

Exhibit D

OFF
REC 1910 PG 1321

RESOLUTION NUMBER Z-86-216

2258570

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS

OF LEE COUNTY, FLORIDA

WHEREAS, Canal Point Trailer Park has properly filed an application for:

A rezoning from MH-2 to Mobile Home Planned Development, to change the zoning of an existing mobile home development containing 246 dwellings not exceeding 15 feet above average grade, on 25.54± total acres of land. The development includes an administrative office and a maintenance building housing a non-potable water system. No additional units are planned. The current lot sizes and setbacks in this development do not conform with the minimum requirements of Section 438.06 (for the MHC-1 mobile home conservation district) or Section 439 (for development of new mobile home parks). This request is to allow the legal continuation of uses, lot sizes, setbacks, etc., as are presently existing, and to allow the replacement of units when desired or required.

NOTE:

If approved, the Master Concept Plan (available for inspection at 1831 Hendry Street in Fort Myers) will deviate from the following Lee County standards:

- (1) Minimum lot area of 2,800 square feet and lot width of 40 feet in an MHC-1 district (438.01.A), to a lot area of 1,200 square feet and no required minimum lot width;
- (2) Requirement in an MHC-1 district that individual mobile homes or attached appurtenances shall be set back 30 feet from off-site streets and 5 feet from internal park streets (438.01.B.1 and 202.15.B.2), to 5 feet from any street pavement;
- (3) Minimum setback in an MHC-1 district between an individual mobile home or attached appurtenance and a side lot line of 5 feet (438.01.B.2.a and 431.C.2.b.1), to 0 feet, but with a minimum of 10 feet separating individual mobile homes or attached appurtenances;
- (4) Minimum setback in an MHC-1 district from an individual mobile home or attached appurtenance to a water body of 5 feet (438.01.B.3), to 0 feet;
- (5) Maximum lot coverage in an MHC-1 district of 65 percent (438.01.C), to 70 percent;
- (6) Minimum common open space requirement in an MHPD district of 40 percent (431.C.4.a), to 0 percent;

RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: H. FERNSTROM, D.C.37.00
Pulled

1-26-87

- (7) Minimum setback between accessory structures and side or rear property lines of 5 feet or other accessory building of 10 feet (501.B.1.a.1), to 5 feet;
- (8) Minimum setback between accessory structures and a water body of 5 feet (501.B.1.c.1), to 0 feet; and
- (9) Requirement that no accessory structure shall be located closer to the centerline of a street right-of-way line or easement than the required street setback of 1/2 right-of-way plus 20 feet (Section 501.B.1.c.2.), to 5 feet from internal street pavement.

WHEREAS, the subject property is located on the north side of Main Street on San Carlos Island near Fort Myers Beach, beginning approximately 1400 feet east of San Carlos Boulevard and running approximately 1100 feet along Main Street (which forms the southerly boundary), to the waters of Hurricane Bay which form the northerly boundary, all in Section 19, Township 46 South, Range 24 East, Lee County, Florida. (District #3), described more particularly as:

LEGAL DESCRIPTION: In Section 19, Township 46 South, Range 24 East, Lee County, Florida:

Certain land lying in Section 19, Township 46 South, Range 24 East more particularly described, to wit:

Nancy Lane, a condominium according to the declaration thereof recorded in OR Book 1700, Page 4622, a Condo PB 8, Page 262, all of the public records of Lee County, Florida, and

Emily Lane, a condominium, according to the declaration thereof recorded in OR Book 1724, Page 1128, public records of Lee County, Florida, and

Helen Lane, a condominium, according to the Declaration thereof recorded in OR Book 1789, at Page 0556, Public Records of Lee County, Florida, and

A tract or parcel of land in Government Lot 3, Section 19, Township 46 South, Range 24 East, San Carlos Island, Lee County, Florida, which tract or parcel is described as follows: From the intersection of the east line of Main Street as described in Deed Book 137 at Page 117 of the Public Records of Lee County, run S 55° 19' 00" W along said northeasterly line of Main Street (50 feet wide) for 346.28 feet to the point of beginning; From said Point of Beginning run N 34° 41' 00" E for 21.39 feet to a point of curvature; thence run northeasterly and northerly along the arc of a curve of radius 135.00 feet for 82.51 feet to a point of tangency; thence run N 00° 20' 00" W for 756.69 feet to a point on the northerly face of an existing concrete seawall; thence run S 76° 37' 11" E along said northerly face of said seawall for 75.55 feet to an intersection with said east line of the west 60 feet of the east half (E-1/2) of the west half (W-1/2) of Government Lot 3; thence run south for 907.22 feet to an intersection with said northeasterly line of Main Street; thence run N 55° 19' 00" W along said northeasterly line of Main Street for 127.99 feet to the Point of Beginning. Containing 1.49 acres more or less.

Bearing mentioned are from assuming the west line of Government Lot 3 bears north.

WHEREAS, the applicant has indicated the property's current STRAP numbers are:

19-46-24-34-00000-0000
19-46-24-37-00000.0000
19-46-24-00-00020.0000
19-46-24-00-B0021.0030
19-46-24-00-00020.0000; and

WHEREAS, proper authorization has been given to Earle W. Rossiter, by Raymond C. Heinold, President of the Nancy Lane Association, Inc., Ross Swager, Secretary of Emily Lane Association, Inc., and Marie Barach, President of Helen Lane Association, Inc., the owners of the subject parcel, to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Planning and Zoning Commission, with full consideration of all the evidence available to the Planning and Zoning Commission; and

WHEREAS, the Lee County Planning and Zoning Commission fully reviewed the matter and recommended approval, based on the analysis contained in the Staff Report of November 21, 1986 and the testimony given at the December 4th 1986 Planning and Zoning Commission Hearing; and

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

WHEREAS, in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Planning and Zoning Commission, the documents on file with the county, and the testimony of all interested persons:

LEGISLATIVE HISTORY:

The applicants are requesting a rezoning from MH-2 to Mobile Home Planned Development, to change the zoning of an existing mobile home development containing 246 dwellings not exceeding 15 feet above average grade, on 25.54 more or less total acres of land. This request would allow the legal continuation of uses, lot sizes, setbacks, etc., as are presently existing, and to allow the replacement of units when desired or required. At the January 12, 1987 Board of County Commissioners hearing, the Board moved to defer this case to January 26, 1987 hearing to allow for further review by staff. At the January 26, 1987, Board approved the request, with the deviations outlined in staff's report of January 7, 1987, and conditions presented by the County Attorney's Office.

The Board also waived the \$1,000 fee for the amendment to be reapplied for with respect to the perimeter deviation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby APPROVE with conditions and requested deviations, as follows:

DEVIATIONS

- (1) Minimum lot area of 2,800 square feet and lot width of 40 feet in an MHC-1 district (438.01.A), to a lot area of 1,200 square feet and no required minimum lot width;
- (2) Requirement in an MHC-1 district that individual mobile homes or attached appurtenances shall be set back 30 feet from off-site streets and 5 feet from internal park streets (438.01.B.1 and 202.15.B.2), to 5 feet from any street pavement;
- (3) Minimum setback in an MHC-1 district between an individual mobile home or attached appurtenance and a side lot line of 5 feet (438.01.B.2.a and 431.C.2.b.1), to 0 feet, but with a minimum of 10 feet separating individual mobile homes or attached appurtenances;
- (4) Minimum setback in an MHC-1 district from an individual mobile home or attached appurtenance to a water body of 5 feet (438.01.B.3), to 0 feet;
- (5) Maximum lot coverage in an MHC-1 district of 65 percent (438.01.C), to 70 percent;
- (6) Minimum common open space requirement in an MHPD district of 40 percent (431.C.4.a), to 0 percent;
- (7) Minimum setback between accessory structures and side or rear property lines of 5 feet or other accessory buildings of 10 feet (501.B.1.a.1), to 5 feet;
- (8) Minimum setback between accessory structures and a water body of 5 feet (501.B.1.c.1), to 0 feet; and
- (9) Requirement that no accessory structure shall be located closer to the centerline of a street right-of-way line or easement than the required street setback of 1/2 right-of-way plus 20 feet (Section 501.B.1.c.2.), to 5 feet from internal street pavement.

CONDITIONS

1. All deviations are granted.
2. Deviation from Section 431.C.2.a.1 is not granted, as it has not been advertised.
3. This zoning is pursuant to the Master Concept Plan, which in this case is defined to be:
 - a) Documents as recorded in the Official Records Book 1700, page 4650, Official Records Book 1724, pages 1145 and 1146, Official Records Book 1789, page 575 and 576, and Condominium Plat Book Volume 8, page 261 to 262; AS MODIFIED BY the individual condominium plot plan drawings which are part of the record with respect to lots 3 and 4 on Emily as shown in those documents and with respect to lot 88 where modifications are to be found by referring to lot 87 Emily and lot 35 Nancy. In that fashion all lots are to be reconciled so that lots can be located by the Zoning Division.

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4. Notwithstanding the existing structures which would not meet minimum regulations but for the deviations which have been granted, if any of these structures are to be replaced, for whatever reason, they will comply with the following minimum conditions:

a. Street setbacks:

- 1) Internal parks street - 10 feet as measured from street to pavement for a mobile home or enclosed appurtenance thereto
- 2) Perimeter boundary street - 10 feet as measured from the right-of-way

PROVIDED HOWEVER, that carports or other unenclosed appurtenances may be replaced with a setback of 5 feet from the street pavement or right-of-way.

b. Side Setbacks:

- 1) Internal park lot - 0 (zero) feet on one side but with a minimum of 10 feet separating individual mobile homes and enclosed appurtenances (on the other side)
- 2) Park perimeter setback - 5 feet.

c. Rear Setbacks:

- 1) Internal parks lot - 5 feet
- 2) Park perimeter boundary - 25 feet (if adjacent to another mobile home park, recreational vehicle park, commercial, or industrial use, this rear setback may be reduced to 5 feet).

d. Waterbody - 5 feet

e. Maximum lot coverage - 70 percent which shall include the off-street parking area.

5. Condominium units or mobile home rental spaces which are vacant as of the date of the adoption of this zoning resolution may be developed only under the minimum conditions in Condition #4 above.

Site Plan 86-216 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

OFF
REC 1910 PG 1332.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Fussell, and seconded by Commissioner Slisher and, upon being put to a vote, the result was as follows:

Porter J. Goss	Absent
Charles L. Bigelow, Jr.	Aye
Mary Ann Wallace	Nay
Bill Fussell	Aye
Donald D. Slisher	Aye

DULY PASSED AND ADOPTED this 26th day of January, A.D., 1987.

ATTEST:
CHARLIE GREEN, CLERK

BY: Lisa J. Pierce
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Bill Fussell
Chairman

Approved as to form by:

County Attorney's Office

FILED

APR 7 1987

CLERK CIRCUIT COURT
BY: Lisa J. Pierce D.C.

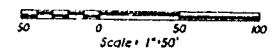
OFF 1910PG1333
REC

HELEN LANE
A CONDOMINIUM
IN GOVERNMENT LOTS 3 AND 4
SECTION 19, TOWNSHIP 46 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
DECEMBER, 1984
JOHNSON ENGINEERING, INC.
CIVIL ENGINEERS LAND SURVEYORS
FORT MYERS, FLORIDA

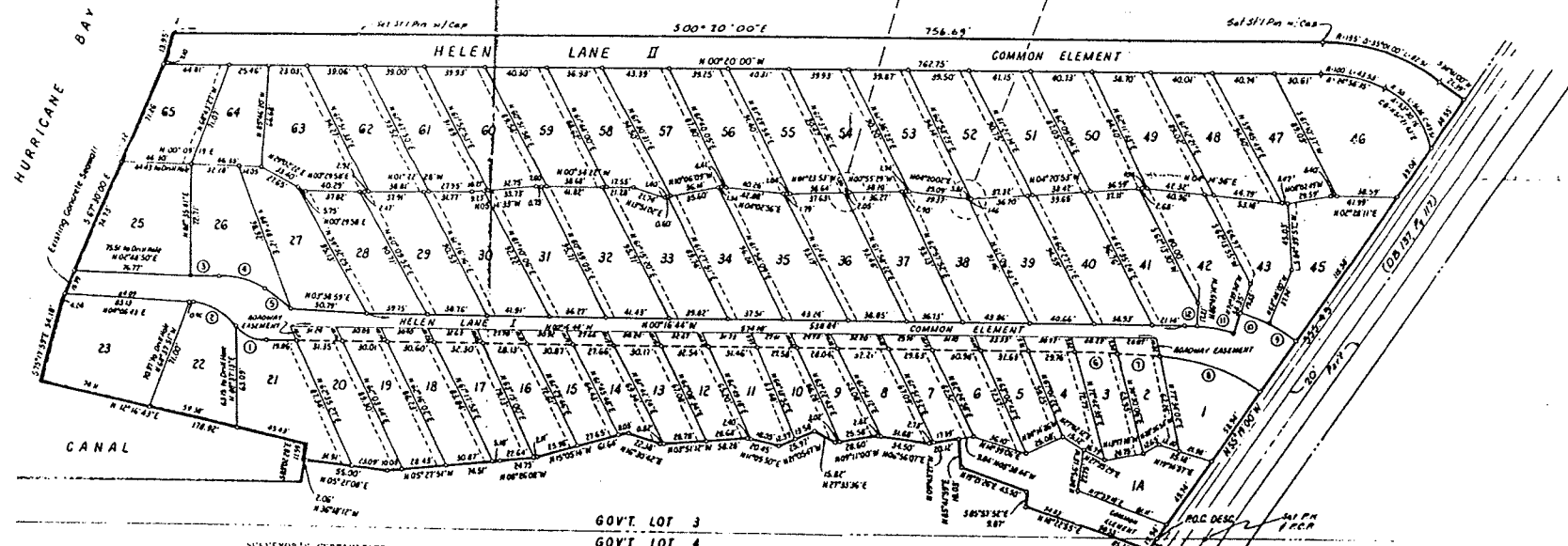
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JUL 22 1985

APPROVED
Master Concept Plan

Site Plan # 86-218 Page 2 of 249
Subject to conditions in Resolution 2-66-216
Zoning Case # 86-12-15 DeC



LOT	SQ FEET	LOT	SQ FEET	LOT	SQ FEET	LOT	SQ FEET
1	2624	15	2132	32	3503	49	3028
1-A	2722	16	2239	33	3319	50	3087
		17	2515	34	3112	51	3178
		18	2634	35	3591	52	3173
2	1817	19	2591	36	3234	53	3296
3	2048	20	2797	37	3122	54	3182
4	1908	21	3601	38	3447	55	3224
5	2038	22	3124	39	3251	56	3116
6	2119	23	4994	40	3356	57	3459
7	1943			41	3191	58	2961
8	2157	25	4383	42	3417	59	3099
9	1909	26	3538	43	2634	60	3252
10	1817	27	3616			61	3201
11	2109	28	3198	45	3740	62	3248
12	2172	29	3149	46	5043	63	3756
13	2077	30	3348	47	3161	64	2382
14	1836	31	2978	48	3309	65	3006



SURVEYOR'S CERTIFICATE

The undersigned, a surveyor duly authorized to practice under the laws of the State of Florida, hereby certifies that the provisions of the Declaration describing the condominium property relating to matters of survey is an accurate representation of the location and dimensions of the mobile home sites, including but not limited to access to the unit and the common element facilities serving those units in the mobile home site on which they are located, and that the identification, location and dimensions of the mobile home sites can be determined from this plan.

I further certify that the construction of the improvements is substantially complete so that the material, together with the provisions of the Declaration describing the condominium property, is an accurate representation of the location and dimensions of the improvements, and that the identification, location, and dimensions of the common elements and of each unit can be determined from these materials.

LELAND F. DYBARD
Registered Land Surveyor
Florida Certificate No. 3459

CURVE NO.	RADIUS	ARC	DELTA	CHORD	CHORD BEARING	TANGENT
1	22.72	20.50	57° 41' 11"	18.81	N 23° 33' 48"E	11.01'
2	41.79	34.69	47° 17' 38"	33.52	N 07° 45' 32"E	18.30'
3	194.69	18.56	05° 27' 42"	18.55	S 02° 04' 59"W	5.29'
4	52.88	32.02	34° 41' 25"	31.53	S 14° 41' 50"W	16.52'
5	305.76	20.76	03° 53' 26"	20.76	S 23° 59' 16"W	10.58'
6	990.07	27.75	01° 36' 22"	27.75	N 02° 32' 03"E	13.88'
7	990.07	27.81	01° 36' 33"	27.81	N 02° 09' 44"E	13.90'
8	117.32	70.08	34° 13' 28"	68.04	N 27° 04' 08"E	36.12'
9	117.00	22.84	11° 11' 07"	22.80	N 27° 24' 26"E	11.46'
10	117.00	17.36	08° 30' 03"	17.34	N 22° 33' 51"E	8.70'
11	102.00	27.20	15° 16' 41"	27.12	N 10° 49' 06"E	13.68'
12	102.00	6.16	03° 27' 30"	6.16	N 04° 27' 01"E	3.08'

- NOTES**
- Dashed Lines parallel with some lot lines are 5 foot easements for access from the contiguous lot for Mobile Home Maintenance, Overhangs, and existing encroachments.
 - Helen Lane Associates Inc., the Condominium Association, reserves a Blanket Easement for Utilities
 - All lots are residential
 - All improvements are existing.

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Canal/Hurricane Bay
19-46-24

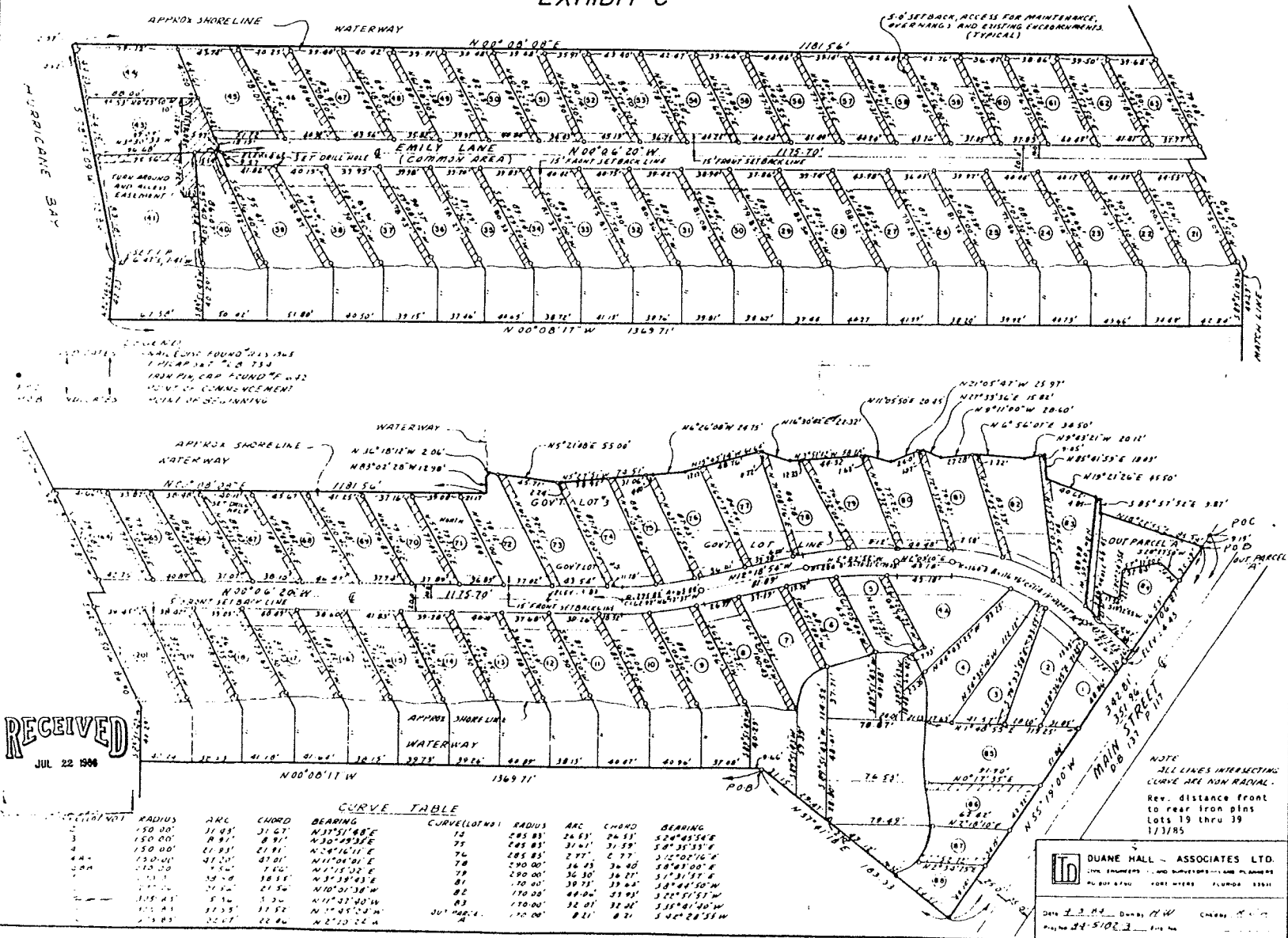
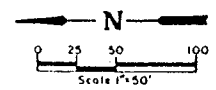
OFF 1910 PG 1334
REC

EMILY LANE

A CONDOMINIUM
LYING IN GOV'T. LOTS 3 & 4
SECTION 19, T46S, R24E
FORT MYERS BEACH-LEE COUNTY, FLORIDA
EXHIBIT C

CONDOMINIUM
PLAT BOOK PAGE
SHEET 2 OF 2

APPROVED
Master Concept Plan
Site Plan # 86-48 Page 2 of 24
Subject to conditions in Resolution 2-86-216
Zoning Case # 86-12-15 DC



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CURVE TABLE

RADIUS	ARC	CHORD	BEARING	CURVE (LOT #)	RADIUS	ARC	CHORD	BEARING
150.00'	31.42'	31.42'	N 31° 15' 48" E	12	245.83'	24.53'	24.53'	S 24° 05' 54" E
150.00'	31.42'	31.42'	N 30° 19' 36" E	13	245.83'	31.42'	31.42'	S 0° 35' 53" E
150.00'	31.42'	31.42'	N 28° 16' 11" E	14	245.83'	27.77'	27.77'	S 0° 02' 00" E
150.00'	31.42'	31.42'	N 11° 04' 01" E	15	290.00'	36.43'	36.43'	S 0° 03' 00" E
150.00'	31.42'	31.42'	N 1° 15' 00" E	16	290.00'	36.30'	36.30'	S 1° 31' 51" E
150.00'	31.42'	31.42'	N 3° 38' 43" E	17	290.00'	39.73'	39.73'	S 0° 44' 10" W
150.00'	31.42'	31.42'	N 10° 01' 38" W	18	170.00'	48.04'	48.04'	S 1° 01' 51" W
150.00'	31.42'	31.42'	N 11° 21' 48" W	19	170.00'	32.01'	32.01'	S 1° 41' 40" W
150.00'	31.42'	31.42'	N 1° 45' 24" W	20	170.00'	8.21'	8.21'	S 0° 28' 55" W
150.00'	31.42'	31.42'	N 2° 20' 24" W	21				

DUANE HALL ASSOCIATES LTD.
DATE 12-1-85 DUNN, FLA. CHERRY, FLA.
PLAT NO. 86-5102-2 FILE NO.

RECORDED AND RECORD VERIFIED

Charles J. Jones

CLERK CIRCUIT COURT
LEE COUNTY FLA

APR 16 9 02 AM '87

REC 141UP61335

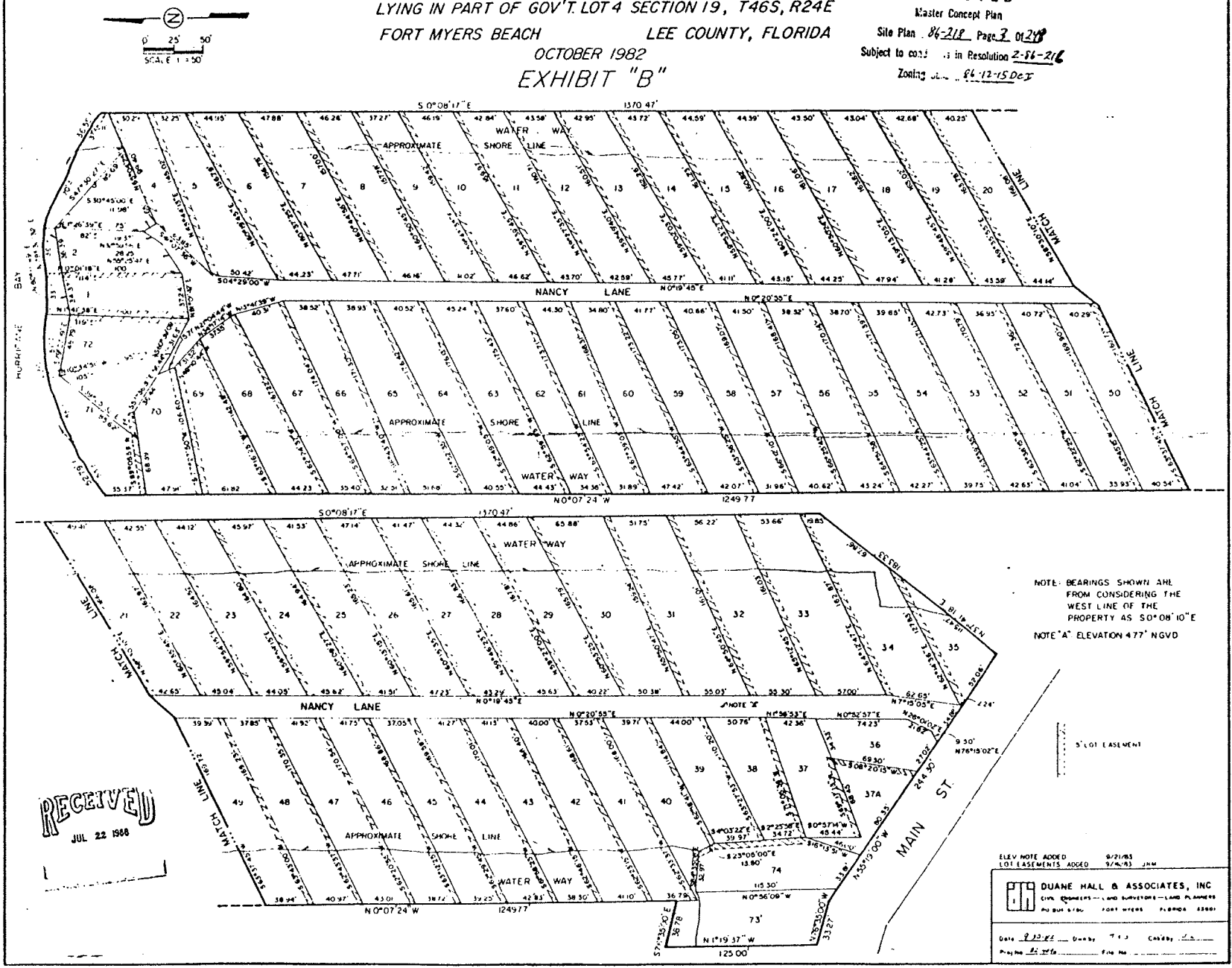
NANCY LANE

A CONDOMINIUM
LYING IN PART OF GOV'T LOT 4 SECTION 19, T46S, R24E
FORT MYERS BEACH LEE COUNTY, FLORIDA
OCTOBER 1982
EXHIBIT "B"

CONDOMINIUM
PLAT BOOK PAGE
SHEET 2 OF 2

APPROVED

Master Concept Plan
Site Plan 86-218 Page 2 of 2
Subject to conditions in Resolution 2-56-216
Zoning Ord. 64-12-15 DeS



NOTE: BEARINGS SHOWN ARE FROM CONSIDERING THE WEST LINE OF THE PROPERTY AS S 0° 08' 10" E
NOTE "A" ELEVATION 477' NGVD

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JUL 22 1988

ELEV NOTE ADDED 9/21/83
LOT EASEMENTS ADDED 9/21/83 JHM

DUANE HALL & ASSOCIATES, INC
CIVIL ENGINEERS - LAND SURVEYORS - LAND PLANNERS
P.O. BOX 5100 FORT MYERS FLORIDA 33901

Date 8-22-86 Drawn by T.J.S. Checked J.S.
Project 86-218 File No.

CAMPLOT TRAILER PARK