06' 00''$ West along a Northerly prolongation of the East line of said Tract B for 120 feet; thence run South $89^{\circ} 54' 00''$ West for 318.44 feet; thence run South $43^{\circ} 56' 37''$ West parallel with the Southeastern line of Block 4 for 24.39 feet; thence run North $59^{\circ} 33' 03''$ West for 102.84 feet to the corner common to said Tract B and Lot 1, said Block 4; thence run South $46^{\circ} 03' 23''$ East along the Northeasterly line of said Tract B for 222.07 feet; thence run North $89^{\circ} 24' 20''$ East along the North line of said Tract B for 257.85 feet to the point of beginning.

PARCEL III

From the corner common to Block 4 of said Unit No. 2 and said Tract B run South $32^{\circ} 33' 43''$ East for 102.84 feet to the Northwestern line of said Tract B; thence run North $43^{\circ} 56' 37''$ East along said Northwestern line of said Tract B for 24 feet; thence run North $46^{\circ} 03' 23''$ West along said Tract B for 100 feet to the point of beginning.

PARCEL IV

Tract A, of that certain subdivision known as WATERWAY ESTATES OF FORT MYERS, UNIT 2, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida in Plat Book 12, page 63.

EXHIBIT A

NOV 19 12 27 PM '81
RECORDED
LEE COUNTY, FLORIDA
RECORD VERIFIED
SALGER
CLERK OF CIRCUIT COURT

1510548

OFF REC 1575 PG 1478

CONSERVATION EASEMENT

The Grantor, ISLAND CLUB MARINA, LTD., an Illinois Limited Partnership authorized to do business in the State of Florida, and the Grantee, LEE COUNTY, FLORIDA, a political subdivision, do hereby agree to the creation of a conservation easement.

This conservation easement is made and agreed to this 8th day of September, 1981.

The conservation easement is made pursuant to and in conformance with Section 704.06, Florida Statutes (1979), which provides for land to be retained predominantly in its natural, scenic, open state and which prohibits all uses listed under Section 704.06(1).

That the Grantor, ISLAND CLUB MARINA, LTD., and the Grantee, LEE COUNTY, agree as follows:

1. That the Grantor is the owner of the following described property:

All of Tract D of that certain subdivision known as WATERWAY ESTATES OF FORT MYERS UNIT TWO, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 12, at page 64.

2. That in consideration of and pursuant to a zoning/density decision made by the Grantee about Grantor's property, the Grantor and the Grantee stipulated and agreed that Tract D would be the subject of this conservation easement.

3. That the Grantor and the Grantee do hereby agree that a conservation easement is to be established by this instrument, that said easement shall be perpetual and shall run with the land.

4. That the Grantor and Grantee do further agree that the provisions of Section 704.06, Florida Statutes (1979), shall be binding.

5. That the Grantor and Grantee do further agree that Tract D, as described in paragraph 1 hereinabove, shall not be

Documentary Tax Pd. \$ 45

Intangible Tax Pd. \$ 0.00

SAL GERALDI, CLERK, LEE COUNTY

By: SAL GERALDI

RECORD VERIFIED - SAL GERALDI, CLERK
BY: C. FORTINO, D.C.

DEF 1575 REC 1479

used for computing densities, other than those previously stipulated to by the above-named parties, and that no easements other than the conservation easement created by this instrument are to be granted.

6. That Grantor and Grantee agree that said conservation easement is necessary for the health, safety and welfare of the citizens of Lee County.

IN WITNESS WHEREOF, the undersigned has caused these presents to be signed in its name by one of its General Partners this 14 day of December, 1981.

ISLAND CLUB MARINA, LTD.
an Illinois Limited Partnership

By: Mark S. Friedman
Mark S. Friedman, General Partner

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I hereby certify that on this day before me an officer duly authorized to take acknowledgments personally appeared Mark S. Friedman, General Partner of the above-named Limited Partnership, known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same for and on behalf of said Limited Partnership for the purposes therein expressed.

Witness my hand and official seal in the County and State aforementioned this 14 day of December, 1981.

Joseph A. Van Kampen
Notary Public

My Commission Expires:

August 7, 1982

ATTEST:
SAL GERACI, CLERK

BOARD OF COUNTY COMMISSIONERS OF
LEE COUNTY, FLORIDA

By: Lois Kurtz
Deputy Clerk

By: Richard D. Roberts
Chairman



RECORDED
LEE COUNTY, FLORIDA
RECORD-VERIFIED
JAN 20 3 20 PM '82
SAL GERACI
CLERK OF CIRCUIT COURT

APPROVED AS
BY: Mark S. Friedman
COPIES ATTACHED

15.02
BILLED
Prepared by: N. Gluck
Zoning & Development Review Div.
P. O. Box 398
Fort Myers, FL 33902

2554914

0R2031

RESOLUTION NUMBER BZA-88-238

RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS
OF LEE COUNTY, FLORIDA

PG0662

WHEREAS, Florida Cities Water Company has properly filed an application in reference to Waterway Estates Wastewater Treatment Plant in the IL zoning district for:

- a) A variance from the minimum required water setback of 25 feet, to 18 feet;
- b) A variance from the minimum required lot width of 200 feet, to 186 feet;
- c) A variance from the minimum required lot area of two (2) acres, to 1.0176 acres;
- d) A variance from the maximum lot coverage of 40%, to 50%;
- e) A variance from the minimum required side setback of 20 feet, to one (1) foot; and
- f) A special exception for Essential Services Facilities - Group II; and

WHEREAS, the subject property is located at 1667 Inlet Drive, North Fort

Myers, described more particularly as:

LEGAL DESCRIPTION: In Section 16, Township 44 South, Range 24 East, Lee County, Florida:

A tract or parcel of land lying in Tract "B" of Waterway Estates of Fort Myers, Unit 2, according to a map or plat thereof recorded in Plat Book 12 at Page 64 of the Public Records of Lee County, described as follows:

From a point of curvature on the South line of said Tract "B" which is designated as curve "K" on said plat run N.89°24'20"E. along said South line and along the North line of a canal for 201.00 feet to the POINT OF BEGINNING of the lands herein described. From said POINT OF BEGINNING continue N.89°24'20"E. along said South line for 186.00 feet; THENCE run N.00°35'40"W. perpendicular to said South line for 263.50 feet; THENCE run S.89°24'20"W. parallel to said South line for 90.00 feet; THENCE run S.43°56'40"W. parallel with the Northwestern line of said Tract "B" for 134.68 feet to an intersection with a line perpendicular to said South line of Tract "B" passing through the POINT OF BEGINNING; THENCE run S.00°35'40"E. along said perpendicular line for 168.58 feet to the POINT OF BEGINNING, containing 1.0176 acres.

RESOLUTION NUMBER BZA-88-238
Page 1 of 3

HEARING NUMBER 88-8-33

(39732/6)

RECORD VERIFIED - CHARLES GREEN, CLERK
BY: M. HENNINGSON, D.C.

WHEREAS, the applicant has indicated the property's current STRAP number is 16-44-24-03-0030B.00A0; and

WHEREAS, proper authorization has been given to Neale E. Montgomery, Esquire, of Pavese, Garner, Haverfield, Dalton, Harrison & Jensen, and Source, Inc., by Florida Cities Water Company, the owner of the subject parcel, to act as agents to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of Zoning Adjustments; and

WHEREAS, in the hearing process the Lee County Board of Zoning Adjustments gave full and complete consideration to the recommendations of the staff, the documents on file with the county, and the testimony of all interested persons.

LEGISLATIVE HISTORY:

Staff recommended approval of requests a), d), e) and f) with conditions, and the withdrawal of b) and c) based on the analysis contained in staff's report dated October 17, 1988. The requests were found consistent with the Lee Plan as they do not conflict with the goals, objectives and policies of the Lee Plan. The Board concurred with staff's recommendations and granted approval of a), d), e) and f) with conditions. Requests b) and c) were withdrawn.

NOW, THEREFORE, BE IT RESOLVED BY THE LEE COUNTY BOARD OF ZONING ADJUSTMENTS that the Board of Zoning Adjustments does hereby APPROVE in the IL zoning district:

- a) A variance from the minimum required water setback of 25 feet, to 18 feet;
- d) A variance from the maximum lot coverage of 40%, to 50%;
- e) A variance from the minimum required side setback of 20 feet, to one (1) foot; and
- f) A special exception for Essential Services Facilities - Group II.

Approval of request f) is made with the following conditions:

- 1) The essential service facility shall be limited to advanced wastewater treatment;
- 2) The blowers shall be contained within a sound proof building;
- 3) The proposed retaining wall shown landward of the mean high water line (MHWL) will provide stabilization of the upland fill while allowing the enhancement of the shoreline littoral zone;

OR2031

PC0663

- 4) The existing bag revetment and associated vegetation is proposed to remain undisturbed. Planning staff recommends the supplemental planting of wetland vegetation in the revetment. Wetland trees should include red mangroves, white mangroves, and green buttonwoods (Conocarpus erecta). The red and white mangroves are best planted at or slightly above mean high water (MHW) and the green buttonwood planted at MHW+1 to MHW+3. The supplemental planting of wetland herbaceous plants is also encouraged. Leather fern planted at MHW is a good addition. The planting will help buffer this facility from the waterway and be ecologically functional. The opposite bank of the canal is a good example of a healthy mangrove fringe and an attempt to mimic this system is strongly encouraged; and
- 5) A few Brazilian pepper (Schinus terebinthifolius) trees existed near the western fence line at the canal during the January site visit. The Brazilian pepper had been chopped and herbicided by the August site visit. Planning staff would encourage continued removal and control of Brazilian pepper and Australian pine (Casuarina spp.) if they become present.

Requests b) and c) are hereby withdrawn.

The foregoing Resolution was adopted by the Lee County Board of Zoning Adjustments upon a motion by Board Member Douglas Morgan, and seconded by Board Member Jennie Daniel and, upon being put to a vote, the result was as follows:

Jennie Daniel	Aye
Marjorie Berry	Nay
Ellen Peterson	Nay
Douglas Morgan	Aye
Marie Kaohane	Aye

DULY PASSED AND ADOPTED this 17th day of October, A.D., 1988.

APPROVED AS TO FORM

BY: Paul H. Chappell
Office of the
County Attorney

BOARD OF ZONING ADJUSTMENTS
OF LEE COUNTY, FLORIDA

BY: Marie Kaohane
Chairman

OR2031

P60664

NOV 21 1 11 PM '88

RECORDED & INDEXED
11/21/88
MARIE KAOHANE

COVENANT OF UNIFIED CONTROL

2696503

15.00

I DO HEREBY swear and affirm that I, James P. Carroll,
(name)
am authorized to speak on behalf of the owner of the property, and that I
am fully capable of legally binding the owner of the property.

That Citizens & Southern National Bank does hereby swear and affirm
(name of property owner)
that I/we am/are the fee simple title holder and
(fee simple, life estate)
the owner of record of the property known as Caloosa Isle Marine
(common address)
1687 Inlet Drive, N. Fort Myers, FL 33903

and described more particularly as follows:

Legal Description:

(PLEASE SEE ATTACHED ADDENDUM)

That the property in question is subject to an application for
REZONING/REPLACEMENT/CPD/UTV zoning.
(circle correct category)

That I (~~as~~ as agent) do hereby swear and affirm:

1. That I, James P. Carroll as the owner, or
(name of owner)
agent of the owner, am and shall remain fully responsible for compliance
with all conditions placed on the property described herein by Lee County
during the planned development rezoning process.

2. That the property described herein shall be developed and used
in conformity and compliance with the approved Master Concept Plan, with
the conditions placed on the planned development, and with all
commitments agreed to by the applicant for the planned development
rezoning.

3. That I recognize that I, or the corporation, partnership, or
legal entity that I represent, shall remain wholly responsible for
compliance with all terms, conditions, safeguards, and stipulations made
at the time of approval of the Master Concept Plan, even if the property
is sold in whole or in part, unless and until a new or amended Covenant
of Unified Control is submitted by the subsequent owner, and received and
recorded by Lee County.

(0149K)
Revised 8/86

RECEIVED
FEB 24 1986

ZONING COUNTER

88-10-110 C.C.

OR2088 Pdf 688

RECORDED VERIFIED - CHARLIE GREEN, CLERK
BY E. H. HENSTROM, D.C.

Covenant of Unified Control
Page 2 of 2

4. That I, or the corporation, partnership, or legal entity I represent, do hereby recognize that a departure from the provisions of the approved plans, and/or a failure to comply with any and all requirements, conditions, or safeguards provided for in the planned development process shall constitute a violation of the Zoning Ordinance, and that I or the entity I represent wholly accepts responsibility for such a violation of the Zoning Ordinance.

5. That I, or the corporation, partnership, or legal entity I represent, agree and do hereby accept responsibility for the inclusion and imposition through covenants and restrictions of all terms, conditions, and safeguards of the planned development on any subsequent owner of all or any part of the subject property, including lots, development parcels, and outparcels.

6. That James P. Carroll does hereby recognize and
(name of owner)
accepts total responsibility for the obligation to enforce the terms, conditions, and safeguards of the planned development until such time as all of the subject property is developed and certified by Lee County for use or occupancy, or until a subsequent owner takes up that obligation for all or part of the subject property.

7. That James P. Carroll does hereby recognize and
(name of owner)
acknowledge that the completion and conveyance, or vacation of a phase of the development parcel or outparcel, shall relieve me of any liability and responsibility for compliance with all of the terms, conditions and safeguards of the planned development only insofar as that phase, development parcel, or outparcel is concerned, and then only when the notice provided for in Section 804.03.A.3, Lee County Zoning Ordinance, is properly filed and recorded.

8. That James P. Carroll does hereby acknowledge and
(name of owner)
accept the fact that at any time while this Covenant of Unified Control is of force and effect, Lee County can, upon discovery of non-compliance with the terms, safeguards, and conditions of the planned development, seek equitable relief as necessary to compel compliance. It is further recognized that no permit, certificate, or license to occupy or use any part of the planned development shall be issued, and ongoing construction shall be stopped until the project is brought into compliance with the terms, conditions and safeguards of the planned development.

James P. Carroll
Agent/Owner Signature

James P. Carroll
Agent/Owner Name (typed or printed legibly)

If Corporation, Seal of the Corporation:

SWORN TO and subscribed before me this 12th day of January, 1988.

1988.

Darryl H. Upton
Notary Public

My Commission Expires:

Notary Public, State of Florida at Large
My Commission Expires July 18, 1989

OR2088 Pg4689

CHARLIE GREEN ELECTRIC FL
89 AUG -9 AM 9:57

OR2088 Pg4690

ADDENDUM

LEGAL DESCRIPTION: All of Tract B and Tract D of that certain subdivision known as WATERWAY ESTATES OF FORT MYERS UNIT TWO, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 12, at page 64, LESS that certain parcel in Tract B, described in Official Record Book 145, at Page 95, Public Records of Lee County, Florida.

ALSO:

Beginning at the Northeasterly corner of Tract B, WATERWAY ESTATES OF FORT MYERS UNIT TWO, according to the map or plat thereof recorded in Plat Book 12, at page 64, of the Public Records of Lee County, run North 00° 05' 00" West along a Northerly prolongation of the East line of said Tract B for 120 feet; thence run South 89° 54' 00" West for 318.44 feet; thence run South 43° 56' 37" West parallel with the Southeasterly line of Block 4 for 24.39 feet; thence run North 59° 33' 03" West for 102.84 feet to the corner common to said Tract B and Lot 1, said Block 4; thence run South 46° 03' 23" East along the Northeasterly line of said Tract B for 222.07 feet; thence run North 89° 24' 20" East along the North line of said Tract B for 257.85 feet to the point of beginning.

ALSO:

From the corner common to Block 1 of said Unit No. 2 and said Tract B run South 32° 33' 43" East for 102.84 feet to the Northwesterly line of said Tract B; thence run North 43° 56' 37" East along said Northwesterly line of said Tract B for 24 feet; thence run North 46° 03' 23" West along said Tract B for 100 feet to the point of beginning.

ALSO:

Tract A, WATERWAY ESTATES, Unit 2, according to a plat thereof recorded in Plat Book 12, page 65, Public Records of Lee County, Florida.

88-10-11DCI

2735158

NOTICE OF DEVELOPMENT ORDER

In accordance with the Lee County Development Standards Ordinance, Number 86-27, a Final Development Order has been approved and issued for the following described parcel:

STRAP NUMBER: 16-44-24-03-00308.0000

PROJECT NAME (if applicable): Caloosa Isle Marina

LEGAL DESCRIPTION: (see below)

FINAL DEVELOPMENT ORDER NUMBER: 04-13-89

A tract or parcel of land lying in Waterway Estates of Fort Myers Unit 2 in the southeast quarter (SE 1/4) of the southeast quarter (SE 1/4) of Section 16, Township 41 South, Range 25 East, Lee County, Florida as shown on Sheet 2 of plat recorded in Plat Book 17 beginning at page 61, Lee County records which tract or parcel is described as follows:

Beginning at a point of curvature on Curve "C" on the south line of Tract "B", at 50.00 feet from the east end of Waterway Estates of Fort Myers Unit 2, run S 87° 21' 37" E along said south line for 100.00 feet to the east line of the parcel described in deed recorded in Official Record Book 745 at page 153, Lee County records; thence run N 87° 21' 37" E along said east line for 100.00 feet to the north line of the parcel described in said Resolution recorded in Official Record Book 745 at page 153, Lee County records; thence run N 87° 21' 37" E along said north line for 100.00 feet to an intersection with the east line of said parcel; thence run N 87° 21' 37" E along said north line for 100.00 feet to an intersection with the east line of said parcel; thence run S 87° 21' 37" E along said east line for 100.00 feet to an intersection with the south line of said tract "B"; thence run N 87° 21' 37" E along said south line for 100.00 feet to a point of curvature; thence run easterly, northeasterly and northerly along the arc of a curve to the left of radius 25.00 feet (delta 37° 30' 20") (chord bearing N 44° 34' 10" E) (chord 35.20 feet) for 35.20 feet to a point of tangency on the east line of said Tract "B"; thence run N 87° 21' 37" E along said east line and a northerly prolongation thereof on the east line of the first parcel described in Resolution recorded in Official Record Book 745 beginning at page 153, Lee County records for 490.23 feet to the north line of said parcel; thence run S 87° 21' 37" E along said north line for 100.00 feet to an intersection with the northeasterly line of said parcel; thence run S 87° 21' 37" E along said northeasterly line for 27.90 feet to a northeasterly line of said parcel; thence run N 87° 21' 37" E along said northeasterly line for 102.04 feet to the northeasterly corner of said Tract "B"; thence run S 87° 21' 37" E along the southeasterly line of Tract "A" said Waterway Estates for 50.00 feet to the southerlymost corner of said Tract "A"; thence run S 87° 21' 37" E along the southeasterly line of the second parcel described in said Resolution recorded in Official Record Book 745 at page 153, Lee County records for 102.04 feet to an intersection with the northeasterly line of said Tract "B"; thence run S 87° 21' 37" E along said northeasterly line for 102.04 feet to a point of curvature on said curve "A"; thence run southeasterly, southerly and southeasterly along an arc of a curve to the left of radius 25.00 feet (delta 37° 30' 20") (chord bearing S 23° 19' 32" E) (chord 40.12 feet) for 40.12 feet to the point of beginning. SUGGEST 10 easements, restrictions and reservations of record.

Containing 5.00 acres more or less.
Bearings hereinabove mentioned are based on said record plat of Waterway Estates of Fort Myers Unit 2.

The purpose of this instrument is to serve notice that any improvement to land including, but not limited to, grading, drainage, construction of buildings or structures, or division into smaller parcels shall be done in accordance with the Final Development Order.

Contents of the Final Development Order are on file with the Department of Community Development.

(3215N)

89 OCT 23 PM 7:13

02104 Pg 746

2944628

LEE COUNTY ORDINANCE NO. 86-14

AN ORDINANCE RELATING TO GARBAGE AND SOLID WASTE COLLECTION WITHIN LEE COUNTY; CREATING MUNICIPAL SERVICE BENEFIT UNITS AND A SPECIAL DISTRICT UNIT TO INCLUDE INCORPORATED AREAS OF THE COUNTY; TO BE KNOWN AS SOLID WASTE AND MANDATORY COLLECTION UNITS FOR SERVICE AREAS; PROVIDING FOR THE PURPOSE OF DISPENSING OF SOLID WASTE AND THE BOUNDARIES; ESTABLISHING A GOVERNING BODY WITH POWERS AND DUTIES; PROVIDING FOR RESIDENTIAL AND COMMERCIAL COLLECTION; MANDATING SERVICES AND PAYMENT FOR SAME; LEVING SPECIAL ASSESSMENTS AND COLLECTION; PROHIBITING UNLAWFUL DISPOSAL; PENALTIES, SEVERABILITY, SUPPLEMENTAL AUTHORITY AND EFFECTIVE DATE.

OR 2189 PG 3281

RECORD VERIFIED - CHARUE GREEN, CLERK
BY: G. SHERWOOD, D.C.

WHEREAS, the Board of County Commissioners of Lee County, Florida finds that there is an inordinate amount of littering of and illegal dumping on the public right-of-way and private lands of Lee County, with garbage and waste generated within the residential and non-residential units of the County, resulting in the necessity for more stringent regulation of Garbage and Solid Waste collection practices within the County; and,

WHEREAS, Lee County has determined that a substantial number of commercial entities and residents in the County do not subscribe to a garbage or trash collection disposal service; and,

WHEREAS, the Courts of the State of Florida have determined that levies of fees for garbage and waste collection similar to those levied herein by Lee County are and can be levied as special assessments; and,

WHEREAS, it has been determined that it is necessary for the Board to exercise its authority under Florida Statute

3137163

EASEMENT

KNOW ALL MEN BY THESE PRESENTS that FLORIDA CITIES WATER COMPANY

as Grantor. In consideration of the sum of one dollar and other valuable considerations, receipt of which is hereby acknowledged, do ES hereby grant to Lee County Electric Cooperative, Inc., a Florida corporation, whose post office address is Post Office Box 3455, North Fort Myers, Florida 33918, and to its successors and assigns (the term "assigns" meaning any person, firm, or corporation owning by way of assignment all rights under this Agreement or a portion of such rights, with the Grantee or its other assigns retaining and exercising the other rights), an easement forever for a right-of-way to be used for the construction, operation, and maintenance of one or more overhead and underground electric transmission and distribution lines, including, but not limited to, wires, poles, H-frame structures, towers, cables, conduits, anchors, guys, and roads, trails, and equipment associated therewith, attachments and appurtenant equipment for communication purposes (all of the foregoing hereinafter referred to as "facilities"), over, under, in, on, upon and across the lands of the Grantor situated in the County of Lee and State of Florida and being more particularly described as follows:

See Attached EXHIBIT "A"

Document for Filing
 \$ 160
 CHARTERED CLERK, LEE COUNTY
 BY [Signature] Deputy Clerk

together with the right and privilege from time to time to reconstruct, inspect, alter, improve, enlarge, add to, change the voltage, as well as the nature or physical characteristics of, replace, remove, or relocate such facilities or any part of them upon, across, over, or under the right-of-way described above with all rights and privileges necessary or convenient for the full enjoyment or the use thereof for the purposes described herein, including, but not limited to, the right to trim, spray, cut and keep clear all trees and undergrowth and other obstructions within said right-of-way and on lands of Grantor adjoining said right-of-way that may interfere with the proper construction, operation, and maintenance of such facilities or any part of them, the right to mark the location of any underground facilities by above-ground markers and other suitable markers, and the right of ingress and egress for personnel and equipment of Grantee, its contractors, agents, successors, or assigns, over the adjoining lands of the Grantor, for the purpose of exercising and enjoying the rights granted by this easement and any or all of the rights granted hereunder.

By the execution and delivery hereof, Grantor so expressly agrees that no portion of the right-of-way shall be excavated, altered, obstructed, improved, surfaced, or paved without the prior written permission of the Grantee, or its successors or assigns, and no building, well, irrigation system, drainage system, structure, obstruction or improvement (including any improvements for recreational activities) shall be located, constructed, maintained, or operated over, under, upon, or across said right-of-way by the Grantor, or the heirs, personal representatives, successors or assigns of Grantor.

By the execution hereof, Grantor covenants that it has the right to convey this easement and that the Grantee and its successors and assigns shall have quiet and peaceful possession, use, and enjoyment of this easement and the rights granted hereby.

IN WITNESS WHEREOF, the Grantor has executed this Agreement this 19 day of April, 1998.

PREPARED BY:
 CHARLES HOUCK
 LEE COUNTY ELECTRIC COOPERATIVE, INC.
 P O BOX 3455
 N. FT. MYERS, FL 33918-3455

(OVER)

OR 269 PG 3746

RECORD VERIFIED - CHARLIE GREEN, CLERK
 BY KAY TAMER, D.C.

OR2269 PG3747

SIGNED, SEALED, AND DELIVERED
IN THE PRESENCE OF:*Donna J. Brown*
First Witness (Signature)☒ Donna J. Brown
Printed, Typewritten, or Stamped Name of First
Witness*J. A. Reeves*
Second Witness (Signature)☒ J. A. Reeves
Printed, Typewritten, or Stamped Name of Second
Witness

First Witness (Signature)

Printed, Typewritten, or Stamped Name of First
Witness

Second Witness (Signature)

Printed, Typewritten, or Stamped Name of Second
WitnessSTATE OF _____
COUNTY OF _____The foregoing instrument was acknowledged before me this 11th day of December, 1991,
by _____ and _____

(NOTARIAL SEAL)

Notary Public

Printed, Typewritten, or Stamped Name of Notary
Public

My commission expires: _____

STATE OF Sarasota
COUNTY OF SarasotaThe foregoing instrument was acknowledged before me this 11th day of December, 1991,
by ☒ Paul H. Bradtmiller, Senior Vice President of Florida Cities Water Company,
a Delaware corporation, on behalf of the corporation.(NOTARIAL SEAL) ☒*Nancy C. Wolf*
Notary Public☒ Nancy C. WolfPrinted, Typewritten, or Stamped Name of Notary
PublicNOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. DEC. 2, 1993
My commission expires: DEC. 2, 1993

*Post Office Address of Grantor _____

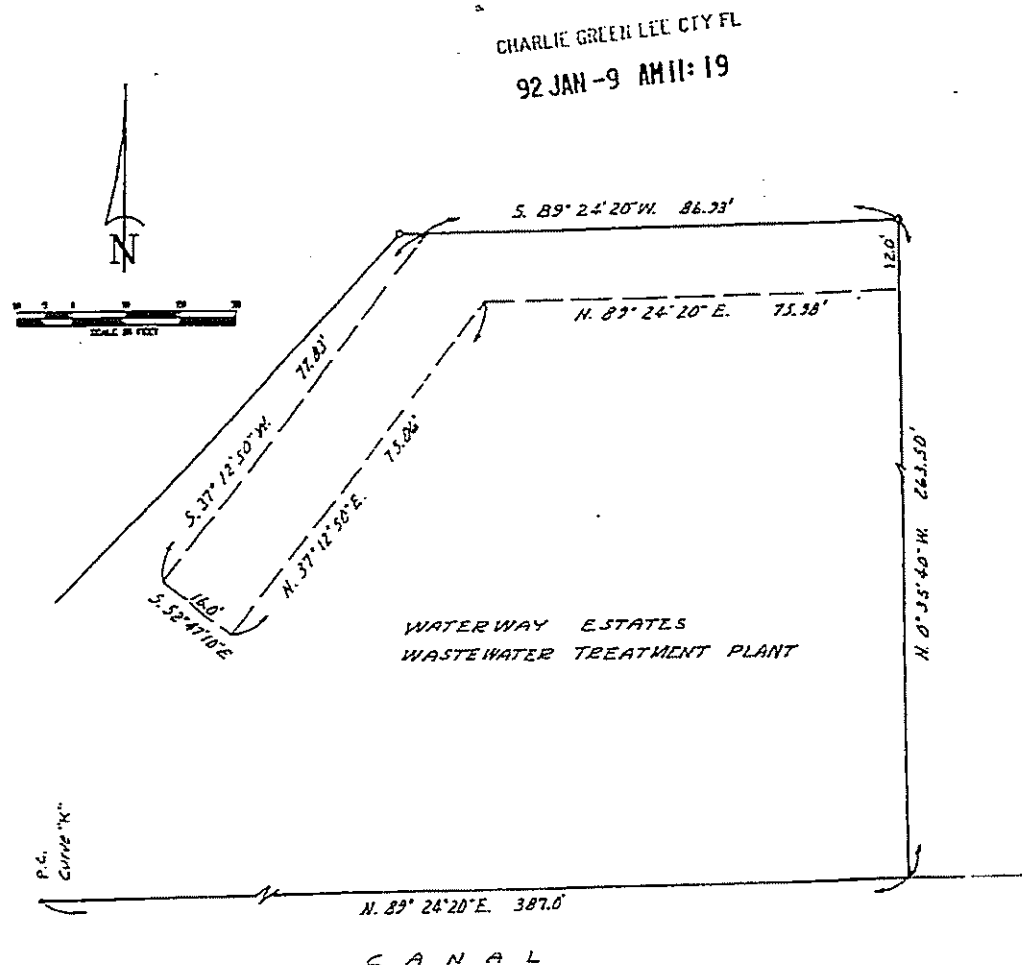
Florida Cities Water Company
4837 Swift Road, Suite 100
P. O. Box 21119
Sarasota, Florida 34276-2119

City, State, Zip Code

City, State, Zip Code

OR2269 PG3748

EXHIBIT "A"



EASEMENT SURVEY
FOR
LEE COUNTY ELECTRIC COOPERATIVE, INC.
PART OF TRACT "B"
WATERWAY ESTATES OF FORT MYERS, UNIT 2
(P.B. 12, PAGE 64)
LEE COUNTY, FLORIDA

DESCRIPTION: Easement for Lee County Electric Coop.

A strip or parcel of land lying in part of Tract "B" of Waterway Estates of Fort Myers, Unit 2, according to a plat thereof recorded in Plat Book 12 at Page 64 of the Public Records of Lee County, Florida, more particularly described as follows:

Commencing at the point of curvature on the South line of said Tract "B" which is designated as curve "K" on said plat; thence run N. 89° 24' 20" E. along the South line of Tract "B" for 387.00 feet; thence run N. 00° 35' 40" W. for 263.50 feet to the point of beginning; thence run S. 89° 24' 20" W. for 86.93 feet; thence run S. 37° 12' 50" W. for 77.83 feet; thence run S. 52° 47' 10" E. for 16.00 feet; thence run N. 37° 12' 50" E. for 75.06 feet; thence run N. 89° 24' 20" E. for 75.98 feet; thence run N. 00° 35' 40" W. for 12.00 feet to the point of beginning.

Certified to:
Lee County Electric Cooperative, Inc.

CERTIFICATE
I HEREBY CERTIFY THAT THIS EASEMENT SURVEY WAS
PREPARED UNDER MY DIRECT SUPERVISION AND IS CORRECT
AND ACCURATE TO THE BEST OF MY PROFESSIONAL KNOWLEDGE
AND BELIEF. THIS PLAT WAS PREPARED TO ILLUSTRATE THE LEGAL
DESCRIPTION SHOWN HEREON AND NO MONUMENTS WERE SET AT
CORNERS.

John B. Harris
J.B.H.
DATE: November 16, 1991

DATE: 9-23-91	RECDISEN SURVEYING, INC.
FILE: 442416	2705 SE SANTA BARBARA PLACE
Range: 10-28-N	CAPE CORAL, FLORIDA

EXHIBIT I-B-4
COVENANT OF UNIFIED CONTROL

RECEIVED

MAY 24 1999

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as 1687 Inlet Drive, North Fort Myers, FL and (street address) legally described in exhibit A attached hereto.

The property described herein is the subject of an application for planned development zoning. We hereby designate Carl Stambouly as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorization of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended covenant of unified control is delivered to Lee County.

The undersigned recognize the following and will be guided accordingly in the pursuit of development of the project:

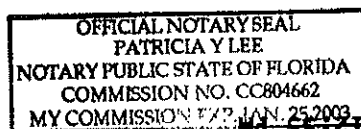
1. The property will be developed and used in conformity with the approved master concept plan including all conditions placed on the development and all commitments agreed to by the applicant in connection with the planned development rezoning.
2. The legal representative identified herein is responsible for compliance with all terms, conditions, safeguards, and stipulations made at the time of approval of the master concept plan, even if the property is subsequently sold in whole or in part, unless and until a new or amended covenant of unified control is delivered to and recorded by Lee County.
3. A departure from the provisions of the approved plans or a failure to comply with any requirements, conditions, or safeguards provided for in the planned development process will constitute a violation of the Land Development Code.
4. All terms and conditions of the planned development approval will be incorporated into covenants and restrictions which run with the land so as to provide notice to subsequent owners that all development activity within the planned development must be consistent with those terms and conditions.
5. So long as this covenant is in force, Lee County can, upon the discovery of noncompliance with the terms, safeguards, and conditions of the planned development, seek equitable relief as necessary to compel compliance. The County will not issue permits, certificates, or licenses to occupy or use any part of the planned development and the County may stop ongoing construction activity until the project is brought into compliance with all terms, conditions and safeguards of the planned development.

[Signature] as Sec. of Corp.
Caloosa Isle Marine, Inc. Owner

James Carroll as Sec. of Corp.
Caloosa Isle Marine, Inc.
Printed Name

STATE OF FLORIDA)
COUNTY OF LEE)

Sworn to (or affirmed) and subscribed before me this 19 day of May, 1999
by James Carroll who is personally known to me or has produced
Florida Drivers License as identification.



[Signature]
Notary Public
Patricia Y. Lee
(Name typed, printed or stamped)
(Serial Number, if any)
DEPUTY CLERK T. VOGES
CHARLIE GREEN, CLERK OF COURT
INSTR # 4766840 OR BK 3195 PG 3636 RECD 12/06/99

DR BK 03195 PG 3637

PART II GENERAL INFORMATION

A. Request:

1. Rezoning from _____ TO: (check all applicable)

☐ RPD - Residential ☐ MHPD - Mobile Home ☐ CPD - Commercial ☐ IPD - Industrial	☐ MPD - Mixed Use ☐ RVPD - Recreational Vehicle ☐ CFPD - Community Facilities ☐ AOPD - Airport Operations
---	--

2. Option Chosen: _____ Option 1 [34-373(a)(6)a] _____ Option 2 [34-373(a)(6)b]
 Modification of Schedule of Deviations for CPD to all
 3. Other - Provide specific details. construction of screen enclosure on existing outdoor seating area on canal.

B. Legal Description and Boundary Sketch: Is property within a platted subdivision recorded in the official Plat Books of Lee County?

_____ NO. Attach a legible copy of the legal description (label it Exhibit II-B-1.) and Boundary Sketch labeled Exhibit II-B-2.). If the legal description is available on computer disc (Word or Word Perfect) please provide a copy at time of application.

☒ YES. Property is identified as:

Applicant's Legal Checked
by 05/27/99

Subdivision Name: Waterway Estates of Fort Myers

Plat Book: 12 Page: 63 Unit: 2 Block: _____ Lot: _____

Section: 16 Township: 44 Range: 24

Attach a copy of the Plat Book page with subject property clearly marked. Label this Exhibit II-B-3.

C. Project Street Address: 1687 Inlet Drive, North Fort Myers, Florida 33903

D. General Location Of Property (referenced to major streets): The property is located on a small island at the end of Inlet Drive in Waterway Estates in North Fort Myers. U.S. 41 North to Hancock Bridge Parkway, West to Orange Grove Boulevard, South to Inlet Drive, East to the Caloosahatchee River.

E. Lee Plan Information

1. Lee Plan Land Use Classification: Suburban

2. Are you proposing any Lee Plan amendments which could affect the subject property? ☒ NO

_____ YES. If yes, submit a copy of the proposed amendment (labeled as "Exhibit II-E-1") along with a statement as to how the proposed amendment will affect your property (labeled as "Exhibit II-E-2").

F. Drainage, Water Control and Other Environmental Issues

1. Is the property within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s? ☒ NO _____ YES. If yes, specify the minimum elevation required for the first habitable floor. _____ NGVD (MSL)

DR BK 03195 PG 3638

EXPLANATORY NOTES (Cont)

F.2. *If environmentally sensitive areas exist on the site, an environmental assessment must be prepared that examines the existing conditions, addresses the environmental problems, and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources. (See Sec. 34-1573). (Sec. 34-373)*

H. *Property Dimensions: If the parcel is irregularly shaped, indicate the average width and depth of the property. Indicate the length of property abutting any existing street rights-of-way or easements. If property abuts more than one street, indicate frontage on each street. [Sec 34-202(b)(9)]*

The total area (in square feet or acres) of the property.

I. *Land Area Calculations*

1. Undevelopable Areas: Insert the area of land identified as undevelopable by the following terms:

a. Freshwater wetlands

b. Other wetlands

c. Submerged land subject to tidal inundation. The area of land which is submerged and is subject to tidal inundation.

✓ *Return to Ruby, Dev Spec 479-8585*

INSTR # 5483221
OR BK 03670 PB 3361
RECORDED 06/19/2002 01:58:26 PM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 10.50
DEPUTY CLERK J Miller

(Clerk Of Court Use Only)

(See Attached)

Current Project Name : Fishtale Marina @ Caloosa Isle
Current Applicable Strap Numbers:
16-44-24-03-0030B.0000

This document is recorded to serve notice that any improvement to land, including but not limited to grading, drainage, construction of buildings or structures, or division of the property described above into smaller parcels shall be done in accordance with the above referenced Development Order. Improvements to the land described above has been approved in the Development Order.

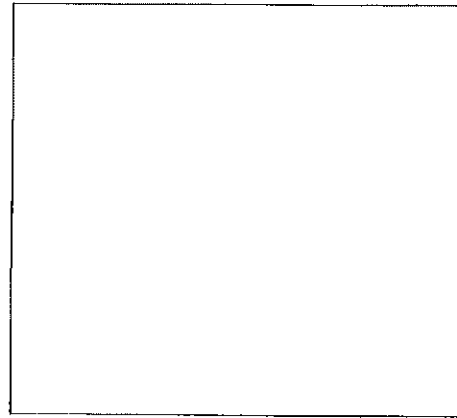
ANY SALE OR PURCHASE OF ANY PORTION OF THE LAND SUBJECT TO THIS DEVELOPMENT ORDER MAY TRIGGER THE NEED FOR A NEW DEVELOPMENT ORDER, EXEMPTION, OR SUBDIVISION PLAT BEFORE ANY BUILDING PERMITS, OCCUPANCY PERMITS, OR OTHER APPROVALS MAY BE GRANTED.

CAUTION The Approved Development Order is not an approved subdivision plat and should not be construed as such. The sale and purchase of land subject to this Development Order should contain a legal description other than mere reference to the Development Order. A separate subdivision plat may also be recorded in the public records of Lee County. The contents of the approved Development Order are on file with the Lee County Development Services Division.

Director, Development Services
Division or Designee

NOTICE OF DEVELOPMENT ORDER APPROVAL
Page 2

Case No. DOS 2002-00037



(Clerk of Court Use Only)

LEGAL DESCRIPTION

A tract or parcel of land lying in Waterway Estates of Fort Myers Unit 2 in the Southeast Quarter (SE-1/4) of the Southeast Quarter (SE-1/4) of Section 16, Township 44 South, Range 24 East, Lee County, Florida, as shown on Sheet 2 of plat recorded in Plat Book 12 beginning at page 63, Lee County records, which tract or parcel is described as follows:

Beginning at a point of curvature on Curve "K" on the south line of Tract "B", as shown on said plat of Waterway Estates of Fort Myers Unit 2, run N 89° 24' 20" E along said south line for 201.00 feet to the west line of the parcel described in deed recorded in Official Record Book 145 at page 95, Lee County records; thence run N 00° 35' 40" W along said west line for 165.94 feet to the northwesterly line of said parcel; thence run N 43° 56' 37" E along said northwesterly line for 136.87 feet to an intersection with the northerly line of said parcel; thence run N 89° 24' 20" E along said north line for 90.00 feet to an intersection with the east line of said parcel; thence run S 00° 35' 40" E along said east line for 263.50 feet to an intersection with the south line of said Tract "B"; thence run N 89° 24' 20" E along said south line for 342.93 feet to a point of curvature; thence run easterly, northeasterly and northerly along the arc of a curve to the left of radius 25.00 feet (delta 89° 30' 20") (chord bearing N 44° 39' 10" E) (chord 35.20 feet) for 39.05 feet to a point of tangency on the east line of said Tract "B"; thence run N 00° 06' 00" W along said east line and a northerly prolongation thereof on the east line of the first parcel described in Resolution recorded in Official Record Book 245 beginning at page 753 of said public records for 490.23 feet to the north line of said parcel; thence run S 89° 54' 00" W along said north line for 309.45 feet to an intersection with the northwesterly line of said parcel; thence run S 43° 56' 37" W along said northwesterly line for 27.98 feet to a northeasterly line of said parcel; thence run N 59° 33' 03" W along said northeasterly line for 102.84 feet to the northerlymost corner of said Tract "B"; thence run S 43° 56' 37" W along the southeasterly line of Tract "A" of said Waterway Estates for 50.00 feet to the southerlymost corner of said Tract "A"; thence run S 32° 33' 43" E along the southwesterly line of the second parcel described in said Resolution recorded in Official Record Book 245 at page 753, Lee County records, for 102.84 feet to an intersection with the northwesterly line of said Tract "B"; thence run S 43° 56' 37" W along said northwesterly line for 540.61 feet to a point of curvature on said curve "K"; thence run southwesterly, southerly and southeasterly along an arc of a curve to the left of radius 25.00 feet (delta 134° 32' 17") (chord bearing S 23° 19' 32" E) (chord 46.12 feet) for 58.70 feet to the Point of Beginning.

SUBJECT TO easements, restrictions and reservations of record,
Containing 5.80 acres, more or less.

INSTR # 2007000095841, Doc Type EAS, Pages 6, Recorded 03/23/2007 at 10:06 AM,
Charlie Green, Lee County Clerk of Circuit Court, Rec. Fee \$52.50 Deputy
Clerk JMILLER

0050002-00037

Document prepared by and return recorded document to:

Katherine R. English
Pavese Law Firm
Post Office Drawer 1507
Fort Myers, FL 33902

PERMANENT ACCESS EASEMENT GRANT

This document, made and entered into between Caloosa Isle Yacht Club, Inc., a Florida corporation ("Caloosa Isle"), whose address is 1687 Inlet Drive, North Fort Myers, Florida, 33903, hereinafter referred to as GRANTOR; and LEE COUNTY, a political subdivision of the State of Florida, whose address is P.O. Box 398, Fort Myers, FL 33902-398, hereinafter referred to as COUNTY.

WITNESSETH

1. For good and valuable consideration, receipt of which is hereby acknowledged, GRANTOR does hereby grant to the COUNTY, a permanent access easement for the purpose of providing access to GRANTOR'S property so that COUNTY'S employees, consulting engineers, contractors and other representatives' vehicles and equipment may have ingress and egress for construction, operation and maintenance of a wastewater utility site described in Official Records Book 145, Page 951 of Lee County Florida, over the Easement described on Exhibit "A".

2. GRANTOR covenants that subject to existing easements of record, if any, GRANTOR is lawfully seized and possessed of the lands, having good and lawful right and power to convey them, and that the lands are free and clear of mortgages, liens, easements and encumbrances except those of record; and GRANTOR will forever warrant and defend the title and terms to this easement and the quiet possession thereof against the lawful claims and demands of all persons.

3. COUNTY indemnifies and holds harmless the GRANTOR from all suits, judgments, claims, demands, costs, and expenses, including attorney's fees and appellate attorney's fees, from any injuries or damages suffered or claimed to be suffered by any person or entity, to have occurred on the Easement and arising out of the

INSTR # 2007000095841 Page Number: 2 of 6

rights granted by this Agreement. This indemnity and hold harmless specifically does not apply to any agents, employees, contractors or invitees or guests of the GRANTOR in their use of the roadway provided they are not injured through the negligent act of the COUNTY. GRANTEE specifically retains and does not waive its sovereign immunity or protection granted by Section 768.28, Florida Statutes, with respect to claims of third parties.

4. The easement, rights and privileges granted herein are non-exclusive, and GRANTOR reserves the right to convey similar rights and easements to other persons except those rights and easements that may interfere with and prevent the use by County of the easement. GRANTOR also retains, reserves and will continue to enjoy use of the property for purposes that do not interfere with and prevent the use by GRANTEE of the easement.

5. GRANTOR agrees to operate and maintain the Easement described in Exhibit "A" in accordance with standard practices typical of development in the area. COUNTY agrees to be responsible for the repair of any damage to the Easement described in Exhibit "A" beyond ordinary wear and tear.

6. This instrument is binding on, and inures to the benefit of, the successors and assigns of the parties.

[The remainder of this page intentionally left blank.]

INSTR # 2007000095841 Page Number: 3 of 6

IN WITNESS WHEREOF this instrument is executed this 15TH
day of May, 2006.

Caloosa Isle Yacht Club, Inc.,
A Florida corporation

TWO SEPARATE WITNESSES:

Signature

[Signature]
1st Witness Signature

By: MICHAEL F. NEVES

RACHEL L BIELETT
Printed Name of 1st Witness

As: PRESIDENT

[Signature]
2nd Witness Signature

GREGORY J ROSOWITZ
Printed Name of 2nd Witness

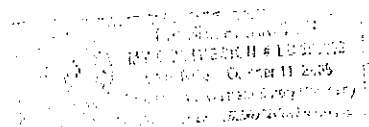
STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this
15th day of March 2007, by Michael Neves as
President of Caloosa Isle Yacht Club, Inc.,
a Florida corporation. He/She is personally known to me or
has produced FLDL as identification
and did not take an oath.

Daphne P Langner
Signature of Notary Public

My Commission Expires: _____

Daphne P Langner
Printed Name of Notary Public



[The remainder of this page intentionally left blank.]

INSTR # 2007000095841 Page Number: 4 of 6

Approved and accepted for and on behalf of LEE COUNTY,
FLORIDA, this 15th day of March 2007.

ACCEPTED:

DIRECTOR OF LEE COUNTY
DEVELOPMENT SERVICES:



Peter J. Eckenrode

ATTEST:

LEE COUNTY CLERK OF COURTS

APPROVED AS TO FORM:



LEE COUNTY ASST. ATTORNEY
Scott Covert

INSTR # 2007000095841 Page Number: 5 of 6



EXHIBIT "A"

Dagostino & Wood, Inc.

AN EXCLUSIVE ACCESS EASEMENT BEING A PORTION OF WATERWAY ESTATES UNIT 2 AS RECORDED IN PLAT BOOK 12, PAGE 63 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA AND LYING IN SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERLY CORNER OF TRACT "A" OF SAID WATERWAY ESTATES UNIT 2 PER SAID RECORD PLAT; THENCE NORTH 43°56'37" EAST, ALONG THE NORTHWESTERLY LINE OF SAID TRACT "A", 43.73 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE SOUTH 46°12'12" EAST 203.56 FEET TO POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE WEST, THENCE SOUTHEASTERLY, SOUTHERLY, AND SOUTHWESTERLY 46.54 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 88°53'22", AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 01°45'31" EAST 42.01 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 42°41'10" WEST 79.85 FEET; THENCE SOUTH 00°00'00" EAST 18.83 FEET; THENCE SOUTH 46°04'13" EAST 21.44 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE WEST; THENCE SOUTHEASTERLY, SOUTHERLY, AND SOUTHWESTERLY 7.85 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 5.00 FEET, A CENTRAL ANGLE OF 90°00'00", AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 01°04'13" EAST 7.07 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 43°55'47" WEST 68.20 FEET TO THE NORTHERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 145, PAGE 95 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 89°29'15" EAST, ALONG SAID NORTHERLY LINE, 78.48 FEET; THENCE LEAVING SAID NORTHERLY LINE NORTH 00°45'34" WEST 40.70 FEET; THENCE NORTH 90°00'00" EAST 40.39 FEET; THENCE NORTH 00°00'00" EAST 144.55 FEET; THENCE NORTH 46°12'12" WEST 231.07 FEET TO SAID NORTHWESTERLY LINE OF SAID TRACT "A"; THENCE SOUTH 43°56'37" WEST, ALONG SAID NORTHWESTERLY LINE, 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.348 ACRES (15,160 SQ FT) MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

BEARINGS SHOWN HEREON ARE BASED UPON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1986 (1999 ADJUSTMENT). THE RECORD PLAT OF WATERWAYS OF FORT MYERS UNIT 2 IS ALSO BASED UPON THE SAME ROTATION.

PREPARED BY:


DAVID S. DAGOSTINO, PSM REG. NO. 5762

****NOT VAILD WITHOUT SKETCH****

610 18TH Avenue NE Naples, FL 34120
Phone-(239)352-6085 Fax-(239)352-6095

SKETCH OF DESCRIPTION OF A PORTION OF WATERWAY ESTATES OF FORT MYERS UNIT 2 LYING IN SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA

LEGAL DESCRIPTION

AN EXCLUSIVE ACCESS EASEMENT BEING A PORTION OF WATERWAY ESTATES UNIT 2 AS RECORDED IN PLAT BOOK 12, PAGE 83 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND LYING IN SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

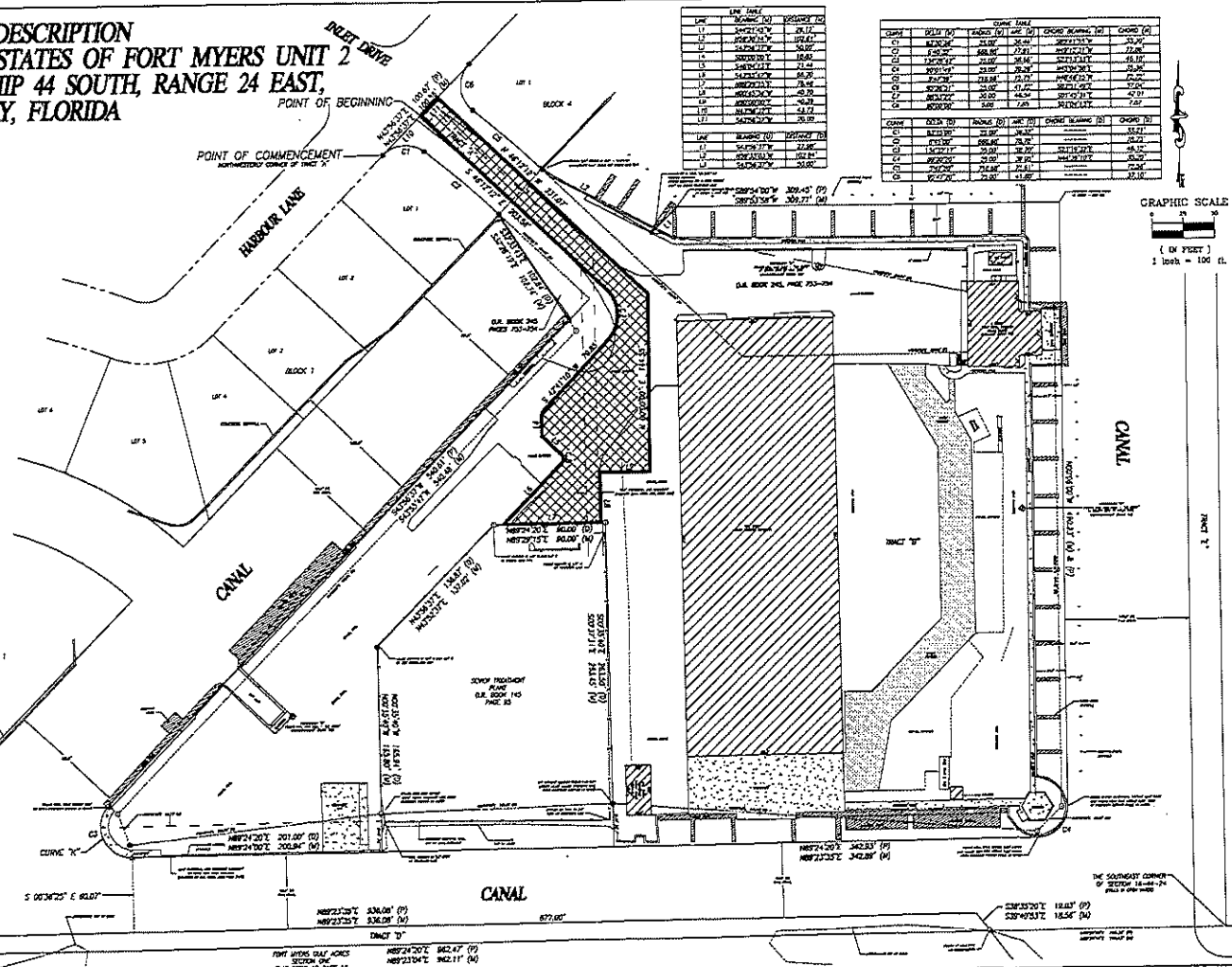
COMMENCING AT THE NORTHWESTERLY CORNER OF TRACT "A" OF SAID WATERWAY ESTATES UNIT 2 PER SAID RECORD PLAT; THENCE NORTH 43°56'37" EAST, ALONG THE NORTHWESTERLY LINE OF SAID TRACT "A", 43.73 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE SOUTH 46°12'12" EAST 303.55 FEET TO POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE WEST, THENCE SOUTHEASTERLY, SOUTHERLY, AND SOUTHWESTERLY 48.54 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 89°53'22", AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 84°53'31" EAST 42.01 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 84°11'01" WEST 79.85 FEET; THENCE SOUTH 00°00'00" EAST 18.83 FEET; THENCE SOUTH 46°04'13" EAST 21.44 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE WEST, THENCE SOUTHEASTERLY, SOUTHERLY, AND SOUTHWESTERLY 7.85 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 3.00 FEET, A CENTRAL ANGLE OF 90°00'00", AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 01°04'13" EAST 7.85 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 43°55'47" WEST 68.20 FEET TO THE NORTHERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 145, PAGE 95 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 89°29'15" EAST, ALONG SAID NORTHERLY LINE, 78.48 FEET; THENCE LEAVING SAID NORTHERLY LINE NORTH 00°45'34" WEST 40.70 FEET; THENCE NORTH 90°00'00" EAST 40.39 FEET; THENCE NORTH 00°00'00" EAST 144.55 FEET; THENCE NORTH 46°12'12" WEST 231.07 FEET TO SAID NORTHWESTERLY LINE OF SAID TRACT "A"; THENCE SOUTH 43°56'37" WEST, ALONG SAID NORTHWESTERLY LINE, 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.348 ACRES (15,169.00 FT) MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

BEARINGS SHOWN HEREIN ARE BASED UPON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983 (1999 ADJUSTMENT). THE RECORD PLAT OF WATERWAYS OF FORT MYERS UNIT 2 IS ALSO BASED UPON THE SAME DATUM.

****THIS IS NOT A SURVEY****



LINE	BEARING (D)	DISTANCE (D)	CHORD BEARING (D)	CHORD DISTANCE (D)
1	S 43°56'37" E	20.00	S 43°56'37" E	20.00
2	S 46°12'12" E	48.54	S 46°12'12" E	48.54
3	S 84°11'01" W	79.85	S 84°11'01" W	79.85
4	S 00°00'00" E	18.83	S 00°00'00" E	18.83
5	S 46°04'13" E	21.44	S 46°04'13" E	21.44
6	S 84°53'31" E	42.01	S 84°53'31" E	42.01
7	S 00°00'00" E	144.55	S 00°00'00" E	144.55
8	S 43°56'37" W	231.07	S 43°56'37" W	231.07
9	S 43°56'37" W	20.00	S 43°56'37" W	20.00

LINE	BEARING (D)	DISTANCE (D)	CHORD BEARING (D)	CHORD DISTANCE (D)
1	S 43°56'37" E	20.00	S 43°56'37" E	20.00
2	S 46°12'12" E	48.54	S 46°12'12" E	48.54
3	S 84°11'01" W	79.85	S 84°11'01" W	79.85
4	S 00°00'00" E	18.83	S 00°00'00" E	18.83
5	S 46°04'13" E	21.44	S 46°04'13" E	21.44
6	S 84°53'31" E	42.01	S 84°53'31" E	42.01
7	S 00°00'00" E	144.55	S 00°00'00" E	144.55
8	S 43°56'37" W	231.07	S 43°56'37" W	231.07
9	S 43°56'37" W	20.00	S 43°56'37" W	20.00

GRAPHIC SCALE
1 inch = 100 ft.

CERTIFIED TRUE

DW JACOSTO & WOOD, INC.
Professional Surveying & Mapping
10110 Highway 19, Suite 100, Fort Myers, FL 33907
Phone: (813) 938-1111, Fax: (813) 938-1112

THIS MAP PREPARED BY:
DW JACOSTO & WOOD, INC.
FOR THE PURPOSE OF:
SURVEYING AND MAPPING
DATE: 04/19/2024
BY: DW JACOSTO & WOOD, INC.

INSTR # 2007000146653, Doc Type EAS, Pages 6, Recorded 05/04/2007 at 02:51 PM,
Charlie Green, Lee County Clerk of Circuit Court, Rec. Fee \$52.50 Deputy
Clerk AFOURNIER

0052002-00037

Document prepared by and return recorded document to:

Katherine R. English
Pavese Law Firm
Post Office Drawer 1507
Fort Myers, FL 33902

PERMANENT ACCESS EASEMENT GRANT

This document, made and entered into between Caloosa Isle Yacht Club, Inc., a Florida corporation ("Caloosa Isle"), whose address is 1687 Inlet Drive, North Fort Myers, Florida, 33903, hereinafter referred to as GRANTOR; and LEE COUNTY, a political subdivision of the State of Florida, whose address is P.O. Box 398, Fort Myers, FL 33902-398, hereinafter referred to as COUNTY.

WITNESSETH

1. For good and valuable consideration, receipt of which is hereby acknowledged, GRANTOR does hereby grant to the COUNTY, a permanent access easement for the purpose of providing access to GRANTOR'S property so that COUNTY'S employees, consulting engineers, contractors and other representatives' vehicles and equipment may have ingress and egress for construction, operation and maintenance of a wastewater utility site described in Official Records Book 145, Page 951 of Lee County Florida, over the Easement described on Exhibit "A".

2. GRANTOR covenants that subject to existing easements of record, if any, GRANTOR is lawfully seized and possessed of the lands, having good and lawful right and power to convey them, and that the lands are free and clear of mortgages, liens, easements and encumbrances except those of record; and GRANTOR will forever warrant and defend the title and terms to this easement and the quiet possession thereof against the lawful claims and demands of all persons.

3. COUNTY indemnifies and holds harmless the GRANTOR from all suits, judgments, claims, demands, costs, and expenses, including attorney's fees and appellate attorney's fees, from any injuries or damages suffered or claimed to be suffered by any person or entity, to have occurred on the Easement and arising out of the

INSTR # 2007000146653 Page Number: 2 of 6

rights granted by this Agreement. This indemnity and hold harmless specifically does not apply to any agents, employees, contractors or invitees or guests of the GRANTOR in their use of the roadway provided they are not injured through the negligent act of the COUNTY. GRANTEE specifically retains and does not waive its sovereign immunity or protection granted by Section 768.28, Florida Statutes, with respect to claims of third parties.

4. The easement, rights and privileges granted herein are non-exclusive, and GRANTOR reserves the right to convey similar rights and easements to other persons except those rights and easements that may interfere with and prevent the use by County of the easement. GRANTOR also retains, reserves and will continue to enjoy use of the property for purposes that do not interfere with and prevent the use by GRANTEE of the easement.

5. GRANTOR agrees to operate and maintain the Easement described in Exhibit "A" in accordance with standard practices typical of development in the area. COUNTY agrees to be responsible for the repair of any damage to the Easement described in Exhibit "A" beyond ordinary wear and tear.

6. This instrument is binding on, and inures to the benefit of, the successors and assigns of the parties.

[The remainder of this page intentionally left blank.]

INSTR # 2007000146653 Page Number: 3 of 6

IN WITNESS WHEREOF this instrument is executed this 15th
day of May, 2006.

Caloosa Isle Yacht Club, Inc.,
A Florida corporation

TWO SEPARATE WITNESSES:

Signature

[Signature]
1st Witness Signature

By:

Michael F. Neves

As:

President

Rachael L Bielert
Printed Name of 1st Witness

[Signature]
2nd Witness Signature

GREGORY J ROSENBERG
Printed Name of 2nd Witness

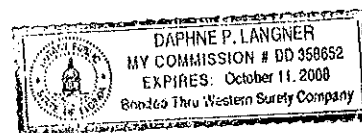
STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this
15th day of March 2007, by Michael Neves as
President of Caloosa Isle Yacht Club, Inc.,
a Florida corporation. He/She is personally known to me or
has produced FLDL as identification
and did not take an oath.

Daphne P Langner
Signature of Notary Public

My Commission Expires: _____

Daphne P Langner
Printed Name of Notary Public



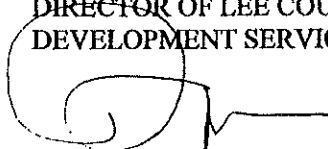
[The remainder of this page intentionally left blank.]

INSTR # 2007000146653 Page Number: 4 of 6

Approved and accepted for and on behalf of LEE COUNTY,
FLORIDA, this 15th day of March 2007.

ACCEPTED:

DIRECTOR OF LEE COUNTY
DEVELOPMENT SERVICES:



Peter J. Eckenrode

ATTEST:

Marcia Wilson
LEE COUNTY CLERK OF COURTS

APPROVED AS TO FORM:

Scott Covert
LEE COUNTY ASST. ATTORNEY
Scott Covert



INSTR # 2007000146653 Page Number: 5 of 6



EXHIBIT "A"
Dagostino & Wood, Inc.

AN EXCLUSIVE ACCESS EASEMENT BEING A PORTION OF WATERWAY ESTATES UNIT 2 AS RECORDED IN PLAT BOOK 12, PAGE 63 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA AND LYING IN SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERLY CORNER OF TRACT "A" OF SAID WATERWAY ESTATES UNIT 2 PER SAID RECORD PLAT; THENCE NORTH 43°56'37" EAST, ALONG THE NORTHWESTERLY LINE OF SAID TRACT "A", 43.73 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE SOUTH 46°12'12" EAST 203.56 FEET TO POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE WEST, THENCE SOUTHEASTERLY, SOUTHERLY, AND SOUTHWESTERLY 46.54 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 88°53'22", AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 01°45'31" EAST 42.01 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 42°41'10" WEST 79.85 FEET; THENCE SOUTH 00°00'00" EAST 18.83 FEET; THENCE SOUTH 46°04'13" EAST 21.44 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE WEST; THENCE SOUTHEASTERLY, SOUTHERLY, AND SOUTHWESTERLY 7.85 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 5.00 FEET, A CENTRAL ANGLE OF 90°00'00", AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 01°04'13" EAST 7.07 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 43°55'47" WEST 68.20 FEET TO THE NORTHERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 145, PAGE 95 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 89°29'15" EAST, ALONG SAID NORTHERLY LINE, 78.48 FEET; THENCE LEAVING SAID NORTHERLY LINE NORTH 00°45'34" WEST 40.70 FEET; THENCE NORTH 90°00'00" EAST 40.39 FEET; THENCE NORTH 00°00'00" EAST 144.55 FEET; THENCE NORTH 46°12'12" WEST 231.07 FEET TO SAID NORTHWESTERLY LINE OF SAID TRACT "A"; THENCE SOUTH 43°56'37" WEST, ALONG SAID NORTHWESTERLY LINE, 20.00 FEET TO THE POINT OF BEGINNING.

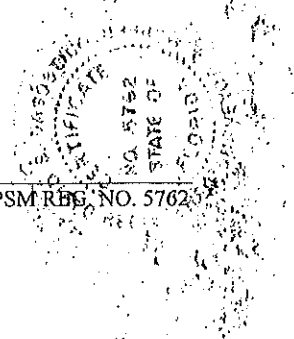
CONTAINING 0.348 ACRES (15,160 SQ FT) MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

BEARINGS SHOWN HEREON ARE BASED UPON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1986 (1999 ADJUSTMENT). THE RECORD PLAT OF WATERWAYS OF FORT MYERS UNIT 2 IS ALSO BASED UPON THE SAME ROTATION.

PREPARED BY:

DAVID S. DAGOSTINO, PSM REG. NO. 5762



NOT VAILD WITHOUT SKETCH

SKETCH OF DESCRIPTION OF A PORTION OF WATERWAY ESTATES OF FORT MYERS UNIT 2 LYING IN SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA

LEGAL DESCRIPTION

AN EXCLUSIVE ACCESS EASEMENT BEING A PORTION OF WATERWAY ESTATES UNIT 2 AS RECORDED IN PLAT BOOK 12, PAGE 43 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA AND LYING IN SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

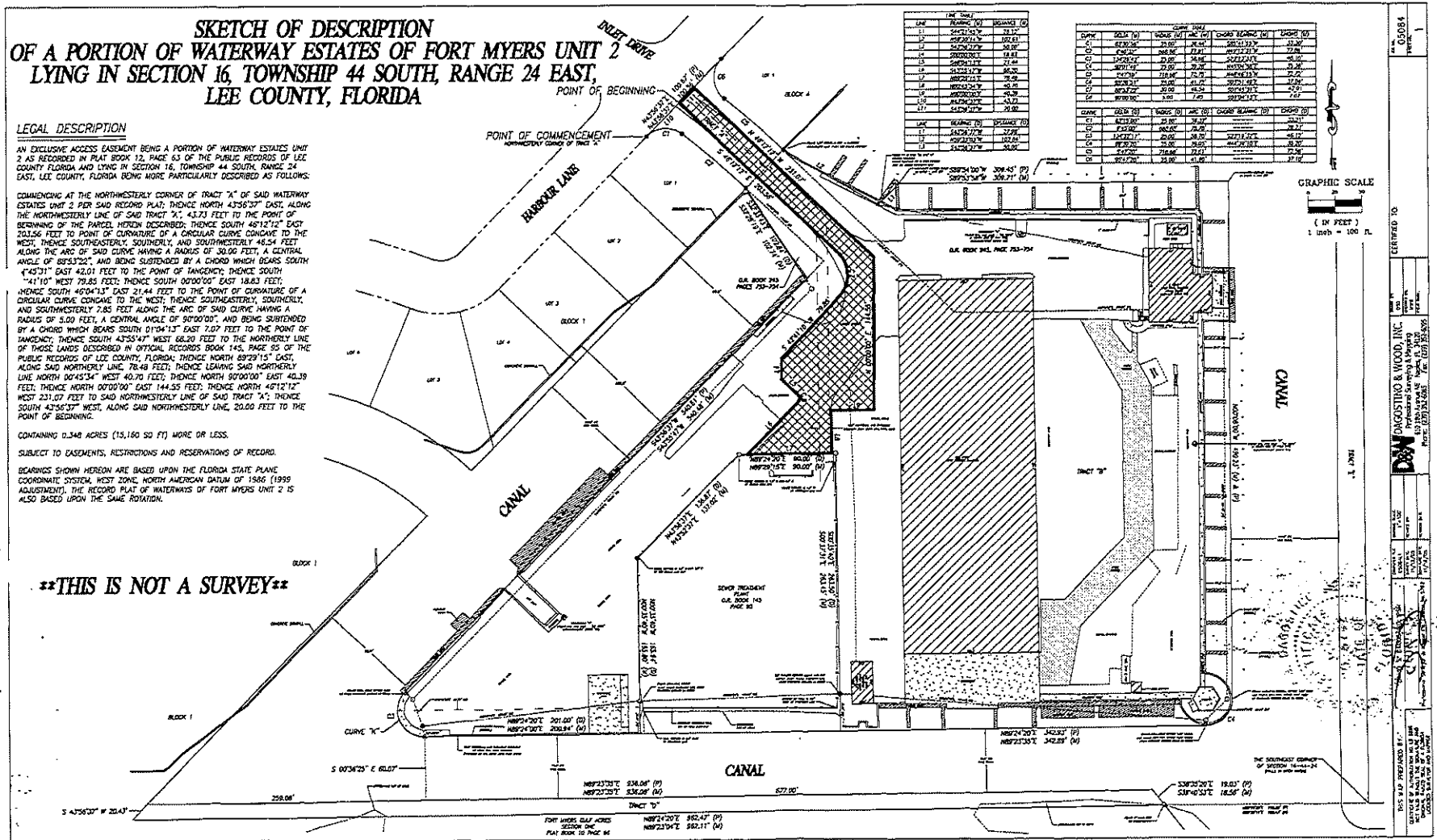
COMMENCING AT THE NORTHWESTERLY CORNER OF TRACT "A" OF SAID WATERWAY ESTATES UNIT 2 PER SAID RECORD PLAT; THENCE NORTH 43°56'27" EAST, ALONG THE NORTHWESTERLY LINE OF SAID TRACT "A", 43.73 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE SOUTH 46°12'12" EAST 301.56 FEET TO POINT OF CURVATURE OF A CIRCULAR CURVE CONGRUOUS TO THE WEST, THENCE SOUTHEASTERLY, SOUTHERLY, AND SOUTHWESTERLY 46.54 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 85°53'22", AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 4°45'31" EAST 42.01 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 4°45'31" WEST 79.85 FEET; THENCE SOUTH 00°00'00" EAST 18.83 FEET; THENCE SOUTH 46°04'13" EAST 21.44 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONGRUOUS TO THE WEST, THENCE SOUTHEASTERLY, SOUTHERLY, AND SOUTHWESTERLY 7.85 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 5.00 FEET, A CENTRAL ANGLE OF 90°00'00", AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 01°04'13" EAST 7.07 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 43°56'47" WEST 68.80 FEET TO THE NORTHERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 143, PAGE 50 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 89°29'15" EAST, ALONG SAID NORTHERLY LINE, 78.48 FEET; THENCE LEAVING SAID NORTHERLY LINE NORTH 00°45'34" WEST 40.70 FEET; THENCE NORTH 00°00'00" EAST 40.39 FEET; THENCE NORTH 00°00'00" EAST 144.35 FEET; THENCE NORTH 46°12'12" WEST 231.07 FEET TO SAID NORTHWESTERLY LINE OF SAID TRACT "A"; THENCE SOUTH 43°56'37" WEST, ALONG SAID NORTHWESTERLY LINE, 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.348 ACRES (15,180 SQ FT) MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

BEARINGS SHOWN HEREON ARE BASED UPON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1983 (1999 ADJUSTMENT). THE RECORD PLAT OF WATERWAYS OF FORT MYERS UNIT 2 IS ALSO BASED UPON THE SAME DATUM.

****THIS IS NOT A SURVEY****



INSTR # 2007000119023, Doc Type NOT, Pages 5, Recorded 04/12/2007 at 07:41 AM,
Charlie Green, Lee County Clerk of Circuit Court, Rec. Fee \$44.00 Deputy
Clerk JCASOLA



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Environmental Resource Permit Notice

Document Prepared By:

South Florida Water Management District

Return Recorded Document To:

Environmental Resource Regulation

South Florida Water Management District

3301 Gun Club Road

West Palm Beach, FL 33406

RE: South Florida Water Management District (SFWMD) Environmental Resource Permit No. 36-01177-S (Permit)

061018-6

The SFWMD hereby gives notice that Environmental Resource Permit Number 36-01177-S has been issued to authorize the construction or modification of a surface water management system on portions of the real-property described on Exhibit "A" attached hereto and made a part hereof ("Premises"). This property is subject to the requirements and restrictions set forth in Chapter 373, Florida Statute and Rule 40E, Florida Administrative Code.

Notice

Within thirty (30) days of any transfer of interest or control of that portion of the premises containing the surface water management system (or any portion thereof), the permittee must notify the SFWMD in writing of the property transfer. Notification of the transfer does not by itself constitute a permit transfer. Therefore, purchasers of that portion of the premises containing the surface water management system (or any portion thereof) are notified that it is unlawful for any person to construct, alter, operate, maintain, remove or abandon any stormwater management system, dam, impoundment, reservoir, appurtenant work or works, or any combination thereof, including dredging or filling, without first having obtained an environmental resource permit from the SFWMD in the purchaser's name.

Within thirty (30) days of the completion of construction of the surface water management system, a signed and sealed construction completion certification must be submitted to SFWMD pursuant to the requirements of Rule 40E-4.361, Florida Administrative Code.

This notice is applicable to property containing the backbone of the surface water management system. For purposes of this notice only, the backbone of the surface water management system is limited to lakes, canals, water control structures, roads, and wetlands used for water quality treatment or storage.

Conditions

The Permit is subject to the General Conditions set forth in Rule 40E-4.381, Florida Administrative Code. The Permit also contains additional provisions including Special and Limiting Conditions. Accordingly, interested parties should closely examine the entire Permit and any subsequent modifications.

Conflict Between Notice And Permit

This Notice of Permit is not a complete summary of the Permit. Provisions in this Notice of Permit shall not be used in interpreting the Permit provisions. In the event of conflict between this Notice of Permit and the Permit, the Permit shall control.

This Notice Is Not An Encumbrance

This Notice is for informational purposes only. It is not intended to be a lien, encumbrance, or cloud on the title of the premises.

44

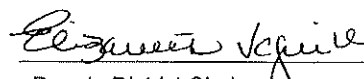
INSTR # 2007000119023 Page Number: 2 of 5

Release

This Notice may not be released or removed from the public records without the prior written consent of the South Florida Water Management District.

This Notice of Permit is executed on this 12th day of March, 2007.

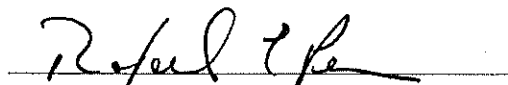
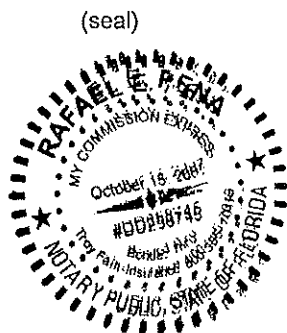
South Florida Water Management District


Deputy District Clerk

South Florida Water Management District contact: Director of Environmental Resource Compliance (ERC),
Environmental Resource Regulation Department.

STATE OF FloridaCOUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 12th day of March, 2007 by ELIZABETH VEGUILLA, as Deputy District Clerk of the South Florida Water Management District a public corporation, on behalf of the public corporation. He/She is personally known to me or has produced _____ as identification.


Notary PublicRAFAEL E. PENNA
PrintMy Commission Expires: Oct 15, 2007

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INSTR # 2006000094527 Page Number: 3 of 3

Permit #36-01177-S/App #061018-6
Caloosa Isle Yacht Club

LEGAL DESCRIPTION

PART OF WATERWAY ESTATES OF FORT MYERS UNIT 2 SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA.

A TRACT OR PARCEL OF LAND LYING IN WATERWAY ESTATES OF FORT MYERS UNIT 2 IN THE SOUTHEAST QUARTER (SE-1/4) OF THE SOUTHEAST QUARTER (SE-1/4) OF SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST, LEE COUNTY FLORIDA, AS SHOWN ON SHEET 2 OF THE PLAT RECORDED IN PLAT BOOK 12 BEGINNING AT PAGE 63, LEE COUNTY RECORDS, WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF CURVATURE ON CURVE "K" ON THE SOUTH LINE OF TRACT "B", AS SHOWN ON SAID PLAT OF WATERWAY ESTATES OF FORT MYERS UNIT 2, RUN N 89°24'20" E ALONG SAID SOUTH LINE FOR 201.00 FEET TO THE WEST LINE OF THE PARCEL DESCRIBED IN DEED RECORDED IN OFFICIAL RECORDS BOOK 145 AT PAGE 95, LEE COUNTY RECORDS; THENCE RUN N 00°35'40" W ALONG SAID WEST LINE FOR 165.94 FEET TO THE NORTHWESTERLY LINE OF SAID PARCEL; THENCE RUN N 43°56'37" E ALONG SAID NORTHWESTERLY LINE FOR 136.87 FEET TO AN INTERSECTION WITH THE NORTHERLY LINE OF SAID PARCEL; THENCE RUN N 89°24'20" E ALONG SAID NORTH LINE FOR 90.00 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID PARCEL; THENCE RUN S 00°35'40" E ALONG SAID EAST LINE FOR 263.50 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID TRACT "B"; THENCE RUN N 89°24'20" E ALONG SAID SOUTH LINE FOR 342.93 FEET TO A POINT OF CURVATURE; THENCE RUN EASTERLY, NORTHEASTERLY, AND NORTHERLY ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 25.00 FEET (DELTA 89°30'20") (CHORD BEARING N 44°39'10" E) (CHORD 35.20 FEET) FOR 39.05 FEET TO A POINT OF TANGENCY ON THE EAST LINE OF SAID TRACT "B"; THENCE RUN N 00°06'00" W ALONG SAID EAST LINE AND A NORTHERLY PROLONGATION THEREOF ON THE EAST LINE OF THE FIRST PARCEL DESCRIBED IN RESOLUTION RECORDED IN OFFICIAL RECORDS BOOK 245 BEGINNING AT PAGE 753 OF SAID PUBLIC RECORDS FOR 490.23 FEET TO THE NORTH LINE OF SAID PARCEL; THENCE RUN S 89°54'00" W ALONG SAID NORTH LINE FOR 309.45 FEET TO AN INTERSECTION WITH THE NORTHWESTERLY LINE OF SAID PARCEL; THENCE RUN S 43°56'37" W ALONG SAID NORTHWESTERLY LINE FOR 27.98 FEET TO A NORTHEASTERLY LINE OF SAID PARCEL; THENCE RUN N 59°33'03" W ALONG SAID NORTHEASTERLY LINE FOR 102.84 FEET TO THE NORTHERLY MOST CORNER OF SAID TRACT "B"; THENCE RUN S 43°56'37" W ALONG THE SOUTHEASTERLY LINE OF TRACT "A" OF SAID WATERWAY ESTATES FOR 50.00 FEET TO THE SOUTHERLY MOST CORNER OF SAID TRACT "A"; THENCE RUN S 32°33'43" E ALONG THE SOUTHWESTERLY LINE OF THE SECOND PARCEL DESCRIBED IN SAID RESOLUTION RECORDED IN OFFICIAL RECORDS BOOK 245, AT PAGE 753, LEE COUNTY RECORDS, FOR 102.84 FEET TO AN INTERSECTION WITH THE NORTHWESTERLY LINE OF SAID TRACT "B"; THENCE RUN S 43°56'37" W ALONG SAID NORTHWESTERLY LINE FOR 540.61 FEET TO A POINT OF CURVATURE ON SAID CURVE "K"; THENCE RUN SOUTHWESTERLY, SOUTHERLY AND SOUTHEASTERLY ALONG AN ARC OF A CURVE TO THE LEFT OF RADIUS 25.00 FEET (DELTA 134°32'17") (CHORD BEARING S 23°19'32" E) (CHORD 46.12 FEET) FOR 58.70 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

CONTAINING 5.80 ACRES MORE OR LESS.

BEARINGS HEREINABOVE MENTIONED ARE BASED ON SAID PLAT OF WATERWAY ESTATES UNIT 2.

TOGETHER WITH ALL OF TRACT "A" OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2 AS PER SAID PLAT.

TOGETHER WITH ALL OF TRACT "D" LYING EASTERLY OF THE SOUTHERLY PROLONGATION OF BLOCK 1 OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2 AS PER SAID PLAT.

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Dayestine & Wood, Inc.

Legal for Main Tract
(5.925 acres)

A PARCEL OF LAND BEING A PORTION OF WATERWAY ESTATES UNIT 2 AS RECORDED IN PLAT BOOK 12, PAGE 61 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA AND LYING IN SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST LEE COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF CURVATURE ON CURVE "K" ON THE SOUTH LINE OF TRACT "B" AS SHOWN ON SAID PLAT OF WATERWAY ESTATES OF FORT MYERS UNIT 2; THENCE NORTH $89^{\circ}24'00''$ EAST, ALONG THE SOUTH LINE OF SAID TRACT "B", 200.94 FEET TO THE WEST LINE OF THE PARCEL DESCRIBED IN THE DEED RECORDED IN OFFICIAL RECORDS BOOK 145, PAGE 93 OF SAID PUBLIC RECORDS OF LEE COUNTY FLORIDA; THENCE NORTH $00^{\circ}35'40''$ WEST, ALONG SAID WEST LINE 165.80 FEET; THENCE NORTH $43^{\circ}52'37''$ EAST, ALONG SAID WEST LINE, 137.02 FEET TO THE NORTH LINE OF SAID PARCEL; THENCE NORTH $89^{\circ}29'13''$ EAST, ALONG SAID NORTH LINE, 90.00 FEET TO THE EAST LINE OF SAID PARCEL; THENCE SOUTH $00^{\circ}37'31''$ EAST, ALONG SAID EAST LINE 263.45 FEET TO THE SOUTH LINE OF SAID TRACT "B"; THENCE NORTH $89^{\circ}23'35''$ EAST, ALONG SAID SOUTH LINE, 342.89 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST; THENCE EASTERLY, NORTHEASTERLY AND NORTHERLY 39.24 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 23.00 FEET, A CENTRAL ANGLE OF $90^{\circ}01'49''$, AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH $45^{\circ}04'58''$ EAST 35.36 FEET TO THE END OF SAID CURVE; THENCE NORTH $00^{\circ}06'00''$ WEST, ALONG THE EAST LINE OF SAID TRACT "B" AND THE NORTHERLY PROLONGATION THEREOF, 490.23 FEET; THENCE SOUTH $89^{\circ}53'38''$ WEST 309.71 FEET; THENCE SOUTH $44^{\circ}21'43''$ WEST 28.12 FEET; THENCE NORTH $39^{\circ}39'14''$ WEST 102.61 FEET TO THE SOUTHEASTERLY CORNER OF TRACT "A" OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2 AND THE POINT OF CURVATURE OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; THENCE NORTHWESTERLY 72.75 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 718.68 FEET, A CENTRAL ANGLE OF $05^{\circ}47'59''$, AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH $48^{\circ}46'13''$ WEST 72.72 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE EAST; THENCE NORTHWESTERLY, NORTHERLY, AND NORTHEASTERLY 41.72 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 23.00 FEET, A CENTRAL ANGLE OF $95^{\circ}36'51''$, AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH $03^{\circ}51'49''$ WEST 37.04 FEET TO THE SOUTHEASTERLY LINE OF HARBOUR LANE; THENCE SOUTH $43^{\circ}56'37''$ WEST, ALONG SAID SOUTHEASTERLY LINE 100.56 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; THENCE NORTHEASTERLY, EASTERLY AND SOUTHEASTERLY 36.44 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 23.00 FEET, A CENTRAL ANGLE OF $83^{\circ}30'36''$, AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH $85^{\circ}41'53''$ EAST 33.10 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CIRCULAR CURVE CONCAVE TO THE SOUTHWEST; THENCE SOUTHEASTERLY 77.91 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 668.68 FEET, A CENTRAL ANGLE OF $06^{\circ}40'32''$, AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH $49^{\circ}12'31''$ EAST 77.86 FEET TO THE END OF SAID CURVE AND THE SOUTHEASTERLY CORNER OF SAID TRACT "A"; THENCE SOUTH $32^{\circ}28'19''$ EAST 102.74 FEET THE NORTHWESTERLY LINE OF SAID TRACT "B"; THENCE SOUTH $43^{\circ}55'47''$ WEST, ALONG SAID NORTHWESTERLY LINE, 540.48 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST BEING SAID CURVE "K" AS SHOWN ON THE PLAT OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2; THENCE SOUTHWESTERLY, SOUTHERLY AND SOUTHEASTERLY 58.66 FEET ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 23.00 FEET, A CENTRAL ANGLE OF $134^{\circ}26'42''$ AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH $23^{\circ}13'33''$ EAST 46.10 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.925 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD

618 18th Ave
Pensacola 32503-2531RECEIVED
DEC 02 2005

DCI 2005-00095

EXHIBIT A COMMUNITY DEVELOPMENT
JUL 2005-00095

INSTR # 2007000119023 Page Number: 5 of 5

**Dagostino & Wood, Inc.**Legal for Tract "D"
(0.316 acres)

A PARCEL OF LAND BEING A PORTION OF WATERWAY ESTATES UNIT 2 AS RECORDED IN PLAT BOOK 12, PAGE 63 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA AND LYING IN SECTION 16, TOWNSHIP 44 SOUTH, RANGE 24 EAST LEE COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF TRACT "D" LYING EASTERLY OF THE SOUTHERLY PROLONGATION OF BLOCK 1 OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2 AS PER SAID PLAT RECORDED IN PLAT BOOK 12, PAGE 64, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF CURVATURE OF CURVE "K" ON THE SOUTH LINE OF TRACT "B" AS SHOWN ON SAID PLAT OF WATERWAY ESTATES OF FORT MYERS UNIT 2 FOR A POINT OF REFERENCE; THENCE SOUTH 00°36'23" EAST 60.07 FEET TO THE NORTH LINE OF SAID TRACT "D" AND THE POINT OF BEGINNING; THENCE SOUTH 89°23'35" WEST, ALONG SAID NORTH LINE 239.08 FEET TO THE SOUTHERLY PROLONGATION OF BLOCK 1 OF SAID WATERWAY ESTATES OF FORT MYERS UNIT 2; THENCE SOUTH 43°56'37" WEST, ALONG SAID SOUTHERLY PROLONGATION 20.43 FEET TO THE SOUTH LINE OF SAID TRACT "B"; THENCE NORTH 89°23'04" EAST, ALONG SAID SOUTH LINE 962.11 FEET TO THE EAST LINE OF SAID TRACT "B"; THENCE NORTH 39°40'53" WEST, ALONG SAID EAST LINE, 18.56 FEET TO SAID NORTH LINE OF TRACT "B"; THENCE SOUTH 49°23'35" WEST, ALONG SAID NORTH LINE 677.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.316 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

BEARINGS SHOWN HEREON ARE BASED UPON THE FLORIDA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NORTH AMERICAN DATUM OF 1986 (1999 ADJUSTMENT). THE RECORD PLAT OF WATERWAYS OF FORT MYERS UNIT 2 IS ALSO BASED UPON THE SAME ROTATION.

Applicant's Legal Checked
by lgm 1/25/2006

PREPARED BY:

DAVID S. DAGOSTINO, PSM #EQ. NO. 3762

NOT VALID WITHOUT SKETCH

DCI 2005-00095

RECEIVED
DEC 02 2005

COMMUNITY DEVELOPMENT
810 18TH AVENUE NE Naples, FL 34108
Phone (239)332-6005 Fax (239)332-6005

INSTR # 2007000135460, Doc Type EAS, Pages 8, Recorded 04/25/2007 at 04:10 PM,
Linda Doggett, Lee County Clerk of Circuit Court, Deed Doc. D \$0.70 Rec. Fee
\$69.50 Deputy Clerk AFournier

Document prepared by and return recorded document to:

Katherine R. English
Pavese Law Firm
Post Office Drawer 1507
Fort Myers, FL 33902

DEED OF CONSERVATION EASEMENT

THIS DEED OF CONSERVATION EASEMENT is given this 19th day of April, 2007, by Caloosa Isle Yacht Club, Inc., ("Grantor") whose mailing address is 1687 Inlet Drive, North Fort Myers, 33903 to Lee County ("Grantee") a political subdivision of the State of Florida whose mailing address is P.O. Box 398, Fort Myers, FL 33902. As used herein, the term "Grantor" shall include any and all heirs, successors or assigns of the Grantor, and all subsequent owners of the "Property" (as hereinafter defined) and the term "Grantee" shall include any successor or assignee of Grantee.

WITNESSETH

WHEREAS, the Grantor is the owner of certain lands situated in Lee County, Florida, and more specifically described as Tract D in Exhibit "A" attached hereto and incorporated herein ("Property" or "Conservation Easement"); and

WHEREAS, the Grantor desires to construct a commercial planned development incorporating 44 wet boat slips and 239 dry slips, a 7000 square foot restaurant and approximately 7,500 square feet of ancillary uses at a site in Lee County, which is subject to the regulatory jurisdiction of Lee County; and

WHEREAS, Zoning Resolution No. Z-06-065 ("Resolution") authorizes certain activities which affects surface waters in or of the State of Florida; and

WHEREAS, this Resolution requires that the Grantor preserve enhance, and restore wetlands and/or uplands; and

WHEREAS, Lee County Zoning Resolution Z-06-065 ("Resolution"), Condition 3 requires the developer to record a conservation easement dedicating Tract D to Lee County prior to the issuance of a local development order allowing construction of the Caloosa Isle Yacht Club project; and

WHEREAS, the Grantor is agreeable to granting and securing to the Grantee a perpetual Conservation Easement, as defined in Section 704.06, Florida Statutes, over the area described in Exhibit A as Tract D in support of the approval of an amendment to Lee County Development Order DOS2002-00037; and

NOW, THEREFORE, in consideration of and in order to obtain Lee County Development Order approval authorizing construction of the Caloosa Isle Yacht Club project and in compliance with Lee County Resolution Z-06-065, together with other

INSTR # 2007000135460 Page Number: 2 of 8

good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, Grantor hereby grants, creates and establishes a perpetual Conservation Easement for and in favor of the Grantee upon the property described in Exhibit A, as follows:

The scope, nature, and character of this Conservation Easement shall be as follows:

1. Recitals. The recitals hereinabove set forth are true and correct and are hereby incorporated into and made a part of this Conservation Easement.

2. Purpose. It is the purpose of this Conservation Easement to retain land or water areas in their natural, vegetative, hydrologic, scenic, open, or wooded condition and to retain such areas as suitable habitat for fish, plants or wildlife. Those wetland and/or upland areas included in the Conservation Easement which are to be enhanced or preserved pursuant to the Resolution and Development Order shall be retained and maintained in the enhanced or preserved conditions required by the Resolution and Development Order. To carry out this purpose, the following rights are conveyed to Grantee by this easement:

a. To enter upon the Property at reasonable times with any necessary equipment or vehicles to enforce the rights herein granted in a manner that will not unreasonably interfere with the use and quiet enjoyment of the Property by Grantor at the time of such entry; and

b. To enjoin any activity on or use of the Property that is inconsistent with this Conservation Easement and to enforce the restoration of such areas or features of the Conservation Easement that may be damaged by any inconsistent activity or use.

3. Prohibited Uses. Except for preservation and maintenance and monitoring activities, or surface water management improvements or other activities described herein that are permitted or required by the Resolution or Development Order, the following activities are prohibited in or on the Conservation Easement:

a. Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground;

b. Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials;

c. Removal, destruction or trimming of native trees, shrubs, or other vegetation, including mangrove trees, except as specifically provided in Paragraph 4;

d. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface:

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e. Surface use except for purposes that permit the land or water area to remain in its natural condition:

f. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation including, but not limited to, ditching, diking and fencing:

g. Acts or uses detrimental to such aforementioned retention of land or water areas:

h. Acts or uses which are detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance.

4. Permitted Uses: In addition to those rights reserved pursuant to Paragraph 6,

a. Limited trimming of mangrove trees may be conducted, with prior Lee County approval, to accommodate navigation and future boat mooring docks and accessways.

b. Removal of exotic pest plants as defined in Land Development Code 10-420(h) along with other trash and debris.

5. Maintenance. Grantor agrees to maintain the Property in perpetuity, including controlling exotic pest plants and refraining from any uses inconsistent with this Conservation Easement

6. Grantor's Reserved Rights. Grantor reserves all rights as owner of the Property, including the right to engage in uses of the Property that are not prohibited herein and which are not inconsistent with any Lee County rule, criteria, authorization and the intent and purposes of this Conservation Easement.

7. Reservation of Riparian Rights. The following rights are specifically reserved to the Grantor, its heirs, successors and assigns:

a. To the extent provided by law, Grantor reserves all riparian rights which are consistent with the purpose of this statutory Conservation Easement. Notwithstanding, the Grantor specifically reserves the right to conduct limiting vegetation removal and clearing for the purpose of constructing boat docks and adjoining boardwalks in accordance with County regulations. Grantor shall minimize and avoid, to the fullest extent possible, impacts to any mangroves within the Conservation Easement Area. This reservation does not release the Grantor from the duty of obtaining any necessary county, federal, state or local government permit authorizations or sovereign land approvals for construction of the docks or boardwalks

b. Plans for the construction of boardwalks to a boat dock shall be reviewed and approved by the County prior to any construction.

c. Since there are navigable waters immediately adjacent to the conservation area, boats and other similar surface uses are permissible within the navigable areas of the conservation area.

8. No Dedication. No right of access by the general public to any portion of the Property is conveyed by this Conservation Easement.

9. Grantee's Liability. Grantee is not responsible for any costs or liabilities related to the operation, upkeep or maintenance of the Property.

10. Property Taxes. Grantor shall keep the payment of taxes and assessments on the Easement Parcel current and shall not allow any lien on the Easement Parcel superior to this Easement. In the event Grantor fails to extinguish or obtain a subordination of such lien, in addition to any other remedy, the Grantee may, but shall not be obligated to, elect to pay the lien on behalf of the Grantor and Grantor shall reimburse Grantee for the amount paid by Grantee, together with Grantee's reasonable attorney's fees and costs, with interest at the maximum rate allowed by law, no later than thirty days after such payment. In the event Grantor does not so reimburse the Grantee, the debt owed to Grantee shall constitute a lien against the Easement Parcel which shall automatically relate back to the recording date of this Easement. Grantee may foreclose this lien on the Easement Parcel in the manner provided for mortgages on real property.

11. Assignment. Grantee will hold this Conservation Easement exclusively for conservation purposes. Grantee will not assign its rights and obligations under this Conservation Easement except to another organization or entity qualified to hold such interests under the applicable state laws.

12. Severability. If any provision of this Conservation Easement or the application thereof to any person or circumstances is found to be invalid, the remainder of the provisions of this Conservation Easement shall not be affected thereby, as long as the purpose of the Conservation Easement is preserved.

13. Terms, Conditions, Restrictions, Purpose. The terms, conditions, restrictions and purpose of this Conservation Easement shall be inserted by Grantor in any subsequent deed or other legal instrument by which Grantor divests itself of any interest in the Conservation Easement. Any future holder of the Grantor's interest in the Property shall be notified in writing by Grantor of this Conservation Easement.

14. Written Notice. All notices, consents, approvals or other communications hereunder shall be in writing and shall be deemed properly given if sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor-in-interest.

15. Modifications. Any amendments or modifications to the terms, conditions, restrictions, or purpose of this Conservation Easement, or any release or termination thereof, shall be subject to prior review and written approval by Lee County. Lee County shall be provided no less than 90 days advanced notice in the manner described herein of

INSTR # 2007000135460 Page Number: 5 of 8

any such proposed amendment, modification, termination or release. This Conservation Easement may be amended, altered, released or revoked only by written agreement between the parties hereto or their heirs, assigns or successors-in-interest, which shall be filed in the public records in Lee County, Florida.

16. Governing Law. All questions relative to the execution, validity, interpretation, and performance of this lease shall be governed by the laws of the State of Florida, and any action arising hereunder shall be venued exclusively in Lee County, Florida

17. Notwithstanding the above, specifically paragraphs 4 and 8, Lee County acceptance of this easement does not obligate the County to issue permits for construction on or improvements associated with, Tract D. Further, acceptance of this easement does not by itself constitute acquiescence to the Grantor's right to use Tract D for boat docks, boardwalks or similar uses.

TO HAVE AND TO HOLD unto Grantee forever. The covenants, terms, conditions, restrictions and purposes imposed with this Conservation Easement shall be binding upon Grantor, and shall continue as a servitude running in perpetuity with the Property.

Grantor hereby covenants with said Grantee that Grantor is lawfully seized of said Property in fee simple; that the Conservation Easement is free and clear of all encumbrances that are inconsistent with the terms of this Conservation Easement; and all mortgages and liens on the Conservation Easement area, if any, have been subordinated to this Conservation Easement; that Grantor has good right and lawful authority to convey this Conservation Easement; and that it hereby fully warrants and defends the title to the Conservation Easement hereby conveyed against the lawful claims of all persons whomsoever.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

INSTR # 2007000135460 Page Number: 6 of 8

IN WITNESS WHEREOF, Michael F. Neves has hereunto set its
authorized hand this 16 day of April, 2007.

Signed, sealed and delivered in our presence as witnesses:

By: [Signature] CALOOSA ISLE YACHT CLUB, INC.,
A Florida Corporation

Print Name: Donna Kife By: [Signature]

As: [Signature]

By: [Signature]

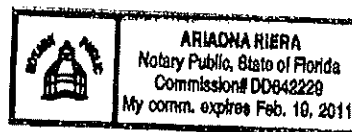
Print Name: Ariadna Riera

STATE OF FLORIDA
COUNTY OF Lee

On this 16 day of April, 2007 before me, the
undersigned notary public, personally appeared _____,
personally known to me to be the person who subscribed to the foregoing instrument, as
the (position) President, of Caloosa Isle
Yacht Club, Inc., a Florida corporation, and acknowledged that he/she executed the same
on behalf of said corporation and that he/she was duly authorized to do so.

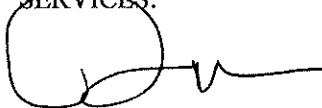
IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARY PUBLIC, STATE OF FLORIDA
Ariadna Riera
Print Name:
My Commission Expires: Feb 19 2011



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ACCEPTED:

DIRECTOR OF DEVELOPMENT
SERVICES:

Peter J. Eckenrode

ATTEST:



LEE COUNTY CLERK OF COURTS

APPROVED AS TO FORM:



LEE COUNTY ATTORNEY





Lee County Tax Collector

Noelle Branning

2023 Paid Real Estate Tax Notice

Ad Valorem Taxes and Non-ad Valorem Assessments for Lee County, Florida

Account Number:
16-44-24-03-0030A.0000
Alternate Key:
2100336022
Millage Code:
036

Site Address / Legal Description:
1687 INLET DR

WATERWAY ESTATES UNIT 2 PB 12 PG 64
TRACT A

Exemptions/Values:

Assessed Value	200.00
Wholly Exempt Exemption	131.00
Wholly No Homestead Exemption	131.00
Wholly Exempt School	200.00
Senior Wholly Exempt Exemption 1	131.00
Senior Wholly Exempt Exemption 2	131.00
Wholly Tax Value Exemption	131.00

* See message below

LEE COUNTY
PO BOX 398
FORT MYERS, FL 33902

Ad Valorem Taxes Levying Authority

	Telephone	Mill Rate	Assessed	Exemption	Taxable	Amount
LEE COUNTY GENERAL REVENUE	239-533-2221	3.7623	131	131	0	0.00
PUBLIC SCHOOL - BY LOCAL BOARD	239-337-8215	2.2480	200	200	0	0.00
PUBLIC SCHOOL - BY STATE LAW	239-337-8215	3.1820	200	200	0	0.00
LEE COUNTY ALL HAZARDS - MSTU	239-533-2221	0.0693	131	131	0	0.00
LEE COUNTY UNINCORPORATED - MSTU	239-533-2221	0.8398	131	131	0	0.00
LEE COUNTY LIBRARY FUND	239-533-2221	0.4714	131	131	0	0.00
WATERWAY ESTATES LIGHT - MSTU	239-533-2308	0.3150	131	131	0	0.00
SFL WATER MGMT-DISTRICT LEVY	561-686-8800	0.0948	131	131	0	0.00
SFL WATER MGMT-EVERGLADE CONST	561-686-8800	0.0327	131	131	0	0.00
SFL WATER MGMT-OKEECHOBEE LEVY	561-686-8800	0.1026	131	131	0	0.00
LEE COUNTY HYACINTH CONTROL	239-694-2174	0.0217	131	131	0	0.00
LEE COUNTY MOSQUITO CONTROL	239-694-2174	0.2300	131	131	0	0.00
NORTH FORT MYERS FIRE DISTRICT	239-997-8654	3.5000	131	131	0	0.00
WEST COAST INLAND NAVIGATION DISTRICT	941-485-9402	0.0394	131	131	0	0.00

Non-Ad Valorem Assessments Levying Authority

Telephone	Rate	Amount
-----------	------	--------

2023 Combined Total Ad Valorem and Non-Ad Valorem:

\$0.00

2023 Paid Real Estate

Tax Notice

Account: 16-44-24-03-0030A.0000
Site Address: 1687 INLET DR,
NORTH FORT MYERS,
33903
Alternate Key: 2100336022

* If the address below is not correct, visit LeePA.org to update your address.

LEE COUNTY
PO BOX 398
FORT MYERS, FL 33902

Make check payable to:

LEE COUNTY TAX COLLECTOR
PO BOX 1609
FORT MYERS FL 33902-1609

Return with payment

PAY ONLY ONE AMOUNT

If Received By: Amount Due:
Nov 30, 2023 \$0.00

Phone/Email Contact: _____

For payment options and instructions, refer to the back of this notice.



Lee County Tax Collector

Noelle Branning

2023 Paid Real Estate Tax Notice

Ad Valorem Taxes and Non-ad Valorem Assessments for Lee County, Florida

Account Number:
16-44-24-03-0030B.0000
Alternate Key:
2100336023
Millage Code:
036

Site Address / Legal Description:
1687 INLET DR

WATERWAY ESTATES UNIT 2 PB 12 PG 64
TRACT B + LAND DESC IN OR 245/753

Exemptions/Values:

Assessed Value	2,830,418.00
Wholly Exempt Exemption	2,830,418.00
Wholly No Homestead Exemption	2,830,418.00
Wholly Exempt School	2,830,418.00
Senior Wholly Exempt Exemption 1	2,830,418.00
Senior Wholly Exempt Exemption 2	2,830,418.00
Wholly Tax Value Exemption	2,830,418.00

* See message below

LEE COUNTY
PO BOX 398
FORT MYERS, FL 33902

Ad Valorem Taxes Levying Authority

	Telephone	Mill Rate	Assessed	Exemption	Taxable	Amount
LEE COUNTY GENERAL REVENUE	239-533-2221	3.7623	2,830,418	2,830,418	0	0.00
PUBLIC SCHOOL - BY LOCAL BOARD	239-337-8215	2.2480	2,830,418	2,830,418	0	0.00
PUBLIC SCHOOL - BY STATE LAW	239-337-8215	3.1820	2,830,418	2,830,418	0	0.00
LEE COUNTY ALL HAZARDS - MSTU	239-533-2221	0.0693	2,830,418	2,830,418	0	0.00
LEE COUNTY UNINCORPORATED - MSTU	239-533-2221	0.8398	2,830,418	2,830,418	0	0.00
LEE COUNTY LIBRARY FUND	239-533-2221	0.4714	2,830,418	2,830,418	0	0.00
WATERWAY ESTATES LIGHT - MSTU	239-533-2308	0.3150	2,830,418	2,830,418	0	0.00
SFL WATER MGMT-DISTRICT LEVY	561-686-8800	0.0948	2,830,418	2,830,418	0	0.00
SFL WATER MGMT-EVERGLADE CONST	561-686-8800	0.0327	2,830,418	2,830,418	0	0.00
SFL WATER MGMT-OKEECHOBEE LEVY	561-686-8800	0.1026	2,830,418	2,830,418	0	0.00
LEE COUNTY HYACINTH CONTROL	239-694-2174	0.0217	2,830,418	2,830,418	0	0.00
LEE COUNTY MOSQUITO CONTROL	239-694-2174	0.2300	2,830,418	2,830,418	0	0.00
NORTH FORT MYERS FIRE DISTRICT	239-997-8654	3.5000	2,830,418	2,830,418	0	0.00
WEST COAST INLAND NAVIGATION DISTRICT	941-485-9402	0.0394	2,830,418	2,830,418	0	0.00

Non-Ad Valorem Assessments Levying Authority

Telephone	Rate	Amount
-----------	------	--------

2023 Combined Total Ad Valorem and Non-Ad Valorem:

\$0.00

2023 Paid Real Estate

Tax Notice

Account: 16-44-24-03-0030B.0000
Site Address: 1687 INLET DR,
NORTH FORT MYERS,
33903
Alternate Key: 2100336023

PAY ONLY ONE AMOUNT

If Received By: Amount Due:
Nov 30, 2023 \$0.00

Phone/Email Contact: _____

For payment options and instructions, refer to the back of this notice.

* If the address below is not correct, visit LeePA.org to update your address.

LEE COUNTY
PO BOX 398
FORT MYERS, FL 33902

Make check payable to:

LEE COUNTY TAX COLLECTOR
PO BOX 1609
FORT MYERS FL 33902-1609

Return with payment



Lee County Tax Collector

Noelle Branning

2023 Paid Real Estate Tax Notice

Ad Valorem Taxes and Non-ad Valorem Assessments for Lee County, Florida

Account Number:
16-44-24-03-0030B.00A0
Alternate Key:
2100336024
Millage Code:
036

Site Address / Legal Description:
1667 INLET DR

WATERWAY ESTATES UNIT 2 PB 12 PG 64
TRACT PT B

Exemptions/Values:

Assessed Value	366,308.00
Wholly Exempt Exemption	366,308.00
Wholly No Homestead Exemption	366,308.00
Wholly Exempt School	366,308.00
Senior Wholly Exempt Exemption 1	366,308.00
Senior Wholly Exempt Exemption 2	366,308.00
Wholly Tax Value Exemption	366,308.00

* See message below

LEE COUNTY
PO BOX 398
FORT MYERS, FL 33902

Ad Valorem Taxes Levying Authority

	Telephone	Mill Rate	Assessed	Exemption	Taxable	Amount
LEE COUNTY GENERAL REVENUE	239-533-2221	3.7623	366,308	366,308	0	0.00
PUBLIC SCHOOL - BY LOCAL BOARD	239-337-8215	2.2480	366,308	366,308	0	0.00
PUBLIC SCHOOL - BY STATE LAW	239-337-8215	3.1820	366,308	366,308	0	0.00
LEE COUNTY ALL HAZARDS - MSTU	239-533-2221	0.0693	366,308	366,308	0	0.00
LEE COUNTY UNINCORPORATED - MSTU	239-533-2221	0.8398	366,308	366,308	0	0.00
LEE COUNTY LIBRARY FUND	239-533-2221	0.4714	366,308	366,308	0	0.00
WATERWAY ESTATES LIGHT - MSTU	239-533-2308	0.3150	366,308	366,308	0	0.00
SFL WATER MGMT-DISTRICT LEVY	561-686-8800	0.0948	366,308	366,308	0	0.00
SFL WATER MGMT-EVERGLADE CONST	561-686-8800	0.0327	366,308	366,308	0	0.00
SFL WATER MGMT-OKEECHOBEE LEVY	561-686-8800	0.1026	366,308	366,308	0	0.00
LEE COUNTY HYACINTH CONTROL	239-694-2174	0.0217	366,308	366,308	0	0.00
LEE COUNTY MOSQUITO CONTROL	239-694-2174	0.2300	366,308	366,308	0	0.00
NORTH FORT MYERS FIRE DISTRICT	239-997-8654	3.5000	366,308	366,308	0	0.00
WEST COAST INLAND NAVIGATION DISTRICT	941-485-9402	0.0394	366,308	366,308	0	0.00

Non-Ad Valorem Assessments Levying Authority

Telephone	Rate	Amount
-----------	------	--------

2023 Combined Total Ad Valorem and Non-Ad Valorem:

\$0.00

2023 Paid Real Estate

Tax Notice

Account: 16-44-24-03-0030B.00A0
Site Address: 1667 INLET DR,
NORTH FORT MYERS,
33903
Alternate Key: 2100336024

PAY ONLY ONE AMOUNT

If Received By: Amount Due:
Nov 30, 2023 \$0.00

Phone/Email Contact: _____

For payment options and instructions, refer to the back of this notice.

* If the address below is not correct, visit LeePA.org
to update your address.

LEE COUNTY
PO BOX 398
FORT MYERS, FL 33902

Make check payable to:

LEE COUNTY TAX COLLECTOR
PO BOX 1609
FORT MYERS FL 33902-1609

Return with payment



Lee County Tax Collector

Noelle Branning

2023 Paid Real Estate Tax Notice

Ad Valorem Taxes and Non-ad Valorem Assessments for Lee County, Florida

Account Number:
16-44-24-03-0030D.0000
Alternate Key:
2100336028
Millage Code:
039

Site Address / Legal Description:
ACCESS UNDETERMINED
WATERWAY ESTATES UNIT 2 PB 12 PG 64
TRACT D

Exemptions/Values:	
Assessed Value	17.00
Wholly Exempt Exemption	17.00
Wholly No Homestead Exemption	17.00
Wholly Exempt School	17.00
Senior Wholly Exempt Exemption 1	17.00
Senior Wholly Exempt Exemption 2	17.00
Wholly Tax Value Exemption	17.00

* See message below

LEE COUNTY
PO BOX 398
FORT MYERS, FL 33902

Ad Valorem Taxes Levying Authority

	Telephone	Mill Rate	Assessed	Exemption	Taxable	Amount
LEE COUNTY GENERAL REVENUE	239-533-2221	3.7623	17	17	0	0.00
PUBLIC SCHOOL - BY LOCAL BOARD	239-337-8215	2.2480	17	17	0	0.00
PUBLIC SCHOOL - BY STATE LAW	239-337-8215	3.1820	17	17	0	0.00
LEE COUNTY ALL HAZARDS - MSTU	239-533-2221	0.0693	17	17	0	0.00
LEE COUNTY UNINCORPORATED - MSTU	239-533-2221	0.8398	17	17	0	0.00
LEE COUNTY LIBRARY FUND	239-533-2221	0.4714	17	17	0	0.00
SFL WATER MGMT-DISTRICT LEVY	561-686-8800	0.0948	17	17	0	0.00
SFL WATER MGMT-EVERGLADE CONST	561-686-8800	0.0327	17	17	0	0.00
SFL WATER MGMT-OKEECHOBEE LEVY	561-686-8800	0.1026	17	17	0	0.00
LEE COUNTY HYACINTH CONTROL	239-694-2174	0.0217	17	17	0	0.00
LEE COUNTY MOSQUITO CONTROL	239-694-2174	0.2300	17	17	0	0.00
NORTH FORT MYERS FIRE DISTRICT	239-997-8654	3.5000	17	17	0	0.00
WEST COAST INLAND NAVIGATION DISTRICT	941-485-9402	0.0394	17	17	0	0.00

Non-Ad Valorem Assessments Levying Authority

Telephone	Rate	Amount
-----------	------	--------

2023 Combined Total Ad Valorem and Non-Ad Valorem:

\$0.00

2023 Paid Real Estate

Tax Notice

Account: 16-44-24-03-0030D.0000
Site Address: ACCESS UNDETERMINED,
NORTH FORT MYERS

Alternate Key: 2100336028

* If the address below is not correct, visit LeePA.org to update your address.

LEE COUNTY
PO BOX 398
FORT MYERS, FL 33902

Make check payable to:

LEE COUNTY TAX COLLECTOR
PO BOX 1609
FORT MYERS FL 33902-1609

PAY ONLY ONE AMOUNT

If Received By:	Amount Due:
Nov 30, 2023	\$0.00

Phone/Email Contact: _____

For payment options and instructions, refer to the back of this notice.

Return with payment

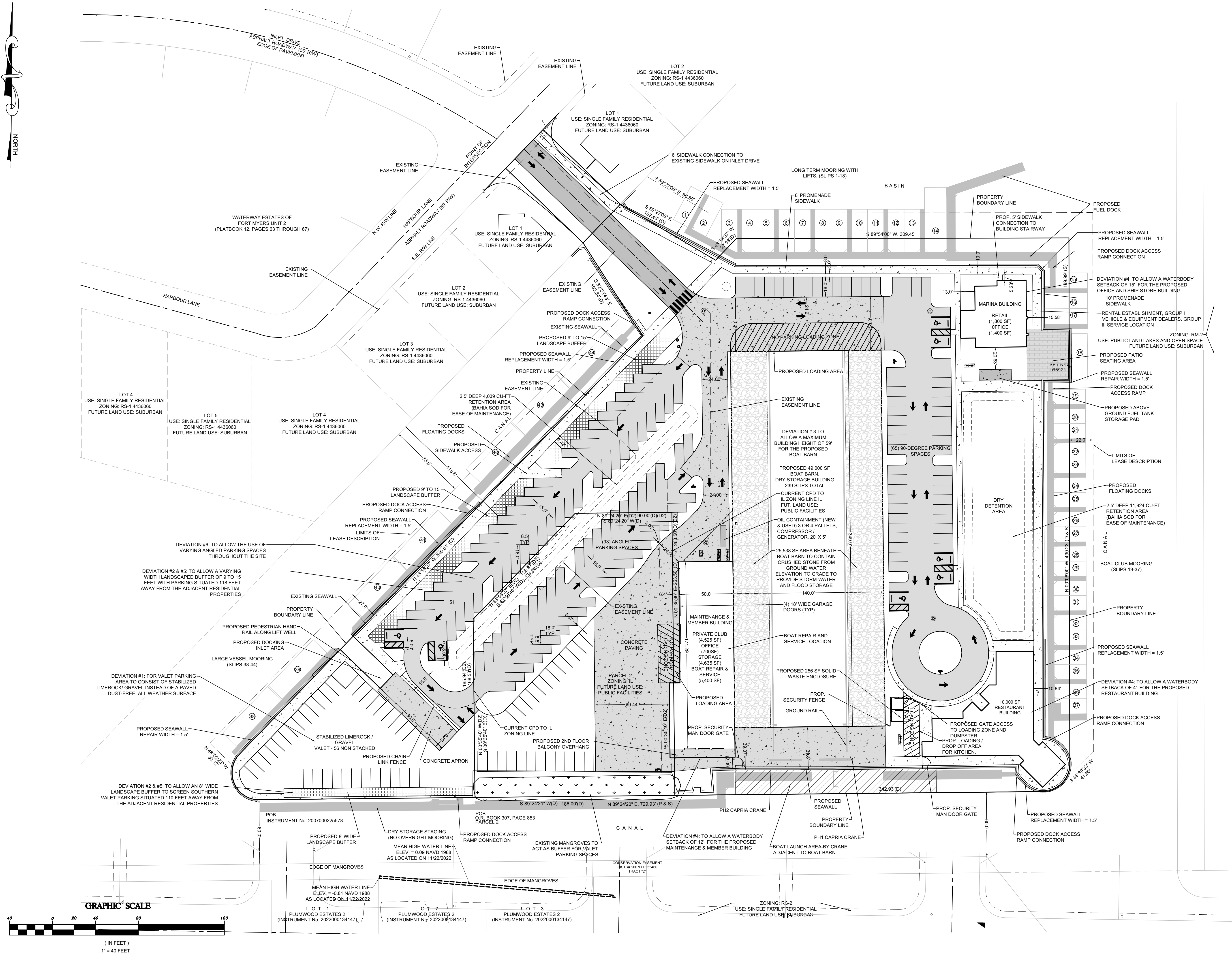
**SPEATH
ENGINEERING**
SPEATH ENGINEERING FL, LLC • 1111 BRICKELL AVE., 10TH FL.
MIAMI, FL 33131 • PHONE: 305-534-4213

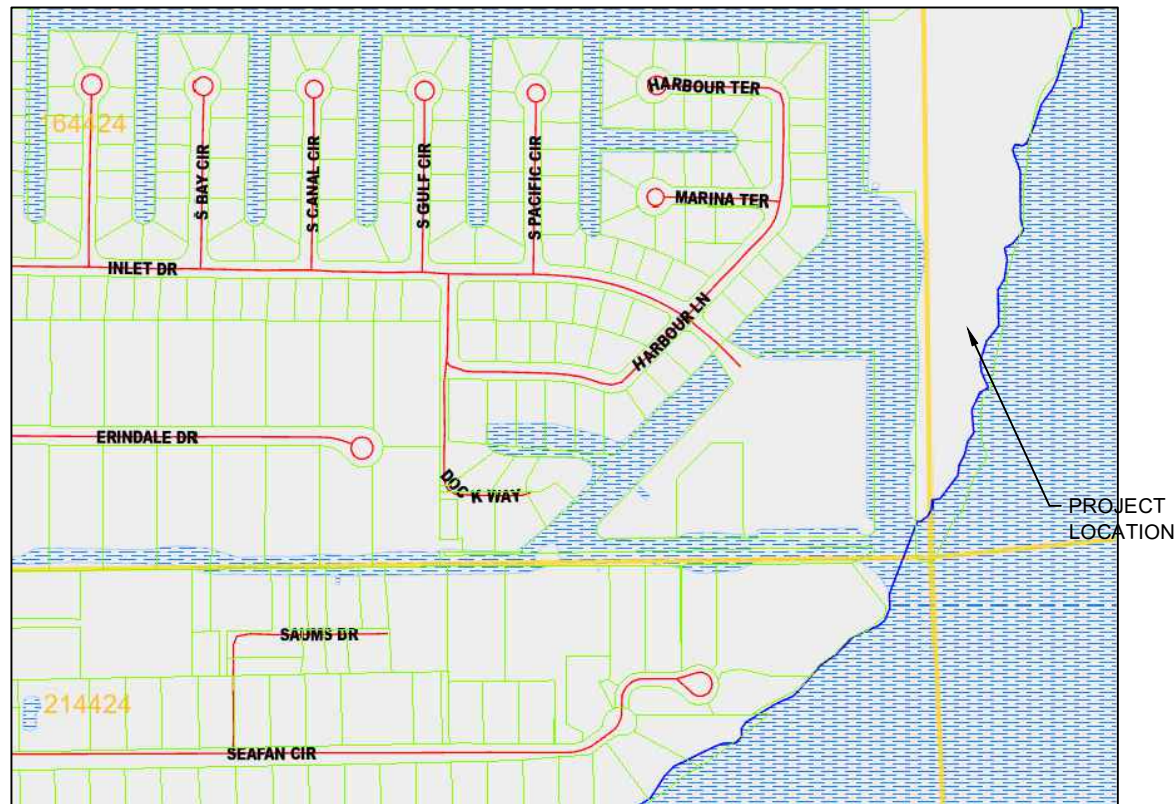
THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY MATTHEW S. SPEATH, P.E. ON THE DATE ADJACENT TO THE SEAL. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES

```
c=US, o=Speath Engineering FL LLC,  
dnQualifier=A01410C00000181A0FCE75A00026A6  
E, cn=Matthew Speath  
2024.04.19 15:05:19 -04'00'
```

SHEET:

MCP
1 of 1

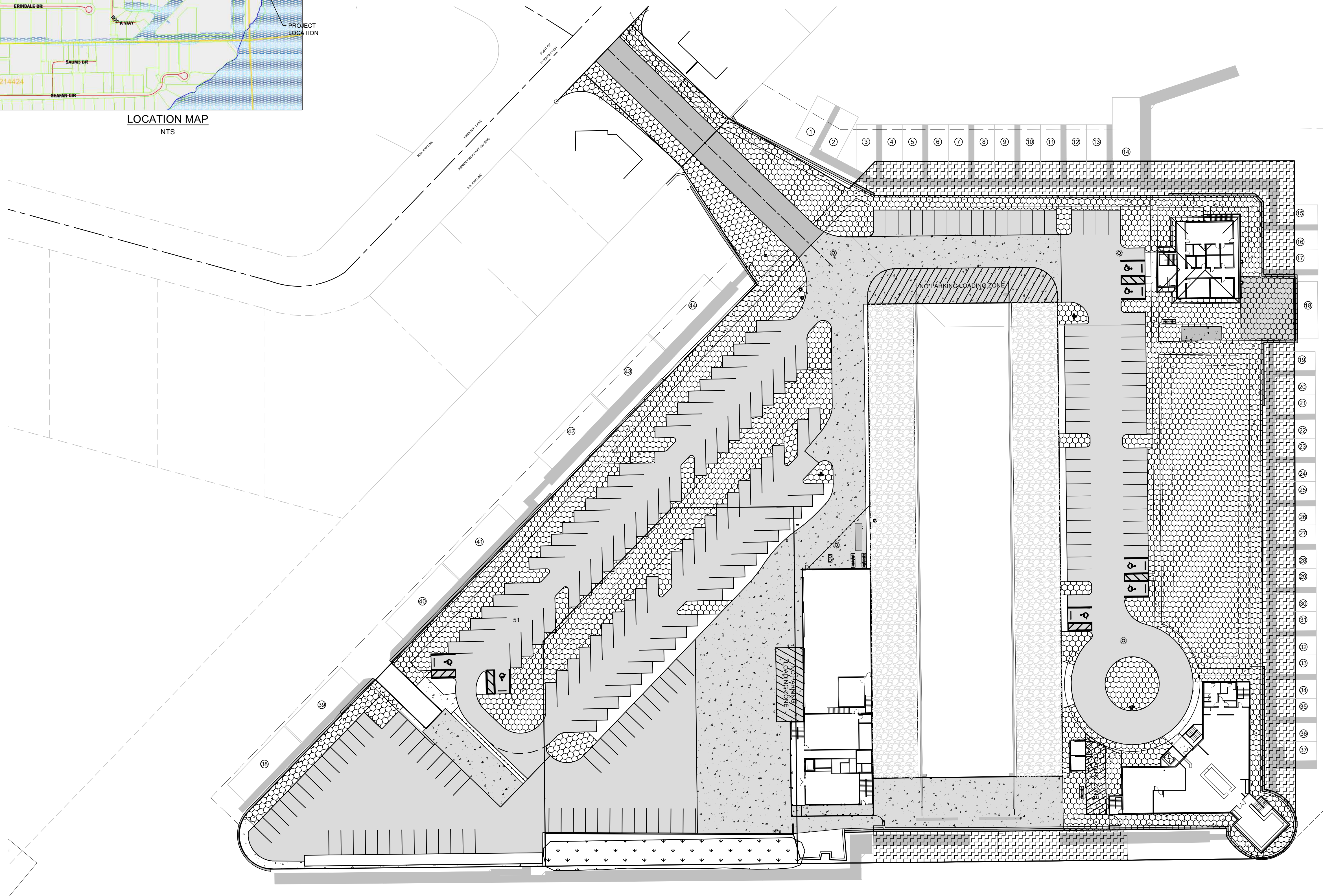




LOCATION MAP
NTS

OPEN SPACE			
OS & LA	REQUIRED	PROVIDED	COMPLIANT
TOTAL LOT AREA		6.93 AC	
TOTAL OPEN SPACE (TOS)	2.079 AC (30% MIN TLA)	2.16 AC (31.2%)	(COMPLIANT)
OPEN SPACE WATERBODY (OSW)	0.54 AC (25% MAX TOS)	0.48 AC (23.3%)	(COMPLIANT)
OPEN SPACE UPLAND (OSU)	(OSW+OSU) ≥ 20% MIN TLA	1.67 AC (24%)	(COMPLIANT)

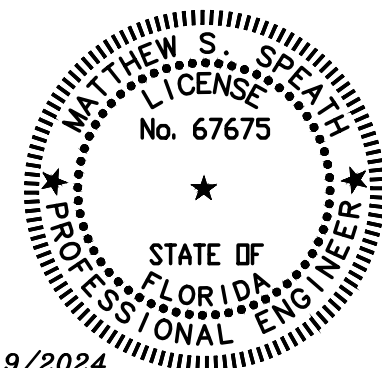
KEY	
OPEN SPACE UPLAND (OSU)	
OPEN SPACE WATERBODY (OSW)	



REVISIONS	DATE	BY

**SPEATH
ENGINEERING**
SPEATH ENGINEERING, FL, LLC - 111 BRICKELL AVE, 10TH FL.
MIAMI, FL 33131 - PHONE: 305-834-4323

OPEN SPACE EXHIBIT
FOR
WATERWAY MARINA
SAFE HARBOR MARINAS
LEE COUNTY, FLORIDA



04/19/2024

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY MATTHEW S. SPEATH, P.E. ON THE DATE ADJACENT TO THE SEAL. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

MATTHEW S. SPEATH P.E.
LIC. #67675
FBPE # 31292

c=US, o=Speath Engineering FL LLC,
dnQualifier=A01410C00000181A0FCE75A00026A6
E, cn=Matthew Speath
2024.04.19 16:53:45 -04'00'

DRAWN	TCC
CHECK	MSS
DATE	04/19/24
SCALE	1" = 30'
PROJ. NO.	F22-56

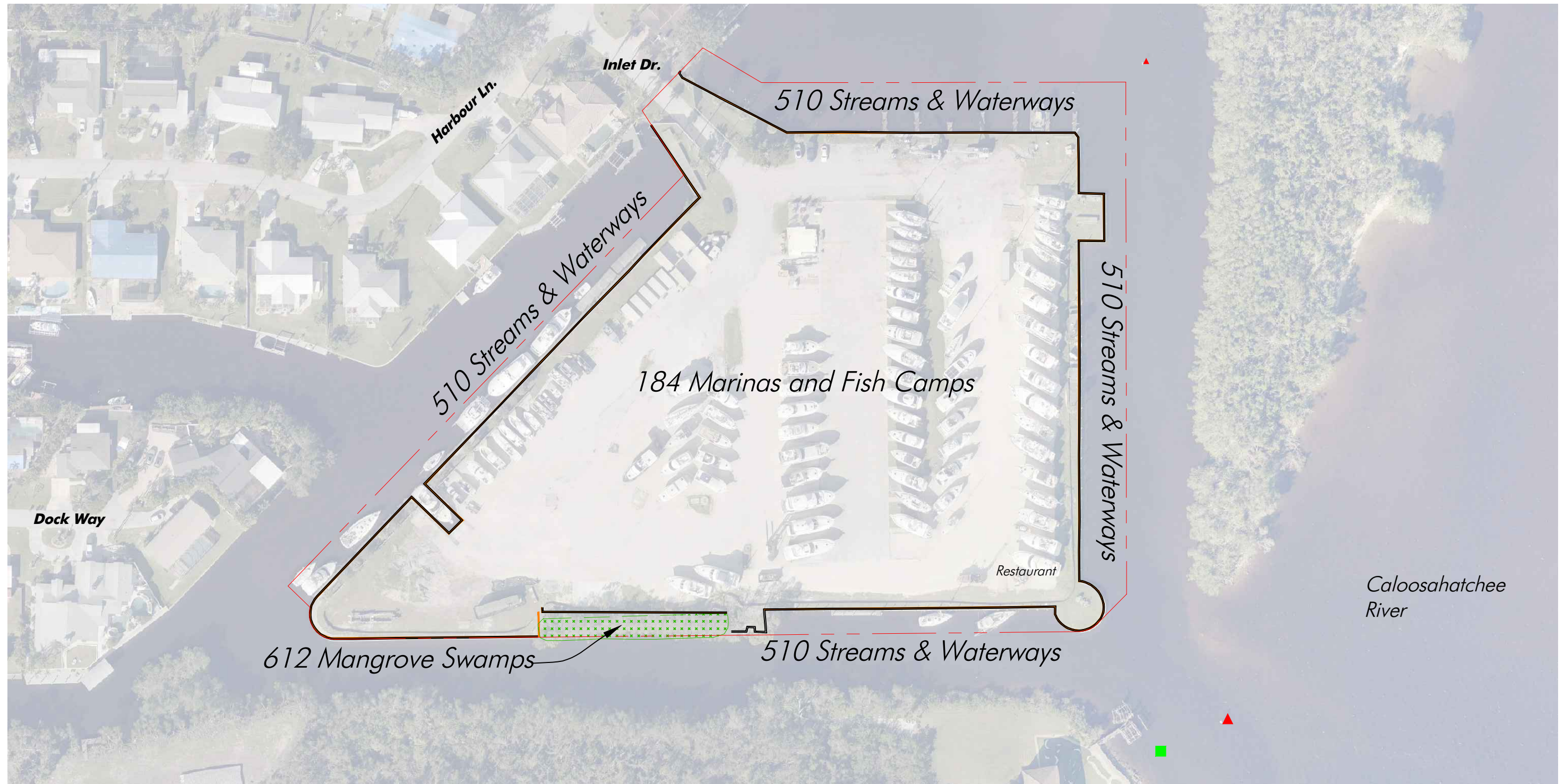
SHEET:

C2
2 OF 2

SECTION: 16
TOWNSHIP: 44 S
RANGE: 24 E

0 50 100
SCALE FEET

Lee County Aerial 2021



*Note: Property line per Lee County Property Appraiser.
Florida Land Use, Cover and Forms Classification
System (FLUCFCS) codes from the Florida Dept. of
Transportation Handbook, January 1999.*

February 20, 2024 11:47:31 a.m.
Drawing: SHM14MASTER.DWG



1938 Hill Avenue, Fort Myers, Florida 33901
Office: 239-334-6870 Fax: 239-334-7810
MARINE and ENVIRONMENTAL CONSULTANTS

FLUCFCS Map
SCALE: 1" = 100' (on 11" x 17" paper)

11-8-23

HJMW

Port Phoenix

SHEET
A/A

SPEATH ENGINEERING

Civil Engineers

PUBLIC ACCESS AND OPERATIONS

Safe Harbor Port Phoenix

Public Access

- Entrance to the property.
- Harbor Master building for access to retail ship store, fuel dock, administrative offices, commercial leased offices.
- Restaurant building.
- Marine Service building, parts department, service administrative offices.
- Safe Harbor Member amenities area.
- Parking lots that are paved.
- Roadways.
- Sidewalks.

Operation and boat launching

- Boat launching will be via Capria crane and/or forklift.
- Capria crane will transport vessel from rack to “launcher”.
- Launcher will lower vessel onto water where dockhand will receive and safely tie up vessel for Member access.
- Lift well will be accessible to Lee County Sheriff’s vessels.
- Retail sales of fuel, bait, ships store will be available to public and Members.

Public use of facilities for maintenance/repair of vessels

- Light service will be conducted in the three bay service department area which is attached to the boat barn.
- Light service for engine work and boat systems.



SAFE HARBOR MARINAS

Notice of Public Meetings – June 8, 2023

1. Community Meeting #1 was held on June 8, 2023, at North Fort Myers High School from 6-7 pm.
2. Lee County Lands approved the Community Public Notice with a publication date of May 31, 2023. Approval received from Robert Clemens, Director, date received May 25, 2023.
3. Lee County Lands administrative staff confirmed posting of the Community Public Notice on their website and bulletin boards. Confirmation received May 25, 2023.
4. The News-Press Media Group confirmed Ad No 0005719520 with a run date of May 31, 2023.
5. Safe Harbour reached out to North Fort Myers Civic Association (NFMCA) to obtain a mailing list for the residents in Waterway Estates Community. Using the parcel listing report provided by the NFMCA for properties along Inlet Drive from Orange Grove Boulevard to Harbour Lane, we notified residents of the June 8th meeting. The community flyer included location, date, time of meeting, project highlights and meeting agenda. The flyer was mailed USPS on June 1, 2023.
6. Posted signage announcing the community meeting at the entrance to the marina, at the entrance to Inlet Drive and at the stop light on Orange Grove Boulevard and Hancock Bridge Parkway. The flyers were attached to the signage to allow residents to help themselves to a copy of the community flyer. The five signs were installed on June 2, 2023.

Notice of Public Meetings – November 15, 2023

1. Community Meeting #2 was held on November 15, 2023, at North Fort Myers Recreation Center, from 6-7 pm.
2. Lee County Lands approved the Community Public Notice on November 9, 2023. The publication date was November 11, 2023.
3. The News-Press Media Group confirmed Order No 9513069 with a run date of November 11, 2023.
4. Safe Harbor mailed the Community Flyer #2 to the residents of Waterway Estates that was provided by the Civic Association in May 2023. The flyer was mailed USPS on November 9, 2023.
5. Posted signage announcing the community meeting #2 at the entrance to the marina, at the entrance to Inlet Drive and at the stop light on Orange Grove Boulevard and Hancock Bridge Parkway. The flyers were attached to the signage to allow residents to help themselves to a copy of the community flyer. The five signs were installed on November 9, 2023.

Attached is the Lee County Manatee Protection Plan ranking for the shoreline. It specifies 120 slips per the linear footage of shoreline. However, we have an active District permit which approves 239 dry storage spaces, 44 wet slips, and 300 lf. of temporary tie up mooring. Because it is an active permit it trumps the shoreline calculation. And because the use of the site has not changed, the original inventory by Sea Grant done in 1999 documented slips on the site up to 281. The county stated that they would rely on the District permit for the slip count. Either way we are good.

PROPOSED PROJECT:

The applicant proposes the removal of the existing 239 slip dry storage building, removal of two marina buildings; and construction of a new 239 slip dry storage building, a new pool area and fitness center, a new restaurant and office building; relocated fuel tank and boat wash, a new water storage tank for fire protection and 164 paved parking spaces. Also, 29 existing finger piers will be removed and replaced with 18 new finger piers. The proposed docking facilities total 44 wet slips and 300 lineal feet of tie up areas for temporary docking and staging areas for the dry storage facility, this reduces the previous total square footage of dock over water. The boat launching and wash area will utilize drains that will carry bilge water and runoff to the relocated water recycling equipment to prevent direct runoff from the site.

The proposed project reduces peak discharges and improves water quality over the existing conditions by increasing pervious area on the site to a total impervious area of 4.0 acres. The revised surface water management system will consists of four dry detention areas and will provide 0.62 ac-ft of water quality treatment based on 2.5-inch times the percentage of impervious prior to discharging into the Caloosahatchee River. The SWMS and site plan are attached as Exhibit 2.

WCI COMMUNITIES LMTD PTRSHP	Multi-Family	Wet Slip	15
WCSJR IV CORP	Marina	Beached/Blocked	35
WCSJR IV CORP	Marina	Dry Stack	163
WCSJR IV CORP	Marina	Trailer	11
WCSJR IV CORP	Marina	Wet Slip	22
WCSJR IV CORP	Restaurant/Shop	Seawall	1
WCSJR IV CORP	Restaurant/Shop	Wet Slip	49
WEAVER SUSAN A 1/2 INT +	Multi-Family	Wet Slip	1
WEEKLY MARK + MARGARET H	Multi-Family	Ramp	1
WEEKS MARY A TR	Marina	Wet Slip	8
WEINER CORPORATION	Other	Wet Slip	8

hans 11:48 AM

[Reply](#)

Caloosa Isles Marina (SHM-14)
198 dry storage
11 trailer parking
72 wetslips
281 Total

Hans Wilson, P.E.
1938 Hill Ave.
Ft. Myers, FL 33901
239.334.6870



SAFE HARBOR

M A R I N A S

**Safety, OSHA
and
Environmental
Programs**



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Some forms contained within this document
originate from information provided by US government
websites, primarily the Occupational Safety and Health
Administration (OSHA).

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Implementation

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SAFE HARBOR MARINAS

SAFETY, OSHA AND ENVIRONMENTAL PROGRAMS

I. PROGRAM IMPLEMENTATION

SECTION INDEX

- PURPOSE OF THIS COMPLIANCE MANUAL
- STATEMENT OF POLICY
- INTRODUCTION
- PRINCIPLES AND GOALS
- ASSIGNMENT OF RESPONSIBILITY
- COMPLIANCE CALENDAR



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PURPOSE OF THE PROGRAMS

This compliance program manual is intended to be used by accountable company management as a working guide in the implementation and maintenance of these respective programs.

The program requirements are based on the potential safety hazards, and operating losses to which Safe Harbors Marinas have a potential exposure on the date of publication of this guidebook. The manual will be revised as necessary to add requirements and procedures involving newly identified exposures.

It is impossible to effectively deal with all safety concerns or procedures in a single manual. Many safety related matters involve situation-specific factors which are difficult to anticipate. Accordingly, this manual is not the definitive statement, or the only statement, on company safety concerns or procedures. This manual is a starting point and a good-faith attempt to maintain a viable, living, company-wide, safety program and philosophy.

The object is compliance with state and federal safety, OSHA and environmental programs, providing a safe workplace for employees and setting the groundwork for Safe Harbor Marinas "Clean Marina" certification. In doing so these programs if properly administered will prevent employee exposure to hazardous conditions, provide on-going training for employees with annual review, contain medical costs, reduce litigation and return the injured worker to full productive status in the shortest time possible.

Individual Safe Harbors Marinas should implement a post-lost procedure to better manage the claims process, establish an effective partnership with employees, medical care providers and insurance company professionals.

STATEMENT OF POLICY

Our employees are our most valuable asset. It is our policy that every person is entitled to a safe and healthful place in which to work.

Establishing and maintaining a safe environment is the shared responsibility between the employer and employees at all levels of the Safe Harbor Marinas organization. To this end, every reasonable effort will be made in achieving the goal of accident prevention, health preservation and environmental awareness.

Our goal is to control and minimize risk to the greatest extent possible. We have a basic responsibility to make the safety of employees our concern. We count on our employees to do their part in making our program an effective one.

The success of the Safe Harbor Marinas will depend not only on production and sales, but also how safely each job is performed. There is no job so important nor any service so urgent, that we cannot take time to work safely.

Safe Harbor Marinas will aggressively pursue a plan to minimize pain and suffering of an injured worker and return him/her to active work duties as soon as possible.

I consider the safety of our personnel, compliance with Safety, OSHA and Environmental requirements and pursuit of the "Clean Marina" certification to be of prime importance. I expect full cooperation from each facility manager and employee in making our programs effective.



Baxter Underwood, CEO

INTRODUCTION

A. PURPOSE

This Safe Harbors Marinas compliance manual addresses and encompasses the company's Safety, Health, Environmental, OSHA and Loss Control programs and also serves to document policies and procedures to enable us to implement an effective safety program throughout the organization.

The program contained in this manual has been established to accomplish the following:

- Protect and promote the health and safety of employees, customers and others who may be affected by the company's business activities.
- Comply with all applicable regulatory standards.
- Assure that Safety, Health, Environmental, OSHA and Loss Control programs are given the proper priority and attention and are achieving the required results.
- Coordinate Safety, Health, Environmental, OSHA and Loss Control activities while maintaining consistency in procedures at the required level of performance.
- Assist new and existing facilities in developing and/or revising Safety, Health, Environmental, OSHA and Loss Control programs by interacting with each facility and providing external resources to ensure consistency with this purpose.

B. SCOPE

The compliance manual contains policies and requirements for a safety, health, environmental, OSHA and loss control program within the company and outside the company to the extent the program involves communication and/or interaction with company, outside contractors, government agencies, customers and the public.

PRINCIPLES AND GOALS

An effective Occupational, Health, Safety, and Environmental program will be maintained. This program is basic to the principles of safe operations and requirements of our business. Qualified personnel and adequate facilities and equipment will be provided by the company in keeping with these principles and goals. The following principles are fundamental to our successful operation:

A. FUNDAMENTAL PRINCIPLES

- Appropriate programs need to be implemented to protect employee health and safety.
- Occupational injuries and illnesses are preventable.
- Management seeks to define, initiate and maintain programs and procedures to prevent injuries and illnesses.
- Continuing analysis of programs and ongoing employee involvement, training and education in occupational health and safety are essential program elements.

B. GOALS

- Minimize health and safety risks by providing safe and healthful work environments, preventing unsafe acts and controlling exposures to health and safety hazards in the workplace.
- Provide and assure appropriate health and safety programs exist and are in the place.
- Control health hazards in the workplace and assure that employees are informed of hazards and how to protect themselves from overexposure.
- Communicate to employees all mandated medical findings and advise appropriate actions to be taken
- Maintain medical records in a confidential manner.
- Assure all managers and employees have received orientation, instruction and training in health, safety and environmental protection matters.

- Require that all Health, Safety, Environmental Protection and Loss Control practices, standards, laws and regulations be observed relating to people, facilities, materials, processes, wastes and the environment.

ASSIGNMENT OF RESPONSIBILITY

A. CHIEF EXECUTIVE OFFICER

- Overall responsibility for establishment of policy and program implementation.

B. CORPORATE SAFETY COORDINATOR

- At the direction of the Chief Executive Officer, review and approves safety programs designed to meet the goals of the company.
- Responsible for maintaining a current copy of all applicable Federal, State and local safety and health regulations.
- Responsible for implementation of Loss Control program.

1. DIRECTOR OF SAFETY

- Reports to the Corporate Safety Coordinator.
- Provides onsite Safety, OSHA, and Environmental services.
- Implementation of Safety and Environmental Programs through motivation, training, counseling and enforcement.
- Responsible for initiating compliance for all safety and environmental program elements applicable to his/her area. Identify hazards through safety inspections and outline countermeasures.
- Responsible for training subordinates in accident prevention, safe work habits and environmental awareness.
- Conduct annual facility safety audit.
- Responsible for implementation and monitoring employee safety training.
- Review and recommend changes within the safety program as needed.

2. OFFICE MANAGER or ADMIN STAFF PERSON

- Responsible for timely accident investigation and reporting including paperwork and countermeasures.
- Responsible for assuring proper notification to Corporate Safety Coordinator and Corporate Safety Consultant in the event of an accident, incident or fatality.

3. ONSITE SAFETY OFFICER

- Insures all equipment complies with all appropriate safety regulations and is locked out - tagged out, including a work order for repairs and date of expected completion.
- Removal from service any equipment that is damaged or in need of repair, that cannot safely be locked-out or tagged-out, such that employee use of any damaged equipment is prevented.
- Chair Safety Committee.
- Responsible for all required non-confidential employee training records.
- Responsible for maintaining a system to provide first aid supplies and secure prompt medical attention for injured employees.
- Responsible for update maintenance of Safety Data Sheet binders.

C. COMPANY EMPLOYEES

All employees shall be responsible to learn and comply with all safety and health rules and regulations applicable to their work. It is their further responsibility to support the company in providing a safe place to work, and to protect themselves and co-workers against injuries or illnesses.

Employees shall report all safety and health hazards to the onsite safety officer and shall take all necessary actions to establish an immediate temporary control of the hazard until permanent control can be established.

Stopping all work, where necessary, to prevent employee exposure to any hazard in the workplace.

Employees shall report, as soon as it is practical, all accidents or incidents occurring on the job to their supervisor, including near-miss incidents no matter how slight.

- Employees shall cooperate and assist in the investigation of all accidents or incidents.
- Employees shall utilize all personal protective equipment provided.
- Employees shall practice sanitary health habits.
- Employees shall participate in keeping their work environment clear and clean.
- Employees shall provide information to the safety Committee relative to health and/or safety in the workplace.

D. SAFETY COMMITTEE

- Meet quarterly.
- Review all accident reports and determine preventability.
- Review annual safety audit report – correction process.
- Review employee safety suggestions.
- Recommend and assist in establishing additional general safety rules as the need is identified.
- Prepare a written Safety Committee Report of the topics discussed, agreements made, accidents reviewed, self-inspection results, and anticipated future committee activities.
- Onsite Safety Officer shall submit Safety Committee Report to SHM Safety Director within 48 hours of the quarterly meeting.

COMPLIANCE CALENDAR

Daily

- ✓ Yard safety inspections
- ✓ Gas and diesel fuel report by fuel dock staff
- ✓ Security report

Pre-Use

- ✓ Crane inspection report by operator
- ✓ Fork truck inspection report by operator

10 Hour

- ✓ 10 Hour - Crane inspection (accumulative time) by operator

Weekly

- ✓ Inspection of hazardous waste storage areas, containers and labels

Monthly

- ✓ Solvent disposal report
- ✓ Fire extinguisher Inspection
- ✓ Fork truck maintenance / inspection report
- ✓ Crane maintenance / inspection report
- ✓ Travelift inspection report

Quarterly

- ✓ Waste oil disposal/recycling report
- ✓ Engine oil filter recycling report
- ✓ Solvent disposal/recycling report
- ✓ Safety Committee meeting and report
- ✓ Outside contractor certificate of insurance review

Annual

- ✓ Pressure test of UST's where applicable
- ✓ Facility inspection and report
- ✓ Review of Hurricane SOP and up-dates as needed
- ✓ Inspection of fuel storage systems, pumps, safety equipment and piping on docks
- ✓ Permits and permit renewal applications.

As Needed

- ✓ Subcontractor approval process (bid & hire) for necessary licensed repairs
- ✓ Ladder and scaffold inspection report

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SAFE HARBOR MARINAS

Safety, OSHA and Environmental Program

II. EMPLOYEE INVOLVEMENT

SECTION INDEX

- EMPLOYEE ORIENTATION
- EMPLOYEE ORIENTATION CHECKLIST
- EMPLOYEE TRAINING
- EMPLOYEE SAFETY COMMUNICATIONS
- SAFETY AND HEALTH RULES
- PERSONAL PROTECTIVE EQUIPMENT
- DISCIPLINARY PROCEDURES



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EMPLOYEE ORIENTATION

1. OBJECTIVE

To assure that all new and transferred employees receive necessary orientation information.

2. SCOPE

All new employees.

3. REFERENCES

Federal, State and Local Standards, e.g., OSHA, ADA, EEOC, State Labor Codes, etc.

4. RESPONSIBILITY

- Safety Coordinator shall be responsible for assuring required training is conducted.
- Office Manager will review the orientation checklist which becomes a permanent Personnel document.
- The employee should sign and date the training and orientation checklists.

5. PROCEDURE

Inform the employee of the following:

- Required personal protective equipment and where and when it is to be used.
- General hazards and hazards specific to the job assigned.
- Safety rules.
- Hazard Communication Program.
- Injury Prevention Program.

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ORIENTATION CHECKLIST

EMPLOYEE NAME _____ DEPARTMENT _____

DATE HIRED _____ SUPERVISOR _____

DATE REVIEWED _____

- ☐ 1. Company safety policy statement and copy of rules provided and explained.
- ☐ 2. Reviewed injury reporting procedures
- ☐ 3. Reviewed personal protective equipment and use.
- ☐ 4. Reviewed lockout/tagout procedure.
- ☐ 5. Reviewed safe lifting techniques
- ☐ 6. Reviewed housekeeping procedures.
- ☐ 7. Reviewed location of first aid kits.
- ☐ 8. Forklift operator training required? - When? _____
- ☐ 9. Reviewed hazard communication program.
- ☐ 10. Reviewed marina hazards.
- ☐ 11. Reviewed specific job hazards.
- ☐ 12. Reviewed disciplinary program.
- ☐ 13. Reviewed safety incentive program.
- ☐ 14. Reviewed evacuation procedures and duties.
- ☐ 15. Injury prevention program.
- ☐ 16. Other.

ORIENTATION CHECKLIST Cont.

I acknowledge that information on the above subjects was furnished to me during my orientation.

EMPLOYEE'S SIGNATURE _____ DATE _____

I have instructed the above-named employee in the fundamentals of safety practices.

SAFETY OFFICER'S SIGNATURE _____ DATE _____

Sign and return the original copy immediately to the Office Manager following the employee's date of hire or review. Retain a copy in the employee's file.

FACILITY MANAGERS SIGNATURE _____ DATE _____

EMPLOYEE TRAINING

1. OBJECTIVE

To provide required training to all employees

2. SCOPE

All affected employees

3. REFERENCES

Federal, State and Local Standards, e.g., OSHA, ADA, EEOC, State Labor Codes, etc.

4. RESPONSIBILITY

- Safety Officer shall assure that appropriate training material is provided and reviewed by the employee and shall assure appropriate training is conducted. Signed documentation shall be maintained in the employee's personnel file.
- Documentation shall consist of, specifically what was taught, who attended and who did the teaching. All attendees and the instructor shall sign and date the form.

5. TRAINING TOPICS (A PARTIAL LISTING)

- Specific Job Hazards
- Accident Prevention Program
- Emergency Action Plans
- Fire Prevention
- Power Platforms for Maintenance and Inspection
- Personal Protective Devices
- Medical Services and First Aid
- Use of Hand Tools
- Fork Lift Trucks
- Power Operated Tools and Equipment
- Ergonomics
- Respiratory Protection Program

- Oxygen and Gas Fuel Supply Systems
- Hearing Conservation
- Hazard Communication
- Emergency Response
- Lockout/Tagout

6. DOCUMENTATION

- Date.
- Location (building, room, floor, etc.) where the meeting was held.
- Time started and ended.
- A listing of topics reviewed or discussed.
- The instructor (for each topic if more than one instructor was involved).
- The name of each person attending, as well as those required to receive the training involved who were not present shall be documented.
- A list of all matters that were found to require some type of follow-up or further action (This includes the training of those who were unable to attend.).
- The source document or audio-visual presentation, if one should be identified.

7. SOURCES OF TRAINING MATERIAL INFORMATION

- National Safety Council
- Insurance Agent
- Insurance Carrier
- Safety Rules
- National Fire Protection Association
- American Society of Safety Engineers
- American National Standards Institute
- Federal and State Occupational Safety and Health Administrators

INITIAL EMPLOYEE TRAINING RECORD

Employee Name _____

Job Title _____

Date _____

TRAINING TOPICS

- | | |
|---|--------------------|
| ☐ Right-To-Know Standard | date trained _____ |
| ☐ Right-To-Know Written Policy | date trained _____ |
| ☐ SDS sheets: explanation, where located | date trained _____ |
| ☐ Container labeling | date trained _____ |
| ☐ Emergency coordinator | date trained _____ |
| ☐ Emergency procedures | date trained _____ |
| ☐ Emergency equipment | date trained _____ |
| ☐ Personal Protection equipment | date trained _____ |
| ☐ Respirators fitting care and use – if applicable | date trained _____ |
| ☐ Other _____ | date trained _____ |

I do hereby certify I understand the training I have received and have dated the above topics that were covered in this session.

Employee's Signature _____

Supervisor/Instructor's Signature _____

EMPLOYEE SAFETY COMMUNICATIONS

A. OBJECTIVE

To support the established flow of information designed to benefit Safe Harbor Marinas employees in matters of safety and health.

B. SCOPE

All suggestions addressing issues relating to safety and health.

C. REFERENCES

Federal, State and Local Standards, e.g., OSHA, ADA, EEOC, State Labor Codes, etc.

D. RESPONSIBILITY

Onsite Safety Officer shall administer the program.

E. PROCEDURES

Suggestions relating to safety and health issues shall be reviewed by the Safety Committee. Committee recommendations shall be forwarded to the appropriate department.

Safety Committee shall inform the employees on the status of suggestions.

A record of suggestions, responses and action taken shall be maintained by the Onsite Safety Officer.

A bulletin board and anonymous safety suggestion box shall be maintained by the Safety Committee. The Committee shall use the bulletin board to provide employees with various safety-related types of information as the need arises.

Any employee may anonymously place safety-related suggestions in the suggestion box located at:

The Safety Committee shall review the anonymous suggestions that they receive, and decide what, if any, action should be recommended regarding the suggestions. Responses to the suggestions may be posted on the bulletin board.

SAFETY AND HEALTH RULES

A. OBJECTIVE

To support the continued establishment of a safe and healthful work environment.

B. SCOPE

Applies to everyone employed by Safe Harbor Marinas.

C. REFERENCES

Federal, State and Local Standards, e.g., OSHA, ADA, EEOC, State Labor Codes, etc.

D. RESPONSIBILITIES

1. All persons including management shall abide by safety, health and environmental rules.
2. Management personnel shall fairly and consistently enforce and follow safety, health and environmental rules.
3. Employees shall report any infractions of these safety, health and environmental rules to management.

E. USE OF TOOLS AND EQUIPMENT

1. All tools and equipment shall be maintained in good condition.
2. Damaged tools or equipment shall be removed from service and tagged "DEFECTIVE."
3. Only appropriate tools shall be used for the job.
4. Electric cords shall not be exposed to damage from vehicle traffic. Protection of the cord or routing the cord to avoid vehicular traffic is required.
5. Files shall be equipped with handles and not used to punch or pry.
6. A screwdriver shall not be used as a chisel.
7. Do not remove guards from portable grinding tools or break off ground leads on portable electric tool plugs.
8. Portable electric tools shall not be lifted or lowered by means of the power cord. Ropes shall be used.

F. MACHINERY

1. Only authorized persons shall operate machinery or equipment.
2. Loose or frayed clothing, or long hair, etc., shall not be worn around moving machinery or other sources of entanglement.
3. Machinery shall not be serviced, repaired or adjusted while in operation, nor shall oiling of moving parts be attempted, except on equipment that is designed or fitted with safeguards to protect the person performing the work.
4. Appropriate, lock-out procedures shall be used when working on machinery and equipment.
5. Employees shall not work under vehicles supported by bumper jacks or chain hoists, or vessels supported by damaged poppets or equipment. Protective blocking will be used to prevent injury if jacks, hoists or poppets should fail.
6. Air hoses shall not be disconnected at compressors until air pressure has been bled *off*.

G. GRINDING

1. Always use safety goggles or a face shield when grinding, whichever will afford the best protection.
2. The tool rest must always be set within 1/8-inch away from the wheel. The nose guard must be adjusted to within 1/4-inch of the wheel-when in doubt, see the supervisor.
3. Sheet metal and other small pieces of work must never be ground on a pedestal grinder.
4. Grinding must never be done against the side of the wheel.
5. Grinding wheels must not be used if the pores are clogged. The wheels must also be free of large chips and grooves, if uncertain, have your supervisor show you how to dress the wheel.
6. Whenever possible, when grinding with a portable grinder, position the grinding wheel so that the sparks and steel go away from the person doing the work.
7. Always wear hearing protection when grinding with a hand grinder.
8. Nonferrous metal should not be ground because of the danger of exploding grinding wheels, unless the grinding wheel is designed to grind these metals.

H. OFFICE SAFETY

1. When using file cabinets, never open more than one drawer at a time to avoid tipping.
2. Desk drawers, filing, and storage cabinets must be kept closed when not in use.
3. Floors, work areas, and hallways shall be kept cleared of boxes, papers, electric cords, and telephone wires.
4. C chairs shall be kept in a safe condition (properly adjusted, wheels secured, etc.).
5. Always maintain adequate lighting and ventilation.
6. Inspect electrical wires periodically to be sure that plugs and/or cords are in safe operating condition.
7. Good housekeeping shall be maintained at all times. All spills, whether water, chemicals, grease, oil, or ink, will be quickly cleaned up.
8. Be sure that all personal items are in safe condition, i.e., shoes are nonskid, eyeglasses have shatterproof lenses.
9. Always think safety awareness
10. Refrain from horseplay that could endanger you or your fellow employees.
11. Proper dress code should be attained at all times to permit adequate movement of arms and legs.
12. Ensure proper workstation arrangement for comfortable seating and distance from the terminal screen.
13. When stocking shelves, refrain from placing heavy, bulky objects at top of shelving unit. Ask for assistance when receiving, transporting, and stocking heavy packages.
14. Care should be taken to avoid cuts and scrapes from sharp edges of cards or paper. If cuts occur, administer the proper first aid, or contact someone who can.
15. Be sure that all electrical equipment and compressors are turned off at the end of the day.
16. During meetings, seating arrangements must include exit aisles not less than 24 inches wide, and these aisles must be kept cleared at all times.
17. Materials kept in binders shall be limited to a proper quantity that is reasonable with which to work.
18. Exercise care when using cutting devices.
19. Bookshelves and cabinets will be substantially braced to prevent them from tipping or falling.
20. Be sure that storage boxes are placed in out-of-the-way areas and are stored in a safe manner.

21. When using ladders or short steps never stand on the top step or the 1st (first) step down from the top, unless there are hand rails on the ladder for the purpose of supporting you.
22. Make sure you use hand carts and other mechanical stock handling equipment when moving heavy loads.
23. Make sure that you follow procedures established for spill cleanup involving chemical substances.
24. Consult with the SDS's if you do not know the hazards associated with a chemical spill.

I. CODE OF SAFE PRACTICES

1. All persons shall follow these safe practices rules, render every possible aid to safe operations, and report all unsafe conditions or practices to the safety manager.
2. Supervisors shall insist on employees observing and obeying every rule, regulation, and order as is necessary to the safe conduct of the work and shall take such action as is necessary to obtain observance.
3. All employees shall be given accident prevention instructions.
4. Anyone known to be under the influence of drugs or intoxicating substances which impair the employee's ability to safely perform the assigned duties shall not be allowed on the job while in that condition.
5. Horseplay, scuffling, and other acts which tend to have an adverse influence on the safety or well-being of any employees shall be prohibited.
6. Work shall be well planned and supervised to prevent injuries in the handling of materials and in working together with equipment.
7. No one shall knowingly be permitted or required to work while the employee's ability or alertness is so impaired by fatigue, illness, or other causes that it might unnecessarily expose the employee or others to injury.
8. Employees shall not enter voids, chambers, tanks, or other similar places that receive little ventilation, unless it has been determined that it is safe to enter.
9. Employees shall be instructed to ensure that all guards and other protective devices are in proper places and adjusted and shall report deficiencies promptly.

10. Workers shall not handle or tamper with any electrical equipment, machinery, air or water lines in a manner not within the scope of their duties, unless they have received instructions from their supervisor.
11. All injuries shall be reported promptly to the supervisor so that arrangements can be made for medical or first aid treatment.
12. When lifting heavy objects, the large muscles of the leg instead of the smaller muscles of the back shall be used.
13. Inappropriate footwear or shoes with thin or badly worn soles shall not be worn.
14. Materials, tools, or other scrap objects shall not be thrown from boats, buildings or structures until proper precautions are taken to protect others from the falling objects.
15. Employees shall cleanse thoroughly after handling hazardous substances and follow special instructions for those products.
16. Before leaving any job, be sure it is in a safe condition.
17. Work shall be so arranged that employees are able to face ladder and use both hands while climbing.
18. Gasoline shall not be used for cleaning purposes.
19. No burning, welding, or other source of ignition shall be applied to any enclosed tank or vessel, even if there are some openings, until it has first been determined that no possibility of explosion exists, and authority for the work is obtained from their supervisor.
20. Any damage to scaffolds or other supporting structures shall be immediately reported to the supervisor and repaired before use.

J. DRILL PRESS

1. Small pieces of metal when being drilled on a power machine must **not** be held in the operator's hands.
2. Pieces of metal being drilled must be held tightly in a vise or clamp.
3. Before drilling, the employee must check the spindle speed and the set up. When in doubt, ask your supervisor.

4. Before drilling, always make sure the chuck key is removed. Never leave the chuck key in the chuck.

K. MISCELLANEOUS

1. Use the proper ladder for the job you are doing.
2. Do not use ladders with broken or missing steps or rungs and report any unsafe ladders to your supervisor.
3. Never place a ladder on boxes or other unstable bases to gain height.
4. Always place your ladder so that the side rails have secure footing.
5. Do not climb higher than the third rung from the top on straight ladders when working off the ladder, or the second tread from the top of step ladders.
6. Appropriate permanent or portable fire extinguishers shall be kept at their designated locations, and these locations must be kept clear of debris in a 3 foot perimeter and properly labeled.
7. When using flammable chemicals remember absolutely no sources of ignition allowed in the area during the time of chemical use.
8. Always use the proper respiratory protection when working around paints or dust. If you aren't sure see your supervisor after reading the MSDS for the product you are applying or using.
9. Check with your supervisor if uncertain of the proper protective clothing or personal protective equipment, needed for the job performed i.e., gloves, goggles, protective suits, barrier creams.
10. Make sure that you follow all safety precautions on the MSDS and Environmental regulations when using any chemicals.
11. Smoking policy as stated in the employee handbook:
 - No smoking during working hours
 - No smoking on customers boats
 - No smoking in any building or restroom facility

- Smoking during break time only where designated
- Discard cigarette butts in designated butt buckets

12. Use skin creams when necessary to protect against the harmful effect of paints and solvents.

13. Wash thoroughly before eating.

14. No food or drink allowed in the work shop areas or work bays.

L. PERSONAL PROTECTIVE EQUIPMENT

1. OBJECTIVE

To provide a safe work environment from injuries or detrimental effects on health, which are not controllable through engineering or administrative means.

2. SCOPE

- a. Where required by law.
- b. Where exposure to the hazard has the potential for injury or illness to an employee.
- c. Where there is a potential for damage or contamination to property or the environment.
- d. Where the failure to utilize the equipment would expose non-employees to a safety or health hazard.

3. REFERENCES

Federal, State and Local Standards, e.g., OSHA, ADA, EEOC, State Labor Codes, etc.

4. RESPONSIBILITIES

Personal protective equipment required will be provided by the facility. Instructions in use and examples of the equipment are:

- a. Eye Protection – Full face shields, Goggles, Safety Glasses, Full Tyvek hood with clear lens, welding hood.
- b. Fall Protection – Scissor Lifts, Mobile work platforms, safety railings on scaffolds and working platforms, periodic ladder, scaffold, and work platform inspections.
- c. Foot Protection – Topics regarding appropriate footwear for type of work performed.
- d. Hand Protection – Topics regarding protective glove types - selection and usage, table saw “push sticks” and corrosive materials encountered in the workplace.
- e. Head Protection – Instruction regarding overhead work and scaffold toe board use.

- f. Hearing Conservation – Instruction regarding noise protection equipment, proper usage and awareness.
- g. Lockout / Tagout – Procedures instruction for compliance and equipment location.
- h. Respiratory Protection – Annual health survey, fit test, cleaning and care instruction.

Departmental managers shall enforce the use of personal protective equipment.

- a. All personnel including management and supervisory personnel shall wear personal protective equipment when in areas so designated.
- b. All visitors, including but not limited to, vendors, salespersons and subcontractors shall wear personal protective equipment when in areas so designated.

5. PROCEDURES

- a. Appropriate eye protection shall be worn by all employees and visitors exposed to flying particles, chips, etc.
- b. In addition to safety glasses, a full-face shield shall be worn by employees involved in air-blast cleaning, chipping, chiseling, concrete breaking, equipment wash-down, grinding, handling and using chemicals, high-speed sawing, power brushing or buffing, sandblasting and steam cleaning.
- c. In addition to safety glasses, appropriate tinted goggles shall be worn for all torch cutting or burning operations.
- d. In addition to safety glasses, a welding hood shall be worn by all employees performing, assisting or observing welding, burning or cutting operations.
- e. Eye- and face-protective devices shall conform to the requirements of ANSI Z87.1-1979.
 - (i) **Eye- and face-protective devices shall:**
 - (ii) - Be reasonably comfortable yet fit snugly and not unduly interfere with the movement of the wearer.
 - (iii) - Be kept clean and in good repair.
- f. Management, with appropriate technical support shall designate the department and/or individual responsible for the issuance, care and control of each type of eye- and face-protective device.
- g. Management, with the appropriate technical support shall post signs identifying eye- and face- protection requirements at required locations.

6. HEARING PROTECTION

- a. Hearing protection shall be required where sound levels exceed acceptable Federal, State and Local Standards.
- b. Management, with appropriate technical support shall post signs identifying hearing protection requirements at appropriate applicable locations.

7. PROTECTIVE CLOTHING AND EQUIPMENT

Protective clothing and equipment shall be provided to accomplish all assigned task in a safe and healthful manner.

8. FOOT PROTECTION

- a. Employees and authorized visitors shall wear shoes or boots which are suitable for the areas of the facility in which they are working or visiting.
- b. Employees shall wear shoes or boots of substantial design and construction and the non-marking soles shall be strong and in good enough condition to prevent slipping on smooth, wet or loose surfaces and to resist penetration by nails and debris. Open toe shoes or sandals are not appropriate.

9. DISCIPLINARY PROCEDURES

OBJECTIVE - To provide guidelines for enforcement of safety rules, policies, procedures and directives from appropriate management personnel.

SCOPE - All employees.

REFERENCES - Federal, State and Local Standards, e.g., OSHA, ADA, EEOC, State Labor Codes, etc.

10. RESPONSIBILITIES

- a. Employees will be subject to disciplinary action for violations of safety rules. Such action may include anyone or more of the following depending on the severity of the violation.
- b. Employee shall be afforded instructive counseling and/or training to assure a clear understanding of the infraction and the proper conduct under company guidelines. However, nothing in this policy or this Safety Manual, will preclude management from terminating an employee for a safety violation. This is not a progressive discipline system and any safety violation

may lead to an employee's termination without prior instruction or warning. Management reserves the right to impose whatever disciplinary action it deems appropriate.

1. Verbal warning with documentation in personnel file.
 2. Written warning outlining nature of offense and necessary corrective action with documentation in personnel file.
 3. Disciplinary suspension with documentation in personnel file.
 4. Termination.
- c. Management, including supervisory personnel shall be subject to disciplinary action for the following reasons:
1. Repeated safety rule violation by their department employees.
 2. Failure to provide adequate training prior to job assignment.
 3. Failure to report accidents and provide medical attention to employees injured at work.
 4. Failure to control unsafe conditions or work practices.
 5. Failure to maintain good housekeeping standards and cleanliness in their departments.

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SAFE HARBOR MARINAS

Safety, OSHA and Environmental Program

III. EMERGENCY PREPAREDNESS AND FACILITY EVALUATION

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EMERGENCY PREPAREDNESS

- A. Objective
- B. Scope
- C. References
- D. Responsibilities
- E. Procedures

EMERGENCY ACTION PLAN

- A. Scope of The Plan
- B. Emergency Plan Coordinator
- C. Elements of The Plan
 - 1. Preferred Means of Reporting Fire and Emergencies
 - 2. Phone Numbers to be Posted
 - 3. Alarm System Type
 - 4. Alarm System Requirements
 - 5. Sounding the Alarm
 - 6. Evacuation Plans
 - 7. Employee accountability procedures after evacuation
 - 8. Re-entry
 - 9. Training for Employees Who Assist in Evacuation
 - 10. Training for Employees

APPENDIX A - Emergency Evacuation Escape Route Plan

EMERGENCY CONTACT PHONE NUMBER LIST

FIRE PREVENTION PLAN

- A. Fire Prevention and Preparedness
- B. Training
- C. Fire Event Preparation

BUILDING EVACUATION NOTICE

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EMERGENCY PREPAREDNESS

A. OBJECTIVE - To provide guidelines for Safe Harbor Marinas facility emergency preparedness to respond to and clean up a hazardous materials spill emergency and natural disasters e.g. severe storms or hurricanes.

B. SCOPE - All facility property.

C. REFERENCES - Federal, State and Local Standards, e.g., OSHA, State Inspection Codes, the Coast Guard and Department of Environmental Protection etc.

D. RESPONSIBILITIES - Steve Geiger, the Onsite Safety Officer will perform facility evaluation procedures to ensure the highest level of employee, visitor and customer safety and facility environmental compliance, in addition to reviewing facility emergency preparedness.

E. PROCEDURES

- Review and revision of Fire Evacuation Plan annually or as changes to the workplace occur.
- Review and revision of the written Fire Prevention Plan annually or as changes to the workplace occur.
- Review and revision of the site-specific Spill Prevention, Control and Countermeasure (SPCC) Plan every three years or as changes to the marina facility occur.
- Review and revision of the site-specific Severe Storm SOP Plan annually or as changes to the marina facility occur.
- Daily/weekly workplace hazard assessment – as needed.

EMERGENCY ACTION PLAN

The following section is a plan to prepare for emergencies. By auditing the work area, by training employees, by procuring and maintaining necessary equipment, and by assigning responsibilities and preparing for an emergency, human life and employer resources will be preserved.

The intent of the plan is to ensure all employees a safe and healthful working environment. Those employees assigned specific emergency duties under the

plan should be provided the necessary training and protective equipment to ensure their safety.

A. SCOPE OF THE PLAN

The plan applies to emergencies that could reasonably be expected in the workplace.

B. EMERGENCY PLAN COORDINATOR

The Emergency Plan and Fire Protection Plan Coordinator is:

Steve Geiger

The Coordinator is responsible for proper response and may be contacted for further information on or explanation of the Plan.

C. ELEMENTS OF THE PLAN

1. Preferred Means of Reporting Fire and Emergencies

All fires and emergencies will be reported by one of the following means:

- a. Verbally to the Coordinator / main office if during standard work hours
- b. By telephone if after hours or on weekends
- c. By the employee radio system to the Coordinator / main office during working hours

2. THE FOLLOWING NUMBERS WILL BE POSTED AT ALL TELEPHONES HAVING OUTSIDE LINES:

EMERGENCY COORDINATOR

Steve Geiger 239-292-8675

FIRE 911

POLICE 911

AMBULANCE 911

HOSPITAL/CLINIC

Lee Memorial Emergency Room 239-343-2000

SPILL CONTROL

Safety Kleen/Clean Harbors 888-375-5336

3. EMERGENCY ALERT ALARM SYSTEM TYPE

Alarms will be broadcast over yard radios

4. ALARM SYSTEM REQUIREMENTS

Alarm system requirements for notifying all employees in an emergency are the following:

- a. Provides warning for safe escape
- b. Can be perceived by all employees
- c. Alarm is distinctive and recognizable
- d. Employees are properly trained
- e. Emergency telephone numbers posted
- f. Emergency alarms have priority
- g. Alarm system is maintained properly by trained personnel

5. SOUNDING THE ALARM

The signal for immediate evacuation for the facility will be:

Given via yard radios

The alternate means of notification of immediate evacuation is verbal.

6. EVACUATION PLANS

Emergency evacuation escape route plans (see appendices) are posted in key areas throughout the buildings. All employees have been trained concerning these plans and should also be familiar with the evacuation plans for the other buildings within the marina.

7. EMPLOYEE ACCOUNTABILITY PROCEDURES AFTER EVACUATION

In the event of a fire emergency signaled by either the sounding of the air horns or the use of yard radios, all occupants will promptly exit the building by the nearest exit. Once clear of the building, go to the designated point and immediately report to their supervisor.

After evacuation, each supervisor (or designee) is responsible for accounting for each employee assigned to that supervisor by rallying at the designated point and by conducting a head count. Each employee will be accounted for by name. Each employee is responsible for reporting to his or her supervisor, so an accurate head count can be made. All supervisors are required to report their head count (by Name) to the Emergency Plan Coordinator or General Manager.

Designated Rallying Points

Primary location:

Parking Area Near Main Entrance

8. RE-ENTRY

Once the building is evacuated, no one is to re-enter the building for any reason. Rescue personnel (if designated and properly trained) are excluded from this rule.

When the Fire Department or other responsible agency notifies us the building is safe for re-entry, then, and only then, will personnel return to their workstations.

9. TRAINING FOR EMPLOYEES WHO ASSIST IN EVACUATION

The personnel listed below have been trained to assist in the safe and orderly emergency evacuation of employees. Employee training is provided to employees when: (1) the plan is initiated; (2) when employee's required actions and responsibilities change; (3) there are any changes to the plan.

Task:

Fire Extinguisher: All yard employees

Evacuation Assistant: Steve Geiger

Emergency shut-down: Steve Geiger

10. Training for Employees

Employee training is provided when: (1) the plan is initiated; (2) when employee's required actions and responsibilities change; (3) there are any changes to the plan; (4) initially for new employees; (5) refresher training.

Items Reviewed:

- a. Emergency Escape Procedures
- b. Escape Route Assignments
- c. Fire Extinguisher Locations and Training
- d. Procedures to Account for Employees
- e. Major Workplace Fire Hazards
- f. Employee Training Programs
- g. Fire Prevention Practices
- h. Closing doors behind you
- i. Means of Reporting Fire and Other Emergencies
- j. Names and Titles of Emergency
- k. Plan and Fire Protection Coordinators
- l. Alarm Systems
- m. Proper Housekeeping
- n. Emergency and Fire Prevention Pan Availability
- o. Hazard Weather Procedures

APPENDIX A - EMERGENCY EVACUATION ESCAPE ROUTE PLAN

Emergency / Fire Evacuation Plan

1. An emergency escape route chart is posted on the employee break room bulletin board, (copy following) indicating by department, a primary and secondary exit or escape route in the event of a fire or emergency. All employees are required to become familiar with this plan.
2. In the event of an emergency found within the marina, such as a fire, a staff member in that department will immediately make repeated announcements using the hand-held yard radio and or sound repeatedly, the building's evacuation horn, if so equipped, indicating an emergency exists and the areas to be evacuated in an orderly manner.
3. In the event of an emergency notification from outside the marina, such as a bomb threat, or environmental disaster, the person receiving the call will immediately make repeated announcements over the facilities radio system to evacuate the entire marina.
4. When an evacuation signal is given all Supervisors will assume a station in the vicinity of the designated exit. The Supervisor will insure that all personnel are evacuated and will aid employees as needed. After being assured that a building has been completely evacuated, the Supervisor shall report same to the facility General Manager
5. Once evacuated, all employees will then proceed to the previously designated accounting area for an additional head count by the supervisor. The supervisor will then report the status count to the marina General Manager.
6. Should medical attention be required, first aid will be given by a trained staff member and or 911 will be called for assistance.
7. Emergency telephone numbers are posted by all phone locations, it is essential that the appropriate emergency service be called immediately.

EMERGENCY CONTACT PHONE NUMBER LIST

Marina Phone number (239) 990-9987

General Manager (239) 292-8675

Poison control center 800-222-2222

Police/Fire 911

Ambulance 911

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FIRE PREVENTION PLAN

Port Phoenix Marina has adopted the following practices and procedures to prevent the likelihood of a fire.

A. FIRE PREVENTION AND PREPAREDNESS

- Offices, work bays, and shipyard trash and debris are collected daily and taken to the dumpsters or recycling areas.
- Surveys of offices and workshops to maintain unobstructed corridors and exits are continually performed and corrective action taken as needed.
- Flammable materials i.e. solvents or paint thinners are recycled. Centralized outdoor locations for the recycling of waste oil and by-products have been posted as flammable areas. These locations are continually monitored to ensure containers are kept closed, site is kept clean, and contents of storage containers are clearly labeled and dated. A subcontractor recycles product in collection containers.
- Outdoor storage areas are used for the storage of propane and compressed gas. These areas are secured to prevent unauthorized access, by commercial grade chain link fencing with locked entrance gates and a roof or comparable.
- Fire extinguishers have hydrostatic testing performed annually. Extinguishers are located in well-marked centralized locations in all workshops. Additionally, extinguishers are located on decks or docks, outdoor recycling areas, and near compressed gas storage locations.

B. TRAINING

Employees have been trained in the proper disposal of flammable materials, and the proper storage and recycling procedures of solvents. This training assists in prevention of mixed product, thereby reducing a hazardous material or fire event. Annual training is provided to all employees in the proper procedures and use of fire extinguishers.

C. FIRE EVENT PREPARATION

In the event of a fire, the following safety procedures have been adopted:

- All building exits are clearly marked.
- Any door that maybe mistaken as an exit, has been labeled with a “Not an Exit” sign.
- Posted by all exit doors is the building evacuation plan. This plan designates the location all building occupants are to evacuate to in the event of a fire to be accounted for.
- Maps of the marina facilities have been provided to local fire departments.

BUILDING EVACUATION NOTICE

In the case of a building evacuation event **ALL OCCUPANTS** are required to proceed directly to the following location to be accounted for:

Main Parking Area

Do Not *under **any** circumstances*, leave the above referenced location during an emergency unless you notify your supervisor for permission.

*The life of rescue personnel could be lost trying
to locate you!*

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COMPLIANCE CALENDAR

Daily

- ✓ Yard safety inspections
- ✓ Gas and diesel fuel report by fuel dock staff
- ✓ Security report

Pre-Use

- ✓ Crane inspection report by operator
- ✓ Fork truck inspection report by operator

10 Hour

- ✓ 10 Hour - Crane inspection (accumulative time) by operator

Weekly

- ✓ Inspection of hazardous waste storage areas, containers and labels

Monthly

- ✓ Solvent disposal report
- ✓ Fire extinguisher Inspection
- ✓ Fork truck maintenance / inspection report
- ✓ Crane maintenance / inspection report
- ✓ Travelift inspection report

Quarterly

- ✓ Waste oil disposal/recycling report
- ✓ Engine oil filter recycling report
- ✓ Solvent disposal/recycling report
- ✓ Safety Committee meeting and report

- ✓ Outside contractor certificate of insurance review

Annual

- ✓ Pressure test of UST's where applicable
- ✓ Facility inspection and report
- ✓ Review of Hurricane SOP and up-dates as needed
- ✓ Inspection of fuel storage systems, pumps, safety equipment and piping on docks
- ✓ Permits and permit renewal applications.

As Needed

- ✓ Subcontractor approval process (bid & hire) for necessary licensed repairs
- ✓ Ladder and scaffold inspection report

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EMERGENCY PLAN

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Safe Harbor Marinas

Safety, OSHA and Environmental Program

IV. HAZARDOUS WEATHER EMERGENCY PLAN

SECTION INDEX

- STANDING OPERATING PROCEDURES (SOP) FOR SEVERE STORMS
- DEFINITION
- STATEMENT OF PURPOSE
- SEVERE STORM POLICY REGARDING VESSELS IN THE MARINA
- STAFF RESPONSIBILITIES
- APPENDIX A - POLICIES AND PROCEDURES FOR VESSEL OWNERS
 - EXHIBIT 1 TO APPENDIX A
- APPENDIX B - OFFICE STAFF PROCEDURES FOR SEVERE STORM PREPARATION
- APPENDIX C - VOLUNTEER DOCK WATCH CAPTAINS
 - EXHIBIT 1 TO APPENDIX C (RELEASE FORM)
- APPENDIX D - MAINTENANCE PROCEDURES FOR SEVERE STORM PREPARATION
- APPENDIX E - POST STORM ACTION PLAN
- ADDENDUM TO APPENDIX A - SEVERE STORM POLICY REGARDING VESSELS IN THE MARINA



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STANDING OPERATING PROCEDURES (SOP) FOR SEVERE STORMS

A. DEFINITION:

Hurricanes, Northeasters, Alberta Clippers, extratropical cyclones are semi-predictable storms characterized by highly dangerous and destructive winds, rain and tidal surge. Hurricane season, June 1 through November 30 each year, is the period during which the possibility of tropical storms, including hurricanes, is highest. Northeasters can develop at any time of the year and are most frequent during the months of September through April.

B. STATEMENT OF PURPOSE:

The purpose of this Standing Operating Procedure is to use what is known about severe storm forecasting and preparation, and about prudent behavior during a hurricane or Nor'easter to minimize the effects of these storms on marina property, boat owners and their boats, and SHM staff.

C. SEVERE STORM POLICY REGARDING VESSELS IN THE MARINA:

Outlined under **GENERAL YARD RULES AND CONDITIONS** and restated as follows:

All boats must have hull and liability insurance. The Yard is not responsible for damages due to fire, storm, theft, winds, ice, acts of God, outside labor, or the work of independent contractors. The owner agrees the yard will not be held liable in the event of such occurrence. Furthermore, in the event of a severe storm, the Yard will attempt, if possible, to provide preparation and damage prevention service, the cost for which will be prorated over all boats. However, the owner is still solely responsible to take all emergency means possible, and the Yard does not assume any responsibility for said protection or damages to the owner's boat.

D. STAFF RESPONSIBILITIES:

When a hazardous weather alert is announced by the General Manager and or Plan Coordinator all employees shall immediately respond to the directives given.

The General Manager, (GM), is responsible for coordinating staff activities in preparing for and reacting to the threat of a severe storm. Specific duties of the GM and principal staff are outlined below in the basic SOP and in Appendices "B" (Office Staff Procedures for Severe Storm Preparation), "C" (Volunteer Watch Captains), "D" (Maintenance Procedures for Severe Storm Preparation), "E" (Post Storm Action Plan).

Phase 1: Prior to Hurricane Season

- i. The General Manager (GM) will:
 - (a) Coordinate staff actions to review, update and maintain the SOP.
 - (b) Schedule a staff briefing of the SOP prior to May 1 each year and will arrange for the briefing of new personnel who have joined after May 1.
 - (c) Seek to recruit and instruct one or more Volunteer Storm Dock Watch Captains for each dock, prior to June 31 each year. See Appendix "C".
- ii. The Office Manager (OM) or Administrator *OMGR* will:
 - Accomplish the preparatory actions listed in Appendix "B" and will arrange to distribute to Owners a copy of Appendix "A", at the start of the summer boating season.

Phase 2: 72 Hours Prior to Predicted Storm

- i. The GM will:
 - (a) Place all staff on Severe Storm Alert, will schedule a review of the Severe Storm SOP, and will develop and promulgate a watch schedule for personnel for the next 48 hours.
 - (b) Coordinate a check of all boats in the marina to verify slip occupancy and the status of preparations. Findings will be recorded on the Dock Check List, which will be delivered to the OM or Administrator following each dock check.
- ii. The Maintenance Manager (MM) *MMGR* will:
 - Coordinate a review of and report to the GM on the status and preparation of materials on the Objective Materials List.
- iii. The OM or Administrator will:
 - (a) Attempt to notify Owners of the predicted storm and request that Owners review Appendix "A". The Manager will also seek to learn the Owners' tentative plans for moving/not moving their vessels.
 - (b) Review and update slip availability based on Owners' tentative plans and provide the GM an updated Dock Check List showing actual and tentative dockage assignments. This list will be updated continuously to reflect changes in slip assignments and availability. A slip status roster will be used to indicate the current status of slip assignments and reservations.

Phase 3: 48 Hours Prior to Predicted Strike of the Storm

i. The GM will:

(a) Coordinate a check of all docks and grounds for storm preparedness and will assign staff as needed to complete preparations of the marina.

(b) Place volunteer Dock Captains on alert and schedule them as necessary based on their availability.

(c) Notify the OM or Administrator of any discrepancies noted in the dock check, using the annotated Dock Check printout and any amplifying information.

ii. The MM will:

Assure that Marina equipment is secured in sheds or is properly tied down. Bikes will be removed from racks and placed in sheds.

iii. The OM or Administrator will:

Attempt to notify Owners of any problems noted during the dock check. The manager will continue to update the slip status and reservations to reflect prospective and actual changes in slip assignments.

Phase 4: 24 Hours Prior to Predicted Strike of the Storm – Hurricane Warning Issued by the National Weather Service

i. The GM will:

(a) Place all staff on full duty.

(b) Coordinate a final staff review of SOP to complete preparations.

ii. The MM and crew will:

(a) Coordinate a final check of docks and Marina property and submit an updated Dock Check to the GM, OM or Administrator.

(b) Supervise the boarding up of the buildings where possible.

(c) Turn off all electrical power to dock and non-essential buildings.

(d) Turn off all water to docks and non-essential buildings.

(e) Turn off all fuel systems, draining the system if possible.

(f) Disconnect and secure the approach ramps to the docks to prevent damage to them due to high water levels.

iii. The OM or Administrator will:

Produce and furnish to the GM a final Dock Check list showing the location of all boats and noting any conditions listed in the most recent Dock Check.

Phase 5: 12 Hours Prior to Predicted Strike of the Storm until Evacuation or "All Clear".

i. Marina Management will:

In consultation with Civil Defense Officials, orders evacuation of all boaters.

ii. GM will:

i. Release staff on an individual basis.

ii. Secure office and notify Disaster Control Officials at City/County/U.S. Coast Guard; secure communications; retire to a safe location and monitor weather broadcasts.

iii. MM will:

Secure power, where remaining.

See Appendix "E", Post Hurricane Action Plan.

APPENDIX A - POLICIES AND PROCEDURES FOR VESSEL OWNERS

Definition: Hurricanes and Nor'easters are semi-predictable storms characterized by highly dangerous and destructive winds, rain and tidal surge. Hurricane season is from June 1 through November 30 each year, the period during which the possibility of hurricanes and tropical storms is highest. Nor'easters can develop at any time of the year and are the most frequent during the months of September through April.

Statement of Purpose: The purpose of this Standing Operating Procedure is to use what is known about severe storm forecasting and preparation, and about prudent behavior during such a storm, to minimize the effects of these storms on marina property, boat owners and their boats, and Marina staff.

Severe Storm Policy Regarding Vessels in the Marina: This policy is restated as follows:

"Owner acknowledges that he/she has been advised that Marina makes no representation or warranty that Marina offers Owner or Owner's vessel a safe berth, or that Marina offers the safest available refuge. Further, he/she has been advised that if Owner's boat remains in Pilots Point Marina after a condition of Severe Storm Watch has been set, it remains at Owner's own risk. Owner acknowledges that damage may be caused to the dock structure if Owner's vessel remains moored at the dock during high winds or rough seas. Owner agrees to take precautions necessary to prevent such damage and agrees to pay for any damage caused by berthing/ improper berthing to the dock during severe storms, including hurricanes and northeasters.

General Information for all Vessel Owners (Owners)

Safe Harbor Marinas has established a set of procedures intended to minimize damage to persons and property in the event of a severe storm or hurricane. These procedures should not be considered proof against loss or damage and they should not be considered a substitute for the actions of a prudent boat owner. You, as a boat owner, must make your own plans and preparations for severe storms. Preparing the boat for heavy weather, deciding where to take the boat well before the anticipated strike of the storm, obtaining adequate insurance to cover the loss or damage of the boat and any destruction it may cause to the property of others are among the many decisions you must make. You may find the attached Summary list of precautionary Actions useful.

The Marina staff will assist you, to the extent time, facilities and materials permit, in preparing. We hope to be aided by volunteers, Volunteer Dock Watch Captains, among your fellow boaters and would welcome your participation in this program of boaters

helping boaters. Please contact the Marina Manager if you are interested. In any case, please make plans now to prepare your vessel for severe storm conditions.

Vessels left in storage:

- Stow all loose gear including sales, bikes, inflatables, dinghies, etc.
- Set lines; leave additional lines accessible for Marina staff; leave lock combination or a set of boat keys in marina office.
- Secure all sheets and halyards.
- Leave an emergency number where you can be reached.
- If possible, make arrangements with someone, or with a company, to remove boat if needed (sorry, marina staff personnel will be committed to other tasks).
- Evacuate marina at your discretion, but immediately when ordered by authorities.

Evacuation Route:

Follow posted evacuation routes.

EXHIBIT 1 TO APPENDIX A - SUMMARY LIST OF PRECAUTIONARY ACTIONS

The following list of possible precautionary actions is summarized from information published by Boat U.S. and similar sources. It is furnished for your information and should not be considered a complete list or one, which will assure the safety of your vessel in severe storm conditions.

72 to 24 hours prior to a Severe Storm

- Secure vessel with lines at least 1/2 inch in diameter
- If cleats are not bolted through, consider securing lines to base of mast, winches, etc.
- Double lines on bow and stern, single springs, use a six-point attachment.
- Boats should be sprung as far as possible from the main dock and 2 feet from the finger pier
- Spring lines should be used between boats as desired
- Manned boats are to be tied off at boat, unmanned tie off at dock
- All canopies and Bimini tops should be removed and stowed
- All sails and covers removed and stowed; sheets and halyards secured
- Owners discretion as to removing the boom and lashing it down
- All rudders should be secured in the fore-and-aft position
- All hatches should be dogged or secured
- All cockpit drains should be cleaned and checked to insure drainage
- All water tanks should be filled
- All batteries checked and fully charged
- Check engine to see that it will start and run
- Remove all TV antennae
- Prepare for removal of dockside power
- Remove inflatables and dinghies, preferably take them home or secure them in a safe place

Continue to check lines and boats until you feel it is prudent for you to be elsewhere or are ordered to evacuate

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APPENDIX B - OFFICE STAFF PROCEDURES FOR SEVERE STORM PREPARATION

The Office Manager (OM) or Administrator is responsible for maintaining and disseminating the severe storm SOP, for securing all records and office equipment, and for assisting in other ways as requested by the GM.

Phase 1: Prior to Hurricane Season

- a. Accomplish actions per **Phase I**, item "i.c" of basic SOP.
- b. Identify source for storage containers for office records, equipment and resale items.
- c. Define priorities for office materials and equipment to be boxed and stored while maintaining office operations until evacuation is ordered;
- d. Coordinate with marina staff to identify records to be stored elsewhere (high & dry).
- e. Schedule office staff for training to prepare them for dock duties if needed in an emergency (tying and fendering boats and similar skills).
- f. Review severe storm SOP with staff and recommend changes.
- g. Create and maintain a staff recall list, with telephone numbers and home addresses.

Phase 2: 72 Hours Prior to Predicted Strike of Storm

- a. Secure boxes or whatever is needed for storage of store merchandise, office supplies and office records.
- b. Be familiar with the Severe Storm Plan so as to answer correctly questions boaters may have.
- c. Notify, by phone, all local boat owners that the severe storm plan is in effect.

Phase 3: 48 Hours Prior to Predicted Strike of Storm

- a. Pack stores merchandise and assist maintenance in moving.
- b. Pack unnecessary offices supplies and records and assist in moving.

- c. Identify where flashlights should be placed and see that they are put there after being tested.

Phase 4: 24 Hours Prior to Predicted Strike of Storm

- a. Assist with the removal and storage of all remaining records.
- b. Supervise the removal of the computers to upstairs.
- c. Reset a computer for access to information regarding boat owner information.
- d. Back-up copies onto memory devices of all information in the computer and store in watertight box.
- e. Be prepared to assist on the docks.

Phase 5: 12 Hours Prior to Predicted Strike of Storm

- a. Answer phones to assist with boater information.
- b. Assist on docks and office until storm is over or ordered to evacuate.

APPENDIX C - VOLUNTEER DOCK WATCH CAPTAINS

General. Prior to June 31 each year, the GM will attempt to identify one or more boaters from each dock to serve as Volunteer Hurricane Watch Captains (volunteers) to assist the marina staff in preparing the marina for a severe storm. Volunteers will sign Exhibit "I" to Appendix "c" to indicate that they are volunteers, that they are aware of the possible risks associated with the duties of Hurricane Watch Captain, and that they accept those risks.

The GM will schedule instruction for Volunteers prior to July 15, at the time volunteers join, and whenever a condition of a severe storm watch is set.

Volunteers will supply their own foul weather gear, flash light/lantern, and mandatory Personal Flotation Device (PFD).

All Volunteers will perform their duties under the supervision of the GM. These voluntary duties include the following:

Make best efforts to evaluate severe storm preparedness of boats and docks, checking for such items as chaffed lines, improperly tied vessels, loose dock equipment and the like. Report findings and recommendations to the GM.

Assist in final preparations as requested by the GM or his/her representative. Remain in an alert status until (a) ordered to evacuate, (b) advised to stand down, or (c) personal decision to relinquish duties as Volunteer (please inform GM).

Phase 3: 48 Hours Prior to Storm

- Secure own vessel and make all personal preparations
- Assist in dock check as requested and report discrepancies
- Assist other boaters and marina staff as appropriate
- Monitor VHF Channel 16 or other designated frequency

Phase 4: 24 Hours Prior to Storm until Stand Down or Evacuation

- Continue to observe and report
- Assist as appropriate
- Assist with evacuation

EXHIBIT 1 TO APPENDIX C (RELEASE FORM)

I _____ volunteer for duty as a Dock Watch Captain
for _____ dock, at _____ marina, located in

I recognize that there may be risks associated with this volunteer service and I voluntarily accept these risks.

Signature of volunteer

Date

Signature of Marina Representative

Date

APPENDIX D - MAINTENANCE PROCEDURES FOR SEVERE STORM PREPARATION

The Maintenance Manager (MM) is responsible to see that the materials (see list below) needed to secure the marina are on hand in specified locations. In addition, he/she is to instruct other maintenance staff of procedures to be followed.

OBJECTIVE MATERIALS LIST

Materials Needed

- Sheets of plywood to board designated windows (to be decided by the GM)
- Nails and strapping to secure window boards
- 1200' of 5/8" line to secure boats if needed (boater is billed)
- 400' 1/4" line for misc. securing of Marina items
- Pfd's for entire staff
- 6-8 large flashlights, batteries, extra bulbs
- 2-4 rolls of sheet plastic - medium weight
- 6-8 rolls of duct tape
- 6 rolls of electrical tape
- 50' or more of old 1/2" or 5/8" garden hose - cut into 2' lengths and holes drilled for tie lines (used as chaffing gear)
- 2-4 hacksaws

Preparation:

- Prior to hurricane season, (preferably late March, early April) cut, label, and store in appropriate area:
- Plywood boarding
- Check each year that these are in correct place check that all supplies are on hand.
- Develop a check list and location plan to be filed with Severe Storm Plan in main office.
- Survey marina for any needed changes based upon marina renovations.
- Survey all pilings; notify GM of any needing replacement
- Survey condition of flagpoles, signs, and any marina equipment secured to docks, buildings, or ground that might come loose -- repair when needed
- Review any specific directions not covered by GM with staff.

72 Hours Prior to Predicted Strike of Storm

- Re-check all supplies insure their correct locations
- Review all procedures with staff

48 Hours Prior to Predicted Strike of Storm

- Secure loose marina equipment, i.e. bike racks, garbage cans, grills, signs, equipment, etc.
- Work with MM on any problems identified by GM's inspection.
- Board up windows that are not critical at this time
- Move stock from lower floor to upstairs, cover with plastic and tape
- Move unnecessary office materials upstairs, cover with plastic and tape
- Check all flashlights, batteries, and bulbs
- Dip fuel tanks, contact dock office to order fuel to fill

24 Hours Prior to Predicted Strike of Storm

- Secure any remaining marina equipment
- Board up remaining windows
- Assist in securing any boats needing additional lines
- Move remaining office materials upstairs and cover
- Assist GM and OOM with final marina check
- Direct staff to correct any problems found by above

12 Hours and on

- Continuous check of marina and corrections of problems encountered until hurricane is over or evacuation is ordered.

APPENDIX E - POST STORM ACTION PLAN

GM return to marina when all clear is sounded and recalls staff, coordinates efforts of staff and Volunteer Dock Captains; coordinates with Town Disaster Control Officials to identify potentially hazardous conditions; when safe to do so, commences damage assessment of facilities and boats and prepares damage reports; coordinates report of damage to individual vessel owners.

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ADDENDUM TO APPENDIX A - SEVERE STORM POLICY REGARDING VESSELS IN THE MARINA

_____ Marina Slip/Space Rental

Agreement dated _____ between:

_____ ("Owner")

and

_____ Marina ("Marina")

Owner acknowledges that he/she has been advised that Marina makes no representation or warranty that Marina offers Owner or Owner's vessel a safe berth, or that Marina offers the safest available refuge. **Further, he/she has been advised that if Owner's boat remains in the Marina after a condition of a severe storm watch has been set, it remains at Owner's own risk.** Owner and his/her vessel are fully responsible for all of the consequences of the vessel's continuing presence in the marina as set forth in the General Yard Rules and Conditions and Exhibit "A" thereto. Owner agrees to reimburse Marina for any damage done to Marina property as a result of vessel's remaining in the Marina. Owner also agrees to hold Marina harmless in the event claims for damage to other persons or property arise from the presence of Owner's vessel in Marina.

Owner has produced evidence of or has covenanted and agreed that he/she has in full force and effect, and Marina has relied upon, (a) a marine hull insurance policy of a "named perils" or "all risks" for the value of the vessel, and (b) a third-party liability policy, also known as a P&I policy.

Owner agrees that he/she is fully responsible for making arrangements for the safety and protection of his/her boat and appurtenances. Owner authorizes Marina to remove his/her vessel from current location at Owner's expense, If Owner fails to move said vessel after receiving notice from Marina that the vessel represents a threat of damage to Marina property or to property of a third party.

Signed, Sealed and Delivered in the presence of

"Owner" _____

By _____
(Witness) as to Owner/Authorized Agent

"Marina" _____

By _____
(Witness) as to employee

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Safe Harbor Marinas

Safety, OSHA and Environmental Programs

V. SAFETY PROGRAM

SECTION INDEX

- INTRODUCTION – PROGRAM IMPLEMENTATION GUIDELINES
- MANAGEMENT COMMITMENT and EMPLOYEE INVOLVEMENT
- SAFETY PROGRAM GUIDE FOR MANAGERS
- SAFETY COMMITTEE PROGRAM
- SAFETY COMMITTEE MEETING AGENDA/MINUTES (examples)
- SAFETY MEETING (EMPLOYEE) AGENDA EXAMPLES
- ACCIDENT REPORTING
- ACCIDENT INVESTIGATION FORM
- ACCIDENT REPORT FORM

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INTRODUCTION - PROGRAM IMPLEMENTATION GUIDELINES

A. OBJECTIVE

To provide required programs and reporting forms.

B. SCOPE

All Safe Harbor Marina facilities

C. REFERENCES

Federal, State and local reporting codes.

D. RESPONSIBILITIES

The on-site Safety officer or his/her designee will maintain files containing copies of the site safety activities, meetings, accident reports and investigations.

E. PROCEDURES

Documentation of all related meetings, training provided or investigations.

While the details may vary, below are the four basic elements that are always found in workplaces with a good accident prevention program and have been adopted by the Safe Harbor Marinas organization. They are as follows:

1. The manager or management team leads the way, especially by setting policy, assigning and supporting responsibility, setting an example, and involving employees.
2. The worksite is continually analyzed to identify all hazards and potential hazards.
3. Methods for preventing or controlling existing or potential hazards are put in place and maintained.
4. Managers, supervisors, and employees are trained to understand and deal with worksite hazards.

The Safe Harbor Marinas organization is in the process of adopting each of these elements to prevent workplace accidents and possible injuries and illnesses. Developing a workplace program following these four points should lead us to do all the things needed to protect ourselves and our employees' safety and health. This serves as an existing program review in relation to the elements needed to improve what we have in place now. This four-point approach to safety and health protection in our business

should also help us to improve efficiency. Additionally, it is our goal to reduce insurance claims and other costs, as this approach will help the Safe Harbor Marinas organization toward full compliance and beyond. It also will certainly give us a way to express and document our due diligence.

The key to the success of this plan is to see it as a part of our business operation and to see it reflected in all our work.

Although voluntary, these guidelines represent OSHA's policy on what every worksite should have in place to protect workers from occupational hazards. The guidelines are based heavily on OSHA's experience with the Voluntary Protection Programs (VPP). These voluntary programs are designed to recognize and promote effective safety and health management as the best means of ensuring a safe and healthful workplace.

MANAGEMENT COMMENTMENT AND EMPLOYEE INVOLVEMENT

The management of Safe Harbor Marinas - Port Phoenix Marina facility is committed to providing a safe environment for our employees, customers and visitors.

As the General Manager of a Safe Harbor Marina facility I have taken the proper measures and precautions to ensure my employees reflect my attitude towards job safety and health. I realize if I am not interested in preventing employee injury and illness, nobody else is likely to be. My goal, reflected through these programs and the Safety Committee, is to meet and or exceed state and applicable federal compliance requirements by demonstrating the priority Safe Harbor Marina Managers place on the health and safety of our employees', customers and visitors.

The Safe Harbor Marinas Risk Management Program is proactive in nature to ensure a safe workplace for all staff, a clean hospitable environment for visitors, and a customer service orientated boating resort recreation area.

A. MARINO, General Manager

The purpose of the Employee Safety Committee ("the committee") is to promote the creation of a safe working environment at the marina with employee involvement. It will give employees a direct voice in addressing safety concerns throughout the facility. The employees that become members of the committee will have the opportunity to work closely with management staff in solving critical problems. The members will be

the representatives of all other employees of the marina and should be the contact for employees that have safety concerns. It is important that the employees that become members of this committee are individuals that have good attendance and work records, have a good attitude, have good communication skills, are motivated and have a concern for safety.

The committee members will elect a Chairperson and a Secretary for the committee. The Chairperson is responsible for running the meetings and will be the representative of the committee at marina management meetings. It will be the Chairpersons responsibility to develop an agenda for each meeting and ensure that it is followed. It is also the Chairpersons obligation to ensure that all safety concerns that are raised are followed through to a result. The Secretary is responsible for recording the minutes of each meeting and distributing copies of these minutes to all members in a timely manner.

The committee will need to set the terms for serving on this committee for each member. Most committee members will serve for no more than two years, with the normal term running one year. Terms for each member will need to be staggered so that a complete turnover of the committee does not occur at one time.

When there is a vacant position on the committee, the marina will solicit nominations and it will be the responsibility of the committee to select new members from the nominations received. The committee will have very strict guidelines for attendance at committee meetings and if any member misses three consecutive meetings without a valid excuse, they will be dismissed from the committee.

It is important that it is emphasized that being a member of this committee is a very serious role. The cooperative effort between employees and management typically results in higher moral, lower accidents and injury rates, reduced workers' compensation costs, and, most important, joint ownership of the safety improvement process. Employee involvement is integral to creating a safe working environment.

B. COMMITTEE REQUIREMENTS

- Meet at least once every three months (if trying to improve productivity meet more often).
- Equal representation – labor and management (can have more labor).
- Make “reasonable effort” to ensure members represent major work activities.
- Choose supportive management committee members (constant “nay-sayers” destroy the process).
- Training for committee members at no cost to members.
- Keep minutes.

Chairing the Committee

- Chairperson to be elected by committee members (should be impartial & not the tech. Person).
- Management and labor members may rotate chair responsibilities for meetings.

Training Committee members

- Managerial/Administrative Issues
 - Management system
 - Investigation & inspection procedures, objectives
 - Effects of employee substance abuse on incidents, accidents & safety
 - Establishing follow-up system to ensure closure
 - Workers' compensation
 - Effective meeting management
- Technical issues
- Basic OSHA issues
 - Hazard recognition
 - Training
 - Interviewing– extracting information
 - SDS, Hazcomm, Hazmat
 - Industrial hygiene
- Work-site specific issues

Compensation to Members

- S&H committee members get paid at regular rate of pay for all time spent on such activities
- Includes but not limited to meetings, training, inspections

Recordkeeping

- Keep records at least 3 years
 - Post roster of members' names & departments
 - Meeting attendance
 - Meeting minutes. Including times
 - Committee members training
- All safety and health committee records must be provided to the Chair of the Workers Compensation Commission or his/her designee upon request

Committee Duties & Functions

- Safety inspections
- Hazard identification programs
- Investigating accidents, incidents, illness, deaths and safety violations
 - *Beware disclosure issues*
- Evaluating accident & illness prevention programs
- Identify & reduce workplace reproductive hazards

- Help committee members understand & identify effects of employee substance abuse on workplace accidents and safety

Importance of an *Effective* Committee

- Brings employers and employees together to promote workplace safety
 - Non-adversarial
 - Cooperative
 - Effective
- Employees have many solutions to improve safety performance
- Buy-in to solutions is vital to long-term success
- Committee decisions can be better than individual decisions
- Teamwork skills developed
- Enhances knowledge of health & safety issues
- Employee involvement generates support for safety program

An *Effective* Safety and Health Committee Will:

- Eliminate hazards
- Reduce incidents, accidents
- Reduce workers' compensation costs
- Improve regulatory compliance
- Improve labor relations climate
- Improve operations and market competitiveness

Establish a Management System Framework for Success

- ***Reality Check!***
 - ***Publishing regulations does not automatically improve safety performance***
- Management System
 - Overall strategy and organizational structure established to manage S&H programs
 - Must be driven by supervisor staff (support of compliance efforts)
 - Progress needs to be measured, reported to senior management and workforce

Essential elements of a safety and health management system

- Policy statement
- Organization, oversight
- Annual planning
- Accountability
- Assessment, prevention & control

- Education & training
- Communications
- Rules & procedures
- Self-inspections & audits (different)
- Incident investigation
- Records & documentation
- Program evaluation

Communications

- Communicate establishment of S&H committee to workforce
 - Purpose
 - Membership
 - Goals & objectives, etc.
- Establish on-going communications strategy
 - Results of efforts
 - Recognition

The Next Level (doing more)

- Establish a S&H management system
- Meet at least monthly
- Review status of on-going programs & objectives
- Assist with other OSHA compliance issues
- Review & approve safety policies and procedures
- Ergonomics
- Establish a light duty, return to work program
- Charter sub-committees or specialty committees
- Invest in your committee members by providing meaningful training

Successful safety and health committees have:

- Top level management leadership & personal involvement
- Clear goals and timelines (written action plans)
- Competent safety resources
- Meetings held with appropriate or specified frequency
- Funds available to implement recommendations
- Positive attitude, commitment and involvement from members
- Enough time for members to participate
- Appropriate training
- Accountability for completion
- Routine reporting to CEO
- Recognition for accomplishments

Indicators of failing safety and health committees:

- Unclear purpose /goals
- Poor attendance or participation, frequent substitutions
- Meetings frequently canceled
- Apathy about results
- Inability to make decisions
- Inappropriate subcommittee members – Safety coordinator always chairs – same people on all subcommittees
- Constantly changing membership (layoffs, reassignments, etc.)
- Unsupportive supervisors of committee members
- No accountability for results
- Management politics

Practical Considerations

- Separate S&H committees from environmental

Provide appropriate professional S&H and Labor Relations oversight to committees

- Don't assume employees or managers have technical understanding of S&H issues
- Many S&H procedures, forms etc. already exist – don't reinvent the wheel
- Focus on major issues at meetings or you'll lose management support
- Attain early successes and publicize them well in a business model
- Manage committees like business units – expect results!

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Safe Harbor Marinas

PROGRAM GUIDANCE FOR MANAGERS

It is necessary to form a joint employee-management safety committee. This will assist you in starting a program and will help maintain interest in the program once it is operating. Committees can be an excellent way of communicating safety and health information. If you have few employees, consider rotating them so that all can have an active part in the safety and health programming.

The men and women who work for you are among the most valuable assets you have. Their safety, health, and goodwill are essential to the success of your business. Having them cooperate with you in protecting their safety and health not only helps to keep them healthy - it makes your job easier. As a Safe Harbor Marinas employer, you have inherent advantages, such as close contact with your employees, a specific acquaintance with the problems of the whole business, and usually a low worker turnover. You have already developed a personal relationship of loyalty and cooperation that can be built upon very easily. These advantages may not only increase your concern for your employees but also may make it easier to get their help.

Here are some actions to take:

- Post your own policy on the importance of worker safety and health next to the OSHA workplace poster where all employees can see it.
- Hold a meeting with all your employees to communicate that policy to them and to discuss your objectives for safety and health for the rest of the year. (These objectives will result from the decisions you make about changes you think are needed after you finish reading this guideline.)
- Make sure that support from the top is visible by taking an active part, personally, in the activities that are part of your safety and health program. For example, personally review all inspection and accident reports to ensure follow-up when needed.
- Ensure that you, your managers, and supervisors follow all safety requirements that employees must follow, even if you are only in their area briefly. If, for instance, you require a hard hat (*required by OSHA anywhere a potential of head injury from falling object, or overhead work is being performed by other employees*) and/or safety glasses in an area, wear them yourself when you are in that area.

- Use your employees' special knowledge and help them buy into the program by having them make inspections, present weekly safety training meetings, or help investigate accidents.
- Make clear assignments of responsibility for every part of the program that you develop. Make certain everyone understands them. The more people involved the better. A good rule of thumb is to assign safety and health responsibilities in the same way you assign re-fit and repair responsibilities. Make it a special part of everyone's job to operate safely. That way, as you grow and delegate refit and repair responsibilities more widely, you will commit safety and health responsibilities with them.
- Give those with responsibility enough resources (financial support, people, on the clock time, training, and authority to get the job done.
- Don't forget about it after you make assignments, make sure personally that they get the job done. Recognize and reward those who do well and correct those who don't.
- Take time, at least annually, to review what you have accomplished against what you set as your objectives and decide if you need new objectives or program revisions to get where you want to be.

Safe Harbor Marinas

SAFETY COMMITTEE SURVEY FORM

DATE: _____

Safe Harbor Marinas Facility Name: _____

Company Contact: _____

Telephone # _____

Business Health Insurance Type: PPO: Yes__ No__

Total Employees: _____

Company Safety Committee: Yes__ No__

Total Safety Committee Members _____

Total Employer Members _____

Total Employee Members _____

Safety Committee Chairperson Date Selected _____

Date of Last Safety Meeting _____

Does the Company Have a Master List of Safety Committee Members? Yes__ No__

If Yes, Does This Master List Consist of Member Names and Their Departments?
Yes__ No__

Is This List Posted Where All Employees Have Access? Yes__ No__

Are Safety Meeting Minutes Kept? Yes__ No__

If Yes, Do These Meeting Minutes List the Attendees? Yes__ No__

Are All Members of the Safety Committee Paid for All Time Spent on Committee Activities? Yes__ No__

Do Safety Committee Meetings Include:

Accident Investigations? Yes__ No__

Safety Inspections? Yes__ No__

Safety Training Programs? Yes__ No__

Hazard Identification and/or Workplace Exposure Programs? Yes__ No__

Follow-Up Procedures for Open Safety Items? Yes__ No__

A Written Agenda? Yes__ No__

A Record of All Suggestions and Recommendations? Yes__ No__

Frequency of Safety Meetings _____

Duration of Safety Meetings _____

Are Responsibilities Assigned to Correct Safety Issues? Yes__ No__

Have All Safety Committee Members Been Trained in Their Rights and Responsibilities as Committee Members? Yes__ No__

If Yes, How?

Safe Harbor Marinas

Employee Safety Meeting

Topic _____ Date _____

Agenda

- _____
- _____
- _____

Employee Name (Print)

Employee Name (sign)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Employee Safety Meeting Cont

Date _____

Employee Name (Print)

Employee Name (sign)

_____	_____
_____	_____
_____	_____
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SAFE HARBOR MARINAS

Safety, OSHA and Environmental Programs

VI. INJURY MANAGEMENT

SECTION INDEX

- RECORDKEEPING – GUIDELINES
- ACCIDENT (INCIDENT) INVESTIGATION FORM – MANAGEMENT
- ACCIDENT (INCIDENT) INVESTIGATION FORM – SAFETY COMMITTEE
- ACCIDENT REPORT FORM – EMPLOYEE FIRST REPORT OF INJURY
- OSHA FORMS FOR REPORTING WORK RELATED INJURIES and ILLNESSES
- OSHA 300,301, and 300A REPORTS
- RETURN TO WORK PROGRAM

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RECORDKEEPING GUIDELINES

A. OBJECTIVE

To provide guidelines for record keeping practices.

B. SCOPE

All records mandated by federal, state and local Laws.

C. REFERENCES

Federal, state and local "Standards", e.g., OSHA, ADA, EEOC, NFPA, State Labor Codes, etc.

D. RESPONSIBILITIES

Management with clerical support will maintain the following records for the time duration required by state and federal statutes.

E. PROCEDURES

Each Safe Harbor Marinas facility shall maintain employee medical records for the term of the employees' service plus an additional minimum of 30 years.

The company shall maintain employee exposure records for 30 years.

The Onsite Safety Officer shall oversee update maintenance of Safety Data Sheet binders.

Environmental test results shall be maintained for 30 years.

The Onsite Safety Officer shall maintain noise exposure records for 2 years if hazard assessment indicates the need for testing.

The Onsite Safety Officer shall maintain safety committee minutes for 3 years.

Management shall maintain records of employee safety meetings for 3 years.

Management shall maintain copies of self-inspections for 3 years.

Each Safe Harbor Marinas facility shall maintain a record of all training classes. A copy of the training record for each individual employee shall be kept in their personnel file or employee training file - for the term of their employment, or at least 3 years.

The company shall maintain a copy of all equipment maintenance records for 3 years.

The Office Manager / Admin shall maintain copies of the OSHA 300, 300A and 301 logs for 5 years.

The OSHA 300A (Summary of Work-Related Injuries and Illnesses) log for each year will be posted on the main bulletin board from February 1 to April 30 of the year following the year covered by the form.

The Office Manager / Admin shall maintain an accident file which shall include copies of:

- OSHA Forms for Recording Work-Related Injuries and Illnesses
- Employer's First Report of Injury
- Employee's First Report of Injury including time and signatures (24 hour) documentation.
- All other claim supporting documentation

SAFE HARBOR MARINAS

ACCIDENT (INCIDENT) INVESTIGATION FORM – MANAGEMENT

To be used by Onsite Safety Officer, Office Manager / Admin or Supervisor

Date _____

SHM Facility Name: _____

Employee Name: _____

Position: _____

Length of time with SHM: _____ Length of time in present position: _____

Location of incident: _____

Nature of injury or illness: _____

First aid administered by: _____

Name of witness: _____

Equipment / Object / substance inflicting injury or illness: _____

Person in control of object, equipment, or substance at the time of the incident, if applicable:

Were any of the following a contributing factor?

A hazardous condition: Yes ___ No ___

The location/position of equipment/materials/other employees:

Yes ___ No ___

The job procedure used: Yes ___ No ___

Lack of personal protective or emergency equipment: Yes ___ No ___

Open chemicals or uncovered solvent containers: Yes ___ No ___

A management system defect: Yes ___ No ___

Staff person completing this report:

Printed Name

Signature

Return this report to the Office Manager / Admin to be filed along with incident investigation report

SAFE HARBOR MARINAS

ACCIDENT (INCIDENT) INVESTIGATION FORM – SAFETY COMMITTEE USE

A. Acts or conditions which contributed to the incident:

B. Detailed description of the incident:

C. Safety committee's recommendations for corrective action:

D. Corrective action taken to prevent a reoccurrence:

Return this report to the Office Manager / Admin to be filed along with incident investigation report.

SAFE HARBOR MARINAS

EMPLOYEE - FIRST REPORT OF INJURY

ACCIDENT REPORT FORM – to be completed ASAP after accident.

Employee Name: _____

PRINT NAME

Department: _____ Position: _____

Date of accident: _____ Time of accident: _____ am / pm

Where did the accident occur? _____

Was the accident report delayed? _____ If so, why? _____

Were you doing something other than your job? Yes _____ No _____

If so, please explain: _____

Describe the accident in detail (e.g., where you were working, what you were doing, how the accident happened, what type of injury was sustained, what tools were being used, whether you were alone, etc.)

Did you seek medical attention? Yes_____ No_____

Name of witnesses, if any: _____

What could be done to prevent this type of accident from occurring in the future?

What preventative action has been taken? (Use reverse side)

Employee signature: _____ Date: _____

***Contact SHM
Personnel
Department for this
section's content***

OSHA FORMS FOR RECORDKEEPING WORK-RELATED INJURIES AND ILLNESSES

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SAFE HARBOR MARINAS

Safety, OSHA and Environmental Programs

VII. RETURN TO WORK PROGRAM

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RETURN TO WORK PROGRAM

A. OBJECTIVE

To provide guidelines for injury management practices.

B. SCOPE

All facility personnel, customers and guests.

C. REFERENCES

Federal, State and Local Standards, e.g., Federal / State Health Codes and OSHA.

D. RESPONSIBILITIES

General Manager, Office Manager / Admin will oversee the Return to Work Program. The Onsite Safety Officer will insure employees are trained in the proper response to an injury and will maintain current pertinent health and safety notices on marina bulletin boards.

E. PROCEDURES

- Review of established program
- Response training for employees
- Reporting procedures training

RETURN TO WORK PLAN

A. APPLICABILITY:

Regular staff

B. POLICY:

It is the policy of the Safe Harbor Marinas (SHM) organization to return employees to meaningful, productive temporary employment following injury or illness until they are released to full duty by their health care provider. The return to work program provides opportunities for any employee who sustains a compensable injury during the course and scope of employment or has a serious health condition as defined by the Family and Medical Leave Act (FMLA) to safely return to work. If the employee is not capable of returning to full duty, the return to work program provides

opportunities for the employee to perform a temporary assignment, either modified or alternative duty as defined in Section 2 below.

This return to work program shall not be construed as acknowledgement by the Safe Harbor Marinas facility's General Manager or its employees that any employee who participates in the program has a disability as defined by the Americans with Disabilities Act (ADA) of 1990. If an employee sustains an injury or illness that qualifies as a disability under the ADA, it is the employee's responsibility to inform his/her supervisor of the disability, to provide the medical or mental health documentation required and to request a reasonable accommodation if one is necessary to perform the essential functions of his/her job.

C. DEFINITIONS:

The following definitions apply to this policy and associated procedures:

1. Lost Time: Time spent away from work at the direction of the treating health care provider as a result of a compensable injury sustained in the course and scope of employment, or a serious health condition defined by FMLA. The term does not include time worked in a temporary assignment.
2. Full Duty: Performance of all duties and tasks of the position for which the employee is employed. Full duty entails performing all essential and non-essential functions of the employee's regular job.
3. Temporary Assignment: Performance of a temporary job assignment intended to return an injured employee to work at less than his or her full duties when a serious injury or serious medical condition prevents the employee from working full duty. Temporary assignments are limited to one year at the same pay. Temporary assignments are modified duty and alternative duty.
4. Modified Duty: Modified duty allows the employee to return to employment in his/her regular job and perform all of the essential functions of the position and those nonessential duties and tasks that are within the capabilities of the employee, given the restrictions imposed by the treating health care provider.
 - a. Modified duty is a temporary arrangement until the injured employee can resume full duty.
 - b. If during the course of the modified duty assignment or after twelve (12) months, whichever is sooner, it is determined that the employee is a qualified individual with a disability as defined under the ADA, the employee

may request a reasonable accommodation requiring a review of abilities and employers – employment options.

5. Alternative Duty: Alternative duty allows the employee to temporarily perform the essential functions of a job and other nonessential duties and tasks, within the restrictions prescribed by the treating health care provider, other than the position for which the individual is employed (regular full-time position). Such alternative duty may be physically located in the same employing department or in a hosting department.

Alternative duty is a temporary arrangement until the injured employee can resume full activities of his/her regular job or until an alternate duty position is no longer needed.

6. Hosting Department: Department that has a temporary assignment position available but not necessarily the employee's department.
7. Employing Department: Department that the employee is permanently assigned to for his/her full duty regular job.
8. Health Care Provider: As defined by the FMLA.

D. GENERAL PROVISIONS:

1. Prohibited Actions: This return to work program shall not be applied to any situation or circumstance in a manner that retaliates or discriminates on the basis of race, color, sex, age, national origin, religion, or disability.
2. Authorization for Leave and Lost Time: An employee who must miss work due to an injury or illness must be certified by a health care provider to be off work. It is the employee's responsibility to obtain such documentation from the health care provider and to return it to the supervisor within one working day upon receipt. Certification will be required after each visit to the health care provider and/or at regular intervals upon the request of the General Manager.
3. Substitution of Paid Leave for Unpaid Leave: If the employee's injury or illness is not work-related, the employee's accrued annual leave and accrued sick leave (if applicable) must be utilized before unpaid leave is taken. If the absence is a compensable work-related injury or illness, the employee is not required to use all accrued annual or sick leave as of the

date of injury, unless the employee elects to exhaust all accrued sick and/or annual leave.

4. Return to Work Coordination: The General Manager or Office Manager will coordinate return to work activities for individuals who have sustained a compensable injury or illness during the course and scope of employment and will coordinate return to work activities for all other injuries and illnesses.

E. TEMPORARY ASSIGNMENT PROCEDURES:

1. An employee who is absent due to an injury is required to submit written verification of the injury from a qualified health care provider. Such verification must be submitted to the supervisor within one working day upon receipt of the documentation and in compliance with the applicable provisions of the FMLA and State Workers Compensation Act.
2. The injured employee's supervisor will provide a copy of the employee's regular job description to the Worker's Compensation Claims Coordinator to accompany a medical status form to be completed by the health care provider. When the medical status form is returned, it will be determined whether the employee can perform the essential functions of his/her job. The supervisor and/or department head is responsible for clearly identifying the essential functions and non-essential functions of the employee's job.
3. If the employee is unable to perform the essential functions of his/her regular job, a temporary assignment position description may be developed by the supervisor for the employing/hosting department. The description must be complete and approved by the General Manager, before it is presented to the health care provider.
4. The employee's health care provider must review and certify that the essential functions defined in the Temporary Assignment Job Description can be performed by the employee. If the health care provider changes the temporary assignment position description, the General Manager and/or employing/hosting department must determine if the change is acceptable. Any changes proposed by the hosting department must be approved by the health care provider.
5. The General Manager or employing/hosting department retains the right to withdraw the offer of a temporary assignment if the changes

made by the health care provider to the temporary assignment job description are unacceptable to meet business necessity. If a temporary assignment position cannot be found to conform to the health care provider's certification of the employee's capabilities, no temporary assignment position can be offered.

6. Temporary assignments will be identified, assigned, and managed on a case-by-case basis, based upon business necessity. The General Manager or Supervisor will coordinate the temporary assignment procedure.
7. Temporary assignments can be requested by the employee, the employing department, or other departments by contacting the General Manager. It is the Manager's option to grant the temporary assignments.
8. **When an injury or illness is not work related, suspicious in nature, or not filed with the Office Manager within 24 hours, the General Manager reserves the right to deny compensation coverage. Workers' Compensation cases will be governed by the relevant state laws.**
9. The General Manager may terminate the temporary assignment job at any time based on business necessity.
10. An employee who cannot continue or chooses not to continue a temporary assignment job must notify the General Manager or Office Manager immediately in writing. **An employee no longer covered under FMLA provisions who fails to accept a valid temporary assignment job or to continue an assignment as long as certified by his/her health care provider as physically able, may be subject to disciplinary action including termination.**
11. The period of temporary assignment is limited to a maximum period of one (1) year from the beginning date of the temporary assignment, or the duration of the medical condition, whichever ends first. The employee shall perform the duties of the temporary assignment for the term of the assignment or until the employee is able to return to full duty, whichever is sooner.

12. The General Manager encourages temporary assignment jobs whenever possible.

F. BONA FIDE OFFER OF EMPLOYMENT:

The temporary job assignment offer shall be documented in a Temporary Assignment Bona Fide Offer of Employment. The letter to the employee shall include:

1. the type of position offered and the specific duties;
2. a statement that the Safe Harbor Marinas facility is aware of and will abide by any physical limitations under which the treating health care provider has authorized the employee to return to work;
3. the maximum physical requirements of the temporary assignment position;
4. the wage rate of the temporary assignment position;
5. the location of the temporary assignment position;
6. the expected duration of the temporary assignment position;
7. the consequences of not accepting a temporary assignment position with regard to temporary income benefits payable under the State Workers' Compensation Act;
8. the contact person regarding questions about the temporary assignment position or temporary modifications; and
9. the deadline for responding to Bona Fide Offer.

If the employee rejects a Temporary Assignment Bona Fide Offer of Employment, without medical justification, the employee's Workers' Compensation benefits can be terminated by the State Office of Risk Management. If an employee who is not covered under FMLA rejects the offer, he/she may be subject to disciplinary action up to and including termination. **Failure to respond to the offer before the deadline will be considered a rejection of the offer.**

G. EMPLOYEE REPORTING RESPONSIBILITIES:

An employee participating in the Return to Work program must provide his/her supervisor with medical documentation accounting for all absences due to the injury within one day of any absence from work, or face disciplinary action, up to and including termination.

H. NON-RETALIATION:

Retaliation against an individual for in good faith filing a request or making a claim under this or related policies, for instituting or causing to be instituted any proceeding under state or federal anti-discrimination or anti-retaliation laws, for testifying in an investigation or proceeding, or for otherwise opposing discriminatory or retaliatory actions or practices will not be tolerated. Retaliation by any SHM employee is a violation of this policy. Individuals who believe they are the victim of discrimination or retaliation and those who suspect discrimination or retaliation should report the matter to their immediate supervisor or the head of their department or the Office Manager.

Nothing in this policy should be interpreted as requiring an individual to report suspected acts of discrimination or retaliation to the individual he or she believes is engaging in discriminatory or retaliatory conduct.

Related Policies: Workers' Compensation, 1.5.4; Family and Medical Leave Act, 1.4.21; Americans with Disabilities Act, 18.1.10.

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Safe Harbor Marinas

SAFETY & HEALTH INSPECTION – FREQUENCY LIST

Daily

- ✓ Yard safety inspections
- ✓ Gas and diesel fuel report by fuel dock staff
- ✓ Security report

Pre-use

- ✓ Crane inspection report by operator
- ✓ Fork truck inspection report by operator

10 Hour

- ✓ Crane inspection (accumulative time) by operator

Weekly

- ✓ Inspection of hazardous waste storage areas, containers and labels

Monthly

- ✓ Solvent disposal report
- ✓ Fire extinguisher inspection
- ✓ Fork truck maintenance / inspection report
- ✓ Crane maintenance / inspection report
- ✓ Travel lift inspection report

Quarterly

- ✓ Waste oil disposal/recycling report
- ✓ Engine oil filter recycling report
- ✓ Solvent disposal/recycling report
- ✓ Safety Committee meeting and report
- ✓ Outside contractor certificate of insurance review

Annual

- ✓ Pressure test of UST's where applicable
- ✓ Facility inspection and report
- ✓ Review of Hurricane SOP and up-dates as needed
- ✓ Inspection of fuel storage systems, pumps, safety equipment and piping on docks
- ✓ Permits and permit renewal applications.

As Needed

- ✓ Subcontractor approval process (bid & hire) for necessary licensed repairs
- ✓ Ladder and scaffold inspection report

Safe Harbor Marinas

SELF-INSPECTION: GUIDELINES FOR SAFETY MANAGER AUDIT PROGRAM

Self-Inspection scope should include the following:

- **Processing, Receiving, Shipping and Storage** - equipment, job planning, layout, heights, floor loads, projection of materials, materials-handling and storage methods, and training for material handling equipment.
- **Building and Grounds Conditions** - floors, walls, ceilings, exits, stairs, walkways, ramps, platforms, driveways, and aisles.
- **Housekeeping Program** - waste disposal, tools, objects, materials, leakage and spillage, cleaning methods, schedules, work areas, remote areas, and storage areas.
- **Electricity** - equipment, switches, breakers, fuses, switch-boxes, junctions, special fixtures, circuits, insulation, extensions, tools, motors, grounding, and national electric code compliance.
- **Lighting** - type, intensity, controls, conditions, diffusion, location, glare and shadow control.
- **Heating and Ventilation** - type, effectiveness, temperature, humidity, controls, natural and artificial ventilation and exhaust.
- **Machinery** - points of operation, flywheels, gears, shafts, pulleys, key ways, belts, couplings, sprockets, chains, frames, controls, lighting for tools and equipment, brakes, exhausting, feeding, oiling, adjusting, maintenance, lockout/tagout, grounding, work space, location, and purchasing standards.
- **Personnel** - experience training, including hazard identification training; methods of checking machines before use; type of clothing; personal protective equipment; use of guards; tool storage; work practices; and methods of cleaning, oiling, or adjusting machinery.
- **Hand and Power Tools** - purchasing standards, inspection, storage, repair, types, maintenance, grounding, use, and handling.

- **Chemicals** - storage, handling, transportation, spills, disposals, amounts used, labeling, toxicity or other harmful effects, warning signs, supervision, training, protective clothing and equipment, and hazard communication requirements.
- **Fire Prevention** - extinguishers, alarms, sprinklers, smoking rules, exits, personnel assigned, separation of flammable materials and dangerous operations, explosive-proof fixtures in hazardous locations, and waste disposal.
- **Maintenance, including tracking and abatement of preventive and regular maintenance** - regularity, effectiveness, training of personnel, materials and equipment used, records maintained, method of locking out machinery, and general methods.
- **Personal Protective Equipment** - type, size, maintenance, repair, storage, assignment of responsibility, purchasing methods, standards observed, training in care and use, rules of use, and method of assignment.
- **Transportation** - motor vehicle safety, seat belts, vehicle maintenance
- **Review** - evacuation routes, equipment, and personal protective equipment.

Safe Harbor Marinas

SELF-INSPECTION CHECKLIST

EMPLOYER POSTING

Yes ___ No ___ - Is the required OSHA workplace poster displayed in a prominent location where all employees are likely to see it?

Yes ___ No ___ - Are emergency telephone numbers posted where they can be readily found in case of emergency?

Yes ___ No ___ - Where employees may be exposed to any toxic substances or harmful physical agents, has appropriate information concerning employee access to medical and exposure records and "Material Safety Data Sheets" been posted or otherwise made readily available to affected employees?

Yes ___ No ___ - Are signs concerning "Exiting from buildings," posted where appropriate?

Yes ___ No ___ - Is the Summary of Occupational Illnesses and Injuries (OSHA Form 300 A) posted from February 1st to April 30th of the year following the year covered by the form?

RECORDKEEPING

Yes ___ No ___ - Are all occupational injury or illnesses, except minor injuries requiring only first aid, being recorded as required on the OSHA 300 log?

Yes ___ No ___ - Are employee medical records and records of employee exposure to hazardous substances or harmful physical agents up-to-date and in compliance with current OSHA standards?

Yes ___ No ___ - Are employee-training records kept and accessible for review by employees, when required by OSHA standards?

Yes ___ No ___ - Have arrangements been made to maintain required records for the legal period of time for each specific type record? (Some records must be maintained for at least 40 years.)

- 3 yrs – Payroll Records
- 3 yrs – Workman’s Compensation Records
- 2 yrs – Noise Exposure Records
- 1 yr – Personnel files (from date of departure)

Yes ___ No ___ - Are operating permits (certificates) and records up-to-date for such items as fuel pumps, crane, pesticide application (painters) food services (ship’s store) and liquefied petroleum tanks (employees who fill tanks)?

SAFETY AND HEALTH PROGRAM

Yes ___ No ___ - Do you have an active safety and health program in operation that deals with general safety and health program elements as well as the management of hazards specific to your worksite?

Yes ___ No ___ - Is one person clearly responsible for the overall activities of the safety and health program?

Yes ___ No ___ - Do you have a safety committee or group made up of management and labor representatives that meets regularly and report in writing on its activities?

Yes ___ No ___ - Do you have a working procedure for handling in house employee complaints regarding safety and health?

Yes ___ No ___ - Are you keeping your employees advised of the successful effort and accomplishments you and/or your safety committee have made in assuring they will have a workplace that is safe and healthful?

Yes ___ No ___ - Have you considered incentives for employees or workgroups who have excelled in reducing workplace injury/illnesses?

MEDICAL SERVICES AND FIRST AID

Yes ___ No ___ - Is there a hospital, clinic, or infirmary for medical care in proximity of your workplace?

Yes ___ No ___ - If medical and first-aid facilities are not in proximity of your workplace, is at least one employee on each shift currently qualified to render first aid?

Yes ___ No ___ - Have all employees who are expected to respond to medical emergencies as part of their work* (1) received first-aid training; (2) had hepatitis B vaccination made available to them; (3) had appropriate training on procedures to protect them from Bloodborne pathogens, including universal precautions; and (4) have available and understand how to use appropriate personal protective equipment to protect against exposure to Bloodborne diseases?

Yes ___ No ___ - Where employees have had an exposure incident involving bloodborne pathogens, did you provide an immediate post-exposure medical evaluation and follow-up?

Yes ___ No ___ - Are medical personnel readily available for advice and consultation on matters of employees' health?

Yes ___ No ___ - Are emergency phone numbers posted?

Yes ___ No ___ - Are first-aid kits easily accessible to each work area, with necessary supplies available, periodically inspected and replenished as needed?

Yes ___ No ___ - Have first-aid kit supplies been approved by a physician or emergency medical technician, indicating that they are adequate for a particular area or operation?

Yes ___ No ___ - Are means provided for quick drenching or flushing of the eyes and body in areas where corrosive liquids or materials are handled?

FIRE PROTECTION

Yes ___ No ___ - Is your local fire department well acquainted with your facilities, its location and specific hazards?

Yes ___ No ___ - If you have a fire alarm system, is it certified as required?

Yes ___ No ___ - If you have a fire alarm system, is it tested at least annually?

Yes ___ No ___ - If you have interior stand pipes and valves, are they inspected regularly?

Yes ___ No ___ - If you have outside private fire hydrants, are they flushed at least once a year and on a routine preventive maintenance schedule?

Yes ___ No ___ - Are fire doors and or shutters in good operating condition?

Yes ___ No ___ - Are fire doors and shutters unobstructed and protected against obstructions, including their counterweights?

Yes ___ No ___ - Are fire door and shutter fusible links in place?

Yes ___ No ___ - Are automatic sprinkler system water control valves, air and water pressure checked weekly/periodically as required?

Yes ___ No ___ - Is the maintenance of automatic sprinkler systems assigned to responsible persons or to a sprinkler contractor?

Yes ___ No ___ - Are sprinkler heads protected by metal guards, when exposed to physical damage?

Yes ___ No ___ - Is proper clearance maintained below sprinkler heads?

Yes ___ No ___ - Are portable fire extinguishers provided in adequate number and type?

Yes ___ No ___ - Are fire extinguishers mounted in readily accessible locations?

Yes ___ No ___ - Are fire extinguishers recharged regularly and noted on the inspection tag?

Yes ___ No ___ - Are employees periodically instructed in the use of extinguishers and fire protection procedures?

PERSONAL PROTECTIVE EQUIPMENT AND CLOTHING

Yes ___ No ___ - Are employers assessing the workplace to determine if hazards that require the use of personal protective equipment (e.g. head, eye, face, hand, or foot protection) are present or are likely to be present?

*Pursuant to an OSHA memorandum of July 1, 1992, employees who render first aid only as a collateral duty do not have to be offered pre-exposure hepatitis B vaccine only if the employer puts the following requirements into his/her exposure control plan and implements them: (1) the employer must record all first-aid incidents involving the presence of blood or other potentially infectious materials before the end of the work shift during which the first-aid incident occurred; (2) the employer must comply with post-exposure evaluation, prophylaxis, and follow-up requirements of the standard with respect to "exposure incidents," as defined by the standard; (3) the employer must train designated first-aid providers about the reporting procedure; and (4) the employer must offer to initiate the hepatitis B vaccination series within 24 hours to all unvaccinated first-aid providers who have rendered assistance in any situation involving the presence of blood or other potentially infectious materials.

Yes ___ No ___ - If hazards or the likelihood of hazards are found, are employers selecting and having affected employees use properly fitted personal protective equipment suitable for protection from these hazards?

Yes ___ No ___ - Has the employer been trained on PPE procedures, i.e. what PPE is necessary for a job tasks, when they need it, and how to properly adjust it?

Yes ___ No ___ - Are protective goggles or face shields provided and worn where there is any danger of flying particles or corrosive materials?

Yes ___ No ___ - Are approved safety glasses required to be worn at all times in areas where there is a risk of eye injuries such as punctures, abrasions, contusions or burns?

Yes ___ No ___ - Are employees who need corrective lenses (glasses or contacts) in working environments having harmful exposures, required to wear *only* approved safety glasses, protective goggles, or use other medically approved precautionary procedures?

Yes ___ No ___ - Are protective gloves, aprons, shields, or other means provided and required where employees could be cut or where there is reasonably anticipated exposure to corrosive liquids, chemicals, blood, or other potentially

infectious materials? See 29 CFR 1910.1030(b) for the definition of “other potentially infectious materials.”

Yes ___ No ___ - Are hard hats provided and worn where danger of falling objects exists?

Yes ___ No ___ - Are hard hats inspected periodically for damage to the shell and suspension system?

Yes ___ No ___ - Is appropriate foot protection required where there is the risk of foot injuries from hot, corrosive, poisonous substances, falling objects, crushing or penetrating actions?

Yes ___ No ___ - Are approved respirators provided for regular or emergency use where needed?

Yes ___ No ___ - Is all protective equipment maintained in a sanitary condition and ready for use?

Yes ___ No ___ - Do you have eye wash facilities and a quick Drench Shower within the work area where employees are exposed to injurious corrosive materials?

Yes ___ No ___ - Where special equipment is needed for electrical workers, is it available?

Yes ___ No ___ - Where food or beverages are consumed on the premises, are they consumed in areas where there is no exposure to toxic material, blood, or other potentially infectious materials?

Yes ___ No ___ - Is protection against the effects of occupational noise exposure provided when sound levels exceed those of the OSHA noise standard? _____ Dba. (A point where an employee would yell to be heard).

Yes ___ No ___ - Are adequate work procedures, protective clothing and equipment provided and used when cleaning up spilled toxic or otherwise hazardous materials or liquids?

Yes ___ No ___ - Are there appropriate procedures in place for disposing of or decontaminating personal protective equipment contaminated with, or reasonably anticipated to be contaminated with, blood or other potentially infectious materials?

GENERAL WORK ENVIRONMENT

Yes ___ No ___ - Are all worksites clean, sanitary, and orderly?

Yes ___ No ___ - Are work surfaces kept dry or appropriate means taken to assure the surfaces are slip-resistant, or warning signage is present and obvious?

Yes ___ No ___ - Are all spilled hazardous materials or liquids, including blood and other potentially infectious materials, cleaned up immediately and according to proper procedures?

Yes ___ No ___ - Is combustible scrap, debris and waste stored safely and removed from the worksite promptly?

Yes ___ No ___ - Are procedures in place as defined in the OSHA bloodborne pathogens standard (29 CFR 1910.1030), for responding to and discarding waste, according to federal, state, and local regulations?

Yes ___ No ___ - Are accumulations of combustible dust routinely removed from elevated surfaces including the overhead structure of buildings, etc.?

Yes ___ No ___ - Is combustible dust cleaned up with a vacuum system to prevent the dust going into suspension?

Yes ___ No ___ - Is metallic or conductive dust prevented from entering or accumulating on or around electrical enclosures or equipment?

Yes ___ No ___ - Are covered metal waste cans used for oily and paint-soaked waste?

Yes ___ No ___ - Are all oil and gas fired devices equipped with flame failure controls that will prevent flow of fuel if pilots or main burners are not working?

Yes ___ No ___ - Are paint spray booths, etc., cleaned regularly?

Yes ___ No ___ - Are all toilets and washing facilities clean and sanitary?

Yes ___ No ___ - Are all work areas adequately illuminated?

Yes ___ No ___ - Are pits and floor openings covered or otherwise guarded?

Yes ___ No ___ - Is there the presence of strong odors?

If yes, from what process? _____

What chemicals (i.e., solvents) are causing the odors?

Is the process controlled by air-pollution control equipment?

Yes ___ No ___ - Has the facility added any processes which emit air pollutants or expanded any pre-existing air-pollution emitting processes in the last two years?

* If yes, what type of process was added?

_____.

Yes ___ No ___ - Was a state air permit obtained?

WALKWAYS

Yes ___ No ___ - Are aisles and passageways kept clear?

Yes ___ No ___ - Are aisles and walkways marked as appropriate?

Yes ___ No ___ - Are wet surfaces covered with non-slip materials?

Yes ___ No ___ - Are holes in the floor, sidewalk or other walking surface repaired properly, covered or otherwise made safe?

Yes ___ No ___ - Is there safe clearance for walking in aisles where motorized or mechanical handling equipment is operating?

Yes ___ No ___ - Are materials or equipment stored in such a way that sharp projective items will not interfere with the walkway?

Yes ___ No ___ - Are spilled materials cleaned up immediately?

Yes ___ No ___ - Are changes of direction or elevations readily identifiable?

Yes ___ No ___ - Are aisles or walkways that pass near moving or operating machinery, welding operations or similar operations arranged so employees will not be subjected to potential hazards?

Yes ___ No ___ - Is adequate headroom provided for the entire length of any aisle or walkway?

Yes ___ No ___ - Are standard guardrails provided wherever aisle or walkway surfaces are elevated more than 30 inches (76.20 centimeters) above any adjacent floor or the ground?

Yes ___ No ___ - Are bridges provided over conveyors and similar hazards?

FLOOR AND WALL OPENINGS

Yes ___ No ___ - Are floor openings guarded by a cover, a guardrail, or equivalent on all sides (except at entrance to stairways or ladders)?

Yes ___ No ___ - Are toe boards installed around the edges of permanent floor opening (where persons may pass below the opening)?

Yes ___ No ___ - Are skylight screens of such construction and mounting that they will withstand a load of at least 200 pounds (90 kilograms)?

Yes ___ No ___ - Is the glass in the windows, doors, glass walls, etc., which are subject to human impact, of sufficient thickness and type for the condition of use?

Yes ___ No ___ - Are grates or similar type covers over floor openings such as floor drains of such design that foot traffic or rolling equipment will not be affected by the grate spacing?

Yes ___ No ___ - Are unused portions of service pits and pits not actually in use either covered or protected by guardrails or equivalent?

Yes ___ No ___ - Are manhole covers, trench covers and similar covers, plus their supports designed to carry a truck rear axle load of at least 20,000 pounds (9000 kilograms) when located in roadways and subject to vehicle traffic?

Yes ___ No ___ - Are floor or wall openings in fire resistive construction provided with doors or covers compatible with the fire rating of the structure and provided with a self-closing feature when appropriate?

STAIRS AND STAIRWAYS

Yes ___ No ___ - Are standard stair rails or handrails on all stairways having four or more risers?

Yes ___ No ___ - Are all stairways at least 22 inches (55.88 centimeters) wide?

Yes ___ No ___ - Do stairs have landing platforms not less than 30 inches (76.20 centimeters) in the direction of travel and extend 22 inches (55.88 centimeters) in width at every 12 feet (3.6576 meters) or less of vertical rise?

Yes ___ No ___ - Do stairs angle no more than 50 and no less than 30 degrees?

Yes ___ No ___ - Are stairs of hollow-pan type treads and landings filled to the top edge of the pan with solid material?

Yes ___ No ___ - Are step risers on stairs uniform from top to bottom?

Yes ___ No ___ - Are steps on stairs and stairways designed or provided with a surface that renders them slip resistant?

Yes ___ No ___ - Are stairway handrails located between 30 (76.20 centimeters) and 34 inches (86.36 centimeters) above the leading edge of stair treads?

Yes ___ No ___ - Do stairway handrails have at least 3 inches (7.62 centimeters) of clearance between the handrails and the wall or surface they are mounted on?

Yes ___ No ___ - Where doors or gates open directly on a stairway, is there a platform provided so the swing of the door does not reduce the width of the platform to less than 21 inches (53.34 centimeters)?

Yes ___ No ___ - Are stairway handrails capable of withstanding a load of 200 pounds (90 kilograms), applied within 2 inches (5.08 centimeters) of the top edge, in any downward or outward direction?

Yes ___ No ___ - Where stairs or stairways exit directly into any area where vehicles may be operated, are adequate barriers and warnings provided to prevent employees stepping into the path of traffic?

Yes ___ No ___ - Do stairway landings have a dimension measured in the direction of travel, at least equal to the width of the stairway?

Yes ___ No ___ - Is the vertical distance between stairway landings limited to 12 feet (3.6576 centimeters) or less?

ELEVATED SURFACES

Yes ___ No ___ - Are signs posted, when appropriate, showing the elevated surface load capacity?

Yes ___ No ___ - Are surfaces elevated more than 30 inches (76.20 centimeters) above the floor or ground provided with standard guardrails?

Yes ___ No ___ - Are all elevated surfaces (beneath which people or machinery could be exposed to falling objects) provided with standard 4-inch (10.16 centimeters) toeboards?

Yes ___ No ___ - Is a permanent means of access and egress provided to elevated storage and work surfaces?

Yes ___ No ___ - Is required headroom provided where necessary?

Yes ___ No ___ - Is material on elevated surfaces piled, stacked or racked in a manner to prevent it from tipping, falling, collapsing, rolling or spreading?

EXITING OR EGRESS

Yes ___ No ___ - Are all exits marked with an exit sign and illuminated by a reliable light source?

Yes ___ No ___ - Are the directions to exits, when not immediately apparent, marked with visible signs?

Yes ___ No ___ - Are doors, passageways or stairways, that are neither exits nor access to exits, and which could be mistaken for exits, appropriately marked "NOT AN EXIT," "TO BASEMENT," "STOREROOM," etc.?

Yes ___ No ___ - Are exit signs provided with the word "EXIT" in lettering at least 5 inches (12.70 centimeters) high and the stroke of the lettering at least 1/2-inch (1.2700 centimeters) wide?

Yes ___ No ___ - Are exit doors side-hinged?

Yes ___ No ___ - Are all exits kept free of obstructions?

Yes ___ No ___ - Are at least two means of egress provided from elevated platforms, pits or rooms where the absence of a second exit would increase the

risk of injury from hot, poisonous, corrosive, suffocating, flammable, or explosive substances?

Yes ___ No ___ - Are there sufficient exits to permit prompt escape in case of emergency?

Yes ___ No ___ - Are special precautions taken to protect employees during construction and repair operations?

Yes ___ No ___ - Is the number of exits from each floor of a building and the number of exits from the building itself, appropriate for the building occupancy load?

Yes ___ No ___ - Are exit stairways that are required to be separated from other parts of a building enclosed by at least 2-hour fire-resistive construction in buildings more than four stories in height, and not less than 1-hour fire-resistive constructive elsewhere?

Yes ___ No ___ - Where ramps are used as part of required exiting from a building, is the ramp slope limited to 1 foot (0.3048 meters) vertical and 12 feet (3.6576 meters) horizontal?

Yes ___ No ___ - Where exiting will be through frameless glass doors, glass exit doors, or storm doors are the doors fully tempered and meet the safety requirements for human impact?

EXIT DOORS

Yes ___ No ___ - Are doors that are required to serve as exits designed and constructed so that the way of exit travel is obvious and direct?

Yes ___ No ___ - Are windows that could be mistaken for exit doors, made inaccessible by means of barriers or railings?

Yes ___ No ___ - Are exit doors operable from the direction of exit travel without the use of a key or any special knowledge or effort when the building is occupied?

Yes ___ No ___ - Is a revolving, sliding or overhead door prohibited from serving as a required exit door?

Yes ___ No ___ - Where panic hardware is installed on a required exit door, will it allow the door to open by applying a force of 15 pounds (6.75 kilograms) or less in the direction of the exit traffic?

Yes ___ No ___ - Where exit doors open directly onto any street, alley or other area where vehicles may be operated, are adequate barriers and warnings provided to prevent employees from stepping into the path of traffic?

Yes ___ No ___ - Are doors that swing in both directions and are located between rooms where there is frequent traffic, provided with viewing panels in each door?

PORTABLE LADDERS

Yes ___ No ___ - Are all ladders maintained in good condition, joints between steps and side rails tight, all hardware and fittings securely attached and moveable parts operating freely without binding or undue play?

Yes ___ No ___ - Are non-slip safety feet provided on each ladder?

Yes ___ No ___ - Are non-slip safety feet provided on each metal or rung ladder?

Yes ___ No ___ - Are ladder rungs and steps free of grease and oil?

Yes ___ No ___ - Is it prohibited to place a ladder in front of doors opening toward the ladder except when the door is blocked open, locked or guarded?

Yes ___ No ___ - Is it prohibited to place ladders on boxes, barrels, or other unstable bases to obtain additional height?

Yes ___ No ___ - Are employees instructed to face the ladder when ascending or descending?

Yes ___ No ___ - Are employees prohibited from using ladders that are broken, missing steps, rungs, or cleats, broken side rails or other faulty equipment?

Yes ___ No ___ - Are employees instructed not to use the top step of ordinary stepladders as a step?

Yes ___ No ___ - When portable rung ladders are used to gain access to elevated platforms, roofs, etc., does the ladder always extend at least 3 feet (0.9144 meters) above the elevated surface?

Yes ___ No ___ - Is it required that when portable rung or cleat type ladders are used, the base is so placed that slipping will not occur, or it is lashed or otherwise held in place?

Yes ___ No ___ - Are portable metal ladders legibly marked with signs reading "CAUTION" – Do Not Use Around Electrical Equipment" or equivalent wording?

Yes ___ No ___ - Are employees prohibited from using ladders as guys, braces, skids, gin poles, or for other than their intended purposes?

Yes ___ No ___ - Are employees instructed to only adjust extension ladders while standing at a base (not while standing on the ladder or from a position above the ladder)?

Yes ___ No ___ - Are metal ladders inspected for damage?

Yes ___ No ___ - Are the rungs of ladders uniformly spaced at 12 inches, (30.48 centimeters) center to center?

HAND TOOLS AND EQUIPMENT

Yes ___ No ___ - Are all tools and equipment (both company and employee owned) used by employees at their workplace in good condition?

Yes ___ No ___ - Are hand tools such as chisels and punches, which develop mushroomed heads during use, reconditioned or replaced as necessary?

Yes ___ No ___ - Are broken or fractured handles on hammers, axes and similar equipment replaced promptly?

Yes ___ No ___ - Are worn or bent wrenches replaced regularly?

Yes ___ No ___ - Are appropriate handles used on files and similar tools?

Yes ___ No ___ - Are employees made aware of the hazards caused by faulty or improperly used hand tools?

Yes ___ No ___ - Are appropriate safety glasses, face shields, etc. used while using hand tools or equipment which might produce flying materials or be subject to breakage?

Yes ___ No ___ - Are jacks checked periodically to ensure they are in good operating condition?

Yes ___ No ___ - Are tool handles wedged tightly in the head of all tools?

Yes ___ No ___ - Are tool cutting edges kept sharp, so the tool will move smoothly without binding or skipping?

Yes ___ No ___ - Are tools stored in dry, secure location where they won't be tampered with?

Yes ___ No ___ - Is eye and face protection used when driving hardened or tempered spuds or nails?

PORTABLE (POWER OPERATED) TOOLS AND EQUIPMENT

Yes ___ No ___ - Are grinders, saws and similar equipment provided with appropriate safety guards?

Yes ___ No ___ - Are power tools used with the correct shield, guard, or attachment, recommended by the manufacturer?

Yes ___ No ___ - Are portable circular saws equipped with guards above and below the base shoe?

Yes ___ No ___ - Are circular saw guards checked to assure they are not wedged up, thus leaving the lower portion of the blade unguarded?

Yes ___ No ___ - Are rotating or moving parts of equipment guarded to prevent physical contact?

Yes ___ No ___ - Are all cord-connected, electrically operated tools and equipment effectively grounded or of the approved double insulated type?

Yes ___ No ___ - Are effective guards in place over belts, pulleys, chains, sprockets, on equipment such as concrete mixers, and air compressors?

Yes ___ No ___ - Are portable fans provided with full guards or screens having openings 1/2 inch (1.2700 centimeters) or less?

Yes ___ No ___ - Is hoisting equipment available and used for lifting heavy objects, and are hoist ratings and characteristics appropriate for the task?

Yes ___ No ___ - Are ground-fault circuit interrupters provided on all temporary electrical 15 and 20 ampere circuits,

used during periods of construction?

Yes ___ No ___ - Are pneumatic and hydraulic hoses on power operated tools checked regularly for deterioration or damage?

ABRASIVE WHEEL EQUIPMENT GRINDERS

Yes ___ No ___ - Is the work rest used and kept adjusted to within 1/8 inch (0.3175 centimeters) of the wheel?

Yes ___ No ___ - Is the adjustable tongue on the top side of the grinder used and kept adjusted to within 1/4 inch (0.6350 centimeters) of the wheel?

Yes ___ No ___ - Do side guards cover the spindle, nut, and flange and 75 percent of the wheel diameter?

Yes ___ No ___ - Are bench and pedestal grinders permanently mounted?

Yes ___ No ___ - Are goggles or face shields always worn when grinding?

Yes ___ No ___ - Is the maximum RPM rating of each abrasive wheel compatible with the RPM rating of the grinder motor?

Yes ___ No ___ - Are fixed or permanently mounted grinders connected to their electrical supply system with metallic conduit or other permanent wiring method?

Yes ___ No ___ - Does each grinder have an individual on and off control switch?

Yes ___ No ___ - Is each electrically operated grinder effectively grounded?

Yes ___ No ___ - Before new abrasive wheels are mounted, are they visually inspected and ring tested?

Yes ___ No ___ - Are dust collectors and powered exhausts provided on grinders used in operations that produce large amounts of dust?

Yes ___ No ___ - Are splash guards mounted on grinders that use coolant to prevent the coolant reaching employees?

Yes ___ No ___ - Is cleanliness maintained around grinders?

MACHINE GUARDING

Yes ___ No ___ - Is there a training program to instruct employees on safe methods of machine operation?

Yes ___ No ___ - Is there adequate supervision to ensure that employees are following safe machine operating procedures?

Yes ___ No ___ - Is there a regular program of safety inspection of machinery and equipment?

Yes ___ No ___ - Is all machinery and equipment kept clean and properly maintained?

Yes ___ No ___ - Is sufficient clearance provided around and between machines to allow for safe operations, set up and servicing, material handling and waste removal?

Yes ___ No ___ - Is equipment and machinery securely placed and anchored, when necessary to prevent tipping or other movement that could result in personal injury?

Yes ___ No ___ - Is there a power shut-off switch within reach of the operator's position at each machine?

Yes ___ No ___ - Can electric power to each machine be locked out for maintenance, repair, or security?

Yes ___ No ___ - Are the non-current-carrying metal parts of electrically operated machines bonded and grounded?

Yes ___ No ___ - Are foot-operated switches guarded or arranged to prevent accidental actuation by personnel or falling objects?

Yes ___ No ___ - Are manually operated valves and switches controlling the operation of equipment and machines clearly identified and readily accessible?

Yes ___ No ___ - Are all emergency stop buttons colored red?

Yes ___ No ___ - Are all pulleys and belts that are within 7 feet (2.1336 meters) of the floor or working level properly guarded?

Yes ___ No ___ - Are all moving chains and gears properly guarded?

Yes ___ No ___ - Are methods provided to protect the operator and other employees in the machine area from hazards created at the point of operation, ingoing nip points, rotating parts, flying chips, and sparks?

Yes ___ No ___ - Are machinery guards secure and so arranged that they do not offer a hazard in their use?

Yes ___ No ___ - If special hand tools are used for placing and removing material, do they protect the operator's hands?

Yes ___ No ___ - Do arbors and mandrels have firm and secure bearings and are they free from play?

Yes ___ No ___ - Are provisions made to prevent machines from automatically starting when power is restored after a power failure or shutdown?

Yes ___ No ___ - Are machines constructed so as to be free from excessive vibration when the largest size tool is mounted and run at full speed?

Yes ___ No ___ - If machinery is cleaned with compressed air, is air pressure controlled and personal protective equipment or other safeguards utilized to protect operators and other workers from eye and body injury?

Yes ___ No ___ - Are fan blades protected with a guard having openings no larger than 1/2 inch (1.2700 centimeters), when operating within 7 feet (2.1336 meters) of the floor?

Yes ___ No ___ - Are saws used for ripping, equipped with anti-kick-back devices and spreaders?

Yes ___ No ___ - Are radial arm saws so arranged that the cutting head will gently return to the back of the table when released?

LOCKOUT/TAGOUT PROCEDURES

Yes ___ No ___ - Is all machinery or equipment capable of movement, required to be de-energized or disengaged and locked-out during cleaning, servicing, adjusting or setting up operations, whenever required?

Yes ___ No ___ - Where the power disconnecting means for equipment does not also disconnect the electrical control circuit:

Yes ___ No ___ - Are the appropriate electrical enclosures identified?

Yes ___ No ___ - Is means provided to assure the control circuit can also be disconnected and locked-out?

Yes ___ No ___ - Is the locking-out of control circuits in lieu of locking-out main power disconnects prohibited?

Yes ___ No ___ - Are all equipment control valve handles provided with a means for locking-out?

Yes ___ No ___ - Does the lock-out procedure require that stored energy (mechanical, hydraulic, air, etc.) be released or blocked before equipment is locked-out for repairs?

Yes ___ No ___ - Are appropriate employees provided with individually keyed personal safety locks?

Yes ___ No ___ - Are employees required to keep personal control of their key(s) while they have safety locks in use?

Yes ___ No ___ - Is it required that only the employee exposed to the hazard, place or remove the safety lock?

Yes ___ No ___ - Is it required that employees check the safety of the lock-out by attempting a startup after making sure no one is exposed?

Yes ___ No ___ - Are employees instructed to always push the control circuit stop button immediately after checking the safety of the lock-out?

Yes ___ No ___ - Is there a means provided to identify any or all employees who are working on locked-out equipment by their locks or accompanying tags?

Yes ___ No ___ - Are a sufficient number of accident preventive signs or tags and safety padlocks provided for any reasonably foreseeable repair emergency?

Yes ___ No ___ - When machine operations, configuration or size requires the operator to leave his or her control station to install tools or perform other operations, and that part of the machine could move if accidentally activated, is such element required to be separately locked or blocked out?

Yes ___ No ___ - In the event that equipment or lines cannot be shut down, locked-out and tagged, is a safe job procedure established and rigidly followed?

WELDING, CUTTING AND BRAZING

Yes ___ No ___ - Are only authorized and trained personnel permitted to use welding, cutting or brazing equipment?

Yes ___ No ___ - Does each operator have a copy of the appropriate operating instructions and are they directed to follow them?

Yes ___ No ___ - Are compressed gas cylinders regularly examined for obvious signs of defects, deep rusting, or leakage?

Yes ___ No ___ - Is care used in handling and storing cylinders, safety valves, and relief valves to prevent damage?

Yes ___ No ___ - Are precautions taken to prevent the mixture of air or oxygen with flammable gases, except at a burner or in a standard torch?

Yes ___ No ___ - Are only approved apparatus (torches, regulators, pressure reducing valves, acetylene generators, manifolds) used?

Yes ___ No ___ - Are cylinders kept away from sources of heat?

Yes ___ No ___ - Are the cylinders kept away from elevators, stairs, or gangways?

Yes ___ No ___ - Is it prohibited to use cylinders as rollers or supports?

Yes ___ No ___ - Are empty cylinders appropriately marked and their valves closed?

Yes ___ No ___ - Are signs reading: DANGER—NO SMOKING, MATCHES, OR OPENLIGHTS, or the equivalent, posted?

Yes ___ No ___ - Are cylinders, cylinder valves, couplings, regulators, hoses, and apparatus kept free of oily or greasy substances?

Yes ___ No ___ - Is care taken not to drop or strike cylinders?

Yes ___ No ___ - Unless secured on special trucks, are regulators removed and valve-protection caps put in place before moving cylinders?

Yes ___ No ___ - Do cylinders without fixed hand wheels have keys, handles, or non-adjustable wrenches on stem valves when in service?

Yes ___ No ___ - Are liquefied gases stored and shipped valve-end up with valve covers in place?

Yes ___ No ___ - Are provisions made to never crack a fuel gas cylinder valve near sources of ignition?

Yes ___ No ___ - Before a regulator is removed, is the valve closed and gas released from the regulator?

Yes ___ No ___ - Is red used to identify the acetylene (and other fuel gas) hose, green for oxygen hose, and black for inert gas and air hose?

Yes ___ No ___ - Are pressure-reducing regulators used only for the gas and pressures for which they are intended?

Yes ___ No ___ - Is open circuit (No Load) voltage of arc welding and cutting machines as low as possible and not in excess of the recommended limits?

Yes ___ No ___ - Under wet conditions, are automatic controls for reducing no load voltage used?

Yes ___ No ___ - Is grounding of the machine frame and safety ground connections of portable machines checked periodically?

Yes ___ No ___ - Are electrodes removed from the holders when not in use?

Yes ___ No ___ - Is it required that electric power to the welder be shut off when no one is in attendance?

Yes ___ No ___ - Is suitable fire extinguishing equipment available for immediate use?

Yes ___ No ___ - Is the welder forbidden to coil or loop welding electrode cable around his body?

Yes ___ No ___ - Are wet machines thoroughly dried and tested before being used?

Yes ___ No ___ - Are work and electrode lead cables frequently inspected for wear and damage, and replaced when needed?

Yes ___ No ___ - Do means for connecting cable lengths have adequate insulation?

Yes ___ No ___ - When the object to be welded cannot be moved and fire hazards cannot be removed, are shields used to confine heat, sparks, and slag?

Yes ___ No ___ - Are fire watchers assigned when welding or cutting is performed in locations where a serious fire might develop?

Yes ___ No ___ - Are combustible floors kept wet, covered by damp sand, or protected by fire-resistant shields?

Yes ___ No ___ - When floors are wet down, are personnel protected from possible electrical shock?

Yes ___ No ___ - When welding is done on metal walls, are precautions taken to protect combustibles on the other side?

Yes ___ No ___ - Before hot work is begun, are used drums, barrels, tanks, and other containers so thoroughly cleaned that no substances remain that could explode, ignite, or produce toxic vapors?

Yes ___ No ___ - Is it required that eye protection helmets, hand shields and goggles meet appropriate standards?

Yes ___ No ___ - Are employees exposed to the hazards created by welding, cutting, or brazing operations protected with personal protective equipment and clothing?

Yes ___ No ___ - Is a check made for adequate ventilation in and where welding or cutting is performed?

Yes ___ No ___ - When working in confined places, are environmental monitoring tests taken and means provided for quick removal of welders in case of an emergency?

COMPRESSORS AND COMPRESSED AIR

Yes ___ No ___ - Are compressors equipped with pressure relief valves, and pressure gauges?

Yes ___ No ___ - Are compressor air intakes installed and equipped so as to ensure that only clean uncontaminated air enters the compressor?

Yes ___ No ___ - Are air filters installed on the compressor intake?

Yes ___ No ___ - Are compressors operated and lubricated in accordance with the manufacturer's recommendations?

Yes ___ No ___ - Are safety devices on compressed air systems checked frequently?

Yes ___ No ___ - Before any repair work is done on the pressure system of a compressor, is the pressure bled off and the system locked-out?

Yes ___ No ___ - Are signs posted to warn of the automatic starting feature of the compressors?

Yes ___ No ___ - Is the belt drive system totally enclosed to provide protection for the front, back, top, and sides?

Yes ___ No ___ - Is it strictly prohibited to direct compressed air towards a person?

Yes ___ No ___ - Are employees prohibited from using highly compressed air for cleaning purposes?

Yes ___ No ___ - If compressed air is used for cleaning off clothing, is the pressure reduced to less than 10 psi?

Yes ___ No ___ - When using compressed air for cleaning, do employees wear protective chip guarding and personal protective equipment?

Yes ___ No ___ - Before compressed air is used to empty containers of liquid, is the safe working pressure of the container checked?

Yes ___ No ___ - When compressed air is used with abrasive blast cleaning equipment, is the operating valve a type that must be held open manually?

Yes ___ No ___ - When compressed air is used to inflate auto ties, is a clip-on chuck and an inline regulator preset to 40 psi required?

Yes ___ No ___ - Is it prohibited to use compressed air to clean up or move combustible dust if such action could cause the dust to be suspended in the air and cause a fire or explosion hazard?

COMPRESSORS AIR RECEIVERS

Yes ___ No ___ - Is every receiver equipped with a pressure gauge and with one or more automatic, spring-loaded safety valves?

Yes ___ No ___ - Is the total relieving capacity of the safety valve capable of preventing pressure in the receiver from exceeding the maximum allowable working pressure of the receiver by more than 10 percent?

Yes ___ No ___ - Is every air receiver provided with a drain pipe and valve at the lowest point for the removal of accumulated oil and water?

Yes ___ No ___ - Are compressed air receivers periodically drained of moisture and oil?

Yes ___ No ___ - Are all safety valves tested frequently and at regular intervals to determine whether they are in good operating condition?

Yes ___ No ___ - Is there a current operating permit used by the Division of Occupational Safety and Health?

Yes ___ No ___ - Is the inlet of air receivers and piping systems kept free of accumulated oil and carbonaceous materials?

COMPRESSED GAS CYLINDERS

Yes ___ No ___ - Are cylinders with a water weight capacity over 30 pounds (13.5 kilograms), equipped with means for

connecting a valve protector device, or with a collar or recess to protect the valve?

Yes ___ No ___ - Are cylinders legibly marked to clearly identify the gas contained?

Yes ___ No ___ - Are compressed gas cylinders stored in areas which are protected from external heat sources such as flame impingement, intense radiant heat, electric arcs, or high temperature lines?

Yes ___ No ___ - Are cylinders located or stored in areas where they will not be damaged by passing or falling objects or subject to tampering by unauthorized persons?

Yes ___ No ___ - Are cylinders stored or transported in a manner to prevent them from creating a hazard by tipping, falling or rolling?

Yes ___ No ___ - Are cylinders containing liquefied fuel gas, stored or transported in a position so that the safety relief device is always in direct contact with the vapor space in the cylinder?

Yes ___ No ___ - Are valve protectors always placed on cylinders when the cylinders are not in use or connected for use?

Yes ___ No ___ - Are all valves closed off before a cylinder is moved, when the cylinder is empty, and at the completion of each job?

Yes ___ No ___ - Are low pressure fuel-gas cylinders checked periodically for corrosion, general distortion, cracks, or any other defect that might indicate a weakness or render it unfit for service?

Yes ___ No ___ - Does the periodic check of low pressure fuel-gas cylinders include a close inspection of the cylinders' bottom?

HOIST AND AUXILLARY EQUIPMENT

Yes ___ No ___ - Is each overhead electric hoist equipped with a limit device to stop the hook travel at its highest and lowest point of safe travel?

Yes ___ No ___ - Will each hoist automatically stop and hold any load up to 125 percent of its rated load if its actuating force is removed?

Yes ___ No ___ - Is the rated load of each hoist legibly marked and visible to the operator?

Yes ___ No ___ - Are stops provided at the safe limits of travel for trolley hoist?

Yes ___ No ___ - Are the controls of hoist plainly marked to indicate the direction of travel or motion?

Yes ___ No ___ - Is each cage-controlled hoist equipped with an effective warning device?

Yes ___ No ___ - Are close-fitting guards or other suitable devices installed on hoist to assure hoist ropes will be maintained in the sheave groves?

Yes ___ No ___ - Are all hoist chains or ropes of sufficient length to handle the full range of movement of the application while still maintaining two full wraps on the drum at all times?

Yes ___ No ___ - Are nip points or contact points between hoist ropes and sheaves which are permanently located within 7 feet (2.1336 meters) of the floor, ground or working platform, guarded?

Yes ___ No ___ - Is it prohibited to use chains or rope slings that are kinked or twisted?

Yes ___ No ___ - Is it prohibited to use the hoist rope or chain wrapped around the load as a substitute, for a sling?

Yes ___ No ___ - Is the operator instructed to avoid carrying loads over people?

INDUSTRIAL TRUCKS—FORKLIFTS

Yes ___ No ___ - Are only employees who have been trained in the proper use of hoists allowed to operate them?

Yes ___ No ___ - Are only trained personnel allowed to operate industrial trucks?

Yes ___ No ___ - Are the required lift truck operating rules posted and enforced?

Yes ___ No ___ - Is directional lighting provided on each industrial truck that operates in an area with less than 2 foot-candles per square foot of general lighting?

Yes ___ No ___ - Does each industrial truck have a warning horn, whistle, gong, or other device which can be clearly heard above the normal noise in the areas where operated?

Yes ___ No ___ - Are the brakes on each industrial truck capable of bringing the vehicle to a complete and safe stop when fully loaded?

Yes ___ No ___ - Will the industrial trucks' parking brake effectively prevent the vehicle from moving when unattended?

Yes ___ No ___ - Are industrial trucks operating in areas where flammable gases or vapors, or combustible dust or ignitable fibers may be present in the atmosphere, approved for such locations?

Yes ___ No ___ - Are industrial trucks with internal combustion engine, operated in buildings or enclosed areas, carefully checked to ensure such operations do not cause harmful concentration of dangerous gases or fumes?

Yes ___ No ___ - Are powered industrial trucks being safely operated?

SPRAYING OPERATIONS

Yes ___ No ___ - Is adequate ventilation assured before spray operations are started?

Yes ___ No ___ - Is mechanical ventilation provided when spraying operations are done in enclosed areas?

Yes ___ No ___ - When mechanical ventilation is provided during spraying operations, is it so arranged that it will not circulate the contaminated air?

Yes ___ No ___ - Is the spray area free of hot surfaces?

Yes ___ No ___ - Is the spray area at least 20 feet (6.096 meters) from flames, sparks, operating electrical motors and other ignition sources?

Yes ___ No ___ - Are portable lamps used to illuminate spray areas suitable for use in a hazardous location?

Yes ___ No ___ - Is approved respiratory equipment provided and used when appropriate during spraying operations?

Yes ___ No ___ - Do solvents used for cleaning have a flash point to 100°F or more?

Yes ___ No ___ - Are fire control sprinkler heads kept clean?

Yes ___ No ___ - Are "NO SMOKING" signs posted in spray areas, paint rooms, paint booths, and paint storage areas?

Yes ___ No ___ - Is the spray area kept clean of combustible residue?

Yes ___ No ___ - Are spray booths constructed of metal, masonry, or other substantial noncombustible material?

Yes ___ No ___ - Are spray booth floors and baffles noncombustible and easily cleaned?

Yes ___ No ___ - Is infrared drying apparatus kept out of the spray area during spraying operations?

Yes ___ No ___ - Is the spray booth completely ventilated before using the drying apparatus?

Yes ___ No ___ - Is the electric drying apparatus properly grounded?

Yes ___ No ___ - Are lighting fixtures for spray booths located outside of the booth and the interior lighted through sealed clear panels?

Yes ___ No ___ - Are the electric motors for exhaust fans placed outside booths or ducts?

Yes ___ No ___ - Are belts and pulleys inside the booth fully enclosed?

Yes ___ No ___ - Do ducts have access doors to allow cleaning?

Yes ___ No ___ - Do all drying spaces have adequate ventilation?

ENVIRONMENTAL CONTROLS

Yes ___ No ___ - Are all work areas properly illuminated?

Yes ___ No ___ - Are employees instructed in proper first-aid and other emergency procedures?

Yes ___ No ___ - Are hazardous substances and other potentially infectious materials identified, which may cause harm by inhalation, ingestion, or skin absorption or contact?

Yes ___ No ___ - Are employees aware of the hazards involved with the various chemicals they may be exposed to in their work environment, such as ammonia, chlorine, epoxies, caustics, etc.?

Yes ___ No ___ - Is employee exposure to chemicals in the workplace kept within acceptable levels?

Yes ___ No ___ - Is the work area's ventilation system appropriate for the work being performed?

Yes ___ No ___ - Are spray painting operations done in spray rooms or booths equipped with an appropriate exhaust system?

Yes ___ No ___ - Is employee exposure to welding fumes controlled by ventilation, use of respirators, exposure time, or other means?

Yes ___ No ___ - Are welders and other workers nearby provided with flash shields during welding operations?

Yes ___ No ___ - If forklifts and other vehicles are used in buildings or other enclosed areas, are the carbon monoxide levels kept below maximum acceptable concentration?

Yes ___ No ___ - Has there been a determination that noise levels in the facilities are within acceptable levels?

Yes ___ No ___ - Are proper precautions being taken when handling asbestos and other fibrous materials?

Yes ___ No ___ - Are wet methods used, when practicable, to prevent the emission of airborne fibers, silica dust and similar hazardous materials?

Yes ___ No ___ - Are engineering controls examined and maintained or replaced on a scheduled basis?

Yes ___ No ___ - Is vacuuming with appropriate equipment used whenever possible rather than blowing or sweeping dust?

Yes ___ No ___ - Are grinders, saws, and other machines that produce respirable dusts vented to an industrial collector or central exhaust system?

Yes ___ No ___ - Are all local exhaust ventilation systems designed and operating properly such as air flow and volume necessary for the application, ducts not plugged or belts slipping?

Yes ___ No ___ - Is personal protective equipment provided, used and maintained wherever required?

Yes ___ No ___ - Are there written standard operating procedures for the selection and use of respirators where needed?

Yes ___ No ___ - Are restrooms and washrooms kept clean and sanitary?

Yes ___ No ___ - Are employees' physical capacities assessed before being assigned to jobs requiring heavy work?

Yes ___ No ___ - Are employees instructed in the proper manner of lifting heavy objects?

Yes ___ No ___ - Where heat is a problem, have all fixed work areas been provided with spot cooling or air conditioning?

Yes ___ No ___ - Are exhaust stacks and air intakes so located that contaminated air will not be recirculated within a building or other enclosed area?

FLAMMABLE AND COMBUSTIBLE MATERIALS

Yes ___ No ___ - Are combustible scrap, debris, and waste materials (oily rags, etc.) stored in covered metal receptacles and removed from the worksite promptly?

Yes ___ No ___ - Is proper storage practiced to minimize the risk of fire including spontaneous combustion?

Yes ___ No ___ - Are approved containers and tanks used for the storage and handling of flammable and combustible liquids?

Yes ___ No ___ - Are all connections on drums and combustible liquid piping, vapor and liquid tight?

Yes ___ No ___ - Are all flammable liquids kept in closed containers when not in use (e.g., parts cleaning tanks, pans, etc.)?

Yes ___ No ___ - Are bulk drums of flammable liquids grounded and bonded to containers during dispensing?

Yes ___ No ___ - Do storage rooms for flammable and combustible liquids have explosion-proof lights?

Yes ___ No ___ - Do storage rooms for flammable and combustible liquids have mechanical or gravity ventilation?

Yes ___ No ___ - Is liquefied petroleum gas stored, handled, and used in accordance with safe practices and standards?

Yes ___ No ___ - Are "NO SMOKING" signs posted on liquefied petroleum gas tanks?

Yes ___ No ___ - Are liquefied petroleum storage tanks guarded to prevent damage from vehicles?

Yes ___ No ___ - Are all solvent wastes and flammable liquids kept in fire-resistant, covered containers until they are removed from the worksite?

Yes ___ No ___ - Is vacuuming used whenever possible rather than blowing or sweeping combustible dust?

Yes ___ No ___ - Are firm separators placed between containers of combustibles or flammables, when stacked one upon another, to assure their support and stability?

Yes ___ No ___ - Are fuel gas cylinders and oxygen cylinders separated by distance, and fire-resistant barriers, while in storage?

Yes ___ No ___ - Are fire extinguishers selected and provided for the types of materials in areas where they are to be used?

- Class A Ordinary combustible material fires.
- Class B Flammable liquid, gas or grease fires.
- Class C Energized-electrical equipment fires.

Yes ___ No ___ - Are appropriate fire extinguishers mounted within 75 feet (2286 meters) of outside areas containing flammable liquids, and within 10 feet (3.048 meters) of any inside storage area for such materials?

Yes ___ No ___ - Are extinguishers free from obstructions or blockage?

Yes ___ No ___ - Are all extinguishers serviced, maintained and tagged at intervals not to exceed 1 year?

Yes ___ No ___ - Are all extinguishers fully charged and in their designated places?

Yes ___ No ___ - Where sprinkler systems are permanently installed, are the nozzle heads so directed or arranged that water will not be sprayed into operating electrical switch boards and equipment?

Yes ___ No ___ - Are "NO SMOKING" signs posted where appropriate in areas where flammable or combustible materials are used or stored?

Yes ___ No ___ - Are safety cans used for dispensing flammable or combustible liquids at a point of use?

Yes ___ No ___ - Are storage tanks adequately vented to prevent the development of excessive vacuum or pressure as a result of filling, emptying, or atmosphere temperature changes?

Yes ___ No ___ - Are storage tanks equipped with emergency venting that will relieve excessive internal pressure caused by fire exposure?

Yes ___ No ___ - Are "NO SMOKING" rules enforced in areas involving storage and use of hazardous materials?

HAZARDOUS CHEMICAL EXPOSURE

Yes ___ No ___ - Are employees trained in the safe handling practices of hazardous chemicals such as acids, caustics, etc.?

Yes ___ No ___ - Are employees aware of the potential hazards involving various chemicals stored or used in the workplace such as acids, bases, caustics, epoxies, and phenols?

Yes ___ No ___ - Is employee exposure to chemicals kept within acceptable levels?

Yes ___ No ___ - Are eye wash fountains and safety showers provided in areas where corrosive chemicals are handled?

Yes ___ No ___ - Are all containers, and storage tanks labeled as to their contents, e.g., "CAUSTICS"?

Yes ___ No ___ - Are all employees required to use personal protective clothing and equipment when handling chemicals (gloves, eye protection, and respirators)?

Yes ___ No ___ - Are flammable or toxic chemicals kept in closed containers when not in use?

Yes ___ No ___ - Where corrosive liquids are frequently handled in open containers or drawn from storage vessels or pipe lines, are adequate means readily available for neutralizing or disposing of spills or overflows and performed properly and safely?

Yes ___ No ___ - Have standard operating procedures been established, and are they being followed when cleaning up chemical spills?

Yes ___ No ___ - Where needed for emergency use, are respirators stored in a convenient, clean, and sanitary location?

Yes ___ No ___ - Are respirators intended for emergency use adequate for the various uses for which they may be needed?

Yes ___ No ___ - Are employees prohibited from eating in areas where hazardous chemicals are present?

Yes ___ No ___ - Is personal protective equipment provided, used and maintained whenever necessary?

Yes ___ No ___ - Are there written standard operating procedures for the selection and use of respirators where needed?

Yes ___ No ___ - If you have a respirator protection program, are your employees instructed on the correct usage and limitations of the respirators? Are the respirators NIOSH-approved for this particular application? Are they regularly inspected and cleaned, sanitized and maintained?

Yes ___ No ___ - If hazardous substances are used in your processes; do you have a medical or biological monitoring system in operation?

Yes ___ No ___ - Are you familiar with the Threshold Limit Values or Permissible Exposure Limits of airborne contaminants and physical agents used in your workplace?

Yes ___ No ___ - Have control procedures been instituted for hazardous materials, where appropriate, such as respirators, ventilation systems, and handling practices?

Yes ___ No ___ - Whenever possible, are hazardous substances handled in properly designed and exhausted booths or similar locations?

Yes ___ No ___ - Do you use general dilution or local exhaust ventilation systems to control dusts, vapors, gases, fumes, smoke, solvents or mists which may be generated in your workplace?

Yes ___ No ___ - Is ventilation equipment provided for removal of contaminants from such operations as production grinding, buffing, spray painting, and/or vapor degreasing, and is it operating properly?

Yes ___ No ___ - If internal combustion engines are used, is carbon monoxide kept within acceptable levels?

Yes ___ No ___ - Are materials which give off toxic asphyxiates, suffocating or anesthetic fumes, stored in remote or isolated locations when not in use?

HAZARDOUS SUBSTANCES COMMUNICATION

Yes ___ No ___ - Is there a list of hazardous substances used in your workplace?

Yes ___ No ___ - Is there a current written exposure control plan for occupational exposure to Bloodborne pathogens and other potentially infectious materials, where applicable?

Yes ___ No ___ - Is there a written hazard communication program dealing with Material Safety Data Sheets (MSDS), labeling, and employee training?

Yes ___ No ___ - Is each container for a hazardous substance (i.e., storage tanks, etc.) labeled with product identity and a hazard warning (communication of the specific health hazards and physical hazards)?

Yes ___ No ___ - Is there a Material Safety Data Sheet readily available for each hazardous substance used?

Does the employee training program for hazardous substances includes;

Yes ___ No ___ - An explanation of what an MSDS is and how to use and obtain one?

Yes ___ No ___ - MSDS contents for each hazardous substance or class of substances?

Yes ___ No ___ - Explanation of "Right to Know?"

Yes ___ No ___ - Identification of where an employee can see the employers written hazard communication program and where hazardous substances are present in their work areas?

Yes ___ No ___ - The physical and health hazards of substances in the work area, and specific protective measures to be used?

Yes ___ No ___ - Details of the hazard communication program, including how to use the labeling system and MSDS's?

ELECTRICAL

Yes ___ No ___ - Do you specify compliance with OSHA for all contract electrical work?

Yes ___ No ___ - Are all employees required to report as soon as practicable any obvious hazard to life or property observed in connection with electrical equipment or lines?

Yes ___ No ___ - Are employees instructed to make preliminary inspections and/or appropriate tests to determine what conditions exist before starting work on electrical equipment or lines?

Yes ___ No ___ - When electrical equipment or lines are to be serviced, maintained or adjusted, are necessary switches opened, locked-out and tagged whenever possible?

Yes ___ No ___ - Are portable electrical tools and equipment grounded or of the double insulated type?

Yes ___ No ___ - Are electrical appliances such as vacuum cleaners, polishers, and vending machines grounded?

Yes ___ No ___ - Do extension cords being used have a grounding conductor?

Yes ___ No ___ - Are multiple plug adaptors prohibited?

Yes ___ No ___ - Are ground-fault circuit interrupters installed on each temporary 15 or 20 amperes, 120 volt AC circuit at locations where construction, demolition, modifications, alterations or excavations are being performed?

Yes ___ No ___ - Are all temporary circuits protected by suitable disconnecting switches or plug connectors at the junction with permanent wiring?

Yes ___ No ___ - Do you have electrical installations in hazardous dust or vapor areas? If so, do they meet the National Electrical Code (NEC) for hazardous locations?

Yes ___ No ___ - Is exposed wiring and cords with frayed or deteriorated insulation repaired or replaced promptly?

Yes ___ No ___ - Are flexible cords and cables free of splices or taps?

Yes ___ No ___ - Are clamps or other securing means provided on flexible cords or cables at plugs, receptacles, tools, equipment, etc., and is the cord jacket securely held in place?

Yes ___ No ___ - Are all cord, cable and raceway connections intact and secure?

Yes ___ No ___ - In wet or damp locations, are electrical tools and equipment appropriate for the use or location or otherwise protected?

Yes ___ No ___ - Is the location of electrical power lines and cables (overhead, underground, under floor, other side of walls) determined before digging, drilling or similar work is begun?

Yes ___ No ___ - Are metal measuring tapes, ropes, hand lines or similar devices with metallic thread woven into the fabric prohibited where they could come in contact with energized parts of equipment or circuit conductors?

Yes ___ No ___ - Is the use of metal ladders prohibited in areas where the ladder or the person using the ladder could come in contact with energized parts of equipment, fixtures or circuit conductors?

Yes ___ No ___ - Are all disconnecting switches and circuit breakers labeled to indicate their use or equipment served?

Yes ___ No ___ - Are disconnecting means always opened before fuses are replaced?

Yes ___ No ___ - Do all interior wiring systems include provisions for grounding metal parts of electrical raceways, equipment and enclosures?

Yes ___ No ___ - Are all electrical raceways and enclosures securely fastened in place?

Yes ___ No ___ - Are all energized parts of electrical circuits and equipment guarded against accidental contact by approved cabinets or enclosures?

Yes ___ No ___ - Is sufficient access and working space provided and maintained about all electrical equipment to permit ready and safe operations and maintenance?

Yes ___ No ___ - Are all unused openings (including conduit knockouts) in electrical enclosures and fittings closed with appropriate covers, plugs or plates?

Yes ___ No ___ - Are electrical enclosures such as switches, receptacles, and junction boxes, provided with tight fitting covers or plates?

Yes ___ No ___ - Is low voltage protection provided in the control device of motors driving machines or equipment which could cause probable injury from inadvertent starting?

Yes ___ No ___ - Is each motor disconnecting switch or circuit breaker located within sight of the motor control device?

Yes ___ No ___ - Is each motor located within sight of its controller or the controller disconnecting means capable of being locked in the open position or is a separate disconnecting means installed in the circuit within sight of the motor?

Yes ___ No ___ - Is the controller for each motor in excess of two horsepower, rated in horsepower equal to or in excess of the rating of the motor it serves?

Yes ___ No ___ - Are employees who regularly work on or around energized electrical equipment or lines instructed in the cardiopulmonary resuscitation (CPR) methods?

Yes ___ No ___ - Are employees prohibited from working alone on energized lines or equipment over 600 volts?

NOISE

Yes ___ No ___ - Are there areas in the workplace where continuous noise levels exceed 85 dBA?

Yes ___ No ___ - Is there an ongoing preventive health program to educate employees in: safe levels of noise, exposures; effects of noise on their health; and the use of personal protection?

Yes ___ No ___ - Have work areas where noise levels make voice communication between employees difficult been identified and posted?

Yes ___ No ___ - Are noise levels being measured using a sound level meter or an octave band analyzer and are records being kept?

Yes ___ No ___ - Have engineering controls been used to reduce excessive noise levels? Where engineering controls are determined not feasible, are

administrative controls (i.e., worker rotation) being used to minimize individual employee exposure to noise?

Yes ___ No ___ - Is approved hearing protective equipment (noise attenuating devices) available to every employee working in noisy areas?

Yes ___ No ___ - Have you tried isolating noisy machinery from the rest of your operation?

Yes ___ No ___ - If you use ear protectors, are employees properly fitted and instructed in their use?

Yes ___ No ___ - Are employees in high noise areas given periodic audiometric testing to ensure that you have an effective hearing protection system?

FUELING

Yes ___ No ___ - Is it prohibited to fuel an internal combustion engine with a flammable liquid while the engine is running?

Yes ___ No ___ - Are fueling operations done in such a manner that likelihood of spillage will be minimal?

Yes ___ No ___ - When spillage occurs during fueling operations, is the spilled fuel washed away completely, evaporated, or other measures taken to control vapors before restarting the engine?

Yes ___ No ___ - Are fuel tank caps replaced and secured before starting the engine?

Yes ___ No ___ - In fueling operations, is there always metal contact between the container and the fuel tank?

Yes ___ No ___ - Are fueling hoses of a type designed to handle the specific type of fuel?

Yes ___ No ___ - Is it prohibited to handle or transfer gasoline in open containers?

Yes ___ No ___ - Are open lights, open flames, sparking, or arcing equipment prohibited near fueling or transfer of fuel operations?

Yes ___ No ___ - Is smoking prohibited in the vicinity of fueling operations?

Yes ___ No ___ - Are fueling operators prohibited in buildings or other enclosed areas that are not specifically ventilated for this purpose?

Yes ___ No ___ - Where fueling or transfer of fuel is done through a gravity flow system, are the nozzles of the self-closing type?

IDENTIFICATION OF PIPING SYSTEMS

Yes ___ No ___ - When pipelines are identified by color painting, are all visible parts of the line so identified?

Yes ___ No ___ - When pipelines are identified by color painted bands or tapes, are the bands or tapes located at reasonable intervals and at each outlet, valve or connection?

Yes ___ No ___ - When pipelines are identified by color, is the color code posted at all locations where confusion could introduce hazards to employees?

Yes ___ No ___ - When the contents of pipelines are identified by name or name abbreviation, is the information readily visible on the pipe near each valve or outlet?

Yes ___ No ___ - When pipelines carrying hazardous substances are identified by tags, are the tags constructed of durable materials, the message carried clearly and permanently distinguishable and are tags installed at each valve or outlet?

MATERIAL HANDLING

Yes ___ No ___ - Is there safe clearance for equipment through aisles and doorways?

Yes ___ No ___ - Are aisles designated, permanently marked, and kept clear to allow unhindered passage?

Yes ___ No ___ - Are motorized vehicles and mechanized equipment inspected daily or prior to use?

Yes ___ No ___ - Are vehicles shut off and brakes set prior to loading or unloading?

Yes ___ No ___ - Are containers of combustibles or flammables, when stacked while being moved, always separated by Dunnage sufficient to provide stability?

Yes ___ No ___ - Are dock boards (bridge plates) used when loading or unloading operations are taking place between vehicles and docks?

Yes ___ No ___ - Are trucks and trailers secured from movement during loading and unloading operations?

Yes ___ No ___ - Are dock plates and loading ramps constructed and maintained with sufficient strength to support imposed loading?

Yes ___ No ___ - Are hand trucks maintained in safe operating condition?

Yes ___ No ___ - Are pallets usually inspected before being loaded or moved?

Yes ___ No ___ - Are hooks with safety latches or other arrangements used when hoisting materials so that slings or load attachments won't accidentally slip off the hoist hooks?

Yes ___ No ___ - Are securing chains, ropes, chocks or slings adequate for the job to be performed?

Yes ___ No ___ - When hoisting material or equipment are provisions made to assure no one will be passing under the suspended loads?

Yes ___ No ___ - Are material safety data sheets available to employees handling hazardous substances?

CONTROL OF HARMFUL SUBSTANCES BY VENTILATION

Yes ___ No ___ - Is the volume and velocity of air in each exhaust system sufficient to gather the dusts, fumes, mists, vapors or gases to be controlled, and to convey them to a suitable point of disposal?

Yes ___ No ___ - Are exhaust inlets, ducts and plenums designed, constructed, and supported to prevent collapse or failure of any part of the system?

Yes ___ No ___ - Are clean-out ports or doors provided at intervals not to exceed 12 feet (3.6576 meters) in all horizontal runs of exhaust ducts?

Yes ___ No ___ - Is adequate makeup air provided to areas where exhaust systems are operating?

Yes ___ No ___ - Is the source point for makeup air located so that only clean, fresh air, which is free of contaminants, will enter the work environment?

Yes ___ No ___ - Where two or more ventilation systems are serving a work area, is their operation such that one will not offset the functions of the other?

SANITIZING EQUIPMENT AND CLOTHING

Yes ___ No ___ - Is personal protective clothing or equipment that employees are required to wear or use, of a type capable of being cleaned easily, disinfected or disposed of?

Yes ___ No ___ - Are employees prohibited from interchanging personal protective clothing or equipment, unless it has been properly cleaned?

Yes ___ No ___ - Are machines and equipment, which process, handle or apply materials that could be injurious to employees, cleaned and/or decontaminated before being overhauled or placed in

storage?

Yes ___ No ___ - Are employees prohibited from smoking or eating in any area where contaminants that could be injurious if ingested are present?

Yes ___ No ___ - When employees are required to change from street clothing into protective clothing, is a clean change room with separate storage facility for street and protective clothing provided?

Yes ___ No ___ - Are employees required to shower and wash their hair as soon as possible after a known contact has occurred with a carcinogen?

Yes ___ No ___ - When equipment, materials, or other items are taken into or removed from a carcinogen regulated area, is it done in a manner that will contaminate non-regulated areas or the external environment?

Inspection Notes

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Communication &
Hazard Assessment
Programs
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SAFE HARBOR MARINAS

Safety, OSHA and Environmental Program

VIII. HAZARD COMMUNICATION PROGRAM

SECTION INDEX

- HAZARD COMMUNICATION PROGRAM
- ANNUAL COMPREHENSIVE SAFETY AND HEALTH AUDIT PROGRAM
- HAZARD ANALYSIS ASSESSMENT FOR PPE
- GUIDELINES FOR SELECTING PERSONAL PROTECTIVE EQUIPMENT (PPE)
- SAFE HARBOR MARINAS WORKPLACE HAZARD ASSESSMENT FORM



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HAZARD COMMUNICATION PROGRAM

A. OBJECTIVE

To provide guidelines for all employees, and for each Safe Harbor Marinas facility to meet the requirements of the Hazard Communication Standard.

B. SCOPE

All facility personnel, customers, guests and facility property.

C. REFERENCES

Federal, State and Local Standards, e.g., Federal / State Health Codes and OSHA.

D. RESPONSIBILITIES

Onsite Safety Officer will insure employees are trained and understand the Hazard Communication Program.

E. PROCEDURES

- Review of established programs
- Training for employees
- Reporting/Recording Procedures
- Site Hazard Assessment Program

1. INTRODUCTION

Safe Harbor Marinas comply with the OSHA Hazard Communication Standard, Title 29 Code of Federal Regulations 1910.1200 and the Employee Right-to-Know Law, Title 31, by compiling a hazardous chemical list, by using Safety Data Sheets (SDS), by ensuring that containers are labeled, and by providing employees with training. Safe Harbor Marinas facility managers realize they are responsible for informing employees of the hazards and the identities of workplace chemicals to which they are exposed through the availability and use of the SDS's and by training.

Because of the seriousness of these safety and health problems, and because many employers and employees know little or nothing about them, OSHA issued the Hazard Communication Standard. The purpose of the program is

to insure employers and employees know the work hazards around them and how to protect themselves; whereby a reduction in the incidence of chemical source illness and injuries occur.

The “Haz-Com” standard establishes uniform requirements to ensure the hazards of all chemicals imported into, produced, or used in U.S. workplaces are evaluated, and that this hazard information is transmitted to affected employers and exposed employees.

Employer responsibilities:

- Identify and list on-site hazardous chemicals.
- Obtain SDS and labels for each hazardous chemical, if not provided by distributor.
- Develop and implement a written hazard communication program, including labels, SDSs, and employee training, on the list of chemicals, SDSs and label information.
- Communicate hazard information to employees through labels, SDSs, and formal training programs.

Scope of Program:

It is the intention of Port Phoenix Marina to comply fully and in a prudent manner with all occupational safety and health standards/regulations. Consequently, this program is implemented and enforced to comply with the Department of Labor, (OSHA’s) Hazard Communication Standard 29 CFR 1910.1200.

This program provides guidelines for all employees, and for Port Phoenix Marina to meet the requirements of the Hazard Communication Standard. This written Hazard Communication Program will be available to all employees for review at all times.

2. HAZARDOUS CHEMICALS LIST

Dave Heroux has established a list of all the hazardous chemicals used on the premises and will; be responsible for maintenance of this list.

3. LABELING OF HAZARDOUS CHEMICALS

Each container of hazardous chemicals will be labeled with the identity and appropriate hazard warning of its contents. In addition, containers of hazardous chemicals, which are received from a supplier or shipped to a customer, will also have the name and address of the manufacturer or the responsible party.

It is the responsibility of Dave Heroux to assure that the identity and the hazard warnings are placed on all containers of hazardous chemicals, which have been transferred from their original drums or containers. Additionally, it is their responsibility to assure that the identity, the hazard warnings, and the name and address of the supplier are on the received/shipped containers of hazardous chemicals.

4. SAFETY DATA SHEET (SDS) COMPLIANCE GUIDELINES

The SDS is a detailed information bulletin prepared by the manufacturer or importer of a chemical that describes the physical and chemical properties, physical and health hazards, routes of exposure, precautions for safe handling and use, emergency and first-aid procedures and control measures.

In addition, information must be provided on the physical and chemical characteristics of the hazardous chemical; known acute and chronic health effects and related health information; exposure limits; whether the chemical is considered to be a carcinogen by the National Toxicology Program (NTP), International Agency for Research on Cancer (IARC), or OSHA; precautionary measures; emergency and first-aid procedures; and the identification (name, address, and telephone number) of the organization responsible for preparing the sheet.

Copies of the SDS for hazardous chemicals in a given worksite are to be readily accessible to employees in that area. As a source of detailed information on hazards, they must be readily available to workers during each work shift. MSDSs have no prescribed format.

Employers must prepare a list of all hazardous chemicals in the workplace. When the list is complete, it should be checked against the collected SDSs on file. If hazardous chemicals are found for which no SDS has been received, the

employer must contact the supplier, manufacturer, or importer to obtain the missing SDS and maintain a record of the contact/request.

5. INFORMATION AND TRAINING

It is the policy of Port Phoenix Marina to provide an information and training program to all employees with the implementation of this program, at the time of a new employee's initial start date, and whenever a new hazard is introduced into the workplace.

This information and training program will include:

- a. Requirements of 29 CFR 1910.1200.
- b. Any operations in employees' work areas where hazardous chemicals are present.
- c. Location and availability of this written hazard communication program, and the list of hazardous chemicals and MSDS's.
- d. Means of detecting the presence or release of hazardous chemicals in the work area.
- e. Physical and health hazards of the chemicals in the work area.
- f. Measures employees can take to protect themselves from these hazards.
- g. Explanation of the labeling system and the material safety data sheets.
- h. Emergency procedures
- i. Details of this written hazard communication program that has been developed.

It will be the responsibility of Steve Geiger the On-site Safety Officer to implement and maintain the information and training program.

The format of the information and training program has been; on-site training by contracted professionals, classroom instruction with audiovisual aids and a training video program for newly hired employees.

6. CONTRACTOR WORK

When it is necessary for an outside contractor to perform work at Port Phoenix Marina it shall be the responsibility of Steve Geiger the On-site Safety Officer to inform the contractor of the identity of any hazardous chemicals to which the

contractor may be exposed. The procedure for informing the contractor will include the following:

- a. Providing a hazardous chemical inventory of any designated work area where contract work is being performed and advising the contractor of the labeling system.
- b. Making the contractor aware of the location of MSDS's for review if desired.
- c. Making the contractor aware of the appropriate protective measures taken by marina employees in the work areas.

It is also the responsibility of the On-site Safety Officer to determine if the contractor will be using any hazardous chemicals and, if so, to take appropriate actions to assure the protection of marina employees.

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SITE HAZARD ASSESSMENT PROGRAM

A. ANNUAL COMPREHENSIVE SAFETY AND HEALTH AUDIT PROGRAM

- **Management Support** - the management of Port Phoenix Marina supports the site hazard assessment program. We respond to changes in the workplace by assessing the facility for potential hazards and or by responding to employee concerns.

Signed _____, General Manager

These observations and assessments are noted on the Workplace Hazard Assessment report.

- **Objective Auditor Assessment** - is performed by _____ whenever a change in the manner labor is performed, equipment is used, or new equipment, chemicals or procedures are introduced into the workplace.
- **Hazard Review** - the Workplace Hazard Assessment is reviewed by the marina General Manager, and _____ who performed the hazard assessment to determine the type of action(s) to be taken and to prioritize the findings.
- **Schedule of Remediation** - developed by _____ and approved by the General Manager, has been compiled based on the findings of the workplace hazard assessment. Remediation will commence on _____ by listed priority and is expected to be completed on or before _____. Contractors if required will be contacted to provide bids, based upon the same specifications and selection of the awarded bid will be the decision of the General Manager.

- ***Emergency Preparedness Plans - Previously listed and located in the Facility Evaluation section of this compliance manual, are the following emergency response plans:***

- Fire evacuation plan
- Fire prevention plan
- Spill prevention control and countermeasure plan (SPCC)
- Severe Storm plan

Note: Hazard Assessment Form (in Adobe PDF format) may be copied and included here.

B. HAZARD ANALYSIS ASSESSMENT FOR PPE

1. INSTRUCTIONS

Hazards exist in every workplace in many different forms. According to the Occupational Safety and Health Administration (OSHA) 29 Code of Federal Regulations (CFR) 1910.132(d)(1) "The employer shall assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE)." This is commonly referred to as a PPE hazard assessment.

A PPE hazard assessment can be conducted for an area, a job category or for an individual. Affected employees from each work area being assessed should be involved in the process. You should review the job procedures, potential hazards and the PPE currently in use prior to beginning the assessment. Reports of work-related injuries/illnesses, near misses and other reported safety concerns also provide helpful information.

Print the following Hazard Assessment Form and use it as a guide when conducting the walk-through survey. Observe the layout of the work area, operations being performed and any hazards present.

The person who conducts the hazard assessment survey should identify which area or job classification was reviewed, when the assessment was conducted and finally, signs and dates the form when it's completed.

Before you complete the Hazard Assessment Form, make sure to review the **Guidelines for Selecting Personal Protective Equipment** found on the next page.

Your PPE program needs to be periodically reviewed. It is also to be reviewed anytime there is a change in an existing process or a new process is added to your facility.

C. GUIDELINES FOR SELECTING PERSONAL PROTECTIVE EQUIPMENT (PPE)

Work-practice controls should be implemented before utilizing PPE to control worker exposures to hazards in the workplace. This is based on OSHA's hierarchy of controls which includes: engineering controls, administrative controls and work-practice controls. **PPE alone should not be relied on to provide protection**

against hazards. PPE should be used in conjunction with engineering controls and administrative controls. PPE is viewed as the last line of defense.

Factors to consider when selecting PPE:

- Familiarize yourself with the potential hazards in the area and the types of PPE that are available
- Consider the hazards associated with the environment (impact velocities, masses, projectable shape, radiation intensities, etc.)
- Consider the following basic hazard categories:
 - Impact (falling/flying objects)
 - Penetration (sharp objects piercing foot/hand)
 - Compression (roll-over or pinching objects)
 - Chemical exposure (inhalation, ingestion, skin contact, eye contact or injection)
 - Temperature extremes (heat/cold)
 - Dust/flying debris (grinding, chipping, sanding, etc.)
 - Radiation (non-ionizing: UV/IR/light, welding, brazing, cutting, etc.)
 - Noise (mechanical rooms, machines, equipment, tools, etc.)
 - Electrical (shock, short circuit, arcing, static)
- Select PPE that ensures a greater level of protection than the minimum required to protect workers from the hazards
- Fit the worker with the PPE and give instructions on its use and care. It is very important that workers be made aware of all warning labels and limitations of their PPE

SITE HAZARD ASSESSMENT PROGRAM**D. SAFE HARBOR MARINAS WORKPLACE HAZARD ASSESSMENT FORM**

On the date noted below, I conducted a workplace hazard assessment of
Port Phoenix Marina:

1. The job, function, activity, room or area

2. Hazard sources:

Impact _____ Penetration _____
(motion) (Puncture)

Compression _____ Chemical _____

Airborne _____ Heat/cold _____

Noise _____ Infrared/ Ultraviolet light _____
(dBA Time weighted)

Respiratory _____ Other _____

3. Personal Protective Equipment (PPE) currently provided

4. Is additional PPE needed? Yes___ No___

If yes, explain what and why

5. PPE training annual review conducted

6. Additional comments, suggestions or considerations

Certification of Workplace Hazard Assessment

Assessment conducted by _____
(Print Name)

Title _____

Signature_____Date_____

Insert

Hot Work Program

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SAFE HARBOR MARINAS

Safety, OSHA and Environmental Program

IX. HOT WORK PROGRAM

SECTION INDEX

- HOT WORK PROGRAM
- HOT WORK PERMIT: HOT WORK PERMIT REQUEST
- HOT WORK PERMIT: HOT WORK SAFETY CHECKLIST
- HOT WORK IN PROGRESS WARNING SIGN
- ANNUAL EVALUATION REPORT
- PERSONNEL TRAINING RECORD



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Safe Harbor Marinas Hot Work Program

A. REVISION HISTORY

Revision 03 – Feb 9, 2015 Compliant with OSHA Standard 29CFR1910.252

B. PURPOSE AND SCOPE

Safe Harbor Marinas Corporation is committed to providing a safe and healthy work environment and to protecting our employees from injury or death caused by uncontrolled hazards in the workplace. Safe Harbor Marinas recognizes the potential for fire from hot work operations. The Hot Work Program has been established to help protect the safety of Safe Harbor Marinas employees and property by establishing appropriate hot work procedures and designated areas for hot work operations.

This program applies to all employees (permanent, temporary and contractors) who complete hot work or work in areas where hot work is taking place. All employees are required to follow the procedures outlined in this program. Any deviations from this program must be immediately brought to the attention of the Program Administrator.

C. PROGRAM RESPONSIBILITIES

1. MANAGEMENT

The management of Safe Harbor Marinas is committed to the overall safety of its workers and facilities. Management supports the efforts of the Safety Director by pledging leadership support and financial resources for this program and ensuring the program is being followed.

2. SAFETY DIRECTOR

The Safety Director reports directly to upper management and is responsible for developing and implementing the Hot Work Program. The Safety Director is responsible for:

- Developing safe usage protocols for all heat, flame and spark-producing equipment

- Providing appropriate training to all employees of Safe Harbor Marinas that perform or authorize hot work activities
- Establishing procedures and a permit system for performing hot work in non-designated areas

3. ONSITE SAFETY OFFICER

The Onsite Safety Officer reports directly to facility management and the Safety Director and is responsible for:

- Establishing designated hot work areas
- Designating individuals who can approve hot work activities and issue permits in non-designated areas
- Identifying the proper personal protective equipment (PPE) needed during the hot work procedures
- Completing air monitoring in the event a potentially explosive atmosphere is identified
- Providing outside contractors working on Safe Harbor Marinas premises with training and information on the Hot Work Program and procedures
- Retaining records of training and all hot work permits
- Reviewing program at least annually, and when changes are needed, or new equipment is added.

4. SUPERVISORS

Supervisors are responsible for:

- Ensuring that only qualified and trained authorized employees perform hot work activities
- Ensuring that employees who are found to have insufficient skills or understanding of hot work procedures do not perform hot work activities and receive retraining before conducting any hot work procedures
- Ensuring employees comply with all procedures described in this program
- Ensuring all hot work activities are approved prior to being performed in both designated and non-designated areas
- Completing hot work permit requests when necessary
- Identifying dangerous situations, not suitable for hot work

- Designating a fire watch employee for all hot work performed in a non-designated area during and for no less than 30 minutes after work is completed
- Conducting final inspections after a fire watch period has concluded
- Inspecting designated hot work areas after each shift to ensure no smoldering materials are present
- Providing information to the Program Administrator regarding needed improvements to this program

5. HOT WORK APPROVER

A hot work approver is an employee who has been trained to approve hot work. Duties of the hot work approver include:

- Determining if the work can be completed or moved to a designated hot work area
- If the work cannot be moved, ensuring all combustible materials in the vicinity are removed
- If all combustible materials cannot be removed, ensuring that guards are in place to confine the heat, sparks and slag.
- Inspecting hot work areas and reviewing planned safety precautions before hot work operations begin
- Communicating to employees regarding hot work activities to ensure their safety
- If approval for hot work is granted, issuing and posting hot work permits which list all required precautions
- Establishing a fire watch during and for no less than 30 minutes after completion of the hot work

6. AUTHORIZED PERSONNEL

Authorized personnel includes employees or contractors who are trained to perform hot work activities including soldering, welding, pipe-cutting, heat-treating, grinding,

thawing pipes, hot riveting, torch-applied roofing and any other application involving heat, sparks or flames. Duties of authorized personnel include:

- Completing all required hot work training
- Seeking approval and/or a permit to perform hot work prior to beginning operations
- Performing hot work activities and procedures in accordance with this program
- Inspecting designated hot work areas for combustibles and other hazards prior to beginning hot work
- Inspecting hot work equipment to ensure it is in safe operating condition before beginning work
- Retaining control of the equipment while hot work is in progress

7. FIRE WATCH PERSONNEL

A fire watch is a designated employee who monitors the hot work area for fires while work is being performed and for 30 minutes after its completion. Duties of the fire watch personnel include:

- Maintaining continuous watch over hot work activity during and for 30 minutes after work has been completed
- Monitoring adjacent areas for fires
- Extinguishing small, controllable fires with extinguishing equipment available in hot work area
- Activating fire alarm if an uncontrollable fire occurs
- Signing the hot work permit 30 minutes after the work is complete and re-posting signed permit in hot work area
- After the hot work and mandatory 30-minute monitoring period is complete, periodically returning to the area where the hot work was completed to check for fires for three hours
- Ensuring that the supervisor has conducted a final inspection after the fire watch period has concluded and signs off on the permit
- Having a supervisor find another trained person to relieve him/her if the designated individual must leave for any reason

8. OTHER PERSONNEL

This includes employees or contractors who are neither authorized personnel nor fire watch personnel but are still exposed to areas where hot work is performed. Other personnel should not perform any hot work activities. Duties include wearing proper personal protective equipment when in a 35-foot radius of hot work.

Check Your Understanding. The section below provides basic steps that are required for successful hot work performance. Each of the hot work activities has their own risks and hazards that need to be accounted for.

Personal protection varies depending on the particular hot work activity performed. Refer to [OSHA 1910.252\(c\)\(1\)](#) for information regarding specific protection details and ventilation standards for hot work.

D. HOT WORK DESIGNATED AREAS

The following areas have been designated as approved hot work areas. Hot work may be performed in these areas without the issuance of a hot work permit. Even though a permit is not required in these areas, authorized personnel must inspect the area for combustibles and other hazards before beginning hot work operations.

- Facility designated Welding Shop or area
- Maintenance Shop welding area

Authorized personnel must be certain that a functioning fire extinguisher appropriate for the type of potential fire is present at all times while hot work is being performed in designated areas. The hot work approver e.g., a trained employee, supervisor, or the Safety Officer must inspect each designated hot work area to ensure no smoldering materials are present and all hot work equipment is properly shut off and stored.

E. HOT WORK NON-DESIGNATED AREA PROCEDURES

1. BASIC PRECAUTIONS

At a minimum all of the following precautions must be met to perform hot work in a non-designated area.

- Building fire sprinkler system if so equipped is operational at the hot work location.
- All combustible materials within 35 feet of the hot work shall be moved to a safe distance or other location.
- If combustible materials cannot be moved, they are protected by fire retardant covers or they are shielded with fire retardant or metal guards.
- Appropriate PPE is provided to employees performing hot work based upon a hazard assessment.
- A fire watch is initiated during and for 30 minutes after all hot work has stopped.
- The hot work approver has inspected the hot work area prior to beginning work.
- The hot work approver has issued and posted a hot work permit **(Appendix A)**

2. SPECIAL PRECAUTIONS

Where any of the following conditions exist additional precautions shall also be taken above the basic precautions. The final protection measures will be determined by the hot work approver prior to beginning work.

i. Floor Openings/Coverings – The floors shall be protected from exposure to flames, sparks, slag or other hot materials whenever there are combustible floors or materials on the floor, floor openings or cracks in the floors. Protections may include:

- Fire-resistant shields or material
- Wetting down floors
- Covering floors with damp sand
- Sweeping combustibles from floor
- Additional protections deemed necessary by the hot work approver

ii. Wall Openings –The walls shall be protected from exposure to flames, sparks, slag or other hot materials whenever there are combustible walls, wall openings, pipe penetrations or ducts. Protections may include:

- Fire-resistant shields or materials
- Shutting dampers if any
- Separate fire watch on the other side of the walls
- Additional protections deemed necessary by the hot work approver

iii. Potentially Explosive Atmospheres – If there is a potential for mixtures of flammable gases, vapors, liquids or dust in the air, **no hot work will be conducted** until the Onsite Safety Officer or facility Manager has completed a review and air monitoring has confirmed that there is no danger of an explosion.

iv. Containers – No hot work will be performed on used drums, barrels, tanks or other container until they have been cleaned thoroughly. The hot work approver must determine that no flammable materials and no substance such as greases, tars, acids or other material which might produce flammable or toxic vapors if exposed to heat are present.

F. OUTSIDE CONTRACTORS

Whenever outside contractors perform any hot work activity they will be informed of the Safe Harbor Marinas Hot Work Program and procedures by the Onsite Safety Officer, facility Manager or the hot work approver. All outside personnel are required to obtain a permit (**Appendix A**) from the hot work approver. All appropriate safety information will be communicated to the contractor(s) before work begins.

G. PROTECTION OF PERSONNEL

1. GENERAL

All personnel conducting hot work or assisting with hot work on elevated platforms, scaffolds or runways will be protected from falling. The fall protection system will consist of either full railings or a fall arrest system with a full body harness, lanyard and approved connection point. Hot work personnel will position all cables, hoses and other equipment out of passageways and emergency egress paths whenever possible.

2. PPE

All personnel conducting hot work or assisting with hot work must wear the appropriate personal protective equipment. The appropriate protection is determined by the Personal Protective Equipment Program survey and outlined in the PPE Program document. Do not begin any hot work operations without obtaining and wearing the required protection.

3. WELDING, CUTTING, HEATING AND BRAZING

The following PPE must be worn when completing this type of hot work.

- **Eye and face protection**
 - Helmet with filter lens and cover plate that complies with ANSI Z87.1
 - Safety glasses with side shield under helmet
- **Head and ear protection**
 - Fire-resistant welder's cap under helmet
 - Approved ear-plugs or muffs
- **Foot Protection**
 - Leather, steel-toed, high-topped boots in good condition and that meet the requirements of ASTM F2412 and ASTM F2413
 - Do not wear pants with cuffs. The bottoms of pants should be worn over the tops of the boots
- **Hand Protection**
 - Dry, hole-free, insulated and flame-resistant welding gloves
- **Body Protection**
 - Oil-free protective clothing made of wool or heavy cotton
 - Clothing should allow for freedom of movement and should prevent skin exposure
 - Leather aprons, leggings, capes and sleeves as needed

4. EQUIPMENT

All tools and equipment used to perform hot work operations will be inspected prior to use. No person should use any tool or equipment unless trained. All safety precautions as outlined in the Welding and Cutting Safety Program will be followed always.

H. PERMIT SYSTEM

To ensure that adequate controls and safety precautions are being used in non-designated hot work areas, a hot work permit system will be used.

PROCEDURES

1. Authorized person or supervisor will complete and submit hot work permit request (**Appendix A**) to hot work approver.
2. Hot work approver will review planned safety precautions and inspect the hot work site using the hot work permit checklist (**Appendix A**) within 30 minutes of receiving the request.
3. Hot work approver will inform employees in the immediate area that hot work is going to be conducted and to avoid the area.
4. Hot work approver will communicate any additional special precautions that need to be taken prior to beginning operations.
5. If all necessary precautions have been taken and work can proceed, the hot work approver will complete the hot work permit and post the warning sign in a highly visible area.
6. Copies of all hot work permit information will be sent to the Onsite Safety Officer.
7. Upon completion of the hot work operations and the 30 minute fire watch, the hot work approver will inspect the completed job and ensure the area is clear and ready to return to normal operations.
8. Hot work approver will inform the employees in the immediate area that work is completed to return to normal operations.

VOIDING PERMITS

Hot work permits will be void and all hot work must not begin or must be immediately stopped if any of the following occur:

- Fire alarm sounds
- At any time, the authorized employee, supervisor or hot work approver detects a danger or uncontrolled hazard.

Whenever a hot work permit is voided, a new permit must be issued to begin or continue hot work operations.

Check Your Understanding. Employee training is a critical component of a hot work program. Remember to document all training and retraining courses including the following information: employee name, trainer name, content of training and date of training. Keep all training records on file for seven years.

I. EMPLOYEE TRAINING

HOT WORK APPROVERS / AUTHORIZED PERSONNEL / SUPERVISORS.

Before any employees designated as hot work approvers, authorized personnel or supervisors are allowed to perform any hot work operations, they must first receive training. Periodic retraining will occur if an employee has a lack of knowledge, uses equipment improperly or if work tasks change. At a minimum, the training will include the following subjects:

- Fire prevention and protection
 - Basic precautions
 - Special precautions
- Employee classifications and responsibilities
 - Hot work approver
 - Authorized personnel
 - Supervisors
 - Fire watch personnel
- Designated hot work areas
- Non-designated hot work procedures
- Protection of personnel
- Hot work permit system
- Handling and storage of hot work materials
- PPE selection and use

J. PERIODIC PROGRAM REVIEW

All hot work procedures will be reviewed at least annually by an authorized employee who does not regularly work with the hot work procedure or by the Onsite Safety Officer. If any inadequacies are identified, the Onsite Safety Officer will update the procedures and program. The annual review will include a discussion between the reviewer and each authorized employee to determine if he/she understands their responsibilities under the program. Annual inspections are documented in the form found in **Appendix B**.

K. RECORD RETENTION

Written training records, which include trainee names, the type of training provided and the dates when training occurred, will be kept in the employee training files for a minimum of 3 years. **(Appendix C)**

The Onsite Safety Officer will maintain the hot work permits for 7 years and the annual program review documents indefinitely.

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APPENDIX A – SAFE HARBOR MARINAS HOT WORK PERMIT

HOT WORK PERMIT REQUEST

Before beginning hot work, ask yourself, “Can this job be avoided? Is there a safer way?”

Hot work permits are required for any operation involving open flame, sparks or any heat-producing process. This includes, but is not limited to, brazing, cutting, drilling, welding, grinding, soldering and torch work.

The person performing the hot work must fill out this form in its entirety and submit it to the safety director for approval prior to beginning the project.

Safe Harbor Marinas facility name: _____

Responsible person: _____

Phone number: _____

Date work to be performed: _____

Start time: AM / PM _____

Building location or area: _____

Type of work to be performed

☐ Welding ☐ Cutting ☐ Grinding ☐ Soldering ☐ Drilling

☐ Pipe thawing ☐ Brazing ☐ Electric tools ☐ Other heat-producing
Process

Planned Safety Precautions

- ☐ Perform fire watch. (List designated person)

- ☐ Remove flammable and combustible materials within 35 ft. of work zone.
- ☐ Guard flammable and combustible materials that cannot be removed.
- ☐ Maintain appropriate and adequate fire extinguishers.
- ☐ Sweep floors within 35-ft radius of work zone.
- ☐ Protect floors within 35-ft radius of work zone by wetting, covering with damp sand or by using fire-resistant shields.
- ☐ Protect or shut down ducts and conveyors.
- ☐ Protect walls, partitions, ceilings and roofs with fire-resistant shields or guards.

A completed and signed hot work permit is required before any hot work process can begin. Both pages of this permit and the warning page are required to be posted at the work area during the hot work process or for the approved permit period.

Hot Work Safety Checklist

- ☐ Hot work process is located in the safest location possible or in an approved area.
- ☐ Precautions are in place to protect floors, walls, open doorways or windows, vessels and equipment within a 35' radius of the work zone **and** combustible materials are relocated outside the 35' radius.
- ☐ Suitable fire extinguishing devices are available at the hot work site.
- ☐ If the worksite is inside a building equipped with a sprinkler system, the system is operational.
- ☐ If the worksite is inside a building equipped with a sprinkler system, the sprinkler heads within a 3-ft radius of hot work operations have been covered with a wet rag to prevent unwanted alarms.
- ☐ If the worksite is inside a building equipped with smoke detectors, the smoke detectors within a 3-ft radius of hot work operations have been covered to prevent unwanted alarms
- ☐ Hot work equipment is in good repair.
- ☐ Fire watch personnel are trained on the proper use of extinguishing equipment and alarm operation.
- ☐ Fire watch is posted and will remain for at least 30 min after all hot work has been completed.
- ☐ No flammable or combustible fibers, dust, vapors, gasses or liquids are in the area.
- ☐ Floors are swept clean within a 35-ft radius of the work zone.
- ☐ Combustible floors are wet, covered with damp sand or protected by fire-resistant shields.

- ☐ Immovable combustibles are protected with flameproof covers or otherwise shielded.
- ☐ No danger exists from conduction of heat through noncombustible walls, partitions, or ceilings.
- ☐ There is adequate ventilation to remove smoke, vapor and dust from the work zone.
- ☐ All required lockout/tagout procedures are in place.
- ☐ Hot work operators are adequately trained.
- ☐ Contractors are advised about all hazardous materials and conditions they may encounter.
- ☐ Supervisors and employees are notified of nearby hot work operations.

Safe Harbor Marinas

HOT WORK PERMIT

Authorization

I have personally inspected the location where the above work is to be done, have checked for compliance with safety precautions listed on this permit and authorize the work to be performed.

Name: _____

Title: _____

Signature: _____

Date: _____

Permit #: _____

Authorized
duration of
permit: _____

To: _____

Date and
Time

Date and Time

This permit is only valid as long as the working conditions existing at the time of issuance are maintained. The permit will automatically and immediately expire when any change in conditions adversely affects the safety of the work area while hot work is in progress. After a change occurs, another hot work permit must be issued before work can resume.

**THIS PERMIT AND ASSOCIATED WARNING
SIGN MUST BE POSTED NEAR THE HOT
WORK SITE DURING ALL HOT WORK.**

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WARNING

HOT WORK IN PROGRESS

WATCH FOR FIRE

Stop work immediately if an emergency alarm signals an emergency in or near your work area.

If you have any questions regarding the Hot Work performed here

Contact the Onsite Safety Officer:

Officers name _____

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Safe Harbor Marinas Hot Work Program

Page 1 of 2

APPENDIX B – ANNUAL EVALUATION REPORT

Date of Evaluation:	Facility name:
Written Program Reviewed: Yes ___ No ___	
Evaluated By (if needed list all additional present in comments section):	
The following specific procedures have been reviewed:	
The following specific procedures were modified:	
The following specific procedures were added:	
A review of the Safe Harbor Marinas incident reports was made: Yes ___ No___	
The following injuries/fires resulted from failure to use correct hot work procedures:	

Comments / Names of additional evaluation persons:

APPENDIX C – PERSONNEL TRAINING RECORD

This is to certify that the undersigned received training in Safe Harbor Marinas Hot Work Program.

Print Name	Hot Work Program Role	Sign Name

Print Instructor's Name	
Instructor's Signature	
Instructor's Title	
Date of Training	

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Welding Program

divider tab page

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SAFE HARBOR MARINAS

Safety, OSHA and Environmental Programs

X. WELDING PROGRAM

SECTION INDEX

WELDING PROGRAM

- ***SUMMARY***
- ***SCOPE***
- ***POLICY AND REGULATION***
- ***GLOSSARY***
- ***RESPONSIBILITIES***
- ***PROCEDURES***
- ***PROGRAM SAFETY CONTROL MEASURES***
 - Gas Welding and Cutting
 - Arc Welding and Cutting
 - Protective Clothing
 - Fire Prevention
 - Designated Welding Areas
 - Hot Work Permits
 - Ventilation and Protection in Welding, Cutting and Heating
 - Welding or Cutting Containers



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WELDING PROGRAM SUMMARY

Safe Harbor Marinas (SHM) acknowledges Welding and Cutting operations can present serious physical and health hazards if not recognized and controlled.

This program highlights the main components and exposures pertaining to these operations. Safe Harbor Marinas Director of Safety and or the facility Onsite Safety Officer (OSO) is available to employees as they develop and evaluate procedures appropriate for the location or activities.

SCOPE

When an employee uses any gas, electric or cutting equipment which produces flame, spark or heat to join or cut materials, special precautions must be taken to control the hazard that such an operation may produce. Examples at Safe Harbor Marinas include construction activities, maintenance operations, shipbuilding or ship repair shops and operations used for course work or marina expansion.

POLICY AND REGULATION

IOSH Welding, Cutting and Brazing General Industry Regulation, 29 CFR 1910.251, Subpart Q. IOSH Construction Safety and Health Regulation, 29 CFR 1926, Subpart J – Welding and Cutting

GLOSSARY

1. **Brazing** - Uses molten metal to join two pieces of metal. The metal added during the process has a melting point lower than that of the work piece.
2. **Combustible Materials** - Solid or liquid materials that are capable of burning or igniting.
3. **Cutting** - Any process which produces sparks capable of igniting combustible or flammable materials and transmits heat to the work material from a hot gas.
4. **Flammable Compressed Gas** - Gases that are under high pressure and can easily catch fire and burn rapidly. They include acetylene, hydrogen, natural gas, and propane.
5. **Flammable Materials** - Solid or liquid materials that are capable of igniting at a low temperature and continue to burn.
6. **Hot Work Permit** - A step-by-step checklist to evaluate the potential fire hazards that can be present during welding and cutting operations and to

ensure that these hazards will be controlled to prevent a fire from occurring.

7. **Welding** - A way of permanently joining metals together by applying heat to metal pieces, melting and fusing them together to form a permanent bond. The most common forms of welding include: oxygen-fuel gas, arc, gas tungsten and gas metal arc.

RESPONSIBILITIES

Safety Director, Facility General Manager, Onsite Safety Officer responsibilities:

- Actively support these procedures within individual units.
- Ensure an environment where employees are encouraged to follow these procedures.
- Provide guidelines, administrative consultations and reviews, and select technical and field services.
- Exercise surveillance over health and safety issues at the SHM facility.

Supervisors are responsible to:

- Implement these procedures.
- Assure that staff is aware of SHM procedures, instructed on the details of implementation, and provided with training, personal protective equipment, and methods of control.
- Maintain documentation and records as required in these procedures.

Employees are responsible to:

- Comply with these procedures and any further safety recommendations provided by supervisors.
- Conduct assigned tasks in a safe manner, wear appropriate personal protective equipment, and obtain training and information prior to using tools.

PROCEDURES

A Hot Work Program and Permit must be established before any welding or cutting is done. Refer to the SHM Hot Work Program in the preceding portion of this binder.

Confined Spaces

Performing hot work in confined spaces, employees must comply with the confined space program.

Equipment Inspection and Selection

All equipment selected for the operation must be inspected prior to use to ensure that it is working properly and free of defects. No defective equipment shall be used and if found, shall be taken out of service immediately and the supervisor informed.

Ventilation

Ventilation must be adequate, depending upon the volume and configuration of the work space, type of operations generating contaminants, natural air flow rate or work space, location of the operation to the employees breathing zone, and whether ventilation can be obtained mechanically or naturally.

Personal Protective Equipment (PPE)

PPE must be selected and worn during operations.

Training

All employees engaged in welding and cutting must be trained in the specific equipment that is selected and used.

PROGRAM SAFETY CONTROL MEASURES

A. GAS WELDING AND CUTTING

1 HANDLING COMPRESSED GAS CYLINDERS

Follow these procedures when handling gas cylinders:

Valve protection caps must be in place and secured.

- Cylinders will be moved by tilting and rolling them on their bottom edges. They must not be intentionally dropped, struck, or permitted to strike each other violently.
- Cylinders must be either firmly secured on a special carrier intended for this purpose or regulators must be removed and valve protection caps put in place before cylinders are moved.

- A suitable cylinder truck, chain, or other steadying device must be used to keep cylinders from being knocked over while in use.
- Oxygen cylinders must be stored separated from fuel gas cylinders or combustible materials by a minimum distance of 20 feet or by a five-foot high non-combustible barrier with a fire-resistive rating of one-half hour. Cylinders must not be stored near elevators, stairs or gangways. Assigned storage must prevent cylinders from being knocked over or damaged.

2. PLACING CYLINDERS

Cylinders must be kept far enough away from the actual welding or cutting operation so that sparks, hot slag, or flame will not reach them. When this is impractical, fire resistant shields must be used.

Cylinders must be placed where they cannot become part of an electrical circuit. Electrodes must not be struck against a cylinder to strike an arc.

Fuel gas cylinders must be placed with valve end up whenever they are in use. They must not be placed in a location where they would be subject to open flame, hot metal, or other sources of artificial heat.

3. USE OF FUEL GAS

Employees should understand and follow these safety procedures developed by the State of Washington and specified in WAC 296-24-682:

Before a regulator to a cylinder valve is connected, the valve must be opened slightly and closed immediately. (This action is generally termed “cracking” and is intended to clear the valve of dust or dirt that might otherwise enter the regulator.) The person cracking the valve must stand to one side of the outlet not in front of it. The valve of a fuel gas cylinder must not be cracked where the gas would reach welding work, sparks, flame, or other possible sources of ignition.

The cylinder valve must always be opened slowly to prevent damage to the regulator. For quick closing, valves on fuel gas cylinders must not be opened more than 1 ½ turns. When a special wrench is required, it must be left in position on the stem of the valve while the cylinder is in use so that the fuel gas flow can be shut off quickly in case of an emergency. Nothing must be placed on top of a fuel gas cylinder, when in use, which may damage the safety device or interfere with the quick closing of the valve.

Fuel gas must not be used without reducing the pressure through a regulator attached to the cylinder valve.

Before a regulator is removed from a cylinder valve, the cylinder valve must always be closed and the gas released from the regulator.

If, when the valve on a fuel gas cylinder is opened, there is found to be a leak around the valve stem, the valve must be closed and the gland nut tightened. If this action does not stop the leak, the use of the cylinder must be discontinued, and it must be properly tagged and removed from the work area.

If fuel gas is leaking from the cylinder valve, rather than from the valve stem, and the gas cannot be shut off, the cylinder must be properly tagged and removed from the work area. If a regulator attached to a cylinder valve will effectively stop a leak through the valve seat, the cylinder need not be removed from the work area.

If a leak develops at a fuse plug or other safety device, the cylinder must be removed from the hot work area.

Cylinders not having fixed hand wheels must have keys, handles, or non-adjustable wrenches on valve stems while in service.

Torches must be inspected before use for leaking shutoff valves, hose couplings, and tip connections. Defective torches may not be used.

Torches must be lit by friction lighters or other approved devices, and not by matches or from hot work.

4. REGULATORS AND GAUGES

Oxygen and fuel gas pressure regulators, including their related gauges, must be in proper working order while in use.

5. OIL AND GREASE HAZARDS

Oxygen cylinders and fittings must be kept away from oil or grease. Cylinders, cylinder caps and valves, couplings, regulators, hose, and apparatus must be kept free from oil or greasy substances and must not be handled with oily hands or gloves. Oxygen must never be directed at oily surfaces, greasy clothes, or within a fuel oil or other storage tank or vessel.

6. HOSES

Fuel gas hose and oxygen hose must be easily distinguishable from each other. The contrast may be made by different colors or by surface characteristics readily distinguishable by the sense of touch. Oxygen and fuel gas hoses must not be interchangeable. A single hose having more than one gas passage must not be used.

When parallel sections of oxygen and fuel gas hose are taped together, not more than 4 inches out of 12 inches may be covered by tape.

All hoses carrying acetylene, oxygen, natural or manufactured fuel gas, or any gas or substance that may ignite or enter into combustion, or be in any way harmful to employees, must be inspected at the beginning of each working shift. Defective hoses must be removed from service.

Hoses which have been subject to flashback, or which show evidence of severe wear or damage, must be tested to twice the normal pressure to which it is subject, but in no case less than 300 psi. Defective hose, or hose in doubtful condition, must not be used.

Hose couplings must be of the type that cannot be unlocked or disconnected by means of a straight pull without rotary motion.

Boxes used for the storage of gas hoses must be ventilated.

Hoses, cables, and other equipment must be kept clear of passageways, ladders and stairs.

7. TORCHES

The operator must clean clogged torch tip openings with suitable cleaning wires, drills, or other devices designed for such purpose.

Torches must be inspected by the operator at the beginning of each working shift for leaking shutoff valves, hose couplings, and tip connections. Do not use defective torches.

Light torches with friction lighters or other approved devices, and not by matches or from hot work.

B. ARC WELDING AND CUTTING

1. MANUAL ELECTRODE HOLDERS

Only manual electrode holders which are specifically designed for arc welding and cutting and are of a capacity capable of safely handling the maximum rated current required by the electrodes, may be used.

Any current-carrying parts passing through the portion of the holder that the operator grips in his hand, and the outer surfaces of the jaws of the holder, must be fully insulated against the maximum voltage encountered to ground.

2. WELDING CABLES AND CONNECTORS

Cables in need of repair may not be used. When a cable, other than the cable lead becomes worn to the extent of exposing bare conductors, the portion thus exposed must be protected by means of rubber and friction tape or other equivalent insulation.

3. OPERATING INSTRUCTIONS

Employees must follow these safe means of arc welding and cutting:

- When electrode holders are to be left unattended, the electrodes must be removed and the holders placed or protected so that they cannot make electrical contact with employees or conducting objects.
- Hot electrode holders may not be dipped in water; to do so may expose the arc welder or cutter to electric shock.
- The power supply switch to the equipment must be turned off whenever the welder has to leave his work or stop for any appreciable length of time, or whenever the arc welding or cutting equipment needs to be moved.
- Any faulty or defective equipment must be reported to the shop maintenance manager, instructor, or equipment technician.

4. SHIELDING

Whenever practical, all arc welding and cutting operations must be shielded by noncombustible or flameproof screens, which will protect employees and other persons working in the vicinity from the direct rays of the arc.

C. PROTECTIVE CLOTHING

1. GENERAL REQUIREMENTS.

Employees exposed to the hazards created by welding, cutting, or brazing operations will use proper personal protective equipment. Appropriate protective clothing required for any welding operation will vary with the size, nature and location of the work to be performed. The university will provide equipment for employees.

The following protective clothing may be employed based on the job hazard assessment:

- Except when engaged in light work, all welders should wear flameproof gauntlet gloves.
- Flameproof aprons made of leather, or other suitable material may also be desirable as protection against radiated heat and sparks.
- Woolen clothing is preferable to cotton because it is not so readily ignited and helps protect the welder from changes in temperature. Cotton clothing, if used, should be chemically treated to reduce its combustibility. All outer clothing such as jumpers or overalls must be reasonably free from oil or grease.
- Sparks may lodge in rolled-up sleeves or pockets of clothing, or cuffs of overalls or trousers. It is therefore recommended that sleeves and collars be kept buttoned and pockets be eliminated from the front of overalls and aprons. Trousers or overalls should not be turned up on the outside. Note: For heavy work, fire-resistant leggings, high boots, or other equivalent clothing should be used.
- Jackets or shoulder covers made of leather or other suitable materials must be worn during overhead welding or cutting operations. Leather skull caps should be worn under helmets to prevent head burns.

2. EYE AND FACE PROTECTIVE WEAR

Eye protection sufficient to protect the worker from harmful radiation must be used. Employees in the area not protected from the arc by screening must be protected by filter lenses meeting the standard requirements. When two or more welders are exposed to each other's arc, filter lens goggles must be worn under welding helmets. Hand shields to protect the welder against

flashes and radiant energy should be used when either the helmet is lifted, or the shield is removed.

Employees whose vision requires the use of corrective lenses must be protected by goggles or eyeglasses of one of the following types:

- Eyeglasses whose protective lenses provide optical correction;
- Goggles that can be worn over corrective lenses without disturbing the adjustment of the glasses.
- Goggles that incorporate corrective lenses mounted behind the protective lenses.

Face and eye protection equipment must be kept clean and in good repair. The use of this type equipment with structural or optical defects is prohibited.

The table in the appendix at the end of this chapter should be used as a guide in the selection of face and eye protection for the hazards and operations noted.

D. FIRE PREVENTION

When practical, objects to be welded, cut, or heated must be moved to a designated safe location or, if the objects to be welded, cut, or heated cannot be readily moved, all movable fire hazards in the vicinity must be taken to a safe place, or otherwise protected.

If the object to be welded, cut, or heated cannot be moved and if all the fire hazards cannot be removed, combustibles must be shielded using flameproof covers, shielded with metal, guards, curtains, or wet down to help prevent ignition of material.

No welding, cutting, or heating is permitted where the application of flammable paint, or the presence of other flammable compounds, or heavy dust concentrations creates a hazard.

Fire extinguishing equipment must be immediately available in the work area and must be maintained in a state of readiness for instant use.

When the welding, cutting, or heating operation is such that normal fire prevention precautions are not sufficient, additional personnel must be assigned to guard against fire while the actual welding, cutting, or heating operation is being performed, and for a sufficient period after completion of the work to

ensure that no possibility of fire exists. Such personnel will be instructed by the supervisor or delegate as to the specific anticipated fire hazards and how the firefighting equipment provided is to be used.

When welding, cutting, or heating is performed on equipment bodies, cowlings or casings, since direct penetration of sparks or heat transfer may introduce a fire hazard to an adjacent area, the same precautions must be taken on the opposite side as are taken on the side on which the welding is being performed.

All drums, pails, and other containers, which contain or have contained flammable liquids, must be kept closed (except when removing or transferring the contents). Empty containers are to be removed to a safe area apart from hot work operations or open flames.

Before welding, cutting, or heating is begun, all drums, containers, or hollow structures that have contained toxic or flammable substances must either be filled with water or thoroughly cleaned of such substances and ventilated and tested. When welding, cutting and heating on steel pipelines containing natural gas, the pertinent portions of regulations issued by the Department of Transportation, Office of Pipeline Safety, Minimum Federal Safety Standards for Gas Pipelines, must be followed.

Before heat is applied, a vent opening must be provided for the release of any built-up pressure caused by the applying of heat to any drum, container, or hollow structure.

E. DESIGNATED WELDING AREAS

There are two designated welding areas on campus:

- The welding shop in Engineering
- The welding area in the Facilities Mechanical Shop area shop.
- These areas shall meet the following criteria:
 - Floors swept and clean of combustibles within 35 feet of work area.
 - Flammable and combustible liquids and material will be kept 35 feet from work area.
 - Provide adequate ventilation

- At least one 10-lb. dry chemical fire extinguisher should be within 35 feet of the work area.
- Protective dividers such as welding curtains or non-combustible walls will be provided to contain sparks and slag to the combustible free area.

F. HOT WORK PERMITS

A hot-work permit will be issued for all welding/cutting performed outside of designated welding areas.

The Maintenance Supervisor or Environmental Health & Safety Coordinator is responsible for evaluating and issuing hot work permits for all campus operations. See the permit in Appendix B for criteria that must be met before welding takes place outside of designated areas.

G. VENTILATION AND PROTECTION IN WELDING, CUTTING, AND HEATING

General welding, cutting, and heating not involving toxic conditions or materials described in the following sections, may normally be done without mechanical ventilation or respiratory protective equipment. Mechanical ventilation or respiratory protective equipment must be used when physical or atmospheric conditions create an unsafe accumulation of contaminants.

1. MECHANICAL VENTILATION

For purposes of this section, mechanical ventilation must meet the following requirements:

- Mechanical ventilation consists of either general mechanical ventilation systems or local exhaust systems.
- General mechanical ventilation must be of sufficient capacity and so arranged as to produce the number of air changes necessary to maintain welding fumes and smoke within safe limits.
- Local exhaust ventilation must consist of freely movable hoods intended to be placed by the welder or burner as close as to the work. The hood must be of sufficient capacity and so arranged as to remove fumes and smoke at the source and keep the concentration of them in the breathing zone within safe limits. If you are uncertain whether your hood meets these criteria, please contact the Environmental Health & Safety Manager for assistance.

- Contaminated air exhausted from a working space must be discharged into the open air or otherwise clear of the source of intake air.
- Oxygen must never be used for ventilation purposes, comfort cooling, blowing dust from clothing, or for cleaning the work area.

2. WELDING, CUTTING, OR HEATING TOXIC METALS

Welding, cutting, or heating in any enclosed spaces involving the metals specified below must be performed with either general mechanical or local exhaust ventilation:

- Zinc-bearing base or filler metals or metals coated with zinc-bearing materials.
- Lead base metals.
- Cadmium-bearing filler materials.
- Chromium-bearing metals or metals coated with chromium-bearing materials.
- Metals containing lead, other than as an impurity, or metals coated with lead-bearing materials.
- Cadmium-bearing or cadmium-coated base metals.
- Metals coated with mercury-bearing metals.
- Beryllium-containing base or filler metals. Because of its high toxicity, work involving beryllium must be done with both local exhaust ventilation and air line respirators.

Wearing approved filter-type respirators will protect employees performing such operations without adequate ventilation. Approved airline respirators will protect employees performing such operations on beryllium-containing base or filler metals. Employees who use respirators must follow the policies and procedures in the Respiratory Protection Section.

3. OTHER EMPLOYEES

Other employees exposed to the same atmosphere as the welders or burners must be protected in the same manner as the welder or burner.

H. WELDING OR CUTTING CONTAINERS

1. Used Containers

No welding, cutting, or other hot work may be performed on used drums, barrels, tanks or other containers until they have been cleaned so thoroughly as to make certain that there are no flammable materials present or any substances such as greases, tars, acids, or other materials that when subjected to heat, might produce flammable or toxic vapors. Any pipelines or connections to the drum or vessel must be disconnected or blanked.

2. Venting and purging.

All hollow spaces, cavities or containers must be vented to permit the escape of air or gases before preheating, cutting or welding. Purging with inert gas is recommended.

I. CLEANING COMPOUNDS

Because of the possible toxicity or flammability of cleaning materials, employees are expected to take appropriate precautions, such as following manufacturer's instructions.

Degreasing or other cleaning operations involving chlorinated hydrocarbons will be so located that no vapors from these operations will reach or be drawn into the atmosphere surrounding any welding operation. In addition, trichloroethylene and perchloroethylene should be kept out of atmospheres penetrated by the ultraviolet radiation of gas-shielded welding operations.

J. DEFINITIONS

Welding/Hot Works Procedures: Any activity that results in sparks, fire, molten slag, or hot material, that has the potential to cause fires or explosions.

Hot Works: Cutting, Brazing, Soldering, Thawing Pipes, Torch Applied Roofing, Grinding and Welding.

Special Hazard Occupancies: Any area containing Flammable Liquids, Dust Accumulation, Gases, Plastics, Rubber and Paper Products.

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Respirator Program

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SAFE HARBOR MARINAS

Safety, OSHA and Environmental Programs

XI. RESPIRATOR PROGRAM

SECTION INDEX

- RESPIRATORY PROTECTION PROGRAM
- RESPIRATOR PROGRAM EVALUATION CHECKLIST
- RESPIRATOR INSPECTION RECORD
- MANDATORY RESPIRATOR MEDICAL EVALUATION QUESTIONNAIRE MEMO
- RESPIRATOR MEDICAL EVALUATION QUESTIONNAIRE
- MEDICAL EVALUATION SUPPLEMENT FOR FULL-FACE SCBA ONLY
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RESPIRATORY PROTECTION PROGRAM

A. PURPOSE:

The purpose of this operating procedure is to ensure the protection of all employees from respiratory hazards, through proper use of respirators. Respirators are to be used only where engineering control of respirator hazards is not feasible, while engineering controls are being installed, or in emergencies.

B. RESPONSIBILITY

The Port Phoenix Marina's Onsite Safety Officer is Steve Geiger. The Onsite Safety Officer is solely responsible for all facets of this program and has full authority to make necessary decisions to ensure success of this program. The Onsite Safety Officer will amend these instructions and the program as needed.

The Onsite Safety Officer of Port Phoenix Marina is expressly authorized to halt any operation of this site where there is danger of serious personal injury. This policy includes respiratory hazards.

C. PROGRAM ELEMENTS

1. These standard operating procedures governing the selection and use of respirators, were developed using the NIOSH Respirator Decision Logic as a guideline. Outside consultation, manufacturer's assistance, and other recognized authorities will be consulted if there is any doubt regarding proper selection and use. These detailed procedures will be included as appendices to this respirator program. Only the marina Onsite Safety Officer working in conjunction with the Safety Director may amend these procedures.

2. Respirators will be selected based on the hazards to which the worker is exposed. All selections will be made by the site Safety Officer, or the Corporate Safety Officer. Only MSHA/NIOSH-certified respirators will be selected and used.

3. The user will be instructed and trained in the proper use of respirators and their limitations. Both supervisors and workers will be so instructed by either the Safety Director or Onsite Safety Officer. Training provides the employee an opportunity to handle the respirator, have it fitted properly, test its facepiece-to-face seal, wear it in normal air for a long familiarity period, and finally to wear it in a test atmosphere. Every respirator wearer will receive fitting instructions, including demonstrations and practice in how the respirator should be worn, how to adjust it, and how to determine if it fits properly.

Respirators should not be worn when conditions prevent a good face seal. Such conditions may be a growth of beard, sideburns, a skull cap that projects under the facepiece, or temple pieces on glasses. **No employees of SHM, who are required to wear ½ face respirators, may wear beards.**

Also, the absence of one or both dentures can seriously affect the fit of a facepiece. The worker's diligence in observing these factors will be evaluated by periodic checks.

To assure proper protection, the facepiece fit will be checked by the wearer each time the wearer puts on the respirator. This will be done by following the manufacturer's facepiece-fitting instructions.

4. Where practicable, the respirators will be assigned to individual workers for their exclusive use and identified by wearer's name or initials.

5. Respirators will be regularly cleaned and disinfected. Those issued for the exclusive use of one worker will be cleaned after each day's use, or more often if necessary. Those used by more than one worker will be thoroughly cleaned and disinfected after each use.

6. The Onsite Safety Officer will enforce established respirator cleaning and maintenance and review the detailed written cleaning instructions with staff to insure compliance.

7. Employees issued respirators will store respirators in a clean and sanitary container or location after removing filter media and storing media separate from the mask.

8. Respirators used routinely will be inspected during cleaning. Worn or deteriorated parts will be replaced. Respirators for emergency use such as self-contained devices will be thoroughly inspected at least once a month and after each use. If applicable, inspection for SCBA breathing gas pressure will be performed weekly.

9. Appropriate surveillance of work area conditions and degree of employee exposure or stress will be maintained.

10. There will be regular inspection and evaluation to determine the continued effectiveness of the program. The Onsite Safety Officer will make frequent inspections of all areas where respirators are used to ensure compliance with the respiratory protection programs.

11. Persons will not be assigned to tasks requiring use of respirators unless it has been determined that they are physically able to perform the work and use the equipment. The SHM selected health care provider, will determine what health and physical conditions are pertinent. The respirator user's medical status will be reviewed annually.

12. Certified respirators will be used.

Kingdom Marine Services, LLC revision date 08.10.2017

SAFE HARBOR MARINAS

RESPIRATOR PROGRAM EVALUATION CHECKLIST

In general, this program should be evaluated for each job as well as annually, with program adjustments, as appropriate, made to reflect the evaluation results. This program evaluation is separated into two functions...administration and operation.

A. PROGRAM ADMINISTRATION

1. Is the written policy updated to reflect changes in the workplace? i.e. assignment of program responsibility, accountability, and authority? Yes ___ No ___
2. Is program responsibility vested in one individual who is knowledgeable and who can coordinate all aspects of the program at this Safe Harbor Marinas facility?
Yes ___ No ___
3. Can feasible engineering controls or work practices eliminate the need for respirators? Yes ___ No ___
4. Are their written procedures/statements covering the various aspects of the respirator program, including:
 - Designation of an administrator; Yes ___ No ___
 - Respirator selection; Yes ___ No ___
 - Purchase of MSHA/NIOSH certified equipment; Yes ___ No ___
 - Medical aspects of respirator usage; Yes ___ No ___
 - Issuance of equipment; Yes ___ No ___
 - Fitting; Yes ___ No ___
 - Training; Yes ___ No ___
 - Maintenance, storage, and repair: Yes ___ No ___
 - Inspection; Yes ___ No ___

B. PROGRAM OPERATION

Respiratory protective equipment selection

1. Are work area conditions and worker exposures properly surveyed?
Yes ___ No ___

2. Are respirators selected on the basis of hazards to which the worker is exposed?
Yes ___ No ___
3. Are selections made by individuals knowledgeable of proper selection procedures?

4. Are only certified respirators purchased and used; do they provide adequate protection for the specific hazard and concentration of the contaminant?
Yes ___ No ___
5. Has a medical evaluation of the prospective user been made to determine physical and psychological ability to wear the selected respiratory protective equipment? Yes ___
No ___
6. Where practical, have respirators been issued to users for their exclusive use, and are there records covering issuance? Yes ___ No ___

Respiratory protective equipment fitting

7. Are the users given the opportunity to try on several respirators to determine whether the respirator they will subsequently be wearing is the best fitting one?
Yes ___ No ___
8. Is the fit tested at appropriate intervals? Yes ___ No ___
9. Are those users who require corrective lenses properly fitted? Yes ___ No ___
10. Are users prohibited from wearing contact lenses when using respirators?
Yes ___ No ___
11. Is the facepiece-to-face seal tested in a test atmosphere?
Yes ___ No ___
12. Are workers prohibited from wearing respirators in contaminated work areas when they have facial hair or other characteristics that may cause face seal leakage?
Yes ___ No ___

Respirator use in the work area

12. Are respirators being worn correctly (i.e., head covering over respirator straps)?
Yes ___ No ___

13. While in the work area, are employees keeping respirators on at all times?
Yes ___ No ___

Maintenance of respiratory protective equipment

14. Are respirators cleaned and disinfected after each use, when different people use the same device, or as frequently as necessary for devices issued to individual users?
Yes ___ No ___

15. Are proper methods of cleaning and disinfecting utilized? Yes ___ No ___

Storage

16. Are respirators stored in a manner that protects them from dust, sunlight, heat, excessive cold or moisture, or damaging chemicals? Yes ___ No ___

17. Are respirators stored properly in a storage unit or container so as to prevent them from deforming? Yes ___ No ___

18. Is storage in lockers and or tool boxes permitted only if the respirator is in a carrying case or carton? Yes ___ No ___

Inspection

19. Are respirators inspected before and after each use and during cleaning?
Yes ___ No ___

20. Are users instructed in inspection techniques? Yes ___ No ___

21. Is respiratory protective equipment designated as "emergency use" inspected at least monthly (in addition to after each use)? Yes ___ No ___

22. If applicable, are SCBA incorporating breathing gas containers inspected weekly for breathing gas pressure? Yes ___ No ___

23. If applicable, is a record kept of the inspection of "emergency use" respiratory protective equipment? Yes ___ No ___

Repair

24. Are replacement parts used in making repairs, those of the manufacturer of the respirator? Yes ___ No ___

25. Are repairs made by manufacturers or manufacturer-trained individuals?
Yes ____ No ____

Special use conditions

26. If applicable, is a procedure developed for equipment usage for entry into confined spaces? Yes ____ No ____

Training

27. Are users trained in proper use, cleaning and inspection? Yes ____ No ____

28. Are users trained in the basis for selection of respirators? Yes ____ No ____

29. Are users evaluated, using competency-based evaluation, before and after training?
Yes ____ No ____

SAFE HARBOR MARINAS

RESPIRATOR INSPECTION RECORD

1. Type _____
2. Number _____
3. Employee (user) _____
4. Defects found:
 - Facepiece _____
 - Inhalation Valve _____
 - Exhaust Valve Assembly _____
 - Headbands _____
 - Cartridge Holder _____
 - Filter _____
 - Harness Assembly _____
 - Hose Assembly _____
 - Speaking Diaphragm _____
 - Gaskets _____
 - Connections _____
 - Other Defects _____

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SAFE HARBOR MARINAS

To: Designated Safe Harbor Marina staff

From: Todd Turcotte, SHM Safety Director

Date: Effective August 1, 2017

Re: *MANDATORY RESPIRATOR MEDICAL EVALUATION QUESTIONNAIRE*

If you have been requested to complete a Respirator Medical Evaluation Questionnaire it is due to the likelihood of your exposure to environment(s) requiring respiratory protection.

We have now implemented an online program to insure respiratory program compliance. Please complete this online questionnaire during normal work hours. Your questionnaire shall be kept confidential and reviewed only by our designated health care professional.

Upon review completion by the designated health care professional, a letter of recommendation will be sent to me indicating your successful completion and status. I will forward a copy to your Onsite Safety Officer or Marina Manager who will then schedule the annual respirator fit test. If you wear more than one type of mask, please be sure to bring each one with you for fit testing.

In accordance with OSHA regulations and concurrent with SHM employee safety directives, employees requiring respiratory protection due to the type of environment(s) they work in to perform their duties must be clean shaven at the point of facial contact by the respirator.

OSHA regulations dictate employees electing not to be clean shaven at the point of contact cannot be fit tested.

SAFE HARBOR MARINAS

RESPIRATOR MEDICAL EVALUATION QUESTIONNAIRE

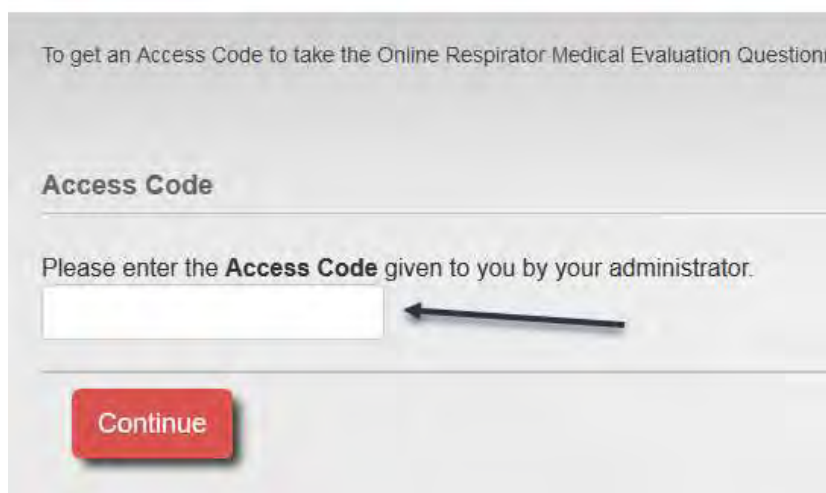
If the type of work you do requires you to wear a respirator:

You are directed to answer a medical evaluation questionnaire.

You may answer this questionnaire during normal working hours, or at a time or place that is convenient to you.

The Medical Evaluation Questionnaire is available on-line at: www.RapidMEQ.com.

You must obtain the access code - Email Todd Turcotte, Safe Harbor Marinas Director of Safety, at safety@shmarinas.com

A screenshot of the RapidMEQ.com website's login interface. At the top, it says 'To get an Access Code to take the Online Respirator Medical Evaluation Questionn'. Below this is a section titled 'Access Code' with a horizontal line. Underneath, it says 'Please enter the Access Code given to you by your administrator.' followed by a white text input box. A black arrow points to the input box. At the bottom of the section is a red button with the word 'Continue' in white text.

To maintain confidentiality, SHM managers or staff will not look at or review your answers

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SAFE HARBOR MARINAS

RESPIRATOR FIT TEST RECORD

In compliance with OSHA Standard 1910.134 (H) (M)

Type of fit test: Qualitative (bitter) fit testing equipment: 3M FT-10

Date _____

Name of SHM facility _____

On the above date I have received and understand the respirator training provided regarding the proper use, care, and filter selection procedures.

I understand how too properly don, doff, clean and maintain my respirator.

I was fit tested and instructed in the proper storage procedures of my respirator.

I understand it is my responsibility to remove the filter elements prior to cleaning my mask, and to store my cleaned respirator in a sealed clean container. I further understand that the filter elements must be stored separate from my mask to prevent contamination.

Respirator manufacturer _____

Model # _____

Check the style that applies; Half facepiece _____ Full facepiece _____

Check the size that applies: Small _____ Medium _____ Large _____

Pass _____ Fail _____ needs to retest due to _____

Employee name (print) _____

Employee signature _____

Instructor/ Fit tester signature _____ Date signed _____

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SAFE HARBOR MARINAS

RESPIRATORY PROTECTION PROGRAM EXCLUSIVE USE - RECORD OF ISSUANCE

Date _____

Employee name (print) _____

Primary employment department _____

Is this a replacement mask issuance? Yes _____ No _____

Is this a new mask issuance? Yes _____ No _____

Mask has been labeled with employee's initials -Yes _____ No _____

Have you been fit tested, and instructed on the proper use, care and storage of
this type and size mask? Yes _____ No _____

NOTE TO ISSUER — Employee receiving mask must label mask with

**his/her initials before removing mask from issuing location. By signing this
statement of record, you establish compliance with this phase of respiratory
protection program.**

Staff member issuing mask (print) _____

Staff member issuing mask (signature) _____

Signature of employee receiving mask _____

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***Hazardous Energy –
Lockout/Tagout
Program***

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SAFE HARBOR MARINAS

Safety, OSHA and Environmental Program

XII. HAZARDOUS ENERGY CONTROL PROGRAM (LOCKOUT/TAGOUT)

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- A. HIGHLIGHTS
- B. PURPOSE
- C. APPLICATION
- D. SCOPE
- E. PROGRAM RESPONSIBILITIES
- F. TRAINING
- G. EQUIPMENT SHUTDOWN AND ISOLATION PROCEDURES.
 - 1. APPLICATION OF CONTROLS
 - I. Preparing to shut down equipment
 - II. Equipment shut down and isolation
 - III. Installation of lockout/tagout device, release of stored energy, and verification.
 - IV. Group lockout/tagout
 - 2. RETURNING EQUIPMENT TO SERVICE
 - I. Restore equipment to normal operating status
 - II. Verify equipment ready for operation
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 - IV. Remove energy isolation devices
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 - I. Temporary energization for testing, positioning
 - 4. SHIFT OR PERSONNEL CHANGES
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 - 5. CONTRACTOR NOTIFICATION
 - I. Exchange of program information

Appendix A - Definitions

Appendix B - Authorized Employees

Appendix C - Machinery and Equipment List

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A. HIGHLIGHTS

1. CONTROL OF HAZARDOUS ENERGY SOURCES (LOCKOUT/TAGOUT)

Employers must:

- Develop an energy control program.
- Use locks when equipment can be locked out.
- Ensure that new equipment or overhauled equipment can accommodate locks.
- Employ additional means to ensure safety when tags rather than locks are used by using an effective tagout program.
- Identify and implement specific procedures (in writing) for the control of hazardous energy including preparation for shutdown, shutdown, equipment isolation, lockout/tagout application, release of stored energy, and verification of isolation.
- Institute procedures for release of lockout/tagout including machine inspection, notification and safe positioning of employees and removal of the lockout/tagout device.
- Obtain standardized locks and tags which indicate the identity of the employee using them and which are of sufficient quality and durability to ensure their effectiveness.
- Conduct inspections of energy control procedures at least annually.
- Train employees in the specific energy control procedures as part of the annual inspections of the control procedures.
- Adopt procedures to ensure safety when equipment must be tested during servicing, when outside contractors are working at the site, when a multiple lockout is needed for a crew servicing equipment and when shifts or personnel change.

Excluded from coverage are:

- Normal production operations including repetitive, routine minor adjustments and maintenance.
- Work on cord and plug connected electric equipment when it is unplugged, and the employee working on the equipment has complete control over the plug.
- Hot tap operations involving gas, steam, water or petroleum products when the employer shows that continuity of service is essential, shutdown is impractical and documented procedures are followed to provide proven effective protection for employees.

B. PURPOSE

This program establishes procedures for de-energizing, isolating, and ensuring the energy isolation of equipment and machinery. The program will be used to ensure that equipment and machinery is de-energized and isolated from unexpected start-up by physically locking machinery in a state of zero energy. In the absence of locking capabilities, tagout the device to warn against energization, and take at least one additional precaution, such as removing the fuse.

These procedures will provide the means of achieving the purpose of this program, prevention of injury to employees from the unexpected energization or start-up of equipment and machinery, or from the release of stored energy.

C. APPLICATION

This program applies to the control of energy during the servicing and/or maintenance of equipment and machinery at Port Phoenix Marina.

Normal operations are covered by this program if a guard or other safety device is removed or bypassed, or any part of the body is placed into an area of the equipment or machinery where work is performed on the material, or a danger zone exists during the operating cycle. Minor tool changes, adjustments, and other minor servicing activities which take place during normal production operations do not require isolation and lockout/tagout if they are routine and integral to the use of the equipment, and the operator has direct control over all energy sources to the equipment. (Note: Once the operator leaves the area, direct control of the equipment has been lost and lockout/tagout is required.)

D. SCOPE

This program will include all employees whose duties require them to service, install, repair, adjust, lubricate, inspect, or perform work on powered equipment or machinery which may also have the potential for stored energy.

E. PROGRAM RESPONSIBILITIES

The Safety Officer will have overall responsibility of the program to ensure that: authorized and affected employees receive adequate training and information, the program is evaluated annually, the lockout/tagout equipment is properly used, and the procedures of this program are followed. The General Manager will have the responsibility to ensure that their respective departments are complying with this program. They will insure that training, implementation, annual audits, and program evaluations are performed, and the results are forwarded to the Safety Officer.

The program evaluation will be conducted to ensure that the procedures and requirements of the program are being followed and will be utilized to correct any deviations or inadequacies that may be discovered. The evaluation will consist of one or more inspections or audits of actual lockout/tagout procedures being used to isolate equipment. A review of the authorized and affected employees' responsibilities will be conducted at the time of the inspection/audit. The inspection/audit may be performed by any authorized employee, except the one(s) utilizing the energy isolation procedure being inspected. A record will be maintained of program evaluation inspections and will include:

Training, implementation, annual audits, and program evaluations are performed, and the results are forwarded to the Safety Officer.

The identity of the equipment or machine on which energy control procedures were being utilized.

- The date(s) of the inspection(s).
- The employee(s) included in the inspection(s).
- The person performing the inspection.

Authorized employees (persons who implement lockout/tagout procedures) will be responsible for following the procedures established by this program.

Affected employees are responsible for understanding the significance of a lockout/tagout device and the prohibition relating to attempts to restart or re-energize equipment or machinery that is locked out or tagged out.

F. TRAINING

Employees will be provided instruction in the purpose and function of the energy control program to ensure that they understand the significance of locked or tagged out equipment and have the knowledge and skill to correctly apply and remove energy controls. Training will be divided into two categories: Affected Employees" and Authorized Employees".

1. AFFECTED EMPLOYEES:

1. Affected employees will be made aware of the purpose and use of energy control procedures and the prohibition relating to attempts to remove lockout or tagout devices, or operate locked out or tagged out equipment
2. Initial training will be provided to all new employees during their indoctrination period or when reassigned to a job that requires lockout/tagout training.
3. Retraining will be conducted whenever there is a change in equipment that presents a new hazard, a change in the energy control procedures or when the program evaluation identifies inadequacies in the energy control program procedures.

2. AUTHORIZED EMPLOYEES

1. Authorized employees will be made aware of the purpose, the recognition of applicable hazardous energy source(s), the type and magnitude of energy available, and the policies and procedures of the energy control program.
2. Instruction in the limitations of tagout as a sole means of energy control.
 - a. Tags are warning devices and do not provide the physical restraint that a lock would.
 - b. Tags may provide a false sense of security.
 - c. Tags may become detached during use. Initial training will be provided during energy control program implementation.
3. A representative from the maintenance department will be designated and will receive initial training by the Safety Officer.

4. Retraining will be conducted whenever there is a change in job assignments that requires the employee to utilize energy control procedures, a change in equipment that presents a new hazard, a change in the energy control procedures or when the program evaluation identifies inadequacies in the energy control program procedures.

5. Initial training of a new employee will be conducted during the first ten days of employment and must be completed prior to an employee being allowed to work independently without direct and continuous supervision.

3. TRAINING RECORDS

1. Records of employee training will be maintained and will include the employee's name and date(s) of training. Each department will maintain a copy of the training records for three years and forward a copy of the training records to the Safety Officer.

G. EQUIPMENT SHUTDOWN AND ISOLATION PROCEDURES.

1. APPLICATION OF CONTROLS

a. Preparing to Shut Down Equipment

- i. Notify all affected employees that the lockout/tagout system will be in effect. When shutting down equipment which will affect other personnel, insure that these personnel or areas are notified and signs or warnings are posted as necessary. An example of this is exhaust fans for fume hoods, affected departments must be notified and warning posted on hood notifying personnel that exhaust system is inoperative.
- ii. Assemble applicable lockout/tagout devices - padlocks, tags, multiple lock hasps, etc.

b. Equipment Shutdown and Isolation

- i. If equipment is in operation, shut it down by the normal stopping procedure (stop button, switch).
- ii. Operate disconnects, switches, valves, or other energy isolating devices so that the equipment is de-energized and isolated from its energy source(s).

- iii. Verify that equipment is shut down by operating equipment from the normal operating location and any remote locations.

c. Installation of Lockout/Tagout Device, Release of Stored Energy, Verification

- i. Attach individually assigned lock(s) or tag(s) to energy isolating device(s). Where it is not possible to lock a switch, valve, or other isolating device, electrical fuses must be removed, blank flanges installed in piping, lines disconnected, or other suitable methods used to ensure that equipment is isolated from energy sources. A tag must be installed at the point of power interruption to warn against energizing.
 - a. Each lock or tag must positively identify the person who applied it and locks must be individually keyed.
 - b. If more than one person is involved in the task, each employee will place their own lock and tag. Multiple lock hasps are available for this.
- ii. Release, restrain, or dissipate stored energy such as spring tension, elevated machine members, rotating flywheels, hydraulic pressure, pistons and air, gas, steam, water pressure, etc. by repositioning, blocking, bleeding, or other suitable means.
- iii. Prior to starting work on equipment and after ensuring that no personnel are exposed, the authorized employee will verify that isolation and de-energization have been accomplished by:
 - a. Attempting, through normal effort, to operate energy isolating devices such as switches, valves, or circuit breakers with locks or tags installed.
 - b. Attempting to operate the equipment or machinery that is locked or tagged out. This includes all sources of energy - electrical, hydraulic, gravity, air, water, steam pressure, etc.
 - c. Verifying the presence and effectiveness of restraints (blocking) and energy dissipation or release (bleeding).

2. RETURNING EQUIPMENT TO SERVICE

a. Restore Equipment to Normal Operating Status.

- i. After completion of the work, assure that your work area is clean, clear of ALL debris and that ALL guards are secured in place.

b. Verify equipment is ready for operation

- i. Insure no tools are left on or in close proximity to the equipment.

c. Notify Affected Employees of Impending Start-up

- i. The sudden noise of start-up may startle nearby employees.
- ii. Equipment may need to be tested to determine operational safety by a qualified operator.

d. Remove Energy Isolation Devices

Only by authorized employee(s) who installed it/them.

- i. Remove line blanks, reconnect piping (if applicable), and remove warning tag.
- ii. Close bleeder valves, remove warning tag.
- iii. Replace fuse(s), close circuit breaker(s), and remove warning tag.
- iv. Remove lock and tag from control panel, valve, etc.
- v. Exception to removal of lockout/tagout devices by employee who installed it. If it is necessary to operate a piece of equipment which is locked/tagged out, every effort must be made to locate the employee whose lock or tag is on the equipment. If he or she cannot be located and only after positive assurance is made that no one is working on the locked-out equipment, the supervisor, with the express permission of the department head or chairman, may personally remove the lock.

If a lock is removed during the absence of the employee who installed it, positive stops must be put in place. The stop/s must ensure that the employee will meet with supervision for an explanation of what has transpired in his/her absence. One method would be to remove the

employee's time card and replace it with a Form note (this can be included in training) to see the supervisor prior to returning to work.

Employees will recheck locked out equipment if they have left the equipment (breaks, lunch, end of shift) to make sure it is still de-energized and locked out.

3. TEMPORARY REMOVAL OF LOCKOUT/TAGOUT PROTECTION

a. In situations when the equipment must be temporarily energized to test or position the equipment or its components, the following steps will be followed:

- i. Clear the equipment of tools and materials that are non-essential to the operation.
- ii. Ensure the equipment components are operationally intact.
- iii. Remove employees from the equipment area.
- iv. Remove the lockout/tagout devices by the employee who installed it/them.
- v. Energize and proceed with testing or positioning.
- vi. De-energize all systems and re-install all energy control measures.
- vii. Verify re-installed energy control measures are effective.

4. SHIFT OR PERSONNEL CHANGES

A. The following steps will be followed to ensure continuity of employee protection during personnel changes.

- i. All personnel involved in the maintenance or servicing activity will be notified that a transfer of personal locks/tags is about to occur.
- ii. Clear all personnel from hazardous area(s) of equipment.
- iii. Under the supervision of the shift supervisor or group designee, the off-going employee will remove his/her lock and tag and the on-going employee will immediately install his/her lock and tag.
- iv. If an entire group or more than one employee will be transferring work responsibility, locks/tags will be removed and replaced one at a time in order of installation. All employees must be present during this exchange.
- v. When the transfer of lockout/tagout devices is complete, the effectiveness of all energy isolation devices will be verified to the satisfaction of all personnel involved.

- vi. Once the effectiveness of energy isolation protection is confirmed, the service/maintenance operation may continue.

5. CONTRACTOR NOTIFICATION

A. Whenever outside personnel may be engaged in activities covered by this program, the Department administering the contract will inform the contractor of applicable lock-out/tagout procedures used to protect _ Port Phoenix Marina employees from the hazards of working near energized equipment.

- i. The contractor will be expected to ensure that his/her employees understand and comply with the restrictions and prohibitions of this program.
- ii. Requires, under these circumstances, the contractor to inform us of their lockout/tagout procedures so that Port Phoenix Marina employees can comply with the restrictions and prohibitions of the contractor's program.
- iii. Also requires the contractor to notify the program administrator, the area supervisor, and affected employees prior to de-energizing, isolating, and locking out equipment. Conversely, notification is also required when this equipment will be returned to service.

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APPENDIX A - DEFINITIONS

DEFINITIONS

Affected employee - An employee whose job requires him/her to operate or use a machine or equipment on which servicing, or maintenance is being performed under lockout or tagout, or whose job requires him/her to work in an area in which such servicing or maintenance is being performed.

Authorized employee - A person who locks or implements a tagout system procedure on machines or equipment to perform servicing or maintenance. An authorized employee and an affected employee may be the same person when the affected employee's duties also include performing maintenance or service on a machine or equipment which must be locked or tagged out.

"Capable of being locked out" - An energy isolating device will be considered capable of being locked out either if it is designed with a hasp or other attachment or integral part to which, or through which, a lock can be affixed, or if it has a locking mechanism built into it. Other energy isolating devices will also be considered capable of being locked out, if lockout can be achieved without the need to dismantle, rebuild, or replace the energy isolating device or permanently alter its energy control capability.

Energized - Connected to an energy source or containing residual or stored energy.

Energy isolating device - A mechanical device that physically prevents the transmission or release of energy, including but not limited to the following: A manually operated electrical circuit breaker; a disconnect switch; a manually operated switch by which the conductors of a circuit can be disconnected from all ungrounded supply conductors and, in addition, no pole can be operated independently; a slide gate; a slip blind; a line valve; a block; and any similar device used to block or isolate energy. The term does not include a push button, selector switch, and other control circuit type devices.

Energy source - Any source of electrical, mechanical, hydraulic, pneumatic, chemical, thermal, or other energy.

Lockout - The placement of a lockout device on an energy isolating device, in accordance with an established procedure, ensuring that the energy isolating

device and the equipment being controlled cannot be operated until the lockout device is removed.

Lockout device - A device that utilizes positive means such as a lock, either key or combination type, to hold an energy isolating device in the safety position and prevent the energizing of a machine or equipment.

Normal production operations - The utilization of a machine or equipment to perform its intended production function.

Servicing and/or maintenance - Work place activities such as constructing, installing, setting up, adjusting, inspecting, modifying, and maintaining and/or servicing machines or equipment. These activities include lubrication, cleaning or un-jamming of machines or equipment, adjustments or tool changes, where the employee may be exposed to the unexpected energization or startup of the equipment or release of hazardous energy.

Setting up - Any work performed to prepare a machine or equipment to perform its normal production operation.

Stored energy - Energy that is available and may cause movement even after energy sources have been isolated. Stored energy may be in the form of compressed springs, elevated equipment components, hydraulic oil pressure, pressurized water, air, steam, or gas, or rotating flywheels, shafts or cams.

Tagout - The placement of a tagout device on an energy isolating device, in accordance with an established procedure, to indicate that the energy isolating device and the equipment being control-led may not be operated until the tagout device is removed.

Tagout device - A prominent warning device, such as a tag and a means of attachment, which can be securely fastened to an energy isolating device in accordance with an established procedure, to indicate that the energy isolating device and the equipment being controlled may not be operated until the tagout device is removed.

APPENDIX B - AUTHORIZED EMPLOYEES

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APPENDIX B - AUTHORIZED EMPLOYEES Con't

[illegible]

APPENDIX C - MACHINERY AND EQUIPMENT LIST

EQUIPMNET/LOCATION	ENERGY SOURCES/LOCATION

_____ has _____ pieces of machinery and equipment that are affected by this Program. Of these _____ items, all but _____ have energy isolation devices capable of accepting a lock. The preceding is a list of equipment that will not accept a lock and therefore must be tagged out of service and the additional measures, if applicable, that will be implemented to insure a level of safety equivalent to a lock.

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Lift Equipment

Program and

Checklists

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SAFE HARBOR MARINAS

Safety, OSHA and Environmental Programs

XIII. LIFT EQUIPMENT PROGRAM AND CHECKLISTS

SECTION INDEX

- POWERED INDUSTRIAL TRUCK (PIT) PROGRAM
 - OPERATORS TRAINING OUTLINE
 - PIT OPERATORS CERTIFICATION TEST
 - PIT PRACTICAL EXAM
 - DAILY PIT EQUIPMENT CHECKLIST
- CRANE DAILY CHECKLIST
- CRANE TEN HOUR INSPECTION
- CRANE MONTHLY INSPECTION
- TRAVELIST DAILY INSPECTION CHECKLIST
- AERIAL WORK PLATFORM DAILY INSPECTION



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POWERED INDUSTRIAL TRUCK (PIT) PROGRAM

A. ANNUAL OPERATOR TRAINING PROGRAM OUTLINE

1. INTRODUCTION

- a. Overview of the program
- b. Goal of the program: to provide a training program based on the trainee's prior knowledge, the types of vehicles used in the workplace, and the hazards of the workplace.
- c. Course will utilize video, group discussion and hands-on practice. Each operator must obtain the knowledge and skills needed to do their job correctly and safely.

2. TYPES, FEATURES, AND PHYSICS

- a. Familiarize each operator with the basic types and functions of powered industrial trucks.
- b. Develop an understanding of the information shown on a data plate.
- c. Understand the critical truck measurements that affect safety.
- d. Understand the forces that cause tip over, and the truck design considerations and safety ratings that help prevent them, including the "stability triangle."

3. INSPECTING THE VEHICLE

- a. Understand the purpose and importance of pre-operational checkouts.
- b. Provide a basic understanding of areas covered during a pre-operational checkout.
- c. Familiarize each operator with a checklist for pre-operational checkouts, and what to do if a problem is discovered.

4. DRIVING THE TRUCK

- a. Understand the elements of safe movement of a powered industrial truck.
- b. Understand the differences between an automobile and a powered industrial truck.
- c. Recognize the safety hazards associated with operating a powered industrial.

5. LOAD HANDLING

- a. Understand the elements of load lifting safety.
- b. Understand the safe operating procedures for raising and lowering loads in aisles.

6. LPG FOR LIFT TRUCKS

- a. Discuss LPG and its properties.
- b. Understand the elements and procedures of safely refueling internal combustion vehicles.
- c. Describe tank components: service valve, surge valve, relief valve, etc.
- d. Discuss related safety issues.

7. BATTERY AND CHARGING

- a. Understand the elements and procedures of safely changing and charging batteries.
- b. Discuss filling procedures and maintenance.
- c. Discuss related safety issues.

8. SAFETY CONCERNS

- a. Review/reinforce potential of serious injury
- b. Review/reinforce safety procedures in your facility.

9. SPECIFIC TRUCK AND WORKPLACE TRAINING/HANDS-ON

- a. Review features of specific PITs to be operated.
- b. Review operating procedures of specific PITs to be operated.
- c. Review safety concerns of specific PITs to be operated.
- d. Review workplace conditions and safety concerns of areas where PITs will be operated.
- e. Learn/practice actual operation of specific PITs to be operated and specific workplace conditions where PITs will be operated.
- f. Demonstrate proficiency performing the powered industrial truck operator duties specific to the trainee's position and workplace conditions.

10. CERTIFICATION OF COMPLETION OF THE COURSE

Safe Harbor Marinas

B. POWERED INDUSTRIAL TRUCK (PIT) OPERATORS CERTIFICATION TEST

Page 1 of 3

Employee [Printed name] _____ Date _____

Facility Name _____

1. What are some of the hazards of forklifts? (circle your answer(s))
 - A. Collisions
 - B. Tipping over
 - C. Dropping a load
 - D. Fire or explosion when fueling
 - E. All of the above
2. True ___ False ___, Anyone with some experience driving a forklift can use one when we're shorthanded.
3. True ___ False ___, Forklifts are convenient both for carrying heavy objects and for transporting workers.
4. Which of the following are Not "Rules of the Road" (circle your answer(s))
 - A. Follow rules on seat belt and PPE use
 - B. Keep hands, arms, and legs inside the forklift
 - C. Keep a clear view of where you're going
 - D. Obey speed limits, signs, and floor markings
 - E. Pedestrians always have the right-of-way
 - F. Don't let anyone stand or walk under elevated forks
 - G. Don't let anyone walk in front of the forklift
 - H. Forklifts may be left running without an operator within 25 feet

- I. Don't let anyone ride on the forklift
 - J. Don't drive with forks raised
 - K. Employees may be raised on a work platform and left unattended
 - L. Go up and down slopes slowly
 - M. Keep the load pointed up the slope
 - N. Raise the load just high enough to clear the road surface
 - O. After lifting a load to height, the operator may exit the fork truck
 - P. Park away from traffic on a flat surface; chock wheel if on a slope
 - Q. Don't block aisles, doors, exits, electrical panels, fire extinguishers
 - R. Lower forks to floor and tilt them flat
 - S. Put control in neutral, set brake, and remove the key
5. True ___ False ___, OSHA has a detailed rule requiring special training for forklift operators which states:
- Only authorized and trained employees may operate a forklift.
 - Operators must be trained to know the design, parts, operation, maintenance, and special driving rules of forklifts.
6. True ___ False ___, The main parts of a forklift include:
- a. Overhead guard – protects from falling objects and rollovers
 - b. Lights and horn.
 - c. Mast – tilts load up and down.
 - d. Operator controls.
 - e. Load backrest extension – keeps load from falling backwards.
 - f. Lift carriage – raises and lowers forks.
 - g. Forks – pick up and hold load.
 - h. Data plate – lists maximum weight it can carry.
 - i. Fuel source – gasoline, diesel, propane, or batteries.

7. True ___ False ___, The proper way to carry the load is: low and tilted back, nothing on the overhead guard [obstruction of vision].
8. True ___ False ___, It is permissible to raise or lower the load while moving.
9. True ___ False ___, OSHA requires a daily inspection before use.
10. True ___ False ___, It's permissible to alter or repair damaged forks yourself.
11. True ___ False ___, The operator is not required to report any maintenance problems or take the forklift out of service.
12. True ___ False ___, You as the operator are not liable if an accident occurs due to your operation of a defective.
13. True ___ False ___, You as the operator are not responsible for the potential hazards and therefore do not need to take steps to avoid them.
14. True ___ False ___, All of the following are the responsibility of the operator
 - a. Drive slowly, with eyes on the road
 - b. Watch out for pedestrians
 - c. Inspect the forklift before using it
 - d. Know how to operate the forklift safely
 - e. Know what to do in case of an accident or emergency.

Employee Signature _____

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Safe Harbor Marinas

C. DAILY POWERED INDUSTRIAL TRUCK PRACTICAL EXAM

Page 1 of 2

Operator [Printed name] _____ Date _____

Facility Name _____

1. Forklift Parts Identification

- ☐ Mast – Tilts load up and down
- ☐ Load Backrest Extension – Keeps load from falling backwards
- ☐ Lift Carriage – Raises and lowers the forks
- ☐ Forks
- ☐ Data plate – Lists the maximum weight the forks can lift
- ☐ Fuel Sources – Gasoline – Diesel – Propane – Batteries

2. Exterior Inspection – Maintenance

- ☐ Tires
- ☐ Hoses
- ☐ Forks
- ☐ Leaks

3. Knowledge of Controls - Operation

- ☐ Seat belt usage
- ☐ Starting procedure
- ☐ Fork raise
- ☐ Mast tilt back
- ☐ Mast tilt forward
- ☐ Shift forks left
- ☐ Shift forks right

4. Driving Operation

- ☐ Backing
- ☐ Turning
- ☐ Picking up a load
- ☐ Carrying a load [no raising or lowering forks during movement]
- ☐ Turning a corner [horn use]
- ☐ Placing a load [If loading a truck – Insure truck is securely parked]
- ☐ Parking procedures [set brake – remove key – chock wheels if on slope]

Operator Signature _____

Date of Testing _____

☐ Fail – if so why _____

☐ Pass - The above named has satisfactorily completed the powered industrial truck operator training program for; Class 4: I.C.E. Trucks, Solid Tires – Class 5: I.C.E. Trucks, Pneumatic Tires.

Instructors Signature _____ Date _____

D. DAILY POWERED INDUSTRIAL TRUCK EQUIPMENT CHECKLIST

Check before start of each day

Page 1 of 2

Beginning Date _____

End Date _____

Name/Type of Lift _____

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Date						
Operator						

Visual Checks

O = OK,

R = Repair

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Cords, Wiring, Plugs						
Safety Locks						
Signs of Leakage						
Operation						
Hydraulic Fuel Level						
Abnormal Wear						
Grease Fittings						
Broken Parts						
Missing Parts						
Overhead Guard						
Mast Assembly						

DAILY POWERED INDUSTRIAL TRUCK EQUIPMENT CHECKLIST

Page 2 of 2

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Forks						
Tires						
Battery Check						
Gauges						
Steering						
Brakes						
Lights						
Horn						
Propane Tank						
Propane Hose						
Propane Odor						
Engine Oil						
Engine Coolant						
Transmission Fluid						
Windshield Wipers						
Seat Belts						

SAFE HARBOR MARINAS

CRANE DAILY CHECKLIST

Serial # _____ Date _____ Hour meter _____

Inspection performed by _____

Outside

Check general appearance of crane super structure and carrier for obvious damage or missing parts.

NOTES:

Outside Check

☐	Engine oil
☐	Coolant level
☐	Engine belts & hoses
☐	Tires

Notes

--

Inside Cab Check

☐	Fuel level
☐	Oil pressure
☐	Air pressure
☐	Oil temp - _____
☐	Engine temp -- _____
☐	Charging system

Notes

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SAFE HARBOR MARINAS

CRANE TEN HOUR INSPECTION

Serial # _____ Date _____ Hour meter _____

Inspection performed by _____

Lubrication

☐	Boom pivot shaft
☐	Boom lift cylinders
☐	Turn table bearing & gear
☐	Boom extension slider

Notes**Fluids & Switches**

☐	Hydraulic fluid level
☐	Water level in batteries
☐	Switches (wiring) operation

Notes

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SAFE HARBOR MARINAS

MONTHLY CRANE INSPECTION

Page 1 of 2

Date _____ Make _____ Serial # _____ Hour meter _____

Inspection performed by: _____ DO DAILY INSPECTION ALSO

Check:

- _____ Booms & Jib for structural cracks or damage
- _____ Hydraulic lines & fittings for leaks or damage
- _____ Boom hoist cylinders
- _____ Boom extension cylinders & reel
- _____ Hydraulic outriggers
- _____ Main & auxiliary winch
- _____ Control valve bank
- _____ Air system for leaks
- _____ Tires, wheels – lugs
- _____ Axles
- _____ Drive shaft & Joints
- _____ Transmission - Fluid level _____ Leaks _____
- _____ Brakes - Fluid level _____ Leaks _____
- _____ Steering - Fluid level _____ Leaks _____
- _____ Fire extinguisher up to date
- _____ Back up alarm – working

- _____ Lights – running, signal
- _____ Horn
- _____ Boom angle indicator
- _____ Swing and load brake working properly
- _____ Level indicator
- _____ All control mechanisms
- _____ Wire & hook Inspection
- _____ Load radius chart posted
- _____ Capacity chart posted
- _____ Hand signals & all warning decals – legible and in place
- _____ Crane license up to date
- _____ Operator handbook in cab
- _____ Overall cleanliness

Notes:

SAFE HARBOR MARINAS

DAILY TRAVEL LIFT INSPECTION

Week beginning date _____

Week ending date _____

O = Ok, R = Repair

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Operators name						
Visual Checks						
Cords Wiring						
Safety Locks						
Signs of Leakage						
Operational Controls						
Cable Wear						
Abnormal Wear						
Grease Fittings						
Broken Parts						
Missing Parts						
Motor Assembly						
Guages						
Steering						
Horn						
Battery						
Toggles						
Lifting Straps						
Controller						
Manual Brakes						
Engine Oil						
Hydraulic Oil						

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SAFE HARBOR MARINAS

AERIAL WORK PLATFORM DAILY OPERATOR INSPECTION

NOTE: This is a general walk around inspection for Operators of Aerial Work Platforms. This does not eliminate the need to READ and UNDERSTAND the specific machine's manual.

HYDRAULIC FLUID LEVEL - between marks on site glass with axles and boom in the retracted positions O.K. DEFICIENT N/A

HYDRAULIC MANIFOLD - no leaks or broken, frayed or disconnected wires or hydraulic hoses O.K. DEFICIENT N/A

FUEL LEVEL - adequate for intended purpose O.K. DEFICIENT N/A

GROUND CONTROL STATION - ALL function switches to neutral position

O.K. DEFICIENT N/A

Tire & Rim - pressure correct (lug nuts in place and secure, overall condition (no cuts, gouges, exposed ply O.K. DEFICIENT N/A

CHASSIS RETAINING PIN - at lower chassis pins are in place and secure (i.e.: steering, axles, etc.) O.K. DEFICIENT N/A

STEERING LINKAGE AND CYLINDER - secure, no damage or apparent hydraulic leaks O.K. DEFICIENT N/A

STRUCTURE - no collision damage, cracked weld, etc. O.K. DEFICIENT N/A

ENGINE OIL - within marks on dipstick O.K. DEFICIENT N/A

BATTERY - connectors tight, no frayed or broken wires O.K. DEFICIENT N/A

TILT INDICATOR - no signs of loose wires or broken pieces. With ignition key in the "on" position, gently pull on the tilt alarm to confirm operation

O.K. DEFICIENT N/A

MAIN HYDRAULIC PUMP - no leaks, hoses not cracked or worn

O.K. DEFICIENT N/A

BOOM STRUCTURE - check for obvious physical damage, ensure that all retaining pins are in place and secure. Check all hydraulic cylinders, hoses and related fitting. Check all boom extension wear pads for snug fit and excessive wear

O.K. DEFICIENT N/A

PLATFORM - rotator (no leaks, bolts secure), structure (no damage, no cracked welds), all function control switches return to neutral position

O.K. DEFICIENT N/A

FUNCTION TEST - start machine and test operation of all controls form the ground control Station, including emergency stop

O.K. DEFICIENT N/A

AUXILIARY POWER TEST - shut off machine with primary raised, leaving key on, ensure emergency stop is disengaged, engage primary boom lower control, flip

up auxiliary power switch and hold toggle in "on" position, pump should engage and boom will start to lower. Do not use unless in an emergency situation or testing O.K. DEFICIENT N/A

PLATFORM CONTROL FUNCTION TEST - with engine started, test all platform controls, including the auxiliary power function O.K. DEFICIENT N/A

TEST OSCILLATE AXLE LOCK OUT (IF APPLICABLE) - refer to operator's manual

O.K. DEFICIENT N/A Date and time: _____

Machine model or unit #: _____

Operator's Manual present and understood Yes ____ No ____

Print Name of Operator _____

Signature: _____

Date: _____

IF ANY PROBLEMS OR CONCERNS ARE NOTED, DO NOT USE MACHINE AND CALL YOUR SUPERVISOR.

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Pathogens Program
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SAFE HARBOR MARINAS

Safety, OSHA and Environmental Programs

XIV. BLOODBORNE PATHOGENS PROGRAM

SECTION INDEX

- Introduction - Bloodborne Pathogen Program Guidelines.
 - Methods of Compliance.
 - Engineering and Work Practice Controls.
 - Personal Protective Equipment.
- Housekeeping.
- Regulated Waste Containment.
- Clothing.
- Hepatitis B Vaccination and Post-Exposure Evaluation and Follow-up.
- Hepatitis B Vaccination.
- Post-exposure Evaluation and Follow-up.
- Information Provided to the Healthcare Professional.
- Healthcare Professional's Written Opinion.
- Communication of Hazards to Employees -- Labels and Signs.
- Information and Training.
- Recordkeeping – Medical Records.
 - Training Records.
 - Availability.
 - Transfer of Records.
- Biohazard Policy Poster.

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BLOODBORNE PATHOGEN PROGRAM GUIDELINES

A. INTRODUCTION.

It is the standard operating procedure of the Safe Harbor Marinas (SHM) organization to respond quickly and decisively to all emergency situations. In the event of an accident or injury to an employee, customer, or visitor – the first response is immediate contact of the local emergency medical organization to expedite medical response and aid to the injured party. If a trained first responder is on site, proper personal protection procedures are stressed and enforced.

Employees are trained annually in Bloodborne pathogens protection, and safety. Meeting topics include re-familiarization of response procedures and personal protection.

If blood or bodily fluid contamination exposure exists, precautions are taken by restricting employee exposure to the contaminated site, followed as soon as possible by clean-up and decontamination of the site by the emergency medical personnel who responded when possible, or by employees who have received Bloodborne pathogens training, and follow proper procedure and personal protection measures.

The following guidelines are adopted for purposes of our employee's protection, training, awareness programs, and compliance procedures – should a catastrophic event occur and in addition to EMS services teams, additional employees are enlisted to render aid.

Personal Protective Equipment is specialized clothing or equipment worn by an employee for protection against a hazard. General work clothes (e.g., uniforms, pants, shirts or blouses) not intended to function as protection against a hazard are not considered to be personal protective equipment.

Regulated Waste means liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and can release these materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials.

B. METHODS OF COMPLIANCE

Universal precautions shall be observed to prevent contact with blood or other potentially infectious materials. When differentiation between body fluid types is difficult or impossible, all body fluids shall be considered potentially infectious materials.

C. ENGINEERING AND WORK PRACTICE CONTROLS.

Engineering and work practice controls shall be used to eliminate or minimize employee exposure. Where occupational exposure remains after institution of these controls, personal protective equipment shall also be used. Engineering controls shall be examined and maintained or replaced on a regular schedule to ensure their effectiveness.

Safe Harbor Marinas have hand-washing facilities, which are readily accessible to employees. Employees are trained to, and will, wash their hands immediately or as soon as feasible after removal of gloves or other personal protective equipment. Safety coordinator, manager or supervisor shall ensure that employees wash hands and any other skin with soap and water, or flush mucous membranes with water immediately or as soon as feasible following contact of such body areas with blood or other potentially infectious materials.

All procedures involving the clean-up of blood or other potentially infectious materials shall be performed in such a manner as to minimize splashing, spraying, spattering, and generation of droplets of these.

Equipment which may become contaminated with blood or other potentially infectious materials shall be examined prior to servicing or shipping and shall be decontaminated as necessary.

D. PERSONAL PROTECTIVE EQUIPMENT

1. PROVISION.

When there is occupational exposure, SHM shall provide, at no cost to the employee, appropriate personal protective equipment such as, but not limited to, gloves, Tyvek suits, face shields or masks and eye protection, Personal protective equipment will be considered "appropriate" only if it does not permit blood or other potentially infectious materials to pass through to or reach the employee's work clothes, street clothes, undergarments, skin, eyes, mouth, or other mucous membranes under normal conditions of use and for the duration of time which the protective equipment will be used. If blood or other potentially infectious materials penetrate a garment(s), the garment(s) shall be removed immediately

or as soon as feasible. All personal protective equipment shall be removed prior to leaving the work area. When personal protective equipment is removed it shall be placed in an appropriately designated area or container for storage, washing, decontamination or disposal.

2. USE.

The Onsite Safety Officer, General Manager or Supervisor shall ensure that the employee uses appropriate personal protective equipment unless the employer shows that the employee temporarily and briefly declined to use personal protective equipment when, under rare and extraordinary circumstances, it was the employee's professional judgment that in the specific instance its use would have prevented the delivery of health care or public safety services or would have posed an increased hazard to the safety of the worker or co-worker. When the employee makes this judgement, the circumstances shall be investigated and documented in order to determine whether changes can be instituted to prevent such occurrences in the future.

3. ACCESSIBILITY.

The SHM facility shall ensure that appropriate personal protective equipment in the appropriate sizes is readily accessible at the worksite or is issued to employees. Hypoallergenic gloves, glove liners, powderless gloves, or other similar alternatives shall be readily accessible to those employees who are allergic to the gloves normally provided.

4. REPAIR AND REPLACEMENT.

The SHM facility shall repair or replace personal protective equipment as needed to maintain its effectiveness, at no cost to the employee.

5. GLOVES.

Gloves shall be worn when it can be reasonably anticipated that the employee may have hand contact with blood, other potentially infectious materials, mucous membranes, and non-intact skin; when performing vascular access procedures and when handling or touching contaminated items or surfaces. Disposable (single use) gloves such as surgical or examination gloves, shall be replaced as soon as practical when contaminated or as soon as feasible if they are torn, punctured, or when their ability to function as a barrier is compromised. Disposable (single use) gloves shall not be washed or decontaminated for re-use.

Utility gloves may be decontaminated for re-use if the integrity of the glove is not compromised. However, they must be discarded if they are cracked, peeling, torn, punctured, or exhibit other signs of deterioration or when their ability to function as a barrier is compromised.

6. MASKS, EYE PROTECTION, AND FACE SHIELDS.

Masks in combination with eye protection devices, such as goggles or glasses with solid side shields, or chin-length face shields, shall be worn whenever splashes, spray, spatter, or droplets of blood or other potentially infectious materials may be generated and eye, nose, or mouth contamination can be reasonably anticipated.

HOUSEKEEPING

A. GENERAL.

SHM facility shall ensure that the worksite is maintained in a clean and sanitary condition. All equipment working surfaces shall be cleaned and decontaminated after contact with blood or other potentially infectious materials.

Contaminated work surfaces shall be decontaminated with an appropriate disinfectant after completion of procedures; immediately or as soon as feasible when surfaces are overtly contaminated or after any spill of blood or other potentially infectious materials; and at the end of the work shift if the surface may have become contaminated since the last cleaning.

Broken glassware which may be contaminated shall not be picked up directly with the hands. It shall be cleaned up using mechanical means, such as a brush and dustpan.

Reusable containers shall not be opened, emptied, or cleaned manually or in any other manner, which would expose employees to the risk of injury. All spills shall be immediately contained and cleaned up by appropriate professional staff or others properly trained and equipped to work with potentially concentrated infectious materials.

REGULATED WASTE CONTAINMENT

Regulated waste shall be placed in containers, which are:

- Closable;
- Constructed to contain all contents and prevent leakage of fluids during handling, storage, transport or shipping;
- Labeled or color-coded
- Closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping.

- If outside contamination of the regulated waste container occurs, it shall be placed in a second container. The second container shall be:
- Closable
- Constructed to contain all contents and prevent leakage of fluids during handling, storage, transport or shipping;
- Labeled or color-coded
- Closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping.

Disposal of all regulated waste shall be in accordance with applicable regulations of the United States, States and Territories, and political subdivisions of States and Territories.

CLOTHING.

Contaminated clothing shall be handled as little as possible with a minimum of agitation. Contaminated clothing shall be bagged or containerized at the location where it was used and shall not be sorted or rinsed in the location of use. Contaminated clothing shall be placed and transported in bags or containers labeled or color-coded.

Whenever contaminated clothing is wet and presents a reasonable likelihood of soak-through or leakage from the bag or container, the clothing shall be placed and transported in bags or containers which prevent soak-through and/or leakage of fluids to the exterior. The employer shall ensure that employees who have contact with contaminated clothing wear protective gloves and other appropriate personal protective equipment.

HEPATITIS B VACCINATION AND POST-EXPOSURE EVALUATION AND FOLLOW-UP

A. GENERAL.

The SHM facility shall make available the hepatitis B vaccine and vaccination series to all employees who have occupational exposure, and post-exposure evaluation and follow-up to all employees who have had an exposure incident.

The employer shall ensure that all medical evaluations and procedures including the hepatitis B vaccine and vaccination series and post-exposure evaluation and follow-up, including prophylaxis, are:

- Made available at no cost to the employee;
- Made available to the employee at a reasonable time and place;
- Performed by or under the supervision of a licensed physician or by or under the supervision of another licensed healthcare professional; and

- Provided according to recommendations of the U.S. Public Health Service current at the time these evaluations and procedures take place.

The SHM facility shall ensure that all laboratory tests (if required) are conducted by an accredited laboratory at no cost to the employee.

HEPATITIS B VACCINATION.

Hepatitis B vaccination shall be made available after the employee has received the training required and within 10 working days of initial assignment to all employees who have occupational exposure unless the employee has previously received the complete hepatitis B vaccination series, antibody testing has revealed that the employee is immune, or the vaccine is contraindicated for medical reasons.

The SHM facility shall not make participation in a prescreening program a prerequisite for receiving hepatitis B vaccination. If the employee initially declines hepatitis B vaccination but at a later date while still covered under the standard decides to accept the vaccination, the employer shall make available hepatitis B vaccination at that time.

The employer shall assure that employees who decline to accept hepatitis B vaccination offered by the employer sign the statement in Appendix A.

If a routine booster dose(s) of hepatitis B vaccine is recommended by the U.S. Public Health Service at a future date, such booster dose(s) shall be made available in accordance with federal law.

POST-EXPOSURE EVALUATION AND FOLLOW-UP.

Following a report of an exposure incident, the employer shall make immediately available to the exposed employee a confidential medical evaluation and follow-up, including at least the following elements:

- Documentation of the route(s) of exposure, and the circumstances under which the exposure incident occurred
- Identification and documentation of the source individual, unless the employer can establish that identification is infeasible or prohibited by state or local law

The source individual's blood shall be tested as soon as feasible and after consent is obtained to determine HBV and HIV infectivity. If consent is not obtained, the employer shall establish that legally required consent cannot be obtained. When the source individual's consent is not required by law, the source individual's blood, if available, shall be tested and the results documented.

When the source individual is already known to be infected with HBV or HIV, testing for the source individual's known HBV or HIV status need not be repeated.

Results of the source individual's testing shall be made available to the exposed employee, and the employee shall be informed of applicable laws and regulations concerning disclosure of the identity and infectious status of the source individual.

Collection and testing of blood for HBV and HIV serological status;

- The exposed employee's blood shall be collected as soon as feasible and tested after consent is obtained.
- If the employee consents to baseline blood collection but does not give consent at that time for HIV serologic testing, the sample shall be preserved for at least 90 days. If, within 90 days of the exposure incident, the employee elects to have the baseline sample tested, such testing shall be done as soon as feasible.

INFORMATION PROVIDED TO THE HEALTHCARE PROFESSIONAL

The employer shall ensure that the healthcare professional responsible for the employee's Hepatitis B vaccination is provided a copy of this regulation.

The employer shall ensure that the healthcare professional evaluating an employee after an exposure incident is provided the following information:

- A copy of this regulation;
- A description of the exposed employee's duties as they relate to the exposure incident;
- Documentation of the route(s) of exposure and circumstances under which exposure occurred;
- Results of the source individual's blood testing, if available; and
- All medical records relevant to the appropriate treatment of the employee including vaccination status which are the employer's responsibility to maintain.

HEALTHCARE PROFESSIONAL'S WRITTEN OPINION.

The employer shall obtain and provide the employee with a copy of the evaluating healthcare professional's written opinion within 15 days of the completion of the evaluation.

The healthcare professional's written opinion for Hepatitis B vaccination shall be limited to whether Hepatitis B vaccination is indicated for an employee, and if the employee has received such vaccination.

The healthcare professional's written opinion for post-exposure evaluation and follow-up shall be limited to the following information:

- That the employee has been informed of the results of the evaluation; and

- That the employee has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

All other findings or diagnoses shall remain confidential and shall not be included in the written report.

Medical Recordkeeping. Medical records required by this standard shall be maintained in accordance with Federal laws.

Communication of Hazards to Employees -- Labels and Signs

Warning labels shall be affixed to containers of regulated waste. These labels shall be fluorescent orange or orange-red or predominantly so, with lettering and symbols in a contrasting color.

Labels shall be affixed as close as feasible to the container by string, wire, adhesive, or other method that prevents their loss or unintentional removal.

Red bags or red containers may be substituted for labels.

Individual containers of blood or other potentially infectious materials that are placed in a labeled container during storage, transport, shipment or disposal are exempted from the labeling requirement.

Labels required for contaminated equipment shall be in accordance with this paragraph and shall also state which portions of the equipment remain contaminated. Regulated waste that has been decontaminated need not be labeled or color-coded.

Signs shall be fluorescent orange-red or predominantly so, with lettering and symbols in a contrasting color.

INFORMATION AND TRAINING

Employers shall ensure that all employees with occupational exposure participate in a training program which must be provided at no cost to the employee and during working hours.

Training shall be provided as follows:

- At the time of initial assignment to tasks where occupational exposure may take place;
- Within 90 days after the effective date of the standard; and at least annually thereafter.

For employees who have received training on Bloodborne pathogens in the year preceding the effective date of the standard, only training with respect to the provisions of the standard which were not included need be provided.

Annual training for all employees shall be provided within one year of their previous training. Employers shall provide additional training when changes such as modification of tasks or procedures or institution of new tasks or procedures affect the employee's occupational exposure. The additional training may be limited to addressing the new exposures created.

Material appropriate in content and vocabulary to educational level, literacy, and language of employees shall be used.

The training program shall contain at a minimum the following elements:

- An accessible copy of the regulatory text of this standard and an explanation of its contents;
- A general explanation of the epidemiology and symptoms of Bloodborne diseases;
- An explanation of the modes of transmission of Bloodborne pathogens;
- An explanation of the employer's exposure control plan and how the employee can obtain a copy of the written plan;
- An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials;
- An explanation of the use and limitations of methods that will prevent or reduce exposure including appropriate engineering controls, work practices, and personal protective equipment;
- Information on the types, proper use, location, removal, handling, decontamination and disposal of personal protective equipment;
- An explanation of the basis for selection of personal protective equipment;
- Information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine and vaccination will be offered free of charge;
- Information on the appropriate actions to take and persons to contact in an emergency involving blood or other potentially infectious materials;
- An explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that will be made available;
- Information on the post-exposure evaluation and follow-up that the employer is required to provide for the employee following an exposure incident;
- An explanation of the signs and labels and/or color coding required by paragraph (g)(1); and
- An opportunity for interactive questions and answers with the person conducting the training session.

The person conducting the training shall be knowledgeable in the subject matter covered by the elements contained in the training program as it relates to the workplace that the training will address.

RECORDKEEPING – MEDICAL RECORDS

The employer shall establish and maintain an accurate record for each employee with occupational exposure, in accordance with 29 CFR 1910.1020.

This record shall include:

- The name and social security number of the employee;
- A copy of the employee's hepatitis B vaccination status including the dates of all the Hepatitis B vaccinations and any medical records relative to the employee's ability to receive vaccination as required by paragraph (f)(2);
- A copy of all results of examinations, medical testing, and follow-up procedures;
- The employer's copy of the healthcare professional's written opinion and
- A copy of the information provided to the healthcare professional.

A. CONFIDENTIALITY.

The employer shall ensure that employee medical records required by paragraph are kept confidential; and not disclosed or reported without the employee's express written consent to any person within or outside the workplace except as required by this section or as may be required by law.

The employer shall maintain the records for at least the duration of employment plus 30 years in accordance with 29 CFR 1910.1020.

B. TRAINING RECORDS

Training records shall include the following information:

- The dates of the training sessions;
- The contents or a summary of the training sessions;
- The names and qualifications of persons conducting the training; and
- The names and job titles of all persons attending the training sessions.
- Training records shall be maintained for 3 years from the date on which the training occurred.

C. AVAILABILITY

The employer shall ensure that all records required to be maintained by this section shall be made available upon request to the Assistant Secretary and the Director for examination and copying.

Employee training records required by this paragraph shall be provided upon request for examination and copying to employees, to employee representatives, to the Director, and to the Assistant Secretary.

Employee medical records required by this paragraph shall be provided upon request for examination and copying to the subject employee, to anyone having written consent of the subject employee, to the Director, and to the Assistant Secretary in accordance with 29 CFR 1910.1020.

D. TRANSFER OF RECORDS

The employer shall comply with the requirements involving transfer of records set forth in 29 CFR 1910.1020(h).

If the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, the employer shall notify the Director, at least three months prior to their disposal and transmit them to the Director, if required by the Director to do so, within that three-month period.

The employer shall establish and maintain a sharps injury log for the recording of percutaneous injuries from contaminated sharps. The information in the sharps injury log shall be recorded and maintained in such manner as to protect the confidentiality of the injured employee. The sharps injury log shall contain, at a minimum:

- The type and brand of device involved in the incident,
- The department or work area where the exposure incident occurred, and
- An explanation of how the incident occurred.

BIOHAZARD POLICY

A biohazard is blood or body fluid.

**In the event of a biohazard
no staff member shall provide
first aid unless trained and
authorized to do so.**

Call 911

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***Fall Prevention
Program***

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SAFE HARBOR MARINAS

Safety, OSHA and Environmental Compliance Program

XV. FALL PROTECTION

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FALL PREVENTION

OBJECTIVE:

To establish minimum requirements for practices and procedures to protect employees from hazards of falls when working in elevated work areas such as rooftops, platforms and aerial lifts.

AUTHORITY:

OSHA 29CFR 1926 Subpart M, OSHA 29CFR 1910.23, OSHA 29CFR 1910.66, OSHA 29CFR 1910.132, OSHA 29CFR 1910.269, Governors Executive Order 2000-292.

POLICY:

All employees, students, volunteers, and contractors working under direct UF supervision shall comply with all elements of the UF Fall Protection Program (see Procedures Section).

RESPONSIBILITIES:

Safety Director, Onsite Safety Officer, and General Manager develop, maintain, distribute, and provide oversight in accordance with all applicable federal and state regulations, and best industry practices. Safety Director, Onsite Safety Officer, General Manager and Supervisors have the responsibility and authority to halt any unsafe practices not in accordance with this policy. Safety Director or Onsite Safety Officer, has the responsibility for assisting departments in developing appropriate fall protection plans, providing technical guidance and assisting with employee training. Departments shall comply with all policy and program elements.

PROCEDURES:

All work performed in elevated areas such as aerial lifts, roofs, elevated platforms, on top of industrial equipment, building ledges, etc. shall be in accordance with this policy and the referenced fall protection program.

A. GENERAL

Each year over 100,000 injuries and deaths are attributable to work-related falls. The Bureau of Labor Statistics show falls as one of the leading causes of occupational death. An OSHA study involving 99 fall-related fatalities suggests that all the deaths could have been prevented using fall protection. Fall protection can be in the form of guardrails, personal fall arrest systems, or under specific conditions, warning line systems.

An employee must be protected from falling when working on a surface that has an unprotected side or edge, which is 6 feet or more above an adjacent lower level, or when working from bucket trucks or other personnel lifts with articulating booms.

In each of these cases, the fall hazards must be evaluated to determine the preferable method to protect the employee.

B. RESPONSIBILITIES

Supervisors have the primary responsibility for the implementation of the Fall Protection Program in their work area. The supervisor should be a competent person, as defined by OSHA, or ensure that responsibility for the competent person is assigned to a qualified individual within the work group. OSHA defines a competent person as:

- 1) A person who can identify existing and predictable hazards in the surroundings or identifying working conditions which are hazardous or dangerous to employees and
- 2) Who has authorization to take prompt corrective measures to eliminate them.

Supervisors must assure that only trained individuals are assigned work that requires use of fall protection systems (other than guardrails).

Employees have the primary responsibility for proper care, use and inspection of their assigned fall protection equipment.

Departments have the primary responsibility for providing fall protection systems and appropriate training.

Environmental Health and Safety (EH&S) has the responsibility for assisting departments in developing appropriate fall protection plans, providing technical guidance and assisting with employee training.

C. TRAINING

Each employee who may be exposed to fall hazards will be trained to recognize the hazards and the procedures to follow to minimize the hazards. A competent person will provide the training.

The competent person must train employees in the following areas:

- fall hazards in the work area

- correct procedures for erecting, maintaining, disassembling and inspecting the fall protection systems used
- use and operation of the fall protection systems used
- role of employees in fall protection plans
- what rescue procedures to follow in case of a fall
- overview of the OSHA fall protection standards

A training record will be maintained for each employee. The record will contain the name of the employee trained, date of training and the signature of the person who conducted the training. Retraining should be done if there is a change in the fall protection system being used or if an employee's actions demonstrate that the employee has not retained the understanding or skills important to fall protection.

FALL PROTECTION SYSTEMS

One of the following systems should be in place whenever an employee is exposed to a fall of greater than five feet.

A. GUARDRAIL SYSTEMS

- Guardrails are needed at the edge of work areas five feet or more in height to protect employees from falling. This includes the edge of excavations greater than five feet in depth. Guardrail systems need to meet the following criteria:
- Toprail is 42 inches, +/- 3 inches above the walking/working level
- Midrail is located midway between the top rail and the walking/working level.

IMPORTANT - The working level is that level where the work is being done. Someone working on a stepladder next to an edge may raise his/her working surface well above the walking surface.

- Both top and midrails should be constructed of materials at least one-quarter inch in thickness or diameter. If wire rope is used for top rails, it needs to be flagged with a high-visibility material at least every 6 feet and can have no more than 3" of deflection
- The toprail needs to withstand a force of 200 pounds when applied in any downward or outward direction.
- The midrail needs to withstand a force of 150 pounds applied in any downward or outward direction
- The system should be smooth to prevent punctures, lacerations or snagging of clothing
- The ends of the top rail should not overhang the terminal posts, except when such overhang does not present a projection hazard

- When a hoisting area is needed, a chain, gate or removable guardrail section must be placed across the access opening when hoisting operations are not taking place.

B. PERSONAL FALL ARREST SYSTEMS

Personnel requiring the use of personal fall protection equipment shall employ the "Buddy System" or have an observer to render assistance when and if required.

There are three main components to the personal fall arrest system. This includes the personal protective equipment the employee wears, the connecting devices and the anchorage point. Prior to tying off to perform the work a means of rescue in the event of a fall must be immediately available. The system needs to meet the following criteria for each component:

- Personal Protective Equipment
- Full body harnesses are required. The use of body belts is prohibited.
- The attachment point of the body harness is the center D-ring on the back.
- Employees must always tie off at or above the D ring of the harness except when
 - using lanyards 3 feet or less in length.
 - Harnesses or lanyards that have been subjected to an impact load shall be destroyed.
 - Load testing shall not be performed on fall protection equipment.

C. CONNECTING DEVICES

This device can be a rope or web lanyard, rope grab or retractable lifeline.

Only locking snap hooks may be used.

- Horizontal lifelines will be designed by a qualified person and installed in accordance with the design requirements.
- Lanyards and vertical lifelines need a minimum breaking strength of 5,000 pounds.
- Lanyards may not be clipped back to itself (e.g. around an anchor point) unless specifically designed to do so.
- If vertical lifelines are used, each employee will be attached to a separate lifeline.
- Lifelines need to be protected against being cut or abraded

ANCHORAGE

A. GENERAL

Secure anchor points are the most critical component when employees must use fall arrest equipment. UF buildings may have existing structures (e.g., steel beams that may meet the criteria for a secure anchor point). Other work locations and assignments may require the installation of a

temporary or permanent anchor. As a minimum, the following criteria must be considered for each type of anchor point:

- Structure must be sound and capable of withstanding a 5000 lb. static load/person attached.
- Structure/anchor must be easily accessible to avoid fall hazards during hook up.
- Direct tying off around sharp-edged structures can reduce breaking strength by 70% therefore; chafing pads or abrasion resistant straps must be used around sharp-edged structures to prevent cutting action against safety lanyards or lifelines.
- Structures used as anchor points must be at the worker's shoulder level or higher to limit free fall to 6 feet or less and prevent contact with any lower level (exception – when self-retracting lifelines and or 3-foot lanyards are used)
- Choose structures for anchor points that will prevent swing fall hazards. Potentially dangerous "pendulum" like swing falls can result when a worker moves horizontally away from a fixed anchor point and falls. The arc of the swing produces as much energy as a vertical free fall and the hazard of swinging into an obstruction becomes a major factor. Raising the height of the anchor point can reduce the angle of the arc and the force of the swing. Horizontal lifelines can help maintain the attachment point overhead and limit the fall vertically. A qualified person must design a horizontal lifeline.

B. PERMANENT ANCHOR REQUIREMENTS

In addition to all the criteria listed above, the following points must be considered:

- Environmental factors and dissimilarity of materials can degrade exposed anchors.
- Compatibility of permanent anchors with employee's fall arrest equipment.
- Inclusion of permanent anchors into a Preventive Maintenance Program with scheduled annual re-certification.
- Visibly label permanent anchors.
- Anchors must be immediately removed from service and re-certified if subjected to fall arrest forces.

C. REUSABLE TEMPORARY ANCHORS:

- Reusable temporary roof anchors must be installed and used following the manufacturer's installation guidelines.
- Roof anchors must be compatible with employee's fall arrest equipment.
- Roof anchors must be removed from service at the completion of the job and inspected prior to reuse following the manufacturer's inspection guidelines.

- Roof anchors must be immediately removed from service and disposed of if subjected to fall arrest forces.

D. COMPLETE SYSTEM

- If a fall occurs, the employee should not be able to free fall more than 6 feet nor contact a lower level.

To ensure this, add the height of the worker, the lanyard length and an elongation length of 3.5 feet. Using this formula, a six-foot worker with a six-foot lanyard would require a tie-off point at least 15.5 feet above the next lower level.

- A personal fall arrest system that was subjected to an impact needs to be removed from service immediately.
- Personal fall arrest systems need to be inspected prior to each use and damaged or deteriorated components removed from service.
- Personal fall arrest systems should not be attached to guardrails nor hoists.
- Work from Aerial Lifts and Self Powered Work Platforms

Body harnesses must be worn with a shock-absorbing lanyard (preferably not to exceed 3 feet in length) and must be worn when working from an elevated work platform (exception: scissor lifts and telescoping lifts that can move only vertically do not require the use of a harness and lanyard as long as the work platform is protected by a guardrail system). The point of attachment must be the lift's boom or work platform. Personnel cannot attach lanyards to adjacent poles, structures or equipment while they are working from the aerial lift. Personnel cannot move an aerial lift while the boom is in an elevated working position and the operator is inside of the lift platform.

E. INSPECTION

The employee will inspect the entire personal fall arrest system prior to every use. The competent person will inspect the entire system in use at the initial installation and weekly thereafter. The visual inspection of a personal fall arrest system periodically will follow the manufacturer's recommendations. An example of a complete inspection is in Appendix A.

WARNING LINE SYSTEMS AND CONTROLLED ACCESS ZONES

Warning line systems and work in controlled access zones must be developed in accordance with OSHA regulation 1926.502 and must be approved by EH&S or their designee before employees are exposed to fall hazards.

MONITORING SYSTEM

OSHA emphasizes that safety-monitoring systems are a last resort and may only be used when other systems are infeasible or present a greater hazard. Monitoring systems must be developed in accordance with OSHA regulation 1926.502 and must be approved by EH&S or their designee before employees are exposed to fall hazards.

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APPENDIX A - PERSONAL FALL ARREST SYSTEM INSPECTION

All fall protection equipment shall be inspected before each use in accordance with the manufacturer's instructions. The following is general guidance for the inspection of this equipment.

Harness Inspection Webbing

Inspect the entire surface of webbing for damage. Beginning at one end, bend the webbing in an inverted "U". Holding the body side of the belt toward you, grasp the belt with your hands six to eight inches apart. This surface tension makes the damaged fibers or cuts easier to see. Watch for frayed edges, broken fibers, pulled stitches, cuts, burns, and chemical damage.

"D" Rings/Back Pads

Check "D" rings for distortion, cracks, breaks, and rough or sharp edges. The "D" ring should pivot freely. "D" ring back pads should also be inspected for damage.

Attachment of Buckles

Note any unusual wear, frayed or cut fiber, or distortion of the buckles.

Tongue/Grommet

The tongue receives heavy wear from repeated buckling and unbuckling. Inspect for loose, distorted or broken grommets. The webbing should not have any additional punched holes.

Tongue Buckle

Buckle tongues should be free of distortion in shape and motion. They should overlap the buckle frame and move freely back and forth in their socket. The roller should turn freely on the frame. Check for distortion or sharp edges.

Friction and Mating Buckles

Inspect the buckle for distortion. The outer bars and center bars must be straight. Pay special attention to corners and attachment points of the center bar.

Lanyard Inspection Hardware

Snap: Inspect closely for hook and eye distortions, cracks, corrosion, or pitted surfaces. The keeper (latch) should seat into the nose without binding and should not be distorted or obstructed. The keeper spring should exert sufficient force to firmly close the keeper. Keeper locks must prevent the keeper from opening when the keeper closes.

Thimbles: The thimble must be firmly seated in the eye of the splice, and splice should have no loose or cut strands. The edges of the thimble must be free of sharp edges, distortion, or cracks.

Web Lanyard

While bending the webbing over a curved surface such as a pipe, observe each side of the webbed lanyard. This will reveal any cuts or breaks. Examine the webbing for swelling, discoloration, cracks, or burns. Observe closely for any breaks in the stitching.

Rope Lanyard

Rotation of the rope lanyard while inspecting from end to end will bring to light any fuzzy, worn, broken or cut fibers. Weakened areas from extreme loads will appear as a noticeable change from the original diameter. The rope diameter should be uniform throughout, following a short break-in period. Make sure the rope has no knots tied in it. Knots can reduce the strength of the rope by up to 60%.

Shock-absorbing Lanyard

Shock-absorbing lanyards should be examined as a web lanyard. However, also look for signs of deployment. If the lanyard shows signs of having been put under load (e.g. torn out stitching), remove it from service.

APPENDIX B - DEFINITIONS

Fall Protection System - Fall Protection Systems are designed to protect personnel from the risk of falls when working at elevated heights. Recognized systems include:

Fall Prevention - a structural design to limit a fall to the same level (e.g., guardrails, positioning/restraint systems).

Fall Arrest System - an approved full body harness, shock absorbing lanyard or self-retractable lifeline, locking snap hooks and anchor points approved for a static load of 5000 pounds or engineered to meet a two to one safety factor.

Aerial Lift - Vehicle mounted elevating work platform (e.g. Boom Lifts, Articulating Telescoping Boom Lifts).

Competent Person - A person who can identify existing and predictable hazards in the surroundings or working conditions which are hazardous to personnel and who has authorization to quickly correct the situation.

Qualified Person - A person with a recognized degree or professional certificate, (e.g. civil or mechanical engineering profession or Certified Safety Professional) and extensive knowledge and experience in this area, capable of doing design, analysis, evaluation and specifications.

Certification - ANSI (American National Standards Institute) defines certification as documentation that determines criteria meets the requirements of the standard through testing or proven analytical method (e.g. engineering calculations) or both, carried out under the supervision of a Qualified Person.

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SAFE HARBOR MARINAS

Safety, OSHA and Environmental Program

XVI. ENVIRONMENTAL PROGRAMS

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- SAFE HARBOR MARINAS HAZARDOUS MATERIAL (SPCC) PLAN
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APPENDIX B: SITE TIDE CHART

APPENDIX C: SHORELINES

APPENDIX D: FACILITY ORGANIZATION

APPENDIX E: TANK CAPACITY TABLE

APPENDIX F: DISCHARGE MITIGATION MEASURES

APPENDIX G: SENSITIVE / CRITICAL LOCATIONS

SAFE HARBOR MARINAS

STORMWATER POLLUTION PREVENTION PLAN

MARINA STORM WATER POLLUTION PREVENTION PLAN

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SAFE HARBOR MARINAS

HAZARDOUS MATERIAL SPILL PREVENTION, CONTROL AND COUNTERMEASURE (SPCC) PLAN CERTIFICATION

Facility name Port Phoenix Marina

Address: 1687 Inlet Dr, Fort Myers, FL 33903

On-site Contact Name: Steve Geiger

Phone: 239-292-8675

Email: sgeiger@shmarinas.com

Certification: The party to whom has developed this plan does hereby certify that they have examined the facility and being familiar with the provisions of 40 CFR part 112, attest that this SPCC plan has been prepared in accordance with good engineering practices.

This plan has been prepared by:

Contact Name & Title: _____
Name (printed) Title

Address: _____ State _____ Zip _____

This plan has been reviewed by:

Name: _____

Address: _____

Contact Name & Title: _____

Date of certification: _____

Engineer's Seal

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INTRODUCTION - SPILL PREVENTION, CONTROL AND COUNTERMEASURE PLAN (SPCC)

A. PURPOSE:

The purpose of this SPCC plan is to provide guidance for the management and employees of Port Phoenix Marina to react to fulfill their legal, humanitarian and practical responsibilities in the event of a spill on the premises.

B. BACKGROUND:

Port Phoenix Marina is an independently operated member of the Safe Harbor Marinas corporation. The purpose of the facility is to provide year-round docking or storage facilities, seasonal and overnight dockage accommodations for the traveling boating public and access to water related activities, shopping, restaurants and entertainment for customers and transient boating visitors to the area.

C. POLICY:

Port Phoenix Marina adheres to all State and Federal mandates for responding to and notifying authorities of a pollutant discharge and utilizes approved methods to contain and remedy such a discharge.

The marina management requires all trained emergency response personnel in its employ to know and follow the guidelines established in this Spill Contingency Plan.

The contingency plan coordinator for this site is Steve Geiger who is also the on-scene coordinator. The Manager on Duty designates the alternate coordinator. One of these individuals shall be available and on call to direct the activities of the SPCC Plan through authorization of employees' actions, the use of marina spill containment equipment and local hazardous material cleanup crews.

D. DEFINITIONS:

Discharge: Any coastal spilling, leaking, seeping, pouring, emitting or dumping of a pollutant which occurs within the territorial limits of the marina or outside the territorial limits of the marina that affects the lands or waters within the territorial limits of the marina.

Pollutants: Any form of oil, gasoline, diesel fuel or other derivatives excluding liquefied petroleum gas.

On-Scene Coordinator: The pre-designated marina official responsible for the coordination and direction of discharge removal efforts at the scene of a pollution incident.

Minor Discharge: A discharge of pollutant of less than 1,000 gallons into inland waters. A discharge that meets the above criteria but:

- 1) occurs in or endangers critical areas;
- 2) generates critical public concern;
- 3) becomes a focus of an enforcement action, or
- 4) poses a threat to public health or welfare, should be classified as a moderate or major discharge depending on the degree of impact.

Moderate Discharge: A discharge of pollutant of 1,000 gallons to 10,000 gallons into inland waters or a discharge of any volume that poses a threat to the public's health or welfare.

Major Discharge: A discharge of pollutant of more than 10,000 gallons into inland waters or a discharge of any quantity that substantially threatens the public's health or welfare or generates wide public interest.

Discharge Cleanup Organization: Any group, incorporated or unincorporated, organized for the purpose of containing and cleaning up discharges. This organization may either be a private company, an Industry sponsored company or cooperative or local governmental unit.

FACILITY PLAN

A. GEOGRAPHICAL AND LOGISTICAL INFORMATION

1. Facility Site Map (See Appendix A)

2. Facility Description

Name: Port Phoenix Marina

Location: Latitude: 26.6389 north

Longitude: 81.9084 west

Mailing Address:

1687 Inlet Dr, Fort Myers, FL 33903

Physical Address:

1687 Inlet Dr, Fort Myers, FL 33903

5. Fuel Tank Systems: (if any)

6. Fuel Dock Systems: (if any)

7. Hazardous Waste Storage Sites

8. Facility waterfront description

i. Facility Prevailing Tides:

Currents, water depths, shorelines and any structures located in adjacent waters within 100 yards of the terminal facility:

a. Prevailing tides: normal tide of _____ ft. Tides may be wind driven, with _____, and _____ winds building higher than normal and _____ winds causing lower than normal water.

b. Currents:

1. Outgoing tide:

2. Incoming tide:

c. Water depths:

d. Shorelines:

e. Structures: Located in adjacent waters within 100 yards of the terminal facility.

ii. Seasonal weather:

Wind directions and speeds, air and water temperatures and visibility problems.

a. Wind directions: Mean speeds: prevailing winds for the marina area are as follows:

Spring - from the _____ averaging _____ knots.

Summer - from the _____ averaging _____ knots.

Fall - from the _____ averaging _____ knots.

Winter - variable conditions and speeds averaging _____ knots.

b. Air temperatures: The average daily air temperature ranges are as follows:

Summer daily maximum average: (deg. F): _____ degrees

daily minimum average: (deg. F): _____ degrees

Winter daily maximum average: (deg. F): _____ degrees

daily minimum average: (deg F): _____ degrees

c. Water temperatures: The mean surf temperatures for the marina area are as follows:

Summer daily average _____ degrees

Winter daily average _____ degrees

d. Conditions affecting visibility: Weather conditions in the marina area, which most frequently affect visibility, include fog, heavy rain, thunderstorms and snow. During the spring, temperatures of 75 degrees and above trigger a mid-day sea breeze.

Strong rainstorms are common and account for up to ____+/- inches of rainfall and can be accompanied by stronger gusty winds. Visibility during these storms can be reduced to less than 100 feet.

During the summer and fall months, temperatures rise into the ____ and can trigger an afternoon sea breeze, which subsequently produces convective thunderstorms. These storms dump _____inches of rainfall and are accompanied by winds averaging ____ Mph or more. Visibility during these storms is poor, usually less than 100 feet with whitecaps and or strong choppy seas.

FACILITY ORGANIZATION (SEE EXHIBIT "D")

A. CONTINGENCY PLAN COORDINATOR DISCHARGE RESPONSE DUTIES:

1. Responsible for complying with the SPCC Plan and for designating and scheduling trainees in appropriate techniques and procedures for preventing and responding to spills.
2. Responsible for equipping marina and deploying marina personnel in implementation of the Spill Contingency Plan, for reporting spills and for requesting and coordinating the efforts of other agencies and sources of assistance.
3. Responsible for acquiring, storing, maintaining and disposing of materials and equipment used for spill prevention, containment and cleanup.
4. Responsible for supervising maintenance of a log with appropriate entries pertaining to: conditions which might cause a spill; an actual spill; the conduct of operations to contain and clean up a spill, and all pertinent communications relating to the spill.

B. DISCHARGE RESPONSE TEAM:

1. Field Operations Crew:
 - a. Primary: General Manager
 - b. Secondary: Maintenance Staff

3. _____, _____

2. Administrative Operations Crew:

a. _____, _____

b. _____, _____

C. KEY PERSONS CONTACT INFORMATION

Names and telephone numbers of owners, operators, manager and an alternate individual designated to be in charge of the facility when the manager is not present:

Marina Manager: (#) 401-290-7137

Alternate: # 1(Home #) _____

Alternate: # 2 (Home #) _____

D. LOCATION OF CURRENT CONTACT INFORMATION

The current list of the names and telephone numbers of additional personnel available to respond to a discharge is located at/in: Main Office and or Dock Master's office.

FACILITY PROCEDURES FOR NOTIFICATION

A. RESPONSIBILITY FOR NOTIFICATION – GOVERNMENTAL AGENCIES

The responsibility and procedure for the immediate telephone and radio notification of a discharge to the U.S. Coast Guard and the local Department of Environmental Management are as follows:

1. During normal business hours, the Dock Master or Watch Captain on duty, at the direction or in the absence of the Marina Manager, will immediately notify ***IN THIS ORDER***:

- a) The Marina General Manager;
- b) The U.S. Coast Guard;
- c) The Environmental Protection agency;
- d) The local Police or Fire department by radio where possible, followed with detailed backup information by telephone.

b. During hours when The Marina Manager is not on duty: the primary or alternate staff person on standby alert will notify IN ORDER:

- a) The U.S. Coast Guard;
- b) The Environmental Protection agency;
- c) The local Police or Fire department by radio where possible, followed with detailed backup information by telephone.

B. RESPONSIBILITY FOR NOTIFICATION – MARINA MANAGEMENT

Responsibility, procedure and telephone numbers for the timely notification of a discharge to marina management, off duty personnel, cleanup contractor, oil spill cooperative and local emergency response governmental agencies:

1. Business hours: Front desk personnel man each yard office. It is the responsibility of that individual on duty, to notify in sequence the following personnel at the listed numbers or on duty personnel when an oil spill is reported to them:

- a) Marina Management: Home phone 401-290-7137
- b) Off Duty Personnel: _____
- c) Cleanup Contractor: will be contracted at time of spill, state approved contractor list is on file at the marina office.
- d) Discharge Cooperative: local Safe Harbor Marina facility
- e) Local emergency response governmental agencies:

NOTE: The employee receiving notice of a spill should skip past any individual not immediately available and notify the next in command.

The marina staff maintains a list of all employees' telephone numbers in the marina office.

C. DETECTING DISCHARGES

Description of systems, measures, and devices used to detect discharges:

1. Fuel system (if any)

2. Detecting discharges within the fuel pumping area (Fueling Facility):

a) Business hours: The Marina Manager is responsible for ensuring that all personnel know the location of shut-off switches controlling the flow of fuel from the storage tanks to the pumps on the fuel dock. The Dock Master or Watch Captain, in absence of the Marina Manager, is responsible for all fuel dock operations. Including: directing vessels to the dock, securing vessels for fueling, extending fuel lines, passing nozzle to boat captain, switching on pumps, recording amount of fuel pumped, shutting off pump, retrieving fuel lines, payment, casting vessels off, maintaining radio communications with fuel dock personnel and with boats having radios. Fuel dock personnel operate under the authority of the Watch Captain and remain alert for fuel discharges on the dock, on the vessel and into the water:

b) Non-business hours: Fueling operations are not undertaken unless the Dock Master or Watch Captain is on duty. The Dock Master or Watch Captain is responsible for preventing access to the fuel pumps by shutting off the pump power.

3. Detection and reporting contamination of marina waters:

The marina staff is responsible for remaining on the alert to detect and report by fastest available means any sign of a discharge of fuel or suspicious substance. The Marina Manager or their designee will make a formal inspection of all boats and docks daily. Look for signs of oily or suspicious wastes on the water and for smells, which may indicate that a vessel has fuel in its bilge. Boaters living aboard vessels in the marina remain alert for discharges of fuel or hazardous wastes and report any sightings to marina management.

4. Facility Procedures for Verification

The following are marina procedures for verifying the source or cause of discharge, the type, volume and characteristics of the discharged pollutant, and the flow rate of discharge. The purpose of verification is to establish the facts upon which to base actions to eliminate the threat of a potential discharge, to stop a discharge in progress, to contain, control and clean up a discharge, and to prevent a recurrence:

a) Responsibility: The Marina Manager is responsible for training staff, security personnel and volunteers to be on the alert for signs of a discharge, to take appropriate action to stop or prevent the discharge, and to report the discharge or, threat of a discharge, to appropriate authority. To attempt to identify the source, type, volume, characteristics and flow rate of the discharge affecting or threatening to affect marina waters and lands.

b) Initial assessment: Upon determining that a polluting substance is present or threatens to enter waters of the marina, the person noting the discharge or threat will take the following actions:

1. If the source of the spill is clear and the marina employee recognizing the discharge has the means and skill, that person will take immediate action to stop or prevent the discharge, then report the discharge to appropriate authorities.

2. Otherwise, that employee will report by fastest means the discharge or threat to appropriate authorities, including in the report the following information if available:

- i. Who: the name of the individual reporting
- ii. What: the type of incident (example: actual discharge of diesel from a particular vessel, if known; threat of vessel sinking; presence of an unknown polluting substance in the water, etc.)
- iii. Where: the location of the incident (example - North Yard, fuel dock, Slip F-2 South Yard etc.)
- iv. When: time noted and approximate duration of incident or potential incident.
- v. How: cause of discharge, if known.
- vi. Actions and resources: actions underway and recommended; materials on hand or required; personnel on hand and needed.

3. After reporting the information gained in the initial assessment, the PPM employee will seek to identify the source and cause of the discharge and act according to the Spill Contingency Plan.

c) Identification of potential sources: The initial task in identifying the actual source of a discharge is to determine the general source. Sources may be generally categorized as internal and external:

1. Internal sources (originating within the marine grounds and waters): principal potential internal sources include: the marina fuel system (if any); vessels within the marina; motor vehicles; yard equipment and grounds keeping equipment and materials.

2. External sources. Principal potential external sources of pollutants include storm-water runoff and currents flowing into marina waters.

d) Identification of actual source: Continue to investigate to determine the precise source of the discharge. Clues may include the appearance of a slick (e.g. color, depth and width); order; direction of the flow; reports from observers (including incidents involving boats, equipment, etc.); and heavy rains.

e) Identification of the cause of the discharge Once the source has been identified, the next diagnostic step is to learn the cause, that is, to answer the question "What condition, event or action creates or threatens to create the discharge from the source?"

1. Potential internal causes include:

- i. Marina equipment or personnel related: malfunctions of marina pumping or piping equipment (if any) during fueling operations; malfunctions of storage. piping: or pumping equipment not associated with fueling: operation; overfilling of above or below ground fuel storage tanks; spills from yard equipment, grounds-keeping equipment; misapplication of materials, such as paints, cleaning products, insecticides, pesticides and fertilizers.
- ii. Vessel related: overfilling of fuel tanks aboard vessels; seepage of fuel through overflow vents; boat sinking's and boat fires; bilge water discharge; accidents related to vessel maintenance such as oil changing, painting and varnishing.
- iii. Vehicle related: incidents involving cars and trucks parked at or passing through the marina grounds.
- iv. Illegal activities related: wrongful disposal of gasoline - oil or other polluting substances down storm drains, on the marina grounds or directly into marina waters.

2. Potential external causes include:

- i. Accidents involving boats

- ii. Accidents involving motor vehicles
- iii. Incidents involving wrongful disposal of polluting products.

f) Identifying the type, volume and characteristics of the discharged pollutant, and the flow rate of discharge.

1. Type:

- i. Gasoline: The Marina Manager or Dock Master and principal crew has been trained to identify a gasoline discharge by the pollutant's distinctive odor.
- ii. Diesel: The Marina Manager or Dock Master and principal crew has been trained to recognize a diesel discharge by the pollutant's appearance: a dull sheen on the water's surface.
- iii. Other Pollutants: The Marina Manager or Dock Master has been trained to use techniques like those for gasoline and diesel discharge to identify discharges of other pollutants.

2. Volume: For estimating the volume of a pollutant in water, Brewer marinas have incorporated the guidelines established by the Department of Environmental Protection into a guide for marina waters:

THE FOLLOWING FIGURES REPRESENT THE AMOUNT OF OIL TYPE DISCHARGE UPON THE MARINA WATERS AND IN REASONABLE PROXIMITY OF THE SOURCE. THE DISCHARGE, IN CONCENTRATED FORM, MAY HAVE THE COLOR CHARACTERISTICS ASSOCIATED WITH A GREATER VOLUME THAN THE ACTUAL VOLUME OF THE DISCHARGE.

- A barely discernible slick indicated a discharge of - .5 gallon
- A silvery sheen indicated a discharge of - 1 gallon
- Faint colors in the slick indicate - 2 gallons
- Bright bands of color indicate - 4 gallons
- Dull Brown indicates - 12 gallons
- Dark Brown indicates a discharge of more than - 24 gallons.

For other pollutants such as gasoline and diesel a similar estimation can be made based on appearance and other factors.

3. Characteristics: A discharge moves under the influence of wind and current. In a protected harbor, wind plays the dominant role and can move a spill up to 50 percent of the wind velocity. Within most marina waters, current affects the discharge at 50-75 percent of the current speed.

FACILITY CAPACITY FOR ON-SCENE ASSESSMENT

a. Responsibility:

The Marina General Manager or Onsite Safety Officer is responsible for the initial determination of the size and projected threat of a discharge; movement of a pollutant; waters, shorelines and structures that may be affected; any anticipated environmental damage and observations of wind velocity and direction; currents and other such data that may assist in making discharge movement projections.

FACILITY MEANS AND PROCEDURES FOR RESPONDING TO A DISCHARGE OR SPILL

A. SAFE HARBOR MARINAS MAINTAIN THE FOLLOWING CONTAINMENT AND CLEANUP EQUIPMENT:

1. Barrier boom: ft
2. Absorbent boom: ft.
3. Absorbent pads: bundles (of 100 sheets per bundle).
4. Absorbent sweep: ft.

B. DISCHARGE COOPERATIVE: LOCAL BREWER YACHT YARDS

1. Absorbent boom
2. Containment boom
3. Absorbent sweep
4. Absorbent pads

C. CITY OR LICENSED PRIVATE AGENCY

_____:

D. PROCEDURES:

1. Initial Containment Response (within one hour of recognition):

a.) Marina Manager (MM): Receives notification and remains in continuous contact with the on-site coordinator and Front Office Administrator to keep appraised of the situation. Serves as marina spokesperson for media and other inquiries. Supervises activities of the front office and marina administrative response team.

b) On Site Coordinator (OSC): Assesses the discharge and determines threat to critical areas inside and outside marina waters; identifies source, type, volume, characteristics and flow rate of the discharge; develops plan to limit flow rate of discharge to least critical area; serves as OSC for marina field operations; coordinates the efforts of the discharge response team, including assembling and deploying the containment boom; and maintains contact and information flow with the MM and administrative operations team; takes photos identified with time and location to show effect of spill on a particular area.

c) Dock Master (DM): Consults with the OSC to assess the discharge area; oversees efforts of dock persons in assembling and deploying containment boom. Notifies Coast Guard and the Department of Environmental Protection; in the case of a moderate or major discharge, notifies the contact person in the discharge cooperative and the contracted cleanup agency.

d) Dock persons: Under the directive of the OSC and DM, assemble and deploy containment boom.

e) Front office personnel: Under the directive of the MM, maintain information flow between the discharge response team and outside organizations.

2. Secondary Cleanup response (within four hours of deployment of containment boom):

a) MM: Remains in continuous contact with the OSC, and DM to keep apprised of the situation. Serves as marina spokesperson for media and other inquiries. Supervises activities of the marina administrative response team. Assumes duties of the OSC in his absence or assigns the duties to an alternate.

b) OSC: Supervises activities of the DM. Briefs MM to keep spokesperson updated with current information. Acts for MM in his absence. Organizes containment of discharge and deployment of cleanup devices, such as the absorbent boom or absorbent pads; organizes joint effort to clean up the discharge between members of the discharge cooperative and the contracted cleanup company.

Once the discharge has been remedied, oversees disposal of clean up devices, including transportation of devices to a temporary staging area and final disposal; takes photos identified by time and location to show effects of the spill's movement on critical or other areas. If discharge exceeds marina capacity, directs MM to request assistance from discharge cooperative members and contracted cleanup agency

c) DM: Works with OSC to oversee containment and to deploy cleanup devices; once spill has been absorbed, directs dock persons in temporary staging of devices and final disposal.

d. Front Office Personnel: Maintain information flow with outside organizations per direction by MM; if spill is remedied, notifies authorities that the threat is ended.

e. Dock persons: Under the directive of the OSC and the DM, assemble and deploy cleanup devices; once spill has been absorbed, follow directives to temporary staging and final disposal of devices.

f. Cleanup Contractors and local sources of cleanup equipment:

Safe Harbor Marinas maintain a list of state approved licensed cleanup specialists, which provide for immediate assistance over and above in-house or discharge cooperative capabilities. In the event of a discharge, which exceeds marina capacity, the contracted cleanup specialists are responsible for transporting and deploying the necessary equipment to contain and clean up the spill.

Safe Harbor Marinas maintain a discharge cooperative agreement with the neighboring Safe Harbor Marina facilities to provide access to and to receive assistance from, in the event of a discharge, which exceed individual marina cleanup capacity.

NOTE: Safe Harbor Marinas facility staff are aware of the U.S. Coast Guard ban on the usage of any chemical to clean up or diminish a discharge on water of any sort.

FACILITY MEASURES FOR DISCHARGE MITIGATION

Safe Harbor Marinas having a fuel dock, have the following fuel storage and transfer system equipped with the following UL or otherwise approved devices to stop, control or mitigate a pollutant discharge:

1. Emergency Shut-Off Switches: devices located at the entrance to the fuel dock and by the pumps, to allow personnel to immediately stop the flow of fuel.
- 2.
- 3.

FACILITY AWARENESS OF LOCAL SENSITIVE OR CRITICAL LOCATIONS

A. LOCATIONS:

1. Inside marina waters: boats under marina contract; vegetated shoreline; marina fuel storage areas, and marina repair / service bays.
2. Outside marina waters: active/inactive oyster beds.

B. LOCAL FACILITIES NAME AND TELEPHONE NUMBER WHO MAY BE IMPACTED:

- 1.
- 2.
- 3.
- 4.
- 5.

C. METHODS FOR PROTECTION:

Since the above listed critical areas lie in close proximity to marina waters, the same marina discharge response team procedures for containment and disposal of a discharge apply.

FACILITY CAPACITY FOR RECOVERY AND DISPOSAL

A. IDENTIFY EQUIPMENT:

See listing of marina equipment and the equipment of other organizations in the cooperative listed in section 6, above.

B. IDENTIFY AVAILABLE LOCATIONS FOR DEPLOYMENT:

- 1.
- 2.
- 3.

C. IDENTIFY STAGING AND TEMPORARY STORAGE AREAS:

- 1.
- 2.

D. IDENTIFY POTENTIAL WASTE DISPOSAL FACILITIES:

This Marina maintains list of state approved cleanup agencies to dispose of all absorbent and other waste materials related to or used in the containment and cleanup of a discharge. Contracted clean up company is required to follow all approved guidelines for baggage and identification

OIL SPILL HISTORY

OF _____

Place an X on the appropriate line and proceed accordingly.

_____ There has never been a significant spill at the above-named facility.

_____ There have been one or more significant spills at the above-named facility.

Details of such spill(s) are described below.

For each spill that occurred, supply the following information:

- a. Type and amount of oil spilled
- b. Location, date and time of spill(s)
- c. Watercourse affected
- d. Description of physical damage / Cost of damage
- e. Cost of clean-up / Cause of spill
- f. Action taken to prevent recurrence

(Attach additional pages/appendices as necessary)

POTENTIAL SPILL VOLUMES AND RATES

Identify, as applicable, potential impacts of an event if it were to occur:

Potential Event	Volume Released	Spill Rate
Complete failure of a full tank*	_____ gallons	instantaneous
Partial failure of a full tank*	1 to _____ gallons	gradual to instantaneous
Tank overflow	1 to _____ gallons	up to _____ gpm
Pipe failure	up to _____ gallons	up to _____ gpm
Leaking during unloading	up to _____ gallons	up to _____ gpm
Leaking pipe or valve	several oz to gal	up to _____ gpm
Fueling operations	several oz to gal	up to _____ gpm
Oil and grease	several oz to quarts	spotting

* Volume of largest tank on-site (without secondary total containment system)

MARINA MANAGEMENT APPROVAL

I certify that I have personally examined and am familiar with the information submitted in this document and that, based on my inquiry of those individuals responsible for obtaining this information, the information submitted is true, accurate and complete.

Signature

Title

Printed name

Date

APPENDICES

APPENDIX A: SITE FACILITY MAP

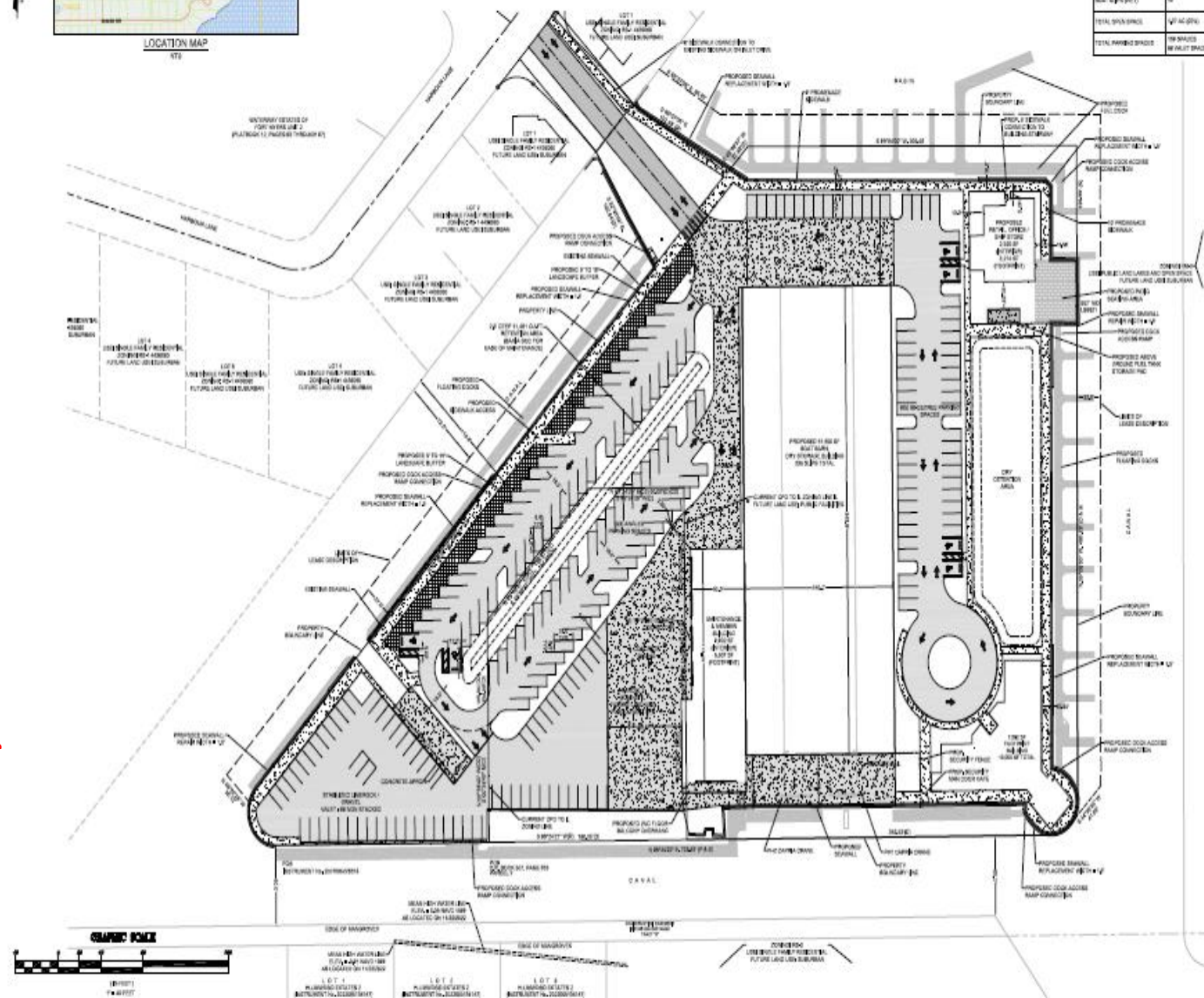
APPENDIX B: SITE TIDE CHART APPENDIX C: SHORELINES

APPENDIX D: FACILITY ORGANIZATION

APPENDIX E: TANK CAPACITY TABLE

APPENDIX F: DISCHARGE MITIGATION MEASURES

APPENDIX G: SENSITIVE / CRITICAL LOCATIONS

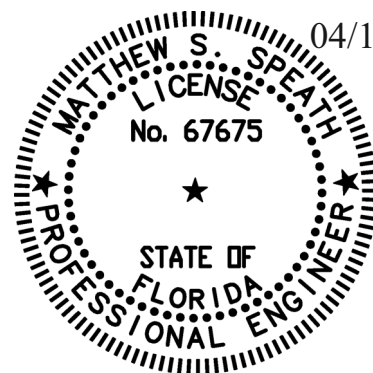


Traffic Impact Statement

Prepared For:

**Port Phoenix
(Waterway Marina)**

**1687 Inlet Drive
Fort Myers, FL**



04/18/2024

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY MATTHEW S. SPEATH, P.E. ON THE DATE ADJACENT TO THE SEAL. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES

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Issued: April 18, 2024

SPEATH
ENGINEERING

Project #F22-56

INTRODUCTION

Speath Engineering has conducted a traffic impact assessment of a proposed development to fulfill requirements of the Lee County Department of Community Development and the Lee County Land Development Code. This report has been completed in accordance with current guidelines as established in the Lee County Traffic Impact Assessment Guidelines and provided by the Division of Development Review.

The following analysis has been prepared for a Development Order submittal for a Commercial development of a marina which consists of 45 wet slips and a 51,500 square foot boat barn with 239 dry slips, 800 square feet of office space, 1,250 square feet of a ship retail store, and a 10,000 square foot restaurant. The site has a total land area of 252,658 SF. This analysis reviews the potential impact of the new development on the surrounding roadways.

PROPOSED/EXISTING DEVELOPMENT

The developer proposes to improve the property located at 1687 Inlet Drive, Fort Myers, FL 33903. The improvements to the commercial parcel include site development from two vacant parcels and the construction of a marina, a ships store, and a 10,000 SF restaurant. The proposed marina consists of 284 total berths and includes a dry storage boat barn with ancillary uses. Ancillary uses to the boat barn include 4,635 SF of storage space, 700 SF of office space, a 4,525 members lounge, and 5,400 SF for maintenance. The proposed ships store building contains 1,400 SF of office space and 1,800 SF of retail space. A single access point is located on the north side of the subject property onto Inlet Drive, classified as local road maintained by the County.

TRIP GENERATION

Trip generation for the proposed development was determined using the Institute of Transportation Engineers Trip Generation Manual, 11th Edition. We have utilized the following Land Use Codes (LUC) for trip generation analysis:

- LUC 420 "Marina" was used for analysis of the boat barn and all marina ancillary uses.
- LUC 712 "Small Office Building" was used for analysis of the 1,400 SF office portion of the ships store building.
- LUC 851 "Convenience Store" was used for analysis of the 1,800 SF retail portion of the ship store building.
- LUC 932 "High-Turnover Restaurant" for analysis of the 10,000 SF restaurant.

The following tables summarize the anticipated increase in number of AM and PM peak hour trips and total daily trip generation of the proposed building.

ITE Trip Generation (11th Ed)

Table 1A: Trip Rates

Land Use	Weekday A.M. Peak Hour of adjacent street traffic	Weekday P.M. Peak Hour	Total Daily
Marina (420)	Trips = 0.07 per berth 33% entering, 67% exiting	Trips = 0.21 per berth 60% entering, 40% exiting	Trips = 2.41 per berth
Small Office Building (712)	Trips = 1.67 per 1,000 square feet 82% entering, 18% exiting	Trips = 2.16 per 1,000 square feet 34% entering, 66% exiting	Trips = 14.39 per 1,000 sf
Convenience Store (851)	Trips = 62.54 per 1,000 square feet 50% entering, 50% exiting	Trips = 49.11 per 1,000 square feet 51% entering, 49% exiting	Trips = 762.28 per 1,000 sf
Restaurant (932)	Trips = 9.57 per 1,000 square feet 55% entering, 45% exiting	Trips = 9.05 per 1,000 square feet 61% entering, 39% exiting	Trips = 107.2 per 1,000 sf

Table 1B: Trip Generation

	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Total Daily (2 way)
	In	Out	Total	In	Out	Total	
Marina (420) 284 Berths	7	13	20	36	24	60	685
Small Office Building (712) 1,400 SF	2	1	3	1	3	4	21
Convenience Store (851) 1,800 SF	57	56	113	44	45	89	1,373
Restaurant (932) 10,000 SF	53	43	96	56	35	91	1,702
Total	119	113	232	137	107	244	3,781

Based on the project's location, directions to shopping centers, residential locations, regional business locations, probable client service locations, and other existing uses in the area, a distribution of site traffic to the surrounding roadway system was formulated. This analysis was on the anticipated routes that drivers would utilize when approaching or leaving the site.

We anticipate the trip distribution to be as follows:

- 100% Westbound on Inlet Drive to Orange Grove Blvd.
- 60% Northbound on Orange Grove Blvd towards Hancock Bridge Pkwy.
- 40% Southbound on Orange Grove Blvd towards Birkdale Avenue.

LEVEL OF SERVICE ANALYSIS

All project traffic is directed to Orange Grove Blvd, which is the nearest major collector road. Based on the trip distribution above, project trips are distributed to Orange Grove Blvd as shown below:

Table 2: Trip Distribution

Direction	Distribution	AM Peak Hour			PM Peak Hour			Total Daily
		In	Out	Total	In	Out	Total	
Orange Grove Blvd Northbound	60%	71	68	139	82	64	146	2,269
Orange Grove Blvd Southbound	40%	48	45	93	55	43	98	1,512

Historical Average Annual Daily Traffic (AADT) data was obtained from FDOT to produce a traffic growth rate over time. Data was obtained from FDOT Traffic Monitoring Site 1269, located on Orange Grove Blvd, between Tropic Terrace and Java Way, due to its proximity to the site and it being the only available count station on Orange Grove Blvd.

Table 3: Growth Rate

Roadway	Segment	Station	2015 AADT	2022 AADT	Years	Growth Rate
Orange Grove Blvd	Btwn. Tropic Terrace and Java Way	FDOT Site 1269	9,200	10,500	7	1.91%

Table 4: 100th Highest Hour LOS Analysis

Direction	Roadway Type	Performance Standard		100 th Highest Peak Hour		Project Traffic		2025 Base + Project		LOS
		LOS	Capacity	2022	2025 Projected	AM	PM	AM	PM	
Northbound	2LD	E	860	407	431	139	146	570	577	D
Southbound	2LD	E	860	407	431	93	98	524	529	D

Table 5: Generalized Peak Hour Directional Service Volumes

	Roadway Type	Functional Classification	LOS A Volume	LOS B Volume	LOS C Volume	LOS D Volume	LOS E Volume
Northbound	1LD	Collector	*	*	330	700	780
Southbound	1LD	Collector	*	*	330	700	780

WARRANT ANALYSISRight Turn Lane Warrant Analysis:

A right turn lane will be required if 2 or more of the warrants for an intersection of a Local Road and an access point are met.

1. Yes (Posted Speed $\geq$ 30 mph)
2. No (Number of right turning movements is equal to or greater than 120 during any peak hour)
3. No (Signalized intersection)

Right Turn Lane Warranted: NoLeft Turn Lane Warrant Analysis:

A left turn lane will be required if 2 or more of the warrants for an intersection of a Local Road and an access point are met.

1. Yes (Posted Speed $\geq$ 30 mph)
2. No (Number of left turning movements is equal to or greater than 90 during any peak hour)
3. No (Signalized intersection)
4. N/A

Left Turn Lane Warranted: No

CONCLUSION

Traffic as depicted in this report will generate 3,781 daily trips with a maximum of 244 trips occurring during the peak hour. These trips will affect Inlet Drive and distribute to the nearby major collector road, Orange Grove Blvd, which is located approximately 0.5 miles west of the subject property and provides access to all other areas within the county. All other roads connecting to Inlet Drive only provide access to the residential properties within the immediate vicinity of the subject property. The LOS analysis shows that Orange Grove Blvd will operate at LOS D under the project build-out condition which is within the LOS performance standard (LOS E) for that road.